UNITED STATES OF AMERICA

Congressional Record

PROCEEDINGS AND DEBATES OF THE 104th CONGRESS
SECOND SESSION

VOLUME 142—PART 9

MAY 21, 1996 TO JUNE 7, 1996
(PAGES 11919 TO 13468)

GENERAL SERVICES ADMINISTRATION
12/4/98
LIBRARY
CENTRAL OFFICE

UNITED STATES GOVERNMENT PRINTING OFFICE, WASHINGTON, 1996

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 104th CONGRESS, SECOND SESSION

SENATE—*Tuesday, May 21, 1996*

The Senate met at 9 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, the Reverend Ron Mehl, Beaverton Foursquare Church, Beaverton, OR, invited by Senator MARK HATFIELD.

We are pleased to have you with us.

PRAYER

The guest Chaplain, the Reverend Ron Mehl, offered the following prayer:

Let us pray:

Dear Father, we come before You this morning to express the deep need we feel as a nation to be touched by Your mighty power and sustained by Your sovereign grace. We thank You for the gifted leaders You have placed in positions of authority in our land. We know that great leaders are first good followers, so teach us to hunger for wisdom from above, that we may know what is the right thing to do, and give us the courage to do it. Resurrect in us a deep hunger for revival, and awaken in us a passion for righteousness to rule and reign in our land. This day we pray for our leaders, their families and friends, and ask that You might reward them for their faithfulness, sacrifice, and service. Give us a revelation of Yourself. Open our eyes to the truth that the task You have called us to is greater than we are. Today we acknowledge our utter dependence upon You and the need we feel to seek Your counsel daily, for You are the fountainhead of all truth, the truth that truly makes us free. In Your holy and mighty name, we pray. Amen.

The PRESIDENT pro tempore. The able senior Senator from Oregon, Senator HATFIELD, is recognized.

Mr. HATFIELD. Thank you, Mr. President.

WELCOME TO REV. DR. RON MEHL

Mr. HATFIELD. Mr. President, it is my great pleasure today to introduce to my colleagues Rev. Ron Mehl, pastor of Beaverton Foursquare Church. Over the past several years, I have joined the ranks of Reverend Mehl's admirers. Uncompromising leadership and commitment to God have enabled him to embody the Biblical mandate to "speak the truth in love."

Reverend Mehl pastors Oregon's Beaverton Foursquare Church. Twenty-three years under his gifted teaching have made this one of Oregon's healthiest and most dynamic churches. Thousands sit in the pews of Beaverton Foursquare weekly. There are three services on Sunday, perhaps going to a fourth because of the tremendous turnout that holds some 2,500 or 3,000 people in the church sanctuary.

When I am home, I count myself privileged to be one of many to hear Reverend Mehl's Biblical preaching.

A man dedicated to pursuing God's calling, he has served in many ways over the years. Besides being a gifted preacher and counselor, Reverend Mehl is a celebrated author of three books, one of which, "God Works the Night Shift," recently won the Evangelical Christian Publisher's Gold Medallion Award in the category of "inspirational."

The Reverend Billy Graham, whom we recently honored, once said, "The greatest form of praise to God is the sound of consecrated feet seeking out the lost and helpless." Reverend Mehl has spent the majority of his life doing just that—reaching out with the message of Christ and encouraging others to do the same.

In I Peter, the apostle writes, "Each one should use whatever gift he has received to serve others, faithfully administering God's grace in its various forms.—I Peter 4:10. Reverend Mehl is a faithful steward of the gifts he has received and is an able administrator of God's grace.

He has also been blessed by his wife Joyce and their two sons, Ron, Jr., and Mark. I had the pleasure of getting to know Mark 3 years ago when he participated in my internship program. Mark's strong character shone through during his brief tenure in my office, a great tribute to his parents in their rearing.

Again, on behalf of my Senate colleagues we are privileged that Reverend Mehl is willing to fulfill the duties of Senate Chaplain today, and I would like to officially welcome him to this Chamber.

I yield the floor.

SCHEDULE

Mr. HATFIELD. Mr. President, the Senate will immediately resume consideration of Senate Concurrent Resolution 57, the concurrent budget resolution. There are 8.5 hours of debate time remaining on the resolution with that time equally divided. When all time has expired or is yielded back, Senators can expect a large number of consecutive rollcall votes on or in relation to amendments to the budget resolution. Those votes could begin as early as this afternoon, or, if necessary, be ordered to begin on Wednesday morning.

I now ask unanimous consent that the Senate stand in recess between the hours of 12:30 p.m. and 2:15 p.m., in order to accommodate the weekly party conferences, and that the time during recess be deducted from the remaining debate limitation.

The PRESIDING OFFICER (Mr. CAMPBELL). Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, Senate leadership time is reserved.

CONCURRENT RESOLUTION ON THE BUDGET

The PRESIDING OFFICER. The Senate will resume consideration of Senate Concurrent Resolution 57, which the clerk will report.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 57) setting forth the congressional budget for the U.S. Government for fiscal years 1997, 1998, 1999, 2000, 2001, and 2002.

The Senate resumed consideration of the bill.

Pending:

Boxer amendment No. 3982, to preserve, protect, and strengthen the Medicaid program by controlling costs, providing State

● This "bullet" symbol identifies statements or insertions which are not spoken by a member of the Senate on the floor.

flexibility, and restoring critical standards and protections, including coverage for all populations covered under current law, to restore $18 billion in excessive cuts, offset by corporate and business tax reforms, and to express the sense of the Senate regarding certain Medicaid reforms.

Wyden/Kerry amendment No. 3984, to express the sense of the Senate regarding revenue assumptions.

Wellstone amendment No. 3985, to express the sense of the Senate on tax deductibility of higher education tuition and student loan interest costs.

Wellstone/Kerry amendment No. 3986, to express the sense of the Senate that funds will be available to hire new police officers under the Community Oriented Policing Service.

Wellstone amendment No. 3987, to express the sense of the Senate that Congress will not enact or adopt any legislation that would increase the number of children who are hungry or homeless.

Wellstone amendment No. 3988, to express the sense of the Senate with respect to maintaining current expenditure levels for the Low Income Home Energy Assistance Program for fiscal year 1997.

Wellstone amendment No. 3989, to express the sense of the Senate with respect to the interrelationship between domestic violence and welfare.

Kerry amendment No. 3990, to restore proposed cuts in the environment and natural resources programs, to be offset by the extension of expired tax provisions or corporate and business tax reforms.

Kerry amendment No. 3991, to increase the Function 500 totals to maintain levels of education and training funding that will keep pace with rising school enrollments and the demand for a better-trained workforce, to be offset by the extension of expired tax provisions or corporate and business tax reforms.

Kyl amendment No. 3995, to express the sense of the Senate regarding a supermajority requirement for raising taxes.

Kyl amendment No. 3996, to providing funding for the Low Income Home Energy Assistance Program through fiscal year 2000.

Kennedy amendment No. 3997, to express the sense of the Congress that the reconciliation bill should maintain the existing prohibition against additional charges by providers under the medicare program.

Kennedy amendment No. 3998, to express the sense of the Congress that the reconciliation bill should not include any changes in Federal nursing home quality standards or the Federal enforcement of such standards.

Kennedy amendment No. 3999, to express the sense of the Congress that provisions of current medicaid law protecting families of nursing home residents from experiencing financial ruin as the price of needed care for their loved ones should be retained.

Kennedy amendment No. 4000, to express the sense of the Senate relating to the protection of the wages of construction workers.

Byrd amendment No. 4001, to increase overall discretionary spending to the levels proposed by the President, offset by the extension of expired tax provisions or corporate and business tax reforms.

Lott/Smith amendment No. 4002, to express the sense of the Congress regarding reimbursement of the United States for the costs associated with Operations Southern Watch and Provide Comfort out of revenues generated by any sale of petroleum originating from Iraq.

Simpson/Moynihan amendment No. 4003, to express the sense of the Senate that all Federal spending and revenues which are indexed for inflation should be calibrated by the most accurate inflation indices which are available to the Federal government.

Graham amendment No. 4007, to create a 60 vote point of order against legislation diverting savings achieved through medicare waste, fraud and abuse enforcement activities for purposes other than improving the solvency of the Medicare Federal Hospital Insurance Trust Fund.

Ashcroft modified amendment No. 4008, to provide for an income tax deduction for the old age, survivors, and disability insurance taxes paid by employees and self-employed individuals.

Gramm amendment No. 4009, to express the sense of the Congress that the 1993 income tax increase on Social Security benefits should be repealed.

Brown amendment No. 4010, to express the sense of the Senate that there should be a cap on the application of the civilian and military retirement COLA.

Harkin amendment No. 4011, to provide that the first reconciliation bill not include Medicaid reform, focusing mainly on Welfare reform by shifting Medicaid changes from the first to the second reconciliation bill.

Harkin (for Specter) amendment No. 4012, to restor e funding for education, training, and health programs to a Congressional Budget Office freeze level for fiscal year 1997 through an across the board reduction in Federal administrative costs.

Bumpers amendment No. 4013, to establish that no amounts realized from sales of assets shall be scored with respect to the level of budget authority, outlays, or revenues.

Bumpers amendment No. 4014, to eliminate the defense firewalls.

Thompson amendment No. 3981, to express the sense of the Senate on the funding levels for the Presidential Election Campaign Fund.

Murkowski amendment No. 4015, to prohibit sense of the Senate amendments from being offered to the budget resolution.

Simpson (for Kerrey) amendment No. 4016, to express the sense of the Senate on long term entitlement reforms.

Snowe amendment No. 4017, to express the sense of the Senate that the aggregates and functional levels included in the budget resolution assume that savings in student loans can be achieved without any program change that would increase costs to students and parents or decrease accessibility to student loans.

Chafee/Breaux amendment No. 4018, in the nature of a substitute.

Domenici (for Dole/Hatch/Helms) amendment No. 4019, to express the sense of the Senate that the Attorney General should investigate the practice regarding the prosecution of drug smugglers.

Feingold amendment No. 3969, to eliminate the tax cut.

Mr. HATFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, the time will be charged equally, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. EXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EXON. Mr. President, I ask unanimous consent that the pending amendment before the Senate be temporarily set aside so that we can entertain two amendments by previous agreement, the first to be offered by the Senator from Michigan, the second to be offered by the Senator from North Carolina. Both have been cleared, and we can move ahead on them. I would appreciate very much if the Chair would see fit to recognize the Senator from Michigan at this time for his statement and the introduction of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Michigan [Mr. LEVIN] is recognized.

Mr. LEVIN. I thank the Chair. I thank my good friend from Nebraska.

AMENDMENT NO. 4020

Mr. LEVIN. Mr. President, the sense-of-the-Senate amendment which I will offer in a moment will put the Senate on record in support of sufficient funding in order that the National Institute on Drug Abuse, or NIDA, be able to continue to increase the pace of discovery of an antiaddiction drug, or drugs, in order to block the craving for illicit addictive substances.

This sense-of-the-Senate amendment expresses our sentiment that amounts that are appropriated to the National Institutes of Health should be increased by amounts above the fiscal year 1996 appropriations for this form of NIDA research. This effort is to discover antiaddiction drugs so that the craving which exists for them can be blocked. The amounts in this sense-of-the-Senate resolution are based on meetings and discussions with NIDA officials about what resources would be necessary to expedite the development of these illicit drug blocking agents, and the increase that would be recommended here in the sense-of-the-Senate amendment would be $33 million in fiscal year 1997, $67 million for fiscal year 1998, and $100 million for each of the fiscal years 1998 through 2002.

There have been some significant breakthroughs already by NIDA. NIDA researchers have recently shown that activation in the brain of one type of dopamine receptor suppresses the drug-seeking behavior, whereas activation of another triggers drug-seeking behavior. Another significant finding in this past year is the successful immunization of animals against the psychostimulant effects of cocaine. In 1993, NIDA announced the FDA approval of a medication called LAAM for heroine addiction. One of LAAM's advantages over methadone is that it does not need to be taken daily.

These are but a few of the exciting discoveries in drug abuse research that have been made over the past several years.

Stemming the tide of drug addiction by trying to find these anticraving substances is in the best interests of all of us, particularly the innocent victims of drug-related offenses. We spend at the State and local level and at the Federal level billions and billions and billions of dollars to incarcerate people who commit drug-related offenses.

A 1992 report by the Bureau of Justice revealed that three out of four jail inmates reported illicit drug use in their lifetime and more than 40 percent had used drugs in the month before their offense, with 27 percent under the influence of drugs at the time of their offense. A significant percentage also said that they were trying to obtain money for drugs when they committed their crime.

More than 60 percent of juveniles and young adults in State-operated juvenile institutions reported using illicit drugs once a week or more for at least a month during some time in the recent past and almost 40 percent reported being under the influence of drugs at the time of their offense.

The National Institute on Drug Abuse has presented us with some unprecedented opportunities to understand and to treat addiction and to block craving. We should support that effort and the progress which has been made with a funding level which will enhance the efforts of NIDA to achieve these breakthroughs. We will all benefit. We will benefit in terms of our safety. We will benefit in terms of the Nation's resources if we can finally discover agents which will block the craving for cocaine and for other illicit drugs. NIDA does the majority of research in this area in the world.

So I hope that this sense-of-the-Senate amendment will be adopted which will put us on record as encouraging these additional funds so as to promote the efforts of the National Institute on Drug Abuse. I now will send this amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN] proposes an amendment numbered 4020.

Mr. LEVIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following new section:

SEC. . SENSE OF THE SENATE REGARDING THE NATIONAL INSTITUTE OF DRUG ABUSE.

(a) FINDINGS.—Congress finds the following:

(1) The National Institute on Drug Abuse (hereafter referred to in this section as "NIDA") a part of the National Institutes of Health (hereafter referred to in this section as "NIH") supports over 85 percent of the world's drug abuse research that has totally revolutionized our understanding of addiction.

(2) One of NIDA's most significant areas of research has been the identification of the neurobiological bases of all aspects of addiction, including craving.

(3) In 1993, NIDA announced that approval had been granted by the Food and Drug Administration of a new medication for the treatment of heroin and other opiate addiction which breaks the addict of daily drug-seeking behavior and allows for greater compliance because the patient does not need to report to a clinic each day to have the medication administered.

(4) Among NIDA's most remarkable accomplishments of the past year is the successful immunization of animals against the psychostimulant effects of cocaine.

(5) NIDA has also recently announced that it is making substantial progress that is critical in directing their efforts to identify potential anti-cocaine medications. For example, NIDA researchers have recently shown that activation in the brain of one type of dopamine receptor suppresses drug-seeking behavior and relapse, whereas activation of another, triggers drug-seeking behavior.

(6) NIDA's efforts to speed up research to stem the tide of drug addiction is in the best interest of all Americans.

(7) State and local governments spend billions of dollars to incarcerate persons who commit drug related offenses.

(8) A 1992 National Report by the Bureau of Justice Statistics revealed that more than 3 out of 4 jail inmates reported drug use in their lifetime, more than 40 percent had used drugs in the month before their offense with 27 percent under the influence of drugs at the time of their offense. A significant number said they were trying to get money for drugs when they committed their crime.

(9) More than 60 percent of juveniles and young adults in State-operated juvenile institutions reported using drugs once a week or more for at least a month some time in the past, and almost 40 percent reported being under the influence of drugs at the time of their offense.

(10) This concurrent resolution proposes that budget authority for the NIH (including NIDA) be held constant at the fiscal year 1996 level of $11,950,000,000 through fiscal year 2002.

(11) At such appropriation level, it would be impossible for NIH and NIDA to maintain research momentum through research project grants.

(12) Level funding for NIH in fiscal year 1997 would reduce the number of competing research project grants by nearly 500, from 6,620 in fiscal year 1996 to approximately 6,120 competing research project grants, reducing NIH's ability to maintain research momentum and to explore new ideas in research.

(13) NIH is the world's preeminent research institution dedicated to the support of science inspired by and focused on the challenges of human illness and health.

(14) NIH programs are instrumental in improving the quality of life for Americans through improving health and reducing monetary and personal costs of illnesses.

(15) The discovery of an anti-addiction drug to block the craving of illicit addictive substances will benefit all of American society.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that amounts appropriated for the National Institutes of Health—

(1) for fiscal year 1997 should be increased by a minimum of $33,000,000;

(2) for fiscal year 1998 should be increased by a minimum of $67,000,000;

(3) for fiscal year 1999 should be increased by a minimum of $100,000,000;

(4) for fiscal year 2000 should be increased by a minimum of $100,000,000;

(5) for fiscal year 2001 should be increased by a minimum of $100,000,000; and

(6) for fiscal year 2002 should be increased by a minimum of $100,000,000;

above its fiscal year 1996 appropriation for additional research into an anti-addiction drug to block the craving of illicit addictive substances.

Mr. LEVIN. I yield the floor.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska [Mr. EXON] is recognized.

Mr. EXON. I thank my good friend and colleague from the State of Michigan, Senator LEVIN, for the amendment that I had indicated earlier has been cleared on both sides. This is an important sense-of-the-Senate resolution, and I appreciate the cooperation we have had from Senator LEVIN and his staff on this matter.

We are about ready to have proposed in behalf of Senator HELMS from North Carolina an amendment that likewise has been cleared on both sides. Then we can move the adoption of those by voice vote. Awaiting the arrival of one Member on the Senate floor, I suggest the absence of a quorum.

Mr. LEVIN addressed the Chair.

Mr. EXON. I withhold.

Mr. LEVIN. If the Senator will withhold, let me simply thank my good friend from Nebraska and his staff and the staff on the Republican side who have worked with us to clear this amendment. As always, I have had great response from my friend from Nebraska and the Republicans on this issue. It is an important issue for all America. I am grateful for their help.

Mr. EXON. I thank the Senator.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4018

Mr. BROWN. Mr. President, I wanted to add a word of support for the very diligent effort of the Senator from Rhode Island and the bipartisan group he has gathered together to offer a budget alternative. I am very mindful of the remarks made by the distinguished Senator from New Mexico when he observed yesterday that such a change in budget, to be enacted, would literally require the President's help and support. Certainly we have learned this last year; that, indeed, progress for reconciliation has to include the President. But I intend to vote for the Chafee amendment. I think it brings two factors to it that are worth considering.

First of all, it is bipartisan. It is the only major bipartisan proposal that is here and, I think, as such, has a chance of making it all the way through reconciliation.

Second, I am going to support it because, of the alternatives, it has the strongest impact long term, that is beyond the 6-year window or the 7-year window. Long term, it is significantly better in deficit reduction.

For those two reasons I salute the efforts of Senator CHAFEE, and I will probably vote for it.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. EXON addressed the Chair.

AMENDMENT NO. 4020

The PRESIDING OFFICER. The Chair will inform the Senator that the pending amendment is the amendment offered by Mr. LEVIN.

Mr. EXON. Mr. President, I am back to see if possibly we could at this time clear the two amendments agreed to earlier. Has the amendment by the Senator from North Carolina been offered?

I am prepared to yield back time on the Levin amendment, which we will agree to by a voice vote. I likewise assume we will move forward with the amendment of the Senator from North Carolina, which I assume has been cleared on both sides.

I yield back the remainder of the time on the Levin amendment.

Mr. DOMENICI. Do I have the time in opposition? I yield back the time in opposition to the Levin amendment.

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 4020) was agreed to.

AMENDMENT NO. 4021

(Purpose: To express the sense of the Senate regarding the extension of the employer education assistance exclusion under section 127 of the Internal Revenue Code of 1986)

Mr. DOMENICI. Mr. President, I send an amendment to the desk on behalf of Senator HELMS. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for Mr. HELMS, proposes an amendment numbered 4021.

Mr. DOMENICI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place insert the following:

SEC. . SENSE OF THE SENATE REGARDING THE EXTENSION OF THE EMPLOYER EDUCATION ASSISTANCE EXCLUSION UNDER SECTION 127 OF THE INTERNAL REVENUE CODE OF 1986.

(a) FINDINGS.—The Senate finds that—

(1) since 1978, over 7,000,000 American workers have benefited from the employer education assistance exclusion under section 127 of the Internal Revenue Code of 1986 by being able to improve their education and acquire new skills without having to pay taxes on the benefit;

(2) American companies have benefited by improving the education and skills of their employees who in turn can contribute more to their company;

(3) the American economy becomes more globally competitive because an educated workforce is able to produce more and to adapt more rapidly to changing technologies;

(4) American companies are experiencing unprecedented global competition and the value and necessity of life-long education for their employees has increased;

(5) the employer education assistance exclusion was first enacted in 1978;

(6) the exclusion has been extended 7 previous times;

(7) the last extension expired December 31, 1994; and

(8) the exclusion has received broad bipartisan support.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the revenue level assumed in the Budget Resolution accommodate an extension of the employer education assistance exclusion under section 127 of the Internal Revenue Code of 1986 from January 1, 1995, through December 31, 1996.

Mr. HELMS. Mr. President, this sense-of-the-Senate resolution calls for the extension of a critical education tax provision that enables American workers to further their education and better provide for their families. I have vigorously supported this education tax credit since its initial authorization in 1978. This provision has allowed millions of American men and women to acquire new skills and pursue their educational goals.

Our Government, being a republic, relies on the promotion of a moral and principled citizenry, education is central to the continued vitality of America. President Thomas Jefferson put it this way: "If a nation expects to be ignorant and free, in a state of civilization, it expects what never was and never will be."

The Federal Government has promoted education and individual choice through the educational assistance exclusion, codified at section 127 of the Internal Revenue Code, a provision that allows employees to receive up to $5,250 a year, tax-free, in educational benefits from their respective employers.

When this provision expired on December 31, 1994, it left many workers and companies uncertain about the Federal Government's commitment to the promotion of worker education and retraining. That uncertainty increased last year, when President Clinton vetoed the Balanced Budget Act that would have extended the credit through December 31, 1996.

Mr. President, over the years, this provision has enjoyed wide bipartisan support, resulting in its reauthorization seven times. I hope Senators will once again support extension of this education tax credit which has done so much to help our Nation's workers and employers alike. Accordingly, I offer today a sense-of-the-Senate resolution that provides that Congress should include, in any appropriate tax legislation, an extension of this critically needed tax credit.

Neither the need for education nor the need for acquiring new skills stops when a young person receives a high school diploma. Increasingly, education and worker training have become lifelong pursuits.

My home State of North Carolina has been hit hard by plant closings during the last few years. The textile industry in my State has been particularly hard hit as thousands of workers have lost their jobs. I could cite eye-popping statistics as to the number of lost jobs but what is important to realize is that each one of these lost jobs represents an individual man or woman, often the lone breadwinner in a family.

Many workers are understandably concerned about job security. They worry about the possibility of losing their job and wonder how they would provide for their loved ones if they did suddenly become unemployed. If this education provision is not reauthorized then many more workers and their families, across the country, will suffer needless anxiety and uncertainty.

Mr. President, while the Federal Government cannot set up programs to guarantee that every American has a job, we can act to ensure our Tax Code encourages workers and companies to act in their own interest by promoting education and training.

Without this exclusion, many employers may choose to end these benefits for their employees. Those employers who do offer these benefits will subject their employees to additional Federal and State taxes. A fortunate few may be able to meet a complex IRS test to demonstrate that the benefits are sufficiently job-related so as to be deductible. These additional taxes can easily exceed 40 percent of the amount paid by the employer. This enormous tax burden can be decisive in preventing an employee from pursuing an education to improve his or her career prospects and earning ability.

I support reauthorization of this provision because it empowers individual employees and businesses by encouraging and promoting education not through a monolithic Government bureaucracy but through the removal of a harmful and destructive hurdle to the pursuit of an education.

Over the years, this provision has helped more than 7 million working Americans to further their education and to acquire additional skills. While the importance of this achievement to those individuals, their families and their companies cannot be overstated, it is also true that this accomplishment has served our Nation well.

Last week, the House Ways and Means Committee included an extension of the tax credit for employer provided education assistance in its markup of the Small Business Job Protection Act.

Mr. President, I do hope Senators will demonstrate their support for the continuation of this important provision and vote for this sense-of-the-Senate resolution to reaffirm the Congress' commitment to improving the education of American workers.

Mr. DOMENICI. Mr. President, I understand this amendment is acceptable to Senator EXON, as the Levin amendment was to us; is that correct?

Mr. EXON. It is, and I yield back any time in opposition that we may have on this side.

Mr. DOMENICI. And I yield back time Senator HELMS has on the amendment and ask for its adoption.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The amendment is agreed to.

The amendment (No. 4021) was agreed to.

Mr. EXON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. EXON. Mr. President, I ask for a vote on the Levin amendment that is now the pending amendment.

Mr. DOMENICI. We have adopted it.

Mr. EXON. Did we adopt that?

The PRESIDING OFFICER. The Levin amendment was adopted.

Mr. DOMENICI. I move to reconsider the vote by which the Levin amendment was agreed to.

Mr. EXON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOMENICI. Mr. President, how much time do we have on the Chafee-Breaux amendment?

The PRESIDING OFFICER. There is 1 hour of debate equally divided.

Mr. DOMENICI. I yield the floor.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island, [Mr. CHAFEE], is recognized.

Mr. CHAFEE. Mr. President, I ask that the half-hour this side has be divided in half, with half to me and the other half to the Senator from Louisiana.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4018

Mr. CHAFEE. I will take such time as I need.

Mr. President, in the years 1931 to 1938, the people of England failed to heed the warnings that their nation and, indeed, their lives were in peril. They dismissed voices, such as that of Winston Churchill, crying the alarm. They dismissed him as a warmonger and a scaremonger. Despite clear proof that Hitler was building a fierce war machine, the people of Great Britain preferred to ignore such evidence. John F. Kennedy described that in his book, "Why England Slept." And in his history of World War II entitled "The Gathering Storm"—that was the first volume—Churchill gave the theme of that volume as follows:

> How the English-speaking people through their unwisdom, carelessness and good nature allowed the wicked to rearm.

Mr. President, a clear analogy can be drawn between the financial peril of the United States in the immediate years ahead and the military peril of Great Britain in the years referred to, with one major difference.

No one disputes—no one disputes—the fiscal danger our Nation faces if we do not control these entitlements.

We hear a whole series of siren-like voices, gentle voices saying, "Don't do anything now. Let's have more study. Isn't there an easier way of correcting the situation? It's an election year, let's wait. We can't do anything because we don't have the President's support."

Mr. President, we can follow all that kind of advice, but it will not cure the situation one iota, and the only way to solve the financial problem that this Nation faces is to do something about it now. Oh, sure, we can postpone it. Every year we postpone makes the solution that much more difficult.

The solution of the centrist group has been, first, a realistic budget that we do not have any savings that really cannot be achieved. We do not say we are going to make these $300 billion savings out of discretionary accounts. We know that will not occur. Every Senator knows that will not happen.

So what we have done is said the solution to this is to state the CPI, the Consumer Price Index, in a realistic fashion, and we have not taken the high side of the recommendations. Many of the witnesses that came before the Finance Committee said the CPI is overstated by 1 percent at least and as high as 2 percent. But, no, we have gone to one-half of 1 percent because that can be thoroughly justified.

Has there been criticism of that? Oh, yes, there has been criticism: "Savings from the CPI adjustment should not be used except to shore up the Social Security fund." That is what we do, Mr. President. We have a statement from the Social Security's chief actuary that the solvency of the Social Security trust fund, as a result of the CPI changes recommended by the centrist group, will extend the solvency of the Social Security fund.

Some say that if you change the CPI or go to a realistic correct tabulation of the CPI that you are going back on promises made to Social Security recipients. That is absolutely inaccurate. Nothing in the centrist plan affects commitments we have made to Social Security recipients. Congress promised to provide cost-of-living adjustments to beneficiaries, and we continue to do that under our plan. All our plan does is make the CPI correct.

Mr. President, I notice there are others waiting to speak, so I will reserve the remainder of my time.

Mr. BREAUX addressed the chair.

The PRESIDING OFFICER. The Senator from Louisiana, [Mr. BREAUX] is recognized.

Mr. BREAUX. Mr. President, it is my understanding we have 30 minutes for the proponents and 30 minutes for the opponents.

The PRESIDING OFFICER. That is correct.

Mr. BREAUX. And we have agreed to divide 15 and 15 to each side?

The PRESIDING OFFICER. That is correct.

Mr. BREAUX. I yield 5 minutes to the Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida, [Mr. GRAHAM] is recognized for 5 minutes.

Mr. GRAHAM. Mr. President, I thank my friend from Louisiana. It is a pleasure to have worked with the centrist coalition in the last several months in an attempt to develop a balanced budget based on a realistic set of principles.

In my limited time, I would like to make two points. First, if this Congress is serious about achieving what is stated to be its No. 1 priority, which is to develop a multiyear balanced budget plan that would reduce the Federal deficit to zero at the earliest practical date and then to keep that deficit at zero for the foreseeable future, I suggest that the vote that we are about to take on this centrist coalition will be the ultimate test of our fidelity to that principle.

There is no other opportunity to pass a balanced budget in 1996 other than that which is presently before the Senate. The reality is a balanced budget will not be passed which is totally written by Democrats. We established that fact in the early 1990's. A balanced budget proposition will not be passed which is written and supported totally by Republicans. We validated that truth in 1995.

We now have an opportunity to vote on a plan which represents a moderate centrist perspective with support from significant numbers of Senators from a variety of philosophical and regional and economic backgrounds which does have a meaningful chance to be adopted. That is the fundamental question: Are we going to reject the good because it falls somewhat short of our own personal view of the perfect, or are we to say that this good is so much better than the alternative, which is to continue to have these enormous Federal deficits and all of the damage that they do to our Nation and to our individual lives? Are we going to miss the opportunity to get the benefits of a balanced budget, including the very substantial benefits of a lower interest rate over the next decade than that which we will have if we do not exercise this act of discipline?

I believe, Mr. President, that the course of action which commends itself to this Senate is to adopt the centrist budget.

I would like to speak to one element of the budget which has received some comment which I think is illustrative of the principles that underlie the centrist approach. And that is that it is pragmatic, it is compassionate and it builds in structural changes that will help keep a budget once brought to balance in balance for the foreseeable future.

Our Medicare Program is in two parts. One part relates to hospitals and is financed through a trust fund supported by payroll taxes. The other part relates to physician's payments, and it is supported by a premium paid by the beneficiaries voluntarily.

If they do not wish to receive those physicians' services, they can elect not to do so and not to pay the premium. The balance is paid by the general tax revenue of the Federal Government.

That premium has been set for most of the 1990's to be 31.5 percent of the cost of providing the physicians' services. Today it has dropped back to its pre-1990's level of 25 percent of the cost. That 31 percent, or today's 25 percent, is applied to all of the some 35 million-plus Medicare beneficiaries, the most affluent to the most indigent.

Our plan is based on, first, that we should raise from the part B premium, the premium for physicians' payments, the equivalent of 31.5 percent if that amount were applied to all of the 35 million beneficiaries. But we should not distribute the premium across all beneficiaries equally. Rather, it should be affluence tested.

We propose to have those Social Security beneficiaries who are under 200 percent of poverty, which represents approximately 70 percent of the beneficiaries, pay the current——

The PRESIDING OFFICER. The Senator has used his 5 minutes.

Mr. BREAUX. I give 1 additional minute.

The PRESIDING OFFICER. The Senator has 1 additional minute.

Mr. GRAHAM. Pay the current 25 percent. Those who are between 200 percent of poverty and $50,000 for an individual or $75,000 for a couple will pay the 31.5 percent, which had been the premium level for the first half of this decade. Those above the $50,000 or $75,000 per couple, will pay a higher premium based on their income.

Mr. President, I believe that is fair, equitable, and compassionate and makes an important structural change in the Medicare system which will help to preserve the long-term solvency of our Medicare system.

I cite this one example as illustrative of the approach that has been taken throughout the centrist coalition budget. But the fundamental thing that recommends it is its bipartisan nature, the fact that it is reality, both economically and politically. This has a chance to actually pass, become law and make a difference in the lives of Americans. I urge its adoption.

The PRESIDING OFFICER. Who yields time?

Mr. BREAUX. Mr. President, I yield 4 minutes to the Senator from Wisconsin.

The PRESIDING OFFICER. The Senator from Wisconsin has 4 minutes.

Mr. KOHL. Mr. President, with this week's debate on the budget resolution, I believe the Senate has moved a giant step closer to implementing a balanced budget. We are no longer debating whether we should balance the budget. We are actually choosing between three separate, complete balanced budget proposals: the Republicans' budget resolution, the President's balanced budget submission, and the centrist coalition's bipartisan budget plan now pending as an amendment.

The President's plan has already been defeated in a party line vote—not a surprising result in an election year. We now have to decide whether to adopt the Republicans' budget or the only bipartisan balanced budget plan presented in the Senate.

If we are serious about setting the course for a balanced budget this year, I think we must choose the centrist plan. The Republicans' budget, as Yogi Berra said, is "deja vu all over again." It is virtually identical to last year's vetoed budget bill.

The Republican budget puts forth the same plan that was rejected last year by the public and the President. This is the plan that guided us through a year of vetoes, gridlock, Government shutdowns, and stopgap spending measures.

Mr. President, we have a chance to redeem ourselves in the eyes of the American public. They have seen 2 years of partisanship, bickering, and gridlock. In one vote we can send a message that we can work together in the spirit of bipartisanship, that we can bridge our differences and pass a budget that is honest, balanced, and fair.

That plan is the centrist budget now before us as an amendment. First, and most important, this is the only plan on the table that is bipartisan. It has been developed over the last half year by 11 Democratic Senators and 11 Republican Senators. We have worked in a way that I believe the American people want us to work. We have put aside our own political needs and party positions. We have compromised. Our primary goal was a balanced budget—not a partisan victory. And the result is an equitable budget plan that can win the support of a majority of the American people.

The budget the centrists present today contains $679 billion in proposed savings over 7 years. Those savings are spread across almost every group in society and almost every Government program. Our plan has lower Medicare cuts than either the Republican or Democratic plans but enough cuts to guarantee the longrun solvency of the program. Our plan contains a modest tax cut—$130 billion—that will allow us to do some targeted tax credits for children and give businesses some capital gains relief. Our plan caps the out-of-control growth of entitlements through an adjustment in the CPI. And, most importantly, our plan achieves real and sustainable deficit elimination.

Mr. President, the centrists have put together a solid, bipartisan balanced budget plan. I believe it is the best—and perhaps the only—choice for those Members who want to see a balanced budget enacted this year.

Mr. President, we know partisanship does not work. If we go down that road again with a budget that only gets Republican votes, then we may see some interesting campaign ads, but we will not see a balanced budget.

We have a clear choice before us today. Vote for the centrist amendment, and vote for bipartisanship, honest budgeting, shared and fair sacrifice, and the last, best hope for a balanced budget in this Congress. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. CHAFEE. Mr. President, I yield 3 minutes to the Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington [Mr. GORTON], is recognized for 3 minutes.

Mr. GORTON. Mr. President, the remarks beginning the debate this morning on the part of the Senator from Rhode Island were directly on point. Now is the time and this is the place for the oratory to end and the true work in balancing our budget and building a brighter future for our own generation, for our children and our grandchildren, is to begin. There are no longer any real excuses.

A year ago, for the very first time for 20 or 30 years, this Congress actually passed a balanced budget that was then vetoed by the President. But that balanced budget changed the entire nature of the debate. The President himself proposed a budget that was balanced, as inadequate as it was unfair, but nonetheless lip service to this proposition.

Again, this year we have before us from the Budget Committee, with my support, a budget that is truly balanced, but the execution of which will almost certainly receive another veto from a President in an election year.

This group, for the first time in a decade, two decades, three decades, has gotten together, on a bipartisan basis, to solve the greatest problem facing the United States of America, Democrats and Republicans working together. It has a proposal that in the long run creates a greater degree of financial stability and security for the people of the United States than do any of the other proposals. Most Members in this body would like to vote for it if they only believed that it would become law.

But, Mr. President, we cannot tell whether or not it will pass the House of Representatives unless we pass it here in the Senate. We do not know whether a President would respond to the dynamic of it passing both Houses until it has passed both Houses. So the ball is in our court. If this is simply a good try that fails, we will be debating the same issues over and over and over again, but we will not have done what we were supposed to do for the people of our country.

If we pass it, maybe it will be defeated in some future place in this political debate in this election year. But maybe it will not. Perhaps it will build its own dynamic. Let us give it that opportunity, Mr. President. That is what we were elected to do.

The PRESIDING OFFICER. The time has expired.

Mr. BREAUX. Mr. President, I inquire of the Chair how much time our side has.

The PRESIDING OFFICER. The Senator from Louisiana has 6 minutes left.

Mr. BREAUX. I yield myself 2 minutes.

Mr. President, yesterday a great deal of discussion was held about the CPI adjustment. I just want to make a couple comments because many Members said, "We like your budget, but the CPI is something that we can't handle. We don't think it's the right thing to do."

We have had three hearings in the Senate Finance Committee—March 13 of last year, April 6 of last year, and June 5 of last year—we had a parade of economists before the Finance Committee. Every one of them to a person said that we are making a mistake as a country. The distinguished Senator from North Dakota said that yesterday.

Every year we make a mistake. Every year we give every person who is on an entitlement program more than they should get, by every economists' professional judgment. They say we overestimate what their increase should be from anywhere between 0.7 and 2 percent.

So we have had the courage to make a decision that we will fix the problem. We will correct the mistake. We will say that every person in America who is entitled to an entitlement increase—Social Security, railroad retirees, Federal retirees—we will give you a more accurate increase in your benefits. For instance, in Social Security it says instead of getting a $20-a-month increase, you will get a $16-a-month increase. They still get an increase, a substantial increase. It is $4 less than they would have gotten under the incorrect formula, but everybody knows the formula is wrong. The formula has made a mistake.

Are there not enough people in this Congress to say that when we make a mistake, we should correct it and recognize it? That is what we do in CPI.

I think everybody should enthusiastically stand up and say we want to guarantee everybody in this country gets an accurate increase based on inflation. When the formula is wrong, Congress should have the courage to at least correct the mistake. That is the only thing we do. It is supported by a Republican economist, by a Democratic economist, and by everybody who has testified before the Senate Finance Committee. I think it should be adopted.

I reserve the balance of my time.

The PRESIDING OFFICER. Who yields time to the Senator from North Dakota?

Mr. BREAUX. I inquire, Mr. President, how much time do we have remaining?

The PRESIDING OFFICER. The Senator has 4 minutes.

Mr. BREAUX. Senator LIEBERMAN requested some time.

Mr. CHAFEE. Mr. President, I am happy to give the Senator some of my time.

Mr. BREAUX. We will give 3 minutes to Senator CONRAD.

Mr. CONRAD. I thank Senator CHAFEE and Senator BREAUX for this time.

Mr. President, what can be more clear? We are headed for a cliff. Everyone who has examined this question tells us we are headed for a circumstance in which if we do not change course, we will either face an 82-percent tax rate in this country or a one-third cut in all benefits. That is where we are headed. Make no mistake.

There are many things that must be done in order to prevent that calamity from occurring. We must generate savings out of the various entitlement programs. We must cut other spending. All of those things must be done.

Mr. President, with respect to the CPI that was criticized on the floor last night, the technical correction in the Consumer Price Index that our group has advocated on a bipartisan basis, this is a question of a mistake—a mistake. The Consumer Price Index is being used to adjust for cost-of-living increases, not just with respect to entitlement programs but also with respect to the revenue base of this country.

The economists have come to us and said, overwhelmingly, "You are overcorrecting by using the Consumer Price Index. It is not a cost-of-living index." Even the people who draw it up at the Bureau of Labor Statistics will tell you it is not a cost-of-living index. Yet, that is what we are using it for. The economists tell us, because we are doing that, we are making a mistake. They say the mistake is between 0.7 and 2 percent a year, with the most likely overstatement being 1 percent.

What does that mean? Over 10 years, that means we are spending $600 billion by mistake—by mistake. If we cannot correct a mistake around here to address preventing the calamity that is going to occur, what can we do? If this body and the other body and the President of the United States cannot correct mistakes to prevent a fiscal calamity, what can we do?

Mr. President, I think the question has to be, if not now, when? If not us, who? If we cannot correct a mistake to prevent a financial calamity, then we fail in our responsibility.

Mr. BREAUX. Mr. President, I yield the remaining time we have, 4 minutes, to the Senator from Connecticut, Senator LIEBERMAN.

Mr. LIEBERMAN. I thank my friend and colleague from Louisiana. I thank my friend from North Dakota, who I am pleased to see this morning paraphrasing the words of the Talmud, which come strongly from his lips. I appreciate that sentiment.

Mr. President, I want to thank Senators CHAFEE and Senator BREAUX for convening this so-called centrist coalition. Frankly, it has been one of the most satisfying experiences I have had in the 8 years I have been in the Senate, because we did what I thought we came here to do, which was to forget that we are Democrats or Republicans, focus on the responsibility that we have as Americans, elected by people from all parties in our State, and deal with central and obvious problems—and, in this case, most especially, the imbalance in our budget.

Sometimes when I look at the course that both parties are taking here, frankly, on matters such as the budget, it seems to me it has become so highly politicized that we might as well have our press secretaries staffing us on budget questions.

This centrist coalition attempted to find a third way. The group was driven by the knowledge that if we truly want to balance the budget, it is going to take Members of both parties, working cooperatively, to do so.

Our group understands, I think, the first rule of compromise. It means you cannot always have your way, or, put more eloquently, as the junior Senator from Utah, Senator BENNETT, did in quoting his father, "It means that you attempt"—and I love this expression—"to legislate at the highest level at which you can obtain a majority." That is perfect. That is just what we attempted to do in this group.

What does this proposal have? It faces the big problem in the budget which is that the so-called entitlements are skyrocketing. If we let them go, they will eat up our Government and make it impossible for us to continue to do what people want us to do without grossly overtaxing them. It approaches entitlement reform not in a weak and defensive way, but by understanding that there is another side to this question.

Yes, as Medicaid and Medicare go up, people are benefiting, but people are paying for them. Just to state it briefly in the time I have, how can we explain to a worker, how can I explain to a factory worker in Connecticut making $30,000 a year that through his paycheck he is paying for part A and through his tax bills, 75 percent of part B Medicare for a senior citizen retired, making $30,000 a year, with no kids to send through college or feed and clothe; or forget the $30,000—a senior citizen making $50,000 or $100,000 or $1 million. It is unfair to the people.

We have a reasonable number on discretionary spending, the most reasonable of any of the budget packages. Mr. President, we have a sensible tax cut program that will create growth, that stimulates savings and investment through capital gains cuts and through some very creative programs to encourage people to save more. Also, to help the middle class in targeted areas, such as offering a deduction and help in sending their kids to college, which, at least in Connecticut, is the greatest burden I find the middle class is shouldering as I talk to them when I go around the State.

This is a solid, balanced, thoughtful program. Mr. President, 22 of us—11 Democrats, 11 Republicans—have put it together. I hope a lot of our colleagues surprise us and join us in getting this moving in the right direction toward balanced growth for our country.

I yield the floor.

Mr. CHAFEE. Mr. President, I yield myself 2 minutes.

I have listened to the presentation of our amendment, and I must say I want to congratulate every Senator who has spoken on behalf of this amendment. I think the arguments, really, are overpowering.

Here is the problem: If we continue on the path we are on now in this country, every one of the entitlement programs is going to be in a very, very severe situation.

What did the entitlement commission say when they reported 2 years ago? This is what they found: By the year 2010—how far away is that? Mr. President, 2010 is 14 years away. Spending on entitlement programs—Social Security, Medicare, Medicaid, welfare, all of the entitlement programs—where they are locked in, unless we do something, the payments on those programs, plus the interest on the national debt, will exceed all the Federal tax revenues. All the money that comes into the Federal Government will be inadequate to cover those entitlement programs; not a nickel left for the Park System or for maintaining our highways or for building them or the FBI, the State Department, the Justice Department, whatever it is.

Mr. President, obviously, something has to be done. I find the arguments of the opponents difficult to understand. One of the arguments is, "Well, the President has not said he is for this thing, so we should not vote for it." What are we hired for? We are hired, it seems to me, to do what is best for the country, and whether the President is for it or is against it does not make any difference. He cannot vote here on the floor of the Senate. We can. It seems to me to make our vote depending on whether this is going to pass or not and whether the President is for it or not is hardly the route to go.

So I plead with my colleagues to come forward and support this amendment.

Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. CHAFEE. Mr. President, I will take 1 more minute.

The PRESIDING OFFICER. The Senator has 1 more minute.

Mr. CHAFEE. Mr. President, here we have a chance to do something. In my opening remarks, I mentioned the situation in England in the 1930's which John F. Kennedy described in his book "Why England Slept." As Winston Churchill said in his four-volume history of the war, "The Gathering Storm," he said the English people through their nonwisdom and carelessness allowed the wicked to rearm.

We have a similar situation, not a peril from abroad militarily but a peril from within financially. The good news is we can do something about it. What we can do now is the smartest; but, if we wait, it becomes that much more difficult.

All we are saying is one-half of 1 percent correction, as it should be and as every economist that has come before the Finance Committee has told us the correction should be made. Let us seize the opportunity, Mr. President.

Mr. SIMPSON. Mr. President, I am so very proud to join my colleagues in the centrist coalition in declaring my support for this bipartisan budget resolution. Everyone in this Chamber should take a close look at our amendment. Reading this plan will be a frustrating and vexing experience for the critics who are always anxious to label legislation as "extreme" or "timid" or "too conservative" or "too liberal." None of those tired old labels apply to this budget resolution.

This is truly a blueprint for a mainstream budget. It is the product of many weeks and months of compromise and negotiation and good old-fashioned "give and take." On issue after issue, Republicans and Democrats in the centrist coalition have resolved areas of disagreement by "splitting the difference" or "meeting each other halfway." That is what legislating is all about.

For every element of this plan that Republicans don't like, there is another provision that is equally troubling to Democrats. Under this budget resolution, neither party would score a clear "political win"—but the Congress as a whole and, more importantly, the American people would benefit tremendously if we adopt this mainstream approach to balancing the budget.

The most striking feature of our plan is that we do not shy away from correcting the inaccuracies in the Consumer Price Index [CPI]. We now have almost universal agreement that the procedures currently used for calculating the CPI are flawed, thereby resulting in a CPI that overstates inflation, according to the "experts," by at least seven-tenths of a percentage point and perhaps as much as 2 percentage points. Yet neither Republicans nor Democrats want to be the first to include a CPI correction in its budget.

By advancing such a correction in a bipartisan budget, neither party will receive the full blame or the full credit, depending on how the public responds, for addressing this issue. It is no secret that the American Association of Retired Persons [AARP] and other seniors groups are almost violently opposed to a correction of the CPI. But we haven't heard yet from the masses of working people who will continue to "pick up the tab" for as long as we continue to use an overstated CPI.

We may well be pleasantly surprised by the public's reaction when they find out that we can save $126 billion—as this centrist coalition plan proposes—by adopting a modest five-tenths of a percent reduction in the CPI over the next 7 years. This reduction is well below the official range, which extends from 0.7 to 2.0, by which the experts tell us the CPI is overstated. We adopt this modest figure precisely because we want to make clear that our motivation is to have an accurate CPI—and that our actions are not driven solely by budgetary pressures.

Nonetheless, it is impossible to ignore the fact that this step would save $126 billion over 7 years and, furthermore, that this represents $126 billion we would not have to cut from education, child care, health care, transportation, infrastructure, and other important priorities as we work to balance the budget.

It seems to me that all 100 Members of the Senate would leap in unison at the chance to embrace this provision, as well as the broader package we are proposing. Being a realistic creature, however, I would be satisfied if only 51 of us do so on this particular vote. I urge my colleagues to join us in this bipartisan effort.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. Senator DOMENICI is recognized.

Mr. DOMENICI. I yield myself 5 minutes off the resolution.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. DOMENICI. I want to give a report to the Senate about where we are and what things look like.

When we started this morning, we had 8½ hours on the resolution.

How much of that have we used this morning?

The PRESIDING OFFICER. Fifty-seven minutes.

Mr. DOMENICI. So essentially we are now down to about 7½ hours. Assuming that time runs uninterrupted throughout the day, all time will have expired pursuant to the unanimous consent request at 5:30 p.m. today. Pending at the start of today were 33 amendments that have been laid aside. We have disposed of 15 amendments either by rollcall vote or voice. Therefore, as of this morning, we have considered 48 amendments.

The consent agreement for first-degree amendments of last Thursday night listed about 75 amendments. Therefore, there could be as many as 27 first-degree amendments still to be considered. I am not at all sure, nor do I in any way hold Senators to the amendments that they listed, but I think we still have to find out a little more about them.

So I encourage Senators who have first-degree amendments left on this list as of last Thursday night which we have not acted on yet to let the managers know this morning if you still intend to offer the amendments. I assume Senator EXON would join me in urging that they try to let us know this morning if they are going to call up amendments.

Mr. EXON. If we are going to have any order at all, we will have to have that.

Mr. DOMENICI. So as I look down this list of amendments that have not yet been brought up, I conclude that after removing the duplicative amendment—this is my own assessment—there are only 10 or 12 first-degree amendments left. But I cannot reach that conclusion without the help of some Senators who are on that list.

Not counting any second degrees that may be considered, this should give us hope that we can finish discussing all the amendments in the 50-hour time period and maybe even start voting late this afternoon. That depends upon whether it will be more accommodating to the Senate to vote all day tomorrow rather than to start tonight.

We need some guidance from Senators whose names and amendments are still on this list. I think I can say as of now that there are very few Republican amendments that are going to be called up off the list.

So I urge that the Democrat Senators that have amendments listed to let us know. We are going to stay here during the funeral of Admiral Boorda right up until 12 o'clock when we recess for the policy, and we will be in recess until 2:15. During that time, we will obviously do nothing here on the Senate floor. We are back in at 2:15.

If I have not used my 5 minutes off the resolution, I yield back whatever time remains and yield the floor.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Nebraska yield time on the pending amendment?

Mr. EXON. The Senator from Nebraska seeks time off the amendment.

Mr. DOMENICI. I yield the Senator as much time off that as he needs. I am in charge of the opposition time. I will give him as much time as he wants.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. I am about ready to yield 15 minutes to the Senator from Massachusetts, half of the time.

I will be allotted the half hour remaining on the pending matter. Is that correct?

Mr. DOMENICI. If you want Senator KENNEDY to have 15 minutes in opposition, I yield him 15 minutes.

Mr. EXON. Maybe we could settle something right now. I am not sure that we should be in session during the important matter that is going to be taking place at the Washington Cathedral. I was just wondering if I might have the attention of my colleague. I am wondering if it might be better for us to recess during the time of the memorial service with the time being charged along the lines just outlined by the chairman of the committee. I just say let us take that under advisement for now.

With that, if the Senator from Massachusetts could be recognized at this time as previously arranged.

Mr. DOMENICI. Let me take a minute off the resolution to respond.

I will be glad, in the next 10 minutes or so, to discuss this issue with you. I think it is probably more important to your side than ours because we do not have very many amendments left. But if you want to use time while the Boorda funeral is going on and charge it equally rather than a few of us remaining in the Senate, if you think that through and want to offer it to us, I am thinking I will probably agree to that.

Mr. EXON. We will visit about it. I hope the Senator from Massachusetts could be recognized at this time for 15 minutes.

The PRESIDING OFFICER (Mr. SANTORUM). The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I thank my friend, Senator EXON, for yielding 15 minutes. I yield myself 12 minutes.

Mr. President, during the course of this budget debate, there have been several proposed amendments expressing a fundamentally bad idea, and that is legislating a change in the Consumer Price Index. These amendments have been offered as stand-alone, sense-of-the-Senate amendments and as part of the centrist coalition budget. In fact, 20 percent of the total cuts in this budget come from a legislative reduction in the CPI.

That kind of arbitrary action by Congress would break faith with the elderly and make a mockery of the commitment of both parties not to cut Social Security. It would raise taxes on low-income, working families qualifying for the earned-income tax credit and other working families as well. It would lead to lower wage increases for millions of workers throughout the country at a time when one of the most serious challenges our society faces is the decline in the living standards for all but the wealthiest families. Such a change would be harshly regressive in its impact. It would be unprecedented political meddling of what has been an impartial factual determination of the CPI.

Reducing the CPI would reduce cost-of-living adjustments for millions of Americans receiving Social Security benefits, military pensions, veterans pensions and civil service retirement. It would reduce the amount of supplemental security income payments to the needy, and because of indexing of tax brackets, it would raise income taxes for most taxpayers and reduce the earned-income tax credit.

Some may see a cut in the CPI as a magic bullet to balance the budget and avoid other painful choices, but it is a bullet aimed at millions of Americans who need help the most and who do not deserve this added pain. It makes no sense to fight hard to save Medicare and then attack Social Security. Legislating an arbitrary reduction in the CPI would clearly break the compact of Social Security. That compact says work hard, play by the rules, contribute to the system, and in turn you will be guaranteed retirement security when you are old.

An essential part of that compact is a fair Social Security COLA so that senior citizens can be sure that their hard-earned Social Security benefits will not be eaten away by inflation. Overall, more than three-quarters of the lower spending under the change would come from cuts in Social Security alone. Nearly all the rest would come from other Federal retirement programs. It is the elderly who pay heavily if Congress adopts this change.

Over the next 10 years, a half-percent cut in the COLA would reduce the real value of the median income beneficiary Social Security checks by $2,650. By the 10th year, the real purchasing value of that check would be 4.5 percent lower, making it even harder than it is today for senior citizens to stretch their limited incomes to pay the bills for housing, food and medical care, and other necessities.

Under the centrist budget, the median Social Security beneficiary will see the value of the benefits they have earned cut by $1,200 over the next 7 years. Let me repeat that. Under the centrist budget, the median Social Security beneficiary will see the value of the benefits they have earned cut by $1,200 over the next 7 years.

Reducing the Social Security COLA is a direct attack on the retirement benefits that senior citizens have earned. If Congress is to respect family values, it has to value families, especially the millions of elderly families all across America.

Changing the CPI also affects the deficit by increasing taxes because income tax brackets and the earned income tax credit are indexed to inflation. If the tax brackets are not adjusted for inflation, taxes go up and the earned income tax credit goes down.

Failing to adjust the tax bracket hits middle-income families the hardest. A family earning $36,000 would face a tax increase that as a percent of income would be more than four times as large as the tax increase faced by a family earning $100,000. Hardest hit are the low-income, hard-working families; 13 percent of the total tax increase, $6 billion, would be paid by these low-income, hard-working families under the centrist budget. Has not income inequality grown enough without legislating another tax increase that disproportionately harms working families?

The impact of cutting the CPI reaches well beyond the Federal budget. It is also a direct attack on the wages of working families. Many workers have CPI adjustments in their collective bargaining contracts, but every pay increase is affected by CPI. If the CPI is reduced by Congress, wages will be lower, too, for virtually all workers across the country.

There is no greater source of dissatisfaction in American families than the continuing erosion of their living standards. Except for the wealthy, the story of the past two decades has been, work harder and earn less. Cutting the CPI will make a bad situation even worse by putting even greater downward pressure on the wages of every American.

One argument made by the proponents of this idea of lowering the CPI is that it is merely an overdue technical correction that should be supported as a matter of good government. This claim cannot pass the truth-in-advertising test. The technical argument for lowering the CPI has been made by the Boskin Commission, which was appointed by the Senate Finance Committee to examine the issue. The commission issued a report in September of 1994 which identified several biases in the calculation. The commission asserted that the CPI had overstated inflation by 1.5 percent a year. For the future, the commission predicted the CPI would be 1 percent a year too high.

The major problem with the commission's analysis is that the sources of bias it identifies are also identified by the nonpolitical, professional economists at the Bureau of Labor Statistics in the Department of Labor. They have the responsibility for setting the CPI each year. They do so fairly and impartially. They make periodic corrections to take account of any biases up or down that affect the index. The Bureau already plans to reduce the CPI by about two-tenths of 1 percent in 1997. This reduction is already assumed in the budget projections for the next 7 years.

The issue is not whether there should be changes in the CPI but who should make them and how large they should be. The Boskin Commission's work is a poor basis for changing the CPI. As the Commission itself acknowledged, it did little original research. The Commission's membership was stacked with economists who believed that the CPI was overstated. According to Dean Baker, an economist at the Economic Policy Institute, all five members had previously testified they believed the CPI was overstated. Economists who gave contrary testimony were excluded.

According to Joel Popkin, another expert on the CPI, the Commission comprised five of the six witnesses before the full Finance Committee who gave the highest estimates of bias. As Mr. Popkin also pointed out, the interim report of the commission falls far short of presenting adequate justification for its conclusions, and therefore provides no basis for Congress to change tax policies or entitlement policies such as Social Security.

In fact, for the elderly, the group most affected by any change, the most authoritative study by the Bureau of Labor Statistics suggests that the CPI may understate rather than overstate the true increase in the cost of living because of the rapid increase in the medical costs for the elderly.

To legislate an arbitrary change in the CPI would be unprecedented. In the entire history of the CPI, the Congress has never tried to impose a politically driven adjustment, and there is no excuse for imposing one now. Senior citizens and working families across the country depend on a fair CPI, and Congress should keep it that way.

Mr. President, I believe that that provision is unwise and unjustified. It provides, according to their own proposal, total cuts of $126 billion over 7 years. That will be a Social Security cut of some $47 billion. It is going to amount to $1,205 for the median Social Security recipient, and it is going to reduce the value of the earned-income tax credit by $6 billion.

Who are these people? They are men and women who are working, making $25,000 to $28,000 a year. That is where it is gradually being phased out. It is going to take $6 billion out of their resources.

The Democrats are over here talking about increasing the minimum wage. That is $3.2 billion a year. They are talking about taking $6 billion out of families with children that are on the lower economic ladder. To believe that these families are part of the problem in terms of what we are facing in this country, I think is unjustified and unwise.

Mr. President, I think the basic concept of legislating an adjustment in the CPI, that some are willing to accept and interject based upon the Boskin Commission, which was basically flawed, is sending a very powerful message to our seniors. The elderly in this country are going to have a very real reduction in terms of their income over a period of years.

It is sending a message to workers who are below the average median income in this country that it is OK if they are going to lose some of the protections they have now primarily focused on their children. It is going to send a general message to all workers across this country that it is OK that they will see a reduction in their wages because most of the contracts that are signed are tied to the CPI. Here we are in the Chamber of the Senate with just some votes effectively saying to workers all across this country that their incomes are going to go down.

So this is a very, very important aspect of what is allegedly the compromise proposal. It is unwise. It is unjustified. I hope for that reason as well as others that the Senate will not accept that proposal.

I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, we have had a wonderful presentation just completed about why this Nation does nothing about facing up to the problems that confront us. Sure it is easy to trash any proposal that comes before us. That is what we see. Not one word—not one word about what to do about the crisis our country faces in these entitlement programs in the future years. I find it terribly disappointing that the Senator from Massachusetts chose this opportunity to go out of his way to trash all the proposals that we presented but not a word about doing something about it. Right here we had presented why the Congress of the United States refuses to face up to the problems we have before us.

Mr. KENNEDY. Mr. President, may I reclaim time to be able to respond for 3 minutes? May I have 3 minutes to respond to the assault that the Senator from Rhode Island made upon me?

Mr. EXON. Reserving the right to object, we are trying to get something done here before 10:30. I thought we had an orderly process going on. But the Senator from Massachusetts, I think, is entitled to reclaim the time he yielded back, given the insertion of the remarks by the Senator from Rhode Island.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. How much time did I yield back?

The PRESIDING OFFICER. The Senator yielded back 3 minutes.

Mr. KENNEDY. Mr. President, I reclaim that time.

Mr. President, with all respect to my good friend from Rhode Island, in the various Republican proposals they had $4.4 trillion in, effectively, tax breaks for the wealthiest corporations and companies in this country. And, instead of finding that $100 billion over the period of the next 7 years from corporate welfare, from tax breaks that go to the wealthiest individuals and corporations and drive American jobs overseas, he is taking it out on the elderly and workers in this country. So I do not yield to those words of the Senator from Rhode Island. When you start to get after corporate welfare, Senator, when you start to support even what the administration talked about, $60 billion, when we start having, in your proposal, something that is reducing that corporate welfare, then you will have some credibility in speaking about that. Your proposal eliminates a minuscule $25 billion in corporate tax loopholes—$25 billion versus a tax cut of $100 billion. In total, your proposal cuts over $270 billion in spending for the elderly and the less well off through the Medicare, Medicaid, welfare, and EITC programs. I have not heard you speak about these particular issues and I reject the criticisms of the Senator from Rhode Island.

Several Senators addressed the Chair.

Mr. CHAFEE. May I have 30 seconds?

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, much has been said about CPI. I ask unanimous consent that at this point an article by Mr. Jim Klumpner on CPI bias be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FACT AND FANCY: CPI BIASES AND THE FEDERAL BUDGET

(By Jim Klumpner[1])

Does the consumer price index have an upward bias? The author believes that, while substitution and formula biases exist, together they might amount to 0.3 to 0.5 percentage points. Other alleged causes of bias are not considered significant. The budget negotiators already have incorporated substitution and formula adjustments in their baseline assumptions. To go beyond this is an attempt to camouflage an increase in taxes and a cut in Social Security, which could be regressive and call for excessive sacrifice by the elderly.

On January 10, 1995, Federal Reserve Chairman Alan Greenspan suggested that adjusting the Consumer Price Index (CPI) for alleged upward biases might produce federal budget savings measures in hundreds of billions of dollars. Understandably, politicians and political commentators found this very exciting, being largely unencumbered by technical knowledge about it. Gobs of free money? Why didn't we notice this before.

Within days, Speaker of the House Newt Gingrich let loose with a typically vesuvial outburst: "We have a handful of bureaucrats who, all professional economists agree, have an error in their calculations. But we can't tell these people to get it right? If they can't get it right in the next thirty days or so, we zero them out, we transfer the responsibility to either the Federal Reserve or the Treasury and tell them to get it right."[2] Like his colleagues, the Speaker was untroubled by subtleties, such as the conflict of interest posed by having the nation's primary inflation fighter control the data by which its performance is judged. No matter; the quality of federal statistics had hit the bigtime.

The situation to which this has now led holds rich ironies for me. Both at the Senate Budget Committee and at the Joint Economic Committee where I served previously, I have worked with a few far-sighted Democratic members of Congress to promote the integrity of the federal statistical system. By and large, this effort consisted of defending agencies like the Bureau of Labor Statistics (BLS) from penny-wise but pound-foolish budget cuts. We were privileged to have the National Association of Business Economists as allies in this effort, even though most NABE members probably wouldn't count themselves as Democrats. Now all of a sudden, the cause of quality statistics seems to have acquired a horde of new allies, many of them Republican politicians. It reminds me of a response that Robert Redford once gave when asked what it was like to have gorgeous women flock to him: "Where were they before I became rich and famous?"

Unfortunately, the new allies of statistical integrity are pursuing their cause with zeal and urgency typical of recent converts. Politicians and journalists have been hazarding wild, research-free guesses about the size of CPI bias and proposing nonsensical ways to apply their new enthusiasm to the budget. In this murky atmosphere, it is important that economists at least see the issues clearly. As someone who worked to address the problem of CPI bias before it became so fashionable, I offer in this paper one view of the technical issues, as well as some thoughts about how COLA adjustments might figure in a deal to balance the budget.

HOW BIG IS THE BIAS?

Various reputable analysts have made guesses about the size of possible CPI biases, and their guesses span a rather broad range. The BLS, which not only produces the CPI but also has pioneered much of the research on potential biases, tends to be at the low end of the range. They estimate very small effects for the individual components of the overall bias, which in their view totals about a half percentage point of the annual inflation rate. This is similar to the conclusions of the Congressional Budget Office (CBO), which argued for a range of 0.2 to 0.7 percentage points in early 1995. Other economists have advanced much higher estimates. Most noteworthy is the 0.7 to 2.0-percentage-point range proposed last September by a commission headed by Michael Boskin who, I hasten to note, has long been an ardent advocate for quality statistics.[3]

It should not be too surprising that respected economists cite such a large plausible range for CPI biases, going from almost nothing to 2.0 percent per year. After all, we are trying to estimate the extent of our ignorance. This is the classic boot-strap problem in philosophy. How can you measure what you don't know, when you don't know what you don't know? Of course, this uncertainty among the experts does little to temper the certitude of others.

I tend to line up with the smaller bias estimates endorsed by the BLS and CBO, and I find the very high estimates of the Boskin commission implausible. Fortunately, there is fairly wide agreement on what kinds of biases might exist. By going through these components one by one, we at least can isolate where differences in opinion lie.

SUBSTITUTION BIAS

The substitution bias is one component of this problem on which most analysts can agree. When the CPI is used as a measure of the cost of living, it fails to capture consumers' ability to change the "market basket" of things that they buy. If the price of entertainment rises, for example, consumers can offset the impact of this on their well-being by purchasing more of something else, like food. A price index with fixed expenditure weights like the CPI will overstate the impact of rising prices for some items because it fails to account for consumers' substitution of other items whose prices have risen slowly or fallen.

When prices change by relatively small amounts over short periods of time, substitution bias isn't much of a problem. Over long periods of time, however, prices can drift substantially up or down, leading to correspondingly large changes in consumers' purchasing patterns. Thus, the substitution bias grows over time. A widespread consensus exists that the substitution bias averages about 0.2 percentage points over the course of a decade.

BLS argues that they never intended the CPI to be a cost-of-living index and that they are well aware that a fixed-weight index suffers from substitution bias when used as a cost-of-living proxy.[4] Nonetheless, they have accommodated the problem in the only way possible, i.e., with periodic revisions of the expenditure weights to reflect more current purchasing patterns. In the past, this was part of the BLS' regular decennial rebenchmarking of the CPI.

Unfortunately, funds were not appropriated in a timely fashion for the most recent rebenchmarking. As a consequence, the new index will not be ready until 1998 rather than this year, when it normally should have been introduced. Perhaps, the newly found

---

Footnotes at end of article.

urgency concerning quality price statistics will lead to more frequent and more regular rebenchmarking in the future. For now, all of the participants in the budget debate are assuming that the reported CPI will rise at least 0.2 percentage point less than it otherwise would have after 1998.

FORMULA BIAS AND OUTLET BIAS

Formula bias results from the sample rotation procedures used by BLS. The Bureau updates 20 percent of its surveyed outlets each year in an effort to keep their mix of both outlets and items more current. Past BLS procedures, in combination with fixed expenditure weights, gave improper weights to items whose prices are especially volatile. For instance, if an item happened to be on sale when the update was made, its fixed expenditure share corresponded to a temporarily overstated number of units, because of its temporarily depressed price. When the item's price returned to a more "normal" level, the impact of that price increase was overstated because it was multiplied by an inflated number of units. Similarly, items whose prices were temporarily high were undervalued, as was the subsequent fall of that price to a "normal" level.

The BLS became aware of the formula bias some time ago and has been working to correct if for the past couple of years.[5] They are replacing their previous procedures with a "seasoned" sample, which should more accurately distinguish short-term price volatility from enduring price change. BLS expects that this work will be complete by January 1997. When the budget negotiators became aware of this, Senators Dole and Domenici and Congressmen Gingrich and Kasich officially requested that BLS predict what the future results of their current research would show. Though somewhat uncomfortable with the request, BLS responded that they guessed the formula bias was between 0.1 and 0.3 percentage points, and the budget negotiators have now built this assumption into their baselines as well.

The Boskin commission's September report also argued that there is an outlet bias, distinct from formula bias, that they believe adds another 0.2 percentage points to reported inflation. As noted above, the sample rotation procedure is intended partly to ensure that the outlets surveyed are those at which consumers actually shop. BLS is confident that there is no outlet bias independent of the formulas bias. Indeed, it seems unbelievable that the price division at BLS could remain ignorant of K-Mart, Price Club and CompUSA when these firms spend millions of advertising dollars to make certain that the rest of us are aware they exist.

The commission's incorrect ideas about outlet bias and somewhat higher estimate for formula bias probably are the inadvertent results of the haste with which the September report was put together. It is unfortunate that the commission had time for only the briefest of briefings from the BLS analysts who work full-time on the CPI. Greater familiarity with what the Bureau actually is doing might have avoided these misunderstandings, as well as some of the unrealistic notions about quality adjustment discussed below.

QUALITY CHANGE BIAS AND NEW PRODUCTS BIAS

Most of the differences between economists' estimates of CPI bias stems from different views about quality change bias and new products bias. For instance, the Boskin commission's September report claimed that these two effects probably accounted for about 0.5 percentage point of bias and might account for as much as 1.3 percentage points. I would argue that the effect of these two factors is close to zero.

The basic concept underlying these two effects is quite straightforward. Quality change bias occurs when the characteristics of an item change at the same time that its price changes. Some of the price change should be attributed to the new characteristics, but some should be interpreted as a change in the price of the old characteristics. If the new item is in some sense twice as good as the old item and its price is also twice as high, the item's quality-adjusted price should not change.

The issue of new products bias is conceptually similar because consumers face a new range of offerings in the marketplace, just as they do when product quality changes. For instance, the proper way to analyze the introduction of a new drug that replaces a surgical procedure might be to compare the characteristics of these two treatments, both of which are expected to have the same therapeutic result. With both quality adjustment and new products, we need to distinguish "pure" price change from the part that reflects consumers' enhanced welfare due to new market options.

One notable paper argues that the flux of new offerings available in the marketplace is itself a significant contributor to consumer welfare, even if the items are not all that new.[6] The paper arrives at this conclusion by examining the case of Apple-Cinnamon Cheerios. The conclusion seems to derive from estimating the considerable surplus generated by marching down the demand curve from its intersection with the price axis to the place where it intersects the supply curve.

What appears to drive the analysis, however, is the assumption of imperfect competition, which implies that increased purchases of Apple-Cinnamon Cheerios don't merely displace other cereal purchases and the consumer surplus associated with them. It seems unreasonable to believe that households stock an ever-increasing quantity of breakfast cereal to accommodate the dizzying variety of new offerings. Most people can only eat just so much cereal.

Discussion of quality adjustment and new products bias raises a similar metaphysical puzzle to the one mentioned earlier in this article. After all, "quality" is usually distinguished from "quantity" because it is essentially nonquantifiable. How then should we measure something that we already have defined as essentially unmeasurable? For example, one of the most striking aspects of Windows software is the fact that its prettier than DOS. There is no obvious way to attribute a specific portion of the program's price to this improvement in quality.

In addition, economists like to believe that everything can be reduced to market prices, even though this clearly is untrue for a wide range of public goods for which markets fail. For instance, the required installation of smog controls on autos raises their price. It is doubtful that individual consumers perceive this as an improvement in the quality of their cars, though all of us may benefit from the cleaner air that results. How does one put a value on the improvement in air quality when there is no private market for clean air? How should we evaluate new antitheft devices on cars that compensate for rising fear of crime?

As a practical matter, BLS already makes a serious attempt to adjust for quality changes where they believe them to be a problem.[7] If both the old and new models of some item exist in the market at the same time, the difference between the prices can be used to estimate the proper quality adjustment. For some other items, the BLS attempts to measure directly the additional cost of added attributes, as they did with smog equipment on autos. Neither of these procedures is perfect, but the imperfections necessarily result from the inherent unmeasurability of quality itself.

One procedure for handling quality adjustment that BLS sometimes employs and that appeals to most economists is called the "hedonic" technique. This involves regressing past prices of an item on past changes in its characteristics. The coefficients from such a regression are then used to attribute some of the item's current price change to current changes in characteristics, with the residual being "pure" price change. It is fairly tricky to decide on a comprehensive set of independent variables so that the results do not suffer from omitted variables bias. This is a particular danger because any important unmeasurable factors necessarily will be omitted by their very nature.

Another serious practical difficulty in making quality or new product adjustments, whether hedonic or not, is cost. Large quantities of auxiliary data must be collected for each adjusted item, and highly trained econometricians must be hired to do the analysis. Furthermore, it is hard to know where to stop, short of comprehensive quality adjustment for every item in the CPI. It is safe to say that BLS does as much quality adjustment as their appropriations allow. The political process should provide the necessary funds if there now is a burning desire for more.

ARGUING FROM ANECDOTE

Because there hasn't been a comprehensive research effort to adjust a broad range of items in the CPI or to account for newly introduced goods, arguments in these areas usually rely on anecdote. The danger in arguing from anecdote, of course, is that an anecdote may seriously misrepresent the more general case. I believe that this is the source of error in the very high estimates for quality adjustment and new product biases of the Boskin commission and others.

The commission's September report explicitly notes that most of the evidence for upward price bias due to these two factors comes from nonauto consumer durables. The report cites VCRs, televisions, microwave ovens and PCs as hallmark examples. However, Table 1 shows that nonauto consumer durables account for only 4.2 percent of the expenditure weights in the CPI. House furnishings, which can hardly be said to show rapid increases in quality, account for 3.5 percent of spending, leaving only 0.7 percent of monthly expenditures for the whiz-bang stuff. This very low weight stems not from low prices for these items but from the fact that they are infrequently purchased.

Such tiny expenditure weights for the goods with which we typically associate quality improvement must imply astronomical rates of improvement in order to justify the quality bias assumed by the Boskin commission and others. For example, if goods imparting quality bias to the CPI represent only 1 percent of the index, then their quality would have to improve at 100 percent per year in order to arrive at a 1.0-percentage-point bias. The new PC that I bought this year certainly is better than the one I bought six years ago, but it's not sixty-four times as good. Advertisers' gaseous claims notwithstanding, the new PC has not revolutionized my life nor had an important impact on my well-being.

The problem of small expenditure weights is especially important for new products bias. Newly introduced items necessarily have tiny expenditure weights because they are novelties. The Boskin commission's report complains that "the microwave oven was introduced into the CPI in 1978 and the VCR and personal computer in 1987, years after they were first sold in the marketplace."[8] Even now, however, these items have weights measured in hundredths of a percentage point and properly so. Many households do not even own PCs, microwaves and VCRs, let alone Salad-Shooters. Those who do own such items purchase them only infrequently. It is this that gives them a tiny weight compared to things like rent and food, which loom large in the average consumer's budget. BLS must make a judgment about when new items comprise a sufficiently large proportion of expenditures to justify inclusion in the CPI. The evidence for these high-profile examples suggests that the Bureau's judgment has been correct.

Table 1.—CPI expenditure weights, 1995

Durable Goods	10.6
New Vehicles	5.1
Used Vehicles	1.3
House Furnishing	3.5
Other Durables	0.7
Nondurable Goods	32.8
Food and Beverages	17.4
Apparel	5.1
Other nondurables	10.3
Services	56.6
Shelter	28.0
Utilities	7.0
Medical Care Services	6.0
Other Services	15.6

Source: Bureau of Labor Statistics.

I have focused my arguments about quality adjustment and new products bias on the 0.7 percent of the CPI that the proponents of large bias adjustments usually cite. Perhaps there are other components of the CPI with larger expenditure weights that have had significant quality improvements but have been ignored. Let's see.

new motor vehicles account for 5.1 percent of the CPI. The Boskin report itself notes that the case for quality adjustment bias here is murky. They cite the ambiguity of balancing the negative quality adjustment for decreasing auto size with the positive adjustment for improved fuel efficiency, itself a function of the (declining) price of gasoline. Used vehicles, which make up 1.3 percent of the index, probably did show some upward drift in quality in the past, but BLS has taken steps to account for this since 1987. As mentioned above, household furnishings (3.5 percent of expenditures) probably haven't shown appreciable quality improvements, and new furniture in particular seems to have become cheesier in my opinion.

What about nondurables? Food and beverages account for 17.4 percent of the index. Staples like meat, poultry, fish, eggs, milk, cheese, fruits, vegetables, sugar, flour, etc. may have seen some improvements in freshness and selection, although rising salmonella contamination should give pause. Prepared foods may have shown some quality improvements but not much. Other nondurables are mainly apparel (5.1 percent) and various other goods like fuels, tobacco and school supplies (10.3 percent), for which quality improvements would seem trivial.

What about services, which account for 56.6 percent of expenditures? A whopping 28.0 percent of the typical consumer's budget is taken up with shelter. Here, the Boskin report acknowledges that there was a serious downward price bias in the past that resulted from BLS' inadequate adjustment for aging and depreciation. This downward bias in the CPI's largest single item has been corrected by the Bureau. Utilities account for 7.0 percent of spending, and there certainly has been little improvement here except for phone service.

Medical care services are another 6.0 percent, and the situation here is a bit ambiguous. Services for medical crises clearly have improved, although these expenditures are infrequent by their very nature, and the out-of-pocket costs for the average consumer are rather small on a monthly basis. On the other hand, routine visits to the doctor have become pretty annoying. Certainly, if there has been progress in the quality of medical care, it has had only marginal effects on morality, morbidity and lost work time.

The anecdotal evidence for the remaining 15.6 percent of spending that goes to other services suggests deterioration as often as improvement. Declining test scores certainly aren't reassuring to consumers wondering if they're getting their money's worth for out-of-pocket education expenses. Smaller airplane seats and deteriorating public transportation also suggest declining quality. Shoe-box movie theaters with dinky screens and stale popcorn have not brightened the movie-going experience. The shopping experience itself is less pleasant, and haircuts are about the same. Of course, there are improvements in the quality of some consumer service, notably ATM banking.

The point here is not whine nostalgically that nothing is as good as it used to be. Rather, I am arguing that once we get away from a few high-profile examples related to infrequently purchased household appliances, even the direction of quality adjustment is ambiguous at best. There is no question that modern market economies produce a great deal of flux in the range of products offered, but many of the offerings are meretricious rather than meritorious. To say that all of this change represents an inexorable improvement in the average consumer's quality of life is panglossian.

Once one looks at the relative importance of different items in the CPI and the actions that BLS already has taken to address quality adjustment and new products problems, the very high estimates of these biases become unbelievable. I would argue that, if these factors do impart an upward bias, it is a couple tenths of a percentage point at most. The most important spending for the average household still has to do with basic human needs: shelter, food, clothing, transportation and basic health care. The great quality improvements in these areas were achieved long ago. Current quality advances largely are limited to items that clearly are accessories to our lives or to situations that occur only rarely.

In sum, then, I believe that the very large overall bias that some analysts allege distorts the official CPI is about one-third science and about two-thirds virtual reality. A firm consensus exists regarding the substitution and formula biases, both of which BLS already is working to eliminate. With regard to the alleged outlet bias, some analysts appear to be misinformed about what BLS actually does. And with regard to quality adjustment and new products bias, large effects appear to result from overly enthusiastic extrapolation, if not wishful thinking.

THE CPI'S EFFECT ON THE FEDERAL BUDGET

As noted at the beginning, the whole reason that these issues have come to popular attention is that small changes in the rate at which government spending programs and taxes are indexed can have huge effects on the federal deficit. The great attraction of fiddling with the CPI is that it can be used to extract money from literally millions of taxpayers and benefit recipients. Table 2 shows CBO's official estimates of the budget savings that would result from reducing CPI indexing by a full percentage point. Seven-year cumulative savings amount to $281 billion, with an impact of almost $82 billion in FY 2002. About a third of the money comes from higher income taxes, another third comes from Social Security, almost a fifth comes from reduced debt service and the rest comes from other federal retirement programs, EITC and SSI.

It is easy to see how attractive it is for budget negotiations to scale back indexing under the guise of statistical integrity. The budget negotiators already have incorporated baseline changes corresponding to a 0.4-percentage-point adjustment to account for BLS's existing efforts to eliminate substitution and formula biases. The arguments above suggest that going beyond this is scientifically questionable. However, this is exactly what is being debated as this is being written in December 1995: an additional ad hoc adjustment to account for purported (though unmeasured) quality and new product bias. This seems to be an attempt to use statistical subtleties as a figleaf for increasing income taxes and cutting retirement benefits.

TABLE 2.—REDUCTION OF DEFICIT FROM 1.0 PERCENTAGE POINT CPI ADJUSTMENT

[In billions of dollars]

	1996	1997	1998	1999	2000	2001	2002
Revenues	1.8	5.5	9.8	13.1	17.7	23.0	27.1
Outlays	3.1	8.4	14.1	20.2	26.5	32.7	39.8
SS, RR retirement	2.6	6.2	10.1	14.1	18.4	22.8	27.4
Other retirement	0.3	1.2	2.1	3.1	3.8	4.7	5.6
SSI, EITC	0.2	1.0	1.9	3.0	4.3	5.2	6.8
Offsets	0.0	−0.1	−0.2	−0.4	−0.7	−1.0	−1.4
Debt service	0.2	0.8	2.0	4.0	6.7	10.2	14.7
Total deficit reductions	5.0	14.7	25.9	37.3	50.9	65.9	81.6

Source: Congressional Budget Office.

That's not to say that reducing indexing should be considered a totally unacceptable tool for deficit reduction. It does mean that we should be honest about what we are doing. What is being proposed this year used to be called a "diet COLA," a catchy term that distinguishes nicely between ad hoc changes and those based on scientific research. Scaling back indexing is not a "correction" of the CPI and does not "reduce" the CPI. One Republican senator offered and then withdrew an amendment to this year's Budget Resolution that BLS "shall reduce the annual percent change in the consumer price indexes by 0.7 percentage points." (emphasis added) No mention here about just how that might be done, but plenty of confidence that science was on his side.

THE EFFECTS OF A DIET COLA ON THE INCOME DISTRIBUTION

Whether or not a diet COLA ought to be included in a comprehensive budget deal depends upon the same criteria as any other deficit reduction tool: How is the burden of deficit reduction apportioned across society, and will there be collateral effects that are unpalatable? Thus, we don't ask that the budget be balanced by eliminating the Defense Department, because it would be unfair to ask the defense sector to bear the entire burden of deficit reduction and because it would leave the nation without defenses.

In this regard, it is important to note that the diet COLA is regressive on balance, extracting relatively large budget savings from low-income households and relatively small amounts from the well-to-do. Table 3 shows CBO's estimates of a diet COLA's impact. It is important to note that the adjusted family income concept used in the table includes the employer's share of payroll taxes for Social Security and unemployment insurance as well as CBO's attribution of the corporate income tax by income class. As a consequence, the income concept also is adjusted for family size, but that has a much smaller impact on the distributional conclusions.

TABLE 3.—DISTRIBUTIONAL EFFECTS OF REDUCED CPI INDEXING

Adjusted, pretax family income[1]	Share of revenue change (percent)	Share of spending change (percent)	Share of total change (percent)	Number of families (millions)
Less than $10,000	0.9	10.5	6.0	14.6
$10,000 to $20,000	7.7	20.1	14.2	18.5
$20,000 to $30,000	11.6	17.5	14.7	16.6
$30,000 to $40,000	9.5	14.4	12.1	13.5
$40,000 to $50,000	7.7	10.3	9.1	10.8
$50,000 to $75,000	18.3	14.3	16.2	17.7
$75,000 to $100,000	16.1	6.0	10.8	8.6
$100,000 to $200,000	17.0	5.4	10.9	7.0
Over $200,000	11.3	1.2	6.0	1.0

[1] Adjusted income is the sum of wages, salaries, self-employment income, rents, taxable and nontaxable interest, dividends, realized capital gains, and all cash transfer payments. Income also includes the employer share of Social Security and federal unemployment insurance payroll taxes, and the corporate income tax.

Source: Congressional Budget Office.

The table shows that, even with this inflated income measure, more than a third of the diet COLA's total burden is borne by families below $30,000 per year, or about 45 percent of all families. Fully 56 percent of the burden falls on families below $50,000 per year, who constitute 57 percent of all families. The table also shows that the effect on the tax side is mildly progressive, but this is offset by both the regressivity and larger impact of the spending side.

Clearly, this creates problems for those politicians who care about the income distribution. It is one thing for the diet COLA to be included as one part of a deficit reduction plan that is progressive in its overall profile. However, it is quite another thing to add a diet COLA to a budget plan that already is regressive in its overall effect.

As this is being written, a group of fiscally conservative Democrats, known as the Coalition or Blue Dogs, has proposed a clever device that mitigates the regressive effect of the diet COLA on the spending side. As with other diet COLAs, they suggest that the cost-of-living adjustment for various spending programs be keyed to the official CPI minus some specified factor, like 0.5 percent. However, they would also stipulate that the reduced COLA received by all individual beneficiaries of a program be equal to the dollar amount for the average beneficiary. This means that those beneficiaries who are better off would receive a diet COLA that also was a smaller percentage adjustment than otherwise. Some beneficiaries well below the average would actually come out ahead.

THE EFFECTS OF THE DIET COLA ON THE AGE DISTRIBUTION

Part of the reason that the diet COLA has such a severe effect on very low income families is that the indexed spending programs are almost entirely retirement programs and elderly households tend to have low incomes. This highlights another distributional issue for those who care about such things: the impact of the diet COLA on the age distribution. Here again, the question is not just its effect on the elderly but whether that effect compounds sacrifices called for elsewhere in the deficit reduction plan.

The proposals being offered in the budget negotiations already get the bulk of their savings from Medicare and Medicaid. All Medicare spending and about a third of Medicaid spending goes to support health care for the elderly. In fact, about half of all nursing home expenditures are paid for by Medicaid. The most severe budget plans propose sharp cuts in service at the individual level because projected program growth would be insufficient to cover increases in the medical costs and the number of beneficiaries.

Adding a diet COLA, with its heavy impact on retirement programs, to any budget plan with large Medicare and Medicaid cuts would be doubly severe for the elderly. These are citizens who have few options with regard to working longer or harder to offset the effect of cuts. They also tend to have fewer health care options, because the medical attention that they usually need is acute care and it often is too late for preventive care. Expecting the elderly to take a leading role in medical cost containment through individual choice also seems unrealistic, because they may see choice as threatening and confusing rather than liberating. Using a diet COLA to get additional budget savings on top of the sacrifices from the elderly already being contemplated strikes me as unjust.

There is another important reason to think that price indexing should not be scaled back for retirement programs. Research suggests that these programs actually have been underindexed in the past because spending patterns for the elderly differ from those of consumers in general. Two years ago, the BLS reformulated the raw data underlying the CPI to take account of the different expenditure weights in the "market basket" of the typical older consumer.[9] The results shown in Table 4 indicate that this reconfigured index for the elderly increased by 4.1 percentage points, or 8.2 percent, more than the official CPI between December 1982 and December 1993. This resulted from the greater weight of out-of-pocket medical expenses for the elderly and the smaller weight for transportation, apparel, and restaurant meals. Of course, out-of-pocket medical expenses for the elderly would become an even larger item in the household budgets of the elderly under most of the deficit reduction plans being discussed.

TABLE 4.—DECEMBER TO DECEMBER CHANGE IN OFFICIAL CPI AND EXPERIMENTAL PRICE INDEX FOR THE ELDERLY

	CPI–U (percent)	Experimental price index for the elderly (percent)
1983	3.8	3.7
1984	4.0	4.1
1985	3.8	4.1
1986	1.2	1.8
1987	4.4	4.5
1988	4.4	4.5
1989	4.6	5.2
1990	6.3	6.6
1991	3.0	3.4
1992	3.0	3.0
1993	2.7	3.1
1982–93	49.7	53.8

Source: Nathan Amble and Ken Steward, "Experimental price index for elderly consumers," Monthly Labor Review, May 1994.

The BLS researchers stressed that one would need a much more comprehensive effort to create a reliable CPI for the elderly. In particular, one would have to discern whether they shop at the same kinds of outlets as younger consumers and whether they purchase the same kinds of items. Anecdotal evidence suggests that they don't and the divergence between the CPI and the cost of living for the elderly might be even greater if these factors were taken into account. It appears that the elderly tend to shop more at neighborhood stores rather than discount outlets and that they have limited options to save by buying in bulk.

CONCLUSION

As a longtime proponent of better statistics, the sudden awakening of interest in price measurement issues is gratifying. However, I am dismayed that this has not been accompanied by an equal commitment to fund or even to acknowledge the analytical effort needed to address these issues sensibly. The public discussion of the CPI's biases has been carried away on a tide of outrageous claims that have little scientific basis. Most disturbing is the apparent willingness to make arbitrary adjustments to one of our most important economic indicators rather than improve it with more frequent updates and careful research.

Very large estimates of CPI bias that range as high as two percentage points appear to result from ignorance about what the CPI actually contains and what the BLS actually does. Full-time professionals responsible for properly surveying the mix of outlets certainly are aware of the giant discount chains familiar to the rest of us. Claims that BLS has not addressed the most important quality adjustment issue are patently false. Speculations about huge quality bias seem to result from extrapolating the characteristics of household appliances that average consumers buy once every few years to the much larger and more prosaic spending that they do every month. Arguing that the CPI ignores the great benefits of new product introductions probably fails to note that most such "new" products are merely new styles.

A solid scientific consensus does exist regarding substitution bias and formula bias. Not surprisingly, BLS already is moving to correct these biases. The Bureau also attempts to correct for quality adjustment and new product biases within the constraints of their budget. Although there is no convincing evidence that quality biases are large for items that they do not adjust, BLS undoubtedly would welcome additional resources for more extensive and sophisticated research. Presumably, they also would be happy to have funds for more frequent rebench- marking and more frequent sample rotation.

The budget negotiators already have incorporated adjustments in their baseline assumptions to account for the two most firmly established components of the CPI bias; substitution and formula bias. Going beyond this is not justified by firm evidence. To do so while claiming a scientific justification amounts to an attempt to camouflage an increase in taxes and a cut in Social Security. A diet COLA should not be adopted as part of a deficit reduction plan that already is likely to be fairly regressive unless some effort is made to counter the regressive effects. In addition to remediating the income regressivity of the diet COLA, one also would need to ensure that it was not part of a deficit reduction plan that called for excessive sacrifice by the elderly, whose retirement benefits may well have been underindexed in the past.

FOOTNOTES

[1] Jim Klumpner is chief Minority Economist, U.S. Senate Budget Committee, Washington, DC. The opinions expressed in this paper are those of the author and do not necessarily represent official positions of the Democratic members of the Senate Budget Committee.

[2] Quoted in Washington Post, January 18, 1995.

[3] Michael J. Boskin, Ellen R. Dulberger, Robert J. Gordon, Zvi Grilliches, and Dale Jorgenson, "Toward a more accurate measure of the cost of living," September 15, 1995, Senate Finance Committee.

[4] Bureau of Labor Statistics (BLS), "Report from the Bureau of Labor Statistics for the House Budget Committee," House Budget Committee, p. 13.

[5] BLS, op, cit., p. 14.

[6] Jerry A. Hausman, "Valuation of new goods under perfect and imperfect competition," NBER Working Paper No. 4970, December 1994.

[7] BLS, op, cit., pp. 21–23.

[8] Boskin et al., op. cit., p. 21.

[9] Nathan Amble and Ken Stewart, "Experimental price index for elderly consumers," Monthly Labor Review, May 1994.

Mr. EXON. Mr. President, I hope we could move ahead now, if we might, with the agreement.

Mr. CHAFEE. I wonder if I might have that 30 seconds?

Mr. KENNEDY. Then I would ask for 30 seconds, too.

The PRESIDING OFFICER. Who yields time?

Mr. CHAFEE. Mr. President, I ask the Senator look at our proposal. He will see there is $25 billion of corporate welfare cuts that he is discussing. Perhaps if he became more familiar with it we would all be better off.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

HONORING ADM. JEREMY M. "MIKE" BOORDA

Mr. LOTT. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of a Senate resolution I now send to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 255) to honor Admiral Jeremy M. "Mike" Boorda.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, today a grateful nation pays its final tribute to a true patriot and hero, Admiral Jeremy "Mike" Boorda, who died on Thursday, May 16, 1996, at the age of 56. There will be a memorial service today at the Washington Cathedral to honor Admiral Boorda. I want to take this opportunity, on behalf of many of my colleagues on both sides of the aisle, to honor this man and his truly vital contributions to our Navy. His service to our Nation was a model to which every American could aspire.

Admiral Boorda was a high school dropout who joined the Navy at the young age of 16 as a seaman recruit. After rising to become a petty officer first class in 1961, at the urging of a chief petty officer, Mike Boorda applied for admission to an enlisted commissioning program, but he had no confidence of success. He was selected on his second application and commissioned an officer in 1962.

In 1991 he received his fourth star and became the commander-in-chief of Allied forces in Southern Europe. As CINCSOUTH, he was in charge of an air strike in February 1994 against four Bosnian Serb aircraft flying in violation of the U.N. ban on fixed-wing flights. This was the first time that a NATO commander had ordered alliance forces to use deadly force on an offensive mission in the organization's 44-year history.

On April 23, 1994, Admiral Boorda became the 25th Chief of Naval Operations. He assumed command of the world's greatest Navy while it was still suffering from the aftermath of the Tailhook scandal. Despite Tailhook, a rash of cases of sexual misconduct, and several plane crashes, Mike Boorda tackled all these problems with energy that many of us could not match. Why? Because Mike Boorda loved the Navy.

He once said, "I stayed in the Navy because I love going to sea. I hope everybody is experiencing that. If you're fortunate enough to be at that stage in your career where you still get to go to sea, relish it. Enjoy it and have fun. Realize that you are a part of a long line of people who have gone down to the sea in ships, and it's a special thing to do."

Mike Boorda was a "Sailor's Sailor." He devoted his life to making our Nation more secure and to securing a better life for those who serve our country. As the only sailor to rise from E-1 to become Chief of Naval Operations, he knew what it meant to be at the bottom and top of the chain of command. This experience instilled in him an unwavering desire to help sailors and their families serve proudly and live in a manner in which they could be proud.

He was a man of both physical and moral courage. From Southeast Asia to Bosnia, he was willing to put his life on the line to serve his Nation, but he was also willing to put his career on the line for the sailors he loved and the principles he stood for: duty, honor, and commitment.

Admiral Boorda's entire Navy career was marked by a single characteristic—compassion. He cared more for others than he ever cared for himself. He cared more for his Navy than he ever cared for his Navy career. All that he did and all that he gave will live on forever in the men and women that he loved so much.

More than anything, he loved being around sailors. When he went on board a ship or walked into a room full of sailors, you could see the twinkle in his eyes and a caring smile come across his face. He made sailors and their families feel better about themselves and better about what they did. He used to say almost everyday, "we have the best sailors in the world, let's treat them that way." His love of sailors drove him to personally talk with more than 200,000 sailors, and visit more than 100 of the 360 ships in the fleet in his 2 years as CNO.

As I said earlier, he was a man of the sea, he believed that going to sea, getting underway, was about the most special thing one could do. He used to joke that he would like to change places with the younger officers so he could return to driving ships and personally leading sailors. He prided himself on his ship handling skills and talked often about how much it meant to him to be considered one of the best ship drivers in our Navy.

Like most sailors, he was a storyteller. He loved to captivate an audience with a yarn about his days at sea, or about his family, especially his grandchildren. Almost everyday at his office, he would come in with a new tale about what one of his grandchildren had done or how something reminded him of when he was a young seaman or junior officer. He had a way about him, so that when he spoke, everyone would instinctively rise and fall on his every word.

He was a man of great humor and of great humility. At serious meetings or in tense congressional hearings, he would break the tension with his dry and self-effacing sense of humor. He also never spoke of "I"—he only spoke of "we"—when talking about what our Navy had accomplished. He would go to great lengths to ensure that others were not embarrassed or publicly humiliated when things went wrong. He always took responsibility for the bad, and always avoided praise for the good.

Admiral Boorda was a visionary in naval strategy. When he became CNO, he recognized that the post-cold-war era required a strategy that retained the Navy's tradition of forward presence, but he also knew that it was much more likely that we were going to fight near land, in the world's littorals. He transformed the Navy's approach to meet this new strategy situation in "Forward . . . From the Sea," the strategy that will carry the Navy into the 21st century.

He was a visionary in technology. He spearheaded such projects as the arsenal ship, the new attack submarine, theater ballistic missile defense, and cooperative engagement capability. These programs, and many others, put the Navy on the cutting edge of technology and did so in a way that was efficient, affordable, and flexible. He also recognized our Navy needed a strategy to accompany emerging technology, so he developed "2020 Vision," a long range plan for acquiring and using future technology to achieve our strategic objectives.

Because he cared so much about his sailors, he took real steps to improve their lives: He significantly increased military housing starts. He fought for and achieved pay raises and increases in BAQ amounts and eligibility. Despite significant cuts in ships and sailors, he was able to prevent a rise in the deployment time of sailors. He revamped the officer and enlisted evaluation system so that it provided clear standards and accurately reflected performance, and he successfully integrated women into combatant ships and aircraft squadrons.

Like many of my colleagues, I have had the privilege of working closely with Adm. Mike Boorda for several years. I came to admire him immensely—his intelligence, common sense, energy, sense of humor, and most important, his commitment to our Navy, our country, and his family.

Admiral Boorda once said of Adm. Arleigh Burke, "he defined what it means to be a naval officer: relentless in combat, resourceful in command, and revered by his crews. He was, indeed, 'a sailor's sailor'." I think Admiral Boorda also exemplifies these words.

Adm. Mike Boorda was a man who loved his country and served it with distinction from the age of 16 to the day he died. He was an American success story and a hero who will be missed by all of us.

Mr. President, I submit this resolution and ask for its immediate consideration.

Mr. EXON. Mr. President, I yield myself as much time as I am in need of off the resolution.

I thank Senator LOTT. I am a cosponsor of the amendment. It is very appropriate. We, on this side, join in and thank him for honoring the memory of Mike Boorda, our dear and departed colleague who we shall all miss very much. Thank you, Senator LOTT, for the excellent statement in behalf of all of us in the U.S. Senate.

Mr. LOTT. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table and any statements relating to the resolution appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 255) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 255

Whereas Admiral Jeremy M. "Mike" Boorda was the 25th Chief of Naval Operations;

Whereas as the Chief of Naval Operations, Admiral Boorda commanded the foremost Navy in the World;

Whereas Admiral Boorda's career in the Navy reflected his lifelong dedication to the United States and to the principles he held dear—duty, honor, and commitment;

Whereas Admiral Boorda is the only member of the Navy ever to rise from the lowest enlisted grade to the position of Chief of Naval Operations, and his rise gave him a full and unique perspective on the opportunities and obligations of command;

Whereas this perspective instilled in Admiral Boorda an unwavering concern for the members of the Navy and their families;

Whereas as Commander-in-Chief of NATO forces in Southern Europe, Admiral Boorda ordered the first offensive use of deadly force in the history of NATO, an air strike in February 1994 against four Bosnian Serb aircraft flying in violation of a United Nations ban on such flights;

Whereas Admiral Boorda was a visionary in naval strategy who recognized that circumstances in the post-Cold War era made necessary a strategy that retained a forward presence for the Navy even as it recognized that future Navy operations would most likely occur in the littoral zones of the world;

Whereas this strategy, which Admiral Boorda called "Forward . . . From the Sea", will serve as the basis for Navy strategy well into the 21st century;

Whereas Admiral Boorda was a visionary in naval technology who spearheaded programs for the development of the arsenal ship, the new attack submarine, theater ballistic missile defense, and cooperative engagement capabilities;

Whereas these programs, and many others spearheaded by Admiral Boorda, put the Navy on the cutting edge of technology and did so in an efficient, affordable, flexible manner;

Whereas Admiral Boorda recognized the need for the Navy to develop a strategy for utilizing emerging technology effectively and developed in response to that need the plan known as "20/20 Vision", a long-range plan for the acquisition and utilization of technology in the future in order to achieve the strategic objectives of the United States; and

Whereas it is fitting that Admiral Boorda be remembered as he described Admiral Arleigh Burke when saying that ". . . he defined what it means to be a naval officer: relentless in combat, resourceful in command, and revered by his crews . . . He was, indeed, a sailor's sailor.": Now, therefore, be it

Resolved, That the Senate honors Admiral Jeremy M. "Mike" Boorda for a career that included extraordinary contributions to the defense of the United States and a singular commitment to the members of the Navy and thereby exemplified all the best qualities in an officer in the United States Navy.

Mr. LOTT. Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

UNANIMOUS-CONSENT AGREEMENT—SENATE CONCURRENT RESOLUTION 57

Mr. DOMENICI. Mr. President, I understand that in a minute or so we are going to go in recess. We will be in recess until 2:15 this afternoon. We would have been functioning on the floor here until 12:30 but for the Boorda funeral, and then been in recess from 12:30 to 2:15. So what we are going to do is go in recess now. I ask unanimous consent that when we go in recess at 10:30, that we reconvene at 2:15 p.m. this afternoon.

We had already had unanimous consent that the time we would be in recess to go to policy meetings would be charged against the resolution. I ask that 1 additional hour be added to that time, charged against the resolution. That means that half of the time we are out for the Boorda funeral will be charged to Senate business, half will be left on the resolution, and that will be equally divided.

Mr. EXON. Mr. President, we have agreed to this on this side. I have checked with our leader. I think this is the proper way to proceed.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, at 10:29 a.m., the Senate recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Ms. SNOWE).

CONCURRENT RESOLUTION ON THE BUDGET

The Senate continued with the consideration of the concurrent resolution.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. EXON. I thank the Chair.

Madam President, suffice it to say, we are now ready for business. If there is any Senator who wishes to offer an amendment, this is an opportune time to do it.

The basic situation is this: We have approximately 4 hours left under the agreement. That is 2 hours on each side. We have a large number of amendments still outstanding and Senators have not indicated to either manager of the bill whether the amendments are actually going to be offered or not.

I suppose the question is being asked, "Well, when are we going to start voting?" As of now, the time will run out on the resolution sometime between 6 o'clock and 6:30. I suggest we could not start voting before that time, unless time is yielded back. But my experience has been that normally time is not yielded back. At the end, we have Senators clamoring for time and, yet, the time will have run.

So it appears now, unless time is yielded back, that we could not possibly start voting any earlier than 6, probably sometime after that. There is an event scheduled tonight that is absolutely going to prevent us from being here and holding rollcall votes, I would think, much after 6 o'clock. So I think it is safe to say we should get over here and get our work done. Maybe we can get one or two rollcall votes in before we adjourn for the day, but certainly that is not assured.

It appears to me now, that we are looking at not more than one or two rollcall votes—if that, and a whole series of individual rollcall votes, maybe 20 to 40, somewhere in that neighborhood, are a possibility for tomorrow and the days and hours that follow. When Senator DOMENICI comes to the floor—and I think he will be here shortly—he may have some additional information because he will be calling the shots.

So, once again, in the absence of anyone offering an amendment or seeking recognition at this time, I suggest the absence of a quorum, with the time to be charged equally to each side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KYL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Thank you, Madam President.

AMENDMENT NO. 3996, AS MODIFIED

Mr. KYL. Madam President, I ask unanimous consent that my amendment No. 3996 be modified, which I send to the desk.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendment (No. 3996), as modified, is as follows:

On page 4, line 10, decrease the amount by $90,000,000.

On page 4, line 11, decrease the amount by $181,000,000.

On page 4, line 12, decrease the amount by $181,000,000.

On page 4, line 13, decrease the amount by $181,000,000.

On page 4, line 19, decrease the amount by $85,000,000.

On page 4, line 20, decrease the amount by $174,000,000.

On page 4, line 21, decrease the amount by $181,000,000.

On page 4, line 22, decrease the amount by $181,000,000.

On page 5, line 3, decrease the amount by $85,000,000.

On page 5, line 4, decrease the amount by $174,000,000.

On page 5, line 5, decrease the amount by $181,000,000.

On page 5, line 6, decrease the amount by $181,000,000.

On page 31, line 17, decrease the amount by $90,000,000.

On page 31, line 18, decrease the amount by $85,000,000.

On page 31, line 24, decrease the amount by $181,000,000.

On page 31, line 25, decrease the amount by $174,000,000.

On page 32, line 6, decrease the amount by $181,000,000.

On page 32, line 7, decrease the amount by $181,000,000.

On page 32, line 13, decrease the amount by $181,000,000.

On page 32, line 14, decrease the amount by $181,000,000.

On page 52, line 24, decrease the amount by $90,000,000.

On page 52, line 25, decrease the amount by $85,000,000.

On page 53, line 2, decrease the amount by $181,000,000.

On page 53, line 3, decrease the amount by $174,000,000.

On page 53, line 5, decrease the amount by $181,000,000.

On page 53, line 6, decrease the amount by $181,000,000.

On page 53, line 8, decrease the amount by $181,000,000.

On page 53, line 9, decrease the amount by $181,000,000.

Mr. KYL. Madam President, I suggest the absence of a quorum, and I ask unanimous consent that the quorum time be charged to each side equally.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WELLSTONE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. I ask unanimous consent to have 2 minutes to speak as in morning business on a bill I am introducing.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. WELLSTONE. Madam President, I ask unanimous consent that Marty Gensler be permitted privileges of the floor for the duration of the debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Madam President, I thank the Chair.

(The remarks of Mr. WELLSTONE, pertaining to the introduction of S. 1786, are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. WELLSTONE. I yield the floor.

I suggest the absence of a quorum.

Mr. EXON. Madam President, I amend the request for the quorum call with the proviso that the time be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WELLSTONE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCURRENT RESOLUTION ON THE BUDGET

The Senate continued with the consideration of the concurrent resolution.

Mr. WELLSTONE. Madam President, I thought since we are in a quorum call I might just briefly summarize since time is being charged to both sides—and this will be charged to our side—several amendments that I have introduced just to focus colleagues' attention on those amendments.

The PRESIDING OFFICER. Does the Senator from Nebraska yield time?

Mr. EXON. How much time does the Senator from Minnesota need?

Mr. WELLSTONE. Five minutes.

Mr. EXON. I yield 5 minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

AMENDMENT NO. 3985

Mr. WELLSTONE. Madam President, I actually laid down these amendments on Friday. But I thought since we have a quorum call and time is being charged to both sides—this charged to our side—I want to focus attention on several of the amendments that I laid down Friday. One of those amendments which was a leadership amendment—and I compliment the Chair for her very, very important work dealing with higher education—was an amendment that I introduced as a sense of a Senate that any tax cuts beyond tax credits for children and families ought to go for an annual up to $10,000 deduction that families can take to help pay for the cost of higher education, and that would include tuition, and also the interest that families find themselves paying on the debt.

That interest is extremely important because now, unfortunately, as opposed to at least when I went to school, about 80 percent of the financial aid packages are now loans as opposed to grants. It used to be quite different. It has flip-flopped in the last 15 years, or so. I hope that this money will go to higher education making it more affordable for families, or it has to go to deficit reduction.

I hope that this amendment really will receive strong bipartisan support. I laid the amendment down as an education Senator. Most of my adult life has been devoted to education. I laid this amendment down as a leadership amendment for my party. But, frankly, I think this is an amendment that is important to the Democrats and Republicans alike. Since we are going to have a rapid succession of votes on lots of amendments, I just wanted one more time to focus attention on this amendment.

AMENDMENT NO. 3987

The second amendment that I might talk about very briefly was an amendment that I introduced at the beginning of 104th Congress and, frankly, I regret that it was passed finally on a voice vote. It just simply said that the Senate was taking the position that we would not pass any legislation that would create more hunger or homelessness among children. I actually lost on the vote on that amendment twice, and then it was passed by a voice vote. But given some of the budget proposals and given some of the, I think, fairly rigorous independent studies that have taken place suggesting that as a matter of fact we are in part taking some actions that will create more poverty among children, this time around I want to get a recorded vote.

AMENDMENT NO. 3986

A third amendment I introduced, which is one that the Senator from Delaware has actually taken the lead on, just simply said that we ought to make a commitment that we will provide the full funding called for in the community police program—the COPS Program.

I have to say to you, Madam President, that I have never received more positive reports with any Federal program in Minnesota than the COPS Program. A one-page form filled out by COPS going to Washington with money coming directly back to police chiefs and sheriffs used for really fine proactive preventive, important—not feel-good law enforcement—a real focus on domestic violence, a real focus on some of the neighborhoods most ravished by violence in our cities, and a real focus on youth, on some of the kids that are in the most trouble, not exclusive just to cities but in rural communities as well. So I hope that there will be very, very strong support for that.

AMENDMENT NO. 3989

And then finally one other amendment that I want to talk about very briefly—one that my colleagues are probably less familiar with but I think it is an important amendment. And again, the Chair has taken real leadership on this. This issue has become unfortunately a more important issue in this country, and this issue deals with the central importance of our taking the steps that we need to take as a nation to reduce violence in homes.

This amendment says that in the welfare reform we do we must allow States to take into account the special circumstances of a mother and her children who have been in homes where there has been violence; who have been battered. In other words, one size does not fit all. And my fear is that, if we are not careful, what we are going to do in the welfare reform area is we are going to be essentially saying to a mother that you have to work, and if you do not work that is it, without taking into account what has happened to her.

Remember. It took Monica Seles 2 years to play tennis again after what happened to her. What is going to happen is we are going to force some of the women and children back into very dangerous homes? We have to take into account these circumstances. There have been several studies. The Taylor Institute came out with a study suggesting that a shockingly high percentage of welfare mothers in welfare to workfare programs right now have had to deal with this violence. So we must take that into account in the welfare reform area.

I have used up my time. I yield the floor.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

AMENDMENT NO. 3985

Mr. BIDEN. I ask unanimous consent that I be able to proceed for up to 5 minutes on an amendment No. 3985.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. Thank you, Madam President.

Madam President, this is the amendment to which the Senator from Minnesota spoke relating to the tax deductibility for up to $10,000 for higher education payments. A number of us have introduced separate—and some together—bills and sense-of-the-Senate resolutions to accomplish just that.

The President I believe in his State of the Union called for such treatment. I would just like to reiterate what my friend from Minnesota said.

First of all, this is only a resolution. I wish it were an up-or-down vote on a legislative initiative to change the tax law to allow parents and/or students to deduct up to $10,000 of the costs of a college education. That is the cost which most people are focusing in on. But, it is not just 4-year colleges. It can be a 2-year college. It can be a postgraduate undertaking.

I hear my friends—and I know that the Presiding Officer is younger than I am but we are not that very far off, the four of us on the floor here—I hear people of our generation say how they worked their way through college. I worked my way through college. I was able to get some financial help and some scholarship money as well as help from my parents. But I worked my way through college. But do you know what? The minimum wage was $1.25 cents, and the total cost to attend our State university, the University of Delaware, was $325 a semester for tuition. You could work your way through college if you were willing to work.

It always fascinates me when I hear people my age—I am now 53—talk about, "Why don't they do what we did—work our way through school?" because now the minimum wage is under $4.50 an hour. And to go to that same great university, my alma mater, is going to cost them about $6,000 if they are an in-State student. If you are unfortunate enough to have children like many of us do here who decide—and are able—to go to an institution other than the State institution which I attended, you will find that their tuition and room and board is $25,000 a year, if they go to Georgetown University, which one of my sons attended, or to Yale where another son is. That is $25,000 a year. We do not all go there. Most of us, as in my case, could not get there.

I am very proud of my State university, and proud of having gone there. But the truth of the matter is when my dad and mom were helping me get there, and I was working my way through, the median family required only something on the order of less than 3 to 4 percent of its income to send someone to college. Now we are talking about almost 9 to 10 percent. If they are going to go to a private institution, it can be well over 50 percent.

So you cannot work your way through college any more in 4 years on a minimum-wage job. You cannot do it.

So an awful lot of students, including even many of our children—and we are in relative terms more affluent than the average American—have loans. My colleague, the former professor, knows more about this than I do. I heard him quote the statistic that we have flipped. It used to be that most of the money people got to go to college were grants, and a minority were loans. Now they are almost all loans and a minority are grants.

I realize, even if this resolution passes, it is not going to change the law. But maybe it will put us on record of doing something that is long overdue, just as we give businesses a tax break for investing in new machinery and new plant and equipment because it generates economic growth—I ask unanimous consent to proceed for 2 more minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. It is sound policy to say to a business that, "If you invest in this new piece of machinery, it will increase productivity, you will end up hiring more people, and it will generate income." That is going to increase the economic growth of the Nation. It makes sense to do that. Well, there is nothing that increases the economic growth of this Nation more than investing in the higher education of our children.

It is getting increasingly difficult for young men and women like me who come from a middle-income household—I guess technically lower middle-income, but a middle-income household—to be able to go off to college.

It is just getting very, very, very hard. If my father were making the money he made then now, he would be making about $34,000 a year, if I am not mistaken. He had four children he sent to college. How do you send four children to the State university—the State university—on $34,000 a year? My father, it seems to me, and my mother and their counterparts today—my dad is now 80—think that college education is the single most important legacy, other than our religion, other than our Catholicism, in my case. The single most important thing my parents wanted to leave with me was to have a college education, which they did not have.

It is getting awfully hard for people to do it. I think this is a sound investment. I think it is just. I know it is almost oratory if it is only a resolution, but it increases the prospects that we will find the wherewithal to go on record and actually change the law.

So I thank my colleagues for their indulgence. I thank my friend from Minnesota for his leadership. I realize he says this is bipartisan. I heard this idea generated from my Republican colleagues as well as my Democratic colleagues. I thank the Chair. I yield the floor.

Mr. WELLSTONE. Madam President, in just 10 seconds, I want to say I was really remiss in the beginning when I laid down the amendment in not saying that it was on behalf of myself and Senator BIDEN. I am really proud to have him out here on the floor speaking about this.

I was just going to say to my colleague from Delaware that if you think about the economics of this, this becomes the sort of central middle-class issue, working-family issue, because really what happens is, those students who can get the grant assistance tend to be the lower income students, and then if you are in the very high-income end, you can pay your way. But it is those families in between that are really feeling the squeeze. He is so right on the mark.

The only other point I will make, Madam President, which is why I hope this is adopted as a statement before the Senate, I spent a great deal of time on campus. It takes a student on the average of 6 years—it is getting up near 7 years—and that is because they are working two and three minimum-wage jobs. Most students are working 30, 45 hours a week while they are going to school.

The other thing to add to the equation, which is very different than when we went to school, because we are similar in age, is that the students now are no longer 18 and 19 and living in the dorm. I think the majority of students now, if not the majority just about close to the majority of students are 30, 40, 45, 50, going back to school, many of them women, many of them with children. As a matter of fact, this is one of the ways in which many families get back on their feet. So those students who really have children feel this economic squeeze as well.

I think this is just a critical vote, and I hope we will have a strong vote for it.

I yield the floor and suggest the absence of a quorum and ask that the time be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. EXON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EXON. Madam President, I am about to yield whatever time he may need from our side to the minority leader. But before I do that, I want to renew the clarion call once again. We have, according to our records—this list in my hand which I will not bother to count—lots of amendments that have been offered, have been debated, that we are going to start voting on some time.

But in addition to that, we have about 28 to 30 amendments that Senators have indicated to the managers are going to be offered. This would be a very good time to offer them because, if we do not see some movement on some of these things, we may run completely out of time. Then Senators are going to come here and say, "Why didn't you protect me in offering an amendment?"

I am protecting them now. The chairman of the committee is protecting those on his side. But we are running out of patience on protection.

So I plead once again that the Senators who have indicated to the managers of the bill that they are going to offer amendments, please come over and do so. If you are not going to offer the amendment, please call the cloakroom, the respective cloakroom, whether Democrat or Republican, and indicate that the amendment is not going to be offered. That will give us a chance to better manage and move the proposition along.

I ask unanimous consent to set the pending amendment aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EXON. With that, I yield whatever time he may need off our time to the minority leader.

The PRESIDING OFFICER (Mr. INHOFE). The distinguished minority leader.

POINT OF ORDER

Mr. DASCHLE. Mr. President, let me first associate myself with the remarks of the distinguished ranking member. We are down, now, to the final couple of hours. I really hope we will not lose the opportunity to have a good debate on whatever issues are left outstanding. I think there has been a real, good-faith effort over the last 2½ days to reach this point. We have had a good debate. I hope we can finish it off now. There are virtually no Members on the floor prepared to offer amendments. We ought to correct that. We will give people an opportunity in the next 10 minutes to come to the floor and offer additional amendments.

In the meantime, I want to call attention to a concern I have raised a number of times already relating to the circumstances in which we find ourselves on this particular resolution. I have viewed the procedures employed by the majority all through the 104th Congress with increasing concern. Our side, the Democratic caucus, has been systematically deprived of the opportunity to offer legitimate amendments. It has been an recurring practice on the Senate floor over the last several months for the majority to offer a bill, to fill the so-called parliamentary tree, preclude Democrats from offering amendments, and then file cloture so we are left with no other recourse but to vote against cloture and to continue to bottle up the legislation. It's either that or accept entire bills as forced upon us by the majority without seeking to exercise our fundamental rights as Senators to debate and amend. Given those terms, we've had no choice but to vote against cloture. We have voiced our concern over and over, and will continue to do so, about this fundamental abuse of Senate rules. Democrats never employed such extreme tactics when we were in the majority. I hope we will not get in the habit of doing so in the future. I think it is wrong. I think it undermines the good-faith effort Republicans and Democrats need to demonstrate in moving legislation through this body.

Certainly, it's legitimate to oppose legislation. We can have extended debate. But to preclude the minority from offering even a single amendment is unprecedented, and, again, simply wrong.

We are moving now from that practice to another one that, in my view, is even more threatening to the Senate as an institution. This resolution will do something that we have not done now in more than 20 years. In fact, I would say in all of the modern day period of the budget process, we have never done this. Only once, right as we were beginning to employ the reconciliation process and before that process was well understood, did we ever do what the Republicans are attempting to do in this budget resolution.

In fact, I think it's arguable that the one precedent adduced for the practice I'm about to describe is not a precedent at all—but rather a rudimentary misuse of the term "reconciliation" that should be dismissed as an example of anything.

This is the first budget resolution that will instruct a committee to produce a reconciliation measure that actually increases the deficit. The 1974 precedent we will hear about was based on no reconciliation instruction. And this year's unprecedented abuse therefore calls into question what reconciliation is about in the first place.

We all know what reconciliation was designed to be and what it has been. We all know that we pass budget resolutions with reconciliation instructions in order to ensure that the authorizing committees hit deficit reduction targets. Some way of enforcing deficit reduction on committees is the sole reason for being of the highly privileged vehicle we call reconciliation. We deprive Senators of their normal rights to debate and amend only because we seek to ensure that the committees follow through in the crucial business of exercising fiscal responsibility.

That is the reconciliation process. Its objective is to continue to reduce the deficit, and it does so by compelling committees to live up to the expectations of the budget resolution. But what are we doing this year? As I say, except for the rare and understandable circumstances in 1974, this body is doing something we have never done before. We will be passing a reconciliation bill in three parts, one part of which will actually increase the deficit dramatically—dramatically.

I must tell you, what goes around comes around. I cannot see any reason why Democrats—once back in the majority—cannot conveniently begin to use reconciliation packages for all kinds of legislative agendas. I do not see why we may not ultimately authorize through a budget resolution a reconciliation package for each month. Let us just put all the legislation we want to do in each reconciliation package. We will then preclude the possibility of any more extended debates, preclude the possibility of an open and free discussion, preclude the possibility of amendments in some cases. We will change the very character of this institution in a very permanent way.

I am not sure that is what the majority wants. In fact, I'm confident most on the other side of the aisle do not want that. I know if they were in the minority—they would certainly not want it. And I know that most of my friends on the other side do not expect to be in the majority forever.

I would say that all of us, regardless of whether we are in the majority or minority, want to protect the institution of the Senate and its rules. That ought to be one of our foremost goals. If we are going to bend and change the rules so dramatically to serve the political needs of the moment, we are not living up to our responsibilities to the institution of the Senate. We are not living up to what our predecessors understood to be the practice of this body. And we are not living up to the obligation we have to our constituents to preserve the legislative freedoms and protections embodied in the Senate's rules and traditions.

So, it is with great concern that I call attention to what I consider to be a very, very dangerous set of legislative circumstances mandated by this budget resolution. I think it is a fundamental abuse of the budget process. It is such an abuse that it calls into question whether the document before us actually constitutes a budget resolution.

I would argue it does not. I argue that, because it creates a budget reconciliation bill devoted solely to worsening the deficit, it should no longer deserve the limitations on debate of a budget resolution. Therefore, I raise a point of order that, for these reasons, the pending resolution is not a budget resolution.

The PRESIDING OFFICER. Does the Senator wish to be heard on the point of order before the Chair rules?

Mr. DOMENICI. Mr. President, I think in deference to the minority leader I should be heard. I obviously did not bring this resolution to the floor without consulting with the Parliamentarian. So I think I know the answer to the Senator's question. But I do not think that we should let the Chair rule and then only have time if the Senator appeals to discuss our side, although if the Senator appeals we will also take some additional time.

Mr. President, could I yield myself 15 minutes off the resolution or do I have some additional time because of the nature of the situation?

The PRESIDING OFFICER. The time is controlled by the wording of the Budget Act, and the Senator has 1 hour and 56 minutes.

Mr. DOMENICI. I yield myself up to 15 minutes. I hope I will not use that much.

Might I say to the distinguished minority leader that I do not think there are very many Senators—maybe I would yield to Senator BYRD—who have more concern about protecting and preserving this institution than the Senator from New Mexico. I truly think the Senate is a very special place, and it has a lot of attributes that make it that way. I personally will resist any efforts, now or in the future, to move this body away from its historic tradition of being very free and open on debate and having one very big characteristic, and that is that most things can be filibustered—open debate.

However, I submit that there is a Budget Act that was adopted almost unanimously by the Senate that for very special events changed both of those rules. The rule that an amendment, that a bill or measure can be freely amended was altered; for as long as we have that Budget Act in place, that will not be the rule on a reconciliation bill.

Second, the very nature of the budget resolution denies filibuster. In the very statute that creates it, that other characteristic about the Senate—open debate for as long as you want—is negated.

That is not a unilateral decision by this Senator or Senator EXON or the minority leader. That decision was made when the Budget Act was passed, for there are time restraints on every aspect of a budget including 50 on the resolution, 20 when it comes back from conference. Reconciliation bills have a time limit on them.

Additionally there is a very strict definition of germaneness with reference to offering amendments to reconciliation bills.

Now, before I explain that we are not breaking precedent and cite for the Senate a number of occasions when we have heretofore done exactly what the Senator is complaining about, before we do that I would suggest that the concern that whether we have one reconciliation bill, two or three, that we are going to be able to do all the legislation of the Senate in derogation of the quality of the Senate with reference to open debate and the freedom of amendment, standing in the way of that is the Byrd rule.

We do not change the Byrd rule in this budget resolution. There again, it establishes that if you intended to use a reconciliation instruction in that bill to just change the substantive law because you had not been able to pass it somewhere else, it will get knocked out by the Byrd rule.

So the first thing I was worried about is if we do this in this sequence—and I will explain to the Senate why we did it this way—do we in any way open in any additional way these reconciliation bills to be used by Senators to amendment processes, to amend laws that are unrelated and in no way, in no way germane to reducing the deficit. The answer I got unequivocally is that we had not changed that. So that is point No. 1.

Second, there is nothing in the Budget Act—section 310 and any other sections—that precludes us doing more than one reconciliation bill. Section 310(a) provides that a budget resolution may specify the total amount by which, among other things, revenues are to be changed. Section 310 dictates neither the magnitude nor the direction of the change. Reconciliation is a neutral budgetary tool. It is not required to produce deficit reduction.

As a matter of fact, Mr. President, on that point alone, must each part of a reconciliation bill or each of the three reduce the deficit, I would call to the Senate's attention that in 1975 a reconciliation instruction and a bill passed here under the leadership of the Senator from Louisiana, Russell Long, chairman of the Finance Committee—in 1975. It actually was used to reduce taxes, thus increasing the deficit—for that very purpose. Clearly, clearly, I find nothing in this law that says each reconciliation bill must reduce the deficit.

Now, let me tell you that the budget resolution for 1994, your budget resolution for the year 1994 had two reconciliation instructions. One was for everything that you do normally, and the other was to change the debt limit of the United States by a reconciliation bill—two different instructions, two different bills. Now, if you can do two because it fits the necessities that one side of the aisle has, this should not mean that you cannot do three if it fits the other side.

Now, in our budget resolution, we did this in three steps. This process would provide more extensive consideration on the Senate floor of our legislative proposals for balancing the budget in 2002, for if on each of the three components there are 20 hours of debate, it seems to this Senator that for those who want more time to debate, and certainly for those who would say this process we have adopted is closing debate, the exact opposite is true. There is more time for debate on each of them because rather than 20 hours for a big, giant bill, there will be three times that for each will be subject to that many hours of debate.

By separating these proposals to balance the budget into what we might consider manageable issues, we permit Senators to address their concerns contained in each of the bills. Rather than as many Senators complain about the very large bill that has taxes in it, has all kinds of entitlements from all different sides in an all-or-nothing proposition, we permit them to have part of it, not all of it, in one, part in another, and then, of course, taxes or tax reductions at the end.

The first bill reconciles savings equivalent to the assumptions contained in a resolution for welfare reform and Medicaid, and the committees must report on that.

If the first bill is enacted, then the second bill would reconcile all committees regarding direct savings. The committees would report, by July 12, two totally distinct events with total debate on each of them under the Budget Act. If both the first and the second bills are enacted—if they are—then a final bill reconciles the Finance Committee regarding revenue reductions.

I will read some history of past comments on reconciliation. Mr. President, a member of the President's own administration has in the past advocated consideration of separate packages. In 1982, during the debate on the rule to take up one of four reconciliation bills in the House of Representatives that year, then-Member of Congress Leon Panetta said, regarding the vote on the rule:

> This is, I think, one of the most important votes they will cast this session. It will set the stage for whether we can deal with reconciliation on an orderly basis, allowing packages, allowing committees to come to the floor, and allowing Members to vote up or down on those issues, or whether we are going to capitulate to some kind of chaos, the same kind of irresponsibility that we were put through last year when we had an up-or-down vote on a last-minute 800-page amendment.

All circumstances are not alike. One might argue that Leon Panetta was arguing about a completely different situation. But, Mr. President, I think what he said is right. It does not mean you have to have more than one reconciliation bill, one movement or effort, and bringing the laws together and changing them so as to achieve the goal of the budget resolution. That is what a bill is that is called reconciliation.

So, Mr. President, I am firmly convinced that we are doing the right thing. I believe when this budget resolution is passed, very shortly thereafter there will be a very healthy debate on a portion of the reconciliation package that we passed heretofore.

I call to the Senate's attention that in House Concurrent Resolution 64, fiscal year 1994, the House Agricultural Committee was reconciled for outlay increases for fiscal years 1994 through 1998. That was an increased reconciliation for food stamps.

In addition, in our budget resolution last year, House Concurrent Resolution 67, the Finance Committee was reconciled for a revenue reduction. In 1975, I repeat, during the first use of reconciliation pursuant to what was then H. Con. Res. 466, both the Ways and Means Committee and the Finance Committee were reconciled for revenue reductions.

Mr. President, it may be that we will, as the majority, be in the same position someday, in the minority, with this Budget Act still intact and the new majority may indeed want to offer one resolution with everything in it. We are not going to be able, based on today, to say they cannot do that. If they choose to go back to one huge reconciliation bill, all or nothing, they can. If they choose, Mr. President and fellow Senators, to go to two, the ruling of the Chair today will probably say that there will be two. If they choose to do three, and the last one is a tax reduction package, then I assume we will be in a position where we can make some noise about it on the floor, but we are not going to get a parliamentary ruling that it is improper.

Mr. President, I repeat, I believe the complexity of welfare reform and Medicaid are sufficient to be in one bill. I believe the complexity and the policy changes for those two proposals are sufficient to be in one bill.

I submit that all the other entitlement programs are sufficient to be in another bill. I submit that the Republicans are committed, the President is committed, and indeed the bipartisan package is committed to some tax reductions. There is argument about which ones. But I submit that can be done under precedent as far back as 1975, to have a tax reduction reconciliation bill.

So, Mr. President, I am sorry I talked so long, but I worked on this for a long time. As a matter of fact, I take a bit of pride in it. I thought this was a far better way to handle the business of a major change in the law of our land and tax cuts than we tried last year.

I truly think it is fair to the Senate and it is fair to the public for they will better understand what we are doing. Since that is the case, I recommended it to both the House and the Senate. That is why we are here today. I yield the floor.

The PRESIDING OFFICER. A point of order is debated under the discretion of the Chair.

Would the Senator from South Dakota desire a few minutes?

Mr. DASCHLE. Mr. President, as I understand the parliamentary situation, the Chair could rule and then the debate is anticipated to be at least 1 hour on the appeal of the ruling of the Chair; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. DASCHLE. I prefer to have the ruling of the Chair. I anticipate the ruling, and then I will appeal the ruling.

The PRESIDING OFFICER. All right. The Chair will rule that the resolution is appropriate and the point of order is not sustained.

Mr. DASCHLE. Mr. President, I now appeal the ruling of the Chair.

The PRESIDING OFFICER. There will be 1 hour equally divided between the Senator from New Mexico and the Senator from South Dakota.

Mr. DASCHLE. Mr. President, I have no desire to use that kind of time. I know there are a number of Senators who wish to offer amendments. But in the interest of parliamentary procedure, let me take a little bit of time, and then we will present a series of parliamentary inquiries that may help set the record in this instance.

Mr. DOMENICI. I ask the Senator, could I ask a question?

Mr. DASCHLE. I would be happy to let the Senator.

Mr. DOMENICI. Does the Senator intend to vote on this separately today or within the series of votes on the amendments?

Mr. DASCHLE. I think we can do it in the series of votes just to expedite things.

Mr. DOMENICI. I thank the Senator.

Mr. DASCHLE. Mr. President, the Senator from New Mexico, the distinguished chairman of the Budget Committee, notes that we have seen an occasion such as this arise. I alluded to that circumstance in 1974. That was 20 years ago. In the world of the Budget Act, that 20-year period is a lifetime. Congress, and in particular the Senate, have dramatically changed the budget process since then.

In the 1980's, the Senate adopted, as the Senator from New Mexico noted, the Byrd rule to restrain and limit reconciliation. Since the early 1980's, a long history of using the reconciliation process to reduce the deficit has evolved.

The chairman of the Budget Committee noted that the Byrd rule requires that there be a sufficient offset or deficit-reduction—and no worsening of the deficit in the outyears—to a reconciliation package for it to be in order. But his reconciliation instructions in this resolution trigger a tax provision that does absolutely no deficit reduction, and certainly worsens the deficit beyond the window of the resolution itself.

Mr. President, that being the case, only two outcomes are possible. First, there would be no tax reduction after the 6th year; that is, that tax reduction anticipated in this reconciliation package would no longer apply in year 7 because, if it did, there would be a deficit created, and then obviously the Byrd rule would apply. Or, second, there is some sort of offset which is not delineated here. If that is the case, I'd like to hear what that undisclosed offset is.

This difficulty is the inevitable result of using reconciliation improperly for deficit creation rather than deficit reduction. The fact that the Byrd rule creates clear problems for this approach only confirms that this resolution's reconciliation instruction is totally inappropriate.

The 1970's precedent did not involve a budget process resolution instructing the committee to produce a reconciliation bill that worsens the deficit. Senator Long, who was chairman of the Finance Committee at the time, simply came down to the floor and claimed that the tax cut bill then under consideration was a reconciliation bill. Again, there had been no instruction to the Finance Committee. There was no previous understanding that the Senate was operating under reconciliation procedures.

It is true that at that point everybody stood and saluted. But that does not change the fact that the chairman's tax cut bill should not have been considered a reconciliation bill in 1974, as the budget resolution had not directed the creation of a reconciliation bill itself.

So, in sum, the 1974 precedent was wrongly decided. I hope that we will not build upon that error now in 1996. The Byrd rule and other subsequent amendments to the Budget Act clearly imply the deficit reducing nature of the reconciliation process.

I will quote the language of 313–B, section 1, subsection (b):

> Any provision producing an increase in outlays or decrease in revenues shall be considered extraneous if the net effect of provisions reported by the committee reporting the title containing the provision is that the committee fails to achieve its reconciliation instruction.

This is a portion of the Byrd rule, and in expressly singling out increased spending and tax cuts as potentially inappropriate in a committee's work product, the language clearly implies that the true reconciliation effort should be to reduce spending or increase taxes. In other words, the proper reconciliation function is deficit reduction.

Mr. President, the bottom line here is that if a reconciliation bill produces only an increase in outlays or a decrease in revenues it is subject to the Byrd rule and therefore extraneous. Given those conditions, the third portion of this resolution's reconciliation grouping certainly violates the Byrd rule on the face of it.

Mr. President, I know the Senator from New Mexico indicated it was for managerial facilitation that he has presented this bifurcated approach to the reconciliation package. I must say, I think "managerial" can explain just about anything. Obviously, managers want all kinds of devices to move their agenda along.

In any case, managerial comfort is no justification for a practice that clearly violates many decades of Senate procedure. And as I've said, this practice is unprecedented. It is dangerous. It is extraordinarily harmful to the institution itself.

Mr. President, I make a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state the parliamentary inquiry.

Mr. DASCHLE. This resolution directs the creation of three reconciliation bills, as I noted. It provides that the third reconciliation bill shall occur only if the first two have been enacted.

Is it the opinion of the Chair that this resolution would continue to be a budget resolution if it directed the creation of that third reconciliation bill—the one that solely worsens the deficit—even under circumstances when the Congress had failed to enact the prior two reconciliation bills?

I would be happy to repeat the inquiry if that needs to be done.

The PRESIDING OFFICER. The Chair would respond that it appears to be a hypothetical question, and I am not sure it would help to repeat it, but you might try.

Mr. DASCHLE. Let me rephrase it, because I think it is a very important question and I do not think it is hypothetical at all. In fact, it deals directly with the circumstances at hand.

Is it the opinion of the Chair that this resolution would continue to be a budget resolution if it directed the creation of only that third reconciliation bill—the one that solely worsens the deficit—even under circumstances when the Congress had failed to enact the prior two reconciliation bills?

The PRESIDING OFFICER. If the Senator's question is, can the budget resolution direct the creation of a reconciliation bill which lowers revenues, the answer is yes.

Mr. DASCHLE. A second parliamentary inquiry. Is it the opinion of the Chair that this resolution would continue to be a budget resolution if it directed the creation of only that third reconciliation bill—the one that solely worsens the deficit—and did not direct the enactment of the two prior reconciliation bills?

The PRESIDING OFFICER. The answer is yes.

Mr. DASCHLE. Mr. President, third inquiry. The pending resolution instructs the Finance and Ways and Means Committees to produce a bill that cuts taxes. There are no other instructions to those committees with regard to that reconciliation bill. Is it the opinion of the Chair that it would be in order for a budget resolution to instruct the creation of a reconciliation bill that increased outlays and gave no other instructions to those committees with regard to that reconciliation bill?

The PRESIDING OFFICER. Yes.

Mr. DASCHLE. Mr. President, the Byrd rule forbids legislation that will increase the deficit in years beyond those covered in the budget resolution. If this third reconciliation bill does not find a way to end or offset its tax cuts in the years beyond 2002, would the bill violate the Byrd rule?

The PRESIDING OFFICER. Yes, it would.

Mr. DASCHLE. Is it not true, unless the budget resolution assumes that the tax cuts will sunset in 2002, or be offset by tax increases thereafter, the resolution calls for a reconciliation bill that would violate the Byrd rule?

The PRESIDING OFFICER. The resolution cannot make assumptions beyond the years which are instructed.

Mr. DASCHLE. That is not the question, Mr. President.

What I am asking is that under the Byrd rule there must be a determination that the deficit is not increased by actions taken in the reconciliation instructions in the outyears, in the years beyond the window.

The PRESIDING OFFICER. The Byrd rule does not apply to reconciliation instructions. It applies to a reconciliation bill.

Mr. DASCHLE. That is my point, Mr. President. This resolution assumes that a reconciliation bill will be triggered that will violate the Byrd rule unless it is terminated at the end of 2002 or else subsequently offset.

The assumption of the resolution is that tax cuts will sunset in the year

2002 or be offset by tax increases thereafter in order for it not to be in violation of the Byrd rule, is that not correct?

The PRESIDING OFFICER. The budget resolution makes no assumptions.

Mr. DASCHLE. Mr. President, let me ask you this: Would the reconciliation bill be in order if the budget resolution did not address the issue of deficit reduction beyond that 6-year timeframe?

The PRESIDING OFFICER. I read to you under extraneous provisions (e):

> A provision shall be considered to be extraneous if it increases or would increase net outlays or if it decreases or would decrease revenues during a fiscal year after the fiscal years covered by such a reconciliation bill or reconciliation resolution.

This only applies to reconciliation bills.

Mr. DASCHLE. Let me then phrase my question another way, because I think we can now clarify this.

The reconciliation bill triggered by this resolution would not be in order, in other words, if it failed either to offset the tax cuts or to sunset them after fiscal year 2002, is that not correct?

The PRESIDING OFFICER. That is correct.

Mr. DASCHLE. Mr. President, let me just note parenthetically, if that is correct, that the majority party is the same party that has criticized the President's budget because the President sunsets his tax cuts. But now the majority comes before us with a reconciliation instruction that requires either that their tax cuts be abruptly sunsetted in the year 2002 or that taxes be increased dramatically after that point to pay for the continuing tax cuts.

Is it the opinion of the Chair that it is in order for a budget resolution to call for the creation of 10 different reconciliation bills in one fiscal year?

The PRESIDING OFFICER. There is no number limiting the number of reconciliation bills.

Mr. DASCHLE. Mr. President, this is, in my view, a ludicrous abuse of power. If this ruling is upheld we will be giving more and more power to the Budget Committee, power cloaked in the fast-track protection of the budget process itself. We will be granting immense power to the majority. If this precedent is pushed to its logical conclusion, I suspect there will come a day when all legislation will be done through reconciliation.

A decade ago the Senate wisely amended the reconciliation process by adding the Byrd rule to ensure that reconciliation bills would be narrowly drawn and limited to their deficit reduction purpose.

This ruling poses a serious threat to the Budget Committee as we will become more and more like the House Rules Committee and the Senate more and more like the House of Representatives.

For those of us who want deficit reduction, the majority seeks a very dangerous precedent today. For those of you who believe in the history of the Senate and unlimited debate and the right of Senators to offer amendments, the majority seeks to set very dangerous precedents today.

I urge my colleagues to vote to overturn the ruling of the Chair. If we do not, the Senate will surely became a different place and a much diminished institution.

Mr. President, I note the distinguished Senator from South Carolina, the former chairman of the Budget Committee, seeks recognition to address this issue. And I am sure my colleague, the current ranking member of Budget committee, does so as well.

I yield the floor for that purpose.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I do not intend to stay and debate the issue very long. Perhaps Senator GORTON can stay in my stead.

But let me just suggest that in the view of this Senator the Budget Act offers a great deal of latitude to the U.S. Senate and to the Budget Committee. It can be controlled by the U.S. Senate, if the U.S. Senate chooses to do so. As a matter of fact, even on the Senator's point of order, if the Senate chooses to sustain his appeal, or to grant his appeal, the Senate will have decided that it does not in this reconciliation bill intend us to have three reconciliation bills. I believe that is a matter for the Senate.

But to argue that in this instance when you are contemplating a very large reconciliation bill with all kinds of things in it, one shot, one debate, one vote and that we cannot find a judicious way to do better than that by having more than one reconciliation bill, more than one opportunity to vote on this, seems to me to fly in the face of permitting the Senate to do its business in the best way that it can under very strict rules of the Budget Committee. And I, frankly, believe that this is a better way to handle a huge and varied number of bills—to have more than one debate. And, frankly, we are committed to a balanced budget and to the balanced budget continuing on beyond the 2002. We do not intend to have tax cuts to take us out of balance in 8 years. That would be matched up against entitlement savings that go on. It will be matched up against caps on discretionary programs that go on.

So the issue of us being forced to sunset, and in some way that is under the technical ruling today, in some way that puts us in the same boat with the President who has submitted a budget that is not in balance under the same rules that the Senate applies, and then to say we put it in balance by triggering and closing off the tax cuts and to say they are the same, to me just flies absolutely in the face of every kind of factual assessment you want to make about the two budgets.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. Mr. President, I appeal the ruling of the Chair, and ask for the yeas and nays.

The PRESIDING OFFICER. The Senator has already appealed. There is 1 hour to be equally divided.

Mr. DASCHLE. Is it not appropriate to ask for the yeas and nays at this time?

The PRESIDING OFFICER. It is appropriate to ask for them.

Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I am about to yield whatever is yielded from our time to my distinguished friend from South Carolina.

I think this debate has been absolutely fascinating because from the very beginning of the budget debate this year I was struck by what I had never seen before; and, that is three reconciliation bills. I simply say that the excellent debate that has taken place highlights the fact, and proves beyond any doubt what I have always suspected—that the majority in this case on the Budget Committee are trying to use this new reconciliation process to protect a tax cut from full debate and amendment, something they obviously could not get that done under the usual rules of the Senate. The budget reconciliation keeps those of us who are opposed to that kind of a proposition from using the traditional filibuster techniques. We should have a debate. We should have all of the rules in place when we talk about cutting or raising taxes.

I happen to feel that the move by the majority in this instance is an undisputed abuse of power and if it is allowed to occur, will it cause them great heartbreak in the future.

Certainly the Senator from South Carolina I believe has been on the Budget Committee since its inception, and I think there are few, if any in the body, who have a better understanding of what the intent of that legislation is.

I am pleased to yield to him whatever time he needs.

The PRESIDING OFFICER. The Senator from South Carolina

Mr. HOLLINGS. I thank my distinguished friend, the Senator from Nebraska.

Mr. President, I come to the floor of the Senate and I cannot keep up with everything going on. I hear different things—such as a "Reconciliation Act of 1975"—which are totally false.

I also heard someone refer to Senator Long as having been chairman of the Budget Committee—also totally false.

When I hear these things I remember very, very clearly the history of reconciliation. I can tell you in the late 1970's we used to kid about reconciliation over on the House side; they said they could not even pronounce it. And if you go to the RECORD you will find that back in 1975, the Revenue Adjustment Act to which they are now referring was not a Reconciliation Act.

The assistant legislative clerk read as follows:

A bill (H.R. 5559) to make changes in certain income tax provisions of the Internal Revenue Code of 1954, and for other purposes.

That was not reconciliation. I know Senator Long could use language loosely from time to time. But that was not a reconciliation bill. We did not start reconciliation until December 1980. I was chairman of the Budget Committee, and the distinguished Senator from New Mexico was on the Budget Committee at that time. And I am sure the CONGRESSIONAL RECORD will reflect the fact that the first reconciliation bill in the history of the Government of the United States of America was in December 1980, and has nothing to do with the precedent noted by the Parliamentarian in 1975. Back then we only had 1-year budgets.

Now let me speak to the history of reconciliation. We started out discussing the matter with our colleagues on the House side. The distinguished Member from the State of Washington, Congressman Adams was the chairman at that time. And we talked back and forth. But after President Carter was defeated on a Tuesday in November, I went over that Friday to the White House, after we received new budget numbers from the Congressional Budget Office. The Congressional Budget Office projection of revenues and outlays showed that the deficit was going up to about $43 billion. I said, "Mr. President, no Democrat is going to ever get elected if we don't cut the deficit. It is going to be the largest deficit in the history of the Government." He said, "What are you going to do?" I said, "Well, there is a fancy word, Mr. President, reconciliation. I think I can get Chairman Giaimo to go along." I had talked to Bob ahead of time. I told the president, "What it means is cut; to go back and cut those things that were already allocated." Now, back then the fiscal year was from July to July. We were already in December and we needed to try to reduce. That is the history of reconciliation—to reduce deficits.

This idea of coming in here and saying that the word is "change", and it does not specify up or down is totally out of the ballpark. It is in reference to the budget process. If we can find Mr. Giaimo from Connecticut we could bring him back here and some of the others—Brock Adams; Jimmy Jones who is now the Ambassador down in Mexico, they would tell you that reconciliation is a procedure to reduce the deficit.

The whole context given here this afternoon is that of minority-majority, majority-minority, and all of that. I understand that. The distinguished minority leader is right on target. But the greatest concern is that we may break all discipline from the majority or the minority in the United States Congress itself if we go this route. We have to overrule this nonsense. This ruling of the Chair is totally spurious with no basis whatsoever in fact.

The truth of the matter is that the bill considered in 1975 was not a reconciliation bill, it was a tax revenue act. If you look at the bill you'll see that it was not reconciliation. And while we are clearing things up, someone just a little while ago said Senator Long was chairman of the Budget Committee. Not only was he not chairman, he never served on the Budget Committee. He served as the distinguished chairman of Finance. We had our differences with Finance all along, the difference between Senator Muskie and Senator Long. I was there when those particular debates were going on.

I would plead to my colleagues very genuinely, to not violate the Byrd rule, which was to keep us sort of in harness and not just willy-nilly put anything on a reconciliation bill.

Let us not get around the debate with spurious arguments or about Senator Long as chairman of the Budget Committee that he never served on, or reconciliation that never occurred in 1975.

Now, Mr. President, these are the hard facts. If someone would get out the Congressional RECORD and look back, they will see that the first reconciliation bill was passed by the Congress in 1980. I have got the picture. I have got the frame. I am sure Giaimo has the similar frame. The first reconciliation act in the history of this U.S. Government was in December, 1980. It was signed by President Carter, and was 5 years subsequent to the authority they are using now to get around what is going on.

The problem here is the Presidential politics. It has gotten to be a cancer on this entire body. The plan is: we will make them vote on welfare; then we will make them vote on these other things; and then, finally in September, says that resolution, just before the election, we will bring up tax cuts, because the polls say everybody is against taxes. So we will just put them to the task.

What we have now is Presidential politics, and they ought to be ashamed of themselves. Their authority is absolutely fallacious.

I happened to be chairman of the Budget Committee at the time, and I told the President: if you can get Herke Harris and Jim McIntyre to leave us alone * * * because they were over on the Hill that fall trying to reelect President Carter, putting up money hither and thither. And I even went at that time to our liberal spending friends. I went to Senator Warren Magnuson of Washington, Senator Frank Church of Idaho, Senator George McGovern of South Dakota, Senator John Culver of Iowa, Senator Birch Bayh of Indiana, Senator Gaylord Nelson of Wisconsin, who used to sit right here, and I said: You have got to give us one vote. We have got to cut this thing back; otherwise, we are going to leave the biggest deficit in the history of the Government.

The whole idea of the reconciliation—and I am giving you firsthand history; it is honest as the day is long—was to, by gosh, cut back on the deficit. It was not this nebulous argument that as long as it is a change then we can make it go up. I never heard of such a thing. We would have been run out of the Senate in those days. We had some discipline, some understanding of responsibility, some action of responsibility. It is totally irresponsible to come now and start ruling that you can put up a reconciliation bill since it is a change. Every bill is a change. So any bill can be called reconciliation. You can go up and you can go down and you can limit the debate. You can, as they call it, fill up the tree, so there are no amendments and there is a time limit and the majority retires from the floor and goes out to watch TV or something because they have the votes locked and fixed. It is really a shame. It is an embarrassment to this particular Senator who served as the chairman of the Budget Committee, and I can tell you the whole precedent given by the Parliamentarian is totally out of the whole cloth.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. I wonder if the Senator from Nebraska would yield me just 2 minutes.

The PRESIDING OFFICER. Does the Senator yield to the Senator from North Dakota?

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I have been fascinated in listening to the remarks, that are so much on point, by the Senator from South Carolina. I was there in 1980. I remember being called down to the White House on an emergency basis with the Senator as chairman of the committee. Chairman Giaimo was there, and I listened with keen interest to the keen recollection of the facts, with the names and the dates and the places by my talented colleague from South Carolina.

Mr. President, I am very much afraid that we are proceeding here in a fashion that the majority thinks is good politics. It is going to have dire, dire consequences in the future if we continue to proceed and fail to overrule the Chair. In all reality we know our appeal will fail because the Republican majority of 53 has the votes to roll us on this side at every occasion.

I would tell the Senate that other people who have had experience as Parliamentarians do not agree with the ruling of the Chair in this instance. But we should all realize and recognize—and the people in the gallery or the people watching on television maybe have some kind of questions—that the Parliamentarian, of course, is appointed by the party in the majority, and when we were in the majority we had our Parliamentarian. Now that the Republicans are in the majority, they are entitled to and have their Parliamentarian.

We like to keep the Parliamentarians as nonpartisan as possible, but I must admit that over the years I have been here I have seen our Parliamentarian rule in our favor, and while I cannot prove it, I happen to feel that today's Parliamentarian rules in favor of the people that appointed him. So the Parliamentarian is not like a Supreme Court Judge that has lifetime tenure which enables him or her to make determinations based solely upon history and fact. I would be the last, Mr. President, to indicate that politics could possibly be involved in the matter before us today—but sometimes it just might be.

I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired. There are 27 minutes remaining on the majority time.

Mr. EXON. When the Senator from Missouri finishes—I will yield to the Senator from North Dakota. I have been advised that the Senator from North Dakota has to leave at 4 o'clock—I yield to him off the resolution.

Mr. BOND. Go ahead.

Mr. EXON. How much time does the Senator from North Dakota wish?

I yield the Senator whatever time he needs off the resolution.

Mr. DORGAN. Mr. President, let me just take 30 seconds. I do not think the majority party will want to establish this as a precedent. They would be here in full force, very angry with this, were it being done to them, were we to create multiple reconciliation bills in this manner.

But the main point I want to make is, we are told that this third reconciliation bill would violate the Byrd rule unless the tax reductions are sunsetted, or unless some other expenditure reductions occur or some other tax increases occur, in order to pay for the tax cuts in the out years. When that point was affirmed, that it would violate the Byrd rule unless that occurred, the chairman of the Budget Committee said that there would be caps on entitlements and other expenditure cuts in the out years. They would have to be done in this third reconciliation bill.

I ask, does anybody have information about what we are talking about? These would be cuts beyond what comes in the current budget recommendations of the Senate, so what kind of caps on entitlements or future cuts in the entitlement programs is the majority party proposing in order not to violate the Byrd rule? I ask the question only because the chairman of the Budget Committee made this point a few moments ago. If that is the intent, and if the information exists to tell us and the American people what that intent is in more specific detail, I think now would be the time for the majority to give us those details.

Mr. EXON. Before the Senator from North Dakota leaves, may I ask a question of the Senator from North Dakota? We heard a great deal and we have had a lot of criticism from that side of the aisle on the President's budget with the idea that it has a trigger in the last year or two that is not factual, not upfront, and not leveling with the American people. In view of the fact that that charge had been made, whether it is true or not, and I think it is not, could the same thing not be said with regard to the action taken by the majority in this case by having a trigger that would benefit them? That seems to be all right——

Mr. DORGAN. In response to the Senator, that is exactly the case that exists here. Either these tax reductions in the third reconciliation bill will be sunsetted, or there will be additional tax increases beyond the final year, or there will be additional cuts. It sounds like a trigger to me.

I am told now by the chairman of the Budget Committee they are talking about caps on entitlements in addition to what we see in the budget. My question is, what would those be? Will they tell us and the American people what they are talking about, so we understand before we proceed down this road?

Mr. EXON. I thank my friend. We reserve the remainder of our time.

The PRESIDING OFFICER. The Senator from Missouri.

AMENDMENT NO. 4012

Mr. BOND. Mr. President, I yield myself 10 minutes off of the resolution, not on this point in specific.

I have a desire to talk about an amendment, No. 4012, the Harkin amendment, which cuts other committees and adds $2.7 billion to the Labor, HHS subcommittee. I say that for the information of any of my colleagues who may wish to join in.

Let me just say in respect to the discussions we have had, very important discussions over the procedure in the Budget Act, I disagree with the ranking member on the other side, who ascribes politics to the process and to the Parliamentarian. I think it is time we had some good policy, because in the past this body, with the active involvement of the Presidents of the United States, has run up a $5 trillion debt, almost $18,000 for every man, woman, and child in this country.

We are in the process of threatening the disability of our Government budget and the economy of this country as a whole if we do not pass a budget that responsibly gets us on a path to balance in the near future. The budget resolution before us proposes to do that. It is a difficult budget. It is not easy, but I believe it is one that merits support.

There was discussion about the budget the President supported. That budget has been voted down. That budget proposed spending and said if it did not get to zero deficit in 2002, several automatic actions should be taken. Those automatic actions lead to about a $16 billion tax increase and increase in spectrum fees, which would come to a middle-class tax increase in 2002, plus $67 billion in cuts in domestic discretionary programs that would be extremely painful and, frankly, from what we have heard from some of the administration officials, they may even have no intention of pursuing.

Let me get back to the budget that is before us and, in particular, the Harkin-Specter amendment. This amendment, No. 4012, proposes to increase by $2.7 billion the amount in the functions for education, training and social services and for health activities. Everybody likes to be for education and for health care. That sounds very appealing. But that takes money out of other budgets that have been strapped—and severely strapped in the past. I note that it takes money out of the defense budget in many areas where there is no fat. It takes money, in specific, out of the budget for the Veterans' Administration and EPA, where we have suffered great cuts in the past.

Last year there was a rescission of $7 billion out of the funding for the VA, HUD, EPA subcommittee. Then, in the appropriations bills, there was about an $8 billion cut in these functions. Here the amendment before us would take more money from those functions and add it to the Labor, HHS subcommittee. Frankly, that budget under this bill before us would go up slightly for education. Certainly, we all like education. But the problem is very serious when you take a look at where this money would have to come from.

The proponents of this amendment say it will come out of administrative costs. This amendment says nothing about administrative costs. It just takes $1.2 billion out of one place, $1.5 billion out of another, $1.4 billion and

$1.4 billion. It does not say anything about administrative costs. It does not define any fat.

The cuts that were taken in the VA, HUD, EPA subcommittee last year were draconian cuts. We had to look everywhere we could to find ways to cut low-priority programs to enable us to fund the major programs funded in EPA and Veterans' Administration. Just last week, this body voted overwhelmingly, 75 to 23, against very severe cuts that the President had proposed to take out of veterans medical care.

In addition, I think every Member of this body will recall that during the debates on the 1996 appropriations bill, the current-year spending bills, everybody wanted to spend more on the environment. Everybody had something more they wanted to add to environmental spending. Let me make it quite clear that if this amendment is adopted, the money is going to come out of the environment and/or Veterans' Administration health care. There is no other pot for it to come out of. There is no category of administrative costs and administrative waste that is going to be reduced. This money is going to come out of the environment and/or veterans health care.

I know everybody would like to put more money in education. Certainly, I would as well. But after the battles that we have had here, to try to get the funds increased to carry out the vital environmental programs that the EPA is charged with, I would be very surprised if people will vote to cut the environment, and then they will come back to this floor when we are debating the bill itself and say, "Why can't we put more money in the environment?"

Mr. President, a vote for the Harkin amendment is a vote to take money out of the environment. It is a vote to take money out of VA medical care. These are the critical priorities that would be hit if this measure is to be adopted.

I strongly urge my colleagues not to support this amendment. It reflects some serious changes from the judgment made by the Budget Committee and it will take down funding, approximately $430 million cut for HUD-VA would be just about equal to the increase planned for VA medical care, or it would equal about one-half of the planned Superfund reserve fund increase.

These are vital priorities that have been debated on this floor in the past. We spent many months working to find additional offsets to put money into the environment. And if any of my colleagues are interested in the environment and are concerned about assuring that we have adequate funds to protect the environment, to clean it up, to leave the kind of environment we want to leave for our children, I urge them not to support this amendment to take money out of the environment.

Mr. President, I reserve the remainder of the time, and I yield the floor.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

POINT OF ORDER

Mr. HOLLINGS. Mr. President, I yield just 1 minute.

I ask unanimous consent to have printed in the RECORD a page from the "Major Congressional Action" of the Congressional Quarterly Almanac of 1980.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

$8.2 BILLION RECONCILIATION BILL CLEARED

For the first time in the six-year history of the congressional budget process, lawmakers in 1980 approved "reconciliation" legislation designed to trim the fiscal 1981 budget deficit by more than $8.2 billion.

The bill (HR 7765—PL 96-499) cut back programs already on the books to achieve outlay savings of $4.6 billion in the year that began Oct. 1, 1980. It included revenue-raising provisions expected to yield $3.6 billion during the year.

Congress completed action on the reconciliation bill Dec. 3 when the Senate adopted the conference report on the measure (H Rept 96-1479) by an 83-4 vote. The House had approved the conference report earlier that day 334-45. (Senate vote 487, p. 70-S; House vote 581, p. 168-H)

Although some members castigated the bill as a "backdoor" method for creating new federal programs and expanding old ones, most participants in debate on the measure hailed it as a clear signal that Congress intended to get control of federal spending.

As Rep. Delbert L. Latta, R-Ohio, ranking minority member of the House Budget Committee, told House members: "[I]f any of my colleagues are thinking about voting against this reconciliation, just keep this in mind, that if you vote against it, you are saying you vote for $8.2 billion more deficit for fiscal 1981."

The final vote on reconciliation was the culmination of a six-month odyssey that started when Congress included in its first 1981 budget resolution (H Con Res 307) a provision requiring that authorizing committees come up with $6.4 billion in spending cuts in existing programs and $4.2 billion in new revenues. (Budget resolution, p. 108)

The Senate approved its version (S 2885), S 2939) of the reconciliation legislation in action June 30 and July 23, and the House passed its bill Sept. 4. The largest conference in the history of Congress, including more than 100 conferees, convened Sept. 18.

The conference itself took two months. Although many discrepancies were resolved quickly, the knottiest issues—involving cost-of-living increases for military and federal retirees, changes in Medicare and Medicaid, child nutrition programs, mortgage subsidy bonds and the crude oil windfall profits tax—delayed a final compromise until late November.

The ultimate conference agreement fell short of the $10.6 billion in savings targeted by the first budget resolution. It provided cuts of $4.631 billion in outlays ($3.092 billion in budget authority) and $3.645 billion in new revenues, for a total package of $8.276 billion in savings. The bill projected total savings for fiscal 1981-85 at $50.38 billion in outlays and $29.2 billion in additional revenues.

PROVISIONS

As cleared by Congress, H.R. 7765 provided for the following spending reductions and revenue increases:

SPENDING REDUCTIONS

Education and Labor, $840 million in budget authority and $826 million in outlays. Savings were achieved by lowering federal child nutrition subsidies and reducing participation by higher-income students in meals programs; facilitating collection of and increasing the interest rates for student loans; and limiting cost-of-living adjustments for Federal Employees Compensation Act benefits for job-related accidents to an annual basis.

Conferees also, however, extended the authorizations for several child nutrition programs—extensions that were not part of either the House or Senate reconciliation bills. (Story, p. 453)

Post Office and Civil Service, $429 million in budget authority and $463 million in outlays. Savings were achieved by cutting the authorization for pubic service appropriations to the Postal Service and repealing "look back" cost-of-living (COLA) benefits provisions for retiring federal employees, which allowed them to receive the benefit of the previous COLA. Conferees did not change the current twice-a-year COLA benefits for military and federal retirees, which would have saved more than $700 million; the Senate had agreed to this modification. Conferees also prohibited the Postal Service from doing away with six-day mail deliveries.

Highway, Rail and Airport Programs, $375 million in budget authority and $917 million in outlays. Savings were achieved by limiting obligational authority for highways, reducing the authorization of the National Highway Traffic Safety Administration, restricting railroad rehabilitation, limiting funds for airport development, planning and noise control grants.

Veterans' Programs, although the reconciliation bill itself did not make any cuts in veterans' programs, the conference report cited savings of $487 million in budget authority and $493 million in outlays from veterans' legislation already enacted. These savings came from limiting burial allowances and terminating certain flight and correspondence training.

Small Business, $800 million in budget authority and $600 million in outlays. The savings reflected revisions in disaster loan programs included on the Small Business Development Act of 1980 (PL 96-302). (Story, p. 546)

Health, $12 million in budget authority and $915 million in outlays. Savings were to come, in part, from deferring until September 1981 the periodic interim payments to hospitals and revising Medicare reimbursements so they were based on fees charged when the service was performed rather than when the claim was processed.

Although the health conferees agreed to more than 80 new provisions in Medicare and Medicaid programs, many of the changes resulted in adding costs rather than savings. The new health benefits programs included expansion of coverage for home health services, benefits for care in outpatient rehabilitation facilities and increases in payments for outpatient physical therapy. (Story, p. 459)

Unemployment Compensation, $32 million in budget authority and $147 million in outlays. Savings were achieved by ending the federal reimbursement to states for compensation paid to former Comprehensive Employment and Training Act (CETA) workers; eliminating the federal payment for the first week of extended benefits in states that did not require recipients to wait a week before obtaining benefits; and denying extended benefits to those who did not meet certain work-related requirements.

Mr. HOLLINGS. Mr. President, I read the first three paragraphs:

> For the first time in the six-year history of the congressional budget process, lawmakers in 1980 approved "reconciliation" legislation designed to trim the fiscal 1981 budget deficit by more than $8.2 million.
>
> The bill . . . cut back programs already on the books to achieve outlay savings of $4.6 billion in the year that began Oct. 1, 1980. It included revenue-raising provisions expected to yield $3.6 billion during the year.
>
> Congress completed action on the reconciliation bill Dec. 3 when the Senate adopted the conference report on the measure . . . by an 83-4 vote. The House had approved the conference report earlier that day 334-45. . .

And on. The rest of it, of course, is printed in the RECORD.

The facts themselves support the position taken here. The authority for this absurd ruling is totally out of context from the idea of the budget process and restrictions thereof. It was in response to the concurrent resolution instructions to the Finance Committee. It was not a reconciliation bill. The title of the bill itself said:

> The assistant legislative clerk read as follows: "A bill (H.R. 5559) to make changes in certain income tax provisions of the Internal Revenue Code of 1954, and for other purposes."

It was a separate bill. It was not reconciliation, because we tried to get reconciliation earlier, and we finally got it 5 years after the Budget Act had been passed. There it is. The Congressional Quarterly, totally impartial, said the first reconciliation act. I will get the other Congressional RECORDS. So the very authority for this ruling is totally unfounded. We ought to overrule this ruling, so to speak, so we can maintain the integrity of the budget process and the integrity of the Senate itself.

I thank the distinguished ranking member.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, time and time again, we are proving the point that the theory behind the ruling of the Chair, as we understand it, which is totally faulty, has been destroyed —that theory has been destroyed completely—by the fact that we have proven beyond any doubt that the 1975 act, or whenever it was, that evidently the Parliamentarian is using as a basis for his theory is wrong.

Mr. HOLLINGS. Wrong as it can be.

Mr. EXON. Senator Long was on another course altogether. He was cutting taxes. He was not using the reconciliation process, as we know and understand it, as part of the budget bill.

The fact that words were used somewhere along the line is totally wrong when a Parliamentarian so rules because it is a faulty ruling, and I think most lawyers who look at it objectively will so agree.

I retain the remainder of our time, and I yield the floor.

Mr. BOND. Mr. President, I ask the Senator from Texas, is he prepared to go forward?

Mr. GRAMM. I am, Mr. President.

Mr. BOND. Mr. President, I yield the distinguished Senator from Texas 8 minutes on the argument on the appeal of the ruling on the point of order.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, there is one thing you have to hand our Democratic colleagues, they are absolutely consistent on tax policy. They are always consistent, and they are consistently wrong. They have three rules on taxes, and they never, ever violate them:

Rule No. 1 is that tax increases are always fair, they are always the right thing to do, and they are always supported.

Rule No. 2 is that tax cuts are always unfair, they are always for the rich, just as only rich people are ever taxed by tax increases, and they are totally consistent in applying these two rules.

If there were a rule No. 3, it would be "see rules 1 and 2 above."

What Senator DASCHLE is trying to do is stop us from voting on a tax cut, period. I remind my colleagues that this fund that we are setting up, this so-called reserve fund, provides a tax cut to working families, basically a $500 tax credit per child to working families who now have the highest tax burden in American history.

When I was a boy 8 years old in 1950, the average family in America with two children was sending $1 out of every $50 it earned to Washington, DC. Today, the average family with two children is sending $1 out of every $4 it earns to Washington, DC, and what we are trying to do is to reduce the tax burden on working families, especially working families with children.

Under our budget, we cannot give a tax cut larger than the spending cuts that we have written in the budget or we are violating our own budget and we are subject to a point of order. So we are not debating deficits here, we are basically debating whether or not we be allowed to cut spending and cut taxes on working families.

The Democrats always take the view that tax increases are good and they are always on the rich. In 1993, when they imposed, without a single Republican vote, the largest tax increase in American history, their argument was, this is a tax on rich people. Nobody making less than $115,000 a year is going to pay this tax. Well, it turned out it had a gasoline tax in it. They tried to have a Btu tax equivalent to a gasoline tax of 7 cents a gallon. What they were able to pass was a 4.3-cents a gallon tax on gasoline. It did not go to build highways. It went to general fund of the Government to spend. They taxed working people who have to drive their cars and their trucks to work to give money to people who do not work.

Secondly, they taxed Social Security benefits. The President proposed taxing anybody who was rich, by his definition, who made $25,000 a year.

When people raised questions about it, he said: "Well, you know, many of these people own their own homes, and if they had to rent the home you could count that as income, if they own their refrigerator and they rented that, if they got an insurance policy or a little savings account." So shamed were Democrats in Congress that they did raise the level at which you started taxing their Social Security benefits to $34,000 a year.

By their definition, those are rich people. They were going to tax John Q. Astor, we were told. As it turned out, 80 percent of those taxes on this top 1 percent of income earners turned out to be Joe Brown and Son hardware store.

But the one thing you have to admire the Democrats about, they are absolutely consistent. And that is, they always raise taxes. They always raise taxes. And they always say that only rich people pay taxes.

They are also consistent in that they never support cutting taxes. What we are trying to do in this bill is to give a $500 tax credit for working families. That tax credit phases out as all deductions do, at high-income levels.

The plain truth is, most American families never become truly economically successful until they are older and therefore almost by definition their children have grown up, gotten married, graduated from college. Mr. President, 75 percent of the tax cut we are talking about goes to families that make $75,000 or less. But following their basic rule that every tax increase is fair and every tax cut is unfair, they are against it.

I just want to remind my colleagues before they vote on this, that under the Clinton budget, if it were implemented, we would have the highest tax burden in American history at the Federal level, 19.3 cents out of every $1 earned by every American on average will come to the Federal Government to be spent.

What that means for working Americans is that for the first time in history, over 30 cents, in fact 30.4 cents, out of every $1 earned by every American family on average is not going to be spent by the people who earned it: it is going to be spent by their Government at the State, local, or Federal level.

Our colleagues who object to cutting taxes for working families say, this is only fair. What they really believe but they do not want to tell us is, they believe Government can do a better job of spending money than working families can. They believe that a two-wage earner family where both the husband and the wife are out working hard, they are making about $50,000 a year, or $60,000 a year, when they combine their two incomes—we are trying to let them keep $1,000 more a year to invest in their own family and their own future. The Democrats are trying to use a parliamentary maneuver to prevent us from voting on that because they want to spend that money. They do not want working families to be able to spend it.

This fits their principle. In the mid-1980's people discovered that in foreign policy the Democrats always blamed America first. What we are discovering in the 1990's is in domestic policy, they always tax America first. According to them, every tax is fair, every tax cut is unfair, every tax increase is paid for by rich people. Even if they are Social Security recipients making $25,000 a year, counting half of their Social Security, even if they are driving a pickup truck to work, Democrats think they are rich when it comes to raising their taxes.

But when working families who are struggling every single day to make ends meet—and they are watching the Government squander their money—when we try to let them keep $1,000 more a year to invest in their own children and their own families, somehow that is unfair, somehow suddenly they are rich.

In truth, for the Democrats, anybody that works for a living is rich. Well, I think working families can do a better job. That is why I think it is absolutely imperative that we defeat this parliamentary maneuver and that we have an opportunity to vote on cutting taxes for working families. I think they deserve the tax cut. I intend to vote for it. I yield the floor.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I yield myself such time as I may require off the resolution. I ask the Senator from Texas if he will spend a minute with me.

Mr. GRAMM. Sure.

Mr. BOND. Talking about the taxation philosophy. I wonder if he has taken a look at the amendments presented on this budget resolution.

Does the Senator see a theme in the amendments that have been presented in this budget resolution?

Mr. GRAMM. Well, I have not looked at the numbers. I would like to be educated on it. But as I look at them, we have a minimum of six amendments where the Democrats want to raise taxes and spend the money. And the number I looked at is that the tax increase was very substantial, over $180 billion total.

Mr. BOND. I say to my good friend from Texas, I show to my other friends, just some rough calculations we have done. So far, we have six tax increases that are proposed in amendments on this budget resolution. The Senator from West Virginia, Senator ROCKEFELLER, $50 billion; Senator BOXER, $18 billion; Senator WYDEN, $1 billion; Senator KERRY, $48 billion; Senator KERRY, $6 billion; Senator BYRD, $65 billion. As we calculate that, that comes up to about $188 billion.

Mr. GRAMM. What would they do with that money?

Mr. BOND. As I understand it, I say to the Senator, that would not go for tax relief. That would go for increased spending.

Now we are getting up—the record was set, I believe, in 1993, where we had a $240 billion tax increase. We still have a few hours left on this resolution, and all we need is about, as I calculate it, about $52 billion more in tax increases, and we could go over that $240 billion.

Does the Senator think maybe there is an effort to break that record?

Mr. GRAMM. I would say, if the Senator would yield, it is their record. It was the 1993 tax increase. And let me predict, not having seen what taxes those are, I bet you all those taxes are supposedly on rich people, people that drive automobiles and trucks and people that work for a living, which by definition are rich people. In fact, anybody that is taxed is rich and anybody whose taxes you cut are rich.

Mr. BOND. I see our distinguished chairman of the Budget Committee here, whose good office is responsible for helping frame this overall budget debate. I am happy to yield to him if he has some comments on this at this time.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Parliamentary inquiry. Since I was absent, I would like to be brought current. How much time in toto is still available for both sides on the resolution?

The PRESIDING OFFICER. There are 57 minutes for the Senator from New Mexico; 56 minutes for the Senator from Nebraska.

Mr. DOMENICI. Boy, are we doing well. We must just be in sync.

Mr. EXON. We agree on something.

Mr. DOMENICI. I am going to speak to this, but I ask, in my absence has anybody come to the floor with additional amendments? Are we using time to make our points here or is somebody coming with amendments?

Mr. EXON. The Senator and I have appealed over and over again to people to come to the floor or at least call us and tell us they are not going to offer the amendments. We have heard nothing from our side of the aisle on that. If the Senator has heard of anybody on his side of the aisle, that would be a step in the right direction.

Mr. DOMENICI. We have not.

Mr. EXON. To answer the Senator's question, it would appear to me that neither Republican Senators nor Democratic Senators seem anxious to come over and claim some time to offer the amendments that they said they thought was important enough to be considered. So that is all I know about the proposition. Nothing evidently has changed, I say to the chairman of the committee.

Mr. DOMENICI. I thank the Senator very much.

I shortly will offer three amendments on behalf of Senators on this side, one of them on behalf of Senator MCCAIN and two on behalf of Senator FAIRCLOTH. Obviously we will not speak to them. They will be put on the same list for a vote when the vote comes.

Mr. President, I want to use about 2 minutes here to just make an observation and make an inquiry of the Chair.

First, I do not ask the Chair or the Parliamentarian for any information on this, but it is obvious that the Byrd rule by definition does not apply to provisions of a budget resolution. It applies to the legislative language in the reconciliation bills.

Having said that, I have a parliamentary inquiry. It is brief. If a reconciliation bill reduced revenues in the outyears beyond the period of the reconciliation bill, but as a whole did not increase the deficit by virtue of offsetting spending reductions or revenue increases, would the revenue reductions violate the Byrd rule?

The PRESIDING OFFICER. No, they would not.

Mr. DOMENICI. I thank the Chair.

Now, Mr. President, I have an amendment.

Mr. EXON. May I inquire of my colleague, we have additional debate that was on the matter before the Senate. Do you wish us to finish that or do you want to go ahead? The Senator from South Carolina also wants to speak.

Mr. DOMENICI. It will take me 3 minutes to get these amendments done.

AMENDMENT NO. 4022

(Purpose: To express the sense of the Senate regarding spectrum auctions and their effect on the integrity of the budget process)

Mr. DOMENICI. Mr. President, I have an amendment regarding spectrum openings and the effect of their integrity on the process, and I send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for Mr. MCCAIN, proposes an amendment numbered 4022.

Mr. DOMENICI. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE—TRUTH IN BUDGETING.

It is the Sense of the Senate that:

(a) The Congressional Budget Office has scored revenue expected to be raised from the auction of Federal Communications Commission licenses for various services;

(b) For budget scoring purposes, the Congress has assumed that such auctions would occur in a prompt and expeditious manner and that revenue raised by such auctions would flow to the federal treasury;

(c) The Resolution assumes that the revenue to be raised from auctions totals billions of dollars;

(d) The Resolution makes assumptions that services would be auctioned where the Federal Communications Commission has not yet conducted auctions for such services, such as Local Multipoint Distribution Service (LMDS), licenses for paging services, final broadband PCS licenses, narrow band PCS licenses, licenses for unserved cellular, and Digital Audio Radio (DARS), and other subscription services, revenue from which has been assumed in Congressional budgetary calculations and in determining the level of the deficit; and

(e) The Commission's service rules can dramatically affect license values and auction revenues and therefore the Commission should act expeditiously and without further delay to conduct auctions of licenses in a manner that maximizes revenue, increases efficiency, and enhances competition for any service for which auction revenues have been scored by the Congressional Budget Office and/or counted for budgetary purposes in an Act of Congress.

Mr. MCCAIN. Mr. President, this amendment expresses the sense of the Senate that when spectrum auctions are assumed in the budget resolution, that those auctions should occur in an expeditious manner and in a manner that is most efficient. The amendment does not force the FCC to act on any fashion other than that which is most appropriate.

However, Mr. President, I am concerned that the Commission move forward with auctions.

This amendment is about much more than auctions. It is about truth in budgeting. When the Budget Committee drafts a budget plan that includes auctions, it is assumed that those auctions will take place. To the Commission's credit, it has acted to auction much of the spectrum. And to date, over $20.2 billion has been raised by auction.

But we must continue to move forward. In order for the Government's books to actually balance, we must bring in money we intend to spend.

One such example is the issue of Local Multipoint Distribution Service [LMDS]. The Commission's rulemaking proceeding on LMDS is over 3 years old. For 3 years we have been waiting for auction revenues. In the mean time, LMDS technology which was developed by American entrepreneurs is being implemented elsewhere in such places as Canada, South America, and Asia.

LMDS will provide homes and offices with video, telephony, and other interactive data transfer applications including high speed Internet connections. In residential areas, for example, LMDS could provide a family with over 60 digital TV stations, 200 video-on-demand channels, two telephone lines, and a high-speed Internet connection.

But, Mr. President, again let me repeat that this amendment is not about LMDS or any other specific service. There are other subscriptions services that are set to be auctioned that I would hope the FCC soon acts on. I would hope that the Commission move forward on those matters also and the FCC view this amendment as our imprimatur to move forward. But as I noted, this amendment is about the FCC acting in an expeditious manner in order to ensure that when the Congress assumes that money will be coming in, it is in fact coming in.

Mr. President, I want to commend the Budget Committee and its chairman for moving the issue of spectrum auctions forward. For the most part, it has been reconciliation legislation that has mandated past auctions The Budget Committee has recognized that spectrum is a public asset, that it has great value, and that the American people should not only benefit by its use, but should benefit from its sale.

Now we must ensure that the auctions the Budget Committee has the foresight to call for do indeed occur. I would hope the Congress would adopt this amendment and that the FCC would act as instructed by the Senate.

AMENDMENT NO. 4023

(Purpose: To express the sense of the Senate regarding welfare reform)

Mr. DOMENICI. Mr. President, this is proposed by Senator FAIRCLOTH and expresses the sense of the Senate that balanced budget legislation should also contain a strategy for reducing the national debt. I send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for Mr. FAIRCLOTH, proposes an amendment numbered 4023.

Mr. DOMENICI. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE REGARDING WELFARE REFORM.

The Senate finds that—

S. Con. Res. 57 assumes substantial savings from welfare reform; and

Children born out of wedlock are five times more likely to be poor and about ten times more likely to be extremely poor and therefore are more likely to receive welfare benefits than children from two parent families; and

High rates of out-of-wedlock births are associated with a host of other social pathologies; for example, children of single mothers are twice as likely to drop out of high school; boys whose fathers are absent are more likely to engage in criminal activities; and girls in single-parent families are three times more likely to have children out of wedlock themselves; therefore

It is the sense of the Senate that any comprehensive legislation sent to the President that balances the budget by a certain date and that includes welfare reform provisions and that is agreed to by the Congress and the President shall also contain to the maximum extent possible a strategy for reducing the rate of out-of-wedlock births and encouraging family formation.

Mr. FAIRCLOTH. Mr. President, President Clinton devoted two of his weekly radio addresses this month to the topic of welfare reform.

Like President Clinton, I was elected in 1992, and welfare reform was a key issue in my campaign. Since then I have introduced welfare reform bills in the 103d Congress and in this Congress as well.

The current impasse on welfare reform has existed since the President's second veto of welfare legislation sent to him by the Congress. I found the President's recent remarks on welfare reform to be particularly aggravating because so much agreement exists between the President and the Congress on the problems in our welfare system, and on most of the solutions, and yet bipartisan legislation passed by Congress has not become law.

In his May 4 address, the President said, "The American people need a welfare system that honors American values: work, family and personal responsibility."

The issues related to family and personal responsibility have been of particular interest to me. In fact President Clinton and I strongly agree on the problems in this area. On January 29 of this year, when the President appointed Dr. Henry Foster to coordinate the administration's new National Campaign to Reduce Teen Pregnancy, the President said:

> This morning we want to talk about teen pregnancy, because it is a moral problem and a personal problem and a challenge that individual young people should face and because it has reached such proportions that it is a very significant economic and social problem for the United States.

He went on to say:

> We know * * * that almost all the poor children in this country are living with one parent; that there are very, very few poor children, without regard to race, region or income, living in two-parent married households.

He continues by saying:

> We know that there are an awful lot of good, single parents out there doing their best, but we also know it would be better if no teenager ever had a child out of wedlock;

that it is not the right thing to do, and it is not a good thing for the children's future and for the future of the country.

Mr. President, I agree wholeheartedly with those points. Seventy-two percent of teenage births occur outside of marriage. I have stood here many times and emphasized that welfare reform that does not aggressively seek to reverse the rising rate of out-of-wedlock births, will not break the cycle of welfare dependency that is consuming more and more of our young people.

I have not been alone in sounding the alarm on this problem. Many of my Republican colleagues have joined me, and we have all learned from our friend, Senator MOYNIHAN, who first conducted ground-breaking research on this topic almost 30 years ago.

It is my strong belief that illegitimacy is the root cause of welfare dependency. Children raised in single parent homes are six times more likely to be poor than those raised by two parents, and girls raised in single parent homes are three times more likely to have children out of wedlock as well.

During last year's welfare reform debate, I advocated several approaches aimed at reducing illegitimacy. I supported the House efforts to limit the incentives in our current welfare program that, in effect, reward illegitimacy. I was also very proud that our welfare reform bill included a provision that I offered, which would promote and fund programs to encourage children to abstain from sexual activity before marriage.

I'll let the President finish my point on illegitimacy. In the statement that accompanied the welfare reform bill that he sent to Congress in 1994, he said "Preventing teen pregnancy and out-of-wedlock births is a critical part of welfare reform." I agree.

Mr. President, in his radio addresses, the President has highlighted the agreement that exists on welfare reform and also praised the States for work they have done on their own. In his most recent radio address, the President tried to take credit for innovative reforms recently proposed by the Republican Governor of Wisconsin, Tommy Thompson.

I think it is ironic that the greatest barrier to these innovative State programs is the current Federal welfare system which requires States to negotiate a lengthy, and potentially partisan, waiver process through the Department of Health and Human Services. By refusing to sign welfare reform legislation, the President is denying States the flexibility that our welfare reform bill was designed to provide.

Even though the President seemed to have endorsed the Wisconsin plan on Saturday, today's Washington Post contained a statement from White House Deputy Chief of Staff, Harold Ickes, that details of the Wisconsin proposal would have to be changed before the Department of Health and Human Services would approve the wavier.

With all this agreement that seems to exist between the Congress and the President, why can't the American people have the welfare reform that the Congress has passed, and the President has promised them?

Mr. President, my amendment simply states that it is the sense of the Senate that if welfare reform is included in new balanced budget legislation, that those provisions contain a strategy to reduce the incidence of out of wedlock births as well as encourage the formation of two-parent families.

AMENDMENT NO. 4024

(Purpose: To express the sense of the Senate regarding reduction of the national debt)

Mr. DOMENICI. Mr. President, I send an amendment to the desk and ask for its immediate consideration. This is on behalf of Senator FAIRCLOTH referencing deficit reduction and the national debt.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for Mr. FAIRCLOTH, proposes an amendment numbered 4024.

Mr. DOMENICI. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The amendment is as follows:

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE REGARDING REDUCTION OF THE NATIONAL DEBT.

S. Con. Res. 57 projects a public debt in Fiscal Year 1997 of $5,400,000,000,000;

S. Con. Res. 57 projects that the public debt will be 6,500,000,000,000 in the Fiscal Year 2002 when the budget resolution projects a unified budget surplus;

This accumulated debt represents a significant financial burden that will require excessive taxation and lost economic opportunity for future generations of the United States; therefore

It is the sense of the Senate that any comprehensive legislation sent to the President that balances the budget by a certain date and that is agreed to by the Congress and the President shall also contain a strategy for reducing the national debt of the Untied States.

Mr. FAIRCLOTH. Mr. President, this amendment would very simply express the sense of the Senate that if we enact a balanced budget plan this year—that such legislation should also contain a strategy for reducing the national debt.

The budget resolution we are debating today is a plan to balance the budget by the year 2002. But by the year 2002, our national debt will be $6.5 trillion.

Mr. President, this debt represents a massive burden on the American people and future generations of Americans. I am deeply concerned about this debt burden that we have placed on our children, grandchildren, and children yet born.

The budget resolution is a plan to end the deficit spending—which is certainly what we need. But I feel just as strongly that we need a plan to reduce this debt.

It took this country nearly 200 years to accumulate a debt of $1 trillion—and in the last 16 years the debt will have increased fivefold. This is not a Republican or Democrat issue—we don't need to assign the blame—we just need to develop a solution.

All this amendment would do is encourage the Senate—express that it is our sense that we develop proposals to deal with this massive debt burden.

POINT OF ORDER

Mr. EXON. Mr. President, I am about to yield whatever time he might need to the Senator from South Carolina.

I wish briefly to respond. How interesting it is that the debate has shifted from the very legitimate discussion that we were having here with regard to the faulty ruling of the Chair to a charge that Democrats are trying to block consideration of income tax reductions. Nothing could be further from the truth.

Just repeating irresponsible charges over and over again without providing any backup proof is nonsense. That has been an old debating technique for a long, long time. When the facts are not on your side, talk nonsense.

Mr. President, I want to get back, and I am sure my friend from South Carolina wants to get back, to the underlying problem that we have here that is far more than just one single independent ruling of the Chair. It is going to have far-reaching adverse effects on the U.S. Senate for as long as we can imagine into the future.

Instead of addressing that, the Republicans come forth with charts. They say we are trying to stop the tax cut. We are not trying to stop the tax cut. All we want is the tax cut to be brought up in the usual fashion, to be debated in the usual fashion under the usual procedures. We are trying to expose this glaring trick that the Republicans are trying, by separating their reconstruction instructions into three separate bills. The last one with regard to tax cuts would come in September of this year, a couple months before the election. Of course, I would be the last to accuse the Republicans of playing politics with this —let me be the first.

We have just seen some charts presented here. They have done this before. They set up a straw man on fake straw and then they tear it down. They just had a list of Senators up there. They totaled up what those Senators had proposed and how much it would cost. No one has advocated raising taxes by the amount asserted from the Senator from Missouri. It is simply not the case that one can add up all of the offsets for amendments that fail. If the Senate chooses not to use an offset in one amendment, it is perfectly legitimate to try and use the same offset in a second amendment. When we do that, the Republicans set up a straw man—false numbers, false charges, false assumptions. Once again, setting up a straw man may fool the people of the United States temporarily, but not for long.

I want to correct just one more thing. I want to correct the record on the statistics used by the Senator from Texas. The share of the economy that goes to revenues to fund the Government is not at record levels. Let me repeat that: The Senator from Texas said that the share of the economy that goes to revenues to fund the Government is not at record levels. It was higher in 1969. It was higher in 1970. It was higher in 1982. Sure, sure, we would all like to have lower taxes. The question is, what should come first? What should come first, Mr. President? Balancing the budget of the United States or enacting tax cuts that we all would likely vote for once we get a balanced budget?

I yield 5 minutes to the Senator from South Carolina.

Mr. HOLLINGS. Mr. President, you can find the first two pages of the budget resolution conference report for fiscal year 1976 referred to as the authority for the Parliamentarian's rule about reconciliation back in 1975. I ask unanimous consent to have it printed in the RECORD. The report dated April 21, 1975 was submitted by Mr. Muskie, from the committee of conference. It is only a few pages, but I think it ought to be included.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SECOND CONCURRENT RESOLUTION ON THE BUDGET, FISCAL YEAR 1976

Mr. Muskie, from the committee on conference, submitted the following conference report to accompany H. Con. Res. 466:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the concurrent resolution

H. Con. Res. 466) revising the congressional budget for the United States Government for the fiscal year 1976, and directing certain reconciliation action, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

That the Congress hereby determines and declares, pursuant to section 310(a) of the Congressional Budget Act of 1974, that for the fiscal year beginning on July 1, 1975—

(1) The appropriate level of total budget outlays is $374,900,000,000;

(2) The appropriate level of total new budget authority is $408,000,000,000;

(3) The amount of the deficit in the budget which is appropriate in the light of economic conditions and all other relevant factors is $74,100,000,000;

(4) The recommended level of Federal revenues is $300,800,000,000, and the House Committee on Ways and Means and the Senate Committee on Finance shall submit to their respective Houses legislation to decrease Federal revenues by approximately $6,400,000,000; and

(5) The appropriate level of the public debt is $622,600,000,000.

SEC. 2. The Congress hereby determines and declares, in the manner provided in section 301(a) of the Congressional Budget Act of 1974, that for the transition quarter beginning on July 1, 1976—

(1) The appropriate level of total budget outlays is $101,700,000,000;

(2) The appropriate level of total budget authority is $91,100,000,000;

(3) The amount of the deficit in the budget which is appropriate in the light of economic conditions and all other relevant factors is $15,700,000,000;

(4) The recommended level Federal revenues is $86,000,000,000; and

(5) The appropriate level of the public debt is $641,000,000,000. And the Senate agree to the same.

Mr. HOLLINGS. Mr. President, a careful reading of this particular budget resolution finds no reconciliation instructions. How can you have reconciliation without reconciliation instructions?

I referred in my original comments to the fact that our distinguished colleague, the chairman of the Finance Committee at the time, Senator Long, wanted it to appear as reconciliation because he was trying to limit debate and limit amendments. He was probably the cleverest of all Parliamentarians around here. He always stood in the well there: "Yes, yes, Senator, I will take your amendment." He just took all these amendments, went over there, and you would never see them again. I remember it well.

But there was, as the record will show, no reconciliation—he called it and they gave him limited time, but it was not reconciliation. As chairman of the Finance Committee, he was complying with a particular bill. Just like now, under this concurrent resolution that we direct the Commerce Committee or the Armed Services Committee or any other committee, and they comply. They come up with their particular bill. That is not reconciliation.

As further authority, Mr. President, I refer to the statement made at that particular time by myself on December 3, 1980. I quote:

> Every Senator who signed the conference agreement, and every Senator who votes to adopt it, has earned a share of the credit for this first historic exercise of the reconciliation power.

That was the first time we were able to pass a reconciliation bill, December 1980—there was not any kind of authority for reconciliation back in 1975.

Let me quote Mr. Henry Bellmon, ranking member at that particular time on the Republican side:

> Mr. President, this truly is a historic occasion. Today we complete for the first time an important part of the Budget Act called reconciliation.

Mr. President, you cannot be more clear than that. They are using 1975, the actions taken by the chairman of the Finance Committee and a spurious ruling at that particular because there was no such thing as reconciliation instructions. Senator Long put in, as I said, and I read the particular title, a tax bill. It is a separate bill. It is not reconciliation. It is "a bill (H.R. 5559) to make changes in certain income tax provisions of the Internal Revenue Code of 1954." That is not a reconciliation bill.

Now, Mr. President, I am continually hearing from my distinguished colleague from Texas, and they run him out every now and then with the little charts, about the biggest tax increase. It is all Presidential politics—the biggest tax increase, the biggest tax increase.

Mr. President, I ask unanimous consent again that we include in the RECORD from the Washington Post an article by Judy Mann back in 1995, January 1. I ask unanimous consent the article be printed in its entirety in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post]

FIDDLING WITH THE NUMBERS

(By Judy Mann)

Gov. Christine Todd Whitman, the Republican meteor from New Jersey, had the unusual honor for a first-term governor of being asked to deliver her party's response to President Clinton's State of the Union message last week.

And she delivered a whopper of what can most kindly be called a glaring inaccuracy.

Sandwiched into her Republican sales pitch was the kind of line that does serious political damage: Clinton, she intoned, "imposed the biggest tax increase in American history."

And millions of Americans sat in front of their television sets, perhaps believing that Clinton and the Democrat-controlled Congress had done a real number on them.

The trouble is that this poster lady for tax cuts was not letting any facts get in her way. But don't hold your breath waiting for the talk show hosts to set the record straight.

The biggest tax increase in history did not occur in the Omnibus Budget Reconciliation Act of 1993. The biggest tax increase in post-World War II history occurred in 1982 under President Ronald Reagan.

Here is how the two compare, according to Bill Gale, a specialist on tax policy and senior fellow at the Brookings Institution. The 1993 act raised taxes for the next five years by a gross total of $268 billion, but with the expansion of the earned income tax credit to more working poor families, the net increase comes to $240.4 billion in 1993. The Tax Equity and Fiscal Responsibility Act of 1982, by comparison, increased taxes by a net of $217.5 billion over five years. Nominally, then, it is true that the 1993 tax bill was the biggest in history.

But things don't work nominally. "A dollar now is worth less than a dollar was back then, so that a tax increase of, say $10 billion in 1982 would be a tax increase of $15 billion now," says Gale. In fact, if you adjust for the 48 percent change in price level, the 1982 tax increase becomes a $325.6 billion increase in 1993 dollars. And that makes it the biggest tax increase in history by $85 billion.

Moreover, says Gale, the population of the country increased, so that, on a per person basis, the 1993 tax increase is lower than the one in 1982, and the gross domestic product increased over the decade, which means that personal income rose. "Once you adjust for price translation, it's not the biggest, and when you account for population and GDP, it gets even smaller."

He raises another point that makes this whole business of tax policy just a bit more complex than the heroic tax slashers would have us believe. "The question is whether [the 1993 tax increase] was a good idea or a bad idea, not whether it was the biggest tax increase. Suppose it was the biggest? I find it frustrating that the level of the debate about stuff like this as carried on by politicians is generally so low."

So was it a good idea? "We needed to reduce the deficit," he says, "we still need to reduce the deficit. The bond market responded positively. Interest rates fell. There may be a longer term benefit in that it shows Congress and the president are capable of cutting the deficit even without a balanced budget amendment."

Other long-term benefits, he says, are that "more capital is freed up for private investment, and ultimately that can result in more productive and highly paid workers."

How bad was the hit for those few who did have to pay more taxes? One tax attorney says that his increased taxes were more than offset by savings he was able to generate by refinancing the mortgage on his house at the lower interest rates we've had as a result. The 1993 tax increase did include a 4.3-cent-a-gallon rise in gasoline tax, which hits the middle class. But most of us did not have to endure an income tax increase. In 1992, the top tax rate was 31 percent of the taxable income over $51,900 for single taxpayers and $86,500 for married couples filing jointly. Two new tax brackets were added in 1993: 36 percent for singles with taxable incomes over $115,000 and married couples with incomes over $140,000; and 39.6 percent for singles and married couples with taxable incomes over $250,000.

Not exactly your working poor or even your average family.

The rising GOP stars are finding out that when they say or do something stupid or mendacious, folks notice. The jury ought to be out on Whitman's performance as governor until we see the effects of supply side economics on New Jersey. But in her first nationally televised performance as a spokeswoman for her party, she should have known better than to give the country only half the story. In the process, she left a lot to be desired in one quality Americans are looking for in politicians: honesty.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. HOLLINGS. Let me ask for 2 more minutes.

Mr. EXON. I yield 2 more minutes.

Mr. HOLLINGS. I thank the distinguished Senator.

I read here: The biggest tax increase in history did not occur in the Omnibus Budget Reconciliation Act of 1993. The biggest tax increase in post-World War II history occurred in 1982 under President Ronald Reagan.

So I hope they would at least respect the truth every now and again and quit referring to the 1993 reconciliation bill as the "biggest tax increase." I happened to have voted for it. It is working. It has the deficit cut in half. In fact, the deficit dropped another $30 billion since last week.

Finally, Mr. President, under this limited time on April 24, 1991, we put in a bill—"we" being Senator MOYNIHAN of New York, Senator Kasten of Wisconsin, and the Senator from South Carolina—we put in that bill to cut $190 billion in tax cuts for working Americans. The distinguished Senator from Texas voted against it. We said, let us put Social Security on a pay-as-you-go basis. It amounted to $190 billion in tax cuts on working Americans.

You can keep running him out with his charts, but I am going to run out with his record. He had a chance to vote for it, and he voted against it.

So spare us this particular off-Broadway act that we have to watch every other day or so—the biggest tax increase, and working Americans, around the kitchen table, and who is in the wagon and who is pulling it. We are in the wagon. The Congress is in the wagon. The people outside are the ones pulling it. The President is the one that has been cutting the deficit. And thank heavens for President Clinton, the only one in town since President Johnson that has cut the deficit.

I yield the floor.

Mr. EXON. Mr. President, just to add another fact to the statement made by the distinguished Senator from South Carolina, that largest tax cut in history that he indicated came in 1982, I believe. Is that what he said?

Mr. HOLLINGS. That is correct, tax increase.

Mr. EXON. I thought it might be interesting to note that the chairman of the Finance Committee at the time of the real largest tax increase in history, chairman of the committee of jurisdiction, the Finance Committee at that time, was Kansas Senator ROBERT DOLE.

I yield 5 minutes to the Senator from North Dakota.

Mr. CONRAD. I thank the ranking member, the Senator from Nebraska.

I must say that I was surprised to see the Senator from Texas out once again railing against the Democrats in the last package that we passed, saying that it was just a tax package. It is very interesting.

The Senator from Texas is not talking much these days about deficits. He is not talking about that much anymore. He is not talking much about debt anymore because we are 6 months away from an election. The Republicans are down by double digits in the polls. And so out comes the tax bogeyman. Let us haul that one out because that one seems to work pretty well. Let us run out the tax bogeyman. Let us run him around the track a few times.

Mr. President, let us read the RECORD. First of all, the biggest tax increase occurred on their watch. They controlled the White House. They controlled the U.S. Senate. They passed the biggest tax increase. Why did they do it? Because the deficits were skyrocketing. They were out of control. So they took action.

In 1993, the Democrats, when it was on our watch—we controlled the White House, we controlled the Senate, and we controlled the House—we took action. We can be proud of the action we took because we reduced these deficits. We have reduced them sharply. Let us just look at the record.

Mr. President, this compares the records of President Clinton, President Bush, and President Reagan. This is what has happened to the deficits under these three Presidents. These are the deficits in billions of dollars starting in 1980.

Ronald Reagan was elected. The deficit was about $70 billion a year. Ronald Reagan took office. By the way, it was not just Republican control of the White House; the Republicans controlled this body as well. They controlled the U.S. Senate, and they had effective control of the U.S. House of Representatives. Because everyone remembers what budgets passed in 1981, in 1982, in 1983, it was boll weevil Democrats joining with the Republican minority in the House, joining with the Senate majority, the Republican majority in the Senate, and a Republican President.

What happened? Here is the record on deficits. The deficits exploded. They exploded under this theory of supply-side economics. They exploded under this notion that you can just cut taxes and not cut spending, and that somehow it is all going to add up. The deficits went to over $200 billion a year.

Then, we see that we had the beginning of the Bush administration, and again deficits took off. This time they reached $290 billion a year. That is what the deficit was when Bill Clinton came into office. Bill Clinton inherited a $290 billion budget deficit.

Look at the performance based on a plan that we passed in 1993 without a single Republican vote. Not one. Not one. The deficit has gone down each and every year.

This morning we were told the deficit for this year will probably come in at less than $130 billion, a dramatic reduction in the budget deficit, in part because of economic recovery and in part because of the plan that we passed in 1993. We had the courage to stand up and do what needed to be done.

Mr. President, more needs to be done. It is not going to happen with this kind of running out and saying, well, we can just cut all the revenue of the Federal Government and somehow it will all add up. We tried that before. It failed, and it failed miserably. Debt, deficits and decline, that is the direction our friends on the other side, at least some of them, seem to be willing to take us.

Mr. President, we should never ever go back to that policy of debt, deficits and decline. That way lies ruination.

I thank the Chair and yield the floor.

Mr. EXON. May I ask a question of the Senator from North Dakota.

I appreciated the Senator's factual remarks, and just to back up what the Senator has said, that is just not a Democratic Senator saying that. That is not just a Democratic Senator saying that based on the facts. The same thing was said by the Office of Management and Budget director under President Reagan. His name was David Stockman, and he admitted publicly—and I believe wrote in a book—that it was a sham all the way through. In fact, he used the words that all of this period the Senator has just alluded to was "fiscal carnage." And he admitted that it was a Republican fiscal carnage. I just wanted to emphasize that. I am just wondering if the Senator had remembered that fact.

Mr. CONRAD. I actually read David Stockman's book, and he makes very clear that this was a policy they hoped somehow would all add up, and it did not. It was a miserable failure that dug a very deep hole for this country.

Mr. President, the facts are very clear. This is the record. Nobody can dispute these numbers. This is what happened.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. CONRAD. I thank the Chair.

AMENDMENT NO. 4007

Mr. GRAHAM addressed the Chair.

Mr. EXON. Mr. President, I would like to advise the chairman of the committee we have good news; a Senator has arrived in the Chamber to talk about an amendment. The amendment was previously offered but the Senator from Florida seeks recognition, and at this time I hope we could allot him 5 minutes charged jointly against the two sides.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. DOMENICI. I have no objection to the time allocation.

Mr. GRAHAM. Mr. President, on Friday I filed amendment No. 4007, reserving the time to discuss that amendment until today. I wish to use at least 5 minutes to review this very terse but important amendment.

This amendment, Mr. President, provides that any funds which were derived by the more aggressive attack on Medicare fraud would be returned to the Medicare trust fund. We are facing two interrelated challenges. One is combating the rampant level of fraud which exists within our Medicare program and second is ensuring the solvency of the Medicare trust fund.

It has been estimated by the General Accounting Office that the rate of Medicare waste, fraud and abuse is approximately 10 percent and in some areas of the country is estimated to be twice that amount. If we could use even the more conservative estimate, an additional 2 million seniors could be served each year through Medicare just by reducing the level of Medicare fraud.

Medicare fraud ought to be the first place we look when we are considering reductions in the Medicare Program. Fraud undermines public confidence in Medicare. It is a very cost-efficient expenditure. One dollar spent on suppressing Medicare fraud on average will return in excess of $10 in reduced costs.

There are a number of solutions, many of which have been contained in legislation adopted by this Senate, which will allow for a comprehensive assault on Medicare fraud. We have prescriptions such as using the Medicare Federal hospital insurance trust fund as part of the source of financing, more effective investigations and prosecutions of Medicare fraud. It is the intent that those savings derived by that more effective effort be returned to the trust fund both to reimburse for the expenses that have come out of the trust fund for the investigations and prosecutions and also the return to the trust fund some of the money which was pilfered from it by the fraud itself.

Unfortunately, Mr. President, these efforts to assure that the savings derived by effective programs against Medicare fraud end up benefiting the trust fund for Medicare have been under assault. There are proposals, for instance, to divert these funds into new Federal spending efforts, efforts that are outside of the Medicare trust fund. There are also proposals to use it to finance new tax breaks.

As worthy as those other spending efforts or additional tax reductions might be, it is not appropriate to use funds derived from the Medicare trust fund through the efforts to suppress fraud which it finances for any purpose other than assuring the solvency of the Medicare trust fund.

So the amendment I have filed, which is amendment No. 4007, essentially establishes, as do other provisions within this budget recollection bill, a point of order which states, "It shall not be in order for the Senate to consider any reconciliation bill, conference report or otherwise which would use savings achieved through Medicare waste, fraud and abuse enforcement activities as offsets for purposes other than improving the solvency of the Medicare Federal Hospital Insurance Trust Fund."

So that is the essence of the amendment. It is to provide procedural protections to assure this Senate, to assure the American people, and especially to assure the over 35 million Americans who depend upon the Medicare trust fund for their hospital payments, that any funds which are pilfered from that trust fund, any funds which are used from that trust fund for purposes of effective enforcement will be for the benefit of the trust fund.

I urge adoption of this amendment. I thank the Chair. I thank my colleague.

Mr. EXON. Mr. President, I yield 2 minutes from our time to the Senator from South Carolina.

POINT OF ORDER

Mr. HOLLINGS. Mr. President, let me get right to the point of the statement I made back in 1980 when I was chairman of the Budget Committee and Mr. Giaimo of Connecticut, was chairman on the House side. Before I could get these records I put in a call to him. He is down in Florida just below Palm Beach. He verified my memory. Lots of times my memory is pretty good way back, and very precise, and then I cannot remember where I parked the car, so I always like to double check when I just speak from memory. He verified that Mr. Bellmon was the ranking member on the Senate side, and he and all the records show that the bill was not a reconciliation bill. There were not any reconciliation instructions in the fiscal '76 concurrent resolution on the budget, and the tax bill offered by Senator Long of Louisiana as the chairman of the Finance Committee was not a part of reconciliation.

I thank the distinguished Senator.

AMENDMENT NO. 3986

Mr. ABRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. ABRAHAM. I thank the Chair.

I would yield myself 5 minutes to speak on and in relation to amendment No. 3986 by Senators WELLSTONE and KERRY. This is an amendment which pertains to the violent crime reduction trust fund. It is a sense-of-the-Senate amendment. Since the time has not been yielded back, I am not in a position at this point to offer a second-degree amendment that I had considered, but I anticipate doing that at the appropriate moment.

I do want to speak in relation to this issue though because I think it is a fairly significant one. The sense-of-the-Senate amendment that has been offered talks in terms of full funding of the violent crime reduction trust fund. I think, Mr. President, we should go further than just put this in the context of a sense of the Senate. Indeed, my intention is to offer a second-degree amendment which would accomplish the goal of fully funding the violent crime trust fund by moving moneys for the years 2001 and 2002 from function 600. It is my view that we should also stop, the administration should be much more up front and much more consistent with regard to the facts concerning the COPS Program, and I think in addition that we should take action to minimize the administrative overhead in relation to the COPS Program. The second-degree amendment which I will offer tomorrow along with Senator COVERDELL would try to accomplish both of these objectives. Specifically, under the current law the violent crime trust fund is set to expire in the year 2000, just 4 years from now.

This amendment that we intend to offer would provide the funds to keep it going to the year 2002. That would mean funds for the prison grants; the GREAT Program; Violence-Against-Women Program; violent crime reduction programs for the Justice Department; INS, DEA, FBI; funding for the immigration initiative and border control programs; Byrne grants, and the COPS Program.

We will be offering this amendment in due course to the Wellstone amendment because we feel the issue deserves more than just the sense-of-the-Senate recognition. We believe the trust fund needs to be protected. The underlying Republican budget already fully funds the trust fund. We plan to carry it forward through the year 2002.

In terms of the offset, it is our belief to fund this there would be corresponding reductions to function 600 in the budget. For those Members who might argue we should not be reducing this function below what was reported by the Senate Budget Committee, I point out that the Republican budget includes significantly more funding under function 600 in the years 2001 and 2002 than the President's budget that we voted on last week.

Specifically, over those 2 years the Republican budget currently exceeds the President's budget in the following areas: Low-income housing, $4.26 billion more; refugee and entrant assistance, $189 million more; child care and development block grants, $330 million, the WIC program, over $1 billion more, and the Commodity Assistance Program, $66 million more.

In other words, even after the amendment we would plan to bring tomorrow is adopted, the Republican budget will still provide more funding for these programs within the 600 function than the budget that the President has offered. At the same time, it would give us the ability to fully fund the violent crime trust fund.

So at this point I conclude my remarks in that I must become the Presiding Officer here. I will be yielding time to the Senator from Georgia so that he might make further comment on this. At this point I call upon him.

Mr. EXON addressed the chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, may I ask how much time the Senator from Georgia will need? We have had several speakers. We generally go back and forth. How much time does the Senator wish?

Mr. ABRAHAM. If the Senator from Delaware would like to go ahead, I think actually the Senator from Georgia will take over this seat so he can take it upon himself.

Mr. EXON. With that understanding, I am pleased to yield 3 minutes at this time to the Senator from Delaware. I believe under the rules he will be talking on an amendment, so the time should be charged on the amendment, which takes it jointly off of each side's time.

Mr. BIDEN. Mr. President, I thank the manager. I was going to respond very, very briefly to the Senator from Michigan who just spoke about the violent crime trust fund. As the author of that trust fund, I am saying I am delighted to see so many Republicans coming aboard now, having voted against the establishment of that fund.

I agree what the House did was outrageous and the proposals to cut the violent crime trust fund are equally outrageous. I want to point out, I want to remind everybody how we funded that. The Senator from Texas, Senator GRAMM, was a cosponsor of the funding of that. We cut it by agreeing to do what none of the previous Presidents had done, cut the Federal work force by 272,000 people: No new taxes. No new taxes. We funded it for 6 years.

Now I welcome the support for the trust fund and the recognition of the need for it, the recognition it may make sense to extend it beyond the 6 years for which we authorized it. The fact of the matter is, when I introduced that legislation and it was passed with six Republican votes—excuse my reference to partisanship here, but I find everybody is cutting the COPS program, they come and cut the prevention programs, there are fights on the floor here under the Republican leadership to cut the violence-against-women legislation—now I have Republican leadership talking about not only liking the trust fund but wanting to extend it another 2 years. I think that is a very worthwhile thing to do.

I hope, if there is a genuine intent to do that, we will first make sure you all sign on and we are not going to cut the trust fund now. We did not fully fund the crime bill trust fund, which is now the crime law trust fund, last year to the extent that there was money in the trust fund in 1996. The House did not fully fund the trust fund this year. We did not and are not fully funding it. The money is there. We are not spending any money that had not had the nickel dropped in the box. You take a worker's paycheck who no longer works for the Federal Government and you put it in the box and you hire a cop, you build a prison cell, you go out and deal with a serious prevention program like the drug courts, you go out and make sure you build more boys clubs and girls clubs.

So, I hope we are all singing from the same page here and that is that, A, by definition, the crime bill must be pretty good if we are extending the trust fund; B, if we are going to extend the trust fund another 2 years we should spend all that is in the trust fund for its stated purposes; and, C, I hope we are not going to decide we are going to keep kids out of crime, and trouble, and the drug stream by taking away the WIC program or taking away other programs to fund the COPS. There are better ways to do it.

But I am anxious and willing and delighted that there is the support for the full funding of the trust fund and the extension of the trust fund.

I yield the floor.

The PRESIDING OFFICER (Mr. ABRAHAM). The Senator from Georgia is recognized.

Mr. COVERDELL. Mr. President, as the manager I yield myself 3 minutes to support the statement you made, Mr. President, and the amendment to be offered tomorrow. I appreciate it, understanding the history of this from the Senator from Delaware. My support for his amendment is based in conjunction with setting of priorities. When we passed the crime bill we were told we were going to put 100,000 police officers on the street. Then, on May 12, 1996, George Stephanopoulos of the White House claimed under this COPS Program it would not be 100,000 police officers, it would be 43,000 police officers. And then on Thursday, May 16—that is just several days ago—the Attorney General, Janet Reno, stated, "What I am advised is there are 17,000 officers that can be identified as being on the streets," as a result of the COPS Program. So, from 100,000 to 43,000 now we are down to 17,000 officers.

I think it is appropriate that if it is less than 20 percent of what is promised we ought to adjust the appropriation for that program, which is of course what your amendment does, Mr. President.

In reviewing the COPS officials efforts in their expenditures, I find they rented a 10-floor, 51,000 square foot office building to administer the program at a cost of $1.5 million a year. I would rather reinforce the priorities that were just enumerated by the Senator from Delaware than this typical Washington bureaucracy.

They have five full-time Washington public relations specialists. What are they there for? Do we need public relations specialists to deal with putting cops on the street? The answer is no.

In the 1995 budget, this program spent $10 million on administrative costs alone, funding 130 positions. Meanwhile the administration reduced by 100 positions the drug czar's office and only recently has indicated that would be repaired.

For fiscal year 1996 this program proposed to double—double the number of administrative officers to 310 positions. Management and administration would reach over $29 million by fiscal year 1997, under the President's proposal.

So, what we have here is a program that was much touted that would put 100,000 cops on the street; Then we said no, it is only 43,000, but the Justice Department verified that less than 20 percent, only 17 percent of that program has been fulfilled. The reason is, it is bait and switch. It gets the community into the program but then after 3 years the community is stuck with the bill.

In the meantime, the administrative support of the program has it as if we had the whole shebang out on the street. So it is time to scale back these administrative positions, this 10-story building, this 51,000 square feet, and get the administration down to the level commensurate with the actual product that this program has produced.

I yield the floor.

Mr. BIDEN. Mr. President, I ask unanimous consent—and I will not do this again to my friend—that I have 3 more minutes.

Mr. EXON. I yield 3 minutes to the Senator from Delaware.

Mr. BIDEN. My friend from Georgia has his facts wrong, with all due respect. What the administration said was, we have already funded, of the 100,000 cops, 43,000 to date. When the Republicans were telling us we would not get 20,000, remember Charlton Heston, "Moses," was on TV saying this is only 20,000 cops from the entire 6 years of the program.

We have already funded—who being recruited, being hired and being trained—43,000 cops already. Already. And because of the Biden crime bill, there are 17,000 of these 43,000 cops on the streets as we speak, with the remaining 26,000 having been funded and in the process of being recruited, hired and trained.

Now, in terms of administrative costs, I challenge any of my Republican friends to pick up the phone and call any one of their local police agencies and ask them about the bureaucratic morass in cost. We insisted this get down to a one-page application. All the cops need do is send in a one-page application. It has been the most stunningly successful nonbureaucratic program that has been around in the last 20 years.

No. 2, cost, administrative costs, 10-story building, whatever that was about. The 100,000 cops has administrative costs of just over 1 percent, just over 1 percent administrative cost for putting 100,000 cops on the street over the duration of the bill, which takes 6 years.

My Republican friends have come along with this brilliant idea of a block grant. You know what they factor in for the block grant? Three percent overhead. The 100,000 cops program is one-third or one-half below what the Republican proposal calls for in the block grant proposal. It is actually less than the block grant. This is, with all due respect, poppycock.

Folks, nobody thought a year after this program was underway we would have it going, the administration—any administration—would have it going as well as it is: 17,000 cops making arrests as we speak because of Federal funding for cops that did not exist a year and a half ago; at total of 43,000 funded being recruited, being hired and being trained as a consequence of the crime bill right now. Right now. We have not gotten to 100,000 yet. No one said that. It was always said it would take the duration of time to get to the full 100,000.

The last thing, in 3 years they are going to have to pay their own way—

Mr. COVERDELL. Will the Senator yield?

Mr. BIDEN. I will be happy to.

Mr. COVERDELL. I do not want to get into extended debate.

Mr. BIDEN. I would love to.

Mr. COVERDELL. I do want to read the quote:

> Next week, 43,000 of the 100,000 cops will be on the street.

That is the quote.

Mr. BIDEN. Mr. President, in response, that is Mr. Stephanopoulos, who knows about one-fiftieth of this as I do. He is not the Attorney General; he is not anyone. He makes mistakes on occasion. What he meant to say, I am sure, is 43,000 funded and being recruited, being hired. You get recruited and hired before you go into training. You are not on the street yet.

The PRESIDING OFFICER. The time of the Senator from Delaware has expired.

Mr. BIDEN. I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. COVERDELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I suggest the absence of a quorum and ask that it be charged equally.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EXON. I yield 3 minutes to the Senator from South Carolina.

Mr. HOLLINGS. Mr. President, referring again to the RECORD made back in 1975. The Parliamentarian points out the fact that Senator Muskie called it the reconciliation bill in that 1975 discourse. The truth of the matter is Senator Hartke raised that point.

Mr. President, I suggest the absence of a quorum while I search for the particular quote.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. I just reviewed the particular statement by Senator Muskie back in 1975. As I alluded in my original remarks, Senator Hartke of Indiana said, "Where do you get that this is a reconciliation bill? There is no reference." Senator Muskie said, "That is what Senator Long called it." He said, "Just by calling it that, does it make it a reconciliation bill?"

I was going to read the exact quote, but I think the full RECORD should be included here at this point with respect to that special act in 1975. It is used as the authority that was a reconciliation bill. It responded to the second concurrent resolution.

You read that RECORD. Mr. Muskie came on the floor at that particular time. He was catching up with what Chairman Long of Finance was doing and was trying to justify it. But the truth of the matter is, the RECORD will clearly show that the tax bill was only in response to the second concurrent budget resolution and not any reconciliation instructions. That was brought out by Senator Hartke. The exact discourse will be included in the RECORD. I had it here.

Mr. President, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Congressional Record, Dec. 15, 1975]

Mr. MUSKIE. Mr. President, I think this might be a good point, with somewhat of a lag in floor discussion, to discuss the pending legislation, as chairman of the Budget Committee. I shall speak briefly of the relationship of the tax reductions contained in H.R. 5559 and the requirements of the congressional budget process.

The second concurrent budget resolution for fiscal year 1976, which is now binding upon Congress, provides for extension of the temporary antirecession tax cuts of 1975 at a level which will maintain current tax withholding rates until the end of June 1976. The resolution mandated the Finance and Ways and Means Committees to report such legislation—specifically, legislation which would decrease fiscal year 1976 revenues by approximately $6.4 billion less than what they would be under existing law. H.R. 5559 meets this standard.

Extension through June 30, 1976, of the temporary lower withholding rates established last spring will allow adequate time for Congress carefully to develop budget targets for fiscal year 1977 including an overall spending ceiling and revenue floor. These targets will be established in the first concurrent resolution to be adopted by Congress next May. This schedule will allow Congress to establish reasoned and accurate fiscal year 1977 spending and revenue decisions at the first available opportunity under the new congressional budget discipline. If Congress determines at that time to further extend or alter the original 1975 tax reductions, legislation to implement that decision can be enacted before the June 30, 1976, expiration date.

I would also like to take this opportunity to praise the Finance Committee, and particularly its chairman, the distinguished Senator from Louisiana, Senator LONG, for so closely integrating the vital work of the Finance Committee into the framework of the new congressional budget process. Decisions affecting Government revenue levels are vital both to eliminating future budget deficits and to maintaining the momentum toward economic recovery. Thus, the close coordination of the tax writing committees with the budget process is essential if the process is to be successful.

The fact that H.R. 5559, as reported by the Finance Committee, meets the reconciliation instruction in the second concurrent budget resolution is proof of the commitment of the Finance Committee to the successful working of the new budget process.

Since H.R. 5559 constitutes the first so-called reconciliation bill required to be reported in the Senate under the Budget Act, I would also like to explain very briefly how reconciliation bills fit into the overall budget process.

In recent months, I periodically informed the Senate as to the consistency of various bills with the budget targets established by the first concurrent resolution last spring. Subsequently, the second concurrent budget resolution has just been adopted which establishes binding overall revenue, spending, and debt figures for fiscal year 1976.

The Budget Act provides a special procedure to insure rapid enactment of legislation to bring current congressional legislative programs into line with the figures established in the second concurrent resolution. This legislation—which can affect spending authority, budget authority, revenues, or the public debt limit—is known as a reconciliation bill. After enactment of the reconciliation legislation, the focus of the budget process will shift to insuring that subsequent legislation does not breach the second resolution figures.

The Budget Act provides that legislation subsequent to a reconciliation bill will be subject to a point of order if it causes either expenditures to exceed the relevant spending ceilings or revenues to fall below the revenue floor established in the second concurrent resolution.

With respect to reconciliation bills affecting either spending or revenues, the Budget Act requires they fully carry out the reconciliation instructions given in the second concurrent resolution. The act further provides that no amendment not germane to the provisions of that reconciliation bill is in order.

Therefore, in the case of the present second resolution requirement that fiscal year 1976 revenues be reduced by approximately $6.4 billion, amendments to the reconciliation bill which would further reduce revenues more than $6.4 billion or raise revenues above the $300.8 billion set as the appropriate revenue floor for fiscal year 1976 would be out of order.

The Budget Committee looks forward to working with the Finance Committee in enforcing the revenue floor and spending ceilings after this legislation is adopted.

May I make the point that this is the point at which we move beyond persuasion, which has worked very effectively and to my satisfaction, up to this point, to the discipline of a point of order.

Mr. HARTKE. Mr. President, will the Senator yield?

Mr. MUSKIE. Yes, I yield to my good friend.

Mr. HARTKE. How does this bill, which is the pending business, become a reconciliation bill without being designated a reconciliation bill?

Mr. MUSKIE. I think that when we see an apple that looks like an apple, we call it an apple.

Mr. HARTKE. How can we say this bill is the specific reconciliation bill?

Mr. MUSKIE. If it is not that, then it is out of order, as to cutting revenues.

In the first place, I understand the manager of the bill has described it as a reconciliation bill. But beyond that, the only revenue cut that is permitted under the second concurrent resolution is a cut of $6.4 billion. If this bill is not the instrument for achieving that cut, the assumption would have to be, I guess, that a bill is coming along that would. In that case, this bill, being extraneous to that, could be held to be out of order. But I think that is a semantic discussion. We do not mandate the words. All we do is mandate the action.

When I say "we," I am talking about Congress as a whole.

Mr. HARTKE. In other words, the chairman of the Committee on the Budget has made an assumption that this is a reconciliation bill.

Mr. MUSKIE. No, may I say, the chairman of the Committee on Finance has told me it is a reconciliation bill.

Mr. HARTKE. The chairman of the Finance Committee can make a statement, but that does not make it the situation. The Committee on Finance has not acted upon this being a reconciliation bill. There is no record of its being a reconciliation bill; there is no mention of it in the report as being a reconciliation bill. Therefore, I think a point of order would not be well taken in regard to any amendment, because it is not a reconciliation bill. This is a tax reduction bill.

I can see where the Senator may assume, but it is an assumption which is not based on a fact.

Mr. MUSKIE. May I make my point as simply as possible? The second resolution does not permit tax reductions beyond $6.4 billion. If the Senator chooses to say that the proposed tax reduction does not come in a legislative vehicle that could properly be described as a reconciliation bill, still, in my judgment, he cannot escape the point that if it is not that, it is, nevertheless, out of order if it exceeds $6.4 billion.

I really do not know why the Senator is chasing his own tail.

Mr. HARTKE. I am not chasing my tail. I will point out, very simply, that in my judgment, this is a case where two Senators have gotten together and agreed that this is reconciliation bill and there is nothing in the record to show that it is a reconciliation bill.

Mr. MUSKIE. May I say to the Senator, I have never discussed this with Senator LONG. If the Senator says I have gotten together with him, the only way in which we have gotten together is that the second concurrent resolution mandates a tax reduction of $6.4 billion and the chairman of the Committee on Finance has reported a bill which reduces revenues approximately $6.4 billion. In that open and nonconspiratorial way have the Committee on Finance and the Committee on the Budget "gotten together," in the words of the Senator.

Mr. HARTKE. Let us avoid any conspiracy, but the fact is that I think there are not very many, if any, Senators on this floor that had the idea that this bill would not be subject to amendment, other than the fact that there was a unanimous-consent agreement, which is an entirely different proposition. The germaneness rule only comes into effect if this is a reconciliation bill.

Mr. MUSKIE. Why does the Senator not test the point? He is not going to persuade me of it.

Mr. HOLLINGS. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

AMENDMENT NO. 4025

(Purpose: To express the sense of the Senate regarding the funding of Amtrak)

Mr. EXON. On behalf of Senator ROTH, with myself as a cosponsor, I send an amendment to the desk and ask that it be considered.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nebraska [Mr. EXON] for Mr. ROTH, for himself and Mr. EXON, proposes an amendment numbered 4025.

Mr. EXON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place insert the following:

SEC. . SENSE OF THE SENATE REGARDING THE FUNDING OF AMTRAK.

(a) FINDINGS.—The Senate finds that—

(1) a capital funding stream is essential to the ability of the National Rail Passenger Corporation ("Amtrak") to reduce its dependence on Federal operating support; and

(2) Amtrak needs a secure source of financing, no less favorable than provided to other modes of transportation, for capital improvements.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) revenues attributable to one-half cent per gallon of the excise taxes imposed on gasoline, special motor fuel, and diesel fuel from the Mass Transit Account should be dedicated to a new Intercity Passenger Rail Trust Fund during the period January 1, 1997, through September 30, 2001;

(2) revenues would not be deposited in the Intercity Passenger Rail Trust Fund during any fiscal year to the extent that the deposit is estimated to result in available revenues in the Mass Transit Account being insufficient to satisfy that year's estimated appropriation levels;

(3) monies in the Intercity Passenger Rail Trust Fund should be generally available to fund, on a reimbursement basis, capital expenditures incurred by Amtrak; and

(4) amounts to fund capital expenditures related to rail operations should be set aside

for each State that has not had Amtrak service in such State for the preceding year.

Mr. ROTH. Mr. President, I rise to offer a sense-of-the-Senate regarding funding for Amtrak. My amendment has a very simple and important purpose. It states that Congress should establish a secure source of financing, no less favorable than that provided to other transportation modes, for capital improvements to intercity passenger rail.

Recognizing Amtrak's severe needs for capital investment, I have introduced a bill, S. 1395, that would give Amtrak a dedicated source of funding. This legislation has already been approved by both the Senate Finance Committee and the Senate Commerce Committee. The legislation creates a new intercity passenger rail trust fund which would be funded by transferring revenues from the one-half cent excise tax that is currently going into the mass transit account. If this legislation is enacted, Amtrak would be able to use $2.8 billion over 5 years for capital improvements, and States that do not have Amtrak service would be able to fund capital expenditures related to rail operations.

Some of my colleagues have argued that taking one-half cent from the mass transit account would hurt the viability of this account. I would like to clarify that the establishment of the intercity passenger rail trust fund would not have an adverse impact on mass transit or any other modes of transportation. There is currently a large unspent balance in the mass transit account, totaling about $10 billion. My legislation would only cost $2.8 billion over five. To ensure that the mass transit account would not be adversely affected by transferring the one-half cent, the bill provides that Amtrak would be prevented from receiving any funds from the rail trust fund if the balance in the mass transit account is insufficient to cover transit spending for the current and following fiscal years. Current projections indicate that this would not occur over the 5-year life of the rail trust fund.

Mr. Chairman, we are all working toward an Amtrak which operates without a Federal operating subsidy, which provides quality service, and which is financially stable. Amtrak now covers approximately 80 percent of its operating costs with self-generated revenue, up from just 48 percent in 1981. Yet we also know that no intercity rail passenger service anywhere in the world operates without some degree of public sector financial support.

Mr. Chairman, if Amtrak is to stay alive and become economically healthy, there is no doubt that it will need the labor and management reforms contained in the Amtrak authorization bill which I know Senators LOTT and PRESSLER and other Members hope to see enacted this year. Amtrak will need to continue to do its own internal restructuring. It will also need a dedicated trust fund to support capital needs in the same way we provide capital for highways and airports.

Investment in all modes of transportation is important, but we have gone about it in a lop-sided way. Purchasing power for Federal highway programs has increased by 48 percent from 1982 to 1996. It has increased 78 percent for aviation, but has decreased 46 percent for passenger rail. In fact, Amtrak currently receives less than 3 percent of all Federal transportation spending. To attain balance, we must balance our financial support to all transportation components, including passenger rail service.

As I have stated before, a secure source of capital funding is necessary for Amtrak's future economic health. New capital investments will allow Amtrak to operate more efficiently. With new equipment, Amtrak will attract substantial new ridership—bringing with it increased revenues and allowing Amtrak to eliminate its dependence on Federal operating subsidies. It currently costs Amtrak $60 million per year to operate and maintain its old equipment, which frequently breaks down and often requires parts to be specially made.

As a Senator living along the Northeast corridor, I cannot stress how important it is that we have intercity rail service. Depending on the Senate schedule, I ride the train almost daily between Wilmington and Washington. Without Amtrak, I would not be able to live in Wilmington and work in Washington.

Here in the Northeast, Amtrak is the dominant public carrier, with more than 10 million riders a year. Between Washington and New York it takes care of 43 percent of the combined air/rail passenger market. The need for rail service is also growing in other parts of America. For example, Amtrak service between San Diego and Los Angeles serves two million people. Routes also are growing between New York and Boston; Chicago, Milwaukee, St. Louis, and Detroit; and between Portland and Seattle. In fact, many of our rural communities are almost completely dependent on Amtrak for their transportation needs.

As someone concerned not only about the environment, but about traffic congestion, especially in the Northeast, where we lack the lands and resources for new roads, I am a proponent of Amtrak.

Simply put, Amtrak is safe, fuel efficient, speedy and the best transportation alternative for millions of Americans. It's $2.2 billion budget directly generates some 25,000 jobs nationwide, and more than than 33 million Americans across the country commute to work on Amtrak-operated systems throughout the country. I am grateful for the service Amtrak provides me and the thousands of men and women who depend every day on Amtrak.

If Congress hopes to privatize Amtrak in the next 5 years, and if we support continued intercity passenger rail service—service that is vital to both rural and urban areas—we must vote for a dedicated trust fund for Amtrak.

Mr. President, thank you and I yield the floor.

Mr. GRASSLEY. Mr. President, I rise in opposition to this sense-of-the-Senate resolution offered by the Senator from Delaware that would allow Amtrak to invade the highway trust fund for its financial wants.

Under this plan, Amtrak would divert one-half cent per gallon of the highway automobile fuel tax, from the mass transit account of the highway trust fund, and into a new trust fund designed to benefit Amtrak trains. By voting for this resolution, Senators would vote to classify much of this entirely new spending from this new trust fund as direct spending under the Budget Enforcement Act. Thus, this sense-of-the-Senate resolution resolves the Senate to both plunder the highway trust fund and create a new entitlement. Now is not the time to create new entitlements; now is the time to show our sincerity in balancing the Federal budget.

Mr. President, Senators should vote against this Amtrak resolution because it steals much needed capitol funds from our country's mass transit systems. And let me remind my colleagues that Amtrak is not the same as your local mass transit system. Both may carry significant numbers of passengers when compared to the private automobile, but the similarities end there and the differences begin. Local mass transit carries the working poor, disabled and the elderly to jobs, to local clothing and grocery stores, to medical services, and other amenities of the local community. These are people who do not have access to other modes of transportation and are highly dependent on the local mass transit system. Mass transit carries more people in 1 day than Amtrak carries in 1 year.

Let me also remind my colleagues that 60 percent of the cuts made in the fiscal year 1996 transportation appropriations came from mass transit.

Amtrak, on the other hand, has a very different ridership. A study states that "travel on Amtrak by persons with incomes above $40,000 is 3.5 times higher than intercity buses and nearly 1.5 times higher than airlines." This is not the working poor trying to get to their job, or the elderly to medical care. It is all well and good to buy new scenic cruisers and build train stations in New York, but not at the expense of getting people to their jobs, or to the doctor.

Mr. President, on May 6 the White House issued a statement of administration policy on S. 1318, which reauthorized Amtrak. I as unanimous consent that that statement be entered into the RECORD after my remarks. It is clear from that statement that the administration has deep concerns about changing Amtrak's funding. In that statement the Office of Management and Budget "strongly opposes" providing Amtrak appropriated funds on an accelerated basis, fearing that this "would unnecessarily increase Federal borrowing costs." They also oppose "subordinating the Federal interest as a creditor in the event of a default under the section 511 loan program" and the proposed Federal guarantee of new borrowing authority for Amtrak authorized in this legislation.

I have to ask my friend from Delaware if he intends to create a new tax to subsidize Amtrak as a follow-up to his sense-of-the-Senate resolution?

I ask this because my reading of the amendment is that revenues taken from the highway trust fund and re-routed to Amtrak shall be re-routed between the period of January 1, 1997, through September 30, 2001.

However, my reading of the Tax Code (§9503, 1996 Cumulative Annual Pocket Part, West Publishing Company, 1996.) tells me that the fuel tax for the highway trust fund expires on September 30, 1999. Thus, under current law there will be no revenues for 2 full years of this subsidy, if this subsidy were law. Indeed, under current law, the only automobile fuel tax that will survive after September 30, 1999, is President Clinton's 1993 4.3-cent-per-gallon fuel tax increase for the general fund that so many of my colleagues in the Senate oppose.

Therefore, I again would like to ask my friend from Delaware if he intends to increase highway taxes in the future, and is this the first step toward that tax increase?

If Amtrak needs the Senate to sustain or increase a tax, then I especially urge all of my colleagues who oppose tax increases to consistently oppose this Amtrak sense of the Senate because, like all other tax increases, it will hit the pocketbooks of taxpaying Americans.

Senators should vote against this Amtrak train invasion of the highway trust fund because this proposed new Amtrak trust fund contradicts any efforts to balance the budget. Senate bill No. 1395 outlines the plan for the new Amtrak trust fund. That bill legislates direct spending from the highway trust fund, through the new Amtrak trust fund, and into Amtrak. I believe that Congress should not now be creating a new and special entitlement for Amtrak while at the same time we are reducing the growth of other more important entitlements that affect many more Americans. We in the Senate are in an historic and difficult process of offering this Nation a balanced budget. If this budget succeeds, it will be the first balanced budget enacted since 1969. While attempting to achieve a balanced budget plan for fiscal 1996, many in Congress have already made painful sacrifices. The budget resolution for 1997 requires that many of us repeat those same sacrifices. Given the choice, Mr. President, many of us might rather spend the necessary revenue offsets to increase funding for Medicare or Medicaid or for the protection of the environment. Therefore, it is inappropriate that Congress would at this same time create a new entitlement for Amtrak.

Mr. President, this Amtrak resolution further cuts against a balanced budget because it is new spending. As the second most senior Republican Member of the Senate Budget Committee, I am here to remind everyone that the highway trust funds are on the budget. Though there is a separate account for the highway trust funds, there is no separate book. Any new and additional spending for Amtrak is to feed yet another hungry mouth, and yet another break in our fiscal dam. Therefore, in our budget balancing efforts, funding Amtrak from an existing source still requires that the Senate either raise someone else's taxes, or cut someone else's spending without a thorough review. I am against both. I want to balance the budget.

Additionally, I will say that though this sense-of-the-Senate resolution regards a revenue bill, the Senate Committee on Finance has held no hearings on the underlying bill, nor has it held a general hearing on the Amtrak train's invasion of the automobile driver's highway trust fund moneys.

In summary, Mr. President, a vote in favor of this Amtrak sense of the Senate is a vote against highways and against automobile drivers. It is a vote in favor of corporate welfare and against Medicare and Medicaid beneficiaries. Indeed, this sense-of-the-Senate resolution for Amtrak is a vote against a balanced budget.

I encourage all of my colleagues to join me in voting "no" on this resolution to bail out Amtrak by invading the automobile driver's highway trust fund and creating new spending.

Mr. President, I ask unanimous consent that a statement of administration policy be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF ADMINISTRATION POLICY

S. 1318—AMTRAK AND LOCAL RAIL REVITALIZATION ACT

The Administration agrees with the thrust of S. 1318, to enable Amtrak to respond to consumer needs and market realities and to free itself from Federal subsidies. Although S. 1318 includes many provisions to that end, some of its provisions could impede achievement of these objectives or impose other unnecessary burdens.

The Administration is generally opposed to the imposition of arbitrary caps on punitive damage amounts, and would strongly oppose the inclusion of any provision in S. 1318 imposing such caps.

The Administration also strongly opposes the requirement that appropriated funds be provided to Amtrak on an accelerated basis. This requirement, which is not necessary to support Amtrak's operations, would shift $659 million of Federal outlays to FY 1996 that would occur, under current law, in FY 1997 and FY 1998. This would unnecessarily increase Federal borrowing costs.

In addition, the Administration strongly opposes Senate passage of S. 1318 unless it is amended to:

Delete the provisions for a permanent authorization of appropriations for the Local Rail Freight Assistance Program (LRFAP), and modifications to the section 511 loan program. The President did not request, and Congress did not provide, any appropriations for LRFAP for the current fiscal year. The rail freight industry has clearly established its ability to operate without Federal subsidies or loans. Any future decisions to subsidize the rail freight industry should be made by local State governments in the context of their overall transportation planning, not by the Federal Government.

Delete the provision which would subordinate the Federal interest as a creditor in the event of a default under the section 511 loan program. Such provisions increase the risk, and therefore the "subsidy rate," of loans guaranteed under this program, thereby reducing the number of loans which could be made with the resources available.

Mr. EXON. Mr. President, just briefly, what this amendment is is a proposition that we have been talking about for a long time, to provide some funding, badly needed funding, for the Amtrak system. The amendment speaks for itself. I simply ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. EXON. I thank the Chair. I yield the floor.

How much time would the Senator from Washington like?

Mrs. MURRAY. Two minutes.

Mr. EXON. I yield 2 minutes to the Senator from Washington. Is this on an amendment or another subject?

Mrs. MURRAY. On an amendment.

Mr. EXON. On an amendment the time would be equally divided. I yield the Senator from Washington 2 minutes.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Thank you, Mr. President.

Let me just take this opportunity to also thank the ranking member of our Budget Committee, Senator EXON, for the excellent job he has done over the past several days managing the budget and being a spokesperson for all of us.

AMENDMENT NO. 3991

Mrs. MURRAY. Mr. President, I rise today to remind all of my colleagues that one of the most important amendments that we are considering tomorrow is the Kerry-Murray amendment that adds $56 billion to function 500. That is the function in the budget that covers education and the investment in our young people.

I wanted to rise today to ask unanimous consent to have printed in the RECORD articles from the Seattle PI that did a survey that shows the No. 1 issue in my home State is education. I believe this is replicated around the country. In fact, USA Today had a poll recently that said this is the No. 1 issue to voters.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Seattle Post-Intelligencer, May 20, 1996]

DAILY WORRIES CONCERN VOTERS MOST, POLL SAYS

SCHOOLS, JOBS OVERSHADOW OTHER ISSUES

(By Neil Modie)

Meat-and-potatoes concerns—taxes, jobs and the economy—loom large in the minds of Washington voters as they look toward this fall's elections. As a single issue, however, education tops them all.

A new poll, the Mood of Washington, shows the electorate cares far less about the hot-potato issues—abortion, gun control, gay rights—that apparently heat up political party caucuses, TV screens and news pages more than they do the voting booths.

Most voters polled said they feel less safe than they did four years ago. They think the public school system is declining and feel they must struggle harder to maintain their standards of living.

When family and pocketbook issues preoccupy people, they show little interest in the hot-button topics, observed Bruce Pinkleton, a public opinion researcher at Washington State University.

"When people are concerned about job security and other, related issues, then some of the other (more emotional) issues become less central to their decision making," said Pinkleton; who conducted the poll along with Joey Reagan, a fellow researcher who also works at WSU.

Surveyors polled 556 of the state's registered voters between April 24–30 in a collaborative project by The Associated Press and 12 state newspapers, including the Post-Intelligencer, the Olympian, the Tacoma News Tribune, the Herald in Everett and the Sun in Bremerton.

Worry about the state of public schools is widespread. Nearly six in 10 voters polled believe public education is worse than it was four years ago. And a slightly higher number agreed that the education in Washington is underfunded.

I think education should get a better slice of the budget pie and I would be willing to pay more taxes (to pay for it)," Judith Jenkins Harlin, a poll respondent from Redmond, said in a interview. She is a homemaker, mother and school volunteer who has been trained as a teacher.

Cricket Hamilton, an Olympia search-and-rescue officer, also thinks schools are in trouble but is unwilling to pay more taxes to let educators spend more money.

"Definitely not," Hamilton said. "reading, writing, and arithmetic has to be brought back, not pottery."

Pinkleton, the researcher, observed: "A lot of people feel that education is underfunded, a big majority, and yet people aren't terribly excited about paying more taxes, either. So we kind of want to have our cake and eat it, too."

The poll didn't specifically ask voters whether they would be wiling to pay higher taxes to support education. But it did affirm Washingtonians' long-standing opposition to a state income tax.

Asked if they "would support a state-income tax if state taxes would be cut in other areas," 56 percent said no. Barely more than one-third replied favorably. The rest had no opinion.

When asked how important they consider education in deciding which candidate to vote for, nearly nine voters in 10 ranked important by more than three-fourths of the votes. Then came welfare reform, the candidate's moral character, a candidate's ability to work with political opponents, the environment, and illegal immigration, in that order, with each rated important by more than half those polled.

At the bottom were gun control, important to barely half the voters; abortion, mentioned by two out of five, and gay rights, cited by just over one-fourth of those polled. The voters weren't asked on which side of those issues they stood.

When the voters were asked, without mention of any specific issue, to identify the most important concerns in this fall's gubernatorial election, education again was the most-often mentioned single concern, even above such perennial worries as the economy, taxes and crime.

However, although 125 voters named education, even more—191—said, "I don't know."

That surprised Pinkleton.

"Clearly, issues are still developing in the minds of the voters. . . . It's still fairly early (in the campaign season)," the researcher observed.

After education, mention of other issues dropped off steeply. Ranked below education, in order of the number of times they were mentioned, were taxes, environment and conservation, crime and law enforcement state spending and the budget, the economy, health care and unemployment and jobs.

Other issues, including welfare reform, moral issues, gay rights and prayer ranked far lower. None of the 556 voters mentioned such volatile topics as abortion or gun rights.

The responses suggested that voters trust their state government more than they trust their fellow citizens.

Asked whether they agree that "voters usually make informed voting decisions," only 43 percent did. But 53 percent said they trust state government to "side with the public interest" in deciding between public interest and special interests.

The poll showed plenty of worry across a range of social ills.

Asked whether they agreed with the broad statement that "deteriorating social values are responsible for today's crime problem," nearly eight in 10 said they did.

One who emphatically agreed was Vern Dollar, 52, a Vancouver resident, who declared: "Our social values have decreased. All the neighbors knew one another when we moved in here 28 years ago, and I don't know the new ones who move in. . . . There's an influx of California people and they aren't very sociable, Good neighbors help neighbors."

Despite the worry about declining social values, one finding of the poll might surprise Washingtonians aware of the Pacific Northwest's long-held reputation—bemoaned by the Rev. Billy Graham, among others—as something of a religious wasteland.

Asked whether they agreed with the statement that "religious values play a role in my everyday decisions,"nearly two voters out of three did agree.

Religion plays the strongest role in the lives of the oldest voters, with more than seven out of 10 of those age 62 and older saying it did. But nearly six in 10 voters in the least religious age group, those 18 to 39, said religious values were part of their lives.

Conservative voters were most apt to say religion is part of their lives, and the most liberal voters were the least likely.

The poll revealed deep concerns across a broad topical spectrum. For example:

CRIME

Nearly two out of three agreed they feel less safe then four years ago, and nearly four in five favor stronger penalties for criminals.

That tough stance applied to youthful criminals, too. Asked whether they agreed with the statement that "criminals under 18 should be exempt from the death penalty," six in 10 disagreed. Even a majority of voters who identified themselves as politically "liberal" disagreed that criminals under 18 should be exempt. However, four-fifths of voters labeling themselves "very liberal" said criminals that young should be exempt.

Men were less in favor of exempting criminals from the death penalty than women were, with 72 percent of men opposing that exemption while only 53 percent of women did.

"Even the death penalty is kind of a joke; it takes years and years," remarked Trina Henifin, 22, a Bellingham resident who was polled. "How did they (carry out the death penalty) way back before there was the appeals system? Do it right away like they did in the old days."

Asked whether "state government should spend more money building prisons," 57 percent disagreed.

ECONOMY AND JOBS

Nearly one in four of those surveyed said they were concerned about losing their jobs. The worry was highest among people with less than a high school degree.

A majority of voters disagreed with the statement that if they lost their jobs, it would be easy to find jobs with similar pay. The least educated were most likely to be pessimistic.

And more than three voters in four agreed with the statement that they have to work harder today to maintain their standard of living than they did four years ago.

"The cost of living is higher, the cost of gas, electricity has gone, up, food too," said Gerald Barnett, a Spokane-area machinist and father of two, who first registered to vote last year. "I work overtime, and that helps, but the more you make, the more they take out in taxes."

HEALTH AND WELFARE

Asked whether they agreed that limits should be imposed on the length of time welfare recipients can receive state assistance more than eight voters in 10 said they did. And three-fourths agreed that "welfare recipients should be forced to work" if they receive assistance.

Without being asked specifically whether state government should pay for health care, just under three-fourths of the voters agreed that "state make sure that health care is available to everyone."

ENVIRONMENT, PROPERTY RIGHTS AND OTHER ISSUES

Washingtonians were lukewarm about environmental issues in their responses to several queries on the subject.

A plurality, 48 percent, disagreed with a statement that "protecting the environment is more important than protecting jobs"—a choice that most conservationists argue society needn't make—while just under one-third agreed. The rest didn't answer. And a majority of the voters disagreed with a statement that "government agencies do an acceptable job of balancing land use with environmental protection."

A plurality, 49 percent, agreed that "public money should be used to pay people when the government restricts how they use their land," while 39 percent disagreed.

Only one-third of the voters agreed that the state is more racially divided than it was four years ago while nearly half disagreed. More nonwhites than whites—but still less than a majority—believe the state is more divided.

A clear majority of voters, 58 percent, said "acceptance of homosexuals or bisexuals" should be taught in the public schools."

But support for the teaching of other values was much higher: more than nine voters in 10 favor teaching "acceptance of people who hold different beliefs" and teaching "moral courage;" nearly as many want "responsibility to prevent unwanted pregnancy" taught, and nearly three-fourths support teaching "sexual abstinence outside marriage."

Many voters seem to yearn for the values they grew up with, values they see as eroded today.

* * * * *

[From the Seattle Post-Intelligencer, May 20, 1996]

EDUCATION RATED NO. 1 of All State Issues

(By Neil Modie)

The Mood of Washington poll confirms what the state's 1996 political candidates already seem well aware of: Voters are plenty worried about public education.

"There's just a whole different intensity about the issue this year," observed Terry Bergeson, executive director of the state Commission on Student Learning and a candidate for superintendent of public instruction.

So far in the still-early campaign for governor, most of the 10 major candidates—four Democrats and six Republicans—have been talking more about education than anything else, even such tried-and-true issues as the economy, taxes and crime.

That's logical, since public education, including colleges and universities, accounts for nearly 60 percent of the state general fund budget.

And candidates who survive the primary will be sharing the general election ballot with two controversial education-related initiatives dealing with school vouchers and charter schools.

Whatever the reasons, some of the candidates' and political parties' own polls are showing deep concern about the state's school system, more so than in past years.

In the Mood of Washington poll, 88 percent said education was important to them in deciding who to vote for, and four of every five in that group said it was "very important." No other issue rated such a response in the survey.

"That's amazing. That's the highest I've ever seen" in any poll, Bergeson said.

The poll was a collaborative project by The Associated Press and 12 state newspapers, including the Post-Intelligencer, the Olympian, the Tacoma News Tribune, the Herald in Everett and the Sun in Bremerton.

Nearly three in five voters polled said the quality of public education is worse today than it was four years ago. That view was strongest among the youngest and least educated voters—those in the 18-to-39 age group and with less than a high school education—as well as among the most politically conservative voters.

Slightly more than three out of five voters, and especially the youngest and the most politically liberal voters, said education is underfunded.

When voters were asked to name the most important issues in the gubernatorial election, education was mentioned most often—by a long shot.

Cheryl Causey, 49, a Mercer Island mother and a student in interior design, thinks schools have improved "in the area of critical thinking skills rather than just role learning."

But she is concerned about a lack of classroom discipline and "a basic 'dumbing down' in some areas. I've read some of the textbooks used by my daughter and have found that some of the language used isn't very challenging. It plays down to a lesser intelligence and doesn't encourage the kids to really think and go beyond."

Verna Kloehn, 73, a retired barber and Kennewick resident, thinks kids nowadays are "damn dumb. They can't assimilate knowledge worth a darn."

Voters' concerns about public schools had to do not only with the quality of education, but also crime and violence.

And that was a worry expressed not only in urban areas, but in smaller communities as well.

"We need more teachers, more guards," said Trina Henifin, 22, a Bellingham resident, "I think it's terrible you have to have guards in schools, but you do."

Bergeson, who directs a commission created to develop statewide academic standards, surmised that voters might think schools are worse than they were four years ago because "people are seeing more in the news about violence in schools, about weapons."

"It doesn't have so much to do with education" as with safety, she said.

Bruce Pinkleton, one of two Washington State University researchers who conducted the Mood of Washington poll, suggested the concern about education might stem largely from the public's tendency "to look to the educational system to rectify the ills of society."

Judith Jenkins Harlin, a Redmond "stay-at-home mom" and school volunteer, agrees.

"I think public education has been asked to do too much, and public education doesn't turn anyone away," said Harlin, who is trained as a teacher. "Teachers in public education are trying to be mother, father, social worker, teacher, legal enforcer—we are asking teachers to do too much."

Mrs. MURRAY. I have taken the time over the last year to talk to hundreds of young people in my home State. I have talked to people, young students who are 4.0 students; I have talked to students in juvenile detention centers. The one thing they all say in common is they believe that in this country today, adults do not care about them.

Mr. President, we have an opportunity tomorrow to vote for the Kerry-Murray amendment to put dollars back into our education account and show our young people they are a priority to us. I can think of no better investment in this country to invest in the education and training of our young people.

I urge my colleagues to support that amendment. I remind my colleagues, this is a way we can make a difference for this country. I yield the floor.

Mr. EXON. I thank my friend from Washington for her kind remarks, and I thank her for the amendment she has just offered.

I yield 2 minutes to the Senator from South Carolina.

Mr. HOLLINGS. Mr. President, once again, regarding the record and this ruling, I turn to the CONGRESSIONAL RECORD, the House of Representatives, H11693, December 3, 1980. I quote Mr. Panetta:

> It obviously is the first time that the reconciliation process itself has been implemented under the Budget Act.

Further:

> No other chairman in the history of the Budget Committee has been able to say that reconciliation has been implemented and put into place. They have passed budget resolutions. We have passed continuing resolutions of one kind or another, but this is the first time that a chairman of the Budget Committee has implemented the reconciliation process.

I yield the floor.

Mr. HEFLIN. Mr. President, I wish to express my support for the President's fiscal year 1997 budget plan. There is no one here that wants a balanced budget more than I do. The largest obstacle to sustainable, long-term economic growth is our huge national debt. This is why I support the administration's budget. President Clinton is the first President in 17 years to submit a balanced budget using the Congressional Budget Office [CBO] figures, all while protecting Medicare, Medicaid, education, the environment, and cutting taxes for middle-class families.

There has been no President with a record of deficit reduction that compares to President Clinton's. Under the President's leadership the budget deficit has been cut more than in half. Four years ago, the Nation was faced with a budget deficit of $290 billion. The CBO is now predicting a budget deficit of only $144 billion for fiscal year 1996. Also, the total spending is lower as a share of the economy than in any year since 1979. This budget continues the highly successful deficit reduction of the President's 1993 economic plan and contains billions in entitlement savings and discretionary cuts.

The President's budget guarantees the life of the Medicare trust fund for a decade without cutting it $167 billion as the Republicans have proposed. The

Republican plan reduces Medicare by $50 billion more than the President's balanced budget plan. The cuts to Medicare payments that the Republicans propose will result in cost-shifting, undermine quality, and threaten the financial viability of many rural and urban hospitals. On the other hand, the President's budget restores the pre-1980 law on part A home health benefits because home health care expenditures unrelated to hospital stays should not be financed by the part A trust fund. This helps extend the life of Medicare part A trust fund. In summary, the President's proposal reforms and modernizes the program, while providing more choices to beneficiaries.

While the President's budget has moderate cuts in Medicaid, the $72 billion reduction that the Republicans propose could be drastic. This $72 billion cut could total as much as $250 billion over 7 years if States spend only the minimum required to receive their full block grant allocations. Many middle-class families depend on the Medicaid guarantee to provide for the care of their parents. If States are forced to deny coverage or restrict benefits, this could adversely affect millions of Americans that depend on such help that the program provides. Another thing that concerns me about the Republican proposal is the insistency of the repeal of Federal enforcement of nursing home quality standards. These regulations are important to the families that have to make the tough decision to place a loved one in a nursing home. On the other hand, the President's budget provides the States with great flexibility in managing their programs while guaranteeing health care for millions of Americans.

In order to reach a balanced budget, we all know decisions must be made in an effort to eliminate costs; however, these decisions must be carefully examined. This is particularly true when proposed cuts affect the educational system of our country. The Republicans want to use extreme cuts in education to balance the budget, when the President's plan shows that they are not necessary. The Republican resolution cuts education and training by $26 billion compared to 1995. The Republican plan also provides $60 billion less for education and training than the President's budget over the next 6 years. The future of our Nation depends greatly on the education that is provided to our children and the training that is available to our work force. The President's budget provides both the funding and policies needed to meet these challenges.

The President's budget also provides tax relief for the middle-class working families of America, making it easier for them to pay for education and save for retirement. The President proposes a tax credit for dependent children, a benefit that would affect 19 million families, expanded individual retirement accounts [IRA's] to provided greater incentives for savings for retirement, and an education and job training tax deduction that would allow taxpayers to deduct up to $10,000 a year for qualified education and training expenses. The President also proposes other tax relief aimed at small businesses, such as increased expensing, estate tax benefits for closely held businesses, pension simplification, and increased health insurance deductions for the self-employed. The President's budget offsets this much needed tax relief by eliminating or reducing corporate tax loopholes and preferences that are no longer warranted.

Mr. President, I support the President's budget because this budget has a plan for balancing the budget while protecting Medicare, Medicaid, and education, along with providing a modest tax cut for middle-class Americans.

REGARDING AHCPR

Mr. FRIST. Mr. President, I would like to engage in a brief colloquy with the distinguished chairman of the Budget Committee to discuss an assumption that appears on page 52 of our report and clarify the committee's assumptions regarding the discretionary health programs contained in function 550. The language suggests that the committee is assuming a significant reduction in the budget of the Agency for Health Care Policy and Research [AHCPR]. I expressed my concerns regarding this matter during the committee's markup of the resolution.

Mr. President, I feel strongly about this Agency's mission for two reasons. First, as I pointed out during our markup, I believe that the Agency for Health Care Policy and Research has gone a long way toward reforming itself and has been responsive to the constructive criticism it received from Congress over the past year. For example, last year there was debate regarding the wisdom of AHCPR continuing to develop clinical practice guidelines now that so many medical societies, health plans, and others have begun to develop their own guidelines. AHCPR took this criticism seriously, engaged in a dialog with the health care community, and announced last month that it would no longer directly support the development of clinical practice guidelines. Instead, the Agency will work in partnership with the health care community by meeting their needs for an assessment of the scientific evidence in clinical areas for which these physicians and health plans—not AHCPR—want to develop guidelines or other quality improvement strategies. This partnership approach is a winner for all: AHCPR will concentrate on its strengths, developing and assessing science, and physicians and health plans will have the information they need to develop better, evidence-based guidelines without the implication that the Federal Government is telling them how to practice medicine.

Similarly, last year there were concerns about the multitude of overlapping data collection activities within the Department of Health and Human Services [HIS]. Despite the fact that the AHCPR has only a small, but important, role in the area of data collection, the Agency took the lead in proposing a major restructuring of its medical expenditure survey to eliminate areas of duplication with other HHS surveys.

In both cases, AHCPR has been willing to take a fresh look at its activities and critically examine its role in relationship to the private sector and other Federal agencies. We should applaud this type of initiative and responsiveness, not cripple it.

More importantly, Mr. President, I am concerned bout the potential impact on the clinical and health services research that AHCPR supports. Its mission in this area is critical to the future of our fast-changing health care system and to our efforts to restructure the Medicare program, while ensuring high quality of care. This Agency provides an important compliment to the work of the National Institutes of Health through its research on the outcomes, effectiveness, and cost-effectiveness of health care services in day-to-day practice. In the last 2 years, this Agency has come to realize its role as a science partner with the health care community and, as a result, AHCPR's work has been endorsed by every major medical, nursing, and health care organization, from the American Medical Association to the managed care industry. And from personal experience, in my work on the Medicare Program, I can testify that there are few issues on which such disparate organizations agree. AHCPR's scientific work provides clinicians and patients with the tools they need to work together to improve the quality of health care while constraining its cost.

Mr. President, at this point I would like to yield to the distinguished Chairman and ask him whether he agrees with my interpretation of our budget assumptions and my conclusion that this budget resolution assumes no reduction in funding for the critical work of the Agency for Health Care Policy and Research.

Mr. DOMENICI. I want to thank Senator FRIST for his continued efforts in this critical policy area. The Chairman's mark of the budget resolution did assume a reduction in funding for the Agency for Health Care Policy Research [AHCPR]. Funding for AHCPR was assumed to be reduced to $46 million per year, beginning in 1997. Since then, I have worked with Senator FRIST to find alternate assumptions to meet our discretionary spending targets within function 550. The resolution now assumes that funding for AHCPR will not be reduced.

Mr. CRAIG. Mr. President, I rise in support of Senate Concurrent Resolution 57, the balanced budget resolution for fiscal year 1997. I commend the hard work by the Budget Committee to bring to this floor, one more time, what the American people—and the people of Idaho—have demanded: A genuine, convincing plan to balance the Federal budget by fiscal year 2002.

This balanced budget resolution is consistent, in its principles and its details, with what I believe most citizens in Idaho want.

Like most Idahoans, I would prefer to go farther, faster. But I also recognize how far we have come in just a year and a half. In the last Congress, dominated by the President's party, we were told that $200 billion a year in deficit spending, as far as the eye could see, was the best we could do.

This budget resolution does not represent politics as usual. It looks to a brighter future of more jobs, more affordable educations, a more secure Medicare system, and real welfare reform—all within a balanced budget.

CONDUCTING THE BALANCED BUDGET GAME IN IDAHO

Mr. President, to focus in some depth on the budget priorities of Idahoans, last month, my office held a series of meetings in five locations in Idaho. We invited folks to participate in an exercise in hard choices—or, what I call the balanced budget game.

We held these in Idaho Falls, Pocatello, Twin Falls, Nampa, and Boise.

This exercise has been developed and updated regularly by the nonpartisan, nonprofit educational organization, the Committee for a Responsible Federal Budget.

In this exercise, citizens get the chance to be a Senator for a day—meeting in small groups that work much like the Senate Budget Committee during the markup of the budget resolution and walking through a 180-page workbook resembling a Budget Committee markup book.

Across the State, participants were grouped into 32 groups, or budget committees, with between 4 and 10 members each.

I've used this exercise and similar ones in the past to poll the opinions of Idahoans on budget priorities and I've told Idahoans that I would again use their responses in this exercise to fight for Idaho values in the Federal budget.

I have been reviewing in detail the individual results from each of the five cities where we held the exercise, and I am struck by the highlights that have emerged. I would like to summarize those briefly here. My office is preparing a complete analysis to send to the Idaho citizens who participated in those five cities.

IDAHO'S PRIORITY: BALANCE THE BUDGET AND SPEND LESS

This is the result that stands out: Idahoans are demanding that we balance the budget. By far, most of the Idaho groups were willing to exercise more restraint, and balance the budget faster, than most Members of Congress or the President.

In 31 out of 32 groups, Idahoans were able to agree on enough deficit reduction to balance the budget by fiscal year 2002.

This is true—31 out of 32 balanced the budget—whether you compare their results against the baseline for fiscal year 1997 or the less optimistic baseline of fiscal year 1996, which is the one that was still used in the Exercise workbook.

Thirty-one out of 32 groups saved more in spending than any budget before the Congress this year—more than the Budget Committee budget, more than the Chafee-Breaux substitute, and certainly more than the President's budget.

In fact, 31 out of 32 groups reduced spending growth more over 5 years than any Washington, DC, proposal would save over 6 years.

On average, participants in the five Idaho cities called for the following levels of policy changes in spending programs, over 5 years:

	In billions
Idaho Falls	$679
Pocatello	662
Twin Falls	656
Nampa	637
Boise	671
Average for all 5 cities	661

This compares with $428 billion in spending policy changes in this year's committee-reported budget, and only $274 billion in the President's budget.

DISCRETIONARY SPENDING

In the Idaho exercises, the five-city average for defense was to find $16 billion in savings over 5 years. Eight of the 32 groups voted for a $38-billion increase. These results seem to reflect the general consensus in Idaho, the Nation, and even in Washington, DC, that defense spending should not be changed greatly, in this changing and uncertain world.

All 32 groups reduced domestic discretionary spending more than any budget now being debated on the Senate floor. Of course, they came closest to the Budget Committee's budget.

In international affairs, the average 5-year savings from the Idaho groups was $15 billion, compared with $12 billion in savings in the Committee-reported budget, and with a slight increase in the President's budget.

ENTITLEMENT SPENDING

Thirty out of 32 groups would reduce total entitlement spending more than any proposal now before the Senate.

I think that result says something to those who accuse the committee-reported budget, as well as last year's Balanced Budget Act, of making draconian cuts in spending.

With great uniformity, Idaho participants supported an average of $50 billion in housing and welfare reforms over 5 years, which is more than the President's 6-year proposal—$38 billion—and almost exactly the same as the Budget Committee's 6-year figure—$54 billion. This says to me that the Senate is on track in this area.

Thirty-one of the 32 groups produced more direct savings in Medicare over 5 years than the Budget Committee budget over 5 years or the President's budget over the next 6 years. The average 5-year savings, with little variation from town to town, were $135 billion, compared with $115 billion over 5 years in the Budget Committee budget.

In addition, 28 out of 32 groups chose one or more ways to means-test entitlement benefits, including 23 groups that chose an across-the-board approach that would result in additional Medicare savings, and 2 more that voted for means-testing Medicare, specifically.

It bears repeating: Any savings from Medicare reforms will be used—by law, they must be used—to shore up a Medicare system that is now losing money. We want Medicare to be there for those who need it. It won't be there—it will be broke—in just 5 years, unless we begin reforms today. The Budget Committee budget doesn't cut Medicare. It will provide more choice and more secure benefits in an improved system.

REVENUES

With regard to taxes, I was somewhat surprised at first, but the specific options selected and the comments of a number of the participants shed some light.

A number of folks complained about static score-keeping that did not recognize that some tax cuts lead to economic activity and more tax revenues. I agree with them. But the exercise workbook estimates were based on Congressional Budget Office estimates. In both cases, the budget committees—here and in Idaho—agreed to be bound by an "outside" referee.

A number of folks complained that they wanted to vote for tax relief, but ran out of time, because that was the last section in the workbook. In this exercise, unlike here in Washington, DC, budget-writers did not have the luxury of ignoring the deadline to finish their work.

A number said that, while they could write a budget that got to balance faster with some revenue increases, they didn't trust that Washington, DC, would use tax increases to reduce the deficit.

And finally, support for any revenue increases was extremely scattered among a wide variety of options, with the broadest consensus on alcohol and/or tobacco excise taxes, occurring in only 13 of 32 groups.

Overall, 9 groups voted for some tax relief. Twelve groups did not vote for any tax increase, and another 6 supported very small packages less than $41 billion over 5 years, a magnitude similar to the extensions and loophole-closings that have been discussed in Congress. The median group raised revenues by only $34 billion.

CONCLUSION

Mr. President, the exercise in hard choices has been an excellent educational tool for the public, very informative for Members of Congress—certainly including this Senator, and actually very enjoyable to participate in.

I believe most everyone who attended had a positive experience. Some folks wished they could have had more time and more options. But there was understanding that the exercise was written with a limited number of options, out of consideration for the participants—all of whom gave up an entire morning, afternoon, or evening to provide me with their views.

I appreciate all the advice and help my staff and I have received from the Committee for a Responsible Budget in conducting this exercise in Idaho, especially from Carol Cox Wait, the committee's president, and Susan Tanaka, vice president.

Most of our colleagues will recognize the committee's name and work. Its board of directors includes many former Members of this and the other body, including several chairmen and ranking minority members of the Budget Committees, as well as distinguished former public officials like Paul Volcker of the Federal Reserve Board, Elmer Staats of the General Accounting Office, and Rudolph Penner and Robert Reischauer of the Congressional Budget Office.

The exercise workbook used by the Idaho participants was prepared for fiscal year 1996, because most of the 1997 budget work had not yet begun in Washington, DC, and 1997 workbooks were not yet available. But with the exception of some changes in economic and baseline assumptions, we know all too well that the 1997 budget debate is really just a continuation of the 1996 process.

Mr. HEFLIN. Mr. President, these budget proposals now being negotiated will directly affect virtually every segment of the Government and every citizen of this country.

I am strongly in support of deficit reduction and favor the elimination of the national debt over a period of time. I have long supported a balanced budget amendment to the Constitution. I supported the 1993 reconciliation bill which has already led to significant reduction in our annual deficits. However, there is a right and wrong way to pursue the same goal.

There are proposals to adjust the Consumer Pricing Index [CPI] in an attempt to correct biases in its computation. This plan is to reduce the CPI by one-half of a percentage point. I feel that this is nothing more than masquerading an attempt to cut Social Security benefits and raise taxes.

As we all know, the CPI has a major effect on Federal outlays, revenue, and the budget deficit. Outlays are affected because programs such as civil service retirement pay and Social Security benefits are adjusted so that the purchasing power of those payments will be preserved. Revenues are affected because taxes are adjusted so that increases in income are taxed at a higher rate only if the increase exceeds inflation. Due to the significant relationship between the CPI and the budget, there has been much attention on how to contribute to the reduction of the deficit with the adjustment of the CPI.

Before we attempt to adjust the CPI, we should realize the enormous effect it will have on the senior citizens of our country. Coupled with the proposed cuts in Medicare and Medicaid, an arbitrary reduction of the CPI, which leads to a decrease in the Social Security cost-of-living adjustments [COLA's], would take a great financial toll on the elderly. Social Security recipients rely on annual COLA's to ensure that their purchasing power is not eroded by inflation. Just a small percentage reduction in the CPI can cause a substantial loss of benefits over time. Due to the compounding effect, the older one gets, the more money the beneficiary would lose. Economists have stated that the cost of living for the elderly has risen faster than other age groups. This is due to the rapid rise in health care services. It is believed that the current CPI actually understates the rate of inflation because the elderly spend such a large portion of their income on health care.

In 1987, Congress called for a study to develop an experimental index for consumers over the age of 62. This study revealed that indeed the index for this group was understated and concluded that this was due to the medical care component. This analysis was undertaken by the U.S. Bureau of Labor Statistics [BLS], the organization that computes the CPI.

Moreover, now is not the time to adjust the CPI knowing that the BLS has announced, as part of a continuing effort to update and improve the CPI, that it will be changing the way the CPI is calculated. This is estimated to reduce the CPI by approximately .3 percentage points. We should allow the experts at BLS to engage in a thorough analysis without Congress interfering.

Mr. President, as one economist stated, this is merely "an attempt to raise taxes invisibly, and lower Social Security invisibly, while appearing only to be scientifically correct in adjusting a bias." Finally, using funds generated by reducing Social Security COLA's to diminish the deficit is a misuse of Social Security trust funds.

Mr. EXON. I suggest the absence of a quorum, and I ask unanimous consent that the time be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, how much time remains on the resolution?

The PRESIDING OFFICER. The Senator from New Mexico has 14 minutes and the Senator from Nebraska does as well.

Mr. DOMENICI. Would you tell me again, Mr. President?

The PRESIDING OFFICER. The Senator from Nebraska has 14 minutes and the Senator from New Mexico has 14 minutes.

Mr. DOMENICI. You must be doing something with this time, Mr. Parliamentarian. How does this happen? No matter what each side does, we have 14 minutes each. You must be right on the ball.

Mr. EXON. We control only the timekeeper.

Mr. DOMENICI. Mr. President, I have a conference report from 1975, a budget resolution, just as a matter of information with reference to various items that have been discussed today of a parliamentary nature. I ask unanimous consent that the conference report be printed in the RECORD.

There being objection, the material was ordered to be printed in the RECORD, as follows:

SECOND CONCURRENT RESOLUTION ON THE BUDGET FISCAL YEAR 1976

Mr. MUSKIE, from the committee of conference, submitted the following conference report to accompany H. Con. Res. 466:

The committee on conference on the disagreeing votes of the two Houses on the amendment of the Senate to the concurrent resolution (H. Con. Res. 466) revising the congressional budget for the United States Government for the fiscal year 1976, and directing certain reconciliation action, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

That the Congress hereby determines and declares, pursuant to section 310(a) of the Congressional Budget Act of 1974, that for the fiscal year beginning on July 1, 1975—

(1) The appropriate level of total budget outlays is $374,900,000,000;

(2) The appropriate level of total new budget authority is $408,000,000,000;

(3) The amount of the deficit in the budget which is appropriate in the light of economic conditions and all other relevant factors is $74,100,000,000;

(4) The recommended level of Federal revenues is $300,800,000,000, and the House Committee on Ways and Means and the Senate Committee on Finance shall submit to their respective Houses legislation to decrease Federal revenues by approximately $6,400,000,000; and

(5) The appropriate level of the public debt is $622,600,000,000.

SEC. 2. The Congress hereby determines and declares, in the manner provided in section 301(a) of the Congressional Budget Act of 1974, that for the transition quarter beginning on July 1, 1976—

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the concurrent resolution (H. Con. Res. 466) revising the congressional budget for the United States Government for the fiscal year 1976, and directing certain reconciliation action, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

Second Concurrent Resolution on the Budget

Outlays

The House resolution provided for total outlays in the amount of $373.891 billion. The Senate amendment provided for total outlays in the amount of $375.6 billlion.

The conference report provides for total outlays in the amount of $374.9 billion. Estimates of outlays by functional category of the budget is set forth below.

Budget Authority

The House resolution provided for total new budget authority in the amount of $408.004 billion. The Senate amendment provided for total new budget authority in the amount of $406.2 billlion.

The conference report provides for total new budget authority in the amount of $408.0 billion. Estimates of new budget authority by functional category of the budget is set forth below.

Deficit

The house resolution provided for a budget deficit in the amount of $72.091 billion. The Senate amendment provided for a deficit in the amount of $74.8 billlion. The conference report provides for a deficit of $74.1 billion.

Revenues

The House resolution provided for Federal revenues in the amount of $301.8 billion; and to achieve that level, it directed the House Ways and Means and Senate Finance Committees to reduce revenues by $5.4 billion. The Senate amendment provided for revenues in the amount of $300.8 billion; and to achieve that level it directed the Ways and Means and Finance Committees to reduce revenues by $6.4 billion.

The conference report provides for revenues in the amount of $300.8 billion; and directs the Ways and means and Finance Committees to reduce revenues by $6.4 billion. The $6.4 billion reduction of revenues is necessary to maintain the personal income tax withholding rate and extend the temporary corporate tax reductions in the 1975 Tax Reduction Act.

The managers accept the Senate position that it is unrealistic to expect this required reduction in revenues to be partially offset by $1.0 billion to be received through tax reform during the remainder of Fiscal year 1976, as contemplated in the house resolution.

Mr. DOMENICI. Mr. President, I want to say to the Senators—Senator EXON just reminded me—that there will be no votes tonight. We had not planned on any votes during the day, and nothing has changed. So when we finish here in about 20 minutes we will be finished, and we will start at 9 o'clock in the morning. We have been authorized to call the Senate into session, and we will immediately start with the amendments, establishing some order this evening. Staff on both sides will work on that. Remember that the amendments then will be voted on one after another. Maybe we will have a little recess at some point. There will be 10-minute rollcall votes. If last year is any indication of how much time it will take, we will be voting from 9 o'clock to well into the night.

I am very hopeful that we can accept some of these amendments. I am even toying with the idea—I do not know what the Senator would think about this—if we might put all of those amendments that are sense of the Senate and just accept them all. What does the Senator think about that? We would not have any votes. We would take them all. Who knows what will happen to them?

Mr. EXON. We would want to review them. But that is an interesting proposal. Could I suggest one other thing that we might consider? We do not have to decide on that tonight. But I would like to suggest since we are going to have, once again, an awful lot of votes, would there be any likelihood that we may cut the votes down to say 7½ minutes to move things along in a more expeditious fashion, because we I think would agree tonight that we would probably have 1 minute each for explanation of each amendment.

Mr. DOMENICI. I think we may be closer to 1 minute equally divided—30 seconds each. But essentially last time we had this rather prolonged series of votes we tried to get it down to the minimum amount that would be required for the rollcall and other things, and I believe I heard Senator DOLE ask and they said they could not get it down to much under 8 minutes.

Mr. EXON. My only thought with that is that might be the case. The only trouble with 10 minutes, then it becomes 12 minutes. It is like speeders on the highway. But I am just making a suggestion to try to expedite things for the good of the body as a whole. We can discuss that later.

AMENDMENT NO. 4026

(Purpose: To express the sense of the Senate that the Economic Development Administration should place high priority on maintaining field-based economic development representatives)

Mr. DOMENICI. Now, Mr. President, I send an amendment to the desk in behalf of Senators BINGAMAN, SNOWE, COHEN, and myself and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows.

The Senator from New Mexico [Mr. DOMENICI], for Mr. BINGAMAN, for himself, Ms. SNOWE, Mr. COHEN, and Mr. DOMENICI, proposes an amendment numbered 4026.

Mr. DOMENICI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of title III, add the following:

SEC . SENSE OF THE SENATE REGARDING THE ECONOMIC DEVELOPMENT ADMINISTRATION PLACING HIGH PRIORITY ON MAINTAINING FIELD-BASED ECONOMIC DEVELOPMENT REPRESENTATIVES.

(a) FINDINGS.—The Senate makes the following findings:

(1) The Economic Development Administration plays a crucial role in helping economically disadvantaged regions of the United States develop infrastructure that supports and promotes greater economic activity and growth, particularly in nonurban regions.

(2) The Economic Development Administration helps to promote industrial park development, business incubators, water and sewer system improvements, vocational and technical training facilities, tourism development strategies, technical assistance and capacity building for local governments, economic adjustment strategies, revolving loan funds, and other projects which the private sector has not generated or will not generate without some assistance from the Government through the Economic Development Administration.

(3) The Economic Development Administration maintains 6 regional offices which oversee staff that are designated field-based representatives of the Economic Development Administration, and these field-based representatives provide valuable expertise and counseling on economic planning and development to nonurban communities.

(4) The Economic Development Administration Regional Centers are located in the urban areas of Austin, Seattle, Denver, Atlanta, Philadelphia, and Chicago.

(5) Because of a 37-percent reduction in approved funding for salaries and expenses from fiscal year 1995, the Economic Development Administration has initiated staff reductions requiring the elimination of 8 field-based positions. The field-based economic development representative positions that are either being eliminated or not replaced after voluntary retirement and which currently interact with nonurban communities on economic development efforts cover the States of New Mexico, Arizona, Nevada, North Dakota, Oklahoma, Illinois, Indiana, Maine, Connecticut, Rhode Island, and North Carolina.

(6) These staff cutbacks will adversely affect States with very low per-capita personal income, including New Mexico which ranks 47th in the Nation in per-capita personal income, Oklahoma ranking 46th, North Dakota ranking 42nd, Arizona ranking 35th, Maine ranking 34th, and North Carolina ranking 33rd.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the functional totals and reconciliations instructions underlying this budget resolution assume that—

(1) it is regrettable that the Economic Development Administration has elected to reduce field-based economic development representatives who are fulfilling the Economic Development Administration's mission of interacting with and counseling nonurban communities in economically disadvantaged regions of the United States;

(2) the Economic Development Administration should take all necessary and appropriate actions to ensure that field-based economic development representation receives high priority; and

(3) the Economic Development Administration should reconsider the planned termination of field-based economic development representatives responsible for States that are economically disadvantaged, and that this reconsideration take place without delay.

Mr. DOMENICI. That amendment will take its place.

The Senator is willing to accept it. We have no objection to the amendment, and I yield back all time on the amendment.

Mr. EXON. We agree on this side.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 4026) was agreed to.

AMENDMENT NO. 4002, AS MODIFIED

Mr. DOMENICI. Senator LOTT has asked that I submit an amendment to the desk with reference to Iraq oil and the amendment that heretofore had been offered.

I send it to the desk. It is a modification of his previous amendment.

I ask unanimous consent that it be in order for Senator LOTT to modify the previous amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendment (No. 4002), as modified, is as follows:

At the end of title III, add the following new section:

SEC. . SENSE OF CONGRESS ON REIMBURSEMENT OF THE UNITED STATES FOR OPERATIONS SOUTHERN WATCH AND PROVIDE COMFORT.

(a) FINDINGS.—The Congress finds that—

(1) as of May 1996, the United States has spent $2,937,000,000 of United States taxpayer funds since the conclusion of the Gulf War in 1991 for the singular purpose of protecting the Kurdish and Sunni population from Iraqi aggression;

(2) the President's defense budget request for 1997 includes an additional $590,100,000 for Operations Southern Watch and Provide Comfort, both of which are designed to restrict Iraqi military aggression against the Kurdish and Sunni people of Iraq;

(3) costs for these military operations constitute part of the continued budget deficit of the United States; and

(4) United Nations Security Council Resolution 986 (1995) (referred to as "SCR 986") would allow Iraq to sell up to $1,000,000,000 in petroleum and petroleum products every 90 days, for an initial period of 180 days.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that the assumptions underlying the functional totals in this resolution assume that—

(1) the President should instruct the United States Permanent Representative to the United Nations to ensure any subsequent extension of authority beyond the 180 days originally provided by SCR 986, specifically mandates and authorizes the reimbursement of the United States for costs associated with Operations Southern Watch and Provide Comfort out of revenues generated by any sale of petroleum or petroleum-related products originating from Iraq;

(2) in the event that the United States Permanent Representative to the United Nations fails to modify the terms of any subsequent resolution extending the authority granted by SCR 986 as called for in paragraph (1), the President should reject any United Nations' action or resolution seeking to extend the terms of the oil sale beyond the 180 days authorized by SCR 986;

(3) the President should take the necessary steps to ensure that—

(A) any effort by the United Nations to temporarily lift the trade embargo for humanitarian purposes, specifically the sale of petroleum or petroleum products, restricts all revenues from much sale from being diverted to benefit the Iraqi military; and

(B) the temporary lifting of the trade embargo does not encourage other countries to take steps to begin promoting commercial relations with the Iraqi military in expectation that sanctions will be permanently lifted; and

(4) revenues reimbursed to the United States from the oil sale authorized by SCR 986, or any subsequent action or resolution, should be used to reduce the Federal budget deficit.

Mr. LOTT. Mr. President, on Friday, May 17, 1996, I proposed a sense-of-Senate resolution that urged the President of the United States to ensure that American taxpayers' interests are protected by rejecting any Iraq-United Nations oil sale agreement which does not reimburse the United States for the costs of Operations Southern Watch and Provide Comfort.

To review the background leading to this amendment, several days prior to the cease-fire ending Operation Desert Storm, Iraq initiated military action against the Kurdish people in northern Iraq and the Sunni Moslems in southern Iraq. On April 5, 1991, 2 days prior to concluding the cease-fire agreement, the United Nations passed Security Council Resolutions No. 687 and 688, condemning Iraq for its repressive actions against the Kurds and Sunnis.

The Secretary General of the United States Nations then enlisted the support of the United States to engage in military operations to protect these Iraqi civilian populations against Saddam Hussein's aggression. In addition to the 15 American and 11 foreign national lives lost, the United States has spend $2.9 billion to conduct these military operations known as Provide Comfort and Southern Watch. But the cost continues to go up. The President's 1997 defense budget request includes an additional $590.1 million to continue these military operations.

On April 14, 1995, the United Nations adopted another Security Council resolution, No. 986. This resolution provides Iraq the opportunity to sell as much as $2 billion in oil and oil-related products every 6 months for the purpose of providing food and medical relief to the people of Iraq.

Yesterday, Iraq accepted the U.N. offer to sell limited supplies of oil to buy food and medicine for its people. Iraq oil could begin to flow with 30 to 60 days while American tax dollars continue to be spent to prevent Suddam's aggression against the Kurds and Sunnis. I think this is wrong.

The amendment that I offered last Friday, and have had to modify slightly because Iraq agreed to the U.N. offer, does not prevent the sale of oil or prevent efforts to relieve the humanitarian problems of Iraq. It simply states that if Iraq is going to be allowed to sell oil then the United States should recover the money our taxpayers are spending for the ultimate humanitarian assistance: military protection. Under this resolution the United Nations is recovering their costs for providing humanitarian relief. So why not recover the American taxpayers' expense for preventing Suddam's aggression?

Because the oil deal was accepted by Iraq yesterday, I have modified the amendment to state that in any subsequent extension of authority beyond the 180 days originally provided by Security Council Resolution 986, the Untied States should be reimbursed for the costs associated with Operations Southern Watch and Provide Comfort. I think the American taxpayer is entitled to some recovery from these oil sales to help offset the costs of doing what is right and doing it in conjunction with the United Nations.

Mr. President, I urge at the appropriate time that this amendment be adopted. It is a sense-of-the-Senate resolution, and I think that the American people would want us to ensure that they are reimbursed for their costs associated with Operations Southern Watch and Provide Comfort.

AMENDMENT NO. 4027 TO AMENDMENT NO. 4012

(Purpose: To adjust the fiscal year 1997 nondefense discretaionary allocation to the Appropriations Committee by $5 billion in budget authority and $4 billion in outlays to sustain 1996 post-OCRA policy)

Mr. DOMENICI. Mr. President, there is pending an amendment No. 4012 offered by Senators HARKIN and SPECTER. It is obvious that when we close up the Senate here in a few minutes and yield back the remaining time—and there is not much time remaining—there will be no further amendments that will be allowed. It means that if the Senator from New Mexico or anyone else has a second-degree amendment to any of the myriad of amendments we have in the long list, including the Harkin-Specter amendment, they would be able to offer a second-degree amendment.

And because I have an amendment, a second-degree amendment to the Harkin-Specter amendment which I want the Senate to know about, I ask unanimous consent that it be in order for me to offer the second-degree amendment tonight and get it in the RECORD with a statement. I do not think I am denying anybody anything by doing that because in just a few moments this will have ripened into a situation where when that amendment comes up, I could second degree it. So since that is the case, I ask unanimous consent that it be in order for the Senator from New Mexico to offer a second-degree amendment to the Harkin amendment.

The PRESIDING OFFICER. Is there objection?

Mr. EXON. We have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the second-degree amendment.

Mr. DOMENICI. I send the amendment to the desk.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI] proposes an amendment numbered 4027 to amendment No. 4012.

Mr. DOMENICI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate places in the Harkin amendment, make the following changes:

On page 25, line 17, increase the amount by $0.

On page 25, line 18, increase the amount by $0.

On page 27, line 16, increase the amount by $300,000,000.

On page 27, line 17, increase the amount by $600,000,000.

On page 42, line 2, decrease the amount by $1,800,000,000.

On page 42, line 3, increase the amount by $700,000,000.

On page 52, line 11, decrease the amount by $0.

On page 52, line 12, decrease the amount by $0.

On page 52, line 14, increase the amount by $5,000,000,000.

On page 52, line 15, increase the amount by $1,400,000,000.

Notwithstanding any other provision of this resolution, on page 52, line 15, the amount is deemed to be $270,923,000,000.

On page 4, line 8, the amount is deemed to be $1,323,100,000,000.

On page 4, line 9, the amount is deemed to be $1,361,600,000,000.

On page 4, line 10, the amount is deemed to be $1,392,400,000,000.

On page 4, line 11, the amount is deemed to be $1,433,600,000,000.

On page 4, line 12, the amount is deemed to be $1,454,000,000,000.

On page 4, line 17, the amount is deemed to be $1,318,600,000,000.

On page 4, line 18, the amount is deemed to be $1,353,500,000,000.

On page 4, line 19, the amount is deemed to be $1,382,400,000,000.

On page 4, line 20, the amount is deemed to be $1,415,600,000.

On page 4, line 21, the amount is deemed to be $1,433,100,000,000.

On page 5, line 1, the amount is deemed to be $232,400,000,000.

On page 5, line 2, the amount is deemed to be $223,600,000,000.

On page 5, line 3, the amount is deemed to be $206,300,000,000.

On page 5, line 4, the amount is deemed to be $185,700,000,000.

On page 5, line 5, the amount is deemed to be $143,500,000,000.

On page 5, line 9, the amount is deemed to be $5,449,000,000,000.

On page 5, line 10, the amount is deemed to be $5,722,700,000,000.

On page 5, line 11, the amount is deemed to be $5,975,100,000,000.

On page 5, line 12, the amount is deemed to be $6,207,700,000,000.

On page 5, line 13, the amount is deemed to be $6,398,600,000,000.

On page 5, line 14, the amount is deemed to be $6,550,500,000,000.

On page 6, line 13, the amount is deemed to be $290,000,000,000.

On page 6, line 14, the amount is deemed to be $277,400,000,000.

On page 6, line 15, the amount is deemed to be $256,000,000,000.

On page 6, line 16, the amount is deemed to be $236,100,000,000.

On page 6, line 17, the amount is deemed to be $193,300,000,000.

On page 6, line 18, the amount is deemed to be $155,400,000,000.

On page 9, line 22, the amount is deemed to be $14,900,000,000.

On page 11, line 22, the amount is deemed to be $16,700,000.

On page 11, line 23, the amount is deemed to be $16,800,000,000.

On page 13, line 17, the amount is deemed to be $3,700,000,000.

On page 13, line 18, the amount is deemed to be $3,100,000,000.

On page 15, line 17, the amount is deemed to be $21,500,000.

On page 17, line 16, the amount is deemed to be $12,800,000,000.

On page 17, line 17, the amount is deemed to be $11,000,000,000.

On page 19, line 16, the amount is deemed to be $8,100,000,000.

On page 19, line 17, the amount is deemed to be −$2,400,000,000.

On page 21, line 16, the amount is deemed to be $42,600,000,000.

On page 21, line 17, the amount is deemed to be $39,300,000,000.

On page 23, line 15, the amount is deemed to be $9,900,000,000.

On page 23, line 16, the amount is deemed to be $10,800,000,000.

On page 29, line 10, the amount is deemed to be $193,200,000,000.

On page 29, line 11, the amount is deemed to be $191,500,000,000.

On page 31, line 3, the amount is deemed to be $232,400,000,000.

On page 31, line 4, the amount is deemed to be $240,300,000,000.

On page 38, line 8, the amount is deemed to be $13,700,000,000.

On page 39, line 25, the amount is deemed to be $282,800,000,000.

On page 40, line 1, the amount is deemed to be $282,800,000,000.

On page 40, line 7, the amount is deemed to be $289,400,000,000.

On page 40, line 8, the amount is deemed to be $289,400,000,000.

On page 40, line 14, the amount is deemed to be $293,200,000,000.

On page 40, line 15, the amount is deemed to be $293,200,000,000.

On page 40, line 21, the amount is deemed to be $294,700,000,000.

On page 40, line 22, the amount is deemed to be $294,700,000,000.

On page 41, line 3, the amount is deemed to be $298,900,000,000.

On page 41, line 4, the amount is deemed to be $298,900,000,000.

On page 41, line 10, the amount is deemed to be $303,400,000,000.

On page 41, line 11, the amount is deemed to be $303,400,000,000.

On page 41, line 17, the amount is deemed to be $348,234,000,000.

On page 41, line 18, the amount is deemed to be $351,240,000,000.

On page 41, line 19, the amount is deemed to be $348,465,000,000.

On page 41, line 20, the amount is deemed to be $349,951,000,000.

On page 41, line 21, the amount is deemed to be $351,311,000,000.

On page 41, line 22, the amount is deemed to be $352,756,000,000.

On page 42, line 8, the amount is deemed to be −$200,000,000.

On page 42, line 9, the amount is deemed to be $100,000,000.

On page 42, line 15, the amount is deemed to be −$400,000,000.

On page 42, line 16, the amount is deemed to be −$300,000,000.

On page 42, line 22, the amount is deemed to be −$800,000,000.

On page 42, line 23, the amount is deemed to be −$800,000,000.

On page 43, line 5, the amount is deemed to be −$1,200,000,000.

On page 43, line 6, the amount is deemed to be −$1,100,000,000.

On page 43, line 12, the amount is deemed to be −$3,700,000,000.

On page 43, line 13, the amount is deemed to be −$3,700,000,000.

Mr. DOMENICI. This amendment is essentially across the appropriations spectrum, that is, across all of the bills, adds $5 billion in budget authority and $4 billion in outlays for nondefense discretionary programs for the year 1997.

Mr. President, the Specter-Harkin amendment would provide $2.7 billion for the education and training and health functions using an across-the-board reduction to agency administrative budgets—both defense and nondefense—including travel and contractual obligations—to offset this additional spending.

The amendment adds back the full $2.7 billion in both budget authority and outlays for spending to these budget functions and adjusts the discretionary spending caps to reduce the defense cap and increase the nondefense cap.

I am offering a second degree amendment because I believe this amendment gets us into trouble.

By adding these funds only to education and training and health, other subcommittees will be left making difficult spending choices, endanger other priority programs, and even head toward confrontation with the President as he looks at vetoes for bills that cut important Federal programs too deeply.

This amendment provides $5.0 billion in budget authority and $4.0 billion in outlays for nondefense discretionary spending in fiscal year 1997. Every function with nondefense discretionary spending which is below a freeze is restored to a freeze level that reflects the enactment of the 1996 Omnibus Consolidated Rescissions and Appropriations Act.

Functions in the budget resolution that are above a freeze—natural resources and environment, veterans, the crime control trust fund—are left at those levels.

This freeze level differs somewhat from the budget resolution freeze level. Before the enactment of the 1996 omnibus appropriations bill, Congress had provided approximately $3.3 billion in emergency disaster funding for the Federal Emergency Management Agency, and $500 million for other disaster-related programs.

These disaster funds, which are essentially one-time emergency expenditures, are built into the post-OCRA freeze level used by the Appropriations Committees, spending more than ongoing Federal programs.

We do have to make choices as we allocate taxpayer dollars. The budget resolution makes some assumptions about where spending priorities lie. The Appropriations Committees will make their own determination and refer that allocation to the full House and Senate in the form of 13 annual appropriations bills.

Congress can accept or reject those bills, but I believe we need to be balanced in our approach to spending decisions.

Under the Harkin-Specter amendment, adding the $2.7 billion to education, training, and health would require cutting nondefense programs by another $1.2 billion.

What programs will be affected by those cuts?

WIC? Veterans health? The Environment? Housing? Agriculture? Community and rural development? Law enforcement? Basic scientific research? Transportation? The space program?

To help pay for these addbacks, defense programs would be cut by up to $1.5 billion. Again, what will be affected by this reduction? There are serious readiness and procurement underfunding problems in the defense budget, which this budget resolution seeks to address.

I believe the assumptions of the balanced budget resolution are defensible. We should not reduce defense below the level recommended in the resolution because readiness is key to a strong defense for our Nation.

Likewise, we should at least freeze non-defense spending at the 1996 level which reflects the agreement between Congress and the President in the Omnibus Appropriation Act.

I recognize that nondefense discretionary spending was the only portion of the Federal budget that significantly contributed to deficit reduction in 1996. This was due to the President's veto of the Balanced Budget Act, which included reform of major entitlement and mandatory programs.

Today, I am saying we can do better than a freeze to keep some of our priority domestic programs operating effectively in 1997. These additional amounts are offset with the administration's debt collection reforms that were not included in OCRA. I urge the adoption of this amendment.

I might just say for those who are interested in what prompts this, I have seen some early allocation of the assets given to the Appropriations Committee by the House budget resolution called technically the allocation of the money, that is, a big pot of money is divvied up, and I note that somehow or another the House appropriators seem to be saying we are going to make a couple of the subcommittees, in particular one of them, not only whole but real whole, and make sure that is not subject to any veto. We are going to put a lot of money in it. That is the labor, health and human services.

I am not arguing that point. What I am arguing at this point if that is done on a budget that was submitted for all of the appropriations, I did not assume any such thing when I worked on this budget resolution. If it had been the case and thus resulting in some subcommittees getting a 10 percent cut—Interior, which the occupant of the chair will have difficulty with. It covers the Indian people and a lot of other things getting a 7 to 10 percent cut, and others getting as much as a 25 percent cut—I would not favor the level of funding for the first year, 1997, that I did in this budget resolution.

I have just allowed for the Senate to approve some additional money. We will go to conference with the House on the budget resolution and see where it turns out. I am willing to discuss it further. There will not be a lot of time, with 30 seconds on a side, but essentially anybody who would like to talk to me about it tomorrow, I will be delighted to do that.

Mr. President, how much time is remaining?

The PRESIDING OFFICER. The Senator from New Mexico has 4 minutes. The Senator from Nebraska has 11 minutes 40 seconds.

Mr. EXON. In view of the arrangement we have reached, I yield back the remainder of our time.

The PRESIDING OFFICER. Does the Senator from New Mexico yield back the time?

Mr. DOMENICI. Mr. President, I thank Senator EXON for his courtesies. This has been a very difficult budget resolution, in the sense that we have considered, overall, maybe more than 50 amendments. While the Senator from New Mexico thinks that many of them, being sense of the Senate and not binding on anyone, probably used an awful lot of time that was not necessary, that seems to be part of the U.S. Senate, and I am not complaining about it. But we have been here for a long time. That means we had to work together, and I think we did that very well.

To the Senators, many who cooperated in using small amounts of time so their fellow Senators would have a chance to offer their amendments with some explanation, I thank them, from both sides of the aisle, Democrat and Republican.

With that, I yield the remainder of the time on the budget.

Mr. EXON. Before you yield back, will you yield to me for just a moment? I want to return the nice compliment.

Mr. DOMENICI. Certainly.

Mr. EXON. I have always enjoyed working very closely with my friend and colleague. We are going to have a very tough day tomorrow. We are going to move things as expeditiously as we can.

At the proper time tomorrow, I will take time to publicly thank the excellent staff on this side and also the staff on that side of the aisle for being constructive and helpful all the way through. It has been, once again, a unique experience. I have appreciated the courtesy that is always extended to me by the chairman of the committee.

Mr. DOMENICI. I thank Senator EXON very much.

Let me correct something. There have been a number of requests on our side and your side for 15 minutes in the morning. So if I can correct it, we will start voting at 9:15. That is what the unanimous consent will state.

Mr. EXON. The 15 minutes will be morning business time?

Mr. DOMENICI. We will decide that later. We will be back on the budget resolution at 9:15 instead of 9 o'clock.

Mr. EXON. At 9:15.

Mr. DOMENICI. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. GRASSLEY. Mr. President, I ask unanimous consent we now have a period for morning business.

The PRESIDING OFFICER. Is there objection? Hearing no objection, it is so ordered.

UNITED STATES-UNITED KINGDOM AVIATION RELATIONS

Mr. PRESSLER. Mr. President, I rise today to discuss significant recent developments in our aviation relations with the United Kingdom. If handled properly by the administration, these developments could finally lead to full liberalization of United States/United Kingdom air service, our largest international aviation market.

Last week I spoke at some length in this body regarding my great frustration with the current state of aviation relations between our two nations. In those remarks I predicted a time would come when the British truly would want some significant aviation rights or regulatory relief from the United States. When that time came, I said I fully expect the administration to demand a very high price. I welcome reports that time may be at hand.

Mr. President, I am referring to published reports that British Airways, which presently controls a greater share of the United States/United Kingdom air service market than all United States passenger carriers combined, is close to announcing a major business alliance with American Airlines. In anticipation of that announcement, British negotiators came to Washington yesterday to assess the price tag for the regulatory relief the new alliance would require. I am pleased initial reports indicate the Department of Transportation [DOT] reaffirmed its longstanding position: Nothing short of full liberalization of the United States/United Kingdom air service market would be acceptable.

Let me emphasize a critically important point. If the administration stands firm, as I believe it must, the current restrictive United States/United Kingdom bilateral aviation agreement will be cast into the great trash heap of protectionist trade policy where it belongs. This would be very welcome news for the U.S. economy, all U.S. air carriers and consumers. If the situation is handled poorly, however, we will have to explain to future generations why we squandered our best opportunity in decades to liberalize the United States/United Kingdom air service market.

Since my remarks last week, I have been asked several questions I wish to address.

First, am I surprised my prediction has come to pass so quickly? No, not in the least. For nearly a year I touted an open skies agreement with Germany as the ideal competitive tool to pry open Britain's significantly restrictive air service market. In combination with open skies agreements already in place with 10 other European countries, the United States/German open skies agreement—which goes into full effect later this week—is having precisely that effect.

Simply put, the possible British Airways/American Airlines alliance is a competitive response to the United States/German open skies agreement and the grant of antitrust immunity to the United Airlines/Lufthansa alliance. If the Delta Air Lines alliance with three smaller European carriers is granted a final antitrust immunity order later this month, that alliance—in combination with the United and Northwest alliances—will mean nearly 50 percent of passenger traffic between the United States and the Europe will be carried on fully integrated alliances. I have predicted for some time British Airways would have no choice but to respond. It now appears to be doing so by seeking to ally itself with the strongest U.S. carrier available and, ultimately, to seek antitrust immunity for its new alliance.

Second, to what am I referring when I say the British should be required to pay a high price for the regulatory relief British Airways' new alliance would require? I believe the price tag must be nothing less than immediate open skies.

In the past, the British have been prone to redefine the term "full liberalization" to mean "a balanced exchange of opportunities." Therefore, let me make clear what I mean when I say open skies. To avoid any misunderstanding, I believe the administration should make very clear to the British we expect at a minimum open third, fourth and fifth freedom rights for all our passenger and cargo carriers. Of course, this means that nothing less than open access to London's Heathrow Airport be included in the package.

Is this price too high? No, based on the recent history of United States/United Kingdom aviation relations, I believe it is just about right. For instance, I remember all too well how the British Government treated the United States in late 1990 and early 1991 when Pan Am was on the brink of shutting down operations and needed immediately to sell its Heathrow routes to survive. The British government showed not one iota of sympathy. Instead, at the urging of British Airways, for months the British Government squeezed our Government for maximum compensation in exchange for approving that transaction as well as the sale of TWA's Heathrow routes. I hope we remember well the lessons of the so-called Heathrow succession agreement.

Is it realistic to demand the British Government open Heathrow airport to our carriers? Absolutely. The British always seem able to find space at Heathrow for non-U.S. carriers who pose less of a competitive challenge to British carriers. For instance, according to DOT, 24 of the airlines operating at Heathrow in July 1995 did not have any services there in July 1990. In addition, British Airways controls 37 percent of the slots at Heathrow. It clearly is in a position to help resolve the access to Heathrow challenge. In short, British Airways controls its own destiny if it truly wants DOT approval for its proposed new alliance.

Mr. President, let me conclude by saying a truly historic opportunity may be at hand to finally force the British to join us on the field of free and fair air service competition. The Administration must stand firm and make clear to the British Government that nothing short of an open skies agreement is the price tag for any regulatory relief British Airways might seek in connection with its possible new alliance. A fully liberalized United States/United Kingdom air service agreement is critical to our economy, United States airlines and consumers and I fully expect we will not squander this opportunity.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, the impression will not go away: The $5 trillion Federal debt stands today as an increasingly grotesque parallel to the energizer bunny in the T.V. commercial that keeps moving and moving and moving—precisely in the same manner and to the same extent that the President is sitting on his hands while the Federal debt keeps going up and up and up into the stratosphere.

Same old story. Some politicians talk a good game ("talk" is the operative word here) about cutting Federal spending and thereby bringing the Federal debt under control. (But watch what they do when efforts are made to balance the Federal budget.)

Mr. President, as of the close of business yesterday, Monday, May 20, the Federal debt stood at exactly $5,114,232,705,195.00 (which amounts to $19,306.97 per man, woman, child on a per capita basis).

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–2693. A communication from the Director of the Office of Regulations Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a final rule concerning the amending of the educational assistance regulations (RIN 2900–AH60), received on May 16, 1996; to the Committee on Veterans' Affairs.

EC–2694. A communication from the Director of the Office of Regulations Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a final rule concerning the correction of a repayment formula for health care professionals who fail to comply with service obligation under the VA Health Professional Scholarship Program (RIN 2900–AH99), received on May 16, 1996; to the Committee on Veterans' Affairs.

EC–2695. A communication from the Director of the Regulations Policy Management Staff, Office of Policy, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a final rule relative to amending the biologics regulations of the

Food and Drug Administration to eliminate the requirement for an establishment license application for certain biotechnology and synthetic biological products (RIN 0910–AA71), received on May 16, 1996; to the Committee on Labor and Human Resources.

EC–2696. A communication from the Secretary of Health and Human Services, transmitting, the report of proposals for the reauthorization of the National Institutes of Health, received on May 16, 1996; to the Committee on Labor and Human Resources.

EC–2697. A communication from the Assistant Secretary for Employment Standards, Department of Labor, transmitting, pursuant to law, the report of a final rule concerning the amendments of the regulations under the Migrant and Seasonal Agricultural Worker Protection Act to implement statutory changes to MSPA concerning the relationship between workers' compensation benefits and the benefits available under the MSPA (RIN 1215–AA93), received on May 16, 1996; to the Committee on Labor and Human Resources.

EC–2698. A communication from the Managing Director of the Federal Communications Commission, transmitting, pursuant to law, the report of a final rule concerning the implementation of Cable Act reform provisions of the Telecommunications Act of 1996, received on May 13, 1996; to the Committee on Commerce, Science, and Transportation.

EC–2699. A communication from the Managing Director of the Federal Communications Commission, transmitting, pursuant to law, the report of a final rule concerning the Table of Allotments, FM Broadcast Stations, Cornell, Wisconsin, received on May 13, 1996; to the Committee on Commerce, Science, and Transportation.

EC–2700. A communication from the Managing Director of the Federal Communications Commission, transmitting, pursuant to law, the report of a final rule concerning the Citizens Utilities Company Permanent Cost Allocation Manual for the Separation of Regulated and Nonregulated Costs, received on May 13, 1996; to the Committee on Commerce, Science, and Transportation.

EC–2701. A communication from the Managing Director of the Federal Communications Commission, transmitting, pursuant to law, the report of a final rule concerning the implementation of Section 273 of the Communications Act of 1934, as Amended by the Telecommunications Act of 1996—Dispute Resolution Regarding Equipment Standards, received on May 13, 1996; to the Committee on Commerce, Science and Transportation.

EC–2702. A communication from the Managing Director of the Federal Communications Commission, transmitting, pursuant to law, the report of a final rule concerning the Table of Allotments, FM Broadcast Stations, Coolidge and Gilbert, Arizona, received on May 13, 1996; to the Committee on Commerce, Science, and Transportation.

EC–2703. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a final rule concerning the prohibition against certain flights within the territory and airspace of Afghanistan (RIN 2120–AG10), received on May 13, 1996; to the Committee on Commerce, Science, and Transportation.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary on May 20, 1996:

William A. Fletcher, of California, to be U.S. circuit judge for the ninth circuit.

(The above nomination was reported with the recommendation that he be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. KENNEDY (for himself and Mr. KERRY):

S. 1785. A bill to establish in the Department of the Interior the Essex National Heritage Area Commission, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. WELLSTONE:

S. 1786. A bill to require the Secretary of Veterans Affairs and the Secretary of Health and Human Resources to carry out a demonstration project to provide the Department of Veterans Affairs with reimbursement from the medicare program for health care services provided to certain medicare-eligible veterans; to the Committee on Finance.

By Mr. PRESSLER (for himself, Mr. D'AMATO, Mr. BREAUX, and Mr. GRAHAM):

S. 1787. A bill to amend the Harmonized Tariff Schedule of the United States with respect to fireworks; to the Committee on Finance.

By Mr. FAIRCLOTH:

S. 1788. A bill to amend the National Labor Relations Act and the Railway Labor Act to repeal those provisions of Federal law that require employees to pay union dues or fees as a condition of employment, and for other purposes; read the first time.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LOTT (for himself, Mr. THURMOND, Mr. NUNN, Mr. WARNER, Mr. COHEN, Mr. SANTORUM, Mr. INHOFE, Mr. KEMPTHORNE, Mr. BINGAMAN, Mr. COATS, Mr. SMITH, Mr. EXON, Mrs. HUTCHISON, Mr. MCCAIN, Mr. DASCHLE, Mr. LEVIN, Mr. AKAKA, Mr. BRADLEY, Ms. MIKULSKI, Mr. BRYAN, Mr. SARBANES, Mr. DORGAN, Mr. LIEBERMAN, Mr. SIMON, Mr. GRAHAM, Mrs. FEINSTEIN, Mr. GLENN, Mr. REID, Mr. JOHNSTON, Mr. ROBB, Mr. INOUYE, Mr. KOHL, Mr. FORD, Mr. KERREY, Mr. DODD, Mr. BUMPERS, Mr. PELL, Mr. FEINGOLD, Mr. LEAHY, Mr. MOYNIHAN, Mr. KENNEDY, Mrs. BOXER, Mrs. MURRAY, and Ms. MOSELEY-BRAUN):

S. Res. 255. A resolution to honor Admiral Jeremy M. "Mike" Boorda; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KENNEDY (for himself and Mr. KERRY):

S. 1785. A bill to establish in the Department of the Interior the Essex National Heritage Area Commission, and for other purposes; to the Committee on Energy and Natural Resources.

THE ESSEX NATIONAL HERITAGE AREA ACT OF 1996

Mr. KENNEDY. Mr. President, Senator KERRY and I are introducing legislation today to establish the Essex Heritage District and Commission. The purpose of our legislation is to preserve for future generations the unique historic, cultural, and natural resources of Essex County, MA. A companion bill has been introduced in the House of Representatives by Congressmen PETER TORKILDSEN and MARTIN MEEHAN.

Essex County is the site of many historical events that have profoundly influenced the course of American history over the past 350 years. Concentrated in this area of less than 500 square miles are more than 8,300 National Register properties and 23 national historic landmarks related to the early settlement of the United States, the country's emergence as a major maritime power, and its subsequent industrial development.

The historic sites include many examples of nationally significant early architecture, including some of the finest examples of Georgian and Federal architecture to be found in the United States. Also still intact are 17th century marshland farms and rural home sites clustered around original commons. Active harbors have been in continuous use since the 17th century. Local shipyards, lighthouses, and distinctive maritime communities exemplify 18th century life. The first integrated iron works in America are still in operation under the auspices of the National Park Service. Textile mill villages and "10-foot" shops where shoes were made and sold in 10-foot-by-10-foot rooms still remain largely as they were in the 19th century.

Essex County also has extensive natural and scenic resources—marshlands, beaches, harbors, rocky farmlands, and islands—which amply demonstrate why maritime pursuits and water-powered industrial development first began here.

At the heart of this region lies the city of Salem. It was settled in 1626, 6 years after the Pilgrims landed in Plymouth. It became one of the most active ports in the United States in the 18th century, conducting trade throughout the world and opening many new markets for imports and exports. Salem retains a wealth of resources from this period, including one of the country's few remaining colonial-period wharves; classic 17th century structures; four major historic districts encompassing thousands of facilities which preserve Salem as it appeared in the late 18th century; the internationally renowned Peabody Essex Museum, containing major collections of maritime art and history.

Chinese export wares and early anthropological collections; and many historic buildings associated with the life and work of one of America's most famous authors, Nathaniel Hawthorne.

Salem also has many homes, meeting sites, and cemeteries associated with the notorious witchcraft trials of 1692, which serve to remind residents and visitors alike of the dangers of witch hunts and the importance of the individual rights built into our Constitution a century later.

The purpose of our legislation is to preserve these extraordinary resources and make them available to the public. The Commission will carry out the mission proposed in the Salem Project, a report issued by the National Park Service in January 1990, which suggested a broadening of Federal recognition beyond the boundaries of Salem itself, to take into account the shared historic themes formed throughout Essex County.

The success of the preservation effort at Salem Maritime National Historic Site, the oldest such site in the country, established in 1938, has encouraged local initiatives in many of the surrounding communities. Our legislation will build on that local interest by providing a management framework for the preservation efforts of these various jurisdictions. Our goal is to protect and preserve these nationally significant resources in ways that present a unified interpretive story for visitors, so that they can readily understand the relationships among the historic sites throughout the county. The Commission will provide guidance to local communities and the State to ensure that the goal is achieved. Our bill does not propose major Federal land acquisition or a Federal bureaucracy. Its modest Federal involvement will help local efforts to proceed smoothly.

The success of the Essex Heritage District and Commission depends on broad-based support and participation by private citizens, businesses, nonprofit institutions and local, regional, and State governments. The majority of funds to implement the countywide recommendations in the National Park Service report is expected to come from the private sector and local sources.

Salem has demonstrated how successful this approach can be. In the past 8 years, Federal appropriations of $24 million for Salem Maritime National Historic Site have led to more than $150 million in private, municipal, and State investments in projects which relate to the proposed Essex Heritage District. For example, the Peabody Essex Museum has planned a $75 million expansion which will include renovation of the Salem Armory building that now houses the Regional Visitor Center run by the Park Service. The city of Salem is also planning an $18 million expansion of its port facilities, and has successfully pursued matching funds for the reconstruction of the 18th century merchant ship *Friendship*.

At the county level, an Essex Heritage Commission, comprised of 46 volunteer members from the private sector and municipal and State governments, is already well underway toward developing an action plan for regional trails and exhibits. This fall, the Commission plans to install a regional signage system on the Federal and State highways to serve as a magnet and bring people into the Essex Heritage Area District. Many community officials, board members, and representatives from other preservation and environmental organizations are providing valuable assistance and coordination. But there is much more to be done, and it is time for the Federal Government to play a role in this promising endeavor.

Its success so far has been based on the ability of people with many different perspectives to work together. This legislation will help them go forward in effective and efficient ways, as they work to bring the region together and preserve these magnificent historical resources for the enjoyment of generations to come. I urge my colleagues to support this important initiative.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1785

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Essex National Heritage Area Act of 1996."

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) Essex County, Massachusetts, was host to a series of historic events that influenced the course of the early settlement of the United States, its emergence as a maritime power, and its subsequent industrial development;

(2) the North Shore of Essex County and the Merrimack River valley in Essex County contain examples of significant early American architecture and significant Federal-period architecture, many sites and buildings associated with the establishment of the maritime trade in the United States, the site of the witchcraft trials of 1692, the birthplace of successful iron manufacture, and the establishment of the textile and leather industries in and around the cities of Peabody, Beverly, Lynn, Lawrence, and Haverhill;

(3) Salem, Massachusetts, has a rich heritage as one of the earliest landing sites of the English colonists, the first major world harbor for the United States, and an early thriving hub of American industries;

(4) the Saugus Iron Works National Historic Site is the site of the first sustained, integrated iron works in Colonial America, and the technology employed at the Iron Works was dispersed throughout the Colonies and was critical to the development of industry and technology in America;

(5) the Salem Maritime National Historic Site contains nationally significant resources that explain the manner in which the Nation was settled, its evolution into a maritime power, and its development as a major industrial force;

(6) the story told at the Salem Maritime and Saugus Iron Works National Historic Sites would be greatly enhanced through the interpretation of significant theme-related resources in Salem and Saugus and throughout Essex County;

(7) partnerships between the private and public sectors have been created and additional partnerships will be encouraged to preserve the rich cultural heritage of the region, which will stimulate cultural awareness, preservation, and economic development through tourism;

(8) a visitors' center that has already been constructed at Salem Maritime National Historic Site in Salem, Massachusetts, will be available to interpret the themes of the Essex National Heritage Area established by this Act and to coordinate the interpretive and preservation activities of the Area; and

(9) the resident and business communities of the region have formed the Essex Heritage Ad Hoc Commission for the preservation, interpretation, promotion, and development of the historic, cultural, and natural resources of the region and are investing significant private funds and energy to develop a plan to preserve the nationally significant resources of Essex County.

(b) PURPOSE.—It is the purpose of this Act—

(1) to establish the Essex National Heritage Area and the Essex National National Heritage Area Commission, representing all concerned levels of government, to recognize, preserve, promote, interpret, and make available for the benefit of the public the historic, cultural, and natural resources of the North Shore and lower Merrimack River valley in Essex County, Massachusetts, which encompass the three primary themes of the Salem Maritime National Historic Site and Saugus Iron Works National Historic Site (the histories of early settlement, maritime trade, and the textile and leather industries);

(2) to implement the appropriate alternative as described in the document entitled "The Salem Project: A Study of Alternatives", dated January 1990, within the boundaries of Essex County; and

(3) to provide a management framework to assist the Commonwealth of Massachusetts and its units of local government in the development and implementation of an integrated cultural, historical, and land resource management program in order to retain, enhance, and interpret the significant values of the lands, waters, and structures located in the Essex National Heritage Area.

SEC. 3. DEFINITIONS.

For purposes of this Act:

(1) The term "Commission" means the Essex National Heritage Area Commission established by section 201.

(2) The term "Area" means the Essex National Heritage Area established by section 101.

(3) The term "Secretary" means the Secretary of the Interior.

TITLE I—ESSEX NATIONAL HERITAGE AREA

SEC. 101. DESIGNATION OF NATIONAL HERITAGE AREA.

(a) DESIGNATION.—For the purpose of preserving and interpreting, for the educational and inspirational benefit of present and future generations, the unique and significant contributions to our national heritage of certain historic and cultural lands, natural waterways, and structures within the County of Essex in the Commonwealth of Massachusetts, there is hereby established the Essex National Heritage Area.

(b) BOUNDARIES.—The Area shall comprise the lands generally depicted on the map numbered NAR-51-80,000 and dated August 1994. The map shall be on file and available for public inspection in the office of the Director of the National Park Service.

(c) ADMINISTRATION.—The Area shall be administered in accordance with the provisions of this Act.

TITLE II—ESSEX NATIONAL HERITAGE AREA COMMISSION

SEC. 201. ESTABLISHMENT.

(a) IN GENERAL.—To carry out the purpose of this Act there is hereby established in the Department of the Interior the Essex National Heritage Area Commission. The Commission shall exercise the responsibilities and authorities conferred on the Commission by this title with respect to the Area. The Commission shall consist of 33 members (including ex officio members), appointed by the Secretary, as follows:

(1) Five members appointed from recommendations submitted by the Governor of Massachusetts, of which one shall represent the interests of the Massachusetts Historical Commission, one shall represent the Executive Office of Environmental Management, one shall represent the Massachusetts Executive Office of Transportation and Highways, one shall represent the Executive Office of Administration and Finance, and one shall represent the Executive Office of Communities and Development.

(2) Eleven members representing the interests of local government, appointed from recommendations submitted as follows:

(A) One each from recommendations submitted by the mayors of the cities of Peabody, Salem, Lynn, Lawrence, Haverhill, Newburyport, Beverly, and Gloucester.

(B) Three representing the towns of Essex County, from recommendations submitted by the Essex County Advisory Board.

(3) Eight members representing local business, nonprofit organizations, and other nongovernmental groups, appointed from recommendations submitted as follows:

(A) Two from recommendations submitted by the Salem Partnership.

(B) One each from recommendations submitted by the Lynn Business Partnership, the Greater Haverhill Chamber of Commerce, the Cape Ann Chamber of Commerce, the Merrimack Valley Chamber of Commerce, the North Shore Chamber of Commerce, and the Society for the Preservation of New England Antiquities.

(4) Three members representing nonprofit organizations which have significant interests and resources located in the Area, from recommendations submitted as follows:

(A) One from recommendations submitted by the Peabody Essex Museum, to represent the interests of major museums.

(B) One from recommendations submitted by the Essex County Greenbelt Association, to represent the interests of the natural resources of the Area.

(C) One from recommendations submitted by the President of Salem State College, to represent the interests of institutions of higher education.

(5) The Director of the National Park Service, ex officio, or the delegate of the Director, the superintendent of the Salem Maritime National Historic Site, ex officio, or the delegate of the superintendent, and the superintendent of the Saugus Ironworks National Historic Site, ex officio, or the delegate of the superintendent.

(6) One member recommended by the Representative to the Congress from the Fifth Congressional District of Massachusetts.

(7) Two members recommended by the Representative to the Congress from the Sixth Congressional District of Massachusetts.

(b) TERMS.—The term of appointed members of the Commission shall be 3 years, except as provided in subsection (d).

(c) CHAIRPERSON.—The Commission shall elect a chairperson from among its members. The term of office of the chairperson shall be 2 years.

(d) VACANCY.—Any member of the Commission appointed for a definite term may serve after the expiration of his term until his successor is appointed. Any vacancy in the Commission shall be filled in the same manner in which the original appointment was made. The term of any member appointed to fill a vacancy shall be the remainder of the term for which the member's predecessor was appointed.

(e) QUORUM.—A simple majority of Commission members shall constitute a quorum.

(f) MEETINGS.—The Commission shall meet at the call of the chairperson or a majority of its members, but not less than quarterly.

(g) COMPENSATION.—Members of the Commission shall serve without compensation, except as otherwise provided in this subsection. Members of the Commission may receive travel expenses (including per diem in lieu of subsistence) when engaged in Commission business, in accordance with section 5703, title 5, United States Code, in the same manner as persons employed intermittently.

SEC. 202. STAFF OF THE COMMISSION.

(a) STAFF.—(1) The Commission shall have the power to appoint and fix the compensation of such staff as may be necessary to carry out its duties.

(2) Staff appointed by the Commission—

(A) shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive services; and

(B) shall be paid in accordance with the provisions of chapter 51 of title 5, United States Code, and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates.

(b) EXPERTS AND CONSULTANTS.—Subject to such rules as may be adopted by the Commission, the Commission may procure services of experts and consultants to the same extent as is authorized by section 3109(b) of title 5, United States Code, but at rates determined by the Commission to be reasonable.

(c) STAFF AND OTHER AGENCIES.—(1) Upon request of the Commission, the head of any Federal agency may detail, on a reimbursable basis, any of the personnel of such agency to the Commission to assist the Commission in carrying out the Commission's duties.

(2) The Commission may accept the services of personnel detailed from the Commonwealth of Massachusetts (and any political subdivision thereof) and may reimburse the Commonwealth or political subdivision for the services.

(d) ADMINISTRATIVE SUPPORT.—The Administrator of the General Services Administration shall provide to the Commission such administrative support services as the Commission may request, on a reimbursable basis.

SEC. 203. POWERS OF THE COMMISSION.

(a) IN GENERAL.—The Commission may for the purpose of carrying out this Act hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Commission may deem advisable.

(b) BYLAWS.—The Commission may make such bylaws, rules and regulations, consistent with this Act, as it considers necessary to carry out its functions under this title.

(c) DELEGATION.—When so authorized by the Commission, any member or agent of the Commission may take any action which the Commission is authorized to take by this section.

(d) TECHNICAL ADVISORY GROUPS.—The Commission may establish and appoint one or more technical advisory groups and subcommittees to provide technical advice to the Commission with respect to issues including, but not limited to, financing, historic preservation, natural resource preservation, recreation, tourism, or intergovernmental coordination.

(e) GIFTS.—Notwithstanding any other provision of law, the Commission may seek, accept, and dispose of donations of funds, property, or services from individuals, from foundations, corporations, and other private entities, and from public entities, for the purpose of carrying out its duties.

(f) FUNDS FROM OTHER SOURCES.—The Commission may use its funds to obtain money from any source under any program or law, including a program or law requiring the recipient of such money to make a contribution in order to receive such money.

(g) MAIL.—The Commission may use the United States mails in the same manner and upon the same conditions as other departments and agencies of the United States.

(h) OBTAINING PROPERTY, FACILITIES AND SERVICES.—The Commission may obtain by purchase, rental, donation, or otherwise, such property, facilities, and services as may be needed to carry out its duties. The Commission may acquire real property, or interests in real property, in the Area only by gift, by rental, or by purchase from a willing seller with money which was given, bequeathed, or appropriated to the Commission on the condition that such money would be used to purchase real property, or interests in real property, in the Area.

(i) ADVISORY GROUPS.—The Commission may establish such advisory groups as the Commission deems necessary to ensure open communication with, and assistance from, the Commonwealth of Massachusetts, political subdivisions of the Commonwealth of Massachusetts, and interested persons.

(j) COOPERATIVE AGREEMENTS.—The Commission may enter into cooperative agreements with the Secretary, the Commonwealth of Massachusetts, any political subdivision of the Commonwealth, or any person.

SEC. 204. FUNCTIONS OF THE COMMISSION.

(a) IN GENERAL.—The Commission is authorized to—

(1) coordinate activities of and establish cooperative agreements with Federal, State, and local governments and private businesses and organizations in order to further historic preservation, cultural conservation, natural area protection, and compatible revitalization with respect to the Area;

(2) establish guidelines and standards for projects and prepare programs and exhibits, consistent with standards established by the National Park Service for preservation of historic properties (including standards regarding interpretive methods), that will further the recognition, preservation, promotion, interpretation, and economic revitalization of the historic and natural resources in the Area;

(3) provide advice and assistance in preparation of loan or grant applications to the Commission and applications for loan or grants from Federal or non-Federal sources in furtherance of the purpose of this Act;

(4) make loans and grants, from funds appropriated for that purpose or from funds donated or otherwise made available to the Commission, for the purpose of conserving and protecting sites, buildings, resources, and objects which are included or eligible for inclusion on the National Register of Historic Places or for the purposes of providing educational and cultural programs which encourage appreciation of the resources of the Area; and

(5) implement the study report prepared by the Essex Heritage Ad-Hoc Commission.

(b) Annual Reports.—

(1) Reports by commission.—The Commission shall submit an annual report to the Secretary setting forth its expenses and income and the entities to which any loans and grants were made by the Commission during the year for which the report is made.

(2) Reports by secretary.—The Secretary shall submit an annual report to the Congress describing the loans, grants, and technical assistance provided under this Act. The report shall specify the amount, recipient, and purpose of any loan, grant, or technical assistance so provided, and shall include an analysis of the adequacy of actions taken during the year the report concerns to preserve, protect, and interpret the significant sites, buildings, and objects within the Area. The report shall describe the anticipated funds and personnel to be made available by the Secretary during the fiscal year following the year the report concerns to implement the provisions of this Act.

(c) Cost Estimates.—Prior to making any grant or loan, the Commission shall require detailed cost estimates to be prepared for the project to be funded. Within 1 year after the date of the enactment of this Act, the Commission shall submit to the appropriate committees of the Congress detailed cost estimates for the projects for which, at the time the report is submitted, the Commission has made, has agreed to make, or plans to make a grant or loan under this Act.

SEC. 205. DUTIES OF THE SECRETARY.

(a) In General.—To carry out the purpose of this Act, the Secretary shall assist the Commission in preparing such studies and plans as the Secretary considers appropriate and in implementing the recommendations contained in study report prepared by the Essex Heritage Ad-Hoc Commission. The Secretary is authorized to enter into agreements with the Commission or with any owner of property with national historic or cultural significance within the Area for the purpose of facilitating public use and enjoyment of such resources or to otherwise further the objectives of the Commission. Any such agreement shall provide whenever appropriate that—

(1) the public may have access to such resources at specified, reasonable times for the purpose of viewing the property or exhibits or attending programs or other activities, as may be appropriate;

(2) the Secretary may make improvements to such resources as the Commission or the Secretary deem necessary to enhance the public use and enjoyment of the resources, or to render such property usable by the Secretary, the Commission, or any person for the purpose of this Act; and

(3) the Secretary may occupy, utilize, and acquire easements or leasehold interests in resources as required to implement the programs and purpose of this Act.

(b) Technical Assistance.—The Secretary shall provide, upon request, technical assistance to the Commission to assist the Commission in the performance of its powers and functions as authorized under this Act. The Secretary may provide to any owner of property within the Area, to the Commonwealth of Massachusetts, to the City of Salem and other participating municipalities, to any other Federal or State entity, to any institution, or to any person such technical assistance as the Secretary considers appropriate to carry out the purpose of this Act.

SEC. 206. EXPIRATION.

(a) In General.—The Commission shall cease to exist 10 years after the date of the enactment of this Act.

(b) Successor Entity.—The Commission shall assist, if appropriate, in the establishment of a nonprofit management entity, exempt from income taxes under section 501(c)(3) of the Internal Revenue Code of 1986, to continue as necessary the functions of the Commission and the management of the Area upon the expiration of the Commission.

(c) Property or Funds Remaining.—Any property or funds of the Commission remaining upon the expiration of the Commission shall be transferred to the nonprofit management entity referred to in subsection (b), if such an entity exists and is willing to accept the transfer. If such an entity does not exist or is not willing to accept such transfer, the property or funds referred to in the preceding sentence shall be transferred to the Treasury of the United States, to a State or local government agency, or to any combination thereof, as determined by the Commission or, if the Commission fails to so determine and such an entity exists, by the nonprofit management entity referred to in subsection (b).

SEC. 207. PRIVATE PROPERTY.

No privately owned property shall be included within the boundaries of the Area unless the government of the county, city, or town in which the property is located agrees to be so included and submits notification of such agreement to the Secretary.

SEC. 208. AUTHORIZATION OF APPROPRIATIONS.

There are hereby authorized to be appropriated such sums as may be necessary to carry out this Act.

Mr. KERRY. Mr. President, I am pleased to join, once again, with my colleague from Massachusetts, Senator KENNEDY, in introducing legislation to create the Essex Heritage District and Commission with the goal of preserving the unique resources of Essex County, MA for future generations.

Essex County, which stretches through Massachusetts' North Shore communities into the Merrimac River Valley and up to the New Hampshire border, represents a mural of American history with its architecture, industry, and culture. Within a county of only 500 square miles, there are nearly 80 historic districts which offer more examples of nationally significant early American architecture than any other place in the Nation. Included among these historical structures are 17th century marshland farms, rural homes, cemeteries, and original town commons. The shoreline of Essex County contains shipyards, lighthouses, and harbors that have been active since the 17th century.

Together, these sites form a panorama of our Nation's development as a maritime and industrial power. In the 18th century, this region became a mecca for American trade, a hub for trading goods with the other great trading nations. In response, the region flourished as a manufacturing center, which led to the establishment and growth of the textile and leather industries in the Merrimac River Valley towns of Peabody, Lawrence, Beverly, and Haverhill. The history of this growth is evident today in the textile mill villages, the first sustained integrated iron works site, and one of the most significant planned manufacturing cities in the country, all of which remain largely intact today.

At the heart of all this activity is the city of Salem. While Salem is famous in the history books and in American lore as the site of the 1692 witch trials, it is equally important as an early landing point for some of the first English colonists and as one of the most active ports of the 18th century. An amazing number of these historical resources remain intact including a colonial period wharf and 17th and 18th century structures exemplifying Puritan society.

A tour through the historic districts of Essex County is a visual lesson in this important period of our Nation's past. We are lucky that so many of these historical resources remain to provide such a detailed record and we must work to ensure their continued protection through the creation of the Essex Heritage District Commission. The Commission, which would be authorized for 10 years, would provide the long-term commitment that is needed to bring about the success of this project. Of course, the primary mission would be preservation, but more than this, the Commission will take individually preserved resources and link them through a unified interpretive story of this region and its place in our Nation's history.

While the Commission will be chartered by Federal legislation, it will not be a project managed by the Federal Government nor will it require major Federal land acquisition. Instead, the Commission will be comprised primarily of delegates from the State and local governments, nonprofit organizations, and private citizens and business interests from the participating communities.

This approach should prove very successful based upon the past efforts at the Salem Maritime National Historic Site which has leveraged significant local support from the surrounding communities. For example, in the past 8 years, Federal appropriations of $24 million for the Salem Maritime Site have leveraged more than $150 million in non-Federal investments in Essex Heritage District projects, including support for the planned $75 million expansion of the Peabody Essex Museum which will include renovation of the Salem Armory building that now houses the Regional Visitor Center run by the National Park Service.

Our bill would create a system under which various community groups can come together to develop their own goals by combining historic and resource preservation with economic concerns. The preservation activities which have already begun in Essex County have enhanced the region as visitor attractions for its historic sites, its picturesque scenery, and its desirability as a place to live and do business. I hope the Senate will act to ensure this success through swift and positive action on this bill.

By Mr. WELLSTONE:

S. 1786. A bill to require the Secretary of Veterans Affairs and the Secretary of Health and Human Resources to carry out a demonstration project to provide the Department of Veterans Affairs with reimbursement from the Medicare Program for health care services provided to certain Medicare-eligible veterans; to the Committee on Finance.

VA HEALTH CARE ELIGIBILITY LEGISLATION

Mr. WELLSTONE. Madam President, I am pleased and honored to introduce legislation which I believe will demonstrate the cost effectiveness and feasibility of Medicare subvention funding to the Department of Veterans Affairs [VA] for treatment of some Medicare-eligible veterans at VA medical facilities. This legislation would authorize a demonstration project of Medicare subvention whereby Medicare would reimburse VA for delivering health care to some veterans age 65 and over.

My legislation would authorize the Secretaries of Veterans Affairs and of Health and Human Services to enter into an agreement to carry out the demonstration project. This bill would bar reimbursement to the VA until the expenditure for health care services for participating veterans by a veterans integrated service network exceeds the amount that the VA would expend for such services in the absence of the project.

In effect, this ensures that VA will receive Medicare reimbursement only for additional health care costs that are directly attributable to the demonstration project. My bill would ensure that costs to the Medicare program of providing services under the project do not exceed the usual costs Medicare would incur in providing such services.

To prevent red tape from delaying the start of this test, the legislation specifies that VA health care facilities chosen to participate in the demonstration project will automatically be deemed to meet Medicare standards. Reimbursement to the VA will be on a capitated basis and veterans age 65 and over who are not eligible for VA health care for a service-connected disability may be selected to participate in the project.

Madam President, I now want to address the two key reasons I am introducing this legislation and will press for its passage. First, reforming veterans' health care is one of my highest priorities and I am quite frankly disappointed that the Senate has not yet emulated the House in taking significant bipartisan legislative action to reform unwieldy, arcane, and obsolete eligibility rules that Minnesota and other veterans face when they visit VA hospitals and clinics. While Secretary of Veterans Affairs Jesse Brown and his Under Secretary for Health Ken Kizer have taken bold and innovative steps to modernize, restructure and decentralize VA health care, their efforts to overhaul the VA health care system—so that it will remain viable and serve the needs of veterans into the 21st century—are being hamstrung by outmoded eligibility criteria that stress inpatient care even when outpatient care would be more appropriate, user-friendly and cost effective.

I believe that Medicare reimbursement is an important and, with an aging veterans population, even an essential component of eligibility reform. My view is shared by major veterans service organizations [VSO's] which have submitted two different eligibility reform proposals that would authorize the VA to receive Medicare reimbursement for treating Medicare-eligible veterans. Medicare reimbursement will allow the VA to offset the costs of delivering care to older veterans who may gain access to outpatient and preventive care when eligibility reform legislation is enacted.

The GAO, however, has questioned both the feasibility and cost of providing Medicare reimbursement to the VA. While I lean toward the VSO's view that Medicare reimbursement would be both feasible and cost-effective, the only way to prove it is by means of a demonstration project. This is precisely what my legislation authorizes.

Second, because the VA is facing and will likely continue to face severe funding constraints that probably will reduce its capabilities to provide access to quality health care, the VA will be under strong pressure to deny some vital health care services to Medicare-eligible veterans.

In recent years the VA health care budget has lagged behind medical cost inflation and under the budget resolution adopted by Congress last year the VA medical care budget would be frozen for 7 years, thus lagging behind overall inflation and probably even further behind medical cost inflation. As a consequence, the VA may be compelled to further ration care, with veterans 65 and over one of the groups likely to be affected. Even before the VA was faced with a flat health care budget, many of its facilities were compelled to resort to rationing.

In this connection it is important to note that recent GAO testimony before the Senate Subcommittee on VA, HUD, and Independent Agencies Appropriations underscored the fact that in 1993 "118 VA medical centers reported rationing some types of care to eligible veterans when the centers ran short of resources." There is no doubt whatever that a flat VA health care budget for 7 years can only lead to more extensive rationing of health care for veterans. This will further fray our solemn contract with the men and women who selflessly defended our country.

Madam President, this bill is intended to ensure that our aging veterans population is not denied access to VA health care precisely when they need it most. I believe that this demonstration project will show that Medicare subvention will at least be budget neutral, and may even save Medicare dollars by using less costly VA care. But I would hope that even those who do not share my views would agree that the demonstration project that I am proposing is the best way of determining the impact on Medicare, the VA, and most important, our aging veterans. These brave men and women deserve the best health care that can be provided, not rationed care whose quality is determined by an eroding VA health care budget and not by the health care needs of veterans who risked their lives for this country at times when it was in dire peril.

Madam President, improving and protecting health care for the increasing numbers of older veterans should be a priority issue for my colleagues on both sides of the aisle. I hope all of my colleagues will carefully scrutinize this bill, strongly support it, and join me in the fight to ensure its passage.

Madam President, I am introducing a bill today that focuses on health care eligibility in the VA health care system. It is, interestingly enough, analogous to a bill that the majority leader, Senator DOLE, has introduced that essentially says for those Department of Defense retirees, that there can be a Medicare third-party payment for them to continue to receive health care within the military health care system. That is put on a demonstration project basis. I think it is an important piece of legislation.

What the bill I have introduced says, again, on the demonstration model basis—demonstration project basis—is that for some of the veterans within a certain narrow framework, they also will be able to receive health care within the VA health care coverage—within the VA health care system—with a Medicare third-party payment.

I now sit on the Veterans' Committee. It has taken me several years to get on that committee. These issues are near and dear to my heart. It is clear to me, and I think it is clear to all Senators on both sides of the aisle, that health care eligibility is at the very top of, if you will, an agenda that is responsive to the concerns and circumstances of the veterans community. This will be a demonstration model. That is what this bill calls for. I think it is extremely important.

There is a debate as to whether or not, for example, Medicare third-party payment for the VA health care system will work well or not. The only way we can find out, without having to debate ad nauseam, is to put this on a pilot project basis.

I think this is only a step, but this piece of legislation, if passed, either as a piece of legislation or an amendment on the appropriate vehicle, I think it is an extremely important step in the right direction of enabling us to do some things within our VA health care system that will enable us to provide very efficient and very effective and very compassionate health care for veterans.

Also, Madam President, I want to mention that Dr. Ken Kizer, with the VA health care system, I think is really making a heroic effort to think deeply about VA health care and where it is going into the next century.

I think he is joined by Secretary Jesse Brown. Secretary Brown, in my view as a Senator from Minnesota—and I think I have been a fierce advocate for veterans—has been a very powerful and very articulate advocate for veterans in this country. I know that he has put health care eligibility reform at the very top of his list of priorities. I know that he cares deeply about veterans. I know as someone who was very active within the DAV, Disabled Veterans of America, he knows these issues. They are not abstract or intellectual to him. He came to this Cabinet position as someone who has been down in the trenches struggling not only for disabled veterans but for all vets.

So with the time I have on the floor, again I am devoted to this piece of legislation which I have introduced. I think there is going to be strong bipartisan support for this.

I also want to say a few words about the Secretary of Veterans Affairs because I think he has been a great Secretary for the veterans of Minnesota and across the country.

By Mr. PRESSLER (for himself, Mr. D'AMATO, Mr. BREAUX and Mr. GRAHAM):

S. 1787. A bill to amend the Harmonized Tariff Schedule of the United States with respect to fireworks; to the Committee on Finance.

FIREWORKS LEGISLATION

Mr. PRESSLER. Mr. President, today I am introducing legislation that would correct a mistake made during the drafting of the implementing legislation of the General Agreement on Tariffs and Trade [GATT] Uruguay round. That law has had the effect of unintentionally more than doubling the tariff rates on display fireworks that are imported into the United States. Unintended or not, this provision has had real consequences. The most obvious has been a dramatic increase in the price of display fireworks, the vast majority of which are purchased by our State and local governments for use in municipal celebrations.

While we are struggling here in Congress to reduce the deficit and balance the Federal budget under tight economic constraints, State and local governments are required by law to balance their budgets every year—with far less flexibility and far fewer resources than what is available to the Federal Government.

The higher cost of display fireworks imposes major strain on municipalities that wish to sponsor Memorial Day or Fourth of July celebrations. Many towns simply are unable to afford the higher fireworks prices and some may forego these celebrations altogether. It's a sad fact that one unfortunate consequence leads to others.

These problems are especially troublesome for rural areas. Small cities and towns do not have a wide variety of options for purchasing their fireworks. A dramatic increase in the cost of fireworks leaves these towns with very few alternatives. The ripple effect of this is that the small companies that serve as fireworks distributors suffer sales losses.

This is not just mere speculation. There is a family-owned business in my State of South Dakota called Rich Bros. Fireworks. Michael Rich and his family serve the small towns across our State. The Rich family does it because they enjoy the service they provide. Mr. President, this is not a highly profitable business to begin with, and the higher prices resulting from the GATT implementing legislation have caused demand to decline. Michael Rich has informed me that unless corrective action is taken, they may be forced to close their business by the end of the year. The name Rich Bros. is synonymous with July 4th in South Dakota, and kids across the State—young kids, and grown-up kids alike—look forward to the celebration of the birth of our country with all the fanfare and excitement fireworks provide.

Family-owned businesses, such as Rich Bros., are the foundation of towns across South Dakota. These people are committed to their neighbors and to their communities. They should not suffer from unintended consequences of the law. That is why we are here—to look out for them and to correct problems like these as soon as possible. That is why I am introducing this legislation today. It is really a minor change that would make a major difference—perhaps the difference between life and death—for small businesses like Rich Bros. I ask my colleagues for their support in passing this legislation which restores the 2.4-percent tariff rate for display fireworks that existed prior to the implementation of the Uruguay round legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1787

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DUTY ON DISPLAY FIREWORKS.

Chapter 36 of the Harmonized Tariff Schedule of the United States is amended by striking subheading 3604.10.00 and inserting the following new subheadings:

" 3604.10	Fireworks:			
3604.10.10	Display fireworks (Class 1.3C)	2.4%	Free (A*, CA, E, IL, J, MX)	12.5%
3604.10.90	Other (including Class 1.4G)	5.3%	Free (A*, CA, E, IL, J, MX)	12.5%. "

SEC. 2 EFFECTIVE DATE.

(a) IN GENERAL.—The amendment made by section 1 applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

(b) RETROACTIVE TREATMENT.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, upon a request filed with the Customs Service before the 90th day after the date of the enactment of this Act, any entry, or withdrawal from warehouse for consumption—

(1) which was made on or after January 1, 1996, and before the 15th day after the date of the enactment of this Act, and

(2) with respect to which there would have been a lesser duty if the amendment made by section 1 applied to such entry or withdrawal,

shall be liquidated or reliquidated as though such amendment applied to such entry or withdrawal.

ADDITIONAL COSPONSORS

S. 228

At the request of Mr. BRYAN, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of S. 228, a bill to amend certain provisions of title 5, United States Code, relating to the treatment of Members of Congress and Congressional employees for retirement purposes.

S. 673

At the request of Mrs. KASSEBAUM, the name of the Senator from Kentucky [Mr. MCCONNELL] was added as a cosponsor of S. 673, a bill to establish a youth development grant program, and for other purposes.

S. 691

At the request of Mr. SHELBY, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 691, a bill to amend title XVIII of the Social Security Act to provide for coverage of early detection of prostate cancer and certain drug treatment services under part B of the Medicare program, to amend chapter 17 of title 38, United States Code, to provide for coverage of such early detection and treatment services under the programs of the Department of Veterans' Affairs, and to expand research and education programs of the National Institutes of Health and the Public Health Service relating to prostate cancer.

S. 1150

At the request of Mr. SANTORUM, the names of the Senator from Montana [Mr. BAUCUS] and the Senator from West Virginia [Mr. BYRD] were added as cosponsors of S. 1150, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the Marshall Plan and George Catlett Marshall.

S. 1418

At the request of Mr. PRESSLER, the name of the Senator from Arizona [Mr. KYL] was added as a cosponsor of S. 1418, a bill to provide for the more effective implementation of the prohibition against the payment to prisoners of supplemental security income benefits under title XVI of the Social Security Act or monthly benefits under title II of such Act, and to deny such supplemental security income benefits for 10 years to a person found to have fraudulently obtained such benefits while in prison.

S. 1669

At the request of Mr. LOTT the names of the Senator from Hawaii [Mr. AKAKA], the Senator from Maine [Mr. COHEN], the Senator from Delaware [Mr. ROTH], the Senator from Minnesota [Mr. WELLSTONE], and the Senator from Indiana [Mr. LUGAR] were added as cosponsors of S. 1669, a bill to name the Department of Veterans Affairs' medical center in Jackson, Mississippi, as the "G.V. (Sonny) Montgomery Department of Veterans Affairs' Medical Center."

S. 1735

At the request of Mr. PRESSLER, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 1735, a bill to establish the United States Tourism Organization as a nongovernmental entity for the purpose of promoting tourism in the United States.

AMENDMENT NO. 3988

At the request of Mr. WELLSTONE, the names of the Senator from Maine [Mr. COHEN], the Senator from Pennsylvania [Mr. SANTORUM], and the Senator from Vermont [Mr. LEAHY] were added as cosponsors of amendment No. 3988 proposed to S. Con. Res. 57, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 1997, 1998, 1999, 2000, 2001, and 2002.

SENATE RESOLUTION 255—TO HONOR ADM. JEREMY M. BOORDA

Mr. LOTT (for himself, Mr. THURMOND, Mr. NUNN, Mr. WARNER, Mr. COHEN, Mr. SANTORUM, Mr. INHOFE, Mr. KEMPTHORNE, Mr. BINGAMAN, Mr. COATS, Mr. SMITH, Mr. EXON, Mrs. HUTCHISON, Mr. MCCAIN, Mr. DASCHLE, Mr. LEVIN, Mr. AKAKA, Mr. BRADLEY, Ms. MIKULSKI, Mr. BRYAN, Mr. SARBANES, Mr. DORGAN, Mr. LIEBERMAN, Mr. SIMON, Mr. GRAHAM, Mrs. FEINSTEIN, Mr. GLENN, Mr. REID, Mr. JOHNSTON, Mr. ROBB, Mr. INOUYE, Mr. KOHL, Mr. FORD, Mr. KERREY, Mr. DODD, Mr. BUMPERS, Mr. PELL, Mr. FEINGOLD, Mr. LEAHY, Mr. MOYNIHAN, Mr. KENNEDY, Mrs. BOXER, Mrs. MURRAY, and Ms. MOSELEY-BRAUN):

S. RES. 255

Whereas Admiral Jeremy M. "Mike" Boorda was the 25th Chief of Naval Operations.

Whereas as the Chief of Naval Operations, Admiral Boorda commanded the foremost Navy in the World;

Whereas Admiral Boorda's career in the Navy reflected his lifelong dedication to the United States and to the principles he held dear—duty, honor, and commitment;

Whereas Admiral Boorda is the only member of the Navy ever to rise from the lowest enlisted grade to the position of Chief of Naval Operations, and this rise gave him a full and unique perspective on the opportunities and obligations of command;

Whereas this perspective instilled in Admiral Boorda an unwavering concern for the members of the Navy and their families;

Whereas as Commander-in-Chief of NATO forces in Southern Europe, Admiral Boorda ordered the first offensive use of deadly force in the history of NATO, an air strike in February 1994 against four Bosnian Serb aircraft flying in violation of a United Nations ban on such flights;

Whereas Admiral Boorda was a visionary in naval strategy who recognized that circumstances in the post-Cold War era made necessary a strategy that retained a forward presence for the Navy even as it recognized that future Navy operations would most likely occur in the littoral zones of the world;

Whereas this strategy, which Admiral Boorda called "Forward . . . From the Sea", will serve as the basis for Navy strategy well into the 21st century;

Whereas Admiral Boorda was a visionary in naval technology who spearheaded programs for the development of the arsenal ship, the new attack submarine, theater ballistic missile defense, and cooperative engagement capabilities;

Whereas these programs, and many others spearheaded by Admiral Boorda, put the Navy on the cutting edge of technology and did so in an efficient, affordable, flexible manner;

Whereas Admiral Boorda recognized the need for the Navy to develop a strategy for utilizing emerging technology effectively and developed in response to that need the plan known as "20/20 Vision", a long-range plan for the acquisition and utilization of technology in the future in order to achieve the strategic objectives of the United States; and

Whereas it is fitting that Admiral Boorda be remembered as he described Admiral Arleigh Burke when saying that ". . . he defined what it means to be a naval officer: relentless in combat, resourceful in command, and revered by his crews . . . He was, indeed, a sailor's sailor.": Now, therefore, be it

Resolved, That the Senate honors Admiral Jeremy M. "Mike" Boorda for a career that included extraordinary contributions to the defense of the United States and a singular commitment to the members of the Navy and thereby exemplified all the best qualities in an officer in the United States Navy.

AMENDMENTS SUBMITTED

THE CONGRESSIONAL BUDGET CONCURRENT RESOLUTION

LEVIN AMENDMENT NO. 4020

Mr. LEVIN proposed an amendment to the concurrent resolution (S. Con. Res. 57) setting forth the congressional budget for the United States Government for fiscal years 1997, 1998, 1999, 2000, 2001, and 2002; as follows:

At the appropriate place, insert the following new section:

SEC. . SENSE OF THE SENATE REGARDING THE NATIONAL INSTITUTE OF DRUG ABUSE.

(a) FINDINGS.—Congress finds the following:

(1) The National Institute on Drug Abuse (hereafter referred to in this section as "NIDA") a part of the National Institutes of Health (hereafter referred to in this section as "NIH") supports over 85 percent of the world's drug abuse research that has totally revolutionized our understanding of addiction.

(2) One of NIDA's most significant areas of research has been the identification of the neurobiological bases of all aspects of addiction, including craving.

(3) In 1993, NIDA announced that approval had been granted by the Food and Drug Administration of a new medication for the treatment of heroin and other opiate addiction which breaks the addict of daily drug-seeking behavior and allows for greater compliance because the patient does not need to report to a clinic each day to have the medication administered.

(4) Among NIDA's most remarkable accomplishments of the past year is the successful immunization of animals against the psychostimulant effects of cocaine.

(5) NIDA has also recently announced that it is making substantial progress that is critical in directing their efforts to identify potential anti-cocaine medications. For example, NIDA researchers have recently shown that activation in the brain of one type of dopamine receptor suppresses drug-seeking behavior and relapse, whereas activation of another, triggers drug-seeking behavior.

(6) NIDA's efforts to speed up research to stem the tide of drug addiction is in the best interest of all Americans.

(7) State and local governments spend billions of dollars to incarcerate persons who commit drug related offenses.

(8) A 1992 National Report by the Bureau of Justice Statistics revealed that more than 3 out of 4 jail inmates reported drug use in their lifetime, more than 40 percent had used drugs in the month before their offense with 27 percent under the influence of drugs at the time of their offense. A significant number said they were trying to get money for drugs when they committed their crime.

(9) More than 60 percent of juveniles and young adults in State-operated juvenile institutions reported using drugs once a week or more for at least a month some time in the past, and almost 40 percent reported being under the influence of drugs at the time of their offense.

(10) This concurrent resolution proposes that budget authority for the NIH (including NIDA) be held constant at the fiscal year 1996 level of $11,950,000,000 through fiscal year 2002.

(11) At such appropriation level, it would be impossible for NIH and NIDA to maintain research momentum through research project grants.

(12) Level funding for NIH in fiscal year 1997 would reduce the number of competing research project grants by nearly 500, from 6,620 in fiscal year 1996 to approximately 6,120 competing research project grants, reducing NIH's ability to maintain research momentum and to explore new ideas in research.

(13) NIH is the world's preeminent research institution dedicated to the support of science inspired by and focused on the challenges of human illness and health.

(14) NIH programs are instrumental in improving the quality of life for Americans through improving health and reducing monetary and personal costs of illnesses.

(15) The discovery of an anti-addiction drug to block the craving of illicit addictive substances will benefit all of American society.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that amounts appropriated for the National Institutes of Health—

(1) for fiscal year 1997 should be increased by a minimum of $33,000,000;

(2) for fiscal year 1998 should be increased by a minimum of $67,000,000;

(3) for fiscal year 1999 should be increased by a minimum of $100,000,000;

(4) for fiscal year 2000 should be increased by a minimum of $100,000,000;

(5) for fiscal year 2001 should be increased by a minimum of $100,000,000;

(6) for fiscal year 2002 should be increased by a minimum of $100,000,000;

above its fiscal year 1996 appropriation for additional research into an anti-addiction drug to block the craving of illicit addictive substances.

HELMS AMENDMENT NO. 4021

Mr. DOMENICI (for Mr. HELMS) proposed an amendment to the concurrent resolution (S. Con. Res. 57) supra; as follows:

At the appropriate place insert the following:

SEC. . SENSE OF THE SENATE REGARDING THE EXTENSION OF THE EMPLOYER EDUCATION ASSISTANCE EXCLUSION UNDER SECTION 127 OF THE INTERNAL REVENUE CODE OF 1986.

(a) FINDINGS.—The Senate finds that—

(1) since 1978, over 7,000,000 American workers have benefited from the employer education assistance exclusion under section 127 of the Internal Revenue Code of 1986 by being able to improve their education and acquire new skills without having to pay taxes on the benefit;

(2) American companies have benefited by improving the education and skills of their employees who in turn can contribute more to their company;

(3) the American economy becomes more globally competitive because an educated workforce is able to produce more and to adapt more rapidly to changing technologies;

(4) American companies are experiencing unprecedented global competition and the value and necessity of life-long education for their employees has increased;

(5) the employer education assistance exclusion was first enacted in 1978;

(6) the exclusion has been extended 7 previous times;

(7) the last extension expired December 31, 1994; and

(8) the exclusion has received broad bipartisan support.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the revenue level assumed in the Budget Resolution accommodate an extension of the employer education assistance exclusion under section 127 of the Internal Revenue Code of 1986 from January 1, 1995, through December 31, 1996.

McCAIN AMENDMENT NO. 4022

Mr. DOMENICI (for Mr. MCCAIN) proposed an amendment to the concurrent resolution (S. Con. Res. 57) supra; as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE—TRUTH IN BUDGETING.

It is the Sense of the Senate that:

(a) The Congressional Budget Office has scored revenue expected to be raised from the auction of Federal Communications Commission licenses for various services;

(b) For budget scoring purposes, the Congress has assumed that such auctions would occur in a prompt and expeditious manner and that revenue raised by such auctions would flow to the federal treasury;

(c) The Resolution assumes that the revenue to be raised from auctions totals billions of dollars;

(d) The Resolution makes assumptions that services would be auctioned where the Federal Communications Commission has not yet conducted auctions for such services, such as Local Multipoint Distribution Service (LMDS), licenses for paging services, final broadband PCS licenses, narrow band PCS licenses, licenses for unserved cellular, and Digital Audio Radio (DARS), and other subscription services, revenue from which has been assumed in Congressional budgetary calculations and in determining the level of the deficit; and

(e) The Commission's service rules can dramatically affect license values and auction revenues and therefore the Commission should act expeditiously and without further delay to conduct auctions of licenses in a manner that maximizes revenue, increases efficiency, and enhances competition for any service for which auction revenues have been scored by the Congressional Budget Office and/or counted for budgetary purposes in an Act of Congress.

FAIRCLOTH AMENDMENTS NOS. 4023–4024

Mr. DOMENICI (for Mr. FAIRCLOTH) proposed two amendments to the concurrent resolution (S. Con. Res. 57) supra; as follows:

AMENDMENT NO. 4023

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE REGARDING WELFARE REFORM.

The Senate finds that—

S. Con. Res. 57 assumes substantial savings from welfare reform; and

Children born out of wedlock are five times more likely to be poor and about ten times more likely to be extremely poor and therefore are more likely to receive welfare benefits that children from two parent families; and

High rates of out-of-wedlock births are associated with a host of other social pathologies; for example, children of single mothers are twice as likely to drop out of high school; boys whose fathers are absent are more likely to engage in criminal activities; and girls in single-parent families are three times more likely to have children out of wedlock themselves; therefore

It is the sense of the Senate that any comprehensive legislation sent to the President that balances the budget by a certain date and that includes welfare reform provisions and that is agreed to by the Congress and the President shall also contain to the maximum extent possible a strategy for reducing the rate of out-of-wedlock births and encouraging family formation.

AMENDMENT NO. 4024

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE REGARDING REDUCTION OF THE NATIONAL DEBT.

The Senate finds that—

S. Con. Res. 57 projects a public debt in Fiscal Year 1997 of $5,400,000,000,000;

S. Con. Res. 57 projects that the public debt will be $6,500,000,000,000 in the Fiscal Year 2002 when the budget resolution projects a unified budget surplus;

This accumulated debt represents a significant financial burden that will require excessive taxation and lost economic opportunity for future generations of the United States; therefore

It is the sense of the Senate that any comprehensive legislation sent to the President that balances the budget by a certain date and that is agreed to by the Congress and the President shall also contain a strategy for reducing the national debt of the United States.

ROTH (AND EXON) AMENDMENT NO. 4025

Mr. EXON. (for Mr. ROTH for himself and Mr. EXON) proposed an amendment to the concurrent resolution, Senate Concurrent Resolution 57, supra; as follows:

At the appropriate place insert the following:

SEC. . SENSE OF THE SENATE REGARDING THE FUNDING OF AMTRAK.

(a) FINDING.—The Senate finds that—

(1) a capital funding stream is essential to the ability of the National Rail Passenger Corporation ("Amtrak") to reduce its dependence on Federal operating support; and

(2) Amtrak needs a secure of financing, no less favorable than provide to other modes of transportation, for capital improvements.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) revenues attributable to one-half cent per gallon of the excise taxes imposed on gasoline, special motor fuel, and diesel fuel from the Mass Transit Account should be dedicated to a new Intercity Passenger Rail Trust Fund during the period January 1, 1997, through September 30, 2001;

(2) revenues would not be deposited in the Intercity Passenger Rail Trust Fund during any fiscal year to the extent that the deposit is estimated to result in available revenues in the Mass Transit Account being insufficient to satisfy that year's estimated appropriation levels;

(3) monies in the Intercity Passenger Rail Trust Fund should be generally available to fund, on a reimbursement basis, capital expenditures incurred by Amtrak; and

(4) amounts to fund capital expenditures related to rail operations should be set aside for each State that has not had Amtrak service in such State for the preceding year.

BINGAMAN (AND OTHERS) AMENDMENT NO. 4026

Mr. DOMENICI (for Mr. BINGAMAN, for himself, Ms. SNOWE, and Mr. COHEN) proposed an amendment to Senate Concurrent Resolution 57, supra; as follows:

At the end of title III, add the following:

SEC. . SENSE OF THE SENATE REGARDING THE ECONOMIC DEVELOPMENT ADMINISTRATION PLACING HIGH PRIORITY ON MAINTAINING FIELD-BASED ECONOMIC DEVELOPMENT REPRESENTATIVES.

(a) FINDINGS.—The Senate makes the following findings:

(1) The Economic Development Administration plays a crucial role in helping economically disadvantaged regions of the United States develop infrastructure that supports and promotes greater economic activity and growth, particularly in nonurban regions.

(2) The Economic Development Administration helps to promote industrial park development, business incubators, water and sewer system improvements, vocational and technical training facilities, tourism development strategies, technical assistance and capacity building for local governments, economic adjustment strategies, revolving loan funds, and other projects which the private sector has not generated or will not generate without some assistance from the Government through the Economic Development Administration.

(3) The Economic Development Administration maintains 6 regional offices which oversee staff that are designated field-based representatives of the Economic Development Administration, and these field-based representatives provide valuable expertise and counseling on economic planning and development to nonurban communities.

(4) The Economic Development Administration Regional Centers are located in the urban areas of Austin, Seattle, Denver, Atlanta, Philadelphia, and Chicago.

(5) Because of a 37-percent reduction in approved funding for salaries and expenses from fiscal year 1995, the Economic Development Administration has initiated staff reductions requiring the elimination of 8 field-based positions. The field-based economic development representative positions that are either being eliminated or not replaced after voluntary retirement and which currently interact with nonurban communities on economic development efforts cover the States of New Mexico, Arizona, Nevada, North Dakota, Oklahoma, Illinois, Indiana, Maine, Connecticut, Rhode Island, and North Carolina.

(6) These staff cutbacks will adversely affect States with very low per-capita personal income, including New Mexico which ranks 47th in the Nation in per-capita personal income, Oklahoma ranking 46th, North Dakota ranking 42nd, Arizona ranking 35th, Maine ranking 34th, and North Carolina ranking 33rd.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the functional totals and reconciliations instructions underlying this budget resolution assume that—

(1) it is regrettable that the Economic Development Administration has elected to reduce field-based economic development representatives who are fulfilling the Economic Development Administration's mission of interacting with and counseling nonurban communities in economically disadvantaged regions of the United States;

(2) the Economic Development Administration should take all necessary and appropriate actions to ensure that field-based economic development representation receives high priority; and

(3) the Economic Development Administration should reconsider the planned termination of field-based economic development representatives responsible for States that are economically disadvantaged, and that this reconsideration take place without delay.

DOMENICI AMENDMENT NO. 4027

Mr. DOMENICI proposed an amendment to amendment No. 4012 proposed by Mr. SPECTER to the concurrent resolution, Senate Concurrent Resolution 57, supra; as follows:

At the appropriate places on the Harkin amendment, make the following changes:

On page 25, line 17, increase the amount by $0.

On page 25, line 18, increase the amount by $0.

On page 27, line 16, increase the amount by $300,000,000.

On page 27, line 17, increase the amount by $600,000,000.

On page 42, line 2, decrease the amount by $1,800,000,000.

On page 42, line 3, increase the amount by $700,000,000.

On page 52, line 11, decrease the amount by $0.

On page 52, line 12, decrease the amount by $0.

On page 52, line 14, increase the amount by $5,000,000,000.

On page 52, line 15, increase the amount by $1,400,000,000.

Notwithstanding any other provision of this resolution, on page 52, line 15, the amount is deemed to be $270,923,000,000.

On page 4, line 8, the amount is deemed to be $1,323,100,000,000.

On page 4, line 9, the amount is deemed to be $1,361,600,000,000.

On page 4, line 10, the amount is deemed to be $1,392,400,000,000.

On page 4, line 11, the amount is deemed to be $1,433,600,000,000.

On page 4, line 12, the amount is deemed to be $1,454,000,000,000.

On page 4, line 17, the amount is deemed to be $1,318,600,000,000.

On page 4, line 18, the amount is deemed to be $1,353,500,000,000.

On page 4, line 19, the amount is deemed to be $1,382,400,000,000.

On page 4, line 20, the amount is deemed to be $1,415,600,000,000.

On page 4, line 21, the amount is deemed to be $1,433,100,000,000.

On page 5, line 1, the amount is deemed to be $232,400,000,000.

On page 5, line 2, the amount is deemed to be $223,600,000,000.

On page 5, line 3, the amount is deemed to be $206,300,000,000.

On page 5, line 4, the amount is deemed to be $185,700,000,000.

On page 5, line 5, the amount is deemed to be $143,500,000,000.

On page 5, line 9, the amount is deemed to be $5,449,000,000,000.

On page 5, line 10, the amount is deemed to be $5,722,700,000,000.

On page 5, line 11, the amount is deemed to be $5,975,100,000,000.

On page 5, line 12, the amount is deemed to be $6,207,700,000,000.

On page 5, line 13, the amount is deemed to be $6,398,600,000,000.

On page 5, line 14, the amount is deemed to be $6,550,500,000,000.

On page 6, line 13, the amount is deemed to be $290,000,000,000.

On page 6, line 14, the amount is deemed to be $277,400,000,000.

On page 6, line 15, the amount is deemed to be $256,000,000,000.

On page 6, line 16, the amount is deemed to be $236,100,000,000.

On page 6, line 17, the amount is deemed to be $193,300,000,000.

On page 6, line 18, the amount is deemed to be $155,400,000,000.

On page 9, line 22, the amount is deemed to be $14,900,000,000.

On page 11, line 22, the amount is deemed to be $16,700,000,000.

On page 11, line 23, the amount is deemed to be $16,800,000,000.

On page 13, line 17, the amount is deemed to be $3,700,000,000.

On page 13, line 18, the amount is deemed to be $3,100,000,000.

On page 15, line 17, the amount is deemed to be $21,500,000.

On page 17, line 16, the amount is deemed to be $12,800,000,000.

On page 17, line 17, the amount is deemed to be $11,000,000,000.

On page 19, line 16, the amount is deemed to be $8,100,000,000.

On page 19, line 17, the amount is deemed to be $-2,400,000,000.

On page 21, line 16, the amount is deemed to be $42,600,000,000.

On page 21, line 17, the amount is deemed to be $39,300,000,000.

On page 23, line 15, the amount is deemed to be $9,900,000,000.

On page 23, line 16, the amount is deemed to be $10,800,000,000.

On page 29, line 10, the amount is deemed to be $193,200,000,000.

On page 29, line 11, the amount is deemed to be $191,500,000,000.

On page 31, line 3, the amount is deemed to be $232,400,000,000.

On page 31, line 4, the amount is deemed to be $240,300,000,000.

On page 38, line 8, the amount is deemed to be $13,700,000,000.

On page 39, line 25, the amount is deemed to be $282,800,000,000.

On page 40, line 1, the amount is deemed to be $282,800,000,000.

On page 40, line 7, the amount is deemed to be $289,400,000,000.

On page 40, line 8, the amount is deemed to be $289,400,000,000.

On page 40, line 14, the amount is deemed to be $293,200,000,000.

On page 40, line 15, the amount is deemed to be $293,200,000,000.

On page 40, line 21, the amount is deemed to be $294,700,000,000.

On page 40, line 22, the amount is deemed to be $294,700,000,000.

On page 41, line 3, the amount is deemed to be $298,900,000,000.

On page 41, line 4, the amount is deemed to be $298,900,000,000.

On page 41, line 10, the amount is deemed to be $303,400,000,000.

On page 41, line 11, the amount is deemed to be $303,400,000,000.

On page 41, line 17, the amount is deemed to be $348,234,000,000.

On page 41, line 18, the amount is deemed to be $351,240,000,000.

On page 41, line 19, the amount is deemed to be $348,465,000,000.

On page 41, line 20, the amount is deemed to be $349,951000,000.

On page 41, line 21, the amount is deemed to be $351,311,000,000.

On page 41, line 22, the amount is deemed to be $352,756,000,000.

On page 42, line 8, the amount is deemed to be −$200,000,000.

On page 42, line 9, the amount is deemed to be $100,000,000.

On page 42, line 15, the amount is deemed to be −$400,000,000.

On page 42, line 16, the amount is deemed to be −$300,000,000.

On page 42, line 22, the amount is deemed to be −$800,000,000.

On page 42, line 23, the amount is deemed to be −$800,000,000.

On page 43, line 5, the amount is deemed to be −$1,200,000,000.

On page 43, line 6, the amount is deemed to be −$1,100,000,000.

On page 43, line 12, the amount is deemed to be −$3,700,000,000.

On page 43, line 13, the amount is deemed to be −$3,700,000,000.

NOTICES OF HEARINGS

SUBCOMMITTEE ON INVESTIGATIONS

Mr. STEVENS. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, will hold hearings regarding security in cyberspace.

This hearing will take place on Wednesday, May 22, 1996, in room 342 of the Dirksen Senate Office Building. For further information, please contact Daniel S. Gelber of the subcommittee staff at 224–9157.

SUBCOMMITTEE ON PARKS, HISTORIC PRESERVATION, AND RECREATION

Mr. CAMPBELL. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources.

The hearing will take place on Thursday, June 6, 1996, at 2 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to review S. 1703, a bill to amend the act establishing the National Park Foundation.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on Parks, Historic Preservation, and Recreation, Committee on Energy and Natural Resources, U.S. Senate, 364 Dirksen Senate Office Building, Washington, DC 20510–6150.

For further information, please contact Jim O'Toole of the subcommittee staff at (202) 224–5161.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Tuesday, May 21, 1996 at 8:45 a.m., in SR–332, to conduct a nomination hearing for Brooksley Born, of Washington, DC, to be Chairman of the Commodity Futures Trading Commission and to be Commissioner of the Commodity Futures Trading Commission for the remainder of the term expiring April 13, 1999 and David D. Spears, of Kansas, to be Commissioner of the Commodity Futures Trading Commission for the term expiring April 13, 2000.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, May 21, 1996, to conduct a hearing on S. 1511, the Burma Freedom and Democracy Act of 1995.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Tuesday, May 21, 1996, at 10:00 a.m. to hold a hearing on the Role of the ABA in the Nominations Process.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet during the session of the Senate at 9:30 a.m., Tuesday, May 21, 1996, for an oversight hearing on the Corporation for National and Community Service.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. LOTT. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, May 21, 1996 at 9:30 a.m. to hold an open hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ADMINISTRATIVE OVERSIGHT

Mr. LOTT. Mr. President, I ask unanimous consent that the Subcommittee on Administrative Oversight and the Courts of the Senate Committee on the Judiciary, be authorized to meet during a session of the Senate on Tuesday, May 21, 1996, at 2:00 p.m., in Senate Dirksen room 226, on S. 582 and voluntary environmental audits.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

TRIBUTE TO THE CITY OF MANCHESTER ON ITS 150TH ANNIVERSARY

Mr. SMITH. Mr. President, I rise today to pay tribute to Manchester, NH, on its 150th anniversary. On June 8, the 100,000 residents of Manchester will hold a community wide picnic to celebrate this significant milestone.

Manchester's 150 year heritage encompasses periods of growth and change including native American occupation, colonial settlement, industrial growth, and 20th century diversification. For over 10,000 years various native American groups occupied what was then known as the Merrimack River Valley. The abundance of fish and game in this area helped support these people's livelihood. By 1725, most of the native Americans inhabiting the Merrimack Valley had fled northward to escape conflict and disease brought about by European settlers that had migrated into the area.

In the early 1700's, many European settlers began to move into the Manchester area. Scottish and Irish families with expertise in flax spinning and weaving were the first group to settle around what is now known as Londonderry in 1719. In 1722, John Goffe also established the town's first water-powered mill along Cohas Brook. In 1751, the town of Derryfield, now known as Manchester, was established.

In the 1790's a man by the name of Samuel Blodget envisioned an industrialized Derryfield which could boast open trade routes with Boston to the south and Concord to the north. Consequently, he proceeded to fund the development of a canal and lock system around the Amoskeag Falls. In 1810, 3 years after Blodget's death, the residents of Derryfield voted to change their town's name to Manchester to honor Blodget's prediction that "a city like unto Manchester, England" would rise because of the waterpower at the falls.

In 1831, a group of investors known as Boston Associates began manufacturing textiles by purchasing the rights to the water power at the falls and developing a plan for a major complex of mills. The execution of this plan helped foster 100 years of growth and expansion as the Amoskeag Manufacturing Co., became the largest textile producer in the world. At its peak, Amoskeag employed 17,000 workers and had over 30 major mills.

In March of 1936 Manchester experienced a disastrous flood which completely devastated the city. The determined citizens of Manchester banded together to organize Amoskeag Industries and purchased the mill complex to help rebuild Manchester. The rebuilding of Manchester gave rise to a more diversified industrial base and the emergence of a strong service economy. Through the unyielding support of Manchester's citizens, local government, and banks, the local economy was slowly reborn. The complex of mills that still stand along the Merrimack are a reminder of how Manchester once flourished in the textile industry. The citizens of Manchester still have the Yankee ingenuity and commitment to growth and industry.

Manchester's largest employers are now hospitals, universities, and technology companies. Manchester boasts a strong service and professional economy and is the largest city in New Hampshire. A combination of natural and historical spots are being developed for a potential tourism industry. The New Hampshire Heritage Trail is one of the major statewide projects. Additionally, many residents and visitors enjoy the Currier Gallery, the 883 seat Palace Theater and the Zimmerman House. These historical spots and others are quickly giving Manchester the reputation as the cultural center of the State.

The citizens of Manchester will have much to celebrate on June 8. Among other highlights, the birthday bash will include a 150-foot-long birthday cake, sand sculptures, softball tournaments, classic car shows, and even a laser-light show. The Historical Association will sponsor a kite-flying contest and the high school jazz and concert bands will perform along with the Jack Jackson Big Band. The day promises to be quite festive as many people in Manchester join in celebrating the history of the Queen City.

It is my honor to represent such a successful and thriving city in the U.S. Senate. I congratulate Manchester on the memorable occasion of its 150th birthday and wish the many residents of the city an exciting birthday celebration.

THE VERMONT TEEN PARENT LITERACY PROJECT

• Mr. LEAHY. Mr. President, I would like to take this opportunity to call attention to a unique project developed by the Vermont Council on the Humanities that was recently honored at a White House ceremony as one of the best arts and humanities programs to help at-risk youth in this country. The teen parent literacy project is simple in concept, yet it is an innovative approach to tackling complex problems that can often result from teenagers having children. Through participating in a series of free reading and discussion programs, teen parents across the State are encouraged to read to their children. This program benefits parents and children in several ways. First, parents learn the value and joy of reading to their children who are in turn, introduced to the importance of reading. Reading to children at home has proven to influence future educational success and bringing together teen parents and their children can help to cultivate a more comfortable relationship as teen parents learn to become their children's first teacher.

The teen parent literacy project has brought together members of Vermont communities who are dedicated to making this program a success for teen parents and their children. Under the leadership of Victor Swenson, the Vermont Council on the Humanities is working with the Vermont Department of Health, local libraries, and individuals from each district. It is no surprise that this program was selected as one of the very finest programs designed to improve the plight of at-risk-youth. Teaching parents to read to their children enables us to forge ahead as a literate nation. It demonstrates a commitment to our investment in our children and also in their parents, many still children themselves.

For many young parents in Vermont and throughout the United States, raising children is often met by insurmountable barriers and this program, supported by the National Endowment for the Humanities, will help them to overcome some of those hurdles. I am extremely proud of the members of the council and the participants of the program who have made this program a success.•

HONORING FBI SPECIAL AGENT ROY JOHNSON

Mr. ABRAHAM. Mr. President, I rise today to honor a brave warrior in the fight against child abduction. Special Agent Roy Johnson of the Detroit FBI Field Office is being honored today by the National Center for Missing and Exploited Children (NCMEC) for his heroic efforts in rescuing Adam and Eleazar Alvarado, aged 11 and 3, from their abductors.

Adam and Eleazar are the children of migrant farm workers from Mission, TX. They were abducted in Benton Harbor, MI, on October 14, 1995. The boys had walked to a grocery store to buy potato chips while their mother was washing clothes in a nearby laundromat. They were abducted by Boyd Dean Weekly, a convicted child molester then out on bail on charges involving the sexual abuse of an 8 year old girl.

Less than 10 days later Special Agent Johnson recovered the Alvarado children and arrested their abductor. Johnson accomplished this amazing feat by responding quickly and decisively to news of the abduction. He requested that NCMEC broadcast fax posters—in English and Spanish—of the missing children to all law enforcement agencies. Expeditiously searching out and following up on a number of leads and sightings, he concluded that the abductor was taking the children south. Special Agent Johnson then quickly and tirelessly disseminated information to all FBI field offices in the Southern United States. These efforts produced leads concerning possible sightings in Alabama, and it was concluded that Weekly was headed toward New Orleans. An FBI team set up surveillance in New Orleans' French Quarter. Soon thereafter the agents observed and arrested Weekly, who was driving a stolen car with the missing children in it.

Special Agent Johnson's hard work, working with numerous offices and agencies, tirelessly following leads, disseminating information, and coordinating efforts, should inspire us all. His example shows that children abducted by strangers can be recovered safely if the response from law enforcement officers is swift, efficient, and thorough. I would like to congratulate him on a job well done, the other three law enforcement officers being honored by NCMEC for their extraordinary service resulting in the recovery of missing children, and NCMEC for its continuing, important efforts on behalf of children.

TRIBUTE TO OUTSTANDING GIRL SCOUTS IN LOUISIANA

• Mr. BREAUX. Mr. President, today I would like to salute 10 outstanding young women who have been honored with the Girl Scout Gold Award by the Girl Scout Council of Southeast Louisiana. They are: Melanie Adams of New Orleans, Lesley Cady of Chalmette, Patricia Claverie of Avondale, Carol Cancienne of River Ridge, Janet Cummins of Metairie, Pamela James of New Orleans, Michelle O'Flynn of Metairie, Angie Raborn of Roseland, Jennifer Reites of Metairie, Jennifer Schiffman of New Orleans.

The Girl Scout Gold Award is the highest honor in U.S. Girl Scouting. It symbolizes outstanding accomplishments in the areas of leadership, community service, career planning and personal development.

To receive the award, a Girl Scout must earn four interest project patches, the Career Exploration pin, the Senior Girl Scout Leadership Award, and the Senior Girl Scout Challenge, as well as design and implement a Girl Scout Gold Award service project. A plan for fulfilling these requirements is created by the Senior Girl Scout and is carried out through close cooperation between the girl and an adult Girl Scout volunteer.

The named Girl Scouts provided the following community services for their Gold Award projects:

Miss Cady completed a beautification project involving landscaping and painting at Carolyn Park Elementary School.

Miss Claverie produced an extensive resource guide for recycled crafts and environmental awareness.

Miss Cancienne developed a resource booklet on disability awareness including an activities box.

Miss James founded a chapter of Students Against Drunk Driving (SADD) at Benjamin Franklin High School.

Miss O'Flynn designed an equestrian competition for disabled children.

Miss Raborn educated her community about exchange student programs and her family hosted two exchange students.

Misses Adams, Cummins, Reites and Schiffman were a team for a restoration project of Storyland at City Park.

I believe these Girl Scouts should receive the public recognition due them for their significant services to their communities and to their country.•

UNNATURAL CONDITIONS SET STAGE FOR NATURAL DISASTER

• Mr. KYL. Mr. President, I ask that the following newspaper article be printed in the CONGRESSIONAL RECORD.

The article follows:

UNNATURAL CONDITIONS SET STAGE FOR NATURAL DISASTER

[From the Tribune, May 17, 1996]

(By Sherry Boss)

FLAGSTAFF—Peter Fule walks through the past and finds comfort there.

He is safe in a stand of 400-year-old ponderosas. Wildfire is unlikely to touch this 8 acres of forest north of Flagstaff. Fule and his colleagues have restored it to the way it was in 1876 in hopes of learning a lesson.

The wind is gusty here and rain a stranger—perfect conditions for a sweeping blaze like the one that ravaged 61,000 acres at Four Peaks this month.

But unlike most of Arizona's forests this one is not a tinderbox at the mercy of a cigarette butt or car engine spark, said Fule, a senior research specialist at Northern Arizona University's School of Forestry.

The grass under Fule's feet and the ample distance between trees in peace of mind.

One day in 1994, students and employees for NAU, the U.S. Forest Service and the logging industry sawed down more than 7,000 new trees in the Fort Valley Experimental Forest, short eight miles north of Flagstaff. All that remains now are the 480 pines that were standing in pre-settlement days. Workers brought the density down from more than 1,000 trees per acre to 62—closer to the way it was before cattle disturbed the forest's ecosystem.

"It was a neat feeling to see this being done and see the new forest emerging," Fule said.

If lightning were strike here now, short flames would creep along the forest floor. The fire would consume grass, twigs and pine needle litter. The flames would singe tree trunks, but wouldn't get hot enough to kill the towering pines. Then, when there was no grass left to burn, the flames would go out.

That's the way it was for hundreds of years. Fire was friendly to the forest, Fule said. It cleared out scraggly brush and new saplings every few years, allowing the older trees to thrive without competition for water and light.

But this is the forest of the past.

Today, national forests like Arizona's Coconino, Kaibab and Apache-Sitgreaves are much different places. They're so dense with spindly young pines, forestry experts call the cluster of trees "dog-hair ticktets."

Fire in those tickets equals almost certain destruction. The trees of different sizes form stair steps for the fire to climb to the largest pines.

That's why, forestry experts say, Arizona is at risk of the worst wildfires this millenium.

Never before has there been such accumulation of fire fuel. Add to that some of the driest weather in recorded history and the danger is extreme.

Years of ecological disturbance have brought the West's forests to this point, Fule said.

The trouble started in Arizona in 1883 when the transcontinental railroad was finished. The state was connected. People arrived. They brought cows.

The lush grass and wildflowers on the forest floors were perfect for grazing. Cows ate to the bare ground.

With the grass gone, the fires stopped. When pines dropped their seeds, they took root. The trees grew in thick, but not very big. There wasn't enough water for any one tree to thrive. Now, when a spark hits the thickets, the world forest is doomed.

"If a fire came through this year, this tree would almost certainly die," Fule said of a ponderosa that has stood for at least 300 years. "Not only this one, but all its neighbors."

What took hundreds of years for nature to build could be destroyed in minutes, he said.

For most of this century, the U.S. Forest Service's policy was to put out fires. Fule said. That policy interrupted nature's long-term plans, he said.

"People have always wanted to control nature and remake it for human needs and human goals," he said.

Years of fire suppression policy led to the devastating Lone fire at four Peaks 35 miles east of Phoenix, said Julie Stromberg, associate research professor at Arizona State University's Center for Environmental Studies. Fires have been put out as soon as they start, allowing the vegetation to accumulate.

"If you don't do frequent burns or controlled burns, you're going to have a catastrophic fire," Stromberg said.

The problem isn't easily solved now. It's too late to let nature take its course, Fule said. There's no choice but to put out forest fires, he said.

"If all the fire crews walked away, by tomorrow, the whole state would be in flames," he said.

Fule hopes the solution lies in a combination of cutting and burning.

Official will start a fire every three years in the cleared-out experimental forest to imitate the natural fire cycle that occurred between 1630 and 1876.

A similar cut-and-burn project is under way on a larger scale at Mount Turmbull on 3,700 acres north of the Grand Canyon.

But thinning out the forest is controversial. Some people are so accustomed to thick forests, they believe that's the way they should be. Some are partial to the kinds of wildlife the thickets attract, too.

But as the Lone fire proved, nature has a vengeance when it's disturbed.

"The natural area (becomes) so unnatural in its density and fuel accumulation, it begins to present a hazard," Fule said.•

CELEBRATING THE LIFE OF DICK CLURMAN

• Mr. MOYNIHAN. Mr. President, yesterday morning, May 20, 1996, "a gathering to celebrate the life of Dick Clurman" took place at the Beth-El Chapel of the Temple Emanu-El in New York City. William F. Buckley, Jr. led off with a wonderfully moving tribute, which ended, "It will require the balance of my own lifetime to requite what he gave to me." He was followed by Osborn Elliott, a lifelong friend and fellow journalist. There followed equally singular tributes from Harry Evans, H.D.S. Greenway, David Halberstam, Phyllis Newman, who sang a Gershwin tune, Hugh Sidey, Mike Wallace, Barbara Walters, and then the Clurman family. Rabbi Richard S. Chapin and Cantor Howard Nevison provided liturgy and liturgical music.

It was indeed a life to celebrate and to remember. I ask that Mr. Buckley's and Mr. Elliott's remarks be printed in the RECORD, along with a fine obituary by Lawrence Van Gelder which appeared in the New York Times.

The material follows:

REMARKS BY WM. F. BUCKLEY, JR. AT THE MEMORIAL SERVICE FOR RICHARD M. CLURMAN

Three years ago, one evening in July, he asked whether I'd cross the ocean again in 1995, what would have been the fifth such venture, done at five-year intervals beginning in 1975. "I'm prepared to go," he told me. I suppose I smiled; it was dark on the veranda when he spoke. I told him I doubted my crew could be mobilized for one more such trip, and just the right crew was indispensable. He had done with me two Atlantic crossings, one Pacific crossing. He was an instant celebrity for his ineptitudes at sea, done in high spirit with a wonderful, persistent incomprehension of what was the job at hand. He was the object of hilarious ridicule in my son's published journal—and he loved it all, even as Christopher loved him; even when, while discoursing concentratedly on matters of state, he would drop his cigarette ash into Christopher's wine glass, or very nearly set fire in the galley when trying to light the stove. He thrived on the cheerful raillery of his companions, but on one occasion thought to say to me, in a voice unaccustomedly low, "I'm good at other things."

He hardly needed to remind me. Yes, and from everything he was good at he drew lessons, little maxims of professional and extra-professional life of great cumulative impact, instantly imparted to all his friends, at the least suggestion from them, or from their situation, that they needed help, or instruction. It is awesome to extrapolate from one's own experience of his goodness the sum of what he did for others.

When Oz Elliott, on Shirley's behalf, asked me to say something today I went right to my desk but I found it impossible to imagine his absence from the scene. Was it true that there would be no message from him tomorrow on our E-mail circuit? That we would not be dining together during the week, or sharing a tenth Christmas together? In the strangest sense, the answer is No, it isn't impossible that we will continue as companions, because his companionship left indelible traces: how to work, how to read, how to love.

It came to me last Thursday when just after midnight my son reached me at the hotel, that I have always subconsciously looked out for the total Christian, and when I found him, he turned out to be a non-practicing Jew. It will require the balance of my own lifetime to requite what he gave to me.

DICK

Good morning, Shirley, and Michael, and Susan Emma, and Carol, and all you other family members and hundreds of friends who are here to rejoice in the life of that wonderful man, Dick Clurman.

I'm Oz Elliott, and Dick was my best friend.

We were close for nearly half a century.

At first, we had no choice: as young writers for Time, we were thrown together, crammed with our Royal typewriters into a tiny cubbyhole at 9 Rockefeller Plaza.

Within a year or so, we graduated to offices of our own—but by then there was no way we could really be separated. The reason was that while Dick made himself an expert in many things, his true specialty was friendship—and that came so naturally to him.

Once you were his friend, you could do no wrong. Once you were his friend, he could never do enough for you.

If you were stranded in the suburbs by a hurricane, and unable to visit your sick baby in a New York hospital, not to worry: Dick would visit that baby and report to you daily.

If you were in a panic because your child was late coming home on a dark winter evening, Dick would be there in a flash to search the neighborhood.

If you were fired from your job in mid-career, Dick would find you a new one.

If you suffered from writer's block, Dick would help you write a lead.

Dick did all these things, most of them for me.

In later years, we were fierce competitors—he stayed at Time, while I moved to Newsweek. Yet even in that head-to-head combat, whenever I faced a tough ethical decision, I would always call Dick for advice.

He was a superb journalist—ever the skeptic, never the cynic, always a stickler for precision.

One summer dawn we were out fishing together—and to our utter amazement we spotted a baby seal in Westhampton waters. Dick got on the ship-to-shore right away:

"Coast Guard, Coast Guard, this is Sundance. Over."

"Coast Guard, Coast Guard, this is Sundance. Over."

After repeated calls, some sleepy Coast Guardsman answered:

"Sundance this is Coast Guard. Over."

"Coast Guard, we have located a seal—that's a Sugar-Easy-Able-Love," said Dick. "Is that of any interest to you?"

"A what?

"That's a seal," Dick said, "a Sugar—Easy—Able—Love."

"You mean the animal?" asked the bewildered Coast Guardsman.

"That's the mammal," Dick responded.

He was precise, and caring, and incredibly well organized. The other day, as some of us were helping Shirley—manning the phones, calling friends, informing the press, planning this morning's service, Michael said it all:

"Where is Dick Clurman when we need him most?"

My best friend.

[From the New York Times, May 17, 1996]

RICHARD M. CLURMAN, A LEADING EDITOR AT TIME, DIES AT 72

(By Lawrence Van Gelder)

Richard M. Clurman, whose passion for journalism brought him to prominence at Time magazine and Newsday and whose passion for New York City made him a leading figure in its cultural affairs, died on Wednesday at his summer home in Quogue, L.I. Mr. Clurman, who lived on the Upper East Side of Manhattan, was 72.

The cause was a heart attack, according to his wife, Shirley.

In a career at Time that spanned 23 years, Mr. Clurman held such posts as press editor, chief of correspondents and head of the Time-Life News Service, overseeing a network of 105 staff correspondents deployed throughout the United States and in 34 cities abroad.

From 1955 to 1958, he interrupted his tenure at Time, which began in 1949 and ended in 1972, to become the editorial director and executive assistant to Alicia Patterson, the publisher of Newsday.

In 1973, he became administrator of Parks, Recreation and Cultural Affairs for Mayor John V. Lindsay. Mr. Clurman was also chairman of the New York City Center and a member of the board of Lincoln Center for the Performing Arts.

His commitment to journalism and his fascination with its practices and lore led him to write several books, including "Beyond Malice: The Media's Years of Reckoning," a 1988 analysis of the clash between the public and the press, and "To the End of Time: The Seduction and Conquest of the World's Largest Media Empires," a 1992 account of the merger between Time Inc. and Warner Communications.

Toward the end of the book, Mr. Clurman wondered if Time's objective of adding "to the quality of knowledge people had about the world" would survive what he called the cultural gap between the corporations.

"No one should ask that benevolence be the priority of Time Warner or any other public company," he wrote. "What can be asked is that this new company, with its human and material assets, have a spine that is more than stocks, bonds, rights, deals and tightly rolled greenbacks."

At the time is his death, Mr. Clurman was at work on a book about The Wall Street Journal.

As sophisticated and accomplished as he was in journalism, Mr. Clurman adopted a self-deprecating attitude toward his activities in other realms. When named board chairman of the New York City Center of Music and Drama in 1968, Mr. Clurman said; "The suggestion came out of the blue. For 44 years I've done nothing outside of journalism. I haven't even belonged to the P.T.A. or the Red Cross.

"At first I thought they were seeking my advice about someone else and then I thought they'd confused me with Harold," he said, referring to his uncle, the critic and director Harold Clurman. "I am neither an impresario nor a tycoon, and impresarios and tycoons are often the moving spirit behind cultural organizations of this sort."

But within a few years, he was being credited with expanding the activities of the City Center.

Mayor Lindsay, who was president of the center and leader of its selection committee, clearly valued the fresh eye Mr. Clurman brought to the center and to his post as Parks Commissioner.

There, Mr. Clurman touched off an immediate furor by declaring at his swearing-in ceremony that he would withdraw all maintenance and services from parks that were repeatedly vandalized and where the community made no effort to halt the destruction.

He took pride in coming in the inner workings of the city as an outsider unwise to the way to political patronage.

"In the world I came from, I had only dispensed jobs on merit," he wrote in 1974 in the New York Times. "So I set about hiring, firing and moving people on the basis of what I thought the parks administration needed. Mr. Lindsay was so bemused by my political innocence that neither he nor his staff ever suggested I do it any other way. The club house politicians, whose names I eventually learned but from whom I never heard a word, either considered me so ignorant or so temporary as to be unworthy of their presumed power."

In another article, he recalled his introduction to George Balanchine and Lincoln Kirstein of the New York City Ballet in his capacity as chairman of the board of the ballet company and its parent organization, the New York City Center of Music and Drama.

"I informed them that although I appreciated the other arts and was certainly informed about world affairs, I had been to the ballet only once in my life," he wrote. "Balanchine half rose from his chair and asked incredulously, 'Do you hate the ballet?'

"'Not that I'm aware of,' I replied, 'but if I were you, I'd make something of how seldom I've gone.' "

Balanchine asked, "Would you open your mind to learning about the ballet?" and, Mr. Clurman wrote, "promptly made an offer that only a dolt could refuse: 'I would like to teach you about it.' "

Mr. Clurman suggested that he prescribe a bibliography and a list of people to talk to, his usual mode of inquiry and learning as a journalist. "No, just watch and listen," Balanchine said. He produced a program and listed seven or eight ballets. For six weeks, Mr. Clurman said, he tried to figure out what was going on.

"Then one night in the middle of Balanchine's pioneering 'Agon,' I had the epiphany that my teacher had so artfully arranged. Nothing was going on. It was just bodies moving gloriously to music. From that moment, the ballet became my favorite spectator experience."

In 1975, after he left Time and municipal administration, Mr. Clurman formed his own public policy consulting company, Richard M. Clurman Associates. From 1980 to 1984, he also served as adviser to the office of the chairman of Joseph E. Seagram & Sons. In 1981, he returned to journalism, serving for a decade as the chairman of Columbia University's seminars on media and society.

Engaged with ideas, Mr. Clurman was noted for dinner parties at which he would tap a spoon against a glass, commanding the attention of his guests—people like Robert F. Kennedy, William Buckley, Edward Albee, Barbra Streisand and Norman Podhoretz—and announce a topic they were expected to discuss.

"I refused to be bored," he said.

Mr. Clurman was a member of the Council on Foreign Relations and of the board of the Citizens Committee for New York City.

He was born in New York City in 1924. He received a Bachelor's of Philosophy degree in political science from the University of Chicago in 1946 after serving during World War II in the Information and Education Division of the Army. He began his career in journalism in 1946 as an assistant editor on the magazine Commentary. After joining Time in 1949, he served for six years as its press editor.

In addition to his wife, the former Shirley Potash, Mr. Clurman is survived by his son, R. Michael Clurman Jr. of Manhattan; two daughters by a previous marriage, which ended in divorce: Susan Emma Clurman of Manhattan and Carol Duning of Alexandria, Va., and two grandchildren.•

SHERIFF HENRY HEALEY

• Mr. DODD. Mr. President, I wanted to take a few moments today to speak about the passing of a distinguished citizen of Connecticut and a great American—Henry Healey, Jr.

At the time of his death, Henry Healey was the high sheriff of New Haven County. But his legacy was far greater. He was a WWII veteran, a successful businessman, a dedicated member of the Democratic Party, and a close and dear friend.

I first got to know Henry Healey because of his relationship with my father, Senator Thomas Dodd. And later, when I decided to leave the House of Representatives and make my own run for the U.S. Senate it was from Henry Healey that I sought counsel.

His advice then, as it was every time I spoke to him, helped to guide me in my decision-making process. Because, Henry was a man of great wisdom and shrewd understanding of political history.

Like few men I've known, Henry was endowed with a vision that allowed him to presciently see beyond the political machinations of the day to the long-term political currents of the future.

It's one of the main reasons why Henry was probably one of the three or four most influential people in the past 30 years of Connecticut political history.

But of course there was more to Henry then just his political acumen. He was a man of great loyalty and understanding, who knew how to accomplish things without being flamboyant or self-serving.

He wasn't a great ideologue or a firebrand. He was more interested in people's human skills and their ability to work with others.

I think his chief deputy sheriff, Frank Kinney, Jr., said it best: "People with problems in their lives could always open up to him and he never failed to respond, to do what he could for them. That's what I learned from him, and that's what I admired most about him."

And in his official role as New Haven County sheriff, Henry Healey turned what had been a largely administrative position into a bully pulpit for drug education, crime prevention, and charity.

And he was recognized across the country for his innovations in law enforcement. He was one of the first officials in America to advocate neighborhood block watch programs. He was a strong voice in the fight against substance abuse in New Haven County schools. And he was recognized by his peers, when he was appointed president of the National Sheriffs Association, in the late 1980s.

But, Henry Healey was also a man of great personal charity. His New Haven scholarship fund helped give hundreds of Connecticut children the opportunity to seek higher education. And, he made it a regular practice of hiring ex-convicts for his car dealerships. In addition, he ended the practice of serving eviction notices at Christmas.

This charity was certainly smart politics for an elected official. It was no accident that if you had hopes of a career in politics in Connecticut, it was a good idea to stay on the right side of Henry.

But, it also reflected Henry's integrity as a public servant and as a man. He was a throwback to an earlier, simpler age in American politics and he will be dearly missed by the residents of New Haven County and the State of Connecticut.

My thoughts and prayers are with his wife Jean and his children Patrick, Henry Bryan, Michael, Constance, Christina, and Irene.•

ADJUSTING THE CONSUMER PRICE INDEX

• Mr. MOYNIHAN. Mr. President, a number of careful statements have been made on the floor yesterday and today concerning the use of the Consumer Price Index [CPI] as a proxy for measuring changes in the cost of living. As we all surely know, the Bureau of Labor Statistics [BLS] is insistent that the CPI is not a cost of living index: never has been; cannot be. It would be more than a third of a century ago that I became Assistant Secretary of Labor in the Kennedy administration. In that role, I had nominal supervision of the Bureau, and I attest that this was fully understood at that time, well before the CPI began to be used as it is today as an index for various entitlement programs and tax schedules.

The question has been properly raised as to whether economists are in general agreement that the CPI overstates inflation. My distinguished friend from North Dakota, Senator CONRAD, described the near unanimous testimony of a panel of economists that testified before the Senate Committee on Finance to this effect. I would draw the attention of the Senate to the fact that well before the Finance Committee established the Boskin commission to enquire into this matter, the subject was under consideration in the Office of Management and Budget. Specifically, a memorandum of October 3, 1994, sets forth the matter in specific terms.

I ask that portions of that memorandum be printed in the RECORD.

The material follows:

OCTOBER 3, 1994.

From: Alice M. Rivlin.

Subject: Big Choices.

When we met in August, we noted that it was time for a serious discussion of the budget and economic agenda for 1995 and 1996. Decisions must be made soon about the policies to be articulated in the FY 1996 budget, the State of the Union, and our response to the Kerrey-Danforth Commission report. These policies and the message they contain are crucial to the record we will run on in 1996. * * *

Illustrative entitlement options

Options	*5-yr savings ($ B)*
COLA reduction:	
CPI minus 0.5 "technical" reform (CPI may be overstated by 0.4% to 1.5%)	33
Eliminate COLAs for one year	55
CPI minus 2 for five years	109

• Mr. MOYNIHAN. Note that the first option, "CPI minus 0.5", is exactly that proposed by Senators CHAFEE AND BREAUX. Also that the possible range of overstatement, "0.4% to 1.5%", averages out at almost exactly the 1 perent interim recommendation of the Boskin commission. Note also that with an inflation rate in the area of 3 percent, an overstatment of 1 percentage point would mean that inflation is overstated by half.•

THE VOID IN MORAL LEADERSHIP—PART IX

Mr. GRASSLEY. Mr. President, last Sunday marked the third anniversary of the firings of the Travelgate Seven from the White House travel office. That is 3 years of the Federal Government harassing these innocent public servants, and their families, and the harassment continues as I speak. This is a story of an abuse of power by the new occupants of the White House, back on May 19, 1993.

The Clinton White House used the full powers of the Federal Government to fire these seven loyal workers, destroy their reputations, deplete their bank accounts, steal their dignity, and cause great suffering for their families.

I wonder how many Americans have been the target of an abusive Washington bureaucracy—like the IRS.

Or how about when four Federal agencies fight over the right to tell a farmer how to use land that his family has been farming for three generations.

And how many small businesses have been harassed by OSHA or EPA?

Untold numbers of citizens across this land have been harassed and abused by the Federal Government. Hard-working families try to play by the rules. Next thing they know, they are unfair targets of zealous Washington bureaucrats who are out of control.

Mr. President, no hard-working, honest citizen should have to go through such an ordeal. It is unjust and unfair. Government is supposed to promote justice and fairness, but Washington turns these principles upside down.

There are many examples of bureaucracies harassing citizens; but there are few examples of Washington putting the full force of its powers against decent, hard-working families. The case of the Travelgate Seven is one such example. For them, the harassment was many times greater than what most citizens have endured. These seven provided a service for the President and the press corps in the interest of open government. Their bosses were seven previous Presidents and the American taxpayers. But cronies of President Clinton, infatuated with newly derived power, coveted the business for themselves.

The only barriers to themselves and a lucrative business were these seven loyal workers, so the cronies went on the attack. First, they spread false allegations against the seven workers, accusing them of mismanagement and embezzlement. This led to their firings by the President.

When there was a public backlash, the White House damage-control operation went into full gear. The White House publicly smeared the reputations of the workers with all the false charges. The workers and their families were publicly humiliated. Next, to justify the false charges, the White House then unleashed the FBI and the IRS on them. Finally, the Justice Department prosecuted them on trumped up charges.

Nearly 3 years and hundreds of thousands of dollars later, a jury acquitted the fall guy and scapegoat of the White House offensive, Billy Dale. They acquitted him in less than 2 hours.

There can be no doubt that this case was a miscarriage of justice, no doubt that these seven workers were unjustly and unfairly persecuted. And no doubt that the President made a mistake in firing them. Yet, the President has failed to own up. He has failed to take responsibility for their firings and their continued harassment.

There is lots of finger-pointing and blaming going on at the White House, but no one will stand up and take responsibility for what happened. That is usually the sign of failed moral leadership. The leader in the White House—the President—will not take responsibility for the unwarranted firings at the behest of cronies and then, he will not seek accountability for whoever unleashed the powers of the Federal Government to harass the Travelgate Seven.

Mr. President, is it unfair to ask the President to take responsibility for his actions? Is it unfair to hold accountable those zealots on his staff that unjustly unleashed the FBI, the IRS, and the Justice Department on these innocent employees? Is it unfair that the President should admit that he made a serious mistake?

Instead of considering these questions, the President has sent his lieutenants out to again harass these former workers. The House of Representatives earlier this year voted overwhelmingly to provide legal expenses for the Travelgate Seven. It had bipartisan support. But when the bill came to the Senate, it was ambushed by Clinton loyalists. They were afraid of the embarrassment it would cause the President to have to sign such a bill that would prove he had made a serious mistake. Rather than face the music, the President sent out his lieutenants to block the bill in the Senate. They succeeded. The minority leader succeeded in using the Senate procedures to block consideration of the bill that would make these seven families economically whole, and put the ordeal behind them—not psychologically whole, not their reputations whole, not their dignity whole, not their pain and suffering whole, just their expenses—the least of what should be restored.

The President's lieutenants—the Democrats in this body—shot the bill down. It was pure and simple legislative harassment. That was on May 7. And so, the harassment continues. It is simply not right. It is not fair. And they need to be held accountable.

Mr. President, is it fair for these Democrats to not do the right thing just to save the President from embarrassment? I will let the American people answer that question. Perhaps they will call the office of their Senator.

Tell the Democrats to stop playing politics with the Billy Dale bill. After all, they voted 52 to 44 on May 7 to block the Billy Dale bill.

Mr. President, the bottom line of this story, and of the record of this President, is the absence of moral leadership. A President—a leader—who fails to take responsibility for his actions; who allows cronies to run roughshod over innocent employees; who allows his staff to violate the civil rights of these workers; who lets his staff unleash the powers of the Federal Government against innocent families; who fails to seek accountability for those who did the unleashing; and who covers it all up by claiming executive privilege—in light of all this, can we truly call this President a leader?

He has failed to set the proper example for the country. He has failed to set an example for the people he serves—the American people. He has failed to set an example for his own staff. And, he has failed to set an example for the seven fired workers and their families. Rather than face the music, the President has his lieutenants do his dirty work in the darkness of night, and in the Democratic cloak room, all to avoid the embarrassment of his mistakes.

In the coming weeks, the Billy Dale bill will be brought to the floor again—this bill to restore hope and dignity for these families. I call upon the American people to not allow this injustice to stand. Make the Senate Democrats do the right thing. Make them support the Billy Dale bill. This morning's Washington Post editorializes on this matter. The editorial is entitled, "Another Travel Office Travesty." It says, get politics out of the way and pass this bill. I agree, Mr. President. I urge my Democratic colleagues to get out of the way. I ask unanimous consent that the Post editorial be printed in the RECORD and I yield the floor.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 21, 1996]

ANOTHER TRAVEL OFFICE TRAVESTY

Why are some people in Congress maneuvering to keep that institution from making right some of the wrongs done to fired White House travel office employees? Nothing the Congress can enact will make up for the damage done to the reputations of these workers. But fooling with them the way they are is simply wrong.

The travel office fiasco should have been resolved days ago. Billy Dale and his six travel office colleagues were summarily dismissed from their jobs in 1993 for the shakiest of reasons. They were summarily told to vacate their offices by the incoming Clinton White House and publicly smeared with charges that they had engaged in wrongdoing. White House staff that had an interest in taking over the travel office even helped to concoct the allegations. The reputations of the fired travel office employees were unfairly damaged, and Mr. Dale in particular was made to undergo a painful and costly ordeal before he was exonerated by a jury.

All of the fired employees incurred legal expenses in connection with criminal probes launched against them following their discharge. Mr. Dale bore $500,000, the lion's share, but no ex-travel office employee escaped without a crushing debt burden. The others incurred about $200,000 themselves. So to undo at least some of the damage, legislation was introduced in Congress to reimburse them for some of the costs of defending themselves. The House passed the bill by an overwhelming 350 to 43 vote. President Clinton says he will sign it. Sen. Orrin Hatch has introduced the bill in the Senate.

But Senate Democrats have been blocking action on the Hatch measure because they want a vote on the minimum wage increase and can't get one. To make matters worse, the Dale bill was amended by Bob Dole to include the Republican gas-tax repealer. Hence, Bill Dale et al. are now part of the Senate's five-car pile-up, the rest of which includes the minimum wage boost, gas tax cut, taxpayer bill of rights, and the T.E.A.M. measure.

Mr. Dale and the former travel office employees, having taken shots from the White House and lost much in the process, are now caught in another political crossfire. The people holding up action on the reimbursement of the misused travel office employees should back off. The time has come to rectify a wrong.

Mr. GRASSLEY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. GRASSLEY. Mr. President, on behalf of the majority leader, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations on today's Executive Calendar, Calender No. 594. I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, that any statements relating to the nominations appear at the appropriate place in the RECORD, the President be immediately notified of the Senate's action, and that the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

ARMY

The following United States Army National Guard officers for promotion in the Reserve of the Army to the grades indicated under title 10, U.S.C. section 3385, 3392 and 12203(a):

To be major general

Brig. Gen. Jerome J. Berar [redacted]
Brig. Gen. James W. Emerson [redacted]
Brig. Gen. Rodney R. Hannula [redacted]
Brig. Gen. James W. MacVay [redacted]
Brig. Gen. James D. Poll [redacted]

To be brigadier general

Col. Earl L. Adams [redacted]
Col. H. Steven Blum [redacted]
Col. Harry B. Burchstead, Jr. [redacted]
Col. Larry K. Eckles [redacted]
Col. William L. Freeman [redacted]
Col. Gus L. Hargett, Jr [redacted]
Col. Allen R. Leppink [redacted]
Col. Jacob Lestenko [redacted]
Col. Joseph T. Murphy [redacted]
Col. Larry G. Powell [redacted]
Col. Roger C. Schultz [redacted]
Col. Michael L. Seely [redacted]
Col. Larry W. Shellit [redacted]
Col. Gary G. Simmons [redacted]
Col. Nicholas P. Sipe [redacted]
Col. George S. Walker [redacted]
Col. Larry Ware [redacted]
Col. Jackie D. Wood [redacted]

PROMOTION OF JAKE LESTENKOF TO BRIGADIER GENERAL

Mr. STEVENS. Mr. President, today I come before you with pride to recognize and honor Jake Lestenkof upon his promotion to brigadier general. General Lestenkof is a native Alaskan who is the adjutant general of Alaska. He has held a number of important positions both in the Federal Government, Alaska National Guard, and private sector. General Lestenkof is a greatly admired and respected leader throughout the State and by the National Guard.

General Lestenkof entered the Marine Corps as an enlisted man in 1951 and served both in the United States and the Republic of Korea. After leaving active duty, he joined the Alaska Army National Guard in 1956. Over the years, he has held a number of positions within the Alaska Army National Guard. He was appointed assistant adjutant general, Army, and served in that position until 1990.

General Lestenkof took over the Alaska National Guard on December 21, 1994. Since that time, he has worked to integrate the Alaska National Guard with our Nation's defense requirements. General Lestenkof has worked closely with the U.S. Army, Pacific, and the National Guard Bureau, to build units that are relevant to the total force as we move into the 21st century.

It is my pleasure to see him promoted in acknowledgment of his years of service to the country and to the State of Alaska. I am very honored to be able today to recognize General Lestenkof and his distinguished career. Congratulations to him and his family and the Alaska National Guard.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

HATE CRIMES STATISTICS ACT AMENDMENTS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 384, S. 1624.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1624) to reauthorize the Hate Crimes Statistics Act, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. HATCH. Mr. President, I wish to express my appreciation to the Senate for its swift action in passing S. 1624, which permanently reauthorizes the Hate Crime Statistics Act.

The people of my State of Utah, and of all of our States, have a stake in this legislation, because any of our citizens can fall prey to a hate crime. Every crime, of course, is a terrible event. But the hate crime is of a particularly insidious nature. It splits the individual victim apart from his or her neighbors and community. It isolates the victim because of who he or she is. The hate crime emphasizes the differences, not as the strengths they are in this diverse country, but as a means of dividing American from American. It submerges the common humanity of all peoples. All real Americans condemn these vile crimes without hesitation or reservation.

Under the Hate Crime Statistics Act, the Attorney General is required to collect data "about crimes that manifest evidence of prejudice based on race, religion, disability, sexual orientation, or ethnicity. . . ." The act has resulted in the creation of a Federal data base on bias-motivated criminal acts. In addition, it has served as a catalyst for an FBI effort to train State and local law enforcement officials about hate crimes. Collection of this data can help alert local communities and their law enforcement agencies to any pattern of hate crimes in their neighborhoods. It can also help spur educational efforts aimed at enhancing goodwill in our communities. The Hate Crime Statistics Act has proven its value, and has earned the permanent reauthorization that the Senate has now approved.

I wish to commend my friend and distinguished colleague, Senator SIMON, for his work on this issue. Without his tireless efforts, there would have been no Hate Crime Statistics Act of 1990, and no reauthorization of the act this year. I also wish to commend his chief counsel, Susan Kaplan, for her work on this law over several years.

Mr. SIMON. Mr. President, I am pleased that today the Senate will pass S. 1624, a bill to reauthorize and provide a permanent mandate for the Hate Crimes Statistics Act. I would like to thank Chairman HATCH for his leadership on this important issue, as well as my 51 colleagues who cosponsored this measure. In addition to its strong bipartisan support in the Senate, this bill also has the strong support of Attorney General Reno, as well as the endorsement of major law enforcement and advocacy groups.

The Hate Crimes Statistics Act, which passed the Senate in 1990 by a vote of 92 to 4 and was signed into law by then President Bush, requires the Justice Department to collect data on crimes that show evidence of prejudice based on race, religion, ethnicity, or sexual orientation. Until this Act was passed, no Federal records of such crimes were maintained. This lack of information made it difficult to determine whether a particular crime was an isolated incident, or part of a continuing series against a particular group.

The act has proven successful in its initial purpose—the creation of data collection—and has also served as a catalyst for an FBI effort to train State and local law enforcement officials about hate crimes. Hearings held before the Senate Judiciary Committee's Subcommittee on the Constitution in 1992 and 1994 showed that one of the prime benefits of the act is that it has helped dramatically increase the awareness and sensitivity of the police about hate crimes. Not only do victims of hate crimes benefit from a more informed police force, but greater police awareness encourages others to report hate crimes.

Since all data submission under the act is voluntary, we did not anticipate 100 percent participation by State and local law enforcement agencies from the start. Nonetheless, over the course of 4 years, there has been great progress in participation levels. In 1991, 2,771 law enforcement agencies participated in the voluntary reporting program. In 1994, more than 7,200 agencies participated. Local police, advocacy groups, mayors, and others have joined the effort to encourage every law enforcement agency to comply, and as more and more local agencies participate, the statistics will be more and more useful to identify trends and formulate responses. In addition, the FBI is in the process of working with States to upgrade their computer systems. When this transition is complete, the data should be even more useful. Unfortunately, there are still law enforcement agencies in some States and many large cities which are not yet participating in the data collection. We need active oversight of this act to ensure that these agencies join in this important effort, making the statistics more accurate and useful.

FBI Director Louis Freeh has stated that he is committed to the continued tracking of hate crimes statistics. However, we believe that this effort has proven its usefulness and deserves a permanent mandate. Collecting such data will not erase bigotry. It will, however, be a valuable tool in the fight against prejudice.

Obviously, the FBI statistics do not yet accurately reflect the level of violence motivated by prejudice in our society. We need only read the headlines and reports by advocacy groups to see how widespread the problem of hate crimes remains in our Nation.

The Justice Department recently launched a civil rights probe into a rash of arson which has destroyed at least 23 black churches in the South since 1993. The Justice Department is trying to determine whether the crimes are racially motivated, and whether they are connected. Several of the incidents have been solved, however, and clearly racism motivated the offenders. The teenagers found guilty of burning a church in Mississippi in 1993 shouted racial epithets during commission of their crime. Racist graffiti was spray-painted on the walls of a Knoxville, TN Baptist church set afire on January 8, 1996. Sumter County Circuit Court Judge Eddie Hardaway, a black judge who sent two white men to jail for vandalizing black churches, was recently the victim of a shotgun attack which shattered bedroom windows in his home. During the 1960's civil rights movement, many black churches were set ablaze, however in the late 1980's and early 1990's only one or two such crimes were reported each year. This recent string of arson reminds us that prejudice and hate crimes remain a problem in our Nation.

Recent reports by private groups, such as the Anti-Defamation League, the National Coalition on Anti-Violence Projects, and the National Asian Pacific American Legal Consortium, confirm that unfortunately the problem of crimes based on prejudice continues. The ADL's 1995 annual audit of anti-Semitic incidents actually had some good news: the 1,843 anti-Semitic incidents reported to the Anti-Defamation League in 1995 represented a decrease of 223 incidents, or 11 percent, from the 1994 total of 2,066. This is the largest decline in 10 years. However, this good news is tempered by the seriousness of many of the incidents reported. For the fifth straight year in a row, acts of anti-Semitic harassment against individuals outnumber incidents of vandalism against institutions and other property.

The National Coalition of Anti-Violence Projects and New York City Gay and Lesbian Anti-Violence Project report similar findings for 1995. There were fewer incidents of violence against homosexuals in 1995, but the incidents were more violent. There was an 8 percent drop in the number of incidents, but a 10 percent increase in the number of assaults and rapes.

We need to realize that the name-calling, the graffiti, the discrimination, and the threats and violence are all signs of a pervasive problem. The more informed we are about the scope and nature of our communities' problems with hate crimes, the better able we will be to develop effective prevention and prosecution strategies, as well as support structures for victims of these crimes.

I am pleased to join with Senator HATCH today to express our gratitude to our colleagues, the Attorney General, law enforcement and advocacy groups across the Nation who helped us to pass this important legislation and urge our friends in the House to move quickly to pass this as well.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the bill be deemed read a third time and passed; that the motion to reconsider be laid upon the table; and that any statements relating to the bill be placed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1624) was deemed read the third time and passed, as follows:

S. 1624

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REAUTHORIZATION.

The first section of the Hate Crime Statistics Act (28 U.S.C. 534 note) is amended—

(1) in subsection (b), by striking "for the calendar year 1990 and each of the succeeding 4 calendar years" and inserting "for each calendar year"; and

(2) in subsection (c), by striking "through fiscal year 1994".

REAUTHORIZING THE COASTAL ZONE MANAGEMENT ACT OF 1972

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Commerce Committee be discharged from further consideration of H.R. 1965 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1965) to reauthorize the Coastal Zone Management Act of 1972, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. STEVENS. Mr. President, I support Senate passage of H.R. 1965, a bill to reauthorize the Coastal Zone Management Act [CZMA] through fiscal year 1999. H.R. 1965 is similar to section 205 of S. 1142, a bill that Senators PRESSLER, HOLLINGS, BURNS, BREAUX, and I have sponsored to reauthorize the activities of the National Oceanic and Atmospheric Administration. Our bill has been reported by the Senate Commerce Committee, but has not yet been brought before the full Senate.

The CZMA was enacted in 1972 to, among other things, provide grants to States as an incentive to develop Federally approved coastal zone management [CZM] plans. CZM plans are intended to help plan for development in, and protect, coastal areas. Twenty-four coastal States and five island territories now have Federally approved CZM plans. Alaska, which has over half the coastline of the United States, has had a CZM plan in place since 1979. Of the seven eligible coastal States and territories that do not yet have approved CZM plans, five—Georgia, Minnesota, Ohio, Texas and Indiana—are in the process of developing plans.

In fiscal year 1995 and fiscal year 1996, the States and territories with approved CZM plans received appropriations totalling $45.5 million and $46.2 million, respectively. H.R. 1965 authorizes appropriations through fiscal year 1999 with modest growth to these amounts, at roughly the same levels as S. 1142. The bill also reauthorizes grants for States to develop CZM plans, increasing the amounts that may be received, but ending the development grants program after October 1, 1999.

H.R. 1965 includes an amendment to prevent the Secretary of Commerce from delaying the issuance of permits. Section 307 of the CZMA requires federal activities—including private activities that require a Federal permit, and federal assistance to State and local governments—to be consistent with the State's CZM plan. Applicants for Federal permits—including permits to explore, develop or produce oil in areas leased under the Outer Continental Shelf Lands Act [OCSLA]—are required to certify that the activity is consistent with the State's CZM plan before the Federal permit can be issued. States must concur with the certification, but applicants may appeal the State's decision to the Secretary of Commerce. Section 8 of H.R. 1965 requires the Secretary to publish a notice when the record for any appeal has ended, and to make a decision on the appeal within 90 days—with a possible extension of 45 days. This would prevent the Secretary from simply refusing to make a decision on an appeal.

H.R. 1965 does not reauthorize funds for the Secretary of Commerce and Administrator of the Environmental Protection Agency to enforce the section of law passed in 1990 to require States with CZM plans to prepare "coastal nonpoint pollution control programs," and also does not reauthorize grants to States to prepare those programs.

I encourage other Members of the Senate to support Senate passage of H.R. 1965.

Mr. HOLLINGS. Mr. President, I rise to voice my support for passage of H.R. 1965, a bill to reauthorize the Coastal Zone Management Act [CZMA] for the fiscal years 1997, 1998, 1999. This language is similar to language contained in S. 1142, the National Oceanic and Atmospheric Administration authorization bill, which the Commerce Committee reported favorably late last session.

In 1969, the Commission on Marine Science, Engineering and Resources—the—Stratton Commission—recommended that:

> A Coastal Zone Management Act be enacted which will provide policy objectives for the coastal zone and authorize federal grants-in-aid to facilitate the establishment of State Coastal Zone Authorities empowered to manage the coastal waters and adjacent land.

In response to this recommendation, Congress in 1972 enacted coastal zone management legislation to balance coastal development and preservation needs. To encourage State participation, the CZMA established a voluntary, two-stage, State assistance program. The first stage involves the award of section 305 grants to coastal States for development of coastal management programs meeting certain Federal requirements. State programs which were judged by the Secretary of Commerce to meet those requirements received Federal approval and became eligible for the second stage of grants. This second stage, under section 306, provides ongoing assistance for States to implement their federally approved coastal programs. All grants require equal matching funds from the State. Since passage of the CZMA, all 34 eligible State and territories have participated in the program to some degree. Of the original 34 participants, 29—24 States and five territories—currently have programs which have achieved federally approved status. Only five States are not actively participating in the program: Georgia, Texas, Indiana, Minnesota, and Ohio. Considering the 29 programs for which Federal approval has been attained, the national CZM network covers in excess of 93 percent of the Nation's marine and Great Lakes coastline.

The nature and structure of CZM programs vary widely from State to State. This diversity was intended by Congress. Some States, like North Carolina, passed comprehensive legislation as a framework for coastal management. Other States, like Oregon, used existing land use legislation as the foundation for their federally approved programs. Finally, States like Florida and Massachusetts networked existing, single-purpose laws into a comprehensive umbrella for coastal management. The national program, therefore, is founded in the authorities and powers of the coastal States and local governments. Through the CZMA, these collective authorities are orchestrated to serve the "national interest in effective management, beneficial use, protection, and development of the coastal zone." This 24-year program is a success story of how the local, State, and Federal Government can work together for the benefit of all who enjoy and rely on our coastal resources. H.R. 1965 is a simple 3-year reauthorization of a program that works well.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the bill be deemed read a third time and passed; that the motion to reconsider be laid upon the table; and that any statements relating to the bill appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1965) was deemed read the third time and passed.

MEASURE READ FOR THE FIRST TIME—S. 1788

Mr. GRASSLEY. Mr. President, I understand that S. 1788, introduced today by Senator FAIRCLOTH, is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The legislative clerk read as follows:

> A bill (S. 1788) to amend the National Labor Relations Act and the Railway Labor Act to repeal those provisions of Federal law that require employees to pay union dues or fees as a condition of employment, and for other purposes.

Mr. GRASSLEY. Mr. President, I now ask for its second reading, and since there is no Member of the minority party present, I object to my own request on behalf of the minority Members.

The PRESIDING OFFICER. Objection is heard.

ORDERS FOR WEDNESDAY, MAY 22, 1996

Mr. GRASSLEY. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 9:15 a.m., on Wednesday, May 22, further, that immediately following the prayer, the Journal of proceedings be deemed approved to date, no resolutions come over under the rule, the call of the calendar be dispensed with, the morning hour be deemed to have expired, and the Senate then resume consideration of Senate Concurrent Resolution 57; I further ask unanimous consent that the Senate then proceed to vote on or in relation to the pending amendments to the budget resolution in the order in which the amendment was offered, that each rollcall after the first vote be limited to 10 minutes in length, and that there be 1 minute for debate equally divided prior to each vote for a brief explanation of each amendment; and I finally ask unanimous consent that any second-degree amendment, if offered, be limited to 1 minute of debate equally divided as well.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that with respect to the Chafee bipartisan amendment No. 4018, that there be 5 minutes of debate to be equally divided in the usual form.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. GRASSLEY. Mr. President, tomorrow morning at 9:15 a.m., the Senate will begin a series of rollcall votes on or in relation to the amendments to the budget resolution. That series of votes is expected to continue throughout the day in an attempt to complete action on the budget early Wednesday evening. All Senators are asked to remain in or around the Senate Chamber during Wednesday's session in order to facilitate the numerous votes. As a reminder, all votes following the first will be limited to 10 minutes in length.

ADJOURNMENT UNTIL 9:15 A.M. TOMORROW

Mr. GRASSLEY. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order.

Thereupon, the Senate, at 6:21 p.m., adjourned until Wednesday, May 22, 1996, at 9:15 a.m.

CONFIRMATIONS

Executive nomination confirmed by the Senate May 21, 1996:

IN THE ARMY

THE FOLLOWING U.S. ARMY NATIONAL GUARD OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, UNITED STATES CODE, SECTIONS 3385, 3392 AND 12203(A):

To be major general

BRIG. GEN. JEROME J. BERARD [redacted]
BRIG. GEN. JAMES W. EMERSON [redacted]
BRIG. GEN. RODNEY R. HANNULA [redacted]
BRIG. GEN. JAMES W. MAC VAY [redacted]
BRIG. GEN. JAMES D. POLK [redacted]

To be brigadier general

COL. EARL L. ADAMS [redacted]
COL. H. STEVEN BLUM [redacted]
COL. HARRY B. BURCHSTEAD, JR., [redacted]
COL. LARRY K. ECKLES [redacted]
COL. WILLIAM L. FREEMAN [redacted]
COL. GUS L. HARGETT, JR. [redacted]
COL. ALLEN R. LEPPINK [redacted]
COL. JACOB LESTENKOF [redacted]
COL. JOSEPH T. MURPH [redacted]
COL. LARRY G. POWELL [redacted]
COL. ROGER C. SCHULTZ [redacted]
COL. MICHAEL L. SEELY [redacted]
COL. LARRY W. SHELLITO [redacted]
COL. GARY G. SIMMONS [redacted]
COL. NICHOLAS P. SIPE [redacted]
COL. GEORGE S. WALKER [redacted]
COL. LARRY WARE [redacted]
COL. JACKIE D. WOOD [redacted]

HOUSE OF REPRESENTATIVES—*Tuesday, May 21, 1996*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore [Mr. COX of California].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON DC,
May 21, 1996.

I hereby designate the Honorable CHRISTOPHER COX to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3103. An act to amend the Internal Revenue Code of 1986 to improve portability and continuity of health insurance coverage in the group and individual markets, to combat waste, fraud, and abuse in health insurance and health care delivery, to promote the use of medical savings accounts, to improve access to long-term care services and coverage, to simplify the administration of health insurance, and for other purposes.

The message also announced that pursuant to the order of May 13, 1996, the Senate insists upon its amendment to the bill (H.R. 2202) "An act to amend the Immigration and Nationality Act to improve deterrence of illegal immigration to the United States by increasing border patrol and investigative personnel, by increasing penalties for alien smuggling and for document fraud, by reforming exclusion and deportation law and procedures, by improving the verification system for eligibility for employment, and through other measures, to reform the legal immigration system and facilitate legal entries into the United States, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. HATCH, Mr. SIMPSON, Mr. GRASSLEY, Mr. KYL, Mr. SPECTER, Mr. THURMOND, Mr. KENNEDY, Mr. LEAHY, Mr. SIMON, Mr. KOHL, and Mrs. FEINSTEIN to be the conferees on the part of the Senate.

MORNING BUSINESS

The SPEAKER pro tempore. Pursuant to the order of the House of May 12, 1995, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority and minority leader limited to not to exceed 5 minutes.

ASIAN AND PACIFIC AMERICAN HERITAGE MONTH

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentlewoman from Hawaii [Mrs. MINK] is recognized during morning business for 5 minutes.

Mrs. MINK of Hawaii. Mr. Speaker, I take this opportunity this morning to acknowledge a celebration that has been ongoing throughout the month of May, which is the month in which we celebrate Asian and Pacific American Heritage Month. This is a part of the permanent law which former Congressman Frank Horton was successful earlier in establishing recognition for a week each year. On his last year of service he was successful in having the whole month designated as Asian and Pacific American Heritage Month.

Just this past week we had the opportunity of celebrating the Asian and Pacific American Institute banquet, at which President Clinton spoke and highlighted the importance of the Asian continent as well as the Pacific communities. In so doing he emphasized the importance of active participation of Asian Pacific-Americans in the United States and in all of their various activities, professionally, academically, in business and commerce, in international trade, and, in particular, in the Federal agencies and in the Federal Government and here in the Congress in both the House and the Senate.

The March 1994 population of Asian Pacific-Americans is estimated at nearly 9 million, and we account for about 3 percent of America's population. It is a growing number, probably the fastest growing ethnic group in the country.

So we take great delight in recognizing the achievements of our constituencies throughout the United States, their academic excellence and achievements spread over a wide variety of subject areas, most notably in math and science, where Asian and Pacific-Americans excel with great prominence.

The history of Asian and Pacific Members of Congress is noteworthy. There have been 17 Asian Pacific-Americans elected to Congress fom 1903 to the present time. They included Chinese, Chamorro, Asian Indian, Japanese, Korean, native Hawaiian, and Samoan.

The first Asian Pacific Member of Congress came from Hawaii. We was a native Hawaiian, Prince Jonah Kuhio Kalanianaole, who represented the territory of Hawaii as a nonvoting delegate from 1903 to 1922. He was responsible for the enactment of our Hawaiian Homestead Act, which is a basic land tenure program which has made it possible for many native Hawaiians to acquire land to build their homes and raise their families.

The first voting Asian and Pacific-American Member of Congress was Dalip Singh Saund of California, an immigrant from India who served in the House from 1957 to 1963.

The first Asian Pacific-American Senator was Senator Hiram Leong Fong from Hawaii, who served from 1959 to 1976.

Currently we have nine sitting Members of both the House and the Senate that make up our congressional Asian Pacific Caucus, which was formed on May 16, 1994, to establish an effort in the Congress to cause other Members of Congress perhaps to be more sensitive and aware of Asian and Pacific-American issues within their own constituencies.

The caucus idea came about from former Congressman Norm Mineta, and he is to be congratulated for having put in the effort to organize this caucus.

The Member of the House of Representatives who has the most Asian and Pacific Members is Congressman NEIL ABERCROMBIE from the First District in Hawaii, and his constituency is about 66.5 percent Asian Pacific. In my own case, the second district, I have about 57 percent Asian Pacific. The gentlewoman from California [Ms. PELOSI] has the next highest at 27.8 percent.

The other participant of our caucus who has been instrumental in leading the fight on all of the Asian Pacific issues throughout his entire tenure is the gentleman from California [Mr. MATSUI]. The other Members, the gentleman from American Samoa, Mr. FALEOMAVAEGA, the gentleman from Guam, Mr. UNDERWOOD, Senator INOUYE, Senator AKAKA, and Senator MURRAY, all constitute the original membership of our caucus. Recently we added 10 additional Members.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Mr. Speaker, I submit the following material for the RECORD:

REMARKS OF CONGRESSMAN NEIL ABERCROMBIE IN CELEBRATION OF ASIAN PACIFIC AMERICAN HERITAGE MONTH, MAY 21, 1996

Now, more than ever, the need to recognize America's rich and diverse cultures is crystal clear. America is at a crossroads and a few would rather forget that this is a nation built by immigrants whose ancestral roots trace back to every corner of the earth.

Asian Pacific American Heritage Month gives us the opportunity to acknowledge one of the great communities of this country. Across this nation, over 7.3 million Asian and Pacific Islanders make America their home. Asian and Pacific Islanders have made notable contributions in industry, education, science and government. Along with other immigrant groups, Asian and Pacific Americans helped to strengthen the fabric of American society.

Against the backdrop of America's multicultural society, the push for "English-Only" and other anti-immigrant measures are indefensible and are an affront to the heart of this nation. During Asian Pacific American Heritage Month and every month of every year, let us not forget what we so often take for granted: America has been made great by the collective contributions of every group who has settled in this country. The distinguished contributions of Asian Pacific Americans are a superb example.

CONGRESSIONAL ASIAN PACIFIC CAUCUS

The Congressional Asian Pacific Caucus was formed on May 16, 1994 to establish an organized effort within the Congress to advocate for the needs of Asian Pacific Americans.

Congressional Asian Pacific American Caucus Executive Committee:

Neil Abercrombie (HI-1)—66.5%.
Patsy T. Mink (HI-2)—57.0%.
Nancy Pelosi (CA-8)—27.8%.
Robert Matsui (CA-5)—13.9%.
Eni Faleomavaega (AS)—?.
Robert Underwood (GU)—?.
Sen. Daniel Inouye (HI)—55.6% (State of Hawaii).
Sen. Daniel Akaka (HI)—55.6% (State of Hawaii).
Sen. Patty Murray (WA)—5.7% (State of Washington).

New Member of Congressional Asian Pacific Caucus:

Tom Lantos (CA-12)—25.6%.
Matthew Martinez (CA-31)—22.8%.
Xavier Becerra (CA-30)—21.2%.
Zoe Lofgren (CA-16)—21.1%.
Nydia Velázquez (NY-12)—19.6%.
Pete Stark (CA-13)—19.4%.
Ronald Dellums (CA-9)—15.6%.
Bob Filner (CA-50)—14.8%.
Anna Eshoo (CA-14)—12.2%.
Lucille Roybal Allard (CA)—4.0%.

NOTABLE ASIAN PACIFIC AMERICANS

Asian Pacific Americans have made significant contributions to the United States and the world in a variety of ways. In the arts, academia, business, sports, politics, Asians have reached the top of their field:

I.M. Pei, the internationally renowned architect.

Samuel C.C. Ting who won the Nobel Prize in physics.

Ellison Onizuka, one of the seven astronauts of the Challenger.

Christie Yamaguchi, the young figure skating Olympic champion.

Vivienne Tam, fashion designer who built a $10 million business.

Amy Tan, Author.

Elaine Chao, head of the United Way.

Robert Nakasone, CEO of Toys R Us.

Brigadier General John L. Fugh, Former Judge Advocate General of the Army.

Chang Lin Tien, Chancellor, University of California—Berkley.

ASIAN PACIFIC MEMBERS OF CONGRESS

Seventeen Asian Pacific Americans have been elected to Congress from 1903 to the present. Their ancestry has included Chinese, Chamorro, Asian Indian, Japanese, Korean, Native Hawaiian, and Samoan.

The First Asian Pacific Member of Congress was Prince Jonah Kuhio Kalanianole (Native Hawaiian) who represented the Territory of Hawaii as a non-voting delegate from 1903 to 1922. The first voting Asian Pacific American Member of Congress was Dalip Singh Saund (D-CA), an immigrant from India who served in the House from 1957 to 1963.

The first Asian Pacific American Senator was Hiram Leong Fong (R-HI), who served from 1959 to 1976. Senator Fong was also the first American of Chinese ancestry elected to the Congress.

Congresswoman Patsy T. Mink was the first Asian Pacific woman to serve in the House, serving from 1964 to 1976, and from 1990 to present.

There have been only two Asian Pacific American women in the Congress—Patsy T. Mink (D-HI) and Patricia Saiki (R-HI).

ROMER VERSUS EVANS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Florida [Mr. CANADY] is recognized during morning business for 5 minutes.

Mr. CANADY of Florida. Mr. Speaker, yesterday was a sad day in our Nation's history. In one fell swoop, the U.S. Supreme Court managed to seriously undermine our tradition of democratic self-governance, and, at the same time, to deliver a harsh slap-in-the-face to all Americans who seek to preserve traditional moral standards regarding homosexuality. I hope and expect that American citizens share my sense of outrage at the Court's action.

I'm referring to the Court's decision in the case of Romer versus Evans. The case involves an amendment to the Colorado State Constitution adopted in 1992 by the citizens of that State. The amendment, known as amendment 2, would have prevented the State or any of its political subdivisions from enacting, adopting, or enforcing any law granting homosexuals protected status or other preferential treatment. Amendment 2 was adopted in response to the actions of several Colorado cities that had adopted so-called gay rights ordinances, which had added homosexuals to the list of protected persons under local antidiscrimination laws.

By a 6-to-3 vote, the court yesterday ruled that amendment 2 violates the equal protection clause of the U.S. Constitution. The Court held that amendment 2 "lacks a rational relationship to legitimate state interests, and so could only be understood as an expression of animosity toward homosexuals."

That might sound like stale legal doctrine, but don't be deceived. What the Court did yesterday has profoundly troubling implications for our democracy and for our civilization. As Justice Antonin Scalia, writing for himself, Chief Justice Rehnquist, and Justice Thomas, pointed out in his dissenting opinion, the Court has unleased a new constitutional doctrine that has no rational limitation.

We must be clear on one important fact: Notwithstanding the majority's portrayal of amendment 2 as an effort to make homosexuals "stranger[s] to [Colorado's] laws," the measure did no such thing. All amendment 2 would have accomplished is to prevent the government from making homosexuals a protected class, or otherwise to make homosexuality the basis for any preferential treatment. Every Colorado law of general applicability applies fully to homosexuals. This case, no matter what the majority held, was about whether or not homosexuals could be given special protections under the law.

I quote from Justice Scalia's dissent:

> The only denial of equal treatment [the majority] contends homosexuals have suffered is this: They may not obtain preferential treatment without amending the state constitution. That is to say, the principle underlying the Court's opinion is that one who is accorded equal treatment under the law, but cannot as readily as others obtain preferential treatment under the laws, has been denied equal protection of the laws.

It is tough to argue with Justice Scalia's conclusion that the Court's constitutional jurisprudence "has achieved terminal silliness."

Confessing itself unable to fathom a rational, legitimate governmental purpose that might be served by amendment 2, the Court concluded that the amendment thus raised "the inevitable inference that the disadvantage imposed is born of animosity" toward homosexuals. The Court characterized it as "a bare desire to harm a politically unpopular group."

This conclusion, which lies at the core of the Court's opinion, is as puzzling as it is offensive. It's puzzling because, just 10 years ago, the Supreme Court held that nothing in the Constitution prevents States from enforcing laws criminalizing homosexual sodomy. In Bowers versus Hardwick, the Court expressly held that government can put citizens in prison for engaging in homosexual conduct.

Now, however, we learn that the same Constitution forbids States from deciding that homosexuals should not be granted protected or preferential status under their laws. I defy anyone to explain how these two results can be reconciled.

In a truly amazing display of intellectual dishonesty, the Court majority didn't even attempt such a reconciliation, and indeed, it didn't even mention the Bowers case.

So there are some serious legal flaws in the Court's decision. But what truly offends me—and, I would expect, a great many Americans—is the Court's conclusion that amendment 2 was motivated by "animosity" toward homosexuals. Again, I quote from Justice Scalia's dissent: "To suggest," he writes, "that [Amendment 2] springs from nothing more than 'a bare desire to harm a politically unpopular group' is nothing short of insulting."

And so it is. For 2,000 years, our Judeo-Christian ethic has taught that homosexual conduct is wrong. Accordingly, our laws have always embodied some moral disapproval of homosexuality. Sometimes that disapproval takes the form of criminal sanction, as with antisodomy laws. But often it is expressed in much more subtle ways. Here, for example, the voters of Colorado decided simply not to extend their antidiscrimination protections to homosexuals as a discrete protected class. The Supreme Court has now pronounced that decision to be the result of rank bigotry, motivated only by animosity toward homosexuals. Such a crass dismissal of our moral and religious heritage should provoke outrage on the part of the American people.

I do not come to the floor lightly to criticize our Supreme Court. I have deep respect for the institution of the Supreme Court, and I have been quick to praise the Court when it has performed its assigned constitutional role. But yesterday's decision, Mr. Speaker, does not deserve our praise; in striking down amendment 2 and in labeling as "bigots" adherents to traditional moral values, the Court deserves our disapproval.

FLOODING IN WEST VIRGINIA

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from West Virginia [Mr. WISE] is recognized during morning business for 5 minutes.

Mr. WISE. Mr. Speaker, I want to report on the flooding in West Virginia over this weekend, and I particularly want to say, following 2 days of visiting hard-hit communities, there are a lot of people to thank. Particularly high up there is the West Virginia National Guard, which once again responded and provided the semblance of order and peace and hope that many people needed to seize on to during these troubled times.

Remember, Mr. Speaker, that this is the second time in 4 months that many of these communities have been hit by ravaging floods; the second time in 4 months.

Mr. Speaker, I started out Friday night in the Charleston office of emergency services headquarters. We moved Saturday and Sunday to preparing. Sunday I was with Governor Caperton as we toured much of the flood-torn area by helicopter and touching down in a number of communities, and then yesterday, Mr. Speaker, I traveled by car over 400 miles across many of the counties in central West Virginia that had been hit by floods.

Let me report to you, Mr. Speaker, that once again for the second time in 4 months a lot of our communities are digging out, and washing mud out of basements and homes, are having to look at fences that were just replaced in many of our farm fields, now torn again or damaged again, are having to regroup and reorder their lives. This is actually the third time in 10 years for floods of this magnitude.

I started, Mr. Speaker, in Buckhannon and Ellamore and Maibe and Cassity and Randolph, Jerusalem, a large town meeting in Elkins, then to Circleville and Big Run, Upshur and Randolph and Pendleton Counties on that swing, as well as other counties the day before.

In every one of the locations people are digging out, Mr. Speaker.

I am happy to report to you, Governor Caperton is submitting to the White House an application for Federal disaster assistance. This has moved very quickly, through a combination of the State office of emergency services officials, the Governor, working with FEMA, which is the Federal Emergency Management Agency, and, hopefully, that application will be acted upon today, perhaps tomorrow, and again, hopefully, as early as tomorrow afternoon or perhaps Thursday morning the declaration will be made.

At that point, Mr. Speaker, citizens in the designated counties will then be able to call a toll-free number to receive firsthand information and assistance in working with the Federal Emergency Management Agency, the FEMA agency.

At this point our staff, my staff, is out in the field distributing leaflets telling people what to do until that disaster assistance is received; telling them whom to contact in case of immediate emergency, the local office of emergency service officers.

At the point the declaration of disaster assistance is made from Washington, we will immediately race back out to the hardest-hit communities with leaflets and other information outlining the toll-free number that people can call.

I think that it is essential that people understand that very shortly the media, our office, the Governor's office, all other officials will be letting them know the toll-free number that they can call for assistance.

So the first stop, Mr. Speaker, is digging out, and that is what the Red Cross is helping with. The Federal Emergency Management Agency is doing disaster assistance estimates right now. The local office of emergency service officers is assisting.

The second step, though, Mr. Speaker, after digging out and getting back on their feet is what a lot of citizens asked me yesterday in Elkins, "Bob Wise, why is it for the second time in 4 months we are having to deal with this? When will the investments be made to floodproof our areas to start to deal with the tributaries that are rising and dig out the streams that are silted up, to contain the stream banks in those areas where riprapping has occurred since the last flood?"

We were able to contain much of the flooding. But for the hundreds of thousands of dollars that it costs to floodproof a stream or area, we would save millions of dollars not spent in having to dig people out and put them back in their homes. So when the budgets are up for consideration, my hope is that my colleagues recognize what an investment it is in stream bank channelization and soil bank erosion control and building watershed and, in some cases, building dams, because what this does is to prevent millions of dollars of damage later.

In the case of West Virginia and other areas, what we have seen in just 4 months is you can have two crippling floods. So, hopefully, assistance is once again on the way. The disaster declaration should be coming within the next day or so. Individuals, businesses and units of government should be able to apply for Federal funds to assist them in getting back on their feet.

This is a process that should not have to be occurring every 4 months, and my hope is that very soon this Congress and others will recognize the importance of investing in flood control so that we do not have to go through this process so repeatedly.

I thank very much, Mr. Speaker, those who have made it possible to get back on our feet as quickly as we can, whether from Governor Capterton directing immediate response, to the West Virginia National Guard, which has just been a godsend to so many of our communities over the last few days, to the county office of emergency services personnel, and the countless volunteers. Thank you very much. We all thank you in our communities.

CONGRATULATIONS TO BRENDA AND JIM TALENT

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Arkansas [Mr. HUTCHINSON] is recognized during morning business for 5 minutes.

Mr. HUTCHINSON. Mr. Speaker, it is my great pleasure to rise on behalf of all of my colleagues of the U.S. House of Representatives to congratulate my very good friend, Congressman JIM TALENT of Missouri, who last Thursday was responsible for bringing another young Missourian into the world.

Jim and Brenda Talent are the proud parents of newborn Christine Lyons Talent, who was born at 1:53 p.m., last Thursday, and weighed in at 8 pounds and 7 ounces.

Young Christine is fortunate indeed to enter this world into a loving home with very loving parents.

Mr. Speaker, I yield to Mr. CANADY of Florida.

Mr. CANADY of Florida. Mr. Speaker, I appreciate the gentleman yielding this time to me, and I want to join in expressing my congratulations to the gentleman from Missouri, my good friend, JIM TALENT.

I have always admired Representative TALENT'S dedication to his family. He is a person among the Members here who puts his family first, and this child is very fortunate to have a father such as JIM TALENT and a mother such as Brenda, who is a dedicated mother and the spouse of our colleague, and we are very grateful for their family, and I appreciate what their friendship means to me.

Mr. HUTCHINSON. Reclaiming my time, I appreciate the gentleman's comments and agree entirely that JIM TALENT has been one of the strongest advocates for the family in the U.S. Congress. I know now, with the birth of Christine Lyons, that he will be an even stronger proponent of the $500 per child tax credit and a more fervent than ever advocate for the family in the U.S. Congress.

So, our best wishes to JIM and Brenda.

WAGE-BASED TAX CREDIT NEEDED TO STIMULATE JOB CREATION IN PUERTO RICO

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Puerto Rico [Mr. ROMERO-BARCELÓ] is recognized during morning business for 5 minutes.

Mr. ROMERO-BARCELÓ. Mr. Speaker, last week the House Ways and Means Committee favorably reported the Small Business Job Protection Act of 1996. This act is designed to provide businesses with new tax breaks and is using the repeal of section 936 of the Internal Revenue Code as the primary revenue-raising offset for these tax breaks. And yet, while substantially increasing the taxes on Puerto Rican source income, the act provides no increase in the Federal benefits provided to the U.S. citizens of Puerto Rico.

I fully agree that the income-based tax credit provided in section 936 is to a significant extent excessive corporate welfare. In fact, I was perhaps the first voice to call for repealing the income-based tax credit and substituting it by a wage-based tax credit. Numerous reasonable proposals have been put forth which would eliminate the wasteful income-based credit while preserving a narrower, well-targeted wage-based credit. The wage-based credit is a cost effective way to make sure that tax breaks for Puerto Rican source income do indeed produce jobs in Puerto Rico.

While the 3,800,000 people of Puerto Rico are U.S. citizens, we have, nonetheless, been partially or wholly excluded from participation in many important Federal programs. According to the Congressional Budget Office, if Puerto Rico were treated as a State, in Medicaid alone we would get more than $1 billion per year. And now, even though taxes on Puerto Rican source income are to be drastically increased, by $4.9 billion in 8 years, we are being provided no additional funds for Medicaid. Are the health and lives of the 3,800,000 U.S. citizens in Puerto Rico worth less than the health and lives of our fellow citizens in the 50 States?

Fairness dictates that increased taxes on Puerto Rican source income be used for the benefit of the people of Puerto Rico. It is preposterous, indeed outrageous, and unfair that tax revenues collected on income earned in the Nation's poorest jurisdiction, Puerto Rico, be used to subsidize tax-credits for small businesses in the 50 States of the Union, the poorest of which has more than double the per capital personal income of Puerto Rico.

Puerto Rico has more than twice the unemployment of any State and needs and deserves a new wage-based tax credit to stimulate creation of new jobs. Puerto Rico also needs increased participation in Medicaid. Please join with the President, the Governor, and me in supporting these changes for the benefit of the disenfranchised U.S. citizens of Puerto Rico.

Mr. Speaker, we are not aliens, we are not illegal residents, we are U.S. citizens. Fairness dictates that increased taxes on Puerto Rican-source income be also used for the benefit of the people of Puerto Rico. It is preposterous, indeed outrageous and unfair, that tax revenues collected on income earned in the Nation's poorest jurisdiction, Puerto Rico, be used to subsidize tax credits for small businesses in the 50 States of the Union, the poorest of which has more than doubled the per capita personal income of Puerto Rico.

Puerto Rico has more than twice the unemployment of any State and needs and deserves a new wage-based tax credit to stimulate the creation of new jobs. Puerto Rico needs increased participation in Medicaid.

Please join with the President, the Governor, and myself in supporting these changes for the benefit of the disenfranchised U.S. citizens of Puerto Rico. Do not allow the poorest jurisdiction in the Nation to be used for subsidizing the tax cuts for small businesses for the 50 States. That is indeed unfair. This is indeed unjust.

Mr. Speaker, I formally submit that sufficient thought has not been given to this proposal. The tax cuts for the small businesses, I repeat, very good, we support them, but why does the poorest jurisdiction in the Nation have to be the principal subsidy used for supporting the tax cuts for all the States?

LACK OF NATIONAL DRUG POLICY CAUSING CRISES IN U.S. WAR ON DRUGS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Florida [Mr. MICA] is recognized during morning business for 5 minutes.

Mr. MICA. Mr. Speaker, today the State of Florida and the Nation are really reeling over the effects of President Clinton's lack of a national drug policy, and even more so his lack of a record on drug prosecution. The Clinton record is a disaster followed by disaster and deserves the attention of this Congress and the American people.

I serve on the subcommittee that oversees our national drug policy and we have recently detailed this disaster in this report.

Several months ago a Clinton Federal judge let cocaine dealers off the hook when they ran away from their drug-laden car. Only after a national outrage that ensued did the Clinton appointee finally relent. Federal prosecution of drug cases, again detailed in this report, have dropped 12 percent since President Clinton took office. Drug use among teenagers, cocaine, crack, heroin, and designer drugs among our youth, has grown to epidemic proportions, again detailed in this report all this occurring in the last 3 years. All this while President Clinton parades around the country talking about Federal regulations on teen smoking.

Let me tell my colleagues what is happening. Marijuana use among our teenagers has increased by 50 percent per year each year of the 3 years since President Clinton has been elected. This is the legacy of his "just say maybe" policy.

Joycelyn Elders, who the President appointed, led our Nation as our Nation's top drug official, and now we have seen the results from her tenure. "What ye sew ye shall reap." Teens now smoke marijuana that is up to 30 to 40 times more potent than that marijuana of the 1960's.

While President Clinton is out talking about teens smoking cigarettes, they are, in fact, frying their brains, destroying their lives, and dying in incredible numbers while he ignores setting a national drug policy. President Clinton does not need to travel to New Jersey or other States to talk about the effects of teen smoking. President Clinton can stay right here in Washington, DC, where drugs have killed nearly

1,000 black males in drug violence since he took office.

We thought the President was going to get serious about a national drug policy when he came to my State of Florida several weeks ago. We were grossly disappointed. His visit was a fiasco. They were to go to a public school and have a public student, in this case a young black student was supposed to make a presentation to the President. The White House staging people had a white private school student selected for the presentation. It caused a furor.

Now, listen to this. The President's top Federal prosecutor in south Florida, an appointee who was trying a drug case, lost the drug case. First, we heard we had decreased prosecutions under his reign; then, when they prosecuted, he lost the case. And what did he do when he lost? He went to a strip bar and bit a stripper and last week resigned in disgrace.

So we have a south Florida U.S. attorney forced to resign for biting a stripper, not to mention in central Florida the U.S. attorney had to resign a little over a year ago on charges of having a disorganized office and attempting to choke a reporter. Our two top Federal prosecutors.

Mr. Speaker, we have a crisis in the drug war and we have a crisis in Federal prosecution. We have a crisis that I fear is really rooted in the White House and in the lack of leadership; the lack of providing a national drug policy for this Nation. So I ask my colleagues to read this report that details this disaster, and to suggest that we need some leadership on this issue or our teens are going to suffer a fate far worse, a fate far worse than smoking. They are dying in our streets and in our homes and across this country in larger numbers because of the failure of not having a national drug policy.

FACTS REGARDING UNITED STATES-CHINA TRADE RELATIONSHIP

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentlewoman from California [Ms. PELOSI] is recognized during morning business for 5 minutes.

Ms. PELOSI. Mr. Speaker, yesterday President Clinton announced that he was going to request a special waiver from Congress to grant unconditional most-favored-nation status to China. As Members know, Mr. Speaker, in the Congress of the United States there is concern about the United States-China relationship in regard to human rights, proliferation of weapons of mass destruction, and trade. The President said yesterday that renewing MFN was about our economic future. On the basis of trade alone, I would like to address some conclusions that the President drew.

I think, Mr. Speaker, that if for a moment we can put aside, which is difficult to do, our concerns about human rights and proliferation and Taiwan and Hong Kong and Tibet, major issues of concern to this Congress, and just talk about trade, I do not believe that the renewal of unconditional MFN status is justified. So while people say to us that we are sacrificing U.S. jobs to promote human rights, that is simply not the case.

First, I would like to present some of the basic facts of the United States-China trade relationship. The emphasis of supporters of unconditional renewal of MFN status for China is not unexpectedly focused on our exports to China, it is important also to focus on China's exports to the United States. While overall United States exports to China have tripled in the last 10 years, United States imports from China have grown by 11 times, resulting in a trade deficit with China that has grown from $10 million in 1985 to $35 billion in 1995. $35 billion.

Another alarming feature of this trade pattern is the 4-to-1 ratio of what we buy from China to what they buy from us. The United States is China's largest export market, with over a third of their exports coming into our market with preferential trade treatment. Our products, by and large, are not allowed into the Chinese market. These barriers to market access contribute to the trade deficit.

And lest we think that the nearly $12 billion of exports that we send to China is a big number, consider this China, with 1.28 billion people, buys just under $12 billion. Taiwan, with 23 million people, buys nearly $20 billion from the United States. So the access to the Chinese markets is a major obstacle in our trade relationship.

I know we also hear people who propose unconditional MFN status and talk about the 180,000 to 200,000 jobs that are connected with exports to China. These are important jobs and we must respect that fact, but let me just briefly go into why we cannot allow that couple hundred thousand jobs, however significant, to be a barrier to many more jobs that should spring from our trade relationship.

We should all be concerned about the harm to our economy of the ongoing practice of the Chinese of violating our intellectual property rights. The trade deficit I referred to before of $35 billion does not include the billions of dollars that the Chinese have pirated in our intellectual property.

We are told regularly by economists and we, in turn, tell our labor force that while manufacturing jobs go offshore, our intellectual property is our international comparative advantage. It is the genius of America that arises from the great democratic tradition of freedom of expression and freedom of thought. In a very real way, with the Chinese continuing practices and patterns of theft of our intellectual property, the Chinese are stealing our economic future.

I disagree with the President that China is our economic future. The Chinese regime is under the present practices, stealing our economic future. In China it is possible to buy $12,000 worth of pirated United States software on a CD-ROM for $10. Pirated versions of Windows 95 were available in China before the real thing was released in the United States.

More importantly, the production of stolen intellectual property in China is not only for domestic consumption; it is used for export. The domestic capacity is about 7 million units and the production capacity is about 150 million units per year. So the Chinese are in the business of stealing our intellectual property not only for domestic consumption but for export.

And the piracy does not stop at software. There are reports of pirated raw materials, like integrated circuits from China, showing up in Paraguay for distribution throughout the Americas.

I do not have time to go into more detail on that. I want to commend the administration for issuing a list of sanctions and, hopefully, they will follow through with that.

The last point I have time to make is the issue of technology and production transfer. Many people know that production is going offshore. What we must recognize is that the Chinese insist on the technological transfer as well. So we will have, for example, Boeing closing a factory in Wichita, KS, for the manufacture of the tail section of a 737, and that production going to Chinese workers making $50 a month. And the Chinese have the technology transfer.

So it is the barriers to our products, the ripping off of our intellectual property, and the transfer of our technology that rob our economy of jobs. Our economic future is at risk in this relationship. I urge our colleagues to focus on these numbers. More to come.

BALANCING THE BUDGET WILL STRENGTHEN AMERICA'S FUTURE

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Florida [Mr. STEARNS] is recognized during morning business for 5 minutes.

Mr. STEARNS. Mr. Speaker, my colleagues, behind me on the wall, behind the Speaker's chair, high up on the wall, in fact way up there, is inscribed the following words by Congressman Daniel Webster:

> Let us develop the resources of our land, call forth its powers, build up its institutions, promote all its great interests, and see whether we also, in our day and generation, may not perform something worthy to be remembered.

In the quote I am trying to emphasize perform something worthy to be remembered in our generation. His words are a creed to live by. They are words by which our actions as representatives of the people should be judged, and I urge the American people to do just that. Judge us by whether we also in our day and generation may not perform something worthy to be remembered.

I am confident that we have done just that, that we have done something worthy to remember, that in our action last week in passing a balanced budget resolution we have proactively and for the good of the country changed the course of American history; that we have halted 40 years of reckless spending and that we have at long last set the country back on track. In our day and our generation we have faced the defining issue and we have offered a solution to the problem.

Simply and emphatically, balancing the budget is the most important action Washington can take for the American people. Why, one might ask. Because not balancing the budget would be disastrous. It would mark the end of many of the things that we take for granted. It would, in effect, mark the beginning of the end of the American way of life as we know it.

The national debt already stands at over $5 trillion and it is growing at a rate of $14,000 per second, which actually means in the 5 minutes it takes me to give this speech, our debt will have increased by $4.2 million, totaling over $50 billion an hour, or $1.2 billion a day.

Consider this, my colleagues. If Congress does nothing and allows spending to continue at its present course, a child, perhaps one of our children or our grandchildren, born today, will have to pay $187,000 in taxes over his or her lifetime just to cover the interest on the national debt.

But getting Federal spending under control is not just about putting off this fiscal doomsday, it is also about tremendous and vital benefits, the foremost of which would be a dramatic drop in interest rates for all of us. The study by the economics firm of McGraw Hill predicts that balancing the budget would lower the interest rates on the average mortgage by almost 3 percentage points. On a 30-year $75,000 loan, that would translate into a total savings over the life of the loan of over $37,000.

What will it take to balance the budget? Simply put, letting spending continue to go up, but more slowly than it otherwise would. Let us look at the numbers. This year Federal spending will total $1.6 trillion. If Congress does nothing, spending by 2002 will rise to $2.1 trillion, an increase of $600 billion. Under last week's budget resolution, spending in 2002 would rise to $1.9 trillion, an increase of some $400 billion. By any measure, a $400 billion increase in spending does not represent a cut.

Abraham Lincoln said it best when he said:

> The dogmas of the quiet past are inadequate to the stormy present. The occasion is piled high with difficulty, and we must rise to the occasion. As our case is new, so we must think anew and act anew. We must disenthrall ourselves and then we shall save this country.

We must save this country. We are at the crossroads, Mr. Speaker, at the occasion in our history when, we must disenthrall ourselves and save our country. To do this we must make the difficult decisions. We must take the steps to guarantee the fiscal solvency of our country so that our children and our grandchildren will have the same chances we had, so that they, too, have a chance to grow and to prosper in a land of greatness and of opportunity.

For our Nation, for our solvency, and for our children we must balance the budget. This is not about politics and rhetoric, it is about the right of Americans to pursue and secure their dreams. it is about doing what is right and what is, as Daniel Webster said, "worthy to be remembered."

So the question is not whether we can afford to balance the budget, but whether we can afford not to.

ASIAN/PACIFIC AMERICAN HERITAGE MONTH

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from California [Mr. BECERRA] is recognized during morning business for 5 minutes.

Mr. BECERRA. Mr. Speaker, I rise today to join another colleague and friend, the gentlewoman from Hawaii, Mrs. PATSY MINK, to salute all those in this country, all those Americans of Asian/Pacific Islander descent who have made this such a great country.

I rise because I have grown to know and to respect the many accomplishments of our Asian/Pacific Americans, and I happen to have a district in California, in the Los Angeles area, that happens to have a great number of Asian/Pacific Islanders in Los Angeles. It happens that much of my work, much of my effort and much of my success is a result of the efforts of many of the people in my district, and I count among those the many people from the Asian/Pacific community that have helped me along the way.

Mr. Speaker, I would like to spend a few moments talking a little bit about the individual and the collective contributions of Asian/Pacific Americans to our country, and I would like to do that within the context, if I may, of my particular district, because as I said, my district is rich in what makes America great, the diversity, the talents, and I can speak of so many individuals from my particular district in southern California, so I would like to concentrate on just a few of those.

First, I would like to just make sure it is clear that someone who has an opportunity to represent Koreatown in Los Angeles, parts of Chinatown in Los Angeles, a great percentage of the Filipino community in Los Angeles, and countless other Southeast Asians who live in Los Angeles, I have had a great opportunity to get to know the much and diverse ways in which our culture here in America is reflected.

We can talk about people like Mr. Don Toy, who is a Chinese American, who has become probably Mr. Chinatown over the years because of his many efforts on behalf of the residents of Chinatown within the Los Angeles area. This is the executive director of Chinatown Teen Post, and in that capacity he has been able to help so many of our youth go on and lead productive lives.

He has been instrumental in making sure that senior citizens throughout Los Angeles have an opportunity in the areas around Chinatown to have safe and decent homes to live in at the point of their retirement. Cathay Manor, which houses more than 300 units and is home to more than 500 seniors in Los Angeles, is really a tribute to the success of someone like Don Toy. Cathay Manor is there, and the people living in Cathay Manor owe a great deal to Don Toy.

Stewart Kwoh, another Chinese American, is a resident of Los Angeles, the Silver Lake area, part of which I represent. He is the executive director of the Asian/Pacific American Legal Center of southern California. Most people know of the legal center because of its many successes in defending the rights and protecting those rights of Asian/Pacific islanders who are in this country.

We have found on too many occasions the need to go to court to defend the rights of all citizens of this country, of all people of this country, to have the protections of the Constitution. Stewart Kwoh and the Asian/Pacific American Legal Center of southern California have been there to ensure that those people have been able to assert their rights.

Bong Hwan Kim, a friend and another individual from my district, he is Korean American. He is also the director of a fantastic program at the Korean Youth and Community Center. It is the largest Korean American service organization in the Nation. Through his leadership it has continued to grow, and it continues to build bridges with the different races and ethnic groups that make up Los Angeles, the patchwork which has become such a renowned part of Los Angeles. It is because of his efforts that the Korean American community has been able to reach out to the African American community, to the other communities which make up that portion of America that we call Los Angeles.

Linda Wong, a Chinese American of fantastic reputation, is chief financial officer of Rebuild L.A., the organization created to make sure that we could, after the aftermath of the unrest in Los Angeles, go on to rebuild this great city. She has worked tirelessly for many years as a lawyer defending so many people, not just Asian/Pacific islanders, but many people through her public interest work as an attorney, and now she is also someone who is working as a trustee of the Los Angeles metropolitan project, which is a $100 million educational reform movement in Los Angeles.

The honorable Delbert Wong, Chinese American resident, is the first superior court judge in the United States, a fantastic jurist, someone who would be just the epitome of what we would want to see in our courts. He is someone who is Los Angeles bred.

One last friend, Dr. Haing Ngor. Some of you may remember this Cambodian American because he is the individual who won the Oscar for best supporting actor in the film, the Killing Fields. He has unfortunately left us because of his brutal murder, a tragic death, but he too was an Asian American of renown. Throughout his lifetime Dr. Ngor never gave up his work to someday obtain peace in Cambodia.

I want to thank the Speaker for the opportunity to say to all those people who have represented this country so well and will continue to do so whether they are of a particular ethnicity, or race in this case, we are talking about the Asian/Pacific islander community, that what make America great is the fabric that keeps us together. The Asian/Pacific islander community is among the various communities that make this Nation so great, and I wish to extend to all those people my congratulations and my thanks for the greatness that comes through those people.

REPEAL OF 4.3-CENT GAS TAX ILL-ADVISED

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Colorado [Mr. SKAGGS] is recognized during morning business for 5 minutes.

Mr. SKAGGS. Mr. Speaker, the House later today will be voting on legislation designed to repeal, supposedly temporarily, although I think we should be skeptical of that, repeal the 4.3-cent-a-gallon gasoline tax that was enacted just a few years ago. I just want to register my concerns in opposition to what I believe is a very ill-advised move that the Congress seems determined to take. Not that any of us want to see consumers paying more for gasoline or other products. But we should be under no illusions as to what this will do that is beneficial, and, more importantly, what it will do that is really not in the national interest, if we repeal this 4.3-cent-a-gallon tax.

The premise, of course, is that somehow the huge increase that we have all experienced at the gasoline pumps over the last couple of months, 20 cents a gallon or so, in most places around the country, is being driven by a 4-cent-a-gallon tax that was enacted several years back. I think that premise of course falls of its own weight, upon any kind of examination at all.

It makes no sense to me whatsoever, as we are trying gamely to get the Federal budget balanced, to go out of our way to eliminate one of the things that has provided a success story over the last 3 years in cutting the deficit in half; namely, that 4-cent-a-gallon gas tax that was part of the 1993 budget package. That has succeeded in cutting the deficit in half over the intervening 3 years.

Now, either we are going to have to make up that revenue of about $3 billion for the rest of this year, or over $30 billion over the next 6 years, by raising taxes somewhere else, or we will aggravate that budget balancing problem that is such a demanding one for us to begin with.

Mr. Speaker, I would rather see us stay the course, get the budget into balance, not give up this modest increase in the gasoline tax that has, I think, made a good contribution to that fundamental fiscal responsibility mission of the Congress over the last 3 years.

Somehow in this we have also lost sight of what was supposed to be our respect for markets and the way that they operate in a free enterprise system in this country. I think it is almost unanimously held by people that follow this part of the energy market that what we experienced with this increase in gasoline prices was the natural result of the way refiners had kept making heating oil later than usual this year and then got into a crunch as the driving season kicked in. We always see an up tick in gas prices about this time of year. So to think there was some conspiratorial element in this, I think is misplaced.

That, in a reverse twist, means even if we repeal the gas tax, I am not sure we will see a tremendous impact on the pocketbooks of most American consumers. The natural fluctuation in energy prices, in gasoline prices, will more than eclipse this change in the tax level. Just as we never noticed it when it kicked in, because gas prices back when this gasoline tax increase took effect were fluctuating by much more than 4 cents a gallon through the natural forces of the market.

I am not sure the consumers will see significant benefit in this. It really, I am afraid, is an exercise in election year appeals to some of our most understandable, but not necessarily our best instincts, that we of course love to pay a little bit less per gallon for gas.

But let us look at a little longer term. We all know that we are going to have to face up to the real demands for energy conservation in this country sooner or later. We are going to have to face up to the fact that we cannot continue relying on huge quantities, millions of barrels of oil a day, imported from elsewhere in the world. This very, very modest effort at dealing with an energy conservation objective as well as a budget balancing objective in the gas tax increase of 1993 is now merely going to be tossed aside.

Mr. Speaker, I hate to think of how many years are going to have to pass before this Congress has the courage, and it took some courage in 1993 to vote for that very modest gasoline tax increase, before we have the courage again to realize that an essential component of sane energy policy in this country is going to be conservation and an inevitable component of that is going to be pricing.

So we are really deluding ourselves if we think this is, first, going to deal with the budget; second, going to help consumers; or, third, is not going to aggravate our energy problems in the long haul.

RECESS

The SPEAKER pro tempore. There being no further requests for morning business, pursuant to clause 12 of rule I, the House will stand in recess until 2 p.m.

Accordingly (at 1 o'clock and 25 minutes p.m.), the House stood in recess until 2 p.m.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. WICKER] at 2 p.m.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We earnestly pray, gracious God, for all Your blessings—for peace and strength, for justice and mercy and all the values of Your word. On this day we pray for humility in our hearts whenever we seek to speak the truth and when we venture to know Your will. We hold to our views and yet we do not know all; we stand for right and we admit our limitations; we speak to the issues and yet we can miss the mark. Save us, O God, from any arrogance that would blind us from truth or from undue pride which keeps us from Your blessings so that, instead, in all things we will truly do justice, love mercy, and ever walk humbly with You. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. HEFLEY. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HEFLEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Massachusetts [Mr. MARKEY] come forward and lead the House in the Pledge of Allegiance.

Mr. MARKEY led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

PRIVATE CALENDAR

The SPEAKER pro tempore. This is Private Calendar day. The Clerk will call the first individual bill on the Private Calendar.

LLOYD B. GAMBLE

The Clerk called the bill (H.R. 1009) for the relief of Lloyd B. Gamble.

There being no objection, the Clerk read the bill, as follows:

H.R. 1009

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. APPROPRIATION OF FUNDS.

(a) PAYMENT.—The Secretary of the Treasury shall pay, out of any money in the Treasury not otherwise appropriated, to Lloyd B. Gamble of Fairfax, Virginia, the sum of $253,488.

(b) BASIS.—The payment required by subsection (a) shall be to compensate Lloyd B. Gamble for the injuries sustained by him as a result of the administration to him, without his knowledge, of lysergic acid diethylamide by United States Army personnel in 1957.

SEC. 2. SATISFACTION OF CLAIMS.

The payment made pursuant to section 1 shall be in full satisfaction of all claims Lloyd B. Gamble may have against the United States for any injury described in such section.

SEC. 3. INELIGIBILITY FOR ADDITIONAL BENEFITS.

Upon payment of the sum referred to in section 1, Lloyd B. Gamble shall not be eligible for any compensation or benefits from the Department of Veterans Affairs or the Department of Defense for any injury described in such section.

SEC. 4. LIMITATION OF AGENTS AND ATTORNEYS FEES.

It shall be unlawful for an amount of more than 10 percent of the amount paid pursuant to section 1 to be paid to or received by any agent or attorney for any service rendered to Lloyd B. Gamble in connection with the benefits provided by this Act. Any person who violates this section shall be guilty of an infraction and shall be subject to a fine in the amount provided in title 18, United States Code.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ROCCO A. TRECOSTA

The Clerk called the bill (H.R. 2765) for the relief of Rocco A. Trecosta.

There being no objection, the Clerk read the bill, as follows:

H.R. 2765

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION. 1. PAYMENT AUTHORIZED.

As soon as practicable after the date of enactment of this Act, the Secretary of Defense shall pay to Rocco A. Trecosta, of Fort Lauderdale, Florida, a former teacher in the Department of Defense Overseas Dependent Schools, back pay in the amount calculated pursuant to section 2.

SEC. 2. AMOUNT OF PAYMENT.

(a) INITIAL CALCULATION OF AMOUNT.—The Secretary of Defense shall calculate the amount that Rocco A. Trecosta would have been awarded had Mr. Trecosta been a member of the plaintiff class in March v. United States, 506 F.2d 1306 (D.C. Cir. 1974).

(b) GROSS AMOUNT.—The gross amount for purposes of subsection (c) shall be the lesser of—

(1) the amount calculated pursuant to subsection (a); and

(2) $10,000.

(c) DEDUCTIONS FROM GROSS AMOUNT.—The Secretary of Defense shall pay to Rocco A. Trecosta the gross amount described in subsection (b) less appropriate amounts for—

(1) Civil Service Retirement;

(2) Social Security;

(3) Federal Employees Group Life Insurance;

(4) Federal income tax withholding; and

(5) any other similar or related deductions.

SEC. 3. FULL SATISFACTION OF CLAIMS.

The payment authorized by this Act shall be in full satisfaction of all claims of Rocco A. Trecosta against the United States for back pay in connection with his service as a teacher in the Department of Defense Overseas Dependent Schools.

SEC. 4. LIMITATION ON FEES.

No more than 10 percent of the payment authorized by this Act shall be paid to or received by any agent or attorney for services rendered in connection with obtaining such payment, any contract to the contrary notwithstanding. Any person who violates this section shall be fined not more than $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER pro tempore. This concludes the call of the Private Calendar.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain fifteen 1-minutes on each side.

PRESIDENT CLINTON ON WELFARE REFORM: THERE HE GOES AGAIN

(Mr. CHABOT asked and was given permission to address the House for 1 minute.)

Mr. CHABOT. Mr. Speaker, the President is talking tough on welfare reform again. Remember, this is the President, who as a candidate, promised to "end welfare as we know it." But when this Congress presented him with legislation that truly would end welfare as we know it, Mr. Clinton quickly vetoed it. When Congress once again sent him welfare reform he vetoed it again.

Now his pollsters have apparently told him that it's time to change course again, or, at least appear to change course. He's once again saying the he supports welfare reform. Unfortunately, what he's actually proposed is not even a pale copy of meaningful reform.

Mr. Speaker, talk is cheap, Candidate Bill Clinton made welfare reform a centerpiece of his campaign for the Presidency. It's time for him to keep his word. It's time to stop the political posturing. It's time for him to sign a real welfare reform bill.

CHINA MFN

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KAPTUR. Mr. Speaker, Congress will soon take up the question of whether or not to renew China's most-favored-nation trade status inside this marketplace for another year. I am one Member of Congress who will vote "no," as in no more lost U.S. jobs, no more abdication of the U.S. marketplace, no more trade deficits and no more wishful thinking on our trade policy toward China.

Every year the American public is told that, if Congress votes to renew China's MFN status just one more year, that our trading relationship with China will improve. Well, it has not.

This chart shows over the last 7 years the United States trade deficit with China has increased over 1000 percent, from a deficit of $3 billion in 1988 to over $35 billion last year and projected over $40 billion this year.

At this rate China will even pass Japan shortly in racking up the most red ink with this country. China remains a closed authoritarian Communist regime. Why should Congress add more red ink to this ledger?

PRESIDENT CLINTON AND OSHA

(Mr. BALLENGER asked and was given permission to address the House for 1 minute.)

Mr. BALLENGER. Mr. Speaker, it was 1 year ago that President Clinton announced his plans to reinvent OSHA.

The new OSHA, according to the President's speech, would rely less on enforcement, more on partnerships. It would use common sense in regulations, so that the most benefits could be achieved with the least burden. And the new OSHA would focus on results, not redtape by focusing on hazards not paperwork and evaluating personnel on improvements in safety rather than penalties.

Mr. President, that was a good speech. But not much has happened since then. Why not? The head of OSHA answered that question a few days ago: "There are a lot of people who doubt this direction, including people inside the organization [OSHA]."

Mr. President, you have an opportunity to say to your opponents on OSHA reinvention that you actually meant what you said. I've introduced H.R. 3234. All it does is take your ideas on reinventing OSHA, even your words, and put them in law.

So what will it be, Mr. President? Did you mean what you said 1 year ago?

CHINA AND MFN STATUS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, China steals American software and videos. China sponsors slave labor. China imprisons political opponents. China sells nuclear technology to terrorists. China literally threatened to nuke Taiwan. And if this is not enough to disrupt the constipation of the National Security Council, Chinese dictator told the White House to shut their mouth and back off. Unbelievable, Mr. Speaker.

After all this, the White House is so mad the White House has decided to punish China by renewing most-favored-nation trade status. Beam me up, Mr. Speaker. When will this White House wise up? When one of these Chinese dictators slaps the President in the face with one of those Barney dolls, which just happens to be made in China. Think about that.

PRESIDENT CLINTON AND WELFARE REFORM

(Mr. HEFLEY asked and was given permission to address the House for 1 minute.)

Mr. HEFLEY. Mr. Speaker, the American public has heard a lot from Bill Clinton over the past 4 years on welfare.

First, candidate Bill Clinton promised to enact real welfare reform if elected President. Next, after no action from the Democrat leadership in the 103d Congress, President Clinton failed to deliver on his promise the first 2 years of office. Next, after Republicans deliver a welfare package to his desk last December, he vetoed it. And now, Clinton has come full circle and is again playing campaign politics saying he supports strong welfare reform.

Mr. Speaker, the only words I can use to describe Bill Clinton's actions on this issue—he's the great pretender—he says he's for reforming welfare, then he vetoes welfare reform, and now he is trying to be seen as the welfare reform leader in this campaign year.

Bill Clinton—the greater pretender.

GAS TAX REPEAL

(Mr. MARKEY asked and was given permission to address the House for 1 minute.)

Mr. MARKEY. Mr. Speaker, yesterday, candidate DOLE criticized the Clinton administration for allowing the United Nations to permit Iraqi oil sales, claiming that offering Saddam Hussein a lifeline to prolong his dictatorship is bad policy and bad strategy. It is interesting to see candidate DOLE suddenly expressing concern over the prospect of Iraqi oil hitting the world market. Where was candidate DOLE over the last 6 months when the big oil companies, like a reckless driver on a bet, drove into the year with their inventory needles on empty, passing right by any number of global filling stations in an attempt to buy cheap oil from Saddam Hussein, who wants to sell the oil to get money to buy guns?

Candidate DOLE, did he chide the oil companies for bad policy and bad strategy? Did he criticize the oil companies for gouging consumers at the pump when the shortages resulted from their corporate irresponsibility and sent gas prices skyrocketing? No.

REFORMING WELFARE

(Mr. JONES asked and was given permission to address the House for 1 minute.)

Mr. JONES. Mr. Speaker, when Republicans kept their promise and delivered to the President a strong welfare reform bill, he vetoed it. Now Bill Clinton, realizing it is an election year, is trying to take some sort of credit for being pro-welfare reform. Let's take a look at his latest charade.

The Republican Governor of Wisconsin, Tommy Thompson, implemented a strong, get tough welfare system in his State. In his weekly radio address, President Clinton praised the Wisconsin plan as "one of the boldest yet attempted in America." Yet, the Wisconsin plan is very similar to the one that President Clinton vetoed!

Mr. Speaker, in President Clinton's case his actions speak louder than his words. President Clinton has done nothing in the past 3½ years to reform welfare. On welfare, he is truly the great pretender.

REPEAL OF GAS TAX

(Mr. FILNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FILNER. Mr. Speaker, later today the House will take up the repeal of the 4.3-cent gasoline tax. The American people should know not only what is in this bill but what is not in this bill. This bill mandates repeal of a 4.3-cent gasoline tax, but it does not mandate that we as consumers or the American people as consumers will get the benefit of that 4.3 cents. I have the bill right here. It says that it is the sense of Congress that consumers ought to get that benefit, a sense of the Congress. It does not mandate anything.

Mr. Speaker, we have some experience with this. When the airline surtax was allowed to expire recently, that 10 percent was not passed on to the consumers. In fact the airlines took at least half of that for their own.

That is what will happen if we do not take stronger action today. The oil companies will get the benefit of this tax repeal and not the consumer. This bill later today should mandate that all consumers get the full benefit of the 4.3-cent tax repeal.

A CALL FOR THE DISMISSAL OF DICK MORRIS, ADVISER TO THE PRESIDENT

(Ms. DUNN of Washington asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DUNN of Washington. Mr. Speaker, last week 10 Republican Members of the Congress wrote to President Clinton to express our outrage over the fact that his top political adviser, Dick Morris, has been assisting in the defense team of Alex Kelly, an accused rapist who fled the country for 8 years rather than face charges of brutally raping two teenage girls. Kelly, who is a convicted thief on probation for nine burglaries, allegedly threatened to kill the girls if they reported the rapes.

In our letter to the President, we said there has been a lot of tough talk, Mr. President, from your administration on the issue of crime. But actions speak louder than words. Given Mr. Morris' insensitivity to women's concerns about rape and violent crime and his lack of ethical judgment, we call on you to dismiss him immediately.

The White House, which has failed yet to take any action on this matter, now admits that the President himself knew about Morris' testimony, testimony on behalf of the rapist, but tolerated it.

Mr. President, we call on you to dismiss Dick Morris. Do something good for the women of this Nation.

THE MINIMUM WAGE

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, this week a vote has been scheduled on raising the minimum wage. Finally.

For months the Democrats have taken to the floor of the House asking the Republican leadership to schedule this vote on behalf of hardworking Americans and their families.

And for the same number of months—the Republican leadership has refused. In some instances, even denying that working families trying to get by on $4.25 an hour exist. Easy for them to say when you consider that since Speaker NEWT GINGRICH's April 17 promise to at least hold hearings on the minimum wage issue—34 days ago—he has received $15,975.24 of the taxpayers' money.

Compare that to a minimum-wage worker who earns $4.25 an hour, works 40 hours a week for 52 weeks and makes a grand total of $8,840.00 for that entire year of hard work. In a month of dawdling, the Speaker has made almost twice as much as a minimum-wage worker makes in a whole year.

Let's pass a minimum wage increase now, it's exactly what over 80 percent of American want us to do. They understand that this is simply the right approach to take if we are going to honor work, protect families and fight for children.

THE ECONOMY IS GOOD?

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute.)

Mr. KNOLLENBERG. Look out, Mr. and Mrs. America. The President is selling his own personal brand of snake oil again. But guess what? Sometimes the President does not really mean what he says.

As recently as this weekend the President said he now supports welfare reform. Yes, welfare reform. He is back to that position. So far this year he has vetoed, as my colleagues know, changing welfare as we know it, not once, but twice. The President has simply surrounded this issue.

In fact, he switched his position so many times I am starting to get a bit dizzy.

Then he said this is, and again I quote, the healthiest economy in 30 years. If this is the healthiest economy in 30 years, then why does it lag behind all 4 years of the Carter administration? That is right. Remember the Carter years? The Carter economy grew 2½ times faster than the Clinton economy. No wonder everybody is worried. That does not sound like the healthiest economy in 30 years.

So I say, enough of the Clinton snake oil, enough of the flip-flops. Americans are no longer buying that line.

CONFUSION ABOUT WELFARE REFORM

(Mrs. SEASTRAND asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SEASTRAND. Mr. Speaker, confused about where the President stands on welfare reform? Well, the White House does not even know for sure. The Clinton administration is tripping all over its own rhetoric on welfare. I call it the politics of confusion.

Last Friday in a embargo briefing on the President's radio address, White House press secretary Mike McCurry said, quote, the President in his address, or in this address, has signaled that he will look with favor on the Wisconsin welfare reform model. And the President did. Specifically he said, I quote, "Wisconsin submitted to me for approval the outlines of a sweeping welfare reform plan, one of the boldest yet attempted in America. All in all, Wisconsin has the makings of a solid, bold welfare reform plan. We should get it done." End quote.

Well, however, if my colleagues read the Washington Post this morning, the White House is waffling. We hear remarks such as we will have to negotiate the situation, details will have to be changed before the Federal Government approves the necessary waivers.

Mr. Speaker, it is my belief that President Clinton should not be playing politics with the welfare proposal. We need welfare reform, we need it now. Let us get it done.

PRESIDENT CLINTON AND WELFARE REFORM

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, talk is cheap; like many Americans are not confused about where our President stands because it seems that he changes his opinions dramatically during election years. In his radio address this past Saturday the President said, 4 years ago I challenged America to end welfare as we know it.

Of course 4 years ago President Clinton was campaigning to be President. Once President, Clinton waited 18 months to propose welfare reform that was rejected by his own Democratic Congress. In his address the President bragged that he has approved 38 waivers for State welfare reforms. However, in the last year the President has twice vetoed comprehensive bipartisan welfare reform that would have ended Washington's ability to veto State reforms.

There is no good reason why 50 State Governors should have to go on their hands and knees to get President Clinton's permission to implement welfare reforms for their own citizens.

CONGRATULATIONS TO OUR COLLEAGUE, SONNY BONO

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, last Saturday afternoon I had the opportunity to address the California Contract Cities Association convention in Palm Springs, and I would like to congratulate the outgoing president, Bea Lapisto-Kirtley, and the new president, Tom Breazeal.

But as I walked out of that meeting, I turned down the street, and I saw a crowd. And like any of us, we are rather curious when we see a crowd, and who did I see in the midst of that crowd but our colleague the gentleman from California, SONNY BONO, who was joined by his beautiful wife, Mary, their two little children and his 82-year-old mother, Jean Bono.

What was happening was the gentleman from California, SONNY BONO, was having his star status set in stone as he was having a star placed on Palm Canyon Drive in Palm Springs, California, and I would simply like to rise and inform my colleagues that we all knew that the gentleman from California, Mr. BONO, was a star, but now it is set in stone, and I want to congratulate him, and I know that every one of my colleagues will join in doing so.

PRESIDENT'S WELFARE STRATEGY LEADS A DOUBLE LIFE

(Mr. CHRISTENSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHRISTENSEN. Mr. Speaker, Bill Clinton and the Washington liberal groups are leading a double life. They claim that they want to end welfare as we know it, yet fight it and veto every plan we put forward.

They say they want to increase the earnings of working Americans, but yet they are pushing to hike the minimum wage, which kills low-wage jobs. To add injury to insult, they denounce tax relief for working families and job creation which would help accomplish both those goals.

Well, Mr. Speaker, Bill Clinton's strategy undercuts both getting people off the welfare rolls and letting them keep more of what they earn. Studies show that hiking the minimum wage swells the welfare rolls. That is because increasing the minimum wage will cut out over 400,000 entry-level jobs, the very jobs needed to get people off of welfare in the first place.

If Bill Clinton truly cares about the working poor, he will end his double life. He will stop vetoing plans to spring people from the welfare trap, he will stop pushing the minimum wage, rusting the welfare trap shut, and he will certainly stop vetoing the tax relief that he himself has promised.

It is time for Bill Clinton to stop living a double life.

IT IS NOT COMPASSIONATE TO INCREASE THE MINIMUM WAGE

(Mr. CAMPBELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks).

Mr. CAMPBELL. Mr. Speaker, what is the compassionate and caring approach to people who need jobs? It is to give them jobs. The problem with the minimum wage debate is that the arguments have ignored the fundamental fact that it is better to give somebody a job and get them started on their path in life by earning their own income, getting ready to go to work, and keeping a schedule, rather than not to have a job at all. I would like to be able to wave a wand and make sure that everybody's income rises, but I cannot, and nobody in government can. What we can do though is say "yes" to somebody who has got a shot at starting in life with a minimum-wage job. So be it, because one moves on from that to the next.

It is not compassionate, therefore, to increase the minimum wage. Every time we have done it since 1974, unless the economy was just shooting through the roof, we lost jobs from what otherwise would have happened. I am afraid that will happen again.

Do not put a tax on those people who offer jobs to people who need them; unemployed people who need a start in life. Do not support an increase in the minimum wage.

A BAD DEAL FOR OUR CONSTITUENTS

(Mr. WISE asked and was given permission to address the House for 1 minute.)

Mr. WISE. Mr. Speaker, as I drove several hundred miles across the State of West Virginia yesterday visiting flood-hit areas, I stopped off at a lot of gasoline stations. I saw gasoline selling for everything and bulk gasoline selling for everything from $1.28 to $1.37 a gallon for 87 octane regular, and as I would stop, I would ask them how they felt about getting 4.3 cents back or having the Congress actually cut the gasoline tax by 4.3 cents. "Where does it go, BOB? Are we going to get it?"

Well, of course, I told them that the Congress would not be permitted to offer an amendment guaranteeing it went to the consumer.

"You are telling us we don't automatically get it?"

"No, you don't automatically get it. In fact the chances are good that the savings will actually go either to oil companies or to foreign oil producers."

Well, what good does that do?

They would be even less happy to know that the roughly $3 billion that this will cost while, yes, it will be made up by selling the spectrum in telecommunications, that that is $3 billion that could have been used for deficit reduction. And then again when we need more deficit reduction, what are they going to cut? That will be education.

It is not a good deal.

CLINTON DEMOCRATS' ACTIONS SPEAK LOUDER THAN WORDS

(Mr. FUNDERBURK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FUNDERBURK. Mr. Speaker, remember President Clinton's campaign promises of 1992? He said, among other things, that he would enact strong welfare reform if elected President. I certainly haven't seen any sign of this. But now, in a true act of desperation, he is trying to blend-over his dismal record by taking credit for some of the reforms our State governments have implemented on their own.

Why the desperation? Because no matter what the campaign game is, the facts remain the same—last Congress when the Democrats were in the majority they didn't deliver a welfare reform package to President Clinton. This Congress with Republicans in charge, President Clinton got a welfare reform package but he vetoed it.

Mr. Speaker, the facts don't lie. The Clinton Democrats' actions speak louder than their words. Until Bill Clinton stops talking about ending welfare as we know it and actually signs a genuine reform bill, we will remain absent without leadership.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. WICKER). Pursuant to the provisions of clause 5, rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4, rule XV.

Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules, but not before 5 p.m. today.

REVISION OF VETERANS BENEFITS DECISIONS

Mr. STUMP. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1483) to amend title 38, United States Code, to allow revision of veterans benefits decisions based on clear and unmistakable error.

The Clerk read as follows:

H.R. 1483

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REVISION OF DECISIONS BASED ON CLEAR AND UNMISTAKABLE ERROR.

(a) ORIGINAL DECISIONS.—(1) Chapter 51 of title 38, United States Code, is amended by inserting after section 5109 the following new section:

"§ 5109A. Revision of decisions on grounds of clear and unmistakable error

"(a) A decision by the secretary under this chapter is subject to revision on the grounds of clear and unmistakable error. If evidence establishes the error, the prior decision shall be reversed or revised.

"(b) For the purposes of authorizing benefits, a rating or other adjudicative decision that constitutes a reversal or revision of a prior decision on the grounds of clear and unmistakable error has the same effect as if the decision had been made on the date of the prior decision.

"(c) Review to determine whether clear and unmistakable error exists in a case may be instituted by the Secretary on the Secretary's own motion or upon request of the claimant.

"(d) A request for revision of a decision of the Secretary based on clear and unmistakable error may be made at any time after that decision is made.

"(e) Such a request shall be submitted to the Secretary and shall be decided in the same manner as any other claim.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 5109 the following new item:

"5109A. Revision of decisions on grounds of clear and unmistakable error.".

(b) BVA DECISIONS.—(1) Chapter 71 of such title is amended by adding at the end the following new section:

"§ 7111. Revision of decisions on grounds of clear and unmistakable error

"(a) A decision by the Board is subject to revision on the grounds of clear and unmistakable error. If evidence establishes the error, the prior decisions shall be reversed or revised.

"(b) For the purposes of authorizing benefits, a rating or other adjudicative decision of the Board that constitutes a reversal or revision of a prior decision of the Board on the grounds of clear and unmistakable error has the same effect as if the decision had been made on the date of the prior decision.

"(c) Review to determine whether clear and unmistakable error exists in a case may be instituted by the Board on the Board's own motion or upon request of the claimant.

"(d) A request for revision of a decision of the Board based on clear and unmistakable error may be made at any time after that decision is made.

"(e) Such a request shall be submitted directly to the Board and shall be decided by the Board on the merits, without referral to any adjudicative or hearing official acting on behalf of the Secretary.

"(f) A claim filed with the Secretary that requests reversal or revision of a previous Board decision due to clear and unmistakable error shall be considered to be a request to the Board under this section, and the Secretary shall promptly transmit any such request to the Board for its consideration under this section.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"7111. Revision of decisions on grounds of clear and unmistakable error.".

(c) EFFECTIVE DATE.—(1) Sections 5109A and 7111 of title 38, United States Code, as added by this section, apply to any determination made before, on, or after the date of the enactment of this Act.

(2) Notwithstanding section 402 of the Veterans Judicial Review Act (38 U.S.C. 7251 note), chapter 72 of title 38, United States Code, shall apply with respect to any decision of the Board of Veterans' Appeals on a claim alleging that a previous determination of the Board was the product of clear and unmistakable error if that claim is filed after, or was pending before the Department of Veterans Affairs, the Court of Veterans Appeals, the Court of Appeals for the Federal Circuit, or the Supreme Court on, the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona [Mr. STUMP] and the gentleman from Mississippi [Mr. MONTGOMERY] will each be recognized for 20 minutes.

The Chair recognizes the gentleman from Arizona [Mr. STUMP].

GENERAL LEAVE

Mr. STUMP. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 1483.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. STUMP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to commend the gentleman from Illinois [Mr. EVANS] for introducing this bill and the subcommittee chairman, the gentleman from Alabama [Mr. EVERETT], for acting on this legislation. They have truly proceeded in a bipartisan manner and deserve the support of the Members.

I would also like to thank my good friend, the gentleman from Mississippi, SONNY MONTGOMERY, the ranking minority member of the full committee, for his efforts on this measure.

Mr. Speaker, I yield such time as he may consume to the gentleman from Alabama [Mr. EVERETT] for an explanation of the bill.

Mr. EVERETT. Mr. Speaker, I thank the gentleman from Arizona [Mr. STUMP], the distinguished chairman of the Committee on Veterans' Affairs and my good friend for yielding the time.

H.R. 1483 will offer veterans whose claims have been denied to appeal on the grounds of clear and unmistakable error. The bill will do three things.

First, it will codify the existing right of appeal at the regional office. Second, it will establish right of appeal at the board of veterans' appeals. And finally, it will provide access to the court of veterans appeals on the grounds of clear and unmistakable error.

The bill received strong support from the VSO's on the grounds that clear erroneous error on the part of the VA should never be allowed to stand. VA has opposed the bill on the grounds that the right already exists through the BVA, chairmans discretionary reconciliation reconsidering process and the potential for increasing the claims backlogged, but VA was unable to provide any data supporting the concerns about potential increase in the backlog. I view this as a classic confrontation between the right of the individual and the right of the group, evidence to the contrary showing severe impact on the veterans as a whole. I must support the individual's right to redress, and I urge my colleagues to support the bill.

Mr. MONTGOMERY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to congratulate and thank the distinguished chairman of the committee, the honorable gentleman from Arizona [Mr. STUMP], for bringing this measure to the floor and also for the next bill and say that we are a bipartisan committee, and we have worked like that for years in a bipartisan manner doing everything we can to help veterans.

□ 1430

Mr. Speaker, I want to compliment my friend and ranking member of the Subcommittee on Compensation, Pension, Insurance and Memorial Affairs of the Committee on Veterans' Affairs, the gentleman from Illinois, LANE EVANS, for introducing this measure; and I want to say to the chairman of the Subcommittee on Compensation, Pension, Insurance and Memorial Affairs, the gentleman from Alabama, TERRY EVERETT, I thank him for his work in bringing both of these bills to the floor.

Mr. Speaker, the Board of Veterans' Appeals must review decisions made by the VA regional offices as a veteran files an appeal within 1 year of the date of the decision. The board can reverse that decision for many reasons, including errors in applying the law if errors in judgment.

However, if no appeal is filed within 1 year, a veteran loses the right to have the board review the decision, even if that decision was clearly wrong. The bill before us gives veterans the right to have the Board of Veterans Appeals' review a prior final decision, no matter when it was made, and correct a clear and unmistakable error. It is a good bill that serves the best interests of the veterans, and I urge my colleagues to support the bill.

Mr. Speaker, I yield 3 minutes to the gentleman from Illinois [Mr. EVANS], the author of this bill.

Mr. EVANS. Mr. Speaker, I also want to express my appreciation to the chairman of the full committee and the chairman of the subcommittee, to the gentleman from Arizona, BOB STUMP, and the gentleman from Mississippi, SONNY MONTGOMERY.

Mr. Speaker, both bills received extensive scrutiny at a subcommittee hearing last October. They include measures recommended by the administration and members of the Committee on Veteran's Affairs.

H.R. 1483 has received strong support from the Disabled American Veterans and other veterans organizations.

Mr. Speaker, there has been some concern expressed about the possible effect that this bill may have on the backlog of appeals at the Board of Veterans' Appeals. I met with BVA Chairman Cragin and we discussed the Administration's concern about this possibility. While I do not believe that this legislation will have any appreciable effect on the BVA backlog, I want to reflect several important matters concerning this bill.

First, since veterans already have the right to raise a claim of clear and unmistakable error before the regional office, any increase in the BVA backlog should be minimal. Veterans have long had this right, and it does not appear to cause unusual or time-wasting problems today.

Second, the Board may wish to consider the adoption of procedural rules to make consideration of appeals raising such issues less burdensome, much as the Court of Veterans Appeals did in Russell versus Principi and Fugo versus Brown.

In these cases, the Court noted that a simple claim of CUE, or a "broad-brush allegation" that previous decisions were wrong, is not sufficient to constitute CUE.

> If a claimant-appellant wishes to reasonably raise CUE there must be some degree of specificity as to what the alleged error is and . . . persuasive reasons must be given as to why the result would have been manifestly different but for the alleged error. *Fugo* v. *Brown*, 6 Vet. App. 40, 44 (1993).

It would appear that the Board could propose pleading standards consistent with this statement which would make adjudication of non-meritorious CUE claims easier.

However, an appellate system which would tolerate and let stand decisions so patently wrong as to meet the demanding standard of being clearly and unmistakably erroneous is a system not worthy of continued respect. The very essence of a system of appellate and judicial review cries out for correction of "clear and unmistakable error", no matter when the error occurred or how much effort it takes to sift meritorious claims from all others. I believe that this is why all of the veterans service organizations support this legislation.

Mr. Speaker, I urge my colleagues to support this bill.

Mr. MONTGOMERY. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. FILNER].

Mr. FILNER. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, more important than that, I thank the gentleman for his friendship and his tutelage. We all know that the gentleman from Mississippi [Mr. MONTGOMERY] will be retiring at the end of this session. I just want to say when I first arrived in Congress, there was no one who was more gracious or more giving of his time and knowledge than the gentleman from Mississippi; and I appreciate his service, of course, to our Nation's veterans, and his assistance to me personally, as I have tried to learn the issues of veterans.

SONNY, you are going to hear this many times in the next few months, but you will be missed greatly. I thank the gentleman very much.

Mr. Speaker, I, too, rise in support of H.R. 1483. I was a proud cosponsor of the bill, as were the various organizations, such as the Disabled American Veterans and the Vietnam Veterans of America. This bill, as we have heard, provides a review for veterans who have been denied their benefits in the past. If there was a clear and unmistakable error involved in a VA decision the veteran may appeal, even if the current time limit for appeals has expired. Retroactive benefits will be paid to veterans whose appeal results in a favorable decision. The Board of Veterans' Appeals will be required to review these cases.

Mr. Speaker, during the years 1991 through 1995, 3,600 motions to reconsider Board of Veterans' Appeals decisions were filed, but only 22 percent were granted. The other 78 percent of veterans who believe they had been wronged were denied a hearing on that appeal.

We must keep our promises to our veterans. There are many veterans whose claims have been denied due to an error in the decision making process. This bill will allow us to correct the wrongs that many of these veterans have endured. I thank all the chairs and the ranking members for bringing this bill today, and I urge my colleagues to approve H.R. 1483.

Mr. GILMAN. Mr. Speaker, I rise today in strong support of H.R. 1483 revising veterans benefits decisions based on clear and unmistakable error.

I want to thank the gentleman from Illinois, Mr. EVANS, for introducing this bill as well as Chairman STUMP and Ranking Member MONTGOMERY for their support of this measure.

H.R. 1483 will amend current law to ensure that benefit decisions by both VA regional offices and the Board of Veterans' Appeals are subject to review on the grounds of clear and unmistakable error.

The intention of this legislation is make the consideration of appeals based on clear and unmistakable errors less burdensome and to ensure just results in cases where such error has occurred.

The Department of Veterans Affairs believes that this legislation will streamline its claims adjudication process, and will result in a more efficient and economical claims administration as well as savings in general operating expenses.

I believe that this legislation provides needed assistance to those veterans who have filed claims and I urge my colleagues to give it their support.

Mr. MONTGOMERY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. STUMP. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. WICKER). The question is on the motion offered by the gentleman from Arizona [Mr. STUMP] that the House suspend the rules and pass the bill, H.R. 1483.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

VETERANS' BENEFITS AMENDMENTS OF 1996

Mr. STUMP. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3373) to amend title 38, United States Code, to improve certain veterans' benefits programs, and for other purposes.

The Clerk read as follows:

H.R. 3373

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES TO TITLE 38, UNITED STATES CODE.

(a) SHORT TITLE.—This Act may be cited as the "Veterans' Benefits Amendments of 1996".

(b) REFERENCES.—Except as otherwise expressly provided, whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—INSURANCE REFORM

SEC. 101. MERGER OF RETIRED RESERVE SERVICEMEMBERS' GROUP LIFE INSURANCE AND VETERANS' GROUP LIFE INSURANCE AND EXTENSION OF VETERANS' GROUP LIFE INSURANCE TO MEMBERS OF THE READY RESERVE.

(a) DEFINITION OF MEMBER.—Section 1965(5) is amended—

(1) by inserting "and" at the end of subparagraph (B);

(2) by striking out subparagraphs (C) and (D); and

(3) by redesignating subparagraph (E) as subparagraph (C).

(b) PERSONS INSURED.—Section 1967 is amended—

(1) in subsection (a)—

(A) by inserting "and" at the end of paragraph (1);

(B) by striking out paragraphs (3) and (4); and

(C) by striking out "or the first day a member of the Reserves, whether or not assigned to the Retired Reserve of a uniformed service, meets the qualifications of section 1965(5)(C) of this title, or the first day a member of the Reserves meets the qualifications of section 1965(5)(D) of this title,"; and

(2) by striking out subsection (d).

(c) DURATION AND TERMINATION OF COVERAGE.—Section 1968 is amended—

(1) in subsection (a)—

(A) by striking out "subparagraph (B), (C), or (D) of section 1965(5)" and inserting in lieu thereof "section 1965(5)(B)";

(B) by striking out the period at the end of paragraphs (1) and (2) and inserting in lieu thereof a semicolon;

(C) by striking out the period at the end of paragraph (3) and inserting in lieu thereof "; and";

(D) in paragraph (4)—

(i) by striking out "from such" in the matter preceding subparagraph (A) and all that follows through "(A) unless on" and inserting in lieu thereof "from such assignment, unless on";

(ii) by striking out the semicolon after "such assignment" and inserting in lieu thereof a period; and

(iii) by striking out subparagraphs (B) and (C); and

(E) by striking out paragraphs (5) and (6); and

(2) in subsection (b), by striking out the last two sentences.

(d) PREMIUMS.—Section 1969 is amended—

(1) in subsection (a)(2), by striking out "is assigned to the Reserve (other than the Retired Reserve) and meets the qualifications of section 1965(5)(C) of this title, or is assigned to the Retired Reserve and meets the qualifications of section 1965(5)(D) of this title,";

(2) by striking out subsection (e); and

(3) by redesignating subsections (f) and (g) as subsections (e) and (f), respectively.

SEC. 102. CONVERSION TO COMMERCIAL LIFE INSURANCE POLICY.

(a) SGLI CONVERSION.—Subsection (b) of section 1968, as amended by section 101(c)(2), is amended—

(1) by inserting "(1)" after "(b)" at the beginning of the subsection;

(2) by striking out "would cease," in the first sentence and all that follows through the period at the end of the sentence and inserting in lieu thereof "would cease—

"(A) shall be automatically converted to Veterans' Group Life Insurance, subject to

(i) the timely payment of the initial premium under terms prescribed by the Secretary, and (ii) the terms and conditions set forth in section 1977 of this title; or

"(B) at the election of the member, shall be converted to an individual policy of insurance as described in section 1977(e) of this title upon written application for conversion made to the participating company selected by the member and payment of the required premiums."; and

(3) by designating the second sentence as paragraph (2) and in that sentence striking out "Such automatic conversion" and inserting in lieu thereof "Automatic conversion to Veterans' Group Life Insurance under paragraph (1)".

(b) VGLI CONVERSION.—Section 1977 is amended—

(1) in subsection (a)—

(A) by inserting "(1)" after "(a)";

(B) by striking out the last two sentences; and

(C) by adding at the end the following:

"(2) If any person insured under Veterans' Group Life Insurance again becomes insured under Servicemembers' Group Life Insurance but dies before terminating or converting such person's Veterans' Group Insurance, Veterans' Group Life Insurance shall be payable only if such person is insured for less than $200,000 under Servicemembers' Group Life Insurance, and then only in an amount which, when added to the amount of Servicemembers' Group Life Insurance payable, does not exceed $200,000."; and

(2) in subsection (e)—

(A) in the first sentence, by inserting "at any time" after "shall have the right"; and

(B) by striking out the third sentence and inserting in lieu thereof the following: "The Veterans' Group Life Insurance policy will terminate on the day before the date on which the individual policy becomes effective.".

SEC. 103. INFORMATION TO BE PROVIDED MEMBERS CONCERNING AUTOMATIC MAXIMUM COVERAGE OF $200,000 UNDER SERVICEMEN'S GROUP LIFE INSURANCE.

Section 1967, as amended by section 101(b), is amended by inserting after subsection (c) the following new subsection (d):

"(d) Whenever a member has the opportunity to make an election under subsection (a) not to be insured under this subchapter, or to be insured under this subchapter in an amount less than the maximum amount of $200,000, and at such other times periodically thereafter as the Secretary concerned considers appropriate, the Secretary concerned shall furnish to the member general information concerning life insurance. Such information shall include—

"(1) the purpose and role of life insurance in financial planning;

"(2) the difference between term life insurance and whole life insurance;

"(3) the availability of commercial life insurance; and

"(4) the relationship between Servicemembers' Group Life Insurance and Veterans' Group Life Insurance.".

SEC. 104. RENAMING OF SERVICEMEN'S GROUP LIFE INSURANCE PROGRAM.

(a) IN GENERAL.—The program of insurance operated by the Secretary of Veterans Affairs under subchapter III of chapter 19 of title 38, United States Code, is hereby redesignated as the Servicemembers' Group Life Insurance program.

(b) AMENDMENTS TO CHAPTER 19.—(1) Sections 1967(a), (c), and (e), 1968(b), 1969(a)–(e), 1970(a), (f), and (g), 1971(b), 1973, 1974, and 1977(a), (d), (e), and (g) are amended by striking out "Servicemen's Group" each place it appears and inserting in lieu thereof "Servicemembers' Group".

(2)(A) The heading of subchapter III of chapter 19 is amended to read as follows:

"SUBCHAPTER III—SERVICEMEMBERS' GROUP LIFE INSURANCE (FORMERLY SERVICEMEN'S GROUP LIFE INSURANCE)".

(B) The heading of section 1974 is amended to read as follows:

"§1974. Advisory Council on Servicemembers' Group Life Insurance (formerly Servicemen's Group Life Insurance)".

(3) The table of sections at the beginning of chapter 19 is amended—

(A) by striking out the item relating to subchapter III and inserting in lieu thereof the following:

"SUBCHAPTER III—SERVICEMEMBERS' GROUP LIFE INSURANCE (FORMERLY SERVICEMEN'S GROUP LIFE INSURANCE)"; and

(B) by striking out the item relating to section 1974 and inserting in lieu thereof the following:

"1974. Advisory Council on Servicemembers' Group Life Insurance (formerly Servicemen's Group Life Insurance)".

(c) OTHER CONFORMING AMENDMENTS.—(1) Section 1315(f)(1)(F) is amended by striking out "servicemen's" the first place it appears and inserting in lieu thereof "servicemembers".

(2) Sections 3017(a) and 3224(1) are amended by striking out "Servicemen's" each place it appears and inserting in lieu thereof "Servicemembers'".

SEC. 105. EFFECTIVE DATE.

The Servicemembers' Group Life Insurance of any member of the Retired Reserve of a uniformed service in force on the date of the enactment of this Act shall be converted, effective 90 days after that date, to Veterans' Group Life Insurance.

TITLE II—OTHER MATTERS

SEC. 201. ELIGIBILITY OF CERTAIN MINORS FOR BURIAL IN NATIONAL CEMETERIES.

(a) ELIGIBILITY.—Paragraph (5) of section 2402 is amended by adding at the end thereof the following: "For purposes of this paragraph, a 'minor child' is a child under 21 years of age, or under 23 years of age if pursuing a program of education at an educational institution, and those terms have the meaning as defined in sections 3452 (b) and (c) of this title.".

(b) CONFORMING AMENDMENT.—Section 101(4)(A) is amended by striking out "chapter 19" and inserting in lieu thereof "chapters 19 and 24".

SEC. 202. PROGRAMS, PROJECTS, AND ACTIVITIES OF THE EDUCATION SERVICE, DEPARTMENT OF VETERANS AFFAIRS.

(a) LOCATED IN THE DISTRICT OF COLUMBIA.—Chapter 77 is amended by inserting after section 7703 the following new section:

"§7705. Management, policy, and operations functions associated with the educational assistance programs of the Education Service

"The offices of Education Procedures Systems, Education Operations, and Education Policy and Program Administration, and any successor to any such office, of the Education Service of the Veterans Benefit Administration shall be in the District of Columbia.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 7703 the following new item:

"7705. Management, policy, and operations functions associated with the educational assistance programs of the Education Service.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona [Mr. STUMP] and the gentleman from Mississippi [Mr. MONTGOMERY] will each be recognized for 20 minutes.

The Chair recognizes the gentleman from Arizona [Mr. STUMP].

GENERAL LEAVE

Mr. STUMP. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous matter on H.R. 3373.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. STUMP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3373, The Veterans' Benefits Amendments of 1996, makes a variety of changes in our veterans' life insurance programs.

It also clarifies eligibility standards for burial of minor children of veterans in national cemeteries. Additionally, the bill stipulates the location for the office that administers VA's educational assistance programs.

I believe this bill improves these veterans' programs and I urge my colleagues to support it. I want to thank my good friend, SONNY MONTGOMERY, the ranking minority member of the full committee, for his hard work and guidance on this measure.

Before yielding to him, I also want to thank TERRY EVERETT, chairman of the Compensation, Pension, Insurance and Memorial Affairs Subcommittee, and LANE EVANS, the ranking minority member on the subcommittee.

Additionally, I would like to thank STEVE BUYER, chairman of the Education, Training, Employment and Housing Subcommittee, and BOB FILNER, the ranking minority member of the subcommittee, for all of their efforts on this bill.

Mr. Speaker, I yield such time as he may consume to the gentleman from Alabama [Mr. EVERETT].

Mr. EVERETT. Mr. Speaker, before I go any further, I want to recognize the distinguished leadership that our chairman, the gentleman from Arizona [Mr. STUMP], has given us, and the leadership of the gentleman from Mississippi [Mr. MONTGOMERY]. I particularly want to recognize my ranking member on my subcommittee for his work on H.R. 1483.

Mr. Speaker, H.R. 3373 is a compilation of several bills reported by the Subcommittee on Compensation, Pension, Insurance and Memorial Affairs and the Subcommittee on Education, Training, Employment and Housing.

Title I makes several changes to life insurance programs operated by VA.

First, it will merge the Retired Reserve Servicemen's Life Insurance Program with the Veterans Group Life Insurance Program and extend coverage to members of the Retired and Ready Reserves.

Second, it would make it easier to convert from active duty and veterans insurance programs to commercial policies by allowing those coming out of the service to go to either a veterans policy or a commercial policy. It would also allow a veteran to convert to a commercial policy at any time during the 5-year term of the VA policy. Among other things such as making it less costly to shift to whole life programs at a younger age, the bill would allow rapid use of commercial viaticle programs that buy policies at a discount from the terminally ill, thus providing much-needed cash for medical and living expenses for those who are often too sick to work.

The bill would also require the services to provide additional types of insurance information to those on active duty when they make insurance choices, and finally the bill would rename the Servicemen's Group Life Insurance Program as the Servicemember's Group Life Insurance Program.

Title II section 201 of the bill would make age limits for dependent's burial benefits in a national cemetery consistent with the rest of title 38. The bill would allow burial of dependent children up to age 23 if in school or 21 if not in school.

Title II section 202 of H.R. 3373 would prohibit VA from moving the Education Service headquarters functions out of the District of Columbia.

VA is proposing to move the entire service to St. Louis despite the subcommittee's expressed concerns about the dynamic nature of education programs. The committee feels strongly that VA policy and program management personnel need to work closely with the Congress, VSO's and DOD in the District to ensure that veterans get the absolute maximum out of their education benefits. The potential management benefits form locating the service at a field operation site is marginal at best and could possibly lead to further decreases in service to veterans.

But despite our attempts to persuade VA from making this highly questionable move, VA has not heeded our concerns. It is unfortunate that we need to legislate in this matter, but VA continues to move ahead with plans.

I want to emphasize that the bill does not prevent VA from downsizing the education staff or meeting any of the goals of the Government Performance Review Act. The bill was introduced as H.R. 3036 by the ranking member, Mr. MONTGOMERY, and cosponsored by the chairman, Subcommittee Chairman BUYER and the former ranking member, Ms. WATERS, and has received strong support from the VSO's. I urge my colleagues to support the bill.

Mr. MONTGOMERY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, again, I want to thank the chairman of the committee and the distinguished members for bringing this bill to the floor.

Mr. Speaker, someone said to me the other day, they said, "You fellows on the Committee on Veterans Affairs, you are always complimenting each other back and forth across the aisles." I say, what is wrong with that?

Mr. Speaker, H.R. 3373 will provide needed improvements in VA insurance programs and keep the adminsitration of the GI bill and other educational programs here in Washington, where they belong. Mr. Speaker, I want to take this opportunity to bring my colleagues up to date about the success of the newest GI bill.

The GI bill was started back in 1944. Our Government since then has provided educational benefits to veterans to assist in their readjustment to civilian life. Educational assistance earned through honorable military service is really good national policy. Those who serve in our Armed Forces deserve the opportunity to improve themselves by education. The Montgomery GI bill continues to be popular with the young men and women serving in the Nation's Armed Forces.

As of January 31, 1996, more than 2 million recruits have chosen to participate in the GI bill active duty, and the basic pay reduction required under that program, the $1,200 the active duty person pays in, has brought $2 billion into the Treasury. In March of this year, 94 percent of the new enlistees enrolled in the GI bill for active duty forces. I repeat, the bill does not come free, and active duty people have to participate in it.

Mr. Speaker, the Montgomery GI bill provided for the Selected Reserve has been extremely successful. This program has enabled the Reserves and National Guard to recruit and retain the smart, successful young people they need. Since the program was implemented for our reserves on July 1, 1985, nearly 600,000 veterans and over 364,000 members of the Selected Reserve have signed up for this program. Close to 1 million people are now going to school under the GI bill.

Without the strong support of my colleagues in this body, the chairman, the gentleman from Arizona, Mr. STUMP, who was a sponsor of this legislation when it was passed in 1984, as well as the gentleman from Illinois, LANE EVANS, a member on the committee, and those whose name I did not mention were not in the Congress back in the early 1980's, but we are proud that this legislation has worked. I wanted my colleagues to know something about this bill.

Mr. Speaker, I yield 1 minute to the gentleman from Illinois [Mr. EVANS], and thank him. He is the one that named the GI bill.

☐ 1445

Mr. EVANS. Mr. Speaker, this bill makes changes in the insurance programs that are requested by the administration. The committee has examined these changes and finds they will enhance the usefulness of the insurance programs and put them on a firmer financial footing.

One provision of great importance to me is a measure ensuring that the Education Service of the Department of Veterans Affairs continues to be housed in the District of Columbia at the VA central office. If this office were to be moved, it could jeopardize management and policy decisions affecting the Montgomery GI bill.

Mr. Speaker, I offered the amendment to name the GI bill after SONNY MONTGOMERY. I do not want to see it undermined, and that is why I very much appreciate again the leadership of Chairman STUMP and the gentleman from Alabama, TERRY EVERETT, on this matter today.

Mr. STUMP. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. NEY], a member of the committee.

Mr. NEY. Mr. Speaker, I rise today in strong support of H.R. 3373, the Veterans Benefits Amendments of 1996. The bill makes several changes which are needed, and some are administrative in nature, but I also wanted to point out one of substance.

Right now, veterans can be locked into a 5-year hold on a life insurance policy, and under this bill, this would allow an individual upon separation of the military, Mr. Speaker, to choose either to enroll in the Veterans' Group Life Insurance Program or to convert to a commercial policy. That is important, because a veteran might be ill and cannot wait that 5-year period to convert that policy, and might need the support that that financial situation can help them and their families with.

So I just want to point out that although there are a lot of technical changes that are good, there are changes of substance.

I also want to give credit to the gentleman from Mississippi [Mr. MONTGOMERY] who has always been willing to listen to a new freshman, and also the same holds true for our chairman. I would note, Mr. Speaker, that they have left politics at the door, which is the way it should be. I commend both gentlemen for that for the best benefit of veterans.

I rise to support this bill. It makes some changes and clarifications in the definition of minor children for purposes of burial in our national cemeteries, and prevents the VA from moving their education service outside of Washington, DC.

I would also like to note, Mr. Speaker, that the Committee on Veterans' Affairs staff has logged many phone calls in support of this measure. It is a good bipartisan bill, and I applaud the entire committee and the chairman for their support of this.

Mr. STUMP. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. GILMAN], chairman of the Committee on International Relations.

Mr. GILMAN. Mr. Speaker, I want to commend the committee for taking up this important measure. I thank the gentleman from Alabama, Mr. EVERETT, for introducing the bill, as well as our distinguished chairman, Mr. STUMP, and the distinguished ranking member, Mr. MONTGOMERY, for their support.

This measure restructures the Servicemen's Retired Reserve and Group Life Insurance and Veterans' Group Life Insurance Programs by merging the two programs for members of the retired reserve and extending coverage under the Veterans' Group Life Insurance Program to members of the Ready Reserve of our uniformed services, a group that we should give special attention to. It also alters current law to make it easier to roll a military insurance policy over into a veteran's or commercial policy upon separation from the military.

These two programs, which are administered by the Prudential Insurance Co., supervised by the Department of Veterans' Affairs, provide low-cost group life insurance protection to active duty and recently discharged service members and, as such, they serve an important purpose of providing a measure of financial security and peace of mind to our Nation's service men and women.

Accordingly, I urge my fellow Members to give their support to this important legislation.

Mr. MONTGOMERY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. STUMP. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. WICKER). The question is on the motion offered by the gentleman from Arizona [Mr. STUMP] that the House suspend the rules and pass the bill, H.R. 3373.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

CONGRATULATING TAIWAN ON FIRST PRESIDENTIAL DEMOCRATIC ELECTION

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 154) to congratulate the Republic of China on Taiwan on the occasion of its first Presidential democratic election, as amended.

The Clerk read as follows:

H. CON. RES. 154

Whereas March 28, 1996, was the first time in the history of the Republic of China on Taiwan that a presidential election was held through direct popular vote by the people of Taiwan;

Whereas the election was held under great difficulties caused by extensive military threats from the People's Republic of China; and

Whereas the presidential inauguration will be held on May 20, 1996, and should be honored; Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That—

(1) the Congress congratulates the people of Taiwan on holding their first direct and democratic presidential election;

(2) the United States continues its commitment to move nations toward freedom and democracy; and

(3) the United States is committed to encouraging and protecting its democratic friends on Taiwan, within the framework of the Taiwan Relations Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. GILMAN] and the gentleman from Virginia [Mr. MORAN] will each be recognized for 20 minutes.

The Chair recognizes the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to commend the gentleman from North Carolina, Mr. FUNDERBURK, for his initiative in crafting House Concurrent Resolution 154 and also the gentleman from Nebraska, Subcommittee Chairman BEREUTER, and the gentleman from California, Mr. BERMAN, for swiftly adopting it subcommittee and passing it to the full committee.

The people of Taiwan and President Lee deserve our praise and support for holding Taiwan's first Presidential election.

They took great risk in sticking to their principles.

They proved to the State Department that it is possible to stand up to Beijing.

When the hostile Chinese military maneuvers were taking place and the administration was waffling on what the United States would or would not do if Taiwan were attacked, the people of Taiwan were brave and stood together.

It took an act of Congress to prompt the administration to send two aircraft carrier battle groups to the region.

The waffling continues.

On May 14, a Washington Post article pointed out that the Clinton administration has not received any promises from Beijing regarding future sales of nuclear weapons technology. And yet the administration announced that it would not punish China for the ring magnet delivery.

And what of the sales of cruise missiles to Iran? The administration has still not done a thing.

We need more people like the Taiwanese around the world.

They set a great example for other aspiring democracies as well as for our own Nation.

We welcome them into the family of democratic nations and wish them the very best for their people.

Mr. Speaker, I reserve the balance of my time.

Mr. MORAN. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I rise in support of this resolution. I will not bite at some of the partisan references that were made. Let me just stick to the issue here.

All Americans celebrate the remarkable political journey from autocracy to democracy that Taiwan has made in recent years. Taiwan's presidential election in march signalled that Taiwan has joined the ranks of full-figured democracy.

Taiwan stands as an inspiration and an example for other Asian peoples who do not yet fully enjoy the fruits of political freedom. The people of Taiwan deserve our commendation and our congratulations. So, too, does President Lee, whose inauguration yesterday promises a new day not only for Taiwanese democracy but also for improved relations between Taiwan and mainland China.

Mr. Speaker, I reserve the balance of my time.

Mr. GILMAN. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina [Mr. FUNDERBURK].

Mr. FUNDERBURK. Mr. Speaker, I want to extend my heartfelt congratulations to the Republic of China on Taiwan, the Chinese people on Taiwan, and to their newly inaugurated president.

The Chinese on Taiwan have been evolving toward democracy and self rule for some time. The election of President Lee is the culmination of this process. It is also the beginning of the process of democratic government. President Lee Teng-hui has the distinct honor of being the first Chinese leader elected in a popular and direct Presidential election.

As always, we must applaud the movement of nations toward democracy and self-determination. President Lee's election and his inauguration is in accord with the very principle of democracy.

Yesterday, May 20, was the date of the inauguration of President Lee and I want to thank today my staff assistant, Dr. Sam K. Lee, who was born in China. I thank him for his help with this and also for the cooperative support of the Democrats.

The reason and the purpose for this is to extend heartfelt congratulations from one of the oldest democratic republics to one of the youngest, and to extend a special welcome to the Chinese people on Taiwan to a unique fraternity among nations, the democracies. To this end, I submitted the

House Concurrent Resolution 154, extending our congratulations to the Republic of China on Taiwan.

I think also the resolution is a strong signal that the United States stands with friendly democratic countries and will defend them in the face of bullying threats. So I wanted to applaud Taiwan's act of self-determination, and this bipartisan legislation draws a clear line of distinction between Taiwan, a free-market democracy, and mainland China.

Mr. GILMAN. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Speaker, I thank my good friend, the distinguished chairman of the Committee on International Relations, for yielding me the time.

Mr. Speaker, this resolution is a welcome step toward focusing our China policy where it ought to be focused. For too many years the United States has ignored and insulted a faithful and freedom-loving ally in order to curry favor with a totalitarian dictatorship. This policy is not only morally problematic, but also self-defeating.

The recent Taiwan elections have shown that Chinese people, like people the world over, will choose democracy and freedom when they are given the opportunity. The election also highlights a difficult choice for the people of Taiwan: Whether their government should move gradually toward official independence, or continue to assert its historic status as the Government of the Republic of China.

The United States should take no position on this question. We should insist only that the choice be freely made by the people themselves, acting through legitimately elected institutions. We should also recognize that the only real hope for eventual reunification of Taiwan with the Chinese mainland rests in the possibility that freedom and democracy will also come to the mainland. Today, as the Beijing regime tightens its grip on power, this possibility seems remote. But the Taiwan elections should offer both an example and an incentive to Beijing. The message they send is clear: Join us in choosing freedom. We will never go back to slavery.

The people of Taiwan will never choose absorption by a Communist government. The model for reunification, if it is ever to happen, is not Hong Kong, where millions of people who had no say in the matter are about to be delivered forcibly into the hands of despotism. Rather, the model is Germany, where people who had thrown off the shackles of communism quickly and freely chose unity with the free and prosperous society that had been built by their countrymen, who were happy to welcome and assist them.

Mr. Speaker, I especially want to congratulate the gentleman from North Carolina [Mr. FUNDERBURK] on his tireless promotion of democracy and human rights. As the former Ambassador to Romania, Mr. FUNDERBURK fought the good fight against the atrocities of Nicolae Ceausescu and incurred the wrath of our own State Department for his candor and consistency. I have enormous respect for Mr. FUNDERBURK.

Thus, it is not surprising to note that he is again in the forefront of this battle for democracy and freedom for the people of Taiwan. I want to thank my good friend from North Carolina, Mr. FUNDERBURK, for sponsoring this important resolution.

Mr. GILMAN. Mr. Speaker, I thank the gentleman from New Jersey [Mr. SMITH] for his strong statement in support of this measure.

Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. CHABOT], a member of our committee.

Mr. CHABOT. Mr. Speaker, I rise in strong support of House Concurrent Resolution 154, congratulating the people of Taiwan for holding the first free and fair democratic elections in Chinese history. And I want to congratulate my good friend from North Carolina, a fellow member of the freshman class, DAVID FUNDERBURK, for his work in bringing the bill to the floor. I also want to thank Chairman GILMAN for his leadership on this issue.

I work closely with the Taiwanese-American community in Cincinnati, and I can tell you what a glorious day it was for those great people on March 23 when, for the first time in 4,000 years of Chinese history, citizens went to the polls to elect a President. I not only want to congratulate those on Taiwan for this historic vote but those of Taiwanese heritage right here in the United States—like my own constituents, Dr. C.T. Lee and Dr. Mark Tsuang—who worked so long and hard to make such a dream a reality.

Mr. Speaker, it is fitting that we pass this resolution during the week of President Lee's inauguration as Taiwan's first democratically elected President. And I again thank Congressman FUNDERBURK and Chairman GILMAN for making the legislation possible.

□ 1500

Mr. GILMAN. Mr. Speaker, I thank the gentleman for his strong supporting statement.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MORAN. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I do so to give some credit to President Clinton for his strong action in moving battleships into the Strait of Taiwan to ensure that the democratic election would take place without intimidation from mainland China. This is consistent with the very strong continuing support of the White House for this democratic election in Taiwan, which is also consistent with the strong support on the part of the Democrats in this Congress for democracy in Taiwan.

Mrs. COLLINS of Illinois. Mr. Speaker, I rise to congratulate the Republic of China on Taiwan on the occasion of its first presidential democratic election. This truly is a historic occasion.

This occasion illustrates that self-will must start with the people. In President Teng-hui's inaugural address he speaks most eloquently: "Today, most deserving of a salute are the people of the Republic of China. A salute to them for being so resolute and decisive when it came to the future of the country, a salute to them for being so firm and determined when it comes to the defense of democracy."

I continue holding firm to the belief that democracy is the epitome of respect toward humanity. I believe democracy is the delicate balance between conflict and conviction. Having now chosen a democratic government, I welcome Taiwan into the international world of peace-seeking nations.

I now encourage the people of Taiwan to gravitate toward full economic growth, prosperity, and development, and support them as they rise to meet their new international challenges.

Democracy can offer hope. I hope that through democratic governance the people of Taiwan will seize the opportunity to appreciate their differences, and recognize their similarities. Through free will and determination, democracy can foster tolerance which is requisite in prevailing over turmoil. Further, democracy can foster patience in order to subdue hostilities.

Mr. President, people of Taiwan, on behalf of my constituents of the Seventh District of Chicago in the great State of Illinois, I congratulate you. I wish you well in your pursuit of self-governance.

Mr. KIM. Mr. Speaker, as a cosponsor of House Concurrent Resolution 154, I rise in strong support of this important resolution. This resolution is simple, yet profound in nature by congratulating the people of Taiwan for their courage in electing the first democratic government in Chinese history. For their efforts, I believe it is appropriate for this Congress to express its congratulations for their dedication to the principles of democracy. By electing the first democratic government in Chinese history on March 23, the people of Taiwan have taken a huge step forward.

The people of Taiwan have made tremendous progress over the past few years. The emergence of Taiwan as one of the strongest economies in Asia has propelled them into the spotlight as a model for achievement. As the Seventh largest trading partner of the United States, Taiwan has forced other Asian nations to open their doors and embrace the principles of free trade. Taiwan's peaceful transition from an authoritarian, single-party government to a democratic, multiparty, free-trading giant will serve as the beacon to other Pacific rim nations seeking to following their footsteps. By passing this resolution Congress can send a strong message to people the world over that democracy is a recipe for success.

In that regard, Mr. Speaker, I ask all of my colleagues to support the immediate passage of this evenhanded and supportive resolution.

Mr. ORTIZ. Mr. Speaker, I rise today in support of House Concurrent Resolution 154 to congratulate Taiwan on their recent Presidential election. I was privileged to attend the May 20, 1996, inauguration of Taiwan President Lee Teng-hui as part of the official United States delegation at the request of President Clinton.

It was very moving to watch the first inauguration of a freely elected President in a country which has never seen one before. Since 1949, Taiwan and mainland China have existed as two separate parts of the territory of China. Despite mainland China's military harassment prior to Taiwan's elections, the people of this land proudly cast votes in their first free election. Seeing the faces of people who have embraced democracy and capitalism for the first time, and set the pace for freedom, was poignant beyond imagination.

I have been actively involved with encouraging trade between the Republic of China [Taiwan] and the United States, specifically between Taiwan and south Texas, for a number of years. Therefore, I was enormously proud to have been selected by President Clinton to officially represent the United States at this inauguration of the first democratically elected president of Taiwan and to be part of history in the making.

I believe that the democratic elections in Taiwan represent one of the most dramatic events in Chinese political dynamics this century. As an American, and as a democrat, I am uplifted by the move toward democracy and capitalism by countries which have historically been ruled by an oligarchy. This is a positive change for both the people in Taiwan and the world at large.

As a democracy, it is incumbent upon us to lead by example, showing those countries still ruled by a select group that democracy and capitalism reward the individual and the country at the same time. Taiwan has come to that realization—and they are among the most enthusiastic capitalists on the Pacific rim. This election was an important and impressive step in the direction of democracy and prosperity for the Republic of China.

Mr. UNDERWOOD. Mr. Chairman, I rise today in strong support of House Concurrent Resolution 154, a resolution congratulating the Republic of China on Taiwan on its first democratic election for president.

After a barrage of threats from Beijing and a series of intimidating war games and missile tests, Taiwanese voters elected President Lee Teng-hui as their first directly elected president in March. Since prior presidents were chosen by the legislature, this is truly an historical event and a significant step forward for democracy in Taiwan.

As an original cosponsor of House Concurrent Resolution 154, I believe it is important for this Congress to show our strong support for Taiwan's historic endeavor. What we do on this floor is watched closely in the PRC and Taiwan. Supporting this resolution sends a message of support for the democratic process in Taiwan, but does not veer from our one China policy. It is the right message to send to both Taipei and Beijing.

I also want to note that I am strongly encouraged by President Lee's appeal yesterday to convene a summit between the top leadership of Taiwan and the PRC. We only need recall the tensions between Taiwan and the PRC prior to the election of President Lee to understand the need for such a summit. A new dialog and communication between top leadership of the island and the mainland is essential not only for their relationship, but also for the maintenance of peace, stability and economic growth in the region.

I urge my colleagues to support House Concurrent Resolution 154 and the historic democratic process which Taiwan has undertaken.

Mr. ACKERMAN. Mr. Speaker, I rise in very strong support of this measure, and want to thank Mr. FUNDERBURK for originally introducing it in the Asia and Pacific Subcommittee, and Chairman GILMAN for expediting the legislation to the floor for passage.

Mr. Speaker, the Chinese people on Taiwan have come a long way. Over a 10-year period of time, they have succeeded in instituting many of the democratic principles that we have enjoyed in this country for over 200 years. And they have done this through the hard work, perseverance and vision of one man: President Lee Teng-Hui. President Lee, who is the first native-born Taiwanese to govern Taiwan, has done remarkable things for his country and countrymen in this short span of time.

Therefore, on March 23, 1996, President Lee was the first man in Chinese history to be popularly elected president of Taiwan. That is no small feat, considering Taiwan's recent history, as well as other adversities he had to overcome—in particular, China's bellicose attitude toward Taiwan's impending election. However, those adversities were overcome, and President Lee was elected with a vote of 54 percent—validating his leadership and allowing him to continue forward with his progressive policies.

The American people have stood by Taiwan over the years, and I believe will continue to do so, as they continue to grow and mature into a full-fledged democracy. I have nothing but admiration and applause for President Lee and the people of Taiwan, and I recognize that the friendship between our two countries is a very special one, and should remain as such. I therefore tip my hat to President Lee on his election, and congratulate the Taiwanese people on achieving another great victory in the fight for freedom and democracy.

Mr. BEREUTER. Mr. Speaker, the resolution before us on May 21, House Concurrent Resolution 154, congratulated the popularly elected President of Taiwan, Lee Ten Hui, as well as the courageous people of Taiwan for the overhwelming success of their March 23, 1996 Presidential elections. Action on the resolution by this body could hardly be more timely, in that President Lee was inaugurated on May 20, 1996. This Member commends the sponsor of the resolution, the distinguished gentleman from North Carolina [Mr. FUNDERBURK], and the chairman of the International Relations Committee, the distinguished gentleman from New York [Mr. GILMAN] for their leadership on this important resolution.

First, on a personal level, this Member congratulates President Lee for his outstanding electoral victory and commends him for the bold inaugural speech he delivered yesterday in Taipei. There is no leader in the world today who has been more vilified by Beijing and no territory more bullied than Taiwan. So what does President Lee do in his inaugural speech? In a bold peacemaking gesture, President Lee seeks a face-to-face meeting with PRC President, Jiang Zemin. Is this call for a meeting a sign of weakness, a sign that Taiwan is bowing to Beijing's pressure? Of course not. President Lee's call is a sign of strength, a sign that Taiwan has the will to challenge Beijing face-to-face and attempt to work out their serious differences through direct and constructive exchange.

Second, this Member believes the people of Taiwan have earned the respect and admiration of people throughout the world and deserve our greatest praise. They have embraced democratic reforms with the same enthusiasm and good sense that have driven Taiwan's economy to its current heights. In addition, the people of Taiwan conducted themselves with great courage and resolve throughout the crisis created by Beijing's heavy-handed effort to bully them through provocative live fire exercises and missile tests.

Finally, this Member would make an editorial comment about the message that Taiwan's successful transition to democracy holds for all of Asia. Nothing belies the notion that democratic principles are alien to traditional Asian values better than what has transpired in Taiwan during the last 10 years. Taiwan joins Korea, Thailand, Mongolia, and the Philippines, in various stages of democratic development, as an important success story in Asian democracy and human rights. The success of Taiwan's democratic development demonstrates clearly that democracy and economic development are compatible and mutually reinforcing.

Mr. Speaker, this Member, therefore, supports this important and timely resolution.

Mr. MORAN. Mr. Speaker, I have no further requests for time, since we have no objection.

In fact, we strongly support this resolution. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. WICKER). The question is on the motion offered by the gentleman from New York [Mr. GILMAN] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 154, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The title of the concurrent resolution was amended so as to read: "Concurrent resolution to congratulate the Republic of China on Taiwan on the occasion of its first direct and democratic presidential election and the inauguration of its president.".

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Concurrent Resolution 154.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

CONGRATULATING SIERRA LEONE DEMOCRATIC MULTIPARTY ELECTIONS

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 160) congratulating the people of the Republic of Sierra Leone on the success of their recent democratic multiparty elections.

The Clerk read as follows:

H. CON. RES. 160

Whereas since 1991 the people of the Republic of Sierra Leone have endured a horrific civil war that has killed thousands of individuals and displaced more than half the population of the country;

Whereas for the first time in almost 30 years, the Republic of Sierra Leone held its first truly democratic multiparty elections to elect a president and parliament and put an end to military rule;

Whereas the elections held on February 26, 1996, and the subsequent runoff election held on March 15, 1996, were deemed by international and domestic observers to be free and fair and legitimate expressions of the will of the people of the Republic of Sierra Leone;

Whereas success of the newly elected democratic government led by President Ahmad Tejan Kabbah could have a positive effect on the West African Neighbors of the Republic of Sierra Leone; and

Whereas the historic event of democratic multiparty elections in the Republic of Sierra Leone should be honored: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) congratulates the people of the Republic of Sierra Leone for holding their first democratic multiparty presidential and parliamentary elections in nearly 30 years;

(2) encourages all people of the Republic of Sierra Leone to continue to negotiate an end to the civil war and to work together after taking the critical first step of holding democratic elections in that country;

(3) reaffirms the commitment of the United States to help nations move toward freedom and democracy; and

(4) further reaffirms that the United States is committed to encouraging peace, democracy, and economic development on the African continent.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. GILMAN] and the gentleman from Virginia [Mr. MORAN] will each be recognized for 20 minutes.

The Chair recognizes the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Concurrent Resolution 160, introduced by our good colleague from New York, a member of our Committee on International Relations, Mr. HOUGHTON, congratulates the people of Sierra Leone on the success of their recent multiparty democratic elections. The people of Sierra Leone have endured 4 years of brutal civil war and have showed great courage earlier this year. Voters stood in line, often for many hours, to participate in the presidential election and the following runoff election. The newly elected government is now negotiating with rebels on the long-term peace agreement.

I do not think it is unreasonable to claim that Sierra Leone is an emerging success story in Africa. It is also a powerful rebuttal to those who believe that the entire developing world is sliding into chaos and humanitarian disaster.

Despite the failures of neighboring Liberia, the people of Sierra Leone have shown they have the courage and determination to bring order to their society. I commend the gentleman from New York [Mr. HOUGHTON] for introducing this resolution, and I urge support for the resolution.

Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. HOUGHTON].

Mr. HOUGHTON. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I thank the gentleman for this opportunity to talk on behalf of Sierra Leone. A lot of us have been concerned about Africa, a lot of us have looked for leadership there, and we really have found it in the magnificent result of the elections in Sierra Leone to which the gentleman from New York [Mr. GILMAN] has referred. I would like to particularly thank, if I could, Bob Van Wicklin, in my office, who has been there, who has helped create the staff work, and has pointed up some of the necessities of our working strongly with that country.

Also I would like to thank, if I could, the 86 cosponsors, particularly the gentleman from North Carolina [Mr. WATT], the gentleman from Ohio [Mr. CHABOT], the gentleman from New York [Mr. ACKERMAN], the gentleman from New Jersey [Mr. PAYNE], the gentleman from Florida [Mr. HASTINGS], the gentleman from New York [Mr. ENGEL], the gentleman from the Virgin Islands, [Mr. FRAZER], and so many others, and also, although I cannot mention the names, several Members of the Senate, ranking about 53 in number.

This bill is not complicated. It is noncontroversial and it is bipartisan. It simply congratulates the people of the West Africa Nation of Sierra Leone, who held their first democratic election this last year, for the first time until over 30 years, an extraordinary turnaround. People used to refer to Sierra Leone as really the pit of Africa. Many never thought there would be any opportunity for it to emerge from the darkness. Now it has.

The new President, President Kabbah, has recently negotiated, for those who are not knowledgeable here, a ceasefire to the civil war in that country with the Revolutionary United Front. Our hope is that not only Sierra Leone will be successful, but also it will be the magnet which attracts democracy to other countries, like Niger, Liberia, Guinea, and Nigeria, countries that are having a great deal of trouble here.

Let me if could just for a moment mention a few things. There really is hope in Africa. For the first time in sub-Sahara Africa in years and years and years the income per person has gone up 1 percent over last year. That does not sound very much, 1 percent, but it is really significant, because it is the first time that the income has increased in years. Usually you are taking a look at a negative figure.

In democracies, that has increased greater than in nondemocracies. In certain nondemocracies, particularly the ones that are total out-and-out dictatorships, that has gone down. So there is a correlation here.

There is a drive towards political freedom, which is more than just the politics of it. It has to do with the well-being of individuals. There have been 30 elections over the last year, over the past 5 years in Africa, and many times this has resulted in greater maturity, openness and integration, not just to themselves and not to just the African market, but the world markets. The flow of capital for the poor countries is four times what it used to be. As a matter of fact, it is about $187 billion per year over the last five years. As it stands now, in terms of the poorer countries of this world, one-third of the world's foreign investment is going into those countries. It is a very helpful sign.

So if Africa and the boom it is experiencing is going to represent some of the finest things we are looking for, we have got to support countries like Sierra Leone. That is what this particular resolution does, and I hope there will be full support of it.

Mr. GILMAN. Mr. Speaker, I thank the gentleman from New York for his sponsorship of this measure and for his very eloquent statement.

Mr. Speaker, I reserve the balance of my time.

Mr. MORAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in very strong support of this resolution, and commend the chairman of the committee for bringing this timely and well-deserved tribute to the people of Sierra Leone before the House. I particularly want to extend my appreciation to the gentleman from New York [Mr. HOUGHTON] for his informative and insightful remarks, and for his very caring attitude on the part of the Third World peoples of Africa.

This spring's elections were deemed free and fair by international observers, and a democratically elected president now does govern Sierra Leone. This election is especially noteworthy in that an African military government held elections and peacefully turned over power. So we want this example to serve as a model for other such nations, and that is why this resolution is particularly important. We hope that will also give impetus to the peace talks that are currently occurring in Sierra Leone. So we urge strong support for this resolution.

Mr. Speaker, I yield 4 minutes to the gentleman from North Carolina [Mr. WATT].

Mr. WATT of North Carolina. Mr. Speaker, I thank my good friend from Virginia for yielding time for the purposes of debate on this important resolution.

Mr. Speaker, the truth of the matter is that resolutions of this kind tend to have no substantive value, so quite often I just ignore them and keep going. But this time, this resolution was introduced by my good friend from New York [Mr. HOUGHTON], and it started me thinking that while there is no substantive content to the resolution, it does give us an opportunity to do some important things related to democracy, and, aside from the partisanship that quite often exists in this body, it gives us time to debate, in fact discuss, the merits of democracy in this world, and to talk about some of the value that we place in democracy and the value of a democratic election.

It is hard for us to imagine in this country a country that can go 30 years without having a democratic election. We take the ability to stand on this floor and outside this building and say what we want for granted. We take the democratic process and democratic elections for granted sometimes. But the value of democracy should never be assumed. It is captured quite eloquently by the gentleman from New York [Mr. HOUGHTON] in is "Dear Colleague" about this resolution, in which he says, "This is worthy of our consideration and important to the United States' national interest of seeing democracy triumph over tyranny around the world."

The people of Sierra Leone are eager to follow us down the path of democracy, and we forget that so often we are trying to get people to follow us down that path, because so often we dwell on the negative aspects of our democracy and forget that, as one person said, democracy is the worst form of government that we can have, except all the other forms of government.

There are two other things that I want to cover very quickly, and that is democracy is not easy in other parts of the world, and there are challenges that democracies face around the world. We ought to take every opportunity to encourage and congratulate other countries who are following us down this path. So I want to applaud this resolution for that purpose.

Finally, there are adjoining countries, countries that adjoin Sierra Leone or are in close proximity to them, where democracies are now struggling, the country of Nigeria, the country of Liberia. Both have ongoing struggles that illustrate better than I could ever talk about the challenges that face democracies in this world. So if we can encourage Sierra Leone to expand this concept to those adjoining countries, to those democracies that are facing challenges, then that is an important objective that we ought try to support.

I want to congratulate the gentleman from New York [Mr. HOUGHTON], and encourage my colleagues to support this important resolution.

Mr. GILMAN. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from Ohio [Mr. CHABOT], another member of our Committee on International Relations.

Mr. CHABOT. Mr. Speaker, as a member of the Committee on International Relations and the Subcommittee on Africa, I rise in strong support of this resolution congratulating the people of Sierra Leone on the success of the recent democratic multiparty elections.

□ 1515

I want to commend my good friend and colleague, the gentleman from New York, Mr. HOUGHTON, who has introduced this legislation; also, the distinguished chairwoman of the subcommittee itself, the gentlewoman from Florida, Ms. ILEANA ROS-LEHTINEN. I would also like to extend commendations across the aisle to the gentleman from Virginia, Mr. MORAN, who has shown significant leadership in this area. Many people have worked very hard to bring this forward today.

The March 15 democratic Presidential parliamentary elections marked an historic day in Sierra Leone. After nearly 30 years of one-party rule, civil war and military dictatorships, nearly 75 percent of the Sierra Leone citizenry, at great personal risk, went to the polls to cast their votes. Since that election, a cease-fire has been negotiated to end the fighting that has led to the deaths of more than 10,000 individuals and also left more than 4.5 million homeless. This resolution encourages the people of Sierra Leone to continue those negotiations and to work for a lasting peace.

Mr. Speaker, when a nation, in the face of so much adversity, is able to take such a giant step forward toward democracy, it should be commended, and I am pleased to be able to join my colleagues in doing so.

Again, I thank the gentleman from New York [Mr. HOUGHTON] for his work on this issue and I urge the adoption of this resolution.

Mr. MORAN. Mr. Speaker, I yield 3 minutes to the very distinguished statesman from New York [Mr. PAYNE], to share with us a small part of his encyclopedic knowledge of the peoples and countries of Africa.

Mr. PAYNE of New Jersey. Mr. Speaker, I thank the gentleman very much for that kind introduction, and I rise today in support of House Concurrent Resolution 160 sponsored by my good friend, the gentleman from New York [Mr. HOUGHTON].

I also want to congratulate the people of Sierra Leone on their democratic elections held on the 26th and 27th of February of this year, the first time in over 31 years that the people of that country have had free elections.

Sierra Leone gained its independence in 1961 from Britain and since that time it has had a government that showed very little compassion for its people. Relief agencies estimate that half of the country's 4 million people are refugees. The life expectancy is 42 years, and the once diamond trade has virtually dissipated into the hands of the military government.

However, thanks to many concerned individuals, we have seen a successful election. I would like to pay tribute to two individuals, Derhanu Dinka, the United Nations special representative to Sierra Leone who played a key role in this election, and James Jonah, a former senior United Nations official from Sierra Leone who returned back to his country to help save it.

Let me speak of Mr. Jonah's role of bringing country peace to Sierra Leone. Mr. Jonah returned home at the military's invitation to head an electoral commission and surprised the army by keeping his promise to hold honest elections.

Many times Mr. Jonah's determination almost cost him his life when he refused to raise the minimum wage required for Presidential candidates so that it would not discriminate against any other candidates. Many contributions were made by both Mr. Jonah and others who worked so hard.

Others also contributed to the success of the elections. There were groups of international and domestic election monitors who stayed there to be sure that the elections were transparent, open and free.

Despite deadly conflicts between citizens and those seeking to disrupt the elections in Bo and Kenema, the electoral process was largely peaceful and the people refused to allow a group of thugs who came in to disrupt the election to allow that to happen. They came out and said that we want to vote, and they voted, and it was fair and it was free. So I commend the people of Sierra Leone for this tremendous election.

Let me just say in conclusion that there have been successful elections in a number of countries in Africa. We saw the 30-year leader, Kenneth Kuanden in Zambia, who stood for elections, take the defeat and move out to his village. We saw a 35-year President in Malawi, Life President Banda, they called him Life President because he was expected to be there for life, allowed multiparty elections. He lost and he also returned to his village.

We see peace now in Mozambique where we have had recent elections, where the Renamo forces and the government have come together. In Angola, UNITA and the FLMA, President dos Santos' government have come to have a government of unity. Still problems, but they are working on it.

In Namibia, the SWAPO organization have come in and taken hold of the government and those elections and are moving to a true democracy.

South Africa we saw the first nonracial elections held recently, and the Mandela government is moving forth trying to create opportunities.

Ethiopia has ended its long war, and with Mr. Meles Zenawi leading the government. Eritrea, Benin, and I could go on and on. But I want to point to the success of democracy. The world is taking what we have and we should be willing to share it and help with its development.

Ms. ROS-LEHTINEN. Mr. Speaker, as Chair of the Subcommittee on Africa, I am pleased to have this opportunity to address the value of House Congressional Resolution 160—a resolution congratulating the people of the Republic of Sierra Leone on the success of their recent democratic multiparty elections.

I would first like to commend our colleague, Mr. HOUGHTON, on his leadership in introducing this resolution, and note that this measure received unanimous support of the members of the Subcommittee on Africa.

The importance of this resolution is twofold. In the strictest sense, it serves to encourage the people of Sierra Leone to continue on the long and arduous journey toward political stabilization and the consolidation of an open, just society, and system of government.

However, its impact extends beyond the boundaries of this West African country.

This resolution serves as an inspiration to emerging and fragile democracies throughout the African continent. It serves to illustrate U.S. commitment to the promotion of democratic principles, as well as American resolve to support and guide emerging democracies through the process of reform and transition.

Normally, the focus tends to be on those African countries who succumb to their tumultuous pasts and choose violence as instruments of political change. This resolution compensates for this trend by focusing on a success and a positive outcome.

The people of Sierra Leone truly deserve our admiration for their commitment and determination to bring peace to their country and create an environment where democratic ideals could flourish as they have done.

For five years, anarchy and civil war have swept through this West African country like a bitter wind, claiming the lives of thousands. Twenty-nine years of dictatorship gradually stripped the country of its potential for growth and prosperity.

But, throughout, the people of Sierra Leone persevered. This year, they exerted their will, overcoming great obstacles in their quest for peace. They suffered in the cause of democracy, enduring beatings and mutilations to press ahead with the second round of Presidential elections of March 15. In the end, they were successful.

For their fantastic courage, the people of Sierra Leone merit our respect. They are at a threshold. The restoration of civilian democratic rule offers the best chance of peace and security in Sierra Leone. Thus, it is imperative that we praise the achievements of the people of Sierra Leone, and send an unequivocal message of support for their ongoing efforts to ensure a future of stability and growth for their country.

Thus, I urge my colleagues in the House to support this resolution.

Mr. HALL of Ohio. Mr. Speaker, I rise today to join my colleagues in praising the people of Sierra Leone for their remarkable determination in the face of extraordinarily difficult circumstances.

By the simple act of voting this spring, they began to wrest their fate from the roving bands of rebel guerrillas that have driven more than half of the people of Sierra Leone out of their homes.

The individual acts of courage in coming to the voting booth—in not one, but two rounds of elections—echo loudly, especially in Africa where democracy too often is an elusive goal.

I believe that it helped both sides of the 5-year-old civil war to agree to a cease-fire, and I hope the leaders of both side of this civil war will follow the lead of their countrymen, and end their brutal conflict peacefully.

When peace comes, I hope that the 320,000 Sierra Leoneans who have taken refuge in Guinea and Liberia—and the 1.5 million who are displaced within their own borders—will return home.

And perhaps the sound of free and fair elections, the sound of peace, will echo into the chaos of Liberia, and throughout Africa.

Nearly 100 years ago, Daytonians were among the first missionaries to Sierra Leone. A Dayton company, Nord Resources, long has operated the Sierra Rutile mine, which is the nation's largest employer. The civil war closed the mine more than a year ago; ending the war would mean jobs once again for more than 2,000 people there.

I traveled to Sierra Leone 7 years ago, and found it to be a beautiful country. With the continued determination of its people—and with the encouragement of the United States—I believe that peace and prosperity is again within reach.

I commend Congressman HOUGHTON for his leadership in bringing the deserving efforts of Sierra Leone's voters to the attention of Congress. And I join him and many others from Dayton and throughout the United States in congratulating the people of Sierra Leone on their efforts to build democracy and peace.

Mr. MORAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GILMAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. WICKER). The question is on the motion offered by the gentleman from New York [Mr. GILMAN] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 160.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Concurrent Resolution 160.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

COMMEMORATING THE 205TH ANNIVERSARY OF POLAND'S FIRST CONSTITUTION

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution 165 saluting and congratulating Polish people around the world as, on May 3, 1996, they commemorate the 205th anniversary of the adoption of Poland's first constitution.

The Clerk read as follows:

H. CON. RES. 165

Whereas, on May 3, 1996, Polish people around the world, including Americans of Polish descent, will celebrate the 205th anniversary of the adoption of the first Polish constitution;

Whereas American Revolutionary War hero Thaddeus Kosciuszko introduced the concept of constitutional democracy to his native country of Poland;

Whereas the Polish constitution of 1791 was the first liberal constitution in Europe and represented Central-Eastern Europe's first attempt to end the feudal system of government;

Whereas this Polish constitution was designed to protect Poland's sovereignty and national unity and to create a progressive constitutional monarchy;

Whereas this Polish constitution was the first constitution in Central-Eastern Europe to secure individual and religious freedom for all persons in Poland;

Whereas this Polish constitution formed a government composed of distinct legislative, executive, and judicial powers;

Whereas this Polish constitution declared that "all power in civil society should be derived from the will of the people";

Whereas this Polish constitution revitalized the parliamentary system by placing preeminent lawmaking power in the House of Deputies, by subjecting the Sejm to majority rule, and by granting the Sejm the power to remove ministers, appoint commissars, and choose magistrates;

Whereas this Polish constitution provided for significant economic, social, and political reforms by removing inequalities between the nobility and the bourgeoisie, by recognizing town residents as "freemen" who had judicial autonomy and expanded rights, and by extending the protection of the law to the peasantry who previously had no recourse against the arbitrary actions of feudal lords;

Whereas, although this Polish constitution was in effect for less than 2 years, its principles endured and it became the symbol around which a powerful new national consciousness was born, helping Poland to survive long periods of misfortune over the following 2 centuries; and

Whereas, in only the last 5 years, Poland has realized the promise held in the Polish constitution of 1791, has emerged as an independent nation after its people led the movement that resulted in historic changes in Central-Eastern Europe, and is moving toward full integration with the Euro-Atlantic community of nations: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That—

(1) the people of the United States salute and congratulate Polish people around the world, including Americans of Polish descent, on the adoption of the first Polish constitution;

(2) the people of the United States recognize Poland's rebirth as a free and independent nation in the spirit of the legacy of the Polish constitution of 1791; and

(3) the Congress authorizes and urges the President of the United States to call upon the Governors of the States, the leaders of local governments, and the people of the United States to join in this recognition with appropriate ceremonies and activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. GILMAN] and the gentleman from Virginia [Mr. MORAN] will each be recognized for 20 minutes.

The Chair recognizes the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Concurrent Resolution 165, a resolution noting the 205th anniversary of the adoption of Poland's first Constitution.

Mr. Speaker, the Polish Constitution of 1791 stands as the first liberal Constitution in Europe, creating a constitutional monarchy.

Its adoption by the Polish nation marked an important step away from the feudal system of government that then prevailed throughout Eastern Europe.

Unfortunately, Poland soon fell victim to the imperialism of the Prussian, Russian, and Austrian empires, which divided the territory of Poland and ruled the Polish people for more than a century.

The Polish Constitution of 1791 became a symbol around which the Polish people rallied, however, and today—with the independence they regained earlier in this century and with the end of Communist dictatorship in Poland 7 years ago—the Polish people are now engaged in building a new constitutional democracy.

The Polish nation has undergone times of great difficulty and great destruction since 1791, but it has survived and, as a new democracy in Eastern Europe, appears to be well on its way toward integration into the trans-Atlantic community of democratic States.

I urge my colleagues to support this resolution, not just as a recognition of Poland's historical striving toward democracy, but as a statement about Poland's future as a free, independent, and democratic State.

Mr. Speaker, I reserve the balance of my time.

Mr. MORAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this resolution and commend the chairman of the committee for bringing it before the House, and the strong supporter of Polish interests, the gentleman from Buffalo, NY, Mr. JACK QUINN; and the other cosponsors, the gentleman from Pennsylvania, Mr. BORSKI, the gentleman from Illinois, Mr. FLANAGAN, the gentleman from Wisconsin, Mr. KLECZKA, and others.

It is appropriate that the House and the people of the United States congratulate the Polish people around the world, including Americans of Polish descent, on the 205th anniversary of the adoption of the first Polish constitution.

The, as now, Poland has been a leader in Europe. In 1989, Poland took the first steps toward breaking up the Warsaw Pact and held the first free elections in Eastern Europe. That led the way on comprehensive economic reform.

Poland is now striving to integrate itself fully into the family of western nations. All of us can take a measure of pride in Poland's achievements, which serve the U.S. interests in peace, security, and prosperity in Europe.

Mr. Speaker, I urge adoption of the resolution, and I reserve the balance of my time.

Mr. GILMAN. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. QUINN], the original sponsor of this measure.

Mr. QUINN. Mr. Speaker, I rise today as the proud sponsor of House Concurrent Resolution 165, a resolution honoring an important event in the development of democracy in Central-Eastern Europe and the world; the 205th anniversary of Poland's first Constitution of 1791.

On the third day of May, 1996, Polish people and Americans of Polish descent around the world celebrated the 205th anniversary of Poland's first Constitution.

The Polish Constitution of 1791, which became the first liberal constitution in Europe was preceded only by our own Constitution in 1787.

The 1791 Constitution sought an end to the feudal system of government, where a few monarchs and aristocrats governed Poland's majority.

American Revolutionary War hero Thaddeus Kosciuszko introduced the concept of a constitutional democracy to his native country of Poland, which like the Constitution of the United States, established three independent branches of government.

The Polish Constitution abolished the feudal system, giving all citizens the right to vote and guaranteed freedom of speech, right to assemble and freedom of religion.

As a result, Poland became Europe's first true democracy.

Thomas Jefferson himself held the Polish Constitution in high regard and was sure to include two copies of the document as part of the original collection in establishing the Library of Congress.

Unfortunately, this first grand experiment in European democracy survived for less than 2 years. This expression of the democratic tradition of Polish political culture, embodying liberty to all people, rule by the majority and religious freedom, became a moral threat to the absolute monarchies of its neighbors Tsarist Russia, Austria and Prussia.

Poland paid dearly for its democratic ideas, with the complete loss of its independence and the abolition of its Constitution, when it was partitioned by its three powerful neighbors in 1793.

Over the next two centuries, Poland and her people suffered many injustices, but the spirit of the Constitution of 1791 continued to live on and forge hope in the hearts of Polish people around the world.

It is only in the last 5 years that Poland again has emerged as an independent nation after her people led the movement that resulted in the fall of the Soviet bloc and the historical changes in Central-Eastern Europe.

Today, Poland has experienced its first "free" elections in several generations and the positive economic successes it has experienced are unparalleled in its history.

The eventual democratic goals of Poland include its hopeful inclusion in the North Atlantic Treaty Organization [NATO] and complete inclusion in the Western community.

I am honored to have offered this resolution to honor the Polish Constitution of 1791, something in which all Poles rightfully take pride.

Mr. Speaker, I also want to thank the gentleman from New York, Chairman GILMAN, the ranking member, the gentleman from Indiana [Mr. HAMILTON], and the gentleman from Virginia [Mr. MORAN], and all members of the Committee on International Relations for their support of the resolution.

I want to urge my colleagues to join me in saluting and congratulating the people of Poland and Americans of Polish origin for realizing the fulfillment of the spirit of the May 3d Constitution by supporting House Concurrent Resolution 165.

Mr. GILMAN. Mr. Speaker, I thank the gentleman from New York [Mr.

QUINN] for bringing this important resolution to the floor at this time and for his eloquent remarks in support of this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. MORAN. Mr. Speaker, I yield 1 minute to the distinguished gentleman from West Virginia [Mr. WISE].

□ 1530

Mr. WISE. Mr. Speaker, I thank the chairman and the ranking member for the time.

I simply rise in strong support of this resolution. It was in 1787, of course, that our Constitution became a reality; 4 years later, the Polish Constitution. It was a wave of constitutional freedom and democracy sweeping the world at that time. So I think it is important to rise to commemorate this noted event, certainly to Polish peoples across the world, whether in Poland or to the large Polish American population that we have in the United States. It is certainly a moment that deserves recognition and particularly in light of what the Polish people have been through in the last decade, as they have reasserted their desire for constitutional democracy, moving from the heavy hand of communism to once again a constitutional republican system.

So we should rise as we recognize the 205th anniversary. Let us also recognize the pride and achievements that the Polish people have made in just the past decade.

Mr. GILMAN. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois [Mr. FLANAGAN.]

Mr. FLANAGAN. Mr. Speaker, as an original cosponsor I rise in support of House Concurrent Resolution 165, saluting and congratulating Polish people around the world as they commemorate this May the 205th anniversary of the adoption of Poland's first Constitution. As the first modern constitution in Europe, this document led the way in the advancement of democracy. Only our own Constitution of 1787 preceded it and the Polish Constitution was modeled upon it.

The Polish Constitution declared that "all power in civil society should be derived from the will of the people." This is the primary principle of our own sacred document. Like our own Constitution, the 1791 Polish Constitution created distinct legislative, executive and judicial branches. It also secured individual and religious freedom for all people in Poland.

Just as Poland led the way for democracy in the 18th century, so too did it do so again in the late 20th century. Poland was the key country in bringing about the recent demise of the totalitarian Communist regime under which Poland had suffered for so long. It became a shinning beacon of light of freedom for other Communist countries in Central-Eastern Europe. Poland was the inspiration for those countries to peacefully overthrow their own Communist dictatorships.

Today, the 205-year-old legacy of the 1791 Polish Constitution continues in Poland's democratic rebirth. Poland is to be congratulated for its commitment to democratic ideals and its rebirth as a free and independent nation. This is the purpose of House Concurrent Resolution 165 and I urge my colleagues to support its passage.

Mr. SMITH of New Jersey. Mr. Speaker, I rise this afternoon to support the passage of House Resolution 165, commemorating the 205th anniversary of Poland's May 3 Constitution. Although only in force for less than 2 years before falling victim to the second partition of Poland by her neighbors, this Constitution stands as an enduring monument to the Polish people's aspiration for democracy.

The May 3 Constitution was the first written constitution in Europe, adopted in 1791 and coming only a few years after the American Constitution. In fact, the American and Polish Constitutions have much in common, both in spirit and in purpose: Each sought to create the foundations of deomcracy and, in particular, to establish limits on the previously unfettered powers of sovereign rule.

Mr. Speaker, the Polish Constitution of 1791 may have been short-lived as a legislative edict, but it survived nearly two centuries of partition, foreign occupation, Fascist domination and Communist totalitarianism as a symbol of what Poles had once achieved—and would again achieve.

Today, the people of Ploland continue their successful efforts to build a free and democratic society, a free-market economy, and a country in which human rights and fundamental freedoms will not only be guaranteed on paper, but ensured in practice. As Chairman of the Helsinki Commission, I have been especially heartened by the extraordinary progress Poland has made in this regard, and Poland is rightly lauded as a leader—perhaps the leader—of democratic reform in central and eastern Europe. I was also espedially gratified to learn recently from President Kwasniwski's office that an overhaul of the Polish penal code will probably drop provisions which criminalize defamation of state organs—one of the last remaining vestiges of the old Communist order.

I am honored today to join my colleagues in commemorating the Polish Constitution of 1791, which continues to inspire the people of Poland during a period of profound and positive political transformation; I welcome the passage of House Resolution 165.

Mr. HAMILTON. Mr. Speaker, I am pleased that the House of Representatives is taking up this important resolution today. The Congress, and the people of the United States, should congratulate Poland on its many accomplishments on behalf of the development of democracy and the furtherance of human freedom.

It is fitting today that we congratulate Polish people around the world, including Americans of Polish descent, on the 205th anniversary of the adoption of the first Polish Constitution. That 1791 Constitution both drew from the example of the American Constitution and set a standard for all of Europe to match.

Not only in the 18th century but in the 20th century Poland has been a leader in Europe. In the heady days of 1989, Poland took landmark steps to break up the Warsaw Pact. It held the first free elections seen in Eastern Europe since before communist rule. Poland led the way on both economic and political reform.

For the past 7 years—indeed for the past several generations—Poland has been working mightily to integrate itself into the family of western nations. All of us can take a full measure of satisfaction in Poland's many accomplishments. I look forward to the continuing close work between the United States and Poland on behalf of our many shared interests. Together we can further peace and prosperity in Europe.

I urge adoption of the resolution.

Mr. LIPINSKI. Mr. Speaker, I rise today to commemorate with the Polish people the 205th anniversary of the adoption of Poland's first Constitution. As the first liberal Constitution in Europe in 1791, it was preceded only by our own Constitution in 1787. This Polish document established a constitutional monarch and recognized the peasants for the first time as members of the nation. Mirroring our constitution, it too established three independent branches of government. It also carries the honor of being the first constitution established through a peaceful revolution.

Unfortunately, this expression of liberty to all, by rule by majority, and religious freedom survived for less than 2 years as it became a moral threat to the neighboring absolute monarchies. Poland lost its independence that year when it was partitioned by Imperial Russia and Prussia. Only in the last 5 years has Poland again emerged as an independent nation through the fall of communism.

Currently, free Poland enjoys open elections and economic success. The return of democratic principles to this nation has elevated its hopes for inclusion in the North American Treaty Organization [NATO] and full incorporation into the European Union.

With Chicago the largest Polish city next to Warsaw, and with many of her immigrants residing in my district, I am pleased to support this resolution which honors the advancement of democracy in a country close to my heart and the hearts of my constituents.

Mr. BORSKI. Mr. Speaker, I rise in support of House Concurrent Resolution 165, which congratulates the Polish people around the world as they commemorate the 205th anniversary of Poland's first Constitution. I am proud to join Representatives QUINN, KLECZKA, FLANAGAN, and HOKE as an original cosponsor of this resolution.

Inspired by our landmark Constitution, the people of Poland in 1791 adopted a constitution with guarantees of individual and religious freedoms, and the creation of distinct legislative, executive, and judicial powers. The concepts of constitutional democracy that were embodied in the Polish Constitution were introduced to Poland by American Revolutionary War hero Thaddeus Kosciuszko. Designed to create a progressive constitutional monarchy, the 1791 Constitution was the first liberal constitution in Europe and represented Central Europe's first attempt to end feudal government.

Unfortunately, this historic and ground breaking Constitution survived for less than 2 years. In 1793, Russia and Prussia partitioned Poland, and Poland's Constitution was abolished. This loss, however, did not diminish the Polish people's will for achieving the freedoms embodied in the Constitution. For two centuries, the principles of the 1791 Constitution endured and inspired a powerful new national consciousness. Poland suffered greatly under imperial and communist rule, but its people never lost sight of the freedoms and rights embodied in the Constitution.

Today, Poland is enjoying its new-found freedoms, pursuing the principles first drafted in the 1791 Constitution. Poland has emerged from an oppressive Communist state to a vigorous, free-market democracy. Poland is pursuing complete inclusion in the institutions of the western community, including the North Atlantic Treaty Organization. The United States Congress must continue to express its support of Poland as it takes these bold steps into the 21st century.

This month marks the 205th anniversary of the historic Polish Constitution. House Concurrent Resolution 165 demonstrates to the people of Poland, and Polish people around the world, that the United States recognizes Poland's rebirth as a free and independent nation, and will continue its commitment to foster democracy throughout central Europe. This resolution salutes Poland for its patience in realizing the long-awaited principles of the 1791 Constitution, and expresses support for Poland's challenges in the future.

Mr. Speaker, I urge my colleagues to join me in supporting this important resolution. The Polish people will be grateful to know that the United States House of Representatives stands shoulder-to-shoulder with them as they enjoy the freedoms that were so eloquently declared in the 1791 Polish Constitution.

Mrs. KENNELLY. Mr. Speaker, I rise in support of House Concurrent Resolution 165 commemorating the 205th anniversary of the Polish Constitution.

In the two centuries that have passed since this Constitution was adopted. Poland and its people have endured great tragedy and turmoil. But through these years—from the partition of Poland at the end of the 18th century, to the Napoleonic Wars, which resulted in the disappearance of the country until the end of World War I, the tragedies of World War II, and over 40 years of Communist rule, the love of the Polish people for freedom and democracy has never diminished.

It is fitting that the nation with the first liberal constitution in Europe, and the first modern constitution established through a peaceful revolution, was also the first nation to break free from the Soviet empire and establish the first of the new democracies in Europe.

As Poland was a leader more than 200 years ago, so it is a leader now. Its example of a successful transition to democracy in 1989 is a beacon of hope not only for other nations of Eastern Europe but for nations around the world. I congratulate the Polish people on the 205th anniversary of their Constitution and share their confidence that its successful democracy will continue to flourish into the 21st century.

Mr. MARTINI. Mr. Speaker, it is with great pleasure I rise today to salute Polish people around the world in recognition of the 205th anniversary of the adoption of Poland's first Constitution. At this time I would also commend my good friend and colleague Jack Quinn for his work on House Concurrent Resolution 165 which formalizes this important recognition.

On May 3, 1996, Polish people and Americans of Polish decent celebrated their country's rich history and the establishment of the first liberal constitution in Europe. Preceded only by our own United States Constitution in 1787, this Polish blueprint similarly established three independent branches of government. House Concurrent Resolution 165 underscores that this document was designed to protect Poland's sovereignty and national unity while creating a progressive constitutional monarchy. Further, it recognizes that the constitution represented Central-Eastern Europe's first attempt to end the feudal system and secure freedoms for Polish people.

Mr. Speaker, I have the good fortune of representing the Eighth District of New Jersey, a unique area diverse in cultural backgrounds. No one can deny the tumultuous history Poland has endured. And, given the changing political and economic landscape of Eastern Europe, we must embrace the spirit of the original Polish Constitution and build upon it.

Today, a new Poland is emerging. It has experienced its first real open elections in several generations and continues to work toward the democratic goals of inclusion in the North Atlantic Treaty Organization [NATO] and complete inclusion in the Western community.

Mr. Speaker, I encourage my colleagues to join me in this important recognition of democratic principles. I commend the people of Poland for their perseverance and commitment to freedom.

Mr. MORAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GILMAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time

The SPEAKER pro tempore (Mr. WICKER). The question is on the motion offered by the gentleman from New York [Mr. GILMAN] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 165.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Concurrent Resolution 165, concurrent resolution just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

10TH ANNIVERSARY OF CHORNOBYL NUCLEAR DISASTER

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 167) recognizing the 10th anniversary of the Chornobyl nuclear disaster, and supporting the closing of the Chornobyl nuclear powerplant.

The clerk read as follows:

H. CON. RES. 167

Whereas April 26, 1996, marks the tenth anniversary of the Chornobyl nuclear disaster;

Whereas United Nations General Assembly resolution 50/134 declares April 26, 1996, as the International Day Commemorating the Tenth Anniversary of the Chornobyl Nuclear Power Plant Accident and encourages member states to commemorate this tragic event;

Whereas serious radiological, health, and socioeconomic consequences for the populations of Ukraine, Belarus, and Russia, as well as for the populations of other affected areas, have been identified since the disaster;

Whereas over 3,500,000 inhabitants of the affected areas, including over 1,000,000 children, were exposed to dangerously high levels of radiation;

Whereas the populations of the affected areas, especially children, have experienced significant increases in thyroid cancer, immune deficiency diseases, birth defects, and other conditions, and these trends have accelerated over the 10 years since the disaster;

Whereas the lives and health of people in the affected areas continue to be heavily burdened by the ongoing effects of the Chornobyl accident;

Whereas numerous charitable, humanitarian, and environmental organizations from the United States and the international community have committed to overcome the extensive consequences of the Chornobyl disaster;

Whereas the United States has sought to help the people of Ukraine through various forms of assistance;

Whereas humanitarian assistance and public health research into Chornobyl's consequences will be needed in the coming decades when the greatest number of latent health effects is expected to emerge;

Whereas on December 20, 1995, the Ukrainian Government, the governments of the G-7 countries, and the Commission of the European Communities signed a memorandum of understanding to support the decision of Ukraine to close the Chornobyl nuclear power plant by the year 2000 with adequate support from the G-7 countries and international financial institutions;

Whereas the United States strongly supports the closing of the Chornobyl nuclear power plant and improving nuclear safety in Ukraine; and

Whereas representatives of Ukraine, the G-7 countries, and international financial institutions will meet at lease annually to monitor implementation of the program to close Chornobyl: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) recognizes April 26, 1996, as the tenth anniversary of the Chornobyl nuclear power plant disaster;

(2) urges the Government of Ukraine to continue its negotiations with the G-7 countries to implement the December 20, 1995, memorandum of understanding which calls for all nuclear reactors at Chornobyl to be shut down in a safe and expeditious manner; and

(3) calls upon the President—

(A) to support continued and enhanced United States assistance to provide medical relief, humanitarian assistance, social impact planning, and hospital development for Ukraine, Belarus, Russia, and other nations most heavily afflicted by Chornobyl's aftermath;

(B) to encourage national and international health organizations to expand the scope of research into the public health consequences of Chornobyl, so that the global community can benefit from the findings of such research;

(C) to support the process of closing the Chornobyl nuclear power plant in an expeditious manner as envisioned by the December 20, 1995, memorandum of understanding; and

(D) to support the broadening of Ukraine's regional energy sources which will reduce its dependence on any individual country.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. GILMAN] and the gentleman from Virginia [Mr. MORAN] each will control 20 minutes.

The Chair recognizes the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Concurrent Resolution 167, a resolution noting the 10th anniversary of the Chernobyl nuclear reactor explosion.

At 1:23 a.m. on April 26, 1986, a test conducted on reactor No. 4 at the nuclear facility at Chernobyl, Ukraine, resulted kin catastrophe. An explosion in the reactor core destroyed a large part of the reactor building.

Since the entire facility had been built without any containment dome, there was no way for the reactor personnel to prevent the release into the atmosphere—and into the wind—of huge amounts of radioactive materials. The total amount of radiation released in the course of this terrible incident is estimated by many to exceed that released by the atomic bomb blast at Hiroshima, Japan in 1945.

Mr. Speaker, as we note the passage of the 10th anniversary of this catastrophe, I would like to provide my colleagues with some estimates of the damage caused over the last 10 years in the countries of Ukraine, Belarus, and Russia by the catastrophe of April 26, 1986:

Millions of residents of the countries of Ukraine, Belarus, and Russia live on lands contaminated by radiation;

Thyroid cancers have risen dramatically among children of the surrounding region; and

Radiation continues to work its way into the food chain, and the danger of the further spread of radiation from the site of the destroyed reactor is growing—even now, the concrete sarcophagus surrounding the destroyed reactor is believed to be in danger of collapse.

Meanwhile, energy-starved Ukraine continues to operate two remaining reactors at the site, dependent on their electrical output to make it through the difficult time of economic transformation through which that country is now going.

The danger at Chernobyl continues, however. As recently as November of last year, a serious radiation leak occurred when a nuclear fuel rod split open during refueling of reactor No. 1.

Mr. Speaker, this is a grave situation, and one that requires the world's attention and concern.

I am, therefore, pleased to support and cosponsor this resolution, which not only notes the 10th anniversary of the Chernobyl reactor explosion, but reminds us that the problem of unsafe reactors remains with us today at Chernobyl and at other sites across the former Soviet Union.

Mr. Speaker, I reserve the balance of my time.

Mr. MORAN. Mr. Speaker, I yield myself such time as I may consume.

We rise in strong support of this resolution and commend the chairman for bringing it before the House. We want to commend the humanitarian relief organizations and the individuals who have cared for the victims of the Chernobyl disaster. Their work has been supported by U.S., European and other international assistance.

Over the last 4 years, the United States has sent $100 million worth of humanitarian and medical assistance to Ukraine. U.S. assistance has also helped provide Ukraine with alternative energy sources that would facilitate the closing of nuclear power stations.

On this anniversary, the United States also garnered private donations for a combined government-private package of humanitarian and medical assistance for the region's victims. The international community, including G–7, obligated $3 billion in grants and loans for power sector restructuring, least-cost energy investments, nuclear safety and a plan addressing the social impact of Chernobyl's closure.

We are also pleased with the Government of Ukraine's commitment to closing the Chernobyl power station in a safe manner by the year 2000. Ukraine faces tremendous concerns with regard to finding energy sources. Yet, achieving nuclear safety is key for Ukraine. It is also one of the most important goals for its European neighbors and the United States.

Mr. Speaker, the chairman mentioned that the destructive power of Chernobyl was greater than Hiroshima. I understand it was 400 times as large and that nuclear radiation has actually gone up into the atmosphere and may very well be affecting all of us. So this is a very important resolution.

Mr. Speaker, I yield 3½ minutes to the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Speaker, I rise today in support of the resolution commemorating the 10th anniversary of the Chernobyl explosion. Although one decade has passed since this deadly explosion, the aftermath and the truth remain very clouded. The 7.6 tons of 200 different radioactive substances released into the atmosphere over Ukraine and neighboring nations continue to cause sickness and misery.

I am especially concerned about the state of the millions of children who suffered and continue to suffer from the long-term effects of radiation. The highly toxic heavy metals have caused an increase in children's thyroid gland cancer, children's diabetes and anemia. The medical effects still plague the affected regions which include parts of Ukraine, Belarus, and Russia. Scientists discovered inherited genetic damage in victims exposed to Chernobyl's radiation spillage. In fact a study in the Nature journal states that children born in Belarus in 1994 to parents who lived in the area during the meltdown suffered from twice the normal rate of a specific type of mutation.

I should say, Mr. Speaker, particularly the point about Chernobyl and, as the gentleman from Virginia [Mr. MORAN] mentioned the fact, that there has been so much support and humanitarian relief provided to the countries effected by private citizens, really mostly here in the United States, was brought home to me very vividly a few years ago when in my own district, that has a large Ukraine and Belarussian population, there was a fund raiser, basically a relief fund raiser to help the victims of Chernobyl.

I had been to some of those efforts that have been held in my district, again by private citizens and organizations over the last 5 or 6 years. I was particularly impressed with the efforts on the part of some of the Belarussian organizations in my district. My wife happens to be of Belarussian descent. She also has been very concerned to make sure that we continue to help those victims of Chernobyl.

In addition to the medical effects, the impact of the environmental damage is still felt today. The 1986 meltdown contaminated 100,000 square miles of once arable lands in Belarus. That is about 20 percent of the agricultural land; in Ukraine, 8 percent; and even within the Russian Federation, 1 percent. This irradiated soil poses seemingly endless problems for these countries' agrarian communities.

On April 26, 1991, the fifth anniversary of the meltdown, I introduced a resolution in the House urging the Soviet Government to take steps to evacuate people still living in the affected areas to decontaminate the Kiev reservoir, cease the planning, construction, and operation of other nuclear facilities in the Ukraine and asked for international supervision of existing facilities.

In an effort to build cooperation between the United States and Ukraine, I believe our country should provide technical and medical expertise to assist the people who continue to suffer while working with all of the newly independent states of the former USSR to make sure that a disaster on the order of Chernobyl never happens again.

As world leaders, we must continue to urge the United States to lead international efforts to prevent future disasters. Last year our Government joined with Ukraine and several other G–7 nations in a memorandum of understanding to close the Chernobyl plant by the year 2000.

I just want to say that this action in the memorandum will not only close the nuclear plant but it will assist Ukraine in developing a safer, more vibrant self-sustaining energy sector. I think it is very important to help Ukraine in trying to find alternatives to nuclear power and to eventually close the Chernobyl plant.

Mr. GILMAN. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey [Mr. SMITH], the original sponsor of this measure, who is also the distinguished chairman of our Subcommittee on International Operations and Human Rights.

Mr. SMITH of New Jersey. Mr. Speaker, I thank the chairman of our full Committee on International Relations of yielding time to me and for expeditiously moving this legislation through our full committee and bringing it to the floor today.

House Concurrent Resolution 167 is an important and timely resolution which recognizes the 10th anniversary of the Chernobyl nuclear disaster, the worst in recorded history, and supports the closing of the remaining reactors in that plant.

Several weeks ago, Mr. Speaker, on April 23, I chaired a Helsinki Commission hearing that examined the devastating consequences of the Chernobyl disaster. Four experts on the subject of Chernobyl, including the ambassadors of Ukraine and Belarus, the two countries most gravely affected by the disaster, gave sobering accounts of the profound medical, environmental, economic, and political consequences of the disaster.

Mr. Speaker, as I think most Members know, in the early morning of April 26, 1986 10 years ago, reactor No. 4 at the Chernobyl nuclear power plant exploded, releasing massive quantities of radioactive substances into the atmosphere. As a matter of fact, some of the experts who have looked at this carefully have suggested that as much as 200 times the amount of radiation released at both Hiroshima and Nagasaki combined was released as a result of that explosion.

□ 1545

The highest level of radioactive fallout was registered in the vicinity immediately surrounding Chernobyl, near the Ukrainian-Belorussian border.

This expression of Congress draws attention to the ongoing tragedy. Ten years ago, Mr. Speaker, millions of people, including about 1 million children, were exposed to dangerously high levels of radiation. Since then children, in particular, have experienced alarming increases in thyroid cancer and other conditions, including early childhood diabetes, anemia, and illnesses associated with general fatigue. One World Health Organization expert recently forecast that the total number of thyroid cancers among children in the contaminated zones may ultimately reach 10,000. These trends have accelerated since the disaster and are expected to increase well into the future.

One of the witnesses at our hearing talked about the fact that many of the people who moved out of the affected areas who used to have farms there have grown impatient and have moved back to farm. Many are not eating the produce and selling some of it in Kiev putting some at risk of contamination. Indeed, stomach cancers are now beginning to manifest themselves among the people in these affected areas.

Mr. Speaker, given these devastating consequences, House Concurrent Resolution 167 calls upon the President to support continued and enhanced United States assistance to provide medical relief, humanitarian assistance, social impact planning and hospital development for the Ukraine, Belarus, and Russia and encourages national and international health organizations to expand the scope of research into the public health consequences of Chernobyl.

Let me just remind Members as well that there are still scattered throughout Russia some 15 different sites where Chernobyl-type reactors are today in operation. So the prospects and the specter of this kind of thing happening not just on the Chernobyl side itself, where the reactors continued to be used, but also throughout Russia, leading to what I would consider to be a unmitigated disaster should this happen again.

So we need, I think, to be encouraging the closure of those as well and upgrading if they need nuclear power, doing it in a way that is environmentally sound and safe.

Mr. Speaker, one of the most important components of this resolution is that it does indeed urge the Ukraine to continue its negotiations with the G–7 to implement the December 20, 1995, memorandum of understanding which calls for all nuclear reactors at Chernobyl to be shut down in a safe and expeditious manner by the year 2000. The resolution calls upon the President to support the process of closing Chernobyl, as envisioned by the MOU, recognizing, of course, the tremendous costs involved and its impact on the country that is undergoing a transition from a Communist state to a market oriented economy. They do have energy needs. We need to take that into consideration and assist them in every way we can.

Among the most important components of the MOU is the G–7 financial commitment, mostly in loans, as well as some grants, to help Ukrainians impose market discipline on that country's very inefficient energy sector and make it more rational and self-sustaining.

Finally, the resolution supports the broadening of Ukraine's regional energy resources, which will reduce its dependence on an individual country.

Mr. Speaker, the international community, including the U.S. Government and many nongovernmental organizations, are indeed responding to the consequences of Chernobyl, but more needs to be done, especially as Ukraine and the Belarus, the countries again that bore the brunt of Chernobyl, are undergoing this transitional period.

Mr. Speaker, I ask Members to support this measure and then, when we get down to appropriate humanitarian aid later on in the year, to support the kind of resources that will help make the mitigation of this crisis a reality.

Mr. GILMAN. Mr. Speaker, I want to thank the gentleman from New Jersey [Mr. SMITH] for his sponsorship of this measure and his eloquent remarks in support of the resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. MORAN. Mr. Speaker, I yield 5 minutes to the distinguished chief Democratic whip of the House, the gentleman from Michigan [Mr. BONIOR], who is also a very strong supporter of the resolution commemorating the 205th anniversary of the adoption of Poland's first constitution.

Mr. BONIOR. Mr. Speaker, I thank my friend from Virginia, Mr. MORAN, for yielding me the time and for his concern of the peoples of Eastern Europe.

Mr. Speaker, I rise in strong support of this resolution and commend my colleague from New Jersey, Mr. SMITH, for bringing it to the floor of the House of Representatives.

Many of us joined in commemorations of this anniversary over the past month in churches and town halls in our communities and at a very special event at the White House.

Mr. Speaker, the Chornobyl nuclear disaster was a silent killer, and people will continue to feel its direct effects well into the next millennium.

Millions of lives have been unalterably changed by it.

Sickness, death and dispossession arrived, stayed, and have yet to leave.

On April 26, 1986, reactor No. 4 at the Chernobyl atomic energy station ignited, causing an explosion, fire, and partial meltdown of the reactor core.

Ten years have now passed since that terrible day.

Today, the ghosts of history's worst nuclear disaster cannot be avoided in the pines and the farmland, now overgrown, that surround Chernobyl.

The city of Pripyat, once home to 40,000, sits empty.

Dozens of villages have been abandoned.

The 134,000 people who were evacuated from the area won't be returning to their homes.

An area the size of Rhode Island is now a dead zone.

The health effects are equally astonishing.

Sadly, cancer among children has tripled.

Ukraine now has the highest rate of infertility in the world.

Birth defects have nearly doubled.

Mr. Speaker, our government, many charitable organizations and individuals have contributed to efforts to recover from the disaster.

We must continue those efforts, and we must enhance them for the people of Ukraine.

Ukraine faces many challenges, not the least of which are the human and economic costs of coping with the effects of Chernobyl.

Today we must pause to remember those who lost their lives and those whose lives were changed forever.

We learned many lessons from that tragedy ten years ago, and now we must move forward and help our friends in Ukraine prepare for the future.

That is why supporting this resolution is so important.

We remember the past and learn from the past.

But we also look forward to a future in which Ukraine and the United States will enjoy even closer ties, and the people of Ukraine will be able to build a new future.

Mr. Speaker, I urge all my colleagues to join us in passing this resolution today.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in closing, I want to take a moment to recognize the outstanding humanitarian work that has been done over the last few years by a group of high school students in my district in New York.

The Ramapo High School Children of Chernobyl fund has provided $12 million in medicines and other contributions to children in Belarus who were affected by exposure to the Chornobyl radiation.

I am so pleased to note for my colleagues such thoughtful, charitable young people.

I am certain those children in Belarus who have benefitted from these students' humanitarian efforts would want this Congress to know of their helping hand and hearts.

Mr. MARTINI. Mr. Speaker, I rise today in support of House Concurrent Resolution 167 which recognizes April 26, 1996, as the 10th Anniversary of the Chernobyl Nuclear Disaster. This international tragedy is one that deserves recognition for the day and more importantly for the people who experienced it.

As we look back at the 10 years that have passed since this catastrophe, we are reminded of those who were lost during the initial explosion and, more far-reaching, the loss of nearly 500,000 additional lives due to radiation exposure over time. The people of Ukraine have been facing the aftermath of the Chernobyl disaster for years. An estimated 3.5 million inhabitants, including 1 million children, of the Chernobyl area were exposed to high levels of radiation. This type of exposure has generated numerous diseases and been responsible for thousands of deaths. Thyroid cancer alone affects one child per 10,000 every year. It is difficult to imagine the pain these people have endured over time.

On top of this physical and emotional anguish, the people of this region have also suffered a severe economic ruin. Their once fertile land is now tagged with the cold label of "exclusion zone" or "permanent control zone." In both instances, the cultivating of crops is completely prohibited. Without the ability to farm crops, these people must attempt to tackle a highly expensive cleanup with a severely diminished income; a difficult task for any group to conquer, particularly under the extreme circumstances.

This is more than the recognition of a day that occurred 10 years ago Mr. Speaker. This anniversary embodies 10 years worth of strength and perseverance the people of Ukraine have displayed. The nature of this prolonged suffering is especially heartwrenching. The accident at Chernobyl is still claiming victims today, over 10 years after the event occurred. The failure of the No. 4 reactor has been attributed to the flawed design, operator mistakes, and cold war isolation.

Nonetheless, Mr. Speaker, now is not a time to blame. Now, we must concentrate our efforts to preventing such a tragedy from occurring again. We must work to increase nuclear safety awareness and promote greater cooperation between the East And West concerning these matters. We have been given an opportunity to study the onset of cancer and other related diseases and we must not let this window escape unopened.

Mr. MORAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GILMAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. WICKER). The question is on the motion offered by the gentleman from New York [Mr. GILMAN] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 167.

Mr. SMITH of New Jersey. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all members have five legislative days within which to revise and extend their remarks on House Concurrent Resolution 67, the measure just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 3415, REPEAL OF 4.3-CENT INCREASE IN TRANSPORTATION FUEL TAXES

Mr. DREIER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 436 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 436

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 3415) to amend to Internal Revenue Code of 1986 to repeal the 4.3-cent increase in the transportation motor fuels excise tax rates enacted by the Omnibus Budget Reconciliation Act of 1993 and dedicated to the general fund of the Treasury. All points of order against the bill and against its consideration are waived. The amendment printed in the report of the Committee on Rules accompanying this resolution shall be considered as adopted. The bill, as amended, shall be debatable for one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from California [Mr. DREIER] is recognized for 1 hour.

Mr. DREIER. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to my very good friend, the gentleman from south Boston, MA [Mr. MOAKLEY], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, this rule provides for consideration of H.R. 3415, legislation to repeal the 4.3 cent increase in the motor fuel excise tax that was instituted back in 1993. This is closed rule providing for 1 hour of debate divided equally between the chairman and ranking minority member of the Committee on Ways and Means. The rule waives all points of order against the bill and its consideration.

The rule provides for adoption of the amendment printed in the Committee on Rules report. The amendment which was crafted by the chairman of the Committee on Commerce is intended to ensure that the revenue loss from the repeal of the Clinton gas tax is fully offset.

Finally, the rule provides for one motion to recommit with or without instructions.

Now, Mr. Speaker, Bill Clinton has had a somewhat spotty and inconsistent record of aligning words with deeds, particularly when it comes to the issues of both taxes and balancing the budget. It began with promises that he made during that 1992 presidential campaign. He promised to provide middle-income families with a tax cut as well as balance the Federal budget. Upon election, his tax cut proposal changed as fast as the calendar turned. The budget deal he struck with the Democrat-controlled Congress in 1993 raised taxes by $275 billion over 5 years. It was clearly the largest tax increase in history. Incredibly, it also allowed Federal spending to increase by $300 billion. His so-called deficit reduction was projected to add $1 trillion to the national debt.

Now, Mr. Speaker, there was no tax cut for middle-income families in the President's 1993 budget.

☐ 1600

That budget was a tax increase, plain and simple. It was a $275 billion tax increase needed for two reasons: so the President could spend money on new Federal programs and cut less waste from old Federal programs.

In light of the President's promise of a middle-class tax cut, the most egregious tax increase in the President's 1993 tax increase bill was a 4.3 cent a gallon increase in the Federal motor fuel excise tax. President Clinton enacted, without a single vote from Republicans in the Congress, the first increase in the gas tax that was not directly tied to spending on highways and bridges. Let me repeat that. It was the first time ever that a gasoline tax increase was imposed that was not tied directly towards spending on highways and bridges.

Mr. Speaker, this tax increase targeted middle-income working families, placing a bull's-eye on the wallet of every American that drives to work, goes to the mall, or packs the family into the car to take a vacation.

I can distinctly remember 3 years ago when, in our Committee on Rules, we heard testimony on the President's 1993 budget and tax proposal. Members of Congress from both sides of the aisle, Democrats and Republicans alike, came before our Committee on Rules to request the ability to offer amendments to strike the tax increases on middle-income families. On top of the list of the bipartisan requests was to be able to vote on the Clinton gas tax separately. Needless to say, the Congress was not given an opportunity to vote on the Clinton gas tax increase. I suspect the liberal leadership knew that it would have been soundly defeated.

Mr. Speaker, it is time for Congress to get that opportunity. It is long overdue. We want a vote, up or down, on President Clinton's gas tax. It is an unfair tax that targets middle-income suburban and rural families, largely exempting those who live in cities and have a chance to take advantage of mass transit that is so often subsidized by the taxes of suburban and rural families. It also falls much harder on large families with children, who tend to drive larger cars that are not quite as fuel efficient as the smaller ones. Four-point-three cents a gallon may not sound like much, and people have constantly said it will work out to only $25 or $35 a year for people, but when market forces push gas prices above $2 a gallon, as they have in some of the cities that I represent in California, the added burden imposed by the Federal Government hurts.

As gas prices have risen over the past few months, government taxation of motor fuel, both at the State and Federal level, has come under increasing scrutiny. The California Assembly recently voted to eliminate the State's double taxation of gasoline, dropping the State's sales tax that was applied to the portion of gas prices accounted for by State and Federal excise taxes. This tax cut should shave off 3 cents a gallon in California. Washington can do its part in reducing prices at the pump by enacting the 4.3-cent reduction proposed by three California Members, the gentlewoman from Shell Beach, CA, ANDREA SEASTRAND, the gentleman from Windsor, CA, ED ROYCE, as well as the gentleman from new Jersey, DICK ZIMMER.

Mr. Speaker, there have been some who have made the absurd argument that reducing the Federal gas tax will not lower gas prices. In response, I would simply recall that there was no question from the Congressional Budget Office or the Joint Committee on Taxation back in 1993 regarding the impact of President Clinton's 4.3-cent a gallon gas tax increase. The money was unquestionably going to come out of the pockets of families and businesses buying gas. The projected tax tables showed that the consumers were the intended target, not the oil companies. Likewise, there is no question today that regarding the benefits of cutting the gas tax, the free market, something liberals neither appreciate nor understand, will ensure that gas prices will be lower after a tax cut than they would be if taxes were not cut.

Two of California's largest oil refining companies, Atlantic Richfield Co. and Chevron, have announced this specific point: The reduction in the Federal tax will be passed along to consumers at gas stations they own. The wholesale price of the gasoline they sell to independent dealers will also be reduced.

Mr. Speaker, I will place in the RECORD at this point the announcements from both Arco and Chevron regarding their policy on gas tax reductions.

The material referred to is as follows:

TEXACO RESPONDS TO GASOLINE TAX REDUCTION PRICE INQUIRIES

WHITE PLAINS, N.Y., May 9.—Texaco stated today the actions it would take in the event Congress repeals the 1993 federal gasoline tax of 4.3 cents per gallon.

There are approximately 13,600 Texaco-branded service stations throughout the United States. For the approximately 1,000 company owned and operated service stations where the company sets the pump prices, Texaco would reduce the gasoline prices it charges to customers, all things being equal, by the amount of the tax decrease. In addition, Texaco would reduce the level of tax it collects from its independent wholesalers by the amount of the tax decrease.

However, at the approximately 12,600 Texaco-branded service stations which are owned or operated by independent business people, Texaco is precluded by law from setting pump prices at these locations.

All of the gasoline inventory held in storage in bulk plants and service stations on the effective date of any tax repeal will have already incurred the full pre-repeal tax of 4.3 cents per gallon. Unless a refund system is put into place, prices consumers pay at the pump could remain at pre-repeal levels until that higher-cost inventory gasoline is sold.

Many factors, including the competitive environment in which a station conducts business, influence the price of gasoline at a service station, thereby making it impossible to predict gasoline prices at any time in the future.

The repeal of the 1993 4.3 cents per gallon federal gasoline tax would reduce the average nationwide state and federal tax on gasoline from 42.4 cents to 38.1 cents per gallon. In the competitive market in which the industry operates, lower taxes will result in lower prices.

CHEVRON RESPONDS TO FEDERAL GASOLINE TAX ISSUE

SAN FRANCISCO, May 8.—In response to many comments in the press and from customers concerning possible oil company actions in the event of a decrease in the federal gasoline tax, Chevron released the following statement:

Any decrease in the federal gasoline tax would be immediately reflected in the prices Chevron charges to motorists at our 600 company-operated stations in the U.S. through reductions which, on average, would equal the amount of the tax decrease. We also separately collect these taxes from our thousands of Chevron dealers and jobbers throughout the U.S., and we would immediately reduce our collections from these dealers and jobbers by the amount of the tax decrease. However, these Chevron dealers and jobbers are independent businessmen and women who independently set their own pump prices at the more than 7,000 Chevron stations they operate.

Many factors influence gasoline prices, which are set by competition in the marketplace. It is impossible to predict where gasoline prices may stand in absolute terms at any time in the future. However, if these taxes are reduced, it is logical in a free market economy that overall prices will in the future be lower for our customers than they otherwise would have been by the amount of the tax decrease.

ARCO WILL IMMEDIATELY REDUCE TOTAL GASOLINE PRICE IF 4.3-CENT FEDERAL GASOLINE TAX IS ELIMINATED

LOS ANGELES.—ARCO Chairman and CEO Mike R. Bowlin said today that "if the federal government reduces the gasoline excise tax by 4.3 cents per gallon, ARCO will immediately reduce its total price at its company-operated stations and to its dealers by 4.3 cents per gallon."

The ARCO chairman said in an interview on ABC's "Nightline" broadcast on May 7, that he had "simply been cautioning that ARCO is not able to accurately predict industry behavior, cannot legally control its dealers' pricing, and that other factors may influence changes in overall market prices. All other things being equal, we would expect the price of gasoline to fall 4.3 cents per gallon."

An ARCO spokesman said that ARCO has a proud tradition of acting responsibly in its gasoline pricing decisions in times of national upsets. He noted that during the Gulf War crisis in 1990, ARCO had been a leader in announcing that it would freeze gasoline prices. Eventually, that led to a situation where ARCO was unable to meet demand for its gasoline and was forced to raise prices in line with market conditions in order to prevent its dealers from running out of gasoline.

The ARCO spokesman said that "gasoline prices have increased some 20 to 30 cents per gallon over the last few months. Obviously no one can promise that even though the marginal cost of gasoline is reduced by a 4.3 cents per gallon tax reduction on a given day, some other factors may not simultaneously influence the market price of gasoline."

ARCO chairman Bowlin said: "What we can say is that ARCO will immediately reduce the total price of gasoline at our company-operated stations and to our dealers by 4.3 cents per gallon. I can also tell you that our internal forecasts suggest that gasoline prices are headed lower. We believe that the vast majority of responsible economists would say that a reduction in excise taxes would be passed through about penny-per-penny at the pump."

Mr. Speaker, I strongly suspect that major refiners around the country will pursue this same policy. The market will dictate that consumers benefit as to this tax cut to the same degree that they suffered from the original tax increase. Arguments to the contrary are nothing but a smokescreen to avoid cutting taxes.

Mr. Speaker, the time has come to give Congress the straight up-or-down vote on the Clinton gas tax that was requested and denied back in 1993. The time has come to begin to pare back the largest tax increase in American history, starting with hardworking middle-income families. Remember, this is just the beginning of our attempt to pare this back. I am one who supports a 15-percent across-the-board personal income tax cut, which would go a long way toward repealing the Clinton tax increase of 1993, and I hope that this will begin our step down that road of trying to bring about a modicum of responsibility.

Mr. Speaker, I urge my colleagues on both sides of the aisle to support this rule and present the American people with a clean up-or-down-vote on a proposal to have the Federal Government stop taxing motor fuel quite so much, letting families keep a little bit more of the money they earn.

Mr. Speaker, I reserve the balance of my time.

Mr. BEILENSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we strongly oppose this closed rule for H.R. 3415, the bill providing for a temporary repeal of the 4.3-cent gas tax.

The rule shuts out all amendments, including those that were offered to ensure that the gas tax repeal goes to consumers, and not to the oil companies. No matter whether one supports the temporary reduction of 4.3 cents or whether one thinks it is an irresponsible action—both fiscally and environmentally—surely everyone expects that the savings will be returned to our constituents in the form of lower prices at the pump when they purchase their gasoline.

Mr. Speaker, we are being required to vote on legislation without being given the chance to consider reasonable alternatives that would, in fact, protect consumers. We think that is completely unjustified and, at the appropriate time, we shall urge our colleagues to defeat the previous question so those amendments can be made in order.

Many of us think the bill itself is an irresponsible political reaction to temporary fluctuations in the market price of oil, and are therefore, also strongly opposed to the legislation. What we are doing today is voting on repealing the 4.3-cents gas tax that was part of the 1993 deficit-reduction package that many Members fought so hard for, without a single Republican vote. Democratic Members took a great deal of criticism at that time and thereafter, at election time, but the fact is, that legislation was a success. This year's deficit will be down to about $155 billion, less than half its 1992 level of $290 billion. Frankly, if Democrats had not made that very difficult decision in 1993 and voted for unpopular deficit-reduction measures, including the additional 4.3-cents gas tax, none of us would even be in the position of talking about the possibility of balancing the budget 6 years from now, in the year 2002.

Proponents of this $2.9 billion gas tax suspension argue that it will not affect the deficit because it is paid for by offsets. But what they don't say is that every tax cut, and every spending increase affects the deficit. Offsets that pay for tax cuts like this one, or for spending increases, consume the increasingly scarce means available to reduce budget deficits, making the task of reaching a balanced budget that much harder.

Furthermore, repeal will not be the great boon to Americans that proponents claim. It will save the typical middle-income family only about $27 a year.

The fact is, even with the 4.3-cents per gallon Congress added in 1993, the Federal and State tax on gasoline is much lower in the United States of course, as Members know, than in European countries and much of the rest of the world where taxes run between $1 and $3 a gallon. Part of the reason we are vulnerable to the kind of sudden surge in gasoline prices that we have seen recently is because we refuse to tax ourselves at a level that will discourage consumption.

Our many years of low gasoline prices have lulled Americans into thinking that we will have cheap gasoline forever. Our expectation of low gas prices has had many harmful effects:

It has lessened the already very minor incentive that exists to conserve energy and reduce our Nation's dependence on imported oil.

It has continued to encourage intensive residential development further and further away from central urban areas; It has provided an incentive for the purchase of larger, heavier vehicles, leading to increased oil consumption and contributing to the ever-rising costs of road repair; It has contributed to air pollution—and the costs of fighting it, which in California is responsible for 5 to 15 cents of the recent gas price increase.

We could slow these trends by letting market forces work and retaining the existing gas tax. Raising the gasoline tax, which I realize is out of the question, but which would be the most sensible move, would obviously lead to even more progress.

For all these reasons, this legislation repealing the 4.3-cent gas tax is a not a wise step for us to take. It would, rather, serve the best interests of our Nation and protect hard-won deficit reductions if this legislation was defeated.

In any event, Mr. Speaker, our Republican colleagues seem determined to make sure this bill will not result in savings for American consumers anywhere near 4.3 cents a gallon.

For that reason, I urge my colleagues to join me in opposing the previous question so we can give this tax cut to our constituents—to American drivers—not to big oil companies.

If the previous question is defeated, I shall offer an amendment to the rule to make in order three consumer protection amendments to guarantee these savings are passed on to the American people. Every single one of these consumer protection amendments was rejected by the majority in the Rules

Committee last week, but we feel strongly that the House should have the opportunity to determine who this gas tax repeal is to benefit.

Mr. Speaker, to summarize, we oppose this rule and, at the proper time, we shall urge defeat of the previous question.

Mr. Speaker, I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would respond to my friend by saying that we have the best consumer protection vehicle, and that happens to be the free market. I said in my statement that I have press releases which I have entered into the RECORD that have come from two of the so-called big oil companies based in my State of California.

I am not here as an apologist for the oil companies, but the fact of the matter is that on ABC's Nightline, Mike Bowlin, the chairman and chief executive of the Atlantic Richfield Co., said "If the Federal Government reduces the gasoline excise tax by 4.3 cents per gallon, ARCO will immediately reduce its total price at its company-operated stations and to its dealers by 4.3 cents a gallon." Chevron says, "Any decrease in the Federal gasoline tax would be immediately reflected in the prices Chevron charges to motorists at our 600 company-owned stations in the United States."

My colleagues on the other side of the aisle insist on mandating this, mandating it. My friend, the gentleman from San Diego, during 1-minutes today, kept saying we have to impose a mandate to make sure that this goes on. We happen to believe in the free market. I happen to take these people from these companies at their word. I know it is politically popular to bash the hell out of big oil, but the fact of the matter is they have stepped up to the plate and said that it is going to be passed on to the consumer. Before we pass another law imposing constraints on them, I think we should maybe try the free market.

Mr. Speaker, I yield such time as he may consume to my friend, the gentleman from Glens Falls NY [Mr. SOLOMON], the chairman of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman from Claremont, CA, who is vice chairman of the Committee on Rules, for yielding time to me, and for leading off this debate on one of the most important issues that will come before this body this week, that is for sure.

Mr. Speaker, for those members who may be back in their offices, I know this is the first day back today, but I guess if we really want to point out the differences here, my good friend, the gentleman from California, TONY BEILENSON, who will be retiring this year from the Congress and who came here, I think, in 1976, so he has been here a long time, but to point out the differences, my good friend, the gentleman from California, would like to, I think I have heard him say on a number of different occasions, increase the gasoline tax by 50 cents.

In my district, which is about 250 or 260 or 270 miles long, depending on which road you take, 10,000 square miles, it is mostly rural, but we do not have buses and trains and subways. We certainly do not have any subsidized buses and trains and subways. People have to pay their own way. This 5 cent tax already cost them about $40 or $50 more per year. Imagine what a 50-cent increase in the tax would cost them on what it already costs them, if they pay $1.30, $1.40 or $1.50 per gallon to drive back and forth to work. So think about that, because that is the difference between their argument and ours.

Mr. Speaker, this bill does repeal one of President Clinton's most burdensome taxes on the middle class, on working Americans, his 4½ cent increase in the transportation motor fuel excise tax in 1993. Perhaps the only one more onerous than that perhaps was the increase in the Social Security tax during that same bill, which was the biggest tax increase in history.

Mr. Speaker, since gas prices have soared in recent months, there have been some attempts at revisionist history of how the gas tax came about. Let us review the painful legislative history of that. In early 1993, when the Democrats controlled Congress and the White House, that meant they controlled everything, it seemed at the time there was no tax that the Clinton administration did not like. Let me tell the Members, they loaded up that bill. That is how we got the biggest tax increase in history, including this one.

When the 1993 budget reconciliation bill passed the House by a vote of 219 to 213 without a single Republican vote, it contained an excessive energy tax. I think they called it, what did they call it, the Btu tax, I think it was.

□ 1615

Most people never heard of it until it was brought up on the floor that day. I think it was a British thermal unit tax, is what it was, in which an excise tax is levied on all forms of energy based on the thermal or heat content of a fuel. That is how ridiculous that tax was.

When the bill emerged from the conference, it contained a permanent 4.3 or 4½ cent increase in gas taxes. That legislation, if Members recall, passed by just two votes. The American people got saddled with it because of two people who did not switch their vote.

Mr. Speaker, I wish we had time to undo all the damage contained in that 1993 tax package, which was of course, as I have said, the biggest increased in taxes in the history of this Congress.

Mr. Speaker, as Chairman ARCHER of the Committee on Ways and Means testified before the Committee on Rules, the Nation is experiencing a spike in gas prices this year. It is estimated that average national regular gasoline prices have increased from $1.09 per gallon on January 8, 1996, to $1.28 per gallon on May 7, 1996. In some areas, prices are even higher.

I know in the district that I represent, which I have just described, in upstate New York gas is as high as $1.33 per gallon for regular gas today, and that is really a tremendous increase. In Mr. DREIER's State, I think he just mentioned, certainly Mrs. SEASTRAND sitting across the way here, prices in some parts of their States are now over $2 per gallon.

For my constituents who reside in the mid-Hudson Valley in a district that is 270 miles long, this is a severe economic crunch brought about by President Clinton's tax package. Many citizens in my district drive 100 miles a day round trip. That amounts to 25,000 miles per year or more. Any kind of a relief from these exorbitant gas taxes for these people who drive so far on a daily basis is sorely needed, Mr. Speaker.

Mr. Speaker, the severe winter, the Mideast politics and other market forces certainly have contributed to the sharp increases in the price of gasoline. However, no one can deny that the long-term impact of the President's tax increase which has hit consumers directly at the gas pumps.

For those who drive up to 100 miles a day to get to work in the morning and get home at night, any kind of tax relief is greatly appreciated, and this repeal of the 4.3 cent gasoline tax increase is only a minor component of a larger program to provide tax relief to all Americans. But this repeal is a huge step in the direction of beginning to repeal taxes around here instead of incessantly increasing them. Let us stop this, and let us enact this bill.

Mr. BEILENSON. Mr. Speaker, I yield 4 minutes to the gentleman from Virginia [Mr. MORAN].

Mr. MORAN. Mr. Speaker, I thank my friend and colleague from California, Mr. BEILENSON, for yielding me the time.

Mr. Speaker, one cannot believe that the American consumer will not see through this. Why would the majority not agree to an amendment to ensure that the 4.3 cents goes to the consumer? What is wrong with that? We quote some of the executives of oil companies that say they will do it. If that is the case, it would not hurt them. Why not build that into the law?

Now the reality is that gas prices are gong to drop. The fact is that gas prices are going to drop substantially in the very near future. We just got an agreement that Iraq will be able to sell 2 billion barrels of oil, so we know gas prices are going to drop dramatically.

But this will ensure that we will lose $3 billion of revenue this year if we build it into the budget resolution. We have been talking about $30 billion over the long term, but if it is just 1 year, it is $3 billion that the consumer has to pay for. It increases their deficit, it reduces revenue that they will get from spectrum auctions or whatever else. It does not need to be done. It should not be done.

The fact is that 6 months ago oil prices were at the lowest level in 50 years in terms of real dollars, and that oil prices dropped after the 4.3 gas tax was put in, so this spike in gas prices has nothing to do with this 4.3 cent tax. It has everything to do with a calculated decision on the part of the oil companies. Even knowing that we had experienced a very harsh winter, that demand for oil was going to go way up, they deliberately depleted their supplies, and it worked.

If we look at the first quarter profits for oil companies, they have been up over 40 percent in the first 3 months of the year, and of course the executives that run those oil companies made out beautifully. Consider that the average salaries and expenses for the top six oil companies was $1.5 million per executive. But in addition, just in March and April alone, the value of their stock options rose by $32.8 million as a direct result of this policy. It worked.

Now we hear about the free market system. What free market system? If it was really a free market system, we would see some oil companies coming in and trying to seize a larger share of the market because clearly they do not need to charge this much.

If we look at California, where gasoline prices have jumped more than 30 cents a gallon since mid February, the Los Angeles Times reported that the refiners' profit margin per gallon of gasoline sold at retail has more than doubled since December. The profit margin more than doubled from 21 cents per gallon to 46 cents per gallon. That is where the money is going. The money is not gong to purchase the oil. The money if going into the profit of the oil companies, a calculated decision.

Now we are going to come around and add $3 billion to the taxpayers' debt to reduce their gas taxes? It does not need to be done. We know that gas prices are going to drop because of Iraq selling more oil on the market. This kind of thing is a sham. It is political pandering. It ought not be done. We ought to protect the consumer's interest. We should at least allow an amendment to ensure that the money goes to the consumer.

Mr. DREIER. Mr. Speaker, I yield 4 minutes to my very good friend from Shell Beach, CA, Mrs. SEASTRAND, who represents the Santa Barbara County area. Mr. Speaker, let me just say that she is the lead author of this legislation which calls for the repeal of the 4.3 cent a gallon gas tax.

Mrs. SEASTRAND. Mr. Speaker, I rise in strong support of the rule to H.R. 3415, legislation I introduced to temporarily repeal the 4.3-cent gas tax which was part of the President's and the 103d Congress' $268 billion tax increase package.

It is important that this legislation be considered as expeditiously as possible to provide relief from the recent surge in gasoline prices, particularly before the Memorial Day holiday as the demand and price of gasoline increase as we approach summer and Americans significantly increase their amount of driving.

In my congressional district located on California's central coast, the price of gas has risen sharply since April. In some parts of my district the price of gasoline has actually increased to over $2 for a gallon of 93 octane gasoline.

There are a number of variables that contributed to the gasoline price surge. There has been a reduction in the supply of gasoline due to the extremely harsh winter we just experienced causing oil companies to convert petroleum into heating oil rather than gasoline. Another reason for the surge of gasoline prices in my State is related to recently instituted regulations mandating the refining of cleaner burning gasoline; these new regulations will significantly reduce air pollution in California; however, they do have their price, which is about a dime a gallon of gas.

By repealing the 4.3-cent gas tax by one-third as proposed in my bill, Californians will see a savings of over $225 million in 1996. It is important to bear in mind that the gas tax we are considering today is unlike all other Federal taxes American consumers pay. The revenues generated by this gas tax devised by President Clinton and the 103d Congress, do not go to the highway trust fund to repair and build roads across America. The money go directly to the U.S. Treasury to be spent on miscellaneous Government expenses. Repeal of this law for the remainder of 1996 would reduce taxes for American consumers at the gas pump by over $2½ billion and would reduce the costs for many other goods and services that are currently inflated due to the high price of gasoline. Furthermore, it would reestablish the 8,000 jobs in California and the 69,000 total jobs lost in this country when the tax was enacted in 1993.

This tax repeal is a break the American consumer deserves, is long overdue, and keeps us on target toward balancing the Nation's Federal budget by the year 2002. Mr. BLILEY's amendment to the legislation assures us that the repeal will be paid for by auctioning 35 megahertz of the electromagnetic spectrum. This legislation coupled with reductions of wasteful spending at the Department of Energy provide the necessary offsets to ease the pocketbooks of American consumers.

Again, Mr. Speaker, I urge my colleagues to support the rule and the subsequent legislation that will be considered to repeal the 1993 gas tax.

Mr. BEILENSON. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina [Mr. HEFNER].

Mr. DREIER. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina [Mr. HEFNER].

Mr. HEFNER. Mr. Speaker, it seems that every debate we have around here, it centers on the President's package of 1993. I would just like to remind the gentleman, I do not know about this district, in my district the package we passed in 1993 with all Democratic votes, 55,000 of my constituents had a tax cut because of the earned income tax credits; 1,100 people had a tax increase.

Now we talk about repealing the 4.3 percent gasoline tax, which I would like to vote for if I could be assured that when my mothers and fathers and aunts and people taking the kids to Little League and going to Disney World, when they drive up to the pump, they are going to get a 4.3 percent decrease in their gas tax.

You say that you believe in the free market, but you do not believe in democracy. You do not believe in giving us a chance to vote on some assurance that the consumer is going to get the benefit of this 4.3 cents a gallon. You are going to trust the oil companies that are in the business of the bottom line, the profits. To me this just does not make any sense.

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. HEFNER. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, if I could respond very briefly by stating that it is very, very clear that when we brought this issue up in 1993, we tried to get a straight up-or-down vote on this tax increase that was a part of the Clinton overall tax increase legislation, and unfortunately we were denied that.

What we are saying now is we do not support mandates. We do not support the constant imposition of constraints from the Federal Government onto the private sector. We have statements that have come from those in the private sector, that they will pass on to your relatives and your constituents who are driving to Disney World or wherever else they want to go this summer, that they will have a 4.3-cents-a-gallon reduction in the tax they have to pay. Now, why we have to proceed with having the Federal Government impose a mandate on us is preposterous to me.

□ 1630

Mr. HEFNER. Mr. Speaker, let me just make a couple of points. You talk about wanting to give some tax relief to the working Americans, but in your budget that you passed here last week, you cut earned income tax credit, which is going to be a tax increase to working Americans. It seems to me if you wanted to make sure that the consumers get the 4.3 cents benefit from the repeal of the tax cut, that it should be mandated that it be passed on.

You have two letters. I do not know how many oil companies there are in the United States, but that is not even 1 percent of the oil companies in the United States. And if it is such a great idea, why do you not make it permanent? Why did you not go back and pick up the 10 cent a gallon tax that your Presidential candidate helped put on several years ago, and make it like 15 cents? Repeal the whole 15 cents and give the consumer a real break on gasoline prices. This is something that just does not make a lot of sense to me, unless you can mandate the consumer gets the benefit of the tax cut.

Mr. DREIER. Mr. Speaker, I will say I totally concur with my friend. I want to see the consumer benefit from this tax cut.

Mr. Speaker, I reserve the balance of my time.

Mr. BEILENSON. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from West Virginia [Mr. WISE].

Mr. WISE. Mr. Speaker, I am fascinated. I keep hearing about President Clinton's gas tax that was passed in 1993. That was actually part of a much larger bill. I never hear about other parts of that bill. How about President Clinton's tax cut, the tax cut that went to 100,000 working West Virginians making under $26,000 a year, that more than offset any increase they saw in the gas tax? How about President Clinton's deficit reduction plan, that has brought the deficit down far more than anybody thought, from around $290 billion to $135 billion, more than half in 3 years? How about President Clinton's tax cut plan, that actually dropped taxes for large numbers of West Virginians? So the result is that today, we have an economy that has actually been growing when Members of the other side, Mr. Speaker, said it would be retracting.

But my main concern on this is how do you protect the consumer. I am offered two press releases from oil companies, large oil companies, that say trust us, do not worry, we will pass the 4.3 cents along.

I tried that out yesterday, Mr. Speaker, at a gas station in West Virginia, as I was paying $1.32 I believe for regular. I tried that out. They said, "Bob, how are we going to guarantee the consumer is protected?" When I said "That is OK, it is going to be the marketplace," they all broke out laughing. They know the 4.3 cents is not coming back.

Yes, you may see the price drop off the tag on the marquee for a day or two, but when it goes back up again, you will say "You did not pass it along." They will say "Daggone, you know the futures market. It is terrible today." That is what concerns a lot of us, Mr. Speaker. Why can your party not simply permit us a vote that says the consumer definitely gets the benefit of this?

I hear a lot about the free markets. The free market works best when the consumer actually gets what they paid for. So if the consumer is to get the benefit of the 4.3 cents, let us offer an amendment. But you will not do it, Mr. Speaker. You will not let us offer an amendment to guarantee the consumer gets the benefit of this.

You instead take the money you save from spectrum sales and cutting $800 million from the Energy Department. That is interesting. The reason we are in this pickle is because we are 50 percent dependent at least on foreign oil producers for our energy, and yet we are going to cut the agency that tries to make us energy independent.

But at any rate, you say there is $3 billion to be found. If there is $3 billion to be found someplace else, could we use that for deficit reduction too? Could we use that, instead of ultimately having to cut education, having to cut highway construction, having to cut infrastructure, and could we use that instead of having to cut the programs that help our economy to grow?

Oil company profits, Mr. Speaker, went up 40 percent in the first quarter of 1996 over the first quarter of 1995. Certainly it seems to me that couple of press releases are not sufficient, and if the consumer is to be guaranteed he or she will get that 4.3 cent a gallon cut, that we ought to be guaranteed something more than two press releases and "Gosh, we hope so." I think it requires legislation.

Please, let us offer the amendment that safeguards the consumer and make sure that this cut in the gasoline tax goes to them. If you are not going to do that, let us not play this game.

Mr. BEILENSON. Mr. Speaker, I yield 3 minutes to the gentleman from Texas [Mr. BENTSEN].

Mr. BENTSEN. Mr. Speaker, I rise today in opposition to the closed rule on H.R. 3415. Let me say from the outset that I find it a little surprising and a little ironic it has taken the Republicans 18 months to decide to repeal this tax. Why was it not in the Contract With America?

I had hoped to have the opportunity today to offer an amendment to repeal this 4.3-cent gas tax for the remainder of the year, and offset that cost with the repeal and immediate elimination of the ethanol subsidy. However, my colleagues on the Committee on Rules, the majority of my colleagues on the Committee on Rules, would not allow such a vote. Instead, the Republicans have once again asked this Congress to consider important legislation without full and open debate, and perhaps worse, without the full assurance that this will not add to the deficit.

In fact, not one member of the authorizing committee for spectrum sales testified in favor of such spectrum sales or spectrum auctions. No hearings have been held. We do not know whether it will pay the tab.

Furthermore, Mr. Speaker, the American people deserve common sense legislation to provide relief for soaring gas prices. My approach would have repealed the gas tax and provided immediate relief to American consumers, but it would have achieved this goal in a way that is fiscally responsible, environmentally sensitive, and truly responsive.

According to the Joint Tax Committee, a repeal of the gas tax through the end of the year would cost $2.9 billion. Repealing the 54-cent ethanol subsidy would reap $2.6 billion over 5 years and almost $10 billion over 10 years. The ethanol subsidy has proved to be one of the biggest boondoggles in the history of the Congress. According to the Treasury Department, it costs $5.3 billion in the last 10 years. The ethanol subsidy also costs the highway trust fund $850 million per year.

I might add that 50 Members of the House on both sides of the aisle have introduced legislation to repeal this. In fact, a majority of the House voted to repeal the ethanol subsidy last fall, only to see it stripped by the majority in the Senate.

Finally, my amendment would have allowed an alternative to the controversial funding offset of spectrum auctions which the bill proposes. Frankly, as I said, no member of the authorizing committee testified in favor of this spectrum auction before the Committee on Rules, underscoring its dubious fiscal estimates.

We should cut the gas tax, but we should do so responsibly. Unfortunately, this Congress will not have that opportunity today. The Members of this House cannot be trusted with this responsibility according to seven members of the Committee on Rules.

I urge my colleagues as a result of that to defeat this rule, to defeat the previous question, and open this up and let democracy be part of this House.

Mr. BEILENSON. Mr. Speaker, I yield 2 minutes to the gentleman from Utah [Mr. ORTON].

Mr. ORTON. Mr. Speaker, I thank the gentleman for yielding time.

Mr. Speaker, I rise in opposition to this rule. There are no amendments allowed. It is a closed rule. There were amendments proposed to ensure that the tax cuts would be passed on to the consumers, to make it permanent, to ensure that it would cure the defects in this bill, the No. 1 defect being the fact it is not paid for. My former colleague just explained an amendment which would have paid for this. None of these amendments will be allowed. This bill will increase the deficit.

Now, I opposed the gas tax increase in 1993. I felt that it was unfair for people in the West to pay more for deficit reduction than those in the East who had access to mass transit. But the repeal should be permanent and should be paid for, not just election year politics in search of votes. The gas tax will go up right after the election.

This bill is not paid for. The spectrum auction last year was included in last year's budget, by the way, as a method to pay for deficit reduction. Now it is being ponied out to pay for gas tax repeal.

This bill also uses sleight of hand by attempting to decrease future authorizations to pay for this bill, not budget authority. Even the CBO says that will not work and will not pay for the bill.

On the Committee on the Budget last year, there were safeguards put into the budget to ensure that we would not get into the easy route of cutting taxes without balancing the budget and without paying for those tax cuts. There was a mechanism placed in there to prevent that. That was left out of this budget, and I attempted to put it back in last week when we debated the balanced budget that was proposed here. They refused to put it back in.

Why? Because apparently they want to come forward with additional cuts in taxes that are not paid for, that are not part of a balanced budget. The chairman of the Committee on the Budget said, "Trust me. I will not allow bills to come before this floor which increase the deficit, which cut taxes, and which are not part of a balanced budget proposal."

Here we are, one week later, also being told by the gas companies, trust them, they will pass it on to the consumers.

Mr. BEILENSON. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Michigan [Mr. DINGELL], the ranking member of the policy committee.

Mr. DINGELL. Mr. Speaker, I rise in opposition to this outrageous gag rule, and I urge my colleagues to vote down the previous question. When historians write the results of today's discussions, they are going to write that in a shameful and a shameless fashion, this Congress tried to gull the American people into a belief that some way or another they are going to get 4.3 cents a gallon back on gasoline.

Nothing is further from the truth. The big oil companies are already rubbing their hands and licking their chops, because they are going to get that 4.3 cents per gallon, and it ain't ever going to get to the people of the United States. And if you go home and tell your people so, you are not going to be telling the truth.

Now, beyond that, I wanted to point out that this is a gag rule. Now, I love my dear friend, Mr. SOLOMON. He is a fine gentleman and a fine Member of this body. But I call him "Closed-rule-SOLOMON" and have done so for some time. I know it is offensive to him in the supreme to have to offer rules which make it possible for Members like me to have a decent opportunity to amend the legislation such as we have before us.

What this bill does is it is going to give 4.3 cents per gallon to the big oil companies, and they are going to enjoy it mightily. That comes down, my dear friends and colleagues, to $4 billion that you are giving to oil companies, that really do not need it. Their balance sheets are healthy in the extreme and their stock is going up daily.

Members in this body, because of this closed rule, will have no opportunity to vote on amendments that will put this 4.3 cents per gallon gas tax into the pockets of their consumers. The only thing that is going to happen is the oil companies are going to get that money, and the deficit is going to go up by $4 billion.

Fiscal responsibility? No. Oil companies would say so, yes, but the average citizen will say so, no. Indeed, oil prices are going to go down because the Iraqis are now entering the world markets because of the understandings in the U.N. the other day.

Now, there is simply no mechanism in this legislation whatsoever for ensuring that the tax reduction actually reaches the consumer at the pump. In short, this bill and this rule will do nothing for the typical American consumer. That is why I urge a no vote on the rule, and why I urge a no vote on the previous question.

If you have read the papers, you have seen that time after time, spokesmen for everybody, including the big oil companies and economists and government people, have said this money is going to the oil companies, it is not going to the ordinary citizen. Beyond that, when our committee had hearings a couple weeks ago, Dr. Phillip Verleger, a respected energy expert at Charles River Associates and a witness selected by the Republicans, was quoted widely in the press as saying consumers will not see any of this repeal reflected in the pump prices.

Mr. Charles DiBona, an old and respected and valuable friend of mine, a fine and honorable gentleman, who heads the American Petroleum Institute, had a little more optimism on it. He thought consumers might see some of this money back, but he never said when. I asked Mr. DiBona whether he thought the oil industry would support an amendment that would ensure that consumers would get this 4.3 cents per gallon back. He demurred, because he understood full well that his clients and his people and the American Petroleum Institute were going to fatten themselves to the tune of $4 billion at a 4.3 cent per gallon clip at the expense of the American consumers.

We are giving by this legislation and by this closed rule $4 billion to the oil companies. Nothing, nothing, nothing of this is coming back to the American people.

I asked the Committee on Rules, chaired by my dear friend, "Closed-rule-SOLOMON," to make it in order to ensure amendments offered by myself, the gentleman from Massachusetts [Mr. MARKEY] and the gentleman from Florida [Mr. GIBBONS], to assure that the money would come back to the consumers.

That was not permitted by the Committee on Rules, which was doing its proper work, because it is taking care not only of Republican policy, but of their good friends amongst the oil companies, by seeing to it that the oil companies get the money, and not the consumers.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to say we have had many more open rules, and to call my friend JERRY SOLOMON "Closed-rule-SOLOMON" is clearly a misnomer. We in this Congress have seen a dramatic improvement in the free flow of debate, as has taken place on the floor of the Congress here, and the numbers actually prove that.

Mr. Speaker, I yield 2½ minutes to the gentleman from Louisiana [Mr. TAUZIN], a member of the Committee on Commerce.

☐ 1645

Mr. TAUZIN. Mr. Speaker, I thank my friend from California for the time.

Mr. Speaker, there are many things that may be uncertain about the marketplace, but let us talk about a few things that are certain. The administration, when it passed this 4.3-cent gas tax told us it would not really cost the consumer anything, and now, when we are about to repeal it, they say it will not really save the consumer anything. Let me be clear. Gasoline prices cost 4.3 cents more than they should because of the 4.3-cent a gallon tax.

In 1981, the combined State, local and Federal taxes on gasoline was 13 cents. Today, the average in America is 39 cents. That is 26 cents more than it should be costing because of taxation. When we reduce taxes, we make gasoline cost less. When we raise taxes we make gasoline cost more. What could make more common sense?

But if we really want to look at the price of gasoline, look at the fact today we are more dependent on foreign producers and refiners than ever before. We have not built a refinery in America for 20 years. And those who complain about gasoline prices should think about their votes to create moratoriums against drilling; think about their votes to prevent the production of hydrocarbons and refined products in America; think about the fact that today we are more dependent on Saddam Hussein and Iraq than we were yesterday; think about the fact that the price at the pump includes all of the cost, including our taxes, and includes the cost of escorting ships from the Persian Gulf, includes the cost of the Persian Gulf war, includes the lives of young Americans and the health of young Americans who had to go fight for somebody else's oil because we would not produce it in America.

Yes, we should vote for this rule. We should, indeed, repeal this tax and make gasoline cost just a little less for Americans who depend too much on foreign produced oil.

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. TAUZIN. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, I want to ask the gentleman if I am correct in assuming that my friend left the other side of the aisle and came over here because of his understanding of the free market process?

Mr. TAUZIN. Mr. Speaker, I would respond to the gentleman that that was certainly part of it.

Free markets make sense in America. We applaud them. We are pleased with them. My liberal friends who like gasoline taxes believe that the price of gasoline should be really high so Americans will not use it any more. That is their theory. So they keep adding taxes on it.

Those of us who believe in the free markets know that if we produce more at home, if we produce more at home and not depend upon foreigners all the time, then we can really get prices we can depend upon. When we depend on somebody else to make our products, they set the prices and we may not like them. When we raise taxes on a product, we raise the prices to consumers. It is that simple.

Mr. BEILENSON. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. FOGLIETTA].

Mr. FOGLIETTA. Mr. Speaker, with this closed rule, we have run out of gas on gag rules.

It was clear from day one that there would not be opportunity to be heard on this election year gimmick. There is no guarantee that the repeal of this tax will trickle down to our constituents—and thus this is just another Gingrich gift for corporate America and fat cat contributors.

The one way to guarantee that working people will feel any benefit from our action on the gas tax would be through the compromise I wanted to offer today.

I start with the premise that repealing this tax is wrong. In 1993, Democrats, alone, had the courage to pass the largest deficit reduction effort in history and it is working. We have cut the deficit in half, and just today the estimate of the deficit was lowered by another $15 billion. We should not go back.

My compromise recognizes the political reality—it is going to pass. My amendment would repeal half of it. The rest—2.1 cents of it—would be directed toward underfunded mass transportation infrastructure.

If we are really serious about helping working people get to work—cheaply, reliably, and environmentally friendly—than helping mass transit stay alive is where we should invest. Mass transit is also one of the tools for genuine welfare reform.

But mass transit is grinding to a halt—in cities, in the suburbs, and in rural areas: service cuts in Casper, WY, 50-cent fare increases in Montgomery, AL, 22-percent fare increases in suburban Harrisburg, PA, and near bankruptcy for transit system in my district, SEPTA—hurt so badly by the retreat by the Federal and State Governments. Thus, this is not a big city issue. It affects anyone who rides the road, the rails, the buses, senior vans, or subways.

We could really help our constituents get to work—the people who depend on transit, and drivers who depend on transit to avoid the traffic gridlock we face in the next century—by investing some of those gas tax dollars in transit. Let's send this rule back to the Rules Committee so we can have a fair debate.

Mr. DREIER. Mr. Speaker, I yield 2 minutes to the gentleman from Fullerton, CA, Mr. ROYCE, one of the coauthors of this legislation.

Mr. ROYCE. Mr. Speaker, I rise in strong support of the rule for this bill, of which I am an original coauthor, to repeal the 4.3 cent per gallon Federal gas tax imposed by the Clinton budget in 1993.

At a time when we in Congress are trying to put money back in the pockets of American families and recharge the Nation's economy, gasoline excise taxes are at an all-time high. In the last 10 years, the Federal gasoline tax more than doubled, from 9 cents to 18.3 cents per gallon. Now, in California, the total gasoline tax has increased to 47.4 cents per gallon.

We are to believe that government can continually increase taxes like this without it affecting the price at the pump? Economists tell us that that is not so. Economists tell us if we increase taxes, and increase taxes, and continue to increase that tax, we will see that reflected in the pump price.

Now, the prior Congress did increase this tax and we want to repeal it. This tax burden takes $422 out of the average American family's household budget per year, and that is a significant amount of money for hardworking American families trying to make ends meet.

When President Bill Clinton pushed through the 4.3-cent-per-gallon hike in the Federal gas tax in August of 1993, as part of the largest tax increase in peacetime history, he assured his colleagues that the tax increase would only affect the rich. In reality, the gas tax increase has had a significant day-to-day impact on middle and lower income American families. These are the folks that are feeling the pinch at the pump, it is not the rich.

And to add insult to injury, none of the 1993 increase goes toward improving our Nation's roads or bridges or highways, which would be of some benefit to the user that is paying that tax. So the recent painful increase in the price of gas at the pump gives us an excellent opportunity to repeal a tax that never should have been imposed.

Cutting the Department of Energy to pay for the fuel tax repeal makes sense. Like the first bill I introduced 3 weeks ago, this legislation recognizes the tremendous inefficiencies of an outdated, overgrown bureaucracy that has long outlived its purpose.

Created by President Jimmy Carter in 1976 to solve the energy crisis, the DOE has grown into a massive $17.5 billion bureaucracy with multiple missions and questionable priorities. It has been plagued with controversy and management problems. In a February 1995 report, the General Accounting Office criticized the Department of Energy, and concluded that the "DOE is not an effective or successful cabinet department."

But this is only part of the story. I urge my colleagues to read my editorial printed in the Washington Times this morning, where I go into much more detail on the inadequacies and failures of a Department that has simply outlived its purpose.

The bottom line is that energy is no different from any other commodity in the marketplace. Energy production and distribution is better directed by market forces than by government planners and bureaucrats. As is the case with so much of our government today, the DOE represents an outdated response to a brief period of crisis and is basically irrelevant today.

While this legislation we are debating today does not go as far as the earlier legislation I introduced, it does focus attention on the blatant mismanagement and abuse of taxpayer funds that plague this Department and reduces its budget.

Again, I urge my colleagues to support this bill. We should repeal the 1993 gas tax, cut the Department of Energy budget, and give the money back to motorists. That's more than the Department has done.

CUTTING THE GAS TAX AND REINVENTING GOVERNMENT

(By U.S. Rep. Ed Royce)

In 1992, when he was running for president, Bill Clinton promised he would not raise federal gasoline taxes. But just one year after he was elected, in August 1993, he pushed through the Congress a budget proposal with over $265 billion in tax increases, including a 4.3 cent per gallon hike in the federal gas tax.

At the time, Clinton assured his colleagues that the 1993 tax increases would only affect the "rich." In reality, the gas tax increase has had a significant day-to-day impact on American families, especially those who are middle and lower-income. These are the folks that are feeling the "pinch at the pump," not the "rich." To add insult to injury, none of the 1993 increase goes toward improving our nation's roads, bridges or highways, which would be of some benefit to the user. This is a perfect case study of how the democrat philosophy of redistribution of income can backfire.

Two years after the ill-fated tax increase, Clinton apologized before a group of Democratic party donors, admitting that he "probably raised taxes too much." But is he sorry enough to do something about it?

If so, he now has a perfect opportunity to partially right his wrong and kick-start his effort to "reinvent government." Two weeks ago I introduced a bill in the House of Representatives to repeal the 4.3 cent gasoline tax increase, paid for by downsizing the Department of Energy (DOE). It is that bill which provided the basis for the proposals now moving through the House and the Senate.

The painful increase in the price at the pump gives us an excellent opportunity to repeal a tax that never should have been imposed, while at the same time helping taxpayers keep more of their hard-earned money. Why offset the cost of the repeal by downsizing the DOE? Admittedly, it's an easy target—the Department is plagued with controversy and management problems. But that's only part of the story. The DOE simply has outlived its purpose, and like any obsolete entity or industry, its got to go.

To put the situation in perspective, in the wake of the Arab oil embargo in 1976, Jimmy Carter campaigned for President on a platform of energy independence. The following year, he created the DOE and charged it to solve the problem. Since then, the DOE has grown into a massive $17.5 billion bureaucracy with multiple missions and questionable priorities. Needless to say, it has not solved the problem.

For example, the department embarked on a massive and expensive program to develop synthetic fuels. Predictably, it failed. After billions of dollars, a half dozen years, and a notorious scandal, the department abandoned its "synfuels" program, and concentrated on overseeing nuclear energy programs. Meanwhile, the market took care of the petroleum shortages and the price of oil dropped from a high of $40 per barrel to $20.

Much of DOE's budget is directed at nuclear weapon or nuclear cleanup activities. These environmental and defense undertakings are best managed by environmental and/or defense agencies, not energy departments. Turning the weapons-related programming over to the requisite agencies makes sense, and helps protect against bureaucratic "mission creep" as was the case at the old Atomic Energy Commission. Additionally, in the case of the Department of Defense, merging the weapons producers with the weapons customers helps ensure coordination of national strategy.

President Clinton has already proposed that we denationalize the DOE's Power Marketing Administration's (PMA), and turn the Bonneville Power Administration into a public corporation because the premises on which they were established is no longer applicable. He's got that right. More than 98 percent of America is already wired for power and there is no cause whatsoever to believe that private companies would somehow "pull the plug" on electrified regions. Governments around the world are privatizing government operated power systems, including Poland, Hungary, Spain, Italy, and Peru. The U.S. should listen to the advice it gives to the former Soviet bloc and denationalize its own "means of production.

We should also sell the Strategic Petroleum Reserves (SPR), and the Naval Petroleum Reserves (NPR). The NPR were originally set aside to ensure the Navy a supply of oil as it converted its fleet from coal to oil before WWI. The SPR was created during the energy crises of the 1970's, when Congress decided the government should produce oil and gas at these fields and sell them on the commercial market. The problem is that the SPR, no matter how large, cannot insulate the American economy from international energy markets. Even if we were to import no foreign oil whatsoever, international supply disruptions would cause price increases just as high here as they would be in a nation that imports all of its oil.

Additionally, much of the SPR is high-sulfur crude that would be amply available in any OPEC-induced crisis. It's low-sulfur crude that the U.S. imports from the Persian Gulf and high-Sulfur crude cannot easily be substituted for low-sulfur crude without a great deal of cost.

Finally, concern over the inability to secure needed oil during a supply disruption has decreased significantly. The number of oil-exporting nations has increased, and the large oil companies have worked to diversify their sources of oil. As Daniel Yergen, President of the Cambridge Energy Research associates and author of The Prize explained, "There is a much more secure base to the world's energy economy than was the case in 1973 . . ."

The bottom line is that energy is no different from any other commodity in the marketplace. Energy production and distribution is better directed by market forces than by government planners and bureaucrats. As is the case with so much of our government today, the DOE represents an outdated response to a brief period of crisis and is basically irrelevant today.

For these reasons, it only makes good sense to terminate unnecessary programs, consolidate others, transfer those serving a valid purpose, and privatize programs that could be better performed outside of the government. The DOE was a government-imposed solution to a world market problem. And it hasn't worked.

We should repeal the 1993 gas tax, cut the Department of Energy budget, and give the money back to motorists. That's more than the Department has done.

Mr. BEILENSON. Mr. Speaker, I yield 4 minutes to the gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. Mr. Speaker, I rise in strong opposition to this closed rule and ask the House to defeat the rule and to defeat the bill.

Did the 4.3-cent gasoline tax of 1993 cause the 20-cent, 30-cent, 40-cent increase at the pump in 1996? That is what the Republicans and the oil companies would have us believe.

The truth is that the oil industry dropped its overall inventory by 100 million barrels a day since last June, in a bet, a bet that Saddam Hussein would be allowed to sell more oil on the world market. And when that bet did not pay off, who had to pay? The American consumer had to pay because it is an inelastic gasoline marketplace in the United States. We cannot shift over to coal or to natural gas or to solar for our automobiles. We must pay whatever the market will bear. Because the companies did not have the inventory, we must pay. The consumer must pay.

Now, the oil industry wants a tax break, 4 cents a gallon. The Republicans set up their bill so that the tax break goes to the oil refiners. Not to the consumers, to the refiners. The Democrats, the gentleman from Michigan [Mr. DINGELL], the gentleman from Florida [Mr. GIBBONS], and I, we sought to ensure that the money would go into the pockets of the consumers, but we are not allowed to make an amendment to do that.

I wanted to have it written right into the Tax Code that owners of an automobile get back 30 bucks, which is the average tax on an automobile driver each year. Thirty bucks. An individual would get it back immediately. But no, the Republicans say we are giving the whole break to the oil refiners, who have already seen an increase of $90, $100, $120, $150 more this year that they are going to take out of the average automobile driver's pocket.

Now, what happened? The oil industry drove right past a world awash in oil, all of 1995 and 1996, and did not put any stock in their inventory, betting on Saddam Hussein. After we had sent 500,000 men and women to that country in 1991, they had the temerity then to treat themselves as if they were any other industry and keep stocks at historic lows.

So what happens? As the gentleman from Michigan [Mr. DINGELL] said, we have witnesses before our committee, economists that the Republicans have sent to us, that say that maybe the taxpayer will get back $15, total, if we give the break to the oil refiners, but many others said they are not going to get back any at all because the oil companies will pocket the $15 for themselves.

Well, what they wind up with is $120 or $130, an increased price at the pump, the tax break that went to the oil refiners rather than to the consumer, and the oil companies walk away with $120 or $150 out of every person's pocket in this country.

This is a closed rule. It is wrong. Candidate DOLE is not going to say anything about the oil companies. Candidate DOLE is not going to fight for the consumer at the gas pump. We will not hear him say a word about the oil companies, Candidate DOLE. We are just going to hear him pointing back to a 4-cent gasoline tax in 1993. Well, what about the other $150 for the consumer? All he is concerned about is the $15, and he has not even got a mechanism put together that will get it back into the pockets of the consumers in this country.

So the issue is very clear, ladies and gentlemen. If we believe that the consumer should get a tax break, we must vote against this rule; and then we must vote against this bill because it in no way assures under any circumstance that the consumer is going to see this at the pump. And by the way, the American consumer that pulls up to the gas pump knows this. It is not the guy there with the hose putting it into your tank; it is the refiner, the big boss, big oil that controls who gets this tax break, and Members know they are not giving it to the American consumer.

Mr. DREIER. Mr. Speaker, it is fascinating how my liberal colleagues can come up with excuse after excuse and a smokescreen to avoid cutting taxes.

Mr. Speaker, I yield 1 minute to my very good friend, the gentleman from Marysville, CA [Mr. HERGER], one of those rural areas that in fact does not benefit from all of the Federal subsidization of transit that we heard about from my friend from Pennsylvania.

Mr. HERGER. Mr. Speaker, I rise in strong support of repealing President Clinton's 4.3-cent-a-gallon gas tax increase.

When the first Federal tax on gasoline was enacted in 1932, the tax was only one penny per gallon. Today, in certain areas of California, total Federal, State, and local gas taxes cost drivers 44 cents per gallon. This tax has a crushing impact on rural areas such as northern California where citizens are required to drive longer distances daily. Of all the Clinton tax increases, this was the most obvious Washington tax and spend money grab. This tax alone cost Americans $14 billion. And, contrary to popular belief, this $14 billion was not spent on building roads and bridges. Rather, it was diverted to pay for more big government Washington spending. I urge my colleagues to repeal this wrong-headed tax.

☐ 1700

Mr. BEILENSON. Mr. Speaker, I yield myself the balance of my time and, in the process, I urge a no vote on the previous question.

If the previous question is defeated, I shall offer an amendment to the rule that will make in order three consumer protection amendments that were offered in the Rules Committee last week. All three of these very important amendments were voted down by the Republican majority of the Rules Committee.

The first amendment, offered by Mr. GIBBONS, would guarantee that the gas tax cuts go directly to the consumer. It would reimpose the tax on the seller if the tax reduction is not passed through to the consumer.

The second amendment, offered by Mr. DINGELL, would delay the effective date until the Nation's largest refiners and importers have certified to the Secretary of the Treasury that the savings will be passed on to the consumer.

The third amendment, offered by Mr. MARKEY, provides that if the Secretary of the Treasury is unable to certify that all the benefits of the tax reduction will be passed on to the consumer, there will be a $30 tax credit provided each motorist. This amount represents the average annual savings that would be realized by each motorist if the 4.3 cent tax is repealed.

Mr. Speaker, the bill before us contains absolutely no guarantee that any of this tax cut will be passed on to the consumer. The amendments I have just discussed would do that.

I urge my colleagues to vote "no" on the previous question and give the House the opportunity to consider these very workable and necessary amendments.

Mr. Speaker, I include the text of the amendment and accompanying documents for the RECORD at this point.

At the end of the resolution add the following new section:

"SEC. . Notwithstanding any other provision of this resolution, it shall be in order to consider, without intervention of any point of order, an amendment to be offered by Representative Gibbons, or his designee; an amendment to be offered by Representative Dingell, or his designee; and an amendment to be offered by Representative Markey, or his designee. The amendments are printed in section of this resolution.

SEC. . The text of the amendment are as follows:

AMENDMENT TO H.R. 3415, AS REPORTED OFFERED BY MR. GIBBONS

Strike section 5 of the bill and insert the following new section:

SEC. 5. GAS TAX REDUCTION MUST BE PASSED THROUGH TO CONSUMERS.

(a) GAS TAX REDUCTION ONLY TO BENEFIT CONSUMERS.—It shall be unlawful for any person selling or importing any taxable fuel to fail to fully pass on (through a reduction in the price that would otherwise be charged) the reduction in tax on such fuel under this Act.

(b) RESPONSIBILITIES OF PERSONS LIABLE FOR TAX.—

(c) IN GENERAL.—Every person liable for the payment of Federal excise taxes on any taxable fuel—

(A) shall fully pass on, as required by subsection (a), the reduction in tax on such fuel under this Act, and

(B) if the taxable event is not a sale to the ultimate consumer, shall take such steps as may be reasonably necessary to ensure that such reduction is fully passed on, as required by subsection (a), to subsequent purchasers of the taxable fuel.

(2) ENFORCEMENT.—Any person who fails to meet the requirements of paragraph (1) with respect to any fuel shall be liable for Federal excise taxes on such fuel as if this Act had not been enacted.

(3) WAIVER.—In the case of a failure which is due to reasonable cause and not to willful neglect, the Secretary may waive part or all of the additional taxes imposed by paragraph (2) to the extent that payment of such taxes would be excessive relative to the failure involved.

(c) DEFINITIONS.—For purposes of this section—

(1) TAXABLE FUEL.—The term "taxable fuel" has the meaning given such term by section 4083(a) of such code.

(2) SECRETARY.— The term "Secretary" means the Secretary of the Treasury or his delegate.

(d) GAO STUDY.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the repeal of the 4.3-cent increase in the fuel tax imposed by the Omnibus Budget Reconciliation Act of 1993 to determine whether there has been a passthrough of such repeal.

(2) REPORT.—Not later than January 31, 1997, the Comptroller General of the United States shall report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives the results of the study conducted under paragraph (1). An interim report on such results shall be submitted to such committees not later than November 1, 1996.

AMENDMENT TO H.R. 3415, AS REPORTED OFFERED BY MR. DINGELL OF MICHIGAN

Strike subsection (b) of section 2 and insert the following:

(b) EFFECTIVE DATE.—Except as provided in subsection (c), the amendment made by this section shall take effect on the date of the enactment of this Act.

(c) TAX REDUCTION NOT TO APPLY TO FUEL PRODUCED OR IMPORTED BY LARGE REFINERS UNLESS TAX REDUCTION PASSED THROUGH TO CONSUMERS.—

(1) In general.—The amendment made by this section shall not take effect with respect to any taxable fuel produced or imported by any large refiner unless such refiner provides to the Secretary of the Treasury a certification that the tax reduction provided under such amendment will be passed through to the ultimate consumers as a price reduction.

(2) DEFINITIONS.—For purposes of this section—

(A) LARGE REFINER.—

(i) IN GENERAL.—The term "large refiner" means, with respect to a calendar year, any person which refined or imported 500,000,000 gallons or more of taxable fuel during the preceding calendar year.

(ii) RELATED PERSONS.—All persons treated as a single employer under section 52 of the Internal Revenue Code of 1986 shall be treated as 1 person for purposes of this section.

(b) TAXABLE FUEL.—The term "taxable fuel" has the meaning given such term by section 4083(a) of such Code.

AMENDMENT TO H.R. 3425, AS REPORTED OFFERED BY MR. MARKEY OF MASSACHUSETTS

At the end of the bill, add the following:

SEC. 8. $80 REFUNDABLE CREDIT FOR HIGHWAY VEHICLES OWNED DURING TAXABLE YEARS BEGINNING IN 1996.

(a) DETERMINATION OF PASS THROUGH TO CONSUMERS.—Notwithstanding section 2(b), if the Secretary of the Treasury certifies to the Congress before the 6th day after the date of the enactment of this Act that it is impossible to guarantee that the benefit of the 4.3-cent tax reduction under section 2 of this Act will be passed through to the consumer, then subsection (b), (c), and (d) of this section shall take effect in lieu of section 2, 3, 4, and 5 of this Act.

(b) IN GENERAL.—Subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding after section 35 the following new section:

"SEC. 36. HIGHWAY VEHICLES OWNED DURING TAXABLE YEARS BEGINNING IN 1996.

"(a) IN GENERAL.—In the case of a person who is the registered owner of an eligible highway vehicle at any time during the first taxable year of the taxpayer beginning after December 31, 1995, there shall be allowed as a credit against the tax imposed by this subtitle for such taxable year an amount equal to the sum of $30 for each such vehicle.

"(b) ELIGIBLE HIGHWAY VEHICLE.—A vehicle is an eligible highway vehicle for the purposes of subsection 9a) only if all of the fuel consumed by such vehicle during the taxable year is subject to tax imposed by section 4041 or 4081.

"(c) PARTIAL YEARS.—In the case that a person is the registered owner of an eligible highway vehicle for less than the full taxable year, the credit under subsection (a) shall be reduced to reflect only that portion of the taxable year for which the vehicle was registered to such person.

"(d) TREATMENT OF LESSEES.—For the purposes of this section, the lessee on a lease for an eligible highway vehicle shall be treated as the registered owner of such vehicle during the period of the lease."

(c) CONFORMING AMENDMENT.—Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting before the period ", or from section 36 of such Code".

(d) CLERICAL AMENDMENT.—The table of sections for subpart C of part IV of subchapter A of chapter 1 of such Code is amended by adding after the item relating to section 35 of the following new item:

"Sec. 36. Highway vehicles owned during taxable years beginning in 1996."

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R–Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Republican majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual:

"Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues:

Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

The vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda to offer an alternative plan.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from California [Mr. DREIER] has 3½ minutes remaining.

Mr. DREIER. Mr. Speaker, I yield 2 minutes to the gentleman from Sanibel, FL [Mr. GOSS], my dear friend and chairman of the Subcommittee on Legislative and Budget process.

Mr. GOSS. Mr. Speaker, I thank my friend from the Greater Claremont-San Dimas metropolitan corridor in California, Mr. DREIER, for yielding this time, and I rise in strong support of this rule.

This is a customary rule when we do ways and means bills, a closed rule, a reasonable precaution when dealing with the Tax Code. Of course, we have preserved the right of the minority, as they well know, to offer a motion to recommit the bill with or without instructions, so I think the process is in order.

This is a very important debate for every American because everyone who drives a car, takes a bus, or flies on an airplane has been hit by the President's 1993 gas tax hikes which scraped through this House by one vote.

All told, this tax increase costs the people in my State of Florida almost $263 million a year. That is a quarter of a billion, according to one study we have. I think it is right.

Another distressing aspect of the gas tax increase is those who are hit hardest by this are those who are least able to afford it. In my case, it is seniors on fixed incomes and people at the lower end of the wage scale.

In fact, this debate highlights yet again the folly of attempting to solve our Government's financial problems through taxes and more taxes. Six years ago the Democrats in Congress passed a luxury tax on boats in order to make the rich pay their fair share. This supposedly targeted tax provision not only failed to raise the projected income but the Treasury actually lost money trying to collect it.

More importantly, thousands of boat builders, skilled American workers, many in my district, lost their jobs because the boat people went out of business. It was several years before we were able to repeal that foolish tax and the damage is still being felt in Florida and elsewhere.

Mr. Speaker, we are moving to repeal the gas tax. It is what the Americans want us to do, at least for the remainder of 1996. I am especially pleased that this measure is not going to hinder our progress toward balancing the budget because we have fully paid for our relief.

I think it is important to say the oil companies have come out, and I quote, A decrease in the Federal gas tax will be immediately reflected in the prices that Chevron charges to motorists at our pumps at our stations through reductions.

Same statement from ARCO: We will immediately reduce its total price. So forth. Texaco and so on. These have been entered into the RECORD. Big oil understands. This is gas tax. We are repealing it.

Mr. DREIER. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman from California, [Mr. DREIER] is recognized for 1½ minutes.

Mr. DREIER. Mr. Speaker, this has been a fascinating debate, but all it is is simply our attempt to do what we were denied by the former majority back in 1993. We simply want an up or down vote on whether or not we should impose or continue to maintain a 4.3-cent a gallon gasoline tax on those drivers in this country.

This is a small amount of money. I will acknowledge that it is not hundreds of thousands of dollars but it is indicative of what the largest tax increase in American history was. It was imposed on middle income working Americans, and this is a small step but it is a first step towards rectifying that.

Frankly, it is interesting to see my liberal friends who imposed this tax will do anything they possibly can to avoid cutting taxes. This rule that we have here today is the exact same rule that was applied to cutting the tax as we had for increasing the tax back in 1993.

There was no question back in 1993 that the consumers would be paying the increase in the tax. No question whatsoever. Why should there be a question today as to whether or not the consumers will benefit? The consumers are going to benefit from that.

We have press releases, statements that have been made from those ogres in big oil stating that it will be passed on to the consumers. That is what is going to happen.

We do not want to see another mandate imposed by the liberals on the private sector. We have confidence in it. We believe that we can move ahead and take that small step towards enhancing the quality of life for those middle income wage earners.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BEILENSON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 5 of rule XV, the Chair will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of agreeing to the resolution.

The vote was taken by electronic device, and there were—yeas 221, nays 181, not voting 31, as follows:

[Roll No. 180]

YEAS—221

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Coble
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Funderburk
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greene (UT)
Greenwood
Gunderson
Gutknecht
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Klug
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Manzullo
Martinez
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pombo
Porter
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Walker
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—181

Abercrombie
Ackerman
Andrews
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Brewster
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Gordon
Green (TX)
Hall (OH)
Hall (TX)
Hamilton
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
LaFalce
Lantos
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Luther
Manton
Markey
Mascara
Matsui
McCarthy
McHale
McKinney
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Mollohan
Montgomery
Moran
Murtha
Nadler
Neal
Obey
Olver
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torricelli
Towns
Traficant
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wynn
Yates

NOT VOTING—31

Baesler
Browder
Bunn
Clinger
Coburn
Durbin
Frisa
Furse
Gallegly
Gutierrez
Harman
Hostettler
Kingston
Klink
Largent
Lowey
Lucas
Maloney
McDermott
McIntosh
McNulty
Moakley
Molinari
Oberstar
Ortiz
Peterson (FL)
Portman
Rohrabacher
Smith (MI)
Torres
Watts (OK)

☐ 1726

The Clerk announced the following pairs:

On this vote:

Mr. McIntosh for, with Mr. Oberstar against.

Mr. Kingston for, with Ms. Harman against.

Mr. McHUGH changed his vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Ms. FURSE. Mr. Speaker, on rollcall 180, I was delayed by my plane being delayed by weather. Had I been present I would have voted "nay."

The SPEAKER pro tempore (Mr. LaHood). The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. LOWEY. Mr. Speaker, because of the thunderstorm earlier this evening, I was unavoidably detained on rollcall vote 180. Had I been present, I would have voted "nay."

PERSONAL EXPLANATION

Mr. PORTMAN. Mr. Speaker, on May 21, 1996, I was unavoidably detained and missed Rollcall vote No. 180. Had I been present, I would have voted "yea" on Rollcall No. 180.

PERSONAL EXPLANATION

Mr. HOSTETTLER. Mr. Speaker, due to severe thunderstorms, I was unavoidably detained and missed one recorded vote on May 21, 1996. Had I been present, I would have voted "yea" on roll No. 180, on ordering the previous question on H. Res. 436, a resolution providing the rule for consideration of H.R. 3415, a bill to repeal the 4.3 cent increase in transportation motor fuels excise tax.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, the pending business is the question of the Speaker's approval of the Journal of the last day's proceedings.

Pursuant to clause 1, rule I, the Journal stands approved.

□ 1730

REPEAL OF 4.3-CENT INCREASE IN TRANSPORTATION FUELS TAXES

Mr. ARCHER. Mr. Speaker, pursuant to House Resolution 436, I call up the bill, H.R. 3415 to amend the Internal Revenue Code of 1986 to repeal the 4.3-cent increase in the transportation motor fuels excise tax rates enacted by the Omnibus Budget Reconciliation Act of 1993 and dedicated to the general fund of the Treasury, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. KOLBE). Pursuant to House Resolution 436, the amendment printed in House Report 104–580 is adopted.

The text of H.R. 3415, as amended by the amendment printed in House Report 104–580, is as follows:

H.R. 3415

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PURPOSE.

The purpose of this Act is to repeal the 4.3-cent increase in the transportation motor fuels excise tax rates enacted by the Omnibus Budget Reconciliation Act of 1993 and dedicated to the general fund of the Treasury.

SEC. 2. REPEAL OF 4.3-CENT INCREASE IN FUEL TAX RATES ENACTED BY THE OMNIBUS BUDGET RECONCILIATION ACT OF 1993 AND DEDICATED TO GENERAL FUND OF THE TREASURY.

(a) IN GENERAL.—Section 4081 of the Internal Revenue Code of 1986 (relating to imposition of tax on gasoline and diesel fuel) is amended by adding at the end the following new subsection:

"(f) REPEAL OF 4.3-CENT INCREASE IN FUEL TAX RATES ENACTED BY THE OMNIBUS BUDGET RECONCILIATION ACT OF 1993 AND DEDICATED TO GENERAL FUND OF THE TREASURY.—

"(1) IN GENERAL.—During the applicable period, each rate of tax referred to in paragraph (2) shall be reduced by 4.3 cents per gallon.

"(2) RATES OF TAX.—The rates of tax referred to in this paragraph are the rates of tax otherwise applicable under—

"(A) subsection (a)(2)(A) (relating to gasoline and diesel fuel),

"(B) sections 4091(b)(3)(A) and 4092(b)(2) (relating to aviation fuel),

"(C) section 4042(b)(2)(C) (relating to fuel used on inland waterways),

"(D) paragraph (1) or (2) of section 4041(a) (relating to diesel fuel and special fuels),

"(E) section 4041(c)(2) (relating to gasoline used in noncommercial aviation), and

"(F) section 4041(m)(1)(A)(i) (relating to certain methanol or ethanol fuels).

"(3) COMPARABLE TREATMENT FOR COMPRESSED NATURAL GAS.—No tax shall be imposed by section 4041(a)(3) on any sale or use during the applicable period.

"(4) COMPARABLE TREATMENT UNDER CERTAIN REFUND RULES.—In the case of fuel on which tax is imposed during the applicable period, each of the rates specified in sections 6421(f)(2)(B), 6421(f)(3)(B)(ii), 6427(b)(2)(A), 6427(l)(3)(B)(ii), and 6427(l)(4)(B) shall be reduced by 4.3 cents per gallon.

"(5) COORDINATION WITH HIGHWAY TRUST FUND DEPOSITS.—In the case of fuel on which tax is imposed during the applicable period, each of the rates specified in subparagraphs (A)(i) and (C)(i) of section 9503(f)(3) shall be reduced by 4.3 cents per gallon.

"(6) APPLICABLE PERIOD.—For purposes of this subsection, the term 'applicable period' means the period after the 6th day after the date of the enactment of this subsection and before January 1, 1997."

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

SEC. 3. FLOOR STOCK REFUNDS.

(a) IN GENERAL.—If—

(1) before the tax repeal date, tax has been imposed under section 4081 or 4091 of the Internal Revenue Code of 1986 on any liquid, and

(2) on such date such liquid is held by a dealer and has not been used and is intended for sale,

there shall be credited or refunded (without interest) to the person who paid such tax (hereafter in this section referred to as the "taxpayer") an amount equal to the excess of the tax paid by the taxpayer over the amount of such tax which would be imposed on such liquid had the taxable event occurred on such date.

(b) TIME FOR FILING CLAIMS.—No credit or refund shall be allowed or made under this section unless—

(1) claim therefor is filed with the Secretary of the Treasury before the date which is 6 months after the tax repeal date, and

(2) in any case where liquid is held by a dealer (other than the taxpayer) on the tax repeal date—

(A) the dealer submits a request for refund or credit to the taxpayer before the date which is 3 months after the tax repeal date, and

(B) the taxpayer has repaid or agreed to repay the amount so claimed to such dealer or has obtained the written consent of such dealer to the allowance of the credit or the making of the refund.

(c) EXCEPTION FOR FUEL HELD IN RETAIL STOCKS.—No credit or refund shall be allowed under this section with respect to any liquid in retail stocks held at the place where intended to be sold at retail.

(d) DEFINITIONS.—For purposes of this section—

(1) the terms "dealer" and "held by a dealer" have the respective meanings given to such terms by section 6412 of such Code; except that the term "dealer" includes a producer, and

(2) the term "tax repeal date" means the 7th day after the date of the enactment of this Act.

(e) CERTAIN RULES TO APPLY.—Rules similar to the rules of subsections (b) and (c) of section 6412 of such Code shall apply for purposes of this section.

SEC. 4. FLOOR STOCKS TAX.

(a) IMPOSITION OF TAX.—In the case of any liquid on which tax was imposed under section 4081 or 4091 of the Internal Revenue Code of 1986 before January 1, 1997, and which is held on such date by any person, there is hereby imposed a floor stocks tax of 4.3 cents per gallon.

(b) LIABILITY FOR TAX AND METHOD OF PAYMENT.—

(1) LIABILITY FOR TAX.—A person holding a liquid on January 1, 1997, to which the tax imposed by subsection (a) applies shall be liable for such tax.

(2) METHOD OF PAYMENT.—The tax imposed by subsection (a) shall be paid in such manner as the Secretary shall prescribe.

(3) TIME FOR PAYMENT.—The tax imposed by subsection (a) shall be paid on or before June 30, 1997.

(c) DEFINITIONS.—For purposes of this section—

(1) HELD BY A PERSON.—A liquid shall be considered as "held by a person" if title thereto has passed to such person (whether or not delivery to the person has been made).

(2) GASOLINE AND DIESEL FUEL.—The terms "gasoline" and "diesel fuel" have the respective meanings given such terms by section 4083 of such Code.

(3) AVIATION FUEL.—The term "aviation fuel" has the meaning given such term by section 4093 of such Code.

(4) SECRETARY.—The term "Secretary" means the Secretary of the Treasury or his delegate.

(d) EXCEPTION FOR EXEMPT USES.—The tax imposed by subsection (a) shall not apply to gasoline, diesel fuel, or aviation fuel held by any person exclusively for any use to the extent a credit or refund of the tax imposed by section 4081 or 4091 of such Code is allowable for such use.

(e) EXCEPTION FOR FUEL HELD IN VEHICLE TANK.—No tax shall be imposed by subsection (a) on gasoline or diesel fuel held in the tank of a motor vehicle or motorboat.

(f) EXCEPTION FOR CERTAIN AMOUNTS OF FUEL.—

(1) IN GENERAL.—No tax shall be imposed by subsection (a)—

(A) on gasoline held on January 1, 1997, by any person if the aggregate amount of gasoline held by such person on such date does not exceed 4,000 gallons, and

(B) on diesel fuel or aviation fuel held on such date by any person if the aggregate amount of diesel fuel or aviation fuel held by such person on such date does not exceed 2,000 gallons.

The preceding sentence shall apply only if such person submits to the Secretary (at the time and in the manner required by the Secretary) such information as the Secretary shall require for purposes of this paragraph.

(2) EXEMPT FUEL.—For purposes of paragraph (1), there shall not be taken into account fuel held by any person which is exempt from the tax imposed by subsection (a) by reason of subsection (d) or (e).

(3) CONTROLLED GROUPS.—For purposes of this subsection—

(A) CORPORATIONS.—

(i) IN GENERAL.—All persons treated as a controlled group shall be treated as 1 person.

(ii) CONTROLLED GROUP.—The term "controlled group" has the meaning given to such term by subsection (a) of section 1563 of such Code; except that for such purposes the phrase "more than 50 percent" shall be substituted for the phrase "at least 80 percent" each place it appears in such subsection.

(B) NONINCORPORATED PERSONS UNDER COMMON CONTROL.—Under regulations prescribed by the Secretary, principles similar to the principles of subparagraph (A) shall apply to a group of persons under common control where 1 or more of such persons is not a corporation.

(g) OTHER LAW APPLICABLE.—All provisions of law, including penalties, applicable with respect to the taxes imposed by section 4081 of such Code in the case of gasoline and diesel fuel and section 4091 of such Code in the case of aviation fuel shall, insofar as applicable and not inconsistent with the provisions of this subsection, apply with respect to the floor stock taxes imposed by subsection (a) to the same extent as if such taxes were imposed by such section 4081 or 4091.

SEC. 5. BENEFITS OF TAX REPEAL SHOULD BE PASSED ON TO CONSUMERS.

(a) PASSTHROUGH TO CONSUMERS.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that—

(A) consumers immediately receive the benefit of the repeal of the 4.3-cent increase in the transportation motor fuels excise tax rates enacted by the Omnibus Budget Reconciliation Act of 1993, and

(B) transportation motor fuels producers and other dealers take such actions as necessary to reduce transportation motor fuels prices to reflect the repeal of such tax increase, including immediate credits to customer accounts representing tax refunds allowed as credits against excise tax deposit payments under the floor stocks refund provisions of this Act.

(2) STUDY.—

(A) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the repeal of the 4.3-cent increase in the fuel tax imposed by the Omnibus Budget Reconciliation of 1993 to determine whether there has been a passthrough of such repeal.

(B) REPORT.—Not later than January 31, 1997, the Comptroller General of the United States shall report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives the results of the study conducted under subparagraph (A).

SEC. 6. AUTHORIZATION OF APPROPRIATIONS FOR EXPENSES OF ADMINISTRATION OF THE DEPARTMENT OF ENERGY.

Section 660 of the Department of Energy Organization Act (42 U.S.C. 7270) is amended—

(1) by inserting "(a) IN GENERAL.—" before "APPROPRIATIONS"; and

(2) by adding at the end the following:

"(b) FISCAL YEARS 1997 THROUGH 2002.—There are authorized to be appropriated for salaries and expenses of the Department of Energy for departmental administration and other activities in carrying out the purposes of this Act—

"(1) $104,000,000 for fiscal year 1997;

"(2) $104,000,000 for fiscal year 1998;

"(3) $100,000,000 for fiscal year 1999;

"(4) $90,000,000 for fiscal year 2000;

"(5) $90,000,000 for fiscal year 2001; and

"(6) $90,000,000 for fiscal year 2002.".

SEC. 7. SPECTRUM AUCTIONS.

(a) COMMISSION OBLIGATION TO MAKE ADDITIONAL SPECTRUM AVAILABLE BY AUCTION.—

(1) IN GENERAL.—The Federal Communications Commission shall complete all actions necessary to permit the assignment, by March 31, 1998, by competitive bidding pursuant to section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)) of licenses for the use of bands of frequencies that—

(A) individually span not less than 12.5 megahertz, unless a combination of smaller bands can, notwithstanding the provisions of paragraph (7) of such section, reasonably be expected to produce greater receipts;

(B) in the aggregate span not less than 35 megahertz;

(C) are located below 3 gigahertz; and

(D) have not, as of the date of enactment of this Act—

(i) been assigned or designated by Commission regulation for assignment pursuant to such section;

(ii) been identified by the Secretary of Commerce pursuant to section 113 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923); or

(iii) reserved for Federal Government use pursuant to section 305 of the Communications Act of 1934 (47 U.S.C. 305).

(2) CRITERIA FOR REASSIGNMENT.—In making available bands of frequencies for competitive bidding pursuant to paragraph (1), the Commission shall—

(A) seek to promote the most efficient use of the spectrum;

(B) take into account the cost to incumbent licensees of relocating existing uses to other bands of frequencies or other means of communication;

(C) take into account the needs of public safety radio services;

(D) comply with the requirements of international agreements concerning spectrum allocations; and

(E) take into account the costs to satellite service providers that could result from multiple auctions of like spectrum internationally for global satellite systems.

(b) PERMANENT AUCTION AUTHORITY.—Paragraph (11) of section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)(11)) is repealed.

The SPEAKER pro tempore. Under the rule, the gentleman from Texas [Mr. ARCHER] and the gentleman from Florida [Mr. GIBBONS] will each be recognized for 30 minutes.

The Chair recognizes the gentleman from Texas [Mr. ARCHER].

GENERAL LEAVE

Mr. ARCHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous matter on H.R. 3415.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today marks a very important moment for this House of Representatives, a place that has often been referred to as the people's House. Today, Mr. Speaker, we have a chance to remember who put us here, and to honor the hardworking men and women of the United States who simply want to keep a little bit more of the money they earn.

For too long, Congress treated the public's money as if it were Congress' own. For too long, Congress raised taxes and spent the money on an ever-growing Federal Government. The hard work and labor of our people was turned into big government largess by the spendthrift habits of the politicians in Washington.

Breadwinners, awakening each day to hard work and returning home each night to their loved ones, were told by Congress that the fruits of their labor did not belong just to them. The Federal Government, Congress said, had first rights to their efforts and first dibs on their taxes.

That explains why Congress, at least until last year, turned to the people's pocketbooks when it came time to solve problems. Instead of entrusting people with more responsibility and more control over their lives, Congress picked their pockets and raided their wallets.

Flash back to 1993, if you will, when Congress debated a major bill about taxing and spending. Faced with a choice between shrinking the size of Government by cutting spending or raising taxes to spend more money, the then-Democrat Congress and President Clinton unfortunately chose the latter. The gas tax was hiked, a $4.8 billion annual increase that hit middle- and lower-income Americans the hardest.

Mr. Speaker, today the House of Representatives has the chance to rollback this tax hike, a tax that never should have been raised in the first place, and our roll back is completely paid for. That is, it does not increase the deficit. Today, the people's House has the chance to show that we know where the money in this great Nation comes from. It comes from the people who made it, the working men and women of the United States. It is only right they get to keep it, because they are the ones who earned it.

A 4.3 cents a gallon decrease may not sound like much to many people in this town, but to the American working people it means a lot. It is a lot because it belongs to them, not us. It is theirs, not ours. The people made it, they earned it, they should keep it. We should return it. Roll back the gas tax. Vote "yes." Show the American people Congress knows where the money comes from.

Mr. Speaker, I include the following correspondence for the RECORD.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 21, 1996.

Hon. JOHN R. KASICH,
Chairman, Committee on the Budget,
U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: As you requested, the Congressional Budget Office has reviewed the budgetary effects of the spectrum provisions in H.R. 3415, as modified by the amendment to be offered by Mr. Bliley.

The spectrum provisions of H.R. 3415, as reported, would require the Federal Communications Commission (FCC) to use competitive bidding to assign licenses for 25 megahertz (MHz) of spectrum located below 3 gigahertz (GHz) and currently not designated for auction by the FCC or identified by previous law as spectrum available for transfer from federal to nonfederal use. The amendment would increase that amount from 25 MHz to 35 MHz. Under current law the FCC's authority to assign licenses by competitive bidding is set to expire on September 30, 1998. The amendment to H.R. 3415 would repeal this provision, thereby extending the FCC's authority to use auctions indefinitely.

CBO estimates that the 35 MHz of spectrum to be auctioned under the bill as amended would raise about $2.9 billion in 1998. The receipts from the 35 MHz of spectrum could vary depending upon the types of licenses that the FCC decides to auction. CBO assumes, however, that the FCC would seek to promote the most efficient use of the spectrum, as specified by the bill, and allocate the 35 MHz to the highest value use. Under the authority provided by Mr. Bliley's amendment, CBO also would expect the FCC to auction additional parcels of spectrum over the 1999–2002 period, resulting in estimated receipts of about $5 billion.

In total, CBO estimates that the spectrum provisions in H.R. 3415 as amended would raise about $7.9 billion over the 1998–2002 period. By comparison, we estimated spectrum receipts of $2.1 billion for the version of H.R. 3415 that was ordered reported by the House Committee on Ways and Means on May 9, 1996. Hence, the proposed amendment would increase the estimated spectrum receipts by $5.8 billion over the 1998–2002 period. The following table summarizes the estimated effects of the spectrum provisions of H.R. 3415, as modified by the proposed amendment.

[By fiscal year, in millions of dollars]

	Direct spending						
	1996	1997	1998	1999	2000	2001	2002
Offsetting receipts under current law							
Estimated budget authority	−4,900	−11,600	−2,800	−100			
Estimated outlays	−4,900	−11,600	−2,800	−100			
Proposed changes							
Estimated budget authority			−2,900	−800	−1,400	−1,400	−1,400
Estimated outlays			−2,900	−800	−1,400	−1,400	−1,400
Offsetting receipts under proposal							
Estimated budget authority	−4,900	−11,600	−5,700	−900	−1,400	−1,400	−1,400
Estimated outlays	−4,900	−11,600	−5,700	−900	−1,400	−1,400	−1,400

The budgetary impact of this bill falls within budget function 950.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Rachel Forward and David Moore.

Sincerely,

JAMES L. BLUM
(For June E. O'Neill, Director)

HOUSE OF REPRESENTATIVES,
COMMITTEE ON COMMERCE,
Washington, DC, May 15, 1996.

Hon. BILL ARCHER,
Chairman, Committee on Ways and Means,
U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: On May 8, 1996, Representative Seastrand introduced H.R. 3415, "a bill to amend the Internal Revenue Code of 1986 to repeal the 4.3-cent increase in the transportation motor fuels excise tax rates enacted by the Omnibus Budget Reconciliation Act of 1993 and dedicated to the general fund of the Treasury." The measure was referred to the Committee on Ways and Means and to the Committee on Commerce. The Committee on Ways and Means ordered H.R. 3415 reported on May 9, 1996.

The bill contains two provisions within the jurisdiction of the Commerce Committee. Those provisions are Section 6, "Authorization of Appropriations for Expenses of Administration of the Department of Energy," and Section 7, "Spectrum Auctions." Section 6 of the measure delineates certain funding authorizations for the Department of Energy through Fiscal Year 2002, and Section 7 provides for the auction of additional spectrum.

Recognizing the need to bring this legislation expeditiously before the House, the Commerce Committee will not act on its sequential referral of H.R. 3415 based on the following agreement: (1) regarding Section 6, it is my understanding that the words "departmental administration and other activities" encompass travel, training, human resources, support services, and other administrative activities; and (2) regarding Section 7, it is my understanding that you would not object to the deletion of Section 7(b) of H.R. 3415 entitled, "Federal Communications Commission may not treat this Section as Congressional action for certain purposes."

By agreeing not to act on our referral, the Commerce Committee does not waive its jurisdiction over these provisions. Furthermore, the Commerce Committee reserves its authority to seek equal conferees on these and any other provisions of the bill that are within the Commerce Committee's jurisdiction during any House-Senate conference that may be convened on this legislation.

I want to thank you and your staff for your assistance in providing the Commerce Committee with an opportunity to evaluate the provisions in H.R. 3415 within our jurisdiction. I would appreciate your including this letter as a part of the Ways and Means Committee's report on H.R. 3415, and as part of the record during consideration of this bill by the House.

Sincerely,

THOMAS J. BLILEY, Jr., *Chairman.*

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, May 15, 1996.

Hon. THOMAS J. BLILEY, Jr.
Chairman, House Committee on Commerce,
Washington, DC.

DEAR CHAIRMAN BLILEY: Thank you for your letter today concerning the jurisdictional interest of the Committee on Commerce in sections 6 and 7 of H.R. 3415, a bill to repeal the 4.3-cent increase in the transportation motor fuels excise tax rates.

I wish to acknowledge the Committee on Commerce's jurisdiction over sections 6 and 7 of the bill, dealing with the authorization of appropriations for expenses of administration of the Department of Energy, and spectrum auctions. Accordingly, those provisions were not considered by the Committee on Ways and Means during its markup on May 9. I have no objection to the additional clarifications you are seeking to make on these items, over which the Committee on Ways and Means does not have an interest.

As you requested, I have included a copy of your letter in the Committee report, and will insert a copy of it in the Record during consideration of this bill by the House. Thank you again for your assistance and cooperation in expediting floor consideration of this important legislation. With best personal regards,

Sincerely,

BILL ARCHER,
Chairman.

Mr. ARCHER. Mr. Speaker, I reserve the balance of my time.

Mr. GIBBONS. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, this is another case of Republican mismanagement. Here we are at the end of a 5-day holiday in Congress. I have more people who want to speak against this crazy piece of legislation than I can possibly accommodate. We are gagged again. We cannot say anything.

We do not need this. We are only here because Mr. DOLE is running for President, he is way the heck behind in the polls and he has to do something to jump start his campaign, and he has chosen this. It is ridiculous. It is pandering at its worst. I think the American people recognize it. Mr. Speaker, they realize that our highways and our transportation system are in shambles. This money ought to be going in the highway system and in our transportation system, not to pander to a few voters so they can take a vacation a little cheaper.

In America we have the cheapest gas prices in the world, the cheapest gas prices in the industrialized world. We have the lowest gasoline tax in the industrialized world. There is very little chance that any of this money will ever get back to the consumers.

The oil companies will keep it.

Mr. ARCHER. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, for me this vote is one of keeping faith with the constituents and voters who sent me here to Washington in the first place. In 1993 I voted against the imposition of the increased gas tax. That was unconscionable then. It made a costly gesture towards the consumers of our country, towards the voters, toward our constituents. Now here today we are on the verge of being able to correct an error made by the Congress and the administration.

I vote to correct the record. I vote to repeal the gas tax. It was a monumental nuisance tax back in 1993, added to the greatest tax increase known to mankind. We can try to set the record straight here today by showing we were against big taxes then and for the repeal of this tax now.

Mr. GIBBONS. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. Mr. Speaker, this bill is a sham. None of this is going to get to the consumer. Every bit of it is going to go to the big oil companies. The proof of it is that when our colleagues and our people go to the pumps the day after this passed, the money is not going to be there. The average citizen is going to get 52 cents a week, two pennies, two quarters. That is all he is going to get our of this. The oil company is going to get $4 billion a year. That seems to me unfair.

Nobody who has appeared before us and nobody on that side of the aisle, where my Republican colleagues have been holding forth the virtue of this, has been able to point where the money is going to go. The money is going to go to the oil companies. That is where it is going to go. No witness on behalf of the oil companies or anybody else who came to the committee could tell us anything else than that the money was going to go to the big oil companies.

If my colleagues really want to do something for the people of this country, and I think it would probably be suitable, we can give the average citizen $40, $40 a week in differences, by simply doing something that really is going to help the ordinary citizens; that is, by passing the minimum wage legislation that we have been trying to get. I do not want to leave this around here too long because my Republican colleagues, when they see money that belongs to ordinary people, want to take it away from them and give it to the oil companies.

But having said that, just make note, this money that we are giving back is going to go only one place. It is going to go to the oil companies, and they are going to thank you for it. It is going to show up in their annual statements, it is going to show up in their quarterly reports, it is going to show up in their 10-Ks and 10-Qs. They are going to enjoy it immensely, and they are going to thank the Republicans for it.

The people that are being deceived today are not going to thank the Republicans, because all they are going to get is 52 cents a week, but the oil companies are going to get $4 billion a year. That is quite a noteworthy difference. It is something which reflects poorly on this House, both as to its integrity and as to its intelligence.

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would simply respond to the gentleman from Michigan [Mr. DINGELL] that once again Democrats go, cloaking and obscuring the fact that they do not want to give a tax reduction to anybody. This tax is a retail sales tax on gasoline. It is collected at the terminal rack in order to eliminate fraud and abuse. The refinery gets none of it. The gentleman from Michigan and his colleagues who talk about the refiners being able to pocket this do not understand how the tax is even collected. The refiners cannot benefit because the tax is added onto their price at the terminal rack.

Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. GILMAN], the respected chairman of the Committee on International Relations.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I want to commend the distinguished chairman of the Committee on Ways and Means for bringing this measure to the floor.

Mr. Speaker, I rise in strong support for H.R. 3415, legislation to repeal the 4.3 cents gas tax. I do so in an effort to express my deep concern over the current rise in gasoline prices.

The current debate over the 4.3 cents gas tax can be attributed to the recent spike in gas prices. In fact the last week of April and first week in May saw a five cent increase in the average price of a gallon of gas. Furthermore, it has been reported that gas prices have increased by more than 10 percent, well above inflation.

During times of continued corporate downsizing mixed with slow economic growth, and the rising cost of living, it is imperative that Congress do all it can to protect our constituents pocketbooks.

Though many will argue that the repeal in the gas tax will not be passed along to the consumer but rather kept by wealthy oil companies, I believe it is imperative that my colleagues support this measure to send a message to these companies informing them of the congressional outrage to the current gas price increases. By supporting this measure I am hopeful that the threat of congressional retaliation against oil companies will be sufficient in motivating those firms to pass along the savings to the consumer.

Accordingly, I urge my colleagues to support this measure and I look forward to working with my colleagues in finding solutions to prevent such practices from happening in the future.

□ 1745

Mr. GIBBONS. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. RANGEL].

Mr. RANGEL. Mr. Speaker, my dear friend from New York, BEN GILMAN, has the right idea about this. We have got to tell these oil companies that we mean business, that this is not supposed to be just a windfall thing. Why, it took the gentleman from Kansas a long time to come up with this one, took the President a shorter time, of course, to adopt it, but this is that time of the year.

But I think my Republican friend is saying that it is time to let the oil companies know that in the House of Representatives we put the consumer first. That is why I am going to give you an opportunity, when we have a motion to recommit, to vote and make certain that these oil barons pass on this 4.3-cent tax cut to the consumer. If they do not do it, then of course we will make certain that they pay back the 4.3.

The last thing I know my friends on the other side of the aisle would want is that this 4.3-cent tax, which in 7 years really can come to $30 billion, not end up in the pockets of the oil people or the refineries. What we want to do is to make certain that each and every voter, or to put it another way, each and every motorist remembers us in November that we reduced the price for them by 4.3 cents.

So I hope that some of my colleagues that are a little skeptical about these oil people or those who know best might join with me at the end of this bill to make certain that we are talking about consumer protection. I want to thank the gentleman for his good feeling about this.

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I simply respond to the gentleman from New York that this is another effort on the part of the Democrats at price fixing, which they said was going to keep people from having to pay higher prices back in the 1970's at the gasoline pump. But it was only after President Reagan removed price controls that the price of gasoline went down.

Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. BARTON], a member of the Committee on Commerce.

Mr. BARTON of Texas. Mr. Speaker, my good friend and colleague from Michigan, Mr. DINGELL, a member of the Committee on Commerce, asked the question, Where is the money going to go? With all due respect, that is the wrong question. The question is, Where is the money going to come from?

The money has been coming out of the pockets of the American taxpayers, who have about given all they can give. This bill repeals the 4.3-cent gasoline tax and allows the taxpayers to keep some of what they have been giving.

My pockets are dirty and they are empty, I want the RECORD to clearly show that.

This 4.3-cent gasoline tax repeal leaves money in the taxpayers' pockets. It also repeals a tax that most American citizens thought was going to build highways. However, this tax increase actually went into the general revenue fund to increase social spending.

There is a section, section 6 of this bill, that does direct the Committee on Appropriations to reduce the appropriation accounts for departmental administration at the Department of Energy by $542 million over 5 years. The Secretary of Energy has been traveling extensively until this year, in fact, so much so that they have had to transfer funds from a defense program in the Department of Energy to offset some of the increased travel expenditures. In the President's budget they requested a 38-percent increase for departmental administration. This bill would rescind that increase and cut the administration budget for the Department of Energy to offset some of the lost revenue.

So I rise in very strong support of the bill and would congratulate the Committee on Ways and Means for bringing it forward.

Mr. GIBBONS. Mr. Speaker, I yield 2½ minutes to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Speaker, the gentleman from Texas says we are asking the wrong question. It is whose pockets it goes into. Good question. Answer: Wholesale prices going down, I tell the gentleman from Texas, retail prices going up. Going up.

I do not know anybody that believes that this is going to be passed directly along to them, and I am surprised the Republicans did not allow us to ensure the fact that it would go in the consumer's pocket, so in fact the pockets of the gentleman from Texas, Mr. BARTON, would have a little more in them and all of our folk's pockets would have a little more in them.

This is one of the most patently political pandering proposals I have seen on this floor, period. The gentleman from Texas voted for a constitutional amendment to balance the budget, but he does not want to balance it in any way other than cutting out school lunches, or cutting out student loans, or cutting out health care, apparently. Let us get real.

Not one of you can show in any demonstrable way that this tax had anything to do with raising the gasoline prices, because in fact after we adopted it, guess what? Guess what? Gasoline prices went down, not up.

But guess what did go down? Something did go down: The deficit, ladies and gentlemen, as a result of the 1993 bill, will go down for the fourth year in a row. Never before in this century, I tell the chairman of the Committee on Ways and Means, has this been accomplished, not once.

Under the economic program that everybody on the Republican side of the aisle not only opposed, but they said if we adopted it the economy would go essentially south in a hand basket, they said it would drop off the end of the world, that it would be an utter failure, in fact, exactly the opposite has happened. Inflation down, employment up, unemployment down, the stock market up. The economy is doing very well, thank you.

Let us not retreat, which is why the Concord Coalition, one of the most responsible bodies in this country on reducing the deficit, says vote "no" on this sham.

I rise to oppose this measure that helps neither consumers nor the future of our Nation.

Despite all the rhetoric of recent days, enactment of this legislation would not reduce the price that all of us pay for gasoline.

Disguised as a pro-consumer measure, this bill is simply an excuse for big oil companies to keep more of their profits.

I regret that the Republican leadership is refusing to allow consideration of provisions that would guarantee that the gas tax repeal goes into the pockets of consumers.

Recent experience confirms that the retail prices that you and I pay are not directly linked to wholesale costs—so this bill is little more than an excuse for big business to keep an additional 4.3-cents per gallon.

I would hope that my Republican friends shared my excitement over this morning's reports that, thanks to President Clinton's leadership, the 1996 deficit will be even less than expected and will be our fourth consecutive year of deficit reduction.

Before they took over the leadership of the Congress, my Republican friends talked a lot about deficit reduction.

But now they have brought to the floor a bill that would cost $3 billion this year and reduce revenue by $34 billion over 7 years.

They say they have paid for the reduction but in fact those savings should be used for additional deficit reduction.

As a supporter of the balanced budget amendment to the constitution, I believe we should not waiver from our course. The bill before us is a first step towards unraveling the 1993 economic plan that has now produced four consecutive years of deficit reduction.

The U.S. Gas tax is not unreasonable. In fact, it is substantially less than that of France, Japan, Britain, Spain, Italy, the Netherlands, and Canada.

The Concord Coalition has cautioned against this step backwards. In a May 7 letter they stated:

> It is a sad commentary on the depth of commitment to balancing the budget that after a year of hard work, a balanced budget plan still has not been adopted, while after scarcely a week, a bipartisan stampede to pander to motorists is being allowed to undermine deficit reduction efforts.

We should reject this legislation and 'stay the course' towards elimination of the deficit.

Mr. ARCHER. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. THOMAS], the respected chairman of the Subcommittee on Health of the Committee on Ways and Means.

Mr. THOMAS. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, it just seems to me sometimes we get carried away in our speeches, because we try to get people to believe that the real world does not work the way the real world works. You have heard a number of my colleagues, the most recent one on this side of the aisle, say it is not going to be passed on to the consumers.

How many of you have driven by a gas station at any time in your life when there were two stations on the same corner and there was a nickel difference between the two? The answer is never. All you have to do is have one enterprising station owner decide as a gimmick to sell more gasoline to say, "I am lowering my price by 4.3 cents and I am passing the savings on to you," and how long does he stand alone? What happens is the guy on the next corner says, "We are passing it along, too."

What happens, as in any market situation in a highly competitive product, is that once somebody gets the idea that they can get the consumer to come to them rather than someone else by offering something.

And the headlines are going to be, finally we have repealed a tax that never should have been imposed in the first place, and it is going to be passed on to consumers because somebody out there, an entrepreneur is going to be bright enough to say, "I am lowering the price, you get the tax benefit," and it will not be able to be contained to that one bright entrepreneur.

The idea that you have to have government tell people they have got to pass it on is a classic example of the difference between a party that believes in market-oriented entrepreneurs and the government having to tell you how you are supposed to run a competitive market-based structure. All you have to do is to vote here and you will see it out there tomorrow, unless of course you do not have any confidence at all in the American system.

Mr. GIBBONS. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. MATSUI].

Mr. MATSUI. Mr. Speaker, I would like to thank the gentleman from Florida for yielding me the time.

Mr. Speaker, I have to say that this debate is kind of interesting, because about 3 months ago when we first talked about the repeal of the 4.3-cent gas tax, the Republicans came in like an elephant, and now that this debate has ensued and now we are near the end of the day, they are walking out like mice.

The reason for it is because the Republicans have put to all of you, the American public, a great, great deception. I do not think anyone knows this, but the fact of the matter is, this great debate is going to result in a 4.3-cent tax cut of the gas tax for 7 months. It expires on December 31, 1996, so we got a 7-month gas tax repeal.

So we are going to get big headlines in the newspaper tomorrow. It is going to be on national TV tonight. You can understand why they tried to do it earlier in the day. But the fact of the matter is they want to get through the election, the election in November of this year. They are going to say, "We passed a gas tax repeal, 4.3 cents," but the reality, on January 1, 1997 that gas tax is going to go up 4.3 cents again.

So I want to congratulate the Republicans because they tricked people. They tricked them over the last 3 months, thinking that you were doing something really great for the American people, but they are walking out like mice.

Let me make one other observation. The gentleman said that the consumers will get this 4.3 cents. Why is it then that the oil refineries, why is it then that the auto dealers or the gas station owners want this cut? Because they know they are going to get a piece of the action. They know it is not going to go to the consumers. We all know that.

In fact, the gentleman from New York [Mr. RANGEL] offered an amendment in the committee, and he was turned down by the Republicans on that issue, to pass this cost on to the consumer.

Mr. Speaker, this is a fraud. Vote "no" on this bill.

Mr. ARCHER. Mr. Speaker, I yield 2 minutes to the gentlewoman from California [Mrs. SEASTRAND], the sponsor of this legislation.

Mrs. SEASTRAND. Mr. Speaker, I am always amazed as a freshman coming to this House to do what my constituents have sent me, to change this place and to work against the bureaucracy. I am amazed to hear some of my colleagues on the other side of the aisle. They have never met a tax that they do not like, and they just are holding on to the gas tax, even though we are talking about a temporary repeal of the 4.3-cent gas tax which was enacted by President Clinton and the old 103d Congress, who believed in increasing taxes every time there was a problem.

I just would urge my colleagues to let us do this quickly so that we can provide the relief from the recent surge in gas prices, especially before we go into the summer driving and we see Americans increase their driving, and we also see perhaps an increase in the demand for fuel and increased prices.

Now, I know it is hard for many of the people here that live on Capitol Hill to understand what it is like 3,000 miles away on the central coast of California and how my constituents have to depend on that automobile, that truck, to get them to and from school, to and from work, to and from the supermarket, getting the children where they have to go, so we drive a lot on the central coast.

□ 1800

My agriculture industry, which is driving the produce to the markets for all of the people across America, knows what it is about, the extra increase in prices of gasoline, because it is going to be shown in that head of lettuce that people are going to buy at the supermarket.

Well, in California, in the district of Santa Barbara, there was one station, a couple of stations that had gasoline at over $2 a gallon. So what we want to do is give some quick relief.

We all know there is a number of reasons why. It has been stated on the floor here, the harsh winter and we are producing heating oil instead of gasoline. Another reason I would like my colleagues to know in California is there were regulations implemented to get cleaner gasoline so that we can have cleaner air. What does that mean? It means we are going to have to pay for that, in this case about a dime a gallon.

So I would just say, let us give it to the consumer, and let us give them some tax relief.

Mr. GIBBONS. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Mr. Speaker, fact: Yes, the gas tax was raised 4.3 cents in 1993, among great pain. The reason this happened was the deficit had got out of control, $290 billion. Three years later it came down to maybe $140 billion, possibly even $125 billion.

Fact: This bill is going to pass. Fact: The 4.3 cents is not going to go back to the consumers. The gentleman from California gets incensed. Why do we not believe in the free market? The reason is we have experience. December 31, 1995, just a short time ago, the noncommercial jet fuel tax went down from 21.8 cents to 4.3 cents, four times what we are talking about tonight, down 17.5 cents per gallon. Have we seen any of that? We have not seen 1 penny of reduction.

Mr. Speaker, it is a fact that this gas tax is going to be repealed for 7 months. It is a fact that the deficit maybe will not go down as much as it should. It is also a fact that the candidate for President, Mr. DOLE, should not use any more of these ideas at this point in time. We should get back to work and be doing what we should be doing, not appealing to the electorate of the Presidential race when we are supposed to be doing congressional work.

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume simply to respond.

We have a case example of what happens when a tax is removed. Earlier this year, we saw how well competition drives the prices charged to consumers. On January 1, the 10-percent airline ticket tax expired. That same day, most of the motor carriers reduced their air fares by a corresponding 10 percent and within 24 hours the pressures of competition drove another major air carrier to drop its fares by 10 percent.

Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. ROYCE], another sponsor of this legislation.

Mr. ROYCE. Mr. Speaker, in 1992, when he was running for President, President Bill Clinton promised he would not raise Federal gasoline taxes. But just 1 year after he was elected, in August 1993, he pushed through the Congress a budget proposal with over $265 billion in tax increases, including a 4.3 cents per gallon hike in the Federal gas tax.

At the time the President assured his colleagues that the 1993 tax increase would only affect the rich. In reality the gas tax increase has had a significant day-to-day impact on American families, especially those who are middle and lower income.

These are the folks that are feeling the pinch at the pump, not the rich. To add insult to injury, none of the 1993 increase goes toward improving our Nation's roads, bridges or highways, which would be of some benefit to the user.

This is a perfect case study of how the philosophy of redistribution of income can backfire. The painful increase in the price at the pump gives us an excellent opportunity to repeal the tax that never should have been imposed, while at the same time helping taxpayers keep more of their hard-earned money.

Mr. GIBBONS. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. Mr. Speaker, oil prices are up, profit for oil companies are soaring, oil company executives are recording record increases in their stock options. But crude oil prices are coming down, and oil companies are telling the New York Times it will take maybe to the rest of the year for us to figure out how to get that passed on to the consumer at the pump.

This tax break, however, goes not to the consumer, but to the oil company refiners. And the Republicans say, well, that is the way to do it. Give it to the refiners. Do not you trust the refiners?

Trusting the oil companies is like trusting in the tooth fairy. There is absolutely no guarantee that the oil companies are going to pass this on to the consumer. They have been ratcheting up prices over the last several months. Saddam Hussein yesterday was given the opportunity to sell oil on the world market. What happened? Oil prices continued to rise in this country.

The marketplace which is presumed by the Republicans is not the marketplace observed by consumers at the gasoline pump. They want this tax break. The Democrats wanted an opportunity to give it to the taxpayer in their tax forms next year. The Republicans give the entire tax break to the oil refiners and ask them, pretty please, pass it on to the consumer at the pump.

Well, we will wait for the rest of this year, and maybe, just maybe, some of it will trickle down to the consumer. But the consumer has been trickled on by Republican economic theories for the last 16 years, and they know very well after this last 5 months with the oil companies that there is very little likelihood that it is going to be passed on this year, and in fact what will happen is that not only the $130 they made out of each consumer in price rises, but the tax break itself will wind up in the oil company pockets.

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume simply to respond to the gentleman. His rhetoric runs very deep and heavy in an election year. The reality is, and I have said this already twice today, but he does not seem to understand how the tax is collected.

The refiners do not have anything to do with the tax. The refiners will not get a rebate of the tax. They do not charge the tax. In fact, his own colleague, the gentleman from Maryland [Mr. HOYER], just showed that the wholesale price of gasoline, which is what the refiner gets for gasoline, is going down. The refiner is not at all involved in this. The gentleman should go back and learn the basics of how this tax is collected.

Mr. Speaker, I yield 3 minutes to the gentleman from Iowa [Mr. NUSSLE], a respected member of the Committee on Ways and Means.

Mr. NUSSLE. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, listening to the last speaker, he said how the Democrats want to give it to the American people. They sure want to give it to the American people, the way they did in 1993 when they raised the taxes, the largest in American history.

I would like to go back and talk a little bit about why they raised the tax. You would think that they raised the tax in order to repair roads, or to fix potholes, or for mass transit, or for senior transportation, or to make sure that our bridges were in repair. Is that the reason?

Absolutely not. And now we have the ranking member running into the House today saying it went for deficit reduction.

But you did not, And it did not go to roads, it did not go to bridges, it did not go to potholes. It went for deficit reduction, they say.

But did it work? Absolutely not. Absolutely not. In fact, it went for wasteful Washington spending, so that you could tell the folks back home what kind of great job you were doing in your districts and what kind of great job you were doing on deficit reduction, when in fact all you did was take more money out of their pocket, bring it out here to your pocket, because you believe you spend the money better than they do.

Let me tell you a little bit about gas taxes and how it all works. I have a friend of mine, Don Gentz, who runs Don Gentz Standard in Manchester, IA. He tells me the folks in Manchester do not even realize the price of a gallon of gas.

Do you realize gas prices back in 1965 were only 20 cents? Do you realize in 1975 it was only 45 cents? In 1985, it was only 98 cents? And today, it is only about 80 or 90 cents?

Why are you paying so much money when you pump, stick that nozzle in your tank? Why do you pay $1.20 or $1.30 or $1.40 or $1.50. Why are you not paying what the oil refineries have as their cost? Why do you not pay what Don Gentz pays to put that gas into his tank in the ground? Why do you consumers not pay that?

Because the Democrats believe that they spend your money better than you do. So they raised gas prices through the gas tax. And now, in 1995, instead of paying just 80 cents, you added another 40 cents on.

We just want to take a small part away. The reason is very simple, and this is the whole crux of the debate. Who do you think spends your money better? Do you believe the wasteful Washington bureaucrats and Representatives and Senators in Washington do it, or do you think the people back home, who pump their gas every single day so they can get to work and drive their kids to day care and make sure they get some money in their pocket at the end of the day, that they do a better job of spending that money?

I happen to believe in Don Gentz. I happen to believe in the people that are driving to day care. I believe we ought to reduce this gas tax.

Mr. GIBBONS. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, the gentleman in the well who just made these protestations that we are not spending this money on roads and highways, when I made a motion in committee a couple of weeks ago, as I recall, the gentleman is in the well now and can correct me, you voted against my motion to put this money in the Highway Trust Fund.

Mr. NUSSLE. Mr. Speaker, will the gentleman yield?

Mr. GIBBONS. I yield to the gentleman from Iowa.

Mr. NUSSLE. Why did it take the gentleman so long? Is that a revelation that just kind of came to him?

Mr. GIBBONS. I tried to get the gentleman to yield when he was down there talking. He would not yield to me.

Mr. NUSSLE. Is it a revelation? "Let us put it in the Highway Trust Fund?"

Mr. GIBBONS. I gave the gentleman an opportunity to put it in the trust fund, and he said no.

Mr. NUSSLE. Why did the gentleman not take the opportunity in 1993?

Mr. GIBBONS. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. LEVIN].

Mr. LEVIN. Mr. Speaker, I would like to pick up on the comments of the gentleman from Florida [Mr. GIBBONS]. In 1990, in the summit agreement, there was an increase in the gas tax. Half of that went for deficit reduction, not for roads. Who voted for it? A lot of Republicans in this House, and the majority leader in the Senate, or the former majority leader, Mr. DOLE. So we hear all of these rhetorical flourishes, when a lot of Republicans did the same thing in 1990. What credibility is there?

If there is such a passionate belief, why is it temporary? Why is it temporary? We in the committee suggested it be, at least some of us, on a permanent basis. Almost every Republican, including I think the Member who just spoke, voted "no."

You have tried extremism. You gorged yourself on it, it does not work. Now you are trying manipulation, no matter how transparent.

Let me say a word about the market. Here is what a very conservative economist said at our hearing. These were his words in the press earlier.

"The Republican-sponsored solution to the current fuel problem is nothing more and nothing less than a refiners' benefit bill. It will transfer upwards of $3 billion from the U.S. treasury to the pockets of refiners and gasoline marketers."

When we in the committee, Democrats, proposed a solution so it would go directly to the consumer, almost every Republican voted "no."

I finish with this: We just debated the budget resolution. There were lots of speeches about the deficit. Now, just a few days later, here we come with a fix, 7 months only, that will increase the deficit and not help the consumer at all, or very much at all.

Mr. Speaker, this is bad policy, and the worst kind of politics. We should vote "no."

Mr. ARCHER. Mr. Speaker, I yield 3 minutes to the gentleman from Texas [Mr. DELAY], the majority whip.

Mr. DELAY. Mr. Speaker, I thank the chairman for bringing this bill to the floor.

Mr. Speaker, I rise in support of this bill to repeal the President's unfair and unwise gas tax.

This is an amazing debate, do you not think? On this side of the aisle, there is not a tax that they do not love. They are trying every way they can to hang on to more taxes on the American family, and they claim "we did it for deficit reduction."

One of the reasons that maybe some of the Republicans voted for the gas tax back in 1990, I did not, but they wanted that tax to go to roads.

□ 1815

It is more of a user fee. What the Democrats did and what the President did in 1993 is take an honored tax, that usually goes for roads, a user fee, and put it into deficit reduction so that they could spend more money.

Let us not be under any illusion about this legislation. It probably will not have a profound impact on the price of gas at the pump. It will lead to slightly lower gas prices, but in the marketplace the laws of supply and demand still play the biggest role in the price of gasoline.

There is, however, a bigger story behind this gas tax repeal. Three years ago, without one single Republican vote, President Clinton and the Democrats raised the largest tax increase in history on the American people. Today, we are saying that those tax increases were wrong. This gas tax repeal is the start, only the start, of a process, an ongoing process, of reversing the President's tax increases.

Now, some of my colleagues on the other side of the aisle will come down here, and we have seen it in speech after speech, and they will argue against this repeal of the gas tax. They will say that the Government should keep this nickel in revenue, it is only a nickel, to pay for more social welfare programs. Well, my friends, I say for 40 years the Congress has been nickel-and-diming the American family to death.

Today, the Government takes over 50 percent, 50 percent, of the average family's paycheck. Today, both parents are forced to work, one to support their family and the other to pay for the Government, and they want to hold on to that money because they can spend it better. The American family can spend it better.

We need to lower the cost of government. We need to lower the levels of taxation and lower the strains on the family and get the country on the right track again. This gas tax repeal is a start in that process, and for that reason I support it and urge my colleagues to support it.

Mr. GIBBONS. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland [Mr. CARDIN].

Mr. CARDIN. Mr. Speaker, I thank the gentleman for yielding me this time.

It is interesting that the proponents are talking about everything but the merits of the particular bill that is before us. My constituents understand this is election year politics and it is very expensive.

Let me, if I might, quote from a letter I received from Henry Rosenberg, who happens to be the chairman and CEO of Crown Central Petroleum Corp., a producer and refiner of gasoline.

Mr. Rosenberg states:

> I am writing to express opposition to the current proposal to reduce the Federal gasoline tax. The 4.3-cents-per-gallon tax, included in the 1993 budget, should remain as a deficit cutting measure. Long-term damage to U.S. economy, caused by repeal of the tax, would far outweigh any short-term gain to the consuming public.

The rationale advanced by the sponsors of this legislation is that the motoring public needs help because of the recent increases in gasoline prices. Well, there are two problems with that. First, as has already been pointed out, the gasoline tax has nothing to do with the recent increase in gasoline prices. In fact, we have seen in recent years a decline in gasoline prices.

The second problem is that the consumer will not get the benefit of the 4.3-cent gasoline tax cut. Economists before the Committee on Ways and Means indicated that it will not be passed through. This is only a 7-month repeal. It comes right back after the elections. The $2 a month a typical family will save will evaporate; will not even be there.

Mr. Speaker, I hope that my colleagues will do the right thing on this proposal. I want to quote from one more letter that was written in the Baltimore Sun by Mr. Jack Kinstlinger, who called the proposal to repeal the gasoline tax foolish and counterproductive.

Let us understand what we are doing. Mr. Rosenberg of Crown Central said, and I want to just quote this, "Congress should have the courage to support what is right, and that is to be fiscally responsible."

I urge my colleagues to do that and to defeat this bill.

Mr. Speaker, the letters referred to earlier follow:

CROWN CENTRAL
PETROLEUM CORP.,
Baltimore, MD, May 8, 1996.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: I am writing to express opposition to the current proposals to reduce the federal gasoline tax. The 4.3 cents per gallon tax, included in the 1993 budget, should remain as a deficit cutting measure. Long-term damage to U.S. economy, caused by repeal of the tax, would far outweigh any short-term gain for the consuming public.

Crown does not traditionally support increased gasoline taxes, especially when the revenue generated is not used directly for the building of highway infrastructure. In this case, however, the roughly $4.5 billion generated by this tax each year is essential to our efforts to reduce the deficit. Putting our economy back in balance is of far greater importance to both our industry and the country than returning a few dollars to motorists.

We currently bequeath to our children a trillion dollars of debt every four years. It is our duty to change this situation, not to make matters worse. A knee-jerk political reaction to the temporary problem of higher gasoline prices is not an appropriate action for Congress. The market, when left to take its course, will correct any imbalances and will put the price of gasoline where it should be. In the meantime, Congress should have the courage to support what is right, and that is to be fiscally responsible.

Sincerely,

HENRY A. ROSENBERG, Jr.

GAS TAX NEEDED TO REBUILD ROADS

Republican proposals to roll back the 4.3-cent federal gasoline tax enacted as part of President Clinton's 1993 deficit reduction package are foolish and counter-productive. The current surge in fuel prices is due to pricing decisions of the petroleum industry, not tax levels.

Rather, what is needed is for the receipts to be deposited into the Federal Highway Trust Fund, which finances the rebuilding of America's deteriorated roads and substandard bridges. Forty percent of bridges in the U.S. are substandard, and 30 percent of interstate highway pavements are deteriorated.

We would need to double our investment in transportation just to maintain current levels of service and safety, according to government studies. The United States invests about two percent of its gross domestic product in infrastructure renewal, one-third the ratio of European nations or Japan.

With that dismal record of capital reconstruction, how much longer can we maintain our world leadership position?

JACK KINSTLINGER.

Mr. ARCHER. Mr. Speaker, I reserve the balance of my time.

Mr. GIBBONS. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Speaker, this bill that is before us to cut the gas tax is not about putting more gasoline in the tanks of the American consumers' automobiles, this is about putting fuel in BOB DOLE's campaign for the Presidency that was stalled and out of gas on the side of the road.

Mr. DOLE decided he would give up efforts at deficit reduction and he would try to curry favor with the American public by reducing the gas tax for 7 months or 6 months by maybe 4.3 cents, and we do not even know whether or not that will be passed on. This is about Presidential politics and a failed campaign to try to use the gas tax to jump-start that campaign.

In California, the State I come from, the wholesale price of gasoline has dropped 15 cents since May 6, but at the pump it has only dropped 2 cents. If we take this tax and cut it again, it does not mean that the consumer is going to get the benefit. The refiners now have the ability to hold the price up because there is 4 cents give.

So the refiners, I would say to the gentleman from Texas, can benefit from this because they force it on to the service station owner. They have every ability to do that, or the service station owner simply will not pass it on, as they are not doing currently, as they are not doing currently under the rather dramatic drop in the wholesale price of gasoline in the California market.

What has happened here was this tax was put on because the country said they were tried of the red ink of the deficit. This was part of President Clinton's plan to reduce the deficit, the most successful deficit reduction plan in the last 25 or 30 years. He did not do what the Republicans were doing through the 1980's, talking about balanced budgets, talking about reducing the deficit. He, in fact, reduced the deficit. In fact, he has cut it by more than half, and it has continued to go down and people have continued to receive the benefits of low-interest rates as they have been able to refinance their houses and other things. So the Presidential meant it for real. Now the Republicans want to give up on deficit reduction with this ploy.

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume.

I do not know how often I have to say it. This bill does not increase the deficit. And why is the deficit down since 1993? Not because of the taxes that are taken out of the pockets of people for gasoline.

It is down because, yes, we did not have to bail out any more insurance on depositors of savings and loans.

That was taken off as a spending item because of the courage of President Bush in taking on that responsibility. But that was no longer there. It declined and went away.

And because of the reduction in defense spending, which was already on the books when President Bush left office, and the down building of the Defense Department.

And then, what I believe was a very, very unwise thing, to convert more long-term debt to short-term debt because temporarily interest rates were lower on short-term debt. So the cost of interest went down.

Those were the major factors that reduced the deficit. But the democrats do not to talk about that.

Let us get back to the focus on this tax increase. They want the American people to believe we can tax people and tax people and tax people and nothing ever happens. They do not pay more. And if we cut taxes, then, of course, the people will not benefit from it. Taxes are an imaginery item in their economic view of things, and so just keep loading them on.

We want to, at least during the time of this unexpected increase in gas prices, which, hopefully, will go away by the end of this year, take away some of this burden on the pocketbook of working Americans.

Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. RIGGS].

Mr. RIGGS. Mr. Speaker, first of all, I want to point out to my colleagues, since I was preceded by one of my colleagues from California, that according to economists, motorists in California, Texas, Florida, Ohio, and Pennsylvania bear the brunt of the Clinton Democratic gas tax increase. The total cost of the Clinton Democratic gas tax increase to Californians is nearly $550 million a year.

I think it also bears mentioning that when the 1993 Clinton Democratic budget and tax plan first came out of this House, it contained an even broader energy tax, the so-called Btu tax increase, on every single American motorist and household. So if Members are going to stand up and talk about the gas tax repeal, they should at least take a stand on principle; say that they support the tax increase they imposed on the American people.

They should stand by the principle today and not try to waffle all over the place and equivocate and say, well, I might vote against it because I am not sure that the repeal is actually going to be passed on to the American motorist.

Mr. Speaker, I want to introduce into the RECORD letters, actually they are press releases, from the big three oil companies, Chevron, Texaco and Arco, all indicating that they intend to pass the gas tax repeal directly through to the consumer.

Arco's headline: Arco will immediately reduce total gasoline price if 4.3 Federal gas tax is eliminated. Texaco says the same thing. Chevron says, and I quote, any decrease in the Federal gasoline tax would be immediately reflected in the prices Chevron charges to motorists at our 600 company-operated stations in the United States through reductions, which, on average, would equal the amount of the tax decrease.

So let us be honest here, folks, in this debate. I know that some are caught between a rock and a hard spot, I know they are trying to justify and defend the largest tax increase in American history, which included the 4.3 cent gas tax increase they imposeds on the American people, and I know those revenues never went to highway spending; instead, they went for just more Washington spending and more Washington bureaucracy.

Mr. Speaker, the letters referred to earlier follow:

CHEVRON RESPONDS TO FEDERAL GASOLINE TAX ISSUE

(San Francisco, May 8)

In response to many comments in the press and from customers concerning possible oil company actions in the event of a decrease in the federal gasoline tax, Chevron released the following statement:

Any decrease in the federal gasoline tax would be immediately reflected in the prices Chevron charges to motorists at our 600 company-operated stations in the U.S. through reductions which, on average, would equal the amount of the tax decrease. We also separately collect these taxes from our thousands of Chevron dealers and jobbers throughout the U.S., and we would immediately reduce our collections from these dealers and jobbers by the amount of the tax decrease. However, these Chevron dealers and jobbers are independent businessmen and women who independently set their own pump prices at the more than 7,000 Chevron stations they operate.

Many factors influence gasoline prices, which are set by competition in the marketplace. it is impossible to predict where gasoline prices may stand in absolute terms at any time in the future. However, if these taxes are reduced, it is logical in a free market economy that overall prices will in the future be lower for our customers than they otherwise would have been by the amount of the tax decrease.

TEXACO RESPONDS TO GASOLINE TAX REDUCTION PRICE INQUIRIES

WHITE PLAINS, NY, May 9.—Texaco stated today the actions it would take in the event Congress repeals the 1993 federal gasoline tax of 4.3 cents per gallon.

There are approximately 13,600 Texaco-branded service stations throughout the United States. For the approximately 1,000 company owned and operated service stations where the company sets the pump prices, Texaco would reduce the gasoline prices it charges to customers, all things being equal, by the amount of the tax decrease. In addition, Texaco would reduce the level of tax it collects from its independent wholesalers by the amount of the tax decrease.

However, at the approximately 12,600 Texaco-branded service stations which are owned or operated by independent business people, Texaco is precluded by law from setting pump prices at these locations.

All of the gasoline inventory held in storage in bulk plants and service stations on the effective date of any tax repeal will have already incurred the full pre-repeal tax of 4.3 cents per gallon. Unless a refund system is put into place, prices consumers pay at the pump could remain at pre-repeal levels until that higher-cost inventory gasoline is sold.

Many factors, including the competitive environment in which a station conducts business, influence the price of gasoline at a service station, thereby making it impossible to predict gasoline prices at any time in the future.

The repeal of the 1993 4.3 cents per gallon federal gasoline tax would reduce the average nationwide state and federal tax on gasoline from 42.4 cents to 38.1 cents per gallon. In the competitive market in which the industry operates, lower taxes will result in lower prices.

ARCO WILL IMMEDIATELY REDUCE TOTAL GASOLINE PRICE IF 4.3-CENT FEDERAL GASOLINE TAX IS ELIMINATED

LOS ANGELES.—ARCO Chairman and CEO Mike R. Bowlin said today that "if the federal government reduces the gasoline excise tax by 4.3 cents per gallon, ARCO will immediately reduce its total price at its company-operated stations and to its dealers by 4.3 cents per gallon."

The ARCO chairman said in an interview on ABC's "Nightline" broadcast on May 7, that he had "simply been cautioning that ARCO is not able to accurately predict industry behavior, cannot legally control its dealers' pricing, and that other factors may influence changes in overall market prices. All other things being equal, we would expect the price of gasoline to fall 4.3 cents per gallon.

An ARCO spokesman said that ARCO has a proud tradition of acting responsibly in its gasoline pricing decision in times of national upsets. He noted that during the Gulf War crisis in 1990, ARCO had been a leader in announcing that it would freeze gasoline prices. Eventually, that led to a situation where ARCO was unable to meet demand for its gasoline and was forced to raise prices in line with market conditions in order to prevent its dealers from running out of gasoline.

The ARCO spokesman said that "gasoline prices have increased some 20 to 30 cents per gallon over the last few months. Obviously no one can promise that even though the marginal cost of gasoline is reduced by a 4.3 cents per gallon tax reduction on a given day, some other factors may not simultaneously influence the market price of gasoline."

ARCO chairman Bowlin said: "What we can say is that ARCO will immediately reduce the total price of gasoline at our company-operated stations and to our dealers by 4.3 cents per gallon. I can also tell you that our internal forecasts suggest that gasoline prices are headed lower. We believe that the vast majority of responsible economists would say that a reduction in excise taxes would be passed through about penny-per-penny at the pump."

Mr. GIBBONS. Mr. Speaker, I yield 1 minute to the gentleman from Georgia [Mr. LEWIS].

Mr. LEWIS of Georgia. Mr. Speaker, I rise against this election-year gimmick; 4.3 cents has nothing to do with the price of gasoline and everything to do with trying to buy an election, but the American people will not be fooled.

Not one voter, but not one voter from the Fifth Congressional District of Georgia has contacted me in support of this ill-conceived idea. Every letter, every phone call I have received has a simple message: Vote "no". Do not play games. Do not sacrifice common sense for nonsense.

The Concord Coalition, economists and deficit hawks all agree this is a bad bill. It is a silly bill. It is downright silly.

We must stand for something, my colleagues, or we will fall for anything. We cannot just pay lipservice to deficit reduction, we must vote for it. I urge my colleagues, all of us, to vote no.

Mr. GIBBONS. Mr. Speaker, I yield 1 minute to the gentleman from West Virginia [Mr. RAHALL].

Mr. RAHALL. Mr. Speaker, I rise not on behalf of the political ploy that is being perpetrated on the American public by this legislation but on behalf of the Nation's crumbling highway infrastructure.

I would say to my colleagues that the American public recognizes a political sham when it sees one, and that is what this bill represents, nothing but a sham, a pure political sham.

I would suggest as well that if anybody really believes the action we are going to take here today by repealing the 4.3 cents gas tax is going to lead to lower prices at the pump, then I would say if one really believes that, welcome to La-La-Land. Welcome to La-La-Land.

□ 1830

Nothing we do here today is going to lower the price of the gas at the pump. We can argue, and we can argue, and we can argue about the reasons why the prices have gone up, whether it be the new sporty vehicles, whether it be the repeal of the national speed limit that this Congress did or whether it be the weather conditions or crude oil stock supplies, whatever. We can argue about the true reasons for this price increase.

The fact is the American people want this money going to improving our infrastructure. That is where we ought to be spending this money without increasing taxes.

Mr. ARCHER. Mr. Speaker, I reserve the balance of my time.

Mr. GIBBONS. Mr. Speaker, I yield 1 minute to the gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. Mr. Speaker, this is bad budget policy. It is going to make it $30 billion-plus harder to balance the budget over the next 6 years. It is bad consumer policy, unlikely that our citizens are going to see very much of this reflected at the pump. It is lousy energy policy.

We ought to be focused on conservation and efficiency. This goes in exactly the wrong direction. It is lousy national security policy because it aggravates our dependence on foreign imported oil and all that goes with that, and it is really lousy politics. It gives pandering a bad name.

Does anyone here remember the budget deficit?

Today, the House will vote on a bill to temporarily repeal the 4.3 cent gas tax increase that was a part of the landmark 1993 deficit reduction package.

That deficit reduction bill was a big step toward getting the budget under control. Because of what we did in 1993, we've had 4 straight years of deficit reduction for the first time in decades. Since then, the deficit has been cut in half.

So, why are we rushing to take up a bill to repeal the 4.3 cent gas tax that is dedicated to deficit reduction?

The answer is that the Republican leadership thinks that there is election-year mileage to be had from pandering to what they think will be popular; and others among us are experiencing some panic about being caught on the wrong side of the issue.

Pandering and panic—that's a potent election-year mix, but a toxic one in terms of good public policy.

If anyone wonders whether the gas tax repeal is election year pandering, you only need to look at the effective dates in the bill—the temporary gas tax cut would last from June until January, just long enough to take us through the election.

Of course, that won't be the end of the story—we're told that the legislation implementing the budget resolution will include a permanent repeal. Permanent repeal of the part of the gas tax that goes to deficit reduction would add $33.9 billion to deficit by 2002. That would increase the deficit by several billion more than it was reduced by all the cuts in the appropriations bills for this year—cuts that the Republican leadership have called the "down payment" on a balanced budget.

But that will come later. Today, we have the temporary repeal. The rationale for today's bill supposedly is the recent increase in prices at the gasoline pump. But will this bill reduce prices at the pump? Will it be passed on to the consumer?

Not likely. The benefits of this bill will go directly to the oil refiners and there are many steps between the refiners and the pump. A reduction in gas taxes doesn't necessarily mean a reduction in gas prices.

Energy expert Philip K. Verleger, Jr., an economist at Charles River Associates, has said, "The Republican sponsored solution to the current fuels problem * * * is nothing more and nothing less than a refiners' benefit bill. It will transfer upward of $3 billion from the U.S. Treasury to the pockets of refiners and gasoline marketers."

Even the conservative economist William Niskanen, president of the conservative Cato Institute, says, "I don't think there is anything the Republicans can credibly do to guarantee that the tax reduction gets passed through to the consumer."

A gas tax cut also won't do anything to address the serious economic, environmental and security issues that flow from our country's dependency on non-renewable sources of energy, especially imported oil.

In poll after poll, when people are asked what the highest priority should be for energy policies, the majority support research and development for energy efficiency and renewable energy. So, what are the priorities of the new majority here in the House? Their budget resolution cuts funding for energy efficiency and renewable energy. As shown in this bill, political posturing about the price of gas.

This bill is also bad policy because it sends exactly the wrong signal about conserving energy. We need to do more, not less, to encourage more efficient use of energy. Because gasoline has again become relatively cheap, and because national policy has stopped stressing the importance of fuel efficiency, we've been seeing the return of gas-guzzling cars, especially the increasingly popular sport utility vehicles. This bill would not do anything to counter this trend.

We also need to continue development of technology for efficient, cost-effective use of solar and renewable energy sources. Petroleum is not a renewable resource, and passing this mistaken bill will only tend to discourage progress regarding better energy sources.

Petroleum is also primarily an imported fuel. Efforts to encourage its use only add to our dependence on foreign sources, and complicate our national security interests and foreign policies.

This bill should not be on our agenda. It won't help the consumer, but it will hurt the country. It's an oil bill all right—political snake oil. It's cheap politics, but with a high price of misplaced priorities and bad public policy.

We should not be carried away by election-year panic. We should reject this bill.

Mr. GIBBONS. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me offer to the American public that unfortunately this is putting a toothless tiger in your tank. This should really be a bipartisan effort. I offered H.R. 3457 to repeal the gas tax and to have an enforcement provision that would in fact ensure tracking the Committee on Ways and Means the fact that it would get back to the consumer.

Mr. Speaker, I am saddened to say that the bill we have on the floor today gives a sense of Congress's position. I think that is nice for me to be able to say I want it repealed. It has no enforcement provision whatsoever. It says that we want the General Accounting Office to do a study.

Well, Mr. Speaker, there are 121,000 households in the 18th Congressional District of Texas making under $25,000. They do not want me to study the issue. They need the repeal at the pump today, right now. I am going to hope that our body and the other body will come together and get a real repeal that comes to those who need it and that we will be able to vote on a gas tax that the American public can be pleased with and benefit from.

Mr. Speaker, I rise to express some serious concerns over H.R. 3415, which would temporarily repeal 4.3 cents of the 18.3 cents per gallon Federal excise tax on gasoline.

First of all, I am concerned that this bill is being considered under a closed rule. Several members submitted amendments to the Rules

Committee that would have made this bill a better bill. Unfortunately, on a bill of such major importance to our country, the Rules Committee rejected all amendments.

While I believe that gas prices should be reduced, I am disappointed that this bill does not ensure that the repeal of 4.3 cents of the Federal excise tax on gasoline is passed through to customers.

I introduced a bill, H.R. 3457, to temporarily repeal the 4.3 cents gas tax by requiring the business firms to certify to the Treasury Department that the savings from such repeal would be passed through to consumers or the gas tax would be reimposed on those firms that did not do so.

H.R. 3415 does not contain any such enforcement provision. H.R. 3415 only includes a sense of the Congress provision that consumers receive the benefit and that fuel producers take actions to reduce the fuel price. It also requires the General Accounting Office to conduct a study to determine whether there was a pass through of the repeal to consumers.

There is no question that gas prices have increased by 20 cents since February of this year and that we need to find a way to give consumers and business firms some relief. I know first-hand that the 210,000 workers in the 18th Congressional District of Texas who drive everyday to work or participate in carpools need immediate relief.

If we decide to approve a repeal, we must make up the lost revenue in the amount of $2.9 billion to the Federal Government by reducing spending on other programs.

This bill restores lost revenue by proposing cuts in salaries and other administrative expenses at the Department of Energy in the amount $800 million over the next 6 years. Of this amount, $104 million would be cut in fiscal year 1997. The Energy Department, which has the resources to help the energy industry expand its domestic energy production should not be subject of such major cuts. As we carefully consider whether to pass this bill, let us commit ourselves to expanding our domestic energy production so that we can lessen our need for oil from other countries.

The other source of revenue to pay for the repeal is generated from giving the FCC permanent authority to award licenses for the use of radio broadcast spectrum. In 1998, $2.9 billion would be generated form these auctions.

In the alternative, my bill, H.R. 3457, would have offset the lost revenue by cutting the Department of Defense procurement budget, which is already significantly above the Defense Department's request.

Mr. Speaker, this is an important vote, I urge my colleagues to carefully weigh the facts and consider whether this bill will accomplish what it intends to do. American consumers are watching and waiting.

Mr. ARCHER. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Speaker, the gentleman form Georgia, [Mr. LEWIS] said that the tax did not have any effect on the price of gas. It does, $550 million in California, it affects our taxpayers. Yes, the 1993 Clinton tax package, we took away the increase on Social Security for seniors of the tax. So I assume that that does not affect anything either.

We decreased the luxury tax that we had that cost many, many thousands of jobs. I suppose that does not have any effect. And the gas price, a 1-cent change in gas cost airlines millions of dollars.

Mr. Speaker, I would have us take a look at what the President has said that his deficit reduction package is so good. If it is so good, why did the President have to offer us four different budgets that increased the deficit by $200 billion every year for the next 7 years? When he was forced to present a budget that was scored, 90 percent of those cuts took place in the years 6 and 7, because he does not want it.

Mr. GIBBONS. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin [Mr. BARRETT].

Mr. BARRETT of Wisconsin. Mr. Speaker, there are many writers and pundits around Washington who wonder why Americans are cynical about politics. This is the day to understand why Americans are cynical about politics. What do we have here, 6½ months before the Presidential and congressional elections? We have an attempt, and a successful attempt unfortunately, to repeal a gas tax for 7 months. Then it does back on.

The people who are voting for this, the President, Senator DOLE, must think that the American people do not understand. They must think they do not understand cynical politics, because that is exactly what this is. If the people on this side of the aisle did not want this repealed, they would have introduced it a year and a half ago. They would have made it permanent. But that is not what is going on here. What is going on here is the crass political demonstration for the elections. That is all it is. Any American with an IQ over 80 will understand that.

Mr. GIBBONS. Mr. Speaker, I yield 1 minute to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Speaker, I support a repeal of the 4.3-cent gas tax, but I am disappointed in how the issue was approached. I had hoped that we would not only cut this tax but that we would assure the American people that any change in the tax would ensure that the people of this Nation would have more change in their pockets.

Unfortunately, the Republican leadership stood firm in their support of big oil. They missed their golden opportunities. First, in committee last week and on the floor today the leadership refused a Democratic amendment to guarantee that consumers and not the oil companies would benefit from the repeal. Second, the tax should have been paid for by reforming corporate welfare and eliminating programs like the alcohol fuel credit and the percentage of depletion for oil producers.

Finally, the Republican leadership should have promised the American people that they would hold hearings, that the oil companies may have engaged in price gouging. Without these assurances, the end result is unclear.

I support this because it is important for families in this country to receive a break.

Mr. ARCHER. Mr. Speaker, I reserve the balance of my time.

Mr. GIBBONS. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. ENGEL].

Mr. ENGEL. Mr. Speaker, this is a difficult bill to vote against. It is popular, but I think we can all see it for what it is. It is a cynical, cheap, political, election-year maneuver. My Republican colleagues must think that the American public is stupid. Everyone can see through the bill and understand what it is.

Mr. Speaker, if they were so concerned about deficit reduction as they say they are, they would be acting differently. The deficit has been cut in half, less than half, under the President and with the Democratic Congresses. There was not one Republican that voted for it. So when push comes to shove, they really do not care that much about the deficit to play it straight.

Why would the Republican leadership not allow us a vote on this floor to guarantee that the savings would be passed on to the American consumers? I think that the fact that they will not allow us a vote to ensure that the American consumers will benefit from this is again a cynical move. So again they talk a good game. They talk deficit reduction, but in reality, it is only election year politics. Business as usual. Politics as usual.

Mr. GIBBONS. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois [Mr. PORTER].

Mr. PORTER. Mr. Speaker, I thank the gentleman for yielding time to me.

I might say, this is in a political mode but let me say, I believe this is one of the most mindless things we could possibly do. I did not support the gas tax increase when it was adopted. I would not reduce the deficit by raising taxes. I would reduce the deficit and do reduce it by cutting spending. But this is a tax already in existence. This is a tax now that is reducing the deficit. And while repealing it may be good politics, it is bad Government.

There is no assurance whatsoever that the consumer will get any benefit if this legislation passes. I imagine they will not even get a chance to notice it because as everyone knows, Iraq recently entered into an agreement with the United Nations to put about 700 million barrels of oil a day on the market which is going to drive the price down with increased supply. It is coming down anyway.

I might add, today in this country motor fuel costs are at a historic all-time low. We have more fuel efficient cars. The cost of gasoline is down. It seems to me that this is something that will simply undermine the deficit reduction that is going on. The offset is to sell assets, and anybody knows that this is not the way to run a railroad or a government.

I believe that this legislation simply represents politics I personally want no part of it. I intend to vote "no."

The SPEAKER pro tempore (Mr. KOLBE). The gentleman from Florida [Mr. GIBBONS] has 3 minutes remaining.

Mr. GIBBONS. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, this is political pandering if I have ever seen it, and I have seen a lot of political pandering in my life. But this is about as bad as I have ever seen. Mr. DOLE needed something to jump start his campaign so he poured a little gasoline on it.

Give everybody a tax cut for the user fee that they pay for using the highways of this country. Some of this money does not go into the user fee. I made a motion in the Committee on Ways and Means to put it all in the user fee, and all the Republicans turned it down, Mr. Speaker. So if anybody thinks our highway and transportation infrastructure is in great shape, it is because you have not tried to use it recently. I did this last weekend. It is a mess.

It is overcrowded. It is wearing out. Most families, when they are traveling, will pick out the filling stations that have the best rest rooms to stop and buy their gasoline because the prices are so close to each other. They are very cynical. They do not think that the oil companies are going to let them see any of this gasoline tax repeal. I am cynical like that, too, Mr. Speaker.

I think this is political pandering at its worst. We ought to vote no.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The gentleman from Texas [Mr. ARCHER] has 4 minutes remaining.

Mr. ARCHER. Mr. Speaker, I yield myself the balance of my time, and I yield to the gentleman from California [Mr. RIGGS].

Mr. RIGGS. Mr. Speaker, I just wanted to point out again, so as to not deliberately mislead our colleagues and the American people, following this debate, this 4.3 cents per gallon gas tax increase imposed by the President and congressional Democrats does not go into the Federal highway trust fund, does not pay to maintain our Nation's highway transportation infrastructure or for our mass transit programs.

What I was going to ask the gentleman, I very much appreciate the distinguished chairman yielding to me, if you cannot cut taxes, the repeal of this gas tax increase amounts to a $48 average savings to the American family. If you cannot cut taxes by at least $48 on average for the American family, then you are obviously not going to support any form of tax relief for working American families.

Mr. ARCHER. Mr. Speaker, I have listened to all of the rhetoric today. I must say the gentleman from Florida now says he wants this money to go into the trust fund. I have wanted all gasoline taxes to go into the trust fund and to build highways and bridges so that those who pay the tax will benefit by being able to use the infrastructure paid for by those taxes. Unfortunately, that was not permitted in 1993.

For the first time the compact with the American vehicle users on the highways was abrogated, the compact that existed all the way back to Eisenhower's presidency of this country.

I would hope that if this tax is permitted to continue after January 1, that the gentleman from Florida will join with me to assure that it does go into the highway trust fund where it belongs as a legitimate user fee. Unfortunately, the gentleman will be retiring and will not be here at that time.

There is so much misinformation that has been presented about this legislation. Yes, it is a temporary repeal. Yes, hopefully this will be a temporary spike in the price of gasoline so that we can give some degree of help to working Americans to let them keep more of their weekly paycheck.

□ 1845

And if the price of gasoline is down overall at the end of this year, we will have done our job.

It is interesting that a columnist in the Boston Globe wrote an article, and I quote. This is from the 6th of May:

> A group of moguls and powerbrokers gather in their splendid headquarters. As aides and flunkies scurry about, the barons are coming to an agreement on the price of gasoline. Should they raise it? Lower it? Leave it alone? Whatever they decide, drivers everywhere will bear the consequences, for he moguls' influence reaches every gas pump in America.
>
> It doesn't take long. These powerful men and women know what they want. They are hungry for more money. And so, from their elegant chambers, the order goes forth: Raise gasoline prices. Across the land, every filing station satisfy complies. There is nothing customers can do about it. Those who wish to buy gasoline must pay the surcharge the maguls have deserved.
>
> Fiction? Not at all. This scenario actually happened Collaboration did take place. The price of gasoline was artifically hiked. The people who hiked it were motivated by a hunger for more money.
>
> Who were these collaborators? A group of profit-swollen oil industry plutocrats? A handful of Persian Gulf petro-sheiks? A criminal consortium plotting to wreck the domestic oil market?
>
> No. The powerful cabal that deliberately jacked up the price of gasoline, forcing Americans to pay billions of dollars more than the market value, was—the Congress of the United States.

Mr. Speaker, they were reaching an 18.3-cent-a-gallon tax on gasoline. I include the rest of this article for the RECORD.

The article referred to is as follows:

[From the Boston Globe, May 6, 1996]

WHO REALLY DROVE UP PRICE OF GAS?

(By Jeff Jacoby)

In May 1993, the federal gasoline tax was raised to 18.3 cents a gallon. That vote marked the third time in just over a decade that Congress had increased the tax. Since December 1962, the federal levy on gasoline has exploded 357 percent—even as the price of gasoline has trended steadily downward.

Of course, for the last few weeks, as every driver knows, prices at the pump have been a dime or two higher than usual. There's no mystery about why: Inventories were down because of the unusually long winter, a fire in California closed a Shell Oil refinery, and Saddam Hussein's obduracy is keeping 500,000 barrels a day of Iraqi crude off the international market.

No reputable economic or oil expert in the world would attribute the current surge in gasoline prices to anything but the normal interplay of supply and demand.

Politicians, however, are a different story.

Sniffing a chance to turn motorists ire to political advantage, U.S. Rep. Edward Markey, D-Mass, pandered to the TV cameras last week. Tossing around criminal accusations of "price-fixing, collusion, or deliberate efforts to limit supply," he called for the Energy and Justice departments to investigate the oil industry. "Naked greed!" he hissed. "Oil company overcharges!"

Even for Markey, who excels at anti-business cheap shots, this was egregious. It was grandstanding of the trashiest sort, and if it wasn't libel, it came awfully close. Nobody believes that price-fixing is behind the latest price spike. "We think it's unlikely that there's collusion or anything illegal going on here," Markey's own aide admitted on Friday—even as his boss was making exactly those charges.

And just who is Markey to talk about gouging? Nothing is more responsible for inflating the price of gasoline than politicians like him. It isn't the cost of crude oil that accounts for the lion's share of gas prices. It isn't refining. It isn't marketing or distribution. All of those cost considerably less today (in real terms) than they did 15 years ago.

It's taxes.

In 1981, federal and state taxes made up just 12 percent of the retail price of gasoline. Last year, they accounted for 35 percent. The typical driver now pays 42 cents a gallon in taxes—in some states, far more. Rhode Island and California drivers pay 47 cents in taxes for each gallon they buy. Connecticut drivers, a whopping 53 cents. "The average U.S. consumer," reports the Wall Street Journal, "is paying 72 percent more in gas taxes than a decade ago." Talk about colluding to squeeze more money out of American drivers! It's Congress and the statehouses, not the oil companies, that have been ripping off motorists unmercifully.

Which is why Senate Majority Leader Bob Dole and House Speaker Newt Gingrich are absolutely right to call for rolling back the 1993 increases in the federal gasoline tax. The pity is that they didn't call for it 18 months ago, when their party won control of Congress. The only reason the "Clinton gas tax" is being targeted now is because Republicans want to show that they, too, can "do something" about higher gasoline prices.

But the reason to repeal the gas tax increase is not to undo a temporary jolt at the pump. It is that the increase should never have been passed in the first place. And the reason it should never have been passed is that taxes in America are already far too high. Wasn't that why Republicans unanimously opposed the '93 tax package in the first place?

Markey can demagogue about price-fixing; the Justice and Energy departments can probe for collusion. It's pretty clear who's been gouging U.S. drivers. When the federal gasoline tax was hiked in 1983, Markey voted yes. When it was hiked in 1990, he voted yes. When it was hiked in 1993, he voted yes. If it weren't for the Ed Markeys of this country gasoline would be 30 percent cheaper. Think about that the next time you fill up.

Mr. STOKES. Mr. Speaker, I rise in strong opposition to H.R. 3415, the Temporary Gasoline Tax Repeal Act. In taking this position, let me first make it clear that I have consistently supported efforts for real tax relief for our Nation's working citizens and their families. However, I cannot and will not support this so-called tax relief package that will, in fact, result in a significant, undeserved windfall for our Nation's oil companies.

It would be irresponsible to transfer nearly $2.9 billion to some of the most profitable companies in America with no appreciable benefits for consumers. This shortsighted and politically motivated legislation before us will also hurt our efforts to reduce the deficit.

The stated purpose of H.R. 3415 is to temporarily repeal the 4.3 cent-per-gallon increase in the Federal transportation fuels tax that was enacted as part of the 1993 Budget Reconciliation Act. Furthermore, the measure would only be effective until January 1, 1997, when the tax would be reinstated. In order to offset the lost $2.9 billion in revenue generated by the tax the bill cuts funding from the Energy Department and auctions off new radio frequencies now owned by the Federal Government.

It is important to note that the 4.3 cent-per-gallon gas tax is not actually imposed at the pump. Instead, it is levied on oil companies at an earlier point in the chain of sale and then passed on to the service station and the consumer. In the absence of a provision in H.R. 3415 to ensure that any savings are passed on to consumers the total $2.9 billion savings from the bill will end up benefiting big oil companies.

In an attempt to ensure that consumers would be protected, my Democratic colleagues sought a rule that would have allowed an amendment to H.R. 3415. Had this amendment been made in order, it would have required that the $2.9 billion tax cut was directed to the American public. Unfortunately, the Rules Committee prohibited any such consumer protection amendment.

Mr. Speaker, because of the exclusion of any savings to consumers, H.R. 3415 represents one of the majority's most audacious attempts to transfer Federal funds to wealthy corporations. It is cynical and repugnant to me that this bill, under the guise of providing tax relief to Americans, will simply be increasing the profit margins of oil companies.

While I applaud all Americans who have been able to enrich themselves through hard work, innovation, and creativity, I cannot support a tax relief package that so unevenly benefits a specific industry to the detriment of the American public. In addition to providing tax breaks to America's richest oil companies, this bill also hurts our efforts to achieve meaningful deficit reduction. While the Republican controlled Congress has claimed that they support meaningful efforts to reduce the deficit, this bill makes that goal much more difficult. H.R. 3415 directs over $2.9 billion that cold have been used for deficit reduction to big oil companies as a giveaway. The fact is, under current law, the deficit fighting characteristics of the gas tax have played a key role in President Clinton's 3 year historic effort to control deficit spending.

In addition to the harm this legislation will cause to our Nation's fight to reduce the national deficit, H.R. 3415 misdirects Federal resources away from programs that could help our Nation's citizens. The $2.9 billion that this bill uses to line the pockets of rich oil company executives could have been used to provide housing to the poor, food to the hungry, job opportunities to the jobless, and better education for America's children.

Mr. Speaker, it is my belief that H.R. 3415 and the circumstances under which it is presented in this House is an attempt to mislead the American people to believe that this so-called tax cut will help citizens and businesses hurt by rising fuel prices. Nothing could be further from the truth. This legislation unfairly and unjustifiably expands the gap between rich oil companies and the rest of America. The American people elected us to act in their best interest, not compromise their welfare because the new Republican majority wants to satisfy campaign promises and grant tax breaks to the wealthy. I strongly urge my colleagues to vote against this bill.

Mr. BORSKI. Mr. Speaker, I rise to oppose H.R. 3415, the temporary gas tax repeal, election year opportunism that will do virtually nothing to help the taxpayers of our country.

H.R. 3415 is simply politics—it has nothing to do with good government or good policy. There is no guarantee that any of the 4.3 cents per gallon that is being repealed will end up in the pockets of taxpayers. The money is more likely to find its way to the coffers of the big oil companies.

This Congress should be finding constructive ways of helping the people of our Nation's working class. H.R. 3415 is a political gimmick that will end up helping big corporations and not the people who need the help.

At a time when serious Democrats and serious Republicans are doing everything they can to reduce the budget deficit, H.R. 3415 would add $1.7 billion to the fiscal year 1996 deficit. This bill only makes sense if the money will end up in the taxpayers' pockets and if sensible, reasonable offsets in spending are found. So far, this bill falls short on both counts.

As a member of the Transportation and Infrastructure Committee, I believe that the Federal gas tax should be dedicated to maintaining and improving our transit and highway systems. Since 1956, the gas tax has provided support through the highway trust fund for highway and transit programs. We should maintain the principle of using the gas tax money for infrastructure programs.

The alternative proposed by H.R. 3415 is that instead of using a 4.3 cent per gallon gas tax to reduce the deficit, we should allow it to go back to the big oil companies. If H.R. 3415 is passed, I fear that all chance of directing that 4.3 cents per gallon into badly needed infrastructure improvements will be lost.

My colleague, Representative RAHALL, has introduced H.R. 3372, which I have cosponsored, to recapture the 4.3 cents per gallon for the highway trust fund to be used for the highway and transit programs. With tremendous needs for future investment just to maintain our roads, bridges and transit systems at their current level, the additional $5 billion a year would mean more jobs and more productivity growth.

I have proposed combining this common sense approach with the kind of innovative financing that is needed to meet our vast infrastructure needs. Last week, I introduced H.R. 3469 which would create an infrastructure reinvestment fund.

This fund would use the 4.3 cent per gallon gas tax as leverage to issue bonds for the transit and highway program. This future stream of revenue could produce as much as $50 billion in the first year for needed infrastructure improvements.

It is estimated that investment of each $1 billion in infrastructure will create 50,000 new jobs. The infrastructure reinvestment fund would be a huge boost for our economy, both in the short-term and long-term.

The U.S. Department of Transportation found that an annual investment of $50 billion will be needed during the next 20 years just to maintain our highways in their current condition. An annual investment of $7.9 billion will be needed to maintain our transit systems in their current condition.

True national leadership is needed to find the money for our highway and transit systems. Instead, we are faced with H.R. 3415, politics at its worst with no thought for our nation's economic future, no thought for our Nation's consumers and no thought for the budget deficit.

Only if H.R. 3415 contained an assurance that consumers would receive some benefit from the repealed gas tax would it be worth considering. Instead, this bill benefits the big oil companies at the expense of our nation's long-term economic interests.

I urge the defeat of H.R. 3415.

Mr. FAZIO of California. Mr. Speaker, I rise today in support of H.R. 3415.

Gas prices have hit $1.54 where I live in West Sacramento, and they are on the rise. Davis and Woodland range from $1.52 to $1.56. Further north in our congressional district, prices are similar—$1.58 in Yuba City, $1.55 in Red Bluff.

That's just too high, and I support this bill to cut gas prices by temporarily repealing 4.3 cents in Federal gas taxes.

At the same time, we need to make sure we're not just rolling windfall profits down the freeway to big oil companies.

The point of reducing gas taxes is to reduce gas prices at the pump for consumers. I also hope it will contribute to a greater trend—keeping gas prices down permanently. Recent activity on the commodities futures market indicates that gas prices could begin to drop later this summer.

But the problem is urgent, and we need to do something now so that Californians can get to work without leaving their wallets at the gas pump, and so that farmers and others in fuel-intensive businesses have long-term confidence that their costs won't skyrocket. California is finally in economic recovery, and we need to keep it moving.

To solve the problem, we have to determine the cause. Some have made the point that a 4.3 cent gas tax, passed as part of the 1993 deficit reduction package, is the primary culprit for the sharp rise in gasoline prices throughout the country.

That flies in the face of the evidence. After the imposition of the tax in 1993, gas prices remained unchanged. In some cases, prices went even lower. In fact, the Department of Energy says that in 1994 gas prices hit a 45-year low in real dollars. They have stayed low for more than 2 years until the precipitous rise of the last few weeks.

What are the real reasons why gas prices have spiked up? Simply put, supply is down and demand is up—that means higher prices.

A nationwide, long brutal winter with higher demand for oil reserves has contributed. But that doesn't tell the whole story. Oil companies reduced their production in anticipation of Iraq reentering the world oil market. Those low inventories contributed to a short supply of oil. When talks between the Iraqis and the United Nations broke down, oil companies are left waiting by the side of the road with empty gas cans.

In California, special factors have come into play as well. New regulations issued by Governor Wilson and the California Air Resources Board [CARB] call for cleaner burning gasoline. Because California is essentially a self-contained gas producer, the transition to a cleaner, reformulated gasoline has further reduced the supply of gas. It's exerted enough extra pressure in our region that California gas prices lead the nation.

Finally, let's face it. American driving habits play a major part of supply and demand. Speed limits have been raised. Americans are buying sports utility vehicles in record numbers. People are simply driving faster and using more gas.

However, even industry representatives have stated in hearings that all of these circumstances still do not account for the total price increase. That's why some Members of this body have asked Attorney General Janet Reno to investigate all possible reasons behind high gas prices. President Clinton has since ordered her to do so.

So, it is clear that factors other than the gas tax are responsible for the recent increase in gas prices.

Does that mean we shouldn't cut gas taxes?

No, cutting gas taxes is a great idea if it results in lower gas prices. The trick is to make sure prices actually go down and that consumers, not the oil companies, are the beneficiaries. That may be a tall order. In 1994, New Mexico repealed their State gas tax. Consumers saw gas prices drop—for nearly a week. But almost immediately, gas prices rose to previous levels.

Further, our progress in reducing the deficit should not be compromised. Repealing the 4.3 cent gas tax sets us back some $2.9 billion over the next 7 months. While I am pleased that the Republican leadership chose not to slash education to pay for this offset, I am dismayed that the Republican leadership will not incorporate provisions of a committee amendment that would have guaranteed the savings from the gas tax on to the American people.

It's never a bad idea to rethink previous actions by Congress. Certainly, Democrats have supported efforts to take a comprehensive look at the tax burden of working Americans and the steps we might take to put more money in their pockets through a fairer tax structure, by raising the minimum wage, or by providing tax credits to families for education.

I'm for lower gas prices, and the sooner the better. Support H.R. 3415 and let's deliver lower prices to American consumers.

Mr. COSTELLO. Mr. Speaker, I rise in opposition to H.R. 3415, and I would like to submit for the RECORD a recent op-ed I wrote regarding the gas tax.

ELECTION-YEAR POLITICS ON GAS TAX WILL END UP COSTING US IN THE END

Frustration over rising gasoline prices unrelated to federal transportation or energy policy has resulted in a typical election-year tactic: how to use an unfortunate situation to partisan advantage. Sen. Dole and President Clinton are currently engaged in a battle over who can most equitably ease the pain on gasoline consumers, but efforts to repeal the 4.3-cent per gallon addition to the federal gas tax will only end up hurting those same consumers.

The 4.3-cent per gallon tax was part of the 1993 Deficit Reduction Act, proposed by President Clinton and opposed by every Republican in Congress. I supported this legislation, because deficit reduction is one of my major goals as a Member of Congress. I support a Constitutional Amendment to balance the federal budget, and I supported the 1993 Deficit Reduction Act because of its balance in spreading the pain of deficit reduction. It raised income taxes only on the very wealthy, cut spending, and asked all consumers to pay a little more at the pump to reduce the deficit.

It's also been a success. For three straight years, for the first time since Harry Truman was President, the deficit has gone down. Compared to the growth in the economy, the deficit is now at its lowest level since 1979. And, as I noted when I voted last week for an additional $23 billion in spending cuts as part of the 1996 federal budget, we are continuing on a path toward a zero deficit in the year 2002.

That is, unless Congress begins to roll back this progress by repealing the balanced package we passed in 1993. "Partisan panic" has set in throughout Washington, D.C., and I predict in the days to come we will see a variety of competing packages on which party can move most quickly to try and lower gasoline prices. It's wrongheaded for these reasons:

Cutting the gas tax is no guarantee for lower gas prices. Because gasoline prices are market-driven and unrelated to federal policy, if we repeal the 4.3-cent gas tax, I predict that gas prices will remain the same, with no windfall for the consumer.

Repealing a few cents at the pump will certainly increase the deficit. By rolling back 4.3 cents per gallon, we instantly add $5 billion to the federal deficit this year, and if we extend the repeal beyond 1997, we could add $35 billion to the deficit by the turn of the century, making our task of balancing the budget by 2002 that much more difficult.

Gas prices should fall without any intervention. According to industry experts, gasoline prices will fall on their own during the summer. By the time Congress passes legislation to try and reduce gasoline prices, they may already be lower than our targeted goal.

It's a bad precedent. If we begin to unravel the progress on the 1993 budget agreement, picking it apart, what's next? Will Congress move to repeal the tax on the wealthy? After all, wasn't the goal of the "Contract with America" a balanced budget by 2002?

In the end, middle-income consumers will pay more. Repealing the gas tax adds to the deficit, putting more debt (and interest on that debt) on the backs of tomorrow's generation. Who will pay that tab? We already know—the young people of tomorrow, and families of today.

Believe me, I don't like high gasoline prices. If Congress is going to pass any legislation, it should first examine whether there has been any price gouging at the pump and take action to force oil producers to reduce their prices. But for years, we have became accustomed to gasoline prices that have made it affordable to buy larger, less fuel-efficient cars. We need to keep in mind that in the U.S. we pay substantially lower prices for our gasoline than other modern countries.

Finally, the American people need to get out their hypocrisy meters when they watch this debate unfold. If Sen. Dole is proposing repealing the 4.3-cent per gallon gasoline tax passed in 1993, why not repeal the 10-cent federal gas tax he proposed which was signed into law under President Reagan and Bush? Isn't the "Dole Dime" as important to deficit reduction as the "Clinton Nickel?" Of course it is, which is why we should repeal neither.

Mr. CONYERS. Mr. Speaker, I rise today in opposition to the temporary repeal of the 4.3-cent-per-gallon gas tax. This misdirected legislation will do very little to help our constituents who have been paying more at the pump.

The problem with this legislation is that there is no guarantee the consumer would see any of the savings created by the repeal of the tax, which generates nearly $4 billion per year for the Treasury. Any gas tax repeal would create a huge windfall for the oil companies, not the motorist.

Because the gas tax is levied on the oil companies, the tax is not actually imposed at the pump. Instead, it is imposed at an earlier point in the sale, then passed on to the service station and the motorist. Contrary to the arguments from our friends on the other side of the aisle, repealing the gas tax will not automatically reduce the prices at the pump.

We cannot afford to wait and hope that, if we eliminate this tax, consumers will get a discount at the pump. There is no mechanism in this bill to assure that gas prices will fall, that the savings will go to the motorist.

All we need to do is look to see what the oil companies have done to prices in the last month. Wholesale gasoline prices have dropped nearly a nickel since President Clinton's decision to release Government oil reserves—but the nationwide retail prices rose 0.2 cents per gallon. In California, the gap is more extreme: Wholesale prices have fallen an incredible 31 cents per gallon—but retail prices have shown no decrease. Oil companies are keeping the difference, padding their balance sheets and wallets.

Even if the average motorist saw a 4.3-cent discount at the pump, it would only save that motorist $15 per year. Is this the Republican idea of a middle class tax cut?

It is quite clear that this bill is just another Republican give-away to their favorite corporate friends. Republicans issued a closed rule to assure that the oil companies would get to keep every penny of the tax repeal. The average American motorist will never see a decrease at the pump because of this repeal. We're giving oil companies another $4 billion per year if we pass this bill.

Mr. ALLARD. Mr. Speaker, I support this legislation to rollback the 1993 4.3 cent per gallon tax hike. I voted against this tax hike 3 years ago, and I support its repeal today.

The average American family now pays 38 percent of its income in Federal, State, and local taxes. This is more than families spend on food, clothing and shelter combined.

The Federal tax on a gallon of gas is now 18.3 cents and the average State tax is another 20 cents. The tax now constitutes nearly one-third of the price of gasoline. This hurts the poor and the middle-class particularly hard since gasoline constitutes a significant portion of their consumption. I think it is time for relief.

Traditionally, the gas tax went into the Highway Trust fund in order to construct and repair highways. This is not the case with the 1993 increase, it is undedicated revenue sent to Washington for more spending.

Some argue that we should not cut the gas tax if it would increase the deficit. I agree, that is why I will insist that any tax repeal be offset with a reduction in Government spending or subsidies. Unlike past Congresses, this Congress is willing to reduce spending. In 1995 and 1996 over $40 billion was trimmed from the appropriations bills that Congress controls.

I have always felt that the budget should be balanced through spending reduction, not tax increases. Higher taxes simply permit Congress to continue the growth in Federal spending.

It is time we downsize the Federal Government, and a reduction in the gas tax is a small but important step in that direction. Our next step should be to make this repeal permanent.

Mrs. COLLINS of Illinois. Mr. Speaker, I rise in opposition to the Gingrich-Armey Republican proposal to reduce a Federal tax on gasoline by 4.3 cents. This is just another political move that sounds good on the evening news, but doesn't play out at the gas pump.

No rebate would be passed on to the American people and the big oil companies would get to pocket the windfall. With all their corporate tax breaks they would probably even not pay taxes on the tax rebate.

Because the Gingrich Republicans will not accept any provisions in the bill to guarantee that any repeal of the 4.3-cent Federal tax could or would be passed on the American people as a reduction in the price of a gallon of gas, I will vote against this cynical election-year stunt.

This is the latest effort by the Republicans to play politics with the American people's pocketbook. Recently Mr. ARMEY was credited with a prediction that the Gingrich-Armey proposed gasoline tax repeal might make Americans happy because it would save the average motorist about $27.00 a year. They evidently think that the American voter can be bought for $27.00 a year.

If the authors of this legislation would just do a little math on comparing the proposed gasoline tax repeal with a raise in the minimum wage, they would see that the average American minimum wage earner would benefit to the tune of about $36.00 per week by an increase from $4.15 to $5.25 per hour. that's $1,872 a year. Now I ask you, would any hardworking American prefer $27.00 a year to $1,872.00 a year? As the young people say these days, "I don't think so!"

In fact, the proposed rebate by repeal of $27.00 per year wouldn't even be a drop in the bucket to most Republicans, pocket change to those who usually avoid any comparison with the average American unless it is an election year. But, even as an election year ploy, the Gingrich-Armey Republicans ought to be able to do better than $27.00 a year.

Once again, the Gingrich-Armey Republicans have shown that they are completely out of touch with the American people. Because there is no assurance nor expectation that the American people would ever see an extra penny in their pocket as a result of this windfall to the oil companies, I urge my colleagues to vote against this bill.

Mr. KIM. Mr. Speaker, I rise today in support of H.R. 3415, legislation that would repeal the 1993 Clinton gas tax hike.

As my colleagues are aware, the coming Memorial Day weekend is one of the biggest driving holidays of the year. All over the country, Americans will be getting in their cars and driving—to family picnics, to the mountains, to the beach, to visit relatives. Of course, this driving has a cost. In order to do all of this driving, Americans will have to buy gas—over 60 million gallons of gas, in fact.

This year, American families are in for a nasty shock when they fill up for the holiday: Exorbitant gas prices. Gas prices that are approaching $2 dollars a gallon. That's $30 just to fill up an average car. Suddenly, that family trip to the beach just got a great deal more expensive.

Not surprisingly, much of the political rhetoric in this town has been focused on assigning blame for this gas price crisis. Politicians blame the oil companies, the oil companies blame mother nature, others blame our dependence on foreign oil.

To me, this blame game seems like a waste of time. Assigning blame may feel good, but it doesn't change the facts: Americans are paying more at the pump than at any time in recent memory. Instead of arguing about who is to blame, I believe that we should do something concrete that will actually help consumers cope with the skyrocketing price of gas.

That's why we are here today. The bill we are considering, H.R. 3415, would give American consumers relief from the recent escalation of gas prices. It would do so by repealing the 4.3 cents-per-gallon gas tax increase that was passed as part of the 1993 Clinton budget. For the record, this 4.3 cent Clinton tax hike does not go to rebuilding our infrastructure—as the rest of the Federal gas tax does. Instead, it was implemented solely to fund additional social programs. This bill would take this 4.3 cents and return it to the taxpayers.

Now, 4.3 cents may not sound like much, but it adds up. In fact, by repealing the Clinton tax increase, this legislation will put $1.7 billion dollars back in to the pocketbooks of American consumers between now and the end of the year. That's $1.7 billion dollars that can be used for family trips—or for more basic items like food, clothing and education. And, by cutting wasteful government bureaucracy, this bill gives Americans this needed tax relief without adding to the deficit.

In short, this legislation represents a unique opportunity to help working folks cope with the escalating price of gas. By supporting the repeal of the Clinton gas tax hike, we can give the American people a Memorial Day present: Lower gas prices and more money to spend on their own families.

For these reasons, I urge my colleagues to support H.R. 3415. It's time to repeal the Clinton gas tax increase and let working folks keep more of the money they have earned.

Mr. STENHOLM. Mr. Speaker, the Congress stands poised to vote on a bill to repeal the 4.3 cents-per-gallon gasoline tax increase which was included in the 1993 deficit reduction bill. What we actually have here is the Election Year Seven Month Temporary 4.3 Cents Tax Repeal Bill, and it is a textbook example of poor public policy being driven by election year politics.

Let me say for the record that my opposition to this gasoline tax increase was one of several reasons I voted against the 1993 budget on final passage. But here we are, 3 years later, still racking up annual budget deficits to pass on to our children and grandchildren, and we are nitpicking about a 7-month break from paying this 4.3-cent tax.

Last year, the House and Senate leadership included language to prohibit tax cuts until the Congressional Budget Office certified that Congress has sufficiently reduced spending to pay for tax cuts and balance the budget. Unfortunately, that language was removed from the budget just approved by the House. It appears Congress still hasn't learned the lessons of the early 1980's, when we passed the popular tax cuts before the harder spending cuts, and ended up adding $4 trillion to the deficit.

Before we cut any taxes, we should set aside partisan differences and work out an agreement to achieve the $700 billion of spending cuts needed to being the budget into balance. The simple fact is that, until we balance the budget, any tax cut is really done with borrowed money. I cannot justify putting more debt on the backs of our children and grandchildren though a temporary tax cut designed to gain short term political gain.

I was encouraged by the bipartisanship that was evident in the most recent vote on the Coalition budget. But instead of working toward a balanced budget plan, the Majority leadership has squandered a historic opportunity to set aside partisan differences that could result in result in real deficit reduction in the overall context of the budget.

I find it interesting that some of the strongest advocates of the 7-months temporary gas tax repeal are usually such vocal opponents of intervention in the marketplace. When it comes to agriculture policy, many of my colleagues are only too willing to take away the price supports and subsidies that have helped our own producers compete against our heavily subsidized trading partners. They say we should let the market place work, but when gasoline prices temporarily increase 21 cents over a 4-month period, all of a sudden it is time for the Federal Government to come in and save the day—at least for 7 months.

There is no mystery about the market forces that increased gasoline prices. The coldest winter in years drove up demand, which production failed to meet. The high demand for heating oil delayed gasoline production. Market speculation about Iraqi oil caused uncertainties within the marketplace. The bottom line is this: the 4.3-cent gasoline tax enacted 3 years ago did not increase pump prices this year; a reduction in this tax will not necessarily be passed on to the consumer; and reducing the gas tax is not the solution to current market conditions, or the budget deficit. In fact, the majority's short-sighted decision to terminate Federal support of fossil fuels research and development will leave us even more vulnerable to future disruptions in the energy market.

There is no question the U.S. Tax Code needs reform to bring about tax relief and incentives to invest in our country's future. But let the American consumer be forewarned; the 4.3-cent gasoline tax repeal, as supported by the majority and the President, will last through December 31, 1996, less than 2 months after the November election. On January 1, 1997, all the rhetoric heard about tax relief will be worth just about as much as the noisemakers used to bring in the New Year.

Mr. BUNNING of Kentucky. Mr. Speaker, I rise today in strong support of the repeal of the Clinton gasoline tax. It was a mistake when the Democratic Congress imposed this tax and today is our opportunity to correct it.

Historically, motor fuel taxes have been dedicated to the upkeep and improvement of our Nation's highways and other transportation infrastructure. The Clinton gas tax was not.

While it was passed under the rubric of deficit reduction, the Clinton tax on gasoline was simply used to fund more spending by a bloated Federal Government that already spends too much. In this Kentuckian's view, the way to cut the deficit is not by raising taxes but by changing Washington's bad spending habits.

Fortunately, the Republican majority understands that we are spending money earned by working people, not magically pulled out of the air. And, this Congress has made great strides in restraining the Federal leviathan.

We have fully covered the revenue change from the gas tax cut by cutting overhead spending at the Department of Energy and selling part of the broadcoast spectrum. We are not just raising another tax to offset this cut.

This repeal of the gasoline tax represents one more example of the difference between the way things used to work in Washington and the way they work under the Republican majority. We believe that the people should get to keep more of what they earn.

For some, this is a novel concept. But for most of us it is a bedrock principle that the American people do a better job of spending their money than bureaucrats in Washington do.

Mr. Clinton has said that he raised taxes too much in 1993. I agree with him; and, now I encourage my colleagues to pass this gasoline tax repeal and give Mr. Clinton the chance to show us that, for once, his actions will match his words.

Ms. MOLINARI. Mr. Speaker, I would first like to thank Mr. ARCHER, the distinguished chairman of the Ways and Means Committee for introducing this bill and giving us the opportunity to give back to the taxpayers what should not have been taken from them in the first place.

No one would argue that the President's 4.3-cent increase in the gas tax enacted by the Omnibus Budget Reconciliation Act of 1993 isn't being felt at every gas station across the Nation and that relief is quickly needed. The gas tax increase cost Americans more than $4.8 billion at the pump. Further, the revenue generated from this increase for the first time, was dedicated to deficit reduction rather than from transportation projects. This is a sneaky maneuver to tax Americans for deficit reduction and leaving them to believe nothing is being directly taken from their paychecks. Rather than reforming inefficient Government programs to reduce the deficit, the administration decided to tax the public once more.

Rolling back the gas tax would not affect any of the motor fuels excise taxes that are already set aside for the Highway Trust Fund, nor would it effect the Federal budget. However, this bill would save Americans almost $5.5 billion annually and recoup the approximately 6,000 jobs New Yorkers alone have lost.

I would also like to thank those national chains which have already agreed to lower their prices the second we pass this law. I hope our local distributors will do the same.

Finally, this bill also requires that all fuel taxes collected be deposited in transportation trust funds rather than the Treasury's general fund. Our streets and bridges are falling apart, our air traffic control systems need upgrading, and our ferry terminals are in dire need of repair. This bill ensures the revenue will be used only for those programs for which it is intended.

Congress can be proud to relieve Americans of this burdensome tax and let them keep more of what they earn knowing that the Government will not guzzle their hard-earned dollar at the pump.

Mr. BLILEY. Mr. Speaker, I rise in support of the rule for H.R. 3415, a bill to repeal the 4.3-cent increase in the transportation motor fuels excise tax. Two provisions—section 6, which deals with authorizations for the Department of Energy, and section 7, which deals with spectrum auctions—are within the jurisdiction of the Committee on Commerce.

Section 6 of H.R. 3415 would authorize an average of $96 million per year for "departmental administration and other activities" during fiscal years 1997 through 2002, compared to an appropriations level of $226 million in fiscal year 1996. According to the Congressional Budget Office, assuming appropriation of the authorized amounts, section 6 would reduce outlays by $542 million during fiscal years 1997 through 2002. This provision is necessary to address serious concerns regarding Secretary O'Leary's extensive and costly travel, very large expenditures by the Secretary on public relations, and a serious lack of controls over spending on training. Problems in these and other areas have arisen as a result of an investigation being conducted by the Subcommittee on Oversight and Investigations of the Committee on Commerce.

As modified by my amendment incorporated in this rule, section 7 will require the Federal Communications Commission to identify and auction 35 megahertz of radio spectrum under the 3 gigahertz band. It promotes efficient spectrum use by having the marketplace determine the highest and best use of the spectrum. In identifying such spectrum, the Commission is required to take into account the needs of public safety services.

The provision is consistent with the sound public policy initiatives previously established by Congress. In 1993, the FCC was authorized, through enactment of the Omnibus Budget Reconciliation Act, to auction portions of spectrum for commercial licenses. Congress determined at that time that the FCC's current methods of distributing spectrum—by lottery and comparative hearings—were problematic because they robbed the American taxpayers of compensation for the use of a scarce public resource and led to subjective judgments by a Government agency, respectively.

The overwhelming financial success of auctions for the U.S. Treasury, coupled with the soundness of auctions from a public policy prospective, led the Commerce Committee to extend the auction authority in the last budget cycle. My amendment is wholly consistent with the spectrum policy established in last year's legislation. The committee has held two hearings this Congress which confirmed the wisdom of this policy. Additionally, my amendment will not affect or apply to the spectrum identified for the transition to digital television. Finally, in recognition of the success of the auction process my amendment makes the FCC auction authority permanent.

Ms. HARMAN. Mr. Speaker, I am disappointed that the House voted last night to repeal the 4.3-cent-a-gallon tax.

Repeal of the gas tax is precisely the wrong step to take as we try to move forward with the more important challenges of energy independence, national security, and fiscal responsibility—challenges which, over the last several years, we have made great strides toward meeting.

First, it's clear that the tax is no more responsible for the recent price increases in gasoline than it was for the low gas prices we enjoyed in 1994 and 1995. The 4.3-cent-a-gallon gas tax has been in place for more than 2 years, but for political reasons, including helping a sagging Presidential campaign, it's only become a hot-button issue in the last several weeks.

If we take oil companies at their word, the price spike is due to increased demand, a prolonged winter, and an unrealized expectation that Iraq would again sell oil to the world market. We talk about allowing the market economy to work without interference, but we immediately talk about interfering just when the market works as predicted. Worse still, we advocate a policy that has no direct bearing on the price at the pump. Indeed, what will political leaders say to consumers when prices continue to go up in spite of the gas tax repeal or when the 4.3 cents is not passed on at the pump.

Second, Americans continue to enjoy gas prices at both historically low levels and at levels considerably lower than those paid by citizens of the other industrial nations. In inflation-adjusted terms, the price of gas is lower than it was 25 years ago, before the oil embargo.

The low prices we've enjoyed have renewed some of the habits that made us so vulnerable during the OPEC oil embargo of the 1970's and the Persian Gulf war. In truth, both to reflect real world circumstances and for national security reasons, we need to change commuting and driving habits and our dependence on imported oil.

Third, saving the average motorist, including myself, $30 a year—and there is great doubt that the price at the pump will go down as a result of the repeal—only makes our task of balancing the Federal budget that much more difficult. How do we balance the 8.2 cents a day returned to drivers against the $30 billion added to the deficit by repealing the tax.

Just when we're beginning to make sustained progress on bringing down the deficit, just when we are within reach of actually balancing the budget in 6 years and making a serious and principled commitment to real fiscal responsibility, we're going to add $30 billion to the Nation's debt.

Even without this added debt, we have to realize that we have many difficult budget choices still ahead. Where should we cut? Are the American people willing and ready to cut aid to education as Majority Leader Dick Armey suggested we should do—or cancer research, or public broadcasting, or Medicare?

The proponents of repeal are eyeing as a possible offset for its cost reductions in the bank insurance funds. Heaven help us if we ever need to draw on those funds to pay depositors should we experience a banking crisis like the S&L debacle of only a decade ago. I guess we'll leave that problem for another day.

The difficulty in finding a consensus behind a balanced budget plan will only be exacerbated by repealing the gas tax. Americans understand that.

They also understand that cheap gas means dependence on uncertain foreign sources—sources that one day may again require our sons and daughters to fight to secure.

And, most importantly, they understand that the 4.3 cent-a-gallon tax did not cause the recent price increase and that its repeal will not bring prices down.

Repealing the tax is pandering and cynical. Let's not try to fool Americans into believing otherwise.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 436, the previous question is ordered on the bill, as amended.

The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. RANGEL

Mr. RANGEL. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. RANGEL. Yes, I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. RANGEL moves to recommit H.R. 3415 to the Committee on Ways and Means with instructions to report the bill back forthwith with an amendment striking all after the enacting clause and inserting the following:

SECTION 1. PURPOSE.

The purpose of this Act is to repeal the 4.3-cent increase in the transportation motor fuels excise tax rates enacted by the Omnibus Budget Reconciliation Act of 1993 and dedicated to the general fund of the Treasury.

SEC. 2. REPEAL OF 4.3-CENT INCREASE IN FUEL TAX RATES ENACTED BY THE OMNIBUS BUDGET RECONCILIATION ACT OF 1993 AND DEDICATED TO GENERAL FUND OF THE TREASURY.

(a) IN GENERAL.—Section 4081 of the Internal Revenue Code of 1986 (relating to imposition of tax on gasoline and diesel fuel) is amended by adding at the end the following new subsection:

"(f) REPEAL OF 4.3-CENT INCREASE IN FUEL TAX RATES ENACTED BY THE OMNIBUS BUDGET RECONCILIATION ACT OF 1993 AND DEDICATED TO GENERAL FUND OF THE TREASURY.—

"(1) IN GENERAL.—During the applicable period, each rate of tax referred to in paragraph (2) shall be reduced by 4.3 cents per gallon.

"(2) RATES OF TAX.—The rates of tax referred to in this paragraph are the rates of tax otherwise applicable under—

"(A) subsection (a)(2)(A) (relating to gasoline and diesel fuel),

"(B) sections 4091(b)(3)(A) and 4092(b)(2) (relating to aviation fuel),

"(C) section 4042(b)(2)(C) (relating to fuel used on inland waterways),

"(D) paragraph (1) or (2) of section 4041(a) (relating to diesel fuel and special fuels),

"(E) section 4041(c)(2) (relating to gasoline used in noncommercial aviation), and

"(F) section 4041(m)(1)(A)(i) (relating to certain methanol or ethanol fuels).

"(3) COMPARABLE TREATMENT FOR COMPRESSED NATURAL GAS.—No tax shall be imposed by section 4041(a)(3) on any sale or use during the applicable period.

"(4) COMPARABLE TREATMENT UNDER CERTAIN REFUND RULES.—In the case of fuel on which tax is imposed during the applicable period, each of the rates specified in sections 6421(f)(2)(B), 6421(f)(3)(B)(ii), 6427(b)(2)(A), 6427(l)(3)(B)(ii), and 6427(l)(4)(B) shall be reduced by 4.3 cents per gallon.

"(5) COORDINATION WITH HIGHWAY TRUST FUND DEPOSITS.—In the case of fuel on which tax is imposed during the applicable period, each of the rates specified in subparagraphs (A)(i) and (C)(i) of section 9503(f)(3) shall be reduced by 4.3 cents per gallon.

"(6) APPLICABLE PERIOD.—For purposes of this subsection, the term 'applicable period' means the period after the 6th day after the date of the enactment of this subsection and before January 1, 1997."

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

SEC. 3. FLOOR STOCK REFUNDS.

(a) IN GENERAL.—If—

(1) before the tax repeal date, tax has been imposed under section 4081 or 4091 of the Internal Revenue Code of 1986 on any liquid, and

(2) on such date such liquid is held by a dealer and has not been used and is intended for sale,

there shall be credited or refunded (without interest) to the person who paid such tax (hereafter in this section referred to as the "taxpayer") an amount equal to the excess of the tax paid by the taxpayer over the amount of such tax which would be imposed on such liquid had the taxable event occurred on such date.

(b) TIME FOR FILING CLAIMS.—No credit or refund shall be allowed or made under this section unless—

(1) claim therefor is filed with the Secretary of the Treasury before the date which is 6 months after the tax repeal date, and

(2) in any case where liquid is held by a dealer (other than the taxpayer) on the tax repeal date—

(A) the dealer submits a request for refund or credit to the taxpayer before the date which is 3 months after the tax repeal date, and

(B) the taxpayer has repaid or agreed to repay the amount so claimed to such dealer or has obtained the written consent of such dealer to the allowance of the credit or the making of the refund.

(c) EXCEPTION FOR FUEL HELD IN RETAIL STOCKS.—No credit or refund shall be allowed under this section with respect to any liquid in retail stocks held at the place where intended to be sold at retail.

(d) DEFINITIONS.—For purposes of this section—

(1) the terms "dealer" and "held by a dealer" have the respective meanings given to such terms by section 6412 of such Code; except that the term "dealer" includes a producer, and

(2) the term "tax repeal date" means the 7th day after the date of the enactment of this Act.

(e) CERTAIN RULES TO APPLY.—Rules similar to the rules of subsections (b) and (c) of section 6412 of such Code shall apply for purposes of this section.

SEC. 4. FLOOR STOCKS TAX.

(a) IMPOSITION OF TAX.—In the case of any liquid on which tax was imposed under section 4081 or 4091 of the Internal Revenue Code of 1986 before January 1, 1997, and which is held on such date by any person, there is hereby imposed a floor stocks tax of 4.3 cents per gallon.

(b) LIABILITY FOR TAX AND METHOD OF PAYMENT.—

(1) LIABILITY FOR TAX.—A person holding a liquid on January 1, 1997, to which the tax imposed by subsection (a) applies shall be liable for such tax.

(2) METHOD OF PAYMENT.—The tax imposed by subsection (a) shall be paid in such manner as the Secretary shall prescribe.

(3) TIME FOR PAYMENT.—The tax imposed by subsection (a) shall be paid on or before June 30, 1997.

(c) DEFINITIONS.—For purposes of this section—

(1) HELD BY A PERSON.—A liquid shall be considered as "held by a person" if title thereto has passed to such person (whether or not delivery to the person has been made).

(2) GASOLINE AND DIESEL FUEL.—The terms "gasoline" and "diesel fuel" have the respective meanings given such terms by section 4083 of such Code.

(3) AVIATION FUEL.—The term "aviation fuel" has the meaning given such term by section 4093 of such Code.

(4) SECRETARY.—The term "Secretary" means the Secretary of the Treasury or his delegate.

(d) EXCEPTION FOR EXEMPT USES.—The tax imposed by subsection (a) shall not apply to gasoline, diesel fuel, or aviation fuel held by any person exclusively for any use to the extent a credit or refund of the tax imposed by section 4081 or 4091 of such Code is allowable for such use.

(e) Exception for Fuel Held in Vehicle Tank.—No tax shall be imposed by subsection (a) on gasoline or diesel fuel held in the tank of a motor vehicle or motorboat.

(f) Exception for Certain Amounts of Fuel.—

(1) In general.—No tax shall be imposed by subsection (a)—

(A) on gasoline held on January 1, 1997, by any person if the aggregate amount of gasoline held by such person on such date does not exceed 4,000 gallons, and

(B) on diesel fuel or aviation fuel held on such date by any person if the aggregate amount of diesel fuel or aviation fuel held by such person on such date does not exceed 2,000 gallons.

The preceding sentence shall apply only if such person submits to the Secretary (at the time and in the manner required by the Secretary) such information as the Secretary shall require for purposes of this paragraph.

(2) Exempt fuel.—For purposes of paragraph (1), there shall not be taken into account fuel held by any person which is exempt from the tax imposed by subsection (a) by reason of subsection (d) or (e).

(3) Controlled groups.—For purposes of this subsection—

(A) Corporations.—

(i) In general.—All persons treated as a controlled group shall be treated as 1 person.

(ii) Controlled group.—The term "controlled group" has the meaning given to such term by subsection (a) of section 1563 of such Code; except that for such purposes the phrase "more than 50 percent" shall be substituted for the phrase "at least 80 percent" each place it appears in such subsection.

(B) Nonincorporated persons under common control.—Under regulations prescribed by the Secretary, principles similar to the principles of subparagraph (A) shall apply to a group of persons under common control where 1 or more of such persons is not a corporation.

(g) Other Law Applicable.—All provisions of law, including penalties, applicable with respect to the taxes imposed by section 4081 of such Code in the case of gasoline and diesel fuel and section 4091 of such Code in the case of aviation fuel shall, insofar as applicable and not inconsistent with the provisions of this subsection, apply with respect to the floor stock taxes imposed by subsection (a) to the same extent as if such taxes were imposed by such section 4081 or 4091.

SEC. 5. GAS TAX REDUCTION MUST BE PASSED THROUGH TO CONSUMERS.

(a) Gas Tax Reduction Only To Benefit Consumers.—It shall be unlawful for any person selling or importing any taxable fuel to fail to fully pass on (through a reduction in the price that would otherwise be charged) the reduction in tax on such fuel under this Act.

(b) Responsibilities of Persons Liable for Tax.—

(1) In general.—Every person liable for the payment of Federal excise taxes on any taxable fuel—

(A) shall fully pass on, as required by subsection (a), the reduction in tax on such fuel under this Act, and

(B) if the taxable event is not a sale to the ultimate consumer, shall take such steps as may be reasonably necessary to ensure that such reduction is fully passed on, as required by subsection (a), to subsequent purchasers of the taxable fuel.

(2) Enforcement.—Any person who fails to meet the requirements of paragraph (1) with respect to any fuel shall be liable for Federal excise taxes on such fuel as if this Act had not been enacted.

(3) Waiver.—In the case of a failure which is due to reasonable cause and not to willful neglect, the Secretary may waive part or all of the additional taxes imposed by paragraph (2) to the extent that payment of such taxes would be excessive relative to the failure involved.

(c) Definitions.—For purposes of this section—

(1) Taxable fuel.—The term "taxable fuel" has the meaning given such term by section 4083(a) of such Code.

(2) Secretary.—The term "Secretary" means the Secretary of the Treasury or his delegate.

(d) GAO Study.—

(1) In general.—The Comptroller General of the United States shall conduct a study of the repeal of the 4.3-cent increase in the fuel tax imposed by the Omnibus Budget Reconciliation Act of 1993 to determine whether there has been a passthrough of such repeal.

(2) Report.—Not later than January 31, 1997, the Comptroller General of the United States shall report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives the results of the study conducted under paragraph (1). An interim report on such results shall be submitted to such committees not later than November 1, 1996.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS FOR EXPENSES OF ADMINISTRATION OF THE DEPARTMENT OF ENERGY.

Section 660 of the Department of Energy Organization Act (42 U.S.C. 7270) is amended—

(1) by inserting "(a) In General.—" before "Appropriations"; and

(2) by adding at the end the following:

"(b) Fiscal Years 1997 Through 2002.—There are authorized to be appropriated for salaries and expenses of the Department of Energy for departmental administration and other activities in carrying out the purposes of this Act—

"(1) $104,000,000 for fiscal year 1997;

"(2) $104,000,000 for fiscal year 1998;

"(3) $100,000,000 for fiscal year 1999;

"(4) $90,000,000 for fiscal year 2000;

"(5) $90,000,000 for fiscal year 2001; and

"(6) $90,000,000 for fiscal year 2002.".

SEC. 7. SPECTRUM AUCTIONS.

(a) Commission Obligation to Make Additional Spectrum Available by Auction.—

(1) In general.—The Federal Communications Commission shall complete all actions necessary to permit the assignment, by March 31, 1998, by competitive bidding pursuant to section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)) of licenses for the use of bands of frequencies that—

(A) individually span not less than 12.5 megahertz, unless a combination of smaller bands can, notwithstanding the provisions of paragraph (7) of such section, reasonably be expected to produce greater receipts;

(B) in the aggregate span not less than 25 megahertz;

(C) are located below 3 gigahertz; and

(D) have not, as of the date of enactment of this Act—

(i) been assigned or designated by Commission regulation for assignment pursuant to such section;

(ii) been identified by the Secretary of Commerce pursuant to section 113 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923); or

(iii) reserved for Federal Government use pursuant to section 305 of the Communications Act of 1934 (47 U.S.C. 305).

(2) Criteria for reassignment.—In making available bands of frequencies for competitive bidding pursuant to paragraph (1), the Commission shall—

(A) seek to promote the most efficient use of the spectrum;

(B) take into account the cost to incumbent licensees of relocating existing uses to other bands of frequencies or other means of communication;

(C) take into account the needs of public safety radio services;

(D) comply with the requirements of international agreements concerning spectrum allocations; and

(E) take into account the costs to satellite service providers that could result from multiple auctions of like spectrum internationally for global satellite systems.

(b) Federal Communications Commission May Not Treat This Section as Congressional Action for Certain Purposes.—The Federal Communications Commission may not treat the enactment of this Act or the inclusion of this section in this Act as an expression of the intent of Congress with respect to the award of initial licenses of construction permits for Advanced Television Services, as described by the Commission in its letter of February 1, 1996, to the Chairman of the Senate Committee on Commerce, Science, and Transportation.

Mr. RANGEL (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER pro tempore. The gentleman from New York [Mr. Rangel] is recognized for 5 minutes in support of his motion to recommit.

Mr. RANGEL. Mr. Speaker, I do know that election time causes us to do a lot of strange things, and certainly if anyone is serious about taking off 4.3 cents from the Federal gasoline tax on a permanent basis, then we are talking about some $31 billion.

Now, it may be true that we have just learned about balancing the budget, but certainly for those of my colleagues that have been advocating this for so long, what a heck of a time to be thinking about balancing the budget and cutting back revenue.

Now, when I was on the committee trying to make certain that this bad idea, at least that it would be the consumer that would be the beneficiary, the protectors of the oil companies said, "No, if you are trying to pass this through to the consumer, then you're manipulating the marketplace. What you have to do is to trust the oil people. They'll do the right thing. They'll pass it through to the consumer."

And so my motion to recommit merely says that we should make it mandatory, requiring the oil companies to pass the full tax savings on to the consumer and reimposing a tax if the company violates this requirement.

So I want people to listen very carefully to those people who advocate this reduction in taxes.

Please, do not tell me that it cannot be done because the whole idea is not to give the benefit to the oil companies. Even if our cousin Jake does have a gas pump, he should be getting the break to pass through to the people who come by his gasoline station.

Now, if my colleagues are going to tell me that it is too complicated to do or that they do not understand the free market system or that we cannot find out where the 4.3 cents is going to go, then why do we not quit the sham and get on with something else? If it cannot go to the consumer and my colleagues do not know how it is going to get to them, then let us leave this thing alone and try to find something else for the campaign. God knows we got a couple of months left.

But if my colleagues want to help the consumer, then all they have to do is say this: We mandate that the 4.3 between now and election passes on to the consumer. And everybody has to say on the penalty of having the tax reimposed that they would pass it on to the consumer, and that should not be a very complicated thing for our colleagues to figure out. But just in case there is a problem, our colleagues have in their bill a method in which they have a General Office of Accounting finding.

We will mandate that there be a General Office of Accounting report on November 1 before the election to see whether or not the Republican tax removal is passed on to the American people.

Mr. Speaker, I yield to the distinguished gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. Mr. Speaker, I thank the gentleman very much for yielding.

The reason that the gentleman from New York [Mr. RANGEL] has framed this recommittal motion is that the American consumer has seen in the last 3 or 4 months an increase of 20 cents to 40 cents at the gas pump for the price of gasoline. Now, that means that oil companies are taking from $100 to $200 more this year out of the pockets of consumers for gasoline than they did last year. The Republican motion says that the 4 cent gasoline tax from 1993, which is their idea of relief for the consumer who is losing 100 to 200 bucks, they are going to get this 4 cent break, which is about 15 or 20 bucks, should go to the oil refinery level. That is where the bulk of their tax break goes. They give it to the oil refiners, largely, and they ask them to pass it on to the consumer.

The gentleman from New York says, well, if that is how they are going to do it, we need that to be certified, we need to have some evidence that the large oil companies pass that tax break on down to the consumer.

Now, we had alternatives to give the money right to the consumer, but the Republicans will not put those amendments in order.

So the gentleman from New York's recommittal motion is quite simple. If my colleagues want to guarantee that the large oil companies pass that 4 cent gasoline tax break, 15 or 20 or 30 bucks, on to the consumer, then they must vote for this recommittal motion, or else the oil companies will gobble it up like a nice tasty snack.

The SPEAKER pro tempore. The gentleman from Texas [Mr. ARCHER] is recognized for 5 minutes in opposition to the motion to recommit.

Mr. ARCHER. Mr. Speaker, the motion to recommit attempts to regulate the market price of motor fuels with the threat of monetary penalties for failure to pass on the motor fuels tax reduction to customers. The mechanics of the motion offered by Mr. RANGEL are flawed. More importantly the motion lacks a fundamental confidence in our free market system which has served us so well. Instead the motion smacks of price controls and the longhand of gargantuan government.

Even before I speak to the bad economics of this motion, let me explain why the provisions before us do not work. First, Federal taxes on gasoline are paid well before the customer pulls into the gas station.

These taxes are paid at some 1,700 bulk storage terminals. From there, some 15,000 wholesale dealers or jobbers buy the product which then is delivered to retail service stations which total over 195,000 nationwide and sell nearly 200 brands of gasoline.

Keeping this universe in mind, the Rangel motion would essentially make 600 taxpayers, those at the terminal facilities, pay penalties equal to all or part of the tax reduction which does not flow to customers. Very simply, the terminal taxpayers will pay dearly if even one of the nearly 210,000 wholesale dealers and gas station operators fail to pass-through the tax reduction. The motion raises basic fairness questions since taxpayers are held responsible for another person's inability to account for a tax reduction.

Furthermore, the motion begs the question over how the already strained resources of the IRS will monitor and audit some 210,000 persons who buy and sell some 200 brands of gasoline.

Putting aside the unworkable machinery, it is essential that my colleagues focus on the real message behind this motion. Its proponents will make the deceptively attractive claim that the motion will put the tax reduction into the pockets of consumers instead of the oil industry. But if proponents really mean what they say then what is before us is yet another attempt, albeit flawed, to control the profit margins of every individual who buys and sells gasoline and diesel. The motion discards the fact that petroleum prices respond to the basic economics of supply and demand and are set by the world's most competitive marketplace.

Earlier this year we witnessed just how well competition drives the prices charge to consumers. On January 1, the 10-percent airline ticket tax expired. That same day, most of the major carriers reduced air fares by a corresponding 10 percent. Within 24 hours, the pressures of competition drove another major air carrier to drop its air fares by 10 percent.

Interestingly enough, the penalties for failure to pass through the tax reduction do not apply to aviation jet fuels and special motor fuels.

But, market forces are not limited to the airlines. They are known to all segments of America's industries for the simple reason that business, in order to survive, they must bear the scrutiny of the America consumer.

Make no mistake, the motion offered by Mr. RANGEL is a poorly constructed and dangerous attempt to control the laws of economics, all in the name of feel-good politics. The motion should be rejected.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. RANGEL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant At Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 183, nays 225, not voting 25, as follows:

[Roll No. 181]

YEAS—183

Abercrombie
Ackerman
Andrews
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Gordon
Green (TX)
Hall (OH)
Hamilton
Hastings (FL)
Hefner
Hilliard
Hinchey

Holden
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
LaFalce
Lantos
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McHale
McKinney
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Montgomery
Moran
Murtha
Nadler
Neal
Obey
Olver
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torricelli
Towns
Traficant
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wynn
Yates

NAYS—225

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Bryant (TN)
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Coble
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Funderburk
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greene (UT)
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Klug
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Mollohan
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Tauzin
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Walker
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—25

Baesler
Bunn
Clinger
Coburn
Durbin
Frisa
Gallegly
Gutierrez
Harman
Kingston
Klink
Largent
Lucas
Maloney
McDermott
McNulty
Molinari
Oberstar
Ortiz
Peterson (FL)
Rohrabacher
Smith (MI)
Taylor (NC)
Torres
Watts (OK)

□ 1915

Ms. PRYCE and Mrs. SEASTRAND changed their vote from "yea" to "nay."

Mr. CUMMINGS and Mr. GEJDEBSON changed their vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Mr. WALKER. Mr. Speaker, I ask unanimous consent on the suspension vote to follow final passage on the bill that it be reduced to 5 minutes.

The SPEAKER pro tempore (Mr. KOLBE). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. ARCHER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 301, nays 108, not voting 24, as follows:

[Roll No. 182]

YEAS—301

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Boucher
Brewster
Browder
Brownback
Bryant (TN)
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clement
Coble
Coleman
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cummings
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frost
Funderburk
Furse
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Greene (UT)
Greenwood
Gunderson
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hinchey
Hobson
Hoke
Holden
Horn
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, Sam
Jones
Kasich
Kelly
Kildee
Kim
King
Kleczka
Knollenberg
Kolbe
LaFalce
LaHood
Latham
LaTourette
Laughlin
Lazio
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Manton
Manzullo
Martinez
Martini
Mascara
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
McKinney
Menendez
Metcalf
Meyers
Mica
Miller (FL)
Mink
Montgomery
Moorhead
Myers
Myrick
Nethercutt
Ney
Norwood
Nussle
Obey
Olver
Orton
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Peterson (MN)
Petri
Pombo
Pomeroy
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Ramstad
Reed
Regula
Richardson
Riggs
Roberts
Roemer
Rogers
Ros-Lehtinen
Rose
Roth
Roukema
Royce
Salmon
Sanders
Saxton
Scarborough
Schaefer
Schiff
Schumer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Sisisky
Skeen
Skelton
Smith (NJ)
Smith (TX)
Solomon
Spence
Spratt
Stearns
Stockman
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torricelli
Traficant
Upton
Volkmer
Vucanovich
Walker
Walsh
Wamp
Ward
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wynn
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—108

Barrett (WI)
Becerra
Beilenson
Berman
Borski
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Campbell
Cardin
Clay
Clayton
Clyburn
Collins (IL)

Collins (MI)
Conyers
Costello
Coyne
Dellums
Dicks
Dingell
Dixon
Doggett
Ehlers
Fattah
Flake
Foglietta
Ford
Frank (MA)
Gibbons
Hastings (FL)
Hilliard
Hoekstra
Houghton
Hoyer
Jackson (IL)
Jacobs
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Klug
Lantos
Leach
Levin
Lewis (GA)
Luther
Markey
Matsui
McCarthy
McHale
Meehan
Meek
Millender-McDonald
Miller (CA)
Minge
Moakley
Mollohan
Moran
Morella
Murtha
Nadler
Neal
Neumann
Owens
Payne (VA)
Pelosi
Pickett
Porter
Rahall
Rangel
Rivers
Roybal-Allard
Rush
Sabo
Sanford
Sawyer
Schroeder
Scott
Serrano
Shays
Skaggs
Slaughter
Smith (WA)
Souder
Stark
Stenholm
Stokes
Studds
Thompson
Towns
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
White
Williams
Wilson
Wise
Wolf
Woolsey
Yates

NOT VOTING—24

Baesler
Bunn
Clinger
Coburn
Durbin
Frisa
Gallegly
Gutierrez
Harman
Kingston
Klink
Largent
Lucas
Maloney
McDermott
McNulty
Molinari
Oberstar
Ortiz
Peterson (FL)
Rohrabacher
Smith (MI)
Torres
Watts (OK)

□ 1935

The Clerk announced the following pairs:

On this vote:

Mr. Ortiz for, with Ms. Harman against.

Mr. Clinger for, Mr. Klink against.

Mr. Kingston for, Mr. Oberstar against.

Ms. LOFGREN changed her vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. BUNN of Oregon. Mr. Speaker, due to a thunderstorm, my plane was approximately 2 hours late arriving at National Airport on May 21, 1996. Because of this delay, I was unable to cast my vote on vote numbers 180, 181, and 182.

Had I been present, I would have voted yea on vote 180, nay on vote 181, and yea on vote 182.

TENTH ANNIVERSARY OF CHORNOBYL NUCLEAR DISASTER

The SPEAKER pro tempore (Mr. LAHOOD). The pending business is the question of suspending the rules and agreeing to the concurrent resolution, House Concurrent Resolution 167.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York [Mr. GILMAN], that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 167, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 404, nays 0, not voting 29, as follows:

[Roll No. 183]

YEAS—404

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cummings
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frost
Funderburk
Furse
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Greene (UT)
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kleczka
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
Meehan
Meek
Menendez
Metcalf
Meyers
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Obey
Olver
Orton
Owens
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (MN)
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torricelli
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Waxman
Weldon (FL)
Weller
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—29

Baesler
Callahan
Clinger
Durbin
Frank (MA)
Frisa
Gallegly
Gibbons
Harman
Kingston
Klink
Maloney
McDermott
McNulty
Molinari
Oberstar
Ortiz
Oxley
Peterson (FL)
Petri
Rogers
Rohrabacher
Scarborough
Smith (MI)
Torres
Watts (OK)
Weldon (PA)
Williams
Wilson

□ 1944

So the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. WATTS of Oklahoma. Mr. Speaker, due to my plane being grounded as a result of stormy weather, I was detained for more than 3 hours. Unfortunately I missed the vote on H.R. 3415, a bill repealing the 4.3 cent increase in transportation motor fuels excise tax. Had I been present, I would have voted "aye" on rollcall vote No. 182, "aye" on rollcall vote No. 180, and "no" on rollcall vote No. 181. I also would have voted "aye" on rollcall vote No. 183, a bill recognizing the 10th anniversary of the Chernobyl nuclear disaster.

PERSONAL EXPLANATION

Mr. KINGSTON. Mr. Speaker, because of inclement weather, I was unavoidably absent for votes today. If the plane could have landed at the scheduled time, I would have been present to vote "yes" on ordering the previous question on H.R. 3415, "no" on the motion to recommit on H.R. 3415, "yes" on final passage on H.R. 3415, and "yes" on House Concurrent Resolution 167.

PERSONAL EXPLANATION

Mr. McDERMOTT. Mr. Speaker, due to circumstances beyond my control, I was unavoidably detained and missed the following rollcall votes. If I had been here, I would have voted in the following manner:

Rollcall vote No. 180—no.
Rollcall vote No. 181—yes.
Rollcall vote No. 182—no.
Rollcall vote No. 183—yes.

Thank you for your assistance in this matter.

PERSONAL EXPLANATION

Mr. FRISA. Mr. Speaker, due to severe weather that backed up air traffic at LaGuardia Airport, I was unavoidably detained on the runway, and thus unable to vote on repeal of the 4.3-cent increase in transportation motor fuels excise tax.

Had I been present, I would have voted "yea" on House Resolution 436 (rollcall No. 180), "nay" on the motion to recommit H.R. 3415 (rollcall No. 181), "yea" on final passage of H.R. 3415 (rollcall No. 182). On House Concurrent Resolution 167 (rollcall No. 183), recognizing the 10th anniversary of the Chornobyl nuclear disaster, I would have voted "yea."

PERSONAL EXPLANATION

Mr. GALLEGLY. Mr. Speaker, my flight to Washington from California was unexpectedly rerouted to Pittsburgh due to thunderstorm activity in the Washington area.

As a result, I unfortunately missed several important votes. Had I been here, I would have voted: "aye" on rollcall No. 180; "no" on rollcall No. 181; "aye" on rollcall No. 182, the gas tax repeal; and "aye" on rollcall No. 183.

☐ 1945

PROVIDING FOR CONSIDERATION OF H.R. 3259, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1997

Mr. GOSS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 437 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 437

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3259) to authorize appropriations for fiscal year 1997 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with section 302(f), 308(a), or 401(a) of the Congressional Budget Act of 1974 are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Permanent Select Committee on Intelligence. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Permanent Select Committee on Intelligence now printed in the bill. The committee amendment in the nature of a substitute shall be considered by title rather than by section. The first section and each title shall be considered as read. Points of order against the committee amendment in the nature of a substitute for failure to comply with clause 7 of rule XVI, clause 5(b) of rule XXI, or section 302(f) or 401(a) of the Congressional Budget Act of 1974 are waived. No amendment to the committee amendment in the nature of a substitute shall be in order unless printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. The Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment. The Chairman of the Committee of the Whole may reduce to not less than five minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall be not less than fifteen minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Florida [Mr. GOSS] is recognized for 1 hour.

Mr. GOSS. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from California [Mr. BEILENSON], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker House Resolution 437 is a modified open rule that provides for the consideration of H.R. 3259, the Intelligence Authorization Act for fiscal year 1997. The rule waives sections 302(f), 308(a) and 401(a) of the budget act against consideration of the bill. These waivers pertain to: An excess above a committee's allocation of new entitlement authority; the necessary cost-estimate paperwork on this new entitlement authority; and contract authority not previously subject to appropriation. The waivers are needed because of provisions in two sections of H.R. 3259. Section 402 of the bill repeals the surcharge associated with CIA employees who receive a voluntary separation incentive payment in fiscal year 1998 and fiscal year 1999, correcting a situation in which CIA was forced to make double-payments. Section 401 of the bill makes clear legislative authority for the CIA to enter into multiyear leases of not more than 15 years. These provisions are not considered controversial nor do they cause serious budget problems, according to CBO. The rule provides for 1 hour of general debate and makes in order the amendment in the nature of a substitute now printed in the bill as the base text for amendment under the five-minute rule. The bill shall be considered by title and shall be considered as read. The rule waives section 302(f) and section 401(a) of the budget act against the committee substitute, for the reasons I have already described. The rule also waives clause 7 of rule XVI, the so-called germaneness rule, and clause 5(b) of rule XXI, which prohibits consideration of legislation containing revenue provisions if not considered by the Ways and Means Committee. The germaneness waiver is necessary because the committee amendment in the nature of a substitute is broader in scope than the original bill, including provisions to improve our intelligence systems in light of lessons learned from the Aldrich Ames case and to ensure proper congressional oversight over the expenditure of funds for personnel reforms. These are important additions to the annual intelligence authorization process that deserve Members' careful review and support. The ways and means waiver is necessary because of a technical 1-year extension in the bill of the application of sanctions laws to intelligence activities.

Mr. Speaker: this rule is basically an open rule, meaning that all germane amendments that pass muster under the standing rules of the House may be offered. We have included a pre-printing requirement, however, at the request of the Intelligence Committee because of the sensitive nature of this legislation and a very real concern about protecting classified information. I'd like to respond briefly to a discussion we had in the Rules Committee with the distinguished ranking member of the Intelligence Committee, Mr. DICKS, about the timing of floor consideration of this bill. I share Mr. DICKS interest in ensuring that Members who wish to have the opportunity to review the classified annex to this bill, and we have done what we can to provide that opportunity. Mr. DICKS should be pleased to note that there was a pro-forma schedule in the House yesterday and Members may file amendments in today's CONGRESSIONAL RECORD as well. We have attempted to accommodate all Members in this process, while adhering to a very tight legislative schedule we must keep if we are to conclude all of our business before our target adjournment in early October. Finally, the rule allows the Chairman of the Committee of the Whole to postpone votes during consideration of the bill and to reduce to 5 minutes a vote on a postponed question if the vote follows a 15-minute vote. It also provides for the traditional motion to recommit with or without instructions.

Mr. Speaker, as a member of the House Permanent Select Committee on Intelligence, I am proud to bring this bill to the House and I would like to commend Chairman COMBEST for his leadership and his thorough efforts to provide us with detailed commentary about the bill. Developing a blueprint for our Nation's intelligence capabilities is an extraordinarily difficult task. Having assisted in two separate, extensive reviews of this subject matter in the past 2 years, and having spent a chunk of my life working within the intelligence community, I am keenly aware of the complexity and the breadth of issues that confront us as we look to the next century and evaluate our intelligence capabilities and needs. H.R. 3259 provides a responsible balance of adequate resources and careful congressional oversight to ensure that our national decisionmakers have accurate, timely and objective information with which to assess threats and opportunities in this ever-changing world. An inherent problem with the intelligence field is that public information which could serve to build a constituency for its missions is generally skewed. Americans hear most about things that go wrong in the intelligence world. In fact, one of the characteristics of successes in this arena is that you generally don't hear about them, because a success usually means we were able to prevent something bad from happening in the first place. I know Americans—who have an instinctive appreciation for openness and sunshine and I come from the Sunshine State where, indeed, we do have the sunshine law. Americans sometimes find it frustrating to hear about classified briefings and secret missions. But the world is a dangerous place, and the fact is that we rely on information and data that can't always be gathered in an overt way. It is the task of our intelligence services—and each member of Congress—to convince Americans that we are earning the trust that we ask them to place in us. Once again I commend Chairman COMBEST for his work in pursuing that important goal. I think H.R. 3259 deserves the support of this House.

Mr. Speaker, I reserve the balance of my time.

Mr. BEILENSON. Mr. Speaker, I yield myself such time as I may consume, and I thank my friend, the gentleman from Florida [Mr. GOSS], for yielding the customary half-hour of debate time to me.

Mr. Speaker, may I say at the outset that I subscribe wholeheartedly to the wise words that my colleague from Florida just uttered. Let me also take a moment at the outset to compliment the gentleman from Florida for his very able work not only on the Committee on Rules but also as a member of the Permanent Select Committee on Intelligence, where it is, indeed, fortunate, I would tell my colleagues, to have someone with Mr. GOSS' hands-on experience in intelligence activities serving on the committee that oversees the intelligence community.

Mr. Speaker, we support this modified open rule for H.R. 3259, the Intelligence Authorization Act for fiscal year 1997.

Our only concern about the rule, and it's only a modest concern, is the preprinting requirement, which we are not convinced is needed. The chairman of the committee, the gentleman from Texas, [Mr. COMBEST], testified before the Committee on Rules that he felt it was necessary to review amendments before they were debated in order to avoid the possibility of having to deal with sensitive matters without adequate notice.

We were especially concerned, may I say, that the requirement left an inadequate amount of time for Members to study the bill, and that it might have precluded the offering of some amendments—and might have meant that others were drafted hastily and improperly to meet the deadline.

The bill was reported May 16, the same day the Rules Committee heard testimony on it. Members may recall that, in previous years, we have had more time following the committee's report of the legislation to study the classified annex as well as the nonclassified portion of the legislation. Last year, in fact, the legislation was available for over 2 months compared to the 3 legislative days this year's bill was available to Members before floor action.

Nonetheless, the requirement is in the rule and since nearly a dozen amendments have been filed, we assume that Members have been able to adjust to its requirements.

Mr. Speaker, the rule does provide several waivers of House rules against the bill and against its consideration, as the gentleman from Florida mentioned. The ranking minority member of the Intelligence Committee, the gentleman from Washington [Mr. DICKS] did not object to the waivers. They are reasonable waivers, and we do not oppose them.

We are concerned about several provisions in the bill, which were outlined in the minority's dissenting views, including those dealing with funding levels.

Funding levels in the bill exceed by about 4, 5, and 6.5 percent, respectively, the amounts requested by the President, authorized, and appropriated in fiscal year 1996.

At the level recommended by the bill, the intelligence authorization for fiscal year 1997 would be only about 1.4 percent less than was authorized for fiscal year 1991, the last year this Member had the privilege of chairing the Intelligence Committee. When the fiscal year 1991 bill was drafted, however, American troops were being deployed by the hundreds of thousands in the Persian Gulf, and the Soviet Union was still very much in existence.

There may be compelling reasons why funding for intelligence programs has declined only marginally since the end of the cold war. We look forward to hearing them during general debate.

In fairness, however, I would note that reservations expressed by Democrats in the committee report have to do primarily with the ways in which funds are allocated in the bill, rather than the total amount authorized. I simply think that we want to be sure that intelligence programs and activities are being subjected to the same level of scrutiny as are other functions of the Federal Government.

Obviously, spending for markedly different purposes does not always invite meaningful comparisons but it is important, given the budgetary constraints we face, that we insist that national security programs be sized to respond to real, rather than imaginary threats.

□ 2000

Only in that way can we assure ourselves and our constituents that we are being uniformly vigorous in reviewing all of the budgets submitted to us.

The bill does provide funding, although not so much as the President requested, for the Environmental Intelligence and Applications Program, the so-called EIAP, which, among other things, evaluates data collected by national technical means for their utility for the scientific study of the environment.

Mr. Speaker, the EIAP has been strongly supported by the U.S. Navy and in many ways is a model for the kinds of nontraditional use to which classified as well as declassified intelligence data can be put.

Among the amendments which may be offered to the bill is one which would strengthen the existing policy against the use of journalists as intelligence agents. This is an issue which deserves to be carefully considered by the Congress in an effort to determine whether a blanket prohibition better serves the national interest than some variation of the current CIA regulations which do not permit the use of journalists as agents except in extraordinary circumstances when the director of central intelligence determines that national security so requires.

Mr. Speaker, to repeat, we support this open rule. We urge our colleagues to approve it so that we may proceed tomorrow with consideration of the intelligence authorization legislation.

Mr. Speaker, having no further requests for time, I reserve the balance of my time.

Mr. GOSS. Mr. Speaker, I yield myself such time as I may consume.

I will advise the gentleman from California that I do not think we have any speakers. Before the gentleman takes the floor again, may I just thank him for his very kind remarks and return them. I think those newcomers to this institution this year perhaps may not know the gentleman's distinguished record as a member and chairman of the House Permanent Select Committee on Intelligence and the extraordinary service he has rendered this country, to say nothing of his extraordinary capacity on the Committee on Rules and his contributions to the proceedings in both the majority and minority roles which he does so well.

Mr. Speaker, with regard to the remarks that have been made about the debates, we are going to have some interesting debate. In fact, better than a dozen amendments have been filed under the preprinting rule. And while I agree, I am not sure I am totally enamored of the preprinting rule, it does give us that little extra measure, if there is a security problem, at least to vet it and try to get the debate in the appropriate aura.

Mr. Speaker, I also need to point out that, while I agree that we have to be sure we spend our tax dollars well, I am told that, since about 1990, that in terms of real spending, intelligence is down about 14 percent. I think that we have seen some significant cuts.

It is hard for me to say specifically what they are; because we all know we are not supposed to talk about the specifics, but we also know that part of the debate will be, should we talk about certain of the specifics.

I think as we go along in this process we are going to have a very good debate this year. I totally agree with the gentleman that we want to focus on the real threats, because there are more than enough real threats for national security interest, and weed out the imaginary ones. I will join him in that effort, of course.

Mr. Speaker, I include for the RECORD the following information:

THE AMENDMENT PROCESS UNDER SPECIAL RULES REPORTED BY THE RULES COMMITTEE,[1] 103RD CONGRESS V. 104TH CONGRESS

[As of May 21, 1996]

Rule type	103d Congress		104th Congress	
	Number of rules	Percent of total	Number of rules	Percent of total
Open/Modified Open[2]	46	44	69	59
Modified Closed[3]	49	47	30	26
Closed[4]	9	9	18	15
Total	104	100	117	100

[1] This table applies only to rules which provide for the original consideration of bills, joint resolutions or budget resolutions and which provide for an amendment process. It does not apply to special rules which only waive points of order against appropriations bills which are already privileged and are considered under an open amendment process under House rules.

[2] An open rule is one under which any Member may offer a germane amendment under the five-minute rule. A modified open rule is one under which any Member may offer a germane amendment under the five-minute rule subject only to an overall time limit on the amendment process and/or a requirement that the amendment be preprinted in the Congressional Record.

[3] A modified closed rule is one under which the Rules Committee limits the amendments that may be offered only to those amendments designated in the special rule or the Rules Committee report to accompany it, or which preclude amendments to a particular portion of a bill, even though the rest of the bill may be completely open to amendment.

[4] A closed rule is one under which no amendments may be offered (other than amendments recommended by the committee in reporting the bill).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS

[As of May 21, 1996]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 38 (1/18/95)	O	H.R. 5	Unfunded Mandate Reform	A: 350–71 (1/19/95).
H. Res. 44 (1/24/95)	MC	H. Con. Res. 17	Social Security	A: 255–172 (1/25/95).
		H.J. Res. 1	Balanced Budget Amdt	
H. Res. 51 (1/31/95)	O	H.R. 101	Land Transfer, Taos Pueblo Indians	A: voice vote (2/1/95).
H. Res. 52 (1/31/95)	O	H.R. 400	Land Exchange, Arctic Nat'l. Park and Preserve	A: voice vote (2/1/95).
H. Res. 53 (1/31/95)	O	H.R. 440	Land Conveyance, Butte County, Calif	A: voice vote (2/1/95).
H. Res. 55 (2/1/95)	O	H.R. 2	Line Item Veto	A: voice vote (2/2/95).
H. Res. 60 (2/6/95)	O	H.R. 665	Victim Restitution	A: voice vote (2/7/95).
H. Res. 61 (2/6/95)	O	H.R. 666	Exclusionary Rule Reform	A: voice vote (2/7/95).
H. Res. 63 (2/8/95)	MO	H.R. 667	Violent Criminal Incarceration	A: voice vote (2/9/95).
H. Res. 69 (2/9/95)	O	H.R. 668	Criminal Alien Deportation	A: voice vote (2/10/95).
H. Res. 79 (2/10/95)	MO	H.R. 728	Law Enforcement Block Grants	A: voice vote (2/13/95).
H. Res. 83 (2/13/95)	MO	H.R. 7	National Security Revitalization	PQ: 229–100; A: 227–127 (2/15/95).
H. Res. 88 (2/16/95)	MC	H.R. 831	Health Insurance Deductibility	PQ: 230–191; A: 229–188 (2/21/95).
H. Res. 91 (2/21/95)	O	H.R. 830	Paperwork Reduction Act	A: voice vote (2/22/95).
H. Res. 92 (2/21/95)	MC	H.R. 889	Defense Supplemental	A: 282–144 (2/22/95).
H. Res. 93 (2/22/95)	MO	H.R. 450	Regulatory Transition Act	A: 252–175 (2/23/95).
H. Res. 96 (2/24/95)	MO	H.R. 1022	Risk Assessment	A: 253–165 (2/27/95).
H. Res. 100 (2/27/95)	O	H.R. 926	Regulatory Reform and Relief Act	A: voice vote (2/28/95).
H. Res. 101 (2/28/95)	MO	H.R. 925	Private Property Protection Act	A: 271–151 (3/2/95).
H. Res. 103 (3/3/95)	MO	H.R. 1058	Securities Litigation Reform	
H. Res. 104 (3/3/95)	MO	H.R. 988	Attorney Accountability Act	A: voice vote (3/6/95).
H. Res. 105 (3/6/95)	MO			A: 257–155 (3/7/95).
H. Res. 108 (3/7/95)	Debate	H.R. 956	Product Liability Reform	A: voice vote (3/8/95).
H. Res. 109 (3/8/95)	MC			PQ: 234–191 A: 247–181 (3/9/95).
H. Res. 115 (3/14/95)	MO	H.R. 1159	Making Emergency Supp. Approps	A: 242–190 (3/15/95).
H. Res. 116 (3/15/95)	MC	H.J. Res. 73	Term Limits Const. Amdt	A: voice vote (3/28/95).
H. Res. 117 (3/16/95)	Debate	H.R. 4	Personal Responsibility Act of 1995	A: voice vote (3/21/95).
H. Res. 119 (3/21/95)	MC			A: 217–211 (3/22/95).
H. Res. 125 (4/3/95)	O	H.R. 1271	Family Privacy Protection Act	A: 423–1 (4/4/95).
H. Res. 126 (4/3/95)	O	H.R. 660	Older Persons Housing Act	A: voice vote (4/6/95).
H. Res. 128 (4/4/95)	MC	H.R. 1215	Contract With America Tax Relief Act of 1995	A: 228–204 (4/5/95).
H. Res. 130 (4/5/95)	MC	H.R. 483	Medicare Select Expansion	A: 253–172 (4/6/95).
H. Res. 136 (5/1/95)	O	H.R. 655	Hydrogen Future Act of 1995	A: voice vote (5/2/95).
H. Res. 139 (5/3/95)	O	H.R. 1361	Coast Guard Auth. FY 1996	A: voice vote (5/9/95).
H. Res. 140 (5/9/95)	O	H.R. 961	Clean Water Amendments	A: 414–4 (5/10/95).
H. Res. 144 (5/11/95)	O	H.R. 535	Fish Hatchery—Arkansas	A: voice vote (5/15/95).
H. Res. 145 (5/11/95)	O	H.R. 584	Fish Hatchery—Iowa	A: voice vote (5/15/95).
H. Res. 146 (5/11/95)	O	H.R. 614	Fish Hatchery—Minnesota	A: voice vote (5/15/95).
H. Res. 149 (5/16/95)	MC	H. Con. Res. 67	Budget Resolution FY 1996	PQ: 252–170 A: 255–168 (5/17/95).
H. Res. 155 (5/22/95)	MO	H.R. 1561	American Overseas Interests Act	A: 233–176 (5/23/95).
H. Res. 164 (6/8/95)	MC	H.R. 1530	Nat. Defense Auth. FY 1996	PQ: 225–191 A: 233–183 (6/13/95).
H. Res. 167 (6/15/95)	O	H.R. 1817	MilCon Appropriations FY 1996	PQ: 223–180 A: 245–155 (6/16/95).
H. Res. 169 (6/19/95)	MC	H.R. 1854	Leg. Branch Approps. FY 1996	PQ: 232–196 A: 236–191 (6/20/95).
H. Res. 170 (6/20/95)	O	H.R. 1868	For. Ops. Approps. FY 1996	PQ: 221–178 A: 217–175 (6/22/95).
H. Res. 171 (6/22/95)	O	H.R. 1905	Energy & Water Approps. FY 1996	A: voice vote (7/12/95).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS—Continued

[As of May 21, 1996]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 173 (6/27/95)	C	H.J. Res. 79	Flag Constitutional Amendment	PQ: 258–170 A: 271–152 (6/28/95).
H. Res. 176 (6/28/95)	MC	H.R. 1944	Emer. Supp. Approps	PQ: 236–194 A: 234–192 (6/29/95).
H. Res. 185 (7/11/95)	O	H.R. 1977	Interior Approps. FY 1996	PQ: 235–193 D: 192–238 (7/12/95).
H. Res. 187 (7/12/95)	O	H.R. 1977	Interior Approps. FY 1996 #2	PQ: 230–194 A: 229–195 (7/13/95).
H. Res. 188 (7/12/95)	O	H.R. 1976	Agriculture Approps. FY 1996	PQ: 242–185 A: voice vote (7/18/95).
H. Res. 190 (7/17/95)	O	H.R. 2020	Treasury/Postal Approps. FY 1996	PQ: 232–192 A: voice vote (7/18/95).
H. Res. 193 (7/19/95)	C	H.J. Res. 96	Disapproval of MFN to China	A: voice vote (7/20/95).
H. Res. 194 (7/19/95)	O	H.R. 2002	Transportation Approps. FY 1996	PQ: 217–202 (7/21/95).
H. Res. 197 (7/21/95)	O	H.R. 70	Exports of Alaskan Crude Oil	A: voice vote (7/24/95).
H. Res. 198 (7/21/95)	O	H.R. 2076	Commerce, State Approps. FY 1996	A: voice vote (7/25/95).
H. Res. 201 (7/25/95)	O	H.R. 2099	VA/HUD Approps. FY 1996	A: 230–189 (7/25/95).
H. Res. 204 (7/28/95)	MC	S. 21	Terminating U.S. Arms Embargo on Bosnia	A: voice vote (8/1/95).
H. Res. 205 (7/28/95)	O	H.R. 2126	Defense Approps. FY 1996	A: 409–1 (7/31/95).
H. Res. 207 (8/1/95)	MC	H.R. 1555	Communications Act of 1995	A: 255–156 (8/2/95).
H. Res. 208 (8/1/95)	O	H.R. 2127	Labor, HHS Approps. FY 1996	A: 323–104 (8/2/95).
H. Res. 215 (9/7/95)	O	H.R. 1594	Economically Targeted Investments	A: voice vote (9/12/95).
H. Res. 216 (9/7/95)	MO	H.R. 1655	Intelligence Authorization FY 1996	A: voice vote (9/12/95).
H. Res. 218 (9/12/95)	O	H.R. 1162	Deficit Reduction Lockbox	A: voice vote (9/13/95).
H. Res. 219 (9/12/95)	O	H.R. 1670	Federal Acquisition Reform Act	A: 414–0 (9/13/95).
H. Res. 222 (9/18/95)	O	H.R. 1617	CAREERS Act	A: 388–2 (9/19/95).
H. Res. 224 (9/19/95)	O	H.R. 2274	Natl. Highway System	PQ: 241–173 A: 375–39–1 (9/20/95).
H. Res. 225 (9/19/95)	MC	H.R. 927	Cuban Liberty & Dem. Solidarity	A: 304–118 (9/20/95).
H. Res. 226 (9/21/95)	O	H.R. 743	Team Act	A: 344–66–1 (9/27/95).
H. Res. 227 (9/21/95)	O	H.R. 1170	3-Judge Court	A: voice vote (9/28/95).
H. Res. 228 (9/21/95)	O	H.R. 1601	Internatl. Space Station	A: voice vote (9/27/95).
H. Res. 230 (9/27/95)	C	H.J. Res. 108	Continuing Resolution FY 1996	A: voice vote (9/28/95).
H. Res. 234 (9/29/95)	O	H.R. 2405	Omnibus Science Auth	A: voice vote (10/11/95).
H. Res. 237 (10/17/95)	MC	H.R. 2259	Disapprove Sentencing Guidelines	A: voice vote (10/18/95).
H. Res. 238 (10/18/95)	MC	H.R. 2425	Medicare Preservation Act	PQ: 231–194 A: 227–192 (10/19/95).
H. Res. 239 (10/19/95)	C	H.R. 2492	Leg. Branch Approps	PQ: 235–184 A: voice vote (10/31/95).
H. Res. 245 (10/25/95)	MC	H. Con. Res. 109	Social Security Earnings Reform	PQ: 228–191 A: 235–185 (10/26/95).
		H.R. 2491	Seven-Year Balanced Budget	
H. Res. 251 (10/31/95)	C	H.R. 1833	Partial Birth Abortion Ban	A: 237–190 (11/1/95).
H. Res. 252 (10/31/95)	MO	H.R. 2546	D.C. Approps.	A: 241–181 (11/1/95).
H. Res. 257 (11/7/95)	C	H.J. Res. 115	Cont. Res. FY 1996	A: 216–210 (11/8/95).
H. Res. 258 (11/8/95)	MC	H.R. 2586	Debt Limit	A: 220–200 (11/10/95).
H. Res. 259 (11/9/95)	O	H.R. 2539	ICC Termination Act	A: voice vote (11/14/95).
H. Res. 261 (11/9/95)	C	H.J. Res. 115	Cont. Resolution	A: 223–182 (11/10/95).
H. Res. 262 (11/9/95)	C	H.R. 2586	Increase Debt Limit	A: 220–185 (11/10/95).
H. Res. 269 (11/15/95)	O	H.R. 2564	Lobbying Reform	A: voice vote (11/16/95).
H. Res. 270 (11/15/95)	C	H.J. Res. 122	Further Cont. Resolution	A: 229–176 (11/15/95).
H. Res. 273 (11/16/95)	MC	H.R. 2606	Prohibition on Funds for Bosnia	A: 239–181 (11/17/95).
H. Res. 284 (11/29/95)	O	H.R. 1788	Amtrak Reform	A: voice vote (11/30/95).
H. Res. 287 (11/30/95)	O	H.R. 1350	Maritime Security Act	A: voice vote (12/6/95).
H. Res. 293 (12/7/95)	C	H.R. 2621	Protect Federal Trust Funds	PQ: 223–183 A: 228–184 (12/14/95).
H. Res. 303 (12/13/95)	O	H.R. 1745	Utah Public Lands.	
H. Res. 309 (12/18/95)	C	H.Con. Res. 122	Budget Res. W/President	PQ: 230–188 A: 229–189 (12/19/95).
H. Res. 313 (12/19/95)	O	H.R. 558	Texas Low-Level Radioactive	A: voice vote (12/20/95).
H. Res. 323 (12/21/95)	C	H.R. 2677	Natl. Parks & Wildlife Refuge	Tabled (2/28/96).
H. Res. 366 (2/27/96)	MC	H.R. 2854	Farm Bill	PQ: 228–182 A: 244–168 (2/28/96).
H. Res. 368 (2/28/96)	O	H.R. 994	Small Business Growth	
H. Res. 371 (3/6/96)	C	H.R. 3021	Debt Limit Increase	A: voice vote (3/7/96).
H. Res. 372 (3/6/96)	MC	H.R. 3019	Cont. Approps. FY 1996	PQ: voice vote A: 235–175 (3/7/96).
H. Res. 380 (3/12/96)	MC	H.R. 2703	Effective Death Penalty	A: 251–157 (3/13/96).
H. Res. 384 (3/14/96)	MC	H.R. 2202	Immigration	PQ: 233–152 A: voice vote (3/21/96).
H. Res. 386 (3/20/96)	C	H.J. Res. 165	Further Cont. Approps	PQ: 234–187 A: 237–183 (3/21/96).
H. Res. 388 (3/20/96)	C	H.R. 125	Gun Crime Enforcement	A: 244–166 (3/22/96).
H. Res. 391 (3/27/96)	C	H.R. 3136	Contract w/America Advancement	PQ: 232–180 A: 232–177, (3/28/96).
H. Res. 392 (3/27/96)	MC	H.R. 3103	Health Coverage Affordability	PQ: 229–186 A: Voice Vote (3/29/96).
H. Res. 395 (3/29/96)	MC	H.J. Res. 159	Tax Limitation Const. Amdmt.	PQ: 232–168 A: 234–162 (4/15/96).
H. Res. 396 (3/29/96)	O	H.R. 842	Truth in Budgeting Act	A: voice vote (4/17/96).
H. Res. 409 (4/23/96)	O	H.R. 2715	Paperwork Elimination Act	A: voice vote (4/24/96).
H. Res. 410 (4/23/96)	O	H.R. 1675	Natl. Wildlife Refuge	A: voice vote (4/24/96).
H. Res. 411 (4/23/96)	O	H.J. Res. 175	Further Cont. Approps. FY 1996	A: voice vote (4/24/96).
H. Res. 418 (4/30/96)	O	H.R. 2641	U.S. Marshals Service	PQ: 219–203 A: voice vote (5/1/96).
H. Res. 419 (4/30/96)	O	H.R. 2149	Ocean Shipping Reform	A: 422–0 (5/1/96).
H. Res. 421 (5/2/96)	O	H.R. 2974	Crimes Against Children & Elderly	A: voice vote (5/7/96).
H. Res. 422 (5/2/96)	O	H.R. 3120	Witness & Jury Tampering	A: voice vote (5/7/96).
H. Res. 426 (5/7/96)	O	H.R. 2406	U.S. Housing Act of 1996	PQ: 218–208 A: voice vote (5/8/96).
H. Res. 427 (5/7/96)	O	H.R. 3322	Omnibus Civilian Science Auth	A: voice vote (5/9/96).
H. Res. 428 (5/7/96)	MC	H.R. 3286	Adoption Promotion & Stability	A: voice vote (5/9/96).
H. Res. 430 (5/9/96)	S	H.R. 3230	DoD Auth. FY 1997	A: 235–149 (5/10/96).
H. Res. 435 (5/15/96)	MC	H. Con. Res. 178	Con. Res. on the Budget, 1997	PQ: 227–196 A: voice vote (5/16/96).
H. Res. 436 (5/16/96)	C	H.R. 3415	Repeal $4.3 cent fuel tax	PQ: 221–181 A: voice vote (5/21/96).
H. Res. 437 (5/16/96)	MO	H.R. 3259	Intell. Auth. FY 1997	
H. Res. 438 (5/16/96)	MC	H.R. 3144	Defend America Act	

Codes: O-open rule; MO-modified open rule; MC-modified closed rule; C-closed rule; A-adoption vote; D-defeated; PQ-previous question vote. Source: Notices of Action Taken, Committee on Rules, 104th Congress.

Mr. BEILENSON. Mr. Speaker, I thank the gentleman for his kind comments, and I yield back the balance of my time.

Mr. GOSS. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. LAHOOD). Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

REMEMBERING CHARLIE HILLARD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas, Mr. PETE GEREN, is recognized for 5 minutes.

Mr. PETE GEREN of Texas. Mr. Speaker, on April 16, Forth Worth, TX, lost one of our most beloved and admired citizens and the world of aviation lost one of its heroes.

Charlie R. Hillard, a world-renowned aerobatic pilot and longtime business and civic leader, died at the age of 58, in an aviation accident in Lakeland, FL.

Charlie Hillard loved to fly. When he was only 10 years old, he cleaned cars at his father's automobile dealership for $10 a week, saving enough money to begin taking flying lessons by the time he turned 15. During his freshman year at Georgia Tech, Charlie, purchased his first airplane, and the rest, as they say, is history.

From his youngest days, he seemed more at home in the air than on the ground. Charlie took up skydiving at age 18 and soon earned a place on the U.S. Skydiving Team. In 1958 he placed second at the famed Coupe du Monde in Paris. That same year, he became the first person in the United States to pass a baton to another person in freefall.

But precision flying was his passion and where Charlie made his mark on the world. He gave up skydiving to devote his energies to flying and he soared. During his career he not only won the U.S. National Championship but also represented the United States in four world championships. In 1972, he became the first American ever to win the world aerobatic title. Charlie won four gold medals in the Olympics of the Air, received the International Council of Air Shows Award of Excellence, was a member of the International Aerobatic Hall of Fame and the Fort Worth Aviation Hall of Fame. In his prime, he was the best in the world—the best in the world.

And, he loved everything about flying. He worked as an aircraft designer, test pilot, exhibition pilot, movie stunt pilot, and leader of the world famous Eagle Aerobatic Team, flying with Tom Poberenzy and Gene Soucy. The Eagles flew more than 1,000 exhibitions worldwide over 25 years. Charlie himself performed in over 180 different aircraft over four decades.

Charlie had only recently began a career as a solo aerobatic pilot. At the time of his death, he was flying the Lone Star Fury, a high-performance World War II fixed-wing monoplane. The Fury saw most of its wartime action in Korea, and was the first airplane to shoot down a Russian MiG–15 jet.

Charlie gave much to aviation, but he also contributed significantly to the automotive industry as an innovative businessman. He expanded his family automobile dealership from a single Ford franchise to one of the most successful auto parks in the country. The Hillard dealerships have won nearly every customer satisfaction award in the industry for each of the franchises they represent.

He also was a community leader, lending his considerable energy and talent to numerous civic causes.

But to recall only his lifetime of public accomplishments misses a huge part of Charlie. He was loved by so many friends and family, and gave love generously in return. He was a devoted husband and father, leaving behind his wife Doreen and four children. We join them in celebrating the life of a truly remarkable man and mourning his untimely death.

To Doreen and all the children, we say thank you for sharing his life with us. We are all better for having known Charlie R. As race car legend Johnny Rutherford said at the funeral, he left a special footprint on the hearts of us all.

Charlie R. soared.

DEFENSE ISSUES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina [Mr. JONES] is recognized for 5 minutes.

Mr. JONES. Mr. Speaker, while the cold war may be over, U.S. security interests endure. Unfortunately, many Americans do not fully appreciate this new dynamic. Indeed it is difficult to understand how emerging threats, may challenge future U.S. global interests.

Some examples are very clear: China's rise to power is increasingly marked by military posturing and coercive diplomacy in the Pacific rim. An unstable and fragmented Russia turns to aggressive nationalism to hold itself together. Economic ruin, ethnic violence, terrorism, and the proliferation of weapons of mass destruction pose serious threats to international stability.

We have asked our soldiers, sailors, airmen, and Marines to protect our country and its vital national security interests, in this evolving international environment. Our military is our first, and often our last line of defense and we must be prepared to provide it with the technological edge to defeat any enemy on any battlefield.

I must remind my colleagues that the battlefield of the future has little resemblance to the battlefield of the past. Information warfare, wide availability of commercial off-the-shelf technology, and the proliferation of highly capable weapons systems, all contribute to a rapid evolution, in military tactics and doctrine.

Understanding how these new conflicts and demands are burdening our services is difficult to do from an arms length distance here in Washington.

So last Friday I went down to my district and spent time at Camp Lejeune. It was an opportunity to see how the tremendous efforts our men and women in the Marine Corps can and will be increased with the support of adequate defense dollars.

Just last week, the House made a step in the right direction by passing H.R. 3230, the Defense Authorization Act for fiscal year 1997. The bill stems the tide of the administration cuts that would have weakened our national security, and placed our men and women in uniform at increased risk. I would like to commend Chairman SPENCE for carefully crafting a bipartisan bill that achieves four fundamental goals:

First, we promised to improve the quality of life for our military personnel and their families. A number of critically important provisions in this bill such as the 3 percent pay raise, the increase in military housing allowance by 50 percent over the President's budget, the funding of troop barracks and child care centers, goes a long way to maintain a decent quality of life, for our all-volunteer military.

Second, we promised to sustain short and long-term readiness. Despite funds added by Congress last year to maintain minimum readiness levels, and the high pace of ongoing military operations around the world, the President suggested reductions in a variety of readiness accounts, below current spending levels. Despite the administration's proposed cuts, H.R. 3230 has recommended an increase of $1.6 billion in key readiness accounts to ensure U.S. military preparedness.

Third, the National Security Authorization Act for fiscal year 1997 addresses the growing modernization shortfalls that have resulted from a decade-long, 80 percent decline in real dollars in procurement spending. The President's fiscal year 1997 procurement budget is the lowest in 50 years, and is a frightening $5 billion lower than the Pentagon planned just one year ago. This bill therefore devotes the bulk of the spending increases recommended in H.R. 3230 to procurement. This will shore-up a dramatically downsized industrial base, by adding funds to a number of under- and unfunded programs.

And fourth, we have continued our efforts to create a more agile and competitive defense management structure, by continuing to reorganize and reduce our defense bureaucracy.

Mr. Speaker, this bill is consistent with the Contract With America. It is consistent with our goals of achieving a balanced budget by 2002; and we can do it the right way—not on the backs of the men and women who serve in our military.

□ 2015

TRIBUTE TO ADMIRAL MIKE BOORDA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia [Mr. BATEMAN] is recognized for 5 minutes.

Mr. BATEMAN. Mr. Speaker, earlier today we said a sad farewell to one of the best our Nation has to offer. I know Mike Boorda was a friend, a very special friend. Last Thursday our colleague from Mississippi, General MONTGOMERY, spoke of him as a brother. I too regarded Mike Boorda as a brother. No one outside my immediate family has touched my life more than he.

When I first met Mike Boorda, he was newly assigned as chief of naval personnel, and I was the ranking member of the military personnel subcommittee of the House Armed Services Committee. I came to know firsthand the depth of his commitment to the Navy and his abiding devotion to the people who make our Navy the greatest Navy in the world.

Much has been and will be written about Mike Boorda and the tragedy his death represents. I cannot begin to understand the totality of what was involved in producing this tragedy. There are some things I do know, however, because it was my privilege to know Mike Boorda. As a frank, honest, straightforward witness and as an advocate for a better life for the people who make up our armed forces, the most respected segment of our society, he was superb.

From personal experience I know him to care enough to find time in an incredibly busy schedule to focus on individual personnel problems. He did so to insure that fairness was done to a member of the Navy family whom he believed had not been dealt with justly.

Much has been said about the V insignia he wore for a time in his decorations he pinned on his chest. I claim no expertise on the subject of military decorations and insignia. The only decoration I am sure I received after my service in the Air Force during the Korean conflict was a Good Conduct Medal. What I do know is that Mike Boorda would never, never seek to dissemble or pose as that which he was not. I not only do not know, I am not interested in pursuing, the arcane question of was he or was he not technically entitled to wear a V on his ribbons under the terms of military regulations in effect at some point in time.

Also I am not interested in whether a former chief of naval operations was officially empowered to authorize the wearing of a V for all Navy personnel involved in combat operations during the Vietnam war.

What I do know, because I knew Mike Boorda, is that he would not have knowingly put on his chest anything to which he was not entitled to put there. The Mike Boorda I knew did not dissemble. He was truthful, so respectful of doing what was right, that the idea that he could falsely proclaim himself a hero is unthinkable.

Last Thursday, one of the most miserable days of my life, I could not come to the floor of the House and talk about the tragic end of Mike Boorda. At that time, and based on the information available, I just could not accept that my friend Mike Boorda, so full of energy and confidence, so sensitive to making life better for the sailors of the United States Navy, could have taken his life.

Dear Mike, a great poet spoke of one who loved greatly but not wisely. You were so wise, so devoted, so consumed with duty, honoring country, that in your sense of duty and propriety you took extreme measures that were not wise or even reasonable, but it was all out of your love for the Navy.

From those of us that knew you and knew your passion for protecting the interest of the people who make up our armed services, you would never have had to fear that we would not have defended your honor. My confidence in you and trust in your dedication to duty, honoring country, make it so difficult to either accept or understand the tragedy that took you from us.

God bless you, Mike Boorda, and your loving family.

Mr. Speaker, I would like now to read the brief remarks of Jim Kincaid, news anchor of WVEC–TV in Hampton, VA, concerning Mike Boorda and the tragedy of his death. His words have great meaning, and I quote them now.

"When a person of great value leaves our midst, particularly voluntarily . . . we usually search for reasons . . . and we hardly ever find any that are really satisfactory.

"Admiral, Mike Boorda didn't need to take his own life . . . according to what we know of him.

"Those of us who did know about him, and his career, would not have thought any the less of him if questions had been raised about one or two of his military decorations. Particularly those of us who know the difference.

"Whether he was entitled, technically, to wear a decoration for valor, his record plainly shows that he was a valorous man, as brave as any of us, and far braver than most.

"But, in a world where we seem to feel that our heroes must be flawless, and where a certain sort among us hunts for flaws like a bounty hunter after a bank robber, some flaws will surface, even among the best of us. And Mike Boorda was one of the best of us.

"He was, through and through, a military man, a follower of the military code of duty, honor, country.

"Such men have, down through the ages, chosen to fall on their swords rather than dishonor their comrades. Today, the technology may have changed, but the passion remains.

"We don't know what brought him to yesterday's terrible decision.

"We can be sure that it was generated, at least in part, by our society's appetite for gossip, and scandal.

"And, like any appetite that is indulged to excess, it can have very unhealthy results, and very costly ones.

"The death of this fine sailor is just such a case."

Mr. Speaker, I now ask leave to have printed in the RECORD an editorial from the Wall Street Journal of today and an op-ed piece written by former Secretary of the Navy, John Lehman, respecting our dear and departed friend Mike Boorda.

The articles referred to are as follows:

[From the Wall Street Journal, Tuesday, May 21, 1996]

THE NAVY'S ENEMIES

(By John Lehman)

In 1981 Capt. Jeremy "Mike" Boorda was my acting assistant secretary for manpower. He was so effective and such an advocate for sailors and their families that I pressed him to stay permanently on my staff. But the fleet was his life, and he pressed for orders back to sea. One of his many creative solutions in that period was a program of special bonuses for aviators, who had been leaving the Navy in droves during the Carter years of naval decline. Mike was their advocate, we adopted his idea, and it worked. He was first a sailor; he only came ashore to champion the sailors against the bureaucrats. He had "come up through the hawse pipe," the first enlisted sailor ever to become chief of naval operations. How such a great human being could be brought to the point of ending his life is a question of national magnitude.

THE TAILHOOK FIRESTORM

No one gives credence to the trivial issue of ribbons, which his Vietnam superior, Adm. Elmo Zumwalt, says he earned in any case. They may have been the final straw, but they were not the cause. With eerie parallels to the death of former Navy Secretary James Forrestal 47 years ago, Adm. Boorda was driven to his death by a relentless lynch mob that has hounded the U.S. Navy, especially for the past five years.

The triggering event was of course the Tailhook convention of 1991. The reported sexual harassment was a shameful aberration by some, perhaps dozens of individuals. But even the usual excesses of an annual party which began at a time when hundreds of Tailhook members a year were being killed in Vietnam, had become incompatible with a peacetime Navy struggling to include women aviators. What should have been at most a week's story instead ignited a firestorm that has been consuming the Navy ever since.

The Navy employs more than a million people, who perform their jobs all over the world around the clock. Naturally, this group reflects some of the failings of the population at large. There will always be a few bad actors and a lot of mistakes. Yet the rates of crime, cheating, drug abuse and other misconduct are far lower in the Navy than in civilian institutions, as one has a right to expect. And the endless media exposes have revealed nothing that has not happened in the other services in other times.

Why then has the Navy continued to be the center of the investigative media? Because it is payback time. The Navy, its carriers and its aviators did indeed have a very high profile in the Reagan years, and as the movie "Top Gun" illustrated, naval aviators are not known for great humility. Many outsiders resented their bonuses, their glamour and their publicity and were glad to see Tailhook cut them down a few pegs. When the story broke in the middle of a presidential campaign in which the gender gap was already an issue, it was sure to ignite.

It was sure also to have faded after the election but for the fact that the new president, who in his younger days said proudly that he "loathed" the military, brought in an administration staffed by former war protesters who largely shared the prejudices of those in the anti-Navy lynch mob. Thus instead of dying out, the firestorm grew, fanned and encouraged at the highest level. The White House commissars of political correctness began enforcing standards for military promotion. Attendance at Tailhook, regardless of behavior, became sufficient to deny promotion. The Senate Armed Services Committee and especially its staff, full of Navy grudges and personal scores to settle, joined in the persecution. Add to these factions the more extreme wings of the feminist and gay movements. They piled on because the Navy has epitomized to them what they see as the homophobic, macho culture of the military, and they see a great opportunity to bring it down.

Henry Kissinger used to say that even paranoids have some real enemies. This adage aptly describes the Navy. There are important interest groups that wish to pull the Navy down. Take the organization that was sifting through Adm. Boorda's records, the National Security News Service, part of the left-wing archipelago of tax-exempt think tanks. The talking heads from these antidefense lobbies who are now attacking the character of Navy leaders were the very same talking heads who spent the 1980s extolling the Soviet economy, blaming America for the Cold War, and attacking the Reagan naval buildup.

Throughout those years Newsweek, the journal pursuing the recent story on Adm. Boorda, was ever a willing conduit for their bogus studies and mean-spirited attacks. It is not coincidental that the magazine published one phony expose after another—alleging that Tomahawk missiles wouldn't work, that Aegis cruisers would tip over, that aircraft carriers couldn't survive; anything and everything that would discredit the U.S. Navy. Newsweek's entire editorial crusade of the 1980s has been discredited by events. All those Navy programs did work, the Cold War was won, and Iraq was kicked out of Kuwait. Now Newsweek's editors seem bent on impugning the character of the Navy's leaders. They are sore losers indeed.

Add to the Navy begrudgers certain entrenched bureaucrats in the Defense Department. Their anti-Navy bias has permeated the Pentagon since before the Reagan era. They have been a steady source of tips to witch-hunting journalists. They have also used this period of Navy weakness to cancel most of the modernization programs for naval aviation: the A-12, the A6F, new engines for the F-14, and many others. Little wonder the aircraft accident rate has sharply increased.

As a result of this onslaught, 14 admirals have now been cashiered and more than 300 naval aviators have had their careers ended, all without even a semblance of due process. Thousands more are leaving the service in disgust. Fifty-three percent of postcommand aviator commanders resigned last year. These are the best of the best and won't be replaceable for a generation, yet the inquisition continues. Yes, terrible things happened in Tailhook, and certainly those kinds of abuses have to be rooted out. But it is despicable to abandon due process, the chain of command and any sensible approach to fairness, ruining so many careers in the process.

The Stan Arthur case is a classic example, repealed hundreds of times at lesser and less visible grades. He flew more than 300 combat missions in Vietnam and led the Navy forces in Desert Storm. An impeccable career. A leader who really inspired young kids in the service. He was asked as vice chief to review a decision denying a female helicopter pilot her designation. He came to the conclusion that she could not meet the qualifications. For that he was cashiered, because everybody was afraid—afraid of Pat Schroeder and her McCarthyite slurs, afraid of the White House commissars, afraid of the media.

A DANGEROUS CALLING

The Navy is not just another bureaucracy in the government. Naval service is a dangerous calling that requires the highest professional standards to defend the U.S. and its interests. What an outrage that we are cashiering and promoting people based on reasons that have nothing to do with their readiness to fight the conflicts of this country.

Fifteen years ago and after, I came in for my share of abuse. But as a presidential appointee I was supposed to be politically accountable. Generally my successors and I give as good as we get: I for instance can afford libel lawyers. The new and ugly phase of recent years, however, has brought career officers into the line of fire for the first time—and a viciously personal fire it is. Career professionals are not prepared or trained for it, they lack the means to defend against it, and they don't deserve it. We can only hope that Mike Boorda's tragic death will awaken some basic decency in our leadership and the crusade will end before it does irreparable damage to our nation's defense.

[From the Wall Street Journal, Tuesday, May 21, 1996]

MIKE BOORDA, RIP

We say "nuts" to the medals teapot; we're going to remember Admiral Boorda for what he did to the Serbs' jets.

Before he was called back to the Navy's CNO, Admiral Boorda was the commander of NATO forces in southern Europe, which is to say the top U.S. commander involved in the conflict in Bosnia. One day he found himself in authority, perhaps through some oversight at the U.N., just as Serbian jets were flouting the U.N.'s ban on their flights. So he ordered them shot down, just as they were starting bombing runs on population centers.

Similarly, when Cuban MiGs shot down American-owned planes over international waters, his first reaction, according to a good source, was: where are my Tomahawk shooters. In the end, of course, the U.S. did not launch Tomahawk cruise missiles at Cuban airfields, nor did the Boorda airstrike end the war in Bosnia. But shooting down four Serbian jets was the most vigorous action anyone at NATO or the U.N. took against a particularly disgusting aggressor.

Mike Boorda, in short, had more than the usual ration of political courage, which makes his suicide all the more perplexing and mysterious. By the weekend, the media had pretty much exhausted the tempest over the medals and got around to the main issue: Tailhook, and the pressures still radiating through the Navy under Commander in Chief Bill Clinton.

Good military officers don't shift blame for breakdowns on their watch, and Admiral Boorda bore the brunt for what the political furies of Tailhook did to the careers of Admiral Stanley Arthur, Commander Robert Stumpf and many others less prominent. The legendary Admiral Arthur's promotion to the Pacific Command fell through on Admiral Boorda's watch. In an interview after he had agreed to pull the plug on the promotion, the CNO said: "Certainly Stan Arthur is paying a penalty. And the country's paying a penalty. He's not serving in a job where he would have been superb."

That incident is being revisited in the suicide's aftermath. The Navy command withdrew the nomination after Senator Dave Durenberger, of all people, made Admiral Arthur the target of feminists for supporting an instructor's decision that a female pilot was below standard and should not fly. In fact, the decision to wreck Admiral Arthur's career was assented to by the Secretary of Defense, the Secretary of the Navy, the Chairman of the Joints Chiefs and the Chairman of the Senate Armed Services Committee.

This is the same Armed Services Committee, under Sam Nunn, that held a secret session to waive through the nomination of John Dalton to be Secretary of Navy amid questions raised about Mr. Dalton's dealings during the 1980s in the Texas S&L industry. Mr. Dalton, who later worked for Stephens Inc. of Arkansas, vehemently denies any wrongdoing, and the solons of the Senate get red-faced at the suggestion that they gave Mr. Dalton special treatment. And indeed it's not a widely known story. But ask the next Naval officer you meet if he knows about it.

This year, with Tailhook's eternal bonfire still burning, Secretary Dalton withdrew the promotion of Commander Robert Stumpf, even after his own investigation had cleared the commander of any Tailhook taint. Admiral Boorda was on the bridge for that one, too. Earlier in the process, Admiral Boorda tried to help Commander Stumpf, but he couldn't. Instead he was directed to withdraw Commander Stumpf's nomination. When asked this Sunday morning about his department's handling of these personnel matters, Navy Secretary Dalton said, "I feel good about the decisions we've made.

The attitude within the Navy is no doubt captured by former Navy Secretary John Lehman in his article nearby. James Webb, another former Secretary, delivered a searing speech at the Naval Academy last month, speaking of "the destruction of the careers of some of the finest aviators in the Navy based on hearsay and unsubstantiated allegations." He wondered "what admiral has had the courage to risk his own career by putting his stars on the table, and defending the integrity of the process and of his people?"

For some reason, this country does not have a tradition of honorable resignation on principle, as exists elsewhere. America's government is a huge and hugely powerful force, and its high officials, even as they disagree bitterly, tend to let it sweep them forward. It might be healthier for all if on occasion they said what they truthfully felt, and quit.

Admiral Boorda left behind a single-page note addressed to "the sailors." The Pentagon's story is that releasing this note is a decision for the family, and sympathy for their tragedy is appropriate. The fact remains that the Navy as an institution has been rocked to its foundations, and if Mike Boorda had something to say about that, everyone serving in the Navy should be entitled to read it.

Today there will be a memorial service for Admiral Boorda, and President Bill Clinton will deliver the eulogy over his career and life.

EDUCATION CAUCUS OF THE U.S. CONGRESS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Louisiana [Mr. FIELDS] is recognized for 60 minutes as the designee of the minority leader.

Mr. FIELDS of Louisiana. Mr. Speaker, Members of the House, tonight I rise to talk about an issue that every person in America, every person in this Congress, has a great interest in, and that is the issue of education.

We often talk about the need to provide a college education to our children across this country, and Members of this Congress, about 72 in number, decided to come together to form something called an Education Caucus. Members of the House, as well as Members of the Senate, decided that for the first time in this Congress, we needed to concentrate our efforts on a group of people who believe that we should push education forward in this country, should meet as a caucus, and organize as a caucus, and push legislation and appropriations as relates to education in both the House and the Senate.

I am very pleased that so many Members of this Congress have decided to participate in this caucus and to move it forward, and tonight, I am just making a simple plea to all Members of the Congress on both sides of the aisle to take an interest and to join a caucus that we consider to be one of the caucuses of the future of this Congress, a caucus that believes in bipartisanship because education is an issue that both Democrats and Republicans can agree on.

I would like to mention that Senator WELLSTONE will be chairing the caucus, co-chairing the caucus with myself. Senator WELLSTONE has been working very diligently in the caucus on the Senate side, and we have now organized such that we have even a whip operation in the caucus, and tonight I want to talk about some of those national organizations who are concerned about education, who met at our very first meeting, and who talked about the concerns of education in this country.

We are very pleased, Mr. Speaker, Members of the House, that on the 16th of May several education groups embarked upon this Capitol to talk about the children and to talk about how we prepare for their future and to talk about how we, as Members of Congress, could make an impact on their future by improving the quality of education in this country, elementary on up to higher education.

We have caucuses in this Congress for almost everything. We have a Sun Belt Caucus, we have a caucus for peanuts, a caucus for cotton, a caucus for almost every issue that you can imagine. But I thought it was somewhat strange that we did not have a caucus for education, and these individuals for the first time in years had the opportunity to sit and express their concerns before a group of people, lawmakers, about how they felt about education.

One individual, Mr. Speaker, was Ms. Scarlet Kelly who was the executive director of the National Community Education Association. She was able to come to that meeting and give us some insight in terms of what we should be doing as lawmakers to improve the quality of education, because all too often one of the things we fail to do is to get the input from teachers and from parents and from students themselves as relates to education. We often walk into the Halls of Congress and the halls of State legislatures, quite frankly, speaking across this country, and make very, very crucial decisions that affect education, and many times we fail to consult enough educators and enough parents and enough students and fail to involve them, in a real sense, in the process, and many times those decisions are not the best decisions because of lack of information.

Ms. Kelly was able to bring to the table some community aspect of education and how we can improve education by networking with the community. I am going to enter her testimony into the RECORD because I do think that people should know some of the things that we can do to improve education, and it should not always come from politicians and from lawmakers. It should come many times from people who do it on a day-to-day basis.

We also heard testimony from Mr. Joel Packard who has the senior professional association and governmental relations division for the National Education Association, the NEA. The NEA, as most of you know, has been very, very strong advocates of education in this country. They were pleased at the fact that Members on both sides of the aisle, both Democrats and Republicans, were coming together to talk about education, and he shared some very good information to each of us.

One of the things he wanted to make emphatically clear is that in order for this caucus to be effective, we had to pull from both sides of the aisle, and he talked about how people should be able to rally around the issue of education.

I do not think there is a Member of this Congress who does not believe in education. I do not think there is a Member who is elected to public life, to be quite honest with you, who does not advocate a strong educational system and building educational systems, be it in a State through a State legislature or through a board of education, a State board of education, or be it in the U.S. Congress.

But we do differ, quite frankly, speaking in terms of how we meet that goal. We all have the same motive. We all, every Member of this Congress, I do not care if you are a Democrat, I do not care if you are a Republican, I do not care if you are from California or from New York; every Member of this institution believes that we need to provide kids with a quality education.

□ 2030

We all have the same motive. But many times we have different methods. I think one of the reasons why our methods are somewhat different is, and many times we find ourselves fighting on the floor of the House, is because we do not network enough. This caucus will provide an avenue for us to network and talk about some of our differences in terms of how we move education forward.

Joel Packer said it best. In order for us to get education moving, we cannot do it by bickering on the floor of the House. We have to do it by showing real leadership, because the individuals who are looking to us for leadership are the born and the yet-unborn who are in public schools and in private schools, and those who plan to attend colleges and universities across this country and who are dependent on many of our decisions in terms of how they finance their education, for example.

There are many students who want to go to college who do not have the money, and who do not necessarily want a grant. Some students have no problem with taking out a student loan, but those student loans ought to be available to those individuals who wish to seek a higher education. His testimony, Mr. Speaker, will be entered into the RECORD tonight as well.

We also heard from Ricki Rafel, who was a board member from the National Parent and Teachers Association. One of the great things about this caucus is we are going to include many groups from the outside. At the next caucus meeting we are going to talk to business people, because we know that business and education work hand in hand. No longer can businesses in this country not get involved in education, because it affects their business. There are too many businesses in this country who have to train workers, even after they finish college, in order to prepare them to do a day's work. So business realizes that there is a necessity to have a strong and quality educational system in each State and across this country.

Ms. Rafel talked about parental involvement. I am cognizant of the fact, Mr. Speaker, that it is not government's responsibility to raise children. It is the parents' responsibility to raise children. We should, in order to make education work, we should have a relationship between parents and teachers.

When I was growing up, my teacher knew my mother and my mother knew my teacher, and I as a student knew that the two knew each other. There is something different that takes place in the classrooms when parents and teachers know each other, and the student is cognizant of that fact. We need to bring about better parent and teacher relationships. We cannot do that through legislation. We cannot pass legislation and mandate that parents and teachers sign a covenant, but we can do it by including parents in the decisionmaking process, to make them a part of the process.

In this caucus meeting we had an opportunity to hear the parental side in terms of what parents think, what is going through the parents' minds, how can we improve the quality of education in this country, how can we make our schools safer, how can we give parents some sense of ease when they walk into their job and they have their loved one, their little child, their little 7-, 8-, 9-, 10-year-old in a school, how can we give them some comfort, to know that that child is not sitting next to a person who may have a gun?

So the parental aspect is so important. She had the opportunity to talk about how teachers and parents need to create a better marriage, because when we have a marriage between the two, then we can really get student involvement. We felt that her testimony was quite informative, and we certainly want to thank them for all the work that they are doing across the country.

The other organization we heard from, Mr. Speaker, was the National Head Start Association. Ms. Angelica Santacruz, who is the associate director of governmental affairs, she talked about the need for Head Start. I know Members of this Congress may have different opinions about the Head Start program, but this caucus will provide an opportunity for us to talk about it before we walk on the floor and vigorously oppose each other, be it appropriations or just be it philosophical, for philosophical reasons. I personally feel that Head Start is a very good thing. But we want more Members of this Congress to join the caucus so we can talk about it.

If there are real problems with full funding of Head Start, let us talk about them, because each of us are committed to improving education in this country, and in order to do that we ought to have dialogue. That dialogue should not begin and end only on the floor of the House of Representatives. It ought to be that we ought to take the time to talk about it in other places, as well.

We also heard from Mr. Jerry Lewis, the director of TRIO. He also works at the University of Maryland with the National Council on Educational Opportunity Association. The TRIO program is a very worthwhile program, and we had the opportunity to hear success stories from this gentleman, because often we walk to the floor and we talk about TRIO funding, needing funding and not needing funding, but it gives you a different perspective when you actually have the opportunity to witness a person who teaches in a TRIO program, who teaches students in a TRIO program, and who has vast experiences and success stories.

I take a moment of personal privilege when we talk about TRIO, because I am a product of the TRIO program. I know what the TRIO program did for me. I know what it is doing for students all across this country and will do for students who have yet to enter the program. I personally feel it is a program that is much needed.

Oftentimes young people who are in high school look at college as a fear. There is a big fear factor in the minds of many young people. Before they take that step and enter a college campus, they need sometimes a little push. Many people are the first to graduate or to go to college. Many households, many kids come from large households and they may be the first person to enter college. The TRIO program takes away that fear, to a large degree.

I take myself as an example. I was afraid of college. I made very good grades when I was in high school, but I did not have a lot of people who lived next door to me who graduated from college, quite frankly speaking, so I did not know if college was the right thing or the wrong thing. I did not know if I could make it without a college education or not. I wanted to be a lawyer, but I did not have a lot of people who I could talk to about college.

I was afraid of college. To walk on a college campus with 10,000 people, leaving a high school with 600 was a big shift for me. But TRIO took me out of the high school on the weekends and put me in a college setting. I had an opportunity to be a college student as a high school student, so I was not fearful of college. I had an opportunity to learn about college while I was in high school, so I could not wait to graduate from high school so that I could enter college. It was no longer a fear factor for me.

Those real stories, those stories are not told on the floor of the House of Representatives, many times because we are under time restraints. For example, most of us, when we speak on major legislation, we have 1 minute, 30 seconds, 2 minutes. You cannot bring out those kinds of success stories, but we can do it in a caucus, and we can do it when Republicans and Democrats sit around a table and talk about programs, and not just look at it in terms of the bottom line in terms of numbers, but the bottom lines in terms of success: what impact these programs are having.

We also heard testimony from Edward Kealy, who is a director of the Committee for Educational Funding. He also spoke of the need for the caucus to be bipartisan, how we need to bring Members from both sides of the aisle together to talk about education, because if there is one issue that we all agree on in terms of whether or not we should have a good system, it is education. I am happy that we have a number of Republicans and Democrats who have joined the caucus and encouraged them to continue to participate.

Mr. John Forkenbrock, who is the executive director of the National Association of Federally-Impacted Schools, shared a lot of economic information, talked about how Federal funds are needed for many of the schools. Many times we look at it from a bottom line perspective in terms of dollars, and in terms of how we balance budgets and how we can make everything add up, but he actually gave some real meaning to the need for the Federal Government to be involved in the education of his children.

Lastly, Mr. Speaker, we heard from Marilyn Aklin, executive director of the National Coalition of Title I—Chapter 1 Parents, a program that many of us have debated quite profusely on the floor of this Congress. She was able to talk about the needs for the program and how we can in fact improve the program.

Members would be amazed at many of these individuals who came before the caucus on Thursday of last week, and how they were not individuals who walked into the caucus begging for more Federal funds, but in fact they were folk who wanted to really improve the quality of education for our children. That was very refreshing.

When we deliberate appropriations, this caucus may not have the kind of impact it should have on the 1997 budget appropriations for education, but budget is not the only thing. I do think there are many other things we can do to improve education other than money: teacher-parent relationships. That is a very good start.

To many of the members of the caucus, one of the things we will do is attend schools within our respective districts and try to do it on a weekly basis, or at least on a monthly basis, where we can walk into classrooms and actually talk to kids and talk to them about how we feel about education, and also talk about how individuals can in fact improve their own lives through education.

Mr. Speaker, we have established this caucus. I urge Members of this Congress to join the caucus. If there are Members who wish to be a member, wish to talk to our office a little bit more about the caucus, we will be happy to do that, and we certainly feel it is a worthwhile cause.

I see that I have been joined by two members of the caucus, the gentlewoman from Texas, Ms. JACKSON-LEE, Texas is my neighbor State, and the gentleman from New York, Mr. OWENS.

Mr. Speaker, I am happy to yield to the gentlewoman from Texas, Ms. JACKSON-LEE.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I certainly would like to thank the gentleman from Louisiana [Mr. FIELDS]. I want to emphasize his continued leadership on this question of education, and am gratified at the formation of the Education Caucus and delighted to join him in its membership, in being a member of that caucus.

Mr. Speaker, the gentleman made a very interesting point as I joined him. I could not help but here the very focused words that he offered about the priorities that this country has. He offered, first of all, to say that we recognize that money is not the answer always to education; that it includes a community partnership, not only with those that have children in the school system, particularly the public school system, but the broader community, the business community. It certainly involves the parents and a system that supports them in their efforts to support their children. There is something special about a parent asking a child about their homework. The child may think it is not very special, but it is important for that involvement to occur.

As I was listening to the gentleman further, he mentioned the responsibility, but also the importance of teachers and the recognition of their value by increased compensation, so that our young people who are in college can readily choose education as a career, a lifestyle, because in fact they, too, would be able in the long run to support their families.

I am disturbed, however, that education has not received the bipartisan attention that it deserves. We are finding out that even in the proposed 1997 budget, we have a cut by our Republican Congress of some 25 percent for education and training programs. Just this past week, I joined my school superintendent from one of the school districts that I represent, the Houston Independent School District, just this past Monday at a school in our district. We were there to speak about the need for school lunches and school breakfasts.

It was interesting to talk to second- and third-graders who were eating heartily. I asked the question as to whether or not a good meal helps them learn, and the broad smile and the brightness of their eyes indicated such; that with these supplemental lunch and breakfast programs, for which many children that is the only meal they get, it provided for a better opportunity and atmosphere for them to learn.

□ 2045

They even said, and they joined me in my comments, that we were determining that some of the school lunches, because of absenteeism, were not utilized, and the youngsters said, "Well, we can give this food to the poor people," which this school district will now be considering. So we do not waste taxpayers' dollars, and we provide opportunities for those foods that are given for school lunch that may not be used, as I said, because of absenteeism, and they are to be used that day and cannot be held over for another day, to work with the private sector to make sure those foods get to hungry families.

So education partnerships can be constructive. But at the same time those children were coming up with those very creative ideas, they could not tell me how to stop the leaking roofs, the paint that was pealing, the lead-based paints, the overcrowding that was occurring. They clearly needed the participation not only of the local community—of which we will have a bond election in our community on May 28, that is the local community's participation in Houston—but it is what you have said over the years, Congressman FIELDS, about how we have abandoned the physical plants of our schools throughout the Nation.

We can account for the fact that our children are unable to perform because they have a poor physical plant, poor access to recreational facilities, small classrooms, unattractive classrooms, as I said, faulty equipment. All of this bears upon how we focus on our children.

We see, as the children grow, that we have determined that over 2.5 million students in this new budget, 1,000 post-secondary educational institutions, will be suffering with the elimination of the Direct Student Loan Program.

Goals 2000, which many gathered together in harmony to support, including President Bush, through this new budget Republicans would deny 5 million students in 8,500 schools the funding that they currently receive to raise their academic achievement. We are determined, according to this budget by Republicans, to deny campus-based low-interest loans to 150,000 post-secondary students.

We were concerned in our community about the attack on bilingual education. I had a youngster come to me and say that even she noted the need for improvement in bilingual education, so that we can provide an equal playing field for those youngsters and families who have come to this Nation to seek a better opportunity.

Why should we abandon them, throw them to the wolves, if you will, for other fears and apprehensions that we may have? Why not at least give the children the best education we can give them? The bilingual education allows them to be proficient in English and certainly to be bilingual, which we have determined is equally important.

Needless to say, our libraries in our school—I was also in the library of the school I attended, and by the way, it was Atherton Elementary in the fifth ward, the school that both Congressperson Mickey Leland and Congressperson Barbara Jordan attended in Houston. Clearly in its instruction it has the potential to raise up great leaders of this Nation.

But if we continue to undermine the educational system with more cuts and more cuts and more cuts, and more leaking roofs and smaller recreational fields and no funding for athletics, we are going to begin to say to those youngsters not "Yes, I can," but "No, you cannot." I would simply say that it is high time for us to really put our money where our minds say they are, and to ensure that there is an opportunity for youngsters to learn.

I might, if I could, Mr. FIELDS, ask of you, because I know that you have worked not only inside the classroom in terms of your support for the tools that are needed to educate our children, but you in fact have developed sort of a congressional classroom that has helped to educate our children about Government. I imagine that that is a partnership that you have endeavored to participate in, and not calling on Federal funds, but you have helped to expand the horizons of young children.

I have in my district over 125,000 households that have incomes of less than $25,000. With that in mind, my question to you—because I looked at the demographics of my district, and certainly we are very gratified to have some 1,608 households making over $150,000. I am always encouraged when we can find folk having the ability to improve their condition.

But I have at least 120,000, I said 125,000, let me be more accurate and say I have about 121,000 households with families making under $25,000. And let me say to you that I have households of families making under $5,000, 26,000 households in the 18th District of Texas.

What I would say to you is with those kinds of numbers, you would find it and I would find it extremely difficult for those families to participate in the private school system, which is a very good system. I am trying to grapple with whether we have had any direction, as you can see it, where this Congress clearly goes on record to support the public school system with the kind of funding and partnership programs that would ensure that those in households like those that I represent can continue to be assured that their children will have the best education.

I am not sure in your research whether you have discovered whether we are on the right track to protect the least of those who are trying to do the best by their children.

Mr. FIELDS of Louisiana. I can only say to the gentlewoman that as Members of Congress, as you know, we should view education across the board, irrespective of what kind of household an individual actually comes from, what income level they come from.

The national security risk that we have in this country is to not educate our children. That is the biggest threat that this country is faced with, not Russia, but to actually have thousands upon thousands of kids who are not literate, that is a national security threat in my mind. Because who will take on the jobs of tomorrow if we do not educate our children? Who will serve in the military, in fact, if we do not educate our children?

I think this Congress is going to get there. Tonight I am working for bipartisanship. I want to pull Members from both sides of the aisle to just sit down and talk about education before we walk to the floor of the Congress, and work out our differences to the extent that we can, because there is not a Member of this Congress who does not believe that a child should not get a quality education.

Now many say, well, education should be a local issue. We should send money to locals, and the locals should basically make those decisions in terms of how they run their educational systems. I differ with that. That is not to say that I am absolutely right.

I just feel that education should be a partnership. I think it should be a partnership between local, State, and Federal Government. I just think the three of us ought to have a role in education. If we have a role, if the city, if the local, the State, and the Federal Government can play a role in putting people in jail and building prisons, then we ought to have a role in building schools and educating our children.

I just feel very strongly about that, and I think there are enough Members of this Congress, because when each of us runs for office, let us face it, there is not a Member of this House who does not run for Congress and use education as an issue, not one. You can poll any district in America, and you will find that education is an issue, among other issues, but never will people say education is not an issue. Every citizen in this country is concerned about education.

Now, the gentlewoman mentioned the congressional classroom and you also mentioned, as I stated earlier, that money is not everything. The solution to education is not necessarily money. I do not think this caucus, I do not want to scare people away from this caucus, to think that this is a caucus only to do budget pushing for education. This is a caucus to really improve the quality of education for all Americans.

Mr. Speaker, I want to thank the gentlewoman for starting the same kind of program. We started congressional classroom in Louisiana. I noticed at town hall meetings, I saw parents, I did not see kids. Every town hall meeting I had when I was first elected to Congress, the adults were there. Mom or grandmother, they were there, dad, granddad, they were there, but very seldom would you see son or daughter.

So I decided I wanted to get young people involved, and we started a congressional classroom. I tell you, since the development of that group, it grew from 250 to now over 3,000 kids, and their interest level is so high because they feel that somebody really cares about education.

We challenge them. We tell them, "Listen, you come to class. We have classes on weekends. In order to come to class, you have to behave yourself. You have to respect people. You have to do well in school." We take time with them.

We have had people like Vice President AL GORE to walk into a classroom, to their classroom, the Vice President of the United States of America, and say "Listen, you better not do drugs, and you better stay in school." These kids, I mean chills running down their spine to say the Vice President of the United States of America cared enough about me to come to this little classroom and say, "Stay away from drugs, and I care about you."

Even today, in classroom settings, in classroom meetings, members of the classroom: "How is the Vice President? You tell him I am doing well." Janet Reno, the Attorney General, met with these kids. Tomorrow, General Colin Powell, former chairman of the Joint Chiefs of Staff, flying to Baton Rouge, LA to meet with 3,000 kids and challenge them that they can be any and everything that they want to be if they believe in themselves.

Mr. Speaker, that is not government. General Powell is retired. That is personal involvement. We were preparing for this program this weekend. For 2 months, these kids, they were practicing their speeches, they are so excited about meeting General Powell.

That is going to have an everlasting impact. That is not a piece of legislation, but it is going to have an everlasting impact on those kids when they hear somebody who they have had an opportunity to see on TV, but now in person tell them, "Listen, education is important. Let me tell you my story. I did not become Chairman of the Joint Chiefs of Staff by dropping out, by doing drugs, by not working hard." It makes these kids say, "Well, golly, I can do that."

So everything is not government, and if each Member of this Congress, like the gentlewoman starting the same kind of program, the gentleman from Illinois [Mr. JACKSON] is starting the same kind of program, the gentleman from your State, Mr. GREEN, is starting this same kind of program. People from all over the Congress are starting those kinds of programs, and we are committing to spend at least a day a month in a classroom in our respective districts.

We need to bring parents and teachers together. I now have town hall meetings with parents and teachers where parents can meet teachers and teachers can meet parents, town hall meetings on education.

When they walk into that room, they do not just talk about, well, we need better funding. They talk about how we can improve the quality of education. "How can I get involved, Congressman, as a parent? I want to be more involved in the education of my child and the future of my child. I want to work with my child's teacher." It is amazing things that happen in town hall meetings. This caucus will bring those things to the forefront.

So I want to urge Members on both sides of the aisle, let us talk about it. We talk about peanuts. We talk about cotton. We caucus for gas and oil. We caucus for almost every issue in this country. Let us caucus for education.

Ms. JACKSON-LEE of Texas. Will the gentleman yield?

Mr. FIELDS of Louisiana. I will be happy to yield to the gentlewoman.

Ms. JACKSON-LEE of Texas. The gentleman has captured, has given me a response that hopefully will be heeded to by the bipartisan nature of this Congress and certainly for years past. I think it is extremely important that we raise education to the level that every child has an opportunity to access this door opener, this key to opportunity.

I applaud the concept of having a caucus that talks about policy issues that are not necessarily budget-driven and can, for example, emphasize the fact that public schools have a very viable role because they educate those children who would least have an opportunity.

□ 2100

Also I would mention to you that you are right when it comes to working on issues that help education. We find many aspects of our legislation that are not education-directed having educational impact. The telecommunications bill that was passed I am gratified to say to you as a member of that conference committee, there was an insistence that this new superhighway have direct direction into our schools and our libraries. The Education Caucus can certainly be part of directing or discussing how best to insure that all of our schools have access to the superhighway and all of our libraries and all of our youngsters have that kind of access.

Also questions about how we do public-private partnerships, such as the program that you have, where the focus is to tell a child that they, too, can succeed and to engage them in the political process, can be a byproduct of the education caucus.

The overall byproduct, in addition to these questions of policy, I hope will be even a bipartisan effort as to what a budget really should look like, that says that we together believe education is important, as you have said, and I certainly have seen, among many of our colleagues. It would allow that kind of discussion before the heat of the discussion of an appropriations period and authorization period or the final act of the budget.

So I am looking forward to the further progress that will engender ideas from Members of Congress, will encourage further debate on how to utilize the educational system to help all of our citizens.

I think job retraining is a part of this whole education question. I think the training of those who we are encouraging to go from welfare to work is part of this education. Education is, again, the door opener, the even playing field.

If I might throw in an aspect of education, we will need to discuss in a bipartisan manner with our colleagues just how we deal with the access to institutions of higher learning, where we do not have attacks on the opportunities for institutions of higher learning to seek to diversify their student body under the guise of an affirmative action program that seeks to bring in students from all walks of life, which we should applaud, because that is giving or providing education for all of our children. Even with that very, if you will, spirited aspect of this Congress, this question of affirmative action, even that I think can be discussed in a bipartisan manner as relates to education and insuring that the doors of opportunity are open to our youngsters all over this country.

So I applaud the gentleman from Louisiana again. I cited statistics from my districts. There is no doubt that the 18th Congressional District desires to be in the forefront of educational reform, educational bipartisanship, with the direction of uplifting our children. I would hope as we do that, we would find the appropriate funding line that would make sure that we do speak with strength, to ensure we are able to provide that opportunity for our children.

Mr. FIELDS of Louisiana. Again I want to thank the gentlewoman for joining me tonight in this special order. I will simply close by saying we have had a lot of finger pointing on issues, issue like education. I think it is high time for us to stop pointing fingers and start working together to try to bring a solution to a real problem, because there is a problem. There is a problem in a country when you find yourself spending more money on jails than you do schools. There is a problem when you have kids who walk into classrooms and walk down the street or drive down the highway and find their schoolhouse is in worse condition than the jailhouse. There is a problem when the jail is in better condition than the school. There is a problem in the country when the air conditioner at the school does not work, but the air conditioner at the jail works. There is a problem when the jail ceilings never leak, and the school ceiling leaks every time it rains. There is a serious problem in America, I submit to you, Mr. Speaker, and there always be a problem, as long as we look at education as only a local issue, and not sit around the table and talk about how we can improve it.

Let me close finally by just giving you some of the benefits of education. If you really want to do something about welfare in this country and getting people off the welfare roll, then we really ought to do a better job at educating people. If you want to decrease crime in this country, and you really want to decrease crime, then we have got to do something about educating people. If you want to get people to work and get them off the unemployment rolls, then you have to do something to educate people.

Everybody wins when we educate our kids. We lose when we do not. Over 80 percent of the people, Mr. Speaker, who are in jail are high school dropouts. There is a nexus and relationship between education and incarceration. We spend almost $30,000, $25,000 to $30,000, to incarcerate a child, and only about $5,000 or $6,000 a year to educate them. Welfare rolls, most of the people on welfare are high school dropouts. So if we really want to improve the conditions of our country, then we must invest in education.

I want to thank the Speaker for being so patient tonight. I want to thank the gentlewoman from Texas, and I want to thank the gentlewoman from Oregon, Ms. FURSE, who has worked so hard on the issue of education and who is one of the whips of this caucus. I also want to thank the gentlewoman from California Ms. PELOSI, who has been working hard on the issue of education. Finally I want to thank the cochair of this caucus, Senator WELLSTONE, who has been a very strong champion of education for our children in this country.

Mr. Speaker, I include the following materials for the RECORD.

EDUCATION CAUCUS MEMBERSHIP

Rep. Mike Bilirakis, Rep. David Bonior, Sen. John Breaux, Rep. George Brown, Rep. James Clyburn, Rep. Robert Cramer, Rep. Peter DeFazio, Sen. Christopher Dodd, Rep. Anna Eshoo, Rep. Eni Faleomavaega, Rep. Chaka Fattah,* Rep. Vic Fazio, Rep. Cleo Fields,** Rep. Victor Frazier, Rep. Martin Frost, Rep. Elizabeth Furse, Rep. Sam Gejdenson, Rep. Sam Gibbons, Rep. Gene Green,* Rep. Maurice Hinchey, Sen. Bennett Johnston, Rep. Bernice Johnson, Rep. Tim Johnson, Rep. Joe Kennedy, Rep. Patrick Kennedy, Rep. Bill Luther, Rep. Carrie Meek, Sen. Moseley-Braun, Rep. L.F. Payne, Rep. Nancy Pelosi, Rep. Lynn Rivers, Rep. Bernard Sanders, Rep. Tom Sawyer,* Rep. José Serrano, Rep. Louise Slaughter, Rep. John Spratt, Rep. Bennie Thompson, Rep. Bob Torrecelli, Rep. Edolphus Towns, Rep. Robert Underwood, Rep. Nydia Velázquez, Rep. Maxine Waters, Rep. Curt Weldon, Sen. Paul Wellstone,** and Rep. Albert Wynn.

*Indicates membership on the Economic and Educational Opportunities Committee.

**Indicates Co-Chair of Education Caucus.

TESTIMONY OF STARLA JEWELL-KELLY, EXECUTIVE DIRECTOR OF THE NATIONAL COMMUNITY EDUCATION ASSOCIATION BEFORE THE EDUCATION CAUCUS, MAY 16, 1996, PANEL DISCUSSION

Senator Wellstone, Representative Fields and Members of the Education Caucus: Thank you for this opportunity to present testimony regarding the state of education in our country. I am delighted that the caucus was formed and has such a diverse membership.

I am Starla Jewell-Kelly, Executive Director of the National Community Education Association. The invitation from Rep. Fields asked that I provide the Caucus with some of my thoughts on the systemic deficiencies contributing to the education crisis in this country. The task we face today is formidable. The world has changed, and children have changed. If you have any doubt of that, walk through most any high school in this country, and you will definitely feel like you have entered another world.

If we are serious about systemic change in education, then I believe what we follow the old adage. The main thing to remember is to remember the main thing—children—not the teachers, not the unions, not the administrators, the business community, or the politicians, but, the children. We let children know that they are valued. We do not practice a double standard wherein some children get the very best and others are left to make-do with the left-overs.

Education has always been rooted deeply in the spirit and in the community of this nation. Every morning, 40 million children get out of bed and hurry off to 83,000 schools from Bangor, Maine to Hawaii. An absolutely stunning achievement, according to the Ernest Boyer, which we all too often take for granted. This was not accomplished by a Washington directive, but by local citizens who have committed themselves to the audacious dream of the common school for the common good.

The truth is, dreams can be fulfilled only when they have been defined, and if during the decade of the 90's quality education would become a mandate of the nation, then I am convinced that all of the other goals of our country would in large measure be fulfilled.

We start by making sure that our children are fed, healthy, cared-for, guided and loved. We make sure that they do not have to walk through flying bullets, step over dead bodies, broken glass, drug paraphernalia and boarded up and decaying buildings to get to school. We let them know that they do count by putting them in school buildings that are warm and safe, not deteriorating, not rat-infested. We give them books that are current and high-tech equipment that is in good repair.

We let them know that they are expected to achieve high levels. We do not "dumb down" the curriculum. We expect our teachers to be dedicated and supportive of all students. We let the teachers know that their task is one of the most important in this world. We support teachers in their efforts to help every child reach his or her potential. We also expect accountability from all school personnel as well as from parents. We do this at the local level, building by building. We stop experimenting with school reform models that work in one place and not another. We expect each community to design its own reform efforts and to do so with input from families, teachers, students and other community members. We expect entire communities to be responsible for their children, not just the schools. And, we do not "write-off" the kids who are in trouble or considered at-risk.

We start as this committee has started—by sitting down around a table and asking, "What can we do to help our children?" We let go of turf issues, our own agendas, and look for a way to bring together all of our resources in order to provide for our children the start in life and education that they and this country so desperately need. Secretary of Education Riley has made the first steps toward this effort with his Family Involvement Initiative. He has convened school, business, religious and community representatives in order to find ways in which we can all work together to support and nurture our children.

We are inclusive, not exclusive. We view the school as a delivery site for all educational, social, and health services. These services are delivered by the social and health professionals. We do not expect classroom teachers to do those tasks for which they are not trained. We keep the school building open after school for child care so the 30–50% of our children who now go home to empty houses do not need to. And we open the school early in the morning for before school child care. We protect our children from neighborhoods that would destroy the scant amount of hope they may have.

We provide lifelong learning for the families of our children so they are prepared to work in today's working environment and be flexible enough in their training that they can adapt to the changes occurring so rapidly. By guaranteeing the quality of our work force, we also guarantee a level of economic security for our families. I don't believe that as a nation we can afford to do any less. Every institution and community has an ethical and educational obligation to commit itself to create a safety net for children. Schools cannot do the job alone.

If we expect all children to be well prepared for school, we simply must have families and communities that first give love then support to their children. We must prepare our parents for parenting. We must teach them how to nurture their young and how to raise healthy, contributing members of a community.

Does this sound impossible? It is not. We have schools and communities such as these all across our 50 states. They are called community schools and they have been functioning for the past 50 years. In New York they are also called Beacon Schools. They are learning communities that spread their influence community-wide. Do they work? Yes. Do they cure all the problems. No. But, through local decision-making and collaboration, they go a long way towards addressing community needs. They make a difference in the quality of life of their local communities and in their schools.

We can do this if only we remember the main thing—and that is to remember the main thing—Children and their future, for it is really our future as well. I appreciate the opportunity to speak to you today, and would be pleased to respond to any questions the caucus may have.

REMARKS OF JOEL PACKER, SENIOR LOBBYIST, NATIONAL EDUCATION ASSOCIATION, MAY 16, 1996

Thank you for the opportunity to address the historic first session of the Congressional Education Caucus, which we hope will help to restore the tradition of bipartisan leadership on Capitol Hill for children and education. Coordination and cooperation across party lines are essential to strengthening public education in America and providing every child with an excellent opportunity to learn. Those goals are central to the mission of the National Education Association, and I know they are shared by everybody in this room. I want to offer a few thoughts on how this caucus can work effectively to strengthen education, and briefly outline NEA's education agenda.

First, let me tell you about the NEA. We represent over 2.2 million educators, including both elementary and secondary public school teachers, higher education faculty, and education support personnel ranging from school bus drivers to cafeteria workers to custodians. In addition, we have both student members and retired members. NEA conducts research on school finance, sponsors the National Foundation for the Improvement of Education, which is dedicated to improving student performance, works to improve teaching and learning through many projects including Learning Laboratories, Mastery in Learning program, Teacher Education Initiative, and Keys to Excellence for Your Schools; maintains a Professional Library for educators, and actively promotes quality public schools at both the Federal and state level through our 13,000 local affiliates.

It is important to put today's challenges in historical perspective. Over the past few decades, most of the landmark education legislation was passed by strong bipartisan majorities. Many of these bills were championed by Republican leaders in the House and Senate, and many were signed into law by Republican presidents.

To cite a few examples, over twenty years ago, in the summer of 1975, the Congress passed legislation guaranteeing a free appropriate public education to children with disabilities. The bill passed the Senate 63–10, while the House margin was 375–44. Even this year, in the Senate the IDEA reauthorization is a true bipartisan effort, with legislation sponsored by Sen. Harkin (D–IA) reported unanimously by the Senate Labor and Human Resources Committee.

The Elementary/Secondary Education Act was reauthorized in 1987 by a vote of 401–1. This bill included Title I, as well as bilingual education. The Senate vote that year was 97–1. Vocational Education, was reauthorized in 1989, with the House bill passing 402–3, and the Senate acting by a unanimous 96–0. The following year, Head Start was extended by a 404–14 House vote. Higher education programs have also enjoyed this broad bipartisan consensus. The Higher Education Act was reauthorized in 1992, by a 419–7 vote in the House and a 93–1 vote in the Senate.

And just a few weeks ago, many Republicans joined Democrats in restoring over $3 billion in education funds that had earlier been cut from the FY 1996 appropriations legislation. So there is ample precedent for the bipartisan work of this Caucus.

As all of the public opinion polls have shown this year, the American people have put education at or near the top of their priority list of issues. Indeed, voters also recognize the importance of the Federal role in education, with upwards of 90% of Americans opposing cutting Federal aid to education. And their focus on education crosses party lines. In a USA Today poll this January, for example, education led voter concerns and vied closely with deficit reduction as a concern among Republican voters. Senator D'Amato was right on target when he recently commented that American voters "did not vote to cut education."

I want to make it clear to this group that NEA's goal for the coming years is to build a bipartisan pro-education majority and to work with leaders from both parties who want to strengthen public education. We are very grateful for the hard work of Democratic leaders on our agenda this year, but we also thank mainstream Republicans who courageously stood up for education and we hope and expect that more will join your ranks in the coming years.

A bipartisan education caucus could play an important role through a variety of activities ranging from sponsoring briefings for Members and staff, preparing objective reports on education issues, providing analysis of proposed education legislation, and serving to advocate the needs of children and education through testimony, floor speeches, introduction of legislation, and sponsoring of floor amendments.

Let me briefly outline our legislative agenda for the balance of 1996.

Ensuring adequate funding for children and education. While the deep cuts advocated by many in the House leadership were largely rejected in the final FY 96 appropriations bill, education programs were still cut by $450 million. This is on top of over $600 million in cuts that passed as part of the FY 95 recession bill. Thus, since the beginning of 1995, over $1 billion has been slashed from education. Both the FY 97 House and Senate budget resolutions fail to invest in children and education, since they provide no growth to compensate for inflation, 20% enrollment increases at the K-12 level, or rising college costs. Indeed, the House budget would slice over $1 billion from the FY 96 levels, and again attempt to eliminate Goals 2000 education reform, bilingual and immigrant education, Perkins Student Loans, State Student Incentive Grants, and many other important programs. Indeed, even a freeze over six years results in cuts of at least 17% from FY 96 levels.

Extending and Strengthening the Individuals With Disabilities Education Act. NEA strongly supports reauthorization of IDEA, with provisions to increase local flexibility for schools to properly discipline seriously disruptive students, strengthen professional development, and provide adequate resources to ensure that appropriate services are provided to children with disabilities.

Opposing back door block grants under the Local Flexibility and Empowerment Act. While NEA supports increased flexibility for local schools to administer Federal education programs, we believe that legislation now pending in Congress (HR 2086/S 88) would undermine Federal education programs, allowing for education dollars to be siphoned off for other purposes, and weaken or remove accountability and important standards for program quality and access for disadvantaged children.

Stopping efforts to punish immigrant children. NEA strongly opposes the so-called Gallegly amendment, which passed the House as a part of the immigration bill (H.R. 2202), that would allow states to deny public education to illegal immigrant children. Not only would this proposal unfairly punish children for actions of their parents, it would create significant paperwork and administrative burdens on both local schools and parents of all children, who would have to document and prove the immigration or citizenship status of their children.

Preventing expansion of Federal courts control over local schools. Under legislation advocated by the Christian Coalition, known as the Parental Rights and Responsibilities Act (H.R. 1946/S 984) parents would be granted unlimited right to sue schools in federal court over virtually any decision of their local school. Discipline policies, selection of textbooks, curricula content, and other local decisions would all be subject to litigation by parents, with Federal courts deciding local educational policies. Not only would this bill gut the authority of locally elected school boards, it would also lead to teachers' efforts to report possible cases of child abuse and neglect being deemed an interference with parental rights.

In addition to these issues, NEA is fighting to ensure that secondary and postsecondary students continue to receive needed vocational education services, to oppose the imposition of private school vouchers, to protect the school lunch program from block grants, and to protect needed health care services for children through Medicaid.

Looking beyond 1996, we are planning to work with the new Congress that takes office in 1997 on new initiatives for education. Like many of our coalition partners, we have several pro-active strategies we are now discussing and developing to address such pressing issues as school infrastructure and technology needs. Our vision for all children is a vision of safe schools, active learning, advanced technology, and modern classrooms.

Our vision includes keeping the things that are working well in schools and scrapping those that are not. Our vision includes a public education system where every person in the community has a voice and a role, in ensuring that tomorrow's schools serve tomorrow's students.

We plan to bring this group into that collaboration. The next four years will bring us to the year 2000—a major benchmark for American education. We look forward to working with you to make this a very productive and forward-looking time for education in the United States Congress.

TESTIMONY OF ANGELICA SANTACRUZ, NATIONAL HEADSTART ASSOCIATION, EDUCATION CAUCUS, HEARING ON MAY 16, 1996

Congressman Cleo Fields, and members of the Education Caucus. I want to thank you for giving me the opportunity to testify today about the Head Start program and the National Head Start's Association's (NHSA) vision for including all eligible children in Head Start.

I would like to applaud Congressman Fields for forming a bipartisan Congressional Education Caucus to address the issues confronting the current education system. It is time to meet the challenge together and include early childhood programs in the process. In terms of providing children in poverty with a fair chance to start equally in school, Head Start has proven it works over 30 years. However, there are issues that must be addressed: increasing funding to service all eligible children who need Head Start; providing services that meet the needs of today's families; and providing leadership to build a more coordinated and effective system of services for children and families through collaboration and research.

HEAD START

Since 1965, Head Start has provided comprehensive services including health, education, social services and parent involvement to more than 14 million children and their families. Today, Head Start serves over 750,000 children in approximately 1,433 grantees, reaching low-income children in all 50 states, the District of Columbia, Puerto Rico, the Virgin Islands, and the Pacific territories.

Head Start serves children ages zero to five, with four-year-olds comprising 62 percent of its population. More than 13% of Head Start enrollment consists of children with disabilities.

The basic goal of Head Start is to bring about a greater degree of social competence in children of low income families. The Head Start program is a developmental approach to helping children achieve social competence. To the accomplishment of this goal, Head Start objectives and performance standards provide for: The improvement of the child's health and physical abilities; the encouragement of self-confidence and self-discipline; the enhancement of the child's mental processes and skills with particular attention to conceptual and communication skills; the establishment of patterns and expectations of success for the child; an increase in the ability of the child and family to relate to each other and to others; and the enhancement of the sense of dignity and self-worth within the child and his family.

Head Start works! Research shows that Head Start has had an important impact on program participants. Positive impacts include: Improving cognitive test scores, including reading; reducing placement in special education; increasing self-confidence and improving social behavior; improving health, including better eating habits, decreasing anemia and increasing immunizations received; improving parent awareness; and enhancing parent's employment and educational status.

ISSUES

Head Start's record of achievements and experience in providing comprehensive services to low-income children and their families, makes it the perfect program to address these new challenges and to help build a competitive and strong country. Head Start has the potential to serve as a model of comprehensive services, to reach large numbers of children and families, to respond to a diversity of needs, and to provide leadership in collaboration and research for the entire early childhood field. Yet today, funding for Head Start falls short and limits the program's ability to meet its full potential.

Three conditions exist in Head Start that must be addressed. First, to be effective in the future, the program must continue to provide good early childhood services. However, Head Start faces threats to program quality.

Second, in the upcoming years, Head Start must be expanded to serve all eligible children and must be flexible enough to meet the diverse needs of children and families, particularly demands for full-day centers. Presently, Head Start serves 20 percent of zero to five-year-olds. The demand for Head Start is still tremendous.

Third, as the largest early childhood program, Head Start must provide leadership to the entire early childhood field. It must help develop a coordinated delivery system, ensure adequate community services for low-income families, encourage the continuation of comprehensive services as children move on to the public schools and develop new knowledge to improve practice and policy. There is increasing concern that the progress made by children in the Head Start program may be lost when there is not continuation of comprehensive services in the school. At the federal and local levels, there has been a lack of collaboration between Head Start and federal programs serving low-income families.

The Administration of Children, Youth and Families (ACYF) has put considerable effort into improving the transition of children as they move to kindergarten through the Transition Project. Although these efforts have been useful to the initial adjustment of children as they enter school, there is a need for schools to become much more involved with families.

Despite the challenges, Head Start has accomplished major early childhood services. The following are some of Head Start's ultimate highlights: The Child Development Associate (CDA) programs; Home-based services; Bilingual-multicultural approaches; Indian and Migrant Head Start Programs; Resource Access Projects provide training and technical assistance to programs; Early Start provides services to zero-to-three year-olds; Performance Standards; and Quality Improvement.

Congress and the Clinton Administration must remember that Head Start is an investment. President Clinton has proposed for Head Start for fiscal year 1997 $3.981 billion. The National Head Start Association urges Congress to consider an appropriations bill that moves toward the goals of both the Bush and Clinton Administrations to expand Head Start to guarantee services to all eligible children by the year 2000.

TESTIMONY OF JERRY LEWIS, J.D., BEFORE THE CONGRESSIONAL EDUCATION CAUCUS, MAY 16, 1996

Senator Wellstone, Congressman Fields, Members of the Education Caucus, I very much appreciate the opportunity to testify before you today. My name is Jerry Lewis and I am the Director of Intensive Educational Development at the University of Maryland-College Park. In that capacity I am responsible for two of the Federal TRIO Programs sponsored by the University. These include the Ronald E. McNair Post-baccalaureate Achievement Program and the Student Support Services Program. I am testifying today on behalf of the National Council of Educational Opportunity Associations (NCEOA).

Before sharing my brief remarks on post-secondary educational opportunity as it relates to low-income students in America, I want to take a moment to applaud your efforts in establishing this Caucus. The federal role in assuring educational opportunity has become increasingly questioned in recent years. Moreover, even those who articulate support for education often do not back their words with dollars. Your active advocacy for education is deeply appreciated.

POST-SECONDARY EDUCATION OPPORTUNITY IS DECLINING

There is presently extensive evidence on the growing gaps in educational attainment between children from upper-income families and children from low-income families. As reported in Business Week, utilizing Census data, Thomas Mortenson demonstrates that a child from a family in the bottom income quarter (family income below $22,000) has only an 8% chance of graduating from college with a Baccalaureate by the time he is 24. In contrast, a child from a family in the top income quarter (income above $68,000 per year) has a 79% chance of attaining the Baccalaureate at this juncture. Thus individuals from upper-income families are more than ten times as likely to graduate frown college by the time they are 24 than are individuals from low-income families.

At the same time, the ability of any worker to adequately support his or her family without a college education is declining. Today, median family income in households headed by an individual with a college degree is $73,000 per year, an increase in real dollar terms of 14% since 1973. At the same time, households headed by individuals with only a high school diploma have a median income of $41,000, a decrease of 20% in the same time period. Households headed by families without a high school diploma have a median income of only $28,000. Real median income for households headed by the least educated individuals has fallen over 37% since 1973.

ADDRESSING THIS CRITICAL ISSUE

The Federal government has historically utilized a multi-pronged strategy to support post-secondary educational opportunity. Student financial assistance—grants, loans and work—are made available to low and middle-income students so that lack of financial resources does not prevent them from enrolling and succeeding in college. Unfortunately, as the following chart demonstrates, student aid has not kept pace with inflation. While in the Mid-1970's the principal Federal grant program—Pell—covered nearly 80% of the cost of attending a public, four-year college, today it covers less than 40% of that cost.

While student financial aid helps students overcome financial barriers to higher education. TRIO programs help students overcome class, social and cultural barriers to college. Over 1,200 colleges, universities and agencies now sponsor TRIO programs which enroll nearly 700,000 low-income students who aspire to attend or are currently enrolled in college.

As mandated by Congress, two-thirds of the students served in TRIO must come from families with incomes under $24,000, where neither parent graduated from college. Over 1,750 TRIO Programs currently serve nearly 700,000 low-income Americans between the ages of 11 and 27. Many programs serve students in grade six through twelve. Forty-two percent (42%) of TRIO students are White, 35% are African American, 15% are Hispanic, 4% are Native American, and 4% are Asian. Sixteen thousand (16,000) TRIO students are disabled and 7,000 are military veterans.

TRIO is made up of five programs. Three assist young people and adults in learning about and preparing for college: Talent Search, Upward Bound, Educational Opportunity Centers. Congressman Fields is himself a product of one of the programs—Upward Bound at Southern University—and he has often voiced strong support for TRIO.

In addition to their pre-college efforts, there are two programs—Student Support Services and Ronald E. McNair Post-baccalaureate Achievement Program—which serve undergraduates. At the University of Maryland, for example, each year Student Support Services provides counseling, tutoring, and other support to over 350 students. These services are made possible by over $350,000 in institutional funds and $245,000 in TRIO funds. And this investment has made a difference. For example, it has raised the graduation rates of those minority students enrolled in Student Support Services by over 70% over graduation rates of minority students not assisted by Student Support Services.

EVIDENCE OF ACHIEVEMENT

I could speak much more than my allotted time, providing evidence on TRIO's behalf. It is noteworthy, for example, that:

Students in the Upward Bound program are four times more likely to earn an undergraduate degree than students from similar backgrounds who did not participate in TRIO.

Nearly 20% of all Black and Hispanic freshman who entered college in 1981 received assistance through the TRIO Talent Search or EOC programs.

Students in the TRIO Student Support Services program are more than twice as likely to remain in college than those students from similar backgrounds who did not participate in the program.

TRIO Programs are very effective and many students from low-income families depend on these programs to succeed academically in high school and college. In fact, since 1965 an estimated two million students have graduated from college with the special assistance and support of our nation's TRIO Programs.

I am more comfortable, however, citing individuals than statistics. One has only to look at Congressman Fields—and his three colleagues in the House who were also TRIO participants—to learn of TRIO's merits. (Congressman Bonilla, Congressman Watts, and Congressman Wynn were also TRIO graduates.) One can turn to the nineteen freshmen in Student Support Services' freshman class at the University of Maryland who have grade point averages above 3.0 as a measure of TRIO's achievement. One can look at our recent graduates who came from D.C. Public Schools and single parent homes and are now enrolled in doctoral programs in mathematics and computer science to learn of TRIO's achievement. I am confident each of you has also visited with TRIO students and TRIO graduates and knows of TRIO's accomplishments.

I very much appreciate the opportunity to testify today and would be pleased to answer any questions you might have.

REPUBLICANS' SNEAK ATTACK ON AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from New York [Mr. OWENS] is recognized for 6 minutes.

Mr. OWENS. Mr. Speaker, there is a move afoot to pass labor legislation in this half of the 104th Congress through a kind of guerrilla warfare process, antilabor legislation, I should say antiunion labor legislation, antiworker legislation.

We had a very interesting development take place as the Republican majority assumed control of the 104th Congress. We had what might be called a sneak attack on American workers. I say it is a sneak attack because there was a Contract With America which laid out in great detail what the Republican majority would do once they took control, and it spelled out the issues, and that is the basis on which they went to the American people and were able to win the majority of that small number of people who came out to vote. They won a majority of the 39 percent of the people who came out to vote, and they had a clear bill of particulars, a clear agenda, and it was felt that whether you agreed with that agenda or not, it would be that agenda that the 104th Congress would operate on.

It is to their credit that they have moved forward on their Contract With America. But what has been surprising, what has been shocking, is the fact that there were items that were not in the agenda that have been pursued with great hostility, with great vengeance. The attack on the American workers and the working families of America was unexpected, totally.

It was not expected that the Republican majority would attempt to wipe out the Davis-Bacon Act. The Davis-Bacon Act protects workers who for the most part are middle income workers, middle class workers, or they used to be when their wages were held at a decent level. As wages have been depressed and gone down, more and more construction workers who happen to be fortunate enough to be under the Davis-Bacon Act protections, are quite poor, as I will point out in a few minutes.

Nobody expected the Republican majority to assault Davis-Bacon, or any other programs that are protecting workers. They never said that they would go after OSHA. OSHA, which protects the safety of all workers, those in unions and those not in unions. As you know, unfortunately, in America right now a great majority of workers are not in unions. That is unfortunate, because that is part of the reason that the wage level is going down for all workers, because there are not enough unionized workers. Unions are good for workers and good for America, but they are now every much on the defensive in terms of their numbers. They are decreasing. It will not help to have the Republican Party clearly out to destroy that basic underpinnings or protection for workers.

Nobody ever said when they developed the Contract with America that they would go after, over time, the Fair Labor Standards Act and the provisions in the Fair Labor Standards Act that provide for overtime. They now want your overtime. They are coming for your overtime.

Nobody ever said they would go after the very heart of the collective bargaining process by coming up with a thing called the TEAM Act. The TEAM is a way to officially and formally recognize company unions and to move in such a way that eventually you would destroy all existing unions and have the unions tied to the management.

So nobody ever said that in the Contract With America. They never stated that that was what they were going to do. Yes, certainly they were developing secret contracts on the side, obviously. There were contracts that were not contracts with America, but they were contracts with somebody. They were contracts with the bosses, contracts with unscrupulous management. There is a whole lot of businesses and corporations in America that accept the fact that we have some very civil laws which help protect workers, and by protecting workers, the corporations are better off. The businesses are better off. Not all bosses, not all businesses, are ready to make war against worker protections, but the Republican majority had this as a secret agenda.

We know they made some contracts on the side, because they have told us, they confessed, one Member, a chairman of the Subcommittee on Workforce Protections of the Committee on Economic and Educational Opportunities, the chairman of that subcommittee was quite honest and forthright. He was forthright in his discussion with the Washington Post reporter about the fact that although they did not put it in the Contract With America, on the side they made deals with business people. They made dealings with certain corporations, certain corporate entities and certain business people which said in essence if you contribute to our campaign we will go after OSHA, we will go after Davis-Bacon, we will wipe out certain aspects of the Fair Labor Standards Act.

This was in the Washington Post. It was a direct quote of the subcommittee chairman. He did not deny it. He was honest enough to say it and honest enough not to deny it. There was a figure of $65,000 mentioned in his State alone, $65,000 was collected as part of the secret contract to go after labor.

So what you had was, much to the surprise of the American people, what you had was what happened at Pearl Harbor. The Speaker has often compared politics to war. We do not like the comparison, but that is sort of the language of the 104th Congress. So politics are compared to war; politics is war, without blood. In this case it was not stretching the imagination at all to say that what we had was a Pearl Harbor sneak attack. A massive attack. They threw everything they could at us at Pearl Harbor. A massive attack, but it was a sneak attack. There was nothing that said ahead of time that the probability was that the Japanese would attack America at Pearl Harbor. In fact, the admiral who headed the Japanese Navy was a Japanese who had been educated at Harvard, Admiral Yamamoto. Admiral Yamamoto was educated at Harvard and known as a great card player at Harvard. He had lots of friends. You talk about deception made intimate, deception on a one-on-one basis, the fact that Admiral Yamamoto commanded the Japanese Navy in the attack on Pearl Harbor, the most humiliating defeat our Nation has ever suffered was instructive.

□ 2115

We should look at that. That is a good instruction as to what has happened here, because what has happened here is that the Republican majority have staged a sneak attack on the American workers, a sneak attack of great force. They are moving across the board attacking everything at once. The Davis-Bacon Act must be repealed. Nobody ever said that in the contract, but now they are saying the Davis-Bacon Act must be repealed.

They are saying that they want your overtime. We do not want overtime. We want to have compensatory time instead. Substitute compensatory time for overtime and make that part of a Fair Labor Standards Act, changing the requirement that overtime must be paid after working a certain number of hours.

They wanted to go after the National Labor Relations Board, which makes it possible to organize workers, and they wanted to put the National Labor Relations Board in a straitjacket fiscally. They moved and cut it by one-third, proposed to cut it by one-third, but that did not prevail.

They are moving again to put pressure on the National Labor Relations Board. Some of the Members are writing letters to the National Labor Relations Board. One member of the Committee on Appropriations said your appropriation will be coming from me, and I am going to get you. In so many words he was saying that he would stop the National Labor Relations Board from functioning because it rendered some decisions that he did not like. That was one member, but the spirit of the entire Republican majority has been that kind of spirit, to bring to a halt those parts of the American Government, laws that exist that have been built up over the years which help to protect working people.

Mr. Speaker, Pearl Harbor was a massive attack. I say it was because it was launched at the beginning of the 104th Congress, and it did not succeed. So to replace the Pearl Harbor sneak attack, Admiral Yamamoto was defeated. Now they are resorting to the guerrilla warfare. Some members of labor assume that, since they did not prevail in the first half of the 104th Congress, that the Republicans will now break off the attack and leave labor alone, that the scorched earth policies that started the session will no longer be pursued. That is not the case. It is guerrilla warfare now. They are waging the same, have the same objectives, but they are waging the war in a different way.

But it is instructive, and I hope that labor leaders, union members, workers in general will understand how the sneak attack was promulgated. The sneak attack was forced upon us by a group that pretended to be friendly to labor. A lot of labor legislation in the last 10 years, certainly since I have been here in this Congress, has been bipartisan legislation. Even when the legislation was not bipartisan, after the legislation was passed without Republican votes, throughout the country Republicans have snuggled up to labor leaders and pretended that they cared about working people. They have pretended in the back-slapping kind of manner, in the one-on-one friendships, they pretended to be friends of labor.

It is Admiral Yamamoto, the spirit of Admiral Yamamoto has been there and wooing labor into an ambush. That is what Pearl Harbor was. They ambushed our forces on a Sunday morning. Admiral Yamamoto had gone to Harvard. He knew the habits of Americans. So he knew very well that a Sunday morning attack, when Americans like to sleep late and they enjoy Saturday night, et cetera, he knew the habits.

So we have a group of leaders in the Republican majority who have been very friendly with labor in the past. They knew the habits. They wooed labor. Even Members who belong to unions voted uncharacteristically in large numbers for Members of the Republican party.

Mr. Speaker, the shift over the years has been away from working class people voting almost 90 percent or 85 percent Democratic to a gradual shift led by Ronald Reagan where working class people have voted in much larger numbers for Members of the Republican majority. They have wooed the working class vote very well, but now the sneak attack has come. In an overwhelming force it has come down for the first half of the 104th Congress and we have beat it back. We have stopped them on Davis-Bacon. They have not yet succeeded in repealing Davis-Bacon although a bill was introduced very early to repeal Davis-Bacon, just repeal it outright, wipe it out. No reform of Davis-Bacon, no adjustment of Davis-Bacon, wipe it out; that was the cry, wipe out Davis-Bacon.

The same legislation called for wiping out the national service contract. The service contract is a companion bill, companion act to Davis-Bacon, which came along late which protects workers in Federal installations, the actual people who do the janitorial work, and the cleaning ladies. Various people at the very lowest rungs are protected by also applying the principle of paying the prevailing wage to those people as well as paying prevailing wages to the people who work on construction on Federal contracts.

Mr. Speaker, it was quite surprising, but an all-out attack has happened. The friends of Davis-Bacon, both on the workers side, the labor side, as well as on the business side, and there are thousands of contractors who support Davis-Bacon as a reasonable, rational piece of Federal legislation, Federal protection. It protects not only workers. It protects the quality of life and the standard of living in certain areas. It protects contractors from the assault that they are constantly under from unscrupulous contractors who do not want to pay their workers decent wages, unscrupulous contractors who do not want to pay fringe benefits, unscrupulous contractors who will cut corners and do shoddy work in order to do the job cheaper, employ workers who did not do the job with the same kind of skills and place at risk the entire job. They are constantly fighting against those. So there are people on the management side, the contractors, the owners of construction industries who support Davis-Bacon as well as the construction workers themselves who support Davis-Bacon.

So the attack is on them, too. Admiral Yamamoto has attacked not only the workers, he has attacked businessmen who have been doing a good job of carrying out the process of constructing Federal buildings, at the same time providing decent wages for their workers.

Mr. Speaker, let us take a look at the history of Davis-Bacon. It is far from being a radical piece of liberal legislation, concocted by wild-eyed radicals, not at all. Davis-Bacon is a piece of legislation which was designed to protect the wages and the standard of living of middle class workers. Probably most of them were Republicans that they were protecting. But certainly the originators of the Davis-Bacon Act were Republicans. Who was Davis, who was Bacon? Representative Robert Bacon was a Republican from New York. New York, my home State, is always associated with radicals and liberals, and nothing for the middle class, nothing for the working population comes out of New York, if you accept the kind of stereotype that has been painted of New York by certain people. But out of New York came a bill to protect construction workers.

Robert Bacon, Representative Robert Bacon of New York was a Republican. Senator James Davis of Pennsylvania, another east coast State, not with a radical reputation like New York, but it is on the east coast, and you might say that that is where the liberals live, that is where progressives live. That is where the people who gave us the New Deal and the Great Society, all came from the east coast. No, Senator James Davis was a Republican from Pennsylvania, and Representative Robert Bacon was a Republican from New York.

Senator James Davis had served as Secretary of Labor in the Cabinets of Presidents Harding, Coolidge, and Hoover. Listen, Senator James Davis had been Secretary of Labor in the Cabinets of Presidents Harding, Coolidge, and Hoover. The act was adopted, the Davis-Bacon Act was adopted in 1931 at the urging of Herbert Hoover.

Let me repeat that. Two Republicans, Representative Robert Bacon of New York and Senator James Davis of Pennsylvania, two Republicans, created, authored the Davis-Bacon Act. The act was adopted in the Hoover administration, Herbert Hoover was President, in 1931. This Davis-Bacon Act requires that Federal construction contracts specify the minimum wage rates to be paid to the various classes of laborers working under those contracts. Minimum wages are defined as those rates of pay found by the Secretary of Labor to be prevailing, prevailing in the locality of the project, prevailing for similar crafts and skills on comparable construction work.

It does not say that they must pay union wages that have been negotiated in a collective bargaining process. It does not. It says whatever the wages are, the prevailing wages, if the area has low prevailing wages. As we will see later on in the discussion, it can sometimes drag down the prevailing wage. Prevailing wages are very close to minimum wages in some instances because the prevailing wage in the Davis-Bacon wage is very close to minimum wage because that is the prevailing wage in the area.

Mr. Speaker, the act does not require that collectively bargained union wages be paid unless such wages happen to be prevailing in the locality where the work takes place. It is most unfortunate; I wish the act had required that collective bargaining rates have some role in guiding the level of the Davis-Bacon wages, but they do not.

So Davis-Bacon is under attack. The Republican created Davis-Bacon Act, the Davis-Bacon Act signed by President Herbert Hoover, a Republican President, under attack. And even later, the Republicans showed their support for Davis-Bacon under the most popular Republican President probably in history, save since Abraham Lincoln: Ronald Reagan. Under Ronald Reagan Davis-Bacon was reinforced. Ronald Reagan said he did not want the Davis-Bacon Act tampered with.

He wrote a letter in September 1981 to Mr. Robert Georgine, President of Building and Construction Trades Department of the AFL–CIO. Ronald Reagan wrote a letter which says:

> Dear Bob, I want to acknowledge the Building and Construction Trades Department letter of September 11 concerning efforts to repeal the Davis-Bacon Act. I have asked the Secretary of Labor to respond directly, but I want to assure you and your general president that I will continue to support my campaign pledge to not seek repeal of the act. With best wishes, very sincerely, Ronald Reagan.

So here we have a history, not ancient history, but recent history, and Ronald Reagan is in support of Davis-Bacon. If you look at the records of the House of Representatives, you will find the last time a vote was taken on Davis-Bacon on the floor of the House it was bipartisan. There were democrats and Republicans voting for it, and Democrats and Republicans voted against it. Always bipartisan. So why did we wake up following the victory of the Republican majority and have Admiral Yamamoto-style Pearl Harbor secret attack on working people in general and Davis-Bacon in particular? Why?

Mr. Speaker, the attack now has become very well orchestrated. As I said before, Pearl Harbor was an open onslaught. Pearl Harbor was not guerilla warfare. That was direct attack. They threw everything they had from the air on Pearl Harbor. They did not succeed in winning the war in the Pacific. They did not succeed in winning the war. Warfare of that kind is seldom now. From that point on, after World War II, with the defeat of Nazi Germany and the defeat of the Japanese, very seldom has anybody contemplated, except the Soviet Union, an all-out war directly being waged on the United States of America. But we have suffered greatly in guerilla warfare type actions. Vietnam was guerilla warfare, not a direct onslaught. They did not come out and face American military power head on but guerilla warfare.

Now we have the guerilla warfare against Davis-Bacon and other workplace protection legislation. The guerilla warfare is deadly. It is poisonous. Most of all, it takes advantage of the fact that now there is an atmosphere of optimism, of an optimism that is not justified. There is an atmosphere of optimism which is seeping over the progressive Democrat friendly to labor forces in this Congress.

□ 2130

All too early we have declared that the Republicans have lost and the American people understand clearly what is at issue here and that the Democrats are going to roll to victory, working people need not fear, the legislation will not be wiped out, they will be saved. It is a premature declaration of victory because now that the Yamamoto Pearl Harbor-style attack, only it was not a sneak attack, it was still a direct attack, has failed, they are pursuing guerrilla warfare, and the guerrilla warfare means that in every possible way they will be attacking labor from behind the lines, from the side, from underneath.

We had a housing bill on the floor a little more than 2 weeks ago, and in the bill which dealt with public housing, the part of the bill that dealt with public housing, the construction of public housing with Federal funds, there was a clause written in there which said that Davis-Bacon would not apply to housing units, to housing, which has less than 12 units. If you had a certain number of units, below that number you did not have to apply Davis-Bacon.

That was just sneaked into the legislation and caught everybody by surprise. It was a guerrilla warfare tactic, and by the time the forces that want to see Davis-Bacon continue recovered, I am afraid they were too dizzy, too shaken, to really reason straight because there was a compromise made, and that is part of the law now. Public housing units; I think 10 or 12 or 20, I do not remember exactly; if it is below that number of units, then Davis-Bacon does not apply. We do not know what dollar figure is related. For constructing public housing in certain parts of the country, you may be talking about $5 million or $6 million for that number of units. We do not know how that translates. We do not know whether when you start talking about units in public housing, later on it is going to be other kinds of units applying to office buildings that are being constructed by Federal money by construction workers.

It is a guerrilla warfare tactic that paid off, in my opinion. There is some that think it is not difficult, did not do that much damage, but it is indicative of the kind of guerrilla warfare tactics that are being waged, the kind of tactic that we are going to see take place on the floor of the House this week where they are proposing to put the minimum-wage law, an increase in the minimum wage, will be placed on the floor some time this week, and that increase in the minimum wage which is proposed by the Democrats to be 90 cents over a 2-year period, it may be more or less as the Republicans put it on the floor, but that increase that they are proposing will be tied to another guerrilla warfare attack on workers.

The Team Act is going to be part of it, or it may have the Team Act and the Porter Act. What is the Porter Act. It is a small matter relating to the requirement that when you are asked by your employer to take care of a vehicle overnight, and you may take it home with you, whatever, it is necessary to take care of it, you do that, and you may be required to do some other things like check or take it by the station to check the oil, various other things, or you may be required instead of going home to make a stop on the way. Instead of coming straight from the home to the job, you may be required to drive an extra amount of miles to some other location. Whenever there is that extra requirement which means that you are doing labor for your employer, you have to be paid for it under the law.

But now they are proposing a change which would require that that never apply. If you are taking it overnight, the employer can dictate the terms and not pay for your extra work and your extra time and the extra travel miles that you may put in. That may be attached to the minimum wage. You may have two items, two attacks guerrilla warfare-style, on workers in the minimum wage bill.

Puts everybody on the spot. You all want a minimum wage increase. The fact it is coming on the bill means that the Republican majority is finally not treating the American public with contempt. They are finally going to bow to the wisdom and bow to the common sense of the American people.

You know more than 74 percent of the American people say that we need to raise the minimum wage at this point, that nobody can live on $8,400 a year. Even if you put in all of those 40 hours every week for 52 weeks, that is all you get, $8,400 a year. Now, know by Republican standards we have heard certain spokesmen, spokespersons, on the floor who are Republicans who talked about, you know, middle class starts at $100,000, so they have lost their sense of perspective as to what people need to live on, and they just do not believe that it is true that there are people out there who only make $8,400 a year under the minimum wage. Minimum wage is $4.25 an hour; that is what it comes out to. Well, it is not going to be more than about a thousand dollars more once you get the 90 cent increase that the Democrats are proposing, but at least it is going forward.

A family that is very poor can certainly use another thousand dollars to buy some groceries, some shoes for the kids, and a thousand dollars goes a long way when you are poor.

I will have you know that my father was very skilled in the furniture making business, in the mill department, highly praised by his foremen and his bosses when they brought in new machinery and he figured out how to make it work, and only he could make it work and not have the boards burning. And they, one time they got angry with him for some reason, they laid him off, and so many boards were burning in the mill department until they came to get him a few days later so that he could get the assembly line started again and stop the boards from burning. There was a little trick that he had that he told me about, about how you slap a little glue on the end of the boards as they are going out, and it keeps the boards from burning, that he never told them about.

But at any rate, with all that kind of basic, fundamental skill in what was called an entry-level, nonskilled job, but really required some skill and some know-how and some common sense, he never made more than the minimum wage. They never paid the workers at the Memphis Furniture Factory more than the minimum wage, and only when the minimum wage went up did he get an increase.

So there are jobs in this country still like that where you do not get more than the minimum wage in certain parts of the country, so the fact that there are large numbers of workers who make above the minimum wage, there are a great percentage of workers in America who make above the minimum wage, does not mean that the 20 million or more out are on minimum wage cannot use an increase.

So I applaud the wisdom, the common sense, of American people who in the polls keep saying you need to give a minimum wage increase. I applaud that. We are going to have it on the floor because the Republican majority has finally bowed to the wisdom of the American people.

But in that package there will be a guerrilla war poison pill. There will be a land mine, a couple of land mines maybe, but at least one. They are going to wage that kind of guerrilla war fare, and Davis-Bacon, of course, is one of the victims.

One of the things that have decided to do is to go after Davis-Bacon by undermining the basic concept in terms of it is an effort to keep the level of wages in a given community at the level of the wages in that community by not having a Federal project come in and pay less and undermine that wage structure. Instead, the Federal project is governed by what is prevailing already, and unfortunately I would like to see Federal projects raise the level of wages but unfortunately they do not do that. What they do is merely seek not to undermine the level of wages.

So Davis-Bacon is not going to be allowed to do that if the Republic guerrilla tactics could work. What they are saying is first is costs the American people too much; second, and I will not go into all of the particular guerrilla warfare attaches that are being staged at this point, we will just talk about one today and maybe we will pick up on some of the others later.

Today I would like to talk about the charge that Davis-Bacon is racist. Now, stop for a moment and consider the fact that the Republican majority of this 104th Congress is now waging a guerrilla attack on Davis-Bacon, and its tactic, one of its tactics, is to accuse the Davis-Bacon Act of being a racist act, the Davis-Bacon program of being a racist program. All of a sudden, you know, all of a sudden, we have a great concern about racism being manifested from the Republican majority side of the aisle. All of a sudden there is a concern with racism.

We have suffered from the Republican majority's attacks on affirmative action all year long, ever since they came to power in the 104th Congress, November of 1994, one attack after another on affirmative action. on set-asides, on the Voting Rights Act. You name it, anything related to trying to give some relief from the horror of racism, from the disadvantages of racism, from the long history of racism, from the effects of 232 years of slavery and a hundred years of de facto oppression that went on in certain parts of the country, the rampant discrimination that prevailed throughout the Nation.

You know, no relief will the majority, Republican majority, allow. They want to roll back all of the laws and all of the provisions that have been made which proposed to give relief to people who have suffered from racism, particularly the African-American community, and I say "particularly" because the African-American community is a special community among the minority groups. The African-American community is unique because the African-American community is made up of the descendants of slaves. The descendants of slaves are people who were brought here, not as immigrants; they did not come voluntarily. They were brought against their will. The descendants of people who were brought against their will here, the descendants of slaves, were made to suffer for 232 years.

Immigrants come, and they have difficult, hard times for a couple of generations, maybe. But nobody else in the fabric of American life has been made, no other group has been made, to suffer 232 years of legal slavery, legal enslavement, and then, after that, all kinds of forms of subslavery and oppression. So we are unique.

The Republican majority has refused to provide any relief. They have offered nothing new, and they have attacked everything that exists that was generated by the New Deal, the Great Society, the civil rights movement. Everything is under attack related to discrimination and racist relief from discrimination and relief from racism. But the same people who placed it under attack are now saying that they do not like Davis-Bacon, they want Davis-Bacon to be repealed, destroyed, because it is racist.

How great can the degree of hypocrisy become? You cannot surpass that in terms of the hypocrisy. That is unabashed, blatant: "Davis-Bacon is bad because it is racist."

Even if it were true, one could just dismiss the Republican majority's utilization of that as a ploy because they cannot be about relieving anybody from the scourges of racism. But it is not true. It is a big lie that is being generated, and they are going to try to use the big lie technique, like Herman Goebbels under Hitler: If you say it often enough and keep saying it, then people begin to believe it is true. So over and over again you hear that Davis-Bacon is racist, Davis-Bacon is racist.

What is the germ of truth there that they are utilizing? One germ of truth there is that when Mr. Davis and Mr. Bacon, Senator Davis and Representative Bacon, two Republicans, when they developed the Davis-Bacon Act, they were trying to protect local workers in neighborhoods throughout the country, mainly those neighborhoods in the Northeast that has higher standards of living than other parts of the country. And what was happening is that unscrupulous contractors, people who have the same mentality as the plantation owners, were taking advantage of the fact that was 1931, a period where people were desperate for work; all over the country workers were desperate for work.

□ 2145

If they were desperate for work all over the country, you can imagine that poor workers who were black, African-Americans in the South, or who happened to be of Hispanic origin in the West or Southwest, those were the workers who were most desperate. So these most desperate workers were being picked up in trucks and carted about all over the country. If you think the conditions for immigrants on farms are bad, you should take a look at the kinds of conditions these people had to live under.

These people did not have open fields, at least, to compensate for some of their suffering, to relieve themselves of the kinds of horrors of being crowded into trucks. They could at least, if they were farm workers, get out and go for long walks and have the joys of countryside. But when they were carted into big cities, they were forced to sleep in cramped quarters, and they were just there, Davis-Bacon utilized as chattel in the making of big profits by a few unscrupulous contractors, the people who never get enough.

There are people who just never get enough. They do not want to make profits. They want to make a killing on every deal. They want to make the maximum on every job. They want to rob the Federal Government of every penny. They were not getting less from the government, they were paying workers less. They were increasing their profits by paying the workers less. They could bid a little lower on the job and undercut the local contractors because they were paying the workers, who were like chattel, semislaves. They were paying them so much less that they could undercut and win the job, and throw out of kilter the whole work force of a given area as a result of bringing in large numbers of desperate workers.

Among those desperate workers, and they were not the majority, among those desperate workers were workers who were black, workers of African descent, so there is a grain of truth that in the case of Mr. Davis and Mr. Bacon, they were protecting local workers from outside workers. Some of those workers were black. So they have twisted that to mean Davis and Bacon were trying to preserve jobs for white construction workers against the needs of black workers, or to undercut the provision of jobs to black workers who were being brought in from all over the country under terrible conditions, and being forced to work for the very cheapest possible labor, in many cases just food and shelter.

There is a grain of truth there, but that is all it is, a grain of truth. What has happened in the construction industry is that there has been a history of discrimination. It is one of those difficult industries for blacks to get into. African-Americans have had a long struggle with the construction industry, but Davis-Bacon has not made it worse. In fact, Davis-Bacon has made it better.

The one instrument, the one weapon to fight discrimination that has been effective in the construction industry has been Davis-Bacon. Past and present history demonstrates that Davis-Bacon benefits minority workers by seeking to ensure the equal and fair treatment of all employees, and that regardless of race or color, each workers will be paid at least the locally prevailing wage.

As Dr. John T. Dunlop, the former Secretary of Labor under a Republican President named Ford, Gerald Ford, Dr. Dunlop said, "By protections flowing from the Davis-Bacon Act, in part, the lot of minorities has been approved dramatically."

Mr. Speaker, the Davis-Bacon Act requires that workers on federally funded construction projects be paid the wages and benefits that prevail in their communities. This requirement plays a critical role in bringing minorities into the middle class. Small and minority contractors have also been found to benefit from the Davis-Bacon Act.

Smaller Federal construction jobs, because of the quality of the bidding opportunity provided by Davis-Bacon, serves as entry for small contractors into the construction industry. Small and minority contractors may compete with large contractors. Because of the control on the wages and because of the greater concentration of minority contractors in the ranks of these smaller contractors, the entry of minority contractors into the construction industry will be severely curtailed if the Davis-Bacon provisions are lifted from smaller Federal jobs.

We will hurt a lot of small and minority contractors if we take away the Davis-Bacon Act protections, because the Davis-Bacon Act does keep wages at an even keel, and the small contractors know exactly what that is. They can make their bids. They will not be undercut by contractors who could be unscrupulous in their methods, and it stabilizes the situation so even the minority contractors benefit, let alone the minority construction workers.

Even with the Davis-Bacon Act in place, exploitation of minority workers goes on today by dishonest contractors, the same kinds of contractors who caused Mr. Davis and Mr. Bacon to develop the Davis-Bacon Act. They still exist. This is an issue that the repeal forces, the guerrilla attack forces of the Republican majority, have refused to address.

As a matter of fact, the zeal of the Republican majority does more to honor fanaticism in this respect. As you know, in fighting guerrilla warfare in Vietnam or any other place in the world, fanatics are at a great advantage in guerrilla warfare. Fanaticism, of course, is part of what drives it. It make it very hard to defeat.

We have some fanaticism at work here, people who refuse to see the facts and refuse to admit to the logic of the situation. Testimony submitted by a Department of Labor official to the Senate Subcommittee on Labor contains a vivid description of just how Davis-Bacon violations can have a particularly harsh effect on minority workers. I will quote from the testimony. I will cite the testimony.

One Arkansas contractor, for example, was found owing $7,000 in back wages to employees. The payroll was falsified to show compliance. The employees were all black, in this case. This was a case where Davis-Bacon existed, but the fact that the contractor was cheating and not complying with Davis-Bacon was to the distinct disadvantage of the workers who were minority, black. The employees were all black, and yet this is another example of how they can be exploited by an unscrupulous employer.

In another case, many forms of cheating employees were used. The firm took the easy route of employing primarily undocumented workers. This is under a contract where they should have been following Davis-Bacon requirements. They employed undocumented workers. These workers will not complain, of course. They are on the spot. They are in a situation where they are guilty, so they would never expose what the contractors are doing. They present an ideal work force for those who would exploit labor in government jobs.

This subcontract was for the fabrication, transportation, and installation of a bridge railing on a bridge across the Potomac River. The company employed undocumented workers at rates of $10 per day, plus food and lodging, for workdays of 7 to 10 hours daily, 60 and 7 days a week. It should be noted that this contractor was transporting many undocumented aliens from the south Texas area, where wage rates are lower, to the Washington, DC area, which pays prevailing higher rates. Here is another example where even today we have a situation which is as bad as the situation that Representative Bacon and Senator Davis were trying to combat in 1931.

Violations continue to mount as corrupt and unethical contractors come on the scene and old contractors take more chances or become more inventive in their efforts to evade the requirements of the act. Outright falsification and concealment is still found in many cases.

Let me just dispel yet another myth. That is the myth that Davis-Bacon necessarily increases the cost of public construction, and that it is difficult to administer and is obsolete. What Davis-Bacon does is prevent unfair competition from low-wage, fly-by-night contractors. It provides essential protection of workers. It encourages higher quality of workmanship and saves dollars on Federal construction projects. Davis-Bacon has been a stabilizing influence upon the construction industry and has enjoyed strong bipartisan support. Even former President Ronald Reagan, the most revered of all Republicans, as I said before, said that he would not repeal Davis-Bacon.

Mr. Speaker, additionally, it is important to note that while the Republican majority of the 104th Congress who have fought affirmative action, who are against set-asides, who have attacked voting rights, who have never done anything to try to combat discrimination, they are saying Davis-Bacon is racist; but on the other hand, many representatives of the African-American community have supported and are supporting Davis-Bacon because of its role in protecting minority workers.

Norman Hill, the President of the A. Phillip Randolph Institute, has acknowledged the importance of Davis-Bacon: "In preventing exploitation of minority construction workers, Davis-Bacon is very important." Moreover, leading organizations that represent minorities and women support Davis-Bacon: the NAACP, the National Women's Political Caucus, the Navajo Tribal Council, the Mexican-American Unity Council, and the National Alliance for Fair Contracting, which represents more than 21,000 construction contractors, have expressly endorsed the Davis-Bacon Act.

If the protections of the Davis-Bacon Act were removed, many more minority workers would face exploitation. All construction workers, including minority workers, will be forced to accept lower wages at reduced or no benefits when working on Federal construction projects. To claim that reducing the wages and benefits of minority workers is somehow in their best interest is ludicrous, inane, and smacks of the worst kind of racism and paternalism.

Those who are claiming that Davis-Bacon should be repealed and destroyed because it is racist are contemptuously misusing the race issue and the people protected by the Davis-Bacon, the minority workers protected by the Davis-Bacon Act.

The misnomer is that Davis-Bacon and union coverage are equal is also not true. The charge that Davis-Bacon hampers union apprenticeship is nothing more than transparent ploys of the conservative Republican right. The conservative Republican right ignores the simple facts that Davis-Bacon protects all workers, regardless of whether they have affiliations to organized labor.

Further, data from the Department of Labor's Bureau of Apprenticeship and Training Programs shows that minority participation in union apprenticeship programs is consistently higher than minority participation in nonunion programs. The same data reveals that the drop-out rate of minorities from apprenticeship programs is much lower in union programs than it is in nonunion programs.

Why am I talking about union programs? Because where Davis-Bacon does exit, always there are unions, and unions and management work together under Davis-Bacon programs to provide apprenticeship programs and training programs, and Davis-Bacon has thus become a weapon, an instrument, a tool for ending some of the historic discrimination in the construction industry.

Historically, the construction industry has to face up to the fact that it has not been a wide open field for minorities. In fact, when I was a member of the Brooklyn Congress of Racial Equality, one of the biggest projects we had was a program to try to integrate a construction job in the building of the Downstate Medical Center. We had 800 people arrested in that process of integrating the construction force working on that huge medical complex at Downstate Medical Center. That was about 25 years ago.

Apprenticeship programs and training programs of the kind that are now being offered under the combined efforts of the contractors, and the unions who are under the Davis-Bacon program did not exist then, and now, of course, they exist in great numbers.

The protections provided by the Davis-Bacon Act, the wages and benefits, are especially important to minority employees. As former Secretary of Labor Ray Marshall has observed, "The workers most often victimized by unscrupulous contracts are the minority workers, whether he or she is black, Hispanic, native American, or an undocumented worker, Davis-Bacon is an integral part of ensuring a decent life for the hardworking men and women of the construction industry.

I think, without a doubt, we can note that the people who care about discrimination, people who care about being victimized by racism, people who have led the fight against discrimination in industry, even in the construction industry, are saying that Davis-Bacon is not the problem, Davis-Bacon is part of the solution.

Let me just close by stating that we have numerous examples of the ways in which the Davis-Bacon Act has helped the situation with respect to employment of minorities. We have more than 21,000 contractors who are a strong voice in the construction industry, and they are urging that we support Davis-Bacon reform. H.R. 2472 and S. 1183 are both bills to reform Davis-Bacon and not to destroy the Davis-Bacon Act. Those two measures would be an ample substitute for the Republican majority's attempt to outright repeal Davis-Bacon.

□ 2200

As I said before, the repeal effort has not been successful in a direct onslaught, so now we are faced with more guerrilla warfare. The Admiral Yamamoto surprise attack, the Pearl Harbor attack on workers in America which is across the border, Davis-Bacon is just one of the targets. Davis-Bacon is the target they went at in the first half of the 104th Congress.

They have failed. They have not succeeded in achieving a single one of their war objectives in fighting workers and worker protection. They have failed.

In the process of failing, however, they have decided not to give up the fight. They have not been defeated yet. We have premature judgments on the fact that things have changed. They might not yet have been defeated. They will regroup. They have regrouped. We are facing a situation now with guerrilla warfare.

There was an item that appeared in the Roll Call Monday, May 20, an advertisement which says at the top: "Is Davis-Bacon Racist? Some Members of Congress and their special interest allies are peddling the argument that Davis-Bacon is racist and harmful to minorities. But the following groups, representing millions of Americans throughout the Nation, strongly support the act."

Mr. Speaker, I will not read the advertisement totally, but I include this item, "Is Davis-Bacon Racist?" which appeared in Roll Call on Monday, May 20th in its entirety.

Mr. Speaker, I also include the letter from President Ronald Reagan to Mr. Robert Georgine on September 29, 1981, in its entirety.

Finally, Mr. Speaker, I include a document which is addressed to all Members of Congress from the National Alliance for Fair Contracting, in its entirely.

In this document, it states and points out the fact that in nine States that have repealed the prevailing wage statutes, minority representation and participation in skilled training programs has fallen almost 50 percent. In the States that had prevailing wage statutes for the State, when they repealed them, the minority representation in training programs went down. Now it has fallen almost 50 percent in the nine States that repealed the prevailing wage statutes.

In States without prevailing wage laws, the ratio of black to white construction employment is highest, contrary to the claims by the anti-Davis-Bacon organizations.

According to the Department of Labor, in 1981 the percentage of minorities in high skill pay categories employed by contractors working on federally funded Davis-Bacon projects was greater than the percentage of minorities employed by non-Federal, non-Davis-Bacon project contractors.

Furthermore, the U.S. Department of Labor's Bureau of Apprenticeship and Training has reported that minority participation, both in terms of percentages and absolute numbers, is substantially higher in management-union training programs than in nonunion so-called training programs.

In light of these facts, the statement from the National Alliance for Fair Contracting asks: How can anyone ever again believe anything that is said by the Davis-Bacon opponents?

Certainly we conclude that the charge that Davis-Bacon is racist is a fabricated charge which has no substantiation. In the future, we will also go on to prove that other charges made against Davis-Bacon are also untrue.

We will talk at a later date about the fact that Davis-Bacon wages in many States are almost at the level of minimum wage wages. We will talk about the fact that Davis-Bacon wages in many States are poverty wages. They are at the minimum wage stage and they keep people in poverty.

But that is not an objective of Davis-Bacon. They are neutral on the question of poverty, on the question of unions. Davis-Bacon is driven by the prevailing wage of the given area.

So we know now that the Pearl Harbor type attack that the Republican majority has waged against working people and against organized labor has failed.

I want to end by warning all of those who think that we can optimistically conclude that the attack is over, that workers of America are safe, that they can rest easy, their overtime will not be taken away from them, that their right to organize will not be taken away from them by the TEAM Act, that the National Labor Relations Board that governs all the national labor relations regulations will not be crippled by the fact that its funding is taken away, anybody who thinks that all of this is a danger that has now passed, I hope you are now awakened to the danger.

We are not facing the Pearl Harbor type onslaught of Yamamoto anymore. It is guerrilla warfare. The guerrilla warfare is even more dangerous, and we must keep our heads straight and keep our common sense focused on the real problem.

The problem is that we have a Republican majority that for some reason that they did not tell us, for some reason they have declared war on the workers of America, and we would like to see them surrender. We would like to see them give up that war and let us together again try to strive to improve the working conditions of all Americans and share the great prosperity of this Nation.

IS DAVIS-BACON RACIST?

Some Members of Congress and their special interest allies are peddling the argument that Davis-Bacon is racist and harmful to minorities. But the following groups, representing millions of Americans throughout the nation, strongly support the ACT:

In fact, the NAACP has passed a resolution stating, "Whereas the Davis-Bacon Act protects the wages of all construction workers, including minorities and women, who are particularly vulnerable to exploitation . . . Be it resolved that the NAACP goes on record against any effort to repeal the Davis-Bacon Act and deny workers in the construction industry a fair wage."

Why would Davis-Bacon's opponents use race as an argument when, according to the Labor Department, more minorities work on Davis-Bacon projects than are employed on all non-Davis-Bacon projects across the country?

And why would they resort to such ugly accusations when the fact is the GAO says the proportion of minorities in apprenticeship programs in the U.S. has increased to more than 24% of all apprentices?

Are they unaware of the fact that minority participation in management-labor training programs is more than double that in nonunion programs, and that 95% of all minority graduates of apprenticeship programs come up that way?

Evidently, there's no limit to the misinformation Davis-Bacon's opponent's are willing to spread, no argument too base or vulgar for them to use for purely political motives.

More than 21,000 contractors—the real voice of the construction industry—urge support of Davis-Bacon reform: H.R. 2472 and S. 1183. We represent a diverse, non partisan association of businessmen and women from every corner of the United States. We welcome an honest debate, based on facts. Racism? Check the source.

THE WHITE HOUSE,
Washington, September 29, 1981.

DEAR BOB: I want to acknowledge the Building and Construction Trades Department letter of September 11 concerning efforts to repeal the Davis-Bacon Act. I have asked the Secretary of Labor to respond directly, but I want to assure you and your General Presidents that I will continue to support my campaign pledge to not seek repeal of the Act.

With best wishes.

Very sincerely,

RONALD REAGAN.

DAVIS-BACON BENEFITS MINORITY JOB OPPORTUNITIES AND IS SUPPORTED BY ALL LEADING MINORITY ORGANIZATIONS

Don't be misled by one of the most scurrilous, patronizing and knowingly untrue claims against the Davis-Bacon Act. Claiming the Act discriminates against minorities is a blatant attempt to divert attention away from the real issue. To quickly dispel this discrimination lie, all you need to do is look at the many minority organizations that support the Act.

In fact, past and present history demonstrates that Davis-Bacon benefits minority workers by seeking to ensure the equal and fair treatment of all employees and that, regardless of race, each worker will be paid at least the locally prevailing wage. According to Former Secretary of Labor Ray Marshall, the "workers most often victimized by unscrupulous contracts are minority workers. . ."

The National Alliance for Fair Contracting and its 21,000 contractors is proud to join the nation's leading minority organizations in urging your support for the Davis-Bacon Act. While the record documenting that Davis-Bacon plays a major role in bringing minorities into the middle class is overwhelming, we ask that you also consider the following facts:

In the nine states that have repealed their prevailing wage statutes, minority participation in skilled training programs fell almost 50 percent.

In states without prevailing wage laws, the ratio of black to white construction unemployment is highest, contrary to claims made by anti-Davis-Bacon organizations.

According to the Department of Labor, in 1991 the percentage of minorities in high-skill pay categories employed by contractors working on federally-funded Davis-Bacon projects was Greater than the percentage of minorities employed by non-federal, non-Davis-Bacon project contractors.

The US Department of Labor's Bureau of Apprenticeship and Training (BAT) has reported that minority participation, both in terms of percentages and absolute numbers, is substantially higher in management-union training programs than in non-union "so called" training programs.

In light of these facts, how can anyone ever again believe anything that is said by Davis-Bacon opponents?

Statement of Hon. Major R. Owens, "Is Davis-Bacon Racist?"—May 21, 1996

Thank you, Mr. Chairman for the opportunity to submit this statement for the record. The Republicans often ask the patronizing question, is The Davis-Bacon Act racist? The answer is a resounding and unequivocal NO! Don't be misled by one of the most scurrilous, condescending and knowingly untrue claims against the Davis-Bacon Act, Claiming the Act discriminates against minorities is a blatant attempt to divert attention away from the real issue. Why would Davis-Bacon critics use race as an argument when, according to the Labor Department, more minorities work on Davis-Bacon projects than are employed on all non-Davis-Bacon projects across the country? Further, one need only look at a letter from the Congressional Black Caucus dated December 13, 1995 to ABC's "20/20" supporting continuation of the Act. And if that were not enough concrete evidence, almost every major civil rights and related group representing minorities and women supports the Davis-Bacon Act and prevailing wage statues.

In fact, past and present history demonstrates that Davis-Bacon benefits minority workers by seeking to ensure the equal and fair treatment of all employees and that regardless of race, each worker will be paid at least the locally prevailing wage. And as Dr. John T. Dunlop, Former Secretary of Labor under President Ford said, "By protections flowing from the Davis-Bacon Act in part, the loss of minorities has been improved dramatically."

The Davis-Bacon Act requires that workers on federally-funded construction projects be paid the wages and benefits that prevail in their communities. This requirement plays a critical role in bringing minorities into the middle class. Smaller minority contractors have also been found to benefit from the Davis-Bacon Act. Smaller federal construction jobs, because of the equality of bidding opportunity provided by Davis-Bacon, serve as entry for small contractors into the construction industry. The smaller minority contractor may compete with large contractors because of the control on wages. And, because of the greater concentration of minority contractors in the ranks of these smaller contractors, the entity of minority contractors into the construction industry will be severely curtailed if the Davis-Bacon provisions are lifted from smaller federal jobs.

Even with the Davis-Bacon Act in place, exploitation of minority workers goes on today by dishonest contractors. This is an issue that the repeal zealots have refused to address. As a matter of fact, their zeal borders on fanaticism. For example, testimony submitted by a Department of Labor official to the Senate Subcommittee on Labor contained a vivid description of just how Davis-Bacon violations can have a particularly harsh impact on minority workers:

One Arkansas contractor was found owing $7,000 in back wages to employees. Payrolls were falsified to show compliance. . . the employees were all black and yet another example of a group exploited by an unscrupulous employer.

In another case, many forms of cheating employees were used. The firm took the easy route of employing primarily undocumented workers. These workers will not complain. They represent an ideal workforce for those who would exploit labor in government jobs. . . This subcontract was for the fabrication, transportation, and installation of bridge railing on a bridge across the Potomac River. The company employed undocumented workers at rates of $10.00 per day plus food and lodging for work days of 7 to 10 hours daily, 6 and 7 days a week. It should be noted that this contractor is transporting many undocumented aliens from the South Texas area where wage rates are lower, to the Washington, DC area with prevailing higher rates.

Violations continued to mount as corrupt and unethical contractors come on the scene and old contractors take more chances and become more inventive in their efforts to evade the requirements of the Act. Outright falsification and concealment is still found in many cases.

Let me dispel another myth; that Davis-Bacon unnecessarily increases the costs of public construction, that it is difficult to administer and is obsolete. What Davis-Bacon does is prevent unfair competition from low-wage "fly-by-night" contractors, provide essential protection for workers, and encourage higher quality workmanship—and save dollars on federal construction projects. Davis-Bacon has been a stabilizing influence upon the construction industry and has enjoyed strong bipartisan support.

Even former President Ronald Reagan, the most revered of all Republicans, is quoted as saying, "I would not seek repeal of the Davis-Bacon Act." Additionally, many representatives of the African American community have supported Davis-Bacon because of its role in protecting minority workers. Normal Hill, President of the A. Philip Randolph Institute has acknowledged the importance of Davis-Bacon "in preventing exploitation of minority construction workers." Moreover, leading organizations that represent minorities and women support Davis-Bacon. The NAACP, the National Women's Political Caucus, the Navajo Tribal Council, the Mexican American Unity Council, and the National Alliance for Fair Contracting, which represents more than 21,000 construction contractors, have expressly endorsed the Davis-Bacon Act.

If the protections of the Davis-Bacon were removed, many more minority workers would face exploitation. All construction workers, including minority workers, would be forced to accept lower wages and reduced or no benefits when working on federal construction projects. To claim that reducing the wages and benefits of minority workers is somehow in their best interest is ludicrous, inane, and, smacks of the worst sort of racism and paternalism.

The misnomers that Davis-Bacon and union coverage are equal, or that it hampers union apprenticeships, are nothing more than transparent ploys of the conservative Republican right. They ignore the simple facts that Davis-Bacon protects ALL workers, regardless of their affiliation to organized labor. Further, data from the Department of Labor's Bureau of Apprenticeship and Training, shows that minority participation in union apprenticeship programs is consistently higher than minority participation in non-union programs. The same data reveals that the drop-out rate of minorities from apprenticeship programs is much lower in union programs than it is in non-union programs.

The protections provided by the Davis-Bacon Act to wages and benefits are especially important to minority employees. As former Secretary of Labor Ray Marshall has observed, "the workers most often victimized by unscrupulous contractors are the minority workers, whether he or she is Black, Hispanic, a native American or an undocumented worker. . . Davis-Bacon is an integral part of ensuring a decent life for the hardworking men and women in the construction industry."

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3448, SMALL BUSINESS JOB PROTECTION ACT, AND H.R. 1227, EMPLOYEE COMMUTING FLEXIBILITY ACT

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 104–590) on the resolution (H. Res. 440) providing for consideration of the bill (H.R. 3448) to provide tax relief for small businesses, to protect jobs, to create opportunities, to increase the take home pay of workers, and for other purposes, and for consideration of the bill (H.R. 1227) to amend the Portal-to-Portal Act of 1947 relating to the payment of wages to employees who use employer owned vehicles, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. MOLINARI (at the request of Mr. ARMEY) for today and for the balance of the week, on account of maternity leave.

Mr. ROHRABACHER (at the request of Mr. ARMEY) for today, on account of plane problems.

Mr. MCNULTY (at the request of Mr. GEPHARDT) for today, on account of personal business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BEILENSON) to revise and extend their remarks and include extraneous material:)

Mr. PETE GEREN of Texas, for 5 minutes, today.

Mr. LIPINSKI, for 5 minutes, today.

Mr. ROMERO-BARCELÓ, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

(The following Members (at the request of Mr. JONES) to revise and extend their remarks and include extraneous material:)

Mr. BATEMAN, for 5 minutes, today.

Mr. MICA, for 5 minutes, today.

Mr. RIGGS, for 5 minutes, today.

Mr. SHADEGG, for 5 minutes, on May 22.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. BEILENSON) and to include extraneous matter:)

Mr. GORDON in 10 instances.

Mr. BARRETT of Wisconsin.

Mr. LIPINSKI.

Mr. JOHNSON of South Dakota.

Mr. MATSUI.

Mr. FAZIO of California in two instances.

Mr. UNDERWOOD in two instances.

Mr. BAESLER.

Mr. ANDREWS.

Mr. MANTON.

Mr. MASCARA.

Mrs. MEEK of Florida.

Mr. ACKERMAN.

Mr. STOKES in two instances.

Mr. SCHUMER.

(The following Members (at the request of Mr. JONES) and to include extraneous matter:)

Ms. ROS-LEHTINEN.

Mr. HOKE

Mr. YOUNG of Alaska.

Mr. TAYLOR of North Carolina.

Mr. CASTLE.

Mr. SOLOMON in two instances.

Mr. FIELDS of Texas.

Mr. SHAW.

Mr. PORTMAN.

ADJOURNMENT

Mr. SOLOMON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 5 minutes p.m.), the House adjourned until tomorrow, Wednesday, May 22, 1996, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3098.A letter from the Under Secretary for Rural Development, Department of Agriculture, transmitting the Department's final rule—Business and Industrial Loan Program—Audit requirements (RIN: 0570–AA11) received May 20, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3099. A communication from the President of the United States, transmitting his request to make available appropriations totaling $189,264,000 in budget authority to the Department of Agriculture, Commerce, and the Interior, and to designate the amounts made available as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, pursuant to 31 U.S.C. 1107 (H. Doc. No. 104–219); to the Committee on Appropriations and ordered to be printed.

3100. A letter from the Mayor, District of Columbia, transmitting the District of Columbia Government's report on Anti-Deficiency Act violations for fiscal year 1995 covering the period October 1, 1994, through September 30, 1995, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

3101. A letter from the Under Secretary of Defense, transmitting the Department's report entitled "Report to Congress: The International Cooperative Research and Development Program," pursuant to 10 U.S.C. 2350(f)(1); to the Committee on National Security.

3102. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Direct Submission of Vouchers to Disbursing Office (DFARS Case 96–D007) received May 20, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

3103. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Institutions of Higher Education (DFARS Case 96–D305) received May 20, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

3104. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Ambient Air Quality Standards for Sulfur Oxides (Sulfur Dioxide) (FRL–5508–5) received May 21, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3105. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Washington SIP (FRL–5506–3) received May 21, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3106. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—North Carolina SIP (FRL–5505–4) received May 21, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3107. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Kentucky; Final Authorization of Revisions to State Hazardous Waste Management Program (FRL–5508–2) received May 21, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3108. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Oxo-Alkyl Acetates; Tolerance Exemption (FRL–5359–4) received May 21, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3109. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Maleic Hydrazide, Oryzalin, Hexaninone, Streptomycin; Tolerance Actions (FRL–4996–1) received May 21, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3110. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Pesticides; Stay of Effective Date for Order Revoking Certain Food Additive Regulations (FRL–5372–2) received May 21, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3111. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, the Agency's final rule—Idaho SIP (FRL–5449–2) received May 21, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3112. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Tennessee; Final Authorization of Revisions to State Hazardous Waste Management Programs (FRL–5508–3) received May 21, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3113. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Tennessee; Final Authorization of Revisions to State Hazardous Waste Management Programs (FRL–5508–4) received May 21, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3114. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's final rule—Rules and Regulations Under the Textile Fiber Products Identification Act (16 CFR Part 303) received May 20, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3115. A letter from the Nuclear Waste Technical Review Board, transmitting the Board's report entitled "Report to the U.S. Congress and the Secretary of Energy—1995 Findings and Recommendations," pursuant to 42 U.S.C. 10268; to the Committee on Commerce.

3116. A communication from the President of the United States, transmitting an updated report on the continued deployment of U.S. forces, including the response by those forces to several isolated attacks on the American Embassy complex on April 30, 1996, and May 6, 1996 (H. Doc. No. 104–218); to the Committee on International Relations and ordered to be printed.

3117. A letter from the Librarian of Congress, transmitting the report of the activities of the Library of Congress, including the Copyright Office, for the fiscal year ending September 30, 1995, pursuant to 2 U.S.C. 139; to the Committee on House Oversight.

3118. A letter from the Director, Fish and Wildlife Service, transmitting the Service's final rule—Final Determination of Threatened Status for the California red-legged frog (RIN: 1018–AC34) received May 20, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3119. A letter from the Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service, transmitting the Service's final rule—Shrimp Fishery of the Gulf of Mexico; Texas Closure (I.D. 050896B) received May 20, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3120. A letter from the Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service, transmitting the Service's final rule—Groundfish of the Gulf of Alaska; Shallow-water Species Fishery by Vessels using Trawl Gear in the Gulf of Alaska [Docket No. 960129018–6018–01; I.D. 051096D] received May 20, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3121. A letter from the Director, Office of Surface Mining, transmitting the Office's final rules—(1) Indiana Regulatory Program (recodification of State law) [IN–132–FOR], (2) Texas Regulatory Program (road systems and others) [TX–029–FOR], (3) Indiana Regulatory Program (remining and others) [IN–

133–FOR], and (4) Hopi Tribe Abandoned Mine Reclamation Plan [HO–003–FOR], pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3122. A letter from the Attorney General and the Secretary of Health and Human Services, transmitting the Attorney General and the Secretary of Health and Human Services report entitled "The Validity and Use of Evidence Concerning Battering and Its Effects in Criminal Trials," pursuant to 42 U.S.C. 14013; to the Committee on the Judiciary.

3123. A letter from the Chairman, United States Sentencing Commission, transmitting the 1995 annual report of the activities of the Commission, pursuant to 28 U.S.C. 997; to the Committee on the Judiciary.

3124. A letter from the Secretary of Health and Human Services, transmitting a report on the initial estimate of the applicable percentage increase in inpatient hospital payment rates for Federal fiscal year [FY] 1997, pursuant to Public Law 101–508, section 4002(g)(1)(B) (104 Stat. 1388–36; to the Committee on Ways and Means.

3125. A letter from the Administrator, Environmental Protection Agency, transmitting the Agency's report on the potential health and environmental effects from the use of magnetic levitation [MAGLEV] for railroad transportation, pursuant to Public Law 101–549, section 820 (104 Stat. 2699); jointly, to the Committees on Commerce and Transportation and Infrastructure.

3126. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of the Secretary's memorandum of justification for transfer of defense articles and services to the Government of Bosnia and Herzegovina, pursuant to Public Law 104–107, section 540(b) (110 Stat. 736); jointly, to the Committees on International Relations and Appropriations.

REPORTS OF COMMITTEE ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 3134. A bill to designate the U.S. courthouse under construction at 1030 Southwest 3d Avenue, Portland, OR, as the "Mark O. Hatfield United States Courthouse", and for other purposes (Rept. 104–587). Referred to the House Calendar.

Mr. SHUSTER: Committee on Transportation and Infrastructure H.R. 3029. A bill to designate the U.S. courthouse in Washington, District of Columbia, as the "E. Barrett Prettyman United States Courthouse" (Rept. 104–588). Referred to the House Calendar.

Mr. SHUSTER: Committee on Transportation and Infrastructure. House Concurrent Resolution 153. Resolution authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby (Rept. 104–589). Referred to the House Calendar.

Mr. SOLOMON: Committee on Rules. House Resolution 440. Resolution providing for consideration of the bill (H.R. 3448) to provide tax relief for small businesses, to protect jobs, to create opportunities, to increase the take home pay of workers, and for other purposes, and for consideration of the bill (H.R. 1227) to amend the Portal-to-Portal Act of 1947 relating to the payment of wages to employees who use employer owned vehicle (Rept. 104–590). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. STUMP (for himself, Mr. MONTGOMERY, Mr. EVERETT, and Mr. EVANS):

H.R. 3495. A bill to extend the time for the submission of the final report of the Veterans' Claims Adjudication Commission; to the Committee on Veterans' Affairs.

By Mr. CAMPBELL:

H.R. 3496. A bill to make certain Federal Facilities available to qualified assistance organizations for use as temporary shelters for homeless individuals during nonbusiness hours; to the Committee on Government Reform and Oversight.

By Ms. DUNN of Washington (for herself, Mr. WHITE, Mr. NETHERCUTT, Mr. TATE, Mrs. SMITH of Washington, Mr. METCALF, Mr. MCDERMOTT, Mr. DICKS, and Mr. HASTINGS of Washington):

H.R. 3497. A bill to expand the boundary of the Snoqualmie National Forest, and for other purposes; to the Committee on Resources.

By Ms. ESHOO (for herself, Mr. MATSUI, Mr. MINGE, and Mr. REED):

H.R. 3498. A bill to amend the Internal Revenue Code of 1986 to allow companies to donate scientific equipment to elementary and secondary schools for use in their educational programs, and for other purposes; to the Committee on Ways and Means.

By Mrs. JOHNSON of Connecticut (for herself and Mrs. KENNELLY):

H.R. 3499. A bill to temporarily suspend the duty on certain lead fuel test assemblies; to the Committee on Ways and Means.

By Mr. RIGGS:

H.R. 3500. A bill to amend the act to establish a Redwood National Park in the State of California, to increase efficiency and cost savings in the management of Redwood National Park by authorizing the Secretary of the Interior to enter into agreements with the State of California to acquire from and provide to the State goods and services to be used by the National Park Service and the State of California in the cooperative management of lands in Redwood National Park and lands in Del Norte Coast Redwoods State Park, Jedediah Smith Redwoods State Park, and Prairie Creek Redwoods State Park, and for other purposes; to the Committee on Resources.

By Mr. UNDERWOOD:

H.R. 3501. A bill to amend the Organic Act of Guam to provide the government of Guam the opportunity to acquire excess real property in Guam, and to release lands from a condition on disposal by Guam; to the Committee on Resources, and in addition to the Committees on Government Reform and Oversight, and National Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. COBLE introduced a bill (H.R. 3502) for the relief of D&S International, Inc.; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 218: Mr. FOX and Mr. GILLMOR.

H.R. 350: Mr. BUYER.

H.R. 351: Mr. FUNDERBURK and Mrs. ROUKEMA.

H.R. 561: Mr. JACKSON Mr. FOGLIETTA, Mr. KANJORSKI, and Mr. WAXMAN.

H.R. 858: Mr. ROMERO-BARCELO, Mr. FRANKS of New Jersey, Mr. GALLEGLY, Mr. GUTIERREZ, Ms. HARMON, Mrs. MINK of Hawaii, Mr. JOHNSTON of Florida, and Mr. MARTINI.

H.R. 911: Mr. COYNE.

H.R. 922: Mr. WATT of North Carolina.

H.R. 1073: Mr. HAYES and Mr. LANTOS.

H.R. 1074: Mr. HAYES and Mr. LANTOS.

H.R. 1084: Mr. NADLER.

H.R. 1136: Mr. DORNAN, Mr. WATT of North Carolina, and Mr. MANTON.

H.R. 1210: Ms. MCCARTHY.

H.R. 1279: Mr. MANZULLO and Mr. NORWOOD.

H.R. 1386: Mr. NEAL Massachusetts, Mrs. VUCANOVICH, Mrs. CHENOWETH, AND MR. DEAL of Georgia.

H.R. 1446: Ms. PRYCE.

H.R. 1656: Mr. FRAZER, Mr. MCDERMOTT, and Mr. FARR.

H.R. 1776: Mr. OBEY, Mr. SAWYER, Mr. ENSIGN, Ms. ROYBAL-ALLARD, Mr. FARR, Mr. MARKEY, Mr. NETHERCUTT, and Mr. RICHARDSON.

H.R. 1951: Mr. LAHOOD.

H.R. 2011: Mr. DICKS, Mr. DOOLEY, Mr. CALVERT, Mr. KASICH, and Mr. FATTAH.

H.R. 2026: Mr. BENTSEN, Mr. MILLER of California, Mr. LEWIS of Georgia, Mr. WARD, Mr. FILNER, Mrs. MALONEY, Mr. TAUZIN, Mr. EDWARDS, Mr. JOHNSTON of Florida, Mr. SMITH of New Jersey, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. JEFFERSON.

H.R. 2244: Mr. MCKEON.

H.R. 2391: Mr. HAYWORTH and Mr. MILLER of Florida.

H.R. 2401: Mr. LIPINSKI.

H.R. 2531: Mr. PARKER, Mr. STENHOLM, and Mr. TANNER.

H.R. 2566: Mr. FOGLIETTA.

H.R. 2587: Mr. LEWIS of Kentucky, Mr. MONTGOMERY, Mr. HOKE, Mr. TORKILDSEN, Mr. DORNAN, Mr. HUNTER, Mr. SOLOMON, Mr. WATTS of Oklahoma, Mr. EVERETT, Mr. MCHUGH, and Mr. STUMP.

H.R. 2651: Mr. COBURN.

H.R. 2912: Mrs. MEYERS of Kansas and Mr. MARTINI.

H.R. 2925: Mrs. CHENOWETH and Mr. BARRETT of Wisconsin.

H.R. 2927: Mr. HAYWORTH and Mr. BARR.

H.R. 2951: Mr. TORRICELLI and Mr. MILLER of California.

H.R. 2976: Mr. FRAZER, Mr. PORTER, and Mr. SPRATT.

H.R. 3001: Ms. WOOLSEY, Mrs. LOWEY, Mrs. KENNELLY, Mr. TOWNS, Mr. THOMPSON, Mr. RANGEL, Mrs. MEYERS of Kansas, Mr. FOX, Mr. JEFFERSON, Mr. TORRES, Mr. GUTIERREZ, Mr. ENGEL, Mr. EVANS, Ms. SLAUGHTER, and Mr. MENENDEZ.

H.R. 3003: Mr. WATT of North Carolina and Mr. BARRETT of Wisconsin.

H.R. 3012: Mr. BARR Mr. COOLEY, Mr. LINDER, and Mr. MCHUGH.

H.R. 3087: Mr. DICKEY.

H.R. 3152: Ms. NORTON and Mrs. SEASTRAND.

H.R. 3153: Mr. UPTON, Mr. PETERSON of Minnesota, Mr. ORTIZ, Mr. GOODLATTE, and Mr. CANADY.

H.R. 3173: Mr. HINCHEY, Mrs. LOWEY, and Mrs. SCHROEDER.

H.R. 3198: Mr. RAHALL, Mr. LIPINSKI, Mrs. VUCANOVICH, Mr. SANDERS, Mr. GALLEGLY, Mr. HAYWORTH, and Mrs. MORELLA.

H.R. 3199: Mr. BRYANT of Tennessee, Mr. POMBO, Mr. CALVERT, Mr. MCKEON, Mr. DOOLITTLE, and Mr. LUCAS.

H.R. 3201: Mr. ARCHER, Mr. RADANOVICH, Mr. POSHARD, Mrs. CHENOWETH, Mr. TOWNS, Mr. LUCAS, Mr. BAKER of California, Mr. CONDIT, Mr. PORTER, Mr. FAZIO of California, Mrs. CUBIN, Mr. WATTS of Oklahoma, Ms. PRYCE, Mr. CALVERT, Mr. HERGER, Mr. DOOLITTLE, Mr. MCKEON, Mr. POMBO, Mr. BLUTE, Mr. CRAMER, Mr. THOMAS, and Mr. HEFLEY.

H.R. 3207: Mr. MANZULLO, Mr. EMERSON, Mr. RAMSTAD, Mr. MILLER of Florida, and Mr. GOSS.

H.R. 3226: Mr. CALVERT, Mr. WATT of North Carolina, Mr. BROWN of Ohio, Mr. FAZIO of California, Mr. GUTIERREZ, Mr. HINCHEY, Mr. SMITH of New Jersey, and Mr. WALSH.

H.R. 3234: Mr. MILLER of Florida, Mr. SPENCE, Mr. EMERSON, Mr. EVERETT, Mr. BARTLETT of Maryland, Mr. CALVERT, Mr. BACHUS, Mr. WHITE, Mr. CHRISTENSEN, and Mr. FIELDS of Texas.

H.R. 3238: Ms. PRYCE.

H.R. 3260: Mr. LEWIS of California, Mr. HEFLEY, and Mr. EWING.

H.R. 3294: Mrs. MORELLA.

H.R. 3311: Mrs. SCHROEDER and Mr. COYNE.

H.R. 3326: Mr. HAYWORTH, Mr. EHLERS, and Mr. COOLEY.

H.R. 3332: Ms. NORTON, Mrs. SCHROEDER, Mr. HINCHEY, Mr. FATTAH, Mr. SANDERS, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. BONIOR.

H.R. 3337: Mr. MINGE and Mr. TOWNS.

H.R. 3378: Mr. MONTGOMERY.

H.R. 3392: Mr. FAZIO of California, Mr. GUTIERREZ, Mrs. LOWEY, Ms. BROWN of Florida, Ms. MCKINNEY, Mr. FARR, Mr. LEWIS of Georgia, Mr. KENNEDY of Massachusetts, Mr. SANDERS, and Mr. BONIOR.

H.R. 3393: Mr. BROWN of Ohio and Ms. RIVERS.

H.R. 3395: Ms. MCKINNEY.

H.R. 3409: Mr. BERMAN and Mr. FRAZER.

H.R. 3424: Ms. KAPTUR.

H.R. 3449: Mr. SCHIFF, Mr. PETE GEREN of Texas, Mr. COMBEST, and Mr. WILSON.

H.R. 3454: Ms. LOFGREN, Ms. DURBIN, Mr. LIPINSKI, and Mr. KENNEDY of Massachusetts.

H.R. 3462: Mr. PAYNE of Virginia, Mr. DURBIN, and Mr. BORSKI.

H.R. 3468: Mr. RAMSTAD, Mr. KIM, Mr. COX, and Mr. MONTGOMERY.

H.R. 3493: Mr. EVANS.

H. Con. Res. 26: Mr. LIVINGSTON, Mr. DOYLE, Mr. BILIRAKIS, Mr. GREENWOOD, Mr. FRANKS of Connecticut, Mr. GUTIERREZ, Mr. ENGLISH of Pennsylvania, Ms. ROS-LEHTINEN, Mr. TOWNS, Mr. DINGELL, Mr. POMBO, Mr. LAHOOD, Mr. WARD, Mr. BRYANT of Texas, Mr. JACOBS, Mr. SCHIFF, Ms. LOFGREN, Mr. MCKEON, Mr. HALL of Ohio, Mr. FOLEY, and Mr. COYNE.

H. Con. Res. 47: Mr. CAMPBELL and Mrs. SEASTRAND.

H. Con. Res. 50: Mr. MARTINEZ.

H. Con. Res. 154: Mr. CLEMENT and Mr. DOOLEY.

H. Con. Res. 160: Ms. ROS-LEHTINEN, Mr. SHAYS, and Mr. BARRETT of Wisconsin.

H. Con. Res. 163: Ms. SLAUGHTER and Mr. BROWN of Ohio.

H. Con. Res. 169: Mr. WELLER, Mr. WHITE, Mr. BARTON of Texas, Mrs VUCANOVICH, Mr. SMITH of Texas, Mr. BILBRAY, Mr. TORKILDSEN, Mr. SPENCE, Mr. EHLERS, and Mr. BOEHNER.

H. Res. 39: Mr. OLVER.

H. Res. 423: Mr. GRAHAM, Mr. GEKAS, and Ms. FURSE.

H. Res. 439: Mrs. MYRICK, Mr. POSHARD, Mr. MEEHAN, Mr. BARRETT of Wisconsin, and Mr. MINGE.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 3259

OFFERED BY: MR. COMBEST

AMENDMENT NO. 12: In section 303—

(1) insert "(a) AUTHORIZATION OF APPROPRIATIONS.—" before "Section 307"; and

(2) add at the end thereof the following:

(b) TRANSFERS.—The second sentence of section 307(a) of the Intelligence Authorization Act for Fiscal Year 1996 is amended to read as follows: "Within the amount authorized to be used by this section, the Director, consistent with his duty to protect intelligence sources and methods, may transfer such amounts to the agencies within the National Foreign Intelligence Program for the purpose of automatic declassification of records over 25 years old.

H.R. 3259

OFFERED BY: MR. COMBEST

AMENDMENT NO. 13: At the end of the bill, add the following new title:

TITLE VI—MISCELLANEOUS PROVISIONS

SEC. 601. AUTHORIZATION OF FUNDING PROVIDED BY 1996 SUPPLEMENTAL APPROPRIATIONS ACT.

Amounts obligated or expended for intelligence or intelligence-related activities based on and otherwise in accordance with the appropriations provided by the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Public Law 104–134), including any such obligations or expenditures occurring before the enactment of this Act, shall be deemed to have been specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) and are hereby ratified and confirmed.

H.R. 3259

OFFERED BY: MR. CONYERS

AMENDMENT NO. 14: At the end of title III, add the following:

SEC. 306. DISCLOSURE OF THE AGGREGATE INTELLIGENCE BUDGET.

As of October 1, 1996, and for fiscal year 1998, and in each year thereafter, the aggregate amounts requested and authorized for, and spent on, intelligence and intelligence-related activities shall be disclosed to the public in an unclassified form and in an appropriate manner.

H.R. 3259

OFFERED BY: MR. FRANK OF MASSACHUSETTS

AMENDMENT NO. 15: At the end of title I, insert the following:

SEC. 105. REDUCTION IN AUTHORIZATIONS.

(a) IN GENERAL.—Except as provided in subsection (b), the aggregate amount authorized to be appropriated by this Act, including the amounts specified in the classified Schedule of Authorizations referred to in section 102, is reduced by 4.9 percent.

(b) EXCEPTION.—Subsection (a) does not apply to amounts authorized to be appropriated by section 201 for the Central Intelligence Agency Retirement and Disability Fund.

(c) TRANSFER AND REPROGRAMMING AUTHORITY.—(1) The President, in consultation with the Director of Central Intelligence and the Secretary of Defense, may apply the reduction required by subsection (a) by transferring amounts among the accounts or reprogramming amounts within an account, as specified in the classified Schedule of Authorizations referred to in section 102, so long as the aggregate reduction in the amount authorized to be appropriated by this Act, equals 4.9 percent.

(2) Before carrying out paragraph (1), the President shall submit a notification to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate, which notification shall include the reasons for each proposed transfer or reprogramming.

H.R. 3259

OFFERED BY: MR. MCCOLLUM

AMENDMENT NO. 16: At the end of title III, insert the following new section:

SEC. 306. SEEKING ENFORCEMENT OF THE REQUIREMENT TO PROTECT THE IDENTITIES OF UNDERCOVER INTELLIGENCE OFFICERS, AGENTS, INFORMANTS, AND SOURCES.

It is the sense of the Congress that title VI of the National Security Act of 1947 (50 U.S.C. 421 et seq.) (relating to protection of the identities of undercover intelligence officers, agents, informants, and sources) should be enforced by the appropriate law enforcement agencies.

H.R. 3259

OFFERED BY: MR. SANDERS

AMENDMENT NO. 17: At the end of title I, add the following new section:

SEC. 105. LIMITATION ON AMOUNTS AUTHORIZED TO BE APPROPRIATED.

(a) LIMITATION.—Except as provided in subsection (b), notwithstanding the total amount of the individual authorizations of appropriations contained in this Act, including the amounts specified in the classified Schedule of Authorizations referred to in section 102, there is authorized to be appropriated for fiscal year 1997 to carry out this Act not more than 90 percent of the total amount authorized to be appropriated by the Intelligence Authorization Act for Fiscal Year 1996.

(b) EXCEPTION.—Subsection (a) does not apply to amounts authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund by section 201.

H.R. 3259

OFFERED BY: MRS. SCHROEDER

AMENDMENT NO. 18: At the end of title I, insert the following new section:

SEC. 105. LIMITATION ON AUTHORIZATION OF APPROPRIATIONS FOR THE NATIONAL RECONNAISSANCE OFFICE.

(a) LIMITATION.—Notwithstanding any other provision of this Act and the amounts specified in the classified Schedule of Authorizations referred to in section 102, the total amount authorized to be appropriated by this Act for the National Reconnaissance Office is the aggregate amount appropriated or otherwise made available for the National Reconnaissance Office for fiscal year 1995.

(b) TRANSFER AND REPROGRAMMING AUTHORITY.—(1) Within the amount authorized to be appropriated by subsection (a), the President, in consultation with the Director of Central Intelligence and the Secretary of Defense, may transfer amounts among the accounts, or reprogram amounts within an account, of the National Reconnaissance Office.

(2) Before carrying out paragraph (1), the President shall submit a notification to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate, which notification shall include the reasons for each proposed transfer or reprogramming.

(c) REDUCTION OF AGGREGATE AMOUNT.—The aggregate amount authorized to be appropriated by this Act (including the amounts specified in the classified Schedule of Authorizations referred to in section 102) is reduced by the amount equal to the excess of—

(1) the amounts authorized to be appropriated by this Act for the National Reconnaissance Office (other than by subsection (a)), over

(2) the amount authorized to be appropriated by subsection (a) for the National Reconnaissance Office.

H.R. 3259

OFFERED BY: MRS. SCHROEDER

AMENDMENT NO. 19: At the end of title I, insert the following new section:

SEC. 105. LIMITATION ON AUTHORIZATION OF APPROPRIATIONS FOR THE NATIONAL RECONNAISSANCE OFFICE.

Notwithstanding any other provision of this Act and the amounts specified in the classified Schedule of Authorizations referred to in section 102, the total amount authorized to be appropriated by this Act for the National Reconnaissance Office is the aggregate amount appropriated or otherwise made available for the National Reconnaissance Office for fiscal year 1995.

H.R. 3259

OFFERED BY: MRS. SCHROEDER

AMENDMENT NO. 20: At the end of title I, insert the following new section:

SEC. 105. LIMITATION ON AUTHORIZATION OF APPROPRIATIONS FOR THE NATIONAL RECONNAISSANCE OFFICE.

Notwithstanding any other provision of this Act and the amounts specified in the classified Schedule of Authorizations referred to in section 102, the total amount authorized to be appropriated by this Act for the National Reconnaissance Office is the aggregate amount appropriated or otherwise made available for the National Reconnaissance Office for fiscal year 1996.

H.R. 3259

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 21: At the end of title III, add the following:

SEC. 306. COMPLIANCE WITH BUY AMERICAN ACT.

No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the "Buy American Act").

SEC. 307. SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.

(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the head of the appropriate element of the Intelligence Community shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

SEC. 308. PROHIBITION OF CONTRACTS.

If it has been finally determined by a court or Federal agency that any person intentionally affixed a fraudulent label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that was not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

H.R. 3259

OFFERED BY: MR. WELDON OF PENNSYLVANIA

AMENDMENT NO. 22: In section 104—

(1) in subsection (d), strike "$25,000,000" and insert in lieu thereof "$12,500,000"; and

(2) in subsection (f), strike "$6,000,000" and insert in lieu thereof "$18,500,000".

EXTENSIONS OF REMARKS

AWARD-WINNING STUDENTS OF CAESAR RODNEY HIGH SCHOOL

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 1996

Mr. CASTLE. Mr. Speaker, on April 27 to April 29, 1996, outstanding young people from 50 schools throughout the Nation came to our Nation's Capital to compete in the national finals of the We the People... The Citizen and the Constitution Program. I am proud to announce that the class from Caesar Rodney High School in Camden represented Delaware. These young scholars worked diligently to reach the national finals by winning local competitions in their home State.

The distinguished members of the team representing Delaware are: Nick Amalfitano, Mark Balfantz, Sondra Bell, Pauletta Brown, Jennifer Cajthuml, Allison Chippie, Will Cordeiro, Blair Craven, Ryan Dixon, John Dodd, Tom Dodd, Lee Dunham, Shannan Foskey, Joy Ginter, Ron Hartnett, Kristie Hertz, Bonny Hodges, Jason Hutchins, Nikki McBride, Sean McGinty, Peter Morisseau, Tim Rudis, Dan Schoettinger, Andrew Towle, Jennifer VanHorn, Matt Walsh, and Jeff Whisler.

I would also like to recognize their teacher, Bill Windett, who deserves much of the credit for the success of the team. The district coordinator, Diane Courtney, and the State coordinator, Lewis E. Huffman, also contributed a significant amount of time and effort to help the team reach the national finals.

The We the People . . The Citizen and the Constitution Program, supported and funded by Congress, is the most extensive educational program in the country developed specifically to educate young people about the Constitution and the Bill of Rights. The 3-day national competition simulates a congressional hearing in which students' oral presentations are judged on the basis of their knowledge of constitutional principles and their ability to apply them to historical and contemporary issues.

Administered by the Center for Civic Education, the We the People... program, now in its eighth academic year, has provided curricular materials at upper elementary, middle, and high school levels for more than 60,000 teachers, 22,000 schools, and 22 million students nationwide.

The We the People . . program provides an excellent opportunity for students to gain an informed perspective about the history and principles of our Nation's constitutional government. I wish these young constitutional experts the best of luck and look forward to their future participation in politics and government. Congratulations again to the team from Caesar Rodney High School of Camden, DE.

A TRIBUTE TO P.S. 230, THE RECIPIENT OF THE STATE-WIDE TITLE 1 AWARD FOR ACADEMIC EXCELLENCE AND ACHIEVEMENT

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 1996

Mr. SCHUMER. Mr. Speaker, I rise today to congratulate P.S. 230 as the recipient of the Title 1 Distinguished School Award—one of the highest honors given to a New York school for their demonstrated commitment to academic excellence. The administrators and teachers of P.S. 230 have been duly recognized for their hard work in exceeding the State's standard performance level in both reading and mathematics. Almost every grade level has earned above-average scores in reading. I am particularly impressed by the specialized instruction and attention given to third graders, as they have successfully learned how to read at the sixth grade level. When recognizing these results, it is no wonder that P.S. 230 has been selected for the Title 1 Distinguished School Award.

I am especially honored to pay tribute to the teachers and administrators of P.S. 230 for providing a solid academic base for each student. The entire student body is as culturally and ethnically diverse as New York, which has created a unique set of hurdles for many elementary school teachers whose primary job is to provide basic reading and communication skills. Yet, P.S. 230 has established a nurturing environment in which to learn, ensuring the future success of every student. As a parent whose daughter is currently enrolled at P.S. 230, I am extremely proud of the entire faculty and PTA for enabling each child to receive a worthwhile learning experience that will stay with them their entire lives. I hope the families and supporters of P.S. 230 will continue its legacy in educational achievement for future generations.

TRIBUTE TO LOWANDA EMMONS DEEGAN

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 1996

Mr. SOLOMON. Mr. Speaker, we all have extraordinary people in our districts, but there is one incredible lady in the 22nd District of New York who stands apart.

Her name is Lowanda Emmons Deegan, and she is 90 years young. Last Sunday, she received her bachelors degree from the State University at Albany. In other words, Mr. Speaker, she was 68 years old when most of her fellow graduates were born. She truly earned the right to lead the gradution processional.

Lowanda Emmons Deegan could say, as the song goes, "I did it my way." She took one course a semester for the last 20 years. In recent years, since a fall injured her knee, she has had some trouble getting around and has done much of her studying over the phone.

But that's been one of the few concessions she had made to her age. In fact, the remarkable thing about her, as far as I'm concerned, is her attitude. She is truly young at heart, and spends her time dwelling on the future, not on the past.

It isn't though her past isn't interesting, Mr. Speaker. She graduated from high school in the early 1920's, finished fifth in the "Miss Schenectady" contest shortly after graduation, and then worked in a number of positions until retiring in 1975. She was a social worker during the Depression, a switchboard operator and accountant for General Electric Co., and, finally, a clerk at the New York State Library. Her husband and only son are both deceased.

She was determined to make the most of those retirement years. She remembered getting good grades in writing projects in high school, so she began writing a family story titled "Susie's Chronicles," named for her grandmother, Susie Emmons. Her ancestors included some of New York State's earliest settlers. Her English teachers have been impressed by the first drafts of the book, and have expressed confidence that the book will find a publisher. I'm looking forward to its publication, and I'm sure it will be popular with the general reading public.

Lowanda Emmons Deegan reads two newspapers a day and often writes to me about issues of interest to older Americans.

Mr. Speaker, her attitude is what has made this the greatest country on Earth. Many people stop trying to improve themselves after a certain age and settle into a comfortable routine. She has not, and her story is an inspiration to us all.

Mr. Speaker, I ask you and this entire body to rise with me in tribute to an extraordinary lady and great American, Lowanda Emmons Deegan of Ballston Lake, NY, on the occasion of her long-awaited graduation from college.

HONORING THE ALLONS VOLUNTEER FIRE DEPARTMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 1996

Mr. GORDON. Mr. Speaker, I am taking this opportunity to applaud the invaluable services provided by the Allons Volunteer Fire Department. These brave, civic-minded people give freely of their time so that we may all feel safer at night.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Few realize the depth of training and hard work that goes into being a volunteer firefighter. To quote one of my local volunteers, "These firemen must have an overwhelming desire to do for others while expecting nothing in return."

Preparation includes twice-monthly training programs in which they have live drills, study the latest videos featuring the latest in firefighting tactics, as well as attend seminars where they can obtain the knowledge they need to save lives. Within a year of becoming a volunteer firefighter, most attend the Tennessee fire training school in Murfreesboro where they undergo further, intensified training.

When the residents of my district go to bed at night, they know that should disaster strike and their home catch fire, well-trained and qualified volunteer fire departments are ready and willing to give so graciously and generously of themselves. This peace of mind should not be taken for granted.

By selflessly giving of themselves, they ensure a safer future for us all. We owe these volunteer fire departments a debt of gratitude for their service and sacrifice.

A TRIBUTE TO JACK MERELMAN

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 1996

Mr. FAZIO of California. Mr. Speaker, I rise today to recognize Jack Merelman. Mr. Merelman is retiring from his position as director of Federal Research Membership Services to the California Counties Foundation.

Jack Merelman was raised in our Nation's capital, served in the U.S. Army and attended the University of Maryland for his bachelor and law degrees. He embarked on his public service career in 1953 when he joined the staff of the Organization of City Attorneys. In 1958, he became the general counsel for the National Association of Counties.

Mr. Merelman has participated in the development of major program policies in Sacramento and Washington, DC. He was legal counsel for the County Supervisors Association of California and the director of legislation for the National Association of Counties in Washington, DC. The California State Association of Counties engaged his service as both executive director and Washington representative, through which he received the California State Association of Counties President's Award.

Jack Merelman is closing a career of public service that spans five decades. His many accomplishments are to be commended, and best wishes extended for a rewarding and gratifying retirement.

EXCELLENCE IN ARTS EDUCATION—A LEGACY OF INTEGRATION

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 1996

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I am pleased today to be able to add my congratulations for the recent naming of Dallas' Booker T. Washington High School for the Performing and Visual Arts as a "Blue Ribbon" school. In addition to the "Blue Ribbon" designation, this special school has also received national acclaim as a prototype for subsequent magnet schools through the United States.

The Booker T. Washington High School for the Performing and Visual Arts was created about 20 years ago, as a result of a court order mandating that the Dallas schools desegregate and the realization by the Dallas Independent School District of the specific need to educate gifted artists with both the potential and aspiration for careers in the arts. Located in the Dallas Arts District, near the heart of the city, the magnet school attracts students from throughout the metropolitan Dallas area. The multiethnic student body includes approximately 650 students in grades 9 through 12. The instructional staff consists of 54 teachers. Approximately 88 percent of the faculty have more than 10 years of teaching experience while more than 83 percent have advanced degrees. The school is accredited by the Texas Education Agency and the Southern Association of Colleges and Schools.

The arts school was created to provide a program of excellence in the arts which meets the needs of the students and the community. Intensive training in the performing or visual arts allows students to explore the demands of an artistic career. A rigorous academic program offers all courses required for the State's three graduation plans. Students are selected through audition, interview, portfolio, or other demonstration of artistic aptitude.

Congratulations to the Booker T. Washington High School for the Performing and Visual Arts in Dallas on the 20-year evolution of a great idea.

HONORING THE ALLONS VOLUNTEER FIRE DEPARTMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 1996

Mr. GORDON. Mr. Speaker, I am taking this opportunity to applaud the invaluable services provided by the Allons Volunteer Fire Department. These brave, civic-minded people give freely of their time so that we may all feel safer at night.

Few realize the depth of training and hard work that goes into being a volunteer firefighter. To quote one of my local volunteers, "These firemen must have an overwhelming desire to do for others while expecting nothing in return."

Preparation includes twice-monthly training programs in which they have live drills, study the latest videos featuring the latest in firefighting tactics, as well as attend seminars where they can obtain the knowledge they need to save lives. Within a year of becoming a volunteer firefighter, most attend the Tennessee fire training school in Murfreesboro where they undergo further, intensified training.

When the residents of my district go to bed at night, they know that should disaster strike and their home catch fire, well-trained and qualified volunteer fire departments are ready and willing to give so graciously and generously of themselves. This peace of mind should not be taken for granted.

By selflessly giving of themselves, they ensure a safer future for us all. We owe these volunteer fire departments a debt of gratitude for their service and sacrifice.

HEROISM IS ALIVE AND WELL

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 1996

Mr. SOLOMON. Mr. Speaker, I've got some good news for you, and for all of America.

Heroism is alive and well and, I'm proud to say, it's alive and well in my own hometown of Queensbury, NY.

Mrs. Cecilia L. Parker of Meadowbrook Road, a few miles north of my own street, is alive today because of the heroism of two neighbors, Jenny Lortz, and high school student Theodore "Ted" Turner III.

Last month, the Parker car burst into flames in her carport. Neighbor Jenny Lortz, alerted by a daughter, dialed 911 and ran to investigate. Across the street, the young Turner saw the flames and ran to the house. He and Lortz determined that Mrs. Parker was inside the house. With the noise from exploding car tires in his ears, Turner kicked in a back door and pulled a stunned Mrs. Parker out of her chair and through the smoke to safety.

Witnesses said that a few minutes later it would have been too late.

Mr. Speaker, it's all too easy to fall into the trap of thinking that all kids these day are ill-mannered brats, but that is obviously far from the truth. A grateful Mrs. Parker later remembered young Turner as the good kid across the street who used to help her with chores. But let us acknowledge, Mr. Speaker, that Ted Turner III is not a "kid" but a young man already assuming his duties as a responsible citizen and neighbor. We find such heroes in neighborhoods in towns and villages and cities all over America, and it's what makes this the great country what it is.

Let us also, Mr. Speaker, acknowledge the quick thinking of Jenny Lortz, who first called 911, and joined Turner both in his rescue and later in staying with Mrs. Parker as Queensbury Central, my old volunteer company, put out the flames.

Mrs. Parker, I might add, used to work for my father's store, M. Solomon's, in Queensbury, and I certainly am glad she survived this ordeal.

We have two heroes to thank for that, Mr. Speaker, so let us rise in tribute to those two fine Americans, Theodore Turner III and Jenny Lortz of Queensbury, NY.

A TRIBUTE TO EVAN HALE

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 1996

Mr. FAZIO of California. Mr. Speaker, I rise today to recognize my good friend Evan Hale. Evan is retiring after nearly 40 years of professional and civic service in various agricultural related positions.

Growing up on a farm near Pocatello, ID, instilled in Evan an understanding and sincere commitment to agriculture at an early age. In 1959, he became Director of Communications for the Idaho Farm Bureau Federation and then served as Secretary of the Board and Treasurer of the affiliated Farm Bureau Insurance Company.

Evan continued his public service to the agricultural community as executive assistant to U.S. Secretary of Agriculture, Earl Butz and served as chief of staff of the U.S. Department of Agriculture [USDA] in the 1970's. While at USDA, Evan also acted as liaison to farm organizations, Congress, the White House and foreign embassies. He worked with a number of foreign trade missions, including six countries behind the iron curtain.

Currently, Evan is President of the Western Water District Farm Credit Council and Vice President of Legislative Affairs for the Western Farm Credit Bank. He will be retiring at the end of this month, and he and his wife Audrey plan to move closer to their children and grandchildren. I commend Evan on his successful career and thank him for his dedicated public service. I wish my friend a rewarding and gratifying retirement.

LINCOLN HIGH SCHOOL WINS REDBOOK DISTINCTION

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 1996

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to congratulate a great school in the heart of Dallas as the recipient of a recent award for unparalleled excellence. The Lincoln Humanities/Communications Magnet High School recently received the distinction of being a "Redbook" school for overall excellence, and it is a well deserved honor for a school which has worked hard to improve and excel in education. Lincoln attracts students from all parts of Dallas and surrounding communities despite being in the center of the city.

Many times I have visited Lincoln High School and each time I see the excitement on the students' faces as they study and participate in the learning process. The teachers and administrators are equally inspired as they instruct and counsel the students. Under the direction of Dr. Napoleon B. Lewis, Sr., the principal, this unique high school has outshone other schools in academics, the arts, music, and sports.

Lincoln Humanities/Communications Magnet High School opened as Lincoln High School in January 1939. The school was built to serve Dallas' black children in the South, East, and Oak Cliff communities of the city. Recently, Lincoln High School has lived up to its commitment to students in the areas of communications and humanities with impressive showings in the National Merit and National Achievement Scholarship Program.

The Redbook award for unparalleled excellence is another feather in Lincoln High School's cap, and it will give them even more incentive to continue to offer the best education in the arts, music, and humanities for students all over the Metroplex. Congratulations Lincoln High School. Keep up the great work.

HONORING THE ALMAVILLE VOLUNTEER DEPARTMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 1996

Mr. GORDON. Mr. Speaker, I am taking this opportunity to applaud the invaluable services provided by the Almaville Volunteer Fire Department. These brave, civic-minded people give freely of their time so that we may all feel safer at night.

Few realize the depth of training and hard work that goes into being a volunteer firefighter. To quote one of my local volunteers, "These fireman must have an overwhelming desire to do for others while expecting nothing in return."

Preparation includes twice-monthly training programs in which they have live drills, study the latest videos featuring the latest in firefighting tactics, as well as attend seminars where they can obtain the knowledge they need to save lives. Within a year of becoming a volunteer firefighter, most attend the Tennessee fire training school in Murfreesboro where they undergo further, intensified training.

When the residents of my district go to bed at night, they know that should disaster strike and their home catch fire, well-trained and qualified volunteer fire departments are ready and willing to give so graciously and generously of themselves. This peace of mind should not be taken for granted.

By selflessly giving of themselves, they ensure a safer future for us all. We owe these volunteer fire departments a debt of gratitude for their service and sacrifice.

A TRIBUTE TO THE HONORABLE JOHN F. INGRO

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 1996

Mr. BROWN of California. Mr. Speaker, after 20 years of distinguished service for the State of California, the Honorable John F. Ingro is retiring. His dedication and tireless commitment to the pursuit of justice as a San Bernardino Superior Court Judge has been well regarded and appreciated. Not only has the Honorable John F. Ingro served admirably as a judge, but also as an outstanding member of his community. With his involvement on the board of directors of various community organizations, Judge Ingro has become a valued asset to the San Bernardino area.

Judge Ingro first began his career in law after receiving his doctor of jurisprudence degree from the University of California at Berkeley, Boalt Hall School of Law, in 1959. Upon receiving his degree, Mr. Ingro was subsequently admitted to the California State Bar in 1960. From 1960 to 1964, he served as deputy district attorney for the County of San Bernardino, and then as a deputy public defender for the county from 1964 to 1965.

After his brief tenure for the county, Judge Ingro maintained a private law practice for 9 years. On May 6, 1976, he was appointed to the San Bernardino Superior Court by Governor Edmund G. Brown. Following his appointment, Mr. Ingro was reelected for three consecutive terms, in 1978, 1984, and 1990.

His service to the county of San Bernardino will be missed, and I wish the Honorable John F. Ingro a prosperous and happy retirement.

WELFARE REFORM

HON. TIM JOHNSON

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 1996

Mr. JOHNSON of South Dakota. Mr. Speaker, on Saturday, President Clinton delivered a speech which I believe significantly advances the national debate over reforming our welfare system.

The President applauded and endorsed the general idea behind the welfare reform plans in the States of Wisconsin and Maryland. In doing so, the President has, in his own words, given "us hope that we can break the vicious cycle of welfare dependency."

I'm heartened by this move and the clear evidence that the White House, Congress, and the States are finally coming together on the best possible way to take people off the national dole and put them to work at the same time strengthening families and protecting innocent children.

Most of us agree that the Federal Government still has an indispensable role to play in the welfare system by setting guidelines that ensure able-bodied citizens work for their checks and that children are fed, clothed, and cared for while their parents are on the job.

But most of us also agree that it makes good fiscal and common sense to give the States and their Governors greater flexibility and incentives to find the most effective and efficient local solutions to problems in the welfare system.

I've long supported reforming our welfare system in a way that promotes work, protects children, and empowers States. That's why I'm so encouraged by the initiative of States like Maryland and Wisconsin and the President's approval of welfare system waivers for 38 States—including one for my home State of South Dakota.

States are demonstrating that we can move forward in reforming our welfare system without too heavy a hand from the Federal Government. Their ingenuity should be praised and their plan should be used as an example for all of us to finally come together and find a sensible, effective approach to taking care of our kids, putting people to work, and moving Americans out of poverty.

If we put our children first and partisan politics aside, I believe we can do this.

HONORING THE CORNERSVILLE VOLUNTEER FIRE DEPARTMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 1996

Mr. GORDON. Mr. Speaker, I am taking this opportunity to applaud the invaluable services provided by the Cornersville Volunteer Fire Department. These brave, civic-minded people give freely of their time so that we may all feel safer at night.

Few realize the depth of training and hard work that goes into being a volunteer firefighter. To quote one of my local volunteers, "These firemen must have an overwhelming desire to do for others while expecting nothing in return."

Preparation includes twice-monthly training programs in which they have live drills, study the latest videos featuring the latest firefighting tactics, as well as attend seminars where they can obtain the knowledge they need to save lives. Within a year of becoming a volunteer firefighter, most attend the Tennessee fire training school in Murfreesboro where they undergo further, intensified training.

When the residents of my district go to bed at night, they know that should disaster strike and their home catch fire, well-trained and qualified volunteer fire departments are ready and willing to give so graciously and generously of themselves. This peace of mind should not be taken for granted.

By selflessly giving of themselves, they ensure a safer future for us all. We owe these volunteer fire departments a debt of gratitude for their services and sacrifice.

TRIBUTE TO LESTER RIGGINS

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 1996

Mr. MATSUI. Mr. Speaker, we rise before you today to pay tribute to Mr. Lester Riggins of Sacramento who is retiring after an outstanding career of more than 40 years as a manager, educator, administrator, entrepreneur, community, and political activist and serviceman in the U.S. Air Force.

Mr. Riggins was born in Marshall, TX and moved with his family to Fresno, CA at the age of 8. In his early academic career, he strived for excellent grades in preparation for college and pursued a number of sports, as well as success in the California Cadet Corp., where he rose to the rank of First Sergeant.

In 1946, Mr. Riggins joined the U.S. Army and served for almost 2 years, earning the rank of Buck Sergeant and obtaining 4 years of education through the GI bill. He then returned to Fresno, enrolling at Fresno State College, where he played football on scholarship and completed his AF ROTC. He graduated from Fresno State College in 1951 with a BA in history and earned awards for outstanding AF ROTC cadet, three varsity letters, a Blue Key Honor Society scholarship, Phi Gammu Mu and listing in Who's Who in College, 1951.

Shortly after graduating, he was called to active duty during the Korean war, serving from 1951 to 1971 in a number of assignments which took him throughout Asia, Europe, and the United States. During this period of service, he earned a number of medals and awards and pursued his academic interests, earning an MBA from Indiana University and a masters in science, counseling, and psychology from DC University, he has since completed all course work for DPA at the University of Southern California.

After leaving the military, Mr. Riggins became active in politics, community activism, and civic interests. Professionally, he settled at California State University in Fresno where as Assistant Professor, he served as chairman of the black studies program, increasing enrollment from 200 to over 2,000 students. In 1976, he was appointed by Governor Jerry Brown as Chief Deputy Director of the Department of General Services for the State of California. There, he was responsible for over 5,000 employees and a budget exceeding $50 million. In 1983, he left the State and founded California Matrix, Inc., a consulting firm.

He later served for 1 year as director of youth training program for IMPACT, a California National Guard program in Modesto, CA. In 1985, he took a position as counselor/night administrator at the Grant Skills Center of the Grant Join Union High School district. In this capacity, he provides counseling services and resources to the more than 1,000 students attending each semester.

Apart from his professional careers in the USAF and in education, Mr. Riggins has distinguished himself as a consummate activist devoting outstanding service to a number of organizations including the National Education Association, California Teachers' Association, NAACP, Urban League and the Retired Officers Association. In addition, he has served a number of local organizations including the Sacramento City Civil Service Board, the Harry S Truman Club, the Sacramento City Affirmative Action Committee, and the California Conference on the Black Family.

Mr. Speaker, we ask our colleagues to join us in recognizing the great spirit of this committed individual and in wishing him many years of continued success, happiness, and prosperity of his retirement.

SALUTE TO THE UNIVERSITY OF KENTUCKY VICTORY IN THE NCAA FINAL FOUR

HON. SCOTTY BAESLER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 1996

Mr. BAESLER. Mr. Speaker, on behalf of the people of the great State of Kentucky, it is my honor and privilege to rise to salute the University of Kentucky basketball team. As you are aware, the U.K. Wildcats are the 1996 National champions in college basketball. Yesterday, May 20, they were the toast of Washington and feted at the White House.

The University of Kentucky seized the NCAA crown with a combination of speed, defensive prowess, unparalleled depth, 3 point accuracy, team cohesiveness, and its unblinking poise under incredible pressure.

The victory in this year's tournament represents the sixth time the University of Kentucky has won the top honor in the NCAA basketball tournament. This season also puts Kentucky back on top with the most all time wins in the annals of college basketball.

It has often been said that basketball is a religion in the State of Kentucky. The skeptics were scarce in the state from the moment the team laced up its sneakers for the first time this past season.

Our fans had good reason to dare to dream. The Wildcats were placed on the top of many preseason polls and during the season, they vanquished many opposing teams by more than 20 points. The Big Blue team came through, and fulfilled the hoop dreams of Wildcat fans, young and old, during the NCAA Final Four.

I encourage my colleagues to join me in saluting coach Rick Pitino, the members of the U.K. team, both individually and collective, the citizens of the Commonwealth of Kentucky, and the fans of U.K. basketball everywhere.

1996 AAA SCHOOL SAFETY PATROL LIFESAVING MEDAL

HON. FRANK MASCARA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 1996

Mr. MASCARA. Mr. Speaker, I am proud to announce to the House today the names of the three youngsters who are winners of the 1966 American Automobile Association Lifesaving Medal.

This it is the highest award given to members of school safety patrols throughout the United States. It is presented to students who, while on duty, took heroic lifesaving actions to save the life of a fellow student from imminent danger.

One of the young people being honored today is William "Willy" D. Mace, 10, who is from my district. Willy is a safety patrol member at Borland Elementary School, located in Canonsburg, PA.

The other winners are Shane Lee, 11, of Cherry Run Elementary School in Burke, VA, and Esther Daniel, 11, of Trapnell Elementary School in Plant City, FL.

Willy Mace, the young man from my district, was on his safety patrol job just 2 days last September when an emergency situation arose. Out of the corner of his eye, Willy spotted a Rambunctious 6-year-old dashing out into traffic to greet his father and brother who were standing across the street.

Willy noticed a fast approaching car and screamed at the little boy to stop. Willy raced after the boy and, fortunately, grabbed the 6-year-old and pulled him back out of the path of the on-coming car. The driver slammed on his brakes, narrowly missing the boys.

Being the father of four children and the grandfather of six, I can almost hear the sighs of relief. Willy was an instant hero!

Shane Lee also took heroic action, this time to save a 6-year-old boy who had darted back to a stopped school bus last October and was laying down in the road in front of one of the bus's front tires. It was unclear what the child was doing, but Shane, who was in charge of rear patrol for the bus, suddenly saw the child's legs, ran to the front of the bus and pulled the little boy back over the curb just as the bus was starting to move forward. Needless to say, the bus driver was very startled to suddenly see two faces pop up on the side of the bus and quickly stopped.

It was a dark, rainy morning last October in Plant City, FL when Esther Daniel quickly recognized danger and raced to save a 5-year-old girl. The little girl, who had just left her bus, suddenly started crying. Thinking she had left her backpack on the bus, the little girl abruptly turned around and ran after the bus which by this time was about ready to turn back onto a main road. Thankfully, Esther chased the little girl and caught her and held her back just before the child reached the bus's rear wheel. Again thank goodness for clear-thinking safety patrol students!

I also want to take a moment to thank the American Automobile Association for honoring these outstanding safety patrol members.

In the 1920's AAA began organizing safety patrol programs whereby older students assist younger students with crossing streets to and from school. Today, more than 500,000 students across the country serve as AAA safety patrol volunteers and more than 50,000 schools have safety patrols.

AAA supplies training materials, belts, badges and other items needed to operate the safety patrol programs. Importantly, AAA promotes and recognizes patrol efforts each year through a series of awards, newsletters, summer camps, and scholarships.

On behalf of my colleagues, and parents all across the country, I want to thank AAA for its work in helping to keep our youngsters a little safer on their way to and from school.

I am very proud of Willy, Shane, and Esther and know their parents and communities are also very pleased that three young people showed the courage necessary to save another's life. God bless each of you.

HONORING THE CHAPEL HILL VOLUNTEER FIRE DEPARTMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 1996

Mr. GORDON. Mr. Speaker, I am taking this opportunity to applaud the invaluable services provided by the Chapel Hill Volunteer Fire Department. These brave, civic-minded people give freely of their time so that we may all feel safer at night.

Few realize the depth of training and hard work that goes into being a volunteer firefighter. To quote one of my local volunteers, "These firemen must have an overwhelming desire to do for others while expecting nothing in return."

Preparation includes twice-monthly training programs in which they have live drills, study the latest videos featuring the latest in firefighting tactics, as well as attend seminars where they can obtain the knowledge they need to save lives. Within a year of becoming a volunteer firefighter, most attend the Tennessee fire training school in Murfreesboro where they undergo further, intensified training.

When the residents of my district go to bed at night, they know that should disaster strike and their home catch fire, well-trained and qualified volunteer fire departments are ready and willing to give so graciously and generously of themselves. This peace of mind should not be taken for granted.

By selflessly giving of themselves, they ensure a safer future for us all. We owe these volunteer fire departments a debt of gratitude for their service and sacrifice.

PRAISING THE ARTS FOR DISADVANTAGED CHILDREN

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 1996

Mr. RICHARDSON. Mr. Speaker, unfortunately in too many of our communities, our youth are confronted with difficult societal problems such as drug use and gang violence. For some kids, these problems represent an alternate way of life, and often a way that they can escape their problems and at the same time gain a misguided sense of identity in a society, and at an age, where it is difficult to do so. In New Mexico, we have a program that has been successful at offering these vulnerable children a productive and enticing option for indulging their creativity, developing their individuality, and supplying that crucial sense of belonging.

On April 26, the President's Committee on the Arts and Humanities also recognized this program and honored the Center for Contemporary Arts Teen Project of New Mexico for having one of the most promising cultural youth programs for disadvantaged children in the United States. The work being performed by the Teen Project is invaluable to the community, and especially to the youths that it serves. This program not only keeps kids off the streets, but it also allows them the flexibility to discover their talents, express their emotions and creativity, and connect with the society at large through the arts.

The fact that 85 percent of the program's participants are from low and moderately low incomes, and 55 percent are either Hispanic, African American, or Native American, displays that this type of program can work in some of the most economically challenged and socially diverse areas.

The success of this program also demonstrates the continued need for the National Endowment for the Arts and the positive impact that the arts have on our community. Interestingly, the NEA helped launch the Teen Project with a 3-year NEA Challenge III grant.

I urge my colleagues to review the background information on this program, as it has been highly successful in New Mexico in developing the minds and confidence of our at-risk youth, while simultaneously enhancing and strengthening our community. I believe that his program, and what it offers to our young people, can be successfully duplicated in other States, and together we can continue to develop and protect the real future of this great country—our children.

CCA TEEN PROJECT HONORED AT THE WHITE HOUSE

The CCA Teen Project announced today that its Director, Ana Gallegos y Reinhardt, will be attending a White House ceremony on April 26 honoring the work of the President's Committee on the Arts and Humanities and the top nine youth programs in the country that use the arts to change the lives of at-risk children.

The White House ceremony is timed with the publication of a report developed by the President's Committee on the Arts and Humanities, Coming Up a Little Taller: Arts and Humanities for Disadvantaged Children, which profiles successful youth programs in this country. The CCA Teen Project was one of nine organizations chosen for in-depth study by the Committee, drawn from a pool of 500 youth programs in cities and towns across the nation. The Committee was charged with identifying promising cultural youth programs that reach disadvantaged children, and subsequently to find ways in which to increase the availability of the arts and humanities to at-risk children.

The Committee's report states that successful programs "take full advantage of the capacity of the arts and humanities to stimulate a different way of knowing and learning." Carlos Uribe, the Teen Project's Program Director, says in the report "The arts provide a safe container for every person or every culture or every group to express things about coming into being as an adult, dealing with hardship, dealing with a sense of beauty. No other activity provides us with that. [The arts and humanities] allow us culturally, individually to say things and do things we might never get to do."

Director Ana Gellegos y Reinhardt commented, "We are honored to be a part of the Committee's report, which recognizes the hard work of the staff, and of the youth of Santa Fe and northern New Mexico, who have made the Teen Project into a vital resource for our community. I feel very privileged to be invited to the White House. Of the nine youth organizations that were chosen from hundreds in the country, two are from New Mexico [the other is the Working

Classroom in Albuquerque]. In that our state is one of the poorest in the nation, I believe this is a testament to the commitment and ingenuity of all of New Mexico's arts organizations—and of the funding agencies, individuals, and businesses which support them—which enrich the lives of our state's youth, and indeed of all New Mexicans."

BACKGROUND

The Center for Contemporary Art's Teen Project, now entering its fifth full year of operation, successfully demonstrates that the arts can be used as an effective tool to bring teenagers from all walks of life together in a setting designed by them to meet their specific needs. The Teen Project was created as a response to Santa Fe's teenagers' complaint that "There is nothing to do. There is nowhere to go," and to our observation that teenagers are an audience traditionally undeserved by the arts community. At the Teen Project, northern New Mexico's youth develop, produce, and exhibit a wide variety of artistic projects in a facility which they help run. Its participants, who vary greatly in socioeconomic and ethnic background, reflect our belief that the best way to serve disadvantaged youth is not to isolate them in programs that serve narrow constituencies, but to combine "likes" and "unlikes" in activities which are culturally relevant to all, which encourage and inspire the development of a creative voice, and which make all teens feel like they are a productive and valued part of the larger community. Since that time, the Teen Project has continually expanded its successful programs for northern New Mexico's youth, serving more than 8,000 teens in 1995. More than 50% of Santa Fe's 8700+ teens participated in Teen Project activities in the past year, of which 55% were Hispanic, Native American, or African-American. About 85% of Teen Project participants come from families with a low or low/moderate income.

HISTORY OF THE TEEN PROJECT

In 1990 the Center for Contemporary Arts of Santa Fe (CCA) began planning a new concept in arts outreach, designed to actively engage and integrate Santa Fe's youth into CCA's activities, and to create a "place to go" that would provide a safe, creative, and positive environment for teenagers. Key to the development of the Teen Project were Bob Eggers, a Santa Fean who first conceived of the idea of establishing an arts-based teen center in our community and provided major funding for the Teen Project; Bob Gaylor, former Executive Director of CCA, who played an instrumental role in developing the Teen Project's programs and in raising the necessary funds; and Chrissie Orr, an internationally-recognized public artist who served as the Teen Project's first director. In 1991 a temporary facility was established at the former Brunn School in Santa Fe, and in the following year the Teen Project moved to an easily-accessible offsite warehouse near the center of town, where it is now located. Highly regarded as a national demonstration project, the Teen Project has hosted numerous visitors from other cultural institutions wishing to replicate its programs. As a model program, the Teen Project demonstrates how cities, social service agencies, and cultural institutions can combine forces to serve our youth in a very effective and unique way. The Project has also attracted national attention from other quarters. In 1994, former director Chrissie Orr and two Santa Fe teens testified before Congress in support of the NEA's Community Building Initiative (at the request of NEA Chair Jane Alexander). In 1995, the Teen Project was one of five organizations featured in an international satellite conference and film documentary on youth culture and violence, which was also broadcast on PBS.

The Teen Project was launched with the support of a three-year NEA Challenge III grant and some of America's most prestigious foundations, including the MacArthur, Cummings, Hearst, Brown, Frost, and Culpeper Foundations. Generous local support has also come from area foundations, city agencies, corporations, and individuals. Major annual funding has been provided by the City of Santa Fe's Children & Youth Commission.

PROGRAMS

Open 350 days each year, more than 380 events and activities are presented annually in a facility which provides performance, exhibition and band rehearsal space, meeting rooms, a darkroom, and offices. These events and activities include:

More than 250 free workshops in photography, printmaking, silkscreen, acting, creative writing, graphic design, dance, theater, and music. Continuing workshops are presented by local arts professionals, while special workshops are provided by regional and national artists-in-residence who come to Santa Fe as part of CCA's programs.

Open mike nights were teens present their own music, poetry, and literature.

Exhibitions of work by teen artists.

Weekend dances with local bands.

Unity Bashes—concerts by youth bands designed to bring together teens from all parts of the city, from all schools, and from all ethnic and socioeconomic backgrounds.

A visual Arts Apprenticeship program, called Warehouse Works, which offers youth employment in arts-related activities.

Other activities run by the Teen Project include a weekly radio show, Ground Zero, broadcast on KSFR-FM to an audience throughout northern New Mexico; several performances each year by the highly-regarded theater company, Theater of Urgency!!!, mural painting projects sponsored by the City of Santa Fe; and the production of a quarterly literary publication, Free Food/Comida Gratis. All of these activities are produced by the teens themselves, under the mentorship and guidance of arts education professionals.

The Teen Project's newest component is the Rainbow Project. which offers outreach to Santa Fe's most troubled youth, including those involved with gangs and other delinquent activities. The Rainbow Project organizes youth conferences, provides outreach services and in-school gang-prevention programs, and develops arts-related activities including lowrider shows and visual arts exhibitions.

STATEMENT BY KEVIN GANNON REGARDING RECYCLED HOUSING

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 1996

Mr. SANDERS. Mr. Speaker, for the benefit of my colleagues I would like to have printed in the RECORD this statement by Kevin Gannon, a high school student from Brattleboro, VT. Kevin was speaking at my recent town meeting on issues facing young people.

(By Kevin Gannon)

Years ago when someone wanted to tell you not to waste a resource, you might have said, "Hey, it doesn't grow on trees." Today, you don't have to be a tree-hugger to see the irony in that. Century-old forests are disappearing, and dwindling timber isn't our only environmental concerns when it comes to building materials. Landfills are fast becoming "landfulls," and countless other resources are either becoming scarce or are hazardous to process.

But now a new generation of building products offers alternatives, and as concern grows about the environment a vanguard of builders [and] architects * * * around the country are setting new standards for resource-efficient home construction. Housing developments for conservation-conscious consumers (as shown on the poster) are being built around the country. To identify resource-efficient building material, you must ask the following questions: Do the products use virgin resources efficiently? Do they make reasonable use of recycled materials? Will they offer high quality durability over the life of the house, and will they help ease pollution?

Engineered wood products can use as little as half the wood fiber of sawed lumber, while delivering superior performance. Made from wood chips and veneers, they help to preserve large trees and reduce demand for timber * * * Laminated veneer is now taking the place of massive beams. The latest efforts in manufacturing engineered lumber focus on making better use of fast-growing trees and combining them with adhesives that don't emit toxic, ureaformaldehyde * * * [Another] corporation makes a product * * * which uses cotton fiber. Since most paper comes from fast-growing pulpwood trees, reusing it in wallboard won't spare many big, slow-growing species; but there are other products that might. One is a floorsheeting panel from the Belcom Technologies. The panels only need support at their corners, minimizing the number needed. On a national level, that's hundreds of thousands of joists—or trees—spared.

If you really want to save wood, use steel. Using steel studs in your next framing job could reduce the amount of wood used in a house by up to 50%. Two-thirds of the steel that goes into structural components comes from building and bridge demolition, auto and industrial scrap. However, if for some reason steel framing doesn't appeal to you, you can buy some * * * double-dipped zinc-coated storm-guard nails [made] exclusively from remelted steel.

Recycled glass bottles have become a prime source in fiberglass insulation, but an Indiana corporation has found a constructive use for scrap automotive glass; in fact, 70% of its new traffic tiles come from automotive glass manufacturing waste. CTE Glass Products makes * * * ceramic floor tiles with waste from its lightbulb manufacturing division.

There are many ways to recycle wood. In San Jose, CA, New World Lumber rescues discarded redwood from the Gualdalupe landfill; after planing off the weathered surfaces, it assembles short sections between deducted rails to make fence-board, or they slice longer pieces into lattice. The firm also plans to make 24"-wide fence panels.

Building structures to last longer is another responsible approach to building. In the '90's, inexpensive materials at this point don't lend themselves to that. Cheap building materials can also pose health hazards; for example, inexpensive particle-board releases ureaformaldehyde in your home.

Time allowing, I would speak all day about this topic.

Congressman Sanders: Kevin, that was a very thoughtful presentation. Can I ask you a very brief question? What impact do you think your ideas would have on the economy in terms of creating jobs, and what kind of jobs might be created?

Answer. Well, right now the remodeling business alone is a $2 billion industry; that's just remodeling, not even construction, which is multi-billion. And one of my ideas is to create jobs. Subsidized housing is a problem in America, and if we could use recycled resources, I think we could kind of kill two birds with one stone.

Congressman Sanders: So you think this idea could put people to work.

Answer. Oh, definitely.

Congressman Sanders: Good, Kevin, thank you very much.

TRIBUTE TO THE HONORABLE THOMAS V. POLIZZI

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 1996

Mr. MANTON. Mr. Speaker, I rise today to pay tribute to the Honorable Thomas V. Polizzi.

For the last 40 years Thomas Polizzi has been an upstanding member of the legal community in Queens County, New York.

Mr. Speaker, Mr. Polizzi was born in New York City on March 15, 1931. Mr. Polizzi was educated at Benjamin Franklin High School, College of the City of New York (BA-Class of 1952) and St. John's University School of Law (LLB-Class of 1954).

Mr. Polizzi served his country with honor between the years 1954–1956 and upon his discharge from the Army, went into private practice in Queens County.

Mr. Speaker, throughout his 40-year legal career, Mr. Polizzi has been an active member in various organizations including the Queens County Bar Association, the Columbian Lawyers Association and the Catholic Lawyers Guild.

In 1973 Mr. Polizzi began his career as a Supreme Court Law Secretary, a position that he would hold for 20 years. In November 1994, he was elected to the judiciary as a member of the Supreme Court, Queens County.

Justice Polizzi's love for the law is only eclipsed by his love for his family, his wife of 38 years Palma D. Polizzi and his children Thomas and Carol.

Mr. Speaker, I am proud to recognize the achievements of Justice Thomas V. Polizzi, and I ask my colleagues to join me in honoring him as we pay tribute to his 40-year legal career and his commitment to our justice system.

HONORING THE CLAY COUNTY VOLUNTEER FIRE DEPARTMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 1996

Mr. GORDON. Mr. Speaker, I am taking this opportunity to applaud the invaluable services provided by the Clay County Volunteer Fire Department. These brave, civic-minded people give freely of their time so that we may all feel safer at night.

Few realize the depth of training and hard work that goes into being a volunteer firefighter. To quote one of my local volunteers, "These firemen must have an overwhelming desire to do for others while expecting nothing in return."

Preparation includes twice-monthly training programs in which they have live drills, study the latest videos featuring the latest in firefighting tactics, as well as attend seminars where they can obtain the knowledge they need to save lives. Within a year of becoming a volunteer firefighter, most attend the Tennessee fire training school in Murfreesboro where they undergo further, intensified training.

When the residents of my district go to bed at night, they know that should disaster strike and their home catch fire, well-trained and qualified volunteer fire departments are ready and willing to give so graciously and generously of themselves. This peace of mind should not be taken for granted.

By selflessly giving of themselves, they ensure a safer future for us all. We owe these volunteer fire departments a debt of gratitude for their service and sacrifice.

SUPPORTING TRUE WELFARE REFORM

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 1996

Mr. SHAW, Mr. Speaker. I would like to bring to the attention of my colleagues a speech that Senator BOB DOLE gave today in Fond Du Lac, WI in support of true welfare reform.

I have come to America's heartland to talk about the heart and soul of our nation.

I come not as a Senator or as a Majority Leader, but as a man . . . a man who has spent his life in service to America, and to the American ideals of freedom and human dignity, opportunity and personal responsibility.

I come to speak about an issue which, under the leadership of Governor Tommy Thompson, has risen to the top of the national agenda. That issue, of course, is welfare reform.

Thirty years ago the "Great Society" was liberalism's greatest hope, its greatest boast. Today it stands as its greatest shame, a grand failure that has crushed spirit, destroyed the families and decimated the culture of those who have become enmeshed in its web . . . that has created something we have never had before in this country: a permanent, dependent class robbed of dignity, robbed of hope.

Five trillion dollars later, all we have is a growing record of catastrophic failure . . . a federal highway paved with good intentions that leads directly into the hellish corners of some of our inner cities.

In 1964, when the first massive welfare-spending of the Great Society passed Congress, President Johnson proudly declared that it would "break the cycle of poverty," that it would "give a hand up, not a hand out."

The premise of the Great Society was that the basic institutions of American life do not work . . . that the path from poverty to self-sufficiency that so many millions of immigrants and settlers had taken before—and so many millions of newer immigrants would take later—had been closed—and that massive government intervention was the only way to ensure fairness.

But that liberal premise was patently false.

Within a few years after the massive social spending of the Great Society got underway, the positive trends of the 50s and early 60s were reversed. Dependency increased. Poverty increased.

But that doesn't tell the full story. The "poverty rate" by itself is too antiseptic a term to evoke the human agony and social wreckage of these good intentions gone awry—the killing compassion of the welfare state.

We all know the list of horrors:

Crack babies who start out life from the first day with two strikes against them.

The plague of illegitimacy in out inner cities, as high as 80% in some areas.

Children giving birth to children who, we know, will be dramatically more susceptible to low birth weight, disease, physical abuse and drug addiction.

An epidemic of violence the likes of which this country has never seen before, so bad that by 1970 a child raised in our nation's biggest cities was more likely to be killed than an American soldier serving on the battlefield during World War II.

And the latest phenomenon: police departments in our cities warn of a new generation of "super predators," children growing up in a shattered society riddled with drugs who have no compunction about taking a human life.

If some enemy of our country wanted to undermine the fabric of American society, it could not inflict anything upon us worse than the welfare system we have inflicted on ourselves.

Because we are Americans, we are generous of spirit and large of heart. But our hearts must be in the right place. And perpetuating a destructive welfare system under the guise of compassion is not in the spirit of all that made this country great.

Four years ago, candidate Clinton came to Wisconsin and promised to "end welfare as we know it." As we have seen time and time again, however, the words of candidate Clinton bear no relation to the actions of President Clinton.

Last year, Congress passed historic welfare reform legislation written in partnership with Tommy Thompson and America's Governors.

This bill provided maximum state flexibility. For the first time, it converted welfare into a work program, limiting lifetime welfare benefits to five years. It gave the states the tools and the incentive to combat out of wedlock births. And it would have saved America's taxpayers about $60 billion over the next seven years.

When faced with the choice of enacting those reforms, or ensuring the survival of the tragic status quo, President Clinton chose the status quo. Apparently, he had no qualms in denying the American dream to another generation.

Republicans didn't give up, and spurred on by America's governors, we gave President Clinton a second chance. And guess what? He vetoed welfare reform once again.

Let me be as clear as I can. As President, my actions will match my words. As President, I will send real and meaningful welfare reform legislation to Congress early next year. I will insist on its swift passage. And I will sign it. And when I say "real" welfare reform:

I mean requiring every able-bodied welfare recipient to find work within two years—or a shorter period of time if the state so desires. President Clinton's plan means no real work requirement until after the next century.

I mean giving states the ability to stop payments to unmarried teens. President Clinton's plan avoids this tough choice.

I mean a five-year lifetime limit on welfare payments with few exceptions. President Clinton's plan means no real limits and no real change.

I mean making certain that illegal noncitizens are ineligible for all but emergency benefits. President Clinton's plan, once again, avoids this tough decision.

And above all, I mean trusting the nation's governors with the flexibility they need to establish the laboratories of our democracy. President Clinton's plan means trusting only federal bureaucrats in Washington.

As you know, the White House spin machine has been in overdrive this weekend, when, after years of resisting every attempt to end America's horrible welfare system—President Clinton endorsed Governor Thompson's welfare reform package, which needs federal waivers to become law.

I hope this time the President means what he says. But I am sorry to say that, in another attempt to have it both ways, Mr. Clinton endorsed the Thompson program but did not actually say he would grant the waiver. In fact, according to a story in today's Washington Post, the White House is backpedaling again. The story cites White House aide Harold Ickes as saying that the details of the Wisconsin plan "will have to be negotiated" and that some of these "details will be changed" before the federal government grants the necessary waivers. This, of course, is no surprise. Every time that it's had the opportunity in other states, the Clinton administration has blocked firm time-limits on welfare, the heart of the Wisconsin plan and of any serious plan to end welfare as we know it.

The White House has trumpeted the President's actions this weekend as proof of his commitment to welfare reform. In reality, however, it is proof of the President's belief that fixing welfare is a job best handled from Washington, D.C.

As any of our 50 Governors can tell you, Wisconsin is just one of the many states who have to play the "waiver game," trekking to Washington, hats in hand, to beg for approval to fix a failed system. Waiver applications often run for over 100 pages, and turnaround time is measured in years, not days.

As a matter of fact, there are currently 27 other welfare waivers in 18 states currently awaiting the President's approval. Some of these applications have been pending since 1994, and the average delay on each of them is 210 days.

If the President is serious about welfare reform, then he will do the following. He will sign California's waiver today. He will sign Florida's waiver today. And while he's got his pen in this hand, he will sign the waivers of Georgia, Hawaii, Illinois, Indiana, Iowa, Kansas, Maine, Maryland, Michigan, Minnesota, New Hampshire, Oklahoma, Pennsylvania, South Carolina, Tennessee and Utah.

But even if the President does sign these waivers—and he won't—the bottom line is that we cannot reform welfare one waiver at a time. Such response is too little, too late, for the families trapped in a failed system.

In a Dole Administration, no state will have to play the waiver game. Washington does not have all the answers. The federal role should be limited and should include oversight to make sure the states can meet the needs of the poor. But problems are best solved at the local level. In a Dole Administration, the states will be free to do what's right.

And one thing that's right is addressing the national epidemic of illegitimate births. As we all know, illegitimacy is what perpetuates the cycle of poverty from generation to generation. And too often it turns out that the baby born on welfare belongs to a girl who is herself almost a baby and who was born on welfare.

But we are just beginning to recognize that perhaps half of the fathers of those babies are grown men, 20 years old or over. In other words, a central feature of the plague of illegitimacy is older men preying on young girls.

Just as in the absence of Presidential leadership the nation's governors have taken the lead in reforming welfare in America, today let me urge the nation's governors: *take one more step.* Enforce the statutory rape laws you already have on your books. Make them stronger where need be. But enforce them to the fullest. Solving the welfare problem must include ending the epidemic of male sexual predators.

A Dole Administration will also recognize that it's absolutely right for states to sanction welfare recipients who test positive for drugs. According to a Columbia University Report, mothers receiving Aid to Families with Dependent Children are nearly three times as likely to abuse alcohol and illegal drugs as mothers who aren't.

As many as ten percent of all babies born in America are exposed to cocaine or crack in the womb. That same Columbia University Report estimates that as many as 200,000 drug exposed babies are born annually to mothers on AFDC.

Basic compassion and common sense dictate that the government must stop being the "enabler" of those who abuse drugs. Senator Christopher Bond of Missouri has pointed out that some welfare recipients who are turned down for employment because they flunk an employer's drug test, then turn around and use the results as proof they are actually seeking employment and deserve to remain on welfare. The states should have the right to require drug testing, and to deny on their face claims like the one Senator Bond discussed. States should also have the right to adopt innovations such as providing welfare recipients with vouchers for diapers or baby formula in place of cash payments which might be used to purchase drugs or alcohol.

It is also right for the state and federal governments to step out of the surrogate parent role and ask people to take personal responsibility for their lives. Each year, America fails to collect $34 billion of child support payments. This money often means the difference between living on welfare dependence or living independently. A Dole Administration will work with the states to put teeth in child support laws so that deadbeat parents live up to their obligations. We will establish a uniform tracking system, automate child support proceedings in every state, require that every effort be made to establish paternity, and do everything possible to ensure that child support payments go to those who deserve them.

The ultimate issue at stake in serious welfare reform is not just dollars and cents but compassion. It's not compassionate to lead people into a life of drugs, dependency and despair. Real compassion must sometimes take the form of tough love. It's time to get people out of the destructive lifestyle of welfare once and for all. Children having children should stay at home and stay in school.

My friends, we know what happened this weekend. When Bill Clinton hears I am coming to Wisconsin to talk about welfare reform, he suddenly decides he supports what Governor Thompson has done.

If this keeps up Bill Clinton won't have to make speeches anymore. All he'll have to do is find out my stand on an issue and say, "Me, too."

But too often President Clinton's statements are like the tornadoes in the movie "Twister"—it looks like a lot is happening, but in reality it's all just special effects.

Still I have to say that America benefits from the calculated cynicism of Mr. Clinton and his advisors. Because in this election year he is agreeing to things we will never see him agree to again.

We all know it would be different if Bill Clinton were to somehow win re-election—his liberalism unrestrained by the need to face the American people again. Instead of trying to preempt Republican initiatives, he will do what comes naturally—raising our taxes again, blocking education reform, imposing more social experiments on our military, mandating more regulations, appointing more permissive judges and the rest of his sorry grab bag of liberal policies.

The press says it's working, but, to paraphrase Harry Truman, given a choice between a Republican and a Democrat who tries to act like a Republican, the American people will choose the real thing every time.

Ladies and gentlemen, we don't need four more years of broken promises. We need a President who will sign genuine welfare reform.

It's time for Presidential leadership that says what it means and means what it says and I will bring such leadership to the White House.

If we are to get America back on the right track, we need a leader who will confront the failures of big government honestly and forthrightly . . . who has the integrity to face difficult truths without fear, without waffling . . . who is not the rear-guard of big government, but who means it when he says that "the era of big government is over."

In the final analysis, the debate about welfare reform is all about a very basic issue of values . . . what we believe America has been, is and must remain . . . a nation of freedom, where the doors of opportunity are open to all, where our government respects the values on which families, neighborhoods and communities are built, where it holds proudly for all the world to see the torch of freedom that makes us the last best hope of humanity.

To preserve, protect and defend these values, to ensure that America's future is even greater than its past, to make that torch of liberty shine even brighter—this is why I want to be the President of the United States. Please, join me in this crusade.

Thank you and God bless you all.

CAMDEN CITY POLICE AWARDS BANQUET

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 1996

Mr. ANDREWS. Mr. Speaker, I invite my colleagues to honor a group of citizens with me that glorify the State of New Jersey. On the 14th of May this year the City of Camden held it's Police Awards Banquet. Citizens and police officers that went beyond the call of duty received awards in their particular areas of service. These people exemplify the definition of what a citizen to one's community is. Police officers put their lives on the line every day to protect the people of our communities. We should award not just the following individuals, but all officers of the law as well. Without them, our families and communities would not be safe.

CITIZEN AWARDS/SPECIAL APPRECIATION AWARDS

Kathleen Toso, Slice of New York Pizza; Anthony Santovito, Brinks Corporation; Diana Vilafante, 104 East State Street Village; Rodick Campbell, 1027 Sheridan Street; Ronald Johnson, 1343 Dayton Street; Willie Smith, 250 Mt. Vernon Street; Richard Suarez, Cooper Medical Systems; Darren Lomonico, Cooper Medical Systems; David Smalls, Cooper Medical Systems; Clifton Kilgore, 518 Center Drive Chiselhurst; Samuel Plaza, 600 State Street; Lieutenant Martin Taylor, Philadelphia Police Dept.; Sergeant Stephen Naughton, Philadelphia Police Dept.; David Garrison, Cartuns Hardware Store; Conrad Greenhow, 428 Chambers Street; Len Mauer, Bell Atlantic; Jessica Gonzalez Joseph, Campbell Soup Co.

CAMDEN POLICE AWARD RECIPIENTS FOR 1994–1995–1996

Officer of the Year: Detective Leonard Finnemen.

Chief's Award: Detective Frederick Davis, Detective Joseph Repa.

MERIT

Lieutenant Frank Cook, Lieutenant Louis Hannon, Sergeant Edward Ingram, Officer Maurice Jenkins, Detective Coley Barbee, Officer Kevin Strang, Officer John Kemp, Officer George Reese, Officer Michael Hughes, Officer Randall MacNair, Officer Orlando Perez, Officer John Kemp, Officer Kevin Strang, Officer Eva Ezell, Officer Lawerence Cox, Officer Louis Capelli—Rutgers University Police, Officer Donald Smith, Officer Luis Sanchez, Officer Warren Brown, Officer Douglas Pietrowicz.

UNIT CITATIONS

Lieutenant Louis Jeminey, Sergeant George Joyner, Sergeant Juan Roldan.

GLOUCESTER CITY AWARD RECIPIENTS MERIT

Lieutenant William P. James, Sergeant William Crothers, Sergeant George Berglund, Patrolman Robert Reynolds, Patrolman Michael Kaye, Patrolman Steven Moody, Patrolman Robert Lee, Patrolman Michael Barney, Patrolman Kenneth Eller, Patrolman Robert Kraft, Patrolman Harlan Blackiston, Patrolman William Eller.

HEROISM

Officer Michael Hughes, Officer Joseph D. Williams, Officer James Wilson, Officer Tyrone McEady, Officer Benjamin Vautier, Officer William Wiley, Officer Scott Shaw, Officer Joseph Rubino, Officer Donald Tuttle, Officer Kevin Strang, Officer Wayne Matthews, Officer Pasquale Giannini, Officer Orlando Perez, Officer James Revelli, Officer Jeffrey Frett, Officer Carmen Ortiz.

BRAVERY

Officer James Revelli, Officer Robert Frett, Officer Randal MacNair, Officer Bruce Abraham, Officer Troy Redd, Officer Joseph D. Williams, Officer Jeffrey Frett, Officer George Reese, Officer Daniel Vause, Officer Jeffrey Frampton, Officer Warren Brown, Officer Maurice Gibson, Officer Ronald Johnson, Officer Marshall Morgan, Lieutenant Serapio Cruz, Detective Luis Ruiz, Sergeant Raymond Garrison, Officer Edward Cropski.

INTRODUCTION OF THE COMPUTER DONATION INCENTIVE ACT

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 1996

Ms. ESHOO. Mr. Speaker, today I am introducing the Computer Donation Incentive Act. This legislation is needed to encourage greater corporate involvement in the tremendous task of bringing computer technology to our public schools and other public facilities used by children.

Currently, there are two types of charitable deductions for donated computer equipment under the Internal Revenue Service Code—standard and enhanced. Under the standard deduction, all donations by manufacturers of computer equipment to schools are allowed to deduct the cost of manufacturing the equipment.

The enhanced deduction provisions of the Code allow an additional deduction of about ½ the gain manufacturers would have realized based on the fair market valuation of the equipment. For elementary schools, this enhanced deduction is currently limited to donations made by manufacturers to private schools.

This legislation is designed to increase donations by using the Tax Code as a carrot, rather than a stick. Specifically, the bill brings public schoolchildren in elementary and secondary schools into parity with their counterparts in private schools by allowing enhanced deductions for public schools; extends the enhanced deduction to libraries, local governments, community centers, and other organizations, such as boys and girls clubs, that promote the education of children; expresses the sense of Congress that donations to underprivileged schools should be a priority; allows nonmanufacturers the same enhanced deduction as manufacturers, so long as the original use of the computer originated with the taxpayer seeking the deduction. Provides that charitable contributions must be made within 3 years from the date the corporation purchased the computer; and clarifies that tangible personal property includes software.

Mr. Speaker, computers can be the most important new learning tool in our classrooms since the chalkboard. Studies show that children with access to computers learn faster and better than those who don't. Their scores on standardized tests go up 10 to 15 percent. They master basic skills in significantly less time. And they stay in school more often. But computers will never realize their full potential in schools unless we figure out better ways to get them in the hands of our children.

Silicon Valley has been blessed with several private-public initiatives to improve the technology available in our schools. Efforts like Challenge 2000, Net Day 96, the 21st Century Education Initiative, and Smart Valley's SmartSchools project continue to improve educational opportunities for students in our community.

To better educate children, our policies should encourage and reward businesses to produce winning outcomes. The Computer Donation Incentive Act would accomplish these goals by encouraging corporations to donate computers to schools, libraries, local governments, and other organizations dedicated to children's learning.

I urge my colleagues to support this bill.

HONORING THE BERLIN VOLUNTEER FIRE DEPARTMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 1996

Mr. GORDON. Mr. Speaker, I am taking this opportunity to applaud the invaluable services provided by the Berlin Volunteer Fire Department. These brave, civic-minded people give freely of their time so that we may all feel safer at night.

Few realize the depth of training and hard work that goes into being a volunteer firefighter. To quote one of my local volunteers, "These firemen must have an overwhelming desire to do for others while expecting nothing in return."

Preparation includes twice-monthly training programs in which they have live drills, study the latest videos featuring the latest in firefighting tactics, as well as attend seminars where they can obtain the knowledge they need to save lives. Within a year of becoming a volunteer firefighter, most attend the Tennessee fire training school in Murfreesboro where they undergo further, intensified training.

When the residents of my district go to bed at night, they know that should disaster strike and their home catch fire, well-trained and qualified volunteer fire departments are ready and willing to give so graciously and generously of themselves. This peace of mind should not be taken for granted.

By selflessly giving of themselves, they ensure a safer future for us all. We owe these volunteer fire departments a debt of gratitude for their service and sacrifice.

WILLIE B. BROWN, SR., HONORED

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 1996

Mrs. MEEK of Florida. Mr. Speaker, on Saturday, May 25, 1996, friends and relatives of Willie B. Brown will gather to honor his ongoing commitment to the South Dade community. I am sure that my colleagues will agree with me that Mr. Brown is truly a man of distinction.

Willie B. Brown graduated as the salutatorian of Mays Senior High School, offering a glimpse of the excellence he would continue to achieve. As an adult, Mr. Brown wasted no time getting involved in his community. He organized the Homestead Southwest Home Owners Association and formulated a youth advisory committee in the area. He has served on the Florida City Foundation community advisory board and worked to improve the Dade County criminal justice system. He has founded the Homestead Martin Luther King parade as well as the area's African heritage parade.

Professionally, he has worked on behalf of migrant workers as the community service director of the Management Health Clinic of South Florida and has provided job training and housing information in his role as area director administrator of the Economic Opportunity Program Incorporated.

Ever since I have known Mr. Brown, he has always been resilient and visionary in all the activities he has forged for our community's well-being. He is imbued with a sense of commitment to any cause he takes up or any crusade he embarks on. His belief in reaching out to his fellow human beings is legendary.

The numerous awards with which he has been honored represent an unequivocal testimony of the utmost respect he enjoys from our community. His countless efforts on behalf of others bespeak of his enduring legacy to those who would choose to dedicate their God-given talents to ensure a better future.

I am proud to have active in my congressional district a man of the talent of Willie B. Brown. He serves as a living example of taking pride in one's community.

WATER AND ENERGY RESEARCH INSTITUTE VITAL TO MAINTAINING GUAM'S WATER QUALITY

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 1996

Mr. UNDERWOOD. Mr. Speaker, I am pleased that the House has passed H.R. 1743, which reauthorizes the Water Resources Research Act and provides funding for the water research institutes program.

H.R. 1743 authorizes funds for the 54 water resources research institutes located at land-grant universities in the states and territories. The institutes are an effective way for the Federal Government to assist local communities in solving local and regional water problems. No other source of funding provides this kind of assistance to water research efforts which directly address water quality and supply problems.

These institutes conduct research on water resources which are valuable to the nation and vital to areas struggling with a limited water supply. Because of Guam's small land mass and growing water demand, our water lens is being stretched to maximum capacity. Potential contamination of this water lens mostly due to contaminated soil on military and former military lands, has heightened concern over our already limited water supply.

In addition, this program's modest Federal investment leverages significant state and private sector funding. In fiscal year 1995, Federal funds for the institutes helped secure $65 million in additional funding from a variety of sources.

The research is provided by the Water and Energy Research Institute of the Western Pacific (WERI) is applied to real and ongoing water management problems on Guam. Our understanding and use of modern water technology will be vital in our effort to increase Guam's water capacity. These institutes are integral to the proper protection and development of our water resources.

I am pleased that the members of this body have recognized the importance of these institutes and afforded them the opportunity to continue their outstanding work.

HONORING THE BELFAST VOLUNTEER FIRE DEPARTMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 1996

Mr. GORDON. Mr. Speaker, I am taking this opportunity to applaud the invaluable services provided by the Belfast Volunteer Fire Department. These brave, civic-minded people give freely of their time so that we may all feel safer at night.

Few realize the depth of training and hard work that goes into being a volunteer firefighter. To quote one of my local volunteers, "These firemen must have an overwhelming desire to do for others while expecting nothing in return."

Preparation includes twice-monthly training programs in which they have live drills, study the latest videos featuring the latest in firefighting tactics, as well as attend seminars where they can obtain the knowledge they need to save lives. Within a year of becoming a volunteer firefighter, most attend the Tennessee fire training school in Murfreesboro where they undergo further, intensified training.

When the residents of my district go to bed at night, they know that should disaster strike and their home catch fire, well-trained and qualified volunteer fire departments are ready and willing to give so graciously and generously of themselves. This peace of mind should not be taken for granted.

By selflessly giving of themselves, they ensure a safer future for us all. We owe these volunteer fire departments a debt of gratitude for their service and sacrifice.

INTRODUCTION OF BOUNDARY ADJUSTMENT FOR SNOQUALMIE NATIONAL FOREST

HON. JENNIFER DUNN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 1996

Ms. DUNN of Washington. Mr. Speaker, today I am introducing legislation to adjust the boundary of the Snoqualmie National Forest to allow private lands owned by the Weyerhaeuser Co. located next to the Snoqualmie National Forest to become a part of the National Forest.

This boundary adjustment will facilitate a land exchange which involves approximately 7,200 acres of National Forest land and 33,000 acres of private land owned by the Weyerhaeuser Co., of which about 6,278 are outside the present boundary of the Snoqualmie National Forest. This boundary adjustment is known as the Huckleberry Land Exchange.

This landmark agreement has been several years in the making and was brought about by a collaborative and cooperative effort between the Sierra Club's Checkerboard Project and the Weyerhaeuser Co. The Huckleberry Land Exchange includes acreage that is west of the Cascade Crest in King and Pierce Counties and will add a substantial donation of land by Weyerhaeuser into the national Alpine Lakes Wilderness Area.

By entering into this cooperative agreement with the Sierra Club's Checkerboard Project, the public will benefit from a substantial donation of land. This donation will be one of only a few added this year into our Nation's wilderness areas. By consolidating ownership, an additional connecting corridor of wildlife habitat between the Alpine Lakes Wilderness and the Mount Si Conservation Area will be created. Also, we will be able to add substantial acreage to the I–90 viewshed—the area visible to the public from I–90—to support the objectives of the Mountain to Sound Greenway Trust. The Trust is a nonprofit organization whose sole purpose is to create and permanently protect a multipurpose greenway along Interstate-90 from the foothills of the Cascade Mountains across Snoqualmie Pass to Puget Sound.

To accomplish the land exchange through the administrative process, an Environmental Impact Statement must be completed. This document is expected to be published at the end of May. After the public comment period, a final Environmental Impact Statement will be released. In order to give the Forest Service authority to administer the exchange area, introduction and passage of congressional boundary modification legislation is necessary in 1996.

The Huckleberry Land Exchange is a win-win proposal that enhances both parties land ownership patterns administratively and environmentally. By consolidating ownership the Forest Service will be able to implement a more effective ecosystem-based management that will allow for wetland protection and long-term protection for wildlife. It is of importance to note that the land acquired by Weyerhaeuser will be managed for long-term timber production, and will include specific measures to protect water quality, aesthetics, and other resources as required by the Washington State Forest Practices Act and beyond.

Mr. Speaker, this land exchange is a text book example of how land disputes can be resolved between parties that are willing to look for areas of agreement rather than differences.

I look forward to working with my colleagues on the Resources Committee to bring this measure to the whole House for passage this session.

TRIBUTE TO ADM. MIKE BOORDA

HON. TILLIE K. FOWLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 1996

Mrs. FOWLER. Mr. Speaker, today I attended a beautiful and moving memorial service for Adm. Mike Boorda, our Chief of Naval Operations. Like all such services, it was an occasion to shed some tears. However, it was also an occasion to celebrate the life of a good man and to recognize the extent of his contributions to both the Navy and our Nation.

Admiral Boorda had all the qualities of a good leader. He was intelligent, creative, practical, and forward looking. He had a wonderful sense of humor that delighted everyone he met, and he was a person of great integrity. What took him from the level of good leader to the level of great leader, however, was the fact that he never forgot that he was a sailor long before he was an admiral.

Although he rose to the Navy's highest post, Mike Boorda never forgot what it was like to be an enlisted man or a junior officer, and he consistently put the needs of those men and women ahead of his own. He was a genuinely warm and humble man, and his love and respect for the Navy and for those under his command were boundless. Those feelings were warmly reciprocated, as we saw today.

In my opinion, Admiral Boorda was one of the greatest CNO's the Navy has had. I was proud to call him my friend, and I will miss him very much. As his friends and colleagues honor his memory today, I ask my colleagues to join me in praying for his family, for his beloved Navy, and for our Nation, which has lost a great leader.

HONORING THE BAXTER VOLUNTEER FIRE DEPARTMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 1996

Mr. GORDON. Mr. Speaker, I am taking this opportunity to applaud the invaluable services provided by the Baxter Volunteer Fire Department. These brave, civic-minded people give freely of their time so that we may all feel safer at night.

Few realize the depth of training and hard work that goes into being a volunteer firefighter. To quote one of my local volunteers, "These fireman must have an overwhelming desire to do for others while expecting nothing in return."

Preparation includes twice-monthly training programs in which they have live drills, study the latest videos featuring where they can obtain the knowledge they need to save lives. Within a year of becoming a volunteer firefighter, most attend the Tennessee fire training school in Murfreesboro where they undergo further, intensified training.

When the residents of my district go to bed at night, they know that should disaster strike and their home catch fire, well-trained and qualified volunteer fire departments are ready and willing to give so graciously and generously of themselves. This peace of mind should not be taken for granted.

By selflessly giving of themselves, they ensure a safer future for us all. We owe these volunteer fire departments a debt of gratitude for their service and sacrifice.

TRIBUTE TO SUSAN AND ROBERT H. FRIEBERT

HON. THOMAS M. BARRETT

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 1996

Mr. BARRETT of Wisconsin. Mr. Speaker, I pay tribute today to two of Milwaukee County's outstanding citizens, Susan and Robert H. Friebert. As the Milwaukee Chapter of the American Jewish Committee prepares to honor Susan and Bob for their many contributions to our community, I would like to take a moment to reflect on the remarkable achievements of this great couple.

Susan Friebert has been one of Milwaukee County's foremost education and community activists for more than 25 years. As the executive director of the Quality Education Commission, Susan is charged with the responsibility of monitoring and evaluating reform initiatives in the Milwaukee public school system. As a founding member and officer of the nationally renowned Wisconsin Alliance on Children and Families, Susan has been an unfailing advocate for families throughout Wisconsin. Susan has also been active in the field of health care policy as member of the Wisconsin digestive disease research center advisory board at the Medical College of Wisconsin. Her contributions to Wisconsin's multitude of Jewish organizations are also immense. Susan has served as co-president of the Milwaukee chapter of the National Council of Jewish Women, she is a board member of the Wisconsin Jewish Conference, and she presently serves as vice president of the Milwaukee Jewish Council for Community Relations. Susan also serves as vice president of the women's division of the Milwaukee Jewish Federation. President Clinton has even recognized Susan's talent and energy by appointing her to the White House Commission on Presidential Scholars, where she was recently named its Executive Secretary.

Robert H. Friebert has matched his wife's record of public and community service. Bob has served as a member of the United States Commission on Civil Rights for Wisconsin and was State chair of the Wisconsin Civil Liberties Union. When he organized the Wisconsin State Public Defender's office, he also served on the board of directors of the National Legal Aid and Defenders Association. Bob has also been a major force in Wisconsin's Jewish community. Bob has served as the Chair of the Milwaukee Jewish Council on Community Relations and was the first chair of the Wisconsin Jewish Conference, where he was the principal author of and fought tirelessly for the passage of Wisconsin's Hate Crimes law. Bob is also member of the Board of the National Jewish Democratic Council. Bob is a trustee of the Medical College of Wisconsin, and was the founding chair of the M.C.W. Digestive Disease Research Center Advisory Board. Bob is also the first Chairman of the Board of the Wisconsin Research Center, organized to support pluralism in American public society. Both Susan and Bob have been extremely active at their synagogue, Congregation Emanu-El B'ne Jeshurun.

Mr. Speaker, I commend the Milwaukee Chapter of the American Jewish Committee on its excellent selection of Susan and Robert H. Friebert for this year's human relations award, and I wish Susan and Bob continued success in all of their endeavors.

TRIBUTE TO MR. LARRY RANDA, PRESIDENT, SUBURBAN NEWSPAPERS OF AMERICA

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 1996

Mr. LIPINSKI. Mr. Speaker, I would like to pay tribute today to one of the finest journalists working my congressional district, Mr. Larry Randa, Vice President/Operations of the LIFE Newspapers, who recently became President of Suburban Newspapers of America [SNA].

Mr. Randa, who began with the LIFE as a general assignment reporter in 1974, takes the helm of a trade organization that represents suburban publications throughout North America with a combined circulation of 14 million readers. He is the third generation of the Randa family to be involved in the management of the LIFE, which was founded 70 years ago. The newspaper is generally recognized as one of the best Suburban newspapers in the United States. And through his reporting, editing and management, Mr. Randa has contributed mightily to that reputation. The University Missouri graduate is the winner of 50 local, State and national awards including three prestigious Peter Lisagor Awards from the Chicago Headline Club.

In addition to his professional excellence, Mr. Randa is dedicated to his community, serving on the Board of Directors of the La Grange Unit of the American Cancer Society and the Darien Youth Club, is a deacon at the Presbyterian Church of Western Springs and coaches youth softball, basketball, soccer and volleyball.

CONGRESS FULFILLS ITS COMMITMENT TO CUT GOVERNMENT

HON. CHARLES H. TAYLOR

OF NORTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 21, 1996

Mr. TAYLOR of North Carolina. Mr. Speaker, we finally completed fiscal 1996 appropriations action late last month. And although we were forced to add back funds to get the President's signature, the final product reflects the Republican party's commitment to cutting government programs. The fiscal year 1996 bills cut $23 billion from last year's levels. As my colleague from Louisiana, Appropriations Chairman BOB LIVINGSTON, said in announcing the programs and projects terminated in the fiscal year 1996 appropriations bills: "We are cutting government beyond targets set by the budget resolution. These numbers are proof that we're doing our part to balance the budget in 7 years. While President Clinton fights to preserve bureaucracies, Republicans are fighting to relieve the American taxpayer. This is a dramatically different way of doing business in Washington."

I couldn't agree more. That is why I want to submit the terminations that were included in the fiscal year 1996 appropriations bills. This list was compiled by the Appropriations Committee, and demonstrates our commitment to a balanced budget in 7 years.

ELIMINATIONS

The following are terminations included in signed bills and levels negotiated in H.R. 3019, the omnibus spending bill:

TRANSPORTATION

Highway demonstration projects ($352 million).

Local rail freight assistance ($17 million).

Penn Station Redevelopment ($40 million).

Interstate Commerce Commission (after Jan. 1) ($15.4 million).

Coast Guard buoy replacement project ($8.5 million).

Coast Guard 82-foot WPB capability replacement ($4 million).

Coast Guard HH–65 helicopter gearbox upgrade ($2.5 million).

Coast Guard GPS 2nd District ($2.4 million).

FAA "Quality through partnership" program ($1.79 million).

FAA NAS management automation program ($2 million).

FAA traffic management system ($10.8 million).

FAA Digital BRITE display ($5.5 million).

FAA remote maintenance monitoring system upgrade ($3 million).

FAA Integrated network management system ($300,000).

FAA precision runway monitors ($1.2 million).

FAA future airway facilities technologies (R&D) ($3.4 million).

FAA general aviation renaissance ($1 million).

Federal Hwy. Admin. OJT/supportive svcs. ($5 million).

FHWA ITS advanced technology applications ($10 million).

FHWA ITS priority corridors ($10 million).

AGRICULTURE

Cattle Tick Eradication Program, Food Stamp Program ($12.5 million).

Closed 3 Agriculture Research Svc. laboratories ($1 million).

Eliminated 26 research grants ($4.7 million).

Nutrition Education Initiative, Extension activities ($4.3 million).

TREASURY-POSTAL SERVICE

Advisory Commission on Intergovt. Relations ($216,000).

Administrative Conference of the U.S. ($1.2 million).

Treasury Special Forfeiture Fund ($45 million).

IRS Tax Compliance ($405 million).

OPM Federal Quality Institute ($800,000).

OPM International Affairs Office ($140,000).

OPM Research Office ($2.2 million).

OPM Job Information ($2.5 million).

OPM Occupational Testing ($14.4 million).

LEGISLATIVE BRANCH

Office of Technology Assessment ($18.4 million).

U.S. Code subscriptions for Members ($420,000).

House Parking Lot 6 ($238,000).

Warehouse at 120 Canal St., SE ($181,000).

Historical Society calendars for Members ($850,000).

Folding Room (privatized) ($6.1 million).

Barber Shop (privatized) ($148,000).

Ended taxpayer-subsidized flag office ($324,000).

ENERGY AND WATER

Gas Turbine Modular Helium Reactor ($20.7 million).

Russian replacement program ($5 million).

Technology Partnership program ($3 million).

In House Energy Mgmt. ($31.3 million).

Water Conservation Challenge Partnerships ($9 million).

Energy/Water Product Efficiency Standards ($450,000).

Construction Prod. Advancement Research Program ($6 million).

Nat'l Assessment of Water Supply Demand & Avail. ($3 million).

Nat'l Special Data Infrastructure ($2 million).

Dredging Oper. and Environmental Research ($3 million).

Water Operations Tech. Support Program ($1.5 million).

River Confluence Ice Research ($1 million).

Natural Resources Technical Support ($1.6 million).

Environmental Review Guide for Operations ($1.5 million).

Reinvested User Fees for Recreation Improvements ($5 million).

Real Time Water Control Research Program ($850,000).

INTERIOR

Bureau of Mines ($30 million).

Emergency Preparedness (DOE) ($8 million).

Pennsylvania Avenue Development Corp. ($7 million).

Urban park and recreation fund ($6 million).

State grants/land and water conservation fund ($25 million).

Business enterprise development grants ($2 million).

Indian direct loan program ($1 million).

Navajo rehabilitation trust fund ($2 million).

Rural abandoned mine program (RAMP) ($8 million).

Advanced computational technology initiative ($10 million).

Coalbed methane program ($2 million).

Planar solid oxide fuel cells program ($3 million).

Mild gasification process development unit ($4 million).

Gasifier improvement facility ($4 million).

Advanced absorption fluids ($1 million).

Microcogeneration ($2 million).

Lighting collaboratives ($1 million).

Federal energy efficiency fund ($7 million).

Cool communities ($2 million).

Training for commercial building operators ($2 million).

Pressure calciner project ($2 million).

Aluminum spray forming ($3 million).

Advanced fluid catalytic cracker ($2 million).

Food, textiles and agriculture program ($1 million).

Grants to industrial associations ($1 million).

Industrial assessments ($1 million).

CNG absorbent systems and tank design ($1 million).

Federal fleet vehicle acquisitions (elim. central DOE fund) ($20 million).

Collaborative effort with DOT on crash behavior ($1 million).

Automotive piston technologies ($5 million).

Locomotive fuel cell program ($1 million).

Fuel cells for buses ($3 million).

Integrated resource planning (utility sector programs) ($9 million).

VA-HUD, INDEP. AGENCIES

Chemical Safety and Hazards Investigation Board ($500,000).

Office of Consumer Affairs ($2.2 million).

Public Housing Development ($598 million).

Enterprise Zone Homes ($50 million).

Pension Fund Partnerships ($350 million).

Flexible Subsidy Fund ($50 million).

Neighborhood Development ($5 million).

Community Adjustment Planning ($2 million).

Congregate Housing ($25 million).

Project Based Service Coordinators ($22 million).

Economic Development Initiative ($350 million).

Joint Community Development ($6 million).

Lease Adjustments ($22 million).

Loan Management ($150 million).

Public Housing Coordinators ($30 million).

Service Coordinators ($30 million).

COMMERCE, JUSTICE, STATE

Advanced Technology Program ($340 million).

U.S. Travel and Tourism Administration ($14 million; $2 million left for closeout costs).

Non-point Pollution Source Control grants ($5 million).

Endowment for Children's Educational Television ($2.5 million).

Contributions to U.N. Industrial Dev. Organization ($28 million).

Competitive Policy Council ($1 million).

Ounce of Prevention Council ($1.5 million).

LABOR, HHS (HOUSE ELIMINATIONS):

[Department of Labor]

[Employment and Training Administration:]

Youth Fair Chance ($24 million).

Rural Concentrated Employment ($3.8 million).

JTPA Concentrated Employment ($6 million).

National Commission for Employment Policy ($2.2 million).

American Samoans (Training & Employment Services) ($5 million).

Microenterprise Grants ($2.25 million).

National Center for the Workplace ($1.1 million).

Office of the American Workplace Departmental Management ($7.4 million).

[Department of Health and Human Services]

[Public Health Services]

State Offices of Rural Health ($3.9 million).

Trauma Care—Public Health Service ($4.7 million).

Native Hawaiian Health Care ($4.5 million).

[Substance Abuse and Mental Health Services Administration]

Community Support Demonstrations—Substance Abuse & Mental Health Services Admin. ($24 million).

Homeless Service Demonstrations ($21 million).

Treatment Grants to Crisis Areas—Substance Abuse Services ($35 million).

Treatment Demonstrations/Criminal Justice Programs ($37.5 million).

Treatment Demonstrations/Critical Populations ($23.5 million).

Comprehensive Comm. Treatment Program—Substance Abuse Services ($27 million).

Substance Abuse Svcs. Training ($5.5 million).

High Risk Youth—Prevention Demonstrations ($65 million).

Other Programs—Prevention Demonstration ($6.6 million).

Community Partnerships ($114 million).

Prevention Education/Dissemination ($13.4 million).

Prevention Education/Training ($16 million).

[Assistant Secretary for Health]

Office of Disease Prevention & Health Promotion ($4.6 million).

Emergency Preparedness ($2.1 million).

Health Care Reform Data Analysis ($2.7 million).

Health Service Management ($18.4 million).

[Health Care Financing Administration]

Counseling Program ($10 million).

Essential Access Community Hospitals ($3.5 million).

New Rural Health Grants ($1.7 million).

[Administration for Children and Families]

Civics & English Education Grants ($6 million).

Child Development Associate Scholarships ($1.3 million).

Runaway Youth Activities ($14 million).

Youth Gang Substance Abuse ($10.5 million).

ABCAN ($288,000).

Dependent Care/Planning & Development ($13 million).

Child Welfare Research ($6.3 million).

Social Services Research ($15 million).

Family Support Centers ($7 million).

Rural Housing ($2.9 million).

Farmworker Assistance ($3 million).

Demonstration Partnerships ($7.9 million).

[Administration on Aging]

Pension Counseling ($1.9 million).

Federal Council on Aging ($176,000).

White House Conference on Aging ($3 million).

[Department of Education]

State School Improvement ($27 million).

[School Improvement Programs]

Safe & Drug Free Schools—Nat'l Programs ($25 million).

Education Infrastructure ($35 million).

Law Related Education ($5.8 million).

Christa McAuliffe Scholarships ($1.9 million).

Women's Educational Equity ($3.9 million).

Dropout Prevention Demonstrations ($28 million).

Training in Early Childhood ($13 million).

Family and Community Endeavor Schools ($11 million).

[Bilingual and Immigrant Education]

Support Services ($14 million).

Professional Development ($25 million).

[Special Institutions]

Endowment Grants—National Tech. Institute for the Deaf ($336,000).

Construction—National Tech. Institute for the Deaf ($150,000).

Endowment Grants—Gallaudet University ($1 million).

[Vocational and Adult Education]

Community Based Organizations ($9 million).

Consumer and Homemaker Education ($34 million).

State Councils ($8.8 million).

Demonstrations—National Programs ($20 million).

National Occupational Info. Coord. Committee ($6 million).

Evaluation & Technical Assistance—Adult Education ($3.9 million).

National Institute for Literacy ($4.8 million).

Workplace Literacy Partnerships ($18 million).

[Student Financial Assistance]

State Post-Secondary Review Program ($20 million).

[Higher Education]

Endowment Grants ($6 million).

HBCU Set-aside ($2 million).

Evaluation ($1 million).

Native Hawaiian & Alaska Native Cultural Arts ($1 million).

Eisenhower Leadership Program ($4 million).

Innovation Projects in Community Service ($1.4 million).

Cooperative Education ($6.9 million).

Student Financial Aid Database ($496,000).

National Science Scholarships ($4.4 million).

National Academy of Science, Space & Technology ($2 million).

Douglas Teacher Scholarships ($14.5 million).

Olympic Scholarships ($1 million).

Teacher Corps ($1.8 million).

Harris Scholarships ($20 million).

Faculty Development Fellowships ($3.7 million).

School, College and University Partnerships ($3.8 million).

Legal Training for the Disadvantaged ($2.9 million).

[Howard University]

Regular Program—Endowment Program ($3.5 million).

Clincial Law Center—Endowment Program ($5.5 million).

Research ($4.6 million).

Construction ($5 million).

College Housing & Acad. Facilities Loans ($1 million).

[Education Research, Statistics & Improvement]

21st Century Learning ($750,000).

National Diffusion Network ($14 million).

[Libraries]

Library Literacy Programs ($8 million).

[Department Management]

National Board of the Fund for the Improv. of Post Secondary Ed. ($128,000).

President's Ad. Comm. on Ed. Excellence for Hispanic Am. ($286,000).

[Related Agencies]

Vista Literacy Corps—Domestic ($5 million).

Senior Demonstration Program ($1 million).

National Ed. Standards & Improvement Council ($2 million).

A TRIBUTE TO CAMILO FERNANDEZ AND HIS EXTRAORDINARY LIFE OF PUBLIC SERVICE

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 1996

Ms. ROS-LEHTINEN. Mr. Speaker, Camilo Fenandez, a man widely admired and respected throughout the Hispanic community of the United States, will receive the 1996 Manuel Antonio de Varona Award, from the Junta Patriotica Cubana, in recognition of his extraordinary public service career.

Camilo Fernandez is the President of the Asociacion Pro-Cuba and also of the regional New Jersey Board of Directors of the Junta Patriotica Cubana. He has also presided, with great distinction, the Lions Club Chapter of Elizabeth, NJ, also serving in its Board of Directors for 20 consecutive years and as Vice-Governor for the 16th-E district of Lions International. These are only a few examples of the devoted and unselfish service he has provided his community.

Throughout his exceptional life, Camilo Fernandez has been at the forefront of efforts to reestablish freedom and democracy in Cuba, his native homeland. The desire to see his fellow countrymen free from repression has been the primary inspiration of his life and continues even stronger today.

Together with his wife, Maria Julia, Camilo Fernandez has demonstrated great leadership in his involvement in numerous civic, cultural and patriotic activities.

For his tireless efforts in support of his community and for his perseverance in trying to bring freedom to his homeland of Cuba, I pay tribute to Camilo Fernandez. He truly is a giant among ordinary men.

HONORING THE ALPINE VOLUNTEER FIRE DEPARTMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 1996

Mr. GORDON. Mr. Speaker, I am taking this opportunity to applaud the invaluable services provided by the Alpine Volunteer Fire Department. These brave, civic-minded people give freely of their time so that we may all feel safer at night.

Few realize the depth of training and hard work that goes into being a volunteer firefighter. To quote one of my local volunteers, "These fireman must have an overwhelming desire to do for others while expecting nothing in return."

Preparation includes twice-monthly training programs in which they have live drills, study the latest videos featuring the latest in firefighting tactics, as well as attend seminars where they can obtain the knowledge they need to save lives. Within a year of becoming a volunteer firefighter, most attend the Tennessee fire training school in Murfreesboro where they undergo further, intensified training.

When the residents of my district go to bed at night, they know that should disaster strike and their home catch fire, well-trained and qualified volunteer fire departments are ready and willing to give so graciously and generously of themselves. This peace of mind should not be taken for granted.

By selflessly giving of themselves, they ensure a safer future for us all. We owe these volunteer fire departments a debt of gratitude for their service and sacrifice.

TRIBUTE TO LAKEWOOD KIWANIANS

HON. MARTIN R. HOKE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 1996

Mr. HOKE. Mr. Speaker, I want to share with my colleagues inspiring and irrefutable evidence of the goodness and compassion and humanitarian concern of the American people and the ladders of opportunity they have raised for their fellow citizens, particularly those who have fallen behind.

For 75 years, the members of the Kiwanis Club of Lakewood, OH, have quietly performed acts of human kindness to serve the needs of young and old alike. Chartered May 17, 1921, it was the city's first service club.

Through the dark days of the Great Depression, during times of war and peace, amid tumultuous change and the unimagined challenges and opportunities of a rapidly evolving society. Lakewood's remarkable Kiwanians have been a constant, unwavering source of help and inspiration for their fellow citizens.

They saw the urgent needs of their community and acted instinctively to help. They donated food, collected and distributed clothing, formed a scholarship program for college and vocational school students, built a picnic pavilion and running track, sponsored youth health and safety campaigns and hundreds of other programs and activities that have helped to enrich the quality of life for generations of Lakewood families.

Lakewood Kiwanians have breathed life into the ideals of brotherhood, community and citizenship for three-quarters of a century. They have personified what is best about America, its people.

The club's long record of service is chronicled in the following article from the Lakewood Sun Post by Dan Chabek, a trustee emeritus of the Lakewood Historical Society and a former board member of Lakewood Kiwanis. I ask that this be placed in the RECORD and I urge my colleagues to join me in congratulating the members of the club on their 75th anniversary, but more than that, for touching the lives of our community and its people in such a positive way over the years.

LAKEWOOD ORGANIZATION CELEBRATES 75TH ANNIVERSARY

(By Dan Chabek)

In what Lakewood organization does one find compassion for the needy and handicapped, aid for the elderly, support of youth, young children priority one, and a determination to make our city the best place in which to live?

The answer is the Lakewood Kiwanis Club, which is celebrated its 75th birthday this month.

Across the years the membership, now numbering 183, has immersed itself in hundreds of charitable projects, always striving to provide hands-on volunteer help as well as monetary assistance.

Chartered May 17, 1921, the club became Lakewood's first service organization. Its goals to improve quality of life have been sparked all along by the Kiwanis motto: "We build."

The Lakewood club is part of Kiwanis International, which comprises more than 300,000 members from nearly 8,800 clubs in more than 75 nations.

First in the worldwide organization was the Detroit Club, founded by Allen Simpson Browne, a professional organizer, in early 1915. Later that year, the No. 2 club was formed in Cleveland.

Its president, Harry H. Hoard, got the ball rolling for a Lakewood accession that would become the initial suburban Kiwanis in Greater Cleveland. He invited Dr. Walter F. Keating of Lakewood to round up a core of 84 local businessmen as charter members. Keating was named first president of the Lakewood club.

Current officers are Timothy Friedmann, president; Susan Brooks Dickinson, first vice president; Ernest M. "Tex" Phillips, second vice president; Harold Mathiott, secretary; James Simon, treasurer.

In its fledgling years, Lakewood Kiwanis made numerous contributions, including $5,900 to aid victims of the horrible 1924 Lorain tornado, and $5,000 to build a camp lodge in Rocky River valley to accommodate the Boy Scouts, YMCA and various other youth groups.

During the Great Depression of the '30s, the club held charity drives during which members plied the city streets in their own cars to pick up used clothing and food for distribution to jobless families.

Lakewood Kiwanis has taken particular pride and interest in its Scholarship Foundation. Starting in 1954, it has awarded to date $623,000 in college grants to 170 deserving high school seniors.

Today, the foundation has a net worth in excess of $300,000, with funding coming from endowments, interest on investments, and contributions mostly by Kiwanians at weekly Tuesday luncheon meetings in Lakewood's Masonic Temple on Detroit Road.

In 1971, to commemorate its 50th anniversary, the club was the prime funder of the open picnic pavilion at Lakewood Park, underwriting $20,000 of the $30,000 cost.

In 1985, a check for $100,000 was given to Lakewood High School to build an eight-lane, all-weather running track located at the school's athletic field and open to the community. Three years later, a new $22,000 automotive van was donated to this area's Youth Challenge organization to transport handicapped children.

In more recent years, there have been many ongoing beneficial programs, such as:

Free distribution of vegetable and flower seeds to grade school pupils in the spring for backyard gardens, with prizes awarded to winning student growers at the end of the crop season.

No-charge, one-on-one tutoring by Kiwanians to pupils needing help in math, social studies and reading. Also, similar participation in a "Grandparents, Read to Me" class for preschoolers who show signs of probable later learning difficulties.

Annual vocational undertaking wherein Lakewood students, hopeful of pursuing designated careers, can elect to "shadow" for a day Kiwanians who are successful in the particular field the student desires to enter.

Regular monthly "pass-the-can" donations up to $100 or more at Kiwanis luncheons for the Lakewood Christian Service Center's Hunger Project.

To obtain funds for conducting most of its good-deed works, Lakewood Kiwanis relies to a large extent on two fund-raising programs. It makes and distributes doughnuts, as many as 4,000 dozens a year, and it sells tickets and prints playbills for an annual musical variety show performed by a local amateur cast known as The Group.

Kiwanians also roll up their sleeves for numerous other money-making projects, including hot dog sales at community festivals, spaghetti dinners, and reverse raffles.

Assists in fund-raising endeavors are forthcoming from student affiliates of Lakewood Kiwanis—the Key Club at Lakewood High School and Builders Club chartered at Harding, Horace Mann and Emerson Middle Schools, and Lakewood Lutheran School.

A former auxiliary, one made up of the wives of members and known as the Lakewood Kiwani-Anns, was founded in 1961. It remained active for many years until the advent, within the past decade, of women members in the club's main roster.

This month, as a special gesture to mark its anniversary, Lakewood Kiwanis provided an illuminated sign to be placed in front of the Board of Education Building on Warren Road.

Also on the club's agenda is an anniversary banquet for members, families and friends. It is set for Friday evening, May 17, at Wagner's Country Inn in Westlake.

Finally, in case you've wondered, the name "Kiwanis" is from an old American Indian expression. One broad interpretation was that it meant. "We have a good time—we make noise." However, other definitions, now more generally accepted, are "We trade" or "We share our talents."

HOUSTON-BASED CONTINENTAL AIRLINES IS FLYING HIGH

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 1996

Mr. FIELDS of Texas. Mr. Speaker, the Wall Street Journal last week, and Business Week this week, profiled a Houston-based company that is flying high: Continental Airlines. The articles in the Wall Street Journal and Business Week chronicled the improved service that Continental Airlines now offers its passengers—and the resulting improvement in Continental's bottom line.

Under the leadership of Chief Executive Officer Gordon Bethune, and as a result of greater cooperation and better communication between labor and management, Continental Airlines has transformed itself from a mediocre carrier to one of America's best-run airlines. After weathering some turbulence in the 1980's, Continental is soaring into clear skies, and we Houstonians couldn't be prouder that our hometown carrier is doing so well.

In the year and a half since Gordon Bethune arrived at Continental from Boeing, there have been many changes at the airline. No longer does Continental Airlines have one of the industry's worst records for on-time performance, lost or mishandled baggage, or customer complaints. Today, Continental has one of the industry's best records in each of those performance categories. The airlines now provides its customers with some of the best service in the skies—and word's getting out. Continental Airlines is attracting more leisure travelers as well as business travelers, and the airline's bottom line is in better shape today than it has been in years.

Now, while Gordon Bethune is a highly talented and motivated chief executive officer, the turnaround at Continental Airlines is not the result of his efforts alone. It is the result of the hard work of the thousands of dedicated individuals who make Continental "more airline for your money"—employees like the baggage handler who makes certain the right bag is loaded on the right flight, the flight attendant who provides a weary traveler with a little extra attention, and the mechanic who takes the time to prevent problems even before they become problems.

The significant improvements that we've all experienced at Continental Airlines show that when management and labor work together, each can prosper. This mistrust and anger that for too long characterized relations between Continental management and the airline's employees is gone. Under Gordon Bethune's leadership, new and innovative incentives have been instituted to ensure that Continental employees spend more time serving the needs of their customers, and less time arguing among themselves. Those incentives have created an environment in which Continental Airlines employees are encouraged to work together to accomplish the impossible—rather than spending their workdays convincing one another that something cannot be done. Today, everyone at Continental—at corporate headquarters, at each maintenance facility, at every airport and every boarding gate—understands that their fates are tied together. They understand that they and their airline will prosper or fail—together.

This transformation has not been easy, quick or painless. In fact, to some, the mere fact that Continental Airlines is still flying is nothing short of a miracle.

Mr. Speaker, the new Continental Airlines may be the result of a miracle, good luck or just plain hard work on the part of thousands of Continental Airlines employees and executives. Whatever the cause, we Houstonians familiar with Continental's turbulent past are pleased that its future looks so bright. Continental is a major employer in Houston, and we are proud that our hometown airline is setting the pace in the highly competitive airline industry. I salute Gordon Bethune for his efforts to make that possible, and I salute the hard work and dedication of each and every Continental employee for a job very, very well done.

ALASKA STATE FOREST PRACTICES ACT PROTECTS FISH HABITAT

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 1996

Mr. YOUNG of Alaska. Mr. Speaker, I want to bring the attention of my colleagues to a new study. The study details the effect of modern logging techniques under the State of Alaska's Forest Practices Act on fish streams throughout Alaska.

This is a significant study. It shows that Alaska can handle forest management to protect fish and fish streams. It shows that logging under State standards does not have an adverse impact on fish habitat and stream conditions. It shows that logging on State and private land in Alaska is compatible with fisheries protection.

The study is one more reason why Alaskans should be given a chance to elect to own and manage the Tongass National Forest, which is what my bill, H.R. 2413, proposes. If Alaskan policies and rules are achieving these results, the State ownership of the Tongass will more than protect fish streams when timber harvesting is involved. And Washington, DC policies and programs can stay where they originate—inside the Washington, DC beltway.

The study was conducted by an Alaska Native corporation, Sealaska, on land managed under State law. Alaska State law requires 66-foot or 100-foot no timber harvest buffer zones around fish streams.

What distinguishes this study from many others is that it relies on actual stream surveys taken over a 3-year period, 1992–94, in timber harvest areas and unlogged areas. The group conducting the study actually went out and collected real data, something that our Federal researchers in the Forest Service should note.

Stream health was analyzed in 10 basins and the conclusion was that the changes comparing logged and unlogged basins was not discernible. Where disturbances have occurred, they have not resulted in fish stream productivity.

The article from this month's Resource Review that discusses the study follows my remarks. What this teaches is that States can effectively manage resources within their boarders. In my view Alaskans should be given the chance to manage the Tongass and other States or local governments should be given lands within their boarders.

Management decisions and policies made by the people and closest to the people—outside of the influence of Washington, DC—are the best management decisions and policies.

MULTI-YEAR STUDY CONCLUDES ALASKA'S FOREST PRACTICES ACT PROTECTS FISH, STREAM HABITAT

A recent multi-year study has concluded that modern logging operations adhering to the guidelines of the Alaska Forest Practices Act (FPA) do not have an adverse impact on fish habitat and stream channel conditions.

Prepared by Pentec Environmental for Sealaska Corporation and the Alaska Forest Association, the report evaluates the effectiveness of the FPA in protecting fish habitat and channel conditions. The report consolidates the findings of 1992, 1993 and 1994 monitoring studies and is part of a continuing investigation that will provide information on FPA effectiveness in both the short and long term.

The FPA specifies best management practices (BMP) for loggers to follow in preventing significant adverse effects from timber harvest activities on habitat and water quality. In 1992, Pentec was contracted to develop and implement a monitoring program to collect data on fish habitat and channel conditions from streams in forested lands of coastal Alaska. The objectives of the monitoring program were to determine whether fish habitat conditions have changed as a result of forest practices and whether habitat quality has been significantly affected by timber operations.

From 1992 and 1994, stream surveys were conducted in selected timber management areas of Southeast Alaska, the Kenai Peninsula and Afognak Island. Stream basins with varying levels of timber harvest were surveyed during each year, and annual surveys were repeated on several streams.

The results of the Pentec study are based on three years of data that was collected within one of seven years following initiation of timber harvest activities. The data was collected from over 27 miles of streams in 10 different basins.

The report finds the only change that is certain is the increase in large woody debris (LWD) from the riparian buffer in some logged streams as a result of blowdown. The increased LWD is not expected to have a negative effect on fish habitat because the channel changes are local and the amount of stream length affected in small.

The study found that other habitat conditions have changed in stream reaches of both logged and unlogged basins, but the magnitude and direction of these changes are not discernible at this time. The monitoring results suggest no large habitat disturbances have occurred to date and that any disturbances that may have occurred are relatively subtle. None of the changes have occurred at a level large enough to affect fish productivity.

SENATE—*Wednesday, May 22, 1996*

The Senate met at 9:15 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious Lord, we begin this day with disturbing questions that won't go away. What would we do and say today if we loved You with all our hearts? How would we deal with the present challenges we face here in the Senate if we put You and the welfare of our Nation first above all else? What do You want us to do to move forward?

You have taught us, "If you have faith as a mustard seed, you will say to this mountain, 'Move from here to there' and it will move; and nothing will be impossible for you."

Is Your promise applicable to us in our circumstances? Will You give us power to remove the mountainous differences that often divide us if we have faith in You—even as small as a mustard seed? We dare to claim that You will.

Therefore, we ask You to guide us to Your solutions for our present concerns. Bring us together in unity around what is most creative for our Nation. We place our faith in You. Nothing is impossible for You. Help us Lord, we need You. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, the Senator from Mississippi, Senator LOTT, is recognized.

SCHEDULE

Mr. LOTT. Mr. President, I thank the Senator for the recognition. The Senate will immediately resume consideration of Senate Concurrent Resolution 57, the concurrent budget resolution, and will begin a lengthy series of consecutive rollcall votes, all on or in relationship to amendments. The first vote will be 15 minutes in length, but all remaining votes in the sequence are limited to 10 minutes in length. Senators are asked—implored—to remain in or around the Senate Chamber throughout this voting sequence in order to facilitate the votes and hope to complete action on the budget resolution before a late hour tonight.

Again, I plead with the Senators to stay on the floor so we can go through this series of votes. It inconveniences all Senators when we have one or two that get lost down the hall. Please stay close. I believe we can finish this series of votes in a reasonable period of time.

I want to thank the managers of the bill, the chairman of the committee and the ranking member from Nebraska. They have been working hard to get through this list of amendments. I know they will continue to work to see if the long list can be reduced further by voice vote, or whatever, throughout the day. I ask for all possible cooperation with them.

MEASURE PLACED ON THE CALENDAR—S. 1788

Mr. LOTT. Mr. President, I understand there is a bill due for its second reading. I ask for that.

The PRESIDING OFFICER (Mr. INHOFE). The Senator is correct. The clerk will read the bill for the second time.

The assistant legislative clerk read as follows:

A bill (S. 1788) to amend the National Labor Relations Act and the Railway Labor Act to repeal those provisions of Federal law that require employees to pay union dues or fees as a condition of employment, and for other purposes.

Mr. LOTT. Mr. President, I object to further proceedings of this matter at this time.

The PRESIDING OFFICER. The objection is heard. The bill will be placed on the calendar.

CONCURRENT RESOLUTION ON THE BUDGET

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 57) setting forth the congressional budget for the U.S. Government for fiscal years 1997, 1998, 1999, 2000, 2001, and 2002.

The Senate resumed consideration of the bill.

Pending:

Boxer amendment No. 3982, to preserve, protect, and strengthen the Medicaid program by controlling costs, providing State flexibility, and restoring critical standards and protections, including coverage for all populations covered under current law, to restore $18 billion in excessive cuts, offset by corporate and business tax reforms, and to express the sense of the Senate regarding certain Medicaid reforms.

Wyden-Kerry amendment No. 3984, to express the sense of the Senate regarding revenue assumptions.

Wellstone amendment No. 3985, to express the sense of the Senate on tax deductibility of higher education tuition and student loan interest costs.

Wellstone-Kerry amendment No. 3986, to express the sense of the Senate that funds will be available to hire new police officers under the Community Oriented Policing Service.

Wellstone amendment No. 3987, to express the sense of the Senate that Congress will not enact or adopt any legislation that would increase the number of children who are hungry or homeless.

Wellstone amendment No. 3988, to express the sense of the Senate with respect to maintaining current expenditure levels for the Low Income Home Energy Assistance Program for fiscal year 1997.

Wellstone amendment No. 3989, to express the sense of the Senate with respect to the interrelationship between domestic violence and welfare.

Kerry amendment No. 3990, to restore proposed cuts in the environment and natural resources programs, to be offset by the extension of expired tax provisions or corporate and business tax reforms.

Kerry amendment No. 3991, to increase the Function 500 totals to maintain levels of education and training funding that will keep pace with rising school enrollments and the demand for a better-trained workforce, to be offset by the extension of expired tax provisions or corporate and business tax reforms.

Kyl amendment No. 3995, to express the sense of the Senate regarding a supermajority requirement for raising taxes.

Kyl modified amendment No. 3996, to providing funding for the Low Income Home Energy Assistance Program through fiscal year 2000.

Kennedy amendment No. 3997, to express the sense of the Congress that the reconciliation bill should maintain the existing prohibition against additional charges by providers under the medicare program.

Kennedy amendment No. 3998, to express the sense of the Congress that the reconciliation bill should not include any changes in Federal nursing home quality standards or the Federal enforcement of such standards.

Kennedy amendment No. 3999, to express the sense of the Congress that provisions of current medicaid law protecting families of nursing home residents from experiencing financial ruin as the price of needed care for their loved ones should be retained.

Kennedy amendment No. 4000, to express the sense of the Senate relating to the protection of the wages of construction workers.

Byrd amendment No. 4001, to increase overall discretionary spending to the levels proposed by the President, offset by the extension of expired tax provisions or corporate and business tax reforms.

Lott-Smith modified amendment No. 4002, to express the sense of the Congress regarding reimbursement of the United States for the costs associated with Operations Southern Watch and Provide Comfort out of revenues generated by any sale of petroleum originating from Iraq.

Simpson-Moynihan amendment No. 4003, to express the sense of the Senate that all Federal spending and revenues which are indexed for inflation should be calibrated by the most accurate inflation indices which are available to the Federal government.

Graham amendment No. 4007, to create a 60 vote point of order against legislation diverting savings achieved through medicare

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

waste, fraud and abuse enforcement activities for purposes other than improving the solvency of the Medicare Federal Hospital Insurance Trust Fund.

Ashcroft modified amendment No. 4008, to provide for an income tax deduction for the old age, survivors, and disability insurance taxes paid by employees and self-employed individuals.

Gramm amendment No. 4009, to express the sense of the Congress that the 1993 income tax increase on Social Security benefits should be repealed.

Brown amendment No. 4010, to express the sense of the Senate that there should be a cap on the application of the civilian and military retirement COLA.

Harkin amendment No. 4011, to provide that the first reconciliation bill not include Medicaid reform, focusing mainly on Welfare reform by shifting Medicaid changes from the first to the second reconciliation bill.

Harkin (for Specter) amendment No. 4012, to restore funding for education, training, and health programs to a Congressional Budget Office freeze level for fiscal year 1997 through an across the board reduction in federal administrative costs.

Bumpers amendment No. 4013, to establish that no amounts realized from sales of assets shall be scored with respect to the level of budget authority, outlays, or revenues.

Bumpers amendment No. 4014, to eliminate the defense firewalls.

Thompson amendment No. 3981, to express the sense of the Senate on the funding levels for the Presidential Election Campaign Fund.

Murkowski amendment No. 4015, to prohibit sense of the Senate amendments from being offered to the budget resolution.

Simpson (for Kerrey) amendment No. 4016, to express the sense of the Senate on long term entitlement reforms.

Snowe amendment No. 4017, to express the sense of the Senate that the aggregates and functional levels included in the budget resolution assume that savings in student loans can be achieved without any program change that would increase costs to students and parents or decrease accessibility to student loans.

Chafee-Breaux amendment No. 4018, in the nature of a substitute.

Domenici (for Dole-Hatch-Helms) amendment No. 4019, to express the sense of the Senate that the Attorney General should investigate the practice regarding the prosecution of drug smugglers.

Feingold amendment No. 3969, to eliminate the tax cut.

Domenici (for McCain) amendment No. 4022, to express the sense of the Senate regarding Spectrum auctions and their effect on the integrity of the budget process.

Domenici (for Faircloth) amendment No. 4023, to express the sense of the Senate that any comprehensive legislation sent to the President that balances the budget by a certain date and that includes welfare reform provisions shall also contain to the maximum extent possible a strategy for reducing the rate of out-of-wedlock births and encouraging family formation.

Domenici (for Faircloth) amendment No. 4024, to express the sense of the Senate regarding reduction of the national debt.

Exon (for Roth) amendment No. 4025, to express the sense of the Senate regarding the funding of Amtrak.

Domenici amendment No. 4027 (to amendment No. 4012), to adjust the fiscal year 1997 non-defense discretionary allocation to the Appropriation Committee by $5 billion in budget authority and $4 billion in outlays to sustain 1996 post-OCRA policy.

AMENDMENT NO. 4019, AS MODIFIED

Mr. LOTT. I ask unanimous consent for a modification of amendment No. 4019, the Dole-Hatch-Helms sense-of-the-Senate resolution.

The PRESIDING OFFICER. Is there objection to the request?

Without objection, the amendment will be so modified.

The amendment (No. 4019), as modified, is as follows:

The Senate finds that—

Drug use is devastating to the nation, particularly among juveniles and has led juveniles to become involved in interstate gangs and to participate in violent crime;

Drug use has experienced a dramatic resurgence among our youth;

The number of youths aged 12–17 using marijuana has increased from 1.6 million in 1992 to 2.9 million in 1994, and the category of "recent marijuana use" increased a staggering 200% among 14 to 15-year-olds over the same period.

The Senate finds that—

Since 1992, there has been a 52% jump in the number of high school seniors using drugs on a monthly basis, even as worrisome declines are noted in peer disapproval of drug use;

1 in 3 high school students uses marijuana;

12 to 17-year-olds who use marijuana are 85% more likely to graduate to cocaine than those who abstain from marijuana;

Juveniles who reach 21 without ever having used drugs almost never try them later in life;

The latest results from the Drug Abuse Warning Network show that marijuana-related episodes jumped 39% and are running at 155% above the 1990 level, and that methamphetamine cases have risen 256% over the 1991 level;

Between February 1993 and February 1995 the retail price of a gram of cocaine fell from $172 to $137, and that of a gram of heroin also fell from $2,032 to $1,278;

It has been reported that the Department of Justice, through the United States Attorney for the Southern District of California, has adopted a policy of allowing certain foreign drug smugglers to avoid prosecution altogether by being released to Mexico;

It has been reported that in the past year approximately 2,300 suspected narcotics traffickers were taken into custody for bringing illegal drugs across the border, but approximately one in four were returned to their country of origin without being prosecuted;

It has been reported that the U.S. Customs Service is operating under guidelines limiting any prosecution in marijuana cases to cases involving 125 pounds of marijuana or more;

It has been reported that suspects possessing as much as 32 pounds of methamphetamine and 37,000 Quaalude tablets, were not prosecuted but were, instead, allowed to return to their countries of origin after their drugs and vehicles were confiscated;

It has been reported that after a seizure of 158 pounds of cocaine, one defendant was cited and released because there was no room at the federal jail and charges against her were dropped;

It has been reported that some smugglers have been caught two or more times—even in the same week—yet still were not prosecuted;

The number of defendants prosecuted for violations of the federal drug laws has dropped from 25,033 in 1992 to 22,926 in 1995;

This Congress has increased the funding of the Federal Bureau of Prisons by 11.7% over the 1995 appropriations level;

This Congress has increased the funding of the Immigration and Naturalization Service by 23.5% over the 1995 appropriations level; therefore

It is the sense of the Senate that the functional totals underlying this resolution assume that the Attorney General promptly should investigate this matter and report, within 30 days, to the Chair of the Senate and House Committees on the Judiciary; and

The Attorney General should ensure that cases involving the smuggling of drugs into the United States are vigorously prosecuted.

Mr. LOTT. Mr. President, I yield the floor.

Mr. EXON. Mr. President, I ask unanimous consent to proceed for 2 minutes on the procedures that we are about to begin.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EXON. Mr. President, we are about to begin a series of what probably will be about 30 or more rollcall votes. These votes will occur in the order of the amendments as they were introduced and debated on the Senate floor.

Each offerer of an amendment should be prepared to deliver a 30-second statement in favor of the amendment immediately prior to the vote on the amendment. This will require, if we are going to do it this way, the offerer of these amendments to make sure they are on the floor and prepared to go. Otherwise, the process is going to bog down. Under the unanimous-consent agreement and the Budget Act, the offerer of the amendment will control 30 seconds, and the majority manager, Senator DOMENICI, will control 30 seconds if he opposes the amendment. Only if the chairman favors the amendment will this Senator control 30 seconds in opposition.

I urge Senators to prepare three crisp sentences that they want to say in favor of their amendment. It will be unlikely that Senators will have time to say more than that. I also urge Senators to make every effort, as has been said by the acting majority leader, Senator LOTT, to be here on the floor at all times and, certainly as a priority measure, immediately before their amendment is scheduled for 1 minute, equally divided, of debate. Then we will go to a vote. I thank all Senators for their assistance in expediting the process. We have had good cooperation, and I hope that will continue today.

The PRESIDING OFFICER. There will be 1 minute equally divided between the sides on each vote.

Mr. FORD. Mr. President, 1 minute equally divided, so 30 seconds each?

The PRESIDING OFFICER. Each side gets 30 seconds.

Mr. FORD. It is hard to say good morning in 30 seconds.

Mr. EXON. We are going to have to change the procedures in the Senate.

Mr. LOTT. Are we ready to proceed?

The PRESIDING OFFICER. Yes.

Mr. LOTT. I believe the Boxer amendment is first.

AMENDMENT NO. 3982

The PRESIDING OFFICER. The pending question is amendment No. 3982 offered by the Senator from California [Mrs. BOXER].

The Senator from California is recognized.

Mrs. BOXER. Mr. President, Medicaid serves many of our citizens in nursing homes and serves millions of disabled children who are in wheelchairs, and millions of our working families. This budget hurts those people. We would add back $18 billion, bringing Medicaid up to the President's level. It is still below the Breaux-Chafee level. If you vote for Breaux-Chafee, you should vote for this. If you voted for the President's budget, you should vote for this. We hope you will support this. We pay for it by closing corporate tax loopholes.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, might I say to the distinguished whip and Senator EXON, the reason I was delayed, we are having a rather major disaster in my State, and a lot of agencies got together to see what they might do about it. I apologize to the Senate for not being here promptly at 9:15.

The Boxer amendment would increase taxes and Medicaid spending by $18 billion. It also contains sense-of-the-Senate language requiring the maintaining of current law provisions on individual rights to sue in Federal courts, spousal impoverishment, and many other things. This is precisely the direction we do not want to go in, and we do not want to raise taxes to pay for more spending.

I move to table the Boxer amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment offered by the Senator from California [Mrs. BOXER].

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 55, nays 45, as follows:

[Rollcall Vote No. 120 Leg.]

YEAS—55

Abraham
Ashcroft
Bennett
Bond
Brown
Burns
Campbell
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
DeWine
Dole
Domenici
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hatch
Hatfield
Helms
Hutchison
Inhofe
Jeffords
Kassebaum
Kempthorne
Kerrey
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Nunn
Pressler
Roth
Santorum
Shelby
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—45

Akaka
Baucus
Biden
Bingaman
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Conrad
Daschle
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Heflin
Hollings
Inouye
Johnston
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Pell
Pryor
Reid
Robb
Rockefeller
Sarbanes
Simon
Wellstone
Wyden

The motion to lay on the table the amendment (No. 3982) was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote.

Mr. EXON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I am going to yield immediately. Might I just remind Senators that was supposed to be a 15-minute vote. How long did it take?

The PRESIDING OFFICER. The pending question now is the——

Mr. DOMENICI. Mr. President, parliamentary inquiry. How long did we spend on the last vote?

The PRESIDING OFFICER. Twenty-two minutes.

Mr. DOMENICI. Twenty-two minutes instead of fifteen. That will never get the job done unless you want to stay until midnight or all day tomorrow at 22 minutes each. The next time we have a rollcall vote, we have already had unanimous consent that it is 10 minutes, and I would say to Senators I have been authorized to call regular order at the end of 10 minutes, so I hope you are here and vote.

Mr. EXON. Will the Senator yield?

Mr. DOMENICI. I will be glad to yield.

Mr. EXON. The other thing I remind the Senate is, we are going to be here today, as we usually are not, one vote after another. That tends to increase conversations on the Senate floor. That also is going to take an awful lot of time away from us. Please leave the floor if you are going to have extended conversation.

Mr. DOMENICI. I thank the Senator.

AMENDMENT NO. 3984, AS MODIFIED

The PRESIDING OFFICER. The question occurs on agreeing to amendment No. 3984 offered by the Senator from Oregon [Mr. WYDEN].

Mr. WYDEN. Mr. President, I send a modification of my amendment to the desk and ask unanimous consent that the amendment be so modified.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3984), as modified, is as follows:

At the appropriate place, insert the following new section:

SEC. . SENSE OF THE SENATE REGARDING REVENUE ASSUMPTIONS.

(a) FINDINGS.—The Congress finds the following:

(1) Corporations and individuals have clear responsibility to adhere to environmental laws. When they do not, and environmental damage results, the federal and state governments may impose fines and penalties, and assess polluters for the cost of remediation.

(2) Assessment of these costs is important in the enforcement process. They appropriately penalize wrongdoing. They discourage future environmental damage. They ensure that taxpayers do not bear the financial brunt of cleaning up after damages done by polluters.

(3) In the case of the Exxon Valdez oil spill disaster in Prince William Sound, Alaska, for example, the corporate settlement with the federal government totaled $900 million.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that assumptions in this resolution assume an appropriate amount of revenues per year through legislation that will not allow deductions for fines and penalties arising from a failure to comply with federal or state environmental or health protection laws.

Mr. WYDEN. Mr. President and colleagues, this amendment has been agreed to by both the majority and the minority. It simply says, if a polluter engages in action that violates our environmental laws and that action results in a penalty or a fine, those actions would no longer be deductible under our tax law.

Senator KERRY of Massachusetts joins me in this. I thank Senator DOMENICI of New Mexico and Senator EXON for support of this amendment, and I yield the floor.

Mr. DOMENICI. Mr. President, the Finance Committee has reviewed this and made some modifications, and since it is acceptable to the Finance Committee, I have no objection.

The PRESIDING OFFICER. The question occurs on agreeing to amendment No. 3984, as modified, offered by the Senator from Oregon [Mr. WYDEN].

The amendment (No. 3984), as modified, was agreed to.

Mr. EXON. Mr. President, I move to reconsider the vote.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3985

The PRESIDING OFFICER. The question now occurs on the Wellstone amendment, No. 3985.

Mr. WELLSTONE. Mr. President, since I have just 30 seconds, this is an amendment that I proposed. It is a leadership amendment on our side which addresses the sense of the Senate that any tax revenue raised by the Finance Committee that does not go toward a child tax credit will be used to finance a tax deduction of up to $10,000 a year for higher education tuition or to help pay off student loan interest or for strict budget deficit reduction.

I cannot think of an issue that is more important to a broad section of the population than to be able to finance higher education for families.

Mr. DOMENICI. Mr. President, the Wellstone amendment, although it is a sense of the Senate and not binding, would tie the hands of the Finance Committee. The Senator from New Mexico does not think that is what we want to do.

Mr. KOHL. Mr. President, I rise today to express my opposition to the amendment offered by my colleague Senator WELLSTONE. As I understand the Wellstone amendment, it requires any tax revenues raised in excess of the amount needed to pay for a per-child tax credit be allocated toward a $10,000 annual deduction for higher education tuition and student loan interest costs or for deficit reduction. After careful consideration, and notwithstanding my support for the respective goals of deficit reduction and education assistance, I have concluded that I am unable to support the Wellstone amendment. Let me tell you why.

Mr. President, although I share Senator WELLSTONE'S commitment to increasing educational opportunities and easing the burdens associated with the costs of higher education, I do not share his all-or-nothing approach to determining our Federal budget priorities. Our Nation faces a number of difficult and complicated challenges arising out of our failure to reduce the Federal budget deficit, to achieve sustained economic growth, and to increase the global competitiveness of the Nation's labor force.

I believe that the only way to meet these challenges is to adopt a comprehensive plan of action that moves the Nation forward on every front. Recognizing the need for such action, the members of the Centrist coalition offered a budget that called for deficit reduction, economic growth, and education incentives. Moreover, all of our proposals were paid for by spending reductions and elimination of loopholes benefiting special interests and foreign corporations. Finally, Mr. President, the members of the centrist group concluded that these investments and reforms would yield the maximum possible benefit if they were enacted as part of a comprehensive package.

With respect to the education incentives, our group proposed a two-part package. The first component called for the enactment of an above-the-line deduction for interest expenses paid on education loans. The second component was an additional above-the-line deduction for qualified education expenses paid for the education or training of the taxpayer, his or her spouse, or the taxpayer's dependents.

As the centrist proposal demonstrated, it is possible to craft a budget that fairly and equitably addresses our needs in critical areas such as education without excluding other important national priorities. Unfortunately, the Wellstone amendment leaves no room for many of the economic reforms—such as capital gains and estate tax reform and small business incentives—that are also critical to providing economic security for all of our citizens. It is this shortcoming that, in my opinion, creates a fatal flaw in my colleague's proposal.

Mr. President, although I am unable to support Senator WELLSTONE in this particular instance, I do look forward to working with him, and others, to find bipartisan solutions to the challenges that lie ahead.

Mr. President, I yield the floor.

Mr. HARKIN. Mr. President, last month I introduced the Commonsense Middle-Class Tax Relief Act which embodies the principles outlined in this sense-of-the-Senate resolution offered by the Senator from Minnesota. I enthusiastically support the pending amendment.

Too many hard-working families in Iowa and across the country are worried about a lot of things—and of paramount concern is their ability to pay for college, for their children and for themselves. Families are struggling to pay the college tuition bill and student debt is soaring. Middle-income families need a break.

The 1992 median income for families with children in Iowa was $35,100. Right now it costs $6,108 to pay tuition, fees, and room and board for a year at the University of Iowa. The cost is about the same at Iowa State. There is no doubt the average working family in Iowa is having great difficulty paying for 4 years of college for their children.

But these families know that the key to a better future for their families is intricately linked to a good education, including college and vocational training. Therefore, they are doing whatever they can to send their kids to college. And for many, that means accumulating big debts to pay for those educations.

Over the past decade and a half, college aid in the form of grants has decreased and has been replaced by an increased reliance on loans. The cost of attending the University of Northern Iowa is about $5,700. Over the past few years the average debt of students graduating from this very modestly priced state university has been climbing. For the 1990–91 school year, the average debt was $2,589 and rose to $4,395 for 1994–95.

It is clear that many students are borrowing to pay for college. These students and their families need help.

Today, middle-class Americans are working longer hours for smaller paychecks. This amendment would pave the way to provide a tax deduction for college tuition and interest on student loans—giving American families a raise in incomes, a raise in education and skills, and a raise in living standards.

The Commonsense Middle-Class Tax Relief Act and this amendment are based on a fundamental premise: A higher education means higher income.

This amendment would cut taxes on hard-working families trying to get ahead, raise incomes, and prepare Americans for the 21st century. It will mean higher incomes, higher education, and higher quality jobs for hard-working Americans.

Mr. President, education is key to both the raising of incomes of average Americans and to increasing the competitiveness of America in an increasing global economy.

We should be able to agree on a bipartisan basis that this type of important middle-class tax relief is needed and will mean better opportunities and better incomes for millions of Americans.

Mr. President, I urge my colleagues to join me in support of this commonsense proposal.

Mr. DOMENICI. I move to table the amendment.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question occurs on the motion to table amendment No. 3985, offered by the Senator from Minnesota [Mr. WELLSTONE].

The yeas and nays have been ordered.

The clerk will call the roll.

The bill clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 56, nays 44, as follows:

[Rollcall Vote No. 121 Leg.]

YEAS—56

Abraham
Ashcroft
Bennett
Bond
Brown
Burns
Campbell
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
DeWine
Dole
Domenici
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hatch
Hatfield
Helms
Hollings
Hutchison
Inhofe
Jeffords
Kassebaum
Kempthorne
Kohl
Kyl
Lott
Lugar
Mack
McCain
McConnell
Moynihan
Murkowski
Nickles
Pressler
Roth
Santorum
Shelby
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—44

Akaka
Baucus
Biden
Bingaman
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Conrad
Daschle
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Heflin
Inouye
Johnston
Kennedy
Kerrey
Kerry
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Murray
Nunn
Pell
Pryor
Reid
Robb
Rockefeller
Sarbanes
Simon
Wellstone
Wyden

The motion to lay on the table the amendment (No. 3985) was agreed to.

Mr. DOMENICI. May we have order in the Senate, please?

The PRESIDING OFFICER. The Senate will come to order.

Mr. DOMENICI. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. EXON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENTS NOS. 3989, 4017, AND 4024, EN BLOC

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Senate now turn to the consideration en bloc of the following amendments; that they be considered en bloc, agreed to en bloc, the motions to reconsider be laid upon the table, en bloc, without further action or debate. The amendments are as follows: Wellstone, No. 3989; Snowe, No. 4017; Faircloth, No. 4024.

The PRESIDING OFFICER. Is there objection?

Mr. EXON. We have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (Nos. 3989, 4017, and 4024) were agreed to.

AMENDMENT NO. 3986

The PRESIDING OFFICER. The question now occurs on amendment No. 3986 offered by the Senator from Minnesota [Mr. WELLSTONE]. There will be 1 minute equally divided for debate.

Mr. DOMENICI. May we have order, Mr. President?

The PRESIDING OFFICER. The Senate will come to order. The Senator from Minnesota.

Mr. WELLSTONE. I thank the Chair.

Mr. President, this is to make sure we have the funds for the hiring of new police under the COPS Program in fiscal year 1997. This comes directly out of the violent crime reduction trust fund which we passed as a part of the crime bill in 1994. We were all very clear in our commitment that the money would come out of this fund and the commitment would be lived up to and it would be money that would be spent on the COPS Program. As a Senate, we made that commitment, and this amendment just makes sure that we confirm that commitment.

Mr. DOMENICI. Mr. President, I yield back the 30 seconds that I have in opposition.

AMENDMENT NO. 4028 TO AMENDMENT NO. 3986

(Purpose: To increase funding for the violent crime reduction trust fund programs in 2001 and 2002 with offsetting reductions and to express the sense of the Senate regarding administrative funding of the President's public safety and community policing grants)

Mr. DOMENICI. Mr. President, I send an amendment to the desk in behalf of Senator ABRAHAM and Senator COVERDELL and ask that Senator ABRAHAM be permitted to use the 30 seconds to describe his amendment.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for Mr. ABRAHAM, for himself, Mr. COVERDELL, and Mr. HATCH, proposes an amendment numbered 4028 to amendment No. 3986.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In the pending amendment, strike all after "**SEC. .**" and insert the following:

SENSE OF THE SENATE REGARDING THE STATUS OF THE PRESIDENT'S "COPS" PROGRAM.

(a) It is the Sense of the Senate that the assumptions underlying the function totals and aggregates in this budget resolution assume:

(1) full funding for the Violent Crime Reduction Trust Fund through the Fiscal Year 2002; and

(2) that administrative funding for the Public Safety and Community Policing grants should be reduced by half of the President's request for the following reasons:

(A) in an interview with the New York Times on May 12, 1996, a senior presidential aid claimed that, under the COPS program, "43,000 of the 100,000 cops will be on the street";

(B) contrary to this claim, in a press conference Thursday, May 16, 1996, Attorney General Janet Reno stated that, "What I am advised is that there are 17,000 officers that can be identified as being on the streets" as a result of the COPS program; and

(C) While the number of police officers actually placed on the streets under the COPS program has lagged far behind the White House's misleading claims, the President's request to fund 310 administrative positions to oversee the COPS program is an excessive $29,185,000.

The number on page 37, line 17, is deemed to be increased by the amount of $1,900,000,000.

The number on page 37, line 18, is deemed to be increased by the amount of $3,000,000,000.

The number on Page 37, line 24, is deemed to be increased by the amount of $400,000,000.

The number on Page 37, line 25, is deemed to be increased by the amount of $1,550,000,000.

The number on Page 32, line 6, is deemed to be decreased by the amount of $1,900,000,000.

The number on Page 32, line 7, is deemed to be decreased by the amount of $3,000,000,000.

The number on Page 32, line 13, is deemed to be decreased by the amount of $400,000,000.

The number on Page 32, line 14, is deemed to be decreased by the amount of $1,550,000.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. ABRAHAM. Mr. President, this amendment offered by myself, Senator HATCH and Senator COVERDELL is designed to effectuate the goals of the first-degree amendment, but rather than doing it by sense of the Senate, we actually want to get the job done.

Mr. EXON. Mr. President, I suggest the Senate is not in order.

The PRESIDING OFFICER. The Senator is correct.

Mr. EXON. Senators want to talk. We cannot hear what the speakers are saying. It is delaying things.

The PRESIDING OFFICER. The Senator from Michigan will suspend until order is restored in the Senate. The Senate will come to order. Senators please take their conversations outside. The Senator from Michigan.

Mr. ABRAHAM. Thank you, Mr. President.

The objective of our amendment is to actually accomplish the goal of funding the violent crime reduction trust fund for the years 2001 and 2002. The trust fund is currently set to expire just 4 years from now. This amendment keeps the fund going through the year 2002, providing necessary support for prison grants, the COPS Program, the Violence Against Women Program, and so on.

To pay for it, we have offset funds from the 600-function programs for the years 2001 and 2002. We point out that even with this offset, there will still be more dollars in this budget for those programs than was in the administration's request for those programs, and, therefore, we think this is an effective way to both guarantee adequate funding for 600 programs and maintain the violent crime reduction trust fund.

Mr. WELLSTONE. May I have 30 seconds for a response?

The PRESIDING OFFICER (Mr. DEWINE). The Senator from Minnesota is recognized for 30 seconds.

Mr. WELLSTONE. Mr. President, the second-degree amendment does not say anything about whether or not the funding is going to be there next year for the COPS Program. That is the commitment we made. We made the commitment it would come out of this violent crime reduction trust fund, and we should honor that commitment.

What the Senator is representing is that it can come from the Low-Income Home Energy Assistance Program, it can come from aid for kids with spinal bifida, MS, cerebral palsy.

This is a very different amendment. We made a commitment for full funding in this trust fund. That is why we should support the amendment I offered.

Mr. DOMENICI. Mr. President, I ask for the yeas and nays on the Abraham amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. EXON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The question occurs on agreeing to amendment No. 4028 offered by the Senator from Michigan [Mr. ABRAHAM]. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 52, nays 48, as follows:

[Rollcall Vote No. 122 Leg.]

YEAS—52

Abraham
Ashcroft
Bennett
Bond
Brown
Burns
Campbell
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
DeWine
Dole
Domenici
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hatch
Heflin
Helms
Hutchison
Inhofe
Kassebaum
Kempthorne
Kyl
Leahy
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Pressler
Roth
Santorum
Shelby
Simpson
Smith
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—48

Akaka
Baucus
Biden
Bingaman
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Conrad
Daschle
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hatfield
Hollings
Inouye
Jeffords
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Robb
Rockefeller
Sarbanes
Simon
Snowe
Wellstone
Wyden

The amendment (No. 4028) was agreed to.

Mr. DOMENICI. I move to reconsider the vote.

Mr. EXON. I move to lay it on the table.

The motion to lay on the table was agreed to.

Mr. WELLSTONE. Parliamentary inquiry. Is the second-degree amendment in order now?

The PRESIDING OFFICER. The Senator is correct.

AMENDMENT NO. 4029 TO AMENDMENT NO. 3986

(Purpose: To ensure that funds are provided for the hiring of new police under the Community Oriented Policing Service in fiscal year 1997)

Mr. WELLSTONE. Mr. President, I send a second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE] proposes an amendment numbered 4029 to amendment No. 3986.

Mr. DOMENICI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The regular order is to read the amendment.

The legislative clerk read as follows:

At the end of the amendment, add the following:

SEC. . SENSE OF THE SENATE THAT FUNDS WILL BE AVAILABLE TO HIRE NEW POLICE OFFICERS.

(a) It is the sense of the Senate that sufficient funds will be made available for Public Safety and Community Policing grants to reach the goals of Title I of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-266).

Mr. WELLSTONE. Mr. President, it is self-explanatory. That language which was in my original amendment was wiped out by the second-degree amendment, and it seems there would be consensus on that. Therefore, I would like to have this sense-of-the-Senate amendment, which I propose as a second-degree amendment. I hope to get unanimous support. We said we should fully fund it. We should.

Mr. DOMENICI. Mr. President, I move to table the underlying amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 3986.

The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 51, nays 49, as follows:

[Rollcall Vote No. 123 Leg.]

YEAS—51

Ashcroft
Bennett
Biden
Bond
Brown
Burns
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
DeWine
Dole
Domenici
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hatch
Hatfield
Helms
Hutchison
Inhofe
Jeffords
Kempthorne
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Pressler
Roth
Santorum
Shelby
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—49

Abraham
Akaka
Baucus
Bingaman
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Conrad
Daschle
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Heflin
Hollings
Inouye
Johnston
Kassebaum
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Robb
Rockefeller
Sarbanes
Simon
Wellstone
Wyden

The motion to lay on the table the amendment (No. 3986) was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote.

Mr. EXON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3987

The PRESIDING OFFICER. The pending question is amendment No. 3987 offered by the Senator from Minnesota.

The Senator from Minnesota is recognized.

Mr. WELLSTONE. This sense-of-the-Senate simply says that in this budget resolution the Congress shall not enact or adopt any legislation that would increase the number of children who are hungry or homeless, and if in fact that does happen, that we take a look at it. And we would revisit the provisions of any such legislation that would have that effect.

I hope I will get a strong vote for this. It was introduced in the beginning of this Congress and defeated. But then it was passed on a voice vote. I think it is important that we have a vote on this and that 100 Senators vote for the proposition that we are not going to take action that will increase hunger or homelessness among children.

Mr. DOMENICI. Mr. President, I agree with the Senator. Would he accept a voice vote?

Mr. WELLSTONE. No, Mr. President. I want a recorded vote. I had voice votes before, and it got taken out in conference committee originally. This time I want a recorded vote.

Mr. DOMENICI. It might get taken out even with a vote.

Mr. WELLSTONE. At least the Senate is on record.

Mr. DOMENICI. Mr. President, I suggest that nothing in this budget resolution would indicate that we are going to increase the number of hungry and homeless in the United States. I suggest that every Senator vote aye.

I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to amendment

No. 3987, offered by the Senator from Minnesota [Mr. WELLSTONE].

The yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 100, nays 0, as follows:

[Rollcall Vote No. 124 Leg.]

YEAS—100

Abraham
Akaka
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Dole
Domenici
Dorgan
Exon
Faircloth
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Helms
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Pell
Pressler
Pryor
Reid
Robb
Rockefeller
Roth
Santorum
Sarbanes
Shelby
Simon
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner
Wellstone
Wyden

The amendment (No. 3987) was agreed to.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I suggest the absence of a quorum for just 2 minutes.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3990

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. I have conferred with the distinguished Democrat manager, and he concurs that we set aside the Wellstone amendment 3988 and that we proceed to 3990, which is a Kerry amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The question occurs on agreeing to amendment No. 3990.

Who yields time?

Mr. KERRY. Mr. President, is it 60 seconds?

Mr. EXON. Thirty.

The PRESIDING OFFICER. Sixty seconds divided equally. The Senator has 30 seconds.

Mr. KERRY. Mr. President, this amendment would add back the President's level of funding for environmental cleanup. It adds back $7.3 billion over the 6-year period. That would go specifically to EPA enforcement, to the National Oceanic and Atmospheric Administration, to science technology research for the EPA and to the Everglades program as well as the National Park Service. This is critical funding in terms of their ability to meet increased responsibilities of research and protection, and, as I say, it simply brings it back to the President's requested level.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, the budget resolution before us provides $1.5 billion more in 2002 for natural resources and the environment than the President does under his discretionary trigger. This amendment increases taxes $6.3 billion to pay for additional spending. I move to table the Kerry amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question now occurs on agreeing to the motion to table the Kerry amendment No. 3990. The yeas and nays have been ordered. The clerk will call the roll.

The result was announced—yeas 55, nays 45, as follows:

[Rollcall Vote No. 125 Leg.]

YEAS—55

Abraham
Ashcroft
Bennett
Bond
Brown
Burns
Campbell
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
DeWine
Dole
Domenici
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hatch
Hatfield
Heflin
Helms
Hutchison
Inhofe
Kassebaum
Kempthorne
Kerrey
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Nunn
Pressler
Roth
Santorum
Shelby
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—45

Akaka
Baucus
Biden
Bingaman
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Conrad
Daschle
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hollings
Inouye
Jeffords
Johnston
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Pell
Pryor
Reid
Robb
Rockefeller
Sarbanes
Simon
Wellstone
Wyden

The motion to lay on the table the amendment (No. 3990) was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote.

The PRESIDING OFFICER (Mr. FAIRCLOTH). Without objection, it is so ordered.

AMENDMENT NO. 3991

Mr. DOMENICI. Mr. President, by agreement with the minority, we are once again going to set aside Senator WELLSTONE's 3988 and proceed to the second Kerry amendment, 3991.

Mr. KERRY addressed the Chair.

Mr. EXON. Mr. President, we are skipping out of order again. I would like to inquire of the manager, is he suggesting that we skip over Wellstone, which is No. 3988, a second time to go to the second Kerry amendment? Is that right?

Mr. DOMENICI. That is what I suggested. And I do not think I need any more time than that. I still have one Senator I have to talk to about the amendment we are passing over and then we can go right back to it.

Mr. EXON. I would not necessarily agree unless the Senator from Minnesota does agree that we have an agreement that we would go back for a vote on the Wellstone amendment and bring that up following moving ahead as the leader has suggested with the Kerry amendment.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Minnesota.

Mr. WELLSTONE. I thank my colleague from Nebraska for his remarks trying to protect all Senators, but I have talked with Senator DOMENICI, and I am pleased to accommodate him on this. Whatever makes more sense is fine. We will wait until the next one.

Mr. DOMENICI. I do not want to waste a lot of time. The Senator from New Mexico is not asking for anything untoward.

Mr. WELLSTONE. I do not object.

Mr. DOMENICI. I know it is all right with you. It is Senator EXON.

Mr. EXON. It is all right with me if it is all right with the Senator from Minnesota, and he said it is. That takes care of it.

Mr. DOMENICI. I thank the Senator.

The PRESIDING OFFICER. The Chair recognizes the Senator from Massachusetts.

Mr. KERRY. Mr. President, this seeks to add back to the President's level the funding for various education programs ranging from the title I, Head Start, Pell grants, Goals 2000, and safe and drug-free schools. It would effectively restore for 1.3 million students the Pell grants; it would restore 550,000 students who would lose money as a result of title I cuts; it would restore 20,000 children to the Head Start Program and 130,000 youth and adults to job opportunities and skill enhancement.

This merely brings it back to the President's level, again, and is appropriately offset.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, this is an amendment which will add $56 billion over the next 6 years to certain discretionary functions, and to do it, taxes will be increased $56 billion. The increased funding will come from reducing tax deductions that are necessary for the child credit that many of us think would be more appropriate.

So I believe we ought to table the amendment, and I move to table it and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LEVIN. Mr. President, I rise in support of the amendment which Senators KERRY, MURRAY, and myself, along with others, are offering to protect funding for critical education and training programs over the next 6 years.

Last year, the budget resolution passed by the Republican majority cut discretionary education and training funds below current services by $40 billion over 7 years. This year's proposal again threatens some of America's most proven and essential education and training programs, at a time when the challenges for the future are even greater. The K-12, higher education and training initiatives that have proven to have the most success over the years should be made stronger, not weaker, as we enter the next century. What is a more important investment in our future?

The amendment which I am offering along with Senators KERRY and MURRAY, seeks to protect initiatives that we know work. Parents, educators, and students all know these programs work.

The amendment adds funding over 6 years to bring the amendment up to the levels requested in the President's budget.

Mr. President, the part of the Federal budget which we are amending includes valuable, proven programs like title I, Head Start, school-to-work, vocational education grants, Pell grants, safe and drug free schools technology challenge grants, and the Technology Literacy Fund and impact aid as well as Goals 2000 and AmeriCorps.

Our amendment replaces the Republican proposal with the spending levels proposed by the President. Under our amendment, we would invest $270.4 billion over 6 years in discretionary spending for education, job training, and social services programs, $56.1 billion more than the proposed budget resolution.

The Republican majority's budget fails to maintain fiscal year 1996 funding levels for education and training programs. Over 6 years, it falls $3.2 billion below a freeze at fiscal year 1996 levels for these discretionary programs. It does not provide for any adjustment for inflation, or increased enrollment. which could result in deep cuts in services to children and education.

By contrast, the President's budget demonstrates his continued commitment to a strong Federal investment in proven education programs, to ensure that America's children and families are prepared to meet the challenges of the 21st century.

For example, the President's fiscal year 1997 budget request calls for increasing title I funds by 7 percent over fiscal year 1995 levels to raise the academic achievement of 7 million disadvantaged students in over 50,000 American schools; special education is increased by 7 percent to maintain Federal support for the excess costs of educating almost 6 million children with disabilities; the Pell grant maximum award is increased to $2,700, up $360 or 15 percent from the 1995 level of $2,340, to provide grant aid to 3.8 million low- and moderate-income students; the College Work-Study Program is up by 10 percent, enabling an expansion of the number of students who earn some of their college costs from 700,000 to 1 million over the next 5 years; and the TRIO Program is increased by 8 percent, to provide outreach and other special support services to encourage 682,000 disadvantaged students to enter and complete postsecondary education.

Last year, as the majority attempted to impose cuts on many education programs, people at the grassroots of America spoke up. As I traveled across Michigan, I heard again and again about the value of Federal support for such programs as title I and school to work, Pell grants, and Head Start. A recent Washington Post/ABC Poll indicates 82 percent of Americans oppose cutting education to balance the Federal budget. In early January, a CNN/USA Today/Gallup Poll found that education is the top priority among voters, ranking above crime, the economy, health care, and the deficit for the first time in history.

It is unclear if the resolution proposed by the majority provides adequate budget authority for the vital title I reading, writing and math program for fiscal year 1997 to follow through on the agreement reached in the omnibus appropriations bill just a few weeks ago. Earlier versions of the majority's fiscal year 1996 appropriations measure would have cut title I by 17 percent, denying services to 1.1 million children nationwide and over 30,000 in my home State of Michigan. The School to Work Program which helps students make the transition from school to future careers and education by forming a three-way partnership between government, educators, and private industry would have been cut by 22 percent. Goals 2000, which helps States and local school districts raise academic standards and implement their own comprehensive reform plans was cut by 25 percent; and summer jobs for youth would also have been cut by 25 percent. It is only through the bipartisan efforts of my Democratic colleagues and some on the other side of the aisle that we were able to reverse these damaging cuts.

Mr. President, the Senate budget resolution caps the Direct Lending program at 20 percent of loan volume, forcing 1.6 million students in 1,100 colleges and universities out of the program against their will. Colleges should be able to choose the student loan program that provides the best services and lowest costs to their students. Direct lending permits college students to bypass the maze of lenders and middlemen in the guaranteed loan program and borrow directly from the Federal Government through their campus student aid office. At direct lending schools, needed money gets to students more promptly. The application process is simpler. Student do not submit a separate loan application to a bank.

According to the Congressional Budget Office, if direct lending is capped or eliminated, banks and guaranteed agencies will reap between $70 and $106 billion in additional business over the budget period generating an estimated $4 to $6 billion in extra profits.

Under the Republican resolution, there is concern that the maximum Pell grant award will decline substantially over the next 6 years and that eligible recipients may be cut off of the program. I received a letter today from the president of the National Association of Independent Colleges and Universities, David Warren, who states that:

> The ability to maintain the Pell Grant maximum depends on carry-overs in the funding from the previous year. The carry-over is not expected to be available beyond FY 1997, but the base has been severely reduced. It will not be possible to maintain the maximum grant in FY 1998 and beyond under the parameters provided in the pending budget resolution.

He goes on to say:

> The important roll of education in our Nation's growth is clear, over the last 60 years, education and advances in knowledge have accounted for nearly 40 percent of our Nation's economic growth. We cannot turn back now.

Mr. President, in addition to restoring funding for a variety of important education efforts, this amendment will also improve the funding levels of several job training programs.

Education builds the foundation of a person's future. Job training programs are available to help people expand that base if their careers take unexpected turns. Unfortunately, more and more people are finding themselves in a position where they have to retrain because their old job no longer exists. As the rate of change in our economy increases, so does the rate of dislocation. Every day we are faced with announcements of major corporations laying people off. But unlike the past, people today may lose their jobs when they are 45 or 50. For these people, the Job Training Partnership Act [JTPA] maintains two programs: title II–A, adult training, and title III, training for dislocated workers.

Adult training is intended to prepare adults for participation in the labor force by increasing their educational and occupational skills. It is operated at the local level through service delivery areas designated by the Governor. The budget resolution would maintain a level funding line for adult training at a time when we are concentrating on reducing the number of people on welfare. Adult training reduces welfare dependency by helping people become productive and successful members of society. By implementing the proposed budget levels, we will be serving 65,000 fewer adults in 2002 than we did this year.

This would be a tragic mistake. Our goal is increasing self-sufficiency and that is what adult training accomplishes.

The Job Training Partnership Act also funds a number of programs which are vital towards ensuring that our youth grow along with the job market and are not left behind. One of the most successful, and most widely supported, programs of this type is the Job Corps. A residential training program for at-risk youth, over 70 percent of its enrollees leave the program to take full employment, go on for further education, or enter the military. Job Corps works, and yet, its future is threatened by this budget.

Similarly, the funding levels proposed by the majority for the Summer Youth and the Youth Training Grant Programs will result in hundreds of thousands of young people who don't receive valuable training and work experiences. Mr. President, now is not the time to walk away from our commitment to the youth of this country. We are asking them to take responsibility and to do that they must have the skills and the knowledge necessary to compete in the world. The programs I have discussed do that, and the amendment I am sponsoring today with my friend from Washington will ensure that these programs continue to serve the people that need them.

Mr. President, it is important to note that, over 6 years, the amendment we are offering spends $17.7 billion less on function 500 than would have been invested in the fiscal year 1995 pre-rescission policies had kept pace with inflation. This is a moderate and prudent increase. We can and should balance the budget over the next 6 years. We can do so without sacrificing critical investment in America's future.

Mr. HARKIN. Mr. President, here we go again. The budget resolution goes about balancing the budget in all the wrong ways by placing education at the bottom of the Nation's priority list once again.

I am pleased to cosponsor and support the Kerry amendment. The amendment puts education at the top of the national priority list by restoring funds for vital education and training programs over the next 6 years. The amendment eliminates the cuts in the budget resolution and provides the investments to education and training as proposed by President Clinton.

You will hear a lot of talk from the other side that they provide increases in education. Make sure you look beyond the blue smoke and mirrors because it is simply not true.

Just a few weeks ago we reversed deep education cuts by restoring $2.7 billion to the fiscal year 1996 education appropriations bill. However, the pending resolution does not include this restoration in the baseline, therefore we are right back where we started from.

Unless we adopt this amendment not only there will be no real investments in education, but there will be cuts over even the inadequate fiscal year 1996 levels. And our Nation will suffer as a result.

Mr. President, during the last year students, parents, teachers, school boards, and school administrators were treated to a roller coaster ride because of great uncertainties caused by the Federal budget process. Let's not repeat that mistake again this year. The American people are sick and tired of the partisan bickering and want us to get on with the business of governing.

We started last year with proposals for deep cuts in student loans. The House planned to cut $18 billion, the resolution offered by the Budget Committee called for cuts of $14 billion. We finally adopted a bipartisan amendment in the Senate which reduced the cut to $4 billion. Students and their parents were not thrilled, but saw this as at least an improvement.

But then the resolution went to conference and the cut was $10 billion. Students and their parents started to worry again.

The Senate once again moderated the cuts and people rejoiced. The House did not and concern intensified.

The final deal drastically cut the successful direct lending program and included cut of about $5 billion. That bill was rightfully vetoed.

That was followed by the ups and downs of negotiations on the fiscal year 1996 appropriations bill. The Government was shutdown twice. The 7 months the Federal Government was directionless because of short-term continuing resolutions instead of annual appropriations.

Parents worried that their children would not get the reading and math assistance they need because title I funding was cut by 17 percent. Teachers worried about whether or not they would have a job. School boards and administrators were unable to plan for the upcoming school year because they did not know what the budget would be for next year. In short, chaos reined.

We should promise the American people that we will never do that again. Passing this amendment would be a good place to start.

In addition to providing more sanity to the 1997 appropriations process, we will put out Nation on the right track for the future. We will make the investments that will enable the United States to remain competitive into the next century by making sure we have the healthiest, best educated and most skilled workers in the world.

I urge adoption of the Kerry amendment.

The PRESIDING OFFICER. Under the previous order, the question occurs on agreeing to the motion to table amendment No. 3991, offered by the Senator from Massachusetts [Mr. KERRY]. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

The result was annouced—yeas 52, nays 48, as follows:

[Rollcall Vote No. 126 Leg.]

YEAS—52

Abraham
Ashcroft
Bennett
Bond
Brown
Burns
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
DeWine
Dole
Domenici
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hatch
Hatfield
Helms
Hutchison
Inhofe
Kassebaum
Kempthorne
Kerrey
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Nunn
Pressler
Robb
Roth
Santorum
Shelby
Simpson
Smith
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—48

Akaka
Baucus
Biden
Bingaman
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Conrad
Daschle
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Heflin
Hollings
Inouye
Jeffords
Johnston
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Pell
Pryor
Reid
Rockefeller
Sarbanes
Simon
Snowe
Specter
Wellstone
Wyden

The motion to lay on the table the amendment (No. 3991) was agreed to.

Mr. DOMENICI. I move to reconsider the vote.

Mr. D'AMATO. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3988

Mr. DOMENICI. Mr. President, I think the regular order would return us to the Wellstone amendment No. 3988.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, there is strong bipartisan support for this amendment. But last year with LIHEAP, the Low-Income Home Energy Assistance Program, it was a nightmare with the stop-and-start-funding.

What this amendment just simply says is that we will have at least as much funding next year as we have had this year for this energy assistance program. I believe the chairman believes that is in the assumptions of the budget resolution. If so, fine. I hope we get a resounding vote because we had to fight very hard to keep this program intact this year. That is why I introduced the amendment and why I hope for a strong recorded, positive vote.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, while I have great respect for Senator WELLSTONE, I just want to tell the Senate this is a sense-of-the-Senate resolution that reaffirms what is in the budget resolution. It says the sense of the Senate is that we do precisely what is in the budget resolution.

It seems to me that everybody can have that kind of sense of the Senate on everything in the budget resolution. Anything you like, you just come up and say, "It's provided for, but I want to have a sense of the Senate on top of it being in the budget already."

There is no way to keep the amendment from proceeding, except we are going to use 15 minutes on a vote that probably is going to pass overwhelmingly because it is already in the budget resolution. I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. WELLSTONE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. EXON. If there has not been a sufficient second, I ask for it.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I want to inquire, would the Senator accept a voice vote on this amendment?

Mr. WELLSTONE. Mr. President, no. I want a recorded vote on this amendment because of the struggle over this past year. My understanding is that not until yesterday did we have anything really in writing that the assumptions pointed to this. It has been too big a struggle. Many Senators in cold weather States know that. We know what happened in Chicago last summer. I want to get a strong recorded vote.

Mr. KERRY. Mr. President, the Low-Income Home Energy Assistance Program is one of the most important Federal programs for my home State of Massachusetts. I am pleased the President's budget calls for $1 billion in LIHEAP funding for the next fiscal year, and $300 million in emergency funding.

After the severe weather of this past winter—which was even more efficient than our friends on the other side of the aisle at shutting down the Government—I hope the Senate can speak with one voice and send a message to the appropriators that funding for LIHEAP should match this year's outlays.

LIHEAP means real help to people who need it. As fuel prices continue to rise, Senators should know how important this program is to their constituents. I know how important it is to mine.

For lower-income residents in Massachusetts—those who receive assistance under LIHEAP—nearly $1 in $5 of their income goes to pay for energy bills. That is, Mr. President, 20 percent of a household's budget just to heat the home. And after paying their fuel bills, the average low-income New Englander has only $43 left over. We cannot expect these people to live without LIHEAP, Mr. President. This program needs to receive funds sufficient to serve lower income families in areas which experience colder winters.

LIHEAP pays up to half of the heating bills for a family during the winter months in New England. Everyone in this country knows how cold it was in my region of the country this past winter, how much snow we had, how people were literally freezing in the streets. In fact, twice as many people froze to death during the severe winter than were killed in the 1994 California earthquake. I will never forget this past winter, as the temperature dropped below 20 degrees and the chairman of the energy committee in the Massachusetts House of Representatives, Representative Albert Herren, told me my State's LIHEAP funds had been depleted—in December.

Mr. President, it was so cold and so snowy in Massachusetts, some schools closed for snow days as late as April.

LIHEAP helps families and LIHEAP helps children, Mr. President. My friends at Massachusetts General Hospital tell me that the number of cases of child malnutrition increase every winter as families are forced to choose between eating and heating. This country is better than that, Mr. President.

I am pleased to join my friend from Minnesota, Mr. WELLSTONE, in sponsoring this sense of the Senate that funding for LIHEAP should match last year's outlays. That seems to me the minimum the Senate can do to send a message to the appropriators and to the country that Congress wants lower income Americans to survive the upcoming winter.

I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3988 offered by the Senator from Minnesota. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 88, nays 12, as follows:

[Rollcall Vote No. 127 Leg.]

YEAS—88

Abraham
Akaka
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Bradley
Breaux
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Craig
D'Amato
Daschle
DeWine
Dodd
Dole
Domenici
Dorgan
Exon
Feingold
Feinstein
Ford
Frist
Glenn
Graham
Grams
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Hollings
Hutchison
Inouye
Jeffords
Johnston
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nunn
Pell
Pressler
Pryor
Reid
Robb
Rockefeller
Roth
Santorum
Sarbanes
Shelby
Simon
Simpson
Smith
Snowe
Specter
Stevens
Thompson
Thurmond
Warner
Wellstone
Wyden

NAYS—12

Brown
Coverdell
Faircloth
Gorton
Gramm
Helms
Inhofe
Kassebaum
Kyl
Mack
Nickles
Thomas

The amendment (No. 3988) was agreed to.

Mr. EXON. Mr. President, I move to reconsider the vote.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3995

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, this amendment is a sense-of-the-Senate resolution that says that when the Congress has adopted fundamental tax reform, we should, thereafter, adopt some kind of supermajority requirement to raise taxes as a constitutional amendment.

This is the idea that came from the Kemp Commission, which said if we ever get to a single rate tax, whether a consumption tax or income tax, thereafter, we better make it harder to raise taxes because there is no place to shelter income taxes. So once we have tax reform, we should have a supermajority requirement.

Mr. EXON. Mr. President, this is a far reaching and very little considered amendment. It calls for a supermajority vote, presumably a two-thirds majority for Congress to approve a tax increase, but also calls for a flat tax. While many of us support tax reform, we should not be endorsing a particular plan without careful consideration of the alternative. I urge the Senators to vote against this unwise and undemocratic amendment.

Mr. President, I ask unanimous consent that an analysis of the amendment be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CENTER ON BUDGET
AND POLICY PRIORITIES,
Washington, DC, May 21, 1996.

KYL AMENDMENT ON TAXES THREATENS DEFICIT REDUCTION AND PROTECTS WASTEFUL TAX BREAKS

The Senate is scheduled to vote on Sen. Kyl's amendment to the pending budget resolution calling for "fundamental tax reform" to replace the current "indefensible" federal tax system, and endorsing an amendment to the U.S. Constitution requiring supermajorities to "raise tax rates, impose new taxes, or otherwise increase the amount of taxpayer's income that is subject to tax."

Sen. Kyl's amendment is a "sense of the Senate" amendment and therefore would not have legal force, but Senators who vote for it may later be pressed to vote for substantive legislation that would replace current progressive taxes (which taken into account ability to pay) with flat taxes, national sales taxes, or other taxes that exclude investment income from the tax base.[1]

In addition, Senators who vote for the Kyl amendment will be under great pressure to vote for S.J. Res. 49, Senator Kyl's proposed amendment to the Constitution requiring supermajorities to raise taxes.

Kyl Constitutional Amendment

"Any bill to levy a new tax or increase the rate or base of any tax may pass only by a two-thirds majority of the whole number of each House of Congress."

The Kyl amendment to the budget resolution and the companion constitutional amendment are undesirable for a variety of reasons.

The nation will face very large deficits in coming decades when the baby boom generation retires—perhaps exceeding 15 percent of the economy by 2030—if current budget policies are not changed. Many experts believe Congress will need to consider both significant spending cuts and revenue increases in the decades ahead. The Kyl amendments would effectively preclude such a deficit reduction package, because of the revenue increases they would contain.

Furthermore, the Kyl amendments would inequitably benefit the wealthiest and most powerful at the expense of the rest of the U.S. population. A two-thirds majority would be required to curb special interest tax expenditures, which disproportion benefit those at high income levels. By contrast, a simply majority vote would suffice to cut federal programs, which primarily benefit the middle class and the poor. Apportioning the sacrifice of deficit reduction would not be done on a level playing field.

The Kyl amendments could threaten the solvency of Social Security, which may ultimately need payroll tax increases as well as benefit cuts to restore long-term balance. A payroll tax increase would require a two-thirds vote, and runs counter to the stated policy of the Kyl Amendment against payroll taxes (see footnote 1). The same is true for Medicare, which may also need premium increases to restore solvency. Yet any premium increase that takes into account a beneficiary's ability to pay could be considered a tax, and therefore prohibited.

The Kyl constitutional amendment has special problems of its own—by requiring supermajorities for *any* new tax, base broadener, or rate increase, it effectively precludes all tax reform, from Chaffee-Breaux to Domenici-Nunn, from a flat tax to a national sales tax. For example, the 1986 tax reform bill, which lowered marginal rates while closing loopholes, would have been unconstitutional simply because it broadened tax *bases*. Last year's reconciliation bill would also have been unconstitutional for the same reason.

The Kyl constitutional amendment undermines the basic principles of majority rule that are at the heart of American democracy. Nowhere in the Constitution are supermajorities required to adopt or amend issues of public policy—in fact, the framers explicitly and knowingly rejected supermajorities. Further, because it would require a two-thirds vote of the *entire membership* of the House and the Senate (rather than two-thirds of those voting), this proposal is even more restrictive than the two-thirds needed to override a presidential veto or to amend the Constitution.

I. THE CONSTITUTIONAL AMENDMENT AND THE LONG-TERM FISCAL FORECAST

The Federal deficit now has been reduced below two percent of the Gross Domestic Product (the basic measure of the size of the U.S. economy), a level that many economists believe does not cause significant damage even if maintained over a substantial period of time. But as the Bipartisan Commission on Entitlement and Tax Reform warned in 1994, if not action is taken to raise revenue or restrain Medicare, Social Security, Medicaid, and some lesser entitlements—and other Federal spending remains constant as a share of GDP—the deficit will rise sharply when the baby boom generation retires. The Entitlement Commission forecast the deficit will exceed 15 percent of GDP by 2030 if no such action is taken. Based on a recent slowdown in the rate of growth of health care costs, current forecasts are a bit less pessimistic, but not by much. President Clinton's new budget forecasts the deficit will equal 12 percent of GDP in 2030 under current tax and entitlement laws and rise further to 26 percent of GDP by 2050. In short, any reasonable long-term forecast will show projected deficits in the next century to be extremely large and of a magnitude unhealthy for the U.S. economy To avoid such a development, major deficit reduction that extends far beyond the steps Congress and the Administration are currently considering will ultimately be needed.

Testifying before the Entitlement Commission in 1994, Robert Reischauer, then the director of the Congressional Budget Office, observed that the public would be unlikely to accept the steps that would be required either to extract all of the needed deficit reduction in the decades ahead just from government programs or to extract all of the needed deficit reduction just from revenues. In the long run, Reischauer predicted, policymakers will agree on some mix of program cuts and revenue increases to prevent deficits of a magnitude that would do substantial damage to the economy.

The proposed constitutional amendment is designed to ensure that virtually none of those future deficit reduction measures come from the revenue side and virtually all come from cutting programs. That the amendment would bar virtually all revenue increases can be seen by examining House votes for the four principal deficit reduction measures enacted between 1982 and 1993 that raised federal revenue. Although three of these four measures were signed by Republican presidents and all four enjoyed the support of Democratic Congressional leaders, *none* received two-thirds support on the House floor. A fifth measure—the 1983 Social Security rescue plan, which increased Social Security payroll tax collections—also failed to secure a two-thirds vote despite strong support from President Reagan and Congressional leaders.

The constitutional amendment thus would likely lead to one of several outcomes: (1) larger deficits over time; (2) a greatly shrunken federal government that is unable to do much beyond running Social Security and Medicare, maintaining national defense, making federal pension and veterans payments, and paying interest payments on the national debt; and (3) steep reductions in Social Security and Medicare that significantly reduce the living standards of millions of elderly people who are not well off. Such stark outcomes are not necessary if a balance of spending cuts and revenue increases ultimately can be considered over the next three decades. Such balance is what the amendment is designed to prevent.

That the statements in the previous paragraph are not hyperbole can be seen by examining a chart the Entitlement Commission published in 1994 showing the fiscal forecast through 2030 under current tax and entitlement law. When the baby boom generation reaches retirement and an unprecedented proportion of the population is elderly, some increases in revenues are likely to be needed, in addition to actions to restrain Social Security and Medicare costs and actions of the type the President and Congress are proposing for the years between now and 2002.

II. THE AMENDMENT EFFECTIVELY BARS MEASURES TO CLOSE TAX LOOPHOLES

The requirement for a two-thirds majority would apply not only to measures to raise tax rates but also to measures to cut unproductive tax expenditures that grant subsidies to powerful special interests. A recent Congressional Budget Office study found that over half of the corporate subsidies the federal government provides are delivered through the tax code. Curbing corporate welfare provided through the tax code is one way to help reduce the deficit, but it would require a two-thirds vote under the proposed amendment. This would essentially rule out closing corporate loopholes as a way to help shrink the deficit.

In fact, a substantial share of the federal budget would effectively be placed off limits for deficit reduction by the constitutional amendment. Provisions of the tax code that the Joint Committee on Taxation classifies as "tax expenditures"—spending programs that operate through the tax code by selectively reducing the tax liability of particular individuals or businesses—now cost more than $400 billion a year. (The corporate subsidy provisions that operate through the tax code are a part of this total.) This is more than the government spends on Social Security or defense.

In testimony before the Entitlement Commission in 1994, Federal Reserve Board chairman Alan Greenspan referred to these provisions of the tax code as "tax entitlements" because they entitle those who qualify for them to government subsidies provided in the form of a special tax reduction. Greenspan testified that the tax entitlements should be looked at, along with the spending entitlements, in developing measures to address the nation's long-term deficit problem.

---

[1] Footnotes to appear at end of article.

If anything, the proposed constitutional amendment would encourage the spread of more tax expenditures over time, since such measures would take only a majority vote to enact but a two-thirds vote to remove. In addition, if Congress passed a series of tax changes that were thought to be deficit-neutral, but clever, high-priced tax lawyers and accountants then found ways to convert some of the measures into tax shelters at greater-than-anticipated cost to the Treasury, it would take a two-thirds vote to scale the shelters back so the original measure did not produce a net revenue loss.

Even measures to prevent companies from gaining tax advantages by moving plants—and jobs—overseas would require a two-thirds vote.

III. AMENDMENT TILTS TOWARD THE WEALTHY AND THE POWERFUL AT THE EXPENSE OF AVERAGE FAMILIES AND THE POOR

Most government benefits that low- and middle-income Americans receive come from government programs, such as Social Security, Medicare, Medicaid, student loans and grants, unemployment insurance, school lunches, and food stamps. By contrast, most government subsidies that wealthy individuals and large corporations receive come through tax subsidies. As a result, a constitutional amendment that makes it extremely difficult to scale back tax subsidies when decades of deficit reduction lie ahead tilts the playing field in favor of the wealthy and powerful over Americans of average or lesser means.

In addition, such a constitutional amendment would place off limits even measures asking program beneficiaries who have high incomes to pay more for the government benefits they receive. For example, to "means test" Medicare premiums by raising the premiums on those at high income levels, Congress must rely on the tax code to collect the increased premiums, since Social Security offices (which administer Medicare) have no information on beneficiaries' current incomes. Indeed, when the Republican budget bill reached the House floor last fall, the House parliamentarian advised that its provision raising Medicare premiums for those at higher income levels could constitute a tax increase. Under the constitutional amendment, measures of this nature would require a two-thirds vote, rendering them extremely difficult to pass. This makes it more likely that when steps are taken to restrain Medicare costs, low-income and middle-income beneficiaries will have to bear a heavier share of the load.

The amendment also would be likely to injure the middle class and the poor for another reason. If the federal government is unable to raise revenue when needs for public expenditures rise, one likely result will be to shift more of the burden of raising revenue and meeting public needs to state and local governments. Most state tax codes are regressive (i.e., the taxes they impose consume a larger percentage of the income of lower-income households than of higher-income households). State and local governments extract a larger proportion of the revenues they raise from the middle class and the poor, and a smaller proportion from the affluent, than the federal government does. If revenue-raising burdens are shifted from the federal to state and local levels, the share of the overall tax burden borne by the middle class and the poor is likely to rise.

IV. AMENDMENT COULD LEAD TO OVERLY LARGE CUTS IN SOCIAL SECURITY AND MEDICARE BENEFITS

Social Security and Medicare benefits need to be restrained in the years ahead. Both programs are out of long-term actuarial balance, and both contribute significantly to the projected increase in the long-term deficit.

But the constitutional amendment would almost certainly lead to larger reductions in Social Security and Medicare benefits than otherwise would be needed, reductions that could adversely affect the living standards of retirees, including those of modest income and those in poverty. This would be true for several reasons.

First, by effectively preventing revenues from contributing to deficit reduction despite the need for large-scale deficit reduction in the decades ahead, the amendment would place a greater deficit reduction load on Medicare and Social Security. These two programs are projected eventually to constitute half or more of the federal budget, exclusive of interest payments on the debt. If there is no revenue contribution to deficit reduction, there will have to be a greater contribution from Medicare and/or Social Security benefits than would otherwise be the case.

Second, the amendment would effectively rule out measures to raise Medicare premiums for those at higher income levels. As noted above, last year's budget reconciliation bill contained such a measure. When it was about to come to the House floor, the House parliamentarian advised that it could constitute a tax increase. A House rule that the new Congress adopted in January 1995 requires a three-fifths majority for measures raising tax rates, so the parliamentarian's advice meant the budget bill would need a three-fifths vote unless this rule was waived. The House leadership promptly arranged for a waiver of the rule. But once a supermajority requirement is in the Constitution, no waivers are possible.

Third, the constitutional amendment effectively rules out even small adjustments in Medicare and Social Security payroll taxes as part of the effort to bring these programs into long-term actuarial balance and also help reduce the deficit. Modest increases of a fraction of a percentage point in the payroll tax would require a two-thirds vote, thereby making them virtually impossible to achieve. Yet Medicare in particular is so far out of actuarial balance that it is difficult to see how to restore long-term balance to the program without some increase in payroll tax contributions along with other changes, unless the health insurance that Medicare provides is scaled back very substantially.

In a symposium last September, Henry Aaron, Director of Economic Studies at the Brookings Institution and a well-known expert in this area, observed that the full $270 billion that Republican Congressional leaders were seeking in Medicare savings over seven years could be achieved if one combined Republican Medicare proposals that represent sound policy and yield about half of the $270 billion in savings with an increase of one-quarter of one percentage point in the employer and the employee shares of the Medicare payroll tax. This would slightly reduce workers' wages. (Most economists believe that both the employee and the employer shares of payroll taxes are effectively borne by employees in the form of wages lower than they otherwise would be paid. As a result, claims that small increases in payroll taxes would heavily burden employers and cause substantial job loss have little merit.) In return, employees would get a Medicare system that had the resources to provide continually improving health care to their parents and ultimately to themselves as it took advantage of emerging medical technologies that improve health and prolong life.

Furthermore, one of several reasons that Medicare and Social Security face long-term deficits is that over time, a steadily increasing share of employee compensation is being provided in the form of fringe benefits not subject to the payroll tax, while a steadily smaller share is provided in wages that are subject to the tax. Modest measures to shore up Social Security and Medicare by slowing the erosion in the share of employee compensation subject to the payroll tax would, however, also require a two-thirds majority.

Even measures to bring all state and local government employees into the Social Security system—a step nearly all budget analysts favor regardless of whether they are conservative or liberal, and which would strengthen the Social Security system and reduce the deficit—would require a two-thirds vote, because such measures would increase federal revenue. Such measures would become virtually impossible to pass. (For a further discussion of these issues, see an accompanying Center on Budget and Policy Priorities analysis, "Proposed Constitutional Amendment Would Make It More Difficult to Address the Long-Term Social Security and Medicare Crises.")

V. THE CONSTITUTIONAL AMENDMENT PRECLUDES ANY TAX REFORMS, FROM CHAFEE-BREAUX TO THE MOST THOROUGH OVERHAUL

Under the terms of the Kyl constitutional amendment, any base broadener in a tax bill would make that bill unconstitutional, absent a two-thirds vote by both chambers. This would be true regardless of the amount of offsetting new exemptions or deductions, regardless of any offsetting reduction in marginal tax rates, and regardless of whether the bill as a whole raised or lost revenue.

The Chafee-Breaux plan would therefore be unconstitutional—unless it obtained a two-thirds vote—because it contains the following items:

Elimination of the subsidy of Part B Medicare premiums for high-income persons (a new tax).

Extension of expired tax provisions (such as the oil spill liability tax and the federal unemployment surtax).

Improvement in EITC targeting (reducing eligibility for those with other economic resources, thus raising their taxes).

Closing tax loopholes and similar reforms ("corporate welfare").

Reduced indexation via the CPI (because the reduction would decrease the degree to which income tax brackets, etc., change to offset inflation).

For the same reason, last year's reconciliation bill would be unconstitutional—it contained some loophole closers, and it increased the effective tax rate on some small business capital gains while creating a uniform, much lower capital gains rate overall.

Most flat tax proposals broaden tax bases by eliminating some or all of the current exemptions or deductions from income. (Some would create new exemptions for investment income.) Therefore, they also would be unconstitutional. Similarly, the Domenici-Nunn USA tax would be unconstitutional because it includes some base broadeners and raises rates, despite its major new exemptions for investment income. So would a VAT or national sales tax, since it would constitute a "new" tax. Special environmental taxes, such as California's 1991 tax on the production of lead (which paid for the evaluation, screening, and medically necessary treatment of children with lead poisoning), would be unconstitutional as well.[2]

VI. WEAKENING OUR SYSTEM OF DEMOCRACY

Finally, the amendment would gravely weaken the principle of majority rule that has been at the heart of our system of representative democracy for more than 200 years. In effect, the amendment would give only one-half of a vote to any Senator who votes to close a tax loophole, broaden at tax base, raise any tax rate, or create any new tax or certain new fees. Senators on the other side would get a full vote.

The constitutional amendment would partially restore the system we had in the 1780s under the Articles of Confederation, a system that functioned poorly and was soon scrapped.

The Articles of Confederation required the vote of nine of the 13 states to raise revenue. At the Constitutional Convention in 1787, the Founding Fathers recognized this was an insurmountable defect and fashioned a national government that can impose and enforce laws and collect revenue through simple majority rule.

The proposed constitutional amendment would end the ability of a majority of the American people, acting through their duly elected representatives, to decide whether they would like to raise more revenues so the Federal Government can address needs the majority finds legitimate. The amendment would deny the majority this right both now and in future generations.

At its core, the amendment is rooted in deep distrust of the ability of the majority of the American people to make decisions that the authors of the amendment believe to be ideologically correct. Hence, the amendment seeks permanently to deny the majority that right. Powerful, well-connected minorities would gain great power at the expense of the majority. In short, the amendment fundamentally is anti-democratic.

Votes for Recent Legislation that Raised Taxes

Between 1982 and 1993, five pieces of legislation that raised significant revenue were enacted. Presidents Reagan signed three of these measures, while President Bush and President Clinton each signed one. All five failed to secure a two-thirds vote on the House floor.

In passing the Tax Equity and Fiscal Responsibility Act of 1982, a measure crafted in substantial part by Senator Bob Dole, the House vote was 226–207. When the House considered its version of the 1983 Social Security rescue plan the following year, the vote was 282–148. The vote for the 1987 budget reconciliation bill, a product of bipartisan negotiations that contained both spending cuts and revenue increases, was 237–181, while the 1990 budget agreement passed by only 228 to 220. The 1993 budget agreement passed by a slender 218–216 vote.

During this period only one measure that raised revenue secured a two-thirds vote, the 1989 reconciliation bill. The 1989 bill was a minor measure. It did relatively little to reduce the deficit and contained only very small revenue increases. The revenue increases in all five of the pieces of legislation that failed to secure a two-thirds vote exceeded the level of revenue increases in the 1989 bill.

Law School Dean Warns of Perverse Effects

In testimony before the Subcommittee on the Constitution of the House Judiciary Committee on March 6, Samuel C. Thompson, Jr., Dean of the University of Miami Law School, warned of potential perverse effects from the proposed amendment. Thompson wrote:

". . . adoption of this proposed amendment would significantly penalize the American public for mistakes made in the tax legislative process. For example, assume that after adoption of this Constitutional amendment, Congress adopts a flat tax. Assume that it is estimated that the flat tax will reduce revenues by $100 billion. It turns out, however, that tax lawyers discover a gaping hole in this legislation and that as a result the revenue loss is $200 billion, not $100 billion. The Treasury immediately proposes a base-broadening amendment to close the loophole and to restore fiscal responsibility. The amendment is opposed by powerful special interests who will prevail if they can convince just 33⅓ percent of the members of either the House or the Senate to vote against the amendment."

Most States Do Not Have Supermajority Requirements

Only six states require the approval of at least two-thirds of their legislatures for any tax increase. Five other states either require such approval for some taxes but not others, require a three-fifths rather than a two-thirds vote, or both. Other states generally require simple majority approval for revenue increases of all sorts.

Furthermore, a 1993 General Accounting Office study of state budget trends found that a majority of states surveyed had used both spending cuts and revenue increases to balance their budgets in recent years. Revenue increases accounted for about one-third of the deficit reduction these states instituted to balance their budgets during the period studied.

James Madison on Majority Rule

The Constitutional Convention rejected requiring supermajority approval for basic functions such as raising taxes. Supermajority rules had applied in the Continental Congress. The framers of the constitution had experience with these rules and understood what they were rejecting.

In the Federalist Papers No. 58, James Madison, one of the key figures in drafting the Constitution, explained why the Constitution rejected supermajority rule:

"It has been said that more than a majority ought to have been required for a quorum, and in particular cases, if not in all, more than a majority of a quorum for a decision . . . [But that would mean] . . . [i]n all cases where justice or the general good might require new laws to be passed, or active measures to be pursued, the fundamental principle of free government would be reversed. It would be no longer the majority that would rule; the power would be transferred to the minority. Were the defense privilege limited to particular cases, an interested minority might take advantage of it to screen themselves from equitable sacrifices to the general weal, or in particular emergencies to extort unreasonable indulgences."

Madison equated majority rule with "free government." In his view, freedom consisted not just in protecting individuals from unreasonable intrusion by government, but also in the right of citizens to have an equal voice in the affairs of government. According to Madison, a person whose vote is diluted by supermajority rules is not an equal citizen and so does not fully enjoy the fruits of freedom.

FOOTNOTES

[1] The Kyl amendment to the Senate budget resolution endorses a tax system that is "fairer, flatter, and simpler; that promotes, rather than punishes, job creation, . . . that provides incentives for Americans who save for the future . . . that raises enough money to fund a leaner, more efficient Federal Government . . ." Some of these phrases are problematic. For instance, the tax code is currently much less progressive than it was in the 1950s, 1960s, and most of the 1970s. Restoring some of that progressivity is viewed by many as enhancing fairness, and the extra revenues could be used either to reduce the deficit or reduce effective tax rates on the middle class. Yet this runs counter to the call for "flatter" taxes. Second, payroll taxes "punish job creation" to a certain extent, but are considered by the public as a fair trade for Social Security and Medicare. If those programs were funded through general revenues, support for them might erode. Third, tax breaks for private savings tend to decrease national savings because of the federal revenues they lose, and in any case favor investors over workers, again raising questions of fairness. Finally, although a "leaner, more efficient Federal government" sounds desirable, the idea that revenues should be cut (which increases the deficit) runs counter to the greater good that can be obtained by reducing the deficit.

[2] The California Court of Appeals recently, and apparently correctly, overturned this California fee on the grounds that it passed the California legislature without the requisite two-thirds vote required by the California constitution.

Mr. EXON. I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment of the Senator from Arizona [Mr. KYL]. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER (Mr. HELMS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 59, nays 41 as follows:

[Rollcall Vote No. 128 Leg.]

YEAS—59

Akaka
Baucus
Biden
Bingaman
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Chafee
Cohen
Conrad
Daschle
DeWine
Dodd
Domenici
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Gregg
Harkin
Hatfield
Heflin
Hollings
Inouye
Jeffords
Johnston
Kassebaum
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lugar
Mikulski
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Robb
Rockefeller
Sarbanes
Simon
Simpson
Snowe
Specter
Stevens
Wellstone

NAYS—41

Abraham
Ashcroft
Bennett
Bond
Brown
Burns
Campbell
Coats
Cochran
Coverdell
Craig
D'Amato
Dole
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Hatch
Helms

Hutchison
Inhofe
Kempthorne
Kyl
Lott
Mack
McCain
McConnell
Murkowski
Nickles
Pressler
Roth
Santorum
Shelby
Smith
Thomas
Thompson
Thurmond
Warner
Wyden

The motion to lay on the table the amendment (No. 3995) was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote by which the motion to lay on the table was agreed to.

Mr. EXON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. EXON. Mr. President, I move to vitiate the yeas and nays on the underlying amendment in view of the success of the tabling motion.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

Mr. DOMENICI. Mr. President, I will give just a brief report. We started at 9:15. We have disposed of 12 amendments, 8 of them with rollcalls, and 4 accepted, or voiced. That is less than three actual votes per hour. The total going into this was 39 pending amendments. We have disposed of 12. If my arithmetic is right, we have 27 amendments remaining. On the last vote, we went 7 minutes over. We have been over on every single one. I do not know what time we will decide to actually close but we are getting perilously close to regular order on one of these.

So I urge you to get here on time. I say to the Senate that I have spoken to Senator EXON and to a number of Senators.

When we get to 12:15, the 2 rollcalls following 12:15 will each be 15-minute rollcall votes instead of 10. That is to allow Senators to get a cup of soup. They can take 20 minutes if they hurry up and vote and leave and come back. The max you can get is 30, but I am fearful the time may run out on you. So that is going to be the case.

In fact, I propound that as a unanimous-consent request.

The PRESIDING OFFICER. Is there objection?

Mr. EXON. Reserving the right to object, but I shall not object, I just want to compliment the manager of the bill for the very good suggestion that we keep plowing ahead. I would just like to say at this time I think it would be only fair to Members of the body if we tried to outline the proposition on the things to come. We have made some progress, although I join my leader in the Budget Committee in appealing for faster movement. I simply say that I believe it is obvious, at least it is obvious to this Senator at this time, that with the fact that we have an obligation that has been committed to for this evening, it would seem clear to me that there is no chance we will finish voting on this resolution today. I am just wondering if that is the feeling of the manager of the bill?

Mr. DOMENICI. No, I have not given up on completing it. I have not even agreed that we will be in recess during this dinner we have for spouses. My wife is not terribly impressed with going, she said to me, so I might be down here voting. If the distinguished Republican whip does not like that——

Mr. EXON. Is it possible to do anything on a 1-to-nothing vote?

Mr. DOMENICI. We may be having rollcall votes all night tonight. I am thinking that is an option. But let me suggest maybe we can try something a little different.

The PRESIDING OFFICER. Senators will be quiet, please. Please let there be a modicum of decorum in the Senate.

Mr. DOMENICI. Maybe we will have our staffs do this, if you would like to help us. Maybe we can take two or three of the sense-of-the-Senate propositions that have some symmetry and maybe we can ask for them to be voted on en bloc, and maybe that would give everybody his or her vote.

I note some staffers are saying no. But we might try it. Let us see if we could package a few of them. I am not sure that will work.

Mr. EXON. We will talk on anything to expedite the process.

Mr. DOMENICI. Let us go to the next amendment.

AMENDMENT NO. 3996

Mr. KYL. Mr. President, this is an amendment to save a little bit of money in the LIHEAP Program, the Low-Income Home Energy Assistance Program. There are 6 years in our budget. The budget of the President and the committee and my amendment are all the same for the first 2 years at $1 billion. The next 2 years, I accept the President's budget numbers, which are $934 million and $819 million respectively. Then, in years 5 and 6, I keep the number, adding $119 million. So for the last 3 of the 6 years, the numbers spent would be $819 million, which is the President's number in year 4. The total savings would be $633 million if we accept this amendment rather than going the route of the Budget Committee.

I urge an "aye" vote.

Mr. EXON. I yield 30 seconds against the amendment.

Mr. WELLSTONE. Mr. President, may I have order?

Mr. DOMENICI. Just a second, Mr. President. I believe I have the authority to designate the Senator in opposition. Senator SPECTER wants to do that. Can we give each one of them 30 seconds, Senator SPECTER and Senator WELLSTONE?

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Reserving the right to object——

Mr. DOMENICI. And Senator KYL would get 30.

Mr. SPECTER. Mr. President, I strenuously oppose this amendment.

As chairman of the subcommittee having jurisdiction over LIHEAP funding, I can tell you that we have fought hard for program funding this year. There have been consistent reductions in program funding. We are into the bone. The LIHEAP funds are indispensable for the aging. We are talking about people who have the option of heating or eating. The vast majority, 80 percent, goes to people who have incomes of $7,000 or less. This funding ought not to be cut.

The PRESIDING OFFICER (Mr. ASHCROFT). The Senator from Minnesota.

Mr. WELLSTONE. I defer to the Senator from Arizona.

Mr. KYL. I will be happy to speak now, and allow the Senator from Minnesota to have the last word.

I accepted the numbers from the President, whose budget office gave that program a lower priority by virtue of the fact it was supposed to be temporary. So in years 3 and 4 we have accepted the numbers of the President's budget and then just continued those numbers for years 5 and 6. This is not a drastic reduction, but it is one small step we can take to at least show some sense of fiscal responsibility.

Mr. WELLSTONE. Mr. President, it is not the President's budget, not the last several years. It is a big difference. We just voted 88 to 12 for support of this program. Now we are going to vote for hundreds of millions of dollars in cuts in the outyears. I am delighted my colleague is no longer trying to eliminate the Low-Income Home Energy Assistance Program, but I would remind him that even in States like Arizona, this summer it could be 110 degrees in nursing homes and you might be eligible for cooling assistance. This is important for vulnerable citizens. We should have a strong "no" vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 26, nays 74, as follows:

[Rollcall Vote No. 129 Leg.]

YEAS—26

Ashcroft
Bennett
Brown
Campbell
Cochran
Coverdell
Dole
Faircloth
Gramm
Grams
Grassley
Hatch
Helms
Hutchison
Inhofe
Kassebaum
Kyl
Lott
Mack
McCain
McConnell
Murkowski
Nickles
Shelby
Thomas
Thurmond

NAYS—74

Abraham
Akaka
Baucus
Biden
Bingaman
Bond
Boxer
Bradley
Breaux
Bryan
Bumpers
Burns

Byrd
Chafee
Coats
Cohen
Conrad
Craig
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Exon
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gregg
Harkin
Hatfield
Heflin
Hollings
Inouye
Jeffords
Johnston
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lugar
Mikulski
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pressler
Pryor
Reid
Robb
Rockefeller
Roth
Santorum
Sarbanes
Simon
Simpson
Smith
Snowe
Specter
Stevens
Thompson
Warner
Wellstone
Wyden

The amendment (No. 3996) was rejected.

Mr. DOMENICI. Mr. President, I move to reconsider the vote.

Mrs. BOXER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3997

Mr. DOMENICI. Mr. President, the next two votes are the votes we are going to have 15 minutes on each of them. Senator KENNEDY's amendment is up under the regular order.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, if we could have order in the Senate, I will just speak briefly.

The PRESIDING OFFICER. The Senate will not proceed until we come to order. The Senate will come to order.

Mr. KENNEDY. Mr. President, the current law does not permit what we call double billing. If there are going to be services purchased for Medicare recipients, that will be payment in full.

Under the Republican proposal, they are creating additional kinds of options to spread this out into the private sector. We say that that is fine, but we want to continue the same protection of no double billing. No double billing is extremely important to all Medicare recipients. We should maintain that concept in any new future private contracting with Medicare.

That is what this amendment does, and I think it is absolutely necessary to protect our senior citizens.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, last year, we maintained current law prohibitions on balanced billing with traditional fee-for-service Medicare. If, however, a Medicare beneficiary wanted to choose a privately offered Medicare plan under that new plan, he or she must be permitted to choose a plan which might allow the doctor to charge more.

This amendment would put us on record that we cannot have that kind of new plan which would be voluntary and chosen by the beneficiaries.

So, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. EXON. May I inquire of the chairman, it is true now that this will be a 15-minute vote, as is the one to follow? Is that correct?

Mr. DOMENICI. That is correct.

Mr. EXON. I thank my chairman.

The PRESIDING OFFICER. This will be a 15-minute vote.

The question is on agreeing to the motion to lay on the table the amendment of the Senator from Massachusetts [Mr. KENNEDY]. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 49, nays 51, as follows:

[Rollcall Vote No. 130 Leg.]

YEAS—49

Abraham
Ashcroft
Bennett
Bond
Brown
Burns
Campbell
Coats
Cochran
Coverdell
Craig
D'Amato
DeWine
Dole
Domenici
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hatch
Hatfield
Helms
Hutchison
Inhofe
Kassebaum
Kempthorne
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Pressler
Roth
Santorum
Shelby
Simpson
Smith
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—51

Akaka
Baucus
Biden
Bingaman
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Chafee
Cohen
Conrad
Daschle
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Heflin
Hollings
Inouye
Jeffords
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Robb
Rockefeller
Sarbanes
Simon
Snowe
Wellstone
Wyden

The motion to lay on the table the amendment (No. 3997) was rejected.

Mr. KENNEDY. Mr. President, if it is agreeable with the Senator from New Mexico, I suggest we have a voice vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3997) was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote.

Mr. KENNEDY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3998

Mr. KENNEDY. Mr. President, our next amendment is focused on nursing homes, to make sure the standards that were worked out in 1987, in a bipartisan way, which have been enormously effective in protecting seniors, are going to be continued not only that the Federal standards will be continued but also Federal enforcement.

There is a question about whether we need this kind of an amendment or not. The House of Representatives now has been willing to accept the standards but not the enforcement. Seniors are entitled to both. That is what this amendment does, maintain the current law. I believe it is necessary for protecting our senior citizens.

Mr. DOMENICI. Mr. President, our Medicaid restructuring plan will maintain current law and nursing home standards. As I read the Kennedy amendment, it proposes to change country law as well.

I ask the Senator if we could accept the Kennedy amendment without a vote, thus permitting us to proceed to another amendment. Would the Senator consider a voice vote?

Mr. KENNEDY. Mr. President, I appreciate the support for this program, but there is a very key element that differentiates this proposal with what has been happening in the House, and that is with regard to the enforcement. I think a strong voice for not only the standards but the enforcement, as well, is a very important part of it. It would be a strong indication, certainly to the conferees, that is the will of the Senate. I think it is of sufficient importance that we ought to go on record on that.

Mr. DOMENICI. Mr. President, I want to repeat, I have been assured by the Finance Committee before this amendment came up that we keep current law. I do not think we need a vote, but if the Senator wants it, I urge all Republicans vote "aye."

Mr. KENNEDY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Virginia [Mr. ROBB] is necessarily absent.

The PRESIDING OFFICER (Mr. SANTORUM). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 131 Leg.]

YEAS—99

Abraham
Akaka
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen

Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Dole
Domenici
Dorgan
Exon
Faircloth
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Helms
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Pell
Pressler
Pryor
Reid
Rockefeller
Roth
Santorum
Sarbanes
Shelby
Simon
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner
Wellstone
Wyden

NOT VOTING—1

Robb

The amendment (No. 3998) was agreed to.

Mr. DOMENICI. Mr. President, I wanted to comment for the Senate.

How many minutes are we over the 15?

The PRESIDING OFFICER. Eight minutes.

Mr. DOMENICI. Eight minutes over when regular order was called for.

The next amendment is another Kennedy amendment.

Is that correct?

The PRESIDING OFFICER. That is correct.

AMENDMENT NO. 3999

Mr. KENNEDY. That is correct. Mr. President, this amendment just retains current law on spousal impoverishment. All of us remember 1987–88 when these amendments were offered by our friend and colleague, Senator MIKULSKI of Maryland, in the Senate in a bipartisan way in terms of protecting spousal impoverishment and adult members of families, as well as prohibiting liens on the homes. We can all say we are for this proposal, but last year every single reconciliation piece of legislation that came before us went back on at least one of the four major protections on spousal and family impoverishment.

By this record we will send a very clear signal that we want to retain the current law. It is important that we do so for these families of nursing home members, and this amendment will put the Senate on record in favor of those protections.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, we assume precisely what the sense-of-the-Senate amendment provides. I understand the Senator wants to vote. So he is entitled to a vote. I suggest that everybody vote for it.

Mr. KENNEDY. Mr. President, I will take 15 seconds. Last year every reconciliation had at least a cut back in one of the four major protections. We want the Senate on record that we are all for those protections. We have had bipartisan support it in the past. We should not take a chance on it in the future.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Massachusetts. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 94, nays 6, as follows:

[Rollcall Vote No. 132 Leg.]

YEAS—94

Abraham
Akaka
Ashcroft
Baucus
Biden
Bingaman
Bond
Boxer
Bradley
Breaux
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Dole
Domenici
Dorgan
Exon
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Harkin
Hatfield
Heflin
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Pell
Pressler
Pryor
Reid
Robb
Rockefeller
Roth
Santorum
Sarbanes
Shelby
Simon
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner
Wellstone
Wyden

NAYS—6

Bennett
Brown
Faircloth
Gregg
Hatch
Helms

The amendment (No. 3999) was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote.

Mr. EXON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4000

Mr. DOMENICI. Mr. President, I believe Senator KENNEDY's amendment is up now.

The PRESIDING OFFICER. The Senator from Massachusetts.

AMENDMENT NO. 4000, AS MODIFIED

Mr. KENNEDY. Mr. President, I intend to ask unanimous consent to modify the amendment. I send the modification, which I have shared with the Senator from New Mexico, to the desk.

The PRESIDING OFFICER. Is there objection? The Senator from New Mexico.

Mr. DOMENICI. I discussed it with him, is that what he said? "I shared it." He did not say I agreed to the unanimous consent.

Mr. KENNEDY. The Senator is, as always, accurate, in making the statement he has not agreed. I had hoped he might agree, as we agreed to the modification of Senator KYL, Senator LOTT, and Senator DOLE's amendment.

Mr. DOMENICI. And we may, indeed, have some others. I really have no objection.

Mr. KENNEDY. I thank the Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4000), as modified, is as follows:

At the end of title III, insert the following:

SEC. . SENSE OF THE SENATE ON DAVIS-BACON.

Notwithstanding any provision of the committee report on this resolution, it is the sense of the Senate that the provisions in this resolution do not assume the repeal of the Davis-Bacon Act.

Mr. KENNEDY. Mr. President, the committee report says the budget resolution assumes the repeal of the Davis-Bacon Act which protects community wage standards for some 500,000 construction workers who work on Federal projects. This repeal means workers will be paid $4.6 billion less over the life of the budget. That is not fair. We should be attempting to lift workers' wages.

The PRESIDING OFFICER. The Senator will suspend. The Senate will come to order.

The Senator from Massachusetts.

Mr. KENNEDY. We should be lifting workers' wages, not reducing them. That is effectively what this amendment does. It ensures the Senate will go on record that this resolution does not assume the repeal of the Davis-Bacon Act.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Missouri.

AMENDMENT NO. 4030 TO AMENDMENT NO. 4000

(Purpose: To express the sense of the Congress that States should be allowed to require welfare recipients to stay drug-free as a condition for receiving welfare benefits from the taxpayers)

Mr. ASHCROFT. Mr. President, I have a second-degree amendment to amendment No. 4000. I send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Missouri [Mr. ASHCROFT] proposes an amendment numbered 4030 to amendment No. 4000.

Strike all after the first word and insert the following—

Mr. EXON. Mr. President, point of order.

Mr. DOMENICI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

Mr. FORD. Mr. President, I object.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. Objection is heard. The clerk will read the amendment.

The assistant legislative clerk continued with the reading of the amendment, as follows:

Strike all after the first word and insert the following:

SENSE OF THE CONGRESS REGARDING REQUIREMENTS THAT WELFARE RECIPIENTS BE DRUG-FREE.

In recognition of the fact that American workers are required to be drug-free in the workplace, it is the sense of the Congress that this concurrent resolution on the budget assumes that the States may require welfare recipients to be drug-free as a condition for receiving such benefits and that random drug testing may be used to enforce such requirements.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, point of order. Is the Senator from Nebraska correct the amendment that has just been offered is not in order until time has been yielded back on the previous amendment, which I do not think was accomplished?

The PRESIDING OFFICER. The sponsor had yielded back his time, had concluded his time on the amendment.

Mr. KENNEDY. Is there time on the second-degree amendment?

Mr. DOMENICI. Mr. President, if there is any question, I yield back the 30 seconds that I had in opposition to Senator KENNEDY's first-degree amendment.

Mr. EXON. I think that clarifies it.

The PRESIDING OFFICER. The sponsor of the second-degree amendment has 30 seconds.

Mr. ASHCROFT. Mr. President, I believe it is an affront to the American people to adopt and support drug habits in individuals by virtue of subsidizing the welfare payments to those who continue on drugs. It should be an option of States to be able to drug test effectively and to condition the receipt of welfare payments on people becoming and remaining drug free.

I believe that we do not really help people as long as we finance them while they are involved in drugs. So, the sense of the Senate stated here is that the States should have the right and opportunity to condition participation of welfare recipients in programs based on their being drug free.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. EXON. Mr. President, I yield 30 seconds to Senator KENNEDY.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 30 seconds.

Mr. KENNEDY. Mr. President, we all know what this is. The Senator could have offered his amendment as an initial amendment or a second degree to other amendments.

This is about working families. We are talking about construction workers who average $27,000 a year. All we are saying in this bill is we are not going to repeal Davis-Bacon. If we are going to do that, we ought to do it at other times.

This is about trying to maintain the existing standards which protect American workers out there, and the second degree amendment is a clear attempt to undermine the protection of those workers.

I hope that the amendment will be defeated.

Mr. ASHCROFT. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 4030, offered by the Senator from Missouri [Mr. ASHCROFT] to amendment No. 4000, as modified.

The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

The PRESIDING OFFICER (Mr. COATS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 92, nays 8, as follows:

[Rollcall Vote No. 133 Leg.]

YEAS—92

Abraham
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Dole
Domenici
Dorgan
Exon
Faircloth
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Harkin
Hatch
Heflin
Helms
Hutchison
Inhofe
Jeffords
Johnston
Kassebaum
Kempthorne
Kerry
Kohl
Kyl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Pell
Pressler
Pryor
Reid
Robb
Rockefeller
Roth
Santorum
Sarbanes
Shelby
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner
Wellstone
Wyden

NAYS—8

Akaka
Feingold
Hatfield
Hollings
Inouye
Kennedy
Kerrey
Simon

The amendment (No. 4030) was agreed to.

AMENDMENT NO. 4031 TO AMENDMENT NO. 4000

(Purpose: To protect the incomes of construction workers and their families and to express the sense of the Senate that the Davis-Bacon Act should not be repealed)

Mr. KENNEDY. Mr. President, I send a second-degree amendment to the desk and ask for its immediate consideration.

Mr. DOMENICI. I ask the Senator, will he yield for just an observation to the Senate? We have never come in within the time since we started this morning. We were just over again. We were over 8½ minutes when we gave everybody 15 minutes.

So there is nobody on this side that objects to the following, and I assume that Senator EXON will agree, starting with the next vote we are going to call for the regular order at the end of the 10 minutes. That is what we are allowed, 10 minutes. We are going to call for the regular order, if they are missing on our side or the other side, if it affects the vote or does not affect it. I just want everybody to know that.

I thank the Senator for yielding.

Mr. EXON. I clamor my approval.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY] proposes amendment numbered 4031 to amendment No. 4000.

At the end of the amendment, add the following:

At the end of title III, insert the following:

SEC. . SENSE OF THE SENATE ON DAVIS-BACON.

Notwithstanding any provision of the committee report on this resolution, it is the sense of the Senate that the provisions in this resolution do not assume the repeal of the Davis-Bacon Act.

Mr. KENNEDY. Mr. President, this amendment is as clear as it could be. It is just to express the sense that there is nothing in this underlying resolution that is going to repeal, effectively, the Davis-Bacon provisions. I offer it as a second degree to the underlying amendment. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I just urge my colleagues to vote to table the Kennedy amendment for a lot of reasons. The provisions that he is dealing with deals with Davis-Bacon, goes back to 1931, the Federal Government saying if you are doing Federal construction work, that the Department of Labor should set the labor rate, in many cases far in excess of what the prevailing wage really is in those areas.

It costs taxpayers in excess of $3 billion. Maybe it is a payoff for, I do not know, $35 million for campaigns or something. It does not belong. If you believe in free enterprise, if you believe in the marketplace setting labor rates, you should vote to table the Kennedy amendment. I move to table the Kennedy amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second to table? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question occurs on agreeing to the motion to lay on the table the amendment No. 4031. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 41, nays 59, as follows:

[Rollcall Vote No. 134 Leg.]

YEAS—41

Ashcroft
Bennett
Bond
Brown
Burns
Chafee
Cochran
Cohen
Coverdell
Craig
Dole
Domenici
Faircloth
Frist
Gramm
Grams
Grassley
Gregg
Hatch
Helms
Hutchison
Inhofe
Kassebaum
Kempthorne
Kyl
Lott
Lugar
Mack
McCain
McConnell
Nickles
Nunn
Pressler
Roth
Shelby
Simpson
Smith
Thomas
Thompson
Thurmond
Warner

NAYS—59

Abraham
Akaka
Baucus
Biden
Bingaman
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Coats
Conrad
D'Amato
Daschle
DeWine
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Harkin
Hatfield
Heflin
Hollings
Inouye
Jeffords
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Pell
Pryor
Reid
Robb
Rockefeller
Santorum
Sarbanes
Simon
Snowe
Specter
Stevens
Wellstone
Wyden

The motion to lay on the table the amendment (No. 4031) was rejected.

Mr. KENNEDY. Madam President, I move to reconsider the vote.

Mr. EXON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Ms. SNOWE). The question is now on the second-degree amendment. The yeas and nays have been ordered.

Mr. DOMENICI. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOMENICI. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Madam President, we can adopt the amendment now.

The PRESIDING OFFICER. Is there objection to vitiating the yeas and nays?

Without objection, it is so ordered.

The question is on agreeing to the amendment.

The amendment (No. 4031) was agreed to.

AMENDMENT NO. 4032 TO AMENDMENT NO. 4000

(Purpose: To reform the Davis-Bacon Act)

Mr. SANTORUM. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SANTORUM] proposes an amendment numbered 4032 to amendment No. 4000.

At the end of the pending amendment, insert the following:

SEC. . SENSE OF THE SENATE ON DAVIS-BACON.

Notwithstanding any provision of the committee report on this resolution, it is the sense of the Senate that the provisions in this resolution assume reform of the Davis-Bacon Act.

Mr. EXON. Madam President, I suggest that the amendment of the Senator from Pennsylvania, as I understand it, is not in order.

Mr. DOMENICI. It is a second-degree amendment to the Kennedy amendment. It is in order.

Mr. EXON. Is that the ruling of the Chair, that it is in order?

The PRESIDING OFFICER. The amendment submitted by the Senator from Pennsylvania is in order.

The Senator from Pennsylvania has 30 seconds.

Mr. SANTORUM. Madam President, we just voted on whether there should be repeal of Davis-Bacon. Many of us are not for repeal of that. We believe that there needs to be reform of the Davis-Bacon law and that we, in fact, should assume that for the purposes of the budget. I think there is bipartisan support for reform of Davis-Bacon. I wanted the Senate to go on record for that reform measure.

Mr. KENNEDY. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Madam President, may I have 15 seconds to comment?

The PRESIDING OFFICER. Yes.

Mr. KENNEDY. Madam President, I urge that all Members support this amendment and let us move ahead with the resolution.

Mr. SANTORUM. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Kansas [Mrs. KASSEBAUM] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 135 Leg.]

YEAS—99

Abraham
Akaka
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Dole
Domenici
Dorgan
Exon
Faircloth
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Helms
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnston
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Pell
Pressler
Pryor
Reid
Robb
Rockefeller
Roth
Santorum
Sarbanes
Shelby
Simon
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner
Wellstone
Wyden

NOT VOTING—1

Kassebaum

The amendment (No. 4032) was agreed to.

AMENDMENT NO. 4000

The PRESIDING OFFICER. The question now occurs on agreeing to the underlying amendment.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Madam President, I ask unanimous consent that the underlying amendment, No. 4000, as amended, be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4000), as amended, was agreed to.

AMENDMENT NO. 4001

The PRESIDING OFFICER. The question now occurs on agreeing to amendment No. 4001 offered by the Senator from West Virginia.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Madam President, this budget resolution cuts discretionary budget authority over the next 6 years by $356 billion and outlays by $295 billion. My amendment adds $106 billion in budget authority and $65 billion in outlays to pay for programs like crime control, education, safer highways, aviation safety, drug treatment, environmental cleanup, and clean water. We pay for it by closing corporate loopholes and reducing tax expenditures which over the next 6 years will exceed $3 trillion.

I urge all Senators to support the amendment and cast a vote for an investment in America's future.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Madam President, it is with reluctance that I must oppose the Byrd amendment. This would increase taxes and spending by $65 billion. It would strike the budget resolution's reconciliation instruction with reference to taxes, and it would eliminate the firewall between defense and nondefense spending. I believe, on any of those counts, it should be defeated. When you put them all together, clearly it ought to be tabled.

Mr. BYRD. Madam President, I ask unanimous consent that the name of Mr. BINGAMAN be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question now occurs on agreeing to the amendment offered by the Senator from West Virginia.

Mr. DOMENICI. I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? It appears to be sufficiently seconded.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment of the Senator from West Virginia [Mr. BYRD]. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 61, nays 39, as follows:

[Rollcall Vote No. 136 Leg.]

YEAS—61

Abraham
Ashcroft
Baucus
Bennett
Bond
Brown
Burns
Campbell
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
DeWine
Dole
Domenici
Exon
Faircloth
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hatch
Heflin
Helms
Hollings
Hutchison
Inhofe
Kassebaum
Kempthorne
Kerrey
Kyl
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Nunn
Pressler
Robb
Roth
Santorum
Shelby
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—39

Akaka
Biden
Bingaman
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Conrad
Daschle
Dodd
Dorgan
Feingold
Feinstein
Ford
Harkin
Hatfield
Inouye
Jeffords
Johnston
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Levin
Mikulski
Moseley-Braun
Moynihan
Murray
Pell
Pryor
Reid
Rockefeller
Sarbanes
Simon
Wellstone
Wyden

The motion to lay on the table the amendment (No. 4001) was agreed to.

Mr. DOMENICI. Madam President, I move to reconsider the vote.

Mr. LOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Mississippi.

AMENDMENT NO. 4002, AS FURTHER MODIFIED

Mr. LOTT. Madam President, I ask unanimous consent I be allowed to send to the desk a modification to amendment No. 4002. This modification is technical in nature.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT] proposes an amendment numbered 4002, as further modified.

Mr. LOTT. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of title III, add the following new section:

SEC. . SENSE OF CONGRESS ON REIMBURSEMENT OF THE UNITED STATES FOR OPERATIONS SOUTHERN WATCH AND PROVIDE COMFORT.

(a) FINDINGS.—The Congress finds that—

(1) as of May 1996, the United States has spent $2,937,000,000 of United States taxpayer funds since the conclusion of the Gulf War in 1991 for the singular purpose of protecting the Kurdish and Shiite population from Iraqi aggression;

(2) the President's defense budget request for 1997 includes an additional $590,100,000 for Operations Southern Watch and Provide Comfort, both of which are designed to restrict Iraqi military aggression against the Kurdish and Shiite people of Iraq;

(3) costs for these military operations constitute part of the continued budget deficit of the United States; and

(4) United Nations Security Council Resolution 986 (1995) (referred to as "SCR 986") would allow Iraq to sell up to $1,000,000,000 in petroleum and petroleum products every 90 days, for an initial period of 180 days.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that the assumptions underlying the functional totals in this resolution assume that—

(1) the President should instruct the United States Permanent Representative to the United Nations to ensure any subsequent extension of authority beyond the 180 days originally provided by SCR 986, specifically mandates and authorizes the reimbursement of the United States for costs associated with Operations Southern Watch and Provide Comfort out of revenues generated by any sale of petroleum or petroleum-related products originating from Iraq;

(2) in the event that the United States Permanent Representative to the United Nations fails to modify the terms of any subsequent resolution extending the authority granted by SCR 986 as called for in paragraph (1), the President should reject any United Nations' action or resolution seeking to extend the terms of the oil sale beyond the 180 days authorized by SCR 986;

(3) the President should take the necessary steps to ensure that—

(A) any effort by the United Nations to temporarily lift the trade embargo for humanitarian purposes, specifically the sale of petroleum or petroleum products, restricts all revenues from such sale from being diverted to benefit the Iraqi military; and

(B) the temporary lifting of the trade embargo does not encourage other countries to take steps to begin promoting commercial relations with the Iraqi military in expectation that sanctions will be permanently lifted; and

(4) revenues reimbursed to the United States from the oil sale authorized by SCR 986, or any subsequent action or resolution, should be used to reduce the Federal budget deficit.

Mr. LOTT. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. BYRD. Madam President, is someone going to explain the amendment?

Mr. EXON. We yield back the remainder our time.

Mr. LOTT. I would take 30 seconds to point out the amendment expresses the sense of the Senate that the Clinton administration should ensure an extension of U.N. Resolution 986, which mandates the reimbursement of the U.S. Department of Defense for the costs associated with Operations Southern Watch and Provide Comfort out of the revenues generated from the sale of Iraqi oil and other oil products.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Madam President, we have no objection.

I yield the time we have on this side.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays have been ordered.

The clerk will call the roll.

Mr. EXON. Madam President, there may be someone who wishes to talk on this side I did not know about.

I yield 30 seconds to the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Madam President, I thank my colleague and thank the Chair. I just wanted to rise to say, if this amendment was agreed to, it would circumvent some of our humanitarian programs. It would cause damage to the Kurdish minority in the country. I very much hope we could defeat this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Mississippi. The yeas and nays have been ordered. The Clerk will call the role.

The legislative clerk called the roll.

Mr. EXON. Madam President, I call for the regular order.

The result was announced—yeas 53, nays 47, as follows:

[Rollcall Vote No. 137 Leg.]

YEAS—53

Abraham
Ashcroft
Baucus
Bennett
Bond
Brown
Bumpers
Burns
Campbell
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
DeWine
Dole
Domenici
Faircloth
Ford
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hatch
Heflin
Helms
Hutchison
Inhofe
Kempthorne
Kyl
Lott
Mack
McCain
McConnell
Murkowski
Nickles
Pressler
Roth
Santorum
Shelby
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—47

Akaka
Biden
Bingaman
Boxer
Bradley
Breaux
Bryan
Byrd
Chafee
Conrad
Daschle
Dodd
Dorgan
Exon
Feingold
Feinstein
Glenn
Harkin
Hatfield
Hollings
Inouye
Jeffords
Johnston
Kassebaum
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lugar
Mikulski
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Robb
Rockefeller
Sarbanes
Simon
Wellstone
Wyden

The amendment (No. 4002), as further modified, was agreed to.

Mr. DOMENICI. Madam President, the reason that I did not call for the regular order is because one of our Senators was present. He was here for about 5 or 6 minutes. He must have assumed he voted, and he left. Maybe he did vote and we did not get it recorded. We got him? All right. I am sorry.

I move to reconsider the vote.

Mr. LOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4003

The PRESIDING OFFICER. The question now occurs on amendment No. 4003 offered by the Senator from Wyoming.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Madam President, this amendment simply notes that there are a number of indices that the Government uses to measure inflation and that we should strive to use the most accurate one that is possible. We have heard discussion of the CPI. There is another one called the chain-weighted GDP index.

There are all sorts of ways to go. This just says, let us pick the most accurate one and get on with the business of then protecting the budget of the United States to get a handle on the correct and most accurate method of indices of measuring inflation or deflation or deflators or whatever we are using in this great complex formulae world.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Madam President, I supported this when it was offered a few days ago by the Senator from Wyoming. As I understand the amendment, it in effect urges the Government to use the most accurate inflation index available. That is pure and simple. We have no objection from this side and have heard of no objection from that side. I am wondering, since it seems to have universal support, if we could save some time by voice voting this, if we could have the approval of that from the Senator from Wyoming.

Mr. SIMPSON. Madam President, I was hoping to follow that precedent, but I see that others have failed to do so. And I thought if I could take 10 more minutes, we could get a vote which would show that indeed we must be about our business. If we were to use the chain-weighted GDP index, that would get you a .4 reduction in things. That is what both CBO and OMB use. I just want to get that vote, if I could.

Mr. EXON. The Senator has that right.

Mr. SIMPSON. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question occurs on agreeing to amendment No. 4003. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 100, nays 0, as follows:

[Rollcall Vote No. 138 Leg.]

YEAS—100

Abraham
Akaka
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Dole
Domenici
Dorgan
Exon
Faircloth
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Helms
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Pell
Pressler
Pryor
Reid
Robb
Rockefeller
Roth
Santorum
Sarbanes
Shelby
Simon
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner
Wellstone
Wyden

The amendment (No. 4003) was agreed to.

Mr. DOMENICI. Mr. President, I ask unanimous consent that Senator COVERDELL be added as a cosponsor of Senator KYL's amendment No. 3995.

The PRESIDING OFFICER (Mr. KEMPTHORNE). Without objection, it is so ordered.

AMENDMENT NO. 4007

The PRESIDING OFFICER. The question occurs on amendment No. 4007, offered by the Senator from Florida [Mr. GRAHAM].

The Senator from Florida is recognized.

Mr. GRAHAM. Mr. President, this amendment deals with two important issues. One is preserving the integrity of the Medicare trust fund, and, second, an effective assault against Medicare fraud. It provides that any funds that are derived by suppression of Medicare fraud will go back into the trust fund from which that fraud caused adverse effect. It would not be available for any other spending purposes.

Mr. President, I urge adoption of this amendment, which I think is both a statement of our commitment to suppressing Medicare fraud, protecting the Medicare trust fund, and balancing the Federal budget.

Mr. DOMENICI. Mr. President, I think the Senator knows I am going to do this.

The Graham amendment is not germane to the provisions of the budget resolution. I therefore raise a point of order against the amendment under section 305(b)(2) of the Budget Act.

Mr. GRAHAM. Mr. President, anticipating this point of order, I would like to point out to my colleagues that on page 53 of the budget resolution before us, beginning at line 12, is almost in the same verbatim form, a point of order, except that point of order does not go to the reconciliation bill, which amendment 4007 does, but rather goes to the appropriations bills.

If my amendment is considered to be nongermane, clearly, this provision is nongermane. I also point out that in the last budget resolution for fiscal year 1996 there were two provisions, which contained point of order enforcement of provisions within the budget reconciliation.

So, Mr. President, we await the Chair's ruling, which I hope will be a finding that this is not a valid point of order on the Budget Act.

Mr. EXON. Mr. President, the proper order at the present time is this: I move to waive the provisions of the Budget Act for the consideration of the Graham amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. DOMENICI. Mr. President, I hope the Senators will deny this motion. This actually violates the Budget Act. This is a matter that is not even within the jurisdiction of the Budget Committee. This is a piece of legislation directing the treatment of savings of an entitlement in a future reconciliation bill. We have no authority to do it. We ought not be doing it here. I am not trying to treat one different than the other. The same ruling was held in committee on four attempts to do the same thing in the committee as we marked up the bill.

The PRESIDING OFFICER. The question is on agreeing to the motion to waive.

The yeas and nays have been ordered, and the clerk will call the roll.

Mr. EXON. Mr. President, I call for the regular order.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 44, nays 56, as follows:

[Rollcall Vote No. 139 Leg.]

YEAS—44

Akaka
Baucus
Biden
Bingaman
Boxer
Bradley
Breaux
Bryan
Bumpers
Conrad
Daschle
Dodd
Dorgan
Exon
Feinstein
Ford
Glenn
Graham
Harkin
Hollings
Inouye
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Robb
Rockefeller
Sarbanes
Simon
Wellstone
Wyden

NAYS—56

Abraham
Ashcroft
Bennett
Bond
Brown
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
DeWine
Dole
Domenici
Faircloth
Feingold
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hatch
Hatfield
Heflin
Helms
Hutchison
Inhofe
Jeffords
Kassebaum
Kempthorne
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Pressler
Roth
Santorum
Shelby
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

The PRESIDING OFFICER. On this vote, the yeas are 44, the nays are 56. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The point of order is sustained.

The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I want to make an announcement. A while ago in kind of a frenzy I said we were going to work right on through this spousal banquet tonight, and I must tell you I have had more Senators concerned about this banquet than anything else we have done. I surmise that the wives have been watching on television. I know Senator HOLLINGS told me that his wife called already, and she was kind of upset because she said Senator DOMENICI said that his wife did not even care about this event, and I just want to say to his wife Peatsy, I overstated my wife's position. My wife will be thrilled to be there tonight, and I really would ask that my previous comments, unless you object, be stricken from the RECORD.

Mrs. BOXER. Reserving the right to object. Reserving the right to object.

Mr. EXON. Will the Senator yield?

Mr. DOMENICI. I yield.

Mr. EXON. Does the Senator's wife vote in New Mexico?

Mr. DOMENICI. My wife voted in New Mexico, and she is still going to vote for me in spite of what I said.

I thank the Senate.

AMENDMENT NO. 4008

The PRESIDING OFFICER. The question now occurs on agreeing to amendment No. 4008 offered by the Senator from Missouri [Mr. ASHCROFT].

The Senator from Missouri is recognized for 30 seconds.

Mr. ASHCROFT. Mr. President, this amendment would eliminate an unfair tax on a tax paid by American workers. Every American worker pays Social Security taxes, but only after he or she has already paid taxes on that money. This is an unfair disparity. The corporations which pay the other half of that tax do not pay a tax on a tax. They get a deduction.

Further, this amendment would promote and stimulate growth. The growth would be substantial—500,000 new jobs in the economy. It is a job-producing amendment that provides middle-class tax relief in a way that no other proposal does. I urge its adoption by the Senate.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. The budget resolution already has $122 billion plus in tax cuts, and the chairman of the Budget Committee on the House side says it is $182 billion. If you add the tax cuts that are being suggested by this particular amendment, it is $276 billion on top of what they are already suggesting, whatever that is.

This amendment will more than triple an already unwise and unwarranted tax cut in this budget. It slashes discretionary spending by an additional $217 billion and adds over $75 billion in unspecified mandatory savings. We will never balance the budget if we are unable to control our urge to provide tax cuts in an election year. I urge Senators to vote against this budget-busting proposal that has, as far as I know, the support of none of the committees.

Mr. DOMENICI. I ask for the yeas and nays, Senator.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 43, nays 57, as follows:

[Rollcall Vote No. 140 Leg.]

YEAS—43

Abraham
Ashcroft
Baucus
Biden
Brown
Burns
Campbell
Coats
Cochran
Coverdell
Craig
D'Amato
DeWine
Dole
Faircloth
Frist
Gramm
Grams
Grassley
Hatch
Heflin
Helms
Hutchison
Inhofe
Jeffords
Kempthorne
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Pressler
Roth
Santorum
Shelby
Smith
Thomas
Thompson
Thurmond
Warner

NAYS—57

Akaka
Bennett
Bingaman
Bond
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Chafee
Cohen
Conrad
Daschle
Dodd
Domenici
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Gregg
Harkin
Hatfield
Hollings
Inouye
Johnston
Kassebaum
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Robb
Rockefeller
Sarbanes
Simon
Simpson
Snowe
Specter
Stevens
Wellstone
Wyden

The amendment (No. 4008) was rejected.

Mr. EXON. Mr. President, I move to reconsider the vote.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4009

The PRESIDING OFFICER. The Senate will please come to order. The question now occurs on amendment No. 4009, offered by the Senator from Texas [Mr. GRAMM].

The Senator is recognized for 30 seconds.

Mr. GRAMM. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. GRAMM. Mr. President, this is a very simple amendment. In 1993, the President argued that he did not raise income taxes on anyone who was not rich. On its face, that is not valid. As I demonstrated in the debate on the floor of the Senate, the 1994 IRS 1040 form and its explanation show that the 1993 tax increase raised income taxes on the Social Security benefits of people who make $34,000 or more, counting half of their Social Security benefit. It seems to me that by no stretch of the imagination can these people be called rich.

What I do in the amendment is call on the President to work with us to come up with a way of repealing this tax and at the same time working together to protect Social Security and

Medicare. This is an eminently reasonable amendment. I hope we will get a unanimous vote.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. EXON. Mr. President, I noted with interest the comment the Senator from Texas made. We just debated it a day or so ago. The provisions of the 1993 act that have been roundly criticized and are again being criticized now, raised taxes on only the top 13 percent—the top 13 percent—of retirees. By contrast, the 1983 Reagan tax increase, which was the first tax increase that ever addressed taxation of any kind on Social Security, was supported by the sponsor of this amendment. I simply say that will raise taxes for 22 percent of the retirees. This amendment would cost over $33 billion.

Mr. President, I yield back the remainder of my time.

AMENDMENT NO. 4033 TO AMENDMENT NO. 4009

Mr. EXON. Mr. President, I send a second-degree amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Nebraska [Mr. EXON] proposes an amendment numbered 4033 to amendment No. 4009.

Mr. EXON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all after "SEC." and insert the following:

. SENSE OF THE SENATE ON SOLVENCY OF THE MEDICARE TRUST FUND.

(a) FINDINGS.—The Senate finds that repeal of certain provisions from the Omnibus Budget Reconciliation Act of 1993 would move the insolvency date of the HI (Medicare) Trust Fund forward by a full year.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that no provisions in this Budget Resolution should worsen the solvency of the Medicare Trust Fund.

Mr. EXON. Mr. President, I will take my 30 seconds to explain this amendment.

The Congressional Budget Office estimates that repeal of the 1993 change, as proposed in the Gramm amendment, will move the insolvency date of the Medicare trust fund forward a full year. It is astonishing to me that the same Senators who claim to be concerned, even alarmed sometimes, about the solvency of the Medicare trust fund would sponsor legislation that will have the opposite effect.

The second-degree amendment, thereby, assures that no action therein, as a part of that act, should worsen the solvency of the Medicare trust fund.

The PRESIDING OFFICER. The Senator from Texas is recognized for 30 seconds.

Mr. GRAMM. Mr. President, parliamentary inquiry. Does this amendment simply add to mine, or does it substitute for the language of my amendment?

The PRESIDING OFFICER. The Chair will examine the amendment and make a ruling in just a moment.

Mr. EXON. What the amendment does, simply said, is we can do nothing in these considerations that will further weaken or hurt the trust fund. That is basically what it does. The amendment of the Senator from Texas hurts the solvency of the fund. This amendment corrects that.

The PRESIDING OFFICER. The Senator from Texas is advised that it strikes all words after the first word and replaces it.

Mr. GRAMM. Mr. President, I am simply going to offer my amendment as a second-degree amendment to all the other amendments that come up until we vote on it. Now, if the Senator would like to add his language to mine, I made it very clear in my sense-of-the-Senate resolution that we wanted to work with the President to repeal the Social Security tax in such a way as to protect Medicare. If he wants to add his amendment to mine, I will support it, we will adopt it, and that will be the end of it.

Mr. EXON. I will simply say that I ask for the yeas and nays on my amendment as offered.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. THOMPSON). The question is on agreeing to amendment No. 4033, offered by the Senator from Nebraska, Mr. EXON. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 100, nays 0, as follows:

[Rollcall Vote No. 141 Leg.]

YEAS—100

Abraham
Akaka
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Dole
Domenici
Dorgan
Exon
Faircloth
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Helms
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Pell
Pressler
Pryor
Reid
Robb
Rockefeller
Roth
Santorum
Sarbanes
Shelby
Simon
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner
Wellstone
Wyden

The amendment (No. 4033) was agreed to.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

AMENDMENT NO. 4034 TO AMENDMENT NO. 4009

(Purpose: To express the Sense of the Congress that the 1993 income tax increase on Social Security benefits should be repealed)

Mr. DOMENICI. Mr. President, I send a second-degree amendment on behalf of Senator GRAMM of Texas to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI] for Mr. GRAMM proposes amendment numbered 4034 to amendment No. 4009.

Mr. GRAMM. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the amendment, add the following:

SEC. . SENSE OF THE CONGRESS THAT THE 1993 INCOME TAX INCREASE ON SOCIAL SECURITY BENEFITS SHOULD BE REPEALED.

(a) FINDINGS.—Congress finds that the assumptions underlying this resolution include that—

(1) the Fiscal Year 1994 budget proposal of President Clinton to raise federal income taxes on the Social Security benefits of senior citizens with income as low as $25,000, and those provisions of the Fiscal Year 1994 recommendations of the Budget Resolution and the 1993 Omnibus Budget Reconciliation Act in which the 103rd Congress voted to raise federal income taxes on Social Security benefits of senior citizens with income as low as $34,000 should be repealed;

(2) that the Senate Budget Resolution should reflect President Clinton's statement that he believed he raised federal taxes too much in 1993; and

(3) that the Budget Resolution should react to President Clinton's Fiscal Year 1997 budget which documents the fact that in the history of the United States, the total tax burden has never been greater than it is today, therefore

—It is the Sense of the Congress that the assumptions underlying this Resolution include—

(1) that raising federal income taxes in 1993 on the Social Security benefits of middle-class individuals with income as low as $34,000 was a mistake;

(2) that the federal income tax hike on Social Security benefits imposed in 1993 by the 103rd Congress and signed into law by President Clinton should be repealed; and

(3) President Clinton should work with the Congress to repeal the 1993 federal income tax hike on Social Security benefits in a manner that would not adversely affect the Social Security Trust Fund or the Medicare Part A Trust Fund, and should ensure that

such repeal is coupled with offsetting reductions in federal spending.

Mr. GRAMM. Mr. President, I can save the Senate time. This is the same amendment we had pending a moment ago. What the amendment says is that it was a mistake to impose a confiscatory tax on Social Security recipients that earn $34,000 a year when you count half of their Social Security benefits. It simply calls on the President to work with us to repeal that tax.

We already had in the amendment the provision saying that it is the sense of the Senate that we do it in a way that would not adversely affect the Social Security trust fund or Medicare. The Senator from Nebraska added a sense of the Senate resolution saying that nothing we do should adversely affect Medicare. I do not strike that provision. In fact, I voted for it. But I want this Senate to go on record that it was a mistake to raise taxes on Social Security beneficiaries.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I simply point out that this amendment will cost over $33 billion and does not say how we will pay for it. Another way of saying that is that this is a political amendment to make a political statement without saying how we are going to pay for this kind of reduction in revenue. I yield back the balance of my time.

Mr. GRAMM. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question occurs on agreeing to amendment No. 4034. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from West Virginia [Mr. ROCKEFELLER] and the Senator from Alabama [Mr. HEFLIN] are necessarily absent.

The result was announced—yeas 50, nays 48, as follows:

[Rollcall Vote No. 142 Leg.]

YEAS—50

Abraham
Ashcroft
Bennett
Bond
Brown
Bryan
Burns
Campbell
Coats
Cochran
Coverdell
Craig
D'Amato
DeWine
Dole
Domenici
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hatch
Hatfield
Helms
Hutchison
Inhofe
Jeffords
Kempthorne
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Pressler
Roth
Santorum
Shelby
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—48

Akaka
Baucus
Biden
Bingaman
Boxer
Bradley
Breaux
Bumpers
Byrd
Chafee
Cohen
Conrad
Daschle
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hollings
Inouye
Johnston
Kassebaum
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Robb
Sarbanes
Simon
Simpson
Wellstone
Wyden

NOT VOTING—2

Heflin
Rockefeller

The amendment (No. 4034) was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote.

Mr. EXON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4009

The PRESIDING OFFICER. The question is on the underlying amendment, as amended. The yeas and nays have been ordered.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the yeas and nays be vitiated.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. EXON. Mr. President, most of us cannot possibly hear what is going on. I cannot hear my friend from the chair very well. Would the Chair please repeat the request?

The PRESIDING OFFICER. The yeas and nays having been vitiated, the question is on the underlying amendment, as amended.

Without objection, the amendment is agreed to.

The amendment (No. 4009), as amended, was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote.

Mr. EXON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOMENICI. Mr. President, first, might I say that some Members have gotten ourselves in trouble because we were planning to meet while our spouses were having dinner. We have canceled that radical idea. I want everybody to know we are going to go out at 5:30 because a number of Senators want, for some reason, to get ready for this event.

Mr. EXON. May I ask that the Senator not include we in that statement, just to clarify the record.

Mr. DOMENICI. I did that on purpose. I did not think anybody would object.

One of the chairmen asked me to make an announcement, if I may have 30 seconds. Senator BOND asked that I announce that the Small Business Committee will hold a short meeting to dispose of two business matters that the committee is aware of in room S–214 at approximately 4:40, which would probably be after the next vote. In any event, it will be around that time. I do not think unanimous consent is required. This is permitted. Is that satisfactory?

Mr. BOND. Yes, it is in the Vice President's office.

AMENDMENT NO. 4019, AS MODIFIED

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Senate now turn to the consideration of the Dole amendment No. 4019. I have cleared this both with Senator EXON and the minority leader.

Mr. EXON. That is true. When the 30 seconds on the Dole amendment comes up on our side, I will yield 15 seconds to the two Senators from California, in any order they choose.

The PRESIDING OFFICER. Without objection, it is so ordered. The pending question is amendment No. 4019.

Mr. DOMENICI. Mr. President, I call up Senator DOLE's amendment No. 4019, as modified.

The PRESIDING OFFICER. The amendment is pending.

The Senator from California [Mrs. BOXER] is recognized.

Mrs. BOXER. Mr. President, an L.A. Times newsstory gave rise to this amendment. I think a report by the AG is in order. I will vote "yes." I think that report will show vigorous support of law enforcement. I thank Senators DOMENICI and DOLE for deleting certain provisions.

I yield to Senator FEINSTEIN.

Mrs. FEINSTEIN. Mr. President, I echo the statement of my colleague, Senator BOXER, and only add to it that in a discussion with an editor of the Los Angeles Times on this matter yesterday, I think there is conflicting data as to whether there are certain guidelines or thresholds below which there is not prosecution. I believe this needs to be cleared up.

I thank the majority leader and Senator DOMENICI for their understanding in this matter. I think it is important that there be an investigation on what prosecutorial guidelines, thresholds, any other provisions for prosecution of across border crime there may be.

I thank the Chair.

Mr. DOMENICI. Mr. President, the Dole amendment expresses the sense of the Senate that the Attorney General should investigate whether drug smugglers are avoiding prosecution in the United States because of the policies of the Department of Justice and report to the chairman of the House and Senate Judiciary Committees on that matter within 30 days.

The amendment also expresses the sense of the Senate that the Attorney General should change the policy in order to ensure the vigorous prosecution of drug smugglers and direct all

U.S. attorneys to vigorously prosecute them.

That is Senator DOLE's interpretation of his amendment.

I yield the floor.

I ask for the yeas and nays on the Dole amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. DOMENICI. I ask unanimous consent that Senator COVERDELL be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I voted for the amendment offered by the majority leader on the subject of drug prosecutions in the Southern District of California, but I wish to take a moment to clarify any misperceptions that the amendment may have prompted. Some have implied that the U.S. attorney for the Southern District of California is weak on drug prosecutions. This implication is false and unfair.

The facts are that the U.S. attorney's aggressive policies have led to more drug prosecutions, more prosecutions of border drug smugglers, more criminal alien prosecutions, and more alien smuggling prosecutions. This is a record to be proud of.

Let us take a look at the facts. Total prosecutions by the U.S. attorney have more than doubled over the past 5 years. Let me say that again, the U.S. attorney is prosecuting more than twice as many felonies as his predecessor.

The U.S. attorney initiated a formal cooperative agreement on drug prosecutions with the San Diego District Attorney. In the past, the DA did not prosecute border-related drug cases at all. Last year, the local DA prosecuted more than 1,000. As a result of this unprecedented Federal-county cooperation, total border-related drug prosecutions have more than tripled over the past 5 years.

This cooperative Federal-county relationship is credited by the San Diego District Attorney with making a positive impact on San Diego's overall crime rate.

In January 1995, the U.S. attorney revised its criminal alien prosecution guidelines for the first time in more than 10 years. As a result, 1,334 criminal aliens were prosecuted in 1995, compared to only 179 in 1992—a 745 increase.

The U.S. attorney has led a major effort to prosecute alien smugglers. Nearly three times as many alien smugglers were prosecuted in 1995 as were prosecuted in 1994. And more will be prosecuted in 1996 than last year.

The Dole amendment implies that the U.S. attorney refuses to prosecute cases involving less than 125 pounds of marijuana. This is absolutely false. In fact, of the 184 felony marijuana cases prosecuted this year, 50 percent involve less than 125 pounds.

I ask unanimous consent that additional material detailing the U.S. attorney's record be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OFFICE OF THE ATTORNEY GENERAL,
Washington, DC, May 21, 1996.

Hon. ORRIN G. HATCH,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: This responds to your letter of May 14, 1996, concerning a recent Los Angeles Times article on the drug prosecution policies in the Southern District of California. That article provided an incomplete and inaccurate picture of felony drug prosecutions in the Southern District.

The most serious inaccuracy in the L.A. Times article is the suggestion that the United States Attorney's Office ("USAO") is ignoring narcotics cases involving less than a predetermined quantity of drugs. The United States Attorney, in conjunction with the San Diego County District Attorney, pursues all drug cases on the border in which prosecutors believe charges are warranted, regardless of the quantity of drugs involved.

Upon taking office in November 1993, United States Attorney Bersin revised the Southern District's prosecution policies in order to make more effective use of sanctions available under the immigration laws. Those revisions have resulted in a 58 percent increase in the total number of felony prosecutions brought by the USAO from 1993 to 1995.

Prior to the change in policy, the USAO retained jurisdiction over every defendant arrested for illegal activity at the border, regardless of the seriousness of the offense. As a result of the volume of cases, the USAO treated as misdemeanor possession cases many drug cases that could have been prosecuted as felonies based on the quantities of controlled substance seized.

United States Attorney Bersin worked with the District Attorney to change that system. They agreed that the District Attorney would prosecute border-related cases with a San Diego nexus (i.e., the defendant is a resident of or the car is registered in San Diego, or the drugs are destined for San Diego). The District Attorney now prosecutors as felonies many border-related drug cases that would have been brought by the USAO as misdemenaors, if at all, prior to 1994.

As a result of this agreement, the number of federal felony drug prosecutions, combined with the District Attorney's felony border drug prosecutions, rose from 764 in 1994 to 1,406 in 1995. The agreement has also permitted the United States Attorney's Office to redirect prosecutorial resources from minor drug cases to major narcotics investigations such as those arising from the Department's Southwest Border Initiative. Moreover, the increase in felony dispositions—followed inevitably by deportation—has made more defendants eligible for prosecution under the stiff provisions of 8 U.S.C. §1326 should they reenter illegally. During 1995, the USAO prosecuted 1,334 such criminal aliens, more than were prosecuted during the entire nine years prior to 1994.

Nor was the L.A. Times correct that the USAO automatically declines cases involving less than 125 pounds of marijuana. In the first four months of this year, fully half (92 out of 184) of the felony drug cases filed by the USAO were in that category. More important, most of the 2,000 cases referred to the District Attorney since 1994 involved less than 125 pounds of marijuana.

There are certain cases in which USAO declines prosecution in favor of immigration proceedings. Where proof of knowledge and criminal intent is lacking, and where the defendant is not a U.S. citizen, has no criminal record, has little or no information about organized drug smuggling, and is found with less than 125 pounds of marijuana, prosecution is deferred and the case is sent to the Immigration Court for an exclusion hearing. All five factors must be present to warrant deferral.

At the time of such deferral, the alien's immigration green card or border crossing card is confiscated, he is ejected from the country, and after a hearing can be formally excluded. Under the previous policy, when these cases were prosecuted as misdemeanors, green cards were not confiscated. Moreover, a person who has been excluded, and who reenters the United States with illegal drugs within five years, may be prosecuted for both the new and prior drug offenses.

Contrary to the assertion in the L.A. Times article, the policy of deferring prosecution of certain cases is not a "free pass" for those who transport less than 125 pounds of marijuana. Seizure of a green card or border crossing card is a serious and immediate sanction and has a far greater effect on drug trafficking than misdemeanor prosecution. Indeed, Peter Nunez, who served as United States Attorney under President Reagan and as the Assistant Secretary of Treasury for Enforcement, has endorsed the use of exclusion proceedings. Former Bush Administration U.S. Attorney William Braniff expressed similar views, as reported in the L.A. Times on May 18, 1996:

"If I had the option that [U.S. Attorney Bersin] has today of immediately ejecting and taking the green card, I would have used that rather than misdemeanor prosecutions. * * * I think in most cases it is a greater deterrent * * *"

Finally, the L.A. Times article mischaracterized the eight specific cases that it cited as examples of the U.S. Attorney's Office's purportedly lax prosecution policy. Based on available information, felony charges were, in fact, filed in four of the eight cases. Three of those defendants are in custody; the fourth is a federal fugitive. Of the remaining four cases, the San Diego District Attorney declined to prosecute one because of insufficient evidence to support criminal charges; two were declined by the USAO on the same ground. In the eighth case, prosecution was delayed as the government attempted to secure the cooperation of the suspect. That failed and investigation of the case continues.

In sum, the primary implication of the L.A. Times article is misleading and the case-related facts are largely inaccurate. The United States Attorney for the Southern District of California and the District Attorney for San Diego County have vigorously prosecuted drug smugglers at our borders and their efforts should serve as a model for cooperation between law enforcement agencies at the federal and state levels. A careful and responsible analysis of the District's prosecution policies and case statistics can lead to no other conclusion.

If I can be of further assistance on this matter, please do not hesitate to contact me.

Sincerely,

JANET RENO.

THE DISTRICT ATTORNEY,
COUNTY OF SAN DIEGO,
San Diego, CA, May 15, 1996.

Attorney General JANET RENO,
Main Justice Building, Washington, DC.

DEAR MS. RENO: A recent Los Angeles Times article suggested that drug smugglers crossing the border into California are not being prosecuted. Specifically, it was claimed that criminals who smuggle less than 125 pounds at the border are not charged. Since my office files over 160 marijuana border drug cases every month, I want to correct any misapprehension on this point.

Here are the facts:

1. The San Diego District Attorney's Office prosecutes border drug cases referred to us by the federal government. This is part of a cooperative effort between the U.S. Attorney and local law enforcement to control border crime. Since 1994 this office has prosecuted approximately 2000 of these cases.

2. There is no "weight limit" on these cases. The notion that the only marijuana smuggling cases prosecuted are over 125 pounds is false. In fact, the average weight is 901 pounds and of the 180 cases currently pending all but 25 of them involve less than 125 pounds. I should note that some cases referred to my office are declined. That percentage (about 23 percent) is consistent with the rejection rate for cases generally and is based solely on the sufficiency of evidence. Those cases that are rejected are still handled by the immigration court.

3. Border drug cases are prosecuted successfully. Of the cases referred to our office 85% have been convicted, 9% are pending, and 6% failed to appear for court. There have been no acquittals.

Finally, I will note that the success of this cooperative effort has freed resources for major narcotic investigations and has made a positive impact on San Diego's overall crime rate.

I am attaching our current list of pending border drug cases which includes by name, date and offense the border drug cases currently being prosecuted. The report should dispel any false impressions about border drug prosecutions. The cases are prosecuted—routinely and successfully.

Very truly yours,
PAUL J. PFINGST,
District Attorney.

DEPARTMENT OF THE TREASURY,
U.S. CUSTOMS SERVICE,
San Diego, CA, May 17, 1996.

STATEMENT OF P. JEFFREY CASEY, DEPUTY SPECIAL AGENT IN CHARGE, U.S. CUSTOMS OFFICE OF INVESTIGATIONS

The quote attributed to me in the May 12, 1996, Los Angeles Times article concerning border drug prosecutions is inaccurate. My "quote" was made in the context of describing *one* component of a *three* tiered prosecution system in place here in San Diego.

I explained to Mr. Reza the three mechanisms in place to prosecute Port of Entry Border drug smugglers apprehended in San Diego County. I told Mr. Reza that one mechanism is Federal prosecution, a second mechanism is County prosecution and the third mechanism is deferred prosecution which is used in those cases where there is insufficient evidence to establish criminal knowledge and intent.

The assertion that cases involving 125 pounds of marijuana or less are not prosecuted in San Diego is false. I never made any such statement, nor could I since our U.S. Customs Special Agents present literally hundreds of such cases annually for prosecution as the County and Federal level.

P. JEFFREY CASEY.

Mr. HELMS. Mr. President, last week the distinguished majority leader, Mr. DOLE, reacted with justifiable indignation to a May 12 Los Angeles Times report indicating that the Clinton-appointed U.S. attorney in San Diego is failing to prosecute some of the drug smugglers detected and reported to him. In fact, more than 1,000 suspected traffickers have been sent back to Mexico since 1994 with scarcely more than a slap on the wrist—if that.

The U.S. attorney's office in San Diego reportedly has virtually discontinued filing charges or prosecuting drug smugglers. Instead they are merely deported. The Los Angeles paper estimates that 25 percent of all detected drug smugglers in the southern district of California are sent back to Mexico where they are free to renew attempts to smuggle drugs into the United States.

Senator DOLE'S concerns are well-founded, Mr. President: Consider these cases: Two U.S. citizens were arrested when found to have 150 pounds of marijuana, in their possession. Another had 386 pounds. All three were released without jail or prosecution.

Two Mexican women, transporting 24 pounds of marijuana and 32 pounds of narcotics across the border to California, were handed tickets back across the border, where they no doubt reloaded for another trip to California.

Customs inspectors are working hard on the borders, but hundreds of traffickers are avoiding prosecution. One Customs inspector told the Los Angeles Times: "Lack of enforcement is not because inspectors are not trying. It's because of the policy coming from upstairs."

Mr. President, the pending sense of the Senate amendment calls on the U.S. Attorney General to investigate this situation immediately and report promptly to the respective chairmen of the Judiciary Committees of the House and Senate.

International drug trafficking is fundamentally a matter of national security, Mr. President. The drug trade is one of the gravest threats to the security of U.S. today. Smugglers are crossing our southern borders with impunity, selling illicit drugs in our communities and poisoning our children. Senator DOLE refers to these drug smuggling thugs as "merchants of death." The distinguished Senator has that right—and the problem is getting worse by the day.

There's been a resurgence in illegal drug usage among our youth. Since 1992, the number of high school seniors using drugs on a monthly basis has jumped 52 percent. And during the current administration, the price of illegal drugs have fallen significantly, suggesting that the flow and the availability of illegal drugs are increasing.

The Clinton administration's record on illicit drug use has been described by a Senate Judiciary Committee report as "benign neglect." It is worse than that—it is an abdication of duty.

The Administrative Office of the U.S. Courts states that there was a 12 percent decline in drug prosecutions between 1992 and 1994. Furthermore, the Clinton administration's budget request for fiscal year 1995 would have resulted in a cut of 621 drug enforcement positions from the Drug Enforcement Agency, the Federal Bureau of Investigation, and other Federal agencies. Fortunately, Congress restored many of these proposed cuts in law enforcement manpower.

At a time when drug use is skyrocketing, there should be an urgent increase in aggressive prosecution of the criminals who transport illicit drugs across our borders. This is a national problem, Mr. President, yet the administration has reduced drug prosecutions at the very time that drug use is soaring. It's time for the administration to rejoin the war on drugs and the vigorous enforcement of our Federal drug laws.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kansas. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 100, nays 0, as follows:

[Rollcall Vote No. 143 Leg.]

YEAS—100

Abraham
Akaka
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Dole
Domenici
Dorgan
Exon
Faircloth
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Helms
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Pell
Pressler
Pryor
Reid
Robb
Rockefeller
Roth
Santorum
Sarbanes
Shelby
Simon
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner
Wellstone
Wyden

The amendment (No. 4019), as modified, was agreed to.

AMENDMENT NO. 4010

The PRESIDING OFFICER. Under the previous order, the question occurs on amendment No. 4010 offered by the Senator from Colorado [Mr. BROWN].

Mr. BROWN. Mr. President, I will not ask for a rollcall vote on this. I think it can be voice voted. It is very direct. It speaks to the problem that we have which the Entitlement Commission pointed out that says they were not going to have the money to pay people their entitlements—retirement funds—when they come due. It says that in the future the COLA—the cost-of-living adjustment—that occurs automatically will only apply to the first $75,000 of retirement pay. I have checked. The Defense Department tells me no military personnel come under this. OMB tells me that something like one-tenth of 1 percent of total retirees would have this applied to them. But 30 years from now, after people who joined the military service or joined civil service under these rules come to retirement, it will have an impact. It is one way in the future prospectively to make sure we have money to pay the retirements that we promised.

Mr. GLENN addressed the Chair.

Mr. EXON. Mr. President, I yield 30 seconds of our time to my friend and colleague from Ohio.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I disagree strongly with this. I think it unfairly limits people in the future. It is an arbitrary attempt to attack the earned pension benefits of the more highly compensated Federal employees, both military and civilian. The higher paid employees receive higher pension benefits, and I think it is unfair to penalize some Federal employees because they were good at their job, because they were promoted and because they make a better salary in their retirement.

Now, the amendment was defeated in the Budget Committee. It is brought up again here. It is, in effect, a future income cut for these people. Once again, we are trying to make our senior military and our civilians the whipping boys because of our failure on other budget matters. I think it is drastically unfair.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. DOMENICI. Mr. President, did somebody ask for the yeas and nays?

Mr. EXON. The Senator from Ohio did.

Mr. DOMENICI. Even though he is willing to go by voice?

Mr. GLENN. Yes, because I disagree strongly with the amendment for reasons I just gave.

Mr. DOMENICI. We can vote it down by voice, and then the Senator could still get the yeas and nays after.

Mr. GLENN. I certainly want to know what the ruling would be in that case. I am not going to do it because I know what the decision would probably be.

Mr. BROWN. Will the Senator yield?

Mr. GLENN. I yield.

Mr. BROWN. I certainly would not object to the request for a vote after he hears the ruling of the Chair if he wishes to do that. My only thought was a voice vote would expedite procedures. I am happy to go along with either procedure you prefer.

Mr. DOMENICI. He is just suggesting that if he happens to lose on a voice vote, he can then have a rollcall vote.

Mr. GLENN. OK, I agree with that, if we have the agreement that if we lose on the voice vote, we will then have a record rollcall vote. That is fine. I trust all the people on our side will be in good voice.

Mr. DOMENICI. There are a lot of people in the Chamber. Only Senators make their voices heard now. None of the staff votes.

The PRESIDING OFFICER. If there is no objection, the yeas and nays are vitiated. The question is on agreeing to the amendment.

The amendment (No. 4010) was rejected.

AMENDMENT NO. 4011

The PRESIDING OFFICER. Under the previous order, the question occurs on agreeing to amendment No. 4011 of the Senator from Iowa, Mr. HARKIN.

Mr. DOMENICI. Senator HARKIN is up.

Mr. EXON. I am not sure the Senator from Iowa heard. I think the Chair was asking him to proceed. The next amendment up is No. 23 on my list, which is No. 4011 by Senator HARKIN. The Senator has 30 seconds.

Mr. DOMENICI. This is Senator HARKIN's amendment now.

Mr. HARKIN. What happened to the vote on the other one?

Mr. DOMENICI. We are finished. We have done it.

Mr. EXON. To answer the Senator's question, it was turned down by voice vote.

Mr. HARKIN. I see.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, this amendment divides the first reconciliation bill. All this amendment does is it takes welfare reform and separates it from Medicaid reform. It puts welfare reform in the first reconciliation bill. It leaves Medicaid reform in the second reconciliation bill so that we can have a straight vote on welfare reform. We should pass welfare reform in this Congress. We should and we can. It is not likely to be signed if it has a controversial Medicaid bill attached to it. So I call this the let-real-welfare-reform-become-law amendment.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I will move to table the amendment shortly. But let me just say the budget resolution has a first reconciliation bill that will include welfare reform and Medicaid. This amendment strikes the Medicaid from that reconciliation bill and puts it into one with Medicare and other entitlements. I do not believe we ought to do that. We have thought it through and we want it in two pieces. The first one should be welfare reform and Medicaid.

Therefore, I move to table the amendment.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question occurs on the motion to table amendment No. 4011, offered by the Senator from Iowa [Mr. HARKIN].

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. EXON. May I suggest the regular order.

The PRESIDING OFFICER (Mr. ABRAHAM). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 60, nays 40, as follows:

[Rollcall Vote No. 144 Leg.]

YEAS—60

Abraham
Ashcroft
Bennett
Bond
Brown
Burns
Campbell
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
DeWine
Dole
Domenici
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hatch
Hatfield
Helms
Hutchison
Inhofe
Jeffords
Kassebaum
Kempthorne
Kerrey
Kyl
Lautenberg
Leahy
Lott
Lugar
Mack
McCain
McConnell
Moseley-Braun
Moynihan
Murkowski
Nickles
Nunn
Pressler
Roth
Santorum
Shelby
Simon
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—40

Akaka
Baucus
Biden
Bingaman
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Conrad
Daschle
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Heflin
Hollings
Inouye
Johnston
Kennedy
Kerry
Kohl
Levin
Lieberman
Mikulski
Murray
Pell
Pryor
Reid
Robb
Rockefeller
Sarbanes
Wellstone
Wyden

The motion to lay on the table the amendment (No. 4011) was agreed to.

Mr. DOMENICI. Mr. President, I wonder if Senator BUMPERS will be willing to proceed with his second of sequential amendments—the one on the firewalls—now, and then we will proceed immediately to the other amendment.

Mr. BUMPERS. Which one do you want to do first?

Mr. DOMENICI. Firewalls.

Mr. BUMPERS. You want to do firewalls first?

Mr. DOMENICI. Mr. President, I ask it be in order for Senator BUMPERS to proceed to the Bumpers-Simon amendment No. 4014.

Mr. BUMPERS. I have been preparing for the amendment on asset sales. We are not really quite ready to go to firewalls. Is there any objection to going ahead with the asset sales?

Mr. DOMENICI. We have a second-degree amendment to yours, and we are now checking that amendment to make sure that it is not subject to a parliamentary impediment. If it is, we will try to repair it, and we do not have enough time to repair it in 30 seconds.

Mr. BUMPERS. I think it is irreparable.

Mr. DOMENICI. If the Senator will set it aside and take firewalls. If you want, I can explain the firewalls amendment for you.

Mr. BUMPERS. We would rather like to offer the asset sales first and then get the second one disposed of one way or the other.

Mr. DOMENICI. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4013

Mr. BUMPERS. Mr. President, this amendment is one that we have voted on a number of times. We voted twice last year. It got 47 votes the first time, it got 49 votes the second time. It simply says, you cannot sell assets of the Federal Government and score those assets on the budget deficit. If you sold $130 billion worth of Government property today, you could balance the budget this year, but next year you are going to have the same budget deficit you had. Rudolph Penner, Bob Reischauer both say it is bad policy. It is dishonest budgeting. We ought not to be doing it. From 1987 to 1995 we specifically provided in the budget resolution that we would not score asset sales.

So, Mr. President, I hope that at least we can get this body to vote for honest budgeting. I am not suggesting that you not sell assets. I have voted one asset sale this year. I am saying, do not score it. It reminds me of the guy that came home from the office and told his wife he had a great day at the office. She said, "What happened?" He said he sold his desk. That is what we are doing when we sell the assets and put it on the deficit.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Senator McCAIN has an amendment for himself and the Senator from New Mexico.

AMENDMENT NO. 4035 TO AMENDMENT NO. 4013

(Purpose: To express the sense of the Senate regarding corporate subsidies and to provide a rule that would prohibit the scoring of proceeds from asset sales that would lead to a financial loss by the Federal Government)

Mr. McCAIN. Mr. President, I have a second-degree amendment and ask for its immediate consideration.

The bill clerk read as follows:

The Senator from Arizona [Mr. McCAIN], for himself and Mr. DOMENICI, proposes an amendment numbered 4035 to amendment No. 4013.

Mr. McCAIN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In amendment No. 4013, strike all after the first word and insert the following:

SEC. . CORPORATE SUBSIDIES AND SALE OF GOVERNMENT ASSETS.

(a) CORPORATE SUBSIDIES.—It is the sense of the Senate that the functional levels and aggregates in this budget resolution assume that:

(1) the federal budget contains tens of billions of dollars in payments, benefits and programs that primarily assist profit-making enterprises and industries rather than provide a clear and compelling public interest;

(2) corporate subsidies can provide unfair competitive advantages to certain industries and industry segments;

(3) at a time when millions of Americans are being asked to sacrifice in order to balance the budget, the corporate sector should bear its share of the burden.

(4) federal payments, benefits, and programs which predominantly benefit a particular industry or segment of an industry, rather than provide a clear and compelling public benefit, should be reformed or terminated in order to provide additional tax relief, deficit reduction, or to achieve the savings necessary to meet this resolution's instructions and levels.

(b) SALE OF GOVERNMENT ASSETS.—

(1) BUDGETARY TREATMENT.—

(A) IN GENERAL.—For the purposes of any concurrent resolution on the budget and the Congressional Budget Act of 1974, no amounts realized from the sale of an asset shall be scored with respect to the level of budget authority, outlays, or revenues if such sale would cause an increase in the deficit as calculated pursuant to subparagraph (B).

(B) CALCULATION OF NET PRESENT VALUE.—The deficit estimate of an asset sale shall be the net present value of the cash flow from:

(i) proceeds from the asset sale;

(ii) future receipts that would be expected from continued ownership of the asset by the Government; and,

(iii) expected future spending by the Government at a level necessary to operate and maintain the asset to generate the receipts estimated pursuant to clause (ii).

(2) DEFINITIONS.—For purposes of this section, the term 'sale of an asset' shall have the same meaning as under section 250(c)(21) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(3) TREATMENT OF LOAN ASSETS.—For the purpose of this subsection, the sale of loan assets or the prepayment of a loan shall be governed by the terms of the Federal Credit Reform Act of 1990.

Mr. McCAIN. Mr. President, this amendment expresses the sense of the Senate on an issue of profound importance to the American people—the reform and elimination of undue corporate subsidies in the Federal budget.

The amendment finds that the Federal budget contains billions of dollars in payments, benefits and programs that predominantly assist profit-making enterprises rather than provide a clear and compelling public benefit. Such largess can provide unfair competitive advantage to certain industries and industry segments and has become an enormous drain on the Treasury.

And, the amendment expresses the sense of the Senate that the Congress should reform or terminate such programs in order to provide additional tax relief, deficit reductions, or achieve the savings necessary to meet the resolution's budget instruction.

Mr. President, we are asking millions of Americans—from families who receive food stamps to our men and women in uniform—to sacrifice in order to stop the Nation's fiscal bleeding.

As a matter of simple fairness, we have a moral obligation to ensure that corporate interests share the burden. The Cato and Progressive Policy Institutes, have identified 125 Federal programs that subsidize industry to the tune of $85 billion every year, and PPI found an additional $30 billion in tax loopholes to powerful industries.

The public cannot understand why we continue to shell out billions of dollars in subsidies to powerful corporate interests, when we simply cannot afford such largess, and at a time when many corporate CEO's are earning bonuses that resemble the budgets of many school districts.

Corporate pork cannot be justified in such an environment and it has no place in a diminishing Federal budget.

Some believe that corporate pork is a thing of the past. Sadly that is not so. While some gains were made this year in trimming the fat, the effort was been disappointingly anemic.

We still subsidize the overseas advertising of multimillion dollar companies through the Marketing Promotion Program; hundreds of millions are earmarked for unrequested hometown military construction projects; we still coddle wealthy peanut and sugar growers with anachronistic production quotas and tariff restrictions; billions remain in the pipeline for highway demonstration projects which are not even considered priorities in the States where they will be built;

And the biggest and most obscene example, we still plan to give away billions of dollars in publicly owned electromagnetic spectrum to affluent communications companies; and that list goes on and on.

Last November, I offered an amendment along with Senator THOMPSON and others to eliminate and reform 12 of the most celebrated and egregious forms of corporate pork identified by CATO and PPI. The fact that 74 Senators voted against the amendment is ample testimony to the problem.

Mr. President, corporate pork wastes resources, increases the deficit, distorts markets and has no place either in a free market economy or in a budget where we are asking millions of Americans to sacrifice for the good of future generations.

As the Public Policy Institute observed, "The President and Congress can break the current impasse and substantially reduce both spending and projected deficits * * * if they are willing to eliminate or reform scores of special spending programs and tax provisions narrowly targeted to subsidize influential industries."

"If we are willing"? That's the million dollar question, Mr. President. This amendment will determine where the Senate stands on corporate subsidies, and will serve as a springboard to make the changes necessary to regain control of the budget and restore the public's confidence in the budget process.

Mr. President, a portion of this amendment crafted by Senator DOMENICI addresses the question of how asset sales should be treated in regard to budget scoring. The distinguished Senator from New Mexico will explain that particular language in his remarks.

I thank Senator DOMENICI and I urge all Senators to support the amendment.

Mr. President, to summarize, this amendment makes two changes to the Bumpers asset sales amendment. First, it would add language expressing the sense of the Senate that corporate subsidies should be reduced. The language states we should eliminate any unjustified corporate subsidies in the budget and use the savings for deficit reduction and tax relief. Second, in lieu of the Bumpers amendment, it would prohibit using asset sales to balance the budget. This amendment would prohibit the scoring of proceeds from asset sales that would lead to a financial loss by the Federal Government over the long run.

Mr. EXON. I yield 30 seconds to the Senator from Arkansas.

Mr. BUMPERS. Mr. President, the Senator from Arizona's amendment is not the worst amendment in the world. But it simply does not address the problem. It essentially says that if we are going to sell an asset, let us get fair market value. That is not the problem, even though in cases it has a tendency to be the problem.

But the problem is that we have been proposing around here to sell the PMA's. If you have a power marketing system in your State, there has been a proposal to sell it. We sold one in Alaska, just voted to sell the Uranium Enrichment Corporation. There have been proposals to sell Elk Hills. It is now on the block. I am not suggesting we are not going to get fair market value for it, even though we will not because it is money—as the Senator from Arizona says, the amount of money coming in over the next 30 years is more than we are going to get. All I am saying is, sell it if you want to, put it on infrastructure; but do not put it on the deficit when you have to come back next year and redress it.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I thank the Senator for at least recognizing that our amendment is not the worst amendment in the world. We greatly appreciate that.

Mr. BUMPERS. It is close.

Mr. DOMENICI. It is obvious this amendment is a good amendment. It says asset sales cannot cost the Government over time, present value cannot cost the Treasury any money. We think that is a good rule. We hope we adopt it. I ask for the yeas and nays on the McCain amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question now occurs on agreeing to the McCain second-degree amendment No. 4035. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Connecticut [Mr. DODD] and the Senator from Connecticut [Mr. LIEBERMAN] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 145 Leg.]

YEAS—98

Abraham
Akaka
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dole
Domenici
Dorgan
Exon
Faircloth
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Helms
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Lautenberg
Leahy
Levin
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Pell
Pressler
Pryor
Reid
Robb
Rockefeller
Roth
Santorum
Sarbanes
Shelby
Simon
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner
Wellstone
Wyden

NOT VOTING—2

Dodd
Lieberman

The amendment (No. 4035) was agreed to.

AMENDMENT NO. 4036 TO AMENDMENT NO. 4013, AS AMENDED

(Purpose: To restore common sense to the budget rules by reversing the rule change on the scoring of asset sales)

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS], for himself, Mr. BRADLEY, and Mrs. MURRAY, proposes an amendment numbered 4036 to amendment No. 4013, as amended.

Mr. BUMPERS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

The pending amendment, as amended, is amended by adding the following:

Not withstanding subsection (1) of this amendment regarding the sale of government assets, the sale of assets shall be treated as follows:

(1) BUDGETARY TREATMENT.—For purposes of any concurrent resolution on the budget and the Congressional Budget Act of 1974, no amounts realized from sales of assets shall be scored with respect to the level of budget authority, outlays, or revenues.

(2) DEFINITIONS.—For purposes of this section, the term "sale of an asset" shall have the same meaning as under section 250(c)(21) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(3) TREATMENT OF LOAN ASSETS.—For the purposes of this section, the sale of loan assets or the prepayment of a loan shall be governed by the terms of the Federal Credit Reform Act of 1990.

Mr. DOMENICI. Mr. President, will the Senator yield? I would like to announce for the Senate—and I hope Senators will listen.

The PRESIDING OFFICER. The Senate will come to order.

Mr. DOMENICI. When we finish this second-degree amendment by Senator BUMPERS, which we will start very shortly, there will be no further votes tonight. When we wrap up business today, we will indicate in the unanimous consent that at 10 a.m. in the morning we will begin a series of rollcall votes on the budget resolution. We believe we have 11 of them. We will work until 1 o'clock and have a recess for 1 hour, return at 2 o'clock and we will be finished sometime shortly thereafter. By that time, we will probably be down to three or four amendments.

That is what we have agreed to. I am not putting it before the Senate in a consent, but I thought you would like to know.

Mr. HATFIELD. Will the Senator yield for a question?

Mr. DOMENICI. I will be happy to yield to the Senator for a question.

The PRESIDING OFFICER. The Senate will be in order.

The Senator has yielded for a question of the Senator from Oregon.

Mr. HATFIELD. Mr. President, I would like to ask the Senator if the McCain amendment we have adopted has any application to the Bonneville power administration as it relates to its corporate status.

Mr. DOMENICI. The corporate subsidies and all matters related thereto were never intended to relate to Bonneville.

Mr. HATFIELD. I thank the Senator.

Mr. DOMENICI. And/or similar projects to Bonneville.

Mr. BUMPERS addressed the Chair.

Mr. DOMENICI. I thank the Senate for the time.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I know everybody wants to get to the party. This amendment, the second-degree amendment, is precisely the same amendment as my first-degree amendment which was taken down by the McCain amendment. The McCain amendment does one thing that is good. It says that you cannot sell an asset for less than its net present value, but that does not affect an asset like a national park that has no income stream. And second, let me repeat, Rudolph Penner and Bob Reischauer, two of the most respected directors of the Congressional Budget Office we have ever had, said it is terrible policy to score asset sales on the budget deficit.

Please vote yea on my amendment.

The PRESIDING OFFICER. The Senator's time has expired. The Senator from New Mexico.

Mr. DOMENICI. The Senate overwhelmingly voted to substitute this amendment. We voted for it. There is no use going back and undoing what we have done by another amendment. So I move to table the Bumpers amendment and ask for yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the Bumpers amendment No. 4036. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Connecticut [Mr. DODD] and the Senator from Connecticut [Mr. LIEBERMAN] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 52, nays 46, as follows:

[Rollcall Vote No. 146 Leg.]

YEAS—52

Abraham
Ashcroft
Bennett
Bond
Brown
Burns
Campbell
Chafee
Coats
Cochran
Coverdell
Craig
D'Amato
DeWine
Dole
Domenici
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hatch
Hatfield
Heflin
Helms
Hutchison
Inhofe
Jeffords
Kassebaum
Kempthorne
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Pressler
Roth
Santorum
Shelby
Simpson
Smith
Snowe
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—46

Akaka
Baucus
Biden
Bingaman
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Cohen
Conrad
Daschle
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hollings
Inouye
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Mikulski
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Robb
Rockefeller
Sarbanes
Simon
Specter
Wellstone
Wyden

NOT VOTING—2

Dodd
Lieberman

The motion to lay on the table the amendment (No. 4036) was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote by which the motion to lay on the table was agreed to.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4013, AS AMENDED

The PRESIDING OFFICER. The question now occurs on amendment No. 4013, as amended.

Mr. DOMENICI. I ask unanimous consent that the underlying amendment, as amended, be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4013), as amended, was agreed to.

Mr. HATCH. Mr. President, today we continue our important quest to free the children of this country from an enormous burden of debt; we can start to free up the Federal Government from the compounding interest payments that threaten our fiscal future. The vote today is a very important one. It shows whether we are determined to balance the budget in a meaningful and attainable way, or whether we want to see business as usual in the Federal Government.

Mr. President, the problem of lowering the deficit is not a new one. We got to this point over a period of 40 years. Over the last 30 years, we have seen a clear and uninterrupted trend of increasing deficits. During the 1960's, deficits averaged $6 billion per year. In the 1970's, deficits averaged $36 billion per year. In the 1980's, they climbed to $156 billion per year. It doesn't stop there, in the 1990's, so far, deficits have averaged $259 billion per year.

I think there is plenty of blame to share among all the Members of Congress and all the U.S. Presidents during these decades of debt buildup. The Vietnam war, the rise in entitlements, the creation of new agencies and roles of Government—all of these and other factors contributed to the budget mess we are in today.

But, today, Mr. President, the question is not so much how we got in the hole, but how we get out.

Today, Mr. President, we can only lay blame on those who do not support a plan to balance the budget by the year 2002 and utilizing real numbers. Today, we have an opportunity to begin the process of addressing our deficit head-on and setting our country on the road to a balanced budget.

Mr. President, the taxpayers pay for the deficits the Federal Government keeps running up. Every year the hardworking Americans work to pay for our fiscal irresponsibility. But, the hurt from our spending does not stop there. The ones who are going to bear the brunt of this debt are our children and grandchildren. A child born today will pay $187,000 in taxes throughout his or her lifetime just to pay the interest on the debt our annual deficit spending has amassed.

This debt amounts to roughly $18,500 per person today with annual interest charges exceeding $2,575 per taxpayer. This is not right.

Mr. President, balancing the budget will help to lighten this burden on our families, and most importantly, on our children and grandchildren. It will take a long time to pay off a $4.9 trillion debt. But, by voting on a resolution to balance the budget by 2002, we can at least begin the process. And, we can face the dawn of a new century with a renewed commitment to fiscal responsibility.

Mr. President, I think that almost all of us theoretically agree that we must balance the budget. And, clearly, the debate involves setting priorities. But, the real test is one of political will. Not one of us is going to get his or her own way on everything in this budget resolution. But, the larger issue still looms. Are we determined to balance the budget? Are we willing to compromise a little here and there for achievement of a goal that has been eluding us for decades?

We must use reliable data. Using rosy estimates and forecasts may make the job of Federal budgeting easier for us and for the President, but it won't work. When I commute to the Hill in the morning, I can estimate that it will take me 5 minutes. But, that estimate won't make me on time.

We need to use conservative, real-life estimates of what the economy is going to look like in the future so we adopt reasonable policies to efficiently react to the economic environment of the future.

The difference between the Republican budget resolution and the budget submitted by President Clinton is what it gives to the American people. The Republican bill lowers the cost of Government, keeps the Medicare trust fund solvent longer, contains attainable spending control, and allows the American people to keep more of their hard-earned money.

Many of my colleagues have complained about the control we put on spending in this legislation. I can only say to them that if we do not do it now, the pain will be even greater later on. What will we tell seniors when their savings are devoured by inflation? What will we tell our kids in just a few years when a greater share of our annual budget is allocated to debt service than to domestic programs such as education or public health?

Mr. President, this is where the rubber meets the road. Do we continue to hide behind business as usual, using rosy estimates and gimmicks? Do we front-load spending on all the popular programs in the first few years and back-end all the serious reductions into the last 2 years? That strategy obviously appeals to President Clinton since that is the basic idea in his budget. Personally, I see no virtue in postponing the inevitable. The deficit cancer will not cure itself if we ignore it longer.

I, for one, am not willing to leave the future of this country to the status quo. I believe that the most important thing we can do is continue to move down the road to fiscal responsibility. I want to commend Senator DOMENICI and my colleagues on the Budget Committee. Having served on the Budget Committee, I am well aware of the difficulty in bringing a budget resolution to the Senate floor, let alone one that is honest, straightforward, and gets the job done. I join in supporting this budget resolution.

MAINTAINING ECONOMIC DEVELOPMENT AGENCY FIELD REPRESENTATIVES

Mr. BINGAMAN. Mr. President, I am pleased that the Senate has adopted my amendment on the Economic Development Administration. This amendment calls for the EDA to place high priority on maintaining field-based economic development representatives and requests reconsideration of those staff and offices that are now slated to be terminated and closed as part of the EDA's recent reduction in force.

Mr. President, I support the Economic Development Administration's efforts over the last 30 years in New Mexico. Recently, New Mexico has moved from 48th to 47th place in the Nation in terms of per capita personal income. New Mexico, in terms of export sector growth, has been first in the Nation for the last 5 years. While I don't wish to imply that the EDA has directly caused all of these changes, I do believe that the EDA has played a vital role in helping to nurture economic activity in areas of New Mexico that might not otherwise have made the sort of efforts that are now underway.

The Economic Development Administration is not designed to help urban areas further develop. Rather, EDA's mission is to nurture economic competence and help seed economic activity in nonurban regions of the Nation, particularly in economically disadvantaged communities. The EDA does a great many things that have been important in New Mexico and around the Nation including the promotion of industrial park development, business incubators, water and sewer system improvements, vocational and technical training facilities, technical assistance and capacity building for local governments, economic adjustment strategies, revolving loan funds and other projects which the private sector has nor generated or will not generate without some assistance from the Government.

The Economic Development Administration maintains six regional offices which oversee staff that are designated field-based representatives. These regional offices are located in the urban areas of Austin, Seattle, Denver, Atlanta, Philadelphia, and Chicago, but most of the field representatives are located in the States that they cover.

The budget that Congress finally approved for the EDA in 1996 capped salaries and expenses at $20 million, which represents a 37-percent reduction from fiscal year 1995 levels. The new Assistant Secretary of Economic Development, Dr. Phillip Singerman, has certainly had very difficult staffing decisions to make in leading a reduction-in-force process to bring the staffing level down to what the budget would allow. I know that this has been a painful, difficult process, and I appreciate the letter from Dr. Singerman on May 6 announcing the termination of our New Mexico-based economic development representative in which he wrote that New Mexico would continue to get his personal attention.

My problem today is not with Dr. Singerman's intent. I know that he has tried to cut staff from all parts of EDA—including approximately 18 positions from the Washington headquarters. My concern is that while Dr. Singerman and the EDA might have every intent of covering New Mexico, they will not be on the ground working on a regular basis with communities that do need and have benefited from contact with a field-based economic development representative.

The Washington headquarters of EDA is about 2,000 miles from New Mexico, and the Austin regional office which oversees New Mexico is approximately 700 miles from Santa Fe. There is no doubt that the communities of New Mexico that have been pulling themselves together and generating much needed economic infrastructure are losing a very important resource because of the EDA's decision to shut down our local office.

The States that are losing field representative coverage include New Mexico, Arizona, Nevada, North Dakota, Oklahoma, Illinois, Indiana, Maine, Connecticut, Rhode Island, Mississippi, and North Carolina. Among these, New Mexico ranks 47th in per capita personal income in the Nation. Oklahoma ranks 46th. Mississippi is about 49th. North Dakota is 42d, Arizona 35th, Maine 34th, and North Carolina 33d.

In Dr. Singerman's letter to me, as well as to some of my other Senate colleagues, he stated that the decision to cut these positions or to not replace retiring personnel was based on such criteria as "local need." The States I have mentioned certainly rank high in the need category.

While the EDA was closing down the New Mexico EDA office, it was bolstering the Austin Regional Office with personnel from Washington, DC. To make matters worse, Texas is one of the few States in the Nation with two field-based representatives, both of whom work out of the Austin office, and neither of these positions was cut. Oklahoma and New Mexico both lost their field representatives in this process, and I think that this just runs counter to Economic Development Administration's mission.

Many of the most recognizable places in New Mexico, and many of our most ambitious efforts to improve our economy have been brought to life through the efforts of Jim Swearingen and the Santa Fe EDA office. During the 30 years of EDA operation in New Mexico, the EDA office has provided millions of dollars of Federal assistance toward economic development projects including Albuquerque's KIMO Theater, the Sweeney Convention Center in Santa

Fe, the Mesilla Plaza, the Taos Plaza, the UNM Technology Commercialization Center, the Carlsbad Advanced Manufacturing Training Center, the Indian Pueblo Cultural Center, and numerous other projects. So far this year, EDA has provided $400,000 for infrastructure supporting Fort Sumner's Cheese Factory Project, $1 million for a business incubator in Farmington, and $4.5 million for the Crownpoint Institute of Technology in Crownpoint. Jim Swearingen has served New Mexico for 24 years—and is a person widely respected in my State. He has made a great difference.

I strongly believe that the EDA needs to keep its field representatives out with the people and communities it serves. I am pleased that there was strong bipartisan agreement in the Senate that the EDA should reconsider the nature of its current reduction-in-force and should make field representation one of its highest priorities.

MORNING BUSINESS

THE NOMINATION OF COL. JOSEPH T. MURPHY TO BE A BRIGADIER GENERAL IN THE U.S. ARMY NATIONAL GUARD

Mr. DASCHLE. Mr. President, I am delighted that the Senate has given its approval to the nomination of Col. Joseph T. (Tim) Murphy to be a brigadier general in the U.S. Army National Guard. He has faithfully served in the South Dakota Army National Guard for more than 25 years and currently serves as the State's assistant adjutant general.

I have had the honor and pleasure of working with Tim Murphy on a number of National Guard issues over the years and have been continually impressed by his commitment and dedication. He has been an outstanding advocate for the South Dakota National Guard and has served his State and country with the utmost integrity.

Considering the excellent leadership that he has provided, it is easy to understand why the South Dakota National Guard has been so successful. Just recently, for instance, the 854th Engineer Company in Mobridge and Lemmon, SD won the 1995 National Guard's Itschner Award for the most outstanding engineer company in the Active Army, Army Reserve, and the Army National Guard. This is the fifth time during the past 20 years that a South Dakota National Guard unit has won the prestigious award.

I have a great deal of respect and admiration for Tim Murphy and am convinced that his nomination is well deserved and long overdue. I would like to take this opportunity to review some of the highlights of his distinguished career in the South Dakota Army National Guard.

Tim Murphy enlisted in the South Dakota Army National Guard upon graduating from Brookings High School in 1960. He subsequently attended the South Dakota Military Academy officer candidate school and was commissioned a second lieutenant in 1965. In the same year, he served as a full-time technician and administrative officer for the 139th Transportation Battalion in Brookings. In 1971, he was selected as the first recruiting and retention manager for South Dakota.

During his tenure with the South Dakota Army National Guard, Tim Murphy served in many other capacities. As his extensive biography indicates, he was a maintenance officer, a personnel officer, and an assistant operations training officer. He was also the 129th Public Affairs Detachment commander and the South Dakota State Area Command recruiting and induction officer. In addition, he served as the plans, operations and military support officer; the director of personnel; and the director of logistics.

Tim Murphy was promoted to colonel in 1984. Five years later, he entered active duty and became the U.S. Property and Fiscal Officer for South Dakota. In 1991, he became the chief of staff for the South Dakota Army National Guard at Camp Rapid in Rapid City, SD. He maintained that position until he was promoted to assistant adjutant general earlier this year.

In addition to the many assignments that he has held in the Army National Guard, Tim Murphy has also earned numerous military awards and decorations. He has received the Meritorious Service Medal with four oak leaf clusters, the Army Commendation Medal with two oak leaf clusters, and the Air Force Commendation Medal.

Tim Murphy also earned the National Defense Service Ribbon, the Army Reserve Component Achievement Medal with three oak leaf clusters, and the Army Service Ribbon. In addition, he received the Armed Forces Reserve Medal with XX device, the Overseas Training Ribbon, the National Guard Bureau Eagle Award, and a Master Aviator Badge.

I congratulate Tim on his nomination to be a brigadier general in the Army National Guard. As I mentioned, his nomination is well deserved and long overdue. I wish him and his wife, Carol, the very best and hope their future is filled with good health and happiness.

IKE AND DUCKWORTH

Mr. STEVENS. Madam President, in the Wall Street Journal yesterday there was an article entitled "They Also Served Who Bark and Sniff." I think perhaps some Members of the Senate may have missed this. Since tonight is the night we honor President Eisenhower, I urge all Members to read this very touching story about a small dog that was a mascot to the Air Corps in World War II and what Ike did about that.

I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, May 20, 1996]

THEY ALSO SERVED WHO BARK AND SNIFF

(By Frank Whitsitt)

Time has run out on World War II anniversary stories, but there's an overlooked one, about a general and a dog. It came to light in a recent exhibit at the Eisenhower Library, in Abilene, Kan., that showed what animals—either as beasts of burden or as mascots—have meant to the armed forces, which we honor today, Armed Forces Day.

Three young Army fliers were inseparable during their World War II training in Florida until the day one of them, Bostonian John Stuart Duckworth II, was transferred to Texas. His pals, Richard East of New York and Harold Taff of Indiana, went hunting for a squadron mascot to name for Duckworth. At a city pound in St. Petersburg, they plucked off death row a small, black-and-white springer spaniel with an irresistible way of cocking his head.

Duckworth the dog flew a lot of bombing missions in Northwest Africa. He was always the first off after the bomber rolled to a stop. He'd head for the landing gear's left wheel and do what's expected of a dog cooped up for hours. When Lts. East and Taff switched to fighter planes, the mascot was grounded. Nonetheless, he would patiently await one or the other's return.

But the day came—April 4, 1943—when Lt. East did not come back. He was listed as missing in action until Allied forces found the wreckage of his plane when they moved into Tunis. Lt. Taff took the loss hard. Dick East had been the best man at his wedding. And it took some time for Duckworth to realize that Lt. East would never fly back into his life. For days he had waited at the airfield, his excitement over each landing fading when someone other than Lt. East deplaned. But the dog still had Lt. Taff, and Lt. Taff still had Duckworth.

Unaware of this relationship, Lt. East's father, Bion R. East of the Columbia University medical faculty, wrote Gen. Dwight Eisenhower, asking if the dog could be sent to him and the grieving mother.

Ike directed that every effort be made to do so. Duckworth was put aboard a plane to start the journey to the States. But Ike was soon notified that a flier named Taff was heartbroken over losing the dog and was remaining with the plane until it took off. Putting military morale first, Ike wrote Dr. East of his decision to return the dog to Lt. Taff. Then Ike shared with Dr. East what his own dog meant to him. Ike's words may explain why he interrupted his rather important job of kicking the Nazis out of Africa merely because of the friendship between a man and his dog:

"The friendship of a dog is precious. It becomes even more so when one is so far removed from home as we are in Africa. I have a Scottie. In him I find consolation and diversion. For me he is the one 'person' to whom I can talk without the conversation turning back to the war. Duckworth is performing a patriotic service. I am confident you will view the situation similarly despite the natural desire to have this close companion of your gallant son."

Dr. East wrote Lt. Taff, apologizing for nearly separating him and Duckworth, and asked, "When you have returned to your wife and family, would you consider letting us keep him?" So Duckworth stayed, and the war went on.

Young Lt. Taff, daring, skillful and lucky, survived nearly 100 missions. His commanders decided he had given enough and sent him home. The squadron agreed that Duckworth should accompany him, that the dog, too, had gone the extra mile. Three days after their departure, Dr. East got a call from Chicago. "This is Harold Taff, came the words. "I've brought Duckworth home to you and Mrs. East."

The Easts' Plainfield, NJ., residence was not the home Lt. East grew up in. When he entered the house, Duckworth was casual until he reached a room where the Easts has placed their son's possessions. He became excited, jumping on the son's bed. Then he sniffed out the clothing and uniforms in the closet. His every action confirmed that this room would be his. And so it was the rest of his days.

A couple of years later Dwight Eisenhower came to Columbia for a convocation honoring World War II leaders. Dr. East got a chance to greet Ike. "General, do you remember Duckworth?" he asked. The quick Eisenhower grin showed that he did. "You must be Dr. East," he said. "I'd sure like to meet that dog."

While Ike and Duckworth did not meet on the first occasion, there were opportunities to do so after the general became president of Columbia in 1948. What a fitting capstone it would have made for the little wartime morale booster had Ike and he become good friends at Columbia. But Dr. East's seven typewritten pages about Ike and Duckworth, filed in the university's archives, are silent on that possibility.

HONORING JOHN R. FOX

Mr. KERRY. Mr. President, as we near the honoring of all our Nation's veterans through the celebration of Memorial Day, I would like to bring special attention to a World War II Army veteran from Boston, MA. On Christmas Day, 1944, 1st Lt. John R. Fox volunteered to serve as an artillery forward observer in the village of Sommocolonia, in the Serchio Valley, Italy. The following morning, trapped in a church steeple, Fox radioed his command to ask for artillery fire on his own position. No one at the artillery battalion command had ever heard such a request. They radioed back for clarification. John Fox answered, "There are hundreds of them coming. Put everything you've got on my observation post."

Mr. President, this is one of the most incredible acts of heroism about which I have ever heard. John Fox literally made the decision to sacrifice his life for his country. He has, along with six other African American soldiers from World War II, been nominated for our Nation's highest honor, the Medal of Honor. I would like to pay tribute here not only to Lieutenant Fox, but to all black veterans from all American wars. Our great country will always be in debt to all the men and women who have given or risked their lives for the preservation of freedom. It is long past time that we properly honor those whose remarkable patriotism and sacrifices have not previously received the respect and attention they deserve. I am thankful that on this Memorial Day the proper steps finally are being taken to accomplish that.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business Tuesday, May 21, 1996, the Federal debt stood at $5,115,827,182,802.62.

On a per capita basis, every man, woman and child in America owes $19,312.52 as his or her share of that debt.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Armed Services.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT OF THE COMMODITY CREDIT CORPORATION FOR FISCAL YEAR 1994—MESSAGE FROM THE PRESIDENT—PM 148

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Agriculture, Nutrition, and Forestry:

To the Congress of the United States:

In accordance with the provisions of section 13, Public Law 806, 80th Congress (15 U.S.C. 714k), I transmit herewith the report of the Commodity Credit Corporation for fiscal year 1994.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 22, 1996.*

REPORT OF THE NATIONAL SCIENCE FOUNDATION FOR FISCAL YEARS 1994 AND 1995—MESSAGE FROM THE PRESIDENT—PM 149

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Labor and Human Resources:

To the Congress of the United States:

As required by the provisions of section 3(f) of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1862(f)), I transmit herewith the combined annual reports of the National Science Foundation for fiscal years 1994 and 1995.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 22, 1996.*

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 11:58 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 2066. An act to amend the National School Lunch Act to provide greater flexibility to schools to meet the Dietary Guidelines for Americans under the school lunch and school breakfast programs.

The enrolled bill was signed subsequently by the President pro tempore [Mr. THURMOND].

The message also announced that the House has passed the following bills, in which it requests, the concurrence of the Senate:

H.R. 1009. An act for the relief of Lloyd B. Gamble.

H.R. 1483. An act to amend title 38, United States Code to allow revision of veterans benefits decisions based on clear and unmistakable error.

H.R. 2765. An act for the relief of Rocco A. Trecosta

H.R. 3373. An act to amend title 38, United States Code, to improve certain veterans' benefits programs, and for other purposes.

H.R. 3415. An act to amend the Internal Revenue Code of 1986 to repeal the 4.3-cent increase in the transportation motor fuels excise tax rates enacted by the Omnibus Budget Reconciliation Act of 1993 and dedicated to the general fund of the Treasury.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 154. Concurrent resolution to congratulate the Republic of China on Taiwan on the occasion of its first direct and democratic presidential election and the inauguration of its president.

H. Con. Res. 160. Concurrent resolution congratulating the people of the Republic of Sierra Leone on the success of their recent democratic multiparty elections.

H. Con. Res. 165. Concurrent resolution saluting and congratulating Polish people around the world as, on May 3, 1996, they commemorate the 205th anniversary of the adoption of Poland's first constitution.

H. Con. Res. 167. Concurrent resolution recognizing the tenth anniversary of the Chornobyl nuclear disaster, and supporting the closing of the Chornobly nuclear power plant.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 1009. An act for the relief of Lloyd B. Gamble; to the Committee on the Judiciary.

H.R. 1483. An act to amend title 38, United States Code, to allow revision of veterans benefits decisions based on clear and unmistakable error; to the Committee on Veterans' Affairs.

H.R. 2765. An act for the relief of Rocco A. Trecosta; to the Committee on the Judiciary.

H.R. 3373. An act to amend title 38, United States Code, to improve certain veterans' benefits programs, and for other purposes; to the Committee on Veterans' Affairs.

The following concurrent resolutions were read and referred as indicated:

H. Con. Res. 154. Concurrent resolution to congratulate the Republic of China on Taiwan on the occasion of its first direct and democratic presidential election and the inauguration of its president; to the Committee on Foreign Relations.

H. Con. Res. 160. Concurrent resolution congratulating the people of the Republic of Sierra Leone on the success of their recent democratic multiparty elections; to the Committee on Foreign Relations.

MEASURES PLACED ON THE CALENDAR

The following measure was read the second time and placed on the calendar:

S. 1788. A bill to amend the National Labor Relations Act and the Railway Labor Act to repeal those provisions of Federal law that require employees to pay union dues or fees as a condition of employment, and for other purposes.

The following concurrent resolutions were read and placed on the calendar:

H. Con. Res. 165. Concurrent resolution saluting and congratulating Polish people around the world as, on May 3, 1996, they commemorate the 205th anniversary of the adoption of Poland's first constitution.

H. Con. Res. 167. Concurrent resolution recognizing the tenth anniversary of the Chernobyl nuclear disaster, and supporting the closing of the Chernobyl nuclear power plant.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. LUGAR, from the Committee on Agriculture, Nutrition, and Forestry:

David D. Spears, of Kansas, to be a Commissioner of the Commodity Futures Trading Commission for the term expiring April 13, 2000.

Brooksley Elizabeth Born, of the District of Columbia, to be Chairman of the Commodity Futures Trading Commission.

Brooksley Elizabeth Born, of the District of Columbia, to be a Commissioner of the Commodity Futures Trading Commission for the remainder of the term expiring April 13, 1999.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. BOND, from the Committee on Small Business:

Ginger Ehn Lew, of California, to be Deputy Administrator of the Small Business Administration.

(The above nomination was reported with the recommendation that he be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. HELMS:

S. 1789. A bill to amend the Social Security Act to deny the payment of Social Security and supplemental security income benefits to prisoners, and for other purposes; to the Committee on Finance.

By Mr. McCONNELL:

S. 1790. A bill to amend the Controlled Substances Act to increase the penalties for the manufacture, distribution, and possession of marijuana, and for other purposes; to the Committee on the Judiciary.

By Mr. SIMPSON (for himself and Mr. ROCKEFELLER):

S. 1791. A bill to increase, effective as of December 1, 1996, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of such veterans, and for other purposes; to the Committee on Veterans Affairs.

By Mrs. BOXER (for herself and Mr. CHAFEE):

S. 1792. A bill to amend the Internal Revenue Code of 1986 to allow companies to donate scientific equipment to elementary and secondary schools for use in their educational programs, and for other purposes; to the Committee on Finance.

By Mr. GREGG:

S. 1793. A bill to amend the Tariff Act of 1930 to provide that the requirements relating to making imported articles and containers apply to fresh cut flowers; to the Committee on Finance.

By Mr. GREGG (for himself, Mr. REID, Mr. NICKLES, Mr. WARNER, Mrs. KASSEBAUM, Mr. THURMOND, Mr. SMITH, and Mr. BRYAN):

S. 1794. A bill to amend chapter 83 of title 5, United States Code, to provide for the forfeiture of retirement benefits in the case of any Member of Congress, congressional employee, or Federal justice or judge who is convicted of an offense relating to official duties of that individual, and for the forfeiture of the retirement allowance of the President for such a conviction; to the Committee on Governmental Affairs.

By Mr. ROTH:

S. 1795. A bill to restore the American family, enhance support and work opportunities for families with children, reduce out-of-wedlock pregnancies, reduce welfare dependence by requiring work, meet the health care needs of America's most vulnerable citizens, control welfare and medicaid spending, and increase State flexibility; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HELMS:

S. 1789. A bill to amend the Social Security Act to deny the payment of Social Security and supplemental security income benefits to prisoners, and for other purposes; to the Committee on Finance.

THE PREVENTION OF PRISONER DOUBLE-DIPPING ACT

Mr. HELMS. Mr. President, a less formal but somewhat more revealing title for this bill would be "The Prevention of Prisoner Double-Dipping Act." A rose by any other name is still a rose and this bill is a winner by any name. It will save millions of dollars of the taxpayers' money and it will put a stop to the injustice of paying scarce Social Security disability benefits to prisoners charged with a felony who have been in jail for 30 or more days awaiting trial.

Current law prohibits payment of disability benefits to anyone in jail after conviction for a felony. A loophole permits prisoners to continue receiving benefits despite the fact that they are in jail if they have not yet been convicted of the crime charged. This bill will close that loophole.

Mr. President, I learned that prisoners are continuing to receive these benefits when Sheriff Mike Joyce of Stokes County, NC, wrote me earlier this year about it. Sheriff Joyce wrote to me about Earl Blevins, a career criminal and convicted murderer, who has been in Stokes County jail since December 16, 1995, awaiting trial on charges of larceny and breaking and entering. Incredibly, Blevins has been receiving disability payments since 1988, even though as Sheriff Joyce stated, Blevins obviously is healthy enough "to run from a bloodhound and hide up under leaves under a tree."

Until last month, when Blevins was convicted of unrelated felony charges in Surry County, he was receiving $450 per month in disability payments while Stokes County taxpayers were picking up the tab for his room and board and other care.

Mr. President, Sheriff Mike Joyce is a fine law enforcement officer. His outrage about the Federal Government's paying prisoner Blevins $450 per month in Social Security disability benefits while he is in jail awaiting trial on yet another felony charge, will be matched by the outrage of the public at large once they learn about it.

The point is this: Earl Blevins and other career criminals prey on law-abiding citizens. When they are apprehended, their food, clothing, shelter, and often their legal fees are paid for by the very citizens whom the criminals have victimized. It is unwarranted salt rubbed in the taxpayer's wounds that these predators are allowed by law to collect disability benefits while awaiting trial. This bill will change that law.

The purpose of Social Security disability payments is to provide a minimum income to beneficiaries in order to insure that they have access to food and shelter. A prisoner awaiting trial is already being provided these needs and the taxpayers are paying the bill. Prisoners should not be allowed to "double-dip" into the pocket of taxpayers.

Mr. President, for the record, I reiterate that current law stops Social Security disability payments to anyone who has been convicted of a felony. It also stops payments to the criminally insane who are confined to a mental hospital. Other disability benefits, for example, SSI, are cut off to a recipient who is locked up for 30 or more days, even if they have not yet been brought to trial. My bill will simply apply the same policy to Social Security [OASDI] disability benefits that we now have for SSI disability benefits.

Mr. President, the existing situation brings to mind the case of Michael Hayes who cold-bloodedly killed four people and shot five others during a 1988 murder spree in Winston-Salem. After being confined to a State mental hospital, he began receiving over $500 a month in Social Security disability payments which he used to buy luxuries like leather coats, electronics, and even a motorcycle. Payments to Hayes finally stopped last year after the 103d Congress passed and the President signed my bill which I had offered in response to this outrage. It's now time for this Congress to act to stop further waste of Social Security funds.

Mr. President, let me make clear for the RECORD what the pending bill, the Prevention of Prisoner Double-Dipping act will do:

It will eliminate pretrial benefits to anyone charged with a felony who has been in jail for 30 or more days;

It will authorize $50,000,000 for the Social Security Office of Inspector General to increase the number of investigators and auditors pursuing charges of fraud against the SSA;

It will require SSA to make recommendations to insure the timely and accurate reporting of pre-trial felony detainees in order to stop benefits to those who will no longer qualify under this bill;

It will give the Commissioner of SSA the authority to make payments to State and local correctional facilities that report the receipt of benefits by those who are in custody;

It will give the SSA power to impose civil monetary penalties of up to $5,000 each time someone fraudulently uses a Social Security number or card, in addition to being subject to an assessment of up to five times the amount of disability benefits paid; and

It will require SSA to make recommendations to streamline the review and appeals process.

Mr. President, a few concluding thoughts: I expect some of my colleagues will raise concerns about the constitutionality of the Prevention of Prisoner Double-Dipping Act. I am confident that this legislation will easily pass constitutional muster because prisoners have no constitutional right to be paid while they are sitting in jail.

Second, although this bill is targeted towards prisoners, it is not punitive. These payments should be stopped because they are duplicative, not because Congress is imposing a punishment on the recipient. The payments would be stopped regardless of the ultimate finding of guilt.

Finally, stopping payments to a prisoner will have no effect on the payment of benefits to children and other dependents who are otherwise entitled to these or other benefits.

I do hope the Senate will expedite consideration of these common sense reforms of the Social Security Act and thereby, save millions of dollars that the taxpayer would otherwise have to provide.

Mr. President, I ask unanimous consent that the text of S. 1789 be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1789

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

The short title of this Act may be cited as the "Prevention of Prisoner Double-Dipping Act".

SEC. 2. TREATMENT OF PRISONERS.

(a) DENIAL OF BENEFITS TO INDIVIDUALS JAILED ON FELONY CHARGES.—

(1) IN GENERAL.—Section 202(x)(1)(A) of the Social Security Act (42 U.S.C. 402(x)(1)(A)) is amended by striking "or" at the end of clause (i), by striking the period at the end of clause (ii) and inserting ", or", and by adding at the end the following new clause:

"(iii) is confined in a jail, prison, or other penal institution or correctional facility pursuant to a charge of an offense punishable by imprisonment for more than 1 year, but only with respect to months after the first 30 days of such confinement.".

(2) CONFORMING AMENDMENT.—Section 202(x)(1)(B)(i) of such Act (42 U.S.C. 402(x)(1)(B)(i)) is amended by striking "clause (i)" and inserting "clauses (i) and (iii)".

(3) STUDY OF METHODS TO INSURE THE COLLECTION OF INFORMATION RESPECTING PUBLIC INMATES.—

(A) STUDY.—The Commissioner of Social Security shall conduct a study regarding methods to insure the timely and accurate reporting of information respecting court orders by which individuals described in section 202(x)(1)(A)(iii) of the Social Security Act (402 U.S.C. 402(x)(1)(A)(iii)) are confined in jails, prisons, or other public penal, correctional, or medical facilities as the Commissioner may require for the purpose of carrying out section 202(x) and 1611(e)(1) of such Act (42 U.S.C. 402(x) and 1382(e)(1)).

(B) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Commissioner of Social Security shall submit a report on the results of the study conducted pursuant to this paragraph to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives.

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply to payments made for months beginning after the date of the enactment of this Act.

(b) IMPLEMENTATION OF PROHIBITION AGAINST PAYMENT OF BENEFITS TO PRISONERS.—

(1) IN GENERAL.—Section 202(x)(3) of the Social Security Act (42 U.S.C. 402(x)(3)) is amended—

(A) by inserting "(A)" after "(3)"; and

(B) by adding at the end the following new subparagraph:

"(B)(i) The Commissioner is authorized to enter into a contract, with any interested State or local institution described in clause (i) or (ii) of paragraph (1)(A) the primary purpose of which is to confine individuals as described in paragraph (1)(A), under which—

"(I) the institution shall provide to the Commissioner, on a monthly basis, the names, social security account numbers, dates of birth, and such other identifying information concerning the individuals confined in the institution as the Commissioner may require for the purpose of carrying out paragraph (1); and

"(II) the Commissioner is authorized to pay to any such institution, with respect to each individual who is entitled to a benefit under this title for the month preceding the first month throughout which such individual is confined in such institution as described in paragraph (1)(A), an amount determined by the Commissioner.

"(ii) The provisions of section 552a of title 5, United States Code, shall not apply to any contract entered into under clause (i) or to information exchanged pursuant to such contract.".

(2) CONFORMING SSI AMENDMENTS.—Section 1611(e)(1) of such Act (42 U.S.C. 1382(e)(1)) is amended by adding at the end the following new subparagraph:

"(I)(i) The Commissioner is authorized to enter into a contract, with any interested State or local institution referred to in subparagraph (A), under which—

"(I) the institution shall provide to the Commissioner, on a monthly basis, the names, social security account numbers, dates of birth, and such other identifying information concerning the inmates of the institution as the Commissioner may require for the purpose of carrying out this paragraph; and

"(II) the Commissioner is authorized to pay to any such institution, with respect to each inmate of the institution who is eligible for a benefit under this title for the month preceding the first month throughout which such inmate is in such institution and becomes ineligible for such benefit (or becomes eligible only for a benefit payable at a reduced rate) as a result of the application of this paragraph, an amount determined by the Commissioner.

"(ii) The provisions of section 552a of title 5, United States Code, shall not apply to any contract entered into under clause (i) or to information exchanged pursuant to such contract.".

SEC. 3. CIVIL MONETARY PENALTIES FOR FRAUDULENT USE OF SOCIAL SECURITY ACCOUNT NUMBERS AND CARDS.

(a) IN GENERAL.—Subsection (a) of section 1129 of the Social Security Act (42 U.S.C. 1320a-8) is amended by redesignating paragraph (2) as paragraph (3) and by inserting after paragraph (1) the following new paragraph:

"(2) Any person who—

"(1) willfully, knowingly, and with intent to deceive, uses a social security account number assigned on the basis of false information provided by such person or another person;

"(2) with intent to deceive, falsely represents a number to be a social security account number;

"(3) knowingly alters a social security card;

"(4) buys or sells a card that is, or purports to be, a social security card;

"(5) possesses a social security card or counterfeit card with the intent to sell or alter such card; or

"(6) discloses, uses, or compels the disclosure of the social security account number of any person in violation of the law,

shall be subject to, in addition to any other penalties that may be prescribed by law, a civil money penalty of not more than $5,000 for each offense. Such person also shall be subject to an assessment, in lieu of damages sustained by the United States because of such offense, of not more than 5 times the amount of benefits or payments paid under titles II and XVI as a result of such offense.".

(b) CONFORMING AMENDMENT.—Paragraph (1) of section 1129(c) of such Act (42 U.S.C. 1320a-8(c)) is amended by striking "statements and representations" and inserting "actions".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to conduct occurring on or after the date of the enactment of this Act.

SEC. 4. ADDITIONAL RESOURCES TO COMBAT FRAUD IN THE SOCIAL SECURITY SYSTEM.

(a) AUTHORIZATION OF APPROPRIATIONS.—Out of any money in the Treasury not otherwise appropriated, there are authorized to be appropriated, to remain available without fiscal year limitation, $50,000,000 for the Commissioner of Social Security through the Office of Inspector General to utilize only for increasing the number of investigators and auditors charged with pursuing charges of fraud against the programs under titles II and XVI of the Social Security Act.

(b) ADDITIONAL FUNDS.—Amounts appropriated under subsection (a) shall be in addition to any funds otherwise appropriated for the purposes described in subsection (a).

SEC. 5. STUDY REGARDING REVIEW AND APPEALS PROCESS.

(a) STUDY.—The Commissioner of Social Security shall conduct a study regarding methods to streamline the review and appeals process under title II and XVI of the Social Security Act.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Commissioner of Social Security shall submit a report on the results of the study conducted pursuant to this section to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives.

By Mr. MCCONNELL:

S. 1790. A bill to amend the Controlled Substances Act to increase the penalties for the manufacture, distribution, and possession of marijuana, and for other purposes; to the Committee on the Judiciary.

THE ENHANCED MARIJUANA PENALTY ACT OF 1996

• Mr. MCCONNELL. Mr. President, we are losing the battle against illegal drugs. All indicators point to a dramatic surge in drug use, especially by our most vulnerable citizens—children.

The President's 1996 drug strategy sent to Congress just a few weeks ago contains some very disturbing information:

Marijuana use is back on the rise, and among young people between the ages of 12 and 17, the use of marijuana has almost doubled between 1992 and 1994. One of every three high school seniors now smokes marijuana;

The number of heroin-related emergency room episodes in 1993 was double what it was in 1988, and for cocaine, emergency room episodes in 1994 were the highest ever;

Methamphetamine, once confined to the West and Southwest, is a scourge spreading across the country, including my own State of Kentucky. Last year, law enforcement officials seized five methamphetamine labs in Kentucky; in 1994, there were no such seizures;

Unless we tackle the drug problem anew, we risk producing a new generation of drug abusers. And the consequences of drug abuse are frightening: the spread of diseases like hepatitis, TB and HIV; social deviancy; lost productivity at the workplace; and a lot more crime, in particular violent crime.

Our Nation's drug problem is compounded by a lax attitude within segments of the enforcement agencies responsible for our antidrug laws. Recently, the Los Angeles Times reported that Immigration and Customs officials are handing out get-out-of-jail-free cards and letting drug dealers go unprosecuted.

Non-United States nationals are sent back to Mexico instead of being prosecuted. And, American citizens are being let go if it's their first offense or if the quantities of drugs aren't big enough. So, one pusher with 32 pounds of methamphetamine was set free and another with 37,000 quaaludes. One American was stopped at the border with 53 pounds of marijuana in January, 51 pounds in February and 41 pounds in May. He's only being prosecuted for this third offense, although he has a criminal history going back four decades.

It's not surprising that a President whose policy is "don't inhale" gives us a "don't enforce" antidrug policy.

This is simply unacceptable. It's evidence of an administration AWOL—absent without leadership.

Today, I am introducing a bill to increase the penalties for trafficking in marijuana, a drug that poses a grave threat to our young people. It is commonly known that marijuana impairs short-term memory, core motor functions and the ability to concentrate. But it also has long-term devastating effects:

Marijuana use causes chronic bronchitis, acute chest illness, heightened risk of pulmonary infection and lung disease;

Prenatal exposure to marijuana causes impaired intellectual ability in young children; in shorthand—low IQ babies; and

THC, the principal psychoactive ingredient, has been found in lab rats to be addictive.

And, who is smoking marijuana? Kids, more of them and at younger ages. The number of 12- to 17-year-olds using marijuana increased from 1.6 million in 1992 to 2.9 million in 1994. As the chart shows, more 8th, 10th, and 12th-graders are smoking marijuana and there is no indication that this trend is going to be reversed anytime soon.

A surprising fact is that more children smoke marijuana than have smoked five packs of cigarettes, as the second chart reveals. Five-point-seven percent of 12- to 15-year-olds report smoking cigarettes, but 6.6 percent report smoking marijuana. For older teens even more are smoking marijuana—20.5 percent smoke cigarettes and 26.1 percent smoke marijuana.

That is an astounding statistic: Teens are less likely to smoke cigaretts than marijuana, and fewer teens say smoking marijuana is risky. As young people soften their attitudes toward drugs, usage increases.

Not only is marijuana harmful in and of itself, but it is considered a gateway drug. Teenagers who use marijuana are 85 times more likely to use cocaine. Sixty percent of children who smoke marijuana before age 15 move on to cocaine.

My bill is very straightforward. It enhances the penalties for trafficking in marijuana. Current law creates a disparity in the mandatory minimums for heroin, cocaine and marijuana. My bill will eliminate the disparity by lowerng the threshold for the mandatory minimum sentences for refined marijuana. The third chart reflects the disparities.

Currently, an individual has to be caught with 1,000 kilos of marijuana, with a street value of as much as $10 million, in order to get the 10-year mandatory minimum. For cocaine, the threshold quantity and street value is much lower—only 5 kilos with a value between $420,000 and $750,000. For heroin, the threshold is 1 kilo, with a street value of $1.2 million. And growing 1,000 marijuana plants gets you the same 10-year mandatory minimum.

My bill will bring the threshold quantity for refined marijuana into line with the other drugs by lowering it from 1,000 kilos to 100 kilos for the 10-year mandatory minimum and from 100 kilos to 10 kilos for the 5-year mandatory minimum.

The bill also directs the Sentencing Commission to conform its guidelines to this change.

Last summer, this Sentencing Commission effectively lowered the penalties for marijuana trafficking, for quantities less than the thresholds for mandatory minimums. It's time we reversed that misguided action and this bill will ensure that the Sentencing Commission does just that.

Some will argue that prosecutors have more pressing matters than to chase every marijuana dealer selling as little as 10 kilos. As the Los Angeles Times reported, Federal prosecutors in southern California don't think it's worth their effort to prosecute for quantities of less than 125 pounds, an amount that should get a drug trafficker about 3 years in a Federal prison.

But I would argue just the opposite. Marijuana is doing irreparable harm to our kids and we've got to put the people who sell to our children out of business and behind bars. Ten kilos of marijuana is 22 pounds, with a street value of about $100,000. That amount of marijuana will reach a lot of teenagers in small, but harmful quantities.

Mr. President the time has come to admit that we have a serious marijuana problem among our teens. I say it's worth protecting the future of our children by locking up the pushers. Let's toughen the penalties and send a message to the drug dealers that we won't tolerate it anymore. And let's tell Federal prosecutors it's their job to send these outlaws to prison. What can be worth more than saving our next generation?

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1790

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Enhanced Marihuana Penalty Act of 1996".

SEC. 2. FINDINGS.

The Congress finds that—

(1) the number of children in the United States between 12 and 17 years of age using marihuana increased from 1,600,000 in 1992 to 2,900,000 in 1994, which constitutes an 80-percent increase;

(2) currently, one-third of all high school seniors smoke marihuana;

(3) the perception of the dangers of using marihuana is declining among youthful marihuana smokers;

(4) scientific research has demonstrated that—

(A) marihuana impairs short-term memory, core motor functions, and the ability to concentrate;

(B) THC, the principal psychoactive ingredient of marihuana, may cause drug dependency;

(C) regular marihuana use may cause chronic bronchitis, increased frequency of acute chest illness, heightened risk of pulmonary infection, and lung disease; and

(D) prenatal exposure to marihuana may cause impaired intellectual ability in young children;

(5) children between the agency of 12 and 17 who use marihuana are 85 times more likely to use cocaine than children who do not use marihuana;

(6) there are 39,000,000 children in the United States who are younger than 10 years old, and neglect of our Nation's marihuana problem will lead to the creation of a new generation of drug abusers, prone to criminal and other socially deviant behavior; and

(7) existing penalties for trafficking in marihuana are inadequate to deter those who sell marihuana to our Nation's most vulnerable citizens.

SEC. 3. PENALTIES.

(a) CONTROLLED SUBSTANCES ACT.—Section 401(b)(1) of the Controlled Substances Act (21 U.S.C. 841(b)(1)) is amended—

(1) in subparagraph (A)(vii), by striking "1000 kilograms" and inserting "100 kilograms";

(2) in subparagraph (B)(vii), by striking "100 kilograms" and inserting "10 kilograms"; and

(e) in subparagraph (D), by striking "50 kilograms" and inserting "10 kilograms".

(b) CONTROLLED SUBSTANCES IMPORT AND EXPORT ACT.—Section 1010(b) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)) is amended—

(1) in paragraph (1)(G), by striking "1000 kilograms" and inserting "100 kilograms";

(2) in paragraph (2)(G), by striking "100 kilograms" and inserting "10 kilograms"; and

(e) in paragraph (4), by striking "50 kilograms" and inserting "10 kilograms".

SEC. 4. AMENDMENT OF SENTENCING GUIDELINES.

The United States Sentencing Commission shall amend the Federal Sentencing Guidelines to reflect the amendments made by this Act.

TRENDS IN HIGH SCHOOL MARIJUANA USE [1]

[In percent]

Grade	1992	1993	1994	Increase
12th	11.9	15.5	19.0	+60
10th	8.1	10.9	15.8	+95
8th	3.7	5.1	7.8	+110

[1] Students reporting use within past 30 days.

Source: Monitoring the Future, December 1994.

PREVALENCE OF DRUG USE

[Percent who have ever used]

	Youths 12–15	Youths 16–17	Adults 18+
Cigarettes [1]	5.7	20.5	52.1
Alcohol	35.1	69.3	88.9
Marijuana	6.6	26.1	35.4
Any illicit drug	13.7	33.1	38.9
Any drug except marijuana	10.5	18.5	21.2
Cocaine	1.0	5.3	12.5

[1] These percentages include only individuals who have smoked at least 100 cigarettes (5 packs).

Source: Gateways to Illicit Drug Use, Center on Addiction and Substance Abuse at Columbia University (10/94).

DISPARITY IN CURRENT PENALTIES FOR MARIJUANA TRAFFICKING

Drug	Quantity	Street value [1]	Mandatory minimum (yrs.)
Cocaine	[2] 5	$420k to $750K	10
Heroin	[2] 1	$1.2 million	10
Marijuana	[2] 1,000	$10 million	10
Plants	1,000		10
Cocaine	[2] 500	$42k to $75K	5
Heroin	[2] 100	$121 million	5
Marijuana	[2] 100	$1 million	5
Plants	100		5

[1] Street values bases System to Retrieve Information from Drug Evidence (STRIDE) by Abt Associates, Inc., 9/13/95 Report: Cocaine $84 to $150 per gram; Heroin $1210 per gram; Marijuana $10 per gram.

[2] Kilogram.•

By Mr. SIMPSON (for himself and Mr. ROCKEFELLER):

S. 1791. A bill to increase, effective as of December 1, 1996, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of such veterans, and for other purposes; to the Committee on Veterans Affairs.

THE VETERANS' COMPENSATION COST-OF-LIVING ADJUSTMENT ACT OF 1996

• Mr. SIMPSON. Mr. President, it is a pleasure for me, as chairman of the Senate Committee on Veterans' Affairs, to introduce, and comment briefly on, legislation to grant to recipients of compensation, and dependency and indemnity compensation [DIC] benefits, from the Department of Veterans Affairs [VA] a cost of living adjustment [COLA] increase to take effect at the beginning of next year. This legislation is appropriate and warranted—even as we proceed this very week to debate budget reconciliation.

Mr. President, let me assure this body that the Committee on Veterans' Affairs will meet the reconciliation targets that the Congress ultimately adopts. Indeed, I expect that I will offer amendments to this bill—with the bipartisan support of the Committee on Veterans' Affairs—once we receive reconciliation instructions from the Congress as an whole. No one need fear that I have lost my zeal for gaining control over entitlement spending; I surely have not. Nonetheless, I believe that the recipients of veteran's benefits ought to receive a COLA—and they can receive such a COLA even as we progress on a path to a balanced budget. We can balance the budget, and simultaneously treat our veterans, and their survivors, with fairness and compassion.

This bill is simple and straightforward. It would grant to recipients of certain VA benefits—most notably, veterans with service-connected disabilities who receive VA compensation, and the surviving spouses and children of veterans who have died as a result of service-connected injuries or illnesses, who receive dependency and indemnity compensation—the same COLA that Social Security recipients will receive. So, for example, if Social Security recipients receive a 2.6-percent adjustment at the beginning of next year, then so too would the beneficiaries of VA compensation and DIC.

Last year, the committee's COLA bill put into effect certain modifications, as approved by the Committee on Veterans' Affairs, on how COLA's are computed. For example, our 1996 COLA contained a "round down" feature. To summarize, Mr. President, VA benefits are paid in round dollar amounts. As a result, when a round dollar benefit amount—say, as an example, the current benefit of $266 per month going to a 30 percent disabled veteran—is multiplied by a consumer price index percentage of, say, 2.6-percent, it almost invariably yields a mathematical product that is not a round dollar amount. In the case of a $266 benefit check, for example, a 2.6-percent increase would yield a nonrounded number of $272.92.

VA practice, in the past, has been to "round up" fractional dollar amounts of $0.50 or more, and "round down" fractional dollar amounts of $0.49 or less. So, in the above case, a 30-percent disabled veteran would get a monthly check next year of $273 under past practice. Last year's COLA bill directed VA to "round down" in all cases, so, in the above example, a 30-percent disabled veteran would get a monthly check of $272.

It may happen, Mr. President, that the Committee on Veterans' Affairs will again elect to direct that VA "round down" as part of a package of measures approved to reach whatever reconciliation targets Congress ultimately adopts. Indeed, it is, perhaps, likely that we will approve such a measure since rounding down is a relatively painless way to achieve some fairly significant savings over the long term. Such a measure—which would cost no VA beneficiary more than $1 per month—would save, according to the Congressional Budget Office, almost $500 million over a 6-year period.

Be that as it may, Mr. President, the Committee on Veterans' Affairs will "cross the bridge" of identifying how it will meet its reconciliation targets once it has received those targets. In the meantime, I want to assure all by the introduction of this COLA bill that the Committee on Veterans' Affairs fully anticipated approving a COLA bill this year—just as it did last year when I was honored to assume the chairmanship of the committee.

The rounding down provision that the committee approved last year serves as an excellent example of the sort of measures that are available to assist in balancing the budget. I do not suggest that it will be easy to reach that goal. But the availability of real savings from measures like a simple rounding down of a COLA ought to strengthen the resolve of each of us to get that vital job done. In the Veterans' Committee, we expect that we will be directed to find ways to reduce the growth in VA's mandatory budget accounts by over $5 billion in 6 years. We will find ways to meet that goal. And no veteran, or veterans' survivor, will suffer inordinate harm as a result. Despite the inaccurate, unfair, unfounded, and, yes, partisan pronouncements of the Secretary of Veterans Affairs, and despite what veterans, and Senators, have heard from service organizations, "crying wolf," we will not cut veterans benefits. We never have.

We do not need to cut veterans benefits in order to balance the budget. Nor do we need to endure the cuts—real cuts, not just reductions in the growth rate—in veterans health care spending proposed by the President in order to achieve a balanced budget. We can keep faith with our veterans and balance the budget. As Chairman of the Veterans' Affairs Committee, that is what I intend to do.

Mr. President, I appreciate the time that has been afforded me to address this subject.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1791

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans' Compensation Cost-of-Living Adjustment Act of 1996".

SEC. 2. INCREASE IN COMPENSATION RATES AND LIMITATIONS.

(a) IN GENERAL.—(1) The Secretary of Veterans Affairs shall, as provided in paragraph (2), increase, effective December 1, 1996, the rates of and limitations on Department of Veterans Affairs disability compensation and dependency and indemnity compensation.

(2) The Secretary shall increase each of the rates and limitations in sections 1114, 1115(1), 1162, 1311, 1313, and 1314 of title 38, United States Code, that were increased by the amendments made by the Veterans' Compensation Cost-of-Living Adjustment Act of 1995 (Public Law No. 104–57, 109 Stat. 555). This increase shall be made in such rates and limitations as in effect on November 30, 1996, and shall be by the same percentage that benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1, 1996, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).

(b) SPECIAL RULE.—The Secretary may adjust administratively, consistent with the increases made under subsection (a)(2), the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85–857 (72 Stat. 1263) who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

(c) PUBLICATION REQUIREMENT.—At the same time as the matters specified in section 215(i)(2)(D) of the Social Security Act (42 U.S.C. 415(i)(2)(O)) are required to be published by reason of a determination made under section 215(i) of such Act during fiscal year 1996, the Secretary shall publish in the Federal Register the rates and limitations referred to in subsection (a)(2) as increased under this section.•

By Mrs. BOXER (for herself and Mr. CHAFEE):

S. 1792. A bill to amend the Internal Revenue Code of 1986 to allow companies to donate scientific equipment to elementary and secondary schools for use in their educational programs, and for other purposes; to the Committee on Finance.

THE COMPUTER DONATION INCENTIVE ACT OF 1996

• Mrs. BOXER. Mr. President, 10 weeks ago, thousands of volunteers throughout California helped make NetDay 96 one of the most successful 1-day public projects in history. At the time, we all noted that this electronic barn-raising could be a turning point in educational history—but only if we followed through with other steps to help our children travel the information superhighway.

I would like to take one such step by announcing the Computer Donation Incentive Act of 1996.

This important piece of legislation—which my colleague Senate CHAFEE and I are introducing in the Senate, and my friend ANN ESHOO is introducing in the House—will change the Federal Tax Code in order to promote gifts of computer hardware, software, and expertise to our Nation's schools.

The Computer Donation Incentive Act will provide a greater tax deduction than is currently available for donations of nearly new computers to elementary and secondary schools for educational purposes.

The amount of the deduction for computer manufacturers is equal to their manufacturing costs plus half the difference between those costs and the selling price. So, if the manufacturing cost is $400 and the selling price is $700, then the manufacturer would receive a tax deduction of $550.

For nonmanufacturers, the deduction is based on the computer's purchase price minus depreciation. For example: if a company buys a computer for $2,000, take a depreciation of $400 1 year and gives the computer to a school the next year, then the company can take a deduction of $1,600.

The Boxer-Chafee-Eshoo bill will also provide the same deduction for businesses who give computers to libraries, recreational centers and other public institutions, or to nonprofit organizations that refurbish computers and then give them to schools.

The successful education of America's children is now closely linked to the use of innovative educational technologies, particularly computer-aided research and instruction. Unfortunately, far too many classrooms lack the computers they need to take advantage of these new educational tools.

NetDay 96 was an important step forward in meeting this challenge. By all accounts, it was tremendous success. Taking inexpensive cooper wire and priceless expertise, computer technicians worked with parents, students, faculty, and staff at each school to connect classrooms, libraries, and computer labs to the Internet. By the end of the day, hundreds of public and private schools were wired into the Net.

But the very success of NetDay brought up another problem for most of our schools: If young students are to have access to the Information Superhighway, what are they going to drive?

In Sylvandale, CA, for example, NetDay volunteers installed three Internet connections in each of a school's 40 classrooms. Counting the library and computer lab, this particular school now has 190 potential Internet connections. However, only four of the school's computers are powerful enough to access the Internet; so there are only four active connections out of 190.

If schools cannot get computers into the classrooms, and if they can't get expert help to get up and running, then they will not really have access to the Internet. At a time when public schools in California and around the country are struggling to buy up-to-date textbooks and maintain school buildings, classroom computers may seem hopelessly out of reach. As a result, public schools lag far behind private schools in computer use.

Current tax laws provide no incentives for businesses to donate computers to public schools. As a matter of fact, the Federal Tax Code actually discourages companies from giving to public schools.

Section 170(e)(4) of the Federal Tax Code allows computer manufacturers to take a reasonable deduction when they donate computers to universities for scientific or research purposes. Following a recent IRS ruling, manufacturers can also take this deduction for gifts to private elementary and secondary schools—but not for gifts to public elementary and secondary schools. Moreover, a manufacturer who donates a computer to a public college can now take the deduction if the computer is used only for advanced research but not if it is used for other teaching purposes.

To make matters worse, only computer manufacturers are eligible for the higher education. Computer dealers and distributors, along with many other businesses, get no tax incentive to do this.

Section 170(e)(4) was written in 1981—before the explosion of computer-based technology made computer literacy a must for every American student. I know that the authors of this provision did not mean to exclude public schools from the computer revolution; they just could not foresee the day when every school would need computers.

The Boxer-Chafee bill will revise this archaic section of the Tax Code. Our Computer Donation Incentive Act is designed to give donations for educational purposes the same tax break as those for scientific research purposes. It will allow businesses to give to public and private elementary and secondary schools as well as institutions of higher learning and still receive the tax break. And it will encourage donations from software producers, computer distributors, and other companies as well as hardware manufacturers.

Along with computers and software, businesses should also donate their expertise, providing the training required to bring our schools fully on-line—and we challenge them to do so. Teachers and students both need such training in order to integrate computer-based lessons into their basic curriculum.

The Computer Donation Incentive Act will provide a reasonable incentive for businesses to donate computers to the schools. Again, I would like to emphasize that these must be nearly new computers; those donated by manufacturers must be no more than 2 years old, and those donated by nonmanufacturers must be 3 years old or less.

It is my hope that computer manufacturers and other companies will take advantage of this incentive to make computer literacy a reality for elementary and secondary school students.

Neither a day of electronic barn-building nor an adjustment to the Tax Code can solve all our educational problems or even make every student computer-literate for the next century. But together, each initiative we take will help provide our students with the tools they need to drive on the information Superhighway and compete in a global information-based economy.

Mr. President, I ask unanimous consent that this bill be inserted in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1792

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CHARITABLE CONTRIBUTIONS OF SCIENTIFIC EQUIPMENT TO ELEMENTARY AND SECONDARY SCHOOLS.

(a) IN GENERAL.—Subparagraph (B) of section 170(e)(4) of the Internal Revenue Code of 1986 is amended to read as follows:

"(B) QUALIFIED RESEARCH OR EDUCATION CONTRIBUTION.—For purposes of this paragraph, the term 'qualified research or education contribution' means a charitable contribution by a corporation of tangible personal property (including computer software), but only if—

"(i) the contribution is to—

"(I) an educational organization described in subsection (b)(1)(A)(ii),

"(II) a governmental unit described in subsection (c)(1), or

"(III) an organization described in section 41(e)(6)(B),

"(ii) the contribution is made not later than 3 years after the date the taxpayer acquired the property (or in the case of property constructed by the taxpayer, the date the construction of the property is substantially completed),

"(iii) the property is scientific equipment or apparatus substantially all of the use of which by the donee is for—

"(I) research or experimentation (within the meaning of section 174), or for research training, in the United States in physical or biological sciences, or

"(II) in the case of an organization described in clause (i) (I) or (II), use within the United States for educational purposes related to the purposes or function of the organization,

"(iv) the original use of the property began with the taxpayer (or in the case of property constructed by the taxpayer, with the donee),

"(v) the property is not transferred by the donee in exchange for money, other property, or services, and

"(vi) the taxpayer receives from the donee a written statement representing that its use and disposition of the property will be in accordance with the provisions of clauses (iv) and (v)."

(b) DONATIONS TO CHARITY FOR REFURBISHING.—Section 170(e)(4) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

"D) DONATIONS TO CHARITY FOR REFURBISHING.—For purposes of this paragraph, a charitable contribution by a corporation shall be treated as a qualified research or education contribution if—

"(i) such contribution is a contribution of property described in subparagraph (B)(iii) to an organization described in section 501(c)(3) and exempt from Taxation under section 501(a),

"(ii) such organization repairs and refurbishes the property and donates the property to an organization described in subparagraph (B)(i), and

"(iii) the taxpayer receives from the organization to whom the taxpayer contributed the property a written statement representing that its use of the property (and any use by the organization to which it donates the property) meets the requirements of this paragraph."

(c) CONFORMING AMENDMENTS.—

(1) Paragraph (4)(A) of section 170(e) of the Internal Revenue Code of 1986 is amended by striking "qualified research contribution" each place it appears and inserting "qualified research or education contribution".

(2) The heading for section 170(e)(4) of such Code is amended by inserting "OR EDUCATION" after "RESEARCH".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1995.•

By Mr. GREGG:

S. 1793. A bill to amen the Tariff Act of 1930 to provide that the requirement relating to making imported articles and containers apply to fresh cut flowers; to the Committee on Finance.

THE TARIFF ACT OF 1930 AMENDMENT ACT OF 1996

• Mr. GREGG. Mr. President, I introduce legislation to amend the Tariff act of 1930, to provide that the requirements relating to marking imported articles and containers will apply to fresh cut flowers as well. Under current law and commercial practices, unlike other imported goods, flowers are not required to be labeled with country of origin. It is my belief that consumers have the right to know this information when they shop for flowers.

U.S. law requires that merchandise imported into the United States be marked with country of origin information. This marking must be "conspicuously, legibly, and permanently marked in English" (19 U.S.C. 1304). Unfortunately, this act also grants the Secretary of the Treasury authority to exempt certain items from these requirements flowers are among the items that have been exempted. My bill would revoke this regulatory exemption.

The result is that the boxes or sleeves in which imported flowers are shipped are required to be marked only at the point of entry and no further. Often, before resale to consumers, flowers are taken out of boxes either by importers, wholesalers or retailers. In many cases, even the retailer from whom flowers are purchased is unaware of the product's origin. Domestic fresh cut flower producers have had a natural advantage over importers with respect to freshness due to their proximity to local markets. Quite simply, domestic flowers last longer and they are grown in conformance with strict U.S. pesticide laws as well. United States consumers should be able to choose to purchase fresh, long-lasting domestic cut flowers produced under strict pesticide controls. Historically, however, without a means of distinguishing their product, domestic growers have found it difficult to promote to consumers and handlers the freshness of their flowers, or warn of hazardous pesticide residues on imported flowers.

The legislation I am introducing today will not place an undue burden on retailers or wholesalers. I'm sure all of us, when we shop for groceries, have seen perishable products routinely labeled either by sticker or a simple sign by the product. This legislation would also provide our domestic growers, who enjoy advantages of proximity to the market and the controlled environment of the greenhouse a valuable means of distinguishing their fresh product from imported flowers that are several days old and potentially grown under lax pesticide laws.

Mr. President, I ask unanimous consent that the provisions of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1793

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MARKING OF FRESH CUT FLOWERS.

(a) IN GENERAL.—Section 304 of the Tariff Act of 1930 (19 U.S.C. 1304) is amended—

(1) by redesignating subsections (f), (g), (h), and (i) as subsections (g), (h), (i), and (j), respectively; and

(2) by inserting after subsection (e) the following new subsection:

"(f) MARKING OF CUT FLOWERS.—Notwithstanding any other provision of law, no exception may be made under subsection (a)(3) with respect to fresh cut flowers described in or classified under superior heading 0603, or subheading 0603.10, 0603.10.30, 0603.10.60, 0603.10.70, or 0603.10.80 of the Harmonized Tariff Schedule of the United States, as in effect on January 1, 1996. The Secretary of the Treasury shall, by regulation, assure such fresh cut flowers are labeled, marked, or otherwise clearly identified at the retail level as to their country of origin.".

(b) EFFECTIVE DATE.—The amendments made by this section applies to articles entered, or withdrawn from warehouse for consumption, on the date that is 15 days after the date of the enactment of this Act.•

By Mr. GREGG (for himself, Mr. REID, Mr. NICKLES, Mr. WARNER, Mrs. KASSEBAUM, Mr. THURMOND, Mr. SMITH, and Mr. BRYAN):

S. 1794. A bill to amend chapter 83 of title 5, United States Code, to provide for the forfeiture of retirement benefits in the case of any Member of Congress, congressional employee, or Federal justice or judge who is convicted of an offense relating to official duties of that individual, and for the forfeiture of the retirement allowance of the President for such a conviction; to the Committee on Governmental Affairs.

THE CONGRESSIONAL, PRESIDENTIAL, AND JUDICIAL PENSION FORFEITURE ACT

• Mr. GREGG. Mr. President, I introduce legislation which is, unfortunately, a necessary measure. Even its name—the Congressional, Presidential, and Judicial Pension Forfeiture Act—does not give any of us a good feeling. However, I do not introduce this bill apologetically, because I believe there is a compelling need to enact these changes in order to regain public confidence and trust in elected officials and top federal appointees.

I urge all of my distinguished colleagues to examine this bill and to ask themselves the same kinds of questions the American people have been asking for a long time. "Why are Members of Congress not held accountable for their decisions, and more importantly for their wrongdoing? Why do they seem to think they are above the people who elected them, and even sometimes above the law?"

Recent events have only confirmed such cynicism. I'm sure none of us would like to be reminded of the embarrassment caused by these scandals, which are representative of an increasing trend of privilege abuse. Thirty-four Members have served felony prison sentences since 1900, 13 of those in the last decade. Perhaps we need a deterrent, a statutory deterrent—such as the Congressional, Presidential, and Judicial Pension Forfeiture Act—which would cause those who may be tempted to abuse the privileges of public service to think twice before exploiting those powers. More importantly, this bill is also aimed at establishing a common-sense approach to fair play in the use of taxpayers' money—an approach that the public understands instinctively but to which Congress has yet to conform.

This bill would deny congressional pensions to any Members who commit specified felony crimes during their term in office. The crimes relate directly to the execution of congressional duties and were taken from a compilation of Federal ethics laws prepared by the Committee on Government Affairs. These crimes are acts which we all know are wrong, and for which any American citizen would pay dearly in a court of law. Yet we as, Members of Congress, were elected on the basis of integrity and character and, as such, we should hold ourselves to higher ethical standards than the average citizen. This is true in the military, whose officers, if convicted in a court-martial, lose their pensions for serious wrongdoing. We should ask ourselves if we, too, should submit to the kind of standards worthy of our offices. I think we should.

Mr. President, the question here is accountability. How accountable do we perceive ourselves as being for the decisions we make? While we would never deny that we all make mistakes—and our constituents would never expect us to be perfect—the American people do have a right to expect that we serve them honorably, with a strong mind, and with a clear conscience. More specifically, they have a right to expect that we perform our duties free of corruption. Therefore, I strongly urge all of you to consider the source of public cynicism and the bad image which Government has recently acquired. Sixty-six percent of eligible American voters decide to stay home on election night, not because they would rather watch TV, but because they have lost faith in their elected officials—in us—and in the importance of their votes in a democratic system they no longer feel is responsive to them. And this time, it is not about issues; it is about accountability. None of us would claim here on the floor of the Senate that we do not hold ourselves accountable for our own actions. Hopefully, my colleagues will agree to support this bill as a step toward regaining the respect and the trust of the American people.

Finally, I would like to thank Senators REID and NICKLES, who have been working independently on this issue and are joining me today in introducing this bill. Also, I would like to thank my colleagues who have come forward and have demonstrated their support for the bill by becoming original cosponsors. It is gratifying, and I am very honored, to have my distinguished colleagues, from both sides of the aisle, joining me on this issue.•

By Mr. ROTH:

S. 1795. A bill to restore the American family, enhance support and work opportunities for families with children, reduce out-of-wedlock pregnancies, reduce welfare dependence by requiring work, meet the health care needs of America's most vulnerable citizens, control welfare and Medicaid spending, and increase State flexibility; to the Committee on Finance.

THE PERSONAL RESPONSIBILITY AND WORK OPPORTUNITY ACT OF 1996

• Mr. ROTH. Mr. President, today is the day we have reached the top of a great divide. We can clearly see both what lies ahead and that which is behind us. Today is the day we decide whether we dare to press forward and change a welfare system that is crippling children and families.

Today is a day of contrasts—39 months ago, President Clinton promised the Nation's Governors and the American people that he would end welfare as we know it. Nothing happened.

He abandoned welfare reform and instead pursued a misguided attempt to take Government control over the world's finest health care system. It didn't work.

Today, the Republicans in the House and Senate are introducing legislation which will deliver on the promise of welfare reform and which will protect the health benefits of needy families as they move from welfare to work. Today we are introducing welfare and Medicaid reform based on the bipartisan recommendations of the Nation's Governors. While the Clinton administration has pursued policies of national control from Washington, we believe the future of these programs belong in the States.

Without even having seen our proposal, President Clinton labeled Medicaid reform a "poison pill." We think it is good medicine. Under our proposal, Federal spending for the Medicaid program will total $371 billion over the next 6 years. This represents an average annual growth rate of 6.5 percent between 1996 and 2002 while still achieving savings of $72 billion compared to current law.

But $371 billion represents many important things in addition to how much the Federal Government will choose to spend on the third largest domestic program in the Federal budget.

It represents bipartisan compromise.

It represents the future of how Government will work to help families escape welfare dependency.

And it represents the future of governmental relationships in our constitutional system of federalism.

First, $371 billion represents an important element of compromise in the political process. In the budget negotiations with President Clinton last December, the Republican leadership recommended Medicaid savings of $85 billion. During the negotiations, President Clinton wanted to reduce the savings level for Medicaid to $59 billion. At that time, there was a recognition by the administration that Medicaid spending indeed was out of control. For example, between 1994 and 1995, total Federal outlays grew by 3 percent.

But Medicaid spending grew nearly three times as fast.

On a number of occasions, the administration has indicated that the President intends to reduce Medicaid spending by $59 billion.

The President's fiscal year 1997 budget released in March includes saving of $55 billion.

Thus, by setting Medicaid spending at $371 billion, we are meeting President Clinton halfway. The difference between us is now $13 billion. This is less than 2 percent of the total Federal Medicaid spending over the next 6 years. This is a difference of 16 cents per Medicaid recipient per day.

When President Clinton vetoed the Balanced Budget Act of 1995, he argued that the Medicaid budget savings cut too deeply.

The adoption of today's budget resolution and the introduction of this legislation clearly demonstrates that the debate over Medicaid is not about spending. The issue is, who will control the spending, Washington, or the States?

In February, the Nation's Governors unanimously adopted a proposal to restructure the Medicaid Program. Democratic and Republican Governors alike have called upon the President and Congress to dramatically change the Medicaid Program.

The Medicaid proposal we are introducing reflects the Governors' policies, including guarantees for children, pregnant women, the elderly, and persons with disabilities.

Together, the Democratic and Republican Governors have testified before Congress that budget savings should be between $59 and $85 billion. The Republican proposal of $72 billion in savings reflects this spirit of bipartisan compromise and is the midpoint of these savings figures.

The Medicaid debate therefore is about policy, not budget. Medicaid is the largest welfare program and must be part of the solution for moving families from welfare to work. It costs more than the AFDC, Food Stamp, and SSI Programs combined.

The growths in the welfare programs are intimately linked to Medicaid. Medicaid is the nucleus of authentic welfare reform.

The Nation's Governors support reform and share the common goal to end the status quo. Democratic and Republican Governors have forged a bipartisan blueprint for reform.

Our legislation reflects the principles and framework of the Governors' proposals and meets their goals.

Nearly everyone, including President Clinton, recognizes that the welfare system is broken and must be fixed. The Governors, Democratic and Republican alike, know that Medicaid and welfare were in the same car wreck and both require major reconstructive surgery as soon as possible.

The Governors understand there are major problems in the Medicaid Program. To begin with, Medicaid is an all-or-nothing proposition.

A person either qualifies for all Medicaid benefits or no Medicaid benefits. There is no flexibility in the current system to provide benefits tailored to a family's needs.

As such, the welfare system often creates disincentives to work and gross inequities for low-income working families, many of whom have no other way to provide health care for their children.

For the individual, the current Medicaid program is often self-defeating as it encourages dependency. Many proud families can describe what they are forced to do to acquire and maintain Medicaid coverage.

If a family's income rises above the eligibility level by just $1, the entire Medicaid package is taken away.

Medicaid performs as it was designed 30 years ago—$731 billion therefore represents a new opportunity to refocus our welfare programs to help the present and future generations to escape dependency.

Governors know that Medicaid is a critical link in moving families from welfare to work. They understand it can be difficult to convince a family that work pays more than welfare if the price includes the loss of their health insurance.

The Medicaid current program discourages expansion of coverage and innovation.

There is little flexibility or reward for the States to experiment with ways of improving access to care.

The Governors have testified how their ideas to cover more families have been stopped cold by Federal rules and regulations.

The bureaucracy often thwarts targeting of benefits which, for example, could be more effective in lowering infant mortality rates.

Medicaid lags far behind the private sector in adopting progressive managed care strategies which have saved employers and working families billions of dollars.

Two-thirds of the people covered by employer-sponsored health plans today are enrolled in some type of managed care plan.

In contrast, only about one-quarter of the Medicaid recipients are in any form of managed care.

Medicaid contains a number of barriers to managed care.

For example, Florida is facing major disruptions in its entire Medicaid system because two of its best HMO's do not meet Medicaid's "75/25" requirements.

Freed from the choke hold of the Federal bureaucracy, States will be able to harness their enormous purchasing power to improve the delivery of services at lower costs.

The central issue of the pending Medicaid debate is who can best design a State's public health insurance program—the Federal bureaucracy or the States?

The idea that the children and elderly citizens in a State must be protected from their Governor and State legislators is not only wrong.

Mr. President, it is insulting.

Finally, slowing the rate of growth represents a fundamental decision about the future of federalism. Our elected State officials are hostages to the demands of the current Medicaid Program. The Federal-State partnership cannot survive the skyrocketing cost of the Medicaid Program which ricochets throughout State budgets.

For example, in 1990, Medicaid replaced higher education as the second largest State spending category, exceeded only by elementary and secondary education.

In 1987, elementary and secondary education accounted for 22.8 percent of State spending. Medicaid took 10.2 percent of State spending.

According to the latest report issued by the National Association of State Budget Officers, the share of State spending for elementary and secondary education has declined to 20.9 percent while Medicaid's share has nearly doubled to 19.2 percent.

If present trends continue, Medicaid will soon pass elementary and secondary education as the largest item in State budgets.

Medicaid has seized the power of decisionmaking from State officials. It is simply draining resources from other priorities.

As summarized by the State budget officers' report, "Medicaid * * * continues to limit the ability of decisonmakers to use the budget as a tool for implementing public policy."

Last January, President Clinton proclaimed an end to big government. Nothing could demonstrate a true allegiance to this pledge better than to return the responsibility and authority for welfare programs to the States.

In sum, the critical difference between President Clinton and the Republicans is not about the level of Medicaid spending.

Mr. President, the difference lies in the vision of the proper roles of Government and in the faith of the American people to govern themselves.•

ADDITIONAL COSPONSORS

S. 327

At the request of Mr. HATCH, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of S. 327, a bill to amend the Internal Revenue Code of 1986 to provide clarification for the deductibility of expenses incurred by a taxpayer in connection with the business use of the home.

S. 582

At the request of Mr. HATFIELD, the name of the Senator from Oklahoma [Mr. INHOFE] was added as a cosponsor of S. 582, a bill to amend title 28, United States Code, to provide that certain voluntary disclosures of violations of Federal laws made pursuant to an environmental audit shall not be subject to discovery or admitted into evidence during a Federal judicial or administrative proceeding, and for other purposes.

S. 684

At the request of Mr. HATFIELD, the names of the Senator from Washington [Mr. GORTON], and the Senator from Indiana [Mr. COATS] were added as cosponsors of S. 684, a bill to amend the Public Health Service Act to provide for programs of research regarding Parkinson's disease, and for other purposes.

S. 704

At the request of Mr. SIMON, the name of the Senator from Florida [Mr. GRAHAM] was added as a cosponsor of S. 704, a bill to establish the Gambling Impact Study Commission.

S. 814

At the request of Mr. MCCAIN, the names of the Senator from North Dakota [Mr. DORGAN], the Senator from New Mexico [Mr. BINGAMAN], and the Senator from Minnesota [Mr. WELLSTONE] were added as cosponsors of S. 814, a bill to provide for the reorganization of the Bureau of Indian Affairs, and for other purposes.

S. 1578

At the request of Mr. FRIST, the names of the Senator from Mississippi [Mr. LOTT], the Senator from Wyoming [Mr. THOMAS], and the Senator from Kansas [Mr. DOLE] were added as cosponsors of S. 1578, a bill to amend the Individuals with Disabilities Education Act to authorize appropriations for fiscal years 1997 through 2002, and for other purposes.

S. 1610

At the request of Mr. BOND, the names of the Senator from Idaho [Mr. CRAIG] and the Senator from Alabama [Mr. SHELBY] were added as cosponsors of S. 1610, a bill to amend the Internal Revenue Code of 1986 to clarify the standards used for determining whether individuals are not employees.

S. 1735

At the request of Mr. PRESSLER, the name of the Senator from Oklahoma [Mr. INHOFE] was added as a cosponsor of S. 1735, a bill to establish the United States Tourism Organization as a nongovernmental entity for the purpose of promoting tourism in the United States.

S. 1743

At the request of Mr. BINGAMAN, the names of the Senator from Utah [Mr. HATCH] and the Senator from Texas [Mr. GRAMM] were added as cosponsors of S. 1743, a bill to provide temporary emergency livestock feed assistance for certain producers, and for other purposes.

S. 1756

At the request of Ms. MOSELEY-BRAUN, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 1756, a bill to provide additional pension security for spouses and former spouses, and for other purposes.

S. 1757

At the request of Mr. FRIST, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 1757, a bill to amend the Developmental Disabilities Assistance and Bill of Rights Act to extend the Act, and for other purposes.

SENATE RESOLUTION 255

At the request of Mr. BIDEN, his name was added as a cosponsor of Senate Resolution 255, a resolution to honor Adm. Jeremy M. "Mike" Boorda.

AMENDMENT NO. 3995

At the request of Mr. DOMENICI, the name of the Senator from Georgia [Mr. COVERDELL] was added as a cosponsor of amendment No. 3995 proposed to S. Con. Res. 57, an original concurrent resolution setting forth the congressional budget for the U.S. Government for fiscal years 1997, 1998, 1999, 2000, 2001, and 2002.

AMENDMENT NO. 4001

At the request of Mr. BYRD, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of amendment No. 4001 proposed to S. Con. Res. 57, an original concurrent resolution setting forth the congressional budget for the U.S. Government for fiscal years 1997, 1998, 1999, 2000, 2001, and 2002.

AMENDMENT NO. 4019

At the request of Mr. DOMENICI, the name of the Senator from Georgia [Mr. COVERDELL] was added as a cosponsor of amendment No. 4019 proposed to S. Con. Res. 57, an original concurrent resolution setting forth the congressional budget for the U.S. Government for fiscal years 1997, 1998, 1999, 2000, 2001, and 2002.

AMENDMENTS SUBMITTED

THE CONGRESSIONAL BUDGET CONCURRENT RESOLUTION

ABRAHAM (AND OTHERS) AMENDMENT NO. 4028

Mr. DOMENICI (for Mr. ABRAHAM, for himself, Mr. COVERDELL, and Mr. HATCH) proposed an amendment to amendment No. 3986 proposed by Mr. WELLSTONE to the concurrent resolution (S. Con. Res. 57) setting forth the congressional budget for the U.S. Government for fiscal years 1997, 1998, 1999, 2000, 2001, and 2002; as follows:

In the pending amendment, strike all after "SEC. ." and insert the following:

SENSE OF THE SENATE REGARDING THE STATUS OF THE PRESIDENT'S "COPS" PROGRAM.

(a) It is the Sense of the Senate that the assumptions underlying the function totals and aggregates in this budget resolution assume:

(1) full funding for the Violent Crime Reduction Trust Fund through the Fiscal Year 2002; and

(2) that administrative funding for the Public Safety and Community Policing grants should be reduced by half of the President's request for the following reasons:

(A) in an interview with the New York Times on May 12, 1996, a senior presidential aide claimed that, under the COPS program, "43,000 of the 100,000 cops will be on the street";

(B) contrary of this claim, in a press conference Thursday, May 16, 1996, Attorney General Janet Reno stated that, "What I am advised is that there are 17,000 officers that can be identified as being on the streets" as a result of the COPS program; and

(C) while the number of police officers actually placed on the streets under the COPS program has lagged far behind the White House's misleading claims, the President's request to fund 310 administrative positions to oversee the COPS program is an excessive $29,185,000.

The number on page 37, line 17, is deemed to be increased by the amount of $1,900,000,000.

The number on page 37, line 18, is deemed to be increased by the amount of $3,000,000,000.

The number on page 37, line 24, is deemed to be increased by the amount of $400,000,000.

The number on page 37, line 25, is deemed to be increased by the amount of $1,550,000,000.

The number on page 32, line 6, is deemed to be decreased by the amount of $1,900,000,000.

The number on page 32, line 7, is deemed to be decreased by the amount of $3,000,000,000.

The number on page 32, line 13, is deemed to be decreased by the amount of $400,000,000.

The number on page 32, line 14, is deemed to be decreased by the amount of $1,550,000.

WELLSTONE AMENDMENT NO. 4029

Mr. WELLSTONE proposed an amendment to amendment No. 3986 proposed by him to the concurrent resolution (S. Con. Res. 57) supra; as follows:

At the end of the amendment, add the following:

SEC. . SENSE OF THE SENATE THAT FUNDS WILL BE AVAILABLE TO HIRE NEW POLICE OFFICERS.

(a) It is the sense of the Senate that sufficient funds will be made available for Public Safety and Community Policing grants to reach the goals of Title I of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–266).

ASHCROFT AMENDMENT NO. 4030

Mr. ASHCROFT proposed an amendment to amendment No. 4000 proposed by Mr. KENNEDY to the concurrent resolution (S. Con. Res. 57) supra; as follows:

Strike all after the first word and insert the following:

SENSE OF THE CONGRESS REGARDING REQUIREMENTS THAT WELFARE RECIPIENTS BE DRUG-FREE

In recognition of the fact that American workers are required to be drug-free in the workplace, it is the sense of the Congress that this concurrent resolution on the budget assumes that the State may require welfare recipients to be drug-free as a condition for receiving such benefits and that random drug testing may be used to enforce such requirements.

KENNEDY AMENDMENT NO. 4031

Mr. KENNEDY proposed an amendment to amendment No. 4000 proposed by him to the concurrent resolution (S. Con. Res. 57) supra; as follows:

At the end of the amendment, add the following:

At the end of title III, insert the following:

SEC. . SENSE OF THE SENATE ON DAVIS-BACON.

Notwithstanding any provision of the committee report on this resolution, it is the sense of the Senate that the provisions in this resolution do not assume the repeal of the Davis-Bacon Act.

SANTORUM AMENDMENT NO. 4032

Mr. SANTORUM proposed an amendment to amendment No. 4000 proposed by Mr. KENNEDY to the concurrent resolution (S. Con. Res. 57) supra; as follows:

At the end of the pending amendment, insert the following:

SEC. . SENSE OF THE SENATE ON DAVIS-BACON.

Notwithstanding any provision of the committee report on this resolution, it is the sense of the Senate that the provisions in this resolution assume reform of the Davis-Bacon Act.

EXON AMENDMENT NO. 4033

Mr. EXON proposed an amendment to amendment No. 4009 proposed by Mr. GRAMM to the concurrent resolution (S. Con. Res. 57) supra; as follows:

Strike all after "SEC." and insert the following:

SEC. . SENSE OF THE SENATE ON SOLVENCY OF THE MEDICARE TRUST FUND.

(a) FINDINGS.—The Senate finds that repeal of certain provisions from the Omnibus Budget Reconciliation Act of 1993 would move the insolvency date of the HI (Medicare) Trust Fund forward by a full year.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that no provisions in this Budget Resolution should worsen the solvency of the Medicare Trust Fund.

GRAMM AMENDMENT NO. 4034

Mr. DOMENICI (for Mr. GRAMM) proposed an amendment to amendment No. 4009 proposed by Mr. GRAMM to the concurrent resolution (S. Con. Res. 57) supra; as follows:

At the end of the amendment, add the following:

SEC. . SENSE OF THE CONGRESS THAT THE 1993 INCOME TAX INCREASE ON SOCIAL SECURITY BENEFITS SHOULD BE REPEALED

(a) FINDINGS.—Congress finds that the assumptions underlying this resolution include that—

(1) the Fiscal Year 1994 budget proposal of President Clinton to raise federal income taxes on the Social Security benefits of senior citizens with incomes as low as $25,000, and those provisions of the Fiscal Year 1994 recommendations of the Budget Resolution and the 1993 Omnibus Budget Reconciliation Act in which the 103rd Congress voted to raise federal income taxes on the Social Security benefits of senior citizens with income as low as $34,000 should be repealed;

(2) that the Senate Budget Resolution should reflect President Clinton's statement that be believed he raised federal taxes too much in 1993; and

(3) that the Budget Resolution should react to President Clinton's Fiscal Year 1997 budget which documents the fact that in the history of the United States, the total tax burden has never been greater than it is today, therefore

It is the Sense of the Congress that the assumptions underlying this Resolution include—

(1) that raising federal income taxes in 1993 on the Social Security benefits of middle-class individuals with income as low as $34,000 was a mistake;

(2) that the federal income tax hike on Social Security benefits imposed on 1993 by the 103rd Congress and signed into law by President Clinton should be repealed; and

(3) President Clinton should work with the Congress to repeal the 1993 federal income tax hike on Social Security benefits in a manner that would not adversely affect the Social Security Trust Fund or the Medicare Part A Trust Fund, and should ensure that such repeal is coupled with offsetting reductions in federal spending.

MCCAIN (AND DOMENICI) AMENDMENT NO. 4035

Mr. MCCAIN (for himself and Mr. DOMENICI) proposed an amendment to amendment No. 4013 proposed by Mr. BUMPERS to the concurrent resolution (S. Con. Res. 57); supra; as follows:

In amendment No. 4013, strike all after the first word and insert the following:

SEC. . CORPORATE SUBSIDIES AND SALE OF GOVERNMENT ASSETS.

(a) CORPORATE SUBSIDIES.—It is the sense of the Senate that the functional levels and aggregate in this budget resolution assume that:

(1) the federal budget contains ten of billions of dollars in payments, benefits and programs that primarily assist profit-making enterprises and industries rather than provide a clear and compelling public interest;

(2) corporate subsidies can provide unfair competitive advantages to certain industries and industry segments;

(3) at a time when millions of Americans are being asked to sacrifice in order to balance the budget, the corporate sector should bear its share of the burden.

(4) federal payments, benefits, and programs which predominantly benefit a particular industry or segment of an industry, rather than provide a clear and compelling public benefit, should be reformed or terminated in order to provide additional tax relief, deficit reduction, or to achieve the savings necessary to meet this resolution's instructions and levels.

(b) SALE OF GOVERNMENT ASSETS.—

(1) BUDGETARY TREATMENT.—

(A) IN GENERAL.—For the purposes of any concurrent resolution on the budget and the Congressional Budget Act of 1974, no amounts realized from the sale of an asset shall be scored with respect to the level of budget authority, outlays, or revenues if such sale would cause an increase in the deficit as calculated pursuant to subparagraph (B).

(B) CALCULATION OF NET PRESENT VALUE.—The deficit estimate of an asset sale shall be the net present value of the cash flow from:

(i) proceeds from the asset sale;

(ii) future receipts that would be expected from continued ownership of the asset by the Government; and

(iii) expected future spending by the Government at a level necessary to continue to operate and maintain the asset to generate the receipts estimated pursuant to clause (ii).

(2) DEFINITIONS.—For purposes of this section, the term "sale of an asset" shall have

the same meaning as under section 250(c)(21) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(3) TREATMENT OF LOAN ASSETS.—For the purposes of this subsection, the sale of loan assets or the prepayment of a loan shall be governed by the terms of the Federal Credit Reform Act of 1990.

BUMPERS AMENDMENT NO. 4036

Mr. BUMPERS proposed an amendment to amendment No. 4013 proposed by him to the concurrent resolution (S. Con. Res. 57) supra; as follows:

The pending amendment, as amended, is amended by adding the following:

Notwithstanding, subsection (b) of this amendment regarding the sale of government assets, the sale of assets shall be treated as follows:

(1) BUDGETARY TREATMENT.—For purposes of any concurrent resolution on the budget and the Congressional Budget Act of 1974, no amounts realized from sales of assets shall be scored with respect to the level of budget authority, outlays, or revenues.

(2) DEFINITIONS.—For purposes of this section, the term "sale of an asset" shall have the same meaning as under section 250(c)(21) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(3) TREATMENT OF LOAN ASSETS.—For the purposes of this section, the sale of loan assets or the prepayment of a loan shall be governed by the terms of the Federal Credit Reform Act of 1990."

NOTICE OF HEARING

COMMITTEE ON INDIAN AFFAIRS

Mr. McCAIN. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will conduct an oversight hearing during the session of the Senate on Tuesday, June 11, 1996, at 9:30 a.m. on Indian trust funds management by the Department of the Interior and implementation of the Indian Trust Fund Management Act of 1994. The hearing will be held in room 485 of the Russell Senate Office Building.

Those wishing additional information should contact the Committee on Indian Affairs.

AUTHORITY FOR COMMITTEE TO MEET

COMMITTEE ON SMALL BUSINESS

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Small Business be authorized to meet during the session of the Senate on Wednesday, May 22, 1996, at 4:30 p.m., to mark up legislation pending in the committee and to vote on the nomination of Ms. Ginger Ehn Lew to be Deputy Administrator of the U.S. Small Business Administration.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

CORRECTION TO THE JOINT STATEMENT OF MANAGERS ACCOMPANYING S. 735

• Mr. HATCH. Mr. President, the joint statement of managers that accompanied the conference report to S. 735, the Antiterrorism and Effective Death Penalty Act of 1996, contained an inadvertent error relating to section 809, assessing and reducing the threat to law enforcement officers from the criminal use of firearms and ammunition. I ask that the correct description of that section be printed in the RECORD.

The material follows:

Section 809—Senate recedes to House amendment section 112. This section requires that the Secretary of the Treasury, in conjunction with the Attorney General, conduct a study which assesses the threat to law enforcement officers from the criminal use of firearms and ammunition, and to examine ways in which such threats can be reduced.

In particular, the study will examine whether current passive defensive strategies, such as body armor, are adequate to counter the criminal use of firearms against law officers. The study will also comprehensively examine or gather information on the general circumstances, statistics, and data surrounding the killing or injury of law enforcement officers, whether intentionally or accidentally, by various types of firearms, ammunition, types, and calibers.

An important component of the study will be to examine the number, the facts, and the circumstances surrounding deaths or serious injuries to officers attributable to projectiles defined as "armor piercing ammunition" under 18 U.S.C. 921(a)(17)(B)(i) and (ii) piercing the protective material of bullet resistant vests or bullet resistant headgear being worn by the officer. Since 1986, federal law has prohibited the sale or manufacture of such ammunition, except for government or law enforcement use. Armor piercing ammunition is defined as a projectile or projectile core which may be used in a handgun and is constructed entirely (except for trace elements) of certain hard metals. The Violent Crime Control and Law Enforcement Act of 1994 further amended the definition of armor piercing ammunition by establishing a bullet jacket weight test.

Recognizing that ammunition used primarily by law-abiding citizens, and that any study of this nature and magnitude has the potential to affect regulatory policy in the future, this section requires that all parties interested in the outcome of the study outcome (including Federal, State, and local officials, non-governmental organizations including all national police organizations, national sporting organizations, and national industry associations with expertise in this area) be consulted on the study contents, methodology, and specific study objectives. The study is due 12 months from the date of enactment.•

RECOGNIZING LT. COL. JEFFREY DUNKLE

• Mr. SIMON. Mr. President, with 28 years of active-duty service, Lieutenant Colonel Dunkle will be retiring from the U.S. Air Force, Medical Service Corps, this August.

During his years with the Air Force, Lieutenant Colonel Dunkle has helped manage the delivery of military medical services. As a senior member of the MSC, he has mentored younger service members. The delivery of quality medical services to our active-duty force is a critical job that Lieutenant Colonel Dunkle has done with vigor and excellence.

We should recognize the contributions of this soldier and his MSC staff.•

FOOD AID FOR NORTH KOREA

• Mr. SIMON. Mr. President, North Korea is considered today a rogue state—the last country with a Stalinist system and surely the most isolated country in the world. During the cold war, when we looked at other nations as enemies, we made clear that our differences with those nations were with their governments and not with their people. The same should be true of North Korea today.

The food situation in North Korea is turning dire. There are reports of conditions approaching famine, caused by natural disasters, poor harvests, and economic mismanagement. The World Food Program, with personnel on the ground to assess conditions and monitor deliveries, is appealing for more food aid to avert a disaster. Hunger could lead to instability, which could cause desperate actions by the North Korean military, and that would be in no one's interest.

The administration wisely granted $2 million in food aid earlier this year, but the situation has worsened, and we should do more. The following editorial from today's New York Times urges the President to put hunger above politics and provide food aid. That is the right thing to do—for humanitarian reasons and in the interest of reducing tensions on the Korean peninsula.

I ask that the article be printed in the RECORD following my remarks.

The article follows:

[From the New York Times, May 22, 1996]

FAMINE AID TO NORTH KOREA

Near-famine conditions in North Korea pose a moral and political challenge to the United States and its allies. America's goal should be to feed the hungry without reinforcing the already dangerous military capacities of an erratic, belligerent and poorly understood regime.

This can be done by providing generous amounts of grain and other basic foodstuffs, but insisting on a reasonable degree of international monitoring to make sure the aid is distributed throughout the country and not hoarded or sold by the Communist Party and military elite.

The United States has previously provided modest quantities of aid through the United Nations World Food Program and Unicef, both of which monitor deliveries. South Korea has supplied more substantial aid through direct shipments. But animosity on both sides of the 38th Parallel scuttled the South Korean effort, and now Seoul is pressing Washington to hold back as well. South

Korea wants further food aid suspended until North Korea accepts President Clinton's recent proposal for four-way peace talks involving the two Koreas, China and the United States.

Bowing to that pressure would violate an admirable American tradition of not using food as a diplomatic weapon. An entire people should not be punished for the sins of their hard-line Communist leaders. The United States joined other Western donors in feeding Ethiopia during its famine in 1991–1992, though its Marxist tyranny was no less unsavory. The same principle should apply to North Korea if it is stricken by widespread famine this summer, as a new United Nations alert predicts.

For most of its 50-year history, North Korea did all it could be discourage trade and even humanitarian assistance from the outside world. Fearing ideological contamination, Pyongyang preached an extreme doctrine of self-reliance and used its heavy-handed police apparatus to keep out all but a few trusted Communist friends.

But decades of economic mismanagement, political uncertainties following the 1994 death of Kim Il Sung and the abrupt loss of Russian and Chinese support, combined with disastrous flooding last year, have brought widespread suffering and forced the regime to appeal for help.

The Clinton Administration should grasp this opportunity to put hunger above politics and advance its own policies of cautious courtship of North Korea. The nuclear freeze agreement the two countries reached in 1994 marked a recognition by Washington that a nuanced combination of military deterrence and diplomatic engagement offers the most promising approach to maintaining security on the Korean Peninsula.

In present circumstances, humanitarian aid, military deterrence and opening North Korea to fresh winds of change all go together. The Clinton Administration would be right to explore the possibilities.●

TRIBUTE TO TIMOTHY MARQUIS, JOANNE MILLETTE, SYMA MIRZA, AND KENNETH JOHNSON, NEW HAMPSHIRE 1996 PRESIDENTIAL SCHOLARS

● Mr. SMITH. Mr. President, I rise today to congratulate four outstanding New Hampshire high school students on receiving the 1996 Presidential Scholar Award. Timothy Marquis and Joanne Millette from Winnacunnet High School in Hampton; and Syma Mirza and Kenneth Johnson from Alvirne High School in Hudson were all honored with this prestigious award.

The U.S. Presidential Scholars Program was founded by Executive order of the President in 1964 to recognize outstanding high school students in America. These four New Hampshire students should be very proud of this honor because the selection process is quite rigorous. Based on student scores from SAT and ACT testing, the top 20 men and women from each State are invited to apply for the Presidential Scholar Program. An independent review committee, composed of various academics such as guidance counselors and college admissions officers, then review the applications of these students and determine 500 semifinalists for the award. The committee uses a variety of criteria to evaluate each student such as personal character, academic achievement, leadership service in school as well as the community, and an essay analysis. From the pool of semifinalists a 32-member commission appointed by the President chooses 141 scholars to be honored for their accomplishments during National Recognition Week.

These four hard working New Hampshire students will be guests of the White House Commission on Presidential Scholars in Washington, DC, from June 18 through June 23. While in Washington, the students will be involved in various activities such as informative panel discussions, a ceremony at the White House, and an evening at the Kennedy Center featuring performances by the Scholars in the Performing Arts.

As a former high school teacher myself, I applaud the hard work and dedication of Timothy, Joanne, Syma, and Kenneth. Their outstanding academic performance have won them this distinguished national honor. I commend these special students for achieving excellence in their schools and communities, and wish them great success in their future endeavors. Their contributions to New Hampshire and the Nation serve as a role model for others to follow.●

CAMP RAMAH DAROM

● Mr. FRIST. Mr. President, on May 27, the United Synagogue of Conservative Judaism will commemorate a milestone in the life of the conservative Judaic community in the South. May 27 marks the opening of Camp Ramah Darom, near Clayton, GA, as well as the installation of the board and officers of this very special institution.

Camp Ramah Darom has been made possible by the hard work and dedication of many individuals to a shared dream. The camp will provide a unique center for the conservative Jewish community throughout the South to share and strengthen their community ties. The camp will be a place for the children to foster bonds with friends throughout the region and a retreat for families separated by distance but bound by a strong common heritage. At a time when it is so critical to preserve and reinforce the family and community values that are the basis of our great Nation, the dedication of Camp Ramah Darom is especially important.

I know my colleagues from the South and the rest of the Nation will join me in commemorating the inauguration of this special event and in congratulating and thanking the many who made Camp Ramah Darom a reality.●

FINANCIAL DISCLOSURE REPORT OF SENATOR PAUL SIMON

● Mr. SIMON. Mr. President, it has been my practice in each of the 41 years I have spent in public life to volunteer a detailed accounting of my finances.

I ask that my financial report for 1995 be printed in the RECORD.

The financial report and related announcement follow:

ANNOUNCEMENT

For the 41st consecutive year that he has held public office, U.S. Senator Paul Simon, D-Ill., has released a detailed description of his income, assets and liabilities—the last such report that he will file before retiring from the Senate when his term ends in January 1997.

Simon has been making the voluntary annual statements longer than any other national officeholder. Simon set his policy when he left the newspaper publishing business he had established to enter public service and has followed the practice during his eight years in the Illinois House of Representatives, six years in the Illinois Senate, four years as lieutenant governor, 10 years in the U.S. House of Representatives and now 11 years in the U.S. Senate. The listing predates disclosure requirements of state and federal law and continues to exceed those requirements. Senate rules today require only the listing of income within broad brackets. Simon's practice also has set the standard for many officeholders in Illinois.

Simon also continues to exceed Senate requirements by listing detailed income for his wife, Jeanne.

The Illinois Senator lists 1995 income for himself and Jeanne Simon totaling $196,300.60, down from $206,287 in 1994. The figure includes Paul Simon's Senate salary, Jeanne Simon's per diem compensation as chair of the Naional Commission on Library and Information Science, and reimbursements to Paul and Jeanne Simon for travel and other expenses.

The Simons had assets of $551,837.35 and liabilities of $106,979.79 for a net worth of $444,857.56. Earlier disclosures have shown Simon to be one of the least wealthy members of the United States Senate.

The detailed 1995 financial report of Senator Paul Simon follows:

Income statement: Paul and Jeanne Simon—1995

General Income (Paul Simon):	
Salary, U.S. Senate	$133,600.00
State of Illinois, General Assembly System	22,281.60
Book Royalties	2,788.45
Dana College, Homecoming Payment Refund	43.00
Blue Cross/Blue Shield, Insurance Reimbursement	100.75
Movies Unlimited, Refund	20.49
Discover Card, Cash Back Bonus	7.28
Earnings, IRA	989.46
General Income (Jeanne Simon):	
Salary, Emeritus Foundation	$1,000.00
Social Security, (Entirely donated to charitable causes)	5,350.00

Income statement: Paul and Jeanne Simon—1995—Continued

Medicare Premiums	718.80
U.S. Department of Education, (National Commission on Libraries and Information Science)	17,103.04
Distribution from IRA	980.41
Earnings, IRA	423.15
U.S. Government, Travel Expense Reimbursement	5,412.37
University of Illinois at Urbana, Travel Expense Reimbursement	826.00
North Suburban Library Association, Travel Expense Reimbursement	211.00
Lincoln Trail Libraries, Travel Expense Reimbursement	411.00
Wisconsin Library Association, Expense Reimbursement	548.40
Emeritus Foundation, Expense Reimbursement	133.12
Interest Income:	
U.S. Senate Federal Credit Union	$14.25
General American Life	225.61
Polish National Alliance of U.S.A.	57.63
South Shore Bank of Chicago	30.11
Non-IRA Dividends	
Adams Express	$711.52
General Mills	84.60
Union One	.58
Mattel	7.08
McDonalds	6.57
Quaker Oats	9.12
Scott Paper	6.40
Dreyfus Growth & Income Fund	237.06
Dreyfus Municipal Bond Fund	892.92
Franklin Money Fund	47.11
Wal-Mart Stores	18.48
Pacific Gas & Electric	525.28
Pax World Fund	167.22
Texas Instruments	14.16
Harcourt General	4.55
Scudder Growth & Income	74.72
Smith Barney Money Funds	30.70
Darden Restaurants	1.80
Ford Motor	47.09
Johnson & Johnson	38.40
Polish National Alliance	99.20
SIU Credit Union	.12
Total income	$196,300.60

STOCK TRANSACTIONS

Purchased:

01/03/95, 30 Shares of Johnson & Johnson—$1,707.57.

04/24/95, 38 Shares of Ford Motor Co—$1,080.00.

11/21/95, 100 Shares of Livent Co—$887.50.

12/08/95, 35 Shares of Wm Wrigley, Jr., Co—$1,761.53.

Stock Splits:

01/12/95, Mattel Inc De, 25 Shares to 31 Shares.

05/15/95, Scott Paper, 8 Shares to 16 Shares.

08/24/95, Texas Instruments 12 Shares to 24 Shares.

Stock Merger:

12/13/95, Scott Paper merged with Kimberly Clark 16 Shares of Scott became 12 Shares of Kimberly Clark.

Sold:

07/21/95, Dreyfus Municipal Bond Fund, 893.582 shares for $11,000. Purchased at various times for a total of $10,922. Profit = $78.00.

Spinoff:

06/06/95, Darden Restaurants Inc., 45 Shares

Other changes in stock numbers due to reinvestment of dividends.

Paul's IRA

Purchase:

02/10/95, Knight-Ridder, 10 Shares for $551.96.

08/10/95, Oshkosh B Gosh, 25 Shares for $453.73.

Stock Splits:

01/23/95—Mattel Inc De., 88 Shares to 110 Shares.

07/12/95—Tootsie Roll Industries, 22 Shares to 44 Shares.

Other changes in stock numbers due to reinvestment of dividends.

Jeanne's IRA

Sold:

12/06/95—Smith Barney Utilities Fund, 34.496 Shares for $533.66.

Other changes in stock numbers due to reinvestment of dividends.

Paul and Jeanne Simon, net worth statement, Dec. 31, 1995

General Assets:	
First Bank of Carbondale, Checking Account	$210.93
Credit Union, Rantoul	27.80
U.S. Senate Federal Credit Union, Checking Account	1,845.36
U.S. Senate Federal Credit Union, Savings Account	150.19
South Shore Bank of Chicago, Savings Account	1,107.52
SIU Credit Union, Savings Account	25.12
SIU Credit Union, Checking Account	75.00
Loan, Senator Paul Simon Official Office Account	100.00
U.S. Savings Bonds	1,838.00
Deposit, Harbour Square Apartments	50.00
General American Life Insurance, Cash Value and Deposit	10,710.24
Polish National Alliance Insurance, Cash Value and Deposit	3,970.33
Congressional Retirement System, Cash Value	99,974.08
Thrift Savings Plan	44,610.25
10.8 Acres & Home, Makanda, IL., (Appraised 1987 at $204,000)—Plus Improvements	235,350.00
Furniture and Presidential Autograph Collection	18,000.00
1991 Chevrolet	8,000.00
1995 GEO Prism	12,000.00
Stock and Bond Holdings with Number of Shares:	
Cash and Smith Barney Money Fund	166.38
Adams Express, 470 Shares	8,695.00
Bethlehem Steel, 5 Shares	69.38
Dreyfus Municipal Bond Fund, 756.418 Shares	9,614.07
Dreyfus Growth & Income, 259.999 Shares	4,822.98
Franklin Fund, 1,184.259 Shares	1,184.26
General Mills, 45 Shares	2,598.75
Harcourt General, 7 Shares	293.13
Intergroup, 25 Shares	1,193.75
Jet-Lite, 120 (Approximate)	300.00
Lands End, 44 Shares	599.50
Liberte Inves., 100 Shares	225.00
Mattel, 31 Shares	953.25
McDonalds, 25 Shares	1,128.13
Pacific Gas & Electric, 268 Shares	7,604.50
Pax World Fund, 179.813 Shares	2,936.35
Quaker Oats, 8 Shares	276.00
Rohr Industries, 6 Shares	86.25
Scudder Growth & Income Fund, 82.220 Shares	1,663.31
Texas Instruments, 24 Shares	1,236.00
United M & M, 8 Shares	1.00
Wal-Mart Stores, 96 Shares	2,136.00
Darden Restaurants, 45 Shares	534.38
Ford Motor, 38 Shares	1,097.25
Johnson & Johnson, 30 Shares	2,565.00
Kimberly Clark, 12 Shares	993.00
Wm Wrigley Jr., 35 Shares	1,837.50
Livent, 100 Shares	887.50
IRA—Paul—Common Stock:	
Smith Barney Money Fund	397.21
Smith Barney Utilities Fund, 98.645	1,553.66
Adams Express, 721	13,338.50
Lands End, 34	463.25
Mattel, 110	3,382.50
Pacific Enterprises, 56	1,582.00
Pacific Gas & Electric, 40	1,135.00
Pepsico Inc—North Carolina, 32	1,788.00
Price Enterprises, 51	784.13
Quaker Oats, 284	9,798.00
Sara Lee, 20	640.00
Servicemaster Ltd Partnership Pub Partnership Shs., 27	816.75
Southwest Water, 86	827.75
Southwestern Energy, 48	612.00
Tootsie Roll Industries, 44	1,743.50
Knight-Ridder, 10	625.00
Oshkosh B' Gosh, CLA, 25	437.50
Preferred Stock: McDonald's, 18 Shares	472.50
Total	40,397.25
IRA—Jeanne:	
Smith Barney Money Funds	42.85
Smith Barney Utilities Fund, 35.845	564.56
Adams Express, 701	12,968.50
Pacific Gas & Electric, 40	1,135.00
Pepsico Inc. North Carolina, 42	2,346.75
Sara Lee, 20	640.00
Total	17,697.66
Total assets	551,837.35
Liabilities:	
Polish National Insurance, Loan	1,484.48
General American Insurance, Loan	3,021.15
LaSalle Talman Home Mortgage Corp.	102,474.16
Total liabilities	106,979.79
Total assets	551,837.35

Paul and Jeanne Simon, net worth statement, Dec. 31, 1995—Continued

Total liabilities	106,979.79
Net worth	444,857.56

GIFTS, RECEIVED OF MORE THAN $25.00 VALUE, OUTSIDE IMMEDIATE FAMILY*

Framed poem by Elijah Lovejoy from Robert Tabscott—Value under $250.00

Book by Tom Clancy from Comanche Helicopter Group—25.95

Messiah records from Al Booth—Value under $250.00

Book, *Chronicle of America* from Dorling Kindersley Publishing Company—$59.95

Tickets to Baltimore Oriole game from Gene Callahan—Value under $250.00

Book on the history of Macomb from Don Spencer—$35.00

Two tickets to St. Louis Rams game from Alfred Kerth, III—$90.00

Handmade quilt from Mrs. William J. Lee—Value under $250.00

Food samples from Nabisco company—Value under $250.00

Food assortment basket from Mel Blackwell—Value under $250.00

Book from Aileen Estrella—Value under $250.00

Subscription to *Roll Call* (1 year) from publisher—$216.00

Book on Claude Monet from Art Institute of Chicago—Value under $250.00

Historical Books from Stan Glass—Value under $250.00

Flowers from Phil Corboy and Mary Dempsey—Value under $250.00

Flowers from Nancy and William Chen—Value under $250.00

Gift from United Transportation Union—Value under $250.00

---

*The law requires disclosure only of gifts of $250.00 and over. Paul Simon's statement includes all non-family gifts of more than $25.00, whatever the source.•

ORDERS FOR THURSDAY, MAY 23, 1996

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 12 noon on Thursday, May 23; further, that immediately following the prayer, the Journal of the proceedings be deemed approved to date, no resolutions come over under the rule, the call of the calendar be dispensed with, the morning hour be deemed to have expired, and the Senate then resume consideration of Senate Concurrent Resolution 57.

I further ask unanimous consent that the Senate then proceed to vote on or in relation to the remaining pending amendments to the budget resolution in the order in which the amendments were offered; that each rollcall vote, after the first one, be limited to 10 minutes in length, and that there be 1 minute of debate, equally divided, prior to each vote for a brief explanation of each amendment.

I finally ask that any second-degree amendments, if offered, be limited to 1 minute of debate, equally divided, as well.

The PRESIDING OFFICER. Is there objection?

Mr. FORD. Reserving the right to object, Mr. President, and I do not suspect I will object. The reason is, we were told by the floor leader that we would be in at 10 and start voting at 10 in the morning, and we would be out from 1 until 2 and then come back and complete it. Then we heard it was going to be 11 o'clock. Now it is twelve o'clock. We are trying to adjust our schedules, and here within 30 minutes we have had a 2-hour shift. I would like to hold up until I have had an opportunity to discuss it with our leader to be sure of the arrangements they have worked on based on the previous announcement.

Mr. LOTT. If I may comment, Mr. President, we are trying to accommodate many requirements by the various Members. We did not have any indication of concern about beginning later in the morning. I was going to further ask that no rollcall votes occur between the hours of 1 and 2 on Thursday in order to accommodate a Democrats' luncheon on technology, or something like that.

Mr. FORD. I appreciate that. I have no objections now, I say. But it is just the idea of clearing things as you would clear them on your side. We will be clearing it with somebody different in a couple weeks.

Mr. LOTT. I hope so.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I will add the additional part. I ask unanimous consent that no rollcall votes occur between 1 p.m. and 2 p.m. on Thursday in order for the Democrats to conduct a luncheon.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. LOTT. Mr. President, tomorrow at 12 p.m. the Senate will begin a series of rollcall votes on the remaining amendments to the budget resolution. That is expected to continue throughout the day, with the break between the hours of 1 and 2. The Senate is expected to complete action on the budget early Thursday afternoon. We should be able to finish in the 4 to 5 o'clock range, it looks like, I say to the distinguished Senator from Kentucky. All Senators are asked to remain in or around the Senate Chamber during Thursday's session in order to facilitate the votes. If a Member gets down the hall or gets lost, he inconveniences 98 or 99 Senators, and it is very hard to stay within the timeframes called for.

I also remind Senators that, following the first vote, all votes will be limited to 10 minutes.

AUTHORITY FOR INTRODUCTION OF A BILL

Mr. LOTT. Mr. President, I ask unanimous consent that Senator ROTH be authorized to have until 7 p.m. this evening to introduce a bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CHANGE OF VOTE

Mr. DOMENICI. Mr. President, on rollcall 134, I voted "yes." It was my intention to vote "no." Therefore, I ask unanimous consent that I be permitted to change my vote. This will in no way change the outcome of the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENTS BY THE MAJORITY LEADER

The PRESIDING OFFICER. The Chair on behalf of the majority leader, pursuant to Public Law 104-52, as amended by Public Law 104-134, appoints the following individuals as members of the National Commission on Restructuring the Internal Revenue Service:

The Senator from Iowa [Mr. GRASSLEY];

David L. Keating, of Maryland;

J. Fred Kubik, of Kansas; and

Mark L. McConaghy, of Washington, DC.

APPOINTMENTS BY THE DEMOCRATIC LEADER

The PRESIDING OFFICER. The Chair, on behalf of the Democratic leader, pursuant to Public Law 104-52, as amended by Public Law 104-134, appoints the following individuals to the National Commission on Restructuring the Internal Revenue Service:

The Senator from Nebraska [Mr. KERREY]; and

Fred T. Goldberg, Jr.

ADJOURNMENT UNTIL TOMORROW

Mr. LOTT. Mr. President, if there be no further business to come before the

Senate, I now ask that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 5:57 p.m., adjourned until Thursday, May 23, 1996, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate May 22, 1996:

IN THE COAST GUARD

THE FOLLOWING INDIVIDUAL FOR APPOINTMENT AS A PERMANENT REGULAR COMMISSIONED OFFICER IN THE U.S. COAST GUARD IN THE GRADE OF LIEUTENANT:

ANDREW J. SORENSON

IN THE MARINE CORPS

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE U.S. MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER THE PROVISIONS OF SECTION 601, TITLE 10, UNITED STATES CODE:

To be lieutenant general

MAJ. GEN. JAMES L. JONES, JR., [redacted]

THE FOLLOWING-NAMED OFFICER, ON THE ACTIVE-DUTY LIST, FOR PROMOTION TO THE GRADE OF LIEUTENANT COLONEL IN THE U.S. MARINE CORPS IN ACCORDANCE WITH SECTION 624 OF TITLE 10, UNITED STATES CODE:

GEORGE W. SIMMONS [redacted]

THE FOLLOWING-NAMED LIMITED DUTY OFFICERS, ON THE ACTIVE-DUTY LIST, FOR PROMOTION TO THE GRADE OF LIEUTENANT COLONEL AND MAJOR AS INDICATED BELOW, IN THE U.S. MARINE CORPS IN ACCORDANCE WITH SECTION 624 OF TITLE 10, UNITED STATES CODE:

To be lieutenant colonel

RONALD J. CRABBS [redacted]
GORDON R. FINKLEA [redacted]
ROBERT H. IRVINE [redacted]
PAUL F. LEASE [redacted]
BILLY T. SKAGGS [redacted]

To be major

DENNIS J. ALLSTON [redacted]
ROY L. BIBBINS, [redacted]
MICHAEL A. BOGACZYK [redacted]
CLARENCE J. BROOKER [redacted]
GEORGE L. BROUNTY [redacted]
DAVID R. BURCH, [redacted]
MARK E. BUTLER [redacted]
DONALD C. CHAPMAN [redacted]
PHILIP J. COLE [redacted]
STEPHEN J. CORBITT [redacted]
JEFFERY A. CRAFTON [redacted]
BRADLEY I. DODD [redacted]
PHILLIP D. DURBIN [redacted]
JOHN J. FARLEY, [redacted]
JOSEPH R. GAUTREAU [redacted]
JOHN T. GERMAIN, [redacted]
ROBERT G. GOODWIN [redacted]
JEFFREY W. GRAVES [redacted]
RUSSELL L. GRIMSLEY [redacted]
GARY L. HARTLESS [redacted]
JERALD D. HOLM [redacted]
ISAIAH JOHNSON [redacted]
MICHAEL P. LANDRY [redacted]
FREDERICK R. LICHTY, JR. [redacted]
THEODORE W. MUELLER [redacted]
MICHAEL T. MULQUEENY [redacted]
TOMMY PIQUES, JR. [redacted]
MICHAEL D. PUCKETT [redacted]
ARTHUR F. PURCELL [redacted]
TIMOTHY S. RICKER [redacted]
ROY R. ROSAL [redacted]
EDWIN G. SCHROEDER [redacted]
ROBERT J. SOLNICK [redacted]
WILLIAM G. TERHUNE [redacted]
MARC W. WHITHORNE, [redacted]
LAWRENCE R. WOOLLEY [redacted]

HOUSE OF REPRESENTATIVES—*Wednesday, May 22, 1996*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We remember, O gracious God, those who have any special need in their lives, those family and friends and colleagues who are uncertain about their future or have doubts about the purposes and the designs of their very being. We pray, O God, that where there is doubt there would be renewed faith; where there is illness or infirmity there would be healing; where there is anger there would be reconciliation and peace and where the soul seems barren or empty, may Your spirit be present to forgive and restore and make whole. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Florida [Mr. FOLEY] come forward and lead the House in the Pledge of Allegiance.

Mr. FOLEY led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

> H.R. 1965. An act to reauthorize the Coastal Zone Management Act of 1972, and for other purposes.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LATHAM). The Chair will entertain fifteen 1-minutes on each side.

COMMEMORATING NATIONAL MISSING CHILDREN'S WEEK

(Mr. FOLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOLEY. Mr. Speaker, today I rise to commemorate this week as National Missing Children's Week. As Americans, we are all compelled by the heartbreaking stories of abductions and murders of children. Adam Walsh, and Jimmy Ryce, these are names and faces south Floridians will never forget. In 1995, nearly 5,000 missing persons cases reported that year remained unresolved.

We all grieve for the families whose cases remain unresolved—and pray that they may be reunited with their loved ones soon so that their lives can return to normal. As a nation we should try to prevent child victimization through education. Families should begin early by opening the lines of communication in their family, teaching children protection information that can help keep them safe. Knowledge empowers children, and high self-esteem gives them the confidence to trust their own feelings when they feel uncomfortable and need help.

Mr. Speaker, we need to join together as a community to help resolve missing children cases and Missing Children's Week is an important part of the awareness process.

GINGRICH-ARMEY RULE ON MINIMUM WAGE CONTAINS POISON PILLS

(Mr. BONIOR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BONIOR. Mr. Speaker, after months of prodding our colleagues who run this institution on the Republican side of the aisle to bring a minimum wage bill to the floor so we can get people who have chosen work over welfare an increase from $4.25 an hour to something that at least approaches what they need to live on, what do we get today? We get a rule and we get a bill that has odious poison pills in it that will kill the minimum wage.

This Gingrich-Armey rule is designed to do exactly that. It does not give a minimum wage increase to people, it repeals it for literally millions of people in this country. People who work in garment sweatshops across this country could find their wages lowered.

It is just an outrage. They do not get it yet. America deserves a raise; it needs a raise. We need a clean bill, no poison pills. Let us raise the wages of those who choose work over welfare. Let us vote against this Goodling amendment, vote against the rule, and then pass a good minimum wage.

COSTUME PRESIDENT

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, if we needed another example of how this President changes characters faster than Rich Little, here it is:

A year ago President Clinton put on his regulatory reform-er costume. He said that he wanted to give small businesses a break against agencies like OSHA, which were more interested in collecting penalties than in getting things fixed. In fact these are his words exactly, when he dressed up like someone sympathetic to small business:

> Enforcers will be given authority to waive up to 100 percent of punitive fines for small businesses so that a business person who acts in good faith can put his energy into fixing the problem, not fighting with the regulator. In other words, if they want to spend the fine money fixing the problem, better they should keep it and fix the problem than give it to the Government.

But now the President is wearing another costume. It's his reelection costume, and it's paid for by people who don't want regulatory reform and who could care less bout small business. And now the President has not only forgotten what he said when he was wearing that regulatory reform-er costume, he's actually opposing what he said.

Take a look at what the Clinton administration is saying on the small business OSHA reform bill. We put his regulatory reforms for small business into a bill, House Report 3234, and now the administration is getting ready to oppose the very proposals it made when the President was wearing the small business costume.

Mr. Speaker, costume changers are great entertainment. But we don't need any more of a costume President.

MINIMUM WAGE AT 40-YEAR LOW; AMERICANS NEED A RAISE

(Mr. DOGGETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOGGETT. Mr. Speaker, America need a raise. With the minimum wage at a 40-year low, America needs a raise. But our Republican colleagues, when the housing bill was up, instead of giving us a minimum wage increase they raised rents. And last week, when the wilderness bill was up, instead of giving us a raise in wages, they raised the number of acres that could be exploited with reference to the environment.

Now we reach today and we get another vote on the minimum wage, but what do our Republican colleagues propose? Instead of a real raise that working people can feel in their pocketbooks, they propose to raise the exclusion, exclude more workers from the basic fundamental protection of the minimum wage.

It seems to me these Gingrich-ites do not know up from down. American workers need to go up. They need to be empowered by an increase in the minimum wage, not be excluded from the basic fundamental protection and the sweatshops of getting any minimum wage at all.

Let us reject this Gingrich-ite proposal to exclude more American working families, and let us empower them with a real increase in the minimum wage.

INCREASE IN MINIMUM WAGE SHACKLES JOB OPPORTUNITIES

(Mr. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYWORTH. Mr. Speaker, my good friend from Texas starts again the endless litany of bromides and class warfare. The fact is we can create jobs in this economy if we free those who create jobs to have more. What we do when we try to take the Government and say, "You will do this or you will do that, Mr. Employer," is we shackle the very job opportunities that my friend from Texas purports to give honest working men and women.

It comes down to this basic premise, and it is one of fairness: Do we empower all in this country to achieve all they can achieve; or would we have Government, through capricious action, tell those who create jobs, "No, you are not entitled to create any more jobs; no, we are going to say to you we are going to penalize you for trying to create job opportunities, and instead it will be the Government who decides who giveth and, of course, the Government who, obviously, taketh away," with historic tax increases from this liberal side of the aisle and their liberal friends at the end of Pennsylvania Avenue.

REPUBLICAN PLAN WOULD EXCLUDE MORE WORKERS FROM MINIMUM WAGE

(Mr. PALLONE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PALLONE. Mr. Speaker, I am sometimes asked what does it mean to be a Democrat, and what it mans to be a Democrat is that you care about working people and their concerns and whether they are going to be able to earn a decent wage. That is what this vote is all about today.

All of a sudden the Republican leadership is forced to bring up a vote on the minimum wage, but instead of bringing it up in a clean fashion, what they are really doing is repealing it and making it so that a lot of people right now, who would be getting a minimum wage, even at the low amount that it is, are going to be not eligible, unfortunately, for the minimum wage.

So instead of bringing up a clean bill, where the minimum wage is increased and people have a decent wage, now we see the Republican leadership actually trying to repeal the minimum wage. That is what they are all about.

Just like they talked about repealing Medicare or letting it wither on the vine, now they want to let the minimum wage wither on the vine because they do not care about working people.

I heard what my colleague from Arizona just said. He is against the minimum wage, and that is what is going to happen here today. They are going to bring up a vote and use it as an excuse instead of raising the minimum wage to eliminate something like 3 to 7 million Americans from having any treatment and getting any minimum wage.

GOODLING AMENDMENT PROVIDES OPPORTUNITY WAGE FOR LOW-SKILLED ENTRY-LEVEL WORKERS

(Mr. GANSKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GANSKE. Mr. Speaker, we are going to get our first vote on raising the minimum wage today. I am going to vote for it.

I have been concerned that legislation with good motives can have adverse consequences, so I urge my colleagues on both sides of the aisle to vote for the Goodling amendment. It takes into consideration some specific things that we ought to look at.

Computer experts should not be paid 6.5 times more and then get a raise in their minimum wage. Restaurant workers do get tips. It takes into account that. But I and other people have been concerned about the loss of jobs for low-skilled workers, so, at my suggestion and others', the leadership has included in the Goodling amendment an opportunity wage.

The opportunity wage will encourage hiring of low-skilled entry-level workers by firms while maintaining the protections of the current minimum wage for a short period of time. This amendment is geared to blunt the impact of projected increases on low-skilled workers. The Goodling amendment is a good one. I urge my colleagues to vote for it.

IRS IS DOWNRIGHT PETTY

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, at times the IRS is not only arrogant and disgusting, they are downright petty. Check this out.

Louise and Harvey Phillips of Deltona, FL, got a demand letter from the IRS. The letter said, "You owe us money; and if you don't pay in 10 days, we will take legal action against you."

The Phillips' just got tired of the drag, so they wrote a check, ladies and gentlemen, for the entire amount. One red cent. The Phillips then asked, "Why are you so petty?" And the IRS said, "That's none of your business. You will get an answer in 8 weeks."

Beam me up, Mr. Speaker. No wonder the American people are taxed off. I think the Congress of the United States of America should tell the IRS to shove that Phillips penny right up their software. I think we should also tell them that the Phillips' of Deltona, FL, just happen to be their boss.

Think about it. Yield back the balance of this 32 cent stamp for a 1 penny settlement with the IRS.

INCREASE IN MINIMUM WAGE WILL MEAN 500,000 JOB LOSS

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, today the Democrats say goodbye to 500,000 jobs, according to the Federal Reserve, which is what the impact of increasing the minimum wage will be. That is no problem, though, because most of those folks will get on public benefits, which is exactly where the Democrats want them, right under the thumb of the Government so they can create dependency on the Government.

Do my colleagues know who is on minimum wage? Sixty-six percent of the people are part-time workers. Thirty-nine percent of them are teenagers. Two percent are over 30 years old. And those who start with a minimum wage are making $6.05 an hour within 1 year. It is an entry-level wage.

I started at minimum wage when I was 16 years old. I have worked minimum wage in the restaurant and the construction business. I learned skills, and as I learned them, I was paid more. That is how the private sector, the capitalistic free enterprise system, works.

I am sorry there are so many people who lean with socialistic tendencies to government solutions to every possible problem that is out there. I say let the private sector get out there and compete. Let us save the jobs and cut out the talk about increasing the wage.

AMERICANS DEMAND A CLEAN MINIMUM WAGE INCREASE

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Speaker, I am glad to follow my colleague from Georgia talking about that. If he had his way, we would still be 25 cents an hour from 1938. That was the first minimum wage.

After months of blocking attempts to increase the minimum wage, the House Republicans are finally going to allow us to have a vote. But my colleagues should not be fooled by this sham. It is not an increase, it is actually a cut. It is exempting millions of workers from the minimum wage.

This bill only will attach special interest provisions to exempt those millions from minimum wage. Eighty percent of the American people support an increase in the minimum wage, but the Republicans want it without the gimmicks of the exemptions for restaurant workers, the exemptions for computer operators, the exemptions they are providing.

They are actually taking people off the minimum wage benefit. That is what this sham is about. They do not really want a minimum wage. Just continue to listen to them. They do not want an increase in the minimum wage. They do not want a minimum wage. They want everybody to work for a quarter an hour.

□ 1015

WELFARE REFORM

Mr. GUTKNECHT. Mr. Speaker, as I speak, literally millions of Americans are trapped in a cycle of dependence known as the modern welfare state. It is a system characterized by drug abuse, fatherlessness, violence, and the wholesale destruction of the family. The welfare state encourages teen pregnancy and destroys the work ethic.

People have literally lost their freedom and their self-respect because of the so-called compassion of Washington's liberals.

When he ran for the Presidency, Bill Clinton said that he would end welfare as we know it. Instead he vetoed commonsense welfare reform, not once, but twice. As we've seen in so many other instances, his word cannot be trusted. Bill Clinton is playing politics with the lives of millions of Americans. His broken word guarantees the survival of the failed welfare system.

Mr. Speaker, when it comes to reforming welfare, our President is the great pretender.

THE MINIMUM WAGE

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, today the House takes up increasing the minimum wage, and, in what amounts to little more than a political dance, the Republican majority has designed the debate to ensure that we take one step forward and two steps back. By coupling an increase in the minimum wage with an amendment exempting companies with less than $500,000 annual gross sales, the Republicans have assured a minimum wage increase that is unfair and is unacceptable.

Mr. Speaker, if the amendment passes, 10 million hard-working Americans will be excluded from the increase, and millions more Americans already covered will lose their coverage.

The gentleman from Texas [Mr. ARMEY] was not kidding when he said he would, and I quote, resist an increase in the minimum wage with every fiber of his being. By increasing the minimum wage and making it less available, the Republican leadership is dancing around an issue that 80 percent of the American people support. In words that DICK ARMEY can understand, a country music song goes: One step forward, two steps back; nobody gets too far like that.

AMERICANS WANT WELFARE REFORM

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, welfare reform is something that the American people want. Both parties have promised to reform our current broken-down system, but I believe Republicans have delivered. This Republican Congress sent a strong welfare package to President Clinton, and he vetoed it.

Today Republicans are going to try again. We are introducing a strong welfare reform bill that concentrates on family and individual responsibility. Our package lifts families out of the destructive welfare cycle of poverty and despair. It stresses work, and allows States the flexibility to design programs that fight their residents' needs.

Mr. Speaker, I hope that this time around the President keeps his promise and signs a strong welfare reform package. His record on this issue has not gone unnoticed by the American people. It is time to reform welfare. Let us do it now.

REPUBLICANS AND THE MINIMUM WAGE

(Ms. MCKINNEY asked and was given permission to address the House for 1 minute.)

Ms. MCKINNEY. Mr. Speaker, finally, after months of prodding and pleading with the Republican leadership, we are going to vote on increasing the minimum wage.

Not too long ago, Mr. Speaker, members of the Republican leadership were saying things like, and I quote,

> I will resist an increase in the minimum wage with every fiber of my being.

Or,

> I'll commit suicide before I vote on a clean minimum wage bill.

While the vote on increasing the minimum wage will only be an amendment to another bill, the fact of the matter is that the votes that we're taking today are neither clean nor real. NEWT GINGRICH and the Republicans have found yet another way to feed the American people a pig in a poke. This Republican political sleight of hand will actually repeal the minimum wage laws and exclude workers from minimum wage protections.

Mr. Speaker, we all feared that the Republicans would go too far. We all feared that the Republicans would serve their rich fat-cat friends at the expense of the rest of us. But, by their offerings today, they've confirmed that our worst fears have indeed come true.

PRESIDENT CLINTON AND WELFARE REFORM

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARLETT of Maryland. Mr. Speaker, it is an election year, so President Clinton is campaigning as a born again conservative, but talk is cheap.

Take welfare reform. In his Saturday radio address, the President said: "Four years ago, I challenged America to end welfare as we know it."

Something funny happened to welfare reform after candidate Clinton became President Clinton. For 3 years—nothing. Then President Clinton vetoed comprehensive bipartisan welfare reform not once, but twice.

The President bragged that he has approved 38 waivers for State welfare reform.

The President neglected to mention that 27 States are still waiting for waivers or that the average wait for the President's approval is 210 days.

The President singled out Maryland's welfare reform for praise.

The President forgot to say that Maryland's Governor Glendening boasted that his personal friendship with the President reduced the waiting period before Maryland's waiver was approved to only 6 months.

It's outrageous for President Clinton to insist that Washington retain its grip on a failed national welfare system.

REPEAL OF THE MINIMUM WAGE

(Mr. KLINK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLINK. Mr. Speaker, a few of the previous spokespersons on the other side talked about welfare reform. If we are going to reform welfare, we have to pay a livable wage for work.

Today, after months of prodding, we are finally going to get an amendment to raise the minimum wage. Only the Republican leadership could, under the guise of raising the minimum wage, actually repeal the minimum wage for millions of American workers. You see, currently those companies that do less than half a million dollars gross per year do not have to pay minimum wage if they are involved in interstate commerce. The Republicans think that is a mistake. So today, they say they are going to fix that.

What they are really going to do is to open the door for garment industry sweatshops, for industrial piecework. This is done in the home for sheltered workshops, for farm workers across this Nation who support their family, not to make a minimum wage. They are going to try to lower wages, see that there is no overtime pay, see that we are returned to long work hours, that we get rid of child labor abuses, protections. We have a situation where they are concerned about computer operators making a livable wage, waiters and waitresses, but they are not concerned about ECO's making 220 times what their workers make.

DEVICE FOR SELF-EXAMINATION OF BREASTS

(Mr. BARTON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTON of Texas. Mr. Speaker, if I asked the Members of the House what this simple device is, I doubt that very many of my colleagues could tell me what it is. It is actually a breast sensor pad which is designed to be used by women to self-examine their breasts to see if they have breast cancer lumps.

Mr. Speaker, it took the FDA 10 years to approve this simple device for limited use under a doctor's prescription for women to self-examine their breasts. The gentlewoman from Nevada [Mrs. VUCANOVICH] and myself are introducing today a bill that would make this device, which literally could save thousands of lives each year, available over the counter so that millions of American women can go into their drugstore and purchase this and in the privacy of their home self-examine their breasts to see if they have cancer lumps. We desperately need to get this device available.

Nancy Brinker, whose sister, Susan B. Komen, died of breast cancer, and who has established a breast cancer research center in her sister's name, has told me that this simple device is very, very useful and should be available to every American woman who wishes to purchase it. Please join Congressman VUCANOVICH and myself in sponsoring this bill.

EXPLOITING PEOPLE

(Mr. MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of California. Mr. Speaker, today we are going to get a vote on the minimum wage, but unfortunately under the amendments offered by Speaker GINGRICH and the Republicans, they will repeal and take away the benefits of the minimum wage for up to 10 million American workers. For the students who work while going to school, for people who work all day in the sun to put food on our table, for the people who work in sweatshops, for people who wait on us in restaurants and for the disabled who are trying to earn a living and support themselves with their disabling condition, 10 million American workers will find that they will no longer have the protection of the Fair Labor Standards Act and the minimum wage.

NEWT GINGRICH is once again going to bring back the ability of employers to exploit children in the workplace, to exploit women in sweatshops, to exploit the disabled in sheltered workshops. This is not what the American people want. The American people want an increase in the minimum wage so those individuals who have chosen work over welfare will have the ability to support their families, not to exploit those people.

UNEMPLOYMENT IN AMERICA

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, last night on the national news it was reported that Americans who have lost their jobs in the 1990s have had to stay out of work much longer than those who lost jobs in the 1980s.

In addition, those who have lost jobs in the 1990s have almost always ended up having to take jobs paying much less than the ones they lost, paying much less than the ones they lost. One and one-half million people have lost good jobs due to corporate downsizing in the last 3 years. We lost 3 million jobs last year due to our trade deficit with other countries. Our unemployment rate is relatively low, but our underemployment rate is terrible.

Most college graduates cannot find jobs in their degree fields, and we are ending up with the best educated waiters and waitresses in the world, yet our Federal Government continues to overtax and even worse overreguate our economy.

Today Government regulations and redtape are making it extremely difficult for small businesses and small farms to survive. We hear about economic insecurity, but many have been lulled into a false sense of complacency, primarily because the stock market is high.

THE POISON PILL IN RAISING THE MINIMUM WAGE

(Mr. WYNN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYNN. Mr. Speaker, by now it is abundantly clear that the Republican leadership wants to kill the minimum wage with a poison pill. Let me explain. Right now 80 percent of the American population wants a raise in the minimum wage. There is bipartisan majorities in both Houses who support an increase in the minimum wage. Today we will have a bill to increase the minimum wage. So what is the problem? Where is the pill?

Well, in this bill there is an amendment that would exempt two-thirds of the companies from the requirements of the bill. That is to say, two-thirds of the companies would not have to pay the minimum wage, which means up to 10 million workers would not get the minimum wage. So we are witnessing today a sham, a minimum wage bill that the people want, that the majorities in Congress want, but that the Republican leadership refuses to bring forward.

They will not bring forward a clean minimum wage. They would rather perpetrate this sham and undermine real minimum wage increases.

RUBBER PRESIDENT

(Mr. BASS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BASS. Mr. Speaker, I bring to your attention an editorial which appears in today's New Hampshire Union Leader entitled, Rubber President, Here's Bill Clinton, Contortionist Extraordinaire.

The editorial discusses the fact that the President has twice vetoed welfare reform and yet, if I may quote, it says, "Knowing BOB DOLE has scheduled a major speech today on the subject of welfare, Mr. Clinton did an about-face over the weekend to declare his support for Wisconsin's Republican welfare reform plan. Unbelievable.

Governor Tommy Thompson's innovative Wisconsin Works program embodies more reform, a lot more reform, than either of the two bills Mr. Clinton vetoed. But now the President says he thinks Governor Thompson's approach is just peachy.

Republicans should call Mr. Clinton's bluff. They should not let him get away with telling the voters he is for welfare reform while vetoing sensible reform bills. Congress should present him with a welfare reform bill based on the Wisconsin plan and dare him to veto what he says he supports.

That is what we will do today, Mr. Speaker. We are going to introduce a sensible welfare reform bill.

ROLLING BACK THE CLOCK

(Mr. WARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WARD. Mr. Speaker, the entire Gingrich-Dole Congress that we have seen for the last year and a half has been about one thing: rolling back the clock. Whether it is on Medicare, the environment, educational assistance that we give from the Federal Government, it has been about rolling back the clock.

Here we go again. Now under the guise of raising the minimum wage, which is at a 40-year low in purchasing power, they are in fact going to repeal the minimum wage for millions of American workers.

□ 1030

Just think of the cynicism that reflects, the opportunity of helping people who are trying to get ahead, people who are playing by the rules and trying to stay off welfare. They are using that as an opportunity to take millions off the protection of the minimum wage.

We only need to remember what the Gingrich-Dole leader of the Congress said. "I will resist a minimum wage increase with every fiber of my being," he said. And do my colleagues know what? What they are doing today makes me sick.

NO MFN FOR BARBARIC PEOPLE LIKE THIS

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLF. Mr. Speaker, I have a picture here showing Chinese security forces lining men up and putting pistols in the back of their heads and shooting them, and then they take their kidneys and their cornea for transplantations and sell them to people in the West.

We are going to give MFN to a country like this?

What baffles me is, as a Member who has served in this body during the 1980's when Sakharov was under house arrest, and it was his 75th birthday yesterday, and Sharansky was in Perm Camp 35, no Member of the Congress would have had the courage to come to the well of this House and ask for MFN for the Soviet Union, and yet this administration and this Congress are really going to consider doing that.

Members may not want to hear this, and the administration may not want to hear this. This may be the fundamental moral human rights issue that this Congress has to deal with.

Take a look, Members, and I have the film, the 13-minute film. Call my office, we will bring it by. Lining men up, putting pistols in the back of their head, shooting them, and then taking their kidneys and corneas for transplant. No MFN for barbaric people like this.

REPUBLICAN EXTREME AGENDA CONTINUES TODAY ON THE MINIMUM WAGE

(Mr. WATT of North Carolina asked and was given permission to address the House for 1 minute.)

Mr. WATT of North Carolina. Mr. Speaker, today we are going to see the rest of the story, the rest of this extreme agenda that the Republican leadership has been playing out all this term of Congress. We have seen it in Medicare, we have seen it in an erosion of occupational safety, we have seen it in an effort to allow the big cats to raid pension plans, we have seen it in wage and hour laws changes, and today we see the rest of the story: They are coming today to try to do away with the minimum wage.

Now they are talking about giving a minimum wage increase, but the truth of the matter is this bill will attempt to repeal the minimum wage for three-fourths, 75 percent, in fact, of the companies in this country, and that is outrageous and unacceptable and extreme.

The rest of the iceberg will be seen today.

INTRODUCTION OF THE BREAST CANCER DETECTION ACT

(Mrs. VUCANOVICH asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. VUCANOVICH. Mr. Speaker, what is pink, round, was stalled at FDA for 10 years and now can be obtained only by prescription? No; it is not a funny riddle. The sad truth is it describes the sensor pad, an important tool which could be used to aid breast lump detection.

While the FDA has finally approved this product, it is available only by prescription. Instead of paying only $21.95, women must first go to a doctor to get a prescription, making costs rise substantially. FDA's action restricts access to women who simply cannot afford to go to the doctor unless something is truly wrong.

This year it is expected that 184,300 women will find out that they have breast cancer. Since there is no cure for breast cancer, we must continue to give women encouragement to perform breast self-examinations and take part in other early-detection practices. Today I am introducing the Breast Cancer Detection Act to make this examination aid available. I urge Members to cosponsor this important bill.

GIVE THE AMERICAN PEOPLE WHAT THEY NEED: A RAISE

(Mr. VENTO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VENTO. Mr. Speaker, this GOP minimum wage bill is a hoax; it is really indecent. All year long the Republican House and Senate have refused to raise the minimum wage, even to have a vote on it. Now we know why: because Republican leadership, between GINGRICH and DOLE, are devising an excuse, a scheme really, to gut and repeal the existing minimum wage. One step forward, two steps back, a measure which would give a license to the Republican corporate friends to exploit the work force, working families. Working families do not need bait-and-switch. They need, working families do not need, political games. They need a raise. They need empowerment, a wage that takes them above the poverty level, and a Congress that votes for a minimum wage on the level.

Mr. Speaker, the best welfare program is a job and a job that pays a living wage. Let us vote for a clean minimum wage bill and give the American people the type of empowerment that working families need: self-sufficiency with an adequate living wage so they can take care of themselves.

PRESIDENT OUTRAGEOUSLY CLAIMS HE IS COVERED BY THE SOLDIERS AND SAILORS RELIEF ACT

(Mr. WELDON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELDON of Pennsylvania. Mr. Speaker, this story should be in Ripley's Believe It Or Not. Lawyers for the President of the United States, Bill Clinton, who has been sued by a former Arkansas State employee, have now asked to postpone the lawsuit claiming that the President, who is the commander in chief, should be covered by the Soldiers and Sailors Relief Act of 1940, which means they are claiming that Bill Clinton should be protected as a uniformed service member.

Mr. Speaker, this is outrageous. On the eve of Memorial Day, this man, to avoid a lawsuit, would claim he is protected because he really is wearing the uniform of this country.

Mr. Speaker, how outrageous can we get? Only in Ripley's could we find such a story.

Please join me and sign the letter authored by our colleague, the gentleman from Arizona [Mr. STUMP], to this President asking for some civil decency.

FIFTEEN PERCENT RAISE FOR CORPORATE EXECUTIVES; REPUBLICANS ATTEMPTING TO REDUCE MINIMUM WAGE

(Mr. MARKEY asked and was given permission to address the House for 1 minute.)

Mr. MARKEY. Mr. Speaker, Harry Truman used to say the Republican Party supports the minimum wage. The lower the minimum, the better.

In today's Forbes magazine, the bible of the Republican Party, we find that the 800 top chief executives in the United States averaged $1.5 million last year, up 15 percent. But for the minimum-wage workers in this country, the Republican Party wants nothing for them, no increase whatsoever, and the proposal they are bringing out here will lead to a reduction in pay for millions of these working people.

The Republican Party has had two responses so far this year. First, like Oliver Twist, when he held up his empty bowl and said "More," the workhouse master said, "Too much," and the second Republican response has been revolutionary, as in the French Revolution when the starving French citizens pleaded for bread and Marie Antoinette said, "Let them eat cake."

REPUBLICANS AND THE MINIMUM WAGE—THEY OUGHT TO BE ASHAMED

(Mr. LEWIS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Georgia. Mr. Speaker, NEWT GINGRICH and BOB DOLE oppose an increase in the minimum wage. The Republican leader has said he will fight the minimum wage with every fiber in his being and the Republican whip has said in regard to families living on the minimum wage, they do not exist.

Today, the Republicans in this House are pulling one of the dirtiest and most despicable deceptions I have seen in my 10 years in this House. They say they support an increase in the minimum wage, but today they will vote to repeal the minimum wage for nearly two-thirds of the people earning that wage. That is right, repeal the minimum wage.

Unbelievable, Mr. Speaker. Extreme in the extreme. You ought to be ashamed of yourselves, Mr. Speaker, you ought to be ashamed.

PERMISSION FOR SUNDRY COMMITTEES AND THEIR SUBCOMMITTEES TO SIT TODAY DURING THE 5-MINUTE RULE

Mr. GUTKNECHT. Mr. Speaker, I ask unanimous consent that the following committees and their subcommittees be permitted to sit today while the House is meeting in the Committee of the Whole House under the 5-minute rule: The Committee on Agriculture, the Committee on Commerce, the Committee on Government Reform and Oversight, the Committee on International Relations, the Committee on National Security, the Committee on Resources, the Committee on Veterans' Affairs, and the Permanent Select Committee on Intelligence.

It is my understanding that the minority has been consulted and that there is no objection to these requests.

The SPEAKER pro tempore (Mr. LATHAM). Is there objection to the request of the gentleman from Minnesota?

There was no objection.

PRAIRIE ISLAND INDIAN CHARTER REVOCATION

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent for the immediate consideration in the House of the bill (H.R. 3068) to accept the request of the Prairie Island Indian Community to revoke their charter of incorporation issued under the Indian Reorganization Act.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

Mr. KILDEE. Reserving the right to object, Mr. Speaker, and I will not object, I yield to the gentleman from Washington [Mr. HASTINGS] to enable him to explain the legislation.

Mr. HASTINGS of Washington. Mr. Speaker, the purpose of H.R. 3068, authored by the gentleman from Minnesota [Mr. GUTKNECHT], is to accept the request of the Prairie Island Indian Community to revoke their charter of incorporation issued under the Indian Reorganization Act. The Federal charter of incorporation for the community contained a provision which requires that it can only be revoked by an act of Congress.

The revocation was requested by the community because the community has never used it in the management of its enterprises, finding it to be outdated, ineffective, and cumbersome. Instead, the community relies on provisions in its constitution.

A similar revocation relating to the Minnesota Chippewa Tribe was included in Public Law 104–109. I ask for the Members' support for this noncontroversial measure.

Mr. GUTKNECHT. Mr. Speaker, will the gentleman yield?

Mr. KILDEE. Further reserving the right to object, I yield to the gentleman from Minnesota.

Mr. GUTKNECHT. Mr. Speaker, today I am pleased to offer H.R. 3068, a bill to repeal the corporate charter of the Prairie Island Dakota Community in Welch, MN.

The tribe contacted me last June requesting revocation of their 1934 charter. By law, revoking this 62-year-old document can only be done by an act of Congress.

In its entire tribal government history, the Prairie Island Community has never used its corporate charter in the management of its enterprises. Additionally, with this outdated and paternalistic charter, the tribe is restricted from doing many of the things necessary to carry out business activities.

For example, the community cannot sell or mortgage property, lease land for more than 10 years, or contract for work without approval from the Interior Department.

This legislation acknowledges that the people of Prairie Island know best how to handle their business. It is another example of this Congress sending control back to local communities, and I am proud to be a part of that process.

My colleagues, I and the good people of the Prairie Island Community would appreciate your support for this important legislation.

Mr. KILDEE. Mr. Speaker, further under my reservation of objection, like many tribes, the Prairie Island Community has realized the many shortcomings of the BIA's 1930's policy of encouraging tribes to incorporate under the Indian Reorganization Act. I think that it is a good thing that we are finally beginning to shed some of the paternalistic vestiges of those times. I hope that we keep this in mind as we deal with future legislation affecting Indian tribes.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

The Clerk read the bill, as follows:

H.R. 3068

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REVOCATION OF CHARTER OF INCORPORATION OF THE PRAIRIE ISLAND INDIAN COMMUNITY UNDER THE INDIAN REORGANIZATION ACT.

The request of the Prairie Island Indian Community to surrender the charter of incorporation issued to that Community on July 23, 1937, pursuant to section 17 of the Act of June 18, 1934, commonly known as the "Indian Reorganization Act" (25 U.S.C. 477) is hereby accepted and that charter of incorporation is hereby revoked.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1997

The SPEAKER pro tempore. Pursuant to House Resolution 437 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3259.

□ 1045

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3259) to authorize appropriations for fiscal year 1997 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, with Mr. DICKEY in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Texas [Mr. COMBEST] and the gentleman from Washington [Mr. DICKS] will each control 30 minutes.

The Chair recognizes the gentleman from Texas [Mr. COMBEST].

Mr. COMBEST. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am pleased to bring H.R. 3259, the Intelligence Authorization Act for fiscal year 1997, before my colleagues for consideration and, I trust, approval.

Before I turn to the contents of the bill, I would like to thank the staff of the committee for their hard work. We marked up two bills in 1 week and brought this bill to the floor in half the time that we have taken in the past. None of this would be possible without our staff's diligence and very long hours.

Five short months ago, I spoke on the floor about the conference report for the fiscal year 1996 authorization. I noted at that time that we had been disappointed in the President's budget submission on intelligence for fiscal year 1996 because it did not show the forward thinking and vision I think our intelligence policy needs. Instead of a blueprint, we got a snapshot of 1 year's needs. I also noted that another such submission would not be acceptable. I had been assured by both the Vice President and the Director of Central Intelligence that the fiscal year 1997 intelligence budget would show vision and foresight.

Unfortunately, this has not been the case. The budget we received was more of the same, another status quo budget. To say that we have been disappointed would be an understatement. That is why the committee has made more substantial changes in the intelligence budget than last year. The details of those changes are in the classified annex, which I hope Members have taken the time to read.

Our changes were made only after the most careful consideration. We held 6 full committee hearings, 15 member briefings, and more than 100 staff briefings. I might add that we expect to have further briefings between now and conference on issues that are still undergoing changes.

Overall, this bill increases the amount requested by the President by an additional 3.9 percent. It is money well spent. As always, our ability to talk in detail on this subject is limited, but as many of my colleagues know, U.S. intelligence continues to provide crucial support for sensitive negotiations and for U.S. forces deployed overseas, and in combating terrorism, narcotics, and proliferation.

I would like to spend a few moments highlighting some of the major aspects of this bill.

Our most important intelligence asset is the people who are the intelligence community. Downsizing, more drastic than we had first assumed, has taken its toll and yet we are still faced with the problem of the proper skills mix in each NFIP agency. There are also a number of quality of life issues that are of fundamental importance. I give DCI Deutch full credit for making personnel reform his highest priority issue. Unfortunately, he did not provide the committee with the kinds of detail we require in order for us to commit the sums of money he needs. Section 403 of our bill denies authorization for the expenditure of funds for personnel reforms until the committee is briefed. Some may argue that we are taking the DCI to task with this provision. We are not. Our colleagues in the other body have no provisions at all in their bill that deal with personnel reform. Section 403 is a good-faith pledge on the part of our committee that we will address this important issue when we have a detailed proposal.

Some of our most important changes to the President's budget are in the National Reconnaissance Program. Last year we began to force the NRO to give more thought to alternative means of intelligence collection, with satellites that are smaller and cheaper, yet no less capable. Many attacked this vision. I am happy to report that it has been confirmed by experts and that we will continue to push the NRO along these lines. We are coming up to a crucial moment of generational change in our satellite systems. Unless we begin planning for that now, we will face a future when we will pay more to know less in a more complex world.

As we did last year, we are limiting the amount of money that can be spent on declassification under President Clinton's Executive Order 12958. We favor more open government. Some of the recent declassifications of such programs as CORONA and VENONA underscore the achievements and importance of intelligence. But we do take exception to having annual expenditures mandated by an Executive order for a program that has yet to prove it can declassify without revealing secrets.

H.R. 3237 helps put us on the path toward the intelligence community we will need in the 21st century. I despair that this President will ever give us the kind of intelligence budget that will move us in the right direction by bold and large steps, rather than hesitant ones. I look forward to the next President doing so, soon. Until then, I know that my colleagues will support this bill so that we can move the intelligence community in a positive direction.

Mr. Chairman, I reserve the balance of my time.

Mr. DICKS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of the legislation now before the House.

I want to begin by commending Chairman COMBEST for the manner in which he has presided over the committee's activities this year. He has been solicitous of the views of the Democratic members and has sought to address our concerns when he felt it possible to do so. We do not agree on every issue, although we do agree on many, but I have always felt that he was willing to give us the opportunity to make our case, particularly on matters concerning the intelligence budget.

We are, of course, waiting to have a couple of additional hearings, Mr. Chairman, on some of the issues that we discussed in our markup.

At a time when most programs are feeling the effects of a constrained budget environment, H.R. 3259 provides a significant increase—nearly 5 percent over the amount authorized for the current fiscal year and about 6.5 percent over the amount appropriated for fiscal year 1996. While some of this increase is the result of the substantially higher defense budget approved by the House, a major portion reflects decisions by the committee that a number of intelligence systems need to be modernized to respond to future requirements. These improvements to highly complex systems are expensive, but they are necessary if the United States is to retain the world's preeminent intelligence capability—a capability that will be of increasing importance as a source of early warning to policymakers and military commanders in the years ahead. I urge the House not to adopt amendments which would make across-the-board reductions in the authorization level in this bill. While I understand the sincerity of the views which motivate those amendments, I believe they would substantially impair the ability of the intelligence community to make investments in several systems that will be of great value in the future.

In spite of the positive aspects of this bill, committee Democrats have, as we did last year, several fundamental disagreements with the majority over programs administered by the National Reconnaissance Office [NRO]. The bill would terminate or delay a number of programs designed either to address intelligence shortcomings noted in the Persian Gulf war or in other ways to improve the provision of timely support to intelligence customers, particularly the battlefield commander. Military operations, and the sophisticated weapons systems which are used in them, place an increasingly high premium on accurate intelligence.

On March 6 of this year, former Secretary of Defense Harold Brown and former Senator Warren Rudman appeared before the committee in open session to report on the work of a commission they led, and on which I served, to examine the roles and capabilities of U.S. intelligence. At the March 6 hearing, Secretary Brown noted that "if it were not for the existence of the Department of Defense, the intelligence budget would, in my judgment, be maybe 10 percent of what it is." I agree with Secretary Brown about the priority of military requirements within those assigned to the intelligence community. I further believe that we should proceed very carefully when we decide to alter a satellite architecture which Defense Department officials, both civilian and uniformed, have indicated is essential to ensuring that future military operations can be conducted successfully without unnecessarily endangering American personnel.

Regrettably, the committee has embarked on a course, with respect to NRO programs, which will leave important military intelligence requirements unmet. That is not a good result in a bill which establishes authorization levels that in the aggregate can only be justified on national security grounds. Before we finally endorse decisions which may place at risk the ability of the Department of Defense to fulfill its mission, we need to clearly understand what capabilities we are being asked to forgo and the consequences of those actions. To his credit, Chairman COMBEST has promised that, before we get to conference on this legislation, hearings will be held on these matters. I hope those sessions will provide a firmer basis than we now have for making judgments in these critical areas.

Mr. Chairman, despite the reservations just expressed, I believe the bill before us is, in balance, a sound one and should be approved. I look forward to working with Mr. COMBEST to improve it in conference, but I urge its adoption today.

Mr. Chairman, I yield 6 minutes to the gentleman from New Mexico [Mr. RICHARDSON], a distinguished member of our committee.

Mr. RICHARDSON. Mr. Chairman, I thank the ranking member for yielding time to me.

Mr. Chairman, let me first express my most heartfelt appreciation to Chairman COMBEST for his support in allowing me to undertake several initiatives in the intelligence and foreign policy arena. Mr. COMBEST has been very accommodating since assuming the chairmanship of the Intelligence Committee and I want to commend him for his stewardship.

Second, I would like to congratulate the chairman for crafting a bill in a nonpartisan fashion that catapults our intelligence community into the future armed with the necessary tools to perform an ever changing and diverse mission. In past years, the focus of our intelligence operations and efforts were rightfully targeted predominately at the former Soviet Union. With the demise of the cold war and the splintering into several independent states of the Soviet Union, new and different requirements have been leveled on the intelligence community. No longer can we concentrate solely on issues concerning Soviet force strength and military concept of operations. Today's policy makers need accurate intelligence information on global issues such as proliferation of weapons of mass destruction, narcotics, terrorism and world economies. I am confident that the bill crafted by the chairman and ranking democratic member NORM DICKS, prepares the community to meet the challenges posed by their new missions and requirements.

When Director Deutch testified at his confirmation hearing before the Senate Intelligence Committee he stated that his No. 1 priority was to replace an arcane and ancient personnel system with a system that responded to the dynamics of todays working men and women. I am concerned with the committees action in not fully supporting the Director in his personnel initiative and fear the action that the committee has taken is simply not in the best interests of the dedicated men and women of the Central Intelligence Agency. These individuals perform very difficult tasks and it is in large part because of the tireless work they do that Americans across our great Nation are able to sleep peacefully at night without fear of a foreign threat. In the coming weeks I hope that the committee will not lose sight that people are the CIA's most valuable asset and that the necessary funds should be authorized if we are to maintain an intelligence agency second to none in the world. The DCI has put a tremendous amount of thought and work into this effort and we should support the employees of CIA by throwing the weight of this committee and the Congress behind the personnel proposal.

Mr. Chairman, when I was first appointed to serve on this important committee I was struck by the dearth of minorities employed in the intelligence community. The percentages of minorities represented in the various intelligence agencies lagged so far behind the civilian labor force that it was quite frankly embarrassing. Since that time, significant progress has been achieved and I congratulate the directors of intelligence community agencies for their attention to this very important issue. Women and minorities have always been and shall continue to be significant contributors to our society. Their talent, commitment, and patriotism is as evident as anybody's and they should have the same opportunities as any American. I encourage the leaders of the intelligence community to continue to tap into the vast resources of our minority and female population. Additionally, I want to praise Chairman COMBEST for his commitment in continuing this committee's resolve to discharge our oversight responsibility in this critical area.

Mr. Chairman, throughout my tenure on the Permanent Select Committee on Intelligence I have been a constant proponent of covert action. When used properly in support of foreign policy, covert action is an effective weapon in a diplomats arsenal. To ensure our capability to conduct successful covert action activities, an infrastructure must be maintained that will permit the CIA to undertake covert action activities on short notice yet with the necessary support base required for successful operations. I believe that the bill before us today satisfies my concern that such a capability be sustained at an appropriate level. While the need for engaging in covert activities may be minimal today, nobody can predict the future. Therefor, maintaining a prudent infrastructure acts as an insurance policy for our Nation and I am pleased to recognize that our bill provides our citizens with the necessary coverage.

In closing Mr. Chairman, I would like to express one final concern. While I support this bill I am somewhat troubled by the funding level. The measure before us today is 3.9 percent above the administration's request and 4.9 percent over last year's authorized level.

In a period of Government downsizing every effort should be made to ensure that no agency is getting more money than it needs. In fact, we in Congress should do everything in our power to ensure that the Federal Government operates on an astute budget. I am fully aware of the importance intelligence plays in our Nation's security and of the argument that as our defense establishment downsizes the role of the intelligence community increases if for no other reason than for indications and warning purposes. However, we must not exempt intelligence agencies from sharing their fair burden in downsizing the Federal Government. That being said, let me point out that I have full and complete confidence in the chairman and ranking Democratic members ability to formulate an intelligence budget that accurately reflects the needs of our country. I just wanted to raise this issue as a concern of mine because I don't want to send a signal that there is a bottomless reservoir of funds available for intelligence purposes. My concerns about funding levels and commitment to maintaining a lean yet sufficient intelligence budget is in no way reflective of the high regard in which I hold intelligence community personnel. I appreciate the fine work intelligence employees do, the Nation appreciates the duties they perform.

□ 1100

Mr. Chairman, at a later time in this amendment process I will be offering an amendment that I believe makes sense, that is supported by the Nation's journalists and media, that basically states, which is already a policy of the agency, that no intelligence assets will be used with journalists. I will be offering this amendment later. I urge support for this provision.

Again, my thanks to Chairman COMBEST for his support of my activities and for crafting a good bill, not a perfect bill, but still a bill that deserves our support.

Mr. COMBEST. Mr. Chairman, I yield myself 2 minutes to say I appreciate the kind remarks of both the ranking member, Mr. DICKS, and the gentleman from New Mexico, Mr. RICHARDSON. It is a pleasure working with all members of this committee. While we may have some philosophical differences, we, I think as well as any committee, have always tried to make certain that every member was heard.

Let me just make two quick comments, one on the issue of the comments by the gentleman from New Mexico on the overall amount of the budget. I would remind Members that in real numbers this budget is 14 percent below fiscal year 1990 in terms of expenditures.

The issue of personnel, I would just want to state for the record that this committee has always had, No. 1, a keen respect and admiration for the individuals who put their lives on the line and for the intelligence community. We initiated on this committee in the past major personnel reforms. I might add last year we did that, as well, and found both the administration and other committees of the Congress in objection to those, and subsequently those were removed from the bill.

As explained to the Members in the personnel hearing, we will be moving forward on the DCI's recommendations for personnel reform, only wanting to look at those in a much more detailed fashion than we have been able to do up to this point. I would be remiss if I did not indicate we do have great admiration for those people who are involved in the community.

In the area of overall funding, without getting into those areas that make it difficult to discuss, I am sure the gentleman from New Mexico is aware, following a discussion of the National Reconnaissance Organization's carryforward account last year, which was discussed quite publicly, and even more so recently, there were substantial reductions taken in last year's level. When we compare our this year's bill to the last year's level, we are accommodating a request of the administration to replace some of those funds that were taken out last year, to the tune of several hundreds of millions of dollars and, consequently, that is reflected in the overall.

Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania [Mr. SHUSTER], a very valued member who is in his second term or sentence on the Permanent Select Committee on Intelligence, however one might put that, and at one time served as ranking member, who I had the fortune of sitting next to.

Mr. SHUSTER. Mr. Chairman, I thank Chairman COMBEST for yielding me the time. I certainly rise in strong support of this legislation. This act funds a wide range of extremely important intelligence activities which are vital to our national security.

One of the areas in which I paid particular attention when I did serve as the ranking member of the committee, and have continued to focus on, is the area of illegal drugs coming into this country. Indeed, in 1989 I was very supportive, along with others, in creating the counternarcotics center at the CIA.

Since the creation of that center and in large measure because of the creation of that center, extraordinary successes have been realized in bringing down key elements of the Colombian drug cartel. While the specific examples remain classified, one can say quite positively, forcefully, and enthusiastically that our country and our intelligence community has made very substantial contributions and great successes in weakening the Colombian drug cartel.

Sadly, however, in the last 3 years we have not seen the same robust effort with this administration that we witnessed during President Bush's tenure, when he really revitalized our counternarcotics intelligence programs and announced for the first time a national drug control strategy in August 1989.

Many people do not realize that in America, from 1980 to 1992, our country witnessed a steady decline in drug use. Let me emphasize that. From the beginning of the Reagan administration through the Bush administration, our Nation witnessed a steady decline in drug use. This was in large measure because both President Reagan and President Bush and their administrations were very serious about targeting the drug flow into the United States.

Sadly, since 1993 drugs have once again been on the upsurge. According to Donna Shalala, the Secretary of Health and Human Services, marijuana use in our most vulnerable youth, ages 12 through 17, doubled between 1992 and 1994, and virtually every hard-core user once started as a casual user. It usually starts with marijuana, amphetamines, or other so-called soft drugs that are attractive to our youth.

We indeed need to revitalize at the very top levels of this administration our counterdrug programs, and the dramatic rise in marijuana use is a wake-up call to all of us.

Now, as Chairman COMBEST and the committee considered what can be done about this problem this year, an important opportunity presented itself, which was the transfer of the National Drug Intelligence Center to the National Foreign Intelligence Program. This drug intelligence center, which was first chartered in 1991, provides strategic intelligence for all sources, including the national foreign intelligence community, collates it and provides information to law enforcement entities to assist their activities in the United States.

They are able to provide critical intelligence to chosen links to foreign narcotics organizations and indeed their arms in the United States. This enables law enforcement here, both DIA, FBI and others, to reach out and strike against narcotics traffickers in the United States as well as those abroad. The Drug Intelligence Center can draw on a pool of highly talented and motivated professionals.

Congressman JACK MURTHA deserves tremendous credit for really being the father of this program, and I am very pleased to continue the support of that effort. Moreover, I pledge as a member of the Permanent Select Committee on Intelligence to ensure that the national foreign intelligence community provides all the support it can to the Drug Intelligence Center consistent with existing law.

For all those reasons, Mr. Chairman, I strongly urge the passage of this legislation.

Mr. DICKS. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Colorado [Mr. SKAGGS], a very valued member of our committee.

Mr. SKAGGS. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, first of all, I also want to thank our chairman, who has been very responsive and accommodating, as well as our ranking member, the gentleman from Washington, and the terrific staff that this select committee is privileged to rely on.

I want to support this bill because I believe on balance it does meet vital national security needs. However, I do have some serious concerns about it.

It is obviously essential to support the activities of the intelligence community as we seek to understand and confront a whole range of post-cold-war challenges, whether terrorism or weapons of mass destruction, environmental degradation, many other things. This bill provides budget authority for these important responsibilities. And we should also be under no illusion that, just because the cold war is over, that this country faces no traditional threats to our national security, at which intelligence capabilities need to be directed.

I do have concern about the overall authorization level, as has already been pointed out. It exceeds substantially the amount requested by the President, the amount authorized and the amount appropriated for this fiscal year. In a time of tight budgets, when we are cutting environmental enforcement, education or any number of things, I would have preferred an authorization closer to the President's request. But authorizing more doesn't automatically translate into appropriations.

Mr. Chairman, I have a couple of serious concerns that I would like to address, involving continued support for the declassification of documents, and funding for what is known as the Environmental Intelligence and Applications Program.

The first of these relates to the President's Executive order establishing a uniform system for declassification, safeguarding and handling national security information and the implementation of that order. There are some statements in the committee's report on this bill that criticize the approach being taken under that order and the way reviewing agencies are handling document declassification.

The statements suggest that the majority may be proposing the adoption of an extremely restrictive and, I fear, an extremely slow and expensive, risk elimination approach, rather than a risk management approach, to the handling of declassification. It remains a fact that there are documents that should be declassified, documents that remain classified for no other reason than inertia. Declassifying them should proceed, and I am convinced that this task can be managed at acceptable cost and without compromising sensitive information.

The current risk management approach does not lead to any abdication of agency responsibility to protect sources and methods; it simply is a sensible acknowledgement that resources should be focused in areas of greatest risk. If Congress mandates a system of reviewing documents that is so cumbersome that there is virtually no chance of anything getting declassified, we will be right back where we started before this reform effort got underway.

Mr. Chairman, the second area I would like to speak to has to do with the Environmental Intelligence Applications Program. The bill before the House right now would authorize only $6 million here, significantly below the President's request. I think this is a shortsighted cut and one that I hope can be addressed, either through Mr. WELDON's proposed amendment today or later in conference. Six million dollars is simply not sufficient to carry out the goals of the program.

It would limit the use of intelligence products for environmental research and could jeopardize very important environmental information exchanges with Russia. This program is clearly responsive to the needs of national policymakers. It brings unique information to our understanding of global environmental challenges, and it has provided striking benefits to the intelligence community in improved technical capabilities of their collections systems. It is a low-cost, high-yield effort which is well supported among intelligence consumers, both in and out of intelligence agencies, and it should not be singled out for reduction from among all the analytic efforts of the intelligence community.

I think Congress should continue to support the President's bold initiative to implement a safe and cost-effective means of declassifying documents, and I am also hopeful that we will be able to work in conference, or through the adoption of Mr. WELDON's amendment, to authorize adequate funding for the Environmental Intelligence and Applications Program.

With those points in mind, Mr. Chairman, I urge the passage of the bill.

Mr. Chairman, I support this intelligence authorization bill because I believe that on balance it meets vital national security needs. However, I do have several serious concerns.

It is essential to support the activities of the intelligence community as we seek to understand and confront such post-cold-war challenges as ethnic conflict, terrorism, the proliferation of weapons of mass destruction, and global environmental degradation. This bill provides authority for these important functions. We should also be under no illusion that we face no traditional threats to our national security, at which intelligence capabilities need to be directed.

I do have a concern about the overall authorization level. This bill authorizes an intelligence funding 3.9 percent above the amounts requested by the President, 4.9 percent above the amounts authorized last year, and 6.9 percent above the amounts appropriated last year. In a time of tight budgets, when funding for education and the environment is being slashed, I would have preferred an authorization level closer to the President's request. But authorizing more does not automatically mean we will appropriate all that's authorized.

I also have serious concerns about two specific matters: continued support for declassification of documents; and funding for the Environmental Intelligence and Applications Program [EIAP].

My first of these relates to implementation of President Clinton's Executive order that establishes a uniform system to classify, safeguard, and declassify national security information. There are some statements in the committee report on this bill that criticize the risk management approach that Government agencies have adopted in reviewing documents to be declassified under that Executive order. These statements suggest that the majority may be proposing the adoption of an extremely restrictive, and extremely slow and expensive, risk-elimination approach to handle the review of classified documents.

It remains a fact that there are documents that should be declassified, documents that have remained classified for no reason other than inertia. Declassifying them should proceed, and I'm convinced that this task can be managed, at acceptable costs and without compromising sensitive information.

The current risk management philosophy does not lead to an abdication of the agencies' responsibility to protect sources and methods; it is simply a sensible acknowledgement that resources should be focused on areas of greatest risk. If Congress mandates a system of reviewing documents that is so cumbersome that there is virtually no chance of anything getting declassified, we will be right back where we started before efforts began to rationalize the system.

In a democratic and free society, the people are entitled to be informed about the activities of their government. State secrets are a necessary exception to that general principle, but an exception that should be limited.

When I joined the Intelligence Committee in 1993, I was astonished to learn that agency heads couldn't say even roughly how much of their budget was spent on document classification and security. Millions of documents that posed no real threat to national security were nonetheless being held under lock and key at tremendous cost to U.S. taxpayers. Some of the most astonishing examples included documents about U.S. troop movements in Europe during the First World War, and documents concerning POW/MIA's in the Korean war. Despite sweeping changes in the international arena, the classification bureaucracy was still stuck on autopilot, stamping "secret" on nearly 7 million new documents each year and marking 95 percent of these papers for indefinite restrictions.

I decided to do something about this. The result was the first ever accounting of the costs and number of personnel involved in classifying and maintaining Government secrets. These reports revealed that keeping millions and millions of accumulated documents secret was keeping 32,400 workers employed and consuming $2.28 billion worth of agency budgets.

The next year, I took the reform effort one step further, by requiring agencies to come up with suggestions about how to cut spending on classification and secrecy. This initiative led to a government-wide program of cost accounting and expenditure reduction efforts involving all the agencies that make up the intelligence community.

The President consolidated the reform effort with the issuance of Executive Order 12958 on April 17, 1995. Section 3.4 of the order requires that, unless grounds for an exemption exist, classified information contained in records over 25 years old and of permanent historical value, shall automatically be declassified within 5 years. Information is exempt from declassification if, among other reasons, its release likely would: reveal the identity of human sources; impair U.S. cryptological systems or activities; undermine ongoing diplomatic activities; or, assist in the development of weapons of mass destruction.

Congress should work with the administration so that the agencies can continue to implement classification reform in a cost-effective manner. Let's not cripple agency efforts to reform just as we're beginning to turn the tide on the costly sea of secret paper.

My second specific area of concern is the reduction contained in this bill for the Environmental Intelligence and Applications Program [EIAP].

The bill would authorize only $6 million for the program, significantly below the President's request. I think this is a shortsighted cut, and one that I hope can be addressed either through Mr. WELDON's proposed amendment today or later in conference. Six million dollars is not sufficient to carry out the goals of the program in fiscal year 1997. It would limit the use of intelligence products for environmental research and could jeopardize environmental information exchanges with Russia.

The EIAP is clearly responsive to the needs of national policymakers. It brings unique information to our understanding of global environmental challenges. And it has provided striking benefits to the intelligence community in improved technical capabilities of collection systems. This is a low-cost, high-yield effort which is well supported among intelligence consumers, both in and out of intelligence agencies. It should not be singled out for reduction from among all the analytical efforts of the intelligence community.

One of the main purposes of the EIAP is to ensure that a select group of the Nation's leading scientists in hydrology, geology, oceanography, and other earth sciences, are fully briefed on the capabilities and information resources of the U.S. intelligence agencies. These scientists, through what is known as the MEDEA Program, in turn bring their insights and expertise to bear on environmental questions—both in the civil and national security arenas.

For example, the MEDEA scientists found that imagery from the Corona, Argon, and Lanyard systems would have particular value to the environmental sciences, and this contributed to the President's decision to declassify these images.

The scientists also have worked on experiments to understand how our intelligence systems can be useful in addressing environmental questions. With the many billions that have been invested in these systems, it makes good common sense to use them for additional purposes that won't detract from their intelligence missions.

In addition, this program has been of particular benefit to the Navy. The MEDEA group has worked with the Navy's operational and research oceanographers to address problems in Naval oceanography.

The program also was the catalyst for a cooperative arrangement with a similar group of scientists from the civil and military sector established in Russia. The Gore-Chernomyrdin Commission Environmental Working Group led to the Navy's reaching an agreement with its Russian counterpart to conduct a survey in the Sea of Okhotsk, an area closer to continental Russia than has ever before been surveyed by the Navy. It will lead to the collection of twice the data that could have been collected unilaterally.

We cannot develop national policies to deal with national and international environmental threats like decertification, the destruction of rain forests, global climate degradation, and unsafe dumping of environmental and nuclear waste, unless our policymakers and scientists have access to data that identifies where threats are coming from. The best technology for obtaining this data is already available. We just need to put it to use.

I think Congress should continue to support the President's bold initiative to implement a safe and cost effective means of declassifying documents. And I'm hopeful that we will be able to work in conference to authorize adequate funding for the Environmental Intelligence and Applications Program.

I urge passage of the bill.

Mr. COMBEST. Mr. Chairman, I would inquire of the Chair of the time remaining in general debate.

The CHAIRMAN. The gentleman from Texas [Mr. COMBEST] has 18½ minutes remaining, and the gentleman from Washington [Mr. DICKS] has 16 minutes remaining.

Mr. COMBEST. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania [Mr. WELDON].

Mr. WELDON of Pennsylvania. Mr. Chairman, I thank my distinguished chairman and friend for yielding me the time, and I want to commend both the gentleman from Texas [Mr. COMBEST] and the gentleman from Washington [Mr. DICKS] for their outstanding leadership on intelligence matters.

Mr. Chairman, I rise as the chairman of the Committee on National Security's Subcommittee on Military Research and Development. My subcommittee has joint jurisdiction over at least $9 billion of funding in this intelligence effort, and so I have a real and genuine interest in the fine work that is being carried forth by this committee. I applaud both Members for their bipartisan efforts to support and enhance the intelligence operations that are so vital to decisions that we make in the defense community, especially as they relate to missile to missile technology and those new R&D initiatives that are so important to allow America to maintain its leadership role.

Mr. Chairman, I will be, however, offering an amendment under title I today dealing with a shortfall in terms of the funding amount in the bill for the Environmental Intelligence and Applications Program, formerly known as the Environmental Task Force.

☐ 1115

This funding has been cut to about one-third to only $6 million. Several of our colleagues have spoken to the issue. I had been intimately involved in a firsthand way with this program and think it would be an absolute travesty if we were to allow this program to be cut to this level.

In December of last year, Mr. Chairman, my subcommittee held a hearing, where I had as one of my witnesses Alexei Yablakov. Mr. Yablakov is a member of the Yeltsin National Security Council for Environmental Issues. He is a recognized world expert on the 30-year historical track record of the Soviet Union illegally dumping its nuclear waste in the Bering Sea, the Sea of Japan, and the Arctic Ocean. Only because of Yablakov's openness and his advocacy have we in the West been able to deal with this environmental tragedy.

When Mr. Yablakov came before my subcommittee last December, he in great detail outlined the specifics of what occurred. Much of the efforts of Mr. Yablakov and numerous other scientists of the same caliber is directly attributable to this program, established under the guise of the Environmental Task Force.

This program has been supported by the administration, specifically by Vice President AL GORE, who sees it as a top priority, and a cut of this magnitude in this bill would be devastating.

This program also allows us to pursue an initiative known as MEDEA, the Measurement of Earth Data for Environmental Assessment, an extremely important program. In fact, Mr. Chairman, I would like to enter into the RECORD pages 41 and 42 of the document dealing with the scientific utility of naval environmental data, which goes into great detail with the kinds of initiatives and projects currently funded through the MEDEA Program. It has the highest support of Navy and in fact helped lay the foundation for a major new initiative we were able to place in this year's Defense Authorization Act which passed last week, a $30 million initiative calling for new partnerships and oceanographic efforts with the Navy in the lead role. This partnership effort will also allow us to share technology where available with other nations, and in particular Russia.

Mr. Chairman, this an important amendment. I would hope that our colleagues would in fact support the amendment to restore the funding.

Mr. Chairman, one important point of this amendment is that it pays for itself. In fact, we cut another account, and that is the $25 million for declassifying documents, we cut that by 50 percent. I know there will be some objections to that cut, Mr. Chairman, but I stand before this body offering to pay for the increase that in fact I think is so important and the administration thinks is so important.

I also in the end will have to oppose an effort to not have the decrease in the declassification program, because if we do not have a bill payer, that means another $12.5 million will have to come someplace out of my overall R&D budget, which passed on the House floor last week. I have no idea where that money would come from. I have not been given any indications as to where those who oppose the decrease in the declassification accounts would take that money. Therefore, I have to oppose that as the chairman of the R&D subcommittee.

Even though that is not my main fight, it is critically important that we not establish this increase which has bipartisan support for the environmental initiative that is so vitally important, at the same time decreasing or not having a bill payer, a way to pay for that. My amendment will have a bill payer, it will have a method for paying for this initiative, and I would hope that our colleagues will in fact support the amendment and also would support the bill paying mechanism that I have identified with the committee staff as an appropriate way to pay for this initiative.

Mr. Chairman, I thank both my distinguished chairman and ranking member, and include for the RECORD the data referred to earlier.

TABLE 8. FIRST TIER OF SCIENTIFIC SIGNIFICANCE

Data	Description	Scientific utility
Marine gravity	Relational database of point observations with latitude, longitude, observation time, free air anomaly, and gravity values, supported with survey, data processing, and statistical information. Includes Lacoste and Romberg Air-Sea Gravity Meter measurements from 1966 to 1983. Bell Aerospace BGM–3 and BGM–5 gravimeters were introduced in 1969.	Classified marine gravity data provide a view into the underlying geological structure at very short spatial wavelengths currently inaccessible to public data. Classified gravity data could be used to address three problem areas: (1) spatial variations in gravity at mid-ocean ridges, (2) mapping of crustal thickness, and (3) the structure of fracture zones. Classified gravity data would provide the information needed for the Northern Hemisphere to facilitate research into the genesis of Earth's surface.
Current accessibility: Entirely classified; no public access.		
Geomagnetics	Consists of both aircraft (Project Magnet) and satellite vector data. Ship collected data; consists of scalar point data by latitude and longitude.	Magnetic surveys could be used to constrain the age of the age of the seafloor accurately, to calculate more accurate plate reconstruction rotation parameters, to analyze the Jurassic and Cretaceous Quiet Zones, and to determine the origin of intermediate wavelength crustal anomalies.
Current accessibility: Ship data are classified; no public access; aircraft data are unclassified. Classified largely because of association with specific ship tracks and ship track densities.		
Ice keel depth acoustic data.	Measures ice roughness, ridge frequency, and ice depth (ice draft) below the sea surface. Data are collected using upward-looking sonar starting with the Arctic journey of SNN Nautilus in 1957. Approximately 50 data sets exist.	Data are significant in their own right, and as calibration for satellite-borne instruments. Knowledge of the mechanical redistribution of ice thickness categories would improve our ability to forecast ice conditions for navigation. Submarine sonar profiles might settle the question of whether or not ice thickness has undergone a secular trend.
Current accessibility: Classified; no public access. Classified primarily because of the association with specific submarine tracks and dates.		
Marine bathymetry.	A large collection of ocean undersea topography databases. Gridded digital databases resulting from survey measurements, many using multibeam profilometers. Data as fine as 0.1 arc minute are available for some areas.	The accuracy of current representations of the seafloor is not sufficient for many studies. The scientific uses of more accurate data include evaluating the square root relationship between age and depth of the seafloor. Availability of these finely sampled data would allow for a detailed study of the spatial variations in this important evolutionary process.
Current accessibility: Most data having a resolution as high as 1 arc minute are unclassified. Data at 0.5 arc minute resolution may be declassified as part of the classification review of bathymetric data. That data chosen for release would then be made part of DBDB–V.		
Geosat altimetry.	Geosat altimetry measures sea height with world coverage of ± 72 degrees latitude and 3.4 km spacing (1.7 km footprint). 3 km track spacing at the equator. 3.5 cm sea height precision	Provides important reconnaissance information over vast, largely uncharted areas such as the Southern Ocean and Antarctic margins. If declassified it could be used with the ERS–1 data to improve the resolving power beyond the capabilities of either data set alone. Large bathymetric features can be inferred from altimetry sea height data.
Current accessibility: Classified north of 30° S; no public access.		

TABLE 9. SECOND TIER OF SCIENTIFIC SIGNIFICANCE

Data	Description	Scientific utility
Ice morphology	Describes sea ice conditions and extent over the Arctic Outer Continental Shelf. Contains information describing ice drift and movement and includes ice edge boundary data in hand-drawn charts.	Data would be of considerable use to climatologists; to scientists studying the near-shore transfer of pollutants; and to individuals studying near-coastal sea ice dynamics. Data set would also be of particular use to a variety of U.S. companies who are currently faced with difficult offshore design problems for sites in the marine Arctic region.
Current accessibility: Classified; no public access. Includes a synthesis of classified and unclassified data.		
Seafloor sediment properties.	Consists of a collection of ocean basin wide sediment thickness and sediment type. Is the first (only) global seafloor sediment thickness database for geological studies.	Having these data available digitally is a starting point for additional studies. Availability of an existing global estimate of sediment thickness and approximate sediment types would provide a background against which the quality of future data could be assessed and upgraded.
Current accessibility: Many of these data are unclassified. Sediment type and sediment thickness is largely unavailable. Some sediments data are restricted because of bilateral international agreements.		
Realtime salinity and temperature fields (GOODS).	GOODS contains a wide variety of ocean measurements collected from drifting buoys, moorings, ships, and aircraft. These data are assimilated into a near realtime view of the oceans. GOODS contains approximately four months of global temperature and salinity fields.	Ship observations could be adapted based on the state of the ocean, greatly increasing the efficiency of costly civilian sampling resources. Would allow testing of satellite algorithms for either sensor calibration or validation. As in weather forecasting, ocean models could incorporate GOODS data into the nowcast system. Techniques could migrate into civil systems to support commercial and regulatory needs.
Current accessibility: Most data incorporated into GOODS are unclassified. A small fraction are classified data because of locations of platforms providing the data, rendering the entire database inaccessible.		
Archival temperature and salinity fields (MOODS).	Contains a variety of ocean measurements from drifting buoys, moorings, ships, and aircraft. Data include salinity and temperature profiles. MOODS is the Navy archive location for GOODS.	Public domain transfer capability already in place (NAVOCEANO to NODC). Can ensure timely progression of data. Availability to ocean science community would increase ocean data explorations.
Current accessibility: Majority of MOODS data are unclassified and eventually enter NODC. The classified fraction, primarily in the Arctic region, classified because of platform locations.		
Ocean optics and bioluminescence.	Contains ocean clarity in specific measurement locations. Bioluminescence data more prevalent at selected measurement sites. Observations include both underway and on-station measurements.	Next-generation satellite ocean color sensors will provide much better measurements in complex coastal waters. Access to both civilian and operational databases of in situ observations would significantly improve the quality of these satellite retrievals. Could enhance the usage of less capable sensors (less expensive) in greater densities or in areas where loss of sensors is likely.
Current accessibility: Many of these data are classified.		

Mr. COMBEST. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. DORNAN], a member of the committee.

Mr. DORNAN. Mr. Chairman, much of what I intended to say in my remarks has already been stated. Some of it might be well restated.

First of all, I want to pass out some compliments that I did not tell anybody I was going to do. But the prior speaker, the gentleman from Pennsylvania [Mr. WELDON] has developed into a national treasure. I am talking about you, Mr. WELDON, a national treasure on the way he tracks the Soviet Union. He is the only Member I know that has been over there more than the 10 or 11 trips I have made. He leaves me in the dust. When he speaks on the House floor on problems with all the nations that were prior Soviet Union nations, Americans had better listen.

I also wanted to thank my chairman, the gentleman from Texas [Mr. COMBEST]. I just do not know a chairman that has taken the helm of a full committee and has steered it on such a straight and critically important course as my colleague from the great State of Texas.

I do not have time to mention all the staff, but our senior chief of staff of the professional staff, Mark Lowenthal, is also a national treasure when it comes to intelligence.

I watched the "60 Minutes" show Sunday night. In the open world of intelligence, the story on Russia was absolutely stunning. It just took your breath away. We claim to have won the cold war, but that country is melting down from 2 or 3 abortions to every live birth, to pollution that waters your eyes from afar; it puts our pollution problems into a totally different universe.

The country is just coming apart at the seams, but that does not mean we should not have a strong intelligence budget, because China, as I have said many times on this House floor, is still a Communist dictatorship. It is five times larger than the United States in population, it is a 6,000-year-old culture, captured by the raw evil of communism, and they have a mercantile heritage that makes anything the Soviet Union did look like child's play. They are going to own the next century, for good or for evil, and our intelligence budget should be larger than it is.

What the gentleman from Texas [Mr. COMBEST] has done is amazing. This year's request was in fact only slightly higher than last year's request. I think it should have been a lot higher. Some people have spoken on the floor on the other side of the aisle that they thought we added too much.

Actually, the request in tactical intelligence-related activities, joint military intelligence programs, my area as a subcommittee chairman, there is still too much of a decline in that area. The request had a large decline, we plussed it up about 10 percent, and all of these intelligence support activities around the world that support our men and women, it should be a much larger increase. We did the best we could to keep the bill bipartisan.

Just one other thing I would like to mention in my prepared remarks, I wanted to talk about the Bosnian crisis, where I went over with Mike Meermans last August, evaluated secret programs. On manned systems, we have added one more J-STARS aircraft, EP-3 Aries 2, and U-2, keeping that great legendary program alive, RC-135 rivet joint, where Mr. Meermans has actually active duty experience in the Air Force, all the less glamorous things. We worked hard on this bill.

Mr. Chairman, I submit 3 pages of proper pride in this excellent bill. I hope we get a unanimous vote out of this.

Mr. Chairman, in preparation for this bill: we held six full committee hearings, I chaired a Technical and Tactical Subcommittee hearing specifically on airborne reconnaissance issues; we received 15 member briefings and our staff received over 200 staff briefings.

This is a bipartisan bill that provides critical intelligence collection, analysis and reporting support to national and military decision makers. I would like to point out that this bill provides specific emphasis in support to military operations: by increasing funding for airborne reconnaissance development and operations; by increasing funding for unmanned aerial vehicles to augment current and future operations; and providing unique, not duplicative, information.

Trend had been a 2-3 percent yearly reduction in intelligence spending over the 4 years prior to the 1996 authorization. The House bill reversed that downward trend by increasing the funding over the President's request by a mere 1.3 percent.

This year's request was, in fact, only slightly higher than last year's request.

However this request had a large decline, over 5 percent in the intelligence support activities that directly support our men and women serving around the world in the U.S. Armed Forces—the intelligence support provided by the tactical intelligence and related activities and joint military intelligence programs.

This bill adds funding for many underfunded tactical intelligence programs critical to keeping our Armed Forces—young men and women—supplied with the best information this country can supply. In this intelligence bill, and in concert with the House National Security Committee's bill which this body approved last week, we have added over $800M for these purposes.

Bill re-looks the Nations' intelligence needs in the post cold war era. It has a long term vision to take us well into the 21st century: Focuses on "right sizing," not "down sizing," the intelligence collection and analysis capabilities; realizes that the world is not necessarily a safe place. U.S. interests around the world are changing, but not decreasing; and the world-wide threat environment is changing. As is evidenced by our troops being deployed in many areas around the world: Intelligence operations in continuous use around the globe. For example: Bosnian crisis; Iraq aggression; and Korean Peninsula.

Focuses on the elimination of expensive one of a kind systems for more cost effective commercial off-the-shelf systems where possible, and provides significant funding for improving our manned airborne reconnaissance platforms, some of which have not realized technical upgrades in this fast-paced highly technical world since 1992.

On manned systems: RC-135 Rivet Joint, U-2, EP-3 Aries 2; and J-STARS one extra.

Provides a emphasis on unmanned platforms to decrease the necessity to put U.S. forces into harms way.

Provides additional funding for the less glamorous and often overlooked intelligence support systems critical to supporting soldiers at the individual platoon or squad level: balances collection, processing operations; emphasizes dissemination of critical information at the right time, to the right place, in the right quantity, and in the right form for decision makers.

For basic themes to the bill:

First, evaluate each budgetary line item in the President's request solely on the program's merits, not a given funding level;

Second, the committee did not work to a specific budget number. That is, the committee did not specifically fund some programs and then make offsetting cuts in other programs in order to meet an arbitrary total dollar figure.

The committee believes the Congress will accept an intelligence authorization consisting of properly funded programs—even if that amount is an increase to the intelligence budget.

Third, focused on the production, exploitation and dissemination functions of intelligence stated above.

Fourth, avoided short-term thinking about intelligence priorities, needs and capabilities and to look longer range at these issues into the 21st century.

The numbers in this bill are right sized. This bill provides the Nation a strong, but not bloated, intelligence community. It makes some fundamental decisions necessary to take us into the next century. I urge my colleagues to pass this bill.

Mr. DICKS. Mr. Chairman, I yield back the balance of my time.

Mr. COMBEST. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill shall be considered under the 5-minute rule by titles, and the first section and each title shall be considered read.

No amendment to the committee amendment in the nature of a substitute is in order except those printed in the designated place in the CONGRESSIONAL RECORD.

The Chairman of the Committee of the Whole may postpone until a time during further consideration in the

Committee of the Whole a request for a recorded vote on any amendment and may reduce to not less than 5 minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of question shall not be less than 15 minutes.

The Clerk will designate section 1.

The text of section 1 is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Intelligence Authorization Act for Fiscal Year 1997".

Mr. COMBEST. Mr. Chairman, Mr. Chairman, I ask unanimous consent that the remainder of the committee amendment in the nature of a substitute be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The text of the remainder of the committee amendment in the nature of a substitute is as follows:

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 1997 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Central Intelligence Agency.

(2) The Department of Defense.

(3) The Defense Intelligence Agency.

(4) The National Security Agency.

(5) The Department of the Army, the Department of the Navy, and the Department of the Air Force.

(6) The Department of State.

(7) The Department of the Treasury.

(8) The Department of Energy.

(9) The Federal Bureau of Investigation.

(10) The Drug Enforcement Administration.

(11) The National Reconnaissance Office.

(12) The Central Imagery Office.

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL CEILINGS.—The amounts authorized to be appropriated under section 101, and the authorized personnel ceilings as of September 30, 1997, for the conduct of the intelligence and intelligence-related activities of the elements listed in such section, are those specified in the Classified Schedule of Authorizations prepared to accompany the bill H.R. 3259 of the 104th Congress.

(b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.—The Schedule of Authorizations shall be made available to the Committees on Appropriations of the Senate and House of Representatives and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the executive branch.

SEC. 103. PERSONNEL CEILING ADJUSTMENTS.

(a) AUTHORITY FOR ADJUSTMENTS.—With the approval of the Director of the Office of Management and Budget, the Director of Central Intelligence may authorize employment of civilian personnel in excess of the number authorized for fiscal year 1997 under section 102 when the Director of Central Intelligence determines that such action is necessary to the performance of important intelligence functions, except that the number of personnel employed in excess of the number authorized under such section may not, for any element of the intelligence community, exceed two percent of the number of civilian personnel authorized under such section for such element.

(b) NOTICE TO INTELLIGENCE COMMITTEES.—The Director of Central Intelligence shall promptly notify the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate whenever he exercises the authority granted by this section.

SEC. 104. COMMUNITY MANAGEMENT ACCOUNT.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Intelligence Community Management Account of the Director of Central Intelligence for fiscal year 1997 the sum of $93,616,000. Within such amounts authorized, funds identified in the classified Schedule of Authorizations referred to in section 102(a) for the Advanced Research and Development Committee shall remain available until September 30, 1998.

(b) AUTHORIZED PERSONNEL LEVELS.—The Community Management Staff of the Director of Central Intelligence is authorized 273 full-time personnel as of September 30, 1997. Such personnel of the Community Management Staff may be permanent employees of the Community Management Staff or personnel detailed from other elements of the United States Government.

(c) REIMBURSEMENT.—During fiscal year 1997, any officer or employee of the United States or a member of the Armed Forces who is detailed to the Community Management Staff from another element of the United States Government shall be detailed on a reimbursable basis, except that any such officer, employee or member may be detailed on a nonreimbursable basis for a period of less than one year for the performance of temporary functions as required by the Director of Central Intelligence.

(d) DECLASSIFICATION.—In addition to amounts otherwise authorized to be appropriated by this Act, there is authorized to be appropriated $25,000,000 for the National Foreign Intelligence Program for the purposes of carrying out the provisions of section 3.4 of Executive Order 12958, dated April 17, 1995.

(e) NATIONAL DRUG INTELLIGENCE CENTER.—In addition to amounts otherwise authorized to be appropriated by this Act, there is authorized to be appropriated $32,076,000 for the National Drug Intelligence Center located in Johnstown, Pennsylvania. Amounts appropriated for such center may not be used in contravention of the provisions of section 103(d)(1) of the National Security Act of 1947 (50 U.S.C. 403–3(d)(1)). The National Drug Intelligence Center is authorized 35 full-time personnel as of September 30, 1997.

(f) ENVIRONMENTAL PROGRAMS.—In addition to amounts otherwise authorized to be appropriated by this Act, there is authorized to be appropriated $6,000,000 for the Environmental Intelligence and Applications Program, formerly known as the Environmental Task Force, to remain available until September 30, 1998.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 1997 the sum of $194,400,000.

TITLE III—GENERAL PROVISIONS

SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.

Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or the laws of the United States.

SEC. 303. LIMITATION ON AVAILABILITY OF FUNDS FOR AUTOMATIC DECLASSIFICATION OF RECORDS OVER 25 YEARS OLD.

Section 307 of the Intelligence Authorization Act for Fiscal Year 1996 (109 Stat. 966) is amended by striking out "fiscal year 1996 by this Act" in subsection (a) and inserting in lieu thereof "any of the fiscal years 1996 through 2000".

SEC. 304. APPLICATION OF SANCTIONS LAWS TO INTELLIGENCE ACTIVITIES.

(a) EXTENSION.—Section 905 of the National Security Act of 1947 (50 U.S.C. 441d) is amended by striking out "on the date which is one year after the date of the enactment of this title" and inserting in lieu thereof "on January 6, 1998".

(b) FORMAT AMENDMENTS.—Section 904 of such Act (50 U.S.C. 441c) is amended by striking out "required to be imposed by" and all that follows and inserting in lieu thereof "required to be imposed by any of the following provisions of law:

"(1) The Chemical and Biological Weapons Control and Warfare Elimination Act of 1991 (title III of Public Law 102–182).

"(2) The Nuclear Proliferation Prevention Act of 1994 (title VIII of Public Law 103–236).

"(3) Section 11B of the Export Administration Act of 1979 (50 U.S.C. App. 2410b).

"(4) Chapter 7 of the Arms Export Control Act (22 U.S.C. 2797 et seq.).

"(5) The Iran-Iraq Arms Non-Proliferation Act of 1992 (title XVI of Public Law 102–484).

"(6) The following provisions of annual appropriations Acts:

"(A) Section 573 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1994 (Public Law 103–87; 107 Stat. 972).

"(B) Section 563 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1995 (Public Law 103–306; 108 Stat. 1649).

"(C) Section 552 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1996 (Public Law 104–107; 110 Stat. 741).

"(7) Comparable provisions.".

SEC. 305. EXPEDITED NATURALIZATION.

(a) IN GENERAL.—With the approval of the Director of Central Intelligence, the Attorney General, and the Commissioner of Immigration and Naturalization, an applicant described in subsection (b) and otherwise eligible for naturalization may be naturalized without regard to the residence and physical presence requirements of section 316(a) of the Immigration and Nationality Act, or to the prohibitions of section 313 of such Act, and no residence within a particular State or district of the Immigration and Naturalization Service in the United States shall be required: Provided, That the applicant has resided continuously, after being lawfully admitted for permanent residence, within the United States for at least one year prior to naturalization: Provided further, That the provisions of this section shall not apply to any alien described in subparagraphs (A) through (D) of section 243(h)(2) of such Act.

(b) ELIGIBLE APPLICANT.—An applicant eligible for naturalization under this section is the spouse or child of a deceased alien whose death resulted from the intentional and unauthorized disclosure of classified information regarding the alien's participation in the conduct of United States intelligence activities.

(c) ADMINISTRATION OF OATH.—An applicant for naturalization under this section may be administered the oath of allegiance under section 337(a) of the Immigration and Nationality Act by the Attorney General or any district court of the United States, without regard to the residence of the applicant. Proceedings under this subsection shall be conducted in a manner consistent with the protection of intelligence sources, methods, and activities.

(d) DEFINITIONS.—For purposes of this section—

(1) the term "child" means a child as defined in subparagraphs (A) through (E) of section 101(b)(1) of the Immigration and Nationality Act, without regard to age or marital status; and

(2) the term "spouse" means the wife or husband of a deceased alien referred to in subsection (b) who was married to such alien during the time the alien participated in the conduct of United States intelligence activities.

TITLE IV—CENTRAL INTELLIGENCE AGENCY

SEC. 401. MULTIYEAR LEASING AUTHORITY.

Section 5(e) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403f(e)) is amended to read as follows:

"(e) Make alterations, improvements, and repairs on premises rented by the Agency and, for the purpose of furthering the cost-efficient acquisition of Agency facilities, enter into multiyear leases for up to 15 years that are not otherwise authorized pursuant to section 8 of this Act; and".

SEC. 402. REPEAL OF ADDITIONAL SURCHARGE RELATING TO EMPLOYEES WHO RETIRE OR RESIGN IN FISCAL YEARS 1998 OR 1999 AND WHO RECEIVE VOLUNTARY SEPARATION INCENTIVE PAYMENTS.

Section 2 of the Central Intelligence Agency Voluntary Separation Pay Act (50 U.S.C. 403–4 note) is amended by striking out subsection (i).

SEC. 403. IMPLEMENTATION OF INTELLIGENCE COMMUNITY PERSONNEL REFORMS.

None of the amounts authorized to be appropriated by this Act may be used to implement any Intelligence Community personnel reform until the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate are fully briefed on such personnel reform.

TITLE V—DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES

SEC. 501. STANDARDIZATION FOR CERTAIN DEPARTMENT OF DEFENSE INTELLIGENCE AGENCIES OF EXEMPTIONS FROM DISCLOSURE OF ORGANIZATIONAL AND PERSONNEL INFORMATION.

(a) CONSOLIDATION AND STANDARDIZATION.—Chapter 21 of title 10, United States Code, is amended by striking out sections 424 and 425 and inserting in lieu thereof the following:

"§424. Disclosure of organizational and personnel information: exemption for the Defense Intelligence Agency and National Reconnaissance Office

"(a) EXEMPTION FROM DISCLOSURE.—Except as required by the President or as provided in subsection (b), no provision of law shall be construed to require the disclosure of—

"(1) the organization or any function of the Defense Intelligence Agency or the National Reconnaissance Office; or

"(2) the number of persons employed by or assigned or detailed to that Agency or Office or the name, official title, occupational series, grade, or salary of any such person.

"(b) PROVISION OF INFORMATION TO CONGRESS.—Subsection (a) does not apply with respect to the provision of information to Congress.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter I of such chapter is amended by striking out the items relating to sections 424 and 425 and inserting in lieu thereof the following:

"424. Disclosure of organizational and personnel information: exemption for the Defense Intelligence Agency and National Reconnaissance Office.".

AMENDMENT NO. 16 OFFERED BY MR. MCCOLLUM

Mr. McCOLLUM. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment No. 16 offered by Mr. MCCOLLUM:

At the end of title III, insert the following new section:

SEC. 306. SEEKING ENFORCEMENT OF THE REQUIREMENT TO PROTECT THE IDENTITIES OF UNDERCOVER INTELLIGENCE OFFICERS, AGENTS, INFORMANTS, AND SOURCES.

It is the sense of the Congress that title VI of the National Security Act of 1947 (50 U.S.C. 421 et seq.) (relating to protection of the identities of undercover intelligence officers, agents, informants, and sources) should be enforced by the appropriate law enforcement agencies.

Mr. McCOLLUM. Mr. Chairman, it is my understanding that the gentleman from New Mexico [Mr. RICHARDSON] plans shortly to offer an amendment that would apparently expand the rights of journalists and protect some of their interests under this act. I am at the same time of the belief, which is why I am offering this amendment, that we should have a reminder in this bill that with constitutional rights also comes some serious responsibilities, not only for journalists but for all public officials.

Mr. Chairman, simply stated, my amendment seeks to remind Members of this body as well as senior law enforcement officials in the executive branch that the Intelligence Identities Protection Act, which has been in effect for nearly 14 years, demands more aggressive enforcement measures.

In the 1970's, former CIA officer Philip Agee and others opposed to U.S. intelligence activities embarked on a campaign to expose the identities of CIA officers. In publications such as "Counterspy" and "Covert Action Information Bulletin" they revealed not only the methodologies employed by the CIA to establish cover but also identities of scores of officers serving overseas.

The Congressional response to this problem was the enactment in 1982 of the Intelligence Identities Protection Act, 50 U.S.C. 421 et seq. sections 421(a) and 421(b) of the act make it an offense for persons who have had authorized access to classified information that either identifies a covert officer or through which such activities can be learned to disclose identifying information to an individual not authorized to receive classified information. The Government must prove that the disclosure was made with the knowledge that the information identifies the covert officer and that the United States is taking affirmative measures to conceal the covert officer's intelligence relationship.

Section 421(c) does not require that the offender had authorized access to classified information. It is aimed at the Agee-style exposure of covert identities and proves as follows:

> Whoever in the course of a pattern of activities intended to identify and expose covert agents and with reason to believe that such activities would impair or impede the foreign intelligence activities of the United States discloses any information that identifies an individual as a covert agent to any individual not authorized to receive classified information knowing that the information disclosed so identifies such individual and that the United States is taking affirmative measures to conceal such individual's classified intelligence relationship to the United States shall be fined not more than $150,000 or imprisoned not more than three years or both * * *

Section 421(c) places particular emphasis on a discloser's "pattern of activities" which could include seeking unauthorized access to classified information counterintelligence activities such as physical or electronic surveillance or the systematic collection of information "for the purpose of identifying the names of agents." Section 421(c) also requires that the government prove that the discloser had reason to believe that the activities in which he was engaged would impair U.S. foreign intelligence activities.

Having summarized the relevant provisions of the act, I wanted to take this opportunity to express my concern about the apparent unwillingness of the Justice Department to enforce this particular law in several recent cases involving public officials and journalists. Because of the obvious sensitivity involved in naming names of intelligence officers, I will refrain from providing details on the security investigations and potential cases that have been set aside for a variety of reasons by the Justice Department. Nevertheless, I am most concerned that a significant number of unauthorized disclosures of U.S. intelligence agents and assets in the U.S. media during the past year or so have resulted in significant and measurable damage to our intelligence capabilities in Latin America and Europe. A more aggressive enforcement posture by the Department of Justice would do much to reassure our allies and restore the confidence of our public servants who are serving as intelligence officers in often hazardous assignments.

Mr. Chairman, I strongly urge a "yes" vote in favor of this amendment as a signal from the House that enforcement of this act will be a national security priority, and that we intend to oversee in that the Justice Department vigorously enforce this act. It must be enforced, and I urge a yes vote on the sense of the Congress resolution that is encompassed in this amendment.

Mr. COMBEST. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I just wanted to rise and say the gentleman from Florida [Mr. McCOLLUM] is a very valuable member of the Permanent Select Committee on Intelligence as well as the Committee on the Judiciary. I wholeheartedly endorse this effort in a consent of Congress, and would certainly be willing to accept the amendment.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. COMBEST. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I wanted to compliment the chairman and the gentleman from Florida [Mr. McCOLLUM]. I believe that all of our laws should be properly enforced, and in that spirit we will accept the amendment.

□ 1130

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. McCOLLUM].

The amendment was agreed to.

AMENDMENT NO. 7 OFFERED BY MR. DICKS

Mr. DICKS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment No. 7 offered by Mr. DICKS:

At the end of title V, add the following:

SEC. 502. TIER III MINUS UNMANNED AERIAL VEHICLE.

In addition to the amounts authorized to be appropriated by title I, there is authorized to be appropriated an additional $22,000,000 for the tier III minus unmanned aerial vehicle.

Mr. DICKS. Mr. Chairman, the gentleman from Texas [Mr. COMBEST] has a perfecting amendment to my amendment.

My amendment would authorize an additional $22 million for the endurance unmanned aerial vehicle known as Darkstar. This funding is needed to recover from the loss of the first vehicle during flight testing, which took place just before we marked up this bill in committee. At that time, we did not have good information from the Department of Defense on the impact of the crash, so the report accompanying the bill includes language which reserved the committee's right to revisit this issue as better information became available. While the accident investigation is still not quite completed, DOD has been able to provide a good estimate of what the cost impact is likely to be. DOD has determined that there will be a delay in getting the second aircraft ready for flight, and in carrying out the necessary set of flight tests once testing is resumed. During this period, a substantial engineering team must be sustained and the amendment will provide the funds necessary to do that. I urge the adoption of this amendment.

Mr. Chairman, I yield back the balance of my time.

AMENDMENT OFFERED BY MR. COMBEST TO THE AMENDMENT OFFERED BY MR. DICKS

Mr. COMBEST. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. COMBEST to the amendment offered by Mr. DICKS: In proposed section 502, add at the end the following: "The Secretary of Defense may not obligate or expend any of these funds until after the Secretary submits to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate a detailed cost analysis and report on specifically how these funds will be used."

Mr. COMBEST (during the reading). Mr. Chairman, I ask unanimous consent that the amendment to the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. COMBEST. Mr. Chairman, the perfecting amendment to the Dicks amendment would simply indicate that the Secretary of Defense may not obligate or spend any of the funds until the Secretary has submitted to the Permanent Select Committee on Intelligence of the House and Select Committee on Intelligence of the Senate a detailed cost analysis and report on specifically how the funding would be used.

Mr. DICKS. Mr. Chairman, I move to strike the last work.

Mr. Chairman, I want to tell the gentleman I will be glad to accept his amendment. I want to say I have no problem at all with the additional language proposed by the gentleman from Texas [Mr. COMBEST]. In fact, I hope DOD would respond even before the conference on this bill.

I want to stress that nothing in this amendment inhibits DOD in any way from recommending again that a replacement air vehicle be made a high priority in the coming fiscal year. Report language already accompanying the bill, as I noted previously, serves notice the committee will continue to examine this program's need carefully prior to conference.

Mr. COMBEST. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from Texas.

Mr. COMBEST. Mr. Chairman, I want to say to the gentleman that, as amended, I would be very willing to accept the amendment of the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I am willing to accept my amendment, as amended by the chairman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. COMBEST] to the amendment offered by the gentleman from Washington [Mr. DICKS].

The amendment to the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington [Mr. DICKS], as amended.

The amendment, as amended, was agreed to.

AMENDMENT OFFERED BY MR. WELDON OF PENNSYLVANIA

Mr. WELDON of Pennsylvania. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WELDON of Pennsylvania: In section 104—

(1) in subsection (d), strike "$25,000,000" and insert in lieu thereof "$12,500,000"; and

(2) in subsection (f), strike "$6,000,000" and insert in lieu thereof "$18,500,000".

Mr. WELDON of Pennsylvania. Mr. Chairman, I thank the distinguished chairman of the committee and the subcommittee, the ranking member, for agreeing to work with me on this amendment, which is an extremely important amendment that has been discussed by Members of both sides of the aisle.

The amendment would restore significant cuts that were made in the bill to the Environmental Intelligence Applications Program, formerly known as the Environmental Task Force. The funding level in the bill has been cut to about one-third of the request, or only $6 million, and, to me, that is really totally unacceptable for a program that is providing not only information for the public good but having tremendous benefits for our national security as well.

I mentioned during earlier discussion, Mr. Chairman, that last year I had a leading scientist from Boris Yeltsin's National Security Council come to America to testify on the problem of the Russian nuclear waste disposal. I have worked with Mr. Yablakov over the past 2 years, and he is one of the outstanding scientists who has been very candid in helping us assess the environmental problems and security implications of those problems and how we can address them.

In fact, because of the revelations of Mr. Yablakov and the Yablakov report that was produced for Mr. Yeltsin 3 years ago, we were able to put money into DOD's bill to actually work with the Russians up in the North Sea and the Bering Sea to help them find ways to deal with their nuclear waste storage and disposal problem.

So this program is of vital interest for our security as well as our relationship with Russia. It has tremendous environmental implications.

This program, which is operated by the intelligence community, has also been the leading driving force behind the MEDEA Program, which is a program that has paid tremendous dividends to our defense establishment in understanding data relative to the oceans of the world, but also allowing us to take information that up until now has been classified and use that for environmental purposes.

In fact, we have a group of some 60 leading scientists who have been working both with the Russian side and with our side on some of the environmental problems relative to the oceans; and we have also, through the MEDEA Program, we have allowed American scientists access to high level information which not only protects our national security but has paid tremendous dividends in helping us more fully understand the environmental implications of those decisions that we make. These programs are vital.

Mr. Chairman, I will submit for the RECORD the President's message on this bill, the paragraph that refers specifically to the administration's concern with the reduction in this program.

I appreciate the support of my friend and colleague, the gentleman from Washington [Mr. DICKS] and the comments of the gentleman from Colorado [Mr. SKAGGS]. I understand there is some concern about the bill paying portion of this. My understanding is that the two leaders of this committee have agreed to work this out. I have no problem with that.

As chairman of the Military Research and Development Subcommittee, I am concerned about an action that we take that would have a negative impact on the R&D overall budget, but I am certainly willing to let these gentlemen work that issue out and have confidence that the gentleman from Texas [Mr. COMBEST] and the gentleman from Washington [Mr. DICKS] can work the funding issue out in a way that would not disrupt our R&D portion of the defense bill that we passed last week.

So, Mr. Chairman, I would encourage our colleagues to support this amendment. It is vital. And I want to thank the chairman of the committee and the ranking member, as well as the gentleman from Colorado [Mr. SKAGGS] and everyone else for their support of this important environmental initiative. I think it is vital not just for our national security but it is also vital for a better understanding of environmental implications relative to classified data.

Mr. DICKS. Mr. Chairman, I move to strike the last word, and I want to commend the gentleman for his amendment.

Mr. SKAGGS. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from Colorado.

Mr. SKAGGS. Mr. Chairman, I echo the comments of the gentleman from Washington. I appreciate the gentleman from Pennsylvania's very helpful efforts to plus up the Environmental Intelligence Applications Program account. In discussions that we have just had on the floor, I think there is an understanding that there may be some unintended consequences in the offset that the gentleman proposes, an understanding that we can, I think, reach satisfactory resolution to this problem between now and conference, or in conference.

One ironic consequence, I think, flows from the fact that these two programs are positively linked, not negatively linked. That is, if we cut the declassification efforts, it could get in the way of declassifying some of the Corona product that, under the MEDEA Program, we want to make available.

So I appreciate the efforts on the part of all concerned to both deal with the gentleman's very commendable efforts to augment the environmental effort and not have it negatively affect the declassification efforts.

Mr. DICKS. Mr. Chairman, I want to say to my colleague from Pennsylvania that the one thing I worry about with regard to declassifying, and why it is such an important issue, if we do not do the job of looking through all these documents, we might inadvertently declassify some information that could be harmful to the country. That is why having this process is important.

I do not want to cloud the issue here today. We are prepared to accept the gentleman's amendment. We compliment him on it. This is a very important program to the director and to the vice president, and I want to commend the gentleman for his amendment.

Mr. COMBEST. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to say we will be very happy to work in getting this amendment cleared up. I do rise in strong support of the amendment of the gentleman from Pennsylvania and recognize the significance and importance of both the declass and the environmental funding to certain members of our committee and will try to make certain that that concern is accommodated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. WELDON].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to the bill?

AMENDMENT OFFERED BY MR. RICHARDSON

Mr. RICHARDSON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RICHARDSON: At the end of title III, insert the following new section:

SEC. 306. PROHIBITION ON USING JOURNALISTS AS AGENTS OR ASSETS.

An element of the Intelligence Community may not use as an agent or asset for the purposes of collecting intelligence any individual who—

(1) is authorized by contract or by the issuance of press credentials to represent himself or herself, either in the United States or abroad, as a correspondent of a United States news media organization; or

(2) is officially recognized by a foreign government as a representative of a United States media organization.

Mr. RICHARDSON (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

Mr. RICHARDSON. Mr. Chairman, on April 28 of this year the Tampa, FL, Tribune published an editorial entitled "Don't Recruit Journalists As Spies." The editorial argued forcefully that only a blanket prohibition against their use as intelligence agents or assets was likely to minimize the risk to American journalists or representatives of American media organizations who are suspected of being spies by governments or individuals with whom they must deal in dangerous parts of the world. Describing the circumstances in which foreign correspondents must work the Tribune said, "They die in combat. They are killed by governments intent on silencing them. And they are imprisoned and sometimes killed when they are suspected of being spies. That is what happened to our colleague, Tampa Tribune reporter Todd Smith, who was kidnapped and murdered in 1989 while on a working vacation in Peru. Shining Path guerrillas killed him because they didn't believe he was a journalist and thought he was a spy."

No amendment can guarantee the safety of Americans traveling or working abroad, especially when their work puts them in contact with terrorist groups or representatives of despotic regimes. The amendment I am offering, however, can enhance the safety of American journalists by removing the suspicion that rather than being reporters gathering information for their newspapers, they are operatives of American intelligence.

Under current CIA regulations, journalists are not to be used as intelligence agents or assets. The regulations do, however, permit the prohibition to be waived when the Director of Central Intelligence determines that national security interests compel that result. My amendment would codify the prohibition without providing the waiver authority. Adoption of the amendment will ensure that neither the independence guaranteed to the press by the Constitution nor the lives of journalists are endangered by blurring the distinction between reporters as commentators on government and reporters as instruments of government. As the New York Times editorialized on March 18, "If the United States Government does not honor that distinction, who anywhere will believe that it really exists?"

Mr. Chairman, current CIA regulations prohibit the use of active Peace Corps volunteers and members of the clergy as intelligence agents. The prohibitions are absolute. They cannot be waived. The prohibitions recognize the risk to the lives of Peace Corps volunteers in some countries if they were believed to be working for the CIA and the constitutional separation of church and state in our country which would be endangered if members of the clergy were seen as Government agents.

Current CIA regulations prohibit the use of journalists as intelligence agents but that prohibition is waivable.

☐ 1145

Reporters working overseas are in every bit as much danger, perhaps even more, as Peace Corps volunteers, if they are suspected of being spies.

Mr. Chairman, every journalist, every journalist entity, and editorial board supports this amendment. It is my judgment that the DCI and the intelligence community can use it usefully. I am a strong supporter of the DCI and the CIA. But I think that when it comes to this issue, it is important that we have some clear distinctions.

Why then is there a distinction in CIA regulations between journalists on the one hand and Peace Corps volunteers and members of the clergy on the other? Intelligence officials claim that, while they do not want to use journalists as agents, they need to retain the option for situations so extraordinary that they cannot be described.

A better way to promote the safety of American journalists and preserve their independence is to prohibit their being employed as intelligence agents. Mr. Chairman, at some point I will be prepared to entertain an amendment that I believe achieves our mutual objectives and would enable this provision to be accepted.

Mr. Chairman, this is a good amendment. It is supported by every journalist, every newspaper, every reporter. It is within our constitutional prerogatives. It makes sense. I do not think it would hamper our intelligence objectives overseas.

[From the Tampa Tribune, Apr. 28, 1996]

Don't Recruit Journalists As Spies

CIA Director John Deutch has done it again. In February he was questioned by the Senate Intelligence Committee about whether he would recruit journalists as spies, and he refused to say flatly that his agency would not.

He has repeated that position again in a letter to news executives in response to widespread complaints by the press and electronic media, who fear that his stance puts their foreign correspondents in danger. Deutch wrote that he had no intention of using journalists or news credentials as a cover, but then qualified his position by saying he reserved the right to do so and would consider it under "genuinely extraordinary" circumstances.

Unfortunately, nothing short of a blanket prohibition is likely to work in the dangerous circumstances encountered by reporters traveling and working abroad. The CIA has an unshakable prohibition against using the Peace Corps as a cloak for its undercover missions. That is done for the obvious reason that Peace Corps volunteers would be in grave danger if their host nations or partisans in some foreign conflict suspected them of being spies. According to Quill magazine, a presidential order issued in 1977 prohibited the use of journalists and members of the clergy as spies, but apparently there are loopholes in that restriction.

The news media should be put in that same restricted category as the Peace Corps. Under the best of circumstances, international reporting is a dangerous endeavor. At least 50 journalists died in 1995 while covering conflicts in such places as Algeria and Chechnya; the year before, the number killed was 103.

They die in combat. They are killed by governments intent on silencing them. And they are imprisoned and sometimes killed when they are suspected of being spies.

That is what happened to our colleague, Tampa Tribune reporter Todd Smith, who was kidnapped and murdered in 1989 while on a working vacation in Peru. Shinning Path guerrillas killed him because they didn't believe he was a journalist and thought he was a spy.

On the surface, the desire for a blanket statement from Deutch ruling out the use of journalists and news organizations may strike some as unpatriotic. After all, why shouldn't reporters help their country gather intelligence about a potential foe?

It is not that reporters, editors, publishers and broadcasters are any less patriotic than other Americans. It is a question of national priorities.

The information provided by journalists is vitally important to the health of the nation. U.S. citizens depend upon a steady, reliable supply of news about foreign affairs. That continued relationship far outweighs the significance of whatever intelligence might be uncovered by a reporter working as a spy or a spy pretending to be a journalist.

The government has numerous alternative means of gathering information. But journalists need only slip up once and it will ruin their reputation for independence. After that, they will never be trusted and will be in grave danger in many nations.

American citizens need to know the truth about what is taking place around the world. Often their tax dollars are involved, their international export markets affected, and sometimes their lives and those of their children are on the line. People cannot make sound judgments without solid information from independent news media.

[From the Indianapolis News, Apr. 23, 1996]

Spies (Who Act) Like Us

The U.S. Central Intelligence Agency continues to cling to a policy that both contradicts its own regulations and clearly puts the lives of American journalists in danger.

Last week, reports from the Associated Press revealed that CIA Director John Deutch made the agency's intentions clear in a letter to Louis D. Boccardi, president and chief executive officer of The Associated Press, and W. Thomas Johnson, president of Cable News Network.

Deutch wrote. "We do not use American journalists as agents or American news organizations for cover, nor do I have any intention of doing so.

"As you know, past DCI's (directors of central intelligence) have reserved the right to make exceptions to this policy. The circumstances under which I—or, I believe, any DCI—would make an exception to this policy would have to be genuinely extraordinary."

In other words, if the CIA wants to use the media as cover for its secret agents or recruit journalists to be spies, it will.

Such a policy and the suspicion it breeds not only endangers the lives of journalists but greatly hinders them from doing their jobs of news gathering, particularly in foreign lands.

The CIA's justification for keeping its "extraordinary" exception contradicts its mission of protecting American's security and American lives.

In February, when Deutch appeared before the Senate Intelligence Committee, he sympathized with the journalistic community. But he maintained that "directors of central intelligence have to also concern themselves with perhaps very unique and special threats to national security where American lives are at risk."

If Deutch and other top CIA officials cannot bring themselves to retract these statements and make a clear, firm commitment to the contrary, then President Bill Clinton should step in and do so himself.

Already journalists, and particularly journalists working in foreign countries, face enough threats. They don't need the CIA to continue to saddle them with unnecessary risk.

Many journalists taken hostage have suffered unjustly because their captors thought they might be part of the CIA.

Last November, for instance, when Bosnian Serb rebels held Christian Science Monitor reporter David Rohde hostage for almost two weeks, they continually asked him if he was a CIA agent.

And don't forget Terry Anderson, an Associated Press correspondent held in Lebanon for seven years. He said his captors asked him who his CIA contact was within the AP.

The CIA must reverse itself on the issue of using journalists as cover or as agents. And if it won't, the president should intervene.

[From the St. Petersburg Times, Mar. 25, 1996]

Dangerous Deceptions

Terry Anderson, the Associated Press correspondent who was held hostage in Lebanon for almost seven years, says his captors never believed that he was simply a journalist. Anderson says the Muslim terrorists who imprisoned him "believe all Americans are spies, particularly those who go around asking questions."

That common belief in much of the rest of the world creates obvious dangers for journalists and other Americans traveling abroad. It certainly made life even more unpleasant for Anderson during his harsh confinement. Unfortunately, the CIA's own rules unnecessarily feed such suspicions about the integrity and credibility of American journalists working in foreign countries.

CIA Director John Deutch continues to defend rules that give him and his deputy the discretion to employ American journalists as spies, or to allow CIA agents to pose as journalists. Deutch and his predecessors have said they would use such tactics only in cases involving extraordinary threats to national security. However, the CIA's insistence on those exceptions creates unacceptable risk for innocent American citizens and does violence to one of our most revered constitutional principles.

The American press' clear independence from government is fundamental to a truly free society, but the CIA's rules blur those lines. Journalists can't do their jobs properly if sources have reason to believe that they might really be speaking to a government agent.

This is not an issue that concerns only journalists. Every American who travels abroad is endangered by the CIA policy. Business executives, Peace Corps workers and ordinary tourists come under suspicion from governments and groups who fear the influence of American intelligence. Most such fears are unfounded, but the CIA policy feeds paranoia in other countries.

The policy is a vestige of the Cold War, when government routinely recruited journalists and other citizens for intelligence work. Many former journalists bear responsibility for willingly participating in such schemes. However, representatives of national press organizations are now unanimous in their opposition to the CIA's policy.

The CIA should not be allowed to recruit journalists for spying activity, nor should it permit agents to pose as journalists. Period. Otherwise, the safety of American citizens abroad and the integrity of the Constitution at home are left to the whim of the CIA director and his deputy.

[From the New York Times, Mar. 21, 1996]

JOURNALISTS AREN'T THE ONLY RISKY C.I.A. COVER

WASHINGTON, *March 19, 1996.*

Re "No Press Card for Spies" (editorial, March 18).

TO THE EDITOR: Do you think it wrong if journalists are used as cover by the Central Intelligence Agency, but all right for others to have integrity and lives put in question?

Members of the clergy and Peace Corps volunteers were also singled out by the Council on Foreign Relations' Intelligence Task Force project director as potential candidates for C.I.A. cover, but you say nothing in their defense.

They and others—for example, human rights monitors and relief workers—work abroad in dangerous areas.

The mere suspicion of association with the C.I.A. will make them as vulnerable as journalists to arrest and questioning and, much worse, will call into question the integrity of the institutions they represent.

Not a few members of the Council on Foreign Relations, myself included, were deeply disturbed by the task force's proposal. Our concern was not just for its impact on journalists.

ROBERTA COHEN.

[From the New York Times, Mar. 18, 1996]

NO PRESS CARDS FOR SPIES

An old debate has been needlessly revived in a report on intelligence sponsored by the Council on Foreign Relations. The report, prepared under the guidance of the project's director, Richard Haass, a former Government official, calls for reviewing "a number of legal and policy constraints" on clandestine operations dating to the 1970's. Those constraints chiefly concern the use of spies posing as reporters and the employment of bona fide reporters for intelligence missions. Both practices were all but banned then, and should be prohibited now.

During the cold war, a pattern of informal collaboration developed between some journalists and the Central Intelligence Agency. Foreign correspondents and C.I.A. station chiefs sometimes swapped information In 1976, a Senate committee headed by Frank Church learned that this practice had gotten out of hand. Fifty journalists at various times had been paid by the C.I.A., and many more were used as "unwitting sources."

There is no record of New York Times correspondents having financial relationships with the C.I.A., and the newspaper, along with other news organizations, has taken steps to eliminate the kind of informal information-sharing that went on early in the cold war.

The Church committee disclosure caused a justifiable uproar, resulting in a statement by George Bush, then Director of Central Intelligence, that the agency would not enter into any paid relationship with any full- or part-time correspondent accredited to a United States news organization. In November 1977, his successor, Adm. Stansfield Turner, put this prohibition in writing. The Turner regulation provided that the C.I.A. would not employ journalists for intelligence work but unwisely said exceptions could be made with the specific approval of the C.I.A. director.

Admiral Turner says that during the 1980 Iranian crisis, the agency considered making such an exception but that it did not prove necessary. No waivers have been approved by the current Director, according to the C.I.A. There is no information on waivers during the intervening years.

The prohibition on paying accredited journalists for intelligence work should be absolute. The same applies to issuing bogus press credentials to a covert agent. Such a firewall is essential, first of all, to protect foreign correspondents, whose job of questioning and probing makes them especially vulnerable to arrest by hostile regimes.

But more broadly, using reporters as agents offends and confounds the principles of American democracy. Under constitutional protections, the press is the chronicler of and check on government, not its instrument. If the United States Government does not honor that distinction, who anywhere will believe that it really exists?

[From the Chicago Tribune, Mar. 11, 1996]

JOURNALISTS CANNOT BE USED AS SPIES

It long has been debated whether the second-oldest profession is journalism or espionage, and the two do have many purposes in common: to gather great heaps of information, often in hostile environments or from antagonistic sources; to synthesize the key elements of the data; to present the information to an audience that relies on it in making critical decisions.

But there the similarities end. Journalists file their reports for anybody in the world willing to part with the price of their product, while spies practice their art solely in service of their presidents and potentates.

Journalists are held to high standards of professional conduct; only in the movies can a reporter build a reputation on stealing documents from the mayor's desk, seducing a secretary for the inside corporate dope or pouring whiskey down a nosy building superintendent who keeps his eye to the keyhole. Contrast that to the world of espionage, with its vast array of space-age eavesdropping equipment and its slush funds for passing around bribes, buying information outright and setting up honey traps.

Great nations have legitimate national interests that warrant the use of secret services. And the citizens of great nations like the United States have the constitutional right to a free press that serves the national interest by contributing to a well-informed electorate.

That's why recent comments by John Deutch, the director of central intelligence, are so worrisome. In testimony before Congress, Deutch disclosed that the CIA retains the right to solicit U.S. journalists as spies and to give his own operatives forged press passes to pose as working journalists to conduct surreptitious investigations and undertake covert activities.

Although the use of journalists, clergy and Peace Corps workers as spies is banned by federal law, Deutch said "unique and special threats to national security" might make it necessary to "consider the use of a journalist in an intelligence operation."

Deutch is wrong and should immediately announce a blanket ban on using journalists as spies. American journalists can and should serve but one master: the American public. Any blurring of that line by intelligence services jeopardizes the lives of real journalists and their ability to inform their readers and viewers.

Every reporter stopped by armed thugs at a military checkpoint knows the inherent personal danger posed by Deutch's announcement; citing Deutch's own statements, mad militiamen will feel freer to interrogate, incarcerate—and even execute—bona fide reporters with the verve and nerve to cover combat.

Likewise, inquisitive reporters who are "invited in for a chat" after filing accurate reports on a dictatorial regime know the first question asked by the despot's henchmen is: "Who is your CIA master?"

Journalists can and do swap rumors, fact and analysis with intelligence officers, whether dining in a Paris bistro, walking in Gorky Park or chatting on the line to Langley. These relationships are built upon trust and a shared desire to get the best information.

That is a far cry from enlisting journalists to carry out CIA jobs or by passing off agency operatives as working backs. Journalists cannot be used as spies.

[From the Sacramento Bee, Mar. 8, 1996]

SPY VS. SPY, WITH JOURNALISTS IN THE MIDDLE

(Anna Husarska)

My nonassociation with the CIA started 12 years ago. It was in the war-emptied ghost town of Tenancingo, El Salvador, that I was accused of being a CIA spy by local guerrillas who I visited as administrator of a French humanitarian mission.

My first journalistic nonassociation with the CIA dates from Christmas week of 1991, which I spent in detention in Cuba, mostly in a squalid interrogation room where I was repeatedly asked by a major from the interior ministry why I wouldn't simply confess to spying for the CIA. I told him that he must be crazy, that the agency's own regulations had forbidden employing or posing as journalists since 1977, following a scandal involving CIA use of reporters.

I repeated the same arguments in 1993, after I was stopped at gunpoint with several other hacks in Pale, the so-called Bosnian Serb capital. We were all accused of being on a spy mission. Earlier that year, the Haitian supporters of then-exiled President Jean-Bertrand Aristide accused me of being on the CIA payroll; I told them that the opinion article that so infuriated them was my own idea.

In 1994, I was accused of being a CIA spy because, with two other journalists, both Russian, I crossed the Abkhazia/Georgia border when there was some fighting going on. What would I be doing there if not spying for the CIA? My two fellow travelers had a bottle of vodka and—there is no limit to Russian resourcefulness—an open can of sardines in tomato sauce for an appetizer. In pouring rain, we carried these goodies into the checkpoint and suspicion disappeared with the sardines.

Then, in October 1995, while I was taking photographs of paramilitary formations in

Serbia at the invitation of the Serb commanders, the press secretary of a local warlord accused me of gathering material for the CIA.

Every time, I countered in good faith that the CIA did not employ journalists, nor did it have spies pretending to be journalists. So two weeks ago when I heard CIA Director John M. Deutch defend a long-standing policy allowing clandstine officers, under "extraordinary circumstances," to waive regulations and pose as reporters or to use reporters as informers. I felt kind of outspooked.

Henceforth, I will not be able to laugh off thugs, warlords and police officers in totalitarian states when they accuse me of being a CIA spy. Nor can I be confident in pointing out my two non-U.S. passports and protesting that I have no loyalty links to the United States and even less with the CIA. The Washington Post reported that whatever prohibitions existed against recruiting journalists "have never applied to foreign journalists, whom the CIA still looks to recruit, according to sources familiar with the matter."

If the stain of suspicion is on all journalists, then those foreign sources (official or not) who want to deny access to media will have an excuse to do so. And the truth is, policy-makers can ill afford to lose any reporting from the honest news media. God forbid they should have to depend only on what the spies know.

After many interviews with Western military and civilian intelligence personnel in Haiti and then in Bosnia, I realized that they often pooh-pooh journalism as unclassified information not worthy of their attention. In Haiti, for instance, the press reported consistently that the paramilitary organiaztion called FRAPH were murderous thugs, a direct heir to the feared Tontons Macoutes. The CIA maintained that they were just another political party, and told that to the U.S. forces arriving there as peacekeepers in 1994. As a result, the Americans saw no need to neutralize FRAPH, tainting their democratic image with the locals.

I was not too surprised either when a U.S. Marine intelligence captain and a civilian intelligence expert from the Defense Department with whom I flew from Tuzla to Sarajevo in February assured me that the shuttle that they were taking from the airport would be stopping "right in front of the Hotel Serbia" in central Sarajevo. Now, to have a Hotel Serbia in the center of Sarajevo these days is about as likely as a Hotel Hanoi in Saigon in 1972. Stupidity is the most charitable interpretation on these large and small idiocies.

One can only hope that the intelligence community will make an intelligent decision and start using journalists' work, not their identities.

[From the Baltimore Sun, Mar. 5, 1996]

ONE BOUNDARY TOO DANGEROUS FOR THE PRESS TO CROSS

(By Clarence Page)

Washington—I was appalled to discover the Central Intelligence Agency can secretly recruit journalists and clergy as spies. People all over the planet already have enough reasons to hate us journalists. Why add another one?

Too many people have too hard of a time telling the difference between journalists and spies as it is: our jobs are so similar.

Both are assigned to get information the government or the organization that is being reported on or spied on doesn't want them to know.

Of course, there are significant differences. The sort of information that can get you a Pulitzer Prize in this country can get you shot in someone else's. That is why, if we are to spread the blessings of liberty with any success, we must be scrupulous in the way we distinguish independent journalists from government employers.

That's not an easy distinction for much of the world to grasp. Freedom of the press, like brokered political conventions or the designated hitter, is a concept that is not easily understood by those who did not grow up with it.

Consider the difficulty I had trying to explain my role to some university intellectuals in Tanzania while I was traveling around Africa as a reporter for the Chicago Tribune in the mid-1970s.

"Is your newspaper a government newspaper or a party newspaper?" one professor asked. He appeared to be genuinely curious.

Neither, I said. It is a big independent newspaper.

"Big?" said the other. "It is a government newspaper?"

No, I said. It is a big private newspaper.

"But what party publishes it?"

Parties don't publish major newspapers in America. In America, I explained, quoting A.J. Liebling, the press is free to whoever owns one.

"But what party do the owners of your newspaper belong to," one said.

That's not supposed to matter, I said. The only bias that is supposed to matter is the bias in favor of a good story.

They looked at me incredulously. I have grown accustomed to that look from Americans. How, I wondered, could I ever persuade Tanzanians that America's press was not beholden to some higher political power when I could not always persuade my fellow Americans?

After all, I already had become accustomed to assuming that any "journalist" was a spy (and, at the same time, an unofficial government spokesperson) if he or she carried credentials from the Soviet Union, mainland China or any similar totalitarian regime.

Rare exceptions.

Regulations passed in 1977 in the wake of Watergate prohibit the practice of using journalists as spies for the United States. But current CIA Director John M. Deutch revealed a loophole during recent Senate hearings. That loophole allows the CIA to secretly waive the regulations in "extraordinarily rate" circumstances and use journalistic or media cover for intelligence activities.

It's a terrible idea. Even with Senate oversight, the practice of recruiting journalists or clergy casts a dangerous shadow of suspicion over all American journalists who operate overseas.

Yet, Mr. Deutch defended the practice. Since 1977, he said, according to the Associated Press, the agency has been operating under rules that "will not use journalists except under—American journalists—except under very, very rare circumstances."

How, asked Sen. Arlen Specter, R-Pa., chairman of the Senate Intelligence Committee, would he define those "rare circumstances?"

Mr. Deutch offered two hypothetical examples: "One would be where you had a journalist involved in a situation where terrorists were holding U.S. hostages . . . journalists might have tremendously unique access in such a situation . . . or where there was a particular access to a nation or a group who had an ability to use weapons of mass destruction against the U.S."

Well, you have to wonder how much access journalists will have, once outlaw governments or terrorist groups get the idea that the journalist may very well be an informant for an agency that has undermined governments throughout the world.

Arnett's example

Let us not forget CNN's Peter Arnett, who reported live daily from Baghdad during the Persian Gulf war. Despite the worry warts back home who criticized Mr. Arnett every time he reported the Baghdad's government point of view, Pentagon officials said afterward that Mr. Arnett's live pictures actually helped Defense Department assess the effectiveness of their bombing.

That's how it is supposed to work.

In the course of doing their job, journalists can help the efforts of their host government, but that is not their primary purpose.

Some people have trouble telling the difference between spies and reporters. But there is a difference. Let's not fuzz it up.

AMENDMENT OFFERED BY MR. MURTHA TO THE AMENDMENT OFFERED BY MR. RICHARDSON

Mr. MURTHA. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. MURTHA to the amendment offered by Mr. RICHARDSON:

In the matter proposed to be added by the amendment—

(1) strike "An element of" and insert "(a) POLICY.—It is the policy of the United States that an element of"; and

(2) add at the end the following:

(b) WAIVER.—The President may waive subsection (a) in the case of an individual if the President certifies in writing that the waiver is necessary to address the overriding national security interest of the United States. The certification shall be made to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

(c) VOLUNTARY COOPERATION.—Subsection (a) shall not be construed to prohibit the voluntary cooperation of any person who is aware that the cooperation is being provided to an element of the United States Intelligence Community.

Mr. MURTHA (during the reading). Mr. Chairman, I ask unanimous consent that the amendment to the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. MURTHA. Mr. Chairman, what I am doing here is trying to make sure that in extreme, rare circumstances the President could waive the rules or waive the law so that a journalist in acts of terrorism or something like that would be able to allow a journalist to be used in the best interests of the country. It is a remote possibility. The DCI does not want to completely foreclose the option, if the national security interest cannot be furthered in any other way.

I just think this is what we need in order to be able to pursue this amendment. There is widespread support for the amendment, but I think we need a clause which would allow the President of the United States to decide that something like this can be used in the best interest of the country.

Mr. RICHARDSON. Mr. Chairman, will the gentleman yield?

Mr. MURTHA. I yield to the gentleman from New Mexico.

Mr. RICHARDSON. Mr. Chairman, I would be prepared to accept this amendment. I think this is important. It is the President that we are giving this waiver to, not the DCI. The President would have to notify the committees of the Congress of such an action. It is under the most extreme of all circumstances. I suspect that we want to preserve that ultimate option. I think it is important that, in accepting this amendment, we approve my amendment, which basically states the policy of the intelligence community not to recruit journalists as spies.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. MURTHA. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I want to say I strongly support the Murtha amendment to the Richardson amendment. I think it was carefully crafted. It makes clear that a voluntary effort could be undertaken. In addition, a journalist could be used only if the President certifies to Congress as to why it is necessary to do so. I think it gives us a very good safeguard. I think it is a good compromise, and I applaud the gentleman from New Mexico for accepting the Murtha amendment.

Mr. COMBEST. Mr. Chairman, will the gentleman yield?

Mr. MURTHA. I yield to the gentleman from Texas.

Mr. COMBEST. Mr. Chairman, I appreciate the gentleman yielding to me. I rise in strong support of the gentleman from Pennsylvania's amendment. I completely understand the concerns of the gentleman from New Mexico in offering the amendment. I would like to insert in the RECORD a letter addressed to me as chairman of the committee from the Director of Central Intelligence outlining his concerns but indicating the fact that he would have no intention of using anyone within the media but wanting to protect the right and in dire circumstances or extreme circumstances, particularly as the case may affect the ability to save lives, that they would like the option. The amendment of the gentleman from Pennsylvania does preserve that right. I do rise in strong support of it.

I include for the RECORD the letter to which I referred:

CENTRAL INTELLIGENCE AGENCY,
Washington, DC 21 May 1996.

Hon. LARRY COMBEST,
Chairman, Permanent Select Committee on Intelligence, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I write to express opposition to an amendment to be offered by Mr. Richardson of New Mexico to H.R. 3259, the Intelligence Authorization act for Fiscal Year 1997. Mr. Richardson's amendment seeks to prohibit any use of a U.S. journalist or U.S. journalistic organization for intelligence collection.

I empathize with the sentiment behind the amendment. My personal view as well as the official policy of the Central Intelligence Agency is that we should not use American journalists as agents or American news organizations for cover. As Director of Central Intelligence, I have no intention of doing either.

As Director of Central Intelligence, however, I am also wary of categorically ruling out means to collect intelligence that might, under extraordinary circumstances, make the difference in saving American lives. That is why CIA policy for the past twenty years has reserved the right to make rare exceptions to that policy. I have not encountered any set of circumstances that would lead me to consider that possibility during my service, but I do not believe that we should forever foreclose my or my successor's future consideration of such a course.

I join all Americans in my respect for the independence and credibility of our press. When I recently reviewed CIA's policy on intelligence use of American journalists at the direction of Congress, I put into place very stringent guidelines that prohibit any intelligence use of American journalists except under the most extraordinary circumstances. I found that I was unable to assure the President or the Congress that it would never be essential to ask the assistance of a journalist to discover secret information of supreme importance to the security of this country or its citizens. Unfortunately, I can envision circumstances where such cooperation might mean the difference between life and death, possibly in a terrorist situation involving a threat to many Americans. That is why I am compelled to oppose the Richardson amendment as an unnecessary and overly restrictive limitation on intelligence activity.

I urge the Committee to provide me an opportunity to explain in closed session the new guidelines I have adopted and I urge the House to reject the Richardson amendment.

An original of this letter is also being sent to Ranking Minority member Dicks.

Sincerely,

JOHN DEUTCH,
Director of Central Intelligence.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. MURTHA] to the amendment offered by the gentleman from New Mexico [Mr. RICHARDSON].

The amendment to the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Mexico [Mr. RICHARDSON] as amended.

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. RICHARDSON. Mr. Chairman, I demand a recorded vote, and, pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to the rule, further proceedings on the amendment offered by the gentleman from New Mexico [Mr. RICHARDSON], as amended, will be postponed.

The point of no quorum is considered withdrawn.

PARLIAMENTARY INQUIRY

Mr. DICKS. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DICKS. Does the gentleman have to restate his request for a recorded vote at a later time, or is it going to be an automatic recorded vote?

The CHAIRMAN. The request for a recorded vote will be pending at that time. The vote is not automatically ordered.

Mr. DICKS. I thank the Chair.

The CHAIRMAN. Are there further amendments to the bill?

AMENDMENT OFFERED BY MR. SANDERS

Mr. SANDERS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SANDERS: At the end of title I, add the following new section:

SEC. 105. LIMITATION ON AMOUNTS AUTHORIZED TO BE APPROPRIATED.

(a) LIMITATION.—Except as provided in subsection (b), notwithstanding the total amount of the individual authorizations of appropriations contained in this Act, including the amounts specified in the classified Schedule of Authorizations referred to in section 102, there is authorized to be appropriated for fiscal year 1997 to carry out this Act not more than 90 percent of the total amount authorized to be appropriated by the Intelligence Authorization Act for Fiscal Year 1996.

(b) EXCEPTION.—Subsection (a) does not apply to amounts authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund by section 201.

Mr. SANDERS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Vermont?

There was no objection.

Mr. SANDERS. Mr. Chairman, this amendment is simple. It is straightforward and, in fact, it should be supported by every Member of this House, especially those who are concerned about our national debt and the deficit situation.

This amendment is about honesty. It is about consistency, and it is about national priorities. It is about whether the Members of this body, many of whom have voted to cut programs which will be very negative, which will have a lot of pain, cause a lot of pain for some of the weakest and most vulnerable people in this country, programs for our kids, programs for our senior citizens, programs for our young people, whether the Members who have voted to cut those programs now have the courage to take on the very powerful intelligence community and to say that with a $5 trillion national debt, we should not be increasing funding for intelligence when we cut back on so many programs that tens of millions of Americans depend upon.

Mr. Chairman, this amendment cuts the intelligence budget by 10 percent from the level authorized for fiscal year 1996, and that is approximately a $3 billion cut.

Mr. Chairman, there are three basic reasons why this amendment should be supported.

First, major sections of the intelligence community are fiscally irresponsible and need to be held accountable for their hugely inaccurate reports to Congress and for their wasteful habits.

Second, like every other agency of Government, the intelligence community must bear its burden in balancing the budget. We cannot say to pregnant women, we do not have the funds to provide health insurance for you, we cannot say to senior citizens, we do not have the money to make sure you get your prescription drugs, we cannot say to young working-class families, we do not have the money to make sure that your kids can go to college, we do not have the money to adequately fund Medicaid or Medicare, but, yes, we have more than enough money to put into the intelligence agencies despite the fact that the cold war has ended.

Mr. Chairman, let me read for my colleagues an article that appeared in the May 16 New York Times. I am going to read this slowly, because I want the Members to appreciate what we are talking about today and why it is totally irresponsible for any Member to be talking about a 4.9 increase in funding.

Let me quote for the article: "In a complete collapse of accountability, the government agency that builds spy satellites accumulated about $4 billion in uncounted secret money, nearly twice the amount previously reported to Congress, intelligence officials acknowledge today."

Mr. Chairman, let us repeat what was in the New York Times so that every Member understands what this debate is about. I quote from the New York Times; "In a complete collapse of accountability, the government agency that builds spy satellites accumulated about $4 billion in uncounted secret money, nearly twice the amount previously reported to Congress."

Let me continue from the New York Times: "The agency, the highly secretive national reconnaissance office, said last year that the surplus money totaled no more than about $1 billion. Congressional intelligence overseers in December said the amount was about $2 billion. They were misinformed. The secret agency was unaware until very recently exactly how much money it had accumulated in its classified compartments."

Listen to this, to put the $4 billion in perspective, still quoting New York Times, "what the national reconnaissance office did was to lose track of a sum roughly equal to the annual budgets for the Federal Bureau of Investigation and the State Department combined."

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. SANDERS. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I support the gentleman, but I begin to get second thoughts because maybe we have found a way to really cut the deficit. This hidden money that we lost track of started out at a billion. Then within a couple of months it was $2 billion. Now it is $4 billion. There is not revenue source in the Federal Government growing at so rapid a rate. Maybe we ought to leave these people alone, because at the rate these people salt away money and have it increase, pretty soon we will get rid of the deficit.

Mr. CHAIRMAN. The time of the gentleman from Vermont [Mr. SANDERS] has expired.

(By unanimous consent, Mr. SANDERS was allowed to proceed for 2 additional minutes.)

Mr. SANDERS. Mr. Chairman, let me continue reading from the New York Times:

> John Nelson, appointed last year as the reconnaissance office top financial manager and given the task of cleaning up the problem, said in an interview published today in a special edition of Defense Week that the secret agency had undergone, quoting from Mr. Nelson, fundamental financial meltdown.

The article continues:

> The financial incompetence of the reconnaissance office meant that one of the Nation's biggest intelligence agencies misinformed Congress, the director of the Central Intelligence Agency and the Secretary of Defense about how much money it had.

Continuing the New York Times:

> The agency's secrecy made congressional oversight next to impossible, intelligence officials said. Thus the congressional intelligence committees kept appropriating money for the secret agency unaware that it was building up a surplus of billions of dollars.

End of quote from the New York Times.

Mr. Chairman, how are we going to have credibility with the American people when we say to hungry kids, we have got to cut back on nutrition programs, when we say to homeless people, there is not enough money available for affordable housing, when we say to elderly people, the Congress cannot help you pay for the prescription drugs you desperately need, when we say there is not enough money for education and have got to cut back and then, after this horrendous financial irresponsibility on the part of an intelligence community, we say, hey, no problem, you need more money, we are there to help you out.

This is wrong. This is not what deficit reduction is about. This is a horrendous sense of national priorities.

For all of those Members who have been cutting, cutting, cutting, who have been coming up here every day talking about the national debt, I ask you to support my amendment, a 10-percent cut in the intelligence budget.

Mr. COMBEST. Mr. Chairman, I move to strike the last word.

Mr. Chairman, While I disagree strongly with the amendment of the gentleman from Vermont, I do respect his interest and his position and his tenacity in his annual concern about the spending of intelligence. Unfortunately, it is difficult to discuss all of the aspects of the bill. Let me just make some general comments.

□ 1200

The gentleman mentioned that there are tens of millions of people, Americans, dependent upon other programs which are not sufficiently funded. I would agree with that. I would contend that every American depends upon and receives equally the positive results of a strong national defense, which a vital part of that is intelligence and the ability to determine intentions of other countries, particularly as we enter into wartime situations. The reduction of our capabilities abroad in the areas of defense, I think, heighten the magnification of the need for strong intelligence to make for certain we do not send Americans into harm's way. That is on the international front.

On the domestic front, concerns of terrorism, concerns of narcotics, concerns of crime are also very important to the American people, and the abilities of intelligence organizations to counter and to be aware of intentions many times go unnoticed, unheralded and, most of the time, unspoken because we simply cannot discuss them.

I share the gentleman's concern on the primary subject that he mentioned, and that was the carry-forward account in the NRO, and he is correct in the $4 billion figure that was recently announced by the newly appointed financial manager of the NRO who was brought in after the carry-forward account was discovered. Some have accused the majority in this year's authorization bill of micromanaging the NRO, and the NRP, National Reconnaissance Program.

I made a commitment to the members of this committee that the committee that was brought under task in the New York Times editorial of last year when the NRO account, carried-forward account, was first mentioned, and the committees of Congress with oversight were chastised for inadequate oversight that, as long as I had the luxury and the ability to serve as chairman of this committee, I would make every effort that I would not subject the committee to that type of criticism in the future, and it is with great interest and looking at all of the programs of the NRO that the mark that we have brought to the committee in our authorization bill this year is being questioned by so many people.

We want to be able to assure, those of us who have been given the ability to serve on this committee and basically have to ask Members of the Congress to trust us, that we are scrutinizing the expenditures of those funds, and while I do not agree that the accounting was done well at all, and in fact I think it was shoddy at best, that those moneys were appropriated and expended for, authorized and appropriated for, programs over the years of which the expenditure did not need to take place because the programs that they were to replace in our architecture had worked so well.

There was not a loss of the funds, there was not a squandering of the funds. We are continuing to demand an actual and exact accounting of those funds and the purposes for which they were initially authorized and appropriated, not money which was wasted. It is not money which was wasted, it is money which I will be the first to admit was done very shoddily in reporting to Congress, even to the director of Central Intelligence, that those funds existed.

We do not intend to allow that to happen again and are very concerned about that.

The CHAIRMAN. The time of the gentleman from Texas [Mr. COMBEST] has expired.

(By unanimous consent, Mr. COMBEST was allowed to proceed for 2 additional minutes.)

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. COMBEST. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I thank the gentleman from Texas for yielding, I thank him for his graciousness with which he is managing this debate, but I do have concern about the $4 billion. My question is:

When we discovered that there was $4 billion that was unspent because, as he said, it turned out that they did not need to spend it, did we recapture that for the U.S. Treasury and use it to reduce the deficit?

My problem is that my information is, no, the people who in fact were responsible for the overspending and no accounting essentially were allowed to spend it for other purposes or give it to the Defense Department, which means they have been given them zero incentive not to do this again. And if, in fact, it was unneeded spending, why did we not recapture it and apply it to reducing the deficit?

Mr. COMBEST. The gentleman does make a point, and he is correct in the fact that it was not taken and it was not used toward the deficit.

Let me mention to the gentleman from Massachusetts the $4 billion only is recently. We are still looking to find the fact amount.

Mr. FRANK of Massachusetts. Is there more? Maybe can we hope?

Mr. COMBEST. Well, hopefully not, but it did begin at 1, and, as we know, went to 2. The committee has been kept informed of this, of the additional amounts that continue to be uncovered, but of the amount last year, over $2 billion has been taken. Some of that was taken by other committees. Some of it was taken by the Director of Central Intelligence and expended for——

Mr. FRANK of Massachusetts. If the gentleman will yield. How much? Of the $2 billion that he saved and did not spend, or his predecessor, how much of a reward did he get of that to spend on other things?

Mr. COMBEST. I guess the reward was the fact that there was no punitive action taken. But we have taken $400 million out of the account, more than we had in our authorized bill. We are below some $400 million below the authorization from, $800 million below the authorization for 1996.

I do not want to make light of, and I do not make light of, the concerns that are raised. I will assure the gentleman that the committee shares those concerns.

The CHAIRMAN. The time of the gentleman from Texas [Mr. COMBEST] has again expired.

(By unanimous consent, Mr. COMBEST was allowed to proceed for 2 additional minutes.)

Mr. SANDERS. Mr. Chairman, will the gentleman yield?

Mr. COMBEST. Let me just finish this, and I will be happy to yield.

Mr. Chairman, the committee is extremely concerned about the accountability because of all those good things that are there that do happen. It is this type of problem that arises that obviously makes, stretches the credibility of many of these agencies of Government.

I would only want to try to assure the gentleman that we are looking at this very carefully, very closely, and we intend for there to be complete and thorough accountability.

Mr. Chairman, I yield to the gentleman from Vermont [Mr. SANDERS].

Mr. SANDERS. Mr. Chairman, I appreciate the difficulty of the gentleman's job as chairman of the committee, but let me ask the gentleman this:

To put $4 billion into perspective that the National Reconnaissance Office, quote unquote, lost track of, I would mention to my friend I know he is from Texas and it is a little bit bigger State than Vermont; our entire annual budget for the State of Vermont for 1 year is $1.5 billion. In other words, they lost track of an amount of money equivalent to 3 years of the budget of the State of Vermont.

Last year, I was on the floor of the House, the gentleman from Massachusetts [Mr. FRANK] was on the floor of the House, other Members, and we opposed an increase in the intelligence budget. We were concerned about exactly what we are talking about today, and we were told, "No problem. They need every dime."

Somehow or other they lost $4 billion, and I would suggest that the problem that I have with my friend's argument is that I fear next year we are going to be in the same position again.

When some agency is so irresponsible, I think we have got to say enough is enough.

Mr. COMBEST. Mr. Chairman, I understand the gentleman's concern. Let me say first of all it was not lost. The money is there and accounted for. These were programs that were authorized and appropriated and programs for which commitments have been made, and I would just simply say to the gentleman, in comparing with the State of Vermont's budget, fortunately the State of Vermont does not have to fund national defense for all Americans.

Mr. DICKS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to try to see if I can provide some clarification.

On most of the major weapons systems that we fund in the Defense Department, like an aircraft carrier or the F-22, which is still an R&D program, we authorize all of the budget authority at one time. Therefore we have each year tremendous amounts of unobligated funds for those programs. If we looked at the Department of Defense, we would see there are a lot of unobligated funds.

In this area there was adopted a procedure when George McMahon was chairman of the Committee on Appropriations. There was a concern that at the end of the fiscal year if Congress did not pass the budget, that some of these programs would be adversely affected.

These are the crown jewels of our national technical means. We have a series of satellite programs that are funded on an incremental basis. One of the things we do not want to do is have them do what some agencies do, and that is rush at the end of the fiscal year to spend all the money. We have somewhere between 7 and 12 programs that have had various levels of unspent funds which added up to this total.

We have no evidence whatsoever that any of this money was wrongly spent. The money would have ultimately been spent for each of these programs. The mistake of the NRO was not keeping Congress properly informed about the total of those carryforward funds. That is what we objected to, and we were very upset about it. The Director of Central Intelligence, Mr. Deutsch, was very upset about it. He has taken steps to appoint a chief financial officer to get these accounts in order.

The money is no longer there, I want to point out to my colleagues. Some of it was used in Bosnia, some of it was used for other defense purposes, the administration took part of it in terms of their budget request. So that balance has been reduced to a much smaller level, and again there is some management reason to have modest reserves in each of these line items.

Mr. COMBEST. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from Texas.

Mr. COMBEST. Mr. Chairman, I would like to just also mention that in the authorization of last year our committee, and I am sorry in the conference report, which finally became the law, this committee and the Senate Intelligence Committee put a limit of 1-month carryforward money so that those could be substantial so that we can make for certain that it does not grow into the amounts. But it is written into law that there is a 1-month carryforward, no more than an 1-month carryover.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. I must tell my friend from Texas I am less reassured by that than I might have been, given the fact that after we passed that conference report and it was signed into law, the unobligated, unaccounted for secret surplus went from $2 billion to $4 billion. So this restriction on them did not appear to lay a glove on them because they passed this tough restriction, and then we find out months after they pass the restriction that it was $4 billion instead of $2 billion. Maybe our colleagues should stop trying to restrict them, because they are not doing too well.

Mr. DICKS. Mr. Chairman, if the gentleman from Massachusetts will let me have my time back, I would appreciate that. I want to point out to the gentleman that when we named the chief financial officer, he had to go back in and go through all these accounts. I admit and agree with the gentleman that the amount here was totally out of proportion to what is needed to properly take care of these contingency purposes. What I am trying to point out is that the money has not been squandered, has not been used for unauthorized purposes; there is no waste, fraud, or abuse. What we had is lousy bookkeeping on the part of the NRO.

Let me just say one thing further. The NRO has been one of the premier organizations in this Government. They are great engineers. They build incredible satellites. They may be lousy accountants, and in this case they certainly were. We should always remember what they have done. They have created the best capabilities that anybody has in the world and we should remember that this agency has been very effective for the American people.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. My point was, and I must say I am again unreassured that these crack intelligence people who are so terrific cannot keep track of the money.

I will say, in fairness to them, I do not think this was lousy accounting, I think this was cleverness on their part, knowing that they can build this up and those guys are going to spend it.

But the point I want to make is this: The chairman said, "You came up with a way to prevent this from happening last year, and what happened? It got worse after you presented it." So I am saying it is——

Mr. DICKS. That is for this year's budget.

Mr. FRANK of Massachusetts. Oh, I see. So what is the excuse going to be next year?

Mr. DICKS. Well, we hope there will not be one, I would say to my colleague.

The CHAIRMAN. The time of the gentleman from Washington [Mr. DICKS] has expired.

(By unanimous consent, Mr. DICKS was allowed to proceed for 2 additional minutes.)

Mr. SANDERS. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from Vermont.

Mr. SANDERS. Mr. Chairman, my friend from Washington will recall that last year, same time, same place, we had the same debate. The gentleman from Massachusetts [Mr. FRANK] and myself and others said we think we are spending too much on the intelligence, and we had leaders from both political parties coming forward saying they need every single nickel. And what we are hearing today is, in fact, that there was an unaccounted-for slush fund of $4 billion that, in fact, was not needed.

We were right on the debate last time, and in due respect to my friend from Washington, his position was wrong.

So the question now comes before us this year. I am not here to pass blame on any Member of the Congress.

Mr. DICKS. Mr. Chairman, I take back my time, and I say to my friend, first of all, I would not characterize this as a slush fund. I would characterize it as a management reserve for each of these important programs, and the money that Congress appropriated and authorized is needed at some point for these programs.

We have taken the money away. That means at some point in the future we have to restore it.

I would also say to the gentleman that we are going through a period where we are reducing the number of programs that we have, we are trying to change the architecture, we are trying to, in essence, invest in more capable systems for the future so that we will be able to save some money.

☐ 1215

I would argue that all of the money would have been legally spent on the programs as required, eventually, and there is no indication of waste, fraud, or abuse.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we have never had a clearer demonstration of the importance of an amendment. We are constrained by one of the dumber laws in the United States from telling the American people what the overall intelligence budget is. If we cannot tell people what the overall intelligence budget is, we cannot tell them the percentage, because even the accountants at the National Reconnaissance Office could figure out what that meant the total was.

But I can say this, Mr. Chairman. The $4 billion that has hidden away and spent for purposes other than was legally authorized, and let us be very clear, there is no doubt about that; what the gentleman from Texas said was it turned out they did not need to spend that.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, the gentleman, I know, is not intending to say that. There was no evidence whatsoever that funds were spent for anything that was unauthorized.

Mr. FRANK of Massachusetts. That is not my point. I did not say it was unauthorized, I said they spent clearly more——

Mr. DICKS. Mr. Chairman, if the gentleman wants to read the RECORD back, that is exactly what he said.

Mr. FRANK of Massachusetts. Yes, and I will explain what I said to the gentleman. I am sorry the gentleman and his colleagues have done, frankly, such a lousy job in letting these people put $4 billion away, and it was $1 billion and then $2 billion, and now it is $4 billion. Every time, they come up with more money. You explained to us how you had it under control.

What happened, Mr. Chairman, was this: They were allowed to spend almost all of that on other purposes, not things that were not authorized, but they were allowed to spend more, because the accounts were added to. They were given that $4 billion, they were given a limit: You can spend so much on this and so much on that and so much there. And because they underspent here, they were allowed to reuse that.

You have provided them with every incentive to keep fooling you, and fooling you they have been doing. You have not penalized them at all. If any other agency of the Federal Government got caught with a surplus of this percentage, there would be calls for resignations and impeachments and denunciations.

Mr. Chairman, the $4 billion that was found, that was spent in addition to what was authorized in these purposes, that $4 billion is more than the amendment of the gentleman from Vermont would cut. You lost track of more money than we want to cut, so that is how, I think, unfounded it is for you to claim that this in any way jeopardizes it.

Mr. SANDERS. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Vermont.

Mr. SANDERS. Mr. Chairman, the gentleman from Massachusetts is on the Subcommittee on Housing and Community Opportunity of the Committee on Banking and Financial Services with me. He will remember a few weeks ago, there was a photograph and great discussions about mismanagement of public housing. Does the gentleman recall that?

Mr. FRANK of Massachusetts. Yes, I do.

Mr. SANDERS. How terrible it was; how could we continue to have covered, how would we continue to fund the HUD agencies when they are going mismanagement like that? Does the gentleman not a see a little bit of a discrepancy in judgment, in opinion, in terms of the gross mismanagement of billions of dollars through the National Reconnaissance Office and what we heard about HUD and the running of public housing?

Mr. FRANK of Massachusetts. Mr. Chairman, I would make this distinction, and in the case of HUD, I am more critical, because we had for 8 years a Secretary of HUD, appointed by Ronald Reagan, who was dishonest and incompetent, in combination. I do not think that is the case here. I do not think people had the kind of abuses and criminality here. I know they did not. But what we had was they gamed the system very effectively. They were able to not have to spend it.

Mr. Chairman, the gentleman from Texas said it turned out they did not need to spend it. They were able to save $4 billion. And they got the ability, after authorizations, to reprogram that and reuse it so they were able to spend more in other areas, since they did not have to spend as much in the first area.

Given the commitment we hear about deficit reduction, it is striking that almost none of that undiscovered, unspent money went for deficit reduction.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I think the gentleman was a little more accurate in his latter phrases. I want to make sure that what we did, what the Defense Department did, was take some of the excess money and use it for Bosnia. Then they did not have to come to Congress, and we approved that.

Mr. FRANK of Massachusetts. How much for Bosnia, I would ask the gentleman?

Mr. DICKS. The sum of $200 million was used.

Mr. FRANK of Massachusetts. That is $200 million out of $4 billion.

Mr. Chairman, let me take back my time to say, here is the point: Yes, $200 million, maybe a couple hundred more, was used for Bosnia. Billions of dollars were unspent. I am making two points. First of all, I am wholly skeptical of the toughness of your oversight, since no one was penalized at all. As a matter of fact, they are rewarded by this. They are rewarded when they overspend, by being allowed then to spend more than was authorized.

My point is this: If you authorize correctly in the first place, then you must admit you overspent, because if in fact they were able to make savings to the tune of $4 billion in one set of programs, then we should have been able to get at least some of the benefit of that $4 billion, instead of your rewarding them by putting it elsewhere.

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. FRANK] has expired.

(On request of Mr. DICKS and by unanimous consent, Mr. FRANK of Massachusetts was allowed to proceed for 2 additional minutes.)

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I would say to my friend, the gentleman from Massachusetts, first of all, this was not without penalty. The Director and the Deputy Director of the NRO were replaced by the administration and a new head was brought in.

Mr. FRANK of Massachusetts. When?

Mr. DICKS. Several months ago, in February or March of this year, so there was direct action taken. I take some umbrage at this, because it was the staff on our committee, and the minority staff in particular, that were at the forefront of discovering this problem and bringing it to the administration's attention.

Mr. FRANK of Massachusetts. Mr. Chairman, I would ask the gentleman, where did it get to $4 billion.

Mr. DICKS. Last year.

Mr. FRANK of Massachusetts. You were telling us $2 billion.

Mr. DICKS. At the time they discovered it.

Mr. FRANK of Massachusetts. They hid $2 billion from you.

Mr. DICKS. They did not know what the total was.

Mr. FRANK of Massachusetts. Who did not know?

Mr. DICKS. The NRO did not.

Mr. FRANK of Massachusetts. They just lost $2 billion? With their satellites they could not find $2 billion?

Mr. DICKS. Mr. Chairman, I just would say we tried our very best to ensure that. We supported Mr. DEUTSCH's steps to reform the NRO such as appointing a chief financial officer. We found the money in the first instance, and we now have a more accurate figure.

Mr. FRANK of Massachusetts. I will take back my time to say this, Mr. Chairman; the record is clear. As the gentleman from Vermont said, you always have an explanation of how everything is fine. I understand this is difficult. They are very sophisticated things they are doing. I do not believe it was an honest error. I believe they figured out a game.

The central point I want to make is this, and I am not for hanging anyone, but the fact that an agency was able to accumulate a surplus greater than 10 percent of the total authorization here is an indication that you are giving them more money than they need for the purposes you say you are giving it to them for.

In fact, what you were doing, that $4 billion, that is the entire Community Development Block Grant Program for the United States. It was twice the Low-Income Home Energy Assistance Program for the United States. You are talking about the deficit, and people should understand, because we are going to get to a zero deficit.

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. FRANK] has again expired.

(By unanimous consent, Mr. FRANK of Massachusetts was allowed to proceed for 30 additional seconds.)

Mr. FRANK of Massachusetts. Mr. Chairman, I say to the gentleman, continue this trend of ever-increasing appropriations and authorizations for this agency, even when they have shown it is excessive by building up these surpluses, and you mandate deeper cuts in the environment and law enforcement and college education and public safety and everything else, because we are in a zero-sum situation. The $4 billion they accumulated without the knowledge of this committee is taken out of other important programs. We would be gravely mistaken if we did not try to recapture that for other purposes.

Mr. TRAFICANT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this is a stealth cut. Technically, the American people do not know what the budget is in the first place. I think it is very important today that we pass the Conyers amendment and once and for all bring some fiscal responsibility to the Central Intelligence Agency.

I have voted for cuts in this bill nearly every year I have been in Congress.

It is amazing for me to announce here now that I am not going to vote to cut this budget by 10 percent. I am not going to do that because I believe that John Deutch, his word is good. He is doing a good job. We have an opportunity here to put this department, the Central Intelligence Agency, and other intelligence units in order.

But we wonder why the American people are so upset with our Government. I would like to make this statement, because I do trust the chairman and the ranking member, two of our finer members, but I think it is very unusual when the American people learn about an invasion of Kuwait on CNN news. There must be an aggressive congressional oversight to ensure that these intelligence agencies are not just operating in a stealth vacuum, doing absolutely nothing. This will be the one chance this Member will give.

Mr. Chairman, I would like to say one other thing. Unless we pass the Conyers amendment, we would not know what the Sanders amendment would cut if we were not a Member of the Congress of the United States. I think the American people are paying for the freight coming down the track and should know what our intelligence community is doing.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, first of all, I want the gentleman to know that I have supported Chairman GLICKMAN, I am supporting and cosponsoring the amendment of the gentleman from Michigan, Mr. CONYERS, and the President supports, as does the Aspin-Brown Commission, making the aggregate dollar number known to the American public.

I would only say one thing to the gentleman about his statement about Kuwait. George Bush, as President, the first thing he stated after the invasion was that it was not an intelligence failure. We knew several days ahead of time, but again, it is always hard for the American Government, the national command authority, when it is getting differing opinions from government heads in the area that, well, Saddham will not do this, to take action. It was not a failure of intelligence. We did have 2 or 3 days of warning. It is acting on that warning that is always difficult under our form of government.

So I do not want to disparage the intelligence agencies here. They gave them the information. The leadership could not make a decision that quickly.

Mr. TRAFICANT. Reclaiming my time, Mr. Chairman, I will not support this cutting amendment. I will give John Deutch a hand. But I will say this next year, if we continue to find ourselves in this big sinkhole without passing a Conyers amendment, I would recommend we hire Ted Turner and Rush Limbaugh and let the CIA stay home, and other defense intelligence agencies, because they are not getting too much done, folks.

Mr. Chairman, I rise in opposition to this amendment, but I want to commend the gentleman from Vermont, Mr. SANDERS. I think he may help pass the Conyers amendment, and that may be the best thing we do here in this Congress today.

Mr. LEWIS of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as a member of the Select Committee on Intelligence who has served on the committee now for a couple of years, I cannot help but rise at this point to first express my deep appreciation for the work of both the chairman, the gentleman from Texas, LARRY COMBEST, and my colleague, the gentleman from Washington, Mr. DICKS, for the very, very fine job they are doing on an extremely difficult subject area, developing and bringing the intelligence budget to this House floor.

Mr. Chairman, it is a very, very popular thing to rise and oppose the intelligence community and presume that lightly we can, using essentially a machete approach, cut 10 percent across the board in this program. Since the end of the cold war, we have progressively been reducing a very significant portion of our budget; that is, the defense budget. Defense has come down by approximately $100 billion. It is the presumption of many that since the cold war is over and since we are reducing our defense budget, that lightly we can just wipe out our intelligence needs. To suggest that that is the case would suggest to me that not very much light has been applied to the intelligence that is involved here.

The reality is that we are living in a very, very complex and very dangerous world. At the very time that we have been reducing defense spending, it is the very moment that the President and the appropriate committees need more and better intelligence around here.

The heart of the discussion relative to this proposed 10-percent cut has been that of the expenditures of the NRO. The NRO is that agency which develops and deploys our satellite systems, a source of information, intelligence information, that is most critical and one of the more important sources.

☐ 1230

To suggest that we can blithely reduce the entire intelligence budget because of problems that have developed in the NRO is to not understand the need for intelligence at all. I would suggest, Mr. Chairman, that the very people who are making this proposal are the same people who for all of their careers here have opposed our national defense, have not supported expanding the national defense when we truly needed to expand those budgets. To not understand the significance of these information flows to the President at this critical time is to ignore the reality of this changing world.

This budget is within 3.9 percent of the President's request. It is not an excessive budget. Indeed, there is a need for oversight and review. I suggest to my colleagues that absolutely we support not just the chairman and the ranking member in this budget, but support the President as well.

Mr. DEFAZIO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, in response to the last gentleman, they are within 3.9 percent of the President's budget, but of course it erred on the side of increasing the rather generous allotment that the President has already made for these agencies, as though a fiscal crisis did not exist here in Washington.

This is an extraordinary debate, and I think the burden goes to those who are defending against a 10-percent cut in a secret number that we cannot know. Now, a case can of course be made that it is a dangerous world and we need these various organizations, and they need and can spend productively every penny which has been allocated, even a 4-percent increase over and above the generous allotment requested by the President.

But the burden does rest with the members of the Permanent Select Committee on Intelligence because they are overseers, they are the monitors, they are the protectors of the Constitution that says only Congress should appropriate funds and that it should know how much it is appropriating.

I do not know. I have not gone to look at the secret number, because if I go and look at the secret number, then I cannot tell people what the secret number is, which I can read in the New York Times. But this is somehow protecting us against the threats of our enemies. What it is protecting us against is fiscal responsibility at these agencies.

Now, wait a minute, the National Reconnaissance Agency, well, they did have a little problem. They built a building for some $300 or $400 million out at a shopping center, and Congress did not know about it. Perhaps the agency itself did not know about it or most parts of the agency did not know about it, because it keeps secrets from itself.

This is the agency that monitors everything that goes on on Earth at all times. At this moment they are recording my conversation, if not by supersecret satellite, from CNN, where they get a good deal of their information.

Now they are saying that they have found an extra $4 billion in their budget. Not to worry, $4 billion. We kill on the floor of the House of Congress, for a couple hundred thousand crummy dollars over here, and talk about welfare cheats and food stamp fraud and all that, and amounts of 10 or 20 or 30 thousands of dollars.

But here is an agency that had $4 billion, more than the total appropriation of the FBI and the State Department for their general operations, and they just did not know it, and that does not need that. Never too much money. No; an extra $4 billion. I mean given the magnitude of their annual budget, secret number, we cannot know how much that is, they needed this $4 billion. They just did not know they had it and they did not know how to spend it.

Now, there is something very, very wrong with this picture. They know everything that is going on. They are monitoring my speech on the floor, but they do not know how much money they have because they are so awash in funds, they cannot even be bothered to go out and buy a $39 software program to keep track of it.

Now, that is absurd, absolutely absured, and to say that that agency cannot withstand a cut of 10 percent is indefensible. The burden lies on those who would defend it. They get $4 billion they have not been able to spend, they did not know they had, and now they cannot withstand a 10-percent cut of their annual budget, secret number, no one can know it.

The Soviet Union might learn something from knowing how much we are spending on that agency. They will learn that we are spending more on these agencies than they are spending on their entire military budget, is what they will find. They will shake their head and wonder.

Of course the Soviet Union does not exist anymore, and that has almost percolated down to some of these agencies. They have found that fact out and we will be getting a report on that soon.

So I would rise in support of this amendment and say that the burden lies with those who would say an agency, just one of many, we do not know how much the others have lost or have an account that they have not spent. That is secret, too.

But just one of our supersecret agencies had $4 billion it did not know it had, that it has not spent, and we are being told now it was a management reserve. If that was a management reserve there, how much is reserved at the other agencies? Do they really need this year's budget? Because maybe they should spend down the reserve a little bit, because they might be at an imprudent level.

Mr. OWENS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment. The CIA is out of control. It is not just the $4 billion that they had lying around that they did not know that they had. There are many other ways that the CIA is out of control, and the CIA would greatly benefit from some downsizing and some streamlining. The CIA would greatly benefit from a cut in the funds that they have while they reorganize and regroup.

This is the CIA that did not predict the collapse of the Soviet Union. This is the CIA that could not predict the most momentous event of our century. This is the CIA that could not see a dinosaur event, like the collapse of the Soviet Union. There is something radically wrong with the CIA. It has been wrong for a long time.

It is amazing that people would come to this floor and defend an agency which has lost track of $4 billion, lost track of $4 billion, and to talk about them as if they are heroes now because they are going to let some of that $4 billion be spent taking care of the war in Bosnia, somewhere else. They are not heroes. And do not talk about the fact that this is just mismanagement. It is more than mismanagement. We do not know.

Anybody here who has ever been the head of any kind of organization, if they have ever been an administrator of a public agency or they are the owner, the administrator of a private sector business, they know that when money cannot be accounted for, if it is lying loosely around and the head of the department did not know it, the head of the CIA did not know it, the President did not know it, somebody did steal money. We can assume there is a lot of stealing going on, because if we do not have any accountability, human beings always will steal.

This is the CIA that for a number of reasons should be downsizing, reorganizing, and streamlining. Nobody has mentioned Aldrich Ames here. We have discussed the $4 billion, although the $4 billion is something that the administration has admitted. They fired two people. It was on the front page of the New York Times. Some people did not know it. They fired two people, so mismanagement was occurring.

For the first time they fired the people, openly stated their names, so we know it took place, and it upset the administration a great deal because, they publicly fired the people. That is a well-documented example of great waste, monumental waste and probably corruption also.

But what we do not know, what is not talked about more is Aldrich Ames, the implication of the fact that Aldrich Ames was the head of intelligence for the Soviet Union and Eastern Europe, and he was the biggest spy of the century for the Soviet Union and Eastern Europe. Aldrich Ames was there for numerous years, and they never detected him and finally announced it was the FBI which really trapped Aldrich Ames.

Out of control, something is radically wrong there. It is a welfare agency, in that they have a lot of incompetent people there who are not doing their job, or not doing a job which is going to benefit the welfare and protect the security of the United States. Something is radically wrong. Incompetence must be monumental in that agency.

This is the agency that paid the salary of Emanuel Comstonce, who was the man who led the demonstration on the docks in Haiti when we were sending ships down there. We sent ships down there with a peacekeeping mission which had police, engineers, et cetera. They led a demonstration where they were shooting guns, intimidating the Charge d'Affaires of the U.S. Embassy. It was led by a man named Emanuel Comstonce, who was on the payroll of the CIA.

Emanuel Comstonce is right now in prison here in this country. They want to keep him here. They want to keep him isolated and quiet because he has confessed and he is telling: "I was on the payroll of the CIA."

This is an agency that is obviously out of control. It needs to be reexamined, downsized, streamlined. In modern society, any institution that operates in secrecy is in danger. Our complex society is such that any complex institutions needs to be open, so that other folks from outside the decision-making circles can be able to look at what is going on and offer some objective criticisms.

The Soviet Union collapsed because its whole society was a closed circle of decisionmaking, and they made monumental errors which we are still discovering and still suffering from. Chernobyl, they did not have a nuclear commission that was open and people could talk to. They did not have a environmental movement. They would suppress anybody who tried to have a movement critical of anything, so they ruined their environment.

The CIA is a closed circle of decisionmaking. The secrecy in the CIA guarantees that is always going to be a big problem. We need to open up as much as possible, not tell everything, but we can have a discussion of the budget. We should know the full amount of the budget. The New York Times estimates it is between $28 and $30 billion. We are talking about a 10-percent cut on $28 to $30 billion. We are talking about a 10-percent cut which will at the most amount to $3 billion.

The CHAIRMAN. The time of the gentleman from New York [Mr. OWENS] has expired.

(By unanimous consent, Mr. OWENS was allowed to proceed for 1 additional minute.)

Mr. OWENS. Mr. Chairman, it has already been pointed out a 10-percent cut, which would amount to $3 billion, is less than the amount of money they lost track of. They lost track of $4 billion. They put a spin on it, they said it was $1 billion, then it became $2 billion. Now they are admitting $4 billion, and we do not know how honest they are because it keeps mounting. If they have lost track of that kind of money, they certainly can afford a 10-percent cut.

We have been offering this amendment now for the last 4 years. If they accepted it in the first place, we might be much further along the way in terms of streamlining the CIA.

I think we need the CIA. We certainly do not need the monster, the dinosaur that we have had so many years, that could not detect the changes of the Soviet Union, that gave us Aldrich Ames, that gave us Emanuel Comstonce, and then had $4 billion lying around while we are cutting the budget of Head Start, and cutting the budget of the school lunch program, and we are cutting the budget of title I, and we are cutting the budget of public housing.

We are cutting all these budgets while they have $4 billion lying around unused. We need to get control of the CIA, Mr. Chairman. We need to get control of the CIA.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Vermont [Mr. SANDERS].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. SANDERS. Mr. Chairman, I demand a recorded vote, and, pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to the rule, further proceedings on the amendment offered by the gentleman from Vermont [Mr. SANDERS] will be postponed.

The point of no quorum is considered withdrawn.

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT: At the end of title III, add the following:

SEC. 306. COMPLIANCE WITH BUY AMERICAN ACT.

No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the "Buy American Act").

SEC. 307. SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.

(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the head of the appropriate element of the Intelligence Community shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

SEC. 308. PROHIBITION OF CONTRACTS.

If it has been finally determined by a court or Federal agency that any person intentionally affixed a fraudulent label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that was not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

Mr. TRAFICANT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TRAFICANT. Mr. Chairman, we have the stealth budget. This could be a stealth Buy American type of program.

Mr. Chairman, before I yield to the distinguished ranking member, I would just like to say this. I think it is important today that the Conyers amendment be passed. I think it is absolutely necessary, as indicated by previous debate.

I am here pledging to work with the chairman and the ranking member in supporting this budget and to give John Deutsch a real chance. John Deutsch's word has always been good. I have dealt with many bureaucrats down here. I think he is top flight. He deserves a chance to bring this in order.

My amendment, I think everybody understands it. I want to make sure that if we are going to be making these stealth purchases, that these stealth purchases take place in the United States of America.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I appreciate the gentleman yielding.

Mr. Chairman, I want to say to my friend from Ohio, he has offered a similar amendment in years past, with the goal of ensuring that the intelligence community maximizes its purchase of American-made products. As the gentleman knows, we are the leader in stealth technology. This is a goal I support.

We have worked with the gentleman from Ohio on other occasions to preserve the spirit of his amendment in conference, even though the committee is aware that the record of the intelligence community on the procurement of U.S. products is exemplary. We will do so again this year, and we are pleased, at least I am pleased for the minority, to accept the amendment. I yield to the chairman.

□ 1345

Mr. COMBEST. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Texas.

Mr. COMBEST. Mr. Chairman, as we traditionally have been on this bill, we are very happy to accept the gentleman's amendment, and appreciate his continued work on this for all of these 12 years.

Mr. TRAFICANT. Mr. Chairman, reclaiming my time, the only thing I can say is if the Conyers amendment passes, we will know the aggregate amount, we will not know the line items, the public will not, but I am going to go up and check to see if these intelligence agency sleuths are buying American.

Mr. Chairman, with that, I urge an "aye" vote on the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to the bill?

AMENDMENT OFFERED BY MR. BROWNBACK

Mr. BROWNBACK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BROWNBACK: At the end of title III insert the following new section:

SEC. 306. RESTRICTIONS ON INTELLIGENCE SHARING WITH THE UNITED NATIONS.

(a) IN GENERAL.—The National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended by adding at the end of title I the following new section:

"RESTRICTIONS ON INTELLIGENCE SHARING WITH THE UNITED NATIONS

"SEC. 110. (a) PROVISION OF INTELLIGENCE INFORMATION TO THE UNITED NATIONS.—(1) No United States intelligence information may be provided to the United Nations or any organization affiliated with the United Nations, or to any official or employee thereof, unless the President certifies to the Committee on Foreign Relations and the Committee on Intelligence of the Senate and the Select Committee on Intelligence of the Senate and the Committee on International Relations and the Permanent Select Committee on Intelligence of the House of Representatives that the Director of Central Intelligence (in this section referred to as the 'DCT'), in consultation with the Secretary of State and the Secretary of Defense, has required, and such organization has established and implemented, procedures for protecting intelligence sources and methods (including protection from release to nations and foreign nationals that are otherwise not eligible to receive such information) no less stringent than procedures maintained by nations with which the United States regularly shares similar types of intelligence information. Such certification shall include a description of the procedures in effect at such organization.

"(2) Paragraph (1) may be waived upon written certification by the President to the appropriate committees of Congress that providing such information to the United Nations or an organization affiliated with the United Nations, or to any official or employee thereof, is in the national security interest of the United States and that all possible measures protecting such information has been taken, except that such waiver must be made for each instance such information is provided, or for each such document provided.

"(b) PERIODIC AND SPECIAL REPORTS.—(1) The President shall periodically report but not less frequently than quarterly, to the Committee on Foreign Relations and the Select Committee on Intelligence of the Senate and the Committee on International Relations and the Permanent Select Committee on Intelligence of the House of Representatives on the types and volume of intelligence provided to the United Nations and the purposes for which it was provided during the period covered by the report. Such periodic reports shall be submitted to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives with an annex containing a counterintelligence and security assessment of all risks, including an evaluation of any potential adverse impact on national collection systems, of providing intelligence to the United Nations, together with the information on how such risks have been addressed.

"(2) The President shall submit a special report to the Committee on Foreign Relations and the Select Committee on Intelligence of the Senate and the Committee on International Relations and the Permanent Select Committee on Intelligence of the House or Representatives within 15 days after the United States Government becomes aware of any unauthorized disclosure of intelligence provided to the United Nations by the United States.

"(c) LIMITATION.—The restrictions of subsection (a) and the requirement for periodic reports under paragraph (1) of subsection (a) shall not apply to the provision of intelligence that is provided only to, and for the use of, appropriately cleared United States Government personnel serving with the United Nations.

"(d) DELEGATION OF DUTIES.—The President may not delegate or assign the duties of the President under subsection (a).

"(e) RELATIONSHIP TO EXISTING LAW.—Nothing in this section shall be construed to—

"(1) impair or otherwise affect the authority of the Director of Central Intelligence to protect intelligence sources and methods from unauthorized disclosure pursuant to section 103(c)(5) of the National Security Act of 1947 (50 U.S.C. 403–3(c)(5)); or

"(2) supersede or otherwise affect the provisions of title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.).".

(b) CLINICAL AMENDMENT.—The table of contents for the National Security Act of 1947 is amended by inserting after the item relating to section 109 the following:

"Sec. 110. Restrictions on intelligence sharing with the United Nations.".

Mr. BROWNBACK (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. BROWNBACK. Mr. Chairman, I rise today in an attempt to restore sanity to our policy of sharing intelligence information with the United Nations.

My amendment would amend the 1974 National Security Act to prohibit the sharing of U.S. intelligence information with the United Nations or any of its affiliated organizations unless the President certifies to Congress that the organization has implemented CIA, Defense, and State Department procedures to protect U.S. intelligence sources and methods.

This provision is not intended to end U.S. intelligence sharing with the United Nations, nor does it mean to set unreasonable or impossible standards for the protection of critical U.S. sources and methods of intelligence gathering.

The only purpose of this provision is to restore basic rationality to the administration's imprudent sharing of sensitive intelligence information with the United Nations.

My provision establishes logical and reasonable standards for sharing intelligence information with the United Nations. All it says is that the United States should require the same level of protection of U.S. intelligence information from the United Nations that we require in our intelligence sharing arrangements with other states.

If for some reason the United Nations is unwilling or incapable of providing that level of protections, my provision will still permit the sharing of U.S. intelligence with the United Nations on a case-by-case basis. In each of these cases, all that is required is a certification that the information shared advances U.S. national security interests.

Protecting our sources and methods of intelligence gathering is not an academic subject. It is a matter of national security. It is a matter of protecting lives. It is a matter of protecting billions of dollars of investments that the American people have made in our country's vital national security interests.

Mr. Chairman, the United Nations has acted like a sieve when it comes to safeguarding intelligence information to the same degree as the United States.

Senator OLYMPIA SNOWE of Maine has identified four instances in which the United Nations has breached the security of classified documents provided by the United States. The most egregious violation occurred in Somalia where sensitive data was almost compromised due to the United Nation's carelessness.

In addition, Senator SNOWE has discovered that no agreement has been in place that requires the United Nations to provide for the protection of intelligence supplied by the United States.

As a result of her findings, Senator SNOWE drafted a provision included in the conference report of the State Department Authorization Act that mirrors the amendment I am offering today. The House has passed this provision twice. I simply ask now that my colleagues now act on it again.

Mr. Chairman, the administration has failed to implement the safeguards needed to protect U.S. intelligence information from unauthorized disclosure.

In fact, rather than further safeguarding our intelligence information, CIA Director Deutch has tried to institutionalize the widespread sharing of sensitive U.S. intelligence material by making it easier for foreign consumers to register complaints about the use of security markings, which protect the national security of the United States.

Mr. Chairman, if my colleagues have any misgivings about this amendment, I simply want to point out to them that U.N. General Secretary Boutros-Ghali has appointed an Iraqi national, Ismat Kittani, to be the head of the United Nations' Department of Peacekeeping Operations. It is truly disturbing that a national from a country with which the United States has no diplomatic relations, which is on the U.S. State Department list of terrorist states, and with which the United States recently went to war could be appointed to such a sensitive position in the United Nations.

This is wrong, and this is indicative of the recklessness with which the United Nations treats sensitive matters and sensitive information. The United States should not share our intelligence information with the United Nations unless it adopts the standards to which we hold our own agencies accountable.

Mr. DICKS. Mr. Chairman, I rise I opposition to the amendment.

Mr. Chairman, the Brownback amendment places new, unworkable restrictions on the United States sharing information with the United Nations—even when it is in the national interest to do so. It would make it extremely difficult to provide intelligence support to those U.N. activities which are supportive of U.S. foreign policy goals.

The administration is opposed to the Brownback amendment. This amendment is identical to language contained in the conference report on H.R. 1561, the Overseas Interests Act, which was vetoed by the President. As the President noted in his veto message, this amendment would unconstitutionally infringe on the President's power to conduct diplomatic relations and limit Presidential control over the use of state secrets.

The DCI has already established guidelines to protect intelligence sources and methods, when it is determined to be in the interest of the United States to provide information derived from U.S. intelligence to the United Nations. Furthermore, the

United Nations is working with a senior delegation of State, Defense, and CIA officials to implement a number of improvements to its internal security procedures.

The DCI's guidelines ensure that information is carefully reviewed and sanitized so that the least sensitive intelligence that satisfies a U.N. requirement is provided. Even if information that is provided to the United Nations fell into the wrong hands, it will have been sanitized so that it will not compromise U.S. intelligence sources and methods.

The Brownback amendment would impede the ability of the United States to maintain a flexible and efficient information sharing arrangement with the United Nations, and may adversely impact the ability of the United States to achieve foreign policy successes.

The waiver provided in the amendment is too burdensome to be effective. It requires the President to issue a waiver for each instance that information derived from intelligence is provided to the United Nations, or for each document that is provided. Furthermore, the President may not delegate this authority.

The amendment also requires the President to personally report, at least quarterly, to Congress on the types and volume of intelligence provided to the United Nations and the purposes for which it was provided, and report to Congress within 15 days of any unauthorized disclosure. The President ought to be able to delegate this authority to the DCI.

The Permanent Select Committee on Intelligence, the committee of this Chamber with the greatest concern over the protection of sources and methods, considered legislation similar to the Brownback amendment at the beginning of the 104th Congress and rejected it on a bipartisan basis.

The committee found several instances where the current intelligence sharing arrangement with the United Nations has yielded specific foreign policy successes. Information was shared with Security Council members on Iraqi troop build-ups, in support of a multilateral effort to prevent a repeat of Iraq's 1991 invasion of Kuwait. Intelligence has also assisted United Nations Special Commission in Iraq [UNSCOM] inspectors in their attempts to enforce U.N. sanctions calling for the dismantling of Iraq's weapons of mass destruction programs. U.S. imagery has helped U.N. relief agencies determine the magnitude and direction or refugee flows within and from Rwanda. Timely intelligence sharing has also helped save the lives of the United States Protection Force [UNPROFOR] peacekeeping troops in Bosnia.

While I do not believe it is necessary to legislate in this area to restrict the President's ability to share intelligence information to promote U.S. foreign policy, a compromise amendment worked out by the Senate Intelligence and Foreign Relations Committees adopted by the Senate last year would be clearly preferable.

I urge a no vote on the Brownback amendment.

Mr. COMBEST. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to say initially that I am in total agreement with the gentleman's intent, that I share his concerns and voted for provisions in H.R. 7 of last year that would have substantially improved the process by which intelligence could be shared with the United Nations.

Unfortunately, those restrictions did not become law, and I still support the idea of requiring that to the appropriate committees of Congress, that any information which is shared with the United Nations commanders must be provided to the Congress for oversight.

I am concerned, and our committee spent a good deal of time over the last year following some recognition of some problems in pursuing those to make certain that there was no loss of sources or methods in some of them mishandling of classified information, and we have a very strong concern.

Let me mention two areas of concern that I have in regards to the gentleman's amendment that I certainly do not presume in any shape, form or fashion would be intentional. But let me mention two areas of real concern that I have, in which I am concerned that the amendment as offered by the gentleman from Kansas [Mr. BROWNBACK] in its current form would have.

One is in the area of providing and sharing intelligence in which U.S. troops are involved. That would be that we would be prohibited in certain instances by a basic prenotification, that we could not share intelligence with NATO forces in any area in which U.S. troops were involved, and consequently could potentially put them into greater harm. In addition to that, in certain instances that would require prenotification that might not be possible in a timely fashion.

I will give you an example in which Captain O'Grady was shot down. That information through the processes of determining the fact that there were surface to air missiles that were in a location that had not previously been determined, literally came down to a matter of minutes, in which we may have been able to be aware of that, but not been able to share that with U.N. forces in the area that they would have been able to get that information to Captain O'Grady.

Those concerns in a real timely fashion I believe were legitimate, and I have an amendment to the Brownback amendment that I would submit, Mr. Chairman, that would in fact allow a broader authority for sharing of intelligence when it goes to support U.N. forces in which the United States is a participant, and, secondly, to allow a waiver for emergency situations involving imminent risk to U.S. lives, in which case the President would have to report to Congress as to the specific details of that waiver.

AMENDMENT OFFERED BY MR. COMBEST AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. BROWNBACK

Mr. COMBEST. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. COMBEST as a substitute for the amendment offered by Mr. BROWNBACK: At the end of title III, the following new section:

SEC. 306. RESTRICTIONS ON INTELLIGENCE SHARING WITH THE UNITED NATIONS.

(a) IN GENERAL.—The National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended by adding at the end of title I, the following new section:

"RESTRICTIONS ON INTELLIGENCE SHARING WITH THE UNITED NATIONS

"SEC. 110. (a) Provision of Intelligence Information to the United Nations.—(1) No United States intelligence information may be provided to the United Nations or any organization affiliated with the United Nations, or to any officials or employees thereof, unless the President certifies to the appropriate committees of Congress that the Director of Central Intelligence, in consultation with the Secretary of State and the Secretary of Defense, has established and implemented procedures, and has worked with the United Nations to ensure implementation of procedures, for protecting from unauthorized disclosure United States intelligence sources and methods connected to such information.

"(2) Paragraph (1) may be waived upon written certification by the President to the appropriate committees of Congress that providing such information to the United Nations or an organization affiliated with the United Nations, or to any officials or employees thereof, is in the national security interests of the United States.

"(b) PERIODIC AND SPECIAL REPORTS.—(1) The President shall report semiannually to the appropriate committees of Congress on the types and volume of intelligence provided to the United Nations and the purposes for which it was provided during the period covered by the report. The President shall also report to the appropriate committees of Congress within 15 days after it has become known to the United States Government that there has been an unauthorized disclosure of intelligence provided by the United States to the United Nations.

"(2) The requirement for periodic reports under the first sentence of paragraph (1) shall not apply to the provision of intelligence that is provided only to, and for the use of, appropriately cleared United States Government personnel serving with the United Nations.

"(c) DELEGATION OF DUTIES.—The President may not delegate or assign the duties of the President under this section.

"(d) RELATIONSHIP TO EXISTING LAW.—Nothing in this section shall be construed to—

"(1) impair or otherwise affect the authority of the Director of Central Intelligence to protect intelligence sources and methods from unauthorized disclosure pursuant to section 103(c)(5); or

"(2) supersede or otherwise affect the provisions of title V.

"(e) DEFINITION.—As used in this section, the term 'appropriate committees of Congress' means the Committee on Foreign Relations and the Select Committee on Intelligence of the Senate and the Committee on Foreign Relations and the Permanent Select Committee on Foreign Relations and the Permanent Select Committee on Intelligence of the House of Representatives."

"(b) CLERICAL AMENDMENT.—The table of contents for the National Security Act of 1947 is amended by inserting after the item relating to section 109 the following:

"Sec. 110. Restrictions on intelligence sharing with the United Nations.".

Mr. COMBEST (during the reading). Mr. Chairman, I ask unanimous consent that the amendment offered as a substitute for the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. COMBEST. Mr. Chairman, I will only reiterate the substitute that I will be offering to the Brownback amendment would provide those two caveats, one for the allowance of intelligence sharing, broader authority for allowance of intelligence sharing when it goes to supporting U.N. forces in which the United States is a participant, and the second to allow a waiver for emergency situations that involve imminent risk to U.S. lives, in which case the President would have to report to Congress the details of that waiver.

Mr. DICKS. Mr. Chairman, I rise in very strong support of the Combest substitute and urge its adoption.

☐ 1300

Mr. TIAHRT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, this is not specifically addressed to the amendment that is being offered by the gentleman from Texas [Mr. COMBEST]. I want to speak in favor of the legislation because I am very concerned about how the United Nations has mismanaged not only classified information but other financial matters that they have gotten, and I am speaking specifically to Cambodia, where they lost some $20 million plus worth of equipment that has just disappeared.

We are not just talking about hardware here, we are talking about classified information and the inability of the United Nations to handle that information in a prudent fashion.

Before I came to the Congress, I worked for the Boeing company, and I worked in classified areas where top-secret documents were stored and handled and even developed. We were under very strict guidelines. And if I look at what has happened in Somalia, as pointed out by Senator SNOWE, if similar occurrences had occurred in the work environment that I was working under, it would have resulted in a certain loss of job and a potential prosecution under U.S. law.

Because we are giving classified information to the United Nations, they do not fall under the same guidelines, the same legal restrictions that we have here in the United States. This information can be passed on or lost or stolen and can fall into the wrong hands.

I share the concerns of the gentleman from Texas [Mr. COMBEST] for situations where we have U.S. troops in critical situations and that there may be a sudden need to share locations of anti-aircraft missile sites, but when we look at the general trend that goes on in the United Nations when they handle information of this classified nature, they do not have the proper guidelines. They do not follow the common sense criteria that we have laid out in the United States.

Mr. Chairman, I have risen in strong support of the amendment of the gentleman from Kansas, Representative BROWNBACK, because I believe there needs to be some confidence on the part of the United States that when it does share information that was gained at a very high cost in terms of expensive satellite systems or in developmental hardware or in a high cost to taxpayers, that it not fall into the hands of people who could use it against the very people that paid for the information; that it could go against the best interests of this country, whether it is military purposes or social purposes or political purposes or whatever.

I think it is important that this type of information be guarded; that there be a high degree of responsibility in making sure that it is only narrow in its scope; that it is directed specifically for an instance, and that broad-based intelligence, classified intelligence information is not shared for unnecessary purposes.

Mr. Chairman, I do not see those guidelines around. So I think the Brownback amendment is certainly a step in the right direction and I would stand in support of the Brownback amendment.

Mr. CHABOT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the amendment offered by my good friend, fellow freshmen, and thoughtful colleague on the International Relations Committee the gentleman from Kansas [Mr. BROWNBACK].

This amendment would prohibit the sharing of U.S. intelligence information with the United Nations or any of its affiliates unless the President certifies to Congress that the U.N. organization has implemented the proper CIA, Defense Department, and State Department procedures to ensure that U.S. intelligence sources and methods are protected.

It is a good amendment. It was passed by both Houses earlier this year as part of the Foreign Relations Authorization Act—a bill that was unfortunately, and I believe wisely, vetoed by President Clinton. We can rectify some of the damage done by that veto if we adopt the Brownback amendment today.

Mr. Chairman, I can see no logical reason why anyone would want to oppose this amendment. The United Nations is not known for its sympathy to American interests. And when sharing our intelligence data, we must be extremely careful. The Brownback amendment protects that data, protects our intelligence sources, and protects our intelligence methods. I urge my colleagues to support it.

Mr. BROWNBACK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to engage, if I could, in a bit of a dialog with the chairman of the Permanent Select Committee on Intelligence, the gentleman from Texas [Mr. COMBEST], on his amendment to my amendment.

As I understand from his discussion of this amendment, he would maintain the majority of the bill that we have put forward, as far as the concerns that we have of the loose treatment of intelligence information by the United Nations of U.S. intelligence information.

That is maintained; is that correct?

Mr. COMBEST. Mr. Chairman, will the gentleman yield?

Mr. BROWNBACK. I yield to the gentleman from Texas.

Mr. COMBEST. Mr. Chairman, the gentleman is correct.

Mr. BROWNBACK. Mr. Chairman, reclaiming my time, the gentleman is attempting here to get at particularly the issue of when we are engaged in a particular theater that that information can be shared on that theater of operations, not just on a specific instance by instance?

Mr. COMBEST. My concern would be, for example, we can take the UNPROFOR forces, where the United States is a part of that operation; requiring a prior approval on each case-by-case basis might not be able to be done in a timely fashion.

If it is required that there be a waiver or that that be reported to Congress as a theater, the American forces involved with UNPROFOR in Bosnia, that would certainly be something I would support.

It is the individual case, in which in a timely manner prior approval could not be given, just simply because there was not enough time that existed prior to the need to share that information for protection of American lives, either be it a single situation, such as Captain O'Grady, or U.S. forces that might be involved in a situation where we became aware of something that was fixing to happen or was going to happen in a very short order but there was not time for the President to actually get engaged and to grant the waiver prior to the time that action had to be taken.

Those are the concerns I have. And in those instances, I would try to protect in my substitute that the appropriate committees of Congress would have to be notified that, in fact, that waiver was granted and could then make their own determination about whether or not it, in fact, qualified.

Mr. BROWNBACK. Mr. Chairman, our amendment had put forward particular safeguarding procedures to try to encourage there to be an agreement between the United States and the United Nations on any sort of sharing of information and that we tighten up that procedure.

Those are maintained, as I understand it, in the amendment that the gentleman has put forward.

Mr. COMBEST. Mr. Chairman, I support the idea of requiring an agreement to be made. That may not be true of every member of the committee, but I certainly do support that.

Mr. BROWNBACK. Mr. Chairman, with that, I have no objections to the amendment.

Mr. DICKS. Mr. Chairman, I move to strike the requisite number of words. We accept the amendment. I commend the gentleman. I think he has made the right decision here. He is moving the ball forward, and we are just as concerned as he is about making sure that U.S. intelligence is secured properly. I think by accepting the Combest amendment we can make progress because of his initiative. I urge support for the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. COMBEST] as a substitute for the amendment offered by the gentleman from Kansas [Mr. BROWNBACK].

The amendment offered as a substitute for the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas [Mr. BROWNBACK], as amended.

The amendment, as amended, was agreed to.

AMENDMENT OFFERED BY MR. CONYERS

Mr. CONYERS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CONYERS:

SEC. 306. ANNUAL STATEMENT OF THE TOTAL AMOUNT OF INTELLIGENCE EXPENDITURES FOR THE CURRENT AND SUCCEEDING FISCAL YEARS.

At the time of submission of the budget of the United States Government submitted for fiscal year 1998 under section 1105(a) of title 31, United States Code, and for each fiscal year thereafter, the President shall submit to Congress a separate, unclassified statement of the appropriations and proposed appropriations for the current fiscal year, and the amount of appropriations requested for the fiscal year for which the budget is submitted, for national and tactical intelligence activities, including activities carried out under the budget of the Department Of Defense to collect, analyze, produce, disseminate, or support the collection of intelligence.

Mr. CONYERS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. Mr. Chairman, I offer today a modest proposal that would do no more than provide the American people and the Congress with information they are entitled to. The amendment would essentially declassify the aggregate figure of the intelligence budget. It would make public the requested amount in the current fiscal year's appropriated amount beginning October 1996. It would not disclose any specific operation or department budgets, only the bottomline budget number.

The amendment would conform to the recommendations of the Commission on Role and Capabilities of the Intelligence Community, chaired by the former Secretary of Defense, Harold Brown. This bipartisan commission proposed that the President or his designee disclose the total amount of money appropriated for intelligence activities during the current fiscal year and the total amount being requested for the next fiscal year.

Similarly, the prestigious Council on Foreign Relations report on intelligence reform likewise urged the opening of the intelligence budget.

This amendment would also mirror the provisions contained in the intelligence authorization bill produced by the other body, which has passed in the Senate Intelligence Committee.

Now, why? The reason is, first of all, constitutional, which in our Constitution, it is clearly stated that a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

It is simple, straightforward, and clear. The Framers of the Constitution, themselves fresh from secret military operations against the British, were no strangers to the need for secrecy. Yet, they decided they needed to be accountable to the taxpayers. As early as 1790 and 1793, when the Congress created a secret fund for persons to serve the United States in foreign parts, the law provided for public disclosure of the aggregate amount. I think if Americans could have openness after the Revolutionary War, then we can certainly have the same openness after the cold war.

Now, in my earlier service on the Government Operations Committee of this body, I had a number of decades of experience dealing with classified information and the procedures for handling that information. When the Government unnecessarily withholds information from the public, believe me, it undermines the legitimate secrecy of information that really should be protected. When we have an open secret, as we do presently, and let us make it public, like the intelligence budget, it creates a government by leaks, where information is controlled more by access than by policy.

Withholding this kind of information from the public, in addition, undermines confidence in government. I think Americans support an intelligence system that provides accurate, timely information to our policymakers. When the Director of the Central Intelligence Agency was asked in April what was the purpose of disclosure of the budget, he said that "the importance here is to gain public support for intelligence."

I do not think it is asking too much for Congress to tell our citizens and constituents, in general terms, how many resources we are allocating for intelligence purposes.

Mr. Chairman, I conclude by observing that it is time to stop withholding this information. My amendment to make public the bottomline amount of the intelligence budget is a sensible step toward fiscal responsibility.

I have a great deal of support both in and out of the Congress for this amendment and I urge that it be speedily approved.

□ 1315

Mr. COMBEST. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I will not take the 5 minutes. I would just like to mention a few points that I have mentioned before and my objections to the concept of the gentleman's amendment. The ranking member of the committee is in support. In fact, I think a cosponsor, chairman of the committee in the previous Congress, our friend the Secretary of Agriculture, Mr. Glickman, supported the idea.

I believe this is starting down a slippery slope. I think this is an inside-the-Beltway issue. I do not believe the American people are clamoring to know the intelligence budget. I believe that they understand the need for there to be national secrets. I believe that, and in fact the staff have begun to put extreme pressure on knowing the individual amounts of various programs, various agencies within the intelligence community. That information, I think, provides information to folks that we would rather not know what our plans and programs are; that, in fact, is harmful.

Finally, I would just simply say that in the administration's support of this, of declassification of the topline figure, the President has the authority today, if he wished, to call a news conference and disclose the amount, he could do so. He does not need congressional approval.

I think he is looking for congressional cover. I would suggest that, if the administration wishes to take this action, that they would move forward under the authority which they currently have. The President may so desire to do that. That is his decision. I simply do not feel comfortable with it. I have always opposed it, continue to oppose it and would not in fact be supportive, could not lend my support to a provision which in fact would cause him to, given that he has the authority now.

Mr. DICKS. Mr. Chairman, I move to strike the requisite number of words and speak in favor of the amendment.

Mr. Chairman, I want to rise in support of the Conyers amendment as a cosponsor of it. The amendment will require the disclosure of the aggregate budget figure only, not the budgets of any intelligence agency, nor the budget for any program or activity. There is no threat to national security from the disclosure of only the aggregate figure. No potential adversary of the United States has the ability to thwart any intelligence collection activity as a result of knowing just the aggregate budget figure.

The executive order on classification permits information to be classified only if its disclosure would be expected to cause damage to the national security. Classification of the aggregate intelligence budget figure does not meet that test.

The Constitution requires a public statement and account of the expenditure of public funds. Disclosure of the aggregate budget figure is more consistent with that constitutional requirement than the current practice.

I might just add I had the pleasure of serving on the Aspin-Brown Commission. The Commission endorsed disclosing the aggregate number. The current Director of the Central Intelligence Agency, Mr. John Deutch, has also come out in favor of it, as has the President. I think it would be totally appropriate for the Congress to take this step. That is why I was delighted to join with my colleague, the gentleman from Michigan [Mr. CONYERS], in presenting this amendment today.

I urge my colleagues to vote for it.

Mr. FARR of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Conyers amendment. This debate here is about national security. National security is about confidence, confidence in Government, trust in the Congress of the United States. How can we expect the public to trust the House of Representatives when we continue to keep budget information secret?

Think about it. We are in the month of May. Every city council, every school board, every county government, every State government has to have their budgets adopted by the fiscal year July 1. That means right now throughout the United States these hearings on local budgets are going on. All publicized, the public knows every cent that comes in and every penny that is spent, except here in the House of Representatives, where we keep and have traditionally kept secret a portion of the national security budget. I think that is wrong. I think we need to have confidence in what we do here. We can only have that confidence if indeed we tell everybody where their money is going.

Mr. Chairman, in light of the debate here today, it is interesting that the President says we should make this public. The Senate Intelligence Committee voted to make it public. The former and current CIA Directors agree that it ought to be public. The only way we can ensure that it will be made public is to vote for the Conyers amendment, help restore confidence in Congress. Support this amendment.

Mr. COMBEST. Mr. Chairman, I ask unanimous consent to proceed for 1 additional minute.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. COMBEST. Mr. Chairman, I do not believe we have any further speakers on this side. I just wanted to make a point that emphasizes something I had said earlier. The White House press statement relative to the intelligence community budget of 1996 said, reflecting the President's determination to promote openness in the intelligence community, he has authorized Congress to make it public.

Mr. Chairman, the President can make it public. I would state that the report of the Aspin-Brown commission says that the commission recommends that the President or his designee disclose the total amount of money appropriated for intelligence activities during the current fiscal year and the total amount being requested for the next fiscal year. That is my suggestion. In compliance with the Aspin-Brown commission, if the President wishes the budget to be disclosed, he or his designee should do it.

Mr. STARK. Mr. Chairman, I rise today in support of the Conyers amendment to H.R. 3259, the fiscal year 1997 intelligence authorization bill. The Conyers amendment would require the release of a separate, unclassified statement of budget outlays for intelligence activities.

It is high time that this come under the same scrutiny as other Government spending. For many years during the cold war, the budget figures for intelligence were kept secret so that our enemies would not know our aggregate spending levels. Although I might question that justification, the point is now moot. The cold war is over, and any attempt to use it to justify the continuing secrecy of a large, expensive set of programs seems to be a cynical attempt to evade oversight and proper accounting.

The need for public scrutiny is clear: from the press reports of the last few weeks, I learned that the National Reconnaissance Office, the agency that manages spy satellites, has accumulated a financial surplus of $3.8 billion. Let's assume that any other agency—one less popular with the majority party, perhaps—had stockpiled billions of dollars.

Do you think, with a public viewing of their finances, that such an agency would have been allowed to continue stockpiling money? How do I explain to mother that the Federal Government has no money for well baby care but has billions for spies slush funds?

As if the human costs of continued Government secrecy weren't bad enough, there is a clear constitutional mandate for public disclosure of intelligence spending. The Constitution states that "No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of Receipts and Expenditures of all public Money shall be published from time to time." Whey then do we continue to shroud intelligence spending, and keep our taxpayers in the dark?

When the public receives the amount of money spent on intelligence by accident—the 1994 Defense Appropriations Subcommittee hearings disclosed an aggregate of $28 billion dollars—or by press leaks, it merely contributes to the dangerous perception of Government as "Big Brother". We can help stop that perception today by adopting the Conyers amendment and proving that no arm of Government is immune to public scrutiny.

It's time to bring the intelligence community in line with the rest of Government. No agency should be free from a public examination of its finances. It's common sense, it's constitutional, and it's responsible. I urge a "yes" vote on the Conyers amendment.

Mr. FAZIO of California. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Michigan [Mr. CONYERS]. His amendment to the fiscal year 1997 intelligence authorization bill would declassify the aggregate figure of the intelligence budget.

I believe, as do many of my colleagues, that a classified intelligence budget is inconsistent with the accountability requirements of the Constitution, and that it inhibits the openness that must prevail in order to facilitate informed participation in our democracy.

Moreover, as many fiscal watchdog organizations have pointed out, American taxpayers deserve fiscal accountability when it comes to the intelligence budget. If we continue to ask the taxpayers of this country to contribute billions of dollars to the intelligence budget, they deserve to know how much is being spent on their behalf. We need only look at the example of the National Reconnaissance Office to see what happens when intelligence budgets are kept hidden.

I understand the critically important national security questions which are at stake in this debate. But as a former member of the Armed Services Committee, I do not believe that public disclosure of the total amount of money appropriated to the intelligence budget would compromise our Nation's security

The President supports disclosure of the intelligence budget, as does the Senate Intelligence Committee. I urge my colleagues to support disclosure of this budget as well. Vote "yes" on the Conyers amendment.

Mr. CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. CONYERS].

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. COMBEST. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

Mr. CHAIRMAN. Pursuant to the rule, further proceedings on the amendment offered by the gentleman from Michigan [Mr. CONYERS] will be postponed

The point of no quorum is considered withdrawn.

Mr. CHAIRMAN. Are there further amendments to the bill?

AMENDMENT OFFERED BY MR. COMBEST

Mr. COMBEST. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COMBEST: In the matter proposed to be inserted by section 401, strike "Make" and insert in lieu thereof the following: "Subject to such amounts as may be provided in advance in appropriations Acts, make".

Mr. COMBEST (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

Mr. CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. COMBEST. Mr. Chairman, this amendment simply provides the opportunity for the Central Intelligence Agency to execute multiyear leasing authority. The CIA has routinely signed multiyear leases since 1949, relying on section 8 authority to expend appropriated funds of the CIA Act. The CIA inspector general now has concerns about the propriety of using that authority for overt leases.

CIA needs are such that it often requires space on a very short notice. If it can do so only for short-term leases, 1 year, landlords demand higher rental payments. GSA has difficulty meeting CIA's very specific needs: readily available space, special security and communications needs resulting in added cost for CIA and thus for the Government as a whole.

The CBO raises concerns about the availability of appropriations for multiyear leases. My amendment would require that multiyear leases be subject to the availability of funds. CBO is also concerned that this provision could cost several million dollars per year. We have to remember that without this authority, the CIA will continue to use 1-year leases that will inevitably cost more money. Our best estimate is that this provision will save more than a million dollars per year.

Mr. Chairman, it is technical. It is my understanding that my colleague, the gentleman from Washington [Mr. DICKS], has no objection to this amendment.

Mr. DICKS. Mr. Chairman, I move to strike the requisite number of words.

The amendment would amend section 403 of the bill, giving CIA the authority to enter into multiyear leases to require that the CIA have an appropriation for the total amount of the lease in advance.

I understand the concern of the Congressional Budget Office and the Budget Committee that section 401 as it appears in the bill would allow CIA to enter into long-term leases without being subject to appropriations action. This was not the intent of the committee.

However, I do have some concerns about the language of the amendment. Since these leases could easily run into many millions of dollars, it is not clear to me that there would ever be an authorization or appropriation for these leases in advance.

It is also not clear how funds could be made available for the entire term of a 15- or 20-year lease. Nevertheless, because I believe it should be possible to find mutually acceptable language in conference, I am prepared to accept this amendment for our side.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. COMBEST].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. COMBEST

Mr. COMBEST. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COMBEST: Amend section 402 to read as follows:

SEC. 402. ELIMINATION OF DOUBLE SURCHARGE ON THE CENTRAL INTELLIGENCE AGENCY RELATING TO EMPLOYEES WHO RETIRE OR RESIGN IN FISCAL YEARS 1998 OR 1999 AND WHO RECEIVE VOLUNTARY SEPARATION INCENTIVE PAYMENTS.

Section 2(i) of the Central Intelligence Agency Voluntary Separation Pay Act (50 U.S.C. 403-4 note) is amended by adding at the end the following new sentence: "The remittance required by this subsection shall be in lieu of any remittance required by section 4(a) of the Federal Workforce Restructuring Act of 1994 (5 U.S.C. 8331 note).".

Mr. COMBEST (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. COMBEST. Mr. Chairman, this section corrects existing law which currently requires the CIA to make two payments, one of 9 percent, one of 15 percent, for employees who take incentivized retirement from the CIA during fiscal years 1998, 1999. The CIA is required to make the Government retirement trust fund whole for those individuals who take these incentivized retirements. In order to do so, it must reimburse the Federal Government 15 percent of the final base pay of each individual who retires. Requiring the CIA to make an additional 9 percent payment becomes a penalty.

Section 403 eliminates the double surcharge. This amendment is identical to one offered by the gentleman from Florida [Mr. MICA], chairman of the Subcommittee on Civil Service. It is my understanding that Mr. DICKS has no objections.

Mr. DICKS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the amendment makes clear that what we were trying to do in the bill was ensure CIA makes only one payment and not two, to the civil service retirement and disability fund for those agency employees who take an early retirement or resign and receive separation incentives in fiscal year 1998 and 1999.

The CIA was required to make these payments under both amendments to the CIA Voluntary Separation Pay Act enacted last year and the Federal Workforce Restructuring Act of 1994. It was never intended that the CIA would have to pay 24 percent for employees leaving the agency under its separation incentive program.

The amendment clarifies that the required 15-percent payment to the fund under the CIA Voluntary Separation Pay Act is in lieu of the 9-percent payment required under the Federal Workforce Restructuring Act. Thus we would be happy to accept it on our side and urge the committee to pass it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. COMBEST].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. COMBEST

Mr. COMBEST. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COMBEST: In section 303—

(1) Insert "(a) AUTHORIZATION OF APPROPRIATIONS.—" before "Section 307"; and

(2) add at the end thereof the following:

(b) TRANSFERS.—The second sentence of section 307(a) of the Intelligence Authorization Act for Fiscal Year 1996 is amended to read as follows: "Within the amount authorized to be used by this section, the Director, consistent with his duty to protect intelligence sources and methods, may transfer such amounts to the agencies within the National Foreign Intelligence Program for the purpose of automatic declassification of records over 25 years old.

Mr. COMBEST (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. COMBEST. Mr. Chairman, again this is basically a technical amendment. The section provides the Director of Central Intelligence the authority to transfer funds authorized for automatic declassification within the national foreign intelligence community to execute section 3.4 of Executive Order 12958. This provision would allow that money which is basically in one pool to be dispensed within the NFIP agencies, depending upon the need of that agency to comply with the declassification order of Executive Order 12958. It is my understanding that there are no objections to this amendment.

□ 1330

Mr. DICKS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the amendment of the gentleman from Texas clarifies that the DCI may transfer the funds authorized by section 303 of the bill to the agencies within the National Foreign Intelligence Program for the automatic declassification of records over 25 years old.

The community management staff has pointed out that this transfer authority is necessary to move the money the bill provides in the community management account back to the various agency programs. I have no problem with this technical correction.

The gentleman's amendment also states that the DCI is to make these transfers consistent with his duty to protect sources and methods. This particular language is superfluous because the DCI is already required by current law to protect sources and methods in everything he does.

Because I am certain the gentleman does not mean to imply by the inclusion of this redundant language that the DCI has any intention of violating the requirements of current law in transferring money we authorize in this area, I am prepared to accept the amendment for this side.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. COMBEST].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. COMBEST

Mr. COMBEST. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COMBEST: At the end of the bill, add the following new title:

TITLE VI—MISCELLANEOUS PROVISIONS

SEC. 601. AUTHORIZATION OF FUNDING PROVIDED BY 1996 SUPPLEMENTAL APPROPRIATIONS ACT.

Amounts obligated or expended for intelligence or intelligence-related activities based on and otherwise in accordance with the appropriations provided by the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Public Law 104–134), including any such obligations or expenditures occurring before the enactment of this Act, shall be deemed to have been specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) and are hereby ratified and confirmed.

Mr. COMBEST (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. COMBEST. Mr. Chairman, this is also a technical amendment that would correct an oversight in the Omnibus Consolidated Rescissions and Appropriations Act of 1996. The law requires specific authorization for expenditure of funds for intelligence. The act in question obligated funds for intelligence, but contains no provisions for authorization. This amendment would correct that oversight.

It is my understanding that the amendment is acceptable to the Committee on Appropriations, and I would yield back the balance of my time.

Mr. DICKS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, section 504 of the National Security Act requires that funds may be obligated or expended for an intelligence or intelligence-related activity only if those funds were specifically authorized by the Congress for use for such activities.

The Combest amendment will provide the necessary authorization for funds appropriated earlier this year in the Bosnia supplemental. I support the amendment and we are prepared to accept it on our side.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. COMBEST].

The amendment was agreed to.

Mr. SKAGGS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, debate concluded a few minutes ago on the amendment offered by the gentleman from Michigan [Mr. CONYERS] about the question of declassification of the aggregate amount of intelligence expenditures. I wanted nonetheless to address that question briefly at this time.

The debate on this, I think, is easily misconstrued and, therefore, misunderstood. It seems to me always appropriate to start with first principles, which, in a democracy, ought to be that the maximum amount of information about the activities of our Government be made available to our citizens.

Now, there are necessarily exceptions to that principle for national security information, for State secrets, but the general principle again ought to be to make as much information about the operations of a democratically elected, representative government as possible available, so that citizens may make informed judgments in the process of self-government.

It has been alleged that somehow vital national security interests are going to be compromised if this aggregate intelligence expenditure is declassified. I think that is a proposition that is virtually impossible to support rationally. It is a figure that is often nearly accurately reported in the open press. It is a number that ought to be accurately and openly reported in the press so that our fellow citizens have at least an overall sense of how much of their hard-earned tax dollars is being devoted to this important national purpose.

The slippery slope argument is often offered up as a reason not to take this step, because this step, it is asserted, will inevitably lead to the disclosure of constituent amounts within the intelligence budget, I think that argument simply is unable to be sustained. We are able to keep ourselves from sliding down lots of slopes around this place, and I think we can draw a firm line after this particular disclosure, and it does not need to lead to others.

It has also been suggested that this should just be done as a matter of executive decision by the President. I think it is an important policy judgment that ought to be validated and ratified by a vote of the Congress, not just done by act of the executive branch alone.

Perhaps most helpful is to realize that an extensive review of this issue of the disclose of the aggregate intelligence expenditures was undertaken by the Aspin-Brown Commission. It has been scrubbed and vetted and examined, and it was the judgment of that distinguished group of American patriots and experts in defense and intelligence and national security matters, that keeping this total budget figure secret any longer just simply does not serve any legitimate national security or national defense purpose. And it certainly fails to serve the legitimate interests of the public in being able to have access to as much information about their Government as possible.

So I hope, when we reach the point in the proceedings where we have a vote on the amendment offered by the gentleman from Michigan [Mr. CONYERS], that my colleagues will support his proposal. I think it is an appropriate step forward. It will ultimately enhance public understanding and, therefore, I would hope public support, for this important function of our national Government.

Ms. PELOSI. Mr. Chairman, I rise to strike the last word.

Mr. Chairman, I rise in support of the Conyers amendment to make public the cumulative number of the intelligence budget.

This is not a new issue to the Congress, Mr. Chairman. Over the past several Congresses we have had this debate on the floor about whether this number should be released and whether its release would jeopardize our national security. I believe the answer is yes, that it should be released, and, no, it does not jeopardize our national security.

When the issue first arose we had the debate, and it was said that we needed more information. So our chairman at the time, Mr. Glickman, Chairman Glickman, held hearings, very extensive hearings, where experts in the field of intelligence confirmed that our national security would not be jeopardized and indeed it would be healthy to release the number.

As early as some of the statements as early as 1991 on the subject have said, former DCI Robert Gates said, "I don't have any problem with releasing the top-line number of the intelligence community budget."

That same year former Director of NSA, Bobby Inman, said, "I am certainly prepared to make unclassified the total amount and defend it to the public, why 10 percent of our total defense efforts spent both for national and tactical intelligence is not a bad goal at all."

And of course this year the White House statement on this subject said, reflecting the President's determination to promote openness in the intelligence community, he has authorized Congress to make public the total appropriation.

Going way back 20 years, the select committee that studied governmental operations with respect to intelligence activities stated intelligence oversight committee should authorize on an annual basis a national intelligence budget, the total amount of which should be made public.

So over the years and as recently as the statements of this year, most currently that of DCI John Deutch, the President is persuaded that disclosure of the annual amount appropriated for intelligence purposes will inform the public and not in itself harm intelligence activities.

I think that there is a good cross-section of studies and DCI's from both, appointed by Presidents of both parties, who have supported making this number public, and I think it is a healthy thing to do.

The defense, the intelligence, community should have to defend the amount of money that is spent on intelligence in relationship to the rest of the budget. It is especially important this year so that we can restore some of the confidence to this process that has been undermined by the recent NRO revelations, and on that point, Mr. Chairman, I would like to say that when people accept the public trust, they and we all have a special responsibility. We must be responsible fiscally for the funds that are in our trust, we must understand the stiff competition for the funds and, therefore, have to be able to justify how they are expended.

We need to maintain the public confidence in what we are doing, and so what happened at NRO is most unfortunate because it did undermine all of these, the public confidence and the trust that we all should have in husbanding the public dollars.

And most of all, the actions of any one of these agencies should not undermine the strength, the perceived strength, of our country. We have to look like we know what we are doing and can account for the responsibilities of both fiscal and otherwise in our charge, and so I would say that with all of the testimony that we have had over the years, with the cooperation now of the executive branch, with the definite need that has been demonstrated for in one instance by the NRO situation, it behooves this Congress to move to support the Conyers amendment to make this number public, to open the intelligence process to the extent of saying this is a number that can, that should have to, be defended within the total budget process and that it should be done in a manner that is not harmful to our intelligence activities nor jeopardize the national security of our country.

I am satisfied by the statements of such a wide-ranging, as I said, bipartisan group of people who have testified in hearings of the House of Representatives and on the Senate side over a long period of time, that there is no doubt that we should make this number public. I urge my colleagues to support the Conyers amendment.

Mrs. SCHROEDER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I will be offering some amendments later on, but I wanted to rise in favor of the Conyers amendment also.

I have always believed that government is not a fungus, that it can thrive in sunshine, and I understand that during the whole period of the Cold War we wanted to keep this number secret. But I think now we ought to be able to get this number out, and I salute the President of the United States for saying we ought to put the number out, and I hope that this body finally does that.

Coming here to debate this issue, I always feel very silly because we cannot talk about the numbers, we cannot talk about the issues, we cannot talk about anything. So what can we talk about? It all sounds like a bag of smoke at some point. But I think one of the things that the average person wonders is why are we not much more rigorous in our oversight? And I must say the only reason I think we do not reveal the number is we do not want to admit how poorly we have done some of the oversight.

Now, this is not a great secret. I brought it from the newspapers so nobody wants to turn me in to jail. But if my colleagues remember, the Washington Post and many other articles were pointing out how the NRO had purchased 14 more acres than they needed for their $304 million complex, and of course most people remember the big brouhaha about the $304 million complex. Here it was being built in suburban Washington on the Virginia side, and no one knew. Viola.

□ 1345

Mr. Chairman, in the district I come from, Denver, CO, they have had to shut down Head Start already this year. They ran out of money. We have all these people desperately looking for just pennies to keep something running, and yet they can, first of all, do a headquarters that no one knew about, there it is, and then we find out they had all these extra acreages, and nothing ever happens. Then we also find out, as we found out this year, that they admitted they had a $3.8 billion slush fund.

I understand we are supposed to call it the surplus unspent funds, but I think if any other agency in Government had that kind of slush fund or surplus unspent funds, whatever you want to call them, people would be down here, the deficit hawks would be down here screaming and yelling and hollering, and rightly so.

I guess the problem I see, Mr. Chairman, is that on one side of the budget we are very critical, and I think that is fine, but when it comes to defense and intelligence, it does not make any difference. We have the report of the slush fund, and yet nobody really wants to talk about cutting. Yet, you cannot talk about what percentage of the budget that slush fund is because we cannot tell what the budget number is. But that is a lot of money.

If we look again in the generic press, and I am staying right in the generic press, my goodness, we would not want to reveal any of these secrets because they probably would have to shoot me and whoever else I would reveal them to, and I would not want that on my conscience.

So if we go and look at those numbers, let us look at these numbers and look at them seriously, they are saying in the generic press that these surplus unspent funds, they are adding about $1 billion to it every year. That seems to say to me maybe we are putting too much money in it. Are we awake? Are we doing any oversight, or are we just saying that this is so important that we will just give them any amount of money, whether they can spend it or not?

I am also sad that we cannot get into more details. I was very troubled by the late article in the Atlantic Monthly about some of the training that had gone on in the Middle East, so that they think we may be responsible for training some of the terrorists, that it was done with good will, but it kind of got out of control.

So if we add all of those things together, we scratch our heads and say surely we can at least do what the gentleman from Michigan [Mr. CONYERS] and the President of the United States have said we could do, which is at least put the overall number out of here. Even though I will not be here next year, then maybe whoever is here next year can have a little bit better debate and put this in a little bit better context because we can talk about what percentages these are. I hope that the Conyers amendment is passed, Mr. Chairman.

Ms. PELOSI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to engage the chairman of the committee in a colloquy concerning section 304 of the bill. I would say to the gentleman from Texas, the chairman of the committee, as he knows, this provision extends the laws allowing the President to delay the imposition of a sanction upon a determination that to proceed with the sanction would risk a compromise of an ongoing criminal investigation or an intelligence source or method.

My question, Mr. Chairman, is whether the legislative history developed during the debate on this provision last year would still be applicable to the extension of the authority for 1 year? My further question is that can we expect that this provision will be narrowly construed, and only used in the most serious of circumstances, not to protect routine intelligence activities?

Mr. COMBEST. Mr. Chairman, will the gentlewoman yield?

Ms. PELOSI. I yield to the gentleman from Texas.

Mr. COMBEST. Mr. Chairman, I would certainly concur and say yes, we would intend for this to still be in effect. As the gentlewoman so adequately pointed out, and has been very effective, I think, in leading on this issue, we would certainly expect that this provision would be narrowly construed and only used in the most serious of circumstances. That is certainly the intent of the committee to carry forward in this year's authorization.

Ms. PELOSI. Mr. Chairman, I thank the chairman for engaging in the colloquy, and for his confirmation of the understanding that we had of the legislative background on this last year. As Members may recall, I worked closely with the gentleman from California [Mr. BERMAN] who is an expert in this field, and has an interest in the waiver of sanctions and the particular limitations that the chairman of the committee has confirmed. I thank the chairman of the committee once again for that confirmation.

Mr. DICKS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to reiterate a couple of concerns I have about this bill. As I have stated, I am going to support it, but we need to remember that the money we are spending for intelligence today, in my mind, is a tremendous force multiplier for our military.

When we consider the fact that we can now literally fuse into the cockpits of our aircraft intelligence gathered in space to give the locations of enemy weapons systems in almost real time, so they can be properly targeted, I think all of a sudden we recognize the revolutionary improvements that are being made in our overall military capability.

To my friends on the Democratic side, I believe strongly that such capabilities will allow us in the future to deter military conflicts. I would urge my colleagues, to support the Conyers amendment, of which I am a sponsor.

I think we can disclose the aggregate number, but I want everyone to remember that this is still a part of the Defense Department. It is a portion of the defense budget that is used not only to gather intelligence for our national leadership, but also to be used effectively to protect the people that we are sending in harm's way every single day all around the world and to convince our adversaries that picking a fight with the United States just simply does not make sense.

I had a chance just a few weeks ago to go to our combined air operation in Vincenza and to see a real fusion center where intelligence from all of our collection platforms is gathered. This intelligence is used by our military to find problems in Bosnia that are then communicated to the military commanders, and thus they are able to avoid possible conflicts that could occur; because of the ability to find enemy radars and things of that nature.

This is truly a revolutionary change in intelligence capabilities, so as we sometimes get harsh with the NRO, I would say that John Deutch took effective steps. He named a new chief financial officer. He named a new head of the NRO, a very fine public servant. The two people that were removed are people who have given distinguished service to our country. Unfortunately, the financial people at the NRO did not do their job properly, and Congress was not properly informed about the size of these carryforward funds.

Mr. Chairman, I want to reiterate, there is no evidence that any of that money was spent on items not authorized by Congress. One of my colleagues talked today about the very famous NRO building. Our committee, a bipartisan basis, put out a report that said that we knew about this building. In fact, we had good oversight over the building. We pointed out that in the other body there were amendments offered by members of the Intelligence Committee to accelerate and possibly to expand the size of the NRO building.

So when they then turned around at a later date and said they knew nothing about it, many of us in this body had serious reservations about how they in fact could say that. Sometimes in a rush we do not keep the facts in sight, and we sometimes do not know the history.

The point I am trying to make, Mr. Chairman, is that the NRO has been one of the stellar institutions in our Government. One of the reasons we won the cold war was because we had the finest intelligence. We have the finest intelligence community of any nation on earth. Those intelligence community assets are used to enhance our military capability in order to protect American lives and to deter future wars. That is why I have always strongly supported our intelligence community.

Can we reduce the money? Yes. Have we reduced the money? Yes. We have reduced it significantly.

The CHAIRMAN. The time of the gentleman from Washington [Mr. DICKS] has expired.

(By unanimous consent, Mr. DICKS was allowed to proceed for 3 additional minutes.)

Mr. DICKS. Mr. Chairman, have we reduced the money for defense? Yes. We have cut the Defense budget by about $100 billion a year between 1985 and 1995. We have also cut back on the amount of money for the intelligence agencies. We have cut back on the number of personnel. I am talking about across the board cuts in the Defense Department, the CIA, and all of these agencies, we have reduced the size. Yet, today, America is in more countries around the world with military forces that require accurate intelligence for their security and support.

Mr. Chairman, I just urge my colleagues to remember that fact. Yes, we can always beat up on an agency, but I am always reminded of the fact that this agency is composed of American citizens who serve our Government faithfully, who have done an extraordinary job. I just urge us to put this into some perspective. If they had failed in building these national technical means, then we would be here criticizing them. They certainly failed to keep Congress appropriately informed of the size of the carryover funds. There is no evidence whatsoever that any of that money was improperly spent.

So let us try to keep this in perspective. Sometimes, with all the criticism, the harsh rhetoric, we forget that these are men and women who have done a fantastic job for this Nation, and who really do deserve our support.

Mrs. SCHROEDER. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentlewoman from Colorado, an outstanding member of the Committee on Armed Services.

Mrs. SCHROEDER. The gentleman is a good friend and I respect him very much, Mr. Chairman.

My question, Mr. Chairman, is not to be confrontational, but the gentleman is not questioning the fact that almost $1 billion a year had gone into this $3.8 billion surplus fund, is that correct?

Mr. DICKS. Mr. Chairman, the gentlewoman was not on the floor, I think, when we talked about this a little earlier. As she knows, when we buy a weapons system at the Pentagon, sometimes there are billions of dollars of unobligated funds that are spend over a period of time. In the intelligence area, we incrementally fund. It was the opinion of George Mahon and some of the senior members of the Committee on Appropriations many years ago that we could not risk a situation where Congress has not passed its budget by the start of the fiscal year. They believed it was necessary to have a certain amount of flexibility in carryforward funds to keep these programs going, if the Congress did not get the Defense budget passed. There was a kind of agreement among the players to do this.

What I object to, and I know the gentlewoman from Colorado objects to, is that this account, and each one of these were for different national technical means, different satellite programs, is that these accounts grew too large in the aggregate. None of the money was misspent. I think the fault was that Congress was not kept appropriately advised about the magnitude.

I can tell the Members, I am very pleased that it was the staff of the Permanent Select Committee on Intelligence, and particularly the minority staff, that went to the NRO, found this out, made it known to the other key committees in the Congress, and last year we dramatically reduced the amount of money in those accounts. We used it for Bosnia, we use it for other defense priorities, so that the money was not wasted. The American people did not get ripped off.

The CHAIRMAN. The time of the gentleman from Washington [Mr. DICKS] has expired.

(By unanimous consent and on request of Mrs. SCHROEDER, Mr. DICKS was allowed to proceed for 2 additional minutes.)

Mrs. SCHROEDER. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. Mr. Chairman, the issue is that the money was not spent, and then it forced us to spend a tremendous amount of money just on interest on that additional debt we incurred by spending more than we really needed to spend at that time, when we build up an account of that much over that period of time. And the gentleman knows and I know that the fastest growing part of the Federal budget has been interest on the debt. We would not allow any other agency to do that.

Mr. DICKS. Mr. Chairman, of course, as the gentlewoman certainly knows and appreciates, this is budget authority. You do not really spend money until you spend it. That is an outlay. So they had the budget authority, but they never spent the money. So that would not incur any obligation by the Federal Treasury.

In a sense, they had the ability to draw on the Treasury up to $4 billion, but they did not do it. What we did with that BA is move it to other higher priority items like Bosnia, so we did not have to appropriate additional money, and again that was agreed to.

□ 1400

Mrs. SCHROEDER. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. Mr. Chairman, I think the gentleman knows that everybody in the world would love to have that kind of budget authority in the bank that they could move around for things, and we lose the oversight capacity.

Mr. DICKS. Mr. Chairman, reclaiming my time, the chairman and myself have limited the amount of the carryforward. The director of the CIA, one of the most competent individuals I know, has made changes in the NRO, has named a new chief financial officer. So in a sense, I think we ought to give Mr. Deutch and the administration some support for the steps that they have taken to ensure that this does not happen again in the future.

Yes, the NRO made a mistake. Yes, they were wrong. But I want us to place in perspective that these same people who did a bad job in their accounting also have done some tremendously positive things for the country in terms of the satellites that have been built over the years that helped us avoid a confrontation with the Soviet Union.

The CHAIRMAN. The time of the gentleman from Washington [Mr. DICKS] has expired.

(By unanimous consent, Mr. DICKS was allowed to proceed for 1 additional minute.)

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I am glad to hear the gentleman say we should give support to the administration. We can do that in part by abiding by their budget request and not spending well over $1 billion in this budget than the administration requested. We will deal with that in some later amendments.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to the rule, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order: the amendment, as amended, offered by the gentleman from New Mexico [Mr. RICHARDSON]; the amendment offered by the gentleman from Vermont [Mr. SANDERS]; and the amendment offered by the gentleman from Michigan [Mr. CONYERS].

The Chair will reduce to 5 minutes the time for any electronic vote after the second vote in this series.

AMENDMENT OFFERED BY MR. RICHARDSON, AS AMENDED

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment, as amended, offered by the gentleman from New Mexico [Mr. RICHARDSON] on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will designate the amendment, as amended.

The Clerk designated the amendment, as amended.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 417, noes 6, not voting 10, as follows:

[Roll No. 184]

AYES—417

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooley
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cummings
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing

Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Greene (UT)
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sawyer
Saxton
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—6

Campbell
Coburn
Istook
Sanford
Shadegg
Souder

NOT VOTING—10

Barton
Bliley
Chenoweth
Costello
Flake
Funderburk
Hefley
Moakley
Molinari
Scarborough

□ 1421

Messrs. PETERSON of Minnesota, ZELIFF, EVERETT, WILSON, and STOCKMAN changed their vote from "no" to "aye."

So the amendment, as amended, was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mrs. CHENOWETH. Mr. Speaker, on Thursday, May 16 and Wednesday May 22, I was unavoidably detained and missed rollcall votes 176 and 184.

Had I been here, I would have voted "no" on rollcall 176, and "yes" on rollcall 184.

AMENDMENT OFFERED BY MR. SANDERS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Vermont [Mr. SANDERS] on which further proceedings were postponed, and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 115, noes 311, not voting 7, as follows:

[Roll No. 185]

AYES—115

Andrews
Baldacci
Barcia
Barrett (WI)
Becerra
Bonior
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Camp
Campbell
Clay
Clayton
Coble
Collins (IL)
Collins (MI)
Condit
Conyers
Coyne
Danner
DeFazio
DeLauro
Dellums
Duncan
Durbin
Ehlers
Ensign
Evans
Farr
Fattah
Filner
Foglietta
Foley
Fox
Frank (MA)
Furse
Gordon
Green (TX)
Gutierrez
Hilliard
Hinchey
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (SD)
Johnston
Kanjorski
Kennedy (MA)
Kleczka
Klug
LaHood
Lewis (GA)
Lincoln
Lofgren
Luther
Maloney
Manzullo
Markey
McCarthy
McDermott
McKinney
Meehan
Meek
Metcalf
Millender-McDonald
Miller (CA)
Minge
Mink
Morella
Nadler
Neal
Neumann
Oberstar
Obey
Olver
Owens
Pastor
Payne (NJ)
Peterson (MN)
Petri
Pickett
Poshard
Ramstad
Rangel
Reed
Roemer
Rohrabacher
Rose
Roth
Roybal-Allard
Royce
Rush
Sanders
Schroeder
Schumer
Sensenbrenner
Serrano
Shays
Slaughter
Stark
Studds
Stupak
Torricelli
Towns
Upton
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Williams
Woolsey
Yates

NOES—311

Abercrombie
Ackerman
Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blute
Boehlert
Boehner
Bonilla
Bono
Borski
Boucher
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clement
Clinger
Clyburn
Coburn
Coleman
Collins (GA)
Combest
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cummings
Cunningham
Davis
de la Garza
Deal
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Dunn
Edwards
Ehrlich
Emerson
Engel
English
Eshoo
Everett
Ewing
Fawell
Fazio
Fields (LA)
Fields (TX)
Flanagan
Forbes
Ford
Fowler
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Goss
Graham
Greene (UT)
Greenwood
Gunderson
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones
Kaptur
Kasich
Kelly
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Klink
Knollenberg
Kolbe
LaFalce
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Longley
Lowey
Lucas
Manton
Martinez
Martini
Mascara
Matsui
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Menendez
Meyers
Mica
Miller (FL)
Mollohan
Montgomery
Moorhead
Moran
Murtha
Myers
Myrick
Nethercutt
Ney
Norwood
Nussle
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Paxon
Payne (VA)
Pelosi
Peterson (FL)
Pombo
Pomeroy
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Rahall
Regula
Richardson
Riggs
Rivers
Roberts
Rogers
Ros-Lehtinen
Roukema
Sabo
Salmon
Sanford
Sawyer
Saxton
Schaefer
Schiff
Scott

Seastrand
Shadegg
Shaw
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stokes
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Traficant
Volkmer
Vucanovich
Walker
Walsh
Wamp
Ward
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wise
Wolf
Wynn
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—7

Bliley
Costello
Flake
Funderburk
Moakley
Molinari
Scarborough

□ 1439

The Clerk announced the following pair:

On this vote:

Mr. Moakley for, with Mr. Scarborough against.

Mrs. CUBIN changed her vote from "aye" to "no."

Mr. FOX of Pennsylvania and Mr. JOHNSON of South Dakota changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. CONYERS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Michigan [Mr. CONYERS] on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 176, noes 248, not voting 9, as follows:

[Roll No. 186]

AYES—176

Abercrombie
Ackerman
Andrews
Baldacci
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bunn
Chabot
Chapman
Clay
Clayton
Clement
Collins (IL)
Collins (MI)
Conyers
Coyne
Cummings
Danner
de la Garza
DeFazio
DeLauro
Dellums
Dicks
Dixon
Doggett
Duncan
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Foglietta
Ford
Fox
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Goodlatte
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hamilton
Harman
Hefner
Hilliard
Hinchey
Holden
Horn
Istook
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
Klug
LaFalce
Lantos
Leach
Levin
Lewis (GA)
Lincoln
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
Meehan
Meek
Menendez
Metcalf
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Moran
Morella
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (MN)
Petri
Pickett
Pomeroy
Poshard
Rangel
Reed
Richardson
Riggs
Rivers
Roemer
Rohrabacher
Rose
Roth
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Shays
Skaggs
Slaughter
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Velazquez
Vento
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Woolsey
Wynn
Yates
Zimmer

NOES—248

Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bishop
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Brownback
Bryant (TN)
Bryant (TX)
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Deutsch
Diaz-Balart
Dickey
Dingell
Dooley
Doolittle
Dornan
Doyle
Dreier
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gonzalez
Goodling
Goss
Graham
Greene (UT)
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Jefferson
Johnson (CT)
Johnson, Sam
Jones
Kaptur
Kasich
Kelly
Kim
King
Kingston
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martinez
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
McNulty
Meyers
Mica
Miller (FL)
Mollohan
Montgomery
Moorhead
Murtha
Myers
Myrick
Neumann
Ney
Norwood
Nussle
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Peterson (FL)
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Rahall
Ramstad
Regula
Roberts
Rogers
Ros-Lehtinen
Roukema
Royce
Salmon
Sanford
Saxton
Schaefer
Schiff
Seastrand
Shadegg
Shaw
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Visclosky
Vucanovich
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wise
Wolf
Young (AK)
Young (FL)
Zeliff

NOT VOTING—9

Bliley
Costello
Flake
Funderburk
Gilman
Molinari
Nethercutt
Radanovich
Scarborough

□ 1448

Mrs. ROUKEMA changed her vote from "aye" to "no."

Mr. FOX of Pennsylvania changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. FUNDERBURK. Mr. Speaker, on May 22 I was unavoidably absent and missed several amendment votes on H.R. 3259, the FY 1997 Intelligence Authorization Act. Had I been present, I would have voted: "aye" on rollcall 184, the Richardson amendment; "no" on rollcall 185, the Sanders amendment; and "no" on rollcall 186, the Conyers amendment.

AMENDMENT OFFERED BY MR. FRANK OF MASSACHUSETTS

Mr. FRANK of Massachusetts. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FRANK of Massachusetts: At the end of title I, insert the following:

SEC. 105. REDUCTION IN AUTHORIZATIONS.

(a) IN GENERAL.—Except as provided in subsection (b), the aggregate amount authorized to be appropriated by this Act, including the amounts specified in the classified Schedule of Authorizations referred to in section 102, is reduced by 4.9 percent.

(b) EXCEPTION.—Subsection (a) does not apply to amounts authorized to be appropriated by section 201 for the Central Intelligence Agency Retirement and Disability Fund.

(c) TRANSFER AND REPROGRAMMING AUTHORITY.—(1) The President, in consultation with the Director of Central Intelligence and the Secretary of Defense, may apply the reduction required by subsection (a) by transferring amounts among the accounts or reprogramming amounts within an account, as specified in the classified Schedule of Authorizations referred to in section 102, so long as the aggregate reduction in the amount authorized to be appropriated by this Act, equals 4.9 percent.

(2) Before carrying out paragraph (1), the President shall submit a notification to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate, which notification shall include the reasons for each proposed transfer or reprogramming.

Mr. FRANK of Massachusetts (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. FRANK of Massachusetts. Mr. Chairman, this amendment would essentially hold this year's authorization at the current spending level. It is a 4.9 percent reduction from the authorized figure, with an exception made for the retirement disability fund. That fund is held at the authorized level of the bill which is what is necessary. So it has no negative effect there.

This amendment, if adopted, would give to the executive branch officials the ability to reprogram within the totals. So they need not apply the restriction across the board.

It is a 4.9-percent cut. Because of the vote just taken, I may not say in public what it is 4.9 percent of, because then the Iranians would have valuable information and endanger our security. But I can say that it is a cut of well over a billion dollars. The key question is, will we, as we move to a zero deficit and severely reduce the amount of money available for discretionary programs, not only exempt from any reduction national security but continue to give them rates of increase well above the rate of inflation?

This is a proposal before us, an authorizing bill, that raises the money from the current spending by nearly 5 percent. As we continue that pattern, Members must understand that inevitably means that environmental cleanup and health care of a discretionary sort and education and public safety and transportation get hurt.

We read recently of the difficulty of the Committee on Appropriations in the allocations. They wanted to give more for the veterans and more for health care and more for job training and education. They had to do that at the expense of infrastructure and environmental cleanup and energy and water. This is the reason we face such terrible choices. As you increase the national security budget, you inevitably require greater decreases everywhere else.

Members have said, well, it is still a dangerous world even after the collapse of the Soviet Union. Yes, it is. But let us reject now the argument that says it is a more dangerous place. We have heard Members say that it is a more dangerous place now that the Soviet Union has collapsed. This House floor may be the only place where we have nostalgia for the good old safe days of a heavily armed Soviet Union because apparently people felt more secure then.

Members say, well, we no longer have the Soviet Union but we have North Korea, we have Iraq, we have Cuba, those threats, and they are threats that grew only since 1990. What we had 8 and 9 years ago was all of the threats, the Soviet Union and all of those other nations. Now we have a substantially diminished Russian threat and those other nations. This amendment does not even call for a reduction, although I voted for the previous amendment that would have.

What we have here is an effort to give more and more money to national security, inevitably at the expense and intelligence of every other program. I would argue, if you look at the collapse of the Soviet Union, outside threats have diminished some. This does not even call for a reduction. It calls for level funding.

Let us again remember that this is the agency which accumulated a $4 billion surplus in funds. This is the agency that was given more money than it needed by its own admission because it took $4 billion and did not spend it. That is undeniably an acknowledgment that they got more money than they needed. How do we deal with this agency which got more money than it needed and squirreled $4 billion away? We give them one of the largest increases any Federal agency would get, a 5-percent increase in the authorization, 4 percent more than the President asked to give. This is an increase of more than a billion dollars over what the President wanted to give them.

At a time when I believe environmental threats and public safety threats and incomplete education, those are much graver problems, we have to choose. You cannot reach a zero deficit within the time frame we have chosen, increase, reward the national intelligence agencies for their $4 billion squirreling away by giving them a big increase and still have the funds to do other things. I urge adoption of this amendment.

Mr. COMBEST. Mr. Chairman, I rise in opposition to the gentleman's amendment.

Those who follow the floor debate on intelligence from year to year are aware, in general terms, that the intelligence budget has been on a steady decline, that capabilities are being shut down, and that managing intelligence nowadays means making Russian roulette decisions on which cuts are least likely to endanger lives.

Being on the committee has allowed me to see the specifics behind these generalized facts. More importantly, it has allowed me to delve in person into the intelligence processes and products and see with my own eyes their strengths and weaknesses. Some of those weaknesses can be sifted out of the mass of largely ludicrous public attacks which intelligence is sometimes subject. The strengths, though, tend to be largely unknown in the country at large and unheralded in the press. Without being too specific, let me mention a few I have personally run across.

Example one: Cooperative clandestine activities undertaken by the CIA and other U.S. Government agencies resulted this last year in the detection and foiling of planned attacks on U.S. public and private citizens. Lives were saved.

Example two: The CIA worked with cooperative foreign governments to, effectively speaking, shut down a terrorist organization that has had a long history of successful attacks on U.S. citizens.

Example three: Young intelligence community scientists constructed state-of-the-art computer hardware and custom software capabilities that are allowing the Intelligence Community to do what outside experts—and our country's enemies—believe to be impossible. I should point out that these same scientists work in this specific intelligence agency at a salary a fourth or fifth of what they have been offered in the private sector—they refuse to leave the work they consider so personally satisfying and important to national security.

Example four: Intelligence Community scientists and clandestine operators cooperated to detect, penetrate, and neutralize the activities of a pariah regime to develop weapons of mass destruction.

Example five: The Intelligence Community, working closely with law enforcement agencies and foreign governments, provided the essential intelligence that led to the crippling of international narcotics trafficking organizations.

Mr. Chairman, I am in strong opposition to this proposed cut. The committee recognizes the fact that each year from year to year that there is a very small amount of the actual intelligence budget in its operations programs that have become familiar to Members of Congress, much less to the American people. We take this responsibility very seriously.

There are a number of areas within the intelligence budget that have been substantially reduced this year. We have tried to make priorities in some areas that we feel are extremely important to move this Nation in the future of its role for intelligence. This is not something that can be done year by year. This is something that needs to be done on a long-term basis to make for certain that the future provides the continual need for intelligence capabilities that this country has for so many years done very, very well. We are diligent in terms of our oversight.

We are serious about the fact that we want to make for certain that each of these dollars is expended wisely.

These are dollars, however, that we feel that we can justify to our fellow colleagues and to the American people that are critical and crucial for the American intelligence capabilities which are at the heart of our national security and national defense.

□ 1500

I think the committee has done a good job of coming up with a proposed budget in the authorization bill that we have this year. I would strongly support the committee's position on that bill, and I would again reiterate my opposition to the proposed cut amendment.

Mr. ROEMER. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Massachusetts [Mr. FRANK].

Mr. Chairman, in 7½ hours of going door to door on Saturday in my State of Indiana I heard over and over again from one door to another as I listened to Hoosiers tell me what they want to see done in Washington, DC, people said to me we want to see more openness and honesty out of our elected officials, and we want to see some courage, and we want to see some discipline on their part to cast the tough votes, to cut spending first in Washington, DC, not to raise our taxes, but to cut spending first in Washington, DC.

Now, if I was a challenger and I had just watched the last few minutes of debate here in this esteemed institution, both the votes that Members of this body have just cast over the last few minutes fly in the face of what the American people want. Is it so much to ask and then tell the American people the overall cumulative budget of the Central Intelligence Agency? They do some wonderful work for us as taxpayers. Should not the American people know what that overall budget number is? That does not sacrifice any security on the part of the American people to get that one figure, that little bit of knowledge.

But this body does not agree with that, so that openness and that honesty does not come forward.

Second, some discipline and some courage around here. Now, the last vote would have cut some of the CIA's budget, and in ideal times, since they do such extraordinarily important work for us, I wish we could give them more money, but we cannot. We are trying to make some tough decisions in this place to work toward balancing the budget. So instead of even cutting, which this body just rejected, this amendment, which I rise in strong support of, simply says this:

"Let's keep it at last year's level. If we can't cut into the intelligence budget, let's keep it at least last year's level, let's make sure that we sacrifice together and that we're fair in terms of our budgeting."

So I rise in strong support of the gentleman's amendment. If my colleagues are deficit hawks and they want a balanced budget, this is a good vote. If they want fairness and they do not want to decimate Medicare for senior citizens, they do not want to slash education and Head Start for children, they want to make sure we have an adequate defense, then there have to be some votes around here at least to maintain last year's funding level, and that is what the Frank amendment does.

This is a fair and honest and disciplined approach, and I would strongly encourage the colleagues in this body to address not just the deficit of the budget, but the deficit of will and courage around here to cut some budgets other than education and Medicare. So I urge this body to support this amendment.

Mr. WATT of North Carolina. Mr. Chairman, I move to strike the last word.

Mr. Chairman, my colleagues, I am not a member of the committee of jurisdiction for this bill, and I do not come to the floor often to talk about matters involving international security. Most of my time is consumed with domestic issues and legal issues and banking issues because I serve on those committees. I do not come to the floor this time to talk about the technicalities of the CIA's budget. I have not been upstairs, into the secret room, to review the details of that budget.

Mr. Chairman, I come to talk about ordinary common sense, which is what budgeting is about. I come to talk about the setting of priorities, which is what budgeting is about. And I cannot believe that at a time when we are talking about cutting every single program that affects the domestic security of our Nation that, given choices that we must make, we could be talking about raising and increasing the level of funding for the CIA's budget by 5 percent.

At a time when we are talking about balancing the Federal budget and doing much of it on the backs of the American people who are most vulnerable, I cannot believe that we are talking about increasing the budget for the Central Intelligence Agency by 5 percent.

So this is about common sense and priority-setting.

There are children who are starving in this country. There are children who are under-educated in this country. There are children who do not know where their next meal is coming from and do not qualify for the school lunch program because we do not have enough funds to make that possible. There are elderly people who need health care. There are Head Start programs that need to be funded. And when we make the choice to devote more of our resources to funding the Central Intelligence Agency, we do so at the expense of every single one of those programs.

So, Mr. Chairman, I want to appeal to my colleagues in the wake of these past three votes that have gone down that deprive the American people of even basic knowledge about what we are even spending on the CIA's activities, something that I personally think is sinister and unacceptable, to at least bring a level of reasonableness to this debate and to this vote in terms of the priorities we are setting for our country.

I cannot believe that we do not have higher priorities for whatever amount of money it is we are debating here; I am told it is over a billion dollars that is at play in this amendment alone. And given a choice between spying on somebody, even if it is for worthy objectives, and I have no problem with that, or feeding our children and educating our children and providing for the health care and security of our people right here in our own country, I beg and plead with my colleagues to make the priority our children and our domestic programs.

Mrs. SCHROEDER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the gentleman from Massachusetts' amendment, and if this does not pass, then I am going to offer an amendment that says at least freeze the NRO budget at the 1996 fiscal year number.

What the gentleman from Massachusetts [Mr. FRANK] is saying is let us freeze the entire agency's budget except for retirement and personnel and those things, but let us do the spending part of that budget on projects. Let us freeze it at the fiscal year 1996 level. Wow, what a radical concept. We are still in fiscal year 1996.

Now I want to ask my colleagues, do they really think the world is so much scarier we got to add a whole lot more money for next year? Now we cannot say how much, we cannot say what the overall numbers are because the last amendment failed, and of course we are trying to keep this all secret. I find this very, very frustrating.

As all my colleagues know, every day we pick up the paper and Great Britain is dealing with mad cow disease. Here today on this floor we are dealing with sacred cow disease. Spending when we come to the Defense Department or when we come to the intelligence agency, oh my goodness, this is a total sacred cow, we are going to keep it classified, we cannot say anything, and we are going to keep increasing it; have a nice day.

This is for an agency that just 2 weeks ago admitted that what we thought was a billion-dollar slush fund was really more like a $4 billion slush fund. We have been giving them more money than they were able to spend any way. So why can we not at least freeze it at the 1996 level? I think this makes a tremendous amount of sense. Do we really think 1997 is going to be so much scarier than 1996 we got to increase the spending? I would hope not, and that is what we are talking about.

If we are ever going to be serious about deficit reduction, we have got to challenge our sacred cows as well as everything else. There cannot be anything that we hold back, and this is an area where, trust me, I have seen the numbers, we got mega bucks and giga bucks buried in this, and we are dealing with an agency that has not gotten exactly an A-plus for candor with the Congress or for disclosure or for management of the funds.

Look, I think the new Director, John Deutch, is a class A person. I think the CIA has many class A people. I think we need some intelligence, of course. I think the spy satellites in the sky are very important, yes. But I do not think things are so unstable that we need to increase this budget this year when we have got so many other demands.

Let me tell you about my city of Denver. Last week we had to shut down Head Start. We had to shut down Head Start and send every little kid home in the first week in May because they ran out of money.

Now, I think the education of 3-, 4- and 5-year-olds is every bit as important to our national security as increasing the amount of money we spend on the CIA. And I think that my colleagues will find Denver, CO, is not that different than other places. All sorts of places have had to make terrible choices because their budgets have been frozen or cut or crunched, and what they had to decide in Colorado was were they going to throw some of the little kids out that were eligible or were they just going to run the program until they let all the kids who were eligible come, and then when it was over send them home, that is it, and shut the door. That is what they decided to do.

I do not know what the good decision is. If there are a whole lot of children that are income-eligible and we have to pick and choose between them and they are all American citizens, that is a rotten choice, that is a rotten choice because those are our future and those are our children.

I think the gentleman from Massachusetts' amendment makes all the sense in the world, and anybody who does not vote for it, I do not know how they can call themselves a deficit hawk, I do not know how we will ever get the budget in order if we allow sacred cows to keep grazing in the budget year after year, hidden behind a screen, not being able to be exposed out in front, and I really think just holding this at last year's level, this freeze level, makes all the sense in the world.

Mr. Chairman, I only wish I thought of it. So I hope all of my colleagues vote for the gentleman's amendment.

☐ 1515

The CHAIRMAN. The Committee will rise informally.

The SPEAKER pro tempore (Mr. GOSS) assumed the chair.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Edwin Thomas, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1997

The Committee resumed its sitting.

Ms. FURSE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the amendment of the gentleman from Massachusetts [Mr. FRANK]. I think that the U.S. public wants us to cut where we can and spend wisely. It is their money. It is taxpayer money, and they want us to spend it wisely.

Mr. Chairman, I would like to talk about four security budgets that are being cut at the same time we are increasing the CIA budget. These four security budgets, I would suggest, are the budgets for law enforcement, local law enforcement; budgets for protection for children; for protection of seniors; and I would like to speak a little bit about the Coast Guard, because in my district, the security threat is on our streets. It is on the sea, where our fishermen go through dangerous waters. It is for our children, who are in dangerous homes or in schools that are dangerous. Then I also think our threat is for our seniors' health care.

Mr. Chairman, our law enforcement officers in the district I represent would be ecstatic, in fact they would be unbelieving, if somebody said we are going to increase your budget by about 4 percent. Their budgets are being cut. Yet, we have a problem of security on our streets.

In the State of Oregon, we are extremely concerned, because last year 38 children died in Oregon because of neglect or abuse. One of the reasons, it is my belief, that those children died, is that there was not a place for them to go from dangerous homes. There were not enough social workers to follow their care. Why not? Because we keep cutting those kinds of budgets. We should be protecting our children. Our children are the most important thing for us to protect.

Mr. Chairman, then our seniors. I want to talk a little bit about their health care. It is vital that the health care of seniors be protected, yet we see cuts being proposed, large cuts in Medicare, because we do not have enough money.

I represent a district that has a coastal area. It has the most dangerous place where the river comes out into the ocean. That bar is perhaps the most dangerous in the world. We have a wonderful Coast Guard station. Every day the Coast Guard protects our security, the security of fishing women and men who cross that bar. They also do tremendous work in drug interdiction. But guess what? Their budget has been cut. That budget is a real security budget. It is a budget that real men and women need.

Mr. Chairman, we have heard that the CIA budget has actually decreased, but in fact if we look at the figures since 1980, true, there has been a decrease since 1989, but if we look from 1980 to 1996, we see an overall increase of 80 percent. Imagine, just imagine, an 80-percent increase in education, health care, law enforcement.

I think it is our absolute duty here to spend the public's money wisely. The most wise and commonsense way to spend it is to look at every budget and figure out, are we giving them enough? Could we cut something? But to increase this budget 3.9 percent this year does not make common sense. The American people want common sense. They want us to spend their money wisely. Let us hold it at last year's rate, and let us have a commonsense approach to security.

Mr. DICKS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will just point out to my colleagues that I am as sympathetic as they are to the fact that we have reduced some of the most important domestic programs in this country. In fact, I supported both the Blue Dog budget and the Clinton budget, which I think in overall budgetary terms were more balanced than the alternative which was adopted by the House.

But I have to remind my good friends and colleagues who have suggested that we can just take this money from defense and intelligence and move it over to the domestic side; that, unfortunately, is not the way the budget works here. If we make the reductions in intelligence, the money is going to go over and be spent on defense, because it is all within the same budgetary item.

Mr. Chairman, we have heard a lot today about the NRO. This committee has dealt effectively and supported John Deutch in his efforts to get control over the NRO. We have significantly reduced the carryforward funds and used it for other crucial defense priorities.

Having said that, we are in the midst of a very important modernization of our signals and imagery collection systems. What we are trying to do is to modernize so we will have fewer but more capable systems and that they will ultimately save money, because we are able to shut down equipment and facilities that will save us money over the longer term and still give us a very capable system.

Again, I want to remind my colleagues, everybody gets up here today and talks about the CIA. The CIA is just a small fraction of the overall intelligence budget. I voted with my colleagues to make that number known, the aggregate number known. The vast preponderance of funds that we have in the intelligence budget are used to assist the men and women who are serving us today very effectively in the military all over the world. It is the ability to give them rapid intelligence so they can go in and find a relocatable Scud launcher and destroy it that will save American lives in the future.

In the gulf war we were vulnerable to that situation because we could not find those relocatable Scud launchers. Now we have improved intelligence capabilities that will allow us to do that and to target them rapidly and to protect and save American lives.

Mr. Chairman, I would urge my colleagues today to oppose the amendment offered by the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I am glad to yield to my colleague, the gentleman from Massachusetts [Mr. FRANK], for whom I have enormous respect.

Mr. FRANK of Massachusetts. Mr. Chairman, I would just point out to the gentleman, when he says if we make this cut it goes not to domestic but to defense programs, that is so because the House voted it that way. There is nothing in the law or Constitution that would require that. We would have the option.

The chairman of the Committee on Appropriations on the House side has just gone through the difficult process of doing the allocations of funds among subcommittees. If we were to reduce that by $1.5 billion plus, he could then take that out of the national security allocation and give it to others. Indeed, interestingly, $1.5 billion is a figure that, as I understand it, the chairman of the Senate Appropriations Committee has said he needs to distribute to other domestic programs to prevent real carnage, so this one amendment would ease that.

It is true if we reduce this authorization and made no other change, they would gobble it up; but we have, by the same vote that we reduce this authorization, the ability to reduce overall appropriations and allow the reallocation. It is entirely within our decision.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. FRANK].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. COMBEST. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 192, noes 235, not voting 6, as follows:

[Roll No. 187]

AYES—192

Abercrombie
Ackerman
Andrews
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Camp
Campbell
Clay
Clayton
Clyburn
Coble
Coburn
Collins (IL)
Collins (MI)
Condit
Conyers
Cooley
Costello
Coyne
Cramer
Danner
de la Garza
DeFazio
DeLauro
Dellums
Dingell
Doggett
Dooley
Doyle
Duncan
Durbin
Ehlers
Engel
Ensign
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Foley
Ford
Fox
Frank (MA)
Frelinghuysen
Furse
Gejdenson
Gephardt
Gibbons
Goodlatte
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hastings (FL)
Hefner
Hilliard
Hinchey
Hoekstra
Hoke
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Johnson (SD)
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
Klug
LaFalce
LaHood
Lantos
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Manzullo
Markey
Martini
Mascara
McCarthy
McDermott
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Miller (CA)
Minge
Mink
Moakley
Montgomery
Moran
Morella
Nadler
Neal
Neumann
Oberstar
Obey
Olver
Orton
Owens
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (MN)
Petri
Pickett
Pomeroy
Porter
Poshard
Ramstad
Rangel
Reed
Rivers
Roemer
Rohrabacher
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sanford
Sawyer
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Shays
Skaggs
Slaughter
Smith (MI)
Spratt
Stark
Stenholm
Stockman
Studds
Stupak
Tanner
Taylor (MS)
Thompson
Thornton
Torres
Towns
Upton
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Weller
Whitfield
Williams
Woolsey
Yates
Zimmer

NOES—235

Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Blute
Boehlert
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clement
Clinger
Coleman
Collins (GA)
Combest
Cox
Crane
Crapo
Cremeans
Cummings
Cunningham
Davis
Deal
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doolittle
Dornan
Dreier
Dunn
Edwards
Ehrlich
Emerson
English
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Forbes
Fowler
Franks (CT)
Franks (NJ)
Frisa
Frost
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gonzalez
Goodling
Goss
Graham
Greene (UT)
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Jefferson
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Knollenberg
Kolbe
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Martinez
Matsui
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
Meyers
Mica
Millender-McDonald
Miller (FL)
Mollohan
Moorhead
Murtha
Myers
Myrick
Nethercutt
Ney
Norwood
Nussle
Ortiz
Oxley
Packard
Pallone
Parker
Paxon
Peterson (FL)
Pombo
Portman
Pryce
Quillen
Quinn
Radanovich
Rahall
Regula
Richardson
Riggs
Roberts
Rogers
Ros-Lehtinen
Salmon
Saxton
Schaefer
Schiff
Seastrand
Shadegg
Shaw
Shuster
Sisisky
Skeen
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stokes
Stump
Talent
Tate
Tauzin
Taylor (NC)
Tejeda
Thomas
Thornberry
Thurman
Tiahrt
Torkildsen
Traficant
Vucanovich
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
White
Wicker
Wilson
Wise
Wolf
Wynn
Young (AK)
Young (FL)
Zeliff

NOT VOTING—6

Bliley
Cubin
Istook
Molinari
Scarborough
Torricelli

□ 1545

The Clerk announced the following pair:

On this vote:

Mr. Torricelli for, with Mr. Scarborough against.

Messrs. PALLONE, WYNN, GUTKNECHT, and LOBIONDO changed their vote from "aye" to "no."

Messrs, FRELINGHUYSEN, TANNER, HOKE, and MARTINI changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MRS. SCHROEDER

Mrs. SCHROEDER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs SCHROEDER: At the end of title I, insert the following new section:

SEC. 105. LIMITATION ON AUTHORIZATION OF APPROPRIATIONS FOR THE NATIONAL RECONNAISSANCE OFFICE.

Notwithstanding any other provision of this Act and the amounts specified in the classified Schedule of Authorizations referred to in section 102, the total amount authorized to be appropriated by this Act for the National Reconnaissance Office is the aggregate amount appropriated or otherwise made available for the National Reconnaissance Office for fiscal year 1996.

Mrs. SCHROEDER. Mr. Chairman, this is one more attempt to try and cut back just a little bit. The gentleman from Massachusetts' amendment was just defeated. My amendment builds on his, and instead of cutting all across the board or holding at the fiscal year 1996 level, it only cuts and holds to the fiscal year 1996 level the funds that go to the National Reconnaissance Agency. So it is just very narrowly targeted to the NRO.

Let me tell you why. I want to read to all of you, and I think this is very important. This is May 16, 1996. This is just recently, right?

They are talking about how Mr. John Nelson, who was appointed last year as the Reconnaissance Office's top financial manager, said to the press that there had been in Defense Week an agency that had gone a total fundamental financial meltdown. He admitted that when he got into his office and started looking at the accounts, he discovered that this agency had put away $4 billion, and that it had not reported that accurately to the Congress, to the Secretary of Defense, to the head of the Intelligence Agency, or anyone else.

Mr. Chairman, my amendment says that if this agency, if we discovered this last week about this agency, if they had been totally in our face, in the Secretary of Defense's face, in the head of the CIA's face, and everyone else, if Mr. Nelson, who is there now trying to get the books in order, if all of that happened, which apparently it did, certainly we should not give them an increase for next year. We are just going to hold them level to what they got this year.

Does that not make sense? No one is taking these extra funds away. No one has done any of that. We are only saying, "OK, let's hold them to that level that they have this year."

This is not a cut, this is a freeze. Freeze them. And only freeze that agency, that agency that we just heard had played all sorts of games with us and had really not leveled.

Mr. Chairman, I could stand here and read all sorts of editorials from newspapers across the country decrying the mismanagement. I certainly salute John Nelson. He has been very candid. He has come forward. He told us what he found, and that is wonderful. There have been editorials in all sorts of newspapers across the country pointing out that if any civilian agency in this government had come forward and found out that there was such a fraud and they had played such a game, this body would go out into orbit.

I cannot believe 1 week after all of this, 1 week after the rash of different editorials and news on this, that we are going to give them an increase for next year, when we know they did not even level with us about the surplus they put away years before.

People will stand up and they will fight my amendment by saying "Well, they didn't spend the money and they used it on other things," and so forth and so on.

Every bit of money that you put away, that is interest that we are borrowing this money for. That is not how the game is supposed to be run around here. It is really saying to Congress, you cannot touch us.

That kind of attitude is what makes everybody terribly angry. I certainly hope people will vote for this amendment.

Let me frame it one more time: All this amendment does is say to the one agency that has really admitted, its new fiscal officer has admitted, they had a financial meltdown, it says they are not going to get an increase in the next fiscal year.

Now, in my prior speech I talked about sacred cow disease, and I said that sacred cow disease seems to be almost as prevalent as mad cow disease is in Great Britain. When we come to defense and intelligence, it makes no difference what we do, we cannot help ourselves. We increase it. Some of the biggest budget hawks in the world that are out there trying to fight that deficit, they just cannot stand it. They cannot spend enough in this area.

But if we do not reward a deal with this kind of mismanagement, I think we really look like we are not serious about this at all.

Mr. Chairman, I urge people to vote for this little, tiny, tiny amendment, and send a message that we will not tolerate that kind of mismanagement in the future.

Mr. FRANK of Massachusetts. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, this amendment is both fiscally and constitutionally required. Fiscally, because it would give us at least some reduction in the 5-percent increase that is otherwise being voted; but it is also important as a matter of constitutional government.

The following facts are not in dispute: About a year ago, some newspaper reports came out that the National Reconnaissance Organization, the entity that is the subject of this amendment, had squirreled away $1 billion. There was $1 billion we did not know they had.

People said well, they had a bad accounting system. I reject the notion that the people who know all, see all, are everywhere, from whom the world has no secrets, did not know how much money they had. Of course they did.

What they counted on was the laxity of this body's supervision. They counted on being able to put that money away so they could in effect supplement their own appropriation. These people have invented the new parliamentary device, the autonomous supplemental appropriation. They can supplement their own, by hiding the money as it goes along.

What this means, of course, is it turns out that some of the money we voted for them was not necessary. They were able to accomplish certain objectives or for other reasons they were not able to spend some money. They did not turn it back. They did not come and say reprogram it. They just kept it.

At first we were told there was $1 billion. Then we heard there was $2 billion. Then the committee intervened. Riding to the rescue of fiscal integrity came the Intelligence Oversight Committee, and they adopted some rules to prevent this from happening. And it worked, because thanks to them, we no longer had a $2 billion surplus hidden away. We had a $4 billion surplus. Thanks to the effective oversight, the committee said "We took some steps a year ago." They took some steps, and as a consequence of the steps, or perhaps irrelevant to the steps, the $2 billion became $4 billion.

Now, as I suggested earlier, maybe what we should do is simply withhold here, because we seem to have a great, surefire deficit reducing device. First they found $1 billion. Then the $1 billion became $2 billion. Then the $2 billion became $4 billion. I do not have my calculator, but it seems to me in a very few years, if we let these people go at the rate they are going, they would make a very substantial reduction in the deficit. They are able to produce the greatest surplus in a shorter period of time than anybody I have ever seen. But they should not be able to do it without this body voting on how to spend that money.

We were told they have been disciplined. Somebody was fired. But as an entity, this is undeniable, they have benefited from that. They have gotten more money to spend.

People said well, we are trying, Mr. Deutch is trying. I believe Mr. Deutch is trying. I believe the committee was trying. But Mr. Deutch has a broad set of responsibilities. The members of this committee have very broad sets of responsibilities.

No, if you have got people who are specialists, particularly when they are working in a technically sophisticated area where secrecy is involved, no one will be able to out-account them, no one will be able to stop this kind of game playing, except if we say to them, we penalize you.

There is one way to put an end to this, and that is to pass the gentlewoman's very thoughtful amendment so we say to these people there is a penalty for this kind of game playing and avoidance of the rules, and it is you will not get the full benefit from this.

There is no danger they will be hurting financially. An entity that was able to squirrel away $4 billion while doing everything they were supposed to do is hardly going to be hurt when they get their share of a 5-percent increase and still have kept some of what they had.

None of it has gone back to the deficit. Let us at least in this amendment give the American taxpayers some benefit from the $4 billion in savings. I hope the gentlewoman from Colorado's amendment is adopted.

Mr. DICKS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, in the discussions here, we have been talking about this $4 billion. What we have done in the Congress is we have taken the $4 billion away and we are using it for other things. It has been used for Bosnia, it has been used for other defense priorities.

So if the money were still there, then maybe I could see some wisdom in this amendment. The reality is, we are 5 percent below, for the NRO budget this year, 5 percent below the Clinton budget request. We have made some reductions in this particular area.

I would also say to my colleagues that we are trying in the NRO, we have got a new financial officer who, John Deutch, a Democrat, Mr. Clinton's DCI put in. He took out the leadership of the NRO. He took out the Director and the Deputy Director. He put in Keith Hall, who is doing a fine job.

So the amendment tries to punish someone who has already been punished. They have had their carryforward account taken away, their leadership has been replaced, a new financial manager has been put in place.

John Deutch deserves support here. He would tell you if he were here on the floor of the House today that we are in the midst of a modernization effort to build new satellites that will allow us to reduce the overall infrastructure of this program and reduce spending in the future. But if he does not get the NRO money this year to make those investments, then we are going to wind up spending more on intelligence than we need and we are going to have less capable systems.

So the DCI has taken the steps necessary to reform this. What we are doing today is repudiating John Deutch by saying even though you did that, Mr. Director, it was not enough. Now we are going to slap your hand again and take away a very significant amount of money.

□ 1600

I cannot say the numbers, but we are talking about a significant amount of money. This is as big an amendment as we are talking about today.

Mrs. SCHROEDER. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. First of all, if the gentleman is saying we are going to have a very significant amount of money taken away if my amendment passes and we freeze it at this year's level, what we are really admitting is we are really giving that agency a huge increase but we cannot say that money.

But second, my question is, Is the gentleman telling us the entire $4 billion that we just found and talked about in the press a week ago, has that all been expended already?

Mr. DICKS. Mr. Chairman, reclaiming my time, I would say to the gentlewoman that that money has been taken back, in the administration's budget request and we have used it for other purposes in the Defense bill, which made it possible not to have to appropriate new money.

So the problem has been addressed. And, again, the DCI has replaced the leadership of the NRO, he has put in a financial manager and we now have this thing under control. If there is additional money, and if it is not all taken, we have set a certain number of months that they can have carryover funds for use in each of these programs. If they go above that, we will take that money away as well. So it is an ongoing process.

Mrs. SCHROEDER. Mr. Chairman, if the gentleman will yield further, though, first of all, it is pretty astounding to me that they could have gotten rid of this this fast when we just learned about it this past week, learned of the magnitude of it.

The way I read this is that they said originally they thought there were $2 billion in the carryover fund and they now find there is $4 billion. But there also was not supposed to be any.

Mr. DICKS. Mr. Chairman, reclaiming my time, I would say to the gentlewoman that this is not the first time we have known about this. The members of the Permanent Select Committee on Intelligence and the Committee on Appropriations have known about this but we could not disclose it. Somehow it got in the press, but decisions had already been made to take a significant part of that money last year and in this year's budget.

What they are saying is that the total amount that they now have calculated was this. We knew that they were up there, and we took a lot of the money away from them earlier because it was not needed. It was not wasted. No waste, fraud or abuse. It was not used for anything other than authorized purposes.

Mrs. SCHROEDER. Mr. Chairman, if the gentleman will yield further, I find it surprising, then, that the newly appointed fiscal officer, John Nelson, would say there is a total financial meltdown, which is exactly what he said to the press when this was all uncovered.

So if the new guy is saying there is a financial meltdown, I think that is an admission that they had this $4 billion and a game was sort of being played, and I find it astounding we would give them that big an increase.

Mr. DICKS. I would say to the gentlewoman that we did exactly what I think my colleague would have wanted us to do once we found out that there was in fact a meltdown. He then told us what the amount of money was that was in excess to their requirements and we took it away from them.

Mrs. SCHROEDER. But the gentleman just said he spent it. The gentleman indicated it was taken away and spoke somewhere else.

Mr. DICKS. It was spent for Bosnia and it was spent for other legitimate ventures so we did not have to appropriate new money.

Mrs. SCHROEDER. Mr. Chairman, if the gentleman would yield further, I think what the American people would want us to do is not spend it and invest it to help bring down the debt, and I would hope we would not give them an increase.

Mr. COMBEST. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this is one of those interesting situations that one finds themselves, I guess constrained. I and the members of the committee were outraged at about this time last year when it was discovered that there was a carryforward account that we were not aware of; that the Director of Central Intelligence was not aware of.

We demanded that there be something done. As has been mentioned, the two top officials at the NRO were relieved of their duty. A chief financial officer was put into place, and he was tasked with coming up with what was the amount. Originally, it was purported to be a billion, a billion and a half. It was uncertain, because as the gentlewoman from Colorado has pointed out, when the chief financial officer, Mr. Nelson, publicly made his report last week, he talked about how egregious, and I do not remember his exact words, but they were not kind in terms of some of the financial management of the NRO.

We have tried to follow on the committee throughout the past several months, as we have had constant updates on the investigation by the chief financial officer of the NRO carryforward account. There were substantial monies taken out in the appropriations process last year, after it was discovered, from the carryforward account. The Director of Central Intelligence as well took out an additional amount of that money, all inclusive totaling in excess of billions of dollars, to use in other functions that the administration wished to pursue.

We have continually asked and we have continually been updated on the carryforward account. Mr. Nelson, rather than keeping it secret and not discussing it, has a public interview in which he mentioned the $4 billion amount.

Now the accounting process stunk, but I think it is very important to note that this was money that had been authorized and appropriated for programs that were authorized by the Congress, for future program as that are managed and run by the National Reconnaissance Office. They were moneys that had not been expended because some of the programs had been working better than had been anticipated.

These are programs that if the Congress wants to cancel, the Congress should cancel, but it does not take away from the fact that these are programs that at one time the Congress has approved to move forward with.

Now, I also find it a little difficult in defending this because of how outraged I was when I first became aware of the carryfoward account. I also find it somewhat ironic that in the mark, and I would invite Members to come up and look at what we have done in the section for the NRO, we are 5 percent below what the administration requested for the NRO. And some of us have been accused of micromanaging the NRO accounts. My comment to that was if someone had been micromanaging for several years we would not be in the problem we are in.

So on one side some of us are being criticized for micromanaging, trying to straighten out the problem, and on the other side we are being criticized for not doing enough. So I would encourage Members to come up and look, and I wish I could tell Members what we are doing with all of the programs. There has been no program left unscathed. We have brought every program program that that organization runs, put it on to the table, and we have been looking at delaying some of those programs, we are looking at potentially canceling some of those programs, and we are being strongly criticized by the agency, by the administration, and by other Members of Congress.

But the purpose of doing that is to bring into bearing what it is the gentlewoman is complaining about, and very rightly so. But I would urge her to come up and look and talk to some of the Members on the other side that have been complaining so hard about the fact that we are putting them under a microscope. They are going to have to come up with and defend and satisfy the committee that every one of the requests that they have made in the President's request, which is above what we have authorized is, in fact, justifiable.

The CHAIRMAN. The time of the gentleman from Texas [Mr. COMBEST] has expired.

(By unanimous consent, Mr. COMBEST was allowed to proceed for 2 additional minutes.)

Mr. COMBEST. Mr. Chairman, the gentlewoman from Colorado had asked me to yield, and I am happy to yield to her.

Mrs. SCHROEDER. Mr. Chairman, I thank the gentleman from Texas for yielding. Is the gentleman from Texas saying that the entire $4 billion has been allocated somewhere else already?

Mr. COMBEST. No. First of all, there is not an entire $4 billion. Virtually half of that amount was taken out last year.

Mrs. SCHROEDER. And so has the rest of it been expended this year?

Mr. COMBEST. Part of that is in the continuing carryforward account. What we required last year in the authorization was that they lower their carryforward account to no more than 1 month. They could not run programs in a carryforward account, they could not keep those moneys for more than 1 month.

But they have to manage that, Mrs. SCHROEDER. They have to move that. They cannot take that amount of money and all of a sudden just throw it away. We do not want them to do that, and they are managing that now. So what we are requiring that they do is to take that money that was originally authorized and appropriated for certain programs and expend it on those programs and work that carryforward account down. They are in that process now to where they have no more than 1 month's carryforward at any time.

We have only become aware, as the gentlewoman mentioned, of the amount of the money just in the past week to 10 days, because they have continually, over this period of time, tried to do a very accurate accounting in which they were going to tell us how much that was there for. And it was not wasted or thrown away or squandered. It is not being spent on programs that are not authorized. It is that they were trying to work that out.

But last year, recognizing even at the time we were only talking in the neighborhood of a billion to a billion and a half, we agreed that that was not acceptable and that we were going to bring that under scrutiny.

The CHAIRMAN. The time of the gentleman from Texas [Mr. COMBEST] has again expired.

(By unanimous consent, Mr. COMBEST was allowed to proceed for 3 additional minutes.)

Mr. COMBEST. That was to be brought under scrutiny and they were to begin to manage that account. We then have, in this year's authorization, as I have mentioned, and I would encourage the gentlewoman to look, brought every program that organization runs under scrutiny. Every one.

I wish the gentlewoman would look at what we are recommending on some of those. I cannot go beyond that on the floor of the House.

Mrs. SCHROEDER. Mr. Chairman, if the gentleman would continue to yield, the next question I have, then, the gentleman is saying that if my amendment passed, which would hold this agency at this year's funding level, it would be a disaster because how much of an increase are we giving the agency? Can we say that in open session, what the percentage increase is?

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. COMBEST. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, what we can say is it is 5 percent below the Clinton budget request.

Mr. COMBEST. Reclaiming my time, Mr. Chairman, the gentleman is correct, this authorization bill is 5 percent below what the administration requested.

Mr. DICKS. And if the gentleman will yield further, that is on the NRO portion.

Mr. COMBEST. Yes; that is correct, on the NRO portion.

Mrs. SCHROEDER. But we cannot say how much of an increase it is over what we are spending this year; is that correct?

Mr. COMBEST. I guess we might, but I am not for sure. I would have to check to see what that is.

Mrs. SCHROEDER. Could I ask the chairman further, if my amendment were to pass, and there is still some money left in this carryforward account, could they not use that this year to make up any critical shortfall?

Mr. COMBEST. Those funds in the carryforward account are obligated and were authorized and appropriated for specific purposes of which the new authorizations that we are looking at now would not include.

Those are still going to have to be expended. They would have had to have been expended at some point in time. And that is the point I was making earlier, was that if the Congress wants to go back and cancel some of those programs that have already been approved that this money was there for, that is a totally different subject. But as long as those are still to be moving forward in the new satellite architecture, all those funds in the carryforward account at some point have to be expended on those programs. And the moneys we are looking at now are not going in the carryforward, they are going into additional expenditures for those programs above what the carryforward accounts accounted for.

Mrs. SCHROEDER. Mr. Chairman, I thank the gentleman, and I hope he understands.

Mr. COMBEST. I do understand.

Mrs. SCHROEDER. To the average person this sounds absolutely nuts, that we are giving an increase to an agency that we just learned had this surplus.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. COMBEST. I yield to the gentleman from Washington.

Mr. DICKS. I just want to say that we are actually cutting the NRO by 5 percent.

Mr. COMBEST. Reclaiming my time, I want to say to the gentlewoman that I understand the frustration, I truly do understand it, and it makes it seem so ridiculous for this to have happened, that we can allow a bad accounting program like this to go unpunished. but I do not know how we go back and punish. The only way to do that is to cut out what I think are some very significant programs, and, hopefully, the Director of the Central Intelligence Agency's efforts to try to deal with this problem are what are bringing this all to fruition and to a head.

Mr. CHAIRMAN. The time of the gentleman from Texas [Mr. COMBEST] has again expired.

(By unanimous consent, Mr. COMBEST was allowed to proceed for 3 additional minutes.)

Mr. COMBEST. Mr. Chairman, I yield to the gentleman from Washington.

Mr. DICKS. Let me point out I think we have disciplined an agency pretty well when we take away at least 50 percent immediately of the carryover funds. As soon as we found them out, we took those away. The Director appointed a special task force. He appointed a new financial officer, fired the Director and the Deputy Director, and said we are going to get this thing cleaned up and straightened out.

Now, the problem is that what we are doing here is coming in with a punitive approach and saying even though we have done all those things we have to do something more. I would argue that if both my colleagues would come up, we could go through this program and show them that what we are talking abut here are NRO satellites that are vitally important to the military.

□ 1615

It is the men and women that we have deployed all over this world who are going to be denied important intelligence if we do not modernize and improve our imagery and satellites. It is not some bureaucrats whose hands we are slapping. It is not an accountant over at the NRO. What we are doing is denying important intelligence to our military people.

So I would urge my colleagues not to do this. This is not the right way to go. It is too significant an amount of money. Mr. Deutch has done the right things here. We have got to give him an opportunity to clean up this mess, and he is doing it. But what we are doing here is punishing him because we are undermining the architecture that he has set up for the modernization of our satellites and that was also set up by Mr. Woolsey, another Democrat and appointee of this administration. They both would say that this would undermine and hurt the efforts to improve our satellite capability.

Mr. SANDERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, earlier today I introduced an amendment which would reduce intelligence spending by 10 percent. It received, I believe, 115 votes. Just a few minutes ago the gentleman from Massachusetts [Mr. FRANK] introduced an amendment that would freeze intelligence spending. It received 193 votes.

My sincere hope is that we can receive another 20 votes to pass the Schroeder amendment. I will tell my colleagues why. Month after month and day after day, Members from both sides of the aisle come here on the floor of the House, and they talk about the $5 trillion national debt. They talk about the deficit, and they talk about how important it is and how necessary it is to cut program after program after program. My friend from Washington a moment ago talked about his fear that we would be "disciplining this agency."

Mr. Chairman, by overspending on intelligence, by spending more money than we need for the National Reconnaissance Office, an agency that has misplaced, that has lost $4 billion of taxpayers' money, what we are doing is disciplining hungry children in America. We are disciplining families who would like Federal funding in order to send their kids to college. We are disciplining senior citizens who get by on $7,000 or $8,000 a year Social Security but do not have the help from the Federal Government to purchase prescription drugs.

We are disciplining tens of millions of people who would like some help from the Federal Government. But we are saying, not only can we not afford it, we are going to cut back on what we are currently providing because we think we need to spend this money on the intelligence agencies, despite the end of the cold war.

Mr. Chairman, I know that many Members in this body are terribly sincere, both sides of the aisle, terribly sincere about deficit reduction. I know that they have been reluctant and with pain have made cuts that they know are going to hurt millions of middle-class working class, low-income families. I beseech those same Members who have made those cuts that impact negatively on people who are hurting today to have the courage to stand up and say that, when we have an agency that has misplaced $4 billion, the very least we can do to protect our credibility is to say to that agency that we are going to level fund you.

The gentlewoman from Colorado [Mrs. SCHROEDER] did not say we are going to cut their funding in half. That is not what she said. She came forward with a very conservative amendment. Level fund an agency that has misplaced $4 billion. We need 20 votes more to finally say to the American people that we are serious about deficit reduction. Please support the Schroeder amendment.

Mr. CUNNINGHAM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, in the armed services, quite often, for example, if you have a budget and you have so much fuel allocated in that fiscal year, that fiscal year's allocation that you have to burn it during that period of time and quite often we would come to the end of the year because we did not know how much we would use in Vietnam, in Somalia, in Bosnia, and if you did not use the amount you thought, then you would end up with a bunch of it toward the end of the year. so you tried to manage it and prepare for a contingency.

Quite often we would have to fly up that fuel because we would not get as much next year. We knew that we needed the fuel over a long period of time for management for those contingencies also. We were forced to burn it when it really was not used in the best way. Intelligence has managed its dollars over a period of time looking to when it sees.

Mr. Chairman, the intelligence community works in the antidrug program. It works in anticrime, not only here but abroad, in DEA, in CIA, in FBI. If you want to come after ATF, come to me and I will help you. But if you take a look at the broad nature of where our intelligence services go and how they help the security of this country, not only aiding our military, I looked, during the bill, the antiterrorist bill, I made a statement that my concern was that people will not support our troops in the field through intelligence.

Even though the cold war is over, I believe that our need for intelligence has actually increased. If you take a look, and the reason that we were so opposed to what the President did in the arms shipment by going through Iran and getting the Iranians involved in the Middle East, if you take a look at the French and the British and the different portions in Europe to where they increased on fundamental terrorists of the Islamic groups actively engaged, there is an increased need for intelligence there, just for the security of those countries and the United States.

Mr. Chairman, I remind my colleagues, in the World Trade Center bombing, that was Islamic fundamentalists that were here also illegally in this country. The need for intelligence in that has increased in this country. We look at Ruby Ridge that was just on, and we look at other areas of the country where that increase in intelligence is so important to protect American citizens.

In areas of defense and areas of national security, in which these forces, they are not used, I think, to waste and squander dollars, but it is to help the American people in those areas and to help our troops when they are engaged in combat.

If we take a look, for example, right now today in the Ural Mountains, my friend from Washington is aware of this, within the Ural Mountains, Russia today is building an underground first strike nuclear capability as big as the entire area inside the Beltway. That is pretty important to know for this country.

I remember in San Diego, when Iraq was trying to smuggle nuclear triggers out of San Diego. It is pretty important to the American citizens to have that kind of intelligence. If we try to micromanage and cut back, yes, there are areas, I am sure there are areas in the military, to the gentlewoman from Colorado, that, yes, things have been spent too much.

Mr. Chairman, but that is the problem generally with any Federal organization. That is why we want to send a lot of it to the States. We think that is a better way to manage and balance the budget and to eliminate the programs.

Mrs. SCHROEDER. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. Mr. Chairman, I thank the gentleman for yielding to me. The gentleman is making a good point. We want good intelligence. But we are talking here about just limiting this to a freeze to this year's level, and this is for satellites.

A lot of the intelligence the gentleman is talking about, language skills being able to have people on the ground understand Farsi, understand all of those types of things, or dealing with intelligence about whether you are talking about Ruby Ridge or something else, most of that you are not picking up off satellites. Satellites do not delineate a terrorist from a regular citizen. We are just targeting it to satellites.

Mr. CUNNINGHAM. Reclaiming my time, Mr. Chairman, let me tell you about the satellites. When I was at Navy Fighter Weapons School, we were able to look down and read the serial numbers on the missiles on the side of aircraft to determine what our real threat was. The Russians have recently developed the AA-10, which is superior to our AMRAAM. We need to know those kinds of things, that is taken off the satellites.

Mr. GEJDENSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to make sure that the Congress and the American people are not left with a misimpression that Iranian arms only began being shipped to the former Yugoslavian Republic during this administration. Through the entire course of the Bush administration, Iranian arms were going into the former Yugoslavian Republic at a time when the Bush administration had no policy to deal with the slaughter that was going on in Yugoslavia. It is particularly ironic that having executed a policy that has at least for now stopped the fighting, stopped the civilian slaughter and the genocide, that the other side would criticize and try to make an issue of the President who finally took a stand and actually concluded a policy that stopped the genocide.

Mr. Chairman, I just want to correct that one, I am sure, innocent misimpression that was left by the previous speaker. The Iranians were shipping arms into the former Yugoslavian Republic during the time of the Bush administration.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. GEJDENSON. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I appreciate the gentleman's clarifying that point. I would like to also say that we are not just talking about stopping these satellites. When you talk about the satellites, they are able to gather information that gives our country a warning about terrorists and various terrorist organizations and what they are doing and their plans. So when we have things like the World Trade Center, I think it is a sobering thought that terrorists are now able to do things like this in the United States. That is another reason why in my judgment we ought to protect this budget.

This budget is not only important to our military deployed abroad, but it also gives us the ability to find these various terrorist organizations and what their plans and intentions are, some of which are not good for the United States.

Mrs. SCHROEDER. Mr. Chairman, will the gentleman yield?

Mr. GEJDENSON. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. Mr. Chairman, the point is we are only going after this one part of the budget. This is the one agency that had the fiscal meltdown. We are holding it level at this year's amount. Yes, of course, we need satellites but we also need language skills, people on the ground, all sorts of different kinds of information; and that is not cut or held even by this amendment.

Mr. Chairman, I think it is just real important. I think that the debate that would have gone on if the civilian agency had done this would have been of an entirely different tenor on this floor. People would have been jumping to the mike, demanding the head of the agency be delivered down here and everything else. I am really amazed that all the tap dancing that we have done around this. I think this is a simple amendment, and I certainly hope it passes.

Mr. NETHERCUTT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, it is interesting to me as I was watching the debate and listening to the gentlewoman from Colorado and the gentleman from Vermont talk about misplacement of $4 billion and fiscal meltdowns, I wonder what those two colleagues of mine would say if we had the same response to the mismanagement that has been shown by the inspector general of the United States for the U.S. Department of Agriculture for the Food and Consumer Services Agency.

The IG did an audit, as I am sure my colleagues know, showing that $13.5 billion out of $37 billion of the food and consumer services budget could not be found. Talk about mismanagement. Talk about unaccountability. And I do not here anybody on the other side being outraged by that kind of mismanagement or that kind of fiscal meltdown.

The point is, there is fiscal mismanagement at an agency that the gentlewoman from Colorado and the gentleman from Vermont I think want to ignore.

□ 1630

An audit was done; they cannot prove that it was lost, but they cannot prove that this was spent for the proper purpose. The I.G. said there is no accounting of it, it cannot be proved what happened to the money.

So that agency came before the Committee on Appropriations, on which I serve, and said, "Give us $4 billion more."

So I think we have to put this all in perspective and realize that we are talking about the national security interests of the United States, and on that basis I think we have to be careful about saying, as my colleagues know, about trying to punish agencies because that hand can bite if we are not careful.

Mrs. SCHROEDER. Mr. Chairman, will the gentleman yield?

Mr. NETHERCUTT. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. Mr. Chairman, I want to say that I will be equally as outraged when we get to that item on the floor. I promise the gentleman. I do not like misspent money anywhere. I think that is why Americans are so angry with us, is that we come in and we become apologists for it, and they think that we have all bought into the Potomac fever syndrome when we do that.

The reason I do not have an amendment on the floor to deal with that today is we do not have that bill on the floor today.

But I promise the gentleman, if there is one up there, I will not be trying to reward that agency with a large increase over this year's budget because they cannot find money from the last year, and that is my whole point.

So I hope the gentleman joins with me today, and then we can both stand here and be outraged when that one comes up, and any other budget anywhere.

Mr. NETHERCUTT. Reclaiming my time, I hope the gentlewoman from Colorado [Mrs. SCHROEDER] will pay attention to what has happened in the food and consumer services agency. That money goes to kids. It is supposed to go to kids, and we are spending it on all other kinds of things in that agency, but I do not hear the outrage.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. NETHERCUTT. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, another point I would make on this is that in a sense this money was never misspent at the NRO. Apparently there was big money misspent over at the Agriculture Department on things that were not supposed to be. The NRO money ultimately would have been spent on programs that had been authorized and appropriated by the Congress, and the irony of this is that we are going to have to restore this money at some future date. We will have to do that because of the amount of money that is required to build these very elaborate, complicated intelligence system.

So we took the money away in the short term, but it is going to have to be restored in the long term.

Mr. NETHERCUTT. Let me just say in response to the gentleman from Washington, who makes a very, very good point, this is a dangerous world. We have limited resources. We cannot gamble on the intelligence services of the United States of America, and I think, as my colleagues know, we are talking a little bit about apples and oranges although the concept that the gentlewoman from Colorado makes, or the point she makes with regard to mismanagement, applies equally on the domestic side, but we do not have the national security interests of the country at stake.

So I think the point of the gentleman from Washington, my colleague and friend, Mr. DICKS, is a very good one.

Mrs. SCHROEDER. Will the gentleman yield?

Mr. NETHERCUTT. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. Mr. Chairman, I mean I love this. These two gentlemen from Washington are here saying, as my colleagues know, "The best defense is a good offense."

Look, we cannot be outraged about the agriculture budget, because it is not here today. If it is here today, we will offer an amendment, and, yes, it is terribly wrong to take money from little kids, but it is also terribly wrong to waste money here and to play the games that were played, and I would hope the gentleman would join me in dealing with this issue that we can do something about.

So something about what we can do something about, which is this issue in front of us today, and vote for my amendment.

Mr. NETHERCUTT. Reclaiming my time, Mr. Chairman, I will just simply close my portion of time in saying that this amendment should be rejected. I fully support the gentleman from Texas [Mr. COMBEST] and the gentleman from Washington [Mr. DICKS] in their position on this bill and this amendment. We should move forward.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Colorado [Mrs. SCHROEDER].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mrs. SCHROEDER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were ayes 137, noes 292, not voting 4, as follows:

[Roll No. 188]

AYES—137

Ackerman
Andrews
Baldacci
Barrett (WI)
Becerra
Bonior
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Camp
Clay
Clayton
Clyburn
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
DeFazio
DeLauro
Dellums
Deutsch
Dingell
Doggett
Duncan
Durbin
Ehlers
Ensign
Eshoo
Evans
Farr
Fattah
Fawell
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Fox
Frank (MA)
Furse
Gephardt
Gibbons
Gordon
Green (TX)
Gutierrez
Hastings (FL)
Hilliard
Hinchey
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Johnston
Kaptur
Kennedy (MA)
Kleczka
Klug
LaFalce
Lantos
Leach
Lewis (GA)
Lincoln
Lofgren
Lowey
Luther
Maloney
Markey
McCarthy
McDermott
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Nadler
Neal
Neumann
Oberstar
Obey
Olver
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Porter
Poshard
Ramstad
Rangel
Reed
Riggs
Roemer
Roth
Roybal-Allard
Rush
Sanders
Sawyer
Schroeder
Sensenbrenner
Serrano
Shays
Slaughter
Stark
Stenholm
Studds
Stupak
Thompson
Thurman
Torres
Torricelli
Towns
Upton
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt (NC)
Waxman
Weller
Williams
Woolsey

NOES—292

Abercrombie
Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blute
Boehlert
Boehner
Bonilla
Bono
Borski
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Campbell
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clement
Clinger
Coble
Coburn
Coleman
Collins (GA)
Combest
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cummings
Cunningham
Danner
Davis
de la Garza
Deal
DeLay
Diaz-Balart
Dickey
Dicks
Dixon
Dooley
Doolittle
Dornan
Doyle
Dreier
Dunn
Edwards
Ehrlich
Emerson
Engel
English
Everett
Ewing
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Gallegly
Ganske
Gejdenson
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Goss
Graham
Greene (UT)
Greenwood
Gunderson
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Klink
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Levin
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Manton
Manzullo
Martinez
Martini
Mascara
Matsui
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nethercutt
Ney
Norwood
Nussle
Ortiz
Oxley
Packard
Parker
Paxon

Pombo
Pomeroy
Portman
Pryce
Quillen
Quinn
Radanovich
Rahall
Regula
Richardson
Rivers
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roukema
Royce
Sabo
Salmon
Sanford
Saxton
Schaefer
Schiff
Schumer
Scott
Seastrand
Shadegg
Shaw
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stockman
Stokes
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Tiahrt
Torkildsen
Traficant
Vucanovich
Walker
Walsh
Wamp
Ward
Watts (OK)
Weldon (FL)
Weldon (PA)
White
Whitfield
Wicker
Wilson
Wise
Wolf
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—4

Bliley
Hoke
Molinari
Scarborough

□ 1654

Mrs. ROUKEMA and Messrs. SCHUMER, WALSH, BENTSEN, and CUMMINGS changed their vote from "aye" to "no."

Mrs. THURMAN and Messrs. RANGEL, DOGGETT, SHAYS, and FOX of Pennsylvania changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. CHAIRMAN. Are there other amendments to the bill?

If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. HOBSON) having assumed the Chair, Mr. DICKEY, Chairman of the Committee of the Whole House on the State of the Union, reported that that committee, having had under consideration the bill (H.R. 3259), to authorize appropriations for fiscal year 1997 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, pursuant to House Resolution 437, he reported the bill back to the House with an amendment adopted by he Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 3259, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1997

Mr. COMBEST. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 3259, the Clerk be authorized to make such technical and conforming changes as may be necessary to correct such things as spelling, punctuation, cross-referencing, and section numbering.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?.

There was no objection.

GENERAL LEAVE

Mr. COMBEST. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3259, the bill just considered and passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

REPORT OF COMMODITY CREDIT CORPORATION, FISCAL YEAR 1994—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Agriculture:

To the Congress of the United States:

In accordance with the provisions of section 13, Public Law 806, 80th Congress (15 U.S.C. 714k), I transmit herewith the report of the Commodity Credit Corporation for fiscal year 1994.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 22, 1996.*

COMBINED ANNUAL REPORTS OF NATIONAL SCIENCE FOUNDATION, FISCAL YEARS 1994 AND 1995—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Science:

To the Congress of the United States:

As required by the provisions of section 3(f) of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1862(f)), I transmit herewith the combined annual reports of the National Science Foundation for fiscal years 1994 and 1995.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 22, 1996.*

□ 1700

COMMUNICATION FROM THE HONORABLE SCOTT McINNIS, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable SCOTT MCINNIS, Member of Congress:

U.S. CONGRESS,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 21, 1996.

Hon. NEWT GINGRICH,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule L (50) of the Rules of the House, that I have been served with a subpoena issued by the County Court of El Paso County, Colorado.

After consultation with the General Counsel, I will make the determinations required by the Rule.

Sincerely,

SCOTT MCINNIS,
Member of Congress.

PARLIAMENTARY INQUIRIES

Mr. SOLOMON. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. HOBSON). The gentleman will state his parliamentary inquiry.

Mr. SOLOMON. Mr. Speaker, I would inquire when the next vote is expected. I understand that we will now be taking up the rule on the Small Business Job Protection Act and that there will not be another vote on the floor for at least another hour. Is that correct?

Mr. VOLKMER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. VOLKMER. Mr. Speaker, I just want to inquire, the gentleman from New York's inquiry to the Chair does not appear to be a parliamentary inquiry.

Mr. Speaker, what is the House going to take up at this time?

The SPEAKER pro tempore. It is the Chair's understanding that the gentleman from New York may rise to call up a rule.

Mr. VOLKMER. One hour debate on the rule?

The SPEAKER pro tempore. It would be debatable for 1 hour, and the Chair would assume that therefore his suggestion may be correct, but the Chair makes no ruling on that.

PROVIDING FOR CONSIDERATION OF H.R. 3448, SMALL BUSINESS JOB PROTECTION ACT OF 1996, AND H.R. 1227, EMPLOYEE COMMUTING FLEXIBILITY ACT

Mr. SOLOMON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 440 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 440

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order (except those arising under section 425(a) of the Congressional Budget Act of 1974) to consider in the House the bill (H.R. 3448) to provide tax relief for small businesses, to protect jobs, to create opportunities, to increase the take home pay of workers, and for other purposes. The amendment in the nature of a substitute recommended by the Committee on Ways and Means now printed in the bill shall be considered as read. All points of order against the committee amendment (except those arising under section 425(a) of the Congressional Budget Act of 1974) are waived. The bill and the amendment shall be debatable for one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. The previous question shall be considered as ordered on the bill and the amendment to final passage without intervening motion except one motion to recommit with or without instructions. The yeas and nays shall be considered as ordered on the question of passage of the bill and on any conference report thereon. Clause 5(c) of rule XXI shall not apply to the bill, amendments thereto, or conference report thereon.

SEC. 2. After disposition of H.R. 3448 it shall be in order without intervention of any point of order (except those arising under section 425(a) of the Congressional Budget Act of 1974) to consider in the House the bill (H.R. 1227) to amend the Portal-to-Portal Act of 1947 relating to the payment of wages to employees who use employer owned vehicles. The amendment in the nature of a substitute recommended by the Committee on Economic and educational Opportunities now printed in the bill, modified by the amendment printed in section 3 of this resolution, shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, and any further amendment thereto to final passage without intervening motion except: (1) ninety minutes of debate on the bill, which shall be equally divided and controlled by the chairman and ranking minority member of the Committee on Economic and Educational Opportunities; (2) the further amendment printed in part 1 of the report of the Committee on Rules accompanying this resolution, which may be offered only by Representative Riggs of California or his designees, shall be in order without intervention of any point of order (except those arising under section 425(a) of the Congressional Budget Act of 1974), shall be considered as read, shall be separately debatable for ninety minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for division of the question; (3) the further amendment printed in part 2 of the report of the Committee on Rules accompanying this resolution, which may be offered only by Representative Goodling of Pennsylvania or his designee, shall be in order without intervention of any point of order (except those arising under section 425 (a) of the Congressional Budget Act of 1974), shall be considered as read, shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent, and on which the question shall be divided between the proposed subsection 3(d) and the remainder of the proposed section 3(and shall not otherwise be subject to a demand for division of the question); and (4) one motion to recommit with or without instructions.

SEC. 3. The amendment in the nature of a substitute recommended by the Committee on Economic and Educational Opportunities now printed in H.R. 1227 is modified by the following amendment: Immediately after the enacting clause insert the following new section (and redesignate succeeding sections accordingly):

"SECTION 1. This act may be cited as the 'Employee Commuting flexibility Act of 1996'.".

SEC. 4. (a) In the engrossment of H.R. 3448, the Clerk shall—

(1) await the disposition of H.R. 1227 pursuant to section 2 of this resolution;

(2) add the text of H.R. 1227, as passed by the House, as new matter at the end of H.R. 3448;

(3) conform the title of H.R. 3448 to reflect the addition of the text of H.R. 1227 to the engrossment;

(4) assign appropriate designations to titles within the engrossment; and

(5) conform provisions for short titles within the engrossment.

(b) Upon the addition of the text of H.R. 1227 to the engrossment of H.R. 3448, H.R. 1227 shall be laid on the table.

The SPEAKER pro tempore. The gentleman from New York [Mr. SOLOMON] is recognized for 1 hour.

Mr. SOLOMON. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Ohio [Mr. HALL], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purposes of debate only.

Mr. Speaker, this rule is a little different from the usual rule we bring to the House floor. Today we have one rule which makes in order two separate bills.

The first bill is a bill out of the Committee on Ways and Means, H.R. 3448, which provides a series of tax benefits to small business.

The second piece of legislation, H.R. 1227, is a bill out of the Committee on Economic and Educational Opportunities, the Employee Commuting Flexibility Act. This bill will clarify confusion about situations where employees use the vehicles of their employers for transportation to and from work. This second bill will also serve as the vehicle for two amendments specified in the rule.

One of these amendments will be offered by the gentleman from California [Mr. RIGGS], the gentleman from New York [Mr. QUINN], the gentleman from Pennsylvania [Mr. ENGLISH], the gentleman from New Jersey [Mr. MARTINI], and others who have taken the lead on the majority side of the aisle in the effort to increase the minimum wage.

The amendment provides for a two-step increase in the minimum wage, from the current $4.25 an hour to $4.75 an hour beginning on July 1, 1996, just a couple of months away. Then it raises to $5.15 per hour 1 year later. That is a 90-cent increase. The Riggs-Quinn-English-Martini amendment will be debatable for 90 minutes.

The second amendment will be offered by the gentleman from Pennsylvania [Mr. GOODLING], and will be debatable for 1 hour. It includes provisions establishing, and these are very, very important, Mr. Speaker, a tip credit, and providing for an opportunity wage, a training wage. It also includes an exemption for small businesses which will be subject to a separate vote under the provisions of this rule.

Mr. Speaker, this rule waives points of order to allow for the consideration of both of these bills, but it does not waive any points of order to protect an unfunded mandate that may be included in either of these bills. In other words, that provision is not protected from a point of order.

This means that the House will have to follow the procedures set forth in the unfunded mandates law that we all voted for back last year, and have a separate debate and a separate vote on whether to consider an amendment against which an unfunded mandate point of order is properly raised. There will be someone from this side of the aisle that is going to raise that point of order at the appropriate time.

Mr. Speaker, the Committee on Ways and Means bill, like almost every tax bill for many years, will not be thrown open to further amendments on the House floor. This long-standing policy is designed to keep the Internal Revenue Code from becoming any more cluttered than it is already with special interest provisions.

Also, amendments offered on short notice on the House floor might turn out to have unintended consequences which could not be fully appreciated without adequate time to research those issues. That is why we have not opened up Committee on Ways and Means measures to the Tax Code in years past under either Republican or Democrat control.

The Committee on Ways and Means bill will be subject to 1 hour of debate, and the minority is protected in its right to offer a final amendment and a motion to recommit with instructions.

Mr. Speaker, while Chairman ARCHER has stated that there is no increase in income tax rates included in this bill, a waiver of the rule requiring a three-fifths vote to increase income tax rates has been included out of an abundance of caution. Different people have interpreted the three-fifths vote requirement differently, and this rule errs on the side of caution.

Now with regard to the second bill, H.R. 1227, reported by the Committee on Economic and Educational Opportunities, there will be a total of 90 minutes of debate on that bill. In addition to the two amendments I already mentioned, there will be a motion to recommit with or without instructions.

Finally, the rule provides that after the House has completed action on each of these two bills, the Clerk, in the engrossment of the Ways and Means Committee bill, will add in the text of the Opportunities Committee bill as passed, so that only one bill will be sent to the Senate. In other words, they will be married together and sent over to the Senate.

Mr. Speaker, both of these bills made in order by this rule present important issues which need to be debated on this floor and in this House today.

As one who owned and ran a small business before I came to this Congress 18 years ago, I am particularly pleased that we are finally making an effort to give some tax relief to the hard-working people who run these businesses and who provide jobs.

Mr. Speaker, these small business provisions include an increase in the amount small businesses can expense, which will make it easier to start up and expand a small business. The provisions also include a modification of the rules governing subchapter S corporations. If any of my colleagues have been in business, they know that that is extremely important to small businessmen. For example, it will increase from 35 to 75 the number of shareholders an S corporation may have.

The small business provision also includes pension simplification provisions which are intended to strengthen and to encourage retirement plan provisions for employees of small businesses. There are several other provisions designed to encourage and protect jobs in this measure.

Mr. Speaker, I represent a rural district that has many, many, many small businesses. As a matter of fact, we do not have too many of the large 500 corporations. They are an important part of the economy in my district, and I know how difficult it is to start up and maintain a small business. As a matter of fact, many small businesses fail before the first year is even out.

☐ 1715

You have to ask why. It is not because of a lack of acumen by these small businessmen. But it is because of an unfair tax law and heavy regulatory burdens that eat up so much available operating capital that they just cannot meet the expenses in those early years.

But even with all the difficulties, small businesses create more jobs than any other types of businesses, much more than the Fortune 500 corporations. In fact, small businesses account for almost 75 percent of every new job in America every single year. That means every kid graduating from high school, every student graduating from college, all of those new jobs, 75 percent are created by these small entrepreneurial start-up businesses.

So, Mr. Speaker, these small business tax provisions do not just help small businesses, they help everyone by encouraging job growth.

Let me just say in conclusion, Mr. Speaker, I urge support of the rule we are considering now, and I would urge support of both bills the Committee on Rules has made in order. Let us get on with it and give the small businessmen in this country some vital relief that they have needed for so long.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank my colleague from New York [Mr. SOLOMON] for yielding me the time.

House Resolution 440 is a modified closed rule that provides for the consideration of two bills, H.R. 3448, the Small Business Job Protection Act of 1996, and H.R. 1227, the Employee Commuting Flexibility Act of 1996.

The rule makes in order no amendments to H.R. 3448. It permits only two floor amendments to H.R. 1227, including an amendment that would gradually increase the minimum wage from the current $4.25 an hour to $5.15 an hour on July 1, 1997.

I congratulate the House leadership for finally permitting a vote on the House floor to increase the minimum wage.

This long overdue change will increase wages for those at the bottom of the pay scale. The minimum wage has not been raised since 1991. As a consequence, a worker making the minimum wage receives a little more than one-third the average American's hourly earnings. Adjusted for inflation, the minimum wage is near the lowest level in the last 40 years.

Our working poor deserve better.

I have met some of these people—one step away from poverty—in soup lines and emergency feeding programs. Who is fighting for them? They have no unions. They have no spokesmen. They are not organized. They have only the U.S. Congress to protect their basic human dignity.

That's why we in the House have to pass this, today.

I wish that we could have debated this last week, or last month. There is no excuse for the delay. This issue is too important to Members of Congress and to the people we represent to be stifled.

To my bold colleagues on the other side of the aisle who supported increasing the minimum wage and who brought about the opportunity for this debate, I thank you.

Mr. Speaker, though I am grateful that at long last the House is considering raising the minimum wage, I must express dismay at the rule governing the process.

The rule is a sort of patchwork quilt that makes in order various bills and amendments and patches them together into one measure. We've got an amendment on minimum wage. We've got a bill on employer-owned vehicles for commuting. Throw in some tax provisions from another bill and add an amendment printed in the Rules Committee report. Patch them all together and out comes one bill, ready to send to the Senate.

The Democrats have argued for a straight vote for the minimum wage. Up or down. This is a simple, straightforward matter. And now that we have been given a vote on the minimum wage, the issue still gets fuzzed.

This is not the way to treat something like the minimum wage which is so important not only to our low-income workers, but all who are concerned with fairness in the labor marketplace. This rule is a sign of only the most grudging support for the poorest and neediest of our workers.

In fact, the rule does not even guarantee a vote on the minimum wage because it leaves in place one more hurdle. Before we get to the minimum wage, the majority can force a vote on the question of consideration to prevent the amendment from coming up.

I am also disappointed that the rule permits so few amendments. During Rules Committee consideration, Democrats attempted to make in order other worthwhile provisions. One would permit taxpayers to deduct up to $5,000 a year for the cost of college or job training. Another amendment would allow penalty-free withdrawals from an IRA for people who have been unemployed for a long time. Another amendment would exclude from taxation employer-provided graduate education. All of these attempts were defeated along party-line votes.

Finally, I call to the attention of my colleagues the provision in House Resolution 440 which waives clause 5 of rule 21 requiring a three-fifths vote on measures raising taxes. This rule was written by the Republican leadership with great fanfare at the beginning of this Congress as a demonstration of their commitment to holding the line on new taxes. However, since it was established, the rule has been consistently waived. By again waiving this rule today, we are exposing it as an empty public relations gesture.

Mr. Speaker, it is time for us to proceed on the minimum wage increase, but not under this rule, which I must oppose.

Decent and honest working men and women should be able to earn a decent and honest living wage.

Mr. Speaker, I reserve the balance of my time.

Mr. SOLOMON. Mr. Speaker, I yield 2½ minutes to the gentleman from Indiana [Mr. BURTON], one of the outstanding Members of this body since he came here back in, I believe, 1980.

Mr. BURTON of Indiana. Mr. Speaker, I appreciate the kind remarks of my colleague, the chairman of the Committee on Rules.

Mr. Speaker, one of the things that bothered me last year when the President vetoed the reconciliation bill was he gave a reason that I thought was just way off base, and that reason was that the 936 program, which gives tax credits to companies that go down to Puerto Rico and create jobs, was totally out of line.

There are companies in Puerto Rico today, pharmaceutical companies and others, that are getting as much as $200,000 in tax credits to hire one person making $50,000.

Let me repeat that. They are getting a $200,000 tax credit for some jobs where they only pay $50,000. And for the past 20 years, they were supposed to create jobs in Puerto Rico. They created 100,000 jobs, many of those people came from the United States to go down there. There were 100,000 jobs created. In the last 20 years, they have not created one more job, and we continue to give these huge tax credits. It is about $5 billion over a 5- to 6-year period; $5,000 million. These corporations do not want to give up these tax credits.

Now, we wanted to use these tax credit moneys as offsets for these other things in these bills so there would be some balance. In other words, we were going to do away with, phase out the 936 program, and use those tax credits, those moneys to offset other expenses in the bills that we are talking about here today. The President has said once again that would be a reason for him to veto it.

My Democrat colleagues talk about corporate welfare all the time. They say that they are against corporate welfare, and here is a classic example of corporate welfare that we could do something about and the President says he is going to veto it because of this issue.

Can you imagine, $200,000 in tax credits for one $50,000 jobs, $5 billion over 5 to 6 years, and they are not creating one job, and that is what they are supposed to do.

In addition to that, any money that they make in Puerto Rico, if they invest in Puerto Rican banks, it is tax exempt. They do not pay any taxes on it.

So I just would like to say to my colleagues, I hope that they will talk to the administration, I am talking about the Democrats and Republicans, because this is one area where we could save $5 billion. And if we were creating a lot of new jobs and it was not costing an arm and leg, if there was another way to handle it, maybe with some wage credits, I would say OK. But to give $5 billion, to give $200,000 in tax credits for a $50,000 job, when they are not creating one additional job in Puerto Rico, is just dead wrong.

So I think that we ought to talk to the administration. The 936 provision phaseout is in the bill. It ought to stay in the bill, and we ought to make sure this is not a reason for the President to veto it.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan [Mr. BONIOR], one of our very distinguished leaders.

Mr. BONIOR. Mr. Speaker, I thank my colleague for yielding me time.

Mr. Speaker, now I have seen it all. Now I can honestly say I have no idea what planet the Gingrich Republicans are living on. For months now, Democrats have been trying to raise the minimum wage. Five separate times we have offered a bill to raise the minimum wage, a clean bill.

Five times NEWT GINGRICH has blocked it. But now that public pressure is finally building, prompting them to act, now that they cannot block it or bury it or duck it or delay it any longer, we have a bill before us today that does not just raise the minimum wage, it actually repeals it for millions of Americans. This is just another attempt by NEWT GINGRICH and DICK ARMEY to kill the minimum wage.

When our Republican colleagues brought this to the floor, they understood the complexity of this rule. When are they going to learn? The American people do not want us to cut Medicare, they do not want us to cut Medicaid or student loans, and they do not want us to repeal the minimum wage. But we have before us today a rule that uses legislative sleight of hand, it bogs it down, it larges it up, and it slips a poison pill that will kill the hopes of raising the minimum wage for up to 10 million people.

So it is no wonder that two-thirds of the American people say that they are out of touch. This is an extreme act by an extreme Gingrich Congress that absolutely has no respect for working people and the work they do.

These folks work hard in this country, and they work some very tough jobs, and they do it because they want to be good role models for this kids, and they do it because they want to make something for themselves in this world. But instead of rewarding hard work, instead of rewarding their decision to choose work over welfare, and that is what we have been talking about here passionately for years, the Republicans are trying to give them a pay cut.

Just yesterday we found out that some of the most profitable companies in America are giving contracts to garment sweatshops that refuse to pay overtime and refuse to pay the minimum wage. But instead of coming to the floor today and condemning that type of action, you are actually trying to pass a bill that will encourage more of it and take literally millions of people off the minimum wage, will not even give them that.

Mr. Speaker, sweatshops, slave wages, and pay cuts may be NEWT GINGRICH'S idea of a revolution, but it is no way, it is no way, to build a better America. Let us have some respect for the hard work that these people do, and let us do what 85 percent of the American people want us to do. Let us have a clean vote. Raise the minimum wage. Vote against this rule, send it back to the Committee on Rules, and tell the Gingrich Republicans, no poison pills, no pay cuts; raise the minimum wage.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the previous speaker said now he has heard everything. Well, let me tell you, now I have heard everything.

You know, there are many of us that would like to vote for the minimum wage increase, but we want to do something about relieving the tax burden and the regulatory burdens off the backs of small business. The backs of small business are what is so important here. Here we have legislation that is going to do just that, and include the minimum wage? Let me tell you something: Now I have heard everything. Boy.

Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Sanibel, FL [Mr. GOSS], a member of the Committee on Rules.

Mr. GOSS. Mr. Speaker, I thank my friend from Glens Falls, the distinguished Chairman of the Rules Committee Mr. SOLOMON, for yielding me this time.

Mr. Speaker, I rise in support of this rule. It's a carefully structured rule that will fulfill promises made to have a debate on several issues, including: measures to promote small business jobs, to clarify the rules regarding employees commuting in employer-owned vehicles, and to address the minimum wage. The latter has received the most attention, and I would like to take a moment to discuss it from the perspective of southwest Florida.

Those seeking an increase in the minimum wage have yet to recognize the unintentional damage it will do to many Americans working at the low-end of the pay scale. Despite the rhetoric, raising the minimum wage as proposed will not create a living wage. Not even close. What it will do is force many Americans out of work and put up new barriers for those people seeking employment. Specifically a major concern is that seniors would be hit especially hard by an increase in the minimum wage.

In southwest Florida, many retirees work part time at or near the minimum wage to supplement their retirement income. We have been notified many of these jobs would be eliminated should minimum wage be increased, leaving these seniors without the income that they need to make ends meet.

Additionally, the inflationary pressures that this increase causes will erode the financial stability of the millions of seniors living on fixed incomes.

Further, another concern is that in Florida, like most of the Nation, small businesses create the vast majority of new jobs. And despite our good efforts to help small businesses in this Congress, an increase in the minimum wage will financially strap the very employers that are the engine for new jobs.

Finally, I am concerned that some of this debate is rooted in politics rather than substance. To those in the minority, I would point out that this issue never came to the floor when they ran this House.

There was not one hearing in committee nor one vote on the floor. Indeed, the same President who is now demanding a minimum wage hike was arguing against one when he took office in 1993. The only hike he fought for then was a tax hike, the largest in History. Our real goal on the majority side has been to figure out the best way to help at-risk workers in our economy. Rather than shrinking the job market, we need to fix our tax structure so that people who are working can keep more of their own money. Efforts to reform the earned income tax credit and the payroll tax would more effectively benefit the families we are trying to help.

We know taxes consume an ever-increasing proportion of Americans' incomes—a significant factor in the decline in purchasing power of hard working Americans.

So today I urge my colleagues to reject the big government big union solution. Let's not hold back Americans trying to enter the work force; vote against hiking the minimum wage, and vote for job creation and support for small business. And support the rule that will allow us to make those choices.

□ 1730

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri [Mr. CLAY].

Mr. CLAY. Mr. Speaker, I rise in opposition to the rule. For a year and a half Democrats in the House, in the Senate, and the Clinton administration have been calling for an increase in the minimum wage, and the overwhelming majority of Americans support our efforts.

The Republican majority leader said he would oppose the minimum wage increase with every fiber of his being.

The Republican majority whip proclaimed that minimum wage families do not exist. And the chairman of the Republican Conference said that he would commit suicide before allowing a minimum wage increase.

Nevertheless, public opinion and the persistence of the Democratic Party, with the help of a few of our Republican colleagues, have brought us to this debate today to decide whether there will be a raise for hard-working, low-income individuals.

Amazingly, however, the rule that the Republican leadership has presented to this House denies us an up or down vote on a clean minimum wage increase and denies Democrats an opportunity to offer a single amendment. Only amendments offered by Republicans are allowed.

As the ranking Democrat on the committee of jurisdiction, I sought permission to offer three amendments, including an amendment to simply allow a clean vote on the minimum wage. I also asked the committee to allow me to offer an amendment that would remedy problems with the employee commuting bill. That bill would effectively eliminate the right of workers to choose how they will continue to work and what they can do while they are commuting.

Unless H.R. 1227 is fixed, employers may require employees to work without being paid for their services. At a time of unprecedented corporate profits and rapidly declining wages, this legislation would allow employers to steal both time and money from their workers.

Mr. Speaker, after much procrastination, the leadership of the House, under a cynical procedure, has now consented to vote on a measure to let workers get a long-needed raise. But there is no need to use this as a vehicle for raising the minimum wage. By defeating the previous question on the rule, this House can achieve what the American people are asking of us.

PARLIAMENTARY INQUIRY

Mr. SKAGGS. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore (Mr. HOBSON). The gentleman will state his inquiry.

Mr. SKAGGS. Mr. Speaker, I apologize, I may not have caught this when the rule was read to the House. It is my understanding that the underlying legislation includes a retroactive tax increase in connection with repeal of section 936. Is there a provision in this rule that waives the new rule that was so sanctimoniously passed at the beginning of this session prohibiting retroactive tax increases?

The SPEAKER pro tempore. The rule waives all such points of order against consideration.

Mr. SKAGGS. So it does waive that prohibition against retroactive tax provisions; is that correct, Mr. Speaker?

The SPEAKER pro tempore. It waives all such points of order.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume just to point out that there are no income tax rate increases in this legislation.

Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania, my good friend, Mr. GEKAS.

Mr. GEKAS. Mr. Speaker, on the issue of the minimum wage, I stand with the President of the United States. I support his concept enunciated in 1996 and when this election cycle began to bring additional earning power, as he saw it, to the minimum wage community of our country. I stand with the President.

PARLIAMENTARY INQUIRY

Mr. GEKAS. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman may state his parliamentary inquiry.

Mr. GEKAS. Mr. Speaker, am I permitted to go to the other podium now when I finish here?

The SPEAKER pro tempore. The gentleman may select his own place to speak.

Mr. GEKAS. Mr. Speaker, on the issue of the minimum wage, I stand with the President of the United States and oppose the elevation of the minimum wage, because the President has said, and I stand with him, before this election cycle began, before the rhetoric of the election year came down upon us, that he opposed the minimum wage because it is not the way to increase the earning power of the minimum wage community. So I stand with the President in opposing the elevation of the minimum wage.

Mr. Speaker, can you tell me where I stand? I stood over there, I have stood here. I stand for something about the minimum wage. The President does not know where he stands, I do not know which podium to use and where I stand. I think I am going to stand and stand and stand until I cannot stand it any more.

Mr. Speaker, the parts of the minimum wage that are sought to be increased are increases in the cost of living for many individuals, including our senior citizens community. Every time the minimum wage goes up or artificial income is created in any way, the prices at the supermarket also go up. And who are the first to suffer the consequences of that? The senior citizens of our country, the people on fixed incomes.

I stand with the senior citizens. Whether it is at this podium, I stand with the senior citizens.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Speaker, I rise in opposition to this rule. My colleagues, if this rule passes, we have to understand what the results of that might be.

If this rule passes it may be that many farm workers, migrant workers in this country, for the first time, would not even earn a minimum wage. The minimum wage would be stricken for many migrant workers in this country.

If this rule passes, it is likely that two-thirds of the businesses in America would be exempt from paying minimum wage increases to their employees.

If this rule passes, waiters and waitresses, laboring in America's restaurants, will be denied any increase in the minimum wage.

If this rule passes, many of the long traditional American protections, called child labor, will be removed from Federal law.

If this rule passes, it is likely that 18- and 19-year-old workers will work for no increase in the minimum wage.

Surely our Republican colleagues have not reached such an extreme that they would remove minimum wage protections entirely, no minimum wage guarantees, for millions of people in the American work force.

We all agree in a free marketplace, but the American people have long understood that an appropriate government tension is necessary if the free marketplace is to appropriately meet the needs of its workers. That is what minimum wage has done through the years.

This Republican Congress is about to pass a rule that will allow those things which I have delineated to happen in this country, except for one thing. The President of the United States has yesterday sent a letter to this House saying if we do these things, I will veto this bill.

Mr. SOLOMON. Mr. Speaker, may I inquire how much time we have remaining on either side?

The SPEAKER pro tempore. The gentleman from New York [Mr. SOLOMON] has 14¼ minutes remaining, and the gentleman from Ohio [Mr. HALL] has 18 minutes remaining.

Mr. SOLOMON. Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Speaker, the Republicans could not do it clean. They knew that the American people, over 80 percent, wanted an increase in the minimum wage law, and what they should have done is simply said they made a mistake and, yes, we are going to pass it.

But because they are so wrapped up in the throes of certain special interest groups that are eager to pay no minimum wage or eliminate the minimum wage, they had to bollix it up. And what they did is end up taking one step forward and two steps back, for while they do raise the minimum wage in this proposal, they take it away from anywhere from 3 to 10 million.

Does anyone in America believe that we should remove the minimum wage in the garment industry sweatshops, with industrial homework, with farm workers? With the Goodling amendment that is what their proposal will do.

As a result, they cannot come forward, those on the other side in the Republican Party, and say that they are for work and say that they are for justice and say that they are for fairness. Instead, the only thing they will be able to say after tonight's exercise is that they cared more about the selfish few who are unwilling to pay a mere $5.15 an hour for the worst and hardest kind of labor in America than they cared about making the American people who work hard day in, day out, those at the bottom end of the wage scale, receive a decent wage and move off welfare and on to work.

Ladies and gentlemen, if we want to look at the beginning of the end of the Republican majority in this body, look at this bill. Even on an issue where they know that they are wrong, they cannot do it straight, they cannot do it clean, and they cave in to special interests.

□ 1745

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Texas, Mr. GENE GREEN.

Mr. GENE GREEN of Texas. Mr. Speaker, I rise in opposition to this partially open rule, not in the effect that it has on the bill that affects small business and the tax cuts but the effect the rule has on the minimum wage bill.

After months of Democratic attempts to have a vote on raising the minimum wage, the House Republican leaders have at last allowed us a vote. This minimum wage bill, though, let me point out to the chairman of the Committee on Rules, never had a hearing in the Committee on Economic and Educational Opportunities, even though you gave credit to it earlier, we never had a public hearing, never had a vote on this bill. So now it is out here today but without having the committee hear the bill.

We should not be fooled by this sham of a bill. This could be April Fool's for the American workers. Now you see the wage increased, but now you do not. House Republicans have attached special interest provisions to exempt millions of people from the minimum wage. Now you see it; now you do not.

Working American families expect a clean up-and-down vote on a minimum wage increase, including those that are covered today, but not taking millions out of protections for minimum wage. Instead, they are caving in to the special interest groups. The restaurant lobby, they get to freeze their minimum wage for tip workers.

There is a training wage. We have heard this before. In 1990, there was an experiment with the training wage. It did not work. It did not work then and it will not work now. Also the amendment to exempt millions of workers who will lose minimum wage and fair labor standard protections. American families are working harder. We see the disparity in the income. The rich are getting richer, and we are trying to keep the poor from getting poorer but not with this bill. It is tough to get ahead when you cannot make enough money in your pockets to put food on you table.

This minimum wage legislation began in 1938 with 25 cents an hour. I have to admit that if it had taken the Republican votes to increase it over the years, we would not have had any increases.

I ask my colleagues not to allow millions of working American families who now earn $4.25 an hour to say, well, I am going to get an increase. No, you are not, not if you work in a business that earns less than $500,000.

Do not give it to them with one hand and take it away with another.

Mr. SOLOMON. Mr. Speaker, I am surprised at my friend, the previous speaker, because as I look at the record, he is complaining about the fact that we are bringing this bill up without previous hearings. He happened to vote in the last several weeks not to have public hearings when they tried to force a minimum wage on the floor. He did it on the debt limit bill. He did it on the public housing bill. He did it on the Marshall service bill. He did it on the Utah wilderness bill, as did most Democrats on that side of the aisle.

Let me say one other thing, the Parliamentarian will tell you that this amendment that he is referring to still includes and continues to apply to child labor laws.

Mr. Speaker, I yield 3 minutes to the gentleman from Huntington Beach, CA [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Speaker, I rise as a reluctant supporter of the rule before us today because the bill, H.R. 3448, repeals a part of Ronald Reagan's legacy, a tax provisions that encourages the creation of employee owned companies where the employees own a majority of the stock in the company. Employee ownership, I call it workers capitalism, because it turns laborers into employee owners and gives them a stake in the American dream.

We are talking about the opportunity of working Americans to share in the profit and success of their company and an opportunity they do not have as hourly wage earners.

Employee ownership is a Republican idea. It is a Democrat idea. It is as American an idea as homesteading and homeownership. Years ago President Ronald Reagan teamed up with Democrat Senator Russell Long to craft laws promoting employee ownership. They set aside their partisanship to work together because employee ownership is a great idea.

Now we are dismantling part of that great idea. H.R. 3448 repeals the section 133 ESOP lender interest exclusion. This rule denies us the opportunity to change this unfortunate decision to diminish the incentives for employee ownership in our society.

I would like to remind my Republican colleagues that we are losing something we fought so desperately to keep only a few years ago. Chairman Rostenkowski proposed with doing away with the ESOP lender interest exclusion in 1989. It was Speaker GINGRICH, the gentleman from Texas, Mr. ARMEY, the gentleman from Texas, Mr. DELAY, and myself and other members of the conservative opportunity society who pounded our fists on the table and said, no. You do not dare, because this is not corporate welfare. It is not pork. It is an incentive to help working people capture a piece of the American dream.

It is ironic and more than a little frustrating that a Republican Congress is now voting to repeal an employee ownership provision that we fought so hard to protect only a few years ago.

I urge my colleagues on the Committee on Ways and Means to take this issue to heart and rally to the cause of employee ownership. The ESOP community would like to extend the benefits of employee ownership to sub S corporations, for instance. There are more than a dozen sub S provisions in H.R. 3448, but no employee ownership provision.

This bill has an estate tax provision but no provision to help smallest States transfer stock to ESOP's. Hopefully the next tax bill will contain such provisions.

We should be expanding the opportunities for employee ownership, not eliminating them as this rule and this bill would do.

I have a dilemma. H.R. 3448 also contains many small business tax provisions that I support. So I will cast my vote in favor of this rule with reluctance but hope that in the future the Republicans and Democrats can work together to expand the very basic fundamental dream of America, and that is for all Americans to have the opportunity to own their own home and, yes, own part of their own business.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentlewoman from North Carolina [Mrs. CLAYTON].

Mrs. CLAYTON. Mr. Speaker, I rise in opposition to this deceptive rule. This rule does not provide a free and fair vote on the minimum wage. This rule will permit matter other than the minimum wage increase to be part of the vote. That is not a vote on the minimum wage. This rule would permit sweeping exemptions. Many who favor the minimum wage increase do not favor these exemptions. That is not a vote on the minimum wage. The American people have demanded, and the Republican leadership had promised a vote on the minimum wage. This rule provides for a vote on a disguised and costumed minimum wage. This rule reflects a promise that was made and not kept. It is clear that the Republican leadership will do anything to deny a straight-forward, up or down vote on increasing the minimum wage.

Once again, they have chosen to hurt millions of low-wage workers in order to give a break to big business. Those of us who support a clean vote on the minimum wage want simply to help pave a path to the future for the poverty level workers of America. Those who oppose a clean vote want to keep those workers trapped in the past. Supporters of a clean vote want to open doors for the millions who do not want charity but a chance to earn a livable wage. Opponents of a clean vote want to slam the door of opportunity and keep it tightly closed. We want to mainstream workers. They want to continue their extreme ways. The Goodling amendment, permitted by this rule, would lower wages for workers who now earn the current minimum wage. Instead of increasing the wage, this amendment decreases the minimum wage.

During this debate, both sides will focus on what they perceive to be the facts of minimum wage. I hope neither side will forget the faces of minimum wage. The faces are the children of minimum wage workers, those young people who have been pushed into poverty, even though their parents work. The faces are millions of women, many of them single heads of households, who have been thrust into a spinning spiral because it takes a miracle to make ends meet on today's minimum wage.

The faces are the minimum wage men, far too many of whom are angry and frustrated because it is impossible to be a proud father on $8,400 dollars a year.

The faces are the families that do not function because the minimum wage provides a little something to wear and a little something to eat, but not much more. In the cool comfort of these hallowed halls, we will argue the facts, but as we do, try to imagine the faces. For many, this issue is about more than opinions and numbers. All of us should want what is best for Americans. What is best for Americans is a job, at a fair wage, with dignity and respect—a livable wage. Reject this rule. It is a cruel hoax.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. Mr. Speaker, Candidate DOLE said earlier this year that he did not realize that jobs and trade and what makes America work would become a big issue in this campaign. A few weeks ago the House Republican majority whip claimed that families trying to live on $4.25 an hour do not really exist. Just what planet are these people on? It appears that the Republican leadership's social circle is restricted to those who are already doing quite well, nicely, thank you. In fact, according to this week's Forbes magazine, the bible of the Republican Party, the median income of the CEO's, of the 800 biggest companies in America was $1.5 million, up 15 percent from last year.

When it comes to salaries, Republicans apparently subscribe to the Forbes doctrine: more dough for the CEO, but not even a dollar if you are blue collar, while corporate chieftains may be breaking out the champagne and caviar in the boardrooms this year, millions of American families are still scraping to make ends meet.

Indeed, the Republican majority leader has promised corporate America that he will resist an increase in the minimum wage with every fiber in his being. It is just like Harry Truman always said, the Republican Party supports a minimum wage, the lower the minimum the better for the working people in this country. Unfortunately, the GOP leadership has now loaded up the bill with a grabbag of back-door bennies for their broadroom buddies.

They just cannot stop themselves. Clearly, Republican leaders in Washington are out of touch with the needs of ordinary Americans.

Yesterday this body voted with much fanfare to repeal the gas tax. That is $15 for each American. The minimum wage is $1,800 a year for working Americans.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the gentleman from Miami, FL [Mr. DIAZ-BALART], a member of the Committee on Rules.

Mr. DIAZ-BALART. Mr. Speaker, I want to thank the chairman of Committee on Rules for yielding time to me.

I was listening to this debate. I had to come down because of this, I did not think that it was on the same rule that we worked on in the Committee on Rules that this debate was on. Apparently there is just a tremendous misconception or purposeful falsehoods being thrown by the other side. I do not really know if some may really believe what they are saying.

Let us be clear as to what this rule permits. It permits an upon-or-down vote on an amendment that would be introduced by the gentleman from California [Mr. RIGGS] and the gentleman from New York [Mr. QUINN] to raise the minimum wage from $4.25 an hour to $5.15 an hour. That is a fact, cannot be denied.

The Democrats time after time after time again on procedural motions, they propose nongermane amendments or on questions on the previous question, motions to move the previous question, and they say that they are votes on the minimum wage, when they are not votes on the minimum wage many times. This is a vote on an increase in the minimum wage from $4.25 to $5.15. I want all my friends on the other side who are going to vote no on this rule to know that, when they vote no on this rule, they will be voting against the minimum wage. None of these falsehoods that are being thrown over now can cover that fact.

If my colleagues vote against this rule, the Democrats, even though they have presented all those nongermane motions before to say that they want to support the minimum wage, even though when they had the majority they did not propose the minimum wage, and when they had the Presidency and the majority they did not propose an increase in the minimum wage, today despite the fact that our leadership opposes an increase in the minimum wage, they are permitting an up or down vote on it.

So I just want my colleagues to know, despite all these speeches we have heard here which I thought were on another bill and on another rule, what they will be voting on, and they cannot hide it anymore, they cannot hide it. I want it to be clear.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Speaker, what a cruel hoax the last speaker from the other side of the aisle is trying to pull on the American people. The choice here essentially under this rule is either vote for the minimum wage increase for some workers and at the same time eliminate minimum wage protection for probably the vast majority of those 10 million or so Americans that are now receiving the minimum wage, or simply vote the rule down and we will not bring up the minimum wage at all.

That is exactly the cruel hoax we are playing on the American people today. What the Republican leadership is doing is setting up this bill for defeat because they know that, if they have this exemption under the Goodling amendment that is going to take out so many people from any minimum wage protection, they know that the President cannot sign that bill. So they are making it impossible for a real minimum wage increase for the average American worker to be brought up on this floor and to be passed by both Houses and go to the President. It is a hoax because they are opposed to minimum wage protection. They do not care about the little guy.

Mr. SOLOMON. Mr. Speaker, I yield 1 minute and 10 seconds to the gentleman from Wisconsin [Mr. ROTH].

□ 1800

Mr. DIAZ-BALART. Mr. Speaker, will the gentleman yield?

Mr. ROTH. I yield to the gentleman from Florida.

Mr. DIAZ-BALART. Mr. Speaker, I thank the gentleman from Wisconsin for yielding.

The vote on the limitation of the minimum wage, the $500,000 cap, that is an amendment that is made in order. So we get the vote on the minimum wage, up or down, and if our colleagues do not want to limit, vote for the limiting amendment, they vote "no" on the amendment.

Do my colleagues have it clear now?

Mr. ROTH. Mr. Speaker, I want to say that the chairman of the Committee on Rules is the most decent, fairest, the most patriotic Member we have in this body, and I appreciate him yielding me this time.

This is a good rule, but I have to say something for people who cannot speak for themselves, and no one will speak for them on the floor of this House.

When people come here and say they are going to repeal 936, what they are doing really is hurting the people of Puerto Rico who no one is speaking for. Three-hundred thousand jobs are going to be lost if we do that because one out of every three jobs in Puerto Rico is due to 936. This is going to force thousands of people from Puerto Rico back to New York, New Jersey, and Florida and other places.

As Paul Harvey said, "What is the rest of the story?" The rest of the story is that 936 really is a free enterprise zone for the people of Puerto Rico. Puerto Rico's current per capita income is $6,500, roughly half of that of the poorest of States in the United States. If we eliminate 936, the economic incentives it provides for the island, this island is going to suffer tremendously economically. I do not think we want to do that.

The cost of these changes could very easily exceed the very modest savings we are going to get from eliminating these incentives. Over and above the profound economic impetus that 936 gives to Puerto Rico, this is going to be devastating to the island's economy, and I ask that we revisit and look at that 936 repeal.

Before I came to Congress, I owned and operated a small business in Appleton, WI. I know firsthand that small businesses in this country deserve some much-needed tax relief. The Small Business Protection Act is a good bill that will go a long way in lifting the heavy tax burden that is stifling America's engines of economic growth, our small businesses.

My support for this tax relief, my friends, is tempered by the manner in which we plan to pay for it. Under the legislation we are considering today, these tax cuts are to be offset in large part by retroactively repealing IRC section 936. Section 936, as many of you know, provides for certain tax incentives for corporations operating in the Commonwealth of Puerto Rico. It is also the single biggest rason Puerto Rico has prospered into the mature, financially stable democracy that it is today.

Section 936 is, quite simply, one of the lifebloods of the Puerto Rican economy. Over the 21 years that it has been in effect, section 936 has spurred development and economic activity throughout all sectors of the Puerto Rican economy. Today, it is responsible for over 300,000 direct and indirect jobs in the island's economy, fully one-third of all the jobs in Puerto Rico.

Make no mistake, my friends. This is not so-called corporate welfare. Section 936 effectively creates an enterprise zone in Puerto Rico, using market-driven tax incentives to spur investment and create employment opportunities. Every penny that is spent in this capacity is recoupled 10 times over in the job creation and economic development that results.

Section 936 also serves as the backbone to the financial system in the commonwealth of Puerto Rico. In fact, it is responsible for $6 billion in direct investments in the island, in addition to over $9 billion deposited in Puerto Rican financial institutions. This $15 billion provides the Puerto Rican economy with a significant source of liquidity and stability for its financial market.

This proposal will have other costs as well. In particular, 936 funds in Puerto Rico are used for a number of innovative and socially beneficial purposes. Perhaps the best example is the Conservation Trust of Puerto Rico. The Trust, a non-profit, public interest trust jointly created in 1970 by the U.S. Department of the Interior and the Government of Puerto Rico, exists to preserve the natural and historic resources of Puerto Rico.

During the past 13 years, the Conservation Trust has been authorized to make use of a creative financial mechanism through section 936 to collect funds in order to pursue its conservation plan. In fact, because of this, the Trust has never received any direct funding from either the local or Federal Government.

I have seen firsthand the excellent work the Trust has done. I can testify to the importance of their mission, as well as to the effectiveness of their efforts. The value of this service to the island and people of Puerto Rico is inestimable. The Trust is responsible for almost 80 percent of all the land acquired for permanent conservation purposes in Puerto Rico by all public or private entities during the last 20 years. More importantly, the Trust plays a vital role in educating the Puerto Rican people, and in particular the younger generations, about their cultural and historic birthright.

The immediate elimination of section 936 would deal a severe blow to the Conservation Trust and other organizations like it. Eighty percent of the Trust's annual revenues would disappear overnight. The vast majority of Puerto Rico's land conservation efforts would grind to a halt, and the preservation and management of existing properties would be significantly jeopardized.

Section 936 has been a fixture of the Puerto Rican economy for 21 years. Over that period of time, the island's financial community has developed an infrastructure that depends on 936 funds.

While I am devoted to the goal of giving our small businesses some much-needed tax relief, I feel that we must be mindful of the consequences of our actions today. Section 936 plays an integral role in Puerto Rico's economy. If we eliminate the ounce of prevention that Section 936 represents in the overall budget equation, we may end up paying for the pound of cure that will result.

Puerto Rico's current per capita income is $6,500, roughly one-half that of the poorest State in the U.S. If we eliminate section 936 and the economic incentives it provides, the island economy will suffer tremendously. Island poverty and unemployment rates will rise, as will the costs of welfare and unemployment benefits to the residents of Puerto Rico. The cost of these changes could very easily exceed the very modest savings we stand to gain from eliminating these incentives. Over and above the profound economic impetus section 936 provides for the American citizens of Puerto Rico, it also relieves us from expenditures we would otherwise have to make on the island.

Section 936 is an investment in the island of Puerto Rico—in its economy, in its people, in its future. Retroactively repealing this tax credit will stunt the island's economic growth, imperil hundreds of thousands of Puerto Rican jobs and possibly undo two decades of significant and steady economic improvement. We owe it to the people of Puerto Rico, our friends, neighbors, and fellow citizens, to seriously consider the implications of the repeal of section 936 as we vote on the Small Business Job Protection Act.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina [Mr. WATT].

Mr. WATT of North Carolina. Mr. Speaker, I want to go back to this point about whether this is, in fact, a minimum wage bill or is it a doing away with the minimum wage bill? Because at the end of the day all of my colleagues need to understand this:

There are 75 percent of the businesses in this country which have gross incomes of less than $500,000 a year. Those businesses employ over 10 million people, and for those people, this bill would do away with the minimum wage, do away with overtime. No such thing as overtime pay for those anymore.

So, I hope the gentleman who was up here talking about this as a minimum wage bill will understand that for those 10 million people this is not a minimum wage bill; this is a bill that does away with the minimum wage, does away with any payment for them for even overtime work that they do.

Mr. SOLOMON. Mr. Speaker, I yield myself 1 minute just to say that it is absolutely not true that millions of American workers will no longer be covered by the Fair Labor Standards Act. Nothing could be further from the truth. Why, the language provides a grandfather clause that retains coverage for any employee who is presently covered by the FLSA while they are employed by that small business.

Further, any employer who fails to maintain the current coverage is in violation of the law, and that employee may file a complaint with the Department of Labor. No presently covered worker will lose coverage, and any employer that tries to do so will be punished by the law in New York State and Michigan and every other State. Every other State that has a minimum wage law now is not even affected by this.

Mr. Speaker, I yield 2 minutes to the gentleman from Claremont, CA [Mr. DREIER], a member of the Committee on Rules and my very good friend.

Mr. DREIER. Mr. Speaker, I consider the gentleman from North Carolina [Mr. WATT] to be one of my very good friends, and does he want me to yield him 10 seconds?

Mr. WATT of North Carolina. Yes, Mr. Speaker, I am happy to have the gentleman yield.

What about all those new employees?

Mr. DREIER. Mr. Speaker, let me reclaim my time and say that I think it is very important for us to take just a moment to recognize that we all share the same goal. Every single Member in this House wants to have the opportunity to encourage those who are at the lower end of the economic spectrum. The unfortunate thing is that on the other side of the aisle there seems to be a lack of desire to put into place the kinds of small business incentives which economists who believe in the free market are convinced will be necessary to help those at the lower end of the economic spectrum. It is fascinating.

I am one who believes that increasing a federally mandated minimum wage is a job killer, it is something that is going to jeopardize opportunities at the lower end of the economic spectrum. But we have recognized that a majority of the Members of this House want to have an up or down vote, and so we are giving the membership an opportunity to have that vote. But those on the other side of the aisle who had a chance for the last several years to have that up or down vote have never seized the opportunity.

I also believe that it is important for us to realize that as we look at the tax and regulatory burden that exists for those businesses that are trying to create jobs, that are trying to get those from welfare on to the working roles are in the present situation denied that opportunity, and yet this rule allows us to proceed with that. That is why I hope very much that my colleagues in a bipartisan way will support this rule, which provides a wide range of opportunities for people who are supportive of increasing the minimum wage, those who are opposed to increasing the minimum wage, a wide range of opportunities for them to create economic opportunity for those at the lower end of the spectrum.

Support this rule.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Speaker, I strongly oppose the Gingrich-Armey rule to kill the minimum wage. This rule denies the people's House the ability to carry out the people's will and to raise the minimum wage.

The Republican leadership called for hearings on the minimum wage, stalled for months with every procedural trick in the book. Now we see yet another trick, an amendment to increase the minimum wage will be followed by a killer amendment to make sure that millions of American workers at small firms would never see an increase come payday, and worse, some would lose the minimum-wage protection that they now enjoy. Two-thirds of the firms would be excluded, excluded from dealing with the minimum wage.

The Republican leadership has been against the American workers and raising the minimum wage from the beginning. What this rule gives with one hand, it takes with the other, and then some. Not only does the rule seek to repeal the minimum wage for millions of workers, it seeks to role back the Fair Labor Standards Act and open the door to sweatshops and to child labor.

The American people want to move forward to higher wages and rising living standards. This rule is wrong.

Mr. SOLOMON. Mr. Speaker, I yield 1 minute to the gentleman from Syracuse, NY [Mr. WALSH].

Mr. WALSH. Mr. Speaker, I rise in strong support of this rule.

Our party, the Republican Party, the majority party in America today, represents many views. But we are united in our commitment to debate all of the important issues.

Unlike the minority party, the Democrats who lost their majority because they bottled up the votes on issues like term limits, balanced budget, and the minimum wage: big talk, no action, no courage, no conviction.

Mr. Speaker, I thank the gentleman from New York [Mr. SOLOMON] and his colleagues on the Committee on Rules. This rule gives us our vote. This increase in the minimum wage will help seniors in conjunction with our raising of the earnings limit for Social Security recipients, it will help kids save for college, it will help get people off of welfare and back to work, and it will help small business pay for it.

Mr. SOLOMON. I yield such time as he may consume to the gentleman from Massachusetts [Mr. TORKILDSEN].

Mr. TORKILDSEN. Mr. Speaker, I rise in strong support of this extremely fair rule.

While I do not agree with every amendment made in order and every provision of these two bills, I feel strongly that the Rules Committee has done an excellent job in ensuring that all voices are heard in this debate. This rule gives supporters and opponents of the minimum wage the opportunity to state their cases, and key amendments allow all Members to express their own opinions and vote accordingly.

Those who argue against this rule are some of the same people who, as part of the Democrat Congress, did not even give this provision an opportunity for a vote on the floor. It is a Republican Congress that is bringing this issue to the floor for a vote, while the Democrats stifled this vote for the past few years.

I commend the leadership and the Committee on Rules for turning the tide for American workers by allowing this debate on the House floor. Support minimum wage by supporting this rule.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from Vermont [Mr. SANDERS].

Mr. SANDERS. Mr. Speaker, I thank the gentleman for yielding the time to me.

Mr. Speaker, the most important economic issue facing this country is that the people on top, the wealthiest people, are becoming richer, the middle class is shrinking, and more and more of the new jobs that we are creating in this country are low-wage jobs paying people $4.25 an hour, $4.50 an hour, $5 an hour. The minimum wage today in terms of purchasing power is at its lowest point in 40 years.

Mr. Speaker, the American people want and the working people want to see a situation in which every working person in this country can work 40 hours a week and not live in poverty. It is incumbent upon this body to have an opportunity to vote for a clean up-or-down increase in the minimum wage.

Our Republican friends say the Democrats should have raised the minimum wage 2 years ago. They are right; they should have, and I had a bill in the hopper to do just that. But 2 years later means more and more people are living in poverty. Two years later means that today finally we should increase the minimum wage.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia [Mr. LEWIS].

Mr. LEWIS of Georgia. Mr. Speaker, how can these mean-spirited Republicans, too cheap to pay a worker $5.15 an hour, claim they care about American workers? This is not a Third World country. We do not tolerate sweatshops in America. We do not have slave labor, starvation wages. This is 1996. It is the dawn of the 21st century.

Radical Republicans would take us back to the 19th century, no minimum wage, no support for working families, for those who work hard, play by the rules, and strive to improve the lives of their families, their children.

Republicans give tax breaks to corporate bigwigs who make millions of dollars each year, but they think that 9-to-5 workers are overpaid. They think $8,000 a year is too much.

This is not just extreme, it is nuts, it is downright crazy. Extreme, mean-spirited Republicans offer the American people a simple choice: Do we live in the 21st century or the 19th century; do we pay livable wages or starvation wages?

I say, my colleagues, it is time to stand up to these right-wing extremists, to stand up for hard-working American families. It is time to raise the minimum wage, not repeal it.

We cannot go back. We must not go back. We will not go back. Defeat this rule.

Mr. SOLOMON. Mr. Speaker, I yield 1 minute to the gentleman from Bentonville, AR [Mr. HUTCHINSON].

Mr. HUTCHINSON. Mr. Speaker, I want to respond. I rise in support of the rule; I support the rule because it, in fact, will give us a clean, straight up and down vote on the minimum-wage increase, and I applaud our leadership in allowing that vote.

I am going to vote against the minimum wage because I think it is misdirected, it is election year politics, it is not real compassion, it is a job killer, and that is the truth. It is not the economists, the gentleman from Texas [Mr. ARMEY] and the gentleman from California [Mr. CAMPBELL], alone that are saying that, but the overwhelming economists in this country. In 1993 a survey of 22,000 economists in the United States; I suppose they probably are all right-wing extremists, those 22,000 economists, 77 percent of which said raising the minimum wage will lead to a loss of jobs in this country.

So I suggest to my colleagues this is not real compassion, else they would have raised it 2 years ago when they controlled the House, the Senate, and the White House and it was never even brought up for a vote.

What it is is election year posturing. This is not real compassion; it is not compassion to take that single mother with two children and say, "You are going to lose your job so we can play politics with the American economy."

That is wrong.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas [Ms. JACKSON-LEE].

□ 1815

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from Texas for yielding time to me.

Mr. Speaker, let me provide this body with a few facts that might help to clear up whether or not we should, in fact, have a clean vote on the minimum wage for the American people.

First of all, fact: We have not raised the minimum wage more than seven times in the 58-year history.

Fact: In the city of Houston, which I represent, there are 125,000 households with salaries of $25,000 or less. The average weekly hours of work for minimum-wage workers is 34 hours; 2.1 million people are employed at the minimum rate, and 77.1 percent of them are adults, with another 1.9 million people employed below the minimum wage.

Mr. Speaker, there is a need for a bill that applies to the American people, to give them a decent wage; that is, to increase the minimum wage. This rule is a minimum-wage killer. It is a poison pill which we all would like not to take. Let us stand up for working women; 59 percent of them are on minimum wage. And why do we not realize that the fact is in New Jersey, when they increased the minimum wage they increased jobs. Let us increase jobs, increase the minimum wage.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Speaker, I just was in a markup, so I walked onto the floor and was not able to get my chart up here. But if I had it, it would be a picture that I bring to the floor every time we have this debate on the minimum wage. It is a split screen cartoon. At the top it says, "How long does it take to make $8,440?" And on one side it has a full-time minimum-wage worker and it says under there, "One year". On the other side it has an executive, and it says, "The average executive CEO of a large corporation in America, one-half a day."

Think of the immorality of it all. It is fine for somebody to be successful and to make that kind of money, as long as it is not at the exploitation of others at the low end. We have to respect work. We have to raise the morale of the worker in America by saying, "Your full-time employment should be a decent, living wage for you and your family." Consider, two minimum-wage earners are still below the poverty line in a family of four. I urge my colleagues to oppose the rule and to support the minimum wage.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, at the beginning of this Congress the Republican majority claimed that the House was going to consider bills under an open process.

I would like to point out that 68 percent of the legislation this session has been considered under a restrictive process.

Mr. Speaker, I include for the RECORD certain extraneous materials.

The materials referred to are as follows:

FLOOR PROCEDURE IN THE 104TH CONGRESS 1ST SESSION; COMPILED BY THE RULES COMMITTEE DEMOCRATS

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 1*	Compliance	H. Res. 6	Closed	None.
H. Res. 6	Opening Day Rules Package	H. Res. 5	Closed; contained a closed rule on H.R. 1 within the closed rule	None.
H.R. 5*	Unfunded Mandates	H. Res. 38	Restrictive; Motion adopted over Democratic objection in the Committee of the Whole to limit debate on section 4; Pre-printing gets preference.	N/A.
H.J. Res. 2*	Balanced Budget	H. Res. 44	Restrictive; only certain substitutes; PQ	2R; 4D.
H. Res. 43	Committee Hearings Scheduling	H. Res. 43 (OJ)	Restrictive; considered in House no amendments	N/A.
H.R. 101	To transfer a parcel of land to the Taos Pueblo Indians of New Mexico.	H. Res. 51	Open	N/A.
H.R. 400	To provide for the exchange of lands within Gates of the Arctic National Park Preserve.	H. Res. 52	Open	N/A.
H.R. 440	To provide for the conveyance of lands to certain individuals in Butte County, California.	H. Res. 53	Open	N/A.
H.R. 2*	Line Item Veto	H. Res. 55	Open; Pre-printing gets preference	N/A.
H.R. 665*	Victim Restitution Act of 1995	H. Res. 61	Open; Pre-printing gets preference	N/A.
H.R. 666*	Exclusionary Rule Reform Act of 1995	H. Res. 60	Open; Pre-printing gets preference	N/A.
H.R. 667*	Violent Criminal Incarceration Act of 1995	H. Res. 63	Restrictive; 10 hr. Time Cap on amendments	N/A.
H.R. 668*	The Criminal Alien Deportation Improvement Act	H. Res. 69	Open; Pre-printing gets preference; Contains self-executing provision	N/A.
H.R. 728*	Local Government Law Enforcement Block Grants	H. Res. 79	Restrictive; 10 hr. Time Cap on amendments; Pre-printing gets preference	N/A.
H.R. 7*	National Security Revitalization Act	H. Res. 83	Restrictive; 10 hr. Time Cap on amendments; Pre-printing gets preference; PQ	N/A.
H.R. 729*	Death Penalty/Habeas	N/A	Restrictive; brought up under UC with a 6 hr. time cap on amendments	N/A.
S. 2	Senate Compliance	N/A	Closed; Put on Suspension Calendar over Democratic objection	None.
H.R. 831	To Permanently Extend the Health Insurance Deduction for the Self-Employed.	H. Res. 88	Restrictive; makes in order only the Gibbons amendment; Waives all points of order; Contains self-executing provision; PQ.	1D.
H.R. 830*	The Paperwork Reduction Act	H. Res. 91	Open	N/A.
H.R. 889	Emergency Supplemental/Rescinding Certain Budget Authority	H. Res. 92	Restrictive; makes in order only the Obey substitute	1D.
H.R. 450*	Regulatory Moratorium	H. Res. 93	Restrictive; 10 hr. Time Cap on amendments; Pre-printing gets preference	N/A.
H.R. 1022*	Risk Assessment	H. Res. 96	Restrictive; 10 hr. Time Cap on amendments	N/A.
H.R. 926*	Regulatory Flexibility	H. Res. 100	Open	N/A.
H.R. 925*	Private Property Protection Act	H. Res. 101	Restrictive; 12 hr. time cap on amendments; Requires Members to pre-print their amendments in the Record prior to the bill's consideration for amendment, waives germaneness and budget act points of order as well as points of order concerning appropriating on a legislative bill against the committee substitute used as base text.	1D.
H.R. 1058*	Securities Litigation Reform Act	H. Res. 105	Restrictive; 8 hr. time cap on amendments; Pre-printing gets preference; Makes in order the Wyden amendment and waives germaneness against it.	1D.
H.R. 988*	The Attorney Accountability Act of 1995	H. Res. 104	Restrictive; 7 hr. time cap on amendments; Pre-printing gets preference	N/A.
H.R. 956*	Product Liability and Legal Reform Act	H. Res. 109	Restrictive; makes in order only 15 germane amendments and denies 64 germane amendments from being considered; PQ.	8D; 7R.
H.R. 1158	Making Emergency Supplemental Appropriations and Rescissions	H. Res. 115	Restrictive; Combines emergency H.R. 1158 & nonemergency 1159 and strikes the abortion provision; makes in order only pre-printed amendments that include offsets within the same chapter (deeper cuts in programs already cut); waives points of order against three amendments; waives cl 2 of rule XXI against the bill, cl 2, XXI and cl 7 of rule XVI against the substitute; waives cl 2(e) of rule XXI against the amendments in the Record; 10 hr time cap on amendments. 30 minutes debate on each amendment.	N/A.
H.J. Res. 73*	Term Limits	H. Res. 116	Restrictive; Makes in order only 4 amendments considered under a "Queen of the Hill" procedure and denies 21 germane amendments from being considered.	1D; 3R
H.R. 4*	Welfare Reform	H. Res. 119	Restrictive; Makes in order only 31 perfecting amendments and two substitutes; Denies 130 germane amendments from being considered; The substitutes are to be considered under a "Queen of the Hill" procedure; All points of order are waived against the amendments.	5D; 26R.
H.R. 1271*	Family Privacy Act	H. Res. 125	Open	N/A.
H.R. 660*	Housing for Older Persons Act	H. Res. 126	Open	N/A.
H.R. 1215*	The Contract With America Tax Relief Act of 1995	H. Res. 129	Restrictive; Self Executes language that makes tax cuts contingent on the adoption of a balanced budget plan and strikes section 3006. Makes in order only one substitute. Waives all points of order against the bill, substitute made in order as original text and Gephardt substitute.	1D.
H.R. 483	Medicare Select Extension	H. Res. 130	Restrictive; waives cl 2(1)(6) of rule XI against the bill; makes H.R. 1391 in order as original text; makes in order only the Dingell substitute; allows Commerce Committee to file a report on the bill at any time.	1D.
H.R. 655	Hydrogen Future Act	H. Res. 136	Open	N/A.
H.R. 1361	Coast Guard Authorization	H. Res. 139	Open; waives sections 302(f) and 308(a) of the Congressional Budget Act against the bill's consideration and the committee substitute; waives cl 5(a) of rule XXI against the committee substitute.	N/A.
H.R. 961	Clean Water Act	H. Res. 140	Open; pre-printing gets preference; waives sections 302(f) and 602(b) of the Budget Act against the bill's consideration; waives cl 7 of rule XVI, cl 5(a) of rule XXI and section 302(f) of the Budget Act against the committee substitute. Makes in order Shuster substitute as first order of business.	N/A.
H.R. 535	Corning National Fish Hatchery Conveyance Act	H. Res. 144	Open	N/A.
H.R. 584	Conveyance of the Fairport National Fish Hatchery to the State of Iowa.	H. Res. 145	Open	N/A.
H.R. 614	Conveyance of the New London National Fish Hatchery Production Facility.	H. Res. 146	Open	N/A.
H. Con. Res. 67	Budget Resolution	H. Res. 149	Restrictive; Makes in order 4 substitutes under regular order; Gephardt, Neumann/Solomon, Payne/Owens, President's Budget if printed in Record on 5/17/95; waives all points of order against substitutes and concurrent resolution; suspends application of Rule XLIX with respect to the resolution; self-executes Agriculture language; PQ.	3D; 1R.
H.R. 1561	American Overseas Interests Act of 1995	H. Res. 155	Restrictive; Requires amendments to be printed in the Record prior to their consideration; 10 hr. time cap; waives cl 2(1)(6) of rule XI against the bill's consideration; Also waives sections 302(f), 303(a), 308(a) and 402(a) against the bill's consideration and the committee amendment in order as original text; waives cl 5(a) of rule XXI against the amendment; amendment consideration is closed at 2:30 p.m. on May 25, 1995. Self-executes provision which removes section 2210 from the bill. This was done at the request of the Budget Committee.	N/A.
H.R. 1530	National Defense Authorization Act; FY 1996	H. Res. 164	Restrictive; Makes in order only the amendments printed in the report; waives all points of order against the bill, substitute and amendments printed in the report. Gives the Chairman en bloc authority. Self-executes a provision which strikes section 807 of the bill; provides for an additional 30 min. of debate on Nunn-Lugar section; Allows Mr. Clinger to offer a modification of his amendment with the concurrence of Ms. Collins; PQ.	36R; 18D; 2 Bipartisan.
H.R. 1817	Military Construction Appropriations; FY 1996	H. Res. 167	Open; waives cl. 2 and cl. 6 of rule XXI against the bill; 1 hr. general debate; Uses House passed budget numbers as threshold for spending amounts pending passage of Budget; PQ.	N/A.
H.R. 1854	Legislative Branch Appropriations	H. Res. 169	Restrictive; Makes in order only 11 amendments; waives sections 302(f) and 308(a) of the Budget Act against the bill and cl. 2 and cl. 6 of rule XXI against the bill. All points of order are waived against the amendments; PQ.	5R; 4D; 2 Bipartisan.
H.R. 1868	Foreign Operations Appropriations	H. Res. 170	Open; waives cl. 2, cl. 5(b), and cl. 6 of rule XXI against the bill; makes in order the Gilman amendments as first order of business; waives all points of order against the amendments; if adopted they will be considered as original text; waives cl. 2 of rule XXI against the amendments printed in the report. Pre-printing gets priority (Hall) (Menendez) (Goss) (Smith, NJ); PQ.	N/A.
H.R. 1905	Energy & Water Appropriations	H. Res. 171	Open; waives cl. 2 and cl. 6 of rule XXI against the bill; makes in order the Shuster amendment as the first order of business; waives all points of order against the amendment; if adopted it will be considered as original text. Pre-printing gets priority.	N/A.
H.J. Res. 79	Constitutional Amendment to Permit Congress and States to Prohibit the Physical Desecration of the American Flag.	H. Res. 173	Closed; provides one hour of general debate and one motion to recommit with or without instructions; if there are instructions, the MO is debatable for 1 hr; PQ.	N/A.
H.R. 1944	Recissions Bill	H. Res. 175	Restrictive; Provides for consideration of the bill in the House; Permits the Chairman of the Appropriations Committee to offer one amendment which is unamendable; waives all points of order against the amendment; PQ.	N/A.

FLOOR PROCEDURE IN THE 104TH CONGRESS 1ST SESSION; COMPILED BY THE RULES COMMITTEE DEMOCRATS—Continued

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 1868 (2nd rule)	Foreign Operations Appropriations	H. Res. 177	Restrictive; Provides for further consideration of the bill; makes in order only the four amendments printed in the rules report (20 min. each). Waives all points of order against the amendments; Prohibits intervening motions in the Committee of the Whole; Provides for an automatic rise and report following the disposition of the amendments; PQ.	N/A.
H.R. 1977 *Rule Defeated*	Interior Appropriations	H. Res. 185	Open; waives sections 302(f) and 308(a) of the Budget Act and cl 2 and cl 6 of rule XXI; provides that the bill be read by title; waives all points of order against the Tauzin amendment; self-executes Budget Committee amendment; waives cl 2(e) of rule XXI against amendments to the bill; Pre-printing gets priority; PQ.	N/A.
H.R. 1977	Interior Appropriations	H. Res. 187	Open; waives sections 302(f), 306 and 308(a) of the Budget Act; waives clauses 2 and 6 of rule XXI against provisions in the bill; waives all points of order against the Tauzin amendment; provides that the bill be read by title; self-executes Budget Committee amendment and makes NEA funding subject to House passed authorization; waives cl 2(e) of rule XXI against the amendments to the bill; Pre-printing gets priority; PQ.	N/A.
H.R. 1976	Agriculture Appropriations	H. Res. 188	Open; waives clauses 2 and 6 of rule XXI against provisions in the bill; provides that the bill be read by title; Makes Skeen amendment first order of business, if adopted the amendment will be considered as base text (10 min.); Pre-printing gets priority; PQ.	N/A.
H.R. 1977 (3rd rule)	Interior Appropriations	H. Res. 189	Restrictive; provides for the further consideration of the bill; allows only amendments pre-printed before July 14th to be considered; limits motions to rise.	N/A.
H.R. 2020	Treasury Postal Appropriations	H. Res. 190	Open; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; provides the bill be read by title; Pre-printing gets priority; PQ.	N/A.
H.J. Res. 96	Disapproving MFN for China	H. Res. 193	Restrictive; provides for consideration in the House of H.R. 2058 (90 min.) And H.J. Res. 96 (1 hr). Waives certain provisions of the Trade Act.	N/A.
H.R. 2002	Transportation Appropriations	H. Res. 194	Open; waives cl. 3 Of rule XIII and section 401 (a) of the CBA against consideration of the bill; waives cl. 6 and cl. 2 of rule XXI against provisions in the bill; Makes in order the Clinger/Solomon amendment waives all points of order against the amendment (Line Item Veto); provides the bill be read by title; Pre-printing gets priority; PQ. ***RULE AMENDED***.	N/A.
H.R. 70	Exports of Alaskan North Slope Oil	H. Res. 197	Open; Makes in order the Resources Committee amendment in the nature of a substitute as original text; Pre-printing gets priority; Provides a Senate hook-up with S. 395.	N/A.
H.R. 2076	Commerce, Justice Appropriations	H. Res. 198	Open; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; Pre-printing gets priority; provides the bill be read by title..	N/A.
H.R. 2099	VA/HUD Appropriations	H. Res. 201	Open; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; Provides that the amendment in part 1 of the report is the first business, if adopted it will be considered as base text (30 min.); waives all points of order against the Klug and Davis amendments; Pre-printing gets priority; Provides that the bill be read by title.	N/A.
S. 21	Termination of U.S. Arms Embargo on Bosnia	H. Res. 204	Restrictive; 3 hours of general debate; Makes in order an amendment to be offered by the Minority Leader or a designee (1 hr); If motion to recommit has instructions it can only be offered by the Minority Leader or a designee.	ID.
H.R. 2126	Defense Appropriations	H. Res. 205	Open; waives cl. 2(l)(6) of rule XI and section 306 of the Congressional Budget Act against consideration of the bill; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; self-executes a strike of sections 8021 and 8024 of the bill as requested by the Budget Committee; Pre-printing gets priority; Provides the bill be read by title.	N/A.
H.R. 1555	Communications Act of 1995	H. Res. 207	Restrictive; waives sec. 302(f) of the Budget Act against consideration of the bill; Makes in order the Commerce Committee amendment as original text and waives sec. 302(f) of the Budget Act and cl. 5(a) of rule XXI against the amendment; Makes in order the Bliley amendment (30 min.) as the first order of business, if adopted it will be original text; makes in order only the amendments printed in the report and waives all points of order against the amendments; provides a Senate hook-up with S. 652.	2R/3D/3 Bipartisan.
H.R. 2127	Labor/HHS Appropriations Act	H. Res. 208	Open; Provides that the first order of business will be the managers amendments (10 min.), if adopted they will be considered as base text; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; waives all points of order against certain amendments printed in the report; Pre-printing gets priority; Provides the bill be read by title; PQ.	N/A.
H.R. 1594	Economically Targeted Investments	H. Res. 215	Open; 2 hr of gen. debate. makes in order the committee substitute as original text	N/A.
H.R. 1655	Intelligence Authorization	H. Res. 216	Restrictive; waives sections 302(f), 308(a) and 401(b) of the Budget Act. Makes in order the committee substitute as modified by Govt. Reform amend (striking sec. 505) and an amendment striking title VII. Cl 7 of rule XVI and cl 5(a) of rule XXI are waived against the substitute. Sections 302(f) and 401(b) of the CBA are also waived against the substitute. Amendments must also be pre-printed in the Congressional record.	N/A.
H.R. 1162	Deficit Reduction Lock Box	H. Res. 218	Open; waives cl 7 of rule XVI against the committee substitute made in order as original text; Pre-printing gets priority.	N/A.
H.R. 1670	Federal Acquisition Reform Act of 1995	H. Res. 219	Open; waives sections 302(f) and 308(a) of the Budget Act against consideration of the bill; bill will be read by title; waives cl 5(a) of rule XXI and section 302(f) of the Budget Act against the committee substitute. Pre-printing gets priority.	N/A.
H.R. 1617	To Consolidate and Reform Workforce Development and Literacy Programs Act (CAREERS).	H. Res. 222	Open; waives sections 302(f) and 401(b) of the Budget Act against the substitute made in order as original text (H.R. 2332), cl. 5(a) of rule XXI is also waived against the substitute. Provides for consideration of the managers amendment (10 min.) If adopted, it is considered as base text.	N/A.
H.R. 2274	National Highway System Designation Act of 1995	H. Res. 224	Open; waives section 302(f) of the Budget Act against consideration of the bill; Makes H.R. 2349 in order as original text; waives section 302(f) of the Budget Act against the substitute as well as cl. 5(a) of rule XXI and cl. 1(q)(10) of rule X against the substitute; provides for the consideration of a managers amendment (10 min). If adopted, it is considered as base text; Pre-printing gets priority; PQ.	N/A.
H.R. 927	Cuban Liberty and Democratic Solidarity Act of 1995	H. Res. 225	Restrictive; waives cl 2(l)(2)(B) of rule XI against consideration of the bill; makes in order H.R. 2347 as base text; waives cl 7 of rule XVI against the substitute; Makes Hamilton amendment the first amendment to be considered (1 hr). Makes in order only amendments printed in the report.	2R/2D
H.R. 743	The Teamwork for Employees and managers Act of 1995	H. Res. 226	Open; waives cl 2(l)(2)(b) of rule XI against consideration of the bill; makes in order the committee amendment as original text; Pre-printing get priority.	N/A.
H.R. 1170	3-Judge Court for Certain Injunctions	H. Res. 227	Open; makes in order a committee amendment as original text; Pre-printing gets priority	N/A.
H.R. 1601	International Space Station Authorization Act of 1995	H. Res. 228	Open; makes in order a committee amendment as original text; pre-printing gets priority	N/A.
H.J. Res. 108	Making Continuing Appropriations for FY 1996	H. Res. 230	Closed; Provides for the immediate consideration of the CR; one motion to recommit which may have instructions only if offered by the Minority Leader or a designee.	
H.R. 2405	Omnibus Civilian Science Authorization Act of 1995	H. Res. 234	Open; self-executes a provision striking section 304(b)(3) of the bill (Commerce Committee request); Pre-printing gets priority.	N/A.
H.R. 2259	To Disapprove Certain Sentencing Guideline Amendments	H. Res. 237	Restrictive; waives cl 2(l)(2)(B) of rule XI against the bill's consideration; makes in order the text of the Senate bill S. 1254 as original text; Makes in order only a Conyers substitute; provides a senate hook-up after adoption.	1D
H.R. 2425	Medicare Preservation Act	H. Res. 238	Restrictive; waives all points of order against the bill's consideration; makes in order the text of H.R. 2485 as original text; waives all points of order against H.R. 2485; makes in order only an amendment offered by the Minority Leader or a designee; waives all points of order against the amendment; waives cl 5(c) of rule XXI (3⁄5 requirement on votes raising taxes); PQ.	1D
H.R. 2492	Legislative Branch Appropriations Bill	H. Res. 239	Restrictive; provides for consideration of the bill in the House	N/A.
H.R. 2491 H. Con. Res. 109	7 Year Balanced Budget Reconciliation Social Security Earnings Test Reform.	H. Res. 245	Restrictive; makes in order H.R. 2517 as original text; waives all pints of order against the bill; Makes in order only H.R. 2530 as an amendment only if offered by the Minority Leader or a designee; waives all points of order against the amendment; waives cl 5(c) of rule XXI (3⁄5 requirement on votes raising taxes); PQ.	1D
H.R. 1833	Partial Birth Abortion Ban Act of 1995	H. Res. 251	Closed	N/A.
H.R. 2546	D.C. Appropriations FY 1996	H. Res. 252	Restrictive; waives all points of order against the bill's consideration; Makes in order the Walsh amendment as the first order of business (10 min.); if adopted it is considered as base text; waives cl 2 and 6 of rule XXI against the bill; makes in order the Bonilla, Gunderson and Hostettler amendments (30 min.); waives all points of order against the amendments; debate on any further amendments is limited to 30 min. each.	N/A
H.J. Res. 115	Further Continuing Appropriations for FY 1996	H. Res. 257	Closed; Provides for the immediate consideration of the CR; one motion to recommit which may have instructions only if offered by the Minority Leader or a designee.	N/A

FLOOR PROCEDURE IN THE 104TH CONGRESS 1ST SESSION; COMPILED BY THE RULES COMMITTEE DEMOCRATS—Continued

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 2586	Temporary Increase in the Statutory Debt Limit	H. Res. 258	Restrictive; Provides for the immediate consideration of the CR; one motion to recommit which may have instructions only if offered by the Minority Leader or a designee; self-executes 4 amendments in the rule; Solomon, Medicare Coverage of Certain Anti-Cancer Drug Treatments, Habeas Corpus Reform, Chrysler (MI); makes in order the Walker amend (40 min.) on regulatory reform.	5R
H.R. 2539	ICC Termination	H. Res. 259	Open; waives section 302(f) and section 308(a)	
H.J. Res. 115	Further Continuing Appropriations for FY 1996	H. Res. 261	Closed; provides for the immediate consideration of a motion by the Majority Leader or his designees to dispose of the Senate amendments (1hr).	N/A.
H.R. 2586	Temporary Increase in the Statutory Limit on the Public Debt	H. Res. 262	Closed; provides for the immediate consideration of a motion by the Majority Leader or his designees to dispose of the Senate amendments (1hr).	N/A.
H. Res. 250	House Gift Rule Reform	H. Res. 268	Closed; provides for consideration of the bill in the House; 30 min. of debate; makes in order the Burton amendment and the Gingrich en bloc amendment (30 min. each); waives all points of order against the amendments; Gingrich is only in order if Burton fails or is not offered.	2R
H.R. 2564	Lobbying Disclosure Act of 1995	H. Res. 269	Open; waives cl. 2(l)(6) of rule XI against the bill's consideration; waives all points of order against the Istook and McIntosh amendments.	N/A.
H.R. 2606	Prohibition on Funds for Bosnia Deployment	H. Res. 273	Restrictive; waives all points of order against the bill's consideration; provides one motion to amend if offered by the Minority Leader or designee (1 hr non-amendable); motion to recommit which may have instructions only if offered by Minority Leader or his designee; if Minority Leader motion is not offered debate time will be extended by 1 hr.	N/A.
H.R. 1788	Amtrak Reform and Privatization Act of 1995	H. Res. 289	Open; waives all points of order against the bill's consideration; makes in order the Transportation substitute modified by the amend in the report; Bill read by title; waives all points of order against the substitute; makes in order a managers amend as the first order of business, if adopted it is considered base text (10 min.); waives all points of order against the amendment; Pre-printing gets priority.	N/A.
H.R. 1350	Maritime Security Act of 1995	H. Res. 287	Open; makes in order the committee substitute as original text; makes in order a managers amendment which if adopted is considered as original text (20 min.) unamendable; pre-printing gets priority.	N/A.
H.R. 2621	To Protect Federal Trust Funds	H. Res. 293	Closed; provides for the adoption of the Ways & Means amendment printed in the report. 1 hr. of general debate; PQ.	N/A.
H.R. 1745	Utah Public Lands Management Act of 1995	H. Res. 303	Open; waives cl 2(l)(6) of rule XI and sections 302(f) and 311(a) of the Budget Act against the bill's consideration. Makes in order the Resources substitute as base text and waives cl 7 of rule XVI and sections 302(f) and 308(a) of the Budget Act; makes in order a managers' amend as the first order of business, if adopted it is considered base text (10 min).	N/A.
H. Res. 304	Providing for Debate and Consideration of Three Measures Relating to U.S. Troop Deployments in Bosnia.	N/A	Closed; makes in order three resolutions; H.R. 2770 (Dornan), H. Res. 302 (Buyer), and H. Res. 306 (Gephardt); 1 hour of debate on each.	1D; 2R
H. Res. 309	Revised Budget Resolution	H. Res. 309	Closed; provides 2 hours of general debate in the House; PQ	N/A.
H.R. 558	Texas Low-Level Radioactive Waste Disposal Compact Consent Act	H. Res. 313	Open; pre-printing gets priority	N/A.
H.R. 2677	The National Parks and National Wildlife Refuge Systems Freedom Act of 1995.	H. Res. 323	Closed; consideration in the House; self-executes Young amendment	N/A.

PROCEDURE IN THE 104TH CONGRESS 2D SESSION

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 1643	To authorize the extension of nondiscriminatory treatment (MFN) to the products of Bulgaria.	H. Res. 334	Closed; provides to take the bill from the Speaker's table with the Senate amendment, and consider in the House the motion printed in the Rules Committee report; 1 hr. of general debate; previous question is considered as ordered. ** NR; PQ.	N/A.
H.J. Res. 134 H. Con. Res. 131	Making continuing appropriations/establishing procedures making the transmission of the continuing resolution H.J. Res. 134.	H. Res. 336	Closed; provides to take from the Speaker's table H.J. Res. 134 with the Senate amendment and concur with the Senate amendment with an amendment (H. Con. Res. 131) which is self-executed in the rule. The rule provides further that the bill shall not be sent back to the Senate until the Senate agrees to the provisions of H. Con. Res. 131. ** NR; PQ.	N/A.
H.R. 1358	Conveyance of National Marine Fisheries Service Laboratory at Gloucester, Massachusetts.	H. Res. 338	Closed; provides to take the bill from the Speaker's table with the Senate amendment, and consider in the House the motion printed in the Rules Committee report; 1 hr. of general debate; previous question is considered as ordered. ** NR; PQ.	N/A.
H.R. 2924	Social Security Guarantee Act	H. Res. 355	Closed; ** NR; PQ	N/A.
H.R. 2854	The Agricultural Market Transition Program	H. Res. 366	Restrictive; waives all points of order against the bill; 2 hrs of general debate; makes in order a committee substitute as original text and waives all points of order against the substitute; makes in order only the 16 amends printed in the report and waives all points of order against the amendments; circumvents unfunded mandates law; Chairman has en bloc authority for amends in report (20 min.) on each en bloc; PQ.	5D; 9R; 2 Bipartisan.
H.R. 994	Regulatory Sunset & Review Act of 1995	H. Res. 368	Open rule; makes in order the Hyde substitute printed in the Record as original text; waives cl 7 of rule XVI against the substitute; Pre-printing gets priority; vacates the House action on S. 219 and provides to take the bill from the Speaker's table and consider the Senate bill; allows Chrmn. Clinger a motion to strike all after the enacting clause of the Senate bill and insert the text of H.R. 994 as passed by the House (1 hr) debate; waives germaneness against the motion; provides if the motion is adopted that it is in order for the House to insist on its amendments and request a conference.	N/A.
H.R. 3021	To Guarantee the Continuing Full Investment of Social security and Other Federal Funds in Obligations of the United States.	H. Res. 371	Closed rule; gives one motion to recommit, which if it contains instructions, may only if offered by the Minority Leader or his designee. ** NR.	N/A.
H.R. 3019	A Further Downpayment Toward a Balanced Budget	H. Res. 372	Restrictive; self-executes CBO language regarding contingency funds in section 2 of the rule; makes in order only the amendments printed in the report; Lowey (20 min), Istook (20 min), Crapo (20 min), Obey (1 hr); waives all points of order against the amendments; give one motion to recommit, which if contains instructions, may only if offered by the Minority Leader or his designee. ** NR.	2D/2R.
H.R. 2703	The Effective Death Penalty and Public Safety Act of 1996	H. Res. 380	Restrictive; makes in order only the amendments printed in the report; waives all points of order against the amendments; gives Judiciary Chairman en bloc authority (20 min.) on en blocs; provides a Senate hook-up with S. 735. ** NR.	6D; 7R; 4 Bipartisan.
H.R. 2202	The Immigration and National Interest Act of 1995	H. Res. 384	Restrictive; waives all points of order against the bill and amendments in the report except for those arising under sec. 425(a) of the Budget Act (unfunded mandates); 2 hrs. of general debate on the bill; makes in order the committee substitute as base text; makes in order only the amends in the report; gives the Judiciary Chairman en bloc authority (20 min.) of debate on the en blocs; self-executes the Smith (TX) amendment re: employee verification program; PQ.	12D; 19R; 1 Bipartisan.
H.J. Res. 165	Making further continuing appropriations for FY 1996	H. Res. 386	Closed; provides for the consideration of the CR in the House and gives one motion to recommit which may contain instructions only if offered by the Minority Leader; the rule also waives cl 4(b) of rule XI against the following: an omnibus appropriations bill, another CR, a bill extending the debt limit. ** NR.	N/A.
H.R. 125	The Gun Crime Enforcement and Second Amendment Restoration Act of 1996.	H. Res. 388	Closed; self-executes an amendment; provides one motion to recommit which may contain instructions only if offered by the Minority Leader or his designee. ** NR.	N/A.
H.R. 3136	The Contract With America Advancement Act of 1996	H. Res. 391	Closed; provides for the consideration of the bill in the House; self-executes an amendment in the Rules report; waives all points of order, except sec. 425(a) (unfunded mandates) of the CBA, against the bill's consideration; orders the PQ except 1 hr. of general debate between the Chairman and Ranking Member of Ways and Means; one Archer amendment (10 min.); one motion to recommit which may contain instructions only if offered by the Minority Leader or his designee; Provides a Senate hookup if the Senate passes S. 4 by March 30, 1996. **NR.	N/A.
H.R. 3103	The Health Coverage Availability and Affordability Act of 1996	H. Res. 392	Restrictive: 2 hrs. of general debate (45 min. split by Ways and Means) (45 split by Commerce) (30 split by Economic and Educational Opportunities); self-executes H.R. 3160 as modified by the amendment in the Rules report as original text; waives all points of order, except sec. 425(a) (unfunded mandates) of the CBA; makes in order a Democratic substitute (1 hr.) waives all points of order, except sec. 425(a) (unfunded mandates) of the CBA, against the amendment; one motion to recommit which may contain instructions only if offered by the Minority Leader or his designee; waives cl 5(c) of Rule XXI (requiring ⅗ vote on any tax increase) on votes on the bill, amendments or conference reports.	N/A.
H.J. Res. 159	Tax Limitation Constitutional Amendment	H. Res. 395	Restrictive; provides for consideration of the bill in the House; 3 hrs of general debate; Makes in order H.J. Res. 169 as original text; allows for an amendment to be offered by the Minority Leader or his designee (1 hr) ** NR; PQ.	1D

FLOOR PROCEDURE IN THE 104TH CONGRESS 1ST SESSION; COMPILED BY THE RULES COMMITTEE DEMOCRATS—Continued

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 842	Truth in Budgeting Act	H. Res. 396	Open; 2 hrs. of general debate; Pre-printing gets priority	N/A.
H.R. 2715	Paperwork Elimination Act of 1996	H. Res. 409	Open; Preprinting get priority	N/A.
H.R. 1675	National Wildlife Refuge Improvement Act of 1995	H. Res. 410	Open; Makes the Young amendment printed in the 4/16/96 Record in order as original text; waives cl 7 of rule XVI against the amendment; Preprinting gets priority; **NR.	N/A.
H.J. Res. 175	Further Continuing Appropriations for FY 1996	H. Res. 411	Closed; provides for consideration of the bill in the House; one motion to recommit which, if containing instructions, may be offered by the Minority Leader or his designee. **NR.	N/A.
H.R. 2641	United States Marshals Service Improvement Act of 1996	H. Res. 418	Open; Pre-printing gets priority; Senate hook-up. **PQ	N/A.
H.R. 2149	The Ocean Shipping Reform Act	H. Res. 419	Open; Makes in order a managers amendment as the first order of business (10 min.); if adopted it is considered as base text; waives cl 7 of rule XVI against the managers amendment; Pre-printing gets priority; makes in order an Obestar en bloc amendment.	N/A.
H.R. 2974	To amend the Violent Crime Control and Law Enforcement Act of 1994 to provide enhanced penalties for crimes against elderly and child victims.	H. Res. 421	Open; waives cl 7 of rule XIII against consideration of the bill; makes in order the Judiciary substitute printed in the bill as original text; waives cl 7 of rule XVI against the substitute; Pre-printing gets priority.	N/A.
H.R. 3120	To amend Title 18, United States Code, with respect to witness retaliation, witness tampering and jury tampering.	H. Res. 422	Open; waives cl 7 of rule XIII against consideration of the bill; makes in order the Judiciary substitute printed in the bill as original text; waives cl 7 of rule XVI against the substitute; Pre-printing gets priority.	N/A.
H.R. 2406	The United States Housing Act of 1996	H. Res. 426	Open; makes in order the committee substitute printed in the bill as original text; waives cl 5(a) of rule XXI against the substitute; makes in order a managers amendment as the first order of business (10 min); if adopted it is considered as base text; Pre-printing gets priority; provides a Senate hook-up.	N/A.
H.R. 3322	Omnibus Civilian Science Authorization Act of 1996	H. Res. 427	Open; waives cl 2(l)(2) of rule XI against the bill's consideration; makes in order a managers amendment as the first order of business (10 min); if adopted it is considered as base text; waives cl 5(a) of rule XXI against the bill; pre-printing gets priority.	N/A.
H.R. 3286	The Adoption Promotion and Stability Act of 1996	H. Res. 428	Restrictive; provides consideration of the bill in the House; makes in order the Ways & Means substitute printed in the bill as original text; makes in order a Gibbons amendment to title II (30 min) and a Young amendment (30 min); provides one motion to recommit which may contain instructions only if offered by the Minority Leader or his designee.	1D; 1R
H.R. 3230	Defense Authorization Bill FY 1997	H. Res. 430	Restrictive	41 amends; 20D; 17R; 4 bipartisan
H.R. 3415	Repeal of the 4.3-Cent Increase in Transporation Fuel Taxes	H. Res. 436	Closed	N/A.
H.R. 3259	Intelligence Authorization Act for FY 1997	H. Res. 437	Restrictive	N/A.
H.R. 3144	The Defend America Act	H. Res. 438	Restrictive	1D
H.R. 3448/H.R. 1227	The Small Business Job Protection Act of 1996, and The Employee Commuting Flexibility Act of 1996.	H. Res. 440	Restrictive	2R

*Contract Bills, 67% restrictive; 33% open. ** All legislation 1st Session, 53% restrictive; 47% open. *** All legislation 2d Session, 69% restrictive; 31% open. **** All legislation 104th Congress, 58% restrictive; 42% open. ***** NR indicates that the legislation being considered by the House for amendment has circumvented standard procedure and was never reported from any House committee. ****** PQ Indicates that previous question was ordered on the resolution. ******* Restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules as well as completely closed rules and rules providing for consideration in the House as opposed to the Committee of the Whole. This definition of restrictive rule is taken from the Republican chart of resolutions reported from the Rules Committee in the 103d Congress. N/A means not available.

LEGISLATION IN THE 104TH CONGRESS, 2D SESSION

To date 13 out of 31, or 42% of the bills considered under rules in the 2d session of the 104th Congress have been considered under an irregular procedure which circumvents the standard committee procedure. They have been brought to the floor without any committee reporting them. They are as follows:

H.R. 1643, to authorize the extension of nondiscriminatory treatment (MFN) to the products of Bulgaria.

H.J. Res. 134, making continuing appropriations for fiscal year 1996.

H.R. 1358, conveyance of National Marine Fisheries Service Laboratory at Gloucester, Massachusetts.

H.R. 2924, the Social Security Guarantee Act.

H.R. 3021, to guarantee the continuing full investment of Social Security and other Federal funds in obligations of the United States.

H.R. 3019, a further downpayment toward a balanced budget.

H.R. 2703, the effective Death Penalty and Public Safety Act of 1996.

H.J. Res. 165, making further continuing appropriations for fiscal year 1996.

H.R. 125, the Crime Enforcement and Second Amendment Restoration Act of 1996.

H.R. 3136, the Contract With America Advancement Act of 1996.

H.J. Res. 159, tax limitation constitutional amendment.

H.R. 1675, National Wildlife Refuge Improvement Act of 1995.

H.J. Res. 175, making further continuing appropriations for fiscal year 1996.

Mr. HALL of Ohio. Mr. Speaker, to sum up, I urge a no vote on the rule. The resolution does not provide the opportunity for a straight up-or-down vote on the minimum wage. And make no mistake about it; the small business exemption will drag this legislation down. This issue is too important for working families. Let us send it back to the Committee on Rules. Vote no on the rule.

Mr. Speaker, I yield back the balance of my time.

Mr. SOLOMON. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I would just say that we would think from the rhetoric spewing forth from the Democrats that they were not going to have a chance to vote up-or-down on a minimum wage. Come back in about an hour-and-a-half and I want everybody to see what takes place. It will be an up-or-down vote on a minimum wage.

Mr. Speaker, it is a shame that we have to get into these partisan fights on something that is so terribly important. Yes, it is important for a minimum wage increase, but yes, it important that we relieve small business of some of the expenses in order to pay for that minimum wage increase. That is exactly what this bill does.

Small business incentives, decreasing expenses for small businesses, that means a lot to small businesses. Home office deductions, do Members know what that means to so many working mothers that want to work out of their homes? That is what Members are voting for when they come over here and vote for this rule. That is terribly important to working mothers that want to stay in their homes and take care of their children.

Mr. Speaker, we can go down and line. Here are dozens and dozens of little benefits that add up to so much: employer-provided educational assistance. That is so important. The Democrats ought to be standing up there voting for this bill. Pension implication provisions, to allow pensions for the few employees that small businesses have. That is what this whole debate is all about.

Everyone should come over here, they should vote for this rule, and then they should do a favor for small business and a favor for working people that might be on the minimum wage. This is a good bill. It is a compromise. That is what we all have to learn in politics: We cannot always have it our own way. Let us work together. Come over here and vote for the rule and then vote for the bill. Members will be doing something for people of this country.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. HOBSON). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. SOLOMON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 219, nays 211, not voting 4, as follows:

[Roll No. 189]

YEAS—219

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Blute
Boehlert
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Castle
Chabot
Chambliss
Chenoweth
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Graham
Greene (UT)
Greenwood
Gunderson
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Moorhead
Morella
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Sanford
Saxton
Schaefer
Schiff
Seastrand
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Spence
Stearns
Stockman
Stump
Talent
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—211

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Bartlett
Barton
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Bunning
Cardin
Chapman
Christensen
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Cubin
Cummings
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Hancock
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Largent
Levin
Lewis (GA)
Lewis (KY)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McIntosh
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Myers
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Salmon
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Shadegg
Sisisky
Skaggs
Skelton
Slaughter
Souder
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wynn
Yates

NOT VOTING—4

Bliley
Molinari
Payne (VA)
Scarborough

□ 1840

The Clerk announced the following pair:

On this vote:

Mr. Scarborough for, with Mr. Payne of Virginia against.

Mr. SHADEGG changed his vote from "yea" to "nay."

Mr. CRANE changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO HAVE UNTIL MIDNIGHT THURSDAY, MAY 23, 1996, TO FILE A PRIVILEGED REPORT ON MILITARY CONSTRUCTION APPROPRIATIONS BILL, 1997

Mrs. VUCANOVICH. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight, Thursday, May 23, 1996, to file a privileged report on a bill making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1997, and for other purposes.

The SPEAKER pro tempore (Mr. HOBSON). Is there objection to the request of the gentlewoman from Nevada?

There was no objection.

The SPEAKER pro tempore. All points of order are reserved.

SMALL BUSINESS JOB PROTECTION ACT OF 1996

Mr. ARCHER. Mr. Speaker, pursuant to House Resolution 440, I call up the bill (H.R. 3448) to provide tax relief for small businesses, to protect jobs, to create opportunities, to increase the take home pay of workers, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. WALKER). Pursuant to House Resolution 440, the Committee amendment in the nature of a substitute printed in the bill is considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 3448

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Small Business Job Protection Act of 1996".

(b) TABLE OF CONTENTS.—

TITLE I—SMALL BUSINESS AND OTHER TAX PROVISIONS

Sec. 1101. Amendment of 1986 Code.
Sec. 1102. Underpayments of estimated tax.

Subtitle A—Expensing; Etc.

Sec. 1111. Increase in expense treatment for small businesses.
Sec. 1112. Treatment of employee tips.
Sec. 1113. Treatment of storage of product samples.
Sec. 1114. Treatment of certain charitable risk pools.
Sec. 1115. Treatment of dues paid to agricultural or horticultural organizations.
Sec. 1116. Clarification of employment tax status of certain fishermen; information reporting.

Subtitle B—Extension of Certain Expiring Provisions

Sec. 1201. Work opportunity tax credit.
Sec. 1202. Employer-provided educational assistance programs.
Sec. 1203. FUTA exemption for alien agricultural workers.

Subtitle C—Provisions Relating to S Corporations

Sec. 1301. S corporations permitted to have 75 shareholders.
Sec. 1302. Electing small business trusts.
Sec. 1303. Expansion of post-death qualification for certain trusts.
Sec. 1304. Financial institutions permitted to hold safe harbor debt.
Sec. 1305. Rules relating to inadvertent terminations and invalid elections.
Sec. 1306. Agreement to terminate year.

Sec. 1307. Expansion of post-termination transition period.
Sec. 1308. S corporations permitted to hold subsidiaries.
Sec. 1309. Treatment of distributions during loss years.
Sec. 1310. Treatment of S corporations under subchapter C.
Sec. 1311. Elimination of certain earnings and profits.
Sec. 1312. Carryover of disallowed losses and deductions under at-risk rules allowed.
Sec. 1313. Adjustments to basis of inherited S stock to reflect certain items of income.
Sec. 1314. S corporations eligible for rules applicable to real property subdivided for sale by noncorporate taxpayers.
Sec. 1315. Effective date.

Subtitle D—Pension Simplification

CHAPTER 1—SIMPLIFIED DISTRIBUTION RULES

Sec. 1401. Repeal of 5-year income averaging for lump-sum distributions.
Sec. 1402. Repeal of $5,000 exclusion of employees' death benefits.
Sec. 1403. Simplified method for taxing annuity distributions under certain employer plans.
Sec. 1404. Required distributions.

CHAPTER 2—INCREASED ACCESS TO PENSION PLANS

SUBCHAPTER A—SIMPLE SAVINGS PLANS

Sec. 1421. Establishment of savings incentive match plans for employees of small employers.
Sec. 1422. Extension of simple plan to 401(k) arrangements.

SUBCHAPTER B—OTHER PROVISIONS

Sec. 1426. Tax-exempt organizations eligible under section 401(k).

CHAPTER 3—NONDISCRIMINATION PROVISIONS

Sec. 1431. Definition of highly compensated employees; repeal of family aggregation.
Sec. 1432. Modification of additional participation requirements.
Sec. 1433. Nondiscrimination rules for qualified cash or deferred arrangements and matching contributions.
Sec. 1434. Definition of compensation for section 415 purposes.

CHAPTER 4—MISCELLANEOUS PROVISIONS

Sec. 1441. Plans covering self-employed individuals.
Sec. 1442. Elimination of special vesting rule for multiemployer plans.
Sec. 1443. Distributions under rural cooperative plans.
Sec. 1444. Treatment of governmental plans under section 415.
Sec. 1445. Uniform retirement age.
Sec. 1446. Contributions on behalf of disabled employees.
Sec. 1447. Treatment of deferred compensation plans of State and local governments and tax-exempt organizations.
Sec. 1448. Trust requirement for deferred compensation plans of State and local governments.
Sec. 1449. Transition rule for computing maximum benefits under section 415 limitations.
Sec. 1450. Modifications of section 403(b).
Sec. 1451. Waiver of minimum period for joint and survivor annuity explanation before annuity starting date.
Sec. 1452. Repeal of limitation in case of defined benefit plan and defined contribution plan for same employee; excess distributions.
Sec. 1453. Tax on prohibited transactions.
Sec. 1454. Treatment of leased employees.
Sec. 1455. Uniform penalty provisions to apply to certain pension reporting requirements.
Sec. 1456. Retirement benefits of ministers not subject to tax on net earnings from self-employment.
Sec. 1457. Date for adoption of plan amendments.

Subtitle E—Foreign Simplification

Sec. 1501. Repeal of inclusion of certain earnings invested in excess passive assets.

Subtitle F—Revenue Offsets

Sec. 1601. Termination of Puerto Rico and possession tax credit.
Sec. 1602. Repeal of exclusion for interest on loans used to acquire employer securities.
Sec. 1603. Certain amounts derived from foreign corporations treated as unrelated business taxable income.
Sec. 1604. Depreciation under income forecast method.
Sec. 1605. Repeal of exclusion for punitive damages and for damages not attributable to physical injuries or sickness.
Sec. 1606. Repeal of diesel fuel tax rebate to purchasers of diesel-powered automobiles and light trucks.

Subtitle G—Technical Corrections

Sec. 1701. Coordination with other subtitles.
Sec. 1702. Amendments related to Revenue Reconciliation Act of 1990.
Sec. 1703. Amendments related to Revenue Reconciliation Act of 1993.
Sec. 1704. Miscellaneous provisions.

TITLE I—SMALL BUSINESS AND OTHER TAX PROVISIONS

SEC. 1101. AMENDMENT OF 1986 CODE.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 1102. UNDERPAYMENTS OF ESTIMATED TAX.

No addition to the tax shall be made under section 6654 or 6655 of the Internal Revenue Code of 1986 (relating to failure to pay estimated tax) with respect to any underpayment of an installment required to be paid before the date of the enactment of this Act to the extent such underpayment was created or increased by any provision of this title.

Subtitle A—Expensing; Etc.

SEC. 1111. INCREASE IN EXPENSE TREATMENT FOR SMALL BUSINESSES.

(a) GENERAL RULE.—Paragraph (1) of section 179(b) (relating to dollar limitation) is amended to read as follows:

"(1) DOLLAR LIMITATION.—The aggregate cost which may be taken into account under subsection (a) for any taxable year shall not exceed the following applicable amount:

"If the taxable year begins in:	***The applicable amount is:***
1996	*$18,500*
1997	*19,000*
1998	*20,000*
1999	*21,000*
2000	*22,000*
2001	*23,000*
2002	*23,500*
2003 or thereafter	*25,000."*

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1995.

SEC. 1112. TREATMENT OF EMPLOYEE TIPS.

(a) EMPLOYEE CASH TIPS.—

(1) REPORTING REQUIREMENT NOT CONSIDERED.—Subparagraph (A) of section 45B(b)(1) (relating to excess employer social security tax) is amended by inserting "(without regard to whether such tips are reported under section 6053)" after "section 3121(q)".

(2) TAXES PAID.—Subsection (d) of section 13443 of the Revenue Reconciliation Act of 1993 is amended by inserting ", with respect to services performed before, on, or after such date" after "1993".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the amendments made by, and the provisions of, section 13443 of the Revenue Reconciliation Act of 1993.

(b) TIPS FOR EMPLOYEES DELIVERING FOOD OR BEVERAGES.—

(1) IN GENERAL.—Paragraph (2) of section 45B(b) is amended to read as follows:

"(2) ONLY TIPS RECEIVED FOR FOOD OR BEVERAGES TAKEN INTO ACCOUNT.—In applying paragraph (1), there shall be taken into account only tips received from customers in connection with the delivering or serving of food or beverages for consumption if the tipping of employees delivering or serving food or beverages by customers is customary."

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to tips received for services performed after December 31, 1996.

SEC. 1113. TREATMENT OF STORAGE OF PRODUCT SAMPLES.

(a) IN GENERAL.—Paragraph (2) of section 280A(c) is amended by striking "inventory" and inserting "inventory or product samples".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1995.

SEC. 1114. TREATMENT OF CERTAIN CHARITABLE RISK POOLS.

(a) GENERAL RULE.—Section 501 (relating to exemption from tax on corporations, certain trusts, etc.) is amended by redesignating subsection (n) as subsection (o) and by inserting after subsection (m) the following new subsection:

"(n) CHARITABLE RISK POOLS.—

"(1) IN GENERAL.—For purposes of this title—

"(A) a qualified charitable risk pool shall be treated as an organization organized and operated exclusively for charitable purposes, and

"(B) subsection (m) shall not apply to a qualified charitable risk pool.

"(2) QUALIFIED CHARITABLE RISK POOL.—For purposes of this subsection, the term 'qualified charitable risk pool' means any organization—

"(A) which is organized and operated solely to pool insurable risks of its members (other than risks related to medical malpractice) and to provide information to its members with respect to loss control and risk management,

"(B) which is comprised solely of members that are organizations described in subsection (c)(3) and exempt from tax under subsection (a), and

"(C) which meets the organizational requirements of paragraph (3).

"(3) ORGANIZATIONAL REQUIREMENTS.—An organization (hereinafter in this subsection referred to as the 'risk pool') meets the organizational requirements of this paragraph if—

"(A) such risk pool is organized as a nonprofit organization under State law provisions authorizing risk pooling arrangements for charitable organizations,

"(B) such risk pool is exempt from any income tax imposed by the State (or will be so exempt after such pool qualifies as an organization exempt from tax under this title),

"(C) such risk pool has obtained at least $1,000,000 in startup capital from nonmember charitable organizations,

"(D) such risk pool is controlled by a board of directors elected by its members, and

"(E) the organizational documents of such risk pool require that—

"(i) each member of such pool shall at all times be an organization described in subsection (c)(3) and exempt from tax under subsection (a),

"(ii) any member which receives a final determination that it no longer qualifies as an organization described in subsection (c)(3) shall immediately notify the pool of such determination and the effective date of such determination, and

"(iii) each policy of insurance issued by the risk pool shall provide that such policy will not cover the insured with respect to events occurring after the date such final determination was issued to the insured.

An organization shall not cease to qualify as a qualified charitable risk pool solely by reason of the failure of any of its members to continue to be an organization described in subsection (c)(3) if, within a reasonable period of time after such pool is notified as required under subparagraph (C)(ii), such pool takes such action as may be reasonably necessary to remove such member from such pool.

"(4) OTHER DEFINITIONS.—For purposes of this subsection—

"(A) STARTUP CAPITAL.—The term 'startup capital' means any capital contributed to, and any program-related investments (within the meaning of section 4944(c)) made in, the risk pool before such pool commences operations.

"(B) NONMEMBER CHARITABLE ORGANIZATION.—The term 'nonmember charitable organization' means any organization which is described in subsection (c)(3) and exempt from tax under subsection (a) and which is not a member of the risk pool and does not benefit (directly or indirectly) from the insurance coverage provided by the pool to its members."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 1115. TREATMENT OF DUES PAID TO AGRICULTURAL OR HORTICULTURAL ORGANIZATIONS.

(a) GENERAL RULE.—Section 512 (defining unrelated business taxable income) is amended by adding at the end thereof the following new subsection:

"(d) TREATMENT OF DUES OF AGRICULTURAL OR HORTICULTURAL ORGANIZATIONS.—

"(1) IN GENERAL.—If—

"(A) an agricultural or horticultural organization described in section 501(c)(5) requires annual dues to be paid in order to be a member of such organization, and

"(B) the amount of such required annual dues does not exceed $100,

in no event shall any portion of such dues be treated as derived by such organization from an unrelated trade or business by reason of any benefits or privileges to which members of such organization are entitled.

"(2) INDEXATION OF $100 AMOUNT.—In the case of any taxable year beginning in a calendar year after 1995, the $100 amount in paragraph (1) shall be increased by an amount equal to—

"(A) $100, multiplied by

"(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting 'calendar year 1994' for 'calendar year 1992' in subparagraph (B) thereof.

"(3) DUES.—For purposes of this subsection, the term 'dues' includes any payment required to be made in order to be recognized by the organization as a member of the organization."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1994.

SEC. 1116. CLARIFICATION OF EMPLOYMENT TAX STATUS OF CERTAIN FISHERMEN; INFORMATION REPORTING.

(a) CLARIFICATION OF EMPLOYMENT TAX STATUS.—

(1) AMENDMENTS OF INTERNAL REVENUE CODE OF 1986.—

(A) DETERMINATION OF SIZE OF CREW.—Subsection (b) of section 3121 (defining employment) is amended by adding at the end thereof the following new sentence:

"For purposes of paragraph (20), the operating crew of a boat shall be treated as normally made up of fewer than 10 individuals if the average size of the operating crew on trips made during the preceding 4 calendar quarters consisted of fewer than 10 individuals."

(B) CERTAIN CASH REMUNERATION PERMITTED.—Subparagraph (A) of section 3121(b)(20) is amended to read as follows:

"(A) such individual does not receive any cash remuneration other than as provided in subparagraph (B) and other than cash remuneration—

"(i) which does not exceed $100 per trip;

"(ii) which is contingent on a minimum catch; and

"(iii) which is paid solely for additional duties (such as mate, engineer, or cook) for which additional cash remuneration is traditional in the industry,".

(C) CONFORMING AMENDMENT.—Section 6050A(a) is amended by striking "and" at the end of paragraph (3), by striking the period at the end of paragraph (4) and inserting "; and", and by adding at the end thereof the following new paragraph:

"(5) any cash remuneration described in section 3121(b)(20)(A)."

(2) AMENDMENT OF SOCIAL SECURITY ACT.—

(A) DETERMINATION OF SIZE OF CREW.—Subsection (a) of section 210 of the Social Security Act is amended by adding at the end thereof the following new sentence:

"For purposes of paragraph (20), the operating crew of a boat shall be treated as normally made up of fewer than 10 individuals if the average size of the operating crew on trips made during the preceding 4 calendar quarters consisted of fewer than 10 individuals."

(B) CERTAIN CASH REMUNERATION PERMITTED.—Subparagraph (A) of section 210(a)(20) of such Act is amended to read as follows:

"(A) such individual does not receive any additional compensation other than as provided in subparagraph (B) and other than cash remuneration—

"(i) which does not exceed $100 per trip;

"(ii) which is contingent on a minimum catch; and

"(iii) which is paid solely for additional duties (such as mate, engineer, or cook) for which additional cash remuneration is traditional in the industry,".

(3) EFFECTIVE DATE.—

(A) IN GENERAL.—The amendments made by this subsection shall apply to remuneration paid after December 31, 1996.

(B) SPECIAL RULE.—The amendments made by this subsection (other than paragraph (1)(C)) shall also apply to remuneration paid after December 31, 1984, and before January 1, 1997, unless the payor treated such remuneration (when paid) as being subject to tax under chapter 21 of the Internal Revenue Code of 1986.

(b) INFORMATION REPORTING.—

(1) IN GENERAL.—Subpart B of part III of subchapter A of chapter 68 (relating to information concerning transactions with other persons) is amended by adding at the end the following new section:

"SEC. 6050Q. RETURNS RELATING TO CERTAIN PURCHASES OF FISH.

"(a) REQUIREMENT OF REPORTING.—Every person—

"(1) who is engaged in the trade or business of purchasing fish for resale from any person engaged in the trade or business of catching fish; and

"(2) who makes payments in cash in the course of such trade or business to such a person of $600 or more during any calendar year for the purchase of fish,

shall make a return (at such times as the Secretary may prescribe) described in subsection (b) with respect to each person to whom such a payment was made during such calendar year.

"(b) RETURN.—A return is described in this subsection if such return—

"(1) is in such form as the Secretary may prescribe, and

"(2) contains—

"(A) the name, address, and TIN of each person to whom a payment described in subsection (a)(2) was made during the calendar year;

"(B) the aggregate amount of such payments made to such person during such calendar year and the date and amount of each such payment, and

"(C) such other information as the Secretary may require.

"(c) STATEMENT TO BE FURNISHED WITH RESPECT TO WHOM INFORMATION IS REQUIRED.—Every person required to make a return under subsection (a) shall furnish to each person whose name is required to be set forth in such return a written statement showing—

"(1) the name and address of the person required to make such a return, and

"(2) the aggregate amount of payments to the person required to be shown on the return.

The written statement required under the preceding sentence shall be furnished to the person on or before January 31 of the year following the calendar year for which the return under subsection (a) is required to be made.

"(d) DEFINITIONS.—For purposes of this section:

"(1) CASH.—The term 'cash' has the meaning given such term by section 6050I(d).

"(2) FISH.—The term 'fish' includes other forms of aquatic life.".

(2) TECHNICAL AMENDMENTS.—

(A) Subparagraph (A) of section 6724(d)(1) is amended by striking "or" at the end of clause (vi), by striking "and" at the end of clause (vii) and inserting "or", and by adding at the end the following new clause:

"(viii) section 6050Q (relating to returns relating to certain purchases of fish), and".

(B) Paragraph (2) of section 6724(d) is amended by redesignating subparagraphs (Q) through (T) as subparagraphs (R) through (U), respectively, and by inserting after subparagraph (P) the following new subparagraph:

"(Q) section 6050Q(c) (relating to returns relating to certain purchases of fish),".

(C) The table of sections for subpart B of part III of subchapter A of chapter 68 is amended by adding at the end the following new item:

"Sec. 6050Q. Returns relating to certain purchases of fish.".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to payments made after December 31, 1996.

Subtitle B—Extension of Certain Expiring Provisions

SEC. 1201. WORK OPPORTUNITY TAX CREDIT.

(a) AMOUNT OF CREDIT.—Subsection (a) of section 51 (relating to amount of credit) is amended by striking "40 percent" and inserting "35 percent".

(b) MEMBERS OF TARGETED GROUPS.—Subsection (d) of section 51 is amended to read as follows:

"(d) MEMBERS OF TARGETED GROUPS.—For purposes of this subpart—

"(1) IN GENERAL.—An individual is a member of a targeted group if such individual is—

"(A) a qualified IV–A recipient,

"(B) a qualified veteran,

"(C) a qualified ex-felon,

"(D) a high-risk youth,

"(E) a vocational rehabilitation referral, or

"(F) a qualified summer youth employee.

"(2) QUALIFIED IV–A RECIPIENT.—

"(A) IN GENERAL.—The term 'qualified IV–A recipient' means any individual who is certified by the designated local agency as being a member of a family receiving assistance under a IV–A program for at least a 9-month period ending during the 9-month period ending on the hiring date.

"(B) IV–A PROGRAM.—For purposes of this paragraph, the term 'IV–A program' means any program providing assistance under a State plan approved under part A of title IV of the Social Security Act (relating to assistance for needy families with minor children) and any successor of such program.

"(3) QUALIFIED VETERAN.—

"(A) IN GENERAL.—The term 'qualified veteran' means any veteran who is certified by the designated local agency as being—

"(i) a member of a family receiving assistance under a IV–A program (as defined in paragraph (2)(B)) for at least a 9-month period ending during the 12-month period ending on the hiring date, or

"(ii) a member of a family receiving assistance under a food stamp program under the Food Stamp Act of 1977 for at least a 3-month period ending during the 12-month period ending on the hiring date.

"(B) VETERAN.—For purposes of subparagraph (A), the term 'veteran' means any individual who is certified by the designated local agency as—

"(i)(I) having served on active duty (other than active duty for training) in the Armed Forces of the United States for a period of more than 180 days, or

"(II) having been discharged or released from active duty in the Armed Forces of the United States for a service-connected disability, and

"(ii) not having any day during the 60-day period ending on the hiring date which was a day of extended active duty in the Armed Forces of the United States.

For purposes of clause (ii), the term 'extended active duty' means a period of more than 90 days during which the individual was on active duty (other than active duty for training).

"(4) QUALIFIED EX-FELON.—The term 'qualified ex-felon' means any individual who is certified by the designated local agency—

"(A) as having been convicted of a felony under any statute of the United States or any State,

"(B) as having a hiring date which is not more than 1 year after the last date on which such individual was so convicted or was released from prison, and

"(C) as being a member of a family which had an income during the 6 months immediately preceding the earlier of the month in which such income determination occurs or the month in which the hiring date occurs, which, on an annual basis, would be 70 percent or less of the Bureau of Labor Statistics lower living standard.

Any determination under subparagraph (C) shall be valid for the 45-day period beginning on the date such determination is made.

"(5) HIGH-RISK YOUTH.—

"(A) IN GENERAL.—The term 'high-risk youth' means any individual who is certified by the designated local agency—

"(i) as having attained age 18 but not age 25 on the hiring date, and

"(ii) as having his principal place of abode within an empowerment zone or enterprise community.

"(B) YOUTH MUST CONTINUE TO RESIDE IN ZONE.—In the case of a high-risk youth, the term 'qualified wages' shall not include wages paid or incurred for services performed while such youth's principal place of abode is outside an empowerment zone or enterprise community.

"(6) VOCATIONAL REHABILITATION REFERRAL.—The term 'vocational rehabilitation referral' means any individual who is certified by the designated local agency as—

"(A) having a physical or mental disability which, for such individual, constitutes or results in a substantial handicap to employment, and

"(B) having been referred to the employer upon completion of (or while receiving) rehabilitative services pursuant to—

"(i) an individualized written rehabilitation plan under a State plan for vocational rehabilitation services approved under the Rehabilitation Act of 1973, or

"(ii) a program of vocational rehabilitation carried out under chapter 31 of title 38, United States Code.

"(7) QUALIFIED SUMMER YOUTH EMPLOYEE.—

"(A) IN GENERAL.—The term 'qualified summer youth employee' means any individual—

"(i) who performs services for the employer between May 1 and September 15,

"(ii) who is certified by the designated local agency as having attained age 16 but not 18 on the hiring date (or if later, on May 1 of the calendar year involved),

"(iii) who has not been an employee of the employer during any period prior to the 90-day period described in subparagraph (B)(i), and

"(iv) who is certified by the designated local agency as having his principal place of abode within an empowerment zone or enterprise community.

"(B) SPECIAL RULES FOR DETERMINING AMOUNT OF CREDIT.—For purposes of applying this subpart to wages paid or incurred to any qualified summer youth employee—

"(i) subsection (b)(2) shall be applied by substituting 'any 90-day period between May 1 and September 15' for 'the 1-year period beginning with the day the individual begins work for the employer', and

"(ii) subsection (b)(3) shall be applied by substituting '$3,000' for '$6,000'.

The preceding sentence shall not apply to an individual who, with respect to the same employer, is certified as a member of another targeted group after such individual has been a qualified summer youth employee.

"(C) YOUTH MUST CONTINUE TO RESIDE IN ZONE.—Paragraph (5)(B) shall apply for purposes of this paragraph.

"(8) HIRING DATE.—The term 'hiring date' means the day the individual is hired by the employer.

"(9) DESIGNATED LOCAL AGENCY.—The term 'designated local agency' means a State employment security agency established in accordance with the Act of June 6, 1933, as amended (29 U.S.C. 49-49n).

"(10) SPECIAL RULES FOR CERTIFICATIONS.—

"(A) IN GENERAL.—An individual shall not be treated as a member of a targeted group unless—

"(i) on or before the day on which such individual begins work for the employer, the employer has received a certification from a designated local agency that such individual is a member of a targeted group, or

"(ii)(I) on or before the day the individual is offered employment with the employer, a prescreening notice is completed by the employer with respect to such individual, and

"(II) not later than the 14th day after the individual begins work for the employer, the employer submits such notice, signed by the employer and the individual under penalties of perjury, to the designated local agency as part of a written request for such a certification from such agency.

For purposes of this paragraph, the term 'prescreening notice' means a document (in such form as the Secretary shall prescribe) which contains information provided by the individual on the basis of which the employer believes that the individual is a member of a targeted group.

"(B) INCORRECT CERTIFICATIONS.—If—

"(i) an individual has been certified by a designated local agency as a member of a targeted group, and

"(ii) such certification is incorrect because it was based on false information provided by such individual,

the certification shall be revoked and wages paid by the employer after the date on which notice of revocation is received by the employer shall not be treated as qualified wages.

"(C) EXPLANATION OF DENIAL OF REQUEST.—If a designated local agency denies a request for certification of membership in a targeted group, such agency shall provide to the person making such request a written explanation of the reasons for such denial."

(c) MINIMUM EMPLOYMENT PERIOD.—Paragraph (3) of section 51(i) (relating to certain individuals ineligible) is amended to read as follows:

"(3) INDIVIDUALS NOT MEETING MINIMUM EMPLOYMENT PERIOD.—No wages shall be taken into account under subsection (a) with respect to any individual unless such individual either—

"(A) is employed by the employer at least 180 days (20 days in the case of a qualified summer youth employee), or

"(B) has completed at least 500 hours (120 hours in the case of a qualified summer youth employee) of services performed for the employer."

(d) TERMINATION.—Paragraph (4) of section 51(c) (relating to wages defined) is amended to read as follows:

"(4) TERMINATION.—The term 'wages' shall not include any amount paid or incurred to an individual who begins work for the employer—

"(A) after December 31, 1994, and before July 1, 1996, or

"(B) after June 30, 1997."

(e) REDESIGNATION OF CREDIT.—

(1) Sections 38(b)(2) and 51(a) are each amended by striking "targeted jobs credit" and inserting "work opportunity credit".

*(2) The subpart heading for subpart F of part IV of subchapter A of chapter 1 is amended by striking "**Targeted Jobs Credit**" and inserting "**Work Opportunity Credit**".*

(3) The table of subparts for such part IV is amended by striking "targeted jobs credit" and inserting "work opportunity credit".

(4) The heading for paragraph (3) of section 1396(c) is amended by striking "TARGETED JOBS CREDIT" and inserting "WORK OPPORTUNITY CREDIT".

(f) TECHNICAL AMENDMENT.—Paragraph (1) of section 51(c) is amended by striking ", subsection (d)(8)(D),".

(g) EFFECTIVE DATE.—The amendments made by this section shall apply to individuals who begin work for the employer after June 30, 1996.

SEC. 1202. EMPLOYER-PROVIDED EDUCATIONAL ASSISTANCE PROGRAMS.

(a) EXTENSION.—Subsection (d) of section 127 (relating to educational assistance programs) is amended by striking "December 31, 1994" and inserting "December 31, 1996".

(b) LIMITATION TO EDUCATION BELOW GRADUATE LEVEL.—The last sentence of section 127(c)(1) is amended by inserting before the period "or at the graduate level".

(c) EFFECTIVE DATES.—

(1) EXTENSION.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1994.

(2) LIMITATION.—The amendment made by subsection (b) shall apply to taxable years beginning after December 31, 1995.

(3) EXPEDITED PROCEDURES.—The Secretary of the Treasury shall establish expedited procedures for the refund of any overpayment of taxes imposed by chapter 24 of the Internal Revenue Code of 1986 which is attributable to amounts excluded from gross income during 1995 or 1996 under section 127 of such Code, including procedures waiving the requirement that an employer obtain an employee's signature where the employer demonstrates to the satisfaction of the Secretary that any refund collected by the employer on behalf of the employee will be paid to the employee.

SEC. 1203. FUTA EXEMPTION FOR ALIEN AGRICULTURAL WORKERS.

(a) IN GENERAL.—Subparagraph (B) of section 3306(c)(1) (defining employment) is amended by striking "before January 1, 1995,".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to services performed after December 31, 1994.

Subtitle C—Provisions Relating to S Corporations

SEC. 1301. S CORPORATIONS PERMITTED TO HAVE 75 SHAREHOLDERS.

Subparagraph (A) of section 1361(b)(1) (defining small business corporation) is amended by striking "35 shareholders" and inserting "75 shareholders".

SEC. 1302. ELECTING SMALL BUSINESS TRUSTS.

(a) GENERAL RULE.—Subparagraph (A) of section 1361(c)(2) (relating to certain trusts permitted as shareholders) is amended by inserting after clause (iv) the following new clause:

"(v) An electing small business trust."

(b) CURRENT BENEFICIARIES TREATED AS SHAREHOLDERS.—Subparagraph (B) of section 1361(c)(2) is amended by adding at the end the following new clause:

"(v) In the case of a trust described in clause (v) of subparagraph (A), each potential current beneficiary of such trust shall be treated as a shareholder; except that, if for any period there is no potential current beneficiary of such trust, such trust shall be treated as the shareholder during such period."

(c) ELECTING SMALL BUSINESS TRUST DEFINED.—Section 1361 (defining S corporation) is amended by adding at the end the following new subsection:

"(e) ELECTING SMALL BUSINESS TRUST DEFINED.—

"(1) ELECTING SMALL BUSINESS TRUST.—For purposes of this section—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'electing small business trust' means any trust if—

"(i) such trust does not have as a beneficiary any person other than (I) an individual, (II) an estate, or (III) an organization described in paragraph (2), (3), (4), or (5) of section 170(c) which holds a contingent interest and is not a potential current beneficiary,

"(ii) no interest in such trust was acquired by purchase, and

"(iii) an election under this subsection applies to such trust.

"(B) CERTAIN TRUSTS NOT ELIGIBLE.—The term 'electing small business trust' shall not include—

"(i) any qualified subchapter S trust (as defined in subsection (d)(3)) if an election under subsection (d)(2) applies to any corporation the stock of which is held by such trust, and

"(ii) any trust exempt from tax under this subtitle.

"(C) PURCHASE.—For purposes of subparagraph (A), the term 'purchase' means any acquisition if the basis of the property acquired is determined under section 1012.

"(2) POTENTIAL CURRENT BENEFICIARY.—For purposes of this section, the term 'potential current beneficiary' means, with respect to any period, any person who at any time during such period is entitled to, or at the discretion of any person may receive, a distribution from the principal or income of the trust. If a trust disposes of all of the stock which it holds in an S corporation, then, with respect to such corporation, the term 'potential current beneficiary' does not include any person who first met the requirements of the preceding sentence during the 60-day period ending on the date of such disposition.

"(3) ELECTION.—An election under this subsection shall be made by the trustee. Any such election shall apply to the taxable year of the trust for which made and all subsequent taxable years of such trust unless revoked with the consent of the Secretary.

"(4) CROSS REFERENCE.—

"For special treatment of electing small business trusts, see section 641(d)."

(d) TAXATION OF ELECTING SMALL BUSINESS TRUSTS.—Section 641 (relating to imposition of tax on trusts) is amended by adding at the end the following new subsection:

"(d) SPECIAL RULES FOR TAXATION OF ELECTING SMALL BUSINESS TRUSTS.—

"(1) IN GENERAL.—For purposes of this chapter—

"(A) the portion of any electing small business trust which consists of stock in 1 or more S corporations shall be treated as a separate trust, and

"(B) the amount of the tax imposed by this chapter on such separate trust shall be determined with the modifications of paragraph (2).

"(2) MODIFICATIONS.—For purposes of paragraph (1), the modifications of this paragraph are the following:

"(A) Except as provided in section 1(h), the amount of the tax imposed by section 1(e) shall be determined by using the highest rate of tax set forth in section 1(e).

"(B) The exemption amount under section 55(d) shall be zero.

"(C) The only items of income, loss, deduction, or credit to be taken into account are the following:

"(i) The items required to be taken into account under section 1366.

"(ii) Any gain or loss from the disposition of stock in an S corporation.

"(iii) To the extent provided in regulations, State or local income taxes or administrative expenses to the extent allocable to items described in clauses (i) and (ii).

No deduction or credit shall be allowed for any amount not described in this paragraph, and no item described in this paragraph shall be apportioned to any beneficiary.

"(D) No amount shall be allowed under paragraph (1) or (2) of section 1211(b).

"(3) TREATMENT OF REMAINDER OF TRUST AND DISTRIBUTIONS.—For purposes of determining—

"(A) the amount of the tax imposed by this chapter on the portion of any electing small business trust not treated as a separate trust under paragraph (1), and

"(B) the distributable net income of the entire trust,

the items referred to in paragraph (2)(C) shall be excluded. Except as provided in the preceding sentence, this subsection shall not affect the taxation of any distribution from the trust.

"(4) TREATMENT OF UNUSED DEDUCTIONS WHERE TERMINATION OF SEPARATE TRUST.—If a portion of an electing small business trust ceases to be treated as a separate trust under paragraph (1), any carryover or excess deduction of the separate trust which is referred to in section 642(h) shall be taken into account by the entire trust.

"(5) ELECTING SMALL BUSINESS TRUST.—For purposes of this subsection, the term 'electing small business trust' has the meaning given such term by section 1361(e)(1)."

(e) TECHNICAL AMENDMENT.—Paragraph (1) of section 1366(a) is amended by inserting ", or of a trust or estate which terminates," after "who dies".

SEC. 1303. EXPANSION OF POST-DEATH QUALIFICATION FOR CERTAIN TRUSTS.

Subparagraph (A) of section 1361(c)(2) (relating to certain trusts permitted as shareholders) is amended—

(1) by striking "60-day period" each place it appears in clauses (ii) and (iii) and inserting "2-year period", and

(2) by striking the last sentence in clause (ii).

SEC. 1304. FINANCIAL INSTITUTIONS PERMITTED TO HOLD SAFE HARBOR DEBT.

Clause (iii) of section 1361(c)(5)(B) (defining straight debt) is amended by striking "or a trust described in paragraph (2)" and inserting "a trust described in paragraph (2), or a person which is actively and regularly engaged in the business of lending money".

SEC. 1305. RULES RELATING TO INADVERTENT TERMINATIONS AND INVALID ELECTIONS.

(a) GENERAL RULE.—Subsection (f) of section 1362 (relating to inadvertent terminations) is amended to read as follows:

"(f) INADVERTENT INVALID ELECTIONS OR TERMINATIONS.—If—

"(1) an election under subsection (a) by any corporation—

"(A) was not effective for the taxable year for which made (determined without regard to subsection (b)(2)) by reason of a failure to meet the requirements of section 1361(b) or to obtain shareholder consents, or

"(B) was terminated under paragraph (2) or (3) of subsection (d),

"(2) the Secretary determines that the circumstances resulting in such ineffectiveness or termination were inadvertent,

"(3) no later than a reasonable period of time after discovery of the circumstances resulting in such ineffectiveness or termination, steps were taken—

"(A) so that the corporation is a small business corporation, or

"(B) to acquire the required shareholder consents, and

"(4) the corporation, and each person who was a shareholder in the corporation at any time during the period specified pursuant to this subsection, agrees to make such adjustments (consistent with the treatment of the corporation as an S corporation) as may be required by the Secretary with respect to such period,

then, notwithstanding the circumstances resulting in such ineffectiveness or termination, such corporation shall be treated as an S corporation during the period specified by the Secretary."

(b) LATE ELECTIONS, ETC.—Subsection (b) of section 1362 is amended by adding at the end the following new paragraph:

"(5) AUTHORITY TO TREAT LATE ELECTIONS, ETC., AS TIMELY.—If—

"(A) an election under subsection (a) is made for any taxable year (determined without regard to paragraph (3)) after the date prescribed by this subsection for making such election for such taxable year or no such election is made for any taxable year, and

"(B) the Secretary determines that there was reasonable cause for the failure to timely make such election,

the Secretary may treat such an election as timely made for such taxable year (and paragraph (3) shall not apply)."

(c) EFFECTIVE DATE.—The amendments made by subsection (a) and (b) shall apply with respect to elections for taxable years beginning after December 31, 1982.

SEC. 1306. AGREEMENT TO TERMINATE YEAR.

Paragraph (2) of section 1377(a) (relating to pro rata share) is amended to read as follows:

"(2) ELECTION TO TERMINATE YEAR.—

"(A) IN GENERAL.—Under regulations prescribed by the Secretary, if any shareholder terminates the shareholder's interest in the corporation during the taxable year and all affected shareholders and the corporation agree to the application of this paragraph, paragraph (1) shall be applied to the affected shareholders as if the taxable year consisted of 2 taxable years the first of which ends on the date of the termination.

"(B) AFFECTED SHAREHOLDERS.—For purposes of subparagraph (A), the term 'affected shareholders' means the shareholder whose interest is terminated and all shareholders to whom such shareholder has transferred shares during the taxable year. If such shareholder has transferred shares to the corporation, the term 'affected shareholders' shall include all persons who are shareholders during the taxable year."

SEC. 1307. EXPANSION OF POST-TERMINATION TRANSITION PERIOD.

(a) IN GENERAL.—Paragraph (1) of section 1377(b) (relating to post-termination transition period) is amended by striking "and" at the end of subparagraph (A), by redesignating subparagraph (B) as subparagraph (C), and by inserting after subparagraph (A) the following new subparagraph:

"(B) the 120-day period beginning on the date of any determination pursuant to an audit of the taxpayer which follows the termination of the corporation's election and which adjusts a subchapter S item of income, loss, or deduction of the corporation arising during the S period (as defined in section 1368(e)(2)), and".

(b) DETERMINATION DEFINED.—Paragraph (2) of section 1377(b) is amended by striking subparagraphs (A) and (B), by redesignating subparagraph (C) as subparagraph (B), and by inserting before subparagraph (B) (as so redesignated) the following new subparagraph:

"(A) a determination as defined in section 1313(a), or".

(c) REPEAL OF SPECIAL AUDIT PROVISIONS FOR SUBCHAPTER S ITEMS.—

(1) GENERAL RULE.—Subchapter D of chapter 63 (relating to tax treatment of subchapter S items) is hereby repealed.

(2) CONSISTENT TREATMENT REQUIRED.—Section 6037 (relating to return of S corporation) is amended by adding at the end the following new subsection:

"(c) SHAREHOLDER'S RETURN MUST BE CONSISTENT WITH CORPORATE RETURN OR SECRETARY NOTIFIED OF INCONSISTENCY.—

"(1) IN GENERAL.—A shareholder of an S corporation shall, on such shareholder's return, treat a subchapter S item in a manner which is consistent with the treatment of such item on the corporate return.

"(2) NOTIFICATION OF INCONSISTENT TREATMENT.—

"(A) IN GENERAL.—In the case of any subchapter S item, if—

"(i)(I) the corporation has filed a return but the shareholder's treatment on his return is (or may be) inconsistent with the treatment of the item on the corporate return, or

"(II) the corporation has not filed a return, and

*"(ii) the shareholder files with the Secretary a statement identifying the inconsistency,
paragraph (1) shall not apply to such item.*

"(B) SHAREHOLDER RECEIVING INCORRECT INFORMATION.—A shareholder shall be treated as having complied with clause (ii) of subparagraph (A) with respect to a subchapter S item if the shareholder—

"(i) demonstrates to the satisfaction of the Secretary that the treatment of the subchapter S item on the shareholder's return is consistent with the treatment of the item on the schedule furnished to the shareholder by the corporation, and

"(ii) elects to have this paragraph apply with respect to that item.

"(3) EFFECT OF FAILURE TO NOTIFY.—In any case—

"(A) described in subparagraph (A)(i)(I) of paragraph (2), and

"(B) in which the shareholder does not comply with subparagraph (A)(ii) of paragraph (2), any adjustment required to make the treatment of the items by such shareholder consistent with the treatment of the items on the corporate return shall be treated as arising out of mathematical or clerical errors and assessed according to section 6213(b)(1). Paragraph (2) of section 6213(b) shall not apply to any assessment referred to in the preceding sentence.

"(4) SUBCHAPTER S ITEM.—For purposes of this subsection, the term 'subchapter S item' means any item of an S corporation to the extent that regulations prescribed by the Secretary provide that, for purposes of this subtitle, such item is more appropriately determined at the corporation level than at the shareholder level.

"(5) ADDITION TO TAX FOR FAILURE TO COMPLY WITH SECTION.—

"For addition to tax in the case of a shareholder's negligence in connection with, or disregard of, the requirements of this section, see part II of subchapter A of chapter 68."

(3) CONFORMING AMENDMENTS.—

(A) Section 1366 is amended by striking subsection (g).

(B) Subsection (b) of section 6233 is amended to read as follows:

"(b) SIMILAR RULES IN CERTAIN CASES.—If a partnership return is filed for any taxable year but it is determined that there is no entity for such taxable year, to the extent provided in regulations, rules similar to the rules of subsection (a) shall apply."

(C) The table of subchapters for chapter 63 is amended by striking the item relating to subchapter D.

SEC. 1308. S CORPORATIONS PERMITTED TO HOLD SUBSIDIARIES.

(a) IN GENERAL.—Paragraph (2) of section 1361(b) (defining ineligible corporation) is amended by striking subparagraph (A) and by redesignating subparagraphs (B), (C), (D), and (E) as subparagraphs (A), (B), (C), and (D), respectively.

(b) TREATMENT OF CERTAIN WHOLLY OWNED S CORPORATION SUBSIDIARIES.—Section 1361(b) (defining small business corporation) is amended by adding at the end the following new paragraph:

"(3) TREATMENT OF CERTAIN WHOLLY OWNED SUBSIDIARIES.—

"(A) IN GENERAL.—For purposes of this title—

"(i) a corporation which is a qualified subchapter S subsidiary shall not be treated as a separate corporation, and

"(ii) all assets, liabilities, and items of income, deduction, and credit of a qualified subchapter S subsidiary shall be treated as assets, liabilities, and such items (as the case may be) of the S corporation.

"(B) QUALIFIED SUBCHAPTER S SUBSIDIARY.—For purposes of this paragraph, the term 'qualified subchapter S subsidiary' means any domestic corporation which is not an ineligible corporation (as defined in paragraph (2)), if—

"(i) 100 percent of the stock of such corporation is held by the S corporation, and

"(ii) the S corporation elects to treat such corporation as a qualified subchapter S subsidiary.

"(C) TREATMENT OF TERMINATIONS OF QUALIFIED SUBCHAPTER S SUBSIDIARY STATUS.—For purposes of this title, if any corporation which was a qualified subchapter S subsidiary ceases to meet the requirements of subparagraph (B), such corporation shall be treated as a new corporation acquiring all of its assets (and assuming all of its liabilities) immediately before such cessation from the S corporation in exchange for its stock."

(c) CERTAIN DIVIDENDS NOT TREATED AS PASSIVE INVESTMENT INCOME.—Paragraph (3) of section 1362(d) is amended by adding at the end the following new subparagraph:

"(F) TREATMENT OF CERTAIN DIVIDENDS.—If an S corporation holds stock in a C corporation meeting the requirements of section 1504(a)(2), the term 'passive investment income' shall not include dividends from such C corporation to the extent such dividends are attributable to the earnings and profits of such C corporation derived from the active conduct of a trade or business."

(d) CONFORMING AMENDMENTS.—

(1) Subsection (c) of section 1361 is amended by striking paragraph (6).

(2) Subsection (b) of section 1504 (defining includible corporation) is amended by adding at the end the following new paragraph:

"(8) An S corporation."

SEC. 1309. TREATMENT OF DISTRIBUTIONS DURING LOSS YEARS.

(a) ADJUSTMENTS FOR DISTRIBUTIONS TAKEN INTO ACCOUNT BEFORE LOSSES.—

(1) Subparagraph (A) of section 1366(d)(1) (relating to losses and deductions cannot exceed shareholder's basis in stock and debt) is amended by striking "paragraph (1)" and inserting "paragraphs (1) and (2)(A)".

(2) Subsection (d) of section 1368 (relating to certain adjustments taken into account) is amended by adding at the end the following new sentence:

"In the case of any distribution made during any taxable year, the adjusted basis of the stock shall be determined with regard to the adjustments provided in paragraph (1) of section 1367(a) for the taxable year."

(b) ACCUMULATED ADJUSTMENTS ACCOUNT.—Paragraph (1) of section 1368(e) (relating to accumulated adjustments account) is amended by adding at the end the following new subparagraph:

"(C) NET LOSS FOR YEAR DISREGARDED.—

"(i) IN GENERAL.—In applying this section to distributions made during any taxable year, the amount in the accumulated adjustments account as of the close of such taxable year shall be determined without regard to any net negative adjustment for such taxable year.

"(ii) NET NEGATIVE ADJUSTMENT.—For purposes of clause (i), the term 'net negative adjustment' means, with respect to any taxable year, the excess (if any) of—

"(I) the reductions in the account for the taxable year (other than for distributions), over

"(II) the increases in such account for such taxable year."

(c) CONFORMING AMENDMENTS.—Subparagraph (A) of section 1368(e)(1) is amended—

(1) by striking "as provided in subparagraph (B)" and inserting "as otherwise provided in this paragraph", and

(2) by striking "section 1367(b)(2)(A)" and inserting "section 1367(a)(2)".

SEC. 1310. TREATMENT OF S CORPORATIONS UNDER SUBCHAPTER C.

Subsection (a) of section 1371 (relating to application of subchapter C rules) is amended to read as follows:

"(a) APPLICATION OF SUBCHAPTER C RULES.—Except as otherwise provided in this title, and except to the extent inconsistent with this subchapter, subchapter C shall apply to an S corporation and its shareholders."

SEC. 1311. ELIMINATION OF CERTAIN EARNINGS AND PROFITS.

(a) IN GENERAL.—If—

(1) a corporation was an electing small business corporation under subchapter S of chapter 1 of the Internal Revenue Code of 1986 for any taxable year beginning before January 1, 1983, and

(2) such corporation is an S corporation under subchapter S of chapter 1 of such Code for its first taxable year beginning after December 31, 1996,

the amount of such corporation's accumulated earnings and profits (as of the beginning of such first taxable year) shall be reduced by an amount equal to the portion (if any) of such accumulated earnings and profits which were accumulated in any taxable year beginning before January 1, 1983, for which such corporation was an electing small business corporation under such subchapter S.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (3) of section 1362(d), as amended by section 1308, is amended—

(A) by striking "SUBCHAPTER C" in the paragraph heading and inserting "ACCUMULATED",

(B) by striking "subchapter C" in subparagraph (A)(i)(I) and inserting "accumulated", and

(C) by striking subparagraph (B) and redesignating the following subparagraphs accordingly.

(2)(A) Subsection (a) of section 1375 is amended by striking "subchapter C" in paragraph (1) and inserting "accumulated".

(B) Paragraph (3) of section 1375(b) is amended to read as follows:

"(3) PASSIVE INVESTMENT INCOME, ETC.—The terms 'passive investment income' and 'gross receipts' have the same respective meanings as when used in paragraph (3) of section 1362(d)."

(C) The section heading for section 1375 is amended by striking "**subchapter c**" and inserting "**accumulated**".

(D) The table of sections for part III of subchapter S of chapter 1 is amended by striking "subchapter C" in the item relating to section 1375 and inserting "accumulated".

(3) Clause (i) of section 1042(c)(4)(A) is amended by striking "section 1362(d)(3)(D)" and inserting "section 1362(d)(3)(C)".

SEC. 1312. CARRYOVER OF DISALLOWED LOSSES AND DEDUCTIONS UNDER AT-RISK RULES ALLOWED.

Paragraph (3) of section 1366(d) (relating to carryover of disallowed losses and deductions to post-termination transition period) is amended by adding at the end the following new subparagraph:

"(D) AT-RISK LIMITATIONS.—To the extent that any increase in adjusted basis described in subparagraph (B) would have increased the shareholder's amount at risk under section 465 if such increase had occurred on the day preceding the commencement of the post-termination transition period, rules similar to the rules described in subparagraphs (A) through (C) shall apply to any losses disallowed by reason of section 465(a)."

SEC. 1313. ADJUSTMENTS TO BASIS OF INHERITED S STOCK TO REFLECT CERTAIN ITEMS OF INCOME.

(a) IN GENERAL.—Subsection (b) of section 1367 (relating to adjustments to basis of stock of shareholders, etc.) is amended by adding at the end the following new paragraph:

"(4) ADJUSTMENTS IN CASE OF INHERITED STOCK.—

"(A) IN GENERAL.—If any person acquires stock in an S corporation by reason of the death of a decedent or by bequest, devise, or inheritance, section 691 shall be applied with respect to any item of income of the S corporation in the same manner as if the decedent had held directly his pro rata share of such item.

"(B) ADJUSTMENTS TO BASIS.—The basis determined under section 1014 of any stock in an S corporation shall be reduced by the portion of the value of the stock which is attributable to items constituting income in respect of the decedent."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply in the case of decedents dying after the date of the enactment of this Act.

SEC. 1314. S CORPORATIONS ELIGIBLE FOR RULES APPLICABLE TO REAL PROPERTY SUBDIVIDED FOR SALE BY NONCORPORATE TAXPAYERS.

(a) IN GENERAL.—Subsection (a) of section 1237 (relating to real property subdivided for sale) is amended by striking "other than a corporation" in the material preceding paragraph (1) and inserting "other than a C corporation".

(b) CONFORMING AMENDMENT.—Subparagraph (A) of section 1237(a)(2) is amended by inserting "an S corporation which included the taxpayer as a shareholder," after "controlled by the taxpayer,".

SEC. 1315. EFFECTIVE DATE.

(a) IN GENERAL.—Except as otherwise provided in this subtitle, the amendments made by this subtitle shall apply to taxable years beginning after December 31, 1996.

(b) TREATMENT OF CERTAIN ELECTIONS UNDER PRIOR LAW.—For purposes of section 1362(g) of the Internal Revenue Code of 1986 (relating to election after termination), any termination under section 1362(d) of such Code in a taxable year beginning before January 1, 1997, shall not be taken into account.

Subtitle D—Pension Simplification

CHAPTER 1—SIMPLIFIED DISTRIBUTION RULES

SEC. 1401. REPEAL OF 5-YEAR INCOME AVERAGING FOR LUMP-SUM DISTRIBUTIONS.

(a) IN GENERAL.—Subsection (d) of section 402 (relating to taxability of beneficiary of employees' trust) is amended to read as follows:

"(d) TAXABILITY OF BENEFICIARY OF CERTAIN FOREIGN SITUS TRUSTS.—For purposes of subsections (a), (b), and (c), a stock bonus, pension, or profit-sharing trust which would qualify for exemption from tax under section 501(a) except for the fact that it is a trust created or organized outside the United States shall be treated as if it were a trust exempt from tax under section 501(a)."

(b) CONFORMING AMENDMENTS.—

(1) Subparagraph (D) of section 402(e)(4) (relating to other rules applicable to exempt trusts) is amended to read as follows:

"(D) LUMP-SUM DISTRIBUTION.—For purposes of this paragraph—

"(i) IN GENERAL.—The term 'lump sum distribution' means the distribution or payment within one taxable year of the recipient of the balance to the credit of an employee which becomes payable to the recipient—

"(I) on account of the employee's death,

"(II) after the employee attains age 59½,

"(III) on account of the employee's separation from service, or

"(IV) after the employee has become disabled (within the meaning of section 72(m)(7)),

from a trust which forms a part of a plan described in section 401(a) and which is exempt from tax under section 501 or from a plan described in section 403(a). Subclause (III) of this clause shall be applied only with respect to an individual who is an employee without regard to section 401(c)(1), and subclause (IV) shall be applied only with respect to an employee within the meaning of section 401(c)(1). For purposes of this clause, a distribution to two or more trusts shall be treated as a distribution to one recipient. For purposes of this paragraph, the balance to the credit of the employee does not include the accumulated deductible employee contributions under the plan (within the meaning of section 72(o)(5)).

"(ii) AGGREGATION OF CERTAIN TRUSTS AND PLANS.—For purposes of determining the balance to the credit of an employee under clause (i)—

"(I) all trusts which are part of a plan shall be treated as a single trust, all pension plans maintained by the employer shall be treated as a single plan, all profit-sharing plans maintained by the employer shall be treated as a single plan, and all stock bonus plans maintained by the employer shall be treated as a single plan, and

"(II) trusts which are not qualified trusts under section 401(a) and annuity contracts which do not satisfy the requirements of section 404(a)(2) shall not be taken into account.

"(iii) COMMUNITY PROPERTY LAWS.—The provisions of this paragraph shall be applied without regard to community property laws.

"(iv) AMOUNTS SUBJECT TO PENALTY.—This paragraph shall not apply to amounts described in subparagraph (A) of section 72(m)(5) to the extent that section 72(m)(5) applies to such amounts.

"(v) BALANCE TO CREDIT OF EMPLOYEE NOT TO INCLUDE AMOUNTS PAYABLE UNDER QUALIFIED DOMESTIC RELATIONS ORDER.—For purposes of this paragraph, the balance to the credit of an employee shall not include any amount payable to an alternate payee under a qualified domestic relations order (within the meaning of section 414(p)).

"(vi) TRANSFERS TO COST-OF-LIVING ARRANGEMENT NOT TREATED AS DISTRIBUTION.—For purposes of this paragraph, the balance to the credit of an employee under a defined contribution plan shall not include any amount transferred from such defined contribution plan to a qualified cost-of-living arrangement (within the meaning of section 415(k)(2)) under a defined benefit plan.

"(vii) LUMP-SUM DISTRIBUTIONS OF ALTERNATE PAYEES.—If any distribution or payment of the balance to the credit of an employee would be treated as a lump-sum distribution, then, for purposes of this paragraph, the payment under a qualified domestic relations order (within the meaning of section 414(p)) of the balance to the credit of an alternate payee who is the spouse or former spouse of the employee shall be treated as a lump-sum distribution. For purposes of this clause, the balance to the credit of the alternate payee shall not include any amount payable to the employee."

(2) Section 402(c) (relating to rules applicable to rollovers from exempt trusts) is amended by striking paragraph (10).

(3) Paragraph (1) of section 55(c) (defining regular tax) is amended by striking "shall not include any tax imposed by section 402(d) and".

(4) Paragraph (8) of section 62(a) (relating to certain portion of lump-sum distributions from pension plans taxed under section 402(d)) is hereby repealed.

(5) Section 401(a)(28)(B) (relating to coordination with distribution rules) is amended by striking clause (v).

(6) Subparagraph (B)(ii) of section 401(k)(10) (relating to distributions that must be lump-sum distributions) is amended to read as follows:

"(ii) LUMP-SUM DISTRIBUTION.—For purposes of this subparagraph, the term 'lump-sum distribution' has the meaning given such term by section 402(e)(4)(D) (without regard to subclauses (I), (II), (III), and (IV) of clause (i) thereof)."

(7) Section 406(c) (relating to termination of status as deemed employee not to be treated as separation from service for purposes of limitation of tax) is hereby repealed.

(8) Section 407(c) (relating to termination of status as deemed employee not to be treated as separation from service for purposes of limitation of tax) is hereby repealed.

(9) Section 691(c) (relating to deduction for estate tax) is amended by striking paragraph (5).

(10) Paragraph (1) of section 871(b) (relating to imposition of tax) is amended by striking "section 1, 55, or 402(d)(1)" and inserting "section 1 or 55".

(11) Subsection (b) of section 877 (relating to alternative tax) is amended by striking "section 1, 55, or 402(d)(1)" and inserting "section 1 or 55".

(12) Section 4980A(c)(4) is amended—

(A) by striking "to which an election under section 402(d)(4)(B) applies" and inserting "(as defined in section 402(e)(4)(D)) with respect to which the individual elects to have this paragraph apply",

(B) by adding at the end the following new flush sentence:

"An individual may elect to have this paragraph apply to only one lump-sum distribution.", and

(C) by striking the heading and inserting:

"(4) SPECIAL ONE-TIME ELECTION.—".

(13) Section 402(e) is amended by striking paragraph (5).

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after December 31, 1998.

(2) RETENTION OF CERTAIN TRANSITION RULES.—Notwithstanding any other provision of this section, the amendments made by this section shall not apply to any distribution for which the taxpayer elects the benefits of section 1122 (h)(3) or (h)(5) of the Tax Reform Act of 1986. For purposes of the preceding sentence, the rules of sections 402(c)(10) and 402(d) of the Internal Revenue Code of 1986 (as in effect before the amendments made by this Act) shall apply.

SEC. 1402. REPEAL OF $5,000 EXCLUSION OF EMPLOYEES' DEATH BENEFITS.

(a) IN GENERAL.—Subsection (b) of section 101 is hereby repealed.

(b) CONFORMING AMENDMENTS.—

(1) Subsection (c) of section 101 is amended by striking "subsection (a) or (b)" and inserting "subsection (a)".

(2) Sections 406(e) and 407(e) are each amended by striking paragraph (2) and by redesignating paragraph (3) as paragraph (2).

(3) Section 7701(a)(20) is amended by striking ", for the purpose of applying the provisions of section 101(b) with respect to employees' death benefits".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to decedents dying after the date of the enactment of this Act.

SEC. 1403. SIMPLIFIED METHOD FOR TAXING ANNUITY DISTRIBUTIONS UNDER CERTAIN EMPLOYER PLANS.

(a) GENERAL RULE.—Subsection (d) of section 72 (relating to annuities; certain proceeds of endowment and life insurance contracts) is amended to read as follows:

"(d) SPECIAL RULES FOR QUALIFIED EMPLOYER RETIREMENT PLANS.—

"(1) SIMPLIFIED METHOD OF TAXING ANNUITY PAYMENTS.—

"(A) IN GENERAL.—In the case of any amount received as an annuity under a qualified employer retirement plan—

"(i) subsection (b) shall not apply, and

"(ii) the investment in the contract shall be recovered as provided in this paragraph.

"(B) METHOD OF RECOVERING INVESTMENT IN CONTRACT.—

"(i) IN GENERAL.—Gross income shall not include so much of any monthly annuity payment under a qualified employer retirement plan as does not exceed the amount obtained by dividing—

"(I) the investment in the contract (as of the annuity starting date), by

"(II) the number of anticipated payments determined under the table contained in clause (iii) (or, in the case of a contract to which subsection (c)(3)(B) applies, the number of monthly annuity payments under such contract).

"(ii) CERTAIN RULES MADE APPLICABLE.—Rules similar to the rules of paragraphs (2) and (3) of subsection (b) shall apply for purposes of this paragraph.

"(iii) NUMBER OF ANTICIPATED PAYMENTS.—

"If the age of the primary annuitant on the annuity starting date is:	*The number of anticipated payments is:*
Not more than 55	*360*
More than 55 but not more than 60	*310*
More than 60 but not more than 65	*260*
More than 65 but not more than 70	*210*
More than 70	*160.*

"(C) ADJUSTMENT FOR REFUND FEATURE NOT APPLICABLE.—For purposes of this paragraph, investment in the contract shall be determined under subsection (c)(1) without regard to subsection (c)(2).

"(D) SPECIAL RULE WHERE LUMP SUM PAID IN CONNECTION WITH COMMENCEMENT OF ANNUITY PAYMENTS.—If, in connection with the commencement of annuity payments under any qualified employer retirement plan, the taxpayer receives a lump sum payment—

"(i) such payment shall be taxable under subsection (e) as if received before the annuity starting date, and

"(ii) the investment in the contract for purposes of this paragraph shall be determined as if such payment had been so received.

"(E) EXCEPTION.—This paragraph shall not apply in any case where the primary annuitant has attained age 75 on the annuity starting date unless there are fewer than 5 years of guaranteed payments under the annuity.

"(F) ADJUSTMENT WHERE ANNUITY PAYMENTS NOT ON MONTHLY BASIS.—In any case where the annuity payments are not made on a monthly basis, appropriate adjustments in the application of this paragraph shall be made to take into account the period on the basis of which such payments are made.

"(G) QUALIFIED EMPLOYER RETIREMENT PLAN.—For purposes of this paragraph, the term 'qualified employer retirement plan' means any plan or contract described in paragraph (1), (2), or (3) of section 4974(c).

"(2) TREATMENT OF EMPLOYEE CONTRIBUTIONS UNDER DEFINED CONTRIBUTION PLANS.—For purposes of this section, employee contributions (and any income allocable thereto) under a defined contribution plan may be treated as a separate contract."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply in cases where the annuity starting date is after the 90th day after the date of the enactment of this Act.

SEC. 1404. REQUIRED DISTRIBUTIONS.

(a) IN GENERAL.—Section 401(a)(9)(C) (defining required beginning date) is amended to read as follows:

"(C) REQUIRED BEGINNING DATE.—For purposes of this paragraph—

"(i) IN GENERAL.—The term 'required beginning date' means April 1 of the calendar year following the later of—

"(I) the calendar year in which the employee attains age 70½, or

"(II) the calendar year in which the employee retires.

"(ii) EXCEPTION.—Subclause (II) of clause (i) shall not apply—

"(I) except as provided in section 409(d), in the case of an employee who is a 5-percent owner (as defined in section 416) with respect to the plan year ending in the calendar year in which the employee attains age 70½, or

"(II) for purposes of section 408 (a)(6) or (b)(3).

"(iii) ACTUARIAL ADJUSTMENT.—In the case of an employee to whom clause (i)(II) applies who retires in a calendar year after the calendar year in which the employee attains age 70½, the employee's accrued benefit shall be actuarially increased to take into account the period after age 70½ in which the employee was not receiving any benefits under the plan.

"(iv) EXCEPTION FOR GOVERNMENTAL AND CHURCH PLANS.—Clauses (ii) and (iii) shall not apply in the case of a governmental plan or church plan. For purposes of this clause, the term 'church plan' means a plan maintained by a church for church employees, and the term 'church' means any church (as defined in section 3121(w)(3)(A)) or qualified church-controlled organization (as defined in section 3121(w)(3)(B))."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to years beginning after December 31, 1996.

CHAPTER 2—INCREASED ACCESS TO PENSION PLANS

Subchapter A—Simple Savings Plans

SEC. 1421. ESTABLISHMENT OF SAVINGS INCENTIVE MATCH PLANS FOR EMPLOYEES OF SMALL EMPLOYERS.

(a) IN GENERAL.—Section 408 (relating to individual retirement accounts) is amended by redesignating subsection (p) as subsection (q) and by inserting after subsection (o) the following new subsection:

"(p) SIMPLE RETIREMENT ACCOUNTS.—

"(1) IN GENERAL.—For purposes of this title, the term 'simple retirement account' means an individual retirement plan (as defined in section 7701(a)(37))—

"(A) with respect to which the requirements of paragraphs (3), (4), and (5) are met; and

"(B) with respect to which the only contributions allowed are contributions under a qualified salary reduction arrangement.

"(2) QUALIFIED SALARY REDUCTION ARRANGEMENT.—

"(A) IN GENERAL.—For purposes of this subsection, the term 'qualified salary reduction arrangement' means a written arrangement of an eligible employer under which—

"(i) an employee eligible to participate in the arrangement may elect to have the employer make payments—

"(I) as elective employer contributions to a simple retirement account on behalf of the employee, or

"(II) to the employee directly in cash,

"(ii) the amount which an employee may elect under clause (i) for any year is required to be expressed as a percentage of compensation and may not exceed a total of $6,000 for any year,

"(iii) the employer is required to make a matching contribution to the simple retirement account for any year in an amount equal to so much of the amount the employee elects under clause (i)(I) as does not exceed the applicable percentage of compensation for the year, and

"(iv) no contributions may be made other than contributions described in clause (i) or (iii).

"(B) EMPLOYER MAY ELECT 2-PERCENT NONELECTIVE CONTRIBUTION.—An employer shall be treated as meeting the requirements of subparagraph (A)(iii) for any year if, in lieu of the contributions described in such clause, the employer elects to make nonelective contributions of 2 percent of compensation for each employee who is eligible to participate in the arrangement and who has at least $5,000 of compensation from the employer for the year. If an employer makes an election under this subparagraph for any year, the employer shall notify employees of such election within a reasonable period of time before the 30-day period for such year under paragraph (5)(C).

"(C) DEFINITIONS.—For purposes of this subsection—

"(i) ELIGIBLE EMPLOYER.—The term 'eligible employer' means an employer who employs 100 or fewer employees on any day during the year.

"(ii) APPLICABLE PERCENTAGE.—

"(I) IN GENERAL.—The term 'applicable percentage' means 3 percent.

"(II) ELECTION OF LOWER PERCENTAGE.—An employer may elect to apply a lower percentage (not less than 1 percent) for any year for all employees eligible to participate in the plan for such year if the employer notifies the employees of such lower percentage within a reasonable period of time before the 30-day election period for such year under paragraph (5)(C). An employer may not elect a lower percentage under this subclause for any year if that election would result in the applicable percentage being lower than 3 percent in more than 2 of the years in the 5-year period ending with such year.

"(III) SPECIAL RULE FOR YEARS ARRANGEMENT NOT IN EFFECT.—If any year in the 5-year period described in subclause (II) is a year prior to the first year for which any qualified salary reduction arrangement is in effect with respect to the employer (or any predecessor), the employer shall be treated as if the level of the employer matching contribution was at 3 percent of compensation for such prior year.

"(D) ARRANGEMENT MAY BE ONLY PLAN OF EMPLOYER.—

"(i) IN GENERAL.—An arrangement shall not be treated as a qualified salary reduction arrangement for any year if the employer (or any predecessor employer) maintained a qualified plan with respect to which contributions were made, or benefits were accrued, for service in any year in the period beginning with the year such arrangement became effective and ending with the year for which the determination is being made.

"(ii) QUALIFIED PLAN.—For purposes of this subparagraph, the term 'qualified plan' means a plan, contract, pension, or trust described in subparagraph (A) or (B) of section 219(g)(5).

"(E) COST-OF-LIVING ADJUSTMENT.—The Secretary shall adjust the $6,000 amount under subparagraph (A)(ii) at the same time and in the same manner as under section 415(d), except that the base period taken into account shall be the calendar quarter ending September 30, 1995, and any increase under this subparagraph which is not a multiple of $500 shall be rounded to the next lower multiple of $500.

"(3) VESTING REQUIREMENTS.—The requirements of this paragraph are met with respect to a simple retirement account if the employee's rights to any contribution to the simple retirement account are nonforfeitable. For purposes of this paragraph, rules similar to the rules of subsection (k)(4) shall apply.

"(4) PARTICIPATION REQUIREMENTS.—

"(A) IN GENERAL.—The requirements of this paragraph are met with respect to any simple retirement account for a year only if, under the qualified salary reduction arrangement, all employees of the employer who—

"(i) received at least $5,000 in compensation from the employer during any 2 preceding years, and

"(ii) are reasonably expected to receive at least $5,000 in compensation during the year,

are eligible to make the election under paragraph (2)(A)(i) or receive the nonelective contribution described in paragraph (2)(B).

"(B) EXCLUDABLE EMPLOYEES.—An employer may elect to exclude from the requirement under subparagraph (A) employees described in section 410(b)(3).

"(5) ADMINISTRATIVE REQUIREMENTS.—The requirements of this paragraph are met with respect to any simplified retirement account if, under the qualified salary reduction arrangement—

"(A) an employer must—

"(i) make the elective employer contributions under paragraph (2)(A)(i) not later than the close of the 30-day period following the last day of the month with respect to which the contributions are to be made, and

"(ii) make the matching contributions under paragraph (2)(A)(iii) or the nonelective contributions under paragraph (2)(B) not later than the date described in section 404(m)(2)(B),

"(B) an employee may elect to terminate participation in such arrangement at any time during the year, except that if an employee so terminates, the arrangement may provide that the employee may not elect to resume participation until the beginning of the next year, and

"(C) each employee eligible to participate may elect, during the 30-day period before the beginning of any year (and the 30-day period before the first day such employee is eligible to participate), to participate in the arrangement, or to modify the amounts subject to such arrangement, for such year.

"(6) DEFINITIONS.—For purposes of this subsection—

"(A) COMPENSATION.—

"(i) IN GENERAL.—The term 'compensation' means amounts described in paragraphs (3) and (8) of section 6051(a).

"(ii) SELF-EMPLOYED.—In the case of an employee described in subparagraph (B), the term 'compensation' means net earnings from self-employment determined under section 1402(a) without regard to any contribution under this subsection.

"(B) EMPLOYEE.—The term 'employee' includes an employee as defined in section 401(c)(1).

"(C) YEAR.—The term 'year' means the calendar year."

(b) TAX TREATMENT OF SIMPLE RETIREMENT ACCOUNTS.—

(1) DEDUCTIBILITY OF CONTRIBUTIONS BY EMPLOYEES.—

(A) Section 219(b) (relating to maximum amount of deduction) is amended by adding at the end the following new paragraph:

"(4) SPECIAL RULE FOR SIMPLE RETIREMENT ACCOUNTS.—This section shall not apply with respect to any amount contributed to a simple retirement account established under section 408(p)."

(B) Section 219(g)(5)(A) (defining active participant) is amended by striking "or" at the end of clause (iv) and by adding at the end the following new clause:

"(vi) any simple retirement account (within the meaning of section 408(p)), or".

(2) DEDUCTIBILITY OF EMPLOYER CONTRIBUTIONS.—Section 404 (relating to deductions for contributions of an employer to pension, etc. plans) is amended by adding at the end the following new subsection:

"(m) SPECIAL RULES FOR SIMPLE RETIREMENT ACCOUNTS.—

"(1) IN GENERAL.—Employer contributions to a simple retirement account shall be treated as if they are made to a plan subject to the requirements of this section.

"(2) TIMING.—

"(A) DEDUCTION.—Contributions described in paragraph (1) shall be deductible in the taxable year of the employer with or within which the calendar year for which the contributions were made ends.

"(B) CONTRIBUTIONS AFTER END OF YEAR.—For purposes of this subsection, contributions shall be treated as made for a taxable year if they are made on account of the taxable year and are made not later than the time prescribed by law for filing the return for the taxable year (including extensions thereof)."

(3) CONTRIBUTIONS AND DISTRIBUTIONS.—

(A) Section 402 (relating to taxability of beneficiary of employees' trust) is amended by adding at the end the following new subsection:

"(k) TREATMENT OF SIMPLE RETIREMENT ACCOUNTS.—Rules similar to the rules of paragraphs (1) and (3) of subsection (h) shall apply to contributions and distributions with respect to a simple retirement account under section 408(p)."

(B) Section 408(d)(3) is amended by adding at the end the following new subparagraph:

"(G) SIMPLE RETIREMENT ACCOUNTS.—This paragraph shall not apply to any amount paid or distributed out of a simple retirement account (as defined in section 408(p)) unless—

"(i) it is paid into another simple retirement account, or

"(ii) in the case of any payment or distribution to which section 72(t)(8) does not apply, it is paid into an individual retirement plan."

(C) Clause (i) of section 457(c)(2)(B) is amended by striking "section 402(h)(1)(B)" and inserting "section 402(h)(1)(B) or (k)".

(4) PENALTIES.—

(A) EARLY WITHDRAWALS.—Section 72(t) (relating to additional tax in early distributions), as amended by this Act, is amended by adding at the end the following new paragraph:

"(6) SPECIAL RULES FOR SIMPLE RETIREMENT ACCOUNTS.—In the case of any amount received from a simple retirement account (within the meaning of section 408(p)) during the 2-year period beginning on the date such individual first participated in any qualified salary reduction arrangement maintained by the individual's employer under section 408(p)(2), paragraph (1) shall be applied by substituting '25 percent' for '10 percent'."

(B) FAILURE TO REPORT.—Section 6693 is amended by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following new subsection:

"(c) PENALTIES RELATING TO SIMPLE RETIREMENT ACCOUNTS.—

"(1) EMPLOYER PENALTIES.—An employer who fails to provide 1 or more notices required by section 408(l)(2)(C) shall pay a penalty of $50 for each day on which such failures continue.

"(2) TRUSTEE PENALTIES.—A trustee who fails—

"(A) to provide 1 or more statements required by the last sentence of section 408(i) shall pay a penalty of $50 for each day on which such failures continue, or

"(B) to provide 1 or more summary descriptions required by section 408(l)(2)(B) shall pay a penalty of $50 for each day on which such failures continue.

"(3) REASONABLE CAUSE EXCEPTION.—No penalty shall be imposed under this subsection with respect to any failure which the taxpayer shows was due to reasonable cause."

(5) REPORTING REQUIREMENTS.—

(A) Section 408(l) is amended by adding at the end the following new paragraph:

"(2) SIMPLE RETIREMENT ACCOUNTS.—

"(A) NO EMPLOYER REPORTS.—Except as provided in this paragraph, no report shall be required under this section by an employer maintaining a qualified salary reduction arrangement under subsection (p).

"(B) SUMMARY DESCRIPTION.—The trustee of any simple retirement account established pursuant to a qualified salary reduction arrangement under subsection (p) shall provide to the employer maintaining the arrangement, each year a description containing the following information:

"(i) The name and address of the employer and the trustee.

"(ii) The requirements for eligibility for participation.

"(iii) The benefits provided with respect to the arrangement.

"(iv) The time and method of making elections with respect to the arrangement.

"(v) The procedures for, and effects of, withdrawals (including rollovers) from the arrangement.

"(C) EMPLOYEE NOTIFICATION.—The employer shall notify each employee immediately before the period for which an election described in subsection (p)(5)(C) may be made of the employee's opportunity to make such election. Such notice shall include a copy of the description described in subparagraph (B)."

(B) Section 408(l) is amended by striking "An employer" and inserting the following:

"(1) IN GENERAL.—An employer".

(6) REPORTING REQUIREMENTS.—Section 408(i) is amended by adding at the end the following new flush sentence:

"In the case of a simple retirement account under subsection (p), only one report under this subsection shall be required to be submitted each calendar year to the Secretary (at the time provided under paragraph (2)) but, in addition to the report under this subsection, there shall be furnished, within 30 days after each calendar year, to the individual on whose behalf the account is maintained a statement with respect to the account balance as of the close of, and the account activity during, such calendar year."

(7) EXEMPTION FROM TOP-HEAVY PLAN RULES.—Section 416(g)(4) (relating to special rules for top-heavy plans) is amended by adding at the end the following new subparagraph:

"(G) SIMPLE RETIREMENT ACCOUNTS.—The term 'top-heavy plan' shall not include a simple retirement account under section 408(p)."

(8) EMPLOYMENT TAXES.—

(A) Paragraph (5) of section 3121(a) is amended by striking "or" at the end of subparagraph (F), by inserting "or" at the end of subparagraph (G), and by adding at the end the following new subparagraph:

"(H) under an arrangement to which section 408(p) applies, other than any elective contributions under paragraph (2)(A)(i) thereof,".

(B) Section 209(a)(4) of the Social Security Act is amended by inserting ", or (J) under an arrangement to which section 408(p) of such Code applies, other than any elective contributions under paragraph (2)(A)(i) thereof" before the semicolon at the end thereof.

(C) Paragraph (5) of section 3306(b) is amended by striking "or" at the end of subparagraph (F), by inserting "or" at the end of subparagraph (G), and by adding at the end the following new subparagraph:

"(H) under an arrangement to which section 408(p) applies, other than any elective contributions under paragraph (2)(A)(i) thereof,".

(D) Paragraph (12) of section 3401(a) is amended by adding the following new subparagraph:

"(D) under an arrangement to which section 408(p) applies; or".

(9) CONFORMING AMENDMENTS.—

(A) Section 280G(b)(6) is amended by striking "or" at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting ", or" and by adding after subparagraph (C) the following new subparagraph:

"(D) a simple retirement account described in section 408(p)."

(B) Section 402(g)(3) is amended by striking "and" at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting ", and", and by adding after subparagraph (C) the following new subparagraph:

"(D) any elective employer contribution under section 408(p)(2)(A)(i)."

(C) Subsections (b), (c), (m)(4)(B), and (n)(3)(B) of section 414 are each amended by inserting "408(p)," after "408(k),".

(D) Section 4972(d)(1)(A) is amended by striking "and" at the end of clause (ii), by striking the period at the end of clause (iii) and inserting ", and", and by adding after clause (iii) the following new clause:

"(iv) any simple retirement account (within the meaning of section 408(p))."

(c) REPEAL OF SALARY REDUCTION SIMPLIFIED EMPLOYEE PENSIONS.—Section 408(k)(6) is amended by adding at the end the following new subparagraph:

"(H) TERMINATION.—This paragraph shall not apply to years beginning after December 31, 1996. The preceding sentence shall not apply to a simplified employee pension if the terms of such pension, as in effect on December 31, 1996, provide that an employee may make the election described in subparagraph (A)."

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1996.

SEC. 1422. EXTENSION OF SIMPLE PLAN TO 401(k) ARRANGEMENTS.

(a) ALTERNATIVE METHOD OF SATISFYING SECTION 401(k) NONDISCRIMINATION TESTS.—Section 401(k) (relating to cash or deferred arrangements) is amended by adding at the end the following new paragraph:

"(11) ADOPTION OF SIMPLE PLAN TO MEET NONDISCRIMINATION TESTS.—

"(A) IN GENERAL.—A cash or deferred arrangement maintained by an eligible employer shall be treated as meeting the requirements of paragraph (3)(A)(ii) if such arrangement meets—

"(i) the contribution requirements of subparagraph (B),

"(ii) the exclusive benefit requirements of subparagraph (C), and

"(iii) the vesting requirements of section 408(p)(3).

"(B) CONTRIBUTION REQUIREMENTS.—

"(i) IN GENERAL.—The requirements of this subparagraph are met if, under the arrangement—

"(I) an employee may elect to have the employer make elective contributions for the year on behalf of the employee to a trust under the plan in an amount which is expressed as a percentage of compensation of the employee but which in no event exceeds $6,000,

"(II) the employer is required to make a matching contribution to the trust for the year in an amount equal to so much of the amount the employee elects under subclause (I) as does not exceed 3 percent of compensation for the year, and

"(III) no other contributions may be made other than contributions described in subclause (I) or (II).

"(ii) EMPLOYER MAY ELECT 2-PERCENT NONELECTIVE CONTRIBUTION.—An employer shall be treated as meeting the requirements of clause (i)(II) for any year if, in lieu of the contributions described in such clause, the employer elects (pursuant to the terms of the arrangement) to make nonelective contributions of 2 percent of compensation for each employee who is eligible to participate in the arrangement and who has at least $5,000 of compensation from the employer for the year. If an employer makes an election under this subparagraph for any year, the employer shall notify employees of such election within a reasonable period of time before the 30th day before the beginning of such year.

"(C) EXCLUSIVE BENEFIT.—The requirements of this subparagraph are met for any year to which this paragraph applies if no contributions were made, or benefits were accrued, for services during such year under any qualified plan of the employer on behalf of any employee eligible to participate in the cash or deferred arrangement, other than contributions described in subparagraph (B).

"(D) DEFINITIONS AND SPECIAL RULE.—

"(i) DEFINITIONS.—For purposes of this paragraph, any term used in this paragraph which is also used in section 408(p) shall have the meaning given such term by such section.

"(ii) COORDINATION WITH TOP-HEAVY RULES.—A plan meeting the requirements of this paragraph for any year shall not be treated as a top-heavy plan under section 416 for such year."

(b) ALTERNATIVE METHODS OF SATISFYING SECTION 401(m) NONDISCRIMINATION TESTS.—Section 401(m) (relating to nondiscrimination test for matching contributions and employee contributions) is amended by redesignating paragraph (10) as paragraph (11) and by adding after paragraph (9) the following new paragraph:

"(10) ALTERNATIVE METHOD OF SATISFYING TESTS.—A defined contribution plan shall be treated as meeting the requirements of paragraph (2) with respect to matching contributions if the plan—

"(A) meets the contribution requirements of subparagraph (B) of subsection (k)(11),

"(B) meets the exclusive benefit requirements of subsection (k)(11)(C), and

"(C) meets the vesting requirements of section 408(p)(3)."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 1996.

Subchapter B—Other Provisions

SEC. 1426. TAX-EXEMPT ORGANIZATIONS ELIGIBLE UNDER SECTION 401(k).

(a) IN GENERAL.—Subparagraph (B) of section 401(k)(4) is amended to read as follows:

"(B) ELIGIBILITY OF STATE AND LOCAL GOVERNMENTS AND TAX-EXEMPT ORGANIZATIONS.—

"(i) TAX-EXEMPTS ELIGIBLE.—Except as provided in clause (ii), any organization exempt from tax under this subtitle may include a qualified cash or deferred arrangement as part of a plan maintained by it.

"(ii) GOVERNMENTS INELIGIBLE.—A cash or deferred arrangement shall not be treated as a qualified cash or deferred arrangement if it is part of a plan maintained by a State or local government or political subdivision thereof, or any agency or instrumentality thereof. This clause shall not apply to a rural cooperative plan or to a plan of an employer described in clause (iii).

"(iii) TREATMENT OF INDIAN TRIBAL GOVERNMENTS.—An employer which is an Indian tribal government (as defined in section 7701(a)(40)), a subdivision of an Indian tribal government (determined in accordance with section 7871(d)), an agency or instrumentality of an Indian tribal government or subdivision thereof, or a corporation chartered under Federal, State, or tribal law which is owned in whole or in part by any of the foregoing shall be treated as an organization exempt from tax under this subtitle for purposes of clause (i)."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to plan years beginning after December 31, 1996, but shall not apply to any cash or deferred arrangement to which clause (i) of section 1116(f)(2)(B) of the Tax Reform Act of 1986 applies.

CHAPTER 3—NONDISCRIMINATION PROVISIONS

SEC. 1431. DEFINITION OF HIGHLY COMPENSATED EMPLOYEES; REPEAL OF FAMILY AGGREGATION.

(a) IN GENERAL.—Paragraph (1) of section 414(q) (defining highly compensated employee) is amended to read as follows:

"(1) IN GENERAL.—The term 'highly compensated employee' means any employee who—

"(A) was a 5-percent owner at any time during the year or the preceding year, or

"(B) for the preceding year—

"(i) had compensation from the employer in excess of $80,000, and

"(ii) was in the top-paid group of the employer.

The Secretary shall adjust the $80,000 amount under subparagraph (B) at the same time and in the same manner as under section 415(d), except that the base period shall be the calendar quarter ending September 30, 1996."

(b) REPEAL OF FAMILY AGGREGATION RULES.—

(1) IN GENERAL.—Paragraph (6) of section 414(q) is hereby repealed.

(2) COMPENSATION LIMIT.—Paragraph (17)(A) of section 401(a) is amended by striking the last sentence.

(3) DEDUCTION.—Subsection (l) of section 404 is amended by striking the last sentence.

(c) CONFORMING AMENDMENTS.—

(1)(A) Subsection (q) of section 414 is amended by striking paragraphs (2), (5), (8), and (12) and by redesignating paragraphs (3), (4), (7), (9), (10), and (11) as paragraphs (2) through (7), respectively.

(B) Sections 129(d)(8)(B), 401(a)(5)(D)(ii), 408(k)(2)(C), and 416(i)(1)(D) are each amended by striking "section 414(q)(7)" and inserting "section 414(q)(4)".

(C) Section 416(i)(1)(A) is amended by striking "section 414(q)(8)" and inserting "section 414(r)(9)".

(2)(A) Section 414(r) is amended by adding at the end the following new paragraph:

"(9) EXCLUDED EMPLOYEES.—For purposes of this subsection, the following employees shall be excluded:

"(A) Employees who have not completed 6 months of service.

"(B) Employees who normally work less than 17½ hours per week.

"(C) Employees who normally work not more than 6 months during any year.

"(D) Employees who have not attained the age of 21.

"(E) Except to the extent provided in regulations, employees who are included in a unit of employees covered by an agreement which the Secretary of Labor finds to be a collective bargaining agreement between employee representatives and the employer.

Except as provided by the Secretary, the employer may elect to apply subparagraph (A), (B), (C), or (D) by substituting a shorter period of service, smaller number of hours or months, or lower age for the period of service, number of hours or months, or age (as the case may be) specified in such subparagraph."

(B) Subparagraph (A) of section 414(r)(2) is amended by striking "subsection (q)(8)" and inserting "paragraph (9)".

(3) Section 1114(c)(4) of the Tax Reform Act of 1986 is amended by adding at the end the following new sentence: "Any reference in this paragraph to section 414(q) shall be treated as a reference to such section as in effect on the day before the date of the enactment of the Small Business Job Protection Act of 1996.".

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to years beginning after December 31, 1996, except that in determining whether an employee is a highly compensated employee for years beginning in 1997, such amendments shall be treated as having been in effect for years beginning in 1996.

(2) FAMILY AGGREGATION.—The amendments made by subsection (b) shall apply to years beginning after December 31, 1996.

SEC. 1432. MODIFICATION OF ADDITIONAL PARTICIPATION REQUIREMENTS.

(a) GENERAL RULE.—Section 401(a)(26)(A) (relating to additional participation requirements) is amended to read as follows:

"(A) IN GENERAL.—In the case of a trust which is a part of a defined benefit plan, such trust shall not constitute a qualified trust under this subsection unless on each day of the plan year such trust benefits at least the lesser of—

"(i) 50 employees of the employer, or

"(ii) the greater of—

"(I) 40 percent of all employees of the employer, or

"(II) 2 employees (or if there is only 1 employee, such employee)."

(b) SEPARATE LINE OF BUSINESS TEST.—Section 401(a)(26)(G) (relating to separate line of business) is amended by striking "paragraph (7)" and inserting "paragraph (2)(A) or (7)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to years beginning after December 31, 1996.

SEC. 1433. NONDISCRIMINATION RULES FOR QUALIFIED CASH OR DEFERRED ARRANGEMENTS AND MATCHING CONTRIBUTIONS.

(a) ALTERNATIVE METHODS OF SATISFYING SECTION 401(k) NONDISCRIMINATION TESTS.—Section 401(k) (relating to cash or deferred arrangements), as amended by section 1422, is amended by adding at the end the following new paragraph:

"(12) ALTERNATIVE METHODS OF MEETING NONDISCRIMINATION REQUIREMENTS.—

"(A) IN GENERAL.—A cash or deferred arrangement shall be treated as meeting the requirements of paragraph (3)(A)(ii) if such arrangement—

"(i) meets the contribution requirements of subparagraph (B) or (C), and

"(ii) meets the notice requirements of subparagraph (D).

"(B) MATCHING CONTRIBUTIONS.—

"(i) IN GENERAL.—The requirements of this subparagraph are met if, under the arrangement, the employer makes matching contributions on behalf of each employee who is not a highly compensated employee in an amount equal to—

"(I) 100 percent of the elective contributions of the employee to the extent such elective contributions do not exceed 3 percent of the employee's compensation, and

"(II) 50 percent of the elective contributions of the employee to the extent that such elective contributions exceed 3 percent but do not exceed 5 percent of the employee's compensation.

"(ii) RATE FOR HIGHLY COMPENSATED EMPLOYEES.—The requirements of this subparagraph are not met if, under the arrangement, the rate of matching contribution with respect to any elective contribution of a highly compensated employee at any rate of elective contribution is greater than that with respect to an employee who is not a highly compensated employee.

"(iii) ALTERNATIVE PLAN DESIGNS.—If the rate of any matching contribution with respect to any rate of elective contribution is not equal to the percentage required under clause (i), an arrangement shall not be treated as failing to meet the requirements of clause (i) if—

"(I) the rate of an employer's matching contribution does not increase as an employee's rate of elective contributions increase, and

"(II) the aggregate amount of matching contributions at such rate of elective contribution is at least equal to the aggregate amount of matching contributions which would be made if matching contributions were made on the basis of the percentages described in clause (i).

"(C) NONELECTIVE CONTRIBUTIONS.—The requirements of this subparagraph are met if, under the arrangement, the employer is required, without regard to whether the employee makes an elective contribution or employee contribution, to make a contribution to a defined contribution plan on behalf of each employee who is not a highly compensated employee and who is eligible to participate in the arrangement in an amount equal to at least 3 percent of the employee's compensation.

"(D) NOTICE REQUIREMENT.—An arrangement meets the requirements of this paragraph if, under the arrangement, each employee eligible to participate is, within a reasonable period before any year, given written notice of the employee's rights and obligations under the arrangement which—

"(i) is sufficiently accurate and comprehensive to appraise the employee of such rights and obligations, and

"(ii) is written in a manner calculated to be understood by the average employee eligible to participate.

"(E) OTHER REQUIREMENTS.—

"(i) WITHDRAWAL AND VESTING RESTRICTIONS.—An arrangement shall not be treated as meeting the requirements of subparagraph (B) or (C) of this paragraph unless the requirements of subparagraphs (B) and (C) of paragraph (2) are met with respect to all employer contributions (including matching contributions) taken into account in determining whether the requirements of subparagraphs (B) and (C) of this paragraph are met.

"(ii) SOCIAL SECURITY AND SIMILAR CONTRIBUTIONS NOT TAKEN INTO ACCOUNT.—An arrangement shall not be treated as meeting the requirements of subparagraph (B) or (C) unless such requirements are met without regard to subsection (l), and, for purposes of subsection (l), employer contributions under subparagraph (B) or (C) shall not be taken into account.

"(F) OTHER PLANS.—An arrangement shall be treated as meeting the requirements under subparagraph (A)(i) if any other plan maintained by the employer meets such requirements with respect to employees eligible under the arrangement."

(b) ALTERNATIVE METHODS OF SATISFYING SECTION 401(m) NONDISCRIMINATION TESTS.—Section 401(m) (relating to nondiscrimination test for matching contributions and employee contributions), as amended by this Act, is amended by redesignating paragraph (11) as paragraph (12) and by adding after paragraph (10) the following new paragraph:

"(11) ALTERNATIVE METHOD OF SATISFYING TESTS.—

"(A) IN GENERAL.—A defined contribution plan shall be treated as meeting the requirements of paragraph (2) with respect to matching contributions if the plan—

"(i) meets the contribution requirements of subparagraph (B) or (C) of subsection (k)(12),

"(ii) meets the notice requirements of subsection (k)(12)(D), and

"(iii) meets the requirements of subparagraph (B).

"(B) LIMITATION ON MATCHING CONTRIBUTIONS.—The requirements of this subparagraph are met if—

"(i) matching contributions on behalf of any employee may not be made with respect to an employee's contributions or elective deferrals in excess of 6 percent of the employee's compensation,

"(ii) the rate of an employer's matching contribution does not increase as the rate of an employee's contributions or elective deferrals increase, and

"(iii) the matching contribution with respect to any highly compensated employee at any rate of an employee contribution or rate of elective deferral is not greater than that with respect to an employee who is not a highly compensated employee."

(c) YEAR FOR COMPUTING NONHIGHLY COMPENSATED EMPLOYEE PERCENTAGE.—

(1) CASH OR DEFERRED ARRANGEMENTS.—Clause (ii) of section 401(k)(3)(A) is amended—

(A) by striking "such year" and inserting "the plan year",

(B) by striking "for such plan year" and inserting "for the preceding plan year", and

(C) by adding at the end the following new sentence: "An arrangement may apply this clause by using the plan year rather than the preceding plan year if the employer so elects, except that if such an election is made, it may not be changed except as provided by the Secretary."

(2) MATCHING AND EMPLOYEE CONTRIBUTIONS.—Section 401(m)(2)(A) is amended—

(A) by inserting "for such plan year" after "highly compensated employees",

(B) by inserting "for the preceding plan year" after "eligible employees" each place it appears in clause (i) and clause (ii), and

(C) by adding at the end the following flush sentence: "This subparagraph may be applied by using the plan year rather than the preceding plan year if the employer so elects, except that if such an election is made, it may not be changed except as provided the Secretary."

(d) SPECIAL RULE FOR DETERMINING AVERAGE DEFERRAL PERCENTAGE FOR FIRST PLAN YEAR, ETC.—

(1) Paragraph (3) of section 401(k) is amended by adding at the end the following new subparagraph:

"(E) For purposes of this paragraph, in the case of the first plan year of any plan (other than a successor plan), the amount taken into account as the actual deferral percentage of nonhighly compensated employees for the preceding plan year shall be—

"(i) 3 percent, or

"(ii) if the employer makes an election under this subclause, the actual deferral percentage of nonhighly compensated employees determined for such first plan year."

(2) Paragraph (3) of section 401(m) is amended by adding at the end the following: "Rules similar to the rules of subsection (k)(3)(E) shall apply for purposes of this subsection."

(e) DISTRIBUTION OF EXCESS CONTRIBUTIONS AND EXCESS AGGREGATE CONTRIBUTIONS.—

(1) Subparagraph (C) of section 401(k)(8) (relating to arrangement not disqualified if excess contributions distributed) is amended by striking "on the basis of the respective portions of the excess contributions attributable to each of such employees" and inserting "on the basis of the amount of contributions by, or on behalf of, each of such employees".

(2) Subparagraph (C) of section 401(m)(6) (relating to method of distributing excess aggregate contributions) is amended by striking "on the basis of the respective portions of such amounts attributable to each of such employees" and inserting "on the basis of the amount of contributions on behalf of, or by, each such employee".

(f) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply to years beginning after December 31, 1998.

(2) EXCEPTIONS.—The amendments made by subsections (c), (d), and (e) shall apply to years beginning after December 31, 1996.

SEC. 1434. DEFINITION OF COMPENSATION FOR SECTION 415 PURPOSES.

(a) GENERAL RULE.—Section 415(c)(3) (defining participant's compensation) is amended by adding at the end the following new subparagraph:

"(D) CERTAIN DEFERRALS INCLUDED.—The term 'participant's compensation' shall include—

"(i) any elective deferral (as defined in section 402(g)(3)), and

"(ii) any amount which is contributed by the employer at the election of the employee and which is not includible in the gross income of the employee under section 125 or 457."

(b) CONFORMING AMENDMENTS.—

(1) Section 414(q)(4), as redesignated by section 1431, is amended to read as follows:

"(4) COMPENSATION.—For purposes of this subsection, the term 'compensation' has the meaning given such term by section 415(c)(3)."

(2) Section 414(s)(2) is amended by inserting "not" after "elect" in the text and heading thereof.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to years beginning after December 31, 1997.

CHAPTER 4—MISCELLANEOUS PROVISIONS

SEC. 1441. PLANS COVERING SELF-EMPLOYED INDIVIDUALS.

(a) AGGREGATION RULES.—Section 401(d) (relating to additional requirements for qualification of trusts and plans benefiting owner-employees) is amended to read as follows:

"(d) CONTRIBUTION LIMIT ON OWNER-EMPLOYEES.—A trust forming part of a pension or profit-sharing plan which provides contributions or benefits for employees some or all of whom are owner-employees shall constitute a qualified trust under this section only if, in addition to meeting the requirements of subsection (a), the plan provides that contributions on behalf of any owner-employee may be made only with respect to the earned income of such owner-employee which is derived from the trade or business with respect to which such plan is established."

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to years beginning after December 31, 1996.

SEC. 1442. ELIMINATION OF SPECIAL VESTING RULE FOR MULTIEMPLOYER PLANS.

(a) IN GENERAL.—Paragraph (2) of section 411(a) (relating to minimum vesting standards) is amended—

(1) by striking "subparagraph (A), (B), or (C)" and inserting "subparagraph (A) or (B)"; and

(2) by striking subparagraph (C).

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning on or after the earlier of—

(1) the later of—

(A) January 1, 1997, or

(B) the date on which the last of the collective bargaining agreements pursuant to which the plan is maintained terminates (determined without regard to any extension thereof after the date of the enactment of this Act), or

(2) January 1, 1999.

Such amendments shall not apply to any individual who does not have more than 1 hour of service under the plan on or after the 1st day of the 1st plan year to which such amendments apply.

SEC. 1443. DISTRIBUTIONS UNDER RURAL COOPERATIVE PLANS.

(a) DISTRIBUTIONS FOR HARDSHIP OR AFTER A CERTAIN AGE.—Section 401(k)(7) is amended by adding at the end the following new subparagraph:

"(C) SPECIAL RULE FOR CERTAIN DISTRIBUTIONS.—A rural cooperative plan which includes a qualified cash or deferred arrangement shall not be treated as violating the requirements of section 401(a) or of paragraph (2) merely by reason of a hardship distribution or a distribution to a participant after attainment of age 59½. For purposes of this section, the term 'hardship distribution' means a distribution described in paragraph (2)(B)(i)(IV) (without regard to the limitation of its application to profit-sharing or stock bonus plans)."

(b) PUBLIC UTILITY DISTRICTS.—Clause (i) of section 401(k)(7)(B) (defining rural cooperative) is amended to read as follows:

"(i) any organization which—

"(I) is engaged primarily in providing electric service on a mutual or cooperative basis, or

"(II) is engaged primarily in providing electric service to the public in its area of service and which is exempt from tax under this subtitle or which is a State or local government (or an agency or instrumentality thereof), other than a municipality (or an agency or instrumentality thereof),".

(c) EFFECTIVE DATES.—

(1) DISTRIBUTIONS.—The amendments made by subsection (a) shall apply to distributions after the date of the enactment of this Act.

(2) RURAL COOPERATIVE.—The amendments made by subsection (b) shall apply to plan years beginning after December 31, 1996.

SEC. 1444. TREATMENT OF GOVERNMENTAL PLANS UNDER SECTION 415.

(a) COMPENSATION LIMIT.—Subsection (b) of section 415 is amended by adding immediately after paragraph (10) the following new paragraph:

"(11) SPECIAL LIMITATION RULE FOR GOVERNMENTAL PLANS.—In the case of a governmental plan (as defined in section 414(d)), subparagraph (B) of paragraph (1) shall not apply."

(b) TREATMENT OF CERTAIN EXCESS BENEFIT PLANS.—

(1) IN GENERAL.—Section 415 is amended by adding at the end the following new subsection:

"(m) TREATMENT OF QUALIFIED GOVERNMENTAL EXCESS BENEFIT ARRANGEMENTS.—

"(1) GOVERNMENTAL PLAN NOT AFFECTED.—In determining whether a governmental plan (as defined in section 414(d)) meets the requirements of this section, benefits provided under a qualified governmental excess benefit arrangement shall not be taken into account. Income accruing to a governmental plan (or to a trust that is maintained solely for the purpose of providing benefits under a qualified governmental excess benefit arrangement) in respect of a qualified governmental excess benefit arrangement shall constitute income derived from the exercise of an essential governmental function upon which such governmental plan (or trust) shall be exempt from tax under section 115.

"(2) TAXATION OF PARTICIPANT.—For purposes of this chapter—

"(A) the taxable year or years for which amounts in respect of a qualified governmental excess benefit arrangement are includible in gross income by a participant, and

"(B) the treatment of such amounts when so includible by the participant,

shall be determined as if such qualified governmental excess benefit arrangement were treated as a plan for the deferral of compensation which is maintained by a corporation not exempt from tax under this chapter and which does not meet the requirements for qualification under section 401.

"(3) QUALIFIED GOVERNMENTAL EXCESS BENEFIT ARRANGEMENT.—For purposes of this subsection, the term 'qualified governmental excess benefit arrangement' means a portion of a governmental plan if—

"(A) such portion is maintained solely for the purpose of providing to participants in the plan that part of the participant's annual benefit otherwise payable under the terms of the plan that exceeds the limitations on benefits imposed by this section,

"(B) under such portion no election is provided at any time to the participant (directly or indirectly) to defer compensation, and

"(C) benefits described in subparagraph (A) are not paid from a trust forming a part of such governmental plan unless such trust is maintained solely for the purpose of providing such benefits."

(2) COORDINATION WITH SECTION 457.—Subsection (e) of section 457 is amended by adding at the end the following new paragraph:

"(14) TREATMENT OF QUALIFIED GOVERNMENTAL EXCESS BENEFIT ARRANGEMENTS.—Subsections (b)(2) and (c)(1) shall not apply to any qualified governmental excess benefit arrangement (as defined in section 415(m)(3)), and benefits provided under such an arrangement shall not be taken into account in determining whether any other plan is an eligible deferred compensation plan."

(3) CONFORMING AMENDMENT.—Paragraph (2) of section 457(f) is amended by striking "and" at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting ", and", and by inserting immediately thereafter the following new subparagraph:

"(E) a qualified governmental excess benefit arrangement described in section 415(m)."

(c) EXEMPTION FOR SURVIVOR AND DISABILITY BENEFITS.—Paragraph (2) of section 415(b) is amended by adding at the end the following new subparagraph:

"(I) EXEMPTION FOR SURVIVOR AND DISABILITY BENEFITS PROVIDED UNDER GOVERNMENTAL PLANS.—Subparagraph (C) of this paragraph and paragraph (5) shall not apply to—

"(i) income received from a governmental plan (as defined in section 414(d)) as a pension, annuity, or similar allowance as the result of the recipient becoming disabled by reason of personal injuries or sickness, or

"(ii) amounts received from a governmental plan by the beneficiaries, survivors, or the estate of an employee as the result of the death of the employee."

(d) REVOCATION OF GRANDFATHER ELECTION.—

(1) IN GENERAL.—Subparagraph (C) of section 415(b)(10) is amended by adding at the end the following new clause:

"(ii) REVOCATION OF ELECTION.—An election under clause (i) may be revoked not later than the last day of the third plan year beginning after the date of the enactment of this clause. The revocation shall apply to all plan years to which the election applied and to all subsequent plan years. Any amount paid by a plan in a taxable year ending after the revocation shall be includible in income in such taxable year under the rules of this chapter in effect for such taxable year, except that, for purposes of applying the limitations imposed by this section, any portion of such amount which is attributable to any taxable year during which the election was in effect shall be treated as received in such taxable year."

(2) CONFORMING AMENDMENT.—Subparagraph (C) of section 415(b)(10) is amended by striking "This" and inserting:

"(i) IN GENERAL.—This".

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsections (a), (b), and (c) shall apply to years beginning after December 31, 1994. The amendments made by subsection (d) shall apply with respect to revocations adopted after the date of the enactment of this Act.

(2) TREATMENT FOR YEARS BEGINNING BEFORE JANUARY 1, 1995.—Nothing in the amendments made by this section shall be construed to infer that a governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986) fails to satisfy the requirements of section 415 of such Code for any taxable year beginning before January 1, 1995.

SEC. 1445. UNIFORM RETIREMENT AGE.

(a) DISCRIMINATION TESTING.—Paragraph (5) of section 401(a) (relating to special rules relating to nondiscrimination requirements) is amended by adding at the end the following new subparagraph:

"(F) SOCIAL SECURITY RETIREMENT AGE.—For purposes of testing for discrimination under paragraph (4)—

"(i) the social security retirement age (as defined in section 415(b)(8)) shall be treated as a uniform retirement age, and

"(ii) subsidized early retirement benefits and joint and survivor annuities shall not be treated as being unavailable to employees on the same terms merely because such benefits or annuities are based in whole or in part on an employee's social security retirement age (as so defined)."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to years beginning after December 31, 1996.

SEC. 1446. CONTRIBUTIONS ON BEHALF OF DISABLED EMPLOYEES.

(a) ALL DISABLED PARTICIPANTS RECEIVING CONTRIBUTIONS.—Section 415(c)(3)(C) is amended by adding at the end the following: "If a defined contribution plan provides for the continuation of contributions on behalf of all participants described in clause (i) for a fixed or determinable period, this subparagraph shall be applied without regard to clauses (ii) and (iii)."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to years beginning after December 31, 1996.

SEC. 1447. TREATMENT OF DEFERRED COMPENSATION PLANS OF STATE AND LOCAL GOVERNMENTS AND TAX-EXEMPT ORGANIZATIONS.

(a) SPECIAL RULES FOR PLAN DISTRIBUTIONS.—Paragraph (9) of section 457(e) (relating to other definitions and special rules) is amended to read as follows:

"(9) BENEFITS NOT TREATED AS MADE AVAILABLE BY REASON OF CERTAIN ELECTIONS, ETC.—

"(A) TOTAL AMOUNT PAYABLE IS $3,500 OR LESS.—The total amount payable to a participant under the plan shall not be treated as made available merely because the participant may elect to receive such amount (or the plan may distribute such amount without the participant's consent) if—

"(i) such amount does not exceed $3,500, and

"(ii) such amount may be distributed only if—

"(I) no amount has been deferred under the plan with respect to such participant during the 2-year period ending on the date of the distribution, and

"(II) there has been no prior distribution under the plan to such participant to which this subparagraph applied.

A plan shall not be treated as failing to meet the distribution requirements of subsection (d) by reason of a distribution to which this subparagraph applies.

"(B) ELECTION TO DEFER COMMENCEMENT OF DISTRIBUTIONS.—The total amount payable to a participant under the plan shall not be treated as made available merely because the participant may elect to defer commencement of distributions under the plan if—

"(i) such election is made after amounts may be available under the plan in accordance with subsection (d)(1)(A) and before commencement of such distributions, and

"(ii) the participant may make only 1 such election."

(b) COST-OF-LIVING ADJUSTMENT OF MAXIMUM DEFERRAL AMOUNT.—Subsection (e) of section 457, as amended by section 1444(b)(2) (relating to governmental plans), is amended by adding at the end the following new paragraph:

"(15) COST-OF-LIVING ADJUSTMENT OF MAXIMUM DEFERRAL AMOUNT.—The Secretary shall adjust the $7,500 amount specified in subsections (b)(2) and (c)(1) at the same time and in the same manner as under section 415(d), except that the base period shall be the calendar quarter ending September 30, 1994, and any increase under this paragraph which is not a multiple of $500 shall be rounded to the next lowest multiple of $500."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1996.

SEC. 1448. TRUST REQUIREMENT FOR DEFERRED COMPENSATION PLANS OF STATE AND LOCAL GOVERNMENTS.

(a) IN GENERAL.—Section 457 is amended by adding at the end the following new subsection:

"(g) GOVERNMENTAL PLANS MUST MAINTAIN SET-ASIDES FOR EXCLUSIVE BENEFIT OF PARTICIPANTS.—

"(1) IN GENERAL.—A plan maintained by an eligible employer described in subsection (e)(1)(A) shall not be treated as an eligible deferred compensation plan unless all assets and income of the plan described in subsection (b)(6) are held in trust for the exclusive benefit of participants and their beneficiaries.

"(2) TAXABILITY OF TRUSTS AND PARTICIPANTS.—For purposes of this title—

"(A) a trust described in paragraph (1) shall be treated as an organization exempt from taxation under section 501(a), and

"(B) notwithstanding any other provision of this title, amounts in the trust shall be includible in the gross income of participants and beneficiaries only to the extent, and at the time, provided in this section.

"(3) CUSTODIAL ACCOUNTS AND CONTRACTS.—For purposes of this subsection, custodial accounts and contracts described in section 401(f) shall be treated as trusts under rules similar to the rules under section 401(f)."

(b) CONFORMING AMENDMENT.—Paragraph (6) of section 457(b) is amended by inserting "except as provided in subsection (g)," before "which provides that".

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to assets and income described in section 457(b)(6) of the Internal Revenue Code of 1986 held by a plan on and after the date of the enactment of this Act.

(2) TRANSITION RULE.—In the case of assets and income described in paragraph (1) held by a plan on the date of the enactment of this Act, a trust need not be established by reason of the amendments made by this section before January 1, 1999.

SEC. 1449. TRANSITION RULE FOR COMPUTING MAXIMUM BENEFITS UNDER SECTION 415 LIMITATIONS.

(a) IN GENERAL.—Subparagraph (A) of section 767(d)(3) of the Uruguay Round Agreements Act is amended to read as follows:

"(A) EXCEPTION.—A plan that was adopted and in effect before December 8, 1994, shall not be required to apply the amendments made by subsection (b) with respect to benefits accrued before the earlier of—

"(i) the later of the date a plan amendment applying such amendment is adopted or made effective, or

"(ii) the first day of the first limitation year beginning after December 31, 1999.

Determinations under section 415(b)(2)(E) of the Internal Revenue Code of 1986 before such earlier date shall be made with respect to such benefits on the basis of such section as in effect on December 7, 1994 (except that the modification made by section 1449(b) of the Small Business Job Protection Act of 1996 shall be taken into account), and the provisions of the plan as in effect on December 7, 1994, but only if such provisions of the plan meet the requirements of such section (as so in effect)."

(b) MODIFICATION OF CERTAIN ASSUMPTIONS FOR ADJUSTING BENEFITS OF DEFINED BENEFIT PLANS FOR EARLY RETIREES.—Subparagraph (E) of section 415(b)(2) (relating to limitation on certain assumptions) is amended—

(1) by striking "Except as provided in clause (ii), for purposes of adjusting any benefit or limitation under subparagraph (B) or (C)," in clause (i) and inserting "For purposes of adjusting any limitation under subparagraph (C) and, except as provided in clause (ii), for purposes of adjusting any benefit under subparagraph (B),", and

(2) by striking "For purposes of adjusting the benefit or limitation of any form of benefit subject to section 417(e)(3)," in clause (ii) and inserting "For purposes of adjusting any benefit under subparagraph (B) for any form of benefit subject to section 417(e)(3),".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of section 767 of the Uruguay Round Agreements Act.

(d) TRANSITIONAL RULE.—In the case of a plan that was adopted and in effect before December 8, 1994, if—

(1) a plan amendment was adopted or made effective on or before the date of the enactment of this Act applying the amendments made by section 767 of the Uruguay Round Agreements Act, and

(2) within 1 year after the date of the enactment of this Act, a plan amendment is adopted which repeals the amendment referred to in paragraph (1),

the amendment referred to in paragraph (1) shall not be taken into account in applying section 767(d)(3)(A) of the Uruguay Round Agreements Act, as amended by subsection (a).

SEC. 1450. MODIFICATIONS OF SECTION 403(b).

(a) MULTIPLE SALARY REDUCTION AGREEMENTS PERMITTED.—

(1) GENERAL RULE.—For purposes of section 403(b) of the Internal Revenue Code of 1986, the frequency that an employee is permitted to enter into a salary reduction agreement, the salary to which such an agreement may apply, and the ability to revoke such an agreement shall be determined under the rules applicable to cash or deferred elections under section 401(k) of such Code.

(2) EFFECTIVE DATE.—This subsection shall apply to taxable years beginning after December 31, 1995.

(b) TREATMENT OF INDIAN TRIBAL GOVERNMENTS.—

(1) IN GENERAL.—In the case of any contract purchased in a plan year beginning before January 1, 1995, section 403(b) of the Internal Revenue Code of 1986 shall be applied as if any reference to an employer described in section 501(c)(3) of the Internal Revenue Code of 1986 which is exempt from tax under section 501 of such Code included a reference to an employer which is an Indian tribal government (as defined by section 7701(a)(40) of such Code), a subdivision of an Indian tribal government (determined in accordance with section 7871(d) of such Code), an agency or instrumentality of an Indian tribal government or subdivision thereof, or a corporation chartered under Federal, State, or tribal law which is owned in whole or in part by any of the foregoing.

(2) ROLLOVERS.—Solely for purposes of applying section 403(b)(8) of such Code to a contract to which paragraph (1) applies, a qualified cash or deferred arrangement under section 401(k) of such Code shall be treated as if it were a plan or contract described in clause (ii) of section 403(b)(8)(A) of such Code.

(c) ELECTIVE DEFERRALS.—

(1) IN GENERAL.—Subparagraph (E) of section 403(b)(1) is amended to read as follows:

"(E) in the case of a contract purchased under a salary reduction agreement, the contract meets the requirements of section 401(a)(30),".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to years beginning after December 31, 1995, except a contract shall not be required to meet any change in any requirement by reason of such amendment before the 90th day after the date of the enactment of this Act.

SEC. 1451. WAIVER OF MINIMUM PERIOD FOR JOINT AND SURVIVOR ANNUITY EXPLANATION BEFORE ANNUITY STARTING DATE.

(a) GENERAL RULE.—For purposes of section 417(a)(3)(A) of the Internal Revenue Code of 1986 (relating to plan to provide written explanations), the minimum period prescribed by the Secretary of the Treasury between the date that the explanation referred to in such section is provided and the annuity starting date shall not apply if waived by the participant and, if applicable, the participant's spouse.

(b) EFFECTIVE DATE.—Subsection (a) shall apply to plan years beginning after December 31, 1996.

SEC. 1452. REPEAL OF LIMITATION IN CASE OF DEFINED BENEFIT PLAN AND DEFINED CONTRIBUTION PLAN FOR SAME EMPLOYEE; EXCESS DISTRIBUTIONS.

(a) IN GENERAL.—Section 415(e) is repealed.

(b) EXCESS DISTRIBUTIONS.—Section 4980A is amended by adding at the end the following new subsection:

"(g) LIMITATION ON APPLICATION.—This section shall not apply to distributions during years beginning after December 31, 1995, and before January 1, 1999, and such distributions shall be treated as made first from amounts not described in subsection (f)."

(c) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 415(a) is amended—

(A) by adding "or" at the end of subparagraph (A),

(B) by striking ", or" at the end of subparagraph (B) and inserting a period, and

(C) by striking subparagraph (C).

(2) Subparagraph (B) of section 415(b)(5) is amended by striking "and subsection (e)".

(3) Paragraph (1) of section 415(f) is amended by striking "subsections (b), (c), and (e)" and inserting "subsections (b) and (c)".

(4) Subsection (g) of section 415 is amended by striking "subsections (e) and (f)" in the last sentence and inserting "subsection (f)".

(5) Clause (i) of section 415(k)(2)(A) is amended to read as follows:

"(i) any contribution made directly by an employee under such an arrangement shall not be treated as an annual addition for purposes of subsection (c), and".

(6) Clause (ii) of section 415(k)(2)(A) is amended by striking "subsections (c) and (e)" and inserting "subsection (c)".

(7) Section 416 is amended by striking subsection (h).

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to limitation years beginning after December 31, 1998.

(2) EXCESS DISTRIBUTIONS.—The amendment made by subsection (b) shall apply to years beginning after December 31, 1995.

SEC. 1453. TAX ON PROHIBITED TRANSACTIONS.

(a) IN GENERAL.—Section 4975(a) is amended by striking "5 percent" and inserting "10 percent".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to prohibited transactions occurring after the date of the enactment of this Act.

SEC. 1454. TREATMENT OF LEASED EMPLOYEES.

(a) GENERAL RULE.—Subparagraph (C) of section 414(n)(2) (defining leased employee) is amended to read as follows:

"(C) such services are performed under primary direction or control by the recipient."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to years beginning after December 31, 1996, but shall not apply to any relationship determined under an Internal Revenue Service ruling issued before the date of the enactment of this Act pursuant to section 414(n)(2)(C) of the Internal Revenue Code of 1986 (as in effect on the day before such date) not to involve a leased employee.

SEC. 1455. UNIFORM PENALTY PROVISIONS TO APPLY TO CERTAIN PENSION REPORTING REQUIREMENTS.

(a) PENALTIES.—

(1) STATEMENTS.—Paragraph (1) of section 6724(d) is amended by striking "and" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting ", and", and by inserting after subparagraph (B) the following new subparagraph:

"(C) any statement of the amount of payments to another person required to be made to the Secretary under—

"(i) section 408(i) (relating to reports with respect to individual retirement accounts or annuities), or

"(ii) section 6047(d) (relating to reports by employers, plan administrators, etc.)."

(2) REPORTS.—Paragraph (2) of section 6724(d), as amended by section 1116, is amended by striking "or" at the end of subparagraph (T), by striking the period at the end of subparagraph (U) and inserting a comma, and by inserting after subparagraph (U) the following new subparagraphs:

"(V) section 408(i) (relating to reports with respect to individual retirement plans) to any person other than the Secretary with respect to the amount of payments made to such person, or

"(W) section 6047(d) (relating to reports by plan administrators) to any person other than the Secretary with respect to the amount of payments made to such person."

(b) MODIFICATION OF REPORTABLE DESIGNATED DISTRIBUTIONS.—

(1) SECTION 408.—Subsection (i) of section 408 (relating to individual retirement account reports) is amended by inserting "aggregating $10 or more in any calendar year" after "distributions".

(2) SECTION 6047.—Paragraph (1) of section 6047(d) (relating to reports by employers, plan administrators, etc.) is amended by adding at the end the following new sentence: "No return or report may be required under the preceding sentence with respect to distributions to any person during any year unless such distributions aggregate $10 or more."

(c) QUALIFYING ROLLOVER DISTRIBUTIONS.—Section 6652(i) is amended—

(1) by striking "the $10" and inserting "$100", and

(2) by striking "$5,000" and inserting "$50,000".

(d) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 6047(f) is amended to read as follows:

"(1) For provisions relating to penalties for failures to file returns and reports required under this section, see sections 6652(e), 6721, and 6722."

(2) Subsection (e) of section 6652 is amended by adding at the end the following new sentence: "This subsection shall not apply to any return or statement which is an information return described in section 6724(d)(1)(C)(ii) or a payee statement described in section 6724(d)(2)(W)."

(3) Subsection (a) of section 6693 is amended by adding at the end the following new sentence: "This subsection shall not apply to any report which is an information return described in section 6724(d)(1)(C)(i) or a payee statement described in section 6724(d)(2)(V)."

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to returns, reports, and other statements the due date for which (determined without regard to extensions) is after December 31, 1996.

SEC. 1456. RETIREMENT BENEFITS OF MINISTERS NOT SUBJECT TO TAX ON NET EARNINGS FROM SELF-EMPLOYMENT.

(a) IN GENERAL.—Section 1402(a)(8) (defining net earning from self-employment) is amended by inserting ", but shall not include in such net earnings from self-employment the rental value of any parsonage (whether or not excludable under section 107) provided after the individual retires, or any other retirement benefit received by such individual from a church plan (as defined in section 414(e)) after the individual retires" before the semicolon at the end.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to years beginning before, on, or after December 31, 1994.

SEC. 1457. DATE FOR ADOPTION OF PLAN AMENDMENTS.

If any amendment made by this subtitle requires an amendment to any plan or annuity contract, such amendment shall not be required to be made before the first day of the first plan year beginning on or after January 1, 1997, if—

(1) during the period after such amendment takes effect and before such first plan year, the plan or contract is operated in accordance with the requirements of such amendment, and

(2) such amendment applies retroactively to such period.

In the case of a governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986), this section shall be applied by substituting "1999" for "1997".

Subtitle E—Foreign Simplification

SEC. 1501. REPEAL OF INCLUSION OF CERTAIN EARNINGS INVESTED IN EXCESS PASSIVE ASSETS.

(a) IN GENERAL.—

(1) REPEAL OF INCLUSION.—Paragraph (1) of section 951(a) (relating to amounts included in gross income of United States shareholders) is amended by striking subparagraph (C), by striking "; and" at the end of subparagraph (B) and inserting a period, and by adding "and" at the end of subparagraph (A).

(2) REPEAL OF INCLUSION AMOUNT.—Section 956A (relating to earnings invested in excess passive assets) is repealed.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 956(b) is amended to read as follows:

"(1) APPLICABLE EARNINGS.—For purposes of this section, the term 'applicable earnings' means, with respect to any controlled foreign corporation, the sum of—

"(A) the amount (not including a deficit) referred to in section 316(a)(1), and

"(B) the amount referred to in section 316(a)(2),

but reduced by distributions made during the taxable year."

(2) Paragraph (3) of section 956(b) is amended to read as follows:

"(3) SPECIAL RULE WHERE CORPORATION CEASES TO BE CONTROLLED FOREIGN CORPORATION.—If any foreign corporation ceases to be a controlled foreign corporation during any taxable year—

"(A) the determination of any United States shareholder's pro rata share shall be made on the basis of stock owned (within the meaning of section 958(a)) by such shareholder on the last day during the taxable year on which the foreign corporation is a controlled foreign corporation,

"(B) the average referred to in subsection (a)(1)(A) for such taxable year shall be determined by only taking into account quarters ending on or before such last day, and

"(C) in determining applicable earnings, the amount taken into account by reason of being described in paragraph (2) of section 316(a) shall be the portion of the amount so described which is allocable (on a pro rata basis) to the part of such year during which the corporation is a controlled foreign corporation."

(3) Subsection (a) of section 959 (relating to exclusion from gross income of previously taxed earnings and profits) is amended by adding "or" at the end of paragraph (1), by striking "or" at the end of paragraph (2), and by striking paragraph (3).

(4) Subsection (a) of section 959 is amended by striking "paragraphs (2) and (3)" in the last sentence and inserting "paragraph (2)".

(5) Subsection (c) of section 959 is amended by adding at the end the following flush sentence: "References in this subsection to section 951(a)(1)(C) and subsection (a)(3) shall be treated as references to such provisions as in effect on the day before the date of the enactment of the Small Business Job Protection Act of 1996."

(6) Paragraph (1) of section 959(f) is amended to read as follows:

"(1) IN GENERAL.—For purposes of this section, amounts that would be included under subparagraph (B) of section 951(a)(1) (determined without regard to this section) shall be treated as attributable first to earnings described in subsection (c)(2), and then to earnings described in subsection (c)(3)."

(7) Paragraph (2) of section 959(f) is amended by striking "subparagraphs (B) and (C) of section 951(a)(1)" and inserting "section 951(a)(1)(B)".

(8) Subsection (b) of section 989 is amended by striking "subparagraph (B) or (C) of section 951(a)(1)" and inserting "section 951(a)(1)(B)".

(9) Paragraph (9) of section 1297(b) is amended by striking "subparagraph (B) or (C) of section 951(a)(1)" and inserting "section 951(a)(1)(B)".

(10) Subsections (d)(3)(B) and (e)(2)(B)(ii) of section 1297 are each amended by striking "or section 956A".

(c) CLERICAL AMENDMENT.—The table of sections for subpart F of part III of subchapter N of chapter 1 is amended by striking the item relating to section 956A.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years of foreign corporations beginning after December 31, 1996, and to taxable years of United States shareholders within which or with which such taxable years of foreign corporations end.

Subtitle F—Revenue Offsets

SEC. 1601. TERMINATION OF PUERTO RICO AND POSSESSION TAX CREDIT.

(a) IN GENERAL.—Section 936 is amended by adding at the end the following new subsection:

"(j) TERMINATION.—

"(1) IN GENERAL.—Except as otherwise provided in this subsection, this section shall not apply to any taxable year beginning after December 31, 1995.

"(2) TRANSITION RULES FOR ACTIVE BUSINESS INCOME CREDIT.—Except as provided in paragraph (3)—

"(A) ECONOMIC ACTIVITY CREDIT.—In the case of an existing credit claimant—

"(i) with respect to a possession other than Puerto Rico, and

"(ii) to which subsection (a)(4)(B) does not apply,

the credit determined under subsection (a)(1)(A) shall be allowed for taxable years beginning after December 31, 1995, and before January 1, 2002.

"(B) SPECIAL RULE FOR REDUCED CREDIT.—

"(i) IN GENERAL.—In the case of an existing credit claimant to which subsection (a)(4)(B) applies, the credit determined under subsection (a)(1)(A) shall be allowed for taxable years beginning after December 31, 1995, and before January 1, 1998.

"(ii) ELECTION IRREVOCABLE AFTER 1997.—An election under subsection (a)(4)(B)(iii) which is in effect for the taxpayer's last taxable year beginning before 1997 may not be revoked unless it is revoked for the taxpayer's first taxable year beginning in 1997 and all subsequent taxable years.

"(C) ECONOMIC ACTIVITY CREDIT FOR PUERTO RICO.—

"For economic activity credit for Puerto Rico, see section 30A.

"(3) ADDITIONAL RESTRICTED CREDIT.—

"(A) IN GENERAL.—In the case of an existing credit claimant—

"(i) the credit under subsection (a)(1)(A) shall be allowed for the period beginning with the first taxable year after the last taxable year to which subparagraph (A) or (B) of paragraph (2), whichever is appropriate, applied and ending with the last taxable year beginning before January 1, 2006, except that

"(ii) the aggregate amount of taxable income taken into account under subsection (a)(1)(A) for any such taxable year shall not exceed the adjusted base period income of such claimant.

"(B) COORDINATION WITH SUBSECTION (a)(4).—The amount of income described in subsection (a)(1)(A) which is taken into account in applying subsection (a)(4) shall be such income as reduced under this paragraph.

"(4) ADJUSTED BASE PERIOD INCOME.—For purposes of paragraph (3)—

"(A) IN GENERAL.—The term 'adjusted base period income' means the average of the inflation-adjusted possession incomes of the corporation for each base period year.

"(B) INFLATION-ADJUSTED POSSESSION INCOME.—For purposes of subparagraph (A), the inflation-adjusted possession income of any corporation for any base period year shall be an amount equal to the sum of—

"(i) the possession income of such corporation for such base period year, plus

"(ii) such possession income multiplied by the inflation adjustment percentage for such base period year.

"(C) INFLATION ADJUSTMENT PERCENTAGE.—For purposes of subparagraph (B), the inflation adjustment percentage for any base period year means the percentage (if any) by which—

"(i) the CPI for 1995, exceeds

"(ii) the CPI for the calendar year in which the base period year for which the determination is being made ends.

For purposes of the preceding sentence, the CPI for any calendar year is the CPI (as defined in section 1(f)(5)) for such year under section 1(f)(4).

"(D) INCREASE IN INFLATION ADJUSTMENT PERCENTAGE FOR GROWTH DURING BASE YEARS.—The inflation adjustment percentage (determined under subparagraph (C) without regard to this subparagraph) for each of the 5 taxable years referred to in paragraph (5)(A) shall be increased by—

"(i) 5 percentage points in the case of a taxable year ending during the 1-year period ending on October 13, 1995;

"(ii) 10.25 percentage points in the case of a taxable year ending during the 1-year period ending on October 13, 1994;

"(iii) 15.76 percentage points in the case of a taxable year ending during the 1-year period ending on October 13, 1993;

"(iv) 21.55 percentage points in the case of a taxable year ending during the 1-year period ending on October 13, 1992; and

"(v) 27.63 percentage points in the case of a taxable year ending during the 1-year period ending on October 13, 1991.

"(5) BASE PERIOD YEAR.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'base period year' means each of 3 taxable years which are among the 5 most recent taxable years of the corporation ending before October 14, 1995, determined by disregarding—

"(i) one taxable year for which the corporation had the largest inflation-adjusted possession income, and

"(ii) one taxable year for which the corporation had the smallest inflation-adjusted possession income.

"(B) CORPORATIONS NOT HAVING SIGNIFICANT POSSESSION INCOME THROUGHOUT 5-YEAR PERIOD.—

"(i) IN GENERAL.—If a corporation does not have significant possession income for each of the most recent 5 taxable years ending before October 14, 1995, then, in lieu of applying subparagraph (A), the term 'base period year' means only those taxable years (of such 5 taxable years) for which the corporation has significant possession income; except that, if such *corporation has significant possession income for 4 of such 5 taxable years, the rule of subparagraph (A)(ii) shall apply.*

"(ii) SPECIAL RULE.—If there is no year (of such 5 taxable years) for which a corporation has significant possession income—

"(I) the term 'base period year' means the first taxable year ending on or after October 14, 1995, but

"(II) the amount of possession income for such year which is taken into account under paragraph (4) shall be the amount which would be determined if such year were a short taxable year ending on September 30, 1995.

"(iii) SIGNIFICANT POSSESSION INCOME.—For purposes of this subparagraph, the term 'significant possession income' means possession income which exceeds 2 percent of the possession income of the taxpayer for the taxable year (of the period of 6 taxable years ending with the first taxable year ending on or after October 14, 1995) having the greatest possession income.

"(C) ELECTION TO USE ONE BASE PERIOD YEAR.—

"(i) IN GENERAL.—At the election of the taxpayer, the term 'base period year' means—

"(I) only the last taxable year of the corporation ending in calendar year 1992, or

"(II) a deemed taxable year which includes the first ten months of calendar year 1995.

"(ii) BASE PERIOD INCOME FOR 1995.—In determining the adjusted base period income of the corporation for the deemed taxable year under clause (i)(II), the possession income shall be annualized and shall be determined without regard to any extraordinary item.

"(iii) ELECTION.—An election under this subparagraph by any possession corporation may be made only for the corporation's first taxable year beginning after December 31, 1995, for which it is a possession corporation. The rules of subclauses (II) and (III) of subsection (a)(4)(B)(iii) shall apply to the election under this subparagraph.

"(D) ACQUISITIONS AND DISPOSITIONS.—Rules similar to the rules of subparagraphs (A) and (B) of section 41(f)(3) shall apply for purposes of this subsection.

"(6) POSSESSION INCOME.—For purposes of this subsection, the term 'possession income' means, with respect to any possession, the income referred to in subsection (a)(1)(A) determined with respect to that possession. In no event shall possession income be treated as being less than zero.

"(7) SHORT YEARS.—If the current year or a base period year is a short taxable year, the application of this subsection shall be made with such annualizations as the Secretary shall prescribe.

"(8) SPECIAL RULES FOR CERTAIN POSSESSIONS.—

"(A) IN GENERAL.—In the case of an existing credit claimant with respect to an applicable possession, this section (other than the preceding paragraphs of this subsection) shall apply to such claimant with respect to such applicable possession for taxable years beginning after December 31, 1995, and before January 1, 2006.

"(B) APPLICABLE POSSESSION.—For purposes of this paragraph, the term 'applicable possession' means Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

"(9) EXISTING CREDIT CLAIMANT.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'existing credit claimant' means a corporation—

"(i) which was actively conducting a trade or business in a possession on October 13, 1995, and

"(ii) with respect to which an election under this section is in effect for the corporation's taxable year which includes October 13, 1995.

"(B) NEW LINES OF BUSINESS PROHIBITED.—If, after October 13, 1995, a corporation which would (but for this subparagraph) be an existing credit claimant adds a substantial new line of business, such corporation shall cease to be treated as an existing credit claimant as of the close of the taxable year ending before the date of such addition.

"(C) BINDING CONTRACT EXCEPTION.—If, on October 13, 1995, and at all times thereafter, there is in effect with respect to a corporation a binding contract for the acquisition of assets to be used in, or for the sale of assets to be produced from, a trade or business, the corporation shall be treated for purposes of this paragraph as actively conducting such trade or business on October 13, 1995. The preceding sentence shall not apply if such trade or business is not actively conducted before January 1, 1996.

"(10) SEPARATE APPLICATION TO EACH POSSESSION.—For purposes of determining—

"(A) whether a taxpayer is an existing credit claimant, and

"(B) the amount of the credit allowed under this section,

this subsection (and so much of this section as relates to this subsection) shall be applied separately with respect to each possession."

(b) ECONOMIC ACTIVITY CREDIT FOR PUERTO RICO.—

(1) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 is amended by adding at the end the following new section:

"SEC. 30A. PUERTO RICAN ECONOMIC ACTIVITY CREDIT.

"(a) ALLOWANCE OF CREDIT.—

"(1) IN GENERAL.—Except as otherwise provided in this section, if the conditions of both paragraph (1) and paragraph (2) of subsection (b) are satisfied with respect to a qualified domestic corporation, there shall be allowed as a credit against the tax imposed by this chapter an amount equal to the portion of the tax which is attributable to the taxable income, from sources without the United States, from—

"(A) the active conduct of a trade or business within Puerto Rico, or

"(B) the sale or exchange of substantially all of the assets used by the taxpayer in the active conduct of such trade or business.

In the case of any taxable year beginning after December 31, 2001, the aggregate amount of taxable income taken into account under the preceding sentence (and in applying subsection (d)) shall not exceed the adjusted base period income of such corporation, as determined in the same manner as under section 936(j).

"(2) QUALIFIED DOMESTIC CORPORATION.—For purposes of paragraph (1), the term 'qualified domestic corporation' means a domestic corporation—

"(A) which is an existing credit claimant with respect to Puerto Rico, and

"(B) with respect to which section 936(a)(4)(B) does not apply for the taxable year.

"(3) SEPARATE APPLICATION.—For purposes of determining—

"(A) whether a taxpayer is an existing credit claimant with respect to Puerto Rico, and

"(B) the amount of the credit allowed under this section,

this section (and so much of section 936 as relates to this section) shall be applied separately with respect to Puerto Rico.

"(b) CONDITIONS WHICH MUST BE SATISFIED.—The conditions referred to in subsection (a) are—

"(1) 3-YEAR PERIOD.—If 80 percent or more of the gross income of the qualified domestic corporation for the 3-year period immediately preceding the close of the taxable year (or for such part of such period immediately preceding the close of such taxable year as may be applicable) was derived from sources within a possession (determined without regard to section 904(f)).

"(2) TRADE OR BUSINESS.—If 75 percent or more of the gross income of the qualified domestic corporation for such period or such part thereof was derived from the active conduct of a trade or business within a possession.

"(c) CREDIT NOT ALLOWED AGAINST CERTAIN TAXES.—The credit provided by subsection (a) shall not be allowed against the tax imposed by—

"(1) section 59A (relating to environmental tax),

"(2) section 531 (relating to the tax on accumulated earnings),

"(3) section 541 (relating to personal holding company tax), or

"(4) section 1351 (relating to recoveries of foreign expropriation losses).

"(d) LIMITATIONS ON CREDIT FOR ACTIVE BUSINESS INCOME.—The amount of the credit determined under subsection (a) for any taxable year shall not exceed the sum of the following amounts:

"(1) 60 percent of the sum of—

"(A) the aggregate amount of the qualified domestic corporation's qualified possession wages for such taxable year, plus

"(B) the allocable employee fringe benefit expenses of the qualified domestic corporation for such taxable year.

"(2) The sum of—

"(A) 15 percent of the deprecation allowances for the taxable year with respect to short-life qualified tangible property,

"(B) 40 percent of the depreciation allowances for the taxable year with respect to medium-life qualified tangible property, and

"(C) 65 percent of the depreciation allowances for the taxable year with respect to long-life qualified tangible property.

"(3) If the qualified domestic corporation does not have an election to use the method described in section 936(h)(5)(C)(ii) (relating to profit split) in effect for the taxable year, the amount of the qualified possession income taxes for the taxable year allocable to nonsheltered income.

"(e) ADMINISTRATIVE PROVISIONS.—For purposes of this title—

"(1) the provisions of section 936 (including any applicable election thereunder) shall apply in the same manner as if the credit under this section were a credit under section 936(a)(1)(A) for a domestic corporation to which section 936(a)(4)(A) applies,

"(2) the credit under this section shall be treated in the same manner as the credit under section 936, and

"(3) a corporation to which this section applies shall be treated in the same manner as if it were a corporation electing the application of section 936.

"(f) DEFINITIONS.—For purposes of this section, any term used in this section which is also used in section 936 shall have the same meaning given such term by section 936.

"(g) APPLICATION OF SECTION.—This section shall apply to taxable years beginning after December 31, 1995, and before January 1, 2006."

(2) CONFORMING AMENDMENTS.—

(A) Paragraph (1) of section 55(c) is amended by striking "and the section 936 credit allowable under section 27(b)" and inserting ", the section 936 credit allowable under section 27(b), and the Puerto Rican economic activity credit under section 30A".

(B) Subclause (I) of section 56(g)(4)(C)(ii) is amended—

(i) by inserting "30A," before "936", and

(ii) by striking "and (i)" and inserting ", (i), and (j)".

(C) Clause (iii) of section 56(g)(4)(C) is amended by adding at the end the following new subclause:

"(VI) APPLICATION TO SECTION 30A CORPORATIONS.—References in this clause to section 936

shall be treated as including references to section 30A."

(D) Subsection (b) of section 59 is amended by striking "section 936," and all that follows and inserting "section 30A or 936, alternative minimum taxable income shall not include any income with respect to which a credit is determined under section 30A or 936.".

(E) The table of sections for subpart B of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

"Sec. 30A. Puerto Rican economic activity credit."

(F)(i) The heading for subpart B of part IV of subchapter A of chapter 1 is amended to read as follows:

"Subpart B—Other Credits".

(ii) The table of subparts for part IV of subchapter A of chapter 1 is amended by striking the item relating to subpart B and inserting the following new item:

"Subpart B. Other credits."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1995.

SEC. 1602. REPEAL OF EXCLUSION FOR INTEREST ON LOANS USED TO ACQUIRE EMPLOYER SECURITIES.

(a) IN GENERAL.—Section 133 (relating to interest on certain loans used to acquire employer securities) is hereby repealed.

(b) CONFORMING AMENDMENTS.—

(1) Subparagraph (B) of section 291(e)(1) is amended by striking clause (iv) and by redesignating clause (v) as clause (iv).

(2) Section 812 is amended by striking subsection (g).

(3) Paragraph (5) of section 852(b) is amended by striking subparagraph (C).

(4) Paragraph (2) of section 4978(b) is amended by striking subparagraph (A) and all that follows and inserting the following:

"(A) first from qualified securities to which section 1042 applied acquired during the 3-year period ending on the date of the disposition, beginning with the securities first so acquired, and

"(B) then from any other employer securities. If subsection (d) applies to a disposition, the disposition shall be treated as made from employer securities in the opposite order of the preceding sentence.".

(5)(A) Section 4978B (relating to tax on disposition of employer securities to which section 133 applied) is hereby repealed.

(B) The table of sections for chapter 43 is amended by striking the item relating to section 4978B.

(6) Subsection (e) of section 6047 is amended by striking paragraphs (1), (2), and (3) and inserting the following new paragraphs:

"(1) any employer maintaining, or the plan administrator (within the meaning of section 414(g)) of, an employee stock ownership plan which holds stock with respect to which section 404(k) applies to dividends paid on such stock, or

"(2) both such employer or plan administrator,".

(7) Subsection (f) of section 7872 is amended by striking paragraph (12).

(8) The table of sections for part III of subchapter B of chapter 1 is amended by striking the item relating to section 133.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to loans made after October 13, 1995.

(2) REFINANCINGS.—The amendments made by this section shall not apply to loans made after October 13, 1995, to refinance securities acquisition loans (determined without regard to section 133(b)(1)(B) of the Internal Revenue Code of 1986, as in effect on the day before the date of the enactment of this Act) made on or before such date or to refinance loans described in this paragraph if—

(A) the refinancing loans meet the requirements of section 133 of such Code (as so in effect),

(B) immediately after the refinancing the principal amount of the loan resulting from the refinancing does not exceed the principal amount of the refinanced loan (immediately before the refinancing), and

(C) the term of such refinancing loan does not extend beyond the last day of the term of the original securities acquisition loan.

For purposes of this paragraph, the term "securities acquisition loan" includes a loan from a corporation to an employee stock ownership plan described in section 133(b)(3) of such Code (as so in effect).

(3) EXCEPTION.—Any loan made pursuant to a binding written contract in effect on October 13, 1995, and at all times thereafter before such loan is made, shall be treated for purposes of paragraphs (1) and (2) as a loan made before such date.

SEC. 1603. CERTAIN AMOUNTS DERIVED FROM FOREIGN CORPORATIONS TREATED AS UNRELATED BUSINESS TAXABLE INCOME.

(a) GENERAL RULE.—Subsection (b) of section 512 (relating to modifications) is amended by adding at the end the following new paragraph:

"(17) TREATMENT OF CERTAIN AMOUNTS DERIVED FROM FOREIGN CORPORATIONS.—

"(A) IN GENERAL.—Notwithstanding paragraph (1), any amount included in gross income under section 951(a)(1)(A) shall be included as an item of gross income derived from an unrelated trade or business to the extent the amount so included is attributable to insurance income (as defined in section 953) which, if derived directly by the organization, would be treated as gross income from an unrelated trade or business. There shall be allowed all deductions directly connected with amounts included in gross income under the preceding sentence.

"(B) EXCEPTION.—Subparagraph (A) shall not apply to income attributable to a policy of insurance or reinsurance with respect to which the person (directly or indirectly) insured is—

"(i) such organization,

"(ii) an affiliate of such organization which is exempt from tax under section 501(a), or

"(iii) a director or officer of, or an individual who (directly or indirectly) performs services for, such organization or affiliate but only if the insurance covers primarily risks associated with the performance of services in connection with such organization or affiliate.

For purposes of this subparagraph, the determination as to whether an entity is an affiliate of an organization shall be made under rules similar to the rules of section 168(h)(4)(B).

"(C) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this paragraph, including regulations for the application of this paragraph in the case of income paid through 1 or more entities or between 2 or more chains of entities."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts included in gross income in any taxable year beginning after December 31, 1995.

SEC. 1604. DEPRECIATION UNDER INCOME FORECAST METHOD.

(a) GENERAL RULE.—Section 167 (relating to depreciation) is amended by redesignating subsection (g) as subsection (h) and by inserting after subsection (f) the following new subsection:

"(g) DEPRECIATION UNDER INCOME FORECAST METHOD.—

"(1) IN GENERAL.—If the depreciation deduction allowable under this section to any taxpayer with respect to any property is determined under the income forecast method or any similar method—

"(A) the income from the property to be taken into account in determining the depreciation deduction under such method shall be equal to the amount of income earned in connection with the property before the close of the 10th taxable year following the taxable year in which the property was placed in service,

"(B) the adjusted basis of the property shall only include amounts with respect to which the requirements of section 461(h) are satisfied,

"(C) the depreciation deduction under such method for the 10th taxable year beginning after the taxable year in which the property was placed in service shall be equal to the adjusted basis of such property as of the beginning of such 10th taxable year, and

"(D) such taxpayer shall pay (or be entitled to receive) interest computed under the look-back method of paragraph (2) for any recomputation year.

"(2) LOOK-BACK METHOD.—The interest computed under the look-back method of this paragraph for any recomputation year shall be determined by—

"(A) first determining the depreciation deductions under this section with respect to such property which would have been allowable for prior taxable years if the determination of the amounts so allowable had been made on the basis of the sum of the following (instead of the estimated income from such property)—

"(i) the actual income earned in connection with such property for periods before the close of the recomputation year, and

"(ii) an estimate of the future income to be earned in connection with such property for periods after the recomputation year and before the close of the 10th taxable year following the taxable year in which the property was placed in service,

"(B) second, determining (solely for purposes of computing such interest) the overpayment or underpayment of tax for each such prior taxable year which would result solely from the application of subparagraph (A), and

"(C) then using the adjusted overpayment rate (as defined in section 460(b)(7)), compounded daily, on the overpayment or underpayment determined under subparagraph (B).

For purposes of the preceding sentence, any cost incurred after the property is placed in service (which is not treated as a separate property under paragraph (5)) shall be taken into account by discounting (using the Federal mid-term rate determined under section 1274(d) as of the time such cost is incurred) such cost to its value as of the date the property is placed in service. The taxpayer may elect with respect to any property to have the preceding sentence not apply to such property.

"(3) EXCEPTION FROM LOOK-BACK METHOD.—Paragraph (1)(D) shall not apply with respect to any property which, when placed in service by the taxpayer, had a basis of $100,000 or less.

"(4) RECOMPUTATION YEAR.—For purposes of this subsection, except as provided in regulations, the term 'recomputation year' means, with respect to any property, the 3d and the 10th taxable years beginning after the taxable year in which the property was placed in service, unless the actual income earned in connection with the property for the period before the close of such 3d or 10th taxable year is within 10 percent of the income earned in connection with the property for such period which was taken into account under paragraph (1)(A).

"(5) SPECIAL RULES.—

"(A) CERTAIN COSTS TREATED AS SEPARATE PROPERTY.—For purposes of this subsection, the

following costs shall be treated as separate properties:

"(i) Any costs incurred with respect to any property after the 10th taxable year beginning after the taxable year in which the property was placed in service.

"(ii) Any costs incurred after the property is placed in service and before the close of such 10th taxable year if such costs are significant and give rise to a significant increase in the income from the property which was not included in the estimated income from the property.

"(B) SYNDICATION INCOME FROM TELEVISION SERIES.—In the case of property which is an episode in a television series, income from syndicating such series shall not be required to be taken into account under this subsection before the earlier of—

"(i) the 4th taxable year beginning after the date the first episode in such series is placed in service, or

"(ii) the earliest taxable year in which the taxpayer has an arrangement relating to the future syndication of such series.

"(C) SPECIAL RULES FOR FINANCIAL EXPLOITATION OF CHARACTERS, ETC.—For purposes of this subsection, in the case of television and motion picture films, the income from the property shall include income from the exploitation of characters, designs, scripts, scores, and other incidental income associated with such films, but only to the extent that such income is earned in connection with the ultimate use of such items by, or the ultimate sale of merchandise to, persons who are not related persons (within the meaning of section 267(b)) to the taxpayer.

"(D) COLLECTION OF INTEREST.—For purposes of subtitle F (other than sections 6654 and 6655), any interest required to be paid by the taxpayer under paragraph (1) for any recomputation year shall be treated as an increase in the tax imposed by this chapter for such year.

"(E) DETERMINATIONS.—For purposes of paragraph (2), determinations of the amount of income earned in connection with any property shall be made in the same manner as for purposes of applying the income forecast method; except that any income from the disposition of such property shall be taken into account.

"(F) TREATMENT OF PASS-THRU ENTITIES.—Rules similar to the rules of section 460(b)(4) shall apply for purposes of this subsection."

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall apply to property placed in service after September 13, 1995.

(2) BINDING CONTRACTS.—The amendment made by subsection (a) shall not apply to any property produced or acquired by the taxpayer pursuant to a written contract which was binding on September 13, 1995, and at all times thereafter before such production or acquisition.

SEC. 1605. REPEAL OF EXCLUSION FOR PUNITIVE DAMAGES AND FOR DAMAGES NOT ATTRIBUTABLE TO PHYSICAL INJURIES OR SICKNESS.

(a) IN GENERAL.—Paragraph (2) of section 104(a) (relating to compensation for injuries or sickness) is amended to read as follows:

"(2) the amount of any damages (other than punitive damages) received (whether by suit or agreement and whether as lump sums or as periodic payments) on account of personal physical injuries or physical sickness;".

(b) EMOTIONAL DISTRESS AS SUCH TREATED AS NOT PHYSICAL INJURY OR PHYSICAL SICKNESS.—Section 104(a) is amended by striking the last sentence and inserting the following new sentence: "For purposes of paragraph (2), emotional distress shall not be treated as a physical injury or physical sickness. The preceding sentence shall not apply to an amount of damages not in excess of the amount paid for medical care (described in subparagraph (A) or (B) of section 213(d)(1)) attributable to emotional distress.".

(c) APPLICATION OF PRIOR LAW FOR STATES IN WHICH ONLY PUNITIVE DAMAGES MAY BE AWARDED IN WRONGFUL DEATH ACTIONS.—Section 104 is amended by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following new subsection:

"(c) APPLICATION OF PRIOR LAW IN CERTAIN CASES.—The phrase '(other than punitive damages)' shall not apply to punitive damages awarded in a civil action—

"(1) which is a wrongful death action, and

"(2) with respect to which applicable State law (as in effect on September 13, 1995 and without regard to any modification after such date) provides, or has been construed to provide by a court of competent jurisdiction pursuant to a decision issued on or before September 13, 1995, that only punitive damages may be awarded in such an action.

This subsection shall cease to apply to any civil action filed on or after the first date on which the applicable State law ceases to provide (or is no longer construed to provide) the treatment described in paragraph (2)."

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to amounts received after June 30, 1996, in taxable years ending after such date.

(2) EXCEPTION.—The amendments made by this section shall not apply to any amount received under a written binding agreement, court decree, or mediation award in effect on (or issued on or before) September 13, 1995.

SEC. 1606. REPEAL OF DIESEL FUEL TAX REBATE TO PURCHASERS OF DIESEL-POWERED AUTOMOBILES AND LIGHT TRUCKS.

(a) IN GENERAL.—Section 6427 (relating to fuels not used for taxable purposes) is amended by striking subsection (g).

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (3) of section 34(a) is amended to read as follows:

"(3) under section 6427 with respect to fuels used for nontaxable purposes or resold during the taxable year (determined without regard to section 6427(k)).".

(2) Paragraphs (1) and (2)(A) of section 6427(i) are each amended—

(A) by striking "(g),", and

(B) by striking "(or a qualified diesel powered highway vehicle purchased)" each place it appears.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to vehicles purchased after the date of the enactment of this Act.

Subtitle G—Technical Corrections

SEC. 1701. COORDINATION WITH OTHER SUBTITLES.

For purposes of applying the amendments made by any subtitle of this title other than this subtitle, the provisions of this subtitle shall be treated as having been enacted immediately before the provisions of such other subtitles.

SEC. 1702. AMENDMENTS RELATED TO REVENUE RECONCILIATION ACT OF 1990.

(a) AMENDMENTS RELATED TO SUBTITLE A.—

(1) Subparagraph (B) of section 59(j)(3) is amended by striking "section 1(i)(3)(B)" and inserting "section 1(g)(3)(B)".

(2) Clause (i) of section 151(d)(3)(C) is amended by striking "joint of a return" and inserting "joint return".

(b) AMENDMENTS RELATED TO SUBTITLE B.—

(1) Paragraph (1) of section 11212(e) of the Revenue Reconciliation Act of 1990 is amended by striking "Paragraph (1) of section 6724(d)" and inserting "Subparagraph (B) of section 6724(d)(1)".

(2)(A) Subparagraph (B) of section 4093(c)(2), as in effect before the amendments made by the Revenue Reconciliation Act of 1993, is amended by inserting before the period "unless such fuel is sold for exclusive use by a State or any political subdivision thereof".

(B) Paragraph (4) of section 6427(l), as in effect before the amendments made by the Revenue Reconciliation Act of 1993, is amended by inserting before the period "unless such fuel was used by a State or any political subdivision thereof".

(3) Paragraph (1) of section 6416(b) is amended by striking "chapter 32 or by section 4051" and inserting "chapter 31 or 32".

(4) Section 7012 is amended—

(A) by striking "production or importation of gasoline" in paragraph (3) and inserting "taxes on gasoline and diesel fuel", and

(B) by striking paragraph (4) and redesignating paragraphs (5) and (6) as paragraphs (4) and (5), respectively.

(5) Subsection (c) of section 5041 is amended by striking paragraph (6) and by inserting the following new paragraphs:

"(6) CREDIT FOR TRANSFEREE IN BOND.—If—

"(A) wine produced by any person would be eligible for any credit under paragraph (1) if removed by such person during the calendar year,

"(B) wine produced by such person is removed during such calendar year by any other person (hereafter in this paragraph referred to as the 'transferee') to whom such wine was transferred in bond and who is liable for the tax imposed by this section with respect to such wine, and

"(C) such producer holds title to such wine at the time of its removal and provides to the transferee such information as is necessary to properly determine the transferee's credit under this paragraph,

then, the transferee (and not the producer) shall be allowed the credit under paragraph (1) which would be allowed to the producer if the wine removed by the transferee had been removed by the producer on that date.

"(7) REGULATIONS.—The Secretary may prescribe such regulations as may be necessary to carry out the purposes of this subsection, including regulations—

"(A) to prevent the credit provided in this subsection from benefiting any person who produces more than 250,000 wine gallons during a calendar year, and

"(B) to assure proper reduction of such credit for persons producing more than 150,000 wine gallons of wine during a calendar year."

(6) Paragraph (3) of section 5061(b) is amended to read as follows:

"(3) section 5041(f),".

(7) Section 5354 is amended by inserting "(taking into account the appropriate amount of credit with respect to such wine under section 5041(c))" after "any one time".

(c) AMENDMENTS RELATED TO SUBTITLE C.—

(1) Paragraph (4) of section 56(g) is amended by redesignating subparagraphs (I) and (J) as subparagraphs (H) and (I), respectively.

(2) Subparagraph (B) of section 6724(d)(1) is amended—

(A) by striking "or" at the end of clause (xii), and

(B) by striking the period at the end of clause (xiii) and inserting ", or".

(3) Subsection (g) of section 6302 is amended by inserting ", 22," after "chapters 21".

(4) The earnings and profits of any insurance company to which section 11305(c)(3) of the Revenue Reconciliation Act of 1990 applies shall be determined without regard to any deduction allowed under such section; except that, for purposes of applying sections 56 and 902, and subpart F of part III of subchapter N of chapter 1 of the Internal Revenue Code of 1986, such deduction shall be taken into account.

(5) Subparagraph (D) of section 6038A(e)(4) is amended—

(A) by striking "any transaction to which the summons relates" and inserting "any affected taxable year", and

(B) by adding at the end thereof the following new sentence: "For purposes of this subparagraph, the term 'affected taxable year' means any taxable year if the determination of the amount of tax imposed for such taxable year is affected by the treatment of the transaction to which the summons relates.".

(6) Subparagraph (A) of section 6621(c)(2) is amended by adding at the end thereof the following new flush sentence:

"The preceding sentence shall be applied without regard to any such letter or notice which is withdrawn by the Secretary.".

(7) Clause (i) of section 6621(c)(2)(B) is amended by striking "this subtitle" and inserting "this title".

(d) AMENDMENTS RELATED TO SUBTITLE D.—

(1) Notwithstanding section 11402(c) of the Revenue Reconciliation Act of 1990, the amendment made by section 11402(b)(1) of such Act shall apply to taxable years ending after December 31, 1989.

(2) Clause (ii) of section 143(m)(4)(C) is amended—

(A) by striking "any month of the 10-year period" and inserting "any year of the 4-year period",

(B) by striking "succeeding months" and inserting "succeeding years", and

(C) by striking "over the remainder of such period (or, if lesser, 5 years)" and inserting "to zero over the succeeding 5 years".

(e) AMENDMENTS RELATED TO SUBTITLE E.—

(1)(A) Clause (ii) of section 56(d)(1)(B) is amended to read as follows:

"(ii) appropriate adjustments in the application of section 172(b)(2) shall be made to take into account the limitation of subparagraph (A)."

(B) For purposes of applying sections 56(g)(1) and 56(g)(3) of the Internal Revenue Code of 1986 with respect to taxable years beginning in 1991 and 1992, the reference in such sections to the alternative tax net operating loss deduction shall be treated as including a reference to the deduction under section 56(h) of such Code as in effect before the amendments made by section 1915 of the Energy Policy Act of 1992.

(2) Clause (i) of section 613A(c)(3)(A) is amended by striking "the table contained in".

(3) Section 6501 is amended—

(A) by striking subsection (m) (relating to deficiency attributable to election under section 44B) and by redesignating subsections (n) and (o) as subsections (m) and (n), respectively, and

(B) by striking "section 40(f) or 51(j)" in subsection (m) (as redesignated by subparagraph (A)) and inserting "section 40(f), 43, or 51(j)".

(4) Subparagraph (C) of section 38(c)(2) (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990) is amended by inserting before the period at the end of the first sentence the following: "and without regard to the deduction under section 56(h)".

(5) The amendment made by section 1913(b)(2)(C)(i) of the Energy Policy Act of 1992 shall apply to taxable years beginning after December 31, 1990.

(f) AMENDMENTS RELATED TO SUBTITLE F.—

(1)(A) Section 2701(a)(3) is amended by adding at the end thereof the following new subparagraph:

"(C) VALUATION OF QUALIFIED PAYMENTS WHERE NO LIQUIDATION, ETC. RIGHTS.—In the case of an applicable retained interest which is described in subparagraph (B)(i) but not subparagraph (B)(ii), the value of the distribution right shall be determined without regard to this section."

(B) Section 2701(a)(3)(B) is amended by inserting "CERTAIN" before "QUALIFIED" in the heading thereof.

(C) Sections 2701 (d)(1) and (d)(4) are each amended by striking "subsection (a)(3)(B)" and inserting "subsection (a)(3) (B) or (C)".

(2) Clause (i) of section 2701(a)(4)(B) is amended by inserting "(or, to the extent provided in regulations, the rights as to either income or capital)" after "income and capital".

(3)(A) Section 2701(b)(2) is amended by adding at the end thereof the following new subparagraph:

"(C) APPLICABLE FAMILY MEMBER.—For purposes of this subsection, the term 'applicable family member' includes any lineal descendant of any parent of the transferor or the transferor's spouse."

(B) Section 2701(e)(3) is amended—

(i) by striking subparagraph (B), and

(ii) by striking so much of paragraph (3) as precedes "shall be treated as holding" and inserting:

"(3) ATTRIBUTION OF INDIRECT HOLDINGS AND TRANSFERS.—An individual".

(C) Section 2704(c)(3) is amended by striking "section 2701(e)(3)(A)" and inserting "section 2701(e)(3)".

(4) Clause (i) of section 2701(c)(1)(B) is amended to read as follows:

"(i) a right to distributions with respect to any interest which is junior to the rights of the transferred interest,".

(5)(A) Clause (i) of section 2701(c)(3)(C) is amended to read as follows:

"(i) IN GENERAL.—Payments under any interest held by a transferor which (without regard to this subparagraph) are qualified payments shall be treated as qualified payments unless the transferor elects not to treat such payments as qualified payments. Payments described in the preceding sentence which are held by an applicable family member shall be treated as qualified payments only if such member elects to treat such payments as qualified payments."

(B) The first sentence of section 2701(c)(3)(C)(ii) is amended to read as follows: "A transferor or applicable family member holding any distribution right which (without regard to this subparagraph) is not a qualified payment may elect to treat such right as a qualified payment, to be paid in the amounts and at the times specified in such election.".

(C) The time for making an election under the second sentence of section 2701(c)(3)(C)(i) of the Internal Revenue Code of 1986 (as amended by subparagraph (A)) shall not expire before the due date (including extensions) for filing the transferor's return of the tax imposed by section 2501 of such Code for the first calendar year ending after the date of enactment.

(6) Section 2701(d)(3)(A)(iii) is amended by striking "the period ending on the date of".

(7) Subclause (I) of section 2701(d)(3)(B)(ii) is amended by inserting "or the exclusion under section 2503(b)," after "section 2523,".

(8) Section 2701(e)(5) is amended—

(A) by striking "such contribution to capital or such redemption, recapitalization, or other change" in subparagraph (A) and inserting "such transaction", and

(B) by striking "the transfer" in subparagraph (B) and inserting "such transaction".

(9) Section 2701(d)(4) is amended by adding at the end thereof the following new subparagraph:

"(C) TRANSFER TO TRANSFERORS.—In the case of a taxable event described in paragraph (3)(A)(ii) involving a transfer of an applicable retained interest from an applicable family member to a transferor, this subsection shall continue to apply to the transferor during any period the transferor holds such interest."

(10) Section 2701(e)(6) is amended by inserting "or to reflect the application of subsection (d)" before the period at the end thereof.

(11)(A) Section 2702(a)(3)(A) is amended—

(i) by striking "to the extent" and inserting "if" in clause (i),

(ii) by striking "or" at the end of clause (i),

(iii) by striking the period at the end of clause (ii) and inserting ", or", and

(iv) by adding at the end thereof the following new clause:

"(iii) to the extent that regulations provide that such transfer is not inconsistent with the purposes of this section."

(B)(i) Section 2702(a)(3) is amended by striking "incomplete transfer" each place it appears and inserting "incomplete gift".

(ii) The heading for section 2702(a)(3)(B) is amended by striking "INCOMPLETE TRANSFER" and inserting "INCOMPLETE GIFT".

(g) AMENDMENTS RELATED TO SUBTITLE G.—

(1)(A) Subsection (a) of section 1248 is amended—

(i) by striking ", or if a United States person receives a distribution from a foreign corporation which, under section 302 or 331, is treated as an exchange of stock" in paragraph (1), and

(ii) by adding at the end thereof the following new sentence: "For purposes of this section, a United States person shall be treated as having sold or exchanged any stock if, under any provision of this subtitle, such person is treated as realizing gain from the sale or exchange of such stock.".

(B) Paragraph (1) of section 1248(e) is amended by striking ", or receives a distribution from a domestic corporation which, under section 302 or 331, is treated as an exchange of stock".

(C) Subparagraph (B) of section 1248(f)(1) is amended by striking "or 361(c)(1)" and inserting "355(c)(1), or 361(c)(1)".

(D) Paragraph (1) of section 1248(i) is amended to read as follows:

"(1) IN GENERAL.—If any shareholder of a 10-percent corporate shareholder of a foreign corporation exchanges stock of the 10-percent corporate shareholder for stock of the foreign corporation, such 10-percent corporate shareholder shall recognize gain in the same manner as if the stock of the foreign corporation received in such exchange had been—

"(A) issued to the 10-percent corporate shareholder, and

"(B) then distributed by the 10-percent corporate shareholder to such shareholder in redemption or liquidation (whichever is appropriate).

The amount of gain recognized by such 10-percent corporate shareholder under the preceding sentence shall not exceed the amount treated as a dividend under this section."

(2) Section 897 is amended by striking subsection (f).

(3) Paragraph (13) of section 4975(d) is amended by striking "section 408(b)" and inserting "section 408(b)(12)".

(4) Clause (iii) of section 56(g)(4)(D) is amended by inserting ", but only with respect to taxable years beginning after December 31, 1989" before the period at the end thereof.

(5)(A) Paragraph (11) of section 11701(a) of the Revenue Reconciliation Act of 1990 (and the amendment made by such paragraph) are hereby repealed, and section 7108(r)(2) of the Revenue Reconciliation Act of 1989 shall be applied as if such paragraph (and amendment) had never been enacted.

(B) Subparagraph (A) shall not apply to any building if the owner of such building establishes to the satisfaction of the Secretary of the Treasury or his delegate that such owner reasonably relied on the amendment made by such paragraph (11).

(h) AMENDMENTS RELATED TO SUBTITLE H.—

(1)(A) Clause (vi) of section 168(e)(3)(B) is amended by striking "or" at the end of subclause (I), by striking the period at the end of subclause (II) and inserting ", or", and by adding at the end thereof the following new subclause:

"(III) is described in section 48(l)(3)(A)(ix) (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990)."

(B) Subparagraph (B) of section 168(e)(3) (relating to 5-year property) is amended by adding at the end the following flush sentence:

"Nothing in any provision of law shall be construed to treat property as not being described in clause (vi)(I) (or the corresponding provisions of prior law) by reason of being public utility property (within the meaning of section 48(a)(3))."

(C) Subparagraph (K) of section 168(g)(4) is amended by striking "section 48(a)(3)(A)(iii)" and inserting "section 48(l)(3)(A)(ix) (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990)".

(2) Clause (ii) of section 172(b)(1)(E) is amended by striking "subsection (m)" and inserting "subsection (h)".

(3) Sections 805(a)(4)(E), 832(b)(5)(C)(ii)(II), and 832(b)(5)(D)(ii)(II) are each amended by striking "243(b)(5)" and inserting "243(b)(2)".

(4) Subparagraph (A) of section 243(b)(3) is amended by inserting "of" after "In the case".

(5) The subsection heading for subsection (a) of section 280F is amended by striking "INVESTMENT TAX CREDIT AND".

(6) Clause (i) of section 1504(c)(2)(B) is amended by inserting "section" before "243(b)(2)".

(7) Paragraph (3) of section 341(f) is amended by striking "351, 361, 371(a), or 374(a)" and inserting "351, or 361".

(8) Paragraph (2) of section 243(b) is amended to read as follows:

"(2) AFFILIATED GROUP.—For purposes of this subsection:

"(A) IN GENERAL.—The term 'affiliated group' has the meaning given such term by section 1504(a), except that for such purposes sections 1504(b)(2), 1504(b)(4), and 1504(c) shall not apply.

"(B) GROUP MUST BE CONSISTENT IN FOREIGN TAX TREATMENT.—The requirements of paragraph (1)(A) shall not be treated as being met with respect to any dividend received by a corporation if, for any taxable year which includes the day on which such dividend is received—

"(i) 1 or more members of the affiliated group referred to in paragraph (1)(A) choose to any extent to take the benefits of section 901, and

"(ii) 1 or more other members of such group claim to any extent a deduction for taxes otherwise creditable under section 901."

(9) The amendment made by section 11813(b)(17) of the Revenue Reconciliation Act of 1990 shall be applied as if the material stricken by such amendment included the closing parenthesis after "section 48(a)(5)".

(10) Paragraph (1) of section 179(d) is amended by striking "in a trade or business" and inserting "a trade or business".

(11) Subparagraph (E) of section 50(a)(2) is amended by striking "section 48(a)(5)(A)" and inserting "section 48(a)(5)".

(12) The amendment made by section 11801(c)(9)(G)(ii) of the Revenue Reconciliation Act of 1990 shall be applied as if it struck "Section 422A(c)(2)" and inserted "Section 422(c)(2)".

(13) Subparagraph (B) of section 424(c)(3) is amended by striking "a qualified stock option, an incentive stock option, an option granted under an employee stock purchase plan, or a restricted stock option" and inserting "an incentive stock option or an option granted under an employee stock purchase plan".

(14) Subparagraph (E) of section 1367(a)(2) is amended by striking "section 613A(c)(13)(B)" and inserting "section 613A(c)(11)(B)".

(15) Subparagraph (B) of section 460(e)(6) is amended by striking "section 167(k)" and inserting "section 168(e)(2)(A)(ii)".

(16) Subparagraph (C) of section 172(h)(4) is amended by striking "subsection (b)(1)(M)" and inserting "subsection (b)(1)(E)".

(17) Section 6503 is amended—

(A) by redesignating the subsection relating to extension in case of certain summonses as subsection (j), and

(B) by redesignating the subsection relating to cross references as subsection (k).

(18) Paragraph (4) of section 1250(e) is hereby repealed.

(i) EFFECTIVE DATE.—Except as otherwise expressly provided—

(1) the amendments made by this section shall be treated as amendments to the Internal Revenue Code of 1986 as amended by the Revenue Reconciliation Act of 1993; and

(2) any amendment made by this section shall apply to periods before the date of the enactment of this section in the same manner as if it had been included in the provision of the Revenue Reconciliation Act of 1990 to which such amendment relates.

SEC. 1703. AMENDMENTS RELATED TO REVENUE RECONCILIATION ACT OF 1993.

(a) AMENDMENT RELATED TO SECTION 13114.—Paragraph (2) of section 1044(c) is amended to read as follows:

"(2) PURCHASE.—The taxpayer shall be considered to have purchased any property if, but for subsection (d), the unadjusted basis of such property would be its cost within the meaning of section 1012."

(b) AMENDMENTS RELATED TO SECTION 13142.—

(1) Subparagraph (B) of section 13142(b)(6) of the Revenue Reconciliation Act of 1993 is amended to read as follows:

"(B) FULL-TIME STUDENTS, WAIVER AUTHORITY, AND PROHIBITED DISCRIMINATION.—The amendments made by paragraphs (2), (3), and (4) shall take effect on the date of the enactment of this Act."

(2) Subparagraph (C) of section 13142(b)(6) of such Act is amended by striking "paragraph (2)" and inserting "paragraph (5)".

(c) AMENDMENT RELATED TO SECTION 13161.—

(1) IN GENERAL.—Subsection (e) of section 4001 (relating to inflation adjustment) is amended to read as follows:

"(e) INFLATION ADJUSTMENT.—

"(1) IN GENERAL.—The $30,000 amount in subsection (a) and section 4003(a) shall be increased by an amount equal to—

"(A) $30,000, multiplied by

"(B) the cost-of-living adjustment under section 1(f)(3) for the calendar year in which the vehicle is sold, determined by substituting 'calendar year 1990' for 'calendar year 1992' in subparagraph (B) thereof.

"(2) ROUNDING.—If any amount as adjusted under paragraph (1) is not a multiple of $2,000, such amount shall be rounded to the next lowest multiple of $2,000."

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act.

(d) AMENDMENT RELATED TO SECTION 13201.—Clause (ii) of section 135(b)(2)(B) is amended by inserting before the period at the end thereof the following: ", determined by substituting 'calendar year 1989' for 'calendar year 1992' in subparagraph (B) thereof".

(e) AMENDMENTS RELATED TO SECTION 13203.—Subsection (a) of section 59 is amended—

(1) by striking "the amount determined under section 55(b)(1)(A)" in paragraph (1)(A) and (2)(A)(i) and inserting "the pre-credit tentative minimum tax",

(2) by striking "specified in section 55(b)(1)(A)" in paragraph (1)(C) and inserting "specified in subparagraph (A)(i) or (B)(i) of section 55(b)(1) (whichever applies)",

(3) by striking "which would be determined under section 55(b)(1)(A)" in paragraph (2)(A)(ii) and inserting "which would be the pre-credit tentative minimum tax", and

(4) by adding at the end thereof the following new paragraph:

"(3) PRE-CREDIT TENTATIVE MINIMUM TAX.—For purposes of this subsection, the term 'pre-credit tentative minimum tax' means—

"(A) in the case of a taxpayer other than a corporation, the amount determined under the first sentence of section 55(b)(1)(A)(i), or

"(B) in the case of a corporation, the amount determined under section 55(b)(1)(B)(i)."

(f) AMENDMENT RELATED TO SECTION 13221.—Sections 1201(a) and 1561(a) are each amended by striking "last sentence" each place it appears and inserting "last 2 sentences".

(g) AMENDMENTS RELATED TO SECTION 13222.—

(1) Subparagraph (B) of section 6033(e)(1) is amended by adding at the end thereof the following new clause:

"(iii) COORDINATION WITH SECTION 527(f).—This subsection shall not apply to any amount on which tax is imposed by reason of section 527(f).".

(2) Clause (i) of section 6033(e)(1)(B) is amended by striking "this subtitle" and inserting "section 501".

(h) AMENDMENT RELATED TO SECTION 13225.—Paragraph (3) of section 6655(g) is amended by striking all that follows "'3rd month'" in the sentence following subparagraph (C) and inserting ", subsection (e)(2)(A) shall be applied by substituting '2 months' for '3 months' in clause (i)(I), the election under clause (i) of subsection (e)(2)(C) may be made separately for each installment, and clause (ii) of subsection (e)(2)(C) shall not apply.".

(i) AMENDMENTS RELATED TO SECTION 13231.—

(1) Subparagraph (G) of section 904(d)(3) is amended by striking "section 951(a)(1)(B)" and inserting "subparagraph (B) or (C) of section 951(a)(1)".

(2) Paragraph (1) of section 956A(b) is amended to read as follows:

"(1) the amount (not including a deficit) referred to in section 316(a)(1) to the extent such amount was accumulated in prior taxable years beginning after September 30, 1993, and".

(3) Subsection (f) of section 956A is amended by inserting before the period at the end thereof: "and regulations coordinating the provisions of subsections (c)(3)(A) and (d)".

(4) Subsection (b) of section 958 is amended by striking "956(b)(2)" each place it appears and inserting "956(c)(2)".

(5)(A) Subparagraph (A) of section 1297(d)(2) is amended by striking "The adjusted basis of any asset" and inserting "The amount taken into account under section 1296(a)(2) with respect to any asset".

(B) The paragraph heading of paragraph (2) of section 1297(d) is amended to read as follows:

"(2) AMOUNT TAKEN INTO ACCOUNT.—".

(6) Subsection (e) of section 1297 is amended by inserting "For purposes of this part—" after the subsection heading.

(j) AMENDMENT RELATED TO SECTION 13241.—Subparagraph (B) of section 40(e)(1) is amended to read as follows:

"(B) for any period before January 1, 2001, during which the rates of tax under section 4081(a)(2)(A) are 4.3 cents per gallon."

(k) AMENDMENT RELATED TO SECTION 13261.—Clause (iii) of section 13261(g)(2)(A) of the Revenue Reconciliation Act of 1993 is amended by striking "by the taxpayer" and inserting "by the taxpayer or a related person".

(l) AMENDMENT RELATED TO SECTION 13301.—Subparagraph (B) of section 1397B(d)(5) is amended by striking "preceding".

(m) CLERICAL AMENDMENTS.—

(1) Subsection (d) of section 39 is amended—

(A) by striking "45" in the heading of paragraph (5) and inserting "45A", and

(B) by striking "45" in the heading of paragraph (6) and inserting "45B".

(2) Subparagraph (A) of section 108(d)(9) is amended by striking "paragraph (3)(B)" and inserting "paragraph (3)(C)".

(3) Subparagraph (C) of section 143(d)(2) is amended by striking the period at the end thereof and inserting a comma.

(4) Clause (ii) of section 163(j)(6)(E) is amended by striking "which is a" and inserting "which is".

(5) Subparagraph (A) of section 1017(b)(4) is amended by striking "subsection (b)(2)(D)" and inserting "subsection (b)(2)(E)".

(6) So much of section 1245(a)(3) as precedes subparagraph (A) thereof is amended to read as follows:

"(3) SECTION 1245 PROPERTY.—For purposes of this section, the term 'section 1245 property' means any property which is or has been property of a character subject to the allowance for depreciation provided in section 167 and is either—".

(7) Paragraph (2) of section 1394(e) is amended—

(A) by striking "(i)" and inserting "(A)", and

(B) by striking "(ii)" and inserting "(B)".

(8) Subsection (m) of section 6501 (as redesignated by section 1602) is amended by striking "or 51(j)" and inserting "45B, or 51(j)".

(9)(A) The section 6714 added by section 13242(b)(1) of the Revenue Reconciliation Act of 1993 is hereby redesignated as section 6715.

(B) The table of sections for part I of subchapter B of chapter 68 is amended by striking "6714" in the item added by such section 13242(b)(2) of such Act and inserting "6715".

(10) Paragraph (2) of section 9502(b) is amended by inserting "and before" after "1982,".

(11) Subsection (a)(3) of section 13206 of the Revenue Reconciliation Act of 1993 is amended by striking "this section" and inserting "this subsection".

(12) Paragraph (1) of section 13215(c) of the Revenue Reconciliation Act of 1993 is amended by striking "Public Law 92–21" and inserting "Public Law 98–21".

(13) Paragraph (2) of section 13311(e) of the Revenue Reconciliation Act of 1993 is amended by striking "section 1393(a)(3)" and inserting "section 1393(a)(2)".

(14) Subparagraph (B) of section 117(d)(2) is amended by striking "section 132(f)" and inserting "section 132(h)".

(n) EFFECTIVE DATE.—Any amendment made by this section shall take effect as if included in the provision of the Revenue Reconciliation Act of 1993 to which such amendment relates.

SEC. 1704. MISCELLANEOUS PROVISIONS.

(a) APPLICATION OF AMENDMENTS MADE BY TITLE XII OF OMNIBUS BUDGET RECONCILIATION ACT OF 1990.—Except as otherwise expressly provided, whenever in title XII of the Omnibus Budget Reconciliation Act of 1990 an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(b) TREATMENT OF CERTAIN AMOUNTS UNDER HEDGE BOND RULES.—

(1) Clause (iii) of section 149(g)(3)(B) is amended to read as follows:

"(iii) AMOUNTS HELD PENDING REINVESTMENT OR REDEMPTION.—Amounts held for not more than 30 days pending reinvestment or bond redemption shall be treated as invested in bonds described in clause (i)."

(2) The amendment made by paragraph (1) shall take effect as if included in the amendments made by section 7651 of the Omnibus Budget Reconciliation Act of 1989.

(c) TREATMENT OF CERTAIN DISTRIBUTIONS UNDER SECTION 1445.—

(1) IN GENERAL.—Paragraph (3) of section 1445(e) is amended by adding at the end thereof the following new sentence: "Rules similar to the rules of the preceding provisions of this paragraph shall apply in the case of any distribution to which section 301 applies and which is not made out of the earnings and profits of such a domestic corporation."

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to distributions after the date of the enactment of this Act.

(d) TREATMENT OF CERTAIN CREDITS UNDER SECTION 469.—

(1) IN GENERAL.—Subparagraph (B) of section 469(c)(3) is amended by adding at the end thereof the following new sentence: "If the preceding sentence applies to the net income from any property for any taxable year, any credits allowable under subpart B (other than section 27(a)) or D of part IV of subchapter A for such taxable year which are attributable to such property shall be treated as credits not from a passive activity to the extent the amount of such credits does not exceed the regular tax liability of the taxpayer for the taxable year which is allocable to such net income."

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to taxable years beginning after December 31, 1986.

(e) TREATMENT OF DISPOSITIONS UNDER PASSIVE LOSS RULES.—

(1) IN GENERAL.—Subparagraph (A) of section 469(g)(1) is amended to read as follows:

"(A) IN GENERAL.—If all gain or loss realized on such disposition is recognized, the excess of—

"(i) any loss from such activity for such taxable year (determined after the application of subsection (b)), over

"(ii) any net income or gain for such taxable year from all other passive activities (determined after the application of subsection (b)),

shall be treated as a loss which is not from a passive activity."

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to taxable years beginning after December 31, 1986.

(f) MISCELLANEOUS AMENDMENTS TO FOREIGN PROVISIONS.—

(1) COORDINATION OF UNIFIED ESTATE TAX CREDIT WITH TREATIES.—Subparagraph (A) of section 2102(c)(3) is amended by adding at the end thereof the following new sentence: "For purposes of the preceding sentence, property shall not be treated as situated in the United States if such property is exempt from the tax imposed by this subchapter under any treaty obligation of the United States."

(2) TREATMENT OF CERTAIN INTEREST PAID TO RELATED PERSON.—

(A) Subparagraph (B) of section 163(j)(1) is amended by inserting before the period at the end thereof the following: "(and clause (ii) of paragraph (2)(A) shall not apply for purposes of applying this subsection to the amount so treated)".

(B) Subsection (j) of section 163 is amended by redesignating paragraph (7) as paragraph (8) and by inserting after paragraph (6) the following new paragraph:

"(7) COORDINATION WITH PASSIVE LOSS RULES, ETC.—This subsection shall be applied before sections 465 and 469."

(C) The amendments made by this paragraph shall apply as if included in the amendments made by section 7210(a) of the Revenue Reconciliation Act of 1989.

(3) TREATMENT OF INTEREST ALLOCABLE TO EFFECTIVELY CONNECTED INCOME.—

(A) IN GENERAL.—

(i) Subparagraph (B) of section 884(f)(1) is amended by striking "to the extent" and all that follows down through "subparagraph (A)" and inserting "to the extent that the allocable interest exceeds the interest described in subparagraph (A)".

(ii) The second sentence of section 884(f)(1) is amended by striking "reasonably expected" and all that follows down through the period at the end thereof and inserting "reasonably expected to be allocable interest."

(iii) Paragraph (2) of section 884(f) is amended to read as follows:

"(2) ALLOCABLE INTEREST.—For purposes of this subsection, the term 'allocable interest' means any interest which is allocable to income which is effectively connected (or treated as effectively connected) with the conduct of a trade or business in the United States."

(B) EFFECTIVE DATE.—The amendments made by subparagraph (A) shall take effect as if included in the amendments made by section 1241(a) of the Tax Reform Act of 1986.

(4) CLARIFICATION OF SOURCE RULE.—

(A) IN GENERAL.—Paragraph (2) of section 865(b) is amended by striking "863(b)" and inserting "863".

(B) EFFECTIVE DATE.—The amendment made by subparagraph (A) shall take effect as if included in the amendments made by section 1211 of the Tax Reform Act of 1986.

(5) REPEAL OF OBSOLETE PROVISIONS.—

(A) Paragraph (1) of section 6038(a) is amended by striking ", and" at the end of subparagraph (E) and inserting a period, and by striking subparagraph (F).

(B) Subsection (b) of section 6038A is amended by adding "and" at the end of paragraph (2), by striking ", and" at the end of paragraph (3) and inserting a period, and by striking paragraph (4).

(g) TREATMENT OF ASSIGNMENT OF INTEREST IN CERTAIN BOND-FINANCED FACILITIES.—

(1) IN GENERAL.—Subparagraph (A) of section 1317(3) of the Tax Reform Act of 1986 is amended by adding at the end thereof the following new sentence: "A facility shall not fail to be treated as described in this subparagraph by reason of an assignment (or an agreement to an assignment) by the governmental unit on whose behalf the bonds are issued of any part of its interest in the property financed by such bonds to another governmental unit."

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as if included in such section 1317 on the date of the enactment of the Tax Reform Act of 1986.

(h) CLARIFICATION OF TREATMENT OF MEDICARE ENTITLEMENT UNDER COBRA PROVISIONS.—

(1) IN GENERAL.—

(A) Subclause (V) of section 4980B(f)(2)(B)(i) is amended to read as follows:

"(V) MEDICARE ENTITLEMENT FOLLOWED BY QUALIFYING EVENT.—In the case of a qualifying event described in paragraph (3)(B) that occurs less than 18 months after the date the covered employee became entitled to benefits under title XVIII of the Social Security Act, the period of coverage for qualified beneficiaries other than the covered employee shall not terminate under this clause before the close of the 36-month period beginning on the date the covered employee became so entitled."

(B) Clause (v) of section 602(2)(A) of the Employee Retirement Income Security Act of 1974 is amended to read as follows:

"(v) MEDICARE ENTITLEMENT FOLLOWED BY QUALIFYING EVENT.—In the case of a qualifying event described in section 603(2) that occurs less than 18 months after the date the covered employee became entitled to benefits under title XVIII of the Social Security Act, the period of coverage for qualified beneficiaries other than the covered employee shall not terminate under this subparagraph before the close of the 36-month period beginning on the date the covered employee became so entitled."

(C) Clause (iv) of section 2202(2)(A) of the Public Health Service Act is amended to read as follows:

"(iv) MEDICARE ENTITLEMENT FOLLOWED BY QUALIFYING EVENT.—In the case of a qualifying event described in section 2203(2) that occurs less than 18 months after the date the covered employee became entitled to benefits under title XVIII of the Social Security Act, the period of coverage for qualified beneficiaries other than the covered employee shall not terminate under this subparagraph before the close of the 36-month period beginning on the date the covered employee became so entitled."

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to plan years beginning after December 31, 1989.

(i) TREATMENT OF CERTAIN REMIC INCLUSIONS.—

(1) IN GENERAL.—Subsection (a) of section 860E is amended by adding at the end thereof the following new paragraph:

"(6) COORDINATION WITH MINIMUM TAX.—For purposes of part VI of subchapter A of this chapter—

"(A) the reference in section 55(b)(2) to taxable income shall be treated as a reference to taxable income determined without regard to this subsection,

"(B) the alternative minimum taxable income of any holder of a residual interest in a REMIC for any taxable year shall in no event be less than the excess inclusion for such taxable year, and

"(C) any excess inclusion shall be disregarded for purposes of computing the alternative tax net operating loss deduction.

The preceding sentence shall not apply to any organization to which section 593 applies, except to the extent provided in regulations prescribed by the Secretary under paragraph (2)."

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as if included in the amendments made by section 671 of the Tax Reform Act of 1986 unless the taxpayer elects to apply such amendment only to taxable years beginning after the date of the enactment of this Act.

(j) EXEMPTION FROM HARBOR MAINTENANCE TAX FOR CERTAIN PASSENGERS.—

(1) IN GENERAL.—Subparagraph (D) of section 4462(b)(1) (relating to special rule for Alaska, Hawaii, and possessions) is amended by inserting before the period the following: ", or passengers transported on United States flag vessels operating solely within the State waters of Alaska or Hawaii and adjacent international waters".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as if included in the amendments made by section 1402(a) of the Harbor Maintenance Revenue Act of 1986.

(k) AMENDMENTS RELATED TO REVENUE PROVISIONS OF ENERGY POLICY ACT OF 1992.—

(1) Effective with respect to taxable years beginning after December 31, 1990, subclause (II) of section 53(d)(1)(B)(iv) is amended to read as follows:

"(II) the adjusted net minimum tax for any taxable year is the amount of the net minimum tax for such year increased in the manner provided in clause (iii)."

(2) Subsection (g) of section 179A is redesignated as subsection (f).

(3) Subparagraph (E) of section 6724(d)(3) is amended by striking "section 6109(f)" and inserting "section 6109(h)".

(4)(A) Subsection (d) of section 30 is amended—

(i) by inserting "(determined without regard to subsection (b)(3))" before the period at the end of paragraph (1) thereof, and

(ii) by adding at the end thereof the following new paragraph:

"(4) ELECTION TO NOT TAKE CREDIT.—No credit shall be allowed under subsection (a) for any vehicle if the taxpayer elects to not have this section apply to such vehicle."

(B) Subsection (m) of section 6501 (as redesignated by section 1602) is amended by striking "section 40(f)" and inserting "section 30(d)(4), 40(f)".

(5) Subclause (III) of section 501(c)(21)(D)(ii) is amended by striking "section 101(6)" and inserting "section 101(7)" and by striking "1752(6)" and inserting "1752(7)".

(6) Paragraph (1) of section 1917(b) of the Energy Policy Act of 1992 shall be applied as if "at a rate" appeared instead of "at the rate" in the material proposed to be stricken.

(7) Paragraph (2) of section 1921(b) of the Energy Policy Act of 1992 shall be applied as if a comma appeared after "(2)" in the material proposed to be stricken.

(8) Subsection (a) of section 1937 of the Energy Policy Act of 1992 shall be applied as if "Subpart B" appeared instead of "Subpart C".

(l) TREATMENT OF QUALIFIED FOOTBALL COACHES PLAN.—

(1) IN GENERAL.—Subparagraph (F) of section 3(37) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(37)(F)) is amended by redesignating clause (ii) as clause (iii) and by inserting after clause (i) the following new clause:

"(ii) For purposes of the Internal Revenue Code of 1986—

"(I) clause (i) shall apply, and

"(II) a qualified football coaches plan shall be treated as a multiemployer collectively bargained plan.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to years beginning after December 22, 1987.

(m) DETERMINATION OF UNRECOVERED INVESTMENT IN ANNUITY CONTRACT.—

(1) IN GENERAL.—Subparagraph (A) of section 72(b)(4) is amended by inserting "(determined without regard to subsection (c)(2))" after "contract".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as if included in the amendments made by section 1122(c) of the Tax Reform Act of 1986.

(n) MODIFICATIONS TO ELECTION TO INCLUDE CHILD'S INCOME ON PARENT'S RETURN.—

(1) ELIGIBILITY FOR ELECTION.—Clause (ii) of section 1(g)(7)(A) (relating to election to include certain unearned income of child on parent's return) is amended to read as follows:

"(ii) such gross income is more than the amount described in paragraph (4)(A)(ii)(I) and less than 10 times the amount so described,".

(2) COMPUTATION OF TAX.—Subparagraph (B) of section 1(g)(7) (relating to income included on parent's return) is amended—

(A) by striking "$1,000" in clause (i) and inserting "twice the amount described in paragraph (4)(A)(ii)(I)", and

(B) by amending subclause (II) of clause (ii) to read as follows:

"(II) for each such child, 15 percent of the lesser of the amount described in paragraph (4)(A)(ii)(I) or the excess of the gross income of such child over the amount so described, and".

(3) MINIMUM TAX.—Subparagraph (B) of section 59(j)(1) is amended by striking "$1,000" and inserting "twice the amount in effect for the taxable year under section 63(c)(5)(A)".

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 1995.

(o) TREATMENT OF CERTAIN VETERANS' REEMPLOYMENT RIGHTS.—

(1) IN GENERAL.—Section 414 is amended by adding at the end the following new subsection:

"(u) SPECIAL RULES RELATING TO VETERANS' REEMPLOYMENT RIGHTS UNDER USERRA.—

"(1) TREATMENT OF CERTAIN CONTRIBUTIONS MADE PURSUANT TO VETERANS' REEMPLOYMENT RIGHTS.—If any contribution is made by an employer or an employee under an individual account plan with respect to an employee, or by an employee to a defined benefit plan that provides for employee contributions, and such contribution is required by reason of such employee's rights under chapter 43 of title 38, United States Code, resulting from qualified military service, then—

"(A) such contribution shall not be subject to any otherwise applicable limitation contained in section 402(g), 402(h), 403(b), 404(a), 404(h), 408, 415, or 457, and shall not be taken into account in applying such limitations to other contributions or benefits under such plan or any other plan, with respect to the year in which the contribution is made,

"(B) such contribution shall be subject to the limitations referred to in subparagraph (A) with respect to the year to which the contribution relates (in accordance with rules prescribed by the Secretary), and

"(C) such plan shall not be treated as failing to meet the requirements of section 401(a)(4), 401(a)(26), 401(k)(3), 401(k)(11), 401(k)(12), 401(m), 403(b)(12), 408(k)(3), 408(k)(6), 408(p), 410(b), or 416 by reason of the making of (or the right to make) such contribution.

For purposes of the preceding sentence, any elective deferral or employee contribution made under paragraph (2) shall be treated as required by reason of the employee's rights under such chapter 43.

"(2) REEMPLOYMENT RIGHTS UNDER USERRA WITH RESPECT TO ELECTIVE DEFERRALS.—

"(A) IN GENERAL.—For purposes of this subchapter and section 457, if an employee is entitled to the benefits of chapter 43 of title 38, United States Code, with respect to any plan which provides for elective deferrals, the employer sponsoring the plan shall be treated as meeting the requirements of such chapter 43 with respect to such elective deferrals only if such employer—

"(i) permits such employee to make additional elective deferrals under such plan (in the amount determined under subparagraph (B) or such lesser amount as is elected by the employee) during the period which begins on the date of the reemployment of such employee with such employer and has the same length as the lesser of—

"(I) the product of 3 and the period of qualified military service which resulted in such rights, and

"(II) 5 years, and

"(ii) makes a matching contribution with respect to any additional elective deferral made pursuant to clause (i) which would have been required had such deferral actually been made during the period of such qualified military service.

"(B) AMOUNT OF MAKEUP REQUIRED.—The amount determined under this subparagraph with respect to any plan is the maximum amount of the elective deferrals that the individual would have been permitted to make under the plan in accordance with the limitations referred to in paragraph (1)(A) during the period of qualified military service if the individual had continued to be employed by the employer during such period and received compensation as determined under paragraph (7). Proper adjustment shall be made to the amount determined under the preceding sentence for any elective deferrals actually made during the period of such qualified military service.

"(C) ELECTIVE DEFERRAL.—For purposes of this paragraph, the term 'elective deferral' has the meaning given such term by section 402(g)(3); except that such term shall include any deferral of compensation under an eligible deferred compensation plan (as defined in section 457(b)).

"(D) AFTER-TAX EMPLOYEE CONTRIBUTIONS.—References in subparagraphs (A) and (B) to

elective deferrals shall be treated as including references to employee contributions.

"(3) CERTAIN RETROACTIVE ADJUSTMENTS NOT REQUIRED.—For purposes of this subchapter and subchapter E, no provision of chapter 43 of title 38, United States Code, shall be construed as requiring—

"(A) any crediting of earnings to an employee with respect to any contribution before such contribution is actually made, or

"(B) any allocation of any forfeiture with respect to the period of qualified military service.

"(4) LOAN REPAYMENT SUSPENSIONS PERMITTED.—If any plan suspends the obligation to repay any loan made to an employee from such plan for any part of any period during which such employee is performing service in the uniformed services (as defined in chapter 43 of title 38, United States Code), whether or not qualified military service, such suspension shall not be taken into account for purposes of section 72(p), 401(a), or 4975(d)(1).

"(5) QUALIFIED MILITARY SERVICE.—For purposes of this subsection, the term 'qualified military service' means any service in the uniformed services (as defined in chapter 43 of title 38, United States Code) by any individual if such individual is entitled to reemployment rights under such chapter with respect to such service.

"(6) INDIVIDUAL ACCOUNT PLAN.—For purposes of this subsection, the term 'individual account plan' means any defined contribution plan (including any tax-sheltered annuity plan under section 403(b), any simplified employee pension under section 408(k), any qualified salary reduction arrangement under section 408(p), and any eligible deferred compensation plan (as defined in section 457(b)).

"(7) COMPENSATION.—For purposes of sections 403(b)(3), 415(c)(3), and 457(e)(5), an employee who is in qualified military service shall be treated as receiving compensation from the employer during such period of qualified military service equal to—

"(A) the compensation the employee would have received during such period if the employee were not in qualified military service, determined based on the rate of pay the employee would have received from the employer but for absence during the period of qualified military service, or

"(B) if the compensation the employee would have received during such period was not reasonably certain, the employee's average compensation from the employer during the 12-month period immediately preceding the qualified military service (or, if shorter, the period of employment immediately preceding the qualified military service).

"(8) USERRA REQUIREMENTS FOR QUALIFIED RETIREMENT PLANS.—For purposes of this subchapter and section 457, an employer sponsoring a retirement plan shall be treated as meeting the requirements of chapter 43 of title 38, United States Code, only if each of the following requirements is met:

"(A) An individual reemployed under such chapter is treated with respect to such plan as not having incurred a break in service with the employer maintaining the plan by reason of such individual's period of qualified military service.

"(B) Each period of qualified military service served by an individual is, upon reemployment under such chapter, deemed with respect to such plan to constitute service with the employer maintaining the plan for the purpose of determining the nonforfeitability of the individual's accrued benefits under such plan and for the purpose of determining the accrual of benefits under such plan.

"(C) An individual reemployed under such chapter is entitled to accrued benefits that are contingent on the making of, or derived from, employee contributions or elective deferrals only to the extent the individual makes payment to the plan with respect to such contributions or deferrals. No such payment may exceed the amount the individual would have been permitted or required to contribute had the individual remained continuously employed by the employer throughout the period of qualified military service. Any payment to such plan shall be made during the period beginning with the date of reemployment and whose duration is 3 times the period of the qualified military service (but not greater than 5 years).

"(9) PLANS NOT SUBJECT TO TITLE 38.—This subsection shall not apply to any retirement plan to which chapter 43 of title 38, United States Code, does not apply.

"(10) REFERENCES.—For purposes of this section, any reference to chapter 43 of title 38, United States Code, shall be treated as a reference to such chapter as in effect on December 12, 1994 (without regard to any subsequent amendment)."

(2) EFFECTIVE DATE.—The amendment made by this subsection shall be effective as of December 12, 1994.

(p) REPORTING OF REAL ESTATE TRANSACTIONS.—

(1) IN GENERAL.—Paragraph (3) of section 6045(e) (relating to prohibition of separate charge for filing return) is amended by adding at the end the following new sentence: "Nothing in this paragraph shall be construed to prohibit the real estate reporting person from taking into account its cost of complying with such requirement in establishing its charge (other than a separate charge for complying with such requirement) to any customer for performing services in the case of a real estate transaction."

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as if included in section 1015(e)(2)(A) of the Technical and Miscellaneous Revenue Act of 1988.

(q) CLARIFICATION OF DENIAL OF DEDUCTION FOR STOCK REDEMPTION EXPENSES.

(1) IN GENERAL.—Paragraph (1) of section 162(k) is amended by striking "the redemption of its stock" and inserting "the reacquisition of its stock or of the stock of any related person (as defined in section 465(b)(3)(C))".

(2) CERTAIN DEDUCTIONS PERMITTED.—Subparagraph (A) of section 162(k)(2) is amended by striking "or" at the end of clause (i), by redesignating clause (ii) as clause (iii), and by inserting after clause (i) the following new clause:

"(ii) deduction for amounts which are properly allocable to indebtedness and amortized over the term of such indebtedness, or".

(3) CLERICAL AMENDMENT.—The subsection heading for subsection (k) of section 162 is amended by striking "REDEMPTION" and inserting "REACQUISITION".

(4) EFFECTIVE DATE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the amendments made by this subsection shall apply to amounts paid or incurred after September 13, 1995, in taxable years ending after such date.

(B) PARAGRAPH (2).—The amendment made by paragraph (2) shall take effect as if included in the amendment made by section 613 of the Tax Reform Act of 1986.

(r) CLERICAL AMENDMENT TO SECTION 404.—

(1) IN GENERAL.—Paragraph (1) of section 404(j) is amended by striking "(10)" and inserting "(9)".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as if included in the amendments made by section 713(d)(4)(A) of the Deficit Reduction Act of 1984.

(s) PASSIVE INCOME NOT TO INCLUDE FSC INCOME, ETC.—

(1) IN GENERAL.—Paragraph (2) of section 1296(b) is amended by striking "or" at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting ", or", and by inserting after subparagraph (C) the following new subparagraph:

"(D) which is foreign trade income of a FSC or export trade income of an export trade corporation (as defined in section 971)."

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as if included in the amendments made by section 1235 of the Tax Reform Act of 1986.

(t) MISCELLANEOUS CLERICAL AMENDMENTS.—

(1) Subclause (II) of section 56(g)(4)(C)(ii) is amended by striking "of the subclause" and inserting "of subclause".

(2) Paragraph (2) of section 72(m) is amended by inserting "and" at the end of subparagraph (A), by striking subparagraph (B), and by redesignating subparagraph (C) as subparagraph (B).

(3) Paragraph (2) of section 86(b) is amended by striking "adusted" and inserting "adjusted".

(4)(A) The heading for section 112 is amended by striking "COMBAT PAY" and inserting "COMBAT ZONE COMPENSATION".

(B) The item relating to section 112 in the table of sections for part III of subchapter B of chapter 1 is amended by striking "combat pay" and inserting "combat zone compensation".

(C) Paragraph (1) of section 3401(a) is amended by striking "combat pay" and inserting "combat zone compensation".

(5) Clause (i) of section 172(h)(3)(B) is amended by striking the comma at the end thereof and inserting a period.

(6) Clause (ii) of section 543(a)(2)(B) is amended by striking "section 563(c)" and inserting "section 563(d)".

(7) Paragraph (1) of section 958(a) is amended by striking "sections 955(b)(1) (A) and (B), 955(c)(2)(A)(ii), and 960(a)(1)" and inserting "section 960(a)(1)".

(8) Subsection (g) of section 642 is amended by striking "under 2621(a)(2)" and inserting "under section 2621(a)(2)".

(9) Section 1463 is amended by striking "this subsection" and inserting "this section".

(10) Subsection (k) of section 3306 is amended by inserting a period at the end thereof.

(11) The item relating to section 4472 in the table of sections for subchapter B of chapter 36 is amended by striking "and special rules".

(12) Paragraph (3) of section 5134(c) is amended by striking "section 6662(a)" and inserting "section 6665(a)".

(13) Paragraph (2) of section 5206(f) is amended by striking "section 5(e)" and inserting "section 105(e)".

(14) Paragraph (1) of section 6050B(c) is amended by striking "section 85(c)" and inserting "section 85(b)".

(15) Subsection (k) of section 6166 is amended by striking paragraph (6).

(16) Subsection (e) of section 6214 is amended to read as follows:

"(e) CROSS REFERENCE.—

"For provision giving Tax Court jurisdiction to order a refund of an overpayment and to award sanctions, see section 6512(b)(2)."

(17) The section heading for section 6043 is amended by striking the semicolon and inserting a comma.

(18) The item relating to section 6043 in the table of sections for subpart B of part III of subchapter A of chapter 61 is amended by striking the semicolon and inserting a comma.

(19) The table of sections for part I of subchapter A of chapter 68 is amended by striking the item relating to section 6662.

(20)(A) Section 7232 is amended—

(i) by striking "**LUBRICATING OIL,**" in the heading, and

(ii) by striking "lubricating oil," in the text.

(B) The table of sections for part II of subchapter A of chapter 75 is amended by striking *"lubricating oil," in the item relating to section 7232.*

(21) Paragraph (1) of section 6701(a) of the Omnibus Budget Reconciliation Act of 1989 is amended by striking "subclause (IV)" and inserting "subclause (V)".

(22) Clause (ii) of section 7304(a)(2)(D) of such Act is amended by striking "subsection (c)(2)" and inserting "subsection (c)".

(23) Paragraph (1) of section 7646(b) of such Act is amended by striking "section 6050H(b)(1)" and inserting "section 6050H(b)(2)".

(24) Paragraph (10) of section 7721(c) of such Act is amended by striking "section 6662(b)(2)(C)(ii)" and inserting "section 6661(b)(2)(C)(ii)".

(25) Subparagraph (A) of section 7811(i)(3) of such Act is amended by inserting "the first place it appears" before "in clause (i)".

(26) Paragraph (10) of section 7841(d) of such Act is amended by striking "section 381(a)" and inserting "section 381(c)".

(27) Paragraph (2) of section 7861(c) of such Act is amended by inserting "the second place it appears" before "and inserting".

(28) Paragraph (1) of section 460(b) is amended by striking "the look-back method of paragraph (3)" and inserting "the look-back method of paragraph (2)".

(29) Subparagraph (C) of section 50(a)(2) is amended by striking "subsection (c)(4)" and inserting "subsection (d)(5)".

(30) Subparagraph (B) of section 172(h)(4) is amended by striking the material following the heading and preceding clause (i) and inserting "For purposes of subsection (b)(2)—".

(31) Subparagraph (A) of section 355(d)(7) is amended by inserting "section" before "267(b)".

(32) Subparagraph (C) of section 420(e)(1) is amended by striking "mean" and inserting "means".

(33) Paragraph (4) of section 537(b) is amended by striking "section 172(i)" and inserting "section 172(f)".

(34) Subparagraph (B) of section 613(e)(1) is amended by striking the comma at the end thereof and inserting a period.

(35) Paragraph (4) of section 856(a) is amended by striking "section 582(c)(5)" and inserting "section 582(c)(2)".

(36) Sections 904(f)(2)(B)(i) and 907(c)(4)(B)(iii) are each amended by inserting "(as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990)" after "section 172(h)".

(37) Subsection (b) of section 936 is amended by striking "subparagraphs (D)(ii)(I)" and inserting "subparagraphs (D)(ii)".

(38) Subsection (c) of section 2104 is amended by striking "subparagraph (A), (C), or (D) of section 861(a)(1)" and inserting "section 861(a)(1)(A)".

(39) Subparagraph (A) of section 280A(c)(1) is amended to read as follows:

"(A) as the principal place of business for any trade or business of the taxpayer,".

(40) Section 6038 is amended by redesignating the subsection relating to cross references as subsection (f).

(41) Clause (iv) of section 6103(e)(1)(A) is amended by striking all that follows "provisions of" and inserting "section 1(g) or 59(j);".

(42) The subsection (f) of section 6109 of the Internal Revenue Code of 1986 which was added by section 2201(d) of Public Law 101–624 is redesignated as subsection (g).

(43) Subsection (b) of section 7454 is amended by striking "section 4955(e)(2)" and inserting "section 4955(f)(2)".

(44) Subsection (d) of section 11231 of the Revenue Reconciliation Act of 1990 shall be applied as if "comma" appeared instead of "period" and as if the paragraph (9) proposed to be added ended with a comma.

(45) Paragraph (1) of section 11303(b) of the Revenue Reconciliation Act of 1990 shall be applied as if "paragraph" appeared instead of "subparagraph" in the material proposed to be stricken.

(46) Subsection (f) of section 11701 of the Revenue Reconciliation Act of 1990 is amended by inserting "(relating to definitions)" after "section 6038(e)".

(47) Subsection (i) of section 11701 of the Revenue Reconciliation Act of 1990 shall be applied as if "subsection" appeared instead of "section" in the material proposed to be stricken.

(48) Subparagraph (B) of section 11801(c)(2) of the Revenue Reconciliation Act of 1990 shall be applied as if "section 56(g)" appeared instead of "section 59(g)".

(49) Subparagraph (C) of section 11801(c)(8) of the Revenue Reconciliation Act of 1990 shall be applied as if "reorganizations" appeared instead of "reorganization" in the material proposed to be stricken.

(50) Subparagraph (H) of section 11801(c)(9) of the Revenue Reconciliation Act of 1990 shall be applied as if "section 1042(c)(1)(B)" appeared instead of "section 1042(c)(2)(B)".

(51) Subparagraph (F) of section 11801(c)(12) of the Revenue Reconciliation Act of 1990 shall be applied as if "and (3)" appeared instead of "and (E)".

(52) Subparagraph (A) of section 11801(c)(22) of the Revenue Reconciliation Act of 1990 shall be applied as if "chapters 21" appeared instead of "chapter 21" in the material proposed to be stricken.

(53) Paragraph (3) of section 11812(b) of the Revenue Reconciliation Act of 1990 shall be applied by not executing the amendment therein to the heading of section 42(d)(5)(B).

(54) Clause (i) of section 11813(b)(9)(A) of the Revenue Reconciliation Act of 1990 shall be applied as if a comma appeared after "(3)(A)(ix)" in the material proposed to be stricken.

(55) Subparagraph (F) of section 11813(b)(13) of the Revenue Reconciliation Act of 1990 shall be applied as if "tax" appeared after "investment" in the material proposed to be stricken.

(56) Paragraph (19) of section 11813(b) of the Revenue Reconciliation Act of 1990 shall be applied as if "Paragraph (20) of section 1016(a), as redesignated by section 11801," appeared instead of "Paragraph (21) of section 1016(a)".

(57) Paragraph (5) section 8002(a) of the Surface Transportation Revenue Act of 1991 shall be applied as if "4481(e)" appeared instead of "4481(c)".

(58) Section 7872 is amended—

(A) by striking "foregone" each place it appears in subsections (a) and (e)(2) and inserting "forgone", and

(B) by striking "FOREGONE" in the heading for subsection (e) and the heading for paragraph (2) of subsection (e) and inserting "FORGONE".

(59) Paragraph (7) of section 7611(h) is amended by striking "approporiate" and inserting "appropriate".

(60) The heading of paragraph (3) of section 419A(c) is amended by striking "SEVERENCE" and inserting "SEVERANCE".

(61) Clause (ii) of section 807(d)(3)(B) is amended by striking "Commissoners' " and inserting "Commissioners' ".

(62) Subparagraph (B) of section 1274A(c)(1) is amended by striking "instument" and inserting "instrument".

(63) Subparagraph (B) of section 724(d)(3) by striking "Subparagaph" and inserting "Subparagraph".

(64) The last sentence of paragraph (2) of section 42(c) is amended by striking "of 1988".

(65) Paragraph (1) of section 9707(d) is amended by striking "diligence," and inserting "diligence".

(66) Subsection (c) of section 4977 is amended by striking "section 132(i)(2)" and inserting "section 132(h)".

(67) The last sentence of section 401(a)(20) is amended by striking "section 211" and inserting "section 521".

(68) Subparagraph (A) of section 402(g)(3) is amended by striking "subsection (a)(8)" and inserting "subsection (e)(3)".

(69) The last sentence of section 403(b)(10) is amended by striking "an direct" and inserting "a direct".

(70) Subparagraph (A) of section 4973(b)(1) is amended by striking "sections 402(c)" and inserting "section 402(c)".

(71) Paragraph (12) of section 3405(e) is amended by striking "(b)(3)" and inserting "(b)(2)".

(72) Paragraph (41) of section 521(b) of the Unemployment Compensation Amendments of 1992 shall be applied as if "section" appeared instead of "sections" in the material proposed to be stricken.

(73) Paragraph (27) of section 521(b) of the Unemployment Compensation Amendments of 1992 shall be applied as if "Section 691(c)(5)" appeared instead of "Section 691(c)".

(74) Paragraph (5) of section 860F(a) is amended by striking "paragraph (1)" and inserting "paragraph (2)".

(75) Paragraph (1) of section 415(k) is amended by adding "or" at the end of subparagraph (C), by striking subparagraphs (D) and (E), and by redesignating subparagraph (F) as subparagraph (D).

(76) Paragraph (2) of section 404(a) is amended by striking "(18),".

(77) Clause (ii) of section 72(p)(4)(A) is amended to read as follows:

"(ii) SPECIAL RULE.—The term 'qualified employer plan' shall not include any plan which was (or was determined to be) a qualified employer plan or a government plan."

(78) Sections 461(i)(3)(C) and 1274(b)(3)(B)(i) are each amended by striking "section 6662(d)(2)(C)(ii)" and inserting "section 6662(d)(2)(C)(iii)".

(79) Subsection (a) of section 164 is amended by striking the paragraphs relating to the generation-skipping tax and the environmental tax imposed by section 59A and by inserting after paragraph (3) the following new paragraphs:

"(4) The GST tax imposed on income distributions.

"(5) The environmental tax imposed by section 59A."

(u) CERTAIN PROPERTY NOT TREATED AS SECTION 179 PROPERTY.—

(1) IN GENERAL.—Paragraph (1) of section 179(d) is amended by adding at the end thereof the following new sentence: "Such term shall not include any property described in section 50(b) and shall not include air conditioning or heating units and horses."

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to property placed in service after May 14, 1996.

The SPEAKER pro tempore. Under the rule, the gentleman from Texas [Mr. ARCHER] and the gentleman from Florida [Mr. GIBBONS] each will control 30 minutes.

The Chair recognizes the gentleman from Texas [Mr. ARCHER].

□ 1845

GENERAL LEAVE

Mr. ARCHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3448.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, millions of Americans worry about their ability to retire with security and comfort.

Some worry because their employer is unable to provide them with a benefit and pensions. Others worry about whether their existing pensions will be there for them when they retire.

The bill that we pass in the House today will come as a blessing for all of these Americans. This bill will make it easier for people to get pensions and it will protect the pensions of those who already have them.

These Republican pension reforms should provide relief and comfort for countless middle-income Americans struggling to make ends meet.

Republicans recognize that the middle-class crunch is real and these reforms are designed to help people make more and save more.

Our bill contains more than two dozen specific pension reforms.

Thirty-six million Americans work for small businesses that can't afford to provide pensions to their employees. These 36 million people will benefit from our simple plan. This plan allows small businesses tax favored treatment when they establish pension plans for their workers.

Two million Americans who work for tax-exempt organizations will, for the first time, be eligible to sign up for 401(k) savings plans.

And in what is called the Orange County provision, 16 million people who work for State and local governments will no longer have to fear losing their pensions in the event of a bankruptcy. Our section 457 trust reforms protect their retirement savings from creditors.

In addition to pension reforms, the bill we pass today includes seven other items that will help small businesses and their workers. They include creation of the work opportunity tax credit designed to encourage the hiring of hard-to-place works, and an increase in expensing for small businesses to help the Nation's job creators grow and create more jobs. I note that this item was part of our Contract With America.

We change S corporation laws to make it easier for families to maintain their enterprises and we extend a popular tax provision that allows employers to provide their workers with educational assistance on a tax favored basis.

All these changes will give small businesses and their workers a helping hand as they wrestle with the middle-class crunch. Although President Clinton vetoed them once before, I am confident he will now sign these Republican reforms.

One final note. This isn't all we've done on pension reforms and we are about to do even more. Last year, we passed expanded individual retirement accounts; IRA's for homemakers; we created a new American dream savings account that can be used for education, first-time home purchases, and extraordinary medical expenses.

President Clinton vetoed all these measures, but we're going to pass them again and this time we hope he'll support them.

I am delighted these initiatives are passing in the House today and I look forward to them becoming law.

Mr. Speaker, I reserve the balance of my time.

Mr. GIBBONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am going to yield to the gentleman from Puerto Rico [Mr. ROMERO-BARCELÓ]. The gentleman from Puerto Rico [Mr. ROMERO-BARCELÓ] represents the millions of Americans, the millions of Americans, who are disenfranchised because they happen to live in Puerto Rico. He is a distinguished Member of Congress, and he deserves our rapt attention. He is the former Governor of Puerto Rico, and a great part of this bill affects the lives of the people of Puerto Rico. So I hope all Member will pay rapt attention to his words.

Mr. Speaker, I yield 4 minutes to the gentleman from Puerto Rico [Mr. ROMERO-BARCELÓ].

Mr. ROMERO-BARCELÓ. Mr. Speaker, I thank the gentleman from Florida for yielding me time.

Mr. Speaker, the differences between democracy and totalitarianism is that in totalitarianism the end justifies the means. In a democracy the means are at least as important as the end, if not more important.

This act has a good purpose, to provide businesses, small businesses, with tax breaks. We are all for that. But how does it go about providing small businesses with tax breaks?

It collects revenues from Puerto Rico. Tax revenues that up to now have not been collected, to the tune of $4.8 billion, which is more than half of the tax cuts that are going to be provided for the small businesses in eight years.

Now, this funding, this money that is being collected from Puerto Rico, is not being turned back to Puerto Rico at all. Puerto Rico, which is the poorest jurisdiction in the Nation, Puerto Rico has the lowest per capita income than the State with the lowest per capital income, which is Mississippi, we have less than half the per capita income, we have more than double the unemployment of the Nation, and the tax cuts that were being given to Puerto Rico and the other territories is for the purpose of promoting jobs.

Now, is it fair for the poorest jurisdiction in the Nation to subsidize the tax cuts for small businesses in 50 States of the Nation? I submit, Mr. Speaker, that that is grossly unfair. That is something that should not be allowed.

But I have no vote. I represent 3.8 million U.S. citizens, six times more than the average here in the House, but I am not allowed to vote. I am disenfranchised. We are all disenfranchised. But we are not merely resident aliens, we are U.S. citizens, and have been since 1917.

Mr. Speaker, what do we say to the children of men who have given their lives in defense of the Nation? That here, when we need to have tax cuts for small businesses, we cannot find it anywhere else, but we go to Puerto Rico and grab $4.8 billion in 8 years to subsidize these tax cuts? And I have not been given an opportunity even to submit an amendment here on the floor?

I was not given an opportunity to really participate in anything, any of the discussions in the Committee on Ways and Means. Mr. Speaker, I have been probably the most critical person of the tax breaks based on income, the tax credit based on income, the so-called section 936. But we are proposing a substitute, that we have tax credits based on salaries, on wages. And this has been supported by some of the speakers here today when they were discussing the rule, by some of the Republicans when they were discussing the rule. That is what we proposed as a substitute.

Why try to save the companies or give them a 10-year holiday, the ones that earn the most money in Puerto Rico, the ones that receive the most profits, the most benefits, give them a 10-year holiday for now, but it does not produce a single new job, when we could be taxing them, but at the same time providing for tax credits based on wages, which would stimulate further investment to create more jobs, and the revenues obtained in Puerto Rico; that we listen to what the President is proposing and what we have proposed, that because the people of Puerto Rico do not have the same safety net that at least in health care, at least in health care, this money be used to make Puerto Rico whole in health care.

We get less than 10 percent of what we would get in Medicaid for health care in Puerto Rico if we were treated as a State. Now, if any State in the Nation had to pay over 90 percent of their Medicaid costs now, they would be broke. And here we are not being given anything out of this revenue for Medicaid.

Mr. Speaker, I submit that this bill should be reviewed and that this should not be approved today.

Mr. ARCHER. Mr. Speaker, I yield 2 minutes to the gentleman from new York [Mr. HOUGHTON], a respected member of the Committee on Ways and Means.

Mr. HOUGHTON. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I am here to support not only the minimum wage bill, but also the work opportunity tax credit. I would first like to say a word about the gentleman from Buffalo, NY, Mr. JACK QUINN, because he has been a leading light and real pusher of this thing from way back, and I also would like to thank the gentleman from Pennsylvania, Mr. PHIL ENGLISH, for what he has done and the gentleman from Kansas, Mr. PAT ROBERTS, for his work on the work opportunity tax credit, and also my friend the gentleman from New York, Mr. CHARLIE RANGEL, over here.

This is a plain sense bill. It is part of the tax package. I would like to focus just the few seconds I have on the work opportunity tax credit.

This is something, really, which makes sense, not only for the people who are to be hired, but also for the businesses. For the businesses, what it does is help those businesses that are going to be having an increase in the minimum wage to absorb the cost. As a matter of fact, if you hire an individual, the arithmetic works out that you, in terms of the total 2-year period which you will be hiring this individual and having him work in your establishment, that the cost will be less than the minimum wage is now because of the incentive which the Government gives.

So it is a real incentive for businesses. On the other hand, of course, what it does is take those needy people, who are working off welfare or getting off of food stamps or getting off a whole variety of things, to come into the work force. Now, this is not a perfect bill, and with any bill like this, it will be changed and adopted over the years. But it makes a great deal of sense.

So, Mr. Speaker, with the minimum wage, combined with the work opportunity tax credit, I think we have a winnable combination. I thank you very much for letting me express myself.

□ 1900

Mr. GIBBONS. Mr. Speaker, I yield 4 minutes to the gentleman from New York [Mr. RANGEL].

Mr. RANGEL. Mr. Speaker, I think this is going to be an historic vote. The Republicans have been forced to bring to the floor a minimum wage bill so they had to put some sweetness in there, of course, for small employers, where they get a few tax breaks, and, hopefully, we would have a good sweetener.

But when we see how they are going to pay for this it is almost like those old enough to remember when we had to take castor oil. They used to mix it with the orange juice. Well, we have got the orange juice with the watered down minimum wage bill, but the castor oil is how do we pay for it?

I would guess that, following Republican logic, we will pay for it by going to the poorest people with the weakest political posture and, if we can find any Americans that cannot vote, then hit them where it hurts.

We get $4.8 billion over the next couple of years, not in grants for health care or for housing, but in order to create jobs. And, again, it gives it to the corporations to encourage them to invest there. Some people say it is too much for the corporations. Some people say it is too expensive of a project. Well, they might be right. But if we are going to take 3.8 million Americans, and every time there is a war we call upon them to get in a suit and go over to fight for the United States of America; if we are going to take 3.8 million Americans who stand up to the United Nations and say we are no colony, the United States is no imperialistic nation, we are citizens of the United States, but we decide for sweetness for those on the mainland that we are going to whack it to them.

Well, listen, if they have the votes, they should do it. I understand that. But should they not do it with hearings? Have we reached a point that we are dealing with tax bills that the tax committee does not even look at it; we just get it? Has it reached the point that we do not have hearings anymore? Have we fallen so much in common decency that we do not ask the duly elected representative from the 4 million people what he thinks?

They have a Governor. I do not know what people think about him, but he has the responsibility for the health, for the welfare, for the economy. Do we say to him, "What would you like to do; do you have a substitute?" Or do we just take away $4 billion because we have the power to do it?

I tell my colleagues one thing, I am not here to defend 936. Whatever the economists and the people in Puerto Rico think is good to encourage jobs for them, good. But I notice one thing, especially when the chairman of the committee says, "Oh, Charlie, I know you like 936 companies." Oh, no, the chairman likes 936 companies, because in this bill the only people that are protected are not the people of Puerto Rico but the American companies that are in Puerto Rico. They get 10 years to get their money out. But there is nothing there to encourage one nickel of investment, as these companies now have 10 years to look at other parts of the Caribbean or Ireland or any low-wage based country.

So what we have said now is that we cannot find enough poor on the mainland to beat up on. We have already hit them when we talked about the earned income tax credit. If we are talking about housing for the poor, we put a damper on the low-income housing credit. We have done everything we could, but somebody said we have some poorer Americans in Puerto Rico, hit them, and that is exactly what the Republicans have done.

All I can say is, Mr. President, wherever you are, do not sign this bill.

Mr. ARCHER. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. ENGLISH], another valued member of the Committees on Ways and Means.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I rise in strong support of H.R. 3448, the Small Business Job Protection Act, strong legislation to help small business and to help American workers.

Mr. Speaker, this bipartisan bill would enact several key tax incentives critical to working students, critical to trainees with limited skills, and critical to small businesses that are the most dynamic sector of the American economy.

Mr. Speaker, this bill encourages investment in jobs by cash-starved small economies, small businesses. H.R. 3448 will increase the limit on the amount of equipment that a small business can expense from the current level of $17,500 to $25,000. This will allow small companies to grow and to create more jobs.

This bill encourages the hiring of low-skilled workers through the work opportunity tax credit, a critical initiative to bring more people out of the welfare system and into the work force.

This bill encourages critical investment in worker training through a tax break for employer-provided undergraduate tuition, that, unfortunately, the last Congress had allowed to expire.

This legislation increases access to pension benefits for workers through pension reform and pension simplification.

Mr. Speaker, all of these provisions passed the Committee on Ways and Means with strong bipartisan support. I invite my colleagues on both sides of the aisle to support our workers by giving employers the tools to create and improve jobs by voting "yes" on H.R. 3448.

Mr. GIBBONS. Mr. Speaker, I yield 3 minutes to the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Mr. Speaker, I rise to talk about this bill that is before us this evening, and I have to say that it has some very excellent provisions in it. Having said that, I must admit that one of the reasons that I say that is that it contains one of the things that I have worked on for years, and I thank Chairman ARCHER for including it in the bill.

This reduces the vesting period for multiemployer pension plans from 10 years to 5 years. What that means is that 1 million people will receive a well-deserved pension when and if the President signs this bill.

This bill also extends employer-provided educational assistance through December 31, 1996. This is so important to workers who want to maintain their competitiveness in an ever changing world.

I do wish, and I almost cannot understand why if we put in the additional continuation of the educational assistance, that we did not do it for graduate school. If we are really serious about competing in a world economy, we certainly have to continue our education. As we know, people have job after job throughout their careers, and I just wish this could be reconsidered and we would have that deduction for our graduate education.

But I look at another thing in this bill and I see it has very good increases on the limitation on expensing to $25,000 in the year 2003. Many people in this body will remember when in 1993 we increased, when I say we, I say the Clinton administration and the majority at that time, took the expensing limit from $10,000 to $17,500. Now we are going to take it up to an additional amount.

But there are disappointments in this bill and I remain deeply concerned about one of them, and that is one that the delegate from Puerto Rico just spoke about, and that is section 936. Section 936 has played a critical role in the economic development of Puerto Rico and has certainly provided good jobs in Puerto Rico so people could work and take care of themselves and their families.

What happens in this bill is that the 936 is phased out. There has been discussion about that over the years, but having phased it out, it is not replaced with anything that addresses the economic needs of Puerto Rico.

I am also disappointed that this legislation does not include other extenders such as the R&D, the research and development credit in particular. Once again, how will we compete in an international world if we do not do what we do best, research?

But the most profound disappointment concerns the fact that even as we consider this very important legislation to provide assistance to small businesses, we will have an amendment before us, as this process continues, of stripping away one of the most important protections relied on by workers and many of these businesses, and that is the minimum wage.

The amendment that is going to come before us is an effort to roll back the minimum wage coverage for as many as 10 million individuals employed by small businesses. This amendment should not pass.

Mr. ARCHER. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. PORTMAN], another valued member of the Committee on Ways and Means; a gentleman who, through his efforts, has made a major contribution to the pension provisions that are in this bill. He has almost singlehandedly created those provisions, and so I am proud to yield to him.

Mr. PORTMAN. Mr. Speaker, I thank the chairman for those words, and I will return the compliment. We would not have the small business package on the floor if not for his support of it, and I think if we can make these changes, we will see immediate benefits to small business America and to the jobs they create. After all, that is what this is all about.

Mr. Speaker, last year the gentleman from Maryland, Mr. BEN CARDIN, and I introduced legislation to simplify the pension system in this country. It was in the Balanced Budget Act that was vetoed by the President. It is a common sense approach. There is strong bipartisan support for it.

The idea is to make it just a lot easier for companies to offer a pension plan, particularly smaller businesses. The current system cries out for reform because of its cost and complexity.

Let me give my colleagues a statistic. Only 20 percent of businesses with less than 25 employees offer any kind of pension plan today, any kind of profit sharing plan, 401(k), or any other pension system.

I think there are three main reasons this pension reform is long overdue.

First, it will help the savings rate, by which economists will tell us it will help productivity and result in more jobs in this country. We now have the lowest savings rate of all the industrialized worlds and it is hurting us. It gives us a competitive disadvantage.

Second, I think we need to do all we can to encourage private savings in this country for retirement. The reason for that is we need to backstop our Social Security System. The American people are way ahead of us on this. They understand that Social Security is at risk and we need to encourage private savings so it will be there, particularly when the baby boom generation begins to retire.

Third, and most important, this provision is going to help American workers, the workers who are caught in the wage and benefits squeeze, because this makes more generous a very important fringe benefit, and that is the pension benefit. That is the most important part of this.

It is a win-win situation. It is overdue, something we should have done already, and I am very pleased it is part of this legislation.

Let us simplify our retirement security system in this country. Let us do this for our workers. Let us enable more working Americans to save and let us increase retirement security.

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume in order to expand my compliments to include the gentleman from Maryland, [Mr. CARDIN], who also has made a major contribution to these pension simplification provisions of this bill.

It has been bipartisan, and I would say to the Speaker that when this bill passed out of our committee in its entirety, there were only three negative votes against it. So it is truly a bipartisan bill.

Mr. Speaker, I reserve the balance of my time.

Mr. GIBBONS. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland, [Mr. CARDIN,] who I am proud to say has made mammoth contributions to this pension plan we are talking about now.

Mr. CARDIN. Mr. Speaker, I thank my friend from Florida for yielding me this time, and compliment my colleague, the gentleman from Ohio [Mr. PORTMAN], for the work that he has done in the pension area, and I thank the chairman of the committee, the gentleman from Texas [Mr. ARCHER] for his comments.

It has clearly been a bipartisan effort on the pension simplification, and the gentleman from Ohio [Mr. PORTMAN] has done a great job this year in bringing this bill to the floor for the second time. I hope we are going to be able to get these pension simplifications enacted.

We have moved many of the provisions in this bill on previous occasions. We have broad support both in this House, the other body, the Clinton administration, and the public for many provisions that are in this bill.

We have seen most of these provisions included in the pension simplification in 1992 as passed by a Democratic Congress. It was vetoed by a Republican President for unrelated reasons. The provisions were passed again in 1995 by a Republican Congress and vetoed by a Democratic President for unrelated reasons. So I hope the third time is the charm and we will get this bill passed and signed into law, because it contains many important provisions for people in this Nation.

We have already heard some of those reasons. We are restoring the exclusion for employer-provided education assistance. That is long overdue and good news many hundreds of thousands of Americans.

Thousands more Americans will welcome the newly configured work opportunity tax credit, which will help businesses hire people and give them a chance to learn new skills.

□ 1915

The reform in subchapter S, very important for American small businesses that will help them accumulate capital and prosper and raise the necessary funds in order to grow in our economy. And the expensing of capital from $17,500 to $25,000 for small business is a continuation of a process that we started in 1993 tax legislation.

But as the gentleman from Ohio [Mr. PORTMAN] has pointed out, the provision I guess I am the most pleased to see us move forward is the pension simplification. All too frequently in the last 15 years in the name of simplification and reform, we made it impossible for many small businesses to have pension plans. The complicated test that Government required small businesses to go through prevented many small businesses financially from being able to offer pension plans.

What this bill will do, by offering new opportunities and safe harbor provisions, will allow small companies to in fact have pension plans to provide for the future of their workers. I am extremely pleased that those provisions are included in this bill, and I trust that we will be able to get this to the President's desk in a form that it can be signed.

Mr. Speaker, let me point out, when we work together, Democrats and Republicans, to craft legislation, it is in the best interest of the American people. I hope what we are doing tonight in this legislation we can do in many more bills throughout the year, work together on behalf of the American people.

Mr. ARCHER. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. CAMP], another valued member of the Committee on Ways and Means.

Mr. CAMP. Mr. Speaker, I thank the chairman for yielding me the time.

Mr. Speaker, a cornerstone of our Nation is education. A small investment in education can reap tremendous rewards. The United States is the world's greatest Nation, and we owe this success in large part to the commitment we have made to learning.

Today the Congress affirms its commitment to education. The bill before us today continues favorable tax treatment when employers pay for employee education. Employers benefit from this education tax assistance through access to a better educated and more productive work force.

Employees benefit from this provision by enhancing their education and expanding their opportunities. By promoting education, we ensure the United States maintains the most educated and productive work force in the world.

As an original cosponsor of this proposal, I am pleased it was included in the bill. It preserves our tradition of excellence and affirms our commitment to education and to lifelong learning.

I urge my colleagues to support America's students and vote in favor of this bill.

Mr. GIBBONS. Mr. Speaker, I yield 3 minutes and 30 seconds to the gentleman from Massachusetts [Mr. NEAL].

Mr. NEAL of Massachusetts. Mr. Speaker, this evening we are debating the Small Business Job Protection Act. The basic provisions of this bill are good measures which would help small businesses. Most of the provisions in the bill are bipartisan. The reason we are debating this bill today is to provide a sweetener to small businesses because of the minimum wage. I have no problem with passing tax legislation to assist them, but I think we should have had the opportunity for a clean minimum wage bill.

During this Congress, we have not passed much tax legislation and there are many noncontroversial provisions where there is bipartisan agreement that should have been included in this package. Last night, I went to the Committee on Rules to testify about an amendment which I offered during the Ways and Means markup. This amendment would have allowed a $5,000 deduction for expenses associated with the higher costs of education. The deduction would be phased out for taxpayers with modified adjusted gross income [AGI] between $70,000 and $90,000 for single filers and $100,000 and $120,000 for joint returns.

This amendment proposed originally by President Clinton would help with the high rising costs of education. The costs of a college education have risen steadily in the past 15 years. However, the average family's income has not increased at the same rate. I realize the purpose of this legislation is to assist small businesses. Our business will be greatly assisted by this type of provision. The need for higher education is more important than ever. The world economy mandates the necessity of education and training for workers.

This provision assists 14 million families and this results in 17 million students. We should have used this opportunity today to help the middle class with the rising costs of tuition. The bill is weak on education. Under the bill, the provision to provide tax-free employer-provided educational assistance would be extended from January 1, 1995, through December 31, 1996. However, educational expenses for graduate studies would not receive the exclusion after December 31, 1995. As a former college instructor, I taught many students in continuing education programs. These students worked hard to increase knowledge and greatly benefited their employer.

I am pleased the legislation included pension simplification provisions. Pension security is an extremely important issue. I wish this bill included additional provisions which would assist with pension portability. We have to make it easier for workers to keep their pension when they change jobs. Additional provisions could have been added to make pension more portable. True pension reform needs to include the expansion of Individual Retirement Accounts [IRA's]. Expanded IRA's will allow an additional 20 million families to utilize the tax advantages of IRA's. More individuals would benefit from a tax incentive to save for their retirement. Expanded IRA's would encourage individuals to become more personally responsible for their savings. IRA's would make pensions easier for employers.

This bill contains a provision which affects the economy of Puerto Rico. I am concerned with the changes to section 936 and I encourage Congress to continue to work with the Governor of Puerto Rico and the administration to improve this provision.

I support this bill, but I wish it could have been a better product. We need to work in a bipartisan manner to enact the proposals that we can agree on such as education, IRA's, and the R&D tax credit.

Let me close by saying, Mr. Speaker, I want to thank Mr. ARCHER this evening for addressing an issue that has been long held for the community of New Bedford, MA. I want to thank the chairman for the manner in which he addressed that legislation and helped to secure its passage. It was long overdue. And while I wish we could have spoken to education, IRA's, and the R&D tax credit, I am indeed grateful that we were able to address the needs of the New Bedford fishermen.

Mr. ARCHER. Mr. Speaker, I yield 2 minutes to the gentleman from Connecticut [Mr. SHAYS].

Mr. SHAYS. Mr. Speaker, as a member of the Committee on the Budget, we were looking at getting at some of the what I would call the corporate loopholes, the corporate write-offs, and I just find it somewhat disingenuous that when we attempt to do that, then we are being accused of hurting the poor.

The bottom line is we have a special provision to big businesses in Puerto Rico who admittedly are there working to employ people, but in some cases, the write-off is $100,000, $200,000 benefit per job for some of these very large corporations. These large corporations, some of them are in my district, they benefit from it. But we are saving basically $4.9 billion over 10 years. We are phasing it out over 10 years. We are taking that $4.9 billion, and we are truly helping in a whole host of ways.

Expensing for small business to me makes sense, but I particularly like the work opportunity tax credit. We are giving a tax credit to individuals that hire what I would call the least employable, the people who are on welfare, the people who simply have not had work experience.

I am proud that my side is dealing with the minimum wage, having an economic engine along with the minimum wage. We are given a vote to have a vote up or down on the minimum wage. We have that. We are given a vote to also provide an economic engine for our companies who employ.

One of the best, to my mind, ways of looking at it, the work opportunity tax credit. It is going to be funded in part by eliminating what I call a significant loophole to large businesses who happen to just have activity in a possession of the United States.

So I applaud what the Committee on Ways and Means has done. I thank them for eliminating what I think is a loophole that does not benefit enough people and in the end allow for small businesses to pay the minimum wage.

Mr. RANGEL. Mr. Speaker, will the gentleman yield?

Mr. SHAYS. I yield to the gentleman from New York.

Mr. RANGEL. Mr. Speaker, the gentleman may be right about this 936, but we do not have a vote on that. That was not allowed by the rule. And we never had any hearings as to how we could improve, eliminate or substitute 936. We have just said the poor people in Puerto Rico have to take our word for it.

Mr. GIBBONS. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York [Ms. VELÁZQUEZ].

Ms. VELÁZQUEZ. Mr. Speaker, I rise today in strong opposition to H.R. 3448. World War I, World War II, Korea, Vietnam, the Persian Gulf, this country has sent our brave and courageous Americans from the island of Puerto Rico, such as my uncle, to fight in foreign lands. Now, through their repeal of section 936, Republicans intend to use the people of Puerto Rico as human shields to give businesses more tax breaks. This bill is an insult to the 3.8 million American citizens in Puerto Rico. What is good for American citizens in the mainland should be good for the people in Puerto Rico.

If this was not cruel enough, Puerto Rico will get nothing for this national sacrifice in the name of more tax cuts. In typical Republican style, you go after the one group of Americans who have no vote in this Chamber.

Section 936 is not charity. It has been successful for the island and for the United States. It has created 300,000 jobs through private capital and tax incentives. Without it, the already high poverty and unemployment rates on the island will skyrocket. Many companies will move out of Puerto Rico, but they will not move to the mainland. They will move to such places like Mexico and Singapore.

Many Puerto Ricans forced out of work will need public assistance to survive. We will all pay sooner or later, jobs under section 936 or more public assistance. Be ready to invest in jobs creation, because there will be thousands of Puerto Rican workers migrating to the mainland. I thought you were the party of work, not welfare. Your radical, heartless agenda is clear: Up with tax breaks for business; down with the middle class, down with Puerto Rico.

I urge my colleagues to vote no on this legislation.

Mr. ARCHER. Mr. Speaker, I reserve the balance of my time.

Mr. GIBBONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the first speaker we had, Mr. RANGEL, the last speaker we had, Ms. VELÁZQUEZ, and the next speaker we have, the gentleman from Illinois [Mr. GUTIERREZ], point out something I think is very significant here. The first speaker represents Puerto Rico here, 3½ million people, almost 4 million people got no vote. There is something in this bill that is very important to his people, but he is not allowed to vote on it.

The last speaker represents many people whose origin is in Puerto Rico, but they have a vote here in the Congress because they chose to move to the mainland as Americans from Puerto Rico.

The next speaker, Mr. Speaker, that I am going to yield 2 minutes to is in the same position. Mr. QUTIERREZ represents a lot of people whose origins were in Puerto Rico but they are here now because they have got a vote here in the Congress and they can vote for President.

I just do not think, as I editorialize here, we have paid enough attention to the political novelties that we have created with Puerto Rico. I think we better spend some time on it, Mr. Speaker.

Mr. Speaker, I yield 2 minutes to the gentleman from Illinois [Mr. GUTIERREZ].

Mr. GUTIERREZ. Mr. Speaker, I want to begin my remarks by making clear that I can support a break for small businesses, but I cannot support breaking the economy of Puerto Rico to do it.

The supporters of this bill will give you lots of interesting rhetoric about the great breaks they want to give small businesses today. But they won't tell you the truth about what this bill means for the 3.8 million American citizens who live in Puerto Rico.

We are breaking their backs.

We are breaking their dreams.

And, we are breaking our promise to give the Puerto Rican economy a chance to thrive.

This is a simple bill. It is a bill to destroy Puerto Rico's economy. Eliminating Section 936 will cause a stampede of companies to foreign shores where they will be warmly received for the thousands of jobs they will bring.

And what will this mean for the revenue we pretend to be generating by targeting Puerto Rico's jobs for elimination? Empty factories don't create profits. Empty factories don't pay taxes. Empty factories don't create jobs.

Eliminating jobs is an awfully strange way to raise revenue. Yet, it's not too surprising. Not surprising that the most powerless are once again asked to pay for this Republican election-year political payoff.

The people of Puerto Rico have not been asked or consulted about this critical issue.

Let's be completely clear. The people of Puerto Rico overwhelmingly support Section 936. And the people of Puerto Rico have earned the right to be consulted. The names of more than 2,000 * * * 2,000 of the sons of Puerto Rico—American citizens—are inscribed on the Vietnam War Memorial Wall; 2,000. How do we recognize their supreme sacrifice? How does this Congress show that we understand the importance and contributions of the Puerto Rican people to our Nation? The majority wishes to ram through a proposal that will eviscerate the jobs of 300,000 decent, hard working Puerto Rican working people who want only to honestly earn a living for their families.

Puerto Rico has a per capita income one-third the United States average, and three times its rate of unemployment. Yet we target them for economic destruction.

The voices of hundreds of thousands of workers on the island ask only for fairness for their families. They ask only not to become the pawn in an election-year political game.

☐ 1930

They have paid the price, they have paid taxes, the taxes of their blood, and I demand that this Congress respect it.

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is fascinating to me to listen to my colleagues on the other side of the aisle, the minority, support tax breaks for big corporations simply because they believe that the end result might benefit something that they are interested in. But let us introduce a tax rate reduction on capital gains that would create jobs for all Americans, and they rail that we are giving special preference to the big corporations and to the rich. But here they are today, emotionally supporting tax breaks for big corporations. It is a strange irony, it is almost a strange contradiction, and yet we are here witnessing it.

Mr. Speaker, I reserve the balance of my time.

Mr. GIBBONS. Mr. Speaker, I yield 30 seconds to the gentleman from Illinois [Mr. GUTIERREZ].

Mr. GUTIERREZ. Mr. Speaker, it is not the companies we have come here to support, it is the jobs, and I think that we all, if we honestly speak about this, those corporations are going to Singapore, those corporations are going to Mexico, those corporations are going to leave Puerto Rico. What revenues do they have? Who are you going to tax when the American corporations that are in Puerto Rico precisely because of 936 go to foreign shores? Where do our colleagues get the revenue for them?

It is not the corporations that I am here to defend but the 300,000 jobs that are created. Let us look at the laws that govern Puerto Rico, but we do not want to have a debate about that.

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume.

The gentleman has made an outstanding argument in behalf of the repealing the alternative minimum tax, repealing the foreign-source income taxes, all of which apply to great corporations who would be creating jobs in this country instead of overseas. But let us bring up something about the alternative minimum tax and let them rail against the help for big corporations. They do not want to talk about jobs then. They want to talk about how the Republicans want a tax break for big corporations, and here they are defending tax breaks for big corporations because they say it creates jobs. It is one of the most incredible inconsistencies that I have seen in the years that I have been in the Congress of the United States, and apparently it is supported by all of the minority Members. None of them has spoken against it, none of them has spoken for doing away with 936, special tax breaks for big corporations, but they have taken all of their time supporting those big tax breaks because they say it creates jobs.

I want to hear them again when we get back to capital gains and we get back to alternative minimum tax and all of those parts of the code that create jobs for all Americans across this country. Let them then come and defend that.

Mr. Speaker, I reserve the balance of my time.

Mr. GIBBONS. Mr. Speaker, I yield 30 seconds to the gentleman from New York [Mr. RANGEL].

Mr. RANGEL. Mr. Speaker, all we are saying is that in this form of Government we do not make these determinations in the backroom. If our colleagues think that really is big corporations that is the beneficiary, then let us have hearings on it, let us bring the economists from Puerto Rico, let us bring the elected officials from Puerto Rico, let us bring the businesses, and let us do the right thing. But it is unfair for people who cannot vote not to have hearings here and just make the determination that the benefits go to the corporation.

If our colleagues bring a bill out, we will talk about it.

Mr. GIBBONS. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan [Mr. LEVIN], who does a very conscientious job in this body.

Mr. LEVIN. Mr. Speaker, I thank the distinguished gentleman from Florida [Mr. GIBBONS] for yielding this time to me.

Mr. Speaker, I rise in support of this bill. It has several important bipartisan provisions. I have long supported increases in small business expending and expensing employer-provided education assistance and improving the targeted jobs tax credit and in simplifying pension and subchapter S rules. I am pleased these are in the bill.

But there are several provisions in this bill that run counter to its stated purpose to preserve and create small business jobs. I hope these shortcomings are fixed in the Senate.

The first provision repeals the tax exclusion for employer-provided graduate education. This provision helps hardworking Americans who, on average, make $30,000 per year. They are small business people, nurses, engineers, scientists, programmers, and teachers of tomorrow. They are precisely the people everyone tells us we need more of in this global, high-technology economy.

A majority of our Committee on Ways and Means voted for provision for employer-provided graduate education, but the leadership blocked it. I hope the Senate puts it back in.

The second provision repeals the tax exclusion for banks that lend to employee owned companies. The ESOP provision in the bill today would lose jobs, not protect them.

And let me just say the issue is not tax breaks. The issue is a Tax Code provision: Does it encourage business expansion and job creation or does it not? And I do not think we ought to throw labels around and call it a break if we do not like it.

I am for changes in the alternative minimum tax if it is tailored to help job creation, and I do not understand why this provision, this ESOP provision in this bill, why it would eliminate a part of our present code that helps employees keep their jobs, take control of their companies, improve productivity and make CEO's more accountable.

So I hope this provision and the other one I mentioned on graduate education is changed in the Senate.

Mr. ARCHER. Mr. Speaker, I yield 1 minute to the gentlewoman from Connecticut [Ms. DELAURO].

Mr. GIBBONS. Mr. Speaker, I yield 30 seconds to the gentlewoman from Connecticut [Ms. DELAURO].

The CHAIRMAN. The gentlewoman from Connecticut [Ms. DELAURO] is recognized for 1½ minutes.

Ms. DELAURO. Mr. Speaker, I thank my colleagues for yielding me the time.

Mr. Speaker, working Americans deserve tax relief, and I am glad to see that this bill takes needed steps in that direction.

We have heard a lot in this Congress about encouraging work, a goal I strongly support, and I am happy to say that extending the targeted jobs tax credit will encourage work. This credit, now named the work opportunity tax credit, will give employers the proper incentive to hire those who might not find work otherwise.

Continued education will enhance workers' skills and enable them and their companies to prosper in an ever more competitive economy. Extending the tax deduction for employer-provided educational assistance will encourage businesses and individuals to invest in the most valuable kind of capital, human capital.

I also support enhanced pension security for American workers, and am glad that the bill takes steps in that direction. The bill guarantees that workers in multiemployer pension plans, such as construction workers, will not lose their pension benefits after 5 years instead of 10. The large number of workers in nonprofit organizations also will be able to take advantage of 401(k) plans. I strongly support these steps to help Americans in their retirement years, but I am concerned that these steps do not do enough to ensure that all workers will have the security they deserve after a lifetime of work.

We must be fair to those working American families who are struggling harder and harder for less and less. This pension plan expands access to retirement savings but does so in a way that leaves many low-wage workers out. Let me read from the business section of today's New York Times. It says, and I quote: "In a break from decades of pension policy, the bill would let owners reap tax benefits for themselves even if their workers do not participate."

Helping only those at the top is not the way Congress should improve retirement security. A better and more comprehensive plan that would help all workers has been outlined by the President and I hope that as this bill moves forward, elements of the President's plan will be incorporated so that all workers may benefit.

I encourage my colleagues to support this bill for its needed tax relief, but I hope that its pension provisions may be improved before becoming law.

Mr. ARCHER. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia [Mr. PAYNE].

Mr. PAYNE. of Virginia. Mr. Speaker, I rise in support of H.R. 3448, and I commend the chairman and the ranking member for the work they have done in this bill.

As a member of the coalition of conservative Democrats and a strong proponent of deficit reduction, I have in the past opposed cutting taxes before we have a blueprint in place which would bring us to a balanced budget, and I was particularly concerned last year about the tax cut provisions in the budget resolution in part because of their magnitude and in part because they were back-end-loaded in a way that would make the cost rise dramatically outside the budget window. This package, however, is reasonable and provides opportunities to improve our fiscal responsibility.

H.R. 3448 is a very targeted measure with its provisions benefiting small businesses and their employees. These businesses are the engine of economic growth in this country and represent the sector of our economy that is least able to adjust in difficult economic times.

The bill's two major provisions and expansion of small business ability to expense money that is spent on capital improvements and the restoration of a tax provision that encourages business to send their employees to college represent good public policy that will help our Nation increase its stock of capital in both our equipment and our people.

These provisions are accounted for honestly without accounting gimmicks designed to mask their costs by pushing much of the revenue into years outside the budget window, and while it is difficult to find sources of revenue to replace this much money without some level of controversy, the revenue offsets in this bill are not illusory. They require the type of decisionmaking our constituents expect of us, prioritizing how to best spend our limited resources.

This is a good bill, and I urge my colleagues to support it.

Mr. ARCHER. Mr. Speaker, I yield 2½ minutes to the gentleman from Ohio [Mr. KASICH], the very active, very respective chairman of the Committee on the Budget.

□ 1945

Mr. KASICH. Mr. Speaker, I want to first of all pay a very high tribute to the gentleman from Texas [Mr. ARCHER]. Most of my lifetime as a young man and then entering the Congress, still as a young man, I was very frustrated as I heard a lot of rhetoric from many of my colleagues about the fact that we had passed out so many tax breaks to all these big corporations.

I come to find out that the minority party basically controlled the Committee on Ways and Means for 40 years, and they passed out all these loopholes to all these big corporations. So out of one side I heard people saying, I do not like the fact that big business is getting all these benefits, and it is an outrage, and at the other side of their mouth, or the other side of their body, they were passing out the tax breaks.

Mr. Speaker, I had said at the beginning of the last session of the Congress to Chairman ARCHER, we need to close loopholes. We have to take benefits away from corporations that had powerful lobbyists who were able to get these things enacted into law. The gentleman from Texas [Mr. ARCHER] said that there are things in this code that are outdated. There are things in this code that do not make sense anymore. Chairman ARCHER agreed to close loopholes. He agreed to take the loopholes that lobbyists had passed in this town and take them out of the Tax Code so hardworking Americans would have more in their pocket.

Mr. Speaker, this 936 business; we have given very powerful corporations very large tax giveaways to locate in Puerto Rico. What we find is that there are companies getting huge amounts of tax breaks and they are supposedly creating jobs of Puerto Ricans, and frankly, in some cases companies are getting several hundred thousand dollars' worth of tax write-offs and the employees are only being paid $30,000.

What we intend to do is to repeal this whole section which has given a huge tax loophole to very big, wealthy corporations. We are saying we are going to scrap it.

Mr. Speaker, we are going to phrase this out over a period of 10 years. If in the course of time we figure out that a wage credit makes some sense, we will come back and do it. But frankly, we started phasing this out in 1993. I compliment the minority for beginning that process, but we want to complete that process. We think this is a bad provision for hardworking American taxpayers and, frankly, they ought to be happy with the fact that we are closing the loopholes that I heard many people complain about, and we are using this in order to help Americans who work hard and pay their taxes and do not have lobbyists to give them tax breaks.

Mr. GIBBONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would say to the chairman of the Committee on the Budget, this debate is not about taxes. This debate is about taxation and representation, with an emphasis upon the representation. Puerto Rico has in it 3.8 million Americans and no vote in this Congress. That is what this debate is about. It is the fact that they were not consulted; no attention has been properly paid to their economic status. That is what this debate is about. You can go ahead and get lost in the budget over there all you want to, but I am lost in the equities of the fact that the Americans in Puerto Rican are just disenfranchised.

Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. RANGEL].

Mr. RANGEL. Mr. Speaker, when you have the votes, you have the votes. But this is very interesting. We are talking about a tax issue with the eminent chairman from the Committee on Ways and Means here. The only point we raised was that we never had any opportunity to determine whether 936 was effective. But it makes a lot of sense.

It is the distinguished chairman of the Committee on the Budget that comes to the floor. He needs some money. The Committee on the Budget needs some money. Does the Committee on the Budget hold hearings? Does the Committee on the Budget find out what programs work or what do not work? Does the chairman of the Committee on the Budget go to Puerto Rico to talk with the Governor? No. The Committee on the Budget chairman dictates to the Committee on Ways and Means, do not have hearings, just bring the money. That is exactly what we did.

Mr. ROMERO-BARCELÓ. Mr. Speaker, will the gentleman yield?

Mr. RANGEL. I yield to the gentleman from Puerto Rico.

Mr. ROMERO-BARCELÓ. Mr. Speaker, I thank the gentleman for yielding.

Mr. RANGEL. Mr. Speaker, I would ask the distinguished elected representative in yielding, did anyone ever go to Puerto Rico, to his Governor or to him, and ask him to study this bad bill and report back?

Mr. ROMERO-BARCELÓ. No. That is what I want to say. I have been a proponent of elimination of the tax reservation of income of section 936 but to substitute it for a tax credit based on wages, so we would really promote jobs in Puerto Rico. What has happened here is that the way this bill is structured, they eliminate everything. No corporation is going to get any new incentives, so there would be nothing for new business. Then corporations are allowed for 10 years to keep what they are earning and to not pay any taxes, or to pay limited taxes for 10 years.

That is the giveaway. That is unnecessary. We can take that tax and provide a wage credit, and it would be more useful.

The SPEAKER pro tempore. All time for the minority has expired.

Mr. ARCHER. Mr. Speaker, I yield 1 minute to the gentleman from Ohio [Mr. KASICH].

Mr. KASICH. Mr. Speaker, let me just say to the gentleman who is going to be the ranking member, does he know the heat that we took when we recommended, as both the Committee on the Budget and the Committee on Ways and Means, that we close loopholes on corporations that won over in Gucci Gluch? We took a lot of heat. No one ever dreamt that Republicans would lead the way to close the loopholes on large corporations.

The gentleman may not be totally thrilled with the whole process, I would say to him, but let me just suggest to him that this way was not easy. When the gentleman says hearings on 936, 936 as defined by everybody who has analyzed this Tax Code, they have said this is a loophole that is so unfair you could drive a truck through, and it needed to be closed. This has been a mantra from people on both the conservative and liberal side of economic expertise. They said 936 is bad.

What I am saying to the gentleman is this: Imagine that at the end of this century, the Republicans are beginning to clean up the Tax Code and we are taking on a lot of people that this gentleman tries to take on every week. This time, I say to the gentleman from New York [Mr. RANGEL], we are going to win.

Mr. ARCHER. Mr. Speaker, I yield 2½ minutes to the gentlewoman from Connecticut [Mrs. JOHNSON], a valued member of the Committee on Ways and Means and chairman of the Subcommittee on Oversight.

Mrs. JOHNSON of Connecticut. Mr. Speaker, first of all, I want to commend the chairman of the committee, the gentleman from Texas [Mr. ARCHER], for his leadership in this Congress on tax reform. It is unfortunate, in my mind, that the really excellent tax bill that we sent to the President I believe twice, and he vetoed, was talked about in the press only as a bill containing capital gains relief and a $500 credit for families with children, because in that bill were many, many provisions whose goal it was to stimulate growth and create jobs in our economy, providing educational opportunity for our people, work opportunity for women on welfare, and retirement security for many, many women who work at home and many, many people who work for small businesses.

So I am very proud to stand here today as a member of the Committee on Ways and Means and recognize my chairman's leadership, because over all the years that this body has legislated tax law it has not cared about small business. In fact, over the years we have built a tax code that rested on the interests of big business in America, thinking that big business was the job creator in our economy.

We now know differently, so we have here before us tonight a bill that drives growth in the small business sector; that for the first time will expand expensing for small businesses, allowing them the money to buy the equipment to create the jobs and hire the people to drive our economy forward. This is an economic growth package, because it addresses the tax needs and alleviates the tax burden on the very sector that is creating the most jobs in America and that holds the potential for future strength.

It also renews that opportunity for employers to supplement the education of their people; and we know education, quality, expertise, that creates high value-added jobs, high-wage jobs, and an opportunity.

Mr. Speaker, in addition, this bill renews the work opportunities tax credit, formerly known as the targeted jobs tax credit, which again will help those people on welfare get jobs. We want women to have the independence and the self-respect of work, and this is one key piece of the policy pyramid that has to be developed to give women that independence and self-respect.

In addition, the pension reform section of this bill restores to small business the opportunity to provide their employees the same right to create retirement security as larger businesses have. I commend my chairman on an excellent bill.

Mr. ARCHER. Mr. Speaker, I yield 1 minute to the gentleman from Michigan [Mr. SMITH], who has done such good work on cost recovery for creation of jobs.

Mr. SMITH of Michigan. Mr. Speaker, I thank the chairman of the committee for yielding time to me.

Mr. Speaker, in 1993 we increased the marginal tax rate on small business from 31 to 39.6 percent. Small business creates jobs. The first bill that I introduced when I came to Congress in 1993 was neutral cost recovery. It allowed a business to deduct the cost of machinery and equipment and facilities in the year they bought it.

This is an excellent bill for small business. It does include an increase in expensing up to $25,000. It is what we have to do if we want to expand jobs in this country, and ultimately expand revenues coming into the Federal Government to pay off this mess that we have found ourselves in as far as overspending and overborrowing.

Mr. ARCHER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, this is a good bill. That has been said on both sides of the aisle. It is a good bill because it gives incentives for small businesses to do their job, to create more jobs for working Americans. As we all know, small businesses have been creating over 80 percent of the new jobs. This bill give them assistance in expensing of capital cost equipment, without having to go through laborious depreciation schedules. It will give them tax credits to hire those who are the least employable. It will give them the opportunity for pension reform, pension simplification, so they, as well as big corporations, will be able to provide retirement help for their workers and for themselves. It implements a number of things that were in the Contract With America and in the Balanced Budget Act of 1995. This time, Mr. Speaker, the President will sign this legislation. It is not only good for small business, it is good for working Americans. It is good for all of America.

Mr. PETRI. Mr. Speaker, while the minimum wage debate is important, what we are not debating is more important.

For the 20th time since the enactment of the Fair Labor Standards Act, we will debate the part of that act that affects less than 10 percent of the American work force. For the 20th time we will ignore the remainder of the statute—its overtime provisions—that affect 90 percent of the work force.

The original minimum wage was 25 cents. In failing to update the act's overtime provisions, we are left with provisions that have as much relevance to today's workforce needs as a 25-cent wage would to today's economy.

Employers and employees can't ignore these provisions. Rather, they must shoehorn their weekly operations into a construct that was designed for the workplace of the 1930's, not the 1990's, let alone the 21st century.

For example, when an employee works more than 40 hours in a week, the law requires her to be compensated for overtime with money. However, many workers would prefer to be paid with more time off rather than money. State, local, and Federal employees have such a choice. Yet, by law, private sector employees do not.

In addition, many employees resent being strapped to the traditional 40-hour week concept. They prefer more flexible arrangement such as "9/80" schedules that allow employees to compress 80 hours into 9 workdays over a 2-week period. That way, they can take every other Friday off.

Unfortunately, under current law employers who give them this option have to pay overtime. That creates morale problems for other employees with traditional schedules who work the same number of hours but don't get overtime.

The law should allow employees to choose these schedules voluntarily without incurring overtime penalties for their employer.

The most egregious effects of the law stem from the requirement that covered employees be paid an hourly wage rather than a salary. For most workers, this is not a problem.

But many employees—particularly professional and administrative employees—prefer not to have their lives tied to a time clock. They would prefer the certainty of a salary to an hourly paycheck that requires them to clock overtime hours in order to meet their income goals. The law requires payment on an hourly basis to anyone who does not fall within the white-collar worker exemption.

The concept of the exemption is fine, but the reality is that the employee has to have exactly the same duties as a 1950's white-collar worker, which is when the definitions were written.

Thus many employees who clearly view themselves as while-collar workers—such as engineers, accountants, marketing representatives, and insurance underwriters—are outraged when they have to start filling out time sheets and asking permission to work past 5 p.m.

What stands in the way of our addressing these problems and giving the FLSA a long-overdue tuneup. Nothing less than pure demagoguery.

Exaggerated claims that even the most modest improvements to the FLSA will mean the death of the 40-hour workweek have produced total paralysis on these issues.

So we are left with modest tinkering with the statute, such as the company vehicle provision, that address anomalies that have cropped up in certain industries, but in the grand scheme of things affect very few workers. The FLSA is already riddled with such provisions.

Mr. Chairman, after we resolve this current minimum wage issue, I hope we can focus on issues that affect the day-to-day worklives of most American workers.

Once the smoke has cleared on this issue and the rhetoric has toned down a few notches, I will introduce legislation to provide this focus.

Mr. Chairman, reason, not paranoia, should prevail. Let's listen to real workers and give them a wage-hour law they can live with.

Mr. SAXTON. Mr. Speaker, for a better understanding of why I believe a higher minimum wage is the wrong course to take, I am putting into the RECORD today the Joint Economic Committee's latest report entitled "The Case Against a Higher Minimum Wage" (May 1996).

Also, available from the Government Printing Office are the transcripts of two Joint Economic Committee hearings held last year on the minimum wage. When contacting the GPO, request the following two documents:

Senate Hearing 104–377 Part I: JEC Hearing on Evidence Against a Higher Minimum Wage: February 22, 1995, part I.

Senate Hearing 104–377 Part II: JEC Hearing on Evidence Against a Higher Minimum Wage: April 5, 1995, part II.

For any additional information on this or any other economic issue, please contact my JEC office located at 1537 Longworth HOB, Washington, DC 20515.

JOINT ECONOMIC COMMITTEE REPORT

THE CASE AGAINST A HIGHER MINIMUM WAGE

The voices clamoring for a minimum wage hike are getting ever louder. Proponents argue that the current wage level does not provide an adequate incentive for work. Also, they argue that an increase in the minimum wage will have only a very minor impact on jobs. These arguments are not grounded in fact. The impact of raising the minimum wage has been studied since its inception. All credible research has come to the same conclusion: raising the minimum wage hurts the poor. It takes away jobs, keeps people on welfare, and encourages high school students to drop out. Policy makers should be clear on the consequence of higher minimum wages.

JOBS AND THE MINIMUM WAGE

Economists have studied the job-destroying features of a higher minimum wage. Estimates of the job losses of raising the minimum wage from $4.25 to $5.15 have ranged from 625,000 to 100,000 lost jobs. It is important to recognize that the jobs lost are mainly entry-level jobs. By destroying entry-level jobs, a higher minimum wage harms the lifetime earnings prospects of low-skilled workers.

Proponents have been able to muddle the debate by pointing to a study done by two Princeton economists, David Card and Alan Krueger. These economists claimed to find that raising the minimum wage does not lower employment.[1] In one paper, they succeeded in casting doubt on 200 years of economic research and theory. Economists took their challenge seriously and attempted to recreate their results. It could not be done. Economists who attempted to replicate their work demonstrated conclusively that raising the minimum wage destroys jobs.[2]

Even after the Card and Krueger study was fully discredited by economic science, it is still being used by proponents of higher minimum wages to support an increase. Why must they rely on discredited research to support their call for raising the minimum wage? Because they recognize that Americans do not support proposals that destroy jobs. Proponents often like to show survey results that say more than eighty percent of Americans support a higher minimum wage. Yet, the same survey shows less than half surveyed, 46 percent, support raising the minimum wage if it "might reduce the number of jobs available for workers with limited skills.[3] " Clearly, if Americans were informed of the true effects of raising the minimum wage, support would rapidly erode.

MINIMUM WAGE WORKERS

Supporters claim that raising the minimum wage is important for working families. Secretary of Labor Robert Reich often repeats the fact that forty percent of minimum wage workers are the sole source of income for their families. This is misleading because it relies on lumping single, non-family individuals with families. Only 2.8 percent of workers earning less than $5.15 are single parents.[4] Only 1.2 percent of all minimum wage workers were adult heads of households with incomes less than $10,000.[5] Fifty-seven percent of minimum wage workers are single individuals, many of them living with their parents.

Minimum wage workers are not parents struggling to feed their children. Rather, they are high school or college students living at home. The level of the minimum wage is irrelevant for most people in poverty. Only 9.2 percent of poor people of working age have full-time jobs.[6]

SIDE EFFECTS OF RAISING THE MINIMUM WAGE

It has been well documented that the minimum wage destroys jobs, particularly the jobs of low-skilled, young workers. However, there are other equally pernicious side effects of higher minimum wages. Higher minimum wages make it more difficult for people to leave welfare and induce high-school students to drop out.

Dr. Peter Brandon of the Institute for Research on Poverty studied how raising the minimum wage affects the transition from welfare to work.[7] He found that raising it keeps welfare mothers on welfare longer. Mothers on welfare in states that raised their minimum wage remained on welfare 44 percent longer than mothers on welfare in states where it was not raised.[8]

The reason for this result is that raising the minimum wage induces some people to enter the labor market who would not apply if not for the higher level. With a larger labor market, employers choose higher-skilled applicants. Thus, raising the minimum wage hurts low-skilled workers in two ways. First, there are fewer jobs available. Second, with a larger pool of applicants, competition is stiffer. Low-skilled workers have a more difficult time getting those job skills that are crucial to economic well-being.

Another side effect of raising the minimum wage is that it increased the number of high-school students who drop out.[9] Some of these students do not find employment. Another group of students are part of those applicants that compete jobs away from welfare recipients. Dropping out of school is very destructive. High school drop-outs have a very difficult time improving their well-being.

THE ELUSIVE BENEFITS OF A HIGHER MINIMUM WAGE

The proponents of a higher minimum wage argue that it is vitally important to raise it in order to improve the lives of poor workers. However, the raise will have only a limited impact on poor working families.[10] A single parent with two children living in California would gain only 26 cents from a 90 cent increase in the minimum wage.

To put this gain in perspective, each minimum wage worker who earns $4.25 an hour brings home $3.92 for each hour worked once payroll taxes are deducted. The employer costs of a minimum wage worker is $4.58 an hour when the employers share of the payroll tax is included.[11] If workers could take home the amount of money it costs the employer to hire workers, they could have 62 cents more per hour. Clearly, the California parent would be better off if the tax wedge were reduced, rather than increasing the minimum wage.

CONCLUSION

The campaign to raise the minimum wage will have little positive impact on the lives of poor people. Rather, it is a political measure that plays to a misunderstanding of the impact of higher minimum wages. The future of the American economy depends on a correct understanding of the causes of prosperity. For too long, attempts to relieve poverty have been misguided. To lift people out of poverty, we need a system that maximizes opportunities for economic well-being of low-skilled workers. Raising the minimum wage is a wrong-headed solution that will deprive young, poor Americans of an opportunity to improve their economic situation.

ENDNOTES

[1] Card, David and Alan B. Krueger, "Minimum Wages and Employment: A Case Study of the Fast-Food Industry in New Jersey and Pennsylvania." American Economic Review, September 1994: pp. 772–793.

[2] Neumark, David and William Wascher, The Effect of New Jersey's Minimum Wage Increase on Fast-Food Employment: A Re-evaluation using Payroll Records. National Bureau of Economic Research: Cambridge, MA. 1995.

[3] Washington Post, April 26, 1996, p. F1.

[4] EPI Edge. Employment Policies Institute. April 1996.

[5] Vedder, Richard and Lowell Gallaway, Should the Federal Minimum Wage Be Increased? National Center for Policy Analysis: Dallas, TX. 1995.

[6] Ibid.

[7] Brandon, Peter. Jobs Taken by Mothers Moving from Welfare to Work and the Effects of Minimum Wages on this Transition. Employment Policies Institute: Washington, DC. 1995.

[8] Ibid.

[9] Neumark, David and William Wascher, The Effects of Minimum Wages of Teenage Employment and Enrollment: Evidence from Matched CPS Surveys. National Bureau of Economic Research: Cambridge, MA, 1995.

[10] The reason for the minimum impact is that raising higher incomes causes a loss of benefits in Aid to Families with Dependent Children (AFDC), Food Stamps, and the Earned Income Tax Credit (EITC).

[11] This discussion only focuses on the payroll taxes. Many other taxes such as workers compensation and employment insurance also raise the costs of hiring workers for employers.

Mr. LANTOS. Mr. Speaker, the time has come for the Congress to raise the minimum wage—without gimmicks, without linking it with unacceptable provisions, without political posturing, and without delay. It is time to take this action without adding amendments and gimmicks and riders and poison pills that will limit and lessen the impact of an increase in the minimum wage.

Adjusted for inflation, the current minimum wage is worth 50 cents less today than it was in 1991 when it was last increased. To restore the same purchasing power that the minimum wage had in the late 1970's would require us to increase its level to $6.10 today. Even if we adopt the legislation I am supporting and increase the minimum wage to $5.15, we are not keeping up with the increased cost of living.

Although the proposed increase is very modest, it will benefit our national economy.

Footnotes at end of article.

Economists estimate that 12 million people will be helped by a 90-cent increase. In addition, some 4 million workers who earn less than $6.00 per hour will see their incomes increase as a result of a boost in the Federal minimum wage. In my home State of California our minimum wage is higher than the Federal level, but if we increase the Federal minimum wage, it will have a positive effect on the lowest wages in our area as well.

The people who will benefit from an increase are not just teenagers at local fast food restaurants trying to earn extra cash for a rock concert or a pair of baggy Levis. Of those earning the minimum wage, 63 percent are workers over the age of 20 and 46 percent are over the age of 25; 59 percent of workers earning the minimum wage are women and more than half of these women are over 25 years of age; 43 percent of minimum wage earners are working full time.

Mr. Speaker, as a former professor of economics, I have been particularly interested in recent economic research on the effects of the minimum wage on workers and their families and the economy. A number of studies demonstrate that the possible negative impact of moderate increases in the minimum wage phased in over a period of more than a year is minimal. Studies show that with the minimum wage relatively low compared with the average wage—a consequence of the fact that the minimum wage has not kept pace with the increase in the cost of living—the effect of this increase on both employment and incomes will be positive. In fact, several prominent scholars have argued quite convincingly that the income gains from an increase in the minimum wage would outweigh any job losses that might result from the increase.

More importantly, Mr. Speaker, this is a question of fundamental fairness. At a time when we are seeing a growing gap between wealthy Americans and working Americans, it is fundamentally unfair to maintain the minimum wage at levels which shrink with every increase in the cost of living. At the same time, Mr. Speaker, we have seen vast increases in the compensation of chief executive officers of America's corporations—last year corporate executives saw their salaries jump by 31 percent while workers earning the minimum wage stayed at exactly the same level.

Mr. Speaker, the time has come to increase the minimum wage. I urge my colleagues to join me in supporting this action in the interest of fundamental fairness and in the interest of millions of American workers.

Mr. ORTON. Mr. Speaker, I rise in support of H.R. 3448, the Small Business Job Protection Act.

This bill contains a number of provisions that I have long supported, and which encourage the creation and growth of small businesses. First, the bill increases the amount a small business can deduct for the purchase of business-related equipment from $17,500 to $25,000.

The bill also includes a number of provisions which make it easier for small businesses to receive S corporation classification, the most notable being an increase in the maximum number of shareholders from 35 to 75. This important change makes it easier for many small businesses to maintain a simplified corporate structure, without being subject to double taxation.

This legislation includes important pension simplification provisions for small businesses, including a simplified retirement plan, called a savings incentive match plan.

For restaurants, this bill expands a 1993 law which gives restaurants a credit for the Federal payroll taxes paid on tips earned by their employees. Specifically, the bill would now expand the credit to include unreported tips, and would expand restaurant eligibility to include carryouts.

Finally, the bill extends a number of expiring provisions, including a revised targeted jobs tax credit and section 127, the exemption for employer-provided educational assistance. I am concerned that section 127 renewal is limited to undergraduate education. It is my hope that this can be expanded in conference to reinstate graduate education.

I am pleased to see that the revenue loss from these provisions is fully offset with other provisions which increase revenues. In other words, this bill will not increase the deficit. In fact, this is precisely the pay-as-you-go approach advocated since early last year by the blue dog coalition, of which I am a member.

Last year, the coalition questioned the approach of borrowing hundreds of billions of dollars to pay for tax cuts. Instead, we in the coalition argued that tax cuts should be considered apart from spending cuts, and should be fully paid for with offsetting changes in the Tax Code.

After a year of debate, the Republicans are now beginning to see the wisdom of this approach. Two weeks ago, during debate on the budget resolution, the Republican Budget Committee chairman announced that they would fully pay for economic growth, savings, and job creation tax incentives with offsetting revenue increases.

Last month, we expanded deductibility of health care costs for small businesses, paid for through offsetting revenue increases. Today, we are taking the same approach for a number of small business tax incentives.

So, I applaud the majority for adopting our suggestion. I also encourage the majority party in the next few months to act on capital gains relief, expanded IRA eligibility, and estate tax relief for family farms and businesses, with offsetting revenue increases to make such changes deficit neutral. The result will be a stronger, more efficient economy.

I urge adoption of this bill.

Mr. CRANE. Mr. Speaker, today I will vote for the Small Business Job Protection Act. The highlights of the bill in my view include the expansion of the expensing provisions for small business, the package of S corporation reforms and pension simplification items, and the employer-provided educational assistance provision. If signed into law, these provisions will do a great deal of good for small businesses in this country and will in turn provide real job opportunities for American workers.

However, I must express my deep concern with regard to that portion of this bill which would phase out section 936 of the Tax Code over a 10-year period. Section 936 of the Tax Code provides tax incentives to companies that locate production facilities in Puerto Rico. Frankly, I have been concerned that many of those who will vote for this entire package know little about the positive impact that section 936 has had on employment in Puerto Rico. Nor, I fear do they appreciate the negative impact that eliminating section 936 will have with regard to the economic vitality of Puerto Rico and what the decline in that regard will mean to our Federal budget in the long run.

Having served on the committee with jurisdiction over this issue for the past 20 years, the Ways and Means Committee, I can unequivocally report to my colleagues that section 936 has been one of the most successful provisions in our entire Tax Code. Section 936 has spurred economic development in Puerto Rico which has in turn created thousands of jobs, dramatically reduced the unemployment rate in Puerto Rico. By removing this incentive for companies to locate in Puerto Rico, an economic vacuum will be created which I do not see being filled any time soon. This void will bring on increased unemployment, and hope and opportunity, which has been on the rise over the last 20 years in Puerto Rico, will decline steadily. As the economy declines there will be an increased dependency—dependency on Uncle Sam to help those that no longer have jobs. Just what form this dependency will take, whether it be statehood or some other arrangement, remains to be seen, but mark my words, it will mean greater expenditures by the U.S. Treasury. So I would say to those that think they are savings taxpayers dollars when they vote to eliminate this so-called corporate welfare in the Tax Code, that you can either pay not by encouraging economic growth and opportunity, or you can pay later by increasing Federal outlays for welfare and creating a dependency which I don't think the American citizens—either on the mainland or in Puerto Rico will appreciate.

Mr. Chairman, it is my sincere hope that Congress will either revise the provision of the bill before it becomes law or revisit this issue at a later time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today to speak in support of H.R. 3448 and to not only lend my support for it, but to also discuss how this legislation is a textbook example of opportunity missed. Mr. Speaker, while this bill makes several important changes to the current law in areas such as pensions, equipment investment, and educational tax-deductions, there are other changes not included which could have made it much better legislation and much better for the American people.

One of the most important issues this bill addresses is that of employee pensions. Under this legislation, employees of tax-exempt organizations, will for the first time, be eligible for 401(k) plans. In addition, firms with less than 100 workers would be permitted to set aside pension funds for workers without satisfying many of the complex reporting standards they must now meet for contributions to 401(k) plans. Finally, Mr. Speaker, this bill addresses the needs of union workers such as construction workers who frequently change jobs. This legislation corrects problems for small businesses and their employees which are long overdue. Now, those who were previously unable to take advantage of retirement options solely due to their occupation can now.

Mr. Speaker, this bill also provides tax incentives for businesses to hire employees on welfare, high-risk youth, qualified veterans or qualified summer youth employees. I have spoken a great deal on this floor about summer jobs and while I am extremely opposed to Republican efforts to eliminate the Summer Jobs Program, I am pleased that this provision was included. I am gratified to see that the majority party recognizes the fact that these populations sometimes need assistance in obtaining work and I believe that the work opportunity tax credit is one more method by which we can give honest people a chance at a job.

While these are good initiatives, this bill does not go far enough. The legislation will allow individuals to deduct up to $5,250 per year for employer-provided educational assistance for undergraduate tuition, but what about graduate education? Do not people who pursue advanced degrees deserve the same opportunity? This indeed seems like a case of education bigotry. During committee markup of this bill, my Democratic colleague, Mr. LEVIN tried to address this issue with an amendment to include graduate education. After initially agreeing to the amendment, the Republican Members changed their vote to defeat it.

Also missing from this bill are pension provisions contained within the Gephardt-Daschle proposal which would improve the bill even further by allowing penalty-fee IRA withdrawals for education and training, first home purchases, major medical expenses, and during long-term unemployment.

Mr. Chairman, this bill is good and I support it, but it could be and deserves to be better than it is.

Mr. MENENDEZ. Mr. Speaker, I have been a supporter of small business but I rise in opposition to H.R. 3448, the Small Business Job Protection Act. While I support the small business provisions of the bill, I strongly object to the Ways and Means Committee not holding hearings on this bill.

I was an original cosponsor of the targeted jobs credit extension bill, which has been included in H.R. 3448, but I was disappointed when the Republican leadership chose to not accept a majority of the Ways and Means Committee's vote to strike from the bill a requirement that employer-paid education benefits be limited to undergraduate schooling. H.R. 127, a bill I sponsored, would have extended employer-provided educational assistance for graduate as well as undergraduate tuition.

These provisions of the bill will hurt businesses and workers. Thousands of workers will not be able to benefit from employer-provided educational assistance since the Republican leadership chose not to extend tax-free-employer-provided tuition assistance for graduate level education.

Most of the tax cuts in this bill result from the elimination of section 936 of the Internal Revenue Code. The procedure leading to the elimination of this section is highly suspect. This is a major change in the Tax Code that will have an overwhelming effect on Puerto Rico.

The Commonwealth of Puerto Rico has not been consulted regarding the elimination of section 936. Members have not been given an opportunity to hear about the consequences of this on the Commonwealth of Puerto Rico. It is unfair to place the burden of the tax cuts this bill provides on the Commonwealth of Puerto Rico, which has no vote in Congress, and to eliminate section 936 without holding hearings on its impact. I do not agree with the precedent that has been set.

Members may not realize the adverse consequences of eliminating section 936 without providing a substitute program to stimulate job creation. Eliminating section 936 without any effective substitute will lead to job loss first in Puerto Rico, then in the United States and will finally hurt businesses in America. Without section 936, unemployment and poverty would increase dramatically in Puerto Rico. Where will workers in Puerto Rico look for jobs?

Job loss in Puerto Rico means that residents of Puerto Rico may migrate to areas like my congressional district, where the unemployment rate is already above the national average. People of Hispanic descent have strong family ties and in times of adversity their families will reach out to help them. With unemployment rates in my district over 10 percent, a major influx of unemployed workers will exacerbate a problem which is already intolerable. So you can see the unintended consequences of this legislation not only on Puerto Rico but also in New Jersey, New York, and other areas where Puerto Ricans have settled in the United States. Many Puerto Ricans living in the States are economically disadvantaged but their generous nature compels them to try to help those who are at even greater economic peril. This doubly disadvantages the disadvantaged.

Finally, it is just bad policy for the Republican leadership to not provide an opportunity to learn about the impact of eliminating section 936 without providing any alternatives. This further disenfranchises the people of the Commonwealth of Puerto Rico while imposing an unfair financial burden on them. Whether intentional or not it is invidious that this legislation singles out an individual ethnic group.

Mr. FAZIO of California. Mr. Speaker, I rise in support of H.R. 3448, the Small Business Job Protection Act of 1996.

Small business is the backbone of our Nation's economy. According to the Small Business Administration, small businesses generate more than 50 percent of our gross domestic product and employ 53 percent of the American work force.

Small businesses know their communities well. They often take a more personalized approach and fulfill unique needs for their communities that big business has no hope of duplicating.

With the downsizing of many large corporations, our Nation's economic health increasingly will become tied to the health of small business. Statistics indicate that small business accounted for two-thirds of the new job growth in the United States in 1994. Any further economic development our Nation hopes to enjoy in the next few years will be seriously inhibited without the expansion of small business.

Yet smaller firms can be at a disadvantage in getting the capital needed for start-up or expansion. It is essential to provide incentives to enable more small businesses to develop and grow throughout the United States, so that every American can benefit from the personalized services, innovative products, and modern technology as well as the new jobs and economic growth that smaller businesses provide to our communities.

So I was particularly disappointed that the research and development tax credit, usually a bipartisan provision, was voted down in the Ways and Means Committee on a party-line vote.

However, in light of the rapidly decreasing number of legislative days in this Congress to reach out to small business employers and employees, I nevertheless support H.R. 3448. It is the last opportunity to provide essential incentives for the development of small businesses. It also promotes job growth and educational opportunities for the millions of hard-working entrepreneurs who are at the heart of American economic success.

One of the main obstacles which has deterred small business development in the past is the difficulty small businesses face in providing employee pension plans comparable to those of large corporations. This bill creates the savings incentives plan for employees of small businesses that could operate as an IRA or a 401k plan. It will enable small businesses to offer the same long-term savings plans as larger firms, so that they can offer the same incentives in retaining qualified employees.

The Small Business Job Protection Act also addresses the concerns of many employees of nonprofit, tax-exempt companies who do not currently enjoy the security of a retirement account. This bill allows these organizations to offer 401k plans.

Work and education are the core of our economic success, and we should heartily support public policy proposals which encourage work with education, education with work, Incentives for both are provided by this legislation through the work opportunity tax credit and the employer-provided educational assistance tax deduction.

The work opportunity tax credit replaces the expired targeted jobs tax credit. Employers receive a tax credit equal to 35 percent of an employee's wages, for employees who receive economic assistance, including high-risk youth and veterans. The tax credit for employer-provided educational assistance allows individuals to deduct from their taxable income up to $5,250 a year for employer-provided assistance for undergraduate tuition.

Hard-working people are taking risks to start and expand small businesses. They are discovering new approaches that stimulate and generate economic growth. We must nurture the efforts of these entrepreneurs, and we must also help small business employees who work hard to sustain these efforts.

H.R. 3448 is a step in the right direction towards encouraging the growth of small business and with it, the strengthening of our Nation's economy. I urge my colleagues to support H.R. 3448, the Small Business Job Protection Act.

Mr. TORKILDSEN. Mr. Speaker, I appreciate the time to speak on this important small business issue.

The Small Business Job Protection Act is a package of tax incentives aimed at increasing the productivity of small business by promoting the opportunity for expansion. The bill contains a number of small business tax provisions. But, most importantly, there is a provision to increase expensing for small business.

Part of the Contract with America, this provision will increase from $17,500 to $25,000 the amount of money a small business can deduct for the purchase of equipment, such as computers, cash registers, or office furniture, for example. By increasing the deduction, small businesses will not only be able to modernize, giving their workers the tools they need to remain competitive, but they will also be in a stronger financial position to do business and interact within their communities.

Specifically, the bill phases in over 8 years a $7,500 increase in the amount a business may deduct from their tax liability for capital investment. As I stated before, current law allows a maximum amount of $17,500—bringing the new total deduction to $25,000.

In closing, I strongly support passage of this long overdue legislation. Thank you, Mr. Speaker, for the time.

Mr. ARCHER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. WALKER). Pursuant to House Resolution 440, the previous question is ordered on the committee amendment in the nature of a substitute and on the bill.

The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Pursuant to House Resolution 440, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 414, nays 10, not voting 9, as follows:

[Roll No. 190]

YEAS—414

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cummings
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Deutsch
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Greene (UT)
Greenwood
Gunderson
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Metcalf
Meyers
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Traficant
Upton
Vento
Visclosky
Volkmer
Walker
Walsh
Wamp
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—10

Conyers
Dellums
Gutierrez
Menendez
Rangel
Rose
Serrano
Stark
Towns
Velazquez

NOT VOTING—9

Bliley
Diaz-Balart
Largent
McDade
Molinari
Seastrand
Taylor (NC)
Vucanovich
Ward

□ 2016

Mr. TOWNS changed his vote from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. ENGEL. Mr. Speaker, on the evening of May 22, 1996, I was recorded in the affirmative for rollcall vote 190. I should have been recorded in the negative.

LEGISLATIVE PROGRAM

(Mr. ARMEY asked and was given permission to address the House for 1 minute.)

Mr. ARMEY. Mr. Speaker, I take this time because I wish to give an explanation, and then ask a couple of unanimous consent requests.

Mr. Speaker, I am about to ask two unanimous consent requests. If they are agreed to, we would then proceed in consideration of H.R. 1227 for 30 minutes of general debate tonight. At that point we would rise from our work on the bill. We would move on then to resume general debate for the remaining hour on the bill and the remaining consideration of the bill beginning at 9 a.m. tomorrow morning, with the first vote tomorrow morning, with the exception of the possibility of a journal vote, we would expect would be around 10 or 10:30 a.m.

Mr. VOLKMER. Mr. Speaker, will the gentleman yield?

Mr. ARMEY. I yield to the gentleman from Missouri.

Mr. VOLKMER. Mr. Speaker, will there be 1 minutes in the morning?

Mr. ARMEY. Mr. Speaker, reclaiming my time, through consultation with the minority, we have agreed there will not be.

Mr. VOLKMER. One additional question: Will there be any other legislative business, other than the pending bill tomorrow?

Mr. ARMEY. I do not expect to conduct any other legislative business.

POSTPONING FURTHER CONSIDERATION OF H.R. 1227, EMPLOYEE COMMUTING FLEXIBILITY ACT, AFTER 30 MINUTES OF INITIAL DEBATE, UNTIL THE FOLLOWING LEGISLATIVE DAY

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that during consideration of H.R. 1227, pursuant to House Resolution 440, notwithstanding the order of the previous question, it may be in order after 30 minutes of the 90 minutes provided for initial debate on the bill, as amended pursuant to the rule, for the Chair to postpone further consideration of the bill until the following legislative day, on which consideration may resume at a time designated by the Speaker.

The SPEAKER pro tempore (Mr. WALKER). Is there objection to the request of the gentleman from Texas?

There was no objection.

HOUR OF MEETING ON TOMORROW

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourns to meet at 9 a.m. tomorrow.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

FURTHER LEGISLATIVE PROGRAM

Mr. ARMEY. Mr. Speaker, if I may just inform Members, this then is the situation: We have had our last vote for the evening. Those interested in general debate on H.R. 1227 may wish to remain, but the rest of us will be expecting a vote by 10 a.m. or so tomorrow morning.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3396

Mr. BARR of Georgia. Mr. Speaker, I ask unanimous consent that the gentleman from Florida, Mr. ALCEE HASTINGS be removed as a cosponsor of my bill, H.R. 3396, the Defense of Marriage Act. It should have read Mr. HASTINGS of Washington. I apologize to Mr. HASTINGS of Florida.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3024

Ms. MCKINNEY. Mr. Speaker, I ask unanimous consent that my name be removed as a consponsor of H.R. 3024, the United States-Puerto Rico Political Status Act.

The SPEAKER pro tempore (Mr. WALKER). Is there objection to the request of the gentlewoman from Georgia?

There was no objection.

EMPLOYEE COMMUTING FLEXIBILITY ACT OF 1996

Mr. GOODLING. Mr. Speaker, pursuant to House Resolution 440, I call up the bill (H.R. 1227) to amend the Portal-to-Portal Act of 1947 relating to the payment of wages to employees who use employer owned vehicles, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to the rule, the committee amendment in the nature of a substitute, modified by the amendment printed in section 3 of House Resolution 440, is adopted.

The text of the committee amendment in the nature of a substitute, as modified, is as follows:

H.R. 1227

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. This Act may be cited as the "Employee Commuting flexibility Act of 1990".

SEC. 2. PROPER COMPENSATION FOR USE OF EMPLOYER VEHICLES.

Section 4(a) of the Portal-to-Portal Act of 1947 (29 U.S.C. 254(a)) is amended by adding at the end of the following: "For purposes of this subsection, the use of an employer's vehicle for travel by an employee and activities performed by an employee which are incidental to the use of such vehicle for commuting shall not be considered part of the employee's principal activities if the use of such vehicle for travel is within the normal communing area for the employer's business or establishment and the use of the employer's vehicle is subject to an agreement on the part of the employer and the employee or representative of such employee.".

SEC. 3. EFFECTIVE DATE.

The amendment made by section 1 shall take effect on the date of the enactment of this Act and shall apply in determining the application of section 4 of the Portal-to-Portal Act of 1947 to an employee in any civil action brought before such date of enactment but pending on such date.

The SPEAKER pro tempore. Under the rule the gentleman from Pennsylvania, [Mr. GOODLING] and the gentleman from Missouri [Mr. CLAY] will each control 45 minutes.

Pusuant to the order of the House of today, the Chair intends to recognize the gentleman from Pennsylvania, [Mr. GOODLING], and the gentleman from Missouri [Mr. CLAY] for 15 minutes each, before postponing further consideration of the bill.

The Chair recognizes the gentleman from Pennsylvania [Mr. GOODLING].

Mr. GOODLING. Mr. Speaker, I yield myself 1 minute.

Mr. MILLER of California. Mr. Speaker, will the gentleman yield?

Mr. GOODLING. I yield to the gentleman from California.

Mr. MILLER of California. Mr. Speaker, the markup tomorrow on IDEA, will that be postponed because of the consideration of H.R. 1227?

Mr. GOODLING. Mr. Speaker, reclaiming my time, yes.

Mr. Speaker, H.R. 1227, the Employer Commuter Flexibility Act, was reported favorably by voice vote from the Committee on Economic and Educational Opportunities, and I am pleased that we are considering it tonight. It was introduced and shepherded by the gentleman from Illinois [Mr. FAWELL].

It is a simple, straightforward bill. It would clarify the Portal-to-Portal Act to assure that employees may use an employer provided vehicle to commute from the employee's home to the job site and back home without necessarily making the commuting time compensable under the Fair Labor Standards Act. The Department of Labor has issued inconsistent opinions, and employers and employees are ow uncertain as to whether such programs, which are mutually beneficial to employers and employees, can continue.

Mr. Speaker, I yield 4 minutes to the gentleman from Illinois [Mr. FAWELL] the author of the legislation.

Mr. FAWELL. Mr. Speaker, I rise in strong support of H.R. 1227, the Employee Commuting Flexibility Act. As the primary sponsor of the legislation, I want to take a moment to explain the need for, and the effect of the bill.

H.R. 1227 would amend the Portal-to-Portal Act to clarify that commuting to and from work in employer-owned vehicles is not an activity for which an employee must be compensated. The need for such a clarification arose because the Department of Labor issued a misguided interpretation in the summer of 1994 which indicated that employees generally must be paid for time spent commuting between home and the job site in employer-owned vehicles. This is in contrast to employees commuting in their own vehicles who are not paid for commuting time.

Needless to say, Mr. Speaker, this interpretation threatened to disturb the longstanding practice in the petroleum, construction, and other service industries where employees use company trucks and vans for commuting. I might add that the ability to use company vehicles is strongly desired by employees in these industries. Although the Department of Labor subsequently backed off somewhat from their 1994 interpretation, a legislative clarification is necessary to avoid any future misinterpretation which could result in thousands of dollars of compensation claims against employers who allow employees to use company vehicles for commuting to and from work.

Mr. Speaker, in the spirit of compromise, I have worked very closely with Congressman ROB ANDREWS in developing the final language of H.R. 1227. The bill, which was reported by voice vote from both subcommittee and full committee, includes two important protections for employees. The bill clarifies that the use of employer-owned vehicles by employees solely for the purpose of traveling to and from work will not constitute a compensable activity, provided that, first, the travel is within the normal commuting area for the employer's business or establishment; and second, the use of the vehicle is the choice of the employee and is based on an agreement between the employer and the employee or the representative of the employee.

Several of my colleagues have expressed concern that the legislation would somehow affect employee travel during the workday, such as between job sites. I want to make it very clear that the legislation will not affect any travel performed during the workday—it would still be a compensable activity under the provisions of H.R. 1227. Section 4(a) of the Portal-to-Portal Act, which this bill amends, applies only to activities which occur prior to the time on any particular workday at which such employee commences, or subsequent to the time on any particular workday at which he ceases the principal activity or activities. Thus, it is not necessary to repeat in H.R. 1227 that the language only applies to travel time which occurs at the beginning and end of the workday.

Mr. Speaker, I also want to take a moment to address several of the concerns which will be expressed by opponents of the legislation. First, they will claim that H.R. 1227 was originally described as seeking to do no more than codify the Department of Labor's April 1995 opinion letter. H.R. 1227 was introduced in March 1995, 1 month before the second Department of Labor opinion letter was issued, and is intended to clarify what has become a murky area of the law because of the first Department of Labor opinion letter which was issued in August 1994.

Opponents of this common sense bill will also argue that we are somehow undermining the rights of employees by permitting employers to force employees to use an employer-provided vehicle. Under the Fair Labor Standards Act, an employee is not permitted to waive their rights, nor is the employee's representative allowed to bargain or negotiate away those rights. If either of these situations were possible, then the protections afforded by the act would be compromised.

Hence the bill makes it clear that the use of the employer's vehicle is subject to an agreement between the employer and the employee or via a collective bargaining agreement. The ability of employees to use the employer's vehicle for traveling back and forth from home to work is voluntary in the sense that no employee must accept it. We did not, however, provide that the employee's use of the employer's vehicle could become a condition of employment. In some instances, it could, depending on the agreement between the employer and employee or the terms of a collective bargaining agreement.

On another point, H.R. 1227 states that activities which are merely incidental to the use of an employer-provided vehicle for commuting at the beginning and end of the workday are not considered part of the employee's principal activity or activities and therefore need not be compensable. We expect that the Department of Labor will provide guidance in this area, consistent with the purposes of H.R. 1227.

Communication between the employee and employer to receive assignments or instructions, or to transmit advice on work progress or completion, is required in order for these programs to exist. Likewise, routine vehicle safety inspections or other minor tasks have long been considered preliminary or postliminary activities and therefore not compensable. Merely transporting tools or supplies should not change the noncompensable nature of the travel.

Opponents may also claim that the legislation enables employers to transfer to employees the costs of maintaining the employer's vehicle. It is our intent that the employee incur no out-of-pocket or direct cost for driving, parking, or otherwise maintaining the employer's vehicle in connection with commuting in employer-provided vehicles. However, the employer shall not be responsible for unrelated expenses, such as an employee's tax liability under the provisions of the Internal Revenue Code which may result from the employee's personal use of the employer's vehicle or for traffic violations resulting from the improper operation of the vehicle by the employee.

Mr. Speaker, without belaboring the point, suffice to say the Employee Commuting Flexibility Act is a commonsense reform that I expect will receive broad support. In 99 out of 100 cases, employees enjoy the use of company vehicles to commute to and from their homes, as they have for many years, and have found it to be a convenient benefit that gives them great freedom in scheduling their workday. Employers too have appreciated the flexibility it gives them in scheduling work or deliveries for their customers.

Mr. Speaker, there are many to thank who have had a hand in ensuring the success of this legislation, and would particularly like to thank Chairman GOODLING for his support as this bill moved through the committee process; Congressman CASS BALLENGER, the chairman of the Subcommittee on Workforce Protections, for hard work in moving the bill forward; and Congressman ROB ANDREWS for his long-time interest in this issue and for his cooperation and input in working to arrive at this compromise.

The only way to permanently protect businesses and their employees from a misreading of the law is to clarify the statute to prevent any further confusion on this issue. H.R. 1227 will allow employers and employees to continue to enjoy the mutual benefits which result from the use of employer-provided vehicles for commuting. I urge my colleagues to support this commonsense reform legislation.

□ 2030

Mr. CLAY. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, our Nation is undergoing tremendous economic change. We are moving into an age of great global trade and technological advancement, yet until today, the 104th Congress, a Republican-led Congress, has refused to deal with the most basic challenge we face, making sure that low-wage workers are not left behind in this new ever-expanding and ever-changing economy.

In 1993 and 1994, President Clinton and the Democratic Congress worked hard to give working people a tax break through the earned income tax credit. This was a downpayment on our commitment to the principle that no one who works full time should live in poverty. The time has now come to pay the second installment on that commitment; to ensure that the minimum wage is a livable wage.

The last time Congress voted to increase the minimum wage was in 1989. Among the Republicans voting for the increase were the Speaker and the soon to be former majority leader in the Senate. Since 1989, the purchasing power of the minimum wage has declined to its lowest level in 40 years. The overwhelming majority of Americans, Mr. Speaker, support the President's call to increase the Federal minimum wage above its current rate of $4.25 an hour.

My Republican colleagues are trapped on the wrong side of this issue. They are paralyzed by their own political and philosophical contradictions. The very same Republicans who call for drastic reductions in assistance to the working poor refuse to increase the minimum wage. Now that the Republican leadership can no longer resist the tide demanding a minimum wage increase, it has devised a political strategy to poison the water.

If this House adopts the minimum wage amendment, as we should, we will then face amendments endorsed by the Republican leadership that will deny the minimum wage to as many as 10 million Americans. If the Goodling small business exemption passes, we will see the proliferation of sweatshops and the exploitation of farmworkers.

Mr. Speaker, I ask my colleagues to reject this Goodling amendment.

Mr. GOODLING. Mr. Speaker, I thought we were on portal to portal.

Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina, [Mr. BALLENGER].

Mr. BALLENGER. Mr. Speaker, I am speaking on portal to portal, and today I rise in strong support of the Employee Commuting Flexibility Act, which will allow employees to continue to use company vehicles for commuting. This has been a common practice throughout many service industries, where employees can use company vehicles to commute between their homes and the job site.

In August of 1994, the Department of Labor took a position which penalized employers and employees who had worked out arrangements concerning the use of company vehicles. While the Department later backed away from that position, many employers are legitimately concerned about continuing to allow their employees to use company-provided vehicles for commuting. Given that the Department has had two varying positions on this issue within a relatively short period of time, the Employee Commuting Flexibility Act provides much-needed clarification on the intention of the law concerning employee use of such vehicles.

If employees must be paid for the time that they spend commuting to and from work each day, employers will be forced to eliminate these programs. Employees will then have to commute to work in their own personal vehicles. Not only will this be inconvenient for both parties, but for many employees it may mean the added financial burden of having to fuel, insure, and maintain their own vehicle for commuting.

The Employee Commuting Flexibility Act will allow employers and employees to continue with such mutually beneficial arrangements, so long as the arrangement meets certain conditions. First, the use of the vehicle would be subject to an agreement between the employee and the employer. Second, the vehicle must be used for travel within the normal commuting area for the employer's business or establishment.

The clarification provided by this legislation will enable employers and employees to continue with arrangements which meet these conditions. The employee receives the benefit of transportation and the company receives the benefit of the employee being able to go directly to the job site. Employees will not be exploited and the company will not be unduly burdened with expense. This is commonsense legislation and I urge my colleagues to support the bill.

Mr. CLAY. Mr. Speaker, I yield 3 minutes to the gentleman from California, [Mr. MILLER].

Mr. MILLER of California. Mr. Speaker, the reason we are here today is because Americans working at the minimum wage need a raise. This is where they would be if the minimum wage were indexed for inflation; and, unfortunately, because it has not been raised, this is where American workers are today. They are back at a point where the minimum wage was many, many years ago in terms of its purchasing power.

Finally, after months of struggle, we have persuaded the Republican leadership to bring the minimum wage to the floor of the House and they have finally agreed to do that. But only last night did we discover, as they seek to bring the minimum wage to the House for a vote, that they also will make in order amendments that will take away the benefits of the minimum wage and repeal the benefits of the minimum wage for up to 10 million working Americans in this country who today work in some of the toughest occupations.

These are the people who work in the fields that bring the food to our table. These are the people who wait on us when we go to dinner, when we go out to breakfast and when we go to lunch, who work long hours. These are the people who work in sweatshops making our garments.

These are the people who will find, because of the nature of their employment, that they must move from job to job all of the time as the tasks change. They do not lack skills, they do not lack the ability or the desire to work, what they lack is the protection of the minimum wage if the Goodling amendment passes.

So while we see the Republicans trying to pretend they are offering the minimum wage, what we see, in fact, is they have structured the debate, they have structured the rule, and they have structured the amendments to this bill so that, in fact, they will try to uncover tens of millions of Americans from the opportunity to earn a minimum wage.

These are Americans who have chosen to go to work, who go to work every day, who end up at the end of the year poor, who end up at the end of the year eligible for food stamps, who end up at the end of the year eligible for housing, who end up at the end of the year eligible for the earned income tax credit. Why? Because through their labor they cannot earn a living wage. And now the Republicans seek to take that benefit away from up to 10 million Americans.

These are women who are working hard to support their families, these are single parents who are working hard to support their families, these are students working while they are in school, while they are in high school and while in college, working 20, 30 hours a week. And the Republicans would deny them the benefits of the minimum wage. They would do it cleverly. They would do it cleverly by rolling back the benefits and the guaranties they have today that when they go to work they would get the minimum wage.

The Goodling amendment must be rejected. We must have a clean up-or-down vote on the minimum wage. It must be increased. These hard-working Americans who have chosen work over welfare are entitled to the benefits of their labor. We should no longer continue to subsidize those employers who simply choose not to pay the minimum wage.

We just voted on an amendment that was to take care of the increased cost, if there are any, to paying the minimum wage for small businesses. Those were the tax breaks that this House just overwhelmingly passed. But now what are they doing? Now they are trying to provide low-income labor to those very same employers. We should reject the Goodling amendment.

Mr. GOODLING. Mr. Speaker, I yield myself 1 minute.

The first statement I would like to make is that there were 2 years under the President's leadership when had a majority in the House and the Senate that he only mentioned the minimum wage during that entire time either in committee or by saying that raising the minimum wage does not help the working poor. So I want to make that clear.

Second thing I want to make clear is, the $500,000 exemption has been something that has been a bipartisan effort for a long, long time. We have minimum wage exemptions. We have exemptions for small businesses in practically every piece of legislation, whether it is civil rights, whatever it may be. Those exemptions are in there.

And I would point out again that Mr. Espy offered almost the same piece legislation. It was cosponsored by 60 Democrats and 90 Republicans, some sitting in the audience right now who cosponsored it. I improved on it in making very, very sure, as a matter of fact, that it would not be retroactive; that we could not take money from those who presently had the money and are making those kind of wages. So I want to make very clear at this point.

Mr. CLAY. Mr. Speaker, I yield 30 seconds to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Speaker, what should be made very clear is that after years of expanding the coverage of the minimum wage to hard working Americans in agriculture and sweatshops and other employment, what in fact we are now doing is rolling back and repealing the benefits of the minimum wage.

So the gentleman is the first author of a minimum wage bill that is rolling back the benefits to people who are currently covered. All they have to do now is change their job and they lose the benefits of the minimum wage under his chairmanship.

So the hallmark of this Republican Congress is they are uncovering hard working Americans who currently earn the minimum wage from the coverage of the minimum wage protection.

Mr. GOODLING. Mr. Speaker, I yield 2 minutes to the gentlewoman from Kansas [Mrs. MEYERS].

Mrs. MEYERS of Kansas. Mr. Speaker, H.R. 1227 amends the Portal-to-Portal Act to allow employees to use company vehicles for traveling back and forth to work. It is a simple bill, and frankly, addresses an issue which the Congress of the United States should not have to be involved in. Unfortunately, the Congress is increasingly forced to become involved in activities which historically have been left to employers and employees to decide. Misguided and confusing interpretations of current law issued by the Department of Labor have made this necessary.

Many industries throughout the country provide company vehicles to employees for use during working hours, and allow the employee to use the vehicle to commute to and from work. This longstanding practice was threatened in 1994 when the Department of Labor decided that employees generally must be paid for the time spent commuting between home and the jobsite in employer-owned vehicles. Prior to this action, the long-settled rule under the Portal-to-Portal Act had been that commuting time, whether in a personal or company vehicle, was not counted as hours worked. So, for many years, this was a nonissue. But after the Department's action—which it later rescinded and replaced with another opinion—confusion and lawsuits reign, and employees lose.

Employees benefit by using a company vehicle to commute to and from work. It not only saves them time, but saves wear and tear on their own car, or allows another family member use of the car. Employees did not, and still do not, expect to be paid for driving back and forth to work.

This bill ensures that employers who use company vehicles to commute to and from work are not "on the clock" so long as there is an agreement between the employer and the employee, and the commute is within a normal commuting distance. I urge all of my colleagues to support this commonsense measure.

□ 2045

Mr. CLAY. Mr. Speaker, I yield 3 minutes to the gentleman from New York Mr. [OWENS].

Mr. OWENS. Mr. Speaker, this Employee Commuting Act is a cheap device being utilized to sabotage the effort to increase the minimum wage by 90 cents over a 2-year period. This Employee Commuting Act is one more attack on American working families. This is guerrilla warfare. It is an ambush of the workers. This bill forces workers to do work for which they are not paid. This bill allows employers to coerce employees into agreements to work without getting paid.

The number of workers who drive vehicles to and from work that are owned by the company may be relatively small, but the principle here, the principle at stake here is monumental when you consider the implications of forcing people to work without getting paid.

This act pilfers the wages of workers. This is a mandate for picking the pockets of defenseless workers.

Against this petty thievery, Democrats must rise again to defend American working families. For some reason, during this whole year, the Republicans have waged an onslaught on working families. They have attacked OSHA for the safety of workers. They have tried to establish teams that would replace unions. They have attacked the National Labor Relations Board. They have attacked Davis-Bacon.

For some reason the Republicans are determined to wipe out the gains that workers have made over the last 50 years. This is just one of many attacks. But this is a side attack, a guerrilla attack to pick the pockets. It is very petty but it is very damaging in terms of the precedent that it sets. If you let employers get away with forcing workers to work without getting paid on this occasion, on this particular set of circumstances, then you will do it again and again.

The minimum wage is what they really want to get. They want to cloud the issue, confuse the American public. A mere 90 cents increase in the minimum wage over a 2-year period, that is what is at stake here. The Republicans want to declare war on working families, in this case when it does not even involve the budget of the Government.

The Government will not be out one penny as a result of increasing the minimum wage. The minimum wage increase will not lead to a decrease in the number of jobs. The minimum wage has been increased in the State of New Jersey, and their industry has gone forward. They have more employment than ever before. They are prospering from the fact that they paying higher wages. Just as Social Security did not destroy the economy, just as the creation of the minimum wage bill, minimum wage act in the first place did not destroy the economy, just as all of the other benefits that workers have come to enjoy have not destroyed the economy but instead created a consumer class, a working class unlike anywhere else in the world, that has made our Nation prosper, the minimum wage will not hurt the economy.

The minimum wage will help working people on the bottom who very much need a raise. Minimum wage will help those people that you are throwing off welfare into work because they will have an opportunity to work for a decent wage.

America needs a raise and it needs it right now. We do not need these kinds of actions. The portal to portal bill takes wages out of the pockets of workers. I urge Members to reject this Employee Flexibility Act.

Mr. CLAY. Mr. Speaker, I yield 1 minute to the gentlewoman from Georgia [Ms. MCKINNEY].

Ms. MCKINNEY. Mr. Speaker, I take this opportunity tonight to oppose the Gingrich-Goodling amendment. I suppose we should have expected that the Republican leadership would not allow a vote to increase the minimum wage without first giving away the farm. The Gingrich-Goodling amendment, Mr. Speaker, would deny nearly 10 million American workers the right to earn the minimum wage and overtime pay, even though these workers have those rights today. Only in a Republican controlled Congress would we vote to increase the minimum wage 1 minute, then make 10 million workers ineligible for it in the next minute.

This amendment, Mr. Speaker, is little more than a cruel and cynical joke made at the expense of millions of working families. I urge my colleagues who support the minimum wage increase to oppose this antiworker amendment. From folks who oppose even the concept of a minimum wage, we really should not expect any better.

Mr. CLAY. Mr. Speaker, I yield 3 minutes to the gentleman from Texas [Mr. GENE GREEN].

Mr. GENE GREEN of Texas. Mr. Speaker, our chairman is correct that we are debating H.R. 1227. That is the vehicle that is being used tonight and tomorrow to debate the minimum wage increase. After months of blocking Democratic attempts to vote on raising the minimum wage, Republicans have finally allowed a vote on the issue. But this move is not really intended to help those hard-working Americans. Republicans will attach this minimum wage increase to a proposal that is nothing but an attempt to satisfy special interest groups who join them in the months-long battle against raising the minimum wage.

The 80 percent of the American people who support a minimum wage need to know that the legislative vehicle that is being used today will exempt millions of hard-working people from the minimum wage and overtime pay. That is right, over 10 million people will not be eligible for a minimum wage increase. This is the Washington way of giving it to you with one hand and taking it away with the other.

Mr. Speaker, it is obvious that the Republicans really have no interest in providing working Americans the opportunity of a living wage. We should not allow this sham, this gimmick, this fraud on these lowest paid hard-working American workers. Republicans do not care that the minimum wage has been on a fairly steady decline for the past 15 years. Today the minimum wage has fallen 45 cents in real value since the last increase in 1991. Five years ago there was the last minimum wage increase, and yet we have not seen an increase, and now we see this sham tonight.

Americans know that the real families exist on the minimum wage. It is hard to get by, when working full time does not even put enough money to stay off welfare. You have to earn money in your pocketbook to put food on the table. That is why Americans, 80 percent support an increase in the minimum wage. Republicans have a golden opportunity to give these hard-working Americans a clean minimum wage increase, but not if we adopt the Goodling amendment.

Mr. Speaker, I hope that we will have a clean minimum wage increase that will give these hard-working people an increase without exempting 10 million people from the minimum wage and also from the overtime protections that they have now.

Mr. GOODLING. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana [Mr. MCINTOSH].

Mr. MCINTOSH. Mr. Speaker, I rise in opposition to the effort to mandate a raise of the minimum wage because I think this effort, although it appears to be well-intended, ignores what I refer to as the victims of minimum wage folly. In my subcommittee, we held hearings last week in which we heard from experts, economists and real people who will be living with this law. I will insert the testimony into the RECORD.

Let me introduce you to two of the victims of this minimum wage folly. One of them is a woman named Melody Rane and her family. They have a family-owned Burger King in Eureka, CA. She will have to let off four full-time workers and eight part-time workers if we mandate an increase in the minimum wage.

Most of her workers do not stay on minimum wage. They come in untrained. They start at minimum wage. And within 6 months are making much, much more than minimum wage. But because of our mandate, she will have to reduce her employment, have fewer opportunities for some of the most vulnerable members of our society.

A second such person is at the far end, his name is Don Baisch. Don is pictured with his daughter Maya. Three years ago Don was on welfare. He did not have a job. Melody gave him his first job at her Burger King. He started out on minimum wage. Now 3 years later, Don is a working dad, supporting his daughter Maya as a manager in Melody's store.

He came and said:

Mr. Congressman, please do not raise the minimum wage because there are going to be future people just like me who will not have a chance to get off welfare. You think you may be doing the right thing, but for them it is wrong, and it will hurt them and deprive them of a chance to have a job.

We need to do what is right for working men and women. Tomorrow I will discuss a better way, a minimum wage tax cut. Unfortunately, we cannot vote on it, but let us not harm these people.

Mr. Speaker, I include for the RECORD the following information:

TESTIMONY BEFORE THE SUBCOMMITTEE ON NATIONAL ECONOMIC GROWTH, NATURAL RESOURCES, AND REGULATORY AFFAIRS—TUESDAY, MAY 14, 1996

STATEMENT OF MELODY RANE, BURGER KING FRANCHISE

Good morning. My name is Melody Rane and I am the mother of four children and, together with my husband, Jay, am the owner of two Burger King restaurants in Eureka and McKinleyville, California. I'd like to thank the Subcommittee for the opportunity to express, as a small business person, how the proposed increase in the minimum wage would affect our business and, most importantly, the young people we employ.

I have provided the Subcommittee with a written calculation of what the actual cost of the proposed minimum wage increase would be to our business. As you can see, our labor costs would increase by over $100,000.00 per year. This is more than we took together as a salary from our business last year, before taxes. Clearly, we simply could not absorb this loss, so would be faced with the following choices: 1) increase our prices (which would be against our better judgment, since reducing our Whopper to $.99 and selling meal combos three years ago has increased our sales by 30% and our profits by 15%); 2) lay off employees; or 3) increase prices moderately, so we can retain business, while laying off employees. The logical choice, and the one we would plan on executing, is the third. My guess is that most business owners would do the same, which would cause inflation—and then what good have we done anyone?

My biggest concern—and the reason I am here today—is the jobs for our youth. As a mother of three teenage sons, I think it is very important for these young people to experience working at a job where they can learn the importance of being productive members of our society. As you can see from my calculation, a lot of jobs would be lost from a minimum wage increase, just in our franchise alone. Our solution will be to raise prices for half of the increase and lay off workers for the other half. I will have to lay off a total of 4 full time workers or 8 part time workers. There are about 6,000 franchised Burger King restaurants in the United States, which would equate to an estimated 24,000 full time jobs or 48,000 part time jobs. We would be forced to layoff teenagers mostly, as they are almost always inexperienced and require more of the Manager's time to teach them good work ethics. Only the most productive and hard working people would survive the cut, because we would have to give the same service with less people.

When we first started our business 15 years ago, it took 16 to 18 people to work a busy Saturday lunch rush. Now, we use 12 to 14. With the last minimum wage increase, we went to self-service drinks. There is no avoiding the fact that a further minimum wage increase would mean even fewer job opportunities in our restaurants.

My point is that the minimum wage may be $4.25, but it is only a starting wage. My average hourly rate is $5.10 per hour today, and my fellow franchisees around the country also have comparable average wages, some much higher. Why not leave what's working alone and let the market drive the wages? A large number of the franchisees can't even get employees to come and work for $6.00 an hour, because often we are competing with the welfare system. What incentive does a person have to work a minimum wage job, whether it is at $4.25 an hour or $5.25 an hour, if they can make two or three times as much on welfare and not work at all?

I have asked an employee of ours to join me here and tell you his story. He was on welfare when he started working for us at the minimum wage. Now, he's a Manager for us making almost $20,000 a year. How many people will not get the opportunity he did if jobs are cut? In fact, every one of our managers started with us as an hourly employee with no experience making the minimum wage. Who stays at the minimum wage all their life?

It upsets us to see the media and others portraying small business owners as heartless people who care nothing about employees. I am very proud of the hundreds of young people who have worked for us through the years that go on and get bigger and better jobs. The real satisfaction we get is when they come back and thank us for the lessons we taught them about working, and how we made a difference in their lives.

In closing, I would just like to say that our industry serves a valuable purpose—we are the first rung on the ladder for many workers. We take pride in seeing them progress to the next, and the next, whether it be with us or with someone else.

Thank you.

STATEMENT OF DON BAISCH, MANAGER, EUREKA BURGER KING RESTAURANT

I was hired to work at the Eureka Burger King in May of 1993. I started at $4.25 an hour and after a few weeks I had proven myself to the management and was given a $.50 raise. Because of a rocky relationship with my wife, I quit and was rehired a few times, but when I found out that we were going to have a baby, I started getting serious about my job.

The manager wanted me to work more hours, but because I was on welfare and receiving financial assistance, my case worker told me that until the baby was born I could only work 25 hours a week or I would lose some of my benefits. After my daughter was born in March of 1994, I was allowed to work full time and I accepted a promotion to Crew Leader, starting at $5.25 an hour. A Crew Leader helps the manager on duty by making sure all the food prep is done, the breaks are all given out and that all cleaning list and check lists are done.

About 8 months after I became a Crew Leader I was offered an Assistant Manager job. I talked to my case worker to see what benefits I would lose, and she said that we would lose all of our benefits. Furthermore, she said that if the job didn't work out, we would have to reapply for all of our benefits again, which could take months. That did it for my wife—she refused to let me take the job. A few months later, in March of 1995, my wife and I split up and the Assistant Manager job was offered to me again. This time I took it.

Jay and Melody had to start me out at $1400.00 a month (this was $200.00 more a month than they normally started inexperienced managers) just to match my Crew

Leader pay and what I was receiving from welfare. The welfare system, at least in Humboldt County, discourages you from tying to get ahead. In fact, it discourages couples from getting married, because you can get more benefits if you are single, and the case workers tell you that. There needs to be a better way. They should gradually take it away, until you are finally on your own.

Jay and Melody, the managers and co-workers at Burger King believed in me and saw what I could not see anymore in myself, and I am very thankful for their help. Thanks to a minimum wage job opportunity, I am completely off of welfare now, and I have a self-esteem and pride again. I hope you think carefully about increasing the minimum wage, because it will provide less opportunities for people like me to turn their lives around.

APRIL 1–30 PAYROLLS

(1 High Volume Store, 1 Average Volume Store)

	Hours (a)	Gross Hourly Pay (b)	Avg. Hourly Wage (b÷a)
Eureka	4,276	$21,787	$5.09
McKinleyville [1]	3,314	$16,228	$4.89

[1] The McKinleyville store has a lower average hourly wage because it just opened in Oct. of 95. As the employees gain experience and get more raises this number will catch up with the Eureka store.

After a minimum wage increase of $1.00 per hour:

Eureka—4,276 hrs×$6.09=$26,041 an increase of $4,254.00 a mo.

McKinleyville—3,314 hrs×$5.89=$19,519 an increase of $3,291.00 a mo.

Total Payroll Increase for the month=$7,545.00.

Wage Increase×12=$90,540.

Added Employer FICA=$6,926 (7.65%).

Added Workers Comp=$3,395 (3.75%).

Total W/Added Taxes $100,861 and Insurance.

QUESTIONS FOR MELODY RANE

1. Roughly, how many people have you given a start with a minimum wage job?

2. What do you think will happen to those employees you will have to lay off if there is a minimum wage increase?

3. Do you expect other fast food chains around the country will have to do the same? [If so, your estimate that 24,000 full time employees or 48,000 part time employees will be laid off in Burger King restaurants can be multiplied many times for a grand total job loss in the fast food industry.]

QUESTIONS FOR DON BAISCH

1. Have you ever regretted taking your job at Burger King and getting off welfare benefits?

2. Do you believe welfare case workers discourage others from taking jobs so they can keep their benefits, like they did for you?

3. Do you believe that minimum wage jobs offer other people the same opportunities for success that your job at Burger King offered you?

[From the Wall Street Journal, Apr. 16, 1996]

THE MINIMUM WAGE TRAP

(By Bruce Bartlett)

President Clinton is asking Congress to raise the minimum wage by 90 cents over two years to $5.15 per hour, a 21% increase. In doing so, the president has challenged the widespread view among economists that an increase in the minimum wage will reduce jobs.

In 1981, the congressionally mandated Minimum Wage Study Commission concluded that a 10% increase in the minimum wage reduced teenage employment by between 1% and 3%. This suggests that between 130,000 and 400,000 jobs would be lost if the Clinton plan is approved by Congress. This estimate is confirmed in two more recent studies, by David Neumark of Michigan State and William Wascher of the Federal Reserve Board, and by Kevin Murphy of the University of Chicago and Donald Deere and Finis Welch, both of Texas A&M.

The Clinton administration counters by referring to the recent work of economists David Card and Alan Krueger, both of Princeton. Their studies of fast food restaurant employment in New Jersey and California after those states increased their state minimum wages found no evidence of job loss.

FLAWED DATA

However, flaws in the Card-Krueger data cast serious doubt on the validity of their conclusions. In a paper published by the National Bureau of Economic Research, Messrs. Neumark and Wascher reexamined the Card-Krueger data, which originally came from telephone surveys. Using payroll records from a sample of the same New Jersey and Pennsylvania restaurants, Messrs. Neumark and Washer found that employment had not risen after an increase in the minimum wage, as Messrs. Card and Krueger had claimed, but in fact had fallen.

A review of Mr. Card's study of California by Lowell Taylor of Carnegie Mellon University found that the state minimum wage increase had a major negative effect in low-wage counties and for retail establishments generally. Thus Nobel Prize-winning economist Gary Becker of the University of Chicago concluded that "the Card-Krueger studies are flawed and cannot justify going against the accumulated evidence from many past and present studies that find sizable negative effects of higher minimums on employment."

The fact is that virtually every major study that has ever been done has found significant job losses from an increase in the minimum wage, with the rare exception of those done by Messrs: Card and Krueger. (Mr. Krueger formerly served as chief economist for the Labor Department in the Clinton administration.) A survey of earlier studies by the General Accounting Office in 1983, for example, "found virtually total agreement that employment is lower than it would have been if no minimum wage existed."

But even if the minimum wage had no effect on overall employment, there are still strong arguments against raising it. First, it is important to understand that the impact of the minimum wage is not uniform. For 98.2% of wage and salary workers, there is no impact at all, because they either already earn more than the minimum or are not covered by it. However, for workers in low-wage industries, those without skills, members of minority groups and those living in areas of the country where wages tend to be lower, the impact can be severe. This is why economists have always found that the primary impact of the minimum wage has been on black teenagers.

In 1948, when the minimum wage covered a much smaller portion of the labor force, the unemployment rate for black males age 16 and 17 was just 9.4%, while the comparable unemployment rate for whites was 10.2%. In 1995, unemployment among black teenage males was 37.1%, while the unemployment rate for white teenage males was 15.6%. Moreover, the unemployment rate for black teenage males has tended to rise and fall with changes in the real minimum wage.

But current unemployment is just a part of the long-term price that entry-level workers of all races pay for the minimum wage. A number of studies have shown that increases in the minimum wage lead employers to cut back on both work hours and training. When combined with the loss of job opportunities, this means that many youths, especially among minorities, are prevented from reaching the first rung on the ladder of success, with consequences that can last a lifetime.

When people cannot get legitimate jobs, it is not surprising that they turn to crime and the underground economy. Studies by Massanori Hashimoto of Ohio State and Liad Phillips of the University of California, Santa Barbara, both show that increases in the minimum wage contribute to teenage crime. And a study by William Beranek of the University of Georgia found that the minimum wage encourages employment of illegal aliens, who are unlikely to report any violations of the Fair Labor Standards Act to the Labor Department.

Research also shows that the minimum wage is a significant factor in welfare dependency. A recent study by Peter Brandon of the University of Wisconsin, for example, examined welfare rates in states that increased their minimum wages in the 1980s with those that did not. In those that did, the average time on welfare was 44% longer than in states that did not. This is largely due to reduced employment opportunities for welfare mothers. In states not raising the minimum wage, half of welfare mothers worked during the years surveyed, while in states that raised the minimum wage only 40% reported working.

Intuitively, one would have expected a higher minimum wage to make work more rewarding for those on welfare. However, the interaction of the welfare and tax systems means that some working people are actually worse off after an increase in the minimum wage. Economist Carlos Bonilla of the Employment Policies Institute, an industry-funded group on Washington, D.C., found a dramatic example of this in California after its minimum wage rose to $4.25 from $3.35. After accounting for the phase-out of Aid to Families With Dependent Children, Medicaid and food stamps, and for federal, state and local taxes, Mr. Bonilla found that a single parent earning the minimum wage was $1,800 per year worse off after the increase.

Finally, the latest research shows that increases in the minimum wage encourage high school students to drop out, enticed by the lure of higher pay for unskilled work. This has the effect of reducing their lifetime earnings and displacing lower-skilled older workers at the same time.

LITTLE IMPACT

Given these kinds of effects, it is not surprising, therefore, that the minimum wage, has almost no broad impact on poverty or the incomes of the poor. Although some poor people are better off because they get higher wages, others are worse off because they lose their jobs. Thus one study found that the 22% increase in the minimum wage in 1976 added just $200 million to the aggregate income of those in the lowest 10% of the income distribution. Indeed, much of the benefit of the minimum wage actually goes to the well-off, whose children get paid more for part-time work.

Moreover, although proponents of a high minimum wage often talk about the difficulty of supporting a family on the minimum wage, only a very small number of workers earning the minimum wage actually do so. In 1993 only 22,000 men and 191,000 women nationwide maintained families on a minimum wage job, according to the Bureau of Labor Statistics. According to BLS data for 1985, 37% of minimum-wage workers were teenagers, probably living at home, and 59% were age 24 or younger. About 17% of minimum-wage workers are wives, and thus likely to be secondary earners, and 66% only work part time. These include students, the elderly with pension or Social Security income, and those simply looking for a little extra cash.

The case against the minimum wage is strong. In fact, the minimum wage should be abolished. Even the liberal New York Times has said so. As the headline on its Jan. 14, 1987, lead editorial put it: "The Right Minimum Wage: $0.00." Indeed, according to Robert Meyer of the University of Chicago and David Wise of Harvard, abolition would actually increase the aggregate income of youth in this country. Raising the minimum wage simply moves us further in the wrong direction.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentlewoman from North Carolina [Mrs. CLAYTON].

Mrs. CLAYTON. Mr. Speaker, one is asked, why do we need a minimum wage? I just heard the reference to victims. I gather these people feel that they need the minimum wage, and 80 percent of the American people feel they need to increase the minimum wage.

First you need to increase the minimum wage because it is the fair thing to do. It is indeed fair to say that those who are employed at the lowest level are also employed at a livable wage. It says something about our economy.

Why is a livable wage needed? Well, it is needed to provide the very basic essentials of living: a shelter, food on the table, clean clothes, being able to take care of medical expenses, transportation, all those things that a human being needs to exist.

Again, we heard reference to the teenagers who are on the minimum wage. I would suggest to you there indeed are teenagers who are on the minimum wage, but they are supplementing their family's income. Many of them are working their way through college. Indeed, they have a right, as I have suggested to you, as the adults have in making a livable wage.

The adults are mostly women, single women heads of households who have a sole responsibility for their families. So who will be helped? A lot of people will be helped, if indeed we raise the minimum wage.

What are the Republicans doing? What is their answer to America's cry that we want to be fair, that we want to have an economy that says the least among us should have a livable wage and that the minimum wage should be increased. They put a minimum wage bill before this House, but yet they encumber it with the amendment that the gentleman from Pennsylvania [Mr. GOODLING] has.

Indeed, this is a unique way to offer something by offering it and taking it back. Indeed, now more than 10 million people who were covered under the 1991 increase in the minimum wage will not now be covered. In fact, the current law covers at least 10 million people who will not be covered. This is unfair, Mr. Speaker. We should reject the Goodling amendment.

The SPEAKER pro tempore (Mr. WALKER). The gentleman from Missouri [Mr. CLAY] has 1½ minutes remaining, and the gentleman from Pennsylvania [Mr. GOODLING] has 2¾ minutes remaining. The gentleman from Pennsylvania [Mr. GOODLING] has the right to close the initial debate.

Mr. GOODLING. Mr. Speaker, I yield 1 minute to the gentleman from Illinois [Mr. FAWELL].

Mr. FAWELL. Mr. Speaker, I think it is too bad that we have what I would call extremism here as we try to talk about something I hope more rationally. When we talk about the fact that the Goodling amendment, for instance, is going to cause some 10 million people, for instance, to lose coverage under minimum wage, I can only shake my head.

I would refer my colleagues to the fact that over 200 Members of this Congress, including being led by Mike Espy, a member of the other side of the aisle, a short time ago pointed out that before the passage of the minimum wage law back in 1989, there was $362,500 annually, that is, businesses grossing less than $362,500 were granted exemptions. That was extended and increased to $500,000 at that time, but there was a mistake made. Mike Espy pointed out the mistake that was made.

Mr. CLAY. Mr. Speaker, I yield the balance of my time to the gentleman from New York [Mr. ENGEL].

The SPEAKER pro tempore. The gentleman from New York, Mr. ENGEL, is recognized for 1½ minutes.

Mr. ENGEL. Mr. Speaker, I want to say there is no clearer issue in my opinion that defines the difference between Democrats and Republicans that raising the minimum wage.

It has been clear. We on the Democratic side have tried for months and months to try to get a clean minimum wage raise, a lousy 90 cents an hour from $4.25 to $5.15. What have we gotten from the majority, the Republicans from the other side of the aisle? We have gotten stalling, delaying, all kinds of tactics.

Now we finally get a bill and we have all kinds of things to hurt workers rather than to help workers, to exempt people from the minimum wage, all kinds of tricks and all kinds of nonsense.

We asked for a clean minimum wage bill, a clean bill that would clearly say that the minimum wage ought to be raised from $4.25 to $5.15 an hour. Eighty percent of the American people agree that the minimum wage ought to be raised, including 70 percent of Republicans. But the Republican leadership has been against it. And they have not allowed us to have a clean up or down vote on the floor.

□ 2100

What could be easier or more simple than a clean up or down vote on whether the minimum wage should be raised 90 cents an hour? People have said here time and time again that the buying power of the minimum wage is at a 40-year low. All we are saying is that people who are working, people who are working people, they are not on welfare, they are not looking for a handout; they are working people, they deserve to be paid at a higher level.

We should reject the amendments, and we should have a clean vote on the minimum wage.

Mr. GOODLING. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore (Mr. WALKER). The gentleman from Pennsylvania [Mr. GOODLING] is recognized for 1¼ minutes.

Mr. GOODLING. Mr. Speaker, tonight, of course, we were talking about an Employees Commuting Flexibility Act which really helps working people. I can remember as a superintendent I said to the school board, "Give me transportation, give me a car to go back and forth to work. That way Uncle Sam can't take any increase I get away from me because I will have transportation," and that takes care of a big expense for many people.

So that is what we are talking about tonight.

I was amazed. It sounded like we had a bidding war going on over there. We had 5 million, 10 million, we are up to 30 million. I guess tomorrow it will even get higher.

Mr. Speaker, I would hope that tomorrow we give a little consideration to the fact that the Congressional Budget Office has said that a 90-cent increase could produce unemployment losses from 100,000 to 500,000 jobs. Now, we better think about that. These are the most vulnerable people we have in our society, and so I would hope that when we get back tomorrow on track that we will consider those 100,000 to 500,000 so that we consider all Americans.

As I said, they are the most vulnerable, and when we move in to try to create more jobs, it is going to be small businesses that are going to promote those jobs and create those jobs. So we better think seriously about that.

Mr. STOKES. Mr. Speaker, I rise in strong support of the minimum wage increase amendment to H.R. 1227, the Employee Commuting Flexibility Act. If America is to live up to its pledge of being a great nation that will provide every individual citizen an opportunity to earn a decent living, we must raise the minimum wage. An increase in the minimum wage is the primary means of helping working Americans in today's society.

The current Federal minimum wage of $4.25 per hour is at its lowest level in real terms in nearly 40 years. This devaluation of the minimum wage has kept millions of our Nation's workers at the poverty level. The loss of buying power is contributing to the growth of an underprivileged and underpaid class in America.

The 10 million Americans working at minimum wage would take home another $1,800 a year if we approve this 90 cent increase for American workers. The Department of Health and Human Services estimates that if we raise the minimum wage, as many as 300,000 families could be lifted above the poverty line, including over 100,000 children.

Over 66 percent of minimum wage workers are adults and 40 percent of these adults are the sole providers for their families. Yet, despite these facts, detractors have charged that an increase would primarily benefit teens living at home.

In 1989, the Congress faced a situation similar to the debate we now face. The minimum wage in 1989 was $3.35 and its real value had fallen to its lowest level since 1955. Legislation was passed and signed by President Bush to increase the minimum wage by 90 cents. This legislation was supported on a bipartisan basis. It is time once again for Congress to step forward and protect the earning power of those at the bottom of the wage scale by raising the minimum wage.

Mr. Speaker, it's been 5 years since America's minimum wage workers got a raise. The proposed minimum wage is a logical step in our efforts to enable families to be productive and self-supporting. The time has come for Members of Congress to take this one small step toward economic justice. I urge my colleagues to raise the minimum wage.

The SPEAKER pro tempore. All time in this part of the debate has expired. Pursuant to the order of the House of today, further consideration of the bill will be postponed until tomorrow.

COMMUNICATION FROM THE HONORABLE JOSEPH M. McDADE, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable JOSEPH M. McDADE, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 13, 1996.

Hon. NEWT GINGRICH,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule L (50) of the Rules of the House of Representatives, that Michael Russen, a Field Representative in my Scranton, Pennsylvania District Office has been served with a subpoena issued by the U.S. District Court for the Eastern District of Pennsylvania in the case of *United States v. McDade.*

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,
JOSEPH M. McDADE,
Member of Congress.

COMMUNICATION FROM THE HONORABLE RICHARD A. GEPHARDT, DEMOCRATIC LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable RICHARD A. GEPHARDT, Democratic Leader:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE DEMOCRATIC LEADER,
Washington, DC, May 7, 1996.

Hon. NEWT GINGRICH,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to Section 637(b), Public Law 104-52, I hereby appoint the following individuals to the National Commission on Restructuring the Internal Revenue Service: Mr. Robert Matsui, California; Mr. George Newstrom, Virginia.

Yours very truly,
RICHARD A. GEPHARDT.

APPOINTMENT AS MEMBERS TO THE NATIONAL COMMISSION ON RESTRUCTURING THE INTERNAL REVENUE SERVICE

The SPEAKER pro tempore. Without objection, and pursuant to the provisions of section 637(b) of Public Law 104-52, as amended by section 2904 of Public Law 104-134, the Chair announces the Speaker's appointment to the National Commission on Restructuring the Internal Revenue Service the following Members on the part of the House: Mr. PORTMAN of Ohio and from private life: Mr. Ernest Dronenberg of California; Mr. Gerry Harkins of Georgia; and Mr. Grover Norquist of the District of Columbia.

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. COLLINS of Georgia). Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

HUMANITARIAN AID CORRIDOR ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. PALLONE] is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, this evening, the Appropriations Subcommittee on Foreign Operations is marking up the fiscal year 1997 appropriations bill for our international assistance and export financing programs. Yet, ironically, we just learned yesterday that President Clinton has waived one of the most important provisions in the fiscal year 1996 Foreign Operations bill: the Humanitarian Aid Corridor Act. The Corridor Act, which was included in the fiscal year '96 bill with broad bipartisan support, prohibits U.S. assistance of any kind from going to a country that impedes the delivery of humanitarian aid to a third country. I think most Americans would just assume that such a basic condition would apply to any recipient of U.S. aid, but it isn't.

Mr. Speaker, this legislation is really targeted at the Republic of Turkey, which has maintained a cruel and illegal blockade of neighboring Armenia for the past 3 years. This blockade has prevented the delivery of food, medicine and other humanitarian relief supplies—much of it originating in the United States—from reaching Armenia. The most direct route for aid to Armenia is through Turkey. Thus, the Turkish blockade makes it far more difficult and expensive for relief supplies to reach the people of Armenia.

Turkey is a country that has received billions of dollars of United States aid. They are a military ally of the United States, part of NATO. Yet here is Turkey, a large and militarily powerful nation, maintaining a stranglehold on Armenia, a tiny land-locked country. This is shocking outrageous behavior. Last year, Congress finally said to Turkey: enough. If Turkey wants to continue to benefit from American generosity, they must open their border with Armenia and let the long-suffering people of Armenia get the assistance they need and deserve—assistance which Congress has voted to provide to Armenia, as well assistance originating from private sources.

Unfortunately, the law gave the President authority to waive the requirement that Turkey open its borders based on, "the national security interest of the United States." Quietly, President Clinton last week invoked the waiver.

Mr. Speaker, I have often come to the floor of the House to support the policies of this administration. But tonight, I am completely disappointed and perplexed by the administration's action.

First of all, Congress wasn't even notified. We learned about the waiver almost by accident—from, of all people, the Turkish Foreign Minister Emre Gonensay, who is here in Washington on a working visit. In response to a question at a press conference yesterday the Foreign Minister announced that the waiver had in fact been granted. Thus, we see the Turkish Foreign Ministry was informed before the U.S. Congress. This is completely unacceptable. Given the strong statement of congressional intent, we believe it would have been appropriate for the administration to have advised Members of Congress of its plans with regard to the waiver, and I hope the administration will consult with Congress on this issue in the future.

A further disappointment is that the language in the Presidential Determination contains no reference to the Turkish blockade of Armenia. Failure to at least mention the blockade in the context of the determination to waive the Corridor Act sends the disturbing signal that the United States is not concerned about the ongoing, illegal blockade of a small country striving to establish democracy and a market economy. I once again call on the administration to make a top priority of imploring the Turkish Government, the recipient of so much United States aid, to lift its blockade of Armenia and accept Armenia's offer to normalize relations without preconditions.

Tomorrow, I am sending out a Dear Colleague letter asking Members to join me in signing a letter to the President expressing our opposition to the waiver and urging that all efforts be made to lift the blockade.

Mr. Speaker, while relations with Turkey are important, I cannot accept the view that maintaining good relations should entail turning a blind eye to the outrageous actions committed by Turkey. Given the generosity the United States has shown toward Turkey, we have every right to attach some conditions—particularly such a basic condition as allowing the delivery of aid to a neighbor in need. I believe such a condition should be a basic requirement for any recipient of U.S. aid, and I think most Americans would agree.

Armenia is a small, land-locked nation dependent on land corridors through neighboring countries for many basic goods. Armenia has been one of the most exemplary of the former Soviet republics in terms of moving toward a Western style political and economic system. The Armenian people respect and admire the United States. There are more than one million Americans of Armenian ancestry. The bonds between our countries are strong and enduring. But the people of Armenia face a humanitarian crisis which is not the result of any natural disaster but the deliberate policy of its neighbor to choke off access to needed goods from the outside world. I believe the exertion of U.S. leadership can play a major role in easing tensions and promoting greater cooperation among the nations of the Caucasus region. Enforcement of the Humanitarian Aid Corridor Act must be an important component of those efforts.

Mr. Speaker, last year I founded the Congressional Caucus on Armenian Issues, which I co-chair with the gentleman from Illinois [Mr. PORTER]. We now have 49 Members from both parties and all regions of the country. The support for the Armenian people is strong in this Congress, and we will continue to challenge the pro-Turkish lobby here in Washington and, if necessary, the administration, to fight for stronger ties between the United States and Armenia.

WHY WE MUST RAISE THE MINIMUM WAGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. MILLER] is recognized for 5 minutes.

Mr. MILLER of California. Mr. Speaker and Members of the House, today we have been discussing the minimum wage, and the reason that we have been discussing the minimum wage is that since the last time the minimum wage was increased in 1989, it has fallen 45 cents of real value. Employers that were paying the minimum wage in 1989 are now paying 45 cents less in real value than they were paying back then.

The fact of the matter is that the minimum wage is 27 percent lower than it was in 1979. That means that those families, those individuals that go to work every day at the minimum wage, are poorer now than they were in 1989 and in 1979. Those families, those individuals, need a raise. To argue that putting these people back to where they were in 1979, in 1989, is going to somehow put people out of work or destroy jobs is ludicrous. In fact, what has happened is that employers have been benefiting now for more than a decade of the decline in the minimum wage.

Mr. Speaker, the reason that we have to increase that minimum wage is because we are trying to continue to encourage people to choose work over welfare, but work should pay, work should pay a livable wage, and we have an obligation to see to it. The minimum wage is a basic tenet of this country of recognition of the dignity of work, of recognition of the dignity of those individuals who go to work every day and try to earn a living for themselves and for their families. I would hope that we would raise that minimum wage for those individuals.

But we must also understand that when we raise the minimum wage, we reduce the burden on the American taxpayer who is having to subsidize those very same low-wage jobs where employers refuse to pay the minimum wage or above the minimum wage.

□ 2115

Because when in fact we keep the minimum wage as it is today, we increase the subsidies to these same workers because they are eligible for food stamps; because if you work full time at the minimum wage, you are not above the poverty level, and if you have children or a spouse, you are clearly not above the poverty level, so the Federal Government digs into its pocket, into the taxpayers' pocket, and puts money on the table for AFDC, puts money on the table for food stamps, puts more money on the table for housing allowances, more money on the table for the earned income tax credit. Why? Because many employers choose not to pay the minimum wage, even when they can afford to do so.

But the Republicans now will offer an amendment tomorrow that is even more insidious. It will take those employers who are paying the minimum wage today and exempt them from paying it in the future. It will have the potential of uncovering up to 10 million Americans who are currently eligible for the minimum wage today from not receiving it in the future: Women who work in sweatshops making garments for American citizens, the clothes on your back; the people who work in the fields of this country to put food on your table; the people who wait on you when you sit down to a table in a restaurant, who spend the whole day working on their feet and tending to our needs and our demands and our desires. They would be uncovered. They would have the benefits of the minimum wage reduced or repealed to them.

It is argued very often that this is going to destroy employment in those industries like the retail industry; that somehow retailers who do not want to pay the minimum wage, saying they cannot afford paying the minimum wage, would lay many workers off.

It is rather interesting that those people who make their living by making investments in various segments of our economy, Salomon Brothers, one of the largest investment banking companies in this country, says that they believe that many retailers, especially discounters, would benefit from an increased minimum wage due to the enhanced purchasing power that it would create for many low-income consumers.

Then they go on to recommend that if you are going to make an investment in stocks right now, they would recommend the Fred Myer Corp., the Food Lion Corp., the Home Depot Corp., Sears, Roebuck, & Co., and Wal-Mart. They would recommend some of the very same companies that are now fighting the minimum wage, because they say that these companies in fact receive an economic benefit, because Salomon Brothers recognize, as Henry Ford did, if you did not pay a decent wage to the workers of America, they could not buy the products they are making. That is why he paid them $5 a day.

Other manufactures and industrialists criticized him roundly, but be recognized that if you expect people to buy your products at Wal-Mart, if you expect people to buy your products at Sears, if you expect them to dine out at Denny's if you expect them to participate in the American economy, they have to earn a livable wage. These people are entitled to it. They are entitled to it.

But what we see is after months, after months of beseeching the gentleman from Georgia, NEWT GINGRICH, and the Republicans to bring the minimum-wage bill to the floor, they have finally agreed to do it, because 80 percent of the people in this country support the minimum wage. Then they want to put an amendment in order to take it away from up to 10 million Americans. It is not fair and it is not right. It ought to be rejected.

THE FACTS ABOUT THE MINIMUM WAGE

The SPEAKER pro tempore (Mr. COLLINS of Georgia). Under the Speaker's announced policy of May 12, 1995, the gentleman from Arizona [Mr. HAYWORTH] is recognized for 60 minutes as the designee of the majority leader.

Mr. HAYWORTH. Mr. Speaker, I thank my colleague, the gentleman from California [Mr. MILLER] for offering us an object lesson this evening in the politics of symbolism and in the Washington shuffle, for my friend, the gentleman from California, has many gifts, among them an eloquence and a trust always in the role of government.

But there are a few questions worth asking. For example, Mr. Speaker, if this were such a good idea, if the inflation tables that my friend, the gentleman from California, just brought forth as some sign of economic erosion, if that were so true, why then, 18 short months ago, when the roles in this Chamber were reversed, why then did not the gentleman from California, or under the old order, the Speaker of the House, or under the old order, the former majority leader, the gentleman from Missouri, now the minority leader, why, with the liberals in control of this Chamber and firmly ensconced at the other end of Pennsylvania Avenue, why did they not then offer an increase in the minimum wage? Why this newfound outrage? Why this Washington shuffle?

It is a question worth asking, because once again, Mr. Speaker, as I stand in this well, I am absolutely confounded, not by the so-called gender gap that many of the media mavens and self-appointed potentates inside this Beltway would tell us about, but about the very genuine credibility canyon, a huge gulf that separates the rhetoric from the reality of the left, because there is a clear difference between the words uttered tonight and the tone of the action demanded tonight from that which this same administration proffered less than 2 years ago.

In fact, Mr. Speaker, let us see what the President said, in his own words. Time Magazine, February 6, 1995, even in the wake of the historic shift in this Chamber, President Clinton: "It," referring to raising the minimum wage, the President's own words, "It is the wrong way to raise the incomes of low-wage earners," These are the words of the President of the United States, who has, once again, waffled and changed his mind.

Indeed, the chairman of the President's own Council of Economic Advisors, Joseph Stiglitz, wrote this. It appears in his 1992 textbook on economics:

> Only about 10 percent of people in poverty work at jobs that pay at or near the minimum wage. Thus, the minimum wage is not a good way of trying to deal with the problems of poverty.

That is what Professor Stiglitz said. Chairman Stiglitz has gone the other way.

Empirical data that exists of families in poverty: Out of every four families in poverty, only one-quarter, one out of every four families in poverty, would be eligible for an increase in the minimum wage. Families in poverty ineligible for an increase in the minimum wage, three out of every four, or 75 percent. We must understand, further, that indeed a minimum-wage increase should be retitled "The Job-Killer Act of 1996."

Mr. KINGSTON. Mr. Speaker, will the gentleman yield?

Mr. HAYWORTH. I gladly yield to the gentleman from Georgia.

Mr. KINGSTON. Mr. Speaker, I think it is very important to realize that as the Democrats focus on minimum wage, they are completely ignoring the job cycle. I am going to read some statistics on that. But it is real interesting to me to listen to some of the comments that have been made from the other side of the aisle tonight that are just totally off-the-wall. One speaker from North Carolina said that we need to increase the minimum wage to $5.25 an hour in order that people can pay for shelter, food, and transportation. That is $10,000 a year.

I do not know what it is like in Arizona, where you live, but I know in Georgia you cannot do it on $10,000 a year. The complete representation that there are people making minimum wage and they are the sole breadwinner of the family is totally off base. The statistics are as follows: 66 percent of the people making minimum wage are part time. Thirty-nine percent are teenagers. Only 2 percent are over 30 years old, but those who start working today for a minimum wage on a national average will be making $6.05 an hour a year from now.

But that minimum wage is the opportunity wage. It is the salary that you start with when you are unskilled and you move your way up the ladder. I started working for $1.60 an hour at the International House of Pancakes when I was a student. I started making a minimum wage later on at $2.50 an hour working construction. But in both cases, I was the raw product. I needed the training.

I asked some teenagers, inner city teenagers in Georgia recently who were up here, I said, I know all of you guys are going to be looking for jobs this summer. Let me ask you a question. You are probably going to work on a construction crew, maybe in a yard maintenance crew, maybe in a restaurant. Let us talk about a restaurant. How many of you know how to work a buffing machine? None. How many of you know how to work a cash register? None. How many of you know how to replace a bag of milk into a milk cap for a restaurant? None. None of you know that. You don't have much experience. They said, no, I guess we don't.

I said, I think you have a lot of experience. Here is where your experience is: You know how to say, "Yes, sir," and "No, ma'am." You know how to show up on time. You know how to work hard and stay a little bit later, and put in that extra effort, and maybe when you finish your job, go over and help the other person finish his job. that is your experience, and that is what the employer is looking for.

He will teach you to you how to run the cash register and the buffing machine, but he is going to hire a heck of a lot more of you if he can get you for $4.25 and hour versus $5.15 an hour. Here were some high school students who understood that simple economic principle, that they wanted the job. Hey, the salary sounds great, but if you do not make it, it is like yourself, you are an athlete, you had an opportunity to play pro football.

Mr. HAYWORTH. No, I was recruited as right tackle, I ended up as left out. I want to be accurate with respect to my athletic career.

Mr. KINGSTON. It was the team's loss, I am sure. But I know in your situation if you had made pro football, you would have made $200,000 or $300,000 a year. That was a great salary, but you did not get the job. It is just like these students, the $5.15 an hour is great, but if the job does not exist anymore, it does not matter.

Here are some statistics that have been put out by the Employment Policies Institute, which is a nonpartisan institute. In your home State of Arizona, increasing the minimum wage is estimated to cost 8,900 jobs that will be gone. In my State of Georgia, 18,000 jobs are at risk; Kentucky, 12,000; California, 63,000; Montana, 2,800; Ohio, 28,000; Texas, 60,000. This is economic data. This says these are the numbers of jobs that will be lost.

Mr. HAYWORTH. Mr. Speaker, if I might inquire of the gentleman, and first of all an observation, I am glad the gentleman's first job was at the International House of Pancakes. Had it been at the Waffle House, you might be in line for a job with the administration, considering the fact that they waffled on so much of this.

But when so much attention is paid to California, electoral vote-rich California, let us put it in perspective so the campaigner-in-chief can understand full well, for the benefit of our friend at the other end of Pennsylvania Avenue; could the gentleman find the figure on how many jobs? I know almost 9,000 jobs in my home State of Arizona, but since it takes the mention of the big C. California, to get the attention of my other friends busy electioneering, tell us how many jobs would be lost in the State of California, if you have that information?

Mr. KINGSTON. Mr. Speaker. Again, I am going to say it again, because this is not from the Republican Study Committee, this is from the Employment Policies institute, which is nonpolitical, nonpartisan, the increase in the minimum wage in California will cost 63,100 jobs, 63,100 less jobs in the State of California by increasing the minimum wage.

You know what is so interesting, as I hear the champions of increasing the minimum wage talk, under the pretense of compassion for the minimum wage worker, what is the bottom line thing?

□ 2130

There is an undercurrent here. You know what it is? it is arrogance. You know what it is really saying? "You do not have the capability to get a raise yourself. You need me in Congress to increase your salary because you are too incompetent. We know you are going to be trapped at the minimum wage forever because you do not have the ability to move yourself up the economic free enterprise ladder."

That is what the theme is that we are hearing from the Democrats. They are basically saying this entire section of the population is not passing through the minimum entry wage but that they are stuck there permanently, and there is a high degree of arrogance in this debate that never even gets mentioned.

Mr. HAYWORTH. Reclaiming my time, I think my friend from Georgia again is absolutely correct, for it is the fundamental irony that there is a supposition or a presumption emanating largely from the liberal side of this Chamber which would purport that those with entry-level jobs in the work force, the youngsters of whom you spoke earlier from your hometown of Savannah, Georgia, or people, young people living in the east valley around Mesa or Scottsdale, Arizona, or throughout the Sixth District of Arizona, that somehow once they take a job they are destined to be trapped at the very lowest rung of the economic ladder.

Yet what we have found time and again, if people show up on time, if they work hard, if they do a good job, that is simply the entry level. They climb the rungs of the economic ladder. To somehow dismiss that, and always rely on the worst-case scenario or supposition that people are chained inexorably and always to the lowest rung of the economic ladder, betrays either the arrogance of which the gentleman spoke, the arrogance of the alleged competence of big government and a bureaucracy, or a fundamental misunderstanding of business, that productivity and hard work and old-fashioned gumption, a phrase my friend from Georgia may use from time to time, old-fashioned gumption will be rewarded with an increase based on an increase based on an increase in productivity.

Let me yield to my friend again.

Mr. KINGSTON. When I was earning the minimum wage and my fellow workers were earning the minimum wage, we never, never once thought about writing our Congressman to get a raise. What we thought about doing was working a little bit harder, staying a little bit longer, getting the job done a little bit faster, and there through the capitalist system, we got paid.

It is too bad that our friends on the other side of the aisle seem to hate capitalism and seem to hate and have a true contemptuousness for free enterprise. But let me tell you, now some of them are very shrewd, and here is why.

One other component that is missing from this debate is the fact that many States, such as Hawaii, such as New Jersey, have a State minimum wage already that is higher than the existing Federal minimum wage. The Federal minimum wage is $4.15 an hour. Hawaii's minimum wage, State minimum wage, is $5.25, and New Jersey's is $5.05.

What is happening, when businesses are looking to move a plant to Hawaii or to New Jersey, they say, "Well, that entry level salary is a little bit high, I think I can do better moving to another State," and then New Jersey is losing them. So what happens is we have got these States saying, "Yes, we need to increase the minimum wage because we are at a competitive economic disadvantage because of our own State's policies." We are not hearing that in here, so this is not altruistic. We need to get the cards face up on the table about that.

Mr. HAYWORTH. Indeed, if the gentleman will yield, I could not help but notice the frequent citation of alleged poll numbers, and just the inherent retail action not of sound economic policy but retail politics at work here.

Again, and I know the gentleman preceded me by a term here in Washington, but I cannot help but be struck by the false symbolism and the legislating for a therapeutic effect, a symbolic effect that in essence, as we have seen time and again, as we see in reports from the Progressive Policy Institute, as we read in the comments of the President's own Chairman of Economic Advisers, ultimately will kill jobs.

It is an incredible irony. Small wonder then that I refer to this alleged minimum wage increase as the job killer act of 1996.

I yield to my friend.

Mr. KINGSTON. In fact, I think the gentleman from California said this will actually help the middle class from having higher taxes. It is kind of like "Hello, is anybody home in there?" Because I do not follow that. If I go into a fast-food restaurant today and they cannot squeeze out any more jobs, then my french fries and hamburgers and Coca-Colas are going to go up, along with the goods and services I get from everywhere else, from health care to groceries. The middle class, one more time, will get stuck with this.

I want to kind of bridge this. As we are talking about the middle class, maybe we should talk about welfare reform, since we have a lot of news in there today. We have two different approaches on welfare reform, from the conservative point of view and from the liberal point of view.

We have a President who promised to apparently extend welfare as we know it, and President Clinton currently has vetoed two welfare reform bills, and to date I think has now endorsed a bill that allows welfare benefits for felons. So as I said, the President seems to want to extend welfare as we know it.

I hear over and over again from middle class people that they are tired of the giveaway programs when they are out working 40, 45, 50, 55 hours a week and more, busting their tails, and then they have got able-bodied people who refuse to work because of the generous welfare benefits.

The President vetoed a bill that required able-bodied recipients to work 20 hours a week. As I go to the civic clubs in Georgia, I say, "How many of you worked 20 hours a week and provided for your families?" Not one hand goes up. And I think I will ask the gentleman from Arizona, can you make it at 20 hours a week in Arizona?

Mr. HAYWORTH. Of course not.

Mr. KINGSTON. Certainly not. And do you think it is unfair to ask able-bodied welfare recipients to work 20 hours a week?

Mr. HAYWORTH. It is not unfair at all. In fact, it is the beginning of true compassion.

Mr. KINGSTON. And that is what I am hearing from the middle class. They are saying if somebody is desperate, let us help them out. We are Americans. We are compassionate. But if they are just lazy and they are refusing to work, why should I put in my overtime to pay him to sit on the porch?

Mr. HAYWORTH. As my friend from Georgia points out, ofttimes in Washington-speak we hear of the safety net for those in society who truly are unfortunate, for those who through circumstances beyond their own control, with physical challenges, with economic traumas that exist, who truly need a safety net. But the sad fact is, by failing to end welfare as we know it, this President again has ensured that the safety net becomes a hammock for the very people who should be at work.

Indeed, as the gentleman from Georgia is well aware, again in this election season, last Saturday the President of the United States chose to talk about real welfare reform that is being instituted in the great State of Wisconsin under Gov. Tommy Thompson. But the interesting thing is that President Clinton, while granting a couple of waivers to Wisconsin for revolutionary changes in that system, when Wisconsin wants to make further changes, he endorses the general concept but he has yet to come across with the real waivers. I champion our colleagues on this side of the aisle from Wisconsin who earlier today challenged the President of the United States to extend those waivers needed to take the next rational step in real welfare reform in Wisconsin.

But of course, as my friend from Georgia knows, it was the plan of this new majority to go one better than all of that, to allow States not to apply for some waiver from those who would be seemingly omniscient or omnipotent here on the banks of the Potomac, here within the Washington bureaucracy, but instead be free to solve the problems themselves.

I yield to my friend from Georgia.

Mr. KINGSTON. I hate to interrupt you when you are on your 10-dollar-word roll here.

Mr. HAYWORTH. That is correct. I will yield some time to drive up the price.

Mr. KINGSTON. What they want is a Medicaid and Medicare waiver and a welfare waiver is when a State says, "We want to take the poverty resolution program back in our own hands without having Washington mandate it," I want to make sure that people understand that that is what we are talking about.

Mr. HAYWORTH. I thank the gentleman for that clarification.

Mr. KINGSTON. The Governor from Wisconsin says, "We have a new plan. We want the waivers from Washington so we can implement it."

Mr. HAYWORTH. It is really the game of "Mother, may I?" Or perhaps translated, "Uncle Sam, may I?" "Washington bureaucrats, may I?" "May we make those changes?"

Well, a legitimate debate can continue on the role of the Federal Government, but when we have adopted policies that continue to concentrate power and authority in Washington, in the hands of bureaucrats instead of in the hands of duly elected officials, then we have serious problems. So it is really the wrong question for States to have to ask "Mother, may I?" or "Uncle Sam, may I?"

In fact, the change should be that those States should be free and empowered to do the right thing in their own way. And we are joined by our good friend from California, Mr. HUNTER.

Mr. HUNTER. I thank the gentleman for his very articulate demonstration or description of what Federal Government should not do, and that is to impose on the American people at every level of life. What I think is ironic is the fact that there are a few things that the Federal Government should do that it is not doing, and one of those things is the defense bill that we have just put on the House floor.

I can recall, as the chairman of the Subcommittee on Military Procurement in the Committee on National Security, asking the services to come into my office along with my Democrat counterpart, the ranking minority member, the gentleman from Missouri [Mr. SKELTON]. IKE and I sat there and asked the services, under the Clinton administration's budget, whether or not they had enough basic ammunition, enough bullets to fight the two-war scenario that they have to fight if America is going to be secure; that is, perhaps to be engaged in a war in the Middle East, like the one against Saddam Hussein, but to have enough ammunition and enough supplies to take on, for example, the North Koreans, if they should take advantage of a war in the Middle East to come down the Korean Peninsula.

So we asked the people who are in charge of the ammunition supply if under the Clinton administration's budget they had enough basic ammo, enough bullets to fight what we are going to require them to fight. And the Marines, the Marines always being candid, said, "No, frankly not, Congressman." So we asked them for a list of what they needed, and they came up with an inadequacy, a requirement of 96 million M–16 bullets that they were short under President Clinton's defense budget for the job that we will call on them in time of conflict to do.

So here is an administration that is getting into every aspect of people's lives, but the one aspect that the Constitution charges them to be concerned about and to carry out, which is to defend the country, they are not doing. I was absolutely amazed when we got this list of everything from basic M–16 rounds.

In fact, the gentleman, my friend from Arizona and my friend from Georgia, may have seen me carrying around an empty ammo pouch, a U.S. Marine ammo pouch to symbolize the M–16 bullets. They are short howitzer rounds and down to that basic M–16 bullet.

Mr. KINGSTON. Mr. Speaker, would the gentleman yield a little bit?

Mr. HUNTER. I would be happy to yield.

Mr. KINGSTON. Being an expert on defense, one of the things we hear quite often is Americans under U.N. command. Last year, as I recall, we passed a bill that said Americans would not serve under U.N. command or wear U.N. uniforms. Was that vetoed?

Mr. HUNTER. That bill was vetoed.

Mr. KINGSTON. I thought it was vetoed. So here we have a President who has vetoed Congress, which on a bipartisan basis said no more Americans serving under U.N. command.

□ 2145

Mr. HUNTER. That is right. The President vetoed the bill. One of the articulated reasons was that he did not like that inhibition on what he thought were his Commander-in-Chief powers.

Mr. KINGSTON. Let me ask you another question, if I may. Now, in terms of globe trotting and playing police officer of the world, what about the War Powers Act? Have you strengthened that in your bill, or weakened it, because I share the concern. We are in Somalia without a mission. We are in Haiti, the mission is still undefined. We are in Bosnia. We have a mission for each month of the year.

So what is happening in your bill on the War Powers Act, which says that the President cannot commit American troops overseas for more than 90 days without congressional permission?

Mr. HUNTER. Actually there is not a substantial revision of the President's powers, because most of the President's powers come under the Constitution. The President is the Commander-in-chief of the Armed Services.

So if you are worried about the Marines having enough ammo, you can go to Congress and you can get enough ammunition. That is what the Marines did. If you are worried about the safety record of the planes that have been crashing recently, you can come in and ask for the safety upgrades, which the Clinton administration had not wanted to fund, but we did under the Republican leadership.

But if you want to have a Commander-in-Chief who is not going to lead your young Marines and soldiers out from a new adventure every 3 or 4 weeks, you are going to have to change one thing, and that is the Commander-in-Chief. So the only answer for the American people for that one is to get a new Commander-in-Chief.

But on that point, it is true that if you ask the Commandant of the Marine Corps, he told us that the young Marines today have a higher personnel tempo; that is they have to leave their families more often and go out to some part of the world under this President's foreign policy, that at any time since World War II. You have more people leaving home, being deployed for long periods of time, than at any time since World War II.

Mr. KINGSTON. Now, you mentioned the Commander-in-Chief. Is the Commander-in-Chief a member of the military?

Mr. HUNTER. Well, funny you should bring that up. I saw something that I thought was an April Fool's thing. Today there was an article in the paper that said that the President was asking for protection under the Soldiers and Sailors Relief Act from being sued civilly. I thought that was one of those things that they were bringing out a kind of an April Fool's thing, kind of a satire. But I understand it is true, that he is actually saying that he as Commander-in-Chief qualifies for the Soldiers and Sailors Relief Act, since he is in the military, because he is the head of the Armed Services, and therefore this lawsuit in Arkansas cannot touch him. I was amazed.

Mr. KINGSTON. Which lawsuit is that? There are several.

Mr. HUNTER. The lawsuit, I understand it is, what, a sexual harassment lawsuit by a young lady in Arkansas. But to me that is not what is the jarring point of this. To me what is the jarring point of this is that the President would invoke the Soldiers and Sailors Relief Act when he is not a soldier or a sailor, and in fact when he at one point made that statement that he loathed America's military.

Mr. HAYWORTH. Indeed, if my friend from California would yield, I will include in the RECORD a story that appeared in this morning's Washington Times by Brian Blomquist, and to set this in perspective, Mr. Speaker, for those who joined us in the Chamber tonight and for those who join us nationwide and worldwide via C-SPAN, let me read and quote directly from the article that appeared in this morning's Washington Times on the front page by Brian Blomquist.

President Clinton has provoked a furor by asserting in legal papers that as Commander-in-Chief, he is in the military and a sexual harassment lawsuit against him must be postponed until his active duty is completed.

The chairman of the House Committee on Veterans Affairs is gathering signatures from other Congressmen to send a letter to Mr. Clinton criticizing his latest defense in the lawsuit brought by former Arkansas employee Paula Corbin Jones.

In papers filed a week ago, Mr. Clinton seeks to defer the lawsuit under the Soldiers and Sailors Relief Act of 1940 which grants automatic delays in law suits against military personnel until their active duty is over.

Mr. HUNTER. Would the gentleman yield on that point?

Mr. HAYWORTH. Let me finish this one sentence. It is worth reminding folks: "Mr. Clinton maneuvered to avoid military service in 1969 during the Vietnam War."

I will end the statement there and include the entire article at this point in the RECORD.

[From the Washington Times, May 22, 1996]

CLINTON DODGES SUIT, SAYS HE'S IN MILITARY

CRITICS FUME AT COMMANDER IN CHIEF

(By Brian Blomquist)

President Clinton has provoked a furor by asserting in legal papers that as commander in chief he is in the military and a sexual-harassment lawsuit against him must be postponed until his active duty is completed.

The chairman of the House Veterans Affairs Committee is gathering signatures from other congressmen to send a letter to Mr. Clinton criticizing his latest defense in the lawsuit brought by former Arkansas employee Paula Corbin Jones.

In papers filed a week ago, Mr. Clinton seeks to defer the lawsuit under the Soldiers' and Sailors' Relief Act of 1940, which grants automatic delays in lawsuits against military personnel until their active duty is over.

Mr. Clinton maneuvered to avoid military service in 1969, during the Vietnam War.

A petition filed May 15 says, "President Clinton here thus seeks relief similar to that which he may be entitled as commander-in-chief of the armed forces, and which is routinely available to service members under his command."

The petition was filed before the Supreme Court by Clinton attorney Robert S. Bennett. Mr. Bennett said the criticism is misleading because the 1940 legislation is a minor element of Mr. Clinton's claim that he should be immune from civil suits while in office.

"If you read [Mr. Clinton's 24-page petition] through the first time, you would miss" any reference to the law, he said.

The petition cities the law as an example of when a public official—say, a servicemen on active duty who is being sued by his wife—can argue that the legal action must be delayed, Mr. Bennett said.

"The president is on duty 24 hours a day, and you could literally tie up a president in lawsuits all the time," he said.

Mr. Bennett acknowledged Mr. Clinton's petition does argue that if the 1940 law is applicable to a sergeant, it should be applicable to the commander in chief. But "we're not pushing that argument," he said.

Mrs. Jones is suing Mr. Clinton for sexual harassment, contending she was approached by an Arkansas state trooper in 1991 during a trade show at a hotel and asked to go to Mr. Clinton's suite.

She says she went and engaged in small talk with Mr. Clinton, who was then Arkansas governor, before he exposed his genitals and asked her to perform a sex act.

The Supreme Court could decide as early as next month, or as late as September, whether to accept the case, Mr. Bennett said.

The claim on behalf of the president ignited immediate fury from veterans and their advocates.

"You are not a person in military service, nor have you ever been," House Veterans Affairs Committee Chairman Bob Stump, Arizona Republican, wrote in a letter he is sending to Mr. Clinton.

"Bill Clinton was not prepared to carry the sword for his country, but has no hesitancy in using its shield if he can get away with it," said J. Thomas Burch Jr., chairman of the National Vietnam Veterans Coalition.

Mr. Stump and Rep. Robert K. Dornan, California Republican, called Mr. Clinton's legal tactic "a slap in the face to the millions of men and women" who have served. Their letter was circulated to members of Congress last night. Mr. Dornan is chairman of the House National Security Committee's military personnel subcommittee.

The two congressmen urge Mr. Clinton to "take the honorable course" and withdraw the military-service argument.

"By pursuing it, you dishonor all of America's veterans who did so proudly serve," their letter said.

Federal law defines a person in military service as any member of the Army, Navy, Marine Corps, Air Force or Coast Guard, or any officer of the Public Health Service detailed by proper authority for duty with the Army or Navy.

The law does not explicitly include the commander in chief. Article II of the Constitution gives the president authority over the military as commander in chief.

But the president is a civilian, not a military officer, which wartime Presidents Woodrow Wilson and Franklin Roosevelt recognized, according to the Congressional Research Service of the Library of Congress.

In 1950, the Surrogate Court of Dutchess County, N.Y., was asked to rule on a claim by Roosevelt's survivors, who sought tax benefits on the grounds that he died in the military.

The court rejected the claim, stating unquestionably that the president is a civilian.

Mr. Speaker, I yield to my friend from California.

Mr. HUNTER. If the gentleman will yield, I appreciate him yielding. This is one of those things where even though the gentleman who is in the White House is of another party, you hope when you read a story like that, that it is not true, that he has not tried to do this, because the Soldiers and Sailors Relief Act was passed for one reason, and that was because GI's, like Audie Murphy, were going over to foreign theaters and were expected to go because we were on the verge, we were getting into World War II, and we knew people would be leaving for 1, 2, 3, 4 years at a time. Some of them might never come back.

The last thing that you wanted for a veteran who was overseas fighting in Europe or later on in Asia or in other places was to have a lawsuit filed against him in American courts while he was off fighting in the jungle someplace, and since he was unaware of it, have that lawsuit basically turn into a judgment for lack of response from the soldier or sailor who did not even know it was being filed, and have that judgment end up taking away his farm or his house or something else.

It was meant to give relief to America's fighting men who were overseas fighting for their country, and women, I might add. So people like the women who were ferrying planes for Jackie Cochran's WASPS in World War II, the women who took planes back and forth to Great Britain, had the same type of relief.

So for a sitting President of the United States, who is surrounded by lawyers, who never stepped a foot overseas during the conflict in which he said he loathed the military, for him to cloak himself in an act that was designed to keep basic American soldiers from losing their farm while they were off fighting and were not available to answer a court summons, is absolutely a misuse of this act.

Here is a President who has got wall-to-wall lawyers. My gosh, I am sure the American Trial Lawyers will lend him a couple, since he saved their back on a number of occasions. I just hope, there are some times you say "I do not care if he is Democrat or Republican. I just hope he did not do that." I hope this is a farce, that this is not true, that somebody pulled an April Fool's joke on this reporter.

Mr. HAYWORTH. I thank my friend from California. I would share his sentiments. But, as with many occurrences in the last few days, the last few months, the last 3 years, it is not an April Fool's joke, it is the absolute truth.

I would like to pause at this juncture to salute my colleague from the great State of Arizona, the dean of our delegation, the chairman of the Committee on Veterans' Affairs, BOB STUMP, who is one of the workhorses here on Capitol Hill. "Stumper" is not a show horse. He is the dean of the Arizona delegation, who came to this institution under the other party's label, but who as a clear, common sense conservative, has been unwavering in his support of our Nation's defense, unwavering in his commitment to improving the lot of the Nation's veterans, and who stands here not, not to try and heap scorn or abuse on the office of the Presidency, but to make very clear that while it is not the job of Congress to pass judgment in a legal proceeding, a civil proceeding in a court of law, it is important for the Congress of the United States to speak out when a law that is intended for active duty personnel is co-opted, is twisted, is turned, for the convenience of a civilian Commander in Chief, by the gentlemen in the so-called legal profession whose job it is to search out technicalities.

Mr. HUNTER. If the gentleman will yield just briefly, there is no one more qualified to raise this question, because the great BOB STUMP that you just spoke of, who is a dear friend and one of the finest people in this House, and is pure gold with respect to national security and veterans issues, BOB STUMP left his family at the age of 17 in World War II and joined the United States Navy, probably the youngest sitting Member in this body or the other body to have joined the military.

That is what this law was for. The Soldiers and Sailors Relief Act was for the BOB STUMPs of the world, so when they went off for 2 years or more, they would not lose their farm because of a lawsuit that they did not even know about which came to a judgment while they were gone. He is the kind of guy that this law was passed for, right where we are standing in this body, in those very dramatic years just before Pearl Harbor.

So it is appropriate that the dean of the Arizona delegation, BOB STUMP, and I might add another very fine person and a very fine Member of this body and a very excellent pilot also, a former Member of the United States Air Force, ROBERT DORNAN, the Chairman of the Subcommittee on Personnel of the Committee on National Security, who is joining Mr. STUMP in this challenge to the way the President has misapplied a basic act that was meant to protect people who went off to serve their country.

Mr. KINGSTON. If the gentleman will yield, I wanted to kind of go over to another topic. While we are on the legal profession and revising things, if we may, I want to talk about our criminal justice reform efforts, to keep the streets of America safe. It gets back to the same thing of twisting the laws and using it as a vehicle, rather than using it for is intended purpose of justice.

But about 2 years ago, I had a call from a family telling me that a man who raped their daughter was about to get out of prison. Here were the circumstances. Their daughter actually is a grown woman. She was giving her 3-year-old a bath one day, the doorbell rings, and she does not answer it. The next thing you know, the back door gets kicked in and a man comes in, and here is a woman with a 3-year-old bathing the 3-year-old. And the rapist says, "You cooperate with me and the kid doesn't get hurt."

Needless to say, she cooperated. But, fortunately, they found out who the man was and they arrested him and so forth, and he was sent to jail for 10 years. Well, as it turns out, 3 years later, he is getting out. The family was calling me because they had been put on notice he was about to get out of prison.

One of the things that we had done to make our streets safe is to require truth in sentencing, so that thug rapists like this gentleman, and, frankly, I think 10 years is a light sentence, but if he served the sentence for 10 years, he serves 10 years. Our Republican bill gives States money for new prison construction as long as they have truth-in-sentencing laws, which I think is one of the keys to have our streets of America safe. Because I am very concerned about the American middle class, and particularly the women who are home alone many hours, or who are out by themselves, and are subject to these attacks of rape. I believe that we need to continue those efforts as a party.

Mr. HAYWORTH. I would share the sentiment of the gentleman from Georgia and make one amendment to that in terms of oft times when we get into the style of debating here on the floor, we refer to each other as a gentleman. I dare say this rapist does not qualify as a gentleman. He qualifies as a convict, as a sexual predator, and one who should not be back out on the streets to assault that family again, or any other family.

Well, not only do we need truth in sentencing, we need truth in government. Good people can disagree from time to time on philosophical approaches. But as a newcomer to this body, and I am so glad to have friends like the gentleman from California, who has spent some time here, who has come here rallying around the cry of strong national defense and a true notion of fiscal conservatism and a commitment to protect this Nation's borders, but I would like to ask my friend from California, in the wake of his time in this Chamber, has he ever seen a time when the debate has ranged so far from honest philosophical disagreements to epithets and name calling and playground taunts, and to be charitable and, quite frankly, to adhere to the rules of the House and basic decorum, a departure from fact, as we have seen in the wake of the frustration of this new liberal minority in response to the positive agenda of our new majority?

Mr. HUNTER. I thank the gentleman for placing the question so well. I will tell you what I think has been the biggest faux pas, the biggest mistake, the biggest blunder that liberals have made on the floor this year and have made in speeches throughout the country, and this goes all the way from the White House right down to the people that run the political operations at the grassroots, and that is the liberals have constantly said and they have constantly misstated the fact with respect to what Republicans are trying to do, to rescue the Medicare problems that we have in this country and the Medicare program from bankruptcy.

What I guess bothers me the most is the idea that you had an American President whose own cabinet members helped to bring about a report of the Medicare Trust Fund that said Medicare is going broke. We have got to do something about it. So Republicans came in with a plan that increased Medicare spending some 40 percent over the next number of years, but increased it from about $4,700 to about $6,200, increased it substantially, yet cut out waste, cut out fraud, cut out abuse, and offered a range of options to our senior citizens.

In an issue that was that sensitive and that important to the American people, and particularly our moms and dads and our grandmothers and grandfathers, the decision was made at the White House just not to tell the truth, to tell a lie. So when we increases Medicare spending 40 percent, the gentleman at the White House, Bill Clinton, right down to the grassroots level of liberal leaders in this country, would say, almost in unison, almost chant, "This is a cut, this is a cut, this is a cut." And we would get up and say "Wait a minute. We are increasing Medicare spending. We are increasing Medicare spending. Is that a cut?" They said, "We do not care where you are going, that is a cut."

□ 2200

And they scared literally millions of senior citizens.

Mr. HAYWORTH. And, indeed, to revise the numbers in the wake of negotiations with the Senate, indeed it has been our goal to raise Medicare spending per beneficiary beyond $4,700 this year to upwards of $7,300 in the revised plan, working in concert with the new majority in the Senate. So we have even added more.

But what we have tried to do is restrain the rate of growth in the program to more than twice the current inflation rate, which we think is being prudent because it adds again as much as the current rate of inflation even while offering free market solutions.

And, again, as the gentleman from California points out, we are constantly met by what seems to be the sloganeering and a perverse catechism, if you will, or a chant and mantra that these are cuts, these are cuts; they are coming for seniors. And, again, nothing could be further from the truth.

But there is another development, and I would be happy to yield to my friend from California.

Mr. HUNTER. You know what this is like? This is like the Democratic leadership yelling fire in a theater that is crowded with senior citizens, making them stampede toward the door. It is absolutely unconscionable.

Mr. HAYWORTH. I believe the analogy is apt, and I believe there is a new development which we should share with the American people, reported first by our good friend from Texas, BILL ARCHER, chairman of the House Committee on Ways and Means, a gentleman who has his finger on the pulse of economic activity in this country, a gentleman who wants to bring about meaningful reform to our system of taxation that currently absolutely penalizes people who succeed, and this is the development.

I am sad to say this is really the message that can only be borne with a certain amount of trepidation and fear, and it is this: Those self-same trustees on a bipartisan basis now report to us, though the White House has yet to formally release this report, they now tell us that the hospital fund for Medicare is in debt in excess of $4 trillion.

So, in essence, what has happened, to draw on the history of ancient Rome, we have a lot of folks pulling out their fiddles to play while the program is going up in flames, all because of the cynical manipulation and electioneering that some of this Chamber would do to try and succeed in the next election instead of trying to truly save the program for the next generation.

And, indeed, to the credit of those media outlets, ofttimes referred to by this gentleman in the well and others as the liberal media, even The Washington Post, even The Washington Post, on its editorial page, referred to the shameful scare tactics of the left as Mediscare, Medigoguery. It is unconscionable.

Again, I suppose it comes down to this fundamental difference, and perhaps this is where philosophy comes back in, because it is a philosophical division that is borne of the practical application of political power, or the absence thereof on the left, and it is this: Today we are confronted by a minority in this body, in the wake of the historic shift in attitudes, that is so jealous of the power it once wielded, that so yearns for that political power that it will say anything, claim anything, scare anyone in its pursuit of power, and yet try to conceal the fact that now Medicare is already operating at a deficit to the tune of $4 plus billion this year.

Mr. KINGSTON. If the gentleman would yield.

Mr. HAYWORTH. Glad to yield to my good friend from Georgia.

Mr. KINGSTON. My mom and dad are on Medicare, and probably your parents are, if you are fortunate enough to still have your parents. The fact is it is a 1964 Blue Cross/Blue Shield plan. I would like my parents to have all the options available in 1996. If they want to have a medical savings account, if they want to have a managed care plan, if they want traditional Medicare, if they want a physician service network, I want them to have that option and I want that health care to be there for them tomorrow.

Our plan increases their benefit from $5,000 to $7,000. And we need to move in a direction where they do have a choice, they do have options, but the program is protected and it is there not just for their generation but for other generations that follow.

Mr HAYWORTH. I think the point is very well taken.

My friend from California.

Mr. HUNTER. If the gentleman would yield, I want to bring up one other subject for just a minute, if the gentleman will indulge me.

Mr. HAYWORTH. Gladly.

Mr. HUNTER. We had a number of Armed Services hearings this year, or national security hearings in the Committee on National Security, and we had the Joint Chiefs before us, and we had the Secretary of Defense, Mr. Clinton's Secretary of Defense, Bill Perry, before us. I asked all of them a question to lead off the hearing, and I tried to keep fairly consistent and put it to them early on in each hearing, and I asked Mr. Perry, Dr. Perry, Bill Clinton's Secretary of Defense, this question: Do we have the ability in the United States to stop a single incoming ballistic missile coming into one of our cities? And the answer that is on the record for everybody to read is, no, we do not have the ability to stop a single incoming ballistic missile.

Now, I think it is kind of significant that he would say that this year, because after the gulf war, when we had so many of our soldiers who were injured by the Scud missiles that Saddam Hussein launched at us, people in this Chamber and people in the Senate went into a frenzy, and we immediately passed a resolution that said we shall have a defense against a limited ballistic missile attack against the United States by 1996.

We said that right after the gulf war in 1992. Well, it is now 1996 and we have nothing to defend the American people against incoming ballistic missiles.

Now, it is true that the Russian empire, the Soviet empire has been broken up, and Belarus and Kazakhstan and the Ukraine and Russia are not separate states, but the Russians still maintain a very strong strategic system. They have ICBM's, SS–18's, they have SLBM's which are their missiles launched from submarines, and, of course, they have their bomber aircraft. But many other nations are now developing missiles.

We live in an age of missiles. The Chinese are developing long-rang missiles. Some of them are targeted at American cities. We raised a fuss over China intimidating Taiwan just before their elections. Remember, the Chinese started shooting missiles over Taiwan to scare them. One of the Chinese diplomats said to one of our diplomats, we hope the United States does not decide to back Taiwan too strongly. We think that they will prize Los Angeles more than they will Taiwan.

Now, that was a direct threat of a missile attack. And perhaps a missile attack would never come from china, but the fact that they were using the threat of a missile attack that we know we cannot defend against as a means of pushing their foreign policy and keeping us from protecting our friends is a very dark day in American diplomatic history.

The North Koreans now are building what is known as a Taepo Dong II missile. We have seen pictures of it. Our intelligence people know about it. It has between a 4,000- and 6,000-kilometer range, and a kilometer is about a thousand meters. That means that that weapon system, with a light load, a biological weapons load or a chemical load will be able to reach Hawaii and Alaska, which, the last time I looked, were part of the United States.

We are not doing anything under this President to build a defense against incoming ballistic missiles. So on the defense bill last year, and the gentleman in the well from Arizona, who is a great supporter of national security, and the gentleman from Georgia [Mr. KINGSTON], both supported very strongly the Republican position that said to the President build and deploy by the year 2003, it is about 7 years, and it will take about that long if we start right now, a defense against a limited attack of nuclear weapons, of ICBM's. Ballistic missiles.

Well, the President vetoed the defense bill and he vetoed it for two stated reasons. One was the reason Mr. KINGSTON spoke of; that he wanted to reserve the right to turn American troops over to the United Nations in time of conflict when he wanted to do that; and, second, he vetoed it because he did not want to build a defense against ballistic missiles.

So we have repackaged that directive that we think is very, very important. And I think this is just as important. It is as important that we recognize that we live in an age of missiles, as when Billy Mitchell taught us in the 1920's by sinking those battleships with aircraft, that we lived then in an age of air power. There was a major constituency in Washington, DC, with its head in the sand that said, we do not ever want to believe that we have moved out of the age of naval power. We do not want to accept that we live in the age of air power.

They wanted to court-martial Billy Mitchell, and we did court-martial him, I believe, in 1925.

Mr. KINGSTON. He had one vote for him.

Mr. HUNTER. He did have one vote and that was Douglas MacArthur. And, incidentally, I was trying to tell that story today, and our good friend CHARLES BASS looked up and said, "I know. He is my uncle." So we do have among us the great nephew of Billy Mitchell, CHARLIE BASS.

Mr. KINGSTON. And what Billy Mitchell was trying to accomplish was to show that America was not prepared.

Mr. HUNTER. Precisely.

Mr. KINGSTON. And he did it at the risk of his own military career. And I think history will show that he had his heart in the right spot.

But I find it appalling, as somebody who is on the east coast near a Trident submarine base. The gentleman is telling me that a ballistic missile can be dropped in Saint Marys, GA, and we cannot do anything about it? I want to hear him say that again.

Mr. HUNTER. The gentleman is asking the question that many Americans have asked or believe they have answered for themselves and believe that we can defend against an incoming ballistic missile attack.

I have had a focus group where my constituents said, yes, we think we are defended. Why would not our Government defend us against ballistic missiles? And we had to tell them no, you are not defended.

So the answer is no. And Mr. Perry was very honest. The Secretary of Defense is honest when you ask him a direct question. He said no we cannot stop a single incoming ballistic missile coming into an American city.

Mr. HAYWORTH. I just think this is a vital point to bring up, and I thank the gentleman from California in bringing it up.

In all candor, Mr. Speaker, I thank the Secretary of Defense for being equally candid to tell us that today we are vulnerable to a missile attack from anyone anywhere in the world, a rogue nation, a leader gone mad, one of the folks or one of the nations which we would feel would be our conventional adversary, if you will. We are unprepared.

I would simply remark that Mark Twain said it first and said it best. "History does not repeat itself, but it rhymes." And here we have a parallel in our history where we need to be warned not to scare people but to alert people to a threat to our common defense, and one that we have the technology to solve if we but bring the willpower to solve it.

And the executive branch, quite frankly, this administration, as custodian of our foreign policy and as custodian of our defense policy has been lackluster at best. Indeed, I recall a breakfast sponsored by my good friend from California during our transition, before I ever took the oath of office in this House, when I asked Dr. Perry what was the rationale for this Government even thinking of supplying nuclear reactors to the outlaw nation of North Korea. And the secretary replied to me, oh, you need a better briefing on that.

No briefing necessary to know that it is not in the interest of the United States of America to supply any nuclear reactor to an outlaw nation like North Korea. It defies common sense, it defies logic and it is part of the ill-advised circumstance foisted upon the American people who, unfortunately heretofore, have been unaware of the danger in which we find ourselves if we fail to provide for the common defense.

My friend from California is absolutely right, and before the American people, Mr. Speaker, jump to a conclusion that we are talking about some sort of boondoggle in the billions upon billions of dollars, I would yield again to my friend from California to talk about some interesting estimates that we have received in reference to building a system that is leaner and keener with new technologies. What are the estimates we have now?

□ 2215

Mr. HUNTER. The gentleman is absolutely right. We can build a missile defense system for less than 1 percent of the annual defense budget. I might add, the annual defense budget has been reduced by $100 billion under what it was when Ronald Reagan faced down the Soviet Union in the 1980s. But for roughly $5 billion, that is the estimate of Dr. Perry, Mr. Clinton's Secretary of Defense, we can build this defensive system; $5 billion is less than our Aegis destroyer program. It is less than our submarine program. It is less than our bomber program. It is less than our F-22 program. And it is the only thing that will stop incoming ballistic missiles. We need that system.

The Defend America Act that the gentleman is cosponsoring, that Mr. KINGSTON is cosponsoring and that Mr. SPENCE, the chairman of the Committee on Armed Services, Mr. LIVINGSTON, chairman of Appropriations, and our Speaker NEWT GINGRICH are sponsoring, will be on the floor shortly. Every single Member of this Congress, especially those who all signed on to the Defend America Act after Desert Storm, after the Scud attacks, should sign onto this bill and vote for it.

Mr. HAYWORTH. Indeed, we should point out, as the gentleman from California is well aware with his knowledge of international policy, of foreign defense spending, that this President has committed to help Israel construct a defense mechanism, to put in place a defense mechanism against ICBM attack which begs the question, with all due respect to the nation of Israel, if it is important for that nation, is it not also important for the country which the President took the oath of office to support, uphold and defend the Constitution of the United States, should not this country also have that missile defense?

Mr. HUNTER. The difference between the gentleman who is standing in the well and a member of the Knesset is that he can say, the gentleman from Israel can say, my President is defending me against missile attacks, and you have to tell your constituents, my President is not defending me against missile attacks.

MORE ISSUES OF CONCERN

The SPEAKER pro tempore (Mr. COLLINS of Georgia). Under the Speaker's announced policy of May 12, 1995, the gentleman from Georgia [Mr. KINGSTON] is recognized for 60 minutes.

Mr. KINGSTON. Mr. Speaker, I wanted to touch on some issues that we have not really gone over tonight, but I do want to make sure Mr. HAYWORTH got in his last comment on missile defense.

Mr. HAYWORTH. Well, I thank my good friend from Georgia.

It is simply this, Mr. Speaker. I believe those watching this debate tonight in the United States of America need to take a very clear-eyed, sober-minded approach to providing for our common defense and to understand that we are vulnerable to intercontinental ballistic missile attack. This is not scare tactics. This is something, believe me, we wish were otherwise, but we need to take steps today to ensure that we provide for the common defense and that we do not always look to that legitimate role of the Federal Government, providing for that defense, as the place where all the job cuts and the reductions come to reinvent government as some would state it.

With that, I thank the gentleman from Georgia for yielding to me.

Mr. KINGSTON. Mr. Speaker, I yield to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Speaker, before we totally leave the missile area, I just wanted to flesh out the question the gentleman from Arizona asked about how we are treating Israel with respect to building a missile defense as opposed to our own people. The Israelis are surrounded by Arab neighbors who want to launch ballistic missiles at Israel. In 1987, the Israelis were trying to develop a fighter, a craft called the Lavi aircraft. A number of us on the armed services program signed a letter that I drafted and CURT WELDON signed it, a number of Members who were still, HAL ROGERS of Kentucky signed it, a number of members who are on the Committee on Armed Services today, and we said to the Israelis, do not build a fighter aircraft because a lot of nations make fighter aircraft.

But there is one thing that no western nations build, and that is a defense against incoming ballistic missiles. We think that your program, your coproduction program with the United States should not be fighter aircraft, it should be a defense against missiles. And the reason we think that is because we think in the near future, we wrote this in 1987 to Mr. Rabin, we said we think in the near future you will be attacked with Russian made ballistic missiles coming from a neighboring Arab state. And it was somewhat prophetic. We predicted the state might be Syria. It ended up instead coming from Saddam Hussein. But they were attacked by Russian-made ballistic missiles coming from another country.

The Israelis are very practical people. They live on a little postage stamp of land. They are very vulnerable. And they realize that they live in an age of missiles. When their Billy Mitchells tell them something, they act. So they said, we need a defense.

So they started, they embarked upon the production of the Arrow missile defense program. That is a defensive missile that when an incoming missile is launched at one of their cities will go up and intercept that missile and destroy it.

This President has signed on wholeheartedly in speeches to leaders in Israel to people that support the existence of the Israeli State, he has said, and properly so, I stand foursquare behind your program to defend against incoming ballistic missiles that might hurt people in Israel.

All we are asking him to do with the Defend America Act is to sign on for the same program for Americans. We want basically the same thing that we provide and are providing for the people of Israel. Nothing more, nothing less.

Mr. HAYWORTH. Again, it begs the question, with all due respect, if it is good enough for the nation of Israel, is it not good enough, should we not be prudent enough to provide the same sort of missile defense for the people of the United States of America?

Mr. HUNTER. Absolutely.

Mr. KINGSTON. Now, if the gentlemen would like to stick with me, I want to switch gears and talk about a few things.

First, I do think that it is absolutely appalling that people in St. Mary's, GA; Jacksonville, FL; Brunswick, GA are not protected from a missile attack to the nuclear submarine in St. Mary's. I am glad that the two of you are working on this. I am proud to cosponsor the bill. I hope that we can protect, shore up our security so that parents around the land do not have to worry about this.

I do want to switch gears. I have a letter from Mr. George Renshaw who ironically lives in St. Mary's. I want to quote him. He said, I never felt so strongly about Congress as I do now. All of you have amazed me. I see you many times on the House floor. Keep up the good work. By the way, I am an ex-Democrat.

I thought that was just a little good, positive feedback.

Mr. HUNTER. Is that one of your relatives?

Mr. KINGSTON. It may be, if not, certainly a friend.

I also wanted to apologize to the people from New Jersey. The other night the gentleman from New Jersey was talking about Medicare cuts. I pointed out to him that Medicare was going from $196 to $304 billion and if he thought that was a cut, that was a reflection of the education system in New Jersey.

I have a letter here from a Mr. Ron Jones in New Jersey, and he says he is offended by that. He agrees with me that the Congressman from New Jersey may have missed the point, but when you increase Medicare spending from $196 to $304 billion, that is not a cut.

Mr. HAYWORTH. Mr. Speaker, I think the observation to make to the good people of New Jersey is the gentleman from New Jersey, who fails to understand that, it is not so much that he is a product of New Jersey's system of education as much as he has adopted the old math, I will call it, the old math of the Washington bureaucracy, where a reduction in an anticipated increase is called a cut. Only in this city does that transpire.

Mr. KINGSTON. I am glad the gentleman mentioned that.

We are also increasing student loans from approximately $27 to $36 billion. Yet the President of the United States has called that a cut. I do not know what school system he went to, but, again, going from $27 to $36 billion is not a cut.

On Medicaid, we are doing the same thing, going from approximately $90 to $140 billion. Yet the same status quo Washington liberal bureaucracy is calling these things a cut. The fact is, we have got to get these programs under control.

I have an article here where the Atlanta Legal Aid Society tried to sue the State of Georgia because Medicaid did not pay for a sex change operation.

Mr. HAYWORTH. Would you please repeat that? I want to make sure that I understand what you just said and I think you owe it to the people nationwide who watch us tonight and to the Speaker in the chair, could you please repeat this letter?

Mr. KINGSTON. Remember the backdrop here. We are a country that is $5 trillion in debt. We are a country that has a welfare program that is totally out of control. We have spent about $4 trillion on it.

Mr. HAYWORTH. Actually, all told, Government spending at all levels in the so-called war on poverty is now in excess of our national debt, $5 trillion.

Mr. KINGSTON. Which is more money than we spent to win World War II. And at the time that most of these programs started under the big Government expansion programs of Lyndon Johnson, the poverty level was 14 percent. Today it is about 14 percent. So for all that we have done, we have only created great jobs for bureaucrats.

But here in the backdrop of all this debt, the Atlanta Legal Aid Society sued the State of Georgia to try to force it to use Medicaid funds, which is welfare insurance, to pay for a sex change operation. The case was called Rush versus Parham. Fortunately, it was dismissed. But that is the kind of ridiculous thinking that we have got out there.

Now, the gentleman from California will find this interesting. The legal services also sued the State of California because although one immigrant did not have, excuse me, very big distinction, these were illegal aliens.

Mr. HUNTER. We have lost several members of the bar in California. They were backed over by a van carrying illegal aliens. I am being facetious. Actually, they usually wait for the van to stop before they get out and offer their services.

Mr. KINGSTON. Mr. Speaker, if the gentleman is finished, I will continue.

The legal aid society sued the State of California for not giving illegal aliens a driver's license, even though they were in the country illegally.

Mr. HAYWORTH. It is just interesting, because in other States, I could be corrected by my friend from California, that is very interesting. Legal services wanted to step in for illegal immigrants. Illegal aliens here in this country without a passport, without due process to come into the country and remain, sued for the right of a driver's license. And yet in other States, I believe California has been courageous in this regard, because so many States have processed motor voter where all one needs to register to vote is to apply for a driver's license.

Mr. KINGSTON. All one needs to get people to vote is drive down the street and say, hop in my van, let me take you to the polls because you are now registered to vote, because you are on welfare or you have a driver's license or you have other forms of public assistance.

Mr. HAYWORTH. It is stunning. Give us an update on the California situation.

Mr. KINGSTON. Just save us from your jokes.

Mr. HUNTER. I will not offer any one-liners, but I have to say that this situation does beg for some one-liners. You could actually get a twofer. If you are an illegal alien and you are driving to vote and you are pursued by the Border Patrol, you will not only be able to cast your ballot but also enjoy a healthy lawsuit against the Border Patrol or a sheriff's department with a good chance for recompense.

Mr. KINGSTON. Let me ask you something else.

Mr. HUNTER. What the gentleman has described is true. As I understand, in talking to a member of the State assembly, the bill to deny illegal aliens, and this was Jan Goldsmith who represents Poway in San Diego County, the bill to deny illegal aliens the right to a duplicate driver's license, even though it is obvious that the driver's license was fraudulently issued, was passed out of committee. His bill to deny them this right was passed out of committee by, I believe, a single vote. I believe every member of the Democrat Party voted against that.

□ 2230

Now, I am not positive on the breakdown of the vote, but as I understand, it was a very, very narrow vote to pass the ban coming out of committee on this activity.

Mr. HAYWORTH. And is it not amazing that for most commercial transactions, when any American citizen wants to go into a major retailer or any store, a grocery store, and wants to pay for the items purchased with a check, that that shopper must produce two forms of identification, quite often, and with the manipulation and the usurpation of rights under motor voter, we are setting up a scenario in which noncitizens will not be required to show any proof of citizenship to have the right to vote in elections that determine the future of the United States of America.

How cynical, how corrupting. What an insult to those hard-working, honest immigrants who come here who apply for citizenship, who want to be American citizens more than anything else in the world, who want to contribute something to this country, who want to have a better future for themselves and their families, and whose very citizenship is being cheapened by these cynical actions designed to perpetuate a cynical welfare state and to return to power those who seek power by any means necessary.

Mr. KINGSTON. Let us talk about this because I think it is very important, as we explore welfare reform for the third time, and hopefully, maybe because it is an election year, the President will vote for it this time, but as we get into the health care benefit and the portion of welfare and State grants and so forth, I think it is important to know we have worked on health care reform for American middle-class families. We have tried to make it more affordable and more accessible through the portability clauses and eliminate the preexisting-illness conditions of the policies so that middle-class Americans can take their health care with them and not be held hostage to the insurance company or have a job loss.

The other thing, which I know the two of you have supported, is medical savings accounts. Today I presented to the Speaker and to DENNY HASTERT and the health care conferees a letter signed by 162 Members, bipartisan Members, of this Chamber asking that conferees keep the medical savings accounts in the health care reform; medical savings accounts, basically a high-deductible plan that allows consumers to pay for their own first-dollar health care expenses like stitches, x rays, routine checkups, and so forth, but they get to save the money, they get to pocket what they have saved from the deductible, use it for long-term health care or use it for a college education account or, you know, use it for Christmas money or whatever they want. The money is tax free, though, if it is spent on medical expenses.

And that is what middle-class America needs, is health care——

Mr. HUNTER. But, if the gentleman will yield, the liberals in America do not want the American people to have the freedom to shop for themselves, because it is exactly what you are talking about is shopping. Instead of shopping for food, instead of shopping for clothes, you get to shop for your own medical care. And if you think you have got a good doctor who will take that x ray for $25 or $30 under the costs of another doctor, you have got an incentive to go out and shop for that better buy just like you shop for a better buy in all aspects of life.

Liberals do not like that. They do not like it because it cuts dependency, and they do not like it because people exercise freedom. If you teach people to exercise freedom enough, pretty soon they are going to want to have a lot more freedom, and that is a bad thing from a liberal perspective.

Mr. KINGSTON. Well, the irony is two things, how this can serve, is that when American consumers go into an appliance store, they know how much a dishwasher costs, a new refrigerator, a stereo, an automobile, even a house, and yet if you get a broken arm, we do not have any idea. Is it $200, is it $900? How many bills am I going to get? You know, what about setting a broken leg? I have no idea.

I mean American consumers need to know. An amniocentesis, if a woman gets an amniocentesis, she gets bills from every lab in America for 6 months. Should not the women in America be able to know when they go in how much it is going to cost them?

What a medical savings account will do will put her back in charge, and then she will know, hey, this is supposed to be a $300 deal, this is not going to be a $600 deal, Dr. Jones down the street only charges $275.

Mr. HUNTER. You know, you are talking about that woman who, in so many cases today, is the head of household, and the idea that we are so cynical in Washington, DC, or liberals are so cynical that they do not want that woman who is head of the household to go out and shop for medical care, they do not think she is smart enough, they do not think she should be trusted with making that choice. So they are going to do it for her. And yet if she goes out and shops smart, and she is able to shop smart in every other area; there are many households now headed by women who are building and, in many cases where there is single women raising kids, they have many choices and many challenges to meet with respect to education, with respect to buying homes, with respect to buying automobiles, with respect to forging the lives and building the character of their kids, and the idea that liberals have that somehow that a woman is not capable of shopping for a less expensive x-ray or she is not capable of finding out how much a medical procedure costs, does not make sense.

In fact the only way that we are going to be able to make health care affordable in this country is to rely on the best thing that we have got. That is the good common sense of our citizens.

Mr. KINGSTON. That is exactly right.

Let me give you another example of how medical savings accounts can make a difference and more consumer information. I read an article——

Mr. HUNTER. Now, what does a medical savings account do? If I have a medical savings account, what will I have?

Mr. KINGSTON. It is basically a high-deductible plan where any money that you do not spend you can use for long-term health care or you can use for a college education.

Mr. HUNTER. How much could I save out of the year if I do not spend much money on——

Mr. KINGSTON. It is $2,500, $2,000, $4,000 deductible. So anything that you do not spend goes into your pocket.

There is a woman in Tampa, FL, who had breast cancer. She could not get the information she needed through the traditional health care provider network. So what she did, she got on the Net. How many of you out there have breast cancer? And she formed a network and was able to find a support group and a physician who had a new specialty and a new drug, and as a result she has been able to deal with her illness a lot better.

Now, there is a doctor in Fort Worth who recommends a system whereby we can use our own television to actually one day get on some of those blank channels after channel 40 that, you know, we have on every TV, and they are all blank, get in there and say, "Back injury. How much? What? Lower back? Upper back," and keep pushing your remote and concentrate on where your back problems is, and then it would tell you the nature of it, which physicians in your area serve it, how much it costs to prevent, to spend on it. And think about how, if you tie in medical savings accounts in with the information highway, how great it will be for the American consumers.

Mr. HUNTER. You know, if the gentleman will yield on that point, a great American conservative, Tom Clancy, the author of "Hunt for Red October" and so many other best-selling books, has done something along the line of what the gentleman is talking about. He had a young kid who had cancer, kid named Kyle, young boy, and Tom formed a great friendship with this youngster as he was experiencing the trauma of cancer, and Kyle ultimately passed away. Well, Tom Clancy formed the Kyle Foundation, and the Kyle Foundation is dedicated to linking up people who need cancer information: What kind of information can I get about this type of cancer or that type of cancer? What types of doctors are specialists in this particular type of cancer that my son may have? Where do I go to get these doctors? And networking not only the users, the moms and the dads with children with cancer, but also networking the doctors so that a doctor who is making a breakthrough in one type of cancer on the other side of the country can hook up with a doctor on the other side of the country and exchange information, and this exchange of information and this ability of free people to shop for the best ideas and the best innovations in medicine is kind of what the gentleman is talking about.

That is the idea of not being harnessed by government one-size-fits-all, "Wait in this line, and we will get to you when we get to you."

Mr. KINGSTON. We had a neighbor of mine, unfortunately he passed away also, named Julian Bono, and he did the same sort of thing is Savannah, GA, networking with other people who had cancer, passing on information, passing on treatments about doctors, and they had a list of physicians all over the country. Actually, he found a cure or a potential cure in Greece and helped some of the people go over there, and it is all we are saying to the liberal Washington establishment is let the American people do what they are best at: be sharp, smart shoppers.

Mr. HAYWORTH. And it goes a bit further than that, if the gentleman would yield. It goes to this question:

Not just allowing the American people to do so because realistically the power resides with the American people. Our system of government, our constitutional republic, provides that the power that many of us believe comes from a higher authority is bestowed on the people. The people in turn bestow it on the government. So it is not the government's domain to, quote unquote, allow the people this opportunity. Instead it is their fundamental right to pursue treatments they believe can help them, and it is their fundamental right, and I dare say as we stand poised at the dawn of the next century, we should restore the basic element of trust that we who are honored to serve in government through the consent of the governed trust the people to make decisions.

And again as I have said many times, I believe what crystallizes the debate when we get past the playground talks, when we get past the scare tactics, when we get past the deliberate disinformation, what characterizes this debate on almost every question of import is this:

Do you trust the American people, or are you so cynical or disdainful of the American people that you place your trust in a centralized bureaucracy in Washington?

I trust the American people, and I believe the people trust themselves, and we work to empower the people.

Mr. KINGSTON. If the gentleman will yield on that, about the big bureaucracy, it is interesting that as we are debating budgets, the Democrat budget versus the Republican budget, that the Clinton Democrat budget adds 3,000 more Federal employees to the payroll and adds 14 new bureaucracies and agencies, and you know that is not what the message was. The message from the American people, which was accurately mirrored by the President, was the era of big government was over.

Mr. HAYWORTH. I just want to make sure because the gentleman was sitting close to me, and I heard in this well in that very unmistakable twang of Arkansas speech that the era of big government was over, and yet again I would ask the gentleman from Georgia to offer those figures, provided by the gentleman who stood here and told us the era of big government is over; what is that again?

Mr. KINGSTON. I will be happy to give you these figures, and I tell you one other, but the Clinton budget will cost us 3,000 more Federal bureaucrats, it creates 14 new Federal programs, and it claims to have $129 billion in tax relief, but it takes back $90 billion in increased taxes which were passed under the President, and then, as you probably know, the savings are all on the back end.

Yes, the President's budget balances in the year 2002, but, as the gentleman in the well has pointed out it is equivalent of Mr. HAYWORTH saying, and I can get away with kidding him a little better than Mr. HUNTER, but it is the equivalent of you saying that you are going on a diet and lose 30 pounds, but you are not going to in 1 year, but you are not going to lose any of it until November.

□ 2245

Yes, you will be 30 pounds under by December 31. I would say to the gentleman from California [Mr. HUNTER], if he wants to join in that, it might be a good idea.

Mr. HAYWOOD. Really. It is the equivalent of trying to lose 50 pounds and spending all year, the first 50 weeks, losing 2 pounds, and saying you are going to lose the other 48 in the final 2 weeks of the diet. Mathematically, the operation of subtraction can work when you put pencil to paper. Realistically, honestly, it does not work. It does not work.

This is what is especially galling. For when one is selected to serve and take the oath of office in this Chamber, as a member of the legislative branch, and I daresay, as our Chief Executive at the other end of Pennsylvania Avenue, there is a sacred trust, and there is a burden, an opportunity of governance that rests upon our shoulders.

How cynical it is to devise mathematical formulae which would say, oh, if I am bestowed with the trust of the American people for a second 4-year term, 2 to 3 year after I leave we will achieve this; 2 to 3 years after I give up custodianship of this role, things will come into balance.

It is akin to the shortcut to house cleaning, but it is with far, far more dire results, because you can sweep a little bit under the rug. We can take those kinds of shortcuts, but what this threatens is the very structure and the very foundation of our free society. It is not the same as sweeping the dirt under the rug, but it is fundamentally being less than candid about the challenge that confronts the American people.

And to some, in a Machiavellian sense, it may be really smart politically, but what a tragedy it would be if we would sacrifice candor and truthfulness and forthrightness in our governance for the sake of political expediency, rather than a call to make changes for the better.

Mr. HUNTER. If the gentleman will yield, Mr. Speaker, I hope and I think that the American people are not going to be taken in by the inconsistency that this President has displayed. I remember we were all sitting here the night when he said, "The era of big government is over." But I recall a few minutes later in the same speech, he announced, I believe, three new programs. Only William Clinton could do that and get away with it. I notice not a single news station, at least the ones that I observed, picked that up.

Only this President, who said that he loathed the American military and deliberately avoided service during Vietnam, could use the Soldiers and Sailors Relief Act that is designed for military men and women serving overseas to keep them from losing their property while they are serving their country. Only he could invoke that Soldiers and Sailors Relief Act to protect himself from a civil lawsuit in Arkansas.

But I think that there is such a thing as being a little too cute and underestimating the American people to the point where, ultimately, when the people make a judgment with respect to this President, we are going to see that they have a lot more wisdom than he attributes to them.

Mr. KINGSTON. Mr. Speaker, let me get back on the balanced budget. There are three reasons we need to keep focus on the balanced budget. No. 1, the Federal Reserve says if you have a balanced budget, interest rates will fall. If they fall as much as 2 percent, it would make a significant savings in your monthly home mortgage and your automobile bill, if you own your car.

No. 2, it will create jobs. Because small businesses can borrow money at lower interest rates, they will expand more opportunities which will be out there for everybody.

No. 3, your taxes will go down, because you will not have that huge crunch from the Federal Government that is draining the pocketbooks of American workers right now. That is one reason why this Congress fought so hard for the $500-per-child tax credit.

The gentleman earlier talked about single women at home. Raising children is the most frustrating, the most difficult, the most expensive thing that I think I have ever tried to do, or anybody else can do. And a $500-per-child tax credit will help the American working men and woman afford their family. It will help the middle class like no other measure that we could pass in Congress.

Mr. HAYWORTH. Mr. Speaker, what is especially important, I think of the single moms in the Sixth District of Arizona, and imagine if they had for their 3 children $1,500 to save, spend, and invest as they see fit for those children, to spend that money on those children, to save that money for those children, instead of surrendering that money to Washington. It is especially galling that we have had a President who campaigned, and people talk about political strategies, and, oh, members of that reelection team looking at the Ronald Reagan strategy of 1984. Nonsense.

This is the same strategy utilized by the President in 1992. It is, simply stated, this: Talk like Ronald Reagan, govern like Michael Dukakis. Always talk right, govern left. This same President who said that the middle class deserved tax relief gave itself the largest tax increase in American history. This same President who said end welfare as we know it, has vetoed, not once but twice, the very welfare reform he purports in a general sense to champion.

This same President who said as a candidate in 1992 that he would balance the budget in 5 years, even when given a grace period of an extra 2 years, if you will, still uses curious mathematics and said, as pointed out by the gentleman from California, even in the same breath with yet another Reaganesque utterance: The era of big government is over, but here are three more programs. Here is more and more spending in Washington, DC. Here is more and more power vested in Washington, and here is the preservation of the status quo, even amidst the language of change.

There is, as I said earlier this evening, Mr. Speaker, a credibility canyon to go along with the Clinton crunch.

Mr. HUNTER. Mr Speaker, if the gentleman will yield, let us do some taxes. I think a lot of single moms out there, a lot of heads of households, a lot of folks with kids would like to know what this tax cut was that the President kept them from getting. We have all done our taxes in April. Most folks realize and remember how much they paid for taxes. Let us prepare some income taxes here, and show them what the American people lost when President Clinton killed the tax cuts for the American family.

It is very simple. If you are out there and you have two kids, you multiply two kids times $500 apiece, and that is $1,000. You deduct that from what you paid on April 15, so if you paid $1,000 on April 15 and you have two children, under the tax cuts that the Republicans passed but that President Clinton killed, two times $500 is $1,000. At the bottom line on your 1040 you would have deducted $1,000 from the $1,000 you owed and you would have paid no taxes.

That means you would have had $1,000 in your pocket for maybe the last half of that mortgage payment you were having trouble making, maybe the education fund for your daughter who is 15, who will soon be going off to college, maybe $1,000 to put that down payment down on the lot outside of Phoenix, AZ, or San Diego, CA, where you want to build a house someday. That is the tax cut for the rich.

If you have four kids, you multiply four times $500 and that is $2,000, so everybody should just remember right now, just take a minute and remember what you paid in taxes to the Federal Government on April 15. Look at your family, whether they are in the living room with you or in the kitchen or they are out playing Little League or whatever, count the number of kids that you have an multiply that times $500, and deduct that mentally from what you paid. That is the amount of money that you would have saved. Once again, Mr. Speaker, President Clinton depicted that tax cut as a tax cut for the wealthy.

Mr. Speaker, I agree with him in a way. I think everybody in America, in this land of opportunity, who has children is wealthy. They are rich. They are rich; not rich economically, but they are rich in opportunity. But this President killed this tax cut, and he called it a tax cut for the rich, so I hope that every American who pays taxes will remember that last figure they put down on their 1040, that $1,000 that they paid or that $10,000 that they paid, and that $500 per child that they could have deducted if President Clinton had not stepped in and killed that tax cut.

Mr. KINGSTON. What is interesting, Mr. Speaker, is that while the administration was busy not cutting taxes, they had no problem cutting drug awareness money. Last week I had the opportunity to speak at the Harris County DARE graduation, and just some statistics that are in my mind.

The average age now nationally that teenagers smoke marijuana is age 13. Thirty-eight percent of parents think that their kids do not smoke or get involved in drugs, and yet, in reality, the percentage is often higher than that, depending on where they are. Twelve- and 13-year-olds and 14- and 15-year olds have one of the highest increases in marijuana use in the Nation, higher than any other age bracket.

But one of the statistics that I think is very encouraging is that if you can keep your child off of drugs until he or she is 19 years old, then they have a 90 percent chance of staying drug-free for the rest of their lives.

I think what we really need to do is talk to our teenagers about drug abuse. I think it should be drug and alcohol abuse and any other substance, legal or illegal, that they can abuse, because we have to keep our children drug-free. We have to keep our schools drug-free and the workplace drug-free. If we can do that, we are going to have a generation that will successfully take the torch on, and we will all be able to retire one day and they will pay for our Social Security.

Mr. HAYWORTH. Mr. Speaker, I would say, in fairness, I am glad that our friend, General McCaffrey, has been given charge of the war on drugs, but that does not excuse the fact that this administration has basically been AWOL in that war for the first 2½ years, almost 3 years of its time in office. So again, it is a case of too little, too late; or a type of "me too-ism" that smacks of electioneering, that smacks of opportunism, rather than a genuine quest to make the changes the gentleman from Georgia mentioned are so necessary.

It is borne out in other figures in the President's budget. Oh, sure, there are modest increases, for example, for the Drug Enforcement Agency, for the number of employees; for the Immigration and Naturalization Service, for the Border Patrol.

But yet, but yet, the glaring problem is this: that more and more money is put away so that upwards of 115,000 people in Bill Clinton's budget would be employed in the Internal Revenue Service; easily, what, three times the number of people, or close to that, employed with the INS or the Border Patrol. So the message in fact is this: We may not have time to fight the war on drugs, we may not have the ability to protect the sanctity of our borders, but, by golly, we have the time to come and audit you, Mr. and Mrs. America, and your tax returns, because we fundamentally do not trust you; and these other problems, well, sure they are problems, but you see a lot in the priorities expressed in that budget with reference to the Internal Revenue Service.

Mr. HUNTER. If the gentleman will yield, Mr. Speaker, let me tell him what has happened with the Clinton administration's policy on stopping cocaine that is coming across the international border. A border patrolman, and as you may know, I represent a great deal of the California Mexican border, kind of the southern slice of the State. I know the gentleman represents a great deal of Arizona just to the east of my district.

A border patrolman came to us one day and gave us an internal memorandum from Doris Meissner, who is the head of INS for the Clinton administration. It concerned the border fence, because we have been building a border fence made out of landing mats, steel planks like those that you used in Desert Storm to build runways, except we turn them vertical instead of horizontal, and when we weld them to posts, we are making a steel fence 10 feet high and now some 14 miles long, from the Pacific Ocean to the coastal hills.

☐ 2300

When we built that fence, my staff went out and searched the inventories of every military base from Guam from Guantanamo and found 179,000 surplus steel planks to build this fence with. But when we built the fence, we increased cocaine interdiction by 1,000 percent because the drug runners, who were just driving their cars and trucks across the border, not at the regular crossings but just right across the sagebrush landscape, now could not get across because of the steel fence, so they had to go through very channelized areas and we were catching them.

Now, in a number of places we had fence that was made out of chain link, and these chain link fences, the drug pushers and the drug smugglers would just take their clippers, clip that chain link, roll it back and drive their van or heavy-duty truck through it with cocaine for America's children.

The Government of Mexico asked Doris Meissner to meet with them because they did not like the idea that we were replacing these chain link fences with steel fences that nobody could drive through, made out of steel landing mat. As a result, she circulated a memorandum. I am going to bring it out to the floor next time we have a special order because I have got a copy of it.

It tells every Border Patrol chief, "You are no longer allowed to replace this flimsy chain link fence with steel landing mat." I call that the drug smuggler provision. Because the Government of Mexico has complained about it, from now on you can only repair a chain link fence with chain link.

Mr. HAYWORTH. If the gentleman would yield for a question, since when does an official of this Government change policy for the protection and the edification of the citizens of this country to please representatives of a foreign government? Where on Earth and why in this Nation has that taken root? What is the explanation or the rationale for this?

Mr. HUNTER. The gentleman is asking me to explain a President who has sent our Government to the United Nations, our marines to Bosnia, and our jobs to Mexico. The answer is that this President is an internationalist. He believes very strongly in listening to people on other sides of the border. Now, that can be good, but it is not good when it conflicts with the thoughts of people on his side of the border.

We have an absolute right to maintain a border with integrity, tell people when they come across, come through the front door. Do not come through our back door. Do not drive cocaine across the hillsides into the southern reaches of California and Arizona.

But this administration has been dragged kicking and screaming to the border, and they have been a little disingenuous with us, while they are doing press conferences. They fought us on the 6,000 Border Patrol increase that we put in the crime bill and on the 600 Border Patrol increase that we put in the appropriations bill in fiscal year 1994. They fought us on that.

Mr. KINGSTON. And, I want to point out, vetoed the provision in welfare reform that said no permanent welfare benefits for illegal aliens, and that then was vetoed by the President.

Mr. HUNTER. Precisely. When the President vetoed that welfare provision for illegal aliens, when he allowed that welfare provision to keep being paid out, that kept the magnet alive. That kept the magnet that told people that if they came to the United States, as several Social Security ladies showed me when they came in my office, they said:

> Congressman, here are some illegal alien families making more money on welfare than we are making as GS–11's working for the Federal Government, and they have discovered the joys of daytime television, they are not working.

That is a magnet that this President has allowed to keep turned on at full power, that brings people into this country illegally, because he is paying them more in welfare payments than they can make working in their native country.

But the point that I am making is this President and Doris Meissner, his INS Commissioner, who is a nice person, have testified against and fought against every Border Patrol increase that we have passed in this Congress, that Republicans have passed.

Yet when we bring those newly trained Border Patrolmen that the Republican Congress passed down to the Boarder Patrol headquarters at San Ysidro, who is there to do a press conference and greet them but the very same Clinton administration officials who fought their funding in the first place. You know something? They do not even crack a smile.

You know something else? If we took all those Clinton officials who do press conferences at the border in San Diego and we simply had them touch hands, just link arms, they would stretch across the entire border between San Diego and the gentleman's great State of Arizona. We would not need a Border Patrol because we have more public relations people there than we have illegal aliens.

Mr. HAYWORTH. Well, it bring to mind really the definition of politics, I suppose, here in the late 20th century, at least as practiced by our campaigner in chief. I would have to say it is politics at its most cynical, the mission being, accept credit for those things you have absolutely nothing to do with and divert the blame for those projects and those objects, I might add, that cause problems that you literally may have your fingerprints all over. That has come to define politics here in the late 20th century as practiced by our friend at the other end of Pennsylvania Avenue.

Mr. HUNTER. Well, if the gentleman is talking about those documents that they found in the White House after months and months of not being available, I know where they were. They were right underneath the TV Guide all the time. That is where they were.

Mr. KINGSTON. Maybe underneath the Constitution. I know that is not read over there.

The question that some of you just mentioned, and I think it is about time we need to close, but the other day I was speaking to a chamber of commerce for the gentleman from Columbus, Mr. COLLINS, and he was kind enough to get a good bipartisan group of speakers. He had somebody from the administration talking, and he was talking about the wonderfulness of Government partnerships.

A small business, independent business person raised his hand and said:

> I tell you what. I do not want the government to be my partner. In fact, the less I see, the less I have to do with the government, the better for me and for my business.

I think that said so much, because people do not want the Government in their lives setting up, as you just mentioned, these obstacles and then coming up and saying, "But I will get you through them."

"Well, why do you not just remove the obstacles and get out of my life, too, and that would be better."

But it is about time to wrap up, so let me yield to the gentleman from California first for a closing comment.

Mr. Hunter. Let me just say I appreciate the gentleman from Georgia, whose tenacity and eloquence has really kept these very educational sessions alive, and also my great friend from Arizona, who is so articulate and who is so concerned about this country.

I have got one thing I would like to ask you both. Speaking of single moms, we did a Boy Scout hike from sea to shining sea, from the Salton Sea to the Pacific Ocean, a couple months ago. We are going to take this walk. We had a lot of single moms, and there were Cub Scouts and Boy Scouts on this walk. 100 miles. We are going to take this walk literally from the Pacific Ocean to the Atlantic ocean, from the real sea to shining sea next year. I want the gentleman who has so much of Arizona, and the gentleman who has so much of Georgia to get their Scout troops to participate in this sea to shining sea walk.

Mr. HAYWORTH. I cannot pause or hesitate to say as an Eagle Scout, and I search out my card here in my pocket, as an Eagle Scout, I am happy to take that challenge. Goodness knows I need the walk for my own physical fitness. But having just participated in the Grand Canyon Council Scout-a-rama at Papago Peaks, I am happy to do that. I trust during our time in San Diego this summer we might have an opportunity to involve some of the youth groups in San Diego to see what is transpiring in your city and again to reinforce this notion that we trust the American people, and it is not so much a case of being hostile toward Government but instead embracing that Jeffersonian ideal of a limited but effective Government, not as a partner, not as a mechanism to be reinvented, but simply as the fabric of our constitutional Republic that enables us and empowers us to provide for the common defense and in the classical true sense, to promote the general welfare of everyone.

That is the challenge we confront as we face the next century, whether arm in arm with the Boy Scouts or other members of every generation in this country, to work together to trust one another, to understand it is our people who lead us and our Government which exists to help empower people, rather than partner with them or simply be reinvented to grow ever larger, to grow ever more intrusive, and to require ever more of the hard-earned money the people of the United States of America richly earn and richly deserve.

Mr. HUNTER. As a second class Scout, I salute my Eagle leader.

Mr. HAYWORTH. You far eclipse me my friend, in other endeavors.

Mr. KINGSTON. Let me say this to the gentleman from Arizona [Mr. HAYWORTH], the gentleman from California [Mr. HUNTER], I am looking forward to your west coast boy scouts coming our way and we will show them what a real ocean and a real beach looks like. I just want you to remember that since I control the time, I can say that last.

Mr. Speaker, what we are trying to do, what we have been talking about tonight is having a good welfare system, one that helps those who need a helping hand but puts able-bodied recipients to work; a criminal justice system that gets the thugs off the streets so that American families can walk down the streets without having to look over their shoulder and be scared; having a budget that is balanced so that interest rates go down, having the waste cut out of it. Above all, changing this Washington bureaucracy, rocking it, changing it permanently so that we can have a government that is limited and one that responds.

Mr. Speaker, I include the following material for the RECORD:

JOBS LOST

The following is a very conservative State-by-State estimate of the number of jobs lost if the minimum wage is raised to $5.15:

State	*Number of jobs lost*
Alabama	15,300
Alaska	300
Arizona	8,900
Arkansas	8,800
California	63,100
Colorado	8,000
Connecticut	4,000
Delaware	1,300
District of Columbia	600
Florida	35,500
Georgia	18,000
Hawaii	(1)
Idaho	3,200
Illinois	29,200
Indiana	16,400
Iowa	4,200
Kansas	7,300
Kentucky	12,100
Louisiana	15,400
Maine	2,800
Maryland	7,400
Massachusetts	4,000
Michigan	23,000
Minnesota	10,100
Mississippi	10,500
Missouri	16,200
Montana	2,800
Nebraska	5,100
Nevada	2,500
New Hampshire	2,200
New Jersey	900
New Mexico	4,600
New York	29,900
North Carolina	19,100
North Dakota	2,400
Ohio	28,000
Oklahoma	10,800
Oregon	2,100
Pennsylvania	27,400
Rhode Island	1,300
South Carolina	11,900
South Dakota	2,400
Tennessee	17,700
Texas	60,600
Utah	5,400
Vermont	400
Virginia	15,000
Washington	1,700
West Virginia	5,800
Wisconsin	11,800
Wyoming	1,700
National total	621,000

[1] $5.25 is minimum wage.

Prepared by: The Employment Policies Institute.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BLILEY (at the request of Mr. ARMEY) for today on account of attending a funeral.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

Mr. LAFALCE, for 5 minutes, today.

Mr. FIELDS of Louisiana, for 60 minutes, today.

Ms. KAPTUR, for 60 minutes, today.

(The following Members (at the request of Mr. HAYWORTH) to revise and extend their remarks and include extraneous material:)

Mr. RIGGS, for 5 minutes, today.

Mr. KINGSTON, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. PALLONE) and to include extraneous matter:)

Mr. LAFALCE.

Mr. UNDERWOOD.

Mr. MILLER of California.

Mr. JOHNSON of South Dakota in two instances.

Mr. STARK in three instances.

Mr. MENENDEZ.

Mrs. MEEK of Florida.

Mr. JACOBS.

Mr. FILNER.

Mr. HAMILTON.

Mr. FOGLIETTA.

Mr. SKELTON.

Mr. KENNEDY of Rhode Island.

Mr. FRANK of Massachusetts.

Mr. KANJORSKI.

Mr. BARCIA.

Mrs. KENNELLY.

Mr. DINGELL.

Ms. HARMAN.

(The following Members (at the request of Mr. HAYWORTH) and to include extraneous matter:)

Mr. STEARNS.

Mr. GALLEGLY.

Mr. SANFORD.

Mr. CLINGER in four instances.

Mr. YOUNG of Alaska.

Mr. CANADY of Florida.

Mr. SAXTON.

Mr. PACKARD.

Mr. FUNDERBURK.

Mr. KING.

Mr. GINGRICH.

Mr. SHAYS.

Mr. FRANKS of New Jersey.

Mr. MARTINI in two instances.

Mr. SOLOMON.

Mr. RAMSTAD in two instances.

(The following Members (at the request of Mr. KINGSTON) and to include extraneous matter:)

Mr. FRISA.

Mr. PETERSON of Florida.

Mr. MANZULLO.

Ms. ESHOO.

Mr. MCDERMOTT.

Ms. FURSE.

Mr. PAYNE of New Jersey.

Ms. MOLINARI.

ENROLLED BILLS SIGNED

Mr. Thomas, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1965. An act to reauthorize the Coastal Zone Management Act of 1972, and for other purposes; and

H.R. 2066. An act to amend the National School Lunch Act to provide greater flexibility to schools to meet the Dietary Guidelines for Americans under the school lunch and school breakfast programs.

ADJOURNMENT

Mr. KINGSTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 11 minutes p.m.), under its previous order, the House adjourned until Thursday, May 23, 1996, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3127. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products Regulations Governing Inspection and Certification (Docket No. FV–96–326) received May 22, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3128. A letter from the Under Secretary of Defense, transmitting a report of a violation of the Anti-Deficiency Act—Air Force violation, case number 95–13, which totaled $384,046, occurred in the 6th Air Base Wing, Air Combat Command [ACC], at MacDill Air Force Base, FL, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

3129. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants; Final Standards for Hazardous Air Pollutant Emissions From the Printing and Publishing Industry (FRL–5509–1) (RIN: 2060–AD95) received May 21, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3130. A letter from the Director, Regulations Policy Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Cold, Cough, Allergy, Bronchodilator, and Antiasthmatic Drug Products for Over-the-Counter Human Use, Amendment of Monograph for OTC Bronchodilator Drug Products (RIN: 0910–AA01) received May 21, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3131. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Protecting the Identity of Allegers and Confidential Sources: Policy Statement—received May 22, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3132. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance [LOA] to Greece for defense articles and services (Transmittal No. 96–47), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

3133. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance [LOA] to Turkey for defense articles and services (Transmittal No. 96–37), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

3134. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled "Performance Review of the Board of Real Property Assessments and Appeals for the District of Columbia for Tax Year 1996 Appeals," pursuant to D.C. Code, section 47–117(d); to the Committee on Government Reform and Oversight.

3135. A letter from the Chairman, Federal Communications Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1995, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform and Oversight.

3136. A letter from the Chairman, National Endowment for the Arts, transmitting the semiannual report on activities on the inspector general and the semiannual report on final action for the National Endowment for the Arts for the period October 1, 1995, through March 31, 1996, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

3137. A letter from the Assistant Secretary—Indian Affairs, Department of the Interior, transmitting the Department's final rule—The American Indian Trust Fund Management Reform Act of 1994 (Bureau of Indian Affairs) (RIN: 1076–AD28) received May 21, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3138. A letter from the Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service, transmitting the Service's final rule—Groundfish of the Bering Sea and Aleutian Islands Area; Pacific ocean perch in the Western Aleutian District [Docket No. 960129019–6091–01; I.D. 051696A] received May 22, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3139. A letter from the Program Management Officer, National Marine Fisheries Service, transmitting the Service's final rule—Groundfish of the Gulf of Alaska; Recordkeeping and Reporting Requirements; General Limitations [Docket No. 950727194–6118–03; I.D. 062795C] received May 22, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3140. A letter from the Acting Director, Procurement, Grants and Administrative Services, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Financial Assistance for the Pribilof Environmental Restoration Program (RIN: 0648–ZA23) revised May 22, 1996 pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3141. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Compensation for Disability Resulting from Hospitalization, Treatment, Examination, or Vocational Rehabilitation (RIN: 2900–AH44) received May 22, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

3142. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Schedule for Rating Disabilities; Endocrine System Disabilities (RIN: 2900–AE41) received May 22, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

3143. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Determination of

Issue Price in the Case of Certain Debt Instruments Issued for Property (Revenue Ruling 96-27) received May 22, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. EWING:

H.R. 3503. A bill to amend the Internal Revenue Code of 1986 to prevent disqualification of low-income housing units for purposes of the low-income housing credit solely by reason of certain assignments of dependency deductions by full-time student single parents; to the Committee on Ways and Means.

By Mrs. VUCANOVICH (for herself, Mr. BAKER of California, Mr. BARTON of Texas, Mr. BURR, Mr. MYERS, and Mr. POSHARD):

H.R. 3504. A bill to authorize the marketing of breast examination pads without restriction; to the Committee on Commerce.

By Mr. FARR (for himself, Mr. GEPHARDT, Mr. BONIOR, Mr. FAZIO of California, Ms. DELAURO, Mr. LEWIS of Georgia, Mr. RICHARDSON, Mrs. KENNELLY, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. BARCIA of Michigan, Mr. BARRETT of Wisconsin, Mr. BECERRA, Mr. BORSKI, Mr. BROWDER, Mr. BROWN of California, Mr. BROWN of Ohio, Mr. CARDIN, Mr. DELLUMS, Mr. DURBIN, Mr. ENGEL, Ms. ESHOO, Mr. FATTAH, Mr. FOGLIETTA, Mr. FRANK of Massachusetts, Ms. FURSE, Mr. GEJDENSON, Mr. GREEN of Texas, Mr. GIBBONS, Mr. GUTIERREZ, Mr. HALL of Ohio, Ms. HARMAN, Mr. HASTINGS of Florida, Mr. HINCHEY, Ms. JACKSON-LEE, Mr. KENNEDY of Rhode Island, Mr. LAFALCE, Mr. LEVIN, Ms. LOFGREN, Mrs. LOWEY, Mr. MANTON, Mr. MATSUI, Ms. MCCARTHY, Mr. MCDERMOTT, Ms. MCKINNEY, Mr. MILLER of California, Mr. MINGE, Mr. MOAKLEY, Mr. MORAN, Mr. NADLER, Mr. OLVER, Mr. OWENS, Mr. PALLONE, Ms. PELOSI, Mr. PETERSON of Minnesota, Mr. RAHALL, Ms. RIVERS, Ms. ROYBAL-ALLARD, Mr. SABO, Mr. SANDERS, Mr. SAWYER, Mrs. SCHROEDER, Mr. SCHUMER, Mr. SKAGGS, Mr. SPRATT, Mr. STARK, Mr. STUDDS, Mr. STUPAK, Mrs. THURMAN, Mr. TORRES, Mr. VENTO, Ms. WATERS, Mr. WAXMAN, Mr. WISE, Ms. WOOLSEY, and Mr. YATES):

H.R. 3505. A bill to amend the Federal Election Campaign Act of 1971, and for other purposes; to the Committee on House Oversight, and in addition to the Committees on Ways and Means, Commerce, Government Reform and Oversight, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FOX (for himself, Mr. STUMP, Mr. MONTGOMERY, Mr. EVERETT, Mr. EVANS, Mr. HUTCHINSON, Mr. BUYER, Mr. FILNER, Mr. BILIRAKIS, Mr. CLEMENT, Mr. BACHUS, Mr. TEJEDA, Mr. STEARNS, Mr. GUTIERREZ, Mr. NEY, Mr. BAESLER, Mr. BARR, Mr. MASCARA, Mr. WELLER, Mr. HAYWORTH, and Mr. COOLEY):

H.R. 3506. A bill to amend title 38, United States Code, to authorize the provision of funds in order to provide financial assistance by grant or contract to legal assistance entities for representation of financially needy veterans in connection with proceedings before the U.S. Court of Veterans Appeals; to the Committee on Veterans' Affairs.

By Mr. ARCHER (for himself, Mr. BLILEY, Mr. ROBERTS, Mr. SHAW, Mr. BILIRAKIS, Mr. EMERSON, Mr. CAMP, Mr. MCCRERY, Mr. COLLINS of Georgia, Mr. ENGLISH of Pennsylvania, Mr. NUSSLE, Ms. DUNN of Washington, Mr. ENSIGN, Mr. LAUGHLIN, and Mr. DEAL of Georgia):

H.R. 3507. A bill to restore the American family, enhance support and work opportunities for families with children, reduce out-of-wedlock pregnancies, reduce welfare dependence by requiring work, meet the health care needs of America's most vulnerable citizens, control welfare and Medicaid spending, and increase State flexibility; to the Committee on Ways and Means, and in addition to the Committees on Agriculture, Banking and Financial Services, Commerce, Economic and Educational Opportunities, Government Reform and Oversight, the Judiciary, National Security, International Relations, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FRANKS of New Jersey (for himself, Mr. FROST, Mr. HUTCHINSON, Mr. NEY, Mr. MCHUGH, Mr. CALVERT, Mr. FAZIO of California, Mr. WELDON of Florida, and Mr. HORN):

H.R. 3508. A bill to amend title 18, United States Code, to prohibit the sale of personal information about children without their parents' consent, and for other purposes; to the Committee on the Judiciary.

By Ms. FURSE:

H.R. 3509. A bill to provide for a report regarding the effects that environmental factors have on women's health; to the Committee on Commerce.

By Ms. FURSE:

H.R. 3510. A bill to provide additional pension security for spouses and former spouses, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Economic and Educational Opportunities, Government Reform and Oversight, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. LOWEY (for herself, Ms. FURSE, Mrs. SCHROEDER, Ms. ROYBAL-ALLARD, and Mr. LAFALCE):

H.R. 3511. A bill to provide additional pension security for spouses and former spouses, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Government Reform and Oversight, Transportation and Infrastructure, and Economic and Educational Opportunities, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SANDERS:

H.R. 3512. A bill to amend title 10, United States Code, to establish limitations on taxpayer-financed compensation for defense contractors; to the Committee on National Security.

H.R. 3513. A bill to establish limitations on the ability of a Federal agency to pay a contractor under a contract with the agency for the costs of compensation with respect to the services of any individual; to the Committee on Government Reform and Oversight, and in addition to the Committee on National Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of New Jersey (for himself, Mr. VOLKMER, and Mr. FLANAGAN):

H.R. 3514. A bill to amend the Public Health Service Act to provide for programs of research regarding Parkinson's disease, and for other purposes; to the Committee on Commerce.

By Mr. LAFALCE (for himself, Mr. SCHUMER, Ms. ROYBAL-ALLARD, Mr. LIPINSKI, and Mr. FRAZER):

H.R. 3515. A bill to amend the consumer lease provisions of the Consumer Credit Protection Act; to the Committee on Banking and Financial Services.

By Mr. LAZIO of New York (for himself, Mr. DELAY, Mr. SPENCE, Mr. STUMP, and Mr. PARKER):

H. Con. Res. 180. Concurrent resolution commending the Americans who served the United States during the period known as the cold war; to the Committee on National Security, and in addition to the Committees on International Relations, and Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

Mrs. Mink of Hawaii introduced a bill (H.R. 3516) to permit duty free treatment for certain structures, parts, and components used in the Gemini Telescope Project; which was referred to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 65: Mr. ORTON.

H.R. 103: Mr. HORN, Mr. COYNE, and Mr. DEAL of Georgia.

H.R. 351: Mr. HERGER and Mr. WICKER.

H.R. 580: Mr. DUNCAN.

H.R. 598: Mr. CONDIT, Mr. WILSON, Mr. STEARNS, and Mr. BACHUS.

H.R. 1000: Mrs. KENNELLY.

H.R. 1023: Mr. LEVIN.

H.R. 1024: Mr. SCHAEFER.

H.R. 1073: Mr. KANJORSKI.

H.R. 1074: Mr. KANJORSKI.

H.R. 1386: Mr. SPRATT.

H.R. 1618: Mr. COBLE and Mr. HORN.

H.R. 1656: Mr. STOCKMAN.

H.R. 1776: Mr. SMITH of Michigan, Mr. TANNER, Ms. WOOLSEY, Mr. EDWARDS, Mr. GREENWOOD, Mr. TORKILDSEN, Mr. BALLENGER, Mr. KNOLLENBERG, Mr. GANSKE, Mrs. MEYERS of Kansas, Mr. LONGLEY, Mr. HOUGHTON, Mr. ROGERS, Mr. STEARNS. Mr. GRAHAM, Mr. CHRYSLER, Mr. ROTH, Mr. KLUG, Mr. ROHRABACHER, Mr. BROWNBACK, Mr. DICKEY, Mr. CHAMBLISS, Mr. WICKER, Mr. WAMP, Mr. CREMEANS, and Mr. LEWIS of Kentucky.

H.R. 1889: Mr. SALMON, Mr. MARKEY, and Mr. BACHUS.

H.R. 1980: Mr. Frazer, Mr. Durbin, Ms. Furse, and Ms. Eshoo.

H.R. 2011: Mr. Hoyer.

H.R. 2185: Mr. Borski, Mr. Lipinski, Mr. Thompson, Mr. Coburn, and Mr. Filner.

H.R. 2200: Mr. Lipinski and Mr. Sensenbrenner.

H.R. 2209: Mr. Kasich.

H.R. 2320: Ms. Kaptur, Mr. Cremeans, Mr. Canady, Mr. Visclosky, and Mr. Nethercutt.

H.R. 2342: Mr. Fields of Texas and Mr. Poshard.

H.R. 2396: Mr. Bentsen, Mr. Brewster, Mr. English of Pennsylvania, Mr. Frazer, Mrs. Kelly, Mr. Lantos, Mr. Luther, Mr. Romero-Barcelo, Mr. Sisisky, Mr. Smith of New Jersey, and Mr. Volkmer.

H.R. 2528: Mr. Farr, Mr. Condit, and Mr. Dooley.

H.R. 2579: Mr. Pastor, Mr. Upton, Mr. Minge, and Mr. Schiff.

H.R. 2582: Mr. Crane.

H.R. 2688: Ms. Lofgren.

H.R. 2745: Mr. Portman.

H.R. 2746: Mr. Meehan, Mr. Kennedy of Massachusetts, Mr. Frazer, Mr. Evans, Mr. Shays, Mr. Olver, Mr. Stark, and Mr. Watt of North Carolina.

H.R. 2798: Mr. Peterson of Minnesota.

H.R. 2820: Mr. Quillen, Mr. Wamp, Mr. Cardin, and Mr. Hilleary.

H.R. 2966: Mrs. Meyers of Kansas.

H.R. 3059: Mr. Evans.

H.R. 3119: Mr. Fazio of California.

H.R. 3142: Mr. Frisa, Mr. Royce, Mr. Ballenger, and Ms. Woolsey.

H.R. 3170: Mr. Andrews.

H.R. 3172: Mr. Dellums.

H.R. 3199: Mr. Salmon, Mr. Frost, Mr. Sensenbrenner, Mr. Fawell, Mr. Shuster, Mr. Nethercutt, Mr. Horn, and Mr. Laughlin.

H.R. 3200: Mr. Souder, Mr. Minge, Mr. Flanagan, Mr. Condit, Mrs. Lincoln, Mr. Latham, Mr. Archer, Mr. Radanovich, Mr. Shadegg, Mrs. Chenoweth, Mr. Lucas, Mr. Porter, Ms. Danner, Mrs. Cubin, Ms. Pryce, Ms. McCarthy, Mr. Cooley, Mr. Baker of California, Mr. Blute, Mr. Hefley, Mr. Thomas, Mr. Cramer, Mr. Riggs, Mr. Doolittle, Mr. Herger, Mrs. Smith of Washington, Mr. Pombo, Mr. Calvert, and Mr. McKeon.

H.R. 3208: Mr. English of Pennsylvania, Mr. Horn, and Mr. Smith of Michigan.

H.R. 3224: Mr. Franks of New Jersey.

H.R. 3226: Mr. Spratt, Ms. Roybal-Allard, and Mr. Fox.

H.R. 3251: Mr. Evans.

H.R. 3267: Mr. Ehlers.

H.R. 3294: Mr. Evans, Mr. Payne of New Jersey, Mr. Olver, Mrs. Clayton, and Mr. Horn.

H.R. 3303: Mr. Montgomery, Mr. Bilbray, and Mr. Frank of Massachusetts.

H.R. 3340: Ms. Danner, Mr. Houghton, Mr. Rogers, Mr. Rohrabacher, Mr. Cunningham, and Mrs. Mink of Hawaii.

H.R. 3356: Mr. Pomeroy.

H.R. 3374: Mr. Frazer, Mr. Foglietta, and Mr. Frost.

H.R. 3379: Mr. Minge.

H.R. 3396: Mr. Chrysler, Mrs. Chenoweth, Mr. Spence, Mr. Lipinski, Mr. Hastert, Mr. Hayworth, Mr. Sam Johnson, Mr. Rahall, Mr. Talent, Mr. Hastings of Washington, Mr. Hunter, Mr. Wicker, Mr. Tiahrt, Mr. Montgomery, and Mr. Hall of Ohio.

H.R. 3421: Mr. Burton of Indiana, Mr. Watt of North Carolina, Mr. Goodlatte, Mr. Spratt, and Mr. Traficant.

H.R. 3449: Mr. Frost, Mr. Brewster, and Mr. Richardson.

H.R. 3462: Mr. Hilliard.

H.R. 3468: Mr. Salmon and Mr. Payne of Virginia.

H.J. Res. 70: Mr. Jackson and Mr. Hinchey.

H.J. Res. 178: Mr. Saxton and Mr. LoBiondo.

H. Con. Res. 151: Mr. Costello, Mr. LaFalce, Mr. Montgomery, and Mr. Serrano.

H. Con. Res. 164: Mr. Lucas, Mr. Martinez, and Mr. Hunter.

H. Res. 266: Mr. Underwood, Mr. Frost, Mr. Becerra, Ms. McKinney, Ms. Furse, Ms. Pelosi, Ms. Roybal-Allard, Mr. Brown of California, Mr. Skeen, and Mr. Frazer.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3396: Mr. Hastings of Florida.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 3322

OFFERED BY MR. WELDON OF FLORIDA

Amendment No. 24: Page 26, line 12, strike "$2,167,400,000" and insert in lieu thereof "$2,107,400,000".

Page 30, line 11, strike "$1,957,850,000" and insert in lieu thereof "$2,017,850,000, of which $1,594,550,000 shall be for personnel and related costs, $35,000,000 shall be for travel, and $388,300,000 shall be for research operations support".

EXTENSIONS OF REMARKS

MIGRATORY BIRD BAITING

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 1996

Mr. YOUNG of Alaska. Mr. Speaker, on May 15, 1996 the House Resources Committee held an oversight hearing on the U.S. Fish and Wildlife Service's baiting regulations under the Migratory Bird Treaty Act. One of our witnesses was George Reiger of Locustville, VA who is the conservation editor of Field and Stream. An avid reader of his monthly column, I was honored to hear this man with outstanding conservation and private property rights credentials give one of the more blunt and informative statements ever made before a congressional committee.

George Reiger and I both remember the day when Federal wildlife law enforcement agents and policies were more practical and less confrontational. Mr. Reiger's testimony stated, "I've seen Federal law enforcement agents increasingly pursue policies that have done little or nothing to increase the flocks, but which have succeeded in driving many ordinarily law-abiding hunters from the field, including landowners who once invested considerable assets in migratory bird management, but who are now no longer willing for fear of violating a law no one understands."

I urge my colleagues to read Mr. Reiger's testimony to learn about problems associated with the current baiting regulations and possible ways to improve this situation.

TESTIMONY BY GEORGE REIGER, CONSERVATION EDITOR OF FIELD & STREAM, AT THE CONGRESSIONAL HEARING ON MIGRATORY BIRD BAITING REGULATIONS, MAY 15, 1996

My name is George Reiger. I've been conservation editor of Field & Stream for 22 years. During that time, I've watched languid leadership in the U.S. Fish and Wildlife Service improvise management policies that brought most migratory birds, and ducks in particular, to historic population lows. At the same time, I've seen Federal law enforcement agents increasingly pursue policies that have done little or nothing to increase the flocks, but which have succeeded in driving many ordinarily law-abiding hunters from the field, including landowners who once invested considerable assets in migratory bird management, but who are now no longer willing for fear of violating a law no one understands.

The Migratory Bird Treaty Act gives the Federal Government the right to tell sportsmen when they can hunt migratory birds and how many per day or season they can shoot, but not the time of day, gauge of shotgun or other, what are normally considered, ethical options. Such matters should be for sportsmen's clubs and personal conscience to determine.

Unfortunately, we live in a legalistic society, and lawyers have little faith in the power of personal conscience. As a result, and beginning in the 1920s, we've created a spectrum of moralistic rules to regulate migratory bird hunters which have little, if any, value for scientific management of the birds. The most arbitrary and capricious of these rules concern baiting. Incredibly, the Fish and Wildlife Service is now considering expanding these rules to include [quote] "the manipulation of native vegetation in wetland habitats" [end quote]. Thus, pasture owners in the Southeast who have been burning hydric soil areas for more than 130 years to attract snipe for hunting may shortly be prosecuted for doing so under federal law. Likewise, duck hunters in the West who cut cattails and bulrush in order to open up holes in the marsh and to provide themselves with material for making blinds could be charged with baiting.

Although career opportunism undoubtedly underlies some abuses by federal law enforcement agents, I'm willing to give most agents the benefit of the doubt by assuming their excessive zeal is a function of their having watched the Fish and Wildlife Service underwrite the collapse of continental duck populations in the 1980s and now claim that only partially recovered stocks are so fully recovered that we can shoot them at daily rates exceeding those we had even in the 1950s, when we really had ducks.

One result has been a no-warning law enforcement policy. Agents stake out allegedly baited ponds and fields and then wait until the maximum number of ducks or doves are killed before beginning to write summonses. Shouldn't the agents themselves be liable for prosecution when they have the authority to stop illegal shooting but do nothing until the worse-case scenarios are acted out?

Since many of the people cited for baiting are hunting as guests and are not even aware of the subtle difference between "feeding," which is legal, and "baiting," which is illegal, they often give up hunting, and the conservation dollars they once generated through their purchase of hunting licenses, bird stamps and excise taxes on firearms and ammunition is lost to wildlife management. Adding insult to injury, the reputation of hunters gets another kick in the head every time a sensational headline about a "baiting bust" hits the evening news.

That's why I recommend that Congress replace the deadend policies of the Fish and Wildlife Service with a requirement that federal agents must notify landowners of properties managed for wildlife in advance of the hunting season when there is some question of baiting. To prevent these federal agents from shutting down properties willy-nilly, they must work with and have the approval to post a property off-limits to hunters by a state conservation officer. If bait is merely dumped out after the season begins, state or federal agents will continue to have the right to cite such obvious violations.

This prevention-oriented approach would have several positive results:

First, the policy constitutes genuine conservation; SWAT team and commando tactics do not. With few, if any, innocent bystanders caught up in stings, the hunting tradition will be better served and its wellspring of conservation dollars better preserved.

Second, by avoiding confrontation and headlines, federal agents would recover some measure of the respect they've lost among many sportsmen.

Third, a policy of prevention will ultimately result in fewer baiting violations, because the states will develop a clearer interpretation of the rules than federal agents, many of whom feel they have no need to maintain good relations with local citizens.

For too many decades, hunters have been haunted by baiting regulations in which they've borne a burden of strict liability. It's long past time, both for the sake of hunting as well as for the birds themselves, to make diplomacy the number one priority of wardens and to shift the burden of proof and intent back to the government where it belongs.

Thank you.

HONORING MS. RUTH CORTER

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 1996

Mr. CLINGER. Mr. Speaker, I rise today to pay tribute to Ruth Corter of Boalsburg, PA.

On Sunday, May 26, the citizens of Boalsburg will gather to recognize Ruth Corter as the guiding spirit of the community. It is through the dedication and effort of Ruth Corter that this day was made possible.

For 48 years, Ruth has dedicated her services to the community of Boalsburg, 24 of those years serving as teacher and principal in the Boalsburg elementary school system.

What Ruth is most know for though is her tenure as the resident historian of Boalsburg, PA. In this role she helped to found the Boalsburg Village Conservancy in 1973 and the Boalsburg Heritage Museum in 1983, both of which are to preserve and commemorate the history of Boalsburg, PA and its community.

Ruth's contributions to the Community were recognized in 1989 when she was distinguished as a national treasure by the State legislature of Pennsylvania.

Through her service to the community of Boalsburg, Ruth has proven her commitment to enriching the quality of life for others. It is a rare gift for one individual to impact the lives of so many people.

Mr. Speaker, it is my distinct pleasure to recognize Ruth Corter as the guiding spirit of Boalsburg, PA. Once again, I congratulate her and offer my best wishes for continued success.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

THE SUPREME COURT RULING ON COLORADO INITIATIVE NO. 2

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 1996

Mr. McDERMOTT. Mr. Speaker, I rise to salute yesterday's U.S. Supreme Court decision prohibiting States from singling out specific classes of citizens for discrimination. And I rise in opposition to recent attempts by this body to restrict the rights of certain groups of citizens.

Yesterday's decision is long overdue and cannot be ignored. We have heard much rhetoric about State autonomy in this Congress. Yesterday's ruling affirms that individual States may not deny anyone the exercise of rights guaranteed by the Constitution to all.

Many in our society cite religious beliefs as validation for withholding full constitutional rights from gays and lesbians. This is not a religious issue; each religion's practitioners are free to conduct themselves in accordance with their beliefs. This is a civil matter—an issue of whether or not all American citizens are treated equally under civil law.

In the last few years, we have witnessed an unprecedented campaign to inject fear and hatred into public discourse. It is time to stop this rhetoric and to withdraw the antigay and antilesbian initiatives currently proposed in the Congress. It is time to stop pitting one group of citizens against another. It is time to create a climate of acceptance for the diversity we find among our citizens. Let us focus on bringing people together and fostering relationships in which people care for each other. Let each citizen decide whom he or she loves—not the Federal Government.

TRIBUTE TO ARDEN TRANDAHL

HON. TIM JOHNSON

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 1996

Mr. JOHNSON of South Dakota. Mr. Speaker, I rise today to give high praise to a man who has dedicated his life to government service and the operation and management of fish hatchery operations in the United States. Arden Trandahl has provided over three decades of expertise at hatchery operations in South Dakota, Minnesota, and Ohio. The past 18 years has been spent as manager of the DC Booth Fish Hatchery in Spearfish, SD. Nestled in the beautiful Black Hills of South Dakota, the fish hatchery operations became a labor of love for Arden Trandahl. When the hatchery was closed by the Federal Government in 1983, the city of Spearfish requested and received permission to manage the hatchery. Arden, who has served as manager of the Spearfish hatchery since 1978, left government service at this time to work for the city managing hatchery operations.

Renamed the DC Booth Fish Hatchery after its first superintendent, the U.S. Fish and Wildlife Service took an active interest in the hatchery and began operations in 1989, hiring Arden back as its manager of the site. Since 1989, Arden has been a driving force in efforts to renovate and expand the DC Booth Fish Hatchery. Due in part to the leadership and oversight of Arden, the hatchery has been renovated and will serve the educational and informational needs of the viewing public for generations to come. I stand to commend the efforts of Arden Trandahl on the occasion of his formal retirement from 32 years of dedicated government service and wish him well in his future endeavors.

CONGRATULATIONS TO THE 21 GRADUATING SENIORS OF CALIFORNIA STATE UNIVERSITY, HAYWARD'S UPWARD BOUND PROGRAM

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 1996

Mr. STARK. Mr. Speaker, I rise today to recognize the achievements of the upward bound program at California State University, Hayward [CSUH], in California's 13th Congressional District, and the 21 high school seniors who are graduating from the program this Saturday, May 25, 1996.

The upward bound program began in 1965 at colleges and universities throughout the country. The purpose of the program is to prepare low-income students who will be the first in their families to receive a 4-year college degree to attend a college or university. The program provides tutoring, instruction, counseling, career orientation, and an opportunity to experience educational development and personal growth within a college setting to these students while they are still in high school. There are now over 550 upward bound programs nationwide. The Program at CSUH began in 1990 and now serves 65 low-income, first generation high school students in southern Alameda County.

To be eligible for the upward bound program, a student must meet the following requirements; the student must have the potential to succeed in college although his or her grades or test scores may not reflect this, the student must come from a low-income background as established by the U.S. Department of Education, or come from a family whose parents or guardians have not graduated from a 4-year college.

The upward bound program at CSUH consists of two parts. The academic year component includes Saturday instructional sessions at CSUH, tutorial sessions during the week, field trips to places of educational, cultural, and recreational value, assistance in preparing students' academic programs, college admission applications, and financial aid applications, participation in cultural and other special activities, and close communication with the students' high school teachers, counselors, and parents in a coordinated effort to maximize students educational development. The summer session component is an intensive 4 to 6 week residential and academic program at CSUH. Upward bound students take high school level developmental and enrichment courses while receiving tutoring and intensive career, academic, and personal counseling. Students also have access to all facilities available to regular CSUH students, including sports, cultural, and recreational events, field trips, entertainment, and college orientation. All of these activities give the upward bound student the opportunity to see what it is like to live as a college student.

I would like to take this opportunity to mention the upward bound graduating seniors by name. In alphabetical order, they are Juan Callejas, Paul Childress, Ronald Clark, Magdelena Chmielinski, Maria Coronado, Tiffini Cox, Janelle Davis, Javier Garcia, Lonnie Houston, Jennifer Laforga, Kishneel Lall, Raquel Leon, Ajanta Lewis, Justin Mallet, Chelsea Parnell, Edward Rhea, Keywonishi Rogers, Mohan Sakhrani, Reybeykah Salaries, Tram-Anh Ta, and Eeric Tsu.

Mr. Speaker, I ask that you and my colleagues join me in congratulating these students on their achievement and in recognizing CSUH's upward bound program for its dedication and commitment to promoting educational equity and opportunity through a program that opens doors to students who are in the first generation of their families to consider postsecondary education.

TRIBUTE TO STUDENTS OF JORDAN HIGH SCHOOL

HON. DAVID FUNDERBURK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 1996

Mr. FUNDERBURK. Mr. Speaker, I would like to take a moment to recognize the accomplishments of a group of exemplary high school students from Jordan High School in Durham, NC. These outstanding young people were participants in the We the People . . . the Citizen and the Constitution national finals, April 27 through April 29 in Washington, DC. The students competed against 49 other classes from around the Nation in a simulated congressional hearing in which students testified as constitutional experts before a panel of judges.

This program, administered by the Center for Civic Education, is one of the most extensive of its kind, involving more than 22 million American students from the elementary level to the high school level.

The following Jordan High School students are to be commended for their efforts: Alyson Beacham, Joe Blocher, John Cerquiera, Shekinah Cohn, T.J. Eatmon, Jared Hanson, Sarah Harrocks, Hao Lo, Sharon Mason, Catherine McCall, Kevin Neary, Vera Reed, Aran Stynes, Vanessa Vigna, Becky Walden, and John Zhu. I would also like to salute their teacher and mentor, Susan Roe.

TRIBUTE TO SUSAN BUTLER

HON. DOUGLAS "PETE" PETERSON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 1996

Mr. PETERSON of Florida. Mr. Speaker, it is an honor for me to rise today and pay special tribute to a constituent of mine, Mrs. Susan Butler, of Lynn Haven, FL. Mrs. Butler was recently selected as a winner of the Presidential Award for Excellence in Science and Mathematics Teaching.

This award is administered by the National Science Foundation and is designed to recognize and reward outstanding teachers from elementary and secondary schools. The winners are those who serve as models for their colleagues in the important areas of science and mathematics education. Hopefully, the increased visibility this award presents will encourage high-quality teachers to enter into and remain in the teaching field.

Susan Butler teaches chemistry and biology at Rutherford High School in Panama City, FL. Her use of portfolio assessments as part of student curriculum has earned her wide acclaim and respect among her peers, as well as her students and their parents. As testament to the commitment she has to the development of her students, she also serves as the Health Occupations Academy Coordinator.

This is a well-deserved honor, and I offer my sincerest congratulations to Mrs. Butler. She is a credit to the teaching profession and I am proud to be able to offer these remarks for publication in the CONGRESSIONAL RECORD as one small tribute to her work.

HONORING THE RETIRED SENIOR VOLUNTEERS OF McKEAN COUNTY, PA

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 1996

Mr. CLINGER. Mr. Speaker, I rise today to honor the retired senior volunteers of McKean County in the Fifth District of Pennsylvania. I am pleased to have this opportunity to recognize the 74,000 hours of service that these individuals have given to our communities.

As we celebrate Older American Month, it is fitting that we reflect on the contributions of seniors at both a local and national level. I have long believed that involvement by senior citizens in the workforce adds a unique and distinctive value to each job that is performed, person that is helped, or solution that is offered.

I applaud the hard work and determination that each of these volunteers has dedicated to serving the residents of McKean County, their efforts are an inspiration to us all. In addition, each of these individuals has paved the road for all of us who will eventually retire and in doing so continue to enhance the foundation of our communities.

Each project that they have so diligently attended to—from campgrounds to playgrounds, providing meals, making repairs, and assisting others in need—demonstrates the depth of caring that all of the volunteers should be proud of.

It takes more than words to adequately express the difference that senior volunteers have made in the lives of so many and it is with great honor and heartfelt gratitude that I thank them for their years of kind and generous service.

A SALUTE TO GENE McCUE

HON. TIM JOHNSON

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 1996

Mr. JOHNSON of South Dakota. Mr. Speaker, I rise today to pay tribute to Gene McCue, a South Dakotan whose career has been dedicated to rural development, and to improving the quality of life in rural South Dakota. After more than 34 years of admirable service to the U.S. Department of Agriculture, Gene McCue will retire on June 22, 1996.

Gene McCue is a true South Dakotan. Upon serving honorably in the U.S. Navy, Gene attended South Dakota State University and received a bachelor of science degree in agriculture. Using his hands-on knowledge of farming and ranching, Gene jump-started his successful career with the USDA as an assistant disaster loan supervisor. However, Gene's spirit of leadership led him to an accomplished career in rural development and farm credit, eventually culminating as the District III rural development manager in Rapid City.

In addition to his career accomplishments, Gene's character enriched the lives of his coworkers. His leadership at the Department inspired his colleagues to emulate his performance and good judgment. I commend Gene for his dedication, and I personally appreciate the support that he has given to me, my staff, and his fellow South Dakotans. Although Gene is retiring from the Department, I am confident that his legacy of leadership and dedication will thrive in the hearts of his colleagues and all South Dakotans who have benefited from jis judicious work.

Gene McCue is a selfless man. In addition to his service to the Federal Government, Gene is the chairman of the board of directors for the Sky Ranch For Boys, a safe house for troubled and impoverished boys. As Gene embarks on this new chapter in his life, I congratulate him on a job well done, and wish him all the best.

IN HONOR OF JUDGE WILMONT SWEENEY

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 1996

Mr. STARK. Mr. Speaker, I rise today to recognize Judge Wilmont Sweeney who is retiring as presiding judge of the Juvenile Division of the Alameda County Superior Court on June 1, 1996. I would like to take this opportunity to commend Judge Sweeney for his years of dedication and commitment to the welfare of the children of Alameda County, in California's 13th Congressional District.

Judge Sweeney is a long-time resident of the San Francisco Bay Area. He received his undergraduate degree in 1950 from the University of California at Berkeley and his J.D. from Hastings College of the Law in San Francisco. After being admitted to the California Bar in 1955, he began his legal career in private practice with the firm Wilson, Metoyer, Sweeney & Broussard.

In 1974, Judge Sweeney was appointed to the Berkeley-Albany Municipal Court Bench by Governor Reagan and was elected in 1978. In 1979, Judge Sweeney was elected to the Superior Court Bench of Alameda County by Governor Brown, Jr. He was reelected to the Superior Court in 1986 and 1992. Judge Sweeney became presiding judge of the Juvenile Division of the Alameda County Superior Court in 1981.

As presiding judge, Judge Sweeney has been an inspiration to others in the field of juvenile law. He was a founding member of the Juvenile Court Judges of California. In 1992, he was the first recipient of this organization's Juvenile Judge of the Year Award. During Judge Sweeney's tenure, the Alameda County Juvenile Court developed a reputation second to none for its compassion and commitment to justice for children, their families, and the community.

Judge Sweeney has always been an active member of the community. From 1961 to 1974, he served as a member of the Berkeley City Council and from 1967 to 1974, he was the vice mayor of the city of Berkeley. He has also served on a number of committees including the Judicial Council Advisory Committee on Juvenile Court Law, the Juvenile Court Judges of California Executive Committee, the Child Abuse Policy Board of Alameda County, and the Robert Woods Johnson Foundation Strategic Planning Committee.

Mr. Speaker, I would like to ask that you and my colleagues join me in recognizing Judge Wilmont Sweeney for his years of dedication to the children of Alameda County and to wish him well in all of his future endeavors. He will be missed.

TRIBUTE TO KAREN CABE GIBSON'S CLASS AT R.B. STALL HIGH SCHOOL, STATE WINNERS OF THE "WE THE PEOPLE . . . THE CITIZEN AND THE CONSTITUTION" COMPETITION

HON. MARSHALL "MARK" SANFORD

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 1996

Mr. SANFORD. Mr. Speaker, high school students from across the Nation have recently visited Washington to compete in the "We the People," program. I am proud to say that South Carolina's winner is R.B. Stall High School from the First district. They were kind enough to drop by my office, and I had the opportunity to personally meet and congratulate the students, teachers, and coaches. At a time when only about one in six citizens between the ages of 18 and 24 even register to vote, it was heartening to meet so many young people who are shining examples of a new generation of leadership for our Nation.

The teacher of this winning class is Karen Cabe Gibson, who is no newcomer to success. She has produced winning classes for South Carolina all but twice since the competition began. As a result of her countless hours of dedication and with the support of fellow teachers Marshall Ward, Grace Perreault, and principal James Hampton, she once again brought out the best of a class of eager and knowledgeable minds. I trust these students will now go on in life to practice all they have learned.

Mr. Speaker, I am proud to individually recognize the students from Mrs. Gibson's class:

Sheri Aiken, Nahal Badiian, Richard Carawan, Allan Casanova, Dewayne Cid, Timothy Dasinger, Becky Doscher, Treva Floyd, Michael Gale, Nicole Gethers, Jeff Harvey, Kalynne Kay, Kim Kay, Michael Kay, Trent Legare, Andrew May, Carlos Medina, Jonette Mullineaux, John Pizarro, Desmond Rollins, John Sageser, Cherie Tetterton, Danielle Towns, Timothy Whaley, and Sean Womersley.

I would be remiss if I did not thank the South Carolina Bar, the Charleston County School District and the many volunteers who served as judges and timekeepers during the competition and practice. The program could not have been successful without their backing.

OUTFOX PHONE FRAUD

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 1996

Mr. STEARNS. Mr. Speaker, recently we passed groundbreaking legislation that will unshackle companies and inject competition into the telecommunications industry. This competition will bring about more consumer choice, better services, and lower prices. However, in 1996, this dynamic telecommunications industry is expected to suffer from fraud surpassing $3.7 billion.

I would like to commend the Alliance to Outfox Phone Fraud, a group of companies who have come together to educate consumers and businesses about telecommunications fraud. Big businesses are victims of phone fraud too. A recent survey of 90 businesses who were victims of toll fraud found losses ranged from a few thousand dollars to $4 million.

Those who commit fraud don't just steal from a big telecommunications company, they also steal from you and me. We, as consumers, are forced to pay higher prices in order to make up the loss these telecommunications companies incur, when they are defrauded. If we all follow the alliances' commonsense tips, we will do our part to help outfox fraud and bring down consumer prices.

IN MEMORY OF GEORGE WASHINGTON JENKINS, JR.

HON. CHARLES T. CANADY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 1996

Mr. CANADY of Florida. Mr. Speaker, I want to call attention to the House: Florida and the supermarket industry have suffered a mighty loss. A great philanthropist, entrepreneur, family man and friend, George Washington Jenkins, Jr., passed away peacefully in his sleep in Lakeland, FL, April 8.

Mr. Jenkins moved to Tampa, FL, in the summer of 1925 hoping to make his fortune in the real estate boom, but instead started working in a Piggly Wiggly grocery store. It wasn't long after, in 1930, that he founded his own business—and a cornerstone to the Florida economy—Publix Super Markets.

Jenkins was revered by his peers as a genius in food retailing and under his leadership Publix grew to more than 514 supermarkets throughout Florida, Georgia, and South Carolina.

But Publix is not the sole way Jenkins is remembered. It was his kindness, generosity and love for his fellow human being which won him favor in the hearts of so many. From his substantial, personal contributions to the United Way to his involvement with the Boy Scouts of America to philanthropic efforts too numerous to name, Jenkins' generosity touched the lives of thousands of people.

And he continued his service to the community through memberships in local organizations. Jenkins had been a Rotary member since 1929; he was active in chambers of commerce, the YMCA and his own local church. He was also a 33-degree Scottish Rite Mason, a Shriner, and a Jester.

Few people are born with the genuine, giving spirit that Jenkins embodied. His motto for his Publix team was, "Publix will be a little better place to work—or not quite as good—because of you."

Today, let us know that this world is a little better place to live in because George Jenkins was in it. We will miss him greatly.

HONORING THE RETIRED SENIOR VOLUNTEERS OF CAMERON COUNTY, PA

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 1996

Mr. CLINGER. Mr. Speaker, I rise today to honor the retired senior volunteers of Cameron County in the Fifth District of Pennsylvania. I am pleased to have this opportunity to recognize the 74,000 hours of service that these individuals have given to our communities.

As we celebrate Older American Month, it is fitting that we reflect on the contributions of seniors at both a local and national level. I have long believed that involvement by senior citizens in the work force adds a unique and distinctive value to each job that is performed, person that is helped, or solution that is offered.

I applaud the hard work and determination that each of these volunteers has dedicated to serving the residents of Cameron County, their efforts are an inspiration to us all. In addition, each of these individuals has paved the road for all of us who will eventually retire and in doing so continue to enhance the foundation of our communities.

Each project that they have so diligently attended to—from campgrounds to playgrounds, providing meals, making repairs, and assisting others in need—demonstrates the depth of caring that all of the volunteers should be proud of.

It takes more than words to adequately express the difference that senior volunteers have made in the lives of so many and it is with great honor and heartfelt gratitude that I thank them for their years of kind and generous service.

SENIOR SECURITY IS THREATENED BY ANTI-DUPLICATION NOTIFICATION PROVISION IN HEALTH INSURANCE BILL

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 1996

Mr. STARK. Mr. Speaker, there once was a senior from Tupelo. Who had so many duplicative health insurance policies, she didn't know what to do!

Before 1980, this was all too often the case. Senior citizens were being sold costly health insurance policies that they were told would supplement their Medicare coverage. Instead, those policies provided them with nothing but a hole in their pocket because most of what was covered by the supplemental policy was already covered by Medicare. Thus, seniors were paying for worthless health care policies that did nothing but break the bank.

Over the past 16 years, I have helped pass laws that prohibit the sale of duplicative health insurance policies to unknowing seniors. I have also helped pass laws that require insurance companies to give prospective senior purchasers a slip of paper that lets them know that the health insurance policy they are buying duplicates some Medicare benefits.

But once again, the House Republicans have kow-towed to greedy big insurers and included a provision in their health insurance legislation which effectively tosses that slip of paper in the trash—and along with it consumer protection for our senior citizens. The Republicans want to abolish the law that requires insurance companies to notify Medicare beneficiaries before selling them insurance that duplicates any of their Medicare benefits. It seems that Republicans are happy to let big insurers duplicate benefits—and dupe our senior citizens in the process.

BACKGROUND

Sixteen years ago, the Federal Government responded to increasing evidence that senior citizens were being sold duplicative, virtually worthless health insurance policies. In 1980, Congress enacted the Baucus amendments to the Social Security Act, which established standards for MediGap, Medicare supplemental insurance, and prohibited the sale of health insurance policies which substantially duplicated Medicare benefits.

In 1990, Congress further refined the law by prohibiting the sale of health insurance that duplicates Medicare benefits. In 1994, amendments to the Social Security Act allowed the sale of duplicative policies as long as the policy paid out regardless of other coverage and as long as the buyer was made aware of the duplicative services included in the supplemental policy. This law empowered seniors, allowing them to make good health care purchasing decisions and in the process saved them money.

MOVING BACKWARDS—THE REPUBLICAN SCHEME TO PROTECT INSURANCE COMPANIES AT THE EXPENSE OF CONSUMER PROTECTIONS FOR SENIORS

As part of the health insurance legislation, which passed the House on March 28th, Republicans slipped a provision into the bill which would no longer require insurance sales staff to let seniors know if the policy they were selling them duplicated their Medicare benefits. That is ridiculous. By eliminating this requirement, we are effectively turning back the clock to the days where seniors got ripped-off by unscrupulous salesmen right and left. Why would we want to do this to our fathers and mothers, our grandmothers and grandfathers? Apparently, the Republicans don't care if our families are taken advantage of by the insurance companies.

DUMP THE ADD-ON LANGUAGE, NOT THE CONSUMER PROTECTION

The Senate health care legislation, known as the Kassebaum-Kennedy legislation does not eliminate the consumer notification requirement. It represents good health policy by providing health insurance security for thousands more Americans without putting our seniors at risk. The House version which eliminates the notification requirement, eliminates security for our seniors by making them targets for abuse by insurance companies.

We must strike the language that eliminates consumer notice requirements. Current law protects our seniors by ensuring that potential subscribers understand that they may not need the coverage provided under the policy they are being asked to purchase. If we do not strike this language, senior citizens will look like dollar signs rather than educated consumers to insurance sales staff.

I support the Kassebaum-Kennedy version of the health care legislation currently before Congress. We cannot allow the Republicans to eliminate the consumer notification protection and put our parents and grandparents at risk. As the saying goes, you get what you pay for. But in this case, seniors pay through the nose and get nothing but taken to the cleaners.

MEMORIAL DAY—A DAY OF COMMITMENT

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 1996

Mr. FILNER. Mr. Speaker, Memorial Day will soon be upon us. Through ceremonies and private contemplation, we will honor our war dead—one million, one hundred eighty thousand and ten Americans who have died since the war that gave birth to our Nation more than two centuries ago.

This custom has been a practice of all civilizations, from ancient Greece and Rome to modern day observances. I find Memorial Day to be particularly meaningful because it is a day when we set aside our everyday preoccupations to focus on the significant sacrifices made to keep our Nation strong and free.

At Memorial Day services in Arlington National Cemetery in 1982, President Reagan summed up the thoughts of his country when he said: "The willingness of some to give their lives so that others might live never fails to evoke in us a sense of wonder and mystery. I have known that poignant feeling as I looked out across the rows of white crosses and Stars of David in Europe, in the Philippines, and the military cemeteries here in our own land. Each one marks the resting place of an American hero. Each died for a cause he considered more important than his own life, for the values which make up what we call civilization."

Freedom of speech and freedom to choose our religion, the responsibility of participating in our democracy through the ballot, the opportunity for achieving an education and earning a living—these are the defining pillars upon which our Nation is built, and these are the values that we must defend and pass along to our children.

This day leaves few hearts unmoved in recalling the brave men and women who died in defense of these values of freedom and democracy. Memorial Day is not about war or peace. It is about people who have made the ultimate sacrifice for our Nation.

How can we best honor their memory? We must make our lives a tribute to them by sustaining the values for which they fought. We must teach our children the freedoms we enjoy are due to the sacrifices by the Americans who were willing to die for freedom. We must pass along to future generations the importance of education and work. We must remind our youth that their right to free speech and to vote must not be taken lightly. We must provide opportunities for all our children to participate in this Nation's abundance. We must retain such basic rights as health care, decent food and housing, protection of our precious environment, and education by making them our highest priorities.

In doing so, we will build a lasting memorial to our loved ones. Let us keep these commitments in our hearts as we commemorate Memorial Day, 1996.

A SALUTE TO ELIZABETH SPAULDING ALEXANDER

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 1996

Mr. FOGLIETTA. Mr. Speaker, I rise today to salute Elizabeth Spaulding Alexander on the occasion of her retirement from the Philadelphia School District.

Ms. Alexander educated at Fayetteville State University, Marywood College, Temple University, University of the Arts and St. Joseph's University both in Philadelphia, began her tenure with the Philadelphia School District over 30 years ago. Ms. Alexander's teaching career has been marked by numerous awards and many classes of outstanding students. Alexander received the Celebration of Excellence in Teaching Award in 1986 and the Rose Lindebaum Improvement-of-Education Award in 1987. These awards presented to Ms. Alexander were in recognition of her creative teaching techniques, her willingness to involve her students in extracurriculum activities, and her volunteer activities as a tutor in the Adult Literacy Program. Ms. Alexander is an outstanding person who should be commended for her numerous contributions to the field of education in the Philadelphia community.

I wish to join today with the Philadelphia School District, Ms. Alexander's family and friends in recognizing her for her many years of service with the school district and the Philadelphia community. I wish you health, happiness, and prosperity in your retirement years. It is well deserved.

FREE PRESS IN INDIA

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 1996

Mr. KING. Mr. Speaker, the facade of a free press in India is crumbling before our eyes. Just the other day the Indian Government sized all the copies of the Kashmir Times newspaper. The seizure was reported in the May 13 issues of the Tribune of Chandigarh. I am introducing this article into the RECORD. According to the report, the newspaper was seized for printing objectionable material about the election process. This objectionable material is not specified. An Urdu-language newspaper, Awam, had been seized previously for similar reasons. India likes to tell the world that it has a free press, but this episode shows that this claim is false.

These seizures would be bad enough if they were isolated incidents. They are not. This repeats a pattern of Indian Government behavior which has previously been prevalent in Punjab, Khalistan, as well as Kashmir, and other states seeking self-determination. Many of us condemned those incidents, including a blanket censorship order imposed on Punjab, Khalistan, back in 1994. I hope that the new Government of India will move to put an end to this kind of repressive activity and that India will finally live up to its democratic principles.

[From the Tribune, May 13, 1996]

COPIES OF KASHMIR TIMES SEIZED

SRINAGAR, May 12.—The state authorities today seized all copies of the Jammu-based leading English daily, The Kashmir Times, at Srinagar airport.

The step was taken as the copies of the daily carried "objectionable material" regarding the on-going election process, the police said here.

The police had seized all copies of a national Urdu daily, Awam, for similar reasons on Friday last.

PERSONAL EXPLANATION

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 1996

Mr. CLINGER. Mr. Speaker, on Tuesday, May 21, 1996, the House of Representatives voted to repeal the 4.3-cent-per-gallon tax on gasoline. Although I was unable to vote on this measure, H.R. 3415, I would have cast an "aye" vote in favor of the repeal.

While the history of excise taxes on motor fuel dates back to 1919, the 1993 gas tax increase was unprecedented. Part of the largest tax increase in U.S. history, it funneled dollars collected at the gas pumps not to help maintain and improve the safety and efficiency of our roads, but to fund the operations of the Federal Government.

As I have stated time and time again, and demonstrated in my votes on the House floor, I am a strong supporter of balancing the budget and reducing the Federal deficit. At the same time, I strongly believe that user-generated taxes, like the 4.3-cent gas tax, should be utilized for long-term capital improvement through the highway trust fund. As far as our budgetary woes in the general fund are concerned, our problem is not that we tax too little, but that we spend too much.

Pennsylvania's Fifth Congressional District is a sprawling terrain encompassing all or parts of 17 counties. It is the people who live in Warren, Renovo, and our other communities who are forced to pay higher prices at the pump. In the past few weeks, it has become more expensive for people to take their children to school; travel to and from work; or take a family vacation as summer travel begins. Especially now, they are in need of this relief.

By repealing the 4.3-cent tax, we will cease breaking faith with the American people. Meanwhile, to reduce the deficit, there are many avenues to pursue in search of Government streamlining and increased efficiency of Federal operations. People in rural Pennsylvania and from coast to coast should not be penalized with higher gas prices because of taxes that fund Big Government instead of badly needed roadway improvements.

TRIBUTE TO AMERICO VESPUCCI NAPOLITANO

HON. CHRISTOPHER SHAYS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 1996

Mr. SHAYS. Mr. Speaker, I rise today as we enter the Memorial Day weekend to pay tribute to a truly great American, Americo Vespucci Napolitano. Nappy, as he is known by friends, served his country in Ireland, England, and Normandy as a member of General George Patton's 3rd Army Division. He was awarded the Purple Heart after being wounded during a battle in Brez, France.

Following his 6 years of service in the military, Nappy joined the U.S. Postal Service, where he was employed for 30 years.

After moving from Bridgeport to Trumbull, CT, Nappy joined American Legion Post 141 in the mid 1950's. Since that time he has been a stalwart member of the Post and is personally responsible for spearheading many of the organization's initiatives over the years. Having held every major position in the Post, he served as Post Commander on six occasions. Nappy was responsible for starting the Salvation Army bell-ringing project, the American Legion baseball team and the college scholarship program, as well as the Post's academic and scouting awards programs.

He is well-known as a tireless worker for his community and country and has given back to both in exemplary fashion over the years. He is a model for our youth and a symbol of that which is best in our country.

It has been my pleasure to pay respect to this great American as the entire country prepares to remember all those who served our Nation in its times of need.

THE MONTANA FREEMEN

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 1996

Mr. JACOBS. Mr. Speaker, we now know that the so-called Freemen in Montana received huge amounts of free money from the Federal Government before they declared that our American Government is un-American. Typical.

Spoil someone who is not in need and he'll be the first to hate you.

These well-heeled welfare recipients, these somewhat citizens have misnamed themselves. They say they are Freemen, whereas in fact they are Freebeemen.

For that matter, after a fair trial they might well be known by this name: Common old fashion criminals with a new twist on resisting arrest.

DORIS WILLIAMS IS A CREDIT TO HER PROFESSION

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 1996

Mr. BARCIA. Mr. Speaker, the only thing better than a job well done is a person who does the job well every time. Many of my constituents in the Fifth Congressional District of Michigan have benefited over the years from the dedicated, professional, and consistently excellent efforts of Doris Williams, the executive director of the Home Builders Association of Saginaw for the past 16½ years. Doris is being feted tomorrow at a retirement event that will only begin to detail the many achievements of her outstanding career.

Nothing is more personal than the decision of building a house. People certainly put their heard-earned dollars into the design and construction of their residence. But more importantly people put their emotions and desires into each structure. As we all know, sometimes those emotions and desires are rewarded with a tremendous facility constructed by true professionals. Yet at other times, those hopes have to be tempered by the reality of what can be done, and at what cost. The National Association of Home Builders works to guarantee that professional standards will be consistently met—not only standards of construction, but also standards of dealing. Local chapters, like the Home Builders Association of Saginaw, put these standards into effect, and professionals like Doris Williams make sure that they are followed.

Doris' influence goes well beyond the Saginaw area as she has been actively involved in the Women's Council of the National Association of Home Builders and a member of the National Association of Home Builders Executive Officers Council. She was recognized just 2 years ago as the Executive Officer of the Year—only the fourth recipient ever of this prestigious award—for her leadership in association management. She also has served as an officer and president of the Michigan Executive Officers Council of the Michigan Association of Home Builders.

And like a true professional, Doris will be sure to leave a legacy of excellence, including her service as a member of the advisory board for residential construction at Delta College. Her service at Delta is most appropriate given that she was the first female student to ever attend the residential construction classes at Delta.

People who do their jobs well are remembered, appreciated, and missed when they step down. Doris will be all of these, but at least we know she will continue to be available as a consultant to associations who need help with their day-to-day operations.

Mr. Speaker, I urge you and all of our colleagues to join me in wishing Doris Williams well as she enters retirement, and in thanking her for her devoted years of exemplary assistance to building professionals and their clients.

A TRIBUTE TO THE "MINNEHAHA" AND HER MANY VOLUNTEERS ON THE BOAT'S SECOND MAIDEN VOYAGE

HON. JIM RAMSTAD

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 1996

Mr. RAMSTAD. Mr. Speaker, I rise to pay special tribute to a unique community which has pulled together in a truly inspiring way to accomplish something remarkable.

On Saturday, May 25, 1996, a dream will be fulfilled and history will be relived.

On that day, a canary yellow, 70-foot-long, 76,000-pound, authentically steampowered craft—the express, or streetcar, boat *Minnehaha*—will once again be officially back on the beautiful and historic waters of Lake Minnetonka in Minnesota, making its maiden voyage from Excelsior to Wayzata.

Mr. Speaker, on Saturday there will be oceanwide smiles on the faces of boaters in a celebrating flotilla of accompanying watercraft and spectators on the shores of Minnesota's most history-steeped lake.

This historic event is the product of 6 years—and 80,000 hours—of hard work by dedicated, committed volunteers organized through the Minnesota Transportation Museum over the last decade and a half. Area children, citizens, and corporations gave $500,000 to make this dream possible.

On behalf of all the people of our area, State, and Nation, I want to offer my heartfelt thanks and deepest appreciation to all of them for resurrecting part of our history.

Once upon a time, 1906 to be exact, a half dozen of these fast, steam-powered express boats were launched on Lake Minnetonka: *Minnehaha; White Bear; Hopkins; Stillwater; Como;* and *Harriet.*

For two decades, these yellow vessels provided not so much a source of pleasure boating as they were the critical transportation of the time to the many communities stretched out across this lake of many bays.

To provide a bit of history, please let me read a brief excerpt from Eric Sayer Peterson's "The Little Yellow Fleet; A History of the Lake Minnetonka Streetcar Boats":

> At the turn of the century, Thomas Lowry's renowned Twin City Rapid Transit Company was hard at work carving its own special niche in American history. To provide his patrons with even more services, Lowry decided to build a fleet of six steamboats to travel the waters of beautiful Lake Minnetonka, complementing his immense electric streetcar line which stretched all the way from Stillwater to the lakeshore at Excelsior, Minnesota. Lake Minnetonka was one of the few places in the world where passengers could transfer from a land-based streetcar and continue their journey in a steamboat that was owned and operated by the parent streetcar company. The unique vessels that Lowry built were the famed Lake Minnetonka streetcar boats.

But time, 20 years, and the Model 'T' brought the demise of this proud fleet. In 1926, the *Minnehaha* filed with red clay roofing tiles and scuttled north of Big Island.

Relocated in 1979 in 70 feet of water at the bottom of Lake Minnetonka and successfully raised to the surface in 1980, the boat then rotted on shore for another 10 years. In fact, less damage occurred to her structure through more than a half century mired in the lake bottom than in the decade up on shore prior to the launch of the restoration effort.

Then the Minnesota Transportation Museum and an energetic legion of volunteers and boat lovers went to work. The *Minnehaha* was lovingly and painstakingly taken apart and pieced back together. The people of our Lake Minnetonka community came forward with original parts from the streetcar boats they had stored in the corners of their homes.

And on Saturday, May 25, 1996, in Excelsior, MN, the culmination of all that hard work will take place. Bands will play. Then the *Minnehaha* will be rechristened and headed for Wayzata and other ports of Lake Minnetonka.

The *Minnehaha* will continue to make those runs now, just as it did in Lake Minnetonka's glory days of the past, all summer long. And for many summers to come.

Rescued from the bottom of Lake Minnetonka, restored lovingly through the boundless generosity of hard-working volunteers, and rechristened with communitywide affection this Saturday, the *Minnehaha* will now be as much a part of our area's future as it has been our past.

For that, and for all the hard work and dedication of so many volunteers, we are eternally grateful.

125TH ANNIVERSARY OF THE CITY OF WILKES-BARRE

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 1996

Mr. KANJORSKI. Mr. Speaker, I rise today to recognize the 125th anniversary of the city of Wilkes-Barre, PA. Tomorrow, May 23, 1996, marks the passing of 125 years since the founding of the city of Wilkes-Barre. I am pleased to have been asked to join Mayor Tom McGroarty in commemorating this event, and I take pride in recognizing Wilkes-Barre's anniversary on the House floor today.

As the city of Wilkes-Barre celebrates its 125th anniversary, its citizens will remember the city's long and historically significant past. City residents will also look to the future when officials seal a time capsule that will remain closed until the 175th anniversary of the city.

The history of Wilkes-Barre begins in 1769 when it was settled by colonists from New England under the leadership of Maj. John Durkee. Recognizing the beauty of the region, and the abundance of its many natural resources, the first settlers named the region after Col. John Wilkes and Col. Isaac Barre who defended the American colonies before their colleagues in the British Parliament.

Located in the heart of the beautiful Wyoming Valley of northeastern Pennsylvania, the Wilkes-Barre area grew rapidly. On March 17, 1806, the area was incorporated as a borough; on May 4, 1871 it became a city; and on September 22, 1898, a third-class city charter was issued.

The first residents of the city of Wilkes-Barre were a very diverse collection of early European immigrants drawn to the area by its fertile soil along the Susquehanna River. The earliest Wilkes-Barre residents brought with them an outstanding sense of family values, community pride, and commitment to remembering their heritage. Today, those same traditions still run strong through the residents of Wilkes-Barre.

From its earliest days, the development of Wilkes-Barre was driven by the strong will of the area residents. The earliest residents worked the soil to establish successful farms. When coal was discovered in abundance throughout the region, the residents of the Wilkes-Barre area moved quickly to mine the lands. By taking full advantage of this newly discovered resource, the productivity of the residents of the city made Wilkes-Barre the Anthracite Capital of the World. The region became one of the most prosperous areas anywhere in the country as anthracite fueled the industrial revolution.

As the use of anthracite declined and after the Knox Mine Disaster virtually wiped out deep anthracite mining, the Wilkes-Barre area suffered a tremendous economic decline. In the 1950's and 1960's thousands of families left the area to find job opportunities elsewhere. Then in 1972 the Hurricane Agnes caused unprecedented flooding, causing nearly $1 billion in damages to 25,000 homes and 2,700 businesses. More than 60,000 people were unemployed, some temporarily, and some permanently. Many thought that the city of Wilkes-Barre would become a ghost town.

But the "Valley with a Heart" rallied together, cleaned up the muck and mud, rebuilt the community's infrastructure, and Wilkes-Barre once again became the hub of activity for northeastern Pennsylvania. This February, President Bill Clinton came to the Wyoming Valley to announce the completion of the general design memorandum that will allow the raising of the levees that protect Wilkes-Barre and much of the Wyoming Valley from the ravages of a flood the scale of that caused by Hurricane Agnes. After working on this project since my election in 1984, I am pleased that finally we will have protection from the devastation that the Susquehanna River can bring.

The Susquehanna River is now poised to be appreciated as the asset that originally drew Wilkes-Barre's first settlers to the area. The inflatable dam included in the levee raising project will serve as an incentive to beautify Wilkes-Barre's waterfront and lead to increased economic and recreational activity. I have no doubt that upon the opening of the time capsule in which this statement will be buried, an unpolluted Susquehanna River will once again be the center piece for the Wyoming Valley, with a thriving waterfront in Wilkes-Barre.

The entire city of Wilkes-Barre is ready to undergo a tremendous revitalization. With the nearly $40 million renovation of the former Stegmaier Brewery complex and the newly renamed Max Rosenn Federal Courthouse, the city will experience an infusion of hope and new development. Mayor Tom McGroarty has shown tremendous energy and enthusiasm for solving the city's problems and preparing for the 21st century, and I appreciate the enormous amount of assistance he has provided for these and other projects.

Northeastern Pennsylvania is destined for economic growth unlike any we have experienced since the beginning of the anthracite industry. Much of that growth will result from the development of new technologies by our talented and hardworking workforce, such as those individuals employed by Harris Semiconductor in Mountaintop. In the spirit of the time capsule, let me predict that over the next 50 years the city of Wilkes-Barre will serve as the core for an economically vibrant region; let me speculate further that the second electronic revolution brought about by the Harris Corporation's power electronics building blocks program will drive that economic development.

Mr. Speaker, I am proud to represent the city of Wilkes-Barre in the U.S. House of Representatives. I am also pleased to join all the citizens of Wilkes-Barre as we commemorate the city's 125th anniversary, and I look forward to great things for the city and our region.

TEEN PREGNANCY

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 1996

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, May 22, 1996, into the CONGRESSIONAL RECORD.

BRINGING UP BABY: THE PROBLEM OF TEEN PREGNANCY

Hoosiers are concerned about the moral fiber of our country. They talk to me about the decline of basic values, particularly among young people. Every time they open the papers or watch the evening news they see stories about crime and drug use, failing schools, and deteriorating neighborhoods.

We can talk all day about the root causes of these problems and possible solutions. But what I hear from Hoosiers most often is the urgent need to revitalize and strengthen our families. They have a very strong sense that the breakdown of the traditional family may explain many of the difficulties experienced by today's youth.

I am most alarmed by the growing number of teen pregnancies. The United States has the highest rate of teen pregnancy of any country in the industrialized world, at 1.2 million per year, and studies have shown that teen parents and their children are prone to experience more emotional, economic and social problems than older parents.

RECENT TRENDS

The statistics on teenage pregnancy are sobering. Of the 1.2 million teens who become pregnant each year, half will give birth, and most of them will remain single. Most of these young women and their babies live in poverty, and the cycle of poverty continues into subsequent generations. 77% of unmarried, adolescent mothers go on welfare within five years of giving birth, and the federal government spends about $34 billion each year on families started by teens.

Indiana has the 19th highest birth rate among unmarried teens ages 15 to 19 in the country. Total births to women aged 10 to 19 reached 11,842 in 1993. Of those births, 77% were out-of-wedlock, a 28% increase since 1983. 450 teenagers under the age of 17 gave birth to a second child in 1993.

PROBLEMS FOR TEEN FAMILIES

Teen families confront numerous difficulties. Mothers and babies face serious health risks. Teenagers engaging in premature sex expose themselves to the risks of sexually transmitted diseases, and teen pregnancy too often leads to abortion. Babies born to teen mothers often are premature and underweight. Teen parents are less likely to finish high school and gain the skills necessary to secure employment, resulting in a dependency on welfare that is hard to break. Nearly half of long-term welfare recipients are women who gave birth before the age of 17.

Studies also suggest that the children of teen parents fare worse than those from two-parent families on measures of health, education, and emotional and behavioral adjustment. Childhood abuse and neglect—which children of teens often are victims of—increase the odds of future delinquency and adult criminality by 40%. And children of teen parents are far more likely to become teen parents themselves.

WHY TEEN PREGNANCIES ARE RISING

There is no easy explanation for the rising number of teen pregnancies. Many teen parents were born into a world of poverty, teenage parenthood, and welfare dependency that they have difficulty escaping. Few teen parents have the same hopes, dreams and aspirations as the average American teenager, or the self-confidence and feeling of self-worth necessary to set goals for the future. Many see having a child as a comfort in a difficult life.

Broader social factors also contribute to this problem. We live in a more permissive culture, where teen parenthood and out-of-wedlock births carry less of a social stigma than they once did. We read every day about celebrities and star athletes having children out-of-wedlock, and we see the same thing in movies and on television programs. We also don't educate young people about the risks associated with teen parenthood.

WHAT CAN BE DONE

First, we must work to bring down the number of teenage pregnancies. We must persuade teens to abstain from sex, to not give in to peer pressure, and to accept the traditional values in their lives. One of the most valuable things we can do is instill in young people feelings of self-confidence and self-worth, help them set goals for their future and help them achieve these goals. All teenagers must realize they have many options in life—to go to school, to work, to contribute to their communities, and in all this to make responsible decisions. If teens feel that their future goals would be jeopardized by becoming a parent too early, they will have real incentives to delay parenthood.

Second, we must find more effective ways to support families of teenage parents without creating incentives for out-of-wedlock births. Fathers must be held responsible for the support of their children; about 60% of teen births are fathered by older men on average five or six years older than the mother. I support efforts to establish paternity at birth and to strengthen child support collection. Furthermore, teen parents should be encouraged to live at home and stay in school whenever this is an option. President Clinton recently unveiled a plan to make federal assistance contingent on such living arrangements.

Third, for those teen parents whose households are abusive or unstable, we should establish community-based facilities to house and support young families while the mother completes school or job training. Much of the national discussion about teen pregnancy has highlighted the success of these "second chance homes." Places like St. Elizabeth's in New Albany have high success rates in teaching teen mothers how to provide safe, loving, and stable homes for their babies.

CONCLUSIONS

Raising children today is extraordinarily difficult, even for mature adults. For young people, who themselves are still growing up, the issue is much more complicated. We must do what we can to prevent young people from entering parenthood too soon, to help them realize their full potential as individuals with promising futures, and to accept the responsibility and the consequences of their actions.

Governments can also work in partnership with private groups, charities and churches to help young parents create a healthier environment in which their children can grow. Many teenage parents try very hard to be good parents, but the challenges are daunting. Community-based programs have proven successful at helping these teenagers become more responsible parents and more productive citizens, and we should continue to encourage these efforts.

CPM'S CONGRESSIONAL TRIBUTE TO DR. WILLIAM R. PERRY, JR.

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 1996

Mrs. MEEK of Florida. Mr. Speaker, it is indeed a distinct honor to pay tribute to one of Miami's unsung heroes, Dr. William R. Perry, Jr. His retirement from the Dade County public schools on May 30, 1996 will certainly leave a great void in our community.

He truly epitomizes the preeminence of a gentleman, as well as the virtues of a scholar. Having attended Coppin State College and Loyola College for his undergraduate studies, he obtained his doctorate degree from the University of Massachusetts. He served as a classroom teacher and later on as administrator with the Baltimore City public schools. He was subsequently awarded a Rockefeller Foundation Superintendent Fellowship in 1976, one of the Nation's most prestigious honors given to postdoctoral scholars.

Ever since I have known Dr. Bill Perry, he has always been at the forefront of ensuring equality of opportunity for everyone in our community. At the same time, his forceful advocacy in adhering to the tenets of equal treatment under the law not only in the halls of academia but in every segment of government agency has become almost legendary. In fact, countless others have been touched by his genuine commitment, especially toward those who could least fend for themselves.

Dr. Perry is the consummate community activist who abides by the dictum that those who have less in life, through no fault of their own, should be helped by the Government, regardless of their race, creed, gender, or political affiliation. In fact, countless others have been touched by his unique sincerity and his unrelenting penchant for "stick-to-itiveness" to any cause he takes up or any crusade he embarks on. The numerous accolades with which he has been honored by various organizations represents an unequivocal testimony of the utmost respect he enjoys from our community.

Blessed with a down-to-earth common sense, he is also imbued with the rare wisdom of recognizing the strengths and limitations of those who have been empowered to govern. This unique leadership was tested to the hilt when he took over the presidency of the Greater Miami NAACP, after his stint with the Miami-Dade Operation PUSH and the George Washington Carver YMCA.

The acumen of his intelligence was felt at a time when Miami needed someone to put in perspective the agony of disenfranchised African-Americans and other minorities yearning to belong. When government and community leaders met to douse the still-burning embers of the Miami riots in the early 1980's, his was the firm voice of reason, wisely articulating his credo that one has got to learn and live with one another in the global community, or shamefully reap the grapes of wrath from those who have been left out.

He thoroughly understood the accoutrements of power and leadership, and he sagely exercised them alongside the mandate of his conviction and the wisdom of his conscience focusing all their elements upon the good of the community he learned to love and care for so deeply.

His undaunted efforts shaped and formed the agenda of community organizations, such as the Miami-based Haitian Refugee Center, the Women's Welfare Coalition, and the Overtown Advisory Committee, to name but a few. His word is his bond to those who have dealt with him—not only in his moments of triumphal exuberance in helping our wayward youth turn the corners around, but also in his quest to transform Dade County into a veritable mosaic of vibrant cultures and diverse peoples converging in the great experiment that is America.

Dr. William R. Perry, Jr. truly exemplified a one-of-a-kind leadership whose courageous vision and wisdom appealed to our noblest character as a community. He will certainly be missed.

ESPERANCE, NY CELEBRATES 150TH BIRTHDAY

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 1996

Mr. SOLOMON. Mr. Speaker, I have always been proud of the heritage and physical beauty of the 22d Congressional District of New York which I have the privilege of representing. It is for this reason, to savor the history and character of the picturesque towns and counties, that I return home every weekend.

We often forget, Mr. Speaker, that the real America is not Washington, but the small towns and villages where real people live and work. I would like to talk about one such town today.

Esperance, NY, located in beautiful Schoharie County will be celebrating their 150th birthday on this Memorial Day, Monday, May 27, 1996. And what a fitting time for a celebration of history and community. It could not be more appropriate considering people all across this Nation will be paying tribute to those courageous veterans who have made the ultimate sacrifice on behalf of their country, and yes Mr. Speaker, on behalf of their family and friends in towns like Esperance.

But not everyone around the country has the opportunity to celebrate and rejoice in what the people of Esperance can this Monday. Even though things have changed there, like everywhere else, there is something special that remains an unmistakable part of the town's character that not enough people throughout the country can still boast of today. That something is the distinct smalltown charm that grips the town and the good citizens of Esperance. It can be seen at the church hall and the fire department and across the streets and fields where children play and farmers work.

Yes, Mr. Speaker, that smalltown camaraderie and neighborly hospitality is one thing that thankfully has not changed. But I'll tell you about another thing. It is the pride and values of the citizenry. These are the things that I admire most about the towns like Esperance throughout my congressional district. And on May 27, residents of Esperance will take part in daylong festivities commemorating their heritage. There will be tours of the various historical sites and museum, contests for the children, parades and wagon rides and plenty of time to catch up with friends and neighbors and give thanks for the town and community they share.

Mr. Speaker, I commend the good people of Esperance for their commitment to their home and hard work in organizing this memorial to their heritage. I ask that you and all Members of the House join me in paying tribute to the people of Esperance on the occasion of the town's 150th birthday.

A WIN-WIN FOR WORKERS AND SMALL BUSINESSES

HON. SUSAN MOLINARI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 1996

Mr. MOLINARI. Mr. Speaker, we have the opportunity today to enhance the earning potential of millions of working Americans and to provide important incentives for the small businesses who hire them.

I am very supportive of the raise in the minimum wage. This amendment to H.R. 1227, the Employee Commuting Flexibility Act, is a much needed protection for workers who are usually nonunion, have few skills, and little negotiating strength. Also, because the fringe benefits earned by minimum wage workers are usually less than nonminimum wage employees, they get hit twice as hard.

Not only will an increase in the current minimum wage boost thousands of workers and their families above the poverty line, the increase will be a tremendous relief to women. Currently, about 59 percent of minimum wage workers are woman. A raise in the minimum wage will empower these working women with the resources to keep them competitive with their male counterparts.

Often, the downside to minimum wage hikes are a proven loss of jobs for small businesses. The Republicans, however, are increasing the minimum wage in a responsible way that will actually help small business increase jobs. Mr. GOODLING's amendment will allow employers to pay newly hired employees the current minimum wage for the first 90 days of employment and it detaches the minimum wage from employees who receive tips. Further, it exempts employees of small businesses with less than $500,000 in annual gross sales. Clearly these provisions, in addition to the Small Business Job Protection Act, will ease any burden that may have been placed on small businesses in implementing the increased minimum wage.

The Small Business Job Protection Act will increase, by $7,500, expensing for small business, simplify small business pension plans, and provide a credit to employers for hiring AFDC recipients, certain veterans, disabled workers as well as high-risk and summer youth employees. Further, this bill will allow workers to deduct, up to $5,250, employer-paid educational assistance from their taxable income. It will be retroactive to 1995 and help thousands of hard-working Americans in furthering their education, a great benefit to both the employee as well as the employer. This specific provision would have a direct impact on students who attend Wagner College and the College at Staten Island, both of which are in my district. We are now making it easier for small businesses to send their employees to college, which benefits both employers and their employees, who will get much needed assistance in paying for ever-growing tuition costs.

Wage earners in this country do deserve a raise, and this package will give them that raise without costing them their jobs.

SECTION 936 CONCERNS

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 1996

Mrs. KENNELLY. Mr. Speaker, I am very concerned that section 936 is phased out in this bill without anything to replace it. Section 936 has played a critical role in economic development in Puerto Rico—creating and keeping good, high quality, well-paying jobs on the island. Many of my constituents in Hartford, CT, have friends and relatives employed by section 936 companies in Puerto Rico.

I am concerned about the impact of the repeal of section 936 on the people on Puerto Rico. Poverty is already very high and good jobs scarce. What will remain for the people of Puerto Rico? I'm afraid that we will only fully realize just how effective it has been when the companies that have enjoyed section 936 begin to leave for other parts of the Caribbean or Ireland. The bill provides some limited protection for the companies doing business in Puerto Rico, but very little protection for the people of Puerto Rico.

It is because of these concerns that I support an economic incentive program such as that proposed by Governor Rosello. Chairman ARCHER has taken the first step by establishing a temporary economic incentive program that would replace section 936 with a wage credit. This should help to spur job creation on the island. By placing the wage credit in a new section and phasing it out over 10 years, this bill will allow Congress to monitor economic development in Puerto Rico.

IN MEMORY OF ADM. J.M. BOORDA

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 1996

Mr. SKELTON. Mr. Speaker, Tuesday, May 21, 1996, a memorial service was held for the late Adm. J.M. Boorda at the Washington National Cathedral. Admiral "Mike" Boorda was not only a "sailors' sailor," but an able leader and a friend to so many in all walks of life, including those in uniform, political leaders, and the civilian community. Words are inadequate to express the sense of loss so many of us feel. However, these memorial addresses by Secretary of the Navy, John H. Dalton, and Master Chief PO, John Hagan, were most appropriate and fitting as tributes to this truly outstanding American, Adm. Mike Boorda. He will truly be missed.

REMARKS OF SECRETARY OF THE NAVY, JOHN H. DALTON

I met Mike Boorda in December of '93 on my first visit as Secretary to the Mediterranean and Adriatic. He was Commander in Chief of U.S. Naval Forces in Europe, and Commander of Allied Forces Southern Europe.

We visited a number of ships together going by helicopter spending a couple of hours on each one. We arrived on the USS *Monterey*, a guided missile cruiser, late in the day to remain over night. As we toured the ship and we got to the bridge, he told the commanding officer he would like to do a man overboard drill. Naturally, the skipper said okay. Admiral Boorda yelled, "I've got the conn". So, he became the conning officer and he also relieved the helmsman. they tossed the life ring overboard on the starboard side and the drill was underway. "All head full" he barked, and he turned the helm to right full. He was back and forth between the helm and the flying bridge barking orders to the Sailor manning the engine order telegraph. Within just a couple of minutes, the life ring was right along the starboard side, close enough to reach out and pick it up. He said, "Okay, Mr. Secretary, you're next." I laughed and said, "No thank you; I've just seen the master at work." What a great ship handler he was; just one of the reasons he was so admired by Sailors.

Walking around those ships with Mike Boorda was such a great experience. Sailors loved him. He understood them—all of them. Mess cooks, lookouts, from the newly enlisted to the most senior, whether they were chipping paint or swabbing decks . . . he made every one of them feel important, and that what they were doing was a major contribution to that ship's mission and making our navy great and contributing to peace in the world.

Recently, I was interviewing a newly selected admiral for a particular job, and I asked him which flag officer he admired the most. Without hesitation, he said, "Admiral Mike Boorda". I said, "Why?" He said, "I worked for him when he was battle group commander, and he always made people feel so good about themselves. He told us that whenever we were asked to do something, we needed to try hard to find a way to say yes." That was Mike Boorda.

I've seen Mike in lots of different settings. I've seen him counsel young petty officers. I've sat with him in the chiefs' mess—or goat locker—discussing issues with chief petty officers. I've been with him in the wardroom with commissioned officers. I've seen him debate tough issues with other members of the Joint Chiefs of Staff and senior Pentagon officials. I've testified with him in front of Congress. I've seen him hosting foreign dignitaries from around the world. I met with him almost daily in my office, his office or some conference room in the Pentagon. I've watched him brief the Secretary of Defense and offer advice to the President of the United States.

In whatever situation I observed Mike, he was always the same person: Well prepared, down to earth, competent, charming, witty, clever, understanding, warm, yet tough.

I've also seen the President take his advice. I remember one particular occasion. We were in Hawaii for the commemoration of the 50th anniversary of the end of WWII, and the President, CNO, and I were on the CINCPAC barge going across Pearl Habor to the Arizona Memorial when the President turned to him and said, "Mike, what do you think we should do in Bosnia now?" Mike told the President, and within just a few weeks we were in fact carrying out his recommendations which ended up in having all the parties meet in Dayton for peace talks . . . and giving us a real chance for peace in Bosnia.

John Walter Wayland describes the true gentleman as "the man whose conduct proceeds from good-will and an acute sense of propriety, who does not make the poor man conscious of his poverty, the obscure man of his obscurity, or any man of his inferiority or deformity; who is himself humbled if necessity compels him to humble another; who does not flatter wealth, cringe before power, or boast of his own possessions or achievements; and who speaks with frankness, but always with sincerity and sympathy, and whose deed follows his word; who thinks of the rights and feelings of others rather than of his own; who appears well in any company, and who is at home when he seems to be abroad—a man with whom honor is sacred and virtue safe."

That is Mike Boorda.

He was the Sailor's Sailor. There is no greater tribute that could be paid to him. For him to be remembered by that title is the most he could ever hope for.

Mike loved his family. His late father—who he either called or wrote every week for 40 years—his mother, brother and sister. His precious wife, Bettie, his four children and oh those grandchildren. So often, I remember his coming in and saying, "Mr. Secretary, let me show you these new pictures I just got." They were always of one of his grandchildren.

Many times from this lectern have the words of the Prophet Micah been read: "O, man, what does the Lord require of you, but to do justice, to love mercy, and to walk humbly with your God." He tried to do just that.

Mike Boorda was a patriot, a leader, a warfighter and a peace maker... a planner, a superb tactician and brilliant strategist, a warm, caring sailor who loved those men and women wearing that Navy uniform. That's the Mike Boorda I will always remember. A man with a heart of gold and hands wrapped firmly round the true meaning of our effort to make the world a better, safer place. I am lucky to have known him, and I am thankful for his friendship and support. We have lost someone truly special. God bless his life, his wonderful family and his Navy that he loved so dearly.

REMARKS BY ETCM (SW) JOHN HAGAN

President and Mrs. Clinton, Mrs. Boorda and the family, and to all of you who love the Navy so much, before I lead our responsive reading, allow me to speak from my heart.

I feel as if this is my last "All Hands" call with Admiral Boorda, and he has thrown me the mike one last time.

We are here to honor, to remember, to support one another in mourning, but even in the majesty and splendor of this shrine—in the midst of this illustrious assembly, we could not properly honor or remember if we were not joined by Sailors all around the globe— on flight decks and hangar bays, fantails and focsles, on piers and of course, in every Navy chapel.

Today, and throughout the week, against backdrops as many and varied as the signal flags on a full dress ship, with many voices, tears, and prayers we will together render the proper honors to our beloved CNO, Admiral Mike Boorda.

He was the leader we longed for and looked to; he came from among us and rose so high, always remembering the lonely, insecure, frightened recruit, which all of us are in the beginning, before we discover, as Admiral Boorda did, that the Navy is a family. Our family has lost a man of true worth.

The poet wrote:

"True worth is in *being* not *seeming*,
In doing, each day that goes by,
Some little good—not in dreaming
Of great things to do by and by.

Our CNO went the poet many times better.

He did, each day, not a *little*, but *MUCH* good.

And he worked each day on great things which became realities quicker than any one could believe possible—and all the while he envisioned even greater things to do by and by and he shared them with Sailors. We will long remember Admiral Boorda for many great achievements. But I pray today we also remember the details.

He didn't just shake a Sailor's hand, he gripped and held it, and drew energy from the encounter even as he left the Sailor an indelible, life-long, memory of a moment with their CNO.

When the boatswain was finished piping, he always walked back through, shaking hands, patting shoulders, even exchanging high fives and tousling the hair of the rainbow sideboys who lined his arrival at every ship we visited at sea.

He answered the same question as thoroughly and patiently at the end of the day as he did at the break of dawn, seven ship's and seven helo rides earlier.

At each stop listening, really listening.

Making and keeping promises.

Standing on a destroyer flight deck, arm around a troubled Sailor, personally and privately, counseling him—then worrying later and directing follow up.

Making everyone feel special.

His schedule was so full, but he invariably found the time for one more Sailor; never, ever, saying no.

He was and is and will always be my HERO!

It is rare and special when your Hero is also your friend!

Steinbeck wrote once of a fictional hero:

"This man drives himself and is driven. It is impossible to see how he can do so much, can cover so much ground, can work so hard and be so effective. There's a man. There is really a man."

Of Admiral Boorda, we all exclaim today, "There was a Sailor. There really was a Sailor . . ."

Shipmates, a lot of work is well begun, and in the Boorda way of doing business "well begun is half done."

Our charge today is clear:

Carry on.

Lead with zeal, serve with pride, learn about and honor our heritage . . . and that will be the Admiral Boorda legacy and the only really fitting memorial and with it will come the strength to carry on.

God Bless you, Admiral Boorda. We love you and will forever miss you.

Will you join me now in the responsive reading of the Psalm.

CAROLYN THOMPSON-WALLACE AND MILTON HARRISON, COMMUNITY SERVANTS

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 1996

Mr. PAYNE. Mr. Speaker, I rise today to pay tribute to two outstanding individuals who are both being honored by the Rotary Club of Newark, NJ at its Persons of the Year award ceremony. Mrs. Carolyn B. Thompson-Wallace and Mr. Milton L. Harrison have dedicated many years of their lives to help make the quality of life of young people better.

Carolyn Thompson-Wallace has been the administrator and executive director of the International Youth Organization [IYO] since its founding in the 1970's. The IYO has been acclaimed as one of the premier juvenile delinquency prevention programs in New Jersey. During the first 14 years of the organization, Carolyn faithfully volunteered her time and spent up to 18 hours a day playing a variety of roles. In her role as administrator and executive director, she appeared on the CBS–TV documentary, "Crisis in Black America," and has even testified before Congress on family, social, and economic issues.

Since 1992, Milton Harrison has led the Newark YMCA from a state of virtual collapse to the restored and thriving institution it is today. Under his able leadership, the Newark Y membership has increased over 50 percent, and it enjoys a thoroughly revamped program with new equipment and renovated facilities. After embarking on a variety of career paths, from working at the Minneapolis Metropolitan YMCA to owning and operating his own company, Milton returned to the YMCA organization and later came to head the Newark Y.

Mr. Speaker, I am sure my colleagues will join me in honoring these two extraordinary individuals. They have devoted a tremendous amount of time and energy to the youths of our community. It is wonderful that they are being commended by the Rotary Club of Newark.

INTRODUCTION OF WOMEN'S PENSION EQUITY ACT

HON. ELIZABETH FURSE

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 1996

Ms. FURSE. Mr. Speaker, I am introducing legislation today entitled the Women's Pension Equity Act. Sixty percent of seniors are women, but make up 75 percent of the elderly poor. Women are far more likely than men to live out their elderly life in poverty, making their older years anything but golden. According to the Department of Labor, only 37 percent of the women in Oregon and the west coast participate in a pension plan—one one the worst rates in the Nation. We need to take steps to ensure our senior women have the economic security they deserve.

It is clear that elderly women in America need our help. Women live longer than men, and there are 5 times as many widows as widowers over the age 40. In the last 20 years, the number of women over the age of 45 who are divorced has risen dramatically. Twenty percent of older women have no other source of income than Social Security. I would like to point out to my colleagues a striking fact: elderly women are twice as likely as men to be poor.

The need for these pension reforms is clear. Twenty-four million working women, nearly two out of three working women, do not have pensions plans. According to AARP, only 23 percent of divorced women over age 62 had pension plan coverage of any sort. Nearly 50 percent of married private pension recipients have a plan which will not continue to pay benefits in the event of their spouse's death. These cracks in our safety net have wreaked economic havoc upon our Nation's elderly women, often forcing them into poverty.

The legislation I am introducing to the House today will correct these inequities and ensure economic security for elderly women. My legislation is modeled on a bill introduced by Senator CAROL MOSELY-BRAUN, and will reform pension law in America to help protect senior women. First, it will make much-needed improvements in private pension law to help protect women in divorce proceedings and simplify spousal consent rules for survivor annuities. It will make important changes to improve pension coverage for widows or divorced widows under the Federal Civil Service Retirement System as well as the Military Retirement System. Last, this legislation would improve coverage for divorced women under the Railroad Retirement Board.

Mr. Speaker, we must reverse the status quo which dictates that if you are old and a woman, you are poor. This legislation is about reforming the pension system to protect the economic security of our elderly women. Women who have worked hard their entire life serving their families, careers, and communities deserve no less.

I urge all my colleagues to support this legislation and work for its swift passage in the House.

4TH ANNUAL ELIZABETH WATERFRONT FESTIVAL, A PROUD HISPANIC TRADITION

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 1996

Mr. MENENDEZ. Mr. Speaker, I rise to pay tribute to a much anticipated rite of spring for the residents of my district, the annual Elizabeth Waterfront Festival. This 3-day cultural celebration will take place May 25 to 27, 1996, along the newly renovated Veterans Memorial Waterfront Park in the city of Elizabeth.

This weekend's festivities acknowledge the tremendous contributions of the Hispanic community to the fabric of the lives of the people of Elizabeth. The Elizabeth Waterfront Festival is a showcase for the rich cultural traditions that Hispanics have brought to the city and the Nation. There will be exhibitions including art work, music, and dance to represent the cultural mosaic of Elizabeth. The festival will also include a wide range of Hispanic foods.

While the Elizabeth Waterfront Festival celebrates the diversity that exists within the Hispanic community, it also recognizes the role business can play in helping a proud people achieve their true potential. The success of the festival itself is a testament to the impact public-private partnerships can have on a community. In cooperation with the city of Elizabeth, sponsors of the festival include such nationally known companies as Anheuser-Busch, AT&T, Bustelo Coffee, Chivas Regal, and Pepsi Cola. Local sponsors of the festival include the Elizabeth Center at 13A, Twin City Supermarkets, radio stations Mega 97.9 FM and Suave 93.1 FM, Telemundo 47, TKR Cable of Elizabeth, and Noticias del Mundo. This important event is being produced by Melly Mell Productions.

The Elizabeth Waterfront Festival is not only an observance of the cultural and economic role played by the Hispanic community in Elizabeth, but also a showcase for all the city has to offer. As a member of the Transportation and Infrastructure Subcommittee on Water Resources, I am gratified to know the festival will take place on the waterfront, an underutilized resource. The city of Elizabeth's strategic location on New Jersey's coastline makes it a preferred destination for ships carrying goods from all over the world.

It is an honor to have such an exceptional event as the Elizabeth Waterfront Festival take place in my district. I take pride in the fact the Elizabeth Waterfront Festival brings together all segments of our community and at the same time reflects positively on the city of Elizabeth and New Jersey. I am certain my colleagues will rise with me and recognize this remarkable celebration of life.

HONORING ASIAN PACIFIC AMERICAN HERITAGE MONTH

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 1996

Ms. ESHOO. Mr. Speaker, I rise today to join my distinguished colleagues of the Congressional Asian Pacific Caucus in celebration of Asian Pacific American Heritage Month and to honor the extraordinary contributions of Asian Pacific Americans to our Nation.

We must take time to note the struggles of the Asian Pacific American pioneers, mainly immigrants to this country. As a daughter of immigrant parents, I know firsthand the obstacles immigrants faced in beginning a new life in a new land and providing for their families. We must acknowledge the accomplishments of these pioneers who had built a foundation for the subsequent advances made by the Asian Pacific American community.

As we reflect on the significance of this month, we must certainly turn our thoughts to our friend and former colleague Norman Y. Mineta. He is remembered for his leadership in championing the causes of the Asian Pacific American community and of all people of color, culminating in the passage of House bill 442 which he introduced, that provided an apology by the U.S. Government to those Americans of Japanese ancestry who were interned during the Second World War. An outstanding legislator, Representative Mineta was a powerful force in Congress and a great role model not only for Asian Pacific Americans but for all people of colors in our country.

Representative Mineta helped create a political voice for the Asian Pacific American community and inspired others to get involved in the political process.

Mr. Speaker, I am proud to represent California's 14th Congressional District which boasts a significant and vibrant Asian Pacific American community deeply committed to political activism and public service. I am fortunate to work with many outstanding organizations such as the local chapters of the Japanese American Citizens' League, the Organization of Chinese Americans, the Chinese American Citizens Alliance, Self-Help for the Elderly, the Asian American Manufacturers' Association, Silicon Valley for Democracy, Asian Americans for Community Involvement, as well as the Asian Law Alliance, all fostering multicultural understanding. Each brings to the forefront the concerns on behalf of the growing Asian Pacific American community in the 14th Congressional District. I am also grateful to work with the many Asian Pacific American elected officials in my congressional district such as council members Michael Chang of Cupertino, Art Takahara of Mountain View, Naomi Patridge of Half Moon Bay, Cupertino School District Trustees Emily Lee Kelley and Barry Chang, Fremont Union High School District Trustees Homer Tong and Randy Okamura, and Foothill De-Anza Community College Trustees Paul Fong and Dolores Sandoval. I salute these organizations and leaders for their outstanding efforts and contributions to the well-being of our community.

Despite the progress the Asian Pacific American community has made, we must continue to advocate for their concerns, protecting and advancing the civil and constitutional rights of all Americans, especially when many of these issues are being threatened. I'm proud to have been invited to join the Congressional Asian Pacific Caucus which my distinguished colleague Congresswoman PATSY MINK chairs. I join the members of the caucus to ensure that congressional legislation provides for the full participation of Asian Pacific Americans and reflects the concerns and needs of the Asian Pacific American communities to the greatest extent possible.

WAIVER OF THE HUMANITARIAN AID CORRIDOR ACT

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 1996

Ms. ESHOO. Mr. Speaker, last week, to the surprise and disappointment of the international human rights communities, as well as Members of this body, President Clinton exercised his option to waive the Humanitarian Aid Corridor Act. Passed with strong bipartisan support as part of the fiscal year 1996 foreign operations appropriations bill, the Corridor Act is essential because it exerts the appropriate pressure on countries, such as Turkey, that block United States foreign assistance to the region.

As the only Member of Congress of Armenian descent, I have a very deep understanding of how the Ottoman Empire decimated Armenians and wrote one of the darkest chapters in human history. Mr. Speaker, these attacks against Armenians continue even today. Just last month the Agency France Presse reported unprovoked Turkish military shelling of Armenian territory on April 23 and 24. I'm committed to the safety and independence of Armenia and believe we must ensure that its people are protected. Therefore I am deeply disappointed that the President waived this important and needed act.

Despite a history of suffering at the hands of others, Armenians have remained a strong people, committed to families and united by an enduring faith. Armenians have risen from the ashes of the 1915–23 genocide to form a new country from the remains of the Soviet Union, a new country which flourishes in the face of severe winters, ongoing military conflict in Nagorno-Karabagh, and the absence of strong international assistance. Today's Armenia is a living tribute to the indelible courage and perseverance of the Armenian people. Mr. Speaker, we in this body must do our part to protect Armenia. I support efforts to strengthen, enhance, and make permanent the Humanitarian Aid Corridor Act and to curtail aid to Turkey should that country refuse to abide by the standards established by the act.

I urge the President to reconsider his position.

RETIRED SENIOR VOLUNTEERS OF ELK COUNTY HONORED

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 1996

Mr. CLINGER. Mr. Speaker, I rise today to honor the retired senior volunteers of Elk County in the Fifth District of Pennsylvania. I am pleased to have this opportunity to recognize the 74,000 hours of service that these individuals have given to our communities.

As we celebrate Older American Month, it is fitting that we reflect on the contributions of seniors at both a local and national level. I have long believed that involvement by senior citizens in the workforce adds a unique and distinctive value to each job that is performed, person that is helped, or solution that is offered.

I applaud the hard work and determination that each of these volunteers has dedicated to serving the residents of Elk County, their efforts are an inspiration to us all. In addition, each of these individuals has paved the road for all of us who will eventually retire and in doing so continue to enhance the foundation of our communities.

Each project that they have so diligently attended to—from campgrounds to playgrounds, providing meals, making repairs, and assisting others in need—demonstrates the depth of caring that all of the volunteers should be proud of.

It takes more than words to adequately express the difference that senior volunteers have made in the lives of so many and it is with great honor and heartfelt gratitude that I thank them for their years of kind and generous service.

TRIBUTE TO JAMES J. "J.J." BIELLO

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 1996

Mr. GINGRICH. Mr. Speaker, I rise today to pay tribute to James J. "J.J." Biello, who is a commissioner of Cherokee County, in the Sixth District of Georgia.

J.J. is a 15-year veteran of the Atlanta Police Department having served as both a uniform officer and detective in the narcotics and robbery divisions. On April 15, 1987, J.J. walked in on a robbery in progress and found an armed robber holding a terrified girl, a gun pointed at her head. Without concern for his own safety, J.J. rushed in, courageously drawing the gunfire to himself. In an act of supreme heroism and ultimate sacrifice, he saved the life of the girl but almost lost his own. In the days ahead, J.J.'s personal courage and faith in God allowed him to survive the near-fatal injury, but he was left paralyzed from the neck down, confined to a wheelchair with limited use of his hands.

There are many ways to take the measure of a man. Some do it in feet and inches; some have him step on a scale; and others simply take a look at his bank account. It is a rare individual whose greatest measurements are of heart and courage. Such a man is J.J. Biello.

J.J. has passed through some of life's most challenging crucibles and has come out not embittered, but emboldened. After his injury, J.J. took stock of his talents and abilities to decide how he could best serve his community. Rather than seeking help from others, once again he committed himself to tireless work on behalf of others, serving as a community volunteer, a civic leader and, following the 1990 election, a Cherokee County commissioner. Through challenges that would have caused a lesser man to give up, J.J. has demonstrated unshaken faith, unparalleled courage, and unwavering commitment to his family, church, and community.

I rise today to make note of J.J.'s bravery and his selfless service to his community and his country. His courage, devotion, and dedication should be an inspiration to all Americans.

FOR RECOGNITION AND APPRECIATION OF AN EXTRAORDINARY STAFFER, SCOTT E. JACOBS

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 1996

Mr. SAXTON. Mr. Speaker, I rise today to recognize the hard work and dedication of

Scott Jacobs, who has been a member of my staff for the last year and a half. Scott is leaving us on May 24, 1996, to start a new job with the Naval Criminal Investigative Service.

Scott came to my personal office here in Washington, DC, on a legislative fellowship. He was on loan from the Navy. With his background in the investigation of environmental crimes, he was a natural fit in my office to work on environmental and resource issues.

While many Hill staffers share the qualities of hard work and dedication that Scott possesses, Scott Jacobs has special qualities that deserve special recognition.

Often, here on the Hill, people will tell you that something is impossible rather than actually figuring out how to get it done. Scott refuses to believe "impossible" exists. He is willing to take the time and exercise the creativity needed to get the job done where other people would have given up long ago. In the face of continual opposition, Scott undertakes a process of communication and compromise that has served New Jersey, this Congress, and America very well. Due to his refusal to believe the nay-sayers, Scott serves as an example and inspiration to Members and staff alike.

I commend Scott's many accomplishments while here and fully expect that his exemplary work will continue at his new position with the Naval Criminal Investigative Service.

As I stand here today to recognize Scott's determination, courage, and creativity, I am sorry to lose Scott as a member of my staff. But, I wish him fair winds and following seas on his return to the Navy.

Mr. Speaker, on behalf of myself, my staff, and all the friends Scott has made while here with us, I would like to say, Thank You, Scott, for all of your hard work.

CELEBRATING THE MANY CONTRIBUTIONS OF THE ASIAN PACIFIC AMERICAN COMMUNITY

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 1996

Mr. UNDERWOOD. Mr. Speaker, Hafa Adai. It is with great pleasure that I rise today to celebrate our Asian- and Pacific-American culture and history during Asian Pacific-American Heritage Month. By sponsoring Asian Pacific-American Heritage activities, we honor the Asian Pacific-American community and its many accomplishments. In addition we seek to familiarize America with our community in an effort to avoid division among our ethnically diverse American community.

No one would dispute that American society has been significantly enriched by the contributions of the Asian Pacific-American community. Thousands of Asian Pacific-Americans helped to build our great Nation. Today, Asian Pacific-Americans continue to serve our Nation as public servants and military servicemembers. I would like to make special note of Guamanians serving our Nation in the military, and especially those serving today in Bosnia.

One particular service member who has distinguished himself is Spec. Peter Nartia of the Guam Army National Guard. Specialist Nartia was recently named U.S. Army Pacific Command Soldier of the Year. His dedication to the armed services has afforded him the opportunity to represent the Army Pacific Command in the All-Army Command competition in June.

In addition to those serving America in our military, I would like to take this opportunity to acknowledge other individuals who have offered their talents and abilities to Guam, enriching both our island and all of America.

Jesus Charfauros is a gifted radio personality and journalist who has contributed 22 years of his life to promoting the Chamorro culture through the air waves by hosting cultural and informative shows in the Chamorro.

Mary N.D. Matanane, Guam Nurses Association's Nurse of the Year for 1995, is a devoted health care professional who has worked for private and public sector health care organizations, such as Guam Memorial Hospital, the Department of Public Health and Social Services, and Clark Home Nursing Service.

Carmen L. Torres, a recently retired health care practitioner has devoted nearly a quarter of a century serving the people of Guam. Mrs. Torres accomplishments include studying obstetrics and gynecology during a fellowship with the World Health Organization, and working as a supervisor and manager with the Central Region Health Center Clinic. Mrs. Torres has also received various awards, including the 1981 and 1984 Outstanding Employee of the Department of Public Health and Social Services, and the 1994 Guam Nurses Association Presidential Commendation Award for outstanding voluntary and dedicated service to the nursing profession and organization.

The contributions of Asian Pacific-Americans are significant and Guam is indebted to the work of these individuals. As American citizens, we are integral fibers of the social, economic, and political fabric of the national community. Through events like the Asian Pacific-American Heritage Month, we can continue to celebrate our culture and foster understanding and cooperation throughout the entire American community.

AGRICULTURE EMPLOYERS SHOULD NOT BE EXEMPT FROM PAYING UNEMPLOYMENT INSURANCE

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 1996

Mr. MILLER of California. Mr. Speaker, the Small Business Job Protection Act of 1996 has an ironic name since, contrary to the recommendation of a Federal commission, one provision of it would give a special exemption from Federal unemployment tax to agricultural employers who give jobs to temporary foreign workers. If the U.S. Congress intends to protect American jobs for American workers, then it should not approve the proposed exemption for employers of H–2A Program guestworkers.

The Federal Advisory Council on Unemployment Compensation in 1994 made a specific recommendation on this issue after hearing all the evidence and from all the parties. The Advisory Council said, "* * * the wages of alien agricultural workers (H2–A workers) should be subject to FUTA taxes." The chairperson of that Council was Janet Norwood, the highly respected former Chief of the Bureau of Labor Statistics under the Bush and Reagan administrations.

We in Congress gave the H–2A growers a temporary exemption from the Federal Unemployment Tax Act [FUTA] and that exemption was extended repeatedly. Finally, on December 31, 1994, we let this tax exemption expire, after receiving the recommendation and report of the Advisory Council on Unemployment Compensation.

Now the growers who hire temporary foreign workers want another exemption from the unemployment tax. We should not grant it to them.

This tax exemption would create an incentive to hire temporary foreign agricultural workers by making it cheaper to hire them than to hire U.S. workers.

Such an incentive against hiring U.S. farmworkers is especially inappropriate at this time. Numerous studies have found that U.S. farmworkers are suffering from high unemployment and underemployment, stagnant or declining real wages, poor living and working conditions, and below poverty earnings. Partly for these reasons, the House of Representatives in late March overwhelmingly defeated an effort by agribusiness to gain permission to bring in several hundred thousand farmworkers from abroad under poor wages and working conditions. Without a shortage of domestic farmworkers, we should not encourage the hiring of foreign guestworkers.

In addition, the Advisory Council said that the "vast majority, 97 percent, of the cost of the H–2A certification process is funded through the FUTA tax," since the fees paid by growers do not cover anything close to the Government's cost of operating the temporary foreign worker program. This tax exemption will put the burden on the American taxpayer to pick up more of the cost of employers hiring foreign workers.

The unemployment insurance program is designed to spread the costs of minimizing the negative effects on society of unemployment, and employers of foreign farmworkers should not be exempt from sharing in that cost.

AWARD FOR BARBARA GAFFIN

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 1996

Mr. FRANK of Massachusetts. Mr. Speaker, I think those of us who have the privilege of serving in this body are extremely lucky to be able to work as we do. There is only one major downside to our job in my experience—our inability to be in two places at one time. June 6 is one of the occasions when I will very much regret this limitation. We will be in session and I will therefore be in Washington.

In Boston, on June 6, the Jewish Community Relations Council of Greater Boston will present the Warren B. Kohn Award in Jewish Communal Service to Barbara Gaffin, who serves as the JCRC associate director. It is not only a well-deserved award, it is an award which could have been designed with the recipient specifically in mind.

Barbara Gaffin has been an extraordinarily dedicated and effective citizen for her entire adult life. She was a leader in the effort to save Jews worldwide from the oppression that they faced in many countries, and had a major role in the efforts many of us made here in Congress to protect Jews from being victims of oppression and death. For the past few years, she has worked in Boston as the associate director of the Jewish Community Relations Council and continues to be an invaluable source of intelligence, energy, compassion, and good judgment on behalf of the wide variety of causes that the JCRC undertakes. I am regretful that I cannot attend the ceremony at which this award is presented to Barbara Gaffin, so I ask for an opportunity to note here how important her work has been to myself and to others.

In the interest of full disclosure, I should note that Barbara Gaffin's husband, Doug Cahn, was for many years my administrative assistant here in Washington. I was very lucky to have him working for me, and I was additionally lucky that this brought me into such regular contact with Barbara, who is truly an exemplar of the ideal of Jewish communal service.

CHILDREN'S PRIVACY PROTECTION AND PARENTAL EMPOWERMENT ACT INTRODUCED

HON. BOB FRANKS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 1996

Mr. FRANKS of New Jersey. Mr. Speaker, today I am introducing the Children's Privacy Protection and Parental Empowerment Act—groundbreaking legislation that will give parents control over the use of personal information about their children.

The information revolution has opened up exciting opportunities for all Americans. It is already offering consumers more choices than ever before, But while instant access to more information can be a positive development in our lives, this technology can also be manipulated by those who want to prey upon the weak or make an easy buck regardless of the consequences.

As the information age continues to unfold, Congress has an obligation to monitor the new technology and make sure that reasonable safeguards are in place to protect the most vulnerable among us—our children.

The safety and privacy of our children is already being threatened by one product of the information explosion. Every day in communities across America, parents stop by a local fast food restaurant with their kids and sign them up for a birthday club. Others dress their children up to have a picture taken by a professional photographer and fill out a form before the picture is snapped. Or maybe they're at the local supermarket when they fill out a consumer survey about their family's buying habits in exchange for a free product or some discount coupons.

What these parents probably don't know is that the personal and sometimes sensitive information they've innocently provided about their children is for sale. And anyone, anytime can purchase it. Commercial list companies are using that information to develop an elaborate data base on virtually every child in America. They're gathering children's complete names, ages, addresses, and phone numbers—and often even their personal likes and dislikes.

And the fact is these list vendors sell this information freely to whoever wants to purchase it. Anyone with nothing more than a mailing address can contact a list vendor and order a specific list. It might be the names, addresses and phone numbers of all children living in a neighborhood—or a listing of all 10-year-old boys in a particular community who have a video game systems. And the cost of this information is relatively inexpensive.

Most parents have no idea that information about their children is for sale by hundreds of list vendors. Often, parents have no idea why their children are solicited by direct mail advertisers or tele-marketers. But the danger of this information winding up in the wrong hands is very real and very frightening.

Earlier this month a news report by KCBS–TV in Los Angeles vividly demonstrated the threat to our children's safety from the uncontrolled sale of information about children. The station ordered a list of the names, addresses, and phone numbers of 5,000 Los Angeles children from the Nation's largest distributor of lists, Metromail. It placed the order in the name of Richard Allen Davis, the man now on trial for kidnapping 12-year-old Polly Klaas from her Sausilito home and murdering her. After providing nothing more than a fake name, mailing address and a disconnected phone number, the list arrived the next day. The cost: just $277, cash on delivery.

We must act now to protect our children before a real murderer or child molester buys a list of potential victims. There's something fundamentally wrong when society takes more care in protecting information about criminals than it does in protecting information about our children from those who would harm them.

The most important provision of the Children's Privacy Protection and Parental Empowerment Act would ensure that personal information about a child could no longer be bought and sold without a parent's consent. Concern about protecting the privacy and safety of children has brought together a broad cross-section of groups in support of this initiative including the Center for Media Education, the Christian Coalition, the Consumer Federation of America, the Electronic Privacy Information Center, Enough is Enough, the Family Research Council, the Kids Off Lists Coalition, the Klaas Foundation for Children, the National Law Center for Children, and Families and Privacy Times. While there may be little we can do to stop a child molester from stalking children when they're playing in the park or walking home from school, our legislation takes some commonsense steps to protect the privacy of children.

The legislation would give parents the right to compel list brokers to release to them all the information they have compiled about their child. In addition, the list vendor would have to turn over to the parents the name of anyone to whom they have distributed personal information about their child. Our bill would force list vendors to be more diligent about verifying the identify of companies and individuals seeking to buy lists of children. Specifically, it would be a criminal offense for a list vendor to provide personal information about children to anyone it has reason to believe would use that information to harm a child. Finally, there is a provision in the bill to address an alarming practice that was actually used by one list company. The company had a contract with a Texas prison for data entry services. That means that prisoners, including child molesters and pedophiles, were being handed personal information about children to enter into a computer data base. Although the company no longer uses prison labor, our bill would prohibit this dangerous practice from ever being used again. Prisoners and convicted sex offenders would never again have access to personal information about children.

In today's high-tech information age—when access to information on our personal lives is just a keystroke or phone call away—our children need this special protection. I urge my colleagues to support the Children's Privacy Protection and Parental Empowerment Act.

CONGRATULATIONS CHRISTIAN A. DASMARINAS, 1996 CONGRESSIONAL ARTS COMPETITION WINNER

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22, 1996

Mr. UNDERWOOD. Mr. Speaker, in my home district of Guam, we have many outstanding people. However, one young man from the village of Tamuning deserves special mention. This year, Christian Ragos Dasmarinas is the young artist from Guam to have his artwork displayed in our Capitol corridor. Christian's winning artwork is an evocative batik, featuring a Chamorro warrior resting against a lane in the shade of the tree. The batik expresses much about Chamorro culture and history. It is unmistakably Pacific and depicts our appreciation of our natural environment and our tropical island life.

In an era of intense gang violence and drug abuse, such a triumph is worth mentioning. His talent for art predicts future successes, but there are many things about Christian worth mentioning.

This young artist plans to attend college and major in computer programming. He aspires to become a Computer Aided Designer [CAD]. As a career in art would be inherent for Christian, this young man also plays the guitar for a local band, Anaesthesia. I envision Christian creating computer programs for students interested in the fields of art and music.

Christian is the second of the four children of Norberto and Cynthia Dasmarinas. In 1993, Christian and his family immigrated from the

Philippines to the United States to secure a better way of life and attain a piece of the American dream.

Christian has begun his journey to achieve that goal. He will graduate from the John F. Kennedy High school in 1998. Although this is his first award, it will certainly not be his last. Its hard to keep up with him. When he is not creating artistic work, he's strumming his guitar or surfing on the interent for a friend.

He has made his friends and family proud, and I am pleased to have his artwork represent Guam.

Congratulations to Christian Dasmarinas, who has mastered a fine piece.

NATIONAL MISSING CHILDREN'S DAY

HON. JIM RAMSTAD

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 22,1996

Mr. RAMSTAD. Mr. Speaker, I rise today in honor of National Missing Children's Day May 25, and ask that my colleagues and the entire Nation remember the 1 million children reported missing in the United States.

Every State in our Nation has experienced the tragedy of a child heartlessly taken from family, friends, and the community at the hands of a kidnapper. In my home State of Minnesota, the community of St. Joseph continues to struggle and tries to understand the abduction of Jacob Wetterling, a healthy, happy child who this year would have graduated with the rest of his classmates at Apollo High School in St. Cloud.

Jacob Wetterling was abducted in 1989. Since his tragic disappearance, Jacob's family and friends have reminded us that life can be dramatically changed in a matter of moments. They remind us that even the seemingly most peaceful town can face tragedy of massive proportions. They remind us that every community in every State has a responsibility to offer safety and protection to its children.

Jacob's family and friends have shown their commitment to Jacob and other children by establishing the Jacob Wetterling Foundation. The foundation works tirelessly to promote child safety, support families, and search for missing children.

The Jacob Wetterling Foundation played an essential role in my efforts to enact Federal legislation to address the horrendous epidemic of sexual crimes against children.

Fully two-thirds of the nonfamily child abduction cases reported to police involve sexual assault. The National Center for Missing and Exploited Children reports that 74 percent of imprisoned child sex offenders had one or more prior convictions for a sexual offense against a child. Another study found that those who prey on young boys commit an average of 281 acts of molestation.

According to the Department of Justice, over 100,000 children are targets of attempted abductions each year. Thankfully, most attempts are unsuccessful, but thousands like Jacob tragically disappear.

That's why the Wetterling Foundation and Jacob's parents, Patty and Jerry Wetterling, worked tirelessly to help me pass the 1994 Jacob Wetterling Crimes Against Children Registration Act.

The Wetterling Act provides for the registration of convicted child sex offenders and violent sexual predators. This national requirement was needed because of the propensity of these offenders to repeat their heinous crimes again and again after their release from prison. Some States—like my home State of Minnesota—already provided for sex offender registration, but many offenders simply moved to another State and avoided detection and registration.

The children of America and their families needed the Wetterling Act to protect them from those who prey on children. Every major law enforcement organization asked for it as a resource for investigating child abduction and molestation cases.

Until recently, law enforcement was simply allowed to notify the community when dangerous child sexual offenders were released and living in the community. Congress recently passed Megan's law, which will require community notification. This is good news for America's children and families.

Mr. Speaker, May 25 is National Missing Children's Day. Jacob's family and friends, the people of St. Joseph and all Minnesotans will remember Jacob Wetterling and other children who have been abducted. The Wetterling Foundation has asked Minnesotan to leave their front porch lights glowing for National Missing Children's Day. These porch lights represent hope that Jacob and the other missing children will be found and returned home safely. They also represent a brighter future where children can be free from worry and fear because they are part of a community that makes child safety and protection the single most important priority.

I invite the citizens of every State in the Nation to join my fellow Minnesotans in leaving on their porch lights. Leave your lights on for Jacob Wetterling and the million other children who are still missing. Let them know we love them and will never stop looking for them.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, May 23, 1996, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 4

10:00 a.m.
Judiciary
To hold hearings on S. 1237, to revise certain provisions of law relating to child pornography.
SD–226

JUNE 5

9:30 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine proposals to reform the Commodity Exchange Act.
SR–328A

JUNE 6

2:00 p.m.
Energy and Natural Resources
Parks, Historic Preservation and Recreation Subcommittee
To hold hearings on S. 1703, to revitalize and expand the scope of operations of the National Park Foundation to assist in the preservation of America's national parks.
SD–366

JUNE 11

9:30 a.m.
Indian Affairs
To hold oversight hearings on the implementation of the Indian Trust Fund Management Reform Act of 1994, and on Indian trust funds management by the Department of the Interior.
SR–485

JUNE 13

2:00 p.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1997 for the White House Office of National Drug Control Policy.
SD–192

JUNE 18

9:30 a.m.
Agriculture, Nutrition, and Forestry
Research, Nutrition, and General Legislation Subcommittee
To hold hearings to review a report to the Department of Agriculture by the Advisory Committee on Agricultural Concentration, and to examine other livestock industry issues.
SR–328A

SEPTEMBER 17

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the American Legion.
334 Cannon Building

CANCELLATIONS

MAY 23

9:30 a.m.
Special on Aging
To hold hearings to examine how the Supplemental Security Income and the

Disbility Income programs can be reformed to encourage more people to enter into productive employment.
SD–562

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1997 for foreign assistance programs.
SD–106

Banking, Housing, and Urban Affairs
To hold hearings on S. 1317, to repeal the Public Utility Holding Company Act of 1935 and transfer certain regulatory functions from the Securities and Exchange Commission to the Federal Energy Regulatory Commission and the Public Service Commissions of various States.
SD–538

Governmental Affairs
To resume hearings to examine the status of the modernization of the Internal Revenue Service tax modernization system.
SD–342

4:00 p.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1997 for the National Institutes of Health, Department of Health and Human Services.
SD–192

POSTPONEMENTS

MAY 23

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings to examine issues relating to broadcast spectrum.
SR–253

HOUSE OF REPRESENTATIVES—*Thursday, May 23, 1996*

The House met at 9 a.m. and was called to order by the Speaker pro tempore [Mr. WALKER].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 23, 1996.

I hereby designate the Honorable ROBERT S. WALKER to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

When we contemplate the wondrous gifts that we have received from Your hand, O God, and marvel in the ways that Your spirit makes us whole, we know that we are not adequate to return the blessing to You. Yet, O gracious God, we understand that in a spirit of thankfulness, we can celebrate Your love to us by serving those about us with deeds of justice and acts of mercy. May we clearly see that in assisting others in their concerns and leading in the ways of security and peace for every person, we are serving You, our God, our Creator, and Redeemer. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from New York [Mr. SCHUMER] come forward and lead the House in the Pledge of Allegiance.

Mr. SCHUMER led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair announces that 1-minutes will be held after the close of legislative business on this day.

EMPLOYEE COMMUTING FLEXIBILITY ACT OF 1996

The SPEAKER pro tempore. The unfinished business is the further consideration of the bill (H.R. 1227) to amend the Portal-to-Portal Act of 1947 relating to the payment of wages to employees who use employer owned vehicles.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to the order of the House of Wednesday, May 22, 1996, 1 hour of debate remains on the bill. The gentleman from Pennsylvania [Mr. GOODLING] and the gentleman from Missouri [Mr. CLAY] will each control 30 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. GOODLING].

Mr. GOODLING. Mr. Speaker, I yield myself such time as I may consume.

Since our gentle debate has strayed from the base bill, which is what we were supposed to be debating for these 90 minutes, I suppose I will join the crew and stray also.

I would say that from what I have heard thus far, it would appear that we are following the big lie phenomena: "If you tell the big lie enough times, you will eventually begin to believe it yourself." And then, "If you tell it some more, you eventually get others to believe it."

If we have agreed, or do by the time the day is over, that we should increase the minimum wage, then it seems to me it is time to turn our attention to the whole idea of job loss and what that problem presents to the most vulnerable, the unskilled, the poorly educated, the teens, and the senior citizens.

Now, that gets us to the big lie issue, because we will hear over and over again that raising the minimum wage does not cause unemployment or does not remove the possibility that people with few skills and little education have when they try to get a job. But yet we are told by the Congressional Budget Office that a 90-cent increase could produce unemployment losses from 100,000 to 500,000 people.

A 1995 study by the University of Michigan and an economist there revealed that New Jersey's minimum wage increase led to a 4.6-percent reduction in employment.

A 1995 report from the University of Chicago and Texas A&M University found that with the last increase in the minimum wage, employment of teenage males fell 5 percent while employment of teenage women fell 7 percent.

In 1978, the Minimum Wage Study Commission determined that for every 10 percent increase in the minimum wage, it results in a 1- to 3-percent job loss for teenagers.

A 1995 study by economists from Ohio University found a link between the minimum wage increases and the recessions of 1990–91 and 1974–75. Further, the study determined that higher unemployment rates during the recession of 1990–91 and 1974–75 explained why, over the past two decades, the poverty rate rose in the year after the completion of each minimum wage increase.

So, again, I think it is time to stop indicating that there are no problems for thousands of people in this country when we talk about a minimum wage increase.

So what do we do about that? Well, we do the same thing we have done every time we have had a minimum wage increase, we go back and do what we can possibly do to make sure that those, in this case, 100,000 to 500,000, are not without employment. And so we look at those ways, as we did in the past.

In the past we had a small business exemption. Well, when we talk about a small business exemption we have to understand that every other major workplace policy statute contains an exemption for our Nation's smallest business. Consider the Civil Rights Act of 1964. It exempts businesses with less than 15 employees. The Americans With Disabilities Act exempts businesses with less than 15 employees. The Family and Medical Leave Act exempts those with less than 50 employees.

The overwhelming majority of businesses who have $500,000 or less in gross annual sales have 10 or less employees. They are a ma-and-pa program. Virtually every Democrat Member of the House have supported exemptions for our Nation's smallest businesses from a wide variety of labor statutes. Remember ADA, FMLA and the Civil Rights Act?

Again, providing an exemption for small business is not a new concept, many of its opponents today have supported that concept in the past. So we

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

look at that as one possibility to help those who may be unemployed because of the increase.

We continue the tip credit provision which is in the present law; we continue the present laws that relate to computer professionals; and we reinstitute the opportunity wage, but this time we limit it to 90 days; calendar days. We do not have two periods of 60 working days.

So I would hope as we proceed today that we spend a great deal of time talking about facts rather than fantasies, and by the time we are finished, hopefully, we will have helped all Americans, including that 100,000 to 500,000 that could find themselves in real difficulty if we do not make some of the decisions that we have made in the past when dealing with minimum wage increases.

Mr. Speaker, I reserve the balance of my time.

Mr. CLAY. Mr. Speaker, I yield 2½ minutes to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Speaker, I thank the gentleman from Missouri for yielding me this time, and I rise to oppose strongly the Goodling amendment and to talk about its effect on the underlying bill.

Today we were supposed to vote on a bill to increase the minimum wage by 90 cents and to pay working families a living wage. We were going to raise the minimum wage from its lowest level in 40 years. And what do the American people wake to this morning? The Goodling surprise, an amendment which says that any business with annual sales of under $500,000 is exempted from the Fair Labor Standards Act.

In other words, if an individual happens to be one of the 10.5 million Americans who work in these small businesses, they do not have to get paid overtime; they do not earn the minimum wage. Not the old one or the new one.

In my region, the New York City metropolitan area, over 130,000 businesses will be exempt from fair labor laws and 200,000 workers will be left unprotected.

The minimum wage vote should be called the Gingrich two-step. Take one step forward by raising the minimum wage for some people, take two giant steps back by exempting millions from overtime and minimum wage laws all together.

Why must the GOP continue to gratuitously slap American workers? Why did they break their promise to offer a clean minimum wage increase? The only answer must be, as the gentleman from Texas, Majority Leader DICK ARMEY, stated, that they oppose the minimum wage with every fiber in their being, and they will raise it but they will exact their pound of flesh from American workers.

This mean-spirited assault on those who work every day and barely eke out a living wage is horrid. These people work in textiles, in retail, on farms. They work hard, they deserve a raise, not to be punished because the gentleman from Georgia, NEWT GINGRICH, will do anything to keep minimum wage from happening.

Now, if the Goodling amendment passes, the President, thankfully, has said he will veto the bill, and I am sure there is a little nefarious plan out here: Goodling will pass, the President vetoes the bill, nothing happens, and the Republicans say we have tried.

But let me assure my coleagues that from this side of the aisle, until there is a minimum wage increase for all Americans, not one out of two or one out of three, we will be on this floor every week and every month to make sure that the minimum wage passes. The Republicans cannot and will not avoid a clean minimum wage increase with this kind of cheap trick.

Mr. GOODLING. Mr. Speaker, I would remind the gentleman from New York that unless we make some changes, New York will face a loss of 29,000 jobs.

Mr. Speaker, I yield 5 minutes to the gentleman from Arkansas, Congressman HUTCHINSON.

Mr. HUTCHINSON. Mr. Speaker, I just wonder where all of this passion was 2 years ago when Democrats controlled this Chamber, controlled the other Chamber and controlled the White House. Not once, not once, was a minimum wage proposal brought up before the full House, before a committee, or before a subcommittee. What we are seeing now is rhetoric. What we are seeing is election year politics.

I rise to oppose increasing the minimum wage, not because I do not want to help working Americans, but because I do want to help them. We know, we know, that raising the minimum wage will kill jobs. It will take opportunities away from those who we claim we want to help the most.

I point to Melody Rane and her family who own two Burger King franchises in Eureka, CA. A minimum wage hike will force her to lay off four full-time and eight part-time workers at her stores. She will also be forced to raise her prices, which will hurt everyone, especially the working poor, whom we claim that we have compassion for.

According to Melody, raising the minimum wage will hurt teens more than anyone else she employs because she will no longer be able to provide entry-level jobs for them. The young people that she has hired have not stayed on at minimum wage for very long. They learn their jobs and they move up quickly. All her managers started at minimum wage and her top manager today has been with them since he was 16 years old.

We know that raising the minimum wage is a job killer on the most vulnerable people in our society. A 1993 study by the American Economics Association of over 22,000 economists found that 77 percent of them said that if we raise the minimum wage, there will be significant job loss in our economy.

We know it is inflationary, because if they do not lay them off, they have to raise the price of their goods and services, and that disproportionately impacts poor people who are going to have to pay more for those products that they buy.

Raising the minimum wage is the poorest way to target working poor people. The last time we raised the minimum wage, in 1991, only 17 percent of the new benefits went to people living below the poverty line. Most of them are teenagers living at home with mom and dad. Only 17 percent went to those who are working poor.

Now, I suggest to my colleagues that there is a better way. If we really care about working poor people, there is a better way to do it. I propose that we reform and we refocus and we retarget the earned income tax credit, a program that has enjoyed support from the 1970's on from both sides of the aisle.

☐ 0915

This time from GINGRICH to GEPHARDT, they support EITC, but the program is fraught with abuse. It has grown far beyond its original intentions. If we refocus it, as I have proposed, back on working families with children, we can help them in a better way than the negative impacts of raising the minimum wage. Convert that large lump sum to a monthly payment so it is a practical supplement for family income. Deny the credit to undocumented workers, eliminate the credit for childless adults who never were eligible until 1993 when we expanded it, and then increase that credit for working parents, who it was intended to help in the first place.

That single mom with one child, those parents with one child would see their effective wage rate go to $5.47 an hour under that proposal. With two children it would go to $6.37 an hour, and 12.7 million families would be the beneficiaries of such a change.

This is what happens when we raise the minimum wage by 9 cents: 21 cents is lost in reduced food stamp benefits; 8 cents is lost because we pay that much more in FICA withholding. If they happen to live in public housing, they lose 27 cents more to that. That leaves that working poor person that you claim you want to help getting 34 cents out of the 90-cent increase in the minimum wage. That is not compassion. If we retarget the earned income tax credit we will help more Americans and help them at 44 cents an hour.

Do not talk about compassion until you are willing to look at good alternatives, and Republicans have put forward good alternatives, compassionate alternatives. Not only that, they lose more on the EITC as well. It is simply not real compassion to say we want to raise the minimum wage.

Everybody talks about the polls. What is the politically popular thing to do. That is why this thing is before the floor today. That is why Democrats want to raise the minimum wage when they did not do it 2 years ago when they had a chance. It is because we have an election in November.

It is interesting that CNN-USA, in the latest poll, found that while 81 percent of Americans want to raise the minimum wage, that if you go one step further and you ask this question: If you favor raising the minimum wage, what if that raise in wages meant fewer jobs for low-paid workers, and all of a sudden 57 percent of those 81 percent say no, we do not want to raise the minimum wage if it is going to mean a loss of jobs for low-wage earners.

I suggest to those on the other side of the aisle who are so insistent on raising the minimum wage, knowing that CBO says it will cost a half-million jobs, that you come back to my district and explain to that single mom with two children why she loses her job in the name of compassion.

Mr. CLAY. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Speaker, I appreciate the passion of the gentleman who was just in the well, who now tells us what we should do is target the earned income tax credit, when a year ago he was leading the fight to slash the earned income tax credit. I appreciate the passion of the gentleman in the well for the family in Eureka example. It is the Congressman from Eureka that is carrying the minimum wage increase so their representative apparently believes that the minimum wage should be increased, the Republican gentleman from Eureka, CA [Mr. RIGGS].

I appreciate the passion of the gentleman suggesting that what the taxpayer ought to do is pay out more money in food stamps, more money in housing, more money in EITC, more money in AFDC to subsidize low wage jobs. He does not want the employer to pay for people to have a livable wage because now he is concerned if the employer pays more money, the taxpayer will pay less. The gentleman is all over the field on these issues. You wanted to slash food stamps. You want to slash AFDC. You wanted to slash the earned income tax credit. But today you want to talk about how it would be better if we paid those moneys instead of the employer paying a livable wage.

Mr. GOODLING. Mr. Speaker, I yield 1 minute to the gentleman from Arkansas [Mr. HUTCHINSON], a compassionate individual.

Mr. HUTCHINSON. Mr. Speaker, I would just suggest to the impassioned gentleman that I, in fact, did not lead the charge, as you have wrongly, inaccurately alleged to cut EITC. In fact, if you check the facts, I was involved in the conference committee. I was involved in working with Senator NICKLES.

In fact, under the Republican proposal on EITC, with the $500 per child tax credit, as I think you accurately know, not one American would have been worse off. Not one working American would have lost anything in EITC. In fact, they would have been far better off under that proposal.

I would like to note for the record that the State of California will face a loss of 63,100 jobs if the minimum wage is increased and up to 500,000 jobs, according to the Congressional Budget Office, will be eliminated nationwide.

So I would remind my good friend that this unfunded mandate will cost millions of working families and taxpayers over $13 billion according to the CBO.

Mr. CLAY. Mr. Speaker, I yield 30 seconds to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Speaker, I would say, the last time California raised its minimum wage, there was no job loss by teenagers or others that you are so concerned about. And second, the fact is when you were going to take away the EITC, you were going to take it away from single working people who were trying to find a livable wage. So you just decided that single people should live in poverty. So you were going to take it away from 14 million people, wonderful.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Speaker, I believe hardworking Americans deserve a raise, and the people's House should increase the minimum wage. I thought we finally would have a chance to raise the minimum wage, as four out of five Americans want us to do. After calling for hearings, stalling for months, and appalling statements by the majority leader, who said that he would oppose the minimum wage with, and I quote, every fiber of his being, I thought that the Republican leadership would finally allow a clean vote on providing a needed raise for American workers.

But the Republican leadership has chosen to poison the minimum wage increase with the Goodling amendment, a distasteful amendment to repeal the minimum wage for millions of American workers.

The amendment not only repeals the minimum wage guarantee for workers at two-thirds of firms in the United States, 10 million people, it also rolls back the Fair Labor Standards Act, and it opens the door to cruel sweatshops that should have been left behind decades ago.

Mr. Speaker, I know something about sweatshops. My mother, who is 82 years old, worked in a sweatshop for many years. Fortunately, the people of this country rejected such working conditions, and they did that decades ago. I watched her work over that sewing machine with other women and they pumped out those dresses to provide an income for their families. But the extreme agenda of the Gingrich revolution would roll back the clock to those bad old days.

The American people want to move forward to higher wages, to rising living standards, and to better working conditions. They do not want to go backward to a darker time in our past when fair wages and safe workplaces were at the whim of the employer.

Mr. Speaker, I urge my colleagues to support a real and a simple increase in the minimum wage. That is what our job is about today, to help working families in this country realize their dream, to have more change in their pockets, to be able to buy their kids an extra pair of sneakers. That is what we are about.

Mr. GOODLING. Mr. Speaker, I would remind the gentlewoman from Connecticut that Connecticut will face a loss of 4,000 jobs if we do not do something other than just raise the minimum wage.

Mr. Speaker, I yield 4 minutes to the gentleman from Wisconsin [Mr. GUNDERSON].

Mr. GUNDERSON. Mr. Speaker, let me begin by thanking the chairman of our committee for his leadership on this issue. I think, first and foremost, the reason people get upset with Washington is we ask the wrong questions. This is not a question about whether big brother Government Washington ought to mandate a specific minimum per hour salary all across this country regardless of job, regardless of skill.

What we ought to be asking is how do we provide some kind of an incentive to lift up those in the lower income of the earnings scale in this country and what is the best way to do that. Is it in training? Is it in EITC? Is it in small business incentives to hire more people? Is it in tax policy that allows them to earn more, to pay less to the Government and, therefore, pay more to their employees?

We ought to be asking the bigger question. We do not do that. That is what this debate is not doing either. That is why I would like to sort of bring us all back to what is in front of us, which is a comprehensive package to deal with a whole series of ingredients that ought to provide better incomes for those who are younger, limited experience, or lower skills, or whatever the case might be in America's work force.

I really want to commend our leadership for saying, do not take these issues in isolation anymore. Yesterday with a vote of 414, we voted to provide a number of small business incentives through the Tax Code. Everybody on a bipartisan basis agreed that those were good, positive things. What we are talking about today is doing the same thing. We are talking about solving this portal to portal issue, where people are allowed to use the company vehicle without having to pay compensation for it. I do not think there is much disagreement in that particular issue.

We are going to talk about the Goodling amendment. What does the Goodling amendment do? It deals with the training wage. We have had training wages before. Who were we talking about, we are talking about those young people, mainly teenagers, who have never had a job. Whether or not they can get a job at the local drug store or grocery store or have no job and no experience at all is probably going to be determined whether or not we give them a first time, one time, no displacement opportunity wage.

We are talking about a tip credit that says, let us put some kind of basic understanding and simplicity in this whole issue of tips.

The third issue I want to talk about, which is an issue that somehow is getting all controversial around here, is this whole issue of the small business exemption. Somehow people are saying we are trying to exclude all of these family businesses from having to pay a minimum wage. We are not trying to do that at all. What we are trying to do is provide equity for all small and family businesses across this country wherever they may be located.

Mr. Speaker, I want Members to look at this map. I represent all of western Wisconsin, the 220 miles along the Mississippi River. I want Members to look at such towns as DeSoto and Genoa and Stoddard and Ferryville and Pepin and Trempealeau and Stockholm and Nelson. All of these are towns under 400 population.

If the mom and pop stores happen to sell something to someone living literally a mile or 2 miles away in the Minnesota or Iowa border, under existing law they do not have the same benefits that that same mom and pop business would have right over here, 60 miles away. All we are saying is, wherever you live, just because you live by a State border, you should not be impacted because of interstate commerce from not having the same benefits as the small family owned business as everybody else. Jerry's grocery store, Carol's catering, Larry's lawn mower service. My colleagues, we are saying just because you are by a state border, you ought not be disadvantaged.

Mr. Speaker, today we address whether or not to increase the minimum wage for the eighth time. Unfortunately, people get mad at Washington because their representatives ask the wrong questions. Too often we get caught in the tiny details of the debate and forget to look at the big picture. In this case, the issue is not merely whether or not to increase the minimum wage. Instead, the issue is how we can improve the economic well-being of low-income individuals.

To that end, we cannot ask just how much should we increase the minimum wage? We must ask how can be reform tax policies to allow businesses to modernize their equipment and personnel, how should the earned income tax credit be reformed or expanded to lift up those lower income people, how can we modernize workplace laws so that they apply to today's modern workplace, and how can we give people greater opportunities for education and training so that they can compete for high wage jobs. These questions do not have easy answers in terms of policy or politics. Until we honestly address these questions, however, it is all too easy to simply raise the minimum wage without exploring structural solutions which will yield higher incomes and more worker security.

A minimum wage increase taken alone merely masks the defects in current employment law. The Fair Labor Standards Act of 1938, the legislation in which the minimum wage is set, has not been substantially reformed since it first became law. Just think of all the changes that have occurred in society since then. We've gone from radios to television; from party lines to digital telecommunications; from room sized computers to laptops. Despite this monumental progress, we are still trying to apply a 1938 law to a 1990's workplace, and it is not working.

Lets look at a couple of examples. Two-income families demand more flexible scheduling, yet the law remains rigid. Work is arranged in teams as opposed to the assembly lines of the 1930's, and yet employers cannot give incentive bonuses to employee teams without changing their base pay. Increasing the minimum wage without proper steps to address these and other structural problems will ultimately cost all of us in terms of compensation and international competitiveness.

Today, I commend the Republican leadership for producing a package which begins to address some of the structural issues. It is because we are taking steps to address the side effects and structural issues through tax and workplace reform that I will support a minimum wage increase from $4.25 to $5.15 over the next year.

The minimum wage increase is a small business issue, pure and simple. Just the other day, I was speaking to a group of big business executives and asked them what the minimum wage increase meant to them. Not surprisingly, their answer was "not much." They all pay above the minimum wage. By contrast, small businesses, such as those throughout western Wisconsin, employ some people at the minimum wage. Any increase in the minimum will likely result in some businesses hiring fewer teens, fewer unskilled workers and fewer seniors. That is why it is important to address the negative effects of a minimum wage increase on small business through tax and pro-employee incentives that account for the realities in today's workplace. We will do this through two package—a tax package which we passed yesterday and an employment policy package which we will pass today.

TAX REFORM

We started yesterday with a tax reform package that offsets the increased cost from the minimum wage increase and encourages further investment in employees. To offset the additional costs from employing people at a higher minimum wage, the tax bill provided for increased expensing of capital assets for small business from $17,500 to $25,000. Small business owners and managers will be able to use this credit to invest in the capital assets needed to keep their businesses competitive.

The tax package also included two provisions to help employers invest in their employees. The package included the work opportunity tax credit, a reformed version of the targeted jobs tax credit, which will provide a 35-percent credit for the first $6,000 in income paid to qualifying low-skilled and low-income individuals. The credit is an important tool to bring people into the work force and give them an opportunity to develop the skills necessary to succeed in life.

Similarly, there have been several references this spring to workers' growing economic anxiety. For that reason, the tax bill will extend retroactively a provision which allows employees who receive reimbursement of educational assistance from their employers to exclude the reimbursement from income. The provision would allow employees to take undergraduate and vocational classes in any subject matter, whether or not job-related. For this reason, it would encourage employees to develop portable skills, a necessity in the changing economy in which we live.

Among its other provisions, the tax package would allow employers with fewer than 100 employees to create a simplified retirement plan and establish 401(k) savings plans. The pension provisions provide the flexibility needed so that employees in small firms have the same opportunity to develop retirement security without the heavy paperwork involved with large plans.

SMALL BUSINESS EMPLOYMENT REFORMS

The second part of the minimum wage package includes several provisions to assist small business with the administration of minimum wage and overtime laws. The centerpiece of the package is the Employee Commuting Flexibility Act. The bill will clarify when employers can allow employees to drive company vehicles from home to the first worksite and from the last worksite home without dropping the work vehicle off at a central location and driving their personal vehicle home. Although this is the current interpretation of the law, there have been some uncertainties resulting from changing Department of Labor policies. Allowing employees to go home rather than drive to a central work location to drop off their work trucks makes sense. It provides flexibility and efficiency for both the employee and the employer.

The employer package also includes an amendment by Representative BILL GOODLING which will help small employers with the administrative burden and the disemployment effect as a result of the minimum wage increase. Several studies have shown that a minimun wage increase will reduce employment opportunities for teenagers, who represent nearly 40 percent of all minimum wage earners.

Opportunity Wage.—The amendment includes a one-time, 90-day training wage at $4.25 per hour for new employees who are under 20 years of age. This opportunity wage would prohibit employers from displacing current employees either by reducing their hours or by firing them in favor of hiring a younger, inexperienced employee at a lower wage.

Tip Credit.—The amendment includes a freeze of the tip credit, a credit primarily used by restaurants. The law currently allows employers in tipping industries to count 50 percent of the minimum wage requirement in tips. If the employee does not make enough in tips to reach the Federal minimum, the employer must pay the difference to the employee in cash wages. The amendment would freeze the employer share of the minimum at $2.13 and all existing protections in the current tip credit program would continue. It should also be noted that waiters and waitresses currently make an average of $7 or more with wages and tips.

Small Business Exemption.—In the 1989 amendments to the Fair Labor Standards Act, Congress passed an exemption for small businesses under $500,000 in gross sales. However, because of wording problem with the legislative language, only employees not engaged in interstate commerce were considered exempt. Unfortunately, this disparity affects those mom and pop businesses in the Third District that border the Mississippi River and Minnesota disproportionately because their customers are likely to be located on both sides of the river. Businesses located further instate do not suffer this problem. The amendment would put all small businesses on a level playing field by exempting all newly hired employees of small businesses.

Computer Professionals.—The amendment freezes the rate at which certain computer professionals are exempt from the minimum wage at $27.63 per hour. The current exemption amount is at 6.5 times the minimum wage, or $27.63 per hour or $55,000 per year. If the exemption amount was allowed to float with the minimum wage, computer professionals would be able to earn nearly $70,000 per year in income and yet still be subject to the provisions of the Fair Labor Standards Act. The act was intended to protect those who were underpaid, not highly paid professionals. This provides a good example of why a 60-year-old law needs to be modernized.

As we move toward the 21st century global economy, I believe we have to continue to ask the questions about what is best for America. We have made a good start today by addressing the needs of lower income people while providing incentives to ensure that employment opportunities continue.

Mr. CLAY. Mr. Speaker, I yield 10 seconds to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Speaker, I would remind the other side that a vote for the Goodling poison pill amendment in the State of Wisconsin would deny 210,757 workers an increase in the minimum wage. In the State of Connecticut, it would be 87,000.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Speaker, I thank the gentleman for yielding the time.

I must say this is an issue about values. We are talking about the dignity of work. That is one of the main principles this country has been founded on. Let me tell my colleagues there is no dignity to work if you do not get paid a living wage.

I cannot believe that people are saying this is about politics. It is not about politics. It is about paychecks, paychecks, paychecks.

Now, look, how long does it take to earn a year's minimum wage. Well, for the minimum wage worker, it takes a year. For the average CEO of a large corporation, it takes about a half a day. This is what we are talking about. This is the country with the largest disparity between wages at the top and wages at the bottom of any other western industrialized world. All we are saying if we are going to have dignity to work, we ought to try and raise the bottom. Do you not think the fat cats at the top are getting enough.

□ 0930

They are getting way more than fat cats at the top of any other country, and what is the Republican proposal? They are trying to pretend they give us the minimum wage while they turn around and knock out two-thirds of the businesses in America from having to pay either the minimum wage or overtime.

They also are going to go after tipped employees. If someone gets tips, they do not get the minimum wage. They can run around with their tin cup from place to place begging for more. Oh, there is dignity.

Please, this is about dignity.

I also hear people saying, "Oh, well, it just goes to teenagers. Teenagers don't need it."

Yes they do.

Have my colleagues looked at college education? I worked my way through college. One cannot do it today on the minimum wage. Tell me where to go to college and put money away.

This is about paychecks.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Speaker, I listened to what my colleagues from Arkansas and from Wisconsin said on the other side, and I am amazed how little understanding they seem to have about the person who is affected by the minimum wage.

As my colleagues know, I heard statements about how, well, we will deal with the earned income tax credit, or we will make adjustments with food stamps or other government programs.

What are we talking about? A lot of the people that work on minimum wage, they do not even necessarily apply for food stamps. They do not even necessarily apply for the earned income tax credit. Many of them even do not have the knowhow or ability or even want to get involved with the Government bureaucracy. If we are talking about Washington and thinking about how we do things here, I would venture to say that my colleagues on the other side are too Washington oriented; they do not understand what the average person has to deal with on a daily basis. If they are getting a set salary now based on the minimum wage and we increase that salary somewhat under this very modest proposal, then they will see an actual increase in their wages.

Mr. Speaker, we cannot look at the bureaucratic procedures that they are talking about here. I think the earned income tax credit is great. I think people need food stamps. But a lot of people do not even apply for them who are on minimum wage.

They just do not understand on the other side what it is like for the little guy on a daily basis. And let me tell my colleagues in my own State of New Jersey, because I am afraid that somebody or I think somebody on the other side is going to talk about loss of jobs, let me tell them in New Jersey we had a modest increase in the minimum wage that was similar to what is being proposed here on the Federal level.

The results are that this moderate hike actually increased total employment in the State of New Jersey, and the reason is that minimum wage earners do not have the ability to save. They spend their money on basic necessities.

Raising the minimum wage puts more money into our local economy. The money in New Jersey was used to purchase more goods and eventually an increase in profits for local businesses.

So raising the minimum wage actually increases economic activity; it means more jobs, not less jobs.

Mr. Speaker, this exemption that the gentleman from Pennsylvania [Mr. GOODLING] has proposed, do not listen to what the gentleman from Wisconsin said about how it is not going to affect them. It is a broad exemption that is going to repeal the minimum wage.

Mr. GOODLING. Mr. Speaker, I would remind the gentlewoman from Colorado that that State would lose 8,000 jobs if all we do is raise the minimum wage and nothing else.

Mr. Speaker, I yield 2 minutes to the gentleman from Nebraska [Mr. BARRETT].

Mr. BARRETT of Nebraska. Mr. Speaker, I thank the gentleman from Pennsylvania for yielding time to me.

Mr. Speaker, it is unfortunate that H.R. 1227 has been hijacked, to be a vehicle for a minimum wage increase. Obviously, some on the other side, do not like business, especially small business.

On its face, H.R. 1227 is a good bill designed to allow workers to continue to use their company-owned vehicles for commuting to and from work.

For example, an electrical company may supply vans to their electricians so that they can respond to service calls. In the past, the time spent driving to and from a service call and back home, was not considered "on the clock" time.

Yet, recent Labor Department decisions have put this long established policy in jeopardy. Now, some companies are requiring their employees to bring the vehicles back to the office, so that the company is not subject to minimum wage and overtime liabilities.

In my rural district, the Labor Department's actions could result in long delays in services; increased costs for employees since they would have to pay for the fuel used to commute to and from work—which may be hundreds of miles in a week's time; and more time spent away from families.

If this bill was considered separately, I have no doubt that it would pass this House overwhelmingly. But, I fear the House may soon make a major mistake in increasing the minimum wage, thereby denying job opportunities and increasing costs, and using this bill to do it.

If my prediction bears fruit, then I regrettably urge my colleagues to vote against H.R. 1227. If a minimum wage increase is attached to this bill, the bad will far outweigh the good.

And that is unfortunate. Commonsense efforts of Mr. FAWELL and others of us who are working to increase and safeguard job opportunities for millions of Americans, will be severely harmed by a minimum wage increase.

I thank the gentleman from Illinois for all his good work.

Mr. CLAY. Mr. Speaker, I yield 10 seconds to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Speaker, I would remind the other side and the gentleman who just spoke that a vote for the poison pill Goodling amendment would result in the loss of 94,150 individuals in Nebraska who would get an increase in the minimum wage.

Mr. CLAY. Mr. Speaker, I yield 1 minute to the gentlewoman from New York [Ms. VELÁZQUEZ].

Ms. VELÁZQUEZ. Mr. Speaker, finally, we get the chance to vote on an increase to the Federal minimum wage. Americans have been calling for a vote on increasing the minimum wage for months. In fact, 85 percent of America supports giving minimum wage workers their first raise in five, long years. But instead of a straight up-or down vote, Republicans had to make sure their business buddies got some goodies in the deal.

This should have been a simple bill. Instead, it guts Federal wage protections by attaching two Trojan Horse amendments full of poison. We should be making work pay. I am truly outraged that Republicans would try to exclude many millions of Americans from being paid a fair wage.

Mr colleagues should come down from their corporate ivory towers and do the work they were sent here to do. Represent the people who have told us loud and clear that they want a clean minimum wage increase period.

Vote against both Goodling amendments and support a clean increase to the minimum wage.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentleman from Vermont [Mr. SANDERS].

Mr. SANDERS. Mr. Speaker, I thank the gentleman from Missouri for yielding this time to me.

From the first day that I took office here in the Congress in 1991 I have been fighting to raise the minimum wage, and I hope very much that my colleagues finally are going to do the right thing on behalf of tens of millions of workers and raise the minimum wage today.

Mr. Speaker, when the minimum wage was first established in the 1930's, the opponents then said that the world was going to come to an end, the economy was going to collapse. And every single time that an effort has been made since then to raise the minimum wage, the same cries have come forward: The world is going to come to an end, we cannot raise the minimum wage.

Mr. Speaker, the fact of the matter is that today, at $4.25 an hour, the minimum wage is a starvation wage. The minimum wage today, in terms of purchasing power, is 26 percent less than it was 20 years ago. In terms of purchasing power it is at its lowest point in the last 40 years.

Mr. Speaker, there are tens of millions of Americans today who are working hard at $4.25 an hour, at $5 an hour, at $5.25 an hour, and they are unable to take care of the financial needs of their family. They are unable to put away money so that their kids can go to college. They cannot go on a vacation. Every single week, despite 40 or 50 hours of work, they are in as bad shape at the end of the week as they were before the week began.

Mr. Speaker, one of the great economic problems facing our country today is that the richest people are becoming richer, the middle class is shrinking, and most of the new jobs are being created are low-wage jobs.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. MARTINEZ].

Mr. MARTINEZ. Mr. Speaker, earlier, in fact at the beginning of this process, my good friend, the gentleman from Pennsylvania [Mr. GOODLING], reminded us to stick to fact and ignore fiction, and I would say misleading statements are as bad as are fiction, and in this case misleading statements by Republicans are as attributable to fiction as anything I have ever seen.

The two constant themes that are running through the core argument of the Republicans are that this will cause job loss and that the Democrats did not do it 2 years ago. Mr. Speaker, let me remind my colleagues there were a lot of things we attempted to do, including the EITC 2 years ago, which actually, in effect, was more accommodating to a majority of our friends in our neighborhoods and communities than was the minimum-wage increase.

But let me remind my friends also that every time there has been a minimum-wage increase, and in 1991 there was, my friends on that side of the aisle have worked to dilute it. In fact, in that minimum-wage increase there was what was called a training wage, which gave an exemption to employers to hire people below the minimum wage in order to give them training experience.

What kind of training experience? Cleaning toilets, making beds, washing dishes. I suggest to you that most of us learned that at an early age and do not need any training for it.

Now, in this one we have what is called an opportunity wage, which is another exemption aside from the exemption they give to those people as an exclusion from the Fair Labor Standards Act.

Mr. Speaker, the arguments on that side are more close to fiction than they are to fact. We did not do it because we can see that in 1 year of doing the EITC that we could not very well push through a minimum wage, but there are many of us that since our coming to Congress have always felt the minimum wage is too low.

Now the job loss argument: In California they raised it much before the Federal Government did, and in California there was not one job lost. And so the prognostications of the job losses that are going to occur if this passes I think are totally false.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentleman from Connecticut [Mr. GEJDENSON].

Mr. GEJDENSON. Mr. Speaker, what we have here today is the first welfare reform bill in the history of this Congress because all the other welfare reform is a fraud if at the end of the day when someone gets their first job they cannot make it work, they cannot pay the rent, they cannot buy food, they cannot pay for their kids' babysitting while they are working, they cannot pay for their transportation.

Do not get up on this floor and talk about welfare reform and then try to take away the protection of the minimum wage for an additional 10 million people.

This is welfare reform, making work, have a salary sufficient to live on, just barely.

In the last decade 60 percent of Americans have slid backward. It is the first time in American history that we have seen the bottom take it on the chin as badly as they have. The top 20 percent has gone up. The next 20 percent below that has gone up just slightly. But the 60 percent of Americans below those top 40 have actually lost buying power. In the decades before that, everybody moved up.

If my colleagues want welfare reform, vote for real welfare reform. Vote for a living wage for Americans. And this hardly does it. Go try to pay rent and take transportation to work. Try to feed kids and clothe them on the minimum wage.

Do not give me phony speeches about getting people off welfare. Give people the hope and opportunity to work and at least have enough money to almost live in dignity.

□ 0945

This is not enough. Speech after speech about welfare reform, about getting people to work. Sure, get them to work at a wage they cannot make enough money to pay their rent, let alone eat and take care of their children. If we want the American people to value work, to respect work, it has to pay enough to live on.

Mr. GOODLING. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, listening to the rhetoric last evening and this morning, I have a feeling they really have a dislike for business, and a terrible dislike for small businesses.

Mr. Speaker, I yield 5 minutes to the gentleman from Indiana [Mr. SOUDER].

Mr. SOUDER. First, as a small businessman, Mr. Speaker, I would like to compliment the chairman of the committee, the gentleman from Pennsylvania [Mr. GOODLING], and the subcommittee chairman, the gentleman from Illinois [Mr. FAWELL], on the actual bill we are discussing here, the portal-to-portal bill.

In my case, in the retail business, we had a number of employees, including our service manager and our warehouse manager, who had vehicles that they drove home. It worked well for them. It was something we could do as a joint employer-employee, and to have the Federal Government, through the courts, who often decide that they are the State and Federal legislators of this country and can make better decisions than Congress and State legislators can, to see that overturned is a tragedy for American workers and small business.

I also want to say, Mr. Speaker, that I am sorry that I cannot vote for that bill, because I cannot support a bill that lays off American workers. I understand it is called a minimum wage bill rather than a layoff bill, but in fact, it is a layoff bill. As the chairman just said, I knew the other side did not like businesses, but I did not realize how much they disliked small businesses. They use the rhetoric of the dignity of work, but in fact, it is the dignity of not working that this is promoting.

They stand up once in a while and talk about different statistics that have no basis in reality. The truth is, facts are stubborn things, and the fact is every time but one when there was a national minimum wage increase, job layoffs increased. Every time but one. The facts are there. State statistics are interesting. That is why we give options to the States. But federally, only one time did the unemployment not increase.

In fact, Mr. Speaker, jobs will be lost in this country. In fact, kids will lose their jobs, minorities will lose their jobs, senior citizens will lose their jobs. In small towns, in center cities, marginal businesses will be devastated.

I am concerned because I grew up in a town of 700, and spent most of my life in this small town. As I look around the country and see the businesses shuttered in these small towns, and see the businesses shuttered in the central cities, in the suburbs, and the people in Washington who often live in the big houses in the suburbs, where they can do the volume of business with which to pay this, do not seem to have the sensitivity for the many small towns that are losing their little businesses.

Many of those people who want a living wage move to the bigger cities, but some people would prefer to live in those small towns. Those kids who now will not have a place to work, those senior citizens who now will be trapped at home because they cannot take a marginal job, those young kids and middle-aged kids who struggled, who obviously have a special need and can barely hold a job at a minimum wage, who lose their job and are thrown back onto the welfare system because of the policies of this Congress, I wish every Member who voted for this bill had to look those people in the face when they get their pink slips, when they are trapped in their homes, when they are standing on the street corners, when they no longer have the opportunity to work because of the supposed rhetoric of compassion, rather than the real compassion.

It really disappoints me to see this promotion of the Wal-Martization of America, the disdain for the marginal businesses. I have heard Members in this body say, if those businesses cannot give enough money to meet the minimum wage standard, then they should just disappear. That is so insensitive.

We are working in the central city of Fort Wayne to try to get a supermarket back in where the supermarkets have all closed down. You will not only raise the minimum wage but all the bumps up. You increase the wages 20 percent, and we will not get that supermarket in the central city or central cities in other places.

This is not a matter of rhetoric, this is not a matter of sounding compassionate. The facts are there. The people do not understand because the American people are compassionate. They hear living wage and they want to give a living wage. The truth is that people at the margin are going to be lost. We could have helped the people who needed a living wage through earned income tax credits, through different types of legislation.

I am sorry our party is not even allowing us to vote on a number of those things, because we should have had that opportunity, and we should have been out there leading how to, in a free market economy, make sure that people, through the market system, can get a living wage. This is not the way to do it. I am embarrassed quite frankly that our party, rather than decide to fight and stand on principle and explain the facts to the American people, instead have tried to work at the margins with the minimum wage.

They have done a good job within the confines of trying to save a few jobs, but I reluctantly am still going to have to vote against the good portal-to-portal bill and against some other things that I support, because I cannot have it on my conscience to cost people that I know their jobs: seniors, young people, people who are handicapped, who have struggled to get into the work force, and now because Washington, people have decided that they should lose their jobs, they are going to lose their jobs.

Mr. CLAY. Mr. Speaker, I yield 1 minute to the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Speaker, the gentleman from Indiana who just spoke, if he decides to vote for anything, it would probably be the Goodling amendment. If that passes and becomes law, 315,000 people in the State of the gentleman who just spoke, Indiana, would be denied a minimum wage. Ten percent of the people on minimum wage are senior citizens.

The gentleman's point is the point that many people in the minority make, and that is, a higher wage is bad for business and therefore loses jobs. Carrying that conservative argument to its conclusion would lead one to believe, incorrectly, that lowering wages in this country would be good for employment and good for business.

That is the difference between that side of the aisle and this. This side of the aisle believes that as we raise the standard of living in America, America does better economically. That side believes, obviously, that as you reduce the standard of living in this country, it is good for this country economically. Nothing in American history demonstrates that Republicans are correct about that.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentlewoman from California [Ms. WOOLSEY].

Ms. WOOLSEY. Mr. Speaker, it is time to increase the minimum wage. It is time to make work pay. It's time to make work pay more than welfare.

I know, because over 28 years ago, as a single, working mother, I was earning so little I had to go on welfare to supplement my pay in order to provide my children with the health care, child care and food they needed.

Unfortunately, too many American workers face the same situation today. In fact, most minimum wage earners look a lot like I did 28 years ago: 60 percent of minimum wage earners are women. Of that, 72 percent are over 20 years old. And, one-fifth of minimum wage earners are single parents.

So, yes, my friends, despite what you've heard from the Republican leadership, families struggling to get by on $4.25 an hour really do exist.

What does not exist, however, is a believable commitment by the majority to boost the wages of working Americans. Now, rather than having a clean up-or-down vote on raising the minimum wage, the Republicans are loading the bill up with amendments that will make an increase meaningless.

Under the Goodling amendment alone, up to 10 million workers could lose their right to any minimum wage.

Mr. Speaker, that's not making work pay. It is taking workers backwards. It is letting businesses off the hook who pay low wages. It is forcing the taxpayers through the welfare system to make up the difference for these low wages.

Mr. Speaker, let us pass a minimum wage. No if's, and's or but's. Let's make work pay.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the ranking member, and I hope that this morning we can have a truth in discussion on the floor of the House. This is a $5 bill, and those who are working and getting minimum wage right now must give back change on this bill. If we do not raise the minimum wage, we will in fact deny 1.1 million workers in the State of Texas an increase.

What I want to talk about is truth in discussion. We support small businesses. In fact, we came to the floor of the House and enthusiastically provided the Small Business Protection Act, giving incentives for small businesses who hire at-risk individuals, giving them a tax incentive to do so, allowing them to spend more money on equipment, providing pension reform, giving them a health deduction provision that we did some months ago. I am for small businesses. But likewise, I have to be for the working public, and 60 percent of those on minimum wage are women with children.

How can you talk about welfare reform when the Republicans are likewise talking about decreasing the earned income tax credit, which would negatively affect over 6.8 million taxpayers who are at the lowest bottom rung?

The American people are fair. We simply want an increase in minimum wage for retail workers, individuals who work every day to stay off welfare. Realize what you do with $5. What you do with $5, you pay your rent, you pay the income needs for your children, you pay health care. What you are doing if you deny the increase in the minimum wage for all Americans, you prevent those who would want to have incentives to come off welfare from being able to support their families.

What are we doing here? We are not discussing the facts. The facts are, you cannot survive on $4.25. Take a $5 bill and get back change and see if you can survive. We need a vote up-or-down on a clean minimum wage for the American people.

Mr. GOODLING. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would remind the gentlewoman from California, we would lose 63 million jobs if we do nothing, and in Texas 60,000 jobs, if we do nothing other than raise the minimum wage.

Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. BAKER].

Mr. BAKER of California. Mr. Speaker, this debate is about politics, it is not about economics. If this were such a great deal, the socialists over there would have raised the minimum wage in 1993 and 1994, when they had a huge majority and a President that would have signed it. They did not bring it up, they did not hold hearings, and they did not pass it. What a surprise.

Eighty-three percent of the American people want to raise the minimum wage. The problem is, 78 percent of them cannot tell you what the minimum wage is.

I ask the gentleman, did the gentleman coauthor the Small Business Administration exemption? Yes, he did sponsor the small business exemption that the gentleman from Pennsylvania [Mr. GOODLING] is offering right now.

Let me tell the Members how minimum wage affected me. As a child I was making $1 an hour at the Grand Lake Theater in Oakland. They raised the minimum wage to $1.25. They told me I was through, they did not have it in their budget. I told them I did not work for government, I worked for them, and I just needed it for my allowance, to supplement my allowance and as experience, because and because as a young person at 16 you cannot get experience. They liked my attitude and paid the minimum wage. But I almost lost my job. I know about minimum wage. It stinks, it is a charlatan game. There is no constitutional right. It is an unfunded mandate. Vote no, and vote yes for the Goodling amendment.

Mr. CLAY. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. FILNER].

Mr. FILNER. Mr. Speaker, I rise today in strong support of the Riggs amendment which would raise the minimum wage and in vehement opposition to the Goodling amendment which would result in millions of Americans earning less than the minimum wage.

Mr. Speaker, there are thousands of parents in my district—in cities like San Diego, National City, Chula Vista and Imperial Beach—that are working two or three minimum wage jobs to raise their families in dignity. These parents are sacrificing valuable time with their children in order to avoid welfare. These parents have not had a raise in over 5 years.

We also have thousands of students working their way through school, and senior citizens working to augment their Social Security. They, too, deserve a rise.

We must do the right thing for these families.

But today's bill is a cruel hoax on these hard-working Americans. On the one hand we tease them with the prospects of the minimum wage increase, and on the other we snatch it away.

That is why I urge my colleagues to vote for the Riggs amendment and against the Goodling exemption, which would allow millions of Americans to be paid less than the minimum wage.

Let's do the right—and moral—thing for American families.

☐ 1000

Mr. GOODLING. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. RIGGS].

Mr. RIGGS. Mr. Speaker, I simply want to make a point to my colleagues. I very much support this legislation, the Employee Commuting Flexibility Act. It is commonsense legislation clarifying the Department of Labor interpretations of the circumstances under which an employer must pay an employee to drive to work in company-owned vehicles.

But the minimum wage amendment I am going to offer in a few minutes does not belong in this legislation. It belongs on meaningful welfare reform legislation, like the legislation that passed this House, passed the Senate and was twice vetoed by the President.

The folks over on this side of the aisle should walk their talk, put their votes where their rhetoric is, and support real welfare reform, because those two issues, a moderate increase in the minimum wage to keep pace with inflation and real reform of the welfare system, go hand, in hand.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentleman from Texas, [Mr. GENE GREEN].

Mr. GENE GREEN of Texas. Mr. speaker, I want to applaud my colleague from California because I agree that a minimum wage should have been with the welfare reform bill. If we want to get people off welfare, we have to provide them with a decent minimum wage. Right now in our country if a person works 40 hours a week for 52 weeks a year, they make $8,800. They are eligible for food stamps, welfare, whatever it is called. That is why it should have been part of it.

The bills that were sent to the President by this Republican Congress did not have the minimum wage increase in it. It should have been part of the welfare reform bill but it was not. That is not the fault on this side of the aisle. It is the other side. That is why it should be part. I agree with my colleague from California. A minimum wage increase should be part of a welfare reform bill.

The minimum wage increase passed the last time in 1991 with 135 Republicans in the House supporting it. I think that is ironic because we had a Democratic majority in the House and a Republican President that passed the minimum wage increase. Now we have a Democratic President and a Republican majority in the House and the Senate and yet we have waited for 2 months to try and have a vote on the floor today.

What do we have? We have a vote on a bill and an amendment, the bill that has portability which itself could stand alone and be debated, in fact we could probably pass it with some fairness in the portability bill, but, no, we are going to attach a minimum wage increase to it that is going to take away millions of people from coverage under the minimum wage.

We are giving it with one hand and we are going to take it away with the other. That is what the people of the United States have said in 1992 and 1994. They do not want Washington practicing sleight of hand. They want Washington to be up-front and honest with the American people.

By withdrawing the coverage of minimum wage from these interstate small businesses, we are actually lowering the coverage to over 10 million people. That is what is wrong with this bill and the amendment, and that is why when it goes to the Senate, hopefully they will change that if we do not beat it today.

The minimum wage increase passed in 1991 with bipartisan support. Hopefully we will have that again, but it needs to be a real minimum wage increase and not a fake one.

Mr. GOODLING. Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. WELDON], a member of the committee.

Mr. WELDON of Florida. I thank the chairman for yielding me the time.

Mr. Speaker, I rise in support of the Employee Commuting Flexibility Act which is a good piece of legislation that we really should be talking about which allows employees to use the company car to go home, saves fuel, and is good for the environment, but instead we keep talking about the minimum wage.

My colleagues on the other side of the aisle suddenly in this election year have all this compassion for the minimum wage workers. What they do not seem to have compassion for is all of the people that they are going to unemploy by mandating from Washington, that their salary goes up.

The gentleman from Indiana said it previously. Thousands and thousands of people have lost their job every single time the Congress raised the minimum wage. Every economist report except one reports that people have lost their job.

But I do not think you care about them losing their job. You care about getting reelected. You care about who is in control of this body. That is why you are making a big deal out of it.

Mr. CLAY. Mr. Speaker, I yield 15 seconds to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Speaker, I would like to remind the gentleman from Florida that if he votes for the Goodling amendment, this poison pill amendment, what will happen is that 675,928 workers in the State of Florida will be denied an increase in the minimum wage. He should also know, coming from Florida, that 10 percent of minimum wage workers are seniors.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland [Mr. WYNN].

Mr. WYNN. Mr. Speaker, I thank the gentleman for yielding time, and I rise in strong support of the minimum wage. Not a sham minimum wage, a real minimum wage.

Some people say, "Well, is this debate about politics?"

No, it is not about politics. This debate is about the American dream. This debate is about standards of living in America. This debate is about whether people can live in America making $8,000 a year after working 40 hours a week. It just does not add up. We need to raise the minimum wage so we can raise the standard of living so people can in fact enjoy the American dream.

The leadership on the other side of the aisle does not believe in that and they do not care about whether we raise the standard of living. They want to say people are going to lose jobs. That is not true. One hundred two economists, including three Nobel prize winners, all support raising the minimum wage. But we do not have to go to the intellectuals. Eighty percent of the American public supports raising the minimum wage. I trust the common sense of the American public. But we can even go to the politicians because, Mr. Speaker, the fact is that there are bipartisan majorities in both houses of this Congress who want to support an increase in the minimum wage. But unfortunately there is a Republican leadership that wants to thwart the will of the American people and bipartisan majorities, because they want to undermine this bill with a poison pill. The poison pill will exempt two-thirds of all businesses from the requirements of the minimum wage. That means 10 million Americans will not be able to raise their standard of living and will not be able to enjoy the American dream. It means that we could see the return of sweatshops where people work long hours for low pay. That is not the American dream. In America we pride ourselves not just on democracy but on the ability to support families and to enjoy the benefits of democracy. The only way that that can happen is when people earn a livable wage. What they are perpetrating today is not a livable wage.

Mr. GOODLING. Mr. Speaker, I yield 1 minute to the gentleman from Arizona [Mr. SHADEGG].

Mr. SHADEGG. Mr. Speaker, this is not about raising the minimum wage. It is about putting young minority students out of work. Raising the minimum wage will put 1 out of every 4 minority workers between the ages of 17 and 24 who are out of school and working today out of work.

Some of the most eloquent testimony I heard on this issue came from a District of Columbia businessman, Abdul Uqdah. This is Abdul Uqdah. He started a business 16 years ago with $500 and 3 employees. He now employs 14 people. He appeared before our committee and begged us not to raise the Federal mandate minimum wage. Why? Because it will not work and because it will put minority youth out of work.

He said, and the fact is, raising the minimum wage will put one out of every four young minority workers in America who hold a job today out of work. This is an unemployment act that hurts minority youth, and it is a shame.

Mr. CLAY. Mr. Speaker, I do not know what committee he appeared before, but our committee did not hold any hearings on the minimum wage.

Mr. Speaker, I yield 15 seconds to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Speaker, the gentleman from Arizona should be reminded that 200,000 of his workers will be denied an increase in the minimum wage if he votes for the Goodling amendment, and that two-thirds of minimum wage workers are adults; 40 percent are the principal breadwinners in the family. Let us get the facts straight on this issue.

Mr. CLAY. Mr. Speaker, I would like to inquire how much time remains for both sides.

The SPEAKER pro tempore (Mr. WALKER). The Gentleman from Missouri [Mr. CLAY] has 2½ minutes remaining, and the gentleman from Pennsylvania [Mr. GOODLING] has 3 minutes remaining. The gentleman from Pennsylvania is entitled to close.

Mr. CLAY. Mr. Speaker, I yield the balance of my time to the gentleman from Montana [Mr. WILLIAMS].

The SPEAKER pro tempore. The gentleman from Montana [Mr. WILLIAMS] is recognized for 2½ minutes.

Mr. WILLIAMS. Mr. Speaker, let us close this debate by recalling that America is at its best when it does its best by its workers. After half a century of progress, America's standard of high wages is now in decline. In the 30 years from Harry Truman through Jack Kennedy to Lyndon Baines Johnson, the average income of the American family more than doubled.

Since then it has been in decline, in decline despite the fact that there are now two wage earners in millions of American families. In those 30 years, the percentage of women in the American work force has risen by 180 percent. Today women make up half of America's work force.

If Americans were asked to name a big employer in America just a few years ago, they probably would have said Lee Iacocca but they would not have said Beverly. But Beverly hired more people than did all of auto. Beverly runs nursing homes in America, Beverly's workers work for the minimum wage, and most of them are women.

We have had an evolution, in the lifetime of everyone in this Chamber, in the American work force. America must invest in its human capital as well as its physical capital. Corporations in America must get better at long-term planning and less at short-run gain. Manufacturers in America must do better at focusing on quality rather than quick profits.

Our workers must once again be the best paid workers in the world. Why? To create unemployment? No; to put small business out of work? No; to raise the standard of American living, because our people spend their money on Main Street USA.

As a former small businessman myself who owned restaurants in Montana, I can tell Members that my days were never better than when my workers and Montana's workers were well paid. I never had more profitable years than those years when the minimum wage was raised. Do it for America. Take care of America's workers.

Mr. GOODLING. Mr. Speaker, Montana would only lose 2,800 jobs if we do nothing but raise the minimum wage.

Mr. Speaker, I yield 1 minute to the gentleman from Illinois [Mr. FAWELL] to talk a little bit about what we were supposed to be talking about during the last 90 minutes.

Mr. FAWELL. Mr. Speaker, I thank the gentleman for yielding me the time.

If this were a court of law, Mr. Speaker, 95 percent of what we have hard would be ruled irrelevant and nongermane to the issue before this body. Because whether one is for the minimum wage or not, all that this bill does is to clarify conflicting DOL opinions, and to make sure that when employers and employees and unions want to get together and agree that an employee can use the employer's vehicle, usually it is a pickup truck or something like that in the construction trades, to go from home to work and from work to home, it will not be in violation of the Fair Labor Standards Act. That is all that we really should be talking about at this time. We should take it one at a time.

No one would be forced to do this. It would be voluntary on the part of the employee, and the commuting distance would be the normal commuting distance as determined by the rules of the Department of Labor.

□ 1015

This is supported by all workers basically, union, nonunion, Republican, Democrat, socialist, communist, whatever. It is a sound piece of legislation.

Mr. GOODLING. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, one of the gentlewomen said we ought to get the facts straight, and I think that would be a pretty good idea. They have been throwing around figures like 3 million, 5 million, 10 million, 100 million if, as a matter of fact, my amendment dealing with the small business exemption, which is the law at the present time, would happen to be adopted.

That is pretty interesting. You know where they are getting those figures? They are getting those figures from the Census Bureau of people who are employed by businesses that have an income less than $500,000.

Well, what they are forgetting to do, first of all, they have to say, well, who is already exempted in that group? Let me tell you who is already exempted in that group: The self-employed, they are already exempted in that group. Then you have the white collar exemptions, doctors, dentists, accountants, and attorneys. They are all exempted in that group. Then you have those who are exempted from the 1989 amendments. They are exempted from overtime requirements. Then you have those who work for individual franchises, such as McDonald's, Burger King, all exempted at the present time. I mean, all do not fit into an exemption at the present time, because they have over $500,000 in income. Can you tell me how many are exempted by State law?

So when you talk about millions, you are not talking about the true facts, I will guarantee you. You are talking about some Census Bureau figures that have nothing to do with who is exempted and who is not exempted under current law.

It is very obvious, as I indicated before, that there is a hate passion from the other side of the aisle in relationship to business, and a tremendous hate passion in relationship to small businesses. Well, it is those small businesses that are going to create the jobs in this country, and I hope everyone will remember that.

The SPEAKER pro tempore. It is now in order to consider the amendment printed in part 1 of House Report 104-490.

AMENDMENT OFFERED BY MR. RIGGS

Mr. RIGGS. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. RIGGS: Add at the end the following:

SEC. 3. MINIMUM WAGE INCREASE.

(a) SHORT TITLE.—This section may be cited as the "Minimum Wage Increase Act of 1996".

(b) AMENDMENT.—Paragraph (1) of section 6(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)) is amended to read as follows:

"(1) except as otherwise provided in this section, not less than $4.25 an hour during the period ending on June 30, 1996, not less than $4.75 an hour during the year beginning on July 1, 1996, and not less than $5.15 an hour after the expiration of such year;".

POINT OF ORDER

Mr. PORTMAN. Mr. Speaker, I rise to a point of order against this amendment.

The SPEAKER pro tempore (Mr. WALKER). The gentleman will state his point of order.

Mr. PORTMAN. Mr. Speaker, pursuant to section 425(a) of the Congressional Budget Act, it is not in order for the House to consider any amendment that would increase the direct costs of Federal intergovernmental mandates in excess of $50 million annually. The precise language in the amendment before us on which this is based is "Paragraph 1 of section 6(a) of the Fair Labor Standards Act of 1938 is amended to read as follows: Not less than $4.75 an hour during the year beginning July 1, 1996, and not less than $5.15 an hour after the expiration of such year."

It is upon this basis and the impact this amendment would have on State and local government as estimated by the Congressional Budget Office that I raise this point of order, and ask for a ruling from the Chair.

The SPEAKER pro tempore. The gentleman from Ohio makes a point of order that the amendment violates section 425(a) of the Congressional Budget Act of 1974.

In accordance with section 426(b)(2) of the act, the gentleman has met his threshold burden to identify the specific language in the amendment on which he predicates the point of order.

Under section 426(b)(4) of the act, the gentleman from Ohio and a Member opposed each will control 10 minutes of debate on the point of order.

Pursuant to section 426(b)(3) of the act, after debate on the point of order the Chair will put the question of consideration, to wit: "Will the House now consider the amendment?"

The gentleman from Ohio [Mr. PORTMAN] is recognized for 10 minutes. Is there a Member seeking recognition in opposition?

Mr. BONIOR. Mr. Speaker, I seek time in opposition.

The SPEAKER pro tempore. The gentleman from Michigan will be recognized for 10 minutes.

PARLIAMENTARY INQUIRY

Mr. BONIOR. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. BONIOR. Mr. Speaker, as you correctly stated, I do seek control of the 10 minutes of time noted. I also would ask the Speaker if it would be in order for me to yield 5 minutes of that time to the gentleman from California [Mr. RIGGS], and ask unanimous consent that he be allowed to partition his 5 minutes as he deems fit?

The SPEAKER pro tempore. The gentleman may do that by unanimous consent.

Mr. BONIOR. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. RIGGS] be given 5 minutes of my 10 minutes, and that he be allowed to yield that time as he so desires.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Ohio [Mr. PORTMAN].

Mr. PORTMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, last year 394 Members of this House voted to pass the Unfunded Mandates Reform Act of 1995, which, for the first time, ensures that before we vote on measures that impose unfunded mandates on State and local government, that we have three things: First, we have an analysis of what the cost is; second, we have an informed debate on whether the mandate should be imposed; and third, and that is what we are up to today, we have a recorded vote on whether to impose such a mandate.

It does not mean we never mandate, but it means we do so in the full light of day, and that is what this is all about. Having this point of order is about keeping the promise Congress made a year ago to know the cost information, to have a separate debate, and to make a decision in the clear light of day as to whether we impose this additional mandate.

I have a letter here from the Congressional Budget Office which states as follows: "This amendment would impose both an intergovernmental and a private sector mandate, as defined in the Unfunded Mandates Reform Act, that would exceed the $50 million annual threshold for intergovernmental mandates beginning in fiscal year 1997. For 1998, the first full year in which the minimum wage would be $5.15, the direct cost of the mandate would total $310 million for State and local governments, and $3.7 billion for the private sector." That is from CBO.

Thanks to the Unfunded Mandates Reform Law, we now have the facts, and we now have the opportunity as a Congress to decide, do we want to impose these additional costs on the private sector and also on State and local government?

Mr. Speaker, I just want to remind my colleagues that if you do not believe we should impose these costs, this would be a no vote.

Mr. Speaker, I reserve the balance of my time.

Mr. BONIOR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have a question that those of us on this side of the aisle have, which is why some of our Republican friends over here will not allow the House to have a clean, simple, up-or-down vote on the minimum wage? If they are opposed to the minimum wage, then fine. Why do they not stand up and vote no, rather than hide behind procedural maneuvers and these parliamentary tactics?

This is a dilatory motion, a dilatory motion. The House will not even be allowed to debate, much less vote, on the Riggs amendment to raise the minimum wage.

This motion, Mr. Speaker, demonstrates in our view an extraordinary double standard. The Committee on Rules routinely, and I want to emphasize that, routinely waives unfunded mandate law for bills supported by the Republican leadership. In fact, they have taken three rollcall votes to waive the unfunded mandate laws in the last 3 months. Our friend on the Republican side voted for all of those waivers. It was okay then when they wanted to move things that they thought were needed or were important. But now they are using that law to block a vote on the minimum wage, a proposal, by the way, supported by 80 percent of the American people. The unfunded mandate law was never intended, never intended, as a tool for the majority to prevent a vote on an issue just because they do not like it.

The question before the House is a simple one: Will the House be allowed, will we be allowed, to consider the Riggs amendment to raise the minimum wage by 90 cents, 50 cents the first year, 40 cents the second year? Stop these procedural games, these delays. Vote "yes" on this issue.

Mr. Speaker, I reserve the balance of my time.

Mr. PORTMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to remind the last speaker, this is part of the Unfunded Mandate Reform Act. It is not a dilatory tactic. It is to decide whether we want to impose a mandate. I think it is great we are having this informed debate. We are going to hear from other speakers now.

Mr. Speaker, I yield 1 minute to the gentleman from Oklahoma [Mr. LARGENT].

Mr. LARGENT. Mr. Speaker, you can get an argument in this body over just about anything, but I think most of us would agree that three strikes, you are out in America's favorite pastime.

I want to talk about the three strikes of the issue at hand, minimum wage. Strike one, it is bad policy. There really is no serious debate that when you increase the cost of labor, you decrease the number of jobs. There really is no serious debate about that anywhere, except here in this Congress.

Strike two, it is bad politics. The people who really take it in the shorts on this are small businessmen. The people that are creating 80 percent of the jobs that we have in this country, they are the ones that are going to take it in the shorts when we increase the minimum wage. There is no debate about that either. That is strike two.

Strike three, it is bad PR. Do you want to know why there is such a high level of cynicism about the way Washington works across this country? It is because Washington continues to say one thing, and do another, and that is exactly what we are about to vote on the Riggs amendment.

Vote "no" on the Riggs amendment.

Mr. BONIOR. Mr. Speaker, I ask unanimous consent that the remainder of my time be controlled by the distinguished gentleman from Missouri [Mr. CLAY].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. RIGGS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me first of all acknowledge that I did support the unfunded mandates reform legislation which passed this House by an overwhelmingly bipartisan margin during the first 100 days of this session of Congress as part of our Contract With America, so I want to make clear at the outset, I support the general principles of unfunded mandates reform.

However, let me see if I can draw a distinction between what I believe was the purpose of that legislation and the minimum wage amendment that I have offered, which is now pending before the House.

We in the Western United States, especially in northwest California, are pretty familiar with the onerous impact of Federal environmental regulations, as well as other unfunded mandates. Those are mandates that are imposed on State and local governments. In fact, the Unfunded Mandates Review Panel has looked at Federal environmental regulations, such as the Clean Air Act, Endangered Species Act, and others, and have ruled, issued a report, saying that those Federal environmental regulations do in fact constitute an unfunded or underfunded mandate imposed on State and local governments by Washington, by the Federal Government.

But in this instance, what we are talking about doing is modestly increasing the minimum wage to keep pace with inflation and restore some of the purchasing power to the minimum wage that has been eroded over the years by inflation. My belief is that over time, by increasing the minimum wage and by implementing meaningful welfare reform, we will be moving more people from welfare to work, helping those people obtain again full employment, and, in the long term, become taxpaying, contributing members of society.

Mr. Speaker, over the long term, the increase in the minimum wage, again, if coupled with meaningful welfare reform, is going to produce more taxpayers, and that is going to increase Federal tax receipts over the long term, and that will offset the effects of a so-called unfunded mandate.

The whole idea of an unfunded mandate provision in law today is to protect against mandates being imposed on State and local governments that they must then pay for with their own tax receipts. I do not believe that increasing the minimum wage, helping people make that transition from welfare to work, helping them become taxpaying, contributing members of society, does in fact constitute an unfunded mandate.

Mr. Speaker, I reserve the balance of my time.

Mr. PORTMAN. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. ARMEY], the distinguished majority leader.

Mr. ARMEY. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, you know, when we convened this Congress we and the Nation were so proud that we finally gave unfunded mandates relief to America. We now have an opportunity to reaffirm our conviction that America should not have an unfunded mandate of this magnitude foisted on them.

I take exception to all the arguments that say there is no downside to raising the minimum wage. In addition, of course, to the perverse employment effects on the least advantaged workers in America, there is in fact a cost to be borne in the private sector.

Once again we are contemplating a course of action where Washington gets to feel good about its generosity, while others bear the cost. Once again we get to feign compassion by bleeding our hearts with other people's money.

This is not an acceptable course of action, and I encourage everybody who believes we ought not to be imposing unfunded mandates on the rest of the Nation to vote "no" on imposing this on funded mandate on America.

Mr. CLAY. Mr. Speaker, I yield myself 1 minute.

☐ 1030

Mr. Speaker, I urge my colleagues to defeat the point of order so we may proceed on the vote on increasing the minimum wage. Human beings have basic needs; they must eat, they must have shelter, they must have clothes. These needs are universal. They apply equally to employees of State and local governments and the private sector.

If workers are to meet these needs without public assistance, they must be able to earn a living wage for their labor. Increasing the minimum wage is not a true unfunded mandate. The failure to ensure a living wage is ultimately far more expensive to local government, State governments, private businesses, and society as a whole than a modest increase in the minimum wage.

Mr. Speaker, I will gladly and proudly vote to waive the point of order because it would be an outrage for this House to block a vote on the minimum wage.

Mr. Speaker, I reserve the balance of my time.

Mr. PORTMAN. Mr. Speaker, may I inquire of the Chair how much time is remaining on this side?

The SPEAKER pro tempore (Mr. WALKER). The gentleman from Ohio [Mr. PORTMAN] has 6 minutes remaining, the gentleman from California [Mr. RIGGS] has 1½ minutes remaining, and the gentleman from Missouri [Mr. CLAY] has 2 minutes remaining.

Mr. PORTMAN. Mr. Speaker, I yield 1 minute to the gentleman from Indiana [Mr. MCINTOSH].

Mr. MCINTOSH. Mr. Speaker, I rise in support of the point of order and want to make two points, one my colleague, the gentleman from Arizona [Mr. SHADEGG], pointed out: That Abdul Ugdah will not be able to give jobs to inner-city youths, and that this unfunded mandate of a minimum-wage increase discriminates against blacks and minorities. And for that reason alone, we should vote against it.

But earlier in this year we passed a Contract With America that said we would not impose a tax increase on local taxpayers, we would not impose an unfunded mandate on those local governments. This vote is a vote of integrity, and I call upon my Republican colleagues and my Democratic colleagues to support that bill, all 340 of us, to vote to sustain this point of order and show the voters we were not being dishonest, we were not being politicians when we passed the unfunded mandate bill; that we meant to keep our word then, and today we intend to keep our word and sustain this point of order.

If this vote loses, then I think most Americans will know that we did not mean to uphold the Contract With America when we passed it.

Mr. PORTMAN. Mr. Speaker, I yield 1 minute to the gentleman from Texas, Mr. SAM JOHNSON.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I rise in strong support of the point of order. I remind my colleagues that 1 year ago we did vote overwhelmingly to uphold it, and it is not just the fact we are losing dollars for the States and cities, it is a vote to place a massive $12.3 billion unfunded Government mandate on private business as well. It is a vote to destroy 620,000 jobs.

And those jobs are jobs that part-time workers, teenagers, welfare recipients, in spite of what my colleague says, and unskilled workers, will never have. Those are the people we ought to be creating jobs for. We ought to be eliminating the costly mandates that we here in Washington shove down the throats of our taxpayers.

This wage increase is bad economics, bad policy, and bad for the American worker. I ask the Congress not to do what is easy but do what is right for America: Vote "no" on this. Americans do not want, do not need, and do not deserve unfunded mandates.

Mr. RIGGS. Mr. Speaker, I yield myself 15 seconds just to mention that the letter cited by my good friend and colleague, the gentleman from Ohio [Mr. PORTMAN], from June O'Neill of the Congressional Budget Office, opining that the minimum wage constitutes an unfunded mandate does not take into account the possible passage of the Goodling amendment which brought this about.

Mr. PORTMAN. Mr. Speaker, I yield 1 minute to the gentleman from Arizona [Mr. SHADEGG].

Mr. SHADEGG. Mr. Speaker, I urge my colleagues to recognize this as an unfunded mandate and to stand on principle. We are telling governments all across America, cities, States, counties, that they must pay a wage but we are not providing the money to pay that wage.

We are doing what we told the American people in the Contract With America we would not do. This is not rocket science, it is simple and straightforward. It is a matter of keeping our word.

An unfunded mandate imposed upon the States is unfair and it is wrong. It not only will cost the employees of Mr. Ugdah their jobs, but it breaks our faith, and anybody who voted against unfunded mandates has to recognize this is a vote of hypocrisy. We must vote to sustain this point of order if we voted to ban unfunded mandates.

Mr. CLAY. Mr. Speaker, I yield 2 minutes, the balance of my time, to the gentleman from Texas [Mr. DOGGETT].

Mr. DOGGETT. Mr. Speaker, the gentleman from Arizona speaks of hypocrisy. Let me point out that he and the gentleman from Ohio and the gentleman from Indiana, who spoke a few moments ago, and the distinguished majority leader, they have voted three times in this Congress to waive the very unfunded mandates rule that they now inject into this debate for the sole purpose of thwarting a minimum-wage increase.

Mr. Speaker, I think the majority leader has at least been candid with the American people with regard to his position on giving America a raise, for he said he would resist that increase in the minimum wage with every fiber in his body. And it was obvious when he spoke here, and he is a fairly fibrous guy, that he has not only done anything that he could to prevent a minimum-wage increase, he has done everything that he could do to prevent a minimum-wage increase. And this is the latest of those tactics.

Our colleague, his right-hand man, the gentleman from Texas [Mr. DELAY], the majority whip, denied there were even families out there that were living on the minimum wage. And, indeed, they are barely living on the minimum wage. And to top it all off, the Chair of the Republican Conference, the gentleman from Ohio [Mr. BOEHNER], said, "I will commit suicide before I vote on a clean minimum-wage bill."

That is what this is all about. It is do anything, do everything possible in order to thwart the desire of the American people for a raise.

There have been three times in this session that they have voted, every single person, including the gentleman that has raised this point of order, every single person who has spoken in favor of this point of order, there have been three times that they were not so concerned about the mandates bill that they were not willing to waive it.

But this morning they have a wave of a different kind. They propose to wave goodbye to the desire of the working people of this country to have a working wage. We believe, in the American economy, that it does not have to all trickle down. It can bubble up. And the idea is to help some of those people at the bottom of the economic ladder rise upward.

Mr. PORTMAN. Mr. Speaker, I yield myself such time as I may consume to say quickly to my colleague that both the gentleman from Missouri [Mr. CLAY] and the gentleman from Texas [Mr. DOGGETT] have talked about the Unfunded Mandates Relief Act, as has the gentleman from Michigan [Mr. BONIOR]. All three of them voted for the act, and I am glad they did. I am glad we are having this debate today.

I would say that the one rule that I know of where we waived a point of order, there were no unfunded mandates in the underlying legislation. And in that case, indeed, Mr. DOGGETT or anyone else could have raised a point of order on the rule.

Mr. Speaker, I yield 1 minute to the gentleman from Michigan [Mr. CHRYSLER].

Mr. CHRYSLER. Mr. Speaker, I rise in support of this point of order. This is an unfunded mandate. One billion to municipalities cost $13 billion nationwide.

We agreed to live under the same laws as what we passed. We must live under the laws that we have passed in this Congress. That is why we were sent here, that is what makes us different. Do not try to deceive the American people again.

Support the point of order. This is an unfunded mandate.

Mr. RIGGS. Mr. Speaker, I yield myself such time as I may consume to say that, first, with respect to the minimum wage amendment constituting an unfunded mandate imposed on the public sector, I am not aware of any State or local government that has contacted the Congress to express their reservations.

Mr. Speaker, I yield 30 seconds to the gentleman from Pennsylvania [Mr. ENGLISH], my good friend and colleague and cosponsor of the minimum wage amendment.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, let me say I come to this Congress as a strong supporter of the restriction on unfunded mandates, and I come to this Congress as a former finance officer.

I am strongly opposed to this point of order because I think it stretches that rule beyond recognition. That rule was never intended to freeze in perpetuity our current minimum wage.

If we sustain this point of order, I think it will open the door to many more unfunded mandates.

Mr. PORTMAN. Mr. Speaker, I yield 30 seconds to the gentleman from Ohio [Mr. BOEHNER].

Mr. BOEHNER. Mr. Speaker, over the last 16 months there has certainly been some disagreement about what we have done in this new Congress. But I have to tell my colleagues that on our side of the aisle, what we have done here on the House floor every day was what we thought was in the best interest of the American people.

We have been honest with the American people and that is why we passed the unfunded mandate legislation. If we are going to continue to uphold our responsibility to the American people, let us be honest with them today.

Let us vote no, not to waive the point of order against this. Let us stand up and do the right thing once again.

Mr. PORTMAN. Mr. Speaker, I yield 1 minute to the gentleman from Maryland [Mr. BARTLETT].

Mr. BARTLETT of Maryland. Mr. Speaker, as my colleagues can see from the CBO position, increasing the minimum wage by 90 cents is a monstrous unfunded mandate, more than a billion dollars to the public sector, which clearly much exceeds our $50 million threshold and more than $12 billion to the private sector.

When 100 percent of the Republicans and 85 percent of the Democrats in the House agreed on the unfunded mandates issue, the American people had good reason to believe that Washington was changing the way it does business. Now, this Memorial Day weekend, do I have to go home and explain to local officials why Congress ignored the unfunded mandates law? This Memorial Day weekend, do I have to go home and try to reassure my constituents that even though Congress broke its promise, the American people should still believe that Washington is being reformed?

I urge the 394 Members who supported the Unfunded Mandates Act, Public Law 104-4, to support our point of order. Increasing the minimum wage is an unfunded mandate. Vote "no" on the consideration of this unfunded mandate.

Mr. RIGGS. Mr. Speaker, I yield the balance of my time of the gentleman from Connecticut [Mr. SHAYS], another original cosponsor of the minimum wage amendment.

Mr. SHAYS. Mr. Speaker, I encourage my colleagues to vote "yes" and to allow the Riggs amendment to be considered. The Riggs amendment will allow us to vote to increase the minimum wage. Anyone who supports increasing the minimum wage, must vote "yes" on this motion.

The bottom line is we are encouraging a "yes" vote to increase the minimum wage. We need a "yes" vote on this motion.

The bottom line is we are encouraging a "yes" vote to increase the minimum wage. We need a "yes" vote on this motion.

Mr. PORTMAN. Mr. Speaker, I want to say briefly, because there has been some confusion in some of the discussion, that a "no" vote is the right vote if Members do not want to impose additional mandates on State and local government.

There are also huge private sector mandates here which were required to be analyzed by the Unfunded Mandates Relief Act, but a "no" vote is the correct vote if Members do not want to impose these additional mandates.

In closing, I would just say that this is exactly the kind of debate we hoped to have with the Unfunded Mandates Relief Act. We now have it out in the open. This is an unfunded mandate on

State and local government. If Members do not want to impose those mandates, they now have the opportunity to stand up and be counted.

The SPEAKER pro tempore. The question is, Will the House now consider the amendment offered by the gentleman from California [Mr. RIGGS]?

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. CLAY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members. The vote was taken by electronic device, and there were—yeas 267, nays 161, not voting 5, as follows:

[Roll No. 191]

YEAS—267

Abercrombie
Ackerman
Andrews
Bachus
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blute
Boehlert
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Bunn
Buyer
Canady
Cardin
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Cremeans
Cummings
Danner
de la Garza
Deal
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Duncan
Durbin
Edwards
English
Ensign
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fox
Frank (MA)
Franks (NJ)
Frisa
Frost
Furse
Gallegly
Ganske
Gejdenson
Gephardt
Gibbons
Gillmor
Gilman
Gonzalez
Gordon
Green (TX)
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hobson
Hoke
Holden
Horn
Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
King
Kleczka
Klink
Klug
LaFalce
Lantos
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lincoln
Lipinski
LoBiondo
Lofgren
Longley
Lowey
Luther
Maloney
Manton
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McDade
McDermott
McHale
McHugh
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moorhead
Moran
Morella
Murtha
Nadler
Neal
Neumann
Ney
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Quillen
Quinn
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Ros-Lehtinen
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schiff
Schroeder
Schumer
Scott
Serrano
Shaw
Shays
Sisisky
Skaggs
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Solomon
Spratt
Stark
Stockman
Stokes
Studds
Stupak
Tanner
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Walsh
Waters
Watt (NC)
Waxman
Weldon (PA)
Weller
Whitfield
Williams
Wilson
Wise
Woolsey
Wynn
Yates
Young (AK)
Young (FL)
Zimmer

NAYS—161

Allard
Archer
Armey
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bliley
Boehner
Bonilla
Bono
Brewster
Brownback
Bryant (TN)
Bunning
Burr
Burton
Callahan
Calvert
Camp
Campbell
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cubin
Cunningham
Davis
DeLay
Dickey
Doolittle
Dornan
Dreier
Dunn
Ehlers
Ehrlich
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fowler
Frelinghuysen
Funderburk
Gekas
Geren
Gilchrest
Goodlatte
Goodling
Goss
Graham
Greene (UT)
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hoekstra
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson, Sam
Jones
Kasich
Kim
Kingston
Knollenberg
Kolbe
LaHood
Largent
Latham
Laughlin
Lewis (KY)
Lightfoot
Linder
Livingston
Lucas
Manzullo
McCollum
McCrery
McInnis
McIntosh
McKeon
Meyers
Mica
Miller (FL)
Montgomery
Myers
Myrick
Nethercutt
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pombo
Porter
Portman
Pryce
Radanovich
Rohrabacher
Roth
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Seastrand
Sensenbrenner
Shadegg
Shuster
Skeen
Smith (MI)
Smith (TX)
Souder
Spence
Stearns
Stenholm
Stump
Talent
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Vucanovich
Walker
Wamp
Watts (OK)
Weldon (FL)
White
Wicker
Wolf
Zeliff

NOT VOTING—5

Engel
Franks (CT)
Hancock
Molinari
Ward

□ 1102

Mr. ROGERS changed his vote from "nay" to "yea."

So the question of consideration was decided in the affirmative.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. HANCOCK. Mr. Speaker, on rollcall No. 191, I voted prior to time and the register failed to record the vote. Had I been present, I would have voted "no."

PERSONAL EXPLANATION

Mr. WARD. Mr. Speaker, I was unavoidably absent during the record of rollcall vote No. 191. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. ENGEL. Mr. Speaker, I was unavoidably absent from rollcall vote 191 due to emergency dental work. Had I been present, I would have voted in the affirmative.

The SPEAKER pro tempore (Mr. WALKER). The amendment having been designated, the gentleman from California [Mr. RIGGS] and a Member opposed each will control 45 minutes.

Is there a Member who wishes to be recognized in opposition to the amendment?

Mr. BALLENGER. Mr. Speaker, I rise in opposition to the amendment.

The SPEAKER pro tempore. The gentleman from North Carolina [Mr. BALLENGER] will control 45 minutes.

The Chair recognizes the gentleman from California [Mr. RIGGS].

PARLIAMENTARY INQUIRY

Mr. RIGGS. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. RIGGS. Mr. Speaker, I seek the direction of the Chair because I would like to yield 20 of my 45 minutes of time to the other side, to the gentleman from Missouri [Mr. CLAY], and then I would like to further ask if I would be doing that under unanimous consent and ask further unanimous consent that Mr. CLAY be entitled to allocate that 20 minutes as he sees fit?

The SPEAKER pro tempore. The gentleman may make that request by unanimous consent.

Mr. RIGGS. Mr. Speaker, I do so ask unanimous consent.

The SPEAKER pro tempore. The gentleman asks unanimous consent that the gentleman from Missouri [Mr. CLAY] be granted 20 minutes of his 45 minutes, and further that the gentleman from Missouri may be able to control that time and yield time under his 20 minutes.

Is there objection to the request of the gentleman from California?

There was no objection.

Mr. RIGGS. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, let me just explain to our colleagues and to the American people the very straightforward amendment I am offering today.

My amendment would increase the Federal minimum-wage guarantee from the present $4.25 an hour today by 50 cents to $4.75 on July 1 of this year and then further increase the minimum wage by 40 cents, from $4.75 an hour to $5.15 an hour effective July 1, 1997.

My minimum wage is intended, as I said in my earlier remarks, to increase the minimum wage for inflation, but I want to point out to my colleagues that my amendment will not adjust the minimum wage to a level that would be commensurate with inflation. In fact, if we go back to January 1, 1978, the date that the Congress first amended a minimum wage guarantee for American workers, and took that initial statutory minimum wage of $2.65 an hour and adjusted it for inflation using the Consumer Price Index to the present day, the minimum wage today should be more on a par of $6.64 an hour.

Mr. Speaker, I will yield 3 minutes to the gentleman from New York [Mr. QUINN], at this point, but I would like to point out, Mr. Speaker, before going to Mr. QUINN, that he has been the lead proponent of the minimum-wage increase and he is the primary reason why 76 House Republicans just voted to allow a debate on this floor on the minimum-wage amendment.

Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. QUINN].

Mr. QUINN. Mr. Speaker, I would like to thank the gentleman from California [Mr. RIGGS] for yielding me 3 minutes this morning.

Mr. Speaker, I take this opportunity to speak to all of our colleagues on both sides of the aisle today as we move forward to discuss and to vote on eventually the Riggs-Quinn amendment.

Mr. Speaker, for the last 2 months there has been a lot of hard work done on this issue by a lot of Members in the Chamber. For the purposes of our side of the aisle and the Republican side, it is an opportunity for me now to thank our leadership who have worked hard and long with us to finally bring this vote, an up or down vote, on raising the minimum wage to a vote on the floor of the House.

I have said since I began in the last 2 months this is a very simple issue; indeed the bill that the gentleman from California [Mr. RIGGS] and I have put together for our colleagues' consideration today is only 17 lines long; that as we talk about raising the minimum wage for people all across this country and back in our own congressional districts, it is not a complicated matter at all. We have an opportunity right now to talk about the minimum wage not being raised in less than 6 or 7 years, and during that time the cost of living in every other aspect, whether it is gasoline, whether it is food, clothing, sneakers, school books for our kids, the cost of that over these last 6 or 7 years has all gone up, and the minimum wage has stayed the same.

At the same time, in Federal agencies across the country, in statehouses, in counties, everybody is talking about welfare reform, that we should make our best attempt to get people off of welfare and into jobs. I suggest to the membership today, Mr. Speaker, that when someone makes the minimum wage for 40 hours a week, and someone makes $8,840 and they are below the poverty level for this country, that is not making an honest wage.

I suggest to our membership that it is time to give Americans a raise, that we have worked long and hard. We will be debating later on this afternoon different amendments, but it is not a complicated matter.

I urge all of our colleagues to vote "yes" on the Riggs-Quinn-English-Martini amendment, and I want to thank all of our colleagues on both sides of the aisle for making us and getting us to this point today where we get a vote.

Mr. BALLENGER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, sound public policy frequently takes a back seat to election year politics—and there is no clearer example of this than the current debate on raising the minimum wage. We have all heard the rhetoric from the other side, where day after day my colleagues have taken to the floor to argue that we need to help working families by increasing the minimum wage. They have painted a picture that the average minimum wage worker is a head of a household who is trying to support a family earning the minimum wage, just $8,840 a year. Well—that picture is phoney—just as phoney as the arguments of those who would vote to increase the minimum wage. According to data from the U.S. Census Bureau, only 11 percent of all workers earning $5.15 an hour or less are the sole supporters of their families. More than 35 percent of minimum wage earners are teenagers or other workers living with their parents and only 2.8 percent are single parents supporting a family.

Raising the minimum wage is not an effective way to help the working poor. President Clinton said so himself just last year. In fact, minimum wage jobs are often the first rung on the ladder of upward mobility. Increasing the wage to $5.15 or higher just moves that rung beyond reach, making it harder for those with few skills and training or limited education to get a first job. Research shows that 63 percent of minimum wage workers earn higher wages within 12 months, and some 40 percent will receive their first raise within 4 months. Not too long ago, an article appeared in the Wall Street Journal that clearly illustrated this point. It was written by a manager of the Angus Barn in Raleigh, NC. She was a single mother with two children, barely surviving on welfare. Today, she manages one of the largest and most popular restaurants in North Carolina. The key to her success was a minimum wage job. This starting job taught her the skills she needed to keep moving up the career ladder and opened the door for her to advance to better and higher paying positions. By raising the starting wage—we will be denying opportunities like this to thousands of workers. And consider that at this same time, we're trying to move unskilled people off welfare and into the workforce—we're eliminating the jobs they will need.

It's well known by economists and lawmakers that higher minimum wages lead to job losses. Dozens of studies show that raising the minimum wage costs entry-level job opportunities, and does not help the poor. Even the non-partisan Congressional Budget Office report indicates that an increase in the starting wage could cause employment losses in the range of 100,000 to 500,000 jobs. Other economic studies point to even higher job losses. If the wage rate is hiked up to a new level, my home state of North Carolina will lose an estimated 19,100 jobs. A 90-cent increase in the wage rate is meaningless for the person who no longer has a job.

A minimum wage increase is the modern day "magic potion" of election politics. It makes the political establishment feel good—"see, we've taken care of the problem of low wages" and it pretends to help people who need help. But, in reality it does more harm than good, costing some low-wage workers their jobs and raising the cost of essential goods which make up the biggest part of these families' budgets. But increasing, the minimum wage, the Congress is hurting job creation and opting for politics over sound policy.

□ 1115

Mr. Speaker, I reserve the balance of my time.

Mr. CLAY. Mr. Speaker, I yield 15 seconds to the gentleman from Texas, Mr. GENE GREEN.

Mr. GENE GREEN of Texas. Mr. Speaker, my good friend, the gentleman from North Carolina, may want to know that if we pass a minimum wage increase that 345,000 workers in North Carolina will see an increase in their wage. That is a pretty good tradeoff if those jobs are really lost, but I do not think they will be.

Mr. CLAY. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, first of all, I would like to thank the gentleman from California [Mr. RIGGS] for yielding the time to me.

Mr. Speaker, I rise to support the Riggs-Quinn amendment increasing the minimum wage by 90 cents.

Since the minimum wage was last increased on April 1, 1991, inflation has eroded its real value by fifty cents. By the end of this year, the purchasing power of the minimum wage will be at its lowest point in 40 years.

Some of my colleagues on the other side of the aisle claim that it is not important to raise the minimum wage because the only minimum wage workers are high school students earning extra spending money. That is but one of the many lies and distortions hustled by opponents of the minimum wage. The average minimum wage worker is responsible for one-half of his or her family's income. Half of all minimum wage workers are working full time. Sixty-three percent of all minimum wage workers are at least 20 years old.

The amendment before us will directly impact the wages of 12 million workers; 300,000 people, including 100,000 children, will see their family income raised above the poverty line as a direct result of this amendment. But the benefits of this amendment extend beyond those who will see their wages increased as a direct result of its enactment. As study after study has shown, a modest increase in the minimum wage will strengthen the economy, by increasing the ability of workers to also be consumers.

Finally, this amendment should be adopted as a matter of basic fairness. It is a basic tenet in this country that our citizens should be self-sufficient. Members come to this well time and time again railing against the poor and preaching about self-sufficiency. But how in the world can a person be self-sufficient working full time, earning just $8,500.00 a year? I urge my colleagues to support this amendment.

Nevertheless, let me caution my colleagues about the Goodling amendments. I strongly oppose his amendment that restores a subminimum wage and robs computer operators and restaurant workers of some of their hard-earned wages. Let me make myself perfectly clear about the other Goodling amendment. As important as it is to increase the minimum wage, I will oppose this legislation on final passage if the Goodling small business exemption is adopted. I will not support a minimum wage bill that excludes millions of workers from Federal minimum wage and overtime protections.

Mr. Speaker, I reserve the balance of my time.

Mr. RIGGS. Mr. Speaker, I yield 2 minutes to the distinghished gentleman from New York [Mr. GILMAN], chairman of the Committee on International Relations.

Mr. GILMAN. Mr. Speaker, as an original cosponsor of the minimum wage increase of 1996, I am pleased to rise in support of the minimum wage amendment to the Employee Commuting Flexibility Act. This measure, increasing the minimum wage by 90 cents over a 2-year period, is a proper step in closing the wage gap in our Nation and enabling our working families to make ends meet.

Many of our employers in my region are already paying more than the current minimum wage. I commend the gentleman from New York [Mr. QUINN], the gentleman from California [Mr. RIGGS], the gentleman from Pennsylvania [Mr. ENGLISH], and the gentleman from Connecticut [Mr. SHAYS] for their leadership in this effort, and also the leadership on our side of the aisle for bringing this measure to the floor.

Mr. Speaker, when this body last addressed this issue in 1989, the bipartisan proposal was supported by 80 percent of all Republican legislators. At that time the minimum wage was $3.35 an hour and increased to $4.25 an hour. According to the Department of Labor, over 4 million workers are paid the minimum wage, and 40 percent of those workers are their family's only wage earner.

Mr. Speaker, it is inherently wrong for Congress to freeze the minimum wage for working families while at the same time increasing congressional pay. During that same time frame, Mr. Speaker, CEO's who have said that this modest proposal will eliminate jobs have allowed their incomes to increase by leaps and bounds.

It is now time for this body to take the same prudent action that this body took in 1989, and to assist those who work hard for an hourly wage which has remained stagnant since 1989. America's working families need a raise. Accordingly, Mr. Speaker, I strongly urge my colleagues do support this long-needed measure.

Mr. BALLENGER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to note for the record that New York will face the loss of 29,900 jobs if the minimum wage is increased. Up to 500,000 jobs will be eliminated nationwide.

Mr. Speaker, I yield 3 minutes to the gentleman from Texas [Mr. DELAY].

Mr. DELAY. Mr. Speaker, I never thought I would see this day, but I rise in opposition to this amendment offered by my good friend, the gentleman from California [Mr. RIGGS]. Increasing the minimum wage makes minimum sense.

As a former small businessowner, I remember well what intrusive government mandates did to my business. It hurt the bottom line, it hurt productivity, it hurt competitiveness, and more important, it hurt my ability to create jobs. Mr. Speaker, that is what my Democrat colleagues refuse to talk about. They will not talk about the opportunities lost. They will not talk about the jobs that are not created. They will not talk about those people who cannot get off welfare because they cannot get the chance to get a job that was killed by another Washington mandate. But that is the most important part of this debate. The Democrat Party is to job creation what Dr. Kevorkian is to health care, a job-killer cloaked in kindness.

My colleagues on the other side of the aisle have made this debate an argument of fairness. They say that it is unfair for starting workers to make dramatically less than corporate CEO's. I am not going to respond to that kind of economic mumbo-jumbo. But let me ask this: Is it fair to kill the opportunities of people who want to work but cannot because of this unfunded mandate?

My friend, the gentleman from Texas, will stand up and talk about the number of workers that will not see their wages go up in the State of Texas. How about the number of workers in his own district that will not have a job available for them when they want to go to work? Is it fair to kill jobs in order to cure political headaches? Is it fair to make job creation too expensive for the various small businesses? That is the kind of fairness that liberal Democrats conveniently ignore.

The most amusing aspect of this debate is its timing. When Democrats ran the Congress just 2 years ago and had the White House, not once did they talk about raising the minimum wage. They were too busy raising taxes on middle-class families. But now that they have been thrown out of power, they have seized on this issue as their saving grace. This saving grace for the Democrats is a coup de grace for thousands of entry-level jobs. It is those people who want just a chance to have the opportunity to get a job, a chance to achieve the American dream, who are most victimized by this unfunded mandate.

Mr. Speaker, increasing the minimum wage is the wrong way to provide more opportunities for the American people. It is a political throwaway which will do away with thousands of jobs. For that reason, I urge my colleagues to vote against it.

Mr. CLAY. Mr. Speaker, I yield 15 seconds to the gentleman from Texas, Mr. GENE GREEN.

Mr. GENE GREEN of Texas. Mr. Speaker, my good friend from Sugarland, TX knows that in Texas 1,100,000 people will get a minimum wage increase.

He knows why the President did not increase the minimum wage. We were trying to provide health care, and we could not do both on small businesses. Since health care reform did not pass, now we have to try a minimum wage increase.

Mr. CLAY. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. DIXON].

Mr. DIXON. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in strong support of increasing the minimum wage. The gentleman from Texas [Mr. DELAY] indicated that it hurts the bottom line. The bottom line are the families in this country that are only making $8,500 to $8,900 a year, who deserve to be heard and deserve recognition for their work efforts.

Mr. Speaker, two out of every three people who are receiving the minimum wage are adult workers. Four in 10 are raising entire families. They are breadwinners for their whole family on this amount of money. Over a 2-year period, this will cause their wages to go up $1,800. Eighteen hundred dollars for someone making less than $9,000 is substantial. It pays for 7 months' utilities, it can afford a college tuition for a 2-year college, it can bring a family closer together with the American public, who are making much more than any minimum wage efforts.

Mr. Speaker, most important, since 1989 we have not addressed this issue. How many working Americans can say that they have had no raise since 1989?

Mr. Speaker, I rise in strong support of the Riggs amendment to increase the Nation's minimum wage.

Nearly two-thirds of minimum wage workers are adults, and 4 in 10 are the sole breadwinners of their families. I realize it may be difficult for many Members of this body to fully comprehend the practical impacts of life on a mere $8,500 a year. That's not a lot of money for one person, much less a family struggling to provide basic necessities.

To that family, a 90-cent increase in the minimum wage over the next 2 years for the family breadwinner would generate an additional $1,800 in potential annual income and $1,800 could buy: 7 months of groceries; 1 year of health care costs; 9 months' worth of utility bills; more than a full-year's tuition at a 2-year college; and basic housing costs for almost 4 months.

But the purchasing power available to a minimum wage worker will soon fall to its lowest level in more than 40 years. This means less food on the table for hungry children; less medicine for the cold and flu season; no dental checkups; and a higher portion of income going to pay for the rent and utility bills.

Mr. Speaker, we can debate the statistics on the impacts of increasing minimum wage until we're blue in the face. The bottom line is that we're not just talking about numbers. We are talking about families—responsible, working families, who are just getting by. If this body is really serious about reducing spending on welfare and reforming the system to move people into the workplace, we must embrace a livable minimum wage. American workers and families deserve no less.

I strongly urge my colleagues to support the Riggs amendment and oppose the Goodling amendments to eliminate minimum wage protections for millions of American workers.

Mr. RIGGS. Mr. Speaker, I yield 2½ minutes to the gentleman from Pennsylvania [Mr. ENGLISH], another original cosponsor of the minimum wage amendment.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in strong support of the Riggs-Quinn-English-Martini amendment to raise the minimum wage. Mr. Speaker, I would like to bring this debate out of the realm of the abstract and frame it in human terms. In my congressional district in western Pennsylvania, I have seen far too many families supported by one or more members working at minimum wage jobs. These hardworking folks could easily surrender and join the welfare system, but they do not. Instead of taking tax money, they pay it.

We have single mothers who support their kids on a minimum wage job. Some of my district's seniors add a little extra by taking minimum wage jobs. These are not just jobs for teenagers and college kids. Four million Americans work for the minimum wage, and 40 percent of them are their family's only wage earner. That is a lot of hardworking people who need a raise.

The problem facing all of these people is that the minimum wage now buys less, far less than it has at any time in the past 40 years. That means less gas, less groceries, and less rent. It is only fair that at this time we consider a raise. Remember, if the minimum wage is at a 40-year low in buying power, it is at a historic low as a business expense. The reasonable wage increase we offer here today is designed to have a minimal impact on businesses and jobs, and a maximum impact on the working poor.

To our critics, I ask them why they think a reasonable minimum wage hike will cost jobs. We have seen no ill effects in those 15 States that have already raised their minimum wage rates. Pennsylvania's neighbor, New Jersey, appears to have suffered no ill effects in the fast food industry when it raised the minimum wage. To those who still believe we should not raise the minimum wage, I say it is our fundamental responsibility. Remember several things.

□ 1130

The minimum wage provides vital minimum protection for workers, especially those who lack union membership or who have little negotiating strength. Congress serves as the ultimate bargaining representative for those workers.

Let us also look, not only does increasing the minimum wage benefit the employed, it also makes work more attractive to the unemployed, encouraging the transition from welfare to work. This is one of three keys to welfare reform. Let us raise the minimum wage, and in doing so we will guarantee that many on the margins of our economy will have an opportunity through hard work to share in our great bounty.

The SPEAKER pro tempore (Mr. UPTON). The Chair would note the gentleman from California [Mr. RIGGS] has 17 minutes remaining, the gentleman from North Carolina [Mr. BALLENGER] has 38¼ minutes remaining, and the gentleman from Missouri [Mr. CLAY] has 16½ minutes remaining.

Mr. BALLENGER. Mr. Speaker, I would like to note for the record that Pennsylvania will face a loss of 27,400 jobs if the minimum wage is increased.

Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin [Mr. PETRI].

Mr. PETRI. Mr. Speaker, the biggest single problem facing lower income Americans, especially those with children, is that they face a crippling array of marginal tax rates that almost completely destroys their incentives to try to earn more income. They are virtually trapped at low incomes.

That same array of taxes on additional income will take away most or all of a minimum wage increase from the very people everyone talks about helping—that is, minimum wage earners supporting children.

Childless people are above the poverty line if they work full time at the current minimum wage. They are not usually the folks we shed tears over when we talk about increasing the minimum. It is family heads we are concerned about. But in virtually all cases, parents earning the minimum wage will also receive food stamps, the earned income tax credit, child care subsidies, Medicaid, and possibly housing subsidies, as well as other benefits like school lunch, Head Start, WIC, and energy assistance.

As earnings go up, many of these benefits go down, effectively canceling out most or all of the earnings gain. That is the marginal tax problem, and it hamstrings people all the way up the scale to incomes in the high twenty thousands.

In a forthcoming paper, Gene Steurle and Linda Giannarelli of the Urban Institute show the combined tax effects on a single mother of two children in Pennsylvania, an average State, as her earned income moves through various stages from zero all the way up to 300 percent of the minimum wage. Between full time minimum wage earnings and 150 percent of the minimum wage, she faces a combined tax rate of 101 percent. That is, a 50-percent earnings gain produces a $58 a year drop in disposable income. If she boosts her earnings from 150 percent of the minimum to twice the minimum, she faces a combined 95 percent tax rate on those additional earnings. She is only $175 per year better off at twice the minimum as she is at the minimum wage. Even without a housing subsidy, she faces marginal tax rates of about 73 percent.

So, Mr. Speaker, raising the minimum wage is a cruel hoax on low-skilled parents. First, it puts their jobs in danger. If they keep their jobs, they wind up with little or no more income, but they will face higher prices for many of the things they have to buy. Instead of trying to score political points through Government price-fixing in the labor market, we should be working to provide economic opportunity to all low income Americans by slashing the extortionate tax rates that are destroying their ability to improve their lot.

Mr. CLAY. Mr. Speaker, I yield 15 seconds to the gentleman from Texas, Mr. GENE GREEN.

Mr. GENE GREEN of Texas. Mr. Speaker, my good friend and colleague from Wisconsin, who serves on the Committee on Economic and Educational Opportunities, would actually see an increase of 210,000 workers who would see a pay increase if we pass the Riggs amendment.

Mr. BALLENGER. Mr. Speaker, I would like to note for the record, Pennsylvania will lose 27,400 jobs.

Mr. Speaker, I yield 4 minutes to the gentleman from Arkansas [Mr. HUTCHINSON], a member of the committee.

Mr. HUTCHINSON. Mr. Speaker, I appreciate the gentleman yielding me time. I have been perplexed. I have asked and I have asked and I have asked Members of the other side of the aisle why this was not done 2 years ago. If they feel so passionate about it, if this is the great means by which we are going to help poor working people, why, when they held the House, when they held the Senate, when they held the White House, they did not bring this to the floor.

Well, I think I know why, because the President at that time said that raising the minimum wage is the wrong way to help poor working people. That is why they did not do it. They knew that this is not really going to help the working poor of this country. The Democratic Leadership Council said the same thing, and still says the same thing, that raising the minimum wage is the wrong way to do this.

Joseph Stiglitz, the President's own former chairman of the Council of Economic Advisers, when he was an economics professor, this is the man who worked for the President, he said "only about 10 percent of the people in poverty work at jobs that pay at or near the minimum wage," and then he said, as he concluded, "the minimum wage is not a good way of trying to deal with problems of poverty."

That is why it was not done. That is why it should not be done now. The reason this is being done is because there is an election in November. It is the wrong way to help the working poor.

I think Gail Robbins, and here is a picture of Gail, is a good example of why we should not raise the minimum wage. Gail began waitressing at a truck stop when she was 15 years old to escape her abusive parents. She moved on to work at a Howard Johnson's in New Jersey for 47 cents an hour. She is now 55 years old. She is working on her college degree.

She and her husband own a Pizza Inn franchise where she hires disadvantaged individuals at minimum wage. Many of these people are mothers living on food stamps. Gail is adamantly opposed to an increase in the minimum wage because she will no longer be able to offer minimum wage jobs to the people who need them most.

It is a very poor way of really helping the working poor, if that is what our goal is, and I trust it is. Where does it go? According to the U.S. Census Bureau data, more than 35 percent of employees whose wages would be increased by this proposal to raise the minimum wage by 90 cents live with their parents. Surprisingly, maybe not surprisingly, more than 80 percent either live with their parents, live alone, or have a working spouse. Now listen to this. Only 2.8 percent of those who will get an increase under this minimum wage proposal are single parents with children, only 2.8 percent.

So I suggest to my colleagues there is a better way. We can reform, we can refocus and we can retarget the earned income tax credit. We can in fact raise the take home pay of those who most need it, the working poor, those on minimum wage with children, and we can do it in a way that does not have the negative impact of a minimum wage increase.

That 90-cent increase on the minimum wage, where does it go? Well, that person will find that 21 cents they will lose in a reduction in their food stamp eligibility. They will pay 8 cents more out of that 90 cents in FICA taxes. They will lose as much as 14 cents an hour from their earned income tax credit. If they happen to live in public housing, they will pay 27 cents an hour more in their rent at their public housing. That leaves them, under this scenario, about 20 cents out of the 90 cents that we are increasing the minimum wage.

I suggest to my colleagues that common sense and logic would tell us that is the wrong way, if we really care about the working poor. There are compassionate alternatives. Republicans have come up with compassionate alternatives to show that we can help the working poor without costing a half million jobs among those who need them most.

How can we say we care about those who are working minimum wage and then say we are going to, in a political season, to gain a few political points, rob hundreds of thousands of those who need those jobs most of their employment? Tell that single mom with two children, "You lost your job because we wanted to score political points."

Mr. CLAY. Mr. Speaker, I yield 15 seconds to the gentleman from Texas, Mr. GENE GREEN.

Mr. GENE GREEN of Texas. Mr. Speaker, let me point out to my colleague from Arkansas that over 50 percent of the people over 25 will receive a minimum wage increase. In fact, in the State of Arkansas 158,000 workers will see a minimum wage increase if this bill is passed and the Riggs amendment is passed.

Mr. RIGGS. Mr. Speaker, I yield 3 minutes to my good friend and colleague, the gentleman from Massachusetts [Mr. BLUTE], another original cosponsor of the minimum wage amendment.

Mr. BLUTE. Mr. Speaker, I rise today in strong support of the Quinn-Riggs-Martini-English amendment raising the minimum wage for America's low-income workers, and also in strong support of the Small Business Job Protection Act.

We have an opportunity today to do something that we have never done before in the Federal Government, simultaneously raise the minimum wage while helping small businesses to create jobs, a win-win situation for the American worker.

A minimum wage increase such as the one we proposed today can and should help our low-wage working families, and the tax and regulatory relief proposed by Chairman ARCHER in the Ways and Means Committee can and should create jobs in our country. As we seek, as a matter of national policy, to replace welfare with work, we can make real work pay in the real world, allowing low-wage workers a measure of dignity and self-sufficiency.

While it is very true that a worker needs a job opportunity first and foremost, and it is important that our economic policies reflect that, it is also fundamentally true that a job opportunity must provide sufficient support, lest we create cross pressures and disincentives to work that ultimately will discourage the very work we seek and foster the welfare culture that has been an unmitigated disaster for America and for too many of our fellow citizens. We know our welfare system does not work. We know it creates victimization, dependency, and ultimately despair. The President should sign our welfare reform plan that replaces welfare with work, but we should also today enhance those efforts by making real work pay.

Let us today strike a blow for hope. We can help small businesses create job opportunities, lower their tax burden and allow them to divert more of their resources to job creation rather than to big government. But we can also help America's struggling workers to view an honest day's work as something far more beneficial to them and their families than the dead end of dependency and welfare. Support the Quinn-Riggs-Martini-English amendment.

Mr. BALLENGER. Mr. Speaker, I would like to note that the State of Massachusetts will face a loss of 4,000 jobs if the minimum wage is increased.

Mr. Speaker, I yield 1 minute to the gentleman from South Carolina [Mr. GRAHAM], a member of the committee.

Mr. GRAHAM. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I think we are detecting a pattern here. Somebody is going to get up and say that X amount of people lose jobs in a congressional district or State, and somebody on the other side is going to get up and say X amount of people get more money. I would like to say this. Why can the greatest Nation in the world with very smart people not increase take-home pay without costing anybody their job?

I have yet to have anybody come down here and deny the fact that we are going to have between 100,000 and 500,000 people lose their job if we raise the minimum wage. Using their own numbers, 37 percent of the people earning minimum wage are under 20. One gentleman said, well, 19,000 people may lose their job, but three hundred and some thousand will get a pay increase. That is not a good trade-off. Go tell it to the 19,000. If you are at a football stadium this year, remember this. If it is a 100,000-seat stadium, everybody sitting in the stadium is going to be some kid without a job.

We are the greatest nation in the world. We should be able to do better. Because President Clinton has the ability to flip-flop with style and grace on an issue that is going to cost people jobs, that is no reason for my party to follow along.

Mr. CLAY. Mr. Speaker, I yield 15 second to the gentleman from Texas, Mr. GENE GREEN.

Mr. GENE GREEN of Texas. Mr. Speaker, to my colleague from South Carolina, South Carolina would see an increase of 196,000 workers who would see a pay increase. That is a pretty good size football stadium.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentlewoman from Hawaii [Mrs. MINK].

Mrs. MINK of Hawaii. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I think it is important to recognize that of the 3,660,000 workers in the United States who work for the minimum wage, that 63 percent of that number are women, and 82 percent of that number are white. We are talking about a very large number of women in this country that are going to be affected if we do not do the responsible thing today, and that is to raise the minimum wage.

We have made work an enshrined ethic. As we talk about the debates on welfare reform, we have constantly said the most important thing we can do to reform welfare is to force people to go to work. The Members who oppose raising the minimum wage today are the very first individuals who stand up here and say these individuals on welfare ought to be made to go to work. Surely if Congress is going to force work, it should be at wages that can reasonably support the family. That is what welfare reform is all about.

□ 1145

The reformers talk about self-sufficiency, personal responsibility, and the ability to support your own family. If we do not raise the minimum wage, these workers earn only $8,840 a year. You cannot support a family on that amount of money.

We have to get real. We have to understand that the wages of these individuals must be raised in order to earn enough to survive. Even at the $5.15 an hour wage, that is only $10,712 a year. It is important also to know that we have Earned Income Tax Credit. Again, this is because we want to honor people who work by giving them a refund of the taxes that they pay. If we raise the minimum wage, that public budget cost will be reduced, obviously. So it is a savings on the budget, as well as the right thing to do for our families.

Mr. BALLENGER. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. DREIER].

Mr. DREIER. Mr. Speaker, I want to congratulate my colleagues, on both sides of this issue. I am convinced that everyone in this House sincerely wants to see an improvement for those who are at the lower end of the economic spectrum.

The other night I was snuggling up on United Airlines with my U.S. News and World Report and happened to read the letters to the editor, and saw this very thoughtful piece from Ed Grady from St. Paul Park, MN, where he says:

> The legislated minimum wage is a classic example of a good intention and a bad idea, the idea being that government, by simple decree, can increase the earning power of all marginal workers. This line of thinking runs counter to the basic principles of a free society. Government edicts do not make wages rise; they rearrange and redistribute existing wealth. Wages rise in response to the creation of new wealth through greater productivity. Government cannot create or produce anything.

Mr. Speaker, we should in fact reject this. We should improve the standards of those at the lower end of the economic spectrum by decreasing the tax and regulatory burden imposed on the private sector. Let us proceed as quickly as possible with a responsible measure.

Mr. CLAY. Mr. Speaker, I yield 15 seconds to the gentleman from Texas [Mr. GENE GREEN].

Mr. GENE GREEN of Texas. Mr. Speaker, to my colleague from California, 1.3 million workers will see a pay increase if the minimum wage is passed. The gentleman's quote from U.S. News and World Report is straight out of Adam Smith, but it is more like the Addams Family.

Mr. BALLENGER. Mr. Speaker, I yield 4 minutes to the gentleman from California [Mr. CAMPBELL].

(Mr. CAMPBELL asked and was given permission to revise and extend his remarks.)

Mr. CAMPBELL. Mr. Speaker, we have a tradeoff between losing jobs and increasing the earnings of those who still have their jobs. I think that is an honest way of putting this debate. I do not think there is any economic disagreement that if you increase the minimum wage, you do actually lose jobs, and I do not think there is any disagreement that for those who keep their jobs, they will have higher income. So it is a tradeoff between the two.

I have been taking notes on today's debate, and I suspect that my colleague from Texas will say that there are 1.3 million Californians who would benefit from an increase in the minimum wage, and I suspect my colleague from North Carolina would point out there are 63,000 jobs that would be lost in California if there is an increase in the minimum wage. So assuming both numbers are right, I just ask you, does this tradeoff make good sense? Does it make good sense?

If you want to increase the earnings of those people at the bottom of the income level, the way to do it is by an increase in the earned income tax credit, which means all of us pay for it. But if you increase the earnings of the people at the bottom of the income level by increasing the minimum wage, you make those people who offer jobs to those most in need of them pay the freight. You increase the tax on those whose only sin is that they have actually done something to give somebody a job.

People lose jobs with the increase in the minimum wage, but it is not across the board. The increase in the minimum wage has a peculiarly deleterious effect on those starting out, particularly on the young, particularly on minorities. We have heard from Professor Joe Stiglitz, my colleague on the Stanford faculty and now chairman of the Council of Economic Advisors. In his textbook he pointed out, "In the United States, perhaps the major unemployment effect of minimum wages is on teenagers."

He is quite right. This was shown in the 1981 Congressional Minimum Wage Commission study that pointed out that what you have is about a 1 to 3 decrease in employment for every 10 percent increase in the minimum wage. So if we look at this as a 21-percent increase in the minimum wage over two years, we would see employment falling between 2 and 6 percent as a conservative estimate among teenagers, among those getting their start in the job force.

Now, what of the poor? It is essential that we show compassion, that we do all we can to help the poor, and it just makes no sense to tell a poor person you do not have a job; but if you did, it would be at a higher wage. Does it?

What makes sense is to say we will keep you employed, and, through the tax base, supported by all of us, as opposed to using a penalty on those who offer the job, we will help your earnings increase.

The numbers that I have are that 214,000 American workers support their families on the minimum wage. Obviously I would like that to be zero. But the question is, are you prepared to benefit the 214,000, by costing others, estimated as more than 500,000, their jobs? Realize that there will not even be the 214,000 benefited after you have increased the minimum wage, there will be fewer left to benefit, because of those who will lose their jobs?

To me, the argument is very clear. we mean to do good, but we are using a very dangerous means to do good. There are better means to do good.

I want to close by a comment to my colleagues who, like myself, consider the title "moderate" as a compliment. Moderate Republicans particularly like to pride ourselves on saying that we do not go with the knee-jerk process of thinking; that we try to address each issue on its merits, whether it is gun control, or a woman's right to choose, or the environment. Please, apply your independent, moderate Republican thinking.

And to my Blue Dog Democrat colleagues, apply your independent economic thinking, as well, to realize it is wrong to cost a person a job.

Mr. RIGGS. Mr. Speaker, let me note that the time to raise the minimum wage is during the period of relatively low unemployment and inflation, as we are currently experiencing.

Mr. Speaker, I yield myself 1½ minutes for the purpose of engaging in a colloquy with the gentleman from California [Mr. WAXMAN].

Mr. WAXMAN. Mr. Speaker, will the gentleman yield?

Mr. RIGGS. I yield to the gentleman from California.

Mr. WAXMAN. Mr. Speaker, I rise in support of this important legislation to increase the minimum wage.

I am well aware of the likely impact of this increase on the Medicaid program, of which nursing home services are the largest part of that spending. Nursing homes employ large numbers of minimum wage workers. Since most nursing home funding is reliant on government-set payment rates, minimum wage increases will have a direct and significant impact on nursing facilities.

Mr. Speaker, I am concerned there will be adequate funding to maintain the level of quality we fought so hard for. Current Medicaid law requires that rates which States pay to nursing homes be reasonable and adequate to meet their costs and to be in conformity with applicable State and Federal laws. Certainly the Fair Labor Standards Act is an applicable Federal law.

I feel we should reaffirm for the record that current law requires States to adjust their nursing home reimbursement rates to take into account the increased costs that nursing homes incur in complying with the increase in the minimum wage.

I would like to ask the gentleman if he agrees with this position.

Mr. RIGGS. I appreciate the gentleman's concern and would like to say, while the increase in the minimum wage will help in the retention of quality care givers, it is important to me it not be a source of financial strain which may negatively impact on the ability of facilities to provide care to the frail, elderly and the Medicaid program.

We must work together to ensure adequate funding for the States to maintain nursing home standards.

Mr. BALLENGER. Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. STEARNS].

Mr. STEARNS. Mr. Speaker, I am deeply concerned with the stagnant wages that are making life more difficult for so many working Americans. I believe that Congress should best address this problem by cutting taxes, balancing the budget, and spurring economic growth. Increasing the minimum wage is an unfunded mandate on American businesses, on the States and the local governments. It is not the way to go.

Mr. Speaker, this is not the right way to get the money to the people who need it. Already those minimum wage earners who have families are eligible for food stamps and the earned income tax credit. All government supplements consider the very least a family of four can earn is currently $7.40 an hour. So the question we hear from the Democrats when they say no one can afford to raise a family on minimum wage, frankly, my colleagues, no one actually is.

I would like to conclude, Mr. Speaker, by saying many of us have sponsored a bill by the gentleman from Iowa [Mr. LIGHTFOOT] in which we decided the best way to handle this issue is let each State decide if they are going to increase their minimum wage and not have it on a Federal level. That is the proposal we should be voting on.

Mr. Speaker, I rise today to voice my concerns about the proposal to mandate an increase in the minimum wage and to support the Goodling amendments.

The Democrats have pushed and pushed this political issue, and today they're finally going to finally get what they want: increased unemployment, a multi-billion dollar mandate on the State and local governments, more welfare dependency, higher unemployment and inflationary price increases. All in the name of class warfare. They want to compare the salary of Bill Gates to that of a 18 year old. But they forget that Bill Gates worked for minimum wage too and was glad to get that first job.

This is not the right way to get money to those who need it. Already, those minimum wage earners who have families are eligible for food stamps and the earned income tax credit. All government supplements considered, the very least a family of four can earn is almost double the minimum wage. Why aren't the Democrats acknowledging this? So when you hear Democrats say no one can afford to raise a family on minimum wage, frankly, no one actually has to.

If the Democrats truly want to increase family earnings, if they truly want to help those who need assistance, then I suggest that we do just that—that instead of passing unfunded mandates, we better target the EITC, we reform welfare, and we enact legislation with incentives that encourage job creation, not discourage it.

At least we have a compromise in the Goodling amendment, which offers small businesses incentives and opportunities so that they may offer workers jobs at competitive prices. This, coupled with H.R. 1227 and H.R. 3448 will work to create jobs and help Americans, not hurt them like the unqualified mandated increase in the minimum wage.

As Teddy Roosevelt once said, "the most practical kind of politics is the politics of decency." I urge my colleagues, do not hurt the people that we were elected to help. Oppose the effort to eliminate thousands of jobs, the effort to create inflation, and the effort to worsen our Nation's welfare problem.

Support the Goodling amendment.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentlewoman from California [Ms. WATERS].

Ms. WATERS. Mr. Speaker, this amendment being offered by the Republican Member from California, Mr. RIGGS, is a fine example of what Democrats can do when we are persistent in our demands for justice for workers. The Republican leadership resisted and resisted and resisted. Finally, some Republicans, such as Mr. RIGGS, who have heard from their low wage working families, have been brave enough to say no to NEWT GINGRICH and DICK ARMEY.

Mr. Speaker, I would now like to ask all of those Republicans who support this Democratic initiative to stay the course, stay in this fight, and resist the Goodling amendment that will come after this vote. In particular, the Goodling amendment will undermine the minimum wage increase and exclude some 10.5 million workers in certain businesses.

Members cannot give with one hand and then take back with the other hand. Those who claim they are now in support of the minimum wage increase must stay this course if they are to have any credibility.

I sincerely thank the gentleman from California [Mr. RIGGS], and his allies in this effort for joining the Democrats on this most important initiative to increase the minimum wage for those low wage earners who are so deserving of a little bit of support from the Members of Congress.

Mr. Speaker, for those who ask the question why was it not done early, let us get rid of that rhetoric. Then was then, and now is now. Let us do what we can do for American workers. For those who say why do they want it, I would ask my colleagues, have any of my colleagues in their lifetime ever turned down an increase in wages? If offered an increase, if offered one, have my colleagues ever said no, that will not be good for the economy; no, that will not be good for business; no, that will not be good for the American public?

Mr. Speaker, I do not think so. I think all of our lives we have taken whatever increases have come our way. Do not ask anything less of low wage workers in America. Let them have this little bit of a 90-cent increase in wages.

Mr. BALLENGER. Mr. Speaker, I would like to note for the record that California will face a loss of 63,100 jobs if the minimum wage is increased.

Mr. Speaker, I yield 1½ minutes to the gentleman from Arizona [Mr. KOLBE].

Mr. KOBLE. Mr. Speaker, I rise today in strong opposition to this amendment that would raise the minimum wage.

Simply put, a wage is a price—the price of labor's services. When we talk about establishing or raising the minimum wage, we are talking about price fixing. And we all should know what price fixing leads to—a distorted marketplace.

So, practically speaking, what will it mean?

Economists may disagree about how many jobs would be lost by raising the minimum wage. But they don't disagree that jobs will be lost. Estimates of the job loss range from 350,000 to 850,000. Whatever the number, one thing is certain: the low-income group that proponents claim this increase would help will surely be the ones to lose their jobs.

I think of the kid working at my corner Texaco station after school to help pay for college. He pumps gas and cleans up while higher paid mechanics work on cars. But his service is marginal, at best. Now, he's likely to be laid off and the mechanics will interrupt their work long enough to take care of other tasks.

I think of the single mother who works at the tailor shop I use at home. It's a second job for her, but it helps pay the rent and food bills. She hasn't done seamstress work for long; her productivity isn't as great as the other women who have been there for years. Will she keep her job when the owner has to increase her wage by 25 percent? Probably not.

Ultimately, my question on this issue is this: If 5 dollars and fifteen cents an hour would reduce poverty, wouldn't $20 an hour eliminate it altogether?

Better yet, why not make everyone rich by making it $50 and hour? We know how foolish that would be. So why do we think legislating a wage of $5.15 an hour makes sense? We should really be looking at things like capital gains tax reductions, and reduced regulations on businesses that more surely and swiftly will increase both employment and wages.

I urge my colleagues to oppose the minimum wage increase.

□ 1200

Mr. RIGGS. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey [Mr. MARTINI], an original cosponsor of the minimum wage amendment and a gentleman who has worked hard to bring this measure to the House floor.

Mr. MARTINI. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise today in support of the American worker and in strong support of raising the minimum wage. As an original cosponsor of the bill to raise the minimum wage, I am pleased that today we are bringing this matter to the floor for a debate and a vote.

To me this is not an issue of politics, but rather simply an issue of fairness. I do not believe this should be a partisan issue, but it is not a coincidence that this issue was raised in an election year; that, despite the fact that for 2 years they, my colleagues on the other side, had every opportunity to pass a minimum wage increase when they controlled both Congress and the White House, they did not.

Nevertheless, we need to stop playing political games and give hard working men and women a raise. Too often these individuals work long hours and often take second jobs, yet they feel like they are running in place. If we really want people to move from welfare to work, as have to make work worthwhile. Americans deserve a fair wage for a hard day's work. Raising the minimum wage will reward those able-bodied individuals who choose to work over welfare by improving their quality of life. Ultimately, that is what this debate is all about.

Mr. Speaker, I believe in raising the minimum wage, but I also believe we have an obligation to our small businesses, our mom and pop shops throughout America, to ease the Federal tax and regulatory burden placed on them. True, small businesses are often the most vulnerable and have extremely high rates of failure. Increasing the minimum wage, coupled with real small business relief, will ultimately help Americans earn more and keep more of what they earn.

I am pleased that today we will do the right thing by providing millions of American workers a living wage and restore some dignity to the workplace. I urge my colleagues to support the Quinn-Riggs-English-Martini amendment to raise the minimum wage.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentlewoman from North Carolina [Mrs. CLAYTON].

Mrs. CLAYTON. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I want to say that I stand in strong support for increasing the minimum wage. We have an opportunity today in America, both Democrats and Republicans, to do something meaningful for millions of working Americans.

I think it is important to note that both Republicans and Democrats are voting for this. This is not a new precedent. My understanding is that in 1990 they also voted together. So we are united in responding to the needs of the American people.

Some who are in opposition, if we would listen to them carefully, we would think they are arguing for the continuation of welfare. They say if indeed we increase the minimum wage, people will lose these benefits. It seems to me that is a counterargument that they have been advocating all the time. We want to make work pay so that people are self-sustaining and not being dependent on the government itself.

Some also say, well, raising the minimum wage certainly is not the only way. I would agree with them, raising the minimum wage is not the only way of raising people out of poverty, but it is one way.

I want to suggest what my colleague, the gentlewoman from California, Representative WATERS, said, and that is, "That was then and now is now." Now we have an opportunity to do something that is meaningful. We also can add to that a combination of things, raising the minimum wage as we do the earned income tax credit.

My friend from California says this is a debate between who will lose and who will win. I hope for no adjustment at all, but in my State 300,000 people who are struggling just to put food on the table, to take care of their children, will know the benefit of making work pay because they would indeed have that as a livable wage.

Never do we want anyone to lose their job, but adjustments are made all the time. All the time. Why not make the adjustment for those who make the least in our economy, so that we can say something about the American economy; that America's economy is strong enough that those who make the least can have a livable wage.

Indeed, I know my colleague from North Carolina will say how many people will lose their jobs, but I want to tell him that thousands of people will increase their wages.

Mr. BALLENGER. Mr. Speaker, for the gentlewoman's benefit, I want to note that North Carolina will lose about 19,100 jobs, probably from the eastern part of the State.

Mrs. CLAYTON. They would also gain 300,000; 300,000 will gain.

The SPEAKER pro tempore (Mr. UPTON). The gentleman from North Carolina controls the time.

Mr. BALLENGER. Mr. Speaker, I yield 1 minute to the gentleman from Colorado [Mr. HEFLEY].

Mr. HEFLEY. Mr. Speaker, I rise in opposition to the minimum wage increase. We have heard all about the conflicting numbers and the studies, but what were we being told in the election of 1994? What was the Contract With America all about?

Was it not the message the people were sending this Congress that less government is better government? Were they not saying we do not want any more unfunded mandates? And yet this is an unfunded mandate. Did they not say let us get government out of our lives?

We need to lower taxes so that people have more to spend and more to pay and so that the economy will be better. The capital gains tax, for instance, affects 60 percent of the people in America. The minimum wage affects 1 percent. Major regulatory reform would reduce the cost of labor.

It is obvious what this is all about. It is about political election year pandering. Vote "no" against the minimum wage amendment.

PARLIAMENTARY INQUIRY

Mr. CLAY. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state the inquiry.

Mr. CLAY. Mr. Speaker, I notice that over and over the gentleman from North Carolina has been responding to speakers without seeking time.

The SPEAKER pro tempore. The Chair would note the gentleman has been docked for the time.

Mr. CLAY. I thank the Chair.

Mr. Speaker, I yield 15 seconds to the gentleman from Texas, Mr. GENE GREEN, which I am sure will be docked.

Mr. GENE GREEN of Texas. Mr. Speaker, I thank the ranking member on my committee for yielding the time.

The gentleman from Colorado [Mr. HEFLEY] is honest about opposing a minimum wage, but in Colorado 145,000 workers will see a pay increase if the Riggs amendment is adopted.

Mr. RIGGS. Mr. Speaker, I yield myself 15 seconds to point out to my very good friend, the gentleman from Colorado [Mr. HEFLEY], that according to a poll published in yesterday's USA Today newspaper, 83 percent of the American people support raising the minimum wage; and to my Democratic colleagues that same poll indicates that 83 percent of the American people support the balanced budget amendment and 71 percent of the American people support a 2-year cutoff for welfare without work.

Mr. Speaker, I yield 1½ minutes to the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Mr. Speaker, I rise in strong support of the Riggs-Quinn amendment to increase the minimum wage by 90 cents over 2 years.

This is a commonsense proposal that is long overdue. It's been 7 years since we last raised the minimum wage, and its purchasing power, adjusted for inflation, has sunk to its lowest level in 40 years.

May I ask my colleagues a simple question? I thought we wanted to move people off welfare? Raising the minimum wage does that by making work more attractive than welfare—allowing the minimum wage to remain stuck where it is provides a strong incentive for someone to remain on welfare instead of joining the work force.

Furthermore, as documented in the often-mentioned Card/Krueger Princeton study on New Jersey's increase in the minimum wage to $5.05, none of the dire predictions of either job loss or job flight ever came to pass—so much for the proverbial "chicken littles" of New Jersey who predicted the economic equivalent of "sky will fall" if we raised our minimum wage! It didn't. There was no job loss!

With our State's experience still fresh in my mind, I simply do not believe that the national economy will be stifled by the modest minimum wage increase proposed by our colleagues, Mr. RIGGS and Mr. QUINN.

Professors Card and Kerueger are highly respected empirical economists, and opponents of raising the minimum wage should refrain from impugning their credentials.

Why's that? Because roughly 20 other economic studies by numerous other economists have all reached the same conclusion as professors Card and Krueger: namely, raising the minimum wage does not have a significantly negative impact on job growth.

But more important than even which economic study supports this claim or that one, I urge my colleagues to remember that 40 percent of all minimum wage workers are the sole wage earned in their household.

These people are working harder and harder, and falling further behind each year as the purchasing power of their minimum wage continues to decline. These people need our help, and they need it now.

Two-thirds of the teenagers earning the minimum wage live in households with below-average income—please don't lose sight of the human aspect to the debate over increasing the minimum wage.

I would also like to express my support for the underlying legislation which amends the Portal to Portal Act to clarify when an employer is obligated to compensate an employee for using an employer-owned vehicle to travel both to and from work.

As a member of the Economic and Educational Opportunities Committee which reported out this legislation by voice vote, I want to commend both Subcommittee Chairman FAWELL and Chairman GOODLING for recognizing the need for a clarification to the current statute. I strongly support the provision establishing an opportunity wage, really a training wage.

This training wage, as it was called back in 1989, is vital to employers, and particularly small businesses, who would otherwise struggle to meet the minimum wage increase.

Unfortunately, as many of my colleagues know, the extremely burdensome reporting requirements of the 1989 training wage led virtually no employers to utilize it, rendering its application useless.

Plain and simple, the training wage will protect both employers and employees. Those individuals just entering the workforce will have the training they need to successfully carry out their new responsibilities, and their employers will have workers whose contributions will enhance company productivity and competitiveness.

Moreover, this training wage will help prevent disruptions in the workplace. This provision puts to rest the red herring, namely that fewer low-skilled workers will be hired while current employees are laid-off.

Fortunately, there will be two separate votes, one on the small business exemption and one on the remaining Goodling package.

The small business exemption, if adopted, will be a poison pill and effectively kill the minimum wage bill. In my opinion, the small business exemption completely nullifies the increase in the minimum wage. It will create a huge loophole so that millions of American workers will not receive a higher minimum wage. Limited data shows that close to 11 million workers are employed by business, that would be covered by this exemption. So, it is quite clear that a significant number of minimum wage workers will not be entitled to the increase being proposed.

And, while I have stated my strong support for the training wage, I cannot support it when attached to the tip credit and computer professional provisions. Regardless of how much money someone is making, if his required pay is determined based on the current minimum wage, then it should be based on the current minimum wage. The law says that the wage has to be adjusted, and it should be!

I want to endorse those provisions of H.R. 3448, the small business tax incentive package, which will be merged with the Portal-to-Portal bill after House passage and sent to the Senate.

There are several very important tax incentives for small businesses contained within H.R. 3448—increased expensing for investing in new plant and equipment; pension simplification proposals; and an expanded tip credit for certain food service employees; are important components of the save and invest in America agenda I have been advocating for years.

Enacting a save and invest in America agenda is essential if the Congress and President are to provide enough economic growth to create good jobs and good wages. Those provisions in H.R. 3448 represent a small, first step in this direction!

But, I am standing here to support the Riggs-Quinn amendment to increase the minimum wage, and would urge my colleagues to do the same.

Mr. BALLENGER. Mr. Speaker, I yield 30 seconds to the gentleman from California [Mr. CAMPBELL].

Mr. CAMPBELL. Mr. Speaker, the Card and Krueger study is inaccurate and unreliable. It has just been referenced, and we have to set the record straight. Nobel prize winning economist Gary Becker, on the Card and Krueger New Jersey study, concluded that: "The Card-Krueger studies are flawed and cannot justify going against the accumulated evidence from many past and present studies that find sizable negative effects of higher minimums [wages] on employment."

Card and Krueger did a telephone study. They did not follow it up. Subsequent studies have followed it up and have totally rebutted the wrong implications of that study. We should not be basing our judgment on erroneous data.

Mr. RIGGS. Mr. Speaker, I yield 15 seconds to the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Mr. Speaker, I want to point out that there are 20 other studies, at least, by eminent economists that substantiate the Princeton study.

Mr. BALLENGER. Mr. Speaker, I yield 1 minute to the gentleman from Michigan [Mr. KNOLLENBERG], a member of the committee.

Mr. KNOLLENBERG. Mr. Speaker, we know this is not really about helping working families. If increasing the minimum wage was such a great idea, why did we not do this back in 1993? I guess the leadership at that time did not think it was important when they were too busy raising taxes on seniors, on businesses.

In fact, let me share with my colleagues the President's words in those days. I know this does not mean much to some, but, in fact, he said then, on February 6, 1993, "The minimum wage is the wrong way to raise incomes of low-wage earners."

If my friends think 90 cents per hour is going to save working families, they are only looking at half the story. What we need to provide, of course, is tax relief to our families, not 90 cents an hour.

Let me just add that for every one person this helps, it is going to hurt many more; many more in jobs lost by first-time, inexperienced workers which will increase costs and burdens for our small businesses and finally higher prices to consumers.

If we want to help our working families, increase their income and get the Government out of their wallets. A minimum wage increase may be well intended, but it is wrong-headed. It is a recipe for losing jobs and opportunities and increasing unemployment. Vote "no" on the minimum wage.

Mr. CLAY. Mr. Speaker, I yield 15 seconds to the gentleman from Texas, Mr. GENE GREEN.

Mr. GENE GREEN of Texas. Mr. Speaker, in the State of Michigan, 420,000 workers would see an increase in the minimum wage.

And I would say to my colleague who just spoke, he knows that in 1993 and 1994 we were working on health care and not a minimum wage to try to provide for raising the standard of living, and that is why minimum wage was not increased in 1993 and 1994.

Mr. CLAY. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois [Mr. POSHARD].

Mr. POSHARD. Mr. Speaker, I rise in strong support of the Riggs amendment to increase the minimum wage and against the Goodling amendment which would gut our efforts to help working families.

There are perhaps many areas of this Nation where the transition from a blue-collar to a high-technology work force has been accomplished fairly easily. But I represent parts of central and southern Illinois where the loss of jobs in manufacturing and the coal mines has been hard on our people. Good-paying jobs which could sustain a family of four have evaporated right before our eyes, and we are still working to diversify our economy and provide the new jobs which will replace those that have been lost. But for the time being, when you leave a job in the mines and try to support your job on the current minimum wage, you just can't make ends meet.

If we want people to work, if we want to move people from welfare into the work force, if we want families to stay together and more closely resemble the collective unit which we remember from our childhoods, then we have to provide jobs upon which they can sustain their families. This modest increase in the minimum wage will help their purchasing power and increase their staying power in the job market.

Let me be clear—in my district we are blessed to have some of the most progressive and profitable companies in the world and a vibrant small business community providing good jobs with good paychecks and benefits. We are thankful for those jobs, and are trying to do everything we can to create more of them. And we are thankful for the minimum wage jobs which provide people access to the work force, a chance to save money for college, or a second job to stretch the family budget. And where necessary, we need these jobs for people who are the primary source of support for their families.

But the purchasing power of the minimum wage has been stunted by inflation and the rising cost of living, and it's time to help folks working at the minimum wage recover their ability to make a living. When we raise the minimum wage, we help people support their families, we help them take part in the local economy with the ability to buy goods and services, and we give them an incentive to work.

Support this increase in the minimum wage on behalf of the working families of this Nation.

Mr. CLAY. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. KLINK].

Mr. KLINK. Mr. Speaker, I thank the gentleman for yielding me this time.

The bottom line is that $170 gross per week is not enough money for anyone to live on. And when we have a minimum wage that is, in fact, at a 40-year, all-time low, it is a point of fact that economically it holds down all wages across this country. It lowers the quality of life for working people all across this Nation and it hurts business because these people cannot be the consumers that they want to be.

When wages fall, buying power drops, and all these Adam Smith economists would then come to use and say, well, we have social problems now. So Federal Government, give us money for more police officers; Federal Government, give us more money for courts; Federal Government, give us more money to build prisons.

We have a better idea before us today, and that is to pay workers a more livable wage. Empower the family unit to sustain and to provide for itself when a member of that family goes out and puts in 40 hours worth of work each week.

It was Henry Ford, that capitalist, who understood he had to pay his workers enough money so that they could buy the cars that he was making in order for this great country to work.

Mr. RIGGS. Mr. Speaker, may I inquire how much time the floor managers have remaining?

The SPEAKER pro tempore. The gentleman from California [Mr. RIGGS] has 9¼ minutes remaining; the gentleman from North Carolina [Mr. BALLENGER] has 20½ minutes remaining; and the gentleman from Missouri [Mr. CLAY] has 8 minutes remaining.

□ 1215

Mr. RIGGS. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts [Mr. TORKILDSEN].

Mr. TORKILDSEN. Mr. Speaker, I thank the gentleman for yielding time.

I rise in strong support of this modest increase in the minimum wage and for the Small Business Protection Act which passed last night. I am proud to be an original cosponsor of the Quinn bill, Republican legislation that would go beyond President Clinton's and the minority party's election year two-step. I applaud the gentlemen from California, from New York, from New Jersey and Pennsylvania for their efforts to bring this amendment to the floor.

Like millions of Americans, I have held several minimum wage jobs. As one of 10 children, I would not have been able to afford to attend UMass Amherst without working at McDonald's and department stores like Lechmere and Filene's. But the minimum wage is much more important to families trying to put food on the table and a roof over their heads.

Over half of the minimum wage workers are women, many are their family's only wage earner and must work one minimum wage job just to make ends meet. For them, a 90-cent increase will mean an additional $1,800 per year, $1,800 more for groceries, clothing and rent.

We must replace the failed welfare system in this country. Real incentives to work must exist for people to free themselves from welfare and support their children. Keeping the minimum wage current with inflation as the Riggs-Quinn-English-Martini amendment does will help.

Mr. Speaker, raising the minimum wage provides a reasonable floor for struggling Americans already working at the minimum wage and those seeking to break free from the trap of welfare to join the work force.

I urge my colleagues to vote for opportunity over stagnation. Vote for freedom over dependency and vote for work over welfare.

Mr. BALLENGER. Mr. Speaker, I yield 5 minutes and 30 seconds to the gentleman from New Jersey [Mr. SAXTON], who is vice chairman of the Joint Economic Committee.

Mr. SAXTON. Mr. Speaker, I would like to just say to my colleagues that the last time we had a vote on the minimum wage, which was 5 years ago, I voted to increase the minimum wage. I thought I was doing the right thing, and it sure made me feel good. In the intervening years, as I became vice chairman of the Joint Economic Committee and began to pursue a variety of subjects that had to do with our economy and the welfare of our workers, I have came across information which I would like to share with my colleagues today because today I am not going to vote in support of the minimum wage as I did 5 years ago; I think for good reason.

For example, early in my tenure as vice chair, I came across a study that was done in 1983 by the Joint Economic Committee. There as referenced in this Wall Street Journal article which was published in April of this year, an article written by Bruce Bartlett, a renowned economist, and let me quote one line from this article. It says: "A survey of earlier studies by the General Accounting Office in 1983, for example, found virtually total agreement that employment is lower than it would have been if no minimum wage existed."

Mr. Speaker, this is important. It was important to me as I began to look at why we should or should not support a mandated increase in the minimum wage. In the meantime, our committee put this study together. It finds no, zero, zilch, no credible evidence, not one credible piece of evidence that increasing the minimum wage is a benefit to the working people of this country. Not one single study.

The Card-Krueger study has been referenced here on a number of occasions. Let me share with my colleagues that after having hearings on the Card-Krueger study, after consideration of their results and after looking at studies that were done pursuant to it, it was a telephone survey, folks. They called on the telephone to fast food restaurants, and they said to whoever answered the telephone: How many part-time and full-time workers do you have? And the responses were quite astonishing.

As a matter of fact, on one occasion the results point out that the answer was, we have 35 employees. On a follow-up telephone call, which they also recorded, the response from the same restaurant was, just a few months later: We have 35 full-time employees and 30 part-time employees. Their employment had doubled. Everyone knows that that did not happen.

So as we looked at the Card-Krueger study, we became convinced, particularly pursuant to a followup study that was done by economists Neumark and Wascher from Michigan State University, hat this study simply is not credible. And as I point to these issues, I would like to quote the President from his 1995 State of the Union Address. He said: I believe the weight of the evidence, the weight of the evidence, he said, is that a modest increase does not cost jobs.

We have proven that is not true. Over the years, over the last 50 years there have been more than 100 studies that have concluded unanimously, unanimously that mandating an increase in the minimum wage puts people out of work.

Let me tell my colleagues about these studies. Beginning in 1957 and ending in 1993, there were five studies; all concluded that the minimum wage reduces employment. Beginning in 1973 and ending in 1992, there were 14 studies that concluded the minimum wage reduces employment among teenagers more than it reduces employment among adults.

Beginning in 1971 and ending in 1980, there were seven studies that were done that concluded that the minimum wage reduces employment among black teenage males. There were two studies that were done in the meantime that concluded that the minimum wage hurts blacks generally. There were three studies that concluded that the minimum wage hurts low-wage earners. There were five studies that were done that concluded that the minimum wage reduces employment in low-wage industries such as retailing. There were three studies that were done that concluded that the minimum wage hurts low-wage regions such as the South and in rural areas.

There were six studies that were done that concluded that the minimum wage does little to reduce poverty. There were five studies, four studies that were done that concluded that the minimum wage has reduced employment in foreign countries as well as here.

We found not one credible piece of evidence, we found not one credible piece of evidence anywhere, from academia, from the world of economics that concludes that increasing the minimum wage helps anyone. That is why the gentleman from North Carolina is correct on each occasion that he has stood up and said, in your State, this bill will cost x number of jobs. He is absolutely correct. The empirical evidence is unanimous, not questionable, unanimous in support of the gentleman's position.

Mr. RIGGS. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. BOEHLERT].

Mr. BOEHLERT. Mr. Speaker, raising the minimum wage appeals to people's sense of fairness because it is the right and the equitable and the timely thing to do. Let me share some facts that lead to that conclusion.

It is a fact that the last time that this Congress voted to raise the minimum wage was 1989. It is a fact that the last time we had an increase in the minimum wage was 1991. It is a fact that 63 percent of the people earning minimum wage are adults 20 or older. It is a fact that the present $4.25 minimum wage is at an historic 40-year low in terms of purchasing power.

What does an increase in the minimum wage do, the previous speaker said. It does not do anything for anyone. Well, an increase in the minimum wage would add $1,800 to a wage earner's income. That is significant.

I urge support of the Quinn-Riggs amendment.

Mr. BALLENGER. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. SMITH].

Mr. SMITH of Michigan. Mr. Speaker, I called Joseph Stiglitz over at the White House the other night. Mr. Stiglitz is chairman of the Council of Economic Advisers for the President. I called him because I was reading his textbook where he said, there is danger in increasing the minimum wage. That textbook that he published a couple years earlier, it said wherever there is a group of people demographically or wherever there are parts of the country in particular distress, whenever the minimum wage is above the equilibrium wage, there is going to be unemployment.

Mr. Speaker, so I asked him: Do you not, do you still agree with that concept? He said: Well, we talked about how much unemployment would result, and we concluded that the unemployment that is going to result from the minimum wage increase is not going to be that significant. The fact is that he agrees, everybody agrees that it causes unemployment.

We seem to be on a trend of saying, since 82 percent of the people think wages should be higher, let us have Government do it. Do we really think that Government control can determine markets, can determine productivity, can ultimately determine the wages of people? I think the answer is no.

Mr. Speaker, George Washington asked the question, and I quote: "If to please the people, we offer what we ourselves disapprove, how can we afterwards defend our work?" I wish he were here today to save Congress from doing what really most of us know is wrong: telling our citizens that they cannot work unless the Government approves the salary they make.

If the question to the American people were put such, do you believe that Government should make it illegal for you to work unless you receive $5.15 an hour, do you think that is a good idea for that kind of Government intrusion or not, I think most of the people would say, keep Government out of our lives.

We are telling seniors that want to work in a nursing home overnight they cannot do it anymore unless they get the wage we require. I think it is a bad idea. I think it is a shame we are doing this.

We will be telling teenagers that they cannot get work experience unless the Government approves of their wage.

In effect, Government is saying that people are too stupid to know what their minimal wage requirements are.

My constituents want the Federal Government to stop trying to run their lives. Raising the minimum wage is Government meddling in their lives which could cost them their job.

Mr. CLAY. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin [Mr. KLECZKA].

Mr. KLECZKA. Mr. Speaker, we have heard a lot about studies today. Let me give my colleagues the benefit of my own study. Years past, I owned a small business. We employed up to eight people. They all received the minimum wage. Those who were with us longer received much more. We paid the Social Security tax, unemployment insurance, the workmen's compensation. At the end of the day, we still made a profit, in fact paid off the business in record time.

So, all the woes we are hearing today, I know from personal experience, are not necessarily true. My Republican friends and their inconsistency boggles my mind. On one hand we are told, if we increase the minimum wage, poor people in the country are going to lose food stamps, they are going to lose earned income tax credit. On the other hand, these same Republicans are for cutting food stamps. Last year they tried to take $20 billion out of earned income tax credit. So to the poor I say: You just cannot win for losing with the Republicans. It is amazing.

Last, let me encourage my friends like the gentleman from California [Mr. RIGGS], the author of the amendment, when it comes time for the Goodling amendments, I ask you to join me in opposing them. We can see ourselves this afternoon raising the minimum wage on one hand and talking it away with two amendments on the other hand.

The SPEAKER pro tempore. The gentleman from North Carolina [Mr. BALLENGER], who is representing the committee position, has the right to close.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida [Mrs. MEEK].

Mrs. MEEK of Florida. Mr. Speaker, I strongly support increasing the minimum wage. I have many reasons for doing so. I do not need to go into them all. But some Members of the majority Republican Party are opposing the minimum wage because they say that, if you reform the earned income tax credit, it is a better way to help the working poor.

□ 1230

I say to my colleagues that that is not true. They seem to have forgotten that last week they voted for a budget resolution which cuts the EITC by $20 billion. Last week they also asked for a $20 billion increase on almost 7 million hard-working Americans, and those are the people who will have higher taxes under the Republican budget, which they have already passed.

If my colleagues will notice, 2.7 million of our hard-working people, these are people who get up early in the morning and go to bed late at night; from zero to $10,000 a year, that is all they make. Look at the cut on these people, and the 1.8 million who make from $10,000 to $20,000 a year, 1.8 million of those will be affected by this cut, 1.9 million of them in the $20,000 or $30,000 a year will be hurt.

If my colleagues notice the chart, the higher one's pay scale is, the less they will be affected by the EITC. Mr. Speaker, that is not fair.

Second, do not let anyone say that minimum wage will not help the average worker. Even with the $500 child tax credit which the Republicans have placed in the budget, it is not going to get them out of this malaise here because even at that they are going to have to pay at least $29 more per year than they were paying now.

My premise to my colleagues is that please do not try to balance out their dislike of the minimum wage by saying, "Let's correct it with the earned income tax credit." The people need both the minimum wage and the earned income tax.

This is a picture of people working hard. Let us not try to hurt them.

Mr. RIGGS. Mr. Speaker, I yield 2½ minutes to the gentleman from Connecticut [Mr. SHAYS], one of the leading proponents of the minimum wage.

Mr. SHAYS. Mr. Speaker, I thank my colleagues for yielding this time to me.

In Psalms we read, "I would have fainted unless I believed to see the goodness of the Lord in the land of the living." This is an excellent debate, and we are having the opportunity on both sides of the aisle and within both parties to debate this issue and speak from our hearts. From my heart I believe in the Riggs-Quinn-English-Martini amendment to increase the minimum wage 50 cents in July and again 40 cents a year later. In my heart I believe that we have got to have a minimum base for a worker so they are not exploited. In my heart I believe this is the right thing to do.

Now, the debate we have, this is historic because two-thirds of Congress wants to increase the minimum wage, but two-thirds of the majority party does not. What a credit to the majority party that they have brought out a fair bill, and I just have nothing but admiration from my leadership on both sides of the aisle that they have offered this kind of debate.

Now, there is a tradeoff. My colleague from California is right. When we increase the minimum wage, we affect jobs and we affect prices. The issue is how significant is that increase? If we did what the gentleman from New Jersey [Mr. SAXTON] did and raised it $20, of course we would increase prices and cause large unemployment. But when we do what we did in 1989 and raise the minimum wage 45 cents, and again a year later 45 cents, unemployment went down, maybe it would have gone down even more, prices were basically stabilized. It was a modest increase.

We are at an all-time low in 40 years. The minimum wage in 1968, if it had been indexed for inflation, would be $7.08 today. We are not asking it to be $7.08. We are asking that over a period of 18 months it will be increased by 90 cents.

I just have to say that I am proud of my Republicans, I appreciate the Democrats for pushing this issue. The bottom line is we have the best of both worlds. We have an economic engine, we have the Small Business Protection Act, we have $7.5 billion in this bill for tax writeoffs for small business, for expensing, for targeted tax credits, to hire the least employable, the ones who are on welfare. This is a better bill than just standing alone on the minimum wage. I salute both sides in this debate.

Let us vote this out. Let us increase the minimum wage.

Mr. BALLENGER. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. CAMPBELL].

Mr. CAMPBELL. Mr. Speaker, I appreciate my colleague giving me just a brief moment to respond.

We ought to recognize the tradeoff and put some numbers on it. I think all reasonable commentators have said, "You lose jobs if you increase the minimum wage, but if you're lucky enough still to have a job, you will do better."

What are the numbers? The Bureau of Labor Statistics tells us that 214,000 wage earners support families on a minimum wage, which is less than 2 tenths of 1 percent of all wage earners. So the number that we keep hearing, the 4.7 million who make the minimum wage, is not right. It is rather how many are supporting families on it. Less than 2 tenths of 1 percent benefited. And how many would lose jobs? The best estimates that we have seen are between 500,000 and 700,000.

And so here is the tradeoff. Do we for the political opportunity of this moment sacrifice the employment of half a million in order to increase earnings for the 214,000? I say "no."

Mr. BALLENGER. Mr. Speaker, I yield 4 minutes to the gentleman from Ohio [Mr. BOEHNER].

Mr. BOEHNER. Mr. Speaker, as I said earlier in this debate, over the last 16 months the Republicans in Congress have had the courage to come to the floor of the House today and every day over those 16 months to do what we thought was right for the American people. We have had the courage to look past politics and had the courage to bring real change to this floor, real change in this Government to try to help all Americans.

Now, I know today's debate on this minimum wage is a serious debate. It is a debate that is certainly strongly felt by people on both sides of this issue. But I would suggest to all of my colleagues here that everyone in this Congress wants to help low-wage workers. We all want every American's boat to be lifted, but especially those at the bottom of the economic ladder, we all sincerely believe and want to do what we can to help them. But the question is how.

The proponents today bring a government-mandated minimum wage to the floor. What this is going to do, in my view, is going to hurt the very people we are trying to help. It is going to hurt small businesses that are the engine of new job growth in America, and I have to ask myself why would we want to do that when there is another way to help low-wage workers, and that other way is to help the private sector, help them in a strong growing economy so that they can provide more jobs and better wages for the American people because in the end low-wage workers will be much better off by allowing the private sector to do this rather than more government mandates, more government regulations.

Now, Republicans over those last 16 months, we have tried to do this, and we have passed a $500 per child tax credit to help all workers in America. Unfortunately, it was vetoed by the President. We have passed a balanced budget plan in the House and Senate, and it was also vetoed, that would help all workers, especially low-wage workers who are hit with high interest payments on their car loans, their mortgages, if they have them. We could really help. A capital gains tax reduction; yes, capital gains tax rate reduction that would help the economy grow, help small businesses invest more in their business, more in equipment, and guess what would happen? We would have more jobs and we would have higher wages for low-wage workers.

Now, over the last couple of days my friends on the other side of the aisle have had a lot of fun using a quote that was attributed to me that said I would commit suicide before I would vote to artificially raise the minimum wage. Now, why would I make such a quote? Well, I would like to tell all of my colleagues I grew up in Cincinnati with 11 brothers and sisters. I have had about every low-wage, sub-minimum wage job there is, and it was those jobs that were available that allowed me to learn the skills, allowed me the opportunity to learn how to get along in life, and yes, also taught me that maybe I ought to go back to school to improve myself if I were going to improve my lot in life. And, yes, it was because those low-wage jobs were there that, quite frankly, I am here today.

I am a product of the private sector. I started a small business and spend 15 years building it before I came here. Fortunately, I did not have to pay any of my workers the minimum wage. I was successful enough to be able to pay them a good wage, but it was because we had a successful company.

But a lot of small businesses do not have that, and on behalf of myself and my 11 brothers and sisters who had opportunities in America because these jobs were here, I from the bottom of my soul believe that we can help low-wage workers by providing and expanding the economy and help all workers.

Let us do the right thing today and veto and vote "no" on this artificial minimum wage increase.

Mr. CLAY. Mr. Speaker, I yield such time as he may consume to the gentleman from Louisiana [Mr. FIELDS].

Mr. FIELDS of Louisiana. Mr. Speaker, I rise in full support of raising the minimum wage. It has been over 5 years since working Americans have had a raise. Since April of 1991, the minimum wage has been fixed at $4.25. If left unchanged, the minimum wage will be at its lowest in more than 40 years in real inflation-adjusted terms. Nearly three-fourths of the workers affected by the increase are adults over the age of 20. Between 1981–88, President Reagan adamantly opposed an increase in the Federal minimum wage, the longest period of time for it to remain stagnant. It lost 25 percent of its purchasing power during that time. The purchasing power has dropped 15% since the last increase in 1991. Adjusted for inflation, that is nearly 50 cents. The average minimum wage worker must work 3½ days more in order to pay rent than in 1981, now totalling 17 days.

The average minimum wage worker has to work more than full time, 15 hours more, to stay out of poverty. Forty percent of minimum wage earners are sole breadwinners. Minimum wage workers' earnings account for almost half, 45 percent, of a families total earnings. The Department of Health and Human Services estimates that the minimum wage increase could lift 300,000 families out of poverty, including 100,000 children living in poverty.

At $4.25 an hour, a full-time employee working 40 hours a week, 52 weeks a year earns $8,840. Fifty-nine percent of all minimum wage workers are women. Many of these women are single parents. Ten million Americans working for minimum wage would take home another $1,800.00 a year if a 90-cent increase were enacted.

This 90 cent increase could enable a single mother to pay: for 7 months of groceries, rent or mortgage payments for 4 months, a full year of health coverage, 9 months worth of utilities, and more than a full year's tuition at a 2-year college.

In Louisiana, 313,605 workers, 20 percent of the total work force, are minimum wage earners.

Before working for me, one of my own employees, a divorced mother, with no support from her child's father, had to work three part-time jobs to keep her head above water. Because she was also in college trying to obtain a degree, she was unable to work 8 straight hours a day and go to classes and take care of a child. Not only that, but many employers will not hire a minimum-wage earner for 40 hours a week to keep from having to pay benefits. She is a prime example of a minimum wage earner bringing home $8,840 a year. With a monthly income of less than $700 after taxes, she was in the red every pay period and forced to rely on food stamps and Medicaid to get by.

Expenditures taken from that $700 a month: rent, $225.00; utilities, $60.00; child care, $300.00; telephone, $29.00; incidentals (toiletries, diapers, household items, etc.), $50.00; transportation, $30.00.

Total remaining: $6.00

Mr. CLAY. Mr. Speaker, I yield 1 minute to the gentleman from Vermont [Mr. SANDERS].

Mr. SANDERS. Mr. Speaker, the great crisis facing this country today is the decline in real wages for American workers and the proliferation of low-wage jobs. We have millions and millions of workers today who are trying to survive on $4.25 an hour, $5 an hour. They are not making it. Raising the minimum wage is long overdue, and we must do it today.

The situation is so bad and the Federal Government has so much failed to stand up to its responsibility that 10 States in this country on their own, including the State of Vermont, have raised the minimum wage. Now, if the minimum wage is so bad, tell the Republican Governor of New Jersey, who supports their increase in the minimum wage, to roll it back. She will not do it because she knows, as every other Governor knows, that it is vital to raise the minimum wage today.

Lastly, it is incomprehensible to me that I am hearing people talk about abolishing the minimum wage. They really want to see workers in America earning a dollar an hour, $2 an hour, competing against the workers in China who make 20 cents an hour. That is not the future of America.

Mr. RIGGS. Mr. Speaker, I yield myself 30 seconds to point out to the gentleman from Vermont [Mr. SANDERS] and my very good friend, fellow Gang of 7 member, the gentleman from Ohio [Mr. BOEHNER], that the legislation which passed yesterday on an overwhelmingly bipartisan measure, I think it had actually or more than 300 votes for final passage, will provide tax incentives to entrepreneurs to start and to grow a business. And that combined with the minimum wage is good policy for America.

Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. BILBRAY].

Mr. BILBRAY. Mr. Speaker, I support the motion and the amendment. I support it not because it is going to change the world, but it is a gesture by this Congress to the fact that this Congress has done things that have been counterproductive to the working class, and I wish my colleagues on this side of the aisle that say they care about the entry-level jobs were as compassionate about the competition that American workers have to have every day against illegal immigration, uncontrolled immigration that the old Congress not only allowed but practically mandated and encouraged, and I just ask my colleagues to be as compassionate about the entry-level jobs, Americans who are waiting for good jobs, I wish they would care as much about the causes for driving down the fair market value of labor in this country that they have allowed along with some Members on this side to be able to do this.

So this is a gesture of saying we have not only not done the right thing, we have consciously caused the fair market value of labor in this country to be depressed by cheap illegal imported labor, and I ask both parties now that say they care about the economy let us take care of that problem, Mr. Speaker.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey [Mr. ANDREWS].

□ 1245

Mr. ANDREWS of New Jersey. Mr. Speaker, I thank my friend for yielding me the time.

Mr. Speaker, to understand this debate today and what has happened in this Congress in the last 18 months, we have to consider the case of an individual who owns a building, and that woman who cleans his building at night and is working for minimum wage. Here is what we have done for those two people or to those two people in the last 18 months.

For the person who owns the building we have said, if you have a pension plan and you have what you consider to be surplus income in the plan, you can keep it and spend it on yourself. We have said that when you sell the building, we will give you a tax break or a tax reduction on your profit when you sell the building, and if you choose to move out of the country, renounce your citizenship, and no longer be an American for the purposes of evading taxes, we will let you do it. That is the policy we are following here.

On the other hand, when the woman who cleans the building at night tries to get a 90-cent increase per hour in her wages, that is a great risk to the American economy and a great diversion of public policy that makes no sense.

What makes no sense is that we are even having a serious question about this. The people who sweep our floors, cook our meals, and work in the child care centers in this country need a raise. They have earned it, they deserve it.

Mr. Speaker, I support the increase in the minimum wage. I oppose the amendment that will follow this, which will eviscerate and defeat the increase in the minimum wage. I would urge my colleagues to vote for the amendment of the gentleman from California [Mr. RIGGS] and against the amendment offered by the gentleman from Pennsylvania [Mr. GOODLING].

Mr. CLAY. Mr. Speaker, I yield the balance of my time to the gentleman from Montana [Mr. WILLIAMS].

The SPEAKER pro tempore (Mr. WALKER). The gentleman from Montana [Mr. WILLIAMS] is recognized for 2½ minutes.

Mr. WILLIAMS. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, let met begin a moment of nonpartisanship by recognizing the small band of our Republican colleagues who have abandoned the position of their party and support the minimum wage. I commend them, because I know their leadership is 100 percent against their position. I encourage all Republicans to join this small band of courageous and correct Republicans. I encourage all Republicans to join the Democrats that are in favor of the minimum wage.

I encourage all Republicans in the House to understand that today the value of the minimum wage is $3.70, not $4.25, but $3.70 in purchase power. But even if it was $4.25, I would remind all of my colleagues that we earn more every 15 days than those workers earn all year. That is, we earn in 15 days on our congressional salaries what minimum wage workers, going to work every day, earn all year long. Surely the Congressional Republicans can come down here and help to increase the wage of those low-income Americans.

Mr. Speaker, today in this country one child out of four lives in poverty. Yet 60 percent of those kids live in a household where one or the other parent works. We should raise their mom's minimum wage. If we want mom and dad off of welfare, make the job worth going to. Raise the minimum wage. That is one, only one way, but that is one good way that we could help to reform welfare.

Mr. Speaker, I encourage all our Republican colleagues to join this small band of Republicans here that understands that raising the standard of living for America's workers, not lowering it, is the way to increase employment in this country, is the way to help small business in this country.

Most of our Republican friends seem to think that if we could just lower wages enough, we could create more employment in this country. That has been their debate here. That has been their argument. We have all heard it. In fact, we have heard it for 60 years. It has been six decades now that the vast majority of Republicans, in a kind of political stone-age opposition to minimum wage, have opposed it. Again, I commend this small band of Republicans and encourage all the rest of you to join them.

Mr. RIGGS. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman from California [Mr. RIGGS] is recognized for 2¾ minutes.

Mr. RIGGS. Mr. Speaker, this has been, I think, an enlightening and constructive debate. I want to point out that I expect the vote that will occur on this floor will be very much a bipartisan vote. About an hour ago we had a procedural vote, with 76 Republicans joining 190 Democrats to support that motion, so I anticipate the vote for the minimum wage will also be equally bipartisan.

In the spirit of bipartisanship, I want to remind my Democrat colleagues again of yesterday's USA Today Gallop poll indicating that 83 percent of the American people support the balanced budget amendment and 83 percent of the American people support raising the minimum wage. Seventy-one percent support a 2-year cutoff for welfare without work.

I would ask the Members, in the same spirit of bipartisanship, to stop fighting us tooth and nail in our efforts to balance the budget and reform welfare, and join us in a bipartisan manner to help us pass those critical legislative reforms in the waning days of this session of Congress.

In just a moment, Mr. Speaker, we are going to hear a very distinguished economist, who himself happens to be an extraordinarily capable majority leader, speak to close the debate. A few moments ago he spoke about the perverse employment effect of raising the minimum wage. But I want to respectfully suggest that raising the minimum wage allows us to address the perverse incentive that we have in American society today that makes welfare more attractive than work.

Let us raise the minimum wage to help lift people out of poverty, particularly those single mothers who struggle against heroic odds to move from welfare to work. Let us make sure that that entry-level job for a welfare recipient pays more than welfare. We can do this together. We can send a strong message to the American people that we can put partisanship aside and we can get things done in the name of the public good.

Mr. Speaker, I yield back the balance of my time.

Mr. BALLENGER. Mr. Speaker, I yield the balance of my time to the distinguished gentleman from Texas [Mr. ARMEY], our majority leader.

The SPEAKER pro tempore. The gentleman from Texas [Mr. ARMEY] is recognized for 8 minutes.

Mr. ARMEY. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, here I am, with every fiber in my being, doing what I thought I would not have to do in this Congress: Speaking on behalf of the most beleaguered, least advantaged, least trained, least skilled, least experienced job aspirants in America, against the folly of raising the minimum wage, which, irrespective of the impact it might have on their incentive to work, I might point out to my colleague, the gentleman from California, creates an enormous reduction in the opportunities for them to find the job; because as we raise the price of unskilled work, we provide a greater incentive to substitute other ways of achieving the task without the employment: Golf carts instead of caddies, dishwashing machines instead of dish washers; any number of events we have seen in the past.

The facts are clear, Mr. Speaker. Study after study after study demonstrates that we have these perverse employment effects where that entry-level job for the most needy worker in America just goes away. It is documented. There is no doubt about that. It is the standard treatment of this subject in every econimc principles textbook in America, including the 1993 edition of the President's own chairman of the Council of Economic Advisors' textbook on page 131.

I have said this before, and I am afraid it seems harsh, but if a college freshman does not grasp this, he is not likely to pass the course. But it is not just an academic question, it is a question of real lives.

I had my first job at less than what is today's minimum wage, at a lower wage. I was sacking groceries for Joe Torson at the age of 14. Joe Torson taught me I had to be to work on time, I had to be clean and neat and orderly, and I had to be well mannered, and I had to do my job and I had to achieve some degree of proficiency. When I did that, he gave me a raise. Then I moved on. I started another job at another time, with another firm, doing another thing. I started at the minimum wage.

They taught me what was the difference between a coffin hoist and a come-along. They taught me how to put on my equipment and climb a pole, and after I could do it I got a raise, and I worked my way through college in the summer.

Then after that, while in school, during the school year when I wanted that supplement for my income that I needed as a young college student, I washed dishes at minimum wage. I could have been replaced with a new Hobart dishwashing machine, and all of us knew that. So nobody stays, or very few people stay.

What if you do stay at the minimum wage and have a child? With the earned income tax credit, with aid to dependent children, with the other benefits that are available to you, nobody is asked to raise a family in America today, with all that we do to supplement the income of the low-wage worker at minimum wage.

This debate has been a fascinating exercise for me. I have often said that Washington harbors a great many people that cannot be trusted with words or numbers. That point has never been more thoroughly well demonstrated than listening to all of the misinformation I have seen around here.

We were approached by our Members and we were asked by a minority of our majority, would we put this vote on the floor. Out of respect for our Members, we said yes, we will do that, but we will do it after a time in which we have been able to study it, prepare for it, and put it in with the proper safeguards and protections. One of the protections we put in here against the loss of job opportunities for the inexperienced worker is a small business exemption, something that was petitioned to the Democrat majority in 1991 by then-Congressman Espy, had 67 Democrat cosponsors, 150 sponsors, and hey would not allow it on the floor.

A larger share of their conference when they were in the majority that petitioned them for this exemption asked, why was the gentleman from California [Mr. SERRANO] so much in favor of this in 1991; why was the gentleman from New York [Mr. OWENS] so much in favor of this in 1991; Why was the then-Democrat chairman of the Committee on Small Business in favor of that in 1991? Because they knew the harm that was happening in the inner city. They petitioned their leadership.

Now we have brought it out in exactly the same language, with the only change being two protections for those already on minimum wage in those jobs that would get the exemption. The two protections were if you are now receiving it, you cannot be denied it, and you cannot lose your job as a method of avoidance of it; a better amendment than even Congressman Espy had, we brought it on the floor, and we hear all of this noise from the same Democrat leadership that denied their own membership the fundamental right to air their views and have a vote on the floor in 1991, this big panic of rhetoric going up.

I have to tell the Members, I am embarrassed by it. This is a serious business in the lives of real people. We may in fact entertain ourselves, console ourselves that somehow or another we will never see those people who become the broken eggs in the omelet of self-satisfaction that we make for ourselves as we appease the pressures of American union leaders in Washington, DC, in total disregard for real people in their real lives in the real world.

We will probably vote this thing in, but if in fact we end up doing this, I implore my colleagues, have an ounce of decency and consideration for the most beleaguered victims of minimum wage increases, those youngsters caught in inner cities where the jobs are lost, and vote the small business exemption and give them the protection they have. Many of you will not do that. You will make your votes, and you will be satisfied that you have done good.

But let me leave you with this thought. When you walk into the city in the middle of July and you see that youngster that is standing idle because the job they thought they were going to have is not there for them this summer, and you look in the face of that young high school or college student and you say, "I feel your pain," that is only just. You caused it.

Mr. RUSH. Mr. Speaker, the minimum wage and efforts to increase it, have been the focus of many inaccurate comments by Members in the Republican majority. Some have said that there are no heads of households supporting families on a minimum wage. Others have proclaimed, an increase in the minimum wage would cause jobs to decrease for low-skilled workers.

Mr. Speaker, the truth is an increase in the minimum wage is the only way working Americans will be able to sustain decent living for themselves. The truth is that 12 million Americans, most of them women, would benefit from the minimum wage increase. The truth is that a raise in the minimum wage is the least this Congress can do for Americans, after cuts in education, Medicare, school lunches, and environmental protections.

The fact that we are even having a debate on the merits of a minimum wage increase shows that the majority cares little for those who are struggling. The majority feels the need to debate the merits of a bill that will provide extra pay that would mean 7 months of groceries, a year of health care costs, 9 months of utility bills, or 4 months of housing.

We must stand strong for those who have the least. We must fight for those who are trying to better their situations through good, honest, hard work. We must be sure that a minimum wage is truly a living wage. Since businesses are enjoying record profits, we must ensure that profits are shared with the persons who made the records possible.

Mr. RADANOVICH. Mr. Speaker, I don't favor an increase in the minimum wage. In fact, I am opposed to the whole concept of a minimum wage.

In the private sector, the minimum wage is an interference with employer-employee contractual relations. Big brothers in the Federal bureaucracy aren't happy unless they can control conduct throughout the workplace.

And, recalling my own experience as a county supervisor, I know the minimum wage is just another unfunded mandate. It represents Washington's dictating to States and local governments what they must pay without providing the dollars to accomplish it.

There are economists from coast to coast who have exposed the minimum wage, showing that it doesn't lift people from poverty. Instead, it denies realistic opportunity for first-time workers and those with little experience as well as impairing small businesses.

Minimums, whether in wages or freedoms, are not American ideals. As a society, we should strive for maximums, gained by hard work, not by regulation and restriction.

Mr. BORSKI. Mr. Speaker, I rise today in strong support of an increase in the minimum wage from $4.25 to $5.15 over the next 2 years. This increase in the minimum wage is an essential step toward ensuring that American workers are properly rewarded for their efforts to achieve the American dream.

While a bipartisan majority in the Congress stands ready to give minimum wage earners a raise the House Republican leadership instead wishes to deprive potentially millions of American workers of any minimum wage increase. In what should have been a simple, widely-supported victory for millions of hard working Americans, the Republican majority has demonstrated not only its aversion to any increase in pay for American workers, but also its intention to eliminate, entirely, the protections of the minimum wage for millions of low-income earners. In fact, quoting Speaker GINGRICH's right-hand man, Majority Leader DICK ARMEY, the Republican majority will not only fight any minimum wage increase "with every fiber of his being," a majority of the Republicans would like to do away with the minimum wage altogether.

This is yet another example of the extremist agenda of the Republican leadership. While the average American worker labors day in and day out just to support his or her family, the new congressional leadership has worked just as hard to prevent these Americans from earning a fair, liveable wage. Should Speaker GINGRICH and his foot soldiers be successful in their efforts to prevent a pay raise for American workers, the real purchasing power of the minimum wage will soon be at the lowest it has been in over 40 years.

Mr. Speaker, far too many hard-working Americans are not adequately rewarded for their efforts. In recent years, many middle- and low-income American families have faced an incredible economic squeeze. Since 1979, the wealthiest 20 percent of this country has seen its incomes grow my roughly $767 billion. During the same period, middle-income families have seen their wages stagnate, and in certain cases decrease. But the last 10 years of wage stagnation has had a particularly hard impact on the lives of the low-income working families. Since 1979, the value of the current minimum wage for lower-income, working-class families has dropped by almost 29 percent, and, in fact, has declined over 50 cents alone in constant value since its last bipartisan increase only 5 years ago.

Today, the majority of working American families are struggling to provide their families with a decent standard of living. This living-wage increase of over $1,800 in additional earnings per year is an essential, first step in assisting many of the most vulnerable American families obtain the ability to provide their families with proper homes, a good education, and a chance to improve their economic situation.

I am very disappointed that the majority leadership chose to exact a price for the consideration of the most important and widely accepted issue for millions of American workers, by attaching amendments which would not only deny many Americans the benefit of a pay raise, but also completely eliminate the protections of the minimum wage for millions of small business workers.

The first of the Republican majority's proposed amendments would repeal the protections of the minimum wage for small businesses. This amendment to the minimum wage increase would be a dramatic leap backward from current law, effectively exempting virtually all new employees of two-thirds of all firms from major worker protection provisions of the Fair Labor Standards Act, including minimum wage and overtime pay. Millions of workers who are employed by businesses with gross annual sales under $500,000, would be completely exempted from the protections of the minimum wage law. Mr. Speaker, it is not bad enough that many hard-working Americans would be denied a well-deserved pay-raise under the Republican minimum wage proposal, but this proposal goes even further, exempting millions of American workers from any minimum wage standard, effectively allowing employers to pay their employees whatever wage they desire.

The GOP's second proposal would go further in undermining worker protections, by resurrecting and making permanent a youth subminimum, so-called opportunity wage. This subminimum training wage likely result in age discrimination in hiring practices and could lead to America's youngest workers undermining older workers for subminimum, entry-level positions. Under the Republican proposal, American employers would be able to hire young people for a training period at a subminimum wage, only to replace them with additional young people before they would be required to pay the full minimum wage amount.

Mr. Speaker, we should be passing a simple, clean, minimum wage increase for every American worker. Despite the unbelievable claims of House Republican Whip TOM DELAY, who states that "working families trying to get by on $4.25 an hour . . . don't really exist," a clean raise in the minimum wage would benefit millions of workers across the country, including over 490,000 workers in Pennsylvania alone. Let's justly reward the American workers for their labors and raise the minimum wage for all American workers.

Mr. COSTELLO. Mr. Speaker, I rise in strong support of an increase in the minimum wage. The 90-cent increase that is being considered today by the House of Representatives will begin to address the erosion in American workers' purchasing power. If the minimum wage is not increased, it will fall to its lowest level in 40 years.

Mr. Speaker, this is essential legislation that directly impacts millions of American workers. Over 500,000 of these workers are in Illinois. Because the majority of American workers who are paid the minimum wage are over 20 years old, the increase will aid these workers in supporting themselves and their families. As we encourage people to find jobs instead of relying on public welfare, we must work to ensure that the minimum wage is a living wage. As a result of the reduction in turnover, the employer's costs of recruiting and retraining are lower.

Raising the minimum wage is expected to immediately lift 300,000 families out of poverty. My colleagues who charge that a 90-cent increase is nominal and unnecessary probably are not aware that a 90-cent increase in the minimum wage could pay for 7 months of groceries, rent or mortgage payments for 4 months, or a full year of health costs. These are real expenses that working people have and that can be addressed by a minimum wage increase.

Many of my colleagues also charge that the minimum wage increase will result in lost jobs. However, many economists dispute this claim. In addition, according to the Bureau of Labor Statistics, 10 million jobs have been created since the last increase in the minimum wage.

These are among the reasons why I strongly support a 90-cent increase in the minimum wage and urge my colleagues to join me in voting for the increase.

Mrs. COLLINS of Illinois. Mr. Speaker, I would like to say that I am pleased to announce that it appears the Democrats and the Republicans have come to an agreement on one thing in the debate about raising the minimum wage: there is agreement that no one can support a family working in a job that pays the current minimum wage. The problem is that to the Repubicans, the glass is half full; to the Democrats, the glass is half empty.

For the minimum wage worker, a 90-cent an hour pay increase means a great deal. It could mean the difference in having a roof over your head—or living in extraordinarily substandard housing. It could mean the difference between providing a healthy, balanced diet for their family—or waiting in line at a soup kitchen so your children could have a square meal. It could mean the difference between having a telephone or being isolated. It could mean the difference between acquiring a second-hand car or relying on expensive public transportation to get to your job, to the doctors, or to the grocery. That's a glass that's fuller than it is without a raise in the minimum wage.

Raising the minimum wage is not just a Democrat or Republican issue, and it is not only a labor issue. It is a women's issue. It is an education issue. It is a social and a welfare reform issue.

The Democrats and the Republicans agree that there are no working families living on a minimum wage, because you just can't do it. The Republicans have said that the "minimum wage families don't really exist." They're right. How can they? No one can fully rely on a salary from a minimum wage job at the current rate to buy food, pay rent, travel to work, pay child care and taxes—and still survive.

The Democrats and the Republicans agree that the difference between $4.25 and $5.15 per hour is not a lot. A mere 90 cents an hour difference. The Republicans position is that a mere 90 cents an hour raise won't make that much difference in the life of the minimum wage earner, but the Republicans also say it is a lot if it's coming out of the business owners' profits. What hypocracy! The worker would have about $36.00 a week extra; the business owner would have about $36.00 less profit. The glass is half empty.

To reiterate, raising the minimum wage is a labor issue. The current minimum wage, $4.25 an hour, is pocket change for many working Americans. In Illinois, nearly 11 percent of the wage earners are paid only $4.25 an hour. There are over 12 million Americans nationally who are currently working in jobs that pay the minimum wage.

Raising the minimum wage is a women's issue. Women's wages still remain below those of their male counterparts, even for comparable jobs. At the bottom of the job ladder, at least there is an opportunity for equality—equality in receiving the minimum wage. According to the Bureau of the Census, women make up 46 percent of the work force, and 40 percent of those women are working mothers. A single mother working at a minimum wage job who has to pay for child care has a substandard existence. She often cannot pay her bills and needs the additional help of food stamps, and so forth.

President Clinton recently declared a "National Pay Inequity Awareness Day" and in his statement he provided information that last year American women earned only 75 cents for every $1 a man brought home, with African-American women and Hispanic women collecting just 66 cents and 57 cents respectively, when compared to the majority male wage earner.

Raising the minimum wage is an education issue. Students are a large population of minimum wage earners. Students who are supplementing their family's income by working are not a thing of the past—they are the foundation of many communities. In 1980, the minimum wage was raised from $2.90 to a whopping $3.10 and since then it has only gone up to $4.25 where it has stayed since 1991. Since 1980, the cost of college has gone up 260 percent but the minimum wage for earners trying to pay their way through school only went up by about 30 percent.

Raising the minimum wage is a social and a welfare reform issue. People have little incentive to work when they have no hope of earning a wage that will allow them to make a decent living and take care of their family. The current minimum wage of only $4.25 an hour means a gross weekly salary for 40 hours of only $170—and that's before taxes and other mandatory deductions.

The Republicans continue to ignore the fact that the current minimum wage of $4.25 an hour makes it easier to perpetuate dependence on social welfare programs like aid to families with dependent children, Medicaid, subsidized child care, and job training.

Yes, my colleagues, the glass is half empty! Raising the minimum wage will not fill the glass, nor will it fill the pockets of the American workers, but it will help change lives. I urge my colleagues to put a little more in the glass and the pockets of the American worker and raise the minimum wage.

Mr. RAHALL. Mr. Speaker, I rise in support of the Riggs amendment to increase the minimum wage by 90 cents, to $5.15 per hour. I do so for many reasons, mainly because it is only fair to hard-working Americans who are working harder and longer with no gain. I do so because it is the right thing to do, to keep working Americans from having to ask for public assistance because $4.25 won't raise a family and provide for daily necessities and health care—just won't do it.

I vote for an increase in the minimum wage because it will let American workers to share in the gains of rising economies—such as some of the highest profits ever noted for corporate America, at a time when CEO's make 300 percent more in annual income than their highest paid employee, and at a time when the stock market is on an ever increasing upward trend. Let working Americans in on the act.

But one of my very biggest reasons for voting for this minimum wage increase is because we said that we would bring it to a vote, and 84 percent of Americans polled said: Do it. It may startle you to know that 71 percent of Republicans polled also support an increase in the minimum wage.

Early on in this debate, when Democrats said they would demand and insist on this up or down vote to increase the minimum wage, the Republican leadership was quoted as saying many things. The majority leader said I will resist increasing the minimum wage with every fiber of my being. Another in the leadership said: I'll commit suicide first. But we persevered and we have brought the proposal to a vote today.

But the Republicans who oppose this increase also did something else besides threaten to commit suicide or to resist with every fiber of their being. They went to their Ways and Means pharmacy and they concocted an antidote to the Democrats poison pill of a bill to increase the minimum wage.

They met in the dark of night under a full Moon, no doubt, and using potent herbs and verbs, and using the eye of NEWT, and hair and nail clippings from known Democrats who use the House barber shop—they developed their antidote and they called it the Small Business Job Protection Act, and cried out that if it was not enacted and administered immediately after enactment of a minimum wage hike, then small business would die.

Well, guess what? Democrats are all for helping small businesses—the backbone of our Nation, and its number one source of job creation. We had no problem with the small business job protection antidote. So we nearly all voted for it—it passed by a vote of 414 to 10 on May 22.

Was that sufficient, then, to sway our Republican friends across the aisle to come over to us and help us increase the minimum wage? In other words—did they seek us out to help us create a win-win situation—a situation where Representatives were willing to represent their constituencies—by honoring the efforts of the workers and by honoring the commitment and investment of small businesses in strengthening the economy of the entire country? All at the same time?

No indeed. I have in my office two communications from the National Federation of Independent Businesses [NFIB]—one which says: If you are going to raise the minimum wage, first enact the Small Business Job Protection Act. The other one says, if you vote for the minimum wage, it will be used against you when we report it to constituents in your district—or words to that effect.

Well, you can't have it both ways. I voted for the Small Business Job Protection Act because I do not want a single small business in my district or yours, my colleagues, to suffer. And I am proud to vote for this modest increase in the minimum wage for proud, working Americans who are struggling to stay off welfare and to live lives of dignity and self-respect by working for minimum wage.

I want to reward all that hard work that is taking place across this country—work and productivity by millions of employees of businesses, large and small—I want to honor any work achieved, as the Bible directs us—by the sweat of our brows.

I am ashamed at the betrayal by Republicans to hold out the small business antidote for raising the minimum wage—but once they got our support and our votes—to jerk the rug by fighting the rise in the minimum wage.

Shame, shame, shame on you who vote against this amendment raising the minimum wage after voting for the small business job protection antidote last evening.

Mrs. LOWEY. Mr. Speaker, I must say I sympathize with my moderate Republican colleagues on the other side of the aisle. After months of urging your leadership to allow a straight up-or-down vote on increasing the minimum wage, you thought you had finally won that most basic opportunity. But at the 11th hour, Speaker GINGRICH unleashed a killer amendment that would repeal the minimum wage and overtime pay requirements for up to 10 million Americans.

I continue to be amazed by the Republican leadership's policies that seek to bring us back to the days when workers were routinely exploited, polluters fouled our air and water with abandon, and college was only an option for the privileged few. But today with the Goodling amendment they are at it again, turning the clock back to a darker day.

Make no mistake about it, the Republican leadership doesn't believe hardworking Americans deserve a raise. The record of the Gingrich gang on the minimum wage is undeniable: delay, distort, and derail.

Inflation has been chipping away at the value of the minimum wage since it was last raised 5 years ago. Its value is now at its lowest level in 40 years. Forty years, Mr. Speaker. Americans who work full-time simply cannot live on $8,800 a year.

Making the minimum wage a liveable wage through two 50-cent increases will lift 300,000 families out of poverty, including 100,000 children, and help people move from welfare to work.

An increase in the minimum wage won't solve all of our Nation's economic and social ills. But it is clearly an overdue step in the right direction. Mr. Speaker, let's end the double talk and get a clean, up-or-down vote to give American workers a raise.

Ms. FURSE. Mr. Speaker, I rise today in support of raising the minimum wage, and helping reward the millions of Americans who work hard everyday. It has been 5 years since Congress last increased the minimum wage—5 years with less purchase power to pay for groceries, hospital bills, and car payments. Members of Congress who oppose the minimum wage are simply out of touch. Members of Congress make more money in 1 month with taxpayer dollars than people on minimum wage make in an entire year.

There are thousands of hardworking families in my district in Oregon, and across the country, who deserve this overdue increase in their take home pay. I am proud that Oregon's minimum wage is already higher than the national level. The bill before us today would raise the minimum wage to $5.15 by July, 1997, which would represent a 40-cent increase to Oregon workers. I find it disturbing that amendments have been introduced to repeal minimum wage coverage for 10 million American workers. We must not go backward; we must reward people who work hard with good wages. I urge my colleagues to oppose these amendments.

It is a remarkable fact that almost two-thirds of minimum wage workers are adults. In addition, almost 4 in 10 are the sole breadwinners for their family. In light of these facts, I believe that increasing minimum wage is the best welfare reform because it makes work pay. In 1993, I was proud to support an expansion of the earned income tax credit [EITC] which gave tax breaks to low-income families who were working hard. The minimum wage bill before the House today builds on the expansion of the EITC in 1993—which was opposed by every single Republican—and puts more money in the pockets of people who work.

Increasing the minimum wage is the right thing. It will help millions of American families, and I urge all my colleagues to support this legislation.

Mr. PAYNE of New Jersey. Mr. Speaker, I rise in support of an increase in the minimum wage so that we can give American workers a decent living wage, and I ask unanimous consent to revise and extend my remarks.

Mr. Speaker, as a member of the House Committee on Economic and Educational Opportunities, I rise in strong support of an increase in the minimum wage.

I had the privilege of serving on the conference committee for the last minimum wage proposal, which was signed into law in 1989, under a Democratic-controlled Congress. It was the right thing to do then, and it is the right thing to do now—in this positive cycle of our economy. Under President Clinton's leadership, we have developed very strong economic indicators. The deficit is down, new jobs have been created, and inflation is under control. The working people of this country deserve to enjoy the benefits of the economic good news.

Let me share with my colleagues our experience in my home State of New Jersey. I am proud that we have led the Nation in giving workers a livable wage. Despite the predictions of gloom and doom in some quarters, economists at Princeton University surveyed businesses in New Jersey and Pennsylvania in the spring of 1992, after New Jersey raised the minimum wage from $4.25 to $5.05. The results indicated that businesses in New Jersey actually added employees while in Pennsylvania, hiring remained stagnant.

We hear a lot of talk about family values, but what does it say when we fail to pay workers enough to support their families? Despite all the talk about welfare, the fact is that most poor people in this country work. They just cannot make ends meet in low wage jobs.

Let's help lift the standard of living for working families in this Nation, so that they can educate their children, buy their home, and fulfill the American dream. I urge my colleagues to support an increase in the minimum wage.

Mr. COX of California. Mr. Speaker, House Republicans are committed to higher take-home pay and better job opportunities for low-income Americans. We strongly support policies to give low-income Americans increased wages and improved chances to find work. But we are against Government-mandated wage and price controls that destroy jobs and hurt the economy.

President Nixon concluded, after leaving the Presidency, that the wage and price controls initiated during his administration were a serious mistake. During much of the 1970's, the President and Congress imposed harsh wage and price controls on most sectors of the economy. These policies were disastrous for the long-term economy and failed to meet even short-term goals, instead contributing to the "stagflation"—economic stagnation coupled with runaway inflation—for which the Carter era is known. By destroying economic opportunity, these policies dimmed the American dream for millions.

All this changed in 1981, when, as one of his first actions as President, Ronald Reagan ended the remaining Carter price controls. His action became the first element of a coordinated economic program of deregulation, the end of price and wage controls, elimination of trade barriers, an inflation-fighting monetary policy, and tax cuts to encourage economic growth and increase the take-home pay of all Americans. Ronald Reagan's economic policy ushered in the longest peacetime economic expansion in American history.

Echoing Ronald Reagan, Candidate Bill Clinton promised in 1992 to balance the budget, cut taxes for the middle class, and grow the economy. But once in office, he signed into law the largest tax increase in American history, stifling economic growth. In 1995, the economy grew at a sickly 1.5 percent. Clinton's vetoes of spending cuts insure continued deficits well into the 21st century. Then, having succeeded in implementing this tax-and-spend agenda—without a single Republican vote in the House or Senate—he sought to nationalize our health care system by placing a bureaucrat in nearly every health care decision, levying taxes on excessive health care benefits, and imposing price controls to ration health care for every American.

Republicans strongly opposed Clinton's effort to impose price controls on one-seventh of our national economy. That principled opposition to Government controls on the health care system contributed measurably to the 1994 election of the first Republican Congress in 40 years.

Government should not—indeed, cannot—rationally determine the prices of labor, goods, or services for health care, energy, or any other industry in a free market economy. In the 1970's, when the Federal Government imposed price controls on gasoline, the result was shortages and long lines. By attempting artificially to fix the price of gasoline, Government ensured we got less of it. Wage controls have precisely the same effect. "Raise the legal minimum price of labor above the productivity of the least skilled workers," the New York Times editorialized when the Democrats controlled Congress, "and fewer will be hired." Their editorial was headlined, "The Right Minimum Wage: $0.00." The politically liberal editorial policy of the New York Times caused them to ask: "If a higher minimum means fewer jobs, why does it remain on the agenda of some liberals?" Their answer: the liberal arguments aren't convincing—particularly since "those at greatest risk from a higher minimum would be young, poor workers, who already face formidable barriers to getting and keeping jobs."

Because in so many cases the minimum wage jobs that will be lost are the all-important first jobs—the jobs that give young Americans the experience, the discipline, and the references they need to move to better, higher-paying jobs in the future—an imprudent increase in the minimum wage would contribute to cycles of poverty and dependence. Such Government focus on starting wages is especially misguided since low paying, entry-level jobs usually yield rapid pay increases. According to data compiled by the Labor Department, 40 percent of those who start work at the minimum wage will receive a raise within only 4 months. Almost two-thirds will receive a raise within a year. After 12 months' work at the minimum wage, the average pay these workers earn jumps to more than $5.50 an hour—a 31 percent increase.

In a very real sense, the minimum wage is really a starting wage—the pay an unskilled, inexperienced worker can expect on first entering the work force. Once these workers have a foot on the employment ladder, their hard work and abilities are quickly rewarded. But these rewards can only be earned if workers can find that all-important first job. Consider who earns the minimum wage. According to the Labor Department, half are under 25 years of age, often high school or college students. Some 63 percent work part-time, 62 percent are second-income earners. And fully 80 percent live in households with incomes above the poverty level. Even Labor Secretary Robert Reich, in a 1993 memorandum to now-Treasury Secretary Robert Rubin, admitted that "most minimum wage earners are not poor." But while undue increases in the minimum wage do little to help the poor, curtailing unskilled employment opportunities will exacerbate poverty.

Bill Clinton himself has argued against raising the minimum wage. In 1993, he called it "the wrong way to raise the incomes of low-income workers." He was right: according to Labor Department statistics, half a million jobs were lost in the 2 years following the last increase in the minimum wage. In the year after the minimum wage was increased, 15.6 percent fewer young men (aged 15–19), and 13 percent fewer women, had jobs. Over three-fourths of the 22,000 members of the American Economics Association believe a minimum wage increase would lead to a loss in jobs. Many estimates of the cost of raising the minimum wage exceed one half of a million jobs lost. One such study, by Michigan State University Professor David Neumark and Federal Reserve economist William Wascher, estimates a loss between 500,000 and 680,000 jobs.

"The primary consequence of the minimum wage law is not an increase in the incomes of the least skilled workers," liberal economists William Bumble and Clinton Federal Reserve appointee Alan Blinder recently wrote, "but a restriction of their employment opportunities." An increase would also be an unfunded mandate on every State and locality in America. According to the Congressional Budget Office, the minimum wage increase will cost State and local governments, that is, taxpayers, $1.4 billion over 5 years.

President Clinton did not raise the issue of the minimum wage publicly during 1993 or 1994, when the Democrats controlled the Congress. Congressional Democrats, likewise, failed to hold even a single hearing on the minimum wage during that same period. The Democratic devotion to this issue in 1996 is entirely political—and, as the New York Times editorialized, inexplicable for liberals who care about the working poor.

The snare and delusion of wage and price controls must not distract us from the fundamental economic and fiscal policy reforms necessary to expand our economy and create good job opportunities for all Americans. A balanced budget, tax relief for workers and small business, and regulatory relief from unnecessary Government red tape offer the surest means of steering our economy toward lasting growth. Comprehensive welfare reform that promotes work and breaks the cycle of dependency can go far toward restoring the natural incentives for individual responsibility and personal growth. And redoubled efforts to focus our educational resources in the classroom—where educators, parents, and students exercise control over learning rather than taking dictation from Federal and State governments—can pave the way for a better trained and more employable workforce for the future.

These solid Republican policies will lead us to a better, stronger America. Wage and price controls, in contrast, are premised on the notion that Government fiat can raise wages without cost—a notion that fails both in theory and in fact. It is individual initiative rather than government beneficence that creates wealth, jobs, and a higher standard of living for all Americans.

Mr. FAZIO of California. Mr. Speaker, America needs a raise.

And it's about time—in the 5 years since the last minimum wage increase, its purchasing power has sunk to a 40 year low.

But rather than schedule a straight up or down vote on a minimum wage increase, the Republican leadership has loaded down this bill with provisions which renew their attacks on working families.

This bill would include a lower required wage for tipped restaurant workers, an overtime exemption for computer workers, and a subminimum training wage for new hires.

Our Republican colleagues just don't seem to get it. They don't seem to understand that a 90-cent increase in the minimum wage means 7 months of groceries, a year of health care costs, 9 months of utility bills, or 4 months of housing.

This is another example of how the other party has lost touch with what most Americans are thinking about the minimum wage. Over 80 percent of Americans not only believe in the minimum wage, but think that it should be raised.

My colleagues, this proposal is one more example of the do-nothing GOP Congress creating more legislative gridlock.

Let's not bury the minimum wage increase in a tangle of legislative language which would result in denying minimum wage protections to millions of working men and women. Let's honor America's working families by increasing the minimum wage.

Vote "no" on the Goodling amendment and "yes" on a clean minimum wage increase.

Ms. MILLENDER-McDONALD. Mr. Speaker, I rise in support of the amendment and ask unanimous consent that I be allowed to revise and extend my remarks in the CONGRESSIONAL RECORD.

About 12 million people will benefit from a 90 cent increase in the minimum wage according to the Economic Policy Institute, many of whom are my constituents.

An increase in the minimum wage would enable thousands of my constituents to move out of poverty and into the world of work and self-sufficiency. America's working class has been doing without for long enough.

Seventy-eight percent of the American people favor the plan by President Clinton reflected in the Riggs amendment to raise the minimum wage by 90 cents over 2 years.

The minimum wage directly rewards hard work. An increase in the minimum wage would send a signal to millions of Americans that we have not forgotten them, we appreciate and support them.

Mr. SKAGGS. Mr. Speaker, I rise in strong support of increasing the minimum wage for this Nation's working poor. The minimum wage law is designed to help ensure working Americans earn enough to live on. Under the current minimum wage, a full-time worker earns $8,840 a year, well below the poverty level for a single-parent family of three. No person working full-time should have to live in poverty.

The entire country benefits when we encourage self-sufficiency and reduce dependency on welfare. We want work to be more attractive than welfare—increasing the minimum wage helps accomplish that. And while the earned income tax credit would be another good way to help low-income workers, the Republican majority wants to cut the credit, not increase it. That is one reason it is so important that we raise the minimum wage.

Despite the claims of the Republicans who oppose increasing the minimum wage, the minimum wage is not a wage only for teenagers who have part-time jobs and live with their parents. Of those earning minimum wage, 70 percent are adults 20 years old or older. Under the current minimum wage, these Americans are trying to support themselves on $4.25 per hour.

An increase in the minimum wage is also a pay raise for women. Even though there are fewer women in the workforce than men as a percentage, 63 percent of those earning minimum wage are women. Allowing the current minimum wage, which is at a 40-year low when adjusted for inflation, to remain at an historically low value disproportionately hurts America's working women.

It is time to give working Americans a raise—it's time to increase the minimum wage.

Ms. GREENE of Utah. Mr. Chairman, I share in the desire of many of my colleagues to help the working poor. However, I voted against the Riggs amendment to increase the minimum wage because I believe it will have negative consequences—particularly for those it portends to help.

First, I believe that increasing the minimum wage will result in the loss of hundreds of thousands of entry-level and low-wage jobs, which are needed not only by young people but also by those who are seeking to reenter the workforce.

Raising the minimum wage is a tax on an employer who is offering someone a job. It is not paid by all Americans, but only by those who seek to employ others. The natural result is that there will be fewer jobs available. Any freshman economics student knows that if you raise the price of something, in this case labor, then demand for it, in this case by employers, will fall.

History indisputably shows that raising the minimum wage costs jobs. In fact, since 1973, Congress has increased the minimum wage 9 times, over 2-year periods. In each case, except one, unemployment increased. The one exception was during the period 1977–79, when the economy was growing robustly at over 5 percent annually. We are not now enjoying such growth.

Second, I believe that increasing the minimum wage will have an inflationary effect, as widespread increases in wage costs necessitate higher prices for goods and services. According to the Progressive Policy Institute, 80 percent of the cost of an increased minimum wage are passed through to consumers in the form of higher prices.

This means that all workers who do not gain from an increase in the minimum wage will lose some of their buying power. This includes the very poorest of Americans, those without jobs on fixed incomes, who will see the value of their benefits diminish. Thus, the poorest of Americans, the unemployed, are in effect taxed to pay higher wages for union workers and those minimum wage workers who are able to keep their jobs.

Third, I believe that a higher minimum wage will be a barrier for individuals trying to move from welfare to work, because employers will refuse to hire inexperienced and/or low-skilled workers at even higher wages. Further, if the intent of those who would increase the minimum wage is to make working more attractive than welfare, their strategy is doomed to failure. The majority of welfare recipients receive a package of benefits that far exceeds the value of even a $5.15 an hour job. In my own State of Utah, the pretax wage equivalent of welfare is $9.42 an hour, or $19,600 a year. Moreover, a recent University of Wisconsin study found that the average time on welfare among States that raised the minimum wage was 44 percent higher than in States that did not.

Instead of a minimum wage hike which carries such a negative consequences, I believe that the needs of the working poor would be better served by a more focused effort aimed at creating jobs and increasing take-home pay. Such a program would be consistent with my belief that reducing the tax burden on working Americans and expanding economic opportunity is the best way to win the war on poverty. It was for this reason that I supported the Tax Fairness and Deficit Reduction Act—first passed by the House in April 1995 and then again in November as part of the Balanced Budget Act that was subsequently vetoed by President Clinton. The Tax Fairness and Deficit Reduction Act provisions offered tax relief to senior citizens, families, small business owners, and many others. It would have promoted savings and investment in business, and resulted in the creation of more than 1.5 million new jobs by the year 2000.

A number of plans have emerged that would assist the working poor without costing jobs, including our fiscal year 1997 budget resolution that would provide $121 billion in net tax relief, fully funding a permanent $500 per child tax credit, permanent capital gains tax relief, and other pro-job tax incentives.

Representatives TIM HUTCHINSON [R–AR] and CASS BALLENGER [R–NC] have introduced The Minimum Wage for Families Act which would change the earned income tax credit program from a yearly lump sum into monthly payments so it could serve as a supplement to a low wage salary. And Representative DAVID MCINTOSH [R–IN] has proposed that individuals making between $4.25 and $5.15 an hour be relieved from having any Social Security or Federal income taxes withheld from their paychecks, while still protecting the Social Security system and the retirement benefits of those workers.

These proposals, while imperfect, at least focus on the right goal: Increasing the take-home pay of working Americans while, promoting, not restricting, new job creation. We should build on these proposals to find a new approach to helping the working poor instead of fueling inflation and costing jobs.

The starting wage is the best paying on-the-job education and training program America has ever seen. Changing it doesn't make sense, particularly where there is overwhelming evidence that the effect of such a change would be to victimize the lowest-skilled workers in our society.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from California [Mr. RIGGS].

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. RIGGS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 266, Noes 162, not voting 5, as follows:

[Roll No. 192]

AYES—266

Abercrombie
Ackerman
Andrews
Bachus
Baesler
Baldacci
Barrett (WI)
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blute
Boehlert
Bonior
Bono
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Bunn
Buyer
Canady
Cardin
Castle
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Cremeans
Cummings
Danner
de la Garza
Deal
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Duncan
Durbin
Edwards
Engel
English
Ensign
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fox
Frank (MA)
Franks (NJ)
Frisa
Frost
Furse
Ganske
Gejdenson
Gephardt
Gibbons
Gillmor
Gilman
Gonzalez
Gordon
Green (TX)
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hayes
Hefner
Heineman
Hilleary
Hilliard
Hinchey
Hobson
Hoke
Holden
Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
King
Kleczka
Klink
LaFalce
LaHood
Lantos
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lightfoot
Lincoln
Lipinski
LoBiondo
Lofgren
Longley
Lowey
Luther
Maloney
Manton
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McDade
McDermott
McHale
McHugh
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran
Morella
Murtha
Nadler
Neal
Neumann
Ney
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Quinn
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Ros-Lehtinen
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schiff
Schroeder
Schumer
Scott
Serrano
Shaw
Shays
Sisisky
Skaggs
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Solomon
Spratt
Stark
Stockman
Stokes
Studds
Stupak
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Walsh
Waters
Watt (NC)
Waxman
Weldon (PA)
Weller
Whitfield
Williams
Wilson
Wise
Woolsey
Wynn
Yates
Young (AK)
Young (FL)
Zimmer

NOES—162

Allard
Archer
Armey
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bliley
Boehner
Bonilla
Brewster
Brownback
Bryant (TN)
Bunning
Burr
Burton
Callahan
Calvert
Camp
Campbell
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cubin
Cunningham
Davis
DeLay
Dickey
Doolittle
Dornan
Dreier
Dunn
Ehlers
Ehrlich
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fowler
Franks (CT)
Frelinghuysen
Funderburk
Gallegly
Gekas
Geren
Gilchrest
Goodlatte
Goodling
Goss
Graham
Greene (UT)
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hoekstra
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson, Sam
Jones
Kasich
Kim
Kingston
Klug
Knollenberg
Kolbe
Largent
Latham
Laughlin
Lewis (KY)
Linder
Livingston
Lucas
Manzullo
McCollum
McCrery
McInnis
McIntosh
McKeon
Meyers
Mica
Miller (FL)
Montgomery
Moorhead
Myers
Myrick
Nethercutt
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quillen
Radanovich
Rohrabacher
Rose
Roth
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Seastrand
Sensenbrenner
Shadegg
Shuster
Skeen
Smith (MI)
Smith (TX)
Souder
Spence
Stearns
Stenholm
Stump
Talent
Tate
Taylor (NC)
Thomas
Thornberry
Tiahrt
Vucanovich
Walker
Wamp
Watts (OK)
Weldon (FL)
White
Wicker
Wolf
Zeliff

NOT VOTING—5

Barcia
Becerra
Horn
Molinari
Ward

☐ 1319

Mr. DAVIS and Mr. EWING changed their vote from "aye" to "no."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. WARD. Mr. Speaker, I was unavoidably absent during the recording of rollcall vote No. 192. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. BONO. Mr. Speaker, due to an error, I was incorrectly recorded on the Riggs amendment today, rollcall vote

No. 192. I wish the RECORD to reflect I intended to vote "No" and emphasize my opposition to raising the minimum wage. That is why I voted against this bill on passage. I just want to remain consistent on this issue.

PERSONAL EXPLANATION

Mr. BARCIA. Mr. Speaker, due to unforeseen circumstances, I was unable to be present on the floor for the last vote. Had I been present, I would have voted "yes" on increasing the minimum wage.

PERSONAL EXPLANATION

Mr. HORN. Mr. Speaker, on rollcall No. 192, I was unavoidably detained on official business and was not able to vote in support of the Riggs amendment. I strongly support the increase in the minimum wage and, if present, would have voted "aye."

The SPEAKER pro tempore. It is now in order to consider the amendment printed in part 2 of House Report. 104–590.

AMENDMENT OFFERED BY MR. GOODLING

Mr. GOODLING. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. GOODLING: Add at the end the following:

SEC. 3. FAIR LABOR STANDARDS ACT AMENDMENTS.

(a) COMPUTER PROFESSIONALS.—Section 13(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 213(a)) is amended by striking the period at the end of paragraph (16) and inserting "; or" and by adding after that paragraph the following:

"(17) any employee who is a computer systems analyst, computer programmer, software engineer, or other similarly skilled worker, whose primary duty is—

"(A) the application of systems analysis techniques and procedures, including consulting with users, to determine hardware, software, or system functional specifications;

"(B) the design, development, documentation, analysis, creation, testing, or modification of computer systems or programs, including prototypes, based on and related to user or system design specifications;

"(C) the design, documentation, testing, creation, or modification of computer programs related to machine operating systems; or

"(D) a combination of duties described in subparagraphs (A), (B), and (C) the performance of which requires the same level of skills, and

who, in the case of an employee who is compensated on an hourly basis, is compensated at a rate of not less than $27.63 an hour.".

(b) TIP CREDIT.—The next to last sentence of section 3(m) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(m)) is amended to read as follows: "In determining the wage an employer is required to pay a tipped employee, the amount paid such employee by the employee's employer shall be an amount equal to—

"(1) the cash wage paid such employee which for purposes of such determination shall be not less than the cash wage required to be paid such an employee on the date of the enactment of this paragraph; and

"(2) an additional amount on account of the tips received by such employee which amount is equal to the difference between the wage specified in paragraph (1) and the cash wage in effect under section 6(a)(1).

The additional amount on account of tips may not exceed the value of the tips actually received by an employee.".

(c) OPPORTUNITY WAGE.—Section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206) is amended by adding at the end the following:

"(g)(1) In lieu of the rate prescribed by subsection(a)(1), any employer may pay any employee of such employer, during the first 90 consecutive calendar days after such employee is initially employed by such employer, a wage which is not less than $4.25 an hour.

"(2) No employer may take any action to displace employees (including partial displacements such as reduction in hours, wages, or employment benefits) for purposes of hiring individuals at the wage authorized in paragraph (1).

"(3) Any employer who violates this subsection shall be considered to have violated section 15(a)(3).

"(4) This subsection shall only apply to an employee who has not attained the age of 20 years.".

(d) SMALL BUSINESS EXEMPTION.—

(1) SPECIAL INDUSTRY COMMITTEES.—Section 5(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 205(a)) is amended by striking "engaged in commerce or in the production of goods for commerce or employed in any enterprise engaged in commerce or in the production of goods for commerce" each time that it appears and inserting each time the following: "who are (1) engaged in industrial homework subject to 11(d) and are either (A) engaged in commerce, or (B) engaged in the production of goods for commerce, or (2) employed in an enterprise engaged in commerce or in the production of goods for commerce".

(2) MINIMUM WAGE.—Section 6(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)) is amended by striking "who in any workweek is engaged in commerce or in the production of goods for commerce, or is employed in an enterprise engaged in commerce or in the production of goods for commerce" and inserting the following: "who in any workweek is engaged in industrial homework subject to 11(d) and is either engaged in commerce or engaged in the production of goods for commerce, or employed in an enterprise engaged in commerce or in the production of goods for commerce".

(3) WAGE ORDERS.—Section 8(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 208(a)) is amended by striking "employers in American Samoa engaged in commerce or in the production of goods for commerce or" and inserting in lieu thereof "employers in American Samoa".

(4) MAXIMUM HOURS.—Paragraphs (1) and (2) of section 7(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207(a)) are each amended by striking "who in any workweek is engaged in commerce or in the production of goods for commerce, or is employed in an enterprise engaged in commerce or in the production of goods for commerce" and inserting the following: "who in any workweek is (A) engaged in industrial homework subject to 11(d) and is either (i) engaged in commerce, or (ii) engaged in the production of goods for commerce, or (B) employed in an enterprise engaged in commerce or in the production of goods for commerce".

(6) SEX DISCRIMINATION.—Paragraphs (1) and (2) of section 6(d) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(d)) are each amended by inserting after "employees subject to any provisions of this section" the following: "or employees engaged in commerce or in the production of goods for commerce".

(7) HANDICAPPED WORKERS.—Section 14(c)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 214(c)(1)) is amended by inserting after "injury" the following: "and who are engaged in commerce or in the production of goods for commerce, or who are employed in an enterprise engaged in commerce or in the production of goods for commerce".

(8) PRESERVATION OF COVERAGE.—In the case of an employee who on May 15, 1996, was subject to section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1) and who because of the amendments made by this subsection is not subject to such section, the employer of such employee on such date shall—

(A) pay such employee not less than the minimum wage in effect under such section on May 15, 1996;

(B) pay such employee in accordance with section 7 of such Act (29 U.S.C. 207); and

(C) remain subject to section 12 of such Act (29 U.S.C. 212).

No employer may take any action to displace employees (including partial displacements such as reduction in hours, wages, or employment benefits) for purposes of hiring individuals at less than the wage authorized in subparagraph (A) or to avoid the protections of subparagraphs (B) and (C). Any employer who violates the preceding sentence shall be considered to have violated section 15(a)(3) of the Fair Labor Standards Act of 1938.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania [Mr. GOODLING] and a Member opposed each will control 30 minutes.

Does the gentleman from Missouri [Mr. CLAY] wish to be recognized in opposition?

Mr. CLAY. Mr. Speaker, I do. I yield 14 minutes of my time to the gentleman from Connecticut [Mr. SHAYS], and ask unanimous consent that he be allowed to yield time as he sees fit.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. GOODLING. Could the Speaker tell me what the arrangement is now?

The SPEAKER pro tempore. The gentleman from Missouri [Mr. CLAY] has agreed to give 14 minutes of his 30 minutes to the gentleman from Connecticut [Mr. SHAYS] for purposes of the gentleman from Connecticut being able to control time and yield time. So the gentleman from Connecticut [Mr. SHAYS] will control 14 minutes, the gentleman from Missouri [Mr. CLAY] will control 16 minutes, and the gentleman from Pennsylvania [Mr. GOODLING] will control 30 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. GOODLING].

Mr. GOODLING. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as I indicated earlier today, after we make the decision to move ahead with raising the minimum wage, then the question comes, what do we do for the most vulnerable, the unskilled, the poorly educated, the dropouts, the teens, the senior citizens, who both need the time and the therapeutic help of a job? Any my response to that was that we do what we have done every time we have raised the minimum wage: We went back to see what it was we could do to alleviate some of the problems that we were going to have in relationship to the unskilled, the poorly educated, the teens, the senior citizens.

So every time we have had a minimum wage discussion, every time we have had a minimum wage increase, we have always gone back and made the exceptions and the exemptions, so that the small businesses could provide those jobs for those most in need, and so small businesses could create those jobs that small businesses must create if as a matter of fact we are going to have a growing economy.

So today, I have an amendment that will do what we have always done in the past when we have had these minimum wage discussions.

I do want to clarify there are two votes on the amendment, a vote on the section dealing with the small business exemption, which I will discuss momentarily, and a separate vote on the rest of the en bloc amendments.

What are these en bloc amendments? First of all, the tip credit. Nothing new, same as we have always done it. The tip credit, the Fair Labor Standards Act currently includes a tip credit whereby employers of tip employees may count tips up to $2.13 an hour, that is under your current law. In the event that the employee does not receive at least that $2.13 and up to the minimum wage, the employer then must pay the difference between the $2.13 and whatever that minimum wage may be. The employer must contribute those additional amounts of wages to make sure that they have reached the minimum wage.

The amendment codifies the current level of tip credit, maintains the minimum wage protection for tip employees in that the employer would still be required to make up the difference in wages between the new minimum wage and $2.13 per hour whenever the tips received by the employee are insufficient to make at least the minimum wage. Most of these people are making $7 to $8 an hour.

Small business exemption: My, we have heard a lot about something that has been around a long, long time in every piece of fair labor standards legislation that comes before us, and that is a small business exemption.

It would address a problem with small business exemption that was created by the 1989 amendments to the Fair Labor Standards Act. In 1989, when the minimum wage was last increased, Congress agreed to increase the small business exemption to $500,000. That is the law. However, the ultimate legislation that passed inadvertently resulted in situations in which individual employees of small businesses could be covered, even if their employer was otherwise exempt, if their work was involved in interstate commerce. In other words, one employee might be covered while another sitting side-by-side would not. I used the illustration all the time how silly this is. You have a business, and it is mostly done through telephone, and you have two people sitting side-by-side. One is calling out of State, receiving one wage; one is calling in State, receiving a different wage.

Not only that, if you are calling in State one day, you have to keep a record because you get a different wage then, and the next day you are calling out of State, you have to keep that record so that as a matter of fact, you do not get in trouble under the Fair Labor Standards Act.

This is what they tried to correct in 1989.

Now, let me tell you, as I have up here, I have Mr. Espy's Dear Colleague letter, and I say that my amendment restores what was the intention of Congress when the small business exemption was increased in 1989. In fact, it uses language that was developed by Representative Espy.

I might also point out that that legislation was endorsed by the arch conservatives, the gentleman from Wisconsin [Mr. KLECZKA], the gentleman from New York [Mr. OWENS], the gentleman from West Virginia [Mr. RAHALL], more arch conservatives, the gentleman from New York [Mr. SERRANO], the gentleman from Missouri [Mr. VOLKMER], and the gentleman from Indiana [Mr. VISCLOSKY].

Mr. VOLKMER. Mr. Speaker, will the gentleman yield? The gentleman used my name.

Mr. GOODLING. Mr. Speaker, I will not yield. I did not use the gentleman's name in vain. I just used his name as it was written in black and white.

The SPEAKER pro tempore. The gentleman from Pennsylvania controls the time.

□ 1330

I have improved upon his legislation initiative because I have grandfathered all of these people who are now inadvertently receiving this money. So when someone tells us someone is going to lose money, they are not going to lose money because they are grandfathered. They are going to continue to receive the inadvertent increases that they presently receive. They are grandfathered.

Not only are they grandfathered, I improved the legislation because I made it very clear that they cannot dismiss someone to get around and have some kind of a loophole. So it is improved legislation.

But there were 67 Democrats, there were 90 Republicans that sponsored that, and we have a whole history of what the committee said. The committee said the act is to create a more uniform small-business exemption. This was not a committee under Republican leadership, this was a committee under Democrat leadership. And it says the act is to create a more uniform small-business exemption. Small enterprises whose total volume of sales or businesses do less than $500,000 would no longer be covered.

Now, we are talking about businesses where the employees are somewhere between 2 and 10 at the most. And if we look at all the exemptions that are presently in the law, we will find that there are not that many left because the self-employed do not fit, we cannot find any chain restaurant that fits into any kind of exemption because they all make more than $500,000, and we cannot take the white-collar workers because they are exempted.

And so the whole argument that we are talking about millions of people is just nonsense.

They go on to say, in eliminating several confusing tests to determine applicability of the act to various industries, the committee continues to demonstrate its support for the principle of a true small-business exemption. The committee believes, and again, this is not our committee I am talking about, I am talking about a Small Business Committee chaired by the Democrat Party, the committee believes that the increase in the minimum wage to restore the eroded value of the wage should be accompanied by a commemsurate increase in the enterprise test threshold.

Representative Austin Murphy, the chairman of the relevant subcommittee, stated, Our substitute sets the exemption ceiling at $500,000 for all businesses, with the exception of hospitals and other care facilities currently outlined in section 3(s)(5) of FLSA, which, incidentally, is unchanged by my amendment.

By the way, let me emphasize that existing employees, as I said before, are grandfathered.

So we have a lot of talk about that particular part of my en bloc amendment which is more talk than substance.

We have two other areas that we covered. In those two areas, one deals with an opportunity wage.

If Members will remember, in the last increase in minimum wage, included in that legislation was an opportunity wage or a training wage. That was two 60-day opportunities. This is much better because this says 90 calendar days, one time. Not two at 120 total, not two at 120 working days. Ninety calendar days, which gives them that opportunity to move up the ladder of success and gives the business the opportunity to train those that I was talking about; no skills, poor education, dropouts. They have that opportunity to train and move up that ladder of success.

I want to make sure Members also understand that in the small-business exemption it is what we do in every piece of legislation. Title VII of the Civil Rights Act, one of our most important labor laws, exempts employers with less than 15 employees. The Americans With Disabilities Act contains the same exemption. The Age Discrimination and Employment Act has a larger exemption, exempting up to 20 employees; the WARN Act on plant closings, less than 100 employees; the Family and Medical Leave Act legislation, less than 50 employees. So that is all in there now.

Two other areas. Computer professionals. This is the law at the present time. I am merely restating that law indicating that if they are making 6.5 times the minimum wage, they do not qualify; therefore, they are at $50,000, $55,000 a year. That is not who we are talking about in this minimum wage debate, and so we continue that.

If the amendment is not included, then any minimum-wage increase of $1 would mean they are up another $13,500. The amendment simply maintains the current exemption level for 6.5 times $4.25, or $27.63 per hour.

I did mention the opportunity wage, and, again, it is a starting wage. It would remain at the $4.25, the current level, and it is for those under 20 years of age and it is for the first 90 calendar days.

Mr. Speaker, I reserve the balance of my time.

Mr. CLAY. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, the Goodling amendment effectively denies an increase in the minimum wage to millions of current workers and denies minimum-wage and overtime coverage to millions of new workers.

The small-business exemption eliminates minimum-wage and overtime coverage for more than two-thirds of all businesses in this country. It guarantees that more than 10 million current workers will derive no benefit from future increases in the minimum wage. Employees in the garment industry sweatshops, farm workers, and workers in sheltered workshops are among those who will ultimately lose overtime protection if the Goodling amendment passes.

An estimated 3 million workers in the retail industry and another 4.5 million in the service industry would be exempted from the minimum wage and overtime law. Sixty-seven percent of all retail firms, and an astounding 78 percent of all service firms are exempted by this amendment.

Mr. Speaker, I doubt that this legislation would pass the Senate, and I expect that if it gets to his desk with the small-business exemption attached, that the President will veto the bill. I, for one, will not support final passage of this bill if this provision is part of the bill.

The rest of the Goodling amendment is not much better. The so-called opportunity wage provides that for the first 90 days of employment, 16- to 19-year-olds can be paid only $4.25 an hour. The provision includes no assurance that teenagers will receive training, and the provision is not limited to a teenager's first job.

Finally, an employer would have a powerful incentive to hire teenagers looking for extra spending cash at the expense of workers who are seeking jobs to support their families. The subminimum wage will trap young, low-wage workers in subminimum employment.

The Goodling amendment also denies tipped employees any benefit from the increase in the wage. It is the employee who will effectively pay for this increase out of his own tips. Yet these workers, among those most in need of a minimum-wage increase, are not only denied this increase but are denied future increases as well under the Goodling amendment.

Mr. Speaker, we should not take two steps back in order to take one step forward. We should not turn our backs on millions of hard-working Americans. I urge my colleagues to defeat the Goodling amendment.

Mr. Speaker, I reserve the balance of my time.

PARLIAMENTARY INQUIRY

Mr. SHAYS. Mr. Speaker, before yielding myself time, I would like to ask a parliamentary inquiry of how the speaker intends to divide the question. It is my understanding that there are four parts to this bill and there will be two votes.

The SPEAKER pro tempore. The gentleman is correct. The Chair will state his intention with regard to putting the question on the amendment presented by the gentleman from Pennsylvania [Mr. GOODLING].

The amendment will be divided into two parts on the question of its adoption. The Chair intends first to put the question on agreeing to the first part of the amendment comprising subsections (a), (b) and (c) of the new section that is proposed to be added to the bill by the Goodling amendment.

Thereafter, the Chair will put the question on the last part of the amendment, adding a subsection (d).

Mr. SHAYS. I thank the Speaker for answering my parliamentary inquiry.

Mr. Speaker, I yield myself such time as I may consume.

The proponents of the minimum wage on this side of the aisle have asked for time and have graciously received it from my colleague, and I thank him very much for giving us this time to express general support for sections a, b and c of this amendment, but in opposition to part d, which is the $500,000 exemption for small businesses.

Our concern, very plainly put, is we think it is too broad. We believe that there are basically about 4 million people receiving the minimum wage today and of that number about half are affected by the $500,000 or less.

We believe that, ultimately, that when we increase the minimum wage, if we are successful, to the number of $5.15, that we will have another 16 million who will be positively affected in addition to the 4 million. But over half, over half of those individuals, over time, will be exempted from the minimum wage.

So we as proponents are encouraging an increase of the minimum wage at the same time we are opening a very large door in which too many people, regretfully, will be exempt from the minimum wage and the 40-hour workweek with time-and-a-half.

So, Mr. Speaker, I respectfully request that those Members who had voted for, one, to consider the minimum wage, when they voted to allow the Riggs amendment to come to the floor, and those 77 who voted for the Riggs amendment, will be willing to vote potentially "yes" on the first vote, a, b and c, but a definite strong "no" on part d, the $500,000 exemption.

Mr. Speaker, I reserve the balance of my time.

Mr. CLAY. Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts [Mr. OLVER].

Mr. OLVER. Mr. Speaker, I rise in opposition to the amendment.

Mr. Speaker, Americans have spoken loud and clear: 80 percent of them say raise the minimum wage. Raise it now. And make it a clean, uncomplicated vote.

But, the Republican leadership finally found a way to frustrate the wishes of 80 percent of the people.

This amendment is a laundry list designed to exclude millions of Americans from receiving a deserved wage increase.

It won't apply to restaurant employees. It won't apply to anyone under age 20 during the first 90 days of a new job. It won't apply to employees of small businesses that do interstate business. And it won't apply to many high-technology employees eligible for overtime pay.

A raise in the minimum wage is supposed to benefit all workers. It is supposed to help low-income employees provide for themselves and their families. It is not supposed to exclude millions from the increase they desperately need.

Under this Republican amendment, special interests are the sole beneficiaries. And it is the worker and her family that are being hurt again.

Mr. CLAY. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. FATTAH.]

Mr. FATTAH. Mr. Speaker, I rise in opposition to the Goodling amendments in its total form.

I think even though the House should be commended for the action that we have taken in the majority to raise the minimum wage, the Goodling amendments would show us how quickly we can slip backward.

I do not believe we should be making those people who are employed and part of their compensation is in tips, requiring that the totality of what would, in effect, be this increase in the minimum wage, would have to come out of tips that they earned through the generosity of their customers.

I come from a city that has been claiming to be the most generous in the Nation. However, I would not want anyone to have to be dependent upon the tips of those whom they serve to be the principal basis for their increase in the minimum wage. I think it is wrong, and I think it is a step in the wrong direction.

I also think that when we look at the broad base of this exemption for small businesses, that I agree with my colleague, the gentleman from Connecticut [Mr. SHAYS], that it is just too broad.

□ 1345

Mr. SHAYS. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. QUINN], primary proponent of increasing the minimum wage.

Mr. QUINN. Mr. Speaker, I would like to go on record as opposing the Goodling amendments, and in particular take a few minutes to talk particularly about Goodling 2. That is the amendment that deals with the $500,000 small business exemption.

Mr. Speaker, people who work a 40-hour workweek ought to earn a livable wage. This amendment in my mind would deny that. Over 3,000,000 American businesses, two-thirds of all the businesses in our country, have an annual income under $500,000. These businesses employ 10½ million workers. That is more than 10 percent of all the workers in America. I think, Mr. Speaker, that, if we have worked as hard as we have worked, we had a bipartisan vote just a few months ago where over 70 Republicans supported the Riggs-Quinn-English-Martini minimum wage vote, we are headed in a bipartisan direction right now. I would urge any of our colleagues who are listening to the debate, any who have been involved these last 2 or 3 weeks, I would urge a "no" vote on the Goodling 2 amendment.

In my estimation, and others who have worked hard on the original bill that was dropped about 2 or 3 weeks ago, maybe a month ago, we would simply undo everything we have done by passing the minimum wage. We would exempt the very workers we are trying to help, the people that many times are not represented by organized labor. They are not represented by anybody in most cases but the Members who vote in this House and the Members who will vote in about 45 minutes.

Mr. Speaker, I urge a not vote on the Goodling amendments and in particular Goodling 2, which will be the small business exemption.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland [Mr. HOYER].

Mr. SHAYS. Mr. Speaker, I yield 1 minute to the gentleman from Maryland [Mr. HOYER].

The SPEAKER pro tempore (Mr. WALKER). The gentleman from Maryland [Mr. HOYER] is recognized for 3 minutes.

Mr. HOYER. Mr. Speaker, I rise in support of my Republican colleague who just spoke in a bipartisan way. We just voted 266 to 162 to raise the minimum wage so that we can get it up from a 40-year low. After months of pressure, this House will vote on raising the minimum wage in just a few minutes.

At a time when the minimum wage is at its lowest buying power in 40 years, we will vote to compensate millions of women and men for their hard work to support themselves and their families. We talk about being family friendly. Nothing is more family friendly than allowing wage earners to support themselves and their children to make work pay in a meaningful way. We will vote to make work pay more than welfare.

Today should be a joyful day for millions of American workers, but what the Republican Congress giveth with one vote, it taketh away with two others. Yet again, we have a situation in which we may give with one hand and take away with the other. These are two of the most cynical amendments, very frankly, and I say it with respect, that I have seen. While we raise the minimum wage with one amendment, another amendment would repeal it for 10,000,000 workers, leaving them with no minimum wage protection at all.

If you are a waitress spending long days on your feet to keep your family off welfare, the Goodling amendment means that you will not get an increase in your wages. You will not get an increase in your wages. If you are doing computer work during the day to put yourself through school, these amendments mean that you will not be paid for the overtime you work. These amendments will exempt thousands of small businesses from the most basic child labor laws and worker protections. That does not mean they will be violated, but they will lose the protection.

Mr. Speaker, American workers are not dumb. As a matter of fact, they are pretty smart. They see that the Goodling amendments would leave this minimum wage bill as a minimum wage emperor who has no clothes. I urge my colleagues to vote against the Goodling amendments. Let us pass a meaningful increase in the minimum wage for the first time in 7 years.

Let us reward work, make it pay, make sure that when people get off welfare, they can support themselves and their children. That is opportunity. That is the American dream. Let us act today to make it reality for millions of Americans.

Mr. GOODLING. Mr. Speaker, I yield myself 45 seconds.

Respected by cynical. Let me point out, here is what the Democrats said they were doing for small business in 1989, from the committee report, agreed to by many of the Democrats speaking here today. They said:

> Small enterprises whose total volume of sales or business done is less than $500,000 would no longer be covered. In eliminating several confusing tests to determine applicability of the act to various industries, the committee continues to demonstrate its support for the principle of a true small business exemption.

That is what Democrats said in 1989, when we had the small business discussion. That is what I am saying today, exactly what they said then. I have not changed my stripes.

Mr. SHAYS. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts [Mr. TORKILDSEN].

Mr. TORKILDSEN. Mr. Speaker, I would like to speak in favor of some of the provisions the gentleman from Pennsylvania [Mr. GOODLING] has offered but against the provision which would exempt all companies with less than $500,000 in gross sales.

One of the speakers previously said that if the first Goodling amendment went through, that people who are computer programmers would not get overtime. That is clearly not the case. What the amendment says is, if you make more than $27.63 an hour, you would not qualify for overtime. We hare having a debate on the minimum wage. That is appropriate. But someone who is making $27.63 an hour is not a minimum wage worker. It is a very different argument here. That provision simply clarifies an oversight in a previous bill which said that if you made $27.63 an hour, you still received overtime.

I think most people would say if you are making that much money, if you are making $50,000 a year, it is not the same as being a waitress or a waiter, it is not the same as working at a convenience store or fast food restaurants. Clearly overtime for someone making $50,000 or more each year is not the same as those entry-level workers making a very, very minimal wage.

I think the other provisions are reasonable as far as they go. Waiters and waitresses who are making less than $5.15 an hour would see their wages increased. I think it is important that that be stressed because it is being glossed over in the debate. Everyone would have to make at least that $5.15 per hour. That is something that has to be insisted on as well.

The training wage for 90 days, I think this is a reasonable compromise. The original proposal was to have an open-ended training wage. I would have voted against that. But to say for just 90 days for teenagers, the people who really do need some job skills, I think is a reasonable compromise, and I think that is worthy of support, too.

However, I will repeat my opposition to the provision exempting all small businesses with less than $500,000. I think that is too open-ended a bill. I would urge my colleagues to vote "yes" on the first three and "no" on the final provision.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia [Mr. LEWIS].

Mr. LEWIS of Georgia. Mr. Speaker, this debate today was supposed to be about raising the minimum wage—about raising the minimum wage—about giving hardworking people at the bottom of the economic ladder a little bit more in their paycheck each week. But it is not. The Republican majority has turned this into a bill repealing the minimum wage. The Goodling amendment would do away with the minimum wage for as many as 10 million working people. If your employer wants to pay you $2 an hour, that is okay with the Republicans.

My colleagues, what the Republicans are doing on this floor today is a shame and a disgrace. It is obscene. You ought to be ashamed of yourselves. Where is your sense of common decency? What you are doing today is not only unfair and unjust—it is un-American.

We should be here to raise the minimum wage, not repeal it. If ever there was an issue that defined Democrats and Republicans, this is it. Democrats believe that if you work hard 40 hours a week, you should not have to live in poverty. Republicans, extreme Republicans, believe in repealing the minimum wage. If people live in poverty—so be it. Today the extremist Republican majority has shown its true colors.

What you are doing today is wrong. I know it is wrong. You know it is wrong. And the American people know it is wrong.

Mr. GOODLING. Mr. Speaker, I yield 3 minutes to the gentlewoman from Kansas [Mrs. MEYERS], chairman of the Committee on Small Business.

Mrs. MEYERS of Kansas. Mr. Speaker, last Wednesday, May 15, the Committee on Small Business held a hearing to listen to the concerns of small business owners who would be faced with some very unfavorable choices if the minimum wage is increased—denying unskilled workers the opportunity to learn a job and build their skills, and reducing hours for those currently on their payroll, to make the ledger balance at the end of the week.

One of our witnesses, Mr. Taalib-Din Uqdah, owns a business here in Washington, DC, called Cornrows and Co. He started his business in 1980 with $500. He now employs 12 full-time people, including himself and his wife, and grosses about $500,000 annually. He said in very clear, plain terms that an increase in the minimum wage will force him to deny job opportunities to those in our community that need it the most.

If we mandate an increase in the minimum wage without a useable small business exemption, he cannot afford to hire unskilled applicants at the minimum wage. The cost of their employment would be too great, making it more cost-effective for him to hire a skilled worker.

The amendment offered today by Chairman GOODLING would allow only very small businesses to use the exemption passed in 1989. The Federal definition of small business generally includes businesses with gross receipts of $3 million a year. The standard in this exemption is just a portion of the small business community—the true Mom and Pop operations on Main Street America. And the protections built into the amendment for those currently earning the minimum wage results in 250,000 to 350,000 workers being affected, not the millions suggested by some Members of this body.

I am amazed by the current lack of concern for very small businesses, and for the hard-to-employ in our society, by some of my colleagues. Just 5 years ago, 150 Members of this House cosponsored legislation to make the exemption for small businesses effective for those grossing $500,000 a year or less.

Contrary to what many believe, an increase in the minimum wage increases the number of people on welfare. It increases the number of people on welfare. That was the experience nationally, after Congress increased the minimum wage in 1988, and a study conducted by Peter Brandon of the University of Wisconsin on the welfare rates of States that increased their minimum wage showed that the average time on welfare was 44 percent longer than in States that did not increase their minimum wage because fewer entry level jobs are available.

I urge the body to support Goodling 2.

□ 1400

Mr. SHAYS. Mr. Speaker, I yield 1½ minutes to my colleague, the gentleman from New York [Mr. BOEHLERT].

Mr. BOEHLERT. Mr. Speaker and my colleagues, I reluctantly rise in opposition to the Goodling amendments. I wish it were not so, but I think the weight of evidence compels me to do so. I think they are well-intended amendments, but the fact of the matter is the threshold exemption for small businesses of annual sales of $500,000 or less would really exempt 10 million workers from minimum-wage standards under the Fair Labor Standards Act, would exempt them from many provisions for overtime compensation, and I do not think that is right. I think we could end up with some people earning a couple of dollars an hour.

Now, my colleagues may say that is farfetched and that would not happen. Let me tell them how it would happen. We are determined in this Congress to end welfare as we know it if we can get the President's cooperation. One of the provisions of the bill that everyone seems to focus on is that we are not going to be on welfare in perpetuity. There will be a time certain when people will have to go off of welfare. Then the question is, where are they going to go to work? Where are the jobs? I would suggest that a lot of businesses could take advantage of that situation by saying to the person who has no choice, "We will offer you $2 an hour, come work for us, and incidentally, if you are going to work 10 or 12 or 14 hours a day, no overtime." I just do not think that is right.

Second, I think the 90-day training wage period is wrong. I think in many cases we are going to have dad losing his job and the son taking the job. I think it is going to be taken advantage of. We know throughout history that these things happened. We wished they did not, but they do.

Mr. GOODLING. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois [Mr. FAWELL], a member of the committee.

Mr. FAWELL. Mr. Speaker, I thank the gentleman for yielding this time to me.

I simply want to emphasize the fact that I believe that what the gentleman from Pennsylvania [Mr. GOODLING] has presented in all four of these amendments are very reasonable ones, and I think also that I can say that when the minimum wage provision passes, as apparently it will pass as a part of this legislation, that we will have a better minimum wage law, and that basically is what we are all looking for.

All of these amendments that are being suggested are traditional amendments that have been attached in the past to minimum wage and overtime provisions. There is nothing new and startling, and when I hear some of the Members talk so emphatically and to seem to indicate that the end of the world is coming if we do not, for instance, refuse to add the small-business exemption that the gentleman from Pennsylvania [Mr. GOODLING] has presented, I just cannot quite understand why they are reacting the way they are reacting.

As has been pointed out by others, the small-business exemption for businesses that have gross receipts of under $500,000 is an established part of the provisions right now of the Fair Labor Standards Act. The only problem is that they have been undercut by what everybody, I think unions and everyone else, recognizes as an inadvertent error or a scrivenor's error in 1989 when, as a result of what I call the interstate clause came into being, and any employee, small business or not, I gather, is going to be subject to the interstate clause. If they are doing any business, that might put them under the interstate clause, such as answering the telephone on a long-distance call, that they would be subject to that.

Suffice it to say these are all very reasonable amendments. I would certainly urge my colleagues to endorse them.

Mr. SHAYS. Mr. Speaker, I yield 1¼ minutes to the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Mr. Speaker, I would express my support for the training wage provision as part of the Goodling proposal, but unfortunately I cannot support his whole proposal. Fortunately, there are going to be two votes on this.

I would like to point out that the training wage, I think as it was called back in 1989, is certainly a vital way, particularly for small businesses who would otherwise struggle with the minimum wage, and I do support that, and as I have said, fortunately there are going to be two votes here, my colleagues, so that we can express our support for the training wage, but I must absolutely oppose the small-business exemption in this proposal.

I think it is a poison pill and effectively will kill the minimum wage proposal, not only because the President will probably veto it on that ground, but also because the small-business exemption nullifies the increase in the minimum wage for than half of the workers currently.

So I reluctantly oppose it, but it would significantly reduce the number of workers who are covered by the minimum wage.

I would also like to point out that the exemption would also exempt the overtime provisions of the Fair Labor Standards Act, and I do not find that viable.

Mr. GOODLING. Mr. Speaker, I yield 1 minute to the gentleman from Nebraska [Mr. BARRETT].

Mr. BARRETT of Nebraska. Mr. Speaker, I thank the gentleman from Pennsylvania [Mr. GOODLING] for yielding this time to me.

Mr. Speaker, I rise in reluctant support of the Goodling amendment. Without the Goodling amendments' 90-day opportunity wage for teenagers, I do have some fear that those who are trying to save for college or just entering the workplace and have no job skills will be denied new job opportunities, and without the amendment, struggling small businesses will have increased costs and might very well force many of them to close their doors.

With the Goodling amendment, businesses with less than $500,000 in annual income would be exempt from the minimum wage requirements, and with the Goodling amendment millions of jobs for teenagers will be saved. With the amendment, struggling small businesses and the jobs that they create would also be saved.

As many have said today, Mr. Speaker, a minimum-wage increase costs jobs and raises prices, and as the House appears willing to make a very costly mistake, the Goodling amendment is the only life preserver available for struggling small businesses and low-skilled labor.

Mr. Speaker, I would urge my colleagues to support the Goodling amendment.

Mr. SHAYS. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. RIGGS], one of the primary sponsors of the minimum wage who introduced the bill along with the gentleman from New York [Mr. QUINN], and the gentleman from New Jersey [Mr. MARTINI], and the gentleman from Pennsylvania [Mr. ENGLISH].

Mr. RIGGS. Mr. Speaker, I thank the gentleman for yielding this time to me, and I find myself in a somewhat awkward position of both supporting and opposing my chairman, the distinguished chairman of the Committee on Economic and Educational Opportunities.

First of all, I very much support the Goodling amendments that deal with the tip credit, the opportunity of training wage and the computer professional changes to the Fair Labor Standards Act. The first two items, I think, go a long ways toward addressing the concerns of small business owners and business franchisees, especially those who happen to own convenience restaurants, and I heard that from some of the convenience restaurant owners in my congressional district.

But on the second item, the small-business exemption, I have to oppose that exemption. I believe it is overly broad. If we are going to grant a small-business exemption under the Federal minimum-wage requirement, it ought to apply only to businesses that are in a startup mode during that first year or two of operation when the survival of the small business is so tenuous.

So I have to oppose the small-business exemption as overly broad, as defeating, as many speakers have already said, the primary purpose of the minimum wage increase, and I would urge my colleagues on the division of the question, vote for the first Goodling amendment, but vote against the second Goodling small-business exemption amendment.

Mr. CLAY. Mr. Speaker, I yield 4¼ minutes to the gentleman from Michigan [Mr. BONIOR], the whip.

Mr. BONIOR. Mr. Speaker, I thank my colleague for yielding this time to me, and let me just commend my colleagues for the debate that we are having today and for those on the side of the issue on the Republican side of the aisle who are agreeing with us that we need to defeat particularly Goodling amendment No. 2.

I want to talk about that family today out there in America who would be affected by this, Mr. Speaker.

Mr. Speaker, somewhere in America today there is a young mother who got up early, got her kids out of bed, got them breakfast, got them ready for school, and then she went out to catch the early bus, and she is going to work a hard, long day, either taking care of our parents at a nursing home or cleaning tables at a diner, or stitching buttons in a factory with 100 degree heat, and at the end of the day she is going to go home, she is going to be bone-tired, she is going to make dinner, she is going to do homework with her kids, and then she is going to put them to bed. Tomorrow she is going to get up, and she is going to do it all over again.

But she has something that we cannot take away from her. She has the pride of work, and her kids are proud of her also because instead of taking welfare, she has chosen work over welfare, she has chosen to be a good role model for her kids. Like 12 million other people who work for the minimum wage today, she believes that her hard work is going to pay off for her in the end.

But instead of helping her build a better future for herself and her children, instead of rewarding her decision to choose work over welfare, this Congress on occasion has had so little respect for the hard work that she does that today we are trying actually to give her a pay cut.

For 4 months some on this side of the aisle, not all, but some, have tried to block us every step of the way as we have tried to raise the minimum wage, and now that the public pressure has become so great that it has forced them to act, now that we have actually a few minutes ago voted to raise the minimum wage by voting for Mr. RIGGS' amendment by 90 cents, they now are coming back with an amendment which will try to repeal the minimum wage for literally millions of Americans who are working today, many like that mother I have just described to my colleagues.

Make no mistake about it. This amendment repeals the minimum wage for millions of American workers.

Mr. Speaker, we cannot raise the minimum wage by repealing it. But that is exactly what they are trying to do today. Instead of creating incentives for work, this amendment creates more sweatshops, it lowers wages, it lowers living standards for millions of Americans.

Is this really what we want to do? Is that the message that we are trying to send today in honor of work in this country, that hard work does not pay, that 60 minutes of sweat and toil and bone-aching work are not even worth $4.25 an hour?

Mr. Speaker, the last time I checked, 85 percent of the American people said, "Raise the minimum wage, not repeal it." The American people do not want us to return to the sweatshop days of old in the present. We want that ended. They want us to raise wages, not roll them back.

I urge my colleagues, let us have some respect for working people in this country, let us take some pride in the people who believe enough in themselves and enough in their futures to choose work over welfare. These people have big dreams, but they do not have big voices. They are counting on us to speak up for them today because, if we do not, nobody else will.

I urge my colleague to say "no" to this amendment, say "no" to repeal. Help us raise the minimum wage.

□ 1415

Mr. GOODLING. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey [Mr. SAXTON].

Mr. SAXTON. Mr. Speaker, earlier today I said that I had supported the increase in the minimum wage in 1991. I did so primarily because the people who earn the minimum wage in my part of the country are, by and large, people who are age 20 and younger. They do that because in the summertime, our tourism industry has a fair demand for young people to come to the New Jersey shore in the summer to take jobs that customarily pay the minimum wage.

I thought I was doing the right thing for them, so I voted to increase the minimum wage. I found, however, that in talking to employers, those employers, during those summers in the intervening time, hired less teenagers than they had previously because we increased the cost of that labor.

This chart on my left demonstrates, I think, conclusively, just as 12 studies that I pointed to earlier, that increasing the minimum wage hurts teenagers more than it does any other segment of our society. This chart shows, on the red line, what the pattern of the minimum wage has been. In the middle 1980s it was quite high. It eroded because of inflation during the late 1980's. Then we increased the minimum wage, as the line shows, in 1991. Then it began to erode again because of inflation.

The blue line shows the unemployment rate of teenagers. Just as the minimum wage requirements decreased, the number of young people who are unemployed also decreases; or, said the other way around, the number of young people who are employed increases. There is a parallel track that goes along.

When we raised the minimum wage in 1991, the rate of unemployment for teenagers shot up and spiked as well. Of course, the same is true, the same downward trend is then true later. I say to my colleagues on both sides of the aisle, these are facts. This is not a feel-good vote, this is a factual vote that we need to take very seriously.

Mr. GOODLING. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. CAMPBELL].

Mr. CAMPBELL. Mr. Speaker, the computer professionals' exemption is very simple and does deserve everybody's support. Here it is. Under the Fair Labor Standards Act, if you make 6½ times the minimum wage, then the time-and-a-half provisions no longer apply. But, since we increased the minimum wage, we suddenly have kicked up this threshold. So here is how the numbers work out. If you are presently making $55,000, the time-and-a-half provisions do not apply. But after today, unless we amend the bill, if you are making up to $68,500, time-and-a-half still applies.

What is the effect of that? It is time-and-a-half for people who are not doing badly in our society, and if you are working 50 hours a week, that is roughly an 8 percent increase of the total cost of hiring you in America. For a 60 hour week it is going to be a 17 percent increase. These jobs have, can, do, and will go offshore. This amendment, to me, is awfully compelling.

Mr. Speaker, I want to conclude and take my last minute with an overwhelmingly strong endorsement of the opportunity wage offered by the gentleman from Pennsylvania [Mr. GOODLING]. I support all of his amendments, but let me say how strongly I support the opportunity wage. Please, whatever doubt there may be as to the overall effect of the minimum wage, though to me that is not in doubt, it does cost jobs; there is no doubt that it costs jobs for teenagers.

I am going to cite two studies. Professor Stiglitz has been cited often. I refer to his text once again, where he says, "With the current level of minimum wage, only the very unskilled individuals are affected * * *. In the United States, perhaps the major unemployment effect of minimum wage is on teenagers.

The other is a 1981 study done by Congress, under the control of the other party, which found that a 10 percent increase in the minimum wage reduced teenager employment by between 1 percent and 3 percent. These studies are not in doubt. Please support the Goodling amendment to give teenagers at least this much relief from the minimum wage.

Mr. GOODLING. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin [Mr. GUNDERSON], a member of the committee.

Mr. GUNDERSON. Mr. Speaker, I, frankly, do not understand what all the fight is about. I have consistently voted for the increase in the minimum wage I think every time it has come up, the three different times during my tenure here in the Congress. Let us get that out of the way.

But, Mr. Speaker, can I suggest to everybody engaged in this debate, if the second part of the Goodling amendment goes down, you still have a $500,000 exemption. That is in law today. What is the difference, and what are we talking about? What we are talking about is whether or not there is going to be some geographic equity.

Take a look at districts like my own, 220 miles along the Mississippi River, towns 400, 300, 200 population, family businesses. Who is affected by the minimum wage? There is not a corporation in America that is affected by the minimum wage. They all pay above that. The only people affected by this debate are those small family businesses.

What we are suggesting here today in the Goodling amendment is that Larry's Lawnmower Shop in rural Wisconsin, Carol's Catering, or Jerry's Grocery, just because they have a customer that lives 2 miles down the road, but it happens to be over a bridge in Minnesota or Iowa, should not be unfairly impacted. They ought to have the same benefits of the $500,000 exemption that somebody living in the central part of Connecticut, the central part of Pennsylvania, the central part of Missouri ought to have; no more, no less. That is all this is about.

So can we cut out all the rhetoric about the fact that we are somehow going to deny all these people the minimum wage protections they have today? You know and I know that the Goodling amendment does not exclude one person who today has that minimum wage from getting anything lower. It does not allow that family business to displace them. The only thing the Goodling amendment says is that those of us who happen to be Members of Congress from border districts, that we can provide our family-owned businesses the same flexibility and the same geographic equity that the rest of you have. Vote for Goodling I and vote for Goodling II.

Mr. GOODLING. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Mr. Speaker, I thank the chairman of the committee for yielding time to me, and I congratulate the gentleman from Pennsylvania [Mr. GOODLING] and the Republican leadership for allowing this vote on the minimum wage, but in addition rising to the greater challenge of looking at the minimum wage in the context of this Nation's need to strengthen the small business sector, the only sector that is creating jobs.

Mr. Speaker, as we move forward, and yesterday's tax package was a big step in the right direction, we have to recognize the reality that productivity and quality are the ultimate guarantors of employment. So in the Goodling amendment, the opportunity wage allows small businesses, now required to pay a higher minimum wage, to pay the current minimum wage as a temporary training wage for teenagers while they develop the productivity and the quality of performance on which the future of their employment depends.

I rise in very strong support of the work opportunity wage for teenagers and the computer professional fix and the tip credit adjustment in the Goodling amendment, because those things are all part of enabling small business to be strong and productive in a very competitive environment, while at the same time we assure to employees a minimum wage that will better meet their needs as full-time employees.

As a strong advocate of the minimum wage, I am urging support of the Goodling amendment to pass a work opportunity wage as I strongly supported the tax package yesterday and its work opportunity tax credit, to provide a wage subsidy for new employees needing a lot of training. But I am discouraged by the almost deceptive nature of the debate around the second Goodling amendment to reform the current law exclusion of very small businesses from the minimum wage.

That small business exclusion policy is law now. It has been broadly supported by Republicans and Democrats over many years. While I do not quite agree with the fix that is being offered to deal with some of its problems, it is misleading to imply that the small business exemption is controversial. Such exaggerated statements as these that have been made on the floor today, simply mislead rather than enlighten the public and our colleagues.

Mr. Speaker, I strongly support the first Goodling amendment and passage of the minimum wage increase.

Mr. SHAYS. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I first want to thank my colleague, the gentleman from Missouri [Mr. CLAY], for yielding me 14 minutes of his 30 minutes. It was a very gracious effort at bipartisanship which I want to thank him for.

I also want to thank the leadership of my party for allowing us to have very honest debates on all these issues, and to have the opportunity to debate our feelings as strongly as we feel. I believe with all my heart and soul in increasing the minimum wage, and while I have little concern about the Goodling amendment, the first part, his three positions on A, B, and C, I urge a strong no vote on part D, the $500,000 exemption.

Mr. Speaker, I just would like to point out to my colleagues, before 1989, businesses that were retail services that gross $362,000 or less were excepted from the minimum wage. All other businesses had to have a business of $250,000 or less, and they did not allow for interstate commerce.

When I voted for the increase in the minimum wage, I did not vote to except the interstate business. I voted for the minimum wage, to increase it to $500,000, and still leave in the interstate nonexemption. So I would contend this is not an attempt to fix, it simply widens it too large.

For those 76 who voted to allow the Riggs amendment to be debated, the 77 who voted for the Riggs amendment, the Quinn amendment, the Martini amendment, the English amendment to increase the minimum wage, voting on Goodling II in my judgment is a killer amendment. We do not have the votes to send it to the Senate if that amendment passes. I urge my colleagues to vote no on Goodling II, and I urge my colleagues to stay consistent with their vote to increase the minimum wage.

Mr. Speaker, I yield back the balance of my time.

Mr. GOODLING. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, as I indicated earlier, if we tell the big lie enough times we will believe it ourselves. If we tell it more, we will have others believe it. It is interesting how this 1 million, 2 million, 30 million, 10 million, figure has been kicked around all day. As a matter of fact, Mr. Speaker, in 1989 when they got the figures that they needed in order to do exactly what I am offering today, CRS said that there are 250,000 at minimum wage. That is the people we are talking about but none that are working today, because I grandfathered all of those.

Now is the time, Mr. Speaker, when we have to think a little beyond those who are employed. Now is the time we have to think about the unskilled. We have to think about the poorly educated. We have to think about the teens, and we have to think about the senior citizens. What is it that we can do, now that we raise the minimum wage, to make sure that employment is available for them, to make sure they are given an opportunity to improve those skills, to improve their literacy, to be able to be citizens who can be employed and who can make their way up the American dream ladder?

I would ask Members today to forget the rhetoric that they may have heard and think now beyond what they have been concentrating on, which has been those who are making minimum wage now or those who are above minimum wage, and think only about those that every study has indicated will reduce the availability of jobs for the unskilled, for the poorly educated, for the teens, for the senior citizens.

□ 1430

Again, what I am doing in that part 2 that they have talked about is exactly what the majority then wanted to be back in 1989. Let me also mention, when we are talking about a $500,000 cap, when the legislation came before President Kennedy in 1961, that exemption was $1 million. Translated in today's value, that is almost $5 million. Under President Johnson in 1967, it was $500,000, translated today to a value of $2.2 million.

Right on down the line, we are way below them. We are talking about $500,000. Again it is not silly to have two people sitting in the same room doing the same job, receiving different pay, simply because one is calling across the line and the other is calling in-State? How silly must they think we are, or even worse, if one day they are calling in-State, they get one wage, and the next day they are calling out-of-State, and they get a different wage.

I appeal to all of my colleagues, the minimum wage will be raised. Now let us concentrate our efforts on helping the most needy, the most vulnerable that we have in our entire society. We must think about those people, the unskilled, the poorly educated, the teens, the senior citizens.

I encourage all to vote for both amendments, the three en bloc and the one that will be voted on separately. As I understand, the vote will be the three first and then followed by the single amendment. I again appeal to all to consider the most needy, the most vulnerable in our entire society.

Mr. CLAY. Mr. Speaker, I yield the balance of my time to the gentleman from Missouri [Mr. GEPHARDT], the distinguished minority leader.

Mr. GEPHARDT. Mr. Speaker, I must say that I believe that there has been a change in the Republican Party. In 1989, we had 382 votes in this House to increase the minimum wage, and we had President Bush sign the bill.

I have great admiration for the Members like the gentleman from Connecticut [Mr. SHAYS] and others who have stood within their party and argued the case for a minimum wage, and I hope that many of them will vote against the Goodling amendment that exempts so many of these people from the minimum wage, because then I think we have a chance to pass a bill that will increase the minimum wage.

But this used to be a bipartisan issue. There was an understanding in our society that if you worked and you did what the society asks everyone to do, to work for a living, that you would be rewarded with a decent living wage. The Goodling amendment that exempts all these small businesses, in effect, repeals the minimum wage for millions of Americans. Why on God's green Earth would we want to do that?

The argument is that it loses jobs. How does increasing the minimum wage or having a minimum wage lose jobs? This argument has been made every time we have discussed this issue, and we have ever so often increased the minimum wage to keep up with inflation. It has not lost jobs.

Just think about it for a minute. Do you think anyone who gets the minimum wage does not immediately spend it on paying their bills? The money goes right back into the economy and we build the economy from the bottom up, not just from the top down. That person working in the short-order restaurant is going to pay their bills and buy meals in that restaurant, and pay their electric bill and pay their housing bill, and that money courses through the economy and creates economic activity and builds more jobs.

But putting that aside for a moment, do we ever want to get to a point in this country where we say one type of work should be paid 50 cents an hour and something else is more valuable? Look at the people that would be hurt under the Goodling amendment: Workers in manufacturing shops, insurance agency employees, employees of medical practices, security guards, garment workers, building maintenance workers.

Are we to say that somebody that carries around a bedpan in a hospital, cleaning up after people in the hospital, is not worth anything, that they have no meaning in their life; that only if you are a computer operator or an investment broker that you have meaning in this society? We have to honor work. We have to honor people's contribution to this society.

We had a woman here last week who held up the picture of her son, talked about her bills. She went through her bills.

She said, "At the end of the month, I have no money for food." She said, "I have to put a bill aside every month to pay for food for my children." She said, "He got hurt in football practice, we wound up with an $1,000 bill." She said, "I can't pay it, can't even think about paying it. So when the lawyers called, I told them you can't get something I don't have."

Then she said a friend came to her and said, "Go on welfare so you can get Medicaid." She said, "I won't go on welfare. I want to work."

That is what this is about. The majority leader has said he would fight this increase with every fiber in his being. Let me tell you, we will fight for this increase with every fiber in our being.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today to voice my opposition to the Goodling amendment.

It was my hope that we would not turn the issue of raising the minimum wage into a political football. The weight of public opinion is squarely on the side of raising the minimum wage, but the Republican leadership of this body could not provide a clean bill.

Representative Goodling's amendment would eliminate the existing provision which requires employers of tipped employees to pay at least 50 percent of the statutory minimum wage in cash and replaces it with a provision which locks the cash wage at the current standard of $2.13 an hour. It would also deny any automatic future increases in the minimum wage to those who work and earn tips as a part of their income.

The amendment would strip the interstate commerce provision and allow all businesses with gross annual sales of $500,000 or less to not pay the minimum wage. This amendment would go beyond the pre-1989 exemption which exempted only employees of small retail/service establishments. This would remove a substantial number of previously protected low-wage workers such as those found in garment industry sweatshops, industrial homework, and farmworkers.

The amendment also eliminates the existing provision exempting certain computer professionals from requirements that they receive overtime pay. This would mean that no additional computer professionals will be protected by the Fair Labor Standards Act's time and one-half overtime requirements.

In my Houston, TX, district that would mean a real income drop for computer professionals who would no longer be subject to this protection.

This amendment would make permanent a failed experiment contained in the 1989 amendment to the Fair Labor Standards Act that expired in 1993. Where employers were allowed on a temporary basis to pay a rate lower than the minimum wage. This change if widely used would create an incentive to displace older workers. Paying this lower wage to workers under age 20 for 90 days presumes that it must cost them less to live than you or me.

These subminimum wage workers will not get a corresponding break in the cost of livings. They will still have to care for their children and families just as they are required to do today. This change in the Fair Labor Standards Act would restrict these worker's freedom to seek other employment opportunities that may be presented to them for fear of taking lower pay for a quarter of their first year of employment.

Some would argue that a raise in the minimum wage would result in high unemployment so the Goodling amendment is a good idea. If the proposal was more than a mere 90 cents divided between two years their might be some merit to that position. The real discussion should be about supporting those poor families that choose work over welfare.

The first step to moving people from poverty to selfsustainment is to raise the minimum wage for all workers with malice toward none.

Ms. ROYBAL-ALLARD. Mr. Speaker, we just passed the minimum wage amendment and now my Republican colleagues want to take it away from the American worker.

The Goodling amendments are slick strategies to prevent 13 million workers from receiving the 90 cents increase.

These Republican amendments gut the spirit of the minimum wage increase by denying benefits to almost 10 million minimum wage workers in retail and service firms; and teenagers under the age of 20; additionally millions of hardworking waiters and waitresses will be exempted from the wage increase.

Furthermore, millions of additional minimum wage workers will be losers because according to the Labor Department estimates, over two-thirds of American firms will be exempted from paying the minimum wage under these amendments.

It is time the Gingrich Republicans stop playing games with the American worker and give them the full benefit of the minimum wage increase just passed by this a large majority of this House and which is supported by the American people who know workers need a raise.

Vote "no" on the Goodling amendment.

Mr. COYNE. Mr. Speaker, I rise today in opposition to the proposed Goodling amendment. Mr. Speaker, the Fair Labor Standards Act has been the law of the land since 1938. The minimum wage, the 40-hour week, and the other provisions of the Fair Labor Standards Act have improved the quality of life of American working families immeasurably. And yet, for nearly 60 years, the Republicans in Congress have attempted to fight off or roll back Federal laws and regulations that protect American workers. Today's initiative is just the latest in a series of Republican attacks on American working families.

Up to 10 million Americans could lose their right to earn a minimum wage under this amendment. This is unacceptable.

You can not live on the current minimum wage. You can not raise a family on it. You certainly can not escape poverty earning the minimum wage. Now the Republicans want to eliminate the modest protection that the minimum wage provides for some of the most disadvantaged members of our society—people who are trying to play by the rules, people who work hard, people who already work long hours in difficult jobs.

My Republican colleagues want to gut Federal safety net programs like welfare and Medicaid. They want to reduce eligibility for the earned income tax credit. And now they want to roll back the protection provided by the minimum wage.

I say to my Republican colleagues, the hardworking low-income people of the United States need your help—not the back of your hand. I ask my colleagues to reject this mean-spirited, misguided piece of legislation. Let us pass a clean minimum wage increase.

Mr. BACHUS. Mr. Speaker, I rise in support of Mr. GOODLING's amendment which advances the interests of both employees and employers, particularly as it will solve a major and unintended problem in the high technology industry.

I am proud of Alabama's growing high technology industry especially in the Birmingham area. There, as elsewhere, many computer professionals are paid 6½ times the minimum wage which is currently $27.63 per hour. I don't believe it was the intent of Congress in raising the minimum wage by 90 cents for it to apply to these professionals who in many cases make $55,000 a year. Hence, I support decoupling the computer overtime exemption rate from the minimum wage increase.

With this amendment, important professional work can be completed on time such as computer software and hardware design work done by computer systems analysts, programming modifications done by computer programmers, computer system documentation work done by computer technical writing professionals, and other similarly skilled workers.

I thank the gentleman from Pennsylvania for including this provision in the en bloc amendment and strongly support the other provisions included in the amendment.

The SPEAKER pro tempore (Mr. WALKER). All time has expired.

Pursuant to the rule, the question shall be divided between subsection (d) and the remainder of the new section proposed by the amendment offered by the gentleman from Pennsylvania [Mr. GOODLING].

The question is on the first three subsections of the new section proposed by the amendment offered by the gentleman from Pennsylvania [Mr. GOODLING].

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. GOODLING. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 239, nays 188, not voting 6, as follows:

[Roll No. 193]

YEAS—239

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Bilbray
Bilirakis
Bliley
Boehner
Bonilla
Bono
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clement
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
Dickey
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Eshoo
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Frelinghuysen
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Goodlatte
Goodling
Goss
Graham
Greene (UT)
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
Lofgren
Lucas
Manzullo
McCollum
McCrery
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Minge
Montgomery
Moorhead
Moran
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Orton
Oxley
Packard
Parker
Pastor
Paxon
Payne (VA)
Peterson (MN)
Petri
Pickett
Pombo
Porter
Portman
Pryce
Quillen
Radanovich
Ramstad
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Sisisky
Skeen
Smith (MI)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Walker
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (FL)
Zeliff

NAYS—188

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barrett (WI)
Beilenson
Berman
Bevill
Bishop
Blute
Boehlert
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
Cummings
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Durbin
Edwards
Engel
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Franks (NJ)
Frisa
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gilman
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hastings (FL)
Hefner
Hilliard
Hinchey
Hoke
Holden
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Leach
Levin
Lewis (GA)
Lipinski
LoBiondo
Longley
Lowey
Luther
Maloney
Manton
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McDade
McDermott
McHale
McHugh
McKinney
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Mink
Moakley
Mollohan
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Payne (NJ)
Pelosi
Peterson (FL)
Pomeroy
Poshard
Quinn
Rahall
Rangel
Reed
Richardson
Rivers
Ros-Lehtinen
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Shays
Skaggs
Skelton
Slaughter
Smith (NJ)
Spratt
Stark
Stokes
Studds
Stupak
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Velázquez
Vento
Visclosky
Volkmer
Walsh
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wynn
Yates
Young (AK)
Zimmer

NOT VOTING—6

Becerra
DeLay
Kingston
McNulty
Molinari
Ward

□ 1456

Ms. MILLENDER-MCDONALD, Mr. SHAYS, and Mr. DICKS changed their vote from "yea" to "nay."

Mr. MINGE changed his vote from "nay" to "yea."

So the first three subsections of the amendment were agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. DELAY. Mr. Speaker, on rollcall No. 193, I was unavoidably absent. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. WARD. Mr. Speaker, I was unavoidably absent during the recording of rollcall vote No. 193. Had I been present, I would have voted "nay."

Mr. SPEAKER pro tempore. The question is on subsection (d) of the new section proposed by the amendment offered by the gentleman from Pennsylvania [Mr. GOODLING].

PARLIAMENTARY INQUIRY

Mr. CLAY. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. CLAY. Mr. Speaker, my parliamentary inquiry is, is this the small business poison pill amendment that we are about to vote on?

The SPEAKER pro tempore. The Chair would not interpret the amendment, but would say to the gentleman that the question is on adopting subsection (d) of the new section proposed by the amendment.

The question is on subsection (d) of the new section proposed by the amendment offered by the gentleman from Pennsylvania [Mr. GOODLING].

The question is taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. GOODLING. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 196, noes 229, not voting 8, as follows:

[Roll No. 194]

AYES—196

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Boehner
Bonilla
Bono
Brewster
Brownback
Bryant (TN)
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Castle
Chabot
Chambliss
Chenoweth

Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Ensign
Everett
Ewing
Fawell
Fields (TX)
Foley
Forbes
Fowler
Franks (CT)
Frelinghuysen
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Goodlatte
Goodling
Goss
Graham
Greene (UT)
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson, Sam
Jones
Kasich
Kim
Klug
Knollenberg
Kolbe
Largent
Latham
Laughlin
Lazio
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
Lucas
Manzullo
McCollum
McCrery
McInnis
McIntosh
McKeon
Meyers
Mica
Miller (FL)
Montgomery
Moorhead
Myers
Myrick
Nethercutt
Neumann
Norwood
Nussle
Orton
Oxley
Packard
Parker
Paxon
Petri
Pickett
Pombo
Porter
Portman
Pryce
Quillen
Radanovich
Ramstad
Roberts
Rogers
Rohrabacher
Roth
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Skeen
Smith (MI)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Talent
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Upton
Vucanovich
Walker
Wamp
Watts (OK)
Weldon (FL)
White
Whitfield
Wicker
Wolf
Young (FL)
Zeliff

NOES—229

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Beilenson
Bentsen
Berman
Bevill
Bishop
Blute
Boehlert
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Bunn
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
de la Garza
Deal
DeFazio
DeLauro
Dellums
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
English
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Flanagan
Foglietta
Ford
Fox
Frank (MA)
Franks (NJ)
Frisa
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gilman
Gonzalez
Gordon
Green (TX)
Greenwood
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hoke
Holden
Horn
Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
King
Kleczka
Klink
LaFalce
LaHood
Lantos
LaTourette
Leach
Levin
Lewis (GA)
Lincoln
Lipinski
LoBiondo
Lofgren
Longley
Lowey
Luther
Maloney
Manton
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McDade
McDermott
McHale
McHugh
McKinney
Meehan
Meek
Menendez
Metcalf
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran
Morella
Murtha
Nadler
Neal
Ney
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pomeroy
Poshard
Quinn
Rahall
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roemer
Ros-Lehtinen
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Shays
Sisisky
Skaggs
Skelton
Slaughter
Smith (NJ)
Spratt
Stark
Stockman
Stokes
Studds
Stupak
Tanner
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Velazquez
Vento
Visclosky
Volkmer
Walsh
Waters
Watt (NC)
Waxman
Weldon (PA)
Weller
Williams
Wilson
Wise
Woolsey
Wynn
Yates
Young (AK)
Zimmer

NOT VOTING—8

Becerra
Collins (MI)
DeLay
Deutsch
Kingston
McNulty
Molinari
Ward

☐ 1516

The Clerk announced the following pairs:

On this vote:

Mr. DeLay for, with Mr. Deutsch against.

Mr. Kingston for, with Mr. Ward against.

So subsection (d) of the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. DELAY. Mr. Speaker, on rollcall No. 194, I was unavoidably absent. Had I been present, I would have voted "aye."

PERSONAL EXPLANATION

Mr. WARD. Mr. Speaker, I was unavoidably absent during the recording of rollcall vote No. 194. Had I been present, I would have voted "no."

The SPEAKER pro tempore. (Mr. WALKER). Pursuant to the rule, the previous question is ordered on the bill, as amended.

The question is on engrossment and third reading of bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. GOODLING. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 281, noes 144, not voting 8, as follows:

[Roll No. 195]

AYES—281

Abercrombie
Ackerman
Andrews
Bachus
Baesler
Baldacci
Barcia
Barrett (WI)
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Bunn
Buyer
Canady
Cardin
Castle
Chapman
Chrysler
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Cremeans
Cummings
Danner
de la Garza
Deal
DeFazio
DeLauro
Dellums
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Duncan
Durbin
Edwards
Ehlers
Engel
English
Ensign
Eshoo
Evans
Farr
Fattah
Fawell
Fazio
Fields (LA)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Furse
Gallegly
Ganske
Gejdenson
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodling
Gordon
Green (TX)
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hayes
Hefner
Hilleary
Hilliard
Hinchey
Hobson
Holden
Horn
Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
King
Kleczka
Klink
Klug
LaFalce
LaHood
Lantos
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lincoln
Lipinski
LoBiondo
Lofgren
Longley
Lowey
Luther
Maloney
Manton
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCrery
McDade
McDermott
McHale
McHugh
McKinney
Meehan
Meek
Menendez
Metcalf
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moorhead
Moran
Morella
Murtha
Nadler
Neal
Neumann
Ney
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pomeroy
Poshard
Pryce
Quinn
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Ros-Lehtinen
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Saxton
Schiff
Schroeder
Schumer
Scott
Serrano
Shaw
Shays
Sisisky
Skaggs
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Solomon
Spratt
Stark
Stearns
Stockman
Stokes
Studds
Stupak
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Walsh
Waters
Watt (NC)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Williams
Wilson
Wise

Woolsey
Wynn
Yates
Young (AK)
Young (FL)
Zimmer

NOES—144

Allard
Archer
Armey
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Boehner
Bonilla
Bono
Brewster
Brownback
Bryant (TN)
Bunning
Burr
Burton
Callahan
Calvert
Camp
Campbell
Chabot
Chambliss
Chenoweth
Christensen
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cubin
Cunningham
Davis
Dickey
Doolittle
Dornan
Dreier
Dunn
Ehrlich
Emerson
Everett
Ewing
Fields (TX)
Franks (CT)
Funderburk
Gekas
Geren
Goodlatte
Goss
Graham
Greene (UT)
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hoekstra
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson, Sam
Jones
Kim
Knollenberg
Kolbe
Largent
Latham
Laughlin
Lewis (KY)
Lightfoot
Linder
Livingston
Lucas
Manzullo
McCollum
McInnis
McIntosh
McKeon
Meyers
Mica
Miller (FL)
Montgomery
Myers
Myrick
Nethercutt
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Pombo
Porter
Portman
Quillen
Radanovich
Rohrabacher
Rose
Roth
Royce
Salmon
Sanford
Scarborough
Schaefer
Seastrand
Sensenbrenner
Shadegg
Shuster
Skeen
Smith (MI)
Smith (TX)
Souder
Spence
Stenholm
Stump
Talent
Tate
Taylor (NC)
Thomas
Thornberry
Tiahrt
Vucanovich
Walker
Wamp
Watts (OK)
White
Wicker
Wolf
Zeliff

NOT VOTING—8

Becerra
DeLay
Deutsch
Hoke
Kingston
McNulty
Molinari
Ward

☐ 1535

The Clerk announced the following pairs:

On this vote:

Mr. Deutsch for, with Mr. DeLay against.

Mr. Ward for, with Mr. Kingston against.

Mr. PACKARD changed his vote from "aye" to "no."

So the bill was passed.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. WARD. Mr. Speaker, I was unavoidably absent during the recording of rollcall vote No. 195. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. DELAY. Mr. Speaker, on rollcall No. 195, I was unavoidably absent. Had I been present, I would have voted "nay."

PERSONAL EXPLANATION

Mr. MCNULTY. Mr. Speaker, I was attending my daughter's graduation back home, and I missed rollcall No. 195 on the minimum wage bill, which I strongly support, and I want the RECORD to reflect my support for that bill. Had I been present, I would have voted "aye."

The title of the bill was amended so as to read: "A bill to provide tax relief for small businesses, to protect jobs, to create opportunities, to increase the take home pay of workers, to amend the Portal-to-Portal Act of 1947 relating to the payment of wages to employees who use employer owned vehicles, and to amend the Fair Labor Standards Act of 1938 to increase the minimum wage rate and to prevent job loss by providing flexibility to employers in complying with minimum wage and overtime requirements under that Act."

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. WALKER). Pursuant to section 4 of House Resolution 440, the text of H.R. 1227 will be appended to the engrossment of H.R. 3448, and H.R. 1227 is laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2740

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that I be allowed to withdraw my name as a cosponsor of H.R. 2740.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. BONIOR asked and was given permission to address the House for 1 minute.)

Mr. BONIOR. Mr. Speaker, I asked to speak for purposes of inquiring of the distinguished majority leader, the gentleman from Texas [Mr. ARMEY], the schedule for today and the remainder of the week and then next week.

Mr. ARMEY. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to my friend from Texas.

Mr. ARMEY. Mr. Speaker, I thank the gentleman from Michigan for yielding.

Mr. Speaker, we have concluded legislative business for the week. I am pleased to announce that Members are free to return home for the Memorial Day district work period. The district work period will continue through Monday, May 27, and Tuesday, the 28th. The House will return to business on Wednesday, May 29, at 2 p.m., for legislative business. Please note that we will not have any recorded votes before 5 p.m. on May 29.

Mr. Speaker, on Wednesday we will consider H.R. 3322, The Omnibus Civilian Science Act, the rule for which has already been adopted.

On Thursday, May 30, the House will meet at 10 a.m. to take up the military construction appropriations bill for fiscal year 1997, which of course will be subject to a rule.

Next week the House may also consider a privileged resolution from the Committee on Government Reform and Oversight that holds certain of the President's aides in contempt of Congress for refusing to turn over subpoenaed documents in the Travelgate investigation.

Mr. Speaker, we should finish legislative business by 2 p.m. on Friday of next week.

I thank the gentleman for yielding me this time and wish him an enjoyable weekend.

Mr. BONIOR. Mr. Speaker, I thank my colleague, and if I can just inquire, a couple of brief questions to my friend from Texas? We will have votes next Friday then, I take it from the gentleman's remarks?

Mr. ARMEY. Yes, we plan on having votes on Friday.

Mr. BONIOR. Would the gentleman care to inform us when he expects to go to conference on the budget resolution next week?

Mr. ARMEY. Of course, I believe the Senate is still proceeding on that, but as soon as we can next week we will be going to conference.

Mr. BONIOR. And if I might inquire, what day does the gentleman from Texas expect to consider the privileged resolution concerning the subpoenaed documents that he referred to in his remarks?

Mr. ARMEY. Most likely on Friday.

Mr. BONIOR. Most likely on Friday.

And finally, in light of the close to $60 billion CBO estimates on the star wars or missile defense program, when does the gentleman think that bill will be brought back for consideration?

Mr. ARMEY. I have no announced plan at this time. I would like to bring it back in the next couple of weeks. But I will have to wait and to announce it later.

Mr. BONIOR. And I would say to my friend from Texas, if he could inform us how late Wednesday, that might help Members plan. The gentleman said 5 o'clock we will have our first votes. And we expect a late evening on Wednesday?

Mr. ARMEY. The science bill could go late. We would try to get some authority to roll votes so that we could organize the time on behalf of the Members, but we should be prepared to work late on Wednesday.

Mr. BONIOR. Mr. Speaker, I thank my friend. I wish him a happy Memorial Day weekend and a good evening.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore (Mr. GOSS). Is there objection to the request of the gentleman from Texas?

There was no objection.

AUTHORIZING SPEAKER AND MINORITY LEADER TO ACCEPT RESIGNATIONS AND MAKE APPOINTMENTS, NOTWITHSTANDING ADJOURNMENT

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that notwithstanding any adjournment of the House until Wednesday, May 29, 1996, the Speaker and the minority leader be authorized to accept resignations and to make appointments authorized by law or by the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

GRANTING MEMBERS OF THE HOUSE PRIVILEGE TO EXTEND THEIR REMARKS IN CONGRESSIONAL RECORD TODAY

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that for today all Members be permitted to extend their remarks and to include extraneous material in that section of the RECORD entitled "Extensions of Remarks."

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

REQUEST FOR BASS TO BITE IN TEXAS

Mr. ARMEY. Mr. Speaker I ask unanimous consent that it be the will of the Congress that the bass bite early and often throughout the weekend in Texas.

Mr. SOLOMON. Mr. Speaker, I object if it is not in New York, too.

The SPEAKER pro tempore. Objection is heard.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will lay down the Senate adjournment resolution when it is received from the Senate.

DESIGNATION OF HON. ROBERT S. WALKER TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH MAY 29, 1996

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 23, 1996.

I hereby designate the Honorable ROBERT S. WALKER to act as Speaker pro tempore to sign enrolled bills and joint resolutions through Wednesday, May 29, 1996.

NEWT GINGRICH,
Speaker of the House of Representatives.

The SPEAKER pro tempore. Without objection, the designation is agreed to.

There was no objection.

□ 1545

PERSONAL EXPLANATION

Mr. HOKE. Mr. Speaker, I was just called to my office and informed that I was not recorded on the last vote on H.R. 1227. I was present on the floor at the time, from the time of the first Goodling amendment, and apparently inadvertently left the floor without having cast my vote, although I was under the impression that I had.

My vote on final passage of 1227 would have been "yes."

SPECIAL ORDERS

The SPEAKER pro tempore. (Mr. GOSS). Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

QUESTIONING PRESIDENT CLINTON'S COMMITMENT TO OUR NATION'S SPACE PROGRAM, AND URGING MEMBERS TO SUPPORT BUDGET RESOLUTION ON NASA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. WELDON] is recognized for 5 minutes.

Mr. WELDON of Florida. Mr. Speaker, I have a great deal of difficulty with President Clinton's real commitment to our Nation's space program. We have all heard his official position, but how does that compare with the demonstrated position? On the one hand, his science adviser says the President steadfastly opposes any cuts in science and technology. That came from Jack Gibbons on March 29. Vice President GORE said the President's 1997 budget will provide generous funding for science and technology. But if we look at what the President does to NASA's budget, if we look at what the President actually does, rather than what he says or his staff says, we get a different picture.

Mr. Speaker, the President made dangerous, deep cuts in NASA'S longterm budget. We can see on this graph that I have here, the House budget does decline NASA's budget slightly over 7 years in the effort to balance the budget, but the President's cuts are very, very deep and I believe seriously undermine our ability to have an effective and growing investment in science and technology.

Indeed, the President puts a lot of investment in a program that I think is of some questionable scientific value. One has to wonder about the foundations of his space policy. I believe the future of space exploration lies in programs such as our international space station and continuing our investment in the shuttle program, as well as developing new launch vehicles.

I know what would happen to our space program if the United States were left with the kind of budget that the President is proposing here. It would just be a shell of a program. Our nation is a space-faring Nation. We are an exploring Nation.

If we look at the history of the great nations of the world and what happened to many of them when they stopped exploring and they stopped reaching out, they began to shrink. They began to diminish. They began to become less of a significance in the world. And they went on, to quote President Ronald Reagan frequently, into the dustpan of history.

Mr. Speaker, I believe that the $2 billion that the President wants to cut out of NASA's budget is setting the stage for that kind of development for our Nation. I believe what the House is doing is the responsible thing. We all know everybody has to play a role in balancing the budget, and everybody has to do their part.

It is wrong, it is immoral, to keep saddling our children with excessive amounts of debt. The debt burden, as we all know, today is huge, $5 trillion; something like $18,000 for every man, woman, and child. NASA has stepped up to the plate and has been able to continue doing what it has been doing in the past with fewer people. The men and women of NASA have done a yeoman's job in being able to continue the shuttle program, continue to allow it to fly safely, continue the space station on schedule and on budget, as well as continue investment in science research. But what the President is proposing, Mr. Speaker, I think would be devastating to our space program, and is just wrong. I believe that the President's budget proposal is the wrong approach to our science program.

Mr. Speaker, I would say that we could almost describe his space policy as being lost in space. Mr. Speaker, I would encourage all my colleagues to support our House budget resolution on NASA. It is the right proposal. It is a proposal that would allow us to continue our crucial investment in the space station, in the shuttle program, in the development of a new launch vehicle, and would not devastate the program, as the President is proposing.

THE HOUSE VOTE ON INCREASING THE MINIMUM WAGE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas [Ms. JACKSON-LEE] is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I think all of us can accept this week, as we head into the honoring and celebrating of our veterans and those who are in our military bases across this land and this world, that today we struck a very positive blow for working Americans. It is difficult sometimes with the flurry of debate and one accusation after another to really clear away some of the confusion, and to know whether or not we were in fact destructive, undermining, or whether in fact we have given something worthy for those who work every day in America.

I would simply like to indicate, Mr. Speaker, that this wound up being a bipartisan decision to increase the minimum wage. It was a reflection of over 80-percent of the American public who said yes, this is a good idea. In meeting with a small businessowner today for lunch from my hometown in Houston, I was very proud of her and the words she said, in offering, "I think it is the right thing to do."

We have heard in this debate again the rising of one and the sitting of another, and coming to the well to rebut what the other one has said. It seems confusing, and the singular tone or sound of those who opposed this was the elimination or the undermining of small businesses and the elimination of jobs that are given by small businesses. Let me say to America that that was an attractive hook for you to hang onto, but it was absolutely wrong.

First of all, the main point is that in the State of Texas, 1.1 million workers would be denied an increase if we had not raised the minimum wage. Right now the minimum wage is $4.25. I do not know about you, but I respect young people, and I am sorry that we used them as a hammer, as well: All the people making the minimum wage are young people.

Who says that the reason that they work is not a valid reason: supporting the family, adding to the ability to go to institutions of higher learning, or even being able to stay in school. Why should we denigrate our young people because they are at the bottom rung?

Second, let me say that, I hate to say it, minorities were used as another club: Well, if you raise the minimum wage, you will see the jobs lost for African-Americans and Hispanics and maybe women. Let me offer to say that this is not a racial issue. This is not to say that the only people who need an increase in the minimum wage are African-Americans and Hispanics. They are Americans.

Let me also give a point of information, that most of the small businesses owned by African-Americans, women, minorities collectively, are sole proprietorships. That means that they do not hire anyone, they are still climbing the rung, they are still climbing to access capital. But in fact, the broad number of individuals who work for a minimum wage are individuals who have families, who have opted to work over welfare. Why not reward them, being the first increase in almost 6 years, the lowest minimum wage since 1938 in terms of its output? In 1979 the minimum wage equaled $6.25, not in the number but in what it could purchase. What can you do with $4.25? That is giving you change back from a $5 bill.

So it was important for this house today to vote on a clean minimum wage bill, one that would increase it a mere 90 cents, to $5.15, and to rebut those arguments that you would put small businesses out of business or you would eliminate jobs.

We understand the free marketplace. Yes; I would be dishonest not to say that goods and services may increase because of the profit margin, but people will be working for a fair and decent wage. They will then circulate their dollars back into the system. We will give them dignity. They will be able to maintain a family, that 59 percent that we talked about, many of whom are single parents, women in particular.

I think it is important that we kind of clear the air and explain why, in fact, the Goodling amendment to exempt businesses of a certain category was not good, because those businesses in our malls of America where we go and shop, there are people who work there who go home every day and have the same responsibilities as all of us: the rent payment, the electricity payment. It is important not to make this a war against the American worker and small businesses. We can work to support small businesses, as we have done with the Small Business Tax Incentive Act, which I supported, and we, too, can vote for the American worker. I am glad today that we increased the minimum wage for all America to have a decent quality of life.

TRIBUTE TO LOUIS PASQUARELL, SR.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. SOLOMON] is recognized for 5 minutes.

Mr. SOLOMON. Mr. Speaker, if you or other Members have ever been in my office, no doubt you've seen the fire helmets lining the walls.

I must have a hundred of them.

They are symbols of the enormous respect and admiration I have for volunteer firefighters.

It's not just that I used to be a volunteer firefighter myself in my hometown of Queensbury, in upstate New York.

It's more than that.

I could sum up my feelings about volunteer firefighters in three words: Louis Pasquarell Sr.

Mr. Speaker, Lou Pasquarell, Sr., is celebrating his 60th year as a volunteer firefighter.

As you all know, I measure a man by how much he gives to his community. And Mr. Speaker, by that yardstick, Lou Pasquarell, Sr. is a giant among men.

Let me tell you a few things about volunteer firefighters in general.

These are ordinary citizens from all walks of life who represent the only available fire protection in rural communities like the one I represent.

In New York State alone they save countless lives and billions of dollars worth of property every year.

They surrender much of their personal time, not only to respond to fires, but to upgrade their skills with constant training.

Yes, Mr. Speaker, fighting fires is a dirty, exhausting, and frequently dangerous job.

Volunteer firefighters approach that job with a selfless dedication, and the highest degree of professionalism.

Typical of these volunteers, or, I should say, more than typical, is Lou Pasquarell, Sr.

He joined the Jonesville Volunteer Fire Co. in Clifton Park 60 years ago.

Mr. Speaker, there is no way to calculate the lives and property he has helped save in those 60 years, the number of hours he has spent in that effort, or the number of younger firemen he has inspired.

Mr. Speaker, there are at least five other firefighters in the company who, when they were children, drove in parades in the miniature fire vehicle Mr. Pasquarell built for the Jonesville future firefighters.

He has served on numerous committees, the board of directors, and on the police fire squad.

He has been both a Lieutenant in the company and for many years the chairman of the district board of elections.

In his capacity as Captain of the fire police squad, he was instrumental in placing the area's first fire police vehicle in service.

He also organized a special event last Christmas at the firehouse through the adopt an angel program for a 6-year-old boy who suffers from a teminal illness.

Mr. Speaker, Lou Pasquarell Sr.'s contributions go far beyond his firefighting.

He also played a major role in building two bocci courts for use by Shenendehowa senior citizens on the pavilion on Main Street.

Mr. Speaker, it isn't too often you get to meet a living legend. And that's what Lou Pasquarell Sr. is.

So, Mr. Speaker, I ask you and all Members to join me in saluting this great volunteer fireman, this great American, this man I am privileged to call a good friend, Louis Pasquarell, Sr., of Clifton Park, New York.

☐ 1600

COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON THE BUDGET REGARDING CURRENT LEVELS OF SPENDING AND REVENUES REFLECTING ACTION COMPLETED AS OF MAY 17, 1996 FOR FISCAL YEARS 1996–2000

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. KASICH] is recognized for 5 minutes.

Mr. KASICH. Mr. Speaker, on behalf of the Committee on the Budget and pursuant to sections 302 and 311 of the Congressional Budget Act, I am submitting for printing in the CONGRESSIONAL RECORD an updated report on the current levels of on-budget spending and revenues for fiscal year 1996 and for the 5-year period fiscal year 1996 through fiscal year 2000.

This report is to be used in applying the fiscal year 1996 budget resolution (H. Con. Res. 67), for legislation having spending or revenue effects in fiscal years 1996 through 2000.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE BUDGET,
Washington, DC, May 22, 1995.

Hon. NEWT GINGRICH,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: To facilitate application of sections 302 and 311 of the Congressional Budget Act, I am transmitting a status report on the current levels of on-budget spending and revenues for fiscal year 1996 and for the 5-year period fiscal year 1996 through fiscal year 2000.

The term "current level" refers to the amounts of spending and revenues estimated for each fiscal year based on laws enacted or awaiting the President's signature as of May 17, 1996.

The first table in the report compares the current level of total budget authority, outlays, and revenues with the aggregate levels set by H. Con. Res. 67, the concurrent resolution on the budget for fiscal year 1996. This comparison is needed to implement section 311(a) of the Budget Act, which creates a point of order against measures that would breach the budget resolution's aggregate levels. The table does not show budget authority and outlays for years after fiscal year 1996 because appropriations for those years have not yet been considered.

The second table compares the current levels of budget authority, outlays, and new entitlement authority of each direct spending committee with the "section 602(a)" allocations for discretionary action made under H. Con. Res. 67 for fiscal year 1996 and for fiscal years 1996 through 2000. "Discretionary action" refers to legislation enacted after adoption of the budget resolution. This comparison is needed to implement section 302(f) of the Budget Act, which creates a point of order against measures that would breach the section 602(a) discretionary action allocation of new budget authority or entitlement authority for the committee that reported the measure. It is also needed to implement section 311(b), which exempts committees that comply with their allocations from the point of order under section 311(a).

The third table compares the current levels of discretionary appropriations for fiscal year 1996 with the revised "section 602(b)" suballocations of discretionary budget authority and outlays among Appropriations subcommittees. This comparison is also needed to implement section 302(f) of the Budget Act, since the point of order under that section also applies to measures that would breach the applicable section 602(b) suballocation. The revised section 602(b) suballocations were filed by the Appropriations Committee on December 5, 1995.

Sincerely,

JOHN R. KASICH,
Chairman.

Enclosures.

REPORT TO THE SPEAKER FROM THE COMMITTEE ON THE BUDGET, STATUS OF THE FISCAL YEAR 1996 CONGRESSIONAL BUDGET ADOPTED IN HOUSE CONCURRENT RESOLUTION 67

[Reflecting Action Completed as of May 17, 1996]

	On-budget amounts, in millions of dollars	
	Fiscal year 1996	Fiscal year 1996–2000
Appropriate Level: (as set by H. Con. Res. 67):		
Budget Authority	1,285,515	6,814,600
Outlays	1,288,160	6,749,200
Revenues	1,042,500	5,691,500
Current Level:		
Budget Authority	1,306,869	(NA)
Outlays	1,307,746	(NA)
Revenues	1,038,986	5,654,519
Current Level over(+)/under(−) Appropriate Level:		
Budget Authority	21,354	(NA)
Outlays	19,586	(NA)
Revenues	−3,514	−36,981

NA=Not applicable because annual appropriations Acts for Fiscal Years 1997 through 2000 will not be considered until future sessions of Congress.

BUDGET AUTHORITY

Enactment of measures providing any new budget authority for fiscal year 1996 (if not already included in the current level estimate) would cause fiscal year 1996 budget authority to exceed the appropriate level set by H. Con. Res. 67.

OUTLAYS

Enactment of measures providing any new budget or entitlement authority that would increase fiscal year 1996 outlays (if not already included in the current level estimate) would cause fiscal year 1996 outlays to exceed the appropriate level set by H. Con. Res. 67.

REVENUES

Enactment of any measure that would result in any revenue loss in either fiscal year 1996 or for the total for fiscal year 1996 through 2000 would increase the amount by which revenues are less than the recommended levels of revenue set by H. Con. Res. 67.

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH COMMITTEE ALLOCATIONS PURSUANT TO BUDGET ACT SECTION 601(A) REFLECTING ACTION COMPLETED AS OF MAY 17, 1996

[Fiscal years, in millions of dollars]

	BA	1996 outlays	NEA	BA	1996–2000 outlays	NEA
House Committee						
Agriculture:						
Allocation	−992	−992	177	−8,477	−8,477	−2,164
Current Level	−330	−722	−758	−5,051	−5,406	−6,811
Difference	662	270	−935	3,426	3,071	−4,647
National Security:						
Allocation	−1,168	−1,168	382	1,733	1,733	1,467
Current Level	369	367	401	1,657	1,653	1,803
Difference	1,537	1,535	19	−76	−80	336
Banking, Finance and Urban Affairs:						
Allocation	−481	−481	0	−1,698	−1,698	0
Current Level	3	3	0	(1)	(1)	0
Difference	484	484	0	1,698	1,698	0
Economic and Educational Opportunities:						
Allocation	−128	122	−2,015	−1,976	−1,534	−11,465
Current Level	0	0	0	0	0	0
Difference	128	−122	2,015	1,976	1,534	11,465
Commerce:						
Allocation	−555	−405	−3,619	−11,381	−11,480	−84,935
Current Level	0	0	0	6,303	6,303	6,297
Difference	555	405	3,619	17,684	17,783	91,232
International Relations:						
Allocation	−3	−3	0	−19	−19	−6
Current Level	0	0	0	0	0	0
Difference	3	3	0	19	19	6
Government Reform & Oversight:						
Allocation	−436	−436	−106	−2,903	−2,903	−2,729
Current Level	0	0	0	0	0	6
Difference	436	436	106	2,903	2,903	2,735
House Oversight:						
Allocation	0	0	0	0	0	0
Current Level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Resources:						
Allocation	−106	−104	0	−2,698	−2,693	0
Current Level	−18	−24	0	−141	−148	0
Difference	88	80	0	2,557	2,545	0

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH COMMITTEE ALLOCATIONS PURSUANT TO BUDGET ACT SECTION 601(A) REFLECTING ACTION COMPLETED AS OF MAY 17, 1996—Continued

[Fiscal years, in millions of dollars]

	BA	1996 outlays	NEA	BA	1996–2000 outlays	NEA
Judiciary:						
Allocation	0	0	0	−238	−238	0
Current Level	0	0	0	14	12	2
Difference	0	0	0	252	250	2
Transportation & Infrastructure:						
Allocation	−63	−63	0	92,844	−457	0
Current Level	0	0	0	0	−2	0
Difference	63	63	0	−92,844	455	0
Science:						
Allocation	0	0	0	0	0	0
Current Level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Small Business:						
Allocation	0	0	0	0	0	0
Current Level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Veterans' Affairs:						
Allocation	−79	−79	−195	−686	−686	−2,928
Current Level	0	0	−21	0	0	−106
Difference	79	79	174	686	686	2,822
Ways and Means:						
Allocation	−7,163	−7,615	−4,502	−192,899	−193,345	−82,895
Current Level	−18	−18	−139	−1,990	−1,990	−3,799
Difference	7,145	7,597	4,363	190,909	191,355	79,096
Unassigned:						
Allocation	306	306	0	4,892	4,892	0
Current Level	0	0	0	0	0	0
Difference	−306	−306	0	−4,892	−4,892	0
Total Authorized:						
Allocation	−10,868	−10,918	−9,878	−123,506	−216,905	−185,655
Current Level	6	−394	−517	792	422	−2,608
Difference	10,874	10,524	9,361	124,298	217,327	183,047

[1] = less than $500 thousand.

DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 1996—COMPARISON OF CURRENT LEVEL WITH SUBALLOCATIONS PURSUANT TO BUDGET ACT SECTION 602(B)

[In millions of dollars]

	Revised 602(b) suballocations (December 5, 1995)				Current level reflecting action completed as of May 17, 1996				Difference			
	General purpose		Violent crime		General purpose		Violent crime		General purpose		Violent crime	
	BA	O	BA	O	BA	O	BA	O	BA	O	BA	O
Agriculture, Rural Development	13,325	13,608	0	0	13,310	13,577	0	0	15	31	0	0
Commerce, Justice, State	22,810	24,148	3,956	2,113	23,338	24,320	3,956	2,112	−528	−172	0	1
Defense	243,042	243,512	0	0	241,853	242,306	0	0	1,189	1,206	0	0
District of Columbia	727	727	0	0	712	712	0	0	15	15	0	0
Energy and Water Development	19,562	19,858	0	0	19,326	19,801	0	0	236	57	0	0
Foreign Operations	12,284	13,848	0	0	12,153	13,856	0	0	131	−8	0	0
Interior	12,213	13,174	0	0	12,122	13,047	0	0	91	127	0	0
Labor, HHS and Education	61,947	68,380	53	44	63,195	68,838	53	25	−1,248	−458	0	19
Legislative Branch	2,126	2,180	0	0	2,125	2,180	0	0	1	0	0	0
Military Construction	11,178	9,597	0	0	11,136	9,592	0	0	42	5	0	0
Transportation	12,500	36,754	0	0	11,705	36,751	0	0	795	3	0	0
Treasury-Postal Service	11,237	11,542	78	70	10,826	11,144	77	70	411	398	1	0
VA-HUD-Independent Agencies	61,686	74,440	0	0	62,349	74,480	0	0	−663	−40	0	0
Reserve	437	0	0	0	0	0	0	0	437	0	0	0
Grand Total	485,074	531,768	4,087	2,227	484,150	530,603	4,085	2,207	924	1,165	2	20

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 21, 1996.
Hon. JOHN KASICH,
Chairman, Committee on the Budget,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended, this letter and supporting detail provide an up-to-date tabulation of the on-budget current levels of new budget authority, estimated outlays, and estimated revenues for fiscal year 1996. These estimates are compared to the appropriate levels for those items contained in the 1996 Concurrent Resolution on the Budget (H. Con. Res. 67), and are current through May 17, 1996. A summary of this tabulation follows:

[In millions of dollars]

	House current level	Budget resolution (H. Con. Res. 67)	Current level +/− resolution
Budge authority	1,306,869	1,285,515	+21,354
Outlays	1,307,746	1,288,160	+19,586
Revenues:			
1996	1,038,986	1,042,500	−3,514
1996–2000	5,654,519	5,691,500	−36,981

Since my last report, dated February 20, 1996, the Congress has cleared and the President has signed four short-term continuing resolutions (Public Laws 104–116, 104–118, 104–122, and 104–131), the Federal Agriculture Improvement and Reform Act of 1996 (P.L. 104–127), the Contract with America Advancement Act (P.L. 104–121), an act providing Tax Benefits for Members of the Armed Forces Performing Peacekeeping Services in Bosnia and Herzegovina, Croatia and Macedonia (P.L. 104–117), the Federal Tea Tasters Repeal Act of 1996 (P.L. 104–128), the Antiterrorism and Effective Death Penalty Act (P.L. 104–132) and the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (P.L. 104–134). The Federal payment to the District of Columbia and emergency funding for Bosnia and Herzegovina for economic revitalization were included in P.L. 104–122. These actions changed the current level of budget authority, outlays, and revenues.

Sincerely,

JUNE E. O'NEILL,
Director.

PARLIAMENTARIAN STATUS REPORT—104TH CONGRESS, 2ND SESSION, HOUSE ON-BUDGET SUPPORTING DETAIL, FOR FISCAL YEAR 1996, AS OF CLOSE OF BUSINESS MAY 17, 1996

[In millions of dollars]

	Budget authority	Outlays	Revenues
Enacted in Previous Sessions			
Revenues	....	....	1,039,122
Permanents and other spending legislation	830,272	798,924	....
Appropriation legislation	....	242,052	....
Offsetting receipts	−200,017	−200,017	....
Total previously enacted	630,254	840,958	1,039,122
Enacted in First Session			
Appropriation bills:			
1995 Rescissions and Department of Defense Emergency Supplementals Act (P.L. 104–6)	−100	−885	....
1995 Rescissions and Emergency Supplementals for Disaster Assistance Act (P.L. 104–19)	22	−3,149	....

PARLIAMENTARIAN STATUS REPORT—104TH CONGRESS, 2ND SESSION, HOUSE ON-BUDGET SUPPORTING DETAIL, FOR FISCAL YEAR 1996, AS OF CLOSE OF BUSINESS MAY 17, 1996—Continued

[In millions of dollars]

	Budget authority	Outlays	Revenues
Agriculture (P.L. 104–37)	62,602	45,620	
Defense (P.L. 104–61)	243,301	163,223	
Energy and Water (P.L. 104–46)	19,336	11,502	
Legislative Branch (P.L. 104–53)	2,125	1,977	
Military Construction (P.L. 104–32)	11,177	3,110	
Transportation (P.L. 104–50)	12,682	11,899	
Treasury, Postal Service (P.L. 104–52)	23,026	20,530	
Offsetting receipts	−7,946	−7,946	
Authorization bills:			
Self-Employed Health Insurance Act (P.L. 104–7)	−18	−18	−101
Alaska Native Claims Settlement Act (P.L. 104–42)	1	1	
Fishermen's Protective Right Amendments of 1995 (P.L. 104–43)		(6)	
Perishable Agricultural Commodities Act Amendments of 1995 (P.L. 104–48)	1	(6)	1
Alaska Power Administration Sale Act (P.L. 104–58)	−20	−20	
ICC Termination Act (P.L. 104–88)			(6)
Total enacted first session	366,191	245,845	−100
Enacted in Second Session			
Appropriation bills:			
Ninth Continuing Resolution (P.L. 104–99) [1]	−1,111	−1,313	
Foreign Operations (P.L. 104–107)	12,104	5,936	
Offsetting receipts	−44	−44	
District of Columbia (P.L. 104–122)	712	712	
Omnibus Consolidated Rescissions and Appropriations Act of 1996 (P.L. 104–134)	330,746	246,113	
Offsetting receipts	−63,682	−55,154	
Authorization bills:			
Gloucester Marine Fisheries Act (P.L. 104–91) [2]	14,054	5,882	
Smithsonian Commemorative Coin Act (P.L. 104–96)	3	3	
Saddleback Mt. Arizona Settlement Act of 1995 (P.L. 104–102)		−7	
Telecommunications Act of 1996 (P.L. 104–104) [3]			
Farm Credit System Regulatory Relief Act (P.L. 104–105)	−1	−1	
National Defense Authorization Act, fiscal year 1996 (P.L. 104–106)	369	367	
To award Congressional Gold Medal to Ruth and Billy Graham (P.L. 104–111)	(6)	(6)	
An Act Providing for Tax Benefits for Armed Forces in Bosnia, Herzegovina, Croatia, and Macedonia (P.L. 104–117)			−38
Agriculture Improvement and Reform Act (P.L. 104–127)	−330	−721	
Federal Tea Tasters Repeal Act of 1996 (P.L. 104–128)			(6)
Antiterrorism and Effective Death Penalty Act (P.L. 104–132)			2
Total enacted second session	292,820	201,774	−36
Appropriated Entitlements and Mandatories			
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted [4]	17,604	19,168	
Total current level [5]	1,306,869	1,307,746	1,038,986
Total budget resolution	1,285,515	1,288,160	1,042,500
Amount remaining:			
Under budget resolution			3,514
Over budget resolution	21,354	19,586	

[1] P.L. 104–92 and P.L. 104–99 provide funding for specific appropriated accounts until September 30, 1996.

[2] This bill, also referred to as the seventh continuing resolution for 1996, provides funding until September 30, 1996, for specific appropriated accounts.

[3] The effects of this Act on budget authority, outlays and revenues begin in fiscal year 1997.

[4] Estimates include the effects of changes enacted this session in the following public laws: Veterans' Compensation Cost-of—Living Adjustment Act (P.L. 104–57), Contract with America Advance Act (P.L. 104–121), and the Agriculture Improvement and Reform Act (P.L. 104–127).

[5] In accordance with the Budget Enforcement Act, the total does not include $4,551 million in budget authority and $2.448 million in outlays for funding of emergencies that have been designated as such by the President and the Congress.

[6] Less than $500,000.

Note: Detail may not add due to rounding.

INDIAN EMBASSY CAUGHT RED-HANDED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana [Mr. BURTON] is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, for many years I have talked about the horrible human rights violations that have been talking place around the world, but in particular in a place called Punjab in Kashmir and Nagaland in India. Because of that, I have been the target of people who support the Indian lobby in the United States.

At one time, my life was threatened, as well as that of my wife and my children, and they have supported my opponents in campaigns year in and year out. I understand that because I have been talking about the gang raping of women that has been taking place over there, the tortures of individuals who have been taken out of their homes in the middle of the night to be tortured to death never to be seen again, and the placing of about 1.1 million Indian troops in Punjab and Kashmir and Nagaland to repress those people up there because all they want is freedom, democracy and human rights.

But today, Mr. Speaker, I found out some additional things that need to be brought to the attention of my colleagues and the American people. I found out, Mr. Speaker, that the Indian Embassy has been caught red-handed violating America's national sovereignty and democratic values. Newspapers have reported that a Maryland political fundraiser named Lalit Gadhia confessed that the Embassy provided over $46,000, which he used to reimburse friends of associates for political contributions that he solicited.

These contributions went to pro-India Members of Congress and to a political action committee, the Indian American Leadership Investment Fund. India's violations of democratic principles have now come to the United States of America. The scheme was run by former Indian Ambassador S.S. Ray and Embassy official Devendra Singh. It is illegal for noncitizens to contribute to U.S. political campaigns or for anyone to make a contribution in another person's name. Yet this is not the first time that the Indian Embassy has been caught interfering in U.S. political campaigns.

Earlier this year, it came to light that former Ambassador Ray urged Indian Americans to support a candidate in the South Dakota senate race, and the Embassy sent out a letter attacking a member of this House who is running for senator in New Jersey.

Mr. Speaker, now they are infecting the American political process with foreign money. They must believe that America is corrupt. This interference leads one to believe that the Indian journalist Rajinder Puri of the Times of India was right when he described India as, "A rotten, corrupt, repressive and antipeople system."

The U.S. Government must make it clear that India's interference in American politics is unacceptable. I urge my colleagues to support H.R. 1425, which will cut off U.S. development aid to India until it respects human rights, and House Concurrent Resolution 32, which calls for self-determination for the Sikhs of Khalistan. These two measures will show the Indian Government that their disregard for human rights and democratic principles are not to be tolerated.

In addition, India illegally tried to influence congressional elections and that will not be tolerated as well. I hope that the new government of India will correct these practices and that India and the United States can begin to live together in mutual respect for freedom, democracy and human rights, and that the new government will respect the sovereignty of other nations and not be in fear in our elective process.

Mr. Speaker, I include for the RECORD the articles referred to earlier and a press release from the Council of Khalistan of the Gadhia case:

[From the Washington Times, May 9, 1996]

DEMOCRAT GUILTY OF LAUNDERING CONTRIBUTIONS

(By Mary Pemberton)

BALTIMORE.—A Democratic Party activist pleaded guilty yesterday to devising a scheme to funnel $46,000 in illegal contributions to a political action committee and several federal election campaigns.

Lalit H. Gadhia, 57, who had been Gov. Parris Glendening's campaign treasurer, pleaded guilty in federal court to one count of causing a false statement to be made to the Federal Election Commission, U.S. Attorney Lynne A. Battaglia said. He faces up to five years in prison and a $250,000 fine at sentencing Aug. 6.

None of the money in question went to the governor's campaign. But Maryland Republican Party Chairman Joyce Lyons Terhes said Gadhia's activities are indicative of the type of people Mr. Glendening surrounds himself with.

"I think it is one more example of the flawed administration of Glendening," she said.

But a state Democratic Party spokesman said it has nothing to do with Mr. Glendening and, if anything, reflects positively on the party.

"It is very unfortunate that he became overzealous, but the Clinton administration does not back off . . . even though this guy has been a strong supporter of Democrats," David Paulson said.

The FBI said Gadhia approached the Indian-American Leadership Fund in the fall of 1994 and persuaded the New Mexico PAC to contribute to candidates other than Indian-Americans, as long as he did the fund raising.

For three weeks in October 1994, Gadhia presented the PAC with checks totaling $34,900, which he said were contributions from a number of individuals. He also provided names, addresses and occupations for those individuals so that the PAC could file the required reports with the FEC.

The PAC, in return, made political contributions to federal candidates selected by Gadhia in the November elections.

For the most part, the money donated to the PAC did not come from the contributors, prosecutors, said. At least $31,400 of the funds provided to the PAC were laundered by individuals who issued checks to the Indian-American Leadership Fund and then were reimbursed in cash for their contributions by Gadhia or his intermediaries, according to the FBI.

Prosecutors said Gadhia used the same type of scheme to launder $15,000 in illegal contributions that he provided directly to a number of federal election campaigns.

U.S. CONCERN ON EMBASSY POLITICAL ROLE

(By Aziz Haniffa)

WASHINGTON.—Barely two weeks into his term after presenting his credentials to President Clinton, India's new Ambassador, Naresh Chandra, received a strong complaint from the Clinton Administration about its concern over the Indian Embassy's alleged interference in the American political process.

State Department officials said that Robin Raphel, Assistant Secretary of State for South Asian Affairs and the Administration's point person for the subcontinent, had called Chandra to raise the issue about the Justice Department's finding that an Indian diplomat at the embassy here was the source of thousand of dollars of illegal campaign contributions funneled through an Indian-American political action committee by a longtime Democratic Party activist.

On May 8, in a submission of a "statement of facts" filed in court as the basis for a guilty plea entered by Lalit H. Gadhia, 58, the office of the U.S. District Attorney in Baltimore, Maryland, said, "The evidence indicates that the source of the cash used by Mr. Gadhia to finance the nominee contributions was Devendra Singh, an individual assigned to the Indian Embassy in Washington." Singh, who was Minister, Community Affairs, at the embassy from late 1990 to early 1995, returned to India to take up the position of Director-General of Police in Rajasthan.

State Department officials said that Raphel had called Chandra "to express our strong concern about this allegation of an Indian Embassy official being involved" in a money-laundering scheme to make campaign contributions to pro-India American lawmakers.

One official said that "at this point, (the Raphel call to Chandra) this is about it," as far as any raising of the issue with the embassy is concerned. However, the official acknowledged that "anything further will depend on what unfolds legally. So we'll have to see about that."

State Department spokesman Nicholas Burns said the matter was "a criminal case" and that aspect would be handled by the Department of Justice. But he said, "On the diplomatic side of this, the diplomatic aspect of it, we have contacted the Indian Embassy here in Washington and expressed our very strong concern about this particular case." The embassy spokesman, Shiv Shankar Mukherjee, declined comment on Raphel's call to Chandra and only reiterated his earlier statement that "the Indian Embassy always has and continues to operate strictly within the basis of diplomatic propriety."

On May 8, U.S. Attorney Lynne A. Battaglia, whose office prosecuted the case, told The Baltimore Sun, which first broke the story about this money-laundering plan, "The fact that the money came from the Indian Embassy and that so many people were manipulated into participating in the scheme takes this case to a higher level than we normally see in these kinds of investigations."

In an interview with India Abroad, she had said that "we don't normally have crimes involving diplomats," and acknowledged that as far as she could remember, such a case of a diplomat trying to circumvent U.S. election laws was unprecedented.

The State Department official said that if Singh had remained in Washington as an embassy official, even though he would have enjoyed diplomatic immunity, "it would have raised other issues about his status in the country and things like that," that could have resulted in the U.S. calling for his expulsion.

"But as things stand right now," the official said, Raphel's strong expression of concern was the extent of the State Department's action in the case, which had been referred to it by the Justice Department.

Raphel's call to Chandra expressing the Administration's strong concern comes close on the heels of the State Department in March informing a senior member of Congress that the Indian Embassy had given assurances that it was not interfering in America's political process.

In a letter to India's most acerbic critic in Congress, Rep. Dan Burton, Republican of Indiana, Barbara Larkin, acting Assistant Secretary for Legislative Affairs, said, "We have raised the episodes you mention and have been reassured of India's commitment to noninterference in the domestic political affairs on any state."

On Feb. 13, Burton, a member of the House International Relations Committee, wrote to Secretary of State Warren Christopher complaining of a "series of actions taken by the Embassy of India, which I believe clearly constitute inappropriate involvement in domestic U.S. politics." He urged Christopher, at his "earliest opportunity," to protest "this breach of protocol with the Indian government."

First, he said, "Ambassador Siddhartha Shankar Ray openly and actively endorsed Senator Larry Pressler's bid for re-election in South Dakota" in a December speech to the Indian-American Forum for Political Education in Boston. Ray told the audience to "please make sure Larry Pressler (Republican from South Dakota) goes to the Senate again," Burton said.

Second, he reported, the embassy has "actively sought to intervene in the current Senate race in New Jersey." Burton said the deputy chief of mission, Shyamala Cowsik, had circulated a letter to the Indian-American community criticizing Democratic Representative Robert Torricelli for his "record" in attacking alleged human rights abuses in India. Cowsik's letter, Burton contended, "not so subtly notes that Torricelli is running for the Senate this year," and added, "It can only be assumed that these instances of political interference that have come to light point to a broader pattern of political involvement."

Torricelli is running for the Senate seat being vacated by the retiring Democratic Senator Bill Bradley. He has co-sponsored legislation by Burton calling for the suspension of American development aid to India unless it alleviates rights conditions.

In his letter to Christopher, Burton insisted that he was "not writing out of partisan considerations," and noted that, as a Republican, the embassy's actions were intended to benefit Republican candidates in both races.

"There is a larger principal at stake," he declared. "It is a serious violation of diplomatic protocol for an ambassador to attempt to influence or intervene in domestic political contests. The voters of New Jersey and South Dakota should have the opportunity to make up their own minds without foreign interference."

He said that had the American Ambassador to India attempted "to sway an election, there would be howls to protest."

In her reply to Burton, Larkin said the State Department appreciated "the nonpartisan nature of your concern."

EX-ENVOY DENIES U.S. CAMPAIGN TIE

(By P.B. Chandra)

JAIPUR.—Devendra Singh, a former senior diplomat of the Indian Embassy in Washington, has denied his involvement in the illegal campaign contributions funneled through the Indian American Political Action Committee (PAC).

Singh is currently the Director-General of Police of Rajasthan. He served as a Minister, Community Affairs in the Indian mission from 1990 to 1995 before returning to India.

Singh told "India Abroad" he did not give any money to Lalit H. Gadhia, a longtime Democratic party activist, in illegal campaign contributions. Reacting to media reports that Gadhia had pleaded guilty to illegally raising the funds and named Singh as the diplomat who gave Gadhia the money, Singh said his job as Minister, Community Affairs demanded that he should meet various people but he never paid any amount to anyone for financing any candidate's election. Singh was the security officer of late Prime Minister Rajiv Gandhi before being transferred to the Washington mission.

When asked about an air freight receipt and copy of the report sent by Gadhia to him and which was subsequently seized by U.S. Federal Bureau of Investigation agents in Gadhia's office, Singh said he knew nothing about the air freight receipt and reports. When Singh was asked whether he could be called to court to give evidence against Gadhia, he said the case related to the period when he enjoyed complete diplomatic immunity.

When asked whether it was true that Gadhia has implicated him while making the guilty plea in the court, Singh said that in all such cases the Indian mission was answerable. Singh said then Indian Ambassador Siddhartha Siddhartha Shankar Ray had clarified the Indian mission's viewpoint and there was nothing much left to be added to that.

INDIAN EMBASSY CAUGHT RED-HANDED—FUND RAISER ADMITS ILLEGALLY LAUNDERING POLITICAL CONTRIBUTIONS

WASHINGTON, D.C., May 14—Lalit H. Gadhia, a major political fundraiser in Maryland, has confessed that he laundered over $46,000 in political contributions from the Indian Embassy to Members of Congress, Thursday's Baltimore Sun reported. Gadhia, 57, former campaign treasurer for Maryland Governor Parris Glendening and a Baltimore immigration lawyer, confessed to the scheme in the U.S. District Court in Baltimore, according to the report.

Under the plan, Gadhia used money provided by the Indian Embassy here to reimburse Indian Americans and Indians living in the United States for contributions they made to the candidates the Embassy supported. According to the report, the Embassy, through Gadhia, illegally gave $31,400 to the Indian American Leadership Investment Fund, a Los Angeles-based political action committee, which then distributed it to candidates. It is illegal for noncitizens to contribute to U.S. political campaigns or for anyone to make a contribution in another person's name.

The Embassy officials in charge of the scheme, former Ambassador S.S. Ray and former Embassy staffer Devendra Singh, have both returned to India. Mr. Ray was a losing candidate for Parliament in the recent elections and Mr. Singh holds a high-ranking position with the Rajasthan state police. On February 19, 1995, Indian Foreign Minister R.L. Bhatia said at a press conference that "there is a strong anti-India lobby in the United States. We are spending large sums of money through Ambassador Ray to neutralize it." During the time that Mr. Ray was Governor of Punjab. Sikhs spoke of "the three Rs—Ray, Ribeiro, and Rajiv"—a very repressive trio. Julian Ribeiro was Director General of Police at the time. He and Mr. Ray are responsible for instituting the tactic of the fake "encounter" in Punjab. In a fake encounter, a Sikh will be killed by the police or while in custody, then they will report that he died in an "encounter," thus providing cover for the killing.

Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, the government in exile of Khalistan, confronted Mr. Ray in the hall of the Longworth House Office Building, calling him "the Butcher of Punjab." The confrontation was picked up by the media. Mr. Ray returned to India shortly after that confrontation. The new ambassador, Naresh Chandra, brought his brother, Girish Chandra Saxena, to the Embassy with him. Girish Saxena is a former head of India's Research and Analysis Wing (RAW), which infiltrated Sikh militant organizations before the "Operation Bluestar" attack on the Golden Temple and 38 other Sikh temples throughout Punjab, Khalistan, in June 1984 in which over 20,000 Sikhs were killed. Ambassador Chandra himself has recently been implicated in illegal smuggling of CFCs from India to the United States. CFCs have been banned in the United States since January 1. According to the Customs Service, CFCs are now the number two problem after illegal drugs.

"Mr. Gadhia's confession shows the moral bankruptcy of the Indian regime," said Dr. Aulakh. "India has been murdering Sikhs and other minorities for many years. The recent payoff scandal that helped to bring down the Congress Party showed the world that in addition to being a brutal tyranny, India is corrupt and its claim to be a 'democracy' is hollow. This money-laundering campaign contribution scheme shows India's total disregard for democratic principles in other countries as well," Dr. Aulakh said. "Obviously, the regime believes that everyone is as corrupt as they are," he stated. "These practices are unacceptable, and I hope that Mr. Gadhia's confession will not be the end of the investigation. The Embassy is deeply involved in this scheme, and its involvement should be exposed and punished."

THE MINIMUM WAGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia [Mr. WISE] is recognized for 5 minutes.

Mr. WISE. Mr. Speaker, I rise to speak in support of why I supported the increase of the minimum wage from $4.25 an hour to $5.15 an hour.

One of the basic reasons I supported raising the minimum wage in this house today was, there are about 112,000 reasons: The 112,000 payroll positions in West Virginia that will see a wage increase because of this vote, roughly 17 percent of our work force.

Mr. Speaker, this is important because it means it boosts their level of income. It makes them consumers. It makes them participants. The minimum wage has not been raised since 1991 when it finally reached $4.25 an hour. Moses wandered in the wilderness for 40 years. The minimum wage is at an all-time buying low, 40-year buying low, and it is time that it be raised. In fact, Mr. Speaker, it was just a few years ago that in the 1950's, 1960's and early 1970's that the minimum wage was designed to be about one-half of the average manufacturing wage. Today it is somewhere around one-third of that amount.

So the minimum wage has steadily dropped, and I know, Mr. Speaker, we have heard the arguments about how much it is a job killer and less people will be hired. The studies do not seem to indicate that. But let me also suggest that we have heard that argument every time since the 1930's when the minimum wage was first raised. Time after time that has been trotted out. Abut 8½ million jobs have been created in the past 3½ years. So the minimum wage is certainly not a factor in job retardation.

Indeed, most of the jobs we are hoping to create are not minimum wage jobs. But for those people who have to work at 40 hours a week, trying to get by doing exactly what society asks them to do, I think it is not too much to ask for a minimum wage increase. Indeed, Mr. Speaker, I recall that when I was working my way through college, as a bunch of people in this country have done, I worked at minimum wage, and I remember that the only collective bargaining agent I ever had when I worked in that hospital carrying bed pans, and when I did other work along that line, the only collective bargaining agent I ever had was the Federal Government when it raised the minimum wage. That is the only way I was going to see a wage increase, and it was the only way that millions of others were.

Mr. Speaker, there were amendments that would have greatly stripped the minimum wage coverage. One of the amendments, the Goodling amendment, while it would have raised the minimum wage, would have also removed 10 million people from possible coverage by the minimum wage. That certainly would not have been much of a victory. We could have celebrated the seven people left who could still qualify for an increased minimum wage.

Mr. Speaker, just a few days ago, this House passed legislation to repeal the gas tax for 7 months, a 4.3-cent-a-gallon gasoline tax for 7 months. Well, Mr. Speaker, I think it ironic that that action takes place. We were able to pass the gasoline tax suspension for 7 months. That, incidentally, gets you through the election. I guess that is to enable people to get gasoline to drive to the polls.

The minimum wage increase is a real measure. It puts money into people's pockets. It gives them far more than the gasoline tax repeal for 7 months ever would have given them. It gives them an increase over a 2-year period to $5.15, or 90 cents an hour. It is what permits that person to recognize some fruits of their labor.

We are asking a lot of people in welfare reform to get off of welfare, as they should, to go to work. What Kind of reward is there if you do not get a pay increase since 1991? I might add, I went to the supermarket the other night. Nobody stopped the food prices from increasing. Gasoline prices have been increasing. Everything else has been increasing since 1991. But wages of people who do a lot of the basic work in this country have not.

So my hope is that this can be the first step in improving the working conditions of a lot of middle-income working people in our country. No, this is not the only step. There is a lot that needs to be done to grow jobs. There is a lot that must be done in education. There is a lot that must be done building the public works, the roads, the bridges, the water and the sewer systems, the industrial parks. But making sure that people are paid a fair and adequate wage, raising the minimum wage for the first time in 5 years, raising it from the lowest point in 40 years in terms of buying power that it has had, I think that is a significant accomplishment.

So I am glad that on a bipartisan basis we were finally able to fight to bring this minimum wage bill to the floor, to get it on the floor, to defeat the crippling amendments that would have removed much of the coverage of the minimum wage, and to pass it on the House floor.

It goes now to the Senate. My hope is that there it will move equally as quickly, and then to the President for his signature.

Mr. Speaker, it is a good day that the minimum wage finally looks like it may be increased this year.

RESIDENTS OF THE DISTRICT OF COLUMBIA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia [Ms. NORTON] is recognized for 5 minutes.

Ms. NORTON. Mr. Speaker, I recognize that the day has been much devoted to a discussion of the minimum wage. This member is trying her best to make certain that more than minimum wage residents continue to live in the District. I have just come back from the other body, where Senator CONNIE MACK, the chairman of the Joint Economic Committee, has just introduced the DC Economic Recovery Act on the Senate side, the bill I introduced on April 15 on the House side, in order to give a tax reduction to the residents of the District of Columbia, who are fleeing in awesome numbers.

The District does not have a State, so any tax incentive—tax cut will have to come from this body. The alternative to a tax cut to help to keep middle-income residents in the city is annual increases of a very significant magnitude in the Federal payment. The reason that would be necessary is that the Constitution requires the Congress of the United States to maintain the Capital of the United States. For over 200 years, it is the residents of the Capital of the United States who have maintained the capital, but their flight in great numbers and the insolvency of the city put the capital of the United States at risk.

No one can doubt that this is the case if you look at the chart before us. The tax base is already gone. Eighty-three percent of tax filers have an income of less than $50,000. To quote Senator MACK:

> Washington's situation is desperate. Middle-income residents have been fleeing the city in startling numbers.

Senator MACK was not alone in introducing this bill. Senator JOSEPH LIEBERMAN, a Democrat, became the cosponsor today, as well, and both spoke at this press conference. What I did not know until I walked into the press conference was that yet another Senator had on this very first day of the introduction of the bill come on, Senator SPENCER ABRAHAM.

Mr. Speaker, I sent my "dear colleague" letters out yesterday to Members of the House, and I am pleased to say that they are beginning to come on. Mr. ARMEY has become a cosponsor today, and I am very grateful for that. The Chairs of both caucuses, Republican and Democrat in this House, support the bill.

Why is there such support for this bill? In large part, it is because the District is trying to do it the old fashioned way. This tax break will not come to the Government of the District of Columbia but to the residents, who with their own money, will revive their own city.

The District is the only city in the United States that pays for State, county and municipal functions. When it was a city of 800,000 people, as it was when I was a kid growing up in this town, it could do that. Now it is a town of half a million people, and it simply cannot pay for Medicare, cannot pay for a State prison, cannot pay for a State university all by itself.

The District is the only city in the United States that is barred by the Congress of the United States from enacting a commuter tax, so all the commuters come here, use the services my residents provide and do not leave one thin dime.

The District is the only jurisdiction that flies the American flag, where Federal income taxes are paid by the residents, but they have no voting representation in the House or in the Senate. That, my friends, I am sure you will agree, is un-American.

□ 1615

We would still pay Federal income taxes under my bill, but we would not be second per capita in Federal income taxes, as we are today. When you join our local taxes with our Federal taxes, the residents of the District of Columbia are the highest taxed residents in the United States.

The District does not say "Give me some more money." The District says, the House and the Senate, the Democrats and the Republicans, yes, and the administration, all have their versions of tax cuts. If taxes are to be cut, let the cutting start in the capital of the United States, which does not have full representation, and therefore is taxed without representation, in the capital of the United States, which is spiralling downward, and needs to give people an incentive to remain in this beautiful city.

This will not be the capital we are all proud of if we let it continue to go down. Please sign on to the DC Economic Recovery Act, as three Senators have today.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed a concurrent resolution of the following title, in which the concurrence of the House is requested:

S. Con. Res. 60. Concurrent resolution providing for a conditional adjournment or recess of the Senate and the House of Representatives.

The message also announced that pursuant to Public Law 104–52, as amended by Public Law 104–134, the Chair, on behalf of the majority leader, appoints the Senator from Iowa, Mr. GRASSLEY; David L. Keating, of Maryland; J. Fred Kubik, of Kansas; and Mark L. McConaghy, of Washington, D.C., to the National Commission on Restructuring the Internal Revenue Service.

The message also announced that pursuant to Public Law 104–52, as amended by Public Law 104–134, the Chair, on behalf of the Democratic leader, appoints the Senator from Nebraska, Mr. KERREY; and Fred T. Goldberg, Jr., of Missouri, to the National Commission on Restructuring the Internal Revenue Service.

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Committee on Transportation and Infrastructure, which was read and, without objection, referred to the Committee on Appropriations.

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, May 13, 1996.

Hon. NEWT GINGRICH,
Office of the Speaker, U.S. House of Representatives, Washington, DC.

DEAR SPEAKER GINGRICH: Pursuant to the provisions of the Public Buildings Act of 1959, I am transmitting resolutions approved by the Committee on Transportation and Infrastructure on May 9, 1996.

With kind personal regards, I remain
Sincerely,
BUD SHUSTER,
Chairman.

There was no objection.

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Committee on Transportation and Infrastructure, which was read and, without objection, referred to the Committee on Appropriations.

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, May 13, 1996.

Hon. NEWT GINGRICH,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Enclosed are copies of resolutions adopted on March 7, 1996 and May 9, 1996 by the Committee on Transportation and Infrastructure. A copy of the resolutions are being transmitted to the Department of the Army.

With kind personal regards, I remain
Sincerely,
BUD SHUSTER,
Chairman.

There was no objection.

RETIREMENT SAVINGS AND SECURITY ACT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 104–221)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means, the Committee on Economic and Educational Opportunities, the Committee on Government Reform and Oversight, and the Committee on Transportation and Infrastructure and ordered to be printed.

To the Congress of the United States:

I am pleased to transmit today for the consideration of the Congress the

"Retirement Savings and Security Act." This legislation is designed to empower all Americans to save for their retirement by expanding pension coverage, increasing portability, and enhancing security. By using both employer and individual tax-advantaged retirement savings programs, Americans can benefit from the opportunities of our changing economy while assuring themselves and their families greater security for the future. A general explanation of the act accompanies this transmittal.

Today, over 58 million American public and private sector workers are covered by employer-sponsored pension or retirement savings plans. Millions more have been able to save through Individual Retirement Accounts (IRAs). The Retirement Savings and Security Act would help expand pensions to the over 51 million American private-sector workers—including over three-quarters of the workers in small businesses—who are not covered by an employer-sponsored pension or retirement savings program and need both the opportunity and encouragement to start saving. Women particularly need this expanded coverage: fewer than one-third of all women retirees who are 55 or older receive pension benefits, compared with 55 percent of male retirees.

The act would also help the many workers who participate in pension plans to continue to save when they change jobs. It would reassure all workers who save through employer-sponsored plans that the money they have saved, as well as that put aside by employers on their behalf, will be there when they need it.

The Retirement Savings and Security Act would:

- —Establish a simple new small business 401(k)-type plan—the National Employee Savings Trust (NEST)—and simplify complex pension laws. The NEST is specifically designed to ensure participation by low- and moderate-wage workers, who will be able to save up to $5,000 per year tax-deferred, plus receive employer contributions toward retirement. The act would encourage employers of all sizes to cover employees under retirement plans, and it would enable employers to put more money into benefits and less into paying lawyers, accountants, consultants, and actuaries.
- —Increase the ability of workers to save for retirement from their first day on the job by removing barriers to pension portability. In particular, employers would be encouraged no longer to require a 1-year wait before employees can contribute to their pension plans. The Federal Government would set the example for other employers by allowing its new employees to begin saving through the Thrift Savings Plan when they are hired, rather than having to wait up to a year. In addition, the Act would reduce from 10 to 5 years the time those participating in multiemployer plans—union plans where workers move from job to job—must work to receive vested benefits. It would also help ensure that returning veterans retain pension benefits and that workers receive their retirement savings even when a previous employer is no longer in existence.
- —Expand eligibility for tax-deductible IRAs to 20 million more families. In addition, the Act would encourage savings by making the use of IRAs more flexible by allowing penalty-free withdrawals for education and training, purchase of a first home, catastrophic medical expenses, and long-term unemployment. It would also provide an additional IRA option that provides tax-free distributions instead of tax-deductible contributions.
- —Enhance pension security by protecting the savings of millions of State and local workers from their employer's bankruptcy, as happened in Orange County, California. The Act would (1) require prompt reporting by plan administrators and accountants of any serious and egregious misuse of funds; (2) double the guaranteed benefit for participants in multiemployer plans in the unlikely event such a plan becomes insolvent; and (3) enhance benefits of a surviving spouse and dependents under the Civil Service Retirement System and the Railroad Retirement System.
- —Ensure that pension raiding, such as that which drained $20 billion out of retirement funds in the 1980s, never happens again—by retaining the strong current laws preventing such abuses and by requiring periodic reports on reversions by the Secretary of Labor.

Many of the provisions of the Retirement Savings and Security Act are new. In particular, provisions facilitating saving from the first day on the job, in both the private sector and the Federal Government; the doubling of the multi-employer guarantee; and improving benefits for surviving spouses and dependents of participants in the Civil Service Retirement System and the Railroad Retirement System deserve special consideration by the Congress. In addition, many of the provisions and concepts in this Act have been previously proposed by this Administration and have broad bipartisan support.

American workers deserve pension security—as well as a decent wage, lifelong access to high quality education and training, and health security—to take advantage of the opportunities of our growing economy.

I urge the prompt and favorable consideration of this legislative proposal by the Congress.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 23, 1996*.

PROVIDING FOR CONDITIONAL ADJOURNMENT OR RECESS OF SENATE AND HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore laid before the House the following privileged Senate concurrent resolution (S. Con. Res. 60) providing for a conditional adjournment or recess of the Senate and the House of Representatives.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 60

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns at the close of business on Thursday, May 23, 1996, Friday, May 24, 1996, or Saturday, May 25, 1996, pursuant to a motion made by the Majority Leader or his designee, in accordance with this resolution, it stand recessed or adjourned until noon on Monday, June 3, 1996, or Tuesday, June 4, 1996, or until such time on that day as may be specified by the Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House of Representatives adjourns on the legislative day of Thursday, May 23, 1996, it stand adjourned until 2:00 p.m. on Wednesday, May 29, 1996, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, acting jointly after consultation with the Minority Leader of the Senate and Minority Leader of the House, shall notify the Members of the Senate and the House, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

TURKISH STUDIES PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. PALLONE] is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I rise today to express my serious concern about what I consider a troubling case of the manipulation of historical fact under the guise of academic integrity. This is happening at a university in my own State, Princeton University, an Ivy League university and one of the leading institutions of higher learning in the Nation and in the world.

As the New York Times reported yesterday, Princeton accepted $750,000 from the Government of Turkey to endow a new Attaturk Chair of Turkish Studies in the Department of Near Eastern Studies and hired a professor, Heath W. Lowry, who worked for the Turkish Government as executive director of the Washington-based Institute of Turkish Studies. Professor Lowry has written and spoken extensively, questioning whether or not the Armenian genocide committed by the Turkish Ottoman Empire between the years 1915 and 1923 actually occurred.

Mr. Speaker, last month, on April 24, more than 40 Members of this body from both sides of the aisle took part in a series of special orders commemorating the 81st anniversary of the unleashing of this genocide against the Armenian people. It was planned and executed in the name of Turkish nationalism in the final years of the Ottoman Empire. Eventually, 1.5 million Armenian men, women, and children were murdered in this first, though sadly not the last, genocide in the 20th century. Although the word "genocide" had not yet been coined, genocide is what happened. It is a great and noble effort for this Congress to recognize that the genocide occurred. I will be working with my colleagues from both sides of the aisle to enact a resolution officially recognizing the historic fact that the genocide occurred and urging Turkey, the recipient of millions of dollars in United States assistance, to finally end its deceitful policy of denying that the genocide ever took place.

While remembering the Armenian genocide is important in its own right from the standpoint of honoring the victims and providing future generations with an important example of what can happen when ethnic hatred goes unchallenged, one of the most important reasons for commemorating the genocide is to challenge the efforts of those who deny that it occurred.

Now we see this genocide denial has been given a platform at one of our most prestigious universities. Professor Lowry, who is recognized as one of the leading specialists in Turkish studies, does not necessarily deny that many Armenian people suffered and died during that period of time, but he claims that the word "genocide" is not the most accurate word to describe this tragedy. Coincidentally, this has been the line put out by the Turkish Government and its apologists.

The Turkish spin that has been put on the genocide is disputed by a large volume of documented evidence, much of it collected by American diplomats and journalists on the scene. There is also the testimony of the survivors. There was, in conjunction with the physical destruction of the Armenian people, the effort to erase all traces of the Armenian presence in the areas now in Eastern Turkey by changing geographic names and destroying Armenian religious and cultural monuments. This was not a random violence, Mr. Speaker, but a concerted program to eliminate the Armenian people and culture. It was, as we now use the term, "a genocide."

While Professor Lowry and others have the freedom to publish, obviously, what they like, I question whether it sets a good precedent for a major university to accept funding from a foreign government to essentially promote its propaganda. Many scholars agree, and have sharply criticized Princeton because that is exactly what is happening. I would hope that Princeton would seriously reconsider taking money from the Government of Turkey for this purpose or, at a minimum, would somehow build into its program certain safeguards to prevent the Turkish Government influence over essentially what the professor or others might say.

Mr. Speaker, I know that this is just one example, if you will, of how the Turkish Government tries to influence what goes on in this country, not only here in Congress, but also through our institutions of higher education, but I think it is terribly important that Princeton University and other universities like it do not continue to let their academic programs be influenced because of the money that is being donated, in this case by Turkey, or other foreign governments.

Mr. Speaker, I would like, if I could, to include the article that was in the New York Times on Wednesday, May 22, entitled "Princeton Is Accused of Fronting for the Turkish Government."

(By William H. Honan)

A group of prominent scholars and writers contends that Princeton University is allowing itself to be used by the Turkish Government as a center for propaganda about Turkey's role in the massacre of a million Armenians during World War I.

Three years ago, the university accepted $750,000 from the Government of Turkey to endow a new Ataturk Chair of Turkish Studies in the Department of Near Eastern Studies and hired a professor, Heath W. Lowry, who had worked for the Turkish Government, as executive director of the Washington-based Institute of Turkish Studies.

Peter Balakian, a professor of English at Colgate University who has helped organize recent protests against the appointment, characterized Professor Lowry's scholarship as "evil euphemistic evasion" and charged that his appointment at Princeton was an instance of a foreign government buying credibility for its propaganda by endowing a chair at an American university and influencing the choice of who fills the post.

Princeton has defended the appointment of Professor Lowry through a terse statement by Amy Gutmann, the dean of the faculty, declaring that the university "does not permit donors of chairs to influence the outcome of its appointment process."

Debates on responsibility for the Armenian massacres in 1915 and 1916 have gone on for years, and have accelerated recently with the rising interest in Holocaust studies. The Turks and a handful of American scholars, among them Professor Lowry, contend that the Armenian deaths were the unintended result of wartime deprivation, while the Armenians and many more American scholars consider it genocide centrally planned by the Ottoman Turks.

The attacks on Princeton erupted last year with a critical article in the academic journal Holocaust and Genocide Studies by the scholar Robert Jay Lifton. In February, a group of 100 scholars and writers published a denunciation of the Turkish Government and Professor Lowry in The Chronicle of Higher Education, a weekly journal; the signers included Alfred Kazin, Norman Mailer, Arthur Miller, Joyce Carol Oates, Susan Sontag, William Styron, David Riesman and John Updike. And a group of nearly 200 Armenian-Americans held a protest meeting last Wednesday night at the Princeton Club in New York City.

For his part, Professor Lowry says his skepticism about whether the deaths were centrally planned simply reflects adherence to scholarly rules of evidence.

"The Turkish Government is just as unhappy with a lot of my work as are some of the Armenians who attack me," he said. "I have never denied the terrible suffering and deaths of hundreds of thousands of Armenians during the First World War. But I object to the use of the word genocide until the relevant records are located, studied and have proved that genocide is in fact the most accurate term to describe this tragedy."

The furor over the appointment was prompted by an odd incident involving Professor Lifton, who teaches at the John Jay College of Criminal Justice in Manhattan. In October 1990, the Turkish Ambassador to the United States, Nuzhet Kandemir, wrote to Professor Lifton, upbraiding him for referring in his latest book to the "so-called" 'Armenian genocide.' "

Professor Lifton was not surprised by the attack, but he was by a puzzling enclosure with the letter. It was a memo from Professor Lowry to the Ambassador that showed Professor Lowry had drafted the official Turkish Government protest to the Lifton book.

The memo said Professor Lowry was writing to Ambassador Kandemir "with an eye to drafting a letter for your signature to the author."

In the Holocaust and Genocide Studies article last year, Professor Lifton revealed the memo and branded Professor Lowry as an apologist for the Turkish Government.

In a recent interview, Professor Lowry acknowledged that his memo to Ambassador Kandemir was a mistake. "I was not a professor at Princeton when I wrote that," he said. "Looking back from where I am today, I goofed."

Professor Lowry, 53, received a Ph.D. in Turkish studies from the University of California, Los Angeles in 1977. In 1985, he was one of 69 specialists in Turkish studies who signed a petition urging that a House of Representatives resolution condemning the crime of genocide should not include the Armenian massacres. These crimes, the petition stated, were the result of "intercommunal warfare" complicated by "disease, famine, suffering and massacres."

"In my opinion," he said in an interview, "it was a total breakdown in civil authority on the part of a young, revolutionary government fighting a world war simultaneously on a number of fronts. That government's decision to relocate its Armenian citizenry into north Syria created a situation in which the deportees were subjected to attacks by marauding Kurdish tribesmen, starvation and the ravages of cholera and typhus epidemics."

The current scholarly debate over the Armenian deaths focuses on three principal sources of evidence: the memoirs of Henry Morgenthau, who was the United States Ambassador to Turkey from 1913 to 1916; a remark that Hitler reportedly made in 1939, and cable traffic and other messages from German diplomats stationed in Turkey during World War I.

Vahakn N. Dadrian, a sociologist who wrote "The History of the Armenian Genocide" (Berghahn Books, Providence, 1995), said that Ambassador Morganthau's memoirs—published in 1918—provided "conclusive proof" that the Turks committed genocide.

"Morgenthau reported that when he complained to top Turkish leaders about reports that women, children and old people were being marched into the desert to be killed," Professor Dadrian said, "he was told: 'We can't make distinctions. Those who are not guilty today will oppose us in the future.'"

But Professor Lowry counters that official records he discovered show that Robert Lansing, the Secretary of State then, rewrote parts of the memoirs, and that the book—long considered a standard in the annals of diplomatic history—is filled with "outright lies and half-truths". His findings were published in 1990 by an academic press in Istanbul.

The remark by Hitler is another matter of contention among scholars. He is reported to have said in a private meeting with SS chiefs at Obersalzberg, on the eve of the invasion of Poland: "Be merciless in exterminating Polish men, women and children. Who, after all, speaks today of the annihilation of the Armenians?"

Professor Lifton said the quotation not only confirms the genocide of the Armenians but indicates that "if you don't confront genocide, the next group inclined toward it can see itself as carrying out the genocide with impunity."

Professor Lowry said he believes the Hitler quote is probably apocryphal and has been used to establish a false link between the tragic history of the Turkish Armenians and the Holocaust a generation later.

"The Nuremberg War Crimes Tribunal discarded this version of Hitler's speech and relied instead on a version which does not contain any reference to the Armenians," he said.

The third source of evidence, German diplomatic traffic reporting the Armenian massacres, is considered particularly important by scholars, because Turkey was a German ally in the World War I and because in their confidential reports to Berlin, the German diplomats had no discernible reason to falsify what they saw.

Roger W. Smith, a professor of government at the College of William and Mary in Williamsburg, Va., who specializes in genocide studies, said the German cable traffic proves that the deaths were genocide.

In an interview, he said, "Hans Wangenhelm, the German Ambassador to Turkey, reported to Berlin in July 1915 that the Turkish Government 'is really pursuing the aim of destroying the Armenian race.'"

Professor Lowry said he still needed to be persuaded. "If this material and newly available archives from Russia, the Ottoman Empire and the various Armenian revolutionary organizations, points to genocide as an accurate description of what actually took place," he said, "I'll be the first to use the word."

NO BRIDGE TOO FAR

Under the Speaker's announced policy of May 12, 1995, the gentleman from California [Mr. DORNAN] is recognized for 30 minutes as the designee of the majority leader.

Mr. DORNAN. Mr. Speaker, I signed up for 60 minutes, but my colleague from the beautiful adjoining Southern California district to the south, which has some of the most beautiful surf in the Nation, I am landlocked, Mr. DANA ROHRABACHER, will follow me. I gladly gave him 30 minutes of my time. He has some very important things upon which he will report to his district, the Nation, the Members of this House, all through you, Mr. Speaker.

Mr. Speaker, I just left Speaker NEWT GINGRICH's office, and he told us earlier that if he got 235 signatures on a letter to Mr. Clinton asking him in the name of duty, honor and country, to remove from his legal pleadings to get out of giving Paula Corbin Jones, the young lady who is claiming sexual harassment, alleging a case of something beyond sexual harassment, at the high end of it, that category where it is a crime, that he not have to give her her day in court, that he not appear in court, because, among many other frivolous reasons, that he should be considered an active duty military officer as the Commander-in-Chief of the Armed Forces of the United States.

He refers to a not obscure, but not often used, act of this Congress in 1940, and it is called the Soldiers and Sailors Relief Act of 1940, and that is what he is claiming through his lawyer, Bob Bennett, that is a Republican activist and good friend of mine, Bill Bennett's older brother, that Bob Bennett, the principal lawyer on what some people in the press are calling Clinton's dream team, hoping for the same impossible outcome as killer O.J. Simpson got, that they are claiming this 1940 act.

Back to Speaker GINGRICH. He said you get 236, of course I will be on there, make it unanimous. Well, the gentleman from Arizona, Mr. BOB STUMP, who is the point man on this, I am flying tight wing on World War II veteran BOB STUMP, combat veteran, so this Korean peacetime fighter pilot is right there with him, and in two days we got all 235 signatures. I just left NEWT GINGRICH's office. He is 236. We picked up a couple of veterans on the Democrat side of the aisle, and we are off and running with 238 signatures.

I will read the letter, in a moment when it arrives, to the President, or the press release. The letter will be finally constructed tomorrow, delivered to the White House tomorrow afternoon, on this Memorial Day weekend, asking Mr. Clinton and company to take that example of a pleading out of his case, to delay until 1997 Paula Corbin's day in court, or if he were to win a second term, to delay it until the next century, 2001 is when Mr. Clinton would leave office, at noon on January 20 if he gets a second term, and then Paula Corbin Jones can have her day in court.

Now, Mr. Speaker, you, who was one of the first signers of the letter out of 238, I think you might have been so busy today, you missed the inimitable Maureen Dowd, her column in the New York Times, America's paper of record. All the news that fits—I mean all the news that is fit to print. That was not deliberate. I have said it the other way so often that I did not mean to do that. All the news that is fit to print.

Maureen Dowd was going to title her column on Mr. Clinton "Hiding Behind the Soldiers and Sailors Relief Act of 1940," and I will explain that in some brief detail, what it is and what it is not. It involves only civil cases, by the way, not criminal charges. It does not cover sexual harassment. But Maureen Dowd told me she was going to call her column "Sergeant Bilk." I said well, I would have called it "No Bridge Too Far." Cross my heart, that is what I said, Mr. Speaker, right in that Speaker's lobby. And guess what she calls her column? "No Bridge Too Far."

Above her name, which appears because she would be one of their senior columnists, above her own name Maureen Dowd appears "Liberties." It is kind of a top headline. And then a subject-headline says, I can hear the music, "He's in the Army now." And here is her column, dateline "Washington." That is where Maureen Dowd covers the whole wild scene inside the Beltway, from right here in the arena listening to the screams of the Christians and the roars of the lions.

She says, "As A society, we haven't preserved our sense of shame." Billy Graham signed off on that on May 2 in the rotunda.

☐ 1630

We have not preserved our sense of shame. "But Bill Clinton is doing his best", his best—

> To preserve our sense of shamelessness.
>
> The President and his Rasputin, Dick Morris, have broken creative new ground in brazenness.
>
> First they snatch Republican positions counting, not unreasonably, on the forgetfulness of voters and the expediency of Democrats who want their Republican in the White House to win. And now they are both embroiled in kerfuffles on Capitol Hill, where it takes a lot to be called shameless.

At my age, Mr. Speaker, when I come across a new word, it is a thrill. When I was a young college kid I used to read a Bill Buckley column and find five words I did not know. I now know that Bill Buckley and I are peers because I have not read a column of his in at least 2 years where I have not known every word in the column, but this one is a new one.

Mr. ROHRABACHER, would you do me a favor? As you prepare your succinct remarks and trenchant comments for tonight, would you go to the big dictionary and look up this word, K-E-R-F-U-F-F-L-E-S, kerfuffles. That is what Maureen Dowd says, and I will read this sentence again. I love to learn a new word, "And now they are both embroiled." the President and his people on the other side of the aisle, "in kerfuffles on Capitol Hill, where it takes a lot to be called shameless."

"In a move that marks a new level of chutzpah in American politics, Mr. Clinton's lawyers mentioned in their appeal to the Supreme Court", this is the Supreme Court across the street there on the east side of this beautiful Capitol Hill, Mr. Speaker, "on Paula Corbin Jones's sexual harassment suit that the President may be protected by the Soldiers' and Sailors' Civil Relief Act of 1940, which was designed to give American troops some protection from civil suits while on active duty."

And if people wonder why that is 1940 instead of 1941 or 1942, remember, Mr. Speaker, that in this Chamber, in August of 1941, the draft, which had been in existence for a year, was saved by one vote in this Chamber. It past a little more comfortably in the Senate. And it was because we were taking young men off the farms and out of high schools and colleges and putting them in the military. No one could foreclose on their home or hit them with a civil suit while they were on active duty and pretty soon about to face the Japanese warlord's treachery at Pearl Harbor.

Mr. BONO. Mr. Speaker, will the gentleman yield?

Mr. DORNAN. I yield to the gentleman from California.

Mr. BONO. It appears from your dialogue here that you are rather emotional about an issue, and I may be going the wrong way, and I certainly do not want to go against a colleague, but I though it would be a nice gesture on our part to collect funds and buy a flak jacket for the President.

I just want to make sure that that is not offensive to the line of dialog that you are using here.

Mr. DORNAN. Well, you made a credible case earlier to me on the floor, not just in humor, that if he pursued this and got a finding of the Supreme Court that he truly was on active duty, at our press conference, one of the press, Less Consolving, of a local radio station, I think he is syndicated, said, "Does that mean he would have to test for HIV?" HENRY HYDE, our distinguished colleague and chairman of the Committee on the Judiciary, said maybe he would have to go through boot camp. An abbreviated one, to be sure. And imagine him on active duty and all the repercussions and fallout from that.

Mr. BONO. I thank the gentleman.

Mr. DORNAN. I have just been joined by Mr. BOB STUMP. I wish you would take that microphone, chairman of the Committee on Veterans' Affairs. BOB STUMP has brought to me NEWT GINGRICH'S signature. That makes it 236. SUSAN MOLINARI called in from crib side with her brand new baby.

Mr. STUMP. Yes.

Mr. DORNAN. I remember the baby's middle name, Ruby. I forget the first name. Maybe it is Susan Ruby Paxon. So that makes it 236. So it is official.

Let me just thank you, Mr. Chairman, and if you would tell us briefly why you as a World War II veteran find this the bizarrest of stretches, or as Maureen Dowd put it, "No Bridge Too Far", that Clinton's pleadings in the Supreme Court on the Paul Corbin Jones case is offensive to you a veteran.

Mr. STUMP. Mr. DORNAN, let me just thank you for all your hard work on this, and the reason we got so involved in this, it is so offensive to anyone that has ever worn the uniform of the United States services. The fact that this man that said one time that he did not like the military and now he is trying to hide behind the service of the military is incredible.

So I just want to thank you, and the Speaker signing that letter now makes, and I thank we are waiting for one person to call in from the airport that we somehow happened to miss, but that is 236.

Mr. BONO. Mr. Speaker, will the gentleman yield?

Mr. DORNAN. I yield to the gentleman from California.

Mr. BONO. I would like to enter into a question and answer process, if I may, with you for a second.

I am baffled. You would assume that the President of the United States and what he does would be considered news, especially if you are a newspaper. Would that be a correct assumption?

Mr. DORNAN. Absolutely.

Mr. BONO. Do your find it interesting that a President who has now stated that he is in the military and is using that for a defense and, therefore, should not be brought before any justice system while he is in the military, is only reported, and I get three papers, but it was only reported in the Times.

I am just curious, and perhaps you have the answer, why would not the Post and the Gannett paper give us that story? It is impossible that they would be embarrassed to relate such a story, is it not?

Mr. DORNAN. Well, at our press conference, two reporters began to argue, I do not like debates at press conferences, that it was only an example. They asked who had read it. Well, Mr. STUMP of Arizona had read the Bennett part of their pleadings, I had, and it was more than an example. It was a hint to the judge that we will put this in formal language if you will go this far with this.

And I think the answer to your question is buried in the fact that in a recent poll 91 percent of the elite news media, New York, Hollywood, all the major papers, and all the major papers here except the Washington Times, 91 percent said they voted for Clinton over George Bush. So that is the reason.

I tell you what, I have here the one paper, the great Washington Times, that has driven the story. I see they have a lead editorial that says "Bill Clinton Military Man?"

So let me finish Maureen Dowd's column, stay right where you are, if you have the time. Mr. ROHRABACHER looked up the word in this big dictionary and kerfuffles is not in the dictionary. So I will ask Maureen if she is using a British dictionary. That one is so old, though, it still has sodomy in it and does not have homophobia, so maybe it has not been updated.

But here is the rest of Maureen Dowd's column, and then I will read the lead editorial in today's Washington Times.

She says, and I will go back one sentence.

> In a move that marks a new level of chutzpah in American politics, Clinton's lawyers mentioned in their appeal to the Supreme Court on Paul Corbin Jones's sexual harassment suit that the President may be protected by the aforementioned act of 1940, which was designed to give American troops some protection from civil suits while on active duty.

President Clinton here thus seeks, these are the exact words of Bob Bennett,

> President Clinton here thus seeks relief similar to that which he may be entitled as Commander in Chief of the armed forces, and which is routinely available to service members under his command. Not for criminal action.

Robert Bennett, the President's lawyer, said he had only cited the act as an example that might extend to the Commander in Chief, not as his main argument. But Mr. Bennett is getting paid too much money to make the hideous mistake of reminding the public of one of Mr. Clinton's improvidences—his maneuvering on the draft—in defense of another—his wandering eye.

Some veterans groups and BOB STUMP, the Arizona Republican who is chairman of the House Committee on Veterans' Affairs, and I would add for Maureen, since she spoke to me, the chairman of military personnel subcommittee, myself, did not care for Mr. Clinton's opportunistic enlistment—Hello sailor.

Mr. STUMP is sending the President a letter signed by 170 Republicans, addendum, 236, the entire conference plus two Democrats, asking him to withdraw his "ignoble suggestion", that is from our letter, from the brief. Quoting from our letter:

> The Founding Fathers wanted to enshrine the principle of civilian control of the military in the Constitution and did so by making the President the civilian Commander-in-Chief of the armed forces.

And the same for the Secretary of War, now called the Secretary of Defense, and the three service secretaries, Navy taking care of the Marine Corps.

All of them are civilians, and civilians rule in this great land. And that is what makes us unique in all of American history, Mr. Speaker.

Maureen continues from our letter "You are not" italicized, "a person in military service nor have you ever been."

Also in the President's mailbag is a letter from Republican Congresswomen: Our troops here of about 8 had a press conference yesterday, demanding that Dick Morris, otherwise referred to as Rasputin, be fired for doing jury duty polling, jury duty polling, for Alex Kelly of Darien, CT, the unsavory teenage burglar who fled the country after he was accused of raping two young girls. He was a fugitive in Europe for 8 years living the posh life of a ski bum while his parents supported him.—Family values.

It is the worst thing an adviser to the President could be doing at this time when crime and crimes against women are such a deep concern to the American people, wrote Representative JENNIFER DUNN on our side of the aisle.

The Republican women are attempting to spruce up Mr. DOLE gender-wise, but they have a good feminist point. Ordinarily, in a case like this, the Democratic women would be yelping, but there was only the occasional brave mutter. Representative NITA LOWEY of New York, "This is beyond the pale."

One female Democratic lawmaker explained if this were a Republican President and Dick Morris was helping an accused rapist, you know we would be screaming. But it is not worth picking a fight. We just want to win in '96.

So Democrats have suppressed their distress as Mr. Morris has helped the Clintons shape-shift, when Hillary Clinton told Larry King, "There is no left wing in the Clinton White House," and when Mr. Clinton embraced the radical Wisconsin plan to abolish welfare.

Maureen Dowd, that was not a radical plan. Governor Tommy Thompson's plan is highly reasonable and it is going to sweep the Nation. That is my own, DORNAN, aside.

Maureen finishes, "Until yesterday, homosexual groups had fumed as the President slithered away from same sex marriage." What a great verb, slithered away. "But the overly eager White House announcement yesterday that Mr. Clinton would sign a law denying Federal recognition for same sex", that is homosexual, "marriages if they ever reached his desk was too much. The Human Rights Campaign", misnamed, "the largest homosexual rights group, accused the President of caving in to the right wing, and disinvited George Stephanopoulos as a dinner speaker."

And here is Maureen Dowd's closing paragraph, Mr. Speaker. "So Bill Clinton is in the Army. He's against gay marriage. His adviser did work for an alleged rapist. He moves from the left wing to the right wing because what he really believes in is the West Wing."

Mr. Speaker, unless you are one word ahead of me, we found it in the dictionary. Our hats are off to Maureen Dowd, who is becoming the next Bill Buckley. Kerfuffle is to become disheveled. Disturbance. A fuss. A mess. So now I will read that sentence.

☐ 1645

And now both the White House and the Democrats in this Chamber are embroiled in kerfuffles, disheveled, disturbances on Capitol Hill, where it takes a lot to be called shameless.

Now to the Washington Times. Bill Clinton, Military Man, lead editorial.

When Bill Clinton famously declared that he loathed the military while doing his best to stay out of it, he was obviously not yet familiar with some of the fringe benefits that military service affords. But the President wants those benefits now, even though he has never spent a day in uniform, though perhaps Mr. Clinton thinks that his spiffy leather bomber jacket counts, the one with the Velcro where he puts on the First Armored Division patch and mixes it in with other visits to uniforms. Remember, Mr. Speaker, this is to be the year of Clinton posing in uniforms. Posing with Catholic schoolgirls and schoolboys in their uniforms but voting for partial birth infanticide. Posing with police officers anywhere in the country at the drop of a hat but with his own State troopers of Arkansas having condemned him for using them to procure. And now he is posing with the military at every drop of the hat. Just spoke to the Coast Guard Academy, and it is to be the year of Mr. Clinton surrounded by uniforms.

So the Washington Times continues: The benefit the President is groping for is the protection from civil litigation provided to active duty military personnel under the Soldiers and Sailors Civil Relief Act of 1940.

I will be putting in at the end of this, Mr. Speaker, Clinton's infamous disgraceful letter to Colonel Eugene Holmes, who was head of the ROTC at the University of Arkansas in 1969. He has been the head for a decade. I spoke to him last night. I will have something about his words later. Then I am going to put in Colonel Holmes' letter from September 7, 1992, which I put in the RECORD that day, the only paper in America, in America that published those two letters, the 1969 letter and the 1992 letter in their fulsome horror, could have changed the election, the only other paper in America, the only paper that put them in was this Washington Times.

So my staff will get those over to me, which I know they are working on. I will put those in at the end of this 30 minutes.

Perhaps Mr. Clinton thought that this new and audacious gambit would go unnoticed. That seems to be what his lawyer Robert Bennett was hoping: If you read the 24-page petition through the first time, you would miss it. That is what Bennett says, it hit me in the face on the first reading, the paragraph pushing the military service claim, Mr. Bennett told the Washington Times. But Mr. Clinton cannot always be that lucky. The chairman of the House Committee on Veterans' Affairs noticed the claim and has expressed his outrage as he just did here on the House floor and in a letter to the President. The commander of the American Legion is similarly nonplussed. They plan a press conference today—we had it; it was terrific—suggesting that the issue is not going to be dispelled with the wave of Mr. Bennett's legal hand.

According to Joseph Cammarata, who together with Gilbert Davis, I have spoken to them, represents Paula Jones in her lawsuit: The President's claim is not only legally inappropriate, it is inappropriate in light of those who served and those who have died in our military over the centuries.

Perhaps if the Soldiers and Sailors Relief Act actually provided a shield to Mr. Clinton, it would have been worth it to the White House to weather the well-earned scorn now being heaped on the President.

What I said, Mr. Speaker, is he should give Robert Bennett the Johnny Cochran award. Anything that works, no matter how shameless, lying, distorted, twisted, or ignominious. But the claim is almost little more than a bad joke, suggesting that Mr. Bennett has been driven to extraordinary and desperate measures to block the discovery process. For starters, as Daniel Ludwig, national commander of the American Legion, points out, the Commander in Chief is a civilian. The President isn't subject to the Uniform Code of Military Justice. He is not eligible for military retirement. His service doesn't fit the legal definition of active duty. It is bizarre that anyone would suggest the civilian President of the United States is on active duty.

I would add to that, as I did before, or Mr. William Perry, Secretary of Defense.

Back to the Times: That was certainly the ruling of the Los Angeles County superior court in Bailey versus Kennedy and Hills versus Kennedy to avoid being sued over damages from a traffic accident. President John F. Kennedy asserted that the Soldiers and Sailors Relief Act protected him as Commander in Chief. It wasn't such a moral stretch for Mr. Kennedy who, after all, had worn a Navy uniform in combat and had been wounded when his boat was cut in two by a Japanese destroyer. But it was such a legal stretch that the judge in LA denied John F.

Kennedy's motion without even writing an opinion.

I just learned something reading that in the Washington Times. I didn't know John F. Kennedy had an automobile accident out there.

The President should also have consulted the Supreme Court's interpretation of the Soldiers and Sailors Relief Act in the 1943 case of Boone versus Lightner. The defendant had speculated in the market unwisely and had done so with money improperly taken from his own daughter's trust fund. When sued by the daughter, the defendant relied on the SSRA and the fact that he was a uniformed Army captain in wartime. The high court ruled the captain was not protected from litigation because he had a desk job and was himself a lawyer. Thus unlike the GI in the foxhole, he would certainly be able to make his court appearances.

The court's language is piquant, saying that charges struck at his honor as well as his judgment. Does that sound like Paula Corbin Jones? It does to this Air Force captain, me.

The justices concluded that discretion is vested in the courts to see that the immunities of the act are not put to such an unworthy use.

I am going to remember those words. To defend yourself from a charge that you exposed yourself and offended a 23-year-old young lady who had just been hired by the State of Arkansas, by the CEO of the State of Arkansas, the Governor. When Mr. Clinton traveled in his Guard airplanes in Arkansas, he would have been called a code 2. The President of the United States is code 1 in the Coast Guard, Army, Navy, Air Force, Marine airplane, code 2 is Vice President Gore in this case, any one of our 50 Governors and any U.S. Senator or Congressman. We are all code 2. I was in an Air Force base as the airdrome officer when they said a code 4 was coming in. That would be a major general. The place turned upside down.

I had never seen a 2-star in my life. One day when they said a code 1 was coming in, I froze in fear. It was President Eisenhower. No, a code 1, excuse me, President, yes, President Eisenhower. A code 2 is pretty special. That is what the CEO is of the State of Arkansas, second only to the President in military respect.

So this is an amazing series of legal cases here, such an unworthy use in that case, whatever I said it was, Boone versus Lightner.

The Washington Times concludes: Mr. Clinton seems willing to use any ruse, however unworthy of his office it may be, to delay answering what, if anything, he was doing or trying to do in an Arkansas hotel room, second floor mezzanine, Excelsior Hotel, Little Rock, with Paula Jones. This ignoble pleading is a slap in the face of the millions of men and women who either are serving on active duty or have served on active duty in the armed forces of the United States, Mr. STUMP and Mr. DORNAN wrote in the letter to their congressional colleagues.

He concludes that the President's most recent legal maneuver makes a mockery of the laws meant to protect the honorable men and women who serve their country. True. Just stop the legal goofiness, Mr. President, the Times concludes. Raise your right hand and get on with it.

I would add, giving the young woman her day in court.

Here is my press release today, Mr. Speaker. Washington, D.C.: It is disgraceful that while the rest of the Nation is honoring our fallen heroes of military service this long Memorial Day weekend, Bill Clinton is seeking shelter behind a military he once claimed to loathe, in an attempt to delay the sexual harassment suit filed by Paula Corbin Jones. On May 15, 1996, attorneys for Mr. Clinton filed an appeal with the U.S. Supreme Court seeking to delay the sexual harassment lawsuit filed by Paula Jones, former Arkansas State employee, under the supervision, all the way up to the top of the Arkansas pyramid, of then Governor Bill Clinton.

Lawyers for Clinton try to use the Soldiers and Sailors Civil Relief Act of 1940, passed because we were, I repeat, we were drafting young men. I repeat some of the things that Mr. STUMP and I said in the letter we circulated on the floor. Repeat again the purposes of the act. And this should be in this formal RECORD today, it is persons in the military service who are devoting their entire energy to the defense needs of the Nation, not traveling around on his two Air Force 747's campaigning and reimbursing only a first class ticket.

I will put the rest of my press release in with my closing line that he mocks his job as civilian Commander in Chief and the honorable men and women who have given their lives to the protection of this great Nation. Tomorrow I go up to Annapolis for the graduation. I spent last Friday at West Point. Believe me, we are turning out honorable men and women.

Mr. Speaker, I include for the RECORD the following material:

TEXT OF BILL CLINTON'S LETTER TO ROTC COLONEL

The text of the letter Bill Clinton wrote to Col. Eugene Holmes, director of the ROTC program at the University of Arkansas, on Dec. 3, 1969:

I am sorry to be so long in writing. I know I promised to let you hear from me at least once a month and from now on I will, but I have had to have some time to think about this first letter. Almost daily since my return from England I have thought about writing, about what I want and ought to say.

First, I want to thank you, not just for saving me from the draft, but for being so kind and decent to me last summer when I was as low as I have ever been. One thing which made the bond we struck in good faith somewhat palatable to me was my high regard for you personally. In retrospect it seems that the admiration might not have been mutual had you known a little more about me, about my political beliefs and activities. At least you might have thought me more fit for the draft than ROTC.

Let me try to explain. As you know, I worked for two years in a very minor position on the Senate Foreign Relations Committee. I did it for the experience and the salary but also for the opportunity, however small, of working every day against a war I opposed and despised with a depth of feeling I had reserved soley for racism in America. Before Vietnam, I did not take the matter lightly, but studied it carefully and there was a time when not many people had more information about Vietnam at hand than I did.

I have written and spoken and marched against the war. One of the national organizers of the Vietnam Moratorium is a close friend of mine. After I left Arkansas last summer, I went to Washington to work in the national headquarters of the Moratorium, then to England to organize the Americans here for demonstrations Oct. 15 and Nov. 16.

Interlocked with the war is the draft issue which I had not begun to consider separately until early 1968. For a law seminar at Georgetown I wrote a paper on the legal arguments for and against allowing the Selective Service System, the classification of selective conscientious objection for those opposed to participation in a particular war, not simply participation in war in any form.

From my work I came to believe that the draft system itself was illegitimate. No government really rooted in limited parliamentary democracy should have the power to make its citizens fight and kill and die in a war they may oppose, a war which even possibly may be wrong, a war which in any case does not involve immediately the peace and freedom of the nation.

The draft was justified in World War II because the life of the people collectively was at stake. Individuals had to fight if the nation was to survive, for the lives of their countrymen and their way of life. Vietnam is no such case. Nor was Korea an example where, in my opinion, certain military action was justified, but the draft was not for reasons stated above.

Because of my opposition to the draft and the war I am in great sympathy with those who are not willing to fight, kill and maybe die for their country (i.e. the particular policy of a particular government) right or wrong. Two of my friends at Oxford are conscientious objectors. I wrote a letter of recommendation for one of them to his Mississippi draft board, a letter which I am more proud of than anything else I wrote at Oxford last year. One of my roommates is a draft resister who is possibly under indictment and may never be able to go home again. He is one of the bravest, best men I know. His country needs men like him more than they know. That he is considered a criminal is an obscenity.

The decision not to be a resister and the related subsequent decisions were the most difficult of my life. I decided to accept the draft in spite of my beliefs for one reason to maintain my political viability within the system. For years I have worked to prepare myself for a political life characterized by both practical political ability and concern for rapid social progress. It is a life I still feel compelled to try to lead. I do not think our system of government is by definition corrupt, however dangerous and inadequate it has been in recent years. (The society may be corrupt, but that is not the same thing, and if that is true, we are all finished anyway.)

When the draft came, despite political convictions, I was having a hard time facing the prospect of fighting a war I had been fighting against, and that is why I contacted you. ROTC was the one way left in which I could possibly, but not positively, avoid both Vietnam and resistence. Going on with my education, even coming back to England, played no part in my decision to join ROTC. I am back here and would have been at Arkansas Law School because there is nothing else I can do. In fact, I would like to have been able to take a year out, perhaps to teach in a small college or work in some community action project and in the process to decide whether to attend law school or graduate school and how to begin putting what I have learned to use.

But the particulars of my personal life are not nearly as important to me as the principles involved. After I signed the ROTC letter of intent, I began to wonder whether the compromise I had made with myself was not more objectionable that the draft would have been, because I had no interest in the ROTC program in itself and all I seemed to have done was protect myself from physical harm. Also, I began to think I had deceived you, not by lies—there were none—but by failing to tell you all the things I'm writing now. I doubt that I had the mental coherence to articulate then.

At that time, after we had made our agreement and you had sent my ID deferment to my draft board, the anguish and loss of my self-regard really set in. I hardly slept for weeks and kept going by eating compulsively and reading until exhaustion brought sleep. Finally on Sept. 12, I stayed up all night writing a letter to the chairman of my draft board, saying basically what is in the preceding paragraph, thanking him for trying to help in a case where he really couldn't, and stating that I couldn't do the ROTC afterall and would he please draft me as soon as possible.

I never mailed the letter, but I did carry it on me every day until I got on the plane to return to England. I didn't mail the letter because I didn't see, in the end, how my going in the Army and maybe going to Vietnam would achieve anything except a feeling that I had punished myself and gotten what I deserved. So I came back to England to try to make something of this second year of my Rhodes scholarship.

And that is where I am now, writing to you because you have been good to me and have a right to know what I think and feel. I am writing too in the hope that my telling this one story will help you to understand more clearly how so many fine people have come to find themselves still loving their country but loathing the military to which you and other good men have devoted years, lifetimes of the best service you could give. To many of us, it is no longer clear what is service and what is disservice or if it is clear the conclusion is likely to be illegal.

Forgive the length of this letter. There was so much to say. There is still a lot to be said, but it can wait. Please say hello to Col. Jones for me.

Merry Christmas.

Bill Clinton.

A COLONEL SETS THE RECORD STRAIGHT

[Sept. 7, 1992, Memorandum for Record]

Subject: Bill Clinton and the University of Arkansas ROTC Program

There have been many unanswered questions as to the circumstances surrounding Bill Clinton's involvement with the ROTC department at the University of Arkansas. Prior to this time I have not felt the necessity for discussing the details. The reason I have not done so before is that my poor physical health (a consequence of participation in the Bataan Death March and the subsequent 3 years internment in Japanese POW camps) has precluded me from getting into what I felt was unnecessary involvement. However, present polls show that there is the imminent danger to our country of a draft dodger becoming Commander-in-Chief of the Armed Forces of the United States. While it is true, as Mr. Clinton has stated, that there are many others who avoided serving their country in the Vietnam War, they are not aspiring to be the President of the United States.

The tremendous implications of the possibility of his becoming Commander-in-Chief of the United States's Armed Forces compels me now to comment on the facts concerning Mr. Clinton's evasion of the draft.

This account would not have been imperative had Bill Clinton been completely honest with the American public concerning this matter. But as Mr. Clinton replied on a news conference this evening (Sept. 5, 1992) after being asked another particular about his dodging the draft, "Almost everyone concerned with these incidents are dead. I have no more comments to make." Since I may be the only person living who can give a firsthand account of what actually transpired, I am obligated by my love for my country and my sense of duty to divulge what actually happened and make it a matter of record.

Bill Clinton came to see me in my home in 1969 to discuss his desire to enroll in the ROTC program at the University of Arkansas. We engaged in an extensive, approximately two (2) hour interview. At no time during this long conversation about his desire the program did he inform me of his involvement, participation, and actually organizing protests against the United States involvement in Southeast Asia. He was shrewd enough to realize that had I been aware of his activities, he would not have been accepted into the ROTC program as a potential officer in the United States Army.

The next day I began to receive phone calls regarding Bill Clinton's draft status. I was informed by the draft board that it was of interest to Senator Fullbright's office that Bill Clinton, a Rhodes Scholar, should be admitted to the ROTC program. I received several such calls. The general message conveyed by the draft board to me was that Senator Fullbright's office was putting pressure on them and that they needed my help. I then made the necessary arrangements to enroll Mr. Clinton into the ROTC program at the University of Arkansas.

I was not "saving" him from serving his country, as he erroneously thanked me for in his letter from England (dated Dec. 3, 1969). I was making it possible for a Rhodes Scholar to serve in the military as an officer.

In retrospect I see that Mr. Clinton had no intention of following through with his agreement to join the Army ROTC program at University of Arkansas or to attend the University of Arkansas Law School. I had explained to him the necessary of enrolling at the University of Arkansas as a student in order to be eligible to take the ROTC program at the university. He never enrolled at the University of Arkansas, but instead enrolled at Yale University after attending Oxford. I believe that he purposely deceived me, using the possibility of joining the ROTC as a ploy to work with the draft board to delay his induction and get a new draft classification.

The Dec. 3 letter written to me by Mr. Clinton, and subsequently taken from the files by Lt. Col. Clint Jones, my executive officer, was placed into the ROTC files so that a record would be available in case the applicant should again petition to enter into the ROTC program. The information in that letter alone would have restricted Bill Clinton from ever qualifying to be an officer in the United States military. Even more significant was his lack of veracity in purposely defrauding the military by deceiving me, both in concealing his anti-military activities overseas and his counterfeit intentions for later military service. These actions cause me to question both his patriotism and his integrity.

When I consider the calibre, the bravery, and the patriotism of the fine young soldiers whose deaths I have witnessed, others whose funerals I have attended . . . . . When I reflected on not only the willingness, but eagerness that so many of them displayed in their earnest desire to defend and serve their country, it is untenable and incomprehensible to me that a man who was not merely unwilling to serve his country, but actually protested against its military, should ever be in the position of Commander-in-Chief of our Armed Forces.

I write this declaration not only for the living and future generations, but for those who fought and died for our country. If space and time permitted I would include the names of the ones I knew and fought with, and along with them I would mention by brother Bob, who was killed, during World War II and is buried in Cambridge, England (at the age of 23, about the age Bill Clinton was when he was over in England protesting the war).

I have agonized over whether or not to submit this statement to the American people. But, I realize that even though I served my country by being in the military for over 32 years, and having gone through the ordeal of months of combat under the worst conditions followed by years of imprisonment by the Japanese, it is not enough. I'm writing these comments to let everyone know that I love my country more that I do my own personal security and well-being. I will go to my grave loving these United States of American and the liberty for which so many men have fought and died.

Because of my poor physical condition, this will be my final statement. I will make no further comments to any of the media regarding this issue.

EUGENE J. HOLMES,
Colonel, U.S.A., Ret.

NO BRIDGE TOO FAR

(Maureen Dowd)

As a society, we haven't preserved our sense of shame. But Bill Clinton is doing his best to preserve our sense of shamelessness.

The President and his Rasputin, Dick Morris, have broken creative new ground in brazenness.

First they snatch Republican positions, counting (not unreasonably) on the forgetfulness of voters and the expediency of Democrats who want their Republican in the White House to win. And now they are both embroiled in kerfuffles on Capitol Hill, where it takes a lot to be called shameless.

In a move that marks a new level of chutzpah in American politics, Mr. Clinton's lawyers mentioned in their appeal to the Supreme Court on Paula Corbin Jones's sexual harassment suit that the President may be protected by the Soldiers' and Sailors' Civil Relief Act of 1940, which was designed to give American troops some protection from civil suits while on active duty.

"President Clinton here thus seeks relief similar to that to which he may be entitled as Commander in Chief of the Armed Forces, and which is routinely available to service members under his command."

Robert Bennett, the President's lawyer, said he had only cited the act "as an example" that might extend to the Commander in Chief, not as his main argument.

But Mr. Bennett is getting paid too much to make the hideous mistake of reminding the public of one of Mr. Clinton's improvidences (his maneuvering on the draft) in defense of another (his wandering eye).

Some veterans' groups and Bob Stump, the Arizona Republican who is chairman of the House Committee on Veterans' Affairs, did not care for Mr. Clinton's opportunistic enlistment. (Hello, sailor).

Mr. Stump is sending the President a letter, signed by 170 Republicans, asking him to withdraw his "ignoble suggestion" from the brief: "The Founding Fathers wanted to enshrine the principle of civilian control of the military in the Constitution and did so by making the President the civilian Commander in Chief of the Armed Services. You are not a person in military service, nor have you ever been."

Also in the President's mailbag is a letter from Republican Congresswomen demanding that Dick Morris be fired for doing jury-related polling for Alex Kelly of Darien, Conn., the unsavory teen-age burglar who fled after he was accused of raping two girls. He was a fugitive in Europe for eight years, living the posh life of a ski bum, while his parents supported him. (Family values.)

"it is the worst thing an adviser to the President could be doing at a time when crime and crimes against women are such a deep concern to the American people," wrote Representative Jennifer Dunn.

The Republican women are attempting to spruce up Mr. Dole gender-wise, but they have a good feminist point. Ordinarily, in a case like this, the Democratic women would be yelping, but there was only the occasional brave mutter. "This is beyond the pale," said Representative Nita Lowey of New York.

One female Democratic lawmaker explained: "If this were a Republican President and Dick Morris was helping an accused rapist, you know we would be screaming. But it's not worth picking a fight. We just want to win in '96."

So Democrats have suppressed their distress as Mr. Morris has helped the Clintons shape-shift—when Hillary Rodham Clinton told Larry King "There is no left wing of the Clinton White House," and when Mr. Clinton embraced the radical Wisconsin plan to abolish welfare.

Until yesterday, gay groups had fumed as the President slithered away from same-sex marriage. But the overly eager White House announcement yesterday that Mr. Clinton would sign a law denying Federal recognition for same-sex marriages if it ever reached his desk was too much. The Human Rights Campaign, the largest gay-rights group, accused the President of carving in to the right wing, and disinvited George Stephanopoulos as a dinner speaker.

So Bill Clinton is in the Army. He's against gay marriage. His adviser did work for an alleged rapist. He moves from the left wing to the right wing because what he really believes in is the West Wing.

CLINTON'S LATEST DISGRACEFUL DODGE

"It is disgraceful that while the rest of the nation is honoring our fallen heroes of military service this weekend, Bill Clinton is seeking shelter behind the military he once claimed to loath, in an attempt to delay the sexual harassment lawsuit filed by Paula Jones," commented Congressman Robert K. Dornan, Chairman of the House National Security Subcommittee on Military Personnel, after the announcement that Bill Clinton will use The Soldier's and Sailors' Civil Relief Act of 1940 as part of his legal defense before the United States Supreme Court.

On May 15, 1996, attorneys for President Clinton filed an appeal with the U.S. Supreme Court seeking to delay the sexual harassment lawsuit filed by Paula Jones, a former Arkansas state employee under the supervision of then-Governor Bill Clinton.

Lawyers for Clinton contend that the Soldiers' and Sailors' Civil Relief Act of 1940 provides temporary protection from civil suits while the President is in office. This Act requires that civil litigation against members of the armed services be postponed while they are on active duty. According to his plea, "President Clinton here thus seeks relief similar to that which he may be entitled as Commander in Chief of the Armed Forces."

However, the purpose of the Act is to allow the United States to fulfill the requirements of national defense, by enabling "persons in the military service . . ." to "devote their entire energy to the defense needs of the Nation." Furthermore, this Act clearly states that only members of the Army, Navy, Marines, Air Force, and Coast Guard, and officers of the Public Health Service when properly detailed, are eligible for such relief. This Act goes further in defining the term "military service" to include the period during which one enters "active service" and ends when one leaves "active service."

Under the Constitution, Bill Clinton is the civilian Commander in Chief of the Armed Forces. The Founding Fathers wanted to enshrine the principle of civilian control of the military in the Constitution and did so by making the President the civilian Commander in Chief.

"Bill Clinton has never been an active duty member of the military. In fact, in 1969, he dodged the draft and ran from his obligations to both his military and his country. And now as the civilian Commander in Chief, he mocks the honorable men and women who have given their lives to the protection of our great nation."

BURMA

The SPEAKER pro tempore (Mr. GOSS). Under the Speaker's announced policy of May 12, 1995, the gentleman from California [Mr. ROHRABACHER] is recognized for 30 minutes as the designee of the majority leader.

Mr. ROHRABACHER. Mr. Speaker, I thank the gentleman from California [Mr. DORNAN] for granting me this time from his 1-hour special order.

There are several issues that I would like to speak about today. Perhaps there is one issue that I should begin with, because no one else seems to be speaking out, although I know that it is close to the hearts of both Republicans and Democrats here in the House of Representatives.

When we have our disagreements here in the House, one thing that we learn is that although we disagree, we do have some fundamental agreements that keep us together as Americans and that bind us to all of the American people. That is, we do believe in democracy. We do believe in freedom of speech. We do believe in these fundamentals that were fought for by George Washington, whose picture is on our wall here in the Chamber of the House.

We believe that we have a commitment to the world, a commitment to the world to stand for freedom because our forefathers were aided by people whose picture is also here on the wall in our Chamber, Lafayette, who came here to help us struggle for our freedom and independence over 200 years ago.

Basically he did so because he wanted to express a solidarity with the people of the United States, knowing that we would be the champions of freedom. By our very nature, our country is composed of people who come here from all corners of the world, all parts of the world, every race, every religion, every ethnic group is represented here, and we live together in freedom and democracy. By that very nature, we owe the world something. That is the stay true to those principles of freedom and democracy that our forefathers proclaimed, not just the rights of Americans but the rights of all people.

In the last 48 hours, there has been a vicious attack on the cause of democracy in the country of Burma. Burma is a country you do not hear much about. Most Americans in fact probably think that Burma, the only thing they relate to is BurmaShave, they think of BurmaShave. It must be some sort of shaving cream or something.

In fact, Burma is a country with 48 million people in Southeast Asia. A country that now is suffering under the heel of one of the world's most vicious dictatorships. And over these last few years, many of us who have been active in the human rights movement have tried to work and do our best to see that perhaps Burma could evolve out of this dictatorship. The military dictatorship in Burma is called SLORC. It is a name that basically fits the regime because it sounds like it is right out of "Star Wars," out of the monstrous regimes that the freedom fighters in the film series "Star Wars," where the freedom fighters are fighting against the evil empire.

This evil empire in Burma is repressing the people. But there is, you might say, a champion of freedom, a hero to the world who lives in Burma and has tried to bring democracy to that country. It is Aung San Suu Kyi. Aung San Suu Kyi was of course of Nobel prize winner 2 years ago. She has suffered 5 years of confinement. She was arrested by the SLORC regime. Then last year she was set free and many of us hoped that there would be lessening of the repression in Burma. But what has happened in the last 48 hours is that the military dictatorship in Burma, SLORC, has rounded up almost 200 members of the democratic opposition in Burma and arrested them.

Anyone who is meeting with Aung San Suu Kyi, anyone who is involved in the democratic movement is being arrested. Dr. Sein Win, the Prime Minister of the democratic government in exile, testified in the Senate yesterday that the situation in Burma is one of despair and despotism. Today his brother, who is not even a member of the democratic movement, was arrested in retaliation for what Prime Minister Sein Win testified about here in Washington.

□ 1700

So I have introduced a piece of legislation hopefully that will discourage Americans from doing business in Burma. It is H.R. 2892, and we would hope that the American people and American businessmen recognize that here is a country that if anywhere we should take a stand for freedom. If anywhere in the world we could take a stand and it will not hurt us and we just show that we believe in freedom, it could be Burma. And there is no excuse for us not to do so. There is no strategic interest there, there is no huge commercial interest, but what is there are 48 million people suffering under the heal of despotism, crying out to the United States for us to take a stand.

Take your stand, America. What side are you on?

When that cry goes out from people who are being oppressed, never should we say we are on the side of the dictators, we are on the side of the oppressors.

This country, this dictatorship in Burma, has financed its war on its own people by selling off its teak forests, which have been decimated, by basically selling its natural resources, its gems, to foreigners who have come in and extracted it, and they put the money, the SLORC has put the money into their own pockets and into their own coffers, and now it is even willing to sell its natural gas resources to American companies. And where do these moneys go? They go into the purchase of weapon systems of military equipment and militarization of this country that is used to repress their own people.

Furthermore, this monstrous regime that represses its own people in Burma has taken its resources also by becoming involved in the drug trade. Many people in our country wanted us to actually cooperate with the Government of Burma, with its dictatorship, thinking that we could together stand against drugs.

Others of us believed, as I think has been reconfirmed, that the dictatorship in Burma is up to their necks in the drug trade. They have not refrained from becoming involved in growing opium and selling heroin because of some kind of morality. If they had any morality, they would not be murdering their own people, and that was brought home more recently when the drug lord Kung Saw, who was famous in the United States, or I should say infamous in the United States, he was put out of business by the Burmese military dictatorship, and what has happened? Kung Saw, he may have gone into retirement; of course he is not in jail, he is in retirement in Rangoon; but the drug trade and the drug production from his area, which is now under government control, continues at the level that it was.

Aung San Suu Kyi, this heroine of freedom, this women who in our time shows an example to the world of what we should be like as Americans, champions of freedom, has asked us to put economic sanctions on this regime because it now has shown its true colors. It does not, the Burmese regime, the SLORC regime, does not want reform. It instead is seeking further repression and will grasp on to power until the last desperate time, what they have, is gone, until they are forced from power by pressure from the outside or by perhaps revolution from their own people. Unfortunately the SLORC regime is being bolstered by a military that is being supplied by Communist China. Communist China has sold Burma the weapons it needs to maintain a dictatorship.

In fact, Burma, is becoming a client state of China. The Red Chinese regime is doing all it can to keep its buddies, its gangster buddies, in power in Rangoon.

Congress will soon take up the issue, interestingly enough, of most-favored-nation status to China. This is an important piece of legislation. But let us make sure that, as we move forward when we are talking about Burma, that we can make a stand in Burma, and I, as I say, I have introduced H.R. 2892, and I ask my fellow colleagues to join me in basically outlawing any further American investment through supporting H.R. 2892 and opposing any further American investment in Burma.

Now, we will make another choice very soon, too, which it comes to most-favored-nation status with China. When it comes to this decision, yes, there are a lot of other factors at play. There are many. China, Communist China, is a strategic country. There are a billion people in China. China has technologies. China has a huge army that can affect the United States. And also economically we are already in an economic relationship that in some way binds us to that country.

But just today it was disclosed that Chinese officials themselves have been involved with smuggling fully automatic AK-47 rifles into the United States. These are people that have contacts in the Chinese army. These are not Chinese entrepreneurs, people doing this outside of their own government. These are government officials themselves.

The Red Chinese regime is a rogue regime. It is oppressing its own people just like in Burma and every other dictatorship, but the regime also sells nuclear weapons technology to developing countries and arms dictatorships like Burma. It has a Nazi-like policy in dealing with orphans, in dealing with the disabled and dealing with the unborn.

It is conducting an economic war against the United States. I mean the bottom line is American companies find it difficult to sell in China unless the Chinese regime permits them to sell their goods there, yet they take full advantage of our market in the United States. So they limit access to their market, and they end up stealing our intellectual property, as is becoming known now. These people are involved with grand theft of our intellectual property rights, our CD's, our entertainment items that are worth billions of dollars to the economy of southern California; they are being ripped off by companies that are owned by the People's Liberation Army, by government officials in China.

They have, in fact, a $35 billion trade surplus with us that does not even count the rip-offs, and with this $35 billion in surplus, they buy weapons in order to upgrade their military, to threaten their neighbors, and bully their neighbors and to become a, quote, power in the world. Well, we have seen what that power means. What it means when you have a dictatorship spending money and upgrading its military, it means that it threatens its neighbors even more aggressively.

In the Philippines they know what a better armed China means. They have recently had a little confrontation with the Chinese over the Spratley Islands, and what should have been a negotiated disagreement became almost an armed confrontation when a belligerent, hostile and a threatening Red China decided it would have its way, negotiations were not the order of the day.

We also saw the results of this when just a month ago the Red Chinese regime sent its military into the Taiwan Strait in an attempt to intimidate the democratic government, the Republican of China, Taiwan, trying to intimidate them into not having a free election. What we saw were missiles being fired at a democratic people, people who were simply trying to have an election, in order to intimidate them and frighten them from their democratic rights.

Well, what more, what more I ask you, does a country have to do before the United States says that they will not enjoy the trading status of most-favored-nation status with the United States? What more can a regime do? Do they have to open up gas ovens and begin murdering people exactly like the Nazis did during World War II?

This is a regime, a monster regime, on the mainland of China, and this administration, the Clinton administration, has decoupled any consideration of human rights to the consideration of most-favored-nation status for that regime. It is a disgrace. Let us remember that President Clinton 4 years ago was attacking then sitting President Bush for granting most-favored-nation status to the mainland Chinese regime, and as soon as President Clinton became President, not only did he grant most-favored-nation status, but he has decoupled the consideration of most-favored-nation status from any discussion about human rights. It is the ultimate hypocrisy and has been one of the biggest and worst setbacks for the human rights community in the U.S. history, when the President, when President Clinton, not only reneged but did an absolutely turnabout in his belief in supporting human rights on mainland China.

Well, who is it up to, then? It is up to us, the American people, to stand for our beliefs in freedom and democracy and to stand up, yes, for the interests of the United States, and what is happening with the most-favored-nation status debate here in Congress is that we find that those companies that are making a profit from their investment in China, a huge profit from their investment in China, have turned around and become lobbyists to us for this dictatorial regime. What we have found is not that what the theory was was that if we permit our people to invest in China they will become emissaries of democracy to that country, but they have instead become lobbyists for a dictatorship to the United States.

Well, we are the ones who have to make the decision, not just based on what a very small group of companies are doing, making a profit by dealing with these terribly dictatorial regimes whose hands are dripping with blood.

The fact is that when it comes to Burma, we have a right also to tell our people this is not the right thing to do, for your to do, to invest in that dictatorship. We also have a right and obligation to our own people to say we will not permit Chinese goods that are produced in slave labor camps and produced by the army, buy companies that are owned by the army, and produced by a regime that is trying to bolster its weapon systems to threaten its neighbors, we will not permit that country to come into our marketplace and with the same status of other free and democratic countries.

I would hope that the American people insist that their representatives in the United States vote against most-favored-nation status for China.

There is one other issue that will be coming forth very quickly and that we will find in front of this body within the next 2 weeks. It is an issue that relates to most-favored-nation status and relates to these dictatorships around the world because it is changing our patent system in a way that will permit those thieves, those dictatorships around the world, to steal American technology.

Now, most of you probably have not heard anything about the proposed changes in our patent law. Most Americans would not even understand the proposed changes in our patent law. But there is an insidious attempt being made to make fundamental changes in the situation of our patent system, in the makeup of our patent system, so that it will be easier for foreign corporations to steal America's greatest asset, and that is the genius of our people. What will be coming forth before this body is a bill, H.R. 3460, which I call the Steal American Technologies Act. This act, believe it or not, will insist that from now on, if an American inventor applies for a patent in this country, after 18 months, whether or not that patent has been issued, that American inventor's application with all the details of the technology that he has developed will be published for the world to see. This is an invitation to the thieves of the world to steal our most precious asset, and that is the innovative and creative ideas of our inventors and our technology that we will use in the future to keep America competitive.

This is absolutely the greatest threat that I see to America's future prosperity, yet so few people will understand what the vote is all about. But it does not take a genius, however, to understand that if we disclose the information of our inventors, even before their patents have been issued, that there will be a line at the Patent Office to get that information and to fax it immediately to the Chinese mainland, where they will set up manufacturing units based on those ideas and that technology even before our inventors are issued their own patent.

Ironically, when H.R. 3460, the "Steal American Technologies Act," was going through the subcommittee, and it has passed the subcommittee in this body and is heading for the floor, on the day that it was passed in the subcommittee I had a representative of an American company that represents many patents. It happens to be a solar energy company. He was there in my office, and we were discussing the patent law.

☐ 1715

I asked him what would happen if his patent applications had been published before he actually was issued the patent. His face turned white, and his fists came together, and he said,

> Congressman, if my patent applications are published before my patent is issued my foreign competitors will be actually manufacturing the things that I have invented before I can even go into manufacturing them. And do you know what they will do if I try to sue them later? They will use the profits from my own technology to fight me in court and wipe me out.

Mr. Speaker, this is a great threat to American prosperity. Every American should contact their Member of Congress, their Senator, to defeat H.R. 3460, the steal American technologies act. But this is only one, just one swing at the American patent system. The American patent system has been under attack, but because it is so hard to understand, the American people cannot see what is going on.

Another part of this very same bill would corporatize the Patent Office of the United States. People will say, DANA ROHRABACHER is a conservative Republican. Does he not believe in privatization? I certainly do not believe we should take our court system and the court functions of government and privatize them. No, there are certain things government has to do. Those things deal with protecting our rights, protecting our freedom, especially defining the property rights we have in a free society.

Part of this legislation would take the Patent Office and corporatize it and turn it into something like the Post Office. That may sound benign but, in effect, that would take patent examiners who today are making decisions, responsible decisions for what are the property rights dealing with new technology in our society, as to who owns those ideas and those new property rights that are being created, and those patent examiners by that process will be stripped of their civil service protection.

They will be then put in jeopardy of many outside forces, and even inside forces that might want to influence their decision, forces that have been thwarted up until now because patent examiners know their job is to make the right decision, and they are protected from people making assaults on them or trying to influence them from the outside.

Can anyone believe that stripping our patent examiners, the people who will define what is American technology in the future and who owns it, stripping them of their civil service protection, is not going to open the doorway to corruption, open the doorway to foreigners coming here trying to steal our technology, and cut off our people from the rights to control their own inventions? Does anyone believe that that will not happen?

No one who looks at the issue believes that, but the fact is most of the Members of Congress will never have any way of seeing the details. They will be told some local company has decided that H.R. 3460, which I call the steal American technologies act, is a good thing because many American companies, what has happened, these big corporations, many of them who are now owned by multinational corporations and outside people, have big shares in those companies; but these big American corporations have decided that they are going to buy into global protection of America's intellectual property.

What it is, basically they have decided that for a promise from other countries like Red China, like Japan, and like many other developing countries, a promise from those countries, oh, yes, we will protect our intellectual property rights if you will only conform your system to be like our system. The changes that are brought about by H.R. 3460 are basically aimed at what they call harmonizing our law with that of Japan. We will blink our eyes and in a very short time period, we will see the patent law in the United States totally changed so that it mirrors that which Japan has had over these last few decades.

Mr. Speaker, it is very hard for people to understand what the significance of this is. Why is the gentleman from California, DANA ROHRABACHER, down here on the floor talking about patent law, these little changes? So what if it is going to harmonize with Japan?

Do we really want to walk around like ants, like the people of Japan? Do we want to be suppressed by the business interests, by the big boys that run roughshod over the people in Japan? How many new innovations and how much creativity has come out of Japan in these last 20 years? The people of Japan allow themselves, because they have a different culture, allow themselves to be dominated by big interest groups who control their society.

That is not what America is all about. America is about the rights of the individual, the rights of the little guy, the rights of every person to have the same control over his destiny as those people who are more affluent, the rights of every person to direct the course of his Government. Other countries are not this way.

But what we have here coming before this body is a stark choice: H.R. 3460, the steal American technologies act, versus a bill that I have put forward and tried to get to the floor of this body for 1½ years, H.R. 359. H.R. 359 would protect American inventors, and it would restore to American inventors the guaranteed patent right that they have to protect their invention or their idea for a guaranteed patent term of 17 years after they have been issued a patent.

Most Americans do not understand, and I am sad to report to those people who are listening tonight that the guaranteed patent term that Americans enjoyed for over 130 years has already been taken away from them, and most Americans do not even know it.

What happened is a year and a half ago, in the GATT implementation legislation, an item was snuck into this legislation that had nothing to do with the GATT agreement. It was not required by GATT but it was snuck in there, so that we as a body would have to vote against the entire world trading system, or we would have to vote for the world trading system. We would have to vote against the world trading system in order to get at that one provision.

Most Members, of course, were not willing to cut us off from all of the trade regulations of the GATT negotiations. But it was an insult to this body that they had put this provision in in the first place. What did this small provision do, this one little item that they snuck in there? There was an innocuous change in the patent law. It said that the patents now in the United States will now be measured from 20 years from the time the inventor files for the patent. So, 20 years later he will no longer have any patent rights.

It almost sounds like, hey, we are actually expanding the amount of time that a patent applicant has for the protection of his patent. But in reality what has happened, what we used to have is that if someone applies for a patent and it took 5 or 10 years for his patent application to be processed, he or she would have 17 years guaranteed patent protection time in order to make that investment back, in order to profit from that technology. But if we started at 20 years and it is over, if we started when the man applied for the patent and it is over in 20 years, if it takes 10 or 15 years for the patent to issue, that patent is almost worthless by the time it is issued. The fact is that three-quarters of the time has already been used up. In other words, the clock is ticking against the individual, rather than ticking against the bureaucracy.

That was a dramatic change, to let us harmonize our system with Japan. Mr. Speaker, it seems innocuous, but in the end, it dramatically affects the production of technology in our society, and it also, interestingly enough, affects who receives the benefits of that technology, because if a foreign corporation then only has to pay 5 years' worth of royalties, rather than 17 years, where is that money going?

That money that used to be going into the pockets of American inventors, because they had a guaranteed 17 years of patent protection, ends up staying right in the coffers of some big corporation in China or Japan or Korea, or even here in the United States. The little guy ends up losing dramatically. The big guys end up being able to steal legally. They have changed the rules of the game.

My bill, H.R. 359, which will serve as a substitute for H.R. 3460, will return the patent rights that the American people lost by the GATT implementation legislation. So we will face a battle in the upcoming weeks between H.R. 3460, which is, as I say, I call it the steal American technologies act, versus my bill, H.R. 359.

I believe this issue deserves to be debated, because it has an impact not only on the people of the United States, but elsewhere. We should not permit countries like Red China to steal American technology and legally do so because we are disclosing our very utmost secrets to them by passing such foolish legislation. When it comes to most-favored-nation status, when there is a dictatorship like Red China or Burma, we should not treat them as any other free Nation.

Mr. Speaker, I do believe in free trade. I believe that commerce between free people is to the benefit of all free people. But let us as a country stand not for trade with dictators, but instead, let us stand for free trade between free people.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. UNDERWOOD (at the request of Mr. GEPHARDT), for today and Wednesday, May 29, on account of official business.

Mr. MCNULTY (at the request of Mr. GEPHARDT), for today, after 2 p.m., on account of personal business.

Mr. WARD (at the request of Mr. GEPHARDT), for today and the balance of the week, on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. ABERCROMBIE) to revise and extend their remarks and include extraneous material:)

Ms. WATERS, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. LAFALCE, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. OWENS, for 60 minutes, today.

(The following Members (at the request of Mr. SOLOMON) to revise and extend their remarks and include extraneous material:)

Mr. GOSS, for 5 minutes, on May 24.

Mr. WELDON of Florida, for 5 minutes, today.

Mr. SOLOMON, for 5 minutes, today.

Mr. KASICH, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, today.

Mr. RIGGS, for 5 minutes, today.

Mr. PETERSON of Florida, and to include therein extraneous material notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $5,185.

ADJOURNMENT

Mr. ROHRABACHER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore (Mr. GOSS). Pursuant to the provisions of Senate Concurrent Resolution 60 of the 104th Congress, the House stands adjourned until 2 p.m., Wednesday, May 29, 1996.

Thereupon (at 5 o'clock and 27 minutes p.m.), pursuant to Senate Concurrent Resolution 60, the House adjourned until Wednesday, May 29, 1996, at 2 p.m.

NOTICE OF PROPOSED RULEMAKING

U.S. CONGRESS,
OFFICE OF COMPLIANCE,
Washington, DC, May 22, 1996.

Hon. NEWT GINGRICH,
Speaker of the House, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to Section 304(b) of the Congressional Accountability Act of 1995 (2 U.S.C. §1384(b)), I am transmitting on behalf of the Board of Directors the enclosed notice of proposed rulemaking for publication in the Congressional Record. The notice, which the Board has approved, is being issued pursuant to §220(e).

The Congressional Accountability Act specifies that the enclosed notice be published on the first day on which both Houses are in session following this transmittal.

Sincerely,

GLEN D. NAGER,
Chair of the Board.

OFFICE OF COMPLIANCE

The Congressional Accountability Act of 1995: Extension of Rights, Protections and Responsibilities Under Chapter 71 of Title 5, United States Code, Relating to Federal Service Labor-Management Relations (Regulations under section 220(e) of the Congressional Accountability Act).

NOTICE OF PROPOSED RULEMAKING

Summary: The Board of Directors of the Office of Compliance is publishing proposed regulations to implement section 220 of the Congressional Accountability Act of 1995 ("CAA" or "Act"), Pub. L. 104-1, 109 Stat. 3. Specifically, these proposed regulations are published pursuant to section 220(e) of the CAA.

The provisions of section 220 are generally effective October 1, 1996. 2 U.S.C. section 1351. However, as to covered employees of certain specified employing offices, the rights and protections of section 220 will be effective on the effective date of Board regulations authorized under section 220(e). 2 U.S.C. section 1351(f).

The proposed regulations set forth herein, which are published under section 220(e) of the Act, are to be applied to certain employing offices of the Senate, the House of Representatives, and the Congressional instrumentalities and employees of the Senate, the House of Representatives, and the Congressional instrumentalities. These regulations set forth the recommendations of the Deputy Executive Director for the Senate, the Deputy Executive Director for the House of Representatives and, the Executive Director, Office of Compliance, as approved by the Board of Directors, Office of Compliance. A Notice of Proposed Rulemaking under section 220(d) is being published separately.

Dates: Comments are due within 30 days after publication of this notice in the Congressional Record.

Addresses: Submit written comments (an original and 10 copies) to the Chair of the Board of Directors, Office of Compliance, Room LA 200, John Adams Building, 110 Second Street, S.E., Washington, DC 20540-1999. Those wishing to receive notification of receipt of comments are requested to include a self-addressed, stamped post card. Comments may also be transmitted by facsimile ("FAX") machine to (202) 426-1913. This is not a toll-free call. Copies of comments submitted by the public will be available for review at the Law Library Reading Room, Room LM-201, Law Library of Congress, James Madison Memorial Building, Washington, DC, Monday through Friday, between the hours of 9:30 a.m. and 4:00 p.m.

For Further Information Contact: Executive Director, Office of Compliance at (202) 724-9250. This notice is also available in the following formats: large print, braille, audio tape, and electronic file on computer disk. Requests for this notice in an alternative format should be made to Mr. Russell Jackson, Director, Service Department, Office of the Sergeant at Arms and Doorkeeper of the Senate, (202) 224-2705.

SUPPLEMENTARY INFORMATION:

I. Introduction

The Congressional Accountability Act of 1995 ("CAA" or "Act") was enacted into law on January 23, 1995. In general, the CAA applies the rights and protections of eleven federal labor and employment law statutes to covered Congressional employees and employing offices. Section 220 of the CAA addresses the application of chapter 71 of title 5, United States Code ("chapter 71"), relating to Federal Service Labor-Management Relations. Section 220(a) of the CAA applies the rights, protections, and responsibilities established under sections 7102, 7106, 7111 through 7117, 7119 through 7122, and 7131 of chapter 71 to employing offices, covered employees, and representatives of covered employees. These provisions protect the legal right of certain covered employees to organize and bargain collectively with their employing offices within statutory and regulatory parameters.

Section 220(d) of the Act requires the Board of Directors of the Office of Compliance ("Board") to issue regulations to implement section 220 and further states that, except as provided in subsection (e), such regulations "shall be the same as substantive regulations promulgated by the Federal Labor Relations Authority ("FLRA") to implement the statutory provisions referred to in subsection (a) except—

(A) to the extent that the Board may determine, for good cause shown and stated together with the regulations, that a modification of such regulations would be more effective for the implementation of rights and protections under this section, or

(B) as the Board deems necessary to avoid a conflict of interest or appearance of conflict of interest."

The Board has separately published a Notice of Proposed Rulemaking with respect to the issuance of regulations pursuant to section 220(d).

Section 220(e)(1) of the CAA requires that the Board also issue regulations "on the manner and extent to which the requirements and exemptions of chapter 71 [] should apply to covered employees who are employed in the offices listed in" section 220(e)(2). The offices listed in section 220(e)(2) are:

(A) the personal office of any Member of the House of Representatives or of any Senator;

(B) a standing select, special, permanent, temporary, or other committee of the Senate or House of Representatives, or a joint committee of Congress;

(C) the Office of the Vice President (as President of the Senate), the Office of the President pro tempore of the Senate, the Office of the Majority Leader of the Senate, the Office of the Minority Leader of the Senate, the Office of the Majority Whip of the Senate, the Conference of the Majority of the Senate, the Conference of the Minority of the Senate, the Office of the Secretary of the Conference for the Majority of the Senate, the Office of the Secretary for the Minority of the Senate, the Majority Policy Committee of the Senate, the Minority Policy Committee of the Senate, and the following offices within the Office of the Secretary of the Senate: Offices of the Parliamentarian, Bill Clerk, Legislative Clerk, Journal Clerk, Executive Clerk, Enrolling Clerk, Official Reporters of Debate, Daily Digest, Printing Services, Captioning Services, and Senate Chief Counsel for Employment;

(D) the Office of the Speaker of the House of Representatives, the Office of the Majority Leader of the House of Representatives, the Office of the Minority Leader of the House of Representatives, the Offices of the Chief Deputy Majority Whips, the Offices of the Chief Deputy Minority Whips, and the following offices within the Office of the Clerk of the House of Representatives: Offices of Legislative Operations, Official Reporters of Debate, Official Reporters to Committees, Printing Services, and Legislative Information;

(E) the Office of the Legislative Counsel of the Senate, the Office of the Senate Legal Counsel, the Office of the Legislative Counsel of the House of Representatives, the Office of the General Counsel of the House of Representatives, the Office of the Parliamentarian of the House of Representatives, and the Office of the Law Revision Counsel;

(F) the offices of any caucus or party organization;

(G) the Congressional Budget Office, the Office of Technology Assessment, and the Office of Compliance; and;

(H) such other offices that perform comparable functions which are identified under regulations of the Board.

These offices shall be collectively referred to as the "section 220(e)(2) offices."

Section 220(e)(1) provides that the regulations which the Board issues to apply chapter 71 to covered employees in section 220(e)(2) offices "shall, to the greatest extent practicable, be consistent with the provisions and purposes of chapter 71 [] and of [the CAA]." To this end, section 220(e)(1) mandates that such regulations "shall be the same as substantive regulations issued by the Federal Labor Relations Authority under such chapter" with two separate and distinct provisos:

First, section 220(e)(1), like every other CAA section requiring the Board to issue implementing regulations (*i.e.*, sections

202(d)(2), 203(c)(2), 204(c)(2), 205(c)(2), 206(c)(2), 215(d)(2)), authorizes the Board to modify the FLRA's regulations "(A) to the extent that the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section."

Second, independent of section 220(e)(1), section 220(e)(2) requires the Board to issue regulations that "exclude from coverage under this section any covered employees who are employed in offices listed in [section 220(e)(2)] if the Board determines that such exclusion is required because of—

(i) a conflict of interest or appearance of a conflict of interest; or

(ii) Congress' constitutional responsibilities."

The provisions of section 220 are effective October 1, 1996, except that, "[w]ith respect to the offices listed in subsection (e)(2), to the covered employees of such offices, and to representatives of such employees, [section 220] shall be effective on the effective date of regulations under subsection (e)."

II. The Advance Notice of Proposed Rulemaking

A. Issues for Comment that Relate to Section 220(e)

The Board sought comment on two issues related to section 220(e)(1)(A): (1) Whether and to what extent the Board should modify the regulations promulgated by the FLRA for application to employees in section 220(e)(2) offices? (2) Whether the Board should issue additional regulations concerning the manner and extent to which the requirements and exemptions of chapter 71 apply to employees in section 220(e)(2) offices?

The Board sought comment on four issues related to section 220(e)(1)(B): (1) What are the constitutional responsibilities and/or conflicts of interest (real or apparent) that would require exclusion of employees in section 220(e) offices from coverage under section 220 of the CAA? (2) Whether determinations as to such exclusions should be made on an office-wide basis or on the basis of job duties and functions? (3) Which job duties and functions in section 220(e) offices, if any, should be excluded from coverage, and what is the legal and factual basis for any such exclusion? (4) Are there any offices not listed in section 220(e)(2) that are candidates for the application of the section 220(e)(1)(B) exclusion and, if so, why?

In seeking comment on the issues related to section 220(e) regulations, the Board emphasized that it needed detailed legal and factual support for any proposed modifications in the FLRA's regulations and for any additional proposed regulations implementing sections 220(e)(1)(A) and (B).

B. Summary of Comments Received

The Board did not receive any comments on issues arising under section 220(e)(1)(A), and received only two comments on issues arising under section 220(e)(1)(B). These two comments addressed the issue of whether the Board should grant a blanket exclusion for *all* covered employees in the section 220(e)(2) offices. The Board summarizes those two comments here.

One commenter argued that nothing in the CAA warrants any categorical exclusions from coverage. The commenter argued that the CAA's instruction to the Board to issue regulations which "to the greatest extent practical" are "consistent with the provisions and purposes of chapter 71" invites coverage as broad in scope as chapter 71 provides for Executive Branch employees. The commenter argued that section 220(e)(1)(B) is an exception to the general rule mandating coverage and that Congress did not purport to find that any covered employees necessarily qualified for application of such an exception. The commenter further argued that the legislative history of section 220(e) indicates that Congress simply authorized the Board to determine whether covered employees in section 220(e)(2) offices should be excluded without in any way suggesting that they should be excluded.

The commenter then pointed out that, like Congress, the President is charged with constitutional responsibilities and that executive branch employees (other than statutorily excepted employees) are nonetheless free to join and be represented by unions of their choice. The commenter urged that there is nothing in the functions of the legislative branch that suggests that union representation of legislative branch employees is any different than union representation of executive branch employees (or that it poses any unique concerns). From this argument, the commenter concluded that no blanket exemption of all of the employees in section 220(e)(2) offices is warranted; and the commenter urged that its conclusion is supported by the overall policy of the CAA to bind Congress to the same set of rules that other employers face.

The second commenter took the position that all of the covered employees in a number of the section 220(e)(2) offices should receive a blanket exemption from coverage under section 220. In support of this argument, the commenter first described the Senate's constitutional responsibilities to exercise the legislative authority of the United States; to "make all laws which shall be necessary and proper for carrying into Execution" its enumerated powers; to advise and consent to treaties and certain presidential nominations; and to try matters of impeachments. The commenter then stated that, in fulfilling these responsibilities, the Senate must be "free from improper influence from outside sources so that Members can fairly represent the interests of the United States and its citizens." The commenter asserted that exclusion from coverage of all employees in Senators' personal offices is necessary to insulate the legislative process from improper influence by outside parties.

In so stating, the commenter recognized that a number of such employees would already be excluded under chapter 71, but argued that the participation of any employee of a Senator's office in a labor organization would "interfere with the Senator's constitutional responsibilities, [] allow unions to obtain an undue advantage in the legislative process and to exercise improper influence over Members, and [] create conflicts of interest." The commenter asserted that allowing such employees to organize would "provide labor unions with unprecedented access to and influence over the operations and legislative activities of Senators' personal offices" and turn the collective bargaining process into "a lobbying tool of organized labor".

The commenter contended that union representation of employees in a Senator's personal office also could create significant conflicts of interest, both because legislation that affects union or management rights may have a direct impact on a Senator's bargaining position with an employee union, and because a Senator's voting position may be tainted by the appearance that he or she is affected by the position of the employee union. The commenter also claimed that payment of union dues by a Senator's employees could create the perception of a conflict of interest, because Senate employees may not make political contributions to their employer, but the employees may nonetheless pay dues to a union that, in turn, contributes to that employer. The commenter further argued that, if a Senator's employees are permitted to organize, they may develop conflicting loyalties that could render them politically incompatible with the Senator for whom they work. The commenter contended that it would be an unfair labor practice for an employer to discharge an employee because of union affiliation even if that union affiliation led to political incompatibility, thus allegedly eviscerating section 502 of the CAA (which is said to authorize an employing office to discharge an employee based on such incompatibility). Finally, the commenter asserted that, if employees of Senators' offices are granted the right to organize, they will be the only employees of Federal elected officials who are organized.

The commenter also took the position that the concerns stated regarding union organization in Senators' personal offices are equally applicable to employees in Senate leadership and committee offices. The commenter further asserted that employees in offices under the jurisdiction of the Secretary of the Senate (Offices of the Parliamentarian, Bill Clerk, Legislative Clerk, Journal Clerk, Executive Clerk, Enrolling Clerk, Official Reporters of Debate, Daily Digest and Printing Services, Office of Senate Chief Counsel for Employment) should be excluded from coverage because they allegedly occupy confidential positions that are integral to the Senate's constitutional functions. The commenter also asserted that employees in the Office of the Senate Chief Counsel for Employment should be excluded because attorneys in that office will engage in labor negotiations on behalf of management in Senate offices and because all employees in the office have access to privileged and confidential information. The commenter similarly stated that employees in the Office of the Legislative Counsel and the Office of the Senate Legal Counsel should be excluded because they have direct access to privileged and confidential information relating to the constitutional functions of the Senate.

Finally, the commenter contended that, pursuant to 220(e)(2)(H), employees in four other offices should be subject to a blanket exclusion. Employees in the Executive Office of the Secretary of the Senate, because they are privy to confidential information about both the legislative functions of the Senate and the labor management policies of the Office of the Secretary; employees in the Office of Senate Security, because they have access to highly sensitive and confidential information relating to the constitutional responsibilities of the Senate, as well as to matters of national security; employees in the Senate Disbursing Office, because they have access to confidential financial information that could enhance a union's bargaining position; and employees in the Administrative Office of the Sergeant at Arms, because they have access to confidential information about the office and the Senate.

III. Notice of Proposed Rulemaking

In developing its proposed regulations, the Board has carefully considered both its responsibilities under section 220(e) and the two directly contradictory comments that the Board received concerning the regulations that it must issue. For the reasons that follow, the Board's judgment is that a blanket exclusion of *all* of the employees in the section 220(e)(2) offices is not "required" under the stated statutory criteria. But the Board will propose regulations that *allow* the exclusion issue to be raised with respect to any particular employee in any particular case. The Board also urges commenters who support any categorical exclusions, in commenting on these proposed regulations, to explain why particular jobs or job duties require exclusion of particular employees so that the Board may exclude them by regulation, where appropriate. Through this initial regulation and any categorical exclusions that may appropriately be included in its final regulations, the Board intends to carry out its statutory responsibility under section 220(e) to exclude employees from coverage where required, and to make changes in the FLRA's regulations where necessary.

A. Section 220(e)(1)(A)

Section 220(e)(1)(A) authorizes the Board to modify the FLRA's regulations "to the extent that the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under [section 220(e)]." No commenter took the position that there was good cause to modify the FLRA regulations for more effective implementation of section 220(e). Equally important, no commenter took the position that a blanket exclusion of *all* of the covered employees in any of the section 220(e) offices would be "more effective for the implementation of the rights and protections under [section 220(e)]." And, at present, the Board has not independently found any basis to exercise its authority to modify the FLRA regulations for more effective implementation of section 220(e). The Board therefore does not propose to issue separate regulations pursuant to section 220(e)(1)(A)—that is, except as to employees whose exclusion from coverage under section 220 is required, the Board proposes that the regulations that it issues under section 220(d) will apply to employing offices, covered employees, and their representatives under section 220(e).

B. Section 220(e)(1)(B)

Section 220(e)(1)(B) provides that the Board "shall exclude from coverage under [section 220] any covered employees in [section 220(e)(2) offices] if the Board determines that such exclusion is required because of—

(i) a conflict of interest or appearance of a conflict of interest; or

(ii) Congress' constitutional responsibilities."

The question here for resolution, then, is to what extent the Board should exclude covered employees in the section 220(e)(2) offices from coverage.

1. The statutory language and legislative history indicate that exclusions are proper only where "required" by the stated statutory criteria

Section 220(e)(1)(B) states that the Board "shall" exclude any covered employee of a section 220(e)(2) office where such exclusion is "required" by the stated statutory criteria. The statutory specification that the exclusion be "required" by Congress' constitutional responsibilities or a conflict of interest is telling. In this context, the term "required" means "insist[ed] upon usu[ally] with certainty and urgency." *See* Webster's Third New International Dictionary (1986); *see also* Black's Law Dictionary (4th ed. 1968) ("direct[ed], order[ed], demand[ed], instruct[ed], command[ed]"). Thus, merely being helpful to or in furtherance of the stated statutory criteria is insufficient; rather, the exclusion must be *necessary* to the conduct of Congress's constitutional responsibilities or to the avoidance of a conflict of interest (real or apparent).

Although legislative history should always be consulted with due care and regard for its limitations, the scant legislative history directly attached to section 220(e)(1)(B) here appears to confirm that exclusions are proper only where necessary to achieve the stated statutory criteria. *See* 141 Cong. Rec. S626 (section-by-section analysis of CAA). What is now section 220(e) was added to a predecessor to the CAA in October 1994 in the Senate Governmental Affairs Committee. The Committee's Report explains that this provision was added in response to several Members' concerns that the application of labor laws to the legislative offices might interfere with Congress' ability to fulfill its constitutional functions: "For example, there was a concern that, if legislative staff belonged to a union, that union might be able to exert undue influence over legislative activities or decisions. Even if such a conflict of interest between employees' official duties and union membership did not actually occur, the mere appearance of undue influence or access might be very troubling. Furthermore, there is a concern that labor actions could delay or disrupt vital legislative activities." [S. Rep. No. 397, 103d Cong., 2d Sess. 8 (1994).]

The Report went on to explain that the proposed bill addressed the Members' concerns in two ways: First, rather than applying the National Labor Relations Act ("NLRA") to Congress, the bill would apply chapter 71 whose "provisions and precedents . . . address problems of conflict of interest in the governmental context and . . . prohibit strikes and slowdowns." Second, "as an extra measure of precaution," the bill would not apply to the section 220(e)2) offices "until the Board has conducted a special rulemaking to consider such problems as conflict of interest." *Id.* at 8.

The above-described Senate Report does not reveal—either expressly or implicitly—any congressional expectation that exclusions would necessarily result as a consequence of the Board's special rulemaking. Instead, the Report explains that the concerns of several Members were principally addressed by the incorporation of chapter 71 (rather than the NLRA) in the bill and that, "as an extra measure of precaution," the Board should consider in a special rulemaking whether application of even chapter 71 to employees in section 220(e) would defeat Congress' responsibilities or cause insoluble conflicts of interest (real or apparent). *See* 141 Cong. Rec. S444–45 (remarks of Senator Grassley). Indeed, the section-by-section analysis of the bill that became the CAA states that section 220(e) should not be construed as "a standard license to roam far afield from [the] executive regulations." *See* 141 Cong. Rec. S626.

The legislative materials suggest that section 220(e) requires the Board to exclude employees in section 220(e)(2) offices only where "required" by the statutory criteria—*i.e.*, where exclusion is *necessary* to the accomplishment of the statutory criteria. The legislative materials leave no room for the exclusion of covered employees in the absence of a demonstrated and substantial need for doing so.

2. Exclusion of all employees in section 220(e) offices is not required by Congress' constitutional responsibilities or concerns about real or apparent conflicts of interest

On the basis of the comments received to date, the Board is unable to find a demonstrated and substantial need for the blanket exclusion of *all* employees in the section 220(e)(2) offices. Such a blanket exclusion of *all* covered employees does not appear to be required by either Congress' constitutional responsibilities or any real or apparent conflicts of interest.

a. Exclusion is not necessitated by Congress' constitutional responsibilities

The key premise of the commenter's argument that exclusion of *all* section 220(e)(2) office employees is required by Congress' constitutional responsibilities is the assertion that collective bargaining rights for section 220(e) employees are categorically inconsistent with the effective functioning of the Legislative Branch. But the legislative judgment embodied in chapter 71 is that collective bargaining rights are entirely consistent with—and, indeed, enhance—the efficient and effective functioning of the Executive Branch. *See* 5 U.S.C. §7101. More to the point, the legislative judgment in chapter 71 is that collective bargaining is consistent with—and, indeed, supportive of—the Executive Branch's fulfillment of the President's constitutional responsibility faithfully to execute the laws of the United States. The Board has not yet been presented with any facts or legal argument that would support a determination that, in contrast to the situation in the Executive Branch, *all* employees of the section 220(e)(2) offices must be excluded from collective bargaining in order for the Legislative Branch to be able to fulfill its constitutional charge.

For example, although the commenter asserts that, if a Senator is required to bargain with his or her employees' union, the employees' union will obtain an undue advantage in the legislative process by dint of its members' special access to the Senator and its members' influence over the Senator's legislative positions, the Board does not believe that a Senator can be brought to his constitutional knees so easily. The commitment of our Nation's elected representatives to the performance of their constitutional duties is great; and, access or no access by unions, it must be presumed that out elected representatives will carry out their constitutional responsibilities with fervor. Moreover, it must also be recognized that, in doing so, our elected representatives will be supported by many employees who simply do not have the right to organize. Supervisors—defined as individuals with authority to hire, direct, assign, promote, reward, transfer, furlough, layoff, recall, suspend, discipline, or remove employees, or to adjust their grievances, or to effectively recommend such action—are not even covered by chapter 71 as applied by the CAA. *See* sections 7103(a)(2)(iii) and 7103(a)(10). Likewise, management officials—defined as individuals in positions whose duties and responsibilities require or authorize the individual to formulate, determine, or influence the policies of their employer—are not covered. *See* sections 7103(a)(2)(iii) and 7103(a)(11). Furthermore, confidential employees—defined as employees who act in a confidential capacity with respect to individuals who formulate or effectuate management policies in the field of labor-management relations—and employees engaged in personal work are not covered. *See* sectons 7112(b)(2),(3) and 7103(a)(13). Finally, employees whose participation in the management of a labor organization or whose representation of a labor organization results in a conflict or apparent conflict of interest or is otherwise incompatible with law or with official job duties are not covered. *See* section 7120(e). Cumulatively, these exclusions undermine the claim that *all* employees of a section 220(e)(2) office—including secretaries and messengers—must be excluded from coverage in order for the Legislative Branch to fulfill its constitutional charge; to the extent that a union obtains access, it will be on behalf of employees who are *not* at the center of the Senator's management core.

The commenter supporting blanket exclusion of all employees in certain section 220(e)(2) office also argued that, absent such an exclusion, a Senator's employees would be able to influence a Senators' legislative position of exchange for concessions at the bargaining table. This argument, however, ignores the fact that, for those employees not exempted (such as certain secretaries and messengers), chapter 71 provides only a limited set of labor relations rights. Once organized, employees may bargain about their conditions of employment. But they may not bargain about matters "specifically provided for by Federal statute," a category which includes *inter alia* a number of restrictions on pay, health insurance, and retirement benefits for legislative employees. *See* section 7102(2), 7103(a)(12), 7103(a)(14)(C). Moreover, they may only bargain about their "terms and conditions of employment"; *their Senator's legislative positions are not properly on the table*. And in the event that nonexempt employees in section 220(e)(2) offices fail to come to terms with an employing office about their terms and conditions of employment, the employees do not have their principle coercive weapons that organized labor uses to further its employment goals, *see Allis Chalmers* v. *NLRB*, 388 U.S. 175 (1967), because they lack the right to strike or slow down. *See* sections 7103(a)(2)(v), 7311. These limitations make it clear that exclusion of *all* employees in a section 220(e)(2) office (such as certain secretaries and messengers) is not necessary to prevent the allegedly improper influence that concerns the commenter; and they make self-evident that such a blanket exclusion of *all* section 220(e)(2) office employees is not required by Congress' constitutional responsibilities.

The commenter supporting blanket exclusion of *all* employees in section 220(e)(2) offices further argued that all members of a Senator's staff—no matter how routine their job duties—are privy to inside information about the Senator, including information about the Senator's legislative positions. The commenter expressed a concern that a Senator's organized employees might reveal this confidential information to their union and that a union might then use the confidential information to exert improper influence on the Senator and thus on the legislative process. The commenter also feared that a Senator's organized employees would not wholeheartedly perform their duties if the Senator were to take a position inimical to the interests of unions. But, again, these concerns are not sufficient to justify blanket exclusions, if only because they can be addressed by other means.

The confidentiality of information and loyal performance of duties can be ensured without exclusion of *all* section 220(e)(2) office employees. Nothing in federal law, and certainly nothing in chapter 71 or the CAA, limits a Member's right to establish neutral work rules designed to assure productivity, discipline, and confidentiality and to discipline and/or discharge any employee who violates those rules. An employee who violates one of these work rules may be discharged *for that reason*.

This point answers the commenter's argument that categorical exclusion is necessary because a Senator would not be able to discharge or discipline an employee who leaks confidential information, or one who openly and actively supports legislation that the Senator opposes. If the Senator had in place and enforced a work rule neutrally forbidding conduct without regard to the employee's union membership or activity (so long as the employee's constitutional rights were not violated). The Senator would only violate section 220 of the CAA if he or she simply forbid inconsistent conduct that related to union membership or activities or enforced a facially neutral rule in a discriminatory manner. Exclusion of *all* covered employees is thus not "required" to address the confidentiality and loyalty concerns that have been advanced here.

b. Exclusion of all employees in section 220(e)(2) offices is not "required" by any real or apparent conflicts of interest

Nor is the Board prepared at this point to accept the argument that blanket exclusion of *all* employees in section 220(e)(2) offices is "required" to avoid conflicts of interest, real or apparent. The exclusions in chapter 71 for supervisory, confidential and other such employees are sufficient to take care of most potential conflict of interest questions created by employee organization; indeed, chapter 71 itself allows exclusion of employees with additional insoluble conflicts of interest. While the Board is prepared to exclude appropriate categories of employees where required by conflicts of interest, the suggestion that *all* employees in section 220(e)(2) offices must be excluded because of such alleged conflicts does not appear well-founded.

The commenter expressed a fear that organized employees would necessarily have a loyalty to the union and to union goals that would be inconsistent with loyal service to a Member and to his or her legislative positions. There may indeed be such tensions and potential conflicts that arise from union membership of covered employees. But such tensions and conflicts also arise in connection with a covered employee's membership and participation in other special interest groups, such as the Sierra Club, the National Rifle Association, the National Right to Work Foundation, or the National Organization of Women. Indeed, an employee's outside associations—whatever they may be—all give rise to a possible tension between the employee's interests and loyalties (as expressed by outside associations) and the Member's legislative positions. Nonetheless, Congress has not imposed a blanket prohibition on employee membership and participation in outside associations; and, under chapter 71, the tensions and potential conflicts that arise in connection with union membership have not been enough to justify a blanket exclusion of all employees from organization in the Executive Branch. While the Board is prepared to consider whether such associations might preclude organization rights for particular employees in particularly sensitive positions, it cannot accept the suggestion that the possible tensions between employee interests and loyalties and Member positions "requires" the blanket exclusion of *all* employees in section 220(e)(2) offices; there are surely less restrictive means for mitigating these potential conflicts for many, if not all, of the employees of section 220(e)(2) offices.

The commenter also asserted that exclusion of all employees is required by an apparent conflict of interest for Members voting on legislation that affects unions: according to the commenter, if the Members support the legislation, they may be perceived as caving to union pressure; if they oppose it, they may be perceived as attempting to enhance their bargaining positions with the union; in either instance, they would *not* be perceived as serving their constituents. But this situation does not appear to differ from that faced by the President when he or Executive Branch officials acting on his behalf take a position on pending labor legislation. That apparent conflict is inherent to employee organization in the public sector; and yet chapter 71 reflects a judgment that this apparent conflict does not require the categorical exclusion of all employees from collective organization. The judgment in chapter 71, which Congress incorporated by reference in the CAA, prevents the Board from accepting any argument that this apparent conflict *requires* exclusion of all employees in a section 220(e)(2) office.

Indeed, with respect to both alleged conflicts of interest, the Board finds it significant that, in chapter 71's statement of congressional findings and purpose, Congress expressly found that "labor organizations and collective bargaining in the civil service are in the public interest" because they "safeguard[] the public interest," "contribute[] to the effective conduct of public business," and "facilitate[] and encourage[] the amicable settlements of disputes between employees and their employers involving conditions of employment. *See* Section 7101. Section 220(e)(1) of the CAA instructs the Board to hew as closely as possible to "the provisions and purposes of chapter 71." In doing so, the Board has no choice but to reject the proposition that *all* employees in a section 220(e)(2) office must be excluded from coverage because of a real or apparent conflict that their organization would create for their Member of Congress. The premise of chapter 71, and thus the CAA, is that employees in unions may loyally serve government employees and that the public will not view government acts in response to union demands as illegitimate responses to union pressure.

3. Proposed regulations under section 220(e)(1)(B)

For these reasons, the Board does not propose to issue regulations that grant blanket exclusion of all employees in any of the section 220(e)(2) offices. In the Board's judgment, the issuance of blanket exclusions from the application of section 220 for *all* employees in section 220(e)(2) offices would represent a significant departure from the overall purposes and policies of the CAA. The Board would promptly take that step if it were necessary because of a conflict of interest (real or apparent) or Congress' constitutional responsibilities. But no necessity has been shown or yet been found for the exclusion of all employees in section 220(e)(2) offices.

The Board further notes that no commenter took the position that there were job duties of employees within section 220(e)(2) offices that required application of section 220(e)(1)(B)'s exception to coverage; *a fortiori*, no comments provided the Board with any facts or legal argument in support of the issuance of regulations providing that employees in section 220(e)(2) offices who perform certain job duties are not covered by section 220. For this reason, the Board does not propose to issue any such regulations at this time. Of course, the Board stands ready to use its rulemaking authority to propose and issue such regulations when and if the Board is presented with facts and legal argument demonstrating that the application of section 220(e)(1)(B) to employees performing particular job duties in "required." The

Board again urges commenters to provide the Board with such information and authorities.

The commenter supporting blanket exclusion of all employees in section 220(e)(2) offices argued that, pursuant to its power under section 220(e)(2)(H), the Board should propose regulations (i) adding the Executive Office of the Secretary of the Senate, the Office of Senate Security, the Senate Disbursing Office, and the Administrative Office of the Sergeant at Arms to the statutory list of section 220(e)(2) offices, and (ii) granting a blanket exclusion of all covered employees in these offices. By its analysis above, the Board has effectively rejected the argument that any offices, including these four, are entitled to blanket exclusion of all of their employees from application of section 220. The Board agrees, however, with the commenter's assertion that employees in these offices perform functions "comparable" to those performed by employees in the other section 220(e)(2) offices, and thus the Board proposes, pursuant to section 220(e)(2)(H), to treat these offices as section 220(e)(2) offices for all purposes, including the determination of the effective date of sections 220(a) and (b). For all other offices—that is, all offices that are not either listed in section 220(e)(2) or defined as section 220(e)(2) offices here—the effective date of sections 220(a) and (b) is October 1, 1996.

No commenter took the position that the Board should adopt a regulation authorizing parties and/or employees in appropriate proceedings to assert, and the Board to decide, where appropriate and relevant, that a covered employee employed in a section 220(e)(2) office is required to be excluded from coverage under section 220(e) because of a conflict of interest (real or apparent) or because of Congress' constitutional responsibilities. The Board, however, proposes to issue such a regulation. By doing so, the Board intends to ensure that an exclusion may be provided where the law and the facts require it. The proposed regulation of the Board allows the issue of exclusions under section 220(e)(1)(B) to be raised and decided on a case-by-case basis.

IV. Method of Approval

The Board recommends that (1) the version of the proposed regulations that shall apply to the Senate and employees of the Senate be approved by the Senate by resolution; (2) the version of the proposed regulations that shall apply to the House of Representatives and employees of the House of Representatives be approved by the House of Representatives by resolutions; and (3) the version of the proposed regulations that shall apply to other covered employees and employing offices be approved by the Congress by concurrent resolution.

Signed at Washington, D.C. on this 22 day of May, 1996.

GLEN D. NAGER,
Chair of the Board,
Office of Compliance.

§2472. Specific regulations regarding certain offices of Congress

§2472.1. Purpose and Scope

The regulations contained in this section implement the provisions of chapter 71 as applied by section 220 of the CAA to covered employees in the following employing offices:

(A) the personal office of any Member of the House Representatives or of any Senator;

(B) a standing select, special, permanent, temporary, or other committee of the Senate or House of Representatives, or a joint committee of Congress;

(C) the Office of the Vice President of the Senate), the Office of the President pro tempore of the Senate, the Office of the Majority Leader of the Senate, the Office of the Minority Leader of the Senate, the Office of the Majority Whip of the Senate, the Conference of the Majority of the Senate, the Conference of the Minority of the Senate, the Office of the Secretary of the Conference for the Majority of the Senate, the Office of the Secretary for the Minority of the Senate, the Majority Policy Committee of the Senate, the Minority Policy Committee of the Senate, and the following offices within the Office of the Secretary of the Senate: Offices of the Parliamentarian, Bill Clerk, legislative Clerk, Journal Clerk, Executive Clerk, Enrolling Clerk, Official Reporters of Debate, Daily Digest, Printing Services, Captioning Services, and Senate Chief Counsel for Employment.

(D) the Office of the Speaker of the House of Representatives, the Office of the Majority Leader of the House of Representatives, the Office of the Minority Leader of the House of Representatives, the Offices of the Chief Deputy Majority Whips, the Offices of the Chief Deputy Minority Whips, and the following offices within the Office of the Clerk of the House of Representatives: Offices of Legislative Operations, Official Reporters of Debate, Official Reports to Committees, Printing Services, and Legislative Information;

(E) the Office of the Legislative Counsel of the Senate, the Office of the Senate Legal Counsel, the Office of the Legislative Counsel of the House Representatives, the Office of the General Counsel of the House of Representatives, the Office of the Parliamentarian of the House of Representatives, and the Office of the Law Revision Counsel;

(F) the offices of any caucus or party organization;

(G) the Congressional Budget Office, the Office of Technology Assessment, and the Office of Compliance; and;

(H) the Executive Office of the Secretary of the Senate, the Office of Senate Security, the Senate Disbursing Office and the Administrative Office of the Sergeant at Arms.

§247.2. Application of Chapter 71

(a) The requirements and exemptions of chapter 71 of title 5, United States Code, as made applicable by section 220 of the CAA, shall apply to covered employees who are employed in the offices listed in section 2472.1 in the same manner and to the same extent as those requirements and exemptions are applied to other covered employees.

(b) The regulations of the Office, as set forth at sections 2420–29 and 2470–71, shall apply to the employing offices listed in section 2472.1, covered employees who are employed in those offices and representatives of those employees.

§2472.3. Exclusion from coverage

Notwithstading any other provision of these regulations, any covered employee who is employed in an office listed in section 2472.1 shall be excluded from coverage under section 220 if it is determined in an appropriate proceeding that such exclusion is required because of (a) a conflict of interest or appearance of a conflict of interest, or (b) Congress' constitutional responsibilities.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3144. A letter from the Deputy Secretary of Defense, transmitting notification that the report required by section 365(a) of Public Law 104–106 will be transmitted to Congress no later than September 1, 1996; to the Committee on National Security.

3145. A letter from the Director, Office of Management and Budget, transmitting OMB's estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 2002 resulting from passage of H.R. 2024 and H.R. 2243, pursuant to Public Law 101–508, section 13101(a) (104 Stat. 1388–582); to the Committee on the Budget.

3146. A letter from the Chair, Federal Energy Regulatory Commission, transmitting the 1995 annual report of the Federal Energy Regulatory Commission, pursuant to 16 U.S.C. 797(d); to the Committee on Commerce.

3147. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's final rule—Guides for the Metalic Watch Band Industry and Guides for the Jewelry Industry—received May 22, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3148. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance [LOA] to the Netherlands for defense articles and services (Transmittal No. 96–50), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

3149. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance [LOA] to the Taipei Economic and Cultural Representative Office [TECRO] in the United States for defense articles and services (transmittal No. 96–48), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

3150. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed manufacturing license agreement for production of major military equipment with Japan (Transmittal No. DTC–30–96), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

3151. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's report on nuclear nonproliferation in South Asia for the period of October 1, 1995, through March 31, 1996, pursuant to 22 U.S.C. 2376(c); to the Committee on International Relations.

3152. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance [LOA] to Greece for defense articles and services (Transmittal No. 96–49), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

3153. A communication from the President of the United States transmitting notification that on May 19, 1996, heavy fighting broke out between government forces and mutinous troops in the capital city of Bangui, Central African Republic, and that on May 20, 1996, the deployment of United States military personnel was ordered to conduct the evacuation from the Central African Republic of private United States citizens and certain United States Government employees (H. Doc. No. 104–220); to the Committee on International Relations and ordered to be printed.

3154. A letter from the Chairwoman, National Mediation Board, transmitting the fiscal year 1995 annual report under the Federal Managers' Financial Integrity Act [FMFIA] of 1982, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

3155. A letter from the Secretary of the Treasury, transmitting the fiscal year 1995 annual report under the Federal Managers' Financial Integrity Act [FMFIA] of 1982, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

3156. A letter from the Director, Office of Surface Mining, transmitting the Office's final rule—Indiana Regulatory Program (recodification of State law) [IN-132-FOR] received May 22, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3157. A letter from the Director, Office of Surface Mining, transmitting the Office's final rule—Texas Regulatory Program (road systems and others) [TX-029-FOR] received May 22, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3158. A letter from the Director, Office of Surface Mining, transmitting the Office's final rule—Indiana Regulatory Program (remaining and others) [IN-133-FOR] received May 22, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3159. A letter from the Director, Office of Surface Mining, transmitting the Office's final rule—Hopi Tribe Abandoned Mine Land Reclamation Plan [HO-003-FOR] received May 22, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3160. A letter from the Director, Office of Surface Mining, transmitting the Office's final rule—Missouri Regulatory Program (revegetation success guidelines) [MO-025-FOR] received May 22, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3161. A letter from the Director, Office of Surface Mining, transmitting the Office's final rule—Missouri Regulatory Program (state alternative bonding system and others) [MO-026-FOR] received May 22, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3162. A letter from the Director, Office of Surface Mining, transmitting the Office's final rule—Oklahoma Abandoned Mine Land Reclamation Plan (eligible lands and waters, and others) [OK-15-FOR] received May 22, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3163. A letter from the Director, Office of Surface Mining, transmitting the Office's final rule—Indiana Regulatory Program (subsidence control) [IN-112-FOR] received May 22, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3164. A letter from the Director, Office of Surface Mining, transmitting the Office's final rule—New Mexico Regulatory Program (definitions and others) [NM-036-FOR] received May 22, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3165. A letter from the Director, Office of Surface Mining, transmitting the Office's final rule—Colorado Regulatory Program (definitions and others) [CO-029-FOR] received May 22, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3166. A letter from the Director, Office of Surface Mining, transmitting the Office's final rule—Virginia Regulatory Program (coal waste) [VA-105] received May 22, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3167. A letter from the Director, Office of Surface Mining, transmitting the Office's final rule—Illinois Regulatory Program (termination of jurisdiction and others) [IL-089-FOR] received May 22, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3168. A letter from the Director, National Legislative Commission, The American Legion, transmitting a copy of the Legion's financial statements as of December 31, 1995, pursuant to 36 U.S.C. 1101(4) and 1103; to the Committee on the Judiciary.

3169. A letter from the Director, Federal Emergency Management Agency, transmitting notification that funding under title V of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, may exceed $5 million for the response to the emergency declared as a result of the extreme fire hazard in the State of Texas dating back to February 23, 1996, pursuant to 42 U.S.C. 5193(b)(3); to the Committee on Transportation and Infrastructure.

3170. A letter from the Secretary of Transportation, transmitting the Department's report entitled "Report To Congress: Products Used For Airport Pavement Maintenance And Rehabilitation," pursuant to the Federal Aviation Administration Authorization Act of 1994; to the Committee on Transportation and Infrastructure.

3171. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Veterans and Dependents Education: Miscellaneous (RIN 2900-AH60) received May 22, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

3172. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Determination of Interest Rate (Revenue Ruling 96-28) received May 22, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3173. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Definitions Relating to Corporate Reorganizations (Revenue Ruling 96-29) received May 22, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3174. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Distribution of Stock and Securities of a Controlled Corporation (Revenue Ruling 96-30) received May 22, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3175. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on allocation of funds the executive branch intends to make available from funding levels established in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1996; jointly, to the Committees on Appropriations and International Relations.

3176. A letter from the Secretary of Health and Human Services, transmitting the Secretary's evaluation of the Medicare select demonstration, that is, a Medicare supplemental insurance product limited to 15 States for 3 years, effective January 1, 1992, pursuant to section 4358(d) of the Omnibus Budget Reconciliation Act of 1990; jointly, to the Committees on Commerce and Ways and Means.

3177. A letter from the Chair of the Board, Office of Compliance, transmitting notice of proposed rulemaking for publication in the CONGRESSIONAL RECORD, pursuant to Public Law 104-1, section 304(b)(1) (109 Stat. 29); jointly, to the Committees on House Oversight and Economic and Educational Opportunities.

3178. A letter from the Secretary of Health and Human Services, transmitting the Department's report entitled "Report to Congress: Changes in Physician Participation, Assignment, and Extra Billing in the Medicare Program During 1994—ACTION," pursuant to section 1848(g)(6) of the Social Security Act; jointly, to the Committees on Ways and Means and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mrs. VUCANOVICH: Committee on Appropriations. H.R. 3517. A bill making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for fiscal year ending September 30, 1997, and for other purposes (Rept. 104-591). Referred to the Committee on the Whole House on the State of the Union.

Mr. GOODLING: Committee on Economic and Educational Opportunities. H.R. 2531. A bill to amend the Fair Labor Standards Act of 1938 to clarify the exemption for houseparents from the minimum wage and maximum hour requirements of that Act, and for other purposes; with an amendment (Rept. 104-592). Referred to the Committee of the Whole House on the State of the Union.

Mr. WALKER. Committee on Science. H.R. 3060. A bill to implement the Protocol and Environmental Protection to the Antarctic Treaty (Rept. 104-593, Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. LIVINGSTON: Committee on Appropriations. Report on the Subdivision of Budget Totals for Fiscal Year 1997 (Rept. 104-594). Referred to the Committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 5 of rule X the Committees on International Relations and Resources discharged from further consideration. H.R. 3060 referred to the Committee of the Whole House on the state of the Union.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 3060. Referral to the Committees on International Relations and Resources extended for a period ending not later than May 23, 1996.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BILBRAY:

H.R. 3518. A bill to amend the Clean Air Act to permit the exclusive application of State regulations regarding reformulated gas in certain areas; to the Committee on Commerce.

By Mr. BARTON of Texas:

H.R. 3519. A bill to amend the Clean Air Act; to the Committee on Commerce.

By Mr. GEPHARDT (for himself, Mr. BONIOR, Mr. BENTSEN, Mr. GEJDENSON, Mr. POMEROY, Mr. SAWYER, Mr. FAZIO of California, Mrs. KENNELLY, Mr. DINGELL, Mr. GIBBONS, Mr. CLAY, Mr. LAFALCE, Mr. OBERSTAR, Mr. DURBIN, Mr. JOHNSON of South Dakota, Mr. KENNEDY of Massachusetts, Mr. STARK, Mr. MATSUI, Mr. COYNE, Mr. LEVIN, Mr. MCDERMOTT, Mr. KLECZKA, Mr. LEWIS of Georgia, Mr. NEAL of Massachusetts, Mr. MILLER of California, Mr. WILLIAMS, Mr. ANDREWS, Mr. GREEN of Texas, Ms. WOOLSEY, Mr. FATTAH, Ms. DELAURO, Mr. MURTHA, Mr. OBEY, Mr. FROST, Mr. BROWN of California, Mr. YATES, Mr. GONZALEZ, Mr. STUDDS, Mr. MARKEY, Mr. RAHALL, Mr. VENTO, Mr. EVANS, Ms. KAPTUR, Mr. SPRATT, Mr. TORRES, Mr. TOWNS, Mr. WISE, Mr. KANJORSKI, Mr. THORNTON, Mr. COSTELLO, Ms. SLAUGHTER, Mrs. LOWEY, Mr. SERRANO, Mr. OLVER, Mr. FILNER, Mr. GUTIERREZ, Ms. HARMAN, Mr. HASTINGS of Florida, Mr. HOLDEN, Mrs. MEEK of Florida, Mr. SCOTT, Mr. STUPAK, Mrs. THURMAN, Ms. VELAZQUEZ, Mr. WYNN, Mr. BALDACCI, Ms. LOFGREN, Mr. FALEOMAVAEGA, and Mr. SANDERS):

H.R. 3520. A bill to provide for retirement savings and security; to the Committee on Ways and Means, and in addition to the Committees on Economic and Educational Opportunities, Government Reform and Oversight, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. BROWN of Florida:

H.R. 3521. A bill to amend title 10, United States Code, to repeal the requirement that amounts paid to a member of the Armed Forces under the Special Separation Benefits Program of the Department of Defense, or under the Voluntary Separation Incentive Program of that Department, be offset from amounts subsequently paid to that member by the Department of Veterans Affairs as disability compensation; to the Committee on National Security.

By Mrs. COLLINS:

H.R. 3522. A bill to amend title 23, United States Code, to ensure consideration of and planning for reuse or disposal of construction and demolition debris resulting from highway projects, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. GALLEGLY:

H.R. 3523. A bill to require the relocation of a National Weather Service radar tower which is on Sulphur Mountain near Ojai, CA; to the Committee on Science.

By Mr. GILMAN:

H.R. 3524. A bill to amend title 32, United States Code, to authorize the National Guard of a State, as part of a drug interdiction and counter-drug activities plan, to assist the Immigration and Naturalization Service in the transportation of aliens who have violated a Federal or State law prohibiting or regulating the possession, use, or distribution of a controlled substance; to the Committee on National Security.

By Mr. HYDE (for himself and Mr. CONYERS):

H.R. 3525. A bill to amend title 18, United States Code, to clarify the Federal jurisdiction over offenses relating to damage to religious property; to the Committee on the Judiciary.

By Mr. JOHNSON of South Dakota:

H.R. 3526. A bill to amend title 18, United States Code, with respect to transmission of wagering information; to the Committee on the Judiciary.

By Mr. KIM (for himself, Mr. BILBRAY, Mr. CUNNINGHAM, Mr. BONILLA, Mr. HORN, Mrs. SEASTRAND, Mr. BONO, Mr. DREIER, Mr. CALVERT, Mr. MCKEON, Mr. DOOLITTLE, and Mr. MOORHEAD):

H.R. 3527. A bill to provide financial assistance to Mexican border States for transportation projects that are necessary to accommodate increased traffic resulting from the implementation of the North American Free-Trade Agreement; to the Committee on Transportation and Infrastructure.

By Ms. LOFGREN:

H.R. 3528. A bill to require any department, agency, or instrumentally that contracts with the Federal Government to offer a health plan and pension plan; to the Committee on Government Reform and Oversight.

H.R. 3529. A bill to amend the Internal Revenue Code of 1986 to allow an individual who is entitled to receive child support a refundable credit equal to the amount of unpaid child support and to increase the tax liability of the individual required to pay such support by the amount of the unpaid child support; to the Committee on Ways and Means.

H.R. 3530. A bill to amend the Internal Revenue Code of 1986 to provide a deduction for legal expenses of individuals who bring sexual harassment suits against their employers; to the Committee on Ways and Means.

By Mr. MOORHEAD:

H.R. 3531. A bill to amend title 15, United States Code, to promote investment and prevent intellectual property piracy with respect to databases; to the Committee on the Judiciary.

By Mr. MORAN (for himself, Mr. HOYER, Mr. WYNN, Mr. HOLDEN, and Ms. NORTON) (all by request):

H.R. 3532. A bill to provide a temporary authority for the use of voluntary separation incentives by Federal agencies that are reducing employment levels, and for other purposes; to the Committee on Government Reform and Oversight.

By Mr. NADLER:

H.R. 3533. A bill to amend the Bank Protection Act of 1968 to require enhanced security measures sufficient to provide surveillance pictures which can be used effectively as evidence in criminal prosecutions, to amend title 28, United States Code, to require the Federal Bureau of Investigation to make technical recommendations with regard to such security measures, and for other purposes; to the Committee on Banking and Financial Services, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RADANOVICH (for himself, Mr. COOLEY, Mr. HERGER, Mr. CALVERT, Mrs. SEASTRAND, Mr. FARR, Mr. DOOLEY, and Mr. CONDIT):

H.R. 3534. A bill to authorize the Secretary of the Interior to renew certain permits in the Mineral King Addition of the Sequoia National Park and to protect historic and cultural resources in that National Park, and for other purposes; to the Committee on Resources.

By Mr. WYNN:

H.R. 3535. A bill to redesignate a Federal building in Suitland, MD, as the "W. Edwards Deming Federal Building"; to the Committee on Transportation and Infrastructure.

By Mr. BARRETT of Nebraska (for himself, Mr. EMERSON, and Mr. LUCAS):

H. Con. Res. 181. Concurrent resolution expressing the sense of Congress that the Secretary of Agriculture should dispose of all remaining commodities in the disaster reserve maintained under the Agricultural Act of 1970 to relieve the distress of livestock producers whose ability to maintain livestock is adversely affected by the prolonged drought conditions existing in certain areas of the United States; to the Committee on Agriculture.

By Mr. KLINK (for himself, Mr. BATEMAN, Mr. BILIRAKIS, Mr. BLUTE, Mr. COYNE, Mr. DORNAN, Mr. DOYLE, Mr. ENGEL, Mr. FUNDERBURK, Mr. GREEN of Texas, Mr. HORN, Mrs. MALONEY, Mr. MATSUI, Mr. MEEHAN, Mr. MENENDEZ, and Mr. PALLONE):

H. Res. 441. Resolution calling upon, and requesting that the President call upon, all Americans to recognize and appreciate the historical significance and the heroic human endeavor and sacrifice of the people of Crete during World War II, and commending the PanCretan Association of America; to the Committee on International Relations.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

219. The SPEAKER presented a memorial of the Senate of the State of Tennessee, relative to Federal funding for the Center for Applied Science and Technology for Law Enforcement [CASTLE]; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 294: Mr. HOLDEN.

H.R. 295: Ms. KAPTUR.

H.R. 559: Mr. COYNE.

H.R. 580: Mr. STUPAK.

H.R. 820: Mr. BATEMAN, Mr. YATES, Mr. SCOTT, Mr. DEUTSCH, and Mr. LIPINSKI.

H.R. 878: Mrs. CLAYTON, Mr. TAYLOR of North Carolina, Mr. LAHOOD, Mr. CHRISTENSEN, Mr. SCHIFF, Mr. POSHARD, and Mr. COSTELLO.

H.R. 940: Mr. SKAGGS.

H.R. 973: Mr. MCDERMOTT.

H.R. 997: Mr. VENTO.

H.R. 1042: Mr. NORWOOD.

H.R. 1352: Mr. METCALF, Mr. NETHERCUTT, and Mr. BRYANT of Tennessee.

H.R. 1386: Mr. COMBEST.

H.R. 1500: Mr. WATT of North Carolina.

H.R. 1711: Mr. DEAL of Georgia, Mrs. VUCANOVICH, and Mr. HORN.

H.R. 1805: Mr. LAHOOD, Mr. CHRISTENSEN, and Mr. SMITH of New Jersey.

H.R. 1882: Mrs. MALONEY.

H.R. 1916: Ms. GREENE of Utah.

H.R. 1951: Mr. DEAL of Georgia.

H.R. 2009: Mr. MOAKLEY, Mr. MEEHAN, and Mr. MARKEY.

H.R. 2026: Mr. ORTON, Mr. GUTIERREZ, Ms. WATERS, Mr. MATSUI, Mr. ROEMER, Mr.

FATTAH, Ms. JACKSON-LEE, Mr. OWENS, Ms. KAPTUR, Mr. WILLIAMS, Mr. FORD, Mr. CLEMENT, Ms. MCCARTHY, Mr. PETERSON of Florida, Mr. DOOLEY, Mrs. CLAYTON, Mr. HEFNER, Mr. KLECZKA, Mr. ABERCROMBIE, Mr. MARKEY, Mr. SKAGGS, Ms. LOFGREN, Mr. GRAHAM, Mr. HOUGHTON, Mr. SENSENBRENNER, Mr. HAYWORTH, Mr. KLUG, Mr. HALL of Texas, Mr. DICKEY, and Mr. HOSTETTLER.

H.R. 2214: Mr. ACKERMAN.

H.R. 2230: Mr. CUNNINGHAM, Mr. MCHUGH, Mr. WHITFIELD, Mr. DOOLITTLE, Mr. STUMP, and Mr. TAUZIN.

H.R. 2247: Mr. BLUTE, Mr. BUNN of Oregon, Mr. MCCOLLUM, Mr. MORAN, and Mr. SMITH of New Jersey.

H.R. 2270: Mr. PETE GEREN of Texas and Mr. HORN.

H.R. 2271: Mr. SCHUMER.

H.R. 2320: Mr. HORN, Mr. KING, and Mr. STUPAK.

H.R. 2421: Mr. GILMAN, Mr. KENNEDY of Massachusetts, and Mrs. MALONEY.

H.R. 2472: Ms. HARMAN, Mr. KENNEDY of Massachusetts, and Mr. BALDACCI.

H.R. 2508: Mr. DEAL of Georgia and Mr. PALLONE.

H.R. 2513: Mr. WELLER.

H.R. 2665: Mr. BALDACCI.

H.R. 2697: Mr. OBERSTAR, Mr. MILLER of California, Ms. RIVERS, Mr. PAYNE of Virginia, Mr. HASTINGS of Washington, Mr. LEACH, and Mr. GOODLING.

H.R. 2701: Mr. WAMP.

H.R. 2749: Mr. NORWOOD and Mr. SHUSTER.

H.R. 2776: Mr. PICKETT.

H.R. 2827: Mr. BROWN of Ohio.

H.R. 2911: Mr. MANZULLO.

H.R. 2986: Mr. FRANK of Massachusetts.

H.R. 3002: Mr. FRANK of Massachusetts and Mr. BACHUS.

H.R. 3052: Mr. COYNE, Mr. ACKERMAN, and Mr. PALLONE.

H.R. 3083: Mr. TAUZIN.

H.R. 3118: Ms. KAPTUR, Mr. FAZIO of California, and Mr. RAHALL.

H.R. 3142: Mr. STUPAK and Mr. MASCARA.

H.R. 3182: Mr. HASTERT and Mr. LATOURETTE.

H.R. 3187: Mr. SANDERS, Mr. ROSE, Mr. SPRATT, Mr. FRAZER, Mr. FROST, and Mr. HINCHEY.

H.R. 3226: Mr. JACOBS, Mr. NOORWOOD, Mr. BURTON of Indiana, Mr. FROST, Ms. WOOLSEY, Mr. GREEN of Texas, Mr. EVANS, Mr. HOYER, Mrs. SCHROEDER, Ms. MCKINNEY, Mrs. MINK of Hawaii, Mr. TORRES, and Mr. LEWIS of Georgia.

H.R. 3294: Mr. CLEMENT.

H.R. 3337: Mr. KLECZKA.

H.R. 3346: Mr. LEWIS of Georgia and Mr. GOSS.

H.R. 3386: Mr. DUNCAN and Mr. MANTON.

H.R. 3391: Mr. GRAHAM and Mr. TAUZIN.

H.R. 3392: Mr. VENTO, Ms. SLAUGHTER, and Ms. NORTON.

H.R. 3447: Mr. HAYWORTH, Mr. FUNDERBURK, Mr. MCINTOSH, Mr. NEUMANN, Mr. METCALF, Mr. WELDON of Florida, and Mr. HORN.

H.R. 3452: Mrs. FOWLER and Mr. BLILEY.

H.R. 3458: Mr. WELLER and Mr. DEAL of Georgia.

H.R. 3466: Mr. KENNEDY of Massachusetts, Mr. LEWIS of Georgia, and Mr. WATT of North Carolina.

H.R. 3468: Mr. SCHAEFER, Mr. INGLIS of South Carolina, and Mr. BRYANT of Tennessee.

H.R. 3480: Mr. HAYES, Mr. BARRETT of Nebraska, and Mr. BEREUTER.

H.R. 3493: Mr. WELLER.

H.R. 3495: Mr. WELLER.

H.R. 3506: Mr. DEAL of Georgia and Mr. SCHAEFER.

H. Con. Res 47: Mr. TAYLOR of North Carolina and Mr. LAZIO of New York.

H. Con. Res. 155: Mr. DELLUMS.

H. Res. 263: Mr. SKEEN, Ms. LOFGREN, Ms. MCCARTHY, and Mr. LUTHER.

H. Res. 399: Mr. WATT of North Carolina and Mr. LAFALCE.

H. Res. 432: Ms. WOOLSEY, Mr. BARRETT of Wisconsin, Mr. MORAN, Mr. BALDACCI, Mr. MINGE, and Mr. MASCARA.

H. Res. 439: Mr. PORTMAN, Mr. HORN, Mr. KLUG, and Mr. SANDERS.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2740: Mr. DUNCAN.

H.R. 3024: Ms. McKinney.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 12 by Mrs. SMITH of Washington on House Resolution 373: Jack Quinn and Michael P. Forbes.

SENATE—*Thursday, May 23, 1996*

The Senate met at 12 noon, and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, Dr. Mark Dever of the Capitol Hill Baptist Church, Washington, DC.

We are pleased to have you with us.

PRAYER

The guest Chaplain, Dr. Mark Dever, Capitol Hill Baptist Church, Washington, DC, offered the following prayer:

Let us pray: Lord God, as we begin the official business of the day in this place, we praise You for Your sustaining presence. We remember facing situations that we were certain we could not face, or having to face them, could not survive. Yet, by Your providence, we did. And so we begin this new day by praising You for Your sustaining presence, even in apparently hopeless situations.

We praise You, too, for Your sovereign reminder of Yourself, even through pain and disaster. We confess, Lord, that for all of our words about problems in our society we are too often quietly and wrongly proud of the prosperity of this Nation, feeling that we ourselves are sufficient explanations for all the good we see and know. So, Lord God, we praise You and thank You that You use the bounds of our abilities and troubles to remind us of the limits of our power. Do not leave us, Lord, in false beliefs about ourselves, and our roles here, or about You, and Your rightful claims on us.

When we are frustrated by injustices we cannot address, remind us, Lord, of the brevity of this life. And remind us of Your coming judgment: of its reality, its certainty, its inevitability, its finality.

When we are tempted to be selfish or indifferent to our work, remind us of the responsibility You have entrusted to us: to listen, to learn, to reflect, to pray, to legislate, to obey.

When we are tempted to pride in what we have done—when we see a bill passed, a program begun or ended, an initiative completed—and we feel something of the power of our office, remind us of our complete and utter dependence on You.

For Your glory, O Lord, restore this land. We know that we are not here finally to fulfill our own desires, or even the desires of our constituents. We know that we are put here to serve You. So, we pray that You would use us—use the business done in this place today, use our Government, use our Nation to display Your character, Your glory throughout all Your creation. We ask through Jesus Christ, our Lord. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, Senator LOTT of Mississippi, is recognized.

Mr. LOTT. Thank you very much, Mr. President.

SCHEDULE

Mr. LOTT. Mr. President, the Senate will immediately resume consideration of Senate Concurrent Resolution 57, the concurrent budget resolution, and will begin a series of consecutive rollcall votes on or in relation to the pending amendments.

Under agreement reached last night, the first series of votes will continue until 1 p.m. today. There will be no votes, as agreed to, between the hours of 1 and 2. However, the Senate will proceed with another series of legislative votes beginning at 2 o'clock today.

Senators are asked to remain in or around the Senate Chamber throughout these voting sequences in order to facilitate the disposition of amendments as quickly as possible. The first vote in both series will be 15 minutes in length, but all remaining votes will be limited to 10 minutes each. The Senate will complete action on the budget resolution during today's session—hopefully, by late afternoon.

I think we have already considered some 34 amendments. We still have, I guess, 10 or 12 votes that are likely and probably about 4 hours would be required to complete that.

So, if the Members would stay close to the floor and we work hard, I know the managers would appreciate it, and we can get this work done before late this afternoon.

Mr. President, I yield the floor.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER (Mr. SHELBY). The Senator from Nebraska.

Mr. EXON. While the acting majority leader is here, I would like to clarify a point or two, if I might.

First, I think most of us agree that there has been no one who is more cooperative in moving this thing forward than the ranking member of the Budget Committee.

When I left the floor last night before we adjourned, there had been a firm announcement that—I thought it was a firm announcement—that we would come in at 10 o'clock this morning, which fit in very well with this Senator's schedule, and I think the schedule of the Senate as a whole. I did not know until after the Senate had adjourned, nor was I contacted, about moving the time from 10 o'clock, as stated by the chairman of the committee to the whole Senate half an hour before that.

I would simply say that I wish we would follow the customary procedure. I think it is normal to check with the ranking member before you change times after it has been agreed to.

Following up on that, I must say that I understood that we could not work Tuesday night and we could not work Wednesday night, as we had planned to do, because of functions. Now we have lost, I think, 2 hours this morning that we could have used constructively.

I would simply say that at 4 o'clock this afternoon, for the information of the whole Senate, there will be a memorial service for the late, great Cece Zorinsky, the wife of the late great Senator from Nebraska, Senator Edward Zorinsky, in Senate Dirksen G–50, generally called the Senate auditorium. This Senator will make that affair whether I have to miss votes and abandon my responsibilities here.

But I would just inquire at this time, following that memorial service, we have some time between 5 and 6, I believe—and I want to attend that—the salute to Senator DOLE, which I think has been arranged by the acting majority leader and the minority leader, TOM DASCHLE. I would just like to inquire. I see the chairman of committee is here, also. We have an awful lot of interruptions, and I do not want to add to them. The only interruption I am suggesting is that one that I intend to carry out that I committed to a long, long time ago.

Mr. LOTT. Mr. President, if I could just respond briefly, the Senator has enumerated some of the problems we have been trying to deal with, and we will try to accommodate as many Senators as we can. We have very, very legitimate things to do. We had the memorial, as you know, for Admiral Boorda. We wanted to do that, and we certainly appreciate the Senator's feeling about Cece Zorinsky. That is what has been involved. We are just trying to accommodate everybody's schedule. I am finding out more and more. It gets pretty complicated.

Your point is well taken. We will continue to try to work with everybody, particularly the managers of the bill. We had some complications, and we did check with the leader. I realize it was late last night, but, again, we are just trying to help everybody.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Mr. EXON. You checked with the leader?

Mr. LOTT. Yes, sir. I believe we did.

Mr. EXON. I would simply say for the public that you checked with the Democratic leader.

Mr. LOTT. Yes.

Mr. EXON. The Democrat leader would have properly talked to me. He did not. I will talk to him about that.

Mr. LOTT. In his defense, we did it at the last minute, and maybe there just was not enough time or he could not find out. I do not know. But, again, we are just trying to accommodate everybody.

You and the chairman have done a great job trying to move this. It has been slow, but there have been a lot of interruptions that we just could not avoid. We want to keep the heat on today so that we can get through, hopefully, by 4 o'clock. If we could get started voting here right quick, maybe we could make it by 4 o'clock or 4:15 p.m. I would like to help you do that.

Mr. EXON. Let us seek the miracle.

Mr. DORGAN. Mr. President, if the Senator will yield just for the briefest of questions, I do not want to delay things, I say to Senator DOMENICI, but could the Senator indicate to us, if we finish these blocks of votes on this issue, what is anticipated on the Senate schedule beyond this issue?

Mr. LOTT. Beyond the budget resolution?

Mr. DORGAN. Yes.

Mr. LOTT. We are working on that. We will be communicating with the Democratic leadership. Senator DOLE will be here later this afternoon. We are looking at several items that could be done. We hope we can get those worked out and do them in a way so that they would not involve votes this afternoon. But the leader will be back. He will be here shortly, and he will comment on that.

I yield the floor, Mr. President.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, leader time is reserved.

CONCURRENT RESOLUTION ON THE BUDGET

The PRESIDING OFFICER. The Senate will now resume consideration of Senate Concurrent Resolution 57, which the clerk will report.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 57) setting forth the congressional budget for the U.S. Government for fiscal years 1997, 1998, 1999, 2000, 2001, and 2002.

The Senate resumed consideration of the concurrent resolution.

Pending:

Harkin (for Specter) amendment No. 4012, to restore funding for education, training, and health programs to a Congressional Budget Office freeze level for fiscal year 1997 through an across the board reduction in Federal administrative costs.

Bumpers amendment No. 4014, to eliminate the defense firewalls.

Thompson amendment No. 3981, to express the sense of the Senate on the funding levels for the Presidential Election Campaign Fund.

Murkowski amendment No. 4015, to prohibit sense of the Senate amendments from being offered to the budget resolution.

Simpson (for Kerrey) amendment No. 4016, to express the sense of the Senate on long term entitlement reforms.

Chafee/Breaux amendment No. 4018, in the nature of a substitute.

Feingold amendment No. 3969, to eliminate the tax cut.

Domenici (for McCain) amendment No. 4022, to express the sense of the Senate regarding Spectrum auctions and their effect on the integrity of the budget process.

Domenici (for Faircloth) amendment No. 4023, to express the sense of the Senate that any comprehensive legislation sent to the President that balances the budget by a certain date and that includes welfare reform provisions shall also contain to the maximum extent possible a strategy for reducing the rate of out-of-wedlock births and encouraging family formation.

Exon (for Roth) amendment No. 4025, to express the sense of the Senate regarding the funding of Amtrak.

Domenici amendment No. 4027 (to amendment No. 4012), to adjust the fiscal year 1997 non-defense discretionary allocation to the Appropriation Committee by $5 billion in budget authority and $4 billion in outlays to sustain 1996 post-OCRA policy.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I do want to say to my friend, Senator EXON, and other Senators who might have heard my comments yesterday about when we would meet today, it was not in the form of a unanimous-consent request, but I did intend and say to the Senator that we would start at 10. Actually, by the time the unanimous consent was proposed by our acting majority leader, forces beyond the Senator from New Mexico and Senator EXON went to work on it and it came out 12 o'clock, so I am very sorry about that. I had nothing to do with it, and I could not have prevented it, and I am not complaining. It is just that is the way it worked out.

Mr. President, I understand, and I think Senator EXON agrees, that the next amendment we are going to take up would be the Bumpers amendment. That is 4014 which would abolish the firewalls.

Mr. EXON. I say to my friend, we will get Senator BUMPERS here. It was our understanding—and maybe once again we missed communications—that the Senator from New Mexico was going to have an amendment.

Mr. DOMENICI. We are going to set aside for a while Specter-Harkin and my second-degree amendment, with the Senator's concurrence.

Mr. EXON. Yes. We are setting aside the amendment that we originally had informally intended to bring up. Is that right?

Mr. DOMENICI. I assume so. I am not sure we had, but nonetheless we can go to anyone that is ready. If Senator BUMPERS can get here——

Mr. EXON. In view of the fact that the schedule has been changed without anybody's false intention, I suggest the absence of a quorum.

Mr. DOMENICI. I agree.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4012, AS MODIFIED

Mr. DOMENICI. Mr. President, I ask unanimous consent that I be permitted to modify my second-degree amendment in the form of technical changes to be considered when the Senate considers amendment 4012.

Mr. EXON. We have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. I send the modification to the desk.

The PRESIDING OFFICER. The amendment is so modified.

Mr. DOMENICI. I thank the Chair.

The amendment (No. 4012), as modified, is as follows:

On page 25, line 17, increase the amount by $1,700,000,000.

On page 25, line 18, increase the amount by $800,000,000.

On page 27, line 16, increase the amount by $300,000,000.

On page 27, line 17, increase the amount by $600,000,000.

On page 42, line 2, decrease the amount by $3,500,000,000.

On page 42, line 3, decrease the amount by $100,000,000.

On page 52, line 14, increase the amount by $5,000,000,000.

On page 52, line 15, increase the amount by $1,400,000,000.

Notwithstanding any other provision of this resolution, on page 52, line 15, the amount is deemed to be $270,923,000,000. On page 4, line 8, the amount is deemed to be $1,323,100,000,000.

On page 4, line 9, the amount is deemed to be $1,361,600,000,000.

On page 4, line 10, the amount is deemed to be $1,392,400,000,000.

On page 4, line 11, the amount is deemed to be $1,433,600,000,000.

On page 4, line 12, the amount is deemed to be $1,454,000,000,000.

On page 4, line 17, the amount is deemed to be $1,318,600,000,000.

On page 4, line 18, the amount is deemed to be $1,353,500,000,000.

On page 4, line 19, the amount is deemed to be $1,382,400,000,000.

On page 4, line 20, the amount is deemed to be $1,415,600,000.

On page 4, line 21, the amount is deemed to be $1,433,100,000,000.

On page 5, line 1, the amount is deemed to be $232,400,000,000.

On page 5, line 2, the amount is deemed to be $223,600,000,000.

On page 5, line 3, the amount is deemed to be $206,300,000,000.

On page 5, line 4, the amount is deemed to be $185,700,000,000.

On page 5, line 5, the amount is deemed to be $143,500,000,000.

On page 5, line 9, the amount is deemed to be $5,449,000,000,000.

On page 5, line 10, the amount is deemed to be $5,722,700,000,000.

On page 5, line 11, the amount is deemed to be $5,975,100,000,000.

On page 5, line 12, the amount is deemed to be $6,207,700,000,000.

On page 5, line 13, the amount is deemed to be $6,398,600,000,000.

On page 5, line 14, the amount is deemed to be $6,550,500,000,000.

On page 6, line 13, the amount is deemed to be $290,000,000,000.

On page 6, line 14, the amount is deemed to be $277,400,000,000.

On page 6, line 15, the amount is deemed to be $256,000,000,000.

On page 6, line 16, the amount is deemed to be $236,100,000,000.

On page 6, line 17, the amount is deemed to be $193,3400,000,000.

On p;age 6, line 18, the amount is deemed to be $155,400,000,000.

On page 9, line 22, the amount is deemed to be $14,900,000,000.

On page 11, line 22, the amount is deemed to be $16,700,000,000.

On page 11, line 23, the amount is deemed to be $16,800,000,000.

On page 13, line 17, the amount is deemed to be $3,700,000,000.

On page 13, line 18, the amount is deemed to be $3,100,000,000.

On page 15, line 17, the amount is deemed to be $21,500,000.

On page 17, line 16, the amount is deemed to be $12,800,000,000.

On page 17, line 17, the amount is deemed to be $11,000,000,000.

On page 19, line 16, the amount is deemed to be $8,100,000,000.

On page 19, line 17, the amount is deemed to be $2,400,000,000.

On page 21, line 16, the amount is deemed to be $42,600,000,000.

On page 21, line 17, the amount is deemed to be $39,300,000,000.

On page 23, line 15, the amount is deemed to be $9,900,000,000.

On page 23, line 16, the amount is deemed to be $10,800,000,000.

On page 29, line 10, the amount is deemed to be $193,200,000,000.

On page 29, line 11, the amount is deemed to be $191,500,000,000.

On page 31, line 3, the amount is deemed to be $232,400,000,000.

On page 31, line 4, the amount is deemed to be $240,300,000,000.

On page 38, line 8, the amount is deemed to be $13,700,000,000.

On page 39, line 25, the amount is deemed to be $282,800,000,000.

On page 40, line 1, the amount is deemed to be $282,800,000,000.

On page 40, line 7, the amount is deemed to be $289,400,000,000.

On page 40, line 8, the amount is deemed to be $289,400,000,000.

On page 40, line 14, the amount is deemed to be $293,200,000,000.

On page 40, line 15, the amount is deemed to be $293,200,000,000.

On page 40, line 21, the amount is deemed to be $294,700,000,000.

On page 40, line 22, the amount is deemed to be $294,700,000,000.

On page 41, line 3, the amount is deemed to be $298,900,000,000.

On page 41, line 4, the amount is deemed to be $298,900,000,000.

On page 41, line 10, the amount is deemed to be $303,400,000,000.

On page 41, line 11, the amount is deemed to be $303,400,000,000.

On page 41, line 17, the amount is deemed to be $348,234,000,000.

On page 41, line 18, the amount is deemed to be $351,240,000,000.

On page 41, line 19, the amount is deemed to be $348,465,000,000.

On page 41, line 20, the amount is deemed to be $349,951,000,000.

On page 41, line 21, the amount is deemed to be $351,311,000,000.

On page 41, line 22, the amount is deemed to be $352,765,000,000.

On page 42, line 8, the amount is deemed to be $200,000,000.

On page 42, line 9, the amount is deemed to be $100,000,000.

On page 42, line 15, the amount is deemed to be $400,000,000.

On page 42, line 16, the amount is deemed to be $300,000,000.

On page 42, line 22, the amount is deemed to be $800,000,000.

On page 42, line 23, the amount is deemed to be $800,000,000.

On page 43, line 5, the amount is deemed to be $1,200,000,000.

On page 43, line 6, the amount is deemed to be $1,100,000,000.

On page 43, line 12, the amount is deemed to be $3,700,000,000.

On page 43, line 13, the amount is deemed to be $3,700,000,000.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Senate immediately upon the arrival of Senator THOMPSON proceed to the Thompson amendment No. 3981.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. EXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Nebraska is recognized.

Mr. EXON. Mr. President, the Senator from Nebraska will not interrupt anyone offering an amendment, but I ask I may be allowed to continue for about 3 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE INTERNET

Mr. EXON. Mr. President, I was just reading parts of my mail that came in. I wanted to call the attention of the Senate to a very interesting letter I just received from Charlie Brogan, president of the Nebraska Broadcasters Association, from Lexington, NE. He writes and says:

> I thought about you this week when my daughter brought home the enclosed set of rules about Internet use. She's a second grader in Sandoz School in Lexington. Her teacher, Dianne Yeutter, spent a considerable amount of time with the children on the proper use of the Internet.
>
> Maybe all segments of the nation don't appreciate the seriousness of the Internet pornography problem, but people like you and I with children and grandchildren certainly understand it very well.

I thought his daughter's note was very interesting. It is brief.

> Internet is fun and helpful when you need to research information for reports. However, we are concerned about certain things. Don't use the Internet unless you know what you're doing and where you're going. We not only have to ask Mrs. Yeutter permission to use the Internet but she always asks where we're going. She is in the room when we use the Internet. One or two clicks of the mouse can be powerful. They can take you to places where you shouldn't go. For example, you can get into big trouble by buying stuff you don't want. You can click into things that are inappropriate for kids and adults. Sometimes the words we read are hard to pronounce and understand.

I thank that second-grader. I thought the U.S. Senate might like to hear how one second-grader feels about what we have done thus far.

Mr. President, I ask unanimous consent these letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NEBRASKA BROADCASTERS ASSOCIATION,
Omaha, NE, May 18, 1996.

Hon. J.J. EXON,
Hart Office Building,
Washington, DC.

DEAR SENATOR EXON: Thank you for attending our luncheon for Chris McLean last week in Omaha. Your presence and remarks were the right touch to make it a really nice event for Chris. We have appreciated having him on the job.

I thought about you this week when my daughter brought home the enclosed set of rules about Internet use. She's a second grader at Sandoz School in Lexington. Her teacher, Dianne Yeutter, spent a considerable amount of time with the children on the proper use of the Internet.

Maybe all segments of the nation don't appreciate the seriousness of the Internet pornography problem, but people like you and I with children and grandchildren certainly understand it very well. Thank for all your time and effort working on the problem.

Sincerely,

CHARLIE BROGAN,
President, N-B-A.

Internet is fun and helpful when we need to research information for reports. However, we are concerned about certain things. Don't use the Internet unless you know what you're doing and where you're going. We not only have to ask Mrs. Yeutter permission to use the Internet but she always asks where we're going. She is in the room when we use Internet. One or two clicks of the mouse can be powerful. They can take you places where you shouldn't go. For example, you can get into big trouble by buying stuff you don't want. You can click into things that are inappropriate for kids and adults. Sometimes the words we read are hard to pronounce and understand.

Mr. EXON. Mr. President, I suggest the absence of a quorum.

CONCURRENT RESOLUTION ON THE BUDGET

The Senate continued with the consideration of the concurrent resolution.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. We do not need the quorum call because Senator THOMPSON is ready.

Mr. THOMPSON addressed the Chair.

Mr. EXON. I withhold my request.

The PRESIDING OFFICER. The Senator withholds his request for a quorum call.

The Senator from Tennessee is seeking recognition?

AMENDMENT NO. 3981

Mr. THOMPSON. Mr. President, I call up amendment 3981.

The PRESIDING OFFICER. The amendment is now before the Senate.

(The text of the amendment No. 3981 was printed in the RECORD of May 20, 1996.)

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. THOMPSON. Mr. President, this amendment reserves the Presidential election campaign fund checkoff system as it is today. The budget resolution instructions direct the Finance Committee to terminate the current checkoff system which funds the Presidential campaign fund. In its place, the Finance Committee is directed to allow taxpayers to make a voluntary contribution to the fund out of their tax refund, should they have one.

This provision in the budget resolution will effectively terminate this post-Watergate reform. It is a system that has worked better than any of the rest of our campaign finance system, which is of great concern to many people. I do not think it is wise to single out the system and the part of it that is working the best and do away with it.

It has been scandal free. It has made for a more level playing field. Three out of the last four challengers to incumbent Presidents have won.

The next question is, what do we replace it with if, in fact, this is the demise of the current system? Do we go back to pre-Watergate?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. THOMPSON. I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator from Kentucky has 30 seconds.

Mr. MCCONNELL. I will take the same 30 seconds Senator THOMPSON had.

Mr. DOMENICI. I yield time in opposition, and we will be generous with the 30 seconds.

The PRESIDING OFFICER. A long 30 seconds.

Mr. MCCONNELL. Mr. President, this is a vote about whether you want to take roughly $300 million over a 4-year period out of financing political conventions and political campaigns for President of the United States and apply it to the deficit. The beauty of this proposal of the Budget Committee is that it does not end the Presidential checkoff at all. I personally would like to end it. I think it is a terrible idea to have taxpayer funding of elections. But the proposal of the Budget Committee does not do that. All it says is, when you check off on your tax return every April 15, you really pay for it. It is only $3, and I am confident that those who believe that taxpayer funding of political campaigns is a good idea will be more than happy to contribute $3 to this fund.

Under the current system the participation in the checkoff has gone from 29 percent down to 13 percent, and that is when it does not even cost the person checking off any money. This is just truth in advertising. If you check off, you pay for it.

I close by saying it saves $300 million, adds that to deficit reduction, and allows people to really pay for the voluntary checkoff.

I hope the Thompson amendment will be defeated.

Mr. DOMENICI. Does the Senator want the yeas and nays on this? Senator THOMPSON will accept a voice vote.

Mr. THOMPSON. I will accept a voice vote.

Mr. MCCONNELL. Yes.

Mr. THOMPSON. With the provision I could ask for a rollcall vote subsequently.

Mr. DOMENICI. I think you have the right to a rollcall vote in any event after a voice vote.

The PRESIDING OFFICER. That will be before the Chair announces the result.

Mr. DOMENICI. If he does it before the Chair announces the result.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

All in favor say aye. All those opposed, no.

The ayes appear to have it.

Mr. EXON. Mr. President, I call for the yeas and nays.

What was the ruling of the Chair? The ayes have it? I withdraw my request.

Mr. DOMENICI. Mr. President, I move to reconsider the vote.

Mr. EXON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. First of all, I have to announce the result.

The ayes appear to have it. The ayes do have it.

The amendment is agreed to.

The amendment (No. 3981) was agreed to.

Mr. COVERDELL. Mr. President, I move to reconsider the vote.

Mr. DOMENICI. I apologize, Mr. President, I thought you had already ruled.

The PRESIDING OFFICER. Without objection, the motion to lay on the table is agreed to.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Arkansas.

AMENDMENT NO. 4014

Mr. BUMPERS. Mr. President, the yeas and nays have been ordered on this amendment already.

This amendment, I say to my colleagues, is one with which you are all familiar. It is called the defense firewalls. What it says is, no matter how many epidemics, floods, typhoons, earthquakes, no matter how much of anything you have in this country, you may not take a dollar from the defense budget with less than 60 votes to put it over in something that is of a much more dire need.

In 1991, and 1992, we had defense firewalls. We took them down in 1993 and 1994. Nothing untoward happened. I am just offended what this does. It says that no matter what happens that defense may not be touched. No matter how bloated the defense budget may be, it says you cannot take a penny out of defense for any other purpose, no matter what the emergency is.

We are saying we do not trust the Senate; we do not trust the Senate with a 51-vote majority. If you want to take something out of defense, you have to get 60 votes.

The PRESIDING OFFICER. The time of the Senator from Arkansas has expired.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, since the Senator says this offends him, I might say, one man's offense is another man's exhilaration. I think the firewalls are the best thing we have ever done for the defense of our country. I think we ought to vote the amendment down.

Clearly, it is not as the Senator said. The Senate votes on whether it wants the defense budget. After you voted it, you cannot take away from it when you have pressure for domestic spending. That is the issue. For typhoons and disasters, it is another issue. The Budget Act clearly says you can break the budget for those kinds of items. If you have natural disasters, it does not mean you can take the money from the men and women in the military.

I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table amendment No. 4014. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Kansas [Mr. DOLE] and the Senator from Pennsylvania [Mr. SANTORUM] are necessarily absent.

The result was announced—yeas 57, nays 41, as follows:

[Rollcall Vote No. 147 Leg.]

YEAS—57

Abraham
Ashcroft
Bennett
Bond
Brown
Burns
Campbell
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
DeWine
Domenici
Faircloth
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hatch
Heflin
Helms
Hutchison
Inhofe
Jeffords
Kassebaum
Kempthorne
Kyl
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Nunn
Pressler
Robb
Roth
Shelby
Simpson
Smith
Snowe
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—41

Akaka
Baucus
Biden
Bingaman
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Conrad
Daschle
Dodd
Dorgan
Exon
Feingold
Harkin
Hatfield
Hollings
Inouye
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Mikulski
Moseley-Braun
Moynihan
Murray
Pell
Pryor
Reid
Rockefeller
Sarbanes
Simon
Specter
Wellstone
Wyden

NOT VOTING—2

Dole
Santorum

The motion to lay on the table the amendment (No. 4014) was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4015

Mr. MURKOWSKI. Mr. President, yesterday the Senate began voting on amendments to the budget resolution at 9 a.m. and for the next 8½ hours, we cast 27 votes and voice-voted 7 other amendments. Out of the 34 amendments considered, 28 amendments—83 percent—were sense-of-the-Senate amendments. And 7 of the 27 rollcall votes—more than one out of four votes were unanimous 100–0.

Mr. President, these amendments are not binding; they do not shift a single dollar from one program to another. They merely allow both Republicans and Democrats to engage in strategies of gamesmanship which deceive the American people about our legislative business.

Enough is enough.

My amendment simply states that it shall not be in order for the Senate to consider sense-of-the-Senate resolutions during debate on the budget resolution.

I think we have reached the point where all of us would agree we have to abandon these unending, and meaningless, sense-of-the-Senate resolutions or at least require Senators to state on the floor and tell the American public that these amendments have no binding effect.

End this charade on the American public and vote to eliminate these amendments on budget resolutions.

Mr. EXON. Mr. President, the Murkowski amendment would create a new point of order that would deprive the minority of its right to amend with the sense-of-the-Senate language. Under the amendment, the majority could report out any sense-of-the-Senate language it wanted, but no Senator could offer a sense-of-the-Senate amendment to change that language or add to it.

Mr. President, I yield back the balance of my time. I raise a point of order that the pending amendment is not germane and it violates section 305(b) of the Congressional Budget Act.

Mr. DOMENICI. Mr. President, I move to waive section 305(b) of the Budget Act for the consideration of the Murkowski amendment 4015.

Parliamentary inquiry. Do I get an opportunity to speak on my motion?

The PRESIDING OFFICER. Thirty seconds.

Mr. DOMENICI. Fellow Senators, I seldom move to violate the Budget Act, but it does say if you can get 60 votes you can do it. I believe the time has come to send a signal that we ought not have 40, 50, 60 sense-of-the-Senate resolutions on a Budget Act. That is what this will do. This will say we are not going to have them in the future. It treats everybody the same. We will just not have that kind of a spectacle on the floor.

Mr. EXON. I have 30 seconds. Mr. President, as I understand the procedure, it would require 60 votes to do what the Senator from New Mexico has just requested.

The PRESIDING OFFICER. To waive the Budget Act requires 60 votes.

Mr. DOMENICI. Mr. President, I want to report to all Senators about the ongoing episode of my statement yesterday about the dinner last night and my wife's position. So you will all know, my wife arrives, she wanted to be there very much and she brought a purse. In the purse was a bar of Dial soap. She suggested that maybe I should wash my mouth out with Dial soap. I have done that. I hope I have set everything straight. I misstated my wife's position, but it was all in fun, and she did the Dial soap for fun, too.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to waive the Budget Act. The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Kansas [Mr. DOLE] and the Senator from Pennsylvania [Mr. SANTORUM] are necessarily absent.

The yeas and nays resulted—yeas 57, nays 41, as follows:

[Rollcall Vote No. 148 Leg.]

YEAS—57

Abraham
Ashcroft
Bennett
Bond
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
DeWine
Faircloth
Frist
Glenn
Gorton
Gramm
Grams
Grassley
Gregg
Hatch
Hatfield
Helms
Hollings
Hutchison
Inhofe
Jeffords
Johnston
Kassebaum
Kempthorne
Kyl
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Nunn
Pressler
Reid
Robb
Roth
Shelby
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—41

Akaka
Baucus
Biden
Bingaman
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Conrad
Daschle
Dodd
Domenici
Dorgan
Exon
Feingold
Feinstein
Ford
Graham
Harkin
Heflin
Inouye
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Mikulski
Moseley-Braun
Moynihan
Murray
Pell
Pryor
Rockefeller
Sarbanes
Simon
Wellstone
Wyden

NOT VOTING—2

Dole
Santorum

Mr. EXON. Mr. President, I ask for the regular order.

Mr. President, I ask for the regular order.

Mr. President, I ask for the regular order.

The PRESIDING OFFICER. We will proceed.

Mr. EXON. Mr. President, I ask for the regular order.

The PRESIDING OFFICER. Are there any Senators still wishing to vote?

Mr. DOMENICI. Mr. President, I change my vote from "aye" to "no."

The PRESIDING OFFICER. On this vote, the ayes are 57, the nays are 41. Three-fifths of the Senators duly chosen and sworn, not having voted in the affirmative, the motion is rejected.

Mr. EXON. Mr. President, I move to reconsider the vote.

Mr. DOMENICI. Mr. President, I enter a motion to reconsider the vote by which the motion to waive the budget act for the consideration of the Murkowski amendment was defeated.

The PRESIDING OFFICER. The motion is entered for future consideration. However, the motion having failed to be approved at this time, the Chair will rule on the motion—on the point of order. The rights of Senators are reserved to move in the future to proceed to the motion to reconsider.

The Chair will rule at this time that the amendment is not germane. The point of order is sustained. The amendment falls at this time.

RECESS

Mr. DOMENICI. I ask unanimous consent that the Senate stand in recess until 2 p.m. today.

There being no objection, the Senate, at 1:13 p.m. recessed until 2:01 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. THOMAS].

Mr. EXON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCURRENT RESOLUTION ON THE BUDGET

The Senate continued with the consideration of the concurrent resolution.

AMENDMENT NO. 4016

The PRESIDING OFFICER. The pending question is the Simpson-Kerrey amendment No. 4016.

Mr. KERREY. Mr. President, how much time do I have to speak on this?

Mr. GRASSLEY. Thirty seconds.

Mr. KERREY. Thirty seconds.

The PRESIDING OFFICER. The Senator from Nebraska. Take it all.

Mr. KERREY. I do not expect to persuade a majority, Mr. President. This is an amendment that will have a tremendous impact on the future budget outlays and appropriations of this Congress. As everybody that has examined the facts knows, unless we make changes in these long-term entitlement programs, we are simply never either going to get into balance in 7 years, nor are we going to be able to sustain it out in the future. We are converting our Government into an ATM machine. The longer we wait, the sooner the day is going to arrive when there is no money for defense, no money for anything other than transfer of payments.

As I said, I do not expect a majority to vote for a majority of these proposals in here, but I urge my colleagues to give very careful consideration to this amendment.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. I oppose the Kerrey amendment. I do this because it states the sense of the Senate that the budget resolution assumes a series of long-term entitlement reforms, including reducing the CPI by one-half a percentage point each year, which would cut Social Security spending by about $38 billion over the next 6 years, and it would increase taxes by about $35 billion over that period.

The amendment also calls for increasing the retirement age for civilian and military retirees and Social Security and Medicare beneficiaries, COLA limits for very high civilian and military pensions, and partial privatization of Social Security.

On behalf of Senator DOMENICI, the chairman of the Budget Committee, I move to table the Kerrey amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Kansas [Mr. DOLE] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 63, nays 36, as follows:

[Rollcall Vote No. 149 Leg.]

YEAS—63

Abraham
Akaka
Ashcroft
Baucus
Biden
Bingaman
Bond
Boxer
Burns
Byrd
Campbell
Conrad
Coverdell
Craig
D'Amato
Daschle
Dodd
Domenici
Dorgan
Exon
Faircloth
Feingold
Ford
Glenn
Gorton
Graham
Gramm
Grassley
Harkin
Hatch
Heflin
Helms
Hutchison
Inhofe
Inouye
Kempthorne
Kennedy
Kerry
Kyl
Lautenberg
Leahy
Levin
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Murkowski
Murray
Pressler
Reid
Rockefeller
Roth
Sarbanes
Shelby
Smith
Snowe
Specter
Stevens
Thurmond
Warner
Wellstone
Wyden

NAYS—36

Bennett
Bradley
Breaux
Brown
Bryan
Bumpers
Chafee
Coats
Cochran
Cohen
DeWine
Feinstein
Frist
Grams
Gregg
Hatfield
Hollings
Jeffords
Johnston
Kassebaum
Kerrey
Kohl
Lieberman
Lott
Lugar
Moynihan
Nickles
Nunn
Pell
Pryor
Robb
Santorum
Simon
Simpson
Thomas
Thompson

NOT VOTING—1

Dole

The motion to lay on the table the amendment (No. 4016) was agreed to.

Mr. EXON. Mr. President, I move to reconsider the vote.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The pending question is now amendment No. 4018.

Mr. EXON. Before we start charging time, could we have a little order here for the information of all the Senators?

The PRESIDING OFFICER. Order in the Senate. The Senator may proceed.

Mr. EXON. Mr. President, I say to the chairman of the committee, according to our scoresheet we have seven amendments left that have been preagreed to for consideration and votes. Then there are some others that are still outstanding that we still have on the list. Of the seven that are still outstanding, waiting for a vote, and since we are cramped for time—I know there are three sense-of-the-Senate resolutions, one by Senator MCCAIN, one by Senator FAIRCLOTH, another one by Senator ROTH, all sense-of-the-Senate resolutions—and since all of those Senators voted against considering sense-of-the-Senate resolutions, I am wondering if they would like to, in good faith, withdraw their sense-of-the-Senate resolutions so that we can accomplish what they would like to do in addition to that.

Mr. MCCAIN. Since when is consistency a requirement?

Mr. EXON. Senators who have a sense of the Senate outstanding, they, too, want an expedited procedure. I say this is a good time to do that.

Mr. DOMENICI. We will make a trade with the Senator. We will reconsider this if you help us and vote for the reconsideration. In the future there will be no more——

Mr. FORD. No.

Mr. EXON. In the future? I would like to have done it now.

Mr. DOMENICI. That is what it was.

Mr. EXON. If we are going to consider sense-of-the-Senate resolutions, there are seven amendments that we know about, and three of those are sense-of-the-Senate resolutions.

AMENDMENT NO. 4018

Mr. DOMENICI. Mr. President, could we have order? This is an amendment that has been worked on very hard by a lot of people. They deserve to be heard.

The PRESIDING OFFICER. Could we have order so we can move forward? This is the amendment, the Chafee-Breaux amendment, and with 5 minutes of debate equally divided.

Mr. DOMENICI. A 10-minute vote.

The PRESIDING OFFICER. Ten-minute vote.

Mr. CHAFEE. I ask that everybody please give their attention to the proposal we are making.

The PRESIDING OFFICER. Could Senators move out of the well, please?

Mr. CHAFEE. Mr. President, every Member of this Chamber believes that running up huge deficits year after year and passing the debt on to our children is just plain wrong. Every Member of this Chamber knows we must restrain the entitlement programs.

The proposal I am offering on behalf of myself, Senator BREAUX, and 19 of our colleagues, Republicans and Democrats, balances the budget in 7 years. It makes significant reforms to entitlement programs. It extends the solvency of the Medicare trust fund and provides modest tax relief for working families.

These are all sound reasons for supporting it. But there is an additional strong reason I wish to call to your attention. The President's budget was rejected on nearly a straight party-line vote. The Republican proposal will pass on a straight party-line vote, I expect. But the implementing legislation to the Domenici proposal, the implementing legislation will undoubtedly be vetoed. Thus, its entitlement reforms will not become law, just like last year. Our budget, however, has a realistic chance of becoming law. Today with a "yes" vote on the alternative, we can transform talk about deficit reduction into action.

If we pass the Chafee-Breaux alternative, a balanced budget agreement can be reached this year. If this effort fails, then we will go through another year without solving our Nation's fiscal problems.

Mr. BREAUX addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. BREAUX. Mr. President, my colleagues, Herb Stein, the economist and sometimes humorist, once said, "If your horse dies, we suggest you dismount." Mr. President, both parties today are trying to ride a dead horse. We have both been there and done that before. It did not work then. It is not going to work now.

If only Democrats vote for the Democratic budget, it will not pass. If only Republicans vote for the Republican plan, it will pass, but it is not going to become law. There is another way. Our centrist coalition of over 20 Senators, half Democrat and half Republicans, have, in fact, offered a better way. The American people are watching us today and hoping that just once we can come together, meet in the middle, and get it done.

Let me be very honest and acknowledge that our one-half of 1 percent adjustment to the Consumer Price Index is politically difficult for everyone. But let us all be honest with ourselves and to the American people and acknowledge that it is the right thing to do.

If we do nothing, by the year 2012, projected outlays for entitlements will consume 100 percent of all the tax revenues we collect leaving nothing for any of the other functions of Government.

It is, therefore, very clear which path we must take. The only question is, will we have the political courage to do the right thing? I think that together we can do it.

Mr. President, on Monday evening, the senior Senator from Illinois asked about the effect of the Chafee-Breaux amendment on student loans. I ask unanimous consent to have printed in the RECORD prior to the vote on the amendment a letter from June O'Neill, the Director of the Congressional Budget Office which addresses that subject, as well as a table comparing the saving levels in the Chafee-Breaux resolution to the other plans.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 21, 1996.

Hon. JOHN H. CHAFEE,
U.S. Senate,
Washington, DC.

DEAR SENATOR: At your request, we have reviewed Amendment No. 4018 to S. Con. Res. 57, the 1997 budget resolution. That amendment, introduced by yourself and others, includes reconciliation instructions to the Committee on Labor and Human Resources, but does not identify any specific programmatic changes that the committee would be required to make to the student loan program or to any other program within its jurisdiction.

Sincerely,

JUNE E. O'NEILL.

Amendment No. 4018—a substitute proposed by: Mr. CHAFEE, (for himself, Mr. BREAUX, Mr. BENNETT, Mr. BROWN, Mr. BRYAN, Mr. COHEN, Mr. CONRAD, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. GORTON, Mr. JEFFORDS, Mr. JOHNSTON, Mrs. KASSEBAUM, Mr. KERREY, Mr. KOHL, Mr. LIEBERMAN, Mr. NUNN, Mr. ROBB, Mr. SIMPSON, Mr. SPECTER, and Ms. SNOWE).

	Chafee/ Breaux (7-year savings)	President (6-year savings)	GOP (6-year savings)
Discretionary	−268	−229	−296
Medicare	−154	−116	−167
Medicaid	−62	−54	−72
Welfare/EITC	−58	−43	−70
CPI	−126	0	0
Net tax cuts	105	8	122
Total savings	−679	−523	−565

The PRESIDING OFFICER. Is there anyone who wishes to speak in opposition?

Mr. DOMENICI. I yield Senator EXON half the time.

Mr. EXON. Mr. President, I join the chairman of the committee in what I think will be a salute to our colleagues from Rhode Island and Louisiana for their effort. But I must oppose the amendment. The Chafee-Breaux budget could cut COLA's, costing a typical Social Security beneficiary $1,200 over 7 years. Such changes should be done, in my opinion, if at all, only in the context of a comprehensive Social Security reform package. These COLA cuts would also hit EITC, SSI, and retired and disabled veterans.

The amendment goes after Medicare beneficiaries as well unnecessarily. Finally, the Chafee-Breaux budget cuts taxes far more than the President and far more than I think is prudent. For these reasons I urge Senators to oppose it.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I want everyone to know that the Senator from New Mexico thinks those bipartisan Senators that put this package together deserve our highest accolades, and obviously, in the scheme of things they performed a very, very important role in providing an alternative in a way that may some day become the budget of the United States.

But for any member of that coalition to stand up and say since this is bipartisan, it is going to become law, let me suggest, sitting over in the White House is the President of the United States. The President of the United States has had this presented to him. He is not in favor of it for the very simple reason that it cuts Social Security. It does it in a different way by adjusting the CPI, and it may be something that eventually some commission might say we ought to do that.

But, quite frankly, I urge this amendment be defeated unless those Senators who vote for it truly want to take on the President of the United States on the Social Security issue 5 months before an election. I think it is doomed. Because I think it is doomed, it seems to me we ought to adopt the underlying bill and not this one. I yield the floor.

Mr. BURNS. Mr. President, I stand today to support many of the goals of the Chafee-Breaux amendment to the Budget Act of 1997, but to voice concern regarding how to pay for those goals.

On the top of the list of essential tax reforms that this amendment addresses is a reduction in the capital gains tax. This tax is fundamentally unfair because it is not linked to inflation and taxes people on phantom income. No other nation in the world has a tax on capital gains and at least a reduction in this tax is in order. Because a clear majority of Americans own their own homes this tax relief lifts a huge burden off the backs of the middle class. It also allows businesses to buy and sell property and equipment based on their need and not on the Tax Code. It frees money trapped in deteriorating assets to be used to invest in new and improved equipment and expand the economy. This in turn benefits all Americans.

Another essential tax reform is eliminating the estate and inheritance tax. These taxes are very destructive to the family. It forces family businesses to be sold and increases the pain already felt by the loss of a loved one. The ability for each generation to pass on it's family heritage should not be blocked by the Federal Government's grab for money. These taxes must be eliminated.

Middle class tax relief was promised by the President in 1992 and by the Congress in 1994. The President vetoed it repeatedly last year, but it is just as important now as it was then. It is time to cut taxes for families with children. In the last 30 years it has become increasingly more expensive to raise children. The typical child costs upwards of a quarter of a million dollars to raise and send to college. A $250 per child family tax credit would go a long way to relieving some of the stress of raising children in the typical American family. Since the average family pays 38.2 percent of its income toward taxes, surely we can agree to give some of it back to those that need it the most.

All of these reforms are needed and necessary and I support them without reservation. However, I am concerned about the way the Breaux-Chafee amendment pays for these reforms. By tinkering with Federal employees retirement plans, we are in essense breaking our word to them. I believe that the Government should keep its commitment to these hard-working folks and not change the rules this late in the game. For this reason, I will cast my vote in opposition to the Breaux-Chafee amendment.

Mrs. MURRAY. Mr. President, I commend Senators CHAFEE and BREAUX for the work they did in putting together a true budget compromise. These two distinguished Senators successfully coordinated a group of 11 Democrats and 11 Republicans in a good-faith effort to balance our Nation's budget in a fair and responsible way. And, their work should not go unnoticed.

As the people of this country know all too well, Congress has been wrangling with the budget issue for more than a year. The debate has been bitter and, at times, downright rancorous. But, if we step back and look beyond all the huffing and puffing, we find that Congress and the President have learned we can balance the budget. It is not an impossible mission. And it is not an idea that must get bogged down along party lines.

We all agree the budget must be balanced. We all understand the need to get our fiscal house in order. The difficult part, however, is making sure the budget plan uses good common sense and reflects America's core values—the belief we should ensure our quality of life, educate our children, and maintain adequate health security for our parents and disabled.

Unfortunately, the Senate rejected the centrist budget today. However, the awareness of this plan is just building, and I am pleased to note support is growing for this plan. I believe the Chafee-Breaux budget lays the groundwork and sets out the parameters that could be used to strike a final compromise on a comprehensive 6-year balanced budget plan.

The centrist budget plan is not perfect. It requires serious savings in programs I believe in and my friends and family depend on. It asks each and every one of us to give a little in order balance the budget. It cuts Medicare, Medicaid; it curtails welfare programs; and it cuts taxes all a little bit more than I would like. But the proposals in this plan are workable. It calls for realistic savings. Savings that can be achieved without risking the safety and security of our friends and families—without stripping away the safety net that catches our most needy.

Mr. President, let me just say, last year I was opposed to cutting back Medicaid because it provides health care for our poorest children and it ensures quality nursing home standards for our parents. But, after talking to health care experts in Washington State, I concluded my home State could still serve our most vulnerable populations as long as we do not have drastic cuts to Medicaid. I am willing to concede that point, and I know now that if we all give a little, we can reach compromise.

The key to any balanced budget proposal is making sure the numbers fit the policy decisions. In other words, we cannot just arbitrarily slash important programs simply to balance the budget. We need to make sure we can reform the programs in a way that saves money while still serving the public. The Chafee-Breaux plan will accomplish that goal—it proposes realistic numbers that can be achieved.

Given this, let me say that I will work to make sure the Chafee-Breaux plan is balanced and reflects America's priorities. While I support the overall effort to put aside partisan differences and find common ground, there are very important matters we cannot afford to overlook.

I just want to remind my colleagues and our State legislators who seem to be clamoring for more State control of Medicaid and Welfare, that our children's needs do not change with shifting political winds.

We need a balanced budget. Saying that is the easy part. But we must compromise to get one, and that is the hard part. The American people clearly are willing to sacrifice to make this happen. And, I voted today in support of a bipartisan budget agreement that asks for shared sacrifice. The numbers in the Breaux-Chafee proposal are reasonable. How the proposal gets to the numbers still raises large concerns for me, and should for all of us.

On welfare, there will be cuts. People will see reduced services from their Government. There will be new requirements on adults to do more in order to get help, and if this breaks down the disincentives in our current welfare system, then I support it. That is one reason I voted for this amendment.

But how we achieve savings is a very important question, as is whether we want to penalize people. And I think this amendment and every other welfare proposal goes the wrong way when it comes to removing national standards for a basic guarantee of service.

According to CBO, removing entitlement status for cash assistance does not save money in this proposal. I can understand saving money and making programs run more efficiently. I can see why people in this country want to impose work requirements on those getting public assistance. I just do not understand why children have to suffer because their parents are poor.

The Breaux-Chafee proposal cuts food stamps, SSI eligibility, and many other things that will make our children's lives harder, day to day. I do not think this is wise. But in the interest of getting a budget agreement, and in the spirit of shared sacrifice, some of these proposals are reasonable.

But, block-granting and capping welfare payments to States is not reasonable. When the economy in Wisconsin or Washington turns sour, we will see how fast the States want help from the Federal Treasury. Removing the guarantee to a basic hand-up in need—this is not reasonable, and Congress should not be doing it in this budget or any other.

On Medicaid, the Breaux-Chafee plan will change early health treatment for kids under EPSDT, which will hinder our long-term preventative health efforts for children. We will be less likely to stop easy ailments before they become serious and costly illnesses. We know this is going in. The trick will be to find a way to make sure that does not happen.

There are many other concerns I have with this section of the budget. The overall funding level looks reasonable, but we need to watch Medicaid for its impact on children.

I am also deeply concerned about the proposals included in this budget that would target our federal and postal employees. These people who serve our country have already been hit hard through Government shutdowns and delayed COLA's. This budget also adjusts contributions and collections from the CSRS and FERS retirement plans, and it increase retirement ages—improperly placing a large burden on the backs of Federal workers. We must end the continued 3-month delay in retiree COLA's and honor the contract our Nation formed with our valued Federal workers.

Mr. President, I will not forget the concerns I just raised. As we reform these programs, we must remember what works and what needs to be changed. Last year, we learned the American people do not want reckless changes. They want wise decision-making. They want us to craft budgets that reflect their priorities. And I am confident that with good common sense we can meet their expectations.

Mr. KERRY. Mr. President, I will oppose the Breaux-Chafee substitute. I want to commend those who have been involved in that effort and support the objective they seek. Senator CHAFEE and Senator BREAUX deserve our praise for showing the country that we do not need partisan bickering to reach a budget agreement. I would very much like to have been able to join their ranks and pass a budget on a bipartisan basis.

I wish more of our Republican friends would have joined me in supporting the President's balanced budget. It is a sad commentary that not one Member of the other party could work with us on a plan which has proven to cut the deficit in half while keeping our economy moving at a robust clip. The President and the Democrats have crafted a budget which eliminates the deficit and works for middle-class Americans.

Mr. President, I wish I could join my friends. I have discussed this proposal with a number of its proponents, but Mr. President, I cannot sign on to a plan at this time which arbitrarily changes the Consumer Price Index or its application to benefits that are by law adjusted for inflation.

As you know, the CPI is one of the country's most widely watched economic indices. The CPI, which measures the changes in the cost of living, is determined by economists at the Bureau of Labor Statistics. These analysts are continually adjusting the CPI and the methodology they employ to ascertain it.

There are a number of prominent economists—including Federal Reserve Chairman Alan Greenspan—who tell us the CPI overstates the actual cost of living and is therefore an inaccurate estimate for the rate of inflation. They call for the CPI to be adjusted downward. I know the proponents of this budget are responding to these calls when they arbitrarily lower the CPI and derive more than $100 billion to spend on tax breaks or to apply to deficit reduction.

Mr. President, I think this action—which will affect millions of American taxpayers, Social Security beneficiaries, and other retirees—is premature.

As changing the CPI will affect millions of Americans, we should study it carefully before we enact any change in the way it is calculated as part of a deficit reduction plan. Perhaps at some point in the future, the Bureau of Labor Statistics will determine that the CPI exaggerates the cost of living and adjust the index downward. Or perhaps the Congress, after rigorous study, will thoroughly debate a legislative change in the CPI and subsequently enact a change. As you know, Mr. President, the Finance Committee has established a nonpartisan commission to study the accuracy and methodology of the Consumer Price Index. This Commission is due to release its final report this summer. We should wait at least until the Commission has reported its findings before legislating changes to this index.

At least until then, Mr. President, legislation to change the CPI is not needed and would be extremely unwise. We can and should balance the budget without changing the CPI. The President has shown us that it is possible to balance the budget by the year 2002 without changing the CPI. I voted for his balanced budget proposal as did many of the proponents of this change in the CPI.

I also have considerable concerns about the level and impact of cuts in the Breaux-Chafee budget from the level needed to maintain current Medicare and Medicaid services, as well as the discretionary programs that are so vital to investment in our future, ranging from education to infrastructure, from environmental protection to high-technology research and development.

I am also very concerned about the size of the Medicare cuts in the Chafee-Breaux proposal which would reduce this essential program by $154 billion by 2002. These cuts will result in inadequate health care, more expensive health care, or no care at all. Although cuts this large could be implemented in a number of ways, and all of those would have a considerable negative impact because of the magnitude, the Chafee-Breaux proponents have advocated doubling Medicare premiums for middle and upper income seniors, requiring most participants to bear the burden of paying 31.5 percent of the part B program's costs. Forcing the elderly to pay an unfair share of deficit reduction is the wrong approach.

And all for those reasons, I regretfully concluded I cannot join in supporting this budget alternative, and I must oppose the Chafee-Breaux substitute.

I do hold out hope, however, Mr. President, that those of us who supported the President's budget, which balances the budget by the year 2002, will be able to work with the proponents of this budget alternative to secure final Senate action that will be far preferable for our Nation's sake than the budget the Republican majority will ram through both Houses of Congress this week.

Mr. LEVIN. Mr. President, I support the Chafee-Breaux amendment as a substitute for the underlying budget offered by the majority.

The Chafee-Breaux amendment is a bipartisan effort to find a compromise to the budget dilemma. It provides a more moderate reduction in discretionary spending and includes a national guarantee of coverage in Medicaid for the elderly, the disabled, and disadvantaged children and pregnant women.

I do not agree with all aspects of the Chafee-Breaux amendment, however. I do not agree with the 0.5-percent adjustment to the Consumer Price Index—0.3 percent in the outyears. I do not believe that such a change should be made in the calculation of the CPI without careful study and analysis showing a disparity between the CPI and the rate of inflation and a resulting recommendation from the Bureau of Labor Statistics that Congress make such a change. Also, I do not agree with the Chafee-Breaux defense discretionary spending level which is $11 billion more than the President requested. I am also concerned by the Chafee-Breaux's assumption of a 40-percent cap on direct student loans.

While I support the Chafee-Breaux amendment as a substitute for the majority's budget, I would need to see these concerns addressed before voting for it on final passage.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 4018. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. LOTT. I announce that the Senator from Kansas [Mr. DOLE] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 46, nays 53, as follows:

[Rollcall Vote No. 150 Leg.]

YEAS—46

Akaka
Bennett
Bingaman
Boxer
Bradley
Breaux
Brown
Bryan
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
D'Amato
DeWine
Faircloth
Feinstein
Frist
Gorton
Graham
Gregg
Hatch
Hatfield
Inouye
Jeffords
Johnston
Kassebaum
Kerrey
Kohl
Leahy
Levin
Lieberman
Lugar
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Robb
Santorum
Simon
Simpson
Snowe
Specter

NAYS—53

Abraham
Ashcroft
Baucus
Biden
Bond
Bumpers
Burns
Byrd
Coverdell
Craig
Daschle
Dodd
Domenici
Dorgan
Exon
Feingold
Ford
Glenn
Gramm
Grams
Grassley
Harkin
Heflin
Helms
Hollings
Hutchison
Inhofe
Kempthorne
Kennedy
Kerry
Kyl
Lautenberg
Lott
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Murkowski
Nickles
Pressler
Rockefeller
Roth
Sarbanes
Shelby
Smith
Stevens
Thomas
Thompson
Thurmond
Warner
Wellstone
Wyden

NOT VOTING—1

Dole

The amendment (No. 4018) was rejected.

Mr. DOMENICI. Mr. President, I move to reconsider the vote.

Mr. EXON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3969

The PRESIDING OFFICER. The pending question is amendment No. 3969.

Senator FEINGOLD is recognized.

Mr. FEINGOLD. Mr. President, our amendment offers a clear choice: tax cuts or deficit reduction. It strikes the $122 billion tax cut and applies every penny to deficit reduction. I think that is our highest economic priority. This is not just a partisan issue. The Republican and Democratic plans have had this flaw. The bipartisan plan has this flaw. This has been endorsed by the Concord Coalition.

Mr. DOMENICI. Mr. President, the FEINGOLD amendment strikes $122 billion in family tax credit from this resolution. Therefore, it will be a bill without any special emphasis for the families across America. I believe this should be tabled, and we should proceed through and have a budget that does something for American families, along with reducing the deficit. I believe it should be tabled.

Therefore, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the motion to table the amendment.

The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER (Mr. KEMPTHORNE). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 57, nays 43, as follows:

[Rollcall Vote No. 151 Leg.]

YEAS—57

Abraham
Ashcroft
Baucus
Bennett
Biden
Bond
Boxer
Bradley
Brown
Burns
Campbell
Chafee
Coats
Cochran
Coverdell
Craig
D'Amato
DeWine
Dole
Domenici
Faircloth
Ford
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Harkin
Hatch
Hatfield
Helms
Hutchison
Inhofe
Kassebaum
Kempthorne
Kyl
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Pressler
Roth
Santorum
Shelby
Simpson
Smith
Snowe
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—43

Akaka
Bingaman
Breaux
Bryan
Bumpers
Byrd
Cohen
Conrad
Daschle
Dodd
Dorgan
Exon
Feingold
Feinstein
Glenn
Graham
Heflin
Hollings
Inouye
Jeffords
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Mikulski
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Robb
Rockefeller
Sarbanes
Simon
Specter
Wellstone
Wyden

The motion to lay on the table the amendment (No. 3969) was agreed to.

APPEAL OF THE RULING OF THE CHAIR

The PRESIDING OFFICER. The Senate Democratic leader has appealed the decision of the Chair. The question before the Senate is, Shall the decision of the Chair stand as the judgment of the Senate?

There is 1 minute of debate equally divided.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. Mr. President, this resolution abuses reconciliation—extending use in an entirely inappropriate way. In sanctioning that abuse, the Chair has made a faulty judgment that could have a vast impact on the Senate.

The Chair has ruled that reconciliation can be used solely to increase spending, solely to cut taxes, solely to increase the deficit.

That is an absolutely unacceptable distortion of the reconciliation process; expanded use threatens all Senators' rights to debate and amend.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President and fellow Senators, I think the Chair's ruling should be sustained. Senator DASCHLE's point of order was based on his view that the budget resolution cannot contain separate reconciliation instructions, that there can be just one. The Parliamentarian ruled that you could have multiple reconciliation bills directed by a budget resolution.

I think the Parliamentarian is right and we should support him. Therefore, I urge that you vote "no" on this appeal—vote "aye" on this appeal. Excuse me.

The PRESIDING OFFICER. The question is, Shall the decision of the Chair stand as the judgment of the Senate? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 53, nays 47, as follows:

[Rollcall Vote No. 152 Leg.]

YEAS—53

Abraham
Ashcroft
Bennett
Bond
Brown
Burns
Campbell
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
DeWine
Dole
Domenici
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hatch
Hatfield
Helms
Hutchison
Inhofe
Jeffords
Kassebaum
Kempthorne
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Pressler
Roth
Santorum
Shelby
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—47

Akaka
Baucus
Biden
Bingaman
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Conrad
Daschle
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Heflin
Hollings
Inouye
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Robb
Rockefeller
Sarbanes
Simon
Wellstone
Wyden

The ruling of the Chair was sustained as the judgment of the Senate.

AMENDMENT NO. 4022

The PRESIDING OFFICER. The question now occurs on amendment No. 4022 offered by the Senator from Arizona, Mr. MCCAIN.

Mr. DOMENICI. We want to set that aside to do some other things we want to do.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

The Senate will please come to order.

AMENDMENT NO. 4023

Mr. DOMENICI. Senators FAIRCLOTH and MOYNIHAN have an amendment, No. 4023. It has been cleared on both sides. There is no need for a rollcall vote.

I yield any time I might have in opposition.

Mr. EXON. We yield back our time.

The PRESIDING OFFICER. If there is no objection, the Senate will now proceed to consider amendment No. 4023.

Mr. FAIRCLOTH. Mr. President, I ask unanimous consent that Senator MOYNIHAN be added as a cosponsor to this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FAIRCLOTH. Mr. President, let me say how pleased I am to offer this amendment along with the senior Senator from New York. It was Senator MOYNIHAN'S ground-breaking research 30 years ago that first drew attention to a situation that has gone from a developing trend to what I consider to be a real crisis.

This amendment simply states that it is the sense of the Senate that if welfare reform is included in balanced budget legislation, that those provisions contain a strategy to reduce the incidence of out of wedlock births as well as encourage family formation.

I strongly believe that welfare reform that does not seek to reverse the rising rate of out-of-wedlock births, will not break the cycle of welfare dependency that is consuming more and more of our young people.

I urge my colleagues to support this amendment.

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 4023) was agreed to.

AMENDMENT NO. 4037

Mr. EXON. Mr. President, for Senator BIDEN, I send an amendment to the desk and ask unanimous consent the amendment be considered, agreed to, and the motion to reconsider be laid on the table. This has been cleared on both sides.

Mr. DOMENICI. Mr. President, I understand Senator HATCH is a cosponsor of that amendment.

Mr. EXON. Mr. President, Senator HATCH is a cosponsor.

The PRESIDING OFFICER. The clerk will report the amendment by number.

The bill clerk read as follows:

The Senator from Nebraska [Mr. EXON], for Mr. BIDEN, for himself, Mr. LEAHY, Mr. KOHL and Mr. HATCH proposes an amendment numbered 4037.

Mr. EXON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place insert the following:

SEC. . A RESOLUTION REGARDING THE SENATE'S SUPPORT FOR FEDERAL, STATE AND LOCAL LAW ENFORCEMENT.

(a) FINDINGS.—The Senate finds that:

(1) Our Federal, State and local law enforcement officers provide essential services that preserve and protect our freedoms and security;

(2) Law enforcement officers deserve our appreciation and support;

(3) Law enforcement officers and agencies are under increasing attacks, both to their physical safety and to their reputations;

(4) Federal, State and local law enforcement efforts need increased financial commitment from the Federal Government for funding and financial assistance and not the slashing of our commitment to law enforcement if they are to carry out their efforts to combat violent crime;

(5) The President's Fiscal Year 1996 budget requested an increase of 14.8% for the Federal Bureau of Investigation, 10% for United States Attorneys, and $4 milllion for Organized Crime Drug Enforcement Task Forces; while this Congress has increased funding for the Federal Bureau of Investigation by 10.8%, 8.4% for United States Attorneys, and a cut of $15 million for Organized Crime Drug Enforcement Task Forces;

(6) On May 16, 1996, the House of Representatives has nonetheless voted to slash $300 million from the President's $5 billion budget request for the Violent Crime Reduction Trust Fund for Fiscal Year 1997 in H. Con. Res. 178; and

(7) The Violent Crime reduction Trust Fund as adopted by the Violent Crime Control and Law Enforcement Act of 1994 fully funds the Violent Crime Control and Law Enforcement Act of 1994 without adding to the federal budget deficit.

(b) SENSE OF THE SENATE.—It is the Sense of the Senate that the provisions and the functional totals underlying this resolution assume the Federal Government's commitment to fund Federal law enforcement programs and programs to assist State and local efforts shall be maintained and funding for the Violent Crime Reduction Trust Fund shall not be cut as the resolution adopted by the House of Representatives would require.

Mr. BIDEN. Mr. President, it seems to be "deja vu all over again" to quote Yogi Berra—last year we had to fight an effort on the House side to slash funds for the crime law trust fund, and it looks like we are going to have to do the same this year.

The amendment which I propose today gives the entire Senate the opportunity to express its support for full funding of the violent crime control trust fund enacted in the 1994 crime law. Let me point out that the Senate budget resolution offered by Chairman DOMENICI does the right thing on the trust fund—Chairman DOMENICI fully funds the President's $5 billion request for the trust fund for 1997. This recognizes that the $5 billion for the trust fund is already paid for by the reduction of the Federal work force by 272,000 employees.

The problem is that the budget resolution proposed by the Republican leadership of the House of Representatives which passed just last week by a narrow, partisan vote of 226 to 195—221 Republicans voted for it, 4 against; 190 Democrats voted against, 5 voted for it—cut the President's $5 billion request for the trust fund by $300 million.

This is less than the $900 million cut that had been proposed by the Republican leadership of the House—but this is still a significant cut that I must oppose.

If the House proposed cut of $300 million is allowed to stand there can be only one result—fewer Federal dollars will be available to combat crime. As my colleagues know, the general numbers of the budget resolution do not specify which programs will be cut—but it is clear that some programs must be cut.

What specifically might this mean? Let us just review the law enforcement efforts funded by the crime law trust fund:

Federal prosecutors, $55 million;

FBI, $40 million; DEA, $200 million; border enforcement and deporting aliens who break the law, $525 million; violence against women efforts including more police and prosecutors and more shelters for battered women, $254 million; $1 billion for constructing prisons and reimbursing States for imprisoning criminal aliens; and an additional $2.6 billion to aid State and local law enforcement—whether it is through the 100,000 Cops Program I favor or the block grant favored by the other side, I do not believe that any Senator favors a smaller total for State and local law enforcement.

We all know there is no free lunch—so if there is a cut in the total for the trust fund, at least some of the pieces of the trust fund must be cut. For that reason, I call upon the entire Senate to go on record as opposing the House cut to the President's $5 billion request for the crime law trust fund.

But, let me also point out that even if we pass the resolution I am offering today, and even if the House Republican majority ultimately agrees to fully fund the President's request for the trust fund—even if all that happens, a massive shortfall in the President's request for crime fighting resources will still have been made by the budget resolutions adopted by the Republican majority.

To quickly review the facts on the total "administration of justice" account—compare what the Senate and House budget resolutions offer for the non-trust fund portion of the "administration of justice" account that pays for the entire Justice Department—FBI, DEA, prisons, everything—and the courts:

	Billion
President request	$18.5
House budget resolution	17,4
Senate budget resolution	16.7

These are massive cuts—the House proposes to slash the President's request for crime fighting dollars by $1.1 billion; the Senate proposes a cut $1.8 billion.

What happened to all this "tough on crime" rhetoric we have been hearing from all sides? It seems that the President held up his end of the bargain—requesting the largest-ever annual budget for the FBI, DEA, U.S. attorneys, and help for State and local prisons and police. But, the Congress controlled by the other party has been "AWOL—absent without law enforcement."

Unless there is a major change to restore these funds when the House and Senate budget conferees meet—we can expect but one result when the appropriators develop their bills later this year. Massive cuts in Federal law enforcement because the appropriators will have no choice—if we shrink the budget pie for law enforcement, there is no way to provide all the slices. It is just that simple.

Mr. President, I urge my colleagues to adopt the amendment I am offering on behalf of myself, and Senators LEAHY, KOHL, and HATCH.

Mr. LEAHY. Mr. President, I join as a sponsor in this amendment to the budget resolution. Last year I offered a similar amendment that was adopted by the Senate. Unfortunately, Congress did not follow through on our commitment. Last year the budget for fighting crime was never finalized. It was only recently that we arrived at a budget resolution for a fiscal year now more than half over. This had a devastating impact on anticrime grant programs and should not be repeated.

I am glad to join with Senator BIDEN in this resolution to preserve the violent crime reduction trust fund. Our purpose is to reaffirm our commitment and appreciation for Federal, State, and local law enforcement and the outstanding job that they do under the most difficult and dangerous circumstances, and to reject the House's attempts drastically to cut our financial support for their efforts.

Over the last few years there has been a lot of public debate and comment about the activities of law enforcement and the rhetoric that has been used to disparage and malign these dedicated public servants and the law enforcement agencies in which they serve. I submit that law enforcement deserves better. We owe these men and women our respect, appreciation and public, moral and financial support.

The gruesome fact is that there are increasing threats against the safety and lives of law enforcement officers—the bombing of offices in Texas only yesterday, the Oklahoma City bombing, reports of attacks against park rangers, Forest Service employees, Treasury employees and others. The dedicated men and women in Federal, State, and local government and law enforcement work long hours for limited financial reward in order to serve the public, protect us and preserve our freedom.

It is in this context that I am concerned that the House of Representatives has again voted to cut law enforcement resources. The House voted on May 16 to cut $300 million from the President's request for the violent crime reduction trust fund for fiscal year 1997. Last year the House voted to offset certain tax reduction proposals by cutting $5 billion from the violent crime reduction trust fund. Invading the violent crime reduction trust fund makes it impossible to pay for the law enforcement and crime prevention programs of the Violent Crime Control Act of 1994. This is bad policy and will lead to weakened law enforcement. I hope and trust that our Senate colleagues will reject this cut in funding to Federal law enforcement and Federal assistance to State and local efforts.

When we passed the Violet Crime Control and Law Enforcement Act in 1994, we paid for its programs. A trust fund was established from the downsizing of the Federal Government by some 250,000 jobs. The violent crime reduction trust fund contains funds dedicated to law enforcement and crime prevention programs, and is intended in large part to provide Federal financial assistance to critical Federal, State and local needs. Since passage of the Violent Crime Control Act, the U.S. Department of Justice has been doing a tremendous job getting these resources to the field. I commend the Associate Attorney General John Schmidt and Chief Joe Brann, who direct the community policing programs, for their quick work. I know that funding to assist local law enforcement to hire additional officers went out almost immediately based on a simple, one-page application. Vermont received commitments of over $3 million toward 64 new officers in 34 jurisdictions, for example.

The House would have us turn our backs on law enforcement and prevention programs and the commitments we made in the Violent Crime Control Act. Law enforcement and community-based programs cannot be kept on a string like a yo-yo if they are to plan and implement crime control and prevention programs. Funding for important programs implementing the Violence Against Women Act and our rural crime initiatives should not be delayed or cut again. What we need to do is to follow through on our commitments, not to breach them and violate our pledge to law enforcement, State and local government and the American people. Invading trust funds dedicated to crime control purposes is no way to proceed and no way to restore people's trust and respect for government and the commitments that it makes.

I will continue to work with the Attorney General and my Senate colleagues to reject the ill-advised House action. I will work to preserve the violent crime reduction trust fund so that we can fulfil the promise of the Violent Crime Control and Law Enforcement Act and our commitment to do all that we can to reduce violent crime in our local communities. This is not the time to undercut our support for Federal law enforcement or the assistance provided State and local law enforcement. We offer this amendment as an embodiment of the Senate's resolve against the House-passed cuts to the violent crime reduction trust fund and reductions in funding of Federal, State, and local law enforcement. The House-passed cuts to law enforcement funding are not the way to show our support for those women and men whom we ask to protect public safety and preserve our precious freedoms.

THE PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 4037) was agreed to.

AMENDMENT NO. 4027 TO AMENDMENT NO. 4012

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I call up the second-degree amendment No. 4027 to the Harkin-Specter amendment 4012.

The PRESIDING OFFICER. If there is no objection, then, the question is on agreeing to amendment 4027 as an amendment to 4012.

Who yields time? The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I will take my 30 seconds in support of the amendment. This would take the place of the Specter-Harkin amendment which had added $2.7 billion, more or less, to one function of the Government. Instead of doing that, the Senator from New Mexico adds $4 billion to the overall budget and it can be used for education and the other purposes within it. This can amount to a nondefense discretionary freeze spending level and we have arrived at that as a freeze off the 1996 consolidated rescissions bill. Once one had it all figured out, this is the amount of money required to make it a freeze.

Mr. EXON. I will yield our 30 seconds to the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Senator DOMENICI is proposing a second-degree amendment which increases funding for education, job training and health by $2 billion and funding for nondefense discretionary programs by $5 billion overall. The Domenici amendment is not all the funding we need for the programs including title I and Head Start and I would propose the options in my amendment; however I do support this amendment and its modification because it is an important step in the right direction. I do support the amendment.

Mr. GRAMM. Mr. President, is there time available in opposition to the amendment?

Mr. DOMENICI. There should have been. I yield 30 seconds to the Senator to speak in opposition.

Mr. GRAMM. Mr. President, I am strongly opposed to this amendment. I want my colleagues to look at some simple numbers. Last year in the budget resolution for fiscal year 1996 we adopted a budget that called for spending on discretionary nondefense accounts in fiscal year 1997 of $255 billion. The budget before us now calls for discretionary spending for the same year of $267 billion, so that we have increased nondefense discretionary in this budget $12 billion above last year's budget resolution. If we adopt this amendment we will be at $271 billion, and we will have increased nondefense discretionary spending by $16.7 billion above the level we called for in last year's budget resolution.

Either we are serious about controlling spending or we are not. It is something we are capable of controlling. I strongly oppose it.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI. Mr. President, I ask unanimous consent I be granted 30 seconds. The Senator from Texas spoke for a minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. I think he would give it to me anyway. I should not say that about how long he took.

Fellow Republicans, I want to speak to you first. The estimates on tax receipts are up $15 billion over what is in this budget resolution. What I am trying to do, so you will all know, is to make sure we do not end up like we did last year. I have talked to JOHN KASICH, chairman of the Appropriations Committee, and they want us to pass this so we can figure out exactly where we are, rather than end up precisely where we were last year. If you want to end up that way, you vote with Senator GRAMM. If you want to give us a chance to get by without last year, you vote for my amendment.

I yield the floor.

Mr. EXON. Mr. President, I ask unanimous consent for 10 seconds for the Senator from Iowa.

The PRESIDING OFFICER. Is there objection? The Senate will please come to order.

The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, all I want to say is this is still below the CBO freeze. Period.

Mr. EXON. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment No. 4027. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced, yeas 75, nays 25, as follows:

[Rollcall Vote No. 153 Leg.]

YEAS—75

Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Bradley
Breaux
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Cochran
Cohen
Conrad
D'Amato
Daschle
DeWine
Dodd
Dole
Domenici
Dorgan
Exon
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Hollings
Inouye
Jeffords
Johnston
Kassebaum
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lugar
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nunn
Pell
Pressler
Pryor
Reid
Robb
Rockefeller
Sarbanes
Shelby
Simon
Simpson
Snowe
Specter
Stevens
Thompson
Thurmond
Wellstone
Wyden

NAYS—25

Abraham
Ashcroft
Brown
Coats
Coverdell
Craig
Faircloth
Feingold
Gramm
Grams
Helms
Hutchison
Inhofe
Kempthorne
Kyl
Lott
Mack
McCain
McConnell
Nickles
Roth
Santorum
Smith
Thomas
Warner

The amendment (No. 4027) was agreed to.

The PRESIDING OFFICER. The question now occurs on Amendment No. 4012 as amended.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

PROVIDING FOR A CONDITIONAL ADJOURNMENT OR RECESS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES

Mr. LOTT. Mr. President, I send a concurrent resolution to the desk providing for a conditional adjournment of Congress and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the resolution.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 60) providing for a conditional adjournment or recess of the Senate and the House of Representatives.

Mr. LOTT. Mr. President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 60) was agreed to as follows:

S. CON. RES. 60

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns at the close of business on Thursday, May 23, 1996, Friday, May 24, 1996, or Saturday, May 25, 1996, pursuant to a motion made by the Majority Leader or his designee in accordance with this resolution, it stand recessed or adjourned until noon on Monday, June 3, 1996, Tuesday, June 4, 1996 or until such time on that day as may be specified by the Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on the legislative day of Thursday, May 23, 1996, it stand adjourned until 2:00 p.m. on Wednesday, May 29, 1996, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and House, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

CONCURRENT RESOLUTION ON THE BUDGET

The Senate continued with the consideration of the concurrent resolution.

AMENDMENT NO. 4012, AS AMENDED

The PRESIDING OFFICER. The question now occurs on agreeing to Amendment No. 4012, as amended.

The amendment (No. 4012), as amended, was agreed to.

Mr. DOMENICI. Mr. President, I think we have an understanding that Senator ROTH will proceed with his amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Delaware is recognized.

Mr. EXON. Before Senator ROTH starts, I ask the chairman of the committee, we have how many amendments left that we are going to vote on? As I understand it, we have Byrd that requires a vote, Roth that requires a vote, and McCain, and final passage.

Mr. DOMENICI. Correct. That is what I understand.

Mr. EXON. What we have agreed to earlier, we are trying to get out of here for at least one-half hour, between 4 to 4:30. It seems to me that we could probably have final passage by no later than 5:15.

Mr. DOMENICI. I think that is probably correct, I say to the Senator.

Mr. EXON. Is that the assumption under which we are working, then? We have one more vote at least, and then go to a half-hour recess?

Mr. DOMENICI. Are we going to have a half-hour recess?

Mr. EXON. That is what I agreed to with both the majority leader and the minority leader.

Mr. DOMENICI. All right. If our leader agreed it to, I am all for it. I asked the Senator to ask him. That is fine. We are going to vote on Roth, and then recess for 30 minutes. All right.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

AMENDMENT NO. 4025

Mr. ROTH. Mr. President, the Roth resolution simply states that Congress would give Amtrak a secure and reliable source of funding for capital expenditures. The rail trust fund would be funded by transferring revenues from the 0.5-cent excise tax that is currently going into the mass transit account to a newly created rail trust fund.

While Amtrak would have $2.8 billion for capital expenditure over 5 years, the existing $5.4 billion surplus in the mass transit account—the mass transit would continue to have billions of dollars in excess of its anticipated appropriations.

Mr. President, I urge my colleagues to support my amendment.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Senator GRASSLEY wants to speak in opposition. I yield to Senator GRASSLEY 30 seconds.

Mr. GRASSLEY. This budget resolution, all 50 hours of debate and all the many hundreds of pages, is about balancing the budget, which is long overdue and it is something that we should do. The Roth amendment, the next amendment, establishes a whole new entitlement, something we should not do.

OMB expresses concern that this new funding source for Amtrak is wrong and it takes money from your local mass transit for Amtrak, something we should not do. So why threaten the solvency of our mass transit accounts? Balance the budget. No more entitlements.

Mr. BAUCUS. Mr. President, I rise in strong support of the amendment offered by the Senator from Delaware.

As my colleagues will recall, I offered a similar amendment last year on the budget resolution. Unfortunately, we lost by one vote. I have been pressing the concept of a dedicated revenue source for Amtrak for quite some time now and I welcome the opportunity to voice this support again.

Mr. President, the resolution before us is a sense of the Senate resolution that Congress should provide Amtrak with the revenue from one-half penny of the Federal gas tax that is now directed to mass transit.

This revenue will provide Amtrak with a steady, dedicated revenue source. This is very important if Amtrak is to be able to make long-term planning decisions that will enable it to become financially viable in the future.

Amtrak is a key component of this Nation's transportation system. In my home State of Montana, many residents rely on Amtrak's service to travel to and from the State. Amtrak means jobs. It means increased tourism. And it means increased access and mobility for Montanans.

And for any of you who have ever traveled on the Empire Builder through the northern tier of my State, you know the tremendous beauty along the Montana hi-line.

Some will argue that redirecting the one-half penny from mass transit to Amtrak will adversely affect mass transit programs. That is simply not true. There is an over $5.4 billion cash surplus in excess of obligations in the mass transit account. That is more than enough to fund mass transit programs for the foreseeable future.

Mr. President, rural transportation programs seem to be constantly under attack. Rural areas are struggling. We continue to see a decline in rural transportation options—funding for rural air service, rural transit and highway programs is declining. This amendment is one small step forward in turning back this trend.

The PRESIDING OFFICER. The question occurs on agreeing to amendment No. 4025.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Might I correct my statement? I understand that all we have agreed to—we do not have to go in recess. The next vote will occur at 4:30.

Mr. EXON. After the Roth vote.

Mr. DOMENICI. The next vote after this one will occur at 4:30. I ask unanimous consent for that.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The question now occurs on agreeing to amendment No. 4025.

Mr. ROTH. I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been ordered.

The question occurs on agreeing to amendment No. 4025. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 57, nays 43, as follows:

[Rollcall Vote No. 154 Leg.]

YEAS—57

Akaka
Baucus
Bennett
Biden
Bingaman
Boxer
Bradley
Breaux
Bryan
Bumpers
Burns
Byrd
Chafee
Cohen
D'Amato
Daschle
DeWine
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Harkin
Hatch
Hollings
Inouye
Jeffords
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Pell
Pressler
Pryor
Reid
Robb
Rockefeller
Roth
Sarbanes
Simon
Snowe
Specter
Wellstone
Wyden

NAYS—43

Abraham
Ashcroft
Bond
Brown
Campbell
Coats
Cochran
Conrad
Coverdell
Craig
Dole
Domenici
Faircloth
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hatfield
Heflin
Helms
Hutchison
Inhofe
Kassebaum
Kempthorne
Kyl
Lugar
Mack
McCain
McConnell
Nunn
Santorum
Shelby
Simpson
Smith
Stevens
Thomas
Thompson
Thurmond
Warner

The amendment (No. 4025) was agreed to.

Mr. ROTH. Mr. President, I move to reconsider the vote.

Mr. LAUTENBERG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mrs. BOXER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRAMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMS. Mr. President, I ask unanimous consent that I be allowed to speak for 12 minutes as in morning business.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Minnesota is recognized.

Mr. GRAMS. I thank the Chair.

(The remarks of Mr. Grams pertaining to the introduction of S. 1805 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. GRAMS. Thank you, Mr. President.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. I would like to be able to proceed for 4 minutes as if in morning business.

The PRESIDING OFFICER (Mr. GREGG). Without objection, it is so ordered.

INCREASING THE MINIMUM WAGE

Mr. KENNEDY. Mr. President, today's action by the House of Representatives removes one of the Republican's obstacles to successful action on the minimum wage. An overwhelming majority of House Republicans, 81 percent, tried to kill the increase by attaching a "poison pill" to exempt all workers of small business, but 43 courageous Republicans stood up to the extremists in their party and spit out the poison pill.

As the price for accepting an increase, House Republicans tried to deny any minimum wage at all for millions of men and women who work for small business. It was a Republican sneak attack on the minimum wage, and it did not deserve to pass. The minimum wage is supposed to be a floor. It is wrong for Republicans to try to turn that floor into a trap door.

The Republican philosophy seems to be the only good minimum wage is no minimum wage. It is bad enough that in today's economy, America has to compete with sweatshop labor overseas. If the Republicans have their way, American workers and American employers will have to compete with sweatshop labor right here in our own backyard. How very Republican. Every previous Congress that dealt with the minimum wage voted to expand coverage and give the benefits of the law's protection to more and more Americans. Now is no time to roll back that progress. It is time to end the Republican war on hard-working American families, and I am confident the Senate will also reject any Republican scheme to roll back the minimum wage. No one who works for a living should have to live in poverty.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CRAIG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. Mr. President, I ask unanimous consent that I be allowed to speak in morning business for no more than 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOREST HEALTH

Mr. CRAIG. Mr. President, within an hour or so, we will be adjourning and out for the Memorial Day recess. But when we return, it is my plan to mark up legislation in the Public Lands and Forestry Subcommittee that I chair, dealing with forest health, the health of the forests of our country.

For well over a decade now, we have studied the issue of how to manage our forests in light of the recurrence of wild storm style forest fires that continue to devastate our forests across the Pacific Northwest and across the Southwest every time we get into a dry period, especially the kind the Southwest, New Mexico and Arizona and Colorado, are experiencing at this moment.

What we have found, Mr. President, is that in our great ability to put out fires, we have allowed to build up on our forest floors, massive amounts of fuel in the form of dead and dying trees as a result of bug kill, as a result of fungus, or simply as a result of the overpopulation of our trees and therefore their death because of lack of moisture. In my State of Idaho and across the inland West, where before man came to that region we had tremendously healthy forests and populations of trees of 40 or 50 or 60 trees per acre, now, because of our ability to put out fires, we are finding that we have 300 and 400 trees per acre. Of course, there is only so much moisture. When we get into a drought cycle, there is not enough moisture to keep all of those trees alive.

What we are finding is that before we had this tremendous ability to put out fires, fires would come along on a relatively regular basis, caused by lightning strikes or actually caused by native Americans who saw the useful tool of fire. It would burn at a low rate, at a low pace, burn off the shrubbery and the brush, allow the mature trees to stand and allow young trees that had reached a certain age to survive. That kept the forests, primarily of the West, in a very productive and rather pastoral form.

But that changed and it has changed dramatically over the last 50 years, as we learned to put out fires. But we did not go in and do what Mother Nature was doing, and that was to thin trees or to take down the underbrush. As a result of that, we have had a massive fuel loading in many of the forests of the West and Southwest.

Mr. President, you and I have witnessed, in the last several months, fires in New Mexico and Arizona and now in Colorado that, by our forest scientists' estimation, are the most intense and hottest wild fires we have ever experienced. As a result, Mother Nature is not served well. These fires devastate the forests, leaving not even a snag standing, destroy the ecosystems, and scald the soil in a way there is little to no recovery for a period of years and years. Those are not normal fires. They are abnormal fires, as a result of massive fuel buildup.

I was visiting with the Senator from New Mexico, Senator DOMENICI, about the fires in his State. One of those areas that was burned had been devastated by beetles. Better than 50 percent of the stand was dead. Yet, because of current law and because of certain interest groups, we were not allowed to go in and thin and clean and allow new growth to start. As a result of that, fire swept through there and destroyed the whole area.

S. 391, the bill that I have worked for over a year to craft, visiting with scientists, holding hearings, and making sure we build a strong bipartisan effort, better known as forest health legislation, the kind I want to mark up as soon as we get back here in early June and bring it to the floor for a debate, hopefully it can become law and become the public policy and a new management tool for our U.S. Forest Service.

It would allow the Forest Service to go in and look at these lands and under current environmental law assure they have the flexibility to go in and thin and remove brush and actually even use fire in a selective way, to assure that our forests can regain their health and regain their vitality in an environmental way and not be swept away and destroyed, as the forests we have seen under fire in the last few weeks throughout the Southwest. Of course, in the State of Colorado last week, when man got in the way of the fire, or man's dwellings, they, too, were swept away, as was true in the State of Idaho in 1994 when we saw wildfires, as a result of our forest health, that were beyond man's recognition.

So I hope when we come back, we can join the wisdom of the Spokesman-Review newspaper that editorialized yesterday in my area, in the inland West, saying that we ought to pass S. 395, we ought to make good public policy, and we ought to allow, once again, strong multiple-use environmental standards to return to our public forests and to the management of those public forests. So it is my wish we mark up S. 395 and move it to become public law.

I hope in early June we can have it here on the floor of the U.S. Senate for a good debate and passage.

I yield the remainder of my time.

CONCURRENT RESOLUTION ON THE BUDGET

The Senate continued with the consideration of the concurrent resolution.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, for the information of the Senate, as I understand it, I believe Senator DOMENICI would confirm, we have two amendments remaining, by Senator MCCAIN and Senator BYRD, and final passage. It seems possible to me, because I know some people are trying to catch planes, if we expedite this, we could be through voting by about 5:20 or something of that nature.

I ask unanimous consent the pending amendment be temporarily set aside so Senator BYRD may offer his amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4040

(Purpose: To improve our water and sewer systems, national parks and Everglades, to be offset by closing corporate loopholes and changes in tax expenditures)

Mr. BYRD. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for himself, Mr. BINGAMAN, and Mr. LAUTENBERG, proposes an amendment numbered 4040.

Mr. BYRD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 3, line 5, increase the amount by $201,000,000.

On page 3, line 6, increase the amount by $408,000,000.

On page 3, line 7, increase the amount by $649,000,000.

On page 3, line 8, increase the amount by $946,000,000.

On page 3, line 9, increase the amount by $1,068,000,000.

On page 3, line 10, increase the amount by $1,142,000,000.

On page 3, line 14, increase the amount by $201,000,000.

On page 3, line 15, increase the amount by $408,000,000.

On page 3, line 16, increase the amount by $649,000,000.

On page 3, line 17, increase the amount by $946,000,000.

On page 3, line 18, increase the amount by $1,068,000,000.

On page 3, line 19, increase the amount by $1,142,000,000.

On page 4, line 8, increase the amount by $1,011,000,000.

On page 4, line 9, increase the amount by $1,049,000,000.

On page 4, line 10, increase the amount by $1,089,000,000.

On page 4, line 11, increase the amount by $1,131,000,000.

On page 4, line 12, increase the amount by $1,068,000.000.

On page 4, line 13, increase the amount by $1,110,000,000.

On page 4, line 17, increase the amount by $201,000,000.

On page 4, line 18, increase the amount by $408,000,000.

On page 4, line 19, increase the amount by $649,000,000.

On page 4, line 20, increase the amount by $946,000,000.

On page 4, line 21, increase the amount by $1,068,000,000.

On page 4, line 22, increase the amount by $1,142,000,000.

On page 15, line 16, increase the amount by $190,000,000.

On page 15, line 17, increase the amount by $118,000,000.

On page 15, line 24, increase the amount by $224,000,000.

On page 15, line 25, increase the amount by $160,000,000.

On page 16, line 7, increase the amount by $258,000,000.

On page 16, line 8, increase the amount by $222,000,000.

On page 16, line 15, increase the amount by $293,000,000.

On page 16, line 16, increase the amount by $276,000,000.

On page 16, line 23, increase the amount by $228,000,000.

On page 16, line 24, increase the amount by $312,000,000.

On page 17, line 7, increase the amount by $265,000,000.

On page 17, line 8, increase the amount by $304,000,000.

On page 23, line 15, increase the amount by $821,000,000.

On page 23, line 16, increase the amount by $83,000,000.

On page 23, line 23, increase the amount by $825,000,000.

On page 23, line 24, increase the amount by $248,000,000.

On page 24, line 7, increase the amount by $831,000,000.

On page 24, line 8, increase the amount by $427,000,000.

On page 24, line 15, increase the amount by $838,000,000.

On page 24, line 16, increase the amount by $670,000,000.

On page 24, line 23, increase the amount by $840,000,000.

On page 24, line 24, increase the amount by $756,000,000.

On page 25, line 7, increase the amount by $845,000,000.

On page 25, line 8, increase the amount by $838,000,000.

On page 52, line 14, increase the amount by $1,011,000,000.

On page 52, line 15, increase the amount by $201,000,000.

On page 52, line 21, increase the amount by $1,049,000,000.

On page 52, line 22, increase the amount by $408,000,000.

On page 52, line 24, increase the amount by $1,089,000,000.

On page 52, line 25, increase the amount by $649,000,000.

On page 53, line 2, increase the amount by $1,131,000,000.

On page 53, line 3, increase the amount by $946,000,000.

On page 53, line 5, increase the amount by $1,068,000,000.

On page 53, line 6, increase the amount by $1,068,000,000.

On page 53, line 8, increase the amount by $1,110,000,000.

On page 53, line 9, increase the amount by $1,142,000,000.

Mr. BYRD. Mr. President, I voted for the amendment that Mr. DOMENICI offered earlier. It was a good amendment. But, unlike the Domenici amendment which scattershots funds for many popular programs, my amendment targets $1.5 billion for the safe operation of our parks and $5 billion for the cleanup of our water and construction of our sewer systems, which are being neglected and run down. Our water is dirty; our parks are rundown. This is a disgrace. There is a $25 billion backlog in clean water and sewer needs alone in this country, and the Domenici amendment does not answer this growing crisis.

Mr. President, this amendment to the budget resolution, which I offer on behalf of myself and Senators BINGAMAN and LAUTENBERG, will provide an additional $5 billion for rural water and sewer programs and $1.5 billion for our national park system. These funds are critically necessary to protect the most basic of services to America.

All across America, millions of residents in rural communities continue to suffer from inadequate water and sewer services. This need is a direct link to health, sanitation, and environmental problems in all States. This need must be addressed to provide economic vitality to these regions, to allow new job opportunities, increase the tax base, and improve the quality of life for millions of Americans.

Water and sewer loan programs have a proven track record because of their nearly zero-default rate, the best of all Federal loan programs. The grant portion of these programs allows impoverished communities and rural areas to provide their citizens the most basic of human services. These are services that most Americans take for granted every day.

A recent Federal study listed my own State of West Virginia among the five worst States in the Nation in terms of the availability of safe drinking water. There are some places in my State where the condition of the water supply is appalling, and where people are relying on water supplies from systems operating in violation of safe drinking water standards, or wells that have been contaminated. In certain West Virginia communities, on some days, tap water runs black, but families, with no other water source, are forced to bathe and launder in it.

As we approach the 21st Century, we must take steps to ensure that vast regions of our Nation will not be relegated to the living standards of a Third World Nation.

Mr. President, the estimate is that there are 3 million households in the United States in need of safe, clean drinking water. The estimated cost to provide this water is about $10 billion. It is estimated that $3.5 billion is necessary for drinking water needs deemed "critical", and the balance for "serious" requirements. At current levels, only approximately $3.5 billion would be provided over the next six years toward providing clean drinking water for our people.

An equally pressing requirement, Mr. President, is the need to provide basic sewer facilities for small communities. Millions of Americans in rural areas and small communities live without adequate sewer infrastructure. The overall cost estimates to meet these needs exceed $20 billion. At least $7.3 billion should be provided over the next 6 years to meet some of the most critical needs. My amendment will not fund all of these backlogs, but it will help address the critical requirement for the most basic of amenities that each of us takes for granted every day.

The second part of this amendment provides an additional $1.5 billion for day-to-day operations in our national parks. These funds will be used for the services Americans ought to be provided when they visit their national parks. Within the amount, $400 million is for restoration of the Everglades ecosystem in South Florida. The need to protect the fragile and decaying resources of the Everglades has been supported in recent years by both sides of the aisle.

The National Park Service has been entrusted with responsibility for 368 different historic, cultural, scenic, natural resource, and recreation sites. These locations represent a mosaic of the most American of resources, from the historic sites of our country's birth—Independence Hall, Minute Man, Valley Forge, and Yorktown—to the celebration of our cultural heritage at places such as Aztec Ruins, Fort McHenry, and the Natchez Trace Parkway, to the scenic beauty and splendor of places like Yellowstone, the Grand Canyon, Big Bend, the Everglades, Crater Lake, Mount Rushmore, Acadia, and Redwood National Parks.

But the fate of these parks is dependent on providing the necessary resources to protect the parks—to serve the visitors; to maintain the buildings, roads, and campgrounds; and to house the employees who must live within the national parks. As dollars are frozen or reduced, the parks must still pay for increased costs for people, supplies, equipment, and other tools necessary to keep the parks open. Failure to provide the funding for these activities means fewer park rangers, deferred maintenance, closed facilities and trails, and possibly dangerous conditions for park visitors.

The start of the summer vacation season, is upon us. It is at this time of year that Americans load the family into the car and depart for a visit to the parks. Providing operating dollars for the National Park Service will help keep all sites open, and will contribute to a safer experience for all Americans.

What does it mean to have inadequate resources to maintain the facilities which support visitors to the parks? Let me provide an example—if the funding isn't available to pay the people who drive the trash trucks and clean the restrooms in the park campgrounds, trash and unsanitary conditions accumulate. Build-ups of trash can attract bears, which then create a safety hazard. The presence of a safety hazard would cause the Park Service to close the campground—thereby denying visitors the opportunity to camp in a park they might have driven 1,000 miles in order to visit.

In fiscal year 1996, Members from both sides of the aisle urged adequate funding for our national parks. If the necessary allowances are not provided to address our park requirements, the Interior Appropriations Subcommittee will have little choice but to turn to other programs in order to find the resources necessary to protect our parks. This could mean reductions in programs such as low-income weatherization assistance, Forest Service timber sales, Smithsonian and other museum operations, payments in lieu of taxes, and operations of the Strategic Petroleum Reserve.

Mr. President, many Members of Congress have worked on behalf of their constituents to see that park facilities are well-maintained and taken care of properly. When water and sewer systems fail, they have sought money to fix the problem. When visitor facilities were necessary for new parks, the Appropriations Committee has provided the resources to build campgrounds, visitor centers, and rehabilitate historic buildings. But once the construction is over, and the ribbon-cutting ceremonies completed, there is still a need to operate these facilities on a day-to-day basis.

In order to pay for its increase in spending, my amendment provides for corresponding increases in revenues over the 6-year period of this budget resolution. These revenues can be attained by closing corporate loopholes and by changes in tax expenditures.

I encourage the support of Senators for my amendment. A vote against this amendment is a vote against the Statue of Liberty, Yellowstone, Independence Hall, the Grand Canyon, the Everglades, and all of the other 360 plus national park units. A vote against my amendment is a vote against the most basic amenities which a civilized country can provide for its people, clean, safe drinking water and adequate sewage facilities.

I urge the adoption of my amendment.

The PRESIDING OFFICER. The time of the Senator has expired. There is time in opposition. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, relative to the budget resolution, the Byrd amendment would increase taxes and spending by $6.5 billion. I remind everyone, there is nothing in the resolution which would cause a shutdown of the national parks. Our resolution assumes full funding for the parks, for rural water service, and for sewer programs.

In addition, might I say, even if you think you are voting for the specific targeted items, this money will go to the appropriations to be used by the Appropriations Committee where it sees fit. We already added $5 billion in budget authority and $4 billion in outlays. I think that is fair enough for today, and we ought to defeat this amendment.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD certain newspaper articles, together with a breakdown of the Domenici amendment, which was at the table when we voted on that amendment. I voted for it, as I say. I would like to have a breakdown in there to show what those moneys will go for, purported.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PARKS OFFER MORE MUCK, LESS HELP—WEATHER, BUDGETS HIT NATIONAL SITES

Fallen trees are left piled by the sides of roads. Campgrounds are being closed. Beaches are full of debris and river muck. And there aren't as many lectures on how a geyser erupts.

Tight budgets are bringing hard times to America's national parks and recreational areas, and a severe winter and flooding in many parts of the country are making this spring even worse as park officials prepared for the summer vacation rush.

Some of the millions of visitors to the national parks this year may be in for a shock as they get reduced services or find fewer park rangers, reduced hours of operation or parks still cluttered with fallen trees and washed-out trails from winter storms and floods.

"Historically, we've cut the lawns every week and made the place trim and neat," said Bob Kirby, assistant superintendent of the Delaware Water Gap National Recreation Area in eastern Pennsylvania. "Today you see the grass in most places is a foot high. The picnic areas and playgrounds are completely, with one exception, filled with river flotsam, sticks and mud."

The park, along 45 miles of the Delaware River, attracts nearly 5 million visitors a year, many of them escaping the urban sprawl from New York to Philadelphia. While costs of operation have jumped 13 percent, the park's budget has stayed the same.

Federal officials and private watchdog groups say deterioration and money shortages are imperiling parks across the country as superintendents have had to make harsh choices on how to meet expenses. Often it means reducing the number of rangers and other workers.

"Everybody likes ribbon cutting. Nobody wants to fix the roof," said Roger Kennedy, director of the National Park Service.

This summer some of those problems will begin to have an impact on park visitors, whose numbers are expected to exceed 270 million this year.

"Visitors are going to find trails closed. They're going to find portions of parks closed, campgrounds closed." Kennedy said. "They're going to see signs that say 'Don't drink the water' in some places. They're going to find there are no ranger talks. The little things that make these places parklike".

Problems are everywhere.

At Yellowstone in Wyoming, tow museums have been closed. A shortage of park rangers means visitors are left largely on their own in the massive park's northern sector. Lectures at the Norris Geyser Basin Museum on how a geyser works are a thing of the past.

At Delaware Water Gap, workers are struggling to fix the damaged toilets inundated by floodwaters, and only a last-minute infusion of $43,000 prevented the firing of the park's lifeguards.

To save money, 2 of the 10 campsites at the Great Smoky Mountains National Park in North Carolina and Tennessee won't open this summer. There are three seasonal rangers instead of 10, and 17 fewer maintenance workers.

Fewer rangers are at the Sequoia National Park in California, and the season has been shortened. At another great northern California park, Yosemite, and at many other parks and recreational areas around the country, trash won't be picked up or toilets cleaned as frequently.

"We can no longer do more with less," said Mike Finley, Yellowstone's superintendent. Each year, he complained, the park is expected to "absorb increasing costs and maintain the same levels of . . . services" for a growing number of visitors.

Similar sentiments are expressed daily by park officials and rangers across the country.

With Congress mindful of the parks' popularity, the National Park Service has avoided the deep budget cutting faced by some other Interior Department agencies. The park service received $1.08 billion, about 1 percent more than last year, to operate its parks and will get an additional $46 million for storm and flood damage repairs.

But park supporters maintain that more money is needed.

The budget "doesn't keep up with inflation," said Paul Pritchard, president of the National Parks and Conservation Association, a private watchdog group. "It's not one region. It's the whole national park system that is being neglected.

The association Tuesday released the findings of a poll it commissioned that showed the public by a 4-to-1 margin would not oppose increasing federal funding for operation of national parks.

Park superintendents have had to make tough choices. At most parks the number of seasonal workers—both rangers and maintenance workers—has had to be reduced. Many parks have cut back in garbage collection and toilet cleaning. Fewer park rangers are faced with a growing number of visitors and a wider array of law enforcement problems, leaving less time for tours and educational lectures.

"All the parks are struggling," said Elaine Sevy, National Park Service spokeswoman in Washington. She said more than 900 authorized jobs are unfilled throughout the system because there's no money to pay for them.

PARKS HIT IN THE POCKETBOOK

A sampling of conditions at national parks, monuments and recreational areas around the country:

Great Smoky Mountains in North Carolina-Tennessee—Two of 10 campsites and adjoining picnic areas are closed and won't open this summer. Both remote, they are the 92-site Look Rock Campground in Tennessee and the 46-site Balsam Mountain Campground in North Carolina. The number of seasonal maintenance workers has been cut from 65 to 48, the number of seasonal rangers from 10 to three. One of the three visitors centers has been turned over to a private group to operate. Cleanup from extensive winter storm damage has been postponed. Some will not be completed this summer, although $1.4 million recently was allocated to the effort.

Yellowstone in Wyoming—The Norris Campground will be closed in the northern part of the park, eliminating 116 of 2,100 campsites. Two museums in the same area—Norris Geyser Basin Museum and the Museum of the National Park Rangers—are closed. Visitors can travel in the northern area but have neither tours nor ranger briefings available. Seasonal employees will work shorter schedules, and garbage collection is less frequent. A four-hour hike to the petrified forest on Specimen Ridge is being discontinued. A ban on overtime has delayed snowplowing, keeping some roads blocked later than normal.

Yosemite in California—A pothole-spotted road leading to Yosemite's Lower Pines Campground is unlikely to be repaired this year. Work to renovate restrooms and upgrade the park's amphitheater has been put off. Garbage collection and toilet cleaning have been cut back. Officials hope to repair flood damage that closed part of the park. Hours have been cut back for tours and at visitor centers. Fewer rangers patrol mountainous trails, but spokesman Scott Gedlman said essential services—law enforcement, clean drinking water, emergency medical aid—are being maintained.

Delaware Water Gap Recreation Area in Pennsylvania—The park has been hit by "a double whammy," said Bob Kirby, assistant superintendent—first the budget crunch, then severe floods that put under water much of the 40-mile stretch along the Delaware River in eastern Pennsylvania. Its budget wasn't increased, but the park's costs jumped 13 percent. Kirby said extensive storm damage to beaches and trails along the river must be repaired. Grass isn't being cut as often, and flooding left debris and mud on the beaches and inundated public restroom facilities and picnic areas.

Sequoia in California—The tight budget means fewer park rangers and a shorter summer season. Park spokeswoman Malinee Crapsey said many of the recreational facilities may open a week later than usual. Rangers will conduct fewer tours. Park officials also are turning more toward private groups to help sponsor programs.

Cape Hatteras Seashore in North Carolina—Trash collection has been cut in half, but some slack has been taken up by private volunteer groups. Park spokesman Bob Woody said visitor services are being maintained, and the park has more educational programs than last year. But tourists trying to call the Hatteras ranger station near the famed striped Hatteras Lighthouse often have to talk to an answering machine because rangers are busy elsewhere.

Acadia in Maine—Eight or nine fewer summer employees are being hired, and fewer nature briefings and tours are being conducted by park rangers. But most visitors "will not notice any reduction in service," said Len Bobinchock, the park's deputy superintendent. "These programs are so popular, we've had to put a limit on the number of people who can participate anyway." Hours are not being changed.

Crater of the Moon in Idaho—Park officials say they haven't been hit very hard. The area features a broad swath of lava formations from old volcanoes, and some walking trails have buckled and need to be repaired. The monument is building a scenic motoring loop, and some areas may be closed by the construction.

IT'S A FACT: RURAL AMERICA STILL EXISTS

(By Larry Rader, Program Specialist)

[From West Virginia Rural Water Magazine—Spring 1996]

It was a dreary, rainy February day, the kind you only find at the bottom of a deep hollow and I was standing in mud up to my ankles looking at a dilapidated water treatment plant. I had been in this same scene a hundred times over the past ten years, but this time there was something different. I had company and a lot of it. Jim Anderson of RECD (I'mIIA to those of us who can't get used to the name change) had called me the previous week and requested that I take part in a fact finding tour of McDowell County, West Virginia on February 22, 1996. Jim is RECD's state project officer for Water 2000. The Water 2000 initiative is a combined effort of federal, state and local agencies committed to providing potable drinking to all rural residents of the United States by the year 2000.

The McDowell fact finding tour was initiated by Senator Robert C. Byrd and planned by Bobby Lewis, State Director of RECD. Mr. Lewis is from McDowell county and rightly felt that this area of the state typifies many of the problems facing not only West Virginia, but rural areas across the country. Senator Byrd is also from a rural area of Raleigh County and realizes that the view from Washington sometimes becomes a little clearer when taken from the bottom of a hollow in the mud and rain. The tour consisted of both staff members and elected officials federal, state and local. Those who needed help and those who could provide it, all in the same hollow, same rain, same mud and same good spirits. It was an opportunity to reaffirm the existence of rural America and its needs. McDowell County PSD operates a mish-mash of twelve dilapidated systems abandoned by various coal companies over the years. System personnel must travel 120 miles each day just to check the small treatment plants. And forget water loss percentages! Just keeping water in the decaying lines is a triumph. It is a minute by minute struggle most of us could never envision.

Water quality and quantity in the old systems are inconsistent at best, however, right smack in the middle of this drinking water nightmare sets two water treatment facilities which would be the pride of any community. The new facilities at Coalwood and Caretta, both treatment and distribution, were designed by Stafford Consultants and completed in 1994. Almost overnight 350 households had access to something most people take for granted, a dependable supply of safe drinking water. Although the Coalwood and Caretta systems were funded primarily through RECD in the form of loans and grants, McDowell PSD has applied to ARC, AML, Small Cities Block Grants as well as RECD, all of whom were represented on that wet day in an attempt to upgrade the remaining 12 communities.

Rural people have always been willing to share in the cost of providing essential services. However, they must have access to agencies, both federal and state, which understand their problems and are sympathetic to the uniqueness of their situation.

Beginning in the 1950's RECD for instance, has provided over $203,000,000 in low interest loans and grants to over 200 water and waste water systems statewide and is either wholly or partially responsible for most of the rural systems built in West Virginia since that time. But you occasionally need to remind other people that not only does the need still exist, so do the possibilities.

We are very proud that WVRWA was included in the February 22, 1996 Fact Finding Tour of McDowell County. We are always ready to plead the case for rural America and it gave me the opportunity to visit with people who can and do make a difference. As always, I am extremely proud of the people at McDowell PSD. Jeannie, Ralph, Bill, Randy, the other employees along with that PSD Board of Directors and the McDowell County Commission are proof that it can work in rural areas. Many of us never doubted it.

FACT FINDING TOUR MCDOWELL, COUNTY—FEBRUARY 22, 1996 PARTICIPANT LIST

Bobby Lewis, State Director, RECD-WV.

John Romano, Assistant Administrator, Rural Utilities Service, Washington, DC.

Galen Fountain, Minority Clerk, Subcommittee on Agriculture & Rural Development, Senate Appropriations Committee Senator Dale Bumpers' (D-AK) Office, Washington, DC.

Ralph Goolsby, ARC Program Director, WV Development Office, Charleston, WV.

Jim Anderson, Rural Development Coordinator, RECD WV.

Terri Smith Legislative Assistant, Senator Robert C. Byrd's Office, Washington, DC.

Dawn Dunnings, AmeriCorp.

Sanjay Saxena, Program Coordinator, National Drinking Water Clearinghouse, Morgantown, WV.

STATE'S DRINKING WATER SUPPLY WORSENING, STUDY SAYS

(By Julie R. Cryser)

It would take $162.3 million to clean up and provide potable water to approximately 79,000 West Virginians, according to a study conducted by a federal agency.

It would take another $405.7 million to meet the worsening, but not yet critical, drinking water supply situation of about 476,000 West Virginians.

And amid all of these problems, the federal government is cutting federal grants and loans for water projects. West Virginia will lose approximately $5 million in loans and $3.2 million in grants for water and sewer projects in 1996, according to Bobby Lewis, state director for Rural Economic and Community Development.

"The cuts overall are devastating to a state like West Virginia that has always been at the bottom of the list for funding for projects," Lewis said.

These figures come from the West Virginia Water 2000 assessment, part of the Clinton administration's high-priority Water 2000 initiative. The program is aimed at providing safe drinking water to the 1 million Americans without water piped directly into their homes.

Clay, Barbour, Boone, Fayette and Lincoln counties are ranked as the counties with the worst drinking-water problems in the state, Lewis said. Most of the problems stem from untreated water or people using wells that are semicontaminated or not treatable, he said.

The study was conducted by the U.S. Department of Agriculture and state and local government agencies. The West Virginia Rural Water Association and the Regional Planning and Development Council helped to develop a list of more than 200,000 households with water that is undrinkable.

"There are still people out there we didn't get on our list," Lewis said.

He estimates that at least half of West Virginians have water systems that pump out water that should not be consumed.

"Some places you can hardly bathe in it," he said.

Lewis said the study will help draw attention to deplorable water conditions in the state. The project could also help qualify some areas for USDA-funded projects under the Water 2000 project guidelines.

"There is a serious need for some type of assistance for these small communities in rural West Virginia," he said, "If you don't have water, you can't attract industry or people."

Where the Commonplace Is Prized—Quarter of West Virginians Lack Access to Municipal Water

(By Michael Janofsky)

For nearly a century, most residents of this tumbledown mountain hamlet have been drawing their drinking water from a common well on a hillside just above the town's 70 houses.

Three years ago state officials found that the water was contaminated with pollutants, and issued an order to boil it before drinking.

Like most other people in Campbelltown, Carroll Barlow says it is high time that she and her neighbors are finally hooked up to the municipal water system in Marlinton, less than a mile away. But neither the state nor the local governments can afford to pay for the pipes or the pumps to carry the water up the valley.

"I hope I live long enough to get safe water in this house," said Ms. Barlow, 55, who says she has to clean her sinks and toilet twice a day to deal with rust-colored stains that the water from the well leaves behind.

State officials say no medical problems can be traced to the water, but Ms. Barlos is not taking any chances. She uses the well water only for washing and buys drinking water in 69-cent gallon jugs at the Foodland grocery store in Marlinton.

From small communities like Campbelltown to isolated hollows with no names, access to reliable supplies of clean drinking water has long been a problem in West Virginia. The state's rugged geography, coupled with the endemic poverty of rural Appalachia, has strictly limited the ability of both local and state government to extend water lines everywhere. Neither the state nor the Federal Government is required to connect isolated residents to existing water systems, and, given the nation's tight-budget environment, money to build water or sewage systems to our spur economic development in rural areas is likely to become increasingly scarce.

"We just can't do everything," said W.D. Smith, a director of the Appalachian Regional Commission, a Federal agency that helps promote economic development but is a perennial target of budget-cutters in Congress.

Mr. Smith said that with so many communities seeking financing for new systems, only those that can demonstrate an unusually urgent need or immediate economic benefit will succeed.

"We've got a third-world situation here," he said. "I've seen human suffering, old people, people coming to me in tears. But I always have to ask them, 'What's so unusual about your situation?' It's not enough anymore just to say they don't have any water."

A recent study by the Agriculture Department concluded that more than a million people living in rural sections around the country, including large parts of the Mississippi Delta and areas along the Mexican border, did not have clean drinking water piped into their homes. But experts say no other state has so large a percentage of its population unserved by municipal systems as West Virginia. By the state's own estimate, almost a quarter of its 1.8 million people have no access to municipal water, and 40 percent are not served by public sewerage.

West Virginians who do not get municipal water rely mostly on wells; in places, a single well serves an entire community. Water drawn from these wells must in some cases be boiled or chemically treated to remove impurities like contaminants that seep into underground water reservoirs from abandoned coal mines. People living near active mines are especially vulnerable to pollution; even subtle shifts in rock formations can unloose new contaminants into the aquifers that supply well water, or even destroy the aquifers.

Despite Senator Robert C. Byrd's legendary ability to funnel Federal money home for West Virginia's highway system and other programs, officials say state agencies have only recently focused on water and sewerage needs to bolster economic development. Last year, voters approved a $300 million bond issue for water and sewerage.

"More people are being served now," said Amy Swann, a division director at West Virginia's Public Service Commission. "But there will always be people who won't be served. It's just too expensive to spend $1 million to construct a water line to hollows where 12 people live."

State officials say water problems exist in all 55 of West Virginia's counties but most acutely in the rugged eastern half of the state. Here, amid thick forests of maple, elm and oak trees, gurgling rivers and dazzling scenic overlooks, dozens of small communities, some with fewer than 100 residences, straddle narrow mountain roads that once served rich coal mines and timber fields.

The coal and timber industries are long past their peak, but many of the children and grandchildren of the workers remain, drawing from the same wells or roadside springs, some in use for more than 60 years. Most of the people are now too old, too poor or too proud to move.

In Marlinton itself, the latest problem is that officials do not have the $3 million needed to carry water from the town's water plant to the new hospital, which was built on a hill to keep it high and dry above the flood-prone banks of the Greenbrier River.

For now, the hospital, scheduled to open this summer, will draw its water from the well that serves the local school, across the street. "We're struggling to find the funding," said Douglas Dunbrack, the Marlinton Mayor, who doubts that the well water supply will be adequate for the hospital, intended to serve some 9,000 people in eastern West Virginia. "We need a big-time grant, but there's just no money available."

Water Supply Unsafe for Many West Virginians

The U.S. Department of Agriculture (USDA), through its Rural Economic and Community Development (RECD) offices in West Virginia, has completed a four-month assessment of the state's most pressing safe drinking water system investment needs. The assessment is part of the Clinton administration's high priority Water 2000 initiative, which, according to RECD state Director Bobby Lewis, "aims to deliver safe drinking water to the estimated one million rural Americans currently living without water piped directly into their homes."

In a related development, the U.S. Congress recently sent to President Clinton a 1996 appropriations bill that produces a 30 percent funding cut below 1995 levels for safe drinking water and sanitary sewer project construction.

West Virginia's Water 2000 assessment results show that the state's rural towns have come a long way in solving their safe drinking water problems over the past quarter century, but still have a lot of gaps to fill. According to the results, the 50 West Virginia communities with the most pressing needs require a combined investment of $162.3 million to serve approximately 79,000 people who now have serious drinking water quality or quantity problems. Additionally, some $405.7 million will be required to meet the worsening but not yet critical drinking water supply situation of some 476,000 West Virginians in 443 communities.

The Water 2000 assessment was conducted by USDA's West Virginia-based personnel, together with state and local government agencies, and representatives of two nonprofit organizations—the West Virginia Rural Water Association and the Regional Planning and Development councils.

Historically, the USDA's water and sewer loan and grant program has been the primary funding source for rural communities seeking to improve their public health, job development and fire protection situations by constructing and improving water and sewer systems. The USDA's Rural Utilities Service (RUS), as part of Water 2000, has begun to better target its loans and grants to lower income, remote rural communities with the nation's most pressing drinking water quality and quantity problems. The USDA's water and sewer loan program, in its 55-year history, has loaned out $14 billion, and lost only $14 million—a loss rate of one-tenth of one percent.

Wally Beyer, Washington-based administrator of the RUS, said that West Virginia water and sewer projects received $16.8 million in loans and $10.5 million in grants in fiscal year (FY) 1995 from this federal source. Approximately 60 percent of those funds were invested in safe drinking water projects. According to Beyer, based on funding cuts recently approved by Congress and signed into law, West Virginia will lose approximately $5 million in loans and $3.2 million in grants for such projects in FY 1996, which started on October 1.

"These cuts will hurt rural West Virginia towns that need to invest in very basic community drinking water improvements for their residents." Beyer said. "At the level of funding the Congress has provided for 1996, it will take at least 14 years to solve West Virginia's most critical rural drinking water problems, and at least 35 years to make all of the improvements identified in the just-completed Water 2000 assessment."

Rural Water Needs To Be Addressed

A U.S. Department of Agriculture official will be in McDowell County today, examining rural drinking water needs, Sen. Robert C. Byrd's office reported.

John Romano, USDA assistant administrator for rural utilities service, will be joined in his tour by local leaders including Bobby Lewis, the USDA's state director for Rural Economic and Community Development.

"In follow-up to a recent study conducted by the USDA on the nation's water needs, which ranked West Virginia among the five states in greatest need of safe drinking water, I urged Agriculture Department officials to take a fact-finding trip to West Virginia," Byrd said in a prepared statement.

Byrd said current funding for the rural development portion of the USDA cannot keep up with the demand for safe drinking water, yet it is one of the programs suffering in the battle for a balanced federal budget.

"It is important for federal officials to understand the challenge we are certain to face if our nation continues to neglect our infrastructure investment deficit," Byrd said.

DOMENICI AMENDMENT

Increase non-defense discretionary spending limits in FY 1997 by: $5 billion in budget authority, $4.1 billion in outlays.

Changes (in millions) the following areas in FY 1997:

	Budget Authority	Outlays
Science, Space	200	100
Energy	900	200
Agriculture	300	200
Commerce and Housing	400	300
Transportation	1,100	700
Comm. and Reg. Dev	1,500	100
Services	1,700	800
Health	300	600
Medicare	200	200
Income Security	400	200
Net Interest	100	100
Allowances	−2,100	900
Total adds	5,000	4,100

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays have not been ordered.

Mr. EXON. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Arizona [Mr. BUMPERS] is necessarily absent.

The PRESIDING OFFICER (Mr. ABRAHAM). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 45, nays 54, as follows:

[Rollcall Vote No. 155 Leg.]

YEAS—45

Akaka
Baucus
Bingaman
Boxer
Bradley
Breaux
Bryan
Byrd
Conrad
Daschle
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Heflin
Hollings
Inouye
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Rockefeller
Sarbanes
Simon
Simpson
Wellstone
Wyden

NAYS—54

Abraham
Ashcroft
Bennett
Biden
Bond
Brown
Burns
Campbell
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
DeWine
Dole
Domenici
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hatch
Hatfield
Helms
Hutchison
Inhofe
Jeffords
Kassebaum
Kempthorne
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Pressler
Robb
Roth
Santorum
Shelby
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NOT VOTING—1

Bumpers

The amendment (No. 4040) was rejected.

Mr. LEAHY. Mr. President, I cannot support this budget resolution for 1997 fiscal year.

While I am encouraged that the majority was able to moderate their balanced budget plan from last year because of stronger economic estimates from the Congressional Budget Office, this budget resolution still falls short. It cuts Medicare and Medicaid more than is necessary to achieve a balanced budget. And it cuts education and environment funding while increasing defense spending—which is unacceptable in today's post-cold war world.

This Republican budget cuts Medicare by $167 billion, $50 billion more than the President's budget over the next 6 years. These cuts would reduce Medicare spending growth per-beneficiary far below projected private sector growth rates. I am disappointed that the majority persists in cutting a program that is vital to 83,000 Vermonters, 12 percent of whom live below the poverty level.

The Senate Republican budget resolution ignores the fact that it is not just Medicare costs that are rising. All health care costs are rising. And by just cutting Medicare—and Medicaid for that matter—a huge cost-shift of medical expenses will result and make sure that all Vermonters pay more for health care.

The Republican Medicare cuts are short sighted. Simply cutting Medicare does not make its problems go away. To reduce Medicare costs, we must reduce health care costs throughout the system, which can only be achieved by true health care reform. I look forward to sitting down at a table with Members from both sides of the aisle and hammering out a plan to deal with the issue of comprehensive health care reform. But in the meantime, simply cutting Medicare is not the answer.

This Republican budget includes $72 billion in Medicaid cuts, $18 billion more in cuts than the President's budget over the next 6 years. The resolution does not describe how these savings would be achieved, but it appears the Republicans still intend to block grant Medicaid. This will simply blow a hole in the safety net for our most neediest citizens.

This Republican budget also proposes capping the Federal direct student loan program at 20 percent of loan volume. Since schools participating in the direct loan program currently handle 40 percent of loan volume, many will be forced out of the program. The resolution only increases overall education funding by $3 billion over a freeze baseline over the next 6 years—hardly an investment in the one of the Nation's most important resources.

Unfortunately, the majority refused to moderate its cuts in protecting the environment during debate on this resolution. Compared to the President, the Republican budget cuts overall funding for environment and natural resources programs by 16 percent in the year 2002. The Republicans cut National Park Service operations by 20 percent. Compared to President, the Republican budget cuts funding for EPA's enforcement and operations by 23 percent in the year 2002.

The people of the United States never voted to gut environmental spending in the last election. They overwhelmingly want to make sure Government provides basic safeguards for a clean environment. This is a job that Government can do and needs to do.

The environment will not take care of itself. We have to step up and be responsible about the future we pass to our children. We must not step back from the bipartisan commitments made in the past 25 years to protect our air, water, streams, and natural resources.

Moreover, this budget ignores corporate welfare. President Clinton proposed that $40 billion be raised from corporate reforms and loophole closing legislation. But the majority has caved to special interests, and its budget remains silent on corporate welfare. Closing tax loopholes should be part of any fair balanced budget plan.

Finally, the Republican plan includes $17 billion in cuts to the earned income tax credit, which helps low-income working families stay off welfare and out of poverty. The President's budget proposes only $5 million in reforms to cut down on earned income tax credit fraud.

This Federal tax increase will raise taxes in seven States that have a State earned income tax credit tied to the Federal credit, including my home State of Vermont. The resolution could raise both State and Federal taxes on 27,000 Vermont working families earning less than $28,500 a year. It is very doubtful that the Vermont General Assembly can afford to increase the State earned income tax credit to make up this loss, with even more Federal cuts on the way.

At a time when many working Americans are struggling to make ends meet, the Senate Republican budget would hike Federal taxes on low and moderate-income working families. It would also raise some State taxes on these same working families. This is a double whammy on working families.

Mr. President, this budget resolution is better than last year's extreme budget, but it still cuts programs for elderly, young, and low-income Vermonters more than is necessary to balance the budget. We can do better than this budget.

Ms. MOSELEY-BRAUN. Mr. President, on April 23, 1996, the Senate, by a vote of 100 to 0, passed the Health Insurance Reform Act, a bill that will make health insurance more available to more Americans, end job lock, and end concerns regarding pre-existing conditions. That same bipartisan approach is what is needed now if this Senate is to do what the American people expect us to do—restore real, lasting discipline to the Federal budget.

In the last Congress, I served on the Bipartisan Commission on Entitlement and Tax Reform. The first finding in that Commission's interim report to the President, which was overwhelmingly endorsed by both the Democratic and Republican members of the Commission, stated:

> To ensure that today's debt and spending commitments do not unfairly burden America's children, the Government must act now. A bipartisan coalition of Congress, led by the President, must resolve the long-term imbalance between the Government's entitlement promises and the funds it will have available to pay for them.

The Commission, however, did much more than simply make a rhetorical case for bi-partisan cooperation to address our budget problems. It also did extensive work to document the nature of the budget problem we face, because no consensus solution to our budget problems is possible unless there is first a consensus on what our real budget problems are.

The Commission laid out the kind of budget future we face, and the underlying causes of our budget problems, in considerable detail. Perhaps the Commission's most important finding was that, unless we begin to act now, the portion of the gross domestic product of the United States consumed by the Federal Government will rise from approximately 21.4 percent of GDP in 1995 to over 37 per cent of GDP by the year 2030.

Now, thinking about percentages of GDP is not very meaningful to most Americans. It might be useful, therefore, to think about what that figure might mean for the Federal Government and Federal deficits if we translate those percentages into the fiscal year 1995 Federal budget.

In fiscal 1995, the Federal Government spent approximately $1.5 trillion dollars. If that year's budget took up 37 percent of GDP, as the Commission forecast for 2030, total fiscal year 1995 spending for the Federal Government would have been over $1.15 trillion higher, or $2.65 trillion. The Federal deficit would explode from the $163 billion actually reported in fiscal 1995 to over $1.3 trillion. The Federal deficit, under this scenario, would amount to almost 87 percent of the total amount the Federal Government actually spent in fiscal 1995.

Domestic discretionary spending would not account for a single penny of that increase; It would consume only $252 billion of that theoretical budget, or approximately 11 percent of total Federal spending. Nor would defense spending account for any part of that increase. It would continue to account for only $273 billion of the total $2.65 trillion budget.

What would increase is interest on the national debt, which would more than triple from the $232 billion the Federal Government actually spent on interest expense in fiscal 1995 to almost $700 billion. Social Security would double from the roughly $330 billion actually spent in fiscal 1995 to well over $650 billion. Medicare would also double, from approximately $150 billion to over $310 billion. And Medicaid would double as well, going from $90 billion to $180 billion.

That kind of budget is impossible. The Federal Government could not sell the new Government bonds that would be necessary to support deficits of that size. Essentially, the Federal Government would have to declare bankruptcy long before the budget ever reached that point. The members of the Commission, of course, all knew that. But it was the Commission's judgment—one that I fully endorsed—that it was important to lay out the budget trends the Federal Government is facing, because only then can the President and Congress, working together, do something to change those trends.

The Commission's work, however, did much more than identify the trends, though. The Commission went on to clearly lay out the underlying causes for those trends—rising health care costs and the aging of the baby boomers.

The Commission found that Federal health care expenses rose by double digit rates in the late 1980's and early 1990's, and it forecast that total Federal health care expenses would triple to 11 percent of GDP by the year 2030, unless appropriate policy changes are made. Even more frighteningly, it found that total Federal health care expenses will at least double as a percentage of GDP even if health care cost inflation is brought under control.

Changes in the American population are even a more powerful engine, one that is driving overall Federal spending ever-higher. Americans are now living much longer than they did in 1935 when Social Security began. The average life expectancy was 61.4 years then. It is 75.8 years now, and it is projected to be 78.4 years by 2025. In 1935, the life expectancy of a person reaching the age of 65 was 12.6 years. Now it is 17.5 years, and by 2025, it will be 18.8 years.

These figures represent a real triumph for our American community. What they tell us is that the American system works. But these figures also help explain why that triumph is not cost-free. In 1990, there were almost five workers for each Social Security retiree; by the year 2030, there will be less than three. More and more people are drawing Social Security benefits, and drawing them for a longer period. More and more people are using Medicare and Medicaid, and using them for a longer period of time. And those facts mean higher costs.

These are the fundamental truths we must all face, Mr. President, if we really want to address our budget problems—if we really want to balance the budget in a way that makes sense and that will work. We have to decide together—on a bipartisan basis—what our priorities are, what we think Government can do and must do, and what we are willing to pay. The only way to make these decisions is to be honest with the American people about what the problems are, and about what various options for solution of these problems would entail.

I would like to be able to say that the resolution now before us is based on that kind of bipartisan approach to the budget issue. I would like to be able to say that it is based on the bipartisan analysis contained in the Commission's report. And I would like to say that it is an attempt to present the American people with a set of proposals that face the underlying budget trends and their causes, but I cannot.

The American people want bipartisanship in approaching our budget problems. Unfortunately, however, this budget is not a bipartisan budget. It does not reflect an agreement between Congress and the President, or even between the Democrats and Republicans here in the Senate. Instead, as the straight party line vote in the Budget Committee on this resolution demonstrated, it is instead based on the partisan approach to the budget that was so in evidence last year—an approach that gave us three Government shutdowns, 13 continuing resolutions funding the Government for as little as a day at a time, and, in the end, no real progress toward dealing with our most significant budget problems.

This is a large budget resolution, and it covers six fiscal years, but it is easy to tell it is not based on the Bipartisan Commission's analysis of our budget problems. This budget resolution, for example, obtains fully half of its deficit reduction from domestic discretionary spending.

Mandatory spending—principally Social Security, Medicare, Medicaid, federal retirement, and interest on the national debt—has risen from 32.4 percent of the total Federal budget in 1963 to 64.1 percent now, and it will account for fully 72 percent of the Federal budget in the year 2003. Domestic discretionary spending, on the other hand, has been shrinking as a percentage of the total Federal budget, and it has been generally stable as a percentage of GDP. It is not the primary source of our budget problem. At roughly 17 percent of the overall Federal budget, it certainly does not account for 50 percent of our budget problem.

Perhaps the most compelling way to demonstrate that fact is to go back to the Entitlement Commission's report. The Commission found that after the year 2012, even if every single domestic discretionary spending program is cut to zero, and even if the Defense Department's budget is cut to zero, the Federal Government would still run deficits every year thereafter, unless we act to address our core budget issues.

The American people do not want that to happen, Mr. President. They do not want the Federal Government to be without resources to address important national priorities like education and the environment. They know that Federal investment in education is a public good. They know that Federal investment in highways and mass transit and aviation safety is a public good. They know that Federal investment in health research is a public good. They know that Federal stewardship of our national parks, including such national treasures as Yellowstone and the Grand Canyon, represents a public good. And they know that Federal action to protect our environment and clean up our air, our water, and toxic waste sites is a public good.

When American communities experience floods, or hurricanes, or tornados or earthquakes, they want the Federal Government to be able to act. What they don't want is a situation where the Federal Government is unable to act because of our failure to address the Federal Govenment's budget problems. Yet, if deficit reduction efforts continue to focus in such a disproportionate way on this already shrinking of the Federal budget, while avoiding coming to grips with the real budget problems in the mandatory spending part of the budget, that will be the inevitable result.

Domestic discretionary spending is not the only area where this budget resolution falls short. In Medicare, it proposes reductions in spending that total $167 billion, cuts that are, at the same time, too large and too small.

That may seem like a contradiction, but it's not. And the reason it is not goes back to the underlying forces driving up federal spending—health care inflation and demographics.

We need to sit down together on a bipartisan basis, and to work together to develop an approach to Medicare—and for that matter, Medicaid—that will actually reduce the Federal health care cost inflation rate. Then, based on what we believe we can actually achieve, we should include those savings in the budget resolution. This resolution does exactly the opposite. It sets an arbitrary amount of budget savings, and essentially caps Medicare spending, without knowing what those arbitrary caps will do to quality of care, access to care, affordability of care, or choice of provider. And while it does not increase direct costs to beneficiaries, it does assume major cuts in payments to hospitals and home health providers that serve beneficiaries, which will clearly have an impact on quality and access.

Moreover, the figures in the resolution are not based on any real analysis of how much health care inflation can be reduced, and how much time it will take to accomplish. Instead, the resolution is like an old Soviet 5-year plan—except it covers 6 years. It simply says this shall happen. Like the old Soviet 5-year plans, therefore, it has only the vaguest connection with economic—and in this case, health care—reality.

At the same time, however, the proposals assumed in the budget resolution do not in any way come to grips with the underlying demographic trends, which is why they are both too large and too small. They start at levels higher than can be justified based on reining in health care inflation, but they do not even attempt to begin to anticipate what needs to be done to handle the retirement of the baby boomer generation. We have to do better than that.

This resolution also contains a tax cut. It is a smaller tax cut than in last year's resolution, but it suffers from the same flaws. I am the first to agree that Americans ought to have more money in their pockets. More and more Americans are being priced out of the American dream. More and more Americans are losing their ability to purchase a home, a new car, or to provide a college education for their children. It is clear that more and more Americans are being priced out of the dream market. Between 1980 and 1995, for example:

> the average price of a home increased from about $76,000 to over $150,000, an increase of more than 100 percent; the average price of a car went from about $7,000 to about $20,000, an increase of over 285 percent, and the number of weeks an American had to work to pay for the average car increased from about 18 weeks to over 27 weeks, an increase of about 150 percent; and the cost of a year's tuition at a publicly supported college increased from $635 to $2,860, an increase of almost 450 percent, and a year's tuition at a private college increased from an average of $3,498 to $12,432, an increase of 355 percent.

These cost increases have continued into the 1990's, but income growth has not kept pace. Economic stagnation and rising income disparity are now facts of life. Just last month, for example, it was reported that Americans now have to work a record number of weeks—27, as I stated earlier—to purchase a new car. What that fact means, of course, is that more and more Americans are being pushed out of the new car market altogether.

Given these cost trends, Americans justifiably want to see higher take-home pay. Government can make an important contribution that can help Americans achieve that goal by helping to create a climate where productivity can increase, because increases in productivity lead to increases in wealth, and because in our country, it is private markets, and not Government fiat, that determines people's incomes.

Some people may assume that tax cuts automatically increase productivity, but it is worth remembering that, Federal taxes took are lower now than they were in 1969—one full percentage point of GDP lower. In 1969, the top Federal income tax rate was 77 percent; now it's 39 percent. Since 1969, the amount raised by Federal income tax on individuals has dropped by almost 11 percent, and the amount raised by the corporate income tax has been cut almost in half, as a percentage of GDP. Yet, the U.S. economy generally, and the standard of living of the average American, grew more quickly then.

The truth is that, if we want to increase national savings, and thereby help increase the pool of capital that is necessary to support productivity growth, the most efficient way to do that is to address our core budget problems, and not to cut taxes now. The most important reason not to do a tax cut now, however, has nothing to do with tax policy, national savings rates, or productivity. The most important reason not to do a tax cut now is that a tax cut sends a totally wrong message to the American people about the scope and extent of our budget problem.

A tax cut now is like President Johnson's guns and butter policy in the 1960's. It says that our budget problems are easy to solve, so easy that we can afford tax cuts while we balance the budget with one hand tied behind our backs. But that's not the case. We can continue to ignore the facts for a few more years if we want, but ignoring the truth will not make it go away. It will only make the day of reckoning that much worse.

It need not be so. While tough steps will be needed, and while serious costs are involved, if we work together on a bipartisan basis, if we think about the long-term, and if we keep our focus on the priorities of the American people, we can address our budget problems in a way that will allow this great Nation to protect the retirement security of Americans—now and in the future. We can do so in a way that will allow the United States to meet the health care priorities of Americans—now and in the future. And we can do so in a way that retains resources for other essential investments—like education and the environment.

The budget resolution now before this Senate cannot accomplish these goals because it is not bipartisan and because it is not based on the budget realities we are facing. I urge my colleagues, therefore, to join me in voting to put this resolution aside. And much more importantly, I urge my colleagues to come together in a bipartisan way to begin the process of putting together the kind of budget the American people expect of us.

THE ARCTIC NATIONAL WILDLIFE REFUGE [ANWR]

Mr. BAUCUS. Mr. President, I would like to engage in a colloquy with the ranking member of the Budget Committee on the issue of ANWR?

Mr. EXON. Mr. President, I would be happy to.

Mr. BAUCUS. It has come to my attention that the Energy and Natural Resources Committee has been instructed to achieve close to $1 billion in savings that are not highlighted as part of the mandatory assumptions section of the environment and natural resources function of the committee report on the budget resolution. Can the Senator from Nebraska confirm that this is true?

Mr. EXON. The Senator from Montana is correct. in fact, this billion dollars of savings amounts to almost 75 percent of the required savings the Energy and Natural Resources must produce in order to comply with the Republican budget resolution.

Mr. BAUCUS. It also has come to my attention that the latest CBO savings estimate for opening up the Arctic National Wildlife Refuge [ANWR] for oil drilling is just under $1 billion. Does the Senator from Nebraska find it odd that there is no mention of ANWR in this year's budget resolution?

Mr. EXON. Yes, I do find that strange. The committee report for last year's budget resolution cited ANWR as the major mandatory savings assumption for the Energy and Natural Resources Committee. indeed, it's inclusion in the final reconciliation bill was one of the major reasons why the President vetoed that bill.

Mr. BAUCUS. Mr. President, I would like to inquire of Senator EXON, is it fair for me to assume that in order for the Energy and Natural Resource Committee to meet its reconciliation instructions this year, the Republican majority is planning to include drilling in ANWR?

Mr. EXON. Yes, I do believe that the Senator from Montana is correct in making that assumption. The Energy and Natural Resources Committee has a limited amount of mandatory programs under its jurisdiction to target for savings as part of a reconciliation bill. With the exception of privatizing the Power Marketing Administrations, a proposal that was soundly rejected during last year's debate, I might add with the Senator Montana's leadership. I can think of no other policy under their jurisdiction that could generate a $1 billion in savings.

Mr. BAUCUS. Since this is indeed the case, I wonder why our friends on the Republican side were not willing to highlight their proposal to drill for oil in the Arctic Refuge as the leading assumption in their report, given the fact that it accounts for 75 percent of the savings for the Energy and Natural Resources Committee?

Mr. EXON. It might be due to the fact that a clear majority of the American people do not support opening up the Arctic National Wildlife Refuge for oil and gas exploration. It appears to me that the Republicans are trying to find a clever way to cover up all the damage their budget will do to the environment.

Senator BAUCUS. I believe that the Senator from Nebraska is correct. The American people, by a two to one margin, oppose opening up ANWR for oil and gas drilling. No wonder that proponents of drilling do not want to confront the issue head-on.

Our citizens understand, even if some members of this body may not, that leasing the Arctic National Wildlife Refuge risks serious harm to one of our national treasures. It squanders the natural resources that we should be leaving for future generations. And it is another example of public lands policies that favor special interests over the interests of ordinary families.

The irony is that we do not need to take these risks to ensure adequate supplies of energy. There are new oil fields being developed in the Gulf of Mexico right now, in very deep water, that can produce oil without the environmental disruptions that would surely accompany drilling in ANWR.

Last year, the Office of Management and Budget, hardly an environmentally zealous group, stated that:

> Exploration and development activities would bring physical disturbances to the area, unacceptable risks of oil spills and pollution, and long-term effects that would harm wildlife for decades.

That is not the kind of legacy we should be leaving for our children. Yet that is what could well be in store for this country if the reconciliation instructions in this budget are carried out as the Senator from Nebraska has indicated. I thank the Senator for his observations.

WELLSTONE EDUCATION TAX DEDUCTION AMENDMENT

Mr. BAUCUS. Mr. President, I voted for the amendment of my colleague from Minnesota because I support providing a tax deduction to parents to help defray the costs of a higher education for their kids. Senator WELLSTONE's amendment would also permit taxpayers who pursue additional education to deduct all or a portion of the related costs. This is important for taxpayers who lose their job and need additional skills to get reemployed or who want to advance to a higher paying job. In fact, Mr. President, I introduced S. 1312 earlier this year to provide a $5,000 deduction for higher education costs.

I do have one concern with Senator WELLSTONE's amendment. The only tax cuts permitted under its language are a child tax credit and the deduction for higher education costs. There are a number of other tax cuts that merit consideration Mr. President, and I hope we can get to them this year. For example, an increase in section 179 expensing for small businesses, expansion of IRA's to encourage savings, and estate and gift tax relief for family-owned businesses.

I look forward to working with my distinguished colleague from Minnesota on the child tax credit and the higher education deduction as well as a number of other tax cuts that will benefit taxpayers in Minnesota and Montana as well as the entire Nation.

KYL AMENDMENT REQUIRING A SUPERMAJORITY TO RAISE TAXES

Mr. BAUCUS. Mr. President, the Sense of the Senate amendment of my colleague from Arizona notes that the current tax system is overly complex and burdensome and that action must be taken to produce a tax system that is fairer, flatter and simpler. I couldn't agree more and I look forward to working with him and the rest of my colleagues to reform a tax system that is badly in need of repair.

I was unable however, Mr. President, to vote for Senator Kyl's amendment because of the provision requiring a supermajority vote to raise taxes. Ironically, I believe this proposal could impeded meaningful tax reform. It could have the effect of locking in existing loopholes unless those of us who want real tax reform could muster a supermajority. Congress may ultimately determine that in fact more than a simple majority of its members should be required to increase taxes. However, a number of questions need to be addressed before we take such action.

What is a supermajority? Two thirds of the members, or perhaps three-fourths?

Can the supermajority requirement be waived in the event of a national emergency? How would we define a national emergency?

And how do we define what it means to "raise" taxes? Does closing a corporate loophole—which would increase the taxes paid by the companies benefitting from the loophole—require a supermajority? If it does, Congress will be hard pressed to close corporate loopholes.

I do agree with the language in my distinguished colleague's amendment calling for tax reform, and I may agree in time with the need for a "supermajority" before taxes can be "raised," but cannot at this time vote for his amendment calling for that supermajority.

Mr. FEINGOLD. Mr. President, the debate surrounding this year's budget resolution is tame compared to the debate we heard last year at this time. But we should not be lulled by this relative quiet. This year's model is not much different from the one produced last year.

In one key regard, it may be worse.

The warnings many of us made last year have come true. Rather than focusing on eliminating the deficit and finally balancing the Federal budget, this year's budget resolution has one overarching goal, namely to provide an election year tax cut.

Mr. President, on this issue, the hands of both parties are dirty. Republicans and Democrats both have engaged in this tax cut bidding war. Even the so-called bipartisan budget proposal revolves around a $130 billion tax cut.

Mr. President, we have lost a real opportunity.

After the debate of the last year, one might have thought that we had reached a consensus that balancing the Federal budget was our most important task. The negotiations that took place between the Republican Congressional leadership and the White House appeared to be moving the parties closer together. Each side had agreed to similar ground rules and a timetable for a balanced budget; each side had offered a budget plan that actually reached balance.

Sadly, negotiations broke off, and there was no agreement reached on a plan to balance the budget.

Mr. President, a central reason for the failure of those negotiations was that the shared goal of deficit reduction was weighed down with other competing agendas—the structure of Medicare, whether Medicaid should be a block grant, welfare reform, and the amount and structure of the tax cut. All of a sudden, it wasn't enough to balance the budget. Eliminating the deficit took a back seat to those other priorities.

Mr. President, of course these other matters have an impact on our ability to achieve and maintain a balanced budget. I support reforms to Medicare and Medicaid not only for their own sake but for the very reason that such reforms are needed if we are to achieve a balanced budget.

But we cannot afford to divert our attention from what must be the immediate business of Congress—balancing the budget.

Of all the distractions, Mr. President, by far the most dangerous is the promise of a major tax cut. It is already difficult to get agreement on the spending cuts needed to eliminate the deficit. The work of balancing the budget is not pleasant, and it is all too easy to find excuses not to do that work.

Proposals to cut taxes make it even more difficult to stay focused on that unpleasant but necessary task. How much easier it is to speak about how one might cut taxes, and by how much.

Mr. President, as I noted earlier in this debate, we are now obsessed with enacting tax cuts, no matter what the cost to the integrity of the budget. Every time you turn around you bump into another proposal for some tax cut. Some come clothed as tax reform, such as the so-called flat tax. Others are less subtle. The Wall Street Journal recently reported that a "trendier" tax cut plan is a 15 percent across-the-board cut in income tax rates, phased in over 3 years. And I have no doubt that the nominees of both parties will each have their own tax cut plan to tout this summer.

We've just spent 2 weeks debating the issue of a 4.3 cent gas tax cut, and the other body has sent us a 1.7 billion dollar special adoption tax credit and is working on another 7 billion dollar tax cut for small businesses.

Everyone is eager to float a tax cut plan. Mr. President, would that they were equally as eager to offer plans to cut spending and balance the budget.

This budget resolution aids and abets this fiscally reckless and irresponsible agenda. Its structure of consecutive reconciliation bills, finishing with a tax cut extravaganza just a few weeks before the election, is a guarantee that it cannot hope to lead to a balanced budget, only political posturing.

The budget resolution has other flaws as well. The Medicare and Medicaid programs are underfunded, the direct result of the need to fund the tax cut and to add even more funding to a Defense Department that instead should be asked for significantly more cuts. And as with last year's budget resolution, there is no effort to limit some of the corporate welfare that responsible members of both parties have identified as a top priority for cutting.

Mr. President, I suspect that some of this year's budget resolution is the result of the special political dynamics of presidential election year politics. If that is the case, I earnestly hope that once that election is behind us, both parties will seize the opportunity and reach out for a bipartisan plan to balance the budget. I am confident that a majority of the Senate and the other body would support such a plan.

Until that time, Mr. President, I will continue working with members form both sides of the aisle to identify areas where we can find savings that will move us closer to completely eliminating our Federal budget deficit.

Mr. EXON. Mr. President, as we conclude debate, I cannot help but be struck by the futility of this Republican budget. It is a tragic repeat of last year's Republican budget fiasco. It is a fool's errand twice over.

A year ago, many of us stood on the Senate floor imploring our Republican colleagues to temper their harsh views and to join with us to create a bipartisan balanced budget. We predicted a train wreck otherwise. We got not one, but two train wrecks, including the longest Federal Government shutdown in the history of our Nation.

We will soon vote on this so-called new Republican budget. But no one should be fooled as to its novelty. It is at best a hybrid of the old Republican budget grafted onto some slick parliamentary procedures. It will spin out not one, but three, reconciliation bills, because the Republican Majority wants to create a web of budgetary intrigue in which to trap the President. They want to amplify partisan confrontation over the summer and into the fall elections.

Some call this the silly season. It would be silly, if it were not so sad for our Nation.

Once again, the congressional majority is squandering an opportunity to balance the budget. Last year, all the Republicans wanted was for President Clinton to submit a 7-year, CBO-certified, balanced budget. President Clinton delivered with a fair and reasonable balanced budget. But no, the Republicans claimed that it was not good enough for them—even though it was good enough for the Republican-selected CBO Director.

Perhaps this debate did serve one larger purpose. With amendments from this side of the aisle, the American people could see that there is another vision for the future of our Nation. There is a way to balance the budget, but without jeopardizing quality health care for our seniors, without fouling the environment, without limiting the learning horizons of our children. But on this floor, the American people saw the Republican majority oppose moderation time and time again.

It has been said that the definition of insanity is doing the same thing over and over again and expecting a different result. This budget would be insane, except that no one expects a different result. This is a senseless repetition of a failed budget. Because of its extremism, it deserves to fail. I urge my colleagues to reject it once again.

Mr. BINGAMAN. Mr. President, I intend to vote against the Republican Federal budget proposal. This budget is nearly the same as the one proposed last year by Republicans, and I feel that the interests of the Nation continue to be poorly served by the guidelines specified in this sort of ideologically driven legislation.

Both last year's Republican budget proposal and the one we are voting on today represent a misguided set of priorities for the next century by cutting resources for education, job training, the environment, and Medicaid in order to pay for tax breaks for the wealthy and unneeded defense programs.

Over 7 years, the Republican proposal slashes Medicare by $226.8 billion, a number only slightly different from their proposal last year to cut Medicare by $228.2 billion. Reductions in the earned income tax credit will result in increasing taxes on lower income working families by $21 billion over 7 years, compared to the $20-billion tax increase proposed last year.

I am also very concerned about proposals in this legislation that would allow States to make significant cuts in their own contributions to Medicaid in the rules governing block grants from the Federal to State governments. These policies threaten guarantees of coverage for children, people with disabilities, and older Americans. This series of proposals represents an alarming trend away from providing the most rudimentary safety net for those in need toward further enriching those who are the most prosperous in our country.

The President's budget proposal as well as a centrist alternative budget crafted primarily by Senators BREAUX and CHAFEE do a far better job of balancing the needs of the most disadvantaged in our society with the objective of reaching a balanced budget by 2002. The President's budget secures the integrity of the Medicare trust fund through 2005, and it does so without ravaging this important program. In contrast, the Republican budget cuts Medicare by $50 billion more than the President's plan.

Education and job training—Head Start, Basic Education Assistance—title 1—School-to-Work, and Job Training for Dislocated Workers—remain high priorities of our Government, as they should be, in the President's budget. In contrast, the Republicans slash more than $60 billion from these programs.

The President does not raise taxes on low-income working Americans. In contrast, the Republicans, by cutting EITC by $21 billion over the next 7 years, intend to raise taxes for between 6 to 10 million Americans.

I think it is possible to balance the budget by 2002 without abandoning America's priorities—and without abandoning those most in need. We can clearly preserve paycheck security, health security and retirement security for America's working families without abandoning our commitment to a balanced budget.

Mr. President, I must also add that I am impressed with the efforts of Senator JOHN BREAUX and Senator JOHN CHAFEE in leading the way on yet another alternative budget to that proposed by the Republican majority. This 7-year bipartisan alternative budget proposal, which I have voted to support, is a conscientious, bipartisan effort that does a much better job of maintaining the right priorities for our country. I do have concerns about whether cutting the CPI by ½ percent is the best approach to dealing with the question of getting a better, more accurate inflation indicator, and I think that any adjustment in our cost growth measure must be progressive in its application.

While the Breaux-Chafee alternative does not contain everything I would want in a budget, the process of bringing both Democrats and Republicans together to seriously confront the problem of achieving a fair yet balanced budget is much better than what we ended up with—namely, the Republicans trying to force the same old budget down our throats.

Mrs. MURRAY. Mr. President, I rise today to express my opposition to the Republican budget resolution for fiscal year 1997. Quite simply, this budget resolution does not reflect the priorities and values held by most Americans—the belief that we need to ensure our quality of life, educate our children, and care for our elderly and disabled.

I regret that this vote will not be bipartisan, because I believe we have made great progress over the past year. Unfortunately, this Republican budget falls short. It fails to meet us halfway, and it proposes deep cuts in Medicare, education, Medicaid, and the environment while increasing defense spending. These cuts are not necessary to balance the budget; rather, they are punitive and unwise.

Mr. President, when discussing the budget, we must step back and look at where we were just a year ago. A year ago, the President's budget was not balanced and the Republican budget called for even deeper cuts in important programs—cuts as big as $250 billion out of Medicare. Since that time, however, the President has submitted a CBO-certified balanced-budget that includes modest, but realistic, cuts in Medicare and Medicaid. And Republicans have acknowledged the need to increase funding for Medicare, education, the environment, Cops on the Street and Americorps.

A year ago, I was opposed to cutting back Medicaid because it provides health care for our poorest children and it ensures quality nursing home standards for our parents. After working with health care experts in Washington State, I concluded my home State could still serve our most vulnerable populations as long as we don't have drastic cuts to Medicaid. I'm willing to concede that point, and I know now that if we all give a little, we can reach compromise. But Republican cuts still go too far.

Republican Medicaid cuts appear to be shrinking, but, unfortunately you are not seeing the whole story. The $72 billion cut mentioned in the bill, by itself, would force changes in eligibility and services for Americans on Medicaid. But in addition, this bill would allow States to walk away from paying their fair share in this successful State and Federal partnership. Between State and Federal share reductions, over $250 billion would be cut from health care coverage for poor and working families.

The majority party contends their Medicaid provisions would be endorsed by the National Governor's Association. They would not. Among other problems, this bill is a block grant, with no way for States to be reimbursed for extra costs resulting from natural disaster or economic downturn. Even if their were no problems, and there are many, I could not support these cuts. States need flexibility, and the types of flexibility sought by my State are reasonable. But we in Congress are here to assure that every child in this country can get basic health services, no matter which State they live in.

On welfare, Republicans cut $53 billion and removes the guarantee to public assistance, but they are not very clear about where the money comes from. We can only assume they will do the same as last year—deep cuts in food aid and nutrition programs. I am interested in real welfare reform—reform that gives people alternatives and assistance to move people off of public assistance in a way that allows them to support themselves. This Republican budget is an attack on poor families, and I cannot support it.

Mr. President, let us remember exactly where we are on this road to ending the deficit. Since 1993, we have made great progress toward reducing this Nation's deficit. CBO estimates the 1996 deficit will fall to $130 billion—the fourth straight year the deficit has declined. We have cut the budget deficit in half in less than 4 years, and today's annual deficit stands as the lowest percentage of our gross domestic product since 1980. I'm proud of this fact. I am proud to have been involved in crafting the budget package of 1993. That deficit reduction package has us on the right track.

Our need to do more, however, spawned a bipartisan group of Senators, who have come together and formulated a well-reasoned, well-balanced budget proposal. I commend Senators CHAFEE and BREAUX for their leadership and hard work on this matter. I voted for their budget alternative because it is exactly the kind of bipartisan teamwork Congress needs to see more of. Certainly, I would like to see less savings come out of discretionary accounts that include education, job training, trade promotion, and the environment. And the tax cuts may be too generous. The Chafee-Breaux plan may not be perfect, but I believe it is probably the most realistic compromise one could craft. I am hopeful this Centrist plan will become the framework for future budget negotiations.

Mr. President, this past year has taught us we can reach a balanced budget. We learned we can formulate a budget that uses common sense and reflects America's values and priorities. That is why Senator KERRY and I offered an amendment to restore education and job training funds in the Republican budget. As my colleagues know, this amendment failed despite the fact that the Republican budget will cut education spending 20 percent from current levels.

Americans understand how important education and job training investments are for our children, and the future success of this Nation. A recent USA Today poll found that education has become the most important issue for Americans—ranking above crime, the economy and the quality of one's job.

As a former teacher, mother, and PTA member, I know from personal experience the value and importance of Head Start, vocational education, and education technology programs. I have seen these programs work, and I have seen the satisfaction on the faces of children who are finally getting a chance to excel and succeed.

And, Mr. President, this Republican budget takes a serious step backwards in our efforts to preserve our environment and ensure our quality of life. Unfortunately, the Senate rejected several amendments that would have softened this budget's impact on the environment. First, I oppose a change in the way sales of Federal assets are treated in this resolution. For the last decade, Congress has recognized that our public lands and other Federal assets were too precious to sell or lease unless Congress or the administration decided that so doing was in the best interest of the public. That is good policy and one that traditionally has enjoyed strong bi-partisan support. I cosponsored the Bumpers-Bradley amendment which would have preserved our national heritage for generations to come, and would have rejected this approach to the disposition of our Federal assets.

I also supported the amendment offered by Senators LAUTENBERG and KERRY that would have increased funding by $7.3 billion over 6 years for Function 300, which funds the National Park Service, the Environmental Protection Agency and other environmental programs. This amendment would have restored balance to the budget. It would have provided a stable, strong level of funding to protect our national treasures and clean up our environment.

Senator WYDEN's Sense of the Senate amendment would have eliminated tax deductions for fines, penalties, and damages arising from a failure to comply with Federal and State environmental or health protection laws. That common sense approach to balancing the budget would have raised up to $100 million annually. The amendment provided an excellent opportunity to express our support for law-abiding companies who do not break environmental and safety laws by closing a tax loophole enjoyed by those who do break our laws.

Mr. President, last year's budget debate was painful for all of us. It was especially painful for our constituents—our hard-working friends and neighbors. They didn't know why the budget debate forced the Government to shut down twice—one time for three straight weeks. They didn't see that as progress. Instead, they saw it as just another example of what is wrong with Congress and the Government today.

It is my hope this year's budget and appropriations process will be more orderly. It is my hope the American people will not be used as pawns during our budget negotiations. And it is my hope that my colleagues will remember the budget debate requires compromise if we hope to really serve the people. In the end last year, we learned our Government is truly a democracy. We learned any successful budget agreement will need to be as broad and bipartisan as possible.

We have a lot of work to do if we are going to reach a balanced budget. But the truth of the matter is that both parties have agreed to enough savings that we could balance the budget today if we really want to. When considering the entire budget, the difference between the two parties amounts to less than 1 percent of the Federal Government's spending. A balanced budget plan is possible. All we need is the courage to find compromise.

I look forward to working with my colleagues on the Appropriations and Budget Committees in order to make sure this Congress' spending priorities are balanced and in line with our constituents' wishes. Unfortunately, today's budget resolution fails to strike a balance. It's simply a replay of last year's failed Republican budget. And I will be fighting to make sure this Congress does not lose sight of what is truly important to our friends and families.

Mr. KERRY. Mr. President, let me make a simple observation on the Republican budget resolution before the Senate: it does not reflect the priorities of the American people. For that reason, I will oppose this budget.

Mr. President, as you know, I attempted throughout the past several days to amend this Republican budget so it meets the needs of working Americans. I attempted to ensure that the violent crime reduction trust fund will be fully funded and that sufficient funds will be allocated to the community policing initiative. But this amendment was rejected along party lines.

I tried to add back some of the cuts the Republicans have made to environmental protection and conservation efforts. But the amendment was rejected along party lines. I attempted to add back funds for education that the Republicans cut from the budget—the largest education cut in history. But the amendment was rejected along party lines.

Time and again, the Republican party moved in lockstep to prevent us from providing services that the American people urgently need.

The President of the United States has proposed a budget that balances in 6 years. It protects the environment. It secures our neighborhoods by putting more cops on the beat. It gives assistance to families trying to care for elderly parents and educate their children. I voted for that budget, Mr. President.

The President s budget continues the sound economic and fiscal policy put in place in 1993 which has halved the deficit, kept interest rates and inflation low and created more than 8 million jobs. This is the right way to balance the budget.

The Republicans' budget continues the smoke-and-mirror gimmicks vetoed by the President and rejected by the American people. It slashes Medicare, cripples education programs and opens tax loopholes for big corporations. This is the wrong way.

Mr. President, let me give you an example of why I am wary of the budget the Republicans have presented this year despite all the pleas that they have learned their lesson and corrected their past mistakes. Last year, the Senate voted that 90 percent of any tax cut should go to people making less than $100,000 per year. Yet, the Republican budget, which the President wisely vetoed, devoted almost 48 percent of the tax cuts to people earning more than $100,000. So, Mr. President, here we go again. My parents taught me an old saying which guides me in my decision to reject the Republican plan before us: "once bitten, twice shy." The Republican plan—then as now—raises Medicare premiums on our seniors, makes our environment vulnerable to the whims of polluters, denies Medicaid coverage to veterans who would have been ineligible for VA medical care, and prevents children of many middle income Americans from getting a loan to go to college.

That is the wrong set of priorities for our Nation, for our economy and for hard-working American families, Mr. President. I reject this budget as I rejected the Republican plan last year, as the President rejected the Republican plan last year, and as the American people rejected the Republican plan last year.

I hope my colleagues oppose the Republican plan.

I yield the floor.

Mr. GLENN. Mr. President, I rise today in opposition to Senate Concurrent Resolution 57, the concurrent resolution on the budget for fiscal year 1997. While I support the committee's efforts to balance the budget, I cannot agree with the means by which that balance is achieved.

It is ironic that the committee's proposed budget resolution appears to soften the hard edge of many of the funding cuts proposed in last year's vetoed reconciliation legislation. The committee recognized the need to make the cuts look less draconian, yet, cuts similar to those from last year's failed attempt remain.

The committee's budget resolution merely pays lipservice to the fact that it could not garner the support it needed to succeed last year, because it tries to include similar cuts by disguising them in a 6-year rather than a 7-year program, by rescoring the cuts to make them look smaller, and, in the instance of Medicaid, by reformulating the way the cut is made so that the true cut can be made at the State level rather than at the Federal level.

I guess we are to chalk it up to election year politics, but the budget resolution before us asks us to ignore our experience last year when we witnessed the so-called train wreck that caused the Government to shut down twice.

And, we are to ignore the progress, albeit, limited in some areas, made in negotiations between the congressional leadership and the White House. This budget resolution, in many instances, marks a disavowal of the last offer made in January by the majority in the ongoing budget negotiations. Instead, particularly in the case of welfare and other nondefense discretionary spending, we are asked to support a return to the kinds of funding decisions that closed the Government twice last year.

When you make an apples-to-apples comparison with last year's failed welfare measure, the combined cuts to welfare programs, like aid to families with dependent children, supplemental security income and food stamps, are essentially the same.

The cuts in nondefense discretionary funding are deeper than the January offer made to the President but not quite as deep as the vetoed reconciliation bill. However, since the House adopted the deepest cuts yet proposed in nondefense discretionary funding, it seems an almost certainty that we are headed back to the levels contemplated in last year's failed reconciliation bill when we get to conference.

The Republican budget continues its attack on education and training. The budget resolution caps the direct student loan program at 20 percent and, to use the majority's convenient euphemism, it freezes funding for Pell grants work study programs. Further, the budget resolution terminates funding for the AmericaCorps National Service Program.

Mr. President, these changes to higher education would continue the majority's efforts to make it harder for working families and their children to finance a college education. If these proposed cuts and changes are to become law, many students will see the doors closed to the opportunities and choices a college education can open up for them. Other students and their families will see their options for financing an education narrowed. OMB estimates that the student loan cap would eliminate 1,100 schools and 1.6 million students from participation, just in the upcoming academic year. When extended over the life of the budget program, this cap would deny direct lending opportunities to 7 million borrowers.

Mr. President, that's not what this country stands for. We must ensure that working middle-income families will be able to afford to provide higher educational opportunities to their children.

The Republican budget again proposes to cut all funding for the first major new education reform bill passed by Congress in the past two decades. Goals 2000 is a comprehensive national attempt to help our schools achieve their goals of producing informed citizens and a skilled, competitive work force for the future. I believe it is extremely shortsighted for the Republicans to continue to propose eliminating this important program.

The budget resolution freezes funding—again, there's that euphemism for what amounts to a cut—for Head Start and chapter 1, the most successful programs designed to get our children ready for school and for teaching basic skills, hampering our efforts to reform public education in this country. I cannot support these proposals which will scale back our commitment to public education in this country.

In another critical area in nondefense discretionary funding, Mr. President, the budget resolution uses funding cuts to weaken environmental protection and to decrease the Government's ability to improve public health and safety.

While targeting environmental programs for particularly harsh cuts, this budget resolution also effectively makes policy changes that should be enacted through regular legislative means. This measure assumes revenues from opening the Arctic National Wildlife Refuge for oil exploration and development. The Coastal Plain of this wildlife refuge is one of our few remaining ecological treasures, containing 18 major rivers, and providing a habitat for 36 species of land mammals and over 30 fish species. The wilderness and environmental values of this area are irreplaceable. The environmental values of this area are far greater than any short-term economic gain from oil and gas development.

Unfortunately, Mr. President, these are the kinds of tradeoffs, taking away educational opportunities at all levels, from preschool through postsecondary education, gutting environmental programs, and ruining ecological treasures, all in order to make a politically expedient tax cut and, as we'll see when we move to the defense authorization bill, to waste billions of dollars in the defense accounts on programs we don't need. I can't agree to this, Mr. President. But, sadly, this is just the tip of the iceberg.

Let's take a look at the proposed cut to the earned income tax credit, a tax credit designed to assist low-income working families stay off the welfare rolls. It's true that the proposed cut is less than last year's failed reconciliation package, but it is significantly deeper than that proposed by the majority in January during the budget negotiations. Moreover, it is almost twice as large as the cut proposed by the National Governor's Association. And, curiously, it seems to be at odds with a proposal made during the minimum wage debate in the House that the earned income tax credit should be expanded as an alternative to raising the minimum wage. The majority party says it is offering a tax cut. With the proposed cuts in the earned income tax credit, never mind the advertised tax cut, the best some working families can hope for is that their taxes won't go up.

A similar sleight of hand occurs with respect to Medicaid. The amount of Federal funding proposed to be cut is less than the latest budget offer made in January. The hitch is, the budget resolution changes the contribution that States are required to make. This change allows 80 percent of the cuts proposed last year to be made.

Moreover, not only does the budget resolution cut Federal Medicaid payments to the States by $72 billion, it does not specify how the cuts would be made. I assume that the Republicans still support block granting Medicaid funds. I am opposed to this proposal because of the adverse impact it would have on children in low-income families, the disabled, and the elderly who require nursing home care.

When you get to Medicare, again, you have to pay attention to the fine print. The size of the cut, $168 billion, is the same as that proposed in the last offer but the difference here is the cut is taken in a shorter period of time, over a 6-year program rather than a 7-year program. So, the majority again greatly reduces Medicare funding for the elderly in order to provide a tax cut for wealthy Americans. The budget resolution's reduction of $168 billion in Medicare means that the growth in spending per beneficiary will be less than the projected growth in spending in the private sector which insures a younger, healthier population. I am concerned that these cuts and the proposed changes in the structure of the Medicare Program will adversely impact the quality of care for Medicare beneficiaries and will make it more expensive to individuals.

Mr. President, we have debated this budget resolution over the course of several days and have had vigorous debate over a series of amendments which would have restored necessary funding in areas such as health care, education, job training, and environmental protection. Regrettably, these efforts did not succeed. But, the votes really have been just a self-fulfilling prophecy. It is clear that the majority isn't looking to compromise or learn from our painful experience last year. This legislation was never designed to engender my support and I certainly will not lend my support to it.

In addition to the funding issues I have described, Mr. President, I feel compelled to discuss the unusual instruction contained in the budget resolution concerning the reporting out of three separate reconciliation bills. This instruction is objectionable because it unnecessarily expands the role of reconciliation in the budgeting process. Perhaps, more importantly, it is objectionable because it goes so far as to instruct the reporting out of a reconciliation bill that not only will not lower the deficit but undoubtedly will raise the deficit.

Mr. President, I yield the floor.

AMENDMENT NO. 4022

The PRESIDING OFFICER. The pending business before the Senate is now the McCain amendment No. 4022.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I yield to the Senator who has the amendment, Senator McCAIN.

Mr. McCAIN. Doesn't the opposition speak first, Mr. President, the other side?

Mr. EXON. I yield Senator HOLLINGS the 30 seconds on our side on the McCain amendment.

Mr. HOLLINGS. Mr. President, I understand the distinguished Senator from Arizona and I are agreed substantially with his sense-of-the-Senate resolution. In every one of the auctions, Mr. President, what we do on them is not to maximize the revenues but to protect the public interest. We want to increase the efficiency and enhance the competition.

So I welcome this particular sense-of-the-Senate resolution. But I have to add, of course, the fundamental of the public interest, which I am sure the Senator from Arizona is interested in, is stipulated in the Communications Act of 1934, section 309, and now in the new Telecommunications Act it is also to be adhered to. So I move the adoption of the resolution.

Mr. DOMENICI. We have no objection to the resolution.

Mr. EXON. We have no objection.

Mr. McCAIN. Mr. President, I thank the Senator from South Carolina.

Mr. HOLLINGS. Mr. President, the sense-of-the-Senate resolution offered by my friend from Arizona encourages the Federal Communications Commission [FCC] to move forward expeditiously on a number of pending proceedings. In doing so, would the Senator from Arizona agree that section 309 of the Communications Act of 1934, as amended, is the provision of law that authorizes the FCC's use of auctions as a licensing procedure?

Mr. McCAIN. I agree.

Mr. HOLLINGS. Would the Senator further agree that the FCC should follow the statute in conducting auctions?

Mr. McCAIN. Yes, I agree that the FCC should follow the law.

I yield the floor and yield back the remainder of my time.

AMENDMENT NO. 4041 TO AMENDMENT NO. 4022

Mr. MURKOWSKI. Mr. President, I send a second-degree amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

Mr. HOLLINGS. Parliamentary inquiry. Did we adopt the amendment?

The PRESIDING OFFICER. We have not adopted the amendment.

Mr. HOLLINGS. I ask unanimous consent it be agreed to.

The PRESIDING OFFICER. There is a pending second-degree amendment that has not been read.

The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. MURKOWSKI] for himself, Mr. WARNER, Mr. McCAIN, Mr. CHAFEE, and Mr. SMITH, proposes an amendment numbered 4041 to amendment No. 4022.

Strike all after the word "SEC." and insert:

The Congress finds that—

(1) The Founding Fathers were committed to the principle of civilian control of the military;

(2) Every President since George Washington has affirmed the principle of civilian control of the military;

(3) Twenty-six Presidents of the United States served in the United States Armed Forces prior to their inauguration and none of them claimed the Presidency represented a continuation of their military service;

(4) No President of the United States prior to May 15, 1996 has ever sought relief from legal action on the basis of serving as Commander-in-Chief of the United States Armed Forces;

(5) President Clinton is the subject of a sexual harassment lawsuit filed on May 6, 1994 in Federal District Court in Little Rock, Arkansas involving allegations about his conduct in May, 1991;

(6) On May 15, 1996, a legal brief filed on behalf of the President of the United States in the United States Supreme Court asserted the President of the United States may be entitled to the protections afforded members of the United States Armed Forces under the Soldiers' and Sailors' Relief Act of 1940 (50 U.S.C. 501 et. al); and

(7) The purpose of the Soldiers' and Sailors' Civil Relief Act of 1940 is to enable members of the military services "to devote their entire energy to the defense needs of the nation."

It is the sense of the Senate that the assumptions underlying this resolution include that the President of the United States should state unequivocally that he is not entitled to and will not seek relief from legal action under the Soldiers' and Sailors' Civil Relief Act of 1940, and that he will direct removal from his legal brief any reference to the protections of the Act.

Mr. FORD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Each side gets 30 seconds. The Senator from Alaska has 30 minutes.

Mr. FORD. I asked for a quorum.

Mr. MURKOWSKI. I ask for the yeas and nays. Mr. President, along with Senators WARNER, CHAFEE and McCAIN, who are cosponsors, I believe what we have here is an assertion without precedent. The President of the United States claims in a brief filed in the Supreme Court that a pending sexual harassment lawsuit against him should be delayed indefinitely. He claims he is entitled to the protection afforded members of the military under the Soldiers and Sailors Act of 1940.

For the President to make the claim that he is a member of the Armed Forces is simply beyond comprehension.

Mr. FORD. Mr. President, regular order.

Mr. MURKOWSKI. It flies in the face of the 207-year-old tradition established by George Washington that the U.S. military should be under civilian control.

Mr. FORD. Regular order.

Mr. MURKOWSKI. As the commander of the American Legion said: "We've had plenty of great Americans take off a military uniform to assume the Presidency. None has ever put on a uniform after Inauguration Day."

As a former member of the U.S. Coast Guard, I respectfully request that the President should immediately direct his attorney to drop this absurd claim.

Mr. EXON. Mr. President, the Senator is not in order.

The PRESIDING OFFICER. The Senator from Nebraska has 30 seconds.

Mr. EXON. My apologies to those I told we would be out of here by 5:10.

Mr. President, I suggest the absence of a quorum.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Mississippi.

Mr. LOTT. Mr. President, it is obvious that we are not going to be able to work out an agreement as to how a vote can be obtained on this issue this afternoon. The budget resolution is very important to the American people. Therefore, I ask unanimous consent that the amendment be withdrawn following 4 minutes of debate equally divided between the amendment sponsor and the Democratic leader.

The PRESIDING OFFICER. Is there objection?

Mr. DOMENICI. Reserving the right to object, Mr. President, I wonder if our leader will further say, when that is done what will happen, so we all know.

Mr. LOTT. I believe, Mr. President, from the chairman, we have one amendment left that will be voice voted, and we will be prepared to go to final passage immediately after that.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Mr. DOMENICI. Does the unanimous-consent request include the last statement about the sequencing?

Mr. LOTT. Mr. President, I ask unanimous consent that the sequence after this exchange be, we have a voice vote on the pending McCain amendment and we go immediately to final passage of the budget resolution.

The PRESIDING OFFICER. Is there objection to the revised unanimous consent request? Without objection, it is so ordered.

The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, in the interest of moving the budget process along, I am withdrawing my amendment, but I want to assure my colleagues, until our President orders his legal counsel to drop this argument in court, I will be raising this issue on every bill.

As we go out for this Memorial Day recess, I urge all of us to reflect on the significance of this particular issue.

I yield the remaining time split between Senator MCCAIN and Senator WARNER.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I would like to read from the CONGRESSIONAL RECORD, October 7, 1940, referring to this act. It reads:

> The term "person in military service" and the term "persons in the military service of the United States," as used in this Act, shall include the following persons and no others: All members of the Army of the United States, the United States Navy, the Marine Corps, the Coast Guard and all officers of the Public Health Service detailed by proper authority for duty either with the Army or the Navy. The term "military service," as used in this Act, shall signify Federal service on active duty with any branch of service. * * *

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I do not know if the President of the United States knew that this was part of the defense prepared by his lawyers. I hope very strongly that he will have this taken from it. It is an issue which is very emotional to a lot of Americans, and I hope that by us raising this issue that the issue will be dispensed with very quickly by the President of the United States.

I yield back the remainder of my time.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. Mr. President, let me read a statement, first of all, by Robert Bennett, the attorney representing the President:

> * * * my petition on the President's behalf references the Soldiers' and Sailors' Civil Relief Act as one of five illustrative examples of the types of stays that can temporarily defer lawsuits. The President does not rely on the Act, and has no intention of doing so, as the basis for requesting relief in this case. Our petition does not rely on the Act, but is based instead on important constitutional principles. We have no intention of changing our approach in the future.

Mr. President, I submit for the RECORD the brief submitted on behalf of the President, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the brief was ordered to be printed in the RECORD, as follows:

[In the Supreme Court of the United States,
October term, 1995]

WILLIAM JEFFERSON CLINTON, PETITIONER, *vs.*
PAULA CORBIN JONES, RESPONDENT

On Petition For A Writ Of Certiorari To The United States Court Of Appeals For The Eighth Circuit.

PETITION FOR A WRIT OF CERTIORARI

QUESTIONS PRESENTED

1. Whether the litigation of a private civil damages action against an incumbent President must in all but the most exceptional cases be deferred until the President leaves office.

2. Whether a district court, as a proper exercise of judicial discretion, may stay such litigation until the President leaves office.

PARTIES TO THE PROCEEDING

Petitioner. President William Jefferson Clinton, was a defendant in the district court and appellant in the court of appeals. Respondent Paula Corbin Jones was the plaintiff in the district court and cross-appellant in the court of appeals. Danny Ferguson was a defendant in the district court.

Petitioner William Jefferson Clinton respectfully requests that a writ of certiorari issue to review the judgment of the United States Court of Appeals for the Eight Circuit entered in this case on January 9, 1996.

OPINIONS BELOW

The opinion of the court of appeals (Pet. App. 1) is reported at 72 F.3d 1354. The court of appeals' order denying the petition for rehearing (Pet. App. 32) is reported at 81 F.3d 78. The principal opinion of the district court (Pet. App. 54) is reported at 869 F. Supp. 690. Other published opinions of the district court (Pet. App. at 40 and 74) appear at 858 F. Supp. 902 and 879 F. Supp. 86.

JURISDICTION

The judgment of the United States Court of Appeals for the Eighth Circuit was entered on January 9, 1996. A petition for rehearing was filed on January 23, 1996, and denied on March 28, 1996. This Court's jurisdiction is invoked pursuant to 28 U.S.C. §1254(1) (1994).

LEGAL PROVISIONS INVOLVED IN THE CASE

U.S. CONST. art. II, §1, cl. 1.
U.S. CONST. art. II, §§2–4.
U.S. CONST. amend. XXV.
42 U.S.C. §1983 (1994).
42 U.S.C. §1985 (1994).
50 U.S.C. app. §510 (1988).
50 U.S.C. app. §521 (1988).
50 U.S.C. app. §525 (Supp. V 1993).
FED. R. CIV. P. 40.

These provisions are set forth at pages App. 79–85 of the Petitioner's Appendix.

STATEMENT OF THE CASE

Petitioner William Jefferson Clinton is President of the United States. On May 6, 1994, respondent Paula Corbin Jones filed this civil damages action against the President in the United States District Court for the Eastern District of Arkansas. The complaint was premised in substantial part on conduct alleged to have occurred three years earlier, before the President took office. The complaint included two claims arising under the federal civil rights statues and two arising under common law, and sought $175,000 in actual and punitive damages for each of the four counts.[1] Jurisdiction was asserted under 28 U.S.C. §§1331, 1332 and 1343 (1994).

The President moved to stay the litigation or to dismiss it without prejudice to its reinstatement when he left office, asserting that such a course was required by the singular nature of the President's Article II duties and by principles of separation of powers. The district court stayed trial until the President's service in office expired, but held that discovery could proceed immediately "as to all persons including the President himself." Pet. App. 71.

The district court reasoned that "the case most applicable to this one is *Nixon v. Fitzgerald*, [457 U.S. 731 (1982)]," (Pet. App. 67) which held that a President is absolutely immune from any civil litigation challenging his official acts as President. While the holding of *Fitzgerald* did not apply to this case because President Clinton was sued primarily for actions taken before he became President, the court stated that "[t]he language of the majority opinion" in *Fitzgerald*

> "is sweeping and quite firm in the view that to disturb the President with defending civil litigation that does not demand immediate attention . . . would be to interfere with the conduct of the duties of the office."

Pet. App. 68–69. The district court further found that these concerns "are not lessened by the fact that [the conduct alleged] preceded his Presidency." *Id.* Invoking Federal Rule of Civil Procedure 40 and the court's equitable power to manage its own docket, the district judge stayed the trial "[t]o protect the Office of President . . . from unfettered civil litigation, and to give effect to the policy of separation of powers." Pet. App. 72.[2]

The trial court, observing that the plaintiff had filed suit three years after the alleged events, further concluded that the plaintiff would not be significantly inconvenienced by delay of trial. Pet. App. 70. However, it found "no reason why the discovery and deposition process could not proceed," and said that this would avoid the possible loss of evidence with the passage of time. Pet. App. 71.

The President and respondent both appealed.[3] A divided panel of the court of appeals reversed the district court's order staying trial, and affirmed its decision allowing

---

Footnotes at end of brief.

discovery to proceed. The panel issued three opinions.

Judge Bowman found the reasoning in Fitzgerald "inapposite where only personal, private conduct by a President is at issue," (Pet. App. 11), and determined that "the Constitution does not confer upon an incumbent President any immunity from civil actions that arise from his unofficial acts." Pet. App. 16. He also wrote that

> "[t]he Court's struggle in *Fitzgerald* to establish presidential immunity for acts within the outer perimeter of official responsibility belies the notion . . . that beyond this outer perimeter there is still more immunity waiting to be discovered."

Pet. App. 9.

Judge Bowman further concluded that it would be an abuse of discretion to stay all proceedings against an incumbent President, asserting that the President "is entitled to immunity, if at all, only because the Constitution ordains it. Presidential immunity thus cannot be granted or denied by the courts as an exercise of discretion." Pet. App. 16. Ruling that the court of appeals had "pendent appellate jurisdiction" to entertain respondent's challenge to the stay of trial issued by the district court, (Pet. App. 5 n.4) (citing *Kincade v. City of Blue Springs, Mo.*, 64 F.3d 389, 394 (8th Cir. 1995), *cert. denied*, 1996 WL 26287 (Apr. 29, 1996)), Judge Bowman accordingly reversed that stay as an abuse of discretion. Pet. App. 13 n.9.

In reaching these conclusions, Judge Bowman put aside concerns that the separation of powers could be jeopardized by a trial court's exercising control over the President's time and priorities, through the supervision of discovery and trial. He stated that any separation of powers problems could be avoided by "judicial case management sensitive to the burdens of the presidency and the demands of the President's schedule." Pet. App. 13.

Judge Beam "concur[red] in the conclusions reached by Judge Bowman." Pet. App. 17. He stated that the issues presented "raise matters of substantial concern given the constitutional obligations of the office" of the Presidency. Pet. App. 17. He also acknowledged that "judicial branch interference with the functioning of the presidency should this suit be allowed to go forward" is a matter of "major concern." Pet. App. 21. He expressed his belief, however, that this litigation could be managed with a "minimum of impact on the President's schedule." Pet. App. 23. This could be accomplished, he suggested, by the President's choosing to forgo attending his own trial or becoming involved in discovery, or by limiting the number of pre-trial encounters between the President and respondent's counsel. Pet. App. 23–24. Judge Beam stated that he was concurring "[w]ith [the] understanding" that the trial judge would have substantial latitude to manage the litigation in a way that would accommodate the interests of the Presidency. Pet. App. 25.

Judge Ross dissented, stating that the "language, logic and intent" of *Fitzgerald*

> "directs a conclusion here that, unless exigent circumstances can be shown, private actions for damages against a sitting President of the United States, even though based on unofficial acts, must be stayed until the completion of the President's term."

Pet. App. 25. Judge Ross observed that "[n]o other branch of government is entrusted to a single person," and determined that

> "[t]he burdens and demands of civil litigation can be expected * * * to divert [the President's] energy and attention from the rigorous demands of his office to the task of protecting himself against personal liability. That result * * * would impair the integrity of the role assigned to the President by Article II of the Constitution."

Pet. App. 26.

Judge Ross also stated that private civil suits against sitting Presidents

> "create opportunities for the judiciary to intrude upon the Executive's authority, set the stage for potential constitutional confrontations between courts and a President, and permit the civil justice system to be used for partisan political purposes."

Pet. App. 28. At the same time, he reasoned, postponing litigation "will rarely defeat a plaintiff's ability to ultimately obtain meaningful relief." Pet. App. 30. Judge Ross concluded that litigation should proceed against a sitting President only if a plaintiff can "demonstrate convincingly both that delay will seriously prejudice the plaintiff's interests and that * * * [it] will not significantly impair the president's ability to attend to the duties of his office." Pet. App. 31.

The court of appeals denied the President's request for a rehearing en banc, with three judges not participating and Judge McMillian dissenting. Judge McMillian said the majority's holding had "demean[ed] the Office of the President of the United States." Pet. App. 32. He wrote that the panel majority "would put all the problems of our nation on pilot control and treat as more urgent a private lawsuit that even the [respondent] delayed filing for at least *three* years," and would "allow judicial interference with, and control of, the President's time." Pet. App. 33.

REASONS FOR GRANTING THE PETITION

This case presents a question of extraordinary national importance, which was resolved erroneously by the court of appeals. For the first time in our history, a court has ordered a sitting President to submit, as a defendant, to a civil damages action directed at him personally. We believe that absent exceptional circumstances, an incumbent President should never be placed in this position. And surely a President should not be placed in this position for the first time in our history on the basis of a decision by a fragmented panel of a court of appeals, without this Court's review.

The decision of the court below is erroneous in several respects. It is inconsistent with the reasoning of *Nixon v. Fitzgerald* and with established separation of powers principles. The panel majority's suggested cure for the separation of powers problems—"judicial case management sensitive to . . . the demands of the President's schedule" (Pet. App. 13)—is worse than the disease: it gives a trial court a general power to set priorities for the President's time and energies. The panel majority also grossly overstated the supposedly extraordinary character of the relief that the President seeks. The deferral of litigation for a specified, limited period is far from unknown in our judicial system, and it is routinely afforded in order to protect interests that are not comparable in importance to the interests the President advances here.

Now is the appropriate time for the Court to address these issues. If review is declined, the President would have to undergo discovery and trial while in office, which would eviscerate the very interests he seeks to vindicate. Moreover, if the decision below is allowed to stand, federal and state courts could be confronted with more private civil damage complaints against incumbent Presidents. Such complaints increasingly would enmesh Presidents in the judicial process, and the courts in the political arena, to the detriment of both.

A. The Decision Below Is Inconsistent With This Court's Decisions And Jeopardizes The Separation Of Powers

1. The President "occupies a unique position in the constitutional scheme." *Nixon v. Fitzgerald*, 457. 731, 749 (1982). Unlike the power of the other two branches, the entire "executive Power" is vested in a single individual, "a President," who is indispensable to the execution of that authority. U.S. CONST. art. II, §1. The President is never off duty, and any significant demand on his time necessarily imposes on his capacity to carry out his constitutional responsibilities.

Accordingly, "[c]ourts traditionally have recognized the President's constitutional responsibilities and status as factors counseling judicial deference and restraint." *Fitzgerald*, 457 U.S. 753. Indeed, "[t]his tradition can be traced far back into our constitutional history." *Id.*, at 753 n.34. The form of "judicial deference and restraint" that the President seeks here—merely postponing the suit against him until he leaves office—is modest. It is far more limited, for example, than the absolute immunity that *Fitzgerald* accorded all Presidents for action taken within the scope of their presidential duties.

The panel majority concluded that because the *Fitzgerald* holding was limited to civil damages claims challenging official acts, the President should receive no form of protection from any other civil suits. This conclusion is flatly inconsistent with the reasoning of *Fitzgerald*. The Court in *Fitzgerald* determined that the President was entitled to absolute immunity not only because the threat of liability for official acts might inhibit him in the exercise of his authority (*id.* at 752 & n.32), but also because, in the Court's words, "the singular importance of the President's duties" means that "diversion of his energies by concern with private lawsuits would raise unique risks to the effective functioning of government." *Id.* at 751.

The panel majority ignored this second basis for the holding of *Fitzgerald*. The first basis of *Fitzgerald*—that the threat of liability might chill official Presidential decision making—is, of course, largely not present here, and accordingly, the President does not seek immunity from liability.[4] But the second danger to the Presidency emphasized by *Fitzgerald*—the burdens inevitably attendant upon being a defendant in a lawsuit—clearly exists here. the court of appeals simply disregarded this "unique risk[] to the effective functioning of government."

2. As the *Fitzgerald* Court demonstrated, the principle that a siting President may not be subjected to private civil lawsuits has deep roots in our traditions. *See* 457 U.S. at 751 n.31. Justice Story stated that

> "[t]he president cannot . . . be liable to arrest, imprisonment, or detention, while he is in the discharge of the duties of his office; and for this purpose *his person must be deemed, in civil cases at least, to possess an official inviolability.*"

3 JOSEPH STORY, COMMENTARIES ON THE CONSTITUTION OF THE UNITED STATES §1563, pp. 418–19 (1st ed. 1833) (emphasis added), *quoted in Fitzgerald*, 457 U.S. at 749. Senator Oliver Ellsworth and then-Vice President John Adams, both delegates to the Constitutional Convention, also agreed that

> "the President, personally, was not . . . subject to any process whatever . . . For [that] would . . . put it in the power of a common justice to exercise any authority

over him and stop the whole machine of Government."

JOURNAL OF WILLIAM MACLAY 167 (E. Maclay ed., 1890), *quoted in Fitzgerald*, 457 U.S. at 751 n.31.

President Jefferson was even more emphatic:

> "The leading principle of our Constitution is the independence of the Legislature, executive and judiciary of each other. . . . But would the executive be independent of the judiciary, if he were subject to the *commands* of the latter, & to imprisonment for disobedience; if the several courts could bandy him from pillar to post, keep him constantly trudging from north to south & east to west, and withdraw him entirely from his constitutional duties?"

10 The Works of Thomas Jefferson 404 n. (Paul L. Ford ed., 1905), *quoted in Fitzgerald*, 457 U.S. at 751 n.31. As the Court said in *Fitzgerald*, "nothing in [the Framers'] debates suggests an expectation that the President would be subjected to the distraction of suits by disappointed private citizens." 457 U.S. 751 n.31.

3. The panel majority minimized the separation of powers concerns that so troubled the Framers. It ruled that these problems can never be addressed by postponing litigation against the President until the end of his term. Pet. App. 16. Instead, the panel majority's solution was "judicial case management sensitive to the burdens of the presidency and the demands of the President's schedule." Pet. App. 13. Rather than solving the separation of powers problems raised by allowing a suit to go forward against a sitting President, the panel's approach only exacerbates them.

The panel majority envisioned that, throughout the course of litigation against him, a President could "pursue motions for rescheduling, additional time, or continuances" if he could show that the proceedings "interfer[ed] with specific, particularized, clearly articulated presidential duties." Pet. App. 16. If the President disagreed with a decision of the trial court, he could "petition [the court of appeals] for a writ of mandamus or prohibition." Pet. App. 16. In other words, under the panel's approach, a trial court could insist, before considering a request by the President for adjustment in the litigation schedule, that the President provide a "specific, particularized" explanation of why he believed his official duties prevented him from devoting his attention to the litigation at that time. The court would then be in the position of repeatedly evaluating the President's official priorities—precisely what Jefferson so feared.

This approach is an obvious affront to the complex and delicate relationship between the Judiciary and the Presidency. Neither branch should be in a position where it must approach the other for approval to carry out its day-to-day responsibilities. Even if a trial court discharged this mission with the greatest judiciousness, it is difficult to think of anything more inconsistent with the separation of powers than to put a court in the position of continually passing judgment on whether the President is spending time in a way the court finds acceptable.

4. The panel majority similarly attempted to downplay the demands that defending private civil litigation would impose on the President's time and energies. Pet. App. 13–15. The concurring opinion in particular likened the defense of a personal damages suit to the few instances when Presidents have testified as witnesses in judicial or legislative proceedings. Pet. App. 22–23. This notion is implausible on its face; there is no comparison between being a defendant in a civil damages action and merely being a witness. Even so, Presidents have been called as witnesses only in cases of exigent need, and only under carefully controlled circumstances designed to minimize intrusions on the President's ability to carry out his duties.

A sitting President has never been compelled to testify in civil proceedings. Presidents occasionally have been called upon to testify in criminal proceedings, in order to preserve the public's interest in criminal law enforcement (*Fitzgerald*, 457 U.S. at 754) and the defendant's Constitutional right to compulsory process (U.S. Const. amend. VI; *United States v. Burr*, 25 F. Cas. 30, 33 (C.C.D. Va 1807) (No. 14,692d))—factors that are, of course, not present here. But even in those compelling cases, as Chief Justice Marshall recognized, courts are not "required to proceed against the president as against an ordinary individual." *United States v. Burr*, 25 F. Cas. 187, 192 (C.C.D. Va. 1807) (No. 14,694). Instead, courts have required a heightened showing of need for the President's testimony, and have permitted it to be obtained only in a manner that limits the disruption of his official functions, such as by videotaped deposition.[5]

In any event, there is an enormous difference between being a third-party witness and being a defendant threatened with financially ruinous personal liability. This is true even for a person with only the normal business and personal responsibilities of everyday life—which are, of course, incalculably less demanding than those of the President. A President as a practical matter could never wholly ignore a suit such as the present one, which seeks to impugn the President's character and to obtain $700,000 in putative damages from the President personally. "The need to defend damages suits would have the serious effect of diverting the attention of a President from his executive duties since defending a lawsuit today—even a lawsuit ultimately found to be frivolous—often requires significant expenditures of time and money, as many former public officials have learned to their sorrow," *Fitzgerald*, 457 U.S. at 763 (Burger, C.J., concurring).

Judge Learned Hand once commented that as a litigant, he would "dread a lawsuit beyond anything else short of sickness and death."[6] In this regard the President is like any other litigant, except that a President's litigation, like a President's illness, becomes the nation's problem.

B. The Court of Appeals Erred in Viewing the Relief Sought by the President As Extraordinary

The court below appears to have viewed the President's claim in this case as exceptional, both in the relief that it sought and in the burden that it imposed on respondent.[7] In fact, far from seeking a "degree of protection from suit for his private wrongs enjoyed by no other public official (much less ordinary citizens)" (Pet. App. 13), the relief that the President seeks—the temporary deferral of litigation—is far from unknown in our system, and the burdens it would impose on plaintiffs are not extraordinary.

There are numerous instances where civil plaintiffs are required to accept the temporary postponement of litigation so that important institutional or public interests can be protected. For example, the Soldiers' and Sailors' Civil Relief Act of 1940, 50 U.S.C. app. §§501–25 (1988 & Supp. V 1993), provides that civil claims by or against military personnel are to be tolled and stayed while they are on active duty.[8] Such relief is deemed necessary to enable members of the armed forces "to devote their entire energy to the defense needs of the Nation." 50 U.S.C. app. §510 (1988). President Clinton here thus seeks relief similar to that to which he may be entitled as Commander-In-Chief of the Armed Forces, and which is routinely available to service members under his command.

The so-called automatic stay provision of the Bankruptcy Code similarly provides that litigation against a debtor is to be stayed as soon as a party files a bankruptcy petition. That stay affects all litigation that "was or could have been commenced" prior to the filing of that petition, 11 U.S.C. §362 (1994), and ordinarily will remain in effect until the bankruptcy proceeding is completed. *Id.*[9] Thus, if respondent had sued a party who entered bankruptcy, respondent would automatically find herself in the same position she will be in if the President prevails before the Court—except that the bankruptcy stay is indefinite, while the stay in this case has a definite term, circumscribed by the constitutional limit on a President's tenure in office.

It is well established that courts, in appropriate circumstances, may put off civil litigation until the conclusion of a related criminal prosecution against the same defendant.[10] That process may, of course, take several years, and affords the civil plaintiff no relief. The doctrine of primary jurisdiction, where it applies, compels plaintiffs to postpone the litigation of their civil claims while they pursue administrative proceedings, even though the administrative proceedings may not provide the relief they seek. This process too can take several years. *See, e.g., Ricci* v. *Chicago Mercantile Exch.*, 409 U.S. 289, 306–07 (1973). And public officials who unsuccessfully raise a qualified immunity defense in a trial court are entitled, in the usual case, to a stay of discovery while they pursue an interlocutory appeal. *Harlow* v. *Fitzgerald*, 457 U.S. 800, 818 (1982). Such appeals can routinely delay litigation for a substantial period.

We do not suggest that all of these doctrines operate in exactly the same way as the relief that the President seeks here. But these examples thoroughly dispel any suggestion that the President, in asking that this litigation be deferred, is somehow placing himself "above the law," or that holding this litigation in abeyance would impermissibly violate a plaintiff's entitlement to access to the courts. More specifically, these examples demonstrate that what the President is seeking—the temporary deferral of litigation—is relief that our judicial system routinely provides when significant institutional or public interests are at stake, as they manifestly are here.

C. The Panel Majority Erred In Asserting Jurisdiction Over, And Reversing, The District Court's Discretionary Decision To Stay The Trial Until After President Clinton Leaves Office

1. Respondent cross-appealed to challenge the district court's order to stay trial. Ordinarily, a decision by a district court to stay proceedings is not a final decision for purposes of appeal. *Moses H. Cone Memorial Hosp.* v. *Mercury Constr. Corp.*, 460 U.S. 1, 10 n.11 (1983). Such orders may be reviewed on an interlocutory basis only by writ of mandamus. *See* U.S.C. §651 (1994).[11] Inserting that jurisdiction existed for her cross-appeal, the respondent did not seek such a writ or contend that the stay was appealable under 28 U.S.C. §1291 (1994) as a final order, or as a collateral order under *Cohen v. Beneficial Indus. Loan Corp.*, 337 U.S. 541, 546 (1949). Instead respondent asserted, and the panel majority found,

that the Court of Appeals had "pendent appellate jurisdiction" over respondent's cross-appeal. Pet. App. 5 n.4.

In *Swint v. Chambers County Comm'n*, 115 S. Ct. 1203 (1995), this Court ruled that the notion of "pendent appellate jurisdiction," if viable at all, is extremely narrow in scope (*see id.* at 1212), and is not to be used "to parlay *Cohen*-type collateral orders into multi-issue interlocutory appeal tickets." *Id.* at 1211. The panel majority sought to avoid *Swint* by declaring that respondent's cross-appeal was "inextricably intertwined" with the President's appeal. Pet. App. 5 n.4. This conclusion is incorrect.

The question of whether the President is entitled, as a matter of law, to defer this litigation is analytically distinct from the question of whether a district court may exercise its discretion to stay all or part of the litigation. The former question raises an issue of law, to be decided based on the President's constitutional role and the separation of powers principles we have discussed; the latter is a discretionary determination to be made on the basis of the particular facts of the case. Moreover, the legal question of whether a President is entitled to defer litigation is one on which the district court's determination is entitled to no special deference; a court's exercise of discretion to stay proceedings is a determination that can be overturned only for abuse of that discretion.

The district court, in deciding to postpone trial in this case, explicitly invoked its discretionary powers over scheduling (Pet. App. 71 (citing Fed. R. Civ. P. 40 and "the equity powers of the Court")), and based its decision not only on the defendant's status as President—certainly a relevant and valid factor—but also on a detailed discussion of the particular circumstances of this case:

"This is not a case in which any necessity exists to rush to trial. It is not a situation, for example, in which someone has been terribly injured in an accident . . . and desperately needs to recover . . . damages. . . . It is not a divorce action, or a child custody or child support case, in which immediate personal needs of other parties are at stake. Neither is this a case that would likely be tried with few demands on Presidential time, such as an *in rem* foreclosure by a lending institution."

"The situation here is that the Plaintiff filed this action two days before the three-year statute of limitations expired. Obviously, Plaintiff Jones was in no rush to get her case to court. . . . Consequently, the possibility that Ms. Jones may obtain a judgment and damages in this matter does not appear to be of urgent nature for her, and a delay in trial of the case will not harm her right to recover or cause her undue inconvenience."

Pet App. 70.

Review of the district court's discretionary decision to postpone the trial—unlike review of its decision to reject the President's position that the entire case should be deferred as a matter of law—must address these particular facts of this case. Thus the respondent's cross-appeal raised issues that, far from being "inextricably intertwined" with the President's submission, can be resolved separately from it. The panel majority's expansion of the court of appeals' jurisdiction over this interlocutory appeal was in error.

2. The decision to reverse the district court also was incorrect on the merits. As Justice Cardozo explained for this Court in *Landis v. North Am. Co.*, 299 U.S. 248 (1936), a trial judge's decision to stay proceedings should not be lightly overturned:

"[T]he power to stay proceedings is incidental to the power inherent in every court to control the disposition of the causes on its docket. . . . How this can best be done calls for the exercise of judgment, which must weigh competing interests and maintain an even balance."

Id. at 254–55. Indeed, the Court in *Landis* specifically stated that

"[e]specially in cases extraordinary public moment, the [plaintiff] may be required to submit to delay not immoderate in extent and not oppressive in its consequences if the public welfare or convenience will thereby be promoted."

Id. at 256.

The panel majority justified its reversal of the district court with a single sentence in a footnote: "Such an order, delaying the trial until Mr. Clinton is no longer President, is the functional equivalent of a grant of temporary immunity to which, as we hold today, Mr. Clinton is not constitutionally entitled." Pet. App. 13 n.9. It is unclear what the panel meant by labeling the district court's order the "functional equivalent" of "temporary immunity", inasmuch as the district court held that the litigation could go forward through all steps short of trial. But it is entirely clear that the panel majority, in its sweeping and conclusory ruling, did not begin to conduct the kind of careful weighing of the particular facts and circumstances that might warrant a conclusion that the trial court here abused its discretion.

D. The Court Should Grant Review Now To Protect The Interests Of The Presidency

This is the only opportunity for the Court to review the President's claim and grant adequate relief. If review is declined at this point, the case will proceed in the trial court, and the interests the President seeks to preserve by having the litigation deferred—interests "rooted in the constitutional tradition of the separation of powers"—will be irretrievably lost. *Fitzgerald*, 457 U.S. at 743, 749. Should the President prevail on the merits below, this Court will not even have the opportunity to provide guidance for future cases.

Now, a court for the first time in history has held that a sitting President is required to defend a private civil damages action. This holding breaches historical understandings that are as appropriate today as ever before.[12] The court in *Fitzgerald* specifically anticipated the threat posed by suits of this kind. Because of "the sheer prominence of the President's office," the Court noted, the President "would be an easily identifiable target for suits for civil damages." 457 U.S. at 752–53. Chief Justice Burger added: "When litigation processes are not tightly controlled . . . they can be and are used as mechanisms of extortion. Ultimate vindication on the merits does not repair the damage." *Id.* at 763 (concurring opinion). In these circumstances, the fact that there is "no historical record of numerous suits against the President"—as there was no comparable record before *Fitzgerald* (*id.* at 753 n.33)—provides no reassurance at all that this case will be an isolated one.

There is no question that the issues raised by this case will have profound consequences for both the Presidency and the Judiciary. The last word on issues of this importance should not be a decision by a splintered panel of a court of appeals—a decision that is inconsistent with the precedents of this Court and with the constitutional tradition of separation of powers. The Court has recognized that a "special solicitude [is] due to claims alleging a threatened breach of essential Presidential prerogatives under the separation of powers." *Id.* at 743. The Court should grant review now, to protect those prerogatives.

CONCLUSION

For the foregoing reasons, we respectfully request that the President's petition for writ of certiorari be granted.

Respectfully submitted,

ROBERT S. BENNETT
Counsel of Record.

Carl S. Rauh, Alan Kriegel, Amy R. Sabrin, Stephen P. Vaughn, Skadden, Arps, Slate, Meagher & Flom, 1440 New York Avenue, N.W., Washington, DC. 20005.

Of Counsel:

David A. Strauss, Geoffrey R. Stone, 1111 East 60th Street, Chicago, Illinois 60637. May 15, 1996.

Attorneys for the Petitioner President William Jefferson Clinton.

FOOTNOTES

[1] The first two counts allege that in 1991, when the President was Governor of Arkansas and respondent a state employee, he subjected respondent to sexual harassment and thereby deprived her of her civil rights in violation of 42 U.S.C. §§1983, 1985 (1994). A third claim alleges that the President thereby inflicted emotional distress upon respondent. Finally, the complaint alleges that in 1994, while he was President, petitioner defamed respondent through statements attributed to the White House Press Secretary and his lawyer, denying her much-publicized allegations against the President.

Arkansas State Trooper Danny Ferguson was named as codefendant in two counts. Respondent alleges that Trooper Ferguson approached her on the President's behalf, thereby conspiring with the President to deprive the respondent of her civil rights in violation of 42 U.S.C. §1985. Respondent also alleges that Mr. Ferguson defamed her in statements about a woman identified only as "Paula," which were attributed to an anonymous trooper in an article about President Clinton's personal conduct published in *The American Spectator* magazine. Neither the publication nor the author was named as a defendant in the suit.

[2] The stay of trial encompassed the claims against Trooper Ferguson as well, because the court found that there was "too much interdependency of events and testimony to proceed piecemeal," and that "it would not be possible to try the Trooper adequately without testimony from the President." Pet. App. 71.

[3] Jurisdiction for the President's appeal was founded on 28 U.S.C. §1291 (1994) and the collateral order doctrine, as articulated in *Mitchell v. Forsyth*, 472 U.S. 511, 526 (1985) and *Nixon v. Fitzgerald*, 457 U.S. 731, 743 (1982). In our view, however, the court of appeals lacked jurisdiction to entertain respondent Jones' cross-appeal. *See infra* pp. 16–19. The district court stayed the litigation as to both defendants pending appellate review. Pet. App. 74.

[4] The President reserved the right below to assert at the appropriate time, along with certain common law immunities, the defense of absolute immunity to the defamation claim that arose during his Presidency.

[5] *See e.g., United States v. McDougal*, No. LR–CR–95–173 (E.D. Ark. Mar. 20, 1996) (videotaped deposition at the White House); *United States v. Poindexter*, 732 F. Supp. 142, 146–47 (D.C.C. 1990) (videotaped deposition); *United States v. North*, 713 F. Supp. 1448, 1449 (D.D.C. 1989) (quashing subpoena because defendant failed to show that President's testimony would support his defense), *aff'd*, 910 F.2d 843 (D.C. Cir. 1990), *cert. denied*, 500 U.S. *941 (1991); United States v. Fromme*, 405 F. Supp. 578, 583 (E.D. Cal. 1975) (videotaped deposition).

[6] *3 Lectures on Legal Topics*, Assn. of the Bar of the City of New York 105 (1926), *quoted in Fitzgerald*, 457 U.S. at 763 n.6 (Burger, C.J., concurring).

[7] For example, the panel majority declared that Article II "did not create a monarchy" and that the President is "cloaked with none of the attributes of sovereign immunity." Pet. App. 6.

[8] Specifically, a lawsuit against an active-duty service member is to be stayed unless it can be shown that the defendant's "ability . . . To conduct his defense is not materially affected by reason of his military service." 50 U.S.C. app. §521 (1988).

[9] Indeed, a bankruptcy judge's discretion has been held sufficient to authorize a stay of third-party

litigation in other courts that conceivably could have an effect on the bankruptcy estate, even if the debtor is not a party to the litigation and the automatic stay is not triggered. *See* 11 U.S.C. §105 (1994); 2 COLLIER ON BANKRUPTCY ¶105.02 (Lawrence P. King ed., 15th ed. 1994), and cases cited therein.

[10] *See, e.g., Koester v. American Republic Invs.*, 11 F.3d 818, 823 (8th Cir. 1993); *Wehling v. Columbia Broadcasting Sys.*, 608 F.2d 1084 (5th Cir. 1979); *United States v. Mellon Bank, N.A.*, 545 F.2d 869 (3d Cir. 1976).

[11] Some courts recognize that exceptions may exist in cases in which a stay is "tantamount to a dismissal" because it "effectively ends the litigation." *See, e.g., Boushel v. Toro Co.*, 985 F.2d 406, 408 (8th Cir. 1993); *Cheyney State College Faculty v. Hufstedler*, 703 F.2d 732, 735 (3d Cir. 1983). Even assuming that this exception should be allowed, it is not applicable here, where the district court's order clearly contemplated further proceedings in federal court. *See Boushel*, 985 F.2d at 408–09.

[12] Heretofore, there have been no private civil damage suits initiated or actively litigated while defendant was serving as President. While there are recorded private civil suits against Theodore Roosevelt, Harry Truman and John F. Kennedy, all were underway before the defendant assumed office. The first two were dismissed by the time the defendant became President; after each took office, the dismissal as confirmed on appeal. *See New York ex rel. Hurley v. Roosevelt*, 179 N.Y. 544 (1904); *DeVault v. Truman*, 194 S.W.2d 29 (Mo. 1946). The Kennedy case was filed while he was a candidate, and was settled after President Kennedy's inauguration, without any discovery against the Chief Executive. *See, Bailey v. Kennedy*, No. 757200, and *Hills v. Kennedy*, No. 757201 (Los Angeles County Superior Court, both filed Oct. 27, 1960).

Mr. DASCHLE. Mr. President, we all ought to recognize this for what it is. This is politics; this is an effort to embarrass the President of the United States. We all understand that. We all fully appreciate what is going on here.

The fact is, the President has said over and over that the Constitution is his source on all that he does. And certainly in this case, that principle is again articulated in the statement made by Mr. Bennett.

The brief refers to five illustrative examples. That is all. They are illustrative, they are analogous. In no way does the President rely on the Soldiers' and Sailors' Act for any defense or any exemption from legal action. So this resolution is based on a completely false premise and is totally misdirected.

We look forward to the opportunity of having many of these debates in the coming months, because if we are going to be devoting our attention to this kind of minutiae and this kind of politicization of our debate in the coming months, as our colleagues apparently plan to do, we will get nothing done in this Senate. But that may be their choice.

The fact is, the President clearly has made his case. This amendment is in error, and we will have more opportunities to talk about it in the future.

The PRESIDING OFFICER. Under the previous order, the amendment of the Senator from Alaska is withdrawn.

The amendment (No. 4041) was withdrawn.

AMENDMENT NO. 4022

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to the MCCAIN amendment.

The amendment (No. 4022) was agreed to.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar Order No. 413, House Concurrent Resolution 178, the House budget resolution; further, that all after the resolving clause be stricken, the text of Senate Concurrent Resolution 57, as amended, be inserted in lieu thereof, the Senate then proceed to vote on adoption of the concurrent resolution, and immediately thereafter, the Senate insist on its amendment, request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate, and that all of this occur without any intervening debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

A concurrent resolution (H. Con. Res. 178) establishing the congressional budget for the United States Government for fiscal year 1997 and setting forth appropriate budgetary levels for fiscal years 1998, 1999, 2000, 2001 and 2002.

The Senate proceeded to consider the concurrent resolution.

The PRESIDING OFFICER. The yeas and nays have not been ordered.

Mr. DOMENICI. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

CHANGE OF VOTE

Mr. WARNER. Mr. President, I ask unanimous consent to change my vote on rollcall vote No. 153, the Domenici second-degree amendment No. 4027, from "nay" to "aye."

The amendment was overwhelmingly approved by a vote of 75 to 25, so a change in my vote will make no difference in the outcome of the legislation.

I understand that amendment 4027 would add $5 billion in discretionary spending authority, much of which will go to medical research and education, and that there is no impact on the Department of Defense as proposed in the underlying Specter-Harkin amendment No. 4012.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The question is on agreeing to House Concurrent Resolution 178, as amended. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. BUMPERS] is necessarily absent.

The result was announced—yeas 53, nays 46, as follows:

[Rollcall Vote No. 156 Leg.]

YEAS—53

Abraham
Ashcroft
Bennett
Bond
Brown
Burns
Campbell
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
DeWine
Dole
Domenici
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hatch
Hatfield
Helms
Hutchison
Inhofe
Jeffords
Kassebaum
Kempthorne
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Pressler
Roth
Santorum
Shelby
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—46

Akaka
Baucus
Biden
Bingaman
Boxer
Bradley
Breaux
Bryan
Byrd
Conrad
Daschle
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Heflin
Hollings
Inouye
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Robb
Rockefeller
Sarbanes
Simon
Wellstone
Wyden

NOT VOTING—1

Bumpers

The concurrent resolution (H. Con. Res. 178), as amended, was agreed to; as follows:

Resolved, That the resolution from the House of Representatives (H. Con. Res. 178) entitled "Concurrent resolution establishing the congressional budget for the United States Government for fiscal year 1997 and setting forth appropriate budgetary levels for the fiscal years 1998, 1999, 2000, 2001, and 2002.", do pass with the following amendment:

Strike out all after the resolving clause and insert:

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 1997.

(a) DECLARATION.—The Congress determines and declares that this resolution is the concurrent resolution on the budget for fiscal year 1997, including the appropriate budgetary levels for fiscal years 1998, 1999, 2000, and 2001, as required by section 301 of the Congressional Budget Act of 1974, and including the appropriate levels for fiscal year 2002.

(b) TABLE OF CONTENTS.—The table of contents for this concurrent resolution is as follows:

Sec. 1. Concurrent Resolution on the Budget for Fiscal Year 1997.

TITLE I—LEVELS AND AMOUNTS

Sec. 101. Recommended levels and amounts.
Sec. 102. Debt increase.
Sec. 103. Social Security.
Sec. 104. Major functional categories.
Sec. 105. Reconciliation.

TITLE II—BUDGETARY RESTRAINTS AND RULEMAKING

Sec. 201. Discretionary spending limits.
Sec. 202. Tax reserve fund in the Senate.
Sec. 203. Superfund reserve fund in the Senate.
Sec. 204. Scoring of emergency legislation.
Sec. 205. Exercise of rulemaking powers.

TITLE III—SENSE OF THE CONGRESS, HOUSE OF REPRESENTATIVES, AND SENATE

Sec. 301. Sense of the Congress on sale of Government assets.

Sec. 302. Sense of the Congress that tax reductions should benefit working families.
Sec. 303. Sense of the Congress on a Bipartisan Commission on the Solvency of Medicare.
Sec. 304. Sense of the Senate on considering a change in the minimum wage in the Senate.
Sec. 305. Sense of the Senate on long term projections in budget estimates.
Sec. 306. Sense of the Congress on medicare transfers.
Sec. 307. Sense of the Senate on repeal of the gas tax.
Sec. 308. Sense of the Senate on medicare trustees report.
Sec. 309. Sense of the Congress regarding changes in the medicare program.
Sec. 310. Sense of the Senate on funding to assist youth at risk.
Sec. 311. Sense of the Senate regarding the use of budgetary savings.
Sec. 312. Sense of the Senate regarding the transfer of excess Government computers to public schools.
Sec. 313. Sense of the Senate on Federal retreats.
Sec. 314. Sense of the Senate regarding the essential air service program of the Department of Transportation.
Sec. 315. Sense of the Senate regarding equal retirement savings for homemakers.
Sec. 316. Sense of the Senate regarding the National Institute of Drug Abuse.
Sec. 317. Sense of the Senate regarding the extension of the employer education assistance exclusion under section 127 of the Internal Revenue Code of 1986.
Sec. 318. Sense of the Senate regarding the Economic Development Administration placing high priority on maintaining field-based economic development representatives.
Sec. 319. Sense of the Senate regarding revenue assumptions.
Sec. 320. Sense of the Senate regarding domestic violence.
Sec. 321. Sense of the Senate regarding student loans.
Sec. 322. Sense of the Senate regarding reduction of the national debt.
Sec. 323. Sense of the Senate regarding hungry or homeless children.
Sec. 324. Sense of the Senate on LIHEAP.
Sec. 325. Sense of the Congress regarding additional charges under the medicare program.
Sec. 326. Sense of the Congress regarding nursing home standards.
Sec. 327. Sense of the Congress concerning nursing home care.
Sec. 328. Sense of the Congress regarding requirements that welfare recipients be drug-free.
Sec. 329. Sense of the Senate on Davis-Bacon.
Sec. 330. Sense of the Senate on Davis-Bacon.
Sec. 331. Sense of Congress on reimbursement of the United States for Operations Southern Watch and Provide Comfort.
Sec. 332. Accurate index for inflation.
Sec. 333. Sense of the Senate on solvency of the Medicare Trust Fund.
Sec. 334. Sense of the Congress that the 1993 income tax increase on social security benefits should be repealed.
Sec. 335. Sense of the Senate regarding the Administration's practice regarding the prosecution of drug smugglers.
Sec. 336. Corporate subsidies and sale of Government assets.
Sec. 337. Sense of the Senate on the Presidential Election Campaign Fund.
Sec. 338. Sense of the Senate regarding welfare reform.
Sec. 339. A resolution regarding the Senate's support for Federal, State, and local law enforcement.
Sec. 340. Sense of the Senate regarding the funding of Amtrak.
Sec. 341. Sense of the Senate—Truth in Budgeting.

TITLE I—LEVELS AND AMOUNTS

SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for the fiscal years 1997, 1998, 1999, 2000, 2001, and 2002:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution—

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 1997: $1,086,200,000,000.
Fiscal year 1998: $1,129,900,000,000.
Fiscal year 1999: $1,176,100,000,000.
Fiscal year 2000: $1,229,900,000,000.
Fiscal year 2001: $1,289,600,000,000.
Fiscal year 2002: $1,359,100,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 1997: −$14,100,000,000.
Fiscal year 1998: −$18,600,000,000.
Fiscal year 1999: −$22,300,000,000.
Fiscal year 2000: −$21,900,000,000.
Fiscal year 2001: −$21,500,000,000.
Fiscal year 2002: −$14,800,000,000.

(C) The amounts for Federal Insurance Contributions Act revenues for hospital insurance within the recommended levels of Federal revenues are as follows:

Fiscal year 1997: $108,000,000,000.
Fiscal year 1998: $113,100,000,000.
Fiscal year 1999: $119,200,000,000.
Fiscal year 2000: $125,500,000,000.
Fiscal year 2001: $131,300,000,000.
Fiscal year 2002: $137,700,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 1997: $1,323,100,000,000.
Fiscal year 1998: $1,361,600,000,000.
Fiscal year 1999: $1,392,400,000,000.
Fiscal year 2000: $1,433,600,000,000.
Fiscal year 2001: $1,454,000,000,000.
Fiscal year 2002: $1,499,100,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 1997: $1,318,600,000,000.
Fiscal year 1998: $1,353,500,000,000.
Fiscal year 1999: $1,382,400,000,000.
Fiscal year 2000: $1,415,600,000,000.
Fiscal year 2001: $1,433,100,000,000.
Fiscal year 2002: $1,467,400,000,000.

(4) DEFICITS.—For purposes of the enforcement of this resolution, the amounts of the deficits are as follows:

Fiscal year 1997: $232,400,000,000.
Fiscal year 1998: $223,600,000,000.
Fiscal year 1999: $206,300,000,000.
Fiscal year 2000: $185,700,000,000.
Fiscal year 2001: $143,500,000,000.
Fiscal year 2002: $108,300,000,000.

(5) PUBLIC DEBT.—The appropriate levels of the public debt are as follows:

Fiscal year 1997: $5,449,000,000,000.
Fiscal year 1998: $5,722,700,000,000.
Fiscal year 1999: $5,975,100,000,000.
Fiscal year 2000: $6,207,700,000,000.
Fiscal year 2001: $6,398,600,000,000.
Fiscal year 2002: $6,550,500,000,000.

(6) DIRECT LOAN OBLIGATIONS.—The appropriate levels of total new direct loan obligations are as follows:

Fiscal year 1997: $41,400,000,000.
Fiscal year 1998: $36,400,000,000.
Fiscal year 1999: $36,600,000,000.
Fiscal year 2000: $36,500,000,000.
Fiscal year 2001: $36,600,000,000.
Fiscal year 2002: $36,600,000,000.

(7) PRIMARY LOAN GUARANTEE COMMITMENTS.—The appropriate levels of new primary loan guarantee commitments are as follows:

Fiscal year 1997: $267,100,000,000.
Fiscal year 1998: $267,800,000,000.
Fiscal year 1999: $268,600,000,000.
Fiscal year 2000: $269,700,000,000.
Fiscal year 2001: $270,400,000,000.
Fiscal year 2002: $271,300,000,000.

SEC. 102. DEBT INCREASE.

The amounts of the increase in the public debt subject to limitation are as follows:

Fiscal year 1997: $290,000,000,000.
Fiscal year 1998: $277,400,000,000.
Fiscal year 1999: $256,000,000,000.
Fiscal year 2000: $236,100,000,000.
Fiscal year 2001: $193,300,000,000.
Fiscal year 2002: $155,400,000,000.

SEC. 103. SOCIAL SECURITY.

(a) SOCIAL SECURITY REVENUES.—For purposes of Senate enforcement under sections 302, 602, and 311 of the Congressional Budget Act of 1974, the amounts of revenues of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 1997: $384,900,000,000.
Fiscal year 1998: $401,900,000,000.
Fiscal year 1999: $422,800,000,000.
Fiscal year 2000: $444,200,000,000.
Fiscal year 2001: $463,900,000,000.
Fiscal year 2002: $485,700,000,000.

(b) SOCIAL SECURITY OUTLAYS.—For purposes of Senate enforcement under sections 302, 602, and 311 of the Congressional Budget Act of 1974, the amounts of outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 1997: $310,400,000,000.
Fiscal year 1998: $323,000,000,000.
Fiscal year 1999: $335,900,000,000.
Fiscal year 2000: $349,300,000,000.
Fiscal year 2001: $363,900,000,000.
Fiscal year 2002: $378,800,000,000.

SEC. 104. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority, budget outlays, new direct loan obligations, and new primary loan guarantee commitments for fiscal years 1997 through 2002 for each major functional category are:

(1) National Defense (050):

Fiscal year 1997:

(A) New budget authority, $265,600,000,000.

(B) Outlays, $263,700,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $800,000,000.

Fiscal year 1998:

(A) New budget authority, $267,100,000,000.

(B) Outlays, $262,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $200,000,000.

Fiscal year 1999:

(A) New budget authority, $269,500,000,000.

(B) Outlays, $265,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $192,000,000.

Fiscal year 2000:

(A) New budget authority, $271,800,000,000.

(B) Outlays, $268,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $187,000,000.

Fiscal year 2001:

(A) New budget authority, $274,200,000,000.

(B) Outlays, $267,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $185,000,000.

Fiscal year 2002:

(A) New budget authority, $276,900,000,000.

(B) Outlays, $267,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $183,000,000.

(2) International Affairs (150):

Fiscal year 1997:

(A) New budget authority, $14,200,000,000.

(B) Outlays, $14,900,000,000.

(C) New direct loan obligations, $4,333,000,000.

(D) New primary loan guarantee commitments, $18,110,000,000.

Fiscal year 1998:

(A) New budget authority, $12,700,000,000.

(B) Outlays, $13,600,000,000.

(C) New direct loan obligations, $4,342,000,000.

(D) New primary loan guarantee commitments, $18,262,000,000.

Fiscal year 1999:

(A) New budget authority, $11,600,000,000.

(B) Outlays, $12,600,000,000.

(C) New direct loan obligations, $4,358,000,000.

(D) New primary loan guarantee commitments, $18,311,000,000.

Fiscal year 2000:

(A) New budget authority, $12,000,000,000.

(B) Outlays, $11,400,000,000.

(C) New direct loan obligations, $4,346,000,000.

(D) New primary loan guarantee commitments, $18,311,000,000.

Fiscal year 2001:

(A) New budget authority, $12,400,000,000.

(B) Outlays, $11,500,000,000.

(C) New direct loan obligations, $4,395,000,000.

(D) New primary loan guarantee commitments, $18,409,000,000.

Fiscal year 2002:

(A) New budget authority, $12,700,000,000.

(B) Outlays, $11,500,000,000.

(C) New direct loan obligations, $4,387,000,000.

(D) New primary loan guarantee commitments, $18,409,000,000.

(3) General Science, Space, and Technology (250):

Fiscal year 1997:

(A) New budget authority, $16,700,000,000.

(B) Outlays, $16,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $16,100,000,000.

(B) Outlays, $16,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $15,700,000,000.

(B) Outlays, $15,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $15,400,000,000.

(B) Outlays, $15,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $15,500,000,000.

(B) Outlays, $15,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $15,500,000,000.

(B) Outlays, $15,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(4) Energy (270):

Fiscal year 1997:

(A) New budget authority, $3,700,000,000.

(B) Outlays, $3,100,000,000.

(C) New direct loan obligations, $1,033,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $2,900,000,000.

(B) Outlays, $2,200,000,000.

(C) New direct loan obligations, $1,039,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $2,600,000,000.

(B) Outlays, $1,800,000,000.

(C) New direct loan obligations, $1,045,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $2,500,000,000.

(B) Outlays, $1,600,000,000.

(C) New direct loan obligations, $1,036,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $2,700,000,000.

(B) Outlays, $1,600,000,000.

(C) New direct loan obligations, $1,000,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $2,400,000,000.

(B) Outlays, $1,200,000,000.

(C) New direct loan obligations, $1,031,000,000.

(D) New primary loan guarantee commitments, $0.

(5) Natural Resources and Environment (300):

Fiscal year 1997:

(A) New budget authority, $20,300,000,000.

(B) Outlays, $21,500,000.

(C) New direct loan obligations, $37,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $20,000,000,000.

(B) Outlays, $20,900,000,000.

(C) New direct loan obligations, $41,000,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $19,900,000,000.

(B) Outlays, $20,600,000,000.

(C) New direct loan obligations, $38,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $19,500,000,000.

(B) Outlays, $20,100,000,000.

(C) New direct loan obligations, $38,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $19,400,000,000.

(B) Outlays, $19,600,000,000.

(C) New direct loan obligations, $38,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $19,300,000,000.

(B) Outlays, $19,400,000,000.

(C) New direct loan obligations, $38,000,000.

(D) New primary loan guarantee commitments, $0.

(6) Agriculture (350):

Fiscal year 1997:

(A) New budget authority, $12,800,000,000.

(B) Outlays, $11,000,000,000.

(C) New direct loan obligations, $7,794,000,000.

(D) New primary loan guarantee commitments, $5,870,000,000.

Fiscal year 1998:

(A) New budget authority, $12,500,000,000.

(B) Outlays, $10,600,000,000.

(C) New direct loan obligations, $9,346,000,000.

(D) New primary loan guarantee commitments, $6,637,000,000.

Fiscal year 1999:

(A) New budget authority, $12,200,000,000.

(B) Outlays, $10,300,000,000.

(C) New direct loan obligations, $10,743,000,000.

(D) New primary loan guarantee commitments, $6,586,000,000.

Fiscal year 2000:

(A) New budget authority, $11,500,000,000.

(B) Outlays, $9,700,000,000.

(C) New direct loan obligations, $10,736,000,000.

(D) New primary loan guarantee commitments, $6,652,000,000.

Fiscal year 2001:

(A) New budget authority, $10,500,000,000.

(B) Outlays, $8,700,000,000.

(C) New direct loan obligations, $10,595,000,000.

(D) New primary loan guarantee commitments, $6,641,000,000.

Fiscal year 2002:

(A) New budget authority, $10,300,000,000.

(B) Outlays, $8,400,000,000.

(C) New direct loan obligations, $10,570,000,000.

(D) New primary loan guarantee commitments, $6,709,000,000.

(7) Commerce and Housing Credit (370):

Fiscal year 1997:

(A) New budget authority, $8,100,000,000.

(B) Outlays, −$2,400,000,000.

(C) New direct loan obligations, $1,856,000,000.

(D) New primary loan guarantee commitments, $197,340,000,000.

Fiscal year 1998:

(A) New budget authority, $9,600,000,000.

(B) Outlays, $5,700,000,000.

(C) New direct loan obligations, $1,787,000,000.

(D) New primary loan guarantee commitments, $196,750,000,000.

Fiscal year 1999:

(A) New budget authority, $10,600,000,000.

(B) Outlays, $6,100,000,000.

(C) New direct loan obligations, $1,763,000,000.

(D) New primary loan guarantee commitments, $196,253,000,000.

Fiscal year 2000:

(A) New budget authority, $12,600,000,000.

(B) Outlays, $7,500,000,000.

(C) New direct loan obligations, $1,759,000,000.

(D) New primary loan guarantee commitments, $195,883,000,000.

Fiscal year 2001:

(A) New budget authority, $11,400,000,000.

(B) Outlays, $7,400,000,000.

(C) New direct loan obligations, $1,745,000,000.

(D) New primary loan guarantee commitments, $195,375,000,000.

Fiscal year 2002:

(A) New budget authority, $11,700,000,000.

(B) Outlays, $7,400,000,000.

(C) New direct loan obligations, $1,740,000,000.

(D) New primary loan guarantee commitments, $194,875,000,000.

(8) Transportation (400):

Fiscal year 1997:

(A) New budget authority, $42,600,000,000.

(B) Outlays, $39,300,000,000.

(C) New direct loan obligations, $15,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $43,300,000,000.

(B) Outlays, $37,000,000,000.

(C) New direct loan obligations, $15,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $43,800,000,000.

(B) Outlays, $35,600,000,000.

(C) New direct loan obligations, $15,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $43,500,000,000.

(B) Outlays, $34,100,000,000.

(C) New direct loan obligations, $15,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $43,700,000,000.

(B) Outlays, $33,700,000,000.

(C) New direct loan obligations, $15,000,000

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $44,000,000.

(B) Outlays, $33,200,000,000.

(C) New direct loan obligations, $15,000,000.

(D) New primary loan guarantee commitments, $0.

(9) Community and Regional Development (450):

Fiscal year 1997:

(A) New budget authority, $9,900,000,000.

(B) Outlays, $10,800,000,000.

(C) New direct loan obligations, $1,222,000,000.

(D) New primary loan guarantee commitments, $2,133,000,000.

Fiscal year 1998:

(A) New budget authority, $6,700,000,000.

(B) Outlays, $9,500,000,000.

(C) New direct loan obligations, $1,242,000,000.

(D) New primary loan guarantee commitments, $2,133,000,000.

Fiscal year 1999:

(A) New budget authority, $6,700,000,000.

(B) Outlays, $8,600,000,000.

(C) New direct loan obligations, $1,265,000,000.

(D) New primary loan guarantee commitments, $2,171,000,000.

Fiscal year 2000:

(A) New budget authority, $6,700,000,000.

(B) Outlays, $7,700,000,000.

(C) New direct loan obligations, $1,288,000,000.

(D) New primary loan guarantee commitments, $2,171,000,000.

Fiscal year 2001:

(A) New budget authority, $6,700,000,000.

(B) Outlays, $7,200,000,000.

(C) New direct loan obligations, $1,317,000,000.

(D) New primary loan guarantee commitments, $2,202,000,000.

Fiscal year 2002:

(A) New budget authority, $6,600,000,000.

(B) Outlays, $6,700,000,000.

(C) New direct loan obligations, $1,343,000,000.

(D) New primary loan guarantee commitments, $2,202,000,000.

(10) Education, Training, Employment, and Social Services (500):

Fiscal year 1997:

(A) New budget authority, $51,400,000,000.

(B) Outlays, $51,500,000,000.

(C) New direct loan obligations, $16,219,000,000.

(D) New primary loan guarantee commitments, $15,469,000,000.

Fiscal year 1998:

(A) New budget authority, $49,000,000,000.

(B) Outlays, $48,900,000,000.

(C) New direct loan obligations, $19,040,000,000.

(D) New primary loan guarantee commitments, $14,760,000,000.

Fiscal year 1999:

(A) New budget authority, $50,200,000,000.

(B) Outlays, $49,400,000,000.

(C) New direct loan obligations, $21,781,000,000.

(D) New primary loan guarantee commitments, $13,854,000,000.

Fiscal year 2000:

(A) New budget authority, $51,000,000,000.

(B) Outlays, $50,200,000,000.

(C) New direct loan obligations, $22,884,000,000.

(D) New primary loan guarantee commitments, $14,589,000,000.

Fiscal year 2001:

(A) New budget authority, $51,800,000,000.

(B) Outlays, $50,900,000,000.

(C) New direct loan obligations, $23,978,000,000.

(D) New primary loan guarantee commitments, $15,319,000,000.

Fiscal year 2002:

(A) New budget authority, $52,600,000,000.

(B) Outlays, $51,700,000,000.

(C) New direct loan obligations, $25,127,000,000.

(D) New primary loan guarantee commitments, $16,085,000,000.

(11) Health (550):

Fiscal year 1997:

(A) New budget authority, $131,400,000,000.

(B) Outlays, $132,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $187,000,000.

Fiscal year 1998:

(A) New budget authority, $137,400,000,000.

(B) Outlays, $137,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $94,000,000.

Fiscal year 1999:

(A) New budget authority, $144,000,000,000.

(B) Outlays, $144,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $152,800,000,000.

(B) Outlays, $152,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $160,300,000,000.

(B) Outlays, $159,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $167,200,000,000.

(B) Outlays, $166,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(12) Medicare (570):

Fiscal year 1997:

(A) New budget authority, $193,200,000,000.

(B) Outlays, $191,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $205,900,000,000.

(B) Outlays, $204,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $216,700,000,000.

(B) Outlays, $214,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $227,300,000,000.

(B) Outlays, $225,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $239,300,000,000.

(B) Outlays, $237,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $253,500,000,000.

(B) Outlays, $251,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(13) Income Security (600):

Fiscal year 1997:

(A) New budget authority, $232,400,000,000.

(B) Outlays, $240,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $241,900,000,000.

(B) Outlays, $245,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $246,500,000,000.

(B) Outlays, $253,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $264,600,000,000.

(B) Outlays, $264,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $264,100,000,000.

(B) Outlays, $268,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $282,800,000,000.

(B) Outlays, $281,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(14) Social Security (650):

Fiscal year 1997:

(A) New budget authority, $7,800,000,000.

(B) Outlays, $10,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $8,500,000,000.

(B) Outlays, $11,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $9,200,000,000.

(B) Outlays, $11,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $10,000,000,000.

(B) Outlays, $12,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $10,800,000,000.

(B) Outlays, $13,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $11,600,000,000.

(B) Outlays, $14,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(15) Veterans Benefits and Services (700):

Fiscal year 1997:

(A) New budget authority, $39,000,000,000.

(B) Outlays, $39,500,000,000.

(C) New direct loan obligations, $935,000,000.

(D) New primary loan guarantee commitments, $26,362,000,000.

Fiscal year 1998:

(A) New budget authority, $38,600,000,000.

(B) Outlays, $39,300,000,000.

(C) New direct loan obligations, $962,000,000.

(D) New primary loan guarantee commitments, $25,925,000,000.

Fiscal year 1999:

(A) New budget authority, $38,700,000,000.

(B) Outlays, $39,300,000,000.

(C) New direct loan obligations, $987,000,000.

(D) New primary loan guarantee commitments, $25,426,000,000.

Fiscal year 2000:

(A) New budget authority, $38,700,000,000.

(B) Outlays, $40,400,000,000.

(C) New direct loan obligations, $1,021,000,000.

(D) New primary loan guarantee commitments, $24,883,000,000.

Fiscal year 2001:

(A) New budget authority, $38,800,000,000.

(B) Outlays, $37,700,000,000.

(C) New direct loan obligations, $1,189,000,000.

(D) New primary loan guarantee commitments, $24,298,000,000.

Fiscal year 2002:

(A) New budget authority, $39,000,000,000.

(B) Outlays, $39,300,000,000.

(C) New direct loan obligations, $1,194,000,000.

(D) New primary loan guarantee commitments, $23,668,000,000.

(16) Administration of Justice (750):

Fiscal year 1997:

(A) New budget authority, $21,700,000,000.

(B) Outlays, $20,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $22,300,000,000.

(B) Outlays, $21,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $23,300,000,000.

(B) Outlays, $22,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $23,300,000,000.

(B) Outlays, $23,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $19,900,000,000.

(B) Outlays, $19,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $19,900,000,000.

(B) Outlays, $19,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(17) General Government (800):

Fiscal year 1997:

(A) New budget authority, $13,800,000,000.

(B) Outlays, $13,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $13,600,000,000.

(B) Outlays, $13,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $13,300,000,000.

(B) Outlays, $13,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $13,200,000,000.

(B) Outlays, $13,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $13,300,000,000.

(B) Outlays, $13,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $13,500,000,000.

(B) Outlays, $13,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(18) Net Interest (900):

Fiscal year 1997:

(A) New budget authority, $282,800,000,000.

(B) Outlays, $282,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $289,400,000,000.

(B) Outlays, $289,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $293,200,000,000.

(B) Outlays, $293,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $294,700,000,000.

(B) Outlays, $294,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $298,900,000,000.

(B) Outlays, $298,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $303,400,000,000.

(B) Outlays, $303,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(19) The corresponding levels of gross interest on the public debt are as follows:

Fiscal year 1997: $348,234,000,000.

Fiscal year 1998: $351,240,000,000.

Fiscal year 1999: $348,465,000,000.

Fiscal year 2000: $349,951,000,000.

Fiscal year 2001: $351,311,000,000.

Fiscal year 2002: $352,756,000,000.

(20) Allowances (920):

Fiscal year 1997:

(A) New budget authority, −$1,600,000,000.

(B) Outlays, $800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, −$200,000,000.

(B) Outlays, $100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, −$400,000,000.

(B) Outlays, −$300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, −$800,000,000.

(B) Outlays, −$500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, −$1,200,000,000.

(B) Outlays, −$1,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, −$3,700,000,000.

(B) Outlays, −$3,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(21) Undistributed Offsetting Receipts (950):

Fiscal year 1997:

(A) New budget authority, −$43,700,000,000.

(B) Outlays, −$43,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, −$35,700,000,000.

(B) Outlays, −$35,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, −$34,900,000,000.

(B) Outlays, −$34,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, −$36,700,000,000.

(B) Outlays, −$36,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, −$38,500,000,000.

(B) Outlays, −$38,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, −$40,100,000,000.

(B) Outlays, −$40,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

SEC. 105. RECONCILIATION.

(a) FIRST RECONCILIATION OF SPENDING REDUCTIONS.—

(1) SENATE COMMITTEES.—Not later than June 14, 1996, the committees named in this subsection shall submit their recommendations to the Committee on the Budget of the Senate. After receiving those recommendations, the Committee on the Budget shall report to the Senate a reconciliation bill carrying out all such recommendations without any substantive revision.

(A) COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY.—The Senate Committee on Agriculture, Nutrition, and Forestry shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) to reduce outlays $1,994,000,000 in fiscal year 1997 and $29,376,000,000 for the period of fiscal years 1997 through 2002.

(B) COMMITTEE ON FINANCE.—The Senate Committee on Finance shall report changes in

laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) to reduce outlays $95,402,000,000 for the period of fiscal years 1997 through 2002.

(b) FINAL RECONCILIATION OF SPENDING REDUCTIONS.—

(1) SENATE COMMITTEES.—If legislation is enacted pursuant to subsection (a), then no later than July 12, 1996, the committees named in this subsection shall submit their recommendations to the Committee on the Budget of the Senate. After receiving those recommendations, the Committee on the Budget shall report to the Senate a reconciliation bill carrying out all such recommendations without any substantive revision.

(A) COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY.—The Senate Committee on Agriculture, Nutrition, and Forestry shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) to reduce outlays $86,000,000,000 in fiscal year 1997 and $251,000,000,000 for the period of fiscal years 1997 through 2002.

(B) COMMITTEE ON ARMED SERVICES.—The Senate Committee on Armed Services shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) to reduce outlays $79,000,000,000 in fiscal year 1997 and $649,000,000,000 for the period of fiscal years 1997 through 2002.

(C) COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS.—The Senate Committee on Banking, Housing, and Urban Affairs shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) to reduce outlays $3,628,000,000 in fiscal year 1997 and $3,605,000,000 for the period of fiscal years 1997 through 2002.

(D) COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION.—The Senate Committee on Commerce, Science, and Transportation shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) to reduce outlays $0 in fiscal year 1997 and $19,396,000,000 for the period of fiscal years 1997 through 2002.

(E) COMMITTEE ON ENERGY AND NATURAL RESOURCES.—The Senate Committee on Energy and Natural Resources shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) to reduce outlays $84,000,000 in fiscal year 1997 and $1,433,000,000 for the period of fiscal years 1997 through 2002.

(F) COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS.—The Senate Committee on Environment and Public Works shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) to reduce outlays $87,000,000 in fiscal year 1997 and $2,212,000,000 for the period of fiscal years 1997 through 2002.

(G) COMMITTEE ON FINANCE.—The Senate Committee on Finance shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) to reduce outlays $6,716,000,000 in fiscal year 1997 and $169,707,000,000 for the period of fiscal years 1997 through 2002.

(H) COMMITTEE ON GOVERNMENTAL AFFAIRS.—The Senate Committee on Governmental Affairs shall report changes in laws within its jurisdiction that reduce the deficit $955,000,000 in fiscal year 1997 and $8,789,000,000 for the period of fiscal years 1997 through 2002.

(I) COMMITTEE ON THE JUDICIARY.—The Senate Committee on the Judiciary shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) to reduce outlays $0 in fiscal year 1997 and $476,000,000 for the period of fiscal years 1997 through 2002.

(J) COMMITTEE ON LABOR AND HUMAN RESOURCES.—The Senate Committee on Labor and Human Resources shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) to reduce outlays $725,000,000 in fiscal year 1997 and $3,097,000,000 for the period of fiscal years 1997 through 2002.

(K) COMMITTEE ON VETERANS' AFFAIRS.—The Senate Committee on Veterans' Affairs shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) to reduce outlays $175,000,000 in fiscal year 1997 and $5,198,000,000 for the period of fiscal years 1997 through 2002.

(c) RECONCILIATION OF REVENUE REDUCTIONS.—

(1) SENATE COMMITTEE.—If the legislation is enacted pursuant to subsections (a) and (b), then no later than September 18, 1996, the Committee on Finance shall report to the Senate a reconciliation bill proposing changes in laws within its jurisdiction necessary to reduce revenues by not more than $15,359,000,000 in fiscal year 2002 and $116,104,000,000 for the period of fiscal years 1997 through 2002 and reduce outlays $1,692,000,000 in fiscal year 1997 and $11,524,000,000 for the period of fiscal years 1997 through 2002.

(d) TREATMENT OF RECONCILIATION BILLS FOR PRIOR SURPLUS.—For purposes of section 202 of House Concurrent Resolution 67 (104th Congress), legislation which reduces revenues pursuant to a reconciliation instruction contained in subsection (c) shall be taken together with all other legislation enacted pursuant to the reconciliation instructions contained in this resolution when determining the deficit effect of such legislation.

TITLE II—BUDGETARY RESTRAINTS AND RULEMAKING

SEC. 201. DISCRETIONARY SPENDING LIMITS.

(a) DEFINITION.—As used in this section and for the purposes of allocations made pursuant to section 302(a) or 602(a) of the Congressional Budget Act of 1974, for the discretionary category, the term "discretionary spending limit" means—

(1) with respect to fiscal year 1997—

(A) for the defense category $266,362,000,000 in new budget authority and $264,568,000,000 in outlays; and

(B) for the nondefense category $227,845,000,000 in new budget authority and $270,923,000,000 in outlays;

(2) with respect to fiscal year 1998—

(A) for the defense category $267,831,000,000 in new budget authority and $262,962,000,000 in outlays; and

(B) for the nondefense category $221,322,000,000 in new budget authority and $258,698,000,000 in outlays;

(3) with respect to fiscal year 1999, for the discretionary category $493,221,000,000 in new budget authority and $525,742,000,000 in outlays;

(4) with respect to fiscal year 2000, for the discretionary category $500,037,000,000 in new budget authority and $525,071,000,000 in outlays;

(5) with respect to fiscal year 2001, for the discretionary category $492,468,000,000 in new budget authority and $517,708,000,000 in outlays; and

(6) with respect to fiscal year 2002, for the discretionary category $501,177,000,000 in new budget authority and $515,979,000,000 in outlays;

as adjusted for changes in concepts and definitions and emergency appropriations.

(b) POINT OF ORDER IN THE SENATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), it shall not be in order in the Senate to consider—

(A) a revision of this resolution or any concurrent resolution on the budget for fiscal year 1998 (or amendment, motion, or conference report on such a resolution) that provides discretionary spending in excess of the sum of the defense and nondefense discretionary spending limits for such fiscal year;

(B) any concurrent resolution on the budget for fiscal year 1999, 2000, 2001, or 2002 (or amendment, motion, or conference report on such a resolution) that provides discretionary spending in excess of the discretionary spending limit for such fiscal year; or

(C) any appropriations bill or resolution (or amendment, motion, or conference report on such appropriations bill or resolution) for fiscal year 1997, 1998, 1999, 2000, 2001, or 2002 that would exceed any of the discretionary spending limits in this section or suballocations of those limits made pursuant to section 602(b) of the Congressional Budget Act of 1974.

(2) EXCEPTION.—

(A) IN GENERAL.—This section shall not apply if a declaration of war by the Congress is in effect or if a joint resolution pursuant to section 258 of the Balanced Budget and Emergency Deficit Control Act of 1985 has been enacted.

(B) ENFORCEMENT OF DISCRETIONARY LIMITS IN FY 1997.—Until the enactment of reconciliation legislation pursuant to subsections (a) and (b) of section 105 of this resolution and for purposes of the application of paragraph (1), only subparagraph (C) of paragraph (1) shall apply to fiscal year 1997.

(c) WAIVER.—This section may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(d) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the concurrent resolution, bill, or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(e) DETERMINATION OF BUDGET LEVELS.—For purposes of this section, the levels of new budget authority, outlays, new entitlement authority, and revenues for a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget of the Senate.

SEC. 202. TAX RESERVE FUND IN THE SENATE.

(a) IN GENERAL.—In the Senate, revenue and spending aggregates may be reduced and allocations may be revised for legislation that reduces revenues by providing family tax relief, fuel tax relief, and incentives to stimulate savings, investment, job creation, and economic growth if such legislation will not increase the deficit for—

(1) fiscal year 1997;

(2) the period of fiscal years 1997 through 2001; or

(3) the period of fiscal years 2002 through 2006.

(b) REVISED ALLOCATIONS.—Upon the consideration of legislation pursuant to subsection (a), the Chairman of the Committee on the Budget of

the Senate may file with the Senate appropriately revised allocations under sections 302(a) and 602(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this section. These revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this resolution.

(c) REPORTING REVISED ALLOCATIONS.—The appropriate committee shall report appropriately revised allocations pursuant to sections 302(b) and 602(b) of the Congressional Budget Act of 1974 to carry out this section.

SEC. 203. SUPERFUND RESERVE FUND IN THE SENATE.

(a) IN GENERAL.—After the enactment of legislation that reforms the Superfund program and extends Superfund taxes, in the Senate, budget authority and outlays allocated to the Committee on Appropriations under sections 302(a) and 602(a) of the Congressional Budget Act of 1974, the appropriate functional levels, the appropriate budget aggregates, and the discretionary spending limits in section 201 of this resolution may be revised to provide additional budget authority and the outlays flowing from that budget authority for the Superfund program, pursuant to this section.

(b) DEFICIT NEUTRAL ADJUSTMENTS.—

(1) ALLOCATIONS.—

(A) COMMITTEE ALLOCATIONS.—In the Senate, upon reporting of an appropriations measure, or when a conference committee submits a conference report thereon, that appropriates funds for the Superfund program in excess of $1,302,000,000, the chairman of the Committee on the Budget of the Senate may submit revised allocations, functional levels, budget aggregates, and discretionary spending limits to carry out this section that adds to such allocations, levels, aggregates, and limits an amount that is equal to such excess. These revised allocations, levels, aggregates, and limits shall be considered for the purposes of the Congressional Budget Act of 1974 as the allocations, levels, aggregates, and limits contained in this resolution.

(B) COMMITTEE SUBALLOCATIONS.—The Committee on Appropriations of the Senate may report appropriately revised suballocations pursuant to sections 302(b)(1) and 602(b)(1) of the Congressional Budget Act of 1974 following the revision of the allocations pursuant to subparagraph (A).

(2) LIMITATIONS.—The adjustments under this subsection shall not exceed—

(A) the net revenue increase for a fiscal year resulting from the enactment of legislation that extends Superfund taxes; and

(B) $898,000,000 in budget authority for a fiscal year and the outlays flowing from such budget authority in all fiscal years.

SEC. 204. SCORING OF EMERGENCY LEGISLATION.

Notwithstanding section 606(d)(2) of the Congressional Budget Act of 1974, the determinations under sections 302, 303, 311, and 602 of such Act shall take into account any new budget authority, new entitlement authority, outlays, receipts, or deficit effects as a consequence of the provisions of sections 251(b)(2)(D) and 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 205. EXERCISE OF RULEMAKING POWERS.

The Congress adopts the provisions of this title—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of each House, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change those rules (so far as they relate to that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

TITLE III—SENSE OF THE CONGRESS, HOUSE OF REPRESENTATIVES, AND SENATE

SEC. 301. SENSE OF THE CONGRESS ON SALE OF GOVERNMENT ASSETS.

(a) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(1) the prohibition on scoring asset sales has discouraged the sale of assets that can be better managed by the private sector and generate receipts to reduce the Federal budget deficit;

(2) the President's fiscal year 1997 budget included $3,900,000,000 in receipts from asset sales and proposed a change in the asset sale scoring rule to allow the proceeds from these sales to be scored;

(3) assets should not be sold if such sale would increase the budget deficit over the long run; and

(4) the asset sale scoring prohibition should be repealed and consideration should be given to replacing it with a methodology that takes into account the long-term budgetary impact of asset sales.

(b) DEFINITIONS.—For purposes of this section, the term "sale of an asset" shall have the same meaning as under section 250(c)(21) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 302. SENSE OF THE CONGRESS THAT TAX REDUCTIONS SHOULD BENEFIT WORKING FAMILIES.

It is the sense of the Congress that this concurrent resolution on the budget assumes any reductions in taxes should be structured to benefit working families by providing family tax relief and incentives to stimulate savings, investment, job creation, and economic growth.

SEC. 303. SENSE OF THE CONGRESS ON A BIPARTISAN COMMISSION ON THE SOLVENCY OF MEDICARE.

(a) FINDINGS.—Congress finds that—

(1) the Trustees of medicare have concluded that "the medicare program is clearly unsustainable in its present form";

(2) the Trustees of medicare concluded in 1995 that "the Hospital Insurance Trust Fund, which pays inpatient hospital expenses, will be able to pay benefits for only about 7 years and is severely out of financial balance in the long range";

(3) preliminary data made available to the Congress indicate that the Hospital Trust Fund will go bankrupt in the year 2001, rather than the year 2002, as predicted last year;

(4) the Public Trustees of medicare have concluded that "the Supplementary Medical Insurance Trust Fund shows a rate of growth of costs which is clearly unsustainable";

(5) the Bipartisan Commission on Entitlement and Tax Reform concluded that, absent long-term changes in medicare, projected medicare outlays will increase from about 4 percent of the payroll tax base today to over 15 percent of the payroll tax base by the year 2030;

(6) the Bipartisan Commission on Entitlement and Tax Reform recommended, by a vote of 30 to 1, that spending and revenues available for medicare must be brought into long-term balance; and

(7) in the most recent Trustees' report, the Public Trustees of medicare "strongly recommend that the crisis presented by the financial condition of the medicare trust funds be urgently addressed on a comprehensive basis, including a review of the program's financing methods, benefit provisions, and delivery mechanisms.".

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that in order to meet the aggregates and levels in this budget resolution—

(1) a special bipartisan commission should be established immediately to make recommendations concerning the most appropriate response to the short-term solvency and long-term sustainability issues facing the medicare program; and

(2) the commission should report to Congress its recommendations prior to the adoption of a concurrent budget resolution for fiscal year 1998 in order that the committees of jurisdiction may consider these recommendations in fashioning an appropriate congressional response.

SEC. 304. SENSE OF THE SENATE ON CONSIDERING A CHANGE IN THE MINIMUM WAGE IN THE SENATE.

It is the sense of the Senate that—

(1) proposals to increase the minimum wage have important economic and budgetary consequences, as there are about 3,600,000 workers at or below the minimum wage under current law, according to the Congressional Budget Office ("CBO");

(2) S. 413, a bill to increase the minimum wage, would increase costs for State and local governments by $1,030,000,000 over the period 1996 to 2000, according to the CBO, and would, therefore, violate section 425(a)(2) of the Congressional Budget Act of 1974 regarding unfunded intergovernmental mandates;

(3) S. 413 would increase costs for the private sector by $12,300,000,000 over the period 1996 to 2000 and would reduce jobs by between 100,000 and 500,000, according to the CBO;

(4) increasing the minimum wage would have significant interactions with other Federal spending and tax programs, including welfare programs and the earned income credit;

(5) States have the authority to increase the minimum wage in their States, and, as of February 1996, 10 States, plus Puerto Rico and Washington, D.C., had minimum wages above the Federal minimum wage;

(6) although raising the minimum wage will increase incomes for some workers, it is a poorly targeted approach to helping poor and low-income families because—

(A) it will eliminate jobs for some minimum- and low-wage workers;

(B) 85 percent of workers in poor families are paid more than the minimum wage, and nearly 60 percent are paid more than $5.25 per hour, according to the CBO;

(C) most minimum wage workers are not poor, with some 70 percent in households with incomes above 150 percent of the poverty line, according to the CBO; and

(D) most minimum wage workers do not stay at the minimum wage very long, with two-thirds getting a pay raise within the first year, according to the CBO;

(7) the best approach to increasing wages and incomes for working families is to promote policies that enhance economic growth and job creation, such as increasing net national savings and investment by balancing the Federal budget and promoting private savings and investment through fundamental tax reform;

(8) legislation to change the minimum wage should be considered in the Senate in an orderly manner as part of the regular consideration of matters related to the budget and the economy and not as an unscheduled amendment to unrelated legislation;

(9) there are important issues which should be considered in the same legislation and in conjunction with proposals to raise the minimum wage, such as allowing for improvements in the workplace by enabling cooperative efforts between labor and management as provided for in S. 295, the Team Work for Employees and Management Act of 1995, and maintaining a training wage to minimize job loss for new entrants into the job market; and

(10) the Senate should schedule consideration of legislation that addresses in the same bill, as

a single proposal, the minimum wage and the provisions of S. 295 no later than the month of June 1996.

SEC. 305. SENSE OF THE SENATE ON LONG-TERM PROJECTIONS IN BUDGET ESTIMATES.

It is the sense of the Senate that—

(1) the report accompanying a concurrent resolution on the budget should include an analysis, prepared after consultation with the Director of the Congressional Budget Office, of the concurrent resolution's impact on revenues and outlays for entitlements for the period of 30 fiscal years; and

(2) the President should include in his budget each year, an analysis of the budget's impact on revenues and outlays for entitlements for the period of 30 fiscal years, and that the President should also include generational accounting information each year in the President's budget.

SEC. 306. SENSE OF THE CONGRESS ON MEDICARE TRANSFERS.

(a) FINDINGS.—The Congress finds that—

(1) home health care provides a broad spectrum of health and social services to approximately 3,500,000 medicare beneficiaries in the comfort of their homes;

(2) the President has proposed reimbursing the first 100 home health care visits after a hospital stay through medicare part A and reimbursing all other visits through medicare part B, shifting responsibility for $55,000,000,000 of spending from the Hospital Insurance Trust Fund to the general revenues that pay for medicare part B;

(3) such a transfer does nothing to control medicare spending, and is merely a bookkeeping change which artificially extends the solvency of the Hospital Insurance Trust Fund;

(4) this transfer of funds camouflages the need to make changes in the medicare program to ensure the long-term solvency of the Hospital Insurance Trust Fund, which the Congressional Budget Office now states will become bankrupt in the year 2001, a year earlier than projected in the 1995 report by the Trustees of the Social Security and Medicare Trust Funds;

(5) Congress will be breaking a commitment to the American people if it does not act to ensure the solvency of the entire medicare program in both the short- and long-term;

(6) the President's proposal would force those in need of chronic care services to rely upon the availability of general revenues to provide financing for these services, making them more vulnerable to benefits changes than under current law; and

(7) according to the National Association of Home Care, shifting medicare home care payments from part A to part B would deemphasize the importance of home care by eliminating its status as part of the Hospital Insurance Trust Fund, thereby undermining access to the less costly form of care.

(b) SENSE OF CONGRESS.—It is the sense of Congress that in meeting the spending targets specified in the budget resolution, Congress should not accept the President's proposal to transfer spending from one part of medicare to another in its efforts to preserve, protect, and improve the medicare program.

SEC. 307. SENSE OF THE SENATE ON REPEAL OF THE GAS TAX.

(a) FINDINGS.—The Senate finds that—

(1) the President originally proposed a $72,000,000,000 energy excise tax (the so-called BTU tax) as part of the Omnibus Budget Reconciliation Act of 1993 (OBRA 93) which included a new tax on transportation fuels;

(2) in response to opposition in the Senate to the BTU tax, the President and the Congress adopted instead a new 4.3 cents per gallon transportation fuels tax as part of OBRA 93, which represented a 30 percent increase in the existing motor fuels tax;

(3) the OBRA 93 transportation fuels tax has cost American motorists an estimated $14,000,000,000 to $15,000,000,000 since it went into effect on October 1, 1993;

(4) the OBRA 93 transportation fuels tax is regressive, creating a larger financial impact on lower and middle income motorists than on upper income motorists;

(5) the OBRA 93 transportation fuels tax imposes a disproportionate burden on rural citizens who do not have access to public transportation services, and who must rely on their automobiles and drive long distances, to work, to shop, and to receive medical care;

(6) the average American faces a substantial tax burden, and the increase of this tax burden through the OBRA 93 transportation fuels tax represented and continues to represent an inappropriate and unwarranted means of reducing the Nation's budget deficit;

(7) retail gasoline prices in the United States have increased an average of 19 cents per gallon since the beginning of the year to the highest level since the Persian Gulf War, and the OBRA 93 transportation fuels tax exacerbates the impact of this price increase on consumers;

(8) continuation of the OBRA 93 transportation fuels tax will exacerbate the impact on consumers of any future gasoline price spikes that result from market conditions; and

(9) the fiscal year 1997 budget resolution will assume a net tax cut totaling $122,000,000,000 over six years, which exceeds the revenue impact of a repeal of the OBRA 93 transportation fuels tax, and will establish a reserve fund which may be used to provide other forms of tax relief, including relief from the OBRA 93 transportation fuels tax, on a deficit neutral basis.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the revenue levels and procedures in this resolution provide that—

(1) the Congress and the President should immediately approve legislation to repeal the 4.3 cents per gallon transportation fuels tax contained in the Omnibus Budget Reconciliation Act of 1993 through the end of 1996;

(2) the Congress and the President should approve, through the fiscal year 1997 budget process, legislation to permanently repeal the 4.3 cents per gallon transportation fuels tax contained in the Omnibus Budget Reconciliation Act of 1993; and

(3) the savings generated by the repeal of the 4.3 cents per gallon transportation fuels tax contained in OBRA 93 should be fully passed on to consumers.

SEC. 308. SENSE OF THE SENATE ON MEDICARE TRUSTEES REPORT.

(a) FINDINGS.—The Senate finds that—

(1) the Trustees of the Medicare Hospital Insurance (HI) Trust Fund serve as fiduciaries for one of the Federal Government's most important programs, and as fiduciaries provide critically important information each year to the Congress and the public on the financial status of the Medicare HI Fund;

(2) the Trustees are required to issue a report on the financial status of the medicare HI Trust Fund by April 1 of each year;

(3) the April 1995 Trustees Report stated that the Medicare HI Trust Fund would go bankrupt in the year 2002, but in 1995 the Congress and the President could not agree on a plan to extend the solvency of the medicare program;

(4) in 1996, the Congress and the public require timely information on the full and exact nature of medicare's financial condition in order to understand what actions must be taken to extend the solvency of the of the Medicare HI Trust Fund; and

(5) despite the April 1 deadline, the 1996 Medicare Trustees Report has not yet been issued, and each day of delay further jeopardizes Congress' ability to respond appropriately to forestall the program's bankruptcy.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this budget resolution assume that—

(1) the Medicare Trustees should discharge their fiduciary and statutory responsibilities and issue their 1996 report as soon as possible; and

(2) in light of the Trustees' delay thus far, the Chief Actuary of the Medicare Trust Fund should share with Congress immediately any preliminary information on the current financial status of the Trust Fund.

SEC. 309. SENSE OF THE CONGRESS REGARDING CHANGES IN THE MEDICARE PROGRAM.

(a) FINDINGS.—Congress finds that, in achieving the spending levels specified in this resolution—

(1) the public trustees of medicare have concluded that "the medicare program is clearly unsustainable in its present form";

(2) the President has said his goal is to keep the medicare hospital insurance trust fund solvent for more than a decade, but his budget transfers $55,000,000,000 of home health spending from medicare part A to medicare part B;

(3) the transfer of home health spending threatens the delivery of home health services to 3.5 million medicare beneficiaries;

(4) such a transfer increases the burden on general revenues, including income taxes paid by working Americans, by $55,000,000,000;

(5) such a transfer artificially inflates the solvency of the medicare hospital insurance trust fund, misleading the Congress, medicare beneficiaries, and working taxpayers;

(6) the Director of the Congressional Budget Office has certified that, without such a transfer, the President's budget extends the solvency of the hospital insurance trust fund for only one additional year; and

(7) without misleading transfers, the President's budget therefore fails to achieve his own stated goal for the medicare hospital insurance trust fund.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that, in achieving the spending levels specified in this resolution, the Congress assumes that the Congress would—

(1) keep the medicare hospital insurance trust fund solvent for more than a decade, as recommended by the President; and

(2) accept the President's proposed level of medicare part B savings of $44,100,000,000 over the period 1997 through 2002; but would

(3) reject the President's proposal to transfer home health spending from one part of medicare to another, which threatens the delivery of home health care services to 3.5 million medicare beneficiaries, artificially inflates the solvency of the medicare hospital insurance trust fund, and increases the burden on general revenues, including income taxes paid by working Americans, by $55,000,000,000.

SEC. 310. SENSE OF THE SENATE ON FUNDING TO ASSIST YOUTH AT RISK.

(a) FINDINGS.—The Senate finds that—

(1) there is an increasing prevalence of violence and drug use among this country's youth;

(2) recognizing the magnitude of this problem the Federal Government must continue to maximize efforts in addressing the increasing prevalence of violence and drug use among this country's youth, with necessary adherence to budget guidelines;

(3) the Federal Bureau of Investigation reports that between 1985 and 1994, juvenile arrests for violent crime increased by 75 percent nationwide;

(4) the United States Attorney General reports that 20 years ago, fewer than half our cities reported gang activity and now, a generation later, reasonable estimates indicate that there are more than 500,000 gang members in more

than 16,000 gangs on the streets of our cities resulting in more than 580,000 gang-related crimes in 1993;

(5) the Justice Department's Office of Juvenile Justice and Delinquency Prevention reports that in 1994, law enforcement agencies made over 2,700,000 arrests of persons under age 18, with juveniles accounting for 19 percent of all violent crime arrests across the country;

(6) the Congressional Task Force on National Drug Policy recently set forth a series of recommendations for strengthening the criminal justice and law enforcement effort, including domestic prevention efforts reinforcing the idea that prevention begins at home;

(7) the Office of National Drug Control Policy reports that between 1991 and 1995, marijuana use among 8th, 10th, and 12th graders has increased and is continuing to spiral upward; and

(8) the Center for Substance Abuse Prevention reports that in 1993, substance abuse played a role in over 70 percent of rapes, over 60 percent of incidents of child abuse, and almost 60 percent of murders nationwide.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the functional totals underlying this concurrent resolution on the budget assume that—

(1) sufficient funding should be provided to programs which assist youth at risk to reduce illegal drug use and the incidence of youth crime and violence;

(2) priority should be given to determine "what works" through scientifically recognized, independent evaluations of existing programs to maximize the Federal investment; and

(3) efforts should be made to ensure coordination and eliminate duplication among federally supported at-risk youth programs.

SEC. 311. SENSE OF THE SENATE REGARDING THE USE OF BUDGETARY SAVINGS.

(a) FINDINGS.—The Senate finds that—

(1) in August of 1994, the Bipartisan Commission on Entitlement and Tax Reform issued an Interim Report to the President, which found that, "To ensure that today's debt and spending commitments do not unfairly burden America's children, the Government must act now. A bipartisan coalition of Congress, led by the President, must resolve the long-term imbalance between the Government's entitlement promises and the funds it will have available to pay for them";

(2) unless the Congress and the President act together in a bipartisan way, overall Federal spending is projected by the Commission to rise from the current level of slightly over 22 percent of the Gross Domestic Product of the United States (hereafter in this section referred as "GDP") to over 37 percent of GDP by the year 2030;

(3) the source of that growth is not domestic discretionary spending, which is approximately the same portion of GDP now as it was in 1969, the last time at which the Federal budget was in balance;

(4) mandatory spending was only 29.6 percent of the Federal budget in 1963, but is estimated to account for 72 percent of the Federal budget in the year 2003;

(5) social security, medicare and medicaid, together with interest on the national debt, are the largest sources of the growth of mandatory spending;

(6) ensuring the long-term future of the social security system is essential to protecting the retirement security of the American people;

(7) the Social Security Trust Fund is projected to begin spending more than it takes in by approximately the year 2013, with Federal budget deficits rising rapidly thereafter unless appropriate policy changes are made;

(8) ensuring the future of medicare and medicaid is essential to protecting access to high-quality health care for senior citizens and poor women and children;

(9) Federal health care expenses have been rising at double digit rates, and are projected to triple to 11 percent of GDP by the year 2030 unless appropriate policy changes are made; and

(10) due to demographic factors, Federal health care expenses are projected to double by the year 2030, even if health care cost inflation is restrained after 1999, so that costs for each person of a given age grow no faster than the economy.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that budget savings in the mandatory spending area should be used—

(1) to protect and enhance the retirement security of the American people by ensuring the long-term future of the social security system;

(2) to protect and enhance the health care security of senior citizens and poor Americans by ensuring the long-term future of medicare and medicaid; and

(3) to restore and maintain Federal budget discipline, to ensure that the level of private investment necessary for long-term economic growth and prosperity is available.

SEC. 312. SENSE OF THE SENATE REGARDING THE TRANSFER OF EXCESS GOVERNMENT COMPUTERS TO PUBLIC SCHOOLS.

(a) ASSUMPTIONS.—The figures contained in this resolution are based on the following assumptions:

(1) America's children must obtain the necessary skills and tools needed to succeed in the technologically advanced 21st century;

(2) Executive Order 12999 outlines the need to make modern computer technology an integral part of every classroom, provide teachers with the professional development they need to use new technologies effectively, connect classrooms to the National Information Infrastructure, and encourage the creation of excellent education software;

(3) many private corporations have donated educational software to schools, which are lacking the necessary computer hardware to utilize this equipment;

(4) current inventories of excess Federal Government computers are being conducted in each Federal agency; and

(5) there is no current communication being made between Federal agencies with this excess equipment and the schools in need of these computers.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the functional totals and reconciliation instructions in this budget resolution assume that the General Services Administration should place a high priority on facilitating direct transfer of excess Federal Government computers to public schools and community-based educational organizations.

SEC. 313. SENSE OF THE SENATE ON FEDERAL RETREATS.

It is the sense of the Senate that the assumptions underlying the functional totals in this resolution assume that all Federal agencies will refrain from using Federal funds for expenses incurred during training sessions or retreats off of Federal property, unless Federal property is not available.

SEC. 314. SENSE OF THE SENATE REGARDING THE ESSENTIAL AIR SERVICE PROGRAM OF THE DEPARTMENT OF TRANSPORTATION.

(a) FINDINGS.—The Senate finds that—

(1) the essential air service program of the Department of Transportation under subchapter II of chapter 417 of title 49, United States Code—

(A) provides essential airline access to isolated rural communities across the United States;

(B) is necessary for the economic growth and development of rural communities;

(C) connects small rural communities to the national air transportation system of the United States;

(D) is a critical component of the national transportation system of the United States; and

(E) provides air service to 108 communities in 30 States; and

(2) the National Commission to Ensure a Strong Competitive Airline Industry established under section 204 of the Airport and Airway Safety, Capacity, Noise Improvement, and Intermodal Transportation Act of 1992 recommended maintaining the essential air service program with a sufficient level of funding to continue to provide air service to small communities.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the essential air service program of the Department of Transportation under subchapter II of chapter 417 of title 49, United States Code, should receive a sufficient level of funding to continue to provide air service to small rural communities that qualify for assistance under the program.

SEC. 315. SENSE OF THE SENATE REGARDING EQUAL RETIREMENT SAVINGS FOR HOMEMAKERS.

(a) FINDINGS.—The Senate finds that the assumptions of this budget resolution take into account that—

(1) by teaching and feeding our children and caring for our elderly, American homemakers are an important, vital part of our society;

(2) homemakers retirement needs are the same as all Americans, and thus they need every opportunity to save and invest for retirement;

(3) because they are living on a single income, homemakers and their spouses often have less income for savings;

(4) individual retirement accounts are provided by the Congress in the Internal Revenue Code to assist Americans for retirement savings;

(5) currently, individual retirement accounts permit workers other than homemakers to make deductible contributions of $2,000 a year, but limit homemakers to deductible contributions of $250 a year;

(6) limiting homemakers individual retirement account contributions to an amount less than the contributions of other workers discriminates against homemakers.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the revenue level assumed in this budget resolution provides for legislation to make individual retirement account deductible contribution limits for homemakers equal to the individual retirement account deductible contribution limits for all other American workers, and that the Congress and the President should immediately approve such legislation in the appropriate reconciliation vehicle.

SEC. 316. SENSE OF THE SENATE REGARDING THE NATIONAL INSTITUTE OF DRUG ABUSE.

(a) FINDINGS.—Congress finds the following:

(1) The National Institute on Drug Abuse (hereafter referred to in this section as "NIDA") a part of the National Institutes of Health (hereafter referred to in this section as "NIH") supports over 85 percent of the world's drug abuse research that has totally revolutionized our understanding of addiction.

(2) One of NIDA's most significant areas of research has been the identification of the neurobiological bases of all aspects of addiction, including craving.

(3) In 1993, NIDA announced that approval had been granted by the Food and Drug Administration of a new medication for the treatment of heroin and other opiate addiction which breaks the addict of daily drug-seeking behavior and allows for greater compliance because the patient does not need to report to a clinic each day to have the medication administered.

(4) Among NIDA's most remarkable accomplishments of the past year is the successful immunization of animals against the psycho-stimulant effects of cocaine.

(5) NIDA has also recently announced that it is making substantial progress that is critical in directing their efforts to identify potential anti-cocaine medications. For example, NIDA researchers have recently shown that activation in the brain of one type of dopamine receptor suppresses drug-seeking behavior and relapse, whereas activation of another, triggers drug-seeking behavior.

(6) NIDA's efforts to speed up research to stem the tide of drug addition is in the best interest of all Americans.

(7) State and local governments spend billions of dollars to incarcerate persons who commit drug related offenses.

(8) A 1992 National Report by the Bureau of Justice Statistics revealed that more than 3 out of 4 jail inmates reported drug use in their lifetime, more than 40 percent had used drugs in the month before their offense with 27 percent under the influence of drugs at the time of their offense. A significant number said they were trying to get money for drugs when they committed their crime.

(9) More than 60 percent of juveniles and young adults in State-operated juvenile institutions reported using drugs once a week or more for at least a month some time in the past, and almost 40 percent reported being under the influence of drugs at the time of their offense.

(10) This concurrent resolution proposes that budget authority for the NIH (including NIDA) be held constant at the fiscal year 1996 level of $11,950,000,000 through fiscal year 2002.

(11) At such appropriation level, it would be impossible for NIH and NIDA to maintain research momentum through research project grants.

(12) Level funding for NIH in fiscal year 1997 would reduce the number of competing research project grants by nearly 500, from 6,620 in fiscal year 1996 to approximately 6,120 competing research project grants, reducing NIH's ability to maintain research momentum and to explore new ideas in research.

(13) NIH is the world's preeminent research institution dedicated to the support of science inspired by and focused on the challenges of human illness and health.

(14) NIH programs are instrumental in improving the quality of life for Americans through improving health and reducing monetary and personal costs of illnesses.

(15) The discovery of an anti-addiction drug to block the craving of illicit addictive substances will benefit all of American society.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that amounts appropriated for the National Institutes of Health—

(1) for fiscal year 1997 should be increased by a minimum of $33,000,000;

(2) for fiscal year 1998 should be increased by a minimum of $67,000,000;

(3) for fiscal year 1999 should be increased by a minimum of $100,000,000;

(4) for fiscal year 2000 should be increased by a minimum of $100,000,000;

(5) for fiscal year 2001 should be increased by a minimum of $100,000,000; and

(6) for fiscal year 2002 should be increased by a minimum of $100,000,000;

above its fiscal year 1996 appropriation for additional research into an anti-addiction drug to block the craving of illicit addictive substances.

SEC. 317. SENSE OF THE SENATE REGARDING THE EXTENSION OF THE EMPLOYER EDUCATION ASSISTANCE EXCLUSION UNDER SECTION 127 OF THE INTERNAL REVENUE CODE OF 1986.

(a) FINDINGS.—The Senate finds that—

(1) since 1978, over 7,000,000 American workers have benefited from the employer education assistance exclusion under section 127 of the Internal Revenue Code of 1986 by being able to improve their education and acquire new skills without having to pay taxes on the benefit;

(2) American companies have benefited by improving the education and skills of their employees who in turn can contribute more to their company;

(3) the American economy becomes more globally competitive because an educated workforce is able to produce more and to adapt more rapidly to changing technologies;

(4) American companies are experiencing unprecedented global competition and the value and necessity of life-long education for their employees has increased;

(5) the employer education assistance exclusion was first enacted in 1978;

(6) the exclusion has been extended 7 previous times;

(7) the last extension expired December 31, 1994; and

(8) the exclusion has received broad bipartisan support.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the revenue level assumed in the Budget Resolution accommodate an extension of the employer education assistance exclusion under section 127 of the Internal Revenue Code of 1986 from January 1, 1995, through December 31, 1996.

SEC. 318. SENSE OF THE SENATE REGARDING THE ECONOMIC DEVELOPMENT ADMINISTRATION PLACING HIGH PRIORITY ON MAINTAINING FIELD-BASED ECONOMIC DEVELOPMENT REPRESENTATIVES.

(a) FINDINGS.—The Senate makes the following findings:

(1) The Economic Development Administration plays a crucial role in helping economically disadvantaged regions of the United States develop infrastructure that supports and promotes greater economic activity and growth, particularly in nonurban regions.

(2) The Economic Development Administration helps to promote industrial park development, business incubators, water and sewer system improvements, vocational and technical training facilities, tourism development strategies, technical assistance and capacity building for local governments, economic adjustment strategies, revolving loan funds, and other projects which the private sector has not generated or will not generate without some assistance from the Government through the Economic Development Administration.

(3) The Economic Development Administration maintains 6 regional offices which oversee staff that are designated field-based representatives of the Economic Development Administration, and these field-based representatives provide valuable expertise and counseling on economic planning and development to nonurban communities.

(4) The Economic Development Administration Regional Centers are located in the urban areas of Austin, Seattle, Denver, Atlanta, Philadelphia, and Chicago.

(5) Because of a 37-percent reduction in approved funding for salaries and expenses from fiscal year 1995, the Economic Development Administration has initiated staff reductions requiring the elimination of 8 field-based positions. The field-based economic development representative positions that are either being eliminated or not replaced after voluntary retirement and which currently interact with nonurban communities on economic development efforts cover the States of New Mexico, Arizona, Nevada, North Dakota, Oklahoma, Illinois, Indiana, Maine, Connecticut, Rhode Island, and North Carolina.

(6) These staff cutbacks will adversely affect States with very low per-capita personal income, including New Mexico which ranks 47th in the Nation in per-capita personal income, Oklahoma ranking 46th, North Dakota ranking 42nd, Arizona ranking 35th, Maine ranking 34th, and North Carolina ranking 33rd.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the functional totals and reconciliations instructions underlying this budget resolution assume that—

(1) it is regrettable that the Economic Development Administration has elected to reduce field-based economic development representatives who are fulfilling the Economic Development Administration's mission of interacting with and counseling nonurban communities in economically disadvantaged regions of the United States;

(2) the Economic Development Administration should take all necessary and appropriate actions to ensure that field-based economic development representation receives high priority; and

(3) the Economic Development Administration should reconsider the planned termination of field-based economic development representatives responsible for States that are economically disadvantaged, and that this reconsideration take place without delay.

SEC. 319. SENSE OF THE SENATE REGARDING REVENUE ASSUMPTIONS.

(a) FINDINGS.—The Congress finds the following:

(1) Corporations and individuals have clear responsibility to adhere to environmental laws. When they do not, and environmental damage results, the Federal and State governments may impose fines and penalties, and assess polluters for the cost of remediation.

(2) Assessment of these costs is important in the enforcement process. They appropriately penalize wrongdoing. They discourage future environmental damage. They ensure that taxpayers do not bear the financial brunt of cleaning up after damages done by polluters.

(3) In the case of the Exxon Valdez oil spill disaster in Prince William Sound, Alaska, for example, the corporate settlement with the Federal Government totaled $900,000,000.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that assumptions in this resolution assume an appropriate amount of revenues per year through legislation that will not allow deductions for fines and penalties arising from a failure to comply with Federal or State environmental or health protection laws.

SEC. 320. SENSE OF THE SENATE REGARDING DOMESTIC VIOLENCE.

The assumptions underlying functional totals and reconciliation instructions in this budget resolution include:

(1) FINDINGS.—The Senate finds that:

(A) Violence against women is the leading cause of physical injury to women. The Department of Justice estimates that over 1 million violent crimes against women are committed by domestic partners annually.

(B) Domestic violence dramatically affects the victim's ability to participate in the workforce. A University of Minnesota survey reported that one-quarter of battered women surveyed had lost a job partly because of being abused and that over half of these women had been harassed by their abuser at work.

(C) Domestic violence is often intensified as women seek to gain economic independence through attending school or job training programs. Batterers have been reported to prevent women from attending such programs or sabotage their efforts at self-improvement.

(D) Nationwide surveys of service providers prepared by the Taylor Institute of Chicago, Document, for the first time, the interrelationship between domestic violence and welfare by showing that between 50 percent and 80 percent of women in welfare to work programs are current or past victims of domestic violence.

(E) The American Psychological Association has reported that violence against women is usually witnessed by their children, who as a result can suffer severe psychological, cognitive and physical damage and some studies have found that children who witness violence in their homes have a greater propensity to commit violent acts in their homes and communities when they become adults.

(F) Over half of the women surveyed by the Taylor Institute stayed with their batterers because they lacked the resources to support themselves and their children. The surveys also found that the availability of economic support is a critical factor in women's ability to leave abusive situations that threaten themselves and their children.

(G) Proposals to restructure the welfare programs may impact the availability of the economic support and the safety net necessary to enable poor women to flee abuse without risking homelessness and starvation for their families.

(2) SENSE OF THE SENATE.—It is the sense of the Senate that:

(A) No welfare reform provision should be enacted by Congress unless and until Congress considers whether such welfare reform provisions would exacerbate violence against women and their children, further endanger women's lives, make it more difficult for women to escape domestic violence, or further punish women victimized by violence.

(B) Any welfare reform measure enacted by Congress should require that any welfare to work, education, or job placement programs implemented by the States address the impact of domestic violence on welfare recipients.

SEC. 321. SENSE OF SENATE REGARDING STUDENT LOANS

(a) FINDINGS.—The Senate finds that—

(1) over the last 60 years, education and advancements in knowledge have accounted for 37 percent of our nation's economic growth;

(2) a college degree significantly increases job stability, resulting in an unemployment rate among college graduates less than half that of those with high school diplomas;

(3) a person with a bachelor's degree will average 50–55 percent more in lifetime earnings than a person with a high school diploma;

(4) education is a key to providing alternatives to crime and violence, and is a cost-effective strategy for breaking cycles of poverty and moving welfare recipients to work;

(5) a highly educated populace is necessary to the effective functioning of democracy and to a growing economy, and the opportunity to gain a college education helps advance the American ideals of progress and social equality;

(6) a highly educated and flexible work force is an essential component of economic growth and competitiveness;

(7) for many families, Federal Student Aid Programs make the difference in the ability of students to attend college;

(8) in 1994, nearly 6 million postsecondary students received some kind of financial assistance to help them pay for the costs of schooling;

(9) since 1988, college costs have risen by 54 percent, and student borrowing has increased by 219 percent; and

(10) in fiscal year 1996, the Balanced Budget Act achieved savings without reducing student loan limits or increasing fees to students or parents.

(b) SENSE OF SENATE.—It is the sense of the Senate that the aggregates and functional levels included in this budget resolution assume that savings in student loans can be achieved without any program change that would increase costs to students and parents or decrease accessibility to student loans.

SEC. 322. SENSE OF THE SENATE REGARDING REDUCTION OF THE NATIONAL DEBT.

(a) The Senate finds that—

(1) S. Con. Res. 57 projects a public debt in fiscal year 1997 of $5,400,000,000,000;

(2) S. Con. Res. 57 projects that the public debt will be $6,500,000,000,000 in the fiscal year 2002 when the budget resolution projects a unified budget surplus; and

(3) this accumulated debt represents a significant financial burden that will require excessive taxation and lost economic opportunity for future generations of the United States.

(b) It is the sense of the Senate that any comprehensive legislation sent to the President that balances the budget by a certain date and that is agreed to by the Congress and the President shall also contain a strategy for reducing the national debt of the United States.

SEC. 323. SENSE OF THE SENATE REGARDING HUNGRY OR HOMELESS CHILDREN.

(a) It is the sense of the Senate that the assumptions in this budget resolution assume that Congress will not enact or adopt any legislation that would increase the number of children who are hungry or homeless.

(b) It is the sense of Congress that the assumptions in this budget resolution assume that in the event legislation enacted to comply with this resolution results in an increase in the number of hungry or homeless children by the end of fiscal year 1997, the Congress would revisit the provisions of said legislation which caused such increase and would, as soon as practicable thereafter, adopt legislation which would halt any continuation of such increase.

SEC. 324. SENSE OF THE SENATE ON LIHEAP.

(a) FINDINGS—The Senate finds that:

(1) Home energy assistance for working and low-income families with children, the elderly on fixed incomes, the disabled, and others who need such aid is a critical part of the social safety net in cold-weather areas during the winter, and a source of necessary cooling aid during the summer;

(2) LIHEAP is a highly targeted, cost-effective way to help millions of low-income Americans pay their home energy bills. More than two-thirds of LIHEAP-eligible households have annual incomes of less than $8,000, more than one-half have annual incomes below $6,000; and

(3) LIHEAP funding has been substantially reduced in recent years, and cannot sustain further spending cuts if the program is to remain a viable means of meeting the home heating and other energy-related needs of low-income families, especially those in cold-weather States.

(b) SENSE OF THE SENATE.—The assumptions underlying this budget resolution assume that it is the sense of the Senate that the funds made available for LIHEAP for fiscal year 1997 will be not less than the actual expenditures made for LIHEAP in fiscal year 1996.

SEC. 325. SENSE OF THE CONGRESS REGARDING ADDITIONAL CHARGES UNDER THE MEDICARE PROGRAM.

(a) FINDINGS.—Congress finds that—

(1) senior citizens must spend more than 1 dollar in 5 of their limited incomes to purchase the health care they need;

(2) ⅔ of spending under the medicare program under title XVIII of the Social Security Act is for senior citizens with annual incomes of less than $15,000;

(3) senior citizens cannot afford physician fee mark-ups that are not covered under the medicare program or premium overcharges; and

(4) senior citizens enrolling in private insurance plans receiving medicare capitation payments are currently protected against excess charges by health providers and additional premium charges by the plan for services covered under the medicare program.

(b) SENSE OF THE CONGRESS.—It the sense of the Congress that any reconciliation bill considered during the second session of the 104th Congress should maintain the existing prohibitions against additional charges by providers under the medicare program under title XVIII of the Social Security Act ("balance billing"), and any premium surcharges for services covered under such program that are levied on senior citizens enrolled in private insurance plans in lieu of conventional medicare.

SEC. 326. SENSE OF THE CONGRESS REGARDING NURSING HOME STANDARDS.

(a) FINDINGS.—Congress finds that—

(1) prior to the enactment of subtitle C of title IV of the Omnibus Budget Reconciliation Act of 1987, deplorable conditions and shocking abuse of senior citizens and the disabled in nursing homes was widespread; and

(2) the enactment and implementation of such subtitle has brought major improvements in nursing home conditions and substantially reduced abuse of senior citizens.

(b) SENSE OF THE CONGRESS.—It the sense of the Congress that any reconciliation bill considered during the second session of the 104th Congress should not include any changes in Federal nursing home quality standards or the Federal enforcement of such standards.

SEC. 327. SENSE OF THE CONGRESS CONCERNING NURSING HOME CARE.

(a) FINDINGS.—Congress finds that—

(1) under current Federal law—

(A) protections are provided under the medicaid program under title XIX of the Social Security Act to prevent the impoverishment of spouses of nursing home residents;

(B) prohibitions exist under such program to prevent the charging of adult children of nursing home residents for the cost of the care of such residents;

(C) prohibitions exist under such program to prevent a State from placing a lien against the home of a nursing home resident, if that home was occupied by a spouse or dependent child; and

(D) prohibitions exist under such program to prevent a nursing home from charging amounts above the medicaid recognized charge for medicaid patients or requiring a commitment to make private payments prior to receiving medicaid coverage as a condition of admission; and

(2) family members of nursing home residents are generally unable to afford the high cost of nursing home care, which ranges between $30,000 and $60,000 a year.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that provisions of the medicaid program under title XIX of the Social Security Act that protect families of nursing home residents from experiencing financial ruin as the price of securing needed care for their loved ones should be retained, including—

(1) spousal impoverishment rules;

(2) prohibitions against charging adult children of nursing home patients for the cost of their care;

(3) prohibitions against liens on the homes of nursing home residents occupied by a spouse or dependent child; and

(4) prohibitions against nursing homes requiring private payments prior to medicaid coverage as a condition of admission or allowing charges in addition to medicaid payments for covered patients.

SEC. 328. SENSE OF THE CONGRESS REGARDING REQUIREMENTS THAT WELFARE RECEIPTS BE DRUG-FREE.

In recognition of the fact that American workers are required to be drug-free in the workplace, it is the sense of the Congress that this concurrent resolution on the budget assumes that the States may require welfare recipients to be drug-free as a condition for receiving such benefits and that random drug testing may be used to enforce such requirements.

SEC. 329. SENSE OF THE SENATE ON DAVIS–BACON.

Notwithstanding any provision of the committee report on this resolution, it is the sense of *the Senate that the provisions in this resolution do not assume the repeal of the Davis-Bacon Act.*

SEC. 330. SENSE OF THE SENATE ON DAVIS-BACON.

Notwithstanding any provision of the committee report on this resolution, it is the sense of the Senate that the provisions in this resolution assume reform of the Davis-Bacon Act.

SEC. 331. SENSE OF CONGRESS ON REIMBURSEMENT OF THE UNITED STATES FOR OPERATIONS SOUTHERN WATCH AND PROVIDE COMFORT.

(a) FINDINGS.—The Congress finds that—

(1) as of May 1996, the United States has spent $2,937,000,000 of United States taxpayer funds since the conclusion of the Gulf War in 1991 for the singular purpose of protecting the Kurdish and Shiite population from Iraqi aggression;

(2) the President's defense budget request for 1997 includes an additional $590,100,000 for Operations Southern Watch and Provide Comfort, both of which are designed to restrict Iraqi military aggression against the Kurdish and Shiite people of Iraq;

(3) costs for these military operations constitute part of the continued budget deficit of the United States; and

(4) United Nations Security Council Resolution 986 (1995) (referred to as "SCR 986") would allow Iraq to sell up to $1,000,000,000 in petroleum and petroleum products every 90 days, for an initial period of 180 days.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that the assumptions underlying the functional totals in this resolution assume that—

(1) the President should instruct the United States Permanent Representative to the United Nations to ensure any subsequent extension of authority beyond the 180 days originally provided by SCR 986, specifically mandates and authorizes the reimbursement of the United States for costs associated with Operations Southern Watch and Provide Comfort out of revenues generated by any sale of petroleum or petroleum-related products originating from Iraq;

(2) in the event that the United States Permanent Representative to the United Nations fails to modify the terms of any subsequent resolution extending the authority granted by SCR 986 as called for in paragraph (1), the President should reject any United Nations' action or resolution seeking to extend the terms of the oil sale beyond the 180 days authorized by SCR 986;

(3) the President should take the necessary steps to ensure that—

(A) any effort by the United Nations to temporarily lift the trade embargo for humanitarian purposes, specifically the sale of petroleum or petroleum products, restricts all revenues from such sale from being diverted to benefit the Iraqi military; and

(B) the temporary lifting of the trade embargo does not encourage other countries to take steps to begin promoting commercial relations with the Iraqi military in expectation that sanctions will be permanently lifted; and

(4) revenues reimbursed to the United States from the oil sale authorized by SCR 986, or any subsequent action or resolution, should be used to reduce the Federal budget deficit.

SEC. 332. ACCURATE INDEX FOR INFLATION.

(a) FINDINGS.—The Senate finds that—

(1) a significant portion of Federal expenditures and revenues are indexed to measurements of inflation; and

(2) a variety of inflation indices exist which vary according to the accuracy with which such indices measure increases in the cost of living; and

(3) Federal Government usage of inflation indices which overstate true inflation has the demonstrated effect of accelerating Federal spending, increasing the Federal budget deficit, increasing Federal borrowing, and thereby enlarging the projected burden on future American taxpayers.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the assumptions underlying this budget resolution include that all Federal spending and revenues which are indexed for inflation should be calibrated by the most accurate inflation indices which are available to the Federal Government.

SEC. 333. SENSE OF THE SENATE ON SOLVENCY OF THE MEDICARE TRUST FUND.

(a) FINDINGS.—The Senate finds that repeal of certain provisions from the Omnibus Budget Reconciliation Act of 1993 would move the insolvency date of the HI (Medicare) Trust Fund forward by a full year.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that no provisions in this Budget Resolution should worsen the solvency of the Medicare Trust Fund.

SEC. 334. SENSE OF THE CONGRESS THAT THE 1993 INCOME TAX INCREASE ON SOCIAL SECURITY BENEFITS SHOULD BE REPEALED.

(a) FINDINGS.—Congress finds that the assumptions underlying this resolution include that—

(1) the fiscal year 1994 budget proposal of President Clinton to raise Federal income taxes on the Social Security benefits of senior citizens with income as low as $25,000, and those provisions of the fiscal year 1994 recommendations of the Budget Resolution and the 1993 Omnibus Budget Reconciliation Act in which the One Hundred Third Congress voted to raise Federal income taxes on the Social Security benefits of senior citizens with income as low as $34,000 should be repealed;

(2) the Senate Budget Resolution should reflect President Clinton's statement that he believed he raised Federal taxes too much in 1993; and

(3) the Budget Resolution should react to President Clinton's fiscal year 1997 budget which documents the fact that in the history of the United States, the total tax burden has never been greater than it is today, therefore

(b) SENSE OF CONGRESS.—It is the sense of the Congress that the assumptions underlying this Resolution include—

(1) that raising Federal income taxes in 1993 on the Social Security benefits of middle-class individuals with income as low as $34,000 was a mistake;

(2) that the Federal income tax hike on Social Security benefits imposed in 1993 by the One Hundred Third Congress and signed into law by President Clinton should be repealed; and

(3) President Clinton should work with the Congress to repeal the 1993 Federal income tax hike on Social Security benefits in a manner that would not adversely affect the Social Security Trust Fund or the Medicare Part A Trust Fund, and should ensure that such repeal is coupled with offsetting reductions in Federal spending.

SEC. 335. SENSE OF THE SENATE REGARDING THE ADMINISTRATION'S PRACTICE REGARDING THE PROSECUTION OF DRUG SMUGGLERS.

(a) FINDINGS.—The Senate finds that—

(1) drug use is devastating to the Nation, particularly among juveniles, and has led juveniles to become involved in interstate gangs and to participate in violent crime;

(2) drug use has experienced a dramatic resurgence among our youth;

(3) the number of youths aged 12–17 using marijuana has increased from 1.6 million in 1992 to 2.9 million in 1994, and the category of "recent marijuana use" increased a staggering 200 percent among 14- to 15-year-olds over the same period;

(4) since 1992, there has been a 52 percent jump in the number of high school seniors using drugs on a monthly basis, even as worrisome declines are noted in peer disapproval of drug use;

(5) 1 in 3 high school students uses marijuana;

(6) 12- to 17-year-olds who use marijuana are 85 percent more likely to graduate to cocaine than those who abstain from marijuana;

(7) juveniles who reach 21 without ever having used drugs almost never try them later in life;

(8) the latest results from the Drug Abuse Warning Network show that marijuana-related episodes jumped 39 percent and are running at 155 percent above the 1990 level, and that methamphetamine cases have risen 256 percent over the 1991 level;

(9) between February 1993 and February 1995 the retail price of a gram of cocaine fell from $172 to $137, and that of a gram of heroin also fell from $2,032 to $1,278;

(10) it has been reported that the Department of Justice, through the United States Attorney for the Southern District of California, has adopted a policy of allowing certain foreign drug smugglers to avoid prosecution altogether by being released to Mexico;

(11) it has been reported that in the past year approximately 2,300 suspected narcotics traffickers were taken into custody for bringing illegal drugs across the border, but approximately one in four were returned to their country of origin without being prosecuted;

(12) it has been reported that the United States Customs Service is operating under guidelines limiting any prosecution in marijuana cases to cases involving 125 pounds of marijuana or more;

(13) it has been reported that suspects possessing as much as 32 pounds of methamphetamine and 37,000 Quaalude tablets, were not prosecuted but were, instead, allowed to return to their countries of origin after their drugs and vehicles were confiscated;

(14) it has been reported that after a seizure of 158 pounds of cocaine, one defendant was cited and released because there was no room at the Federal jail and charges against here were dropped;

(15) it has been reported that some smugglers have been caught two or more times—even in the same week—yet still were not prosecuted;

(16) the number of defendants prosecuted for violations of the Federal drug laws has dropped from 25,033 in 1992 to 22,926 in 1995;

(17) this Congress has increased the funding of the Federal Bureau of Prisons by 11.7 percent over the 1995 appropriations level; and

(18) this Congress has increased the funding of the Immigration and Naturalization Service by 23.5 percent over the 1995 appropriations level.

(b) SENSE OF SENATE.—It is the sense of the Senate that—(1) the functional totals underlying this resolution assume that the Attorney General promptly should investigate this matter and report, within 30 days, to the Chair of the Senate and House Committees on the Judiciary; and

(2) the Attorney General should ensure that cases involving the smuggling of drugs into the United States are vigorously prosecuted.

SEC. 336. CORPORATE SUBSIDIES AND SALE OF GOVERNMENT ASSETS.

(a) CORPORATE SUBSIDIES.—It is the sense of the Senate that the functional levels and aggregates in this budget resolution assume that—

(1) the Federal budget contains tens of billions of dollars in payments, benefits and programs that primarily assist profit-making enterprises and industries rather than provide a clear and compelling public interest;

(2) corporate subsidies can provide unfair competitive advantages to certain industries and industry segments;

(3) at a time when millions of Americans are being asked to sacrifice in order to balance the budget, the corporate sector should bear its share of the burden; and

(4) Federal payments, benefits, and programs which predominantly benefit a particular industry or segment of an industry, rather than provide a clear and compelling public benefit, should be reformed or terminated in order to provide additional tax relief, deficit reduction, or to achieve the savings necessary to meet this resolution's instructions and levels.

(b) SALE OF GOVERNMENT ASSETS.—

(1) BUDGETARY TREATMENT.—

(A) IN GENERAL.—For the purposes of any concurrent resolution on the budget and the Congressional Budget Act of 1974, no amounts realized from the sale of an asset shall be scored with respect to the level of budget authority, outlays, or revenues if such sale would cause an increase in the deficit as calculated pursuant to subparagraph (B).

(B) CALCULATION OF NET PRESENT VALUE.—The deficit estimate of an asset sale shall be the net present value of the cash flow from—

(i) proceeds from the asset sale;

(ii) future receipts that would be expected from continued ownership of the asset by the Government; and

(iii) expected future spending by the Government at a level necessary to continue to operate and maintain the asset to generate the receipts estimated pursuant to clause (ii).

(2) DEFINITIONS.—For purposes of this section, the term "sale of an asset" shall have the same meaning as under section 250(c)(21) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(3) TREATMENT OF LOAN ASSETS.—For the purposes of this subsection, the sale of loan assets or the prepayment of a loan shall be governed by the terms of the Federal Credit Reform Act of 1990.

SEC. 337. SENSE OF THE SENATE ON THE PRESIDENTIAL ELECTION CAMPAIGN FUND.

It is the sense of the Senate that the assumptions underlying the functional totals in this resolution assume that when the Finance Committee meets its outlay and revenue obligations under this resolution the committee should not make any changes in the Presidential Election Campaign Fund or its funding mechanism and should meet its revenue and outlay targets through other programs within its jurisdiction.

SEC. 338. SENSE OF THE SENATE REGARDING WELFARE REFORM.

(a) The Senate finds that—

(1) S. Con. Res. 57 assumes substantial savings from welfare reform; and

(2) children born out of wedlock are five times more likely to be poor and about ten times more likely to be extremely poor and therefore are more likely to receive welfare benefits than children from two parent families; and

(3) high rates of out-of-wedlock births are associated with a host of other social pathologies; for example, children of single mothers are twice as likely to drop out of high school; boys whose fathers are absent are more likely to engage in criminal activities; and girls in single-parent families are three times more likely to have children out of wedlock themselves; therefore

(b) It is the sense of the Senate that any comprehensive legislation sent to the President that balances the budget by a certain date and that includes welfare reform provisions and that is agreed to by the Congress and the President shall also contain to the maximum extent possible a strategy for reducing the rate of out-of-wedlock births and encouraging family formation.

SEC. 339. A RESOLUTION REGARDING THE SENATE'S SUPPORT FOR FEDERAL, STATE, AND LOCAL LAW ENFORCEMENT.

(a) FINDINGS.—The Senate finds that—

(1) our Federal, State, and local law enforcement officers provide essential services that preserve and protect our freedoms and security;

(2) law enforcement officers deserve our appreciation and support;

(3) law enforcement officers and agencies are under increasing attacks, both to their physical safety and to their reputations;

(4) Federal, State, and local law enforcement efforts need increased financial commitment from the Federal Government for funding and financial assistance and not the slashing of our commitment to law enforcement if they are to carry out their efforts to combat violent crime;

(5) the President's fiscal year 1996 budget requested an increase of 14.8 percent for the Federal Bureau of Investigation, 10 percent for United States Attorneys, and $4,000,000 for Organized Crime Drug Enforcement Task Forces; while this Congress has increased funding for the Federal Bureau of Investigation by 10.8 percent, 8.4 percent for United States Attorneys, and a cut of $15,000,000 for Organized Crime Drug Enforcement Task Forces;

(6) on May 16, 1996, the House of Representatives has nonetheless voted to slash $300,000,000 from the President's $5,000,000,000 budget request for the Violent Crime Reduction Trust Fund for fiscal year 1997 in House Concurrent Resolution 178; and

(7) the Violent Crime Reduction Trust Fund as adopted by the Violent Crime Control and Law Enforcement Act of 1994 fully funds the Violent Crime Control and Law Enforcement Act of 1994 without adding to the Federal budget deficit.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the provisions and the functional totals underlying this resolution assume the Federal Government's commitment to fund Federal law enforcement programs and programs to assist State and local efforts shall be maintained and funding for the Violent Crime Reduction Trust Fund shall not be cut as the resolution adopted by the House of Representatives would require.

SEC. 340. SENSE OF THE SENATE REGARDING THE FUNDING OF AMTRAK.

(a) FINDINGS.—The Senate finds that—

(1) a capital funding stream is essential to the ability of the National Rail Passenger Corporation ("Amtrak") to reduce its dependence on Federal operating support; and

(2) Amtrak needs a secure source of financing, no less favorable than provided to other modes of transportation, for capital improvements.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) revenues attributable to one-half cent per gallon of the excise taxes imposed on gasoline, special motor fuel, and diesel fuel from the Mass Transit Account should be dedicated to a new Intercity Passenger Rail Trust Fund during the period January 1, 1997, through September 30, 2001;

(2) revenues would not be deposited in the Intercity Passenger Rail Trust Fund during any fiscal year to the extent that the deposit is estimated to result in available revenues in the Mass Transit Account being insufficient to satisfy that year's estimated appropriation levels;

(3) monies in the Intercity Passenger Rail Trust Fund should be generally available to fund, on a reimbursement basis, capital expenditures incurred by Amtrak; and

(4) amounts to fund capital expenditures related to rail operations should be set aside for each State that has not had Amtrak service in such State for the preceding year.

SEC. 341. SENSE OF THE SENATE—TRUTH IN BUDGETING.

It is the sense of the Senate that:

(1) The Congressional Budget Office has scored revenue expected to be raised from the auction of Federal Communications Commission licenses for various services;

(2) For budget scoring purposes, the Congress has assumed that such auctions would occur in a prompt and expeditious manner and that revenue raised by such auctions would flow to the Federal treasury;

(3) The Resolution assumes that the revenue to be raised from auctions totals billions of dollars;

(4) The Resolution makes assumptions that services would be auctioned where the Federal Communications Commission has not yet conducted auctions for such services, such as Local Multipoint Distribution Service (LMDS), licenses for paging services, final broadband PCS licenses, narrow band PCS licenses, licenses for unserved cellular, and Digital Audio Radio (DARS), and other subscription services, revenue from which has been assumed in Congressional budgetary calculations and in determining the level of the deficit; and

(5) The Commission's service rules can dramatically affect license values and auction revenues and therefore the Commission should act expeditiously and without further delay to conduct auctions of licenses in a manner that maximizes revenue, increases efficiency, and enhances competition for any service for which auction revenues have been scored by the Congressional Budget Office and/or counted for budgetary purposes in an Act of Congress.

Mr. DOMENICI. Mr. President, I move to reconsider the vote.

Mr. LOTT. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The Presiding Officer appointed Mr. DOMENICI, Mr. GRASSLEY, Mr. NICKLES, Mr. GRAMM of Texas, Mr. BOND, Mr. GORTON, Mr. EXON, Mr. HOLLINGS, Mr. JOHNSTON, and Mr. LAUTENBERG.

Mr. DOMENICI. Mr. President, I ask unanimous consent that Senate Concurrent Resolution 57, the Senate budget resolution, be put back on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, it is getting late and I normally have a lot of wrap-up but I will not do that tonight. I believe it is imperative that I express my deep appreciation to my friend, the ranking member, the Senator from Nebraska, Senator EXON. This is the last resolution after 16 years of service in the Senate and his State of Nebraska.

I am not sure that he would cherish being part of six or eight more budgets, the way this one has gone. It has taken a long time and has taken a big toll on us. I just thank him for everything he has done and for his help during the last 4, 5 days. I thank all my fellow Senators on the Budget Committee. They were a great help, great guides, and their suggestions permitted us to maneuver our way through all of the problems and get this important resolution adopted.

Mr. President, let me first express my deep appreciation to my friend and ranking member Senator EXON. This will be his last budget resolution after 16 years of distinguished service to the U.S. Senate and his beloved State of Nebraska.

I would also like to thank my fellow Senators on the Budget Committee for their help, guidance, and suggestions this last week as we maneuvered our way through this important resolution. Particular thanks to Senators GORTON and ABRAHAM for their help here on the floor.

Mr. President, I would also like to take a moment to thank the staff on both sides of the aisle. Bill Dauster and his staff have done an excellent job for that side of the aisle. In light of the increasingly partisan nature of the budget, I am always impressed by the working relationship between our staffs. We spent nearly the entire 50 hours and a full 7 days on this budget resolution. We will have considered nearly 100 amendments on myriad of topics. I want to thank the staff for the long hours and hard work that went into this budget resolution. I also want to thank the Republican floor staff and the cloakroom staff. Their assistance gets us through this difficult process. Each of the Budget Committee staff deserves a great deal of credit for the success of this budget resolution.

I want to publicly express my appreciation to my staff director and his two assistants here on the floor this last week, Austin Smythe and Beth Felder. There are other staff behind the scenes that have worked tirelessly to bring this resolution about. Instead of thanking each of my Budget Committee staff individually, I ask unanimous consent that a list of the names of the majority staff be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

MAJORITY STAFF

Brian Benczkowski; Jim Capretta; Amy Call; Lisa Cieplak; Christy Dunn; Beth Felder; Alice Grant; Jim Hearn; Keith Hennessey; William Hoagland; Carol McQuire; Anne Miller; Mieko Nakabayashi; and Denise G. Ramonas.

Cheri Reidy; Ricardo Rel; Karen Ricoy; J. Brian Riley; Mike Ruffner; Melissa Sampson; Anrea Shank; Amy Smith; Austin Smythe; Bob Stevenson; Beth Wallis; and Winslow Wheeler.

ADMINISTRATIVE STAFF

Diane Bath; Victor Block; Alex Greene; Deena McMullen; Lynne Seymour; and George Woodall.

Mr. EXON. Mr. President, before my friend, the chairman of the committee, leaves, I want to thank him for his kind remarks. Yes, this is my last budget resolution forever. Sometimes I wonder if the chairman of the committee might like to say the same without giving up the leadership of the organization. But it has been a pleasure for 18 years to work with PETE DOMENICI.

As I said the other day, we do not always agree, but we have always been agreeable with each other as we have debated the issues. I thank him for all of his courtesies when we were in the majority and now that he is in the majority. I appreciate it very much. I wish him well.

Mr. President, I want to take the time to thank the Democratic staff of the Senate Budget Committee for the outstanding job they did during consideration of the budget resolution. I would like to extend the appreciation of our side to:

Amy Abraham who is our senior analyst on education and discretionary health;

Ken Colling who is our analyst on justice and general government;

Tony Dresden who is our communications director;

Jodi Grant who is our general counsel;

Matt Greenwald who is our senior analyst on energy, environment, and science & technology;

Joan Huffer who is also a senior analyst covering Medicaid, Social Security and income security issues;

Phil Karsting who is the senior analyst for agriculture and community and regional development;

Jim Klumpner who is our chief economist;

Soo Jin Kwon who is our analyst on commerce, transportation and banking;

Nell Mays who is the committee's staff assistant;

Sue Nelson who is both our director of budget review and senior analyst on Medicare;

Jon Rosenwasser who is our analyst on defense and international affairs;

Jerry Slominski who is our deputy chief of staff and senior analyst on revenues; and

Bill Dauster who is the Democratic staff director and chief counsel for the Budget Committee.

Thanks to all of them and those who work with them for a job very well done. Without you, it would have been impossible to carry on as we have, to uphold what we think are the good points and the bad points of this particular budget.

With that, Mr. President, I yield the floor.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I will be very brief. First, I want to express my deep appreciation to our esteemed leader of the Budget Committee, Senator DOMENICI of New Mexico, for doing an outstanding job. My appreciation also goes to Senator EXON for his steadfastness and to the members of the staff, who have done a remarkable job. It has been a pleasure and a real treat to work with them. It has been an extremely difficult measure, but they did it very well.

MORNING BUSINESS

Mr. DOMENICI. Mr. President, I ask unanimous consent that there be a period for morning business with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNITED STATES/GERMAN OPEN SKIES AGREEMENT

Mr. PRESSLER. Mr. President, a truly historic moment occurred in Milwaukee today when the United States and the Federal Republic of Germany formally signed an open skies agreement which will liberalize air service between our two countries. To underscore the importance of this agreement, I was pleased both President Clinton and Chancellor KOHL were on hand to sign it.

As I have said before, the United States/German open skies agreement is a great economic victory for both countries and a very welcome development for consumers. Under the agreement, airlines of both countries will be free to operate to any points in either country, as well as third countries, without limitation. It also liberalizes pricing, charter services and further liberalizes the open skies cargo regime already in place. In short, it allows market demand, not the heavy hands of governments, to decide air service between the United States and Germany.

In addition to direct benefits, I have long said such an agreement would serve as a catalyst for liberalizing air service markets throughout Europe. Recent news reports indicate the competitive impact of the U.S./German open skies agreement is already being felt. For instance, since last October the British government, which is highly protective of the restrictive U.S./U.K. bilateral aviation agreement, expressed no willingness to seek to improve air service opportunities between the United States and the United Kingdom. This week, however, British negotiators came to Washington whistling a very different tune.

The competitive impact of the U.S./German open skies agreement also is being felt in U.S./France aviation relations. Since the French renounced our bilateral aviation agreement in 1992, the French government had shown no interest in negotiating a new air service agreement with the United States. Like the British, the French too are whistling a different tune as a result of the U.S./German open skies agreement.

I welcome reports the Government of France finally has expressed an interest in discussing a liberal bilateral aviation agreement. No doubt this abrupt change in course is due to the competitive reality that France is now virtually surrounded by countries enjoying open skies agreements with the

United States. Like a huge magnet, these countries with open skies regimes are drawing passenger traffic away from French airports.

For instance, last year combined traffic at the two major Paris airports, Orly and Charles de Gaulle, fell nearly 1 percent. What makes this statistic remarkable is elsewhere in Europe—particularly in countries with open skies relations with the United States—passenger traffic growth has been robust at major airports. For instance, passenger traffic rose 8.7 percent at Frankfurt Main Airport, 7.6 percent at Amsterdam Schiphol Airport, and 11 percent at Brussels Zaventem Airport.

Clearly, the French realize the U.S./German open skies agreement is only going to make the problem of passenger traffic diversion much worse. As I have said repeatedly, competition will be our best ally in opening the remaining restrictive air service markets in Europe. At great cost to its economy, the French are learning this lesson firsthand.

Mr. President, I commend to my colleagues an article describing the competitive impact of the U.S./German open skies agreement which appeared today in the Aviation Daily. I ask unanimous consent that a copy of that article be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRESSLER. Let me conclude by saying the U.S./German open skies agreement is unquestionably our most important liberalized air service agreement to date. I again praise the bold and steadfast leadership of Secretary of Transportation Federico Pena and German Transport Minister Matthias Wissmann in securing this agreement. Both the United States and Germany will benefit greatly from their leadership which turned an excellent opportunity into a truly historic trade agreement between our two countries.

EXHIBIT 1

[From Aviation Daily, May 23, 1996]

NEW CARRIER ALLIANCES FUEL HOPES FOR U.S.-U.K., EUROPE OPEN SKIES

The emergence of powerful, antitrust-immunized alliances and increasingly open aviation regimes in fueling expectations of breakthroughs in U.S.-U.K. and U.S.-European Union relations. In a Senate floor speech Tuesday, Commerce Committee Chairman Larry Pressler (R-S.D.) said "a truly historic opportunity may be at hand to finally force the British to join us on the field of free and fair air service competition." The chief catalyst for this opportunity is the potential alliance between American and British Airways. With published reports saying BA and American are close to announcing "a major business alliance," British officials "came to Washington [Monday] to assess the price tag for the regulatory relief the new alliance would require," said Pressler. "I am pleased initial reports indicate [DOT] reaffirmed its longstanding position: Nothing short of full liberalization of the U.S./U.K. air service market would be acceptable," he said. "If the administration stands firm, as I believe it must, the current restrictive U.S.-U.K. bilateral aviation agreement will be cast into the great trash heap of protectionist trade policy, where it belongs."

Pressler traced the potential for a U.K. breakthrough to the U.S.-Germany open skies agreement, struck early this year. "Simply put, the possible British Airways/American Airlines alliance is a competitive response to the U.S./Germany open skies agreement and the grant of antitrust immunity to the United Airlines/Lufthansa alliance," he said. Pressler was active in developing the U.S.-Germany pact, a point underscored on the Senate floor by Sen. Trent Lott (R-Miss.), who said Pressler's "steadfast leadership was instrumental in securing" the open skies agreement. Lott made public letters from DOT Secretary Federico Peña, who praised Pressler's "bipartisan leadership role" on the issue, and German Transport Minister Matthias Wissmann, who called Pressler "a cornerstone in this development."

In his speech, Pressler said, "If the Delta alliance with three smaller European carriers is granted a final antitrust immunity order later this month, that alliance—in combination with the United and Northwest alliances—will mean nearly 50% of the passenger traffic between the United States and Europe will be carried on fully integrated alliances." This will leave BA "with no choice but to respond. It now appears to be doing so by seeking to ally itself with the strongest U.S. carrier available and ultimately, to seek antitrust [immunity] for its new alliance." The price tag for the regulatory relief for such an alliance "must be nothing less than immediate open skies," said Pressler.

Industry observers are looking toward next week's European Transport Ministers Conference and a meeting of the European Union Council of Ministers in mid-June for possible progress in EU-U.S. aviation relations. Delta Chairman, President and Chief Executive Ronald Allen urged the EU to move "boldly and swiftly" toward an open skies relationship with the U.S. as "the next necessary step forward for world aviation. It is important that we take the step soon." In a speech yesterday before the European Aviation Club in Brussels, Allen praised EU Transport Commissioner Neil Kinnock's proposal that the European Commission be given a mandate to negotiate EU-wide open skies with the U.S. "He is trying to open the door to meaningful transatlantic competition and integration," Allen said. Some observers believe Kinnock will gain at least limited authority at the Council of Ministers Meeting.

Allen said Delta backed a number of proposals that may help the talks, including an increase in permissible foreign ownership of U.S. carriers from 25% to 49%. He said the carrier will work for changes in U.S. bankruptcy laws that allow airlines to continue operating while avoiding financial responsibilities, but the EU must also change its policy allowing state subsidies for troubled carriers. "Both these assistance measures distort marketplace competition and penalize carriers that have made the difficult choices necessary to make their companies competitive and financially sound," said Allen. He added that the EU also must resist moves to hamper competition through "safety net" regulations.

NOTICE OF PROPOSED RULEMAKING

Mr. THURMOND. Mr. President, pursuant to Section 304(b) of the Congressional Accountability Act of 1995 (2 U.S.C. sec. 1384(b)), a Notice of Proposed Rulemaking was submitted by the Office of Compliance, U.S. Congress. The notice relates to Federal Service Labor-Management Relations (Regulations under section 220(e) of the Congressional Accountability Act.)

Section 304(b) requires this notice to be printed in the CONGRESSIONAL RECORD, therefore I ask unanimous consent that the notice be printed in the RECORD.

There being no objection, the notice was ordered to be printed in the RECORD, as follows:

OFFICE OF COMPLIANCE—THE CONGRESSIONAL ACCOUNTABILITY ACT OF 1995: EXTENSION OF RIGHTS, PROTECTIONS AND RESPONSIBILITIES UNDER CHAPTER 71 OF TITLE 5, UNITED STATES CODE, RELATING TO FEDERAL SERVICE LABOR-MANAGEMENT RELATIONS (REGULATIONS UNDER SECTION 220(e) OF THE CONGRESSIONAL ACCOUNTABILITY ACT)

NOTICE OF PROPOSED RULEMAKING

Summary: The Board of Directors of the Office of Compliance is publishing proposed regulations to implement section 220 of the Congressional Accountability Act of 1995 ("CAA" or "Act"), Pub. L. 104-1, 109 Stat. 3. Specifically, these proposed regulations are published pursuant to section 220(e) of the CAA.

The provisions of section 220 are generally effective October 1, 1996. 2 U.S.C. section 1351. However, as to covered employees of certain specified employing offices, the rights and protections of section 220 will be effective on the effective date of Board regulations authorized under section 220(e). 2 U.S.C. section 1351(f).

The proposed regulations set forth herein, which are published under section 220(e) of the Act, are to be applied to certain employing offices of the Senate, the House of Representatives, and the Congressional instrumentalities and employees of the Senate, the House of Representatives, and the Congressional instrumentalities. These regulations set forth the recommendations of the Deputy Executive Director for the Senate, the Deputy Executive Director for the House of Representatives and, the Executive Director, Office of Compliance, as approved by the Board of Directors, Office of Compliance. A Notice of Proposed Rulemaking under section 220(d) is being published separately.

Dates: Comments are due within 30 days after publication of this notice in the Congressional Record.

Addresses: Submit written comments (an original and 10 copies) to the Chair of the Board of Directors, Office of Compliance, Room LA 200, John Adams Building, 110 Second Street, S.E., Washington, DC 20540-1999. Those wishing to receive notification of receipt of comments are requested to include a self-addressed, stamped post card. Comments may also be transmitted by facsimile (FAX) machine to (202) 426-1913. This is not a toll-free call. Copies of comments submitted by the public will be available for review at the Law Library Reading Room, Room LM-201, Law Library of Congress, James Madison Memorial Building, Washington, DC, Monday through Friday, between the hours of 9:30 a.m. and 4:00 p.m.

For further information contact: Executive Director, Office of Compliance at (202) 724-9250. This notice is also available in the following formats: large print, braille, audio tape, and electronic file on computer disk. Requests for this notice in an alternative format should be made to Mr. Russell Jackson, Director, Service Department, Office of the Sergeant at Arms and Doorkeeper of the Senate, (202) 224-2705.

SUPPLEMENTARY INFORMATION

I. Introduction

The Congressional Accountability Act of 1995 ("CAA" or "Act") was enacted into law on January 23, 1995. In general, the CAA applies the rights and protections of eleven federal labor and employment law statutes to covered Congressional employees and employing offices. Section 220 of the CAA addresses the application of chapter 71 of title 5, United States Code ("chapter 71"), relating to Federal Service Labor-Management Relations. Section 220(a) of the CAA applies the rights, protections, and responsibilities established under sections 7102, 7106, 7111 through 7117, 7119 through 7122, and 7131 of chapter 71 to employing offices, covered employees, and representatives of covered employees. These provisions protect the legal right of certain covered employees to organize and bargain collectively with their employing offices within statutory and regulatory parameters.

Section 220(d) of the Act requires the Board of Directors of the Office of Compliance ("Board") to issue regulations to implement section 220 and further states that, except as provided in subsection (e), such regulations "shall be the same as substantive regulations promulgated by the Federal Labor Relations Authority ("FLRA") to implement the statutory provisions referred to in subsection (a) except—

(A) to the extent that the Board may determine, for good cause shown and stated together with the regulations, that a modification of such regulations would be more effective for the implementation of rights and protections under this section, or

(B) as the Board deems necessary to avoid a conflict of interest or appearance of conflict of interest."

The Board has separately published a Notice of Proposed Rulemaking with respect to the issuance of regulations pursuant to section 220(d).

Section 220(e)(1) of the CAA requires that the Board also issue regulations "on the manner and extent to which the requirements and exemptions of chapter 71 [] should apply to covered employees who are employed in the offices listed in" section 220(e)(2). The offices listed in section 220(e)(2) are:

(A) the personal office of any Member of the House of Representatives or of any Senator;

(B) a standing select, special, permanent, temporary, or other committee of the Senate or House of Representatives, or a joint committee of Congress;

(C) the Office of the Vice President (as President of the Senate), the Office of the President pro tempore of the Senate, the Office of the Majority Leader of the Senate, the Office of the Minority Leader of the Senate, the Office of the Majority Whip of the Senate, the Conference of the Majority of the Senate, the Conference of the Minority of the Senate, the Office of the Secretary of the Conference for the Majority of the Senate, the Office of the Secretary for the Minority of the Senate, the Majority Policy Committee of the Senate, the Minority Policy Committee of the Senate, and the following offices within the Office of the Secretary of the Senate: Offices of the Parliamentarian, Bill Clerk, Legislative Clerk, Journal Clerk, Executive Clerk, Enrolling Clerk, Official Reporters of Debate, Daily Digest, Printing Services, Captioning Services, and Senate Chief Counsel for Employment;

(D) the Office of the Speaker of the House of Representatives, the Office of the Majority Leader of the House of Representatives, the Office of the Minority Leader of the House of Representatives, the Offices of the Chief Deputy Majority Whips, the Offices of the Chief Deputy Minority Whips, and the following offices within the Office of the Clerk of the House of Representatives: Offices of Legislative Operations, Official Reporters of Debate, Official Reporters to Committees, Printing Services, and Legislative Information;

(E) the Office of the Legislative Counsel of the Senate, the Office of the Senate Legal Counsel, the Office of the Legislative Counsel of the House of Representatives, the Office of the General Counsel of the House of Representatives, the Office of the Parliamentarian of the House of Representatives, and the Office of the Law Revision Counsel;

(F) the offices of any caucus or party organization;

(G) the Congressional Budget Office, the Office of Technology Assessment, and the Office of Compliance; and;

(H) such other offices that perform comparable functions which are identified under regulations of the Board.

These offices shall be collectively referred to as the "section 220(e)(2) offices."

Section 220(e)(1) provides that the regulations which the Board issues to apply chapter 71 to covered employees in section 220(e)(2) offices "shall, to the greatest extent practicable, be consistent with the provisions and purposes of chapter 71 [] and of [the CAA]." To this end, section 220(e)(1) mandates that such regulations "shall be the same as substantive regulations issued by the Federal Labor Relations Authority under such chapter" with two separate and distinct provisos:

First, section 220(e)(1), like every other CAA section requiring the Board to issue implementing regulations (*i.e.*, sections 202(d)(2), 203(c)(2), 204(c)(2), 205(c)(2), 206(c)(2), 215(d)(2)), authorizes the Board to modify the FLRA's regulations "(A) to the extent that the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section."

Second, independent of section 220(e)(1), section 220(e)(2) requires the Board to issue regulations that "exclude from coverage under this section any covered employees who are employed in offices listed in [section 220(e)(2)] if the Board determines that such exclusion is required because of—

(i) a conflict of interest or appearance of a conflict of interest; or

(ii) Congress' constitutional responsibilities."

The provisions of section 220 are effective October 1, 1996, except that, "[w]ith respect to the offices listed in subsection (e)(2), to the covered employees of such offices, and to representatives of such employees, [section 220] shall be effective on the effective date of regulations under subsection (e)."

II. The Advance Notice of Proposed Rulemaking

A. Issues for Comment that Relate to Section 220(e)

The Board sought comment on two issues related to section 220(e)(1)(A): (1) Whether and to what extent the Board should modify the regulations promulgated by the FLRA for application to employees in section 220(e)(2) offices? (2) Whether the Board should issue additional regulations concerning the manner and extent to which the requirements and exemptions of chapter 71 apply to employees in section 220(e)(2) offices?

The Board sought comment on four issues related to section 220(e)(1)(B): (1) What are the constitutional responsibilities and/or conflicts of interest (real or apparent) that would require exclusion of employees in section 220(e) offices from coverage under section 220 of the CAA? (2) Whether determinations as to such exclusions should be made on an office-wide basis or on the basis of job duties and functions? (3) Which job duties and functions in section 220(e) offices, if any, should be excluded from coverage, and what is the legal and factual basis for any such exclusion? (4) Are there any offices not listed in section 220(e)(2) that are candidates for the application of the section 220(e)(1)(B) exclusion and, if so, why?

In seeking comment on the issues related to section 220(e) regulations, the Board emphasized that it needed detailed legal and factual support for any proposed modifications in the FLRA's regulations and for any additional proposed regulations implementing sections 220(e)(1)(A) and (B).

B. Summary of Comments Received

The Board did not receive any comments on issues arising under section 220(e)(1)(A), and received only two comments on issues arising under section 220(e)(1)(B). These two comments addressed the issue of whether the Board should grant a blanket exclusion for *all* covered employees in the section 220(e)(2) offices. The Board summarizes those two comments here.

One commenter argued that nothing in the CAA warrants any categorical exclusions from coverage. The commenter argued that the CAA's instruction to the Board to issue regulations which "to the greatest extent practicable" are "consistent with the provisions and purposes of chapter 71" invites coverage as broad in scope as chapter 71 provides for Executive Branch employees. The commenter argued that section 220(e)(1)(B) is an exception to the general rule mandating coverage and that Congress did not purport to find that any covered employees necessarily qualified for application of such an exception. The commenter further argued that the legislative history of section 220(e) indicates that Congress simply authorized the Board to determine whether covered employees in section 220(e)(2) offices should be excluded without in any way suggesting that they should be excluded.

The commenter then pointed out that, like Congress, the President is charged with constitutional responsibilities and that executive branch employees (other than statutorily excepted employees) are nonetheless free to join and be represented by unions of their choice. The commenter urged that there is nothing in the functions of the legislative branch that suggests that union representation of legislative branch employees is any different than union representation of executive branch employees (or that it poses any unique concerns). From this argument, the commenter concluded that no blanket exemption of all of the employees in section 220(e)(2) offices is warranted; and the commenter urged that its conclusion is supported by the overall policy of the CAA to bind Congress to the same set of rules that other employers face.

The second commenter took the position that all of the covered employees in a number of the section 220(e)(2) offices should receive a blanket exemption from coverage under section 220. In support of this argument, the commenter first described the Senate's constitutional responsibilities to exercise the legislative authority of the United States; to "make all laws which shall be necessary and proper for carrying into Execution" its enumerated powers; to advise and consent to treaties and certain presidential nominations; and to try matters of impeachments. The commenter then stated that, in fulfilling these responsibilities, the Senate must be "free from improper influence from outside sources so that Members can fairly represent the interests of the United States and its citizens." The commenter asserted that exclusion from coverage of all employees in Senators' personal offices is necessary to insulate the legislative process from improper influence by outside parties.

In so stating, the commenter recognized that a number of such employees would already be excluded under chapter 71, but argued that the participation of any employee of a Senator's office in a labor organization would "interfere with the Senator's constitutional responsibilities, [] allow unions to obtain an undue advantage in the legislative process and to exercise improper influence over Members, and [] create conflicts of interest." The commenter asserted that allowing such employees to organize would "provide labor unions with unprecedented access to and influence over the operations and legislative activities of Senators' personal offices" and turn the collective bargaining process into "a lobbying tool of organized labor."

The commenter contended that union representation of employees in a Senator's personal office also could create significant conflicts of interest, both because legislation that affects union or management rights may have a direct impact on a Senator's bargaining position with an employee union, and because a Senator's voting position may be tainted by the appearance that he or she is affected by the position of the employee union. The commenter also claimed that payment of union dues by a Senator's employees could create the perception of a conflict of interest, because Senate employees may not make political contributions to their employer, but the employees may nonetheless pay dues to a union that, in turn, contributes to that employer. The commenter further argued that, if a Senator's employees are permitted to organize, they may develop conflicting loyalties that could render them politically incompatible with the Senator for whom they work. The commenter contended that it would be an unfair labor practice for an employer to discharge an employee because of union affiliation even if that union affiliation led to political incompatibility, thus allegedly eviscerating section 502 of the CAA (which is said to authorize an employing office to discharge an employee based on such incompatibility). Finally, the commenter asserted that, if employees of Senators' offices are granted the right to organize, they will be the only employees of federal elected officials who are organized.

The commenter also took the position that the concerns stated regarding union organization in Senators' personal offices are equally applicable to employees in Senate leadership and committee offices. The commenter further asserted that employees in offices under the jurisdiction of the Secretary of the Senate (Offices of the Parliamentarian, Bill Clerk, Legislative Clerk, Journal Clerk, Executive Clerk, Enrolling Clerk, Official Reporters of Debate, Daily Digest and Printing Services, Office of Senate Chief Counsel for Employment) should be excluded from coverage because they allegedly occupy confidential positions that are integral to the Senate's constitutional functions. The commenter also asserted that employees in the Office of Senate Chief Counsel for Employment should be excluded because attorneys in that office will engage in labor negotiations on behalf of management in Senate offices and because all employees in the office have access to privileged and confidential information. The commenter similarly stated that employees in the Office of the Legislative Counsel and the Office of the Senate Legal Counsel should be excluded because they have direct access to privileged and confidential information relating to the constitutional functions of the Senate.

Finally, the commenter contended that, pursuant to 220(e)(2)(H), employees in four other offices should be subject to a blanket exclusion: Employees in the Executive Office of the Secretary of the Senate, because they are privy to confidential information about both the legislative functions of the Senate and the labor management policies of the Office of the Secretary; employees in the Office of Senate Security, because they have access to highly sensitive and confidential information relating to the constitutional responsibilities of the Senate, as well as to matters of national security; employees in the Senate Disbursing Office, because they have access to confidential financial information that could enhance a union's bargaining position; and employees in the Administrative Office of the Sergeant at Arms, because they have access to confidential information about the office and the Senate.

III. Notice of proposed rulemaking

In developing its proposed regulations, the Board has carefully considered both its responsibilities under section 220(e) and the two directly contradictory comments that the Board received concerning the regulations that it must issue. For the reasons that follow, the Board's judgment is that a blanket exclusion of *all* of the employees in the section 220(e)(2) offices is not "required" under the stated statutory criteria. But the Board will propose regulations that *allow* the exclusion issue to be raised with respect to any particular employee in any particular case. The Board also urges commenters who support any categorical exclusions, in commenting on these proposed regulations, to explain why particular jobs or job duties require exclusion of particular employees so that the Board may exclude them by regulation, where appropriate. Through this initial regulation and any categorical exclusions that may appropriately be included in its final regulations, the Board intends to carry out its statutory responsibility under section 220(e) to exclude employees from coverage where required, and to make changes in the FLRAs regulations where necessary.

A. Section 220(e)(1)(A)

Section 220(e)(1)(A) authorizes the Board to modify the FLRA's regulations "to the extent that the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under [section 220(e)]." No commenter took the position that there was good cause to modify the FLRA regulations for more effective implementation of section 220(e). Equally important, no commenter took the position that a blanket exclusion of *all* of the covered employees in any of the section 220(e) offices would be "more effective for the implementation of the rights and protections under [section 220(e)]." And, at present, the Board has not independently found any basis to exercise its authority to modify the FLRA regulations for more effective implementation of section 220(e). The Board therefore does not propose to issue separate regulations pursuant to section 220(e)(1)(A)—that is, except as to employees whose exclusion from coverage under section 220 is required, the Board proposes that the regulations that it issues under section 220(d) will apply to employing offices, covered employees, and their representatives under section 220(e).

B. Section 220(e)(1)(B)

Section 220(e)(1)(B) provides that the Board "shall exclude from coverage under [section 220] any covered employees in [section 220(e)(2) offices] if the Board determines that such exclusion is required because of—

(i) a conflict of interest or appearance of a conflict of interest; or

(ii) Congress' constitutional responsibilities."

The question here for resolution, then, is to what extent the Board should exclude covered employees in the section 220(e)(2) offices from coverage.

1. The statutory language and legislative history indicate that exclusions are proper only where "required" by the stated statutory criteria

Section 220(e)(1)(B) states that the Board "shall" exclude any covered employee of a section 220(e)(2) office where such exclusion is "required" by the stated statutory criteria. The statutory specification that the exclusion be "required" by Congress' constitutional responsibilities or a conflict of interest is telling. In this context, the term "required" means "insist[ed] upon usu[ally] with certainty and urgency." *See* Webster's Third New International Dictionary (1986); *see also* Black's Law Dictionary (4th ed. 1968) ("direct[ed], order[ed], demand[ed], instruct[ed], command[ed]"). Thus, merely being helpful to or in furtherance of the stated statutory criteria is insufficient; rather, the exclusion must be *necessary* to the conduct of Congress' constitutional responsibilities or to the avoidance of a conflict of interest (real or apparent).

Although legislative history should always be consulted with due care and regard for its limitations, the scant legislative history directly attached to section 220(e)(1)(B) here appears to confirm that exclusions are proper only where necessary to achieve the stated statutory criteria. *See* 141 Cong. Rec. S626 (section-by-section analysis of CAA). What is now section 220(e) was added to a predecessor to the CAA in October 1994 in the Senate Governmental Affairs Committee. The Committee's Report explains that this provision was added in response to several Members' concerns that the application of labor laws to the legislative offices might interfere with Congress' ability to fulfill its constitutional functions:

"For example, there was a concern that, if legislative staff belonged to a union, that union might be able to exert undue influence over legislative activities or decisions. Even if such a conflict of interest between employees' official duties and union membership did not actually occur, the mere appearance of undue influence or access might be very troubling. Furthermore, there is a concern that labor actions could delay or disrupt vital legislative activities." [S. Rep. No. 397, 103d Cong., 2d Sess. 8 (1994).]

The Report went on to explain that the proposed bill addressed the Members' concerns in two ways: First, rather than applying the National Labor Relations Act ("NLRA") to Congress, the bill would apply chapter 71 whose "provisions and precedents . . . address problems of conflict of interest in the governmental context and . . . prohibit strikes and slowdowns." Second, "as an extra measure of precaution," the bill would not apply to the section 220(e)(2) offices "until the Board has conducted a special rulemaking to consider such problems as conflict of interest." *Id.* at 8.

The above-described Senate Report does not reveal—either expressly or implicitly—any congressional expectation that exclusions would necessarily result as a consequence of the Board's special rulemaking. Instead, the Report explains that the concerns of several Members were principally addressed by the incorporation of chapter 71 (rather than the NLRA) in the bill and that, "as an extra measure of precaution," the Board should consider in a special rulemaking whether application of even chapter 71 to employees in section 220(e) would defeat Congress' responsibilities or cause insoluble conflicts of interest (real or apparent). *See* 141 Cong. Rec. S444-45 (remarks of Senator Grassley). Indeed, the section-by-section analysis of the bill that became the CAA states that section 220(e) should not be construed as "a standardless license to roam far afield from [the] executive regulations." *See* 141 Cong. Rec. S626.

These legislative materials suggest that section 220(e) requires the Board to exclude employees in section 220(e)(2) offices only where "required" by the statutory criteria—*i.e.*, where exclusion is necessary to the accomplishment of the statutory criteria. The legislative materials leave no room for the exclusion of covered employees in the absence of a demonstrated and substantial need for doing so.

2. Exclusion of all employees in section 220(e) offices is not required by Congress' constitutional responsibilities or concerns about real or apparent conflicts of interest

On the basis of the comments received to date, the Board is unable to find a demonstrated and substantial need for the blanket exclusion of *all* employees in the section 220(e)(2) offices. Such a blanket exclusion of *all* covered employees does not appear to be required by either Congress' constitutional responsibilities or any real or apparent conflicts of interest.

a. Exclusion is not necessitated by Congress' constitutional responsibilities

The key premise of the commenter's argument that exclusion of *all* section 220(e)(2) office employees is required by Congress' constitutional responsibilities is the assertion that collective bargaining rights for section 220(e) employees are categorically inconsistent with the effective functioning of the Legislative Branch. But the legislative judgment embodied in chapter 71 is that collective bargaining rights are entirely consistent with—and, indeed, enhance—the efficient and effective functioning of the Executive Branch. *See* 5 U.S.C. §7101. More to the point, the legislative judgment in chapter 71 is that collective bargaining is consistent with—and, indeed, supportive of—the Executive Branch's fulfillment of the President's constitutional responsibility faithfully to execute the laws of the United States. The Board has not yet been presented with any facts or legal argument that would support a determination that, in contrast to the situation in the Executive Branch, *all* employees of the section 220(e)(2) offices must be excluded from collective bargaining in order for the Legislative Branch to be able to fulfill its constitutional charge.

For example, although the commenter asserts that, if a Senator is required to bargain with his or her employees' union, the employees' union will obtain an undue advantage in the legislative process by dint of its members' special access to the Senator and its members' influence over the Senator's legislative positions, the Board does not believe that a Senator can be brought to his constitutional knees so easily. The commitment of our Nation's elected representatives to the performance of their constitutional duties is great; and, access or no access by unions, it must be presumed that our elected representatives will carry out their constitutional responsibilities with fervor. Moreover, it must also be recognized that, in doing so, our elected representatives will be supported by many employees who simply do not have the right to organize. Supervisors—defined as individuals with authority to hire, direct, assign, promote, reward, transfer, furlough, layoff, recall, suspend, discipline, or remove employees, or to adjust their grievances, or to effectively recommend such action—are not even covered by chapter 71 as applied by the CAA. *See* sections 7103(a)(2)(iii) & 7103(a)(10). Likewise, management officials—defined as individuals in positions whose duties and responsibilities require or authorize the individual to formulate, determine, or influence the policies of their employer—are not covered. *See* sections 7103(a)(2)(iii) & 7103(a)(11). Furthermore, confidential employees—defined as employees who act in a confidential capacity with respect to individuals who formulate or effectuate management policies in the field of labor-management relations—and employees engaged in personnel work are not covered. *See* sections 7112(b)(2),(3) & 7103(a)(13). Finally, employees whose participation in the management of a labor organization or whose representation of a labor organization results in a conflict or apparent conflict of interest or is otherwise incompatible with law or with official job duties are not covered. *See* section 7120(e). Cumulatively, these exclusions undermine the claim that *all* employees of a section 220(e)(2) office—including secretaries and messengers—must be excluded from coverage in order for the Legislative Branch to fulfill its constitutional charge; to the extent that a union obtains access, it will be on behalf of employees who are *not* at the center of the Senator's management core.

The commenter supporting blanket exclusion for all employees in certain section 220(e)(2) offices also argued that, absent such an exclusion, a Senator's employees would be able to influence a Senator's legislative position in exchange for concessions at the bargaining table. This argument, however, ignores the fact that, for those employees not exempted (such as certain secretaries and messengers), chapter 71 provides only a limited set of labor relations rights. Once organized, employees may bargain about their conditions of employment. But they may not bargain about matters "specifically provided for by Federal statute," a category which includes *inter alia* a number of restrictions on pay, health insurance, and retirement benefits for legislative employees. *See* sections 7102(2), 7103(a)(12), 7103(a)(14)(C). Moreover, they may only bargain about their "terms and conditions of employment"; *their Senator's legislative positions are not properly on the table.* And in the event that nonexempt employees in section 220(e)(2) offices fail to come to terms with an employing office about their terms and conditions of employment, the employees do not have the principle coercive weapons that organized labor uses to further its employment goals, *see Allis Chalmers v. NLRB*, 388 U.S. 175 (1967), because they lack the right to strike or slow down. *See* sections 7103(a)(2)(v), 7311. These limitations make it clear that exclusion of *all* additional employees in a section 220(e)(2) office (such as certain secretaries and messengers) is not necessary to prevent the allegedly improper influence that concerns the commenter; and they make self-evident that such a blanket exclusion of *all* section 220(e)(2) office employees is not required by Congress constitutional responsibilities.

The commenter supporting blanket exclusion of *all* employees in section 220(e)(2) offices further argued that all members of a Senator's staff—no matter how routine their job duties—are privy to inside information about the Senator, including information about the Senator's legislative positions. The commenter expressed a concern that a Senator's organized employees might reveal this confidential information to their union and that a union might then use the confidential information to exert improper influence on the Senator and thus on the legislative process. The commenter also feared that a Senator's organized employees would not wholeheartedly perform their duties if the Senator were to take a position inimical to the interests of unions. But, again, these concerns are not sufficient to justify blanket exclusions, if only because they can be addressed by other means.

The confidentiality of information and loyal performance of duties can be ensured without exclusion of *all* section 220(e)(2) office employees. Nothing in federal law, and certainly nothing in chapter 71 or the CAA, limits a Member's right to establish neutral work rules designed to assure productivity, discipline, and confidentiality and to discipline and/or discharge any employee who violates those rules. An employee who violates one of these work rules may be discharged *for that reason.*

This point answers the commenter's argument that categorical exclusion is necessary because a Senator would not be able to discharge or discipline an employee who leaks confidential information, or one who openly and actively supports legislation that the Senator opposes. If the Senator had in place and enforced a work rule neutrally forbidding such conduct, then he or she could discipline or discharge an employee who engaged in the forbidden conduct without regard to the employee's union membership or activity (so long as the employee's constitutional rights were not violated). The Senator would only violate section 220 of the CAA if he or she simply forbid inconsistent conduct that related to union membership or activities or enforced a facially neutral rule in a discriminatory manner. Exclusion of *all* covered employees is thus not "required" to address the confidentiality and loyalty concerns that have been advanced here.

b. Exclusion of all employees in section 220(e)(2) offices is not "required" by any real or apparent conflicts of interest

Nor is the Board prepared at this point to accept the argument that blanket exclusion of all employees in section 220(e)(2) offices is "required" to avoid conflicts of interest, real or apparent. The exclusions in chapter 71 for supervisory, confidential and other such employees are sufficient to take care of most potential conflict of interest questions created by employee organization; indeed, chapter 71 itself allows exclusion of employees with additional insoluble conflicts of interest. While the Board is prepared to exclude appropriate categories of employees where required by conflicts of interest, the suggestion that *all* employees in section 220(e)(2) offices must be excluded because of such alleged conflicts does not appear well-founded.

The commenter expressed a fear that organized employees would necessarily have a loyalty to the union and to union goals that would be inconsistent with loyal service to a Member and to his or her legislative positions. There may indeed be such tensions and potential conflicts that arise from union membership of covered employees. But such tensions and conflicts also arise in connection with a covered employee's membership and participation in other special interest groups, such as the Sierra Club, the National Rifle Association, the National Right to Work Foundation, or the National Organization of Women. Indeed, an employee's outside associations—whatever they may be—all give rise to a possible tension between the employee's interests and loyalties (as expressed by outside associations) and the Member's legislative positions. Nonetheless, Congress has not imposed a blanket prohibition on employee membership and participation in outside associations; and, under chapter 71, the tensions and potential conflicts that arise in connection with union membership have not been enough to justify a blanket exclusion of all employees from organization in the Executive Branch. While the Board is prepared to consider whether such associations might preclude organization rights for particular employees in particularly sensitive positions, it cannot accept the suggestion that the possible tensions between employee interests and loyalties and Member positions "requires" the blanket exclusion of *all* employees in section 220(e)(2) offices; there are surely less restrictive means for mitigating these potential conflicts for many, if not all, of the employees of section 220(e)(2) offices.

The commenter also asserted that exclusion of all employees is required by an apparent conflict of interest for Members voting on legislation that affects unions: according to the commenter, if the Members support the legislation, they may be perceived as caving to union pressure; if they oppose it, they may be perceived as attempting to enhance their bargaining positions with the union; in either instance, they would *not* be perceived as serving their constituents. But this situation does not appear to differ from that faced by the President when he or Executive Branch officials acting on his behalf take a position on pending labor legislation. That apparent conflict is inherent to employee organization in the public sector; and yet chapter 71 reflects a judgment that this apparent conflict does not require the categorical exclusion of all employees from collective organization. The judgment in chapter 71, which Congress incorporated by reference in the CAA, prevents the Board from accepting any argument that this apparent conflict *requires* exclusion of all employees in a section 220(e)(2) office.

Indeed, with respect to both alleged conflicts of interest, the Board finds it significant that, in chapter 71's statement of congressional findings and purpose, Congress expressly found that "labor organizations and collective bargaining in the civil service are in the public interest" because they "safeguard[] the public interest," "contribute[] to the effective conduct of public business," and "facilitate[] and encourage[] the amicable settlements of disputes between employees and their employers involving conditions of employment." *See* Section 7101. Section 220(e)(1) of the CAA instructs the Board to hew as closely as possible to "the provisions and purposes of chapter 71." In doing so, the Board has no choice but to reject the proposition that *all* employees in a section 220(e)(2) office must be excluded from coverage because of a real or apparent conflict that their organization would create for their Member of Congress. The premise of chapter 71, and thus the CAA, is that employees in unions may loyally serve government employers and that the public will not view government acts in response to union demands as illegitimate responses to union pressure.

3. Proposed regulations under section 220(e)(1)(B)

For these reasons, the Board does not propose to issue regulations that grant blanket exclusion of all employees in any of the section 220(e)(2) offices. In the Board's judgment, the issuance of blanket exclusions from the application of section 220 for *all* employees in section 220(e)(2) offices would represent a significant departure from the overall purposes and policies of the CAA. The Board would promptly take that step if it were necessary because of a conflict of interest (real or apparent) or Congress' constitutional responsibilities. But no necessity has been shown or yet been found for the exclusion of all employees in section 220(e)(2) offices.

The Board further notes that no commenter took the position that there were job duties of employees within section 220(e)(2) offices that required application of section 220(e)(1)(B)'s exception to coverage; *a fortiori*, no commenter provided the Board with any facts or legal argument in support of the issuance of regulations providing that employees in section 220(e)(2) offices who perform certain job duties are not covered by section 220. For this reason, the Board does not propose to issue any such regulations at this time. Of course, the Board stands ready to use its rulemaking authority to propose and issue such regulations when and if the Board is presented with facts and legal argument demonstrating that the application of section 220(e)(1)(B) to employees performing particular job duties is "required." The Board again urges commenters to provide the Board with such information and authorities.

The commenter supporting blanket exclusion of all employees in section 220(e)(2) offices argued that, pursuant to its power under section 220(e)(2)(H), the Board should propose regulations (i) adding the Executive Office of the Secretary of the Senate, the Office of Senate Security, the Senate Disbursing Office, and the Administrative Office of the Sergeant at Arms to the statutory list of section 220(e)(2) offices, and (ii) granting a blanket exclusion of all covered employees in these offices. By its analysis above, the Board has effectively rejected the argument that any offices, including these four, are entitled to blanket exclusion of all of their employees from application of section 220. The Board agrees, however, with the commenter's assertion that employees in these offices perform functions "comparable" to those performed by employees in the other section 220(e)(2) offices, and thus the Board proposes, pursuant to section 220(e)(2)(H), to treat these offices as section 220(e)(2) offices for all purposes, including the determination of the effective date of sections 220(a) and (b). For all other offices—that is, all offices that are not either listed in section 220(e)(2) or defined as section 220(e)(2) offices here—the effective date of sections 220(a) and (b) is October 1, 1996.

No commenter took the position that the Board should adopt a regulation authorizing parties and/or employees in appropriate proceedings to assert, and the Board to decide, where appropriate and relevant, that a covered employee employed in a section 220(e)(2) office is required to be excluded from coverage under section 220(e) because of a conflict of interest (real or apparent) or because of Congress' constitutional responsibilities. The Board, however, proposes to issue such a regulation. By doing so, the Board intends to ensure that an exclusion may be provided where the law and the facts require it. The proposed regulation of the Board allows the issue of exclusions under section 220(e)(1)(B) to be raised and decided on a case-by-case basis.

IV. Method of approval

The Board recommends that (1) the version of the proposed regulations that shall apply to the Senate and employees of the Senate be approved by the Senate by resolution; (2) the version of the proposed regulations that shall apply to the House of Representatives and employees of the House of Representatives be approved by the House of Representatives by resolution; and (3) the version of the proposed regulations that shall apply to other covered employees and employing offices be approved by the Congress by concurrent resolution.

Signed at Washington, D.C., on this 22nd day of May, 1996.

GLEN D. NAGER,
Chair of the Board, Office of Compliance.

§2472 Specific regulations regarding certain offices of Congress

§2472.1 Purpose and Scope

The regulations contained in this section implement the provisions of chapter 71 as applied by section 220 of the CAA to covered employees in the following employing offices:

(A) the personal office of any Member of the House of Representatives or of any Senator;

(B) a standing select, special, permanent, temporary, or other committee of the Senate or House of Representatives, or a joint committee of Congress;

(C) the Office of the Vice President (as President of the Senate), the Office of the President pro tempore of the Senate, the Office of the Majority Leader of the Senate, the Office of the Minority Leader of the Senate, the Office of the Majority Whip of the Senate, the Conference of the Majority of the Senate, the Conference of the Minority of the Senate, the Office of the Secretary of the Conference for the Majority of the Senate, the Office of the Secretary for the Minority of the Senate, the Majority Policy Committee of the Senate, the Minority Policy Committee of the Senate, and the following offices within the Office of the Secretary of the Senate: Offices of the Parliamentarian, Bill

Clerk, Legislative Clerk, Journal Clerk, Executive Clerk, Enrolling Clerk, Official Reporters of Debate, Daily Digest, Printing Services, Captioning Services, and Senate Chief Counsel for Employment;

(D) the Office of the Speaker of the House of Representatives, the Office of the Majority Leader of the House of Representatives, the Office of the Minority Leader of the House of Representatives, the Offices of the Chief Deputy Majority Whips, the Offices of the Chief Deputy Minority Whips, and the following offices within the Office of the Clerk of the House of Representatives: Offices of Legislative Operations, Official Reporters of Debate, Official Reporters to Committees, Printing Services, and Legislative Information;

(E) the Office of the Legislative Counsel of the Senate, the Office of the Senate Legal Counsel, the Office of the Legislative Counsel of the House of Representatives, the Office of the General Counsel of the House of Representatives, the Office of the Parliamentarian of the House of Representatives, and the Office of the Law Revision Counsel;

(F) the offices of any caucus or party organization;

(G) the Congressional Budget Office, the Office of Technology Assessment, and the Office of Compliance; and;

(H) the Executive Office of the Secretary of the Senate, the Office of Senate Security, the Senate Disbursing Office and the Administrative Office of the Sergeant at Arms.

§2472.2 Application of Chapter 71

(a) The requirements and exemptions of chapter 71 of title 5, United States Code, as made applicable by section 220 of the CAA, shall apply to covered employees who are employed in the offices listed in section 2472.1 in the same manner and to the same extent as those requirements and exemptions are applied to other covered employees.

(b) The regulations of the Office, as set forth at sections 2420–29 and 2470–71, shall apply to the employing offices listed in section 2472.1, covered employees who are employed in those offices and representatives of those employees.

§2472.3 Exclusion from coverage

Notwithstanding any other provision of these regulations, any covered employee who is employed in an office listed in section 2472.1 shall be excluded from coverage under section 220 if it is determined in an appropriate proceeding that such exclusion is required because of (a) a conflict of interest or appearance of a conflict of interest, or (b) Congress constitutional responsibilities.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, too many Americans have not the foggiest notion about the enormity of the Federal debt. Every so often, I ask various groups, how millions of dollars are there in a trillion? They think about it, voice some estimates, most of them not even close.

They are stunned when they learn the facts, such as the case today. To be exact, as of the close of business yesterday, May 22, 1996, the exact Federal debt—down to the penny—stood at $5,117,440,103,398.93.

Another astonishing statistic is that on a per capita basis, every man, woman, and child in America owes $19,318.08 as his or her share of the Federal debt.

As for how many millions of dollars there are in a trillion, there are a million million in a trillion, which means that the Federal Government owes more than 5 million million dollars.

MINTZ LEVIN'S SUCCESSFUL DOMESTIC VIOLENCE PROJECT

Mr. KENNEDY. Mr. President, domestic and other acts of violence against women have reached epidemic proportions. Figures from 1994 show that, on the average in the United States, a woman was murdered every two days, and a woman was beaten every 15 seconds as a result of domestic violence.

The Violence Against Women Act was passed in 1994 to address this problem and ensure the safety and peace of mind of millions of women and their families. Congress took an approach that requires a partnership between the private sector and the public sector at every level—Federal, State, and local.

The Domestic Violence Project being carried out by the law firm of Mintz Levin Cohn Ferris Glovsky and Popeo is an excellent example of a successful partnership. In testimony before the Senate Judiciary Committee, Kenneth J. Novak, chairman of the firm's Community Service Program, described its Domestic Violence Project and its efforts to reduce domestic violence.

The Domestic Violence Project that Mr. Novak described can be an effective model for many others in helping the Nation meet and master the challenge of domestic violence. I believe that Mr. Novak's testimony will be of interest to all of us in Congress, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Mr. Chairman, and members of the Judiciary Committee, my name is Kenneth J. Novack of the law firm Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C., with offices in Boston and Washington, D.C. As a member of the Firm's Executive Committee, previous President and CEO, and Chairman of the Mintz Levin Community Service Program, I am pleased to be here today to provide testimony regarding the commitment of one law firm to make a significant and continuing difference in the fight against domestic violence.

BACKGROUND

Mintz Levin has strived for over 60 years to create and maintain a workplace of diversity and tolerance, and to serve the community as well as our clients.

In 1990, at the initiative of two first-year associates, the Firm created the Mintz Levin Domestic Violence Project to provide free legal representation to victims of domestic violence. In 1994, the Firm decided to expand and focus its community service commitment, and we chose the area of domestic violence as the principal focus of all our future community service. We hired a full-time Director of Community Service and established a Community Service Fund to complement our domestic violence pro bono practice and to encourage Firm-wide participation.

DOMESTIC VIOLENCE INITIATIVES

Mintz Levin chose a three-pronged approach for our efforts against domestic violence: public policy issues on a national level; state and local efforts; and an internal focus within the Firm.

Internal Focus. As the foundation of our domestic violence initiatives, we began at home by working to give all our employees access to the support needed to free themselves from abusive situations. Mintz Levin provides its employees with free legal assistance including, when necessary, helping them to obtain restraining orders. Each new employee is given an information packet including a resource card entitled *Where to Get Help if Domestic Violence is a Problem*, which identifies three Mintz Levin attorneys and one attorney from another law firm who will provide free and confidential assistance. In addition, a booklet entitled *Domestic Violence: The Facts* is provided to each employee and lists local resources. Our Human Resources Department has developed a policy for managing family violence situations, and all management staff have been trained to recognize and respond to such situations. A speaker's bureau provides regularly scheduled seminars to increase employee awareness. We have also offered Model Mugging safety-defense classes in both our Boston and Washington offices. As a result of our efforts, our employees feel free to come forward for assistance and do so on a regular basis.

Mintz Levin also creates opportunities for broad-based participation by our employees in community service activities. A Domestic Violence Task Force, consisting of attorneys, senior professionals and other employees, regularly reviews and advises with respect to the Firm's public policy and program development initiatives. A Community Service Advisory Committee, consisting primarily of administrative and support staff, initiates volunteer projects and Firmwide events on behalf of local domestic violence organizations. The Firm encourages interested employees to assist shelters, advocacy groups and other organizations on Firm time.

State and Local Efforts. The second component of Mintz Levin's domestic violence initiative consists of continuing efforts at the state and local levels, enabling us to utilize our skills as legal advocates and to identify opportunities for new, innovative projects in the Greater Boston and Washington, D.C. communities. Our attorneys and senior professionals are active in a wide variety of service and planning committees, and our Domestic Violence Project continues to provide pro bono legal representation to victims of domestic violence. The Project is staffed by specially trained Mintz Levin attorneys, paralegals and project analysts, who have been accepting restraining order cases from Greater Boston Legal Services since July 1990. To date, participants in the Project have been successful in obtaining protective orders, vacate orders, and temporary custody and support orders for over 100 clients. Project attorneys also assist clients in the enforcement of such orders. The Project provides clients with social services referrals for their non-legal needs, such as housing and counseling. In Washington, we have also represented battered women in court and sponsored city-wide training sessions to encourage other attorneys to do the same.

Through our Domestic Violence Project, Mintz Levin attorneys have also represented battered women in appellate matters before the Massachusetts Supreme Judicial Court and have filed briefs amici curiae in both federal and state courts. Such appellate work is essential to the interpretation and enforcement of laws intended to protect victims of domestic violence. Law firms, especially large ones like Mintz Levin, are uniquely situated to muster the legal resources necessary to undertake such appellate cases.

In addition to pro bono client services, Project participants work with the Massachusetts Coalition of Battered Women Service Groups toward the enactment of legislation that will afford greater protection to victims of domestic violence. As a result of these efforts, the Project was instrumental in securing the passage in December 1990 of the Act to Further Protect Abused Persons, which substantially strengthened the Massachusetts Abuse Prevention statute. In December 1993, the Project worked with the Massachusetts Coalition of Battered Women Service Groups for the passage of legislation that directs judges to consider evidence of past or present domestic violence in custody and visitation proceedings. More recently, Project members worked to further the enactment of the Massachusetts Weapons Bill, which takes guns, ammunition and other weapons out of the hands of batterers.

Our experience has demonstrated that the opportunities to serve are not limited to the fields of litigation or government relations. Mintz Levin's real estate and environmental law professionals have provided *pro bono* legal services to non-profit corporations which have built shelters for the victims of domestic violence and transitional housing for homeless women and their families. In 1986, the Firm began its representation of the Elizabeth Stone House, an alternative mental health and battered women's shelter, with the acquisition of two buildings and the conversion of them into a battered women's shelter and a transitional housing program.

In 1993, the Firm represented the Asian Task Force Against Domestic Violence in its efforts to build a 12-bed emergency shelter for battered women and their children. This shelter was the first shelter for Asian women in New England. In the past year, more than 170 women have used the Asian Shelter, and the shelter has received 1,000 calls for help and another 4,000 calls seeking information. It is an especially important facility for Asian women since it provides a hot line and counselling in a number of Asian languages, and language barriers have often prevented Asian women from seeking help at traditional shelters. Attorneys from the Firm have served on the Board of Directors of both the Elizabeth Stone House and the Asian Task Force Against Domestic Violence.

The issues of homelessness and substance abuse are intertwined with that of domestic violence. Therefore, the Firm's real estate and environmental law attorneys have given their time to help the Women's Institute for Housing and Economic Development develop two transitional programs for women, one for women recovering from substance abuse and one for homeless women and their families.

In Massachusetts, we work closely with the Massachusetts Coalition of Battered Women Service Groups, helping them obtain funds for shelters and to develop programs that provide assistance to battered women and their children. We act as advisors to district attorneys, to the Governor's office and to legislators on the issue of domestic violence. We have worked with the Massachusetts Coalition of Battered Women Service Groups toward the enactment of legislation to help prevent placing children at risk from batterers, by creating a rebuttable presumption that a parent who engages in a "pattern" or "serious incidence" of abuse against his or her partner should not be awarded sole or joint custody over their children. Our efforts extend to helping the Massachusetts Coalition of Battered Women Service Groups obtain funding for their member shelters, including by bringing together committed advocates and legislators who keep the issue of funding active in the agenda of the Massachusetts legislature.

In 1990, the Project received an award from the Young Lawyers Division of the Boston Bar Association; and in 1992, the Project received an award from the Women's Bar Association for its work on behalf of victims of domestic violence. In 1994, the Rose Foundation presented an award to Mintz Levin for its efforts in the area of domestic violence. We are encouraged by these recognitions of our work to hope that other firms will join us in helping battered women and children.

Our Community Service Program also includes non-legal direct service work. As part of the Polaroid CEO Challenge, we have partnered with the Elizabeth Stone House, building on our long-standing commitment to that organization. The CEO Challenge encourages business leaders to end domestic violence by partnering with a battered women's shelter, providing support and advocacy. Our partnership with Elizabeth Stone House has to date included a mentoring program for children, and internship program in our production department for women seeking new job skills, a children's holiday party, and a very successful effort to raise money to provide a new roof. Mintz Levin also worked with the Massachusetts Office of Victim Assistance, by helping to craft and implement "safe plan", a program that provides women with protection and assistance through each step of their escape from violence. And we have provided support services to Peace At Home, one of the first organizations to define domestic violence as a human rights issue.

National Level. On a national level, we are proud to be affiliated with the National Network to End Domestic Violence. As you know, The National Network was instrumental in the drafting of the Violence Against Women Act, and working for its passage and funding. The Violence Against Women Act is historic legislation, and I applaud your championship, Senator Hatch, of the issue of violence against women and children. Our efforts on behalf of the National Network have included our serving as *pro bono* legal counsel, as well as providing office space and administrative support, and organizational development, as well as writing *amicus* briefs regarding the confidentiality of records of battered women and rape crisis service providers.

Other national efforts include Mintz Levin's participation in the newly organized National Workplace Resource Center, where we serve as Co-chair of the Corporate Social Responsibility Sub-committee, and as liaison to the American Bar Association's Commission on Domestic Violence.

Charitable Contributions. Our initiatives include financial contributions, which we make through our Community Service Fund, as well as in-kind contributions. Mintz Levin in-kind contributions include donations of clothing, furniture, office supplies, graphic design, printing and training events. We have identified a continuing need of grassroots organizations for assistance in strategic planning, business development and computer technology. We consider the funding of an organizational development consultant to be an excellent form of in-kind contribution. For example, when the Same Sex Domestic Violence Coalition applied to our Community Service Fund, we suggested a contribution of a day-long strategic planning session with a consultant of their choice. The group accepted and, six weeks after their planning session, we received an invitation to a community forum which they had identified as the first step in their strategic plan. The community forum inspired an active group of forty organizations and committed individuals who are now working together to develop services for victims of same sex domestic violence.

LESSONS LEARNED

The Power of Networking. Mintz Levin draws upon the knowledge and commitment of approximately 600 employees, including over 225 attorneys and senior professionals. As a large law firm, we have experience with the justice system, connections to the corporate community, extensive state and federal government relations capabilities, and a remarkable ability to make a difference. I believe the greatest service that Mintz Levin has offered in its six-year-old domestic violence initiative has been to open doors which have traditionally been shut to battered women and children and their advocates, and to make the introductions necessary for diverse leaders with very different backgrounds to form new partnerships.

I would like to mention a few examples. One of our goals has been that resources for battered women and their children be easily accessible, and that domestic violence advocates and service organizations be able to communicate with each other across the country. We encouraged our client America Online ("AOL"), which operates the country's largest consumer online service, to consider a domestic violence area within its new Digital City Boston. AOL responded enthusiastically. At my request, the Mintz Levin Director of Community Service brought together representatives from AOL and local domestic violence activists to design and implement a domestic violence area. The Massachusetts Coalition of Battered Women Service Groups is now partnering with AOL, and involved advocates are receiving the training and software necessary to maintain the area. A representative from the Public Educational Technical Assistance Project of the National Resource Center on Domestic Violence, funded by the Centers for Disease Control, is involved to ensure coordination with other emerging domestic violence online networks. The area is scheduled to open in June, and I hope it will be a precursor to a national online network.

We have been pleased, and occasionally surprised, by the interest of others in supporting our efforts. As part of our fund raising efforts to provide a new roof for the Elizabeth Stone House, we received a donation of roofing materials from a Firm client, and donations from several vendors for a silent auction. I have recently agreed to serve as Co-chair for a Men's Advisory Committee for the Massachusetts Coalition of Battered Women Service Groups, which I hope will encourage other businessmen to become personally involved in working to end domestic violence.

Mintz Levin was also instrumental in the establishment of the Jane Doe Safety Fund. Through our corporate clients, we were able to bring together corporations, foundations and other funds to provide guidance and financial assistance to members of the domestic violence community who wanted to establish a fund to educate the public about domestic violence and to support battered women's shelters. The Jane Doe Safety Fund is now in its fifth year of existence.

Mintz Levin plans to continue its public policy efforts in the area of domestic violence on both a state and national level, including our partnerships with the National Network and the Elizabeth Stone House, as well as our own Firm-based education and prevention programs. The broad-based involvement and enthusiasm of our employees reinforces and deepens our commitment to the issue. We will also continue to use our access and relationships to encourage and foster new public/private partnerships. Building a network of like-minded law firms across the country is one of our goals for the coming year.

Economic Security. Economic security is listed as the number one reason battered women go back to their abusers. It would be wrong to separate artificially the problem of domestic violence from the issues of free legal services, social services and child support programs. Battered women need more support, not less, to end abusive relationships.

Learning from Others. Our initiatives in domestic violence, and our partnerships with the National Network, the Elizabeth Stone House, and other service organizations, have taught us that in addition to having a lot to offer, we have a lot to learn. From battered women and their advocates we can learn what is needed next to end domestic violence and how and when our resources and skills can best help. The passage and funding of the Violence Against Women Act has already created, and will continue to create, opportunities for unlikely partnerships. Domestic violence advocates, law firms, corporations, government agencies and the judicial system each have their own perspectives on the problem of domestic violence, and we all may be a bit parochial in our approaches. Building new models of collaboration is both challenging and rewarding. Our new partnerships require building new bridges. We must learn to work respectfully with people and organizations with very different histories, different measures of success, and sometimes even histories as adversaries. As we create new models of cooperation, we must also recognize that it will take time, patience, goodwill and even humor to go the distance.

CONCLUSION

Chairman Hatch and Members of the Senate Judiciary Committee, I offer my congratulations and thanks for your leadership in the passage of the Violence Against Women Act. I also thank you for the opportunity to speak to you today. It is my belief that lawyers and law firms are in a unique position to become innovative partners in the implementation of the Act. My colleagues and I look forward to working with others in the legal profession to make a significant contribution to the fight against domestic violence.

Respectfully submitted, Kenneth J. Novack.

TRIBUTES TO CHARLES MEISSNER

Mr. KENNEDY. Mr. President, the tragic plane crash in Croatia last month that took the life of Secretary of Commerce Ron Brown also took the lives of other outstanding officials in the Department of Commerce, including Charles F. Meissner, who was Assistant Secretary for International Economic Policy and who was also the husband of Doris Meissner, the Commissioner of the Immigration and Naturalization Service. During the 1970's, he had served with great distinction for several years on the staff of the Senate Foreign Relations Committee.

Our hearts go out to the Meissner family in this time of their great loss. In the days following that tragedy, a number of eloquent tributes to Charles Meissner described his extraordinary career, his dedication to public service, and his contributions to our country and to peoples throughout the world. I believe these tributes will be of interest to all of us in Congress and to many others, and I ask unanimous consent that they be printed in the RECORD.

There being no objection, the tributes were ordered to be printed in the RECORD, as follows:

TRIBUTE TO CHARLES MEISSNER

(By Stuart E. Eizenstat)

Doris, Christine, Andrew, family and friends of Chuck Meissner. I feel doubly blessed by my association with the Meissner family. In the Carter Administration it was my good fortune to work closely with Doris on immigration issues—to see directly her intelligence, her calm amidst the pressures of policymaking, her quiet dignity, her dedication to public service. It was then that I first came in contact with Chuck.

But it was during the past 2½ years, with me in Brussels and Chuck in Washington, that we formed an intense professional and personal bond which profoundly influenced me. We worked together on every important trade and commercial issue involving the European Union and its member states.

During Chuck's frequent travels to Brussels, he stayed with Fran and me, and had many meals with us. Chuck and I attended innumerable meetings together. When my appointment to my current position at Commerce became known, I spent a great deal of time talking and meeting with Chuck, seeking his advice and counsel and telling him of my plans to beef-up the International Economic Policy unit he so ably led. Our last conversation came only a few days before his trip to Bosnia and Croatia.

During Chuck's all-too-brief tenure as Assistant Secretary, there was hardly a continent that did not benefit from Chuck's sterling efforts. Chuck used his extensive financial experience at Chemical Bank and the World Bank to encourage private sector investment in the border regions in Mexico, as chair of the U.S.-Mexico Border Economic Development task force. He helped to expand economic contacts between the West and Central Europe and the states of the former Soviet Union by his work to invigorate the Economic Forum of the Organization for Security and Cooperation in Europe, and by the drive and leadership he gave to the West-East Economic Conferences.

Chuck was inspiring in his work with large and small American companies. He had a flair for dealing with CEOs. They empathized with him and understood his global vision. Nowhere was this better exemplified than in the Transatlantic Business Dialogue. Secretary Brown initiated the idea that U.S. and European business should take the lead in helping government design future transatlantic commercial policy. But it was Chuck that made this idea work. The success of the historic conference in Seville, Spain, last November that brought a 100 leading American and European CEOs together was due in large part to Chuck.

Following on his deep conviction that trade was the best force for peace, Chuck used his boundless energy to bring American companies together with companies in emerging democracies and in reforming countries. He was the leading force behind President Clinton's White House Conference on trade and investment in Eastern Europe, held in Cleveland last year. That conference exposed America's top companies to the genuine opportunities to build commercial bridges to Central Europe.

He poured his heart into using commercial policy to support the peace process in Northern Ireland. He was particularly proud, and justly so, of bringing scores of companies there to support our efforts and those of the British government to bring peace to that troubled land. When peace finally comes to Northern Ireland, as it surely will, Chuck Meissner will have played a major role in being a midwife. He was just beginning to do the same in Haiti.

It was on another such venture to undergird a fragile peace, that took Chuck and Ron Brown to Croatia and Bosnia. He died doing what he loved, using the resources of the American private sector to strengthen the forces of peace and democracy abroad. The terrible conflict in Bosnia has now claimed several friends, earlier Bob Frasure, and now Chuck, Ron and our other colleagues at the Commerce Department.

Chuck maintained a punishing travel schedule, as he was driven to extend our commercial diplomacy round the world. He joked to me that he only saw Doris, with her own demanding schedule, as their planes criss-crossed in the sky! And Doris, his love for you and the children was evident in the fond ways in which he talked about you.

But all of this was a continuation of a life devoted to public service, with a particular emphasis on expanding America's economic relationships abroad, relationships which are the very essence of our efforts to expand democracy and prosperity around the globe. He served in senior positions in the Treasury Department, on the Senate Foreign Relations Committee, where he was Staff Director of the Subcommittee on Foreign Relations, and in the State Department where he was Deputy Assistant Secretary for International Finance and Development and Ambassador and U.S. Special Negotiator for Economic Matters. Chuck's service to the United States was not limited to civilian positions. He was a Vietnam veteran, decorated on several occasions for his bravery in combat as a Captain in the United States Army.

But with all of these accomplishments, I will most remember Chuck with genuine love and affection for something more personal. Few people have touched me the way Chuck did. He had a wonderful joy of life and sense of humor. He made me laugh—not always easy to do! When I told Doris at her home Friday about this, she said, "You know, one of the reasons I married Chuck was that he made me laugh too!"

When Chuck came into a room his radiance lit it up. That beautiful smile and almost cherubic face—like a grown-up version of one of Raphael's endearing child angels—never failed to touch me deeply and to the core. I was drawn to Chuck, as I know all of you were, by not only his obvious competence but by his basic decency, his goodness, his wonderful humanity. Chuck believed in causes but he never forgot the people who were to benefit from them.

Just as we all feel blessed by Chuck's friendship, and by his caring, all of us also feel, in our own way, cheated by his tragic death—for myself, deprived of an opportunity to work even closer together on the causes he so believed in, deprived of more time to nurture our friendship, deprived of the chance to simply feel so good in his presence.

But all of this pales in comparison to the loss for Doris and the children of a husband, a father, a companion. There is an old saying, that "men and women plan, but God laughs at our plans and has his own for us." None of us can possibly explain this tragedy. All one can say is that God on High must have been particularly lonely and needed Chuck's companionship and laughter; as those who knew him on this imperfect earth so reveled in it.

Chuck, we loved you as you loved us. Our memories are sweet as the fragrances of Spring will surely come. They did not die with you. All of your friends will always be the better for you having come into our lives with your wonderful countenance.

Doris, we hope that our prayers and the heartfelt feelings of your colleagues in the Justice Department, the Commerce Department and throughout the Administration will strengthen you in these dark and difficult days, and will sustain you as you continue to service the country so well for which Chuck gave his life.

REFLECTIONS ON CHARLES MEISSNER

(By Michael Ely)

Today it is my honor briefly to talk to you about Charles Meissner and the central theme of his working life, service to his government and, more broadly, service to his nation and to the world. Chuck might have been embarrassed by this discussion. His sense of personal responsibility and commitment was so deep and integrated into his life that it became part of his personality. It went right down to his toenails. He felt that devotion to the public good was normal and natural behavior, even if not widely shared in a world full of people in futile pursuit of private gain and satisfaction outside of and divorced from the public good.

Indeed, his concept of the good was universal, comparable to what we might think of as the inner vision of a saint, but tempered by years of experience in addressing complex issues of public policy where the path to the good is unmarked and has to be discovered or even created. Here was an area that must have drawn Doris and Chuck together: their willingness, even eagerness, to grapple with policy issues with difficult tradeoffs, no easy solutions and multiple painful outcomes. Chuck sought to reconcile commercial affairs with broader national interests; Doris deals with the terrible tensions between social decency and justice and conflicting economic and social problems.

Our paths first came together in the State Department almost two decades ago. From a senior staff position with the Senate Foreign Relations Committee he had been parachuted in, as it were, as Deputy Assistant Secretary in the Bureau of Economic Affairs, then a powerful and aggressive organization with entirely State personnel. Chuck used to joke, with some reason, that I was brought in as his principal deputy to keep an eye on him. We ended up mentoring each other, he with his broad Treasury and Senate background, I a decade older with depth in overseas diplomatic service and State bureaucratic background. Our relations, warmed by Chuck's openness, honesty and obvious ability, deepened into mutual trust and ripened into friendship.

It was in retrospect an exciting and creative period. In the wake of the first oil shock and the world economic slowdown many countries in Latin America, Africa and eastern Europe could not repay to the US hundreds of millions in official debts contracted in better times. It was Chuck's labor of Hercules to sort out the economic implications and the sticky foreign and domestic politics to come up with a set of US government responses. A thankless business—he specialized, like Doris, in thankless tasks—with infinite opportunity for offending the Congress, the Treasury, the debtor countries and the other creditors.

It was in this thicket of problems that he encountered Michel Camdessus, then a very senior officer of the French Treasury, and like him an official of extraordinary breadth and ability. Their initial adversarial relations were transformed by mutual appreciation into a partnership that defined the rules for handling sovereign debt, and lived on through the years that followed.

The dozen years Chuck spent sorting out the debt problems of the Chemical Bank and experiencing the institutional culture of the World Bank were stepping stones to his policy position in Commerce; all of us confidently expected his star to mount in the coming years, the years that have been taken from him.

As a negotiator he was matchless. He won, of all things, by being straight! To begin with, Chuck was deeply uninterested in the social luxuries of diplomatic life (I finally got him to recognize the difference between red and white wines) and skipped the cocktail parties unless he had a diplomatic chore to do there. For another, he neither bluffed nor threatened, nor did he respond to such tactics; while he could sense the hidden agenda of his adversary, he had none of his own; and his attention never wavered nor temper flared. His physical vitality and a Churchillian ability to snatch catnaps equipped him to outlast the most tenacious adversary. And his patience had no end.

This perhaps gives one insight into the secret of Chuck's consistent success as a public servant: a unmatched combination of selflessness, honesty, self control, and hunger for the public good that set him apart and armored him against any accusations of personal advantage. All this was matched by easy good humor, modesty, natural courtesy and a radiant smile that made this man, in some respects really most formidable, one of the least threatening I have ever known. The biggest occupational hazard of diplomacy is vanity and it increases with rank. Chuck's ambassadorial title, conferred to increase his negotiating prestige, never impressed him; he laughingly liked to suggest he be called Ambassador Chuck.

Yet he was a true intellectual—he would not have liked the term—with an original, searching mind that looked so broadly and deeply as to go quite beyond the reach of most of us. Because of this he was, I think, sometimes quite alone—very few could stay with him at the vertiginous level of conceptualization that he felt was—is—urgently needed to think out tough problems. It was to help in this endeavor that he asked me to join him as an advisor.

In particular, Chuck was convinced that the age calls for new and creative ways to use the dynamism and power of the American private sector as an instrument for peace, stability and democracy. In his two years at Commerce he wrestled with the challenge of integrating foreign commercial policy with its materially-driven bottomline goals with broader foreign policy to find how they could be used to energize and reinforce each other. The breakthroughs for reconciliation in Ireland, which Chuck created almost single handedly, were propelled by his vision of economic growth and development based on cooperative measures to induce private investment by American enterprises.

Underlying all of his endeavors—his efforts in Ireland, his attempts to strengthen the Organization for Security and Cooperation in Europe, his approach to the problems of the big emerging markets—was a great long-term vision. He believed that the essential task of the post-Cold War era was to structure incentives and institutions for bringing all the Russias, Chinas and Bosnias—all the reforming and emerging countries—into the world economic order. Chuck dreamed of a world of peace, stability and democracy built upon irreversible global interdependence: all nations would have more to gain by cooperating, by participating in an open world system based on the rule of law, than by resort to traditional unilateral attempts to seek advantage. He saw the vast American commercial structure as a central instrument in this great scheme.

He was working on how to articulate this broad concept into a series of strategies when he was taken from us.

A week ago Stuart Eizenstat led a gathering of Commerce employees in reflection on the loss of Chuck and his colleagues. In that moving ceremony one of the respondents from the audience declared that the finest memorial for the perished would be to continue to work toward the goals they believed in. So be it with Charles Meissner, visionary, public servant, man of honor—and husband, father and friend. His memory will strengthen and sustain us as we continue his gallant search.

THE HONORABLE CHARLES F. MEISSNER

Charles Meissner was sworn in as the Assistant Secretary for International Economic Policy at the Department of Commerce on April 4, 1994 following confirmation by the United States Senate. As Assistant Secretary, Mr. Meissner was responsible for international commercial policy development, including country and regional market access strategies, multilateral and bilateral trade issues, and policy support of Secretary of Commerce Ronald Brown on international issues.

Since 1992, Mr. Meissner had served at the World Bank as manager of the Office of Official Co-financing and Trust Fund Management. Mr. Meissner was responsible for maintaining the Bank's financial relationships with official co-financiers who co-finance approximately $10 billion in projects annually with the World Bank.

Previously, Mr. Meissner served as Vice President at Chemical Bank where he coordinated sovereign debt restructuring policy within the bank and represented Chemical in negotiations with debtor countries.

In 1980, Mr. Meissner was appointed Ambassador and U.S. Special Negotiator for Economic Matters. Mr. Meissner has also served as Deputy Assistant Secretary for International Finance and Development in the Bureau of Economic and Business Affairs at the U.S. Department of State.

In 1973, he accepted a professional staff appointment to the Committee on Foreign Relations of the U.S. Senate where he served as an economist. In his final year with the committee, he also served as staff director to the Subcommittee on Foreign Assistance. He began his career in 1971 at the U.S. Department of Treasury in the Office of International Affairs where he worked as the Japan desk officer and as special assistant to the Assistant Secretary for International Affairs.

A native of Wisconsin, Mr. Meissner is a three-time graduate of the University of Wisconsin, including a BS in 1964, an MS in Economics in 1967, and a Ph.D. in Agricultural Economics with a minor in Latin American Studies in 1969. He served in the Vietnam War as a Captain in the United States Army during 1969 and 1970 and received for his service the Army Commendation Medal, the Joint Service Commendation Medal and the Bronze Star.

Doris and Chuck met during their freshman year at the University of Wisconsin and were married in 1963. They have two children, Christine, 31, and Andrew, 27.

Mr. SIMPSON. Mr. President, I rise with my colleague from Massachusetts to mourn the loss of Charles F. Meissner, the Assistant Secretary for International Economic Policy at the Commerce Department. He was a man who devoted his life to furthering America's economic strength; our Nation is the better for his service.

His close friends—leaders from the public and private sector—have eulogized Chuck Meissner more ably than I could ever hope to do. I want to share their moving statements with my colleagues and with others of our Nation, so all Americans may know and understand how deeply America misses his service and his leadership. I ask unanimous consent that these tributes to the life and accomplishments of Chuck Meissner be printed in the RECORD.

There being no objection, the tributes were ordered to be printed in the RECORD, as follows:

TRIBUTE TO CHARLES MEISSNER

(By Michel Camdessus)

Having had the privilege for 18 years to be one of the innumerable colleagues and friends of Chuck Meissner in the international community, let me try to tell you what sort of man he was for all of us.

Let me tell you first how we became friends, something, I must say, which changed my life.

When I first met Chuck in 1978, he was the highly respected and seasoned head of the U.S. delegation to the Paris Club—this group of industrialized countries dealing with the payment difficulties of the debtor countries—and I its newly appointed and totally unprepared Chairman. It was there, as Chuck tactfully guided me through the intricacies of developing country debt, that I first came to know the fine qualities that we all admired so much in him.

I must say, from the first he impressed me very much. He was one of those people whose mere presence transformed a group's life, focusing its purposes, adding to its creativity, making it congenial and enthusiastic. What was the secret of this? Was it his charm, his persuasiveness, his distinction and natural nobleness, sense of humor, the fun he found in working, his selfishness, his own sense of purpose and dedication? All of these things, and more! The fact that behind the opposite member at the negotiating table he saw a person, and behind the problems, people; men, women, children, whose opinion had to be sought given their responsibility for their own destinies, people whose suffering had to be alleviated, people who had to be given a new chance . . . And more again, but you had to know him well to perceive this and to be prepared to read it in his eyes, his smile, his jokes, or in his silences, the extraordinary way in which love was the unifying factor of his life. He loved his family, he loved his friends, he loved his country, the values of his country and to work for them, knowing pretty well since his experience in Vietnam that this could imply the ultimate sacrifice. Let me mention a few of these values: the sense of responsibility for leading the way toward a better world, confidence that it is always worthwhile to help people stand again on their feet, to work with them to build peace through solidarity. I said solidarity; perhaps the proper word should be brotherhood throughout the world "from sea to shining seas." This was, I think the professional secret of Chuck, the fact that in one way or another, even in the most adverse situations, he was always giving something of himself, putting his mind and heart into achieving a better agreement, in finding a more constructive solution.

I witnessed this many, many times, as the debt crises multiplied the clients of the Paris Club, making Chuck a regular customer on the transatlantic flights between Washington and Paris. Let me tell you that I particularly admired him on the occasion of an UNCTAD meeting in Manila where, leading the American delegation, his role was decisive in transforming an occasion which could have been confrontational and rhetorical into an opportunity for solidly laying down the basic principles (the so-called "features") which since then have governed public debt rescheduling operations. This could seem somewhat esoteric to you, but if I tell you that since then, on the basis of these principles, more than 250 billion dollars of public debt has been generously rescheduled * * * and 65 countries have been given a new chance, you will have some idea of the contribution Chuck made in making the world a better place. No more of this.

In the days since that terrible tragedy on the hillside outside Dubrovnik, Chuck's many friends, colleagues and admirers around the world have recounted the many other instances in which Chuck tried to make a difference—and succeeded. In Belfast, where he had traveled many times to assist in building economic bridges across the political divide, and where, as I read in a message from the West Belfast Economic Forum director: The community activists working towards economic and social regeneration in West Belfast came to know Charles Meissner. It was, however, to Chuck Meissner's own credit as an individual, that we came to also regard him as a friend. Over the past two years, Charles Meissner returned to West Belfast on several occasions. Always, he ensured that grassroots activists from the disadvantaged communities were consulted and kept informed. He understood that if there was to be a "Peace Dividend" then any economic intervention from the USA must be targeted specifically at those communities which have suffered most from exclusion and marginalisation. Chuck recognised that more than straightforward economic investment is required to bring about economic regeneration. He valued the work of the community organizations and the opinions of those with firsthand experience of dealing with the problems in our community. Chuck gave freely of his own time and expertise and encouraged others, both within his department and among the American business community to support locally based economic initiatives.

Chuck's action was similar at the US-Mexican border, where he worked to improve the economic and environmental conditions. And most recently, in Bosnia where Chuck was seeking to secure a fragile peace with the promise of a better future through economic development and trade. Suffice it here for me to quote his last declaration in Bosnia. I quote the wire agencies:

"'We want to build confidence in investing and reestablish the internal confidence' between the Serbs, Croats and Muslims, said Charles Meissner, assistant secretary of commerce for international economic policy.

"Development 'gives a common ground that you re-establish economically, developing the basis for interdependency,' he said."

This was Chuck, my friends, this is Chuck: a great man, a great friend, a great American, a great builder of peace, one of those "God will call his children" (Mat. 5-9), one of those who can tell the Lord with a joyful assurance "your house will be my home." (Ps. 23).

MEMORIAL SERVICE FOR CHARLES F. MEISSNER

(By Ted Crabb)

I came to know Chuck Meissner in the early '60's when I was working, as I still do, at the Wisconsin Union, the student-led community center at the University of Wisconsin-Madison. Like his brother David, Chuck came to the Union not only to take part in the social, cultural and recreational activities the Union provided, but to help plan, develop and promote those activities.

It tells you something about Chuck Meissner that in choosing to become active at the Union as a student, he was not deterred by the fact that his older brother had already made his mark there, first as a committee chair and then as president of the Union's student-faculty-alumni governing board. Another person, less comfortable with himself, might have chosen a different activity, or even a different college in the first place. Not Chuck. If the Union was the place to mix with students of diverse backgrounds, to meet informally with professors, to debate the issues of the day, to encounter new and provocative ideas, to get involved, then that's where Chuck wanted to be.

It may have been at the Union that Chuck learned the patience that would enable him to cope with the vagaries and uncertainties of government service. Two years in a row, Chuck was responsible for a lecture to be given by Werner von Braun. Two years in a row, he made posters, distributed notices to university classes, made arrangements for a special dinner for the honored guest, even produced little table tents resplendent with glittering rocket ships. Two years in a row, von Braun canceled his appearance at the last minute.

Certainly, Chuck learned at the Union how to deal with dashed hopes. In his senior year, he was a candidate for president of the Union but lost out to his good friend, Carol Skornicka. It tells you something about Chuck that this defeat was no permanent setback to their lifelong friendship.

Chuck left the university after he finished his graduate work in Agricultural Economics, but he retained his interest in the university and in the Wisconsin Union. For the last eleven years, he served in an advisory role to the Union, most recently as a member of the board of trustees of the building association. In that role, he was the kind of board member that a president or director both loves and fears.

Chuck didn't just attend meetings. He engaged himself in them totally, asking tough questions, goading everyone to more effort. And when he left the annual meeting after an intense day and a half session, I knew that within a few days, I'd get a letter from him. It wouldn't be one of those innocuous, "Thank you very much, you're doing a great job and enclosed are my expenses" letter. No. It would be two or three single-spaced, tightly packed pages of ideas for the future and suggestions for implementation. "What is the Union doing to prepare for a decline in funding when undergraduate enrollment is cut back? What can you learn and put into practice from the recent Carnegie Foundation report on higher education? What is the Union doing to serve the community in continuing education and to broaden the life experiences of students?"

In one letter in 1990, Chuck focused on the role and image of Union South, a second Union building, located on the Engineering Campus and long seen by some as a sort of afterthought, or as Chuck called it, "the second child who has to share his parents' love and always perform up to the older sibling's standards." Chuck had a dozen different ideas for upgrading its image, including the possible rededication of the building to honor those who have promoted civil and human rights in Wisconsin as a means of promoting greater campus community feeling in the cause of a shared heritage among blacks, whites, Hispanics, Asians and Native Americans on campus.

At the 1991 meeting of the trustees, Chuck proposed the establishment of a permanent endowment for the Union trustees, to provide a stable source of funding for the programming efforts of the Union and the upkeep and renovation of the physical structures. He followed up his suggestion with a three-page draft of a funding statement that the board of trustees adopted at its next meeting, with almost no changes, and which it has since implemented.

All directors of organizations should have members like Chuck to prod and nudge.

The Wisconsin Union is a tiny entity in the world that Chuck occupied. It tells you a lot about Chuck Meissner that he gave it the same kind of focused attention he gave to the global issues that made up his work day. Just last fall, he was calling to ask me to send him information about the Wisconsin Union that he could take to a person he'd met on a trade mission, who was trying to build a campus community center at his own college in Ireland.

The goals and the purpose of the Wisconsin Union as a unifying force in a diverse community were not just words to Chuck. He believed in the worth of student volunteer activities. He never wavered from the view that the Union's primary mission was to provide opportunities for volunteering and to help students develop the skills that would make them effective volunteers and contributors to their communities—to become persons who were concerned not just with getting something out of life but with putting something into life. Chuck had great faith in students. He believed there was little they could not accomplish if given the opportunity. His constant question was, "What is the student role in this program or this function?"

To those of us who worked with Chuck at the Union, it was no surprise that his last effort would be leading a group of volunteer business leaders to Bosnia. Again, he had persuaded others to apply their skills and talents to doing a job that needed to be done. The scope of the job was mammoth: beginning the healing of the unimaginable wounds of a civil war and the rebuilding and revitalizing of an entire society. But Chuck had seen that there was a role to be played by volunteers who were willing to put their unique talents and resources to work to help their larger community. As he had done throughout his life, he was putting into practice the Union ideal that the foundation of democracy is the individual efforts of citizens, working together to solve their common problems.

Many people say that heroism has vanished from America. We in this audience know better. We know that Chuck Meissner was a hero. Not only because he gave his life for his country or because he took great risks in the service of his country or flew dozens of hazardous and uncomfortable flights to remote places, all of which he did, but also because he lived the values to which many people give lip service. He honored his commitments. He gave generously of himself, not for self-aggrandizement or private fortune but for the worth of the undertaking. He did what he did because it was the right thing to do. And in the end he left the world a better place for his having been here.

We think of Chuck and we remember that broad smile, that gentle spirit, the way he could walk into a room of strangers and put everyone at ease, his enjoyment of the rich and varied experiences his jobs offered him, and that sense of irony that helped him maintain his perspective in the heady and unreal world of Washington politics. We think of the love and pride that were so evident whenever Chuck talked about Chris and Andrew. We think of his marriage to Doris: a marriage in which each partner provided the ballast that allowed the other to soar. And when we think of all these things we can only be grateful that we knew Chuck and that he was our friend.

[From the National Journal, Apr. 13, 1996]

HERE WAS A PUBLIC SERVANT

(By Ben Wildavsky)

The way a friend of Charles F. Meissner's tells the story, Commerce Secretary Ronald H. Brown was once leading an American delegation to Bonn when high-profile diplomat Richard C. Holbrooke joined him in the head car of the U.S. motorcade. Not long after the vehicles got under way, the motorcade stopped. Holbrooke walked back to find Meissner in another car and told him that Brown had requested that the two of them trade places. "I understand you're the guy who tells him what to say before the meeting," Holbrooke told Meissner.

Meissner, the assistant Commerce secretary for international economic policy, was one of the best of that unsung yet indispensable Washington class: the people who tell other people what to say before the meeting. While he was a distinguished international negotiator in his own right, Meissner was fulfilling a key behind-the-scenes role for Brown when he was killed in the April 3 plane crash that took the lives of the Commerce Secretary and more than 30 other Americans.

Those who knew Meissner say the 55-year-old international economics expert showed by example what it means to live a life of public service. "He was a civil servant in the best tradition of the European civil service, where it carries much more prestige," said Jeffrey E. Garten, former Commerce undersecretary for international trade and now dean of the Yale School of Management. "When I was nominated to go to the Commerce Department, he was about the first person I went to, to see if he would come with me."

With the new Clinton Administration eager to give the Commerce Department an active role in combining commercial and foreign policy, Meissner's extensive background in government and in international banking was tailor-made for the department's mission. "Chuck had the ideal profile in that he had worked in the State Department but he had all this private-sector experience," Garten said. "Most importantly, he knew how to deal with the bureaucracy—and in the State Department, he was known for being very, very tough in pursuing his goals. It was kind of a joke that when he headed toward Treasury, they all left their offices because they didn't want to spend the next three days arguing with him. He was extremely tenacious."

Charles William Maynes, editor of *Foreign Policy* magazine, said Meissner deserves a share of the credit for the changed role of the Commerce Department under Brown. In the Administration's first three years, "there was more foreign policy coming out of the Commerce Department than any other division," Maynes said. "You can quarrel with it, but they had a specific strategy and certain countries they targeted. That is Chuck and Garten and Brown who did that—that's where that came from."

A graduate of the University of Wisconsin, where he earned a doctorate in economics, Meissner received the Bronze Star for his Army service during the Vietnam war. He began his Washington career at the Treasury Department in 1971. Following a five-year stint as a Senate Foreign Relations Committee economist, he joined the State Department as a deputy assistant secretary and later gained ambassadorial rank as the lead U.S. negotiator on international debt rescheduling. Meissner spent nine years as a Chemical Bank vice president, then moved to a senior World Bank post in 1992 before joining the Administration in April 1994. His wife, Doris, became commissioner of the Immigration and Naturalization Service in 1993.

Meissner was known among colleagues and friends for an engaging sense of humor and for his basic decency. In the days after Meissner's death, a colleague spoke of the strong interest he took in advancing the careers of the people who worked for him. Another recalled the "extraordinary"—and successful—efforts Meissner made to help a Vietnamese woman escape her country just before the fall of Saigon. Many remembered his personal warmth.

"He was splendid in every aspect of his personal and professional life," said Richard M. Moose, undersecretary of State for management, who first met Meissner around 1970 at the U.S. military headquarters in Vietnam. Moose was then a staff member of the Foreign Relations Committee, and Meissner was an Army Intelligence officer. Meissner helped brief the visiting Capitol Hill aides and impressed Moose right away. "He found a way not to go along with the convention of misleading congressional delegations," Moose said. Later, when Meissner went to the Foreign Relations Committee, the two became partners, taking numerous trips together to Vietnam and Cambodia. "It was like a traveling seminar in macroeconomics," Moose said. "He was terribly good at taking his knowledge of economic theory and applying it to very practical kinds of situations."

Maynes said Meissner had a rare understanding of the real-world intersection of politics and economics. "He was an outstanding economist and a devoted public servant," Maynes said. "But the most notable thing about him was that he was an excellent negotiator." He observed that Meissner's negotiating skills were "so extraordinary" he was asked to stay at State in the Reagan Administration even though he was a Democrat.

Other testimonials to Meissner's qualities abound. W. Bowman Cutter, former deputy director of the National Economic Council, said Meissner's high-level experience in government and business made his judgment "something you could really rely on." Meissner "obviously loved his work, and he was good at it," said former Senate Majority Leader George J. Mitchell, D-Maine, who worked side by side with Meissner in the U.S. effort to promote economic development in Northern Ireland and called him "a good friend."

In the end, another friend said, Meissner stood out for his love of substance. "The higher you go in government, the more you come in touch with sharks or political animals who really aren't interested in policy but who want to do favors for people on the Hill, or do what looks good in tomorrow's press stories," said Ellen L. Frost, a former trade official now with the Institute for International Economics in Washington. "And Chuck was never one of those. He cared about sound policy."

HOLDS AGAINST MILITARY NOMINATIONS

Mr. THURMOND. Mr. President, before we recess to honor all veterans as we observe Memorial Day, I would like to bring a situation, which I find extremely egregious, to the attention of my colleagues.

Today there are 25 military nominations pending before the Senate. These general and flag officers have been on the Executive Calendar and available for confirmation by the Senate since Thursday May 2, 1996. Now, 3 weeks later, they are still not confirmed because one Senator has placed a hold on these nominations.

I do not like anonymous holds for any reason. I can understand a Senator holding a political civilian nominee until a meeting can occur or an agreement can be reached on an issue related to the civilian nominee's duties. In these cases the civilian nominee and the agency would clearly understand who is holding the nomination and the circumstances under which they may reach accommodation. In my view, this type of hold is within the bounds of Senatorial privilege.

Traditionally, military nominations have not been the subject of political holds. In the past, we have seen military nominations held for as long as a year. However, in these cases, the hold was not anonymous and the hold was imposed until an investigation of the activities of the nominee could be completed to the Senator's satisfaction. The 25 general and flag officers being held today are hostages, I believe, to a political debate which is totally unrelated to the qualifications or assignments of the nominees.

Let me review for my colleagues a few of the nominations which are being held. In the Air Force, Lt. Gen. Richard Myers has been nominated for reappointment to lieutenant general and for assignment as the assistant to the Chairman of the Joint Chiefs of Staff; Air Force Lt. Gen. John Jumper has been nominated for reappointment to lieutenant general and for assignment as Deputy Chief of Staff for Plans and Operations for the Air Force; Lt. Gen. Ralph Eberhart has been nominated for reappointment to lieutenant general and for assignment as Commander, U.S. Forces, Japan; Lt. Gen. Daniel Christman has been nominated for reappointment to lieutenant general and for assignment as the Superintendent of the U.S. Military Academy. Mr. President, these are not all of the 35 senior military officers currently under an anonymous hold, but they represent a sample of the effect of this hold.

Why would a Senator deny the Chairman of the Joint Chief of Staff his key assistant, the person who travels with the Secretary of State representing the Chairman in critical foreign policy discussions? Why would a Senator hold an officer selected for assignment as the plans and operations officer for the entire U.S. Air Force. We all understand the global commitments of the Air Force. Why would a Senator deny the chief of staff of the Air Force the ability to fill this very critical billet? Why would a Senator deny our U.S. Forces in Japan a commander or the cadets of the U.S. Military Academy their Superintendent? Is there any political agenda so worthy as to merit such action? I think not.

Mr. President, I abhor this tactic of holding military nominations hostage. I assure my colleagues this is not the way to force me or Senator NUNN to capitulate on a political issue. I strongly believe also that the Department of Defense should not make concessions while military nominees are held. We cannot allow military nominations to become bargaining chips in political disagreements, for local defense contracts or approval of military construction projects. Military personnel are selected for promotion and nominated by the President based on their performance and potential for greater service. These are merit based actions not political decisions. As chairman of the Armed Services Committee, I will do everything possible to keep politics out of the military promotion process.

I urge the Senator who has placed a hold on the military nominations to release them and permit the Senate to confirm these key military leaders so they can continue to serve their country and perform the business of national security.

Mr. NUNN. Mr. President, I would like to take a moment today to discuss the current hold that has been placed on military nominations that are pending on the Senate Calendar.

There are today 25 military nominations pending before the Senate. These are nominations for promotion or appointment of men and women to the flag and general officer grades in each of the military departments. These are people who have each performed in the service of our country with great distinction for over 20 years. They are individuals who will continue to serve at the highest leadership levels in our military.

Some examples of the kinds of nominations that are pending include the appointment of the next Commander of U.S. Air Forces in Japan; the appointment of the next Commander of U.S. Central Command Air Forces; the appointment of the next Superintendent of the U.S. Military Academy; and the promotion of 19 officers in the Navy to the grade of rear admiral.

Each appointment and promotion list has been considered by the Armed Services Committee and the committee has favorably reported each nomination to the Senate recommending confirmation. Some of these nominations were reported to the Senate on May 2; others on May 14. Although some of these nominations have been pending for 3 weeks, the Senate is not acting on them because they have been put on hold by one Senator.

I want to be clear here that I do not object to the long-standing Senate practice that permits a Senator to hold a nomination when there is a problem with a nomination. Even this should only be done when there is sufficient cause. This is certainly not what is happening here.

I strongly object to the tactic of putting a hold on military nominations in order to gain leverage on an issue that is totally unrelated to either the nominees themselves or the positions for which they have been nominated. This is the announced purpose of the Senator's hold.

The Senate has had a strong tradition of not involving our military nominees in the politics of the Nation or in the politics of the Senate. That tradition is being ignored here and I think it is wrong.

There may be some that say that the holding up the nominations of men and women in uniform is an appropriate way of getting the attention of the Department of Defense. In my judgment, it is inappropriate and I would recommend the Pentagon leadership not react to this type of blackmail because, once they do, all military nominations would be at risk.

And anyone that thinks it is appropriate to use military servicemembers as a bargaining chip for whatever reason does a tremendous disservice to those brave men and women who volunteer to serve our Nation in uniform and it does a tremendous disservce to this institution.

How do you tell a patriot who has served almost half his or her life in uniform, frequently in harms way, that they are not being confirmed for promotion because a United States Senator wants to get the attention of someone in the administration?

We are talking here about people nominated to hold the positions of the highest responsibility in our military services at a time when that military is committed in harms way around the globe.

Additionally, the unnecessary delay of military nominations has some very real consequences for the individuals and their families that I want to mention.

The spring and early summer months are traditionally the periods of the highest turnover for military personnel. Every effort is made to effect transfers during the summer months in order to cause as little disruption to families during the school year.

The reassignment of a senior military officer upon Senate confirmation is often the lynchpin of a series of reassignments that moves like a "daiseychain" down through the ranks.

Accompanying one 3-star appointment can be a series of nine or ten other moves. So, unnecessarily delaying confirmation has a tremendous effect on a number of officers—and their families—far removed from the nominee. These families have to plan their moves, their travel and leave time. They can not move until the individual at the top moves. And the individuals at the top can not move until they are confirmed. One reason for this is that the Senate does not want nominees to take any actions that presume the outcome of the confirmation process.

Additionally, it is important to note that some of the military nominees pending before the Senate could be promoted immediately if they were confirmed. Therefore, holding up their confirmation is actually taking money out of the pockets of these officers. Surely, we do not want to require a military officer to pay literally for a political disagreement in which he or she has no part.

If a Senator need to get someone's attention; if one Senate committee needs to work out some difference with another Senate committee; if someone needs to gain support for a legislative proposal; there are ways to do this without placing the military service members in the middle and adversely affecting them and their families.

Each day we ask these men and women to make tremendous sacrifices for our Nation. Sacrifices that no one in any other walk of life is asked to make. These men and women have earned the promotions and appointments for which they have been nominated. We do them a disservice when the confirmation process is used as a tactic to gain advantage in the Senate or in other circles.

Mr. President. I ask my colleagues to understand the effect that holding military nominations has on the men and women caught in the middle and to refrain using military nominations as hostages. I would hope that the Senator will release his hold so these nominees can be confirmed prior to the Memorial Day recess.

CHILDREN'S HEALTH: WHAT WORKS?

Mrs. MURRAY. Mr. President, as part of my ongoing commitment to children, I have come to the floor today to draw attention to my efforts to improve the health of American children and young people.

It is clear that many people work hard every day for the well-being of children in this country. However, we all can do—and need to do—so much more. Children's health in my home State of Washington is better overall, including lower infant mortality and better prenatal care. However, immunization rates and child nutrition need improvement.

Across our Nation, over 10 million children are uninsured. One in four children are covered by Medicaid—more than half in working families. And, nearly 200,000 babies were born in 1993 who had no prenatal care, or none until the last 3 months of pregnancy, despite the fact that we know that averting one low birth-weight baby can prevent as much as $37,000 in initial hospital and doctor fees.

Internationally, among industrialized countries, America ranks 16th in the living standards of our poorest children, 18th in the gap between rich and poor children, and 18th in infant mortality.

Certainly, we all can do better for our children's well-being. We know it, and the American people know it.

When I hear from people in Washington State on the topic of children's health, I hear common themes. People from Vancouver to Yakima to Spokane to Tacoma worry about kids not having access to basic health care. They talk about children going to emergency rooms with preventable illnesses and injuries. Parents talk about feeling like they need more and better information to make decisions affecting their child's health.

In response to those concerns, you will continue to see me working in three different areas to improve and protect children's health and well-being:

First, keep effective national standards for health care in place for all children, including those with special needs.

Second, make prevention the centerpiece of our national children's health policy.

Third, increase access to information for families to make the best decisions possible for their children.

There are several ways to do more for children, and not all of them are difficult. One way to help kids is simply to draw attention to the people, programs, and services that are working and doing a good job for children today.

In my home State of Washington, for example, we are helping children to be more healthy in a variety of ways.

In Ellensburg and in Coupeville, through a program now running in four counties that I hope one day goes statewide, parents of young children get two important services that help them make the best decisions for their children.

First, any parent of a child between birth and age 6 gets special mailings and health information sent to their home, including information on well-baby checkups, immunizations, safety, and normal patterns of growth and development. All at no cost to the parents, and all for a total cost of about $10 per child.

Second, parents get reminders and assistance to get the many immunizations their child will need. We know children should be protected from a host of childhood illnesses, from diphtheria and tetanus, and from polio to measles, mumps, and rubella. We also know people are busy, and need reminders, access to affordable vaccines, and lots of information. This program is a good start.

There is also a dental health promotion effort underway in my State. In the past, many dentists' advice to parents has been to bring children in for their first visit about the time they start school, at age 4 or 5. The problem is that many children show up to their first dental visit with decay, gum problems—in many cases so serious that they require dental surgery—because of preventable causes.

The Access to Baby and Child Dentistry [ABDC] program in Spokane, WA, reaches out to families with young children and encourages early dental visits. ABDC dentists remind them to do things like remove baby bottles at the proper age, and not give babies soft drinks or candy bars. In addition, dentists, apply fluoride varnishes and other treatments to baby teeth, and do other clinical procedures to decrease a baby's chances of developing dental problems.

These measum save all of us money in the long run.

Sometimes bringing awareness to a problem is not enough. I mentioned that we need to preserve national standards for children's health. This must happen at the national level.

This Friday, tomorrow, the National Highway Traffic Safety Commission and Prevention magazine will release Prevention's 1996 report on auto safety in America. I hope we all pay attention to their findings. Last year, the report included information on child safety helmets. This year, their report will focus on the things we can do to make automobile travel safer.

Effective national standards for children's health do not have to be some scientific formula. Sometimes it's as easy as retaining a Federal speed limit, or Federal safety regulations. We know that the 55-mile-per-hour speed limit has saved countless children's lives. We know that the automobile industry has made great strides to improve automobile safety. We know air bags improve safety, and that cellular telephone use probably decreases it.

When it comes to the basic safety of our children, it should not depend on which line on a map they just crossed on their family vacation.

As a final note, I want to remind you all that on June 1, the Children's Defense Fund will host Stand for Children, an event in Washington, DC, that will bring Americans together, to show their shared commitment to children. We spend so much time talking about our differences of opinion. We need to respect our opposing view, but get beyond them to common ground and common sense action for children.

I encourage all Americans who can attend this event to do so. It will be a day to rally around our children, and show them how important they are to us all. This will be a day of fun family activies, and togetherness, and of the power of individual action.

I have heard from many people around the country who cannot attend the event. I encourage you to support those at the Lincoln Memorial in your thoughts and prayers, I encourage every American to do at least one thing to make a difference in the life of a child, and June 1 would be a great place to start. If anyone wants more information on the Stand for Children event they can call 1-800-233-1200.

Anyone who is listening can make it easier for one child to get appropriate health care. Offer to provide child care or a ride to the clinic, so someone's child can go to a medical check-up or get immunized.

We all can help prevent health problems to avoid bigger costs later on. Anyone listing can volunteer to distribute information on health screenings, immunizations, or blood drives. Lead a safety committees or fitness day at the local park, school, or community center. Help to find or build affordable housing in your area.

You can stay educated and prepared about children's health. Read about childhood illnesses. Make a personal medical history for each member of your family, so you can be ready in the case of illness or trauma.

Nothing is more vital to a child than her basic health. A child must be healthy to learn well. She must be educated to participate and contribute to our society. But we must start with making sure we do everything we can for her basic well-being.

You will see me doing my best for the health of our children. Please join me in this critical effort.

FOREIGN OIL CONSUMED BY THE UNITED STATES? HERE'S THE WEEKLY BOX SCORE

Mr. HELMS. Mr. President, the American Petroleum Institute reports that for the week ending May 17, the United States imported 7,782,000 barrels of oil each day, 256,000 barrels less than the 8,038,000 barrels imported during the same week a year ago.

Americans relied on foreign oil for 54.9 percent of their needs last week, and there are no signs that this upward spiral will abate. Before the Persian Gulf war, the United States obtained about 45 percent of its oil supply from foreign countries. During the Arab oil embargo in the 1970's, foreign oil accounted for only 35 percent of America's oil supply.

Anybody else interested in restoring domestic production of oil—by U.S. producers using American workers? Politicians had better ponder the economic calamity certain to occur in America if and when foreign producers shut off our oil supply—or double the already enormous cost of imported oil flowing into the United States—now 7,782,000 barrels a day.

THE RETIREMENT OF CUMBERLAND LAW SCHOOL DEAN PARHAM H. WILLIAMS, JR.

Mr. HEFLIN. Mr. President, the longtime dean of Cumberland Law School of Samford University, Dr. Parham H. Williams, Jr., will retire on June 1, 1996. When he leaves his position at the Birmingham, AL, law school, he will have served a total of 25 years as a law school dean, 14 at the University of Mississippi and 11 at Cumberland. His tenure as a dean is such that his title has virtually become a part of his name. Even his grandchildren call him "Dean."

Dean Williams is widely known for his involvement in the legal community and his outstanding performance as an academician. He has strengthened Cumberland's program by recruiting a superb faculty which has added a diversity of talents and ideas. He oversaw the revitalization of the faculty through the development and implementation of sabbatical, promotion, tenure, and governance policies and procedures.

The size of its entering class was decreased by 15 percent at a time when the number of applications increased over 200 percent. As a result, the average admissions criteria have been raised to new heights. The academic excellence of the law school has also been enhanced through initiatives such as increased alumni involvement; the implementation of a broad continuing legal education program; the improvement of the advocacy program; the expansion of foreign study opportunities; the development of joint degree programs; the inauguration of the master of comparative law degree; and the internationalization of the law school by visiting faculty and foreign students.

Since taking over as dean on July 1, 1985, Dean Williams has helped secure a bright future for the law school by overseeing the largest funds development effort in its history. The endowment has increased from less than $1 million to over $4.2 million, resulting in 2 endowed chairs, 25 endowed scholarships, 8 annually-funded scholarships, and 6 special funds endowing lectures and other programs. The stature, beauty, and utility of the law school have been enriched by the construction of the Lucille Stewart Beeson Law Library.

Dean Williams earned both his bachelor of arts and law degrees at the University of Mississippi, in 1953 and 1954, respectively. In 1965, he received his LL.M. degree from Yale University. Before coming to Cumberland, the alma mater of both his parents—class of 1925—he served as a district attorney in his native Mississippi and as an associate professor, professor, associate dean, and dean at the University of Mississippi School of Law. His academic specialties are evidence, criminal procedure, criminal law, and professional responsibility.

The author of 9 law review articles and co-author of "Mississippi Evidence," he has served as a commissioner of the law enforcement assistance commission and the national conference of commissioners of uniform State laws. He was chairman of the Governor's blue ribbon committee on corrections; the Governor's task force on tort reform; and the Mississippi Supreme Court advisory committee on rules.

As Dean Parham H. Williams, Jr., retires, he will be remembered for bringing the Cumberland Law School into the life of Birmingham and in Alabama more than ever before. His polished, Southern, and unfailingly pleasant manner have guided his actions and helped create an image of civility and learning. I am proud to congratulate him for the impeccable job he has done and for the outstanding legacy he leaves behind.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT OF PROPOSED LEGISLATION ENTITLED "THE RETIREMENT SAVINGS AND SECURITY ACT"—MESSAGE FROM THE PRESIDENT—PM 150

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance.

To the Congress of the United States:

I am pleased to transmit today for the consideration of the Congress the "Retirement Savings and Security Act." This legislation is designed to empower all Americans to save for their retirement by expanding pension coverage, increasing portability, and enhancing security. By using both employer and individual tax-advantaged retirement savings programs, Americans can benefit from the opportunities of our changing economy while assuring themselves and their families greater security for the future. A general explanation of the Act accompanies this transmittal.

Today, over 58 million American public and private sector workers are covered by employer-sponsored pension or retirement savings plans. Millions more have been able to save through Individual Retirement Accounts (IRAs). The Retirement Savings and Security Act would help expand pensions to the over 51 million American private-sector workers—including over three-quarters of the workers in small businesses—who are not covered by an employer-sponsored pension or retirement savings program and need both the opportunity and encouragement to start saving. Women particularly need this expanded coverage: fewer than one-third of all women retirees who are 55 or older receive pension benefits, compared with 55 percent of male retirees.

The Act would also help the many workers who participate in pension plans to continue to save when they change jobs. It would reassure all workers who save through employer-sponsored plans that the money they have saved, as well as that put aside by employers on their behalf, will be there when they need it.

The Retirement Savings and Security Act would:

—Establish a simple new small business 401(k)-type plan—the National Employee Savings Trust (NEST)—and simplify complex pension laws. The NEST is specifically designed to ensure participation by low- and moderate-wage workers, who will be able to save up to $5,000 per year tax-deferred, plus receive employer contributions toward retirement. The Act would encourage employers of all sizes to cover employees under retirement plans, and it would enable employers to put more money into benefits and less into paying lawyers, accountants, consultants, and actuaries.

—Increase the ability of workers to save for retirement from their first day on the job by removing barriers to pension portability. In particular, employers would be encouraged no longer to require a 1-year wait before employees can contribute to their pension plans. The Federal Government would set the example for other employers by allowing its new employees to begin saving through the Thrift Savings Plan when they are hired, rather than having to wait up to a year. In addition, the Act would reduce from 10 to 5 years the time those participating in multiemployer plans—union plans where workers move from job to job—must work to receive vested benefits. It would also help ensure that returning veterans retain pension benefits and that workers receive their retirement savings even when a previous employer is no longer in existence.

—Expand eligibility for tax-deductible IRAs to 20 million more families. In addition, the Act would encourage savings by making the use of IRAs more flexible by allowing penalty-free withdrawals for education and training, purchase of a first home, catastrophic medical expenses, and long-term unemployment. It would also provide an additional IRA option that provides tax-free distributions instead of tax-deductible contributions.

—Enhance pension security by protecting the savings of millions of State and local workers from their employer's bankruptcy, as happened in Orange County, California. The Act would (1) require prompt reporting by plan administrators and accountants of any serious and egregious misuse of funds; (2) double the guaranteed benefit for participants in multiemployer plans in the unlikely event such a plan becomes insolvent; and (3) enhance benefits of a surviving spouse and dependents under the Civil Service Retirement System and the Railroad Retirement System.

—Ensure that pension raiding, such as that which drained $20 billion out of retirement funds in the 1980s, never happens again—by retaining the strong current laws preventing such abuses and by requiring periodic reports on reversions by the Secretary of Labor.

Many of the provisions of the Retirement Savings and Security Act are new. In particular, provisions facilitating saving from the first day on the job, in both the private sector and the Federal Government; the doubling of the multi-employer guarantee; and improving benefits for surviving spouses and dependents of participants in the Civil Service Retirement System and the Railroad Retirement System deserve special consideration by the Congress. In addition, many of the provisions and concepts in this Act have been previously proposed by this Administration and have broad bipartisan support.

American workers deserve pension security—as well as a decent wage, lifelong access to high quality education and training, and health security—to take advantage of the opportunities of our growing economy.

I urge the prompt and favorable consideration of this legislative proposal by the Congress.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 23, 1996.*

MESSAGES FROM THE HOUSE

At 12:19 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3068. An act to accept the request of the Prairie Island Indian Community to revoke their charter of incorporation issued under the Indian Reorganization Act.

H.R. 3259. An act to authorize appropriations for fiscal year 1997 for intelligence and intelligence-related activities of the United States Government, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

ENROLLED BILL SIGNED

The message also announced that the Speaker has signed the following enrolled bill:

H.R. 1965. An act to reauthorize the Coastal Zone Management Act of 1972, and for other purposes.

The enrolled bill was signed subsequently by the President pro tempore [Mr. THURMOND].

The message further announced that pursuant to section 637(b) of Public Law 104–52 as amended by section 2904 of Public Law 104–134, the Speaker appoints the following Members on the part of the House to the National Commission on Restructuring the Internal Revenue Service: Mr. PORTMAN of Ohio and Mr. MATSUI of California; and as members from private life: Mr. Ernest Dronenberg of California, Mr. Gerry Harkins of Georgia, Mr. Grover Norquist of the District of Columbia, and Mr. George Newstrom of Virginia.

At 4:59 p.m., a message from the House of Representatives, delivered by

Mr. Hayes, one of its reading clerks, announced that the House has agreed to the following concurrent resolution:

S. Con. Res. 60. Concurrent resolution providing for a conditional adjournment or recess of the Senate and the House of Representatives.

MEASURE REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 3068. An act to accept the request of the Prairie Island Indian Community to revoke their charter of incorporation issued under the Indian Reorganization Act; to the Committee on Indian Affairs.

MEASURE PLACED ON THE CALENDAR

The following measure was read the first and second times by unanimous consent and placed on the calendar:

H.R. 3259. An act to authorize appropriations for fiscal year 1997 for intelligence and intelligence-related activities of the United States Government, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–2704. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a final rule concerning the amendment to Class D and E2 Airspace and establishment of Class E4 Airspace (RIN 2120–AA66), received on May 13, 1996; to the Committee on Commerce, Science, and Transportation.

EC–2705. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a final rule concerning the establishment of Class E Airspace at San Andreas, CA (RIN 2120–AA66), received on May 13, 1996; to the Committee on Commerce, Science, and Transportation.

EC–2706. A communication from the Director of the Federal Bureau of Prisons, Department of Justice, transmitting, pursuant to law, the report of an interim rule concerning the amendments of the Bureau of Prisons regulations on institutional management with respect to special administrative measures that may be necessary to prevent acts of violence and terrorism that may be caused by contacts with certain inmates (RIN 1120–AA54), received on May 16, 1996; to the Committee on the Judiciary.

EC–2707. A communication from the Director of the Federal Bureau of Prisons, Department of Justice, transmitting, pursuant to law, the report of an interim rule concerning the further amending of an interim rule on Drug Abuse Treatment Programs which allows for consideration of early release of eligible inmates who complete a residential drug abuse treatment program, including a transitional treatment phase (RIN 1120–AA36), received on May 16, 1996; to the Committee on the Judiciary.

EC–2708. A communication from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of an interim rule concerning the amendment of the General Services Administration Acquisition Regulation for Change 71, Acquisition of Leasehold Interests in Real Property (RIN 3090–AF92), received on May 13, 1996; to the Committee on Governmental Affairs.

EC–2709. A communication from the Executive Director of the Committee for Purchase From People Who Are Blind or Severely Disabled, transmitting, pursuant to law, the report of a final rule concerning the action adding to the Procurement List services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, received on May 16, 1996; to the Committee on Governmental Affairs.

EC–2710. A communication from the President and Chief Executive Officer, U.S. Enrichment Corporation, transmitting, pursuant to law, the report concerning the management controls and overall internal control framework being adequate and effective, received on May 21, 1996; to the Committee on Governmental Affairs.

EC–2711. A communication from the Chairman of the Cost Accounting Standards Board, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the report concerning the Cost Accounting Standards Board, received on May 21, 1996; to the Committee on Governmental Affairs.

EC–2712. A communication from the Chairwoman of the National Mediation Board, transmitting, pursuant to law, the report concerning the agency's accounting systems being in conformance with the principles, standards, and related requirements prescribed by the Comptroller General, received on May 16, 1996; to the Committee on Governmental Affairs.

EC–2713. A communication from the Auditor of the District of Columbia, transmitting, pursuant to law, the report entitled "Fiscal Year 1995 Annual Report on Advisory Neighborhood Commissions," received on May 16, 1996; to the Committee on Governmental Affairs.

EC–2714. A communication from the Chairman of the Federal Mine Safety and Health Review Commission, transmitting, pursuant to law, the report on its internal controls and financial systems in effect during fiscal year 1995; to the Committee on Governmental Affairs.

EC–2715. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, the report entitled "Federal Employment Reduction Assistance Act of 1996," received on May 9, 1996; to the Committee on Governmental Affairs.

EC–2716. A communication from the Acting Administrator of the General Services Administration, transmitting, a draft of proposed legislation to reduce the Government's relocation and travel costs, and to ease administrative burdens while providing equitable reimbursement to employees, received on May 9, 1996; to the Committee on Governmental Affairs.

EC–2717. A communication from the Chairman of the Federal Housing Finance Board, transmitting, pursuant to law, the report on the Board's internal controls and financial management systems in effect during the calendar year 1995; to the Committee on Governmental Affairs.

EC–2718. A communication from the Chairman of the Federal Housing Finance Board, transmitting, pursuant to law, the report concerning the activities and findings of the Office of the Inspector General, received on May 6, 1996; to the Committee on Governmental Affairs.

EC–2719. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, the report of a final rule relative to issuing final regulations on alternative forms of annuity (RIN 3206–AG16), received on May 9, 1996; to the Committee on Governmental Affairs.

EC–2720. A communication from the Federal Reserve Employee Benefits System, transmitting, pursuant to law, the 1994 annual report for the Thrift Plan for Employees of the Federal Reserve System, received on May 6, 1996; to the Committee on Governmental Affairs.

EC–2721. A communication from the Regulatory Policy Official, National Archives (College Park), transmitting, pursuant to law, the report of a final rule concerning the revision regulations to require Federal agencies to reimburse NARA for storage of certain records maintained in Federal records centers that have exceeded the authorized disposal date (RIN 3095–AA65), received on May 3, 1996; to the Committee on Governmental Affairs.

EC–2722. A communication from the Executive Director of the Committee for Purchase From People Who Are Blind or Severely Disabled, transmitting, pursuant to law, the report of a final rule concerning the addition to the Procurement List of a commodity and services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, received on May 8, 1996; to the Committee on Governmental Affairs.

EC–2723. A communication from the Deputy Director of the Office of Personnel Management, transmitting, pursuant to law, the report of a final rule relative to changing survey responsibilities for several appropriated fund Federal Wage System wage areas in recognition of shifting employment patterns among agencies and the need for lead agencies to balance their wage survey workloads throughout the 2-year survey cycle (RIN 3206–AH28), received on May 6, 1996; to the Committee on Governmental Affairs.

EC–2724. A communication from the Director of Personnel Management, transmitting, pursuant to law, the report of an interim rule concerning Federal employee training (RIN 3206–AF99), received on May 9, 1996; to the Committee on Governmental Affairs.

EC–2725. A communication from the Director of the National Legislative Commission, The American Legion, transmitting, pursuant to law, the report on the Commission's internal controls and financial management systems in effect during calendar year 1995; to the Committee on the Judiciary.

EC–2726. A communication from the Chairman of the Farm Credit Administration, transmitting, pursuant to law, the annual report of the Administration under the Freedom of Information Act for calendar year 1995; to the Committee on the Judiciary.

EC–2727. A communication from the Director of the Federal Bureau of Prisons, Department of Justice, transmitting, pursuant to law, the report of an interim rule concerning the adoption of regulations on the operation of the Intensive Confinement Center Program (RIN 1120–AA11), received on May 13, 1996; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. PRESSLER, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 39. A bill to amend the Magnuson Fishery Conservation and Management Act to authorize appropriations, to provide for sustainable fisheries, and for other purposes (Rept. No. 104–276).

By Mr. STEVENS, from the Committee on Governmental Affairs, without amendment:

H.R. 1880. A bill to designate the United States Post Office building located at 102 South McLean, Lincoln, Illinois, as the "Edward Madigan Post Office Building".

H.R. 2262. A bill to designate the United States Post Office building located at 218 North Alston Street in Foley, Alabama, as the "Holk Post Office Building."

H.R. 2704. A bill to provide that the United States Post Office building that is to be located on the 2600 block of East 75th Street in Chicago, Illinois, shall be known and designated as the "Charles A. Hayes Post Office Building."

By Mr. HATCH, from the Committee on the Judiciary, without amendment:

H.R. 2980. A bill to amend title 18, United States Code, with respect to stalking.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary:

J. Rene Josey, of South Carolina, to be U.S. Attorney for the District of South Carolina for the term of 4 years.

(The above nomination was reported with the recommendation that he be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BAUCUS:

S. 1796. A bill to amend the Tariff Act of 1930 to permit merchandise purchased in a duty-free sales enterprise to be exempt from duty under certain circumstances; to the Committee on Finance.

By Mr. LEVIN (for himself and Mr. ABRAHAM):

S. 1797. A bill to revise the requirements for procurement of products of Federal Prison Industries to meet needs of Federal agencies, and for other purposes; to the Committee on the Judiciary.

By Mr. FEINGOLD:

S. 1798. A bill to amend the Reclamation Reform Act of 1982 to clarify the acreage limitations and incorporate a means test for certain farm operations, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Ms. SNOWE (for herself, Ms. MIKULSKI, Mrs. FEINSTEIN, Mrs. MURRAY, Ms. MOSELEY-BRAUN, and Mr. KERRY):

S. 1799. A bill to promote greater equity in the delivery of health care services to American women through expanded research on women's health issues and through improved access to health care services, including preventive health services; to the Committee on Labor and Human Resources.

By Mr. D'AMATO (for himself, Mr. KERRY, Mrs. BOXER, Mr. BRYAN, Ms. MOSELEY-BRAUN, and Mrs. MURRAY):

S. 1800. A bill to amend the Electronic Fund Transfer Act to limit fees charged by financial institutions for the use of automatic teller machines, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MCCAIN:

S. 1801. A bill to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal year 1997, to reform the Federal Aviation Administration, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. THOMAS (for himself and Mr. SIMPSON):

S. 1802. A bill to direct the Secretary of the Interior to convey certain property containing a fish and wildlife facility to the State of Wyoming, and for other purposes; to the Committee on Environment and Public Works.

By Mr. GRASSLEY:

S. 1803. A bill to provide relief to agricultural producers who grant easements to, or owned or operated land condemned by, the Secretary of the Army for flooding losses caused by water retention at the dam site at Lake Redrock, Iowa, to the extent that the actual losses exceed the estimate of the Secretary, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. MURKOWSKI (for himself, Mr. JOHNSTON, and Mr. AKAKA):

S. 1804. A bill to make technical and other changes to the laws dealing with the Territories and Freely Associated States of the United States; to the Committee on Energy and Natural Resources.

By Mr. GRAMS:

S. 1805. A bill to provide for the management of Voyageurs National Park, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. D'AMATO (for himself, Mr. DODD, and Mr. FRIST):

S. 1806. A bill to amend the Federal Food, Drug, and Cosmetic Act to clarify that any dietary supplement that claims to produce euphoria, heightened awareness or similar mental or psychological effects shall be treated as a drug under the Act, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 1807. A bill to amend the Alaska Native Claims Settlement Act, regarding the Kake Tribal Corporation public interest land exchange; to the Committee on Energy and Natural Resources.

By Mr. MURKOWSKI (for himself and Mr. JOHNSTON):

S. 1808. A bill to amend the Act of October 15, 1966 (80 stat. 915), as amended, establishing a program for the preservation of additional historic property throughout the Nation, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MURKOWSKI:

S. 1809. A bill entitled the "Aleutian World War II National Historic Areas Act of 1996"; to the Committee on Energy and Natural Resources.

By Mr. GORTON (for himself and Mrs. MURRAY):

S. 1810. A bill to expand the boundary of the Snoqualmie National Forest, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MACK (for himself, Mr. BRADLEY, Mr. ROTH, Mr. LAUTENBERG, and Mr. BIDEN):

S. 1811. A bill to amend the Act entitled "An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property" to confirm and clarify the authority and responsibility of the Secretary of the Army, acting through the Chief of Engineers, to promote and carry out shore protection projects, including beach nourishment projects, and for other purposes; to the Committee on Environment and Public Works.

By Mr. GRAHAM:

S. 1812. A bill to provide for the liquidation or replication of certain frozen concentrated orange juice entries to correct an error that was made in connection with the original liquidation; to the Committee on Finance.

By Mr. HELMS (for himself and Mr. GRASSLEY):

S. 1813. A bill to reform the coastwise, intercoastal, and noncontiguous trade shipping laws, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. GRAHAM (for himself and Mr. MACK):

S. 1814. A bill to provide for liquidation or reliquidation of certain television sets to correct an error that was made in connection with the original liquidation; to the Committee on Finance.

By Mr. GRAMM (for himself, Mr. D'AMATO, Mr. DODD, Mr. BRYAN, and Ms. MOSELEY-BRAUN):

S. 1815. A bill to provide for improved regulation of the securities markets, eliminate excess securities fees, reduce the costs of investing, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BOND (for himself, Mr. COATS, Mr. ABRAHAM, Mr. GRAMM, Mr. ASHCROFT, Mr. CRAIG, Mr. COVERDELL, Mr. GRASSLEY, Mr. GREGG, Mr. SANTORUM, Mr. FAIRCLOTH, and Mr. NICKLES):

S. 1816. A bill to expedite waiver approval for the "Wisconsin Works" plan, and for other purposes; to the Committee on Finance.

By Mr. GRASSLEY (for himself, Mr. HATCH, Mrs. KASSEBAUM, and Mr. BOND):

S. 1817. A bill to limit the authority of Federal courts to fashion remedies that require local jurisdictions to assess, levy, or collect taxes, and for other purposes; to the Committee on the Judiciary.

By Mr. DASCHLE (for himself, Mr. BRYAN, Mr. DODD, Mr. KENNEDY, Mr. LEAHY, Ms. MIKULSKI, Ms. MOSELEY-BRAUN, Mr. ROCKEFELLER, and Mr. SIMON) (by request):

S. 1818. A bill to amend the Employee Retirement Income Security Act of 1974 to provide for retirement savings and security; to the Committee on Labor and Human Resources.

S. 1819. A bill to amend the Railroad Retirement Act of 1974 to provide for retirement savings and security; to the Committee on Labor and Human Resources.

S. 1820. A bill to amend title 5 of the United States Code to provide for retirement savings and security; to the Committee on Governmental Affairs.

S. 1821. A bill to amend the Internal Revenue Code of 1986 to provide for retirement savings and security; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DOLE (for himself and Mr. DASCHLE):

S. Res. 256. A resolution to authorize the production of records by the Select Committee on Intelligence; considered and agreed to.

By Mr. LOTT:

S. Con. Res. 60. A concurrent resolution providing for a conditional adjournment or recess of the Senate and the House of Representatives; considered and agreed to.

By Mr. DOLE:

S. Con. Res. 61. A concurrent resolution commending the Americans who served the United States during the period known as the Cold War; to the Committee on Armed Services.

By Mr. PRESSLER:

S. Con. Res. 62. A concurrent resolution expressing the sense of the Congress that the Secretary of the Navy should name the first of the fleet of the new attack submarines of the Navy the "South Dakota."; to the Committee on Armed Services.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEVIN (for himself and Mr. ABRAHAM):

S. 1797. A bill to revise the requirements for procurement of products of Federal Prison Industries to meet needs of Federal agencies, and for other purposes; to the Committee on the Judiciary.

THE FEDERAL PRISON INDUSTRIES COMPETITION IN CONTRACTING ACT

• Mr. LEVIN. Mr. President, I am pleased to introduce, with Senator ABRAHAM, the Federal Prison Industries Competition in Contracting Act. This bill, if enacted, would eliminate the requirement for Federal agencies to purchase products made by Federal Prison Industries and require that FPI to compete commercially for Federal contracts. It would implement a key recommendation of the Vice President's National Performance Review, which concluded that we should "Take away the Federal Prison Industries' status as a mandatory source of Federal supplies and require it to compete commercially for Federal agencies' business." Most importantly, it would ensure that the taxpayers get the best possible value for their Federal procurement dollars.

Mr. President, the Director of Federal Prison Industries, Mr. Steve Schwalb, told me earlier this year that his agency is fully capable of competing with private industry for Federal contracts. Indeed, FPI would have a significant advantage in any such head-to-head competition: FPI pays inmates only $1.35 an hour, less than a third of the minimum wage and a small fraction of the wage paid to most private sector workers in competing industries.

The taxpayers already provide a direct subsidy Federal Prison Industries products by picking up the cost of feeding, clothing, and housing the inmates who provide the labor. There is no reason why we should provide an indirect subsidy as well, by requiring Federal agencies to purchase products from FPI even when they are more expensive and of a lower quality than competing commercial items.

Despite Mr. Schwalb's statement that Federal Prison Industries is capable of competing with the private sector, FPI remains unwilling to do so. The reason is obvious: it is much easier to gain market share by fiat than it is to compete for business. Under current law, FPI need not offer the best product at the best price; it is sufficient for it to offer an adequate product at an adequate price, and insist upon its right to make the sale. Indeed, FPI currently advertises that it offers Federal agencies "ease in purchasing" through "a procurement with no bidding necessary." The result of the FPI's status as a mandatory source is not unlike the result of other sole-source contracting: the taxpayers frequently pay too much and receive an inferior product for their money.

Mr. President, I do not consider myself to be an enemy of Federal Prison Industries. I am a strong supporter of the idea of putting Federal inmates to work. I understand that a strong prison work program not only reduces inmate idleness and prison disruption, but can also help build a work ethic, provide job skills, and enable prisoners to return to product society upon their release.

However, I believe that prison work must be conducted in a manner that is sensitive to the need not to unfairly eliminate the jobs of hard-working citizens who have not committed crimes. FPI will be able to achieve this result only if it diversifies its product lines and avoids the temptation to build its work force by continuing to displace private sector jobs in its traditional lines of work. For this reason, I have been working since 1990 to try to help Federal Prison Industries to identify new markets that it can expand into without displacing private sector jobs. I had hoped.

In 1990, the House Appropriations Committee requested a study to identify new opportunities for FPI to meet its growth requirements, assess FPI's impact on private sector businesses and labor, and evaluate the need for changes to FPI's laws and mandates. That study, conducted by Deloitte & Touche, concluded that FPI should meet its growth needs by using new approaches and new markets, not by expanding its production in traditional industries. The Deloitte & Touch study concluded:

> FPI needs to maintain sales in industries that produce products such as traditional furniture and furnishings, apparel and textile products, and electronic assemblies to maintain inmate employment during the transition.
>
> These industries should not be expanded, and FPI should limit its market shares to current levels.

I followed up on that report by meeting with Federal Prison Industries officials and participating in a summit process, sponsored by the Brookings Institute, designed to develop alternative growth strategies for FPI. The summit process resulted in two suggested areas for growth: First, entering partnerships with private sector companies to replace offshore labor; and second, entering the recycling business in areas such as mattresses and electrical motors.

In January 1994, I urged FPI to move quickly to implement these recommendations and develop new markets. At that time, I wrote to Kathleen M. Hawk, the Director of the Bureau of Federal Prisons, as follows:

> As you know, I am supportive of FPI's role in keeping inmates occupied and teaching them a work ethic and job skills. However, FPI's continued market share growth in the government furniture market has had an unfair and disproportionate impact on that particular sector. In order to take pressure off of such traditional industries where FPI has focused, FPI should cap its market share and diversify its activities away from these traditional industries and into alternative growth strategies.
>
> I am alarmed that FPI continues to increase its share of government purchases of furniture. The 1991 Deloitte and Touche study recommended that FPI limit its industry market share to current levels in traditional industries. It would be a welcome sign of goodwill in this "summit" process if FPI were to cap its market share in the furniture industry while aggressively pursuing acceptable alternative growth strategies.

Unfortunately, Federal Prison Industries has chosen to take the exact opposite course of action. Earlier this year, FPI acted unilaterally to virtually double its furniture sales from $70 million to $130 million and from 15 percent of the Federal market to 25 percent of the Federal market, over the next 5 years. In direct contravention of the Deloitte & Touche recommendations, FPI has announced its intention to undertake similar market share increases in other traditional product lines, such as work clothing and protective clothing.

In defense of this action FPI contends that it will not place an undue burden on the private sector because most firms within the industry are not heavily involved in the Federal market.

Mr. President, Federal Prison Industries cannot have it both ways. If they are providing a substantial number of jobs to inmates, then they must be displacing a substantial number of jobs in the private sector. A substantial increase in FPI's business means a similar decrease in U.S. private sector business—unless it is displacing imports, which is what FPI should be doing. Instead of diversifying as recommended by the Deloitte & Touche study and the Brookings summit, FPI is going back to the same well yet again, and taking it out of the hide of the same traditional industries.

Mr. President, this is the easy way out, but it isn't the right way for FPI, it isn't the right way for the private sector workers whose jobs FPI is taking, and it isn't the right way for the taxpayer, who will continue to pay more and get less as a result of the mandatory preference for FPI goods. We need to have jobs for prisoners, but can no longer afford to allow FPI to designate whose jobs it will take, and when it will take them. Competition will be better for FPI, better for the taxpayer, and better for working men and women around the country.•

Mr. ABRAHAM. Mr. President, I am very pleased to join with my distinguished colleague from Michigan in sponsoring this legislation. I think that Federal Prison Industries plays an extremely valuable role in giving prisoners something useful to do with their time and helping them to develop the self-discipline and other virtues that enable people outside of prison to lead productive lives. I am convinced, however, that these same goals can be accomplished within the parameters set by this legislation. I also see no reason why the law abiding owners of small businesses and the workers they employ should be deprived of any opportunity to bid for a class of government contracts in favor of FPI. Finally, I appreciate Senator LEVIN's acceptance of my suggestion to include section 2, which I believe provides useful encouragement to FPI to try to concentrate its expansion efforts in the direction of goods that the Government presently acquires by importing them.

By Mr. FEINGOLD:

S. 1798. A bill to amend the Reclamation Reform Act of 1982 to clarify the acreage limitations and incorporate a means test for certain farm operations, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

THE IRRIGATION SUBSIDY REDUCTION ACT OF 1996

Mr. FEINGOLD. Mr. President, I am introducing today a new measure to curb the receipt of Federal irrigation subsidies by large agribusiness interests. I am introducing legislation in this area as a deficit reduction measure because I believe that the Federal Government needs to scrutinize carefully all forms of assistance it provides in these times of fiscal constraint. I am also prompted to act in this area, Mr. President, because the Federal Government has been unable to correct fundamental abuses of reclamation law that cost the taxpayer millions of dollars every year.

In 1901, President Theodore Roosevelt proposed legislation, which came to be known as the Reclamation Act, to encourage development of family farms throughout the western United States. The idea was to provide needed water for areas that were otherwise dry and give small farms—those no larger than 160 acres—a chance, with a helping hand from the Federal Government, to establish themselves.

Under the Reclamation Reform Act of 1982, Congress acted to expand the size of the farms that could receive subsidized water to 960 acres. The RRA of 1982 expressly prohibits farms that exceed 960 acres in size from receiving Federally-subsidized water. These restrictions were added to the Reclamation law to close loopholes through which Federal subsidies were flowing to large agribusinesses rather than the small family farmers that Reclamation projects were designed to serve. Agribusinesses were expected to pay full cost for all water received on land in excess of their 960-acre entitlement. Despite the express mandate of Congress, regulations promulgated under the Reclamation Reform Act of 1982 have failed to keep big agricultural water users from receiving Federal subsidies. The General Accounting Office and the Inspector General of the Department of the Interior continue to find that the acreage limits established in law are circumvented through the creation of arrangements such as farming trusts. These trusts, which in total acreage well exceed the 960 acre limit, are comprised of smaller units that are not subject to the reclamation acreage cap. These smaller units are farmed under a single management agreement often through a combination of leasing and ownership.

Three years ago, as part of a settlement of a suit with the Natural Resources Defense Council, the Bureau of Reclamation agreed to propose new regulations under the reclamation program. At the beginning of February 1996, the Administration issued its final environmental impact statement [EIS] on its proposed regulations. On March 8, 1996 I joined with the Senator from New Jersey [Mr. BRADLEY], the Senator from New Hampshire (Mr. GREGG) and others in writing to the President to express our concern and disappointment that these new regulations would continue to allow the 960-acre loophole to be exploited. Indeed, neither the Bureau's "preferred option" for the regulation, nor any of the alternatives they describe in the EIS, would act to curb irrigation water abuses by these agribusiness trusts.

Last week, I received a response to the letter I joined in sending to the Department of the Interior. The letter states, "Last spring's release of a proposed rule making and draft EIS prompted nearly 400 letters and 8 public hearings on these complex issues during the comment period. The FEIS alternative responds to many of the comments we received." Mr. President, this letter specifically does not respond to the concerns that I, the Senator from New Jersey [Mr. BRADLEY] and others raised. Now is the time, in light of the Department's inability to correct this problem, to look back to the statute and attempt to correct the costly loopholes that it facilitates.

Presently, according to the Bureau of Reclamation, there are 80 such trusts receiving subsidized water on more than 738,000 acres of land, or about 10 percent of the land for which the Bureau of Reclamation provides water. In a 1989 GAO report, the activities of six of these trusts were fully explored. According to GAO, one 12,345 acre cotton farm—roughly 20 square miles—operating under a single partnership, was reorganized to avoid the 960-acre limitation into 15 separate land holdings through 18 partnerships, 24 corporations, and 11 trusts which were all operated as one large unit. A seventh very large trust was the sole topic of a 1990 GAO report. The Westhaven trust is a 23,238-acre farming operation in California's Central Valley. It was formed for the benefit of 326 salaried employees of the J.G. Boswell Company. Boswell, GAO found, had taken advantage of section 214 of the RRA, which exempts from its 960-acre limit land held for beneficiaries by a trustee in a fiduciary capacity, as long as no single beneficiary's interest exceeds the law's ownership limits. The RRA, as I have mentioned, does not preclude multiple land holdings from being operated collectively under a trust as one farm while qualifying individually for federally subsidized water. Accordingly, the J.G. Boswell Company reorganized 23,238 acres it held as the Boston Ranch by selling them to the Westhaven Trust, with the land holdings attributed to each beneficiary being eligible to receive federally subsidized water.

Before the land was sold to Westhaven Trust, the J.G. Boswell Company operated the acreage as one large farm and paid full cost for the Federal irrigation water delivered for the 18-month period ending in May 1989. When the trust bought the land, due to the loopholes in the law, the entire acreage became eligible to receive federally subsidized water because the land holdings attributed to the 326 trust beneficiaries range from 21 acres to 547 acres—all well under the 960-acre limit.

In the six cases the GAO reviewed in 1989, owners or lessees paid a total of about $1.3 million less in 1987 for Federal water then they would have paid if their collective land holdings were considered as large farms subject to the Reclamation Act acreage limits. Had Westhaven trust been required to pay full cost, GAO estimated in 1990, it would have paid $2 million more for its water. The GAO also found, in all seven of these cases, that reduced revenues are likely to continue unless Congress amends the Reclamation Act to close the loopholes allowing benefits for trusts.

The legislation that I am introducing combines various elements of proposals introduced during previous attempts by other members of Congress to close loopholes in the 1982 legislation and to impose a $500,000 means test. This new approach limits the amount of subsidized irrigation water delivered to any operation in excess of the 960-acre limit which claimed $500,000 or more in gross income, as reported on their most recent IRS tax form. If the $500,000 threshold were exceeded, an income ratio would be used to determine how much of the water should be delivered to the user at the full-cost rate, and how much at the below-cost rate. For example, if a 961-acre operation earned $1 million dollars, a ratio of $500,000 (the means test value) divided by their gross income would determine the full cost rate, thus the water user would pay the full cost rate on half of their acreage and the below cost rate on the remaining half.

This means testing proposal was profiled in this year's "Green Scissors" report, written by Friends of the Earth and Taxpayers for Common Sense and supported by 21 other environmental and consumer groups, including groups like the Concord Coalition, the Progressive Policy Institute. The premise of the report is that there are a number of subsidies and projects, totaling $39 billion dollars in all, that could be cut to both reduce the deficit and benefit the environment. This report coalesces what I and many others in the Senate have long known, we must be diligent in eliminating practices that can no longer be justified in light of our enormous annual deficit and national debt. The "Green Scissors" recommendation on means testing water subsidies indicates that if a test is successful in reducing subsidy payments to the highest grossing 10 percent of farms, then the Federal Government would recover at least $440 million per year, or at least $2.2 billion over 5 years.

The measure I introduce today is my third legislative effort in the area of irrigation subsidies, all of which have been profiled in the "Green Scissors" report. In February of 1995, I introduced two related pieces of legislation aimed at reducing double dipping for irrigation water subsidies that cost the Federal taxpayers millions of dollars each year. I hope that other Members will join me in sponsoring these efforts, as elimination of western water subsidies, and a wide range of reclamation subsidies, should be pursued as legitimate deficit reduction opportunities.

When countless Federal program are subjected to various types of means tests to limit benefits to those who truly need assistance, it makes little sense to continue to allow large business interests to dip into a program intended to help small entities struggling to survive. Taxpayers have legitimate concerns when they learn that their hard-earned tax dollars are being expended to assist large corporate interests in select regions of the country who benefit from these loopholes. The Federal Water Program was simply never intended to benefit these large interests.

In conclusion, Mr. President, it is clear that the conflicting policies of the Federal Government in this area are in need of reform, and if Federal agencies cannot be diligent in curbing this corporate welfare administratively, Congress should act. Large agribusinesses should not be able to continue to soak the taxpayers. We should act to close these loopholes as soon as possible. I ask unanimous consent that the text of the measure be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1798

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Irrigation Subsidy Reduction Act of 1996".

SEC. 2. FINDINGS.

Congress finds that—

(1) the Federal reclamation program has been in existence for over 90 years, with an estimated taxpayer investment of over $70,000,000,000;

(2) the program has had and continues to have an enormous effect on the water resources and aquatic environments of the western States;

(3) irrigation water made available from Federal water projects in the West is a very valuable resource for which there are increasing and competing demands;

(4) the justification for providing water at less than full cost was to benefit and promote the development of small family farms and exclude large corporate farms, but this purpose has been frustrated over the years due to inadequate implementation of subsidy and acreage limits;

(5) below-cost water prices tend to encourage excessive use of scarce water supplies in the arid regions of the West, and reasonable price increases to the wealthiest western farmers would provide an economic incentive for greater water conservation;

(6) the Federal Government has increasingly applied eligibility tests based on income for Federal entitlement and subsidy programs, measures that are consistent with the historic approach of the reclamation program's acreage limitations that seek to limit water subsidies to smaller farms; and

(7) including a means test based on gross income in the reclamation program will increase the effectiveness of carrying out the family farm goals of the Federal reclamation laws.

SEC. 3. AMENDMENTS.

(a) DEFINITIONS.—Section 202 of the Reclamation Reform Act of 1982 (43 U.S.C. 390bb) is amended—

(1) by redesignating paragraphs (7), (8), (9), (10), and (11) as paragraphs (9), (10), (11), (12), and (13), respectively;

(2) in paragraph (6) by striking "owned or operated under a lease which" and inserting "owned, leased, or operated by an individual or legal entity and which";

(3) by inserting after paragraph (6) the following:

"(7) LEGAL ENTITY.—The term 'legal entity' includes a corporation, association, partnership, trust, joint tenancy, or tenancy in common, or any other entity that owns, leases, or operates a farm operation for the benefit of more than 1 individual under any form of agreement or arrangement.

"(8) OPERATOR.—

"(A) IN GENERAL.—The term 'operator'—

"(i) means an individual or legal entity that operates a single farm operation on a parcel (or parcel) of land that is owned or leased by another person (or persons) under any form of agreement or arrangement (or agreements or arrangements); and

"(ii) if the individual or legal entity—

"(I) is an employee of an individual or legal entity, includes the individual or legal entity; or

"(II) is a legal entity that controls, is controlled by, or is under common control with another legal entity, includes each such other legal entity.

"(B) OPERATION OF A FARM OPERATION.—For the purposes of subparagraph (A), an individual or legal entity shall be considered to operate a farm operation if the individual or legal entity is the person that performs the greatest proportion of the decisionmaking for and supervision of the agricultural enterprise on land served with irrigation water."; and

(4) by adding at the end the following:

"(14) SINGLE FARM OPERATION.—

"(A) IN GENERAL.—The term 'single farm operation' means the total acreage of land served with irrigation water for which an individual or legal entity is the operator.

"(B) RULES FOR DETERMINING WHETHER SEPARATE PARCELS ARE OPERATED AS A SINGLE FARM OPERATION.—

"(i) EQUIPMENT- AND LABOR-SHARING ACTIVITIES.—The conduct of equipment- and labor-sharing activities on separate parcels of land by separate individuals or legal entities shall not by itself serve as a basis for concluding that the farming operations of the individuals or legal entities constitute a single farm operation.

"(ii) PERFORMANCE OF CERTAIN SERVICES.—The performance by an individual or legal entity of an agricultural chemical application, pruning, or harvesting for a farm operation on a parcel of land shall not by itself serve as a basis for concluding that the farm operation on that parcel of land is part of a single farm operation operated by the individual or entity on other parcels of land.".

(b) IDENTIFICATION OF OWNERS, LESSEES, AND OPERATORS AND OF SINGLE FARM OPERATIONS.—The Reclamation Reform Act of 1982 (43 U.S.C. 39aa et seq.) is amended by inserting after section 201 the following:

"SEC. 201A. IDENTIFICATION OF OWNERS, LESSEES, AND OPERATORS AND OF SINGLE FARM OPERATIONS.

"(a) IN GENERAL.—Subject to subsection (b), for each parcel of land to which irrigation water is delivered or proposed to be delivered, the Secretary shall identify a single individual or legal entity as the owner, lessee, or operator.

"(b) SHARED DECISIONMAKING AND SUPERVISION.—If the Secretary determines that no single individual or legal entity is the owner, lessee, or other individual that performs the greatest proportion of decisionmaking for and supervision of the agricultural enterprise on a parcel of land—

"(1) all individuals and legal entities that own, lease, or perform a proportion of decisionmaking and supervision that is equal as among themselves but greater than the proportion performed by any other individual or legal entity shall be considered jointly to be the owner, lessee, or operator; and

"(2) all parcels of land of which any such individual or legal entity is the owner, lessee, or operator shall be considered to be part of the single farm operation of the owner, lessee, or operator identified under subsection (1).

(c) PRICING.—Section 205 of the Reclamation Reform Act of 1982 (43 U.S.C. 390ee) is amended by adding at the end the following:

"(d) SINGLE FARM OPERATIONS GENERATING MORE THAN $500,000 IN GROSS FARM INCOME.—

"(1) IN GENERAL.—Notwithstanding subsections (a), (b), and (c), in the case of—

"(A) a qualified recipient that reports gross farm income from a single farm operation in excess of $500,000 for a taxable year; or

"(B) a limited recipient that received irrigation water on or before October 1, 1981, and that reports gross farm income from a single farm operation in excess of $500,000 for a taxable year;

irrigation water may be delivered to the single farm operation of the qualified recipient or limited recipient at less than full cost to a number of acres that does not exceed the number of acres determined under paragraph (2).

"(2) MAXIMUM NUMBER OF ACRES TO WHICH IRRIGATION WATER MAY BE DELIVERED AT LESS THAN FULL COST.—The number of acres determined under this subparagraph is the number equal to the number of acres of the single farm operation multiplied by a fraction, the numerator of which is $500,000 and the denominator of which is the amount of gross farm income reported by the qualified recipient or limited recipient in the most recent taxable year.

"(3) INFLATION ADJUSTMENT.—

"(A) IN GENERAL.—The $500,000 amount under paragraphs (1) and (2) for any taxable year beginning in a calendar year after 1997 shall be equal to the product of—

"(i) $500,000, multiplied by

"(ii) the inflation adjustment factor for the taxable year.

"(B) INFLATION ADJUSTMENT FACTOR.—The term 'inflation adjustment factor' means, with respect to any calendar year, a fraction the numerator of which is the GDP implicit price deflator for the preceding calendar year and the denominator of which is the GDP implicit price deflator for 1996. Not later than April 1 of any calendar year, the Secretary shall publish the inflation adjustment factor for the preceding calendar year.

"(C) GDP IMPLICIT PRICE DEFLATOR.—For purposes of subparagraph (B), the term 'GDP implicit price deflator' means the first revision of the implicit price deflator for the gross domestic product as computed and published by the Secretary of Commerce.

"(D) ROUNDING.—If any increase determined under subparagraph (A) is not a multiple of $100, the increase shall be rounded to the next lowest multiple of $100.".

(d) CERTIFICATION OF COMPLIANCE.—Section 206 of the Reclamation Reform Act of 1982 (43 U.S.C. 390ff) is amended to read as follows:

"SEC. 206. CERTIFICATION OF COMPLIANCE.

"(a) IN GENERAL.—As a condition to the receipt of irrigation water for land in a district that has a contract described in section 203, each owner, lessee, or operator in the district shall furnish the district, in a form prescribed by the Secretary, a certificate that the owner, lessee, or operator is in compliance with this title, including a statement of the number of acres owned, leased, or operated, the terms of any lease or agreement pertaining to the operation of a farm operation, and, in the case of a lessee or operator, a certification that the rent or other fees paid reflect the reasonable value of the irrigation water to the productivity of the land.

"(b) DOCUMENTATION.—The Secretary may require a lessee or operator to submit for the Secretary's examination—

"(1) a complete copy of any lease or other agreement executed by each of the parties to the lease or other agreement; and

"(2) a copy of the return of income tax imposed by chapter 1 of the Internal Revenue Code of 1986 for any taxable year in which the single farm operation of the lessee or operator received irrigation water at less than full cost.".

(e) TRUSTS.—Section 214 of the Reclamation Reform Act of 1982 (43 U.S.C. 390nn) is repealed.

(f) ADMINISTRATIVE PROVISIONS.—

(1) PENALTIES.—Section 224(c) of the Reclamation Reform Act of 1982 (43 U.S.C. 390ww(c)) is amended—

(A) by striking "(c) The Secretary" and inserting the following:

"(c) REGULATIONS; DATA COLLECTION; PENALTIES.—

"(1) REGULATIONS; DATA COLLECTION.—The Secretary"; and

(B) by adding at the end the following:

"(2) PENALTIES.—Notwithstanding any other provision of law, the Secretary shall establish appropriate and effective penalties for failure to comply with any provision of this Act or any regulation issued under this Act.".

(2) INTEREST.—Section 224(i) of the Reclamation Reform Act of 1982 (43 U.S.C. 390ww(i)) is amended by striking the last sentence and inserting the following: "The interest rate applicable to underpayments shall be equal to the rate applicable to expenditures under section 202(3)(C).".

(g) REPORTING.—Section 228 of the Reclamation Reform Act of 1982 (43 U.S.C. 390zz) is amended by inserting "operator or" before "contracting entity" each place it appears.

(h) MEMORANDUM OF UNDERSTANDING.—The Reclamation Reform Act of 1982 (43 U.S.C. 390aa et seq.) is amended—

(1) by redesignating sections 229 and 230 as sections 230 and 231; and

(2) by inserting after section 228 the following:

"SEC. 229. MEMORANDUM OF UNDERSTANDING.

"The Secretary, the Secretary of the Treasury, and the Secretary of Agriculture shall enter into a memorandum of understanding or other appropriate instrument to permit the Secretary, notwithstanding section 6103 of the Internal Revenue Code of 1986, to have access to and use of available information collected or maintained by the Department of the Treasury and the Department of Agriculture that would aid enforcement of the ownership and pricing limitations of Federal reclamation law.".

By Ms. SNOWE (for herself, Ms. MIKULSKI, Mrs. FEINSTEIN, Mrs. MURRAY and Ms. MOSELEY-BRAUN):

S. 1799. A bill to promote greater equity in the delivery of health care services to American women through expanded research on women's health issues and through improved access to health care services, including preventive health services; to the Committee on Labor and Human Resources.

WOMEN'S HEALTH EQUITY ACT OF 1996

Ms. SNOWE. Mr. President, I am extremely pleased to join with Senator MIKULSKI in introducing the Women's Health Equity Act of 1996. I believe that this event is historic, not only because of the impressive breadth and depth of this legislation, but because five women Senators, including Senators FEINSTEIN, MURRAY, and MOSELEY-BRAUN, have joined together to set an agenda for congressional action to improve women's health.

For too many years, women's health care needs were ignored or poorly understood, and women were systematically excluded from important health research. One famous medical study on breast cancer examined hundreds of men. And another federally funded study examined the ability of aspirin to prevent heart attacks in 20,000 medical doctors, all of whom were men, despite the fact that heart disease is the leading cause of death among women.

Today, Members and the American public understand the importance of ensuring that both genders benefit equally from the fruits of medical research and the delivery of health care services. Unfortunately, equity does not yet exist in health care, and we have a long way to go. Knowledge about appropriate course of treatment for women lags far behind that for men for many diseases. Research into diseases affecting predominately women, such as breast cancer, for years went grossly underfunded. And many women do not have access to critical reproductive and other health services.

Throughout my tenure in the House and Senate, I have worked hard to expose and eliminate this health care gender gap and improve women's access to affordable, quality health services. And under my leadership as the co-chair of the Congressional Caucus for Women's Issues, women legislators in the House called for a GAO investigation into the inclusion of women and minorities in medical research at the National Institute of Health. This study documented the widespread exclusion of women from medical research, and spurred the caucus to introduce the first Women's Health Equity Act [WHEA] in 1990. This comprehensive legislation provided Congress with its first broad, forward looking health agenda intended to redress the historical inequities that face women in medical research, prevention and services.

Since the initial introduction of WHEA in the 101st Congress, women legislators have made important strides on behalf of women's health. Legislation from that first package was signed into law as part of the NIH

Revitalization Act in June 1993, mandating the inclusion of women and minorities in clinical trials at NIH. We established the Office of Research on Women's Health at NIH, and secured dramatic funding increases for research into breast cancer, osteoporosis, and cervical cancer.

Today, I have joined forces with many of my women colleagues on a bipartisan basis to take the next crucial step on the road to achieving equity in health care. The Women's Health Equity Act of 1996 is comprised of 39 bills devoted to research and services in areas of critical importance to women's health. I have already introduced several of the bills contained in WHEA in the Senate: the Consumer Involvement in Breast Cancer Research Act; the Women's Health Office Act; the Genetic Information Nondiscrimination in Health Insurance Act of 1996; the Patient Access to Clinical Studies Act; the Medicare Bone Mass Measurement Coverage Act; and the Accurate Mammography Guidelines Act. Together, these 39 bills represent the high-water mark for legislation on women's health.

The research bills contained in title I of WHEA continue to push for increased biomedical research in women's health at NIH and other Federal agencies, and address the need for social policy to keep pace with scientific technology. The impact of the environment of women's health, women and AIDS, osteoporosis, and lupus are all addressed in this title.

The service-oriented bills contained in title II of WHEA target new areas such as the prevention of insurance discrimination based on genetic information or participation in clinical research as well as insurance protection for victims of domestic violence. Several bills address the need for education and training of health professionals and the importance of providing information about health risks and prevention to women. Adolescent health, eating disorders, postreproductive health, and breast and cervical prevention are also addressed, as well as the need to designate obstetrician-gynecologists as primary care providers for insurance purposes and to provide for minimum hospital stays for mothers and their newborns.

Improving the health of American women requires a far greater understanding of women's health needs and conditions, and ongoing evaluation in the areas of research, education, prevention, treatment, and the delivery of services. I believe that the 39 bills comprising the Women's Health Equity Act will take a giant step in this direction, and the passage of this legislation will help ensure that women's health will never again be a missing page in America's medical textbook.

Ms. MIKULSKI. Mr. President, I am honored to join my good friends Senators SNOWE, BOXER, FEINSTEIN, MURRAY, and MOSELY-BRAUN in introducing the Women's Health Equity Act. This years' bill, composed of 37 separate bills, will improve the status of women's health in the areas of research, services and prevention. The package builds on past successes. It brings resources and expertise to bear on the unmet health needs of America's women. This bill sets an agenda. It's where women's health care needs to go as we enter the 21st century.

There has been a pattern of neglect and a history of indifference to women's health needs. It's astonishing that between 1979 and 1986 the death rate from breast cancer was up 24 percent. No one knew why. Yet there was no research being done—the research community was ignoring this very significant problem. I worked with colleagues to change that by making sure that breast cancer research got its fair share of research dollars.

I was frustrated when I found out that America's flagship medical research center, the National Institutes of Health [NIH], was supporting research that systematically excluded women. Less than a decade ago, only 14 percent of every research dollar was going to study the health problems of 51 percent of the American population. I wanted to change that. And I did. With the help of my colleagues, I was successful in setting up the Office of Women's Health Research at NIH. This office is turning these statistics around. Women are now routinely included in clinical trials.

Despite all our progress, we have a long way to go. We have to change outdated attitudes. It's not easy to reverse gender biases. We take a few steps forward and then a few steps back.

I want to make sure that women's health care needs are met comprehensively and equitably. The NIH must allocate sufficient resources to women's diseases. It should continue to include women in clinical trials. It must continue to expand access to health services for women. We must aggressively pursue prevention in women's diseases. I pledge to fight for new attitudes and find new ways to end the needless pain and death that too many American women face.

I am proud to introduce this bill with a great group of Senators that care equally about women's health. This bill confirms our intent to move forward in women's health equity. It is an outline, a framework, an agenda. No doubt, it will take time, but I'm sure we will succeed.

Mrs. MURRAY. Mr. President, I rise in strong support of the Women's Health Equity Act. I am proud to join my colleagues, Senators SNOWE, MIKULSKI, FEINSTEIN, and MOSELEY-BRAUN, in offering this package of 39 legislative initiatives of critical importance to the health of women and their children. Today we are sending a powerful and united message. We are more committed than ever to keeping the spotlight on the important issues surrounding women's health research, treatment and education.

There are so many worthy pieces to this bill that I won't go into each and every one separately. This bill underscores the lack of attention that has been paid to women's health issues and the many obstacles we face in getting accurate, vital information about our health, the health of our children and the health care system as it effects us.

Women face an array of unique and serious health risks. We must do more to ensure that adequate research and education programs are maintained, supported and enriched. We have much more to learn about diseases like osteoporosis, lupus, and breast cancer that devastate the lives of women across this country. And we need to continue to broaden the scope of current efforts in research into AIDS, cardiovascular disease and alcoholism to better understand how women are impacted. We must enable women to protect themselves and their daughters.

Mr. President, our bill recognizes the need for supporting this kind of research and specifically addresses all of these conditions which jeopardize the health of women. We must encourage a coordinated and committed effort from the top level of our government to make sure that women's health issues receive the attention they deserve. For too long, our concerns were ignored or given second-class status. If we continue to allow this to happen—women will die, our children will get sick, and future generations will be shortchanged of valuable information about ways to prevent health-related tragedies.

And our bill acknowledges another critical health issue which disproportionately affects women—domestic violence. The Women's Health Equity Act includes a number of provisions which seek to protect women who are victims of violence from being discriminated against when seeking health insurance. Family violence is a public health crisis which tears families apart and often prevents women, especially low-income women, from providing their children with a safe, nurturing environment in which to learn and grow.

As you know Mr. President, one of my biggest concerns as a Senator is the well being of our Nation's young people. I am proud that this bill includes provisions which encourage: adolescent health demonstration projects; eating disorders research and education initiatives; fetal alcohol syndrome research and prevention programs; and demonstration projects to prevent smoking in WIC clinics. These efforts are critical and send our young people an important message that we care about them, their health, and their futures.

I am particularly pleased that the Newborns' and Mothers' Health Protection Act was included in this act. By allowing longer hospital stays after child-birth, we will see improved health for both mother and baby. Women will receive essential information about care for their newborn and if there are any health complications, mother and baby will receive the attention they need.

Mr. President, I want to commend Senator SNOWE for her leadership in coordinating this effort and for all she has done for women's health and health care. I am proud to be an original cosponsor of this bill and I urge all of my colleagues to join and help move these initiatives forward. Together, we can improve the lives and health of women and children in our Nation, continue the important work we have started and celebrate the great strides we have made. I look forward to this challenge.

By Mr. D'AMATO (for himself, Mr. KERRY, Mrs. BOXER, Mr. BRYAN, Ms. MOSELEY-BRAUN, and Mrs. MURRAY):

S. 1800. A bill to amend the Electronic Fund Transfer Act to limit fees charged by financial institutions for the use of automatic teller machines, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

THE FAIR ATM FEES FOR CONSUMERS ACT OF 1996

Mr. D'AMATO. Mr. President, I rise today with Senators KERRY and MURRAY as my primary cosponsor to introduce legislation to protect consumers from excessive and redundant fees imposed by automated teller machine (ATM) operators. I am also pleased that Senators BOXER, BRYAN, and MOSELEY-BRAUN have joined in cosponsoring this important initiative.

Traditionally, a bank or financial institution, let's call it Integrity Bank, agrees to provide a consumer with a package of services in exchange for the use of the consumer's money. These services typically include access to an ATM network, such as MOST, CIRRUS, or PLUS, which consists of any Integrity Bank ATM's as well as ATM's operated by other banks or financial institutions. Integrity Bank and the consumer have an agreement about whether Integrity Bank will charge the consumer for using ATM's not owned by Integrity Bank. Integrity Bank, in turn, is responsible for paying the network a fee for transactions completed by its consumers on ATM's not owned by Integrity Bank.

Changes which took effect in April of this year may force the consumer to pay new fees. Until April 1, the major electronic banking networks prohibited the assessment of ATM user fees by the bank which owned the ATM. The networks have revoked this policy, opening the door to a new and outrageous practice beyond the control of Integrity Bank and its customer. Now, despite the fact that Integrity Bank pays fees to the ATM network, ATM owners and operators can now charge non-customers who use their ATM's—a service that consumers thought was included in any charges imposed by Integrity Bank—their bank.

Now many ATM users may be caught in the middle. Their own banks can continue to impose fees while the operators of the ATM's they use are entitled to ransack consumers' accounts. What is next, explicit and redundant fees for deposit envelopes? A nighttime ATM surcharge? I will refrain from offering banks any further suggestions on how to pick the pockets of American consumers.

Mr. President, this double-dipping is unfair and unconscionable. Consumers should not be charged twice for a single ATM transaction and should certainly not be charged a fee which has nothing to do with the relationship between the consumer and his or her financial institution.

Banks and other financial service providers argue that these surcharges are necessary to cover the costs of ATM operation. In-branch ATM's present minimal expense to financial institutions. How can banks argue with straight faces that surcharges are necessary to cover costs of operation?

Mr. President, the rules change which permits this extra fee was enacted only recently. While some banks have already imposed the surcharge, many others are testing the waters before they take advantage of the rule change. Congress should act before this unfair practice spreads like a wildfire.

It is hard to believe that banks are so strapped when industry profits have never been higher. For the fourth straight year in 1995, commercial banks reported record earnings. Last year, commercial banks reported profits of $48.8 billion, exceeding the previous year's record of $44.6 billion by 9.4 percent. These skyrocketing earnings are primarily the result of increased interest and fee income. On top of this, commercial banks now pay nearly nothing to receive deposit insurance.

Are banks really losing money on ATM operations or is this new fee just an easy way to gouge the consumer? The U.S. Public Interest Research Group and the Center for the Responsive Law recently reported that ATM's generated $3.1 billion in transaction fees for banks in 1995. Though ATM transactions cost banks $3.2 billion, the report said, profits increased by $2.2 billion as a result of the labor savings. This new ATM surcharge is nothing more than a thinly veiled attempt to artificially inflate profits at the consumer's expense.

Banks have spent the past 20 years enticing consumers to use ATMs to reduce the need for branch offices. Banks have told regulators and the Congress that branch closings save money without decreasing service because ATM's fill the role once served by branch offices. Now it appears providing that service comes only with an added cost to the consumer and more profit for the provider.

Let me just say a few words about the impact of this fee on community banks. These banks have already agreed to pay fees to ATM networks in order to ensure that their customers have access to funds at convenient locations. Now community banks face the threat of losing customers to large banks with large ATM networks. Since community bank customers depend on other institutions' ATM's, large banks can use ATM user fees to steal community bank customers.

This moves comes at a time when some banks are charging their customers a premium for teller service. These banks justify this teller fee with claims that teller service is more expensive to provide than ATM service. Now, some banks are squeezing consumers even harder with new ATM user fees. Consumers are getting nickel-and-dimed to death and it has got to stop.

Mr. President, the bill I introduce today would prohibit user fees imposed by ATM operators. Under this bill, for example, banks would remain free to charge their own customers for using the ATM's of other banks. Other ATM owners and operators, however, would be prohibited from taking a second bite out of the consumer.

There is congressional precedent for this type of legislation. Congress originally passed legislation banning surcharges in the credit card industry in 1976 and renewed the ban twice in 1978 and 1981. In that instance, Congress prohibited retail institutions from charging consumers surcharges on their credit card purchases. To allow additional charges and fees for card use after the consumer had paid for the use of the credit card would have forced customers to pay twice and permitted some unscrupulous merchant to engage in deceptive advertising and other harmful practices. This is analogous to our current ATM situation.

I understand that some businesses that rely on retail sales through credit and ATM cards may be concerned about this bill. They need not worry. The sole purpose of this legislation is to prohibit excessive fees to ATM users. I recognize that there may be some off-site ATM's that are costly to maintain and have historically charged fees. I am willing to consider necessary accommodations to this bill. However, I will draw the line in cases where it is clear the consumer is being fleeced.

Mr. KERRY. Mr. President, I am pleased to join my colleague from New York, the chairman of the Banking Committee, Senator D'AMATO, in introducing this important piece of legislation.

It is not often that Senator D'AMATO and I agree on issues on this floor or in the Banking Committee, and when we do, there is justification for strong bipartisan support. That is indeed the case on this legislation, and I am pleased to join with my colleague, and I congratulate him on his leadership in moving to protect consumers against the potential of double-bank-fees that amount to a banking-penalty tax on consumers.

Why do we need this legislation now? Because, on April 1 of this year, American depositors had a cruel April Fool's joke played on them. That's the day Visa and MasterCard—owners of two of the largest automated teller network—began letting their member banks charge a fee to other banks' customers who use their automated tellers. Some banking analysts tell me that across the country this surcharge can range from 50 cents to $2.50. Consumers can be charged an increased fee by both their bank and the bank whose machine they are using which could cost as much as $5 to make a deposit, a withdrawal, or to check your balance.

Our legislation has a simple purpose: it prohibits a transaction fee assessed by the owner or operator of an ATM machine. This bill will stop double fees.

It gives consumers negotiating power with a financial services industry which is consolidating and downsizing—laying off tellers, shutting branches and reducing bank-lobby hours; it helps the small banker from being run out of business by the big banks; and it bolsters congressional oversight of antitrust violations.

Mr. President, Massachusetts is in a unique situation. Because of pending bank mergers and consolidations the 2 largest banks will soon own 2,200 of the 3,500 ATM machines in the State—about 65 percent.

In no other State does one bank control more than 15 percent of the ATM's. I applaud the banking industry which has grown and is healthy and strong, and there is room in financial services for large institutions and for small credit unions and neighborhood savings and loans. This bill not only protects consumers, but it protects small banks that don't own more than a few ATM's from being run out of business by the larger banks who can offer free transactions at thousands of machines.

Let me put this in perspective. In a survey of just 228 of the 3,500 machines in my State—less than 10 percent of all the machines—it was reported that 400,742 transactions per month would be subject to the new surcharge—almost 5 million transactions per year at just 10 percent of the ATM's in my State.

If the larger financial institutions could offer no fee if a consumer took their money out of a smaller institution, the fate of the smaller institutions in an increasingly automated environment is obviously in question, and we have to address this problem now. And to save the community banks and avoid the 1990's version of the 1980's S&L crisis.

Mr. President, in a recent USA Today interview with an executive of one of the Nation's largest banks, when asked "are you instituting surcharges on non-customers who use your automated teller machines?" the answer was somewhat disturbing.

It was:

> We're going to do it . . . The reason is frankly pretty self-evident. You've got a community bank that likes to tell you they're going to give you this wonderful service and you can shake the President's hand and get a doughnut and a cup of coffee in the lobby and so on. When you go in to open an account they say we don't have any ATM's but don't worry about it, here's our card and you can use anybody's ATM in the country. So we're subsidizing the community banks. We're not going to do that anymore.

Well, Mr. President, I ask, what's wrong with community banks. I like the idea of neighborhood credit unions and having a cup of coffee and a doughnut in the lobby. What this response tells me is that there is more to the surcharge than meets the eye. And we should be aware of the what lies around the corner as we head down the road.

You will hear from representatives of the industry, Mr. President. Some of the biggest banks will lobby heavily saying that this fee is an issue of convenience. But I suspect that other forces are at play. Commercial banks posted record profits last year. This new fee is not designed to raise profits.

Yet, community and cooperative bankers will tell you a different story—a constituent of mine in Dorchester, MA, owns a profitable bank with one ATM machine. He runs the bank well and serves the community. But he is no match against far bigger competitors. He knows that once these surcharges become pervasive and the big banks start charging his customers to use their ATM's, they will just move their accounts to the big banks to avoid the charge.

So, this is not an issue of establishing prices and fees; this is an antitrust issue. I want to set the marker down clearly—the Congress needs to do a better job in monitoring and preventing the trend of consolidation from running the smaller banks out of business.

I want to be clear about what else this bill does, and what it does not do. This legislation does not regulate fees and prices, and does not curtail the widespread use of ATM's especially in lower income areas.

Mr. President, I do not believe that it is the business of the U.S. Senate to set prices and fees at banks and other financial institutions. I am a great believer in the free market—not the Federal Government—dictating fee structures. But there is a general sense of fairness that is being violated in this new surcharge.

When a depositor opens an account, he or she knows the fees associated with transactions. It is current Federal law—found in statutes like the Electronic Funds Transfer Act, the Truth-in-Savings Act and the Truth-in-Lending Act—that mandates fees to be disclosed to the consumer. So, when we open a bank account, we will know how much each transaction will cost.

But now, with this new surcharge, we are left in the dark. We don't find out how much it will cost to use an ATM machine, not associated with our particular bank, until our statement appears in the mail, long after the ATM transaction is completed.

That is bad for consumers and it is bad precedent. And the trend is not favorable. Historic mergers, consolidations and acquisitions have taken place in financial service industry. Consumers have less choice, not more. Bank lobby hours have been curtailed so drastically, tellers replaced by machines, that we are forced to use ATM's. This is the direction of the industry and at some point the Congress must step in and let the banks know enough is enough.

Thank you and I yield the floor.

By Mr. McCAIN:

S. 1801. A bill to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal year 1997, to reform the Federal Aviation Administration, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE OMNIBUS AVIATION ACT OF 1996

Mr. McCAIN. Mr. President, today, I am introducing the Omnibus Aviation Act of 1996. This legislation reauthorizes for one year several key programs of the Federal Aviation Administration, including the vital Airport Improvement Program. It also provides needed, comprehensive FAA reform, including the development of a stable, long-term funding system for the FAA, and addresses other critical safety and airport concerns. Specifically, this legislation would:

Reauthorize AIP at $1.8 billion for one year;

Expand the prohibition on airport revenue diversion;

Provide for thorough reform of the FAA;

Encourage Congress to meet the FAA's short-term funding needs;

Enhance airline safety by requiring airlines to share employment and performance records before hiring new pilots; and

Abolish the MWAA Board of Review.

Significantly, this bill expresses the sense of the Senate that Congress must act immediately to address the short-term funding needs of the FAA. Mr.

President, we have all heard by now that certain aviation excise taxes that make up most of the Airport and Airway Trust Fund, which provides nearly all of the FAA's funding, expired at the end of last year. Since then, no money has been going into the aviation trust fund. Yet, the FAA has determined that since the beginning of this year, approximately half a billion dollars has been spent each month from the existing trust fund balance. The FAA advises that at this rate, all of the money in the trust fund will be spent by December. Without immediate action by Congress to provide interim, short-term funding for the FAA, confidence in the FAA and our nation's air traffic control system could erode.

The legislation that I am introducing today not only encourages quick resolution of the FAA's immediate funding problem, but also sets out a plan for complete FAA reform. In specific, this bill incorporates the Air Traffic Management System Performance Improvement Act, which I have cosponsored with Senator FORD and Senator HOLLINGS, to create a more autonomous and accountable FAA that can continue to ensure the safety of the traveling public while, at the same time, meet the needs of the growing aviation industry.

This FAA reform measure is particularly important because while the interim, short-term funding is in place and during the one-year reauthorization of FAA programs, the FAA will be able to set up a performance-based fee system to satisfy the FAA's long-term funding needs. This FAA reform proposal would ensure that the new FAA funding system must consider the FAA's costs of providing air traffic control services and must increase the efficiency with which air traffic control services are produced or used, without jeopardizing safety.

The existing aviation excise tax system does not enable the FAA to determine whether the air traffic control system is becoming more or less costly per flight, or whether air traffic control system productivity is increasing or decreasing. By contrast, establishing a user fee funding system under this bill would compel the FAA to establish a cost accounting system, which would enable it to determine the efficiency and costs of the FAA and the air traffic control system, and develop investment and modernization programs that are viable.

This legislation also addresses other critical aviation issues. First, it contains provisions intended to reverse the disturbing trend of illegal diversion of airport revenues. To ensure that airport revenues are used only for airport purposes, this legislation would expand the prohibition on revenue diversion to cover more instances of diversion. It also would establish clear penalties and stronger mechanisms to enforce Federal laws prohibiting revenue diversion. In addition, the bill would impose additional reporting requirements so that illegal revenue diversion is easily identified and verified. It also would provide important protections for whistleblowers.

To enhance the safety of the Nation's air transportation system, this legislation also contains provisions that would require air carriers to request and receive, after obtaining written consent from a pilot application, relevant employment and performance records before hiring someone as a pilot. These provisions focus on encouraging and facilitating the flow of information between employers so that safety is not compromised in any way.

To ensure that the burden of these pilot recordsharing provisions does not fall on employers and the legal system, when a transfer is requested and complied with, both the employer who turns over the requested records and the prospective employer who receives them will be immune from lawsuits related to the transferred information, unless the employer who provides the information knows it is false. Complete immunity is critical—without it, the airlines simply will not share records. The legislation therefore could not achieve its objective of making it a common practice of prospective employers to research to the greatest extent the experience of pilots, and to learn significant information that could affect air carrier hiring decisions and, ultimately, airline safety.

Finally, this legislation makes certain changes to the Metropolitan Washington Airports Authority required following recent Federal court rulings. In specific, the bill would abolish the MWAA Board of Review, and increase the number of presidentially appointed members of the MWAA Board of Directors. It also conveys the sense of the Senate that the MWAA should not provide free, reserved parking areas at either Washington National Airport or Washington Dulles International Airport for Members of Congress and other government officials or diplomats.

Mr. President, certain unfortunate, recent events have raised questions about the safety of our nation's air transportation system. We must do our part to reassure the traveling public that we have the world's safest system. This comprehensive legislation will go a long way in reassuring the public that the system is safe, and will provide the FAA with a stable, predictable, and sufficient funding stream for the long term.

By Mr. THOMAS (for himself and Mr. SIMPSON):

S. 1802. A bill to direct the Secretary of the Interior to convey certain property containing a fish and wildlife facility to the State of Wyoming, and for other purposes; to the Committee on Environment and Public Works.

RANCH A CROOK COUNTY, WYOMING LEGISLATION

Mr. THOMAS. Mr. President, I rise today along with my colleague from Wyoming, Senator SIMPSON, to introduce legislation to protect public land in our State. This bill would transfer 680 acres of land currently administered by the United States Fish and Wildlife Service to the State of Wyoming. This property commonly known as Ranch A is located in Crook County, WY, and is scheduled to be disposed of by the General Services Administration in the coming months. Since the area is unique and possesses many historic and distinctive characteristics, the State of Wyoming would like to have the property transferred to it so that the property and facilities on the land can be preserved for the public for many years to come.

The Ranch A lodge, which sits on 680 acres of property, was constructed by a private developer in the 1930's and acquired by the U.S. Fish and Wildlife Service in 1963. Since the area has an abundant supply of spring-fed water, it is ideal for trout research and the study of trout genetics. The Fish and Wildlife Service continued its research operations at Ranch A until 1980 when all of the agency's trout research work was transferred to Bozeman, MT. Since that time, the Service has maintained the facility but has leased the area to a variety of groups including the Wyoming Game and Fish Department and the South Dakota School of Mines.

Although the area has significant historical and cultural values, in 1995 the Department of Interior took action to divest itself of ownership of Ranch A. Recently, the Fish and Wildlife Service declared the property as "surplus" and is planning to dispose of Ranch A through the General Services Administration. No formal action has been taken on the disposal request and the property is still owned and maintained by the Fish and Wildlife Service.

The State of Wyoming is interested in protecting Ranch A and working to ensure the area is protected for future generations. Earlier this year, the Wyoming congressional delegation was approached by Gov. Jim Geringer and asked if we could introduce legislation to have the property transferred to the State of Wyoming. The State is willing to assume ownership of the area and maintain the facility and the adjacent land for educational, historical and wildlife management purposes.

The legislation I am introducing today would achieve that goal. The bill would transfer all right and title of the 680 acres and all buildings on the Ranch A property to the State of Wyoming. The State would assume control of the property and would be required to manage the area for public purposes including fish and wildlife management, education and historical uses. In order to ensure the area remains public, the legislation contains a reverter clause that requires the State of Wyoming to manage the property for public uses or it would be transferred back to Federal ownership.

The bill is the product of long negotiations between the State of Wyoming and the Fish and Wildlife Service. Initially, the State would only accept the land if Federal funds were authorized to refurbish the area. However, by working with the State, the Federal Government and local officials, we have been able to craft a compromise that does not require any Federal expenditures and keeps the land public.

Mr. President, the Ranch A property is a truly unique facility that should be kept in public ownership. The area has significant historic and cultural value in addition to its wildlife and research opportunities. Keeping the area clean and pure is a goal of the residents in the region who hope to preserve the beauty of the facility and surrounding land for future generations to enjoy. The State of Wyoming is willing to take on the responsibility of protecting this wonderful property and I strongly support their efforts to ensure that Ranch A is protected for many years to come.

Instead of allowing the Federal Government to dispose of this unique property that has such a variety of uses, I urge Congress to take action and allow the State of Wyoming to protect Ranch A. The choice is clear—either we pass this bill and keep the area open to the public, or we allow the Federal Government to move forward and dispose of the land into private ownership. I hope we can move quickly to support this outstanding area and pass this legislation in the near future.

By Mr. MURKOWSKI (for himself, Mr. JOHNSTON, and Mr. AKAKA):

S. 1804. A bill to make technical and other changes to the laws dealing with the territories and freely associated States of the United States; to the Committee on Energy and Natural Resources.

TERRITORIES AND FREELY ASSOCIATED STATES LEGISLATION

• Mr. MURKOWSKI. Mr. President, today I am introducing legislation that will address several concerns that were brought to my attention by the leadership in some of the United States territories and in the nations in free association with the United States. I am pleased that this legislation is cosponsored by the Ranking Member and former Chairman of the Committee on Energy and Natural Resources, Senator JOHNSTON, as well as by Senator AKAKA, who has also had a long and abiding interest in the welfare of the territories and freely associated States.

During the February recess, I had the opportunity to meet with the chief executives of the United States territories of American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands as well as the Presidents of the Republic of Palau, the Republic of the Marshall Islands, and the Federated States of Micronesia. I want to express my appreciation to all of them for their courtesies and their willingness to meet with Senator AKAKA and myself and for their assistance in arranging full and frank discussions.

I was impressed by the diversity within the Pacific and the magnitude of the problems facing these island governments. I have some appreciation for their problems in dealing with Washington because I can recall the days of territorial administration for Alaska. I was also able to point out that Statehood is not a complete remedy for those who still think Alaska is their private reserve. Alaska, like the islands, is noncontiguous and must deal with standards developed for the lower 48 States. We have the problem of servicing small remote populations, much like the Republic of the Marshalls and the Federated States of Micronesia have.

The legislation that I am introducing today would address the following issues:

Section 1 extends the supplemental food assistance program for Enewetak and Bikini for an additional 5 years. Enewetak and Bikini were the sites for the United States atmospheric nuclear testing program in the Marshall Islands and the food assistance program is necessary to supplement local food supplies while the populations resettle their atolls. The difficulty that Enewetak has experienced in establishing a local food supply should be ample warning to the population of Bikini of the environmental consequences of a scrape, and I sincerely hope that we can avoid that environmental degradation. While Enewetak is making significant strides in reestablishing a local food supply, it is clear that a continuation of the agriculture assistance is needed. The language would also require the United States to ensure that the program is designed to meet the actual needs of the populations. I understand that the program is running at the same level as it did 10 years ago without taking into account the change in population.

A concern was also raised over the medical care and monitoring program that the Department of Energy runs in the Northern Marshalls. At the same time that I am introducing this legislation, I am also introducing an amendment that would extend the program to Bikini and Enewetak. While I do not want to jeopardize the effectiveness of the program for the affected populations of Rongelap and Utirik, I also want to ensure that the objectives of the four atoll program are being met. This language will also provide the Committee with an opportunity to review the administration of the program since it was shifted out of defense programs and into environmental health within DOE. I appreciate that the four atoll health program was to be administered by the Tribunal established under the Compact of Free Association, but I am also mindful of the special responsibility that the United States has for the populations of the four affected atolls. Under the terms of the Compact, we authorized further ex gratia assistance if justified, and I think it is time for the Committee on Energy and Natural Resources to examine how the programs—those being provided by the Republic of the Marshall Islands and those provided by the United States—are being implemented. I was very impressed by my visit to Bikini and am grateful for the courtesies and hospitality extended by the Mayor, the Council, and Senator Balos. During the hearings on this legislation, I also want to examine what role the Public Health Service can play in improving health care not only to the four atolls, but throughout the Republic of the Marshall Islands and also to the Federated States of Micronesia and the Republic of Palau. I again want to emphasize that in no way do I want to jeopardize the overriding objective of the health care being provided by Brookhaven to the 133 exposed Marshallese, but I do not want to pass over the opportunity to see if the populations of Bikini and Enewetak could bootstrap onto the program using their trust funds.

Section 2 of the legislation would repeal a provision of law that authorizes the government of the Commonwealth of the Northern Mariana Islands to take over the American Memorial Park in Saipan. Senator AKAKA and I participated in a wreath laying at the park, and I was impressed with the development of the area, especially in light of staff descriptions of the site only a few short years ago. Ambassador Haydn Williams deserves a great deal of credit for his persistence and commitment to seeing the park established. While I am not opposed to proposals for other arrangements, it seems to me that the area is now a part of the National Park System and should remain so until the lease expires unless some concrete proposal is brought forward that will maintain the objectives and purposes for the memorial. I fully expect that we will need to modify this provision to permit the commonwealth the ability to develop the marina area, but at least for the time being, I think the National Park Service should continue to operate and maintain the memorial.

Section 3 is a technical amendment to the legislation dealing with the land grant status of the College of Micronesia and was brought to my attention by

Susan Moses, the president of the college. The amendment would provide separate land grant status to the three successor institutions to the former College of Micronesia—the College of Micronesia—FSM, the College of the Marshall Islands, and the Palau Community College. This amendment will hopefully eliminate some administrative headaches for the college.

Section 4 amends the Guam Organic Act to guarantee that any lands acquired by the United States for Federal purposes will be made available to the Government of Guam when those purposes have expired. The Federal Government, principally the Department of Defense, controls about one-third of the available land area in Guam. Those lands were acquired for defense needs, and when those needs no longer exist, the lands should be returned to Guam. I was particularly troubled by the situation at Ritidian Point where the Fish and Wildlife Service, seemingly in the dead of night, effectively stole land that the Department of Defense and the Government of Guam had negotiated for transfer. Whatever the justification for Fish and Wildlife's interest, there is no excuse for the insensitivity shown by the Department of the Interior in that acquisition. Rather than spending their time enlarging their empire, the Fish and Wildlife Service could make better use of their resources by going after the brown tree snake. At the rate they are going, they will have the only wildlife refuge dedicated to extinct species. I especially want to thank Congressman UNDERWOOD for his assistance in developing this approach to guarantee a role for the Government of Guam in any further Federal land disposal in Guam. The Governor of Guam made an excellent presentation of the problems created by the actions of the Fish and Wildlife Service and I think this is a situation that needs to be addressed and I am grateful for the comprehensive briefing he provided us during our brief visit to Guam.

Section 5 would repeal a provision of law that limits the use of lands transferred to Guam. Again, I want to thank Congressman UNDERWOOD for suggesting this amendment. I cannot think of any restriction more onerous than transferring property for which the Federal Government has no further need and then denying the Government of Guam the ability to derive the economic benefits of its use and development.

Section 6 was suggested by the Resident Representative of the Commonwealth of the Northern Mariana Islands and would provide State-like treatment for the commonwealth, the Virgin Islands, and American Samoa for certain drug enforcement programs. Guam and Puerto Rico presently have State-like treatment, and this amendment simply provides uniform treatment for all the territories.

Section 7 of the legislation would amend the Revised Organic Act of the Virgin Islands at the request of the Governor of the Virgin Islands. The first amendment would provide that the Governor would retain his powers as Governor when he is temporarily absent from the territory on official business. This amendment recognizes that with modern communications and transportation, the current limitations are archaic and impede continuity in the operations of the executive branch in the Virgin Islands.

The second amendment would reform the authority granted to the Virgin Islands in 1976 to issue bonds secured by the matching fund. The debt is now priority debt, not parity debt. Priority debt places a premium value on the earliest debt, while parity debt places all bond holders on a level playing field. Although most communities now issue parity debt, the current limitation handicaps the Virgin Islands by requiring a higher fee and interest rate on subsequent issues as well as over collateralization. The amendment would permit the Virgin Islands to issue parity debt and allows for a transition to permit the Virgin Islands to refinance their current priority debt. This would reduce the debt service and free up needed revenues for school improvements and emergency repairs made necessary by Hurricane Marilyn. I want to emphasize that current bond holders will be fully protected.

Section 8 was suggested by Senator JOHNSTON to begin to look at what the economic future of the Virgin Islands will be in light of the changes that are happening both politically and economically in the Caribbean and what the Federal Government can do to provide a stable and self-sustaining local economic base. I fully agree with Senator JOHNSTON that the time to do that analysis is now.

Mr. President, upon my return from my visit to the Pacific, I wrote the President on what I thought was a fairly significant concern raised by the Presidents of the Republic of the Marshall Islands and the Federated States of Micronesia. While the political relationship under the Compacts of Free Association is of indefinite duration, certain provisions are subject to renegotiation and expire at the end of 15 years. The compacts require renegotiation in the 13th year and the Presidents quite correctly pointed out that was not sufficient time to conclude negotiations and obtain the necessary ratifications by the United States and their governments. Like the Governor of the Virgin Islands and Senator JOHNSTON, they are looking to the future and trying to plan for it. They asked if I would request the administration to begin the process of formulating the U.S. position and begin discussion while there was a degree of time. Given the number of years it took for the original ratification, that seemed like a reasonable request. I will not comment on the President's response, other than to ask unanimous consent that a copy of my letter and his response be included in the RECORD.

Mr. President, I appreciate that we are late in this session of the Congress, but these are important matters that require the attention of the Congress. I want to announce that the Committee on Energy and Natural Resources will hold a hearing on this legislation on June 25, 1996 and at the same time we will review the report on the law enforcement initiative in the commonwealth of the Northern Mariana Islands. I will not go into great detail on the situation in the Commonwealth other than to say that reforms need to be implemented. We had extensive and detailed briefings and discussions with the Governor's staff, the Federal officials on the island, the Chamber of Commerce, the legislature, the U.S. attorney and Federal judiciary. It is my intention to move expeditiously on this legislation immediately after the hearing is concluded.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

S. 1804

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled,

SECTION 1. MARSHALL ISLANDS AGRICULTURAL AND FOOD PROGRAMS.

Paragraph (2) of subsection (h) of section 103 of Public Law 99-239, as amended, is further amended by striking the word "ten" and inserting in lieu thereof the word "fifteen" and by adding at the end of subparagraph (B) "Such technical assistance, programs and services shall ensure, on an ongoing basis, that the commodities provided reflect the changes in the population that have occurred since the effective date of the Compact.".

SEC. 2. AMERICAN MEMORIAL PARK.

Section 5 of Public Law 95-348 is amended by striking subsection (f), and renumbering subsections (g) and (h) as subsections (f) and (g), respectively.

SEC. 3. TERRITORIAL LAND GRANT COLLEGES—TECHNICAL AMENDMENT.

Subsection (b) of section 1361 of Public Law 96-374 is amended by striking the words "August 30, 1980 (7 U.S.C. 327), commonly referred to as the Second" and inserting in lieu thereof the words "July 2, 1862 (7 U.S.C. 305), commonly referred to as the First".

SEC. 4. AMENDMENT TO THE GUAM ORGANIC ACT.

The Organic Act of Guam (48 U.S.C. 1421 et seq.), as amended, is further amended by adding at the end thereof the following new section:

"SEC. 36. (a) At least 180 days before transferring to any Federal agency excess real property located in Guam, the Administrator of General Services shall notify the government of Guam that the property is available under this section.

"(b) The Administrator shall transfer to the government of Guam all right, title, and interest of the United States in and to excess real property located in Guam, by quit claim deed and without reimbursement, if the government of Guam, within 180 days after receiving notification under subsection (a) regarding the property, notifies the Administrator that the government of Guam intends to acquire the property under this section.

"(c) For purposes of this section, the term 'excess real property' means excess property (as that term is defined in section 3 of the Federal Property and Administrative Services Act of 1949, as in effect on the date of enactment of the Guam Land Return Act) that is real property.".

SEC. 5. REPEAL OF LIMITATION ON USE OF LANDS BY THE GOVERNMENT OF GUAM.

(a) IN GENERAL.—Section 818(b)(2) of Public Law 96–418 (94 Stat. 1782), is repealed.

(b) EXECUTION OF INSTRUMENTS.—The Secretary of the Navy and the Administrator General Services shall execute all instruments necessary to implement this section.

SEC. 6. CLARIFICATION OF ALLOTMENT FOR TERRITORIES.

Section 901(a), Part 1, title I of the Act of June 19, 1968 (42 U.S.C. 3791(a)), as amended, is further amended in paragraph (2) by changing the proviso to read as follows: "(2) "State" means any State of the United States, the District of Columbia, The Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands."

SEC. 7. AMENDMENTS TO THE REVISED ORGANIC ACT OF THE VIRGIN ISLANDS.

(a) Section 7(a) of P.L. 90-496 (82 Stat. 839), as amended, is futher amended by adding at the end thereof "As used in this section, the term 'temporary absence' shall not be construed as being physically absent from the territory while on official Government business."

(b) Section 3 of P.L. 94–392 (90 Stat. 1195), as amended, is further amended to read as follows:

(1) by inserting "hereinafter" between "obligations" and "issued";

(2) by deleting "priority for payment" and inserting in lieu thereof "a parity lien with every other issue of bonds or other obligations hereinafter issued for payment"; and

(3) by deleting "in the order of the date of issue".

(c) The provisions of section 149(d)(3)(A)(i)(I) and 149(d)(2) of the Internal Revenue Code of 1986, as amended, shall not apply to bonds issued:

(1) by an authority created by statute of the Virgin Islands legislature, the proceeds of which will be used to advance refund certain bonds issued by such authority on July 8, 1992; or

(2) by an authority created by statute of the Virgin Islands Legislature, the proceeds of which will be used to advance refund certain bonds issued by such authority on November 3, 1994.

(d) The amendments made by subsections (b) and (c) shall apply to obligations issued on or after the date of enactment of this section.

SEC. 8. COMMISSION ON THE ECONOMIC FUTURE OF THE VIRGIN ISLANDS.

(a) ESTABLISHMENT AND MEMBERSHIP.—

(1) There is hereby established a Commission on the Economic Future of the Virgin Islands (the "Commission"). The Commission shall consist of six members appointed by the President, two of whom shall be selected from nominations made by the Governor of the Virgin Islands. The President shall designate one of the members of the Commission to be Chairman.

(2) In addition to the six members appointed under paragraph (1), the Secretary of the Interior shall be an ex-officio member of the Commission.

(3) Members of the Commission appointed by the President shall be persons who by virtue of their background and experience are particularly suited to contribute to achievement of the purposes of the Commission.

(4) Members of the Commission shall serve without compensation, but shall be reimbursed for travel, subsistence and other necessary expenses incurred by them in the performance of their duties.

(5) Any vacancy in the Commission shall be filled in the same manner as the original appointment was made.

(b) PURPOSE AND REPORT.—

(1) The purpose of the Commission is to make recommendations to the President and Congress on the policies and programs necessary to provide for a secure and self-sustaining future for the local economy of the Virgin Islands through 2020 and on the role of the federal government in providing for that future. In developing recommendations, the Commission shall—

(A) solicit information and advice from persons and entities that the Commission determines have expertise to assist the Commission in its work;

(B) examine and analyze historical data since 1970 on expenditures for infrastructure and services;

(C) analyze the sources of funds for such expenditures;

(D) assemble relevant demographic and economic data, including trends and projections for the future; and

(E) estimate future needs of the Virgin Islands, including needs for capital improvements, educational needs and social, health and environmental requirements.

(2) The recommendations of the Commission shall be transmitted to the President, the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives no later than December 1, 1997. The recommendations shall be accompanied by a report that sets forth the basis for the recommendations and includes an analysis of the capability of the Virgin Islands to meet projected needs based on reasonable alternative economic, political and social conditions in the Caribbean, including the opening in the near future of Cuba to trade, tourism and development.

(c) POWERS.—

(1) The Commission may—

(A) hold such hearings, sit and act at such times and places, take such testimony and receive such evidence as it may deem advisable;

(B) use the United States mail in the same manner and upon the same conditions as other departments and agencies of the United States;

(C) enter into contracts or agreements for studies and surveys with public and private organizations and transfer funds to federal agencies to carry out such aspects of the Commission's functions as the Commission determines can best be carried out in such manner; and

(D) incur such necessary expenses and exercise such other powers as are consistent with and reasonably required to perform its functions.

(2) The Secretary of the Interior shall provide such office space, furnishings and equipment as may be required to enable the Commission to perform its functions. The Secretary shall also furnish the Commission with such staff, including clerical support, as the Commission may require and shall provide to the Commission financial and administrative services, including those related to budgeting, accounting, financial reporting, personnel and procurement.

(3) The President, upon request of the Commission, may direct the head of any federal agency of department to assist the Commission and if so directed such head shall—

(A) furnish the Commission to the extent permitted by law and within available appropriations such information as may be necessary for carrying out the functions of the Commission and as may be available to or procurable by such department or agency; and

(B) detail to temporary duty with the Commission on a reimbursable bases such personnel within his administrative jurisdiction as the Commission may need or believe to be useful for carrying out its functions, each such detail to be without loss of seniority, pay or other employee status.

(d) CHAIRMAN.—Subject to general policies that the Commission may adopt, the Chairman of the Commission shall be the chief executive officer of the Commission and shall exercise its executive and administrative powers. The Chairman may make such provisions as he may deem appropriate authorizing the performance of his executive and administrative functions by the staff of the Commission.

(e) APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out the purposes of this section.

(f) TERMINATION.—The Commission shall terminate three months after the transmission of the report and recommendations under subsection (b)(2).

U.S. SENATE, COMMITTEE ON ENERGY
AND NATURAL RESOURCES,
Washington DC, March 11, 1996.

Hon. WILLIAM J. CLINTON,
President of the United States,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: Recently Senator Akaka and I had the opportunity to meet with President Amata Kabua of the Republic of the Marshall Islands and his Cabinet and later with President Bailey Olter of the Federated States of Micronesia and the Speaker of their legislature. While we had frank and informative meetings, one issue arose in both meetings that we wanted to bring to your attention and request your support.

As you know, in 1986, the Republic of the Marshall Islands and the Federated States of Micronesia emerged from the former United Nations Trust Territory of the Pacific Islands as sovereign nations in free association with the United States. That status had been requested by the Micronesian governments in the late 1960's and negotiated with the United States over more than a decade. Congress approved the Compacts of Free Association for these two areas in Public Law 99–239, signed by the President on January 14, 1986. That approval came after several years of Congressional consideration.

Under the terms of the Compacts, the political relationship is open ended, but the federal assistance provisions terminate after fifteen years, in 2001, with a possible two year extension if negotiations on such assistance have not concluded. Under section 231 of the Compacts, negotiations on those provisions that expire at the end of fifteen years shall commence no later than in year thirteen, in 1999. The leadership in both countries strongly urged that discussions begin prior to that time. I support that request.

In addition to the critical strategic and policy interests of the United States in each of these areas, we have developed a close and, I hope, an enduring relationship based on mutually shared values. the political development of the freely associated states and their emergence from the United Nations trusteeship system was done peacefully. The option of free association was a decision made by the Micronesians at a time when full independence was the mark of decolonization elsewhere in the world. While there have been significant developments in the ten years of the Compacts, the process of nation-building is not simple nor without setbacks and problems. The relationship is unique, and while I understand that there are some who find it troubling, I think an honest review would demonstrate that it has exceeded the expectations of all parties.

I do have some concerns with how the present relationship has been implemented, not the least of which is the failure of the Department of the Interior to assign an individual to each of the freely associated states to provide assistance and monitor the various federal programs and grants that have been provided despite the clear intent of the Congress in approving section 108 of P.L. 101–219 and explicit appropriations. That is a situation that should be rectified immediately. Some of the present economic problems might have been avoided with a continuing presence from the Department. While I support the Administration's economic policy reforms being carried out in cooperation with the Asian Development Bank, those reforms do not obviate the need for a full time presence from the Department of the Interior in responding to the problems.

I think it is clear, however, that the United States has much to offer the micronesian governments consistent with their sovereignty and our fiscal limitations. Technical and other assistance in marine resources and tourism will be important as these countries attempt to develop their economic potential while preserving their culture and traditions. Continued assistance in fiscal management will also be vital.

I strongly suggest that you begin consideration of the Administration's policy with respect to future assistance to the freely associated states now and that you do so in close consultation with the Congress. The history of the original approval of the Compacts indicates that the two years provided in section 231 is wholly inadequate for negotiations and Congressional consideration. It would be even worse if the Administration waited any longer to begin to formulate its position.

I do want to emphasize the need for close Congressional consultations. This Committee, as well as the relevant House Committees, were involved in the discussions and negotiations that led to the passage of the Covenant for the Northern Mariana Islands and the Compacts for the three freely associated states, and many of our concerns are reflected in the final documents.

Sincerely,

FRANK H. MURKOWSKI,
Chairman.

THE WHITE HOUSE,
Washington, April 10, 1996.

Hon. FRANK H. MURKOWSKI,
U.S. Senate,
Washington, DC

DEAR MR. CHAIRMAN: Thank you for your letter regrading U.S. policy toward the Federated States of Micronesia and the Republic of the Marshall Islands. These former parts of the Trust Territory of the Pacific Islands make an important contribution to our security presence in the Asia-Pacific region.

We are working closely with Micronesia and the Marshall Islands to ensure the nearly $2 billion in scheduled U.S. assistance from over forty agencies is effectively and efficiently used. The Interior Department has dedicated substantial personnel resources for this purpose.

I look forward to working with you and other members of your committee to support the exciting process of nation-building that is taking place in these former parts of the Trust Territories.

Sincerely,

BILL CLINTON.•

• Mr. JOHNSTON, Mr. President, I am pleased to join in the introduction of this legislation that will address several important areas of concern in the territories and freely associated states. Many of the provisions result from a recent trip that the chairman of the Committee on Energy and Natural Resources, Senator MURKOWSKI, and Senator AKAKA recently took to most of the Pacific insular areas.

It is almost 24 years since I first came to the Senate and assumed the chairmanship of the Subcommittee on Territories of the then Committee on Interior and Insular Affairs. I thought it was important to visit the areas under the committee's jurisdiction and meet with the leadership. There is nothing that can replace that first-hand knowledge. Given the enormous workload of the committee and the critical nature of the legislation before us, it is often easy to overlook the needs of the territories and freely associated states. I sincerely hope that other members of the committee will also visit these areas and come to appreciate the unique needs and problems that confront the residents. The responsibility for these areas is one of those unique constitutional authorities entrusted to Congress by article IV.

In the time that I have been involved with the insular areas, Congress has enacted legislation providing full local self-government to the Virgin Islands, Guam, and American Samoa—including the election of non-voting delegates to the House of Representatives. We have also terminated the Trust Territory of the Pacific Islands, leader to the emergence of three sovereign nations in free association with the United States and a fully locally self-governing territory—the Commonwealth of the Northern Mariana Islands. I also had the privilege of serving on the Ad Hoc Advisory Group of Puerto Rico with our former colleague Marlow Cook and former Governor Luis Munoz Marin.

I want to focus on one provision of this legislation, and that is the study of the future economic needs of the Virgin Islands. Since 1960, the Virgin Islands has experienced enormous growth and development. In large part, that growth resulted from increased tourism after the closure of Cuba and also from improved transportation links to the Islands. Another component was the favorable trade status of the Virgin Islands, which is outside the customs territory of the United States. Those underpinnings are about to disappear. NAFTA and other trade agreements are eroding the trade advantages that the Virgin Islands has enjoyed. Within the foreseeable future, we will have a post-Castro Cuba that will likely challenge the Virgin Islands tourist industry. Rather than waiting for those events to happen, it is essential that we—the Virgin Islands and the federal government—begin to plan for the future. This legislation calls for the creation of a Commission on the Economic Future of the Virgin Islands. The Commission would carry out an indepth study of what will need to be done to provide a transition for the Virgin Islands to a fully self-sustaining local economy and what the federal government needs to do to facilitate that transition.

I am pleased to cosponsor this legislation and I look forward to the hearings that the Committee will conduct in the next several weeks. At that time we will also review the report from the Administration on the law enforcement initiative in the Commonwealth of the Northern Mariana Islands. I was the floor manager for the Covenant, and I take particular pride in the accomplishments that have occurred in the past twenty years. The Northern Marianas entered territorial status heavily dependent on federal support for basic government operations. In twenty years, the territory has progressed to the point that it no longer requires direct assistance in operations and is capable of matching federal grants for capital infrastructure. That progress has had a price, however, and I intend to very carefully examine the labor situation and the continued reports of abuse, especially in the garment industry. While I fully support the authority for local self-government conferred under the Covenant, that grant also included the responsibility for exercising that authority properly.

In that context, on July 20, 1995, the Senate passed S. 638, a bill containing, among other things, significant provisions addressing labor issues in the Commonwealth of the Northern Mariana Islands. The House has not yet responded to this important legislative initiative. My hope is that we can obtain House action on S. 638 soon—in time for the 104th Congress to act to address these problems.•

By Mr. GRAMS:

S. 1805. A bill to provide for the management of Voyageurs National Park, and for other purposes; to the Committee on Energy and Natural Resources.

VOYAGEURS NATIONAL PARK ACCESSIBILITY AND PARTNERSHIP ACT

Mr. GRAMS. Mr. President, there is a march toward democracy afoot in America today.

That statement may seem surprising; after all, why would such a movement be needed? We Americans take pride in the fact that our Government is based on the pursuit of democracy—in the words of Abraham Lincoln, "a government of the people, by the people and for the people." And that principle should have as much relevance today as it did when President Lincoln delivered the Gettysburg Address 130 years ago—but does it?

In theory perhaps, but as a practical matter, it seems that the words of Lincoln have been steadily eroded by the recent surge in the size and power of the Federal Government. And with that growth in Washington has come the slow but unmistakable shift in power from the people to the government.

Under a democracy, government is needed to establish and enforce the fundamental rules by which our society operates—with the express support of the people. It is there to protect the rights of individuals and to step in when those rights come into conflict—to resolve disputes between people, not to create them.

But in recent years, the American people have been forced to watch Government expand its role in our daily lives through the use of laws, rules, and regulations—to the point of interference. Instead of receiving its power from the people, it has usurped that authority and as a result, abandoned any sense of public accountability.

As a result, many people believe that they have lost control of their Government—indeed a growing number of us feel that the Government now controls us.

There is no better example of this shift in power than in the Federal Government's management of our natural resources and public lands, particularly as it has affected the people of my home state in the controversy surrounding Voyageurs National Park.

The Park, now comprising 218,000 acres in northern Minnesota, was created in 1971 and established as part of the National Park System in 1975 following years of contentious debate and public hearings. While a number of local residents supported the creation of the park, they did so after promises by the Federal Government of increased economic growth in the region; maintenance of the Park as a multiple recreational use facility, for recreational activities like snowmobiling; and the continued use of input from the public into the management of the park.

But as the years passed, those promises fell by the wayside, leaving local residents out in the cold and understandably distrustful of government bureaucrats who have been unaccountable to the people they are supposed to serve and unresponsive to their needs. Instead of working for the people, the Federal Government has consistently ignored their concerns and in some cases, actually worked against them.

For example, the people of northern Minnesota were promised that in exchange for giving up their rights to the land that would comprise the Park, they would receive opportunities to boost their local economy. In fact, upon creation of the Park, Federal officials estimated that it would host over 1.3 million visitors each year, thereby providing much-needed economic growth for the surrounding communities.

But the road toward economic prosperity never found its way through Voyageurs National Park. Park officials currently estimate the annual number of visitors at 200,000—less than one-sixth their initial projection. Even worse, the Park Service has tried to cover its tracks by suggesting that the park—despite its low visitor rate—is not underutilized.

While the facts and figures certainly counter the Park Service's assertion, nothing beats a first-hand assessment of park use. So, on a beautiful Saturday last July, I visited Voyageurs National Park. While admiring the beauty and historical significance of the lands and waters enclosed within the park, I was struck by the fact that hardly anyone—with the exception of park officials and a few scattered visitors—was there. It was only when I drove through the neighboring city of International Falls, MN, that I did see a number of tourists and visitors—in line—waiting to pass through customs—on their way to Canada.

In 1983, Congress called for the Park Service to create a comprehensive visitor use and facilities plan which would lay out a strategy to increase park use. In spite of Congress' directive, no attempt to carry out the study ever occurred—perhaps due to the Park Service's belief that the park was not being underutilized, bureaucratic stonewalling, or maybe just out of simple negligence. Whatever the reason, Voyageurs National Park today remains underutilized—an isolated enclave—with the people of northern Minnesota forced to pay the price of the National Park Service's mismanagement.

The Park Service and the U.S. Fish and Wildlife Service have also worked together to curtail legitimate visitor access to and use in the Park. Under the guise of the Endangered Species Act, certain bays were shut off to snowmobiling in order to protect the nesting habitat of bald eagles. While everyone agreed that the eagles should be protected, many believed that both agencies failed to give valid, scientific reasons for closing off the bays. Recently, a Federal district judge ruled that Federal bureaucrats had abused the Endangered Species Act to unfairly restrict snowmobile access in the bays. It is sadly ironic that it took a Federal judge to recognize a legitimate use in the Park—something the Park Service and Fish and Wildlife Service have failed to comprehend.

But perhaps the greatest example of arrogance on the part of the Federal Government concerns the question of wilderness designation within the Park. Despite the clearly expressed intent of Congress that Voyageurs National Park was to be a multiple recreational use facility, the Park Service has continued to manage certain portions of the Park for wilderness study characteristics. One need go no further than to ask my colleague from Minnesota, Representative JIM OBERSTAR, who helped create the Park when he served as a Congressional staffer, about the intent of Congress that it was to be open for multiple use. Yet, major segments of the Park continue to be shut off to legitimate and recognized multiple uses—such as snowmobiling, boating and dog sledding—further breaking the long-standing commitments made to northern Minnesotans.

Mr. President, as much as we would like to, we cannot rewrite the history of Voyageurs National Park or simply wave a magic wand to right the wrongs to which the people of northern Minnesota have been subjected over the last 25 years. But we can and must take action to ensure that history does not repeat itself—that future management of the Park be conducted in accordance with the views of the people.

For that reason, today, I am introducing legislation which would help resolve this controversy by bringing democracy and government accountability back to Voyageurs National Park.

Under my legislation, a new Planning and Management Council will be charged with developing and monitoring a comprehensive management plan. It will consist of 11 members appointed by the Secretary of the Interior and will include representatives from Federal, State, local and tribal governments.

The management council will be authorized to create Advisory Councils made up of individuals representing diverse interests. All council meetings will be open to the public, who will be given opportunities to provide comment on agenda items.

Mr. President, under my bill, public input will no longer be ignored—in fact, it will be encouraged as part of the management process.

Finally, my legislation will prohibit the Park Service from issuing any additional regulations regarding the Park between enactment of this bill and the Secretary's final approval of the management plan, except in cases of routine administration, law enforcement need and emergencies.

To better understand how this new management council will improve the situation in northern Minnesota, one need look no further than the recent ban that was proposed by the National Park Service on the use of live bait within the interior lakes of Voyageurs National Park—one imposed without the solicitation of public input or notification to area fisherman and the Minnesota Department of Natural Resources.

This unilateral action taken by the Park Service naturally created enormous controversy and outrage in northern Minnesota. As one State official said at the time, "It was a big surprise to us * * *. There was no prior discussion with us on the ban. There's a longstanding tradition in the park of being able to use live bait."

After many of us raised our objections and outrage over the ban, the Park Service backpedaled, then lifted the ban, stating that it had misread the law. In doing so, the Superintendent of the Park was quoted in the papers saying, "I had no idea this was going to be a problem. If I had known, trust me, I would have dealt with it differently."

Mr. President, think about those words for a second. According to the Park Service, if they had just known, they never would have tried to impose their will on the people. If they had just known, just listened, just sought input, none of this would have happened. That is exactly what we are seeking today.

My legislation would avoid such embarrassments in the future by bringing everyone together to ensure that management of the Park is conducted by agreement, not edict. It will ensure that everyone has a seat at the table when the decisions are made. Above all, this new management council will return democracy to the preservation of Voyageurs National Park. It will return to the people of northern Minnesota a voice in how the park is operated and its impact on their communities, economy and livelihood.

Mr. President, I spoke earlier today of a growing movement toward democracy in America—born in the heartland of our Nation, led by the American people, and headed toward Washington. Since holding two public field hearings in Minnesota on this issue last year, I have heard from numerous citizen organizations, community leaders, and average Minnesotans about the management of the park and how their daily lives are affected by it.

Their message is simple: Let us have a say in how our natural resources are maintained—return some of the power to the people—give us back our government and our country. The silent majority, which has been suppressed for so many years, is now finding its voice again—and it is our responsibility to listen to it and act upon it. By conducting our field hearings, which attracted well over 2,000 Minnesotans, we took the first step by listening. Now, we must move ahead and take action.

During those hearings, I heard a number of people give profound and often moving testimony. Many presented facts and figures—invaluable data about the history and management about the park. But what struck me the most during the hearings were the personal stories—the real-life accounts about how the Federal Government and its mismanagement of Voyageurs National Park has truly changed the lives of the people it was created to serve.

One of these stories belonged to Carol Selsaas of Cohasset, MN. In her testimony, Carol described the work of her late father, George Esslinger, who was one of the strongest supporters in northern Minnesota for the creation of Voyageurs National Park.

Carol said:

> For over 9 years, my father worked with other men and women to fight for the creation of the park. He assisted the Department of the Interior in physically identifying the boundaries of the park. He traveled and spoke in favor of the park. He gave his heart and soul to the park. He believed the area he supported for a national park should be maintained for the enjoyment of all people: snowmobilers, cross country skiers, boaters, hikers, fishermen, hunters, yes and even dog sledders. He felt that this would be a park for everyone who had respect for this land, not one locked up except for a chosen few.

Carol went on to describe how her father supported the park with the understanding that the trails and roads already established—over 200 miles on the Kabetogama Peninsula alone—would be maintained. To date, all but 12 miles are now closed off to public access. On one of those closed off trails, Carol said, rests a memorial to her father placed by the Park Service. With tears in her eyes, she said that because of the inaccessibility of the trail, she has never been able to visit her father's memorial.

"My father died knowing that he had been lied to," said Carol. "He died apologizing to me, his grandson, his community. On his death bed, I promised that I would fulfill his wish and tell the story of how he was misled in his support for Voyageurs National Park."

Indeed, she did—as did many other of my fellow Minnesotans. We cannot forget their words or discard their testimonies. In the sterile halls of the Federal buildings here in Washington, the words of Carol Selsaas and others may not mean much, but to me, they describe the heartfelt emotions and passions about the culture of northern Minnesota—a culture that Washington may not understand, but cannot take for granted.

Nor can we hide in the halls of Congress from the march of democracy that is spreading throughout the heartland of our country. If we are truly committed to operating as the open democracy described by President Lincoln, we must turn the tide and return power back to its legitimate source in America: the people.

The legislation I introduce today is a necessary step in bringing the principles of democracy back to one small, but important region of our Nation. Let us no longer obstruct the march of democracy but help pave the way for it across America.

Mr. President, I ask unanimous consent that the test of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1805

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Voyageurs National Park Accessibility and Partnership Act of 1996".

SEC. 2. FINDINGS.

Congress finds that—

(1) Voyageurs National Park serves as a unique federal park unit in 1 of the Nation's distinguished natural ecosystems;

(2) Voyageurs National Park shall serve as a year-round multiple-use recreational unit as mandated under Public Law 91–661;

(3) current management of Voyageurs National Park has unilaterally restricted use and accessibility within certain portions of the park;

(4) intergovernmental cooperation that respects and emphasizes the role of State, local, and tribal governments in land management decision-making processes is essential to optimize the protection and development of social, historical, cultural, and recreational resources; and

(5) the national interest is served by—

(A) improving the management and protection of Voyageurs National Park;

(B) ensuring appropriate public access, enjoyment, and use throughout Voyageurs National Park; and

(C) allowing Federal, State, local, and tribal governments to engage in an innovative management partnership in Federal land management decisionmaking processes.

SEC. 3. PLANNING AND MANAGEMENT COUNCIL.

Public Law 91–661 (16 U.S.C. 160 et seq.) is amended—

(1) by redesignating sections 304 and 305 (16 U.S.C. 160i and 160j) as sections 306 and 307, respectively; and

(2) by inserting after section 303 (16 U.S.C. 160h) the following:

"SEC. 304. PLANNING AND MANAGEMENT COUNCIL.

"(a) ESTABLISHMENT.—There is established the Voyageurs National Park Intergovernmental Council (referred to in this Act as the 'Council').

"(b) DUTIES OF THE COUNCIL.—The Council shall develop and monitor a comprehensive management plan for the park in accordance with section 305.

"(c) MEMBERSHIP.—The Council shall be composed of 11 members, appointed by the Secretary, of whom—

"(1) 1 member shall be the Assistant Secretary for Fish and Wildlife and Parks, or a designee;

"(2) 3 members shall be appointed, from recommendations by the Governor of Minnesota, to represent the Department of Natural Resources, the Office of Tourism, and the Environmental Quality Board, of the State of Minnesota;

"(3) 1 member shall be a commissioner from each of the counties of Koochiching and Saint Louis, appointed from recommendations by each of the county boards of commissioners;

"(4) 1 member shall be a representative from the cities of International Falls and Orr, appointed from recommendations by each of the city councils;

"(5) 1 member shall be a State senator who represents a legislative district that contains a portion of the park, appointed from a recommendation by the Governor of Minnesota;

"(6) 1 member shall be a State representative who represents a legislative district that contains a portion of the park, appointed from a recommendation by the Governor of Minnesota;

"(7) 1 member shall be an elected official from the Northern Counties Land-Use Coordinating Board, appointed from recommendations by the Board; and

"(8) 1 member shall be an elected official of the Native American community to represent the 1854 Treaty Authority, appointed from recommendations by the Authority.

"(d) Advisory Committees.—

"(1) In general.—The Council may establish 1 or more advisory committees for consultation, including committees consisting of members of conservation, sportsperson, business, professional, civic, and citizen organizations.

"(2) Funding.—An advisory committee established under paragraph (1) may not receive any amounts made available to carry out this Act.

"(e) Quorum.—A majority of the members of the Council shall constitute a quorum.

"(f) Chairperson.—

"(1) Election.—The members of the Council shall elect a chairperson of the Council from among the members of the Council.

"(2) Terms.—The chairperson shall serve not more than 2 terms of 2 years each.

"(g) Meetings.—The Council shall meet at the call of the chairperson or a majority of the members of the Council.

"(h) Staff and Services.—

"(1) Staff of the council.—The Council may appoint and fix the compensation of such staff as the Council considers necessary to carry out this Act.

"(2) Procurement of temporary services.—The Council may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

"(3) Administrative support services.—The Administrator of General Services shall provide to the Council, on a reimbursable basis, such administrative support services as the Council requests.

"(4) Provision by the secretary.—On a request by the Council, the Secretary shall provide personnel, information, and services to the Council to carry out this Act.

"(5) Provision by other federal departments and agencies.—A Federal agency shall provide to the Council, on a reimbursable basis, such information and services as the Council requests.

"(6) Provision by the governor.—The Governor of Minnesota may provide to the Council, on a reimbursable basis, such personnel and information as the Council may request.

"(7) Subpoenas.—The Council may not issue a subpoena nor exercise any subpoena authority.

"(i) Procedural Matters.—

"(1) Guidelines for conduct of business.—The following guidelines apply with respect to the conduct of business at meetings of the Council:

"(A) Open meetings.—Each meeting shall be open to the public.

"(B) Public notice.—Timely public notice of each meeting, including the time, place, and agenda of the meeting, shall be published in local newspapers and such notice may be given by such other means as will result in wide publicity.

"(C) Public participation.—Interested persons shall be permitted to give oral or written statements regarding the matters on the agenda at meetings.

"(D) Minutes.—Minutes of each meeting shall be kept and shall contain a record of the persons present, an accurate description of all proceedings and matters discussed and conclusions reached, and copies of all statements filed.

"(E) Public inspection of record.—The administrative record, including minutes required under subparagraph (D), of each meeting, and records or other documents that were made available to or prepared for or by the Council incident to the meeting, shall be available for public inspection and copying at a single location.

"(2) New information.—At any time when the Council determines it appropriate to consider new information from a Federal, State, or local agency or from a Council advisory body, the Council shall give full consideration to new information offered at that time by interested members of the public. Interested parties shall have a reasonable opportunity to respond to new data or information before the Council takes final action on management measures.

"(j) Compensation.—

"(1) In general.—A member of the Council who is not an officer or employee of the Federal government shall serve without pay when carrying out duties pursuant to this Act.

"(2) Travel expenses.—While away from the home or regular place of business of the member in the performance of services for the Council, a member of the Council shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in Federal Government service are allowed expenses under section 5703 of title 5, United States Code.

"(k) Funding.—Of amounts appropriated to the National Park Service for a fiscal year, the Secretary shall make available such amounts as the Council shall request, not to exceed $150,000 for the fiscal year.

"(l) Termination of Council.—The Council shall terminate on the date that is 10 years after the date of enactment of this subsection.

"SEC. 305. MANAGEMENT PLAN.

"(a) Schedule.—

"(1) In general.—Not later than 3 years after the date of enactment of this subsection, the Council shall submit to the Secretary and the Governor of Minnesota a comprehensive management plan (referred to in this section as the 'plan') for the park, to be developed and implemented by the responsible Federal agencies, the State of Minnesota, and local political subdivisions.

"(2) Preliminary report.—Not later than 1 year after the date of the first meeting of the Council, the Council shall submit a preliminary report to the Secretary describing the process to be used to develop the plan.

"(b) Development of Plan.—

"(1) In general.—In developing the plan, the Council shall examine all relevant issues, including—

"(A) appropriate public access and recreational use, including—

"(i) snowmobiling opportunities;

"(ii) campsites and trails;

"(iii) the management policies of harvesting fish and wildlife;

"(iv) aircraft access throughout the park;

"(v) policies affecting hiking, bicycling, snoeshoeing, skiing, current watercraft opportunities, and other recreational activities the Council considers appropriate for the park; and

"(vi) visitation and services at the Kettle Falls facilities;

"(B) the proper distribution of visitors in the park;

"(C) a comprehensive visitor education program; and

"(D) the need for wilderness management for certain areas of the park.

"(2) Conditions.—In carrying out subparagraphs (A) through (D) of paragraph (1), the Council shall—

"(A) be subject to relevant environmental law;

"(B) consult on a regular basis with appropriate officials of each international, Federal, or State agency or local government that has jurisdiction over land or water in the park;

"(C) consult with interested conservation, sportsperson, business, professional, civic, and citizen organizations; and

"(D) conduct public meetings at appropriate places to provide interested persons the opportunity to comment on matters to be addressed by the plan.

"(3) Prohibited considerations.—The Council may not consider—

"(A) removing park designation; or

"(B) allowing mining, logging, or commercial or residential development.

"(4) Report.—The Council shall report to the International Joint Commission on water levels in the Rainy Lake Watershed, pursuant to the Convention Providing for Emergency Regulation of the Level of Rainy Lake and of Certain Other Boundary Waters, signed at Ottawa September 15, 1938 (54 Stat. 1800).

"(c) Approval of Plan.—

"(1) Submission to secretary and governor.—The Council shall submit the plan to the Secretary and the Governor of Minnesota for review.

"(2) Approval or disapproval by secretary.—

"(A) Review by the governor.—The Governor may comment on the plan not later than 60 days after receipt of the plan from the Council.

"(B) Secretary.—

"(i) In general.—The Secretary shall approve or disapprove the plan not later than 90 days after receipt of the plan from the Council.

"(ii) Criteria for review.—In reviewing the plan, the Secretary shall consider—

"(I) the adequacy of public participation;

"(II) assurances of plan implementation from State and local officials in Minnesota;

"(III) the adequacy of regulatory and financial tools that are in place to implement the plan;

"(IV) provisions of the plan for continuing oversight by the Council of implementation of the plan; and

"(V) the consistency of the plan with Federal law.

"(iii) NOTIFICATION OF DISAPPROVAL.—If the Secretary disapproves the plan, the Secretary shall, not later than 30 days after the date of disapproval, notify the Council in writing of the reasons for the disapproval and provide recommendations for revision of the plan.

"(C) REVISION AND RESUBMISSION.—Not later than 60 days after receipt of a notice of disapproval under subparagraph (B) or (D), the Council shall revise and resubmit the plan to the Secretary for review.

"(D) APPROVAL OR DISAPPROVAL OF REVISION.—The Secretary shall approve or disapprove a plan submitted under subparagraph (C) not later than 30 days after receipt of the plan from the Council.

"(d) REVIEW AND MODIFICATION OF IMPLEMENTATION OF PLAN.—The Council—

"(1) shall review and monitor the implementation of the plan; and

"(2) may, after providing for public comment and after approval by the Secretary, modify the plan, if the Council and the Secretary determine that the modification is necessary to carry out this Act.

"(e) INTERIM PROGRAM.—Before the approval of the plan, the Council shall advise and cooperate with appropriate Federal, State, local, and tribal governmental entities to minimize adverse impacts on the park.

"(f) NATIONAL PARK SERVICE REGULATIONS.—During the period beginning on the date of enactment of this subsection and ending on the date a management plan is approved by the Secretary under subsection (c)(2), the Secretary may not issue any regulation that relates to the park, except for—

"(1) regulations required for routine business, such as maintenance, visitor education, and law enforcement; and

"(2) emergency regulations.

"(g) STATE AND LOCAL JURISDICTION.—Nothing in this Act diminishes, enlarges, or modifies any right of the State of Minnesota or any political subdivision of the State to—

"(1) exercise civil and criminal jurisdiction;

"(2) carry out State fish and wildlife laws in the park; or

"(3) tax persons, corporations, franchises, or private property on land and water included in the park.".

By Mr. D'AMATO (for himself, Mr. DODD, and Mr. FRIST):

S. 1806. A bill to amend the Federal Food, Drug, and Cosmetic Act to clarify that any dietary supplement that claims to produce euphoria, heightened awareness or similar mental or psychological effects shall be treated as a drug under the Act, and for other purposes; to the Committee on Labor and Human Resources.

LEGISLATION TO CONTROL HERBAL STREET DRUGS

• Mr. D'AMATO. Mr. President, today I am introducing legislation—along with my colleagues Senators DODD and FRIST—to control the growing problem of dangerous herbal stimulants that are marketed and sold as alternatives to powerful and illegal street drugs. This carefully-drafted bill will make these herbal street drugs subject to pre-market safety reviews and allow the Food and Drug Administration, the FDA, to take prompt and decisive action against this narrow class of products.

I strongly support the right of the American people to have access to legitimate dietary supplements, and I want to clearly state that this bill will not limit that access. However, herbal street drugs are not legitimate dietary supplements. They are quite simply dangerous products masquerading as dietary supplements to evade Government review and sanctions.

Mr. President, on March 7, 1996, one of these products, called Ultimate Xphoria, killed 20-year-old Peter Schlendorf of Northport, NY. Peter, a junior at the State University of New York at Albany, died from a lethal combination of herbal stimulants found in this product. A statement issued by the medical examiner's office in Panama City, FL, where Peter died, specifically states that Peter's death "was a result of the use of Ultimate Xphoria, an herbal product containing Ma Huang." Ma Huang—also known as Ephedra—is a botanical source of the powerful stimulant ephedrine. The medical examiner's statement lists Peter's cause of death as the "synergistic effect of ephedrine" and several other herbal stimulants contained in this product. The statement further explains that these stimulants "can have an adverse effect on the heart and central nervous system."

Mr. President, I am committed to doing everything that I can to ensure that no more young people die from these dangerous herbal street drugs. And let me be perfectly clear: if Congress fails to act, it will just be a matter of time before these products kill more young people.

This is a battle to protect our children. The slick peddlers of these herbal street drugs have specifically targeted young people. They sell their products in novelty shops, using flashy signs and posters that appeal to and attract adolescents. They give their products names like Cloud 9, Herbal Ecstacy, Ultimate Xphoria, Magic Mushrooms and E-Ludes.

Using the Internet and showy brochures, they hawk their dangerous wares with promises of "euphoric stimulation, highly increased energy levels, tingly skin sensations, increased sexual sensations, enhanced sensory processing and mood elevations." One product, called Herbal Ecstacy, even claims that it is "a carefully formulated and thoroughly tested organic alternative to actual MDMA or Ecstacy"—a dangerous, illegal street drug. The marketing brochure for this product further states that it "acts on the same basis as MDMA, triggering similar, but not identical, physical reactions in the body." This is just outrageous.

In addition, many of these products falsely claim to be safe and tested. Some are even advertised as "100 percent and FDA approved" and as "100 percent natural . . . with no side effects". As Peter's death clearly demonstrates, however, these products can be deadly, and none are FDA-approved. How can the producers of these herbal street drugs claim that they are safe and tested when they can produce such tragic results? This is wrong and must be stopped.

The manner in which these products are marketed invites misuse by unsuspecting young people. These products are advertised as alternatives to street drugs. They are intended to get young people high. And what happens when the recommended dosage doesn't achieve the desired high? Then, the claims that these products are safe, natural and thoroughly tested lure young people into taking larger dosages. Indeed, some sellers are telling people to take two, three and four times the recommended dosage to achieve the desired high.

Mr. President, the legislation that I am introducing today will help to ensure that no more young people die from these dangerous products. The bill amends the Federal Food, Drug, and Cosmetic Act to clarify that a dietary supplement shall be considered a drug if its label or labeling claims or implies that the dietary supplement produces euphoria, heightened awareness or similar mental or psychological effects. As a result, this narrow class of dangerous products will be subject to the same premarket safety reviews as other drugs, and the FDA will have enhanced authority to take prompt and decisive action against them. Now, the FDA will be able to quickly pull these herbal street drugs, like the one that killed Peter Schlendorf, from stores before they kill again. This legislation is necessary to protect the health of the American public, particularly its youth, who are obviously the target of these dangerous herbal street drugs.

Again, let me clearly state that this bill has been carefully drafted to maintain the public's continued access to legitimate dietary supplements. For example, it will not limit access to either over-the-counter drugs, such as Sudafed, or legitimate dietary supplements, such as herbal teas, that contain ephedra or its related products.

I am certain that no Member of Congress envisioned that the Dietary Supplement Health and Education Act of 1994—the Dietary Supplement Act—would protect dangerous products like these herbal street drugs, but these products are currently covered by the literal language of that act. Since these products are considered dietary supplements under current law, the FDA's authority to regulate them is significantly limited. For example, these products are not currently subject to premarket safety reviews. In addition, the FDA cannot regulate herbal street drugs as a class, but instead must take action against each product individually. Indeed, the FDA must prove that a particular formulation of an herbal street drug "presents a significant or unreasonable risk of illness or injury" before it can take any action against the product. This is a lengthy process that can take years.

Moreover, under current law, an herbal street drug manufacturer can easily evade an FDA enforcement action simply by changing the composition of its product, while continuing to make the same labeling claims for drug-like mental and psychological effects. Each time the product formula changes, the FDA must evaluate the new formula and build its case from the beginning. The product formula thus becomes a moving target that the FDA must chase. The FDA should not have to chase herbal street drugs.

Some will argue that this legislation is unnecessary and that the FDA already has the authority to take action against herbal street drugs, but the clever producers and marketers of these herbal street drugs have been careful to take advantage of the protections afforded legitimate dietary supplements under the Dietary Supplement Act. For example, under that act, a dietary supplement is not subject to regulation as a drug simply because its label or labeling bears a truthful, nonmisleading claim regarding its effect on the body. This provision significantly limits the FDA's ability to take action against the peddlers of herbal street drugs who use carefully worded labels to evade FDA review and control.

Other options available to the FDA would also be ineffective against herbal street drugs. For example, the Dietary Supplement Act gives the Secretary of Health and Human Services the authority to declare that a dietary supplement poses an imminent hazard to public health or safety. Once such a declaration is made, the dietary supplement can be banned. A formal imminent hazard declaration requires lengthy formal rulemaking procedures, however, including a trial-type hearing before an administrative law judge. In addition, because what sells an herbal street drug is its claims rather than its ingredients, the imminent hazard declaration can easily be defeated by a formulation change without any label change. One can easily imagine the slick peddlers of these products switching a single ingredient—for example, from ephedra to kava-kava, another powerful herbal stimulant—just as the FDA is knocking on their door.

Mr. President, the marketing of herbal street drugs as dietary supplements, rather than as drugs, does not promote any of the goals identified by Congress in the Dietary Supplement Act. That act was intended to promote the public health. Congressional findings in section 2 of the act cite the role of a healthy diet, including safe dietary supplements in disease prevention, long-term good health, and reducing health care costs. Far from promoting the public health, herbal street drugs endanger the health and safety of consumers and give rise to unnecessary medical costs.

These dangerous products are not taken for nutritional purposes or to otherwise improve health and thus are not within the intended coverage of the Dietary Supplement Act. The manufacturers of herbal street drugs should not be permitted to abuse the Dietary Supplement Act by using it to legitimize the marketing of dangerous products. A narrowly drafted statutory amendment to correct the inclusion of herbal street drugs in the language of the act would achieve the intent of Congress by closing a loophole that Congress never intended to create.

Herbal street drugs killed young Peter Schlendorf. We have to make sure that this does not happen again. We have carefully drafted this legislation to target the narrow class of products that killed Peter—products that are being marketed and sold to young people as safe and legal alternatives to dangerous, illegal street drugs. We must take action quickly. I urge my fellow Senators to support this effort and quickly pass this legislation. If we wait, herbal street drugs will end more promising, young lives.•

• Mr. DODD. Mr. President, I am proud to sponsor this very important legislation with my colleagues, Senators D'AMATO and FRIST. In my view, the legislation is necessary to protect the American public, and particularly our Nation's youth, from what amount to common street drugs.

The makers of these products make no attempt to sell them as products to improve health or nutrition. The products carry names like "Herbal Ecstacy," "Ultimate X-Phoria," and "Cloud 9." One product claims "It is a carefully formulated and thoroughly tested organic alternative to actual MDMA or Ecstacy." I hardly think any of us believe that our Nation's children should be able to go into any novelty store and buy the equivalent of a powerful, dangerous, and I might add, illegal street drug.

Let me share with you the claims and promotional language of these products, lest there be any doubt what there purpose is for:

> The effects of Herbal Ecstacy beyond smart drug capacity include: Euphoric stimulation; highly increased energy levels; tingly skin sensations; enhanced sensory processing; mood elevations.
>
> Herbal Ecstacy acts on the same basis as MDMA, triggering similar but not identical physical reactions in the body.
>
> Our herbs are 100% natural and are uniquely formulated to give you a floaty, energetic, mind expanding, euphoric experience.

And listen to what is presented on a brochure as endorsements by users:

> They don't call it "ultimate" for nothing! This puts everything else I've tried to shame!!

Now, Mr. President, I guess we might feel differently if we knew these products were without risk. But the fact is, they have proven deadly. Peter Schlendorf, a 20-year-old from York, FL, died because he took one of these products. The cause of death was identified by the medical examiner's office in the Florida town where Peter died.

The makers of these products claim they are nutritional supplements, legitimately sold and promoted. They point to a law passed a couple of years ago that was meant to govern legitimate dietary supplements, that improve health and nutrition. But make no mistake. These products do nothing to improve health and nutrition.

So, the legislation we are proposing today is very simple. It says that products claiming to produce euphoria, heightened awareness or similar mental or psychological effects shall be treated as a drug. It would make the products subject to the same review, by the U.S. Food and Drug Administration, as other drugs. The products are not banned. And the bill will have no effect on legitimate dietary supplements. It only will affect products that are marketed and sold as alternatives to powerful street drugs.

Mr. President, it is my hope that we can act quickly on this legislation and prevent the kind of tragedy experienced by the Schlendorfs.•

• Mr. FRIST. Mr. President, I rise today to join my distinguished colleague from New York in introducing legislation to address an alarming problem facing our children today.

A new class of street drugs is endangering our Nation's young people. These products are being portrayed as safe, natural alternatives to illegal street drugs, but they are far from safe.

As a medical doctor who specialized in heart ailments, I am familiar with the powerful and even life-threatening effect some of these products can have on the human heart and central nervous system. And as the father of three young boys of the ages 8, 10 and 12, I am outraged at the way these products are being blatantly marketed toward children and young adults.

Therefore, I have joined Senators D'AMATO and DODD in introducing a bill that will control the growing problem of herbal street drugs. This bill will classify as drugs products marketed and sold, particularly to young people, as alternatives to illegal street drugs. As a result these products will be subject to the same Federal review and sanctions as other pharmaceuticals.

This bill will not limit public access to legitimate dietary supplements and over-the-counter medications. It is not drafted to limit public access to products that contain particular ingredients. The producers of legitimate products that make truthful claims about their product have nothing to fear from this bill. To the contrary, they should support the intent of this bill because it addresses the problem of unscrupulous manufacturers who are giving the dietary supplement industry a bad name and abusing the very laws which permit dietary supplement manufacturers to place truthful and nonmisleading claims on their products.

These herbal street drugs pose significant health risks to consumers. These products are marketed under a variety of brand names, including Cloud 9, Herbal Ecstasy and Ultimate Xphoria, with labels that claim or imply that they produce such effects as euphoria, heightened awareness and other effects. These labels often portray the products as legal alternatives to illegal street drugs such as "ecstasy." "Ecstasy" is the street name for MDMA (4-methyl-2, dimethoxyamphetamine), which produces euphoria.

These products often contain botanical sources of ephedrine. Ephedrine is an amphetamine-like stimulant that can have potentially dangerous effects on the heart and central nervous system. Possible adverse effects range from clinically significant effects such as heart attack, stroke, seizures, psychosis and death, to clinically less significant effects that may indicate the potential for more serious effects. These effects can include dizziness, headache, gastrointestinal distress, irregular heartbeat, and heart palpitations. The labels on these herbal street drugs may list one or more ephedrine-containing ingredients, including ma huang, Chinese ephedra, ma huang extract, ephedra, Ephedra sinica, ephedra extract, ephedra herb powder, epitonin or ephedrine.

Ephedrine and its related products are also available in many legitimate forms that will not be affected by this bill. For example, ephedrine can be useful for treating mild forms of seasonal or chronic asthma and is also FDA-approved for treating enursesis hypotension, nasal congestion and sisustitis.

According to a statement by the Panama City, Florida medical examiner, 20-year-old Peter Schlendorf died "as a result of the use of Ultimate Xphoria, an herbal product containing Ma Huang". Peter's cause of death was listed as the "synergistic effect of ephedrine, pseudo-ephedrine, phenylpropanolamine and caffeine". There is no question that this combination of stimulants can have an adverse effect on the heart and central nervous system.

As lawmakers, we have a responsibility to make sure that no more young people die from these herbal street drugs. This bill provokes debate on this important issue. I have already been contacted by a major trade association, the Council for Responsible Nutrition [CRN], and the Nutritional Health Alliance, an industry and consumer coalition, expressing a desire to work with us to reach an effective solution to this issue. I urge all interested parties to come to the table and address the serious consequences of allowing these herbal street drugs to fall into the hands of our children.●

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 1807. A bill to amend the Alaska Native Claims Settlement Act, regarding the Kake Tribal Corporation public interest land exchange; to the Committee on Energy and Natural Resources.

KAKE LAND EXCHANGE LEGISLATION

● Mr. MURKOWSKI. Mr. President, today I introduce the Kake Tribal Land Exchange Act on behalf of myself and Senator STEVENS. This legislation would amend the Alaska Native Claims Settlement Act which authorized the transfer of 23,040 acres of land from the U.S. Government to Kake Tribal Corporation.

The land was transferred to Kake to recognize "an immediate need for a fair and just settlement"

Unfortunately, Kake has not received the full beneficial use of its 23,040 acres because the city's watershed—over 2,400 acres—rest within Kake Tribal's lands. In order to protect the city's watershed and still receive beneficial use of their 23,040 acres we are proposing an acre-for-acre land exchange. This will assist the people of Kake, AK, as they move toward a safer, cleaner, and healthier future.

Under this proposal, Kake Tribal would exchange the watershed for 2,427 acres in southeast Alaska, thereby allowing Kake to receive its full entitlement under ANCSA. This legislation is of great importance to the residents of the community of Kake, AK.

This legislation will ensure protection of the Gunnuk Creek watershed which is the main water supply for the city of Kake as well as protect critical habitat for the Gunnuk Creek hatchery.

The legislation has received wide support in Alaska from diverse groups such as: The Southeast Alaska Conservation Council, the city of Kake, AK, the Organized Village of Kake, the Kake non-profit fishery, the Alaska Federation of Natives, and Sealaska Corporation.

Additionally, the Governor of Alaska has written to me in support of this exchange. Attached are copies of some of the letters of support I have received for the record at this time.

Because this is an acre-for-acre exchange there will be no cost to the Federal Government. I introduced this legislation with the confidence that it is in the best interest of not only the citizens of Kake but with the knowledge that it is in the best interest of all Americans to protect drinking water for our communities. Lastly, this legislation will help fulfill our commitment to the Natives of Alaska that they will be treated fairly and justly under the Alaska Native Claims Settlement Act.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1807

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Kake Tribal Corporation Land Exchange Act."

SEC. 2. AMENDMENT OF SETTLEMENT ACT.

The Alaska Native Claims Settlement Act (Public Law 92-203, December 18, 1971, 85 Stat. 688, 43 U.S.C. 1601 et seq.), as amended, is further amended by adding a new section to read:

SEC. 40. KAKE TRIBAL CORPORATION LAND EXCHANGE.

(a) To provide Kake Tribal Corporation with land suitable for development, to acknowledge the corporation's return to public ownership land needed as a municipal watershed area, and to promote the public interest, the Secretary shall convey to the corporation approximately 2, 427 acres of Federal land as described in subsection (c). The land to be conveyed includes:

(1) up to 388 acres in the Slate Lakes area, as described in (c)(2) of this section, if, within five years after the effective date of this section, the corporation has entered into an agreement to lease or otherwise convey some or all of the land to the operator of the Jualin Mine; or,

(2) at the corporation's option, the 388 acres mentioned in (1) of this subsection and the remaining 2,039 acres may be conveyed from the acres described in (c)(3) of this section.

(b) TITLE TO SURFACE AND SUBSURFACE.—Subject to valid existing rights and easements, the Secretary shall, no later than the deadlines specified in (c)(2) and (3) of this section, convey to Kake Tribal Corporation title to the surface estate in this land and convey to Sealaska Corporation title to the subsurface estate in that land.

(c) DESCRIPTION AND DEADLINES.—The land covered by this section is in the Copper River Meridian and is further described as follows:

(1) the land to be conveyed by Kake Tribal Corporation to the United States, no later than 90 days after the effective date of this section, as shown on the map dated ______ and labeled Attachment A, is the municipal watershed area and is described as follows:

Municipal watershed

Section	*Approximate acres*
T56S, R72E	
13	82
23	118
24	635
25	640
26	346
34	9
35	349
36	248
Approximate total	2,427

(2) Kake Tribal Corporation shall have the option to select up to 388 acres in the Slate Lakes area, as shown on the map dated ________ and labeled Attachment B. This option shall remain in effect for five years after the date of enactment of this section. The land to be conveyed is identified on the following maps as:

Slake lakes area

Section	*Description*	*Approximate acres*
	T35S, R62E	
22	E½	27
23	W½	152
26	W½	119
27	E½	23
	T36S, R62E	
1	W½, NW¼	38
Two utility corridors: One beginning in the northwest quarter of section 1, T36S, R62E, heading northwest through the northeast quarter of section 2, then heading northwest through section 26, T35S, R62E; another beginning in section 23, T35S, R62E, heading northeast, then heading northwest through section 23, then northwest through the southwest quarter of section 15, then northwest through section 16, then turning northeast in the northeast quarter of section 16 to the Jualin patented group.		
Approximate total.		388

(3) the remaining 2,039 acres of land to be conveyed to Kake Tribal Corporation, or the entire 2,427 acres if the option on the 388 acres mentioned in (2) of this subsection is not exercised, shall be land in the Hamilton Bay and Saginaw Bay areas and shall be conveyed within 90 days after the effective date of this section; this land is shown on the maps dated ________ and labeled Attachments C and D.

(d) TIMBER MANUFACTURING.—Notwithstanding any other provision of law, timber harvested from lands conveyed to Kake Tribal Council pursuant to this Act shall not be available for export as unprocessed logs from Alaska, nor may Kake Tribal Corporation sell, trade, exchange, substitute, or otherwise convey such logs to any other person for the purpose of exporting such logs from their.

(e) RELATION TO OTHER REQUIREMENTS.—The land conveyed to Kake Tribal Corporation and Sealaska Corporation under this section is, for all purposes, considered land conveyed under the Alaska Native Claims Settlement Act.

(f) MAPS.—The maps referred to in this section shall be maintained on file in the Office of the Chief, United States Forest Service, and in the Office of the Secretary of the Interior, Washington, D.C. The acreage cited in this section is approximate, and if a discrepancy arises between cited acreage and the land depicted on the specified maps the maps shall control. The maps do not constitute an attempt by the United States to convey State or private land.•

By Mr. MURKOWSKI (for himself and Mr. JOHNSTON):

S. 1808. A bill to amend the Act of October 15, 1966 (80 stat. 915), as amended, establishing a program for the preservation of additional historic property throughout the Nation, and for other purpose; to the Committee on Energy and Natural Resources.

THE NATIONAL HISTORIC PRESERVATION ACT OF 1966 AMENDMENT ACT OF 1996

• Mr. MURKOWSKI. Mr. President, on behalf of Senator JOHNSTON and myself, I introduce a bill to amend the National Historic Preservation Act of 1966, that, when enacted, will continue the appropriations authorization for the Advisory Council on Historic Preservation.

Established in 1966, the Council is an independent Federal agency responsible for advising the President and the Congress on historic preservation matters and commenting to Federal agencies on the effects of their activities upon historic properties.

Mr. President, over the past three decades, the Congress has made a substantial commitment to the preservation and encouragement of our national heritage. Established by the National Historic Preservation Act, the Advisory Council on Historic Preservation has served to improve the effectiveness and coordination of public and private efforts in historic preservation.

Historic preservation safeguards physical links to the past. It is through these links that our important cultural resources are preserved and passed on to succeeding generations. Destruction of our significant cultural and historic resources serves no purpose. Our memory of important history only becomes more difficult without the various fabrics to view, touch and or experience.

Congress recognized this principle in the National Historic Preservation Act of 1966: "The historical and cultural foundations of the nation should be preserved as a living part of our community life and development in order to give a sense of orientation to the American people."

Mr. President, in addition to many educational programs, one of the most important functions of the Advisory Council is mediating between any Federal agency issuing a permit and the individual who is planning to develop his property. Under the terms of Section 106 of the National Historic Preservation Act, the Council seeks to negotiate a memorandum of agreement in such cases, setting forth what will be done to reduce or avoid and adverse effects the undertaking will have.

While the section 106 process has often been described as contentious by private property rights advocates and others, I believe the Advisory Council can and should serve as a solution to resolving conflicts between a sometimes over-reaching bureaucracy and the individual property owner.

It is my hope that the committee hearing process will shed light on the problems, address the issues, as well as the successes of the Council; and that we can move forward on this important program in a positive and constructive manner.

The Council's appropriations authorization expires with the current fiscal year. This legislation will authorize the continuing work of the Council by providing appropriations authority from fiscal year 1997 through fiscal year 2002.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1808

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That the Act of October 15, 1966 (80 Stat. 915), as amended (16 U.S.C. Section 470 et seq.) is further amended as follows:

(a) Section 212(a) is amended by deleting the last sentence and inserting in lieu thereof the sentence "There are authorized to be appropriated not to exceed $5,000,000 in each fiscal year 1997 through 2002."•

By Mr. MURKOWSKI:

S. 1809. A bill entitled the "Aleutian World War II National Historic Areas Act of 1996"; to the Committee on Energy and Natural Resources.

THE ALEUTIAN WORLD WAR II NATIONAL HISTORIC AREAS ACT OF 1996

• Mr. MURKOWSKI. Mr. President, I introduce a bill entitled the "Aleutian World War II National Historic Areas Act of 1996."

Mr. President, the Ounalashka Corporation is the Alaska Native village corporation for the Unalaska region of the Western Aleutian Islands. The Corporation is the major land owner of Amaknak Island, where the City of Unalaska is located. The Corporation has been working closely with municipal officials of the City of Unalaska to identify Corporation land which would be Federally recognized and designated as a unique "historic area".

Many have forgotten that during World War II, Unalaska came under attack. Unalaska was raided and bombed by Japanese aircraft in one of the few sieges on U.S. territory. This area of Amaknak Island was heavily fortified, and much of the original bunkers, tunnels, and buildings remain. The Corporation owns the majority of land and facilities occupied by U.S. military forces on Amaknak Island during the war.

The area is rich in history and memories. In recent years World War II veterans who were stationed in Unalaska, and in some cases family members, have made pilgrimages back to honor fallen friends and relive the past.

In addition to the historic significance of Unalaska during the War, there is also a compelling story of the Aleutian Islands indigenous people which is not well known. Alaska Native people from 23 villages were evacuated from the region during the War, and many were interned in relocation camps. As a result of the devastating bombing by the Japanese, the city of Unalaska was the only village that was re-inhabited following the World War II effort.

The Aleut people made substantial contributions to the war effort and yet suffered hardships similar to those of the Japanese-Americans throughout the war.

The Corporation, the City of Unalaska, and many historians believe that the history of the Aleut people and the war effort in the region are intertwined. In response to the increased interest of the World War II veterans and their survivors who have visited Unalaska, the Corporation is considering constructing a World War II Historic Center on the Island of Amaknak to tell this unique, but little known history of the war in the Aleutians and the Aleut people to the rest of the world.

Mr. President, this legislation, when enacted, will establish the "Aleutian World War II National Historic Area". I am very cognizant of the adverse effects that new units of the National Park System can create on existing units of the System. This legislation provides us with a unique opportunity to work with and for the private sector in the development and operation of this important historic resources.

There will be no land acquisition or day-to-day operational expenses normally associated with other units of the National Park System. The Ounakashka Corporation has exclusive ownership and control of the lands, buildings and historic structures which would comprise the historic area.

The Corporation is not seeking land exchanges with the Department of the Interior and does not desire to convey or encumber title to, or control of, its lands to the Federal Government. The Corporation only wants to work with the Federal Government to save this significant piece of the history of the United States. The expense to the National Park Service would be minimal, and would consist of technical assistance and training. The contribution to the public will be a historic site that is preserved for the enjoyment and education of all Americans.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1809

SECTION 1. SHORT TITLE.

This Act may be cited as the "Aleutian World War II National Historic Areas Act of 1996".

SEC. 2. PURPOSE.

The purpose of this Act is to designate and preserve the Aleutian World War II National Historic Area within lands owned by the Ounalaska Corporation on the island of Amaknak, Alaska and to provide for the interpretation, for the educational and inspirational benefit of present and future generations, of the unique and significant circumstances involving the history of the Aleut people, and the role of the Aleut people and the Aleutian Islands in the defense of the United States in World War II.

SEC. 3. BOUNDARIES.

The Aleutian World War II National Historic Area shall be comprised of areas on Amaknak island depicted on the map entitled "Aleutian World War II National Historic Area".

SEC. 4. TERMS AND CONDITIONS.

Nothing in this Act shall—

(a) authorize the conveyance of lands between the Ounalaska Corporation and the U.S. Department of the Interior, nor remove land or structures appurtenant to the land from the exclusive control of the Ounalaska Corporation; or

(b) provide authority for the Department of the Interior to assume the duties associated with the daily operation of the Historic Area or any of its facilities or structures.

SEC. 5. TECHNICAL ASSISTANCE.

The Secretary of the Interior may award grants and provide technical assistance to the Ounalaska Corporation and the City of Unalaska to assist with the planning, development, and historic preservation from any program funds authorized by law for technical assistance, land use planning or historic preservation.•

By Mr. GORTON (for himself and Mrs. MURRAY):

S. 1810. A bill to expand the boundary of the Snoqualmie National Forest and for other purposes; to the Committee on Energy and Natural Resources.

THE SNOQUALMIE NATIONAL FOREST BOUNDARY ADJUSTMENT ACT OF 1996

• Mr. GORTON. Mr. President, today I am joined by junior Senator from Washington State, Mrs. MURRAY, in introducing the "Snoqualmie National Forest Boundary Adjustment Act of 1996." Earlier this week Representative JENNIFER DUNN, of Washington State, introduced identical legislation in the House.

This legislation will facilitate the exchange of land between the Weyerhaeuser Company and the Forest Service by adjusting a National Forest Boundary. As Chairman of the Interior Appropriations Subcommittee, which funds our National Forest and Parks, land exchanges result in less expense to the Federal taxpayer than do land acquisitions.

I will be working over the course of the next few months to get this legislation passed by both the House and Senate, and I encourage my colleagues to support this legislation.•

• Mrs. MURRAY. Mr. President, I fully support this landmark agreement negotiated by the Sierra Club's Cascade Checkerboard Project, the Weyerhaeuser Company, and the Forest Service. I particularly applaud the Weyerhaeuser Company's donation of approximately 1,900 acres of land, 900 acres of which will become part of the Alpine Lakes Wilderness Area.

This exchange will give Weyerhaeuser 7,200 acres of 80- to 100-year-old trees within the Mount Baker-Snoqualmie National Forest in Pierce County, WA, in exchange for 33,000 acres of company's land. Essentially, the company gets timber to cut now, and the public gets much more land upon which future forests will be grown. Both Weyerhaeuser and the Forest Service will also be better able to manage their lands as ecosystems and reduce costs and administrative burdens of checkerboard management.

I strongly support such negotiated trades. I believe it is in all of our interests to reduce the checkerboard pattern of ownership—which Congress created through a massive land grant to the Northern Pacific Railroad in 1864. I will continue to encourage cooperation between public and private landowner, and environmental and timber interests. Such agreements provide models for resolution of natural resources disputes and other environmental issues.

Mr. President, I urge the Senate to take expeditious action on this bill, which simply alters the boundary of Mount Baker-Snoqualmie National Forest. The boundary change is needed before the exchange can occur. I thank my colleagues for any support they can give to their bipartisan, non-controversial bill.•

By Mr. MACK (for himself, Mr. BRADLEY, Mr. ROTH, Mr. LAUTENBERG, and Mr. BIDEN):

S. 1811. A bill to amend the Act entitled "An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property" to confirm and clarify the authority and responsibility of the Secretary of the Army, acting through the Chief of Engineers, to promote and carry out shore protection projects, including beach nourishment projects, and for other purposes; to the Committee on Environment and Public Works.

THE SHORE PROTECTION ACT OF 1996

Mr. MACK. Mr. President, I rise today to announce legislation I am introducing—along with Senator BRADLEY and others—to reaffirm the Federal role in beach preservation and renourishment. I want to thank the Senator from New Jersey for his steadfast efforts on this issue and for all he did to make this bill possible.

Mr. President, in my State of Florida, healthy beaches mean a healthy economy. Each year, millions of people travel from around the world to enjoy the recreational benefits of my State's coastlines. This tourist activity sustains our economy and provides hundreds of thousands of jobs for Floridians. As a consequence, people in Florida care deeply about the future of our beaches and look to us to ensure that they are properly maintained.

For 60 years, Mr. President, the U.S. Army Corps of Engineers worked in partnership with the Congress, the States, and coastal communities to devise a workable policy on sandy beach renourishment. The Corps brought to this partnership a wealth of accumulated technical expertise and institutional knowledge about beach preservation. Further, they brought funding which was leveraged with State and local participation into projects which directly benefited the Nation's coastlines.

This all ended last year when the Clinton administration turned its back on coastal communities by ending the traditional Federal role in beach renourishment. In its 1996 budget request, the administration indicated that beach preservation and maintenance was no longer of national significance.

I strongly disagree. Almost half our population lives in or near coastal communities. The coastal economy is responsible for one-third of our gross domestic product and more than 28 million jobs. Much of this economic activity derives from the vacationtime lure of healthy beaches. These projects truly are of national significance, Mr. President, and the Corps of Engineers ought to remain a full partner in this effort.

Last year, I joined Senator BRADLEY and several of my colleagues in twice writing the administration in protest. Further, we restored the Corps' authority through the appropriations process. This victory was only short term, however, and coastal communities throughout the Nation asked Congress for assurance of a permanent Federal presence in this sector.

When the administration released this year's budget and again proposed to end the Corps' involvement in restoring beaches, we began to explore a permanent legislative solution to this problem. The culmination of our efforts is the bill we are introducing today.

Our legislation is very simple, Mr. President. We amend the mission of the Corps to include shore protection projects, and we mandate that the Corps make recommendations to Congress on specific projects that are worthy of Federal participation. Further, we require the Corps to consider benefits to the local and regional economy and ecology when considering preparing cost/benefit analyses on beach projects. And we encourage the Corps to work with the States and local communities on regional plans for the long-term preservation of our coastal resources.

Mr. President, this bill will ensure that the Federal Government remains a full partner with the States and communities on the preservation of our beach resources. This is critical to Florida and to our Nation's economy. I encourage my colleagues to join the Senator from New Jersey and me as we continue to move ahead on this issue.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1811

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Shore Protection Act of 1996".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the beach, shore, and coastal resources of the United States—

(A) are critical assets that must be protected, conserved, and restored; and

(B) provide economic and environmental benefits that are of national significance;

(2) a network of healthy and nourished beaches is essential to the economy, competitiveness in world tourism, and safety of coastal communities of the United States;

(3)(A) the coasts of the United States are an economic asset, supporting 34 percent of national employment, or 28,000,000 jobs; and

(B) the 413 coastal communities of the United States generate $1,300,000,000,000, or ⅓, of the gross domestic product;

(4)(A) travel and tourism—

(i) is the second largest sector of the economy of the United States; and

(ii) contributed over $746,000,000,000 to the gross domestic product in 1995;

(B) the health of the beaches and shoreline of the United States contributes to this economic benefit, since the leading tourist destinations in the United States are beaches; and

(C) 85 percent of all tourism-generated revenue in the United States derives from coastal communities;

(5)(A) the value of the coastline of the United States lies not only in the jobs and revenue that the coastline generates, but also in the families, homes, and businesses that the coastline protects from hurricanes, typhoons, and tropical and extratropical storms;

(B) almost 50 percent of the total United States population lives in coastal communities; and

(C) beaches provide protection to prevent the destruction of life and hundreds of billions of dollars worth of property;

(6) shoreline protection projects can provide ecological and environmental benefits by providing for, or by restoring, marine and littoral habitat;

(7)(A) the coastline of the United States is a national treasure, visited by millions of Americans and foreign tourists every year;

(B) over 90,000,000 Americans spend time boating or fishing along the coast each year; and

(C) the average American spends 10 recreational days per year on the coast; and

(8) since shoreline protection projects generate positive economic, recreational, and environmental outcomes that benefit the United States as a whole, Federal responsibility for preserving this valuable resource should be maintained.

(b) PURPOSE.—The purpose of this Act is to provide for a Federal role in shore protection projects, including projects involving the replacement of sand, for which the economic and ecological benefits to the locality, region, or Nation exceed the costs.

SEC. 3. SHORE PROTECTION.

(a) IN GENERAL.—The first section of the Act entitled "An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property", approved August 13, 1946 (33 U.S.C. 426e), is amended—

(1) in subsection (a)—

(A) by striking "damage to the shores" and inserting "damage to the shores and beaches"; and

(B) by striking "the following provisions" and all that follows through the period at the end and inserting the following: "this Act, to promote shore protection projects and related research that encourage the protection, restoration, and enhancement of sandy beaches, including beach restoration and periodic beach nourishment, on a comprehensive and coordinated basis by the Federal Government, States, localities, and private enterprises. In carrying out this policy, preference shall be given to areas in which there has been a Federal investment of funds and areas with respect to which the need for prevention or mitigation of damage to shores and beaches is attributable to Federal navigation projects or other Federal activities.";

(2) in subsection (d), by striking "or from the protection of nearby public property" and inserting ", if there are sufficient benefits to local and regional economic development and to the local and regional ecology (as determined under subsection (e)(2)(B)),"; and

(3) in subsection (e)—

(A) by striking "(e) No" and inserting the following:

"(e) AUTHORIZATION OF PROJECTS.—

"(1) IN GENERAL.—No"; and

(B) by adding at the end the following:

"(2) STUDIES.—

"(A) IN GENERAL.—The Secretary shall—

"(i) recommend to Congress studies concerning shore protection projects that meet the criteria established under this Act (including subparagraph (B)(iii)) and other applicable law;

"(ii) conduct such studies as Congress requires under applicable laws; and

"(iii) report the results of the studies to the appropriate committees of Congress.

"(B) RECOMMENDATIONS FOR SHORE PROTECTION PROJECTS.—

"(i) IN GENERAL.—The Secretary shall recommend to Congress the authorization or reauthorization of shore protection projects based on the studies conducted under subparagraph (A).

"(ii) CONSIDERATIONS.—In making recommendations, the Secretary shall consider the economic and ecological benefits of a shore protection project and the ability of the non-Federal interest to participate in the project.

"(iii) CONSIDERATION OF LOCAL AND REGIONAL BENEFITS.—In analyzing the economic and ecological benefits of a shore protection project, or a flood control or other water resource project the purpose of which includes shore protection, the Secretary shall consider benefits to local and regional economic development, and to the local and regional ecology, in calculating the full economic and ecological justifications for the project.

"(iv) NEPA REQUIREMENTS.—Nothing in this subparagraph imposes any requirement on the Army Corps of Engineers under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

"(C) COORDINATION OF PROJECTS.—In conducting studies and making recommendations for a shore protection project under this paragraph, the Secretary shall—

"(i) determine whether there is any other project being carried out by the Secretary or the head of another Federal agency that may be complementary to the shore protection project; and "(ii) if there is such a complementary project, describe the efforts that will be made to coordinate the projects.

"(3) SHORE PROTECTION PROJECTS.—

"(A) IN GENERAL.—The Secretary shall construct, or cause to be constructed, any shore protection project authorized by Congress, or separable element of such a project, for which funds have been appropriated by Congress.

"(B) AGREEMENTS.—

"(i) REQUIREMENT.—After authorization by Congress, and before commencement of construction, of a shore protection project or separable element, the Secretary shall enter into a written agreement with a non-Federal interest with respect to the project or separable element.

"(ii) TERMS.—The agreement shall—

"(I) specify the life of the project; and

"(II) ensure that the Federal Government and the non-Federal interest will cooperate in carrying out the project or separable element.

"(C) COORDINATION OF PROJECTS.—In constructing a shore protection project or separable element under this paragraph, the Secretary shall, to the extent practicable, coordinate the project or element with any complementary project identified under paragraph (2)(C).

"(4) REPORT TO CONGRESS.—The Secretary shall report annually to the appropriate committees of Congress on the status of all ongoing shore protection studies and shore protection projects carried out under the jurisdiction of the Secretary.".

(b) REQUIREMENT OF AGREEMENTS PRIOR TO REIMBURSEMENTS.—

(1) SMALL SHORE PROTECTION PROJECTS.—Section 2 of the Act entitled "An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property", approved August 13, 1946 (33 U.S.C. 426f), is amended—

(A) by striking "SEC. 2. The Secretary of the Army" and inserting the following:

"SEC. 2. REIMBURSEMENTS.

"(a) IN GENERAL.—The Secretary";

(B) in subsection (a) (as so designated)—

(i) by striking "local interests" and inserting "non-Federal interests";

(ii) by inserting "or separable element of the project" after "project"; and

(iii) by inserting "or separable elements" after "projects" each place it appears; and

(C) by adding at the end the following:

"(b) AGREEMENTS.—

"(1) REQUIREMENT.—After authorization of reimbursement by the Secretary under this section, and before commencement of construction, of a shore protection project, the Secretary shall enter into a written agreement with the non-Federal interest with respect to the project or separable element.

"(2) TERMS.—The agreement shall—

"(A) specify the life of the project; and

"(B) ensure that the Federal Government and the non-Federal interest will cooperate in carrying out the project or separable element.".

(2) OTHER SHORELINE PROTECTION PROJECTS.—Section 206(e)(1)(A) of the Water Resources Development Act of 1992 (33 U.S.C. 426i-1(e)(1)(A)) is amended by inserting before the semicolon the following: "and enters into a written agreement with the non-Federal interest with respect to the project or separable element (including the terms of cooperation)".

(c) STATE AND REGIONAL PLANS.—The Act entitled "An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property", approved August 13, 1946, is amended—

(1) by redesignating section 4 (33 U.S.C. 426h) as section 5; and

(2) by inserting after section 3 (33 U.S.C. 426g) the following:

"SEC. 4. STATE AND REGIONAL PLANS.

"The Secretary may—

"(1) cooperate with any State in the preparation of a comprehensive State or regional plan for the conservation of coastal resources located within the boundaries of the State;

"(2) encourage State participation in the implementation of the plan; and

"(3) submit to Congress reports and recommendations with respect to appropriate Federal participation in carrying out the plan.".

(d) DEFINITIONS.—

(1) IN GENERAL.—Section 5 of the Act entitled "An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property", approved August 13, 1946 (as redesignated by subsection (c)(1)), is amended—

(A) by striking "SEC. 5. As used in this Act, the word 'shores' includes all the shorelines" and inserting the following:

"SEC. 5. DEFINITIONS.

"In this Act:

"(1) SECRETARY.—The term 'Secretary' means the Secretary of the Army, acting through the Chief of Engineers.

"(2) SEPARABLE ELEMENT.—The term 'separable element' has the meaning provided by section 103(f) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(f)).

"(3) SHORE.—The term 'shore' includes each shoreline of each"; and

(B) by adding at the end the following:

"(4) SHORE PROTECTION PROJECT.—The term 'shore protection project' includes a project for beach nourishment, including the replacement of sand.".

(2) CONFORMING AMENDMENTS.—The Act entitled "An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property", approved August 13, 1946, is amended—

(A) in subsection (b)(3) of the first section (33 U.S.C. 426e(b)(3)), by striking "Secretary of the Army, acting through the Chief of Engineers," and inserting "Secretary,"; and

(B) in section 3 (33 U.S.C. 426g), by striking "Secretary of the Army" and inserting "Secretary".

(e) OBJECTIVES OF PROJECTS.—Section 209 of the Flood Control Act of 1970 (42 U.S.C. 1962-2) is amended by inserting "(including shore protection projects such as projects for beach nourishment, including the replacement of sand)" after "water resource projects".

Mr. BRADLEY. Mr. President, I rise today to join Senator MACK in introducing a measure designed to provide for a continuing Federal role in protecting a valuable national resource—our Nation's coastline. The Shore Protection Act of 1996 states clearly that the Federal Government has an obligation to provide necessary support—both financial and technical—for projects that promote the protection, restoration and enhancement of sandy beaches and shorelines in cooperation with States and localities.

Beach, shore and coastal resources are critical to our economy and quality of life, but they are fragile and must be protected, conserved and restored. As a coastal State Senator, who walks the beaches of the Jersey shore every year, I know first-hand the economic and recreational benefits that are derived from healthy beaches. Every summer, thousands of New Jerseyans and visitors from all over the U.S. and the world, visit the beaches of the Jersey shore, generating roughly $11 billion in travel and tourism revenues.

However, beaches are important not only to New Jersey's economy or to those of other coastal communities, they are important to the Nation's economy. Beaches support 28 million jobs, and coastal communities generate $1.3 trillion, or one-third, of the Gross National Product. Travel and tourism is the second largest sector of our economy, contributing over $746 billion in 1995 and amounting to a $26 billion trade surplus. Beaches are responsible for this economic boom. As the leading tourist destination in the U.S., coastlines generate 85 percent of tourism-related revenue. If we allow this valuable resource to simply wash away, billions of dollars in beach related revenues will disappear as well.

The value of our coastline lies not only in the jobs and revenue that they generate, but also in the families, homes and business they protect from hurricanes, nor'easters and tropical storms. With almost 50% of all Americans living in our coastal communities, we simply must have healthy beaches as our first line of defense. Nourished beaches can also provide ecological and environmental benefits for certain species of wildlife by providing, or restoring, marine and littoral habitat.

In 1995, the Administration proposed an end to the Federal role in shore protection projects. Citing budgetary concerns, the Administration proposal called for Federal involvement in projects that were of "national significance" only. This bill makes the case that the preservation of an invaluable economic and environmental resource—our shoreline—is of national significance. Our bill would permit all the local, regional and national economic and ecological benefits of a shoreline protection project to be considered when judging a project's merit. I am confident this comprehensive evaluation will demonstrate that shore protection projects are indeed of national significance.

Mr. President, let me take a moment to outline the major provisions of the bill. Specifically, the bill would mandate a continuing Federal role in shore protection projects. The bill changes the mission of the Corps from one of general authority to do beach projects to a specific mandate to undertake the protection, restoration and enhancement of beaches in cooperation with states and local communities.

Additionally, the bill would require that new criteria be used in conducting the cost/benefit analysis of a proposed project. Currently, when undertaking cost/benefit analysis to determine the suitability of proposed projects, the Corps is only required to consider the property values of property directly adjacent to the beach. The Corps can take into account revenues generated through recreation, but is not required to do so, nor can the recreational values be weighed as anything other than an "incidental" benefit. This bill requires that the benefits to the local, regional and national economy and the local, regional and national ecology be considered. This comprehensive evaluation will demonstrate that shore protection projects are of national significance.

The bill also requires that the Corps report annually to Congress on beach project priorities. The Corps will be required to submit information (reports) to Congress on projects that, when evaluated with the bill's new cost/benefit criteria, are found to merit Federal involvement. In current law, this authority is discretionary and has been suspended by the Administration.

The bill also encourages the Corps to work with state and local authorities to develop regional plans for preservation, restoration and enhancement of shorelines and coastal resources. Further the Corps is encouraged to work with other agencies to coordinate with other projects that may have a complimentary effect on shoreline protection projects.

A network of healthy and nourished beaches is essential to our economy, competitiveness in world tourism and the safety of our coastal communities. Protection of the Nation's shoreline must be a continued Federal priority.

By Mr. GRAHAM:

S. 1812. A bill to provide for the liquidation or replication of certain frozen concentrated orange juice entries to correct an error that was made in connection with the original liquidation; to the Committee on Finance.

LEGISLATION TO CORRECT INEQUITY SUFFERED BY JUICE FARMS, INC.

• Mr. GRAHAM. Mr. President, I am introducing legislation today that will order Customs to take the necessary steps to correct an inequity suffered by a Florida company, Juice Farms, Inc., resulting from a Customs administrative error arising from a dumping case.

From 1987 to 1990, several anti-dumping orders were issued covering Brazilian frozen concentrated orange juice. Juice Farms imported juice from Brazil and deposited duties with Customs. As required by law, liquidation of the import entries by Customs was suspended by Commerce pending the outcome of administrative dumping reviews to be conducted by Commerce.

In 1991, after three successive reviews, the Department of Commerce found no sales at less than fair value. Commerce instructed Customs to return Juice Farms' anti-dumping duty deposits plus interest. Juice Farms learned, however, that Customs had mistakenly liquidated a number of entries. Such liquidations were in clear violation of the suspension order.

Juice Farms pursued court challenges but received an unfavorable decision because the court found that the company filed its protest of the premature liquidations too late. Accordingly, even though the duties were required by law to be returned to Juice Farms, to date the deposits have not been received. The legislation I propose today simply will correct that error and require Customs to refund the funds properly owed Juice Farms.•

By Mr. HELMS (for himself and Mr. GRASSLEY):

S. 1813 A bill to reform the coastwise, intercoastal, and noncontiguous trade shipping laws, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE COASTAL SHIPPING COMPETITION ACT OF 1996

Mr. HELMS. Mr. President, since 1920 there has been a Federal statute in force in America that, however well intentioned, has nonetheless prevented a vast segment of the farming community in North Carolina and other States from obtaining reasonably much-needed and priced grain from the Midwest.

In doing so, of course, it has long prevented Midwestern grain producers from delivering grain to grain deficit States which repeatedly experience difficulty in sustaining their livestock. North Carolina is one of the those States.

That is why I am today introducing S. 1813, the Coastal Shipping Competition Act, which will eliminate a harmful anachronism that enables a few waterborne carriers to cling to a monopoly on shipping. The victims of this system, in North Carolina and elsewhere, assert accurately that those shippers have no certified Jones Act ships to meet the demands of producers who need the gain.

In fact, Mr. President, poultry and pork farmers in North Carolina say they can't get enough grain for their farms to feed their animals. North Carolina cannot now, nor ever be able, to produce enough grain to satisfy the urgent needs of the poultry and pork producers in North Carolina. As a result, they must rely upon grain shipped in from the Midwest. The railroads can't guarantee enough railcars to move this grain from the Midwest, and the costs of such shipments as can be arranged are enormous.

The increase in transportation costs, coupled with the price of grain, inevitably leads to excessively high overhead costs for North Carolina farmers. To put it succinctly, the shortage of grains and shortage of trains means sharply elevated costs and prices that threaten the livelihoods of many farmers.

Mr. President, I ask unanimous consent that letters from two highly respected North Carolina farmers, both of whom urge introduction and passage of this legislation, be printed in the RECORD at the conclusion of my remarks.

Mr. President, according to the most recent North Carolina Department of Agriculture statistics, North Carolina was, in 1995, No. 1 in the Nation in turkey production with 61.2 million birds; in hog production, North Carolina was No. 2, with 8.3 million heads—Iowa was No. 1—and in commercial broilers North Carolina was No. 4 with 644 million birds—Arkansas, Georgia, and Alabama ranked first, second, and third.

Mr. President, this past Saturday an article in the May 18 edition of the Raleigh News and Observer, reported that 800 poultry jobs in Chatham County, N.C., were threatened by, among other things, high-feed grain prices. I ask unanimous consent that this article "800 Perdue Jobs in Danger" be printed in the RECORD at the conclusion of my remarks.

Mr. President, additionally, in times of severe weather—such as this past winter—railroads often are unable to get through mountain passes because of snow or flooding.

Mr. President, the Jones Act unfairly and unreasonably restricts shipping between ports in the United States because it requires that merchandise and produce shipped by water between U.S. points be shipped only on U.S.-built, U.S.-flagged, U.S.-manned, and U.S.-citizen owned vessels specifically documented and authorized by the Coast Guard for such shipments.

But, Mr. President, the problem with that is that not nearly enough certified vessels exist to transport grain to farmers in North Carolina and other States. As a matter of fact, my farmers are now being forced to go to foreign sources for feed grain.

Last year, according to a report in the September 12, 1995, Journal of Commerce, Murphy family farms brought in a cargo shipment of 1 million bushels of Canadian wheat to the port of Wilmington, NC, aboard Canada steamship lines.

Mr. President, the Jones Act is simply not fair. It's not fair to farmers in the Midwest and it is unfair to countless producers in my own State and in other States.

Those who may protest this legislation are likely to claim that it will somehow destroy American shipping. That simply is not so. Moreover, if the status quo is maintained, my farmers will have no choice but to purchase their foreign grain from Canada, Argentina, and other countries—and all of it will be shipped on foreign flagged vessels.

According to a December 1995 report by the U.S. International Trade Commission, The economy wide effect of removing the Jones Act is a U.S. economic welfare gain of approximately $2.8 billion. This figure can also be interpreted as the annual reduction in real national income imposed by the Jones Act. A primary reason for the large gain in welfare is a decline of approximately 26 percent in the price of shipping services formerly restricted by the Jones Act.

Mr. President, isn't it ironic that the United States—the breadbasket of the world—has such an unwise and unfair lid on that bread basket? That lid, Mr. President, is the Jones Act.

That is my reason for offering this legislative remedy, Mr. President. If Senators truly believe in the free enterprise system, they will support this proposal to allow American grain to be shipped unhindered to grain deficit States that are in need of it.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1813

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Coastal Shipping Competition Act of 1996".

SEC. 2. MISCELLANEOUS AMENDMENTS TO DEFINITIONS IN TITLE 46, UNITED STATES CODE.

Section 2101 of title 46, United States Code, is amended—

(1) in each of paragraphs (1) through (45), by striking the period at the end and inserting a semicolon;

(2) in paragraph (46), by striking the period at the end and inserting "; and";

(3) by striking paragraph (3a) and inserting the following:

"(3a) 'citizen of the United States' means—

"(A)(i) a national of the United States, as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22));

"(ii) a corporation established under the laws of the United States or under the laws of a State, territory, district, or possession of the United States, that has—

"(I) a president or other chief executive officer and chairman of the board of directors of that corporation who are citizens of the United States; and

"(II) a board of directors, on which a majority of the number of directors necessary to constitute a quorum are citizens of the United States;

"(iii) a partnership existing under the laws of a State, territory, district, or possession of the United States that has at least 1 general partner who is a citizen of the United States;

"(iv) a trust that has at least 1 trustee who is a citizen of the United States; or

"(v) an association, joint venture, limited liability company or partnership, or other entity that has at least 1 member who is a citizen of the United States; but

"(B) such term does not include—

"(i) with respect to a person or entity under clause (ii), (iii), or (v) of subparagraph (A), any parent corporation, partnership, or other person (other than an individual) or entity that is a second-tier owner (as that term is defined by the Secretary) of the person or entity involved; or

"(ii) with respect to a trust under clause (iv), any beneficiary of the trust.";

(4) by inserting after paragraph (4) the following new paragraph:

"(4a) 'coastwise trade'—

"(A) subject to subparagraph (B), means the transportation by water of merchandise or passengers, the towing of a vessel by a towing vessel, or dredging operations embraced within the coastwise laws of the United States—

"(i) between points in the United States (including any district, territory, or possession of the United States);

"(ii) on the Great Lakes (including any tributary or connecting waters of the Great Lakes and the Saint Lawrence Seaway);

"(iii) on the subjacent waters of the Outer Continental Shelf subject to the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.); and

"(iv) in the noncontiguous trade; and

"(B) does not include the activities specified in subparagraph (A) on the navigable waters included in the inland waterways trade except for activities specified in subparagraph (A) that occur on mixed waters.";

(5) by inserting after paragraph (11c) the following new paragraph:

"(11d) 'foreign qualified vessel' means a vessel—

"(A) registered in a foreign country; and

"(B) the owner, operator, or charterer of which is a citizen of the United States or—

"(i) has qualified to engage in business in a State and has an agent in that State upon whom service of process may be made;

"(ii) is subject to the laws of the United States in the same manner as any foreign person doing business in the United States; and

"(iii) either—

"(I) employs vessels in the coastwise trade regularly or from time to time as part of a regularly scheduled freight service in the foreign ocean (including the Great Lakes) trades of the United States; or

"(II) offers passage or cruises on passenger vessels the owner, operator, or charterer employs in the coastwise trade or in the coastwise trade as part of those cruises offered in the foreign ocean (including the Great Lakes) trades of the United States.";

(6) by redesignating paragraph (14a) as paragraph (14b);

(7) by inserting after paragraph (14) the following new paragraph:

"(14a) 'inland waterways trade'—

"(A) means—

"(i) the transportation of merchandise or passengers on the navigable rivers, canals, lakes other than the Great Lakes, or other waterways inside the Boundary Line;

"(ii) the towing of barges by towing vessels in the waters specified in clause (i); or

"(iii) engaging in dredging operations in the waters specified in clause (i); and

"(B) includes any activity specified in subparagraph (A) that is conducted in mixed waters.";

(8) by redesignating paragraph (15a) as paragraph (15b);

(9) by inserting after paragraph (15) the following:

"(15a) 'mixed waters' means—

"(A) the harbors and ports on the coasts and Great Lakes of the United States; and

"(B) the rivers, canals, and other waterways tributary to the Great Lakes or to the coastal harbors and coasts of the United States inside the Boundary Line,

that the Secretary of Transportation determines to be navigable by oceangoing vessels.";

(10) by redesignating paragraph (17a) as paragraph (17b);

(11) by inserting after paragraph (17) the following:

"(17a) 'noncontiguous trade' means transportation by water of merchandise or passengers, or towing by towing vessels—

"(A) between—

"(i) a point in the 48 continental States and the District of Columbia; and

"(ii) a point in Hawaii, Alaska, Puerto Rico, Guam, the Virgin Islands, American Samoa, the Northern Mariana Islands, or any other noncontiguous territory or possession of the United States, as embraced within the coastwise laws of the United States; or

"(B) between 2 points described in subparagraph (A)(ii).";

(12) in paragraph (21)(A)—

(A) in clause (ii), by striking "or" after the semicolon;

(B) in clause (iii), by inserting "or" after the semicolon; and

(C) by adding at the end the following new clause:

"(iv) an individual who—

"(I) is a member of the family or a guest of the owner or charterer; and

"(II) is not a passenger for hire;";

(13) by striking paragraph (40) and inserting the following:

"(40) 'towing vessel' means any commercial vessel engaged in, or that a person intends to use to engage in, the service of—

"(A) towing, pulling, pushing, or hauling alongside (or any combination thereof); or

"(B) assisting in towing, pulling, pushing, or hauling alongside;"; and

(14) by inserting after paragraph (40) the following new paragraphs:

"(40a) 'towing of a vessel by a towing vessel between points' means attaching a towing vessel to a towed vessel (including any barge) at 1 point and releasing the towed vessel from the towing vessel at another point, regardless of the origin or ultimate destination of either the towed vessel or the towing vessel; and

"(40b) 'transportation of merchandise or passengers by water between points' means, without regard to the origin or ultimate destination of the merchandise or passengers involved—

"(A) in the case of merchandise, loading merchandise at 1 point and permanently unloading the merchandise at another point; or

"(B) in the case of passengers, embarking passengers at 1 point and permanently disembarking the passengers at another point.".

SEC. 3. DOCUMENTATION.

(a) DEFINITIONS.—Section 12101(b)(2) of title 46, United States Code, is amended—

(1) by striking paragraph (2) and inserting the following:

"(2) 'license', 'enrollment and license', 'license for the coastwise (or coasting) trade', 'enrollment and license for the coastwise (or coasting) trade', and 'enrollment and license to engage in the foreign and coastwise (or coasting) trade on the northern, northeastern, and northwestern frontiers, otherwise than by sea' mean a coastwise endorsement provided in section 12106.";

(2) by striking paragraph (3); and

(3) by redesignating paragraph (4) as paragraph (3).

(b) VESSELS ELIGIBLE FOR DOCUMENTATION.—Section 12102(a) of title 46, United States Code, is amended—

(1) by striking all that precedes paragraph (5) and inserting the following:

"(a) A vessel of at least 5 net tons that is not registered under the laws of a foreign country or that is not titled in a State is eligible for documentation if—

"(1)(A) the vessel is owned by an individual who is a citizen of the United States, or a corporation, association, trust, joint venture, partnership, limited liability company, or other entity that is a citizen of the United States; and

"(B) the owner of the vessel is capable of holding title to a vessel under the laws of the United States or under the laws of a State;"; and

(2) by redesignating paragraphs (5) and (6) as paragraphs (2) and (3), respectively.

(c) COASTWISE ENDORSEMENTS.—Section 12106 of title 46, United States Code, is amended to read as follows:

"§ 12106. Coastwise endorsements and certificates

"(a) IN GENERAL.—A certificate of documentation may be endorsed with a coastwise endorsement for a vessel that is eligible for documentation.

"(b) ELIGIBILITY.—

"(1) IN GENERAL.—Any of the following vessels may be issued a certificate to engage in the coastwise trade if the Secretary of Transportation makes a finding, pursuant to information obtained and furnished by the Secretary of State, that the government of the nation of registry of such vessel extends reciprocal privileges to vessels of the United States to engage in the transportation of merchandise or passengers (or both) in its coastwise trade:

"(A) A foreign qualified vessel (as defined in section 2101(11d)).

"(B) A vessel of foreign registry—

"(i) if the vessel is subject to a demise or bareboat charter, for the duration of that charter, to a person or entity that would be eligible to document that vessel if that person or entity were the owner of the vessel; or

"(ii) that engages irregularly in the coastwise trade of the United States.

"(2) VESSEL ENGAGING IRREGULARLY IN THE COASTWISE TRADE.—For purposes of this subsection, a vessel engages irregularly in the coastwise trade of the United States if that vessel—

"(A) during any 60-day period does not make, in the aggregate, more than 4 calls to United States ports; and

"(B) during any calendar year does not make, in the aggregate, more than 6 calls to United States ports.

"(c) EMPLOYMENT IN THE COASTWISE TRADE.—Subject to the applicable laws of the United States regulating the coastwise trade and trade with Canada, only a vessel with a certificate of documentation endorsed with a coastwise endorsement or with a certificate issued under subsection (b) may be employed in the coastwise trade.".

(d) INLAND WATERWAYS ENDORSEMENTS.—Section 12107 of title 46, United States Code, is amended to read as follows:

"§ 12107. Inland waterways endorsements

"A certificate of documentation may be endorsed with an inland waterways endorsement for a vessel that—

"(1) is eligible for documentation; and

"(2)(A) was built in the United States; or

"(B) was not built in the United States; but was—

"(i) captured in war by citizens of the United States and lawfully condemned as prize;

"(ii) adjudged to be forfeited for a breach of the laws of the United States; or

"(iii) is qualified for documentation under section 4136 of the Revised Statutes (46 App. U.S.C. 14).".

(e) LIMITATIONS ON OPERATIONS AUTHORIZED BY CERTIFICATES.—Section 12110(b) of title 46, United States Code, is amended—

(1) by striking "coastwise trade" and inserting "coastwise trade or inland waterways trade"; and

(2) by striking "that trade" and inserting "those trades".

SEC. 4. TRANSPORTATION OF MERCHANDISE IN THE COASTWISE AND INLAND WATERWAYS TRADES.

(a) IN GENERAL.—Section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883) is amended to read as follows:

"SEC. 27. PROHIBITION.

"No merchandise, including merchandise owned by the United States Government, a State (as defined in section 2101 of title 46, United States Code), or a political subdivision of a State, and including material without value, shall be transported by water, on penalty of forfeiture of the merchandise (or a monetary amount not to exceed the value of the merchandise, as determined by the Secretary of the Treasury, or the actual cost of the transportation, whichever is greater, to be recovered from any cosigner, seller, owner, importer, consignee, agent, or other person that transports or causes the merchandise to be transported by water)—

"(1) in the coastwise trade, in any vessel other than—

"(A) a vessel documented with a coastwise endorsement under section 12106(a) of title 46, United States Code; or

"(B) a vessel that has been issued coastwise certification under section 12106(b) of title 46, United States Code, that is in effect for engaging in the transportation of merchandise; or

"(2) in the inland waterways trade in any vessel other than a vessel documented with an inland waterways endorsement under section 12107 of title 46, United States Code.".

(b) REPEAL.—Section 27A of the Merchant Marine Act, 1920 (46 App. U.S.C. 883-1) is repealed.

SEC. 5. TRANSPORTATION OF PASSENGERS.

(a) IN GENERAL.—Section 8 of the Act of June 19, 1886 (24 Stat. 81, chapter 421; 46 U.S.C. App. 289) is amended to read as follows:

"SEC. 8. PROHIBITION.

"No passengers shall be transported by water, on penalty of $200 for each passenger so transported or the actual cost of the transportation, whichever is greater, to be recovered from the vessel so transporting the passenger—

"(1) in the coastwise trade, in any vessel other than—

"(A) a vessel documented with a coastwise endorsement under section 12106 of title 46, United States Code; or

"(B) a vessel that has been issued a coastwise certification under section 12106(b) of title 46, United States Code, that is in effect for engaging in the transportation of merchandise; and

"(2) in the inland waterways trade, in any vessel other than a vessel documented with an inland waterways endorsement under section 12107 of title 46, United States Code.".

(b) REPEALS.—The following provisions are repealed:

(1) The Act of April 26, 1938 (52 Stat. 223, chapter 174; 46 U.S.C. App. 289a).

(2) Section 12(22) of the Maritime Act of 1981 (46 U.S.C. App. 289b).

(3) Public Law 98-563 (46 U.S.C. App. 289c).

SEC. 6. TOWING AND SALVAGING OPERATIONS.

Section 4370(a) of the Revised Statutes (46 U.S.C. App. 316(a)) is amended to read as follows:

"(a)(1) No vessel (including any barge), other than a vessel in distress, may be towed—

"(A) in the coastwise trade by any vessel other than—

"(i) a vessel documented with a coastwise endorsement under section 12106(a) of title 46, United States Code; or

"(ii) a vessel registered in a foreign country, if the Secretary of the Treasury finds, pursuant to information furnished by the Secretary of State, that the government of that foreign country and the government of the country of which each ultimate owner of the towing vessel is a citizen extend reciprocal privileges to vessels of the United States to tow vessels (including barges) in the coastal waters of that country; or

"(B) in the inland waterways trade by any vessel other than a vessel documented with an inland waterways endorsement under section 12107 of title 46, United States Code.

"(2)(A) The owner and master of any vessel that tows another vessel (including a barge) in violation of this section shall each be liable to the United States Government for a civil penalty in an amount not less than $250 and not greater than $1,000. The penalty shall be enforceable through the district court of the United States for any district in which the offending vessel is found.

"(B) A penalty specified in subparagraph (A) shall constitute a lien upon the offending vessel, and that vessel shall not be granted clearance until that penalty is paid.

"(C) In addition to the penalty specified in subparagraph (A), the offending vessel shall be liable to the United States Government for a civil penalty in an amount equal to $50 per ton of the measurement of the vessel towed in violation of this section, which shall be recoverable in a libel or other enforcement action conducted through the district court for the United States for the district in which the offending vessel is found.".

SEC. 7. DREDGING OPERATIONS.

The first section of the Act of May 28, 1906 (34 Stat. 204, chapter 2566; 46 U.S.C. App. 292), is amended to read as follows:

"SECTION 1. VESSELS THAT MAY ENGAGE IN DREDGING.

"(a) IN GENERAL.—A vessel may engage in dredging operations—

"(1) on the navigable waters included in the coastwise trade, if—

"(A) the vessel is documented with a coastwise endorsement under section 12106(a) of title 46, United States Code; or

"(B) the vessel is registered in a foreign country and the Secretary of the Treasury finds, pursuant to information furnished by the Secretary of State, that the government of that foreign country and each government of the country of which an ultimate owner of the vessel is a citizen extend reciprocal privileges to vessels of the United States to engage in dredging operations in the coastal waters of that country; or

"(2) on the navigable waters included in the inland waterways trade, if—

"(A) the vessel is documented with an inland waterways endorsement under section 12107 of title 46, United States Code; or

"(B) the vessel would be qualified to be documented under the laws of the United States with a coastwise endorsement under section 12106(a) of title 46, United States Code, except that the vessel was not built in the United States.

"(b) PENALTIES.—When a vessel is operated in knowing violation of this section, that vessel and its equipment are liable to seizure by and forfeiture to the United States Government.".

SEC. 8. CITIZENSHIP AND TRANSFER PROVISIONS.

(a) CITIZENSHIP OF CORPORATIONS, PARTNERSHIPS, AND ASSOCIATIONS.—Section 2 of the Shipping Act, 1916 (46 U.S.C. App. 802) is amended—

(1) in subsection (a)—

(A) by inserting a period after "possession thereof"; and

(B) by striking all that follows the period inserted in subparagraph (A) through the end of the subsection; and

(2) by striking subsection (c).

(b) APPROVAL OF TRANSFER OF REGISTRY OR OPERATION UNDER AUTHORITY OF A FOREIGN COUNTRY OR FOR SCRAPPING IN A FOREIGN COUNTRY; PENALTIES.—Section 9 of the Shipping Act, 1916 (46 U.S.C. App. 808) is amended—

(1) by striking subsection (c) and inserting the following:

"(c) Except as provided in section 611 of the Merchant Marine Act, 1936 (46 U.S.C. App. 1181) and section 31322(a)(1)(D) of title 46, United States Code, a person may not, without the approval of the Secretary of Transportation—

"(1) place under foreign registry—

"(A) a documented vessel; or

"(B) a vessel with respect to which the last documentation was made under the laws of the United States;

"(2) operate a vessel referred to in paragraph (1) under the authority of a foreign government; or

"(3) scrap or transfer for scrapping a vessel referred to in paragraph (1) in a foreign country."; and

(2) by striking subsection (d) and inserting the following:

"(d)(1) A person that places a documented vessel under foreign registry, operates that vessel under the authority of a foreign country, or scraps or transfers for scrapping that vessel in a foreign country—

"(A) in violation of this section and knowing that that placement, operation, scrapping, or transfer for scrapping is a violation of this section shall, upon conviction, be fined under title 18, United States Code, imprisoned for not more than 5 years, or both; or

"(B) otherwise in violation of this section shall be liable to the United States Government for a civil penalty of not more than $10,000 for each violation.

"(2) A documented vessel may be seized by, and forfeited to, the United States Government if that vessel is placed under foreign registry, operated under the authority of a foreign country, or scrapped or transferred for scrapping in a foreign country in violation of this section.".

SEC. 9. LABOR PROVISIONS.

(a) LIABILITY FOR INJURY OR DEATH OF MASTER OR CREW MEMBER.—Section 20(a) of the Act of March 4, 1915 (38 Stat. 1185, chapter 153; 46 U.S.C. App. 688(a)) is amended—

(1) by inserting "(1)" after "(a)";

(2) by adding at the end of paragraph (1) (as designated under paragraph (1) of this subsection) the following new sentence: "In an action brought under this subsection against a defendant employer that does not reside or maintain an office in the United States (including any territory or possession of the United States) and that engages in any enterprise that makes use of 1 or more ports in the United States (as defined in section 2101 of title 46, United States Code), jurisdiction shall be under the district court most proximate to the place of the occurrence of the personal injury or death that is the subject of the action."; and

(3) by adding at the end the following new paragraph:

"(2)(A) The employer of a master or member of the crew of a vessel—

"(i) may, at the election of the employer, participate in an authorized compensation plan under the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 901 et seq.); and

"(ii) if the employer makes an election under clause (i), notwithstanding section 2(3)(G) of the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 902(3)(G)), shall be subject to that Act.

"(B) If an employer makes an election, in accordance with subparagraph (A), to participate in an authorized compensation plan under the Longshore and Harbor Workers' Compensation Act—

"(i) a master or crew member employed by that employer shall be considered to be an employee for the purposes of that Act; and

"(ii) the liability of that employer under that Act to the master or crew member, or to any person otherwise entitled to recover damages from the employer based on the injury, disability, or death of the master or crew member, shall be exclusive and in lieu of all other liability.".

(b) MINIMUM REQUIREMENTS.—All vessels, whether documented in the United States or not, operating in the coastwise trade of the United States shall be subject to minimum international labor standards for seafarers under international agreements in force for the United States, as determined by the Secretary of Transportation on the advice of the Secretaries of Labor and Defense.

SEC. 10. REGULATIONS REGARDING VESSELS.

(a) APPLICABLE MINIMUM REQUIREMENTS.—Except as provided in paragraph (2), the minimum requirements for vessels engaging in the transportation of cargo or merchandise in the United States coastwise trade shall be the recognized international standards in force for the United States (as determined by the Secretary of the department in which the Coast Guard is operating, in consultation with any other official of the Federal Government that the Secretary determines to be appropriate).

(b) CONSISTENCY IN APPLICATION OF STANDARDS.—In any case in which any minimum requirement for vessels referred to in paragraph (1) is inconsistent with a minimum that is applicable to vessels that are documented in a foreign country and that are admitted to engage in the transportation of cargo and merchandise in the United States coastwise trade, the standard applicable to United States documented vessels shall be deemed to be the standard applicable to vessels that are documented in a foreign country.

(c) MINIMUM REQUIREMENTS FOR VESSELS.—As used in this subsection, the term "minimum requirements for vessels" means, with respect to vessels (including United States documented vessels and foreign documented vessels), all safety, manning, inspection, construction, and equipment requirements applicable to those vessels in United States coastwise passenger trade, to the extent that those requirements are consistent with applicable international law and treaties to which the United States is a signatory.

SEC. 11. ENVIRONMENT.

All vessels, whether documented under the laws of the United States or not, regularly engaging in the United States coastwise trade shall comply with all applicable United States and international environmental standards in force for the United States.

SEC. 12. GENERAL REQUIREMENTS.

Each person or entity that is not a citizen of the United States, as defined in section 2101(3a) of title 46, United States Code, that owns or operates vessels that regularly engage in the United States domestic coastwise trade shall—

(1) establish an office or place, and qualify under the laws of that place, to do business in the United States;

(2) name an agent upon whom process may be served;

(3) abide by all applicable laws of the United States; and

(4) post evidence of—

(A) financial responsibility in amounts as considered necessary by the Secretary of Transportation for the business activities of that person or entity; and

(B) compliance with applicable United States laws.

MURPHY FAMILY FARMS,
Rose Hill, NC, May 21, 1996.

Hon. JESSE HELMS,
U.S. Senate, Washington, DC.

DEAR SENATOR HELMS: I am writing to urge you to introduce and sponsor the Coastal Shipping Competition Act—Legislation that I believe would bring much needed, yet fair reform to our nation's antiquated maritime transportation laws.

North Carolina consumes in its animal and poultry production businesses far more grain and oilseed meals than our North Carolina farmers are able to produce. Thus far, we have relied upon rail transportation originating in the "Eastern Grain Belt" states to augment local supplies. As our demand increases, we will likely continue to use rail transportation as our primary source of grains and oilseed meals from production areas outside North Carolina. However, we are beginning to experience the symptoms of over taxing the capacity of the rail corridors that serve us. Additionally, realization of the risks inherent in relying too heavily on a single source of dry bulk transport to feed live animals and poultry is becoming far too real when we have had major service interruptions on at least three occasions since early December 1995.

We believe that the only other viable transportation source to supply our needs is via water. Yet, after some five years of diligent effort, the only reasonably competitive cargo that we have been able to procure via water has been foreign cargoes delivered to the port of Wilmington on foreign vessels. This seems illogical to us because we know that the United States is the most efficient and largest producer of grains and oilseed meals in the world and that our country serves as the world's repository of supply of these invaluable resources.

Why can't we access these domestic supplies via water? We believe that a major impediment lies within the constraints imposed upon us and others by the Merchant Marine Act of 1920, more commonly known as the Jones Act. Legislation to reform the Jones Act is desperately needed to help rebuild a viable, competitive United States domestic shipping industry and to enhance the competitive position of ours and other American agricultural producers and businesses. I believe that without this legislation we will experience the not so gradual erosion of the economic viability of our existing capital asset base and likewise the economic demise of many of our good citizens and business persons who depend upon the animal and poultry production industry of North Carolina for their livelihoods.

As a member of the business community and a farmer from your district, I assure you that this is an issue of utmost importance and one that merits your attention and support.

Thank you for your time and effort and please let me know if I may be of assistance.

Sincerely,

WENDELL H. MURPHY,
Chairman and CEO.

GOLDSBORO MILLING COMPANY,
Goldsboro, NC, May 21, 1996.

DEAR SENATOR HELMS: Let me start by thanking you for all you have done in the past in support of agri-business in this country. Your support has meant a great deal to all of us.

I'm also writing you today to ask you to introduce and support the Coastal Shipping Competition Act—legislation that would bring much needed reform to our nation's antiquated maritime transportation laws.

These laws negatively affect thousands of businesses across America every day because the laws have eliminated competitive deep-water domestic waterbourne transportation for essential manufacturing inputs and finished products.

The Merchant Marine Act of 1920 (known as the Jones Act) has had an ironically anti-American impact. While it may have been originally written to protect the U.S. shipping industry, the resulting noncompetitive domestic industry is sparsely available, if at all in many U.S. locations. Not a single coastal freighter over 1,000 tons is operating on the entire 2,000 mile East Coast of the United States.

Those of us in the poultry and hog business on the East Coast really need an alternative transportation option for our inputs (such as grain) because the infrastructure of the railroads is getting critically overloaded. However, being restricted to using a U.S. owned, operated and manned ship effectively eliminates the possibility of getting inputs delivered by water to east coast ports.

Legislation to reform the Jones Act is desperately needed to help build the competitive position of American businesses and agricultural producers.

As a member of the business community in North Carolina, I can assure you this is an issue that merits your attention and support. Thanks for all that you have already done and for your consideration on this matter.

Sincerely,

J.L MAXWELL, Jr.
Chairman.

[From the News & Observer, May 18, 1996]

800 PERDUE JOBS IN DANGER

(By Jay Price)

SILER CITY.—Perdue Farms announced Friday that it will padlock its Chatham County chicken processing plant unless the plant can be sold within 60 days, placing the future of 800 workers in doubt and sending shock waves through the local economy.

The company, which has headquarters in Salisbury, Md., blamed the move on high feed costs and a glutted chicken market. "Hopefully, we'll find a buyer, and if we don't we'll make the workers aware of job opportunities at other Perdue facilities," said company spokesman Richard Auletta in New York.

The news from one of Chatham County's largest employers cast a pall over the annual Siler City Chicken Festival, which begins today.

"I've worked here a long time," said Frank Torres, a Perdue employee since 1985. "I don't know what happened. I can't do nothing new. Now all everybody's got is one piece of paper and a check. I don't know what will happen."

Torres said that Friday morning, employees were given a letter in Spanish and English outlining the company's plans.

Perdue said employment at a 28-worker feed mill in Staley also will be scaled back, and the operation may later be closed.

Also affected are 118 growers who raise chickens for Perdue under contract, mostly in Chatham and Randolph counties. Only 30 of those will continue to raise birds for the company, which will process them at other plants.

The company said it will try to arrange for the remaining growers to work with other poultry companies in the area.

Perdue said the plant workers, most of whom earn $7 to $7.10 an hour, can apply for jobs at other plants, but the closest ones are in Robbins and Concord, a considerable distance away by car.

About noon Friday, workers dressed in jeans, work boots and hard hats trickled solemnly out of the yellow brick plant and into a gravel parking lot. Many, like Torres, are migrant workers from Mexico who made their way to Chatham County in search of stability.

Domingo Gonzales, 28 years old and the father of two, has been at the plant for only three months.

"I don't know what I'll do," he said, noting that he has been working at odd jobs in the United States for nearly nine years and was hoping to finally settle down. "Maybe I'll go back to Mexico."

The fate of many workers like Torres and Gonzales may depend on complex business forces over which they have no control.

Besides record-high feed prices Perdue cited a recent jump in fuel costs and an abundance of poultry, beef and pork as major reasons for the decision.

Producers are paying an estimated 40 percent more for feed than they did a year ago, and are getting lower prices for their products, said Dr. Tom Carter, a poultry specialist with the N.C. Cooperative Extensive Service.

"It's an unusual situation with the grain prices so high," Carter said. "The cost of production is higher than the market, and that's because of high corn prices."

Carter, however, was optimistic that another company would buy the 61,000-square-foot plant, which can process 625,000 birds a week.

"Very seldom does a facility like that go without a buyer," Carter said. "On the surface, it looks like the situation is such that people wouldn't want to buy it, but if you look beneath the surface, you usually get the best buy when the price is down."

Growers also may be able to sell birds elsewhere, Carter said. Townsend, Golden Poultry and Mount Aire have poultry processing plants in Siler City, Sanford and Bonlee, respectively, Carter said.

"Eventually, growers will adjust and move in with other companies," Carter said, "but it may take longer than some can adjust their finances for."

Growers work under contract to processors like Perdue. The processor owns the chickens, so in this case the farmers won't get stuck with the birds. But they could get stuck with big investments in chicken houses, which cost about $120,000. The average farmer in the area has three houses, said Dr. Glenn Carpenter, a Pittsboro extension agent specializing in poultry. Some older houses may have cost just a few thousand dollars, he said.

Many growers raise chickens part-time. Typically, it's a family affair employing between one and three people, but some operations are larger and full-time.

The plant was one of a group of processing facilities that Perdue bought from Showell Farms in January 1995. Its products are sold mostly to institutional users such as schools, hospitals and restaurants.

MIXED SIGNALS

In recent months, signs were that it was prospering. Olivier Devaud, director of Chatham's Economic Development Commission, said the plant had been hiring workers since announcing in December that it needed 150 more. In the past year Perdue spent $4 million for new equipment at the plant and $1 million on an expansion, which was still under way when Friday's announcement came.

Other signals were more ominous. In March, Perdue—the nation's No. 2 poultry producer—said it would cut production by 7 percent, but that it didn't plan layoffs. Other large poultry firms, including Tyson, Hudson Foods Inc. and Pilgrims Pride Corp., had already announced similar cuts.

Poultry and eggs make up the most lucrative agricultural industry in the state, said Kim Decker of the state Agriculture Department. In 1994, the most recent year for which statistics were available, poultry and eggs earned farmers $1.9 billion, he said.

In contrast, revenue from hogs was $980 million and from tobacco, $943 million. Statewide, the industry employs more than 27,000 people.

MAJOR JOB SOURCE

The plant is Chatham's third largest employer. Devaud said its closing would be a blow to the local economy. But new companies and expansions are expected to bring 120 new jobs to Siler City in the next month alone, and the county's unemployment rate is just 2.7 percent.

Devaud said he hopes that Townsend, the county's biggest employer, can eventually hire some of the workers at its chicken processing plant.

One who might be looking is Steven Garner, who landed a job loading trucks at the Perdue plant three weeks ago. He was angry Friday.

"That's 800 people," he said between puffs of a cigarette.

"I've got a family. I'm the one who buys the groceries and pays the bills. It's going to be really hard."

By Mr. GRAMM (for himself, Mr. D'AMATO, Mr. BRYAN, and Ms. MOSELEY-BRAUN):

S. 1815. A bill to provide for improved regulation of the securities markets, eliminate excess securities fees, reduce the costs of investing, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

THE SECURITIES INVESTMENT PROMOTION ACT OF 1996

Mr. GRAMM. Mr. President, today I am joined by Senators D'AMATO, DODD, BRYAN, and MOSELEY-BRAUN in introducing the Securities Investment Promotion Act of 1996. This is important legislation incorporating reforms supported by business and by State and Federal Securities regulators.

This legislation moves forward in a significant way to define a division of labor between the State and Federal governments for the supervision of the securities industry. In the process two very important goals are achieved. We improve administration of our nation's securities laws while at the same time greatly reducing the cost of that regulation.

We must always remember that the cost of securities regulation, however desirable or effective that regulation may be, is ultimately born by the people who invest. Today, that includes almost everyone. Not everyone may have a stock portfolio, although an increasing number of American families do. But most Americans have investments in a mutual fund or have a stake in a pension fund that invests in our nation's securities markets. More and more small businesses are funding their growth, expansion, and job creation with financing from the securities markets.

When I became Chairman of the Securities Subcommittee, I was struck by the number of State and Federal regulators, and people in the securities business, as well as investors, who commented on the need to reform out-of-date and unnecessary securities regulation. The most immediate need in that regard the Congress addressed last year, with our bill to reform securities litigation. That was a measured, bipartisan effort.

The legislation that we are introducing today is a continuation of that bipartisan spirit. I am proud to be joined by the Chairman of the Banking Committee, Senator D'AMATO, as well as by the Ranking Member of the Securities Subcommittee, Senator DODD, together with Senators BRYAN and MOSELEY-BRAUN of the Banking Committee. We have all worked closely in drafting the bill that we are introducing, and have in addition benefited from comments and suggestions from the SEC, State securities regulators, trade associations, the stock exchanges, and self-regulatory organizations, among others. I invite further comments as we consider this bill in the Committee and then on the floor of the Senate. I have intentionally sought to cast the net wide in seeking comment from the public on this legislation, since, ultimately, what we do in this bill affects the people of this country in very important ways.

Mr. President, I would like to comment briefly on some of the key provisions of the bill.

Title I of the bill is called the Investment Advisers Integrity Act. It is an updated version of a bill that I introduced on the first day of the 104th Congress, S. 148. There are approximately 25,000 registered investment advisers in the nation today, and the number keeps growing. The SEC has testified that they do not have the resources to supervise effectively such a large number of advisers. In the past, proposals were put forward to increase SEC funding for enforcement of the Investment Adviser Act of 1940 by assessing a $16 million tax on the industry. Even with such a tax, however, an investment adviser could have gone several years without an inspection.

Title I of the bill tries a different approach, first suggested to me by former SEC Commissioner Rick Roberts. This approach addresses the problem through a partnership between the Federal and State securities regulators, dividing up the responsibility. The States would have exclusive jurisdiction to register investment advisers who manage less than $25 million in client assets. These are the investment advisers whose activities are most likely to be within their home State. In fact, about half of all investment advisers do not personally manage any client assets at all.

The SEC would have exclusive responsibility for registration of investment advisers who manage $25 million or more of client assets, as well as for all investment advisors to mutual funds. These are the investment advisers most likely to be engaged in interstate commerce, appropriately a Federal concern.

I would add, Mr. President, that this provision does not impose a Federal mandate on the States, for under the provisions of the bill, any State that did not want to assume the responsibility for registration of investment advisers is not required to do so. The advisers in such a State would then be required to register with the SEC, regardless of the size of their business.

The effect of this division of responsibility will be that between two-thirds and three-quarters of investment advisers will be supervised by the States where they do their business. On the other hand, perhaps as much as two-thirds or more of the assets under management will be managed by investment advisers supervised by the SEC, demonstrating the concentration of managed assets in the hands of the larger investment advisers, having multi-state operations.

I would like to express my appreciation to the representatives of the investment adviser industry, the SEC, and the Texas State Securities Commissioner, Denise Crawford, for their assistance in revising and crafting this title of the bill, and the support that they have expressed for this approach. Whereas today investment adviser supervision is limited at best, and more often than not effectively non-existent, this division of labor will mean that adequate resources and attention can not be brought to bear to encourage the integrity of the industry and further increase the investment opportunities for American families.

Mr. President, perhaps the most significant impact of this bill will come from the provisions assigning responsibility for mutual fund prospectuses review to the SEC. Mutual funds spend tens of millions of dollars each year complying with a patchwork of varied and often conflicting State requirements governing the prospectuses by which funds are offered to investors. These requirements are merely different, usually duplicative, and to not provide investors with any added useful information than what is already required by the SEC. Moreover, complying with these requirements is time consuming. In just one example, while a particular mutual fund was awaiting delays in clearing its prospectus with a certain State regulator, its value increased by 16%. That was a 16% growth denied to the investors of that State who could not place funds with the mutual fund until its prospectus had cleared the State regulators. No investor was helped by that delay. The mutual fund industry has dramatically increased the investment opportunities for American families of all levels of income, and I am please to further the efforts of my colleagues, Congressmen FIELDS and BLILEY, to move forward this important relief from unnecessary regulatory burden.

Similarly, stocks that are traded on the national stock exchange and trading systems would be exempted from State regulation under the provisions of this bill. Again, as with mutual funds, this is a national business, the very kind of activity contemplated by the Founding Fathers with the interstate commerce clause of the Commission.

One of the provisions of the bill, which I consider of high importance, is a requirement that the Chief Economist of the SEC conduct and publish an economic analysis of each new regulation before the regulation can enter into effect. Mr. President, the SEC is a lawyer-heavy agency. The Officer of General Counsel, for example, has a budget of over $10 million and 120 staff members. By comparison, the Office of Economic Analysis, even with the increase required by my amendment to the appropriation bill, has a budget of $3 million and about two dozen employees.

The actions of the SEC in regulating the nation's capital markets have a profound impact on the economy of the nation and of the world. It is therefore of paramount importance that a high priority be given within the SEC to careful examination and analysis of the economic and market consequences of its regulations. Otherwise, we are in danger of regulating blindly, which the economic livelihood and health of the nation cannot risk.

While there are many other important provisions of the bill, I will conclude, Mr. President, by emphasizing the last section of the bill. This provision addresses the need for improving the access to U.S. stock exchanges for the listing of world-class foreign companies. Today, U.S. accounting standards are in many points different from the accounting standards of other countries. They are not necessarily better, just different. Under current regulations, a foreign company wishing to list on a U.S. stock exchange would first have to meet U.S. accounting standards, which in effect may mean that the company would have to keep two sets of books.

The SEC has sought to address this problem through a greater harmonization of international accounting standards. The bill encourages the SEC to redouble its efforts to achieve a level of generally accepted accounting standards and to report to the Congress on its progress.

Our nation's stock exchanges are the preeminent exchanges in the world. It is hard to see how we can continue that position long into the next century while maintaining formidable obstacle to the listing on our exchanges of the major corporations of the world. I do not see how any American investor is protected by being forced to resort to the London or Frankfurt stock exchanges in order to invest in foreign corporations.

Mr. President, this is important legislation. Congressman JACK FIELDS and the members of the House Commerce Committee have done the country a great service by setting in motion a process by which the Congress will begin to delineate clearly the roles of the State and Federal governments in securities regulation. I hope that this bill can be adopted in short order and meet in conference with similar legislation recently adopted unanimously by the House Commerce Committee.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SECURITIES INVESTMENT PROMOTION ACT OF 1996

SECTION 1. SHORT TITLE: TABLE OF CONTENTS.

Securities Investment Promotion Act of 1996.

SEC. 2. SEVERABILITY.

Court striking any provision of the Act does not affect other provisions.

TITLE I. INVESTMENT ADVISERS INTEGRITY ACT

SEC. 101. SHORT TITLE.

Investment Advisers Integrity Act.

SEC. 102. ENHANCED FUNDING FOR ENFORCEMENT.

Authorizes appropriation of up to $16 million in each of FY1997 and FY1998 for enforcement of the Investment Advisers Act of 1940.

Sec. 103. Improved Supervision Through Federal and State Cooperation

Investment advisers with less than $25 million in assets under management and that do not advise a mutual fund are exempted from registering with the SEC if they are required to register with the state where the adviser maintains its business.

The SEC may exempt from requirements to register with the SEC other persons or classes of persons if the SEC determines that registration would be unfair, a burden on interstate commerce, or for other reasons. The SEC is given similar authority to make exemptions from state registration.

Investment advisers registered with the SEC are exempt from state investment adviser regulation. States may require such investment advisers to file notice with the state and pay appropriate fees.

SEC. 104. INTERSTATE COOPERATION.

Investment advisers complying with books and records requirements of the state of their principal place of business cannot be subject to added books and records requirements by other states where they may conduct business.

A state may not require an investment adviser to maintain a higher net capital to post a higher bond than required by the sate where the principal offices are located.

SEC. 105. DISQUALIFICATION OF CONVICTED FELONS.

The SEC is authorized to deny investment advisery registration to anyone convicted of a felony in the previous 10 years.

TITLE II. FACILITATING INVESTMENT IN MUTUAL FUNDS

SEC. 201. SHORT TITLE.

Investment Company Act Amendments of 1996.

SEC. 202. FUNDS OF FUNDS.

Allows mutual funds to invest in other mutual funds in the same group or family of funds and allows just one of the funds to impose sales charges on investors.

SEC. 203. FLEXIBLE REGISTRATION OF SECURITIES.

Simplifies the calculation and payment of registration fees by mutual funds.

SEC. 204. INVESTMENT COMPANY ADVERTISING PROSPECTUS.

Allows mutual funds to include in their advertising information that was not included in their last prospectus.

SEC. 205. VARIABLE INSURANCE CONTRACTS.

Gives insurance companies that issue variable annuities the same ability as mutual funds to set product charges.

SEC. 206. PROHIBITION ON DECEPTIVE INVESTMENT COMPANY NAMES.

Mutual funds may not have deceptive or misleading names.

SEC. 207. EXCEPTED INVESTMENT COMPANIES.

Exempts from mutual fund regulation any fund not publicly offered and whose investors are persons who each own at least $5 million in investments or are institutional investors owning at least $25 million in investments.

Within one year the SEC shall prescribe rules to allow employees of such a fund to invest in the fund.

SEC. 208. PERFORMANCE FEES.

Gives authority to the SEC to allow investment advisers to be paid performance fees for advising sophisticated investors.

TITLE III. REDUCING THE COSTS OF SAVING AND INVESTMENT

SEC. 301. EXEMPTION FOR ECONOMIC, BUSINESS, AND INDUSTRIAL DEVELOPMENT COMPANIES.

Exempts business industrial development companies from the Investment Company Act if at least 80% of its securities are sold to "accredited" investors who are of the state where the company is organized.

SEC. 302. INTRASTATE CLOSED-END INVESTMENT COMPANY EXEMPTION.

Raises from $100,000 to $10 million the limit for closed-end investment companies to qualify for an exemption from the Investment Company Act.

Sec. 303. Definition of Eligible Portfolio Company

Expands the definition of an eligible portfolio company to include companies with up to $4 million in assets.

Sec. 304. Definition of Business Development Companies

Removes requirement that a business development company provide significant managerial assistance.

Sec. 305. Acquisition of Assets by Business Development Companies

Permits BDCs to acquire securities of a company it may invest in from sources other than the company itself.

Sec. 306. Capital Structure Amendments

Allows BDCs that meet certain requirements to issue a broader range of securities.

Sec. 307. Filing of Written Statements

Authorizes the SEC to require BDCs to include a description of risk factors associated with their capital structure in a written annual report to shareholders.

Sec. 308 Facilitating National Securities Markets.

Codifies existing state exemptions from state registration for securities that are traded on a national exchange, the Nasdaq National Market System, or other exchange or system identified by the SEC, and securities sold to qualified purchasers. Exempts from state registration mutual funds and other investment companies. No state review of prospectuses for such securities or mutual funds. States may impose notice and appropriate fee requirements and are not limited from enforcing state fraud laws in connection with such securities.

Sec. 309. Regulatory Flexibility

Gives the SEC authority to make exemptions from provisions of the Securities Act of 1933 and the Securities Exchange Act of 1934.

Sec. 310. Analysis of Economic Effects of Regulation

Requires the Chief Economist of the SEC to prepare and publish an economic analysis of any proposed SEC regulation before it becomes effective. Authorizes $6 million in appropriations for FY 1997 and $6 million for FY 1998 for the SEC's Economic Analysis Program, including the Office of Economic Analysis.

Sec. 311. Privatization of EDGAR

Requires the SEC, within 180 days of enactment, to submit to Congress a report on its plan for promoting competition and innovation of EDGAR through the privatization of all or parts of the system.

Sec. 312. Improving Coordination of Supervision

Directs the SEC and other securities examination authorities to coordinate their examinations.

Sec. 313. Increased to Foreign Business Information

Facilitates participation by U.S. information media in financial press briefings held outside of the United States.

Sec. 314. Short-Form Registration

Clarifies that voting and non-voting shares shall be considered in determining whether a company is eligible to use the short-form registration statement.

Sec. 315. Church Employee Pension Plans

Exempts church employee pension plans from federal and state securities laws, except the anti-fraud provisions. The plans would continue to be subject to Internal Revenue Code regulations regarding eligibility, governance, and operations of such plans.

Sec. 316. Promoting Preeminence of American Securities Markets

Expresses the sense of the Congress that the SEC should reinforce its efforts in developing generally accepted international accounting standards in order to enhance the ability of foreign corporations to list their stocks on U.S. exchanges, and requires the SEC to report to Congress in one year on its progress.

Mr. D'AMATO. Mr. President, it is with great enthusiasm that I rise today with my colleagues, the chairman and ranking member of the Securities Subcommittee, Senator GRAMM and Senator DODD, and Senators BRYAN and MOSELEY-BRAUN to introduce the Securities Investment Promotion Act of 1996.

The U.S. securities market is the preeminent market in the world. It is a fair, efficient and orderly market. In 1995, the U.S. equity market capitalization of $7.98 trillion represented nearly half of the $16.48 worldwide equity market. The market is at an all time high, having increased in trading volume 168 percent in the last decade from 77.3 billion to 207.4 billion. Clearly our securities market is a national treasure.

This bill my colleagues and I introduce today represents a bi-partisan effort to improve regulation of the securities market. The legislation seeks to maintain our preeminent securities market by making it even more efficient and more accessible to those individuals and entities who seek entry in order to raise capital.

The legislation streamlines securities regulation by peeling back layers of duplicative, unnecessary and burdensome regulation—opening up the capital markets and promoting capital formation. It makes more efficient use of precious State and Federal resources by dividing rather duplicating regulatory responsibility. These changes will also strengthen consumer and investor protection.

INVESTMENT ADVISERS

The Securities Investment Promotion Act fills a significant regulatory gap in the area of investment advisers. As low interest rates have caused individuals to flock to the securities markets with their savings and retirement money—often seeking advice from an investment adviser—it becomes increasingly critical for Congress to ensure that investment advisers are adequately regulated. The increase in mutual fund investments, which are usually managed by investment advisers, has also contributed to the growing number of investment advisers.

Right now, 22,000 investment advisers manage approximately $10.6 trillion in assets. The SEC does not have sufficient resources to maintain an adequate inspection program for investment advisers. According to some SEC estimates, they are only able to inspect some of the smaller investment advisers once every 30 years.

The bill creates a rational system of regulation for investment advisers by dividing between the SEC and the States responsibility for regulating investment advisers. States will regulate the smaller investment advisers who operate in their State and manage $25 million or less in assets. The SEC will regulate the larger advisers. This system will enable the States and the SEC to share regulatory responsibility—better protecting investors.

MUTUAL FUNDS

The Securities Investment Promotion Act of 1996 facilitates the registration, operation and certain disclosures made by mutual funds. Over 30 million U.S. households, or about 31 percent now own mutual funds. In part because of low interest rates, by the end of last year mutual fund assets hit the $2.7 trillion mark—exceeding bank deposits for the first time.

This bill allows the mutual fund market to operate as a national market, comprehensively regulated by the SEC. Right now, when a mutual fund registers its shares it must register with the SEC and the States. As a result, mutual funds must comply with a crazy quilt of regulation imposed by the laws of each of the 50 States. This bill facilitates mutual fund registration by eliminating the requirement that mutual funds register with the States.

The bill makes it easier for mutual funds to provide current information in advertisements; calculate their registration fees and invest in other mutual funds in their family of funds. It also provides additional consumer and investor protection by giving the SEC authority to prohibit mutual funds from naming their funds in a manner that could mislead or confuse investors.

CAPITAL FORMATION

The bill promotes capital formation by eliminating overlapping State and Federal requirements for registering certain types of securities, such as securities sold to "qualified purchasers" or securities that are listed on a national securities exchange or market system. It also gives the SEC flexibility to identify other exchanges or systems that should qualify for the exemption from registration.

The bill promotes investment in small projects and business by making it easier for economic, business, and industrial development companies to raise money without having to register with the SEC. These companies will not have to register their securities if 80 percent or more of the securities are sold to accredited investors within the State the company operates. This bill provides further relied for companies operating within one State. The SEC may now exempt from the securities laws a company with $100,000 in assets that is operating within a State. The Securities Investment Promotion Act of 1996 raises this level to $10 million.

The bill provides liquidity and investment opportunities to business development companies—enabling these companies to invest more capital in small businesses. It also helps venture capitalists tap the capital markets to fund business endeavors by allowing individuals and entities to pool a certain amount of investment funds without having to register with the SEC.

REGULATORY MODERNIZATION

The legislation updates the securities laws to reflect the reality of today's marketplace. It simplifies certain procedures for paying fees and making disclosures. It gives the SEC flexibility to adapt to the changing financial market by giving the SEC authority to exempt transactions, individuals or entities from the Federal securities laws.

The bill fosters awareness of the cost of regulation by requiring the SEC to publish an economic analysis of a proposed regulation before it becomes effective. It also reduces the costs associated with revolving door compliance examinations, where one regulator completes its examination only to be replaced by the next. The legislation requires the regulators to coordinate examinations.

The Securities Investment Promotion Act of 1996 is a significant piece of legislation that will ensure that the U.S. securities market remains number one in the world. It is not a controversial bill, it enjoys support on both sides of the aisle. This bill thoughtfully and carefully tightens the laws governing the securities market. I commend my colleagues and their staff for their excellent work in drafting this legislation and plan to move it quickly through the Banking Committee.

Mr. DODD. Mr. President, I rise today to join Senators GRAMM, D'AMATO, BRYAN, and MOSELEY-BRAUN in introducing the Securities Investment Promotion Act of 1996.

The U.S. capital markets are vitally important for the good economic health not only of virtually every American company but for millions and millions of individual investors who have placed some of their assets either directly in securities or, as has become more and more common, into mutual funds.

We must recognize that sustained economic growth is heavily dependent upon the continuing ability of our capital markets and financial services industry to function efficiently and with integrity. If companies find impediments to obtaining capital, they will not grow. If individuals find impediments to their access to securities and other investments, they will not save. Taking steps to enhance the access of both corporations and individuals to the securities markets is a prudent means by which Congress can help sustain or even increase the Nation's rate of economic growth.

Furthermore, the American capital markets are the envy of the world. No other nation enjoys the international reputation of our capital markets and it is necessary for Congress periodically to review and modernize, where necessary, the laws that make our markets and our financial services industry the world's leader.

The legislation that is being introduced today is the culmination of a lengthy bipartisan effort to reform those aspects of the securities laws that are an outdated impediment to the efficient functioning of the securities industry. The bill will also provide clearer statutory directives to both state and Federal regulators so that the integrity of—and confidence in—our capital markets and financial services industry is enhanced.

Mr. President, let me provide a brief summary of the major elements of this legislation. The three main areas that the bill addresses are: improving the regulation of investment advisors under the Investment Advisors Act of 1940; modernizing and streamlining the regulation of mutual funds under the Investment Company Act of 1940; and, making modest adjustments in the securities laws to account for changes in the financial world over the past 60 years.

Title I, the Investment Advisors Integrity Act, would provide much needed clarity to regulators for the regulation of investment advisors under the Investment Advisors Act of 1940. The most important feature of this title is to draw a clear, bright line between those registered investment advisors who should be regulated at the Federal level by the Securities and Exchange Commission, and those advisors who are more properly regulated by the state that is the advisor's principal place of business.

The bill would require investment advisors with more than $25 million under management to be regulated by the Securities and Exchange commission, while those with assets under the $25 million threshold would be regulated by the state.

This bifurcation is necessary because it is not realistic to expect the SEC to be able to thoroughly supervise the more than 25,000 advisors who are registered under the IAA nor is it reasonable to have the advisor industry burdened by duplicative state and Federal regulation. This change will allow the state and Federal regulators to focus on those parts of the industry that is within their regulatory expertise, while freeing the industry from the burden of duplicative layers of regulation.

The second title of the bill is entitled Facilitating Investment in Mutual Funds. While most of my colleagues are aware of the rapid growth in the mutual fund industry, I wonder how many are aware that nearly one out of every three American families has money invested, in some form or another, in mutual funds. Mutual funds, as of 1995, have slightly more than $2 trillion dollars under management, with $800 billion coming from individual investors and $1.2 trillion coming from institutional investors.

The significantly increasing importance of the mutual fund industry led to a lengthy review by the Securities and Exchange Commission in 1992, entitled "Protecting Investors: A Half-Century of Investment Company Regulation," which made recommendations for modernizing of the Investment Company Act of 1940. The last time Congress revised the ICA was in 1970, and many believe that it is approriate—a quarter century later—for Congress to take a fresh look at the issue of modernization.

Several of the mutual fund provisions of the legislation being introduced today were originally proposed by the SEC in their 1992 report. Other suggestions have been forthcoming since that report and represent a careful balance between the need to make the Investment Company Act fit the mutual fund industry as it exists today, without sacrificing any investor protection.

This section of the bill contains two major components: the first is to eliminate unnecessary state regulation of mutual funds, while preserving the state's authority to investigate for fraud and other types of wrongdoing. Mutual funds are highly regulated by the Securities and Exchange Commission through the Investment Company Act of 1940; in fact, this is one of the most successfully regulated industries in America, borne out by the explosive growth in mutual funds since the Act was passed. In 1940, there were 105 registered companies with $2 billion in assets (according to the SEC); today, as I mentioned above, there are more than 5,300 funds holding over $2 trillion in assets.

The very success of SEC regulation has rendered most individual state regulations obsolete, not to mention that complying with these duplicative statutes is both expensive and burdensome on the industry. The costs of this regulatory burden are passed onto consumers. The legislation we are introducing today will preempt most state regulation of mutual funds, while preserving the state's necessary ability to protect consumers through anti-fraud and other statutes.

Another area that will be modernized through adoption of this legislation will be in the area of smaller funds whose investors are either wealthy individuals—defined in the bill as those with more than $5 million in investments—and institutional investors. These funds, which are exempt from many of the provisions of the Investment Company Act of 1940 because of their smaller size and unique nature, often provide critically needed capital directly to new corporations and generally to America's emerging industries. By modestly expanding the pool of people and institutions eligible to participate in such funds, the legislation seeks to expand the amount of capital available for investment, particularly newer, small and moderate sized companies.

There are also enhanced mutual fund disclosure requirements benefiting investors that we are continuing to develop, and I would anticipate that if and when this bill goes to mark-up, they will be added to the legislation.

The last title of the bill contains a number of provisions that attempt to remove anomalies that have developed within the securities laws as the financial world has changed over the last sixty years. These changes, while modest in and of themselves, will nevertheless provide significant and needed relief to both investors and industry.

In all, Mr. President, this is an extremely balanced and thoughtful bill that has been drafted in close consultation with the Securities and Exchange Commission and the North American Securities Administrators Association, the umbrella group for the fifty state securities administrators. It has been written in bipartisan manner that is increasingly rare in this body, and as a result, the bill provides statutory reform that is needed by investors, corporations and the financial services industry without sacrificing any consumer protections. I hope that the Senate will move expeditiously to pass this legislation.

Mr. BRYAN. Mr. President, I am pleased to sign on as a co-sponsor of the Securities Investment Promotion Act of 1996. This comprehensive effort to modernize our regulation of the capital markets will help us achieve the most efficient possible regulatory scheme, while preserving investor confidence in our markets by maintaining needed investor protection safeguards.

I come to this issue believing that our capital formation process is fundamentally sound. America's capital markets are the fairest, most successful, and the most liquid the world has ever known. By virtually every statistical measure, our capital markets are vibrant and healthy. The stock market has been setting new records for some time now and is in the midst of the longest run in this century. This has been an unprecedented boom for companies, investors and Wall Street firms.

The manner in which we reform our regulation of securities is important because tens of millions of Americans increasingly rely on our nation's financial markets to save for retirement, fund their children's college education, and to receive a rate of return on savings that exceeds the rate of inflation. Today, more than ever, the people of America are investing in America. For the first time in history, mutual fund assets exceed the deposits of the commercial banking system.

The growth in the mutual fund industry has been nothing short of phenomenal. Today, there are 2,222 stock funds, 2,576 bond and fixed-income funds, plus another 1,000 money-market funds, according to the Investment Company Institute. In fact, there are now twice as many mutual funds—with a value of around $2.8 trillion—as stocks listed on the New York Stock Exchange. The reason for this huge expansion of funds may be summed up in one word: demand. Funds continue to roll off the assembly line because investors want more avenues in which to put their money.

Investors are attracted to mutual funds because the market has remained generally trouble-free and because of its relative safety. While much of the credit for this environment should go to go to the industry itself, so too should credit go to an effective system of regulation. In our enthusiasm for updating and modernizing the oversight of this marketplace, care must be taken to maintain vital investor protections that have helped this industry grow and prosper.

Our securities laws and regulations are designed first and foremost to protect investors and to maintain the integrity of the marketplace, thereby promoting trust and confidence in our system of capital formation. We should strive for a securities regulatory system that is tough—but one that also is fair and reasonable.

On balance, I believe that this legislation does a good job of eliminating or modernizing laws and regulations that either are duplicative or outdated—without sacrificing investor protection. However, I also recognize that the introduction of this bill is just the first step in a longer process and that further fine tuning and revisions will be in order as we learn more about the practical effect of several of its specific provisions. I have decided to sign on as a co-sponsor despite the reservations I have about specific provisions contained in the bill. I will seek out the comments and views of federal and state regulators, industry representatives, and investor advocates on these matters.

I would like to take just a few minutes to briefly highlight a few key provisions of this legislation:

More rational investment adviser oversight. This bill seeks to rationalize the regulatory scheme for investment advisers. Over the last decade, both the House of Representatives and the Senate have held numerous hearings in which we have been told that our system of investment adviser regulation is woefully inadequate, both in terms of the resources we devote to the effort and the laws that govern the industry. Today, we take a modest first step in the effort to establish a credible program of investment adviser oversight. While I applaud the sensible approach contained in this bill, it is my hope that Congress does not end its consideration of this issue here.

This bill will direct the Securities and Exchange Commission to focus on the biggest investment advisers—those who manage more than $25 million of client assets. Investment advisers who fall below this threshold will be overseen by the State securities regulators, who appropriately are given the task of overseeing the smaller, local investment advisers. Now, it may be that the $25 million is not an appropriate dividing line. I would look for guidance here to the regulators and the industry who will be questioned on this issue. If we learn that the threshold is too high, too low, or too inflexible, I expect we will make the necessary revisions.

The oversight of investment advisers is an extremely important issue, as more and more Americans turn to these financial professionals to help guide them through the increasing complexity of our financial markets. Both the Senate and the House of Representatives have addressed the issue of improving investment adviser oversight for several years now, but each time we have failed to reach an agreement on how best to accomplish such a goal. Establishing a more rational system for determining jurisdiction is a helpful step. But, it is only a first step. If we can all agree on this, I hope that we can also agree to come back next year and begin the process of evaluating whether our investment adviser laws are adequate for the protection of investors. For example, as I understand it, there is little more to the federal system of regulation than filling out some paperwork and paying a one-time fee. There are no minimum standards of competency, training, or education to become an investment adviser. We must take a closer look at this law to determine where it may be deficient and to make the necessary improvements.

Improved State-Federal Coordination. Today, both the Securities and Exchange Commission and the 50 State securities regulators share the responsibility for overseeing our capital markets. By and large, this system of shared regulatory responsibility has worked well, with the SEC taking responsibility for market-wide issues, while the States focus their attention on the issues most affecting individual investors and small businesses.

I also believe that there is room for improved coordination and a more clearly defined allocation of responsibility between the States and the SEC. I support the goal of eliminating duplicative and overlapping regulations that do not provide any additional protections to investors or to the markets but which do serve to increase the costs of raising capital. I believe this bill draws brighter lines of responsibility between the States and the SEC, and streamlines the securities offering process for American businesses. However, I will withdraw my support if any changes are made to the bill that will have the effect of weakening the State role in policing sales practices, or that will in any way undermine the enforcement authority of State securities regulators or the ability of defrauded investors to recover their losses in court under State laws.

Modernization of mutual fund oversight. This bill recognizes the fundamentally national character of the mutual fund industry by assigning exclusive responsibility for the routine review of mutual fund offering documents and related materials to the SEC and NASD. The legislation also encourages further innovation in the mutual fund industry by means of advertising prospectuses and fund of funds.

While I understand that this section of the bill generally corresponds to a similar section contained in H.R. 3005 recently approved by the House Commerce Committee, I am troubled that the Senate version fails to incorporate two key provisions of the House bill that deal with Commission authority with respect to reporting and record keeping requirements.

In closing, I want to say that it is my intention to carefully consider the feedback and comments we receive on this legislation—from Federal and State securities regulators—from representatives of the securities industry—and from investor advocates. I will work to revise any provisions that are identified as having the potential to upset the delicate balance between promoting capital formation and protecting investors that this bill now seeks to accomplish.

By Mr. BOND (for himself, Mr. COATS, Mr. ABRAHAM, Mr. GRAMM, Mr. ASHCROFT, Mr. CRAIG, Mr. COVERDELL, Mr. GRASSLEY, Mr. GREGG, Mr. SANTORUM, Mr. FAIRCLOTH, and Mr. NICKLES):

S. 1816. A bill to expedite waiver approval for the "Wisconsin Works" plan, and for other purposes; to the Committee on Finance.

THE WISCONSIN WORKS ACT OF 1996

Mr. BOND. Mr. President, I rise today to introduce a measure that will assist the President of the United States in carrying out a promise he made to the people of Wisconsin that he would approve the Wisconsin Works program. There have been some problems getting welfare actually acted on. I had a very nice letter from the President last year for the work that we did on the welfare reform bill. But that measure got vetoed and so did a subsequent measure.

Now, the President has said that he supports the welfare reform demonstration project in Wisconsin, known as Wisconsin Works. Well, today, on behalf of myself, Senators COATS, ABRAHAM, GRAMM of Texas, ASHCROFT, CRAIG, COVERDELL, GRASSLEY, GREGG, SANTORUM, FAIRCLOTH, and NICKLES, I am submitting a very brief bill, which, in substance, says that when waivers are submitted by the Wisconsin Department of Health and Services to conduct a demonstration project known as Wisconsin Works, those waivers shall be deemed approved.

We have heard many stories about the need to reform welfare, Mr. President, and one of those stories that has been repeated recently is that of an experiment in Sedalia, MO, where applicants for food stamps were sent to an employer. Many of them took jobs, which is good. It moved them off public assistance. Those who were turned down because they were not capable could stay on public assistance. Those who refused to show up were taken off of the food stamp rolls. So there was an incentive for those who did not want to work. Two people went for the job, but they were turned down because they tested positive for drugs.

Under existing Federal law, the State of Missouri could not sanction those people, even though they were turned down for a job because they tested positive for drugs. The simple point of that is that that creates the most perverse of incentives—the incentive for people who are on public assistance and who do not want to have to take a job to get on drugs and they can stay on the public assistance rolls.

That is the kind of thing that needs to be changed. That is why we need welfare reform. Today, Mr. President, I am simply acting to expedite one of the many waivers now pending from the States, which has been delayed, I understand from the Governors, an average of 210 days. This measure, if and when adopted, will deem the waivers submitted by the State of Wisconsin to be approved.

By Mr. GRASSLEY (for himself, Mr. HATCH, Mrs. KASSEBAUM, and Mr. BOND):

S. 1817. A bill to limit the authority of Federal courts to fashion remedies that require local jurisdictions to assess, levy, or collect taxes, and for other purposes; to the Committee on the Judiciary.

THE FAIRNESS IN JUDICIAL TAXATION ACT OF 1996

• Mr. GRASSLEY. Mr. President, I introduce the Fairness in Judicial Taxation Act of 1996. I would like to thank Senator HATCH, Senator KASSEBAUM, and Congressman MANZULLO for their leadership on this issue. I hope that both the House and Senate will move quickly to pass this bill.

This important piece of legislation will curb the awesome power that the Federal courts gave themselves in the Supreme Court Case of Missouri versus Jenkins. As this body well knows, in that case the U.S. Supreme Court ruled that Federal courts could force towns and cities across America to raise taxes—even if State law forbids a tax increase. Amazingly, the Supreme Court failed to place any effective limitation on this power.

This is outrageous and violates one of the basic principles our great Nation was founded on—no taxation without representation. I really can't think of a more un-American creature than a tax imposed by an unelected, unaccountable Federal judge. I urge my fellow Senators to remember—the power to tax is the power to destroy.

This Congress is working hard to reduce the tax burdens on American families and small businesses. It would be a dereliction of duty not to do what we can to protect the American taxpayer from the destructive power of judge-imposed taxes.

Today, I expect to be appointed to a national commission which is charged with looking into ways to change the way the IRS operates so that it will be fairer to the American taxpayer. The bill I introduce today is intended to deal with the same sort of problem—helping to protect the American people from the abusive use of Federal power in the collection of taxes.

In my view, and I believe in the view of the vast majority of American taxpayers, it doesn't matter where the abuse comes from—the IRS or some Federal judge. The bottom line is that the scale has tipped too far in the direction of the Federal Government and away from protecting the rights of the American people.

Now, we cannot by statute overturn Missouri versus Jenkins. And we don't have the votes to pass a constitutional amendment. Since the Supreme Court has spoken, and we are stuck with judge-imposed taxes, the Fairness in Judicial Taxation Act goes as far as we can. The bill sets up a six-part test which must be met before a judge can compel the raising of taxes. In brief, before a court could impose a tax, the judge would have to prove:

That there is no way—other than a tax—to achieve justice; right now, courts can compel the raising of taxes without even looking to see what else can be done;

The tax won't in reality make the problems the tax is supposed to fix even worse;

That the tax will not force property owners to leave the area, thereby actually reducing the amount of tax revenue for the town or city;

The proposed tax will not cause property values to plummet; when property owners leave to avoid judge-imposed taxes, this can cause the value of land and property to go through the floor;

The tax will not override tax caps set by local law; in Missouri versus Jenkins, the Supreme Court actually ruled that Federal Judge can strike down local tax caps;

The proposed tax will effectively redress only the narrow issue before the court; in some cases, Federal judges have used judge-imposed taxation plans to pay for vast social engineering schemes.

As you can see, Mr. President, these six factors will make it difficult—but not impossible—for courts to raise taxes. I wish we could just overturn Missouri versus Jenkins, but we can't. So, this is the next best thing.

Importantly, the Fairness in Judicial Taxation Act gives everyday, average Americans the right to go before the court and be heard on the issue of tax increases. Congress might not be able to force courts not to raise taxes, but we can at least make the courts listen to people who will be harmed by the tax increase. And anyone who wants to, and who has appeared before the judge to oppose the tax, can file their own independent appeal—immediately, and not at the end of the court case, which can drag on for many years.

Mr. President, this bill is good and fair and reasonable. It returns power back to the American people in a real and effective way.•

• Mrs. KASSEBAUM. Mr. President, I am pleased to join today Senator GRASSLEY in introducing the Fairness in Judicial Taxation Act of 1996. I want to commend Senator GRASSLEY, Senator HATCH, and Congressman MANZULLO for their leadership on this important issue.

In recent years, a number of judges have ordered local governments to impose taxes on citizens as a means to remedy a constitutional violation. In many of these cases, I have believed that Federal courts exceeded their limited jurisdiction under article III of the Constitution. While I fully understand the role of the judiciary in protecting constitutional rights, I do not believe that judges should be in the business of needlessly imposing taxes.

Our legislation addresses this issue by requiring Federal courts to meet certain criteria before imposing a tax. The Federal court must find that: There is no other means available to remedy the deprivation of rights, the tax will not contribute to the deprivation intended to be remedied, the tax will not result in a loss of revenue, the tax will not disproportionately affect any racial, ethnic, or national group, and plans submitted by a locality will not effectively redress the deprivation.

These five criteria are similar to the analysis any effective legislature would undertake before imposing a tax on its people. It is a reasonable, moderate approach to a difficult issue.

Mr. President, in 1990, I joined Senator Danforth in supporting a constitutional amendment which would prohibit judicial taxation. Senator THURMOND has advocated a legislative solution to this same issue. While these various approaches have not yet been successful, I believe they represent the emerging consensus that courts should stay out of the business of imposing taxes.

I would hope that the legislation we are introducing today will contribute to the important debate about this issue.

Mr. President, my interest in the issue of judicial taxation grew out of the experience of the Kansas City, MO, school system. In that case, the Federal judge has essentially taken over the school system by imposing a tax on the local population in order to finance implementation of a magnet school plan. His intervention, I would argue, has created an undercurrent of ill will, exacerbated racial tension, and done little to solve, over the long term, the problems with the Kansas City of school system.

School desegregation is not an easy issue. It is fraught with emotion, and there are no magic answers. But imposing a comprehensive solution from the bench—without the support of the community—has not proven effective. We simply must find a better approach to this problem—an approach which brings a community together.

I, for one, have strongly supported neighborhood schools. One of the real strengths of our education system has been in its local base. The sense of connection among students, parents, school officials, and communities is a vitally important source of support for children. When education loses its roots in the neighborhood, we lose the commitment and emphasis which are critical to academic success.

Moreover, at a time when the stresses and outright breakdown of many families have denied to children the strong and positive messages they should be receiving from the parents, the sense of connection and belonging that a school can provide becomes even more vital.

I fear that complex, Rube Goldberg solutions involving busing, magnet schools, and the such—financed by judicially imposed taxes—undermine community support for effective schooling. The business at hand is to guarantee that all our students have an opportunity for a quality education in their neighborhoods. That is where we should devote our energies and our financial resources.

Mr. President, I am pleased to join with Senator GRASSLEY in proposing legislation which deals with a key aspect of this problem—the imposition of taxes by Federal courts. It is my hope that the Senate will act expeditiously on this important legislation, and communities will again work together to improve education for all their children.•

By Mr. DASCHLE (for himself, Mr. BRYAN, Mr. DODD, Mr. KENNEDY, Mr. LEAHY, Ms. MIKULSKI, Ms. MOSELEY-BRAUN Mr. ROCKEFELLER, and Mr. SIMON) (by request):

S. 1818. A bill to amend the Employee Retirement Income Security Act of 1974 to provide for retirements savings and Security; to the Committee on Labor and Human Resources.

S. 1819. A bill to amend the Railroad Retirement Act of 1974 to provide for retirement savings and security; to the Committee on Labor and Human Resources.

S. 1820. A bill to amend title 5 of the United States Code to provide for retirement savings and security; to the Committee on Governmental Affairs.

S. 1821. A bill to amend the Internal Revenue Code of 1986 to provide for retirement savings and security; to the Committee on Finance.

RETIREMENT SAVINGS LEGISLATION

Mr. DASCHLE. Mr. President, lack of retirement security is America's quiet crisis.

Americans who work hard all their lives—either in the workplace or at home—deserve peace of mind that a secure retirement awaits them. But too many Americans live in fear that they cannot afford to retire because they do not have adequate pension coverage.

Right now, 51 million working Americans—more than half of private sector workers—have no private pension plan. Women are especially hard hit by this quiet crisis. Nearly two-thirds of working women do not have pension plans. And if you work in a small business, you only have a 1-in-4 chance of getting pension coverage.

Even those workers fortunate enough to have a pension plan cannot be sure their pensions will actually be there when they are ready to retire. Add to that the fact that more Americans are spending every dollar they earn just to pay the bills, leaving less and less for retirement, and it is no wonder people are worried about the future.

Working Americans should be able to count on a pyramid of income sources that, along with Medicare, provides them with a secure retirement. Social Security is the base of that pyramid, the foundation of retirement security. At the top of the pyramid are employer-provided pensions and private savings.

From day one, Democrats in this Congress have had to fight to protect Social Security and Medicare from attacks by the far right. And we will continue to defend those programs as the critical bedrock of retirement security.

But Social Security and Medicare—alone—were never intended to provide full retirement security. If people are going to retire with dignity and security, they need personal savings, and they need adequate pension coverage. But too many obstacles exist in our current system for millions of Americans to get and keep pension coverage.

That is why pension reform is one of the top 3 priorities for Democrats between now and November. We are committed to getting some, if not all, of this package back to the President for his signature before this Congress ends.

Democrats plan to ease the fears of working Americans by making it easier for businesses to offer pension plans, and easier for workers who do not have access to employer-sponsored pensions plans to set up their own, tax-free pension plans.

We will also establish a new kind of 401(k) plan to help people save up to $5,000 a year, tax-free, for retirement.

Workers will be able to take their pensions and retirement savings accounts with them when they change jobs. They will not lose what they have already saved every time they take a new job. That is essential in an economy where the average worker will change jobs up to 8 times in his or her career.

In addition to more pensions, this plan will make all pensions more secure by requiring pension funds to be invested in a more timely manner, and by increasing civil and criminal penalties for pension raiding.

Finally, Democrats in the Senate will push to dramatically increase women's retirement security by enabling them to earn pensions themselves, and by making sure women are aware of the spousal pension funds to which they may be entitled.

My colleague from Kansas, Senator KASSEBAUM, predicted in a recent speech that pension reform would be the big issue for the next Congress. I respectfully disagree with my colleague. Senate Democrats believe that pension reform is a big issue for this Congress. There is no reason the American people should have to wait that long.

People who work hard all their lives deserve to be able to retire with dignity and security. We intend to ensure that they can, and we intend to do so this year.

• Ms. MOSELEY-BRAUN. Mr. President, I am pleased to have this opportunity to join my colleagues in introducing President Clinton's pension legislation, the Retirement Savings and Security Act. This legislation addresses some of the most serious concerns of the Nation's work force, and it will have a positive and lasting impact on the working people of this country. The Retirement Savings and Security Act will help America's working people prepare for their retirement, and help ensure their future economic security.

This plan tackles the significant problems of pension coverage and portability by making it easier for people to enroll in pension plans, by making it easier for small businesses to offer benefits to their employees, and by making it easier for people to save for their retirement.

A baby boomer will turn 50 every 7 seconds this year. The average American will hold between four and eight jobs in his or her lifetime. These trends require that we concern ourselves with increasing access to our Nation's pension system and ensuring that pensions are portable.

As the sponsor of S. 1756, the Women's Pension Equity Act, I want to take special note of the attention the President's plan gives to some of the pension issues which have a disproportionate impact on women.

Our pension system was not designed for working women, either those in the work force or in the home. The statistics vividly make the case. Women make up 60 percent of seniors over 65 years old, but 75 percent of the elderly poor. An elderly woman is twice as likely as a man to live below the poverty line. One reason for the high incidence of poverty among older women is clear—less than one-third of female retirees receive any pension benefits at all and for those that do, the average benefit is only half that of male retirees. Over half of all male retirees receive pension benefits.

There are a number of reasons for the disparity in men's and women's pension coverage and benefits. Women are more likely to move in and out of the work force to care for family, women are more likely to work at home, or to work in industries without generous salary or pension benefits, and women earn less compared to men—all of which contributes to little or no pension income.

This legislation encourages increased portability and lower vesting requirements. Allowing workers to earn pension benefits quickly and to take those benefits with them when they change jobs will directly benefit women, who are more likely than men to take time out of the work force to care for their children or their parents.

This legislation encourages small business to offer 401(k) plans. Expanding pension coverage into small businesses will directly benefit women, who disproportionately work in small businesses.

This legislation encourages employers to accept a lump sum rollover of a new employee's pension funds from the previous employer. Making it easier to transfer retirement funds directly into a new account, thereby decreasing the likelihood of pension savings being spent before retirement, will directly benefit women, who are almost a third more likely to receive a lump sum payment as their sole pension income, will benefit directly.

In addition, this plan contains several targeted initiatives that were drawn, in part, from S. 1756, and that will help to further ensure retirement security for older women. These are initiatives to protect working women and homemakers alike who face widowhood or divorce. The current pension laws often leave widows and divorced women without any of the pension benefits earned by their husbands during many years of marriage.

I am very pleased that the President acted to ensure that these provisions were included in the administration's pension bill. The President understands that our pension laws have to reflect the reality faced by women today in the work force, in the home, and in retirement.

I want to take particular note of the President's interest in dealing with two problems affecting widows and divorced widows whose deceased husbands participated in the Federal civil service retirement system.

The first provision in this legislation allows a widow or divorced widow to collect their husband's civil service pension if he dies after leaving his civil service job and before collecting his pension benefits. The second provision allows a court that awards a woman part of her husband's civil service pension upon divorce, to extend that award to any lump sum payment made if the husband dies before collecting benefits.

These provisions ensure that women will not be left without pension income in their retirement years because of absurd, yet potentially devastating, pension loopholes in the civil service retirement system. Similar language is included in S. 1756.

Mr. President, the President's pension initiative will result in significant improvements in pension coverage for older women. This bill is just another example of the President's commitment to increase the economic security of all Americans.

All Americans need improved pension coverage. We need to know that we can retire without falling into poverty or becoming a huge financial burden for our families. We need to know that the golden years are not going to turn into disposable years.

I commend the President on his efforts to expand pension coverage, portability, and security for all Americans and I commend the President for making a special effort when it comes to older women living alone—those most likely to live in poverty.

I am proud to be able to cosponsor this important initiative. All Americans, women included, deserve to retire with dignity.•

ADDITIONAL COSPONSORS

S. 483

At the request of Mr. HATCH, the name of the Senator from Vermont [Mr. LEAHY] was added as a cosponsor of S. 483, a bill to amend the provisions of title 17, United States Code, with respect to the duration of copyright, and for the other purposes.

S. 507

At the request of Mr. PRESSLER, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 507, a bill to amend title 18 of the United States Code regarding false identification documents, and for other purposes.

S. 684

At the request of Mr. HATFIELD, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 684, a bill to amend the Public Health Service Act to provide for programs of research regarding Parkinson's disease, and for other purposes.

S. 814

At the request of Mr. MCCAIN, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 814, a bill to provide for the reorganization of the Bureau of Indian Affairs, and for other purposes.

S. 948

At the request of Mr. DORGAN, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of S. 948, a bill to encourage organ donation through the inclusion of an organ donation card with individual income refund payments, and for other purposes.

S. 1166

At the request of Mr. LUGAR, the names of the Senator from Missouri [Mr. ASHCROFT], and the Senator from Virginia [Mr. ROBB] were added as cosponsors of S. 1166, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act, to improve the registration of pesticides, to provide minor use crop protection, to improve pesticide tolerances to safegaurd infants and children, and for other purposes.

S. 1183

At the request of Mr. HATFIELD, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 1183, a bill to amend the Act of March 3, 1931 (known as the Davis-Bacon Act), to revise the standards for coverage under the Act, and for other purposes.

S. 1219

At the request of Mr. FEINGOLD, the name of the Senator from Ohio [Mr. GLENN] was added as a cosponsor of S. 1219, a bill to reform the financing of Federal elections, and for other purposes.

S. 1397

At the request of Mr. KYL, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of S. 1397, a bill to provide for State control over fair housing matters, and for other purposes.

S. 1578

At the request of Mr. FRIST, the names of the Senator from Utah [Mr. BENNETT] and the Senator from South Dakota [Mr. DASCHLE] were added as cosponsors of S. 1578, a bill to amend the Individuals with Disabilities Education Act to authorize appropriations for fiscal years 1997 through 2002, and for other purposes.

S. 1643

At the request of Mr. GREGG, the name of the Senator from Indiana [Mr.

COATS] was added as a cosponsor of S. 1643, a bill to amend the Older Americans Act of 1965 to authorize appropriations for fiscal years 1997 through 2001, and for other purposes.

S. 1645

At the request of Mr. KERRY, the name of the Senator from Maine [Ms. SNOWE] was added as a cosponsor of S. 1645, a bill to regulate United States scientific and tourist activities in Antarctica, to conserve Antarctic resources, and for other purposes.

S. 1731

At the request of Mr. CRAIG, the name of the Senator from North Carolina [Mr. FAIRCLOTH] was added as a cosponsor of S. 1731, a bill to reauthorize and amend the National Geologic Mapping Act of 1992, and for other purposes.

S. 1743

At the request of Mr. BINGAMAN, the names of the Senator from Montana [Mr. BAUCUS], the Senator from Iowa [Mr. GRASSLEY], and the Senator from Oklahoma [Mr. INHOFE] were added as cosponsors of S. 1743, a bill to provide temporary emergency livestock feed assistance for certain producers, and for other purposes.

S. 1747

At the request of Mr. GRAMM, the name of the Senator from Texas [Mrs. HUTCHISON] was added as a cosponsor of S. 1747, a bill to correct the marking requirements for American-made feather and down-filled products.

S. 1755

At the request of Mr. DOMENICI, the names of the Senator from South Dakota [Mr. PRESSLER], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Iowa [Mr. GRASSLEY], and the Senator from Oklahoma [Mr. INHOFE] were added as cosponsors of S. 1755, a bill to amend the Federal Agriculture Improvement and Reform Act of 1996 to provide that assistance shall be available under the noninsured crop assistance program for native pasture for livestock, and for other purposes.

S. 1759

At the request of Ms. MIKULSKI, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of S. 1759, a bill to amend title 5, United States Code, to require that written notice be furnished by the Office of Personnel Management before making any susbstantial change in the health benefits program for Federal employees.

SENATE RESOLUTION 250

At the request of Mr. BROWN, the names of the Senator from California [Mrs. BOXER], the Senator from Ohio [Mr. DEWINE], and the Senator from Utah [Mr. BENNETT] were added as cosponsors of Senate Resolution 250, a resolution expressing the sense of the Senate regarding tactile currency for the blind and visually impaired.

AMENDMENT NO. 4023

At the request of Mr. FAIRCLOTH, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of amendment No. 4023 proposed to Senate Concurrent Resolution 57, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 1997, 1998, 1999, 2000, 2001, and 2002.

AMENDMENT NO. 4025

At the request of Mr. ROTH, the names of the Senator from Vermont [Mr. JEFFORDS], the Senator from North Dakota [Mr. DORGAN], the Senator from Delaware [Mr. BIDEN], the Senator from Illinois [Mr. SIMON] and the Senator from Mississippi [Mr. LOTT] were added as cosponsors of amendment No. 4025 proposed to Senate Concurrent Resolution 57, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 1997, 1998, 1999, 2000, 2001, and 2002.

SENATE CONCURRENT RESOLUTION 60—RELATIVE TO A CONDITIONAL ADJOURNMENT OR RECESS OF THE SENATE AND HOUSE OF REPRESENTATIVES

Mr. LOTT submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 60

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns at the close of business on Thursday, May 23, 1996, Friday, May 24, 1996, or Saturday, May 25, 1996, pursuant to a motion made by the Majority Leader or his designee in accordance with this resolution, it stand recessed or adjourned until noon on Monday, June 3, 1996, Tuesday, June 4, 1996 or until such time on that day as may be specified by the Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the house adjourns on the legislative day of Thursday, May 23, 1996, it stand adjourned until 2:00 p.m. on Wednesday, May 29, 1996, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and House, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

SENATE CONCURRENT RESOLUTION 61—RELATIVE TO COMMENDING AMERICANS WHO SERVED IN THE COLD WAR

Mr. DOLE submitted the following concurrent resolution; which was referred to the Committee on Armed Services:

S. CON. RES. 61

Whereas the most dangerous military competition in the history of mankind has come to a close without a nuclear holocaust;

Whereas men and women in the armed forces, intelligence community, and foreign service community of the United States faithfully performed their duties during the period known as the Cold War;

Whereas many of these persons were isolated from family and friends and served under arduous conditions in far away lands in order to preserve peace and harmony throughout the world:

Whereas these persons performed their duty in the most successful, extended, military competition in the history of mankind and ensured that weapons of mass destruction, capable of destroying all humanity, were never released;

Whereas the self-discipline and dedication of these persons were fundamental to the prevention of a Super Power conflict; and

Whereas the silent determination of these persons brought a peaceful victory to all the people of the world: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress acknowledges the service and sacrifices of these Americans who contributed to historic victory in the Cold War.

Mr. DOLE. Mr. President, today I am pleased to join Representative RICK LAZIO of New York, in paying tribute to the dedicated Americans who served in the Armed Forces, Intelligence Agencies, and the Diplomatic Corps during the Cold War. Their courageous efforts not only ensured America's security, but eventually brought peace and freedom to millions of people around the world who had suffered under communism for decades.

In the aftermath of World War II, a new threat to freedom emerged. Fifty years ago this spring, British Prime Minister Winston Churchill warned the Western world of that new threat in a speech at Westminster College in Fulton, Missouri. "From Stettin in the Baltic to Trieste in the Adriatic an iron curtain has descended across the Continent * * *. The Communist parties, which were very small in all these Eastern States of Europe, have been raised to pre-eminence and power far beyond their numbers and are seeking everywhere to obtain totalitarian control. Police governments are prevailing in nearly every case, and so far, except in Czechoslovakia, there is no true democracy." To combat this new threat Prime Minister Churchill called on us to work to prevent open hostilities and to ensure the "* * * establishment of conditions of freedom and democracy as rapidly as possible in all countries." He further called for cooperation between the United States and her allies "* * * in the air, on the sea, all over the globe and in science and in industry, and in moral force * * *" in order that we might have an "overwhelming assurance of security."

For the next four decades, the United States, with its Allies, stood resolute against Communist aggression. The full resources of our military, intelligence organizations, and diplomatic corps were brought to bear to ensure freedom and prevent the spread of tyranny. The United States, through the

Marshall Plan, rebuilt Europe. We formed alliances, such as NATO, with our allies to provide a coordinated military response to Communist aggression. And the United States embarked on the Strategic Defense Initiative, to ensure that future generations would not grow up fearing a nuclear holocaust.

Now, 50 years after Prime Minister Churchill's speech in Fulton, Missouri the United States is again the world's only super power. We again are leading the world into a new age. Just as America's principled leadership was required for victory in the Cold War, so will our moral strength be required to face the challenges of the future.

Mr. President, I think it is only fitting that today we take a few moments to recognize and thank those Americans who served our government throughout the long years of the Cold War. Without their dedication, bravery, and sacrifice our victory would not have been possible. I am pleased to join Congressman LAZIO in recognizing these Americans and I know my colleagues in the Senate join me in this expression of thanks.

SENATE CONCURRENT RESOLUTION 62—RELATIVE TO THE NAMING THE FIRST OF THE FLEET NEW ATTACK SUBMARINES THE "SOUTH DAKOTA"

Mr. PRESSLER submitted the following concurrent resolution; which was referred to the Committee on Armed Services:

S. CON. RES. 62

Whereas the battleship South Dakota (BB-57) was commissioned on March 20, 1942, and was originally scheduled to host the surrender of Japan in World War II;

Whereas the battleship South Dakota (BB-57) quickly became the flagship of Admiral Chester W. Nimitz's 3d fleet and was renowned as the famous Battleship "X";

Whereas the battleship South Dakota (BB-57) was one of the greatest and most decorated battleships of World War II, earning the Navy unit commendation, the Asiatic-Pacific Campaign Medal with 13 battle stars, the World War II Victory Medal, and the Navy Occupation Service Medal;

Whereas on January 31, 1947, after only 5 years of service, the battleship South Dakota (BB-57) was decommissioned and placed in reserve;;

Whereas during its 5 years of dutiful service, the crew of the battleship South Dakota (BB-57) demonstrated both dedication and courage in their efforts to preserve the security of the United States and protect the freedoms of all Americans; and

Whereas it is entirely appropriate to have the first of the fleet of the new attack submarines of the Navy named the "South Dakota" in order to honor the courage and commitment of the brave crew of the battleship South Dakota (BB-57), and to serve as a fitting tribute to one of America's truly great battleships: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the Secretary of the Navy should name the first of the fleet of the new attack submarines of the Navy the "South Dakota".

Mr. PRESSLER. Mr. President, I rise to honor and recognize Floyd Gulbrandson, Al Rickel, Charles Skorpik, Willie Wieland, and the rest of the dedicated crew of the famous World War II battleship BB-57, the *South Dakota*, by introducing a resolution to name the first of the next generation of new attack submarines (NSSN) the *South Dakota*.

Following naval tradition, naming the first vessel in a new fleet christens the entire fleet as the class of the first vessel named. Hence by naming the first submarine *South Dakota*, the entire NSSN fleet of four would be classified as the *South Dakota* class. This honor, naming a class of submarines after the BB-57 is truly an appropriate tribute.

For my colleagues familiar with U.S. naval history, the name *South Dakota* should recall a tradition of great battleships and great service. As history records, two separate classes of battleships have borne the name *South Dakota*. Both were marked by innovative design, artillery power, and sea strength. Commissioned in 1908 and authorized on August 19, 1916, BB-49, the first of a class of *South Dakota* battleships was to include six potent vessels. However, after the United States signed the Washington Arms Naval Limitation Treaty on February 6, 1922, construction of BB-49 and the entire *South Dakota* class was canceled due to a 10-year prohibition on warship construction. The first *South Dakota*, BB-49, would never participate in sea combat as she was scrapped before completion. Naval combat for a *South Dakota* class of warships would have to wait until World War II.

The next class of *South Dakota* battleships, this time composed of four vessels, was commissioned 33 years later in 1941, the first being BB-57. The four *South Dakota* class battleships were faster, stronger, and more resistant to damage than any other vessels constructed at that time. In particular, stretching more than 600 feet and displacing more than 43,000 tons of water, BB-57 was equipped with massive firepower, which included 9 16-inch guns, 16 5-inch guns, 68 40-millimeter guns, and 76 20-millimeter guns.

Both classes of *South Dakota* battleships represented the ingenious technological and planning expertise of America's battleship designers. These ships were carefully designed to ensure that our strategic interests and our defense needs were met. Particularly in the case of BB-57, the planning and design of the battleship were truly remarkable naval achievements, considering treaty limitations prior to World War II. *South Dakota* represented future U.S. domination as a world naval power.

Of course, a well-designed battleship is useless without a well-trained, dedicated crew. I would like to share with my colleagues an excerpt from a letter I received from a crewmember of the *South Dakota*. Mr. Elmer Pry's words represent the zeal, loyalty, and teamwork of those who served on this ship.

> This ship was the most fightingest hard hitting machine of war that man has ever seen. We took it and by joe we dished it out. I was a very proud person to have the honor to have been aboard her and I know all my shipmates felt the same. She took us through hell and back. We were mostly a green crew but with the help of the old salts we learned how to do the job and we sure did it as the record shows but I guess you have to give the credit to our beloved skipper, Captain Thomas L. Gatch. He is the one that made us a fighting crew. He trained us the day he came aboard to shoot and shoot straight. . . . Because of him the ship became a fighting machine.

Mr. President, Mr. Pry's words reflect that no resource we commit to the defense of our country is more valued and more precious than the brave individuals who sacrifice and serve. Admiral Nimitz once said, "We [cannot] relax our readiness to defend ourselves. Our armament must be adequate to the needs, but our faith is not primarily in these machines of defense but in ourselves". This was especially true of the brave crew of the *South Dakota*. To the American people, BB-57 became known as the famed "Battleship X", the flagship of Adm. Chester W. Nimitz's Third Fleet during World War II.

When the call to duty went out following the attack on Pearl Harbor, the crew of the *South Dakota* answered with valiant service. The *South Dakota* became the most decorated battleship of World War II. She participated in 9 major shore bombardments and shot down 64 enemy aircraft. Collectively, the crew of the *South Dakota* endured many battles and earned several distinguished awards, including the Navy Unit Commendation, the Asiatic-Pacific Campaign Medal with 13 battle stars, the World War II Victory Medal, and the Navy Occupation Service Medal.

On October 26, 1942, the *South Dakota* entered its first major battle with a green crew on deck. She was attacked by 180 enemy bombers in what is now known as the Battle of Santa Cruz Island. Defending both the *Enterprise* and *Hornet* aircraft carriers, the *South Dakota* boldly exchanged gunfire and shot down an unprecedented 30 enemy aircraft, rendering 2 enemy aircraft carriers inoperative. Through repeated bombardments and heavy fire, only 1 bomb out of 23 struck the *South Dakota*. For their valiant actions and enduring perseverance, Captain Gatch was decorated with the Navy Cross, the crew was presented with the Navy Unit Commendation, and the *South Dakota* received the first of 13 battle stars. There is no question that BB-57 was instrumental in our winning the naval war in the Pacific, thus protecting many of the freedoms we and countless others around the world enjoy today.

The name South Dakota is important in the history of World War II, not just in terms of naval heroism, but also heroism by South Dakotans on the homefront and the front lines. The State of South Dakota has a long history of strong support for the protection of our national security interests. Ten percent of the population of South Dakota, 74,100 individuals, are veterans. Of those, 20,100 served our country during World War II. Our veterans are representative of South Dakota's ardent commitment to serving our Nation in times of peace and war.

However, families who stayed at home also contributed to and supported the war effort. South Dakotans young and old dug deep into their pockets and piggy banks to keep American troops armed, fed, and clothed. During eight national fundraising campaigns, South Dakota exceeded its quotas. South Dakota consistently ranked first or second in the per capita sale of the Series "E" war bonds, known as the people's bonds. South Dakota raised $111.5 million from the sale of people's bonds—that is $173 for every South Dakota man, woman, and child. I am proud to hail from a State that stands for such sacrifice and service.

Mr. President, On January 31, 1947, the *South Dakota* was decommissioned and sold as scrap metal for $466,425. The mainmast and stubs of the 16-inch gun were saved from salvage and stand as a memorial in Sioux Falls to commemorate those who served aboard BB–57. The crew of the *South Dakota* and their descendants gather in Sioux Falls every 2 years to reminisce and offer their respects to those who served our country in war.

It would be appropriate for the first of our next generation of attack submarines—the latest example of naval technological innovation—to carry the name of America's most decorated battleship, the *South Dakota*. NSSN will represent the next generation of undersea superiority. NSSN will have increased flexibility, maneuverability and armaments. If the NSSN is named *South Dakota*, it will carry the history of days ago.

My resolution honors the memory of those associated with the name *South Dakota*, whether it be the designers of the previous *South Dakota* class ships, the veterans who served aboard the BB–57, or the thousands of *South Dakota*ns who unfailingly have answered the call to serve our country. I hope my colleagues will join me in furthering the tradition of the *South Dakota* by joining as sponsors of this resolution.

SENATE RESOLUTION 256—RELATIVE TO THE PRODUCTION OF RECORDS BY THE SELECT COMMITTEE ON INTELLIGENCE

Mr. DOLE (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 256

Whereas, the Office of the Inspector General of the Central Intelligence Agency has requested that the Select Committee on Intelligence provide it with copies of committee records relevant to the Office's pending review of matters related to the Zona Rosa massacre of six American citizens in El Salvador in 1985;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that documents, papers, and records under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That the Chairman and Vice Chairman of the Select Committee on Intelligence, acting jointly, are authorized to provide to the Office of Inspector General of the Central Intelligence Agency, under appropriate security procedures, copies of records that the Office has requested for use in connection with its pending review into matters related to the Zona Rosa massacre.

AMENDMENTS SUBMITTED

THE CONGRESSIONAL BUDGET CONCURRENT RESOLUTION

BIDEN (AND OTHERS) AMENDMENT NO. 4037

Mr. EXON (for Mr. BIDEN, for himself, Mr. LEAHY, Mr. KOHL, and Mr. HATCH) proposed an amendment to the concurrent resolution (S. Con. Res. 57) setting forth the congressional budget for the United States Government for fiscal years 1997, 1998, 1999, 2000, 2001, and 2002; as follows:

At the appropriate place, insert the following:

SEC. . A RESOLUTION REGARDING THE SENATE'S SUPPORT FOR FEDERAL, STATE AND LOCAL LAW ENFORCEMENT.

(a) FINDINGS.—The Senate finds that:

(1) Our Federal, State and local law enforcement officers provide essential services that preserve and protect our freedoms and security;

(2) Law enforcement officers deserve our appreciation and support;

(3) Law enforcement officers and agencies are under increasing attacks, both to their physical safety and to their reputations;

(4) Federal, State and local law enforcement efforts need increased financial commitment from the Federal Government for funding and financial assistance and not the slashing of our commitment to law enforcement if they are to carry out their efforts to combat violent crime;

(5) the President's Fiscal Year 1996 budget requested an increase of 14.8% for the Federal Bureau of Investigation, 10% for United States Attorneys, and $4 million for Organized Crime Drug Enforcement Task Forces; while this Congress has increased funding for the Federal Bureau of Investigation by 10.8%, 8.4% for United States Attorneys, and a cut of $15 million for Organized Crime Drug Enforcement Task Forces;

(6) On May 16, 1996, the House of Representatives has nonetheless voted to slash $300 million from the President's $5 billion budget request for the Violent Crime Reduction Trust Fund for Fiscal Year 1997 in H. Con. Res. 178; and

(7) The Violent Crime Reduction Trust Fund as adopted by the Violent Crime Control and Law Enforcement Act of 1994 fully funds the Violent Crime Control and Law Enforcement Act of 1994 without adding to the federal budget deficit.

(b) SENSE OF THE SENATE.—It is the Sense of the Senate that the provisions and the functional totals underlying this resolution assume the Federal Government's commitment to fund Federal law enforcement programs and programs to assist State and local efforts shall be maintained and funding for the Violent Crime Reduction Trust Fund shall not be cut as the resolution adopted by the House of Representatives would require.

THE SENATE CAMPAIGN FINANCE REFORM ACT OF 1996

MCCAIN (AND OTHERS) AMENDMENT NO. 4038

(Ordered to lie on the table.)

Mr. MCCAIN (for himself, Mr. FEINGOLD, Mr. THOMPSON, Mr. WELLSTONE, Mr. GRAHAM, Mr. SIMON, Mrs. MURRAY, Mr. KERREY, Mr. KERRY, Mr. KOHL, Mr. DODD, and Mr. BINGAMAN) submitted an amendment intended to be proposed by them to the bill (S. 1764) to authorize appropriations for fiscal year 1997 for military construction, and for other purposes; from the Committee on Armed Services; as follows:

At the end of the bill, insert the following new title:

TITLE ___—CAMPAIGN FINANCE REFORM

SEC. ___01. SHORT TITLE.

This title may be cited as the "Senate Campaign Finance Reform Act of 1996".

SEC. ___02. AMENDMENT OF CAMPAIGN ACT; TABLE OF CONTENTS.

(a) AMENDMENT OF FECA.—When used in this title, the term "FECA" means the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.).

(b) TABLE OF CONTENTS.—The table of contents of this title is as follows:

TITLE ___—CAMPAIGN FINANCE REFORM

Sec. ___01. Short title.
Sec. ___02. Amendment of Campaign Act; table of contents.

Subtitle A—Senate Election Spending Limits and Benefits

Sec. ___11. Senate election spending limits and benefits.
Sec. ___12. Free broadcast time.
Sec. ___13. Broadcast rates and preemption.
Sec. ___14. Reduced postage rates.

Sec. ___15. Contribution limit for eligible Senate candidates.

Subtitle B—Reduction of Special Interest Influence

CHAPTER 1—ELIMINATION OF POLITICAL ACTION COMMITTEES FROM FEDERAL ELECTION ACTIVITIES

Sec. ___21. Ban on activities of political action committees in Federal elections.

CHAPTER 2—PROVISIONS RELATING TO SOFT MONEY OF POLITICAL PARTIES

Sec. ___31. National committees.
Sec. ___32. State, district, and local committees.
Sec. ___33. Tax-exempt organizations.
Sec. ___34. Candidates.
Sec. ___35. Reporting requirements.

CHAPTER 3—SOFT MONEY OF PERSONS OTHER THAN POLITICAL PARTIES

Sec. ___41. Soft money of persons other than political parties.

CHAPTER 4—CONTRIBUTIONS

Sec. ___51. Contributions through intermediaries and conduits.

CHAPTER 5—ADDITIONAL PROHIBITIONS ON CONTRIBUTIONS

Sec. ___61. Allowable contributions for complying candidates.

CHAPTER 6—INDEPENDENT EXPENDITURES

Sec. ___71. Clarification of definitions relating to independent expenditures.

Subtitle C—Miscellaneous Provisions

Sec. ___81. Restrictions on use of campaign funds for personal purposes.
Sec. ___82. Campaign advertising amendments.
Sec. ___83. Filing of reports using computers and facsimile machines.
Sec. ___84. Audits.
Sec. ___85. Limit on congressional use of the franking privilege.
Sec. ___86. Authority to seek injunction.
Sec. ___87. Severability.
Sec. ___88. Expedited review of constitutional issues.
Sec. ___89. Reporting requirements.
Sec. ___90. Effective date.
Sec. ___91. Regulations.

Subtitle A—Senate Election Spending Limits and Benefits

SEC. ___11. SENATE ELECTION SPENDING LIMITS AND BENEFITS.

(a) IN GENERAL.—FECA is amended by adding at the end the following new title:

"TITLE V—SPENDING LIMITS AND BENEFITS FOR SENATE ELECTION CAMPAIGNS

"SEC. 501. CANDIDATES ELIGIBLE TO RECEIVE BENEFITS.

"(a) IN GENERAL.—For purposes of this title, a candidate is an eligible Senate candidate if the candidate—

"(1) meets the primary and general election filing requirements of subsections (c) and (d);

"(2) meets the primary and runoff election expenditure limits of subsection (b);

"(3) meets the threshold contribution requirements of subsection (e); and

"(4) does not exceed the limitation on expenditures from personal funds under section 502(a).

"(b) PRIMARY AND RUNOFF EXPENDITURE LIMITS.—

"(1) IN GENERAL.—The requirements of this subsection are met if—

"(A) the candidate or the candidate's authorized committees did not make expenditures for the primary election in excess of the lesser of—

"(i) 67 percent of the general election expenditure limit under section 502(b); or

"(ii) $2,750,000; and

"(B) the candidate and the candidate's authorized committees did not make expenditures for any runoff election in excess of 20 percent of the general election expenditure limit under section 502(b).

"(2) INDEXING.—The $2,750,000 amount under paragraph (1)(A)(ii) shall be increased as of the beginning of each calendar year based on the increase in the price index determined under section 315(c), except that the base period shall be calendar year 1995.

"(c) PRIMARY FILING REQUIREMENTS.—

"(1) IN GENERAL.—The requirements of this subsection are met if the candidate files with the Secretary of the Senate a certification that—

"(A) the candidate and the candidate's authorized committees—

"(i) will meet the primary and runoff election expenditure limits of subsection (b); and

"(ii) will only accept contributions for the primary and runoff elections which do not exceed such limits;

"(B) the candidate and the candidate's authorized committees will meet the limitation on expenditures from personal funds under section 502(a); and

"(C) the candidate and the candidate's authorized committees will meet the general election expenditure limit under section 502(b).

"(2) DEADLINE FOR FILING CERTIFICATION.—The certification under paragraph (1) shall be filed not later than the date the candidate files as a candidate for the primary election.

"(d) GENERAL ELECTION FILING REQUIREMENTS.—

"(1) IN GENERAL.—The requirements of this subsection are met if the candidate files a certification with the Secretary of the Senate under penalty of perjury that—

"(A) the candidate and the candidate's authorized committees—

"(i) met the primary and runoff election expenditure limits under subsection (b); and

"(ii) did not accept contributions for the primary or runoff election in excess of the primary or runoff expenditure limit under subsection (b), whichever is applicable, reduced by any amounts transferred to this election cycle from a preceding election cycle;

"(B) at least one other candidate has qualified for the same general election ballot under the law of the State involved;

"(C) the candidate and the authorized committees of the candidate—

"(i) except as otherwise provided by this title, will not make expenditures that exceed the general election expenditure limit under section 502(b);

"(ii) will not accept any contributions in violation of section 315; and

"(iii) except as otherwise provided by this title, will not accept any contribution for the general election involved to the extent that such contribution would cause the aggregate amount of contributions to exceed the sum of the amount of the general election expenditure limit under section 502(b), reduced by any amounts transferred to this election cycle from a previous election cycle and not taken into account under subparagraph (A)(ii); and

"(D) the candidate intends to make use of the benefits provided under section 503.

"(2) DEADLINE FOR FILING CERTIFICATION.—The certification under paragraph (1) shall be filed not later than 7 days after the earlier of—

"(A) the date the candidate qualifies for the general election ballot under State law; or

"(B) if under State law, a primary or runoff election to qualify for the general election ballot occurs after September 1, the date the candidate wins the primary or runoff election.

"(e) THRESHOLD CONTRIBUTION REQUIREMENTS.—

"(1) IN GENERAL.—The requirements of this subsection are met if the candidate and the candidate's authorized committees have received allowable contributions during the applicable period in an amount at least equal to the lesser of—

"(A) 10 percent of the general election expenditure limit under section 502(b); or

"(B) $250,000.

"(2) DEFINITIONS.—For purposes of this title—

"(A) the term 'allowable contributions' means contributions that are made as gifts of money by an individual pursuant to a written instrument identifying such individual as the contributor, except that such term shall not include contributions from individuals residing outside the candidate's State to the extent such contributions exceed 40 percent of the aggregate allowable contributions (without regard to this subparagraph) received by the candidate during the applicable period; and

"(B) the term 'applicable period' means—

"(i) the period beginning on January 1 of the calendar year preceding the calendar year of the general election involved and ending on the date on which the certification under subsection (c)(2) is filed by the candidate; or

"(ii) in the case of a special election for the office of United States Senator, the period beginning on the date the vacancy in such office occurs and ending on the date of the general election.

"SEC. 502. LIMITATION ON EXPENDITURES.

"(a) LIMITATION ON USE OF PERSONAL FUNDS.—

"(1) IN GENERAL.—The aggregate amount of expenditures that may be made during an election cycle by an eligible Senate candidate or such candidate's authorized committees from the sources described in paragraph (2) shall not exceed the lesser of—

"(A) 10 percent of the general election expenditure limit under subsection (b); or

"(B) $250,000.

"(2) SOURCES.—A source is described in this subsection if it is—

"(A) personal funds of the candidate and members of the candidate's immediate family; or

"(B) personal loans incurred by the candidate and members of the candidate's immediate family.

"(3) AMENDED DECLARATION.—A candidate who—

"(A) declares, pursuant to this Act, that the candidate does not intend to expend funds described in paragraph (2) in excess of $250,000; and

"(B) subsequently changes such declaration or expends such funds in excess of that amount,

shall file an amended declaration with the Commission and notify all other candidates for the same office not later than 24 hours after changing such declaration or exceeding such limits, whichever first occurs, by sending a notice by certified mail, return receipt requested.

"(b) GENERAL ELECTION EXPENDITURE LIMIT.—

"(1) IN GENERAL.—Except as otherwise provided in this title, the aggregate amount of expenditures for a general election by an eligible Senate candidate and the candidate's authorized committees shall not exceed the lesser of—

"(A) $5,500,000; or

"(B) the greater of—

"(i) $950,000; or

"(ii) $400,000; plus

"(I) 30 cents multiplied by the voting age population not in excess of 4,000,000; and

"(II) 25 cents multiplied by the voting age population in excess of 4,000,000.

"(2) Exception.—In the case of an eligible Senate candidate in a State that has not more than 1 transmitter for a commercial Very High Frequency (VHF) television station licensed to operate in that State, paragraph (1)(B)(ii) shall be applied by substituting—

"(A) '80 cents' for '30 cents' in subclause (I); and

"(B) '70 cents' for '25 cents' in subclause (II).

"(3) Indexing.—The amount otherwise determined under paragraph (1) for any calendar year shall be increased by the same percentage as the percentage increase for such calendar year under section 501(b)(2).

"(c) Payment of Taxes.—The limitation under subsection (b) shall not apply to any expenditure for Federal, State, or local taxes with respect to earnings on contributions raised.

"(d) Special Exception for Complying Candidates Running Against Non-Complying Candidates.—If in the case of an election with more than one candidate where one or more candidates who have received contributions in excess of 10 percent of the general election limits contained in this Act or has expended personal funds in excess of 10 percent of the general election limits contained in this Act choose not to comply with the provisions of this Act or violate the limitations on expenditures contained in this Act, such limitations contained in section 502(b) of this Act for the complying candidate(s) shall be increased by 20 percent."

"SEC. 503. BENEFITS ELIGIBLE CANDIDATES ENTITLED TO RECEIVE.

"An eligible Senate candidate shall be entitled to receive—

"(1) the broadcast media rates provided under section 315(b) of the Communications Act of 1934;

"(2) the free broadcast time provided under section 315(c) of such Act; and

"(3) the reduced postage rates provided in section 3626(e) of title 39, United States Code.

"SEC. 504. CERTIFICATION BY COMMISSION.

"(a) In General.—Not later than 48 hours after an eligible candidate qualifies for a general election ballot, the Commission shall certify the candidate's eligibility for free broadcast time under section 315(b)(2) of the Communications Act of 1934. The Commission shall revoke such certification if it determines a candidate fails to continue to meet the requirements of this title.

"(b) Determinations by Commission.—All determinations (including certifications under subsection (a)) made by the Commission under this title shall be final, except to the extent that they are subject to examination and audit by the Commission under section 505.

"SEC. 505. REPAYMENTS; ADDITIONAL CIVIL PENALTIES.

"(a) Excess Payments; Revocation of Status.—If the Commission revokes the certification of a candidate as an eligible Senate candidate under section 504(a), the Commission shall notify the candidate, and the candidate shall pay an amount equal to the value of the benefits received under this title.

"(b) Misuse of Benefits.—If the Commission determines that any benefit made available to an eligible Senate candidate under this title was not used as provided for in this title, or that a candidate has violated any of the spending limits contained in this Act, the Commission shall so notify the candidate and the candidate shall pay an amount equal to the value of such benefit.".

(b) Transition Period.—Expenditures made before January 1, 1997, shall not be counted as expenditures for purposes of the limitations contained in the amendment made by subsection (a).

SEC. ___12. FREE BROADCAST TIME.

(a) In General.—Section 315 of the Communications Act of 1934 (47 U.S.C. 315) is amended—

(1) in subsection (a)—

(A) by striking "within the meaning of this subsection" and inserting "within the meaning of this subsection and subsection (c)";

(B) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(C) by inserting immediately after subsection (b) the following new subsection:

"(c)(1) An eligible Senate candidate who has qualified for the general election ballot shall be entitled to receive a total of 30 minutes of free broadcast time from broadcasting stations within the State or an adjacent State.

"(2)(A) Unless a candidate elects otherwise, the broadcast time made available under this subsection shall be between 6:00 p.m. and 10:00 p.m. on any day that falls on Monday through Friday.

"(B) Except as otherwise provided in this Act, a candidate may use such time as the candidate elects except that such time may not be used in intervals of less than 30 seconds or more than 5 minutes.

"(C) A candidate may not request more than 15 minutes of free broadcast time be aired by any one broadcasting station.

"(3)(A) In the case of an election among more than 2 candidates, the broadcast time provided under paragraph (1) shall be allocated as follows:

"(i) The amount of broadcast time that shall be provided to the candidate of a minor party shall be equal to the number of minutes allocable to the State multiplied by the percentage of the number of popular votes received by the candidate of that party in the preceding general election for the Senate in the State (or if subsection (d)(4)(B) applies, the percentage determined under such subsection).

"(ii) The amount of broadcast time remaining after assignment of broadcast time to minor party candidates under clause (i) shall be allocated equally between the major party candidates.

"(B) In the case of an election where only 1 candidate qualifies to be on the general election ballot, no time shall be required to be provided by a licensee under this subsection.

"(4) The Federal Election Commission shall by regulation exempt from the requirements of this subsection—

"(A) a licensee whose signal is broadcast substantially nationwide; and

"(B) a licensee that establishes that such requirements would impose a significant economic hardship on the licensee."; and

(2) in subsection (d), as redesignated—

(A) by striking "and" at the end of paragraph (1);

(B) by striking the period at the end of paragraph (2) and inserting a semicolon; and

(C) by adding at the end the following new paragraphs:

"(3) the term 'major party' means, with respect to an election for the United States Senate in a State, a political party whose candidate for the United States Senate in the preceding general election for the Senate in that State received, as a candidate of that party, 25 percent or more of the number of popular votes received by all candidates for the Senate;

"(4) the term 'minor party' means, with respect to an election for the United States Senate in a State, a political party—

"(A) whose candidate for the United States Senate in the preceding general election for the Senate in that State received 5 percent or more but less than 25 percent of the number of popular votes received by all candidates for the Senate; or

"(B) whose candidate for the United States Senate in the current general election for the Senate in that State has obtained the signatures of at least 5 percent of the State's registered voters, as determined by the chief voter registration official of the State, in support of a petition for an allocation of free broadcast time under this subsection; and

"(5) the term 'Senate election cycle' means, with respect to an election to a seat in the United States Senate, the 6-year period ending on the date of the general election for that seat.".

(b) Effective Date.—The amendments made by this section shall apply to general elections occurring after December 31, 1996 (and the election cycles relating thereto).

SEC. ___13. BROADCAST RATES AND PREEMPTION.

(a) Broadcast Rates.—Section 315(b) of the Communications Act of 1934 (47 U.S.C. 315(b)) is amended—

(1) by striking "(b) The changes" and inserting "(b)(1) The changes";

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(3) in paragraph (1)(A), as redesignated—

(A) by striking "forty-five" and inserting "30"; and

(B) by striking "lowest unit charge of the station for the same class and amount of time for the same period" and inserting "lowest charge of the station for the same amount of time for the same period on the same date"; and

(4) by adding at the end the following new paragraph:

"(2) In the case of an eligible Senate candidate (as described in section 501(a) of the Federal Election Campaign Act), the charges for the use of a television broadcasting station during the 30-day period and 60-day period referred to in paragraph (1)(A) shall not exceed 50 percent of the lowest charge described in paragraph (1)(A).".

(b) Preemption; Access.—Section 315 of such Act (47 U.S.C. 315), as amended by section ___12(a), is amended—

(1) by redesignating subsections (d) and (e) as redesignated, as subsections (e) and (f), respectively; and

(2) by inserting immediately after subsection (c) the following subsection:

"(d)(1) Except as provided in paragraph (2), a licensee shall not preempt the use, during any period specified in subsection (b)(1)(A), of a broadcasting station by an eligible Senate candidate who has purchased and paid for such use pursuant to subsection (b)(2).

"(2) If a program to be broadcast by a broadcasting station is preempted because of circumstances beyond the control of the broadcasting station, any candidate advertising spot scheduled to be broadcast during that program may also be preempted.".

(c) REVOCATION OF LICENSE FOR FAILURE TO PERMIT ACCESS.—Section 312(a)(7) of the Communications Act of 1934 (47 U.S.C. 312(a)(7)) is amended—

(1) by striking "or repeated";

(2) by inserting "or cable system" after "broadcasting station"; and

(3) by striking "his candidacy" and inserting "the candidacy of such person, under the same terms, conditions, and business practices as apply to its most favored advertiser".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to the general elections occurring after December 31, 1995 (and the election cycles relating thereto).

SEC. __14. REDUCED POSTAGE RATES.

(a) IN GENERAL.—Section 3626(e) of title 39, United States Code, is amended—

(1) in paragraph (2)—

(A) in subparagraph (A)—

(i) by striking "and the National" and inserting "the National"; and

(ii) by inserting before the semicolon the following: ", and, subject to paragraph (3), the principal campaign committee of an eligible Senate candidate;";

(B) in subparagraph (B), by striking "and" after the semicolon;

(C) in subparagraph (C), by striking the period and inserting a semicolon; and

(D) by adding after subparagraph (C) the following new subparagraphs:

"(D) the term 'principal campaign committee' has the meaning given such term in section 301 of the Federal Election Campaign Act of 1971; and

"(E) the term 'eligible Senate candidate' has the meaning given such term in section 501(a) of the Federal Election Campaign Act of 1971."; and

(2) by adding after paragraph (2) the following new paragraph:

"(3) The rate made available under this subsection with respect to an eligible Senate candidate shall apply only to that number of pieces of mail equal to 2 times the number of individuals in the voting age population (as certified under section 315(e) of such Act) of the State.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to the general elections occurring after December 31, 1996 (and the election cycles relating thereto).

SEC. __15. CONTRIBUTION LIMIT FOR ELIGIBLE SENATE CANDIDATES.

Section 315(a)(1) of FECA (2 U.S.C. 441a(a)(1)) is amended—

(1) by inserting "except as provided in subparagraph (B)," before "to" in subparagraph (A);

(2) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively; and

(3) by inserting immediately after subparagraph (A) the following new subparagraph:

"(B) to any eligible Senate candidate and the authorized political committees of such candidate with respect to any election for the office of United States Senator (if any other Senate candidate chooses not to comply with the expenditure limits contained in this Act and has received contributions in excess of 10 percent of the general election limits contained in this Act or has expended personal funds in excess of 10 percent of the general election limits contained in this Act) which, in the aggregate, exceed $2,000;".

Subtitle B—Reduction of Special Interest Influence

CHAPTER 1—ELIMINATION OF POLITICAL ACTION COMMITTEES FROM FEDERAL ELECTION ACTIVITIES

SEC. __21. BAN ON ACTIVITIES OF POLITICAL ACTION COMMITTEES IN FEDERAL ELECTIONS.

(a) IN GENERAL.—Title III of FECA (2 U.S.C. 301 et seq.) is amended by adding at the end the following new section:

"BAN ON FEDERAL ELECTION ACTIVITIES BY POLITICAL ACTION COMMITTEES

"SEC. 324. Notwithstanding any other provision of this Act, no person other than an individual or a political committee may make contributions, solicit or receive contributions, or make expenditures for the purpose of influencing an election for Federal office.".

(b) DEFINITION OF POLITICAL COMMITTEE.—(1) Section 301(4) of FECA (2 U.S.C. 431(4)) is amended to read as follows:

"(4) The term 'political committee' means—

"(A) the principal campaign committee of a candidate;

"(B) any national, State, or district committee of a political party, including any subordinate committee thereof;

"(C) any local committee of a political party that—

"(i) receives contributions aggregating in excess of $5,000 during a calendar year;

"(ii) makes payments exempted from the definition of contribution or expenditure under paragraph (8) or (9) aggregating in excess of $5,000 during a calendar year; or

"(iii) makes contributions or expenditures aggregating in excess of $1,000 during a calendar year; and

"(D) any committee jointly established by a principal campaign committee and any committee described in subparagraph (B) or (C) for the purpose of conducting joint fundraising activities.".

(2) Section 316(b)(2) of FECA (2 U.S.C. 441b(b)(2)) is amended—

(A) by inserting "or" after "subject;";

(B) by striking "and their families; and" and inserting "and their families."; and

(C) by striking subparagraph (C).

(c) CANDIDATE'S COMMITTEES.—(1) Section 315(a) of FECA (2 U.S.C. 441a(a)) is amended by adding at the end the following new paragraph:

"(9) For the purposes of the limitations provided by paragraphs (1) and (2), any political committee that is established, financed, maintained, or controlled, directly or indirectly, by any candidate or Federal officeholder shall be deemed to be an authorized committee of such candidate or officeholder.".

(2) Section 302(e)(3) of FECA (2 U.S.C. 432) is amended to read as follows:

"(3) No political committee that supports, or has supported, more than one candidate may be designated as an authorized committee, except that—

"(A) a candidate for the office of President nominated by a political party may designate the national committee of such political party as the candidate's principal campaign committee, if that national committee maintains separate books of account with respect to its functions as a principal campaign committee; and

"(B) a candidate may designate a political committee established solely for the purpose of joint fundraising by such candidates as an authorized committee.".

(d) RULES APPLICABLE WHEN BAN NOT IN EFFECT.—(1) For purposes of FECA, during any period beginning after the effective date in which the limitation under section 324 of that Act (as added by subsection (a)) is not in effect—

(A) the amendments made by subsections (a), (b), and (c) shall not be in effect;

(B) it shall be unlawful for a multicandidate political committee, intermediary, or conduit (as that term is defined in section 315(a)(8) of FECA, as amended by section __51 of this title), to make a contribution to a candidate for election, or nomination for election, to Federal office (or an authorized committee) to the extent that the making or accepting of the contribution will cause the amount of contributions received by the candidate and the candidate's authorized committees from multicandidate political committees to exceed 20 percent of the aggregate Federal election spending limits applicable to the candidate for the election cycle; and

(C) it shall be unlawful for a political committee, intermediary, or conduit, as that term is defined in section 315(a)(8) of FECA (as amended by section __51 of this title), to make a contribution to a candidate for election, or a nomination for an election, to Federal office (or an authorized committee of such candidate) in excess of the amount an individual is allowed to give directly to a candidate or a candidate's authorized committee.

(2) A candidate or authorized committee that receives a contribution from a multicandidate political committee in excess of the amount allowed under paragraph (1)(B) shall return the amount of such excess contribution to the contributor.

CHAPTER 2—PROVISIONS RELATING TO SOFT MONEY OF POLITICAL PARTIES

SEC. __31. NATIONAL COMMITTEES.

A national committee of a political party, including the national congressional campaign committees of a political party, and any officers or agents of such party committees, shall not solicit or receive any contributions, donations, or transfers of funds, or spend any funds, not subject to the limitations, prohibitions, and reporting requirements of this title. This provision shall apply to any entity that is established, financed, maintained or controlled by a national committee of a political party, including the national congressional campaign committees of a political party, and any officer or agents of such party committees, other than an entity that is regulated by section __32 of this Act.

SEC. __32. STATE, DISTRICT, AND LOCAL COMMITTEES.

(a) Any amount expended or disbursed by a State, district, or local committee of a political party, during a calendar year in which a Federal election is held, for any activity which might affect the outcome of a Federal election, including but not limited to any voter registration and get-out-the-vote activity, any generic campaign activity, and any communication that identifies a Federal candidate (regardless of whether a State or local candidate is also mentioned or identified) shall be made from funds subject to the limitations, prohibitions and reporting requirements of this title.

(b) Paragraph (a) shall not apply to expenditures or disbursements made by a State, district or local committee of a political party for—

(1) a contribution to a candidate other than for Federal office, provided that such contribution is not designated or otherwise earmarked to pay for activities described in subparagraph (a) above;

(2) the costs of a State or district/local political convention;

(3) the non-Federal share of a State, district or local party committee's administrative and overhead expenses (but not including the compensation in any month of any individual who spends more than 20 percent of his or her time on activity during such month which may affect the outcome of a Federal election). For purposes of this provision, the non-federal share of a party committee's administrative and overhead expenses shall be determined by applying the ratio of the non-Federal disbursements to the total Federal expenditures and non-Federal disbursements made by the committee during the previous presidential election year to the committee's administrative and overhead expenses in the election year in question;

(4) the costs of grassroots campaign materials, including buttons, bumper stickers, and yard signs, which material solely name or depict a State or local candidate; and

(5) the cost of any campaign activity conducted solely on behalf of a clearly identified State or local candidate, provided that such activity is not covered by subparagraph (a) above.

(c) Any amount spent by a national, State, district or local committee or entity of a political party to raise funds that are used, in whole or in part, to pay the costs of any activity covered by paragraph 2(a) above shall be made from funds subject to the limitations, prohibitions, and reporting requirements of this title.

This provision shall apply to any entity that is established, financed, maintained, or controlled by a State, district or local committee of a political party or any agent or officer of such party committee in the same manner as it applies to that committee.

SEC. ___33. TAX-EXEMPT ORGANIZATIONS.

No national, State, district or local committee of a political party shall solicit any funds for or make any donations to any organization that is exempt from Federal taxation under 26 U.S.C. 501(c).

SEC. ___34. CANDIDATES.

No candidate for Federal office, individual holding Federal office, or any agent of such candidate or officeholder, may solicit or receive any funds in connection with any Federal election unless such funds are subject to the limitations, prohibitions and reporting requirements of this title. This provision shall not apply to the solicitation or receipt of funds by an individual who is a candidate for a non-Federal office if such activity is permitted under State law for such individual's non-Federal campaign committee.

SEC. ___35. REPORTING REQUIREMENTS.

(a) REPORTING REQUIREMENTS.—Section 304 of FECA (2 U.S.C. 434) is amended by adding at the end the following new subsection:

"(d) POLITICAL COMMITTEES.—(1) The national committee of a political party, any congressional campaign committee of a political party, and any subordinate committee of either, shall report all receipts and disbursements during the reporting period, whether or not in connection with an election for Federal office.

"(2) A political committee (not described in paragraph (1)) to which section 325 applies shall report all receipts and disbursements including separate schedules for receipts and disbursements for any State Party Grassroots Fund described in section 301(21).

"(3) Any political committee to which section 325 applies shall include in its report under paragraph (1) or (2) the amount of any transfer described in section 325(d)(2) and shall itemize such amounts to the extent required by subsection (b)(3)(A).

"(4) Any political committee to which paragraph (1) or (2) does not apply shall report any receipts or disbursements that are used in connection with a Federal election.

"(5) If a political committee has receipts or disbursements to which this subsection applies from any person aggregating in excess of $200 for any calendar year, the political committee shall separately itemize its reporting for such person in the same manner as required in subsection (b) (3)(A), (5), or (6).

"(6) Reports required to be filed under this subsection shall be filed for the same time periods required for political committees under subsection (a).".

(b) REPORT OF EXEMPT CONTRIBUTIONS.—Section 301(8) of FECA (2 U.S.C. 431(8)) is amended by inserting at the end the following:

"(C) The exclusion provided in subparagraph (B)(viii) shall not apply for purposes of any requirement to report contributions under this Act, and all such contributions aggregating in excess of $200 shall be reported.".

(c) REPORTS BY STATE COMMITTEES.—Section 304 of FECA (2 U.S.C. 434), as amended by subsection (a), is amended by adding at the end the following new subsection:

"(e) FILING OF STATE REPORTS.—In lieu of any report required to be filed by this Act, the Commission may allow a State committee of a political party to file with the Commission a report required to be filed under State law if the Commission determines such reports contain substantially the same information.".

(d) OTHER REPORTING REQUIREMENTS.—

(1) AUTHORIZED COMMITTEES.—Section 304(b)(4) of FECA (2 U.S.C. 434(b)(4)) is amended—

(A) by striking "and" at the end of subparagraph (H);

(B) by inserting "and" at the end of subparagraph (I); and

(C) by adding at the end the following new subparagraph:

"(J) in the case of an authorized committee, disbursements for the primary election, the general election, and any other election in which the candidate participates;".

(2) NAMES AND ADDRESSES.—Section 304(b)(5)(A) of FECA (2 U.S.C. 434(b)(5)(A)) is amended—

(A) by striking "within the calendar year"; and

(B) by inserting ", and the election to which the operating expenditure relates" after "operating expenditure".

CHAPTER 3—SOFT MONEY OF PERSONS OTHER THAN POLITICAL PARTIES

SEC. ___41. SOFT MONEY OF PERSONS OTHER THAN POLITICAL PARTIES.

Section 304 of FECA (2 U.S.C. 434), as amended by section ___35(c), is amended by adding at the end the following new subsection:

"(f) ELECTION ACTIVITY OF PERSONS OTHER THAN POLITICAL PARTIES.—(1)(A)(i) If any person to which section 325 does not apply makes (or obligates to make) disbursements for activities described in section 325(b) in excess of $2,000, such person shall file a statement—

"(I) on or before the date that is 48 hours before the disbursements (or obligations) are made; or

"(II) in the case of disbursements (or obligations) that are required to be made within 14 days of the election, on or before such 14th day.

"(ii) An additional statement shall be filed each time additional disbursements aggregating $2,000 are made (or obligated to be made) by a person described in clause (i).

"(B) This paragraph shall not apply to—

"(i) a candidate or a candidate's authorized committees; or

"(ii) an independent expenditure (as defined in section 301(17)).

"(2) Any statement under this section shall be filed with the Secretary of the Senate or the Clerk of the House of Representatives, and the Secretary of State (or equivalent official) of the State involved, as appropriate, and shall contain such information as the Commission shall prescribe, including whether the disbursement is in support of, or in opposition to, 1 or more candidates or any political party. The Secretary of the Senate or Clerk of the House of Representatives shall, as soon as possible (but not later than 24 hours after receipt), transmit a statement to the Commission. Not later than 48 hours after receipt, the Commission shall transmit the statement to—

"(A) the candidates or political parties involved; or

"(B) if the disbursement is not in support of, or in opposition to, a candidate or political party, the State committees of each political party in the State involved.

"(3) The Commission may make its own determination that disbursements described in paragraph (1) have been made or are obligated to be made. The Commission shall notify the candidates or political parties described in paragraph (2) not later than 24 hours after its determination.".

CHAPTER 4—CONTRIBUTIONS

SEC. ___51. CONTRIBUTIONS THROUGH INTERMEDIARIES AND CONDUITS.

Section 315(a)(8) of FECA (2 U.S.C. 441a(a)(8)) is amended to read as follows:

"(8) For the purposes of this subsection:

"(A) Contributions made by a person, either directly or indirectly, to or on behalf of a particular candidate, including contributions that are in any way earmarked or otherwise directed through an intermediary or conduit to a candidate, shall be treated as contributions from the person to the candidate. If a contribution is made to a candidate through an intermediary or conduit, the intermediary or conduit shall report the original source and the intended recipient of the contribution to the Commission and the intended recipient.

"(B) Contributions made directly or indirectly by a person to or on behalf of a particular candidate through an intermediary or conduit, including contributions arranged to be made by an intermediary or conduit, shall be treated as contributions from the intermediary or conduit to the candidate if—

"(i) the contributions made through the intermediary or conduit are in the form of a check or other negotiable instrument made payable to the intermediary or conduit rather than the intended recipient; or

"(ii) the intermediary or conduit is—

"(I) a political committee, a political party, or an officer, employee, or agent of either;

"(II) a person whose activities are required to be reported under section 308 of the Federal Regulation of Lobbying Act (2 U.S.C. 267), the Foreign Agents Registration Act of 1938 (22 U.S.C. 611 et seq.), or any successor Federal law requiring a person who is a lobbyist or foreign agent to report the activities of such person;

"(III) a person who is prohibited from making contributions under section 316 or a partnership; or

"(IV) an officer, employee, or agent of a person described in subclause (II) or (III) acting on behalf of such person.

"(C) The term 'contributions arranged to be made' includes—

"(i)(I) contributions delivered directly or indirectly to a particular candidate or the candidate's authorized committee or agent by the person who facilitated the contribution; and

"(II) contributions made directly or indirectly to a particular candidate or the candidate's authorized committee or agent that are provided at a fundraising event sponsored by an intermediary or conduit described in subparagraph (B);

(D) This paragraph shall not prohibit—

"(i) fundraising efforts for the benefit of a candidate that are conducted by another candidate or Federal officeholder; or

"(ii) the solicitation by an individual using the individual's resources and acting in the individual's own name of contributions from other persons in a manner not described in paragraphs (B) and (C).".

CHAPTER 5—ADDITIONAL PROHIBITIONS ON CONTRIBUTIONS

SEC. ___61. ALLOWABLE CONTRIBUTIONS FOR COMPLYING CANDIDATES.

For the purposes of this Federal Election Campaign Act of 1971, in order for a candidate to be considered to be in compliance with the spending limits contained in such Act, not less than 60 percent of the total dollar amount of all contributions from individuals to a candidate or a candidate's authorized committee, not including any expenditures, contributions or loans made by the candidate, shall come from individuals legally residing in the candidate's State.

CHAPTER 6—INDEPENDENT EXPENDITURES

SEC. ___71. CLARIFICATION OF DEFINITIONS RELATING TO INDEPENDENT EXPENDITURES.

(a) INDEPENDENT EXPENDITURE DEFINITION AMENDMENT.—Section 301 of FECA (2 U.S.C. 431) is amended by striking paragraphs (17) and (18) and inserting the following:

"(17)(A) The term 'independent expenditure' means an expenditure that—

"(i) contains express advocacy; and

"(ii) is made without the participation or cooperation of, or without the consultation of, a candidate or a candidate's representative.

"(B) The following shall not be considered an independent expenditure:

"(i) An expenditure made by—

"(I) an authorized committee of a candidate for Federal office, or

"(II) a political committee of a political party.

"(ii) An expenditure if there is any arrangement, coordination, or direction with respect to the expenditure between the candidate or the candidate's agent and the person making the expenditure.

"(iii) An expenditure if, in the same election cycle, the person making the expenditure is or has been—

"(I) authorized to raise or expend funds on behalf of the candidate or the candidate's authorized committees; or

"(II) serving as a member, employee, or agent of the candidate's authorized committees in an executive or policymaking position.

"(iv) An expenditure if the person making the expenditure has advised or counseled the candidate or the candidate's agents at any time on the candidate's plans, projects, or needs relating to the candidate's pursuit of nomination for election, or election, to Federal office, in the same election cycle, including any advice relating to the candidate's decision to seek Federal office.

"(v) An expenditure if the person making the expenditure retains the professional services of any individual or other person also providing services in the same election cycle to the candidate in connection with the candidate's pursuit of nomination for election, or election, to Federal office, including any services relating to the candidate's decision to seek Federal office. For purposes of this clause, the term 'professional services' shall include any services (other than legal and accounting services solely for purposes of ensuring compliance with any Federal law) in support of any candidate's or candidates' pursuit of nomination for election, or election, to Federal office.

For purposes of this subparagraph, the person making the expenditure shall include any officer, director, employee, or agent of such person.

"(18)(A) The term 'express advocacy' means when a communication is taken as a whole and with limited reference to external events, an expression of support for or opposition to a specific candidate, to a specific group of candidates, or to candidates of a particular political party.

"(B) The term 'expression of support for or opposition to' includes a suggestion to take action with respect to an election, such as to vote for or against, make contributions to, or participate in campaign activity, or to refrain from taking action.".

(b) CONTRIBUTION DEFINITION AMENDMENT.—Section 301(8)(A) of FECA (2 U.S.C. 431(8)(A)) is amended—

(1) in clause (i), by striking "or" after the semicolon at the end;

(2) in clause (ii), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following new clause:

"(iii) any payment or other transaction referred to in paragraph (17)(A)(i) that is not an independent expenditure under paragraph (17).".

Subtitle C—Miscellaneous Provisions

SEC. ___81. RESTRICTIONS ON USE OF CAMPAIGN FUNDS FOR PERSONAL PURPOSES.

(a) RESTRICTIONS ON USE OF CAMPAIGN FUNDS.—Title III of FECA (2 U.S.C. 431 et seq.), as amended by section ___21, is amended by adding at the end the following new section:

"RESTRICTIONS ON USE OF CAMPAIGN FUNDS FOR PERSONAL PURPOSES

"SEC. 326. (a) An individual who receives contributions as a candidate for Federal office—

"(1) shall use such contributions only for legitimate and verifiable campaign expenses; and

"(2) shall not use such contributions for any inherently personal purpose.

"(b) As used in this subsection—

"(1) the term 'campaign expenses' means expenses attributable solely to bona fide campaign purposes; and

"(2) the term 'inherently personal purpose' means a purpose that, by its nature, confers a personal benefit, including a home mortgage rent or utility payment, clothing purchase, noncampaign automobile expense, country club membership, vacation, or trip of a noncampaign nature, household food items, tuition payment, admission to a sporting event, concert, theatre or other form of entertainment not associated with a campaign, dues, fees, or contributions to a health club or recreational facility and any other inherently personal living expense as determined under the regulations promulgated pursuant to section 302(b) of the Senate Campaign Finance Reform Act of 1996.".

(b) REGULATIONS.—Not later than 90 days after the date of enactment of this title, the Federal Election Commission shall promulgate regulations consistent with this title to implement subsection (a). Such regulations shall apply to all contributions possessed by an individual on the date of enactment of this title.

SEC. ___82. CAMPAIGN ADVERTISING AMENDMENTS.

Section 318 of FECA (2 U.S.C. 441d) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) by striking "Whenever" and inserting "Whenever a political committee makes a disbursement for the purpose of financing any communication through any broadcasting station, newspaper, magazine, outdoor advertising facility, mailing, or any other type of general public political advertising, or whenever";

(ii) by striking "an expenditure" and inserting "a disbursement"; and

(iii) by striking "direct"; and

(B) in paragraph (3), by inserting "and permanent street address" after "name"; and

(2) by adding at the end the following new subsections:

"(c) Any printed communication described in subsection (a) shall be—

"(1) of sufficient type size to be clearly readable by the recipient of the communication;

"(2) contained in a printed box set apart from the other contents of the communication; and

"(3) consist of a reasonable degree of color contrast between the background and the printed statement.

"(d)(1) Any broadcast or cablecast communication described in subsection (a)(1) or subsection (a)(2) shall include, in addition to the requirements of those subsections, an audio statement by the candidate that identifies the candidate and states that the candidate has approved the communication.

"(2) If a broadcast or cablecast communication described in paragraph (1) is broadcast or cablecast by means of television, the communication shall include, in addition to the audio statement under paragraph (1), a written statement which—

"(A) appears at the end of the communication in a clearly readable manner with a reasonable degree of color contrast between the background and the printed statement, for a period of at least 4 seconds; and

"(B) is accompanied by a clearly identifiable photographic or similar image of the candidate.

"(e) Any broadcast or cablecast communication described in subsection (a)(3) shall include, in addition to the requirements of those subsections, in a clearly spoken manner, the following statement: '__________ is responsible for the content of this advertisement.' (with the blank to be filled in with the name of the political committee or other person paying for the communication and the name of any connected organization of the payor). If broadcast or cablecast by means of television, the statement shall also appear in a clearly readable manner with a reasonable degree of color contrast between the background and the printed statement, for a period of at least 4 seconds.".

SEC. ___83. FILING OF REPORTS USING COMPUTERS AND FACSIMILE MACHINES.

Section 302(g) of FECA (2 U.S.C. 432(g)) is amended by adding at the end the following new paragraph:

"(6)(A) The Commission, in consultation with the Secretary of the Senate and the Clerk of the House of Representatives, may prescribe regulations under which persons required to file designations, statements, and reports under this Act—

"(i) are required to maintain and file them for any calendar year in electronic form accessible by computers if the person has, or has reason to expect to have, aggregate contributions or expenditures in excess of a threshold amount determined by the Commission; and

"(ii) may maintain and file them in that manner if not required to do so under regulations prescribed under clause (i).

"(B) The Commission, in consultation with the Secretary of the Senate and the Clerk of the House of Representatives, shall prescribe regulations which allow persons to file designations, statements, and reports required by this Act through the use of facsimile machines.

"(C) In prescribing regulations under this paragraph, the Commission shall provide methods (other than requiring a signature on the document being filed) for verifying designations, statements, and reports covered by the regulations. Any document verified under any of the methods shall be treated for all purposes (including penalties for perjury) in the same manner as a document verified by signature.

"(D) The Secretary of the Senate and the Clerk of the House of Representatives shall ensure that any computer or other system that they may develop and maintain to receive designations, statements, and reports in the forms required or permitted under this paragraph is compatible with any such system that the Commission may develop and maintain.".

SEC. ___84. AUDITS.

(a) RANDOM AUDITS.—Section 311(b) of FECA (2 U.S.C. 438(b)) is amended—

(1) by inserting "(1)" before "The Commission"; and

(2) by adding at the end the following new paragraph:

"(2) Notwithstanding paragraph (1), the Commission may after all elections are completed conduct random audits and investigations to ensure voluntary compliance with this Act. The subjects of such audits and investigations shall be selected on the basis of criteria established by vote of at least 4 members of the Commission to ensure impartiality in the selection process. This paragraph does not apply to an authorized committee of a candidate for President or Vice President subject to audit under title VI or to an authorized committee of an eligible Senate candidate or an eligible House candidate subject to audit under section 522(a).".

(b) EXTENSION OF PERIOD DURING WHICH CAMPAIGN AUDITS MAY BE BEGUN.—Section 311(b) of FECA (2 U.S.C. 438(b)) is amended by striking "6 months" and inserting "12 months".

SEC. ___85. LIMIT ON CONGRESSIONAL USE OF THE FRANKING PRIVILEGE.

Section 3210(a)(6)(A) of title 39, United States Code, is amended to read as follows:

"(A) A Member of Congress shall not mail any mass mailing as franked mail during a year in which there will be an election for the seat held by the Member during the period between January 1 of that year and the date of the general election for that Office, unless the Member has made a public announcement that the Member will not be a candidate for reelection to that year or for election to any other Federal office.".

SEC. ___86. AUTHORITY TO SEEK INJUNCTION.

Section 309(a) of FECA (2 U.S.C. 437g(a)) is amended—

(1) by adding at the end the following new paragraph:

"(13)(A) If, at any time in a proceeding described in paragraph (1), (2), (3), or (4), the Commission believes that—

"(i) there is a substantial likelihood that a violation of this Act is occurring or is about to occur;

"(ii) the failure to act expeditiously will result in irreparable harm to a party affected by the potential violation;

"(iii) expeditious action will not cause undue harm or prejudice to the interests of others; and

"(iv) the public interest would be best served by the issuance of an injunction,

the Commission may initiate a civil action for a temporary restraining order or a temporary injunction pending the outcome of the proceedings described in paragraphs (1), (2), (3), and (4).

"(B) An action under subparagraph (A) shall be brought in the United States district court for the district in which the defendant resides, transacts business, or may be found, or in which the violation is occurring, has occurred, or is about to occur.";

(2) in paragraph (7), by striking "(5) or (6)" and inserting "(5), (6), or (13)"; and

(3) in paragraph (11), by striking "(6)" and inserting "(6) or (13)".

SEC. ___87. SEVERABILITY.

If any provision of this title, an amendment made by this title, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this title, the amendments made by this title, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

SEC. ___88. EXPEDITED REVIEW OF CONSTITUTIONAL ISSUES.

(a) DIRECT APPEAL TO SUPREME COURT.—An appeal may be taken directly to the Supreme Court of the United States from any interlocutory order or final judgment, decree, or order issued by any court ruling on the constitutionality of any provision of this title or amendment made by this title.

(b) ACCEPTANCE AND EXPEDITION.—The Supreme Court shall, if it has not previously ruled on the question addressed in the ruling below, accept jurisdiction over, advance on the docket, and expedite the appeal to the greatest extent possible.

SEC. ___89. REPORTING REQUIREMENTS.

(a) CONTRIBUTORS.—Section 302(c)(3) of FECA (2 U.S.C. 432(c)(3)) is amended by striking "$200" and inserting "$50".

(b) DISBURSEMENTS.—Section 302(c)(5) of FECA (2 U.S.C. 432(c)(5)) is amended by striking "$200" and inserting "$50".

SEC. ___90. EFFECTIVE DATE.

Except as otherwise provided in this title, the amendments made by, and the provisions of, this title shall take effect on January 1, 1997.

SEC. ___91. REGULATIONS.

The Federal Election Commission shall prescribe any regulations required to carry out this title not later than 9 months after the effective date of this title.

TERRITORIES AND FREELY ASSOCIATED STATES LEGISLATION

MURKOWSKI AMENDMENT NO. 4039

(Ordered referred to the Committee on Energy and Natural Resources.)

Mr. MURKOWSKI submitted an amendment intended to be proposed by him to the bill (S. 1804) to make technical and other changes to the laws dealing with the Territories and Freely Associated States of the United States; as follows:

At the end of the bill add the following new section:

"SEC. 9. BIKINI AND ENEWETAK MEDICAL CARE.

In fulfillment of the terms of Public Law 96–205 and section 103(h)(1) of Public Law 99–239, the Secretary of Energy shall include the populations of Bikini and Enewetak within its existing special medical care program in the Marshall Islands at the request of the local government and on a reimbursable basis.

THE CONGRESSIONAL BUDGET CONCURRENT RESOLUTION

BYRD (AND OTHERS) AMENDMENT NO. 4040

Mr. BYRD (for himself, Mr. BINGAMAN, and Mr. LAUTENBERG) proposed an amendment to Senate Concurrent Resolution 57, supra; as follows:

On page 3, line 5, increase the amount by $201,000,000.

On page 3, line 6, increase the amount by $408,000,000.

On page 3, line 7, increase the amount by $649,000,000.

On page 3, line 8, increase the amount by $946,000,000.

On page 3, line 9, increase the amount by $1,068,000,000.

On page 3, line 10, increase the amount by $1,142,000,000.

On page 3, line 14, increase the amount by $201,000,000.

On page 3, line 15, increase the amount by $408,000,000.

On page 3, line 16, increase the amount by $649,000,000.

On page 3, line 17, increase the amount by $946,000,000.

On page 3, line 18, increase the amount by $1,068,000,000.

On page 3, line 19, increase the amount by $1,142,000,000.

On page 4, line 8, increase the amount by $1,011,000,000.

On page 4, line 9, increase the amount by $1,049,000,000.

On page 4, line 10, increase the amount by $1,089,000,000.

On page 4, line 11, increase the amount by $1,131,000,000.

On page 4, line 12, increase the amount by $1,068,000,000.

On page 4, line 13, increase the amount by $1,110,000,000.

On page 4, line 17, increase the amount by $201,000,000.

On page 4, line 18, increase the amount by $408,000,000.

On page 4, line 19, increase the amount by $649,000,000.

On page 4, line 20, increase the amount by $946,000,000.

On page 4, line 21, increase the amount by $1,068,000,000.

On page 4, line 22, increase the amount by $1,142,000,000.

On page 15, line 16, increase the amount by $190,000,000.

On page 15, line 17, increase the amount by $118,000,000.

On page 15, line 24, increase the amount by $224,000,000.

On page 15, line 25, increase the amount by $160,000,000.

On page 16, line 7, increase the amount by $258,000,000.

On page 16, line 8, increase the amount by $222,000,000.

On page 16, line 15, increase the amount by $293,000,000.

On page 16, line 16, increase the amount by $276,000,000.

On page 16, line 23, increase the amount by $228,000,000.

On page 16, line 24, increase the amount by $312,000,000.

On page 17, line 7, increase the amount by $265,000,000.

On page 17, line 8, increase the amount by $304,000,000.

On page 23, line 15, increase the amount by $821,000,000.

On page 23, line 16, increase the amount by $83,000,000.

On page 23, line 23, increase the amount by $825,000,000.

On page 23, line 24, increase the amount by $248,000,000.

On page 24, line 7, increase the amount by $831,000,000.

On page 24, line 8, increase the amount by $427,000,000.

On page 24, line 15, increase the amount by $838,000,000.

On page 24, line 16, increase the amount by $670,000,000.

On page 24, line 23, increase the amount by $840,000,000.

On page 24, line 24, increase the amount by $756,000,000.

On page 25, line 7, increase the amount by $845,000,000.

On page 25, line 8, increase the amount by $838,000,000.

On page 52, line 14, increase the amount by $1,011,000,000.

On page 52, line 15, increase the amount by $201,000,000.

On page 52, line 21, increase the amount by $1,049,000,000.

On page 52, line 22, increase the amount by $408,000,000.

On page 52, line 24, increase the amount by $1,089,000,000.

On page 52, line 25, increase the amount by $649,000,000.

On page 53, line 2, increase the amount by $1,131,000,000.

On page 53, line 3, increase the amount by $946,000,000.

On page 53, line 5, increase the amount by $1,068,000,000.

On page 53, line 6, increase the amount by $1,068,000,000.

On page 53, line 8, increase the amount by $1,110,000,000.

On page 53, line 9, increase the amount by $1,142,000,000.

MURKOWSKI (AND OTHERS) AMENDMENT NO. 4041

Mr. MURKOWSKI (for himself, Mr. WARNER, Mr. MCCAIN, Mr. CHAFEE, and Mr. SMITH) proposed an amendment to amendment No. 4022 proposed by Mr. MCCAIN, supra; as follows:

Strike all after the word "SEC." and insert: The Congress finds that—

(1) The Founding Fathers were committed to the principle of civilian control of the military;

(2) Every President since George Washington has affirmed the principle of civilian control of the military;

(3) Twenty-six President of the United States served in the United States Armed Forces prior to their inauguration and none of them claimed the Presidency represented a continuation of their military service;

(4) No President of the United States prior to May 15, 1996, has ever sought relief from legal action on the basis of serving as Commander-in-Chief of the United States Armed Forces;

(5) President Clinton is the subject of a sexual harassment lawsuit filed on May 6, 1994, in Federal District Court in Little Rock, Arkansas involving allegations about his conduct in May, 1991;

(6) On May 15, 1996, a legal brief filed on behalf of the President of the United States in the Supreme Court asserted the President of the United States may be entitled to the protections afforded members of the United States Armed Forces under the Soldiers' and Sailors' Relief Act of 1940 (50 U.S.C. 501 et. al); and

(7) The purpose of the Soldiers' and Sailors' Civil Relief Act of 1940 is to enable members of the military services "to devote their entire energy to the defense needs of the nation".

It is the sense of the Senate that the assumptions underlying this resolution include that the President of the United States should state unequivocally that he is not entitled to and will not seek relief from legal action under the Soliders' and Sailors' Civil Relief Act of 1940, and that he will direct removal from his legal brief any reference to the protections of the Act.

NOTICE OF HEARING

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. MCCAIN. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will conduct a hearing during the session of the Senate on Wednesday, June 26, 1996, at 9:30 a.m. on amendments to the Indian Child Welfare Act [ICWA]. The hearing will be held in room 485 of the Russell Senate Office Building.

Those wishing additional information should contact the Committee on Indian Affairs at 224–2251.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the public that a hearing has been scheduled before the full Committee on Energy and Natural Resources to receive testimony regarding S. 1804, a bill to make technical and other changes to the laws dealing with the Territories and Freely Associated States of the United States, that I have introduced today. The hearing will also consider an amendment that I have also introduced that deals with medical care for Bikini and Enewetak Atolls in the Republic of the Marshall Islands. In addition to the legislative matters, the committee will also conduct an oversight into the law enforcement initiative in the Commonwealth of the Northern Mariana Islands. While the report from the Secretary of the Interior is overdue, I expect that it will be submitted in sufficient time for review and comment by the Northern Marianas prior to the hearing.

The hearing will be held on Tuesday, June 25, 1996, it will begin at 9:30 a.m., and will take place in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

For further information, please call James P. Beirne, senior counsel to the committee at (202) 224–2564 or Betty Nevitt at (202) 224–0765.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, May 23, 1996, to conduct a hearing on S. 1317, the Public Utility Holding Company Act of 1995.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. GRASSLEY. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Thursday, May 23 at 10 a.m. for a hearing on IRS oversight.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Thursday, May 23, 1996, at 10 a.m. to hold an executive business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. GRASSLEY. Mr. President, the Committee on Veterans' Affairs would like to request unanimous consent to hold a hearing on pending legislation at 10 a.m., on Thursday, May 23, 1996. The hearing will be held in room 418 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, May 23, 1996, at 9:30 a.m. to hold an open hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet during the session of the Senate on Thursday, May 23, at 9:30 a.m. to hold a hearing to discuss encouraging return to work in the SSI and DI Programs.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CHILDREN AND FAMILIES

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Subcommittee on Children and Families of the Committee on Labor and Human Resources be authorized to meet during the session of the Senate at 9:30 a.m., Thursday, May 23, 1996, for a hearing on encouraging responsible fatherhood.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

REFORM OF U.S. INTELLIGENCE AGENCIES

• Mr. LEAHY. Mr. President, I would like to briefly discuss the need for reform of our intelligence agencies. This is a subject that has occupied the Senate Select Committee on Intelligence at least since I was vice chairman during the mid-1980's, and I am encouraged that the Congress and the administration are making progress on this. I applaud the work of Chairman SPECTER and Vice Chairman KERREY for their efforts in this area.

I do not think there is any longer a serious question that our intelligence agencies need reform. The issue is what kind of reform, and how much.

For over 40 years, the CIA, the DIA, the State Department's Intelligence and Research Bureau, and every other agency or department that has ever had any pretensions of playing a role in national security or foreign policy, geared their intelligence activities to the necessities of the cold war. The entire structure, which was poorly coordinated, duplicative, inefficient, and often ineffective, was set up to respond to the Soviet threat.

Billions of dollars were spent on activities which today have little relevance to our intelligence needs or budgetary realities and more importantly, failed to even predict the greatest event since World War II—the disintegration of the former Soviet Union.

Appalling lapses have only recently come to light, the Aldrich Ames case being the most notorious example. The CIA's payment of thousands of dollars to a Guatemalan colonel who it had reason to believe had been involved in the murder of an American citizen, is another. Unfortunately, there are others.

But beyond these widely publicized lapses in judgment and intelligence analysis, a culture developed within the intelligence community that at times resulted in intelligence officials withholding crucial information from other officials in the administration and Congress who were formulating and implementing policy. There are examples of station chiefs failing to disclose information to our ambassadors about a matter of grave importance. In Guatemala, the CIA station chief reportedly failed to inform our Ambassador of information relating to the murder of an American citizen by Guatemalan soldiers. The Ambassador, left in the dark, told the victim's family that the Embassy had no information about this crime.

I did not rise today simply to point out the failures of the intelligence community. Our intelligence agencies are comprised of hard working, dedicated people who often provide critical and accurate information to the Congress and the executive branch. However, since the end of the cold war our intelligence needs have changed dramatically while our intelligence agencies have not.

The U.S. intelligence community must reinvent itself to address more effectively the growing threats to our national security, including regional conflicts, the proliferation of weapons of mass destruction, international organized crime, narcotics trafficking, and terrorism. In order to do so effectively, the intelligence community must reduce duplication between agencies, increase efficiency, create a greater accountability for the Director of Central Intelligence, and increase the role of oversight to ensure that the reforms are cost effective.

In response to the changing role of U.S. intelligence, in 1994, former Senator Dennis DeConcini and the senior Senator from Virginia, Senator JOHN WARNER, proposed the creation of a bipartisan commission made up of Members of Congress, the administration, and the private sector to review the current condition of the intelligence community and propose ideas for how best to make lasting reforms. The Intelligence Authorization Act for Fiscal Year 1995 created the Commission on the Roles and Capabilities of the U.S. Intelligence Community chaired by former Secretary of Defense Les Aspin. Unfortunately, Les passed away several months after his appointment, but his enthusiasm and hard work were not lost on the Commission's members or its staff.

The Commission's goal was to review the role of the U.S. intelligence community in the post-cold war world. After almost a year's work, the Commission issued its findings and recommendations on March 1, 1996.

The Commission recommended that U.S. intelligence agencies should integrate intelligence into the policy community, expand cooperation between agencies and the Congress and create greater efficiency in order to meet the intelligence requirements of the 21st century. I strongly support these goals.

But the Commission did not go far enough. I am convinced that substantive reforms will not take root unless the Director of Central Intelligence is given more authority and control over the entire intelligence budget.

I have no doubt that Director Deutch is one of the CIA's finest Directors. However, he does not have sufficient resources at his disposal to fully reform the many different intelligence agencies throughout the Federal Government.

Although Director Deutch is responsible for approving the annual budget for our national intelligence agencies, over 95 percent of the intelligence budget is funded through the Department of Defense and 85 percent of the intelligence budget is utilized by agencies not under his control. This must change.

I am encouraged that the Senate Intelligence Committee recently took a step toward providing the DCI with greater control over the intelligence budget. On April 24, the committee supported the Clinton administration's proposal to declassify the amount spent on the intelligence budget. More importantly, the committee supported proposals to give the DCI a role in appointing the heads of all the intelligence agencies and greater control over the entire intelligence budget, including those intelligence agencies within the Pentagon. I applaud the committee's actions and while I hope the Senate will debate this further, I urge the members of the Senate Armed Services Committee to support the Intelligence Committee's goals.

In addition to providing the DCI with more control over the intelligence budget, I believe that the cloak of secrecy should be removed from the intelligence community to as great an extent as possible. As a government that prides itself on its openness, the United States should not restrict access to information that does not jeopardize national security.

Mr. President, I have the greatest respect for the senior Senator from New York, Senator MOYNIHAN, the former vice chair of the Intelligence Committee. Senator MOYNIHAN's knowledge of history and his experience both before and during his service in the U.S. Senate give him tremendous insight into how the intelligence community should be reformed.

I agree with Senator MOYNIHAN's concern about secrecy in the intelligence community. The extraordinary and excessive efforts to classify harmless information wastes money, discourages informed debate, and leads to inaccurate information treated as fact by the people who are responsible for crafting U.S. foreign policy. In reality, much of what is deemed to be secret can be found by picking up the morning paper or watching CNN.

I hope that the Congress and the executive branch will work together to reform the U.S. intelligence community. The report on the Commission on the Roles and Capabilities of the United States Intelligence Community is a good place to start, but its proposals should not be the only reforms discussed. We must continue to work to ensure that the intelligence community becomes cost effective and addresses the intelligence needs of the 21st century.•

TRIBUTE TO THE TOWN OF ALTON'S BICENTENNIAL CELEBRATION AND 200 YEARS OF HISTORY

• Mr. SMITH. Mr. President, I rise today to congratulate Alton, NH, on the occasion of their community bicentennial celebration. Almost 200 years ago on June 16, 1796, the town of Alton was incorporated by the New Hampshire House and Senate and approved by then-Governor Gilman. To honor 200 years of history, the citizens of Alton have designated 1996 as a year of bicentennial celebrations with a variety of special town activities. Alton's big Bicentennial Day celebration is planned for June 16 and the bicentennial parade will take place August 17.

The history of Alton began around 1770 when the first pioneers arrived in the area. Early settlers worked diligently to construct roads and bridges, schools and churches. The area now known as Alton these settlers first moved to was truly majestic—the southern tip of Lake Winnipesaukee along the shores of the Merrymeeting River, and nestled by the mountains. Today, Alton still sits in a very picturesque area of the lakes region of New Hampshire—not too far from my hometown of Tuftonboro.

Alton's first town hall meeting was held at the home of Capt. Benjamin Bennett. Town officers were elected on that day, March 13, 1797, and other pertinent town matters were discussed. For hundreds of years now, Alton has continued the town meeting tradition. As Alton's bicentennial proclamation states on behalf of Alton's residents, "the principles of democracy and self-governance have prevailed on issues such as spending appropriations, building of meeting houses, support of education, construction of highways and bridges, collection of taxes, election of political representatives, and enforcement of laws."

A number of significant events occurred for Alton in the 1800's. In 1849, the railroad arrived in the town and the trains continued to stop in the Alton Bay area until 1935. Then, in 1872, the steamer, *Mount Washington*, was first launched in Alton Bay after being constructed there. From 1880 to 1920, the Rockwell Clough Co. employed a number of residents and became nationally known as the first manufacturer of cork screws and the company that invented paper clips.

Recently, the people of Alton suffered through a devastating flood that destroyed many homes. I had the opportunity to visit the area after the flood and witnessed how quickly this community had joined together to rebuild. Rescue teams and volunteers, along with families and friends, worked together day and night to help their neighbors who were victims of the flood. I was very impressed with the strength and fortitude this community displayed.

The public officials and residents of Alton have planned some festive activities to recognize the 200 years of history their town has enjoyed. A number of exhibits will be on display in the townhall featuring clay pipes, summer camps, railroads, and the Alton Central School. The Alton Historical Society will provide a walking tour of the city and conduct various other historical programs. A haunted hay ride and haunted house are also planned later in the year for Halloween. June 16 will mark the big anniversary celebration with day-long activities including a family picnic, fireworks, and a bicentennial march to Alton Central School.

My wife taught school in Alton, so this scenic lakeside town holds a special place in the hearts of the Smith family. I congratulate all the residents of Alton on this historic milestone and wish them all an enjoyable year of celebration and remembrance. You all should be very proud of your heritage and 200 years of history.•

MARK HIMEBAUGH

• Mr. LAUTENBERG. Mr. President, I rise today to observe Mark Himebaugh's 16th birthday.

For those who do not know Mark, he is one of America's many missing children. In November 1991, when he was 11 years old, Mark left his home in Cape May County, NJ, to play. He was never seen again. His parents have not seen him in 4½ years. Despite the efforts of his parents, law enforcement, and an outstanding group of volunteers, his parents say they are no closer to recovering Mark than in November 1991.

Mr. President, it is difficult to imagine the heartache and suffering of a parent who has a missing child. With each passing day, there is continuing concern, continuing fear, and continuing prayers for a safe return.

Unfortunately, each year, thousands of people across the country disappear. Most of these are children. Despite the increased awareness and the additional tools law enforcement has acquired, the problem continues to be serious.

Our children are our most precious resource. They are our future. I hope with all my heart that the Himebaugh family is reunited with their son in the near future. And I ask my colleagues to join me in wishing them strength to continue their search for Mark.•

PREVENT TELEPHONE FRAUD

• Mr. SIMON. Mr. President, I would like to briefly highlight the work of several telecommunications companies and organizations, which together have created the Alliance To Outfox Phone Fraud. This cooperative alliance, which includes the Illinois Consolidated Telephone Co., is working to educate and enlist the assistance of consumers in preventing telephone fraud, a rapidly growing crime which costs consumers nearly $3.7 billion every year.

As telecommunications technology continues to improve, the potential for fraudulent activity also rises. As hackers have become sophisticated enough to keep pace with new technology, telephone fraud has grown because consumers are often unaware of the new dangers. Telecommunications fraud takes many forms—"shoulder surfers watch or listen as customers enter their calling card numbers on pay phones; criminals posing as police officers or telephone company representatives try to bill calls to homes; and high-technology cellular thieves use cloning devices to steal cellular phone serial numbers.

Summer travelers are particularly susceptible to telephone fraud. As we approach the hectic summer travel season, I urge consumers to take precautions to ensure that they do not become victims of this increasing crime. Certainly, the efforts of the Alliance To Outfox Phone Fraud to increase consumer awareness are a step in the right direction.•

JOSEPH GARDNER: A LIFE DEDICATED TO MAKING LIFE BETTER FOR PEOPLE AND EXPANDING THEIR OPPORTUNITIES

• Ms. MOSELEY-BRAUN. Mr. President, last week, the city of Chicago, the State of Illinois, and the United States of America suffered a grievous loss because of the death of Joseph E. Gardner. Joe Gardner's life was devoted to helping people, to helping communities, to bringing people into our economy, to bringing economic growth and hope to communities without much of either, and to expanding opportunities for everyone.

I first met Joe when he was working at the Woodlawn Organization, more years ago than I care to remember. And our paths have crossed frequently ever since then. Joe worked on a wide variety of issues, but all of them were fundamentally about helping people, and especially poor people, make their lives better. I always admired his commitment to people and to neighborhoods, and the energy, the enthusiasm, and the savvy he brought to his work.

Chicago is a city of neighborhoods, and Joseph Gardner was a product of Chicago neighborhoods. He was raised in the Lawndale neighborhood on Chicago's West Side, and he graduated from Mount Carmel High School in Woodlawn. He earned his undergraduate degree at Loyola, an institution in Chicago, and went back to the West Side for a masters degree from the University of Illinois at Chicago.

With his education and his obvious gifts, he could have done almost anything. But for Joseph Gardner, education was not a means to get away from his community and his neighbors. Rather it was a way to open doors for poor neighborhoods and poor people who faced closed doors, and who had the doors to opportunity slammed in their faces for far too long.

Joseph Gardner chose to give back to his city, and to his community. He chose to devote his life to making it possible for disadvantaged young people to match and exceed what he had accomplished. He fought for jobs, for decent housing, for education, for safe neighborhoods, for families, and for children. Throughout his career at the Woodlawn Organization, at Operation Push, where he was executive vice-president, and in government, the fight was always the same—to open up opportunities for people, to expand the possibilities for people, to build hope, and self-respect, and economic security.

Joe Gardner made Chicago a better place. He died far too soon; there was still so much he wanted to do. I will greatly miss him, and I know the people of Chicago and the state of Illinois will miss him, particularly the poor people he cared so much about.●

TRIBUTE TO HIS MAJESTY KING BHUMIBOL ADULYADEJ OF THAILAND

● Mr. JOHNSTON. Mr. President, I rise today to pay tribute to His Majesty King Bhumibol Adulyadej of Thailand, who will celebrate the 50th anniversary of his accession to the throne on June 9, 1996. This is indeed an auspicious occasion, as King Bhumibol is the first Thai king to have reigned for 50 years.

King Bhumibol has been the overseer and benefactor of remarkable change and progress for his nation. From the beginning of his reign, he has tirelessly devoted his time and effort to the well-being and welfare of the Thai people. Under his stewardship, government has become an instrument of progress for people, as evident by the more than 1,800 royal development projects he has initiated in the areas of agriculture, environmental conservation, public health, occupational promotion, water resources development, communications, and social welfare.

During his reign, Thailand has experienced a dramatic transformation in its industrial structure to become a leader among developing nations. Manufacturing accounts for over 31 percent of the nation's economy and exports are booming. Textiles have supplanted rice as Thailand's major export item, and Thailand is now a major exporter of sophisticated high-technology products. King Bhumibol's leadership in diversifying his nation's economy and encouraging foreign investment has opened new doors of opportunity and prosperity to his people and has propelled Thailand to a place of respected prominence among the nations of the Pacific rim.

Not only are the industrial and technological advances significant, but King Bhumibol has achieved these gains while preserving the cultural integrity and national heritage of the Thai people. He is a much beloved leader and national patriarch, who has created a unique version of the modern monarchy. Firmly committed to the development of democratic principles, he has always been on the side of peace and prosperity and has responsibly guided his nation within the parameters of his constitutional authority.

The United States and Thailand have enjoyed a longstanding friendship and economic partnership from which both nations have tremendously benefited. I have had the privilege of visiting Thailand on several occasions to promote opportunities for trade and investment and have been profoundly grateful for the assistance and hospitality I have received. It has been an honor and a pleasure to work with this remarkable nation for the continued peace and prosperity of both of our countries.

I know that my colleagues in the U.S. Senate join me in congratulating King Bhumibol for his magnificent leadership and prosperous reign, as we look forward to many more years of friendship with his great nation.●

CELEBRATING THE 50TH ANNIVERSARY OF THE DEPARTMENT OF VETERANS AFFAIRS VOLUNTARY SERVICE [VAVS]

Mr. ROCKEFELLER. Mr. President, this year marks the 50th anniversary of the Department of Veterans Affairs Voluntary Service [VAVS]. Its half-century of caring for veterans and their families in communities across the country has generated more than 440 million hours of service and introduced millions of citizens to the fulfillment and satisfaction of volunteering.

VAVS was born in the burgeoning, postwar VA medical system as VA hospital administrators sought a way to organize the spontaneous volunteer movements that developed in communities near military and VA hospitals. From the start, VA officials recognized this volunteer movement as a natural adjunct to the quality of health care provided veterans. In April 1946, under the leadership of General Omar Bradley, then head of VA, representatives of eight national veterans and service organizations met in Washington, DC, to form a national advisory committee. The result of the meeting was a plan through which both community organizations and individuals could participate in volunteering and help manage those volunteer programs locally and nationally through advisory committees.

That plan was approved May 17, 1946, the birth date of the VA Voluntary Service. Today, there are 60 major veteran, civic, and service organizations participating on the National Advisory Committee, with more than 350 other national and community organizations supporting VAVS.

Still based in the VA health care system, VA volunteers have expanded with that system into every area of patient care and support, and have followed the VA mission into community settings such as hospice programs, foster care, hospital-based home care, veterans outreach centers, homeless veterans programs, and special events for the disabled. In addition, community volunteers work increasingly with VA's other service delivery venues such as benefits offices and national cemeteries.

VAVS volunteers have been particularly active in supporting community programs aimed at reaching and serving the homeless. These 1-to-3 day events offer a variety of services to the homeless, and VA resources focus on assisting veterans, who make up at least one-third of the homeless male population in a typical community.

Volunteers have also become an integral part of the system of national and local showcase events aimed at introducing persons with disabilities back to mainstream activities. These include the National Disabled Veterans Winter Sports Clinic, the National Veterans Wheelchair Games—the largest wheelchair athletic meet in the world—the National Disabled Veterans Golden Age Games, and the National Disabled Veterans Creative Arts Festival. Corporate volunteers play a strong role in these events and have become elemental to their success. Growing participation from the corporate sector is setting the pace for the future of VAVS, along with a strong and growing youth volunteer program that is introducing teenagers and college students to careers as well as to community service.

The focus remains as it was in those early post-World War II years, responding to each community's desire to put its veterans first. That's why last year, volunteers contributed a total of 14,021,586 hours of service through VAVS programs, 12,649,676 of which came from 93,821 regularly scheduled volunteers. Numbers do not tell the real story, however. There is no way to calculate a community's caring and sharing with some of its most important citizens. For 50 years, VAVS has been there to channel that caring in a productive, meaningful way.•

DISTRICT COURT RULING SHOULD SPUR SECRETARY OF AGRICULTURE TO REFORM CLASSIFIED PRICES

• Mr. FEINGOLD. Mr. President, on Monday, Minnesota District Court Judge David Doty released a decision holding that class I prices used in the Federal milk marketing order system are arbitrary and capricious. I rise today to applaud that ruling. It is the second such ruling by the district court in 2 years. It is my hope that the combination of this most recent ruling and Secretary of Agriculture Dan Glickman's commitment to restore equity in Federal orders will finally be enough to change this discriminatory pricing system for good.

Mr. President, class I prices, prices that farmers receive for fluid milk, increase at a rate of 21 cents for every 100 miles a farmer lives from Eau Claire, WI. This systematic discrimination against Wisconsin dairy farmers has never been adequately defended by the Department of Agriculture which has great administrative latitude to set these prices. Department officials have chosen to continue the discriminatory pricing scheme when they had the authority to change it and the knowledge that it should be changed.

Mr. President, this most recent ruling comes more than 5 years after a group of Minnesota dairy farmers filed a class action lawsuit against then-Secretary of Agriculture Clayton Yeutter charging that class I prices were unlawful under the basic authorities of the authorizing statute. The plaintiffs also charged that the system had caused the loss of thousands of Upper Midwest dairy farms as the excessive prices provided to other regions stimulated surplus production driving down prices to farmers in our region. Since this lawsuit was initiated, Wisconsin has lost more than 6,000 family dairy farms who simply could not compete with the mega-dairies in other regions who were enjoying the artificially high fluid milk prices under the Federal order system. As a Wisconsin State senator at that time, I was able to secure funding for the State of Wisconsin to participate in the lawsuit as an amicus curiae. Since that lawsuit was filed, and since I have been a Member of the U.S. Senate, I and other members of the Upper Midwest congressional delegation have taken all steps possible to push for reform of this system. Legislative reform of class I prices has proved nearly impossible as Senators from regions benefiting from this system have rejected all suggestions for reform.

Two years ago, a different district court judge directed then-Secretary Espy to issue an amplified decision properly justifying a 1993 final rule on Federal orders which failed to reform class I prices. One-hundred and twenty days later on August 12, 1994, an amplified decision was issued by the Secretary. That decision, devoid of substance, was an insult to Wisconsin dairy farmers who have suffered from the Department's approach to this issue.

Following the issuance of that amplified decision, the Minnesota Milk Producers Association filed another motion for summary judgment charging that Secretary Espy's amplified decision was arbitrary and capricious because it was unsupported by evidence and inconsistent with the mandates of the authorizing statute.

On Monday, three Secretaries of Agriculture and four sessions of Congress after the initiation of this legal proceeding, the District Court of Minnesota agreed with the plaintiffs. The court concluded that "the Secretary has wholly failed to provide an explanation of his decision consistent with the requirements of the Agricultural Marketing Agreement Act." With respect to the use of Eau Claire, WI, as the reference point from which most fluid milk prices are determined, the court chided the Department for claiming it does not use Eau Claire as a basing point, despite evidence to the contrary. Judge Doty stated, "The Secretary may not enforce what is clearly a single basing-point system without explaining how it reflects reasoned consideration of the statutory factors. If Eau Claire is to be the basing point, then the Secretary must explain why, for each market to which a contemplated order relates, distance from Eau Claire is a relevant consideration."

The court stopped short of finding class I prices illegal but found that they have never been adequately justified by the Department of Agriculture and as such, the decision to maintain them was arbitrary and capricious. Judge Doty remanded the decision to Secretary Glickman for 120 days after which the Secretary is to issue an amplified decision on class I prices that reflects the factors mandated by the authorizing statute.

It is my hope that in 120 days our current Secretary of Agriculture will do the right thing and announce comprehensive changes to the classified pricing system with class I prices based upon the economic factors required by the statute—supply-and-demand factors, prices of feeds, other inputs to production, and the public interest.

Interestingly, this time frame coincides with USDA's Federal order consolidation process required in the 1996 farm bill. I have always said, Mr. President, that reform of these discriminatory class I prices and the elimination of Eau Claire, WI, as the single basing point for milk prices could be accomplished through the legislative process, the administrative process or the judicial process. The recently enacted 1996 farm bill and Monday's district court ruling represent the confluence of these three processes.

The Congress, through the 1996 farm bill, has directed the Secretary to consolidate the number of Federal orders from the current 33 to between 10 and 14. Implicit in that directive is administrative reform of the pricing structure for those new orders—an authority which the Secretary holds under the Agricultural Marketing Agreement Act. Secretary of Agriculture Dan Glickman has publicly admitted, both to dairy farmers and to Congress, that class I prices are unfair to the Upper Midwest and have produced "regional inequities." He has committed to reduce class I differentials in the reform process. Now the district court ruling has provided a clear ruling that the Secretary shall follow the economic criteria of the original authorizing statute in setting those prices rather than bowing to political pressures from those regions that benefit from this discriminatory pricing system.

The Secretary has two choices.

He can comply with the court's order by reforming class I prices to bring them more in line with the economic realities in 1996. He can do that both in issuing an amplified decision that complies with the statute as required by the court as well as by implementing pricing reform as part of Federal milk marketing order reform required by 1996 farm bill.

Or he can continue to fight the Upper Midwest in this lawsuit by seeking to delay the process further, rubber-stamping bad decisions by previous Secretaries, causing the loss of even more dairy farms in the Upper Midwest and imposing huge costs on our rural communities that depend on a thriving dairy industry.

I hope Dan Glickman chooses the first option.

This has been a long fight, Mr. President. It is time for it to end. It is time for the Secretary and the administration to do the right thing. I will work with them to make that happen.•

CONGRESSIONAL, PRESIDENTIAL, AND JUDICIAL PENSION FORFEITURE ACT

• Mr. REID. Mr. President, today I join Senators GREGG and NICKLES in introducing long overdue legislation which creates tough new sanctions for public officials who engage in wrongdoing while they are in office. This legislation, the Congressional, Presidential, and Judicial Pension Forfeiture Act, prohibits the receipt of pension benefits by Members of Congress, Presidents and members of the judiciary who engage in criminal conduct while in office. Those who engage in felonies that relate to abuse of office and undermine confidence in public officials should not be entitled to receive generous pension benefits.

Recently, I have heard from many constituents about this issue. This is really something that reflects on the integrity of this institution. It is an issue that affects any individual who aspires to public service. Most I have heard from are upset with the ability of public servants to collect pension benefits after they have been convicted of a felony while serving in a public office. Current law allows a former Member of Congress or a judge to collect their taxpayer financed pensions even after they have been convicted of such offenses as perjury.

The bipartisan legislation we are introducing today would put an end to this practice. Taxpayer financed pensions are not an entitlement. If public officials breach the public's trust they should forfeit their right to these pensions. They do not deserve these benefits if they commit crimes while serving in office. Serving in public office is an honor carrying tremendous responsibility. Whether you are the President, a Federal judge, or a Member of Congress you are always aware of this responsibility. Few undertake this responsibility lightly.

Yet all of us are aware of recent cases involving egregious violations of the public trust. Unfortunately, these individual cases, while isolated, tarnish the image of all public officeholders. They undermine public confidence in our democracy. They do so because the public is led to believe that crime committed while serving in public office pays. And to a certain extent, under the current law, it does. Public officials can commit fraud or perjury while in public office and are still able to collect generous pensions. This is simply not right.

The bipartisan legislation we are introducing today will put an end to this. Judges, Members of Congress and the President will forfeit their pension benefits if they commit felonies while in public office. The list of felonies which would result in a loss of pension are directly related to the performance of official duties. Among the offenses listed in the bill are bribery and illegal gratuities, improper representation before the government, violation of antilobbying restrictions, false claims and fraud, abuse of the electoral process, conspiracy to defraud the United States, and perjury.

Public service is both an honor and a privilege. It represents a sacred trust and thus we ought to have harsh penalties for those who breach that trust. Those who violate this trust while serving in public office should not be entitled to their pensions. The taxpayers have helped finance these pensions. At a minimum, they are owed this kind of accountability.

Finally, I wish to thank Senators GREGG and NICKLES for their leadership and support on this issue. Senators GREGG, NICKLES and I had been working on a solution to this issue and I am confident that this legislation is the appropriate response. I believe this is a problem in need of bipartisan attention. Greater accountability will ultimately produce public greater confidence in our three branches of government.•

MEMORIAL DAY 1996: SIMPLE TRUTHS

• Mr. DOMENICI. Mr. President, I rise today to mention an upcoming, special American holiday, Memorial Day.

Last year, in honor of Father's Day, I read to you a letter from a fellow New Mexican, Chuck Everett. Mr. Everett originally wrote that letter while he was serving in Korea to his father who was back home in the United States.

In that letter, a younger Chuck Everett talked about certain simple truths—a son's longing to be with his dad on Father's Day; a soldier's patriotism; and hope for the future. The young soldier dedicated that particular day to fathers, the support of free will, free speech, freedom from fear, freedom of religion, and freedom of thought.

Today, in recognition of Memorial Day, I want to share with the Senate and the American people some more insightful thoughts by Mr. Everett. His poem, entitled "Simple Truths," serves as a good reminder to those of us who serve in this esteemed Chamber, as well as to all Americans, that while our country derives much strength from its diversity, we Americans also share basic ideals—ideals for which many men and women have given their lives. As the country remembers those brave Americans who fought for the United States, I submit that we are a nation founded on ideas, notably the rights to life, liberty, and the pursuit of happiness. These are simple truths to be cherished and protected for future generations.

In memory of those who were killed or are still considered to be missing in action, I respectfully ask that the text of Mr. Everett's poem be printed in the RECORD.

The poem follows:

SIMPLE TRUTHS

Simple truths are emotions from the heart
To state those feelings we wish to share
With those with whom we do not stand apart
And sharing those ideals about which we care.

We ever strive to serve our God and country,
A nation born to hear the bells of freedom ring.
Bound not by the shackles of fear and affrontry.
But living free of oppression by dictator or king.

We dedicate our lives to the support of democracy,
Building a nation with simple truths in mind,
Glorified in living free from any aristocracy,
Striving for liberty and justice for all mankind.

Let our mission be to keep this country free,
To stand tall for what we feel is right or wrong,
Embracing ourselves in the principles of liberty
And always being on the alert and ever so strong.—C. Everett.•

WAYLAND V.F.W. POST 7581

• Mr. LEVIN. Mr. President, this weekend America honors its veterans through Memorial Day activities across the country. It is a time when we thank our veterans for their service and remember those we have lost. Veterans of Foreign Wars Post 7581 in Wayland, MI, will be celebrating Memorial Day this year as it does each year. However, this year will be especially significant because it marks the 50th anniversary of the post.

Wayland VFW Post 7581 was chartered at a ceremony in the Wayland High School gym on June 10, 1946, with 43 members. In 1949, a Ladies Auxiliary to the post was instituted. VFW Post 7581 dedicated its headquarters on June 10, 1956. Most of the work on the building was done by the members of the Post. Over the years, post membership has grown dramatically. The post now maintains 289 members, including 74 life members.

During its 50 years, the post has dedicated its efforts to providing services for the Wayland community, including: Lite-a-Hike campaigns, blood banks, little league baseball, polio dances and the donation of flags to local schools. Last winter, the post made national news for helping stranded motorists during the blizzard. The post also conducts military funerals, participates in Memorial Day activities and assists veterans submitting claims to the Veterans' Administration.

Mr. President, the members of Wayland VFW Post 7581 have not only proudly served our country in military service, but they continue to serve through their commitment to community. I know my Senate colleagues will join me in honoring the veterans of VFW. Post 7581 and congratulating them on their 50 years of service to the community of Wayland, MI.•

JANET RENO'S WORDS OF WISDOM

• Mr. HOLLINGS. Mr. President, we have a lot to be proud of in our country and we have many great role models. One role model, who recently visited my home state and spoke to the graduates of the University of South Carolina, is Janet Reno.

Janet Reno is our country's first female Attorney General and has excelled in the role. She is a dedicated, top-flight public servant. And indeed, that was also her reputation in Florida, where President Clinton plucked her in 1993 from her role as the State's attorney for Dade County. Janet Reno was known in Dade County as a tough, front-line crime fighter and she devoted herself to making communities safer, keeping children out of trouble, reducing domestic violence and helping families. She also targeted career criminals, dangerous offenders and drug traffickers, promising strict and certain sentences that put them away and kept them away.

Janet Reno grew up in Florida and worked her way through Cornell University. She wanted to pursue a law degree but was told that "woman didn't become lawyers." She ignored the advice and became one of only 16 women in a class of 565 students to enroll in Harvard Law School in 1960. When she graduated, people said, "No one will hire a woman lawyer." She proved them wrong, of course. Janet Reno was and is a trail-blazer.

In her speech to the USC graduates, Janet Reno talked about the frustrations that faced her and her predecessors as Attorney General. She said:

> There is no vaccination for crime, as there is for polio. The only thing we have is hard work, seven days a week, parents raising children right, police walking the beat every single night, and prosecutors putting criminals behind bars, one by one. Our problems are complex and the answers rarely simple.

Janet Reno encouraged the graduates avoid the deadly sins of our public life: extremism, cynicism and defeatism. Her advice is sound and I think we could all benefit from it. I ask that her address be printed in the Record.

The address follows:

SPRING COMMENCEMENT ADDRESS BY U.S. ATTORNEY GENERAL JANET RENO

I am honored to share this day with you. It is so wonderful to look out to see so many who have worked so hard to obtain their diploma today. I especially want to say hello to my fellow chemistry majors. In 1960, I earned my chemistry degree from Cornell University. So, to you parents who worry that your graduating sons and daughters still lack a clear career goal, I suggest, give them a little more time; you never know what might happen.

Since my graduation in 1960, so many things in America have changed for the better. In 1960, the Iron Curtain divided the world between freedom and dictatorship. Just two weeks ago I walked the streets of Budapest along side the free people of Hungary, and I talked with Western Europeans and Eastern Europeans alike about our common fight against crime. In 1960, even after the Supreme Court outlawed racial segregation, much of America was still divided into two nations, black and white. But in the civil rights efforts that soon followed, our nation kept the promises the founding fathers made and finally made equality the law of the land.

In 1960 when I graduated from college, people told me a woman couldn't go to law school, and when I graduated from law school, people told me law firms won't hire you. Thirty years later, no one ever told me I couldn't be Attorney General. You are graduating into an amazing era. In 1960, nobody had ever heard of the Internet, no one had been to the moon. The CAT scan was not invented until 1973. But even though our world is more safe and our country is more just and new technologies are changing our lives, nobody would say that we are a nation without serious, serious challenges. Many of these challenges seem so stubborn and unyielding, such as violent crime, homelessness, and poverty. Others seem complex and inscrutable, like the international economy and the spread of AIDS. And others just seem overwhelming, like the fear of terrorism or environmental catastrophe. But America is a nation of optimists and problem solvers. Each generation looks to its children to keep our society moving and to make life better. After the parties and the vacations and the graduate degrees yet to come, America will look to you for help. For no matter where you go and what you do, you can make a difference.

That's what I would like to talk about today. For in these last 30 years, too many people of goodwill have looked at these very hard problems and started throwing up their hands and turning away. They are getting caught up in the three deadly sins of our public life: extremism, cynicism, and defeatism.

The first great threat to our optimistic spirit is extremism, for it blinds us to the tough, tough choices we all confront when we wrestle with the difficult problems of today. The historian Arthur Schlesinger once observed that America's progress and freedom were fueled by what he called "the vital center in American politics." He meant a place where men and women of reason and goodwill could meet regardless of their political party affiliation, a place to hash out their differences and debate the problems of the day. A lively debate to be sure, sometimes even unruly, but one carried out on common terms with respect for the other person. The vital center has always been a place where people might be divided in their approach to solving a problem, but where they were united, as Americans, in their determination to act reasonably and to see the virtue in other points of view. In short, the politics of the vital center means using democracy as a process of working together to find solutions that attack problems with progress. Slow sometimes, terribly slow and exhausting to be sure, but always in the American tradition of reforms that are not perfect, but take us one step forward, one important step forward.

Today I fear many Americans are forgetting about the vital center. Too often in today's politics, on all sides, people are confronting tough problems and retreating to extremes and to simple solutions instead of embracing the complexity that problem solving always demands and that democracy requires. You may not like everything government does, I know I don't, but the alternative is not to throw up your hands or turn to violence. What we must do is to sit down together as reasonable people and make our government do what is right and stop doing what may be wrong-headed or wasteful. Extremism wants to sprint when the race is really a marathon. Extremism wants to escape the complexity of democracy and the staggering diversity of human nature, but it never can. Extremism argues that problems are easy to solve but if they were, we would have licked them a long, long time ago.

As Attorney General, I deal with problems that frustrated previous Attorney Generals for years, such as crime, terrorism and domestic violence. There is no vaccination for crime, as there is for polio. The only thing we have is hard work seven days a week, parents raising children right, police walking the beat every single night, and prosecutors putting criminals behind bars, one by one. We're not a bumper sticker away from solving terrorism. We have to be eternally vigilant, close our borders to those who threaten us and work slowly and patiently for peace in the lands where foreign terrorists come from, just as we must fight the hatred and the paranoia that fuels domestic terrorism. There is no sound byte that can make domestic violence go away. We have to stop abusers one by one and let them know that there is never an excuse for hitting someone you love. We have to build shelters one at a time to give victims a safe place away from the abuse, and we have to help victims rebuild their lives slowly and steadily.

The vital center knows that problems are complicated and that answers are rarely simple. I hope that in your lives you will choose the course of leadership, not partisanship. Think twice when someone has a simple answer. Remember that so many of our problems took decades to get where they are and that no amount of sloganeering can fix them overnight. And don't ever forget to listen. For I have learned so much when I have listened to the people with whom I have disagreed. Sometimes I have changed my mind. Sometimes I have changed theirs.

The second great threat to our nation's optimistic spirit is cynicism. Maybe you have faced it already. The cynic knows so much about what is wrong and why it can't be fixed. He can tell you which baseball players strike out the most and why planes and stock markets crash. She can tell you which public figures were caught doing something wrong, why the current peace negotiations are doomed, and why so many marriages end in divorce. It may be a beautiful South Carolina day, but the cynic knows it is going to rain someday. Of course, cynicism never happens by itself, it always builds on genuine problems and disasters. Watergate and other scandals convinced millions of Americans that government was permanently broken and that everyone in public life was some sort of alien from ordinary American life, that they might as well have landed in a spaceship. In fact, you can look at any of our institutions and you can find a scandal, and cynics told you so. Sports heroes, police officers, business leaders, doctors, ministers, teachers and politicians—everyone can point to people in all walks of life who have fallen below society's standards. We can use a funny line to dismiss politicians or teachers or Wall Street bankers, but that's the easy way out and after we do, what's different? Nothing, except that fewer good people are willing to work to make our government better, care for the helpless amongst us, or build a business that puts its customers needs first.

At the very least, if you're finding yourself falling prey to cynicism, consider its cousin, skepticism. At least the skeptic has an open mind. The skeptic sees all the same problems and asks all the same questions, but is willing to let the answer be good or bad. And if you are a recovering cynic, and you have made it back to skepticism, why not just take the final step and become an idealist in the best American tradition? And I don't mean for a minute that you should be naive. The Reverend Martin Luther King Jr. talked about the need for all of us to have a tough mind and a tender heart. I can tell you that no one can come to Washington and ever hope to do well if she does not start the morning by asking tough questions and end the day getting real answers. This nation was founded by idealists with tough minds and with tender hearts, and they formed a government designed to check the worst in human nature just as they risked their lives to found a country that cherished freedom and liberty over oppression. They took the hard way, and they made a difference.

A month ago, as the sun was setting before it rose again on Eastern morning, I was in Dover Delaware listening to President Clinton honor Commerce Secretary Ron Brown and 32 other Americans who died in the plane crash in Bosnia. They were young and old, men and women, government workers and business leaders, but they were all there because they believed they could help a ravaged country heal from civil war. These 33 lives, said the President, show us the best of America. They are a stern rebuke to the cynicism that is all too familiar these days. He talked about how family after family told him how their loved ones were proud of their work and believed in what they were doing and believed they could make a difference.

Finally, I want to talk to you about the brother of extremism and cynicism, defeatism. Not everyone faces hopelessness, but no one is far away from someone who does. It may be across town where a family can't afford to pay the rent, or take the child to the doctor because they don't have a job. It may be in the next classroom where a student is convinced that he will never succeed, that no one cares, and that street crime will be the only way out of a hard life. It might be next door where a wife or child faces terror every night at the hands of an abusive spouse or parent. You may never find yourself at the bottom of life's pit, and, if you do, I prey that you have the energy and courage to get up and out. But you may know someone who has fallen, someone who doesn't even want to try because he is sure it won't make a difference.

I have been Attorney General now for three years, and my faith in the American people and their ability to deal with adversity has never been so strong. I have never been so sure that we can prevail against the causes of wrong in this world. I know we can defeat extremism and reclaim the vital center. I know we can defeat cynicism and seek what is good amidst all that is bad. I know we can defeat defeatism and teach those who have fallen to get up and to hope again. It won't be easy, and it will take a lot more than any speech could ever do, but I come here today because you are the future of this country.

I know you have the energy. I know you have the commitment. I know you can make the choice to stand for what is right and good in this world. If you choose public service you will be choosing one of the most rewarding and fulfilling careers our society can offer. But whether you are running a business, or teaching a class, prosecuting criminals, or raising a family, you can make a difference. In another spring time, 33 years ago, the Reverend Martin Luther King Jr. sat in a Birmingham jail, exhausted from years of seeking justice for all. He was dispirited, and even some of his fellow ministers were saying he should back off and wait for progress to happen on its own. He must struggle to keep cynicism out of his every thought, and sitting in that jail cell day after day, with progress coming slowly or not at all, he had to wonder why any man had a right to hope. But Reverend King made his choice, he began writing until his words filled the margins of a secondhand newspaper. The power of his choice flowed out of a pen and into the conscious of America. Today as you prepare to make your choices in life, I would like to close with a few of those words from Dr. King's letter from that Birmingham jail:

"We must come to see that human progress never tolls in on wheels of inevitability. It comes through the tireless efforts and the persistent work of men willing to be co-workers with God, and without this hard work time itself becomes an ally of the forces of social stagnation. We must use time creatively, and forever realize that the time is always ripe to do right."

I hope and pray that you will make your choice the choice of standing for what is right and good in this world. Thank you, congratulations, good luck, and God bless you.•

TRIBUTE TO PRESIDENT LEE TENG-HUI, PRESIDENT OF THE REPUBLIC OF CHINA

• Mr. BROWN. Mr. President, I rise today to congratulate the first popularly elected President of the Republic of China, Lee Teng-hui. All Americans congratulate the people of Taiwan for voting to complete their transition to democracy.

The election of President Lee on March 23, 1996, was the result of a 10-year transition which some have called a political miracle in twentieth-century Chinese politics, making Taiwan the first Chinese democracy.

President Lee and the people of Taiwan not only deserve congratulations for their transition to democracy, they also deserve our continued support. As President Lee and the Taiwanese emerge as a force for democracy, freedom and stabilization in East Asia, the United States should encourage their efforts to be represented and respected in international organizations and negotiations as well. The United States should also support and encourage constructive dialog and relations between Taiwan and Beijing.

This transition to democracy is especially significant because it took place against a background of mounting military intimidation, political threats, and diplomatic isolation from mainland China. Despite these intimidating threats, the people of Taiwan were not deterred from casting their ballots for freedom and liberty.

On May 20 in Taipei, President Lee delivered his inaugural address to the world as well as to the people of the Republic of China. He said:

> My fellow countrymen: The doors have opened to full democracy, with all its vigor in full swing. Today, most deserving of a salute are the people of the Republic of China: A salute to them for being so resolute and decisive when it comes to the future of the country. A salute to them for being so firm and determined when it comes to the defense of the democracy. A salute to them for being so calm and invincible when it comes to facing up to threats.

I join many in celebrating President Lee's triumph and the will of the people of the Republic of China to march boldly down the road of democracy for the first time in the history of the Chinese people.

Mr. President, I ask that the complete text of President Lee's inaugural address be printed in the CONGRESSIONAL RECORD.

The text follows:

FULL TEXT OF PRESIDENT LEE TENG-HUI'S INAUGURAL SPEECH

Your Majesty, Your Excellencies, Distinguished Guests, My Fellow Countrymen, Ladies and Gentlemen:

Today we are assembled here to jubilantly and solemnly celebrate the inauguration of the President and Vice President before all our compatriots. This gather marks not only the commencement of the ninth-term Presidency and Vice Presidency, but also a fresh beginning for the future of the country and the people.

Today, the 21.3 million people in this country formally march in the new era of "popular sovereignty."

Today, the Chinese people enter a new frontier full of hope.

Today, we in Taiwan firmly tell the world, with great pride and self-confidence:

We now stand on the apex of democratic reform and will remain there resolutely.

We have proved eloquently that the Chinese are capable of practicing democracy.

We have effectively expanded the influence of the international democratic camp and made significant contributions to the cause of freedom and democracy.

Therefore, this gathering of today does not celebrate the victory of any candidate, or any political party for that matter. It honors a triumph of democracy for the 21.3 million people. It salutes the confirmation of freedom and dignity—the most fundamental human values—in the Taiwan, Penghu, Kinmen and Matsu area.

My fellow countrymen: The doors have opened to full democracy, with all its vigor in full swing. Today, most deserving of a salute are the people of the Republic of China:

A salute to them for being so resolute and decisive when it comes to the future of the country.

A salute to them for being so firm and determined when it comes to the defense of democracy.

A salute to them for being so calm and invincible when it comes to facing up to threats.

From now on, the people as a whole, rather than any individual or any political party, will be invested with the ruling power of the nation. This is free will in full play, the fullest realization of "popular sovereignty," the real compliance with the will of Heaven and response to human wishes." the getting rid of the old and ringing in the new. All the glory belongs to the people.

My fellow countrymen: At this very fresh start of history, we pledge ourselves to launch the new era with a new determination and new deeds. This is our common homeland, and this is the fundamental support we draw upon in our struggle for survival. Fifty years of a common destiny forged in fortune and misfortune have united us all into a closely bound and interdependent community. The first-ever popular presidential election has reconfirmed our collective consciousness that we in Taiwan have to work together as one man.

How to make this land of ours more beautiful and how to make its inhabitants feel safer and live a happier and more harmonious life is the common responsibility of the 21.3 million people!

"Whatever the people desire is always in my heart." I am fully aware of the needs of the people and I pledge myself to do my best to deserve their trust. But no individual or political party can single-handedly decide a policy of far-reaching importance to the country. The government will soon invite opinion leaders and other representatives from various quarters to exchange views on major topics of future national development. The consensus that emerges from such meetings will launch the country into a new era.

The election is over, but the promises made during the campaign will be kept and fulfilled as soon as possible. Building a modern country entails the services of all available talents. I am convinced that only when upright, insightful, capable and experienced people, regardless of their political affiliation or social group, participate in the leadership of the government will political stability and national growth be ensured.

The times are changing, so is the social climate. Keeping in the old grooves while refraining from any innovation is doomed to failure. Political maneuvering has no place in political interaction, nor can self-interest have any role in deciding upon a political position. No quarrels can be started under the pretense of representing the will of the voters. A boycott certainly is not the equivalent of checks and balances. The ideal of democracy we are pursuing means not just effective checks and balances; it demands hand-in-hand cooperation for the welfare of the people among the political parties.

Four years will soon pass. We have no time for wavering or waiting. For the purpose of laying a solid and secure foundation for the country and bequeathing a happy and comfortable life to the future generations, let us get off to a very good start today—May 20, 1996.

First, we have to broaden and deepen the democratic exercise. Horizontally, we will share our democratic experience with all Chinese and international friends. Vertically, we will proceed to phase 2 constitutional reform, promote clean elections, ensure clean and efficient government, enhance law and order, restructure the political landscape, and strengthen the multiparty political system, so as to guarantee stability and development for democracy.

Economic growth and political democracy are equally important. Without continued success in economic development, we risk losing everything. We have to make sure that the plan for turning Taiwan into a hub for business operations in the Asia-Pacific region will proceed on schedule so that this country may from a position of strength play a role to be reckoned with in the international community and in the process of national unification. In the meanwhile we have to plan ahead for national development well into the next century, nurture a liberalized and internationalized economic regime in as short as possible a period of time, foster a low-tax, obstacle-free business climate, renovate the land system, improve the small and medium business, and greatly enhance national competitiveness. Only when thus prepared will we be able to compete in a new Asia-pacific age of mutual benefit and co-prosperity, thus becoming an indispensable partner for prosperity and development internationally.

At the same time we do not intend to neglect development in non-economic sectors. Our top priorities will be the judicial system, education, culture, and social restructuring, which will have to move ahead in tandem.

Judicial reform should be based above all on the rule of law. All judicial judgments have to be fair and make sure that all are equal before the law. The rule of law being the foundation of democracy, the cause of democracy will be compromised to a serious extent if court rulings are not trusted by the people. The reform will also guarantee full respect for any fundamental human rights including those of prisoners and parties to a law suit. Rectitude and efficiency in the court and prosecutorial system will have to be drastically improved.

Reform in education aims to put into practice a concept of education that imparts happiness, contentment, pluralism and mutual respect. Such education is designed to develop potentialities, respect individualism, promote humanism, and encourage creativeness. All unreasonable restrictions will be removed to allow the emergence of the life education system. Ample room will be reserved for individual originality and personal traits to ensure the continued pursuit of self-growth and self-realization. The new generation will be assisted to know their homeland, love their country and foster a broad international view. Fortified in this manner they can better meet international challenges and map out a bright future for their country in an increasingly competitive global village.

My fellow countrymen: After 5,000 years the Chinese are still going strong solely because the derive sustenance from an excellent culture. Under the strong impact of Western civilization since the mid-19th century, Chinese culture has gone through tribulations and shocks giving rise to a sharp decline in national confidence. Bearing this in mind. I have never stopped thinking about cultural regeneration. I am hoping that the people of Taiwan will nurture a new life culture as well as a broad and long-sighted view of life. The new Chinese culture, with moorings in the immense Chinese heritage, will draw upon Western cultural essence to facilitate adapting to the new climate of the next century.

This is the essence of the concept of "manage the great Taiwan, nurture a new Chinese culture." All the major cultures originated in a very restricted area. The 5,000-year Chinese culture also rose from a small region called Chung Yuan. Uniquely situated at the confluence of mainland and maritime cultures, Taiwan has been able in recent decades to preserve traditional culture on the one hand and to come into wide contact with Western democracy and science and modern business culture on the other. Equipped with a much higher level of education and development than in other parts of China, Taiwan is set to gradually exercise its leadership role in cultural development and take upon itself the responsibility for nurturing a new Chinese culture.

Managing the great Taiwan can nurture not just a new culture, but also a new society. With political democracy, Taiwan's society has become robustly pluralistic. The vigor thus released will provide nourishment for new social life and bring about further progress.

We will regenerate family ethics and build up a strong sense of community beginning at the grass roots. This will enable us to have a harmonious and communicative society where all members can have the joy of family life. People will also be encouraged to live a simple life and treasure all available resources. The land should be used based upon optimum planning, and nature conservation should be promoted to make it possible for future generations to savor the beauty of the landscape. In the same spirit, we will take better care of the disadvantaged groups in the interests of social harmony and human dignity. We also want to have in place a social security system, fair to all and sure to endure, that provides for freedom from want. But this system can only be installed gradually, depending upon the availability of funding support.

At the very time when we are engaged in the task of developing the Republic of China on Taiwan, the overseas Chinese are never out of mind. We do our very best continuing to assist them in developing their careers. The welfare of the Chinese in Hong Kong and Macao has always been of great concern to us. We are ready to land them a helping hand to help maintain democracy, freedom and prosperity in this area.

Today the existence and development of the Republic of China on Taiwan has won international recognition and respect. In the new international order of today, such basic tenets as democracy, human rights, peace and renunciation of force are universally adhered to; they are in full accord with the ideals upon which our country was founded. We will continue to promote pragmatic diplomacy in compliance with the principles of goodwill and reciprocity. By so doing we will secure for our 21.3 million people enough room for existence and development as well as the respect and treatment they deserve in the international arena.

My fellow countrymen: China has suffered a lot in the 20th century. In the initial stages, it was buffeted with a series of invasions, and over the last 50 years an ideological gap has been responsible for the Chinese-fighting-Chinese tragedy, resulting in confrontation and enmity among the Chinese. I have been of the view that on the threshold of the 21st century the two sides of the Taiwan Straits should work for ending this historical tragedy and ushering in a new epoch when Chinese should help each other.

It is this consideration that over the past years has been guiding our initiative in promoting a win-win strategy for expanding cross-straits relations leading to eventual national unification, but we are doing this on the premise that the Taiwan, Penghu, Kinmen and Matsu area is well protected and the welfare of its people safeguarded. Unfortunately, the cross-straits relationship has experienced bumps from time to time because the Chinese Communists have refused to admit the very fact that the Republic of China does exist in the area. Beginning last year, the Chinese Communists, because of their opposition to democracy, launched against myself a smear campaign using false charges to damage my credibility, but I simply ignore their irrational behavior and remain patient. An eye for an eye is no solution to an historical question of 50 years.

In an attempt to influence the outcome of the first popular presidential election in March, the Chinese Communist conducted a series of military exercises against Taiwan, but unrivaled restraint prevailed in this country. We know that it is imperative that peace and stability be maintained in the Asia-Pacific region. More important, we would not like to see the sudden disappearance of the economic growth in mainland China that has been made possible with great difficulty by its openness policy over the years. Patience on the part of the 21.3 million people is not tantamount to cowardice. Because we believe quiet tolerance is the only way to dispel enmity bred by confrontation. We will never negotiate under threat of attack, but we do not fear to negotiate. Our position is that dialogue will lead to the resolution of any issues between the two sides of the Taiwan Straits.

The Republic of China has always been a sovereign state. Disputes across the Straits center around system and lifestyle; they have nothing to do with ethnic or cultural identity. Here in this country it is totally necessary or impossible to adopt the so-called course of "Taiwan independence." For over 40 years, the two sides of the Straits have been two separate jurisdictions due to various historical factors, but it is also true that both sides pursue eventual national unification. Only when both sides face up to the facts and engage in dialogue with profound sincerity and patience will they be able to find the solution to the unification question and work for the common welfare of the Chinese people.

Today, I will seriously call upon the two sides of the Straits to deal straightforwardly with the momentous question of how to terminate the state of hostility between them, which will then make a crucial contribution to the historic task of unification. In the future, at the call of my country and with the support of its people, I would like to embark upon a journey of peace to mainland China taking with me the consensus and will of the 21.3 million people. I am also ready to meet with the top leadership of the Chinese Communists for a direct exchange of views in order to open up a new era of communication and cooperation between the two sides and ensure peace, stability and prosperity in the Asia-Pacific region.

My fellow countrymen: We in Taiwan have realized the Chinese dream. The Chinese of the 20th century have been striving for the realization of a happy, wealthy China and of Dr. Sun Yat-sen's "popular sovereignty" ideal. For 50 years, we have created in the Taiwan, Penghu, Kinmen and Matsu area an eye-catching "economic miracle" and achieved a world-acclaimed democratic reform. The Chinese who were regarded as dictatorial, feudalistic, penurious, and backward by Western countries one century ago have by now created in the Taiwan area a new land of democracy, wealth and progress, proudly enjoying enthusiastic recognition from the world. This stand for not just a proud achievement of our 21.3 million people; it marks a crucial departure for the Chinese people to rise again to a new height of glory. We believe that whatever is achieved by the Chinese in Taiwan can also be achieved by the Chinese in mainland China. We are willing to provide our developmental experience as an aid in mapping out the direction of development in mainland China. The fruits of our hard work can be used to assist in enhancing the welfare of million of our compatriots on the mainland. The Chinese on the two sides can thus join forces for the benefit of the prosperity and development of the Chinese nation as a whole.

My fellow countrymen: I wish to take this opportunity to express my heartfelt gratitude for the trust you have reposed in me. Today, I have accepted with humility and solemnity the office of the ninth-term President of the Republic of China at the swearing-in ceremony this morning. I fully understand the meaning of this office as well as the duties of this office. I pledge myself to the complete performance of my duties to the best of my power. I would never fail you. Meanwhile, I sincerely call upon all my fellow citizens to give me wholehearted, unselfish and patient support so that we may stride forward hand in hand into the 21st century. I am convinced that during the next century the Chinese people will be able to achieve the historic enterprise of peaceful unification and do their very part for the peace and development of the world.

May I wish the Republic of China continued prosperity and all the distinguished guests health and happiness. Thank you.•

THE CLOSURE OF PENNSYLVANIA AVENUE: A MATTER OF COMMON SENSE

• Mr. Pryor. Mr. President, there has been a lot of talk recently, both in Congress and in the media, about reopening the area of Pennsylvania Avenue directly in front of the White House that was closed due to security concerns. Reopening the street to commuter traffic sound good to drivers who are inconvenienced. But before we tear down security structures at any Federal facility we should step back and review recent events in Oklahoma City and New York. The security of Federal buildings has become a serious issue indeed, and when the lives of Americans are threatened we cannot afford to act politically.

About 1 year ago, Treasury Secretary Robert Rubin, whose department is charged with protecting the President, ordered the Secret Service to close Pennsylvania Avenue to vehicular traffic in front of the White House. His decision was not made precipitously but only after it was called for by the most comprehensive study of White House security in our Nation's history. That study, which was conducted by a body called the White House Security Review, determined that the threat of violent acts against the White House, and other Federal buildings, had grown much more serious over the last decade.

It does not take a big study to tell us that times have changed and that there is a greater threat to Federal buildings such as the White House. The World Trade Center bombing, the Oklahoma City bombing, not to mention the murder near CIA headquarters 10 miles from here, are ample evidence of the threat that domestic terrorism now poses in America.

Mr. President, all of us agree that the White House is the property of the public, that it should be as accessible as reasonable possible. But the White House Security Review clearly found that the threat to public safety from an open Pennsylvania Avenue far outweighed the inconvenience to commuters and sightseers in cars. After much consideration the Review concluded that it was, not able to identify any alternative to prohibiting vehicular traffic on Pennsylvania Avenue that would ensure the protection of the President and others in the White House complex from explosive devices carried in vehicles near the perimeter. These findings were endorsed by its independent bipartisan Advisory Committee, which included former Secretary of Transportation William Coleman and the former Director of the FBI and CIA, Judge William Webster.

According to every authorative study of the situation, restricting car traffic around the White House is more than reasonable. It is essential.

Many argue that Secretary Rubin's actions have had a negative effect on America's enjoyment of the White House. However, tours have continued as scheduled, and visitors can now enjoy walking and biking down Pennsylvania Avenue without danger of vehicular traffic. The White House is still the people's house and many would say that enjoyment has been increased by the evolving pedestrian mall.

Perhaps the strongest argument against closure of Pennsylvania Avenue in front of the White House is that it causes traffic problems for city motorists. While it is true that closure of this area has increased an already bad traffic problem, the Department of Transportation's Federal Highway Administration and the District of Columbia's Department of Public Works are examining short-term and long-term measures to reduce traffic problems in the city.

Again, inconvenience of drivers around the White House cannot take precedent over the safety of the public who visit the White House, the public servants who work in the White House and, of course, the President and his family. Our Government and society places a high value on human life and I think even the most anxious D.C. driver would not want their zeal to get around town to result in harm to another American.

It is also valuable to note that the creation of a pedestrian mall is consistent with President Washington's vision for the White House, and it is similar to a proposal that President and Mrs. Kennedy endorsed a generation ago.

Mr. President, Americans have long been known for their freedom, but I like to think Americans are also known for their common sense. While I realize that restricting access to any public building is not consistent with America's sense of freedom, I would argue that reopening Pennsylvania Avenue is contrary to our good common sense.

Mr. President, Secretary Rubin made a wise decision a year ago. He used his common sense and decided that closing Pennsylvania Avenue was the right thing to do. Let's not overrule his good judgment or jeopardize the people's house by reopening Pennsylvania Avenue.•

RECOGNITION OF CHISHOLM TRAIL ROUNDUP, FORT WORTH, TX

• Mrs. HUTCHISON. Mr. President, more than a hundred years ago, cattle drives made their way across the Texas plains toward the railhead of Abilene, KS, along what came to be known as the Chisholm Trail. Within a span of only two decades, the Chisholm Trail not only transformed settlements and towns, like Ft. Worth, into major centers of commerce, it also produced one of our Nation's most enduring folk heroes—the cowboy.

Since 1976, the Chisholm Trail Roundup has been held in the historic Stockyards District of Fort Worth, TX. The Roundup celebrates the Western spirit of adventure and perseverance and honors the cultures of tribe and Nation that forged a new way of life on the American frontier. From native American dances to cowboy gunfights, the roundup displays all aspects of frontier life and creates an atmosphere in which learning about our history and enjoying the festival come together.

As one of the country's largest annual festivals, the Chisholm Trail Roundup is nonprofit and benefits Western heritage organizations. For 3 days in June, Fort Worthians will gather once again to celebrate the city's rich heritage and to relive one of the most memorable times in American history.

As a Senator from the State of Texas, I would like to recognize the Chisholm Trail Roundup and its efforts to remind us of our pioneering heritage. I appreciate the thousands of hours of work that have gone into planning this year's event, and I am looking forward to many more roundups in the years to come.•

LARGE BINOCULAR TELESCOPE ON MT. GRAHAM IN ARIZONA

• Mr. INOUYE. Mr. President, I rise to express my serious concern with language contained in the final fiscal year 1996 appropriations measure which addressed the construction of the Large Binocular Telescope on Mr. Graham in Arizona, which is a sacred place to the Apache Nation and home to the endangered Mt. Graham red squirrel. The Apache tribal and religious leaders have urged the Congress and the administration to protect their historic holy land. They are joined by national Native organizations and by a broad cross-section of the religious and environmental communities internationally. I am also troubled that because there has been no hearing in the Congress on this matter, the Apaches have not been afforded an opportunity to be heard on this important matter of religious freedom.

It is my understanding that the administration has stated its position that construction should not proceed until and unless there is full compliance with standard environmental and cultural reviews. This position is consistent with the recent ruling by the Ninth Circuit Court of Appeals, and it would appear that the language addressing Mt. Graham telescope contained in the appropriations Act is not contrary to this position. I can only assume that the administration and many of my colleagues who have concerns both for the environment as well as Native American rights have not insisted on the removal of this language because they also read it as allowing for the customary environmental and cultural reviews to be completed before construction on the telescope is allowed to proceed.•

SALUTE TO ELIZABETHTON AND CARTER COUNTY ECONOMIC DEVELOPMENT COMMISSION

• Mr. FRIST. Mr. President, today, I would like to commend the city of Elizabethton and Carter County, TN, for their innovative work in helping attract businesses and residents to their community through the use of the Internet. Last November, the Elizabethton and Carter County Economic Development Commission established a World Wide Web home page to provide corporations looking to relocate or select sites for expansion with instant access to the information they need on this region in upper east Tennessee.

The Elizabethton and Carter County Community Profile is an online listing that offers viewers demographic information on the area, including labor statistics, tax rates, education levels, population, housing data, types and availability of transportation, and locations of business complexes and industrial parks. It encompasses more than 120 pages of detailed community and economic information for consultants, site selection, real estate and corporate executives throughout the world and is a fine example of how advanced technology can aid in the growth and development of every American city.

As a physician and a U.S. Senator, I know firsthand how useful the Internet has become in the last few years. When I was a heart transplant surgeon in Nashville, I considered access to the Internet as vital to my work as any surgical instrument because it allowed me to obtain up-to-the-minute information on the latest medical techniques and procedures. It also allowed me to communicate easily with my colleagues in transplant surgery throughout the country and across the globe.

Since coming to the U.S. Senate, I have found a new use for the Internet—constituent communications. My World Wide Web home page—the first established by a Republican Member of Congress—now allows Tennesseans to view legislation that I have introduced, as well as my press releases, flow statements, biographical information, committee assignments, and voting record with the click of a mouse. And I am able to communicate via e-mail with thousands of Tennesseans and Americans who contact my office through my home page seeking further information on specific issues. The Internet has revolutionized the way my Senate office functions.

In much the same way, the information superhighway is revolutionizing the way companies do business and the way cities and counties approach economic development. Mr. President, Elizabethton and Carter County are on the frontlines in this revolution. There are many much larger cities that will have to struggle to obtain the technological advancements that have been made in this community. Mr. President, I commend the Elizabethton and Carter County Economic Development Commission for their foresight, innovation and creativity, and I look forward to seeing other cities and counties follow Elizabethton's and Carter County's lead.•

WHY DO WE CALL TAXES A BURDEN

• Mr. PELL. Mr. President, there is a commonly held belief abroad in the land that all taxes are inherently burdensome. This is implicit in an event recently noted, known as "Tax Freedom Day." I was moved to ponder this matter after reading an article in The Washington Post, entitled "Why Do We Call Taxes a 'Burden'?" by Professor Rashi Fein. Professor Fein makes the point, most excellently, that our language shapes our actions.

A "burden" is by definition oppressive. Our facile use of the term in connection with our taxes thereby encourages us to act to ease those taxes. By such thinking, in fashioning a budget resolution, all manner of actions become justified. Let us jettison support for Medicare, Medicaid, Social Security, hiring of police officers, heating assistance to the poor, protection of our environment, education loans, United States humanitarian operations, civilian and military retirement pensions, national defense, prosecution of drug smugglers, and Amtrak. Thus, so this form of reasoning goes, will our "burden" be lifted. Yet who among us would not assert that some, if not all of the aforementioned programs are worthy in motive and intent, albeit perhaps not flawless in execution?

Professor Fein posits that the weighing of appropriate tax and expenditure policies is difficult when our language encourages us to think of our taxes as burdens not connected to the benefits we derive from them. Police protection, clean air and water, an educated populace, and a strong national defense benefit each and every one of us. Moreover, Federal entitlements—benefits citizens are entitled to collect if they meet certain demographic or income definitions—reach 49 percent of U.S. households, including 39 percent of families with children and 98 percent of the elderly.

As a moral proposition, we must be careful of our words, for our words become our actions. And, as the adage goes, actions become character, and our character becomes our destiny. In considering amendments to the budget resolution, let us not join in vying to reduce our tax "burden" lest our destiny become a society "less organized and less civilized."

Mr. President, I ask that the article entitled "Why Do We Call Taxes a Burden'?" be printed in the RECORD.

The article follows.

[From the Washington, Post, May 17, 1996]

WHY DO WE CALL TAXES A 'BURDEN'?

(By Rashi Fein)

I learn a lot watching C-SPAN. The other night, one of Washington's leading economists was asked about using the tax system to help reduce environmental damage. The response? It certainly would be difficult, because it would increase the "tax burden."

"Tax burden" is a phrase with which we are all so familiar that we don't stop to think what it means—nor what it implies. At first blush it seems value-free. But plainly a "burden" is something to be lifted. We don't refer to the monies we spend on movies, popcorn, milk or shoes as "burdens." We refer to them—and think of them—as expenditures, some (movies and popcorn) optional, others (food, shoes) necessary. We don't speak of our "consumption burden." Why, then, a "tax burden"?

Is it that our tax payments are not optional but our food expenditures are? That can't be it: We have to buy food. We can choose between steak and hamburger (or yogurt and tofu), but we can't choose between eating and starving. Indeed, the penalty for not eating far exceeds the penalty for nonpayment of taxes. yet we do not speak of the "food burden."

More likely, we think of taxes as a burden because we're not quite certain what it is we're buying when we pay them. We miss, somehow, the connection between our tax dollars and the fire protection, the highways, the security against foreign powers and the biomedical research that our dollars buy. The problem is that few of the benefits we derive can be seen, touched or smelled. Moreover, the benefits we derive from government expenditures most often accrue to everyone; they do not come packaged in discrete units—this box of defense for me, this piece of highway for you.

And many of us assume that we'd continue to get whatever it is we're getting from government even if we didn't pay our taxes. Without spending our dollars, we'd have no milk on our tables, but we can't really imagine that schools and roads would disappear if you and I didn't buy them with our tax dollars. Clearly, government doesn't determine how many potholes to fill only after it deposits our tax dollars. If I don't buy that book, that restaurant meal, that aspirin—or if I cheat on my taxes—does government really subtract from the pothole-fixing budget or the salaries of judges? That's a tough connection to make—but without that connection, my taxes come to seem irrelevant, hence unnecessary, hence a "burden."

Of course, no government program would suffer if you or I consumed less (and thus paid less in sales tax) or if I cheated on my return (and thus paid less in income tax). But if you and I both underpaid, everyone else would have to pay more. And it surely stretches language beyond acceptable usage to call not taking advantage of one's neighbors a "burden."

Burdens are by definition oppressive, and our facile use of the term in connection with our taxes thereby encourages us to do everything we can (within the law) to ease them. Cheating on our taxes comes to seem acceptable (at least understandable), even though tax evasion is precisely analogous to shoplifting. If we take fire protection, guarantees on educational loans, clean air and water but fail to pay for them, we are stealing.

Our language shapes our attitudes. To weigh appropriate tax and expenditure policies in difficult when our language encourages us to think of our taxes as burdens not connected to the benefits we derive from them.

Some weeks ago, I received a brochure encouraging me to open an IRA. In that brochure, a 1040 tax return was labeled "pain," while the application for an IRA was labeled "pain killer." By implication, taxes (like pain) are to be avoided. By implication, I can continue to enjoy the benefits of government expenditures without paying for them.

We can debate "value for money," the wisdom of particular government policies, programs and expenditures. We can argue as to whether we're spending too much here, not enough there. But that debate is distorted if we enter it with the view that any government expenditure—which means my tax dollar—is inherently burdensome.

I feel as I do because I remember what Justice Holmes wrote in 1904: "Taxes are what we pay for a civilized society" and what Franklin Delano Roosevelt said in 1936, "Taxes, after all, are the dues that we pay for the privileges of membership in an organized society."

Now, at century's end, our economists tell us taxes are a burden, and our pension funds tell us taxes are a pain. Is it any wonder that our leaders vie to reduce the burden and the pain, even if in so doing our society becomes somewhat less organized and less civilized?•

GEORGIA O'KEEFFE COMMEMORATIVE STAMP

• Mr. BINGAMAN. Mr. President, today, on the historic plaza in Santa Fe, New Mexico, the United States Postal Service will unveil the Georgia O'Keeffe "Red Poppy" Commemorative Stamp. This stamp is a culmination of the work of many people to bring special recognition to the artist who is considered one of the foremost American artists of the 20th Century.

Although a native of Wisconsin, Miss O'Keeffe has been closely identified with New Mexico for nearly 70 years through her life and work. We are exceptionally proud of the fact that her love of our landscape was so wonderfully realized in her paintings.

Miss O'Keeffe found endless fascination in the bleached bones that dot the New Mexico deserts. The intense colors of common flowers, the vastness of the sky and the shape of the hills all were sources of profound inspiration. Her art expressed her vision. Because of her work, we can have a glimpse of what she saw.

When Georgia O'Keeffe died in Santa Fe on March 6, 1986, her work remained as a lasting testament to her talent and grace. She, like her work, was an American original, and I am very glad that the U.S. Postal Service has chosen to honor her in this way.•

TRIBUTE TO JOHN LIEBENSTEIN, SLAIN RICE COUNTY DEPUTY

• Mr. WELLSTONE. Mr. President, I rise to pay tribute to a very brave man, to Deputy John Liebenstein, 40, a nine year member of the Rice County Sheriff's Department in Minnesota.

Deputy Liebenstein sacrificed his life on May 3, 1996 in the line of duty. He was killed when a suspect, allegedly driving a stolen car, rammed his unmarked squad car on a freeway exit, following a high speed chase by police over forty miles through three counties.

It is a tragedy when any policeman falls in the line of duty. However, Deputy Liebenstein's untimely death had an immediate impact on the citizens of his tightly-knit Minnesota community.

John was a fine law enforcement officer who dedicated his life to defending the peace. Therefore, it was fitting when Governor Arne Carlson ordered all state flags to be lowered to half-staff in his honor.

Deputy John Liebenstein was also a loving husband, and a wonderful father. I extend my deepest, most heartfelt sympathy to his devoted wife, Jean and his three children.

He leaves a rich legacy of protecting the lives and property of his fellow citizens, and we will never forget this gallant man.•

HONORING THE LANGLEYS CELEBRATING THEIR 50TH WEDDING ANNIVERSARY

• Mr. AKAKA. Mr. President, I am delighted today to honor Norton and Joan Langley of Honolulu, Hawaii, who will celebrate their 50th wedding anniversary on May 28, 1996. The commitment to marriage is a solemn one, and the desire to remain united for half a century is laudable.

The Langleys met while teenagers and were married in 1946, after Norton returned from World War II with two Purple Hearts. In 1957, they traded life in San Francisco for Honolulu where they opened the first of their clothing stores, Casual Aire of Hawaii. Their flagship shop, located in the lovely Hilton Hawaiian Village Hotel in Waikiki, was featured in the opening shots of the first television series produced in Hawaii—"Hawaiian Eye."

Two of their three children continue to reside in Honolulu where son, Larry, and daughter, Jodi, operate Casual Aire. Their eldest daughter, Nanci, resides in Virginia, and is a valued member of my staff. I wish this happy family all the best and congratulate them on the strength of their family ties.•

ON THE EVE OF RUSSIA'S PRESIDENTIAL ELECTIONS

• Mr. PELL. Mr. President, since the Soviet Union broke up in December 1991, Russians have undergone five very painful years of political and economic transition. Life is difficult and uncertain for many average Russians. In Russia's most recent elections, held last December, Communists gained control of the Russian legislature and pro-reform parties were marginalized. Earlier this year, that Parliament voted to abrogate the treaty which disbanded the Soviet Union. While rejecting the Parliament's vote, President Yeltsin is nevertheless pursuing closer ties with its former Soviet neighbors. President Boris Yeltsin has also made several key personnel changes in the last few months, dismissing some of the key reformers. War continues to rage in Chechnya. At the same time, Russia has agreed to adhere to stringent economic requirements to continue to receive funding from International Monetary Fund.

Against this backdrop, on June 16, in less than a month, Russians will go to the polls to elect a President. Whatever the outcome, this election will have profound implications for the course of reform in Russia, the future of democracy in Central and Eastern Europe and the former Soviet Union, the development of United States-Russian relations, and in fact, global stability.

I fear that we are not giving enough thought and attention to what is taking place in Russia and particularly to how the impending election might affect United States-Russian relations. Accordingly, majority and minority staff members of the Foreign Relations Committee were recently tasked with visiting Russia to get a sense of the issues and the candidates in the lead-up to the elections. They have prepared a report based upon their visit which I would commend to my colleagues.

The report makes no predictions about the outcome of the election. Rather, it presents some of the issues confronting the candidates and the electorate, including economic and key foreign policy issues. I would ask that the report summary be placed in the RECORD at the end of my remarks.

The bottom line is that no one can predict what will happen in Russia in the coming weeks and months. I believe, however, that it is important to be as informed as possible about developments in Russia so as to avoid uninformed or knee-jerk reactions to events there. I believe the committee staff report makes a useful contribution to the discussion.

I am pleased to note that the staff trip was conducted and the report was written on a bipartisan basis. I would like to thank Senator HELMS and his staff for the high level of cooperation they have offered on this venture. I know that we share the goal of supporting continued reform in Russia, and as Russia heads into a period of uncertainty, I am hopeful that we can continue to work together to promote that goal.

SUMMARY OF KEY FINDINGS

On June 16, 1996, the Russian Federation will hold Presidential elections. By any estimation, this election—just over a month away—will have profound implications for the course of reform in Russia, the future of democracy in Central and Eastern Europe and the former Soviet Union, the development of United States-Russian relations, and in fact, global stability. No clear favorite candidate has yet emerged.

The Russian presidential election comes in the wake of five very painful years of political and economic transition. Ironically, just as the Russian economy shows evidence of imminent growth, the Russian electorate's hostility to reform and pro-reform candidates is peaking.

The Russian people appear to fear change more than they dislike President Boris Yeltsin. However, voter discontent runs deep and nostalgia for the better, more stable and predictable times, whether based on reality or not, is the order of the day. Many equate democracy with a breakdown of order, rampant crime and corruption, and oppression by the mafia.

At this point, it appears that the Communist candidate, Gennadiy Zyuganov, has the largest amount of support among the electorate. Zyuganov has a chameleon-like ability to tailor his message to a particular audience. It is, therefore, difficult to distinguish his true beliefs from his campaign rhetoric, and by extension to predict how the Communist Party, if it captures the Presidency, would manage the Russian economy, political system, and foreign policy.

Many in Russia conclude that an electoral victory by the Communists would inevitably result in dictatorship. Such fears may not be overblown: anecdotal information indicates that some reformers are keeping their exit visas current through the presidential election. The gloomier analysts even predict a prompt reopening of the gulags and the reemergence of political trials.

Two trends in the Russian economy may serve to sustain market reforms in Russia even if an anti-market candidate is elected President. The first is the growing base of small businesses. The second is the increasing flow of economic power to the regions.

President Yeltsin has predicted that he will prevail in the first round of the June 16 election, gathering enough of the vote to win the election outright. While such an outcome is nearly impossible, Yeltsin is widely viewed as a likely second place finisher—which is sufficient to get him into the run-off.

While President Yeltsin's core supporters within the electorate are outnumbered by those committed to the Communists, it is widely believed that he has much more opportunity to broaden his support as the campaign wears on.

Vladimir Zhirinovsky must be considered a serious contender if for no other reason than that he has consistently exceeded the expectations of most analysts. While he is reviled by most opponents, Zhirinovsky has a loyal, if somewhat fractious electoral base. His high negative rating makes his chances of victory near impossible. A widely split vote among pro-reform candidates, however, could propel him into the second round, thereby creating the nightmare scenario for Russia's democratic reformers: a runoff between Zyuganov and Zhirinovsky.

Grigory Yavlinsky considers himself to be the last, true democratic reform leader in Russia. Certainly, he is the last democrat with anything resembling a popular constituency in Russia today, although many question whether his popularity extends much beyond Moscow and St. Petersburg.

The key to Yavlinsky's electoral strategy is to build a coalition—the so-called "third force"—with fellow candidates Svyatoslav Fyodorov and General Alexandr Lebed. The three—all of whom have collected the necessary one million signatures to be listed on the ballot—have tentatively agreed to support the most popular among them. The problem is that each of the three believes himself to be that person.

Aside from the campaign performance of the various candidates for the Presidential election, other factors which may influence the outcome include voter turnout and the ever present threat of fraud. Even if the June election is relatively fair, charges of fraud will likely be made by those who fail to make the second round.

Russian politicians readily admit that foreign policy will not play a major role in the upcoming presidential election campaign. That being said, Russia's identity and role in the world is a theme that all candidates are exploiting—and to which voters seem to be responding.

Given the resonance that nationalist themes have among the electorate, it is not surprising that the current government is emphasizing Russian integration with other countries of the former Soviet Union, rethinking its relationship with the United States, and opposing NATO expansion.

Russian officials go to great lengths to emphasize that the government is pursuing integration with its neighbors as distinct from reintegration. According to these officials, the distinction is that reintegration would imply a reimposition of a command economy and reestablishment of the Soviet Union, while integration implies a voluntary relationship on the model of the European Union.

After the break-up of the Soviet Union in December 1991, there was general euphoria in Washington and Moscow about the prospects for a United States—Russian partnership on a wide range of foreign policy, arms control, and other issues. By 1994, however, several events had occurred which collectively served to dampen enthusiasm in both capitals about the prospects for close United States-Russian cooperation.

Both Washington and Moscow had unrealistic expectations about the possibilities for United States-Russian relations. Still, many Russians, while readily admitting that things had changed, are reluctant to abandon the notion of a Russian-United States partnership—particularly on issues of mutual interest such as arms control and the fight against organized crime and terrorism.

Even those who admit to a cooling in relations with the United States point to United States-Russian collaboration in Bosnia as a success story and a model for future cooperation. Given previous United States-Russian divisions over Bosnia—with the Russians traditionally taking positions sympathetic to the Serbs—Russian satisfaction with the current IFOR arrangement is particularly noteworthy.

While Russian officials continue to voice their opposition to NATO expansion, their arguments are often contradictory and muddled. It is difficult to gauge whether apparent Russian apprehensions are genuine or calculated.

Russian officials offer an unapologetic though naive defense of Russia's relationship with Iran. They regard Russia's relations with Iran as normal, and perceive Iran neither as enemy nor ally. Russian officials completely dismiss suggestions that Iran may use technology acquired from Russia to develop a nuclear weapons program.

Russian foreign policy analysts are divided over whether close relations can be forged with the People's Republic of China. Nonetheless, despite this skepticism, many endorse expanded cooperation with China as a useful counterbalance to the United States on issues such as NATO expansion.•

TRIBUTE TO LT. COMDR. STEPHEN P. METRUCK, U.S.C.G.

• Mr. KERRY. Mr. President, I want to take this opportunity to express my sincere thanks to Lt. Comdr. Stephen Metruck who has served as my legislative assistant for oceans and fisheries issues for the past 2½ years.

Steve has done an outstanding job and has honored himself and the Coast Guard with his dedication and quiet dignity. His talents and the depth of his knowledge brought a unique perspective on the issues on which he advised me, and he will be missed. I know that the Coast Guard needs to retain officers with his experience and capability and Steve's dedication to the Service compels him to return to the field, but I would welcome his permanent service in my office. Our loss is the Coast Guard's gain, and Steve will be leaving my staff shortly to return to serve as the Executive Officer of the Coast Guard Marine Safety Office in Buffalo, NY.

Steve came to my staff on detail from the United States Coast Guard to assist me with my work on the Senate Commerce Committee Subcommittee on Oceans and Fisheries. As Ranking Member of that Subcommittee—and in my prior role as Vice Chairman of the subcommittee's predecessor, the National Ocean Policy Study—I had planned to sponsor a number of important legislative measures including the reauthorization of the Magnuson Fishery Conservation and Management Act and was pleased to gain someone with Steve's experience and expertise in marine safety and environmental policy.

For over 2½ years, Steve has been a crucial part of my legislative team. I have come to rely on his expertise in Coast Guard, marine, coastal and fisheries issues. As we all know around here, it is critical to have staff that can produce high quality work under short deadlines and with constantly shifting priorities. Steve was a master juggler. He was a quick study and in short order he began to work closely with Committee staff where he helped draft several bills and amendments, including the omnibus rewrite of the Magnuson bill as well as innumerable floor statements, memos and letters.

Another key aspect for any staff in my office is to provide courteous and helpful constituent service. Steve demonstrates an amazing ability to be sensitive yet fair to all parties involved in an issue. I believe that most of my constituents—fishermen, coastal residents, environmental activists and others—who he has served would agree that he is always extremely helpful and treats everyone equally and with respect.

As he leaves to continue his duty with the Coast Guard, I join the members of my staff and everyone who has had the pleasure to work with Steve Metruck during his time in the United States Senate in wishing him well in his service. I know Steve will continue to honor his uniform, his country, and his family with the decency, intelligence, and integrity he brought to his service on my staff. He is to be commended for his deep and abiding belief that we must do everything we can to responsibly protect and preserve the environment. Good luck, Lt. Comdr. Stephen P. Metruck, and thank you for a job well done.•

CONGRATULATING THE UNIVERSITY OF NORTH DAKOTA FLYING TEAM

Mr. CONRAD. Mr. President, I would like to offer my sincere congratulations to the men and women of the University of North Dakota Flying Team, who recently captured their third consecutive national championship at the National Intercollegiate Flying Association's 48th annual Safety and Flight Evaluation Conference in Daytona Beach, FL.

The championship places an emphasis on safety, and is comprised of nine different events that test a variety of aviation skills, both on the ground and in the air. In addition to scoring an overall win, UND was first in combined scoring for the five ground events, and second in the Judges Trophy, which is awarded on the basis of a team's overall depth.

A national championship is clearly a tremendous accomplishment, and I commend each and every member of the team. Although a significant achievement, I want my colleagues to know that this is only the most recent triumph for what has been without question the most successful NIFA team in the country. This year's national championship is the UND Flying Team's tenth in the last twelve years, and the fifth for retiring team coach John Bridewell.

This victory was a team effort from start to finish, but several individuals deserve special recognition. Mike Smieja placed first in Aircraft Recognition, the fourth time he has won that event at the national tournament. Larry Freer was another repeat winner, taking first place in Simulated Comprehensive Aircraft Navigation (SCAN) for the second consecutive year. Freer also placed seventh in Simulator Flying. Robert Shaw captured second place in Computer Accuracy, and Susan Bailey took home second place in the message drop, in her very first competition.

This victory and the women and men who made it possible are a credit to the university and UND's Center for Aerospace Sciences, an internationally recognized center for aerospace learning. I am proud of every member of the team, and offer special congratulations to coach Bridewell, who is ending his distinguished tenure with yet another championship. Every member of the team and coaching staff deserve recognition, and I am pleased to submit a complete list for the RECORD.

The list follows:

1996 UND FLYING TEAM

Team Members: Bill Bailey (senior, Rogers, MN), Susan Bailey (sophomore, Sutton, ND), Shannon Bengeyfield (sophomore, Dillon, MT), Chris Farmer (co-captain, senior, Bluefield, WV), Larry Freer (junior, West Palm Beach, FL), Mike Galante (co-captain, senior, Champlin, MN), Brian Jackson (junior, Sioux Falls, SD), Joshua Kendrick (senior, Lino Lakes, MN), Aleah Longshore (sophomore, Settler, Alberta, Canada), Robert Shaw (senior, Naperville, IL), Mike Smieja (senior, Wells, MN), Juliana Stops (sophomore, Buffalo Grove, IL), and Chris VanGinkel (senior, Maurice, IA).

Coach: John Bridewell.

Assistant Coaches: Drew Avery, Spencer Henderson, Jim Higgins, Mark Johnson, and Al Skramstad.

Mr. BOND addressed the Chair.

The Senator from Missouri is recognized.

(The remarks of Mr. BOND pertaining to the introduction of S. 1816 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

ARTS, LETTERS, AND POLITICS

Mr. MURKOWSKI. Mr. President, I thank the Chair. An interesting fund-raising letter came to my attention. It was written by actress Priscilla Presley, Elvis Presley's former wife.

Accompanying the letter was another from actor, Robert Redford.

These letters are promoting a special evening of "Arts, Letters and Politics" in Beverly Hills benefiting a group called "Americans for a Safe Future."

During this special star-studded evening, there will be a lavish reception, followed by a "program of celebrity prose and poetry readings" by movie stars Ed Harris and Amy Madigan. The Master of Ceremonies will be Ed Begley, Jr.

Other names on the letterhead include such Hollywood luminaries as rock star Don Henley and TV producers Gayle Hurd and Gary Goldberg.

For as little as $250 or as much as $5000, one can attend this glittering fund raising event at the beautiful Chateau Marmont in Beverly Hills.

The letter goes on to note that proceeds from this fund raising event will benefit Americans for a Safe Future and "its continuing efforts to protect our environment, our children, and our future from radioactive contamination."

Well, Mr. President, I want to protect our environment, our children, and our future from radioactive contamination.

We all do.

But I will not be making a contribution to this group.

I will not be sending a check.

I will not be going to Beverly Hills to listen as movie stars read poetry.

Because this group is on the wrong side of the environment, Mr. President.

They are actually opposing what they claim to uphold.

While these movie stars claim to be protecting our children from radioactive contamination, their efforts are inadvertently exposing our children to radioactive contamination.

I am not suggesting that these movie stars want to do this because of a lack of intention.

I am sure they are well meaning. I am certain they think they are doing the right thing.

But they are misinformed, and they are harming those they really want to protect.

"Americans for a Safe Future" claim they are protecting the Colorado River from the low-level radioactive waste facility planned for Ward Valley in the Mojave Desert.

If the Ward Valley site is built, they say radioactivity from Ward Valley will leak into the Colorado River.

Robert Redford says so.

Ed Begley, Jr. says so.

Priscilla Presley says so.

Don Henley says so.

That is all some people need to hear to reach for their checkbooks and take up the cause.

Sadly, some are content to get information about radioactive waste and desert hydrology from rock singers and movie stars, even if prominent and distinguished scientists say otherwise.

I want to refer to this chart, because it speaks for itself. There are the Hollywood movie stars, and here are the scientists who risk their reputation in saying that Ward Valley is unlikely to leak radioactivity into the Colorado River. Where are you going to put this waste? Nobody wants it. California has met the Federal laws that we set up to allow them to do it. This is the site the National Academy of Sciences has recommended, and here we are listening to movie stars raising money that it will not be there, but they do not propose to put it anywhere.

Mr. President, I believe we ought to listen to geologists and hydrologists when the subject is radioactive waste and desert hydrology, and we ought to listen to movie stars when the subject is, well, movies.

Sadly, the activism of movie stars has temporarily eclipsed the findings of scientists.

Secretary Babbitt is ignoring the National Academy of Sciences report that he himself commissioned and the taxpayers paid for—and we are at an impasse today.

And because of that impasse, low-level radioactive waste is piling up at 800 sites around California, including most major colleges and hospitals.

Some of the sites are in densely populated areas, vulnerable to accidental radioactive releases from fire, flood or earthquake.

"Americans for a Safe Future" are headquartered in Santa Monica, according to their letterhead. I asked my staff to review the 2,106 radioactive materials licenses in California, and they quickly found 13 in Santa Monica. There are 432 in Los Angeles County. And yes, some are even in Beverly Hills.

Do these activists and movie stars know that radioactive waste is piling up in California neighborhoods, hospitals and college campuses, because they are standing in the way of a facility in the remote and unpopulated desert?

Do they know that fire, earthquake or flood could result in a release of radioactive materials from these sites?

Are they suggesting we halt cancer treatment or AIDS research that uses radioactive materials?

Mr. President, these activists and movie stars may be sincere, but they are sincerely wrong. They do not realize the effect of their activism. They are endangering the environment and their communities while they intend to do the opposite.

Mr. President, like most Americans I like to go to the movies and see talented actors and actresses practice their craft.

And as talented as these actors and actresses are, the are not experts in the field of hydrology or radioactivity.

Nor am I. That is why I rely on experts. And the experts of the National Academy of Sciences have spoken.

Ward Valley is safe. Let us get the waste out of populated neighborhoods, and out to a monitored site in the remote desert where it belongs.

I urge these movie stars who lend their names and talents to these causes to examine the facts and the scientific evidence about Ward Valley, and to reconsider their actions.

I know that they want a safe future. We all do.

But I do not believe we need to trade a safe present to achieve that goal. A single, licensed, monitored disposal site at Ward Valley will not only result in a safe future—but it gets the waste being stockpiled in hospitals and college campuses out of our neighborhoods and away from our children today.

I urge my colleagues to cosponsor a bipartisan bill Senator JOHNSTON and I have introduced to end the impasse: S. 1596, the Ward Valley Land Transfer Act.

Let us listen to science, and end this stalemate.

Thank you, Mr. President. I yield the floor.

I see other colleagues seeking recognition.

I wish you a pleasant recess, Mr. President.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

THE VOID IN MORAL LEADERSHIP—PART X

Mr. GRASSLEY. Mr. President, last week, attorneys for the President of the United States filed an appeal with the Supreme Court to delay the sexual harassment lawsuit filed against him by Paula Jones. Ms. Jones is a former Arkansas State employee.

The President's strategy is to try to delay the lawsuit until after he leaves office. among the reasons he cites for the need for delay is the Soldiers' and Sailors' Civil Relief Act of 1940. This law lets those who serve in the military postpone civil litigation until the subject's completion of active duty military service.

Columnist Maureen Dowd writes about this issue in this morning's, New York Times. She says it is a move "that marks a new level of chutzpah in American politics." She says, "As a society, we haven't preserved our sense of shame. But Bill Clinton is doing his best to preserve our sense of shamelessness."

Why is this? Ms. Dowd goes on to explain: "* * * Mr. Bennett (the President's attorney in the case) is getting paid too much to make the hideous mistake of reminding the public of one of Mr. Clinton's improvidences (his maneuvering on the draft) in defense of another (his wandering eye)." That is a quote from Maureen Dowd's column in today's issue of The New York Times.

In a "Dear Colleague" letter dated May 21, BOB STUMP, the chairman of the House Committee on Veterans Affairs, also addressed this issue of the President allegedly serving in the armed forces. Mr. STUMP, I might remind my colleagues, was once a member of the President's own party. Here is what Mr. STUMP says, speaking about the President's use of the 1940 act:

> This ignoble pleading is a slap in the face to the millions of men and women who either are serving on active duty, or have served on active duty in the armed forces of the United States. In 1969, President Clinton ran away from his military obligation, dodging the draft, claiming that he 'loathed the military.' Now, President Clinton by claiming possible protection under The Soldiers' and Sailors' Civil Relief Act, makes a mockery of the laws meant to protect the honorable men and women who serve their country in the armed forces of the United States.

Mr. President, I have given a series of statements on this floor regarding the President's absence of moral leadership for this country. I have been very specific about when he has failed to set a good example for those he serves and leads. I have been specific about how he says one thing and does another.

I think moral leadership, from my definition, is doing what you say you are going to do.

This is yet another example—this use of the Soldiers' and Sailors' Civil Relief Act of 1940—where the President of the United States, albeit a citizen, is indeed the Commander in Chief, but he probably is not doing what the intent of the law is. The Constitution empowers him, of course, to be their leader.

With that power, he has responsibilities. Responsibilities to set the best possible example for those in the military.

The U.S. Navy has recently undergone enormous public criticism. One of the most damning incidents was sexual harassment associated with Tailhook. Congress and the public have put great pressure on the Navy to assign responsibility and accountability for that outrageous behavior. Admirals and captains could not hide behind loopholes, helped by clever lawyers, to avoid accountability. They had to face trial, and take responsibility for their actions.

In his appeal to the Supreme Court, the President would like to avoid taking that responsibility. What kind of message does that send to the men and women he leads as Commander in Chief?

Is not the mark of a true leader one who would do the same that he asks of those he leads? How can a leader have one standard for himself and another for everyone under him—a double standard? Is this setting a good example? Is this leadership? And what kind of military would we have if our officers chose to follow their leader, in this case the Commander in Chief, and avoid responsibility in the same way? Well, of course, you know the answer. The integrity of the military would be severely compromised.

Mr. President, this is a good illustration of why moral leadership in a President is so important, just as Franklin Delano Roosevelt observed. I have quoted him so many times on this floor in this series of speeches that I am not going to quote him again, but FDR laid out very clearly that if there is anyplace you are going to question a President, it is his moral leadership. In this President, there is a fundamental lack of moral leadership.

It has a corroding effect on the public's trust in their Government and authorities. It breeds cynicism. That is my great fear, and that is why I have reluctantly taken the floor recently with my observations about the President not doing what he said he would do.

I yield the floor.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER (Mr. BENNETT). The Senator from North Dakota.

CRITICIZING THE PRESIDENT

Mr. DORGAN. Mr. President, I must observe before I speak briefly about what I intend to speak about, the Senator from Iowa does not seem so reluctant; he says he reluctantly takes the floor, and he certainly has been persistent, and today at least he has taken the floor criticizing the President for what he has not done.

The minority leader just finished reading the statement in the Chamber that describes accurately the circumstances of the filing on behalf of the President, and it categorically rejects the assertions just made by the Senator from Iowa. But it is an even-numbered year. We all know what that means. And being President certainly means you are subject to criticism. I understand that, as do others who serve in public office. I believe the American people understand all of us have things about us that are positive, things that are not so positive perhaps. None of us are perfect.

This President, like President Bush and President Reagan, President Carter and others before them, I suspect, resides in the White House trying to figure out how to do the best job he can to move this country forward and serve the best interests of this country.

It is easy to be critical. I hope all of us would understand that the job of the President of the United States is a tough job. It is tough for Republicans and tough for Democrats. This is a country with a lot of good and a lot of opportunity, and I hope all of us can work together to help this President and future Presidents realize that opportunity.

NATIONAL MISSILE DEFENSE

Mr. DORGAN. Mr. President, I take the floor to say that it appears to me we may be talking about National Missile Defense or the Defend America Act very soon. Perhaps it will even be laid down before we finish tonight so there is a cloture vote when we come back. I am not sure.

I want to observe—and I have done this for years that I have been in Congress—that we just finished a budget in which there was a lot of talk about reducing the Federal deficit, the need to reduce Federal spending, and the Defend America Act, or the National Missile Defense Program, is a program, according to the Congressional Budget Office, that just to build—not to operate, just to build—will cost between $30 billion and $60 billion. Now, the operational costs will be much, much greater than that.

It seems to me the funding question ought to be posed and ought to be answered by those who bring a spending program to the floor of the Senate that says let us spend up to an additional $60 billion more on a program that I do not think this country needs because the National Missile Defense Program, or the Defend America Act, will not truly be an astrodome over our country that will defend us against incoming missiles. It presumes that we should build a defense against ICBM's in the event a rogue nation would launch an ICBM with a nuclear tip against our country, or in the event there is an accidental nuclear launch against our country.

Of course, a nuclear device might very likely come from a less sophisticated missile like a cruise missile. We have thousands and thousands and thousands of cruise missiles proliferating this world. They are much easier to get access to. A nuclear-tipped cruise missile is a much more likely threat to this country than the ICBM, or perhaps a suitcase and 20 pounds of plutonium and the opportunity to turn it into a nuclear device, or perhaps a glass vile no larger than this with the most deadly biological agents to mankind.

Of course, we will spend $60 billion on a star wars program, at the end of which it will be obsolete and will not protect this country against that which we advertise we need protection.

We had an ABM system built in North Dakota. Billions and billions of dollars in today's money went into that in northeastern North Dakota. It was declared mothballed the same month it was declared operational. In other words, the same month they declared operational a system which they said we desperately needed they decided would no longer be needed, and it sits up there as a concrete monument to bad planning. It was an expenditure of the taxpayers' money that, in my judgment, need not have been made.

Now we are told that we have the need for a national defense program, or Defend America Act, of some type that will defend us only against a very narrow, limited threat, not a full-scale nuclear attack from an adversary, because it will not defend us against that, will not defend us against a nuclear attack of cruise missiles. It cannot do that. It will not defend us against a nuclear attack by a terrorist nation putting a nuclear bomb in a suitcase in the trunk of a Yugo car, a rusty old Yugo at a dock in New York City. But we are told $60 billion to build and how many tens of billions of dollars to operate is what is necessary.

I say to those who will bring that to the floor, while you do that, please bring us a plan telling us who is going to pay the tax to build it. Where are you going to get the money? Who is going to pay the tax? And then describe why that is necessary and the fact when you get done you have not created the defense for America you say you are going to create.

There are many needs that we have in this country in defense. Many remain unmet. This kind of proposal ranks well down, in my judgment, in the order of priorities. If it is technologically feasible to be built to protect this country, it ranks well down in the order of priorities. My hope is that we will have a full, aggressive, interesting debate on this because it is not a debate about pennies. It is a debate about a major, sizable spending program, new spending program at a time when we are trying to downsize and at a time when we are talking about the need to control Federal spending.

Those who bring this to the floor of the Senate have an obligation to tell us how it is going to be paid for. The announcement of this so-called Defend America Act was made at a press conference recently, and the question was asked: Where do you get the money for this? And the answer at the press conference by Members of the Senate was: Well, we will leave that to the experts.

No, it will not be left to the experts. This Congress will have to decide who pays for a new Federal spending program that will cost $60 billion plus and after being built will not in fact defend this country against a nuclear attack.

There are many needs that we have in our defense system in this country. Some worry that we are in a circumstance where we will decide to downsize in defense too much: We will be unprepared to meet an adversary; we will be unprepared to meet a threat.

I understand that. I understand this country has gone through this in previous periods, and I do not want us to be in that position. But I also understand that in every area of the armed services there are weapons programs that simply seem to have a life of their own and they tend to build and build, and they become not so much a justifiable program that is necessary to defend our country, but they become a program that is supported by a range of politicians and corporations and other interests that give it a life of its own, even when it becomes unnecessary or when the science and the technology demonstrate it is not needed.

I hope we will have an aggressive discussion about this, about the threat and about the amount of proposed expenditure, and about who is going to come up with the money, and especially about whether, in fact, this is needed for this country's defense.

Mr. President, I thank you for your indulgence. I yield the floor, and I make a point of order that a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE INTERSTATE STALKING ACT

Mrs. HUTCHISON. Mr. President, I want to talk about a bill that I hope we can clear tonight in the Senate because it is a very important bill that will begin to protect the victims of stalking all over this country. You know, we did not really know much about stalking until the last few years. That is because it was a hard crime to pin down. Stalking is threats. It is harassment. It is the constant terrorizing of a victim, whether the act that is said would be done is actually perpetrated or if, sometimes, it is not. But whether it is or is not, it is a very tough thing for a victim to continue to be in fear, to wonder, "Am I going to have someone stick a knife in my back? Am I going to be able to walk in my neighborhood without fear? Am I going to be able to go to sleep at night without fear?"

Then, in fact, we have found that the victims of this stalking actually become victims sometimes. When Congressman ED ROYCE and I started working on this we had a press conference in which we had some incredible stories of stalking victims. A woman from California who was constantly threatened, who moved to Florida to escape this stalking from this person that she really did not know and who was clearly demented—she moved to Florida and one night did become a victim. The person broke into her home and threatened her with a knife. She did get away without injury.

But then there was the stalking victim whose husband was outside with his wife and she was shot to death, he was shot, and this was from a person who had constantly threatened his wife. So they could have prevented it if there had been some way to do it, but, in fact, there was no way to do it because stalking was not a crime until recently.

Now we have the situation in which you have the stalking in one State, the person moves to another State, and they do not have the coverage in the other State because the actual harassment was in the first State and when it happened in the second State you had to establish it. The Interstate Stalking Act will make it a Federal crime to cross State lines to do the State crime of stalking. It does not make stalking a Federal crime, but it does make crossing State lines to do it, when it is a crime, a crime. That would give protection to the woman who moved from California to Florida. It will give protection to more of the people who have had the terrorizing experience of being constantly barraged by threats from another person. Many people in public life have had this experience. It is a scary thing to happen. To live in fear most of the time, or some of the time, is something we do not have to put up with in our society.

This is a bill that passed unanimously in the House a couple of weeks ago. It was passed out of the Judiciary Committee today on a very bipartisan basis. I thank Senator HATCH and Senator BIDEN for expeditiously having hearings on this bill and putting it through the committee. Now I am very concerned because I thought this would be a bill that would not cause any problem and I would, of course, like to see it go through tonight because I think the President will sign this bill. I think the President is going to see the need for this bill. I think if he can sign it before we come back from the Memorial Day recess, that that might save a life. It might save a victim from being harassed. It really might help a victim. If it helps one victim in this country, then why not do it?

If we pass it tonight, it will go straight to the President because the bill is in the form that it passed the House. This should not be a tough bill.

I am asking my colleagues on the Democratic side to clear this bill. We thought that it was cleared. Perhaps it was not. Perhaps they can make a phone call, if someone has a concern on their side. I think we ought to be able to do what is right. This is a bill that ought to pass. It is a bill that has merit. It is a bill that is not controversial or it would have been stopped before now.

So I hope my colleagues on the other side of the aisle will see fit to find out if there is a real problem with this bill. Or if it is a problem with something else, perhaps they will clear this bill, because it might save one life. It might save one person from being victimized and it would be worth it if we could do that.

This is a bill that passed along with Megan's law on the House of Representative's side. Megan's law has already been signed by the President. This will allow victims of any kind of domestic violence harassment or if it is not a domestic partner or a spouse but a stranger who is doing the harassment, it will also provide protection if a person crosses State lines to do that.

Mr. President, I hope it is not too late tonight. I would like to see this bill cleared because it is important. It is the right thing. It is bipartisan and I think there may be something on the other side that could easily be worked out.

I just ask my colleagues on the Democratic side of the aisle to expedite this. We might save a life and it would be worth it.

The PRESIDING OFFICER. The majority leader.

DEFEND AMERICA ACT

Mr. DOLE. Mr. President, yesterday President Clinton acknowledged—belatedly—that the post-cold-war era presents us with new national security challenges. He stated, "The end of communism has opened the door to the spread of weapons of mass destruction * * *." Unfortunately, while the President is finally willing to recognize the threat posed by the proliferation of weapons of mass destruction, he remains unwilling to seriously respond to it—with progress, as opposed to pronouncements—on national missile defense.

Most Americans do not know—let me underscore—most Americans do not know that the United States has no defense against ballistic missiles. If you were to ask the average American, in fact to ask anybody in this Chamber unless they are on the Armed Services Committee, they might not know. If you were asked a question, "If a missile, an incoming missile was headed toward Chicago, what should the President of the United States do?" and the people will tell you in these little focus groups, "Shoot it down"—we can't. We don't have a defense. So, if a rogue state such as North Korea launched a single missile at the United States, we could do nothing to stop its deadly flight towards an American town or city.

In his speech yesterday President Clinton pointed to his $3 billion budget request for missile defense programs as evidence of a "strong, sensible national missile defense program." This happens to be 21 percent less than the President's own national security advisers proposed in their Bottom-Up review of U.S. defense needs. It is also 30 percent less than what the Senate Armed Services Committee provides in this year's defense authorization bill. In short, it is not enough for a determined and effective effort to defend the American people from the threat of ballistic missiles.

President Clinton attacked the Defend America Act, which I introduced 2 months ago, claiming:

> They have a plan that Congress will take up this week that would force us to choose now a costly missile defense system that could be obsolete tomorrow.

This is simply not true. The Defend America Act only forces to commit now to deploy a national missile defense system by the year 2003. The choice of what type of system is left up to the Secretary of Defense who will report back to the Congress on the requirements for an effective ballistic missile defense system. And making a decision to go forward with missile defense now will not, as the President argued yesterday, lead to America deploying an obsolete system.

The programs we currently have in development can serve as the building blocks for a system that meets the missile threat as it emerges. Furthermore, as with the procurement of any weapons system, moving from development to deployment requires lead time. You cannot do it in a week or a year or 18 months. It does not happen overnight. The President's assertions contradict those of his own Secretary of Defense, who recently stated that these technologies "would be quite capable of defending against the much smaller and relatively unsophisticated ICBM threat that a rogue or a terrorist could mount any time in the foreseeable future."

That is the Secretary of Defense.

I would like to address the issue of cost. There has been quite an uproar about a Congressional Budget Office estimate of the cost of deploying a national missile defense system pursuant to the Defend America Act. The CBO stated that total acquisition costs for the year 2010 would range from $31 billion to $60 billion, if such a system largely consists of advanced space-based components. However, the Defend America Act does not specify any required components of a national missile defense system to include space-based components. On the other hand, the CBO says that a ground-based system with upgraded space-based sensors would run around $14 billion. Section 4 of the Defend America Act states:

> The Secretary of Defense shall develop for deployment an affordable and operationally effective national missile defense system which shall achieve initial operational capability by the end of 2003.

The decision on what is affordable and effective is left up to the Secretary of Defense. What I would like to know is how CBO estimated a national missile defense system whose components are unknown. It seems to me that the CBO approach was somewhat like a family deciding they are going to buy a house and being told by a real estate agent that it will cost them anywhere between $40,000 to $4 million. That is the range.

That is true, houses come in many prices. There are two-bedroom homes and then there are the mansions and the couple's decision would come down to what they need and what they can afford. Those are the same guidelines we need to use here. What does the United States need to protect its citizens, and how can it best be done and how can we achieve this protection in an affordable manner?

Outlining these estimates are a good way to avoid a serious debate on a most serious issue. The American people deserve better, because we are talking about the safety and security of their children and their grandchildren and themselves.

You would not know, if you follow some of the press coverage of this issue, that the cold war is over.

We do not need a so-called space shield to defend against an attack of thousands of missiles. We do, however, need to defend the American people against the much more limited threat of an accidental launch or an attack by rogue and terrorist regimes, such as North Korea and Iran, who are acquiring a limited, but deadly, capability to deliver weapons of mass destruction with ballistic missiles.

As President Clinton's former Director of Central Intelligence testified, the threat of ballistic missiles is growing and the administration is not addressing this frightening reality. This is President Clinton's former Director of the CIA.

In his testimony before the House National Security Committee, James Woolsey stated:

> Ballistic missiles can, in the future they increasingly will, be used by hostile states for blackmail, terror, and to drive wedges between us and our allies. It is my judgment that the administration is not currently giving this vital problem the proper weight it deserves.

Through budgetary scare tactics and skewed analysis, the administration is trying to confuse this issue and avoid answering the central question of whether or not the American people should be protected. By seeking to proceed to the Defend America Act today, I hope to move beyond rhetoric and misinformation to a serious debate on a critical matter affecting the future security of all Americans.

I believe the number one responsibility this Government has to its citizens is to provide them with protection. That is what the Defend America Act is all about.

So, again, let me repeat the question: If you had an incoming ballistic missile and you ask somebody in my State or any State, What should the President do, they would say, "Shoot it down." And your response would have to be, "We cannot. We have no defense."

I suggest those who say it is a decade away go back and look at some of the predictions made in the past. I believe we have that obligation. When we talk about the cost, $14 billion is a lot of money, but so would be the human cost and any added cost if some rogue state or some accidental launch directed a missile toward the United States.

UNANIMOUS CONSENT REQUEST—S. 1635

Mr. DOLE. I now ask unanimous consent that the Senate turn to the consideration of calendar No. 411.

The PRESIDING OFFICER. Is there objection?

Mr. DORGAN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. DOLE. Let me identify that as S. 1635, the "Defend America" bill.

CLOTURE MOTION

Mr. DOLE. Mr. President, I now move to proceed to S. 1635 and send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

> We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 411, the "Defend America" bill:
>
> Bob Dole, Strom Thurmond, John Warner, Trent Lott, Bob Smith, Rick Santorum, Jesse Helms, Kay Bailey Hutchison, Dan Coats, Dirk Kempthorne, John McCain, Jon Kyl, Pete V. Domenici, Bill Cohen, Lauch Faircloth, Ted Stevens.

Mr. DOLE. Mr. President, I ask unanimous consent that the cloture vote occur at 2:15 p.m. on Tuesday, June 4, and that the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

INTERSTATE STALKING

Mrs. HUTCHISON. Mr. President, I have just been informed that the Democratic side is not going to be able to clear the interstate stalking bill tonight. I ask that they do everything possible to see if tomorrow, when we are in session, if we can do what is necessary to clear this bill. It could really make a difference if we can pass it tomorrow, even if there is an amendment and we need to have that cleared with the House, if it is a sincere amendment. I would certainly like to work with the other side to put that on and try to get it cleared by the House next week so we can pass this expeditiously.

It really might make the difference for a victim in this country who has had no remedy. It really might make life better for some child who is a victim who has no remedy. Mr. President, I think it is incumbent on us to be sincere in our efforts when we are dealing with something that is clearly bipartisan. I do not think that it should be held up unless there is a very good reason.

Most of the Senate has looked at this bill. The Judiciary Committee passed it very easily. It passed unanimously in the House, and I just hope whoever has a hold on this bill will let it go. It is a good bill, it is a simple bill, and the timing really could make the difference in someone's life in this country. It would be worth it if we could clear it tomorrow.

Thank you, Mr. President.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

THE DEFEND AMERICA ACT OF 1996

Mr. THURMOND. Mr. President, I am proud to be a principal cosponsor of the Defend America Act of 1996. This legislation will fill a glaring void in United States national security policy by requiring the deployment of a national missile defense system by 2003 that is capable of defending the United States against a limited, accidental, or unauthorized ballistic missile attack.

Mr. President, ironically, most Americans already believe that we have such a system in place. This assumption is understandable since, under the Constitution, the President's first responsibility is to provide for the defense of the American homeland. Unfortunately, the current President has decided that this obligation is one that can be indefinitely delayed. In my view, the time has come to end America's complete vulnerability to ballistic missile blackmail and attack.

The President and his supporters in Congress have argued that there is no threat to justify deployment of a national missile defense system. This is simply not true. The political and military situation in the former Soviet Union has deteriorated, leading to greater uncertainty over the control and security of Russian strategic nuclear forces. China's recent use of ballistic missiles near Taiwan, and veiled threats against the United States, clearly demonstrates how such missiles can be used as tools of intimidation and blackmail. North Korea is developing an intercontinental ballistic missile that will be capable of reaching the United States once deployed. Other hostile and unpredictable countries, such as Libya, Iran, and Iraq, have made clear their desire to acquire missiles capable of reaching the United States. The technology and knowledge to produce missiles and weapons of mass destruction is available on the open market.

It is also important to bear in mind that a national missile defense system can actually discourage countries from acquiring long-range missiles in the first place. In this sense, we should view national missile defense as a powerful non-proliferation tool, not just something to be considered some time in the future as a response to newly emerging threats.

The policy advocated in the Defend America Act of 1996 is virtually identical to that contained in the fiscal year 1996 defense authorization bill, which was passed by Congress and vetoed by the President. Like the legislation vetoed by the President, the Defend America Act of 1996 would require that the entire United States be protected against a limited, accidental, or unauthorized attack by the year 2003. It differs from the vetoed legislation in that it provides the Secretary of Defense greater flexibility in determining the precise architecture for the system.

The Defend America Act of 1996 urges the President to begin negotiations to amend the ABM Treaty to allow for deployment of an effective system. But it also recommends that, if these negotiations fail to produce acceptable amendments within 1 year, Congress and the President should consider withdrawing the United States from the ABM Treaty. Nothing in this legislation, however, requires or advocates abrogation or violation of the ABM Treaty.

Mr. President, it is important to point out that in 1991, Congress approved, and the President signed, the Missile Defense Act of 1991, which established policies similar to those advocated in the Defend America Act of 1996. Like the Defend America Act, the Missile Defense Act of 1991 called for deployment of an initial national missile defense system by a date certain and provided for a follow-on system. Both also urged the President to begin negotiations to amend the ABM Treaty.

Although there are clear differences between the Defend America Act of 1996 and the Missile Defense Act of 1991, I believe that these similarities are worth pointing out. A number of my colleagues on the other side of the aisle are now saying that they oppose a policy to deploy by a date certain. But this is what we did in the 1991 Act. Several of these same Senators now also seem to be opposed to any amendments to the ABM Treaty, even though the 1991 Act clearly urged to the President to negotiate such amendments.

Mr. President, it has been asserted that a commitment to deploy a national missile defense system might jeopardize the START II Treaty. But the Missile Defense Act of 1991 was signed into law at the same time that negotiations on the START I Treaty were being concluded. Indeed, at the same time that START I was being finalized, Russian President Yeltsin proposed that the United States and Russia cooperate on a "Global Defense System". I find it hard to believe that anything in the Defend America Act would jeopardize START II any more than the Missile Defense Act of 1991 jeopardized START I. Those who make this assertion are simply giving Russian opponents of START II another excuse to oppose the agreement.

Mr. President, opponents of the Defend America Act have also argued that it would lock us into a technological dead end; that in 3 years we may have better technology available to do the job. The fact is that there are no technologies in development other than those identified in the Defend America Act. The Administration's so-called "three-plus-three" national missile defense plan relies on the exact same technologies that would be employed if the Defend America Act were passed. The only difference is that under the Defend America Act, development of those technologies would be accelerated. Once again the Administration and its congressional allies are just making excuses for not getting on with the business of defending America.

Mr. President, the last issue I want to deal with is the question of cost. We have heard some rather careless assertions made about the cost of the Defend America Act. It is true that if the Secretary of Defense decided to deploy a constellation of space-based lasers, a constellation of "Brilliant Pebbles" space-based interceptors, a constellation of "Brilliant Eyes" space-based sensors, and 300 or 400 ground-based interceptors at multiple sites the cost could be as high as $60 billion over the next 15 to 20 years. But Mr. President, under the Defend America Act, the Secretary of Defense could also select a more modest deployment that could be achieved for $5 to $10 billion. The Air Force and the Army both have developed such low-cost proposals. According to the Congressional Budget Office, a system consisting of 100 ground-based interceptors, four new ground-based radars and a constellation of Brilliant Eyes sensors would cost approximately $14 billion over the next 6 years.

These are clearly affordable costs when compared with the costs associated with other major items in the defense budget. An entire national missile defense system could be acquired for less than an additional 20 B–2 bombers. The cost would be about the same for the Corps SAM theater missile defense system, which the administration strongly supports even though we already have four core theater missile defense systems in development to protect forward deployed forces.

In my view, those who assert that we cannot afford an NMD system have simply gotten their priorities wrong. With an annual defense budget of $260 billion to $270 billion, it is irresponsible to argue that we should not spend $1 billion per year on the defense of the American homeland.

Mr. President, let me conclude by saying that the Defend America Act of 1996 is balanced and timely legislation. I understand that opponents of this legislation do not want to allow the Senate to vote on this issue. But the President will not be able to hide from it. If the President's allies in the Senate stand in the way of a vote on the Defend America Act to protect him from having to sign or veto this legislation, the American people will nonetheless know who stands for their defense and who does not.

Mr. President, I yield the floor.

DEFEND AMERICA ACT INCREASES NUCLEAR THREAT

Mr. LEVIN. Mr. President, while the stated intent of the so-called Defend America Act is to reduce the threat of nuclear missiles to the United States, in fact, the Defend America Act, so-called, will actually increase that threat. Its passage would actually make us less secure. It should be renamed the Make America Less Secure Act, rather than the Defend America Act.

Do we want defenses? Of course. The issue is not do we want to defend. The issue is, against what threats? What threats do we create in the process of deploying defense? At what price? What resources do we deny ourselves for other threats that may be more real?

This is not simply the Republican leadership of the Congress—Senator DOLE, Speaker GINGRICH and others—versus President Clinton. In support of President Clinton's position are the Joint Chiefs of Staff, the Chairman of the Joint Chiefs of Staff, and the Defense Department.

Now, this is the letter which General Shalikashvili wrote to Senator NUNN relative to this bill. He said in this regard:

> . . . efforts which suggest changes to or withdrawal from the ABM Treaty may jeopardize Russian ratification of START II and, as articulated in the Soviet Statement to the United States of 13 June 1991, could prompt Russia to withdraw from START I. I am concerned that failure of either START initiative will result in Russian retention of hundreds or even thousands more nuclear weapons, thereby increasing both the costs and risks we may face.

He continues:

> We can reduce the possibility of facing these increased cost and risks by planning [a national missile defense] system consistent with the ABM treaty. The current National Missile Defense Deployment Readiness Program, which is consistent with the ABM treaty, will help provide stability in our strategic relationship with Russia as well as reducing future risks from rogue countries.

So the conflict that exists here is between the congressional Republican leadership on the one hand and President Clinton, the Joint Chiefs of Staff, and the Defense Department on the other hand. Of course, there are supporters of each of those two leadership groups. That is the contrast here. We have the Joint Chiefs of Staff and the Defense Department that have adopted, with the administration's support, a National Missile Defense Deployment Readiness Program. With this so-called Three-plus-Three program, we would develop the system in 3 years and then, depending on the threat, depending on the cost, depending on the situation that exists, we would then decide whether to deploy, and could deploy within 3 years of that decision.

That is the Defense Department position. That is the Joint Chiefs of Staff position. That is the administration position: not a commitment now to deploy prematurely and unilaterally, which would jeopardize our relationship with Russia and undermine our determination that they live up to START I and START II. Such a position, as is in this bill, would play right into the hands of those supernationalists and jingoists in Russia who right now are running for President of that country.

This is the worst time to be introducing this kind of legislation. This is not just me saying this. I am not alone in saying or suggesting this. It is not just Senator LEVIN from Michigan who is doing it. It is the Joint Chiefs of Staff who are saying: do not do anything unilaterally to undermine the ABM Treaty, because by doing so Russia has informed us that they will no longer comply with START I and will not ratify START II. They tell us the result—and now I quote—"with the result that Russia would retain hundreds or even thousands more nuclear weapons, thereby increasing both the costs and risks we may face."

That is the issue before the Senate. Do we want to precipitate that kind of action on the part of Russia by a premature, unilateral decision that we are going to deploy a system which is inconsistent with a critical security agreement between ourselves and Russia? It was the wrong time to do it last year and, after much effort, we avoided it. It is particularly the wrong time to do it this year because there will be an election going on in Russia in the next few weeks. This bill will be seized upon by people in Russia who do not believe in START I, who do not want to ratify START II. It will be seized upon by them as evidence for why they should not ratify START II. That is the fear that General Shalikashvili has set forth.

Now, in addition, this legislation will threaten a number of international security efforts besides the START treaties. The so-called Nunn-Lugar, or cooperative threat reduction program, which helps to secure, store, and dismantle former Soviet nuclear warheads so that they cannot again threaten any nation, would also be put at risk. Negotiations for a comprehensive test ban treaty to outlaw all nuclear weapon tests and help prevent the development of new nuclear weapons would be delayed. Russian ratification of the Chemical Weapons Convention would be sidelined. So, instead of eliminating the world's largest stockpile of chemical weapons, Russia could leave its chemical weapons in place.

This bill could relegate other important cooperative security arrangements with Russia to the scrap heap.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. LEVIN. I ask unanimous consent for an additional 2 minutes.

Mr. WARNER. I see no objection to that.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. There are other important cooperative security arrangements with Russia that we have built upon and we have created. We have built, finally, some trust and some confidence between our two militaries. Our Defense Department does not view Russia as an adversary, but as a partner in cooperative security. Take a look at what is happening in Bosnia, where we have Russian soldiers under U.S. command in the implementation force. Take a look at what has happened with the United States and Russian de-targeting of our nuclear missiles, where no longer are missiles on either side targeted on the other's nations.

If we threaten unilaterally to violate the ABM Treaty, as the Defend America Act does, it could play right into the hands of those in Russia who want to return to a hostile relationship. By committing to build the system, by making that commitment now to build a system by the year 2003, the Defend America Act also locks us into possibly the least capable technology.

That is another thing that the Pentagon is not agreeing with. They want to develop the technology and, if and when a decision needs to be made, to utilize the best technology that is available.

The Defense Department's missile defense program, which is also the administration's missile defense program, the so-called three-plus-three plan, will develop missile defense technology that will permit a deployment decision as soon as 3 years, and then 3 years thereafter, if there is a threat that warrants the deployment, and if the military capability of that system is such that it is effective, and if the cost is such that it justifies the advantage to us, then we can deploy the system. And because the threat is estimated to be 15 years away, we can continue to develop the technology to make it as effective as possible.

Mr. President, we have threats now with terrorists acquiring and using chemical weapons. It happened in the Tokyo subway, and it could happen here in this country. That is a real threat. And there have been efforts to smuggle nuclear weapon materials from facilities in the former Soviet Union. It is probably no harder to smuggle nuclear materials or weapons into the United States than to smuggle drugs. We have very few efforts underway to halt that deadly enterprise. Less than 20 pounds of plutonium could make a bomb which could destroy an American city. Mr. President, 20 pounds of very easily transportable plutonium can destroy a city. Yet the proposal before us is to spend tens of billions of dollars against threats which are uncertain, which the intelligence experts say has not materialized and is unlikely to materialize in the next 15 years, at the same time that we are underfunding needed defenses against real threats such as the terrorist threat using chemical weapons.

At best, the Dole-Gingrich crash program would only counter a handful of foreign missiles—less than the number contained on a single Russian submarine. Alternatively, some 50 Russian submarines and their missiles would be eliminated outright if the START I and II treaties are implemented. It is clear which approach is more reliable and cost-effective.

By committing to build a system by 2003 the Defend America Act also locks-in the least capable technology. The result would be a very "thin" system, according to the Pentagon. Why lock ourselves into such technology prematurely when the threat may eventually demand better technology? Our intelligence agencies estimate no new countries will build missiles able to reach the continental United States for 15 years. The risk of a missile launched against the United States is already drastically deterred by the guarantee of prompt and devastating retaliation.

Let's look at the price tag. The "Defend America Act" says, in essence, "build a system by 2003, whatever the cost." When asked about the system's cost, Senator DOLE admitted ignorance. CBO estimates that just buying this system will cost between $31–$60 billion. If the Administration requested money for a new weapon system with no blueprint and no idea of the cost, Congress would flatly reject it. It should do so with the Dole-Gingrich bill.

If we pour money into premature missile defenses, resources will be lacking for other defense efforts that improve our security. To deal with security threats to the U.S. we must exercise cooperative threat reduction, nonproliferation and arms control efforts. We must also maintain our conventional military forces sufficient to dissuade any nation from using weapons of mass destruction against us.

Our strategy to secure the U.S. against weapons of mass destruction demands balance. Supporters of the Dole-Gingrich legislation are looking backwards at a non-existent Soviet Union instead of looking forward to meeting the real emerging threats to our national security.

Finally, I ask unanimous consent, Mr. President, that the letter from General Shalikashvili to Senator NUNN be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CHAIRMAN OF THE
JOINT CHIEFS OF STAFF,
Washington, DC, May 1, 1996.

Hon. SAM NUNN,
U.S. Senate, Committee on Armed Services,
Washington, DC.

DEAR SENATOR NUNN: In response to your recent letter on the Defend America Act of 1996, I share Congressional concern with regard to the proliferation of ballistic missiles and the potential threat these missiles may present to the United States and our allies. My staff, along with the CINCs, Services and the Ballistic Missile Defense Organization (BMDO), is actively reviewing proposed systems to ensure we are prepared to field the most technologically capable systems available. We also need to take into account the parallel initiatives ongoing to reduce the ballistic missile threat.

In this regard, efforts which suggest changes to or withdrawal from the ABM Treaty may jeopardize Russian ratification of START II and, as articulated in the Soviet Statement to the United States of 13 June 1991, could prompt Russia to withdraw from START I. I am concerned that failure of either START initiative will result in Russian retention of hundreds or even thousands more nuclear weapons thereby increasing both the costs and risks we may face.

We can reduce the possibility of facing these increased cost and risks by planning an NMD system consistent with the ABM treaty. The current National Missile Defense Deployment Readiness Program (NDRP), which is consistent with the ABM treaty, will help provide stability in our strategic relationship with Russia as well as reducing future risks from rogue countries.

In closing let me reassure you, Senator NUNN, that I will use my office to ensure a timely national missile defense deployment decision is made when warranted. I have discussed the above position with the Joint Chiefs and the appropriate CINCs, and all are in agreement.

Sincerely,

JOHN M. SHALIKASHVILI,
Chairman of the Joint Chiefs of Staff.

Mr. LEVIN. I close, finally, with the last line of General Shalikashvili's letter: "I have discussed the above position with the Joint Chiefs and the appropriate CINCs, and all are in agreement."

I thank the Chair and yield the floor.

Mr. WARNER. Mr. President, I ask the chairman of the Armed Services Committee if I may have 5 minutes within which to proceed.

Mr. THURMOND. The able Senator from Virginia can have 25 minutes if he wants to. I am very pleased to hear him speak.

Mr. WARNER. Mr. President, I will inquire of my distinguished colleague from Michigan, before he departs the floor. I ask my colleague from Michigan this. The Senator's opening statement was that we should call this bill "less secure."

Mr. President, my understanding is that we have absolutely no ability in this country today to interdict an intercontinental ballistic missile, or indeed a short-range ballistic missile. I ask my distinguished colleague this. We have no security, so how can we be less than what I view is zero today?

Mr. LEVIN. Well, we do have some missile defense against the short-range missiles, as my good friend from Virginia knows. We are trying to improve those defenses. That is an effort that I think almost all Senators support, which is the defense against those short-range missiles that provide the real threat that those rogue countries indeed have. We have the Patriot missile capability, the anti-missile capability, and are trying to improve that, for which our committee funded the efforts. We are seeking defenses against those theater short-range missiles that provide the real threats.

If I can complete my answer, on the long-range missile, the question is twofold——

Mr. WARNER. If I can interrupt, I will first respond, and then I would appreciate it if we could continue. I am fully aware of the Patriot system. As a matter of fact, I am the chairman of the subcommittee, and my distinguished colleague from Michigan is the ranking member and, indeed, we work on that together. We recognize that those short-range systems, the Patriot, have to be deployed to the region. Theoretically, they cannot run all over the United States. So a rogue attack, if it could be mounted, with a short-range theater missile somehow against the continental units of the United States is dependent on the ability to quickly deploy from what few locations we have in that system to some other part of the United States.

To me, that is highly impractical. That is theoretical. Putting that aside, let us agree, I hope, that the United States does not have any indigenous ability to defend against an intercontinental missile, albeit fired by mistake, fired by a terrorist organization, or perhaps intentionally, against Alaska or Hawaii, from say, Russia or China. Am I not correct on that?

Mr. LEVIN. The Senator's question raises the exact reason why the Defense Department has adopted the National Missile Defense Deployment Readiness Program, which will put us in a position, in 3 years, hopefully, where we can make a decision as to whether or not—those are the key words, "whether or not"—to deploy the kind of defense which the Senator has just described, without committing us now to do so for two reasons. The two reasons are that we do not want to make a commitment now, according to our Chairman of the Joint Chiefs, to deploy a system which could undermine the ABM Treaty, which, in turn, would then cause Russia not to reduce the number of warheads that she has and could cause Russia not to ratify START II. It is in the interest of this country that Russia ratify the START II Treaty. The other reason given for the Defense Department's position in favor of the National Missile Defense Readiness Program, which will address the threat the Senator talks about, is that they will then be in a position to use the best technology available and not commit themselves prematurely to deploy a system that may be an inferior technology.

Mr. WARNER. Mr. President, I listened carefully as my colleague from Michigan recited his argument. But I come back to his opening statement that this would make us "less secure." We have nothing from which to go to a lesser security today, in terms of our ability tomorrow or tonight to interdict a stray, unintentional missile, or indeed one fired by a terrorist at the United States. Can we agree on that point?

Mr. LEVIN. No. We can, I hope, agree on this. If, in fact, our commitment to deploy a system now causes Russia not to ratify START II, or to pull out from START I, leaving her with thousands of additional warheads that she otherwise would have gotten rid of, it will indeed make us less secure. That is why this bill should be called the Reduce America's Security Act of 1996—because the commitment to deploy this defense prematurely will, in the view of General Shalikashvili and the Joint Chiefs, who share his view, cause Russia to pull out from START I, not to ratify START II, and that will make us less secure.

Mr. WARNER. Now, Mr. President, it is obvious that we are not going to come to closure on that point. But we have each made our positions.

The PRESIDING OFFICER. The Chair informs the Senators that under the rules we are operating by, there are five minutes for morning business. Does the Senator wish to ask for additional time?

Mr. WARNER. The chairman has put in a request that we have more time. I ask unanimous consent that we may proceed for a period in the colloquy of another 3 or 4 minutes, and then the Senator from Virginia will close with a set of remarks of his own.

The PRESIDING OFFICER. Without objection, the Senator from Virginia is recognized to engage in a colloquy, following which the Senator from Virginia is recognized for 5 minutes for morning business.

Mr. WARNER. I thank the Chair.

I say this to my good friend. I, with modesty, mention the fact that in the period when the ABM Treaty was negotiated, I was privileged to be serving in the Department of Defense and, more specifically, under the Secretary of the Navy. I followed the preparations and the negotiations for the ABM Treaty. Mr. President, it was my privilege to accompany the President of the United States and the Secretary of State and our chairman to Moscow in May of 1972. My principal responsibility was to conclude the negotiation of the Incidents at Sea Treaty, on which I have been the principal negotiator, and to be the signatory on behalf of the United States on that Executive agreement with the Soviet Union and with the Soviet Navy.

Mr. LEVIN. A landmark agreement it was.

Mr. WARNER. It is still in effect today, although modified. It is a living Executive agreement, in a sense.

Departing from that and going back to the ABM Treaty, I remember reviewing this at that time and in the past 2 or 3 years in the course of the debates. Those that were present at that time were clearly of one mind that that treaty was never designed to apply to the short-range theater systems. I might ask, does my distinguished colleague concur in that?

Mr. LEVIN. I do indeed, and that is why we are developing theater systems.

Mr. WARNER. Fine. Well, that is my concern. This ABM treaty has indeed, in my judgment, impeded the unfettered, unrestrained technical knowledge that this country has available to devise means for a defense of the short-range systems. I just wanted to put that point alongside the points of my distinguished colleague from Michigan. That concludes my inquiry.

Mr. LEVIN. If I could comment briefly on that, I do not think the Defense Department or the Joint Chiefs would agree that we have been constrained in the development of the short-range systems, the so-called "theater systems." We are proceeding apace with those systems, and I think we have been assured by the Defense Department that not only would we agree that the ABM Treaty does not cover the short-range or theater systems, but that the Defense Department does not feel that the ABM Treaty has constrained that development. Article 6 of the treaty was written, however, very expressly to prevent each nation from turning non-ABM systems into ABM systems. That was also part of the treaty which was ratified.

Mr. WARNER. Mr. President, I would simply close this debate with the observation that my criticism is not directed at President Clinton but, indeed, to a succession of Presidents who have laid down, should we say, a framework within which our scientists, research and development, and others have been contained. And, if you look carefully at the assertions by the chairman and others, yes, we have not limited them within that framework. But I take the position that the framework should never have been laid down in the first place predicated on the ABM Treaty in the short-range missile defense systems. That never should have applied to any of our research and development as components for a defense against short-range attack.

DEFEND AMERICA ACT

Mr. WARNER. Mr. President, I would like to turn to the legislation at hand which was addressed by the distinguished chairman of the committee.

I rise today to join my colleagues in supporting this crucial legislation to protect the American people from the very real threat of long-range ballistic missile attack. I find it curious that the day after President Clinton made headlines by claiming that he supports a National Missile Defense System, the Democrats in the Senate are preventing the Senate, as the distinguished chairman stated, from even debating and considering a bill that would provide for such a system.

It was timely, in my judgment, for this debate because the interest of the American people have been drawn to the fact that we do not have a defense against an accidental or unintentional firing of a long-range strategic ballistic missile. That, I think, is agreed on by all.

During his speech yesterday at the Coast Guard Academy, President Clinton made a series of points on national missile defense. Let us examine carefully his assertions.

The President begins by talking about theater missile defense: "Our first priority is to defend against existing or near-term threats, like short- and medium-range missile attacks on our troops in the field or our allies." So far, I concur. This is also the priority that Republicans established years ago, in the wake of the Persian Gulf war. On trips to that theatre during that war I saw the destruction of Iraq's use of the scud. I experienced with other Senators, a scud attack on Tel Aviv on February 18, 1991. It impacted a considerable distance from where we were at the Defense Ministry Building.

The President then continues, "And we are, with upgraded Patriot missiles, the Navy Lower and Upper Tier and the Army THAAD." What are the facts? The facts are that the administration's recent BMD Program Update Review shifted the focus of TMD efforts to point defense systems (Patriot PAC-3 and Navy Lower Tier) at the expense of the more promising and capable area wide systems (THAAD and Navy Upper Tier). As a result of this review, $2 billion was stripped from the THAAD program over the FYDP; and the Navy Upper Tier program remains little more than a science project—with no acquisition or deployment strategy. These actions were taken despite last year's clear legal requirements to accelerate both programs. Once again, the Armed Services Committee has had to come to restore both of these programs—adding almost $500 million to the administration's inadequate request in the Senate bill.

Next, the President addresses the threat: "The possibility of a long-range intercontinental missile attack on American soil by a rogue state is more than a decade away." I say wrong Mr. President. The President and many of our Democrat colleagues are relying on a recent intelligence community assessment which reportedly claims that the threat of ballistic missile attack against the United States is 15 years away. Several important qualifications must be highlighted. First, that intelligence assessment was carefully crafted to consider only threats to the continental United States—not Alaska and Hawaii. The threat to Alaska, in particular, from a long-range ballistic missile currently under development by North Korea is real and near-term. Also, that 15-year scenario is based on the assumption that rogue nations will develop their missiles indigenously—without foreign help. We all know that these nations are receiving substantial foreign assistance for their weapons development programs. Such assistance will substantially accelerate the threat.

We should not be lulled into a sense of complacency by such reports. Remember the assessments we received just prior to the Gulf War—Iraq was supposed to be least 5 years away from a nuclear weapons capability. After Desert Storm, and the U.N. inspections, we were shocked to learn the true extent of the advancements in the Iraqi nuclear program

A focus on the threat from rogue nations also ignores the substantial military capabilities both Russia and China—both nations with intercontinental missiles capable of reaching our shores. We all know of the threats the Chinese made during the recent standoff with Taiwan. They correctly know that the United States is currently defenseless against ICBM attack. And the President may take comfort in the Russian promise that they are no longer targeting the United States. But we all know that—even if this representation is true—retargeting is a relatively quick and easy thing to change. I would prefer us to rely on limited U.S. defenses, rather than Russian promises, for our security.

In criticizing the Defend America Act, the President claims that "They have a plan that Congress will take up this week that would force us to choose now a costly missile defense system that could be obsolete tomorrow. The Congressional Budget Office estimates that this cost will be between $30 and $60 billion." The facts? The Defend America Act does not specify a particular architecture for a national missile defense system—it simply says that the United States should have a highly effective system to defend against limited, accidental or unauthorized ballistic missile attacks. There is nothing new here. This is technology that we have been investing in—to the tune of $38 billion—since the early 1980s. We are simply saying that the time for "science projects" is over, the time has arrived to turn this technology into a deployed system that will protect Americans.

Weapons development programs—on average—take a decade from start to finish. As technology advances, those advancements are incorporated into the weapons. Why should NMD be any different—why does the President think that an NMD system would be "obsolete" by the time it is deployed in the year 2003? There is no basis for such a claim.

Concerning the CBO cost study, the $30 to $60 billion range the President refers to represents the high end of the CBO's conclusions. According to the study, a NMD system capable of protecting the United States could be developed and deployed for less than $14 billion over the next 13 years—or about a billion dollars a year. This is a relatively smaller cost—less than ½ of 1 percent of the DoD budget—to protect the United States from attack.

I should also point out that other cost estimates—these coming from the administration—are much lower than CBO's. For example, the Air Force has said that it would cost only $2.5 billion to deploy such a system; and the Army estimates a cost of $5 billion.

The President states: "Those who want us to deploy this system before we know the details and the dimensions of the threat we face I believe are wrong. I think we should not leap before we look." This is not a surprising statement from a President who is a recent "convert" to the need for a national missile defense system. Republicans have been following "the details and dimensions of the threat" for over a decade. What more do we have to wait for before committing to defend the United States? The threat is not diminishing. Approximately 30 countries currently have ballistic missiles, with varying ranges, and many of these nations either have or are actively seeking to acquire war heads of mass destruction—nuclear, chemical or biological. There is no lack of appetite in the world for such "status symbols." Weapons of terror, intimidation. I submit that the only thing inevitable about the missile threat we face is that the threat will continue to increase. The President seems to believe that we have the luxury of time to sit around and discuss and contemplate the threat—all the while with Americans remain unprotected against an unintentional or terrorist firing of one or more missiles. I say it is time to act to protect our Nation before it is too late.

One of my favorite lines in the President's speech is: "It is (Defend America Act) would weaken our defenses by taking money away from things we know we need right now." This from a President who submitted a budget request that was $18.6 billion below the FY96 level for defense; and the same President who recently threatened to veto the FY97 Defense Authorization Bill passed by the House because it contains $12 billion more than he requested. A President who has a history for inadequately funding our military.

Finally, the President claims that: "It is (Defend America Act) would violate the arms control agreements that we have made and these agreements make us more secure." Again, the facts. There is nothing in the defend America Act which would violate the ABM Treaty. The Act calls on the President to negotiate changes to that Treaty to allow for the deployment of an effective NMD system. I should point out to my colleagues that the ABM Treaty—a 25-year old agreement with the Soviet Union—was never intended to be a static agreement. The Treaty itself includes provisions for amendments—and, in fact, the Treaty has been amended over the years. Why, all of a sudden, is the Treaty now not amendable?

I firmly believe that Americans here at home and U.S. troops deployed overseas should be protected by highly effective missile defenses as soon as is technologically possible.

ORDER OF PROCEDURE

Mr. WARNER. I know the Chair and others are anxious to conclude the matters before the Senate tonight. I am prepared to assume the role of acting leader and have the concluding remarks for tonight.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. THURMOND. Mr. President, if there is nothing else to come before the Senate tonight, I think we are ready to adjourn.

Mr. WARNER. Mr. President, I say to the distinguished chairman, might I suggest that either the chairman or I address certain closing remarks for the leader?

Mr. THURMOND. I will delegate that to the able Senator from Virginia.

Mr. WARNER. I thank the distinguished chairman.

MEASURE SEQUENTIALLY REFERRED—H.R. 3286

Mr. WARNER. Mr. President, I ask unanimous consent that when the Finance Committee reports H.R. 3286, the bill be sequentially referred to the Committee on Indian Affairs for the purpose of considering title III of the bill for a period of 10 days of Senate session; further, that if the Committee on Indian Affairs does not report the measure at the end of the 10 session days, the Indian Affairs Committee be discharged from further consideration of the bill and the bill be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY FOR COMMITTEES TO REPORT

Mr. WARNER. Mr. President, I ask unanimous consent that the committees have between 11 a.m. and 2 p.m. on Wednesday, May 29, to file legislative or executive reported legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION FOR PRODUCTION OF RECORDS

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 256 submitted earlier today by Senators DOLE and DASCHLE.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 256) to authorize the production of records by the Select Committee on Intelligence.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. DOLE. Mr. President, the Select Committee on Intelligence has received a request from the Office of the Inspector General of the Central Intelligence Agency for copies of committee records relevant to the Inspector General's pending inquiry into the Zona Rosa massacre of six American citizens in El Salvador in 1985.

Mr. President, this resolution would authorize the Chairman and Vice Chairman of the Intelligence Committee, acting jointly, to provide committee records in response to this request, utilizing appropriate security procedures.

Mr. WARNER. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid on the table, and that any statements relating to the resolution appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 256) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

Whereas, the Office of the Inspector General of the Central Intelligence Agency has requested that the Select Committee on Intelligence provide it with copies of committee records relevant to the Office's pending review of matters related to the Zona Rosa massacre of six American citizens in El Salvador in 1985;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that documents, papers and records under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That the Chairman and Vice Chairman of the Select Committee on Intelligence, acting jointly, are authorized to provide to the Office of the Inspector General of the Central Intelligence Agency, under appropriate security procedures, copies of records that the Office has requested for use in connection with its pending review into matters related to the Zona Rosa massacre.

ORDERS FOR FRIDAY, MAY 24, 1996

Mr. WARNER. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 11:30 a.m. on Friday, May 24; further, that immediately following the prayer, the Journal of proceedings deemed approved to date, no resolutions come over under the rule, the call of the calendar be dispensed with, the morning hour be deemed to have expired, and the Senate then turn to a period for morning business until the hour of 1 p.m. with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. WARNER. Mr. President, for the information of all Senators, a cloture motion was filed on the Defend America Act today. That cloture vote will occur on Tuesday, June 4, at 2:15 p.m., and will be the next rollcall vote. The Senate will be in session tomorrow for morning business in an attempt to clear a few items that would be considered by consent.

No rollcall votes will occur during Friday's session of the Senate.

ADJOURNMENT UNTIL 11:30 A.M. TOMORROW

Mr. WARNER. Mr. President, if there is no further business to come before the Senate—and I see no Senators seeking recognition—I now ask that the Senate stand in adjournment as under the previous order.

There being no objection, the Senate, at 7:46 p.m., adjourned until Friday, May 24, 1996, at 11:30 a.m.

NOMINATIONS

Executive nominations received by the Senate May 23, 1996:

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

JEANNE GIVENS, OF IDAHO, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT FOR A TERM EXPIRING OCTOBER 18, 2002, VICE PIESTEWA ROBERT HAROLD AMES, TERM EXPIRING.

DEPARTMENT OF DEFENSE

KEITH R. HALL, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF THE AIR FORCE, VICE JEFFREY K. HARRIS, RESIGNED.

EXECUTIVE OFFICE OF THE PRESIDENT

KERRI-ANN JONES, OF MARYLAND, TO BE AN ASSOCIATE DIRECTOR OF THE OFFICE OF SCIENCE AND TECHNOLOGY POLICY, VICE JAMES M. WALES, RESIGNED.

U.S. INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

GERALD S. MCGOWAN, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 1998, VICE DONALD BURNHAM ENSENAT, RESIGNED.

DEPARTMENT OF STATE

PETE PETERSON, OF FLORIDA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE SOCIALIST REPUBLIC OF VIETNAM.

EXECUTIVE OFFICE OF THE PRESIDENT

FRANKLIN D. RAINES, OF THE DISTRICT OF COLUMBIA, TO BE DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET, VICE ALICE M. RIVLIN.

DEPARTMENT OF LABOR

J. DAVITT MCATEER, OF WEST VIRGINIA, TO BE SOLICITOR FOR THE DEPARTMENT OF LABOR, VICE THOMAS S. WILLIAMSON, JR.

EXECUTIVE OFFICE OF THE PRESIDENT

JERRY M. MELILLO, OF MASSACHUSETTS, TO BE AN ASSOCIATE DIRECTOR OF THE OFFICE OF SCIENCE AND TECHNOLOGY POLICY, VICE ROBERT T. WATSON, RESIGNED.

DEPARTMENT OF STATE

JOHN STERN WOLF, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS U.S. COORDINATOR FOR ASIA PACIFIC ECONOMIC COOPERATION [APEC].

CORPORATION FOR PUBLIC BROADCASTING

HEIDI H. SCHULMAN, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR A TERM EXPIRING JANUARY 31, 2002, VICE LESLEE B. ALEXANDER, TERM EXPIRED.

EXTENSIONS OF REMARKS

CONSUMER AUTOMOBILE LEASING ACT OF 1996

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1996

Mr. LaFALCE. Mr. Speaker, I am today introducing legislation to provide consumers with the information they need to make informed decisions about automobile leases. My bill, the consumer Automobile Leasing Act of 1996 would update and strengthen current Federal requirements for automobile lease disclosure and advertising under chapter 5 of the Truth in Lending Act.

Automobile leasing is a growing phenomenon that is supplanting traditional new car sales and dominating automobile advertising. It is the automobile industry's answer to the growing affordability gap between rising new car prices and stagnating family incomes.

A decade ago consumer leases represented less than 5 percent of all new car transactions. Today, more than 30 percent of all new automobile transactions involve leases. By the year 2000, some auto industry experts predict, leases will constitute over half of all new car transactions and a significant portion of used care transactions.

This rapid growth in automobile leases has generated a concomitant increase in lease advertising. The Center for consumer Affairs at the University of Wisconsin reported last year that its 6-year study of advertising in the Milwaukee market showed that lease advertising had grown from a relatively infrequent occurrence to the most commonly advertised consumer transaction in that market. Automobile leases now figure as prominently as, if not more prominently than, traditional automobile sales transactions in advertising in the Washington, DC market and in my congressional district in western New York. Leasing clearly has become a reasonable alternative to buying a new automobile not just for luxury car buyers, but also for middle-class families, for retirees on fixed incomes and even for college students. And lease advertising now seeks to appeal to all these markets.

Automobile leases can be beneficial for consumers, particularly in providing more manageable monthly automobile payments and lower maintenance costs. Unfortunately, it is often very difficult for consumers to understand the terms of auto leases and to know whether they actually save money with a lease. As the National Center for Study of Responsive Law commented to the Federal Reserve board last year, current lease promotions may deceive consumers into believing that they are getting a better deal with a lease than a credit purchase, when this may not be true.

I. THE NATURE OF THE PROBLEM

Part of the problem comes from the complexity of lease transactions. As a special task force of the State attorneys general reported to the Federal Reserve Board in November, most consumers are not yet familiar with lease transactions. The task force cited the way in which the automobile industry has chosen to structure lease transactions, both the terms used and their application in contracts and advertising, as making leases far more complex than the traditional sales situation. This complexity creates enormous opportunity for misrepresentation and abuse.

Problems also stem from inadequacies in current laws and regulations governing lease disclosure and advertising, particularly at the Federal level. The Consumer Leasing Act was enacted as chapter 5 of the Truth in Lending Act in 1976, long before Congress could have anticipated the current upsurge in automobile leases. Federal regulations governing lease disclosure and advertising have not been revised or updated in any significant way since their issuance by the Federal Reserve Board in 1981. This creates serious problems even on technical grounds. The dollar amount of the leases covered by the act, for example, is inadequate and will permit increasing numbers of auto leases to escape Federal regulation. Civil penalties under the act also are woefully inadequate to deter violations by automobile dealers and leasing companies when viewed in comparison to potential profits.

The inadequacies of current law and regulation present additional problems in practice. These laws and regulations offer no consistent standards governing clear and conspicuous disclosure for either lease contracts or advertising. They permit disclosure far too late, usually at the time a lease is signed, and sometimes even after a vehicle has been ordered and the consumer has paid a deposit or other fee. They offer no clear standards for nontraditional advertising, for example, in commercial mailings, toll-free telephone numbers or on the Internet. They permit lease advertising to mix terms and costs of leases and installment credit sales, which may easily confuse and mislead consumers. And they permit so-called come-on promotions that have little relevance to the terms actually offered to consumers or the vehicle models actually available.

One of the most serious omissions of current regulations is the lack of any requirement to disclose the annual interest rate implicit in lease transactions. The lease interest rate has been described by State Attorneys General, the Consumer Federal of America, the American Association of Retired Persons [AARP] and other organizations as the critical factor in the lease equation. Together with the lease term, the capitalized cost of the automobile and the vehicle residual value, it is one of the four variables that determine the consumer's monthly lease payment. To allow leasing companies to hide one of these key variables, as most now do, the attorneys general commented, is to invite abuse. Not requiring disclosure of a lease interest rate, they noted, is tantamount to the hiding of valuable information from consumers.

In Canada, lease annual interest rates will soon be a required disclosure item in all provinces. A national working group of provincial and Federal officials recently agreed that lessors should be required to disclose a lease rate as an annual percentage rate. Last July, the National Conference of Commissioners on Uniform State Laws released a study urging uniform State consumer leasing laws and recommending required disclosure of lease interest rates to allow comparison shopping by consumers. This same requirement is needed in Federal law. Without disclosure of a lease rate, according to the consumer Federation, consumers have no way of computing the real cost of a lease.

All of these problems in automobile leasing are compounded by lease documents that hide critical disclosures among technical lease terms and that confuse consumers with legal jargon, imprecise terms and byzantine payment and penalty formulas. Key consumer information such as the price of the leased automobile, is not clearly disclosed or is hidden in broader cost amounts. Fees paid as part of the vehicle capitalized cost or the payment required at lease signing may not be identified and itemized. And major costs after the lease is signed, such as vehicle delivery charges and lease-end disposition fees, are obscured or hidden to such a degree that the Federal Trade Commission says many consumers are unaware of their existence.

But it is in the area of lease advertising that, in my view, the problems and abuses of current automobile leasing are most evident. You only have to turn on the television or open the advertising sections of any local and regional newspaper to find advertisements that routinely feature deceptively low monthly lease rates or other attractive aspects of a lease while obscuring or omitting required information about the costs and restrictions of the lease; scroll consumer information quickly across the television screen or in mouse sized type in print advertisements to make it difficult for consumers to see or read; highlight no or zero downpayment amounts without stating the substantial charges and fees a consumer may actually have to pay upon signing the lease; and combine disclosure for numerous vehicle models in confusing tiny print or mix the payment amounts, downpayments, interest rates, and other items for leases with those of credit installment transactions.

The Federal Trade Commission summarized these problems earlier this year in detailed comments to the Federal Reserve Board:

> Many lease advertisements today may fall short of the "clear and conspicuous" standard. Currently many television and some

print advertisements boldly promote certain attractive lease terms and regulate the required lease disclosure to fine print or a location that is both inconspicuous and barely visible. Some television advertisements use background music or flashing images that further obscure the required disclosures. Television advertisements may also flash the disclosures on the screen for only two or three seconds or scroll so quickly that consumers are unable to read this important information.

These common practices make it extremely difficult for consumers to understand the terms of advertised leases and virtually impossible for consumers to make knowledgeable comparisons between lease offerings. In their comments last year, the attorneys general expressed concern that automobile lease advertisements have, for several years, generally failed to adequately disclose material information consumers need to make informed decisions. The Federal Trade Commission echoed this sentiment, stating that current misleading advertisements may significantly hinder comparison lease shopping, in direct contradiction of the purposes of the Consumer Leasing Act.

Clearly, current lease advertising provides no standardized format or uniform disclosures to permit consumers to make an intelligent and informed choice between leasing and buying an automobile or even to make comparisons among comparable leases offered by different dealers.

Given the confusion created by lease advertising and the complexity of the leases themselves, it is not surprising that reports of deceptive or abusing leasing practices are increasing. The State attorneys general report a dramatic increase in the number of consumer leasing complaints received by our offices. Local consumer affairs agencies in areas as diverse as San Jose, CA; Montgomery County, MD; and Penellas County, FL, all have reported auto leasing as the area in which consumer complaints have increased most significantly in recent years. Public agencies and consumer organizations all point to the inadequacy of information available to consumers, as well as growing pressures on auto dealers to maximize profits through leasing, as creating an enormous potential for abuse of consumers and as emphasizing the need for increased consumer protection.

II. OVERVIEW OF THE LEGISLATION

The legislation I am introducing today offers a comprehensive approach to the problems of automobile lease disclosure both in lease documents and in advertising. Indeed, the bill is the first legislation, that I am aware of, to propose comprehensive revision of the Consumer Leasing Act since the act was passed 20 years ago.

In general terms, the legislation amends the Consumer Leasing Act to implement many of the changes in lease disclosure and advertising recommended last year by the attorneys general task force. It incorporates technical changes requested by the Federal Reserve Board. It seeks to apply to all forms of lease advertising recent Federal Trade Commission standards for clear and conspicuous disclosure, as well as the FTC's proposed equal prominence standard for lease advertising. And it proposes required disclosure of a lease interest rate and other changes to enhance lease disclosure and advertising advocated by the Consumer Federation and other consumer organizations.

More specifically, my legislation would modify and update the disclosure requirements in current law to provide consumers with more visible, more complete, and more relevant information in lease documents about the terms and costs of auto leases. It would create a special requirement for automobile leases, modeled on proposals recently implemented by the leasing subsidiary of Ford Motor Co., that require the highlighted disclosure of key consumer costs and consumer notices or warnings at the beginning of the lease document. And it requires that consumers receive required disclosure before the lease signing in situations where an automobile must be ordered and the consumer is required to pay a deposit or incurs any other form of financial or legal obligation.

However, it is in the area of lease advertising that my legislation would make the most far-reaching changes. It clarifies the clear and conspicuous disclosure requirement in current law by incorporating the more specific reasonably understandable standards used by the Federal Trade Commission in the 900 number rule and in other industry advertising orders. It extends disclosure requirements to advertisements on the Internet. It requires all lease advertisements to disclose a lease rate computed as an annual percentage rate. It requires that disclosures in foreign language advertisements be made in the language primarily used in the advertisement. And it would permit television advertisers to use the alternative toll-free telephone disclosure option in current law for radio advertisements and clarify disclosure standards for toll-free telephone advertising.

The bill also addresses the more abusive advertising practices that are clearly intended to confuse or deceive consumers. It would prohibit lease advertisers from claiming that no down payment is required when, in fact, significant fees and charges are required to be paid at lease signing. It requires that transactions be clearly identified as a lease at least as prominently as any featured lease term or payment. It would prohibit the mixing of the terms of leases and installment credit transactions in the same advertisement. And it would prevent lessors from advertising lease terms that are offered only to select consumers or advertising lease terms for vehicle models they do not have in sufficient quantities to meet reasonably anticipated consumer demand.

Finally, the bill introduces a new initiative for print advertisements which would move auto lease advertising toward a uniform pricing approach that encourages comparison shopping by consumers. The proposal creates a special lease box requirement for printed lease advertisements that simplifies the disclosures required for lessors, makes disclosures more visible and understandable to consumers and provides greater uniformity in terminology and cost disclosures. It would make disclosed costs more relevant to lease terms offered to consumers by requiring that advertised costs represent average costs of comparable vehicles leased by the advertising dealer with option packages most commonly requested by consumers. And it would require that key factors used to calculate monthly lease payments—the lease terms, vehicle residual value, and excess mileage limits—be standardized to reflect standard industry practices in order to minimize their manipulation to produce artificially low monthly payment amounts in lease advertisements.

The proposal would standardize the information disclosed for comparable automobile models and highlight actual differences in vehicle capitalized costs, up front payments and lease interest rates among advertised lease options. The bill acknowledges that this is only one approach to introducing uniform pricing and disclosure to automobile leasing. It directs the Federal Reserve Board to study additional or alternative approaches for standardizing the terms and cost disclosures of auto leases and to propose appropriate initiatives that would permit more direct comparison of the base costs of competing lease transactions.

Mr. Speaker, in all these provisions I have tried to incorporate proposals that balance the consumers right to know all relevant information about the terms and costs of automobile leases with the need to minimize the burdens of disclosure for automobile dealers and advertisers. I have also sought to incorporate the best ideas of public agencies and consumer organizations that have studied the problems of consumer leasing, as well as the recommendations of the automobile leasing industry. I do not claim that the proposals in my bill are the only solutions to the problems addressed, nor even necessarily the best approaches. But I believe they will help us to begin a necessary dialog on this important issue.

III. CONCLUSION

My purpose in this bill is to encourage broader understanding of the growing importance of automobile leasing, of the increasing problems in leasing practices and lease advertising, and of the various solutions that are being discussed by public officials in this country and in Canada. And my intent is to encourage as comprehensive a debate as possible in Congress on the complex and timely consumer issues raised by automobile leasing.

My legislation also responds to changes in current auto leasing requirements that were incorporated by the majority in last year's bank regulatory relief legislation. A broad manager's amendment put forward during full committee consideration of this legislation struck some of the more positive initiatives proposed in earlier legislation by Mr. BEREUTER. The amendment replaced these initiatives with provisions designed to create a safe harbor for disclosures made by auto lessors and to limit significantly the civil liability of automobile leasing companies for false disclosures relating to numerous key disclosures for consumers, including descriptions of the property to be leased, additional fees and charges, lease-end liabilities and purchase options. These changes were proposed without congressional hearings and were approved without any oral or written presentation or discussion.

The growing importance of automobile leasing requires that changes in lease disclosure and advertising be given broad and careful consideration by Congress and not become just another hidden giveaway to special interests. In adopting the original Consumer Leasing Act 20 years ago, Congress recognized that applying any lesser standard than full and complete disclosure to automobile leasing is an invitation to abuse and deception. The same considerations should govern what we do today.

The legislation I am introducing simply requires that consumers be given full information about lease transactions in a manner which is understandable and which allows them to make intelligent purchasing decisions. The experiences of the State attorneys general, local consumer affairs offices and consumer organizations suggest that current relations and the methods used by lessors to comply with them, to quote the attorneys general statement, often make it impossible for consumers to make such decisions.

I urge the Congress to initiate broad hearings designed to incorporate all points of view on issues related to automobile leasing, and I urge my colleagues to give careful consideration to the changes and initiatives proposed in this legislation.

JUSTICE STEPHEN BREYER'S ADDRESS FOR THE 1995 DAYS OF REMEMBRANCE CEREMONY

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1996

Mr. LANTOS. Mr. Speaker, on April 16, Members of Congress, members of the diplomatic corps and hundreds of survivors of the Holocaust and their friends gathered here in the Capitol Rotunda for the Days of Remembrance ceremony. The U.S. Holocaust Memorial Council was established by Congress to preserve the memory of the horrors of the Holocaust. I commend the Council and the members of the Days of Remembrance Committee, chaired by my good friend Benjamin Meed, for their vigilant and genuine adherence to their extraordinarily important task.

One of the first acts of the committee was to establish the Days of Remembrance ceremony to mirror similar ceremonies held in Israel and throughout our Nation and the World. This year, the Days of Remembrance ceremony centered on the 50th anniversary of the Nuremberg trials. The ceremony was a reminder of the difficult process of first coping and their healing that all survivors and process of first coping and then healing that all survivors and their families and loved ones had to endure.

At this ceremony I was touched by the especially poignant words of Associate Justice Stephen Breyer. Throughout his life he has committed himself to the guidance of education and the principal of justice. These were the principles that he chose to speak of, so eloquently, during the ceremony.

Therefore, it was befitting that a leader from the highest court of our land address the ceremony commemorating the triumph of justice over barbarity. Justice Breyer stands as a symbol of our country's fervent commitment to the rule of law. His remarks commemorating the 50th anniversary of the Nuremberg Trials will endure as a tribute to those who championed the forces of justice, compassion and equality in an environment where those same qualities were callously disregarded. I ask by colleagues to join me congratulating Justice Breyer on his excellent speech; may its wonderful and inspirational message find its way into the hearts and minds of individuals around the world.

CRIMES AGAINST HUMANITY, NUREMBERG, 1946

(By Stephen Breyer, Associate Supreme Court Justice)

The law of the United States sets aside today, Yom Hashoah, as a Day of Remembrance—of the Holocaust. On Yom Hashoah 1996, we recall that fifty years ago another member of the Court on which I sit, Justice Robert Jackson, joined representatives of other nations, as a prosecutor, at Nuremberg. That city, Jackson said, though chosen for the trial because of its comparatively will-functioned physical facilities, was then "in terrible shape, there being no telephone communications, the streets full of rubble, with some twenty thousand dead bodies reported to be still in it and the smell of death hovering over it, no public transportation of any kind, no shops, no commerce, no lights, the water system in bad shape." The courthouse had been "damaged." Its courtroom was "not large." Over one door was "an hour glass." Over another was "a large plaque of the Ten Commandments"—a sole survivor. In the dock 21 leaders of Hitler's Thousand Year Reich faced prosecution.

Justice Jackson described the Nuremberg Trial as "the most important trial that could be imagined." He described his own work there as the most important "experience of my life," "infinitely more important than my work on the Supreme Court, or . . . anything that I did as Attorney General." This afternoon, speaking to you as an American Jew, a judge, a Member of the Supreme Court, I should like briefly to explain why I think that he was right.

First, as a lawyer, Robert Jackson understood the importance of collecting evidence. Collecting evidence? one might respond. What need to collect evidence in a city where, only twenty years before, the law itself, in the form of Nuremberg Decrees, had segregated Jews into Ghettos, placed them in forced labor, expelled them from their professions, expropriated their property, and forbid them all cultural life, press, theater, and schools. What need to collect evidence with the death camps that followed themselves opened to a world, which finally might see. "Evidence," one might then have exclaimed. "Just open your eyes and look around you."

But the Torah tells us, There grew up a generation that "knew not Joseph." That is the danger. And Jackson was determined to compile a record that would not leave that, or any other future generation with the slightest doubt. "We must establish incredible events by credible evidence," he said. And, he realized that, for this purpose, the prosecution's 33 live witnesses were of secondary importance. Rather, the prosecutors built what Jackson called "a drab case," which did not "appeal to the press" or the public, but it was an irrefutable case. It was built of documents of the defendants "own making," the "authenticity of which" could not be, and was not "challenged." The prosecutors brought to Nuremberg 100,000 captured German documents; they examined millions of feet of captured moving picture film; they produced 25,000 captured still photographs, "together with Hitler's personal photographer who took most of them." The prosecutors decided not to ask any defendant to testify against another defendant, lest anyone believe that one defendant's hope for leniency led him to exaggerate another's crimes. But they permitted each defendant to call witnesses, to testify in his own behalf, to make an additional statement not under oath, and to present documentary evidence. The very point was to say to these defendants: What have you to say when faced with our case—a case that you, not we, have made, resting on your own words and confessed deeds? What is your response? The answer, after more than 10 months and 17,000 transcript pages, was, in respect to nineteen of the defendants, that there was no answer. There was no response. There was nothing to say. As a result, the evidence is there, in Jackson's words, "with such authenticity and in such detail that there can be no responsible denial of these crimes in the future and no tradition of martyrdom of the Nazi leaders can arise among informed people." Future generations need only open their eyes and read.

Second, as a judge, Robert Jackson understood the value of precedent—what Cardozo called "the power of the beaten path." He hoped to create a precedent that, he said, would make "explicit and unambiguous" what previously had been "implicit" in the law, "that to persecute, oppress, or do violence to individuals or minorities on political, racial, or religious grounds . . . is an international crime . . . for the commission [of which] . . . individuals are responsible" and can be punished. He hoped to forge from the victorious nations' several different legal systems a single workable system that, in this instance, would serve as the voice of human decency. He hoped to create a "model of forensic fairness" that even a defeated nation would perceive as fair.

Did he succeed? At the least, three-quarters of the German nation at the time said they found the trial "fair" and "just." More importantly, there is cause for optimism about the larger objectives. Consider how concern for the protection of basic human liberties grew dramatically in the United States, in Europe, and then further abroad, in the half century after World War II. Consider the development of what is now a near consensus that legal institutions—written constitutions, bills of rights, fair procedures, an independent judiciary—should play a role, sometimes an important role, in the protection of human liberty. Consider that, today, a half century after Nuremberg (and history does not count fifty years as long), nations feel that they cannot simply ignore the most barbarous acts of other nations; nor, for that matter, as recent events show, can those who commit those acts ignore the ever more real possibility that they will be held accountable and brought to justice under law. We are drawn to follow a path once beaten.

Third, as a human being, Jackson believed that the Nuremberg trials represented a human effort to fulfill a basic human aspiration—"humanity's aspiration to do justice." He enunciated this effort in his opening statement to the Tribunal. He began: "The wrongs which we seek to condemn and punish have been so calculated, so malignant and so devastating, that civilization cannot tolerate being ignored because it cannot survive their being repeated. That four nations flushed with victory and stung with injury, stay the hand of vengeance and voluntarily submit their captive enemies to the judgment of the law is one of the most significant tributes that Power ever has paid to Reason."

To understand the significance of this statement, it is important to understand what it is not. Nuremberg does not purport to be humanity's answer to the cataclysmic events the opening statement goes on to describe. A visit to the Holocaust Museum (or, for some, to the corridors of memory) makes clear that not even Jackson's fine sentences, eloquent though they are, can compensate for the events that provoked them. But, that is only because, against the background of what did occur, almost any human statement would ring hollow. A museum visit leads many, including myself, to react, not with words, but with silence. We think: There are no words. There is no compensating deed. There can be no vengeance. Nor is any happy ending possible. We emerge deeply depressed about the potential for evil that human beings possess.

It is at this point, perhaps, that Nuremberg can help, for it reminds us that the Holocaust story is not the whole story; it reminds us of those human aspirations that remain a cause for optimism. It reminds us that after barbarism came a call for reasoned justice.

To end the Holocaust story with a fair trial, an emblem of that justice, is to remind the listener of what Aeschylus wrote twenty-five hundred years ago, in his "Eumenides"—where Justice overcoming the avenging furies, humanity's barbaric selves, promises Athens that her seat, the seat of Justice, "shall be a wall, a bulwark of salvation, wide as your land, as your imperial state; none mightier in the habitable world." It is to repear the Book of Deuteronomy's injunction to the Jewish People: "Justice, justice shall you pursue."

And if I emphasize the role of Nuremberg in a story of the Holocaust, that is not simply because Justice Jackson himself hoped that the trial "would commend itself to posterity." Rather, it is because our role—the role of almost all of us—today in relation to the Holocaust is not simply to learn from it, but also to tell and to retell it, ourselves, to our children and to future generations. Those who were lost said, "Remember us." To do that, to remember and to repeat the story is to preserve the past, it is to learn from the past, it is to instruct and to warn the future. It is to help that future, by leading them to understand the very worst of which human nature is capable. But, it is also to tell that small part of the story that will also remind them of one human virtue—humanity's "aspiration to do justice." It is to help us say, with the Psalmist, "Righteousness and Justice are the foundations of Your Throne."

TRIBUTE TO THE DIAMOND JUBILEE OF THE VILLAGE OF EDGERTON'S HOMECOMING

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1996

Mr. GILLMOR. Mr. Speaker, it gives me great pleasure to rise today and bring to the attention of my colleagues an important event being held in Edgerton, Ohio, June 19–22. The Village of Edgerton will be celebrating the 75th Diamond Anniversary of the community's homecoming. This annual summer festival is a time for friends and neighbors to get together and honor their community spirit.

A true railroad city, Edgerton was surveyed in 1854 where the proposed Michigan Southern and Northern Indiana Railroad crossed the St. Joseph River. Named after former newspaper editor, Ohio State Senator and U.S. Congressman Alfred P. Edgerton, the city grew quickly. By the end of the Civil War there were two general stores, three saloons, a grocery, hotel, produce dealer, harness shop, house painter, four carpenters, two blacksmiths, and a wagon maker. Through the years, the occupations have changed but the sense of pride in community has remained.

This pride is manifested every summer through the village's homecoming. Throughout its history, Edgerton has been blessed by their enthusiasm and volunteer labor for its many projects. Anniversaries are a time to reflect upon a steadfast tradition of service, they are also a time to look toward new horizons. The residents of Edgerton have made it their responsibility to serve those in need by keeping pace with the ever increasing challenges facing mankind. This summer's celebration honors that heritage.

I ask my colleagues to join me today in recognizing Edgerton's Diamond Anniversary Homecoming and encouraging the residents to continue to set the standard for community involvement in Ohio.

TRIBUTE TO MEND

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1996

Mr. BERMAN. Mr. Speaker, I am honored to pay tribute to Meeting Each Need With Dignity [MEND], which this year celebrates its 25th anniversary of service to the northeast San Fernando valley. With its efforts to provide comprehensive health, educational and employment services, MEND has played an invaluable role in the community. Today it serves as many as 13,000 people per month.

That total is indicative of MEND's growth and success in a quarter-century of operation. As recently as 1987. MEND had a client base of 2,000 people per month. With the increase in population in the area over the past decade, plus cuts in government funding, MEND has been forced to respond to a situation that approached crisis proportions.

In addition to providing general services, the agency offers food, clothing and English-language classes. I cannot imagine what life would be like for the poor, sick, elderly, and aspiring citizens in the northeast valley without the presence of MEND.

Last year MEND expanded its facilities, adding a waiting room, classroom, computer lab, separate medical and dental treatment rooms, a pharmacy, food warehouse and sorting room for clothes. I was particularly impressed that this $1 million expansion was funded entirely by private sources.

MEND has come a long way since its opening in 1971, when Catholic and Protestant church members worked out of their own garages distributing donated food and clothing to poor people in the northeast San Fernando valley.

I ask my colleagues to join me today in saluting MEND, an organization that has done so much for so many over the past 25 years. Its dedication to the community and desire to help is a shining example for us all.

IN HONOR OF JOSE JOSE: A DISTINGUISHED MUSICIAN AND INDIVIDUAL

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1996

Mr. MENENDEZ. Mr. Speaker, I rise today to pay special tribute to Jose Jose, a remarkable individual who has distinguished himself by his enormous contribution to Latino music and the Hispanic community. He will be honored during a performance at Radio City Music Hall on May 24, 1996.

Born in Mexico as Jose Romulo Sosa Ortiz, Jose Jose was destined to become a renowned international celebrity. The son of a tenor for the Mexican National Opera Company, Jose Esquival, and a concert pianist, Margarita Ortiz, Jose Jose's talent and interest in music were influenced by the success of his parents.

During the 1950's, Jose Jose's talent began to emerge. He joined the school choir and began performing at local festivals, and important social and sporting events. Upon learning to play the guitar in the early 1960's, he formed a trio along with his cousin and a close friend. Jose Jose's first record received little recognition but he persevered on in his musical career. He began performing at prominent nightclubs like the Tropicana, EL Farolito and Peria Negra, and was soon offered a record deal with RCA Records. Soon after, in 1969, Jose Jose struck it big throughout the Hispanic community with his first hit song, "La Nave Del Olvido." Following the overwhelming success of this single, his career reached heights beyond his dreams.

The sudden success catapulted the singer to international stardom. Throughout the 70's and 80's, he toured major cities in the United States, Puerto Rico, Guatemala, Costa Rica, Brazil and Argentina, and made numerous television appearances performing such renowned hits as "La Nave Del Olvido," "Secretos," "Lagrimas," "40 y 20," "Gavilan O Paloma," and "El Triste." Today Jose Jose serves as an example of self-determination and hard work. His voice has touched the lives of so many and will continue to echo throughout the international community for many years to come.

It is an honor to have such an outstanding entertainer visit the 13th District and to perform at Radio City Music Hall. I ask my colleagues to join me in honoring Jose Jose, an entertainer for the ages.

THE NOVALIC FOUNDATION OF CROATIA

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1996

Mr. LANTOS. Mr. Speaker, this Chamber has heard many statements on the horrors that the recent wars on the territory of the former Yugoslavia visited on the peoples of that region. While no side remained blameless in these conflicts, in fact, all sides committed unspeakable crimes, it was certainly the Serb aggressors who showed the world degrees of inhumane cruelty, of barbarism that some of us had hoped would never be used again as tools to settle questions of territory or dominance.

I was one of the Members here who made many of the statements I just referred to as I followed these events closely and felt very strongly about them. Nonetheless, just the other day I was reminded again quite powerfully of the excesses of perverse cruelty in these wars. I was presented with a photo album of some of the churches of Eastern Croatia, the region that is still under Serb occupation. These pictures reminded me that this was not just a political and ethnic war, but it was also a war against culture and religion. The Serb invaders purposefully targeted the churches of the Croat and Hungarian ethnic communities in that region, shelling them with ferocity and great precision. About 67 churches lie partly or fully in ruin in or around the still occupied territories.

Not all news coming from that region is bad, however. These photos of the destroyed churches were presented to me in my office by a remarkable individual, Mr. Antun Novalic, a businessman from the town of Osijek, Croatia, right across a river from the occupied territories. In this area where the wounds of ethnic hatred are still festering, Mr. Novalic has established a foundation with his own money, dedicated to rebuilding those churches regardless of the creed or ethnicity of the congregations. His plans also include the restoration of the old Jewish cemetery in the village of Vorosmart, an ancient Hungarian settlement in Croatia going back over a millennium. The cemetery suffered no war damage, but it suffered vandalism during the invasion and is generally in a neglected state.

Mr. Novalic was not asking for money in this country, as he told me he wanted to establish a record of accomplishment using his own funds before he would ask for others to contribute. He was here to seek moral support and to inform Americans who care about the fate of that region of the objectives of the Novalic Foundation.

Mr. Speaker, I commend Mr. Novalic for his noble idea and wish every success for his foundation. I wanted my colleagues to know that for every act of destruction, of seeding hatred, someone, somewhere is working selflessly on construction, on restoring ethnic harmony and tolerance. I hope the United States will remain allied to such people and give their efforts all reasonable support.

MACOMB COUNTY BIKE PATH: SHOWING THE POWER OF PARTNERSHIPS

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1996

Mr. BONIOR. Mr. Speaker, at a time when people all across America are looking for new ways to work together for the betterment of our communities, I want to call the attention of my colleagues to a project in my Congressional District that is a shining example of the power of partnerships.

A few years ago, I and others in our area worked together to establish the Macomb Bike/Hike Path. The idea behind the bike path was a simple one—to give people in Clinton Township a recreational resource to use and enjoy. The establishment of the bike path was a community effort, one which brought together the Federal Government, county government, and our neighbors to work together for a common goal.

Simply put, the Macomb Bike Path has been a tremendous success. It is heavily used by joggers, dog walkers, and many others who value it as an important recreational resource. And while many people use the bike path, until last year it was just that—an asphalt path running through a sparse tract of land.

Last year, however, Detroit Edison, as part of their ongoing efforts to improve our environment, agreed to contract with Cal Fleming Landscaping and Metropolitan Forestry Consultants to plant 114 trees along an empty stretch of the Macomb Bike Path. These trees, which are valued at $20,000, include some of the most beautiful kind imaginable, including green ash, red oak, red and amur maples, and flowering crabapple trees.

This donation has gone a long way toward enriching and beautifying the bike path for our community and its residents. On one of my recent trips back home to Michigan, I walked the newly-renovated path and marveled at the beauty of the newly blooming trees.

Also helping out in our efforts to improve the path and care for these trees is the Macomb County Road Commission, the Boy Scouts of America Troop #157, the Bearing Burners Auto Club, the Lake Pointe Nursing Center, the Tree People Community Group, and the Inter-County Drainage Board.

Mr. Speaker, many people worked together to make this project a reality, but I want to give special recognition to several people from Detroit Edison and their contractors: Peggy A. Sorvala, John A. Cretti, Ronald L. McIntyre, Roberta C. Urbani, Paul Stricher, Cal Fleming Landscaping and David Breedlove.

I also would like to recognize Detroit Edison Chairman John Lobbia for his leadership in making projects like this one a reality.

The contributions of these men and women are a shining example of public service. They are truly people who promote and act on the values of our community and have a genuine concern for the people they serve. Their work on the Macomb Bike/Hike Path is an excellent example of what can be accomplished when government, citizens and private industry work together.

SALUTE TO REV. DR. REPSIE M. WARREN OF PHILADELPHIA

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1996

Mr. FOGLIETTA. Mr. Speaker, I rise today to pay special tribute to Rev. Dr. Repsie M. Warren, founder and pastor of the Society for Helping Church to congratulate her on her many years of service to the Philadelphia community.

Reverend Warren, educated at Elizabeth City State University, Philadelphia Antioch University, Philadelphia Lutheran Theological Seminary, and New York Theological Seminary, began her tenure with the Society for Helping Church over 20 years ago. Rev. Warren established the Society for Helping Church in 1976, and the Society for Helping, Inc., a Social Service Agency for the deaf and hearing impaired, in 1977, where she serves as executive director. Reverend Warran has dedicated her life to improving the plight of the people within the Philadelphia community.

Reverend Warren is also an outstanding educator. Since her retirement from teaching in the Philadelphia Public School System, she has become an activist concerned about quality education. Reverend Warren has played a vital role in many programs in the Philadelphia community as the vice chair of the Black Clergy of Philadelphia & Vicinity, Inc. and vice president of the Southeastern Region of One Church One Child. Reverend Warren has been active in religious and community projects, holding memberships in various organizations for community enrichment.

I hope my colleagues will join me today in congratulating Rev. Dr. Repsie M. Warren for her many years of service with Society for Helping Church and the Philadelphia community. I wish the Reverend Warren and the Society for Helping Church the very best as they continue their service to the Philadelphia community.

INTRODUCTION OF ADMINISTRATION'S RETIREMENT PROTECTION ACT

HON. SAM GIBBONS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1996

Mr. GIBBONS. Mr. Speaker, this bill we are introducing today is a good bill. It contains many provisions that will accomplish positive results in our retirement system. It will increase the number of families and individuals who can contribute to their retirement savings through an IRA by approximately 20 million. In addition, it will make retirement benefits available to approximately 10 million small businesses and their employees.

There has been growing concern about the adequacy of the pool of retirement savings available for our aging baby-boom generation. Some studies have indicated that the members of this group are saving at only one-third the rate they will need to retire at a standard of living which is similar to their current standard. This legislation certainly will expand the opportunity for these workers to increase their retirement savings. Also, younger workers could begin saving for retirement at an earlier age under the optional waiver of the initial waiting period for qualification to participate in their employer's plan.

In addition, the simplified 401(k) plan small businesses would be able to offer to their employees under this bill would allow many part-time workers to set aside retirement funds. Under this provision, any worker who makes at least $5,000 for 2 consecutive years would be eligible. This would include many women who are in the work force on a part-time basis because of family responsibilities. Also, a great number of workers maintain part-time hours at some point in their careers for different reasons. This bill would allow them to continue to save for retirement. This is a major step in the right direction. I applaud this effort.

Last year, the Republicans included a provision in their Balanced Budget Act which would have allowed employers to raid the retirement funds of their employees. President Clinton specifically mentioned that provision, among others, including Medicare and welfare, as a reason for vetoing the bill. This bill contains provisions that are designed to deter employers from engaging in such behavior. This emphasizes our strong commitment to protect and preserve the pensions of hard-working individuals.

Another good feature of this bill is the provision that would ensure that workers of companies which go out of business or workers who left an employer many years earlier would be able to collect their retirement benefits from these employers through the Pension Benefit Corporation [PBGC]. PBGC will act as a clearinghouse for the terminated plans of these employers. This will help many of our workers who otherwise may have no other way of collecting these funds. This provision will have a very positive impact on many workers at a time when they need it most. I strongly support this effort.

I have always supported portability in our pension system. I am very pleased to see that the administration will be taking additional steps to improve the ability of an employee to take his or her retirement account to a subsequent employer. I welcome this effort.

In conclusion, I reiterate my support for this bill, and I look forward to working toward making its goals become reality.

TRIBUTE TO ALBERTUS MAGNUS COLLEGE ON ITS 70TH ANNIVERSARY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1996

Ms. DELAURO. Mr. Speaker: It is with great pleasure that I rise today to salute Albertus Magnus College on its 70th Anniversary.

Albertus Magnus was founded in 1925 by the Dominican Sisters of St. Mary of the Springs, Columbus, Ohio. It was the first Catholic residential liberal arts college for women in New England.

The College has established a tradition of setting precedents in educational innovation. The New Dimensions Program was established in 1994 and enables students to work and maintain family commitments while obtaining a degree in business administration in only two years. The Tri-Session Plan was implemented in 1993 and allows students to complete their degree program in three years by attending three sessions per academic year instead of two. Although the program is intense and academically rigorous, students are able to save valuable time and money. The program has been cited by leading educators as model to control the ever-rising cost of a college education. These are only two examples of the College's mission to make a liberal arts education both intellectually challenging and accessible.

Throughout all the changes and reforms, Albertus Magnus has remained steadfast in its commitment to the pursuit of knowledge and the liberal arts. Albertus Magnus is dedicated to guiding undergraduates on their academic and intellectual journey. The College strives to provide students with the tools to build their own paradigm for understanding and interpreting the world. Students are taught to engage in the analytical process as they try to understand and then question traditional schools of thought. Graduates of Albertus Magnus leave with the knowledge that life is a journey and that they must never cease to question and explore what they believe to be true.

I am pleased to wish Albertus Magnus congratulations on the 70th Anniversary. I am confident that under the strong leadership of President Julia McNamara the College will move into the 21st century at the forefront of education.

TRIBUTE TO DR. IAN EDWARDS

HON. GREG GANSKE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1996

Mr. GANSKE. Mr. Speaker, I would like to bring your attention to the recent travels of Dr. Ian Edwards, president of Toastmasters International.

Dr. Edwards' trip in early May was the first ever presidential visit to the Toastmasters National Capitol District 27. He was elected president of Toastmasters International in 1995 and has been a Toastmaster for over 18 years.

Dr. Edwards and his family currently live in west Des Moines, IA and I am pleased to have such an accomplished public speaker in my district.

THE DATABASE INVESTMENT AND INTELLECTUAL PROPERTY ANTIPIRACY ACT OF 1996

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1996

Mr. MOORHEAD. Mr. Speaker, I rise to introduce the Database Investment and Intellectual Property Antipiracy Act of 1996, a bill to encourage continued investment in the production and distribution of valuable new databases.

Electronic databases, and other compilations of factual material, are absolutely indispensable to the American economy on the verge of the new century. These information products put a wealth of data at the fingertips of business people, professionals, scientists, scholars, and consumers, and enable them to retrieve from this haystack of information the specific factual needle that they need to solve a particular economic, research, or educational problem. Whether they focus on financial, scientific, legal, medical, bibliographic, news, or other information, databases are an essential tool for improving productivity, advancing education and training, and creating a more informed citizenry. They are also the linchpin of a dynamic commercial information industry in the United States.

Developing, compiling, distributing, and maintaining commercially significant databases requires substantial investments of time, personnel, and money. Information companies must dedicate massive resources to gathering and verifying factual material, presenting it in a user-friendly way, and keeping it current and useful to customers. U.S. firms have been the world leaders in this field. The have brought to market a wide range of valuable databases that meet the information needs of businesses, professionals, researchers, and consumers worldwide. But several recent legal and technological developments threaten to cast a pall over this progress, by eroding the incentives for the continued investment needed to maintain and build upon the U.S. lead in world markets for electronic information resources.

Here in the United States, the 1991 Supreme Court decision in Fiest Publications v. Rural Telephone Service Co. marked a tougher attitude toward claims of copyright in databases. While reaffirming that most—although not all—commercially significant databases satisfy the "originality" requirement for protection under copyright, the Court emphasized that this protection is "necessarily thin." Several subsequent lower court decisions have underscored that copyright cannot stop a competitor from lifting massive amounts of factual material from a copyrighted database to use as the basis for its own competing product. Database producers are concerned that some of these cases may also cast doubt on the ability of a database proprietor to use contractual provisions to protect against unfair competition from such "free riders."

In Europe, a 6-year legislative process culminated earlier this year in the issuance of a European Union Directive on Legal Protection of Databases. Among other things, the Directive creates a new, non-copyright form of legal protection for databases, to supplement copyright. But it denies this new protection to U.S.-originated databases unless the United States is found to offer "comparable" protection to European databases. When fully implemented in 1998, the European Directive could place U.S. firms at an enormous competitive disadvantage throughout the entire European market.

At the World Intellectual Property Organization, a growing international consensus supports development of a new international treaty on noncopyright protection for databases, with the possibility of action as early as December 1996. Indeed, this week in Geneva, U.S. negotiators are putting forward a draft for such an international instrument.

In cyberspace, technological developments represent a threat as well as an opportunity for databases, just as for other kinds of works. Copying factual material from a database, and rearranging it to form a competing information product—just the kind of behavior that copyright protection may not effectively prevent—is cheaper and easier than ever, through digital technology that is now in widespread use.

When all these factors are added together, the bottom line is clear: it is time to consider new federal legislation to protect database developers against piracy and unfair competition, and thus encourage continued investment in the production and distribution of valuable commercial databases. Such legislation could improve the market climate for databases in the United States; ensure protection for U.S. databases abroad on an equitable basis; place the United States on the leading edge of an emerging international consensus; and provide a balanced and measured response to the new challenges of cyberspace. The bill I introduce today aims to advance these goals.

While copyright, on the Federal level, and the State contract law underlying licensing agreements, remain essential tools for protecting the enormous investment in databases from the threat of unfair competition, there are gaps in the protection that can best be filled by a new Federal statute. The Database Investment and Intellectual Property Antipiracy Act would prohibit the misappropriation of valuable commercial databases by unscrupulous competitors who grab data collected by others, repackage it, and market a product that threatens competitive injury to the original database. This new Federal protection is modeled in part on the Lanham Act, which already makes similar kinds of unfair competition a civil wrong under Federal law. It also draws on some of the positive elements of the European directive, and is intended to be fully consistent with the draft international treaty language being put forward by our negotiators in Geneva. Importantly, this bill maintains existing protections for databases afforded by copyright and contract rights. It is intended to supplement these legal rights, not replace them.

The Database Investment and Intellectual Property Antipiracy Act is a balanced proposal. It is aimed at actual or threatened competitive injury from misappropriation of databases or their contents, not at non-competitive uses. The bill contains specific exemptions for use of insubstantial portions of databases for any purpose. The bill specifically allows innovators to create their own databases independently, as a result of their own work and investment, as opposed to "free riding" on the work and investment of others. Our goal is to stimulate the creation of even more databases, and to encourage even more competition among them. The bill avoids conferring any monopoly on facts, or taking any other steps that might be inconsistent with these goals.

Some sections of this bill are modeled closely on the non-copyright provisions of H.R. 2441, the NII Copyright Protection Act of 1995, as introduced last fall. As these provisions in the NII legislation are refined and improved in the legislative process, I anticipate that conforming changes would be made to the corresponding provisions of the Database Investment and Intellectual Property Antipiracy Act as well.

This legislation provides the starting point for legislative activity on an important and complex subject. I look forward to hearing the suggestions and reactions for interested parties, and of my colleagues, in the near future, and to working with the Administration to strengthen protections for U.S. databases both at home and around the world.

TRIBUTE TO RUTH NUSSBAUM

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1996

Mr. BERMAN. Mr. Speaker, I am honored today to pay tribute to my good friend Ruth Nussbaum, who was a fervent supporter of Israel even before the founding of the country in 1948. She has worked tirelessly and dedicated much of her life to Israel and the Jewish people. Ruth is a dear friend of my uncle, Jack Shapiro and I have often heard him speak of her with great affection and respect. Jack and his late wife, my aunt Dora had tremendous admiration for the work done by Ruth and her late husband, Rabbi Max Nussbaum.

Born in Berlin, Ruth and her family emigrated to the United States from Germany in 1940, as Hitler's plans for the Jews became clear. They settled first in Oklahoma, where Max was rabbi at Temple Beth Ahava, and then moved to Los Angeles in September 1942. Soon after arriving in Los Angeles Max became rabbi at Temple Israel of Hollywood, and Ruth settled into a lifetime of activism.

From her first year in America, she enlisted in efforts to save European Jews from the Nazis. Her goal was getting the Jews to Palestine. After World War II, she became involved in the movement to lift immigration limitations in Palestine, and the establishment of Israel as an independent nation.

Following the death of Rabbi Nussbaum in 1974, Ruth increased her activities on behalf of Israel. She served for many years as Zionist affairs and program chair for the Los Angeles Chapter of Hadassah, and was chair of Israel Bonds' Women's Division and Advisory Council. In 1977 she was a founding member of the Association of Reform Zionists of America [ARZA], the Zionist affiliate of the Union of American Hebrew Congregations.

Ruth has visited Israel at least 20 times, attending missions, serving as a delegate to the World Zionist Congress and visiting her nieces and nephews. In this way she combines love for her family with love for her people.

I ask my colleagues to join me today in honoring Ruth Nussbaum, a woman whose selflessness and dedication is a shining example for us all. I am proud to be her friend.

THE HONORABLE SID YATES AT THE DAYS OF REMEMBRANCE CEREMONY

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1996

Mr. LANTOS. Mr. Speaker, on April 16, Members of Congress, members of the Diplomatic Corps and hundreds of survivors of the Holocaust and their friends gathered here in the Capitol Rotunda for the National Days of Remembrance commemoration. The United States Holocaust Memorial Council was established by Congress to preserve the memory of the victims of the Holocaust. I commend the Council and the members of the Days of Remembrance Committee, chaired by my good friend Benjamin Meed, for their vigilant and genuine adherence to their extraordinarily important task.

One of the first acts of the Council was to establish the annual Days of Remembrance commemoration to mirror similar observances held in Israel and throughout our nation and elsewhere in the world. This year, the commemoration centered on the 50th anniversary of the Nuremberg trials. The observance was a reminder of the difficult process of first coping and then healing that all survivors and their families and loved ones had to endure.

Our senior colleague, SID YATES, who himself served with distinction in the Navy in World War II, delivered a very poignant speech at the ceremony. I was so moved by his powerful speech that I invite my colleagues to take a moment to read his remarks.

THE DAYS OF REMEMBRANCE CANDLE LIGHTING CEREMONY

(By Sidney R. Yates)

"The first to perish were the children," said poet Yitzshak Katzenelson, himself a victim of the Nazis, and a witness to their destruction.

French author, Francois Mauriac who lived in occupied France said: "Nothing I have seen during these somber years left so deep a mark upon me as those hundreds, of Jewish children standing in Austerlitz station."

15.000 children were sent to Terezin concentration camp. Only 100 survived. Jiri Weil writes of these children: "Only the drawings and the poems—that is all that is left of these children, for their ashes have long since sifted across the fields around Auschwitz."

How could any person—kill innocent children—not 1 or 20 or 100—but 1.5 million children were exterminated by the Nazis.

We cannot forget the insane butchery of our young. We mourn for them—for their mothers and fathers and brothers and sisters—and we mourn for ourselves, for having lost them.

Today as we light the candles we will honor members of the staff who prosecuted the German leaders at The Nuremberg Trials for crimes unprecedented in human history. Unprecedented, yes, and also unspeakable.

As these candles are lighted we remember the victims of Nazi viciousness.

As we light these candles we will be remembering the children whose lives were snuffed out.

There is no punishment adequate for the crimes against the children. There is only our memory to keep them alive—forever.

We will Remember the Children.

ABERCROMBIE GUILD OF CHRIST HOSPITAL HONORED FOR 120 YEARS OF CONTINUOUS SERVICE

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1996

Mr. MENENDEZ. Mr. Speaker, I rise today to pay tribute to the Abercrombie Guild of Christ Hospital for 120 years of service to the residents of Jersey City. A special ceremony to celebrate the guild's accomplishments will be held at the Liberty Science Center on May 23, 1996.

Formerly called the ladies' Hospital Guild, the organization we honor today was formed in 1874 by a group of 20 women. They began by making clothing for the sick children in the hospital. As the needs of the hospital changed, so did the guild. In 1887, the daisy ward, a pediatrics ward, was established in the hospital. Since then, the guild has devoted much of its time and efforts to creating a comfortable environment for the children in this ward. Through the years, the guild has strived to make the lives of the patients and the hospital community a little better.

The guild was incorporated and named after one of the founders and presidents of Christ Hospital, Rev. Richard Mason Abercrombie. As a corporation, the guild is devoted to securing money and supplies for the hospital with special care given to the children's ward, of which Christ Hospital is particularly proud. The funds donated and bequeathed to the guild greatly benefit these children. The moneys are used to provide the children with the medical attention needed.

The Guild also provides a number of other valuable services, including a monthly news letter known as the Daisy and a burial fund that is administered by the burial committee. The burial fund provides a final resting place for impoverished patients who have died in the hospital. In addition, the chapel committee, which provides Holy Communion and other religious services, and the sewing committee, which provides made and mended clothing, are the most commonly known features of the guild.

I ask my colleagues to rise and join me in honoring the Abercrombie Guild. The services and help the guild has provided the children and patients of Christ Hospital are truly extraordinary.

HONORING GRATIOT PARK UNITED METHODIST CHURCH

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1996

Mr. BONIOR. Mr. Speaker, I rise today to pay tribute to the men and women of the Gratiot Park United Methodist Church in Port Huron, MI. This Sunday, I and many others from Michigan's Bluewater area will gather at the church to dedicate a marker celebrating the importance of that structure in the history of our community and our State.

The origins of the Gratiot Park United Methodist congregation can be traced back to the time of the construction of Fort Gratiot in 1814, and the early days of the church are tied to the growth of the fort.

Records of the time show that circuit riders regularly traveled through the wilderness to preach at Fort Gratiot. Accounts also indicate that the early congregation survived a devastating cholera outbreak in 1832 that nearly wiped out the entire territory.

In 1859, the Reverend A.E. Ketchum established a Methodist class at the Fort Gratiot Mission. Brothers ventured to remote areas of Michigan seeking new members for the community.

The site of today's Gratiot Park United Methodist Church was first surveyed in 1834, and changed ownership several times before being purchased in trust for the church in July 1866.

In 1968, the church was formally renamed the Gratiot Park United Methodist Church.

The Bluewater area is far different today than it was in the times of Fort Gratiot. Where once pioneers struggled to settle the land, today Port Huron is a thriving city and a growing center of commerce. But despite decades of change, the Gratiot Park United Methodist Church still stands as a part of our community and part of the lives of our people.

It has seen the deep divisions created by the Civil War and witnessed the inventions of Thomas Edison.

It has stood through the dawn of the Grant Trunk Railroad and the boom of the shipping and lumber industries and the growth of Port Huron.

And through it all, the church and its congregation have stood as a source of strength and fellowship for the people of our area.

Mr. Speaker, the marker that the Michigan Historical Center has affixed to this structure is a fitting tribute to the Gratiot Park United Methodist Church and a source of great pride for the entire Port Huron community.

I hope that my colleagues will join me in recognizing this important designation.

SMALL BUSINESS PERSON OF THE YEAR

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1996

Mr. STUPAK. Mr. Speaker, it is an honor for me to bring to the attention of this body and the nation an individual who has truly made a difference in his local area and who, along the way, has helped so many others. Mr. Paul R. Argall, President of PCBM Management Company, Inc., in Ishpeming, Michigan began with a dream, a goal, an idea and has molded that into one of the most successful business operations in the Upper Peninsula of Michigan. For his efforts, Mr. Argall has been named Michigan Small Business Person of the Year by the United States Small Business Administration, a honor well deserved.

Mr. Argall first distinguished himself as a Certified Public Accountant, opening his own firm in 1978. Realizing that his home town of Ishpeming, like other small communities in the Upper Peninsula, was on an economic decline, Paul moved forward in 1984 by establishing PCBM Management Company that formed the foundation for a dream that he believed would not just provide jobs for so many local residents, but would be the primary source of economic development for the area.

The goal was to build a village within the city that would include various businesses to support local tourism. Following the acquisition in1987 of some 35 acres of land along US–41, the first of what would be many new small businesses began with the Pamida Discount Center, a 40,000 square foot department store that created 50 new jobs. A fifty room hotel and 165 seat restaurant was then added in 1989 and the Country Village Plaza began to take shape. Since then, many new businesses have opened including other restaurants, grocery stores, a bowling center, banks, laundromats, bookstores and many other shops.

PCBM Management itself has grown considerably, as well, to now six subsidiaries and is recognized in the area a leading real estate development company. The company has grown to over 120 employees who oversee annual sales of nearly $3.5 million and in 1994 made the Inc. 500 as well as the Michigan private 100, a list of the state's fastest growing companies. Further, in 1995, PCBM was recognized by the Michigan Jobs Commission for its long standing commitment to Michigan and to Ishpeming.

As good as this company is, it was the foresight of and guidance by Paul Argall that has provided the foundation for its growth. A strong family man, an active member of his church and other charitable organizations, Paul deserves not just the title of Small Business Person of the Year, but the thanks of so many people in the Ishpeming area.

Mr. Speaker, on behalf of the Ishpeming area, the Upper Peninsula and the entire state of Michigan, I congratulate Mr. Paul Argall and PCBM Management Company on a job well done.

RECOGNIZING JAMES R. NUNES

HON. BILL BAKER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1996

Mr. BAKER of California. Mr. Speaker, for more than three decades, James R. Nunes has served as an officer of the law. Since 1979, he has been chief of the Pleasant Hill, CA Police Department in my home district. Now, after 37 years as a police officer, first with the military and then with three different cities, he is retiring from the force.

Throughout his career, Chief Nunes has worked to make our streets safer, our communities stronger, and our children's future brighter. He knows the meaning of long nights, hard work, and personal sacrifice. His many community activities further reflect his commitment to the citizens of the East Bay, and are indicative of his devotion to the building of a better society.

Those who work for public safety know that a secure society does not come cheaply. It is the product of vigilance, perseverance, and foresight. These are the qualities that have typified Chief Nunes' service. It is my sincere hope that Chief Nunes will enjoy a well-deserved retirement from the force. His contributions have been both formidable and enduring, and I know all of my colleagues will join me in wishing him every good thing in the days ahead.

MEMORIAL DAY 1996—ANOTHER VIEWPOINT

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1996

Mr. FILNER. Mr. Speaker, I rise to place into the CONGRESSIONAL RECORD the following thoughts by Robert Sniffen, a U.S. Navy veteran who has served as a veteran's advocate for the past 27 years. He has held veteran-related positions in the U.S. Department of Labor and in the Center administration. He has also served as the national service and legislative director of AMVETS. Currently, Mr. Sniffen is chairman of the board for San Diego Veterans' Service, a southern California nonprofit organization dedicated to the needs and concerns of California's veterans.

Memorial Day will soon signal the traditional salute to pay homage, tribute, and honor to our nation's men and women who have made the ultimate sacrifices on behalf of the freedoms we all enjoy. Beautiful, emotion charged ceremonies, largely attended by veterans and their families, will be encapsulated into micro-second broadcast news clips and short print articles including photos for public consumption.

For those who deal daily with the survivors of military service, Memorial Day is also an appropriate date on which to inform and educate the public as to the status of the needs, issues, and concerns of veterans who have survived military service.

To date, potential legislation is floating upward in Congress to establish a Commission to evaluate programs of the federal government that assist members of the armed forces and veterans in readjusting to civilian life. It will be known as the "Commission on Service Members and Veterans Transition Assistance". Of the hundreds of pages of veteran legislation introduced before Congress, this "Commission on Veterans" is the most vital. Veteran organizations and veteran advocates must hold both presidential candidates responsible for obtaining such a commitment, before the November elections. Veterans must demand action now, or this landmark legislation will never see the light of day.

If fully enacted, the Commission will conduct a bottom-up review of programs intended to assist veterans. Veteran advocates view this potential landmark legislation as a G.I. Bill of Rights review, as well as the reading of the fine print that violates the Sacred Government Contract made with each military inductee. Those who support veteran entitlements should contact their Congressional representatives and seek their support in creating this new Commission, which will evaluate and upgrade the earned entitlements of our military personnel and our veterans.

Across America, our military personnel and veterans are disproportionately suffering the ill effects of military down-sizing, base closures, industry collapses in the defense and aerospace industries, and corporate down-sizing to increase profits. Military families and veterans are receiving food stamps; homeless veterans continue to roam the streets they fought to protect; thousands of fully qualified veterans are grossly disadvantaged economically, facing the ravages of unemployment and under-employment. Still others are shut out of the market place due to lack of re-training. There is little call for infantry or weapons skills in the high-tech information era. Training and re-training veterans must be a top priority.

Meanwhile, only three million of the twenty-eight million living veterans actually access medical treatment from the veterans medical system. Budget and deficit reductions and streamlining of the VA programs through reorganization will adversely impact senior veterans, whose numbers will grow as rapidly as their current and future medical needs explode.

While most veterans are successful and arise each day to run America, some veterans need help to reintegrate into a civilian society, as well as to overcome adverse economic factors.

Thousands, currently in the military, are shifted daily from the military pay line, to the unemployment line, becoming a family "at risk" who, then, may soon become the "new" homeless.

Veterans are being told by the Washington beancounters and Congress that veterans must sustain their share of budget cuts. It is believed that most Americans would agree that our veterans "paid in full" at the entry and exit doors of military service.

As the American public makes way for the beaches, mountains, and resorts on Memorial Day, veterans and their families will pause to salute our fallen heroes. Veteran organizations and their leaders will ensure that the tributes occur as their solemn duty. It is these Americans who will give appropriate thought to the survivors and non-survivors. All Americans should give greater reflection to questioning our nation's commitment, to those who have contributed most to America's ongoing survival.

Many this Memorial Day will be asking, "Why has the contract with America's veterans been broken?" "How do we reinstate adequate programs for veterans in a country that now seems to approve the popular notion of budget cuts, even at great expense to those who served, survived, and now, more than ever, need our help?"

America is Number One, Thanks to Veterans, and other governmental agency slogans, such as Putting Veterans First are again singing, "When Johnny Comes Marching Home," while the budget cut "ax murderers" blindly cut veterans' programs.

Thus, wherever one finds themselves this Memorial Day, these are thoughts worth considering—and acting upon. As Memorial Day proceeds, veterans not active in a veteran's organization may wish to consider membership in a group of their choice, and thought should be given as to methods of citizen support for veteran programs, i.e., through volunteer participation, assistance with monetary needs for local veteran organizations that serve veterans, and letting the appropriate political leaders know that veteran programs should be the first saved—and the last cut—in current and future budget considerations.

We need to remember those men and women who are in eminent danger in Bosnia, Korea, Liberia and other potential conflict sites for future veterans that will need to be honored at future Memorial Day ceremonies.

Amidst the flood of broadcast and newspaper media of the business world's "tribute" to another holiday sales/marketing opportunity, American needs to "refocus" its moral compass, directly upon those political leaders and candidates, to determine who will recognize and reverse the governmental failures over the many years before the next veteran-related holiday arrives in November of this year.

Memorial Day 1996 is, indeed, an excellent occasion to remind ourselves that this year we should salute our fallen dead and also pay a living tribute to those who did survive—only to return at a time when most Americans had lost respect and support for those who make democracy possible, worldwide and locally.

Thoughts, ideas, suggestions, and rejoinders that "Freedom is not Free" is designed to provoke countrymen to take positive addition to reverse the demise of the importance of protecting, rather than slashing costs—that are the aftermath of this Memorial Day * * * and future Memorial Days to come.

Let us all utilize this sacred, heartfelt day of tribute as the starting point in reinitiating dedication to keeping our commitments to veterans and their families, by insisting that government revitalize, not kill veteran's programs, as Memorial Day 1996 approaches.

The very future of America may depend upon these veteran-related issues.

REPEALING THE 4.3 CENT GASOLINE TAX

HON. TOM A. COBURN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1996

Mr. COBURN. Mr. Speaker, due to circumstances beyond my control, I was not physically able to cast my vote for H.R. 3415, which repealed the 4.3 cent gasoline tax implemented in 1993. At this time, I would like to take this opportunity to submit my opinion on this issue for the record.

Tax relief—in order to be truly effective—must do two things. First, it must be meaningful relief; people must be able to reap the benefits of Congress' actions. Second, it must be paid for with real dollars, not with creative bookkeeping or irresponsible offsets.

I am committed to tax relief. The American people are overburdened with federal, state, and local taxes but don't see the returns for their investment. In fact, May 7, just two weeks ago, marked "National Tax Freedom Day" where people stopped handing over their paycheck to Uncle Sam and started working for themselves. Clearly, tax relief is important, necessary, and well deserved.

I do not support the 1993 decision to raise gasoline taxes 4.3 cents a gallon to finance irresponsible government spending. Dollars collected from fuel taxes should be spent only on infrastructure, not on pet projects or wasteful, duplicative federal programs. It stand to reason that ideally, the gas tax should be repealed.

But it troubles me that tax relief—in this case, repealing the gas tax—has become a political football. I do not believe people will truly benefit from this token gesture. I question the timing of the gas tax repeal: if gas taxes were too high, why didn't Congress attempt to repeal them six months ago, when the price of gasoline was at an all-time low? I find it curious that this issue has only been addressed during an election year . . . and if repeal of the tax is truly necessary, then why is it temporary? Shouldn't tax relief last beyond the 1996 elections? And how are we planning to address the loss of revenue to the federal treasury? Auctioning the spectrum is neither a real nor a responsible option. The criteria for tax cuts—meaningful relief which is paid for—have not been met.

While I disagree with H.R. 3415, I am also opposed to the Administration's "solution." Selling 12 million barrels of oil from the Strategic Petroleum Reserve won't lower gasoline prices—in fact, it will COST the American taxpayers $144 million dollars. The President's response to rising gasoline prices is politically motivated as well. This is a superficial, cosmetic action which will do nothing to truly lower gasoline prices.

Furthermore, I strongly believe that neither Congress nor the President should be in the business of regulating gasoline prices, just like the federal government should not regulate the price of other commodities like wheat, corn, or sugar. Instead, the market should be allowed to function. History shows that fuel prices traditionally rise in the spring but fall and level out after a few weeks. 1996 is no different. Already, consumers are watching prices go down, although not as quickly as they might like.

Mr. Speaker, had I been able to cast my vote on this piece of legislation, I would have voted "no." I cannot support a politically motivated tax cut which will not significantly aid the American consumer. This is a tax cut package tied up with pretty ribbons—but when the taxpayers open it, they see an empty box, not the true savings Congress has promised.

I feel this is another example of election-year politics, not genuine reform. I want to tell the people of Oklahoma's second district that Congress reduced their tax burden, but I want them to be able to see the difference in their bankbook at the end of the month. I cannot vote for a gimmick which makes politicians look good but doesn't actually help the people who put them in office. I don't believe that temporarily repealing the 1993 gasoline tax will do much to lift the tax burden from the shoulders of the American people; therefore I cannot support it.

SECRETARY WARREN CHRISTOPHER'S ADDRESS TO THE WASHINGTON INSTITUTE FOR NEAR EAST POLICY ANNUAL SOREF SYMPOSIUM

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1996

Mr. LANTOS. Mr. Speaker, the Washington Institute for Near East Policy has for many years provided an invaluable forum for discussion of difficult issues facing the Middle East. Last Tuesday, the Institute invited Secretary Christopher to discuss the very urgent and ongoing problem of terrorism. As we rejoice at the magnificent progress in the peace process, we are saddened and frustrated by the vicious terrorist attacks which are carried out by an unyielding and elusive extremist minority.

Mr. Speaker, I invite my colleagues to read Secretary Christopher's thoughtful remarks and productive suggestions as to how the United States can play a stronger role in bringing these attacks to an end.

FIGHTING TERRORISM: CHALLENGES FOR THE PEACEMAKERS

Thank you very much, Mike. It is a real pleasure to speak again at The Washington Institute. Under the leadership of Mike Stein, Barbi Weinberg, and Rob Satloff, the Institute has continued to excel as an invaluable forum for the discussion of U.S. policy in the Middle East. I should say that the Institute has been a reservoir for talent as well. Any organization that could help cultivate the likes of Martin Indyk, Dennis Ross, and John Hannah has got to be doing something right. Sometimes I think that the State Department owes you a finder's fee.

As Mike mentioned, I last spoke at the Institute in October 1993, soon after Prime Minister Rabin and Chairman Arafat shook hands on the White House lawn and forever changed the course of Middle East history. Since then, much has happened. Israel and Jordan are at peace. Palestinians defied the Hamas call to boycott elections and in doing so gave their clear mandate for peace. Today, they govern themselves in Gaza and most cities in the West Bank. The Palestinian National Council voted overwhelmingly to make good on its commitment to cancel the egregious provisions of its charter. Economic summits have been held in Casablanca and Amman. Eight members of the Arab League have made official visits to Israel, and—with the exception of Libya, Iraq, and Sudan—every Arab League member has participated in some aspect of the peace process.

Had I predicted these events in 1993, you probably would have said that I needed a long rest. The scope and pace of change has truly been breathtaking. It has come so fast that what was previously unthinkable is now routine. In the face of difficult challenges, it is easy to forget how dramatically the peace process has already transformed the landscape of the Middle East. As we move forward, we must remember the enormous progress we have made.

None of the challenges we now face is more pressing than the fight against terrorism. Terrorism destroys innocent lives. It undermines a society's sense of security—and with it the very foundation upon which a lasting peace must be built. As such, terrorism is a threat to our national interests—not simply in the Middle East, but around the world.

President Clinton has rightly identified terrorism as one of the most important security challenges we face in the wake of the Cold War. As he said in his address to the United Nations last October, terrorism today is a world-wide phenomenon. No one is immune. Certainly not Israel. But also not Egypt. Or Japan. Or France, Britain, or Germany. Or Turkey, Saudi Arabia, Argentina, or Algeria. And, unfortunately, not America, where terrorists have struck from lower Manhattan to Oklahoma City.

As if the threat is not already severe enough, we now face an even more alarming danger: the terrorist armed with weapons of mass destruction. Last year's nerve gas attack on the Tokyo subway system was a grim omen. It was also a wakeup call for the world. The threat is real. We must act now to meet it.

The United States is leading the way. Last month, the President signed into law landmark anti-terrorism legislation. This bill provides law enforcement with new tools to stop terrorists before they strike and to bring them to justice when they do. It strengthens our ability to prevent international terrorists from raising funds in the United States. And while ensuring legal safeguards, it allows us quickly to expel foreigners who provide support for terrorist activities.

The United States has also spearheaded efforts to combat terrorism on a global level. We have imposed strong sanctions against states that sponsor or harbor terrorists. We have intensified our counter-terrorism cooperation with other countries, allowing us to apprehend key figures in attacks like the World Trade Center bombing. Last December, with our partners in the G–7 and Russia, we convened a ministerial meeting in Ottawa to develop common strategies for fighting terror. And in April, President Clinton joined President Yeltsin and other leaders in Moscow, where they agreed on new steps to prevent nuclear materials from falling into the wrong hands.

Nowhere in the world has America's leadership in the fight against terror been more evident than in the Middle East. We have maintained UN sanctions against Libya for its role in the bombing of Pan-Am 103. And we are working to increase pressure on Sudan for its support of last June's assassination attempt against Egypt's President Mubarak.

America's most critical role, however—and the one I want to focus on today—is defending the Middle East peace process and the peacemakers against the vicious attacks of their enemies. Terrorists and their supporters are now engaged in a systematic assault on Israel and the peace process. Their goal is clear: They seek to kill the very possibility of peace by destroying every Israeli's sense of personal security.

The enemies of peace are escalating their attacks for a very clear reason: the peace process is succeeding. With every step toward peace that Israel and her neighbors take, the enemies of peace grow more desperate and more determined to lash out. They must promote fear because they know that hope is their undoing.

The United States is determined to ensure that the enemies of peace do not succeed. We will never give in to their terror. We refuse to allow terrorists to undermine our resolve or divert us from our goal of a real, secure, and lasting peace for Israel and for all the peoples of the Middle East.

When Israel was terrorized by a wave of suicide bombings in February and March, President Clinton responded by organizing the Sharm el-Sheikh summit. Literally overnight, leaders from around the world answered his call to join Israel—not to celebrate another breakthrough in the peace process, but to defend the peace process at a moment of crisis. It was an unprecedented event that sent an unmistakable message: The enemies of peace are doomed. Their terror will only strengthen our resolve to complete the circle of peace and put them out of business for good.

Sharm el-Sheikh launched a process to expand joint efforts against terrorism throughout the region. Most recently, President Clinton and Prime Minister Peres signed a new anti-terrorism accord that will strengthen cooperation between our two governments. In addition, the United States is providing Israel with more than $100 million in anti-terrorism equipment and training.

We have also begun to bolster the counterterrorism capabilities of the Palestinian Authority. With our support, Israeli and Palestinian security services are now cooperating in a joint campaign to root out the terrorist infrastructure in the West Bank and Gaza. Palestinian forces have intercepted many suicide bombers. They have uncovered explosives and arms caches. They have arrested, tried, and imprisoned perpetrators of acts and continue to hunt down others.

Chairman Arafat today clearly understands that he must give a 100 percent effort in the war on terror—and not just because his agreements with Israel require it. He is doing it because he knows that the bombs of Hamas and Islamic Jihad are trying to destroy Palestinian aspirations as much as they are Israeli lives. The United States will continue to insist that this increased Palestinian effort is sustained.

Like Hamas before it, Hizbollah's purpose in last month's attacks in Lebanon was also to kill the peace process. As hostilities escalated, America's responsibility and interests were clear: To use our influence to stop the suffering of innocent civilians, to end the crisis, and to create a new framework to limit the chances of it happening again.

The agreement that resulted from my shuttle mission achieved those objectives. Hundreds of thousands of Israelis and Lebanese have been able to return to their homes. New, written understandings have been reached to contain the dangers of any hostilities. An international effort will be mounted to assist in Lebanon's reconstruction. And we are organizing a Monitoring Group in which Israel, Lebanon, and Syria are being brought together for the first time to help prevent another crisis.

This recent campaign of violence has again shone the spotlight on a disturbing reality: When it comes to terrorism against the peace process, Iran is playing a leading role. Iran's leaders regularly use rhetoric that incites terrorism. President Rafsanjani called Prime Minister Rabin's assassination "divine vengeance." And just prior to the Hamas bombing spree, Iran's Supreme Leader, Khameini, preached that "The power of Islam will ultimately bring about the end of the rootless Zionist regime * * * which must be destroyed."

Iran has not stopped at rhetoric. It frequently meets with all the major terrorist groups—including Hizbollah, Hamas, Palestinian Islamic Jihad, and the PFL–PGC. It actively encourages these groups to use terror to destroy the peace process. It provides them with money—up to several million dollars a year in the case of Hamas, Islamic, Jihad, and others; and up to $100 million a year for Hizbollah. Iran also supplies them with arms and material support, training, and—in some cases—operational guidance.

The evidence has grown in recent months. In advance of Israel's elections, Iranian-trained terrorists have been sent to infiltrate Israel and the Palestinian territories. Some have been intercepted. Others narrowly failed in carrying out their deadly activities. Still others have succeeded in their murderous missions. We believe that an Iranian-backed group was responsible for last week's drive-by shooting of an Israeli-American yeshiva student in the West Bank. In another case, Belgium intercepted a shipment containing a mortar, which came from Iran and was probably intended for an attack on a Jewish target in Europe.

There should no longer be any debate about Iran's involvement in terrorism against the peace process. German Foreign Minister Kinkel left no doubt that in remarks he made here in Washington just two weeks ago. He said that Germany is "fully aware of the evil things that Iran has been doing and is still doing." He went on to say that "[T]he Americans and the Germans agree as to the general assessment of what Iran means by way of terrorism * * * support of Hizbollah, Hamas, and Jihad."

While we and our allies now share a similar analysis of the facts, we differ when it comes to how best to deal with Iran. The United States believes that Iran will only change its behavior when the world makes it pay a sufficiently high political and economic price. We must deny Iran's leaders the resources to finance their dangerous policies. That is why the President decided last year to impose a comprehensive embargo on U.S. trade with Iran. And that is why we have been working with Congress on legislation to further tighten economic restrictions on Iran.

In contrast, some European nations continue to engage Iran in what they call a critical dialogue, while maintaining normal trade. The Europeans themselves acknowledge that their policy has produced no significant change in Iranian behavior. We remain convinced that no amount of dialogue will alter Iran's policies, unless it is coupled with real economic pressure.

Let me stress one point: We do not oppose the EU policy because we oppose the principle of speaking with Iran. The United States has long said that we are ready to conduct an open dialogue with authoritative representatives of the Iranian government, in which we could fully air our two major concerns: First, Iran's support for terrorism, especially against the peace process. And second, its efforts to acquire weapons of mass destruction. Iran, however, has never taken up this offer.

Our determination to contain Iran and to defeat the enemies of peace is clear. But so is our commitment to press ahead with negotiations on a comprehensive Arab-Israeli peace. Anything less would hand the terrorists the very victory they seek.

To close the circle of peace, agreements between Israel and Syria and between Israel and Lebanon are essential. Syria presents us with a unique challenge. On the one hand, we continue to have serious problems in our bilateral relationship with Syria. Syria remains on our narcotics list as well as our terrorism list.

Both President Clinton and I have consistently pressed our concerns with President Assad and other senior Syrian officials. We will continue to do so, and to make clear that these concerns must be met before the United States can build a mutually beneficial relationship with Syria.

Yet we recognize that Syria is different from Iran. Iran rejects the very notion of peace and has dedicated itself to Israel's destruction. By contrast, Syria has been negotiating directly with Israel to end their conflict. I have no illusions. Translating that willingness to negotiate into a peace agreement will be difficult. But the talks thus far have provided a solid foundation for progress when negotiations resume.

As long as we remain convinced that peace is possible, we must continue to work with the parties to achieve a breakthrough that would have far-reaching strategic consequences—not just for the Middle East, but for America's vital interests. A comprehensive peace will dramatically reduce the risks of another Arab-Israeli war. It will remove the final constraints on Israel's having normal relations with the entire Arab and Muslim world.

Finally, and perhaps most importantly, ending the Arab-Israeli conflict will allow us and our friends to harness our resources to meet the common set of strategic challenges that threaten us all—especially the rise of extremist movements that use terrorism and violence, and rogue states, like Iran and Iraq, that possess weapons of mass destruction.

These are the real dangers that we and our friends will have to address in the coming years. In pursuit of our national interests, we are determined to do so. A critical part of our strategy must be a continued effort to seize the historic opportunity that now exists to achieve a secure and comprehensive peace.

TRIBUTE TO CHARLES A. KROUT ELEMENTARY SCHOOL

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1996

Mr. GILLMOR. Mr. Speaker, I rise today to recognize an outstanding school in Ohio's Fifth Congressional District. The Charles A. Krout Elementary School was recently chosen as one of the best in the State of Ohio by the Ohio Association of Elementary School Administrators. This is an honor very few schools receive.

When you walk through the front door at Krout Elementary, you cannot help but see that the staff works extremely hard every single day for every single student. One of the points stressed at the school is the high level of parental and community involvement. The education of the children is a collective effort. About 200 parents, grandparents, and retired people volunteer for different school functions. This level of dedication should be the standard for our children.

Mr. Speaker, quality education is at the heart of America's future. Krout Elementary has done enormous good for its community and the country through solid dedication to the power of learning and knowledge that our young people need.

This honor is a time to reflect upon past accomplishments. It is also a time to look toward new horizons. I ask my colleagues to join me today in recognizing the achievements of the Charles A. Krout Elementary School and encourage its faculty, parents, and students to continue to uphold its impressive legacy.

TRIBUTE TO ERNIE BEDROSIAN

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1996

Mr. RADANOVICH. Mr. Speaker, today I would like to congratulate Ernie Bedrosian, founder of Raisin Bargaining Association. On Friday, May 24, 1996, in my district in Fresno, CA, the Raisin Bargaining Association will be honoring their founder, Mr. Ernie Bedrosian. He will be commended for his excellent work on behalf of the California raisin growers and packers.

Mr. Bedrosian founded the RBA at the age of 29 in 1966 and his work on behalf of California raisin leaders is legendary. I send to Ernie and the RBA my very best wishes for continued success.

RED HOOK V.F.W. POST 7765 CELEBRATES 50 YEARS OF SERVICE

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1996

Mr. SOLOMON. Mr. Speaker, it is my pleasure to commemorate the golden anniversary of Veterans of Foreign Wars Post No. 7765. This post, I am proud to say, is based in Red Hook, NY, in the heart of my congressional district, and is celebrating its 50th year of service. And this post personifies the outstanding efforts of the entire nationwide membership to promote a strong national defense and to help veterans and their families. That is one reason I was so pleased to be awarded the V.F.W. National Commander's Congressional Award several years ago.

The V.F.W., Mr. Speaker, has been an organization of exceptional merit and service to the needs of many veterans. It is only appropriate that those brave men and women who placed themselves in harms way overseas be represented by such an able organization. The members of Post No. 7765 have been receiving just such outstanding service for 50 years now. It is comforting to know that those who served the needs of our country and fought for the principles and ideals of America all over the globe can depend on the support of an organization like Post 7765 back home in upstate New York.

Mr. Speaker, the service of this post in Red Hook is worthy of significant recognition. This post, and others like it, are the reason I fought so hard to attain Department level status for Veterans Affairs. When Ronald Reagan signed that legislation into law, veterans were finally afforded the degree of national consideration they deserve. The efforts of V.F.W. posts like this one, Mr. Speaker, having served the needs of veterans since 1946, assured veterans the assistance and recognition they deserved prior to approval of this Government department and continue to encourage fair consideration of veterans' issues. For this, Mr. Speaker, we owe Post 7765 a tremendous debt of gratitude.

The famous historian George Santayana once said, "Those who do not remember history are bound to repeat it." V.F.W. posts all across America have not forgotten the past or those men and women who made the ultimate sacrifice for our country. I ask all Members in the House to rise in tribute to V.F.W. Post 7765 and join me in saluting all the members, past and present, on the occasion of their 50th anniversary.

LIFEJACKETS: THEY FLOAT—YOU DON'T

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1996

Mr. COBLE. Mr. Speaker, each year an estimated 76 million Americans—more than one-fourth of our population—enjoy recreational boating as a means to forget the stress and pressure of everyday life. Fortunately, our Nation is blessed with vast water resources that provide a means of escape for those who just want to "get away from it all."

Tragically—and to a great extent needlessly—approximately 800 people die each year in boating-related accidents. Recreational boating is second only to motor vehicles in the number of transportation-related fatalities.

Since 1958, by sponsoring National Safe Boating Week and other activities promoting boating safety throughout the year, the United States Coast Guard has continuously worked to remind the American public of the importance of boating safety. "Lifejackets: They Float—You Don't!" is the slogan of this year's boating safety campaign. National Safe Boating Week is being observed this week, May 18–24, just prior to Memorial Day weekend which is the beginning of the traditional summer boating season.

Falling overboard and capsizing are the leading causes of boating accidents. In 77 percent of the documented recreational boating fatalities reported to the Coast Guard, the victim was not wearing a personal flotation device, more commonly referred to as a lifejacket. The Coast Guard considers wearing a lifejacket the single most important factor to ensure survivability in these accidents. It is unfortunate that, while hundreds of people die needlessly each year, the boating public still does not understand the importance of wearing lifejackets.

The most recent tragic example of the need for lifejackets was the drowning of former CIA Director William Colby. It is presumed that Mr. Colby drowned when he fell out of his canoe as he was boating in a tributary of the Chesapeake Bay. Unfortunately, Mr. Colby was not wearing a floatation device when found. Another tragic example is an incident that occurred in Arkansas in July 1993. A family of nine (two parents and seven children) went out on the Fourche LaFave River in a 14-foot flat-bottom boat designed for only three people. Although the weather was clear and the water was calm, the overloaded boat quickly began to take water, and within minutes of leaving the shore the boat went down. There were no lifejackets on board even though only two of the people could swim. Both parents and five of the children drowned. This incident is a textbook case of failure to observe basic boating safety rules.

So as Americans everywhere flock to our Nation's rivers, lakes, and oceans to enjoy the hot summer weather, remember "Lifejackets: They Float—You Don't!"

TRIBUTE TO THE LATE BILL HUGHES

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1996

Mr. LIPINSKI. Mr. Speaker, I rise today to pay tribute to the memory of a man of outstanding public service from my district who recently passed away—Mr. Bill Hughes, director of the Pleasantdale Park District.

Mr. Hughes, who battled colon cancer for 10 months, served the district for 5½ years. His tenure saw explosive growth in both the communities Pleasantdale served and programs the district offered.

Perhaps Mr. Hughes' greatest achievement was helping to guide the development of Flagg Creek Golf Course, a premiere 9-hole course, in conjunction with the city of Countryside.

Countryside Mayor Carl LeGant, who worked closely with Mr. Hughes said of his passing: "It's sad. He was a good person to work with. He will be missed."

Mr. Speaker, I join Mayor LeGant in mourning the loss of this community leader, and extend to Mr. Hughes' family my condolences.

TRIBUTE TO THE ARAPAHOE LIBRARY DISTRICT

HON. DAN SCHAEFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1996

Mr. SCHAEFER. Mr. Speaker, I rise today to congratulate the Arapahoe Library District on its 30th anniversary. This is an operation that began back in April 1966 with a used bookmobile and 4,000 books borrowed from the State of Colorado. Now, the district operates 8 branch libraries throughout Arapahoe County and serves over 100,000 people annually.

The Arapahoe Library District is a shining example of a locally run organization that provides effective programs without appropriations and regulations from Washington.

Besides promoting the obviously worthy cause of literacy, the district also sponsors an annual photo contest and a children's summer reading program which focuses on a specific topic—this summer's suggested reading deals with the history of the West. It also provides an information center available to small businesses and technology classes on how to utilize the internet. Another mark of distinction is the Glendale branch's dual function as library and community center for the local population of Russian-Jewish immigrants. Here they receive vital classes in English and general life-skills.

The Arapahoe Library District is an example of how locally run institutions can contribute to the educational benefit of the surrounding communities. Thus, it is with great pleasure I join with my colleagues in the House in commending the board of trustees, the employees, and the over 100,000 patrons of the Arapahoe Library District on its 30th anniversary.

END TELECOMMUNICATIONS FRAUD NOW

HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1996

Mr. McCOLLUM. Mr. Speaker, I rise to alert my colleagues and the American people to the growing nationwide problem of telecommunications fraud. Last month, as chairman of the Subcommittee on Crime, I conducted hearings on telemarketing fraud against the elderly, and the tremendous toll that it takes. Telemarketing fraud is just one aspect of the telecommunications scheme and the elderly are not its only victims.

Telecommunications fraud can manifest itself in several forms including crimes like "shoulder surfing," where criminals literally look over the shoulder of unsuspecting victims entering their calling card number on a payphone. These victims are often unsuspecting tourists in a crowded airport, hotel lobby, or shopping mall who use a pay telephone for a long distance call. The criminal then can use their calling card number himself/herself or it or sell it later, costing the victim or phone company hundreds or thousands of dollars.

Criminals have also been known to pose as law enforcement officials, and approach elderly citizens claiming they need to bill a call to a residential number as part of an investigation. As cellular technology has progressed, so has the criminal methods. For example, cloning devices are used to steal cellular phone serial numbers from the radio waves that carry the phone signal. These unique codes are used to charge thousands of dollars of calls to the accounts of innocent phone users.

Telecommunications fraud affects millions of Americans each year, and the damage done is appalling. This year alone telecommunications fraud is expected to reach $3.7 billion, an increase of $395 million from 1995. A survey of over 90 businesses who were victims of telecommunications fraud found that the losses ranged from a few thousand dollars to $4 million. The amount of long distance charges stolen through business equipment in the United States is around $1.5 billion. The cost to telephone users in "800" line charges, run up by thieves and attempted thieves, is estimated to reach a minimum of $215 million this year.

We must stop these criminals and protect Americans from this deceptively simple fraud. Mr. Speaker, in my home State of Florida many elderly citizens have come to retire comfortably, and many tourists visit our attractions, especially now as the summer season is about to begin. When they pick up the phone and place a call, they should not have to worry about someone stealing from them. We must end telecommunications fraud and stop these criminals cold.

Twelve telecommunications companies have come together to fight this crime and to enhance public awareness through the Alliance to Outfox Phone Fraud. Their education efforts have gone beyond their service areas and reach out to make the national and international community aware of this problem and how to deal with it. Besides public service announcements, the alliance has launched a full campaign to include brochures, posters, and even a toll free number to encourage telecommunications customers to educate themselves and join the campaign.

We in Congress must learn from efforts like this to help Americans become aware of this problem so they can avoid becoming victims of crime.

FAIRNESS FOR DISABLED VETERANS ACT OF 1996

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1996

Ms. BROWN of Florida. Mr. Speaker, today I rise to talk about a very important issue that affects veterans in my district in Florida and veterans around the country. Right now, a veteran who has bravely served our Nation cannot collect VA disability payments while collecting payments for early separation from the armed services. Although a person may be eligible for both, under current law, a disabled veteran can't receive both. To me, that just doesn't make sense.

As a member of the Veterans' Affairs Committee, I am proud to introduce the Fairness for Disabled Veterans Act of 1996 to correct this injustice in current law.

The language of the bill is simple. The bill repeals the requirement that amounts paid to a member of the Armed Forces under special separation programs shall be offset from amounts subsequently paid to that member by the Department of Veterans Affairs as disability compensation. The repeal would be retroactive to the date this rule went into effect on December 5, 1991.

Here's how this works in practice. If an individual received an SSB payment of $30,000, he would not receive the first $30,000 of VA disability compensation to which he would otherwise have been entitled. This legislation would allow eligible individuals to receive the full amount of disability payments regardless of prior SSB or VSI payments.

In the early 1990's, Congress established early military separation benefits to help the Defense Department reduce the size of the Armed Forces. The Department of Defense [DOD] currently offers certain military personnel the opportunity to leave military service voluntarily in return for cash payments under two programs, the Special Separation Benefit [SSB] and the Voluntary Separation Incentive [VSI]. The SSB program offers a one-time cash payment, while the VSI program provides an annual payment over many years, depending on length of service. Servicemembers who leave service under these programs have the option of choosing either program.

When this law was passed, Congress also included restrictions on these programs preventing military personnel who receive early separation benefits from receiving disability compensation from the Department of Veterans Affairs until the separation benefits are repaid.

Today, thousands of the veterans who accepted the payment and left the military are suffering from service-connected disabilities such as gulf war syndrome and other health problems. These disabled veterans are unable to work and their families are faced with financial hardship.

SSB and VSI benefits are for services rendered as well as compensation for the veteran's participation in DOD's downsizing. Disability pay is compensation for mental or physical disabilities incurred in that service. These are two separate compensations. That's why I believe it is unfair to offset one payment with another. If the Department of Defense or the Department of Veterans Affairs offers a benefit to a retiring member of the Armed Forces, that person deserves to receive that benefit.

That's why I've introduced this bill. Let's tell our disabled veterans that we care about them and that we will fight for what's right. I urge my colleagues to support the Fairness for Disabled Veterans Act of 1996.

RED COLEMAN CELEBRATES 50 YEARS OF BUSINESS

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1996

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to congratulate Mr. Red Coleman and his family on the 50th anniversary of operating a successful, thriving business in Dallas. Red Coleman, a good friend and consummate businessman, has used his resources of leadership and education to operate 12 Red Coleman's package stores and 19 Red-E Mart convenience stores throughout the Dallas/Fort Worth Metroplex.

Mr. Red Coleman and his wife, Frances, started their business in 1946 with one store on Forest Avenue. Since that time, his stores have grown and prospered. Throughout all of his business dealings, Red Coleman has operated his stores with adherence to the highest ethical standards and a commitment to customer service.

But Red Coleman's success in business is not only evident in the quality management of his stores, but in the community in which he lends his skills and time. He is someone who believes everyone has a responsibility to give back to our community—and he does it on a daily basis.

Mr. Speaker, Red Coleman is a truly exceptional businessman and an outstanding person in Dallas. He, Frances, and their son Ronnie, when he joined the family business, are responsible for making so many contributions to our community. I wish Red and his family another 50 years and more of success and happiness with all their endeavors.

LIVERPOOL'S COACH JENSEN RETIRES WITH 89 PERCENT WIN RECORD OVER 33 YEARS

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1996

Mr. WALSH. Mr. Speaker, I want to ask my colleagues today to join me in saluting a man who has been a scholastic sports leader in central New York for 33 years. Now, he is retiring as the Liverpool High School cross-country, indoor track and field, and outdoor track and field head coach.

His name is Oscar B. Jensen, and he is known respectfully and affectionately as "OBJ."

He is a man who has been, as all good educators are, devoted to the academic as well as physical well-being of students. His extraordinary record of excellence and his exemplary guidance of young people is legendary in Liverpool, NY.

The memories students have of Oscar Jensen will remain vivid. Parents, teachers, staff, administrators, and Liverpool fans will recall his strong leadership in the athletic program for many years to come.

To relate his records briefly, in cross-country he won 207 meets, lost 99 and tied 1. He led the team to be section III champions three times and a State championship team in 1991. In indoor track and field he won 4804 and lost 500, tying 19. His teams were section III champions eight times. In outdoor track and field, he won 279 and lost only 43. His teams were OHSL Champions 14 times. He coached six State champions.

Coach Jensen's career winning percentage for all three sports is 89 percent, an outstanding tradition of excellence. Additionally, all his teams consistently finished with the top schools in the State in academic achievement.

This retirement follows his retirement 2 years ago as a physics teacher. It frees him to pursue clinics and other training of coaches and athletes, some of whom will eventually reach world-class levels of competition.

Oscar B. Jensen is an example of discipline, commitment and inspiration. He will be missed by the Liverpool community and respected for his accomplishments throughout school history.

IN HONOR OF CYRUS KATZEN

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1996

Mr. DAVIS. Mr. Speaker, it gives me great pleasure to rise and pay tribute to Dr. Cyrus Katzen who is the recipient of the 1996 President's Award from the American University in Washington, DC. An exceptional member of our local community, Dr. Katzen was recently honored for his dedicated service to the arts, education, and the Washington Metropolitan community.

In his life, Dr. Katzen has pursued many diverse interests in the business and the artistic communities. He received a dental degree from Georgetown University and then served as a dental surgeon at Providence Hospital, a teacher of dentistry, and the organizer of the dental department of the DC Crippled Children's Society. But dentistry was only Dr. Katzen's first career. He also pursued an interest in banking by organizing and directing three separate financial institutions; he still serves on the board of directors for the Community Bank of Northern Virginia. As founder of the Culmore Realty Co. and president of the Mozel Development Corp. in Baileys Crossroads, VA, Dr. Katzen provided strong and continuous support for the revitalization of Baileys Crossroads and brokered real estate projects that transformed Tyson's Corner, Crystal City, and Rosslyn into the thriving commercial centers they are today.

Throughout the years, Dr. Katzen and his wife, Myrtle, have been avid collectors of art works by Picasso, Modigliani, and Sam Gilliam. They have generously supported the development of the arts at the American University, among others, and recently provided the school with a naming gift for a gallery and terrace in the university's new arts center.

Mr. Speaker, I know my colleagues will join me in saluting the imaginative vision and commitment that Dr. Katzen has given to the arts and to the economic development of our community. He is indeed well-deserving of this distinguished award.

IN PURSUIT OF FULLEST POSSIBLE ACCOUNTING IN THE SOCIALIST REPUBLIC OF VIETNAM, JUNE 1994–JUNE 1995

HON. DOUGLAS "PETE" PETERSON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1996

Mr. PETERSON of Florida. Mr. Speaker, today I want to enter into the RECORD a very valuable, insightful personal experience monograph, titled, "In Pursuit of Fullest Possible Accounting in the Socialist Republic of Vietnam, June 1994–June 1995," prepared by Lt. Col. Melvin E. Richmond, Jr. This paper captures Colonel Richmond's unique experience while assigned as commander of Detachment 2, Joint Task Force—Full Accounting [JTF-FA], in Hanoi, Socialist Republic of Vietnam.

Colonel Richmond's account of his year of duty in Vietnam not only contains a factual record of the activities of his command, but also takes the reader on a historical review of America's efforts to reach fullest possible accounting of our missing servicemen in Vietnam. Woven throughout his monograph is an authentic description of the level of cooperation his unit experienced while working with the Vietnamese on a daily basis.

A sensitive review of this impressive paper will help many to better understand America's commitment to fullest possible accounting and to see first hand the rigors associated with our efforts to reach that goal.

ABSTRACT

Author: Melvin E. Richmond, Jr. (LTC), USA

Title: In Pursuit of the Fullest Possible Accounting in the Socialist Republic of Vietnam, June 1994–June 1995

Format: Personal Experience Monograph

Date: 5 April 1996

Pages: 118

Classification: Unclassified

Some 2,157 Americans remain unaccounted-for as a result of the United States's involvement in the war in Indochina; 1,610 in Vietnam. In January 1992, the Department of Defense organized Joint Task Force—Full Accounting and began an intensive effort unprecedented in the history of warfare to account for its missing warriors. I was privileged to participate in this effort as the Commander of Detachment 2, JTF–FA from 10 June 1994 until 28 June 1995. The purpose of this paper is to describe the full accounting effort in Vietnam and my experiences during my tenure as Commander. The monograph provides sufficient background and historical information to acquaint readers with the issue. Most importantly though, it describes the progress the U.S. Government made in resolving the issue while I was there. Finally, I presented a number of lessons I learned as the Commander of Detachment 2, especially regarding hosting high level delegations, dealing with the media, cooperating with U.S. veteran organizations, interacting with the Department of State, and working with the Vietnamese Government and people.

When a soldier was injured and could not get back to safety, his buddy went out to get him, against his officer's orders. He returned mortally wounded and his friend, who he had carried back, was dead. The officer was angry. "I told you not to go," he said. "Now I've lost both of you. It was not worth it." The dying man replied, "But it was, Sir, because when I got to him he said, 'Jim, I knew you'd come.' "[1]

"I knew you'd come." If I were to summarize the efforts of the United States to recover, identify and repatriate to the United States its missing servicemen, these four words describe them best. Today there remain more than 78,000 Americans still unaccounted-for from World War II and over 8,100 from the Korean War. As of February 27, 1996, there were 2,157 Americans still unaccounted-for as a result of the United States involvement in the war in Indochina. Quite naturally, most of those losses are in the Socialist Republic of Vietnam, but there are also Americans unaccounted-for in the Lao Peoples Democratic Republic, the Kingdom of Cambodia, and the People's Republic of China.[2,3]

In January 1992, the Department of Defense (DOD) organized Joint Task Force—Full Accounting (JTF–FA) and assigned it the mission to "resolve the cases of Americans still unaccounted-for as a result of the Southeast Asian conflict through investigation, archival research and remains-recovery operations."[4] Thus began an intensive effort unprecedented in the history of warfare to account for a nation's unaccounted-for warriors.[5]

I was privileged to participate in this effort as the Commander of Detachment 2, JTF–FA from June 10, 1994 until June 28, 1995. The purpose of this paper is to describe the full accounting effort in Vietnam during my tenure as Commander. I have begun with a very brief history of the United States Government's (USG) effort to resolve this issue and a description of how the USG officially accounts for its missing. I will then outline the preparations I undertook to assume my duties, and describe the organization of JTF–FA in general, and Detachment 2 in detail. The final two sections of the body of the paper, contain an examination of the aspects of progress we made in resolving the unaccounted-for issue, and close with lessons I learned during my tenure that may be of use to other military officers as they prepare for duties in similar circumstances. The lessons concentrate on issues involving hosting high level delegations, dealing with the media, cooperating with U.S. veterans organizations, interacting with the Department of State, and working with the Vietnamese Government and people. For those who are unfamiliar with this issue, the annexes and the glossary contain information that explains the terminology associated with this issue.

To set the stage for the remainder of this paper, it is important to emphasize that as the Commander of Detachment 2, I was an operator, not a policy-maker. President Clinton "normalized" diplomatic relations with Vietnam in July 1995, because Vietnam had cooperated sufficiently in resolving the issue of Americans still missing in Vietnam. There are still many steps yet to be taken, however, before relations will be "normal." These steps are contingent upon continued progress by the Vietnamese toward resolving the issue of unaccounted-for Americans. The President and Congress will determine when the Vietnamese have progressed sufficiently to continue to move forward in our relations with Vietnam.

Any inferences you may draw regarding policy issues as you read this monograph are your own. I will lay out the developments as I saw them, but will try not to draw any conclusions regarding the level of progress. Where I state something as my opinion, it is exactly that. It does not reflect the official or unofficial positions of the United States Government, Joint Task Force—Full Accounting, the Defense POW/MIA Office (DPMO), or any other agency or individual.

Finally, participating in this effort is a tremendously emotional experience. Never before have I had such a strong sense of contributing to something so important. To a person, every member of JTF–FA has a single-minded purpose; to get the families the answers they so richly deserve. I cannot even begin to describe the flood of emotion we felt whenever we found a tooth during an excavation, because we knew that it would, in all likelihood, lead to an identification. I cannot explain the sense of satisfaction we got when we unearthed two gold wedding bands and human remains when excavating an aircraft crash site thought to be that of two missing Americans.

I believe Leslie Weatherhead's passage at the opening of this paper best describes why those of us in JTF–FA felt our mission was so important. I normally recited her quote privately to our participants before every repatriation ceremony to remind everyone of why we were there. Being in Hanoi and working this issue day in and day out, it was easy to become somewhat hardened to the importance of our mission. I believe the repatriation ceremonies were the heart and soul of what we did, and thought it was a good time to reflect on our mission. Each ceremony culminated years of work to find and recover each set of remains. And now, more than 20 years after making the ultimate sacrifice for their country, these soldiers, airmen, marines, and sailors—some of God's noblest people—were going home.

"War is always and will ever be obscene, but faced with a greater obscenity—slavery, I would fight. While war is obscene, those who go forward, who charge the machine guns, who bleed, who go down to the aid stations and are put in body bags—they are not obscene, their sacrifices have no measure—theirs has a purity where mankind shines and is beyond corruption. I am not blasphemous when I say that in the brutality and evil of war, soldiers who have offered themselves up so that their buddies may live, have in them the likeness and image of God. And damn those who debunk courage, valor, fidelity, love of country, love of home, family, hopes and dreams for a better tomorrow. Our soldiers give up much—that others may live, not only in freedom but even luxury. They deserve our great, great gratitude and affection because they are willing to serve. They are some of God's noblest people."

—General Cavazos.

EVOLUTION OF ACCOUNTING OPERATIONS

The United States Government (USG) efforts to account for Americans still missing as a result of its participation in the conflict in Southeast Asia have changed dramatically since initial operations began under the auspices of the Joint Casualty Resolution Center (JCRC). JCRC and its subsequent field activities came to being as a result of a joint agreement between President Reagan's Presidential Emissary for Humanitarian Affairs, General John Vessey (USA Retired), and SRV Acting Foreign Minister Tran Quang Co. General Vessey helped establish the ground rules for joint investigations, surveys, and excavations with the Vietnamese.

Joint field activities (JFAs) began rather humbly.[6] JFA 1 lasted ten days, from September 25, 1988 until October 4, 1988. The Vietnamese permitted only enough American personnel in-country to man two very small teams and restricted the duration of operations to only ten days. The team arrived at Noi Bai Airfield outside Hanoi aboard a single USAF C–141 and brought all their equipment with them, including four Jeep Cherokees. The conditions were spartan to say the least. With no helicopter support and only four Jeeps, travel overland was agonizingly slow, and travel time was included in the ten-day operations plan. The roads were poor, there were virtually no telephones and the teams were not allowed to bring radios into country. Each team included a Team Leader (civilian linguist), a team analyst (Military Intelligence specialist), and a Search and Rescue specialist. They had no permanent base of operations in Vietnam, limited non-temporary storage (one small room in the basement of the Ministry of Foreign Affairs [MFA] Reception Hall), and they carried everything with them. The first JFA required approximately three days' travel just to reach the first investigation sites north and northwest of Hanoi. The teams had only about four days of intensive investigations for a total of six cases. They then needed three days to return to Hanoi where they prepared to redeploy on Day 10. Needless to say, compared to today's JFAs, not much investigating took place.

Gradually, JCRC expanded the amount and type of equipment they maintained in Vietnam. On July 7, 1991, JCRC and the Central

---

[1] Footnotes at end.

Identification Laboratory, Hawaii (CILHI), opened what was known as the U.S. MIA Office on the third floor of the Boss Hotel in downtown Hanoi. After the 15th JFA in January 1992, JCRC stood down. JTF–FA, the parent organization of Detachment 2 in Hanoi, replaced it. JTF–FA, under the direction of its initial commander, Major General Thomas H. Needham, expanded investigative and recovery operations exponentially.

By April 1993, teams were operating in numerous provinces simultaneously with virtually unrestricted access to travel between provinces as necessary. By the time of my arrival in June 1994, we were deploying well over 100 personnel into the country for each JFA using multiple military and civilian aircraft sorties into three airports: Noi Bai International Airport in Hanoi (northern operations), the Da Nang International Airport in Da Nang (central operations), and Tan Son Nhut in Ho Chi Minh City (southern operations). JTF–FA had expanded operations from JCRC's initial two teams in country for ten days, to up to eight teams in-country for 30 or more days. We had over 100 Mitsubishi Pajero 4-wheel-drive vehicles pre-positioned throughout the country, three helicopters (2 MI–8s and 1 MI–17) available for movement of personnel and equipment to sites inaccessible by vehicle, and had built three storage buildings in the Ranch for team equipment.

During the period 1988–1991, both the U.S. and SRV sides went through a mutual and rapid education on the capabilities and intentions of the other. The "learning curve" was steep. In the beginning, investigations and excavations proceeded at a crawl. Today, Vietnamese team leaders are active participants in planning and preparing for each JFA. During my tenure, at the suggestion of the VNOSMP, my specialists and Operations Officer met with the Vietnamese team leaders prior to each JFA to fully coordinate every aspect of the operation. Instead of halting operations in the middle of a JFA because an unexpected problem arose, the Vietnamese were now trying to anticipate problems and resolve them prior to the onset of operations.

Some have been critical of the rapid tempo of operations of JTF–FA, characterizing it as "steam-rolling through Vietnam." They described the investigations as rushed and incomplete, with IEs concentrating on the number of cases they could close rather than the quality of their investigations. This is an unfair description of early JTF operations and current operations verify this. During its existence, JCRC–CILHI teams completed as few as 13 JFAs, 200 investigations, and 37 excavations. By the end of my tenure as Commander, Detachment 2, in approximately the same amount of time as JCRC had operated, JTF–FA had completed nearly 1,400 investigations and approximately 200 excavations. We did find that some of the early investigations could have been performed better, and we reinvestigated them; some numerous times.

The fast pace in the early days of JTF–FA allowed investigators and analysts to gather as much information as possible, about as many cases as possible, as quickly as possible. This is not testament to an ineffective JCRC. Rather, it clearly demonstrates the increased priority this issue had accrued with both the U.S. and SRV governments. Time is one of the JTF–FA's greatest enemies; witnesses get older and many pass away, and the effects of the environment continue to degrade the evidence it possesses. The fast pace allowed us to complete the less difficult cases, assess our position, and then concentrate on other more difficult cases.

ACCOUNTING PROCEDURES

The USG accounts for missing Americans in one of three ways. The first, and most obvious method is to discover a live American. A live unaccounted-for-American has surfaced since Operations Homecoming in 1973.[7] The second method is through positive and legally sufficient identification of remains. The last method of accounting for missing Americans is by presenting compelling evidence that indicates the USG will not be able to meet either of the first two criteria.

CILHI is responsible for identifying the remains returned to its facility. Today, its primary means of identifying remains is by matching dental remains to the dental records of unaccounted-for Americans. CILHI also has the capability to identify remains through DNA matching. It is currently doing this through the Armed Forces DNA Identification Laboratory in Maryland. DNA matching also has some practical difficulties in that it usually requires a piece of bone (approximately five grams) larger than the fragments teams normally recover at the excavation sites.

The third means of accounting for missing Americans is much less conclusive than the first two methods and to date, the USG has not used it to account for unaccounted-for Americans. Over-water losses are the classic example of cases that might fall into this category. In Vietnam alone, there are 449 unaccounted-for Americans believed to be lost over-water. The likelihood of finding a live American or identifiable remains (or even aircraft wreckage for that matter) in these over-water cases is extremely small. They would be prohibitively expensive to pursue as a matter of policy.

There are also numerous cases where identifiable remains are unlikely to be found. Today there are numerous sets of remains stored at CILHI that are associated with specific cases (i.e., teams excavated these remains from sites positively correlated to a specific loss, or the remains came to CILHI through unilateral refugee/turnovers that associated them with a specific individual), but the remains are insufficient for legal identification. At some point, the USG must determine whether further efforts, either joint or unilateral, to resolve the cases correlated to these sets of remains are likely to bear fruit. If not, accounting for these individuals using the third means of accounting may be the only reasonable option.

On November 13, 1995, the Defense POW/MIA Office (DPMO) published the results of its comprehensive review of cases. The purpose of the study was to review all unresolved cases so as to: "(1) focus our (the USG) understanding on individual cases, (2) provide the basis for a sound investigations strategy, and (3) define next steps for achieving the fullest possible accounting of Americans missing in Southeast Asia."[8] DPMO assessed "each case, weighing all related information, including data collected through recent on-site American investigation and research in Vietnam, Laos, and Cambodia. We (DPMO) found that for any case it is exceedingly difficult to predict the extent to which evidence of knowledgeability by Vietnam, Laos, or Cambodia about some aspect of a U.S. loss could lead to an accounting of the individual."[9] The report recommends the "next steps" for the remaining cases as listed below.[10]

1. Further Pursuit—The review identified further leads requiring investigation for 1,476 individuals still unaccounted-for. 942 of these individuals were lost in Vietnam.

2. Deferred—The review identified 159 individuals for whom the USG has exhausted all investigative leads, "and no further avenues of pursuit can be identified. Although the investigation of these cases is not complete; we (the USG) require additional information to develop new leads."[11]

3. No Further Pursuit—The review identified 567 individuals still unaccounted-for whom, "regardless of any future effort by the U.S. Government and the governments of Vietnam, Laos, and Cambodia, their cases cannot be resolved through the repatriation of remains."[12]

PREPARATION FOR ASSUMING COMMAND

At the time of my selection for JTF–FA, I was commanding 1st Battalion, 26th Infantry, a basic combat training battalion at Fort Jackson, South Carolina. Detachment 2 had two previous commanders prior to me, Jack Donovan and John Cray. All three of us were coming out of battalion command at the time of our selection. Additionally, each had been selected to attend Senior Service College which we had to defer for one year to command Detachment 2. I was not scheduled to give up command of 1–26 Infantry until June 10, 1994, but because John had to return to CONUS to attend the United States Army War College, I had my change of command on May 10, 1994. Since command of the Detachment is like no other job I had ever had, time was of essence to assure a good overlap between John and me. I changed command at 0900 on May 10 and flew to Washington, D.C. at 1900 that evening. Luckily, my wife and I were able to spend some time together during two weeks of leave a couple of weeks before my change of command.

In Washington, my orientations included briefings by the Army Service Casualty Office,[13] the Defense POW/MIA Office (DPMO), and the Vietnam/Laos/Cambodia Office of the East Asia Pacific Office at the Department of State. I also spent half a day with a public affairs orientation team from the USAF at the Pentagon. My time with the USAF and USA Casualty Offices was extremely useful. The PAO orientation proved to be invaluable to me throughout my tenure.[14] The other offices I visited appeared unprepared for my arrival and provided very little information about the issue or my duties.

John Cray attended about six weeks of Vietnamese language training in Washington prior to departing CONUS. Because of the limited time available, however, I did not have the same opportunity. It was not absolutely necessary that the commander receive language training, but it would have been useful. Once I had my feet on the ground in Vietnam and had achieved a sufficient level of proficiency in my duties, I hired a tutor to teach Vietnamese to me. I met with him about twice a week for an hour and a half each day. It was amazing how much my Vietnamese counterparts appreciated the fact that I was trying to learn their language. Though I never became very proficient, I believe the very fact that I tried meant a lot to the Vietnamese.

After Washington, I flew to Honolulu, Hawaii for JTF–FA in-processing at Camp Smith. This included briefings from the PACOM staff and in-depth briefings by the JTF–FA staff. At the time of my arrival, Major General Thomas H. Needham was the Commander, JTF–FA. I had served as a company commander for 30 months under then LTC Needham in the 1st Battalion (Airborne), 509th Infantry in Vicenza, Italy, so we knew each other well. His in-briefing to me was characteristically brief and easy to remember. Despite the fact that General Needham gave up command on July 27, 1994 to Brigadier General Charles Viale, I found his guidance worthwhile to heed throughout my tenure. His guidance included:

1. If it ain't broke, don't fix it.

2. There can always be improvement in the quality of reports.

3. Work on the quality of chow at the Ranch.

4. Know the helicopter contract. When and what triggers increased costs?

5. Dealing with the press. Tone down the adjectives; i.e. "Continue high level of support consistent with pre-embargo lifting."

6. Read SOPs and Policy Letters, Command Letters and Trip Notes.

7. There is a folder for every past JFA—Read them.

8. Look at deficit repairs for the Ranch. See if they are really necessary.

9. Keep the boss informed.

Though I worked on all of these, there were three I tried to always keep uppermost in my mind and were instrumental in whatever success I may have had; keep the boss informed, watch my adjectives, and keep the boss informed.

After an intense schedule in Hawaii, I flew to Southeast Asia. My first stop was Bangkok, Thailand. I checked into what would become my "home away from the Ranch," the Imperial Hotel. The Imperial staff had hosted JTF-FA teams for years and treated us all very well.

While in Bangkok, I had to in-process at the embassy and then received the Detachment 1 in-briefing from LTC Dave Geraldson (USAF), the Commander of Detachment 1. Because the Detachment 1 position was a three-year assignment, Dave had been with the JTF since its inception. He had a wealth of knowledge about the issue and was a good friend throughout my tour. While I was in Bangkok, the 29th JFA was redeploying out of Vietnam into Thailand. JFA report writing always occurred in Bangkok, so I was able to watch John go through the entire report writing sequence.

From Bangkok, I accompanied General Needham to Phnom Penh, Cambodia. We stayed there only three days (two nights), and Major Tony Lowe (USAF), the Detachment 4 Commander, briefed me on his operation. Things were pretty slow in Cambodia at that time. Two of our helicopters had been shot at and hit some months earlier (possibly by local bandits) and the Khmer Rouge had been active, so the CJTF-FA had suspended field operations in Cambodia out of security concerns. The last thing any of us wanted to do was to hurt or kill an American today while recovering the remains of an American who died over 20 years ago. Field operations in Cambodia did not resume until late-fall 1994.

With my in-briefings complete, I flew into Hanoi with General Needham and began 10 days of overlap with John Gray. I was able to do almost everything related to JFAs once with John prior to having to do it on my own after his departure. The only exception was deploying the teams into Vietnam from Pattaya, Thailand. I attended a Technical Talk with the VNOSMP, attended Provincial Coordination Conferences in Ho Chi Minh City, Da Nang and Hanoi, observed a Joint Forensics Review and a Repatriation Ceremony, and helped plan the next JFA that I would implement. The time with John was extremely valuable to me. Most importantly, John introduced me to most of the Vietnamese I would work with during my tour. In Vietnam, it is always better to have someone the Vietnamese knew well available to introduce you.

On June 10, 1994, after a month of in-briefings and travel, I assumed command of Detachment 2. The goodbyes were very emotional for John. He had become very close to the members of Detachment 2 during his tenure. I was extremely grateful to John Cray for his kindness as I tried to learn the ropes.

In July 1995, during my out-briefing with Lieutenant General David Bramlett, Deputy Commander in Chief, Pacific Command (DCINC), I credited much of my success to my predecessors; Jack Donovan and John Cray. I did not do that out of false humility, but out of the reality that it was their efforts that laid the groundwork for the progress we made during my tenure. They built the organization and set the systems in place. All I had to do was sustain their systems, tweak them here and there, take care of the troops, and continue to nurture our relationships with the Vietnamese. It was primarily John Cray though who positioned me well for success and I will always be grateful to him for the unselfish manner in which he prepared me to assume my duties.

COMMAND AND CONTROL

The command and control scheme for JTF-FA is, by design, very clean. There are very few intervening headquarters between the troops in the field and the highest level of the government. One very important "agency" not included in the command and control structure is the families of the unaccounted-for, but it is the families that are always uppermost in the mind of every member of the JTF. Although there is no direct contact between the families and the JTF personnel in the field, everything we did, everything we discovered, was shared with the families. The conduit between the JTF and the families is the respective Service Casualty Branches.

The CJTF-FA works directly for the CINCPAC. Despite having a very close relationship with the Defense POW/MIA Office (DPMO) and always being very conscious of their operations and influence, we were not in their chain of command. The CJTF seemed to take it as his and his staff's responsibility to shield the Detachments in the field from inquiries and directives from anyone except JTF-FA Headquarters and they did this extremely well. I rarely spoke directly with anyone involved with this issue who was not in my chain of command, and when I did, I always cleared it with the CJTF or DCJTF first.

Until about December 1994, our primary means of communication with JTF-FA Headquarters was via telephone conversations and fax. This was extremely expensive. In December, JTF-FA established an E-mail network between it and all the Detachments in the field. This cut costs dramatically and also made it easier to send correspondence between elements of the JTF.

As depicted in Figure 3, JTF-FA is organized into a headquarters element stationed at United States Pacific Command (USPACOM) Headquarters, Camp Smith, Hawaii, and Detachments 1 through 4 posted in Bangkok, Thailand; Hanoi, Vietnam; Vientianne, Laos; and Phnom Penh, Cambodia, respectively. Deteachment 1 is the administrative and logistical hub for the remaining three Detachments in Southeast Asia. Because we did not have a U.S. embassy in Vietnam, Detachment 1 was our link to the rest of the world. They purchased many of our groceries from the U.S. embassy commissary in Bangkok, and we flew them into Hanoi once or twice a month on a space available basis. Detachment 1 was also our postal connection. All mail for Detachment 2 went to Detachment 1, and they held it until someone came to Hanoi. Mail was extremely important to us, and the standing JTF rule was that nobody left Bangkok for Detachment 2 without picking up the mail. Even the CJTF helped us out in this regard by always picking up the mail when he passed through Bangkok en route to Hanoi. Likewise, nobody left Hanoi for Bangkok without taking our mail out.

The only other Detachment I had regular contact with was Detachment 3 in Laos. There was a lot of coordination involved with trilateral operations, and LTC John Twohig (my counterpart in Laos) and I spoke frequently to coordinate them.

The mission of Detachment 2 is to "coordinate all United States Department of Defense efforts in Vietnam to achieve the fullest possible accounting for Americans still unaccounted-for as a result of the war in Indochina." The USG knows that it will never resolve every case, thus the requirement to provide the fullest rather than a full accounting. Detachments 3 in Laos and 4 in Cambodia have missions similar to Detachment 2 with the additional requirement of supporting the Ambassador's country team. During my tenure as Commander of Detachment 2, the United States and Vietnam did not have diplomatic relations. As a result, I did not have this requirement.

Work at Detachment 2 was essentially a seven-day-a-week proposition, but I endeavored to be as flexible as possible regarding individual schedules. Because the intensity of our work varied from time to time and section to section, I tried not to watch the clock. I expected Detachment personnel to work when they needed to work, but to take some time off when their responsibilities allowed it. I did require them, however, to inform their supervisor of their whereabouts if they were not in their office in the event an issue arose. The high quality personnel assigned to the Detachment allowed me to exercise this level of flexibility without worrying about the quality of work degrading. As much as possible, I tried to give the Detachment Sundays off, but there was always some work members of the Detachment had to accomplish on Sunday, especially during JFAs. Since Monday in Vietnam was Sunday in Hawaii, we did not receive many calls from the Headquarters on Monday. This enabled me to give the Detachment Monday mornings off, thus giving them two evenings a week when they knew they would not have to work the next morning.

Much of our work schedule revolved around the time difference between JTF-FA Headquarters in Hawaii and our office in Vietnam. We were about 19 hours ahead of Hawaii. The CJTF prohibited the JTF-FA staff from telephoning us prior to 0730 Vietnam time unless it was an absolute emergency. This precluded us from being hounded at all hours of the very early morning about issues that were not urgent. Our work day began between 0700 and 0730 Tuesday through Saturday, and at 1130 on Mondays, and continued until our work was complete. During a JFA., we normally worked until about 2100 everyday.

Other than the normal day-to-day operation of the Detachment, we undertook seven basic tasks: 1) investigate live sighting reports, 2) conduct joint investigations and recoveries, 3) conduct historical and archival research, 4) interview witnesses and officials and analyze information and "leads" in the field, 5) coordinate and support teams in the field, 6) participate in technical meetings, and 7) represent the USG in repatriation ceremonies. To effectively accomplish each of these tasks, we organized the Detachment.

Historically, the Commander of the Detachment has been a combat arms lieutenant colonel who had successfully commanded at the battalion level, and was either a Senior Service College selectee or graduate. Some have argued that the commander should be a foreign area or intelligence specialist. The fact is, however, that the Commander is primarily an "operator." The skills normally associated with a combat arms officer are the skills required of the Detachment Commander; i.e., motivate personnel, deal effectively with people, manage resources and people over vast distances, coordinate aviation assets, and resupply activities, etc.

The Commander serves in this position for 12–13 months. Once again, some believe that the turbulence associated with a one-year tour for the Commander is detrimental to the effort. I believe maintaining it as a one year tour is one of the keys to preserving the credibility of the organization. The unaccounted-for issue is a very emotional one, not only for the families, but also for those of us who worked so hard to resolve it as fully as possible. As one works the issue, it is very easy to develop strong personal opinions about it, and those associated with it. It is also not difficult to develop relationships, either positive or negative, with the Vietnamese officials with whom you work and this could effect negotiations. The bottom line is that individuals who work this issue for an extended period of time begin to develop an "agenda." As soon as this happens you are likely to lose your credibility with the families.

One of the Commander's primary responsibilities is to ensure that personal opinions and agendas do not develop to such an extent that they cloud the facts. When a new officer assumes duties as the Commander, he views the issue with a new set of eyes, and this is desirable. For those who believe that a one year tour for the Commander is detrimental in terms of continuity, I must add that there are numerous experts available to the Commander who provide advice and expertise that more than compensate for this lack of experience.

Besides the Commander, there were normally five other long-term members of the Detachment (i.e., longer than one year). The Air Force provides the Detachment's Executive Officer/Operations Officer. This individual is normally a relatively senior, experienced and successful Air Force Major who had extensive experience in operational duties. I screened numerous files to identify a successor for the incumbent while I was there. When examining records, I focused on several professional attributes. First, was he/she capable of assuming full command of the Detachment? In the 13 months I commanded, I went on TDY over 40 times. During my R&R period at Christmas, I was away from the Detachment for two weeks. The Deputy had to be fully capable of assuming command of the Detachment in my absence. Second, I looked for operations experience. Operations at the Detachment run at a fast pace and the Deputy must be able to coordinate field activities, manage aviation resources, and coordinate and execute logistical resupply of the teams, with very little or no supervision.

Several of the officers the Air Force nominated for the Deputy position had intelligence backgrounds. I was very leery of accepting an officer whose record reflected this, as I was concerned that the Vietnamese might look at this assignment suspiciously. We worked very hard to convince the Vietnamese that our only purpose for being in Vietnam was to resolve the unaccounted-for issue, and that we had no interest in gathering other types of information. Mr. Le Mai, the Vietnamese Deputy Minister of Foreign Affairs, remarked to my Detachment Historian during a dinner toward the end of my tenure, that they had initially thought we had "other purposes" for being in Vietnam, but that now they knew that we were there for only one purpose, to resolve the issue of unaccounted-for Americans. I worked extremely hard not to violate that trust as I thought it would be extremely detrimental to the issue if the Vietnamese ever perceived that I was violating that trust. Assigning an officer with an intelligence background to the Detachment could have given that perception to the Vietnamese.

The Detachment had the normal administration, operations and logistic sections of any military organization. A long-term member of the Detachment directed each; Administration—an Army Staff Sergeant or Sergeant First Class, Logistics—a DA civilian under a two-year renewable contract, and Operations—an Air Force Major and Air Force Technical Sergeant or Master Sergeant.

The final section organic to the Detachment was the Casualty Resolution Section (CRS), Mr. Gary Flanagan, a retired USAF linguist/analyst, directed the operations of the CRS. Gary has been working this issue since October 1987, initially with the Joint Casualty Resolution Center and then with the JTF. Gary is one of those threads of continuity I spoke of earlier. For a new commander coming into the Detachment, much of what occurs doesn't always make sense, and dealing with such a different culture is often frustrating. Gary was extremely skillful in explaining the historical basis for various methods, and often kept me out of trouble by recommending techniques for getting things done with the Vietnamese.

Gary directed the efforts of the Research & Investigation Team (RIT). The RIT is a six-person team that deploys to Vietnam for a period of four months. the JTF manned the RIT with the most skillful Vietnamese linguists and analysts assigned to the JTF, and the team works its most difficult cases. It is responsible for archival research, oral history interviews, special remains and priority case investigations, and walk-in interviews.[15] As we near the "fullest possible accounting" and large-scale Joint Field Activities become less productive, the RIT will provide the organizational and operational design for continued efforts well into the future.

Though he returned to Washington, D.C. toward the end of my tour, Mr. Bob Destatte was an invaluable asset to me throughout my tenure. He was the Detachment's Research Historian, assigned to DPMO, but attached to Detachment 2 as DPMO's in-country analyst. I don't think there are many who are familiar with this issue who would argue against me when I say Bob is the most knowledgeable individual involved with this issue today. He is a fluent Vietnamese linguist and can totally immerse himself in the Vietnamese culture as required. He accompanied me to most meetings during delegation visits as he was one of the few people who both understood the issue and understood Vietnamese. He was able to convey some of the nuances of what the Vietnamese said during the meeting that others would miss. Bob was amongst the first Americans in-country in the early 1960's and has been in and out of Vietnam ever since. He was the single most important person to me as I was beginning to learn the issue. If Bob had a fault, it was that he is a perfectionist and sometimes got mired in the details of a particular issue. This said, his reports were always extremely detailed, complete, and authoritative. Bob knew the background of every aspect of this issue, and willingly shared it with anyone interested. It was a great loss to the Detachment when he returned to the United States. I always took great comfort in being able to walk downstairs to his office whenever I needed assistance.

At various times, additional personnel come under the command and control of Detachment 2. Whenever there is a live-sighting to investigate, Stony Beach, the Defense Intelligence Agency office in Bangkok, Thailand, dispatches an investigator to investigate the report. Though this investigator works directly for DIA, as soon as he enters Vietnam, he comes under Detachment 2 for the duration of his investigation in Vietnam.

The largest group of "temporary" personnel directed by Detachment 2 is the Investigation/Recovery Team (IRT) that enters the country every other month for Joint Field Activities. Each IRT consists of well over 100 specialists who fan out across the country to investigate leads and interview witnesses, and conduct recovery operations. For most of my tenure, the IRT consisted of two Investigation Elements (IE) and six Recovery Elements (RE).

The mix of IEs and REs varies depending upon constraints the Vietnamese impose and the work-load we had to accomplish. In the early days of the JTF, the Vietnamese limited the number of personnel it permitted into the country, however, they became much more flexible in adjusting these numbers to the needs of the mission. The JTF has investigated every case at least once, many numerous times. As such, in early 1994 it changed the IE/RE mix from three IEs and five REs to the current ration. The JTF has between 40 and 50 cases scheduled for recovery in Vietnam, and on average, an RE can complete two recoveries each JFA. To facilitate the backlog of recoveries, JTF-FA increased the number of REs to six.

During most JFAs, the IEs and REs were dispersed throughout Vietnam. The primary means of contact with them was telephone, if that was available, and HF radio when the teams were operating in remote sites. The Detachments in Laos and Cambodia communicated with their teams in the field via SATCOM radio, which was much more reliable than the HF. This was a major issue between the USG and the Vietnamese. We requested permission to use SATCOM continuously. We felt it was a safety issue with the teams (U.S. and Vietnamese) in the field. There were times when I was out to touch with teams by radio for up to four consecutive days. Communications between the Detachment and two teams in the field became so bad during one JFA that I had a helicopter fly to the site every other day to check on the team. This was a very expensive proposition, but work at remote sites can be very hazardous and I could not risk not knowing their situation. Every visiting delegation raised the SATCOM issue at the highest levels of the Vietnamese Government, but they never acceded to our request. Admiral Macke, CINCPAC, even assured the Vietnamese that we would use only unencrypted systems and went so far as to offer to provide the Vietnamese a SATCOM station to enable them to monitor our communications. We had nothing the hide. Their reasoning for denying our requests was that they did not have the regulations in place to control satellite communications. They posited that granting us the authorization opened the door for others to use it. While I never quite understood their position, I never made any progress in changing it.

I had a very direct and close relationship with the Vietnamese Government. Until the opening of the United States Liaison Office (USLO) in Hanoi, I was the senior USG representative in Vietnam. Even after it opened, I remained the primary point of contact in Vietnam concerning the issue of missing Americans. My direct counterpart in the Vietnamese Government was the Director of the Vietnamese Office Seeking Missing Persons (VNOSMP). During most of my tenure, this was Mr. Vu Chi Cong. The VNOSMP contained representatives of the Ministries of Foreign Affairs (MFA), National Defense (MND), and Interior (MOI). The MFA coordinated the operation for the Vietnamese as they are the ministry responsible for dealing with officials from other countries. The MND and MOI had representatives in the VNOSMP because they are the two ministries who would have collected and stored information during the war regarding U.S. service men; MND for obvious reasons, and MOI because they were responsible for the administration of POW camps and the prison system.

I found the VNOSMP to be very helpful and open to our effort. I had easy access to the VNOSMP. Mr. Cong even gave me his home telephone number in the event an emergency arose after normal duty hours.

In sum, the organization and command and control structure I worked under was very effective. I had one boss, the CJTF, and he and his staff never hesitated to run interference for me as necessary to keep other agencies from distracting our efforts. The CJTF never micro-managed my operations and allowed me great leverage in how I accomplished the Detachment's mission. This flexibility was very important to my credibility with the Vietnamese, as they knew that I was entrusted to make decisions and to follow through on those decisions. Despite the freedom of action he allowed us, the CJTF was always there to support us when necessary. I was well staffed with some of the best soldiers, sailors, airmen, marines and civilians I have ever worked with. The Vietnamese ensured that I had direct access to the necessary agencies in their government whenever necessary. The command climate truly provided an environment that ensured our success.

PROGRESS TOWARD THE FULLEST POSSIBLE ACCOUNTING

In March 1992, President Clinton validated former President Bush's four areas requiring tangible evidence of progress by the Vietnamese as a precondition to normalizing relations: (1) repatriation and identification of remains, (2) access to documents, (3) trilateral cooperation, and (4) progress in resolving priority cases and live sighting investigations, and support for joint field activities (JFAs). The President has continued to stress these areas even as the United States begins to engage Vietnam in other issues of concern.

I considered sufficient progress in the President's four areas our end state, despite the fact that tangible evidence of progress is a difficult end state to define. Although as a military officer I am much more comfortable when I have an end state that I can clearly enunciate, I soon discovered that when dealing with emotional that have great political consequences at the highest levels of the government, clarity of the ultimate objective is often difficult to define more precisely.

The press often asked the question; "When will all this end?" My answer to this was always that their question was one for the policy-makers; i.e. President Clinton, members of Congress, the Secretary of State, etc. I was merely an operator in the field. It is, however, my opinion that the effort will never *end*. "*End*" connotes finality, a ceasing of all efforts. Today, we are still finding remains of unaccounted-for-soldiers from World Wars I and II, and the Cold War. Task Force—Russia is searching the archives and records of the former Soviet Union in an effort to resolve losses from the Cold War era. We have yet to search the areas in North Korea where we lost America soldiers, and last year, a group in Canada even unearthed the remains of an American lost during the War of 1812. As long as we have Americans unaccounted-for in Southeast Asia, I do not believe our efforts will ever entirely cease. Rather, if at some point our efforts become less productive (i.e., a significant diminution in successful investigations and excavations) the means by which we seek to achieve our ends, the fullest possible accounting, may *evolve*.

By definition, JTFs are temporary. At some point in the future, it is reasonable to envision an organization such as CILHI controlling the entire accounting effort in Southeast Asia. There might be a small team of investigators such as the current RIT that remains in Vietnam to pursue leads as they develop. As the small in-country team discovers likely sites for excavation, an RE from CILHI could deploy to Vietnam to excavate that location. Whenever we have information that leads us toward resolving a case, I believe we will follow it.

The USG hinges future relations with the Vietnamese on progress toward the accounting effort. It is also critical to understand how the Vietnamese view their assistance in this endeavor. When negotiating with the Vietnamese and when speaking with the press, it is important to keep in mind the Vietnamese Government's official premise for cooperating. Vietnamese officials repeatedly reminded visiting delegations that they consider this issue a "humanitarian" issue and that they cooperate because it is the right thing to do. Their cooperation does not depend on closer relations, financial assistance, etc. This seemed to me to be a very important point with the Vietnamese. I felt it was the basis for their position that their cooperation would continue until we resolve the issue to the satisfaction of the USG.

As I said earlier, it was not my responsibility to assess the amount of progress we made; those were policy decisions. It was my job to identify means of effectiveness of joint and unilateral efforts. I endeavored to provide relevant facts pertinent to each of the President's four areas, and then left the assessment to the policy-makers. The discussions that follow are the elements of progress I deemed significant during my tenure. This was the information I presented to visiting USG officials.

RECOVERY AND REPATRIATION OF REMAINS

Since the end of our involvement in the conflict in Indochina in 1975, the remains of 428 individuals have been repatriated to the United States and positively identified.

Recovery and repatriation of remains showed strong progress during my tenure. On the surface, this indicator of progress is relatively easy to measure. Ostensibly, all that should be necessary is to count the numbers of remains we recover in the field and subsequently repatriate to the United States. Nevertheless in just about every aspect of this issue, you can look at the results in two ways. Executives of the National League of Families (NLF)[17] contend that the only meaningful way to measure progress in this area is by the number of unaccounted-for Americans that have been identified positively. Since January 1992 when the JTF began operations, CILHI has identified 110 previously unaccounted-for Americans. The NLF points to this relatively low figure when compared with the total number of unaccounted-for as evidence of slow progress in recovering and repatriating remains and a lack of cooperation by the Vietnamese. On the other hand, you can look at the number of remains that have been repatriated in that same period, consider that more than 20 years have passed the losses occurred, and develop entirely different conclusions regarding the success of JTF operations. I contend that the JTF and CILHI have been highly successful in recovering and repatriating remains.

The difficulty of locating remains was clarified for me when teams excavated the former Lang Vei Special Forces Camp in Quang Tri Province to search for five unaccounted-for Americans. The JTF had excavated this site twice previously without success. IN February 1995, we brought Major (Retired) Frank C. Willoughby to Vietnam to assist us in our efforts. Mr. Willoughby had designed and built the camp, and commanded it at the time of the incident in 1968. Upon his arrival at the recovery site, MAJ Willoughby reconnoitered the area our teams had excavated during previous JFAs as they tried to find the camp's Tactical Operations Center (TOC). It was in the TOC where one of the five missing Americans had been seen last.

Mr. Willoughby thought that given the old maps and descriptions of the area, the areas where we excavated were reasonable locations to dig. However, after a couple of days to orient himself on the ground, Mr. Willoughby suggested excavating for the TOC some 50 yards from the previous locations. He also confirmed the location of the camp's Observation Post (OP) and a 4.2-inch mortar pit where the four remaining service members were last known to be. After several days of excavating, we found the remnants of the TOC, one bone fragment and one possible bone fragment. Still visible on the concrete floor of the TOC were the scars made by hand grenades the attackers threw down the bunker's air vents.

Since the war, the local Vietnamese had used the site of the camp as a "quary" for materials to build Highway 9, and dramatically changed the nature of the terrain. Mr. Willoughby thought that the remains of his soldiers had most likely been in the area of where the Vietnamese had quarried, and were thus irretrievably lost. I firmly believe that without Mr. Willoughby's on-site knowledge we would not have found the site.

During one of my visits to the site, Mr. Willoughby and I sat on a hill in the middle of the old camp and he recounted the day of the battle for me. As we looked west from the hill, we could see Laos which the attacking Vietnamese had used as a sanctuary. This battle was the first of the war when the Vietnamese used tanks to attack the American positions, and is the subject of a book by David Stockwell entitled, Tanks in the Wire.[18] We could probably see about two miles distant, and he said that at the time of the war, all that we were now surveying was triple canopy jungle. Today, the view encompassed only rice paddies between the camp and the Laotian mountains. He said that the hill we were sitting on was a good ten to 12 feet taller during the war, and that the bulldozing of the hill for road materials had changed its appearance dramatically.

This story clearly demonstrates the problems associated with time. More than 20 years passed since the incident of loss. Not only was it likely that the environment had eroded whatever remains the ground held, but it was obvious that "man" had changed the terrain. The terrain changes and the memories of witnesses fade. There is an element of luck involved every time we find remains. To be able to then identify the remains is even more fortuitous.

I need to digress from the subject of repatriation of remains to further elaborate on Mr. Willoughby's trip. Though I barely got to know him, Mr. Willoughby will always be one of my heroes. It was a very emotional trip back for him, but one which I think helped him close an open chapter in his life. During one of my visits to Lang Vei, I brought a television crew from KCRA television in Sacramento, California. While interviewing Mr. Willoughby, the commentator asked him why he returned to Vietnam to help us. Although I do not remember the exact wording, Mr. Willoughby replied by saying that he was the Commander at the time they evacuated the camp, forced by enemy action to leave five of his soldiers behind. During the war, he always felt it his duty to do everything he could to bring his soldiers home. The passage of time had not relieved him of his duty, for he was still their commander. Over 25 years passed since the incident, but duty to his soldiers still drove this great American—one of God's noblest people.

I also had the opportunity during this visit to learn about another aspect of this issue. After the television crew interviewed Mr. Willoughby, they turned to one of my VNOSMP counterparts, Senior Colonel Bien[19] asking him for his impressions of our efforts. SRCol Bien said that he had lost four brothers during their "war for independence," one of whom was lost in the same area near Highway 9. Unfortunately, this brother is still missing. SRCol Bien said that many members of his family criticized his efforts to help the USG account for its missing, when he cannot even account for his own brother. The commentator then asked how he answered their reproaches. SRCol Bien replied very curtly, "I tell them that I help because it is the right thing to do."

Unilateral Activities by the Vietnamese to Recover Remains

During my tenure, delegations continually stressed that the Vietnamese needed to work more unilaterally to resolve this issue. Some stress unilateral action because they believe that the Vietnamese Government is withholding remains and information concerning missing Americans. Thus, they reason that only the Vietnamese can resolve these cases and they could do so by simply handing over the information or remains they possess. I am not in a position to conclusively state where the truth in this matter lies. I do know, however, that unilateral operations are a poor substitute for joint investigations and research. Unilateral operations do not result in near the quality of work joint operations do.

Another aspect of our requests for more unilateral efforts on the part of the Vietnamese that I felt was important was the lack of credence we sometimes attached to their results. Time and time again, I saw individuals both inside and outside the USG criticize the results of Vietnamese unilateral efforts simply (in my opinion) because their results did not coincide with the results they expected. In my opinion, if we ask the Vietnamese to investigate cases unilaterally, then when they do we have a certain obligation to accept the results of their efforts. I am not saying that we should unconditionally accept every report just because the Vietnamese say it is accurate. What I am saying is that if we are unwilling to accept their results whatever they might be, then maybe we should reconsider the value of requesting the unilateral activity in the first place.

We should keep in mind that unilateral work by the Vietnamese precedes everything we do. There is no way we could find witnesses to interview, documents to analyze or sites to excavate without prior work by the Vietnamese; never have—never will. Approximately ten days before every JFA, the Vietnamese team leaders begin to coordinate with provincial officials, reconnoiter sites, search for witnesses, and arrange for their presence. Thanks to their preliminary efforts, when American team members arrive, we can maximize the time in-country. Additionally, the Vietnamese provide unilaterally almost half of all remains that we obtain.

In June 1994, a Vietnamese citizen from Son La Province contacted Detachment 2 officials stating someone he knew in Son La had remains of an American service man. During the interview, he produced a dog-tag impression correlating to Case 0954 to the Casualty Resolution Section at Detachment 2. We sent an official from our office and one from the VNOSMP to Son La to meet the individual who allegedly had the remains. Although the individual in Son La denied having any remains, the witness who gave us the information in Hanoi insisted that this was the correct individual. At that time, we were unable to obtain the remains, but the Commander of the local Border Defense Forces pledged that he would continue to investigate this case and recover any available remains. In January 1995, we received the remains from the VNOSMP and in February 1995, we repatriated the remains to the United States.

This was an important lesson for me in dealing with Vietnamese authorities. When the Vietnamese citizen initially refused to give us the remains, I felt that the SRV officials should have searched his home and belongings and confiscated the remains. After all, it is against the law in Vietnam to hoard remains or demand compensation for them. I soon learned, however, that the Vietnamese continually stress that they prefer persuasion rather than force to entice Vietnamese citizens to turn remains over to U.S. or Vietnamese officials. They are concerned that force would discourage other citizens from coming forth with remains or information. Besides, the remains could have been anywhere, and if he had hidden them, the likelihood of finding them would have been very slim. Case 0954 is an example where the Vietnamese process of patient persuasion seems to have worked.

Nevertheless, I did get the impression that when persuasion failed, SRV officials were not hesitant to enforce the law. During the 32d JFA, SRV officials confiscated remains from an SRV citizen who demanded compensation for them. The officials later provided them to our team members. Seeking compensation for remains is not an uncommon occurrence. Vietnamese citizens will often approach team members in the field, or they will even come to "The Ranch" to offer remains or information in exchange for money, gold, or a visa to the United States for themselves or a relative. In all cases, our answer was that under no circumstances would we compensate them for remains or information. Rather, we encouraged them to provide the remains for information as an "act of compassion to help resolve this humanitarian issue." In most cases, the citizen, seeing he was not going to receive anything in return, handed over the remains or provided the information anyway.

Refusing to "buy" remains or information was an important position for the Vietnamese Government as well as ours. Vietnam is an extremely poor country. If word spread that the USG was "paying" for remains, some Vietnamese, not realizing that we can differentiate between remains belonging to a Southeast Asian Mongoloid and an American, would begin "robbing graves" throughout Vietnam in hopes of earning money. Rather than helping our efforts, this would likely cause many Vietnamese to resent the results of our efforts.

During my tenure, there were several cases of individuals absolutely refusing to hand over remains they had without some type of reward. In some instances the Vietnamese were able to document repeated attempts by the same individuals to sell remains. I know of at least two successful prosecutions of "remains dealers" while I was in Vietnam.

The Vietnamese also appeared to act unilaterally in cases that might involve some sensitivity with the Vietnamese populace. During the 34th JFA, Vietnamese authorities in Ben Tre Province unilaterally excavated a site in a War Heroes Cemetery. Past investigations of this case led us to believe that the Vietnamese had buried an unaccounted-for American in the cemetery inadvertently. Provincial officials were very sensitive about the possibility of angering the villagers if they saw Americans excavating in their War Heroes Cemetery. The provincial officials disinterred several graves during the evening when they would not be observed by the villagers, and presented the remains to a JTF-FA anthropologist waiting nearby for examination. Unfortunately, he determined all the remains to be of Southeast Asian origin. The importance of this episode, however, is the level of cooperation it demonstrates. Could this have occurred in Arlington National Cemetery, the final resting place of many of our war heroes?

In another development regarding unilateral efforts by the Vietnamese to develop "leads" concerning unaccounted-for Americans, the Vietnamese government unilaterally tasked the Ministry of War Invalids, Social Welfare and Labor (responsible for accounting for the over 300,000 missing Vietnamese from the war) to coordinate their efforts with those of the VNOSMP. Now, before their investigators travel to the various provinces, they take with them a list of unaccounted-for Americans possibly lost in those areas. When they interview witnesses regarding Vietnamese missing, they also ask about our unaccounted-for individuals.

Amnesty Program

The Vietnamese Government actively publicizes their remains amnesty program[20] and the U.S. MIA Office. They allowed Detachment 2 to place an advertisement in the Hanoi Yellow Pages inviting Vietnamese citizens who might have information about unaccounted-for Americans to contact the VNOSMP or the U.S. MIA office in Hanoi. They also televised advertisements requesting information on specific cases and placed the U.S. MIA Office on tourist maps. Additionally, many of the remains we receive from Vietnamese citizens originate from remote areas of the country, thus indicating widespread word of the amnesty program.

One such case occurred during the 34th JFA. The VNOSMP notified us that villagers in Quy Nhon Town had discovered what they believed were remains of an American. A family in Quy Nhon found these remains while looking for the remains of one of their children in a local cemetery. When they removed the bones from the ground, they realized that they were much too large to be Vietnamese. They placed them back into the grave and notified local officials of their discovery. The local official called the VNOSMP offering to excavate the site unilaterally, and the VNOSMP then called me to request that I send an anthropologist to Quy Nhon Town to examine the remains. On March 7 and 8, 1995, a JTF-FA anthropologist reviewed the remains. The remains consisted of nearly three-quarters of an entire skeleton and 21 (possibly 22) teeth, five with restorations. The anthropologist determined the remains to be from a large male, over 40 years old, over six feet tall, and not Southeast Asian Mongoloid. We repatriated these remains to the United States.

"Dog Tag" Investigations

Since 1979, the USG has received literally thousands of reports of remains associated with a set of "dog tags" in the hands of private citizens. About 97% of the Americans named in these reports were never unaccounted-for, while somewhat more than 100 Americans named in the reports are still missing. You must consider two facts regarding "dog tag" cases. First, during the war, many Americans lost their dog tags, gave them to their "girl friends," traded them, etc. Second, when we evacuated the embassy in 1975, the machines used to manufacture dog tags remained behind. Budding "entrepreneurs" have been cranking out counterfeit tags ever since. The end result is that, whether real or counterfeit, a glut of dog tags is available throughout Vietnam, especially in stores and street corners catering to tourists.

Shortly after my arrival in Vietnam, a U.S. citizen visiting Vietnam contacted one of our EIs working in the vicinity of Ho Chi Minh City to tell them that she had 1,444 dog tags of missing Americans and a set of remains. She said that Vietnamese secret police and even the CIA were following her, and she feared for her life. The IE team leader agreed to meet with her and she related a fantastic story of intrigue. She said that a very "reliable" Vietnamese man had contacted her and offered to lead her to where he knew there were a number of dog tags and remains of missing Americans. She knew he was reliable because he did not ask for any money for the items, only some compensation for the time and travel. She recounted an escapade involving nighttime motorcycle rides disguised as a Vietnamese peasant to various locations. She further described crawling into a "previously unknown" tunnel in Marble Mountain, Da Nang (one of the most famous tourist sites in all Vietnam), and there, on top of the ground, lay 1,444 previously undiscovered dog tags. Then he took her by motorcycle to a cemetery where a small bag containing bones laid on top of the ground.

She believed she had solved the entire issue of unaccounted-for Americans, and told us that she planned to call a press conference as soon as she landed in Los Angeles (she claimed to be a journalist). Knowing that it is easier to discredit an inaccurate story before it comes out than to react to one after it hits the media, we thought it was critical to determine the veracity of her claims. Our first step was to send CILHI's best anthropologist to HCMC to examine the remains. He found them to be from a Southeast Asian Mongoloid. It was obvious to him that they were not American. For two days, analysts in Detachment 2 searched our database of missing Americans comparing it to the names on the dog tags. Not a single one correlated to an unaccounted-for American. As soon as we confirmed our findings, I immediately called the JTF-FA Public Affairs Officer (PAO) in Hawaii to inform him of the results of our investigation. I never heard of any news report or press conferences regarding this incident.

JTF-FA cannot afford to dismiss any of these claims without fully investigating them. Though the odds are slim, the possible benefit of discovering new leads far outweigh the amount of work involved chasing dead-ends. The Archival Research Team (ART) began investigating dog-tag leads during my tenure and the RIT continues this effort today. In October 1994, the ART received partial human remains and a set of dog tags that we tentatively correlated to two cases of unaccounted-for Americans. One set of remains contained teeth with restorations. A CILHI anthropologist confirmed that the remains were likely to be those of an American, and we repatriated these remains to the United States.

ACCESS TO DOCUMENTS

The USG believes that museum artifacts and archives, tradition houses (local museums), military historical files, prison records, etc., might contain information pertaining to Americans still unaccounted-for. Since its January 1992, members of JTF-FA have examined over 30,000 items correlating to over 820 unresolved cases. These include more than 2,000 photographs of former POWs, remains, crew gear, personal identification items, aircraft wreckage, sketches, maps, etc. During its existence, the ART had unrestricted access to museums and tradition houses throughout Vietnam, and interviewed many of the past museum curators. USG investigators, including DIA analysts, have visited several prisons throughout Vietnam and have discovered no evidence that the Vietnamese held U.S. prisoners after 1973. Additionally, the Vietnamese established the Joint Document Center (JDC) in a wing of their Central Army Museum in Hanoi. The JDC serves as a permanent location dedicated to the joint review of any artifacts or documents researchers might discover. Detachment 2 and VNOSMP analysts man the JDC on a daily basis.

Providing archival information to the USG presents an interesting dilemma to the Vietnamese. Prior to the arrival of CODEL Bond in the Fall of 1994, I attended a meeting between Mr. Jim Hall and Mr. Nguyen Xuan Phong, Director of the Americas Department, Ministry of Foreign Affairs.[21] During the meeting, Mr. Hall encouraged Mr. Phong to present any documents they may have uncovered during their unilateral research to the visiting delegation. Mr. Phong responded that they no longer thought it wise to hold documents they find to present to delegations. Rather, they preferred to hand them over to the Detachment immediately upon discovering and reviewing them. The Vietnamese were in an interesting Catch-22. If a delegation visited and the Vietnamese did not give them a document of some type, critics of their level of cooperation quickly claimed that the Vietnamese were withholding information. On the other hand, if they provided documents to visiting delegations, these same critics claimed that the Vietnamese had all the documents we were looking for and provided tid-bits to visitors to try to convince us of their cooperation. I could not argue Mr. Phong's logic because I saw it happen.

Although the number of items investigators have examined is large, access to documents and other items of archival research was one of the toughest areas for us to note significant and tangible progress during my tenure. Only late in my tour did our efforts begin to show concrete headway. One of our primary goals was to "coach" the Vietnamese to report their activities more effectively. We stressed that it was not good enough to simply perform research and then tell us that they did not find anything. We suggested to them that if they looked for documents in the archives of the Air Defense units in Military Region 4, for example, they needed to provide us the specifics of their efforts; what files did they look at, what time period did the records cover, where did they perform the research, when, who were the investigators, etc.?

During one of our Technical Conferences, General Viale, CJTF-FA, requested our counterparts improve the detail of their reports. In response, Mr. Cong, Director of the VNOSMP, tried to explain their problem. He said that when Vietnamese investigate a case, and find nothing, no report is necessary. Partly in jest, I told him that the American Government can write reams about what we don't find. Nonetheless, on a more serious note I explained that knowing the circumstances around which investigators found nothing may often be as valuable to an analyst as actually finding something. Mr. Cong concluded by saying that it was taking a "cultural change" for them to realize what we wanted, but pledged his support to continue to try.

Ms. Virginia Foote, the President of the US/Vietnam Trade Council and frequent visitor to Vietnam, offered another consideration regarding the detail of Vietnamese reporting. In mid-1995, the DASD for POW/MIA Affairs, General Wold, asked Ms. Foote to intervene with the Vietnamese to encourage them to improve the detail of their reporting. During a meeting with the Ministry of

Interior official in charge of the U.S. MIA work by the MOI, Ms. Foote encouraged him to improve their reporting procedures. She received a "very firm, and rather angry, answer that such reporting would expose their military intelligence filing and personnel system which they will not do." Ms. Foote advised General Wold and Ambassador Winston Lord that "they might have set too high a reporting standard and that the Vietnamese are never going to issue reports explaining in depth their process for unilateral searches for the reasons given by MOI. In my view (Ms. Foote's), it is not reasonable for the USG to push this too far."

At least annually, President Clinton sent a delegation representing him to Vietnam to assess the level of progress we were making and the level of Vietnamese cooperation. The delegations normally thanked the Vietnamese for their past cooperation and encouraged more effort in various areas. The delegations often brought specific requests for information regarding specific cases of particular interest to the USG, and suggested ways of improving cooperation.

At the request of the July 1994 Presidential Delegation, the MOI and MND each formed a small team to unilaterally research historical files and interview Vietnamese officials who may have information concerning missing Americans. They submitted an initial "work-plan" and asked for our ideas concerning the plan. The VNOSMP provided the teams' initial report to us in March 1995, and on May 15, 1995, Mr. Phong gave additional reports from the MOI and MND to me. On May 30, 1995, Mr. Tran Van Tu, Acting Director, VNOSMP, provided a report from the MOI to me detailing their research efforts in seven northern provinces.

At the time of my departure, Detachment 2 was receiving on a regular basis, reports from the VNOSMP and the special teams formed by the MND and MOI for unilateral research. In total, I received five written reports of progress from the VNOSMP. Though I did not see the final assessments of these reports prior to my departure, they did appear to have useful and previously unavailable information.

Personal Dairies and Artifacts

Though we have not received a large number of personal records, we did receive some, and it appeared that the Vietnamese Veterans Association was encouraging its member to provide more to us. Shortly after President Clinton lifted the trade embargo, a retired PAVN[22] Senior Colonel voluntarily shared information about unaccounted-for Americans that he had recorded in his personal wartime diary. In one instance, his diary confirmed that one aircraft and a crew of eight men who disappeared while on a mission in Laos nearly 30 years ago, crashed more than 140 km (nearly 100 miles) from the last known location noted in U.S. records. "The Vietnamese Veterans Association, headed by General Quang, started an aggressive campaign to encourage Vietnamese veterans to come forward with information that might help account for Americans killed during the war. Materials have been coming in greater quantity since diplomatic relations were established."[23]

TRILATERAL COOPERATION[24]

The most important aspect of Trilateral Field Activities is that the Vietnamese Government considered this an issue between the U.S., Laos and Cambodia, not Vietnam. This is important because Vietnam continually stated that they would support whatever requests the U.S. made regarding these operations so long as they were able to locate the witnesses and persuade them to participate. Their actions supported their promises. On December 1, 1994, U.S., Vietnamese, and Laotian officials met in Hanoi to lend structure to the way we conducted trilateral operations. All participants agreed that Vietnamese and JTF-FA investigators would continue to identify and then interview Vietnamese citizens who might possess information pertaining to unaccounted-for Americans in Laos. If, after the interview, Vietnamese and U.S. investigators concluded that the witness had pertinent information, Laotian investigators would travel to Vietnam to interview the witness. If, subsequent to their interview, the Laotians agreed that the witness possessed reliable information that could help resolve a case, they authorized their travel to Laos and participation in a JFA in Laos.

From this conference forward, it was apparent that the VNOSMP was working diligently to identify Vietnamese witnesses who could assist in resolving cases in Laos. During the first three JFAs following the trilateral agreement in December, the VNOSMP provided eight Vietnamese witnesses to assist investigations in Laos. The VNOSMP located all the witnesses unilaterally, made them available for the Laotians to interview, and escorted them to Laos. All this is in spite of several witnesses living in remote locations, short notices for passports and visas, and frequently difficult transportation and communication problems with local officials and witnesses. In one instance, the witnesses did not want to travel to Laos citing health and business. They did agree, however, to travel to Hanoi on short notice and spent hours studying maps with our specialists and describing their recollections of the incident.

Two cases exemplifying trilateral cooperation stand out most. The first trilateral case we investigated under the new guidelines involved the loss of 11 Americans at Phou Pha Thi in northern Laos. Phou Pha Thi was a "secret" radar site that vectored U.S. aircraft into targets over northern Vietnam during the conflict. During the war, a PAVN sapper unit scaled sheer cliffs in the middle of the night, surprised the defenders, and overran the site. 11 Americans remain unaccounted-for. After weeks of unilateral work, the Vietnamese located the best witness for the Phou Pha Thi site, Mr. Muc, a retired PAVN Colonel, who led the PAVN attack on the site. Our most experienced linguist and analyst, Mr. Bob Destatte, interviewed Mr. Muc and found that his recollection of the events that transpired the night of the attack confirmed that he had in fact led the attack. We nominated Mr. Muc to travel to Laos to help with the trilateral field activity.

In December 1994, Mr. Muc went to Phou Pha Thi and assisted U.S. and Lao investigators on site. Though their efforts were in vain, both the Vietnamese and Laotian governments had cooperated fully on the agreed upon trilateral procedures, and the process worked. We continued to use this model during all future trilateral operations.

The second case occurred shortly after our first trilateral operation. The Vietnamese unilaterally located a witness to a C-47 crash in Laos. The Vietnamese made him available for a joint interview on very short notice, and he provided three sketches of the area surrounding the crash site. These sketches included the relative locations of three mass graves and a mass burial site of eight U.S. air crew members. We nominated him to travel to Laos, and in January 1995 he and two other Vietnamese witnesses whom the Vietnamese located unilaterally traveled to Laos to help investigators on site.

Trilateral operations between the U.S., Vietnam and Laos progressed from being something out of the ordinary to being normal operations. Detachments 2 and 3, the Vietnamese representatives, and Laotian specialists all appeared to regard this as an integral aspect of operations in Laos and treated it as such.

PRIORITY CASES, LIVE SIGHTING INVESTIGATIONS, JOINT FIELD ACTIVITIES

Priority Cases

Priority "Last Known Alive" Cases.[25] These cases involve some of the USG's most sensitive cases in that they include cases where the USG has been unable to conclusively determine if the individual is dead or alive. Of the 196 individuals in this category, one is a foreign national, we have completely resolved and identified the remains of 27 individuals, and determined the fate of all but 50 of the individuals. Investigators have investigated each of the remaining Priority Cases at least once, some as many as seven or eight times.[26]

One priority case we investigated while I was in Vietnam was Case 0644. The last known location for 0644 was in a militarily sensitive area. The Vietnamese denied access to the site to us because they claimed that no aircraft ever crashed there. They would not allow our teams into that sensitive area unless there was a reasonable expectation that it would lead to success. We continued to request access to the site. The Vietnamese sent LTC Pham Teo, one of their most experienced investigators, to the site to unilaterally investigate the case. He found several witnesses who confirmed that the crash occurred outside the sensitive area in a neighboring province. LTC Pham Teo traveled to the location the witnesses identified to investigate their claims. He recovered a small amount of remains and some identification media. A joint U.S./SRV team investigated the new crash site during the October–November 1994 JFA. They found the crash site LTC Pham Teo identified and recovered small pieces of wreckage. The Joint Forensics Review in September 1994 accepted the remains LTC Pham Teo unilaterally recovered and we repatriated them to the U.S. in September 1994 for further analysis. CILHI's forensic analysis determined these remains were of an adult male, however, the remains were insufficient to permit determination of race. JTF-FA rescheduled this case for reinvestigation.

Special Remains Cases.[27] During my tenure, the 30th through 35th JFAs, we excavated sites associated with 13 special remains cases. We recovered remains from five sites and CILHI was able to resolve two of the cases through positive identification of remains (Cases 0951 and 1910).

Another case, Case 0037, was resolved after our investigation led to confirmation that the remains had been interred at Arlington Cemetery since the mid-1960s. This was a "remains reportedly recovered but not repatriated" case and proved very interesting. Case 0037 involves remains of an American civilian who was killed in Vietnam during the war. The Vietnamese claimed that they had recovered the remains and returned them directly to the widow during the war. Our government, however, did not have a record of the repatriation. Despite a unilateral investigation by Vietnamese authorities and two field investigations by US investigators, both of whom concluded the remains had been returned, our government continued to press the Vietnamese. Finally, DOS contacted the widow who confirmed the Vietnamese claims.

We have investigated every SRT case jointly with Vietnamese specialists at least once. JTF-FA and CILHI have resolved five cases fully. The field investigation teams have found no evidence that could sustain the belief that Vietnamese authorities have recovered remains for the Special Remains Cases that they have not yet repatriated which is the basic premise for the SRT list. Discussed below are a few cases we investigated from each category of SRT cases. The point I am trying to make by relating the circumstances of these investigations is that the results of these investigations led me to believe that our assumption that the Vietnamese still control these remains is not entirely valid. Our investigators determined through exhaustive investigations that there are at least 30 cases for which the remains are non-recoverable. There are another 14 cases for which we have evidence to believe that remains we have recovered and repatriated to CILHI are those of the unaccounted-for individual, but have been unable to conclusively identify them.

Case 0951 (Died in Captivity List). This case involved the loss of one American who the Vietnamese reported as having died on January 2, 1969 while in a jungle POW camp in what is now Quang Nam Da Nang Province. Six prisoners died in the camp. The Vietnamese claimed to have excavated and repatriated five sets of remains from the camp location following the war and that they were unable to find the sixth. Joint teams investigating Case 0951 confirmed the Vietnamese claim. The sixth remained unaccounted-for.

The VNOSMP helped us find the old camp site. There, we found eight holes indicating that as the Vietnamese claimed, they had successfully found five graves, and had tried three times unsuccessfully to find the last American. In January 1994, CSM Davis, a former POW still on active duty in the Army, accompanied a joint investigation element to the site. He identified where he personally buried the unaccounted-for American associated with this case. After excavating the site for three weeks in August 1994, a joint team found a nearly complete skeleton, including 31 teeth (10 with restorations) at the site. CILHI confirmed the identification of this individual in April 1995. This demonstrates, at least in this case, that the Vietnamese never recovered this set of remains—contrary to what some might claim.

Case 1910 (Graves Registry Case). A joint team excavated the crash site on the side of a karst in October-November 1994.[28] It recovered material evidence and remains, including hundreds of possible human bone fragments, 16 teeth, eight with restorations, that led to a successful identification for this case. It is puzzling as to why the individual's name appeared on a graves registry unless villagers had buried the remains they found and left the majority at the crash site.

Case 0853 (Graves Registry Case). A joint team excavated this site in January 1995. We recovered material evidence and remains (including two teeth, one with restoration) that we were hopeful would lead to a successful identification for this case.

Case 0215 (Photo and Graves Register Case). Our investigators found a photograph of the unaccounted-for American, apparently severely injured, receiving medical care at a hospital. Vietnamese authorities helped us locate and interview the doctor and three of the four nurses in the photograph. Their information led us to other witnesses who confirmed the American died shortly after he arrived at the Quang Ninh Province Hospital, and was buried in the public cemetery behind the hospital. Notwithstanding that the only known firsthand witness to the burial died several years ago, Vietnamese authorities allowed us to excavate parts of that public cemetery to search for the remains of this American during the October-November 1994 JFA. Though the excavation inadvertently disturbed a few graves of local residents, local officials and citizens volunteered their support for the team's work. The team did not find the remains, however, local citizens volunteered new information that might lead us to a person who left the area years ago, but who helped bury this American.

Excavating this case also exemplified the compassion of our team members. While excavating a site at the cemetery, the RE unearthed the remains of a small child. Apparently, at the time of the burial the family did not have enough money to purchase a casket for the child. They simply wrapped the dead child in cloth and interred the body. Our team members went to the local village and purchased with their personal money a small casket in which they placed the child's remains. The RE then ceased their work and allowed the villagers time to reinter the child with the appropriate ceremonies. Our soldiers, sailors, marines and airmen are truly our best ambassadors.

Live Sighting Investigations[29]

Since the commencement of JTF operations in January 1992, the USG has investigated over 90 live-sighting reports. None reflected the presence of live unaccounted-for Americans. The USG has no evidence that live Americans are being held against their will in Vietnam. Neither does the USG have any evidence proving there are not—it is almost impossible to prove a negative. As such, we always devoted the necessary time, manpower, and resources to fully investigate each and every live-sighting as completely as possible.

The Vietnamese have been very forthcoming in granting access to sites we need to investigate as a part of an LSI. Later in this paper (beginning on page 51), I explain the manner in which we investigated normal cases in militarily sensitive areas. These procedures did not, however, apply to LSIs. Normal investigations during JFAs do not entail the sense of urgency and immediacy that LSIs do. When we investigate the incident site for an aircraft crash that occurred 20 to 30 years ago, it is unlikely that the site will change much more than it already has. However, the very nature of an LSI demands that we receive immediate access or the integrity of the investigation would be in jeopardy. The Vietnamese understand this. To my knowledge, and to that of the primary Stony Beach live sighting investigator, the Vietnamese have never denied JTF-FA or Stony Beach personnel access to any place we asked to enter as a part of an LSI.

The USG must take care not to endanger the unrestricted access the Vietnamese have allowed for LSIs. Many live sighting reports are credible, but some are not. The USG should take care not to allow ridiculous live sighting reports such as those by former Congressman Billy Hendon (see Annex A) to jeopardize Vietnam's support for the serious work U.S. and Vietnamese teams are conducting.

Joint Field Activities

JTF-FA has sent more than 11,700 notices of progress regarding their cases to over 2,200 families.

I always tried to stress to visitors and journalists that it is necessary to look beyond the "statistics," and look at the overall progress. It would be easy to look at the number of provinces we operated in during the 35th JFA and compare that to the number in any of the other JFAs. Or, you could look at the number of cases we investigated and excavated during the 35th JFA and compare those numbers to the activities of the 28th JFA, immediately following President Clinton's decision to lift the trade embargo. By only looking at raw statistics, one could very easily conclude that the Vietnamese felt they had achieved their goal with the lifting of the embargo and that they now saw no reason to continue to cooperate with our efforts. Simply looking at the statistics could lead you to conclude there had been a diminution of cooperation. Nothing could be farther from the truth.

It is true we have operated in significantly fewer provinces during recent JFAs, but we consciously decided to concentrate our efforts in the central part of the country. This allowed us to maximize work-time and minimize travel time. In the early days, an IE could check into a hotel in Da Nang and fully investigate all its cases from that single location. Today, on the other hand, an IE may interview one witness in Da Nang one day, drive for two days to another province to interview another witness for the same case, and continue in this manner for a number of days. Several cases during my tenure involved treks by IEs through the jungle for two to three days just to investigate a single "last known location." There was even a case in Song Be Province for which we contracted elephants to transport the IE to and from the site because the terrain was so treacherous and wild animals (tigers and snakes) were so prevalent. In the end, we were able to find a helicopter landing zone near the site, and did not need to use the elephants.

Like the investigations, excavations have become much more complex. Today, it is not unusual for a case to take two JFAs to complete. Once again in Song Be Province, we had a case that required three JFAs. During the 34th JFA, two cases, Case 0927 and 0911, were extremely difficult to excavate because of the clayey soil, mud and water. Though scheduled to be completed during the JFA, the excavation teams could not complete them in the allotted time. It was very important to finish them as soon as possible since the approching monsoons would likely destroy the work we had already accomplished and preclude further excavations. At our request, the Vietnamese extended the two excavation teams in-country an extra two weeks. This was a significant decision, and one that required approval from the highest level of the Ministry of Foreign Affairs.

During the 35th JFA, local officials in two provinces demanded exorbitant land compensation fees for alterations our excavation teams made to the terrain around two of our recovery sites. They made these demands after the recoveries were complete, despite repeated requests by us that they identify valid compensation fees prior to the start of the operation.[30] When Detachment personnel could not resolve the issue satisfactorily with the local officials, the Acting Director, VNOSMP, sent one of his most experienced specialists to assist in negotiations with local officials. Within one day, we had resolved the differing positions and agreed on a suitable level of compensation. Provincial officials also agreed to try to do better at identifying costs up front in the future.

Investigations in Militarily Sensitive Areas

One requirement of JTF-FA is to visit the last known location noted in U.S. records for each unaccounted-for American. Occasionally, this site falls within a sensitive military installation or area. Vietnamese authorities have worked with us to develop a method of investigating these cases that meets their security concerns and our need to try to achieve the "fullest possible" accounting.

First, Vietnamese specialists unilaterally investigate the case to try to confirm the facts of the case. If they find that the incident occurred outside the sensitive area, we follow with a joint investigation of the area outside the militarily sensitive area. If the joint investigation confirms the Vietnamese findings, there is no longer any need for U.S. investigators to seek access to the area.

If the Vietnamese determine the incident did occur inside the sensitive area, they unilaterally seek witnesses who can clarify the facts of the case, and then arrange for U.S. investigators to interview the witnesses outside the sensitive area. If they are unable to resolve the case through unilateral investigation, and if they confirm the incident occurred in the militarily sensitive area, Vietnamese authorities work with us to devise a "case-specific" resolution that has sometimes included giving American investigators access to the area. In short, the Vietnamese required that we follow every lead possible before requesting access to a militarily sensitive site. If the case was still unresolved and the only viable leads led us back to the restricted area, the Vietnamese were willing to negotiate a suitable solution.

During the 30th JFA the Vietnamese granted us access to three of five militarily sensitive areas vicinity the Cam Ranh Bay naval facility for which they had previously denied access. For the two remaining cases, they brought witnesses outside the sensitive area for our investigators to interview.

One of the remaining cases involved a drowning. The missing American had been on R&R and was swimming in the ocean. Witness reports at the time of the incident indicate that the individual was swept underwater and not seen again. As I said earlier, JTF-FA procedures require that we visit the "last known location" which, in this case, was within a secure area vicinity Cam Ranh Bay. The Vietnamese denied our teams access to the site, reasoning that we had controlled the naval facility for some years after the incident—if we did not find the body then, what made us think a visit to the site today would result in finding the remains?

During the 34th JFA, joint teams investigated two cases that occurred in militarily sensitive areas, Cases 0272 and 1895. Though the Vietnamese would not grant us access to the last known location as it was in the sensitive areas, they did investigate the case unilaterally and made several witnesses available for our interview.

MISCELLANEOUS INDICATORS OF PROGRESS

Oral History Program (OHP)[31]

The OHP has been a very productive program for JTF-FA. It amassed a large body of knowledge that helped us understand many aspects of Vietnamese operations during the conflict, most importantly the POW camp procedures. Numerous interviews with present and former high ranking Vietnamese officials have provided many insights into what might have happened to some of our missing.

The MND OHP cell unilaterally researches the information we provide to them for each OHP interview we request. Due to the limited communications and transportation capabilities throughout Vietnam, the VNOSMP two-man cell then travels to each potential location nationwide to locate each witness. Most witness searches require the VNOSMP members to coordinate with the province, district, village, and hamlet authorities consecutively. In some cases, when OHP leads are unclear, the VNOSMP spends days and weeks tracking down individuals. They might interview hundreds of people for leads before ever finding the individual in question.

One such case involved our request to speak to a Mr. Phap. Since May 1993, the MND cell of the VNOSMP has searched for Mr. Phap, a possible witness for a priority case. This continuing search spanned several provinces and included searches of the PAVN officers' registry, visits to local veterans groups, and queries with province officials. Despite the negative results so far, the VNOSMP continues to search for Mr. Phap even though the search is the equivalent of searching for some named "Bill" in Texas while only knowing that "Bill" served in a company during the war. This is only one example of unilateral efforts to find witnesses when the U.S. has very limited identification or location data for a witness.

During more difficult searches, the VNOSMP members seek members of local veterans groups, officials of the Ministry of Labor, War Invalids, and Social Affairs, local family registers, and public security agencies. Without these efforts prior to each OHP interview, the joint OHP team could spend several days on the road in order to conduct each interview. Their preliminary efforts save the joint OHP team a lot of time.

While I was in Vietnam, the VNOSMP produced two OHP unilateral reports of interview. Although these reports lacked the details we desired, they were full-page documents with far more details than the standard VNOSMP reports of the past. The VNOSMP has also produced reports on each round of joint OHP activities. The latest reports included a section on unilateral VNOSMP activities during the investigative phase.

The Vietnamese have worked diligently to assist us in the OHP. They dedicated some of their most experienced investigators to the effort and participate in all joint interviews with our analysts. They have also interviewed numerous officials unilaterally.

On January 20, 1995, a joint U.S./Vietnam Oral History team interviewed active duty PAVN Lieutenant General Tran Van Tra at the Ho Chi Minh City Veterans Association Office in Ho Chi Minh City. In addition to other duties, General Tra is the director of the Vietnam Veterans Association, Ho Chi Minh City Chapter. General Tra had refused several interview requests previously. His only requirement in granting this interview was for a "high ranking American official to attend the interview." As I was then the highest ranking American in-country, I went to the interview along with Detachment linguists and analysts.

The interview began as a lecture with General Tra telling me that further progress in resolving this "humanitarian' issue rested with the will of the people. If the USG could rally the Vietnamese people behind our effort, he said, we could make great progress. "After all," said General Tra, "we know what great obstacles can be overcome when the people are behind the effort." (I thought that was a fairly obvious reference to the "Vietnam War.") General Tra continued by emphasizing that we should show more compassion for the Vietnamese people's loss of over one million killed during their "War for Independence," and the more than 300,000 Vietnamese still missing.

At this point, I spoke telling General Tra about the Vietnam Veterans of American Veterans Initiative.[32] I told him that the VVA's information led Vietnamese investigators to a mass grave containing the remains of approximately 95 missing Vietnamese. From this point forward, the entire tone of our meeting changed. Rather than a one way lecture from General Tra to me, the interview became a discussion of what measures the Vietnamese veterans organization could take to assist our work.

During the interview, General Tra also provided general information on PAVN channels that managed U.S. POWs during the war. He also stated his firm conviction that the Provisional Revolutionary Government's (PRG) delegation to the Four Party Joint Military Commission (FPJMC) ensured the release of all U.S. prisoners held in the South during the conflict. Pursuant to this interview, General Tra pledged that his organization would unilaterally collect information on unaccounted-for Americans.

As a result of our initial interview, General Tra's Chief of Staff, Brigadier General Nguyen Van Si, met with our VNOSMP counterpart Colonel Le Ky on January 22, 1995 to discuss specifics of how the Ho Chi Minh City Veterans Association Chapter could assist in the U.S. MIA effort. They decided Vietnamese veterans might provide the following types of information and he pledged his commitment to the effort: personal accounts of wartime incidents involving U.S. losses, POWs, and unaccounted-for personnel; personal wartime journals with information on U.S. losses, POWs, and unaccounted-for personnel; information on where POW/MIA related archival documents might be today; and names of other individuals with possible POW/MIA related information.

Technical Conferences

Prior to each JFA, we held joint meetings between JTF-FA and VNOSMP to coordinate our operations. General Viale was the senior U.S. representative and Mr. Vu Chi Cong, Director, VNOSMP, was the senior SRV representative. During these meetings, we assessed progress to date, reviewed the results of the most recent JFA, discussed our requirements for the upcoming JFA, and discussed any other issues pertinent to our efforts. In 1990, these technical meetings routinely lasted three or more days. The Vietnamese side deliberated and often contested each talking point. Today, the meetings last only two to three hours. The Vietnamese representatives come to the meetings well prepared and work with us to ensure well planned, efficient and effective JFAs.

Vietnamese Veterans Assistance

A Vietnam Veterans Organization delegation from Ho Chi Minh City Chapter accompanied visiting American VVA members to Tay Ninh in February 1995. In Tay Ninh, the

Vietnamese host, BG Nguyen Van Si, introduced a retired PAVN colonel to the VAA group. The colonel gave his account of the 1972 shoot down of a U.S. jet. We received this information on February 26, 1995, and confirmed that Brigadier General Si was the same General Si who was General Tran Van Tra's chief of staff. We felt that the fact that General Si attended our Oral History interview in January and later introduced a retired officer with specific case information was a very positive sign that the Vietnamese veterans can locate witnesses for unresolved cases, and that General Tra was sincere in his pledge to help mobilize Vietnamese veterans to our aid.

Detachment 2 analysts tentatively correlated the veteran's account with that of a still unaccounted-for American. A joint team excavated a site they believed to be associated with this case in May 1993. They recovered a small amount of possible human remains, but CILHI was unable to identify them.

On May 29, 1995, the VNOSMP provided Commander, Detachment 2, with three letters from Vietnamese veterans groups providing information concerning cases within Laos. At the time of my departure, analysts were reviewing these letters.

LESSONS LEARNED

OFFICIAL VISITORS

Every Detachment Commander had to host numerous official visitors from the USG and I was no exception. During my predecessor's tour, the President considered lifting the U.S. trade embargo against Vietnam. This resulted in innumerable "fact-finding" trips to Vietnam, especially by representatives of Congress. During my tenure, President Clinton considered normalizing relations with Vietnam, and likewise numerous visits ensued.[33] Many have asked me about the utility of these visits expecting that their primary purpose was as a boondoggle by the various visitors. I must emphasize that it was my experience that virtually every visit by a USG official was tightly scheduled with official functions. Any sightseeing on the part of the visitors was normally en route to another Ministry or while driving to and from the airport. Meetings with Vietnamese Government officials began early in the morning and lasted until late afternoon. The only break they normally took was a working lunch hosted by one of the Vietnamese ministries, usually the Ministry of Foreign Affairs. An official reception or supper normally ended each day and lasted until about 2130 (Vietnamese official dinners were very predictable in their duration—two hours).

Throughout all the visits that occurred while I commanded the Detachment, only one, the visit of Congressman Dana Rohrabacher (R-CA) did not leave me with a thoroughly positive impression of the purpose and accomplishments of the trip. Mr. Rohrabacher is a member of the International Relations (Asian & the Pacific) Committee and an outspoken critic of JTF-FA operations in Vietnam and U.S. policy toward Vietnam. He visited Vietnam at the same time as CODEL Spence, but did not join them in any of their meetings except to arrive uninvited at a working lunch at the Ministry of Foreign Affairs. The only reason he joined CODEL Spence here was that he needed a ride to the airport with the CODEL immediately following the luncheon. Despite our mission being the driving force behind relations between the U.S. and Vietnam, and despite his criticisms of our operations, I never met Mr. Rohrabacher. He refused our offer to update him on our operations. Whether or not he agrees with U.S. policy or JTF-FA operations, it seems to me he would want to gather information from every source possible in order to draw an informed conclusion.

Since the issue of unaccounted-for Americans was, and remains, the most important issue between the U.S. and Vietnam, official visitors normally began their visits with a visit to the Ranch. Here, we updated them on our current operations, and when asked, provided our assessment of progress to date. When assessing progress, I cited developments in each of the President's four areas requiring progress. I tried not to draw conclusions from these developments, but rather attempted to lay out the facts as I saw them, and let them draw their own conclusions. However, if asked point blank for my opinions, I was obligated to answer with my opinion.

During the CODEL Bond visit in late 1994, Senator John Kerry (D-Mass.) joined the CODEL for the Ranch briefing. Senator Kerry has been a driving force behind normalizing relations with Vietnam and he wanted to ensure the CODEL left the briefing fully aware of our operations and the level of Vietnamese cooperation. He asked me several questions during the briefing to emphasize points he wanted the CODEL to take away from the briefing. At one point, he asked for my opinion of how normalizing relations with Vietnam would improve the Vietnamese Government's cooperation in our efforts. I think he expected me to say that it would greatly improve cooperation.

I responded instead by saying that I did not believe it would affect the Vietnamese Government's cooperation very much, because I thought they were already cooperating at a very high level and there was not much more they could do. Where I thought the benefits of normalizing relations would make their greatest mark was on the level of cooperation we received from individual Vietnamese citizens. I thought this would be of significant benefit to our efforts. I said that as the U.S. and Vietnam increase contacts, and to the extent those contacts were positive, we would progress more quickly because we would receive even more grassroots support. I am a firm believer that Vietnamese veterans and average citizens possess information that could be useful to us; they just need some motivation to step forward.

I do not think Senator Kerry was entirely pleased with my answer and would have preferred for me to say that normalization would greatly increase Government cooperation. I knew that was what he wanted me to say, but it was not what I really believed.

Most delegations that visited Hanoi asked for issues we would like to see them raise with the Vietnamese. They would also tell us what they were going to discuss and asked for our opinions on both the issue and the manner in which they should approach the Vietnamese about the issue. They were especially interested in Bob Destatte's and Gary Flanagan's perspectives as they had worked with the Vietnamese the longest.

I would only ask them to raise an issue with the Vietnamese if both the CJTF-FA and I had been unsuccessful in resolving it at our respective levels. I cleared all issues with the CJTF-FA prior to recommending the delegation raise it to the highest levels of government. In Vietnam, as in many other countries, it is very dangerous to raise an issue above your counterpart's head without first giving him the opportunity to solve it. Then if it is still unresolved, telling your counterpart that you are going to recommend a high-level delegation raise the issue is normally a good idea. "Face" is very important to the Vietnamese and cooperation on difficult issues that may arise in the future often depends on how respectful you are of your counterpart's position. In short, there is nothing new here. Attempt to solve problems at the lowest possible level. Never "back door" your counterpart.

Many visitors also asked us how best to discuss issues with the Vietnamese. When Admiral Macke visited, I recommended that he begin discussions with the MND by talking about his experiences as a pilot during the war. I found that the Vietnamese senior military officials seemed to enjoy exchanging "war stories" with American veterans. This "ice breaker" often led to a cordial and informal discussion of issues following the introductory discussions. Admiral Macke began his discussions at the MND by remarking how much more pleasant his flight over Hanoi was that day than it had been some 25 years earlier. This led to a very friendly exchange between him and the Vice Minister of National Defense, General Bun.

We prepared visitors as best we could so that they would not be surprised by events during their visit. We provided each visitor with a folder containing the schedule of events, a tourist map of Hanoi, biographies of the Vietnamese hosts, as available, and sketches of meeting areas as best as we could determine. Biographies were often very difficult to get. We never wanted to give the Vietnamese the impression that we were "gathering intelligence," so trying to collect biographical information about their government's leaders was a very sensitive proposition. We depended on public information and past encounters with the individuals to orient the visitors to their hosts.

Each folder also contained our "best guess"[34] of what the physical layout of the meeting rooms would be, where to sit, where the interpreters would be, etc. Because we could not usually see the rooms prior to the actual meetings, we based our sketches on what we had seen in the past. Providing a sketch precluded awkward uncertainty in the beginning of the meetings as delegates tried to figure out where to sit. The beginnings of meetings were the times when photographers and other members of the media were present, so we did not want our representatives to appear hesitant or uncertain.

At the first meeting I attended with the July 1994 Presidential Delegation (my first high level visit), I entered the room after the visiting U.S. delegation had taken their seats. The only remaining seat at the table was on the Vietnamese side. The Vietnamese, always very gracious hosts, quickly ushered me to the empty seat. I soon learned that this was not a very good idea. Had I been aware of the protocol, I would have declined their offer and sat somewhere else, however, nobody had told me what to expect. This was a good lesson for me. We tried to prevent this kind of awkward moment for visitors by briefing them ahead of time.

We endeavored to do the same for receptions, luncheons and suppers. Most official dinners were held in the Ministry of Foreign Affairs guest house, the Le Thach Government Guest House, and they all followed a similar pattern. Items I always tried to verify before the delegates arrived were; which door should we enter through (there were two), the menu (if possible), the seating arrangement, and the English language proficiency of the host. If I could not determine the seating arrangement prior to arrival, I tried to slip into the dining area during the initial welcome at the door to at least determine which side of the table the key delegates would sit. I did not want them wandering around the table searching for their name plate.

Many of the Vietnamese officials spoke English extremely well, but would rarely speak anything except Vietnamese during official meetings. During receptions, however, they would often speak English. When Congressman Solomon Ortiz (D-Texas) visited, we told him that many of the officials from the MFA's America's Department spoke Spanish fluently. Within minutes at the luncheon, Congressman Ortiz and the Director of the Americas Department, Mr. Phong, were deeply engaged in conversation using Spanish. Mr. Phong, who had graduated from the University of La Havana and had been posted in Cuba in the past, also speaks English fluently, but I think he really enjoyed talking with Congressman Ortiz in Spanish.

At General Viale's direction, we also prepared folders that we gave to the delegation's principal(s) en route to each meeting location. This contained only information pertaining to the next meeting. Though the initial folder at the hotel was useful, we found the second folder ensured that the pertinent information for the next meeting was fresh in the visitor's mind and helped focus his thoughts.

Translator Support to Delegations

There were several linguists assigned to Detachment 2. We did not possess any interpreters, and I quickly learned that there is a huge difference between an interpreter and a linguist. Interpreters undergo specific training to become proficient in their skill and we simply did not have personnel trained in that manner assigned to the Detachment. TSgt Ron Ward, USAF, did, however, fill this void extremely well. When visitors came to Vietnam, we always linked-up Ron Ward and the visitors the evening before the initial meetings so they could discuss issues the visitors planned to raise during the meetings. If the visitors sent talking points to us ahead of their visit or provided them upon their arrival, Ron was always responsible for translating them to ensure he understood not only the literal meaning, but also the intent. Ron stayed "glued" to the visitors throughout their visit, including riding with them between meetings to explain nuances of discussions or to discuss any changes the visitor wanted to make for the next meeting. If space in vehicles when driving between visits was limited, I always deferred to Ron to ensure the visitor was comfortable with the translation.

Translating with the Vietnamese was not always an easy task. I believe it was a cultural trait of the Vietnamese to speak very softly. This made it very difficult at times for the interpreter to hear the principal. The Vietnamese officials always provided an interpreter, but we still tried to have Vietnamese linguists in every meeting to ensure our interpretation of the translation was the same as the interpreters. If necessary, our interpreter would interrupt the proceedings to either clarify a point or ask for an explanation. The Vietnamese did the same to us.

One rather comical instance occurred during our Trilateral Conference with Vietnamese and Laotian officials on December 1, 1994 in Hanoi. Vietnamese Vice Foreign Minister Binh was the senior Vietnamese official present, and his interpreter was a Vietnamese VNOSMP team leader who spoke English excellently.[35] Vice Minister Binh made some introductory welcoming remarks in Vietnamese to the conference that lasted two to three minutes. The interpreter translated in the following manner, "I would like to welcome the delegates to this very important conference, and all that welcoming stuff." The point here is that there is a huge difference between someone who fluently speaks another language and one who is a trained interpreter. Understand the difference, and accept the handicaps you bear when an interpreter is unavailable. I was always very comfortable with Ron Ward as an interpreter. He took his job seriously, understood the ramifications of his duties, and studied hard. He also understood the issue thereby ensuring the proper translation of our positions.

INTERACTION WITH THE MEDIA

"Watch your adjectives!" As I said earlier, the CJTF's cautionary words stuck with me throughout my tenure. This forewarning came to mind on numerous occasions as I operated in what the media described as the "center of a political typhoon. On one side are Americans who believe the U.S. government and military have been duped by the Vietnamese into spending millions of dollars on a wild-goose chase for remains that Hanoi already controls and cynically manipulates. On the other side are compatriots who accuse the first group of exploiting the families of MIAs by holding out false hope of information, or even survival of their loved ones in Southeast Asian jungles."[36]

Before even leaving CONUS, I quickly became aware of the media challenges I would face as the Commander of Detachment 2. During my orientations at the Defense POW/MIA Office in Arlington, Virginia, I had a chance meeting with Ms Ann Mills Griffith[37], the Executive Director of the National League of Families, and a strident critic of U.S. policy toward Vietnam. When I was introduced to her, her only words were, "Well, I hope we hear less from you in the press than we have your predecessor. He's the most quoted Army officer in the country. But * * * maybe we can get together prior to your departure and talk about the issue." I did not meet with her again until she came to Vietnam as part of the July 1994 Presidential Delegation.

When the Commander of Detachment 2 assumes his duties, he is immediately thrust into a position with great political sensitivity and media interest. There was an interesting discrepancy with the manner in which the Department of Defense (DOD) handles media access versus the way the Department of State (DOS) handles it. As I understood it, DOS personnel were not authorized to "go on the record" with the media unless they have prior DOS approval or have achieved a certain level of responsibility in the Department. When Mr. Jim Hall first arrived in Hanoi in January 1995 as the Chief of the United States Liaison Office, he did not have this authorization despite his years of experience in Asian and Vietnamese issues. Conversely, from Day 1 as the Commander, I was not only authorized, but encouraged to speak to the media. During his in-briefing to me, General Viale directed that I "tell the JTF's story and include the media where and when appropriate."

President Clinton's apparent desire to normalize relations with Vietnam was looming in the near future during most of my tenure. His decision hinged on Vietnamese cooperation on the issue I was responsible for coordinating in Vietnam, so the media was always keenly interested in our activities. Interaction seemed to run the gamut of media forums. The print media was in Hanoi in force. Permanently posted in Hanoi from the print and television media were John Rogers of Reuters, George Esper, Bruce Stanley and Kathy Wilhelm of Associated Press, Kristin Huckshorn of the San Jose Mercury News, Adam Schwarz of Far Eastern Economic Review, Jason Bleibtreu of Worldwide Television News, and Philippe Agret of Agence France—Presse. Ron Moreau, Newsweek's Southeast Asia correspondent, and Tom Mintier, Cable News Network's Bureau Chief in Bangkok also visit Hanoi frequently. There were also several foreign and American "local" television affiliates who visited including "Der Speigel" who produced an extensive documentary on Vietnam which included our efforts, and KCRA television from Sacramento, California. Though they never actually came in person, the British Broadcasting System called me several times and interviewed me twice on live radio while I was in Hanoi.

The 30th anniversary of the "fall of Saigon" also precipitated numerous press visits to Vietnam. Neil Sheehan[38] came to Hanoi to research an article published in the April 24, 1995 edition of The New Yorker magazine. Also from the print media came Steven Butler, U.S. News and World Report, and Frank Gibney of Time. From the television media came Jim Vance of WRC–TV in Washington, DC, Robin Smith[39] and her husband Bill Plant for a piece for "Eye to Eye," and the crew of "Larry King Live."

The purpose of identifying all of these journalists and correspondents in this paper is not to impress anyone with our "15 minutes of fame," but instead to display the magnitude of the problem. My preparation for working with the media consisted of one morning in the catacombs of the Pentagon where Air Force Public Affairs officers ran me through a number of scenarios I might face. These scenarios included an interview with a print journalist, an on-camera interview where the commentator was sitting in the room with me, an on-camera interview where the interviewer was in another location and I had only the camera to speak to, and a chance interview by a "mob" of journalists, both print and video. There was not a single scenario they presented me that I did not face several times as the Commander in Hanoi. Their preparations kept me out of trouble on several occasions.

Thanks in large measure to their efforts and advice from those at other agencies, to include the CJTF–FA, I deployed to Vietnam with a few "rules of thumb," for dealing with the media:

Always tell the truth.

Watch the adjectives.

Talk only about what I know—don't speculate or guess.

Know the two or three most important things I want to get across and keep coming back to them—no matter what the question is; i.e., have an agenda—the press will.

Never assume video cameras or tape recorders are "off."

There is no such thing as a casual conversation with a member of the press.

Invite the press along on visits to the field.

When dealing with complex emotional issues (such as this) don't grant quick interviews with members of the press who I was not confident fully understand the issue.

Whenever possible, lean heavily on the organization's Public Affairs Officer.

Always tell the truth

Often, there were times when certain information was not "releasable" to the press, and I had to decline comment. This always seemed a better option than trying to mislead the press or give them an incomplete answer just to appease them. I developed a rapport with the Hanoi press such that when I declined comment, they understood that I would give them the information as soon as possible. That did not, however, always preclude them from continuing to press in hopes that I might slip up and divulge the information. In my opinion, George Esper and Bruce Stanley were the most skilled at asking the same question several different ways. The press always tried to get information concerning the success of our JFAs prior to the end of the JFA. We never wanted to provide that information until the Repatriation Ceremony, because it was not until then that we were certain about the number of remains our forensics specialists had agreed to repatriate. We did not want to publicize inaccurate information. The media also knew that I attended meetings between the Vietnamese and all visiting U.S. delegations. They often tried to get me to tell them what occurred during the meeting, but I felt that was an issue the leader of the delegation should provide, if he desired to do so. I always declined comment.

Watch the adjectives

The political sensitivity of this issue meant that individuals on all sides of the issue would likely dissect my comments to try to find any "hidden" meaning. Calling cooperation "strong" was much different than saying it was "outstanding." I tried to measure my comments such that I was presenting facts, not speculation or opinion.

Talk only about what I know

Although operations in Vietnam were the focus of media coverage of the issue of unaccounted-for Americans, it was only one facet of the entire operation. Often, the media asked questions concerning operations in Laos or Cambodia and I would fend these off by simply saying that I stayed too busy in Vietnam to try to remain current with operations elsewhere. I normally referred them to the Detachment Commanders in those countries. Referring media to the JTF–PAO was also a very effective means of "staying in my lane," and not talking about something in somebody else's realm.

Know the two or three most important things you want to get across and keep coming back to them

The first four issues listed below were recurrent themes with the press throughout my tenure. For on-camera interviews, the USAF PAO team at the Pentagon recommended a "trick of the trade" to get my themes across as forcefully as possible. Normally, the start of the interview began with the commentator welcoming me and saying hello. This proved to be a great time to strike first, by acknowledging the greeting and then beginning to hit at least the first two themes listed below before even being asked a question. The same technique worked at the close of most interviews, where I had the opportunity to close with key words such as "highest national priority" and "committed to finding answers for the families." The themes I tried to emphasize were:

President Clinton made resolving this issue a matter of the "highest national priority" and was devoting the necessary personnel, resources, and funding appropriate to that level priority.

There were hundreds of dedicated young Americans working arduously in the field with one objective in mind—to find the answers the families of the unaccounted-for so richly deserve.

We were enjoying the continued support of the Vietnamese Government and people to resolve this issue.

Regarding what the U.S. policy toward Vietnam should be, I always stressed that I was an "operator" in the field, not a policymaker and was not qualified to make policy recommendations or comments.

Regarding the issue of live Americans still being held against their will in Vietnam, I continually emphasized that the USG had no evidence to support the contention that live Americans are being held against their will, however, we also do not have any evidence to be sure there are not. Therefore, we devote the necessary time, people and resources to fully investigate each and every live-sighting report.

This last issue hit its apex when former Congressman Billy Hendon visited Hanoi in May 1995.[40] During his visit, another "media theme" I continually emphasized was that despite Mr. Hendon's claims, the Vietnamese had never denied U.S. investigators access to any location it requested to visit in conjunction with a live-sighting investigation.

Video cameras and tape recorders are never "off"

One of the scenarios the USAF PAO instructional team covered during my orientation at the Pentagon involved an on-camera interview. At the conclusion of the interview, the commentator made some closing remarks and thanked me for the interview. The cameraman then walked away from the camera as the commentator began idle chitchat. Unknown to me, the cameraman left the camera on and running. The commentator's seemingly innocent conversation regarding the issue we had been discussing on-camera was actually an attempt to draw me into saying things I did not want to say on-camera. I never noticed this occurring during my tenure in Hanoi, but I was always cognizant of its possibility.

Invite the press along on visits to the field

One advantage I had with the media in Hanoi that others may not enjoy in other assignments is that the media was very dependent on me for access to sites and information. I developed strong relationships with many of the correspondents and when an investigation or excavation was taking place that I thought might interest them, I invited them to "hitch a ride" with me when I visited the site. Many of our sites were inaccessible except by helicopter, so if they did not go with me, they did not go at all. I never used this advantage as a threat, but was able to pick and choose who I would invite to go along with me.

No casual conversations with the media

Though I did develop an excellent rapport with most of the Hanoi media representatives, I always kept in mind LTG Bramlett's[41] advice to me during a previous assignment that there are "no casual conversations with a general officer," and applied that to the press. There were occasions where I went "off the record," but these instances were only with journalists who I knew very well and trusted. During my entire tenure, I cannot think of a single instance where anyone in the media violated that trust, but I must emphasize that going "off the record" can entail great risk (and sometimes great stupidity).

Ensure the media member understands the issue

As is probably apparent by now, the unaccounted-for issue is very complex and emotional. I tried never to grant an interview with a new journalist/correspondent unless they would take the time for me to brief them on the issue. As I became more and more familiar with the issue, this became a very arduous requirement, with discussions lasting as long as three hours, but it paid off. To my knowledge, I was only misquoted once during my tenure, and even that was not a very serious case.

Lean heavily on the PAO

LTC Dave Fredrikson, the JTF–FA PAO was often the most valuable JTF–FA staff member for me. He deployed to Vietnam often, and whenever he did, he lifted a great load off my shoulders. He had been assigned to the JTF since its inception, and fully undertood the issue and its history. He had developed a personal relationship with the Hanoi press corps and understood their strengths and weaknesses. Often, Often, however, there were times when the press wanted to talk to the Commander, not a staff officer from Hawaii. In those instances, Dave became a close listener to both the press and me to ensure I did not inadvertently say something incorrectly. Prior to events when we knew a lot of press would be present, Dave also helped prepare and rehearse me for their issues.

When Dave wasn't in Hanoi, I sent information regarding all press contacts, no matter how insignificant, to him by fax or E-mail. In that way, he knew which media to watch to ensure they "got the story right." The PAO cannot help unless he is up to speed on the issues. To be effective, the PAO needed to know everything that went on in the JTF, and the Commanders in the field were his best source of information for operations in their respective countries.

The only time I had difficulty with the press was when I tried to handle a "press pool" rather than giving the problem to the PAO and letting him handle it. This occurred during Mr. Hendon's visit. Once it came time to visit the "live-sighting" location, the Vietnamese allowed us to take along one member of the press. After consulting with Dave Fredrikson, I informed the press that because we could only take one member of the media with us, we would use the "press pool" technique, and that individual must agree to share his/her report with the others. My mistake was in designating the specific member that would accompany us. I chose John Rogers of Reuters who was the senior member of the Hanoi press corps. He was extremely knowledgeable of the issue, but was also what I would best characterize as "quietly competent." His familiarity with the subject was the real selling point for me, but I also thought that John's low-key approach with the Vietnamese would best serve thorough and objective coverage of a very sensitive investigation. The Vietnamese never before allowed a member of the media to accompany an LSI. I did not want to betray their trust.

To make a long story short, Kathy Wilhelm (AP) did not agree with my decision, stating that it is the press who should decide who would represent them in the pool. In the end, and after much heated discussion and aggravation with Kathy, I referred her to Dave Fredriskson. I told her that I would defer to whatever he advised. After all was said and done, Dave recommended that I allow the press corps to decide. I did. Kathy Wilhelm represented the media, and she did a good job of covering the investigation.

In retrospect, it would have been a lot easier if I had deferred to the JTF–FA PAO from the outset. I was clearly delving into an area where I was unfamiliar, I was extremely tired (and short-tempered) after a week of responding to Mr. Hendon's shenanigans, and I had lost patience with many in the press corps who I felt were giving Mr. Hendon and his ridiculous accusations much too much coverage. I was also annoyed at their telephone calls at all hours of the day and night for the latest information. I had lost my objectivity, and hindsight has shown me that passing the ball to someone separated from the difficulties in Hanoi, i.e. Dave Fredrikson in Hawaii, would have relieved me of much needless aggravation.

INTERACTION WITH U.S. VETERANS GROUPS

During my tenure as the Commander of Detachment 2, delegations from several veterans groups visited Vietnam and requested a briefing at the Ranch. We always granted their requests as we felt strongly that their consitiuency needed to understand the extent of our efforts. I must admit that I was usually more nervous prior to briefing veterans groups than I was prior to Congressional delegations. For some reasons, I always expected a confrontation, but in fact, never had one. I found every veterans group delegation that visited us to be genuinely concerned about unraveling the truth surrounding the issue, fully supportive of our efforts, and absolutely devoted to taking home the facts to their members. This is not to say that all veterans agreed with U.S. policy decisions toward normalizing relations with Vietnam. Most did not, but that was not an issue that was of concern to me. My job was to convey to them the extent of JTF–FA's efforts in Vietnam, our dedication to finding answers for the families, and our commitment to achieving the fullest possible accounting. In their dealings with those of us in the field, my experience with the veterans organizations was uniformly positive.

The U.S. veterans program that was of most help to us in the field was the Vietnam Veterans of America (VVA) Veterans Initiative. As I said earlier, the Vietnamese claim to have over 300,000 of their own people still missing from their "war for independence." The VVA has requested that their membership forward to the VVA any war memorabilia, artifacts, photographs, maps, etc.,that may help the Vietnamese resolve instances of their missing. Semi-annually, officials from the VVA travel to Vietnam to provide the items they receive to the Vietnamese veterans organization. This is a veterans-to-veterans program, not government-to-government, and the VVA closely guard this relationship. We helped them on occasion, but only by assisting them interpret maps or make sense of one document or another.

In the summer of 1994, the VVA visited Vietnam and one of the items they provided was a map indicating the location of a mass grave of Vietnamese. The map indicated that approximately 100 Vietnamese had been buried at the location marked on the map. Gary Flanagan, our CRS, helped the VVA officials refine the location on current maps, and the VVA traveled with Vietnamese veterans to find the site. The Vietnamese excavated the site and found the remains of approximately 95 individuals.

This program encouraged Vietnamese veterans to provide the same type of support to our operations. By us showing compassion for their loss, I believe the Vietnamese veterans who have diaries, photographs or other items in their private possession will be more likely to provide those items to us.

INTERACTION WITH DEPARTMENT OF STATE

The primary mission of the United States Liaison Office (USLO) was to promote additional progress in securing the fullest possible accounting on the issue of unaccounted-for Americans. In addition to their primary mission, the USLO performed several secondary tasks on behalf of the USG and provided other services similar to those other liaison offices, consular offices and embassies provide. These tasks included: assuring the protection and welfare of U.S. citizens, conducting human rights dialogue with the Vietnamese Government, promoting increased bilateral and multilateral ties with Vietnam, and promoting U.S. business and economic interests.

Although during my tenure we never had an "officially sanctioned" relationship, I clearly saw myself as part of the USLO "Country Team," and, therefore, subordinate to the USLO Chief. However, I was the senior DOD official in Vietnam representing the Commander-in-Chief, Pacific Command (CINCPAC), who was directly responsible to the President for all matters pertaining to the issue of unaccounted-for Americans. I was entirely responsible for coordinating the full-accounting mission in Vietnam, and had only one boss, the CJTF-FA. Whereas we recognized the DOS commitment to the issue of accounting or missing American servicemen as its first priority, we insisted that the USLO and all Vietnamese Government agencies coordinate all POW/MIA business, correspondence, and reports with me as the Commander of Detachment 2.

I always tried to keep the Chief, USLO, Mr. Jim Hall appraised of all our official activities and provided him copies of all requests, correspondence and reports. Mr. Hall directed that his relationship with me be direct; I did not have to work through his deputy or anyone else in the USLO. I understood the importance of working with Mr. Hall to ensure he was fully abreast of all matters pertaining to the issue. Likewise, I always felt that Mr. Hall understood that CJTF-FA and CINCPAC were totally responsible for all aspects of our efforts, and that they held me responsible for in-country activities. Mr. Hall went to great lengths to support and facilitate our operations.

As a result of a statement by Secretary Christopher that promised Congress that a member of the USLO would have full-time responsibilities as the POW/MIA officer, my work was made somewhat more difficult. I felt this was unnecessary and counter-productive as the issue of accounting for missing Americans was my primary job. I worked on it all day every day. The DOS in Washington, D.C. insisted that Mr. Hall assign this duty to one of his personnel as, in my opinion, a political gesture—a decision somebody made without fully understanding the role of the Detachment Commander. It was not based on the realities in Vietnam. Albeit well intentioned, there was simply no way that anyone in the USLO would know as much about the issue as I did.

Because we worked in separate buildings, did not mean we did not talk. Mr. Hall and I had a very close professional relationship based on trust and mutual respect. He knew that I worked this issue everyday, all day, and that if he needed information on the issue, all he had to do was ask. Likewise, I was fully aware that Washington expected him to be fully knowledgeable of our issue, and I always tried to keep him appraised of everything we did.

I tried to ameliorate this directive from Washington by working mornings at the USLO and afternoons in my office, but this did not work well. I found it very difficult to work in two offices, especially when I had to carry my work from office to office. I continued to check-in with Mr. Hall daily, but gradually stopped going to the USLO in the mornings to work. I don't think anyone really minded, and I accomplished a lot more in my own office at the Ranch. Mr. Hall was very understanding of my predicament and chose to allow me to do what I thought best.

Overall, the establishment of the USLO was a very positive step. It was especially helpful during VIP visits. Previously, the entire Detachment's work would grind to a halt as we supported the visits with baggage handlers, escorts, etc. Now, the only one whose time is monopolized during these visits is that of the Detachment Commander, and there was no way to change that as I could not delegate that responsibility.

As I said, prior to the arrival of the USLO we were responsible for all aspects of VIP visits. Once the USLO opened, it assumed the responsibility of coordinating itineraries, providing transportation and lodging, customs/immigration clearance, baggage handling, etc., for all non-DOD officials visiting SRV. As previously, I continued to attend all meetings and other activities involving the visitors. I thought this was extremely important as the USG began to engage the Vietnamese on issues other than the POW/MIA issue. The Detachment Commander's presence in meetings served as a reminder to the Vietnamese that though we were talking about other issues, the issue of missing Americans was still the number one priority of the USG. I also provided all necessary briefings and reports concerning JTF-FA opeations, as requested by Mr. Hall or the visiting officials.

Regarding VIP schedules, I did not think some of the action officers at the USLO were as aggressive with the Vietnamese as experience had taught us we could be. When we coordinated a schedule for visitors, we always fenced the time the Detachment needed to brief the delegation (normally two hours) as their first order of priority. This ensured that they were as current as possible on our operations and progress. We then provided the remaining time to the Vietnamese for them to schedule the rest of the visit. It was my impression that action officers at the USLO took the opposite approach; give the Vietnamese the schedule, let them fill it in with the requested meetings, and then fill in the remaining time with our briefing. As a result, we never had quite the time available to prebrief incoming delegations that we had in the pre-USLO days.

I also learned that DOS and DOD cultures simply have different briefing "styles." Some months later, this informal "style" was later confirmed to me as the normal operating procedure for DOS during a lecture by Ambassador Marc Baas to a War College seminar.[42] Once the USLO was established, we normally briefed visitors over lunch while we all sat on couches in Mr. Hall's office. It was my experience that DOS personnel rarely use briefing slides and brief in a much more informal fashion than does the military. In my opinion, nothing beat coming to the Ranch and sitting at the table for a formal briefing, but I also have come to realize that is very much a part of the military culture and not necessarily characteristic of other agencies. In support of that, I had several Congressional Staff delegations comment to me that it is always refreshing to have an Army officer brief them; they always get a hand-out, the briefing is normally to the point and clear, and we don't tend to dodge the tough issues. To this day, I believe it is much more difficult to do this when everyone is sitting in easy chairs eating sandwiches and drinking cokes.

My greatest concern about the USLO role in Vietnam came when Deputy Assistant Secretary of State for Counter-Narcotics, Mr. Gelbard, visited Southeast Asia. A red flag went up for me during his visit. I concluded from his visit that with the opening of the USLO, other governmental agencies were rushing to push their agenda with the Vietnamese and either downplay, or pay lip-service to the POW/MIA issue. I felt that these competing agendas would confuse the Vietnamese, and that they might lose focus on the issue. I must add that I was pleased that we were beginning to engage the Vietnamese on issues other than the issue of unaccounted-for Americans and knew that the Vietnamese also felt it a refreshing development. My only concern was one of emphasis and a fear that the our issue would lose its priority with the Vietnamese before President Clinton had determined that sufficient progress had been achieved to warrant improved relations.[43]

IMPRESSIONS OF VIETNAMESE PEOPLE AND CULTURE

Living in Vietnam was like nothing I ever expected. Prior to arriving in Vietnam, my only experience in a "communist" led country was in then East Berlin in 1982. I will never forget crossing from West to East Berlin. I can best characterize it as going from color to black and white. To me, East Berlin appeared cold, grey, and depressing. The people did not appear happy, merchandise in stores was shabby, and the store shelves were not well stocked. I expected much the same atmosphere in Vietnam and was therefore shocked by the environment I found. Hanoi, Ho Chi Minh City, and Da Nang (the only major urban centers in Vietnam) are vibrant cities. Construction is occurring everywhere, store shelves are well stocked (new American products were arriving on the shelves almost daily), the people appeared happy, and color was everywhere. Not everything is "rosy" in Vietnam, however. The people are very poor, the infrastructure is almost non-existent, and it is obvious that the country is struggling as it opens to the international community and moves toward a market economy. Through my readings and attendance at various meetings during the visits of U.S. delegations, I know that the Vietnamese have a long way to go to abide by United Nations standards regarding human rights, but it is not evident on a daily basis.

In short, I did not find the atmosphere oppressive as I did in East Berlin 12 years earlier. Most significantly to me was that the Vietnamese people appeared hopeful about the future and that their quality of life was destined to improve. I felt an atmosphere of optimism almost everywhere I went in Vietnam.

The most surprising thing to me was the friendliness of the Vietnamese, most especially toward Americans. Even in Hanoi, the people seemed to thoroughly enjoy talking to Americans and saw America as the land of everything good. My impression was that given the opportunity to choose, Vietnamese would much rather attend American universities, buy American goods, and model their future after the United States. It was interesting to find that if Vietnamese children called you a Russian, they normally meant it as an insult, not a compliment.

Vietnamese are probably the hardest working people I have ever encountered. Most Vietnamese work at least six days a week, many seven, with their only real vacation coming during Tet.[44] Our Vietnamese employees were extremely loyal, rarely complained, and always willing to go the extra mile for us.

The family appears to be the most significant aspect of everyday Vietnamese life. As I tried to learn Vietnamese, I found that the most valuable phrases to learn revolved around being able to talk about your own family and ask about theirs. Young unmarried Vietnamese usually still live with their family, and once married, the children will also often take in one or both parents. I found that beginning a negotiation with my counterpart normally got off to a better start if I began with small talk about his or my family.

I cannot remember a single instance of a Vietnamese talking derisively to me about someone else. I do not believe it is in their nature to talk badly about anyone else. Anyone dealing with the Vietnamese, whether officially or unofficially, should keep this in mind. I truly believe that the Vietnamese do not trust someone who speaks badly of others in public. It is probably a trait we could stand to emulate.

It was also a rare event for a Vietnamese official to flatly refuse a request of ours. Now, this by no means meant that we always got what we asked for. Rather than saying "No," I found that the Vietnamese used phrases such as, "That would be very difficult," or "We will have to study that issue more," or "We would like to do that but we will have great difficulty getting the other ministries to support it." I soon learned that these phrases normally meant "No."

As I said earlier in this paper, "Face," as some people call it is very important in Vietnam as it is in most Asian countries. I took every opportunity possible to publicly praise my counterpart during visiting delegations, and always tried to compliment lower level officials in the presence of their superiors. Praise goes a long way in Vietnam, as it does everywhere. Conversely, when I was having difficulty with someone, I would never criticize them in public or speak to their superior without first informing them of what I would do if we were unable to progress at that level. Vietnamese do not mind you going over their head, just don't do it behind their backs.

One of my goals upon assuming command of Detachment 2 was to improve the personal relationships between the Detachment and our Vietnamese workers and counterparts. Since my days as a lieutenant, I have always felt that it is helpful to nurture relationships with those with whom you work. I have found that it is much more difficult to decline a request from a friend, than it is to refuse a casual acquaintance. I have also found that subordinates work much harder for those whom they respect and "like" than for those who just pay their salary and do not care for them as an individual.

As I said earlier, we had several Vietnamese local hires who worked at the Ranch. Whether these individuals were our secretaries, our cook, our maids, drivers, guards or gardeners, I tried to make them feel a part of the Detachment. After all, without their efforts, we would not have been able to concentrate on our own duties. I began inviting them to Detachment social events such as Thanksgiving supper and though very shy in the beginning, they soon opened up to us and became lasting friends. We even had a farewell of sorts for one of our retiring guards. This elderly gentleman had guarded our compound since we first leased it, so we had a luncheon on the Ranch for him and presented him with a JTF-FA Certificate of Appreciation signed by me. I can almost guarantee that he has that certificate proudly displayed in his home. I am just as certain that when he speaks to his Vietnamese friends and family, his reflections on Americans will be positive.

We tried to do the same for our counterparts in the VNOSMP. Not too long after my arrival, we hosted a small party at the Ranch for Detachment 2 and the VNOSMP. It was a very relaxed atmosphere that included American and Vietnamese food. I believe this was the first time many of our VNOSMP counterparts had even been on the Ranch other than at the main office building.

I knew we had made great strides in developing trust and friendship when the VNOSMP invited us to a Tet party at the Le Tach Government Guest House. Like our invitation to them earlier in my tour, they included the entire Detachment. This was also a first in our relationship.

In the Spring of 1995, we decided to host a party at the Ranch for our counterparts. I asked Mr. Hall if the USLO would like to co-host it with us and he quickly agreed to help us. We wanted to make this an *American* event complete with hamburgers, hot dogs, potato salad, country music and rock-and-roll. Guests at the party ran the gamut from our guards and maids, to the Vietnamese Vice Minister of Interior, the Director of the Vietnamese Veterans Organization, senior officials in the Ministries of Foreign Affairs and National Defense, the Hanoi press corps (on the agreement that everything was "off the record" that evening), and a couple of American businessmen. Vietnamese officials rarely showed themselves to us in a casual atmosphere, but everyone seemed to relax and enjoy themselves. I think we spread a lot of good will during this party and gained much more than we gave.

These few instances of shared camaraderie served a very important purpose—they built trust between our organizations and between individuals. Becoming friends did not mean that I would always agree with my counterparts or them with me. Neither did it mean that I would push any less vigorously for issues I thought were important to achieving the fullest possible accounting. What I do believe it meant was that I understood the Vietnamese perspective and could usually find a way to honor their position while still accomplishing the mission I was bound to do. It meant that I was better able to read body language and recognize intent versus literal meanings of spoken words. It meant that I could better time my requests or frame them in such a way as to maximize my opportunities for success. In short, I think our friendships developed trust. Trust led to greater access an enhanced cooperation. And better cooperation led to progress.

CONCLUSION

When Sergeant Major of the Army Richard Kidd visited our troops in the field in Vietnam in January 1995, he asked me what message I would like him to take back to the United States. I wanted to repeat my reply to him here in my concluding comments, because I hope you have come to the same conclusions.

The President of the United States considers this issue one of the highest national priority and is resourcing it appropriately.

There are hundreds of great Americans working tirelessly under arduous conditions with only one purpose in mind—to provide the families the answers they so richly deserve.

There are hundreds of Vietnamese citizens working side-by-side with our specialists to help us find the answers, and the Vietnamese government is cooperating strongly in our efforts.

We are finding many of the answers we are seeking. No, we aren't finding all the answers, but we are making significant progress toward the fullest possible accounting.

Finally, I asked him to tell all the soldiers, sailors, airmen, and marines that he can that 20 years after the conflict in Vietnam, the United States is still trying to bring home its fallen warriors. Through all the reports of the circumstances of loss I read, I did not see a single case of our soldiers being "abandoned" on the battlefield. Our service men and women should continue their Service, knowing that we will come for them too.

One of the most important findings of DOD's "Zero-Based Comprehensive Review of Cases" is that if found "no evidence that information is being deliberately withheld" by the governments of Vietnam, Laos or Cambodia.[46] Could the Vietnamese Government do more? In my opinion, they probably could, but I also look at all the other difficulties they face as they try to rebuild their country. I believe they are providing a level of cooperation far exceeding what might be reasonable to expect of them, and that the Vietnamese Government is committed to continuing their current level of cooperation indefinitely. During a visit by one of the Congressional delegations to Vietnam, the Vice Foreign Minister of Foreign Affairs, Mr. Le Mai, said that he did not expect the USG to stop pressuring Vietnam for assistance in achieving the fullest possible accounting. He simply hoped that it could soon become just one issue of importance amongst many other issues discussed between two countries with normal relations. Though the issue of missing Americans is still one of America's "highest National priorities," and it correctly remains the primary issue of discussion between Vietnam and the United States, Mr. Le Mai's expectations are being realized today albeit slowly.

During my tour in Vietnam, I received much more than I gave. The men and women of Joint Task Force—Full Accounting are an inspiration to us all as they endure the long hours, the elements, the heat, the humidity, the snakes, the unexploded ordnance, and numerous other hardships to do their job—and do so happily. The leadership of JTF-FA, Generals Needham and Viale and Colonel Frizell, provided the guidance and resources I needed to accomplish the mission, but allowed me the flexibility and authority I needed to operate confidently and effectively. I had the best command environment I could have possibly hoped for.

The JTF-FA staff worked tirelessly behind the scenes to make those of us in the field successful, and they did so without receiving many of the accolades and fanfare those of us who were in the field received. I also must acknowledge the efforts of those who went before me, Colonel Jack Donovan, Colonel John Cray and all those who served with them. It was their efforts that created the conditions under which I was able to operate, and they set the stage well. If at any point in this monograph I gave the impression that the accomplishments I cited were mine, it was unintentional and false. Progress on this issue was a team effort that included the Detachments in the filed, the JTF-FA and PACOM Headquarters and staffs, and the Defense POW/MIA Office. I privileged to be a small part of a great team.

There are other groups contributing to the fullest possible accounting that I believe also need a lot of the credit for the success of the operators in the field. The Vietnam Veterans of America, the Veterans of Foreign Wars, the American Legion, the National League of Families and many other groups are faithfully representing their constituency to get the answers they deserve. They too contribute to the overall effort. I also appreciated the open-minded approach the Congressional and Congressional Staff delegations took during their visits. Without the not always politically popular efforts of Senators John McCain, John Kerry, Kit Bond, and Sam Nunn, I do not believe we would be making the progress we are today.

I always enjoy talking about our nation's efforts in Vietnam, because I do not feel the American people or, more importantly, the men and women of America's Armed Forces are aware of the extent of our nation's commitment to resolving the very emotional issue of Americans still missing in Southeast Asia. This monograph has given me the opportunity to reflect on the most rewarding year of my 22 year career, and to offer some thoughts as to how we approached our duties. I hope this paper will be of some use to those who may follow in similar situations, and that it serves as a record of the impression of just one member of a very large team dedicated to pursuing and achieving the fullest possible accounting for Americans still unaccounted-for in Indochina.

I opened this paper with a quote describing why I think JTF-FA's mission is important. I will close with another quote. How can the contributions of JTF-FA best be summarized? I think Admiral Richard Macke, CINCPAC, said it best on February 10, 1995 when he presented the Joint Meritorious Unit Award to JTF-FA:

"What will be the legacy of Joint Task Force-Full Accounting? It won't be the sites searched, the witnesses interviewed, the tons of soil sifted. Your legacy will be the relief of the families of those we are able to account for. And your legacy will be the iron-clad faith that the men and women of our armed services have in each other. When we are next called upon to put ourselves in harms way, we can do so without hesitation, because we know you'll come. I can think of no greater legacy to leave to those who come after us."

God's noblest people and their families must always know that we'll come—no matter how long it takes.

LIVE-SIGHTING REPORT—MR. BILLY HENDON

One of the most difficult periods of my tenure occurred in April 1995. Mr. Billy Hendon arrived in my office claiming to have information concerning live Americans being held by the Vietnamese.[47] He said that he had "irrefutable proof" that the Vietnamese were holding Americans in an underground facility beneath a mountain in a militarily sensitive area in Vinh Phu Province (northwest of Hanoi). Furthermore, he claimed that the Vietnamese had denied JTF-FA investigators access to this sensitive area for the purpose of live-sighting investigations.

I told him that if he would provide his "intelligence" to me, I would forward it to the necessary agency immediately, and we would investigate it. He said that he did not trust me to investigate it without first "tipping-off" the Vietnamese and would not give me the information. Rather, he suggested we gather all the press we could and all go investigate the case together.

While I was speaking with Mr. Hendon, I directed my Detachment NCOIC to contact the United States Liaison Office (USLO), as I thought they should be involved in this. The Deputy Chief of the USLO and the Regional Security Officer soon arrived at my office to assist me in my actions with Mr. Hendon. Once they arrived, I excused myself so that I could call JTF-FA Headquarters to inform them of the situation. I spoke at length with Colonel Frizell, the Deputy Commander, and received specific guidance regarding my interactions with Mr. Hendon. After our discussions, I returned to convey Colonel Frizell's guidance to Mr. Hendon. In Hawaii, Colonel Frizell immediately notified the Deputy CINCPAC, DPMO and other necessary agencies of our situation and actions.

Once back in my office, I told Mr. Hendon that I would not make a "media circus" of any live-sighting investigation as it would be inappropriate. Colonel Frizell also spoke to Mr. Hendon telephonically twice. He explained our position to him in what I am sure were much less politically correct terms than I had used. A distinguished career in the United States Marine Corps, which included his aircraft being shot down over northern Vietnam during the conflict and three years as the Deputy CJTF-FA, did not exactly endear the likes of Mr. Hendon to Colonel Frizell.

Mr. Hendon responded that he would not give me the information until his conditions were met. We reached an impasse that neither of us was willing to skirt.

We concluded our meeting when Mr. Hendon asked if he could stay on the Ranch as he feared for his life. He claimed that Mr. Nguyen Xuan Phong (Director of the Americas Department) and Mr. Vu Chi Cong (my counterpart in the VNOSMP) had threatened his life. After speaking with Colonel Frizell, I denied Mr. Hendon's request for the following reasons; the Ranch was not U.S. property (as embassy property is) and therefore cannot provide the protection to U.S. citizens that embassies can, we did not have facilities to support such requests, and finally, we were confident that his claims regarding the threat to his life was baseless and ridiculous. I did, however, make arrangements for him to stay in a room in a small six-room hotel immediately adjacent to the Ranch. Several of my personnel were also living in the hotel for a short time, so I thought that would ease his concerns for his safety (if he really had any). As I walked Mr. Hendon from my office building, he asked what would happen if he refused to leave. I did not directly answer his question, but made it clear that I would not allow him to stay on the Ranch.

As Mr. Hendon left the Ranch, he locked himself to the outside metal gate of our driveway with a set of handcuffs. Since it was cloudy, beginning to sprinkle, and threatening thunder and lightning, I got some bolt cutters to free Mr. Hendon from his handcuffs. I also did not want the press to arrive with Mr. Hendon chained to my gate. As I was cutting the handcuffs (from the inside of the gate with Mr. Hendon on the outside), Mr. Hendon was taking pictures of me. In any event, Mr. Hendon had another pair of handcuffs and re-locked himself to the gate a little later.

As we watched Mr. Hendon throughout the day, we found that his efforts lacked a certain amount of integrity and sincerity. Locked to the gate, he entertained members of the press with his intent to remain locked to the gate until such time as I was willing to investigate his claims of live Americans. Yet, after the departure of the press, and as necessary, he unlocked himself from the gate to return to his hotel room to use the bathroom, or he would pay young Vietnamese children to bring him food and sodas and even managed to get a chair to sit on outside the gate. Needless to say, however, in the heat and humidity of Vietnam, Mr. Hendon soon decided that chaining himself to the gate would not bring him much progress compared to the discomfort he was experiencing. Soon he was only appealing at the gate during selected press intervals.

Later, I called the DFCJTF to ask permission to call Stony Beach in Bangkok and request they send a live-sighting investigator to Hanoi. In this manner we would be immediately ready to respond to any valid information we might receive from Mr. Hendon. He agreed, and the Vietnamese approved his visa within a few hours of our request. This quick approval was extremely rare in Vietnam. It normally took ten days for a routine request and two to three days for an emergency request. This told me the Vietnamese understood the urgency of our request.

I reviewed our actions with Mr. Jim Hall, the Chief, United States Liaison Office, Hanoi, and the DCJTF in Hawaii several times each day during this ordeal to: 1) keep them informed of the situation, and 2) receive their guidance. I continued to refuse to meet with Mr. Hendon again unless it was at the USLO with Mr. Hall. I also continued to deny Mr. Hendon further access to the Ranch. We remained willing to meet with Mr. Hendon whenever he decided to provide his information to us in the proper environment; i.e., in a relatively secure environment on U.S. property such as the USLO and not in the middle of a press conference.

As time went on, Mr. Hendon decided to hold a press conference to give the press the details of his "intelligence." During this conference he claimed that we refused to meet with him (we did not—we only insisted that we meet in the proper forum), that we refused to investigate this case (we did not—we were awaiting his information) and that the Vietnamese had denied us access to this site for investigation. He said that I had lied when I said the Vietnamese had never denied us access to any site for the purpose of a LSI.

Mr. Hendon did a skillful job with the press of mixing apples and oranges regarding access to the site. His claims of being denied access to the Vinh Phu military reservation implied that the Vietnamese had denied access to the site for the purpose of investigating a live-sighting. We had not. As I discussed earlier in this monograph, the Vietnamese did deny us access to the reservation, but that was during our investigation of Case 0644, not an LSI. It is important to stress that to my knowledge, and to the knowledge of the primary Stony Beach live sighting investigator, JTF–FA and Stony Beach investigators have never been denied access to any location anywhere in Vietnam as a part of a live sighting investigation. I clarified this point with the press on several occasions, but I do not think this was ever made completely clear in the articles I saw.

For almost two weeks, Mr. Hendon lived in the hotel next door to the Ranch, occasionally sending a fax to me imploring me to meet his conditions so he could provide his "intelligence" to me. He was also in obvious contact with his associates back in the United States. We soon became the object of several "National Vietnam P.O.W. Strike Force" newsletters written by Mr. Joe L. Jordan, the Strike Force Commander. Mr. Jordan is one of the more vocal critics of U.S. policy in Vietnam regarding POW/MIA efforts. His newsletters made statements about me such as:

"Not only does Richmond refuse to go, he demands that Hendon give him the data so he can turn it over to the communists.[48]

"Will some other U.S. Army scumbag like LTC Richmond help the communists hide his [future U.S. POWs] whereabouts [*sic*] 30 years from now after he has been captured?[46]

"Your little panty-waisted, snot-nosed faggot commander of the ranch, U.S. Army Lt Col Melvin Richmond whined, 'We might be out there for months looking in each and every little cave.[50]' "

But my favorite passage was when Mr. Jordan described Mr. Hendon's situation:

"He [Mr. Hendon] was last seen running down a dark alley in the red light and bar district near Le Nam De street with the KGB in hot pursuit. A caucasion [*sic*] American of 6½ feet in height like Hendon will not go unnoticed for long and he is believed to already be in secret captivity, his exact whereabouts unknown.[51]"

Mr. Hendon was in a very comfortable, but conditioned hotel room next door to the Ranch, meeting with the press everyday. The only hardship I noticed with Mr. Hendon was that the top of his head became very sunburned.

Finally, Mr. Hendon's visa expired and the Vietnamese refused to renew it. Before leaving, Mr. Hendon gave is the information he had via a fax, and we began the LSI process. He left Vietnam proclaiming victory.

When we finally investigated Mr. Hendon's information, the results were as we suspected they would be. The location he provided was some 50 kilometers outside the Vinh Phu military reservation. It was in the middle of expansive rice paddies—not a mountain in view. And there was no evidence of live Americans ever having been held in that area. As a matter of fact, Mr. Hendon had been to that very location a couple of years previous.

It is unfortunate that individuals such as Mr. Hendon are able to manipulate the press and manipulate the hopes of families the way he does. At one point I told Bruce Stanley of AP that I thought they were giving Mr. Hendon entirely too much attention. I said that they were allowing Mr. Hendon to build a story where none exists. Bruce agreed with my assessment, but said that they had to follow him . . . just in case he did something newsworthy.

There are hundreds of great Americans working tirelessly, often in very inhospitable conditions, to try to resolve this issue. There are other organizations such as the National League of Families and U.S. veterans groups who disagree with U.S. policies concerning Vietnam, but I always felt that their motives were pure and their intentions the same as ours—to find the truth for the families of the missing. I strongly resented individuals such as Mr. Hendon and Mr. Jordan who manipulated the press, manipulated the truth, misrepresented me, and misrepresented those devoted to finding the truth. I believe they cloud the issue, develop distrust amongst the families of the missing, and Americans in general, and do so for (in my opinion) personal gain.

GLOSSARY

Americas Department: The department of the Vietnamese Ministry of Foreign Affairs responsible for relations between Vietnam and the Americas (including Cuba). During my tenure, the Director of the Americas Department was Mr. Nguyen Xuan Phong.

Amnesty Program: The Vietnamese established the Amnesty Program to encourage Vietnamese citizens to provide any remains and information they possess concerning unaccounted-for Americas to the Central Government without fear of punishment. My experience indicated that the Vietnamese Government was genuine in this offer. The only instances I knew of where the Government prosecuted Vietnamese citizens regarding remains involved "remains trading."

Archival Research Team (ART): The Archival Research Team worked with the VNOSMP to find SRV records containing information about unaccounted-for Americans, and jointly researched and investigated reports that private citizens had remains of unaccounted-for Americans. SRV records included war-time film footage, military and government records, and national museum and library holdings. Established in October 1992, the ARTs had access to all civilian and military museums, public security houses, tradition houses and newspaper and magazine offices in Vietnam. In May 1993, the VNOSMP and JTF–FA established the Joint Document Center (JDC) in the Central Army Museum in Hanoi. The JDC served as a repository for all documents, books, and reports that Vietnamese and U.S. investigators uncovered. Three ARTs deployed to Vietnam organizing their efforts along the lines of already established Vietnamese Military Regions (MRs); ART 1 operated in MR1, MR2, and MR3, all in northern Vietnam. ART 2 operated in MR4 and MR5 in central Vietnam, and ART 3 operated in MR7 and MR9 in southern Vietnam. In February 1995, the RIT assumed the duties of the ART as it was no longer necessary to have a single team dedicated entirely to this effort.

Anthropologist/Archeologist: Each RE has an anthropologist assigned to it. The anthropologist/archeologist provides the scientific control for the recovery site and ensures that every aspect of the recovery operation conforms with scientific standards that can withstand the closest legal and scientific scrutiny. Most anthropologists/archeologists assigned to CILHI are under contract to the Army Corps of Engineers. The anthropologists/archeologists working in the field are highly respected and among the world's most accomplished scientists of their fields. Within the elite group, CILHI certifies certain anthropologists/archeologists as being able to turn away remains. If a team recovers what they suspect to be a bone at a recovery site they cannot dispose of that piece of remains (even if it has a beak on it or is an obvious animal bone) unless a certified anthropologist/archeologist authorizes the team to do so.

Died-in-Captivity Cases (DIC): Of the 84 SRT cases, 27 cases representing 29 individuals are DIC cases. Since these cases involve individuals who died while in Vietnamese captivity, U.S. Government officials believed it reasonable to assume that the Vietnamese should have control of the individuals' remains or know of their whereabouts.

Discrepancy Cases: Another name for Priority Cases.

Dog Tag Reports: Since 1979, the United States Government has received thousands of reports of remains associated with dog tags in the hands of private citizens. About 97% of the Americans named in these reports were never unaccounted for. A little more than 100 Americans named in the reports are still unaccounted-for. The Archival Research Team began investigating these cases in July 1994.

Excavate: If an IE discovers credible information (i.e.; witness testimony, wreckage, etc.) that allows it to narrow the scope of work at a location to a reasonable size location, it will recommend that an RE excavate the site to try to find remains.

Explosive Ordnance Specialist: An EOD specialist is assigned to each IE and RE. It is a common occurrence for our teams to encounter live ordnance remaining from the conflict in Vietnam. The EOD specialist ensures the safety of the team during its operations.

Fate Determined: A normal IE team can make three recommendations after investigating a case; reinvestigate, excavate, or pending. In the case of Priority Case Investigations, the team may make one other recommendation, fate determined. This means that although the case is still unresolved, the team did conclude that the unaccounted-for American died, thus his "fate has been determined." Further investigations will continue as necessary or until the case is resolved.

Graves Registry Cases: Of the 84 SRT cases, 39 cases representing 46 individuals are SRV Graves Registry cases. The names of these 46 individuals appeared on provincial graves registries, therefore the USG position is that since the registries reflect that the Vietnamese knew of the burial location during the war, they should still know the whereabouts of the remains.

Incident Location: Site where the unaccounted-for American was last seen or thought to have been; e.g., crash site, burial site, site of an ambush, etc.

Investigation Element (IE): Each IE is composed of a Team Chief, an Assistant Team Chief, two analysts/linguists, two Mortuary Affairs Specialists, a medic and an EOD Specialist.

Investigation/Recovery Team (IRT): The IRT includes all members of IEs, REs and any other support personnel deployed to Vietnam for approximately 30 days to conduct a single Joint Field Activity.

Joint Document Center (JDC): The Vietnamese established the JDC in a wing of their Central Army Museum in Hanoi. It serves as a location for U.S. and Vietnamese specialists to examine and store archival information such as films, photographs, artifacts, documents, etc.

Joint Field Activity (JFA): JTF–FA conducts six JFAs annually in Vietnam. Teams deploy by U.S. C–130 and commercial aircraft into Vietnam from U'Tapao Air Base, Thailand into Noi Bai International Airport, Hanoi (for teams operating in northern Vietnam), Da Nang International Airport, Da Nang (for teams operating in central Vietnam), and Tan Son Nhat International Airport (for teams operating in southern Vietnam). From these initial staging areas, IEs and REs deploy by ground or helicopter to their initial operating location. Each JFA lasts approximately 30 days.

Joint Forensics Review: At the close of each JFA Vietnamese and U.S. forensics specialists examine all remains the joint IRT obtained during the JFA and any Detachment 2 may have obtained since the last review. They study the remains to scientifically ensure they are likely to be remains of a missing American.

Last Know Alive Cases: Another name for Priority Cases.

Last Known Location: The last known location is very similar to the incident location; the site where the unaccounted-for American was last seen or thought to have been (e.g., crash site, burial site, site of an ambush, etc.). IEs are always required to visit the last known location (unless during the course of their investigation they find evidence that categorically refutes the last known location). Even for over-water cases, the IE will go up to ten miles out to sea to investigate the last known location.

Life Support Technician (LST): An LST is assigned to every RE. He has two primary missions; (1) confirm that the aircraft wreckage at the site correlates to the aircraft of loss, and (2) determine if the crew members were aboard the aircraft at the time of impact. They did this by analyzing the wreckage, identification media, crew member life support equipment, etc.

Live Sighting: Contrary to popular opinion, this does not always mean a current report of a live American either living freely or being held against his will in Vietnam, though this could be the case. Every day, analysts in Hawaii and Washington, DC pore over historical documents and reports searching for information pertaining to an unaccounted-for American. Should they uncover a report of a live American during their research (e.g., an analyst finds a previously undiscovered notation indicating a captured live American was being led through a village in South Vietnam in 1967), this discovery could result in the initiation of a live sighting investigation.

Live Sighting Investigation (LSI): These receive the highest priority of any other operation involved with resolving this issue. Investigators from the Defense Intelligence Agency (DIA) office in Bangkok, Thailand, Stony Beach, investigate all live sightings. JTF–FA, DPMO, JTF–FA and the VNOSMP go to great lengths to assure the integrity of each LSI. DPMO receives all live sighting reports either from the field, their analysts, or any other source. They analyze each report, and prepare draft requirements before tasking Stony Beach to investigate the sighting. Though DPMO can notify Stony Beach of the requirement via secure means of communications, Detachment 2 has no such capability. To minimize the opportunity for anyone to accuse the Vietnamese of "rigging" the investigation or "rehearse" witnesses, the only information that passes to the Detachment is that DPMO has initiated an LSI and a Stony Beach investigator needs an entry visa into Vietnam. It is not until the investigator arrives in Vietnam and sits down with the Commander of Detachment 2 and VNOSMP officials that anyone in Vietnam knows the specifics of the case. There have been many instances where immediately following the initial meeting with his Vietnamese counterpart, the Stony Beach investigator and his counterpart depart immediately for the site. The Vietnamese have never denied access by the Stony Beach investigator to any site involving an LSI. Once the investigator completes his investigation, he debriefs the Commander, Detachment 2 and returns to Bangkok, where he files his report with DIA. An interagency board in Washington, DC reviews the report and votes to resolve, reinvestigate, or develop additional information for the case.

Mortuary Affairs Specialist: Specialists assigned to USACILHI whose Military Occupational Skill (MOS) involves proficiency and knowledge in wartime/combat burials.

Oral History Program (OHP): The Oral History Program began in 1979, when analysts from the Defense Intelligence Agency (DIA) began interviewing refugees from Vietnam to try to uncover information regarding unaccounted-for Americans in Vietnam. From 1988 to 1992, Vietnam allowed limited access to Vietnam for OHP analysts. In May 1993, JTF–FA presented what became known as the "List of 83" to the Vietnamese Government. This list contained the names of 83 former and current PAVN officers and government officials who the USB believed could have information regarding unaccounted-for Americans. Between May and December 1993, OHP team members from Detachment 2 interviewed 74 of the individuals from the "List of 83." This included 14 flag officers and 36 field grade officers and led to the accumulation of information concerning over 40 cases involving 21 unaccounted-for Americans. Between January and June 1994, JTF–FA continued to press the Vietnamese for access to the remaining nine individuals, but for a variety of reasons, could not gain access to them, and the OHP essentially ground to a halt. Some inside and outside the USG felt the program had failed because we were denied access to the remaining nine individuals despite our success in interviewing 89% of those we requested to interview. In July 1994 we proposed to the VNOSMP that we reinvigorate the OHP by approaching the program differently. We recommended that we get away from concentrating on a "List of 83" and instead concentrate on the product we gain through the program's interviews. The Vietnamese agreed and we began providing the Vietnamese with a list of individuals we would like to interview during a specified "investigation period" (normally concurrent with a JFA; 30 day period), and then interviewed all they made available. For those who we felt strongly that we needed to interview, but were not agreed to by the Vietnamese, we continued to resubmit the names. The bottom line is that in August 1994, we began a new interview phase. In September 1994 we reinterviewed Military Region 4 Graves Registry compilers and in October 1994 held a series of interviews in Quang Nam-Da Nang Province. The OHP continues a strong program today.

Over-Water Case: 470 unaccounted-for Americans are known to have been lost at sea. Most of these cases involve aircraft that were hit and tried to escape to the relative safety of the ocean before crashing. Other include losses of individuals when their vessels sank, or who were swept overboard. In Vietnam alone, over-water cases account for 449 of the more than 1600 unaccounted-for.

Pending: If an IE investigates a case and exhausts all leads without finding enough information to recommend a site to excavate, the team leader recommends placing the case in the pending category. This does not mean the case is closed as many contend. Instead, pending means that there are no further leads to pursue, and until such time as someone develops a credible lead, the JTF will not actively investigate the case. However, should an analyst uncover new information or questions regarding the pending case, JTF-FA will reactivate the case and schedule it for reinvestigation. This has occurred on several occasions.

Photo Cases: of the 84 SRT cases, 11 cases representing 12 individuals are Photo cases. In many instances, either for historical or propaganda purposes, the Vietnamese photographed bodies and body parts of dead Americans. We have correlated several such photographs to 11 cases, 12 individuals who are still unaccounted-for. The USG position is that since the Vietnamese photographed the bodies or remains, they should still control or know the whereabouts of these remains.

Priority Case: Also known as Discrepancy Cases, Last Known Alive Cases, or even Priority Last Known Alive Discrepancy Cases. When General Vessey became the President's Special Envoy to resolve the issue of Americans still unaccounted-for in Southeast Asia, one of his first steps was to direct analysts to review all existing cases and determine the cases where the individual is thought to have survived his incident of loss and may still be alive. (Hypothetical Example: Two aircraft were attacking a target and a surface-to-air missile impacts one of the aircraft. That aircraft's wing man sees the pilot eject, and descend to the ground under a good parachute. The wing man might even have observed the pilot being captured and led away. This is one type of Priority Case. We know the individual survived his incident of loss, he did not return to the United States during Operation Homecoming, and it is possible that he is still alive.) JTF-FA and the VNOSMP formed a joint Priority Case Investigation Team to make a focused effort to determine the fate of the Priority Cases in Vietnam. Operations began on 11 June 1993 to determine the fate of 92 individuals associated with 73 cases. Eventually, this list grew to 196 cases. To date, teams have investigated every Priority Case at least once, some seven to eight times. Of the 196 individuals, one is a foreign national, and 27 have been resolved completely. There remain 50 individuals whose fate has not yet been determined.

Priority Case Investigation Team (PCIT): The U.S. and Vietnamese governments deemed investigating the Priority Cases to be so important that they formed a special team dedicated solely to investigating these cases. The U.S. manned the team with a DIA/Stony Beach investigator to ensure the highest quality investigation.

"The Ranch": The Ranch is the small compound located in the northwestern corner of Hanoi that houses Detachment 2, JTF-FA. It has three buildings, a team house, a TDY building, and an office building. JTF-FA leases this facility from the Vietnamese. The original Detachment 2 tenants named it the Ranch as it was a truly American name.

Recovery Element (RE): Each RE is composed of a Team Chief, a Non-Commissioned Officer in Charge (NCOIC), an anthropologist or archeologist, a photographer, four Mortuary Affairs Specialists, two analysts/linguists, an EOD Specialist, a Life Support Technician (LST), and a medic. The Team Chief is normally an Army Quartermaster Corps Captain. Most of the RE comes from USACILHI. The analysts/linguists and LST are assigned to JTF-FA. The EOD Specialist and medic can come from any Service, normally from a unit assigned to PACOM.

Reinvestigate: If, after the end of a JFA or investigation period, the investigators have not completed investigating the leads they were assigned or have developed new leads that they were unable to pursue, they recommend a team reinvestigate the case in the future.

Remains Not Recoverable: IE teams can recommend three categories for cases they investigate, excavate, reinvestigate, or pending. PCIT and SRT investigators can also recommend "Remains Not Recoverable." This recommendation means that the investigator has fully investigated the case and is confident that the remains of the unaccounted-for American have either decayed beyond hope for ever being found, been destroyed, or otherwise beyond the capability of ever being recovered. Example—In one SRT case we found a Vietnamese villager who had actually buried an unaccounted-for American. When he led investigators to the site, he saw that what had been a small stream during the war, had swollen to be much wider. He pointed to where he had buried the American in what he described as a shallow grave, but it was now completely submerged. The investigators classified this case as "Remains Not Recoverable" as the remains had certainly washed away over time, and the likelihood of recovering them was very remote.

Remains Obtained: Obtaining remains includes receiving and recovering remains.

Remains Received: To receive remains means to gain possession of them when a Vietnamese citizen or official gives them to a U.S. official.

Remains Recovered: To recover remains means to gain possession of them through an excavation.

Remains Recovered But Not Repatriated Cases: Of the 84 SRT cases, seven cases representing 11 individuals are Remains Recovered But Not Repatriated cases. IAW the terms of the Paris Peace Accords ending our involvement in the conflict in Vietnam, the Vietnamese provided a list of remains they had recovered and were repatriating to the United States. These 11 individuals correlate to remains the Vietnamese reported that they had recovered, but that the USG claims it did not officially receive.

Remains Trading: Selling or trading remains or information. We know that many Vietnamese citizens possess remains; every JFA the IRT receives remains from Vietnamese citizens. It is not uncommon for a Vietnamese to offer to provide the information/remains in exchange for monetary compensation or a visa to the United States. In a few cases, what we called "remains dealers" approached our investigators. These "remains traders" differed from the average citizen requesting "compensation" in that they made their living from this endeavor. Neither U.S. or Vietnamese officials will pay for remains or information.

Repatriation: To return remains to the United States. In the case of Vietnam, teams must provide all remains obtained to their Vietnamese counterparts. At the end of the JFA, Vietnamese and U.S. forensics specialists from USACILHI examine all remains obtained to assure they are likely to be those of an American. If they conclude they are not America, the U.S. specialists do not accept them for repatriation to the United States.

Repatriation Ceremony: Ceremony at Noi Bai International Airport, Hanoi, SRV, where the Commander, Detachment 2, on behalf of the United States Government officially accepts remains from officials of the VNOSMP, and loads them on a U.S. aircraft for return to the United States.

Research & Investigation Team (RIT): The RIT is a six-person team that deploys to Vietnam for a period of four months. It is manned with the most skillful Vietnamese linguists and analysts assigned to the JTF and works its most difficult cases. It is responsible for archival research, oral history interviews, special remains and priority case investigations, an walk-in interviews.

Resolved: To legally identify the remains as being those of an unaccounted-for American.

Scope Loss (or Off-the-Scope Losses): In many instances during the conflict, American aircraft simply disappeared from the "radar scopes" of ground monitoring stations, or the individuals were "never heard from again after embarking on long-range ground or air reconnaissance missions or after their aircraft were last seen visually on radar heading toward a given target." In these instances, IEs use the point at which the aircraft or patrol went "off the scope" as the last known location, or they will extrapolate from that point using the direction and speed of travel to try to determine possible location of the loss. Scope losses involve the loss of 308 individuals. DPMO has determined that it cannot resolve the cases of 54 of these individuals.[52]

Special Remains Case: Unlike the Priority Cases where the USG believes the unaccounted-for individual might have survived, we know that the individuals associated with Special Remains Cases died. However, because of photographic evidence, names appearing on graves registries, POW camp records, or other Vietnamese records it is reasonable to assume that at one point the Vietnamese had control of the individual's remains, and should now be able to produce those remains. There were originally 84 Special Remains cases.

Special Remains Case Team (SRT): This team's mission was to work with the VNOSMP to resolve the 84 SRT cases for which the United States Government had reason to believe the Vietnamese should be able to provide a full accounting.

Stony Beach: Stony Beach is the Defense Intelligence Agency (DIA) office in Bangkok, Thailand. Stony Beach analysts investigate all live sightings and provided the primary investigator on the PCIT.

Tri-Lateral Operations: During the war in Indochina, the Vietnamese controlled major portions of Laos and Cambodia. As such, when we investigate cases in Laos and Cambodia, it is very likely that Vietnamese citizens (former PAVAN or VC) would have more information concerning the incidents of loss than any Laotian or Cambodian citizens. If we can identify a Vietnamese citizen who possesses such information, we will coordinate between Vietnam and the third country (Cambodia or Laos) to bring that witness into their country to visit the site during a JFA in that country. These are called Tri-Lateral Operations as they are joint U.S./SRV/KOC or U.S./SRV/Laos operations.

Unilateral Research & Investigations: Many people both inside and outside the USG believe that the only way we can resolve this issue fully and rapidly is for the Vietnamese Government to increase their unilateral research and investigations. It is my opinion that some emphasize unilateral research because they believe the Vietnamese are purposely withholding archival information and even remains. They stress "unilateral" research in a round-about way of demanding the Vietnamese release these items.

My experience does not lead me to believe the Vietnamese are withholding anything, and that as they find documents and remains, they are submitting them to Detachment 2. I believe our investigations are most fruitful when performed jointly with the Vietnamese; the investigations are always more thorough and the reports of investigation are uniformly more detailed. For those instances where the Vietnamese deny access to an American, and unilateral research/investigation by Vietnamese officials is the only other option, then, and only then, should we accept unilateral research as a viable option.

United States Central Identification Laboratory, Hawaii (USACILHI or more commonly CILHI): CILHI has a world-wide mission to search for, recover and identify U.S. service men missing from all conflicts.

Vietnamese Office Seeking Missing Persons (VNOSMP): The VNOSMP is Detachment 2's counterpart organization in the Vietnamese Ministry of Foreign Affairs. It is responsible for coordinating Vietnamese efforts to resolve the issue of unaccounted-for Americans. It is not involved with Vietnamese efforts to seek its own missing from the war. My direct counterpart during my tenure was Mr. Vu Chi Cong.

Walk-In Interviews: We always kept a skilled linguist at the Ranch in case a Vietnamese citizen arrived offering to provide some information, remains, artifacts, etc., to us. As noted earlier, our office was depicted on tourist maps and an advertisement for our office was in the Hanoi Yellow Pages. We normally had a couple of walk-in interviews each week.

ABBREVIATIONS/ACRONYMS

AP: Associated Press.

ART: Archival Research Team.

CILHI: More common reference to the United States Army Central Identification Laboratory, Hawaii than the more accurate USACILHI.

CINCPAC: Commander-in-Chief, United States Pacific Command. Admiral Macke was the CINCPAC during my tenure.

CJTF-FA: Commander, Joint Task Force-Full Accounting. Major General Thomas H. Needham was the initial CJTF-FA. His command extended into the first month of my command at which time Brigadier General Charles Viale assumed command (27 July 1994).

CODEL: Congressional Delegation.

DIC: Died-in-Captivity.

DPMO: Defense POW/MIA Office.

EOD: Explosive Ordnance Disposal.

IE: Investigation Element.

IRT: Investigation & Recovery Team.

JCRC: Joint Casualty Resolution Center.

JDC: Joint Document Center.

JFA: Joint Field Activity.

JTF-FA Joint Task Force—Full Accounting.

KOC: Kingdom of Cambodia. Normally referred to only as Cambodia.

LSI: Live Sighting Investigation.

LST: Life Support Technician.

MFA: Vietnamese Ministry of Foreign Affairs.

MND: Vietnamese Ministry of National Defense.

MOI: Vietnamese Ministry of the Interior.

OHP: Oral History Program.

PACOM: More common reference to the United States Pacific Command than the more accurate USPACOM.

PCIT: Priority Case Investigation Team.

RE: Recovery Element.

SRT: Special Remains Team.

SRV: Socialist Republic of Vietnam.

STAFFDEL: Congressional Staff Delegation.

UPI: United Press International.

USACILHI: United States Army Central Identification Laboratory, Hawaii.

USLO: United States Liaison Office.

USPACOM; United States Pacific Command.

VNOSMP: Vietnamese Office Seeking Missing Persons.

FOOTNOTES

[1] Leslie Weatherhead, "Comradeship," quoted by Admiral Richard Macke, CINCPAC, in a speech awarding the Joint Meritorious Unit Award to JTF-FA, February 10, 1995.

[2] NOTE: Other names I will use for these countries throughout the text are Vietnam or SRV, Laos, Cambodia or KOC, and China or PRC, respectively.

[3] Unless otherwise noted, statistics used throughout this monograph are current as of February 27, 1996 and were provided to the author by the Public Affairs Office, JTF-FA, Camp Smith, Hawaii.

[4] JTF-FA mission statement.

[5] Unaccounted-for or missing are the correct terms when referring to the individuals we were searching for. POW, MIA and KIA are legal terms DOD uses to classify wartime losses and help determine benefits for the next-of-kin and the actual service member. There are no remaining POWs or MIAs from the conflict in Southeast Asia. Colonel Charles Shelton was the last service member carried as a POW. The USG continued to carry him as POW after it had reclassified all other missing service men so that he might serve as a national symbol that the unaccounted-for "would not be forgotten." Colonel Shelton's family recently requested that the USG change his status to killed in action, body not recovered, and DOD concurred with their request.

[6] See Glossary for a complete explanation of the nature of today's Joint Field Activities.

[7] Bobby Garwood's return does not count in this first category as he was never "unaccounted-for."

[8] Department of Defense, "A Zero-Based Comprehensive Review of Cases involving Unaccounted for Americans in Southeast Asia," (November 13, 1995), p. 1.

[9] Ibid.

[10] Ibid, pp. 4–7.

[11] Ibid, p. 6.

[12] Ibid.

[13] I met with the USAF Casualty Office in San Antonio, Texas prior to changing command. I was scheduled to meet with the USN Casualty Office, but nobody from their office showed up for the appointment they scheduled with me.

[14] See Interaction with the Media for a discussion of the training I received.

[15] See the Glossary for explanations of these terms.

[16] Table 1 reflects the number of remains repatriated during this period. Not all have been identified.

[17] The National League of Families is very active in trying to resolve this issue. Though I believe they, like all members of JTF-FA, are committed to achieving the fullest possible accouting, the NLF and its Executive Director are often critical of USG policy toward Vietnam. The NLF did not support either President Clinton's decision to lift the trade embargo against Vietnam, or his decision to normalize relations between the United States and Vietnam.

[18] Just as a note of interest, Mr. Willoughby did not think very highly of the accuracy of this book.

[19] SRCol Bien was a 45 year PAVN veteran. He fought the Japanese, the French, the Americans, and the Cambodians. He is the MND representative to the VNOSMP.

[20] See Glossary.

[21] At the time, the USLO had not yet opened. Mr. Hall was the Chief of the Vietnam/Laos/Cambodia desk, East Asian & Pacific Affairs, DOS.

[22] Peoples Army of Vietnam.

[23] Virginia Foote, President, U.S./Vietnam Trade Council, "Progress, Problems and Suggestions to MIA accounting," memorandum for the March 1996 Presidential Delegation to Vietnam, 29 February 1996.

[24] See Glossary for an explanation of trilateral operations.

[25] See Glossary.

[26] See Glossary for an explanation of "Fate Determined."

[27] See Glossary.

[28] A karst is a relatively small peak jutting straight out of the ground. They are extremely steep, sometimes with sheer faces, and are normally a few hundred feet tall.

[29] See Glossary.

[30] We do not pay for remains or cooperation, however, we do pay landowners for alterations we inflict on their property; e.g. if we excavate a site in the middle of a farmer's rice paddy, it is only right that we compensate him for his lost crop.

[31] See Glossary.

[32] See page 72 for an explanation of this program.

[33] From June 1994 until June 1995, the following delegations visited Hanoi; two Presidential delegations headed by Ambassador Winston Lord and DSD for Veteran Affairs Herschel Gober, CODEL Bond (Senators Kit Bond, Sam Nunn, John Glenn, David Pryor, William Cohen, and Barbara Mikulski), CODEL Kerry (Senator John Kerry), CODEL Spence (Congressman Floyd Spence), CODEL McCain (Senator John McCain), CODEL Simon/Murkowski, STAFFDEL Record, STAFFDEL Stetson, CODEL Rohrabacher, DASD for POW/MIA Affairs James Wold, DASS Peter Tomsen (2), Admiral Zumwalt, and Sergeant Major of the Army Richard Kidd.

[34] We based our assumptions on what we had seen in the past. Each ministry had a normal way of operating, and seldom deviated from it.

[35] He had worked with JTF-FA teams for several years, understood American slang as well as most Americans, and was very comfortable in the presence of Americans. He is currently attending American University in Washington, DC on a Ford Foundation grant.

[36] Steven Butler, "A painful search for the missing," *U.S. News and World Report*, 118, no. 17 (May 1, 1995); 62.

[37] Ms. Griffith's brother is still unaccounted-for as a result of his aircraft crashing. In her role as the Executive Director of the NLF, Ms. Griffith is an ardent supporter for the families of the unaccounted-for. Her knowledge of the totality of the issue is, in my opinion, second to none. Though I strongly disagree with her on many of her interpretations of the facts, I have never disputed her strong desire to fully resolve this very difficult and emotional issue.

[38] Author of *A Bright Shining Lie*.

[39] Ms. Smith is the daughter of a pilot still unaccounted-for at the time of my departure. She came to Vietnam to try to find the crash site of her father and to bring some type of closure to her loss. Ms. Smith was able to visit the site we had identified during past JFAs and seemed satisfied with her findings. Shortly after her visit we excavated her father's crash site (the excavation was scheduled prior to her visit, and was not a result of her visit). Excavators found what they believed to be her father's Naval Academy ring in the excavation.

[40] See Annex A for a complete explanation of the Mr. Hendon live-sighting claims.

[41] I had worked for then BG David Bramlett in the 25th Infantry Division (Light). During most of my tenure in Vietnam, LTG Bramlett was the DCINCPAC.

[42] Discussion led by Ambassador Marc Baas to the Asia-Pacific Regional Strategic Assessment class on 23 February 1996.

[43] In his actual meetings with the Vietnamese, by the way, Mr. Gelbard fully supported the issue of missing Americans as the USG's highest priorities, so my concerns regarding that particular visit were possibly somewhat unwarranted. Overall, however, I think the concern was (and may still be) a valid one.

[44] Oriental New Year.

[46] "A Zero-Based Comprehensive Review of Cases Involving Unaccounted for Americans in Southeast Asia."

[47] Personal Opinion—Mr. Hendon is a former Congressman from North Carolina. I believe that he makes unsubstantiated claims concerning the POW/MIA issue to fan the emotions of families and veterans in America. It is my opinion that he manipulates this issue to win support for election activities and to earn a living.

[48] Joe L. Jordan, "National Vietnam P.O.W. Strike Force" Newsletter. June 4, 1995.

[49] Ibid.

[50] Joe L. Jordan, "National Vietnam P.O.W. Strike Force" Newsletter. June 9, 1995.

[51] Joe L. Jordan, "National Vietnam P.O.W. Strike Force" Newsletter. June 4, 1995.

[52] "A Zero-Based Comprehensive Review of Cases Involving Unaccounted for Americans in Southeast Asia." p. 10.

MINIMUM WAGE

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1996

Mr. SAXTON, Mr. Speaker, earlier today in my remarks during the debate on increasing the minimum wage, I mentioned over 100 studies that unanimously agree that raising the minimum wage has a detrimental effect on employment. I also mentioned that the "Card-Krueger studies" are erroneous in their conclusion that raising the minimum wage increased employment in New Jersey.

This summary of the academic research—100 studies—on the minimum wage is designed to give nonspecialists a sense of just how isolated the Card-Krueger studies are. It also indicates that the minimum wage has wide-ranging negative effects that go beyond just unemployment. For example, higher minimum wages encourage employers to cut back on training, thus depriving low-wage workers of an important means of long-term advancement in return for a small increase in current income. For many workers this is a very bad tradeoff, but one for which the law provides no alternative.

Last year I placed into the RECORD the complete list of these 100 studies. If you are interested in reviewing the complete list, please refer to page 5269 of the February 16, 1995, issue of the CONGRESSIONAL RECORD.

Also, for a better understanding of why I believe an increase in the minimum wage will hurt those it's intended to help, I am putting into the RECORD a Joint Economic Committee Report entitled "Raising the Minimum Wage: The Illusion of Compassion", April 1996.

RAISING THE MINIMUM WAGE: THE ILLUSION OF COMPASSION

"[B]ut as Clinton himself explained two years ago, hiking the minimum [wage] is "the wrong way to raise the incomes of low-wage earners.'"—(*Time*, February 6, 1995, p. 27).

Once again, we hear the cries to raise the minimum wage. The rhetoric is familiar; "the minimum wage isn't a living wage," and "we need to ensure that work pays." However, raising the minimum wage is a misguided passion. All the valid research shows that raising the minimum wage destroys jobs. It hurts exactly those workers it intends to help—the poor, the unskilled, and the young. Everyone wants to see income growth boost the economic well-being of the working poor, but throwing many of them out of work is not the solution.

SAWING OFF THE FIRST RUNG

The major way the minimum wage hurts the poor is by cutting off the first rung of the employment ladder. Raising the minimum wage destroys jobs. This statement is incontrovertible. Economists have consistently proven the job-destroying effects of higher minimum wages. But more importantly, higher minimum wages destroy entry-level jobs. Without entry level jobs, low-skilled and young workers cannot start jobs and gain valuable work skills.

BLOCKING WORK TO WELFARE

The rhetoric of raising the minimum wage has been linked to welfare. Proponents of higher minimum wages argue that a higher minimum wage is necessary to encourage welfare recipients to enter the work force. Tragically, as the minimum wage encourages welfare recipients to search for employment, it makes it more difficult for them to find work. First, with fewer jobs available, it is more difficult for all workers to find employment. Second, a higher minimum wage makes work more attractive to many people. This expanded pool of job applicants allows employers to be more selective. Employers pick applicants with more skills from this pool. Welfare recipients suffer because there are fewer jobs and more competition. The result of higher minimum wages is to keep welfare recipients dependent on the government for a longer time.

DESTROYING HUMAN CAPITAL

It is increasingly apparent that the key to a prosperous life is education. Sadly, incomes of high-school drop-outs are failing to keep pace with the incomes of college graduates. Dropping out of high school is almost a guarantee of a difficult life. Public policy should take careful pains to encourage students to stay in school. Unfortunately, raising the minimum wage encourages high-school students to drop out. By altering the rewards to work, some students leave school for minimum wage jobs. However, without a high school degree, advancement is more difficult.

THE ARGUMENT FOR HIGHER MINIMUM WAGES: THE SANDY FOUNDATION

"Now, I've studied the arguments and the evidence for and against a minimum wage increase. I believe the weight of the evidence is that a modest increase does not cost jobs, and may even lure people back into the job market."—President Bill Clinton, State of the Union Address, Jan. 24, 1995.

The argument against raising the minimum wage has a long and noble history. Several of the most prominent economists have argued against minimum wages. Yet, the Democrats continue to argue for higher minimum wages. Labor Secretary Robert Reich and Laura D'Andrea Tyson held a press conference to laud several studies that claim that higher minimum wages have no deleterious effects on employment. The whole argument of the press conference was based on a study by Dr. David Card and Dr. Alan Krueger of Princeton University. Drs. Card and Krueger examined the differences between New Jersey, which imposes a statewide higher minimum wage, and Pennsylvania, which kept the federal minimum wage. The research, on which the Administration has based its arguments, has collapsed under its own weight.

Card and Krueger interviewed fast-food restaurants on both sides of the Delaware River. They posited that any differences between New Jersey and Pennsylvania could be explained solely by the minimum wage. What they found was that New Jersey restaurants hired more employees over the period of the study than Pennsylvania restaurants.

The results of the study were extraordinary. Card and Krueger seemed to have discovered a refutation of the law of demand. Economists were stunned. Because of the extraordinary results, they debated the results. Many economists argued that the differences between New Jersey and Pennsylvania were more than simply differences of minimum wage rates. Other economists argued that the study design was flawed.

Other economists were able to review the study using better data with devastating results for the Card-Krueger study and the Administration argument. Card and Krueger gained their data by asking one question. "How many full-time and part-time workers are employed in your restaurant, excluding managers and assistant managers?" Depending upon the answer, they interpolated employment trends. It is clear from this question that their report was deeply flawed.

First, the person answering the phone was allowed to interpret this question differently. Did they mean how many people this week, this month, this shift? Who is a part-time worker? Varying interpretations of this question allowed different answers from the same restaurant over the period of the study. The data Card and Krueger collected show incongruous results. For example, a Wendy's restaurant went from 35 employees (zero full-time, 35 part-time) to 65 employees (35 full-time, 30 part-time). Other restaurants show strange results as well.

Second, they simply divided the number of part-time employees by two and added them to the number of full-time employees. This method of estimating employment effects cannot accurately estimate the effects of higher minimum wages. Restaurant managers simply could have responded to a higher minimum by forcing employees to accept fewer hours.

The best data Card and Krueger could have obtained from these restaurants were hours worked. However, they did not obtain that data. Another set of economists, Dr. David Neumark and Dr. William Wascher, obtained the payroll data from the restaurants Card and Krueger surveyed. When Neumark and Wascher calculated the numbers, using the identical statistical methodology of Card and Krueger, they found the exact opposite of Card and Krueger. Card and Krueger found that restaurant employment in New Jersey rose, while restaurant employment in Pennsylvania fell. Neumark and Wascher found that employment in Pennsylvania rose more rapidly than employment in New Jersey. A Presidential Commission found in 1980 that teenage employment fell one to three percent for every ten percent hike in the minimum wage. The difference between Pennsylvania and New Jersey was exactly within that range.

The Card and Krueger study has collapsed. The foundation of the Administration's argument for higher wages has fallen apart. Raising the minimum wage destroys jobs. Only by doing sloppy research can economists arrive at another answer. The Card and Krueger fiasco is an example when inadequate research is used to buttress unwise policy.

The minimum wage is an example of misguided compassion. It is a policy that hurts those it is intended to help. We have too many policies from Washington that are detrimental to America's citizens. Effective compassion requires a government that assists its citizens in acquiring the skills necessary to provide for themselves and their families. It requires a government that allows workers to keep more of their income through lower taxes. It requires a government that encourages economic growth through less government spending and less regulation. It is time to measure compassion by our efforts to minimize the number of Americans receiving federal aid—not by the amount of government largesse. Raising the minimum wage fails to live up to its promise of assisting the poor.

TRIBUTE TO KEYSTONE FUTURE FARMERS OF AMERICA

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1996

Mr. GILLMOR. Mr. Speaker, I rise today to recognize an outstanding student organization within my congressional district. Members of the Keystone Future Farmers of America captured fifth place in both the national poultry contest and national nursery-landscape contest held in Kansas City during the National FAA Convention last November. A total of 44 nursery-landscape State championship teams and 33 poultry State championship teams entered the competition.

In nursery-landscape the team posted 2,264 points and was edged out of the national title by Bear Creek, NC, who posted a winning score of 2,558. Individually 2 members were in the top 20 with Matt Kappan placing 18th with 779 points and Keith Diedrick scoring 771 points for 20th place. Brad Smith scored 713 points to round out the team scoring.

Members of the poultry team placed 3 members in the top 20 posting a team score of 2,409 and was edged out the by national champion Latrina, TX, who scored 2,570 points. Individually, team member Julie Aldrich scored 805 points good for 15th place, Anna Pickworth scored 803 to place 16th. Any Holcomb scored 771 points and placed 36th in overall competition. A total of 176 individuals entered nursery-landscape while 132 took part in the poultry contest.

For teams to qualify for national FFA competition they must win the State contest. In the past 4 years, six teams from Keystone FFA have qualified for the national competition.

I ask my colleagues to join me in honoring the talent and hard work of these students, who under the able direction of Larry Lokai, have set the standard for FFA excellence in Ohio.

WAITING TO HEAR FROM THE SECRETARY OF THE ARMY

HON. JOHN CONYERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1996

Mr. CONYERS. Mr. Speaker, the United States has the best intentions in Haiti but right now it is engaged in an obstruction of justice of the most egregious kind. When a multinational force restored democracy to Haiti the United States Military seized thousands of documents from the Haitian Military headquarters and from the headquarters of FRAPH, a violent paramilitary organization. Over a year and a half after they were taken, the Department of Defense still has not returned them, and the State Department is still supposedly negotiating their return. The seized documents are desperately needed today to collect information about human rights violations that took place while the elected president, Jean-Bertrand Aristide was in forced exile.

On December 1, 40 Members of Congress wrote the following letter to President Clinton, calling for the release of the documents:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 1, 1995.

President WILLIAM JEFFERSON CLINTON,
The White House.

DEAR MR. PRESIDENT: Just over a year ago, we celebrated the restoration of democracy to Haiti with the return of its duly elected President, Jean-Bertrand Aristide. Your role as president was crucial to this occurring. The re-establishment of the legitimate government of Haiti followed three years of a murderous military regime. Recent press accounts have discussed how the Pentagon is now holding tens of thousands of pages of documents taken during the restoration of government, and has yet to return them. We seek a complete account of all documents and their immediate return to the Haitian government. This is not only normal and appropriate, but expected in the relations between the two friendly nations. The documents should include any and all that may pertain to the Central Intelligence Agency, the Defense Intelligence Agency, or any other part of the United States Government.

There is absolutely no justification why these materials should be in the hands of our government now that the legitimate government of Haiti has been restored. The fact that these documents have been withheld obviously raises questions about the level of collaboration between elements of the American government and the former military regime.

These documents are necessary to the government of Haiti if it is to make sense of what happened during the three years of President Aristide's forced exile. We should be comforted by President Aristide's enlightened policy of reconciliation that has been the hallmark of his new government. Nevertheless, Haitian investigators must have full knowledge about the sources and causes of the pain and bloodshed during the rule of the military junta if Haiti is to be reconciled and to move forward.

The United States must satisfy its responsibility to meet the Haitian government's right to the ownership of these documents. To deny President Aristide the official documents of his insubordinate military is an insult to this new democratic nation. Anything short of a complete return of all documents also undermines our policy's goals of supporting a thriving, stable, and peaceful democracy in Haiti. It would also undermine the integrity of open democracy in our nation. We might add that history has taught us repeatedly that democracy is not strengthened by concealing what may be embarrassing or what may be inconvenient.

We expect that you will facilitate the immediate return of all the aforementioned documents.

Sincerely,

John Conyers, Jr., Carrie Meek, Julian Dixon, Alan Mollohan, Jim Traficant, Marcy Kaptur, Nancy Pelosi, Eva Clayton, Kweisi Mfume, Barney Frank, Ron Dellums, Joe Moakley, Paul Kanjoriski, Cardiss Collins, Dave Bonior, Sheila Jackson-Lee, George Brown, John Lewis, Louis Stokes, George Miller, Maurice Hinchey, Bennie Thompson, Martin Sabo, Peter DeFazio, Joe Kennedy, Henry Gonzalez, Victor Frazer, Neil Abercrombie, Bobby Rush, Eliot Engel, Major Owens, Eddie Bernice Johnson, Earl Hilliard, Ed Towns, Donald Payne, Sam Gibbons, Chaka Fattah, Bernard Sanders, Vic Fazio, Nita Lowey.

A few days later, Members of the Congressional Black Caucus had a meeting with the Haitian Ambassador Jean Casimir. Then we met with the State Department Haiti Coordinator, Ambassador James Dobbins, who has since moved on to the National Security Council. At both briefings, we learned that the administration intended to return the documents and materials. Soon thereafter, the U.S. government offered the Haitian Government incredibly onerous terms for return which the Haitian Government rejected.

On January 30, two dozen members of Congress joined me in writing to President Clinton again and demanding the release of these documents. That letter follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 30, 1996.

The PRESIDENT,
The White House.

DEAR MR. PRESIDENT: We are writing to you regarding the Haitian documents and materials still in possession of the United States Government. The restoration of democracy in Haiti has been a hallmark of your foreign policy success and we are enthusiastic supporters of this policy and your ongoing attention towards Haiti. We applaud the release of some of the documents, but the continued retention of those remaining troubles us because it is frustrating the judicial process in Haiti. Therefore, we urgently request a meeting with you as soon as possible.

Many of us first wrote to you about this matter on December 1, 1995, and were encouraged by your administration's announcement that the documents would be released. Nearly two months later, they still have not been returned. Surely this is far longer than is required to resolve any logistical requirements necessary for the secure transfer of such materials. The Government of Haiti needs these documents if it is to understand what happened during the years of President Aristide's forced exile, to continue the process of disarmament, and to fully investigate the crimes of paramilitary groups such as FRAPH. Return of the documents is especially urgent in light of the pending extradition of FRAPH's leader, Emmanuel Constant.

In your eloquently delivered State of the Union address, you pointed out that "in Haiti the dictators are gone, democracy has a new day." The inauguration of a new president in Haiti on February 7 promises a new era of peaceful transition of power. However, the challenges of disarmament and judicial inquiry remain. An important way of assuring that these processes continue is to return the Haitian documents and materials. There is no excuse for the intransigence of elements of the United States Government who are obstructing the rule of law the United States and the Multinational Force helped restore to Haiti. Doing so interferes with the young spirit of democracy and reconciliation in Haiti and contradicts the old tradition of democracy and openness in America. We look forward to meet with you to discuss these matters in full detail.

Sincerely,

John Conyers, Major Owens, Cynthia McKinney, Harold Ford, Barbara-Rose Collins, Bennie Thompson, Ronald Dellums, Louis Stokes, Carrie Meek, Eleanor Holmes Norton, Donald Payne, Alcee Hastings, Sheila Jackson-Lee, Earl Hillard, Sanford Bishop, Albert Wynn, Corrine Brown, Bernie Sanders, Victor Frazer, Jim Clyburn, George Miller, Xavier Becerra, Peter DeFazio, George Brown, Barney Frank, Luis Gutierrez.

But the seizure of the documents took on a whole new meaning when the New York Times reported on February 6 that during the invasion American troops were told by superiors that FRAPH was a legitimate opposition group. They were told this despite the fact that Pentagon and State Department officials knew that FRAPH was a group of bloodthirsty thugs, and that it had been linked to thousands of murders.

This raised a number of troubling questions. For example, why were US troops deliberately misinformed? Why was there such a stark contrast between stated policy and action? Why were the documents taken in the first place? If the documents were taken to protect our troops, why haven't they been returned since, and why weren't they shared with other troops? I decided to put some of these questions to my good friend, the Honorable Togo West, the Secretary of the Army. I am submitting my letter to Secretary West for the RECORD.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, April 12, 1996.

Hon. TOGO D. WEST, Jr.,
Secretary of the U.S. Army, The Pentagon, Washington, DC.

DEAR TOGO: I know you are aware that our relations with haiti are of great concern to me. I have traveled there many times over the years, most recently with Ambassador Madeleine Albright to witness that nation's first peaceful transfer of power as the democratically elected Rene Preval was sworn in as president. While this was cause for celebration, difficult challenges for Haiti remain.

One of the most pressing issues facing Haiti is to establish security among the people and confidence in the new justice system by investigating human rights crimes and continuing the disarmament process. I am concerned that the United States is not doing everything it could to advance these goals. While the Republican Congress is preoccupied with a few select murder cases, new gangs and paramilitary organizations threaten a new surge of vigilante violence because their weapons have not been taken away. News reports from Haiti indicate as many as ten armed anti-democratic gangs are currently operating.

During the restoration of democracy to Haiti in the fall of 1994, the U.S. military seized photographs, thousands of pages of documents, and other materials from the Haitian Army (the FAH'd), the headquarters of the Front for Advancement and Progress of Haiti (FRAPH) and other locations. I am well aware of the ongoing discussions between the United States Government and the Government of Haiti to arrange for the return of the Haitian documents.[1] I have written two letters to President Clinton about this matter, signed by a cumulative total of 50 members of Congress. I believe that a return of these materials could make an important contribution to the establishment of peace and justice in Haiti.

This letter, however, is a request for information about the directives that were given prior to the seizure of the documents and materials and what happened in the period after they were taken. Since the U.S. Army constituted a large proportion of American involvement in the multinational operation in Haiti, I thought you would be able to provide me with some details about the actual seizure of the documents and the decisions leading up to that action. Specifically, I would like to know (1) generally what troops were told to look for by commanding officers before the searches; (2) which locations were searched and if a complete list of these sites is available; (3) if SALUTE forms or other inventories are available describing everything that was found; and most importantly, (4) what the established priority intelligence requirements and information requirements were.

I understand that captured enemy material is an important element of intelligence, and that seizure of CEM is vital to gaining information about the adversary. In meeting that requirement, it seems to me that the armed forces involved in the seizures did an admirable job. The seizures in Haiti are a special case because they occurred during a multinational operation. The "Joint Doctrine for Intelligence Support to Operations" (Joint Pub. 2-0) notes in its chapter on multilateral operations that ". . . nations should share all relevant and pertinent intelligence about the situation and the adversary to attain the best possible common understanding of the threatened interests, determine relevant and attainable objectives, and achieve unified efforts against the adversary." I am a strong supporter of the United Nations and the UN is of course facing increased skepticism in the United States. Therefore my fifth and final request is to hear—from the Army's perspective—how information contained in the seized materials was shared with other members of the multilateral forces and how that contributed to the successful prosection of the overall mission.

The restoration of Haiti's legitimate government was a great success for the cause of democracy in general and the foreign policy of President Clinton in particular. UN Secretary General Boutros Boutros-Ghali, who I met with yesterday, agrees with me and I know you do too. For that reason, I hope you will assist me in my effort to learn more about our operation in Haiti. I look forward to hearing from you, and I hope you will personally contact me if you have any questions.

Sincerely,

JOHN CONYERS, Jr.,
Member of Congress.

I will have a copy of today's CONGRESSIONAL RECORD for May 24, 1996, delivered to his office in case my letter was lost before. I look forward to my good friend's response.

[From the New York Times, Feb. 6, 1996]

CABLES SHOW U.S. DECEPTION ON HAITIAN VIOLENCE

(By Larry Rohter)

PORT-AU-PRINCE, HAITI, February 5.—In the months after the United States invasion of Haiti, American officers repeatedly told their troops that the country's most dreaded paramilitary group was actually a legitimate opposition political party. "They're no different from Democrats or Republicans," soldiers in Haiti dutifully echoed when asked about their instructions.

But a review of classified cables sent by the American Embassy in Haiti to the Defense and State Departments shows that for a year before the invasion in September 1994 the Pentagon knew that the official version was not true.

Within weeks of the founding of the Front for the Advancement and Progress of Haiti, the papers indicate, American intelligence agencies had concluded the group was a gang of "gun-carrying crazies" eager to "use violence against all who oppose it."

"All over the country, Fraph is evolving into a sort of Mafia," a cable from the office of the American military attaché in Port-au-Prince warned in the spring of 1994, using the group's acronym. "Its use of force to intimidate and coerce is sanctioned by the local military, which derives both political and especially material benefits from their relationship."

With United States troops now in Bosnia pursuing some of the same objectives as in Haiti, the documents raise questions about the soliders' mission, the information they are given by superiors and the action they take in the field.

Human rights observers and others who have seen the papers say they also raise the question whether the military ordered American troops to ignore human rights abuses committed before they arrived.

What remains uncertain is why the Pentagon took a public stance clearly at odds with the classified information it had collected in Haiti.

A Pentagon official denied today that there was any conflict between the official position and the inside information: "If daylight is perceived between our public and private perceptions, that's wrong. We agreed on what Fraph was. Fraph was a political movement, but clearly a political movement with a substantial thug element to it. It was clear to us that Fraph represented a potential threat. That didn't change. There were efforts, clearly, in the initial weeks of the intervention to calm the rhetoric and reduce the likelihood that there would be violent confrontations—and that was relatively successful."

Ira Kurzban, an American lawyer who has reviewed the cables on behalf of the Haitian Government, said, "There is absolutely no ambiguity in these documents with respect to the fact that Fraph was an instrument of repression under the control of the Haitian military."

In a telephone interview from the Maryland jail where he is being held for deporatation, Emmanuel Constant, the founder of Fraph, said that from the moment American troops landed he was under pressure from the United States military to help it maintain "a form of balance in Haiti" between groups supporting President Jean-Bertrand Aristide and those opposing him.

Mr. Constant said he was told by the American military early in October 1994 that "I should ease up the tension and avoid confrontation" by "giving a speech in which I promised to be a constructive opposition to Aristide." That speech was delivered soon afterward, and Mr. Constant maintained it "was approved by the U.S. Government, by the embassy people" in advance.

---

[1] I commissioned a Congressional Research Service study by the American Law Division which determined that according to the Foreign Relations Law of the United States and international law as interpreted by the United States, the seized documents clearly belong to the legitimate government of Haiti. The opinion also noted that their seizure and retention is a departure from these norms.

In the interview, Mr. Constant acknowledged that he had been an informant of the Central Intelligence Agency before the American invasion but said he now feels betrayed "They have the wrong man in jail," he said.

Haitian Government officials and foreign diplomats here said it appeared the Defense Department and American intelligence agencies were acting to weaken Mr. Aristide, whom they had long distrusted. These officials suggested that United States Government agencies may also have been trying to protect Haitian informants who might be useful in the future but had been discredited by the collapse of the military dictatorship that overthrew Mr. Aristide.

In separate raids on the headquarters of Fraph and the Haitian armed forces after the invasion, American troops seized more than 150,000 pages of official documents, which were taken to the United States. Haiti has demanded their return.

Several hundred pages of United States documents relating to Fraph were obtained last year by the Center for Constitutional Rights for a suit filed in Federal Court in Brooklyn by Alerte Belance, an Aristide supporter now living in New Jersey. She says the group abducted her in Haiti in 1993 and attacked her with a machete, cutting off one of her arms, an ear, and parts of her nose and tongue before leaving her for dead.

Human rights groups say such brutality was typical of Fraph, which they hold responsible for many of the more than 3,000 deaths during Mr. Aristide's exile, from 1991 to 1994.

The Center for Constitutional Rights has filed a motion for a default judgment against Fraph, which has failed to respond to the suit. But Ms. Belance's lawyers have asked the presiding judge to delay any award of damages until their client obtains additional documents, including tens of thousands of the pages seized by American troops from Fraph's headquarters.

"These documents are relevant to establish that Fraph was acting under color of official authority when it carried out the torture of Alerte Belance, and therefore violated international law," the Center for Constitutional Rights contended in court papers filed last month.

Cables that have already been declassified by the Defense Intelligence Agency as part of the suit indicate that American intelligence agencies had a broad network of informants both within the Haitian armed forces and Fraph. In public, however, all parties denied that they were connected.

Soon after Fraph was formed, a State Department cable on Oct. 28, 1993, concluded, "Their effectiveness is a function of the willingness of their patrons" in the Haitian Armed Forces "to use intimidation and violence (carried out by armed civilian attachés) to 'enforce' their political initiatives."

By December, the military attaché in Port-au-Prince was warning the Pentagon that repression by Fraph in Haiti's southern peninsula "has increased considerably."

When in the spring of 1994 American officials began interviewing refugees who had fled by sea, they obtained an even clearer picture of Fraph's violent methods. Some testimony came from Fraph members who said they had fled in disgust.

"When they kill and rape people, we (new members) are forced to sit and watch," a cable quoted a former Fraph operative as saying, adding, "He also related that later in the initiation process you are forced to participate in the killings and rapes."

But that information was apparently withheld from American troops after they intervened on Sept. 19, 1994, to restore President Aristide and his Lavalas movement. Radio broadcasts to Special Forces units in the Haitian countryside, for example, described Lavalas and Fraph as competing political parties equally dedicated to the country's well-being.

The documents suggests that the American military's willingness to work with Fraph began to diminish only after a radio conversation between Mr. Constant and other leaders of the group was intercepted. According to a cable sent on Oct. 3, 1994, they were "threatening to break out weapons and begin an all-out war against the foreigners" and "named an American official as their first target."

By January 1995, the State Department was denying that the United States had ever treated Fraph as anything but thugs. The Secretary of State's office said of Fraph in a cable to the American Embassy in Haiti, "We viewed it as basically a rent-a-mob group financed by the military for recruiting purposes and dependent upon the military leaders' ability to punish/reward." In addition, the unclassified cable said, "we appreciate the embassy's consistent hard line on Fraph and strongly endorse the embassy's latest clarification of our position."

TRIBUTE TO NELSON "NELLIE" HAGNAUER

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1996

Mr. COSTELLO. Mr. Speaker, I rise today to pay tribute to a great American, a dedicated public servant, a devoted family man, and a good friend, Nelson "Nellie" Hagnauer of Madison County, Illinois.

Nellie passed away last Saturday, May 18, at his home in Granite City. In the days ahead, the thoughts and prayers of Nellie's friends are with his family—Bernie, Nip and Mary, Susy and Ron, Jamie, Molly, Ched and Janet, Ruth, and other relatives who loved and will always love Nellie Hagnauer.

Nellie was an outstanding public servant. He served on the Madison County Board for 41 years, 24 as its chairman. He was also the Granite City Township Supervisor, serving in that position since 1961, and was elected chairman of the Madison County Transit District, serving in that position since 1988.

He was always humble about his accomplishments and service, but his legacy to the people of Madison County and the entire region is enormous. Nellie spent most of his life in public service—or as he called it, "politics"—and he loved every minute of it.

He knew what Tip O'Neill knew, that all politics is local. He was proud to be the Democratic Committeeman in his precinct, proud to be the county board member from his district, and to serve the people of Granite City as their township supervisor.

Nellie was recognized throughout the state by leaders in government, politics, and business as a man with significant power in the state, county and region. People wanting to run for national and statewide office came to Nellie to seek his advice and counsel. I know—I was one of them.

Nellie always used his power to help other people, and his influence can be seen throughout this entire region. As he often said, it was his desire to be firm, but fair.

It was Nellie's vote on the East-West Gateway Coordinating Council, where he had served as Chairman, that helped bring MetroLink light rail to the region. It was Nellie's willingness to get involved that helped us save Scott Air Force Base and keep the Charles Melvin Price Support Center open in Granite City. And, it was Nellie who pushed me to bring Federal funds "home" for a new Clark Bridge in Alton.

Locally, Nellie's leadership was responsible for the new county Administration building, and a new county jail in Edwardsville. And, because of his dedication as head of the transit district, we have excellent transit service for the people who need it in Madison County.

And, let's not forget the Township Building. He was so proud that he was able to bring a new building for the people of Granite City Township—particularly for the senior citizens—they held countless events in it since its opening in 1978.

I guess what I admired about Nellie Hagnauer as much as anything was that Nellie was always Nellie. If he was being inducted into the Softball Hall of Fame, sitting at his desk in his Edwardsville or chairing a county board meeting, he never changed. Not even in a meeting at the State House, or at the White House with President Clinton, or for that matter, needling his friends at a local get-together—Nellie was always Nellie.

The only thing he loved more than public service or politics was his family and friends, in that order. He never forgot where he came from or the people who helped him along the way. We will remember him for who he was, as a public servant, husband, father and grandfather—and as a good friend.

Mr. Speaker, several of my colleagues in the Illinois congressional delegation knew Nellie Hagnauer as well, and I know they join me in asking the other members of the United State Congress to recognize the contributions of one decent, honorable and hardworking man—my good friend, Nellie Hagnauer.

DAVID ANTHONY BERONIO

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1996

Mr. MILLER of California. Mr. Speaker, on rare occasions there are individuals who so distinguish themselves over their lifetime that it is appropriate and fitting to take a few moments to recognize them and the contributions they have made and continue to make to the great American experience. David Anthony Beronio of Vallejo, CA, is just such a distinguished American. Let me share a few insights and thoughts on this man who recently celebrated his 75th birthday, a man who has led a life filled with the fascinating spirit of adventure and contributions to his community and country.

As many of my colleagues know, Dave Beronio is a renowned sports reporter, illustrator, and motivational speaker. Over the past 57 years he has honed his combination of crafts into an art form without peer or rival. He is a teller of stories about sports and life which has enriched the lives of countless others.

Picture, if you will, that very special area of the famed Candlestick Park where a few giant white stars are painted. This is alumni corner, but for the die hard fans of the San Francisco Forty-Niners it may as well be the hall of fame. It is the place where the greats of the game are remembered, the hall of famers, all pros and other outstanding players who have made a major impact on the team and the fans. There is only one name on that great wall, Mr. Speaker, one name that was never sewn on the back of a jersey. One name that was not assigned a number in the program. Yet there it is on a giant white star—Dave Beronio.

The early indications of a great reporter showed in Dave Beronio during his high school years in Vallejo where he excelled in academics and sports—especially football, track, and his real passion, boxing. It was during this time that he began working part time for the Vallejo Times Herald, a job that would become full time after graduation and a lifetime vocation for the next 57 years.

World War II interrupted Dave's budding career and in 1942 he joined his fellow Americans in service to his country. As might be expected in a life such as Dave's one of his early assignments in the military was to the famed Hollywood Canteen with young starlets of the day such as Veronica Lake and Ava Gardner.

It wasn't long, however, before Dave was assigned as a gunner on a newly formed B-17 crew and shipped to England to become part of the 94th Bombardment Group, 8th Air Force. After completing an extraordinary 35 missions, he was awarded the Distinguished Flying Cross. His crew was returned to the States and Dave was assigned to an Army Air Crops base located near Phoenix, AZ.

It was here that he met Katherine Rentinelli of Akron, OH. They were married in 1945, when Dave was discharged. Later that year, he and Kay returned to Vallejo, CA and his job at the Vallejo Times Herald. Together they began a loving family that would eventually include sons David, Ronald, and Barry.

Dave was soon promoted to the position of sports editor and began his now trademarked style of not only reporting on the event but also drawing a sports portrait of not only reporting on the event but also drawing a sports portrait of the week's outstanding athlete. He retained his athletic talent over the years and became a speed partner in sparing drills with such boxing legends as Joe Louis, Archie Moore, Joey Maxim, and Ezzard Charles. A good reporter as well as a good boxer, Dave would have these champions sit after the workout for interviews and to be sketched.

That kind of hands-on reporting, Mr. Speaker, is what separated Dave Beronio from his peers. He not only observed, he did. And in doing so, he gained the respect and appreciation of both athlete and reader. He has a unique insight into the mind and emotions of the sports champion, and it has shown in his writing, illustrating, and story telling for over half a century.

Dave Beronio has taken this talent around the glode to Olympic Games, Super Bowls, World Series, and Rose Bowls, and he has always brought the spectacle and feeling home to the reader and listener. He is, after all, a teller of stories.

Dave Beronio illustrations of the sports legends of this century each tell a story. They appeared in numerous national publications and have been lithographed into prized limited editions. Always the lover of community, Dave frequently donates these limited editions to charities for auction where they have raised thousands of dollars.

To this day Dave Beronio remains in demand as a motivational speaker, energizing his audience with the excitement and spirit of his life. He should know, for he has lived life to the fullest.

Mr. Speaker, I ask my distinguished colleagues to join me in wishing the very best to Dave Beronio on his 75th birthday, a man who has given his very best for so many years, enriched the lives of so many, and contributed so much to our American culture.

DOCTORS WITHOUT BORDERS REPORT ON CHECHNYA

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1996

Mr. SMITH of New Jersey. Mr. Speaker, I noticed in the news that President Yeltsin has vowed to go ahead with a trip to Chechnya some time before the Presidential elections in June. As our colleagues are aware, Moscow has tried to reestablish control over the breakaway North Caucasus region by unleashing a brutal war against not only combatants, but also against thousands of noncombatants, Chechen and Russian, alike.

Mr. Yeltsin says that he intends to go to Chechnya despite assassination threats. I truly hope there won't be any such attempts, but it must be admitted that the people of Chechnya have reason to be bitter about the fate of their homeland. While Chechen irregulars have committed their share of atrocities, there is emerging from Chechnya a frightening picture of the Russian Army degenerating from an organized military force into a band of barely controlled brigands.

The Commission on Security and Cooperation in Europe, of which I am proud to serve as chairman, held congressional hearings on the situation in Chechnya earlier this year. At these hearings, Russian Duma member and prominent human rights advocate Sergei Kovalev described the continuing depredations by the Russian military against civilians. In his words, "45,000 innocent persons" killed in the war is "too high a price to pay for punishing [the late Chechen leader Dzhokar] Dudaev."

Mr. Speaker, in this connection, I would note that the Commission on Security and Cooperation in Europe recently received a disturbing report from the well known international humanitarian organization Doctors Without Borders, drawing attention to the deteriorating human rights situation in Chechnya. This report, "Civilians Targeted," documented the systematic bombing and killing of civilians by the Russian military in Chechnya, which, according to the report, has actually increased following President Yeltsin's announced peace initiative in March.

I would list a few of the activities engaged in by the Russian military, as witnessed by Doctors Without Borders teams.

Whole villages, including hospitals, schools and mosques, continue to be targeted, in blatant violation of the Geneva Conventions and other international agreements, to which Russia is a signatory.

The Russian military extorts money from Russian civilians in exchange for safe passage out of villages under attack.

Newly secured towns and villages are systematically looted and cattle are either killed or stolen.

Civilians are systematically denied the right to humanitarian assistance and humanitarian relief organizations are denied access to the areas in greatest need, often long after a military offensive is over.

The Russian military has consistently failed to respect the neutrality of hospitals and clinics, both in areas of intense military activity in the center of the country and in the capital Grozny, where the Doctors Without Borders hospital is under regular sniper fire.

These are a few of the blatant violations of accepted rules of warfare and humanitarian conduct cited in the report.

I think we can safely assume that Mr. Yeltsin's advisors have not provided him with a Russian language copy of the Doctors Without Borders report on his army's actions in Chechnya. There certainly have been indications that the President's advisors and military commanders have not been supplying him with entirely accurate information regarding the state of affairs in that war-torn region.

However, I have yet to hear anyone doubt Mr. Yeltsin's personal courage. Perhaps he will leave the secure confines of the Severny airport on the outskirts of Grozny and see what sort of peace his military is promoting in Chechnya.

I wish him a safe and instructive trip.

MEMORIAL DAY, 1996

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1996

Mr. STUMP. Mr. Speaker, Memorial Day leaves few hearts unmoved in recalling the sacrifices made by brave men and women who died in the defense of freedom and democracy. Memorial Day is not about war or peace, nor is it about a battle or an armistice. Memorial Day is about people—those who have lived, and those who have died.

There are no words to adequately describe the supreme sacrifice made by brave Americans who have died in the defense of our country. Words in the context of why we honor their memory, pale in comparison to the ultimate deeds that men and women have done for those of us now living in a free world.

What we can do for them, is to sustain the memories of their heroism—with respect, with reverence, and with our heartfelt admiration. Humble words can never repay the debt we owe these brave men and women, yet we can strive to keep faith with them and to uphold their vision of righteousness, which led them into battle and to their final sacrifice. We are, after all, the caretakers of their memory.

The determination and courage shown by countless Americans who have fought and died in battle, is symbolized in a myriad of monuments and memorials, each commemorating the deeds of untold Americans whose remains sanctify the soil throughout the world. Those who have died and those who are still missing deserve our perpetual contemplation.

President Lincoln knew this when he dedicated those hallowed grounds at Gettysburg on that cold November day in 1863.

We have come to dedicate a portion of that field, as a final resting place for those who here gave their lives that a nation might live. It is altogether fitting and proper that we should do this. But in a larger sense, we cannot dedicate—we cannot consecrate—we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it far above our poor power to add or detract. The world will little note nor long remember what we say here, but they can never forget what they did here.

In World War I, America made the world safe for democracy and helped create a promising new world from the ashes of defeat. In World War II, faced with the single greatest threat to civilization the world had ever known, magnificent young Americans fought to extinguish the flame of tyranny throughout the world. America provided freedom loving people mired in a dark sea of despair, a beacon of hope and faith sustaining their anticipation of victory over oppression.

In Korea and Vietnam, Americans helped stem the tide of totalitarianism, which directly led to the demise of Communism and our ultimately victory in the cold war. Today, America is the guardian of democracy. Americans continue to demonstrate our resolve as the sentinel of freedom in Lebanon, Grenada, the Persian Gulf, Haiti, Somalia and the Balkans.

It is up to us the living, the beneficiaries of their sacrifice, to commemorate the deeds of those whom we confer the epithet of patriot.

Those who have served in combat understand the unique experience of war. Each has seen the devastation of property and the horror of death. Each has experienced the sadness of the loss of a friend and understands the grief of families who have lost a loved one. To this day, many share in the anguish of those who don't know the fate of a friend or a loved one missing in action. We all stand together as comrades in arms.

How can we convey our appreciation for the meaning of this day to those who have never served?

Education connects future generations of Americans with the battles fought by their parents and their grandparents. Each generation must be taught that the willingness of some to sacrifice their lives so that others might live in freedom, is the eternal legacy of all who have honorably served our country in wars past.

For it is this history which teaches us that brave Americans who were willing to give their lives for freedom and democracy, did so for a cause they considered infinitely more important than life. None volunteered to die. Each volunteered to defend the values which brave men and women have always been willing to die for. Those values passed on to each generation of Americans are to advocate honor, to strengthen the family, and to defend our country and our flag.

Memorial Day is a national day of respect. As we honor the memory of our Nation's veterans and war heroes who are no longer with us, let us pledge that their lives and their sacrifice shall not have been offered in vain, but will be remembered by us all forever.

TRIBUTE TO RON PETERSON ON THE OCCASION OF HIS RETIREMENT

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1996

Mr. GILLMOR. Mr. Speaker, it gives me great pleasure to rise today and pay tribute to an outstanding citizen of Ohio. After 30 years of dedicated service delivering the U.S. mail in Port Clinton, Ohio, Letter Carrier Ron "Pete" Peterson is hanging up the mail bag for good. I am especially thankful for Ron's dedication because he has been delivering to my family and friends along Sand Road for almost 28 of his 30 years.

We have often heard that America works because of the unselfish contributions of her citizens. Ron is an Air Force veteran, serving for 7 years. He has continued this service for his country through the United States Postal Service. Over the years, Ron has set the standard for dedication to duty and he is an example to others.

Anyone who knows Ron Peterson knows he is an avid fan of the Buckeyes, Indians, and Cavaliers. His enthusiasm for sports is matched by his knowledge and appreciation of jazz music. He has been extremely helpful to scores of colleagues and residents alike and has always provided positive leadership for the Post Office.

Sometimes the only compensation you get for the extra time and effort put into your career is the thanks and appreciation you receive from the community. By that standard, Ron Peterson is indeed a wealthy man. I ask my colleagues to join me in extending a special thanks to Ron Peterson and recognize the example he has set for others. I know his friends and family are proud of his career and wish him well as he enters this new chapter of his life.

FUNDRAISER ADMITS MISHANDLING OF ILLEGAL CAMPAIGN CONTRIBUTIONS FOR INDIAN EMBASSY

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1996

Mr. CRANE. Mr. Speaker, on Thursday, May 9, 1996, the Baltimore Sun ran an article reporting that Lalit H. Gadhia, a major political fundraiser in Maryland, confessed to laundering over $46,000 in illegal political contributions from the Indian Embassy. Gadhia, former campaign treasurer for Maryland Governor, Parris Glendening, and a Baltimore immigration lawyer, confessed to the scheme in the U.S. District Court in Baltimore, according to the report. According to the report, Mr. Gadhia used money provided by the Embassy through an operative named Devendra Singh to reimburse friends and associates for campaign contributions to pro-India members of Congress and a political action committee known as the Indian-American Leadership Investment Fund. It is illegal for anyone who is not a citizen to make a political contribution, and it is illegal to falsify the name of the contributor. Yet Indian Embassy spokesman Shiv Mukherjee is quoted in the article as saying that "the Indian Embassy operates fully within the bounds of diplomatic propriety." The words of the Embassy are clearly at odds with its actions.

The Embassy officials in charge of the scheme, former Ambassador S.S. Ray and former Embassy staffer Devendra Singh, have both returned to India. Mr. Ray was a losing candidate for Parliament in the recent elections and Mr. Singh holds a high-ranking position with the Rajasthan state police. The new ambassador, Naresh Chandra, brought his brother, Girish Chandra Saxena, to the Embassy with him. Girish Saxena is a former head of India's Research and Analysis Wing [RAW], which infiltrated Sikh temples throughout Punjab, Khalistan, in June 1984, in which over 20,000 Sikhs were killed. Ambassador Chandra himself has recently been implicated in illegal smuggling of CFC's from India to the United States, according to published reports. CFC's have been banned in the United States since January 1. According to the Customs Service, CFC's are now the No. 2 problem after illegal drugs.

In a press conference on February 19, 1995, Indian foreign Minister R.L. Bhatia said, "There is a strong anti-India lobby in the United States. We are spending large sums of money through Ambassador Ray to neutralize it." Now we know how the regime was spending that money. While the Members who received these contributions did not know that they were illegal, they know now, and I call upon those Members to return the money. I urge you to cosponsor House Concurrent Resolution 32, which calls for self-determination for Khalistan, and H.R. 1425, which will cut off U.S. aid to India until human rights are respected.

These illegal political activities are just one more demonstration of the moral bankruptcy of the recent regime. Some of us spoke out when former Ambassador Ray was caught endorsing a candidate in the South Dakota Senate race and attacking one in New Jersey. Once again the Embassy is inappropriately involved in U.S. politics. I know I speak for many members of this House when I say that I hope the new Indian Government will correct these practices. I am introducing into the RECORD articles from the May 9 issues of the Baltimore Sun and the Washington Times about the Gadhia case.

[From the Baltimore Sun, May 9, 1996]

CAMPAIGN FUND-RAISER ADMITS GUILT

(By Jim Haner and Mark Matthews)

A prominent fund-raiser for Maryland Democrats pleaded guilty yesterday to election fraud in a scheme to launder at least $46,000 in illegal campaign contributions he received from an official at the embassy of India in 1994.

Lalit H. Gadhia—a 57-year-old immigration lawyer and former campaign treasurer to Gov. Parris N. Glendening—confessed in U.S. District Court in Baltimore to his role in the scheme to influence congressional lawmakers involved in foreign-policy decision affecting India.

An immigrant from Bombay, India, who was active in Baltimore's early civil rights movement, Gadhia now faces up to five years in prison and $250,000 in fines. Sentencing is scheduled for this summer.

Prosecutors say the case against Gadhia is one of only a handful of cases in which foreign citizens or governments have been linked to illegal campaign contributions in a U.S. political race, and may be the first time an official of a foreign embassy has been implicated.

"The fact that the money came from the Indian Embassy and that so many people were manipulated into participating in the scheme takes this case to a higher level than we normally see in these kind of investigations," said U.S. Attorney Lynne A. Battaglia. "Obviously, we have not seen a case like this in Baltimore before."

Among those who received the illegal funds were four members of the Maryland delegation and congressmen in Pennsylvania, New York and Ohio. According to documents filed in the case, federal authorities could find no evidence that any of the recipients was aware of the true source of the contributions.

"The campaign assumed that these were appropriate contributions," said Jesse Jacobs, press secretary for Sen. Paul S. Sarbanes, the Marylander who is the third-ranking Democrat on the Foreign Relations Committee. Mr. Sarbanes received $4,500 of the questionable contributions.

Other Maryland Democrats who received $3,000 contributions each were Reps. Benjamin L. Cardin and Steny H. Hoyer and former Rep. Kwesi Mfume.

In all, 19 Democratic candidates nationwide got the money shortly before the 1994 elections through a network of prominent Indian-American businessmen in Maryland, their families and employees of their companies. The donors then were reimbursed by Gadhia, who admitted yesterday that he used money from a minister at the Embassy of India in Washington.

Under Federal Election Commission rules, it is illegal for noncitizens to make political contributions or for anyone to make donations in another person's name. But Gadhia never informed donors that the money was coming from India—or told them that it was a crime to accept reimbursement for a donation.

"The vast majority of people in the Indian-American community nationally are going to be appalled by this," said Subodh Chandra, 28, a Los Angeles lawyer who heads a political action committee that unwittingly received at least $31,400 of the illegal contributions for Gadhia.

"We can only hope at this point that these were the acts of a lone bumbler or group of bumblers and not some sort of international intrigue involving the Indian government. Whatever the case may be, it has harmed an immigrant community in this country that has worked hard for political recognition," Chandra said.

The scheme first came to light last year after a two-month investigation by The Sun into Chandra's PAC, the Indian-American Leadership Investment Fund. Federal campaign finance records showed that almost all of the group's money came from Baltimore donors with ties to Gadhia, who then was Glendening's campaign treasurer.

Donating mostly in $1,000 and $500 increments, contributors ranged from prominent Indian-American engineers and doctors to cooks, busboys, students and secretaries who never before had made a political donation.

A half-dozen contributors interviewed said they were paid by Gadhia or his nephew to write the checks, but had no idea the practice was illegal.

Satish Bahl, a part owner of the Akbar Restaurant on Charles Street—where kitchen employees made $13,000 in bogus contributions—echoed other Baltimore donors in saying he now feels badly used by his former friend.

"I had no idea—absolutely no idea," he said yesterday. "We were not aware of the consequences. We were only involved third-hand. We never thought about how far this could go."

Gadhia denied the allegations at the time of The Sun's investigation. But the case against him continued to build last summer as FBI agents issued subpoenas to those who gave to the PAC or who attended fund-raisers held by Gadhia for Maryland congressional candidates, Baltimore Mayor Kurt L. Schmoke and presidential aspirants Bill Clinton and Michael S. Dukakis.

FORMER MD. OFFICIAL

Gadhia was at the height of his political influence, having been rewarded by Glendening with an $80,000-a-year post as his deputy secretary of international economic development. Within days, the governor demanded his resignation.

The allegations of wrongdoing stunned Baltimore's close-knit Indian-American community because Gadhia was its de facto political leader—the man with the golden Rolodex who could produce thousands of dollars in contributions with a round of telephone calls.

Then, on May 8, 1995, FBI agents seized documents from Gadhia's Charles Street office that quickly expanded the investigation beyond the PAC contributions: copies of 66 personal checks attached to an Airborne Express bill of lading.

According to records released yesterday by the U.S. attorney's office in Baltimore, the courier bill was addressed to a minister named Devendra Singh at the "Embassy of India" and it contained checks not only to the PAC but to 12 Democratic lawmakers.

The records enabled the FBI to trace some $46,000 in illegal contributions back to Singh at the embassy, Battaglia said.

Singh, who now is a high-ranking police official in Rajasthan state in India, was minister for personnel and community affairs at the embassy at the time. Among his duties was to reach out to prominent Americans who had immigrated from India and seek their support for the government.

NO "SUCH CONTRIBUTION"

The current minister for community affairs, Wajahat Habibullah, denied that the embassy is involved in trying to influence U.S. foreign policy through campaign contributions.

"I have not made any such contributions," he said, adding that diplomats at the embassy have a budget for entertaining dignitaries but not for political donations. "Certainly it is not part of our work."

But it is not the first time the issue has come up.

India's current ambassador has been in Washington only since April. But his predecessor, Siddhartha Ray, who is now running for Parliament in India, drew harsh criticism from Indiana Republican Rep. Dan Burton for his statements backing certain members of Congress who were known to be strong supporters of India.

"We are very concerned about political activities at the Indian Embassy," Burton's chief of staff, Kevin Binger, said of the Gadhia guilty plea. "We feel very strongly that it should stay out of political races. Any allegation that this is going on should be investigated and made an issue with the Indian government."

Said embassy spokesman Shiv Mukherjee: "The Indian Embassy operates fully within the bounds of diplomatic propriety."

Officially, the State Department had no comment. Privately, however, officials chalked up the illegal contributions that were funneled through Gadhia's Maryland political network to a lack of sophistication in how to influence the American political system.

One official said the Indians had made a fumbling start in their attempt to copy the formidable clout wielded on Capitol Hill by such countries as Greece and Israel, which are aligned with powerful and well-financed Washington lobbies.

India and its supporters in Washington have been extremely vocal in trying to limit U.S. military assistance to India's longtime adversary, Pakistan—most recently, the sale of 38 F-16 fighters.

As the Clinton administration has tried to improve trade and political ties with India while not damaging relations with Pakistan; much of this debate had played itself out before the Senate Foreign Relations Committee and House International Relations Committee.

Federal Election Commission records show that the committee members have become magnets for campaign contributions from Pakistani and Indian immigrants living in the United States—and for Gadhia's laundered contributions.

In addition to Sarbanes, other Democratic committee members targeted were Sen. Charles S. Robb of Virginia, $2,000; Rep. Gary L. Ackerman of New York, $3,000; Rep. Sherrod Brown of Ohio, $3,000; Rep. Lee H. Hamilton of Indiana, $3,000; Rep. Eliot L. Engel of New York, $3,000; Robert E. Andrews of New Jersey, $3,000; and Rep. Howard L. Berman of California, $2,800.

State Department officials said yesterday's revelations were unlikely to do serious damage to U.S.-Indian relations. Nor does the Gadhia case appear to rise to the level of other campaign financing scandals involving foreign nationals.

The Justice Department is investigating the campaign finances of Rep. Jay Kim, a California Republican and the first Korean-American member of Congress.

Since December, four Korean companies—Hyundai Motor America, Korean Air Lines, Daewoo International (America) Corp. and Samsung America—have paid a total of $1.2 million in fines in connection with illegal campaign contributions to Kim that were laundered through company employees.

In 1994, a number of Japanese citizens and corporations paid a $162,225 civil penalty to the FEC for making more than $300,000 in illegal contributions in Hawaii during the 1980s.

Perhaps the most famous episode of foreign intervention in recent history was the Korean scandal of the 1970s, in which a wealthy South Korean businessman funneled hundreds of thousands of dollars in bribes and contributions to U.S. politicians.

Among those caught in the scandal, which implicated more than 30 members of Congress, was Hancho C. Kim, a Maryland businessman. He was sentenced to six years in prison in 1978 for accepting $600,000 in funds from the Korean government to influence members of Congress.

HOW THE MONEY MOVED

Aug. 16, 1993: Indian-American Leadership Investment Fund registers as a political action committee (PAC) with the Federal Election Commission. In first 13 months, it raises $700.

October 1994: Lalit H. Gadhia sends 41 checks totaling $34,900 written by various individuals to the PAC. Between Oct. 30 and Nov. 3, the PAC sends $34,800 to 14 congressional candidates and to the Massachusetts Democratic Party's Victory '94 fund. Federal prosecutors say that Gadhia selected the candidates to receive contributions and that he reimbursed the authors of most of the checks, suing money obtained from an official at the Indian Embassy in Washington.

October-November 1994; Another $15,000 in contributions from individuals is made directly to 12 candidates, including eight who also received money from the PAC. The contributors are reimbursed by Gadhia, using money from the Indian Embassy official.

Dec. 1, 1994: Gadhia sends a report on the use of the campaign funds to the embassy official Devendra Singh.

May 3, 1995: Gadhia resigns as Gov. Parris N. Glendening's campaign treasurer following a report in *The Sun* describing his fundraising activities. He also takes leave of absence from his $80,000 post as assistant secretary of international economical development in the Maryland Department of Economic and Employment Development.

May 8, 1995: FBI searches Gadhia's law office and finds evidence of the scheme to launder illegal campaign contributions.

June 30, 1995: Gadhia resigns his state job.

Yesterday: Gadhia appears in federal court and admits his role in the scheme.

[From the Washington Times, May 9, 1996]

DEMOCRAT GUILTY OF LAUNDERING CONTRIBUTIONS

(By Mary Pemberton)

BALTIMORE.—A Democratic Party activist pleaded guilty yesterday to devising a scheme to funnel $46,000 in illegal contributions to a political action committee and several federal election campaigns.

Lalit H. Gadhia, 57, who had been Gov. Parris Glendening's campaign treasurer, pleaded guilty in federal court to one count of causing a false statement to be made to the Federal Election Commission, U.S. Attorney Lynne A. Battaglia said. He faces up to five years in prison and a $250,000 fine at sentencing Aug. 6.

None of the money in question went to the governor's campaign. But Maryland Republican Party Chairman Joyce Lyons Terhes said Gadhia's activities are indicative of the type of people Mr. Glendening surrounds himself with.

"I think it is one more example of the flawed administration of Glendening," she said.

But a state Democratic Party spokesman said it has nothing to do with Mr. Glendening and, if anything, reflects positively on the party.

"It is very unfortunate that he became overzealous, but the Clinton administration does not back off...even though this guy has been a strong supporter of Democrats," David Paulson said.

The FBI said Gadhia approached the Indian-American Leadership Fund in the fall of 1994 and persuaded the New Mexico PAC to contribute to candidates other than Indian-Americans, as long as he did the fund raising.

For three weeks in October 1994, Gadhia presented the PAC with checks totaling $34,900, which he said were contributions from a number of individuals. He also provided names, addresses and occupations for those individuals so that the PAC could file the required reports with the FEC.

The PAC, in return, made political contributions to federal candidates selected by Gadhia in the November elections.

For the most part, the money donated to the PAC did not come from the contributors, prosecutors said. At least $31,400 of the funds provided to the PAC were laundered by individuals who issued checks to the Indian-American Leadership Fund and then were reimbursed in cash for their contributions by Gadhia or his intermediaries, according to the FBI.

Prosecutors said Gadhia used the same type of scheme to launder $15,000 in illegal contributions that he provided directly to a number of federal election campaigns.

TRIBUTE TO JOHN N. KRAMER

HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1996

Mr. GUNDERSON. Mr. Speaker, many retire with impressive records, but few could boast of surpassing the extraordinary career record of a prominent constituent of Wisconsin's Third Congressional District, John N. (Nick) Kramer of Fennimore, WI.

Kramer, age 83, recently stepped down after serving almost 60 years as the city attorney for Fennimore. As one of the State's premier municipal and school attorneys, he is also retiring from the law practice he first established in Fennimore in 1938, after having been in a prior practice in Lancaster, WI. In addition to serving many communities as legal counsel, he also served as president of the League of Wisconsin Municipalities for three consecutive terms. He was also recognized statewide for helping school districts consolidate during the late 1950's and 1960's.

One of his finest achievements to benefit southwest Wisconsin was getting a technical college located in Fennimore. During the late 1960's, the State was developing vocational districts and southwest Wisconsin was to be included in either the Madison or LaCrosse vocational district. Kramer, who served on several State committees, was instrumental in convincing the State that there should be a separate vocational district in the southwestern part of the State. Kramer was recognized for this achievement by Southwest Tech in 1992 and the administration building on campus was renamed the Kramer Administration Building. During that time, the city of Fennimore also named and dedicated a park in Nick's honor.

Kramer has also worked on boards of three of Wisconsin's main railroads to maintain rail service in the State.

Nick is a faithful and dedicated member of the Republican Party of Wisconsin and the Third Congressional District, having served as the Third District chairman for several years, as well as chairman of the Grant County Republican Party, a position he still holds.

His many accomplishments, statewide and locally, have earned him many friends and much respect through the State. Although he plans to keep in contact with long-time clients and serve on a couple of committees, he is honoring the wishes of his wife, Katherine, sons John, Jr. and Mark and daughter Joellen, in retiring form his practice.

Mr. Speaker, on behalf of the constituents of Wisconsin's Third District, I wish him a well-earned happy retirement.

ERMA BOMBECK—AN AMERICAN LEGEND

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1996

Mr. LAFALCE. Mr. Speaker, in 1990 I had the pleasure of meeting Erma Bombeck when she visited Buffalo and spoke at the commencement exercises for Canisius College, on whose board I now serve. She was just the same in person as most found her in print: witty, funny, down to Earth. Yet she was also one of the most sensible and reasonable people I've ever met.

No one attains the huge successes that Erma did without hard work and a strong sense of self. Yet despite her fame, the acclaim did not go to her head. She remained that wonderfully boisterous, self-deprecating humorist who inspired us all with her wonderful stories. As Canisius said in the citation accompanying the honorary doctorate they gave her on that occasion, "she is a troubadour of the late 20th century, the chronicler of our American domestic habits." The citation went on to note that she viewed herself as an "ordinary person," and that it was "that 'ordinariness' to which we pay tribute * * *, for in her writings we hear EveryNeighbor, the voice of someone we all know, someone who recounts universal experiences."

Perhaps the closest parallel to Erma was another American original, Will Rogers. And what distinguished them both was the common ingredient they brought to their observations of humanity and human beings: common sense. To see human fallibility and absurdity through that prism is itself a recipe for having an enjoyable time in life, but to be able to convey those observations to others is a gift indeed.

Mr. Speaker, I rise in tribute to one of our Nation's true originals, Erma Bombeck. I salute her for the joy she brought to so many of her fellow Americans, and for the courage with which she faced the cancer which took her from us last month.

Let me quote again from the Canisius' citation:

> As any clown can tell you, it is far easier to make people cry than it is to make them laugh. In a world full of sadness, Erma Bombeck espouse[d] a simple philosophy: "If you can't make it better, you can laugh at it." But in helping us to see the humor in our stress-filled lives, she has made it better, indeed.
>
> For making us more aware of ourselves and each other, for staunchly maintaining her affirmative view of God's creation, and for sharing the precious gift of laughter, Canisius College proudly awards Erma Bombeck the degree of Doctor of Humane Letters, honoris causa.

A few days ago the Buffalo News printed a remembrance written by Erma's husband, Bill Bombeck, along with another beautiful piece by free-lance writer Christina Abt. Bill Bombeck's and Christina Abt's words said it all, and I ask consent to insert those two articles at this point in the RECORD so our colleagues can share in their thoughtful words.

Erma, you will be sorely missed. Thanks for everything.

[From the Buffalo News, May 13, 1996]

ERMA BOMBECK AND THE RIDE OF HER LIFE

(By Bill Bombeck)

In 1989 my wife, Erma Bombeck, began to experience a series of painful medical problems, but she disdained letting her readers know most of the details. She usually brushed aside rumors and inquiries with a joke and a plea that her purpose was to write humor and make people smile. Health reports are not funny. Her greatest fear was that she would become a "poster child" and people would feel sorry for her.

Throughout these assaults she remained unbelievably optimistic. Erma always knew that there was a pony in their someplace. Not only did the research and writing of her book "I Want to Grow Hair, I Want to Grow Up, I want to Go to Boise" provide a nation with the heroics of kids surviving cancer, but it also helped give Erma the courage to face her many trials, including her last one.

I have met astronauts, war heroes, firefighters and police officers, but I have never known anyone with more courage than Erma. Courage has been called grace under fire. I would propose we call it Erma under fire.

Erma would not have approved of my words. But for this one time I will do what Erma admonished all who challenged her words, and that was to "go out and get your own column."

I have searched for a way to show my family's gratitude to the thousands of fans and friends who have shown so much love and compassion toward her. I'd like to share with you a personal recollection I read at the family services that were held before the funeral.

In 1947, three or four couples were outside the Lakeside Ballroom in Dayton, Ohio. We were too early to be admitted for the big-band dance, so we all wandered over to the adjoining amusement park.

Not far from the ballroom was the roller coaster. All of the boys began cajoling their dates to ride with them. The girls giggled and said no. It was too frightening, and it would mess up their hair and dresses.

I looked at my date and asked her if she wanted to go. She didn't hesitate. She said, "Sure, I'll go." I was surprised and looked at her again. She was slight, narrow-shouldered, with tiny hands and feet. But she had the greatest smile and laugh. Her smile had a charming space between her two front teeth. I thought, this is some kind of girl.

The Lakeside roller coaster was a rickety old leftover from the Depression. The frame was mostly made of unpainted 2-by-4s. No modern inspection by OSHA ever would have approved this for man's use.

The cars were linked together with what looked like modified train couplers. They were mostly red painted wood with metal wheels and a coglike device that clicked loudly. The seats had worn black leather padding. There were no belts, but there were worn steel bars that had to be raised and lowered by the attendant.

The attendant was an old man in oil-stained bib overalls. He said little, but raised the bar and she entered the seat first, and I followed by her side.

There were two tapered 2-by-4's on the platform, angled away from each other. He moved the one closest to the car to an upright position. The car moved forward, slowly picking up speed. The metal wheels on the metal track made so much noise you had to yell to your partner to be heard.

The car left the level starting track and began a slow ascent. In 20 or 30 seconds, when the track became steeper, the cog device engaged the car. Then there was a district rhythmic clacking sound as the cog device labored to overcome the near-perpendicular angle of the track. You felt as if it wouldn't make it, but just when it reached a point that forced the passengers to stare, not at the car ahead or the track, but only at the night sky, it plunged downward, a wild, almost free-fall. Maybe whatever controlled the speed was now broken.

She made her first sound since she had said, "Sure, I'll go." She screamed and clenched my arm. I said, "Hang on to the bar." She kept hanging on to my arm. Suddenly we were at the bottom, and we both were so relieved that we laughed, and I saw that smile again.

The ride continued, with bone-jarring twists and turns, dizzy heights and abrupt plunges. Sometimes we would enter a dark tunnel, so dark the sparks from the wheels and tracks made it look like it was on fire.

She kept hanging on to my arm. I was gripping the metal bar so tightly I thought I would bend it. This was some ride. We were thrilled and exhilarated, scared and breathless.

We had been in and out of many tunnels. Each time they ended with almost blinding light in our eyes, and then on to another straight-up climb.

We started in a tunnel that seemed to plunge deeper than all the others. It kept dropping. We both sensed this one was really different. Finally, instead of the bright lights, we were back at the platform.

We looked at each other. We didn't speak, but we sensed the ride had changed. The man in the bib overalls was standing by the tapered 2-by-4s. He started to push one from its angle to a straight-up position. The car stopped. I told him the ride was great, but it was too short; we wanted to go on. He raised the bar. She smiled again. I looked at the attendant again. He said, this is April 22, 1996—your ride is over. I looked over at her seat. She was gone.

[From the Buffalo News, May 14, 1996]

ERMA BOMBECK WAS COMPANY FOR STAY-AT-HOME MOMS

(By Christina Abt)

The unthinkable happened to me last month. A member of my family died, and I didn't even know she'd been sick. Worse than that, no one called to inform me of her passing. I had to hear about it on the news.

The cold, hard reality of death was dealt to me in a 30-second sound byte courtesy of a well-known antacid and a lite beer.

I'm angry, hurt and confused all at once; but most, I'm so incredibly sorry that I never let this lady know how much I enjoyed her company.

Without fail, her realistic and refreshing view of life always gave me hope. She was a lady of great intelligence, compassion, sensitivity, insight and most importantly, "on the mark" humor.

She was Erma Bombeck, whose column I read in The Buffalo News.

Why did she touch me so much? Because her life was so like mine, like those of so many women. She was a career woman, a writer, but a woman who chose to devote herself to marriage, family and community as well.

And she always made us feel as if the fact that we are human was not only acceptable but something to be cherished—warts and all.

From diapers and toilet training through high school proms and college graduations, over the peaks and valleys of marital bliss, and even on social issues, this lady's unique perspective on the frustrations and triumphs of life as it really happens could make me laugh, cry, understand a new point of view and always feel better about the daily grind.

Erma Bombeck's career as a columnist spanned an era when women began leaving the kitchen for the board room and experiencing corporate heartburn rather than labor pains. The message that we should "have it all" was everywhere. A heretofore-unknown body of womenhood was developing a thousand new and different dialects with no translator. There were new battlefields of full-time motherhood versus full-time personhood.

A grudging understanding and bridging of these gaps among women came about, partly through the written work of this clever lady and her sharp pen.

She spoke the language of women everywhere, a language of the heart. Every story she told seemed to reach a part of our sense and sensibility no matter what the topics. People saved the stories, underlined them, sent them to relatives, read them to friends over the phone.

And what made it all so effective was that this woman was a part of all of our families. She knew your mom, your Aunt Rose, your husband, your child.

Her stories were her own, but to me, as to other readers, it almost seemed as if the text were taken from a hidden camera set up in my own house—with words used verbatim.

In February, my daughter sent me a Bombeck columns as a valentine. The topic? "Having It All."

The content could have been taken directly from the life my two children and I experienced as I tried to be a 48-hour-a-day mom to them while still cooking, cleaning, washing clothes, car-pooling, shopping, pretending to be an intelligent life form, healing the sick, raising the dead—woman will understand. The last few lines of the column gave hope that someday the child will realize the mother-to-slave ratio and actually express gratitude, even if it is 20 years later.

And that's what my daughter did. She wrote at the bottom of the column, "Thanks, Mom. I love you," Hallmark never said it better.

Coming as my twenty-something children are on their way to productive lives and I confront the "what now?" crisis, this column felt like a testimonial.

Erma, friend, I will miss you.

SMALL BUSINESS JOB PROTECTION ACT

HON. RICHARD J. DURBIN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1996

Mr. DURBIN. Mr. Speaker, I voted in favor of the Small Business Job Protection Act yesterday because it provides several advantageous new tax benefits for small businesses and their employees. By creating simplified retirement plants, extending the tax exclusion for employer-provided educational assistance and encouraging employers to hire workers from economically and otherwise disadvantaged groups through the Work Opportunity Tax Credit, this legislation can contribute to the vitality of small businesses.

Despite the positive attributes of this bill, two provisions trouble me. First, by repealing section 956A of the Tax Code, Congress is reinstating an incentive for U.S. companies to move operations and jobs to foreign tax havens, accumulate unlimited passive assets, and avoid paying U.S. income taxes.

Congress put section 956A in the Code in 1993 to curb the ability of controlled foreign corporations to accumulate excess passive assets and shelter them from U.S. taxation. By repealing this provision, we are giving yet another tax break to multinational corporate giants and a paid-for-ticket to run to tax havens. And oddly enough, we're doing it in a "small business" bill.

Secondly, I do not favor the wholesale repeal of the Section 936 tax credit which encourages economic investments in Puerto Rico. This action would have a detrimental impact on American citizens in Puerto Rico. I do endorse reform of the credit, focused on establishing effective mechanisms to foster and improve job creation, and using the projected revenue savings for social and employment and training needs in Puerto Rico.

I urge House conferees to carefully reassess these provisions and seek alternative revenue sources to pay for the valuable small business tax reforms in this legislation.

IN SUPPORT OF THE MINIMUM WAGE

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1996

Mr. KLECZKA. Mr. Speaker, I rise in strong support of raising the minimum wage.

The minimum wage is a critical earnings floor for the working men and women of our Nation. I have supported the necessary periodic increase in the minimum wage since I was first elected to Congress, introducing my own bill for this purpose in 1986. In 1989, I voted in favor of adjusting the minimum wage to its current level of $4.25.

It is abundantly clear that $4.25 is no longer an adequate minimum wage. Since 1991, the wage has lost $0.50 in value. An individual working full time at this rate makes less than $9,000 per year—not nearly enough to support a family.

Even the proposed increase of $0.90 over 2 years will only compensate for half the value lost in inflation during the 1980's. However, it is a critical step.

Nearly 12 million workers across our Nation are working for minimum wage. Of these, close to 75 percent are over 20 years of age. Fifty-eight percent of these adults are women, many of them single mothers. In Wisconsin alone, about 9 percent of our workforce—over 200,000 people—is earning less than $5.15 per hour.

This is simply not sustainable. If we are going to reform welfare, cut the earned income tax credit, and reduce other benefits for the poor, we must guarantee them a livable wage. We cannot cut all the legs off the table and then wonder why it does not stand. The minimum wage is a crucial safety net for the working poor, ensuring that we do not return to the sweatshops of the past, where unscrupulous employers preyed upon the desperate.

I would also like to express my opposition to the Goodling amendments, which represent nothing more than a cynical attempt to scuttle the minimum wage increase. The first of these amendments would discriminate against new hires and tipped employees, two of the groups most likely to be earning the minimum wage. These provisions would allow employers to pay subminimum wage levels to these workers.

The second Goodling amendment would exempt small businesses with less than $500,000 in gross annual sales from minimum wage laws. This would effectively excuse two-thirds of all American businesses, employing over 10 million workers, from providing a modest wage floor. This is outrageous. I hope our colleagues in the Senate will recognize these provisions for the cynical ploy they are and reject them outright.

Mr. Speaker, I urge all of my colleagues in the strongest possible terms to vote in favor of increasing the minimum wage.

NEW BEDFORD STANDARD TIMES SUPPORTS SUPREME COURT'S COLORADO DECISION

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1996

Mr. FRANK of Massachusetts. Mr. Speaker, I was very pleased to read in the New Bedford Standard Times, on Thursday, May 23, an excellent editorial in support of the recent Supreme Court ruling striking down the anti-gay and lesbian law in Colorado. As the editorial cogently points out, what the Supreme Court said is "that this is still the United States of America, people are still entitled to equal protection under the law. All people. Even ones we may misunderstand or, as in the case of Colorado voters, despise. The Supreme Court understands that, even if many other people do not." I am very grateful to the editorial board of the New Bedford Standard Times for coming to the Supreme Court's defense on this important occasion when they have reaffirmed basic American constitutional principles. And I ask that this excellent, temperate, well reasoned editorial be printed here.

COURT'S RULING ON GAYS WAS STRICT READING OF CONSTITUTION

The U.S. Supreme Court made a profoundly conservative decision this week when it voted 6–3 to strike down a Colorado measure that sought to deny homosexuals any "special treatment" under the law.

That's always the charge when gays in the United States make any attempts to appeal to the government to stop people from discriminating against them. They're looking for "special treatment" that no one else gets.

But the Colorado constitutional amendment turned that logic on its head, giving homosexuals "special treatment" no American would want, and in the process ran afoul of the equal protection clause of the Constitution.

The six justices who made that conclusion haven't lost their minds. They haven't subscribed to some subversive liberal agenda. They merely read the words of the amendment in question and took them literally. And what they meant, literally, that one group of people was to be singled out for a single trait and systematically denied any specific civil rights protection in the State of Colorado.

"It is not within our constitutional traditions to enact laws of this sort" was the tart understatement of Justice Anthony M. Kennedy, who wrote the majority decision. To better understand what he meant, try substituting the words "black" or "elderly" or "handicapped" for the word "homosexual" and try talking about denying those groups protection under the law when they have been discriminated against. To put it simply, in those cases where communities have instituted laws protecting gays from discrimination in housing, banking, employment or whatever, it is because of the fact that without such protections it remains legal to discriminate against them in many instances. The discrimination does happen. As we see in Colorado, that's the way a lot of people would like it.

But thanks to the fact that this is still the United States of America, people are still entitled to equal protection under the law. All people. Even ones we may misunderstand or, as in the case of Colorado voters, despise. The Supreme Court understands that, even if many other people do not. We've got a long way to go in this country, don't we?

SEYMOUR H. KNOX III

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1996

Mr. LAFALCE. Mr. Speaker, I rise today to salute a man who was a friend of mine, a friend of his community, and a friend of our Nation. Seymour H. Knox III, who passed away this week, was a leader in Western New York whose contributions were known to all.

Mr. Knox was best known as the co-owner, with his brother, of the Buffalo Sabres hockey team. But he was more—much more—than a sportsman, important as that role was in our community. He followed his father's footsteps as a patron of the arts. He was a successful businessman. And the list of his other civic endeavors is too long to list.

Seymour Knox's last contribution to our region may be the longest-lasting. It was his drive and dedication, perhaps more than anything else, that ensured the development of his beloved hockey team's new home, Marine Midland Arena. And that new facility will help spur the continued redevelopment of downtown Buffalo.

Mr. Speaker, Buffalo and the entire Western New York area will miss Seymour Knox, and I know that all of his neighbors and mine join in paying tribute to one of our finest.

At this point, I ask unanimous consent to introduce a Buffalo News' editorial about Mr. Knox into the RECORD:

[From the Buffalo News, May 23, 1996]

SEYMOUR KNOX III LEAVES LEGACY TO THE COMMUNITY HE CARED FOR

Seymour H. Knox III was born to wealth, and he put it to good use for his community. Like his father before him, Knox left Buffalo an institution that will forever bear his mark. In his father's case, it was a nationally known art gallery. In his case, it is a nationally famous sports team. Buffalo is richer for both of them.

To say it simply, Buffalo needs more people like Seymour H. Knox III. His death Wednesday, from cancer, came a few days after the public got its first look at the Marine Midland Arena, which Knox worked arduously to bring into being. It will be the new home of the Buffalo Sabres major league hockey team, his hard-won creation and his enduring contribution to his home town.

More than one friend and more than one fan will express regrets that Knox did not live to see the day when his team would skate onto the ice of the new arena. But at least he knew it would happen.

Though the efforts of Knox and his brother, Northrup, the Buffalo franchise in the National Hockey League was secured in 1969. From the beginning to his death, Seymour Knox III was chairman of the partnership that owned the team. Most of the time he was also president of the team.

Titles aside, the hockey-loving public knew Knox simply as the one who got the team for Buffalo and served as its head man through the years. He was the guy in the gold seats a few rows above the Sabres' bench.

Knox also kept the team here. In an age when professional owners change cities at an alarming rate, Knox was loyal to Buffalo even though its comparatively small market might have made other pastures seem greener. The point of the new arena is to make the team financially strong, securing it for Buffalo for the foreseeable future. Knox's vision made the Marine Midland Arena possible. His legacy will be the exciting hockey games of the future—games that will help make Buffalo a better place to spend the winter.

Knox was also important to Buffalo for numerous other civic endeavors. Those included the chairmanship of the Buffalo Fine Arts Academy, governing body of the Albright-Knox Art Gallery, which, to a great degree, was his father's gift to Buffalo. The gallery's most distinguishing feature is its modern art collection put together with care by the late Seymour H. Knox Jr.

His son's contribution is less genteel, but a community needs many aspects to its life. It is richer for both of these gifts.

From the start, the hockey team has played at Memorial Auditorium, Buffalo's aged indoor sports place, now slipping into retirement.

At the last Sabres game in the Aud a bit more than a month ago, Knox was given a prolonged ovation by a capacity crowd. Fans know why the Sabres exist. They let is show. Knox give a short speech, closing with the words: "Farewell, old friend."

Buffalo people can repeat those words today.

HONORING MARVIN GRAVES

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1996

Ms. NORTON. Mr. Speaker, I am pleased to rise today to recognize the achievements of a very talented and gifted athlete who is also a Washingtonian. Marvin Graves is a 6′1″, 195-pound athlete who is an exceptional football player and a responsible citizen who has dedicated himself to community service and lived up to the respect and admiration he has won from fans.

Marvin Graves was born in Washington, DC on February 7, 1971, to Melvin and Katrina Graves. He attended Archbishop Carroll High School in the District where he lettered in football, basketball and baseball. Upon graduation from high school Marvin Graves entered Syracuse University on a four-year football scholarship and majored in child and family studies.

During the course of his spectacular collegiate career, he was a four-year starter and holds 16 of the 31 passing records at Syracuse, including 6 of the 11 total offense records. His records also include: a four-time bowl MVP, AP second team All-American, Eastern College Athletic Conference [ECAC] Player of the Year, second team All-Big East, and a finalist for the Daley O'Brien National Quarterback Award.

In 1994 Marvin Graves graduated from Syracuse University. He is now the star quarterback for the Toronto Argonauts of the Canadian Football League. After an incredible comeback performance on Sunday, October 2, 1994, Marvin Graves' coach Bob O'Billovich had this to say about his star player: "You saw one of the greatest quarterback performances in a fourth quarter that you'll ever see in your life * * * Nobody in this league has played a quarter like that."

Mr. Speaker, it is truly a pleasure and honor to recognize the great achievements of my constituent, Marvin Graves. I salute his remarkable career as an athlete and commend his presence and activities in the community. He has spoken at high schools, hospitals, and group homes eager to stress the importance of education, and urging our young people to never engage in drug activity. I ask my colleagues to join me in recognizing this outstanding young man.

INTRODUCTION OF A BILL

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1996

Mr. GILMAN. Mr. Speaker, today I am introducing legislation that will help this Nation struggle more effectively with the scourge of illicit drugs, and those who engage in this deadly trade.

It has recently come to my attention that many illegal criminal aliens in our State and local prisons for drug related offenses had often previously been transported—after they had served their prison time—by air by our fine local National Guard units to Federal deportation centers for eventual processing out of our Nation.

There were many important benefits to these controlled National Guard military flights, including security, because many of these criminal aliens involved with drugs and facing deportation often had histories of violent behavior and conduct.

In addition, the cost of transporting these aliens individually along with Immigration and Naturalization Service [INS] officers accompanying them on commercial carriers is expensive. It also exposed these criminal aliens to an unsuspecting public in our civilian airports and on commercial flights.

Current limits on the number and the already broad and difficult responsibilities of our dedicated and hardworking INS personnel, and the costs of commercial travel for and with these criminal aliens facing deportation, often makes it impossible to ensure that these individuals when their time served in jail was completed will ever be taken to or show up at deportation centers. Ultimately these limitations bear heavily on whether in fact these criminal aliens are ever eventually removed from the United States.

In some cases, absent INS ability to effectively transport and move these aliens facing deportation, we may be letting these criminal aliens—pending eventual deportation—merely back into our local communities to engage in more drug related crime and violence.

In the past State and local authorities often had consolidated a number of these individual aliens for a group flight under INS and National Guard control at the same time to these deportation centers. These National Guard flights made sense as a tool in our arsenal against drugs and those who would engage in their possession, use or distribution, as well as serving the Guard's training needs and requirements.

However; these effective and cost efficient National Guard flights were I am informed, ended several years ago because there was questions raised about the legal authority for the National Guard to engage in this activity, only indirectly drug related.

My bill, which I introduce today, makes the local National Guard's authority clear in this area; if it desires to promote its training and antinarcotics function and role in this fashion as part of its antidrug plans, it may clearly do so. It also limits those cases where the National Guard may assist the INS in transporting aliens to those criminal aliens, who have violated a Federal or State law prohibiting or regulating the possession, use, or distribution of a controlled substance.

It is a reasonable use of the National Guard's air assets, pilots, and personnel incidental to training by the Guard. It also serves our national interests in the battle against drugs. As we well know, drugs and those involved in the deadly trade in these poisons, cost our society more than $67 billion annually, and threaten our cities, schools, youth, and future generations.

The bill is simply authority for those local National Guard units that want to engage in assisting INS to transport these criminal aliens involved in drugs for deportation purposes. It will help this Nation get a handle on the many foreign born individuals in our prison system who have engaged in drug related criminal activity and face deportation spirited out of this country as soon as possible.

We should do all we can to get these criminal aliens involved in drugs and related violence out of our Nation as soon as possible and not allow them back on our streets to affect our communities, schools, and childrens' futures and very lives and well being.

I ask that the full text of the bill be printed hereafter:

H.R. .

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORITY FOR NATIONAL GUARD TO ASSIST IN TRANSPORTATION OF CERTAIN ALIENS.

Section 112(d)(1) of title 32, United States Code, is amended by adding at the end the following new sentence: "The plan as approved by the Secretary may provide for the use of personnel and equipment of the National Guard of that State to assist the Immigration and Naturalization Service in the transportation of aliens who have violated a Federal or State law prohibiting or regulating the possession, use, or distribution of a controlled substance.".

CELEBRATING 50 YEARS OF SERVICE BY VFW ROMANOWSKI POST 6896

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1996

Mr. DINGELL. Mr. Speaker, it is an honor to rise today to mark 50 years of dedication by the Sgt. Stanley F. Romanowski Post 6896 of the Veterans of Foreign Wars. The ideals embodied in the Post membership stand as a model of public service.

In exemplary fashion, the Romanowski Post has served its members and the community at large. I am proud to be associated, as a member, with an organization whose fierce camaraderie is only outshone by its firm commitment to serving Dearborn, the 4th VFW district, and Wayne County, MI.

To list all of the ways Post 6896 serves the community would be near to impossible, yet it is important to recognize a few of the programs which the Post has established: the Post Blood Bank, serving both members and the public; spaghetti dinners supporting muscular dystrophy research; and the Christmas Needy Basket Program providing food for families enduring hard times. These are just three examples of the selfless charity central to Romanowski's mission. The additions of the Ladies Auxiliary and the Dads Post have increased the number of people who have the opportunity to participate in a positive way in Post activities while also expanding the resources available to be dedicated to charitable pursuits. The numerous clubs and leagues which operate within the post have helped to create a supportive and congenial atmosphere.

On May 12, 1946, when the Post was humbly instituted in the gymnasium of the Munger Intermediate School, its members could not have foreseen the success that was ahead. Romanowski has been the largest Post in the Department. It has long held the Drill Team title of Department Champions (first captured in 1965), and twice hosted the VFW National Convention. Throughout the years, the Post has gained a well-deserved reputation for hospitality and generosity.

Mr. Speaker, it is with honor and personal pride that I congratulate my home Post for 50 years of dedicated service in southeast Michigan.

BROWARD COUNTY LIBRARY SYSTEM WINS AWARD

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1996

Mr. SHAW. Mr. Speaker, I rise today to recognize a south Florida institution which has recently received the highest honor in its field. The American Libraries Association and the Library Journal have named the Broward County Library System, the "1996 National Library of the Year."

The Broward County Library System has consistently provided the residents of south Florida with excellent service, valuable resources, and vital information. The library system has become a fixture within the community, and the community support is extraordinary. The library draws more attendance than all the Florida sports teams combined. The Miami Herald proclaimed the library to be "one of the Broward County Commission's most important achievements." Support such as this illustrates the Broward County Library's successful pursuit of excellence and innovative approaches to library service.

In our growing age of technology and telecommunications, the Broward County Library System has provided state of the art resources which are in high demand. The library volunteered to pilot the FreeNet System to enhance access in providing the South Florida community with electronic mail, a public forum to exchange ideas, and internet service to research data bases. During its expansion in service and information, the library system has proven its commitment to develop a service that will meet the technological standards of the 21st century.

Through its program of service and dedication, the Broward County Library System has kept the taxpayer in high regard. For example, the library system formed a partnership with

Broward Community College in order to consolidate financial resources for operational and construction services. This partnership has saved taxpayers $17,000,000—which is the total cost of building and operating two libraries. Both the public and private sectors have enabled the Broward County Library System to provide essential service, as well as a commitment to education.

The Broward County Library System has provided educational standards that have been adopted and practiced by educators. The library has teamed up with local schools, colleges and universities in providing its coveted resources for all age groups.

Mr. Speaker, throughout this country there are many individuals who are dedicated to strengthening our community spirit, one such individual is Mr. Samuel Morrison, Director of the Libraries Division of Broward County. I ask my colleagues to join me in extending congratulations to Sam Morrison and the staff of the Broward County Library System on the receipt of the 1996 National Library of the Year Award.

MEMORIAL DAY 1996

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1996

Mr. LANTOS. Mr. Speaker, I rise today to commemorate the observance of Memorial Day. This day we pause from our busy schedules to honor those who have given their lives defending our freedom in the line of duty. A small stone market at Omaha Beach Cemetery echoes our gratitude with this simple but powerful acknowledgement. "To these we owe our highest resolve, that the cause for which they died, we shall live."

The efforts of the men and women who valiantly served our country here and abroad to preserve peace and liberty deserve our highest recognition. Whether we observe this occasion through ceremony or prayer, Memorial Day leaves few hearts unmoved. From the remote places of Argonne, Normandy, Inchon, Da Nang, and Kuwait City, Americans have shed their blood so that others might live in peace, without fear of tyranny and aggression. We have an obligation to remember the names and the deeds of the Americans who paid the price for our freedom.

The courage and valor shown by the men and women who have served our country is symbolized by the plethora of monuments and memorials, each commemorating the deeds of untold numbers of Americans who made the ultimate sacrifice for their country. For those who have died and for those who are still missing, we pause to reflect and hopefully to learn.

For us, the living, the beneficiaries of their sacrifices, the responsibility rests in our hands. History teaches us that those who were willing to give their lives for freedom and democracy, do so for a cause more important than life.

We are proud of those who have served our Nation. Today we remember so that future generations will never forget.

THE 275TH ANNIVERSARY OF THE INCORPORATION OF THE TOWN OF VOLUNTOWN, CT

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1996

Mr. GEJDENSON. Mr. Speaker, I rise today to commemorate the 275th anniversary of Voluntown, CT. Like so many communities across eastern Connecticut, Voluntown has a proud history which spans nearly three centuries.

In 1698, Lt. Thomas Leffingwell of Norwich and Sgt. John Frink of Stonington petitioned the assembly in New Haven for a plantation for the volunteer settlers who carved a community out of the forbidding wilderness of remote eastern Connecticut. Several years later the assembly approved the petition. The petition reads in part:

> Granted unto the inhabitants of Voluntown the power and privilege of choosing their own town officers and carrying on their own town affairs, as other towns in this Colony by law impowered to do so. All volunteer rights or lots in number of acres, within the original grants are hereby taxed at eight shillings per year for five years, for the support of a minister and building a meeting house in said town. The committee for the proprietors of the old Voluntown are hereby impowered to act jointly in settling a ministers salary.

I am proud to fly a flag over the Capitol to mark this special occasion. The residents of Voluntown are rightfully proud on this landmark anniversary.

WE ACTUALLY BUILD BRIDGES TOO . . .

HON. JAMES M. TALENT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1996

Mr. TALENT. Mr. Speaker, I rise today to share with my colleagues a thoughtful article on regulatory issues affecting small business written by Mr. Tom McCrackin, a constituent of mine from St. Louis, Missouri:

> I recently received a letter from Rep. Jim Talent (R-Mo.), asking if I wanted to testify before the House Small Business Committee's Subcommittee on Regulation and Paperwork.
>
> The purpose of the hearing was to discuss regulatory issues of concern to business owners, testify about the burdens of government and tell Congress what specific regulations should be repealed.
>
> In trying to decide if I had anything worth testifying about, I did a little research. By signing the contract and bond for our Route 47 Warren County Project, I agreed to:
>
> 1. be governed by the following 15 acts:
>
> Clean water;
>
> Endangered Species Act;
>
> National Historic Preservation Act;
>
> Farmland Protection Act;
>
> Comprehensive Environmental Response, Compensation and Recovery Act;
>
> Work Hours Act of 1962;
>
> Surface Transportation and Uniform Relocation Assistance Act of 1987;
>
> Public Works Employment Act of 1977;
>
> Federal-Aid Roads Act;
>
> Clean Air Act;
>
> Federal Water Pollution Control Act;
>
> Contract Work Hours and Safety Standards Act;
>
> Americans with Disabilities Act of 1990;
>
> Copeland Act; and
>
> Davis-Bacon Act.
>
> 2. abide by 16 sections in six titles of the Code of Federal Regulations;
>
> 3. be bound by three Executive Orders (11246, 11738, & 12549);
>
> 4. obey nine sections in six titles of the United States Code;
>
> 5. fill out Standard Form LLL (Disclosure Form to Report Lobbying) and Form PR-1391 (Federal Aid Highway Construction Contractors Annual EEO Report) and Form WH-347 (Certified Payroll);
>
> 6. comply with provisions of OSHA, Equal Employment Opportunity, Disadvantaged Business Enterprise, Unmarked Human Burial Sites, Missouri Solid Waste Management, Nationwide Permit (NWP) No. 26, Section 404 Permit, NWP No. 4, Standard Grading Rules for West Coast Lumber, Hometown Plan, Non-Discrimination in Employment, Missouri Seed Law, Workman's Compensation Insurance, General Wage Order No. 38, and prevailing wage, community block grant development programs and other public laws and revised statutes of Missouri; and
>
> 7. deal with and meet the requirements of the following 12 agencies:
>
> National Register of Historic Places;
>
> State Historic Preservation Office;
>
> United States Fish and Wildlife Service;
>
> National Marine Fisheries Service;
>
> United States Army Corps of Engineers;
>
> Office of Federal Contract Compliance, United States Department of Labor;
>
> Federal Highway Administration;
>
> Occupational Safety and Health Administration;
>
> Wage and Hour Division, Employment Standards Administration;
>
> Missouri Department of Labor and Industrial Relations, Division of Labor Standards;
>
> Employment and Training Administration, Bureau of Apprenticeship and Training, United States Department of Labor; and
>
> Missouri Department of Natural Resources.
>
> I'll let you know how my testimony goes. All I really wanted to do was build the bridge.

CHURCH ARSON PREVENTION ACT OF 1996

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1996

Mr. HYDE. Mr. Speaker, today I am introducing the "Church Arson Prevention Act of 1996," legislation which will give Federal authorities the tools necessary to prosecute and bring to justice people who burn, desecrate, or otherwise damage religious property. I am pleased that the Committee's Ranking Member, JOHN CONYERS, is joining in sponsoring this bill.

The arson of a place of worship is repulsive to us as a society. When the fire is motivated by racial hatred, it is even more reprehensible. There is no crime that should be more vigilantly investigated, and the perpetrators more vigorously prosecuted, than this.

Earlier this week, on May 21, 1996, the Committee on the Judiciary held hearings on the very troubling increase in church burnings, and particularly those occurring in the southeastern United States. Since October 1991 there have been 110 incidents of church arson reported to Federal authorities; 33 of these occurred in the first five months of 1996. The victims of these crimes are not confined to a particular religious group—the burnings include synagogues, mosques, and church congregations both African-American and Caucasian. But, of the 51 fires reported since January 1995, more than half involve African-American congregations.

Although Federal authorities have been somewhat successful in prosecuting these cases, the Federal statutes which grant jurisdiction over fires and acts of vandalism at houses of worship make it difficult to bring Federal cases if the culprits are acting alone. My bill will eliminate these impediments, thereby giving the Attorney General an effective weapon with which to fight these heinous crimes. The bill amends section 247 of Title 18, United States Code, which makes it a crime to damage religious property or to obstruct persons in the free exercise of religious beliefs, by requiring only that the offense "is in or affects interstate or foreign commerce." In using this formulation, Congress will be granting jurisdiction over all conduct which may be reached under the interstate commerce clause of the Constitution. The parameters of this jurisdiction are left to the Courts to define, in accordance with Constitutional principles.

In addition, the Hyde bill decreases the dollar value of destruction which must occur in order to prosecute a crime under section 247. Current law requires that the loss from the defacement, damage or destruction involved be more than $10,000. This means that when the damage from a fire is minimal, or when hate is expressed, not through fire but through desecration of defacement of houses of worship, 18 U.S.C. 247 is not an available source of jurisdiction. My bill reduces the dollar requirement to $5,000, an amount which will allow Federal prosecution of more cases, while ensuring that the Federal government is not becoming involved in cases that because of their de minimum effect, are best left to State authorities.

I dare say that we in Congress are unanimous in our condemnation of those who would express their hatred by destroying or damaging religious property. While we may not be able to legislate this problem away, we can ensure that those who commit these crimes are swiftly and firmly punished. I invite my colleagues to join me in this goal by co-sponsoring the "Church Arson Prevention Act of 1996." Should you wish to do so, or should you need further information, please contact me or Judiciary Committee counsel Diana Schacht, at extension 53951.

SENATE—*Friday, May 24, 1996*

The Senate met at 11:30 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, we thank You for the gift of imagination that You have entrusted to us. With our imaginations You have enabled us to form, hold, and achieve images of what You can make possible. Coupled with the gifts of hope and expectation, You help us imagine Your best for us and for our Nation.

Now at the beginning of this new day, we form and hold a positive picture of this Chamber filled with Your presence. Knowing that we are accountable to You for every thought that we think and word that we speak, we contemplate how we should act and react under the guidance of Your spirit. We hold the image of how You want us to relate to each other as fellow Americans who believe in You and want Your vision for our Nation. We sense the civility and the greatness of character You want from us. Help us to express to others the same kindness, graciousness, and respect that we have received from You.

So renew our dedication to You. We are daughters and sons in Your eternal and inclusive family, and in loyalty to You we commit ourselves to work for Your glory and the good of our beloved Nation. I pray this in the name of Jesus. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able and acting majority leader, Senator LOTT of Mississippi, is recognized.

Mr. LOTT. Thank you very much, Mr. President.

SCHEDULE

Mr. LOTT. The Senate will be in for a period of morning business today until the hour of 1 p.m. with Senators permitted to speak for up to 5 minutes each. The Senate may also consider any legislative or executive items cleared for action. However, there will be no rollcall votes today.

As a reminder to all Senators, the next rollcall vote will occur on Tuesday, June 4, at 2:15 p.m. and be on the motion to invoke cloture on the motion to proceed to S. 1635, the Defend America Act. When the Senate completes its business today, it will stand in adjournment for the Memorial Day recess until Monday, June 3.

Mr. LOTT. Mr. President, I observe the absence of a quorum.

The PRESIDING OFFICER (Mr. BURNS). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

BALANCED BUDGET AMENDMENT, WELFARE REFORM, AND THE MINIMUM WAGE

Mr. DOLE. Mr. President, since the American people put the Republicans in control of Congress, I think there has been a consensus—Democrats, Independents, Republicans—that we should balance the budget. We have succeeded now in making a balanced budget, which is supported by 80-some percent of the American people, a national priority. Perhaps no policy is more important than the personal economic future of Americans, the future of our children and the future of our Nation.

Last year, under Republican leadership, Congress did pass a budget that would be in balance by the year 2002. President Clinton vetoed that budget and denied America the brighter future that would have resulted in higher standards of living, more real economic growth, lower interest rates, reducing what Americans will pay for home mortgages, car loans, and student loans, and an increase in the savings rates, higher productivity, and relief from the crushing burden of debt.

But notwithstanding that, the President and his allies in and out of Congress who talk about a balanced budget say we ought to have a balanced budget. They may have a different way to arrive at one. So I think there is a fairly strong consensus at least that we should balance the budget. We just have not been able to come together on how we do that. We have tried private negotiations at the White House with myself and the Speaker and the majority leader in the House. They went on day after day, week after week, 55 hours of face-to-face meetings. We could not come together.

So my view is that since almost everyone agrees we should balance the budget at least by the year 2002, we should take the next logical step and do what it takes to make certain that we fulfill our commitment to pass a constitutional amendment to balance the budget.

Last year, we had a month-long debate. We talked about all the pros and cons of a balanced budget amendment to the Constitution. The final vote was 65–35. It was actually 66–34. Then I changed my vote to "no" so that I could use the parliamentary procedure to have a reconsideration of this vote, and I said sometime this year.

All we were doing, if you recall, was sending this to the States where three-fourths of the States would have to ratify the amendment before it became part of the Constitution. So we were, in effect, leaving it to up to the people or leaving it up to the legislative body closer to the people whether or not this particular balanced budget amendment to the Constitution should be ratified and be made a part of the Constitution.

I have made a number of statements both in the Chamber and in public that we would take up the balanced budget amendment again, and since my departure is imminent, I want to keep my word and keep my commitment, although I have no illusions about the outcome. So during the week of June 3, it is my intention to fulfill the commitment I made to hold another vote on the balanced budget amendment.

As I said, I am not under any illusions, but I think there is a great deal at stake. I think we have an obligation to future generations of Americans to make the effort. Only one man stands between the balanced budget amendment and the American people, and that is President Clinton. I hope President Clinton will change his position on the balanced budget amendment. I believe the upcoming vote will give President Clinton the opportunity to demonstrate the kind of leadership the American people want, but I am certain it will succeed only if the President lends his support, his unqualified support to the effort. Only the President can help encourage Democrats who voted for it in the past and then voted against it last year to give us the necessary 67 votes to send this to the States for ratification.

Again, let me make it clear. We are not making the final judgment when we send an amendment to the States for ratification. It takes three-fourths of the States. It would not be easy, but my view is we can send it back to the people, back to the people's representatives, closer to the people, and this also, of course, will give my colleagues who have supported the amendment in the past but voted against it last year another opportunity to come home again, an opportunity to do the most important thing we can be asked to do, and that is to make a positive difference.

So I hope that President Clinton could repair the damage. I know he urged and probably persuaded at least six of our colleagues to vote "no." It is not very often we get a second chance to do the right thing, but we are going to offer that chance to the President and to others. I assume the vote will be the same, or maybe even one or two less, but this is a bipartisan effort.

I want to underscore that. One of the leaders in this effort has been Senator PAUL SIMON from the State of Illinois, who is retiring from the Senate at the end of this year. He has been working day after day, month after month, year after year for a balanced budget amendment to the Constitution. He did not dream it up last year or the year before. As long as I have known PAUL SIMON, he has been supporting a balanced budget amendment, and so has the Senator from Idaho, Mr. CRAIG, and they have worked closely together.

At one time, we thought we had as many as 72 votes, but when the vote was taken, it was only 66. So my view is it is bipartisan. It comes down to one simple question: Do we trust the American people? Do we trust the State legislatures? I think if we do, then we will send this amendment to the States and let them take a look at it. The Founding Fathers did not give Congress the power. They reserved that power to the States and the people. For most of us who say we are for a balanced budget, this is an opportunity to give our States, whether it is Kansas or some other State, members of my legislature, an opportunity to say, well, it is good; it is bad; it should not be done.

So, I will let my colleagues know, and I will advise the Democratic leader on the precise time. But it will be sometime, probably, I would guess, along about June 4. But I will let my Democratic friend, the leader of the Democratic Senate, Senator DASCHLE, know a precise time. As I understand, there is no debate. So any debate will happen before. There will not be any agreement on any debate, but bring it up, vote, and then move on to something else.

Let me also say that I was prepared last night—because the President made a statement in Wisconsin to send him the welfare bill and he would sign it—and I may later today ask unanimous consent to bring up the welfare bill and pass it, send it to the House. This is apparently a bill the President wants. I do not assume there would be any objection on the other side. But, if the President is serious, we are serious. We will get serious in a hurry.

I will ask consent, we will send it to the House, and the House, of course, with the Rules Committee, they do not have to wait 4, 5, 6, 10, 12 days on an issue like this, they can do it in 3 or 4 hours.

So, if the President is serious about this, if he will just notify my colleagues on the other side of the aisle not to object, we may pass a welfare bill here very quickly.

I have also been asked, and I have not discussed it with the majority leader—the majority whip, Senator LOTT, about when we would bring the minimum wage vote to the floor. I do not have a problem with bringing it to the floor at any time. In fact, we offered my colleagues on the other side an agreement which, had they accepted, we would bring it up as soon as we came back from the Memorial Day recess, but it was rejected.

It still seems to me that we ought to be able to bring it up; whenever they want to they bring up an amendment, we bring up what we want to bring up as an amendment. We do that frequently around here. We have two different views. I think there should be an increase in the minimum wage. I think we couple it with—we have talked about it some, about a teenage provision, where you want teenagers to work, the so-called training wage. We might increase those who are not covered, by a small amount, for businesses that are small businesses.

I have talked about this to Senator DASCHLE. I think there are a couple areas we may be able to agree on. There may be others who have other amendments we may not be able to agree to. But it seems to me, if we are serious about it, we ought to bring it up and do it very quickly. We have had enough debate on the action. We would be prepared to take care of that also on the week of June 3.

Mr. FORD. Will the distinguished majority leader yield for a question?

Mr. DOLE. I will be happy to yield.

Mr. FORD. When the majority leader says "the minimum wage bill," does that mean the bill that was sent over to us from the House; that would be a stand-alone offer?

Mr. DOLE. We have the right to amend.

Mr. FORD. I understand you have the right to amend it, but it will stand alone, it would not be included in the package as in the debate we had here previously in the Senate?

Mr. DOLE. I would be happy to work out something along that line with the Senator from Kentucky.

Mr. FORD. Rather than have four or five votes and then have a vote on the whole package, including the coupling as the Senator said, that we could have the stand-alone votes—I think we are very close to making some kind of agreement.

Mr. DOLE. I would want to consult, obviously, with my colleagues. But my view is there will be a minimum wage increase. It will pass the Congress. It will have some amendments that maybe are not totally pleasing to everybody in the Senate on either side of the aisle. In fact, maybe even the minimum wage is not totally pleasing to everybody on either side of the aisle. But I think, given the strong bipartisan vote in the House, and I think there is support, bipartisan support, for an increase on this side, the question is what do you add to it to get it passed?

Mr. FORD. The only question I was concerned about is that originally we had four or five individual votes and then that would have been included in a total package, with the coupling of maybe a poison pill or two there, that the President may not particularly like and said he would have to veto that with that pill. If we get the House bill and then that is a stand-alone, and we get the amendments and let the Senate work its will, I think we are getting very close to an agreement on minimum wage. I thank the majority leader.

Mr. DOLE. I will be happy to take it up with the leadership on my side and, hopefully, be able to go to the Democratic leader and the Senator from Kentucky with some proposal to be accepted.

I yield the floor.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 1 p.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

Who seeks recognition?

The Senator from Louisiana.

WELFARE REFORM

Mr. BREAUX. Mr. President, I think our Democratic leader is on his way. I will certainly yield to him at the time he comes for any remarks he would like to make. But I would like to just take some time in his absence to comment on one of the comments made by the majority leader, Senator DOLE, regarding welfare and welfare reform.

I think there is a growing consensus on behalf of both sides of the aisle that a welfare reform bill is achievable. It is achievable in this Congress this year. I think we are getting very, very close. The President of the United States has said some favorable things about the welfare plan that has been proposed by the Republican Governor of Wisconsin, Senator Thompson. I think the President made it very clear on the previous bill, the so-called Dole-Gingrich welfare reform bill that the President vetoed, that he vetoed it for a very specific reason. He vetoed it because it did not provide for adequate health care for children and he vetoed it because it did not provide for additional child care funding for children of welfare parents.

The President's stated position on welfare reform is that it should be tough on work but also should be good for children. I think that is the right approach. I do not think there is anyone in America who wants to be tough on welfare who wants to be tough and unfair to innocent children who did not ask to be born into this world.

Yes; be tough on the parents. Yes; put time limits on welfare. Yes; cut able-bodied parents off of welfare if they refuse to work. But let us make sure that this Nation, as great as it is, takes care of innocent children who did not ask to be born.

So I think the President made it very clear he would support his understanding of what was in the Wisconsin plan if it, in fact, took care of children by providing Medicaid or health care for those children and also additional child care funding. That is why he vetoed the previous welfare bill that had been sent to him, because it simply did not provide for those two major ingredients.

If the Wisconsin plan meets those standards, I think it is one that can be signed. I think the comments of the President yesterday while he was in Wisconsin really said exactly that, that he would support a welfare reform even if it's a Republican plan, or a Democratic plan; it doesn't make any difference who has authored it. But he also said, "So, what I say, if this is Senator DOLE's plan"—meaning a plan that provided for health care for children and for child care funding for children, that, if that is in the plan, "I think what he ought to do is pass his plan through this Congress before he leaves the Senate and I will sign it." That was a statement that I agree with, that, if a plan is presented that provides medical care for innocent children and if it is a plan that provides for child care funding so the parents can go to work, then it is a plan that, indeed, the President would want to sign.

So I think we are close. I commend the latest plan that I saw coming from our Republican colleagues for the closeness that it allows the two bodies to get together on an agreement. What I point out is that my review of what they are trying to do with their plan is, I think, very positive, in the sense that it does some things in the direction of providing more for child care, a very positive thing; it has tough new work rules in the Republican proposal, and that is good; it has a larger contingency fund for States in an economic downturn, and that is good. So there are a number of really good things in the new Republican plan that moves it closer to what we as Democrats have been trying to get accomplished.

But there are, I think, some deficiencies. I think these deficiencies are not such that they cannot be corrected, but the deficiencies, I think, are significant. For instance, they provide no vouchers for children after the parents have been cut off of welfare assistance.

What do you do, I would say to our colleagues, when you tell a parent you are not going to get any more assistance after 2 or 3 years—what are you going to say to a 2-year-old child, a baby, an infant, or a child that has no way to support itself and gets sick? Are we not going to have any help for innocent children? I think that is wrong.

Be as tough as we possibly can on parents and make them go to work and say, "If you don't go to work, you are going to lose your benefits," and say, "There is a certain time limit that you have to get to work if you are capable of doing it." But, unfortunately, there are going to be some who do not meet those standards and unfortunately they are going to be some children who are going to be innocent victims unless we find a way to take care of them. I suggest if we do not take care of them in the short term we are going to be spending a great deal more money in the long-term taking care of medical problems.

So I suggest that we ought to bring up the welfare bill as soon as we can. Do not tie it down with other things that are still in dispute, like Medicare or Medicaid or other controversial issues. Let us face it. If we can get an agreement on welfare, let us do it and let us quit arguing about who will get the credit. There is enough credit for everybody. Everybody will win if we come to an agreement that makes sense. But everybody loses if we continue to fight it from a political standpoint and not address it from a humanitarian standpoint. Let us be tough on reform, but help children.

I am encouraged we are getting closer on welfare reform. I will again say the new proposal from the Republican side is a very positive step. This allows us to sit and negotiate over just a couple of items and be able to say, "Yes, we can produce a bipartisan welfare plan which will be good for the country."

I hope we can do it very quickly. I think it can be a product this President will sign very quickly. So what if you have a signing ceremony and Senator BOB DOLE comes down and President Bill Clinton comes down and signs the same piece of legislation. Is that not good for this country? Is that not why we are supposed to be here? I think the answer is yes.

Mr. President, I yield the floor and suggest the absence of a quorum, since no one is apparently waiting to speak.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I see no colleagues on the floor today. We do not have record votes. I expect there are very few Senators here. I know we are in a period for morning business with a 5-minute limitation. I ask unanimous consent to be allowed to speak for 20 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. If the minority leader or others come and need to take some time, I will be happy to accommodate them.

UNITED STATES TRADE RELATIONSHIP WITH JAPAN

Mr. DORGAN. Mr. President, I wanted to come to the floor of the Senate today and talk a bit about trade. The Senate last evening passed a budget, and there was a lot of discussion about deficits. Actually, we had three budgets considered by the Senate, none of which balances the budget in the year 2002, despite the fact it was alleged that all of them did. That is because the only way any of them—whether it was the President's, the centrist's, or the GOP budget—portrayed a balance in 2002 was by using the Social Security trust funds.

We do have a fiscal policy deficit, and there is reason to talk about that. But that deficit has been coming down and coming down rather substantially for a number of reasons. There is another deficit in the twin deficits we face in this country that no one talks about. Virtually no one talks about the trade deficit. I do not quite understand why no one talks much about this, but it is every bit as serious a problem for this country as the fiscal policy deficit. It relates to jobs and opportunity that are lost in this country. It relates to jobs moving from our country to other countries.

So I want to spend a little time talking about the trade deficit. Previously I did talk about it more generally. Today I want to talk about one portion of it. That is the portion of the trade deficit that relates to our trade with Japan. In future presentations I will talk about trade with China, Mexico and Canada and other aspects of the trade deficit as well. I want to talk today about the trade deficits we have had generally in our country and specifically about the largest deficit that we have, which is with the country of Japan.

This chart shows the merchandise trade deficit in our country, and it shows in 1995 it set a record of $175 billion. All of this is red ink. This is what the chart shows, massive quantities of trade deficits year after year. They are not accidental. They are the result of a trade strategy that is not working and a trade strategy that bleeds economic opportunity away from our country.

As I begin, I want to say the Clinton administration has been better than the previous two administrations in dealing with this issue, but it does not solve the problem. They are more aggressive with China and they have been more aggressive with Japan, but the fact is our trade strategy has not been working, under Republican or under Democratic administrations.

Here is what our trade deficit looks like. Our merchandise trade deficit hit $175 billion last year. The fact is, we need to take a look at our trade relationships. We need to develop long-term trade policies that make sense for our entire economy—business, labor, agriculture and industry. We need to bring new and, in my judgment, innovative approaches to this problem to try to figure out how do we eliminate these trade deficits.

The fact is, our Nation's trade deficit cannot be solved by a one-size-fits-all solution in the global economy. If we are going to solve this problem, we have to understand what causes these trade deficits. We need to understand the bilateral relationships we have with the other countries that make up these deficits.

I want to talk specifically about the largest trade deficit we have in the context of these trade deficits. It is our trade relationship with Japan.

Japan is our second-largest trading partner, but we have the single largest merchandise trade deficit with them. This issue is not just about theory. It is about baseball bats. It is about apples. It is about rock-and-roll music. It is about automobiles. It is about VCR's. It is about computer chips and about fair trade between us and Japan.

As the world's two economic powerhouses, the United States and Japan trade with each other. We have a joint responsibility to bring about some kind of economic balance between us. Trade and growth ought to be two-way streets. They are mutual, and they are reciprocal. Our trade relationship with Japan has not been mutually advantageous.

No Nation can benefit from a trade strategy in which you have recurring consecutive deficits year after year. Our trade balance looks like this: 37 percent of the merchandise trade deficit in our country comes from our relationship with Japan, nearly a $60 billion trade deficit.

The bottom line is that we must change that circumstance. Our country cannot continue to have a trade relationship with Japan that has these kinds of deficits. The only other country that approaches that is our deficit with China. We have a fairly large deficit with Canada and Mexico combined: over $30 billion. This cannot continue.

The next chart shows the yearly trade deficits with the country of Japan. If you take a look at this sea of red ink in our trade relationship with Japan, you can only conclude that our trade relationship with Japan has not been mutually beneficial. 1995 was the 31st consecutive year of trade deficits that we have had with the country of Japan. In fact, the last time we had a trade surplus with Japan was 1964.

This chart shows that last year was the third highest trade deficit we had with the country of Japan. This will not go away by wishful thinking. Oh, some months there is a story in the paper that says it has improved; some months there is a story saying it gets a little worse.

This chart shows exactly what our trade relationship with Japan is. It is a one-way relationship that substantially benefits them and hurts us by draining jobs and opportunity and economic growth in our country.

Our country cannot continue to have this kind of a structural trade deficit with Japan year after year after year. In the past 5 years alone, we have racked up a quarter of a trillion dollar trade deficit with one country.

You can make a case on the fiscal policy of the budget that is money we owe to ourselves. Really, that is only partially true. But, you cannot make that kind of case on the trade deficit. Any trade deficits we have in the aggregate are going to be paid for by a lower standard of living in America.

The next chart shows the trade flow between us and the country of Japan. This past year our imports from Japan include automobiles, vehicles, machinery, electrical equipment, VCR's, television sets, manufactured articles. $123 billion has been sent to America from Japan in the past year. That is right: $123 billion.

What are we sending back? We are sending grains, cereals, meats, food, wood, mineral fuels, coal, some oil, and some aircraft. There was $64 billion of goods shipped from America to Japan. So we purchase $123 billion from Japan, and they purchase $64 billion from us.

The important part of this relationship is that most of what we are purchasing from Japan represents manufactured goods, high-technology goods, the kinds of things that relate to jobs. Much of what they consume from us is not the product of manufacturing.

We appreciate very much the fact that they buy our grains, and I want them to buy a lot more. They have an obligation to buy a lot more. I appreciate that they buy our steak, our beef, our pork. They ought to buy more T-bone steaks and send it to Tokyo. The fact is, there is more demand for beef in Japan than can be served by the quantity of beef they now allow in.

But the fact is, we need some more balance in both the overall trade flow and also the kinds of goods that are moving between our countries. We need to also be sending to Japan the product of our manufacturing goods.

The next chart shows the market share that the United States has of selected industries in Japan. It is pretty interesting. It shows our market share in the world as a United States producer and then our market share in Japan. None of this is accidental.

Paper and paper board: We have a 14 percent world share; we have 2 percent of the Japanese market.

Aerospace: We are better than most, we have a 69 percent world share; 44 percent in the Japanese market.

Automobiles and vehicles: We have a 16 percent share of the world market; a 1 percent share of the Japanese market. Is that an accident? While we are driving Hondas and Nissans and Toyotas, is it an accident that we only have 1 percent of the Japanese market? No. I am going to talk about why that is the case. It is a deliberate restriction on American products going into Japan.

Machine tools: 6 percent of the world market; 1 percent of the Japanese market.

Pharmaceuticals: 27 percent of the world market; 7 percent of the Japanese market.

Office machines: 29 percent of the world market; 10 percent of the Japanese market.

The point from this chart is that the Japanese systematically keep from their marketplace the kinds of things that we are shipping around the rest of the world because they want to restrict what they buy from us. Yet, they want to continue to expand the amount they sell to us. What does it mean? It means that we have a very large trade deficit with the country of Japan.

The next chart reviews a little about the trade agreements that we have had. Some say, well, we have all these trade agreements. We have GATT, we have bilateral agreements, we have all kinds of agreements that are going to be opening up segments of the Japanese market.

During the past 3 years the Clinton administration has been very aggressive. They have negotiated 21 separate agreements with Japan. Included in these are two of the general framework agreements, and a variety of industry-based agreements with Japan. They contain everything from intellectual property to medical technology, from autos to auto parts and air cargo.

The purpose of these agreements is to try to make consistent and measurable gains in getting American products into the Japanese marketplace. I think President Clinton has been aggressive on this. I appreciate that. Former Ambassador Mickey Kantor has been the most aggressive of all of our trade ambassadors.

But at the same time, we ought to understand that this progress is painfully slow and terribly inadequate. We are not solving the problem. This was especially evident to me, at least, in a statement made by Japan's Vice Minister of International Trade and Industry about a month before President Clinton recently went to Japan. Yoshihiro Sakamoto told the Foreign Correspondents Club in Tokyo:

> It is no longer relevant to negotiate and have an agreement on issues related to global industries in a limited bilateral context between Japan and the United States. The

> era of bilateralism is over. Any such friction from now on will have to be solved in accordance with the World Trade Organization . . .

In other words, he is saying about this big surplus they have with us, or our big trade deficit with Japan, that the days are over when we are going to negotiate with them to get more of our cars into Japan or more of our electronics equipment into Japan. Now he says we are going to be dealing with the WTO under GATT.

The fact is, the World Trade Organization simply does not even address or relate to the kinds of barriers that we face in getting American products into Japan. I can understand why Japan really wants to deal through the World Trade Organization rather than bilateral negotiations. They have decided that it is the best route for them because we have painted ourselves in a corner with this thing called the General Agreement on Tariffs and Trade.

The WTO, the World Trade Organization, primarily deals with tariffs and quota barriers. The problem is that Japan has a whole range of non-tariff barriers that keep American products out. I am going to describe a few of them. These barriers have nothing to do with the WTO and GATT. We cannot solve them through the WTO and GATT. But nonetheless, Japan keeps a wide range of products out. It restricts dramatically a wide range of American products going into Japan.

Perhaps a couple of Japanese agricultural tariffs will best illustrate the circumstances that I am talking about.

Beef. I do not know if many have been to Japan. The Presiding Officer has been to Japan. If you go to Japan to buy a T-bone steak in Tokyo. It costs you $28 to $30 a pound. Why? Because there is not enough beef in Japan.

We negotiated with Japan to get more American beef into Japan. You would have thought when it was over you that we had won the Olympics. You had people doing cartwheels and praising Hosanna and doing feasts and fiestas. What a wonderful thing it was that we would get more American beef into Japan.

We have such low expectations of the trade relationship with Japan. When you strip away what is actually in the agreement, you find that there is a 50-percent tariff on all the beef that goes into Japan. In other words we were successful in getting them down to a 50-percent tariff applied to American beef going into Japan. And, there is going to be a reduction, they say, of that 50-percent, down 2 percent a year.

But, if you have 120 percent growth in the volume coming in the reduction does not happen. So, you still have a 50-percent tariff on beef going into Japan. All the folks that did cartwheels about the major breakthrough should take a second look. This was on the front pages some years ago as a major breakthrough in beef going to go into Japan. Guess what? We still have a 50-percent tariff on American beef going into Japan. Despite that the cattle organizations think it is great we are sending more beef to Japan and so do I.

But, what low expectations we have if we believe it is fair for a trading partner like Japan to say to us, "You want to ship us hamburger or T-bone steaks, guess what? You have a 50-percent tariff." That is exactly the kind of thing they have done to us over and over and over again. It is exactly why our trade deficit with them has grown.

I will not describe the situation with pork but it is almost exactly the same thing. The implication was that we have solved a problem and we get more pork into Japan. Yet the fact is they put up a nontariff barrier.

In my judgment it is a fundamentally outrageous trade policy to say to us, "We want to ship you all our cars, we want to ship you our VCR's, ship you what we produce, but when you want to send American goods to Japan we want to narrow your market and restrict your opportunities."

The next chart shows some of these foreign trade barriers. I have a copy of the booklet put out by the U.S. Trade Representative offices showing trade barriers. It shows the trade barriers we face when American producers and workers try to send their products to Japan. This book says:

> Whereas previous administrations had reached bilateral and multilateral agreements with Japan, long-term access to Japan's markets for foreign goods and services has remained elusive. While Japan has reduced its formal tariff rates to imports to very low levels, invisible non-tariff barriers such as nontransparency, discriminatory standards and exclusionary business practices maintain a business environment protective of domestic companies and restrictive of the free flow of competitive goods into the Japanese domestic market.

That says we are losing American jobs and sapping America's economic strength. Our jobs are going overseas. Why? Because Japan is sending their manufactured products here and we cannot get enough of our manufactured products into Japan.

The next chart shows the barriers to getting the products into Japan. There are many of them. The intricate trade and customs bureaucracy that stalls products when they get to Japan. Then there is overregulation and excessive inspection, restrictive standards, discriminatory pricing and procurement, state trading authorities, and something called the Keiretsu system. Most Members of the Senate understand that this Keiretsu structure in Japan would be illegal in the United States. It is a whole series of integrated business relationships and cross ownership that simply prevents us from getting into and competing in the Japanese market.

There are plenty of examples of that. Automobiles, for example: If you do not have dealers or existing dealers who are licensed to sell your cars, you cannot get sell your cars. The nontariff barriers of getting goods into Japan is legendary even for companies constantly trying to do that.

I mentioned apples. It took us 20 years of negotiation and study and review before Japan would accept apples from Washington State—20 years. When it comes to accepting the international phytosanitary standards on fruits and vegetables the best the USTR can say is, "Progress has been slow." That radically understates the circumstance, when it takes 20 years to get an apple into Japan.

Go to Japan today to Tokyo, and see some kids play on a high school playground. See if you see an aluminum baseball bat. You hear the ping of aluminum baseball bats in America these days. It seems a lot of the kids want aluminum bats rather than wood, but do you hear that sound hitting a softball or baseball. You will not hear it in Japan because in Japan if a Japanese high school wants to buy a baseball bat, the bat has to have the Japanese Industrial Standard seal of approval.

While there are no formal prohibitions on aluminum baseball bats, no one has been able to get the Japanese Industrial Standard seal of approval on an aluminum baseball bat. That means there are no aluminum baseball bats in Japanese high schools. It does not relate to tariffs or quotas. It relates to something called the Japanese Industrial Standard seal of approval.

Now with all the international intrigue in all of the high-level negotiations, we run up a massive trade deficit with Japan and we are told, "Well, our marketplace cannot accept enough T-bone steaks or any aluminum bats, or it take 20 years to get an apple through to be eaten by a Japanese consumer."

Japanese do not recognize the copyrights on sound recordings made outside of Japan prior to 1971. Now, the Presiding Officer, being from Montana, knows that the best music in our country came in the 1950's and 1960's. Because of the circumstances of the nonrecognition of copyrights on sound recordings in Japan, none of this good old rock and roll music is protected in the Japanese market. All of it is available to be used for nothing. That is another example of a circumstance of doing business in Japan.

Even earthquakes do not seem to shake their resolve to prevent outside interests from coming in with goods and services. The Kobe earthquake prompted some Swiss dogs to be sent to help find people buried in the rubble. Those Swiss dogs were held up at the airport in quarantine. Special emergency equipment was delayed in customs to respond to the Kobe earthquake and foreign teams of emergency doctors came to Japan to help and could not practice because they did not have Japanese licenses. That is the kind of bureaucracy that we face in trying to get foreign goods and services into the Japanese markets.

Next, finally, I will talk about some myths about the United States trade deficit with Japan. The first myth is this is something we do not have to talk about and that it is self-correcting. It will go away.

It is not going away. It is getting worse. It is a deliberate managed trade strategy by Japan to enhance their economy at our expense. It means fewer jobs in our country. It means economic opportunity lost. It means a lower standard of living in America.

The second myth is that the trade deficit can be solved through the World Trade Organization. Anybody that believes that needs to go find some bridges to buy this afternoon. It will not happen. The World Trade Organization is not going to solve this problem.

Another myth is that bilateral trade deficits do not matter. It is only the aggregate that matters. That would be true for some other country that would have equal trade surpluses to offset against such a deficit. That argument has no relationship to this. We have a constant recurring trade deficit that is hurting this country and the largest deficit is with the country of Japan. It is deliberate. It is not getting better. It is getting worse.

It does not matter what we trade with Japan, some say. Nonsense. Japan is one of our largest trading partners. As I have indicated, for over 30 years, every single year, we have had a trade deficit. More importantly, they are sending us finished products, the product of labor and manufacturing and good jobs, and all too often they are unwilling to buy from us the product of our manufacturing. They are interested in buying our coal and other things that are not a product of manufacturing and do not create as many jobs in our country.

Another myth is that the deficit can be solved by macroeconomic policies. The deficit is not going to be solved by macroeconomic policies. Our trade deficit with Japan is a structural problem, and the imbalance in our economies is a result of a continuing trade deficit, not a cause of it.

We have cut our Federal budget deficit substantially in recent years. Yet, we have still seen a massive surge in Japanese imports during these years.

Some say, well, it is the currency exchange rate that caused the deficit. That is simply not true. As the currency exchange rate moved in one direction or another, our trade deficit has frequently moved exactly the opposite direction that you would expect. This trade deficit is not going to be solved by macroeconomic policies.

Some say that the Japanese market cannot absorb more American goods. That, of course, is the biggest myth of all. This is another version of the myth that we cannot compete in the Japanese marketplace because we do not understand the Japanese market. The fact is that the American products produced here do well whenever they are available to Japanese customers. The problem is getting into the Japanese marketplace to make them available to the Japanese customers.

Now, it is true that, on a per capita basis, the Japanese import as much from the United States as the United States imports from Japan. But that is one of those statistics that conceals rather than reveals. If we turn this around, we would find that, on a per capita basis, Japan exports four times more to the United States than we export to Japan. That is a statistic that just confounds an issue rather than clarifies an issue.

The fact is, whenever the Japanese market has been opened up to an opportunity to trade more and import more from the United States, the United States has experienced a substantial growth in sales to Japan. Our problem is that opportunity has not existed very often with Japan, and that is the reason for our recurring trade deficit.

The final chart talks about solving our trade deficit with Japan. What do we have to do to resolve this? First of all, you stop ignoring it. Do not have 200 days of discussion on the floor of the Senate about the fiscal policy deficit and then completely ignore a trade policy deficit that is even higher than the fiscal policy deficit. Don't ignore one that will inevitably be repaid some day by a lower standard of living in this country. This is another part of the twin deficits that hurt our country, and we have to deal with it.

We have to continue and expand bilateral framework talks with Japan, and push them hard. We have to say to Japan: You have a responsibility to us. A trade relationship is a two-way relationship, and we will no longer countenance a relationship in which you do well at our expense. We will not continue, in the next 30 years, a continuing trade deficit with Japan.

Second, we must monitor market access and enforce agreements, and do it aggressively. None of this talk and fluff. Go at this aggressively and insist on market access, demand market access for American workers and for the products of American businesses in Japan.

We need to involve and aggressively represent U.S. business, agriculture, and labor interests in trade disputes. We have been wallflowers in our trade relationship with these folks. We sit around and twiddle our thumbs and act nervous and sweat all day wondering what we can do. It is very simple.

What we say to countries like Japan is: We enjoy your products, Americans deserve to have opportunity to purchase your products, but we demand, as a part of that, that you open your markets to us. If you are saying to us, "We want to ship our cars, VCR's, and television sets to America to sell, but we will not allow American products into Japan in any significant quantity," then we say, "Sell your cars in some other country. Sell your cars in Kenya. See how many cars you sell in the Kenyan market."

If you want to sell in this market, you are welcome to. Then we hold up a mirror and say, "Treat us as we treat you. If you want access to our market, you will have it on the condition that we get access to your market." Anything short of that, in my judgment, is unacceptable to this country.

We also have to work with our trading partners to open Japanese markets. Other countries suffer the same problems. We have to work with them to respond.

We need to require full reciprocity and full market access. That is the mirror approach, saying, if you want to be in our markets, we expect and demand to be in yours.

Finally we have to make solving the trade deficit a national priority. I intend to offer, next week, a piece of legislation that would establish a commission to move quickly to develop national recommendations on how we aggressively involve ourselves in resolving this trade deficit and bringing this trade deficit down. We need balanced trade, not just with Japan but with China, Mexico, Canada, and other countries as well.

I am not saying, in any way, that Japan is not a valued trading partner of ours. I am saying that our trade relationship with Japan has not been mutually beneficial. It is not helping this country. It is hurting this country. We ought to decide, as a country, that we want to have a strong manufacturing base that helps create good jobs here in our country. We ought to decide we do not want to put a wall around us. We want to be willing and able to compete with anybody who wants to ship their goods into our country, provided they are produced with a living wage paid somewhere else, produced under circumstances that do not pollute the environment, do not exploit child labor, and so on. Even while we do that, we as a country ought to insist that other countries allow us the same access to their markets.

It is interesting, if you go back to the Second World War and chart the 50 years since the Second World War, you will find that 25 years after the Second World War we won everything economically. And, we did it with one hand tied behind our back. Our trade policy was a foreign policy, and nobody made any bones about it. It was designed to help other countries. But we could beat other countries without any problem. We were the biggest, the strongest, the most, the best. We could outcompete and outsell and beat any country in the world on almost any level economically.

As a result, during those 25 years, American wages continued to rise and workers benefited from our economic opportunities and the economic strength that we had. In the first 25 years, wages went up like that. Then in the next 25 years, in that second half of the 50 years, wages began to stagnate for most Americans. What happened? What happened was that those we used to treat with a trade policy that was really a foreign policy have become tough, shrewd economic customers and tough competitors—Japan, Germany, and others.

What has happened was we began to bleed strength out of this country with these kinds of trade deficits that we have seen. These were recurring, consistent, yearly trade deficits that sapped this country's economic strength.

Our trade policy should no longer be a foreign policy. They ought to be economic policies that say to other customers and other trade partners in other countries, who are tough competitors, that we will give you certain access to our marketplace because we want to have a free and open marketplace. It should say we want to give consumers access to a wide range of products from around the world. But all of you—Japan, China, Germany, and others—have a responsibility in return. This responsibility finally is going to be one that America insists upon. The responsibility is to allow the American worker and the American producer into your marketplace to compete on the same basis as you compete in our country. We expect it, and, more importantly, we demand it, and we are going to do things necessary to enforce it.

I come from a State that requires that we find foreign homes for a lot of what we raise. I understand that. There is our grain, beef, and a lot of agricultural produce which move overseas. I appreciate the fact that we have trade relationships with countries that are willing to purchase these commodities. But it is not gratuity that suggests to me that Japan and China ought to buy more agricultural products, not less, from us.

When we run up trade deficits, or when Japan and China run up a trade surplus with us and then go elsewhere to buy grain or shop elsewhere to buy airplanes, there is something fundamentally wrong with our trade relationships. I hope that we will decide that this kind of trade strategy that we have had under Republicans and Democrats for three or four decades is robbing our children of the kind of economic future they ought to have in our country. It has been shifting our Nation from a high-wage nation to a low-wage nation. It has been a major contributor to our fiscal policy deficits because it has zapped our economic strength and it has slowed our economic growth.

I hope all of us will decide to do something about this. As I said, I want to introduce some legislation next week to form an emergency commission to try to deal with recommendations on how this country confronts this trade deficit. I am going to make presentations similar to this on our trade deficit with China, which is $34 billion a year and growing, and on our trade deficit with Mexico and Canada, which combined is also nearly $34 billion a year and growing.

I hope, perhaps at the conclusion, all of us will have some more information and some more facts about a problem that I think is a serious problem for our country and one that literally begs for attention. It demands a solution if we as a country are going to remain an economic power in the world in the decades to come.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PRESSLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE BUDGET

Mr. PRESSLER. Mr. President, I rise to say a few words about the budget that this body enacted last evening. I voted with pride for the Domenici-Dole budget because it places our budget in balance by the year 2002.

This budget is the first real budget, with real numbers in it that will lead us to a balanced budget, that has been passed since I came to the Congress in 1974. We finally have passed a real budget with real numbers in it that will lead us to a balanced budget.

Also, this budget contains welfare reform, real welfare reform, that will lead us to workfare following the Wisconsin plan. We passed the same thing last year. It was vetoed twice by the President. But even he now says he has endorsed most parts of the Wisconsin plan. So even though our budget last year was not enacted, it has had some dramatic results. Even the liberal Democrats are now talking about a balanced budget for the first time. They are at least pretending to be interested. The President gave his radio address on the need for welfare reform following the Wisconsin plan which, under Republican Gov. Tommy Thompson, has become a model to get people onto workfare.

So this is very, very important for our country. In fact, a balanced budget is the most important thing we can do because it will provide for low interest rates and a stable dollar, and that will help us export more. A balanced budget will help college students who have student loans because it keeps interest rates down and the payments can be less. It helps homeowners who have home mortgages in terms of their interest. It helps small business people because of lower interest rates and a stable dollar for exports. It helps agriculture. In fact, it may be the most important farm bill.

I supported the freedom-to-farm bill with pride, and I was a part of the leadership team that brought us the freedom to farm bill. But if we can export, commodity prices will take care of themselves. In fact, we have some of the highest commodity prices in history.

Mr. President, we have a serious problem with cattle prices at this time. I just finished a conversation about the need for the Clinton administration to enforce the antitrust actions and the price-fixing actions if American consumers are not getting the advantages of lower beef prices—and they are not. Some people say we need more investigations and studies. We do not need more investigations and studies. We need action by the Clinton administration and the Justice Department to enforce the antitrust laws and the price-fixing laws that we have in this country. That will help beef prices. That will help our cattle.

Mr. President, I grew up on a farm, and I used to raise cattle. We would go out to western South Dakota and buy 400-pound feeder calves and bring them back to eastern South Dakota, feed them for a year, and sell them. I kept records on my 4-H beef cattle, and I know how tough it is to make a profit on feeder cattle. I know that a lot of our cattlemen today are losing money and are losing their farms because of low cattle prices. There have been a number of steps taken. But they have all been on the edge.

The real issue is price. I feel strongly that the great packer concentration is causing price-fixing, and we need antitrust action by the Clinton administration. They have the authority. The law is on the books. We should do it now.

So, Mr. President, in conclusion, let me say that I voted with pride for the Dole budget that passed the Senate because it has welfare reform in it that will lead to workfare.

It will fundamentally change the welfare system in our country to workfare. It will save taxpayers' money. It will mean that actual welfare recipients will do even better. This is a good budget that will lead us to $1 billion in 2002. I hope the House of Representatives and the White House accept the budget this year.

I thank the Chair, and I yield back my time.

Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

WELFARE REFORM

Mr. DASCHLE. Mr. President, before we leave for the Memorial Day recess, I wanted to make a couple of comments if I could with regard to the current situation on welfare reform. I did not hear all of his remarks, but I know that the Senator from South Dakota just made a reference to welfare in the budget. A number of colleagues on both sides of the aisle have addressed the issue this morning—Senator BREAUX, and I believe, the majority leader did so as well. I think it is fairly clear that Democrats and Republicans want welfare reform. I do not know of anyone who supports the status quo.

There has been a lot of talk about reform principles over the last several months. The President reiterated the basic principles just last weekend. And on Tuesday, my colleague, the majority leader, announced his principles. The legislation to reform welfare has come a long way in the last 12 months. Senator BREAUX and Senator CHAFEE have worked over the course of the better part of a year now to achieve a bipartisan compromise on welfare reform, and frankly I applaud them for their effort and for the contribution they have made to this debate.

On the House side, Representatives TANNER and CASTLE have done much the same thing, and for them, too, there has been a good deal of attention for the work product they have produced. On Wednesday, Republican House and Senate Members introduced legislation very close to those bills. So in large measure, many of the extreme provisions of the legislation offered in 1995 are no longer evident in the welfare reform proposals that are currently being considered. If you look at the proposals, what is remarkable is the degree to which there is common ground. That common ground is really based on a number of principles that apparently are shared now by the vast majority of Republicans and Democrats.

First, able-bodied welfare recipients ought to work. I do not think there is much disagreement about that. Second, welfare receipts ought to be limited in time. Now, there is some disagreement with regard to the length of time perhaps, especially on my side of the aisle, but I do believe there is a broad, bipartisan consensus in the middle that there ought to be a time limitation. Adequate funds for child care need to be provided as well. You cannot ask a family to go take that new job, to leave the security of the welfare infrastructure and then to expect them to leave children in the living room unattended. We talk about making sure that families have the ability to be families, to take care of their children. If they are going to work, somebody has to take that responsibility while they are gone.

I also recognize, and I think most colleagues do, that there is a broad consensus about how we treat illegal noncitizens. They should not receive welfare, period. I do not think there is much disagreement with regard to welfare receipt for illegal noncitizens. Child support enforcement laws need to be strengthened. There are still too many deadbeat dads out there who ought to be sought out and ought to be made to live up to their responsibilities.

We need to provide more flexibility to States. The President has provided now, I am told, over 60 waivers in States across the country. No greater level of flexibility has ever been given by any administration to States to find ways to address the welfare issue from their perspective more effectively than has this administration.

Finally—and I think there is some disagreement on this—there is a growing consensus that children, infants, and toddlers especially, those most vulnerable, need to be protected; that welfare reform should not be about punishing kids. It ought to be about giving them as much empowerment, as much opportunity to be cared for, to be educated, to be fed, to be clothed, and housed in a way that will ensure that they are not on welfare someday. We need to break this generational linkage. The only way we are going to do that is to empower children and find ways to ensure that they are not punished as we continue to find a more viable approach to our welfare system.

The President said yesterday that he would like to enact welfare quickly. In fact, he said he would like to see it happen before the majority leader leaves the Senate.

Mr. President, I think there ought to be bipartisan agreement to that effect. Let us try to do that. I listened carefully to the speech by the majority leader in Wisconsin, and he said, "When I say real welfare reform, I mean requiring every able-bodied welfare recipient to find work within 2 years."

The Republican bill introduced yesterday goes beyond that particular requirement for work, and it is something we are going to have to be able to address. There are no exceptions, except for mothers with children under age 1. What about disabled people? Should they be required to find a job in 2 years? What about those caring for a disabled child? What about those who are caring for a disabled spouse? Do we require the same of them that we require for able-bodied people in normal circumstances?

That is something I am sure in a bipartisan way we can resolve to everyone's satisfaction, but clearly those are a series of questions that in our view have to be addressed in a way that will allow us to pass meaningful legislation sometime soon.

I do hope we can act on it soon, but we also need to read the legislation that has been introduced. It was not available yesterday. We do not know if it will be available today. There may be other areas in the bill where the provisions do not match the principles that appear to be the common ground that binds Republicans and Democrats. But clearly there is a desire, and I think that desire is becoming more pronounced, more articulate in a more specific way than at any time in recent memory.

I agree with much of the majority leader's speech in Wisconsin, not just the quote to which I just made reference. He did not speak as an extremist partisan leader. He spoke of, and I quote, "The American ideals of freedom and human dignity, opportunity and personal responsibility." He is right.

The President has articulated in much the same way what this ought to be about. Now it is our responsibility to ensure that welfare reform does not aim at the mother but hit the child.

Much has been said about reform. Little has been said about protecting children. We all want to make sure that they are protected, that they do not pay for the mistakes or the circumstances of their parents. Somehow there ought to be a way to protect children as we attempt in a positive way to construct a welfare infrastructure that allows us to make fundamental change.

If our Republican colleagues are serious about welfare, then we ought to schedule it. We ought to schedule it quickly. We could agree today to take that legislation up before the Senate as early as June 4 when we come back. Let us set aside this so-called Defend America Act. Let us bring welfare reform to the floor and let us begin to address it. We can compare our provisions. We can agree on principles. We can decide how we answer the questions that I have addressed, but let us move it.

Let's drop the partisan ploy to combine welfare and Medicaid. There is no consensus on Medicaid. There is a consensus on welfare. Not proceeding on June 4 means that perhaps there are some who are not serious about whether or not we ought to move in an expeditious way, that we may not be able to get this bipartisan consensus in a timeframe that will allow the majority leader to demonstrate his leadership as he has in the last couple of days.

So I hope that we could get some agreement to take up welfare reform at the earliest possible date. I would be prepared to work with the majority leader to find a way to ensure that Senators have an opportunity to voice their objectives and their goals as well as their opposition to specific ideas that may be debated. That is what a good welfare debate is all about.

But I can guarantee this. There would not be any long, unnecessary, extended debate. We could resolve this matter. We could send it on to the President. We could find the President and the majority leader in agreement, and move on to other issues that may separate us and continue to require the debate that I know they will. Medicaid and Medicare may be two examples. But we can do welfare. We can do it the week we get back. We can do it in a matter of a limited period of time. That is possible. I hope we could find a way, in a bipartisan agreement, to make that happen sooner rather than later.

I yield the floor.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The senior Senator from Montana.

Mr. BAUCUS. Mr. President, what is the pending business?

The PRESIDING OFFICER. We are in morning business with Senators allowed to speak up to 5 minutes.

Mr. BAUCUS. I thank the Presiding Officer, my colleague from Montana.

MFN STATUS FOR CHINA

Mr. BAUCUS. Mr. President, I rise to discuss the question of most-favored-nation tariff status for China.

Our goals in China policy over the next 10 years are more important than our goals for the next 2 months. But we must begin with the next 2 months and MFN status, because we can not do much at all unless we avoid disaster in the short term.

We Americans should begin by understanding what MFN status is, and what it is not. MFN is not a special favor and it does not mean "best country." It traditionally meant that we would give a country the same tariff rates everyone else got. But today, MFN is closer to "Least" than "Most" favored nation.

Only seven countries—Afghanistan, Cuba, Cambodia, Laos, North Korea, Vietnam, and Yugoslavia lack MFN status. And the House, as well as the Senate Finance Committee, has already passed a bill to get Cambodia off that list.

By contrast, 31 countries get tariffs below MFN through the Caribbean Basin Initiative, the Andean Trade Preference Act, the NAFTA, and the United States-Israel Free-Trade Agreement. And when we renew the Generalized System of Preferences, the total will rise to 151 countries and territories with tariffs below MFN.

So giving China MFN status is nothing special. Now look at revoking MFN. It raises tariffs from Uruguay Round to Smoot-Hawley rates. That brings our average tariff on Chinese goods from 4.6 to 40 percent. To choose some of China's largest exports, Smoot-Hawley tariffs raise the duty on silk blouses tenfold, from 6.5 to 65 percent. On radio-tape players, from 1 to 35 percent. On toys and stuffed animals, zero to 70 percent.

This would make trade with China impossible. China would lose about $44 billion of exports, nearly a third of its total sales to the world. China's inevitable retaliation would cost us $14 billion in direct exports, plus much of our $17 billion in exports to Hong Kong.

The consequences would be staggering. China would suffer a humanitarian crisis, as millions of workers in coastal export factories lose their jobs overnight. That is why the dissident Wei Jingsheng hopes we will not revoke MFN status, and says that "the direct victims of such measures are the already poverty-stricken Chinese people."

They would not be the only victims. The damage to Hong Kong would be tremendous. The United States would lose hundreds of thousands of export jobs. Retailers and the millions of people they employ would suffer a massive disruption of toy and apparel imports just as they are buying stocks for the Christmas season.

And although MFN is a trade policy, the malign effect of revoking it would go far beyond trade and jobs. It is hard to see how we could continue working with China in areas of mutual interest. And the consequences in politics and security—from our ability to manage the nuclear aspirations of North Korea, to preventing weapons proliferation in the Middle East, to the U.N. Security Council and beyond—would be immense.

That brings us to the larger and more important question—what we hope to achieve in China policy generally. And again, start with the facts.

China is the world's most populous country. It has nuclear weapons and the world's largest army.

It is a major industrial contributor to global climate change and pollution of the oceans. And it is the world's fastest growing major economy. So in the coming decades, China will have significant effect, for good or for ill, on economic, environmental and political developments in Asia and around the world.

If China is hostile—or, short of outright hostility, refuses to recognize the standards of behavior most countries accept, and approaches the world with an angry nationalism—hopes for peace and prosperity recede.

And as the first half of this century showed, a weak, poor, and fragmented China is equally dangerous. It becomes a source of revolution. It sends refugees across the world. And it attracts the greed and aggression of its neighbors, as it did Bolshevik Russia and Imperial Japan.

So we should do what we can to avoid either extreme. That is a difficult foreign policy problem which requires patient, continuous engagement. We should work with China wherever possible. And issues from environmental protection, to adoption of Chinese orphans, to security in Korea show that it is often possible.

We also have disputes with China, on intellectual property protection, treatment of dissidents, and weapons sales. And we must address these disputes in a calm but serious way. The U.S.TR's announcement of sanctions for violations of the 1995 Intellectual Property Agreement today is a good example.

But whether we are talking about mutual interests, or disputes, there is really only one way to succeed. That is by staying engaged and remembering our long-term goal of a world a bit more peaceful and more prosperous.

Barring a cataclysmic event that makes engagement impossible—an unprovoked attack on Taiwan, for example—revoking or conditioning MFN will not help achieve that goal. Rather the reverse, to put it mildly. And if such an event were to occur, a policy based on MFN would be far too weak.

In fact, there is no situation to which revoking MFN status would be the appropriate response. And thus, after 6 years, it is time to end the debate. It has become simply an artificial, annual crisis at a time when we have all too many real ones.

So this year, the administration should show strength and confidence in its basically sound policy.

We should not revoke MFN status. We should not try a split-the-baby half measure like revoking MFN for state-owned industry or bringing China back to Tokyo round tariffs. Nor should we use new conditions to postpone the decision a few months or a year. We should just leave MFN alone.

And next year, we should move on. It is time to bring China out of the Jackson-Vanik amendment, extend MFN permanently, and close this debate for good.

VOLUNTARY ENVIRONMENTAL SELF-AUDITING

Mr. LOTT. Mr. President, this week the Senate Judiciary Subcommittee on Administrative Oversight and the Courts held a hearing on voluntary environmental self-auditing. The hearing was held to explore the State experience with laws to encourage self-audits and why it is necessary to enact Federal legislation to complement these State laws.

I want to take this opportunity today to share with you the importance of what was said at this hearing.

First, an explanation of what voluntary environmental self-auditing is; why companies do it; and what the problems are.

In the past 10 years, the number of environmental statutes and regulations that impose compliance obligations, and the corresponding increase in civil and criminal penalties and sanctions for violations of those obligations, have dramatically increased. Furthermore, thanks in part to these laws, social mores that value environmentally responsible business practices also compel environmental awareness by businesses. In response to these developments, more and more companies use environmental self-audit programs as a tool to ensure compliance with this complex and litigious system.

Generally, an environmental audit is a means of reviewing a business in order to get a snapshot of its overall compliance with environmental laws and to troubleshoot for potential future problems. EPA defines an audit as a systematic, documented, periodic, and objective review by regulated entities of facility operations and practices related to meeting environmental requirements. Audits can include inspections of equipment to ensure that permit requirements are being met; assessment of future and present risks of regulated and unregulated materials used at the facility; and assessment of day-to-day operation of its environmental management structure and resources. Some companies have compliance management systems that can include day-to-day, even shift-to-shift voluntary activities to assure compliance.

No State or Federal law requires companies to undertake comprehensive environmental self-auditing. This is a voluntary, good business practice initiated by companies that are taking extra steps to be in full compliance with environmental law.

There are no guidelines or standard practices—audits vary considerably because they are done voluntarily and because they must accommodate the individual needs of companies or specific facilities to be most effective. They are typically much more extensive than an inspection by a State or Federal regulator because they are done more often and because companies simply know much more about their operations and permit obligations than the regulator can.

So, a company conducting its own audit can identify and correct a much wider range of potential violations.

Sounds like a great idea, doesn't it?

Unfortunately, many companies do not do voluntary self-audits because the information contained in the audit document can be obtained by regulators, prosecutors, citizens' groups, or private citizens and used to sue the company.

Remember that we have an incredibly complex compliance system. A recent survey by Arthur Anderson Environmental Services and the National Law Journal found that nearly 70 percent of 200 corporate attorneys interviewed said that they did not believe total compliance with the law was achievable—due to the complexity of the law, the varying interpretations of the regulators, the ever-present role of human error, and the cost. Because of this complexity, it is possible and logical that companies that take on the task of self-evaluation will find volations—that is what we want them to do. Find problems and fix them without waiting a year for a government inspection. Unfortunately, the audit documents are a vehicle for anyone to use to sue. Companies completing environmental audits develop documentation of their instances of noncompliance or areas of potential concern. These documents, if made public, are a roadmap for third parties or governments to use to sue the company even if the problem has already been corrected and no environmental harm has occurred.

Companies are already vulnerable to extensive liability under environmental laws. Under the Clean Air Act amendments of 1990, for example, the maximum civil penalty that may be assessed is now $25,000 per day per violation. EPA's fiscal year 1994 enforcement and compliance assurance accomplishments report shows that 166 civil judicial penalties were brought in 1994 totaling $65.6 million. On average, that is about $400,000 a case. Administrative penalty orders for the same year numbered 1,433 actions, which totaled $48 million.

That's a lot of money and a pretty powerful disincentive to self-auditing.

Seventeen States have recognized this disincentive to self-auditing and have enacted laws to fix the problem so more companies will self-audit.

Mississippi is one of those States that has acted on this issue.

These laws typically do two things:

First, provide a qualified evidentiary privilege for internal company audit documents, and second, grant penalty immunity to companies that conduct audits, voluntarily disclose any violations they discover in their audit, and promptly clean up or fix the violation.

In other words, if you are a responsible company that does self-auditing to find out where you have problems, and you tell the State authority that you found it and fixed it, you are rewarded by not having to pay a fine and by getting protection from use of an internal company audit in court.

Better environmental compliance using a voluntary flexible approach: this is what we all—both Republicans and Democrats alike—believe to be the new environmentalism.

This is common sense—companies have an incentive to find and fix their problems right away.

That's better for the environment: State officials benefit because they can establish cooperative relationships with companies instead of the current adversarial enforcement first system; Taxpayers get better return from their tax dollars because enforcement resources can be redirected toward the bad guys who are not following the law; and of course, best of all, we are all rewarded with greater compliance with environmental law.

These laws are not about secrecy and letting polluters off the hook—you'll hear that from the opponents of these laws.

Opponents will say that these laws make it more difficult to prosecute and that they will interfere with enforcement actions or compromise the public's right to know.

Not true. These laws protect only the voluntary self-audit document—they do not protect any information required by law to be collected, developed, maintained, reported, or otherwise made available to a government agency. The opponents are saying that protection of the audit document will allow bad actors to hide violations and endanger human health. Of course, that is not true: you gain nothing from these laws if you are using an audit for a fraudulent purpose, or if you find a violation and don't fix it, or if you have a pattern of repeat violations.

If you're cheating, you're out, as it should be. These laws are about a new way to do things with all the safeguards you would expect a State legislature would insist upon to protect its citizens.

Again, 17 States think this is a better way to get things done. And by the way, 25 other State legislatures are considering this voluntary self-audit legislation—that is a grand total of 42 States.

I'd say this is a definite trend.

We need to enact similar legislation on the Federal level to complement and assist these States with full and effective implementation of this concept. This is what the hearing was all about: the need for Federal legislation.

Why not let the States continue to show us innovative ways to achieve environmental progress? Because the way our system of environmental law is set up, EPA retains the right to enforce the law after it delegates program authority to a State. This means that without a Federal law granting a qualified privilege and immunity for voluntary self-audits, the EPA can take separate enforcement actions—or overfile—regardless of any State action. So, a company that wishes to take advantage of a State audit law which provides it with enforcement protections from State action, is not protected from Federal enforcement actions.

Why would a company voluntarily disclose violations to a State when the feds can come after them for the same thing? It would be asking them to be hit with a lawsuit.

EPA has been very clear about its intent to scrutinize actions in States which have enacted laws and in States which are currently addressing audit bills in their legislatures. EPA has set up a task force to monitor the approval of State delegated programs under the Clean Air Act for States with voluntary environmental audit statutes. The Agency has indicated that approval of certain State programs may be delayed or denied because of their State audit privilege statutes. EPA has used this threat to withhold Federal program delegation in order to influence pending State legislation.

This is an astonishing breach of States' rights, if you ask me.

Threatening States because of laws their citizens' representatives have enacted. Governor Merrill of New Hampshire said it best in responding to EPA's opposition to that State's law:

> I reject the suggestion that States like New Hampshire must recognize the primacy of Federal laws in order to successfully design and implement effective environmental laws. In fact, States have proven time and time again that the Federal Government does not know best and does not get the job done for the citizens of the several States. I hope that the EPA does not intend to minimize the independent sovereign rights of States to adopt and enforce environmental laws that protect our environment and add to our quality of life.

Full use of these State laws will never happen in this adversarial climate and an opportunity to encourage this creative and cost-effective approach to environmental problems will be missed if we do not take action on the Federal level.

Even the Clinton administration has recognized the value of promoting environmental self-auditing, having issued a policy statement in December 1995. It is a good step forward by this administration; unfortunately, it does not really do the job.

Basically, the administration policy says if companies come forward and voluntarily disclose violations, then EPA will not prosecute them as aggressively as they could otherwise. Not a real bonus. No evidentiary protection, no protection against citizen suits, and it is only a policy, not a rule, so it does not have the force of law nor does it have any impact on what the Justice Department or the FBI can do.

A nice gesture but that's about it.

The hearing makes a compelling case for enactment of Federal legislation. Senators BROWN and HATFIELD have introduced legislation, S. 582, to encourage environmental self-auditing by setting up parallel protections and incentives on the Federal level that parallel those on the State level.

Enactment of S. 582 will allow these 17 States to fully implement their laws. We here in Congress can put our money where our mouth is by enacting the kind of flexible, voluntary environmental statutes that we have all been talking about for a year. And it presents the EPA with the opportunity to work with instead of against our States. This is the best reason yet to pass the Brown-Hatfield bill.

We all get better environmental compliance.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business Thursday, May 23, 1996, the Federal debt stood at $5,120,583,551,676.66.

On a per capita basis, every man, woman, and child in America owes $19,329.45 as his or her share of that debt.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Chair recognizes the Senator from Mississippi.

Mr. LOTT. Mr. President, I thank the Democratic leader for being here. We do want to engage in some unanimous-consent requests and hear his response. I am pleased that we are able to make these offers today.

UNANIMOUS-CONSENT REQUESTS—H.R. 3415, S. 295, AND H.R. 3448

Mr. LOTT. Mr. President, I begin by asking unanimous consent that the majority leader, after notification of the Democratic leader, may turn to the consideration of H.R. 3415 regarding the gas tax repeal, and that it be considered under the following time restraints, 1 hour on the bill to be equally divided in the usual form, no amendments or motions be in order, and following the conclusion of time, the bill be read for a third time, and final passage occur without further action or debate.

I think, since we are entering the Memorial Day week, we could come together on an agreement on a number of unanimous-consent requests here, particularly this one. It would be very helpful to the American people if we could send this gas tax repeal to the President of the United States. He would be able to sign it right here at this critical moment as Americans are traveling all over our country. And, therefore, I make that unanimous-consent request at this time, Mr. President.

I further ask immediately following the disposition of H.R. 3415 the Senate turn to consideration of S. 295 regarding labor-management—that is the TEAM Act, cooperation in the workplace—that no amendments or motions be in order, and there be 2 hours of debate to be equally divided in the usual form, and following the conclusion or yielding back of time, the Senate proceed to third reading, and final passage occur all without action or debate. Again, that is the so-called TEAM Act, and it be brought up with no amendments.

I ask unanimous consent that following the disposition of S. 295, the Senate proceed to the consideration of H.R. 3448 regarding the minimum wage, and it be considered under the following time restraints: 1 hour on the bill to be equally divided in the usual form, one amendment in order to be offered by the majority leader or his designee, one amendment in order to be offered by the Democratic leader or his designee; that the amendments be offered in the first degree and limited to 1 hour each, to be equally divided in the usual form, no motions be in order other than motions to table, and following the disposition of the amendments and the conclusion of time the bill be advanced to third reading, and final passage occur all without further action or debate.

Therefore, I ask unanimous consent for all of those I listed.

Mr. DASCHLE. Mr. President, the distinguished majority whip and I have had the opportunity to discuss these matters now on several occasions and I appreciate his candor and the opportunity we have had to discuss ways with which to bring these bills to the floor.

I have indicated to him that on several of these bills my Democratic colleagues hope to offer amendments. It is not our desire to extend debate, to my knowledge, on any of these bills. Our hope, however, is that on the gas tax bill we have the opportunity to offer an amendment which would ensure that consumers benefit from this reduction in the gas tax. This unanimous-consent agreement would not allow for that. We have other amendments that we would like to be able to offer.

Because of our desire to offer amendments and our difficulty in having that right under this unanimous-consent agreement, I have to object.

The PRESIDING OFFICER. The objection is heard.

Mr. LOTT. Mr. President, if I could inquire of the Democratic leader, I know that the majority leader has indicated that he would be willing to work with the minority in developing the concept where the gas tax repeal would be subject to some amendments, including a technical amendment to be offered by the majority leader regarding previously purchased gas, an amendment to be offered by the Democratic leader or his designee, and then one to be offered by the majority leader or his designee. I know you have a

Senator that has been working on trying to come up with a way to guarantee the people actually get this gas tax repeal.

I am willing, on behalf of the majority leader, to modify that unanimous-consent request to include those amendments on the gas tax, if that would be helpful.

Mr. DASCHLE. I want to consult with a couple of my colleagues prior to the time we enter into that agreement at this time.

The majority whip has provided us, I think, with an opportunity here to reach an agreement, at least on that particular bill. If it were in concert with the minimum wage bill to be taken to the floor at approximately the same time—that is, within the same day or the day following—I think we might have an agreement that those two bills could be put on the calendar and brought up as soon as we come back. I would be interested in working with my distinguished colleague to see if that might be accomplished.

Mr. LOTT. If I could inquire of the Democratic leader, with regard to the gas tax, I know he would want to consult with others, the outline I offered, the technical amendment, and an amendment by either the Democratic leader or his designee or the majority leader or his designee with regard to the gas tax, that would probably be something?

Mr. DASCHLE. We have a couple of different approaches that our colleagues have considered with regard to ensuring that the benefit actually be provided to the consumer. One involved an accounting mechanism, that I would allow that to happen. Another involved a straight tax credit. I would have to make some determination that my colleagues have an interest in offering both amendments. If that were the case, I would have to come back with an alternative which would allow the consideration of at least those two amendments. This unanimous-consent agreement only allows for one amendment. That is something we would have to work through.

Certainly, the offer is—I take it in good faith. I think I would be in a position to respond in the not-too-distant future to that particular unanimous-consent agreement.

Mr. LOTT. I think we could probably work out the addition or another amendment if that would help us reach an agreement.

Mr. DASCHLE. I think it might.

Mr. LOTT. I want to emphasize again, and I know the Democratic leader understands this, it would really be good if we could get an agreement on this and find some way to move it quickly for the benefit of all American people. We would have liked to do it now before Memorial Day or as soon as we can. We think that would be a very, very positive thing for the American people and for the economy.

Now, on the TEAM Act, is there something more that the Senator from South Dakota would want on the TEAM Act? We do not include any amendments here, but we are anxious to have this issue considered. As the saying goes, "Let's talk." We would like to see if we can talk about how we get this done and encourage talk between employers and employees. Do you have any alternative you would like to suggest with regard to the TEAM Act?

Mr. DASCHLE. As I say, I think there are a number of amendments, or perhaps just one substitute amendment that we would like to offer. We have not had the opportunity to come to closure on that. I do think that also could be agreed upon in the not-too-distant future, perhaps as early as the week we get back. That is the timeframe for the number of amendments we would want to offer. I suspect that one, perhaps a couple of amendments, would be all we have a need to offer, but we would certainly want to be able to amend the bill as it is currently presented.

Mr. LOTT. The Democratic leader will give us a response on that.

Mr. DASCHLE. I sure will.

Mr. LOTT. We will ask for a modification with regard to the minimum wage that would go something like this, if I could go over it. We will give this to the minority leader at the conclusion of our exchange here. We could also probably get approval from the majority leader. We ask consent for the following disposition of S. 295: That the Senate proceed to the consideration of H.R. 3448, which is the House-passed bill regarding the minimum wage, and it be considered under the following restraints. One hour on the bill to be equally divided in the usual form; one amendment in order to be offered by the majority leader or his designee; one amendment in order to be offered by the Democratic leader or his designee. That the amendments be offered in the first-degree, and 1 hour each to be equally divided in the usual form; no motions in order other than a motion to table, and following disposition of amendments and closing of time, the bill be advanced to third reading, and final passage occur without further debate occurring.

Again, I am trying to see if we cannot find a way to make all three of these very important issues be considered by the Senate. We could get the gas tax up, in a way that three or perhaps four amendments could be offered. The TEAM Act, if the Senator from South Dakota has a suggestion of an amendment on that, perhaps we could work it out, and we also offer this additional proposal with regard to minimum wage.

I think if this package is going to come up, actually, the majority members would like to have an opportunity to offer an amendment, perhaps, in that area. Before we got a complete agreement here, I want to make sure the majority leader is totally satisfied with the response that we get here, and also that our people are comfortable with that arrangement. Would that help with regard to the minimum wage?

Mr. DASCHLE. The distinguished Senator from Mississippi has given us an opportunity here, I think, to move the minimum wage bill. As he is fully aware, this minimum wage package includes quite an elaborate array of tax provisions for small business.

A number of our colleagues, as I understand it, on both sides of the aisle have expressed some interest in taking a closer look at those provisions, with an expectation that they may want to modify them or add to them. It is largely a concern for that aspect of the legislation that would cause me to be somewhat concerned about whether one amendment would allow an adequate opportunity for our colleagues to address the tax provisions.

So we will have to consult with our colleagues, and I am sure the majority whip may find the same need, as he just has indicated, to consult not only with regard to the minimum wage provisions, but the tax provisions as well. We are getting closer. Clearly, this is encouraging. I hope that in the not-too-distant future, we can come to some resolution. This is another step in the right direction. I appreciate the offer made by the whip, and we will respond as soon as possible.

Mr. LOTT. Mr. President, again, with regard to the minimum wage, of course, we do have an interest in the tax provisions passed in the House. I know members of the Finance Committee want to take a look at it. Hopefully, within the next 10 days they can do that.

The idea is, surely, to try to help the small businesses that could be impacted in such a way that their profit margin could evaporate, or they could wind up laying people off. We do not want that. We are worried about the human impact, people at the entry level in small businesses that could wind up losing their job, or not getting that first job. We hope these tax provisions help soften that blow. We would like to make sure that that, in fact, is what happens. As the minority leader suggests, we may want to consider adding some more or taking some out on both sides of the aisle.

Mr. President, again, we have some important work to do in the remaining three legislative months of this year. We are very anxious, now that we passed a budget resolution yesterday, to get that conference completed and move on to the reconciliation bill, so that we can have Medicaid and welfare reform and other spending savings, so that we can give some tax relief to the American people.

In order to get all that done, including defense authorization, I know we need to clear up these issues. I know the minority would be inclined to offer amendments that would wind up bogging down other bills, and if we can find a way to break the legislative gridlock, in a cooperative way, and get the job done in the best interests of the American people, I think the American people would see that very positively. I want to see if we can find a way to make that happen.

Mr. DASCHLE. Mr. President, let me express enthusiastically my desire to work with the whip to make that happen. I only lend one small piece of advice if he is desirous of making that happen sooner rather than later. We could simply take the defend America bill off of the calendar for now—put it back on the calendar, I should say—or, obviously, we are back into a cloture vote at 2:15 on Tuesday. We can avoid that cloture vote and go right to these bills and debate them. I do not think there is any desire on our part to unnecessarily extend the debate. We do have some amendments, as I have indicated. I think we can resolve these matters one by one and have a very productive week when we get back. That might be time much better spent than to have additional cloture votes on the so-called Defend America Act. That is, obviously, a matter that my colleagues on the other side, the leadership, are going to have to decide. That would be a way with which to break the logjam and keep the process moving along. I look forward to working with the distinguished whip and the majority leader to see if we can resolve the matters in the not-too-distant future.

Mr. LOTT. Madam President, I yield the floor.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER (Mrs. HUTCHISON). The distinguished majority leader is recognized.

WELFARE REFORM

Mr. DOLE. Madam President, I will just say a word or two, and I will make a unanimous-consent request. Three days ago in Wisconsin, I outlined my welfare reform plan. Let me be as clear as I can about what it contains. There are five principal points.

I mean every able-bodied welfare recipient to find work within 2 years, or a shorter period of time if the State so desires.

I mean a real 5-year lifetime limit on welfare payments with few exceptions.

I mean making certain that illegal noncitizens are ineligible for all emergency benefits.

I mean giving States the ability to stop payments to unmarried teens.

And, above all, I mean trusting the Nation's Governors with the flexibility they need to establish the laboratories of our democracy.

I think it is fair to say that there are different approaches. Everybody wants welfare reform. I think the President and I have a different approach. It will be debated—maybe after my departure from the Senate—and I hope there is some way to work out welfare and Medicaid as a package and have that signed by the President.

We are witnessing in the inner cities out-of-wedlock births as high as 80 percent. Most Americans believe, I think, that able-bodied people on welfare should work if there are jobs, and the President indicated yesterday that, in effect, he said he would take our suggestions. I am not certain he has had an opportunity to read the bill. It was introduced a couple of days ago. If he does agree with my five positions, which I just stated—I do not think they are consistent with his views. In fact, I will indicate for the Record that he has a different view on almost each of the five.

Governor Thompson and four other Republican Governors wrote to President Clinton, "Without national welfare reform for all 50 States, the cycle of poverty goes on—for instance, the number of single women head of households in poverty has increased by 175,000 since you, Mr. President, took office."

No doubt about it, we must stop the plague of out-of-wedlock births in our inner cities, which is as high as 80 percent in some areas.

We must give all able-bodied Americans a chance at the American work ethic.

We must reform welfare. President Clinton is not doing this. As we all know, he has twice vetoed welfare reform passed by Congress. I wonder if he is willing to deny the American dream to another generation of Americans.

President Clinton yesterday suggested my five positions outlined above were very consistent with his. They are not. The President suggested that Congress pass my welfare reform plan and the he will sign it.

I am ready to move on my plan. I offer the following unanimous consent.

UNANIMOUS-CONSENT REQUEST—WELFARE REFORM

Mr. DOLE. Madam President, I ask unanimous consent that the Senate turn to the immediate consideration of the bill, which I now send to the desk re welfare, and it be considered under the following time restraints: 1 hour on the bill to be equally divided in the usual form; no amendments or motions in order; and that following the conclusion or yielding back of time, the Senate proceed to third reading and final passage to occur, all without further action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Madam President, reserving the right to object. The last time the Senate considered welfare reform, as you know and the majority leader recognizes, it took over 10 days. We had 200 amendments offered. The Senate conducted 42 rollcall votes in relation to that particular bill—all of this on a piece of legislation with close to 700 pages. I do not know if everybody had the opportunity to see the catalog effect that that bill has as you carry it to the desk. But this is the conference report from that bill. It is 693 pages long. There were a lot of amendments. Ultimately, as the leader recalls, there was a pretty broad bipartisan support for the bill, after all that work was done.

So I do not know that we might be able to agree to what he has suggested now.

But in light of what he has suggested, I ask unanimous consent that the majority leader amend his request to provide that the Senate turn to the consideration of the welfare bill as the first order of business on Monday, June 3, and that the motion to proceed to the missile defense bill be delayed until the completion of the welfare bill, so that we might finish it while he is still here.

The PRESIDING OFFICER. Does the leader modify his request?

Mr. DOLE. Madam President, I object to that. But I indicate that we have talked about minimum wage, we have talked about welfare reform, and we have talked about repeal of the gas tax, which we hoped to have done before the Memorial Day recess in order to save millions of Americans a lot of money. We did not quite get it done.

I am perfectly willing, if we can work out some agreement. My point is that the President says he likes this bill. He said, "Send that bill down here and I will sign it." He is going to have a week to look at it—the Memorial Day recess. It will be printed, and it will be available. I believe the Democratic leader will find that there are even more generous provisions in the bill that passed this body by a vote of 87 to 12, and it would have been 88 to 12 except Senator HATFIELD from Oregon was ill that day.

So we have tried in this bill to accommodate many of the concerns the Governors raised, from both parties. We believe it is a good bill. The President said it is a good bill. At least that is what he said Wednesday in Wisconsin. I am just trying to accommodate his wishes. But I cannot agree with all of the other matters pending.

We may decide on the missile defense, if we can work out some broad agreement to put it back on the calendar. I think we could dispose of the other three next week—the week we are back, the last week I will be in the U.S. Senate. It would certainly be agreeable with me.

So I will try to work with the distinguished Democratic leader.

The PRESIDING OFFICER. Is there objection to the majority leader's request?

Mr. DASCHLE. Regrettably, we object at this time.

MEASURE PLACED ON THE CALENDAR—S. 1823

Mr. DOLE. I ask unanimous consent that the bill which I introduced be placed on the calendar.

The PRESIDING OFFICER. Is their objection? Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. DOLE. Madam President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations en bloc on today's Executive Calendar: Calendar Nos. 534, 580, 581, 582, 583, 584, 592, 593, 599, and 600.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. DOLE. I ask unanimous consent the nominations be confirmed en bloc, the motions to reconsider be laid upon the table en bloc, and that any statements relating to the nominations appear at the appropriate place in the RECORD, the President be immediately notified of the Senate's action, and that the Senate then return to legislative session.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

AIR FORCE

The following named officer for appointment in the United States Air Force to the grade of brigadier general under the provisions of title 10, United States Code, section 624:

To be brigadier general

Col. William Welser III, [redacted], Regular Air Force.

PANAMA CANAL COMMISSION

Markos K. Marinakis, of New York, to be a Member of the Board of the Panama Canal Commission.

AIR FORCE

The following-named officer for reappointment to the grade of lieutenant general while assigned to a position of importance and responsibility under Title 10, United States Code, Section 601:

To be lieutenant general

Lt. Gen. Richard B. Myers, [redacted]

The following-named officer for reappointment to the grade of lieutenant general while assigned to a position of importance and responsibility under Title 10, United States Code, Section 601:

To be lieutenant general

Lt. Gen. John P. Jumper, [redacted], U.S. Air Force.

The following-named officer for reappointment to the grade of lieutenant general while assigned to a position of importance and responsibility under Title 10, United States Code, Section 601:

To be lieutenant general

Lt. Gen. Ralph E. Eberhart, [redacted], U.S. Air Force

The following-named officer for reappointment to the grade of lieutenant general while assigned to a position of importance and responsibility under Title 10, United States Code, Section 601:

Maj. Gen. Carl E. Franklin, [redacted], U.S. Air Force

ARMY

The following-named officer for reappointment to the grade of lieutenant general in the U.S. Army, while assigned to a position of importance and responsibility under Title 10, United States Code, Section 601(a):

To be lieutenant general

Lt. Gen. Daniel W. Christman, [redacted], U.S. Army

NAVY

The following-named officer for promotion in the Navy of the United States to the grade under title 10, United States Code, Section 624:

To be rear admiral

Rear Adm. (lh) James F. Amerault, [redacted], U.S. Navy

Rear Adm. (lh) Lyle G.Bien, [redacted], U.S. Navy.

Rear Adm. (lh) Richard A. Buchanan, [redacted], U.S. Navy

Rear Adm. (lh) William V. Cross II, [redacted], U.S. Navy

Rear Adm. (lh) Walter F. Doran, [redacted], U.S. Navy

Rear Adm. (lh) James O. Ellis, Jr., [redacted], U.S. Navy

Rear Adm. (lh) William J. Fallon, [redacted], U.S. Navy

Rear Adm. (lh) Thomas B. Fargo, [redacted], U.S. Navy

Rear Adm. (lh) Dennis V. McGinn, [redacted], U.S. Navy

Rear Adm. (lh) Joseph S. Mobley, [redacted], U.S. Navy

Rear Adm. (lh) Edward Moore, Jr., [redacted] U.S. Navy

Rear Adm. (lh) Daniel J. Murphy, [redacted] U.S. Navy

Rear Adm. (lh) Rodney P. Rempt, [redacted] U.S. Navy

Rear Adm. (lh) Norbert R. Ryan, Jr., [redacted] U.S. Navy

Rear Adm. (lh) Raymond C. Smith, Jr., [redacted], U.S. Navy

RESTRICTED LINE

To be rear admiral

Rear Adm. (lh) George P. Nanos, Jr., [redacted] U.S. Navy

Rear Adm. (lh) Craig E. Steidle, [redacted], U.S. Navy

Rear Adm. (lh) James L. Taylor, [redacted] U.S. Navy

Rear Adm. (lh) Patricia A. Tracey, [redacted], U.S. Navy

SMALL BUSINESS ADMINISTRATION

Ginger Ehn Lew, of California, to be Deputy Administrator of the Small Business Administration.

[NEW REPORTS]

DEPARTMENT OF JUSTICE

J. Rene Josey, of South Carolina, to be U.S. Attorney for the District of South Carolina for the term of 4 years.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

NOTE

On page 12440 of the RECORD of May 23, the statement of Mr. BOND on the introduction of S. 1816, the Wisconsin Works Act, was inadvertently attributed to Mr. GRASSLEY. The permanent RECORD has been corrected to reflect the following.

By Mr. BOND (for himself, Mr. COATS, Mr. ABRAHAM, Mr. GRAMM, Mr. ASHCROFT, Mr. CRAIG, Mr. COVERDELL, Mr. GRASSLEY, Mr. GREGG, Mr. SANTORUM, Mr. FAIRCLOTH, and Mr. NICKLES):

S. 1816. A bill to expedite waiver approval for the "Wisconsin Works" plan, and for other purposes; to the Committee on Finance.

THE WISCONSIN WORKS ACT OF 1996

Mr. BOND. Mr. President, I rise today to introduce a measure that will assist the President of the United States in carrying out a promise he made to the people of Wisconsin that he would approve the Wisconsin Works program. There have been some problems getting welfare actually acted on. I had a very nice letter from the President last year for the work that we did on the welfare reform bill. But that measure got vetoed and so did a subsequent measure.

Now, the President has said that he supports the welfare reform demonstration project in Wisconsin, known as Wisconsin Works. Well, today, on behalf of myself, Senators COATS, Abraham, GRAMM of Texas, ASHCROFT, CRAIG, COVERDELL, GRASSLEY, GREGG, SANTORUM, FAIRCLOTH, and NICKLES, I am submitting a very brief bill, which, in substance, says that when waivers are submitted by the Wisconsin Department of Health and Services to conduct a demonstration project known as Wisconsin Works, those waivers shall be deemed approved.

We have heard many stories about the need to reform welfare, Mr. President, and one of those stories that has been repeated recently is that of an experiment in Sedalia, MO, where applicants for food stamps were sent to an employer. Many of them took jobs, which is good. It moved them off public assistance. Those who were turned down because they were not capable could stay on public assistance. Those who refused to show up were taken off of the food stamp rolls. So there was an incentive for those who did not want to work. Two people went for the job, but they were turned down because they tested positively for drugs.

Under existing Federal law, the State of Missouri could not sanction those people, even though they were turned down for a job because they tested positive for drugs. The simple point of that is that that creates the most perverse of incentives—the incentive for people who are on public assistance and who do not want to have to take a job to get on drugs and they can stay on the public assistance rolls.

That is the kind of thing that needs to be changed. That is why we need welfare reform. Today, Mr. President, I am simply acting to expedite one of the many waivers now pending from the States, which has been delayed, I understand from the Governors, an average of 210 days. This measure, if and when adopted, will deem the waivers submitted by the State of Wisconsin to be approved.

MESSAGES FROM THE HOUSE

At 12:54 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House had passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3448. An act to provide tax relief for small businesses, to protect jobs, to create opportunities, to increase the take home pay of workers, to amend the Portal-to-Portal Act of 1947 relating to the payment of wages to employees who use employer owned vehicles, and to amend the Fair Labor Standards Act of 1938 to increase the minimum wage rate and to prevent job loss by providing flexibility to employers in complying with minimum wage and overtime requirements under that Act.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. HARKIN:

S. 1822. A bill to amend the Food Security Act of 1985 to permit the Secretary of Agriculture to waive the prohibition on the termination of conservation reserve contracts for certain lands, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DOLE:

S. 1823. A bill to restore the American family, enhance support and work opportunities for families with children, reduce out-of-wedlock pregnancies, reduce welfare dependence by requiring work, control welfare spending, and increase State flexibility; read twice and placed on the calendar.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. KASSEBAUM:

S. Con. Res. 63. A concurrent resolution to express the sense of Congress that the Secretary of Agriculture should dispose of all remaining commodities in the disaster reserve maintained under the Agricultural Act of 1970 to relieve the distress of livestock producers whose ability to maintain livestock is adversely affected by the prolonged drought conditions existing in certain areas of the United States, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HARKIN:

S. 1822. A bill to amend the Food Security Act of 1985 to permit the Secretary of Agriculture to waive the prohibition on the termination of conservation reserve contracts for certain lands, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

THE CONSERVATION RESERVE PROGRAM CONTRACTS MODIFICATION ACT OF 1996

Mr. HARKIN. Mr. President, I am today introducing legislation to make a minor modification in the rules applicable to the early termination of Conservation Reserve Program contracts. This bill will provide greater flexibility in the management of CRP acreage and increase opportunities for livestock production using land that has been enrolled in CRP, while continuing to protect against soil erosion and to conserve the natural resource base.

The Federal Agricultural Improvement and Reform Act of 1996 established a new early termination option for holders of CRP contracts. Participants who entered into a contract before January 1, 1995, may terminate the contract at any time if the contract has been in effect for at least 5 years. Certain lands considered to be of high environmental value are not eligible for the early termination option. The act specifically disallows the early termination of contracts on land having an erodibility index of more than 15, a restriction that also was included in the rules for the early CRP termination option offered this spring through administrative action independent of the farm bill.

The restriction on early removal of the more highly erodible land from the CRP is obviously designed to reduce the potential for returning land to crop production where doing so presents a higher risk of damaging levels of soil erosion. Of course, a principal purpose of the CRP was to remove highly erodible land from production in order to conserve soil, so it is reasonable to ensure that early terminations of CRP contracts do not nullify the benefits of the CRP or negate the investment in conservation made by taxpayers through CRP payments.

While the prohibition against early termination of contracts on land having an erodibility index higher than 15 seems reasonable in general, it does not take much sense to livestock producers who would like to remove land from the CRP in order to use it for haying or grazing. The nationwide emergency release of CRP for grazing and haying has relieved a good deal of the concern regarding access to CRP acres for livestock feed—but only for this year. There is a real need for a longer term resolution of this matter.

My bill would simply allow the Secretary to waive the restrictions on the types of land that may be removed from the CRP under the early termination option if the Secretary determines that the land will be used only for haying, grazing or other use not involving the destruction of vegetable cover. By ensuring that the vegetable cover is not destroyed, protection against soil erosion will be maintained. In addition, any such waiver can be made only if the Secretary determines that the land will be used only in a manner that adequately protects the natural resource base. As discussed, the waiver authority contained in this bill is designed specifically to deal with the prohibition against early termination of CRP contracts on land with an erodibility index higher than 15. There may be some other instances in which a waiver meeting the requirements of this bill could be granted, but they would be tightly limited by the requirement that vegetable cover not be destroyed and that the natural resource base be adequately protected.

Mr. President, this bill is a commonsense solution that will provide more reasonable options to CRP contract holders for returning land to economic use while maintaining vegetable cover and protecting the natural resource base. I hope my colleagues will support this legislation and that it will be enacted at the earliest opportunity. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1822

Be it enacted by the Senate and House of Representatives of the United States of American in Congress assembled,

SECTION 1. TERMINATION OF CONSERVATION RESERVE CONTRACTS BY OWNERS OR OPERATORS.

Section 1235(e) of the Food Security Act of 1985 (16 U.S.C. 3835(e)) is amended by striking paragraph (2) and inserting the following:

"(2) CERTAIN LANDS EXCEPTED.—

"(A) IN GENERAL.—Subject to subparagraph (B), the following lands shall not be subject to an early termination of contract under this subsection:

"(i) Filterstrips, waterways, strips adjacent to riparian areas, windbreaks, and shelterbelts.

"(ii) Land with an erodibility index of more than 15.

"(iii) Other lands of high environmental value (including wetlands), as determined by the Secretary.

"(B) WAIVER.—The Secretary may waive the application of subparagraph (A) to land if the Secretary determines that the land will be used only—

"(i) for haying, grazing, or other use not involving the destruction of vegetative cover; and "(ii) in a manner that adequately protects the natural resource base of the land.".

ADDITIONAL COSPONSORS

S. 1386

At the request of Mr. BURNS, the name of the Senator from Idaho [Mr. KEMPTHORNE] was added as a cosponsor of S. 1386, a bill to provide for soft-metric conversion, and for other purposes.

S. 1578

At the request of Mr. FRIST, the name of the Senator from Oregon [Mr. HATFIELD] was added as a cosponsor of S. 1578, a bill to amend the Individuals with Disabilities Education Act to authorize appropriations for fiscal years 1997 through 2002, and for other purposes.

S. 1714

At the request of Mr. BURNS, the names of the Senator from Kentucky [Mr. MCCONNELL], and the Senator from South Carolina [Mr. THURMOND] were added as cosponsors of S. 1714, a bill to amend title 49, United States Code, to ensure the ability of utility providers to establish, improve, operate and maintain utility structures, facilities, and equipment for the benefit, safety, and well-being of consumers, by removing limitations on maximum driving and on-duty time pertaining to utility vehicle operators and drivers, and for other purposes.

S. 1813

At the request of Mr. HELMS, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 1813, a bill to reform the coastwise, intercoastal, and noncontiguous trade shipping laws, and for other purposes.

S. 1818

At the request of Mr. FORD, his name was added as a cosponsor of S. 1818, a bill to amend the Employee Retirement Income Security Act of 1974 to provide for retirement savings and security.

S. 1819

At the request of Mr. FORD, his name was added as a cosponsor of S. 1819, a bill to amend the Railroad Retirement Act of 1974 to provide for retirement savings and security.

S. 1820

At the request of Mr. FORD, his name was added as a cosponsor of S. 1820, a bill to amend title 5 of the United States Code to provide for retirement savings and security.

S. 1821

At the request of Mr. FORD, his name was added as a cosponsor of S. 1821, a bill to amend the Internal Revenue Code of 1986 to provide for retirement savings and security.

AMENDMENT NO. 4038

At the request of Mr. FEINGOLD the name of the Senator from Oregon [Mr. WYDEN] was added as a cosponsor of amendment No. 4038 intended to be proposed to S. 1764, an original bill to authorize appropriations for fiscal year 1997 for military construction, and for other purposes.

SENATE CONCURRENT RESOLUTION 63—RELATIVE TO THE SECRETARY OF AGRICULTURE

Mrs. KASSEBAUM submitted the following concurrent resolution; which was referred to the Committee on Agriculture, Nutrition, and Forestry:

S. CON. RES. 63

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. USE OF DISASTER RESERVE FOR ASSISTANCE TO LIVESTOCK PRODUCERS.

In light of the prolonged drought conditions existing in certain areas of the United States, the Secretary of Agriculture should promptly dispose of all commodities in the disaster reserve maintained under section 813 of the Agricultural Act of 1970 (7 U.S.C. 1427a) to relieve the distress of livestock producers whose ability to maintain livestock is adversely affected by the prolonged drought.

ADDITIONAL STATEMENTS

HOUSE SMALL BUSINESS TAX INCENTIVES BILL

• Mr. ROTH. Mr. President, I rise to address the Senate on a bill that overwhelmingly passed the House of Representatives this week. The vote was 414 to 10. The bill I refer to is the Small Business Job Protection Act of 1996.

The bill is a collection of tax incentives for small businesses. As every Member of this body knows, small businesses create the lion's share of jobs in America. The bill will lift some of the heavy tax burden borne by small businesses. To the extent we lift the tax burden on small businesses, these businesses will be able to continue to create jobs for Americans. Included in the bill are some proposals that were contained in the Balanced Budget Act of 1995.

First, an increase in the amount of equipment a small business can expense; the current annual amount of $17,500 would be gradually increased to $25,000.

Second, a package of proposals to simplify the pension tax rules. These proposals will bring more small businesses and their workers into the pension system; in addition, these proposals will enhance pension security for millions of American workers and their families.

Third, a series of proposals to reform the subchapter S corporation tax rules. Almost 2 million small businesses do business as subchapter S corporations.

This package of small business tax incentives is fully paid for.

Mr. President, I congratulate Chairman BILL ARCHER for successfully shepherding this package of much-needed tax relief through the House of Representatives.

In recent days, many of my colleagues have asked me about Senate action on this bill. When the bill arrives from the House, I expect the bill to be referred to the Finance Committee. Once referred to the Finance Committee, I anticipate taking action on the bill shortly after the Senate returns from the Memorial Day recess.

Mr. President, the Finance Committee, including longstanding members on both sides of the aisle, has a tradition of sensitivity to the needs of small business. I intend to continue that tradition with a Finance Committee imprint on the small business tax bill.

In addition, Mr. President, I am also considering adding measures to help create economic growth, promote savings and investment, and enhance economic opportunities for all Americans.•

A CRACKDOWN ON IMMIGRANTS IS RESTRICTING SCHOLARSHIPS

• Mr. SIMON. Mr. President, I cast one of the few votes against the immigration bill that passed the U.S. Senate recently. And I did it because part of the bill simply goes too far. We are in a period in which there is a great deal of mean-spirited and anti-immigrant sentiment, a mean-spiritedness and sentiment that does not serve the Nation well.

For example, my amendment to permit people who are illegal immigrants, and who are going to become citizens, to get student aid that is available to all American citizens, is just common sense.

We want these future citizens to be productive members of our society.

The bill that passed the Senate not only denies them that assistance, but can be the basis for deportation if they receive that aid for one year.

Two items have appeared recently that should cause us to reflect a little more.

One is an op-ed piece in the Chicago Sun Times, by a member of the editorial board, Tom Sheridan.

The other is an article titled "A Crackdown on Immigrants Is Restricting Scholarships" by Dirk Johnson that appeared in the New York Times. I ask that both articles be printed in the RECORD after my remarks.

Both suggest that we are being shortsighted in what we are doing.

I urge my colleagues to read these two items if they have not done so.

The op-eds follow:

FOREIGN TREASURES

(By Tom Sheridan)

First, an explanation. I'm half-Irish on my father's side. Third generation. My mother's ancestry is more muddled, though European. My wife is half-Italian (third generation), with the rest mostly German.

With that mix, our kids would be a diverse lot. But we also have children who are Filipino (first generation) Hispanic (second generation) and Asian.

What I've done to enrich the Sheridan family gene pool is nothing less than remarkable. It's the same way families—and Nations—are enriched: Each of us has ancestors who came from somewhere else.

All of which makes me very impressed with people becoming U.S. citizens these days. And damn glad I was born here and didn't have to take the citizenship test. I might not pass it.

A study question for the citizenship test: How many changes or amendments are there to the U.S. Constitution? Do you know? Without looking?

There's a lot of public yelping these days over immigration—legal and no-so-legal. Illegal immigration is just that—illegal—and should not be tolerated. Congress is right to clamp down on it.

But we seem to have confused the two. It has given us a sense of public schizophrenia. On one hand, the folks in Congress have passed legislation making it harder to immigrate—even legally. On the other hand, Immigration and Naturalization Service people are working doubly hard to help people become citizens.

Bills rolling through Congress would slow the immigration process. Included in the measure passed by the Senate this month are provisions to sharply limit federal benefits available to legal residents, even as they pursue the process of becoming citizens.

It means that legal immigrants couldn't apply for a student loan, a tuition grant (even based on merit) or federal job-training assistance. The penalty is deportation. Even if a legal immigrant gets help, and later seeks citizenship, the reward would be deportation.

Should we tolerate legal residents who perform acts of terrorism against the United States, or threaten its society with acts such as drug-smuggling? Of course not. But under the recent Terrorism Act, a legal resident who has been a successful member of society for years and ran afoul of the law would be deported.

That's hardly a welcoming gesture. It would make me wonder whether our nation, which has traditionally embraced all classes of people, really wanted me.

It screams election-year propaganda: "Look everybody; look how tough we are." Such tough talk is phony. But only three senators, including Illinois Sen. Paul Simon, saw it that way and voted against it.

All of which brings me to the act of becoming a citizen, which more than 19,000 people did through the Chicago INS office last year. Five times that many will take the oath to support and defend the United States this year.

Test question: What amendment addresses or guarantees voting rights?

Citizenship USA, an INS project, took over 18,000 square feet of the old Sears store on State Street on April 30. Workers are processing at least 800 people a day to work through a backlog of citizenship applications. In the 12-month period ending this fall, INS officials expect that an amazing 60,000 new citizens will have been naturalized in Chicago. That's wonderful.

The next celebration of citizenship will take place May 24 in the International Amphitheater, where 10,000 new citizens from scores of nations around the world will be sworn in.

Question: Why did the Pilgrims come to America?

Answer: For religious freedom. And a better life.

That's something we should keep in mind when we put up roadblocks to the process that enriches us as a nation. Immigration certainly enriched me.

A CRACKDOWN ON IMMIGRANTS IS RESTRICTING SCHOLARSHIPS

(By Dirk Johnson)

EDGAR, WI, May 9.—Vying to attend a prestigious camp for patriotic young Wisconsin scholars, one student's résumé sparkled above the rest: a 16-year-old who earned straight A's, played violin, spoke French and displayed an interest in government.

But the girl, Pang Thao, a junior at rural Edgar High School, has been rejected by the camp's sponsor, the American Legion Auxiliary, because she is not a United States citizen, even though she will become one in a matter of months.

"Rules are rules, and unfortunately she's not a citizen," said Eileen Knox, a spokeswoman for the Auxiliary. "There are lots of American-born girls who are still waiting in the wings, hoping they can be chosen."

The rejection of Pang, who immigrated with her parents when she was two months old, follows a similar incident in Texas earlier this spring. The Houston Stock Show and Rodeo awarded a $10,000 scholarship to a Texas honors student, only to withdraw the prize after learning the winner was not a United States citizen.

When it comes to anger toward immigrants and their children, a growing sentiment by almost any measure, Americans usually complain about unskilled and illiterate newcomers putting a drain on budgets and services.

But the rejection of the two young scholars, immigration advocates say, illustrates a wellspring of resentment against those who can compete, perhaps too well.

"On the one hand, we encourage assimilation and achievement," said Lucas Guttentag, a lawyer who specializes in immigration for the American Civil Liberties Union, "and we say we want immigrants to learn the values of American society. But then we turn around and exclude these people from the very institutions that imbue those values."

The tough immigration bill passed overwhelmingly by the Senate, for example, would deny college financial aid to legal immigrants who are not citizens.

For Pang, the talk of policy and politics can be reduced to something very basic. "There are a lot of people out there who don't like me," she said the other night, while on break from her job as a waitress at here parents' restaurant. "They don't know me. But they don't like me."

In fact, Mr. and Mrs. Thao were among the thousands of Hmongs driven by Communist forces from Laos for helping the United States in the Vietnam War.

Pang is an exceedingly polite teenager who seems to bend over backwards to avoid sounding like a complainer. But she hears plenty of the stereotypes about minorities: "They get more welfare. They don't pay taxes. They're not loyal to America."

She has found herself saying in a flash of defensive anger: "Man don't you understand, I'm here because of you. I'm here because my relatives and my ancestors helped the Americans in the war."

Her parents, Long, 38, and Chong Thao, 38, delayed starting the citizenship process until last year. "It is hard to let go when you come from another country," said Mrs. Thao. "It's a part of you. But over time, we understand. This is our home country now. We are Americans." They run the Thai Cafe in a strip mall in Wausau, a city of 37,000 in central Wisconsin with a sizeable Hmong (pronounced mung) population. Pang works nights and Saturdays.

Mrs. Thao also works full time as a caseworker for the Marathon County Welfare Department. In addition, the family raises ginseng in the fields around their farmhouse here, about 20 miles west of Wausau.

The family, with six children, struggles financially. But the parents remember life in the refugee camp in Thailand. "The refugee camp was hell," Mrs. Thao said. "Not enough food. Poor sanitation. Hot. A lot of sick children. Many died. We were lucky.

Pang and her parents have been careful not to criticize the American Legion. And they have expressed gratitude to the University of Wisconsin at Whitewater, which recently invited Pang to participate in an international conference there in June, as a consolation for her rejection at the Legion camp, Badger Girls State.

Those who defend the citizenship rule noted that favoritism for citizens goes back to the nation's founders. They point to the constitutional requirement that the President be born in the United States.

"Citizenship means something," said Mrs. Knox, of the Legion Auxiliary. "On Election Day, you cannot go to the polls and say, 'Well, I'm going to be a citizen next week.'"

The disappointment in the Thao family has been keen, although Pang, the oldest child, bristles at the notion of people feeling sorry for her. "I'm not complaining," she said. "I'm not whining, and I don't need anyone's pity." More than anything else about the citizenship issue, she said, she is bothered by the views of those who believe being born in the United States is a virtue. "I really dislike this idea of some people being superior over others," she said. "Most of the people here are just a mix of nationalities from somewhere else. The difference between me and you is the color of our skin and our background. And that's it."

At the time of the application for the camp, it appeared the citizenship approval might be granted in time. But the shut-down of some Government offices in the Washington budget dispute delayed citizenship applications and doomed those hopes.

"It's all right, Mom, it's really no big deal," Pang had said, knowing how badly her mother felt.

The students and teachers at Edgar High School, where minorities can be counted on the fingers of one hand, have supported Pang, said Mark Lacke, the school principal.

"She is a very bubbly, smart, popular girl," said Mr. Lacke, who had pressed the Legion to reconsider. If the Legion would not budge, Mr. Lacke asked if it would be possible for Pang to attend the camp as an observer, rather than as a delegate. The principal said he would drive the girl there himself, and the school would pay her expenses.

"They got back to me and said there was no latitude," he said. "There should have been some forum for an appeal here."

Pang, who will attend the University of Minnesota after she graduates from high school next year, plans to study architectural design. "The best schools are in the East, but they're really expensive," she said.

As Pang helped her harried parents clear tables and deliver orders, she spoke of the financial pressures at home, vowing to claim a piece of the American dream.

"After college," she said, "I'm going make big bucks, help my little sister get in to one of those Eastern schools—one of us has got to."•

DEMOCRATS BLOCKING REPEAL OF THE GAS TAX

• Mr. ROTH. Mr. President, I am disappointed that again today, my colleagues on the other side of the aisle blocked efforts to start to relieve the tax burden on the American people by repealing the 1993 Clinton gas tax increase. I wish we would have been able to repeal this tax today before the American people set off to enjoy the Memorial Day weekend and the beginning of the summer driving season.

My colleagues on the other side of the aisle had agreed to pass the gas tax repeal if the House passed the minimum wage bill in a form acceptable to them. Well, Mr. President, the House did pass a clean minimum wage bill. Yet, rather than keep their promise and pass the gas tax repeal, my colleagues on the other side of the aisle have again blocked its passage. Time and again we have tried to accommodate them and time and again they have backed away from their promises. How are we to help the American people if my colleagues on the other side of the aisle continue to renege on their promises?

I would like to remind my colleagues, that when President Clinton raised taxes $268 billion in 1993, he said he was raising them on the rich. We knew then that that was not true. Now there is no doubt. President Clinton has raised taxes not only on the middle class but also on low-income families, and now my colleagues on the other side of the aisle are denying these low-income families tax relief. The truth is, Mr. President, that every person who drives a car, who buys groceries, who takes the bus, the train, or a plane has to pay this tax. These aren't all rich Americans. In fact, Americans who are hit the hardest by this regressive tax are people at the lowest income levels, those making less than $10,000 a year. Repeal of this regressive tax, therefore, would benefit all Americans, especially those with modest incomes.

It is a well-known fact that the 4.3-cents-per-gallon motor fuels tax not only disproportionately affects low-income people, but it also hits people in rural areas harder than it does those in more metropolitan areas. President Clinton knows this. In February 1993, just months before he signed into law the largest tax increase in history, said, and I quote, "For years there have been those who say we ought to reduce the deficit by raising the gas tax a whole lot. That's fine if you live in the city and ride mass transit to work. It's not so good if you live in the country and drive yourself to work." Despite this statement, the 4.3-cents-per-gallon tax increase was enacted. I agree with President Clinton's 1993 statement. People in rural areas should not be penalized because they live in areas that require them to use their cars and travel longer distances. For example, in my home State of Delaware, which contains many rural areas, the average family pays $463 in gas taxes per year. This figure includes both State and Federal gas taxes. When the 4.3-cents-per-gallon motor fuels tax is repealed, the average Delaware family's tax burden will be reduced by $48—a good first step.

The Clinton gas tax increase did not get a single Republican vote because Republicans believe in cutting wasteful Government spending, rather than increasing taxes to pay for more Government spending. So while in the scheme of Government programs the 4.3-cents-per-gallon gas tax may not seem to be a paramount issue, it represents what separates Republicans from the big Government spenders. While the President purports to favor balancing the budget, at best he would do so by matching big spending with high taxes. Our belief is that we should cut spending and lower taxes.

Mr. President, it is time to give Americans a break from taxes and big Government. I ask my colleagues on the other side of the aisle to allow the Senate to move forward, and stop blocking tax relief for working Americans.•

AMBASSADOR ROBERT KRUEGER

• Mr. SIMON. Mr. President, our former colleague in the Senate, Ambassador Robert Krueger, has been nominated to be Ambassador to Botswana after serving as Ambassador to Burundi. A report that he sent around to some friends about Burundi is worth reading for anyone interested in that troubled nation.

I ask that Ambassador Krueger's report be printed in the RECORD.

The report follows:

BURUNDI: AN OKLAHOMA CITY MASSACRE EVERY HOUR

(A Report by Ambassador Robert Krueger, April 24, 1996)

Summary: The situation in Burundi is more threatening to human life and democracy, with a greater chance for major conflagration, than at any time in the last two years. A European diplomat says that "if the world gives up on Burundi . . . perhaps a million may die" there. (End summary.)

On the weekend of April 19, Americans mourned again and reflected on the worst terrorist attack in our history: 168 people killed a year ago in Oklahoma City. Television cameras covered the scene; dignitaries spoke on the occasion; and citizens everywhere questioned how terror could strike so unexpectedly, shattering lives in an instant and a sense of security for years.

But if we adjust proportionately for the difference in populations, Burundi has an Oklahoma City-size massacre every hour of the day. Burundi's population is only about one-forty-second (1/42) that of the USA. Hence, 4 people being killed in Burundi are numerically equivalent to 168 killed in the USA. Regrettably, a reasonable estimate is that 100 people are killed daily in Burundi; or, four every hour, 24 hours a day.

Understandably, cameras in America focussed, on April 19, 1996, on Oklahoma City; or on Lebanon, where at least 75 were killed. And world attention naturally follows the camera. Yet, normally there are no international camera crews in Burundi. But the filling continues.

This cable is a reminder that in an obscure country in the heart of Africa, the killing is proportionately vastly heavier than what the cameras are covering; or, indeed, than in almost any place else in the world. And as the protagonist of Arthur Miller's play "Death of a Salesman" said, "Attention must be paid."

I recently sent a summary report (Secstate 80807) stating that I had perceived a steady destruction of democracy and an increase in mayhem during my almost two-year tenure as ambassador to Burundi. And the situation now seems to me worse than when the cable was first drafted several weeks ago. Even though I have not been in Burundi for the past 7½ months, and I must rely on the reports of various individuals whom I learned to trust when I was there, I am regrettably but firmly convinced that the situation in Burundi is at this moment more precarious, with a larger possibility of massive bloodshed, than at any time since my arrival in Burundi in June, 1994.

In 1994, and often in 1995, visitors would regularly ask, "Will Burundi be another Rwanda?" with, of course, all the fears of historically large genocide which the question carries. My response was "I won't predict for more than two months or so into the future; but, no, we will not have a Rwanda-type disaster in that period." And that much proved true.

But today, I find that the president of the large political party, Dr. Minani of Frodebu, has openly written in official public documents, just two weeks ago, that the believes Burundi is in a situation like that of Rwanda before April 6, 1994, the onset of the deluge. Other Burundi leaders and foreign diplomats with whom I have spoken sound more ominous tones than anything I had heard in Burundi during my time there.

> "The center will not hold; Mere anarchy is loosed upon the world."—W.B. Yeats

While the international community and those who support democratic institutions in Burundi have both hoped that political centrists and moderates would gain greater control, the country has instead become increasingly polarized. As the poet Yeats said, writing of another revolution, "The center will not hold." Certainly it has not held in Burundi, and the risk is increasing of mere anarchy being loosed—if not upon the world—then at least upon Burundi and other countries in Central Africa.

The president and prime minister no longer travel together, and are said to be openly at odds. The prime minister's party, Uprona, has renewed its periodic call for the president's resignation. Moreover, the divisions are not only inter-party, but intra-party. Many Hutu members of parliament are now more sympathetic with Nyangoma than with their official leadership. And divisions among the Tutsi community—in the army itself, within Uprona, within the various minor parties—are forcing people more and more to the extremes.

PRIME MINISTER TELLS THE POPULACE TO DEFEND ITSELF AGAINST "ENEMIES"

As is well known, the prime minister several weeks ago called upon the population to defend itself against its "enemies." But, as Dr. Minani pointed out in a recent Frodebu announcement, the Prime Minister did not define who those enemies were. That determination was left to the minds of the arming populace. Such calls to self-defense, it is reliably reported, have been repeated in the prime minister's visits to various locations in the countryside. Meanwhile, the FDD and other guerrilla groups have enlarged their attacks. And in face of an impotent civilian government incapable of protecting them, the majority of the population have sometimes given support to guerrillas even as they spread terror.

IMMOLATION AND MURDER

Consider some of the events of the last several weeks, reported to me from several sources that have proven reliable in the past.

(A) In an act of ethnic purification, over Easter weekend, 22 Hutu domestic workers were immolated in Nyakabiga quarter in Bujumbura by their Tutsi employers.

(B) Reportedly, 50 Hutus, including community leaders, were killed in the city of Gitega: all were members of Frodebu and related Hutu minor parties. The head of the agriculture department for that region and several teachers in secondary schools were among those murdered. The provincial governor has now fled, as have other Hutu political leaders from Gitega, the second-largest city in Burundi. To judge from recent government actions in other provinces, the civilian governor's departure will offer an excuse to replace him with yet another military governor.

(C) Even the national radio, known to favor Tutsi interests, and likely to underestimate the killing, has acknowledged that at least 300 people were killed in Gitega province between April 5–12.

(D) Tutsi extremists have driven the Red Cross from the city of Gitega so hat it will be unable to witness and possibly report on the carnage.

(E) The FDD attacked and killed a large number of Tutsi students in an urban center (the name of which I failed to record).

(F) After an attack by the FDD against the army, at Bukeye, on April 10 the army killed more than 30 Hutu civilians in revenge.

(G) An official in the security service has confirmed that members of the military are recruiting Tutsi civil servants and students, training them, and issuing them weapons for use against their "enemies" in the countryside.

(H) A university official has confirmed that a letter circulating now on campus has been signed by over 100 Tutsi students, urging their classmates to stop academic work and take up arms with them against Nyangoma and his allies (i.e. Hutus) in the Bujumbura quartiers of Mutanga Nord, Kinama, and the countryside.

(I) Lt. Col. Nzeyimana Dieudonne, a high-ranking officer in the gendarmerie, was assassinated on 20 April (reportedly by Sans Echec) in Bujumbura.

(J) The Hutu parliamentarian Gahungu Gerard, from the Province of Cibitoke—a moderate with a Tutsi wife, was killed by a gunman in Ngagara.

(K) On 20 April, at least 7 (perhaps more) Hutus were killed in the Bujumbura quartier of Nyakabiga, having been kidnapped and brought there from other parts of the city.

(L) Over 30 Hutus were massacred in the commune of Rutovo by Tutsi militias, assisted by the army.

(M) A secondary school (lycee) in Kayanza was attacked with grenades; two students were killed, others injured.

"Perhaps a million will die. . ."—a European diplomat

The above are a few illustrations of what is happening. They form but a fraction of the total picture. I have received reports of fighting during the past two weeks in Bubanza, Gatumba, Ngozi, Mutare, Karuzi, Gitega, Rutama, Bururi, and other locations. One reliable source said that at least 75–80% of the country is currently shaken by violence. A respected Western diplomat told me that every province except Bujumbura was now subject to attack by guerilla forces.

Perhaps most poignantly, I was asked by a very experienced European diplomat who once served in the USA and now serves in Burundi, "Please, I know the generosity of the American people. Do what you can to see that the USA remains concerned. I am afraid, (he continued) that most of the world is about to give up on Burundi. But if the world gives up, there is a risk that not just thousands, but perhaps a million will die in a rage that no one can justify."

I am not suggesting that I expect a million people to die. I do not. And I would be shocked if Burundi suffered carnage on anything approaching that scale. Nor do I believe Burundi has yet arrived at a situation similar to Rwanda on April 6, 1994.

But when I observe that the president of the majority political party and an experienced and balanced European diplomat foresee such possibilities, it should give us pause. Two years ago, very few people in Burundi used such severe terms. These two would not have. Today, many others might do so.

If asked whether I am predicting the imminence of a major civil war I would say: no. But with qualifications. During the months I was present in Burundi, I said confidently that no such event would occur within the next two months. I can no longer confidently say that. I don't know if the probability of such an event is 5%, 10%, 20% or higher. I do know it is no longer an impossibility.

Reports from every quarter describe the situation as more precarious than in 1994 or 1995. The capacity of the Burundi populace to absorb horrendous punishment and yet to persevere is awesome, but not infinite. I don't know the trigger point of national rage. And I have only the reports of others, not of my own eyes. But all their eyes see the situation as deteriorating more rapidly than before.

An unclassified cable is not the place to explore suggestions for possible ways to address all these problems. Yet, as ambassador, I want without delay and without reticence to offer a partial account of some of the events and attitudes that now prevail in Burundi. They sound the most threatening and dangerous toward peace, justice, democracy and human life that I have heard during the period that I have been privileged to serve as ambassador to Burundi.•

HOWARD STRINGER

• Mr. SIMON. Mr. President, recently Howard Stringer, chief executive officer of Tele-TV, received the First Amendment Leadership Award presented by the Radio and Television News Directors Foundation at their annual banquet.

In his remarks, he comments about the need for sensitivity and realism in dealing with the problems of television violence.

In working with television executives on this problem, I have found none superior to Howard Stringer. He is both sensible and sensitive.

I urge my colleagues to read his remarks, which I ask to be printed in the Record.

The remarks follow:

Radio and Television News Directors Foundation Annual Banquet and Celebration of the First Amendment

(By Howard Stringer)

This is an interesting moment for any broadcaster to accept an award attached to the 1st Amendment. Just weeks ago, President Clinton and a number of television executives assembled in The White House to collaborate on a ratings system which would measure and proclaim the intensity of sex and violence on their programs. The President endorsed the V-chip as a device that would, "hand the remote control back to America's parents." It would be one small step for broadcasters, but a giant step for viewers. Some observers found the quid-pro-quo a little cynical—free use of the spectrum for digital compression on one side, election year political advantage for the other, but all in all, surely a positive gesture.

Some observers are concerned that the government has at least nudged its unholy way into content. Remembering President Nixon's use of the IRS as a weapon against political enemies, some day a President could recognize that in the digital future, whoever controls the chip not only controls V for Violence, but V for Voters.

In the near term, I'm more worried that this new political contract will do two things. Firstly, it will engender cynicism if it has no impact at all, and secondly, it will let programmers off the hook, especially if by gladly accepting the V-chip they abdicate further responsibility for content.

The cynicism factor is no small consideration. Since I came to America, successive governments have trumpeted a grand solution to whatever ails the country. The war to end communism in Vietnam, the war on poverty, the war on hunger, the war on racism, the war on drugs, all created a level of expectation, only to be followed by let down. After World War II, America became, in Robert Samuelson's words, "a nation of enthusiastic problem solvers" with the expectation that everything could be easily solved. When solutions fail, he observed, we sink into an atmosphere of "free floating gloom." The ranks of the cynical grow ever larger.

In 1993 I attended hearings on Capitol Hill on the subject of violence. With the valiant exception of Senator Paul Simon, most of my interrogators clearly hadn't watched television, couldn't differentiate between network and cable, and weren't terribly interested in debating the issue on its merits. One Congressman told me that he was going to vote for the V-chip because he was fed up with network news reporters attacking Congressional junkets.

On the evening after the hearings, I received a telephone call from that remarkable reporter, Jimmy Breslin. He told me he'd just spent the night in Bedford Stuyvesant, where kids were out on the streets, armed to the teeth, dealing in drugs, joining gangs and dropping out of school. "Trust me" said Breslin, "those kids aren't watching your network." Of course he was right. The street kids of urban America aren't glued to "The Nanny," "Friends," "Touched by an Angel." We'd be a lot safer if they were. The gutter body count is more accurately represented in movies like "Die Hard" or "Terminator," which are 'R' rated, than on television, though even in those movies at least the good guys win and the bad guys lose.

Ratings systems are valuable to the child with responsible parents. They're not much of an obstacle to the latch-key kid with nothing but time on his hands. So even if we accept that the V-chip will help some parents, let's not fool ourselves that it will diminish violence on the street. Otherwise, the letdown will, as I've said, promote yet more cynicism all round.

My second point is that all of us in the broadcasting or cable or telephone programming community have a higher responsibility that the government cannot and should not enforce. Instead of debating the issue of TV's relationship to violence, let's turn the question on its head. Can we help society fight violence? Can we do more? Bill Moyers said recently, "What we need is a strategy of affirmation by society as a whole, from homes, schools, churches, synagogues and all the institutions that transmit values." What about from our entertainment institutions?

There has been violence in great literature and in great drama beyond Shakespeare to the ancient Greeks. Blood is the ink of much theatrical history, but great writers understand great consequences. Villains are doomed. Victims mourned. The audience is taught accountability, responsibility, sensitivity and compassion. It's not enough for the audience to leave the stage or screen just thrilled or amused. The true artist can teach us to care, and of course, to feel.

If the sociopaths who parade through our news clips show no remorse, then maybe our entertainment programs should. If the eyes of killers reflect only the chill of arctic wastes, then maybe we should offer warmer vistas. If dozens of people die unrecognized and unmourned in our movies, then maybe we should shed tears for them.

If we perceive the loss of life as unremarkable, then the absence of love will also be unremarkable. Death stings, pain hurts, loss devastates, fear terrifies. If we complain that television merely mirrors reality, then let us try to reflect our reality more skillfully and honestly. Violence is not poetic or balletic. It is ugly. Violence inspires more tears than cheers on the streets of our cities. True artists have the power to move not only their audiences, but also their times.

America won more than the Cold War. It's also winning the global infotainment war. We export popular culture to the world. With that victory comes some responsibility. We can give audiences only "What they want" and cynically wait for the cash registers to ring, or we can challenge our creative minds to reach further into their souls. We can certainly do more than shelter gratefully behind labels, and allow taste to evaporate.

In the end industry leaders must take personal responsibility for what goes on the screen. If we separate like church and state, our artistic values from our personal values, then we create programs for others we would not be willing to share with our own family and friends. If we produce dreadful entertainment just because we automatically assume they, the viewers, will like it, eventually the viewers will turn on us, challenge our cynicism and demand not just the V-chip but the C-chip–C for censorship.

The greatest threat to all our hard won freedoms, whether freedom of religion, freedom of speech, freedom of the press or the right to petition is cynicism. I accept this award on behalf of my colleagues, my collaborators and my comrades, especially those of you I know in this room who are anything but cynical. If all of you are to be custodians of the new world cultural order, then you have a clear duty to try to protect and cherish its citizens.•

COMMON SENSE, R.I.P.

• Mr. SIMON. Mr. President, Jeff Lyon had a brief observation under the title "Common Sense, R.I.P." in the Chicago Tribune magazine, which I ask to be printed in the CONGRESSIONAL RECORD after my remarks.

It comments on the death of 7-year-old pilot Jessica Dubroff, but its real commentary is on our society and what we have permitted.

It is worth reading and reflecting upon.

The article follows:

COMMON SENSE, R.I.P.

(By Jeff Lyon)

Despite what legions of editorial writers have said, the real message in the death of 7-year-old pilot Jessica Dubroff is not that we're pushing our kids too hard, which, it goes without saying, we are.

It's that everywhere you look, the perishable human commodity known as common sense has died.

Of course, it's absurd that the FAA lets tots fly planes. But it's equally crazy that we can't get a ban to stick on guns that can kill a dozen people in a microsecond. Or that the government is allowed to spend more than it takes in for years, even though any imbecile know what happens when you charge up too much merchandise on your credit cards.

An entire generation celebrates sexual promiscuity, then is surprised when the harvest is AIDS, herpes, illegitimacy and marital erosion. An industry that makes billions selling a lethal, highly addictive drug like tobacco claims the stuff is harmless in the face of overwhelming evidence to the contrary and is allowed to get away with it.

We pile people into public housing, take the dignity of work away from them and are astonished when the result is a permanent underclass. We put our schools on short rations, then are shocked that our kids think like Beavis and Butthead. We let the rankest, foulest programming spew out over the airwaves and wonder why there is moral decay.

There was a time when people recognized that certain behaviors had consequences. It was a lesson that sank in the first time you got sick after Mom warned against eating too many potato chips.

But that kind of wisdom has become another casualty of modern life. Maybe moms and dads aren't dispensing it anymore. Maybe moms and dads aren't even home anymore.

Whatever the cause, as a society we've forgotten our umbrella and now it's started to rain. Isn't it time we reacquired the sense to go inside?•

ORDERS FOR MONDAY, JUNE 3, 1996

Mr. DOLE. Madam President, I ask unanimous consent that when the Senate reconvenes under the provisions of Senate Concurrent Resolution 60 at 1:30 p.m., on Monday, June 3, that immediately following the prayer, the Journal of proceedings be deemed approved to date, no resolutions come over under the rule, the call of the calendar be dispensed with, the morning hour be deemed to have expired, and there then be a period for morning business not to extend beyond the hour of 3:30 p.m. with Senators permitted to speak for up to 5 minutes each, with the following exceptions: the first 90 minutes under the control of Senator COVERDELL, or his designee; the second 30 minutes under the control of Senator DASCHLE, or his designee.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. I further ask unanimous consent that at 3:30 p.m. the Senate resume debate on the motion to proceed to the Defend America Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DOLE. Madam President, I recap, for the information of all Senators, that a cloture motion was filed on the motion to proceed to the Defend America Act. That vote occur on Tuesday June 4, at 2:15 p.m., unless we can work out some overall agreement. We would want to add to that—I have discussed this with the Democratic leader—health care reform. That package is in conference. That is something which I very much would like to do that week. I talked to both Senators KASSEBAUM and KENNEDY, and others. Hopefully, we might add to the list three or four things that we might complete action on that week.

If there is not any change, then that rollcall vote will occur after the policy luncheons, I understand, at 2:15.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The distinguished Democratic leader.

Mr. DASCHLE. Madam President, I do not want to delay the distinguished majority leader, but I would also note that he and I have had the opportunity to discuss the issue of confirmation of judges, and I hope that we could continue to work on that and find some resolution. I know there is a great deal of interest on both sides in trying to figure out a way to break loose the logjam on what I believe are 17 or 18 judges that await some action here. A lot of families and a lot of futures are on the line. I am sure that the sooner we accommodate everyone's interest, the better it is for everybody concerned.

I appreciate the majority leader's interest in trying to resolve that matter as well. We will want to work with him to see that we get that done.

Mr. DOLE. I would say to the Democratic leader that if we cannot arrive at some agreement, I would be prepared to call them up one at a time. If someone wants to vote "no"—and I understand that at least one may take some time, one of the nominees. For others, there may be rollcall votes. But it seems to me that the Democratic leader is correct. We should not be holding people up. If we need a vote, vote them down or vote them up, or whatever, but they ought to be voted on because they probably have plans to make and there are families involved.

So I hope we can reach some accommodation to dispose of those as quickly as possible when we return.

ADJOURNMENT UNTIL 1:30 P.M., MONDAY, JUNE 3, 1996

Mr. DOLE. Madam President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the provisions of Senate Concurrent Resolution 60.

There being no objection, the Senate, at 1:47 p.m., adjourned until Monday, June 3, 1996, at 1:30 p.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 24, 1996:

PANAMA CANAL COMMISSION

MARKOS K. MARINAKIS, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF THE PANAMA CANAL COMMISSION.

SMALL BUSINESS ADMINISTRATION

GINGER EHN LEW, OF CALIFORNIA, TO BE DEPUTY ADMINISTRATOR OF THE SMALL BUSINESS ADMINISTRATION.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF JUSTICE

J. RENE JOSEY, OF SOUTH CAROLINA, TO BE U.S. ATTORNEY FOR THE DISTRICT OF SOUTH CAROLINA FOR THE TERM OF 4 YEARS.

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. AIR FORCE TO THE GRADE OF BRIGADIER GENERAL UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 624:

To be brigadier general

COL. WILLIAM WELSER III [redacted] REGULAR AIR FORCE.

THE FOLLOWING-NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

LT. GEN. RICHARD B. MYERS, [redacted] U.S. AIR FORCE.

THE FOLLOWING-NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

LT. GEN. JOHN P. JUMPER [redacted] U.S. AIR FORCE.

THE FOLLOWING-NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

LT. GEN. RALPH E. EBERHART [redacted] U.S. AIR FORCE.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. CARL E. FRANKLIN [redacted] U.S. AIR FORCE.

IN THE ARMY

THE FOLLOWING-NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE U.S. ARMY WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

LT. GEN. DANIEL W. CHRISTMAN [redacted] U.S. ARMY.

IN THE NAVY

THE FOLLOWING-NAMED OFFICERS FOR PROMOTION IN THE NAVY OF THE UNITED STATES TO THE GRADE INDICATED UNDER TITLE 10, UNITED STATES CODE, SECTION 624:

UNRESTRICTED LINE

To be rear admiral

REAR ADM. (LH) JAMES F. AMERAULT [redacted] U.S. NAVY.
REAR ADM. (LH) LYLE G. BIEN [redacted] U.S. NAVY.
REAR ADM. (LH) RICHARD A. BUCHANAN, [redacted] U.S. NAVY.
REAR ADM. (LH) WILLIAM V. CROSS II [redacted] U.S. NAVY.
REAR ADM. (LH) WALTER F. DORAN [redacted] U.S. NAVY.
REAR ADM. (LH) JAMES O. ELLIS, JR [redacted] U.S. NAVY.
REAR ADM. (LH) WILLIAM J. FALLON [redacted] U.S. NAVY.
REAR ADM. (LH) THOMAS B. FARGO, [redacted] U.S. NAVY.
REAR ADM. (LH) DENNIS V. MCGINN [redacted] U.S. NAVY.
REAR ADM. (LH) JOSEPH S. MOBLEY [redacted] U.S. NAVY.
REAR ADM. (LH) EDWARD MOORE, JR., [redacted] U.S. NAVY.
REAR ADM. (LH) DANIEL J. MURPHY [redacted] U.S. NAVY.
REAR ADM. (LH) RODNEY P. REMPT [redacted] U.S. NAVY.
REAR ADM. (LH) NORBERT R. RYAN, JR. [redacted] U.S. NAVY.
REAR ADM. (LH) RAYMOND C. SMITH, JR. [redacted] U.S. NAVY.

RESTRICTED LINE

To be rear admiral

REAR ADM. (LH) GEORGE P. NANOS, JR. [redacted] U.S. NAVY.
REAR ADM. (LH) CRAIG E. STEIDLE [redacted] U.S. NAVY.
REAR ADM. (LH) JAMES L. TAYLOR [redacted] U.S. NAVY.
REAR ADM. (LH) PATRICIA A. TRACEY [redacted] U.S. NAVY.

HOUSE OF REPRESENTATIVES—*Wednesday, May 29, 1996*

The House met at 2 p.m. and was called to order by the Speaker pro tempore [Ms. GREENE of Utah].

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 29, 1996.

I hereby designate the Honorable ENID GREENE to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

When we think on Your name, O God, or meditate on Your providence, we recall all the wonderful gifts of life that we have received from Your hand. For the gifts of forgiveness and grace, for justice and mercy, for hope and faith, for healing and helping, and for all Your wonders we give our thanksgiving. Yet, above all else and soaring over all Your creation, we recognize Your gift of love, a love that passes all human understanding and a love that transcends all our customs and edicts. For this gift of eternal love that makes each day alive with new possibilities, we offer these words of gratitude and praise. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stand as approved.

Mr. CHABOT. Madam Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. CHABOT. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Nebraska [Mr. CHRISTENSEN] come forward and lead the House in the Pledge of Allegiance.

Mr. CHRISTENSEN led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, May 28, 1996.

Hon. NEWT GINGRICH,
The Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on Friday, May 24, 1996 at 2:00 p.m.: that the Senate passed with amendment H. Con. Res. 178 and requested conference.

With warm regards,

ROBIN H. CARLE,
Clerk, U.S. House of Representatives.

DEFINITION OF A TOBACCO SUCKER

(Mr. FUNDERBURK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FUNDERBURK. Madam Speaker, recently a politician in North Carolina asked if I could describe a tobacco sucker. The answer is a tobacco sucker is one who believes that David Kessler of the FDA, the gentleman from California, HENRY WAXMAN, and Bill Clinton are friends of tobacco. That is a tobacco sucker.

Madam Speaker, caught in the middle of the assault on tobacco by the Clinton administration are thousands of small hardworking tobacco farmers in the Second District of North Carolina. These farmers are not the giant tobacco corporations the Clinton administration, the FDA, and some in Congress attack regularly. These are small farmers who struggle from year to year just to make ends meet. These are the people who provide the jobs and pay the taxes.

The end result of the Clinton crusaders will be to make tobacco products illegal. The White House talks about American jobs, but it will stop at nothing to wipe out a proud and legal American industry and watch its profits head offshore. The tobacco farmers in my district generate over $43,000 in taxes for each acre of tobacco, and tobacco products, provide the Treasury over $11.5 billion annually.

WHO IS REALLY GOING TO BENEFIT IF CONGRESS RENEWS CHINA'S MOST-FAVORED-NATION STATUS?

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KAPTUR. Madam Speaker, who is really going to benefit if Congress renews China's most-favored-nation trade status for another year? Will more of our citizens get good jobs with good benefits? No. Will prices go down in our stores? No. We will all wait for that day. But will leading importers from China make billions off trading our jobs for outsourced production to China? Absolutely.

People like David Glass will benefit. Who is he? He is the chief executive officer of Wal-Mart, the leading United States importer from China. Last year he earned over $1 million trading off the handiwork of Chinese women who earn 10 cents an hour working 14-hour days. So did his top five executives, who hauled off over $3 million just last year.

Evidently Wal-Mart believes China's repressive regime is somebody they want to do business with. Last year, Wal-Mart imported 1,000 shipments from China by relying on 700 Chinese contract sweatshops. Can Members imagine how many jobs that would create in our country, including in those communities in which Wal-Mart does business here? I say it is time to revoke China's privileged trade status until we get a fair shake for American and Chinese workers and consumers.

EXPRESSSING SUPPORT FOR A BIPARTISAN SOLUTION TO SAVE MEDICARE BEFORE IT GOES BANKRUPT IN 2001

(Mr. CHRISTENSEN asked and was given permission to address the House

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

for 1 minute and to revise and extend his remarks.)

Mr. CHRISTENSEN. Madam Speaker, I rise today to express my support for a bipartisan solution to save Medicare before it goes bankrupt in 2001.

Frankly, I've been surprised by the scare tactics and demagogurey by the other side.

They know Medicare is going bankrupt, but they would rather attack Republicans than fix the problem.

Despite the false claims and disinformation being perpetuated by Washington union bosses, the truth is that our plan would increase Medicare spending from $4,900 per beneficiary in 1996 to $7,100 per person in 2002. That's a $2,200 per senior increase in Medicare spending.

Our plan requires us to spend smarter. It cracks down on waste, fraud, and abuse.

For me, this is not a partisan issue—it is a personal issue. I have loved ones who depend on Medicare. Like so many other American seniors, my grandmother, who still teaches school, needs Medicare as a safety net.

So lets end the partisan sniping. Saving Medicare will not be easy; it is a task that will require wisdom, courage, and resolution. Only by working together will we be able to preserve and protect this vital program.

THE AMERICAN PEOPLE WANT CONGRESS TO WORK FASTER AND WITH LESS POLITICAL POSTURING

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Madam Speaker, last week after much pushing, prodding, and pulling, the House passed an increase in the minimum wage. This past weekend what I heard over and over from the residents of Connecticut's Third District, which I represent, was: "Finally. What took so long?"

Madam Speaker, the American people want us to continue to focus on policies that protect their families, honor their work, and safeguard the future for their children, but they want these policies to move through this Congress faster and with less political posturing.

The American people want retirement security, so let us make pensions portable. They want health care reform, so let us cover preexisting conditions. They want a balanced budget, but they do not want us to raid the Medicare system.

I challenge the Republican leadership to listen to what the American people are saying. They want to see that Medicare is preserved and not destroyed, and that we do not provide a tax break for the wealthiest Americans at the expense of seniors who have played by the rules all their lives, and all they want is a decent, safe, and a dignified retirement.

WELFARE REFORM: THE WHITE HOUSE NEEDS TO LEAD, FOLLOW, OR GET OUT OF THE WAY

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Madam Speaker, during the 1992 presidential campaign, candidate Clinton promised to end welfare as we know it. Not only has he not ended welfare as we know it, but he has acted as the protector and champion of welfare as we know it. This Republican-led Congress has sent the President a welfare bill based on commonsense reforms, and he vetoed it not once but twice. So much for ending welfare as we know it.

Timed to undercut a speech by Senator ROBERT DOLE, the President announced his support for Republican welfare reform planned by Wisconsin Governor Tommy Thompson. However, he failed to promise his signature on a waiver allowing the Governor's plan to go forward. Such a waiver, implementing these types of reform, would not be necessary if the President had signed the welfare reform legislation sent to him by the Republican-controlled Congress. Again, a great display of this President's skill at saying one thing and doing another.

TIME TO LEARN THE TRUTH ABOUT WHITEWATER

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Madam Speaker, a jury found Jim McDougal and his wife, Susan McDougal, guilty; guilty on 22 counts. They face 10 years in prison, 10 times that, 100 years and over $5 million in fines. A jury found Arkansas Governor Tucker guilty on two counts. He faces 10 years and a half a million dollars in fines. I do not know if the McDougals are innocent or guilty. I do not know if Tucker is innocent or guilty, but I know one thing for sure. If they have any friends left in the savings and loan industry, now is the time to call them up.

As a Democrat I want to say this, is it any wonder the American taxpayers got shafted for over $100 billion in savings and loans ripoffs, after seeing what happened in Little Rock? I think it is time to find the truth. They had better make a loan. They are sure facing a lot of penalties.

STATES KNOW BEST WHEN IT COMES TO THE WELFARE OF THEIR CITIZENS

(Mrs. SEASTRAND asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SEASTRAND. Madam Speaker, over 200 years ago 13 States came together to form the foundation of a new nation. Their union was based on the belief that big centralized government is bad government. Today, 37 States later, that belief is especially true when you consider welfare reform.

History teaches us again and again that States know best when it comes to the welfare of their citizens. Unfortunately, this is a lesson lost on President Clinton.

When it comes to welfare waivers, the President refuses to allow States to do it their way. He has denied waivers outright in Illinois, Massachusetts, and Wyoming, and has forced other States to come to Washington on bended knee.

His plan would not allow States to limit benefits to less than 5 years nor would it provide for any new flexibility in operating child protection programs.

Madam Speaker, there was a historical reason why this country was named the United States of America, and we should do everything in our power to prevent it from becoming the united state of big Bill Clinton government.

WHITEWATER AND THE WHITE HOUSE, SOMETHING IN COMMON

(Mr. OXLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OXLEY. Madam Speaker, the bodies keep piling up on the porch of the White House. Yesterday, three more people were convicted in the Arkansas savings and loan scandal that has threatened to envelop more and more people. This is just one more example of what has happened with the White House's mishandling of this terrible incident. Something stinks in Arkansas, and that stench is stretching all the way to the White House.

Whitewater and the White House, something in common staying together, and yesterday was one more example of that fact.

COMPLAINTS ON WHITEWATER ARE REPUBLICAN ATTEMPTS AT DISTRACTION FROM THE REAL ISSUES

(Mr. WARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WARD. Madam Speaker, I rise today because I am not surprised that what we are hearing about from the other side of the aisle is what we are hearing about. Anything, anything to avoid the subjects that we have been talking about on this side. Those subjects are the incredibly slow work that we saw in increasing the minimum wage. Those subjects include the incredibly slow work we have seen about truly protecting people who rely on Medicare and Medicaid, and people who have relied on the strides that we have made in the environment, and in education.

What we have seen over this last 1½ years makes us wonder, it makes us wonder, but today it all becomes clear. What becomes clear is that they are trying to distract us. The efforts that are being made again in these 1-minutes this morning by the other side are simply to distract us from these main issues. Madam Speaker, I would hope that we can stick to these main issues and work to do these things.

□ 1415

WELFARE REFORM

(Mr. EHLERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EHLERS. Madam Speaker, I started political life as a county commissioner in Kent County, MI. We had a county welfare department that won a number of awards for providing better services at lower cost than most counties across the United States.

But most of the programs that we instituted required a waiver from Washington, and we had to fight and kick and scream in order to get those waivers. I thought it strange that we would have to fight with the Federal Government in order to save them money.

I went to the State legislature, and once again I got involved in battles at the State level requesting waivers from the Federal Government to improve the welfare program and to provide better services at less cost. Once again I thought it strange: Why should we have to fight the Federal Government to save taxpayers money?

Now that I am here, I strongly support giving the States and local communities more to say about operating their welfare programs, because I am convinced that they can do a better job at less cost than we have with our current system. I applaud the Republicans in the House for introducing a bill which will bring that about and make it possible for us to save money for the people of this country.

WORK TO BE DONE

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Madam Speaker, I think it is important this morning and this afternoon to emphasize that there is work to be done. I realize that the headlines of yesterday evening, that we would hear a lot of spin talk and dragging Whitewater and a variety of other issues all the way to the White House.

But I really want to speak about what the American people have said to me when I go home to the 18th Congressional District, and that is about senior citizens who are appalled that we are still talking about cutting $166 billion from Medicare, about medical professionals who will say to me that the medical system is in an uproar because they cannot care for sick and the needy. I also hear from young people who say that they are looking forward to an entry level job, but they have got families and they need an increase in the minimum wage. They are gratified that we did some work last week after long, long months of trying.

So I hope my Republican colleagues will get down to the business of working. As we approach this omnibus science bill, I hope they will realize that science is the cutting edge of the 21st century. I hope we will not drag Whitewater into our work. I hope we will work for the American people.

IT IS TIME TO SAY "NO" TO THE STATUS QUO AND REFORM WELFARE NOW

(Mr. CHABOT asked and was given permission to address the House for 1 minute.)

Mr. CHABOT. Madam Speaker, this Congress has twice passed welfare reform legislation that emphasizes work and personal responsibility. President Clinton, who told America that he would "end welfare as we know it," has, on both occasions, vetoed that legislation. Now he tells us once again that he's ready to keep his promise that he really is willing to reform welfare. Well, we'll see.

We will soon give President Clinton another opportunity to put his money where his mouth is. We will make one more effort to send him a bill that will move millions of Americans from that cycle of dependency on big government to a life of productivity and responsibility for self and family.

Madam Speaker, let's hope for the sake of generations of Americans caught in the welfare trap that the President isn't just pulling our leg once again. Let's hope that he'll finally agree to keep his oft-repeated campaign promise to "end welfare as we know it."

WHITEWATER CONVICTIONS

(Mr. ROHRABACHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROHRABACHER. Madam Speaker, 4 years ago President Clinton kicked off his Presidential campaign. His theme was honesty in government, and the example he pontificated about was the S&L debacle that was then costing the taxpayers tens of billions of dollars.

The conviction of President Clinton's cronies in Arkansas suggests that while candidate Clinton was making honesty the theme of his campaign, his own gang was engaged in looting a savings and loan institution in Little Rock. We have come to know, unfortunately, that our President, President Clinton, is a politician that has absolutely no shame.

PERMISSION FOR SUNDRY COMMITTEES AND THEIR SUBCOMMITTEES TO SIT TODAY DURING THE 5-MINUTE RULE

Mr. WALKER. Madam Speaker, I ask unanimous consent that the following committees and their subcommittees be permitted to sit today while the House is meeting in the Committee of the Whole House under the 5-minute rule: Committee on National Security; Committee on Transportation and Infrastructure; and Permanent Select Committee on Intelligence.

It is my understanding that the minority has been consulted and that there is no objection to these requests.

The SPEAKER pro tempore (Ms. GREENE of Utah). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

ORDER OF CONSIDERATION OF AMENDMENTS AND POSTPONING VOTES ON AMENDMENTS DURING CONSIDERATION OF H.R. 3322, OMNIBUS CIVILIAN SCIENCE AUTHORIZATION ACT OF 1996

Mr. WALKER. Madam Speaker, I ask unanimous consent that during consideration of H.R. 3322, pursuant to House Resolution 427, following disposition of the amendment offered by Representative WALKER or his designee and specified in House Resolution 427, the following amendments or germane modifications thereof be considered in the following order and notwithstanding their amending portions of the bill not yet read for amendment: An amendment offered by Representative SCHIFF regarding National Science Foundation funding; amendment No. 3 by Representative GEKAS; amendment No. 7 by Representative THORNBERRY; amendment No. 22 by Representative TRAFICANT; an amendment offered by Representative ROEMER regarding endocrine disruptors; an amendment No. 2 offered by Mr. CRAMER; amendment No. 14 by Representative LOFGREN; and amendment No. 8 by Representative BROWN of California, following disposition of which committee shall resume consideration of the bill pursuant to House Resolution 427.

Further, I ask unanimous consent that the Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any of these amendments to the bill, or any amendments thereto. The Chairman of the Committee of the Whole, may reduce to not less than 5 minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business provided that the time for voting by electronic device on the first of any series of questions shall be not less than 15 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

WELFARE REFORM

(Mr. COOLEY asked and was given permission to address the House for 1 minute.)

Mr. COOLEY. Madam Speaker, on welfare reform Bill Clinton has performed one shameless flip-flop after the next. During the 1992 Presidential campaign, candidate Clinton promised to end welfare as we know it. President Clinton never offered any serious welfare reform program. There was never even a vote on welfare reform when the Democrats controlled the Congress during the first 2 years of his Presidency. Clinton on the record opposes the idea of allowing governments to pursue their own welfare programs, saying there is a danger that some States will get into a race to the bottom.

When the Republicans led the Congress, we kept our promise and sent Bill Clinton a bill that would genuinely reform welfare. We not only sent it to him once but we sent it to him twice, and he vetoed it both times. Madam Speaker, I think we need to look at welfare reform very seriously and offer the American people a new program that will truly, truly revise welfare.

BLOATED CONGRESSIONAL MILITARY BUDGET

(Ms. MCKINNEY asked and was given permission to address the House for 1 minute.)

Ms. MCKINNEY. Madam Speaker, you would think that my Republican colleagues have learned their lesson. Over the past year, the American people have expressed their outrage over the 1996 congressional military budget which gave the Pentagon $7 billion more than they asked for. Well, Madam Speaker, here we go again. This year the Republican led Congress has decided to give the Pentagon $13 billion more than what it asked for. Maybe my Republican colleagues did not get the message. Why don't they use the extra $13 billion on environmental programs which their 1997 budget cut by 19 percent. Or maybe they could use the money to provide student loans to the 2.5 million young people who will have their student loans reduced under the Republican budget.

Madam Speaker, we know that our military budget is much larger than the military budgets of all of our enemies combined.

So, since there is no country—or, even group of countries that poses a credible threat to our national security, on behalf of the American people I must ask if the real threat the Republicans fear is a foreign power, or the wrath of the defense industry.

OMNIBUS CIVILIAN SCIENCE AUTHORIZATION ACT OF 1996

The SPEAKER pro tempore. Pursuant to House Resolution 427 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3322.

□ 1425

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3322) to authorize appropriations for fiscal year 1997 for civilian science activities of the Federal Government, and for other purposes, with Mr. BURTON of Indiana in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Pennsylvania [Mr. WALKER] and the gentleman from California [Mr. BROWN] each will control 30 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Chairman, I yield myself 6 minutes.

Mr. Chairman, I am pleased to bring before the House H.R. 3322, the Omnibus Civilian Science Authorization Act of 1996. This bill provides fiscal 1997 authorizations for the National Science Foundation, NASA, the U.S. Fire Administration in FEMA, NOAA, the research programs of EPA, the National Institute of Standards and Technology, the research programs of the Federal Aviation Administration, and the earthquake hazards reduction program. This legislation provides 5 percent or $285 million more in basic research spending than the Clinton administration budget.

This chart to my left indicates the basic funding research and shows that we are higher in funding the fundamental science of the country than what the Clinton administration budget calls for.

In addition, this bill calls for $3.7 billion for environmental science including $1.25 billion for the global climate change programs, and it ends corporate welfare. In short, this represents a sound and responsible approach to the funding of our Nation's Federal civilian research and development efforts.

The legislation authorizes $19.3 billion for fiscal year 1997. The President's request for these programs is $20.3 billion.

We provide $3.2 billion for the National Science Foundation, a $31 million increase over fiscal year 1996, plus $26 million for basic research grants and $25 million for South Pole environmental and safety renovations.

We provide $13.5 billion for NASA, including full funding for the space station, an increase in space science and life and microgravity research and $1 billion for the missions to planet Earth.

We provide $27.6 million for the U.S. fire administration. The President's request is that same number.

We provide $1.37 billion for what are called the dry programs of NOAA, including full modernization of the National Weather Service, $100 million for basic climate change research, and a complete project authorization for the installation of the Advanced Weather Interactive Processing System, the new weather forecasting technology so crucial to public safety.

We provide $490 million for EPA's Office of Research and Development.

We provide $385.8 million for the National Institute of Standards and Technology, $21 million over current funding and $10 million more than the President's request for the core functions of that agency.

We provide $186 billion for the research and development programs of the Federal Aviation Administration, its current funding level.

We provide $95.2 million for Earthquake Hazards Reduction Program. That is the President's request.

We are considering this science authorization bill in the same coordinated manner as last year, whereby we combined our individual authorization bills into one vehicle, a process which enables us to consider civilian research and development in a broad, rational context. We do not include the Department of Energy's programs in this bill, since we have already passed fiscal 1997 authorization in last year's bill. The subcommittee of jurisdiction, however, may consider a more detailed specification of those numbers in the near future.

Along with providing funding, this bill includes some important policy provisions. In the NASA title, for instance, we have included language advancing the commercial use of the space station; making important amendments to the Commercial Space Launch Act; procurement changes to encourage the agency to use existing commercial technology in its programs, and to purchase private sector science and environmental data. Within NOAA, we revise the National Weather Service's Organic Act to allow the privatization of specialized weather services. And, at EPA, we have charged the Assistant Administrator for Research with responsibility for the quality of science at EPA, and we require the Science Advisory Board to review EPA's research budget.

We have made some tough choices in crafting this legislation, choices made in the context of what is likely to be contained in the budget resolution and in the context of moving us along the glide path which leads to a balanced budget. Why? Because the Committee on Science has decided to be relevant to the process. We realize that if we, as authorizers, are going to have an impact on the funding decisions that will be made in the appropriations process, we have to commit ourselves to a realistic plan. Believe me, as all of our committee members know, those choices have not always been popular and they surely have not been easy.

□ 1430

But I am proud of the work that we have done, and that good work is reflected in the fact that our bill passed the committee with bipartisan support.

The tenor of the policy debate has now changed within the Congress and the science community as the emphasis has shifted from industrial policy to basic research and from status quo subsidies to new knowledge. Quite simply, we have proven to our colleagues and to the science community that this committee is serious about its responsibility and it is up to the challenge of setting our priorities and is tough enough to effect real change.

At the conclusion of general debate, I will offer a manager's amendment to address the jurisdictional problems we have had with two other committees and to make some administrative changes at the request of the National Science Foundation. The chairman of the Subcommittee on Basic Research, the gentleman from New Mexico, Mr. STEVE SCHIFF, will also have an amendment to add $41.2 million to NSF's university research grants account to reflect the work of the Committee on the Budget to bolster basic research.

Finally, I would like to acknowledge for special thanks the cosponsors of the legislation, the Chairs of our subcommittee who have been a part of the team, and without whose help we could not have brought this bill to the floor, the gentleman from Wisconsin, Mr. JIM SENSENBRENNER, the gentleman from California, Mr. DANA ROHRABACHER, the gentleman from New Mexico, Mr. STEVE SCHIFF, and the gentlewoman from Maryland, Mrs. CONNIE MORELLA.

Mr. Chairman, I reserve the balance of my time.

Mr. BROWN of California. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, I hardly know where to start with this bill. I an not sure whether I should discuss the policy proposals in this bill or the process by which this bill was put together. Maybe I should start with my deep regret that we have come to the floor today so deeply divided on support for Federal research and development [R&D] programs, issues that should elicit bipartisan support.

And I note the chairman indicated that there was bipartisan support for his bill. The rollcall will show that one Democrat, who probably did not know what he was voting, for, voted in support of this bill, and this does not exactly indicated to me strong bipartisan support.

But both because of the proposals being made and the process that was used in putting this bill together, I cannot support H.R. 3322.

My difficulties with this legislation start with the title: Omnibus Civilian Science Authorization Act. This is not an omnibus bill.

When the House considered H.R. 2405 last year, the gentleman from Pennsylvania was enthusiastic about his revolutionary idea to bring all of the Science Committee authorization bills into a single, omnibus bill. Among its other virtues, he argued, was that it would permit Congress to consider priorities among the civilian science portfolio.

I was skeptical last year and I remain skeptical today. As I predicted last year, packaging the committee's bill together into a single bill has not expedited its consideration in the Senate. Indeed, last year's authorization bill remains languishing there without any Senate action on any of its provisions. This year's bill is likely to face the same fate.

Nor does the claim that packaging these bills together permits Congress to set priorities stand up to closer scrutiny. As I also pointed out last year, much of the civilian R&D science and technology portfolio is not in this committee's jurisdiction. For example, neither NIH nor USDA, which together constitute a very significant fraction of the total of civilian science budget, are included in this bill. And, as the Resources Committee and the Transportation Committee have reminded us, neither are some of the research programs in NOAA, the Department of the Interior, and the Federal Aviation Administration. So the fact is that we only have some of the civilian science portfolio in front of us. We can't trade off the space station for more AIDS research in this bill.

The case is even tougher to make this year because the so-called omnibus bill is less omnibus than last year's bill. The committee has, for political reasons, left behind programs, indeed entire Federal departments, that are under our jurisdiction and should be included in this bill. The Department of Energy's civilian research and development portfolio, a modest $4.7 billion per year effort, has been dropped from this bill, reportedly due to differences within the ranks of the majority on our committee. Likewise, the external programs at the Department of Commerce's National Institute of Standards and Technology have been left behind, for the second year in a row, for political reasons on the other side of the aisle.

Of course, the argument that we are setting priorities assumes that Members could actually offer amendments to move funding from one agency to another. But, under the rule which we are considering today, amendments which move funding from one title to another are subject to a point of order.

The idea that we are somehow setting priorities is one of the most absurd fictions that we will be hearing from the other side today. As we all know, the real task of setting priorities is done in the Appropriations Committee, where the 602(b) allocation forces hard choices among sometimes disparate programs. The bill today has little relevance to those decisions. It doesn't tell the HUD–VA–IA Subcommittee how to allocate funds between NASA and the housing program, or NSF and veteran's hospitals.

Once you get beyond the title, the substantive policy problems emerge. Those programs that are contained in the legislation are treated so poorly and so arbitrarily that it would have been better to leave them out as well. This legislation cuts science programs so deeply that it is actually an antiscience bill. It treats environmental and "soft path" energy research so badly that this is an antienvironment bill. H.R. 3322 makes major cuts and omissions to technology development programs, casting it as an antijobs and competitiveness bill. And by leaving DOE out all together, this is clearly a bill that is antienergy independence.

On science issues, the chairman has argued eloquently, if erroneously, that the Federal Government should be focusing on basic research and leave the rest of the work to the private sector. In this bill, the Republicans make large cuts to applied and developmental research work and then seek the gratitude of the scientific community for making smaller cuts to the basic science funded in this bill.

The Brown substitute to H.R. 3322 provides $170 million greater support for basic research than the Republican proposal. But, in addition to total funds authorized, there are important differences from H.R. 3322 in the details of the allocations made and in the policies applied to the agencies.

The majority has expressed a preference for NASA space science through a more generous allocation than the substitute—so generous that the agency appears not to know what to do with the excess above its request. On the other hand, H.R. 3322 provides less than 1 percent growth for NSF, the premier basic research funding agency in the Science Committee's jurisdiction and the agency with the broadest charter for advancing research and education in science and engineering. The Brown substitute provides 3.3 percent growth for NSF, which will allow small growth above inflation, instead of the effective cut in the Republican bill, and this chart will show the differences in some of those areas.

H.R. 3322 also totally ignores a major component of the Federal civilian basic research funding by excluding authorizations for the Department of Energy. DOE has the largest basic research budget, after NSF, in the Science Committee's jurisdiction. This negligence is hardly consistent with the majority's claim to champion and protect basic research in the Federal R&D budget. The Brown substitute by contrast includes the President's request for DOE.

Further, unlike H.R. 3322, the substitute places no ban or restrictions on legitimate areas of scientific inquiry. The substitute presumes that the usual merit review process will be used by the agencies to select the most promising research directions to advance fundamental knowledge.

This distinction between basic and applied research is at the heart of the Republican proposal, and yet it is a distinction entirely without relevance the real world. I have worked at science policy for decades and cannot find the seam between basic and applied research. The reality is that ideas move along a continuum from the lab to the market and removing support to any one part of this process will stop progress.

What is more important in this bill is the overall funding level proposed. This bill, together with the DOE funding levels set during the debate on last year's omnibus bill, cuts fiscal year 1997 funding for the R&D programs under our jurisdiction $1.3 billion below this year's funding levels and is $2 billion under the President's request for fiscal year 1997. These cuts pose a grave threat to our civilian R&D activities. They are ill-advised and entirely unnecessary to achieved a balanced budget.

In contrast, the Republican bill essentially eliminates EPA's ability to fund research related to global climate change, an area often characterized by the Members on the other side of the aisle as "liberal claptrap." H.R. 3322 also continues an oblique attack on NSF's support for the behavioral and social sciences through elimination of an NSF scientific directorate and specific guidance to the agency in the accompanying legislative report.

Finally, the Brown substitute provides the resources needed to ensure NSF's ability to administer its research and education programs. H.R. 3322, on the other hand, imposes cuts of nearly 6 percent below the current year appropriation for NSF salaries and administrative expenses. Such a cut applied to a lean organization—only 6 percent of the total budget goes for running the agency—will result in staff reductions that could reach 10 percent of authorized strength. The net result would be to impede virtually all business operations of NSF from payments to scientists to the timing and quality of research award decisions.

As the green glow following Earth Day has faded, so has the Republican interest in the environment. The bill made major cuts to environmental programs when it was reported out of committee, cutting environmental R&D at the Environmental Protection Agency, the Mission to Planet Earth Program at NASA, and the oceanic and atmospheric programs at NOAA. The cuts to NOAA reported by the committee are particularly ironic, since they cut the coastal zone program by 80 percent the day after the House voted overwhelmingly to reauthorize the Coastal Zone Management Program as a manifestation of bipartisan concern for the environment. While these cuts, along with other damage to the NOAA programs, will be corrected by a manager's amendment to delete large sections of the bill to resolve the protests by the Resources Committee, the bill's antienvironmental slant remains evident in the remaining sections.

For example, the bill bans specific areas of environmental research. After arguing for science-based regulatory decision making in their regulatory reform efforts last year, the Republicans have tried to ban environmental research that they find troubling. Examples of this are the ban on indoor air quality at EPA contained in this bill, and the ban on funding for the climate change action plan efforts.

Continuing with the policy paradoxes found in this bill, I must raise again the anticompetitiveness bent of this legislation. The private sector Council on Competitiveness just issued a study on a U.S. R&D policy for competitiveness that pointed out the need for joint industry-government research programs. Over the past few months, we have heard from a number of industrial leaders who have argued in favor of the joint technology development programs and manufacturing extension programs at NIST. Yet the Republicans have left these programs out of this bill.

Last year, the Technology Subcommittee of the Science Committee unanimously approved H.R. 1871, to authorize the external technology programs at NIST. That bill has never been taken up by the full committee. We have tried to offer this consensus legislation to the omnibus bill last year and again this year, but the Republicans have blocked our efforts. The omission of these technology development programs at NIST and cuts to applied and developmental R&D programs throughout this bill pose a great threat to our ability to compete in the world. While other countries are increasing their R&D, we are cutting ours. What is wrong with this picture?

One last major point to be made is the signal being sent by not offering a DOE title to this bill. Initially, a DOE R&D authorization was to be included in this bill, but a number of committee Republicans apparently thought that the cuts went too far. As a result, the DOE R&D provisions were pulled from the bill with vague promises that such a bill may be considered someday by the committee. But Members need not wait for the committee to act to see what those proposals were, because they were incorporated into the report accompanying the budget resolution. The report calls for a radical reduction in DOE's energy research programs, including a call to phase out DOE's R&D directed at solar and renewable energy technologies, new fossil energy technologies, and energy conservation measures. Many of the committee's Republicans have written to the Budget Committee and the Appropriations Committee disagreeing with these priorities, but we find nothing in H.R. 3322 to give Members the opportunity to vote on these radical proposals.

Finally, Mr. Chairman, I would like to spend a few minutes discussing the procedural abuses in bringing this bill to the floor. The minority's dissenting views set out these concerns in some detail, and I will not repeat them all here. Suffice to say that no opportunity was missed to minimize the ability of Members to understand or challenge the bill. The legislative record is inadequate and nonexistent on many issues. Subcommittee markups were bypassed over the objections of the minority. No bill was introduced prior to markup, and Members first saw the chairman's mark on a Monday morning for a Wednesday morning markup, during a week in which no votes were scheduled until after 5 on Tuesday.

Instead of a reasonable, deliberative, and collegial process, the committee's markup was reduced to rubberstamping the chairman's proposal. The quality of the committee's work product has, in my view, suffered as a result.

Mr. Chairman, you don't need to take my word for this. I understand that the chairman of the Resources Committee, Mr. YOUNG, vehemently objected to numerous provisions in his committee's jurisdiction, none of which had been reviewed by his committee, stating "there is no reason to have our Members precipitously consider another flawed and controversial measure." As a result, we now have a manager's amendment which will delete a number of pages from the committee bill.

Mr. Chairman, one of the traditional prerogatives enjoyed by the minority is the right to complain about its treatment at the hands of the majority. The gentleman from Pennsylvania, when he served as this committee's ranking minority member, knew no peer in that regard. It is interesting now to see what sparked his complaints.

In 1992, Mr. WALKER complained bitterly about the process by which the then-Democratic majority brought one bill—H.R. 5231, the National Competitiveness Act of 1992—to the committee for a markup. In that case, the subcommittee held over 25 hearings and heard from over 100 expert witnesses. Copies of the bill had been sent to over 200 experts in the fields of science, technology, and trade for review and comment. On May 13, 1992, a draft of a bill was provided to the minority subcommittee staff, and to all members of the committee. The subcommittee chairman invited members to submit suggestions prior to the bill's introduction, and a number of members, including minority members, raised issues and concerns. The subcommittee met on June 24, 1992. At the subcommittee markup, the subcommittee ranking member, Mr. Tom Lewis, stated, "We have made considerable progress in working out our disagreements on the National Competitiveness Act of 1992, H.R. 5231, since it is was introduced on May 21." While the subcommittee chair continued to express concerns and reserve final judgment on the bill, it was reported out of the subcommittee on a voice vote. The full committee met a week later, on July 1, 1992, and Mr. WALKER was given an opportunity to offer and debate a substitute amendment which clearly could have been objected to as nongermane. We debated this single bill on the floor for over 3 days.

Mr. Chairman, I know that our procedural complaints are often dismissed with the comment that the Republicans aren't doing anything that we didn't do to them when we were in the majority. I cannot speak for other committees and other former Chairs, but I will say that I tried to fully respect the rights and privileges of all members and the integrity of the committee process.

This self-serving statement aside, these squabbles tend to divert attention from the more serious issue at stake: the traditional role of expert committees. As political power has become concentrated in the hands of a few at the top of the Republican leadership, committees have become increasingly marginalized. Bills have been brought to the floor which have never been reported by the committees of jurisdiction. When bills have been reported, the House leadership has arbitrarily changed them to its liking before the bill comes to the floor. The committee structure is being replaced by webs of personal influence that binds Members to their leadership, and weaken the value of their individual votes.

The minority objects to these efforts to bypass the collective, considered judgment of committees through tactics that discourage members from obtaining information and participating in thoughtful discussion, negotiation, and compromise.

For all of these reasons, I urge my colleagues to join with me in voting against H.R. 3322.

Mr. Chairman, I reserve the balance of my time.

Mr. WALKER. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I appreciate the remarks of the gentleman from California, who is obviously opposed to this bill because this bill goes in a different direction than the ideology that has been promoted by this Congress now for 60 years.

For 60 years the science programs moved more and more toward Washington decisionmaking, toward more and more big spending that drove us into deficit budgets, toward more and more pork barrel, and then toward the end of the process, toward funding corporate welfare in this country and calling it science spending.

I understand that the gentleman's ideology forces him to stick with the status quo and not want to change anything in the direction that science has been going. This bill represents a real reform bill moving us in new directions, and the Democrats are determined to oppose those reforms and those new directions. But in the opinion of this Member, this is exactly the direction we have to go if we ultimately are going to balance our budgets.

Mr. Chairman, I yield 6 minutes to the gentleman from New Mexico [Mr. SCHIFF].

Mr. SCHIFF. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, within H.R. 3322, my Subcommittee on Basic Research has jurisdiction over three titles of this bill, title I, the National Science Foundation, title III, the U.S. Fire Administration, and title VIII, the National Earthquake Hazards Reduction Program.

In the Basic Research Subcommittee, support for all three titles has traditionally been bipartisan. This is particularly true for the activities of the National Science Foundation.

The National Science Foundation [NSF] is the principal supporter of fundamental research and education conducted at colleges and universities in the fields of mathematics, science, and engineering.

NSF accomplishes this through grants and contracts to more than 2,000 colleges, universities, and other research institutions in all parts of the United States. The Foundation accounts for approximately 25 percent of the Federal support to academic institutions for basic research.

As chairman of this committee and vice chairman of the Budget Committee, Mr. WALKER, has voiced his strong support for basic research. I share those same views. There are provisions in this bill requiring financial disclosure of high level employees, protecting Reservist and National Guard personnel recalled to active duty, and tasking NSF to find ways to reduce costs.

Title I authorizes $3.25 billion for NSF in fiscal year 1997. Research and related activities is funded at $2.34 billion. Unlike the administration's budget, which zeros out academic facilities modernization, H.R. 3322 provides $100 million for this account. The bill also continues full funding for the Laser Inferferometer Gravitational Wave Observatory [LIGO] and provides $25 million for the South Pole Safety project.

In this tight fiscal climate, the committee has had to set priorities for the future in R&D funding. Realizing this fact, H.R. 3322 freezes the salaries and expenses account at $120 million. In an effort to reduce the bureaucracy and increase the focus on basic research, the bill directs NSF to eliminate at least one directorate. Further, H.R. 3322 requires that NSF review its programs and directorates to determine whether they are organized to meet the needs of their customer—the research community—into the 21st century.

The science community needs to understand that the Republican and Democrats in both the House and Senate, on both the Appropriations and Authorization Committees, have been supportive of basic research. Because Members understand that basic research is the economic foundation for our future, they have sheltered these programs when many others are being drastically reduced or eliminated altogether.

There are many good provisions in this bill. As I have stated previously, members of this committee on both sides of the aisle have traditionally been strong supporters of NSF. This is partially true because NSF administers research that is merit based on peer reviewed. Other agencies should endeavor to emulate this model of success.

Title III of H.R. 3322 authorizes $27.6 million, the administration's request, for the U.S. Fire Administration [USFA] and the National Fire Academy. This relatively small amount of money goes quite a distance toward protecting both people and property from the devastating effects of fire and arson, particularly, I might add at this tragic time in the Southeast, where I live.

The Fire Administration was created over 20 years ago in response to an increasing number of fire-related deaths and injuries in this country. The programs, at the Fire Administration help to reduce loss of life and property to fires by educating the public, collecting and distributing data, conducting research into fire suppression technologies and techniques, and promoting firefighter health and safety. Since the Fire Administration was established, fire-related deaths have decreased from 9,000 per year to 4,300 per year; fire-related injuries have decreased from 300,000 per year to 27,000 per year; and firefighter deaths have decreased from 250 per year to 100 per year. This agency clearly deserves commendation for its success.

In addition, the Fire Administers the National Fire Academy in Emmitsburg, MD. The Fire Academy is lauded by firefighters nationwide for the fire and emergency training it provides. Each year tens of thousands of firefighters and emergency service personnel are trained in the latest fire protection and control activities through both on- and off-campus programs.

Over the past couple of months, in my home State of New Mexico, wild fires have been burning out of control because of dry weather conditions. Lives, property, and precious national monuments are threatened. The hundreds of firefighters who are out on the front lines, risking their lives, need the continuing support of an agency that helps them to do their jobs more safely.

Finally, title VIII of H.R. 3322 reauthorizes the earthquake research, education, and mitigation programs of the Federal Government. Specifically, the bill provides $95.3 million for the National Earthquake Hazards Reduction program [NEHRP] for fiscal year 1997.

NEHRP was established in 1977 in response to the catastrophic loss of life and property suffered during earthquakes, and to a growing consensus that a Federal research and development program might lead to a method for predicting an earthquake and/or at least reducing the devastating effects of one. While prediction has remained somewhat elusive, the program has greatly improved our knowledge of both the earth science and engineering aspects of earthquake risk reduction.

NEHRP is administered by four Federal agencies, the Federal Emergency Management Agency [FEMA], the U.S. Geological Survey [USGS], the National Science Foundation, and the National Institute of Standards and Technology [NIST]. FEMA is the agency charged with coordinating the program, and, in addition, is responsible for public education, earthquake hazards mitigation programs, emergency planning, and information gathering and dissemination. The USGS conducts research on earthquake risk and effect. The NSF performs fundamental earthquake studies, engineering research, and postearthquake investigations. NIST conducts applied engineering research and code development and distribution.

Each of the NEHRP agencies has separate budgets. The funds in this title for NSF and NIST are from sums already authorized in previous titles for the two agencies.

The $95.3 million authorized for NEHRP in this legislation is what the administration requested for fiscal year 1997.

☐ 1445

Mr. Chairman, I want to conclude my opening presentation to commend the gentleman from Pennsylvania [Mr. WALKER], our chairman, for bringing this bill to the floor. In my experience in 7½ years in having the privilege of serving in the House of Representatives, with several noted exceptions, I have seen authorizing committees being diminished in their real role in the U.S. House of Representatives. I believe that is because the authorizing committee have tried to avoid making the tough decisions that the Committee on Appropriations must always make.

It is easier to authorize everything which in reality means authorizing nothing. Under Chairman WALKER we are presenting a plan, a plan that can be and will be debated on the House floor but a plan that shows the Committee on Science is committed to promoting priorities in science and research development.

Mr. BROWN of California. Mr. Chairman, I yield 5 minutes to the gentlewoman from Texas, Ms. EDDIE BERNICE JOHNSON.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, as we consider the merits of H.R. 3322, the Omnibus Civilian Science Authorization for 1996, one large portion of the bill is noticeably absent. Members interested in the authorization levels for the Department of Energy's programs will not find a title authorizing those programs in this legislation.

Although programs relating to conservation, renewable energy sources and fossil energy are of obvious importance to the Nation, they will not be considered as a part of this omnibus bill.

Under the language of the omnibus science bill considered during the last budget cycle, the authorizations for DOE programs for this fiscal year were included. This was accomplished through an amendment offered by Chairman WALKER and agreed to by the full House by a voice vote.

It is unfortunate that the House will not have the opportunity to set policy guidelines for the Department of Energy through this bill. A separate bill dealing with DOE is scheduled for subcommittee considerations, but I suspect that the full committee will never see the legislation, nor will the House as a whole. I find this process objectionable.

With regard to the language of the bill that is before us, I will be supporting an amendment offered by Mr. TANNER and myself to provide authorization to the Advanced Technology Program and the Manufacturing Extension Partnership. These programs, which assist American companies in bringing new technologies to the marketplace, are critical for our economic development.

Although the Science Committee leadership has been opposed to these programs in the past, calling them corporate welfare, the appropriators, and the Senate, have seen fit to fund both the ATP and the MEP. Many on the Republican side of the aisle have expressed their support for these programs, as a fine example of government-industry partnerships which help America stay competitive.

Our overseas competitors have been continuing their investment in new technology, while America has moved away from this critical part of our economy. Large corporations which must constantly please stockholders are preoccupied with the bottom line, and are slow to invest in high-risk technology which can often have long-term rewards.

Small businesses often do not have the necessary capital to invest in high-risk technologies. The ATP and the MEP are programs which assist both large and small companies with high-risk investment.

The ATP, for example, is a program which has assisted many small businesses with new technology. Forty-six percent of ATP awards have gone to small businesses, or to joint ventures led by a small business.

Public-private partnerships are a viable and effective way to keep America competitive in the global economy, and our support of the ATP and MEP is one way for this Congress to assist American business in the global marketplace. I urge my colleagues to think carefully about this issue, and I yield back the balance of my time.

Mr. WALKER. Mr. Chairman, I yield myself 1 minute.

The gentlewoman from Texas has mentioned again, as the chairman or as the Member from California did, the lack of an energy authorization in this particular bill.

I would refer both Members to H.R. 2405, the blue engrossed version of the bill that passed the House last year which we have already sent to the Senate, for fiscal year 1997 numbers for the Department of Energy. If they will refer to page 93, lines 6 through 17, they will find that we have already done our work in that regard and the reason why it did not need to be included here.

Mr. Chairman, as I made mention before, there may be a more detailed version of this to come out of the subcommittee at some later date, but the fact is the work of this committee has been completed, unlike past years when they were in control, when we hardly ever got anything done in that area.

The Advanced Technology Program to which the gentlewoman referred is one of the largest corporate welfare programs that this Nation has ever created. Some of the biggest corporations in America have benefited from the taxpayers' largesse through that program. It is a definition of what the American people want to change. It is one of the true reforms in this bill that we have decided not to go ahead with that program and use corporate welfare as a way of what we call science spending.

Mr. Chairman, I yield 7 minutes to the gentleman from Wisconsin [Mr. SENSENBRENNER].

Mr. SENSENBRENNER. Mr. Chairman, it is easy to say you're in favor of balancing the budget. Congress has been saying it for years. But, until recently, those of us who are willing to follow the words with actions have not had enough votes to bring the budget under control. Now, we do. Actions speak louder than words, and this body has proven it. We made the tough choices and passed a balanced budget resolution, only to be confronted with an administration that wants to put those choices off and some colleagues who say they want to balance the budget as long as they don't have to cut any programs.

The majority of us still have responsibility for putting the Government on a path to fiscal responsibility. We still have to make those hard calls. In the area of civil science, H.R. 3322 does that. In our civil space program, this bill represents a savings of $308.7 million dollars from the President's request. It preserves and strengthens NASA's historic focus and contributions in basic science areas, such as astronomy, astrophysics, aerodynamics, life, and microgravity sciences. It reduces those programs which amount to commercial welfare, and restructures programs, such as Mission to Planet Earth, that bust the President's own NASA budget in the outyears. The administration abdicated its responsibility to maintain programs consistent with available resources when he sent two sets of books up here last month. He left the tough choices for Congress to make. We made them.

The bill fully funds the international space station and the space shuttle. The House passed a multiyear authorization of the station last year to put this program on a sound financial footing consistent with the balanced budget resolution. H.R. 3322 reaffirms the sound fiscal decisions we made last year. It also includes full funding for life and microgravity research, much of which will take place on the station and shuttle. This area of research is important in improving life on earth through new knowledge of materials and human physiology.

H.R. 3322 increases the funding for space science. This area of NASA basic research has brought us amazing discoveries from programs such as the Hubble space telescope and the Galileo probe to Jupiter. This increase preserves space science as the bipartisan priority it has always been for the Science Committee and protects if from the disproportionate cuts inflicted by the administration's outyear budget. Most of the increases are dedicated to small, focused science missions that stimulate education and drive costs down. The space science community has made the greatest strides in increasing the bang taxpayers receive for their buck by redesigning missions to be faster, cheaper, better. We need to reward success and ensure that space science does not suffer disproportionately in the President' budget. This bill does that.

The bill reduces the President's request for Mission to Planet Earth by $373.7 million, but still provides over a billion dollars and fully funds the AM-1, Landsat-7, and TRMM satellites; earth probes; and Mission to Planet Earth science, which alone accounts for $508 million. In 1992 the Science Committee concluded that Mission to Planet Earth was not a core NASA mission. Therefore, the Science Committee treated it as a discretionary program to be funded with whatever funds remained after NASA's core programs were funded. In NASA's fiscal year 1994 authorization, the Science Committee reaffirmed Mission to Planet Earth's status as a "level of effort program that accomplishes as much as possible with whatever resources can be provided." Since the NASA budget is coming down, so must this discretionary program.

This year and last, several congressional witness testified that Mission to Planet Earth can be done at a lower cost by using new technology, exploiting commercial investments in earth observation, and leveraging existing environmental data bases which remain largely unanalyzed by scientists. The bill directs NASA to begin taking those steps that will shift the focus on Mission to Planet Earth to science instead of hardware.

We provide full funding for basis research efforts in aeronautics but control the rate of increase in the Advanced Subsonic Technology Program to prevent it from mutating into corporate welfare. H.R. 3322 saves $34 million from the President's request for this program within the aeronautics budget.

We fully fund the new technology programs that are vital in taking our civil space program into the next century. These include new millennium spacecraft technology and the reusable launch vehicle. These programs will lower the cost of future government civil and national security space activities. They will also provide a boost to our commercial space industry as we transfer this technology into the private sector, making it more competitive with foreign space industries which receive huge, direct, operating subsidies from their governments.

Balancing the/budget means making cuts and setting priorities, which we've done. H.R. 3322 builds on NASA's strengths and experience in basic research and fundamental science. It provides more than a billion dollars for studying this planet and the resources needed to bring the aviation industry into the next century. More importantly, it will continue NASA's accomplishments in revealing the wonders of the universe and set the stage for the future of human development of space. By passing H.R. 3322, we will enable NASA to continue achieving breakthroughs in science and keep the Government on the path toward balancing the budget.

□ 1500

Mr. BROWN of California. Mr. Chairman, I yield myself 1 minute, and I hope this will be the last time I do it. If I take 1 minute to clarify everything the other side said, it would be using up too much of my time.

The gentleman from Pennsylvania [Mr. WALKER] cited the fact that we had an energy authorization bill from last year as the reason for not having it in this year's bill. Actually, we had an authorization for NSF in last year's bill, but we also have one in this year's bill. It is a little distingenuous on the part of the gentleman from Pennsylvania [Mr. WALKER] to use the argument with regard to energy that we had an authorization last year, when he did not mention that for the NSF.

What has occurred, of course, is that the Department of Energy has a number of items in it which the gentleman from Pennsylvania [Mr. WALKER] does not like and which he calls corporate welfare or liberal claptrap. All research is divided into three parts in his mind: basic research, which is good; and corporate welfare; and liberal claptrap, which he seeks to avoid.

Mr. Chairman, I yield 4 minutes to my good friend, the gentleman from Tennessee [Mr. TANNER], a member of one of our subcommittees.

Mr. TANNER. Mr. Chairman, I appreciate the gentleman yielding me the time.

Mr. Chairman, I am deeply concerned about the direction H.R. 3322, the Omnibus Civilian Science Authorization Act of 1996, will take this Nation. It purports to support basic science and end corporate welfare, but I believe the policies advocated by the bill look to the past rather than to the future.

The bill would kill programs that support small business and create good, high-paying jobs in this worldwide economy. First, it eliminates the Manufacturing Extension Partnership Program. MEP centers, as they are known in 42 States, assist small- and medium-size firms employing fewer than 500 workers to modernize in order to compete in the demanding global marketplace in the 1990's and beyond. This program has strong support of the business community, State and local governments, and the Congress.

Mr. Chairman, we are not talking about big, multinational corporations. There are 381,000 small manufacturers who are struggling to maintain their competitiveness. Their competitors are just as likely to be companies in Asia or Europe as another company down the street. The MEP is a highly successful program for small business and this Nation.

Second, the chairman of the committee wants to terminate the Advanced Technology Program. Although large corporations do participate in this program, approximately half of the ATP awards have gone to small businesses. Not only businesses participate in this program, but more than 100 universities are working on 157 ATP projects.

This type of industry-government-university partnership is what nonbiased outside experts are recommending as the trend for the future. As Brian Rushton, president of the American Chemical Society, stated:

> The National Institute of Standards and Technology's Advanced Technology Program

> is a vital component of our nation's technology competitiveness portfolio. ACS strongly urges Congress to continue to support ATP. ATP supports market incentives and encourages companies to invest for the long-term in high-risk, high-payoff technologies.

Mr. Chairman, not alone in their view is the Council on Competitiveness. In its publication "Endless Frontier, Limited Resources," it concluded as its central finding that R&D partnerships hold the key to meeting the challenge of transition our Nation now faces. Eliminating the ATM and the MEP program is not eliminating corporate welfare, it is just eliminating a commonsense approach to a comprehensive research policy.

Although H.R. 3322 is supposed to be a comprehensive authorization for all civilian research and development science programs, it does not authorize the Department of Energy research. We have been told that we did that last year. They claim to have protected basic research; however, the DOE cuts in this bill damage all types of research. In Tennessee alone, the cuts to the Oak Ridge National Laboratory, the University of Tennessee, such programs as energy conservation and the things that enable our companies to compete, will be cut another 13 percent in addition to what was done last year for a total of 45 percent.

Mr. Chairman, I am as serious about deficit reduction as any Member of Congress. As a member of the coalition, I worked hard with them to develop a plan balancing our budget in 7 years. Everyone says it does. But we look at these policies in this bill, and it reminds me of 1950 rather than the year 2000.

Finally, quoting from the Council on Competitiveness again, it said: Equally the report finds the United States has an urgent interest in resolving the polarized debate over the proper role, Federal role in research and development. Battles over the proper limits of Government activity have reinforced the outdated distinction between basic and applied research as the primary basis for decision making.

The CHAIRMAN. The gentleman from California [Mr. BROWN] has 12½ minutes remaining, and the gentleman from Pennsylvania [Mr. WALKER] has 9½ minutes remaining.

Mr. BROWN of California. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Alabama [Mr. CRAMER].

Mr. CRAMER. Mr. Chairman, I thank my colleague from California, Mr. BROWN, the ranking member, for yielding me the time.

Mr. Chairman, I rise, unfortunately, in opposition to the committee's bill. I have several concerns about this bill. One of those concerns I will raise in an amendment that I and the gentleman from Indiana [Mr. ROEMER] will offer when we get to the NOAA section of the bill.

The National Weather Service is undergoing a major modernization and will be closing offices all over the country. While I and other Members support that modernization, I do not want some Government bureaucrat determining that my weather service office will be closed. I want more protection than that, and I and other Members of Congress have fought very hard to make sure that we have that kind of protection, and we have been denied that so far.

Mr. Chairman, currently a process exists in law to require the Secretary of Commerce to certify that such weather services will not be degraded. The committee's bill eliminates this requirement and, consequently, the committee's bill would allow weather service bureaucrats to close offices all over the country. Just this past weekend, my district there in Alabama suffered again from tornadoes, tornado warnings. Other sections of the country did, as well. Our section of the country was left out of the Weather Service's modernization plan, and we dotted i's, crossed t's, and now we are expected to be included in that modernization plan.

However, I do not want, in the process of getting our NEXRAD radar up and in place, I do not want a bureaucrat determining that for some even temporary length of time that we will be without that kind of coverage.

Mr. Chairman, another concern is that the committee's bill drastically cuts the operations budget for the Weather Service. That budget line cuts pay for the salaries of Weather Service employees in field offices across the Nation. The concern with that salary cut would be that it would eliminate midnight forecast shifts at all Weather Service offices. We simply cannot pay that kind of price, and we cannot go that far with this kind of funding. This bill would be devastating for other districts across the country.

Mr. Chairman, another issue that I am concerned about within the bill itself would be NASA's issues. The bill cuts NASA's salaries by $81.5 million. NASA has been downsized enough. This is not the time to cut additional salaries.

Support the Brown substitute.

Mr. WALKER. Mr. Chairman, I yield 5 minutes to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Chairman, I thank the chairman of the committee on Science, the gentleman from Pennsylvania [Mr. WALKER], for yielding me the time.

Mr. Chairman, I join my colleagues of the Committee on Science in commending our Chairman, Mr. WALKER, for the very fine work that has gone into the preparation of this legislation for floor action.

Chairman WALKER has consistently supported the concept of unifying the civilian science missions of the Federal Government under one policy umbrella, with the objective being greater consistency in the development and implementation of the research and development policies and activities of the Federal Government. Perhaps, one day, the Congress will take such a bold step as part of the effort to Re-engineer Government and make it more responsive to the needs of America in the 21st century.

But that day is not yet, and our chairman has worked faithfully to do the next best thing: Conduct an authorization process that genuinely looks at the budgetary constraints that we are faced with as we move toward ending annual operating deficits over a period of 7 years, and make reasoned judgments about our priorities for the national science programs taken as a whole.

In this way, we hope to use the moneys available to us in the wisest way possible to expand the frontiers of knowledge and better our quality of life.

The bill before the House provides strong support for our basic research programs: Fully funding the core laboratory programs of the National Institutes of Standards and Technology is just one feature of that support. I have worked closely with our chairman in the structuring of those provisions of the bill, as well as others, and I can vouch for his good faith and diligence in striving to work cooperatively with all members of the committee to develop a bill which is balanced: Acceptable on the one hand to all who are concerned about continuing strong support for the basic research activities of the Federal science establishment, while on the other hand, responsive to the rightful concerns of those Members who are determined that this Congress meet its obligations of fiscal responsibility to future generations.

Of course, there are programs that I would like to see provided for in this legislation that do not presently appear, and I hope to work with the Chairman on amendments that might be found acceptable that would provide authorization for those programs, or increase funding for others which are authorized. The Manufacturing Extension Partnership Program, located within the NIST umbrella at Commerce, and enhanced funding for environmental research are two areas of particular concern to me. At the same time, I am cognizant of the great responsibility we have to manage our resources wisely for the benefit of all citizens.

I believe that one of the oversight efforts which our committee could profitably undertake during the balance of this year would be to systematically explore the means through which priorities are set by individual agencies and recipients of national science research funds, and how well our research priorities match the technological, environmental, and health challenges that will face us in the next century. I look forward to working with our chairman in that effort.

Mr. BROWN of California. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Texas [Mr. HALL], the chairman of the Subcommittee on Space and Aeronautics of the Committee on Science.

Mr. HALL of Texas. Mr. Chairman, it is 35 years ago this month, May 5, 1961, that a young man named Alan Shepard became the first American to fly into space. His 15-minute suborbital flight was the first milestone in a journey that has taken Americans to the moon, has led to the development of the world's first reusable spaceship, the space shuttle, and will soon result in American scientists and engineers conducting important research on the international space station.

☐ 1515

Our citizens take great pride in what our Nation has achieved in the human space flight, and we look forward to what lies ahead.

We have some concerns, of course, about what lies ahead. The U.S. space program is not just about men and women in space.

I think ever since the dawn of the space age the National Aeronautics and Space Administration has been pushing back the boundaries of knowledge and sending robotic spacecraft to almost every planet in the solar system, observing other stars and galaxies with space-based observatories and probing the very complexities of our own planet's atmosphere, our oceans, and our climate.

I think all of these achievements have been very impressive, but NASA's world class capabilities did not just come out of thin air, they are the result of investments by the American people, and that is why I am troubled a little bit about the bill the Members have before us today.

H.R. 3322 represents, in my opinion, a step backward in our support of the space program that has delivered so many benefits to our citizens.

I think most of my colleagues know that I consider myself somewhat of a fiscal conservative who is willing to make some tough spending cuts when we have to. In past years, though, I have worked with the chairman and with the ranking Democrat to make these cuts and to streamline the program, and NASA has risen to that challenge.

It had an outyear funding plan cut by over one-third over the last 4 years. No one else that I know of has made those type cuts.

I could give you examples, but time does not allow me to.

I would just say that the gentleman from California [Mr. BROWN] will offer an amendment to fix the programs in the NASA authorization that I have outlined, and I think that the American space program is very vital to our future. We ought to give it the resources it needs to carry out the mission.

Mr. BROWN of California. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Chairman, I agree with the gentleman from Texas [Mr. HALL]. This bill does not serve the space program well, and I therefore rise in strong opposition to this science bill.

Here we are once again fighting dramatic and excessive cuts in important programs, cuts that will, I think, be flawed and misguided if we adopt them.

The bill includes a $374 million reduction for NASA's Mission to Planet Earth.

This equates to a 27-percent cut to the Earth observing system, the centerpiece of Mission to Planet Earth and NASA's contribution to the global effort to understand the Earth's climate. The science bill is a meat cleaver approach, in my opinion, and if Mission to Planet Earth is to remain viable, it cannot sustain these types of dramatic cuts.

Mission to Planet Earth is an evolving program, and these cuts would be devastating. We should not walk away from our national commitment to a better understanding of our environment.

This program is part of a substantial international effort. These cuts dramatically reduce our role in this cooperative structure and send the wrong message to our partners overseas. This should not be a partisan issue. President's Reagan and Bush both supported the program, and President Clinton counts Mission to Plant Earth as one of his top science priorities. Moreover, the scientific community has continued to validate the integrity of the program.

Therefore, as I said, we should not walk away from our commitment to Mission to Planet Earth for it is our investment today that will reap innumerable and long lasting benefits for future generations.

Mr. Chairman, the previous speaker from Texas indicated that this had been a bipartisan effort in the past. It ought to be a bipartisan issue in the future.

Mr. Chairman, I urge opposition to the bill and support of the substitute to be offered by the gentleman from California and thank the gentleman for the time.

Mr. Chairman, despite my strong opposition to this bill, I would be remiss as the cochair of the Congressional Fire Services Caucus, if I did not say that I am pleased the bill authorizes funds for the academy, equal to the President's request. This is a worthwhile investment in our Nation's fire safety and emergency medical activities. It provides the American people with the finest public education in fire prevention and control.

Again, I want to reiterate my strong opposition to the Civilian Science Authorization Act for fiscal year 1997. I believe the bill unfairly targets the Mission to Planet Earth Program. I want to express my strong disappointment with the committee's decision to reduce funding for this important scientific program which is crucial to a better understanding of the world in which we all live.

The bill includes a $374 million cut for NASA's Mission to Planet Earth. This equates to a 27-percent cut to the Earth Observing System [EOS], which is the centerpiece of NASA's contribution to the global effort to the understand how the Earth's climate works.

In 1990, President Bush, building upon the recommendations of the Reagan administration, recognized the importance of understanding the Earth's climate when he established the U.S. Global Change Research Program [USGCRP]. This program serves as our country's contribution to an international effort to develop the first integrated understanding of the Earth's processes and their effect on global climate change using remotely sensed and surface based data.

The cuts adopted by the Science Committee unfairly target three components of EOS and will put our country in a position of being unable to obtain and maintain our international contribution to this vital program. The bill would essentially eliminate the EOS–PM spacecraft, EOS CHEM spacecraft, and lessen the capability of the EOS data information system. These three programs are critical to the viability of the program.

The EOS–PM spacecraft is designed to enable fundamental advances in understanding the processes that govern weather and other climate phenomena. Over half of the critical measurements planned for all of EOS are included as part of this spacecraft. According to Dr. John Christy and Dr. Richard McNider of the Earth system laboratory at the University of Alabama, natural variations in the world's climate are real and have significant economic impact. Our current knowledge of the Earth's climate system is terribly inadequate. The Nation's present global change program is an appropriate place to begin to understand the Earth's climate system.

The EOS–CHEM spacecraft will improve our understanding of pollution and the ozone processes. This is critical at a time when increasing amounts of global pollution are coming from nations other than the United States with profound regional and global effects. It is important that we have a better understanding of how and why this occurs, so we can do what is necessary to get this situation under control.

The EOS data information system provides the means for controlling the satellites, processing data from the satellites into a usable form, storing and distributing that data to researchers and other users, and enabling data analysis. EOSDIS is the means by which NASA will transmit useful information to a variety of users. The program is currently on schedule and set to become operational in 1997. A 50-percent cut to this program would be devastating. A reduction of this magnitude will hinder our ability to control the orbits of the EOS satellites, schedule and maintain measurements of the instruments, and process store, and distribute the data. The benefits of the EOSDIS systems are enormous. It will establish for the first time an integrated, online, electronic library of geography based telemetry, synthetic aperture radar, and Landsat imagery. Moreover, NASA estimates that in addition to supporting Mission to Planet Earth scientists, EOSDIS will be used by thousands of other scientists around the world, other researchers, and government officials. In addition, as the program continues to develop, it will eventually serve many commercial purposes.

In 1991, the EOS Program had an estimated 15-year budget of $18 billion. In just 5 years, the program has been significantly reduced and is now a $7 billion program. These decreases have resulted in fewer instruments, fewer measurements, and the elimination of vital areas of scientific research. NASA has shown its ability to cut the program over 60 percent without compromising the integrity and future of the program. NASA has also indicated a willingness to further reduce the costs of the program by incorporating new technology and strengthening partnerships with commercial, agency, and international partners.

In addition to the cuts in Mission to Planet Earth, the bill undermines the ability of NASA to carry out its functions by reducing the level of funding for salaries and expenses. The cut of $81.5 million is not well thought out and will have devastating impact on all NASA centers. The net result will be either a NASA reduction in force totaling 1,400 employees by October 1, 1996 or an agencywide furlough for 12 to 14 days. This is unacceptable for one of the world's premiere science and technologically advanced institutions. NASA is already reducing its staff level to meet its zero based review. The levels they have achieved allow them to adequately meet the daily requirements necessary to efficiently carry out their operations. This is an unwise decision and it ought to be rejected.

I urge my colleagues to reject this bill and to support the Brown substitute which is a better investment for our country and which will allow these important scientific programs to meet their mission.

Mr. WALKER. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. BOEHLERT].

Mr. BOEHLERT. Mr. Chairman, I rise in support of the bill.

I want to commend Chairman WALKER and the subcommittee chairs for reporting out a balanced bill that is supportive of science.

In this time of budget cutting, the Science Committee has worked has to protect scientific research from undue hardship and to set priorities. I particularly want to thank Mr. SCHIFF for his amendment which will increase funding for the National Science Foundation by an additional $41 million. I should add that I hope some of that money would be put to use ensuring that the Nation is served by an adequate number of supercomputer centers.

I am also pleased to see that the bill funds environmental research at healthy levels.

Mr. Chairman, I do not agree with every policy decision that is embodied in this bill. But overall, the bill has accomplished exactly what the Science Committee has committed itself to do: it protects basic research, the foundation of our Nation's future success.

Mr. WALKER. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Chairman, I am very proud to join my colleagues on the Committee on Science in bringing this well-constructed legislation to the House floor. The authorizations for National Oceanic and Atmospheric Administration and the EPA's Office of Research and Development will, as they did last year, fund all the vital research services of these important agencies and all the research they need to get their job done. At the same time we get budget savings by eliminating bureaucracy, by continuing privatization efforts endorsed by the administration and by eliminating earmarks that even the Clinton administration does not want.

Title IV of this bill will give the National Weather Service Forecast, for example, an increase of almost $20 million from current funding to a total of $626 million. So for those who are criticizing that we have cut the National Weather Service, let us note that there has been an actual increase in funding. This represents full support for the Weather Service modernization program and allows for full funding for the installation and operation of the state-of-the-art Doppler radars.

Title IV also authorizes completion of the computer software integration system known as AWIPS at a level the NOAA Administrator stated is sufficient to finish this pivotal component of the Weather Service modernization program.

Title IV also provides level funding of both long-term climate research and seasonal interannual climate research.

The Committee on Science has supported and will continue to support objective scientific research to improve our knowledge of weather phenomena such as El Niño.

What we will not support are programs such as that in the EPA which assumes an apocalyptic global warming and then spend enormous sums on studies that will prove or disprove what the impact of this global warming will have on the planet.

In title V of this bill, however, we do continue to support increased funding for research which supports the EPA's regulatory mission. Title V increases funding for research above the President's request for priority programs such as hazardous waste research, drinking water disinfection and air pollution caused by particulate matter. We stick to our balanced budget by eliminating corporate welfare programs such as the environmental technology initiative, research on indoor air which the EPA does not regulate, by the way, and climate programs which are legitimate climate programs rather than trendy scientific programs.

Mr. Chairman, before my time is up I would just like to say a few things about the NASA title of this bill. I would like to commend the subcommittee chairman, the gentleman from Wisconsin [Mr. SENSENBRENNER] as well as my good friend, the gentleman from Pennsylvania [Mr. WALKER] for the excellent product they have done.

Of course, one of my chief concerns in this area is that we fully utilize America's potential in the future in space by making sure that we do the development of the reusable launch system today that will be used tomorrow.

I have two concerns about the reusable launch program; first, we have never made an experimental flight test in this program based on only one vehicle, and the reusable launch vehicle program does not have enough money for a second copy for the X-33, and I would hope that we could do that, but obviously we are dealing with scarce funds and we have to set priorities.

So I am not happy with that, and I would like to see that corrected, but I recognize that we are operating on the budget where we are looking for a balanced budget in the end. Second, from time to time there have been bureaucratic attacks on the X-33 project basically because we are not doing things the way we used to do them. But the reusable launch vehicle program is so important to our future because it will do what is absolutely necessary if we are to have a space program in the future, and that is to bring down the cost of getting into space. Once we do that, then we can have all kinds of other programs in space and accomplish all kinds of other goals in space because we will have brought down the fundamental cost of getting into space in the first place.

So I am very happy that we have supported the X-33 program, which is the reusable launch vehicle program, in this bill. I would hope it would be a little stronger, but we are operating in a balanced budget concept here.

Mr. Chairman, H.R. 3322 is a fiscally sound bill, and I submit it is also a scientifically sound bill, and I urge my colleagues to vote "yes" for science and a balanced budget. We are not exempting ourselves on the Committee on Science from making tough decisions and setting priorities in order to make sure that future generations will have their own money to spend rather than having us spend all of their science and research money now.

Mr. BROWN of California. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Indiana [Mr. ROEMER].

Mr. ROEMER. Mr. Chairman, as I rise today to talk about H.R. 3322, the purported Committee on Science bill, I am reminded of a slogan that came out of the presidential campaigns in the 1980s; it was, "Where is the beef?" Well, in this bill it is where is the energy? Where is the renewables? Where is the solar? Where is the environmental aspect in this bill?

Bringing this bill to the House floor without some of the most important components is like bringing the defense bill to the House floor without the Air Force components, or the education bill to the House floor without student loans, or the agriculture bill to the House floor without the dairy components.

Now why is that? Why are we not allowed to have out say on the energy? It is a good question.

We had a markup scheduled for May 15, and the distinguished chairman of the Subcommittee on Energy, the gentleman from California [Mr. ROHRABACHER], and I, who worked together on offsets and on balancing the budget and trying to come up with cuts in programs, we were dissuaded or not allowed to have that committee markup, and I come here, Mr. Chairman, to do the people's business.

Now, we may not win on our amendments in a subcommittee markup to go to the full committee, but we should have our opportunity and our say-so in the democratic process to get our markup together after months of hearings and to have our input as the experts in the subcommittee to make recommendations to the full committee on renewables and energy concerns. We were not allowed to do that.

Why? Maybe because last year's bill had a 50-percent cut to solar R&D, a 30-percent cut to renewable R&D, a 20-percent cut to fusion R&D, and a 10-percent cut to biological and environmental research. It is no wonder that these very important programs are conspicuously absent from this bill.

Mr. BROWN of California. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Mr. Chairman, I think when we begin to talk about science and the twenty-first century, all of us would like to come to the House floor and really propose the support of H.R. 3322 in a bipartisan manner.

This disappoints me greatly that I have to rise and vehemently disagree with this legislative primarily because I am a strong proponent of science being the work of the 21st century, and this legislation has totally abdicated its responsibility to science.

First of all, we have not had any extensive hearings to determine which direction this legislation should take.

□ 1530

It disappoints me that we have the stewardship of responsibility over items such as space and science, research and development, and we have not done the job. It disappoints me that we have not recognized the National Institutes of Standards and their responsibilities for the NEP program and the ATP program.

I have in my hand a letter from the Texas Department of Commerce, arguing vigorously that we should support the NEP program and the Advanced Technology Program, none of which are supported with any vigor in this legislation. We cut research and development some $2 billion. And then we come down to the lean and mean NASA; we cut jobs, we cut personnel some $81.5 million.

I am just here to throw up my hands. That is why I will be offering an amendment to restore the $81.5 million to provide for the personnel in the centers throughout this Nation that have already, Mr. Chairman, suffered the greatest downsizing that we could imagine. If we do not restore that $81.5 million in the amendment that I am offering, we will see NASA employees in the centers being furloughed for 3 weeks.

Are we addressing the issues of safety and the responsibility we have for the continuation of NASA's programs and certainly the space station? I hope we can come together in a bipartisan manner and look at the Brown substitute that fully responds to research and development; and then, as well, look at the amendments that I will be offering, in particular dealing with the environment, but more particularly the $81.5 million restoration that we need to ensure that NASA can do the job that the American people want them to do, and to create jobs for the 21st century.

Mr. Chairman, I rise to voice my opposition to this bill and some of the policies therein. Mr. Chairman, not only do I object to numerous provisions within the legislation, but also to the subversive process by which this bill has made it to the floor.

As you know, the Science Committee has responsibility for our Nation's governmental space, science, research and development activities. These activities encompass enormous taxpayer dollars, thousands of researchers, graduate students and companies and hold within them, the future of our country's technological leadership and prosperity. However, under Republican leadership, our stewardship of these activities has greatly lapsed and over the past year and a half, the Science Committee has abrogated its responsibilities. This is evidenced by the paucity of public hearings we have held on many important issues, by the Republican dominated committee's approval to rely on what are private conversations as justification for policy and funding decisions, these bypassing subcommittees during the legislative process, and extensive partisan gamesmanship which the other side has engaged in.

H.R. 3322 deals with all of the agencies under this committee's jurisdiction including NASA, NSF, parts of the EPA, and NOAA. With this in mind, one would think that the importance of these agencies, what they do, and the money we spend for them would warrant thoughtful consideration by the members of the committee, allowing for adequate debate and consideration. This has not occurred. In previous years, the subcommittees were given an opportunity to lend their expertise and ideas to legislation before it was brought to the full committee—not this year. In previous years, the committee spent many hours of debate and discussion on the programs we oversee—but not this year; we were forced to consider them all in 1 day. Mr. Chairman, what I would simply ask the chairman, what's our purpose when the chairman refuses to allow us to perform the job our constituents elected us for?

Furthermore, when I received this bill, I found to my surprise that there was no Department of Energy title and an absolute absence of any funding for the external programs at the National Institute of Standards [NIST]. We were told that this year's DOE authorization numbers were included in a floor amendment offered by Mr. WALKER last year. And during committee markup, the chairman said that an amendment regarding the MEP and ATP programs were not relevant to the NIST title. How can that be, NIST administers those programs.

Finally, this bill continues the Republican war against effective public-private partnerships, environmental R&D, and whatever they happen to consider corporate welfare. We Members have been told over and over that for every dollar spent in the MEP and ATP programs, up to $8 is generated in the economy along with numerous jobs. Mr. WALKER refuses to hear. We have been told that R&D is crucial to stay competitive and that time-to-market is what is driving profits and decisions. Again, Mr. WALKER is in denial.

Regardless of what the chairman says, this bill authorizes about $2.06 billion less than the President's budget for research and development programs under our jurisdiction. Period. This is a bad bill, brought to the floor and justified by secretive conversations, arbitrary financial and policy decisions and one man's myopic view of the world. It is with great pride that I vote nay, and fight to preserve my children's future.

Mr. BROWN of California. Mr. Chairman, I yield 1½ minutes to the gentleman from Texas [Mr. BENTSEN].

Mr. BENTSEN. Mr. Chairman, I appreciate the gentleman from California yielding time to me.

Mr. Chairman, I rise in strong support of the substitute that he will offer to this bill later to restore some important NASA and EPA functions. I also rise in support of the amendments that my colleague, the gentlewoman from Texas [Ms. JACKSON-LEE], will also offer. I also rise in strong support of the space station and in opposition to any amendments which would cut or eliminate funding altogether for the Space Station Program.

Some have argued that it would be fiscally prudent to eliminate the space station. Nothing could be further from the truth. In fact, it would be terribly imprudent to kill the program we have already invested more than $12 billion in. Our 12 international partners have spent more than $4 billion. Actual hardware is being built. To eliminate the program now, after so much of the investment has been made, would be the height of irresponsibility by allowing our investment to be waived.

The Space Station Program is on track and on budget, and the first launch is just over a year from now in November 1997. American contractors have produced more than 80,000 pounds of flight hardware and our international partners have produced more than 60,000 pounds. The space station is no longer a dream but a reality, and it will soon be in orbit, producing tremendous dividends. This is a worthwhile investment and exploration in science, an investment in jobs and economic growth, an investment in international cooperation, and most of all, an investment in improving life for all of us here on Earth.

The American space program has already made remarkable contributions to technology and medical research during its 35-year history. The space station is the next logical step, a permanent orbiting laboratory capable of long duration research. Let us defeat these amendments to eliminate or cut the space station and keep the program on track.

Mr. BROWN of California. Mr. Chairman, I yield 1 minute to the gentleman from Ohio [Mr. TRAFICANT], our most potent speaker, who I have reserved until last.

Mr. TRAFICANT. Mr. Chairman, I will support the Brown substitute, but failing that I will vote for final passage of the bill. I want to thank the chairman of the committee, the gentleman from Pennsylvania [Mr. WALKER], for dealing with an issue in this bill, that NASA is now hit with the budget priorities, like every other program, and for including my language that would in fact urge NASA to look at underutilized facilities in depressed communities. It might be a chance for NASA to develop a political strategy. They have none. I think the ivory tower days are over. I would hope they would move out into other areas and develop a truly regional national base of political support. They are certainly going to need it in the future.

I would say to the gentleman from Wisconsin [Mr. SENSENBRENNER], I think overall he has done a good job, and the gentlemen from Texas [Mr. HALL].

Mr. WALKER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first of all, the charge was made that there were no hearings on this bill. The fact is that there were a number of hearings in the subcommittees on the content of this bill. Maybe Members did not get there for those hearings, but the fact is that hearings were held. We do know what policy direction we need to go.

It was also suggested by the gentleman from California that there was something disingenuous about the nature of the bill. I would simply say that when they stand up and talk about energy bills not coming before the Congress, I spent 20 years on the committee, during which time I do not remember the Democrats ever bringing a comprehensive energy bill before the Congress. They brought pieces, but for the first time in the history of the committee since I have been here, we brought a comprehensive energy bill to the floor last year and, in fact, passed it for a 2-year program. That is the reason why it is not here today.

Mr. Chairman, finally I would simply respond to the gentleman from California when he said that this gentleman had called some of the programs under our jurisdiction liberal claptrap. I would say to the gentleman, if he can find anywhere in the public or private record where this gentleman has ever made those statements, I would be happy to support his substitute, but I do not think he could ever find anything where this gentleman ever made such a statement. We might want to be somewhat accurate in all of this.

With all that said, this is a very good bill that we bring before the floor. It is in strong support of science, and it is in a fiscally responsible climate. That is what is expected of us. We, on this committee, think we have a commitment to the 7-year balanced budget. We have to plan programs within that context. This bill does good science work in the context of a balanced budget. I would urge people to support it.

Mr. POMEROY. Mr. Chairman, today again, I wish to express my strong support of the amendment offered by the gentleman from Indiana [Mr. ROEMER] and the gentleman from Iowa [Mr. GANSKE] to eliminate authorization for the space station.

In 1984, the Reagan administration proposed to construct a manned space station that would be in service by 1994 at a cost of $8 billion. Today, after several redesigns, we have spent $11 billion and unfortunately have very little to show for it. Current cost projections now estimate that the total cost to build and operate the space station will be at least $70.8 billion.

While I do not believe we can afford the space station at this time, I do believe we can, and must, afford to wisely invest Government resources in research and technology development. Unfortunately, the space station has taken funds away from many worthy projects such as the Earth Observing System, the National Aerospace Plane, as well as the unmanned space program. In this time of tight budgets, I believe we must invest Federal funds in cost-effective science and technology programs that produce real results—expanding our scientific understanding and increasing our commercial competitiveness in international markets.

I would like to emphasize that a "yes" vote on the bipartisan Roemer-Ganske amendment is not a vote against NASA. Quite the opposite, to support this amendment is to support valuable, cost-effective NASA space and science programs that have been starved by the space station. A vote for the Roemer-Ganske amendment is a vote against the space station—a project that is rapidly losing its scientific missions even as it continues to add billions to our deficit.

Mr. ROBERTS. Mr. Chairman, on July 15, 1995, the Secretary of Agriculture wrote to the Director of the Office of Management and Budget indicating that "since many short- and long-term agricultural planning activities are weather dependent, there exists a need for timely meteorological information to support efficient and cost-effective management decisions." On April 1, 1996, against the interests of the agricultural community, the Department of Commerce's National Weather Service terminated the Agricultural Weather Service. As it is currently drafted, I believe H.R. 3322 limits our ability to maintain the accuracy and reliability of weather information which is essential for American farmers.

The collection, quality, and reporting of agricultural weather data should remain a Federal responsibility. Without Federal responsibility to collect and distribute weather data, the specialized forecasts and private sector agricultural weather services may not remain viable. Furthermore, I believe that the private sector has not yet properly demonstrated it is ready to assume responsibility for agricultural weather data collection and dissemination.

The Department of Agriculture is familiar with farming and the collection and dissemination of agricultural weather data. Therefore, I believe that the Department of Agriculture is the most suitable agency for this service. The Department of Agriculture has ongoing relationships with the land-grant colleges and universities, and via the Extension Service can ensure that this information is made available to all producers. Therefore, I would encourage the National Weather Service to work cooperatively with the Department of Agriculture to explore ways to continue to provide agricultural weather data and ultimately transfer this responsibility to the Department of Agriculture.

It is my hope that as Congress continues its work on H.R. 3322, and until such time that action can be taken to transfer the Agricultural Weather Service to the Department of Agriculture, that this important and essential service will be continued through the Department of Commerce. Additionally, funding for this service should continue through Commerce, State, Justice appropriations.

The Chairman. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered under the 5-minute rule by titles, and the first section and each title shall be considered read.

Before consideration of any other amendment, it shall be in order to consider the amendment printed in H. Rept. No. 104-565 if offered by the gentleman from Pennsylvania [Mr. WALKER], or his designee. That amendment shall be considered read, may amend portions of the bill not yet read for amendment, shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

If that amendment is adopted, the bill, as amended, shall be considered as an original bill for the purpose of further amendment.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

Pursuant to the order of the House of today, it shall be in order after the disposition of the amendment by the gentleman from Pennsylvania [Mr. WALKER], printed in H. Rept. No. 104–565, to consider the following amendments or germane modifications thereto, which shall be considered in the following order and notwithstanding their amending portions of the bill not yet read for amendment: First, an amendment by the gentleman from New Mexico [Mr. SCHIFF] regarding National Science Foundation funding; second, amendment No. 3 by the gentleman from Pennsylvania [Mr. GEKAS]; third, amendment No. 7 by the gentleman from Texas [Mr. THORNBERRY]; fourth, amendment No. 22 by the gentleman from Ohio [Mr. TRAFICANT]; fifth, an amendment by the gentleman from Indiana [Mr. ROEMER] regarding endocrine disruptors; sixth, amendment No. 2 by the gentleman from Alabama [Mr. CRAMER]; seventh, amendment No. 14 by the gentlewoman from California [Ms. LOFGREN]; and eighth, amendment No. 8 by the gentleman from California [Mr. BROWN].

Following disposition of amendment No. 8, the committee shall resume consideration of the bill pursuant to H.R. 427.

In addition, the Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on the aforementioned amendments or any amendment thereto and may reduce to not less that 5 minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall not be less that 15 minutes.

For what purpose does the gentleman from Pennsylvania rise?

AMENDMENT OFFERED BY MR. WALKER

Mr. WALKER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. WALKER:

Page 3, in the table of contents, strike the items relating to subtitle B of title IV.

Page 3, in the table of contents, amend the line relating to subtitle C of title IV to read as follows:

SUBTITLE B—PROGRAM SUPPORT

Page 4, in the table of contents, amend the items relating to subtitle D of title IV to read as follows:

SUBTITLE C—STREAMLINING OF OPERATIONS

Sec. 441. Programs.
Sec. 442. Reduction in travel budget.

Page 4, in the table of contents, amend the line relating to subtitle E of title IV to read as follows:

SUBTITLE D—MISCELLANEOUS

Page 4, in the table of contents, strike the item relating to section 453.

Page 4, in the table of contents, amend the items relating to title VII to read as follows:

TITLE VII—FEDERAL AVIATION ADMINISTRATION RESEARCH, ENGINEERING, AND DEVELOPMENT

Sec. 701. Short title.
Sec. 702. Authorization of appropriations.
Sec. 703. Research priorities.
Sec. 704. Research Advisory Committees.
Sec. 705. National aviation research plan.

Page 7, lines 11, 13, and 15, strike "(1)".

Page 7, lines 12, 14, and 16, strike "scientific".

Page 12, after line 4, insert the following new paragraph:

(1) in section 4(g) (42 U.S.C. 1863(g)), by striking "the appropriate rate provided for individuals in grade GS–18 of the General Schedule under section 5332" and inserting in lieu thereof "the maximum rate payable under section 5376";

Page 12, lines 5, 9, and 17, redesignate paragraphs (1), (2), and (3) as paragraphs (2), (3), and (4), respectively.

Page 12, lines 17 through 20, amend paragraph (4), as so redesignated, to read as follows:

(4) in section 14(c) (42 U.S.C. 1873(c))—

(A) by striking "shall receive" and inserting in lieu thereof "shall be entitled to receive";

(B) by inserting ", including traveltime," after "business of the Foundation"; and

(C) by striking "the rate specified for the daily rate for grade GS–18 of the General Schedule under section 5332" and inserting in lieu thereof "the maximum rate payable under section 5376"; and

Page 12, lines 21 and 22, strike paragraph (4).

Page 13, lines 19 through 21, amend subsection (d) to read as follows:

(d) SCIENCE AND ENGINEERING EQUAL OPPORTUNITIES ACT AMENDMENTS.—(1) Section 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885b) is amended—

(A) by inserting "AND PERSONS WITH DISABILITIES" after "MINORITIES IN SCIENCE" in the section heading; and

(B) by adding at the end the following new subsection:

"(c) The Foundation is authorized to undertake and support programs and activities to encourage the participation of persons with disabilities in the science and engineering professions.".

(2) Section 36 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885c) is amended—

(A) in subsection (a), by inserting "persons with disabilities," after "minorities,";

(B) in subsection (b), by amending the second sentence to read as follows: "In addition, the Chairman of the National Science Board may designate members of the Board as ex officio members of the Committee.";

(C) by striking subsections (c) and (d);

(D) by inserting after subsection (b) the following new subsection:

"(c) The Committee shall be responsible for reviewing and evaluating all Foundation matters relating to participation in, opportunities for, and advancement in education, training and research in science and engineering of women, minorities, persons with disabilities, and other groups currently underrepresented in scientific, engineering, and professional fields.";

(E) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively; and

(F) in subsection (d), as so redesignated by subparagraph (E) of this paragraph, by striking "additional".

Page 17, line 1, strike "develop" and insert in lieu thereof "development".

Page 90, line 11, through page 93, line 13, strike subtitle B.

Page 93, line 14, redesignate subtitle C as subtitle B.

Page 94, line 4, through page 97, line 13, strike subsections (c) and (d).

Page 97, lines 14 and 21, redesignate subsections (e) and (f) as subsections (c) and (d), respectively.

Page 98, line 1, redesignate subtitle D as subtitle C.

Page 98, lines 6 through 11, strike paragraphs (1) through (4).

Page 98, lines 16 through 21, strike paragraphs (8) through (12).

Page 99, lines 5 through 9, strike paragraphs (17) and (18).

Page 98, line 12, through page 99, line 10, redesignate paragraphs (5), (6), (7), (13), (14), (15), (16), and (19) as paragraphs (1) through (8), respectively.

Page 99, line 19, through page 100, line 7, strike subsections (c) and (d).

Page 100, line 8, strike "**LIMITATIONS ON APPROPRIATIONS**" and insert in lieu thereof "**REDUCTION IN TRAVEL BUDGET**".

Page 100, lines 9 through 15, strike "(a) MAXIMUM AMOUNT" and all that follows through "TRAVEL BUDGET.—"

Page 100, line 20, through page 103, line 24, strike section 443.

Page 104, line 1, redesignate subtitle E as subtitle D.

Page 106, line 9, through page 116, line 9, strike section 453.

Page 119, line 1, strike "Environmental" and insert in lieu thereof "Environment".

Page 124, line 9, through page 129, line 3, strike sections 702 through 705.

Page 129, line 4, redesignate section 706 as section 702.

Page 130, line 10, insert "and" after "activities;".

Page 130, lines 12 through 18, strike "; and" and all that follows through "Facilities and Equipment".

Page 130, line 19, redesignate section 707 as section 703.

Page 131, line 9, through page 132, line 5, strike section 708.

Page 132, line 6, redesignate section 709 as section 704.

Page 133, line 1, redesignate section 710 as section 705.

The CHAIRMAN. Pursuant to the rule, the gentleman from Pennsylvania [Mr. WALKER] and a Member opposed will each control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment is one that we had attempted to work out with everyone concerned, and allows us to expedite the process of deliberating the bill on the floor. The administration forwarded their draft authorization bill for the National Science Foundation to the committee the night before our markup. At that time we were not able to include several of the technical amendments in our bill.

In consultation with the minority, amendments to NSF can be termed technical and administrative, and we know of no opposition to these amendments that are included in the manger's amendment that I offering. Further amendments in this particular manager's amendment relate to title

IV, the NOAA authorization, which strike provisions of shared jurisdiction between the Committee on Science and the Committee on Resources. The removal of these provisions will help expedite the bill.

Finally, we have language in this amendment which strikes several provisions in title VII, the FAA research, engineering, and development authorization. The gentlewoman from Maryland [Mrs. MORELLA], the chairman of our Subcommittee on Technology on the Committee on Science, is working with the Committee on Transportation and Infrastructure to craft language relating to these provisions. Again, this actually allows the committee to move forward with H.R. 3322 on the floor.

I wish to thank the subcommittee chairman and the chairmen of the other concerned committees for their efforts to deal with these revisions and bring them before the House. I strongly urge my colleagues to support this amendment.

TITLE I—NATIONAL SCIENCE FOUNDATION

Conforms language to the reduction of directorates; corrects obsolete references to the GS–18 pay scale; allows members of the Science Board to decline their compensation; broadens the Engineering Equal Opportunities Act to include persons with disabilities; and allows the Chairman of the National Science Board to appoint ex-officio members to review committees.

TITLE IV—NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Drops the following programs within the joint jurisdiction of the Committee's on Science and Resources: All National Ocean Service [NOS] programs authorization, including the Coastal Ocean Program; the Ocean and Great Lakes Program authorizations and terminations under the Office of Oceanic and Atmospheric Research [OAR] including the termination of the National Undersea Research Program and the authorization of the National Sea Grant College Program; the authorization of the marine services account and the termination's of the NOAA Corps and the NOAA Fleet Modernization Program; language establishing the National Ocean Partnership Program; and language setting a cap on total appropriations for the Operations, Research and Facilities Account of NOAA.

TITLE VII—FEDERAL AVIATION ADMINISTRATION RESEARCH, ENGINEERING, AND DEVELOPMENT

The manager's amendment strikes the following sections/provisions from the bill: section 702, Findings—outlined committee findings regarding the FAA's delays in fielding new products and services, including long-standing internal management, organizational, and cultural impediments to improving its acquisition processes; section 703, Definitions—defined acquisition management teams used in section 704 of title VII; section 704, Management Principles (i.e., "guiding principles")—mandated guiding principles for conducting Federal Aviation Administration research, engineering, and development activities; section 705, Document of April 1, 1996—FAA's recently implemented acquisition management system; section 706, Authorization of Appropriations; item K—authorized such sums as may necessary for other research, engineering, and development activities conducted under the Engineering, Development, Test, and Evaluation activity of the Facilities and Equipment account; and section 708, Budget Designation For Federal Aviation Administration Research and Development Activities—Required that future FAA budgets include in a single budget category all research and development activities that would be classified as basic research, applied research, or developmental under the guidelines established by OMB in Budget Circular A–11.

Mr. Chairman, I reserve the balance of my time.

Mr. BROWN of California. Mr. Chairman, I would ask the Chair, do I have to be opposed to this amendment to claim this time?

Mr. CHAIRMAN. Without objection, the gentleman from California [Mr. BROWN] is recognized for 5 minutes.

There was no objection.

Mr. BROWN of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first let me say I do not intend to oppose the chairman's amendment. He has consulted with us with regard to this amendment. I think the purpose of it clearly is to expedite the process of the committee this afternoon, plus correcting a few mistakes that were made in the original bill. I am more than happy to accommodate the chairman with regard to that.

I did want to take a minute, however, Mr. Chairman, to apologize to the chairman if I accused him of using the term "liberal claptrap." That was not my intention. That was the patented phrase of the gentleman from California [Mr. ROHRABACHER]. I thought I indicated that it was Members on the other side who used those two terms, but not specifically the gentleman from Pennsylvania [Mr. WALKER]. The gentleman from Pennsylvania has patented the term "corporate welfare." I propose to carefully distinguish between these two divisions in the Federal research and development budget whenever I can.

Mr. ROHRABACHER. Mr. Chairman, will the gentleman yield?

Mr. BROWN of California. I yield to the gentleman from California.

Mr. ROHRABACHER. Mr. Chairman, I plead guilty. I said that global warming at best is unproven, and at worst, liberal claptrap. I plead guilty.

Mr. BROWN of California. Mr. Chairman, I knew the gentleman would say that. He has been unabashed in his reference to these programs in those terms. I admire him for that, as a matter of fact. I think it is an artful phrase, as is the term "corporate welfare," and it serves as a hook on which Members can say all sorts of things about programs that they do not like. First they can call them liberal claptrap, and then say why they do not like them.

One other thing about the statement of the gentleman from Pennsylvania [Mr. WALKER] at which I do take umbrage. He said he has been on the committee for 20 years. If he finishes this year, that will be correct. He then said that there had been no energy bills passed by the committee during that time. Then I think he qualified that by saying there had been occasional efforts at doing portions of a bill.

I would remind the gentleman of the fact that in 1992 we had the Energy Policy Act of 1992, appropriately named, which was a comprehensive, although not absolutely all-inclusive, energy bill, and as a matter of fact, we are still being guided for many of the things done in the Department of Energy by that Energy Policy Act, which was an authorization bill of 1992.

Mr. Chairman, I know the gentleman from Pennsylvania [Mr. WALKER] takes delight in disparaging the record of the committee before he became chairman, but if he will just stick to the facts I will be glad to agree with him. I am not particularly proud of the record that we have made, and with the help of the gentleman from Pennsylvania [Mr. WALKER] we tried to remedy that many times. He understands the problems in getting an energy authorization bill passed.

It had been my hope that under his leadership we would get an energy policy bill passed. We have not yet, and I would confidently predict we will not during the remainder of his term as chairman, but if there is a possibility, I would be more than happy to work with the gentleman, because I think we share a desire that the Committee on Science participate fully in the authorization of all programs under our jurisdiction.

Mr. Chairman, I rise to speak on this amendment. I strongly support the manager's amendment, perhaps more than the manager himself.

Mr. Chairman, during committee markup of H.R. 3322, Democrats expressed two fundamental concerns over the structure of this bill. First, the bill seemed designed to capture many programs that were not under the jurisdiction of the Science Committee. Second, the bill took great pains to avoid addressing some agencies that were under the jurisdiction of the Science Committee.

The most obvious problem with the bill in the first instance was its inclusion of the ocean, coastal, and fishery programs within NOAA. As was brought out in our markup, the bill did not attempt to authorize these programs, it attempted to deauthorize them. In particular, the bill sought to eliminate NOAA's role in the Coastal Zone Management Act that was coincidentally reauthorized the day before as a part of the Republican celebration of Earth Day. The bill also contained hostile provisions directed at the Sea Grant Program, the National Marine Fisheries Service and several other important programs. These were not programs that were addressed in any hearing before the Science Committee, yet extensive policy and detailed funding decisions were made a part of the bill.

During the markup, Ms. RIVERS of Michigan offered an amendment to remove these programs from the bill and provide the opportunity to the Committee on Resources to establish more acceptable funding levels for these programs. Her amendment was defeated along party lines. I would stress that every Republican on our committee that voted to authorize the Coastal Zone Management Act on the floor on April 23, voted to deauthorize the program on April 24. Members who spoke to House cameras in warm glowing terms about the Sea Grant Program, voted in committee to slash it. Members who spoke about the importance of the ocean sciences voted to virtually eliminate them.

At the time of Ms. RIVERS' amendment, Democrats were characterized by majority members of the committee in very unflattering terms and were accused of playing politics. I would only point out that our opposition to the structure of the bill was hardly rooted in partisan politics. Indeed, I strongly subscribe to the letter sent by the chair of the Resources Committee describing his perceptions of this state of affairs. He accurately described the absence of any attempt on the part of the Chair to develop a consensus on these programs as a major factor in the state of legislative gridlock that befell last year's science authorization bill.

What the manager's amendment does not do today is fix the other half of the problem—that is the absence of an authorization for other programs in our jurisdiction. The NIST extramural programs and the Department of Energy R&D programs are vital to many members of the committee on both sides of the aisle. Procedural manipulations were found to exclude these from the bill, but this does not make them less valuable and does not remove them from the responsibility of our committee. Later, Members will be given a chance to vote for these vital programs when they consider my amendment to H.R. 3322—an amendment that fully funds these programs at the President's request levels.

I will close by again stating my support for this amendment. I believe it will improve the bill and provide a better chance for the programs in question to receive a fair treatment before the proper committees of jurisdiction.

With that, Mr. Chairman, I reiterate my support for the chairman's amendment, and I yield back the balance of my time.

Mr. WALKER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, maybe with that statement we can get past all the internal squabbles in the committee and so on and actually get to discussing real policy here on the floor with regard to science policy.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. WALKER].

The amendment was agreed to.

□ 1545

The CHAIRMAN. The Clerk will designate section 1.

The text of section 1 is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Omnibus Civilian Science Authorization Act of 1996".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.

TITLE I—NATIONAL SCIENCE FOUNDATION

Sec. 101. Short title.
Sec. 102. Definitions.

Subtitle A—National Science Foundation Authorization

Sec. 111. Authorization of appropriations.
Sec. 112. Proportional reduction of research and related activities amounts.
Sec. 113. Consultation and representation expenses.
Sec. 114. Reprogramming.

Subtitle B—General Provisions

Sec. 121. Annual Report.
Sec. 122. National research facilities.
Sec. 123. Eligibility for research facility awards.
Sec. 124. Administrative amendments.
Sec. 125. Indirect costs.
Sec. 126. Financial disclosure.
Sec. 127. Educational leave of absence for active duty.
Sec. 128. Science Studies Institute.
Sec. 129. Educational impact.
Sec. 130. Divisions of the Foundation.
Sec. 131. National Science and Engineering Foundation.

TITLE II—NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Subtitle A—General Provisions

Sec. 201. Short title.
Sec. 202. Findings.
Sec. 203. Definitions.

Subtitle B—Authorization of Appropriations

CHAPTER 1—AUTHORIZATIONS

Sec. 211. Human space flight.
Sec. 212. Science, aeronautics, and technology.
Sec. 213. Mission support.
Sec. 214. Inspector General.
Sec. 215. Total authorization.
Sec. 216. Office of Commercial Space Transportation Authorization.
Sec. 217. Office of Space Commerce.

CHAPTER 2—RESTRUCTURING THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Sec. 221. Findings.
Sec. 222. Restructuring reports.

CHAPTER 3—LIMITATIONS AND SPECIAL AUTHORITY

Sec. 231. Use of funds for construction.
Sec. 232. Availability of appropriated amounts.
Sec. 233. Reprogramming for construction of facilities.
Sec. 234. Consideration of committees.
Sec. 235. Limitations on obligation of unauthorized appropriations.
Sec. 236. Use of funds for scientific consultations or extraordinary expenses.

Subtitle C—International Space Station

Sec. 241. Findings.
Sec. 242. Commercialization of Space Station.
Sec. 243. Sense of Congress.
Sec. 244. Space Station accounting report.

Subtitle D—Miscellaneous Provisions

Sec. 251. Commercial Space launch amendments.
Sec. 252. Requirement for independent cost analysis.
Sec. 253. Office of Space Commerce.
Sec. 254. National Aeronautics and Space Act of 1958 amendments.
Sec. 255. Procurement.
Sec. 256. Additional National Aeronautics and Space Administration facilities.
Sec. 257. Purchase of space science data.
Sec. 258. Plan for Mission to Planet Earth.
Sec. 259. Acquisition of earth remote sensing data.
Sec. 260. Shuttle privatization.
Sec. 261. Launch voucher demonstration program amendments.
Sec. 262. Privatization of microgravity parabolic flight operations.
Sec. 263. Unitary Wind Tunnel Plan Act of 1949 amendments.
Sec. 264. Use of abandoned and underutilized buildings, grounds, and facilities.
Sec. 265. Cost effectiveness calculations.
Sec. 266. Procurement ombudsman.
Sec. 267. Authority to reduce or suspend contract payments based on substantial evidence of fraud.

TITLE III—UNITED STATES FIRE ADMINISTRATION

Sec. 301. Short title.
Sec. 302. Authorization of appropriations.
Sec. 303. Fire safety systems in Army housing.
Sec. 304. Successor fire safety standards.
Sec. 305. Termination or privatization of functions.
Sec. 306. Report on budgetary reduction.

TITLE IV—NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Sec. 401. Short title.
Sec. 402. Definitions.

Subtitle A—Atmospheric, Weather, and Satellite Programs

Sec. 411. National Weather Service.
Sec. 412. Atmospheric research.
Sec. 413. National Environmental Satellite, Data, and Information Service.

Subtitle B—Marine Research

Sec. 421. National Ocean Service.
Sec. 422. Ocean and Great Lakes research.

Subtitle C—Program Support

Sec. 431. Program support.

Subtitle D—Streamlining of Operations

Sec. 441. Programs.
Sec. 442. Limitations on appropriations.
Sec. 443. Termination of the Corps of Commissioned Officers.

Subtitle E—Miscellaneous

Sec. 451. Weather data buoys.
Sec. 452. Duties of the National Weather Service.
Sec. 453. National Oceanographic Partnership Program.

TITLE V—ENVIRONMENTAL PROTECTION AGENCY

Sec. 501. Short title.
Sec. 502. Definitions.
Sec. 503. Authorization of appropriations.
Sec. 504. Scientific research review.
Sec. 505. Graduate student fellowships.
Sec. 506. Science Advisory Board.

TITLE VI—NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

Sec. 601. Authorization of appropriations.

TITLE VII—FEDERAL AVIATION ADMINISTRATION RESEARCH, ENGINEERING, AND DEVELOPMENT

Sec. 701. Short title.

Sec. 702. Findings.
Sec. 703. Definitions.
Sec. 704. Management principles.
Sec. 705. Document of April 1, 1996.
Sec. 706. Authorization of appropriations.
Sec. 707. Research priorities.
Sec. 708. Budget designation for Federal Aviation Administration research and development activities.
Sec. 709. Research Advisory Committees.
Sec. 710. National aviation research plan.

TITLE VIII—NATIONAL EARTHQUAKE HAZARDS REDUCTION PROGRAM

Sec. 801. Authorization of appropriations.

TITLE IX—MISCELLANEOUS

Sec. 901. Prohibition of lobbying activities.
Sec. 902. Limitation on appropriations.
Sec. 903. Eligibility for awards.

The CHAIRMAN. Pursuant to the order of the House of today, it is now in order to consider the amendment offered by the gentleman from New Mexico [Mr. SCHIFF].

AMENDMENT OFFERED BY MR. SCHIFF

Mr. SCHIFF. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SCHIFF: Page 6, line 21, strike "$3,250,500,000" and insert in lieu thereof "$3,291,700,000".

Page 6, line 25, strike "$2,340,300,000" and insert in lieu thereof "$2,381,500,000".

Mr. SCHIFF. Mr. Chairman, the purpose of my amendment, if adopted, would raise the authorization figure for the research and related activities account of the National Science Foundation by $41.2 million. At the time the House Committee on Science was voting to pass H.R. 3322, the bill we have before us today, the House Committee on the Budget had not yet presented the proposed budget resolution to the full House of Representatives.

On May 16 of this year, the Committee on the Budget proposed and the House of Representatives adopted a budget resolution for fiscal year 1997. In that budget resolution, there was a raise in the same account by the same amount of $41.2 million. So, in other words, my amendment would raise the authorization for the research and related activities account of the National Science Foundation by exactly the amount that we passed in the budget resolution a short time ago.

I want to personally commend Chairman WALKER of the Committee on Science, who is also, of course, vice chairman of the House Committee on the Budget, who I know was instrumental in pressing for this increase in basic research authorization.

I believe, Mr. Chairman, that we should continue to seek all of the authorization for which we can be fiscally responsible, that is, for which the funds can be identified and found to support Federal research. Since we have accomplished that through the budget resolution, I would like to make our bill here today, H.R. 3322, match the budget resolution in the same account.

Mr. DOYLE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, although I anticipate much partisanship in the debate over H.R. 3322, I want to point out that the National Science Foundation enjoys strong bipartisan support. I want to thank Basic Research Subcommittee Chairman SCHIFF for the professional, nonpartisan manner in which he has conducted himself on all matters within Basic Research's jurisdiction, including the NSF.

On the NSF budget generally, I hope that we will continue to maintain our history of bipartisan advocacy. The support that NSF provides in meeting a wide variety of challenges in math, science, and engineering education cannot be overstated. In my region, both Carnegie-Mellon University and the University of Pittsburgh rely heavily on NSF support to conduct important research in a number of areas.

What concerns me enough to rise at this point, is the future of NSF's Supercomputing Program. The Basic Research Subcommittee has held two hearings relating to the Supercomputing Program, one on the high performance computing and communications initiative in general, and one on NSF's decision to recompete its Supercomputing Program. The common theme in these two hearings was that we are letting funding issues compromise the integrity of what has been recognized by Members in both parties as a model program.

What especially disturbs me is NSF's decision to "recompete" its leading edge centers based upon the findings of the Hayes Report. The Hayes Report found that there needed to be greater emphasis placed on regional computing centers in order to ease the extreme burden being placed on the four leading-edge centers. I agree that the best way to help meet the demands for user time at the leading-edge centers is to increase the capabilities of the regional centers. If there are projects that require less capacity, or the merits of larger projects can be initially judged at the regional centers, then we should pursue it. What troubles me is that the only way anyone has chosen to enhance the regional centers is at the expense of the leading-edge centers. In other words, NSF has decided that the way to solve one problem is to create another, potentially more serious problem.

We are confronted with a situation where, in order to enhance the ability to access a valuable research tool, we are going to reduce that tool's capacity. I know that this situation is of concern to Members on both sides of the aisle. During the hearing on the Supercomputing Program there were many Members in both parties who said that if money was the only force driving the downsizing of leading-edge centers, then we should find the money elsewhere and not deconstruct one of our Government's greatest success stories.

I do not take issue with formalizing the relationships between leading-edge and regional facilities through the proposed partnership centers. However, witnesses at our hearing seemed quite clear that there was nothing about the reorganization that was leading to a potential downsizing of leading-edge centers. Rather, it was budgetary concerns that were driving this process.

In response to a question posed by Congressman BOEHLERT, Dr. Ed Hayes, chairman of the task force on the Future of NSF Supercomputing Centers, stated:

> The concern is that . . . if these [Partnership] centers come into being and the NSF budget did not grow at a rate significantly above inflation for this program, you would not be able to keep up with the recapitalization cycle that would be necessary to keep the leading-edge sites at a level that would be sufficiently interesting to draw the very best researchers . . .

Later, in response to a question I posed about why we were considering downsizing centers that were over subscribed, Dr. Hayes said:

> And if the NSF budget would support, with the recapitalization I mentioned earlier, more than the minimum of two [Partnership Centers] that we were strongly pushing for, then within the concept of the partnership I think there will be quite a comfort level and enthusiasm for doing that.

Despite the assertions of NSF that funding is not the issue here, our committee's hearing record seems to indicate otherwise. Rather, it seems to me that the recompetition is based upon NSF trying to predict future funding decisions by the Congress. In this case, it seems like the analysis of the task force was done correctly, but they then went beyond the scope of their mission by presupposing future funding decisions by Congress.

My admonition to the NSF is not to base policy decisions by guessing how the Science Committee is going to act. As we just witnessed with the Schiff amendment, preordained authorization caps have a way of changing around here. If current funding for the Supercomputing Program is not sufficient to keep the United States as a world leader in high-speed computing, let us know, and we will act accordingly.

I do not intend to offer an amendment at this point. But I do want to put the NSF on notice that there are many Members of Congress who are watching the recompetition with a watchful eye, and are not necessarily pleased with what they have seen so far.

Mr. WALKER. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, the gentleman from New Mexico has described the situation in which we find ourselves with regard to this amendment. The budget did permit some additional latitude for some spending in the basic research accounts at the NSF, and so I am very much supportive of what the gentleman has decided to do here, because we are obviously then conducting this increase within the context of the balanced budget to which the House has agreed.

I do want to point out that this amount of money would then actually increase the House-passed levels for basic science within the National Science Foundation to a level above that which the administration requested, and I think also that it indicates our commitment to continuing this.

With regard to what the gentleman from Pennsylvania has just stated, I personally have visited the supercomputing center in Pittsburgh, and agree that those supercomputing centers are a valuable part of the network that we are establishing across the country and that NSF needs to be cognizant of that. While NSF has claimed that there are no particular money problems, that this is largely a policy-related issue that is being done, the fact is that this increase in the Schiff amendment does give them sufficient resources within this account to do a number of things, plusing up university accounts, dealing more meaningfully with supercomputers.

There are a number of things that NSF has it within their capacity to do. I hope that they do resolve the problems with regard to supercomputers in a way that assures that the Nation has a strong foundation, because obviously the communication tools of the future have a great deal to do with the knowledge economy of the future.

So I certainly would indicate that the gentleman has raised a legitimate issue. It is one that the committee will continue to watch from the standpoint of NSF. I thank the gentleman from New Mexico for his amendment. I think it is a valuable addition to the bill.

Mr. BROWN of California. Mr. Chairman, I move to strike the requisite number of words and I rise in support of the gentleman's amendment.

Mr. Chairman, I would not normally belabor this point and delay action on this very meritorious amendment, but I always have the feeling that we are getting a certain spin attached to these amendments which kind of rankles me a little bit, and so I have to get up and give my own spin although I end up supporting the amendment likewise.

As was the case with the authorization bill last year, the same is true this year. Each subcommittee was given a ceiling by the chairman of the full committee which was slavishly adhered to in the subcommittee. The result for NSF for last year, fiscal year 1996, is that the authorization passed last year by the House but not yet enacted into law, of course, is $94 million less than the actual appropriations bill. So now after our committee has reported the bill and following the results of the fiscal year 1996 appropriations process, which was just completed a few weeks ago, we are now adding $40 million to NSF's research accounts that was done in the Committee on Appropriations and we now have an amendment to raise our authorization level by a similar amount. This could have been avoided, of course, if the committee had been allowed to follow its own best judgment last year.

This additional funding will provide enough growth to at least offset inflation as opposed to the 1-percent increase provided in the underlying bill as reported by the committee. Because of the strong sentiments that the majority has expressed in support of basic research, it was surprising to me that so little growth was provided in the core research activities of NSF. The Democratic substitute, which I offered in committee, of course, attempted to correct this miserly treatment of NSF's research account by providing growth of nearly 5 percent above the fiscal year 1996 appropriation, but our proposal in committee was rejected on a party line vote.

While I support the increase provided by the amendment, I am nevertheless disappointed that it is still $40 million below the level in the Democratic substitute which I am offering later today. This may seem like a relatively small difference, but it translates into a loss of 500 individual research grants to university researchers. Basically this amendment will only allow research project funding to stay even with inflation. It provides no real growth which advances fundamental knowledge and underpins the technological strength of the Nation.

I am also disappointed that the amendment is limited to raising the authorization level just for the research account. No increase is proposed to raise the allocation for the internal operations of the agency which have been cut by $7 million below the 1996 appropriation level. This is an extreme cut for an agency which consumes only 4 percent of its total budget on internal operations and which has maintained a constant work force for the past decade while the workload has doubled. NSF estimates that a cut of this magnitude translates into a loss of up to 120 staff positions, or about 10 percent of its work force.

While I support this amendment, I do not believe it goes for enough to ensure the continuance of a vigorous and well-managed program at NSF.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Mexico [Mr. SCHIFF].

The amendment was agreed to.

The CHAIRMAN. Pursuant to the order of the House of today, it is now in order to consider amendment No. 3 by the gentleman from Pennsylvania [Mr. GEKAS].

AMENDMENT OFFERED BY MR. GEKAS

Mr. GEKAS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. GEKAS: Page 87, after line 21, insert the following new subsection:

(h) REPORT.—Section 704 of the Weather Service Modernization Act (15 U.S.C. 313 note) is amended by adding at the end the following new subsection:

"(c) REPORT.—The National Weather Service shall conduct a review of the NEXRAD Network radar coverage pattern for a determination of areas of inadequate radar coverage. After conducting such review, the National Weather Service shall prepare and submit to the Congress, no later than 1 year after the date of the enactment of the Omnibus Civilian Science Authorization Act of 1996, a report which—

"(1) assesses the feasibility of existing and future Federal Aviation Administration Terminal Doppler Weather Radars to provide reliable weather radar data, in a cost-efficient manner, to nearby weather forecast offices; and

"(2) makes recommendations for the implementation of the findings of the report.".

Mr. GEKAS. Mr. Chairman, I say to my colleagues that I must precede the text of my amendment, an explanation of it, by a brief history of what brings us to the floor today.

In recent history of the National Weather Service in our area, in central Pennsylvania, we learned several years ago, to our dismay, that the reorganization of the National Weather Service apparatus was going to include a transfer of the National Weather Service headquarter, from Harrisburg, the capital of the State, to State College, the home of Penn State, for its real nexus in the weather service planning that was then going on.

□ 1600

We expressed our concerns, those of us who live in and represent the people of the central Pennsylvania area around Harrisburg, because we felt that any such move would create gaps in the coverage that historically was well covered by the Harrisburg center. Well, as it turned out, we were overruled, and the move was authorized and actually made.

Now, what happened in 1994, a tornado hit in the city of Harrisburg, in the capital city, feet away, just yardage away as it were, from the former weather station, and it went undetected. Now, here is the weather station at State College, with NEXRAD capacity, state-of-the-art, high velocity and high capacity weather service predictable apparatus, and the tornado in Harrisburg was missed.

We believed then and we believe now that this was a kind of a gap that was created by the positioning of NEXRAD in State College, which by the rationale of the topography itself would overshoot the very site where this little tornado occurred.

Well, if that was not enough, several other little incidents happened and episodes were not detected. So in 1995, a year ago, right in this Chamber, on a similar bill, we in the front of the subcommittee then chaired, still chaired, by the gentleman from California [Mr. ROHRABACHER], we offered a simple amendment to try to remedy this gap situation. Then we learned that there were many other sectors of the country where similar gaps were occurring.

When the committee held hearings on this same subject, many of our colleagues testified to the very same kind of gap. What we came up with in central Pennsylvania, through the auspices of some people who work for the National Weather Service and other experts, was that some of these gaps could be filled by simply piggybacking with the Federal Aviation Administration, the FAA, capacity at nearby airports.

Harrisonburg International Airport, which is also at the footstep of the capital of the Commonwealth, was in operation and we felt that maybe we ought to contact them and see whether they could fill the gap in on some of these related episodes that the State College facility could not pick up.

At any state, we offered an amendment to study the feasibility of such a piggybacking capability, and the committee and then the House passed this amendment and the bill to which it was attached, and so we were on our way, we felt, to solving this problem. Well, the bill never really became law, and then we found ourselves trying to fight the same battles.

Now, what happened? The Secretary of Commerce, in response to a mandate, issued in 1995, in October 1995, a report on this very same subject, and in that report, "The Secretary's Report to Congress on Adequacy of NEXRAD Coverage and Degradation of Weather Services Under National Weather Service Modernization for 32 Areas of Concern," that is the title of the report, which acknowledges just in the title that there was a degradation of national weather services and also that there was a problem with the adequacy of NEXRAD coverage, in that they come up with a recommendation in this report, and I am reading directly from the report now, which says that the team, the team that works on these projects, finds that there is significant potential for weather data from these radars, meaning the FAA radars, to enhance the quality control of WSR-88-D data and to provide valuable additional viewing angle perspectives for particular storms, which is an exact composition to what we were averring back in 1994 and 1995 about filling in the gaps.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. GEKAS] has expired.

(By unanimous consent, Mr. GEKAS was allowed to proceed for 1 additional minute.)

Mr. GEKAS. So my amendment, Mr. Chairman, which I understand both the minority and the majority have agreed to incorporate into the legislation, simply follows through with the Secretary of Commerce's recommendations to have a biagency task force look into the further feasibility of what we have proposed now for 2 years. In this way we can begin to fill those gaps that, unfortunately, have been occurring too often, and in too many places across the Nation.

Mr. BROWN of California. Mr. Chairman, I rise in support of the gentleman's amendment.

I want to compliment the gentleman for the assiduous way in which he has carried out the pursuit of trying to upgrade the Weather Service as it involves his particular area, and I am sure he would also want to do that for the other parts of the country as well.

He has correctly reported the facts here, and any earlier objections I may have had to past amendments that the gentleman had were not based on their merits, but on the feeling that we would probably be able to accomplish these things by putting the pressure necessity on the various agencies that are involved. It turns out, of course, that the National Weather Service has been persuaded by his continued concern and by others' to follow essentially the path which he recommended, without the passage of any additional legislation.

So I would urge other Members to be as diligent in pursuing such worthy objectives as the gentleman from Pennsylvania has, and that these objectives can frequently be obtained by such diligent effort without the necessity of passing additional legislation which can sometimes be misinterpreted.

Now, part of my problem was I have Members from all over the country coming to me, complaining in the same way that the gentleman had about the inadequacy of the coverage and the problems related from this transfer that we are making to try to upgrade Weather Service capability. I have had to tell them I do not think we need a separate law to correct this, that we can correct it in the fashion that the gentleman has exemplified here, and I just want to commend the gentleman for what he has done.

Mr. WALKER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the Gekas amendment encourages the National Weather Service to follow through on the Secretary of Commerce's recommendation to initiate a dialog with the FAA to assist in the potential for the National Weather Service using FAA weather radar.

This is a good amendment, and I encourage my colleagues to support it.

Mr. TRAFICANT. Mr. Chairman, I move to strike the requisite number of words.

I think we have put so much faith in this new system, NEXRAD, that we have overlooked some basics and I think we have put some communities at risk. I think the gentleman from Pennsylvania [Mr. GEKAS] very ably here articulates the fact of what happened in his community. There are other communities like mine that are waiting for some of these things to happen.

We have gotten so sophisticated, I think we have lost a little commonsense. This is a good amendment and I am not quite so sure it even goes far enough. I think the Congress must review the lifesaving ability of having more eyes and ears and radar activities looking at volatile weather than we have the right now, and this is a step in that direction, but certainly will not be our final answer.

Mr. GEKAS. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Pennsylvania.

Mr. GEKAS. Mr. Chairman, the gentleman from Ohio poses an interesting question. I am wondering, too, whether or not we ought to be conducting a review of NEXRAD and how it has worked in its brief lifetime, because many of these problems were foreseen at the time that the reorganization was instituted, and now it is not enough for us to say I told you so.

I believe that what the gentleman has said may prompt us to get together and see if there is some kind of easy review we can make of the NEXRAD capacity. I thank the gentleman.

Mr. TRAFICANT. Mr. Chairman, reclaiming my time, I would like to work with the gentleman on that. I think he has very ably brought us to a position where maybe something might be done here that might help the country in a lot of areas that have not had some of the problems that he has had but might be waiting for those disasters to happen.

With that, I support the amendment, and I want to compliment the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. GEKAS].

The amendment was agreed to.

Mr. SOUDER. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. Without objection, the gentleman from Indiana is recognized for 5 minutes.

There was no objection.

Mr. SOUDER. Mr. Chairman, I rise to engage the chairman of the Committee on Science in a colloquy concerning authorization for NEXRAD radars for the National Weather Service.

Is it not the case that this bill in the 1992 authorization, Public Law 102-567, authorized full funding for the administration's request for the NEXRAD line items?

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. SOUDER. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, as the report indicates, the gentleman correctly states that the committee supports the administration's request for NEXRAD systems acquisition of $53,145,000 in fiscal year 1997.

Mr. SOUDER. Mr. Chairman, the President's request includes funding for a new NEXRAD unit to be placed in the vicinity of Fort Wayne, IN, and new units in the southeast Tennessee/northern Alabama region, and in Arkansas, as recommended by the Secretary of Commerce. Is obligation of funds for these units in fiscal year 1997 consistent with the limitations contained in section 411(c) of the bill?

Mr. WALKER. If the gentleman will further yield, Mr. Chairman, my understanding is that the Secretary intends to make the certificate necessary under Public Law 102-567 in section 411 and has every expectation to be able to do so.

The language in H.R. 3322, subject to the Secretary's certification and inclusion in the fiscal year 1997 National Weather Service implementation plan, enables the construction of the three units noted by the gentleman from Indiana.

Mr. SOUDER. Mr. Chairman, I thank the gentleman for his clarification and his leadership on this bill and in ensuring that areas vulnerable to severe weather receive adequate warning. This is a critical safety concern for northeast Indiana because our State ranks first in the Nation in tornado deaths. You might say we have twisted twisters. We very much appreciate the efforts of the gentleman from Pennsylvania, Chairman WALKER, and the subcommittee chairman, the gentleman from California, Mr. ROHRABACHER, on this issue.

The CHAIRMAN. Pursuant to the order of the House of today, it is now in order to consider amendment seven by the gentleman from Texas [Mr. THORNBERRY].

AMENDMENT OFFERED BY MR. THORNBERRY

Mr. THORNBERRY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. THORNBERRY: Page 87, after line 21, insert the following new subsection:

(h) NEXRAD OPERATIONAL AVAILABILITY AND RELIABILITY.—(1) The Secretary of Defense, in conjunction with the Administrator of the National Oceanic and Atmospheric Administration, shall take immediate steps to ensure that NEXRADs operated by the Department of Defense that provide primary detection coverage over a portion of their range function as fully committed, reliable elements of the national weather radar network, operating with the same standards, quality, and availability as the National Weather Service-operated NEXRADs.

(2) NEXRADs operated by the Department of Defense that provide primary detection coverage over a portion of their range are to be considered as integral parts of the National Weather Radar Network.

Mr. THORNBERRY. Mr. Chairman, this amendment is the exact same as an amendment that was accepted by all sides on this bill last year and its seeks to deal with a subset of the problem that we have already heard some discussion of, and that is inadequacies of coverage in the new dopler radar system.

Most of the country is protected by radar which are run by the National Weather Service. However, some of the country is protected by radars which are run by the Department of Defense, and it is those radars which feed into the National Weather Service system to provide coverage.

For example, in a great part of my district, primary coverage is provided by a radar run by the Air Force near Frederick, OK and backup service for that area is provided by a radar by the Air Force out of Dyess Air Force Base near Abilene. Now, the difficulty arises because the radars run by the Department of Defense are not held to the same standards as the radars which are operated by the National Weather Service themselves. So what we have experienced in our area are that communication lines go down, power to the radar goes down, and often, when we most need these radars, they are simply unavailable.

As a matter of fact, studies by the National Research Council and the GAO confirm that these DOD radar are simply not available as much as National Weather Service radar, and the effect is they simply do not offer the same level of protection as the National Weather Service radar.

My amendment simply says that DOD radar in the system have to meet the same standards as the National Weather Service radars so that there will be no second class of coverage for anybody in this country.

Now, since we have had this debate last year, I have to report that the situation in my particular region has gotten better. And I appreciate the efforts of the Air Force, the National Weather Service, and others involved in making sure the radar is available more of the time than it was the time before. In particular, I want to thank the gentleman from Pennsylvania, the chairman of the committee, who has helped bring this problem to the attention of the relevant agencies and pressed them as we move forward for modernization to make sure nobody is left behind. The chairman of the subcommittee has been helpful as well.

I know all Members share my determination to make sure that there is no second class of coverage and that those folks who are relying on the DOD radar get the same amount of coverage at least as the folks who rely on the National Weather Service radar.

Mr. Chairman, hopefully, one of these days we will have a rain cloud in my district so that we can really put this system to the test. We look forward to that day, but in the meantime, I appreciate my colleagues supporting this amendment.

□ 1615

Mr. WALKER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the amendment offered by the gentleman from Texas [Mr. THORNBERRY] is similar to an amendment adopted by the full House last year. It requires the Department of Defense to live up to its commitment to provide NEXRAD radar coverage in selected regions of the country.

DOD's NEXRAD radar is an important component of our Nation's weather coverage. If DOD does not supply the National Weather Service with the NEXRAD it has agreed to supply, gaps in the coverage will occur.

So the amendment of the gentleman from Texas addresses this, and I commend the gentleman for his amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. THORNBERRY].

The amendment was agreed to.

The CHAIRMAN. Pursuant to the order of the House of today, it is now in order to consider amendment No. 22 by the gentleman from Ohio [Mr. TRAFICANT].

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. TRAFICANT: Page 137, after line 4, insert the following new section:

SEC. 904. BUY AMERICAN.

(a) SENSE OF CONGRESS.—It is the sense of Congress that any recipient of a grant under this Act, or under any amendment made by this Act, should purchase, when available and cost-effective, American made equipment and products when expending grant monies.

(b) NOTICE OF RECIPIENTS OF ASSISTANCE.—In allocating grants under this Act, or under any amendment made by this Act, the Secretary shall provide to each recipient a notice describing the statement made in subsection (a) by the Congress.

Amend the table of contents accordingly.

Mr. TRAFICANT. Mr. Chairman, I would like to take off on something that was mentioned by the gentleman from California [Mr. BROWN].

This is the last year here in Congress for the gentleman from Pennsylvania [Mr. WALKER], and I would like to say to the gentleman, if I can get his attention, I want to commend him for distinguished service to his district, to the Congress and to the country. He has been a Member that said "no" around here at the times he had to.

Mr. Chairman, this amendment, I think everybody understands it. I would like to see more American products purchased with more of our procurement dollars, because American workers get a paycheck and pay the taxes for all of these "Buck Rogers" experiments that are not reality. I think it is very important.

Mr. Chairman, I want to thank Chairman WALKER, who could have raised points of order on a couple of appropriation bills on more significant buy American language, and he did not. I believe this is reasonable. This language affords an opportunity for recipients of grants to be encouraged, wherever feasible, to buy American-made products. They are to get a notice to that effect, and hopefully that will happen.

In the year to come, I will be asking for a report, an investigation that would monitor the types of procurement and the dollars that are spent on products that may not be made in America, and if those products were available here, at a cost-competitive price.

So finally, in also saying that, I urge the committee to also look forward to participatory moneys pledged by other nations and governments who are to explore space with us and make sure we just do not get another song and dance from them; that we actually get some of their yens and some of their deutsche marks and some of their cash.

Mr. Chairman, I yield to the distinguished gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Chairman, I appreciate the gentleman's kind words. As the gentleman knows, it is much easier to say yes around here than it is to say no, and I appreciate his comment.

Mr. Chairman, I am not going to say no to the gentleman's amendment. I am going to agree with the gentleman's amendment and urge the House to adopt it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendment was agreed to.

The CHAIRMAN. Pursuant to the order of the House of today, it is now in order to consider amendment No. 18 by the gentleman from Indiana [Mr. ROEMER].

AMENDMENT 18, AS MODIFIED, OFFERED BY MR. ROEMER

Mr. ROEMER. Mr. Chairman, I offer an amendment, as modified.

The Clerk read as follows:

Amendment, as modified, offered by Mr. ROEMER:

Page 122, after line 9, insert the following new section:

SEC. 507. ENDOCRINE DISRUPTER RESEARCH PLANNING.

(a) SHORT TITLE.—This section may be cited as the "Endocrine Disrupter Research Planning Act of 1996".

(b) FINDINGS.—The Congress finds that—

(1) recent reports in the media have focused public attention on a possible link between exposure to chemicals that may mimic hormones and may have adverse biological effects in humans and wildlife, including carcinogenic, reproductive, neurological, and immunological effects, now commonly referred to as endocrine disrupters;

(2) given the significant scientific uncertainties concerning the effects of such endocrine disrupters on humans and wildlife, it cannot at this time be concluded whether or not endocrine disrupters constitute a significant threat to human health or the environment;

(3) neither a conclusion that endocrine disrupters pose an imminent and serious threat to human health and the environment, nor a conclusion that the risks are insignificant or exaggerated, is warranted based on the present state of scientific knowledge;

(4) additional research is needed to more accurately characterize the risks of endocrine disrupters;

(5) risk assessment principles should be used to guide the development of a coordinated research plan to ensure that research results are relevant and adequate to objectively estimate risk to guide future public policy decisions;

(6) research carried out by the Federal Government should be done in a planned and coordinated manner to ensure that limited resources are spent efficiently and that critical information gaps are filled as quickly as possible; and

(7) researchers from academia, industry, and Federal laboratories should coordinate efforts to prioritize research topics, identify capital needs, and, in general, develop a comprehensive research plan to address important scientific and policy questions surrounding the potential effects of such chemicals.

(c) RESEARCH PLANNING REPORT.—

(1) REPORT.—The Administrator, in coordination with other Federal agencies with scientific expertise in areas relevant to assessing the human health and ecological risks of endocrine disrupters, shall submit to Congress, along with the President's Budget Request for Fiscal Year 1998, a plan for conducting research needed to objectively assess and characterize the risk of endocrine disrupters on human health and environment.

(2) CONTENTS.—The plan submitted under this section shall include—

(A) the role of each participating agency in the research plan and the resources required by each agency to carry out the research plan, including human and capital resources needed to ensure that agencies have appropriate expertise, facilities, and analytical capabilities to meet the goals of the research plan;

(B) the mechanisms by which each agency will carry out research, including the use of Federal laboratory facilities, extramural grants and contracts, and cooperative research and development agreements with universities, research centers, and the private sector, and mechanisms to avoid duplication of effort and for appropriate peer review, including independent and external peer review of Federal agency intramural research;

(C) specific research strategies and timeliness for addressing the critical information gaps with respect to hazard identification, dose-response assessment, and exposure assessment; and

(D) an assessment of the current state of scientific knowledge concerning effects of synthetic and naturally occurring endocrine disrupters on human health and the environment, including identification of scientific uncertainties unlikely to be capable of significant resolution in the near term, studies which support or fail to support conclusions of adverse public health effects, and the opportunity for public comment on such assessment.

(d) SAVINGS CLAUSE.—Nothing in this section is intended to alter, or otherwise affect any statutory authority of the Environmental Protection Agency or any other Federal regulatory agency or regulate substances which may pose a threat to the public health or the environment.

Amend the table of contents accordingly.

Mr. ROEMER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment, as modified, be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. ROEMER. Mr. Chairman, I offer an amendment on endocrine disrupters. Before I get into what this amendment does and what we hope to accomplish with it, I think I should explain what endocrines are and what endocrine disrupters are.

Endocrines are chemicals that control many functions of the human body, including our ability to reproduce, grow up, metabolize food, and fight diseases.

Endocrine disrupters are chemicals in the environment that imitate these hormonal chemicals and potentially alter growth, reproduction, and other biological functions in animals and humans.

Reports in many works of scientific literature, including "Our Stolen Future," this book that I hold in my hand by Theo Colburn, among others, indicate that some man-made chemicals have endocrine effects in birds and other wildlife that result in abnormal development and potential reproductive problems. High levels of certain man-made endocrine disrupting chemicals have been associated with increased rates of breast cancer in some human beings.

Thus, some endocrine disrupters are man-made chemicals. Others are naturally occurring substances.

A wide variety of substances, including pesticides, "plasticizers" and breakdown products from detergents, have been shown to have the ability to act in some cases as endocrine disrupters.

For example, the microwaving of food in plastic containers may transfer endocrine-disrupting chemicals from the plastic into the food. We all are very familiar with the process of putting some food in a plastic container, putting it in a microwave; and sometimes some literature has indicated that that might migrate from the plastic into the food. This might be a problem that we should be concerned about.

Additional research is needed to understand how prevalent such endocrine-disrupting chemicals are in our daily lives and what impact they have on human health, wildlife, and the environment.

The say we go about studying this, Mr. Chairman, is not to say, as some have said in the past, that we need to throw money at this problem and we need to get every Federal agency and bureaucracy studying it differently.

It is also not, as some have indicated in the past, in the future to completely ignore this problem and to say there is no problem here, let us neglect this and see if people begin to get sick. We have said a new approach, a third way, a new idea.

We say in this amendment there is neither a conclusion that endocrine disrupters pose an imminent threat nor that there is a conclusion that the risks are insignificant or exaggerated based on the percent state of scientific knowledge. Further research is required.

Let us use the risk assessment principles that we have talked about in the last few years to better study this problem. Let us coordinate our Federal research bureaucracy and not have everybody begin to study it, but begin to concentrate a study in a few areas.

That is what this amendment does. Let us study and research on a scientific basis, using risk assessment principles in a new way, whether we do have a problem with plastic, with detergents, with pesticides; and if we can do that, we may need to come before Congress in the future and study it further.

This amendment does not require a new appropriation of money. It simply seeks to coordinate what we might be doing in the future as our budgets are declining. And as our budgets are restrained here in the U.S. Congress, let us try some new ideas to study some potentially very, very serious new problems.

Mr. Chairman, I hope that the body will agree to this amendment.

Mr. BROWN of California. Mr. Chairman, I rise in support of the amendment offered by the ranking member of the Subcommittee on Energy and Environment. This issue has captured the attention of the press and public in recent weeks, but in fact research in this area has been ongoing for over 15 years now. I believe the gentleman is correct in assuming that this is more than a passing fancy. The issues raised by the release of the book, "Our Stolen Future," are of concern and deserve the serious attention of this committee.

The design and implementation of a good research plan is essential to gaining sound scientific information about the nature and scope of this problem. These efforts are already underway within the Federal Government. It is Congress that now needs to participate in these efforts. The research report required under the amendment will provide us with a solid basis to make recommendations for future authorizations that may be needed.

I want to commend the gentleman for his efforts in drafting an amendment that can be agreed to by people with varying opinions about the validity and seriousness of this issue. I have no doubt that we will have other opportunities to debate this issue before the close of this Congress. There is more that Congress could do in this area, but we should surely not do less than is provided for in this amendment. We may be asked to make tough policy choices in the future on this issue. We should make those choices from an informed position, that is what the Roemer amendment will help to ensure. I urge its adoption.

Mr. WALKER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the Roemer-Boehlert amendment to require EPA to plan and coordinate endocrine disrupter research. The Committee on Science has strongly supported EPA research on endocrine disrupters, including more money in H.R. 3322 than the administration had requested. We have an $8 million total amount in this bill, which is 10 percent above the President's request of $7.1 million.

The Roemer-Boehlert amendment helps us, though, to define that research and will require the Environmental Protection Agency to submit to Congress a plan for conducting research needed to objectively assess and characterize the risk of endocrine disrupters.

Recent concerns have been raised about the broad array of both natural and synthetic compounds which have the capacity to mimic both human and animal hormones disrupting the body's natural state. These components, known collectively as endocrine disrupters, have been alleged to contribute to a wide variety of human and environmental maladies, including reduced sperm counts and increased instances of fetal abnormalities.

While the media has widely reported as fact the hypothesis that synthetic compounds are causing human sperm counts to decline worldwide, credible scientific research on the issue is lacking. Even the premise that sperm counts are declining remains unproven.

The amendment will go a long way toward establishing a scientifically sound research plan to address the potential impacts of endocrine disrupters. The research can then be used to do any necessary assessments of the best estimate of risk, based on the weight of the scientific evidence, and to pursue necessary cost-benefit analysis, should any regulatory mechanisms be proposed.

Mr. Chairman, this is a good amendment. I support it, and I thank the gentleman from Indiana for bringing it to the attention of the House.

Mr. ROEMER. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Indiana.

Mr. ROEMER. Mr. Chairman, I thank the gentleman from Pennsylvania for his support of this amendment, and look forward to working with the gentleman in the course of his remaining time here in Congress to see that we do come up with a new way of studying what could be a very significant problem.

Mr. WALKER. Mr. Chairman, reclaiming my time, I thank the gentleman.

The CHAIRMAN. The question is on the amendment, as modified, offered by the gentleman from Indiana [Mr. ROEMER].

The amendment, as modified, was agreed to.

The CHAIRMAN. Pursuant to the order of the House of today, it is now in order to consider amendment No. 2 offered by the gentleman from Alabama [Mr. CRAMER].

AMENDMENT NO. 2, AS MODIFIED, OFFERED BY MR. CRAMER

Mr. CRAMER. Mr. Chairman, I offer an amendment, as modified.

The Clerk read as follows:

Amendment as modified, offered by Mr. CRAMER: Page 87, lines 1 through 21, amend subsection (g) to read as follows:

(g) WEATHER SERVICE MODERNIZATION.—The Weather Service Modernization Act (15 U.S.C. 313 note) is amended—

(1) in section 706—

(A) by amending subsection (b) to read as follows:

"(b) CERTIFICATION.—The Secretary may not close, automate, or relocate any field office unless the Secretary has certified to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives that such action will not result in degradation of service to the affected area. Such certification shall be in accordance with the modernization criteria established under section 704.";

(B) by striking subsections (c), (d), (e), and (f); and

(C) by inserting after subsection (b) the following new subsections:

"(c) SPECIAL CIRCUMSTANCES.—The Secretary may not close or relocate any field office which is located at an airport, if the Secretary, in consultation with the Secretary of Transportation and the Committee, determines as a result of an air safety appraisal that such action will result in degradation of service that affects aircraft safety. This air safety appraisal shall be issued jointly by the Department of Commerce and the Department of Transportation before September 30, 1996, and shall be based on a coordinated review of all the airports in the United States subject to the certification requirements of subsection (b). The appraisal shall—

"(1) consider the weather information required to safely conduct aircraft operations and the extent to which such information is currently derived through manual observations provided by the National Weather Service and the Federal Aviation Administration, and automated observations provided from other sources including the Automated Weather Observation Service (AWOS), the Automated Surface Observing System (ASOS), and the Geostationary Operational Environmental Satellite (GOES); and

"(2) determine whether the service provided by ASOS, and ASOS augmented where necessary by human observations, provides the necessary level of service consistent with the service standards encompassed in the criteria for automation of the field offices.

"(d) PUBLIC LIAISON.—The Secretary shall maintain for a period of at least two years after the closure of any weather office a program to—

"(1) provide timely information regarding the activities of the National Weather Service which may affect service to the community, including modernization and restructuring; and

"(2) work with area weather service users, including persons associated with general aviation, civil defense, emergency preparedness, and the news media, with respect to the provision of timely weather warnings and forecasts."; and

(2) in section 707—

(A) by amendment subsection (c) to read as follows:

"(c) DUTIES. The Committee shall advise the Congress and the Secretary on—

"(1) the implementation of the Strategic Plan, annual development of the Plan, and establishment and implementation of modernization criteria; and

"(2) matters of public safety and the provision of weather services relate to the comprehensive modernization of the National Weather Service."; and

(B) by amending subsection (f) to read as follows:

"(f) TERMINATION.—The Committee shall terminate—

"(1) on September 30, 1996; or

"(2) 90 days after the deadline for public comment on the modernization criteria for closure certification published in the Federal Register pursuant to section 704(b)(2),

whichever occurs later.".

Mr. CRAMER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment, as modified, be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. CRAMER. Mr. Chairman, the Weather Service Modernization Act, which was passed in 1992, established procedures for the modernization of the National Weather Service. A lot of us here today, the gentleman from Indiana [Mr. ROEMER] included, and the gentleman from Tennessee [Mr. WAMP] as well, have fought long and hard to make sure that our areas of the country were included in that modernization plan.

There were two points that we raised consistently about this modernization act. One was the requirement that no Weather Service office can be closed or automated without a certification that the closure would not result in degradation of service to the affected area.

Let me repeat that in lay language. We do not want Weather Service offices closed without a certification that there is no degradation of service there.

So as we proceed with the modernization plan, we are proceeding with a network of NEXRAD radars that will cover the entire country. A lot of us have talked about our concerns about the NEXRAD radars, but we have not talked as much about the closure of the Weather Service offices.

Mr. Chairman, I support the modernization plan, but I think there is a balance between no certification at all, which the committee bill stands for, and a streamlined certification process.

Mr. Chairman, I want to commend Chairman WALKER and the staff of the committee for working with us, those of us that are concerned, to make sure that we develop the proper balance between cost savings and the protection of our citizens, because we are talking about the protection of lives when we are talking about the closure of the Weather Service offices.

☐ 1630

We need a certification process. There must be some specific accountability before we are going to say that we will not serve an area through the existing weather service office. It has taken many of us Members of Congress a few years to make sure that our areas were in fact given consideration for the modernization process. I know the gentleman from Indiana [Mr. ROEMER] and I, through the committee, on the floor, as well, have fought consistently and maintained that we were in gap areas, that the modernization plan did not in fact cover our areas and that our children, our families, people in church, people in schools, people in their homes would in fact be very vulnerable.

Mr. Chairman, just this past weekend in my district we had another weather service pattern that moved in. We were glued to our TV's as we watched the NEXRAD coverage in my district from 100 miles south. We looked at the local weather service Doppler radar that we have in our area as well, all of that trying to see if we could be protected. So when we are talking about saving money, we have also got to be talking about saving lives and some built-in checks and balances in this process.

Mr. Chairman, my amendment today would accomplish a streamlining of the certification process. As I said a few minutes ago, I want to commend the gentleman from Pennsylvania Chairman WALKER, and thank him for working with us on making sure that we have at least a streamlined certification process. We will eliminate the costly and time-consuming requirement that each closing certification be published in the Federal Register for 60 days. We will eliminate by September one of the two current oversight committees involved in the process. This streamlining will save $35 million over 5 years and will eliminate redundancies that are currently in the law.

Mr. Chairman, I am in favor of streamlining the modernization process, but I am not willing to sacrifice the safety of people. This is a safety issue, and I thank the chairman for accepting my committee amendment.

Mr. ROEMER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in strong support of the amendment of the gentleman from Alabama [Mr. CRAMER]. He and I have worked over the past 4½ years, I believe, on the committee that we serve on together to try to make sure that public safety is not compromised when an office is prematurely closed.

Let me just relate an instance of this concern to the people in this body and again salute the gentleman from Alabama for taking such a critically important lead role in this amendment. In Indiana right now, as the distinguished chairman over the whole body knows, being a Member from Indiana, we are seeing a host of tornados and floods hit our area. This is not only potentially endangering school children that may be getting on a bus to go to school for one of the last days of school in Indiana when they need not be if they had a sufficient warning out there from radar that covered our area, which the National Research Council says does not; we do not have adequate coverage in our area right now.

So school children going out to get on a school bus at 6:30 in the morning may not have to take that risk, if we got the sufficient scientific data out there and then the warning on the radio that school was closed and we had a dangerous situation, inclement weather or a tornado in the area, right now do not have that good scientific coverage.

Mr. Chairman, this amendment helps protect our existing offices from premature closure until we get the new radar and technology put up in our area. We are hopeful that this new NEXRAD radar will be located somewhere in northern Indiana, based upon science and technology and where it is going to work best, whether that is in Saint Joseph County, whether that is in Elkhart County, whether that might even be in Allen County, or south of there, to make sure that we save the taxpayer money.

As the Chairman of the body knows today, too, our farmers are having a difficult time getting out in the fields to plant corn because of the weather. This technology would help us save lives from tornados and inclement weather, help us save billions of dollars in terms of the costs to farmers of trying to get good information out there before they get into the fields as to when they can get into the fields.

This amendment is not only about public safety and concern for children and money for agriculture, which is a huge cost in our economy today, it is also about streamlining a bureaucratic process, doing it the right way, doing it the way that it will save money and not compromise our schoolchildren back home in Indiana or in Alabama.

So I rise in strong support of this streamlining the bureaucracy but not compromising public safety and schoolchildren in the morning getting on a bus. I also would like to acknowledge and compliment the chairman of the committee for his support and his staff's support, working together on this amendment, and from what I understand, their acceptance of this amendment.

Mr. WALKER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the amendment offered by the gentleman from Alabama [Mr. CRAMER] will partially restore the certification process for closure of old National Weather Service offices. H.R. 3322 as presently drafted currently eliminates the certification process entirely, saving the National Weather Service $35 million over the next 5 years. The gentleman from Alabama offered an amendment going in this same direction in the committee. We have since been able to work out some language between us. I want to thank the gentleman very much for working with us on this.

We are told now by the National Weather Service that the amendment that he has crafted results in saving a similar $35 million over the 5-year period with a dramatically scaled-back certification process. This is the kind of streamlining that should go on within Government.

Mr. Chairman, I think between us we have come up with an acceptable solution here. It does save the taxpayer some money. It is the direction of reform that we need to be taking as a Congress and as a country. So I congratulate the gentleman for his amendment. I am delighted to support it.

Mr. BROWN of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Cramer amendment to streamline the weather office certification procedures.

I would say that these certification procedures were developed in 1992 at a time when the National Weather Service was in the early stages of a far reaching modernization program in which new technologies would be deployed and the geographic distribution of weather forecast offices would be vastly altered.

There was widespread recognition in Congress that this modernization proposal would have far reaching benefits for public safety and would also reduce the cost to the taxpayer. The issue which dominated the debate, however, was how this would affect the local communities who had come to depend on the service that the local offices were providing.

After a great deal of debate and discussion within the Science Committee, with many other Members of the House on both sides of the aisle, and with Members of the other body, and with the National Weather Service, a carefully crafted compromise was developed. That compromise was included in Public Law 102-567.

Essentially, that compromise was a congressional commitment that no offices would be closed or consolidated until there was a demonstration that there would be no degradation of service. Congress went to great lengths to ensure that the public had adequate input into this process that affected their personal lives so directly.

It is no secret that some in the OMB, the Department of Commerce Inspector General, and some Members of Congress have felt that no such commitment was necessary. This point of view has been the basis of the existing bill language that does away with the certification procedures. I would only say to them that, from my perspective, this commitment was necessary in order to gain the support of Congress to undertake the modernization program at all. I would also say that the certification procedures that we are talking about had strong bipartisan consensus. It reflected the instincts of most Members to look out for the safety and well-being of his or her constituents.

At this juncture, I am satisfied that the modernization program has been successful enough that we can consider a streamlining of the certification procedures as proposed by Mr. CRAMER. I believe that the compromise language is fair and will still provide the necessary assurances to the public and allow for adequate public input and review.

I support the Cramer amendment and urge its adoption.

Mr. POMEROY. Mr. Chairman, once again, I would like to express my strong support for Representative CRAMER's amendment to streamline the certification process for eliminating a National Weather Service office.

When the National Weather Service began developing this comprehensive modernization program, we heard a lot about the revolutionary improvements this would bring to our weather forecasting system. I don't doubt the quality of the NEXRAD system. However, I am concerned that in the rush to revamp the system, a few areas have the potential of literally falling through the cracks. In my own communications with the National Weather Service, I heard repeated justifications and explanations for those areas which are long distances between NEXRAD facilities. An independent scientific review confirmed my fears that some areas of our country will actually suffer a loss of service under NEXRAD.

Last year, the National Research Council completed its study of NEXRAD coverage and the potential for a degradation in service due to the field office consolidation. While the NRC study found NEXRAD will offer services above and beyond the current weather forecasting system, it also noted concern for areas a long distance from a proposed NEXRAD facility. One of those areas of concern is Williston, ND, whose old radar is 120 miles from the nearest NEXRAD facility.

Currently, a study is being undertaken for the Williston area to determine if a degradation of service would occur under the National Weather Service's modernization plan. Data is being collected from the existing Williston radar and the NEXRAD radars for comparison. If the certification process for office closure is eliminated, the National Weather Service could ignore the results of the study and move forward with its original plans, even if a degradation of service is proven.

Even though the western part of my State is sparsely populated, those living there need and deserve the same quality of weather forecasting available to the rest of the country. In rural areas where long distances are often traveled as a matter of daily life, forewarning of severe weather is crucial to public safety.

I urge all my colleagues to support the Cramer amendment and make sure the National Weather Service follows a streamlined certification process for weather office closures.

Mr. DEUTSCH. Mr. Chairman, I rise in support of this amendment to protect the lives and property of millions of Americans. High quality weather service should be a basic guarantee. Unfortunately, this guarantee is in jeopardy today as we consider a bill that would let bureaucrats close weather stations without regard for degradation of service.

Mr. Chairman, the certification requirement prevented the closure of the critical weather station in Key West. As the National Weather Service considered closing the facility last year, they were required to evaluate how they could serve the 80,000 residents and visitors of the Keys who live on 43 islands across a 120-mile stretch. The people of the Keys were grateful that the National Weather Service had to consider their unique situation. Without the certification requirement, the National Weather Service would have made a grave mistake.

Mr. Chairman, I thought we resolved this issue last year when we debated the exact same issue. Unfortunately, we did not. Congress should not cut corners when it comes to basic public safety, and I thank the Chairman for accepting this amendment.

Mr. HILLEARY. Mr. Chairman, I rise in support of the revised Cramer amendment. I am glad that changes have been made in Mr. CRAMER's amendment since the Science Committee markup to reflect the best interest of the American people.

Although I agree with the concept of certification in the amendment offered by my colleague, Mr. CRAMER, the certification process called for in his amendment offered in committee was far too expensive and time consuming. In addition, the amendment reinstated costly and unnecessary provisions which maintain the current, outdated systems and place the safety of citizens at risk.

Considering the certification provisions and phaseout requirements, the amendment would have exceeded the transition costs called for in H.R. 3322 by $20 million.

In its previous form, the National Weather Service would have been forced to devote resources toward bureaucratic paperwork associated with closing obsolete weather service offices.

I support the immediate implementation of NEXRAD with certification which includes no additional cost to taxpayers.

It is vital that we get this NEXRAD system in place as soon as they are operational. This is very important to my district which continues to be at a disadvantage because portions of my district are not now covered by NEXRAD.

We need to get the NEXRAD systems up and operational now to protect the people of Tennessee.

The amendment in committee would have delayed getting this system in place to protect the people of Tennessee.

Now that the flaw in the amendment has been corrected, I now support the amendment from Mr. CRAMER and urge my colleagues to support it.

The CHAIRMAN. The question is on the amendment, as modified, offered by the gentleman from Alabama [Mr. CRAMER].

The amendment, as modified, was agreed to.

The CHAIRMAN. Pursuant to the order of the House of today, it is now in order to consider amendment No. 14 by the gentlewoman from California [Ms. LOFGREN].

AMENDMENT OFFERED BY MS. LOFGREN

Ms. LOFGREN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. LOFGREN: Page 7, line 6, strike "$120,000,000" and insert in lieu thereof "$129,100,000".

Page 7, lines 9 through 16, strike subsection (c).

Page 19, lines 13 through 23, amend section 130 to read as follows:

SEC. 130. REORGANIZATION.

(a) PLAN.—The Director shall carry out a review and analysis of the organizational structure of the National Science Foundation for the purpose of developing a plan for reorganization that will result in reduced administrative costs, while maintaining the quality and effectiveness of the Foundation's programs. The plan shall include one or more options for reorganization of the Foundation, and one option shall be an organizational structure having fewer than 7 directorates.

(b) REPORT.—By February 15, 1997, the Director shall transmit to the Congress a report containing the plan required by subsection (a). The report shall document the advantages and disadvantages of each option included in the plan, provide an estimate of cost savings for each option, and designate the Director's preferred option.

Amend the table of contents accordingly.

Ms. LOFGREN. Mr. Chairman, my amendment corrects two provisions in the bill that will impede the internal operation of the National Science Foundation. First of all, the amendment restores funding for NSF salaries and administrative expenses to the President's request level in order to avoid ill-considered staff reductions.

Second, it removes provisions which together eliminate funding for one of NSF's directorates and which would trigger perhaps inadvertently a reorganization of NSF's administrative structure.

NSF is not a bloated bureaucracy. Between fiscal years 1983 and 1993, NSF's full-time staff positions remained constant while its budget nearly tripled and the workload measured by numbers of proposals processed more than doubled. In the current fiscal year, the cost of operating NSF is 4 percent of the total budget, which is a modest and reasonable level of administrative overhead. Due to the dedication of its workers and investments in infrastructure, NSF has improved its efficiency, resulting in increased productivity.

H.R. 3322 proposes to cut the budget for salaries and administrative expenses by more than $7 million below the current fiscal year budget and 9 million below the request. NSF has determined that after taking into account fixed costs for rent and utilities, such a cut would translate into a reduction of 120 people, assuming the average compensation level across the agency.

The science and engineering staff comprises about one-third of total personnel and one-half of the total payroll. NSF estimates that a budget cut of this magnitude will result in layoff of scientific and engineering personnel, the people who run the research programs, and would degrade the efficiency of operations. Moreover, this cut would result in a reduction of one to $2 million in the computer networking investment NSF is now making to streamline internal operations and improve communications with the university research community.

These investments have been the basis of past productivity improvements and have helped NSF to meet the growing workload demands while avoiding staff increases. The net result of the cuts proposed by H.R. 3322 would be to impede virtually all business operations of NSF from disbursement of payments to university researchers throughout the Nation to the timing and quality of research award decisions. My amendment restores funding to a reasonable level for the internal operations of this already slimmed-down agency.

In addition, my amendment removes the provisions of the bill that eliminate one NSF directorate. These provisions do raise a reasonable issue. That is what approaches can the agency take to further streamline its organization and reduce administrative expenses. Ideally, organizational changes will be found which will both reduce costs and improve the efficiency of the agency's operations.

Mr. Chairman, my objection to H.R. 3322 is that it presumes that the way to achieve such improvements is through elimination of one of the agency's directorates. It may be that such a course of action is the best approach, but we cannot make that judgment in the absence of evidence. This Congress should not be making an arbitrary determination. No hearings have been held by the Committee on Science on this matter. NSF has developed no plan for reorganization that lays out the advantages nor provides an estimate of cost savings of such a change.

I would also point out that section 111C of the bill on the one hand bans use of fiscal year 1997 funding to more than six directorates while section 130 specifies that the agency has until November 15, 1½ months into the new fiscal year, to present a reorganization plan to Congress. This again suggests the agency is being forced into significant change prior to developing a realignment plan and that congressionally mandated cuts have more to do with our belief system and politics than with streamlining.

Rather than impose a congressional mandate for a specific organizational change in NSF, it seems to me it would be more reasonable to mandate a thorough review of the operation with an accompanying plan to achieve administrative cost reductions and improve efficiency of operations. With such a plan in hand, the committee would be in a position to mandate useful changes. My amendment strikes the prohibition in fiscal year 1997 funding for more than six directorates, strikes the limitation of six assistant directors, imposes a requirement for NSF to submit by February 15, 1997, a reorganization plan with several options to improve operational effectiveness and to reduce administrative costs.

My amendment stipulates that NSF evaluate as part of the plan the elimination of one directorate. The Congress will have time to consider the NSF recommendations through the hearing process prior to consideration of fiscal year 1998 authorization legislation. By following this procedure, we would be able to make an informed decision on necessary legislation. I would urge my colleagues to support this amendment, and I yield back the balance of my time.

Mr. SCHIFF. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to the amendment offered by my colleague, Ms. LOFGREN. I object to the amendment because, first of all, the majority in presenting this bill, H.R. 3322, has tried to put all of the money it possibly can into the research and related activities account and other accounts that actually go to grants for research, which is the major function of the National Science Foundation.

We do not believe it is unreasonable to ask the National Science Foundation to help cooperate with us in terms of establishing this priority in getting the money out for research grants by tightening their belt somewhat in the area of their administrative overhead. In that regard, we have proposed a reduction in the salaries and expenses, as correctly identified by my colleague, from the current funding of $127 million a year for salaries and expenses to $120 million a year. That is a $7 million reduction.

□ 1645

And we believe although the NSF will have to make some difficult choices, as other agencies have made difficult choices, as this Congress made difficult choices when we reduced the number of committees in the U.S. House of Representatives for the first time in my memory and, I think, virtually anyone's memory in the House of Representatives.

Now, we think the National Science Foundation should be willing to undergo that same prioritization and decisionmaking, but there is another reason why I oppose the Lofgren amendment, and that is the gentlewoman from California says that we should adopt the President's budget on the salaries and expense account, and indeed the President' budget would go up from this year, fiscal year 1996, to next year, fiscal year 1997, in the salaries and expense account for the National Science Foundation. It would go up.

Here is fiscal year 1996 right now showing the $127 million per year amount funded for this account. Here is the proposed budget in H.R. 3322. It goes down in the next fiscal year, but it does not go down after that. It stays level for each of the next 4 fiscal years all the way to fiscal year, to and including fiscal year, 2000. We proposed that it stay at an annual appropriation of $120 million.

It is not true of the President's budget. The President's budget goes up in this account in fiscal year 1997, but what happens after that? It drops precipitously. It drops immediately below the $120 million that has been authorized in H.R. 3322. It drops in the next fiscal year to $118 million. It drops in the next fiscal year to $107 million. It drops again in the next year to $101 million. Now I wonder what the effects on the National Science Foundation will be if those cuts take effect?

We are proposing a one-time reduction and then a stabilization. The administration is proposing a raise and then a big drop. What would be the same effect as outlined by the previous speaker if that bigger drop occurs than we are recommending?

I want to say, Mr. Chairman, that what is reflected here, the comparison of budgets, is what I have seen in many accounts. The fact of the matter is this diagram, although it is one account of one agency, it is the salaries account of the National Science Foundation, this account illustrates almost every comparison I have seen between the congressional proposed budget and the administration's budget. They propose increases in fiscal year 1997. Well, we vote on fiscal 1997 this year in calendar year 1996. That is a Presidential election year, and so there is a proposed artificial boost for 1 year and then a big drop after that.

And I want to say I have numerous constituent groups who rely upon appropriations and grants from the Federal Government who are handed material from the administration, and they bring it over to my office, and I am sure my colleagues from both parties have seen this, and they say, "I'd like you to support the President's request for fiscal year 1997 for the agency in which we have an interest."

And I say to them, "Well, if I do, what is the administration's request for the agency you're interested in in fiscal year 1998, 1999 and so forth, down to the year 2002, since both sides have agreed we are going to attempt to balance the budget by that year," and frankly I get a blank stare most of the time.

Well, we do not know that the administration is proposing for our agency. Well, I suggest that all people interested in Federal appropriations better find out, because this is an artificial election year bump, and after that, to make the books balance, there is a big drop, far worse than anything that is proposed by the Congress in my estimation.

The point is both sides have now agreed publicly that we will attempt to balance the budget in 7 years, by fiscal year 2002. This chart only goes to fiscal year 2000, so there is even two more years not illustrated here in the chart before us.

With that in mind, I think that what the committee here proposes in H.R. 3322 is reasonable and should be adopted and the amendment rejected.

Mr. CRAMER. Mr. Chairman, I rise in strong support of my colleague's amendment, and I want to make a few points. I do believe that H.R. 3322 just goes too far with regard to the National Science Foundation. Let us remember this is one of the most efficient Federal agencies. Less than 4 percent of its budget supports its own internal operations. In the past decade its budget has tripled, the workload has doubled, but yet the work force has remained constant. So I think the gentlewoman's amendment has focused on a problem in NSF that H.R. 3322 does not in fact address, and so consequently I support this amendment and urge my colleague to do the same.

Ms. LOFGREN. Mr. Chairman, will the gentleman yield?

Mr. CRAMER. I yield to the gentlewoman from California.

Ms. LOFGREN. Mr. Chairman, I would just like to further add that in the discussion had by my well-respected colleague from New Mexico [Mr. SCHIFF], I think it is really a diversion from the issue before us. The funding actually authorized for NSF's internal operation for 1997 is what is before us, and differences in funding projections for the NSF beyond 1997 in the President's balanced budget plan versus the Gingrich budget plan really are not particularly relevant to this discussion. The outyear budget estimates for individual agencies, let alone specific budget categories such as the salaries and expense account of NSF, are not cast in stone by the proposed funding envelope of the President's budget plan any more than they are by the Republican budget resolution.

For example, last year's House budget resolution assumed a total funding level of $3.17 billion for NSF for fiscal year 1997, which is $120 million, or 4 percent, below the estimate for fiscal year 1997 in this year's budget resolution. Also, we are assured in this year's budget resolution that $120 million for NSF salary and expense account for 1997, it will be followed by an equal amount in the next 5 years. However, last year's budget resolution assumed this account would decline by $5 million.

The point is that the additional years will be subject to additional authorization and appropriation, and these are made on a year-by-year basis. The budget estimates for NSF beyond 1997 are not relevant to this year's authorization, and I would just make this point: I know that the gentleman from New Mexico [Mr. SCHIFF] supports NSF, as do I. I know that he believes in their research, as do I, and respects the organization. But if we allow them to be reduced so far administratively that they cannot adequately review the grants and get the funding out to our fine universities, we will have hobbled really something that is a star in our country, and I know that my colleague agrees that the NSF is a star in our country.

So, Mr. Chairman, I would urge adoption of the amendment.

Mr. CRAMER. Mr. Chairman, reclaiming my time, I want to briefly point out that H.R. 3322 will eliminate one NSF directorate, and yet we do not know the effect of that on the agency. So I think we are imposing an organizational change on that agency before we hear from that agency, and this agency is too efficient to treat that way, and so I applaud the gentlewoman for accomplishing that through her amendment as well.

Mr. BROWN of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am going to strongly support the amendment offered by the gentlewoman from California [Ms. LOFGREN] and as a matter of fact have included similar provisions in the substitute which I will offer at the appropriate time. It seems to be highly unwise to take an agency, which all of us recognize the value of, it is very high on the priorities of the gentleman from Pennsylvania [Mr. WALKER] and other Members of the majority. There is no criticism that it is engaged in waste, fraud, or abuse. It has a very lean organization and one which works extremely effectively in moving grants out to the best researchers in this country on the basis of thoroughly peer-reviewed applications for these grants.

So I think it smacks of being punitive to arbitrarily cut even a small figure like $7 million, which is only about 6 percent of their budget, for this particular category of activities. It smacks of a certain degree of punitiveness to seek to do this particularly when we have had no hearings on the need for it, we have not asked the agency in for comments on it, we have not asked the research community for their views on it. We are merely told repeatedly, over and over again, that we have to engage in belt tightening, we have to make tough choices, we have to be willing to accept a little pain. Of course, what is not mentioned here is that this suffering, belt tightening, and pain is aimed at securing a balanced budget.

Mr. Chairman, nobody is arguing about a balanced budget. The President's budget is in balance, or close to in balance. The budgets which I have consistently supported in prior years, including last year, were in balance. The argument is not over the question of balancing the budget, and $7 million is not going to balance the budget particularly. It is over how we get to the balanced budget.

Now, obviously, there is some objection to the fact that in the President's budget he does not have these cuts, but that there are cuts later on down the road. This is a question of judgment. It is in the eyes of the majority, this is a flagrant example of trying to buy the election by keeping up another $7 million for personnel over at NSF. I doubt very seriously if $7 million going to the personnel over at NSF is going to buy the election for anybody. I think it is a reflection of the President's commitment to science and trying to keep the funding for the most respected scientific program this country has at a more equitable level, not to make drastic cuts in it, and I think that this is why we should adopt the gentlewoman's amendment.

Now, what really is happening here is that there is a difference in values. I do not mean to berate this. The gentlemen on the other side who are willing to cut $7 million out of NSF are willing to add $13 billion to the Defense Department budget, or whatever the appropriate number is. Frankly, because in their view, the views of the majority, or most of the majority; I will not characterize all of them; it is more important to exceed the President's budget by $12 or $13 billion than it is to maintain the level of support for our basic research in this country, and if our colleagues have that sort of values, fine, but do not disguise the argument by saying that they are trying to balance the budget. Both budgets are balanced. They are trying to cut programs in order to add money to the Defense Department or other programs that they favor.

That is the honest to God truth as to what is going on here, and it will recur in many debates as they attack the President's budget for whatever reasons they can think of and then proceed to go ahead and propose additions to it for those programs that they happen to like. So let us be honest about this. Let us adopt the amendment of the gentlewoman from California [Ms. LOFGREN] and protect this most important program that we have for the support of science in this country.

Mr. WALKER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this is a good amendment to debate because I think it does draw the contrasts between where the two parties are coming from on some of these issues.

First of all, this is about bureaucracy. This is whether or not we are going to reform the bureaucracies of Washington in order to give more money to the country.

Now, we give more money to the country in a variety of forms. We have chosen, in the case of NSF, to give more money in terms of actual research, and I will show a chart here in a moment that indicates that. That is where we have put our issue. In other words, get the moneys out to the universities, get them out to the people out in the country, and so on, rather than do it with bureaucracy in Washington.

Second, the gentleman from California [Mr. BROWN] talks about the fact that the balanced budgets are similar. As my colleagues know, the balanced budgets are not at all similar. We include in our balanced budget a tax cut for middle-class America. Their budgets do not include tax cuts, and so indeed we have to cut more in spending because we intend to cut taxes for middle-class working families in this country.

☐ 1700

So the fact is that they want to continue to spend, spend, spend, keep the taxes high and spend people's money here in Washington for more and more bureaucracy. We have specifically said that we want to do something different. We want to balance the budget while cutting the taxes for middle-class working families. So our budgets do reflect a desire to reduce bureaucracy so tax cuts can be given to middle-class working families in this country.

That is what we are talking about here, whether or not we actually want to begin the process of cutting bureaucracy, or whether or not we want to play a shell game in terms of budgets, as is suggested on the chart shown by the gentleman from New Mexico. What we have is a shell game here. They raise the budget for personnel and for bureaucracy in the first year, and then all of a sudden they drop it way off.

We actually asked the question of NSF: If you go along with what the President has requested in his budget, which these 1997 numbers supposedly endorse, how many full-time Federal employees could we lose by 1998 when the account goes down not to $120 million that we are talking about, but down to $118 million? And then how many more employees do we lose when, under the President's numbers, we go to $107 million? Or how many more do we lose when we go to $101 million? That is what the President's budget does.

Guess what? Having asked that question of the NSF, the letter got hung up in OMB. NSF wanted to reply to us, but somewhere down in OMB they do not want us to know the answer to that particular question, because the fact is the answer to that question will probably reveal exactly the shell game going on here.

If we are going to be cutting money for bureaucracy, should we be putting the money into some real research? We cut the money for bureaucracy and then flatten the line into the outyears under a balanced budget over 7 years. What does the administration do? The administration, not according to me but according to the AAAS, whose studies on academic science were widely touted on this floor last year, they took a look at the NSF budgets. What did they find? The red line is the President's budget. They find that the President's budget for NSF goes out here fairly flat for a couple of years and then drops off terrifically, while they also find that the House-passed budget continues to climb in the outyears. We take money out of bureaucracy and put it into real science. The President in those outyears takes it out of bureaucracy, but takes it out of research too. Everything drops and the entire enterprise is left with no support and, in this case, no science.

Mr. Chairman, in my view, that is a bad deal. It seems to me that what we want to do is reject the gentlewoman's amendment that suggests that more money for bureaucrats is what we need in Washington. We think it is time for reform in Washington. Let us eliminate the bureaucracy.

We have been criticized because in our report language we say that one of the directorates should be cut as a way of eliminating the program. The fact is that there are a number of options available to the NSF that the minority does not seem to recognize. For example, the minority, in saying that 120 positions would have to be cut, ignores the fact that one of the things we might be able to do is to reduce travel budgets at NSF, or we might be able to reduce administrative overhead expenses. There are all kinds of ways we could lower this account.

They simply assume that what NSF would do is fire people. That is what their numbers do. I do not necessarily think that that is the way NSF would deal with this. We think one of the ways we can reduce some of that administrative overhead is by reducing the number of directorates. We suggest they reduce it by one. Mr. Chairman, in our report we suggest a specific directorate because that was the most recent one adopted. It is also one where the science was spread out through the agency before, and now we are reducing a directorate. Perhaps that is the way to go.

But it is up to NSF. It is up to the director. How does he want to reduce this money, is what we are saying. We are going to give them discretion. But we do want to eliminate the spending. We do want to bring it down and then keep it in a flat line, as this chart represents.

The administration has a shell game going here: Increase it, as the gentlewoman suggests, and then drop it like a rock, so we do not have the kind of support that the agency needs in the outyear. I do not think that is a good deal. I suggest we vote with the committee's position. Keep the money out of bureaucracy, put it toward real science, reject the gentleman's amendment.

Mr. DOYLE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the amendment offered by the gentlewoman from California [Ms. LOFGREN].

Ms. LOFGREN. Mr. Chairman, will the gentleman yield?

Mr. DOYLE. I yield to the gentlewoman from California.

Ms. LOFGREN. Mr. Chairman, I thank the gentleman for yielding to me. I just wanted to make a few brief comments on the amendment and what we are talking about here.

We are talking about a reduction in this year's funding for staffing the NSF. I am a new Member of Congress. I have been here only about 18 months, but I have yet to hear in my 18 months in Congress any hint from any Member of this body that this is a highly politicized organization.

In fact, quite to the contrary, I have heard from both sides of the aisle a great deal of comment about the excellent work done through the auspices of the NSF, the fine science they have produced. So I have a sense that this is a good organization and that we ought to listen to the director of the organization. So I would like to quote the director, Neal Lane, who has commented on the bill, and which I think my amendment speaks to.

He says that he is very disappointed with the proposed reduction, and says, "Our analysis of the committee's reduction in this area shows that it would require the elimination of 120 FTE's, roughly 10 percent of our work force—in 1 year." He goes on to say that:

> A reduction of this kind would demoralize our highly talented and dedicated work force. If we fail to provide sufficient resources to adequately staff and support NSF, the result will be less coordination, less oversight, less efficiency, and a real degradation in the integrity of the merit review process and the quality of our programs and operations.

This is a lot of money where I come from, $7 million, but I also think it needs to be put in the broader context of the overall budget for science and the overall budget for the Federal Government. Mr. Chairman, I think it would be pennywise and pound foolish to make a reduction of 10 percent of the scientists in HSF, as the director suggests would be the result, that would preclude them from adequately managing the remainder of the budget that we are providing for in the budget, and augmented, I might add, by the amendment offered by the gentleman from New Mexico [Mr. SCHIFF].

This is not a question of bureaucracy, it is about good management, in making sure that the resources that we are investing in science are wisely managed and prudently overseen and that there is a good interface between our higher education community and the National Science Foundation.

Mr. Chairman, I am speaking at some length on this because I think we know that failure to adequately invest in science is really a blow to our future. Although there may be sit-ins or demonstrators talking about the National Science Foundation, it may not be on the talk radio, really, the constituency for investment in science is the next generation. Failure to do the prudent thing in this regard is really a failure for the next generation, my children and others in their age bracket. The 10- and 11- and 12-year-olds will be reaping the problems that we sow here through a misstep.

Mr. Chairman, I urge adoption of my amendment.

Mr. LAHOOD. Mr. Chairman, I move to strike the requisite number of words.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. LAHOOD. I yield to the gentleman from Pennsylvania, the distinguished chairman of the Committee on Science.

Mr. WALKER. Mr. Chairman, I thank the gentleman for yielding. I appreciate the gentlewoman's explanation. Again, she makes the point that they fundamentally believe on the minority side that if in fact we can concentrate power in Washington and if in fact we can put power into the hands of bureaucrats, that, in fact, the country will be made better; that somehow, science and research will be expanded by having $9 million more or $7 million more spent for more bureaucrats. That is precisely what we disagree with.

Neal Lane's letter, and I have it before me here, does not suggest they are going to cut scientists. He suggested they would eliminate 120 FTE's, roughly 10 percent of the work force. That is not just scientists, that is all kinds of people that might be employed at the Science Foundation.

As I said before, the question here is why did they choose to only deal with the work force? No wonder morale would be low at the National Science Foundation. When a cut is suggested, what the National Science Foundation says immediately is let us cut employees. The fact is he could cut travel budgets, he could cut administrative overhead, he could cut all kinds of things. Instead, he chooses in his letter to suggest that the only place, the only place they are prepared to make cuts is to take it out of the hide of their work force. No wonder they have low morale over there. No wonder the situation is so bad.

That is the reason why, in my view, we need to have this cut. We need to get that in a stable position so it can in fact operate within a balanced budget for the next several years, and do so in a way which equitably treats the science community while increasing the amount actually spent for science and getting it out to the country.

Mr. Chairman, I think this is a bad amendment. It does in fact increase spending. It should be rejected.

Mr. SCHIFF. Mr. Chairman, will the gentleman yield?

Mr. LAHOOD. I yield to the gentleman from New Mexico.

Mr. SCHIFF. Mr. Chairman, I appreciate the gentleman yielding to me.

Mr. Chairman, I just want to add another point of view. That is, again, to the fact that the President's budget, and that is what we are being offered here, we are being offered the President's budget for fiscal year 1997, and although it goes up in fiscal year 1997, it goes down each fiscal year after that. In fiscal year 1998, only in the next year, at $118 million, the same account we are talking about will be $2 million less than the Republican proposal on the floor today. The administration's proposal keeps going down every year after that.

The point is, even from the point of view being expressed by the gentlewoman offering the amendment, the

$120 million funding every year that remains stable will be better for the National Science Foundation than the administration's budget. I recognize the gentlewoman stated that, well, budgets in future years are not in concrete. But they are becoming made in concrete. That is because both sides, the administration and the Congress, Republicans and Democrats, have agreed to a common goal of balancing the budget by fiscal year 2002.

Therefore, if we are going to adopt a House Republican budget or a House Democratic budget, or in this case, the proposal for the administration's budget, we have to understand what all of the years mean, because the books have to balance somewhere. If the administration in this election year is going to propose an increase in any account, then they have to make the books balance somewhere. They do it by taking the money away in the larger dimension in future years.

Mr. STUDDS. Mr. Chairman, I move to strike the requisite number of words.

Mr. BROWN of California. Mr. Chairman, will the gentleman yield?

Mr. STUDDS. I yield to the gentleman from California.

Mr. BROWN of California. I thank the gentleman for yielding to me, Mr. Chairman.

Mr. Chairman, I asked for this opportunity, despite the fact that I have spoken before, because I am beginning to see the beginnings of an outline of what the real differences are here. The gentleman from Pennsylvania [Mr. WALKER], the distinguished chairman of the committee, has sought to put it in terms of a difference between eliminating the bureaucrats and sending the money out to the people. That is one way to phrase it.

I had earlier indicated that I felt that the people on the majority side were willing to cut the program at NASA, at NSF and at NASA also, as far as that is concerned, so they could spend more money on defense. The gentlemen from Pennsylvania [Mr. WALKER], has correctly pointed out that that is not exactly all they want to do. They also want to propose a very substantial tax cut for what he calls the middle class, which, as I understand it, is basically those who earn $200,000 a year or more.

Mr. Chairman, we could go even further in clarifying this difference in philosophy. We could point out also that it is necessary in the Republican budget that they generate a few more cuts in order that they can also take care of not only the tax cut for the rich middle class and for the military, but they also think that it is necessary to reduce the rate of growth in benefits for welfare, for Medicaid, people on Social Security and so forth.

What we are seeing emerge here is a classic difference in philosophy between the Democrats and the Republicans. There is some overlap, of course. There are Members on the Republican side who do not always agree with the priorities that the majority over there have. As I read in the paper, some of these differences are becoming fairly overt at this point. Not all democrats agree to the same concepts, what I have described as the democratic core values that the President has tried to enunciate, and which I occasionally try to enunciate. But I think it is fairly clear that the majority, in this bill, are trying to pile up cuts which can be used to offset some of these other core values that they have: a bigger military, more tax cuts for the wealthy, and so forth.

□ 1715

Recognizing as I say this that this will probably polarize the debate and bring every loyal Republican to the floor to vote against this amendment, I want to see that happen, because I want to see these core values clearly set forth and voted for in a way that will be clear to all the American people.

I may be totally wrong and the American people are going to say, "George, Bob Walker correctly described you as a bureaucrat-loving, tax-and-spend liberal," and they are going to vote against me. But I want them to have the chance to see this laid out so that we will know what it is that we are voting for, and it is with this point in mind that I am supporting this amendment which protects a program which we all agree is a valuable program but it is run by bureaucrats, I do not know who else could run it, and so we are going to cut the bureaucrats out.

I hope that the amendment will pass. If it does not pass, I hope everybody will be on record as to which side that they are on.

Ms. LOFGREN. Mr. Chairman, will the gentleman yield?

Mr. STUDDS. I yield to the gentlewoman from California.

Ms. LOFGREN. Mr. Chairman, the National Science Foundation employs almost exactly the same number of people in 1994 as it did in 1984, that despite a 2.5 times increase in the amount of work that they have had to do. So I do not think it is correct to say that we want to build an empire.

In fact, this is an agency that cut its overhead and staff from 6 to 3.9 percent between 1982 and today. It is a reducing agency. It is an agency that is becoming more efficient, but it takes some staff to administer the program. I think we all agree that it has been administered efficiently and well and to the benefit of our Nation and to the scientific future of our country. I ask that the amendment be supported.

Mr. WELDON of Florida. Mr. Chairman, I move to strike the requisite number of words.

I would just like to say, in response to the ranking minority member's comments, the tax reductions that we were trying to get through the House last year, which I think were vitally needed, provided tax cuts to families with children. The data on this is very clear. Young families trying to raise kids today now send a quarter of their income to Washington, DC, whereas 40 years ago they sent about 5 percent. It is many of those young families that are under the most stress.

We also had a capital gains relief package that was going to provide very, very badly needed jobs in my district, which has been hard hit by defense cuts as well as 2,000 jobs that were eliminated at Kennedy Space Center between 1990 and 1994 when about $1 billion was taken out of the shuttle program. So I think the Republican budget priorities are sound priorities.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. WELDON of Florida. I yield to the gentleman from Pennsylvania, the chairman of the Committee on Science.

Mr. WALKER. Mr. Chairman, I just want to emphasize the point the gentleman is making. Every high technology entrepreneur that I have talked to has told me that one of the fundamental things that we should do for high technology in this country is cut the capital gains taxes. They need long-term risk investment in high technology industries in this country, and so therefore the capital gains tax cut that we have proposed is in fact one of the best things we can do for science and technology in this country, if we believe in the entrepreneurial spirit that is going to drive that technology.

Second, the gentleman is absolutely correct. We are not talking about $200,000 a year families. If anybody had bothered to read the budget that we passed in the House the other day, it went to families who made less than $100,000 a year. That is where the money is going. Those are middle-class Americans out there who are in fact the people who would benefit the most from the tax cut that we have.

So yes, indeed we want to cut taxes as a part of reforming Government, but fundamental to this amendment is, this amendment is about bureaucracy. The President increases bureaucracy for 1 year, but then if all the things the other side is saying are true about the need for these people in the agency, the fact is that by the next year his numbers are lower than our numbers. So what will people come back and do next year? Say, "Well, the President is wrong now. Now we need to increase it."

How do we get to a balanced budget if all we are doing is increasing spending? The fact is the President's numbers only get to balance because he is willing to make massive cuts in the out years in discretionary spending. That is what the other side will not acknowledge.

The fact is on this floor we ought to acknowledge the realities of the situation. We ought not put up with shell game budgets. We ought to be willing to say that if something has to last for 7 years, we ought to have a plan for it going 7 years, not the kind of thing that shows up in the President's budget where we increase things in the election year and then drop them off a cliff in the years afterwards.

That would be extremely damaging to NSF. That is what is being proposed by this amendment, and I think that it should be rejected out of hand.

The CHAIRMAN pro tempore (Mr. LAHOOD). The question is on the amendment offered by the gentlewoman from California [Ms. LOFGREN].

The question was taken; and the Chairman pro tempore announced that the "noes" appeared to have it.

Ms. LOFGREN. Mr. Chairman, I demand a recorded vote, and pending that I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. Pursuant to the order of the House of today, further proceedings on the amendment offered by the gentlewoman from California [Ms. LOFGREN] will be postponed.

The point of no quorum is considered withdrawn.

Pursuant to the order of the House of today, it is now in order to consider amendment No. 8 by the gentleman from California [Mr. BROWN].

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. BROWN OF CALIFORNIA

Mr. BROWN of California. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. BROWN of California:

Strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Science and Technology Investment Act of 1996".

TITLE I—NATIONAL SCIENCE FOUNDATION

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the National Science Foundation $3,325,000,000 for fiscal year 1997, which shall be available for the following categories:

(1) Research and Related Activities, $2,472,000,000, which shall be available for the following subcategories:

(A) Mathematical and Physical Sciences, $708,000,000.

(B) Engineering, $354,300,000.

(C) Biological Sciences, $326,000,000.

(D) Geosciences, $454,000,000.

(E) Computer and Information Science and Engineering, $277,000,000.

(F) Social, Behavioral, and Economic Sciences, $124,000,000.

(G) United States Polar Research Programs, $163,400,000.

(H) United States Antarctic Logistical Support Activities, $62,600,000.

(I) Critical Technologies Institute, $2,700,000.

(2) Education and Human Resources Activities, $619,000,000.

(3) Major Research Equipment, $95,000,000.

(4) Salaries and Expenses, $129,100,000.

(5) Office of Inspector General, $4,700,000.

(6) Headquarters Relocation, $5,200,000.

TITLE II—NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SEC. 201. FISCAL YEAR 1997 AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the National Aeronautics and Space Administration for fiscal year 1997 the following amounts:

(1) For "Human Space Flight" for the following programs:

(A) Space Station, $1,802,000,000.

(B) United States/Russian Cooperation, $138,200,000.

(C) Space Shuttle, $3,150,900,000, including for Construction of Facilities relating to the following programs:

(i) Replacement of LC–39 Pad B Chillers (KSC), $1,800,000.

(ii) Restoration of Pad B Fixed Support Structure Elevator System (KSC), $1,500,000.

(iii) Rehabilitation of 480V Electrical Distribution System, Kennedy Space Center, External Tank Manufacturing Building (MAF), $2,500,000.

(iv) Restoration of High Pressure Industrial Water Plant, Stennis Space Center, $2,500,000.

(D) Payload and Utilization Operations, $271,800,000.

(2) For "Science, Aeronautics, and Technology" for the following programs:

(A) Space Science, $1,857,300,000.

(B) Life and Microgravity Sciences and Applications, $498,500,000.

(C) Mission to Planet Earth, $1,402,100,000.

(D) Aeronautical Research and Technology, $857,800,000, of which $5,000,000 shall be for the identification and upgrading of national dual-use airbreathing propulsion aeronautical test facilities.

(E) Space Access and Technology, $725,000,000

(F) Academic Programs, $100,800,000.

(G) Mission Communication Services, $420,600,000.

(3) For "Mission Support" for the following programs:

(A) Safety, Reliability, and Quality Assurance, $36,700,000.

(B) Space Communication Services, $291,400,000.

(C) Construction of Facilities, including land acquisition, including the following:

(i) Modernization of Electrical Distribution System, Ames Research Center, $2,400,000.

(ii) Modification of Aircraft Ramp and Tow Way, Dryden Flight Research Center, $3,000,000.

(iii) Restoration of Hangar Building 4801, Dryden Flight Research Center, $4,500,000.

(iv) Modernization of Secondary Electrical Systems, Goddard Space Flight Center, $1,500,000.

(v) Restoration of Chilled Water Distribution System, Goddard Space Flight Center, $4,000,000.

(vi) Modification of Refrigeration Systems, Various Buildings, Jet Propulsion Laboratory, $2,800,000.

(vii) Rehabilitation of Electrical Distribution System, White Sands Test Facility, Johnson Space Center, $2,600,000.

(viii) Rehabilitation of Utility Tunnel Structure and System, Johnson Space Center, $4,400,000.

(ix) Replacement of DX Units with Central Chilled Water System, Logistics Facility, Kennedy Space Center, $1,800,000.

(x) Rehabilitation of Central Air Equipment Building, Lewis Research Center, $6,500,000.

(xi) Modification of Chilled Water System, Marshall Space Flight Center, $6,700,000.

(xii) Rehabilitation of Condenser Water System, 202/207 Complex (MAF), $2,100,000.

(xiii) Minor Revitalization of Facilities at Various Locations, not in excess of $1,500,000 per project, $57,900,000.

(xiv) Minor construction of new facilities and additions to existing facilities at various locations, not in excess of $1,500,000 per project, $3,400,000.

(xv) Facility planning and design, not otherwise provided for, $18,700,000.

(xvi) Environmental compliance and restoration, $33,000,000.

(D) Research and Program Management, $2,078,800,000.

(4) For "Inspector General", $17,000,000.

SEC. 202. NATIONAL AERONAUTICS AND SPACE ACT OF 1958 AMENDMENT.

Section 102(d)(1) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2451(d)(1)) is amended by inserting "and its climate and environment," after "knowledge of the Earth".

TITLE III—DEPARTMENT OF ENERGY

SEC. 301. SHORT TITLE.

This title may be cited as the "Energy Research and Development Act of 1996".

SEC. 302. FINDINGS.

The Congress finds that—

(1) Federal support of research and development in general, and energy research and development in particular, has played a key role in the growth of the United States economy since World War II through the production of new knowledge, the development of new technologies and processes, and the demonstration of such new technologies and processes for application to industrial and other uses;

(2) Federal support of energy research and development is especially important because such research and development contributes to solutions for national problems in energy security, environmental protection, and economic competitiveness;

(3) the Department of Energy has successfully promoted new technologies and processes to address problems with energy supply, fossil energy, and energy conservation through its various research and development programs;

(4) while the Federal budget deficit and payments on the national debt must be addressed through cost-cutting measures, investments in research and development on key energy issues must be maintained;

(5) within the last two years, the Department of Energy has made great strides in managing its programs more efficiently and effectively;

(6) significant savings should result from these measures without hampering the Department's core missions; and

(7) the Strategic Realignment Initiative and other such efforts of the Department should be continued.

SEC. 303. DEFINITIONS.

For purposes of this title—

(1) the term "Department" means the Department of Energy; and

(2) the term "Secretary" means the Secretary of Energy.

SEC. 304. ENERGY CONSERVATION.

There are authorized to be appropriated to the Secretary for fiscal year 1997 for energy conservation research, development, and demonstration—

(1) $99,721,000 for energy conservation in building technology, State, and community sector-nongrant;

(2) $159,434,000 for energy conservation in the industry sector;

(3) $221,308,000 for energy conservation in the transportation sector; and

(4) $28,350,000 for policy and management activities.

SEC. 305. FOSSIL ENERGY.

There are authorized to be appropriated to the Secretary for fiscal year 1997 for fossil energy research, development, and demonstration—

(1) $102,629,000 for coal;

(2) $52,537,000 for petroleum;

(3) $103,708,000 for gas;

(4) $4,000,000 for the Fossil Energy Cooperative Research and Development Program;

(5) $2,188,000 for fuel conversion, natural gas, and electricity;

(6) $60,115,000 for program direction and management;

(7) $3,304,000 for plant and capital improvements;

(8) $15,027,000 for environmental restoration; and

(9) $5,000,000 for mining.

SEC. 306. HIGH ENERGY AND NUCLEAR PHYSICS.

There are authorized to be appropriated to the Secretary for fiscal year 1997 for high energy and nuclear physics activities of the Department—

(1) $679,125,000 for high energy physics activities;

(2) $318,425,000 for nuclear physics activities; and

(3) $11,600,000 for program direction.

SEC. 307. SOLAR AND RENEWABLE ENERGY.

There are authorized to be appropriated to the Secretary for fiscal year 1997 for solar and renewable energy research, development, and demonstration—

(1) $263,282,000 for solar energy;

(2) $35,600,000 for geothermal energy;

(3) $11,012,000 for hydrogen energy;

(4) $17,301,000 for policy and management;

(5) $36,050,000 for electric energy systems and storage; and

(6) $5,700,000 for in-house energy management.

SEC. 308. NUCLEAR ENERGY.

There are authorized to be appropriated to the Secretary for fiscal year 1997 for nuclear energy research, development, and demonstration—

(1) $137,750,000 for nuclear energy, including $40,000,000 for the Advanced Light Water Reactor program;

(2) $79,100,000 for the termination of certain facilities;

(3) $12,704,000 for isotope support; and

(4) $18,500,000 for program direction.

SEC. 309. ENVIRONMENT, SAFETY, AND HEALTH.

There are authorized to be appropriated to the Secretary for fiscal year 1997 for research, development, and demonstration—

(1) $73,160,000 for the Office of Environmental Safety and Health; and

(2) $39,046,000 for program direction.

SEC. 310. ENERGY RESEARCH DIRECTORATE.

(a) AUTHORIZATIONS.—There are authorized to be appropriated to the Secretary for fiscal year 1997—

(1) $379,075,000 for biological and environmental research activities;

(2) $255,600,000 for fusion energy research, development, and demonstration;

(3) $653,675,000 for basic energy sciences activities, of which $1,000,000 shall be for planning activities for neutron source upgrades; and

(4) $158,143,000 for computational and technology research.

(b) REPORT TO CONGRESS.—Before May 1, 1997, the Secretary, after consultation with the relevant scientific communities, shall prepare and transmit to the Congress a report detailing a strategic plan for the operation of facilities that are provided funds authorized by subsection (a)(3). The report shall include—

(1) a list of such facilities, including schedules for continuation, upgrade, transfer, or closure of each facility;

(2) a list of proposed facilities to be provided funds authorized by subsection (a)(3), including schedules for the construction and operation of each facility;

(3) a list of research opportunities to be pursued, including both ongoing and proposed activities, by the research activities authorized by subsection (a)(3); and

(4) an analysis of the relevance of each facility listed in paragraphs (1) and (2) to the research opportunities listed in paragraph (3).

SEC. 311. SUPPORT PROGRAMS FOR ENERGY SUPPLY RESEARCH AND DEVELOPMENT.

There are authorized to be appropriated to the Secretary for fiscal year 1997 for support programs for Energy Supply Research and Development—

(1) $2,000,000 for Energy Research Analyses;

(2) $28,885,000 for the Multi-Program Energy Laboratory program;

(3) $14,900,000 for the Information Management Investment program;

(4) $42,154,000 for program direction;

(5) $19,900,000 for University and Science Education programs;

(6) $12,000,000 for the Technology Information Management Program; and

(7) $651,414,000 for Civilian Environmental Restoration and Waste Management.

TITLE IV—NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

SEC. 401. SHORT TITLE.

This title may be cited as the "National Oceanic and Atmospheric Administration Authorization Act of 1996".

SEC. 402. POLICY AND PURPOSE.

It is the policy of the United States and the purpose of this title to—

(1) support and promote continuing the mission of the National Oceanic and Atmospheric Administration to monitor, describe and predict changes in the Earth's environment, protect lives and property, and conserve and manage the Nation's coastal and marine resources to ensure sustainable economic opportunities;

(2) affirm that such mission involves basic responsibilities of the Federal Government for ensuring general public safety, national security, and environmental well-being, and promising economic growth;

(3) affirm that the successful execution of such mission depends strongly on interdependency and synergism among component activities of the National Oceanic and Atmospheric Administration;

(4) recognize that the activities of the National Oceanic and Atmospheric Administration underlie the societal and economic well-being of many sectors of our Nation; and

(5) recognize that such mission is most effectively performed by a single Federal agency with the capability to link societal and economic decisions with a comprehensive understanding of the Earth's environment, as provided for in this title.

SEC. 403. NATIONAL WEATHER SERVICE OPERATIONS AND RESEARCH.

There are authorized to be appropriated to the Secretary of Commerce to enable the National Oceanic and Atmospheric Administration to carry out the operations and research activities of the National Weather Service $471,702,000 for fiscal year 1997.

SEC. 404. NATIONAL WEATHER SERVICE SYSTEMS ACQUISITION.

(a) AUTHORIZATION.—There are authorized to be appropriated to the Secretary of Commerce to enable the National Oceanic and Atmospheric Administration to improve its public warning and forecast systems $68,984,000 for fiscal year 1997. None of the funds authorized under this section may be used for the purposes for which funds are authorized under section 102(b) of the National Oceanic and Atmospheric Administration Authorization Act of 1992 (Public Law 102-567).

(b) AWIPS COMPLETE PROGRAM AUTHORIZATION.—(1) Except as provided in paragraph (2), there are authorized to be appropriated to the Secretary for all fiscal years beginning after September 30, 1996, an aggregate of $271,166,000, to remain available until expended, to complete the acquisition and deployment of the Advanced Weather Interactive Processing System and NOAA Port and to cover all associated activities, including program management and operations and maintenance through September 30, 1999.

(2) No funds are authorized to be appropriated for any fiscal year under paragraph (1) unless, within 60 days after the submission of the President's budget request for such fiscal year, the Secretary—

(A) certifies to the Congress that—

(i) the systems meet the technical performance specifications included in the system contract as in effect on August 11, 1995;

(ii) the systems can be fully deployed, sited, and operational without requiring further appropriations beyond amounts authorized under paragraph (1); and

(iii) the Secretary does not foresee any delays in the systems deployment and operations schedule; or

(B) submits to the Congress a report which describes—

(i) the circumstances which prevent a certification under subparagraph (A);

(ii) remedial actions undertaken or to be undertaken with respect to such circumstances;

(iii) the effects of such circumstances on the systems deployment and operations schedule and systems coverage; and

(iv) a justification for proceeding with the program, if appropriate.

(c) REPEAL.—Section 102(b)(2) of the National Oceanic and Atmospheric Administration Authorization Act of 1992 is repealed.

SEC. 405. WEATHER SERVICE MODERNIZATION.

(a) WEATHER SERVICE MODERNIZATION.—The Weather Service Modernization Act (15 U.S.C. 313 note) is amended—

(1) in section 706—

(A) by amending subsection (b) to read as follows:

"(b) CERTIFICATION.—The Secretary may not close, consolidate, automate, or relocate any field office unless the Secretary has certified to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives that such action will not result in degradation of services to the affected area. Such certification shall be in accordance with the modernization criteria established under section 704.";

(B) by striking subsections (c), (d), and (e);

(C) by redesignating subsection (f) as subsection (d); and

(D) by inserting after subsection (b) the following new subsection:

"(c) SPECIAL CIRCUMSTANCES.—The Secretary may not close or relocate any field office which is located at an airport, unless the Secretary, in consultation with the Secretary of Transportation and the Committee, first conducts an air safety appraisal, determines that such action will not result in degradation of service that affects aircraft safety, and includes such determination in the certification required under subsection (b). This air safety appraisal shall be issued jointly by the Department of Commerce and the Department of Transportation before September 30, 1996, and shall be based on a coordinated review of all the airports in the United States subject to the certification requirements of subsection (b). The appraisal shall—

"(1) consider the weather information required to safely conduct aircraft operations and the extent to which such information is currently derived through manual observations provided by the National Weather Service and the Federal Aviation Administration, and automated observations provided from other sources including the Automated Weather Observation Service (AWOS), the Automated Surface Observing System (ASOS), and the Geostationary Operational Environmental Satellite (GOES); and

"(2) determine whether the service provided by ASOS, and ASOS augmented where necessary by human observations, provides the necessary level of service consistent with the service standards encompassed in the criteria for automation of the field offices."; and

(2) in section 707—

(A) by amending subsection (c) to read as follows:

"(c) DUTIES.—The Committee shall advise the Congress and the Secretary on—

"(1) the implementation of the Strategic Plan, annual development of the Plan, and establishment and implementation of modernization criteria; and

"(2) matters of public safety and the provision of weather services which relate to the comprehensive modernization of the National Weather Service."; and

(B) by amending subsection (f) to read as follows:

"(f) TERMINATION.—The Committee shall terminate—

"(1) on September 30, 1996; or

"(2) 90 days after the deadline for public comment on the modernization criteria for closure certification published in the Federal Register pursuant to section 704(b)(2),

whichever occurs later.".

(b) SENSE OF CONGRESS REGARDING ADDITIONAL MODERNIZATION ACTIVITIES.—It is the sense of Congress that the Secretary of Commerce should plan for the implementation of a follow-on modernization program aimed at improving weather services provided to areas which do not receive weather radar coverage at 10,000 feet. In carrying out such a program, the Secretary should plan for a procurement of Block II NEXRAD radar units.

SEC. 406. BASIC FUNCTIONS AND PRIVATIZATION OF NATIONAL WEATHER SERVICE .

(a) BASIC FUNCTIONS.—The basic functions of the National Weather Service shall be—

(1) the provision of forecasts and warnings including forecasts and warnings, of severe weather, flooding, hurricanes, and tsunami events;

(2) the collection, exchange, and distribution of meteorological, hydrologic, climatic, and oceanographic data and information; and

(3) the preparation of hydrometeorological guidance and core forecast information.

(b) PROHIBITION.—The National Weather Service shall not provide any new or enhanced weather services for the sole benefit of an identifiable private entity or group of such entities operating in any sector of the national or international economy in competition with the private weather service industry.

(c) NEW OR ENHANCED SERVICE.—If the Secretary determines, after consultation with appropriate Federal and State officials, that a new or enhanced weather service is necessary and in the public interest to fulfill the international obligations of the United States, to enable State or Federal emergency or resource managers to better perform their State or Federal duties, or to carry out the functions of the National Weather Service described in subsection (a), the National Weather Service may provide such new or enhanced service as one of its basic functions if—

(1) each new or enhanced service provided by the National Weather Service will be limited to the level that the Secretary determines necessary to fulfill the requirements of this subsection, taking into account the capabilities and limitations of resources available, scientific knowledge, and technological capability of the National Weather Service; and

(2) upon request, the National Weather Service will promptly make available to any person the data or data products supporting the new or enhanced service provided pursuant to this section, at a cost not greater than that sufficient to recover the cost of dissemination.

(d) FEDERAL REGISTER.—The Secretary shall promptly publish in the Federal Register each determination made under subsection (c).

(e) PRIVATIZATION REVIEW.—The Secretary shall, by February 15, 1997, conduct a review of all existing weather services and activities performed by the National Oceanic and Atmospheric Administration in order to identify those activities which may be transferred to the private sector. Such review shall include a determination that activities identified for privatization will continue to be disseminated to users on a reasonably affordable basis with no degradation of service. The Secretary shall, by March 15, 1997, provide to the Speaker of the House of Representatives and the President of the Senate a plan for transferring these identified services to the private sector.

SEC. 407. CLIMATE AND AIR QUALITY RESEARCH.

(a) AUTHORIZATION.—There are authorized to be appropriated to the Secretary of Commerce to enable the National Oceanic and Atmospheric Administration to carry out its climate and air quality research activities $122,681,000 for fiscal year 1997.

(b) GLOBE.—Of the amount authorized in subsection (a), $7,000,000 are authorized for fiscal year 1997 for a program to increase scientific understanding of the Earth and student achievement in math and science by using a worldwide network of schools to collect environmental observations. Beginning in fiscal year 1997, amounts appropriated for such program may be obligated only to the extent that an equal or greater amount of non-Federal funding is provided for such program.

SEC. 408. ATMOSPHERIC RESEARCH.

There are authorized to be appropriated to the Secretary of Commerce to enable the National Oceanic and Atmospheric Administration to carry out its atmospheric research activities $43,766,000 for fiscal year 1997.

SEC. 409. SATELLITE OBSERVING AND ENVIRONMENTAL DATA MANAGEMENT SYSTEMS.

(a) AUTHORIZATION.—There are authorized to be appropriated to the Secretary of Commerce to enable the National Oceanic and Atmospheric Administration to carry out its satellite observing systems activities and data and information services, $348,740,000 for fiscal year 1997, and, in addition, such sums as may be necessary to continue planning and development of a converged polar orbiting meteorological satellite program. None of the funds authorized in this subsection may be used for the purposes for which funds are authorized under section 105(d) of the National Oceanic and Atmospheric Administration Act of 1992 (Public Law 102-567).

(b) REPEAL.—Section 105(d)(2) of the National Oceanic and Atmospheric Administration Authorization Act of 1992 is repealed.

SEC. 410. PROGRAM SUPPORT.

(a) EXECUTIVE DIRECTION AND ADMINISTRATIVE ACTIVITIES.—There are authorized to be appropriated to the Secretary of Commerce to enable the National Oceanic and Atmospheric Administration to carry out executive direction and administrative activities, including management, administrative support, provision of retired pay of National Oceanic and Atmospheric Administration commissioned officers, and policy development, $64,694,000 for fiscal year 1997.

(b) ACQUISITION, CONSTRUCTION, MAINTENANCE, AND OPERATION OF FACILITIES.—There are authorized to be appropriated to the Secretary of Commerce for acquisition, construction, maintenance, and operation of facilities of the National Oceanic and Atmospheric Administration $37,366,000 for fiscal year 1997.

(c) AIRCRAFT SERVICES.—There are authorized to be appropriated to the Secretary of Commerce to enable the National Oceanic and Atmospheric Administration to carry out aircraft services activities, including aircraft operations, maintenance, and support, $10,182,000 for fiscal year 1997.

SEC. 411. EDUCATIONAL PROGRAMS AND ACTIVITIES.

The Secretary of Commerce may conduct educational programs and activities related to the responsibilities of the National Oceanic and Atmospheric Administration. For the purposes of this section, the Secretary may award grants and enter into cooperative agreements and contracts with States, private sector, and nonprofit entities.

TITLE V—ENVIRONMENTAL PROTECTION AGENCY

SEC. 501. SHORT TITLE.

This title may be cited as the "Environmental Research, Development, and Demonstration Authorization Act of 1996".

SEC. 502. DEFINITIONS.

For the purposes of this title, the term—

(1) "Administrator" means the Administrator of the Environmental Protection Agency;

(2) "Agency" means the Environmental Protection Agency; and

(3) "Assistant Administrator" means the Assistant Administrator for Research and Development of the Agency.

SEC. 503. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the Administrator $580,460,000 for fiscal year 1997 for the Office of Research and Development for environmental research, development, and demonstration activities, including program management and support, in the areas specified in subsection (b).

(b) SPECIFIC PROGRAMS AND ACTIVITIES.—Of the amount authorized in subsection (a), there are authorized to be appropriated the following:

(1) For air related research, $88,163,200.

(2) For water quality related research, $26,293,800.

(3) For drinking water related research, $26,593,700.

(4) For pesticide related research, $20,632,000.

(5) For toxic chemical related research, $12,341,500.

(6) For research related to hazardous waste, $10,343,900.

(7) For multimedia related research expenses, $300,837,000.

(8) For program management expenses, $8,184,700.

(9) For research related to leaking underground storage tanks, $681,000.

(10) For oil pollution related research, $1,031,000.

(11) For environmental research laboratories, $85,358,200.

(c) CONTINGENT AUTHORIZATION FOR RESEARCH RELATING TO THE CLEANUP OF CONTAMINATED SITES.—To the extent that the Hazardous Substances Trust Fund is authorized to receive funds during fiscal year 1997, there are authorized to be appropriated for that fiscal year $42,508,000 from such Fund to the Administrator for research relating to the cleanup of contaminated sites.

TITLE VI—TECHNOLOGY

SEC. 601. SHORT TITLE.

This title may be cited as the "Technology Administration Authorization Act of 1996".

SEC. 602. AUTHORIZATION OF APPROPRIATIONS.

(a) UNDER SECRETARY FOR TECHNOLOGY.—There are authorized to be appropriated to the Secretary of Commerce for the activities of the Under Secretary for Technology/Office of Technology Policy $9,531,000 for fiscal year 1997.

(b) NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.—There are authorized to be appropriated to the Secretary of Commerce for the National Institute of Standards and Technology for fiscal year 1997 the following amounts:

(1) For Industrial Technology Services, $450,000,000, of which—

(A) $345,000,000 shall be for the Advanced Technology Program under section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n); and

(B) $105,000,000 shall be for the Manufacturing Extension Partnerships program under sections 25 and 26 of the National Institute of Standards and Technology Act (15 U.S.C. 278k and 278l).

(2) For Scientific and Technical Research and Services, $270,744,000, of which—

(A) $267,764,000 shall be for Laboratory Research and Services; and

(B) $2,980,000 shall be for the Malcolm Baldrige National Quality Award program under section 17 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3711a).

(3) For Construction of Research Facilities, $105,240,000.

SEC. 603. NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY ACT AMENDMENTS.

The National Institute of Standards and Technology Act (15 U.S.C. 271 et seq.) is amended—

(1) in section 25(c)—

(A) by striking "for a period not to exceed six years" in paragraph (1); and

(B) by striking "which are designed" and all that follows through "operation of a Center" in paragraph (5) and inserting in lieu thereof "to a maximum of ⅓ Federal funding. Each Center which receives financial assistance under this section shall be evaluated during its sixth year of operations, and at least once each two years thereafter as the Secretary considers appropriate, by an evaluation panel appointed by the Secretary in the same manner as was the evaluation panel previously appointed. The Secretary shall not provide funding for additional years of the Center's operation unless the most recent evaluation is positive and the Secretary finds that continuation of funding furthers the purposes of this section"; and

(2) in section 28—

(A) by striking "or contracts" in subsection (b)(1)(B), and inserting in lieu thereof "contracts, and, subject to the last sentence of this subsection, other transactions";

(B) by inserting "and if the non-Federal participants in the joint venture agree to pay at least 50 percent of the total costs of the joint venture during the Federal participation period, which shall not exceed 5 years," after "participation to be appropriate,";

(C) by striking "provision of a minority share of the cost of such joint ventures for up to 5 years, and (iii)" in subsection (b)(1)(B), and inserting in lieu thereof "and";

(D) by striking "and cooperative agreements" in subsection (b)(2), and inserting in lieu thereof ", cooperative agreements, and, subject to the last sentence of this subsection, other transactions";

(E) by adding after subsection (b)(4) the following:

"The authority under paragraph (1)(B) and paragraph (2) to enter into other transactions shall apply only if the Secretary, acting through the Director, determines that standard contracts, grants, or cooperative agreements are not feasible or appropriate, and only when other transaction instruments incorporate terms and conditions that reflect the use of generally accepted commercial accounting and auditing practices."; and

(F) by adding at the end the following new subsection:

"(k) Notwithstanding subsection (b)(1)(B)(ii) and subsection (d)(3), the Director may grant extensions beyond the deadlines established under those subsections for joint venture and single applicant awardees to expend Federal funds to complete their projects, if such extension may be granted with no additional cost to the Federal Government and it is in the Federal Government's interest to do so.".

TITLE VII—UNITED STATES FIRE ADMINISTRATION

SEC. 701. SHORT TITLE.

This title may be cited as the "Fire Administration Authorization Act of 1996".

SEC. 702. AUTHORIZATION OF APPROPRIATIONS.

Section 17(g)(1) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2216(a)(1)) is amended—

(1) by striking "and" at the end of subparagraph (E);

(2) by striking the period at the end of subparagraph (F) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new subparagraph:

"(G) $27,560,000 for the fiscal year ending September 30, 1997.".

TITLE VIII—FEDERAL AVIATION ADMINISTRATION RESEARCH, ENGINEERING, AND DEVELOPMENT

SEC. 801. AVIATION RESEARCH AUTHORIZATION.

Section 48102(a) of title 49, United States Code, is amended—

(1) by striking "Not more than the following amounts" and inserting in lieu thereof "For fiscal year 1997, not more than $195,700,000 for Research, Engineering, and Development";

(2) by inserting "40119, 44912," after "carry out sections"; and

(3) by striking "of this title" and all that follows through the end of the subsection and inserting in lieu thereof "of this title".

SEC. 802. RESEARCH PRIORITIES.

Section 48102(b) of title 49, United States Code, is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by striking "AVAILABILITY FOR RESEARCH.—(1)" and inserting in lieu thereof "RESEARCH PRIORITIES.—(1) The Administrator shall consider the advice and recommendations of the research advisory committee established by section 44508 of this title in establishing priorities among major categories of research and development activities carried out by the Federal Aviation Administration.

"(2)".

SEC. 803. RESEARCH ADVISORY COMMITTEE.

Section 44508(a)(1) of title 49, United States Code, is amended—

(1) by striking "and" at the end of subparagraph (B);

(2) by striking the period at the end of subparagraph (C) and inserting in lieu thereof "; and"; and

(3) by inserting after subparagraph (C) the following new subparagraph:

"(D) annually review the allocation made by the Administrator of the amounts authorized by section 48102(a) of this title among the major categories of research and development activities carried out by the Administration and provide advice and recommendations to the Administrator on whether such allocation is appropriate to meet the needs and objectives identified under subparagraph (A).".

SEC. 804. NATIONAL AVIATION RESEARCH PLAN.

Section 44501(c) of title 49, United States Code, is amended—

(1) in paragraph (2)(A) by striking "15-year" and inserting in lieu thereof "5-year";

(2) by amending subparagraph (B) to read as follows:

"(B) The plan shall—

"(i) provide estimates by year of the schedule, cost, and work force levels for each active and planned major research and development project under sections 40119, 44504, 44505, 44507, 44509, 44511–44513, and 44912 of this title, including activities carried out under cooperative agreements with other Federal departments and agencies;

"(ii) specify the goals and the priorities for allocation of resources among the major categories of research and development activities, including the rationale for the priorities identified;

"(iii) identify the allocation of resources among long-term research, near-term research, and development activities; and

"(iv) highlight the research and development activities that address specific recommendations of the research advisory committee established under section 44508 of this title, and document the recommendations of the committee that are not accepted, specifying the reasons for nonacceptance."; and

(3) in paragraph (3) by inserting ", including a description of the dissemination to the private sector of research results and a description of any new technologies developed" after "during the prior fiscal year".

TITLE IX—NATIONAL EARTHQUAKE HAZARDS REDUCTION PROGRAM

SEC. 901. AUTHORIZATION OF APPROPRIATIONS.

Section 12 of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7706) is amended—

(1) in subsection (a)(7) by striking "and $25,750,000 for the fiscal year ending September 30, 1996" and inserting in lieu thereof "$25,750,000 for the fiscal year ending September 30, 1996, and $18,825,000 for the fiscal year ending September 30, 1997";

(2) in subsection (b) by striking "and $50,676,000 for the fiscal year ending September 30, 1996" and inserting in lieu thereof "$50,676,000 for the fiscal year ending September 30, 1996, and $46,130,000 for the fiscal year ending September 30, 1997";

(3) in subsection (c) by adding at the end the following new sentence: "There are authorized to be appropriated, out of funds otherwise authorized to be appropriated to the National Science Foundation, $28,400,000 for fiscal year 1997, including $17,500,000 for engineering research and $10,900,000 for geosciences research."; and

(4) in subsection (d) by adding at the end the following new sentence: "There are authorized to be appropriated, out of funds otherwise authorized to be appropriated to the National Institute of Standards and Technology, $1,932,000 for fiscal year 1997.".

Mr. BROWN of California. Mr. Chairman, this amendment that I am offering is in the nature of a substitute to H.R. 3322 and its contents have been alluded to in earlier debate. We will refer to this substitute as a Democratic substitute but I believe that it also represents the views of most moderate Republicans in the House and in the other body. It also seeks to preserve many investments in research and development initiated under the past Republican administrations of George Bush and Ronald Reagan.

Mr. Chairman, the key feature of this substitute is that it provides sustaining funding this year for valuable science and technology programs within an overall balanced budget plan, the plan submitted by the administration on March 19. The Congressional Budget Office has certified that this plan does balance the budget by the year 2002.

The substitute I am offering, like H.R. 3322, is a 1-year bill. This is a critical year, however, in the long-range context. There are now no real differences between the Democrats and Republicans over the commitment to cut spending and balance the budget. The question is one of priorities and of process, as I tried to describe a few minutes ago. How do we achieve this balanced budget and at the same time maintain critical levels of investment in the very things that have been the source of and necessary to continue to stimulate our economy?

In reducing the size of Government, it is imperative that we recognize that this is not simply an accounting exercise. We must take a good hard look at the programs we want to preserve and provide the necessary funding to transition them to more efficient technologies while restructuring them in a sensible way. The Democratic substitute does this.

We recognize that some agencies, such as NASA, have made heroic strides in downsizing and we have made an effort to meet their request levels to continue on this track. We have not rewarded them with additional cuts in personnel and programs as has H.R. 3322, an action that will only make it all the more difficult for them to achieve what we all want.

This substitute also establishes priorities within R&D that best address some of our most pressing challenges in the future. This bill provides funding for technology partnerships in the Manufacturing Extension Program and the Advanced Technology Program. These efforts will increase the productivity of American industry to allow them to compete in the future world economy. In a more direct sense, these programs will provide jobs both today and in the future. However, these programs have fallen within the purview of what the chairman of our committee calls corporate welfare and they are scheduled to be eliminated by this legislation.

The substitute also provides funding for energy conservation programs, solar and renewables, fossil energy programs, and fusion energy research. Some of these are in what I have described, either the liberal claptrap or corporate welfare category. At a time when our national attention is fixed on rising energy prices and our dependence on fluctuating world markets, it is imperative that we continue the drive for energy independence.

In the environmental area, the substitute provides funding to develop a full understanding of key environmental issues such as ozone depletion and climate change in order to provide a basis for any future policy, regulation, or international agreement. Democrats strongly believe that the fundamental approach to risk-based regulations is sound R&D. We have not banned any research in this substitute as does H.R. 3322, nor have we taken the position that these problems will go away if we simply kill the research.

Finally, Mr. Chairman, the substitute bill provides a balanced set of R&D priorities that include both basic and applied research. We believe that the concept of basic versus applied research are inseparable and both are valuable contributors to our long-term economic growth and intellectual leadership. We believe that a rigid ideological approach to restricting the Federal role only to basic research is profoundly misguided, and that position is one supported by the Council on Competitiveness.

The CHAIRMAN pro tempore. The time of the gentleman from California [Mr. BROWN] has expired.

(By unanimous consent, Mr. BROWN of California was allowed to proceed for 2 additional minutes.)

Mr. BROWN of California. We found in our markup before the Committee on Science that the authors of H.R. 3322 have a fundamental misconception of what basic research is. The categories of research they have defined as basic do not comport with any other definitions used by the OMB, by the American Association for the Advancement of Science, or by any other group that we know of. Yet the definitions that have been fabricated for the purpose of this bill constitute the underlying science policy and budget policy that the authors intend to guide the science establishment.

We found, when examining the actual figures in H.R. 3322 and the substitute I am offering, that the Republican bill is virtually identical in fiscal year 1996 levels for overall basic research. My substitute represents an increase of about 3 percent over fiscal year 1996 levels. Thus, contrary to the assertions of its authors, H.R. 3322 offers no increase in basic research over the President or over my substitute. In fact, just the opposite is true.

The most significant budgetary problem however, is represented by the nonbasic research programs that include such important activities as weather forecasting, aeronautical research, environmental research as well as personnel levels of scientists and engineers. The Republican bill cuts these accounts by over 7 percent in nominal terms, close to 10 percent with inflation. My substitute provides enough to keep pace with inflation this year.

I will close by acknowledging today that an even greater personal concern of mine is how these science programs will fare over the next decade. Although there has been an intense debate between the Republicans and the White House over how much to reduce discretionary spending as a part of any overall budget agreement, I personally believe that civilian R&D has suffered too much, especially in NASA. I hope that both sides can take a more enlightened look at the importance of our R&D investments over the long term and reassess our budget needs in this area.

Mr. Chairman, I am enclosing with this statement a summary of the specific actions my substitute takes to address some of the shortcomings of H.R. 3322 and provide a more reasoned approach to R&D priorities this fiscal year. The Democratic substitute is better for the environment, better for job creation and competitiveness, better for education, and better for science. I ask all my colleagues to join me in supporting this amendment.

COMPARISON OF H.R. 3322, THE OMNIBUS CIVILIAN SCIENCE AUTHORIZATION ACT OF 1996, AND THE BROWN SUBSTITUTE

BACKGROUND

H.R. 3322, the Omnibus Civilian Science Authorization Act of 1996, was reported by the Science Committee on April 24, 1996. The bill authorizes research and other programs in FY 1997 for the National Science Foundation (NSF), National Aeronautics and Space Administration (NASA), U.S. Fire Administration, National Oceanographic and Atmospheric Administration (NOAA), Environmental Protection Agency (EPA), National Institute of Standards and Technology (NIST), Federal Aviation Administration (FAA) and National Earthquake Hazards Reduction Program. H.R. 3322 does not include the Department of Energy (DOE), whose FY 97 research programs were authorized by the House on October 12, 1995 (H.R. 2405). It also does not include authorization for the Advanced Technology Program (ATP) or the Manufacturing Extension Partnership (NEP)—two NIST programs that are considered high-priority by the Clinton Administration.

A Democratic Alterative to H.R. 3322 which tracks the President's FY 97 budget request was offered by Rep. George Brown at Committee markup and was voted down 27–21 on a straight party-line basis. Although the bill and the Alternative are both described as consistent with a balanced budget, they differ sharply on policy and funding.

POLICY & FUNDING PROVIDED BY BROWN AMENDMENT

For NSF: Adds $74M (4.4%) to overall budget, a 3% increase over FY 96 versus less than 1% in H.R. 3322; restores $9M in Salaries & Expenses account to avoid delays in processing proposals; allows NSF to maintain the Directorate for Social, Economic, and Behavioral Sciences; and eliminates $100M in Facilities Modernization account to fund research instead of bricks in accord with Director's request.

For NASA: Adds $308M (2%) to overall budget; restores funding to personnel account to avoid additional furloughs at NASA centers; restores $374M (27%) cut from Mission to Planet Earth and $34M (18%) cut from Advanced Subsonics Research; fully funds President's request for Space Sciences account; and gives a clear mandate to study the climate and environment of Earth.

For NOAA: Retains but streamlines the "certification" process for closure of weather stations; Outlines policy for promoting public and private roles in weather forecasting; and Restores the bill's cuts in weather forecasting activities and environmental research.

For EPA: Restores $92M (16%) for environmental R&D; authorizes Superfund R&D; and eliminates bans on climate, indoor air and environmental technologies research.

For NIST: Restores funding for the Technology Administration ($10M), Advanced Technology Program ($345M), and Manufacturing Extension Partnership ($105M)—all eliminated by H.R. 3322 and funds Labs at the President's request.

For FAA: Consolidates scattered research accounts into a single R&D account.

For DOE: Restores deep cuts in Solar & Conservation (50%), Renewables (30%), Biological and Environmental (10%), Fusion (20%), and Fossil Research (30%) accounts, as required by the House-passed H.R. 2405.

SUMMARY

The Brown substitute supports "basic research", as defined by the research agencies themselves, more generously than the Republican bill ($6.02 vs. $5.85 billion). Brown supports applied research and development much more generously than H.R. 3322.

The Brown substitute supports technology partnerships, which are critical to creating high-wage jobs, as recommended by the recent Council on Competitiveness report "Endless Frontier, Limited Resources: U.S. R&D Policy for Competitiveness."

The Brown substitute supports important environmental research initiatives, rather than screening these programs through an ideological filter.

BUDGET SUMMARY COMPARISON TABLE

[In millions of dollars]

Agency	Fiscal year 1995	Fiscal year 1996	H.R. 3322/ 2405	Brown alternative
NSF	3,264	3,220	3,250	3,235
NASA	14,464	13,885	13,496	13,804
USFA	34	28	28	28
NOAA[1]	1,349	1,324	1,308	1,463
EPA	588	525	487	579
Technology Administration	8	7	0	10
NIST	701	620	386	826
FAA	0	186	186	196
NEHRP	0	95	95	95
DOE	5,281	4,578	4,001	4,797
Total	25,689	24,468	23,237	25,123

[1] NOAA funding figures reflect the status of the bill upon adoption of a Manager's amendment which removes programs within the jurisdiction of the Resources Committee. The bill as reported cuts an additional $170 million from these programs.

Mr. DOYLE. Mr. Chairman, I rise in support of the Brown substitute.

I do so for many reasons. The underlying bill is based upon a false premise and is basically an abdication of Federal participation in research and development.

When I came to Congress I wanted to serve on the Science Committee because I recognize that, in addition to regulatory reform and balancing the budget, we need a sound research and development policy to achieve economic security.

I can not begin to describe my disappointment over the way the Science Committee dealt with its authorization. Basically, we have abandoned any debate over policy in favor or partisanship. You will hear much rhetoric about how much the Science Committee contributed towards balancing the budget.

The truth is that our committee was presented with alternative budgets for most of our accounts, all of which fell within the constraints of a balanced budget plan—the one put forward by the Senate Budget Committee, and here in the House by the coalition.

Were these considered on their merits? No. Instead, Members were told that there was only one vision, the vision the chairman put forward about how much each Appropriations subcommittee 602(b) allocations would be dedicated to our accounts. This was not reality, and a further examination shows the fiscal year 1996 budget eventually turned out to be very much like the levels of the alternative proposals that had been based on balanced budgets put forward by both parties.

Since last year's omnibus science bill did not accomplish much, we tried a different approach this year. What kind of improvements did we make?

Well, the two most noticeable changes are that we skipped subcommittee markup, and also that we decided to consider a number of our programs outside Science Committee jurisdiction, while ignoring some major responsibilities.

The Brown substitute is a much more realistic approach to meeting our Nation's research and development needs while still maintaining our commitment to a balanced budget. It is a vast improvement over the underlying bill in numerous ways, but the one I want to focus on is it includes something the manager's amendment does not—a title covering the Department of Energy's research and development programs.

Last October, when the House considered H.R. 2405, an amendment offered by Chairman WALKER was adopted which raised authorization levels for fiscal year 1996 to meet the previously appropriated level, but also set fiscal year 1997 levels.

This amendment was clear evidence of how irrelevant the Science Committee has been in the area of energy research. The fiscal year 1996 levels in the Walker amendment merely reflected what the appropriations had already done with these programs, and the fiscal year 1997 levels were not the result of Science Committee action.

In the debate action over the inclusion of fiscal year 1997 authorization in the Walker amendment, Science Committee Chairman WALKER stated, "I never contended that I brought this matter before the committee. I brought it to the floor as my own amendment."

Since the House acted on H.R. 2405, there have been several developments which warrant reconsideration of these numbers.

For instance, the Congressional Budget Office has revised its economic assumptions, resulting in greater flexibility in making discretionary spending decisions. Also, the Energy and Environment Subcommittee has held a series of hearings on energy research and development, which have proven to be very helpful in our ability to judge the value of the various programs in question.

While I am grateful to Energy and Environment Subcommittee Chairman ROHRABACHER for scheduling these hearings, they will be for nothing if the committee is unable to act on this hearing record in a timely manner.

The need to revisit DOE R&D funding is apparently shared by Chairman WALKER and Subcommittee Chairman ROHRABACHER, who, when we marked up the bill we have here today, publicly pledged their willingness to move a fiscal year 1997 DOE R&D authorization bill.

While I supported this approach, it is now becoming apparent that the markup of a separate DOE authorization will occur too late to influence this year's process.

□ 1730

Mr. Chairman, a previous colleague of mine asked the question where is the beef. In western Pennsylvania, we would say this bill is all foam and no beer.

Member's who are concerned about our energy security, and what we are doing to further it, should support the Brown substitute. Leaving it up to appropriators or the other body is not a responsible way to represent your constituents.

Mr. OLVER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the substitute which has been offered by the gentleman from California.

Mr. Chairman, the underlying bill, which has been offered by the Committee on Science, the so-called Walker bill, I believe is a direct attack on America's investment in the future. The business, academic, and scientific communities all ought to be outraged by the legislation in the form that it has been offered. It does not take much of a look at this bill, Mr. Chairman, to see that it is the Brown substitute that is in the best interest of continued economic growth.

We hear so much talk on the other side of the aisle how cutting taxes for the wealthy will lead to job growth, meanwhile this bill pulls the rug out from under the efforts to create whole new industries. One minute our Republican colleagues insist that we do away with regulations that supposedly stand in the way of job growth and the next minute they are cutting opportunities for new high paying jobs.

Civilian R&D, in my view, has been over the years, and will continue to be, about a lot more than just jobs, just the jobs that are involved in the research itself. The new technologies that offer potential from that R&D include:

More effective law enforcement; the reduction of environmental pollution; efficient environmental cleanups; increased national security; and more disposable income that we, as Americans, need from the savings that can be made through energy conservation.

That is naming a very few of those available.

Civilian R&D is probably the best way of ensuring that America remains competitive in the global economy, yet the underlying bill here, the Walker bill, reduces our chance to remain preeminent in science and technology, a preeminence which testifier after testifier said we were in danger of losing if we did not keep up our input and our commitment to our research base.

What we will end up with here is the need to import those new technologies from elsewhere if we lose the preeminence that we have had over a long period of time and our trade imbalance will now become a trade imbalance on the very thing that we have been the leaders on over decades, ever since the Second World War, really, in those areas of the development of new technologies and the wonderful research and development programs that we have maintained in this country over a period of at least 50 years.

Mr. Chairman, I think it is irresponsible and shortsighted for the Congress to cut funding for energy conservation and to cut funding for renewable energy research. It is a wipeout of the funding for energy conservation research and a wipeout of the research into renewable energy sources. This bill erases any semblance of a national energy policy. Gone. Simply gone. Nonexistent with this legislation.

Mr. Chairman, I do not think that is the way we should be preparing for the 21st century, as critical as the use of energy is in this whole society of ours.

Now, we are hearing a lot of rhetoric on the other side about defending basic research. In the underlying bill the Republican proposals are seriously less supportive of basic research than the substitute from the gentleman, the ranking member, the gentleman from California. The Republican explanations, which claim a more generous level for basic research funding, are based on an arbitrary classification of basic versus applied definitions, which we can all argue about, but it is an arbitrary definition which is not the definition of the standard classification as has been used by the OMB and which is also the classification used in all of the historical data for baseline comparisons on Federal investments in research.

For the NSF, which has been our premier basic research agency, support agency for everything but the biomedical sciences, the substitute bill by the gentleman from California provides growth of at least $70 million more than the underlying bill. For research project support, the difference in growth is $82 million greater on the part of the Brown substitute than from the underlying bill.

Mr. Chairman, these differences stand out in light of the many times we have heard Republican claims about the high priority that they place on basic research in the Federal R&D budget.

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. OLVER] has expired.

(On request of Mr. VOLKMER, and by unanimous consent, Mr. OLVER was allowed to proceed for 2 additional minutes.)

Mr. OLVER. Mr. Chairman, the cold war is over, a fact which has changed our economy, so that civilian research is key to meeting our challenges under the new economy. We should be working to develop new technologies that will provide new opportunities to high-tech workers in civilian industries. And though the cold war may be over, the technological war has just begun.

America should be on the verge of a new technological frontier and making certain that we maintain our preeminence in both science and technology in this world. Yes, we have a budget deficit. Yes, we should eliminate waste. Yes, we should be extremely careful in how we expend every dollar that is spent, but the Brown substitute is in line with a balanced budget without retreating from scientific and technological excellence in this country. The underlying bill, I believe, is irresponsible as a scientist, and America deserves better.

Mr. Chairman, I urge my colleagues to support the substitute from the gentleman from California.

Mr. STENHOLM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Brown substitute, and I want to take a moment to say something about it. It is the right thing to do.

What I mean by that is that the Federal Government is fulfilling its proper role when it encourages technological research and development. It is fulfilling its proper role when it encourages us to look beyond our atmosphere for the answers to the questions we face.

Most of us can agree that the very nature of the Federal Government is changing. The functions that the Government has had throughout our lifetimes are changing—this is as it should be. The Federal Government needs to be much smaller and more responsive to the American people. And we are beginning to move in that direction.

For example, NASA should concentrate on reducing costs and encouraging greater involvement by the private sector. In conversations I have had with Administrator Goldin, I know that he is eager to continue the agency's trends in this direction.

But I believe fundamentally that the United States should maintain its position as the leader in science and space research.

Two weeks ago in this room we met to debate the 1997 budget resolution. The Blue Dogs submitted their budget plan which would have set us on a path to achieve a balanced budget by 2002. It would have forced all of us to tighten our belts a notch or two and get our fiscal house in order. In fact, our plan borrowed $137 billion less than the majority version. Unfortunately our budget plan was defeated.

But, Mr. Chairman, the Blue Dog budget, which garnered significant bipartisan support, specifically endorsed the funding levels for science and technology contained in this substitute. We did this because we believed that America must continue to be a leader. H.R. 3322 is a step away from the cutting edge. That is not a direction I want to go.

My colleagues on both sides of the aisle know that I do not endorse increased spending lightly. We have to think about the return on our investments. Keeping these programs properly funded is an investment we can count on. I urge my colleagues to support the Brown substitute.

Mr. FAZIO of California. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the bill in favor of the gentleman's substitute amendment.

Mr. HASTINGS of Florida. Mr. Chairman, will the gentleman yield?

Mr. FAZIO of California. I yield to the gentleman from Florida.

Mr. HASTINGS of Florida. Mr. Chairman, I rise in support of the Brown substitute to H.R. 3322. This so-called omnibus bill has several missing pieces.

This omnibus bill does not contain an authorization for the Department of Commerce's technology programs housed at the National Institute of Science and Technology. These programs are designed to help industry develop new technologies. They provide medium-sized companies with scarce matching funds and necessary manufacturing information.

H.R. 3322 cuts personnel accounts at the National Weather Service. Coming from Florida where hurricanes are a major weather threat, I feel that these cuts are unjustifiable. This action leaves many areas of the country at risk from severe weather events.

But this measure does not stop there. It also takes shots at another major presence in Florida, NASA. The funding levels proposed in the bill translate into personnel layoffs at the NASA facilities in Florida.

Mr. Chairman, I could go on, but these few examples are proof enough that his bill needs fixing. I urge opposition to this bill and support the Brown substitute.

Mr. FAZIO of California. Mr. Chairman, H.R. 3322 seeks to create the impression that we are considering an omnibus civilian science proposal, but we are not. Noticeably absent are the energy research and development [R&D] programs at the Department of Energy [DOE]. How do we explain the absence of about $4.7 billion in authorizations for the civilian science programs at DOE?

Federal support for R&D is the quintessential investment in our Nation's future. Unfortunately, despite 50 years of strong bipartisan support, the Republican leadership now treats R&D as a low priority. The overall reduction would be $711 million below this year's funding and nearly $800 million below the President's proposal. Solar and renewable energy research would be cut 34 percent. Conservation energy R&D would be slashed 43 percent. Fuel cell research would be cut 66 percent. And I would remind my colleagues that this is all being done in 1 year, not over 5 years or 7 years.

We cannot let stand congressional proposals that endanger our ability to create more high-income jobs in developing industries as well as to promote safer, more cost-efficient and environmentally sensitive energy technologies.

R&D is responsible for approximately one-half of the productivity improvements in the Nation's economy. Technological innovation is the single most important source of long-term economic growth, and the total economic return on investment in R&D is several times as high as for other forms of investment.

While Republicans seek to make political hay out of the gas price spike we are currently suffering, they are cutting the research at DOE that moves us away from dependence upon gasoline. While Senator DOLE proposes a cut in the gas tax, House Republicans propose to cut DOE's transportation energy research budget by $66.8 million below this year's funding, a 38 percent cut.

We don't know when or if the Republicans will make good on these threats to cut DOE. For the sake of my home State of California, I hope they do not. The Department of Energy calculated that California received about $722 million in energy R&D funding in fiscal year 1995. We are heavily involved in programs like energy conservation research, and research on fusion energy development, both of which are hit heavily in the Republican proposals. I mentioned fuel cell research as an area being targeted and as one that is important to a state seeking to sustain our economic recovery while maintaining our air quality. In the Third District, we have the University of California at Davis, which ranks in the top 20 universities in Federal research grants and is responsible for managing three DOE laboratories. All of these programs are at risk if the Republican committee proposal prevails.

The substitute offered by Mr. BROWN today contains all of the programs that should be in an omnibus bill, including the DOE programs. And it funds them at the President's request level. If you are concerned, as I am, about our energy future you will support Mr. BROWN. If you want energy security in the future, as I know the residents of my State do, you will support the Brown substitute.

□ 1745

So I certainly wish today to go on record in support of my colleague's substitute amendment, and in strong opposition to the bill as it has been reported out of the Committee on Science.

Mr. HOYER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Brown substitute to the omnibus science bill. The substitute provides, in my opinion, more adequate funding levels and makes a better investment in environment, science, and technology.

Mr. Chairman, like the gentleman from Texas [Mr. STENHOLM] who rose, I was a strong supporter of the so-called blue dog budget each time it has been offered. That budget reached balance within 6 years. It reached balance by cutting more spending, frankly, than any of the alternatives that were offered on this floor, and it reduced the deficit more quickly than any other alternative on this floor.

But as the gentleman from Texas, who is in my opinion the premier balanced-budget individual on this floor in either party, said so correctly, that budget provided for adequate funds to fund the space and science programs addressed by this bill more adequately than are provided in this bill.

I am particularly pleased that the Brown amendment authorizes funding for Mission to Planet Earth at the President's requested level of $1.4 billion. The restoration of the President's request would eliminate the 27-percent cut to the Earth observing system which is the centerpiece of NASA's contribution to the global effort to understand how the Earth's climate works and to use that technology to improve our lives.

I personally consider Mission to Planet Earth to be one of NASA's and America's most promising and important undertakings. I am pleased of course that Goddard Space Flight Center in Greenbelt, MD, has the lead responsibility for implementing the critical research program which helps us as a Nation and as a people to understand the Earth's global environment.

A perspective from space, Mr. Chairman, is critical. Only from above is it realistically possible to observe distant parts of the world's oceans, deserts, and polar regions, using a macro approach. But most importantly, it allows people to be more informed about what is happening in their own State or their own region.

Mission to Planet Earth will further the understanding of the causes of natural disasters, and how to respond to them. The Earth observing system, the core component of Mission to Planet Earth, will dramatically improve agricultural and natural resources productivity. In fact, it is likely to allow climate predictions a year or more in advance.

Not only will this serve as a scientific benefit, but it will result in substantial benefits and saving to policymakers, the taxpayers, farmers, and busnesspeople alike. I might say, Mr. Chairman, as an aside, to golfers as well.

Mission to Planet Earth is still an evolving program. Reducing the funding level does not take into account the substantial reductions the program has already undergone. It also sends the wrong message to our international partners who have invested in this globally integrated program.

Over the last 5 years, NASA has reduced funding for the program through the year 2000 by 60 percent while still maintaining the 24 critical science measurements endorsed by the greater science community and preserving critical launch schedules.

In addition, NASA has committed to further reducing costs and duplicate tasks through incorporation of technology and stronger links with commercial interagency and international partners.

If Congress wants to keep the program viable, we must realize that enough is enough. We have cut, but if we cut more, we will cut very deeply and seriously into the effectiveness of a critical program. I believe we must continue this investment in understanding the planet.

In addition, Mr. Chairman, I will say that the salary and expense levels provided in the Brown substitute will preclude substantial numbers of layoffs and/or RIF's, which will further undermine the effectiveness of this program. I regret very seriously that the bill itself has proposed such serious cuts in salary and expense levels.

If the programs are to continue, we need to provide for the appropriate level of funding for those who will continue that program.

Therefore, Mr. Chairman, I urge my colleagues to support the Brown substitute, which provides funding for Mission to Planet Earth at the President's requested level. I plan to work with the Committee on Appropriations to ensure that objective as well.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Brown substitute. Unlike the underlying bill, the amendment authorizes the energy program of the Department of Energy at appropriate levels for 1997.

Last year's authorization bill contained a 2-year authorization for the Department of Energy, and the bill before us today makes no mention of these programs. That leaves us with the authorization levels from last year's bill, and that is not good policy. Mr. Chairman, by allowing these authorization levels to stand, we are giving away our responsibility to provide program directions.

The amendment makes the tough choices we need to fund energy programs. Fossil energy programs are scaled back while the overall level for energy R&D is funded at a higher level than the House budget resolution.

The amendment provides full funding for fusion energy research and development on a bipartisan basis. Over 65 Members of the House signed letters to the gentleman from Pennsylvania [Mr. WALKER] and the gentleman from Louisiana [Mr. LIVINGSTON], requesting full funding of these programs.

The amendment also enhances basic research at the Department of Energy. This amendment provides almost $60 million more for high energy and nuclear physics research than the current authorization levels.

The amendment also provides full funding for such crucial programs as the Environmental Technologies Initiative, the U.S. Global Change Research Program, and high-performance computing programs at the Department of Energy.

These sensible authorization levels do not bust the budget. The figures of the Brown substitute are consistent with a balanced budget by year 2002 as presented by both the President and the Coalition, the blue dog's budget.

I urge my colleagues to cast a vote for a reasonable energy policy.

Mr. TANNER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this substitute offered by Mr. BROWN tries, I think, to achieve a balance between short-term, medium-term and long-term research goals in the Federal Government, and has done so in a sound, fiscally responsible manner.

The bill represents a best effort to develop a research and development policy that reflects today's economic realities and the need to balance the budget.

Mr. Chairman, our Government needs to be an ally of business, not an adversary, and the amendment of the gentleman from California [Mr. BROWN] tries to make that truly come to pass. The amendment follows the advice of the recently released Council on Competitiveness report entitled "Endless Frontier, Limited Resources." The report's central finding is that research and development partnerships hold the key to meeting the challenge of transition that our Nation now faces.

Included in this definition of partnerships are the Partnership for a New Generation Vehicle, the Advanced Technology Program, and Cooperative Research and Development Agreements. H.R. 3322 moves in a direction that is counter to the council's recommendations, and in my opinion, has potentially devastating consequences for our country's future.

Mr. Chairman, the bill itself maintains the outdated distinction, again quoting the Council on Competitiveness report, between basic and applied research; and based on this distinction, eliminates funding for applied research and government-industry-university partnerships, which almost everyone who has studied this equation from a nonbiased point of view thinks is a shortsighted way to go in the future, and is not going to be at all helpful for the scientific community in this country.

The Brown substitute authorizes at a level consistent with balancing the budget as has been stated in the blue dog coalition budget and, in my judgment, goes in the direction we need to go.

Over and over again today we see business, because of the vagaries in the marketplace, unable to invest in "blue sky" research; that research that does not have in its immediate vision a way to bring a product to market and manufacture and market it commercially, in other words, get a return on investment.

These partnerships then become all the more important for our country to maintain its technological and scientific base. With these partnerships, not giveaways and grants, but partnerships where industry working with government can both reap a reward from breakthrough, new technologies.

This is serious business. The Brown substitute, in my judgment, is much more responsible to maintain and enhance on the scientific and technology base that exists in business, industry, and universities, and Federal laboratories across the country, and I would urge its adoption.

Mr. MORAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, there are many reasons why the substitute offered by the gentleman from California ought to be approved by this House, but let me just name two.

First, at a time when this Nation should be marching boldly into the information age, the Science Committee has reported a timid bill that is wholly inadequate to the technological challenges that confront us.

This bill reported by the Science Committee cuts $1.2 billion from the President's science and technology request. Basic research alone is $170 million below the President's request.

This bill is plainly not the best we can do. It will make it harder for us to harness the enormous promise of the information age, to conduct the basic research that will make America more productive, and to improve the scientific proficiency of American schoolchildren.

Second, this bill is a slap in the face to the dedicated Federal workers who administer our research portfolio. This includes employees of NASA, NOAA, and the National Science Foundation. For the NSF alone, it actually cuts $7 million from the agency's salaries and expenses.

This cut is made despite the fact that the NSF has one of the best records in Government of holding its costs down. Only 4 percent of the NSF's budget goes to internal operations. During the past decade, the NSF work force has remained constant in the face of a doubling of its workload.

How does the Science Committee propose to reward this outstanding record? With a cut in salaries and expenses that will cause the loss of as many as 120 positions from the agency, that's how. The Brown substitute restores these cuts and assures that the NSF and other agencies will have the resources they need to administer the agency's enormous research program effectively.

Mr. Speaker, when the leadership of this House closed the Government down at Christmas, there was a picture that appeared in many newspapers. It showed the mailroom of the National Science Foundation piling up with research proposals.

When we finally ended that shutdown and reopened American Government, the scientists and engineers at the NSF went quietly back to work, cleared out the backlog, and got our civilian science program back on its feet. It's just plain wrong to now cut what has plainly been an exceedingly well-run agency.

I urge my colleagues to support the Brown substitute.

□ 1800

Mr. MINGE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise this afternoon in opposition to H.R. 3322 and in strong support of the Brown substitute. We have been lulled into complacency by the last few years of ample energy supplies. It should not take a dramatic rise in the price of gasoline for Congress to remember our responsibilities to the energy supply and to the security of this Nation.

Unless we pass the Brown substitute, this Congress will only perpetuate the type of complacency that we cannot accept. We need only look to the Middle East to see how our energy security and national security are intimately related. We fought the Persian Gulf war in large part over a threat to our oil supply. The Department of Energy is forecasting that we will become even more dependent on this volatile source of energy during the next 20 years.

Our only insurance policy against future energy security problems, like more gas hikes, further pollution and degradation of the environment, is energy research and development. Yet the bill before us today continues extreme cuts to energy research and development that were passed last year by this Chamber in a truncated process and are again a part of this year's budget resolution. In fact, this year's cuts in renewable and solar research and development are an additional 30 percent from last year, which was cut 30 percent from 1995. Thus, this bill represents a 50-percent cut from the President's request.

Mr. Chairman, the majority must believe that the American people will not notice that Congress is cutting energy efficiency and renewable research and development. Perhaps they think the American people will not care. However, poll after poll shows that the American people not only know about these programs but overwhelmingly support them. Every single day, the American people appreciate the lower electricity and heating bills that Federal energy research and development has brought to them because of energy efficient refrigerators and new window technologies. With each new breakthrough in renewable fuels, this country moves closer to the day when we can significantly reduce our dependence on imported oil and become more self-sufficient in all forms of energy. It will also increase our chronic trade deficit problem. Roughly 50 percent of our trade deficit is caused by the imports of foreign oil. That also augers well for our national security, enabling us to become less vulnerable to interruptions in supply from foreign oil sources.

Expanding the development of renewable energy is beneficial to our national economy. Exports of these new energy technologies on the world market are a significant opportunity. American entrepreneurs and national labs in our country represent the cutting edge of this industry. We must not pull the plug on the small businesses that are in this field and lose out on this untapped potential.

Mr. Chairman, renewable energy technologies provide a boost in economic benefits to our rural communities. Farmer-owned ethanol plants have brought new jobs to many declining rural communities that depend on corn production, not to mention the benefit of displacing imported oil. Wind energy is another cutting edge technology that holds promise throughout the windy Great Plains States, yet the committee's budget zeroes out wind energy research and development funding just when the industry is on the verge of production cost competitiveness.

We must not overlook the environmental benefits that renewable energy technologies provide. As clean technologies like wind, biomass, solar, geothermal, and hydro continue to displace coal and oil, the air we breathe will improve.

I would also like to point out, as have several other speakers, that the Brown substitute is compatible with the Blue Dog balanced budget. Do not believe the complaints from the other side that say that support for the Brown substitute will bust the budget. It is not true. The American public understands that we have too much at stake in energy security, in curbing pollution, and creating and capturing high technology markets. Let us show the American people that Congress has gotten the message.

I urge my colleagues to support the Brown substitute that would fully fund energy research and development activities and oppose H.R. 3322.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, a little over a year ago, I arrived in the U.S. Congress and had the pleasure of being able to be assigned to the House Committee on Science, a committee that I thought had as its message and mission the creation of work for the 21st century. It is in this committee's responsibility or amongst its responsibilities to be the guiding force and partner with the private sector as it relates to research and development, space and environmental research, as well. But at the same time, I have argued vigorously for an inner-city district, like the 18th Congressional District, that our support of science creates opportunities for our young people as we move toward the 21st century.

So, Mr. Chairman, it is with great sadness that I rise, as I have indicated, in opposition to the present H.R. 3322 and vigorously support the Brown substitute, hoping that we will have an opportunity to support this amendment in a balanced and bipartisan manner, for this is in fact a representative of a balanced approach to science as we move toward the 21st century. It recognizes the responsibility that we have for fiscal integrity. But, at the same time, it acknowledges what role we have on the world arena in terms of supporting science.

The Brown amendment, in fact, restores cuts in salaries and expense accounts, preventing delays in the processing of scientific grant proposals throughout the country for the National Science Foundation, one of the premier institutions that helps to carry the message of science across this Nation.

Mr. Chairman, in addition, it allows the National Science Foundation to maintain a directorate for the social, economic, and behavioral sciences. It restores the $2 billion that is so needed to make our science mission a real mission.

As it relates to NASA, the Brown substitute protects the President's request for Mission to Planet Earth but, more important, allows us to study the environmental impact on all that is occurring around us. It gives us long-range planning opportunities, and it provides a clear mandate from NASA to study the climate and environment of the Earth, something that I would imagine none of us would disagree with.

In particular something that I am very concerned about, having visited several of our NASA centers around the Nation and, in fact, watched NASA over the last year and a half almost reduce itself to a lean, mean operating machine, and yet we are cutting some $18.5 million in salaries, which will drastically cut into the NASA centers and jeopardize NASA's ability to safely deliver its programs. That is a reduction in force totaling 1,400 employees by October 1, 1996, a physical legal impossibility, or an agencywide furlough of 21,000 employees for 12 to 14 days. Someone would simply ask the question: How much more can we take? Are we really serious about our commitment to science and research in this Nation?

Then might I add, in my dismay as I looked at this legislation for the Department of Energy and the research and technology research that it provides, it is not listed. And I would like to bring to the attention of the chairman a letter that I received from my department of commerce in the State of Texas, acknowledging the importance of the National Institute of Standards and Technology and the MEP Program in particular. The kind of small- and medium-sized companies that benefit from MEP employ nearly 12 million people, roughly 65 percent of the manufacturing work force. This amendment and substitute restores that funding.

Last year over 25,000 of these small businesses benefited from the MEP support, and more than 1,300 letters of support were sent to Congress from small businesses. Are we for the small business community? I do not know about that.

Mr. Chairman, this legislation that is on the floor does not seem to suggest that we are prepared to provide small businesses the opportunity for science and research. The Brown amendment does. Then we want to close out on the Advanced Technology Program. I am shocked when we begin to look at this country's role on the international arena. This should be a bipartisan, unified effort to support a program that provides a partnership.

We are not asking for Government dominance, but we are asking for the Government to recognize they have a real role in research and development with the private sector. We are abdicating that responsibility. I support the Brown substitute because it clearly acknowledges that.

Mr. Chairman, European nations are accelerating investment in commercial technology. Japan has plans in the works to double the government's science program. China plans to triple its investment in R&D. Korea has considerably boosted its R&D efforts. Mr. Chairman, it is important that we respond to the international arena of science in a bipartisan way. Support NASA with the personnel funding. Support these science programs as well as these research and development efforts. Let us support the Brown substitute.

Mr. Chairman, we have before us for our consideration, the Brown substitute to H.R. 3322. This substitute has what H.R. 3322 does not have—a balanced and thoughtful approach to this Nation's research and development, science, and space enterprises. The Democrats on the committee felt that too many changes were necessary to make the chairman's bill a satisfactory piece of legislation and that the only way to address many of the problems was to offer a complete substitute. Although this committee has oversight responsibilities, it has been my experience that only disaster can result when people without expertise or experience begin to micromanage what they do not know, as in the case of H.R. 3322. This legislation continues to attempt to force the Republican ideological and personal viewpoints upon not only the rest of the Nation, but the futures of our children as well. They criticize EPA and environmental regulations, but won't allow the agency to conduct the research to answer important questions.

Among the many problems contained within the chairman's bill which the Brown substitute fixes are:

The Republican's personal and lonely vendetta against NASA's Mission to Planet Earth Program, reducing the administration's request by more than $300 million, eliminating spacecraft and restructuring the program even though he has never actually had to operate or run a multibillion dollar space program. The President has made this program a NASA priority, the Senate has strongly supported this program, and the chairman's own National Research Council evaluation validated it.

The substitute includes the $81.5 million requested by the administration for NASA salaries and personnel, but cut by the chairman. If this substitute fails I will offer a separate amendment to add back this $81.5 million. While this may not seem like much to the Republicans, they still have their jobs and are not threatened with a layoff or reduction in force [RIF]. A cut of this magnitude will mean that the hardworking employees of the Johnson Space Center in Houston will have to forgo pay that they have earned and deserve.

The substitute supports the basic research components of the administration's multiagency research initiatives in important areas to the Nation's economic future: high performance computing, and communications, environment and natural resources, and advanced manufacturing techniques.

The substitute includes a Department of Energy title, which the chairman's bill does not and it reverses the deep Republican cuts in fossil R&D, solar and renewables R&D conservation R&D and fusion energy R&D, the MEP and ATP.

Mr. DOGGETT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Brown substitute as an attempt to reach a moderate approach consistent with a balanced budget to our national science and technology policy. As we review the activity, to the extent there has been any in this Gingrich Congress with reference to science and technology, I think it has to be conceded that the major accomplishment of the House Committee on Science over this Congress occurred on the first day of Congress. That was the day that the name of the committee was changed. Since the time of the name change, other than that, the activity of the committee has been pretty downhill.

After embracing some of the Gingrich agenda to hamstring Federal health and safety regulation and pursuing a technology policy that basically said, if our research has any immediate application, then we do not want to fund it, we only want to fund the most theoretical research, the committee basically has done very little. For over 4 months, it did not meet at all. Last year it has as its monument, as a committee of this Congress, it has one committee report. It did not manage to get a single thing written into law during all of 1995. And today the do-little approach of this do-little committee is projected through the legislation that is offered tonight as an alternative to the Brown substitute. It says we ought to do the same thing with reference to the future of this country in science and technology. You see, instead of the kind of dispassionate, bipartisan, moderate approach of moving forward that occurred not just in prior Democratic administrations but in prior Republican administrations of people working together realizing that, if there is any subject that ought to be bipartisan, it is science and technology policy.

We have substituted the scoring apparently of political points for that kind of moderate approach and substituted arrogance for reasoned discourse. Let me give just a few examples of how the Brown substitute, an alternative, proposes to deal with these problems. First in the area of the National Science Foundation, as my colleague from Virginia pointed out, this is a fairly small agency. All this talk about bureaucracy, it has a very efficient program. About 4 percent of its budget of the tax dollars are spent on administration. To be sure, we are getting a return on our research dollars. The other 96 percent is spent on research, going out mainly to university research: Yet, it is that agency that the proposal that is before us tonight would do substantial damage to. The gentleman from California [Mr. BROWN] seeks to minimize the amount of that damage, not really to extend and advance significantly the fine work of the National Science Foundation, but at least to mitigate the damage.

A second example is with reference to the environment. Now, I know that the real monument of this Gingrich Congress has been its attempt to cut Medicare. But ranking right up there with the effort to cut Medicare surely is the effort to aid every polluter in the country with reference to the environment.

Mr. Chairman, we remember last year the enactment in this House of the Dirty Water Act that would end 20 years of the national cleanup of pollution of our streams and lakes and rivers, a proposal that the New York Times succinctly described as one that would make it easier for polluters to pollute; but that is no surprise because polluters wrote the bill.

□ 1815

Then all of last fall we had all these antienvironmental riders that would get tacked on without a hearing that would propose to hamstring first one Federal agency after another in protecting the public health and safety with reference to our environment, and we have had one thing after another, and this year the only thing different was some memo that came out from the Republican House conference that suggested Republican Members go out and hug trees and go to zoos and pet animals to indicate they really were not as antienvironmental as appeared to be the case.

And so now we come to the science budget, and the continuation of this extremist agenda is to simply say that certain types of research will be off limits. We do not want to know what the good science will show with reference to these areas, we want to prohibit research altogether.

For example, long-term climate change research at one Federal agency, indoor air research at another agency, and cut renewable energy research by 50 percent, some restricted, some significantly reduced, and I suppose that that is consistent with the comment of one of the House Republican leaders that a scientist, a distinguished chemist who got an award, the Nobel Prize, for his work in chemistry in discovering the link between chlorofluorocarbons and ozone depletion in our atmosphere, he was referred to as having received the Noble appeasement award.

It is that kind of extremist endeavor that is carried on in this bill that the gentleman from California [Mr. BROWN] proposes to ameliorate, and I heartily support his effort to do that.

Mr. SCOTT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the substitute amendment offered by the gentleman from California [Mr. BROWN].

One of the serious problems with H.R. 3322 is the omission of research conducted by the Department of Energy. This substitute restores funding for these programs. We made tremendous progress and received Noble prizes for the research conducted in labs funded under research programs by the Department of Energy. The Thomas Jefferson National Accelerator Facility in Virginia is the Department of Energy facility that supports a national subatomic particle research. This facility provides the Nation a unique tool for exploring the structure of the nucleus of an atom and for dramatically increasing our understanding of how the basic building blocks of nature work. The Transfer Technology Program funded by the Department of Energy includes the very best scientific research facilities in the Nation. Under the guidance of the Laser Processing Consortium, which includes 22 laboratories and universities on three continents, we have developed cutting-edge technologies that will be critical in our future health and national economic well-being. As a nation we must retain our edge to meet the coming international competition.

Another program, Mr. Chairman, funded under this substitute is the Mission to Planet Earth project under NASA. Two satellites not funded under the base bill are essential to determining how climate changes. Not the impact of weather changes; we know how floods and tornados and droughts and snow affect our climates, but we need the information that will be collected by CHEM-1 and P.M.-1 satellites which will help to establish early warning systems, provide information on natural irrigation channels and assist in recognizing the power of wind, water, and natural vegetation on our home planet.

I am also pleased to see the restoration in the substitute of the 20-percent funding cut in H.R. 3322 of the NASA advanced subsonic program. This funding is vitally important to maintaining this Nation's longstanding leadership on subsonic research. We need the studies on aging aircraft used in the newer economy airlines, we need the improvement of safety of our air traffic control systems, and we need the research and development of the quieter, more fuel efficient and environmentally safe aircraft.

I acknowledge and support the need to cut Government spending where appropriate in order to meet our budget responsibilities, but such a cut to NASA's aeronautics program are extremely counterproductive to our shared goals of creating a stronger economy and a stronger America.

I ask that we support the Brown substitute.

Ms. HARMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as a member of the Committee on Science, I rise today in strong support of the Brown substitute and against H.R. 3322.

Over the shoulders of the gentleman from Pennsylvania [Mr. WALKER] in the Committee on Science hearing room is a biblical quotation which reads, "Where there is no vision, the people perish." In my view, H.R. 3322 is a bill without vision. Because of its short-sighted cuts to civilian R&D our Nation's leadership position on science and technology issues may very well perish in the not too distant future.

The Brown substitute offers a much different vision of the Federal Government's role in research and development. It represents a vision that Government can and should be a partner with industry as we move into the 21st century. Its enactment is critical for our future.

A key difference between the Brown substitute and H.R. 3322 is the treatment of NASA's Mission to Planet Earth. This important program will provide us with a better scientific understanding of global change and directly stimulate American interests around the globe.

As an example, Mission to Planet Earth-generated data will help scientists answer key questions about our planet's changing climate and will help farmers understand and predict El Nino positions, allowing them to plant their crops accordingly.

Unlike the Brown substitute, which funds Mission to Planet Earth at the administration's requested level, H.R. 3322 dramatically slashes the program by $374 million in fiscal year 1997. This cut flies counter to the National Research Council's comprehensive review of the program, a review requested by the gentleman from Pennsylvania [Mr. WALKER] himself.

The review was clear, the science underlying the Mission to Planet Earth Program is fundamentally sound. The PM-1 and CHEM-1 mission should be implemented without delay. Dr. Ed Frieman, who chaired the study, testified before the Committee on Science that postponing PM and CHEM would not only cause delay, but also would increase costs.

At a March Committee on Science hearing on global climate change in the Mission to Planet Earth Program, not a single witness advocated canceling the PM and CHEM mission. No one urged the committee to chop $374 million from the program. Even renowned global warming skeptics agreed that more data on climate change was a necessity.

Mr. Chairman, we need to be doing more, not less research into difficult scientific questions like climate change. Good science is good business. We must be visionary, not reactionary. I urge Members to support the Brown substitute, a strong vision for our Nation's science and technology future.

Mr. HALL of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I thank the gentlewoman from Texas [Ms. JACKSON-LEE] for her words about restoring the funding to the NASA personnel account. That was a cut that should not have been made, and, as I think we noted when we marked up H.R. 3322 at full committee, these personnel funding cuts would cause a very severe hardship on the very hard-working men and women at NASA centers, something that was confirmed in writing by the NASA comptroller some time ago.

I certainly rise in support of the Brown substitute and particularly the provisions relating to the NASA administration. As I mentioned in the general debate, while H.R. 3322 maintains full funding for the space station and biomedical research; I am grateful for that; I like that part of it; I have been troubled by some of the other cuts to NASA though in the bill, and I am pleased that the Brown substitute would correct these problems.

First, the substitute funds NASA at the level of the President's request,

$13.8 billion. It is a reasonable funding level, maintaining our commitment to NASA's programs and its dedicated personnel while at the same time continuing our commitment to deficit reduction. It is not a budget buster, and in fact the level of NASA funding contained in the Brown substitute and in the President's request is almost $100 million below the fiscal year 1996 appropriation for NASA.

Second, the Brown substitute fully funds the space station as well as the biomedical research that I believe will develop and develop into very important benefits to all of our citizens, young and old.

So I am pleased that NASA and the National Institutes of Health are working together effectively on a wide range of cooperative research activities, and the Brown substitute will allow that significant research to continue.

Third, the Brown substitute will restore funding that was cut from a number of critical accounts. In addition to the funding for Mission to Planet Earth, which I am sure other Members have addressed or will address, the Brown substitute restores funding for the Advanced Subsonic Aeronautical Research Program. The funding will allow NASA to continue several things, among them research to address safety concerns relating to aging aircraft, collaborative initiatives with the Federal Aviation Administration to improve the safety and efficiency of the Nation's air traffic management system, R&D to develop the technologies for quieter, more fuel efficient aircraft, R&D for general aviation commuter aircraft.

Mr. Chairman, the Brown substitute also restores the funding that was cut from NASA's personnel account, and I have addressed that, and it was very well addressed, and the NASA comptroller had already stated that the proposed cuts to the salaries and expense accounts would result in furloughs at the NASA centers, something that I believe no Member of Congress wants to impose on the hard-working employees of the space agency.

Further, the Brown substitute restores the funding for facilities and maintenance facilities at the center. That is very important. The one-third cut to the maintenance budget contained in H.R. 3322 would hurt the ability of the centers to carry out their missions in a safe and timely manner. So we should not really be making cuts that lead to higher costs down the road, as is usually the case when we cut the deferred maintenance.

All in all, Mr. Chairman, the Brown substitute maintains our historic support of the U.S. space program and provides the responsible level of funding for NASA and its activities. I urge my colleagues to support the Brown amendment.

Mr. VOLKMER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to first thank the gentleman from California [Mr. BROWN] for offering his substitute, and I also wish to thank the approximately 16 or so Members from the minority who have spoken in favor of it and given all the details of why the substitute is so much better than the original bill.

The original bill that is before us, Mr. Chairman, Members of the House, is one of the worst bills that I have ever seen; is the worst, not one, is the worst that I have ever seen come out of the Committee on Science, Space, and Technology in my 20 years here.

I had served under, on the Committee on Science, under illustrious chairmen such as Don Fuqua and Bob Rowe and the gentleman from California [Mr. BROWN]. I now serve under the gentleman from Pennsylvania. The distinct difference between those and the one I presently have is that they were interested in promoting science in this country. They were interested in basic research in this country. They were not interested in getting rid of programs that benefit this country in the name of balancing the budget when it is really in the name: I do not like the programs, I am not in favor of the programs, therefore we are going to get rid of them no matter how good they are for the country.

□ 1830

What does this all relate to? It all really gets back to a philosophy, and a philosophy of government, and the difference between the majority, led by the Speaker, the gentleman from Georgia [Mr. GINGRICH], the radical Republican extremists that want to remove the Federal Government from all sectors of society and say let the free market take care of it.

If we had done that in the past, we would not have all of the benefits that this country presently has, especially from basic research that we will find from NSF. We would not have the development of the small businesses and large businesses throughout this country, and our ability to be in the forefront in the economic sector of this world, because it is that partnership that was spoken of earlier between government, industry, and individuals that has made this country great.

Yet, the radical right of the majority would like to tell us that the role of the Federal Government is just to defend out shores and that is it, and get out of the way of everybody else. That is what they say. If we stop and think about that, it is a little bit scary, folks. It scares me that the Federal Government should only defend the shores and not have anything else to do with the rest of mankind in this country.

Our Constitution not only provides for defending the shores, but also says that the Federal Government must care for the general welfare of the people. That is basically what some of us are about. That is the basic difference. And when Members look at this bill that we have before us, the unnecessary cuts, because we do not need them, as the gentleman from Texas [Mr. STENHOLM] pointed out; under the coalition budget we reached a balanced budget in the same time period that the Republicans did, and yet we even cut more spending in that timeframe. Our deficits are smaller, the debt is less in 2002, and yet we could take the Brown substitute and fit it in and provide the basic research, the partnership programs with business and industry and small businesses. We can do all of that.

So this is a clear case not of doing it to balance the budget, but it is a clear case of reducing NSF funding, reducing basic research into energy supplies solely for the purpose of getting rid of it because we do not like it. The Republicans will tell you they do not believe in these programs. I daresay that if we would have been down this road when I first was here 20 years ago, we would not have many of the benefits that we have today, that we in this country enjoy today.

The CHAIRMAN. The time of the gentleman from Missouri [Mr. VOLKMER] has expired.

(By unanimous consent, Mr. VOLKMER was allowed to proceed for 3 additional minutes.)

Mr. VOLKMER. Mr. Chairman, I do not believe that there are very many scientists in this country who do the research, that does benefit everybody in this country, who feel that we should do away with basic research programs. I maintain that there are people out there that are dedicated scientists willing to take on the task of trying to find knowledge for the sake of knowledge, so that knowledge, once it proves out, can lead to such things as getting rid of many diseases that we presently have, many illnesses that we presently have; getting us a new way to manufacture products, new materials for products.

I can remember back when I was a youngster, and things have changed dramatically up to the present time. A lot of that is because of research that was done on behalf of the Federal Government, and in cooperation with university professors and scientists, industrial scientists. It is that basic research that has gotten us where we are.

Now to say that we no longer need to do these things to the extent that the gentleman from California, Mr. BROWN, has provided in the substitute tells me very clearly that the majority, under the leadership of the gentleman from Georgia, NEWT GINGRICH, clearly is on the road to eliminating these programs.

Mr. Chairman, I strongly support the substitute offered by the gentleman from California, and I commend him for offering it. I strongly oppose the bill as offered by the gentleman from Pennsylvania [Mr. WALKER].

Mr. FAZIO of California. Mr. Chairman, I rise in opposition to the bill H.R. 3322 and in support of the Brown substitute. This bill seeks to create the impression that we are considering an omnibus civilian science proposal, but we are not. Noticeably absent are the energy research and development [R&D] programs at the Department of Energy [DOE]. How do we explain the absence of about $4.7 billion in authorizations for the civilian science programs at DOE?

Federal support for R&D is the quintessential investment in our Nation's future. Unfortunately, despite 5 years of strong bipartisan support, the Republican leadership now treats R&D as a low priority. The overall reduction would be $711 million below this year's funding and nearly $800 million below the President's proposal. Solar and renewable energy research would be cut 34 percent. Conservation energy R&D would be slashed 43 percent. Fuel cell research would be cut 66 percent. And I would remind my colleagues that this is all being done in one year, not over 5 years or 7 years.

We cannot let stand congressional proposals that endanger our ability to create more high-income jobs in developing industries as well as to promote safer, more cost-efficient and environmentally sensitive energy technologies.

R&D is responsible for approximately one-half of the productivity improvements in the Nation's economy. Technological innovation is the single most important source of long-term economic growth, and the total economic return on investment in R&D is several times as high as for other forms of investment.

While Republicans seek to make political hay out of the gas price spike we are currently suffering, they are cutting the research at DOE that moves us away from dependence upon gasoline. While Senator DOLE proposes a cut in the gas tax, House Republicans propose a cut DOE's transportation energy Research budget by $66.8 million below this year's funding, a 38 percent cut.

We don't know when or if the Republicans will make good on these threats to cut DOE. For the sake of my home State of California, I hope they do not. The Department of Energy calculated that California received about $722 million in energy R&D funding in fiscal year 1995. We are heavily involved in programs like energy conservation research, and research on fusion energy development, both of which are hit heavily in the Republican proposals. I mentioned fuel cell research as an area being targeted and as one that is important to a State seeking to sustain our economic recovery while maintaining our air quality. In the Third District, we have the University of California at Davis, which ranks in the top 20 universities in Federal research grants and is responsible for managing three DOE laboratories. All of these programs are at risk if the Republican committee proposal prevails.

The substitute offered by Mr. BROWN today contains all of the programs that should be in an omnibus bill, including the DOE programs. And it funds them at the President's request level. If you are concerned, as I am, about our energy future you will support Mr. BROWN. If you want energy security in the future, as I know the residents of my State do, you will support the Brown substitute.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from California [Mr. BROWN].

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. SENSENBRENNER. Mr. Chairman, I demand a recorded vote, and pending that I make a point of order that a quorum is not present.

The CHAIRMAN. Pursuant to the order of the House today, further proceedings on the amendment in the nature of a substitute offered by the gentleman from California [Mr. BROWN] will be postponed.

The point of no quorum is considered withdrawn.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to the order of the House of today, proceedings will now resume on those amendments on which further proceedings were postponed in the following order:

Amendment No. 14, offered by the gentlewoman from California [Ms. LOFGREN] and amendment No. 8, offered by the gentleman from California [Mr. BROWN].

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MS. LOFGREN

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from California [Ms. LOFGREN] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 170, noes 243, not voting 20, as follows:

[Roll No. 196]

AYES—170

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Coyne
Cramer
Cummings
Danner
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Klink
LaFalce
Levin
Lewis (GA)
Lipinski
Lofgren
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Nadler
Neal
Oberstar
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Stokes
Stupak
Tanner
Tejeda
Thompson
Thornton
Thurman
Torres
Towns
Traficant
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Woolsey
Wynn
Yates

NOES—243

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greene (UT)
Greenwood
Gutknecht
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Kleczka
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo

Martini
McCarthy
McCollum
McCrery
McDade
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Obey
Oxley
Packard
Parker
Paxon
Peterson (MN)
Petri
Pickett
Pombo
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Sabo
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wise
Wolf
Young (AK)
Zeliff
Zimmer

NOT VOTING—20

Chapman
Conyers
de la Garza
Dingell
Foglietta
Ford
Gunderson
Hayes
Lantos
Lincoln
Lowey
McHugh
Molinari
Peterson (FL)
Pomeroy
Roukema
Solomon
Studds
Torricelli
Young (FL)

□ 1855

The Clerk announced the following pair:

On this vote:

Mr. Conyers for, with Mr. Young of Florida against.

Mr. CLINGER changed his vote from "aye" to "no."

Messrs. STOKES, BENTSEN, and MONTGOMERY changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. BROWN OF CALIFORNIA

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment in the nature of a substitute offered by the gentleman from California [Mr. BROWN] on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment in the nature of a substitute.

The Clerk redesignated the amendment in the nature of a substitute.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 176, noes 235, not voting 22, as follows:

[Roll No. 197]

AYES—176

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Collins (IL)
Collins (MI)
Condit
Coyne
Cramer
Cummings
Danner
DeLauro
Dellums
Deutsch
Dicks
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Klink
LaFalce
Levin
Lewis (GA)
Lofgren
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Nadler
Neal
Oberstar
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (MN)
Pickett
Rahall
Rangel
Reed
Richardson
Rivers
Rose
Roybal-Allard
Rush
Sabo
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Stokes
Stupak
Tanner
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Towns
Traficant
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wynn
Yates

NOES—235

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Castle
Chabot
Chambliss
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Costello
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeFazio
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greene (UT)
Greenwood
Gutknecht
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Kleczka
Klug
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Obey
Oxley
Packard
Parker
Paxon
Petri
Pombo
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Salmon
Sanders
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Zeliff
Zimmer

NOT VOTING—22

Bilbray
Chenoweth
Coleman
Conyers
de la Garza
Dingell
Foglietta
Ford
Gunderson
Hayes
Lantos
Largent
Lincoln
Lowey
McHugh
Molinari
Peterson (FL)
Pomeroy
Roukema
Studds
Torricelli
Young (FL)

□ 1902

The Clerk announced the following pair:

On this vote:

Mr. Conyers for, with Mr. Young of Florida against.

Mr. FORBES changed his vote from "aye" to "no."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

Mr. WALKER Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. DREIER) having assumed the chair, Mr. BURTON of Indiana, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill, H.R. 3322, to authorize appropriations for fiscal year 1997 for civilian science activities of the Federal Government, and for other purposes, had come to no resolution thereon.

REPORT ON A HOUSE RESOLUTION ON PROCEEDINGS AGAINST JOHN M. QUINN, DAVID WATKINS, AND MATTHEW MOORE

Mr. CLINGER, from the Committee on Government Reform and Oversight, submitted a privileged report (Rept. No. 104–598) on a House resolution on proceedings against John M. Quinn, David Watkins, and Matthew Moore, which was referred to the House Calendar and ordered to be printed.

OMNIBUS CIVILIAN SCIENCE AUTHORIZATION ACT OF 1996

The SPEAKER pro tempore. Pursuant to House Resolution 427 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 3322.

☐ 1905

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 3322, to authorize appropriations for fiscal year 1997 for civilian science activities of the Federal Government, and for other purposes, with Mr. BURTON of Indiana in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole House rose earlier today, amendment No. 8, offered by the gentleman from California [Mr. BROWN] had been disposed of.

Are there further amendments to section 1?

If not, the Clerk will designate title I.

The text of title I is as follows:

TITLE I—NATIONAL SCIENCE FOUNDATION

SEC. 101. SHORT TITLE.

This title may be cited as the "National Science Foundation Authorization Act of 1996".

SEC. 102. DEFINITIONS.

For purposes of this title—

(1) the term "Director" means the Director of the Foundation;

(2) the term "Foundation" means the National Science Foundation;

(3) the term "institution of higher education" has the meaning given such term in section 1201(a) of the Higher Education Act of 1965;

(4) the term "national research facility" means a research facility funded by the Foundation which is available, subject to appropriate policies allocating access, for use by all scientists and engineers affiliated with research institutions located in the United States; and

(5) the term "United States" means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States.

Subtitle A—National Science Foundation Authorization

SEC. 111. AUTHORIZATION OF APPROPRIATIONS.

(a) FINDINGS.—The Congress finds that—

(1) the programs of the Foundation are important for the Nation to strengthen basic research and develop human resources in science and engineering, and that those programs should be funded at an adequate level;

(2) the primary mission of the Foundation continues to be the support of basic scientific research and science education and the support of research fundamental to the engineering process and engineering education; and

(3) the Foundation's efforts to contribute to the economic competitiveness of the United States should be in accord with that primary mission.

(b) FISCAL YEAR 1997.—There are authorized to be appropriated to the Foundation $3,250,500,000 for fiscal year 1997, which shall be available for the following categories:

(1) Research and Related Activities, $2,340,300,000.

(2) Education and Human Resources Activities, $600,000,000.

(3) Major Research Equipment, $80,000,000.

(4) Academic Research Facilities Modernization, $100,000,000.

(5) Salaries and Expenses, $120,000,000.

(6) Office of Inspector General, $5,000,000.

(7) Headquarters Relocation, $5,200,000.

(c) LIMITATION.—Consistent with the amendment made by section 130(a) of this Act, funds appropriated under subsection (b)(1) of this section shall be available to not more than 6 scientific directorates. No funds appropriated under subsection (b)(1) may be obligated or expended by, for, or through a scientific directorate if funds appropriated under subsection (b)(1) have been obligated or expended for 6 other scientific directorates.

SEC. 112. PROPORTIONAL REDUCTION OF RESEARCH AND RELATED ACTIVITIES AMOUNTS.

If the amount appropriated pursuant to section 111(b)(1) is less than the amount authorized under that paragraph, the amount available for each scientific directorate under that paragraph shall be reduced by the same proportion.

SEC. 113. CONSULTATION AND REPRESENTATION EXPENSES.

From appropriations made under authorizations provided in this title, not more than $10,000 may be used in each fiscal year for official consultation, representation, or other extraordinary expenses at the discretion of the Director. The determination of the Director shall be final and conclusive upon the accounting officers of the Government.

SEC. 114. REPROGRAMMING.

(a) $500,000 OR LESS.—In any given fiscal year, the Director may transfer appropriated funds among the subcategories of Research and Related Activities, so long as the net funds transferred to or from any subcategory do not exceed $500,000.

(b) GREATER THAN $500,000.—In addition, the Director may propose transfers to or from any subcategory exceeding $500,000. An explanation of any proposed transfer under this subsection must be transmitted in writing to the Committee on Science of the House of Representatives, and the Committees on Labor and Human Resources and Commerce, Science, and Transportation of the Senate. The proposed transfer may be made only when 30 calendar days have passed after transmission of such written explanation.

Subtitle B—General Provisions

SEC. 121. ANNUAL REPORT.

Section 3(f) of the National Science Foundation Act of 1950 (42 U.S.C. 1862(f)) is amended to read as follows:

"(f) The Foundation shall provide an annual report to the President which shall be submitted by the Director to the Congress at the time of the President's annual budget submission. The report shall—

"(1) contain a strategic plan, or an update to a previous strategic plan, which—

"(A) defines for a three-year period the overall goals for the Foundation and specific goals for each major activity of the Foundation, including each scientific directorate, the education directorate, and the polar programs office; and

"(B) describe how the identified goals relate to national needs and will exploit new opportunities in science and technology;

"(2) identify the criteria and describe the procedures which the Foundation will use to assess progress toward achieving the goals identified in accordance with paragraph (1);

"(3) review the activities of the Foundation during the preceding year which have contributed toward achievement of goals identified in accordance with paragraph (1) and summarize planned activities for the coming three years in the context of the identified goals, with particular emphasis on the Foundation's planned contributions to major multi-agency research and education initiatives;

"(4) contain such recommendations as the Foundation considers appropriate; and

"(5) include information on the acquisition and disposition by the Foundation of any patents and patent rights.".

SEC. 122. NATIONAL RESEARCH FACILITIES.

(a) FACILITIES PLAN.—The Director shall provide to Congress annually, as a part of the report required under section 3(f) of the National Science Foundation Act of 1950, a plan for the proposed construction of, and repair and upgrades to, national research facilities. The plan shall include estimates of the cost for such construction, repairs, and upgrades, and estimates of the cost for the operation and maintenance of existing and proposed new facilities. For proposed new construction and for major upgrades to existing facilities, the plan shall include funding profiles by fiscal year and milestones for major phases of the construction. The plan shall include cost estimates in the categories of construction, repair, and upgrades for the year in which the plan is submitted to Congress and for not fewer than the succeeding 4 years.

(b) LIMITATION ON OBLIGATION OF UNAUTHORIZED APPROPRIATIONS.—No funds appropriated for any project which involves construction of new national research facilities or construction necessary for upgrading the capabilities of existing national research facilities shall be obligated unless the funds are specifically authorized for such purpose by this title or any other Act which is not an appropriations Act, or unless the total estimated cost to the Foundation of the construction project is less than $50,000,000. This subsection shall not apply to construction projects approved by the National Science Board prior to June 30, 1995.

SEC. 123. ELIGIBILITY FOR RESEARCH FACILITY AWARDS.

Section 203(b) of the Academic Research Facilities Modernization Act of 1988 is amended by striking the final sentence of paragraph (3) and inserting in lieu thereof the following: "The Director shall give priority to institutions or consortia that have not received such funds in the preceding 5 years, except that this sentence shall not apply to previous funding received for the same multiyear project.".

SEC. 124. ADMINISTRATIVE AMENDMENTS.

(a) NATIONAL SCIENCE FOUNDATION ACT OF 1950 AMENDMENTS.—The National Science Foundation Act of 1950 (42 U.S.C. 1861 et seq.) is amended—

(1) by redesignating the subsection (k) of section 4 (42 U.S.C. 1863(k)) that was added by section 108 of the National Science Foundation Authorization Act of 1988 as subsection (l);

(2) in section 5(e) (42 U.S.C. 1864(e)) by amending paragraph (2) to read as follows:

"(2) Any delegation of authority or imposition of conditions under paragraph (1) shall be promptly published in the Federal Register and reported to the Committees on Labor and Human Resources and Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives.";

(3) by inserting "be entitled to" between "shall" and "receive", and by inserting ", including traveltime," after "Foundation" in section 14(c) (42 U.S.C. 1873(c));

(4) by striking section 14(j) (42 U.S.C. 1873(j)); and

(5) by striking "Atomic Energy Commission" in section 15(a) (42 U.S.C. 1874(a)) and inserting in lieu thereof "Secretary of Energy".

(b) NATIONAL SCIENCE FOUNDATION AUTHORIZATION ACT, 1976 AMENDMENTS.—Section 6(a) of the National Science Foundation Authorization Act, 1976 (42 U.S.C. 1881a(a)) is amended by striking "social," the first place it appears.

(c) NATIONAL SCIENCE FOUNDATION AUTHORIZATION ACT OF 1988 AMENDMENTS.—(1) Section 117(a)(1)(B)(v) of the National Science Foundation Authorization Act of 1988 (42 U.S.C. 1881b(1)(B)(v)) is amended to read as follows:

"(v) from schools established outside the several States and the District of Columbia by any agency of the Federal Government for dependents of its employees.".

(2) Section 117(a)(3)(A) of such Act (42 U.S.C. 1881b(3)(A)) is amended by striking "Science and Engineering Education" and inserting in lieu thereof "Education and Human Resources".

(d) EDUCATION FOR ECONOMIC SECURITY ACT AMENDMENTS.—Section 107 of Education for Economic Security Act (20 U.S.C. 3917) is repealed.

(e) TECHNICAL AMENDMENT.—The second subsection (g) of section 3 of the National Science Foundation Act of 1950 is repealed.

SEC. 125. INDIRECT COSTS.

(a) MATCHING FUNDS.—Matching funds required pursuant to section 204(a)(2)(C) of the Academic Research Facilities Modernization Act of 1988 (42 U.S.C. 1862c(a)(2)(C)) shall not be considered facilities costs for purposes of determining indirect cost rates.

(b) REPORT.—The Director of the Office of Science and Technology Policy, in consultation with other relevant agencies, shall prepare a report analyzing what steps would be needed to—

(1) reduce by 10 percent the proportion of Federal assistance to institutions of higher education that are allocated for indirect costs; and

(2) reduce the variance among indirect cost rates of different institutions of higher education, including an evaluation of the relative benefits and burdens of each option on institutions of higher education. Such report shall be transmitted to the Congress no later than December 31, 1996.

SEC. 126. FINANCIAL DISCLOSURE.

Persons temporarily employed by or at the Foundation shall be subject to the same financial disclosure requirements and related sanctions under the Ethics in Government Act of 1978 as are permanent employees of the Foundation in equivalent positions.

SEC. 127. EDUCATIONAL LEAVE OF ABSENCE FOR ACTIVE DUTY.

In order to be eligible to receive funds from the Foundation after September 30, 1996, an institution of higher education must provide that whenever any student of the institution who is a member of the National Guard, or other reserve component of the Armed Forces of the United States, is called or ordered to active duty, other than active duty for training, the institution shall grant the member a military leave of absence from their education. Persons on military leave of absence from their institution shall be entitled, upon release from military duty, to be restored to the educational status they had attained prior to their being ordered to military duty without loss of academic credits earned, scholarships or grants awarded, or tuition and other fees paid prior to the commencement of the military duty. It shall be the duty of the institution to refund tuition or fees paid or to credit the tuition and fees to the next semester or term after the termination of the educational military leave of absence at the option of the student.

SEC. 128. SCIENCE STUDIES INSTITUTE.

(a) AMENDMENT.—Section 822 of the National Defense Authorization Act for Fiscal 1991 (42 U.S.C. 6686) is amended—

(1) by striking "Critical Technologies Institute" in the section heading and in subsection (a), and inserting in lieu thereof "Science Studies Institute";

(2) in subsection (b) by striking "As determined by the chairman of the committee referred to in subsection (c), the" and inserting in lieu thereof "The";

(3) by striking subsection (c), and redesignating subsections (d), (e), (f), and (g) as subsections (c), (d), (e), and (f), respectively;

(4) in subsection (c), as so redesignated by paragraph (3) of this subsection—

(A) by inserting "science and" after "developments and trends in" in paragraph (1);

(B) by striking "with particular emphasis" in paragraph (1) and all that follows through the end of such paragraph and inserting in lieu thereof "and developing and maintaining relevant informational and analytical tools.";

(C) by striking "to determine" and all that follows through "technology policies" in paragraph (2) and inserting in lieu thereof "with particular attention to the scope and content of the Federal science and technology research and develop portfolio as it affects interagency and national issues";

(D) by amending paragraph (3) to read as follows:

"(3) Initiation of studies and analysis of alternatives available for ensuring the long-term strength of the United States in the development and application of science and technology, including appropriate roles for the Federal Government, State governments, private industry, and institutions of higher education in the development and application of science and technology.";

(E) by inserting "science and" after "Executive branch on" in paragraph (4)(A); and

(F) by amending paragraph (4)(B) to read as follows:

"(B) to the interagency committees and panels of the Federal Government concerned with science and technology.";

(5) in subsection (d), as so redesignated by paragraph (3) of this subsection, by striking "subsection (d)" and inserting in lieu thereof "subsection (c)"; and

(6) by amending subsection (f), as so redesignated by paragraph (3) of this subsection, to read as follows:

"(f) SPONSORSHIP.—The Director of the Office of Science and Technology Policy shall be the sponsor of the Institute.".

(b) CONFORMING USAGE.—All references in Federal law or regulations to the Critical Technologies Institute shall be considered to be references to the Science Studies Institute.

SEC. 129. EDUCATIONAL IMPACT.

(a) FINDINGS.—The Congress finds that—

(1) Federal research funds made available to institutions of higher education often create incentives for such institutions to emphasize research over undergraduate teaching and to narrow the focus of their graduate programs; and

(2) National Science Foundation funds for Research and Related Activities should be spent in the manner most likely to improve the quality of undergraduate and graduate education in institutions of higher education.

(b) EDUCATIONAL IMPACT.—(1) The impact that a grant or cooperative agreement by the National Science Foundation would have on undergraduate and graduate education at an institution of higher education shall be a factor in any decision whether to award such grant or agreement to that institution.

(2) Paragraph (1) shall be effective with respect to any grant or cooperative agreement awarded after September 30, 1997.

(c) REPORT.—The Director shall provide a plan for the implementation of subsection (b) of this section, no later than December 31, 1996, to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Labor and Human Resources of the Senate.

SEC. 130. DIVISIONS OF THE FOUNDATION.

(a) AMENDMENT.—Section 8 of the National Science Foundation Act of 1950 (42 U.S.C. 1866) is amended by inserting "The Director may appoint, in consultation with the Board, not more than 6 Assistant Directors to assist in managing the Divisions." after "time to time determine.".

(b) REPORT.—By November 15, 1996, the Director shall transmit to the Congress a report on the reorganization of the National Science Foundation required as a result of the amendment made by subsection (a).

SEC. 131. NATIONAL SCIENCE AND ENGINEERING FOUNDATION.

The National Science Foundation and the National Science Board are hereby renamed as the National Science and Engineering Foundation and the National Science and Engineering Board, respectively, and all references thereto in Federal law or regulation shall be deemed to refer to the National Science and Engineering Foundation or the National Science and Engineering Board, as appropriate.

The CHAIRMAN. Are there any amendments to title I?

AMENDMENT OFFERED BY MR. EHLERS

Mr. EHLERS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. EHLERS: Page 20, lines 1 through 10, strike section 131. Amend the table of contents accordingly.

Mr. EHLERS. Mr. Chairman, the purpose of the amendment is very straightforward and very simple. In the Committee on Science, an amendment was added to the bill to change the name of the National Science Foundation to the National Science and Engineering Foundation. That amendment was added by a 1-vote margin. The purpose of my amendment is to strike that amendment and to maintain the name of the National Science Foundation as the National Science Foundation.

I want to emphasize that the issue before us is not an issue dealing with respect for engineering. It is not an issue dealing with support of engineering. I must say that I have the greatest respect for engineers. I began my career in academic work as an engineer. I would be perfectly happy and proud to have remained on that career track and to be an engineer today. I also have a son who is currently a practicing engineer. I have the greatest respect for the engineering profession and for engineers as professionals.

I also strongly support and will continue to support engineering as a discipline within the National Science Foundation. Currently the engineering portion of the National Science Foundation budget exceeds 13 percent. So, obviously, there is a great deal of support for engineering within the National Science Foundation.

As far as I am concerned, in fact, engineering is a part of science. It is one of the subfields or subdisciplines of science, and I believe it is a mistake to single them out and include them in the name of the National Science Foundation.

Mr. Chairman, just to give some idea of what the National Science Foundation covers, at this point they have programs in physics, biology, chemistry, a number of the social sciences—including psychology and economics—computer science, mathematics, oceanography, geology, atmospheric sciences, and also education. I believe that if this name change is added, there would immediately be a request for other names to be included in the title of the organization and, eventually, the name would lose all meaning as we would end up with another meaningless Washington acronym.

Mr. Chairman, in fact, I believe that the only discipline within the National Science Foundation which might have some rightful claim to being included separately in the name of the NSF would be mathematics, which never has been and is not now considered a science. It is a separate discipline, a separate method of thought and investigation, and provides the foundation for much of science. Also if anyone were to change the name of the National Science Foundation to accurately reflect its mission, perhaps "National Research Foundation" might be most appropriate, because that is the primary emphasis of the National Science Foundation in all the disciplines mentioned above. They fund research in all these different scientific fields, including all those I have mentioned, including engineering, as well as a few others.

The suggestion to change the name is particularly inappropriate at this time because there is currently a trend, not only within the National Science Foundation but within this Nation itself, in research establishments to engage in interdisciplinary science. The lines between the disciplines are blurring and we find more and more interdisciplinary efforts to combine engineering and chemistry, for example, or to combine mathematics and physics in particular programs and in particular directions of research.

I would also emphasize that a major part of the Foundation's work is in education, and the teachers might well come along and ask why NSF should not be named the National Science and Education Foundation.

I recognize that a large number of engineers, many of whom are close friends and all of whom I respect very deeply, are very anxious to have their discipline achieve greater recognition and to be named specifically in the title of the National Science Foundation. I believe this is going in the wrong direction. It is very important to maintain the identity of the National Science Foundation as it is. It is known worldwide by that name.

☐ 1915

Because I am a practicing scientist, I recall what happened when the name of the National Bureau of Standards was changed to the National Institutes of Standards and Technology. It still causes confusion throughout the world because for many years the National Bureau of Standards was recognized worldwide as a major scientific enterprise and everyone knew it by that name.

In summary, Mr. Chairman, I urge that we adopt my amendment and maintain the name of the organization as the National Science Foundation.

Mr. BARTON of Texas. Mr. Chairman, I rise to speak in opposition to the amendment.

Mr. Chairman, I am reminded of a story that President Abraham Lincoln used to tell. Somebody was about to be hung and the crowd was gathering on the town square and they asked the gentleman about to be hung if he had any last remarks; and he said, if it were not for the honor of the occasion, he would just as soon not be there.

If it were not for the honor of having my amendment singled out to be struck from the bill, I would just as soon not be here. I am the author of the amendment to change the name of the National Science Foundation to the National Science and Engineering Foundation. Admittedly, it was a close vote, 23 to 22, but it still was an affirmative vote.

I think it is very important that we recognize engineering for its contributions to the American society. Our first President, George Washington, was a practicing engineer. Even in this century, we have had engineering Presidents like President Hoover and President Carter.

There are over 6 million practicing engineers in our Nation. So engineers are not a part of science, they are a separate discipline. If you go to any major research university in this country, they have a school of engineering that is separate and apart from their science departments. We have a National Academy of Sciences. We have a National Academy of Engineering.

If my colleagues read the annual report of the National Science Foundation, budget summary, fiscal 1997, I read the first sentence, "The National Science Foundation requests $3.3 billion for fiscal 1997 to invest in almost 20,000 research and education projects in science and engineering." Everywhere in the first two pages of the NSF budget summary, where it says "science," it says, "and engineering."

All of the various societies of engineering have submitted letters of endorsement to change the name of the National Science Foundation to the National Science and Engineering Foundation. I will submit those for the RECORD. We have the Institute of Electrical and Electronics Engineers, the American Society of Mechanical Engineers, the American Nuclear Engineering Society, the American Society of Civil Engineers; they have all gone on record specifically endorsing the Barton amendment to change the name from the National Science Foundation to the National Science and Engineering Foundation.

There is no cost to this amendment. The Director of the National Science Foundation, Dr. Neal Lane, testified at our budget hearing that there is no cost associated with this. It does not cost anything. It empowers engineers. They are a separate field. It passed in committee on a bipartisan vote in support of it.

Mr. Chairman, I would strongly recommend that we defeat the amendment of the gentleman from Michigan [Mr. EHLERS]. Keep the name change as adopted in committee and let us empower engineers. Let us call it the National Science and Engineering Foundation.

Mr. BROWN of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, this is a very difficult vote for me, and I would like to explain why. I have shared with the gentleman from Texas [Mr. BARTON] the desire to give engineers a more prominent role in the national scientific and technological community, and I pursued this over many, many years. I have actually authored a number of the changes in the Science Foundation charter, which specifically includes in a number of places in the charter a separate role for engineers.

I have not done this with the purpose of setting up a rivalry between scientists and engineers, but to give what I felt was due respect to the engineering profession and its vast contributions to the American public.

I have likewise authored legislation to set up a separate foundation for engineers and what you might call technologists that would parallel the National Science Foundation, just as we have at the national academies, a National Academy of Science and a National Academy of Engineering, as well as the National Institute of Medicine. I thought perhaps we could set up that kind of a structure.

My previous efforts to establish a separate engineering institute or foundation have not succeeded, and I was persuaded that I should join with the gentleman from Texas in this title change as a means of providing the kind of respect and attention that I thought was deserved.

At the risk of appearing to be without principle and totally wishy-washy I have decided that I made the wrong vote in committee in supporting Mr. BARTON, and since there was only one vote difference, I think Mr. BARTON ought to accept the fact that he has lost the mandate of heaven and that we ought to leave the title the same as it was. I apologize for this, because I think I did not do justice to my overall goal of trying to give greater respect to the engineering profession.

Mr. BARTON of Texas. Mr. Chairman, will the gentleman yield?

Mr. BROWN of California. I yield to the gentleman from Texas.

Mr. BARTON of Texas. Mr. Chairman, I just want to make sure that I understand my good friend from California who has been such a stalwart supporter of mine on this issue. When we are down to the critical moment on the floor of the House of Representatives with the entire country watching, we are not watching you change your mind as we debate the issue?

Is that the gentleman's current position?

Mr. BROWN of California. Mr. Chairman, reclaiming my time, well, to some of my friends on the other side who think I am a totally inflexible, knee-jerk liberal, I want to indicate that I can change my mind.

Mr. BARTON of Texas. Mr. Chairman, I respect the gentleman from California. I am disappointed, but I certainly respect his change of mind.

Mr. BROWN of California. Mr. Chairman, again reclaiming my time, I can assure the gentleman that I am not happy with having to make this change either, but I have received a number of communications from people that I respect that this was not achieving what I thought it might achieve, and my conclusion is that I would join with Mr. EHLERS in trying to reverse this action, and I yield back the balance of my time.

Mr. WALKER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I do rise in support of the amendment. This section of the bill did come out of committee on a one-vote margin, and the gentleman from Texas [Mr. BARTON] has worked very honorably on this and feels very strongly about the need for this name change.

Mr. Chairman, my concern is this. You have one of the premier science agencies in the world in the National Science Foundation. It is recognized worldwide for the quality of its work. By changing the name, we will in fact affect the ability of the world to understand just exactly who our premier science agency is, and I think that would be a shame at the present time.

Mr. Chairman, I also think that the current name more reflects the mission of the agency than the changed name would. Adding engineering to NSF's name suggests that science and engineering are fundamentally separate and incompatible. A broader perspective recognizes science as a method for solving problems. It is a method used by physicists, chemists, anthropologists, and engineers.

NSF does not support engineering the way it is classically defined, the application of science and mathematics to practical ends. Rather, it supports research, using scientific method on problems of interest to engineers, just as it supports research using the scientific method on problems of interest to chemists, physicists, and anthropologists.

The absence of the name "engineering" in the foundation's name is not indicative of any absence of respect for engineers, any more than the absence of "teachers" in the name shows a lack of respect for education, which is another of the foundation's central missions.

The move to gain support for a name change comes at a particularly unsuitable time for NSF inasmuch as the fiscal 1997 budget emphasizes moving out of constraining ways of solving problems and encouraging interdisciplinary thinking and the integration of problem-solving efforts across multiple areas of inquiry.

NSF does not need a name change that brings attention to outdated professional rivalries that are irrelevant to its mission.

The name of our committee was changed from Science, Space, and Technology to Science to indicate our support for science in its broadest context. Similarly, I believe that the National Science Foundation supports the idea of basic research.

Mr. VOLKMER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I just would like to make a little observation. Before I do, I voted with the gentleman from Texas in committee and I plan to vote with him now. But what I would like to observe is that with all of the monumental tasks facing this Nation and facing this House of Representatives, we are spending time debating whether or not the National Science Foundation is called the National Science Foundation or whether it is called the National Science and Engineering Foundation.

Mr. Chairman, it does not make a difference what we call it. It is going to do the same thing. It is only going to get the same amount of money. Everything is going to be the same. I think this is really, absolutely silly. Mr. Chairman, it is worse than whether we should have pets in senior citizen housing.

Mr. BARTLETT of Maryland. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise very reluctantly to support the amendment of the gentleman from Michigan [Mr. EHLERS], because I have such great respect for the gentleman from Texas [Mr. BARTON].

Mr. Chairman, I am a scientist. I have about 100 papers in the literature; probably 50 of them are basic science. I worked as an engineer. I was called engineer in several places. I was called engineer for 8 years, at IBM for one of them. I have been awarded 20 patents, which is certainly in the engineering area.

Our youngest son of 10 children has just gotten his degree in chemical engineering, so I am very, very supportive of engineering, having worked as one and been awarded patents and having a son who is an engineer. And I also have been in the scientific area.

I just think that this name change is not in the best interest of either scientists or engineers. NSF has a long history. It is known worldwide. I think it would be very confusing to people to change the name.

I agree with the comment that was made that changing the name of the National Bureau of Standards did not do much good. There is now a lot of confusion. I still tend to refer to it as NBS because it was that for a number of years. We need to be careful when changing names because we may do more than change the name.

Mr. BARTON of Texas. Mr. Chairman, will the gentleman yield?

Mr. BARTLETT of Maryland. I yield to the gentleman from Texas.

Mr. BARTON of Texas. Mr. Chairman, what was that name changed to?

Mr. BARTLETT of Maryland. The National Institute of Science and Technology.

Mr. BARTON of Texas. Mr. Chairman, and my name change is from the National Science Foundation and we are adding "engineering." Does the gentleman really think that is going to confuse people?

Mr. BARTLETT of Maryland. Mr. Chairman, if the gentleman will continue to yield, yes, I think it will confuse people. And if we need a National Science Foundation, I will be very happy to join the gentleman from California [Mr. BROWN] in supporting that National Engineering Foundation. I think that would be appropriate.

But the National Science Foundation is the National Science Foundation. Science is not engineering. Engineering is not science. They are separate disciplines, and I would strongly urge support to the Ehlers amendment.

☐ 1930

Mr. STEARNS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Barton amendment and what he is trying to do. I think the simple word "science" without the word "engineering" connotes that it is applied research. With "engineering," it has practical aspects and it also represents a broad consensus in America that engineers have a role, so their name should be part of this.

So I strongly urge my colleagues to support the gentleman from Texas [Mr. BARTON]. I think the gentleman has taken a courageous stand for engineers across this country, and I think we should support him.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. EHLERS].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. EHLERS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 339, noes 58, answered "present" 1, not voting 35, as follows:

[Roll No. 198]

AYES—339

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman
Becerra
Beilenson
Bereuter
Berman
Bevill
Bilirakis
Bishop
Bliley
Blute
Boehner
Bonior
Bono
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bunn
Bunning
Buyer
Callahan
Camp
Campbell
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clay
Clement
Clinger
Coble
Coleman
Collins (GA)
Collins (IL)
Combest
Condit
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cummings
Cunningham
Danner
Davis
Deal
DeLauro
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foley
Forbes
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gilchrest
Gillmor
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Greene (UT)
Greenwood
Gutierrez
Hamilton
Hancock
Hansen
Hastings (WA)
Hayworth
Hefner
Heineman
Hinchey
Hobson
Hoekstra
Hoke
Holden
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Jackson (IL)
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Laughlin
Lazio
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Lofgren
Longley
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDermott
McHugh
McIntosh
McKeon
McNulty
Meehan
Menendez
Metcalf
Mica
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Oxley
Packard
Pallone
Pastor
Paxon
Payne (NJ)
Pelosi
Peterson (MN)
Petri
Pickett
Pombo
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Ros-Lehtinen
Rose
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stenholm
Stokes
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornton
Thurman
Torkildsen
Traficant
Upton
Velazquez
Vento
Visclosky
Walker
Walsh
Wamp
Ward
Watt (NC)
Watts (OK)
Waxman
Weller
White
Whitfield
Wicker
Williams
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Zeliff

NOES—58

Baker (LA)
Barton
Bentsen
Bilbray
Boehlert
Bryant (TX)
Burr
Burton
Calvert
Clayton
Clyburn
Coburn
Collins (MI)
DeLay
Frost
Funderburk
Geren
Graham
Green (TX)
Gutknecht
Hall (TX)
Harman
Hastings (FL)
Hefley
Hilleary
Hilliard
Hostettler
Jackson-Lee (TX)
Jefferson
Johnson, E.B.
Jones
Kim
Largent
Lipinski
McHale
McInnis
McKinney
Meek
Meyers
Millender-McDonald
Owens
Parker
Payne (VA)
Rohrabacher
Salmon
Schiff
Stearns
Stockman
Thompson
Thornberry
Tiahrt
Torres
Towns
Volkmer
Waters
Weldon (FL)
Weldon (PA)
Zimmer

ANSWERED "PRESENT"—1

DeFazio

NOT VOTING—35

Bonilla
Brewster
Conyers
de la Garza
Dingell
Dooley
Foglietta
Ford
Gibbons
Gilman
Gunderson
Hall (OH)
Hastert
Hayes
Herger
Horn
Istook
LaFalce
Lantos
Leach
Lincoln
Lowey
McDade
Molinari
Peterson (FL)
Pomeroy
Roth
Roukema
Skeen
Stark
Studds
Torricelli
Vucanovich
Wilson
Young (FL)

☐ 1947

Messrs. BRYANT of Texas, HILLIARD, CLYBURN, and JEFFERSON changed their vote from "aye" to "no."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. HORN. Mr. Chairman, on rollcall No. 198, I was unavoidably detained on official business and was not able to vote on the Ehlers amendment which eliminated Engineering from the proposed title of National Science and Engineering Foundation. Since I believe science and engineering are equally honorable professions essential to the well-being of our people and our Nation, I would have voted "nay".

PERSONAL EXPLANATION

Mr. GILMAN. Mr. Speaker, I inadvertently was absent during rollcall 198 on the Ehlers amendment and, had I been present, I would have voted "aye".

The CHAIRMAN. Are there further amendments to title I?

If not, the Clerk will designate title II.

The text of title II is as follows:

TITLE II—NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Subtitle A—General Provisions

SEC. 201. SHORT TITLE.

This title may be cited as the "National Aeronautics and Space Administration Authorization Act, Fiscal Year 1997".

SEC. 202. FINDINGS.

The Congress makes the following findings:

(1) The National Aeronautics and Space Administration should aggressively pursue actions and reforms directed at reducing institutional costs, including management restructuring, facility consolidation, procurement reform, personnel base downsizing, and convergence with other defense and commercial sector systems.

(2) While institutional reforms, restructurings, and downsizing hold the slim promise of reconciling the disparity between projected needs of the National Aeronautics and Space Administration with funding levels requested by the Administration over the

next 4 years, such reforms provide no guarantee against cancellation of missions or elimination of centers in the event reform efforts fail to achieve cost reduction targets.

(3) The National Aeronautics and Space Administration must reverse its current trend toward becoming an operational agency, and return to its proud history as the Nation's leader in basic scientific air and space research.

(4) Commercial space activity is in a delicate state of growth. It has the potential to eclipse Federal space activity in its economic return to the Nation, if it is not stifled.

(5) The United States is on the verge of creating and using new technologies in microsatellites, information processing, and space launches that could radically alter the manner in which the Government approaches its space mission.

(6) The overwhelming preponderance of the Federal Government's requirements for routine, nonemergency manned and unmanned space transportation can be met most effectively, efficiently, and economically by a free and competitive market in privately developed and operated launch services.

(7) In formulating a national space transportation service policy, the National Aeronautics and Space Administration should aggressively promote the pursuit by the commercial sector of development of advanced space transportation technologies including reusable space vehicles, single-stage-to-orbit vehicles, and human space systems.

(8) The Federal Government should invest in the types of research and innovative technology in which the United States private sector does not invest, while avoiding competition with the activities in which the United States private sector does invest.

(9) International cooperation in space exploration and science activities serves the United States national interest—

(A) when it—

(i) reduces the cost of undertaking missions the United States Government would pursue unilaterally;

(ii) enables the United States to pursue missions that it could not otherwise afford to pursue unilaterally; or

(iii) enhances United States capabilities to use and develop space for the benefit of United States citizens; and

(B) when it does not—

(i) otherwise harm or interfere with the ability of United States private sector firms to develop or explore space commercially;

(ii) interfere with the ability of Federal agencies to use space to complete their missions;

(iii) undermine the ability of United States private enterprise to compete favorably with foreign entities in the commercial space arena; or

(iv) transfer sensitive or commercially advantageous technologies or knowledge from the United States to other countries or foreign entities except as required by those countries or entities to make their contribution to a multilateral space project in partnership with the United States, or on a quid pro quo basis.

(10) The National Aeronautics and Space Administration and the Department of Defense can cooperate more effectively in leveraging their mutual capabilities to conduct joint space missions that improve United States space capabilities and reduce the cost of conducting space missions.

(11) The Reusable Launch Vehicle program, and the acquisition by the Federal Government of the vehicle resulting from that program, are necessary for the protection of essential security interests for purposes of interpreting the obligations of the United States under the General Agreement on Tariffs and Trade.

SEC. 203. DEFINITIONS.

For purposes of this title—

(1) the term "Administrator" means the Administrator of the National Aeronautics and Space Administration;

(2) the term "cost threat" means a potential change to the program baseline documented as a potential cost by the Space Station Program Office; and

(3) the term "institution of higher education" has the meaning given such term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

Subtitle B—Authorization of Appropriations

CHAPTER 1—AUTHORIZATIONS

SEC. 211. HUMAN SPACE FLIGHT.

There are authorized to be appropriated to the National Aeronautics and Space Administration for fiscal year 1997 for Human Space Flight the following amounts:

(1) For the Space Station, $1,840,200,000.

(2) For Space Shuttle Operations, $2,514,900,000.

(3) For Space Shuttle Safety and Performance Upgrades, $636,000,000, including for Construction of Facilities relating to such programs—

(A) replacement of LC-39 Pad B Chillers (KSC), $1,800,000;

(B) restoration of Pad B Fixed Support Structure Elevator System (KSC), $1,500,000;

(C) rehabilitation of 480V Electrical Distribution System, Kennedy Space Center, External Tank Manufacturing Building (MAF), $2,500,000; and

(D) restoration of High Pressure Industrial Water Plant, Stennis Space Center, $2,500,000.

(4) For Payload and Utilization Operations, $271,800,000.

(5) For Russian Cooperation, $100,000,000.

SEC. 212. SCIENCE, AERONAUTICS, AND TECHNOLOGY.

There are authorized to be appropriated to the National Aeronautics and Space Administration for fiscal year 1997 for Science, Aeronautics, and Technology the following amounts:

(1) For Space Science, $2,167,400,000.

(2) For Life and Microgravity Sciences and Applications, $498,500,000, of which at least $2,000,000 is reserved for research and early detection systems for breast and ovarian cancer and other women's health issues.

(3) For Mission to Planet Earth, $1,028,400,000, of which $50,000,000 shall be for commercial data purchases under section 259(a). Funds authorized by this paragraph may not be obligated to duplicate private sector or other Federal activities or to procure systems to provide data unless the Administrator certifies to Congress that no private sector entity, or Federal entity other than the National Aeronautics and Space Administration, can provide suitable data in a timely manner.

(4) For Space Access and Technology, $711,000,000 of which—

(A) $324,700,000 are authorized for Advanced Space Transportation; and

(B) $10,000,000 shall be for continuing the Launch Voucher Demonstration Program authorized under section 504 of the National Aeronautics and Space Administration Authorization Act, Fiscal Year 1993 (15 U.S.C. 5803).

(5) For Aeronautical Research and Technology, $823,400,000, of which—

(A) $354,400,000 are authorized for Research and Technology Base activities;

(B) $254,300,000 are authorized for High Speed Research;

(C) $152,800,000 are authorized for Advanced Subsonic Technology;

(D) $23,300,000 are authorized for High-Performance Computing and Communications; and

(E) $38,600,000 are authorized for Numerical Aerodynamic Simulation.

(6) For Mission Communication Services, $410,600,000.

(7) For Academic Programs, $95,500,000.

SEC. 213. MISSION SUPPORT.

There are authorized to be appropriated to the National Aeronautics and Space Administration for fiscal year 1997 for Mission Support the following amounts:

(1) For Safety, Reliability, and Quality Assurance, $36,700,000.

(2) For Space Communication Services, $281,250,000.

(3) For Construction of Facilities, including land acquisition, $105,000,000, including the following:

(A) Modernization of Electrical Distribution System, Ames Research Center, $2,400,000.

(B) Modification of Aircraft Ramp and Tow Way, Dryden Flight Research Center, $3,000,000.

(C) Restoration of Hangar Building 4801, Dryden Flight Research Center, $4,500,000.

(D) Modernization of Secondary Electrical Systems, Goddard Space Flight Center, $1,500,000.

(E) Restoration of Chilled Water Distribution System, Goddard Space Flight Center, $4,000,000.

(F) Modification of Refrigeration Systems, Various Buildings, Jet Propulsion Laboratory, $2,800,000.

(G) Rehabilitation of Utility Tunnel Structure and Systems, Johnson Space Center, $4,400,000.

(H) Replacement of DX Units with Central Chilled Water System, Logistics Facility, Kennedy Space Center, $1,800,000.

(I) Rehabilitation of Central Air Equipment Building, Lewis Research Center, $6,500,000.

(J) Modification of Chilled Water System, Marshall Space Flight Center, $6,700,000.

(K) Rehabilitation of Condenser Water System, 202/207 Complex (MAF), $2,100,000.

(L) Rehabilitation of Electrical Distribution System, White Sands Test Facility, $2,600,000.

(M) Minor Revitalization of Facilities at Various Locations, not in excess of $1,500,000 per project, $19,600,000.

(N) Minor construction of new facilities and additions to existing facilities at various locations, not in excess of $1,500,000 per project, $3,400,000.

(O) Facility planning and design, not otherwise provided for, $6,700,000.

(P) Environmental compliance and restoration, $33,000,000.

(4) For Research and Program Management, including personnel and related costs, travel, and research operations support, $1,957,850,000.

SEC. 214. INSPECTOR GENERAL.

There are authorized to be appropriated to the National Aeronautics and Space Administration for Inspector General, $17,000,000 for fiscal year 1997.

SEC. 215. TOTAL AUTHORIZATION.

Notwithstanding any other provision of this subtitle, the total amount authorized to be appropriated to the National Aeronautics and Space Administration under this title shall not exceed $13,495,500,000 for fiscal year 1997.

SEC. 216. OFFICE OF COMMERCIAL SPACE TRANSPORTATION AUTHORIZATION.

There are authorized to be appropriated to the Secretary of Transportation for the activities of the Office of Commercial Space Transportation, $5,770,000 for fiscal year 1997.

SEC. 217. OFFICE OF SPACE COMMERCE.

There are authorized to be appropriated to the Secretary of Commerce for the activities of the Office of Space Commerce established by section 253 of this Act, $500,000 for fiscal year 1997.

CHAPTER 2—RESTRUCTURING THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SEC. 221. FINDINGS.

The Congress finds that—

(1) the restructuring of the National Aeronautics and Space Administration is essential to accomplishing the space missions of the United States while simultaneously balancing the Federal budget;

(2) to restructure the National Aeronautics and Space Administration rapidly without reducing mission content and safety requires objective financial judgment; and

(3) a formal economic review of its missions and the Federal assets that support them is required in order to plan and implement needed restructuring of the National Aeronautics and Space Administration.

SEC. 222. RESTRUCTURING REPORTS.

(a) Implementation Report.—The Administrator shall transmit to Congress, no later than July 31, 1996, a report on its restructuring activities by fiscal year containing, at a minimum, a description of all actions taken or planned to be taken after July 31, 1995, and before October 1, 2002, including contracts terminated or consolidated; reductions in force; relocations of personnel and facilities; sales, closures, or mothballing of capital assets or facilities; and net savings to be realized from such actions by fiscal year.

(b) Proposed Legislation.—The President shall propose to Congress, not later than September 30, 1996, all enabling legislation required to carry out actions described by the Administrator's report under subsection (a).

CHAPTER 3—LIMITATIONS AND SPECIAL AUTHORITY

SEC. 231. USE OF FUNDS FOR CONSTRUCTION.

(a) Authorized Uses.—Funds appropriated under sections 211(1) through (5), 212, and 213(1) and (2), and funds appropriated for research operations support under section 213(4), may be used for the construction of new facilities and additions to, repair of, rehabilitation of, or modification of existing facilities at any location in support of the purposes for which such funds are authorized.

(b) Limitation.—None of the funds pursuant to subsection (a) may be expended for a project, the estimated cost of which to the National Aeronautics and Space Administration, including collateral equipment, exceeds $500,000, until 30 days have passed after the Administrator has notified the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate of the nature, location, and estimated cost to the National Aeronautics and Space Administration of such project.

(c) Title to Facilities.—If funds are used pursuant to subsection (a) for grants to institutions of higher education, or to nonprofit organizations whose primary purpose is the conduct of scientific research, for purchase or construction of additional research facilities, title to such facilities shall be vested in the United States unless the Administrator determines that the national program of aeronautical and space activities will best be served by vesting title in the grantee institution or organization. Each such grant shall be made under such conditions as the Administrator shall determine to be required to ensure that the United States will receive therefrom benefits adequate to justify the making of that grant.

SEC. 232. AVAILABILITY OF APPROPRIATED AMOUNTS.

To the extent provided in appropriations Acts, appropriations authorized under chapter 1 may remain available without fiscal year limitation.

SEC. 233. REPROGRAMMING FOR CONSTRUCTION OF FACILITIES.

(a) In General.—Appropriations authorized under any paragraph of section 211(6) or 213(3)—

(1) may be varied upward by 10 percent in the discretion of the Administrator; or

(2) may be varied upward by 25 percent, to meet unusual cost variations, after the expiration of 15 days following a report on the circumstances of such action by the Administrator to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

The aggregate amount authorized to be appropriated under sections 211(6) and 213(3) shall not be increased as a result of actions authorized under paragraphs (1) and (2) of this subsection.

(b) Special Rule.—Where the Administrator determines that new developments in the national program of aeronautical and space activities have occurred; and that such developments require the use of additional funds for the purposes of construction, expansion, or modification of facilities at any location; and that deferral of such action until the enactment of the next National Aeronautics and Space Administration Authorization Act would be inconsistent with the interest of the Nation in aeronautical and space activities, the Administrator may use up to $10,000,000 of the amounts authorized under section 211(6) or 213(3) for each fiscal year for such purposes. No such funds may be obligated until a period of 30 days has passed after the Administrator has transmitted to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives a written report describing the nature of the construction, its costs, and the reasons therefor.

SEC. 234. CONSIDERATION BY COMMITTEES.

Notwithstanding any other provision of law—

(1) no amount appropriated to the National Aeronautics and Space Administration may be used for any program for which the President's annual budget request included a request for funding, but for which the Congress denied or did not provide funding;

(2) no amount appropriated to the National Aeronautics and Space Administration may be used for any program in excess of the amount actually authorized for the particular program under this subtitle; and

(3) no amount appropriated to the National Aeronautics and Space Administration may be used for any program which has not been presented to the Congress in the President's annual budget request or the supporting and ancillary documents thereto,

unless a period of 30 days has passed after the receipt by the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate of notice given by the Administrator containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action. The National Aeronautics and Space Administration shall keep the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate fully and currently informed with respect to all activities and responsibilities within the jurisdiction of those committees. Except as otherwise provided by law, any Federal department, agency, or independent establishment shall furnish any information requested by either committee relating to any such activity or responsibility.

SEC. 235. LIMITATION ON OBLIGATION OF UNAUTHORIZED APPROPRIATIONS.

(a) Reports to Congress.—Not later than 30 days after the later of the date of enactment of an Act making appropriations to the National Aeronautics and Space Administration for fiscal year 1997 and the date of enactment of this Act, the Administrator shall submit a report to Congress and to the Comptroller General which specifies—

(1) the portion of such appropriations which are for programs, projects, or activities not authorized under chapter 1 of this subtitle, or which are in excess of amounts authorized for the relevant program, project, or activity under this title; and

(2) the portion of such appropriations which are authorized under this title.

(b) Federal Register Notice.—The Administrator shall, coincident with the submission of the report required by subsection (a), publish in the Federal Register a notice of all programs, projects, or activities for which funds are appropriated but which were not authorized under this title, and solicit public comment thereon regarding the impact of such programs, projects, or activities on the conduct and effectiveness of the national aeronautics and space program.

(c) Limitation.—Notwithstanding any other provision of law, no funds may be obligated for any programs, projects, or activities of the National Aeronautics and Space Administration for fiscal year 1997 not authorized under this title until 30 days have passed after the close of the public comment period contained in the notice required in subsection (b).

SEC. 236. USE OF FUNDS FOR SCIENTIFIC CONSULTATIONS OR EXTRAORDINARY EXPENSES.

Not more than $30,000 of the funds appropriated under section 212 may be used for scientific consultations or extraordinary expenses, upon the authority of the Administrator.

Subtitle C—International Space Station

SEC. 241. FINDINGS.

The Congress finds that—

(1) the development, assembly, and operation of the International Space Station is in the national interest of the United States;

(2) the National Aeronautics and Space Administration has restructured and redesigned the International Space Station, consolidated contract responsibility, and achieved program management, control, and stability;

(3) the significant involvement by private ventures in marketing and using, competitively servicing, and commercially augmenting the operational capabilities of the International Space Station during its assembly and operational phases will lower costs and increase benefits to the international partners;

(4) further rescoping or redesigns of the International Space Station will lead to costly delays, increase costs to its international partners, discourage commercial involvement, and weaken the international space partnership necessary for future space projects;

(5) total program costs for development, assembly, and initial operations have been identified and capped to ensure financial discipline and maintain program schedule milestones;

(6) in order to contain costs, mission planning and engineering functions of the National Space Transportation System (Space Shuttle) program should be coordinated with the Space Station Program Office;

(7) the International Space Station represents an important component of an adequately funded civil space program which balances human space flight with science, aeronautics, and technology;

(8) the International Space Station should be an inspiration to society, particularly our young people, and should provide new and expanded opportunities to meet important educational goals; and

(9) when completed, the International Space Station will be the largest, most capable microgravity research facility ever developed. It will provide a lasting framework for conducting large-scale science programs with international partners and it is the next step in the human exploration of space. The United States should commit to completing this program, thereby reaping the benefits of scientific research and international cooperation.

SEC. 242. COMMERCIALIZATION OF SPACE STATION.

(a) POLICY.—The Congress declares that a priority goal of constructing the International Space Station is the economic development of Earth orbital space. The Congress further declares that the use of free market principles in operating, allocating the use of, and adding capabilities to the Space Station, and the resulting fullest possible engagement of commercial providers and participation of commercial users, will reduce Space Station operational costs for all partners and the Federal Government's share of the United States burden to fund operations.

(b) REPORT.—The Administrator shall deliver to the Congress, within 60 days after the date of the enactment of this Act, a market study that examines the role of commercial ventures which could supply, use, service, or augment the International Space Station, the specific policies and initiatives the Administrator is advancing to encourage these commercial opportunities, the cost savings to be realized by the international partnership from applying commercial approaches to cost-shared operations, and the cost reimbursements to the United States Federal Government from commercial users of the Space Station.

SEC. 243. SENSE OF CONGRESS.

It is the sense of Congress that the "cost incentive fee" single prime contract negotiated by the National Aeronautics and Space Administration for the International Space Station, and the consolidation of programmatic and financial accountability into a single Space Station Program Office, are two examples of reforms for the reinvention of all National Aeronautics and Space Administration programs that should be applied as widely and as quickly as possible throughout the Nation's civil space program.

SEC. 244. SPACE STATION ACCOUNTING REPORT.

(a) ANNUAL REPORT TO THE CONGRESS.—The Administrator shall transmit a report to the Congress each year containing a complete accounting of all costs of the space station, including cash and other payments to Russia.

(b) QUARTERLY REPORTS FROM RUSSIA.—The Administrator shall obtain quarterly reports from the Russian Space Agency during the term of the contract between the Russian Space Agency and the National Aeronautics and Space Administration which fully account for the disposition of funds paid or transferred by the National Aeronautics and Space Administration to Russia, including—

(1) the amount of funds received from the National Aeronautics and Space Administration and the date of their receipt;

(2) the amount of funds converted from United States currency by the Russian Space Agency, the currency into which the funds have been converted, and the dates and exchange rates of each such conversion;

(3) the amount of non-United States currency, and of United States currency, disbursed by the Russian Space Agency to any contractor or subcontractor, the identity of such contractor or subcontractor, and the date on which the funds were disbursed; and

(4) the balance of the funds provided by the National Aeronautics and Space Administration which have not been disbursed by the Russian Space Agency as of the date of the report.

Subtitle D—Miscellaneous Provisions

SEC. 251. COMMERCIAL SPACE LAUNCH AMENDMENTS.

(a) AMENDMENTS.—Chapter 701 of title 49, United States Code, is amended—

(1) in the table of sections—

(A) by amending the item relating to section 70104 to read as follows:

"70104. Restrictions on launches, operations, and reentries.";

(B) by amending the item relating to section 70108 to read as follows:

"70108. Prohibition, suspension, and end of launches, operation of launch sites and reentry sites, and reentries.";

and

(C) by amending the item relating to section 70109 to read as follows:

"70109. Preemption of scheduled launches or reentries.";

(2) in section 70101—

(A) by inserting "microgravity research," after "information services," in subsection (a)(3);

(B) by inserting ", reentry," after "launching" both places it appears in subsection (a)(4);

(C) by inserting ", reentry vehicles," after "launch vehicles" in subsection (a)(5);

(D) by inserting "and reentry services" after "launch services" in subsection (a)(6);

(E) by inserting ", reentries," after "launches" both places it appears in subsection (a)(7);

(F) by inserting ", reentry sites," after "launch sites" in subsection (a)(8);

(G) by inserting "and reentry services" after "launch services" in subsection (a)(8);

(H) by inserting "reentry sites," after "launch sites," in subsection (a)(9);

(I) by inserting "and reentry site" after "launch site" in subsection (a)(9);

(J) by inserting "reentry vehicles," after "launch vehicles" in subsection (b)(2);

(K) by striking "launch" in subsection (b)(2)(A);

(L) by inserting "and reentry" after "commercial launch" in subsection (b)(3);

(M) by striking "launch" after "and transfer commercial" in subsection (b)(3); and

(N) by inserting "and development of reentry sites," after "launch-site support facilities," in subsection (b)(4);

(3) in section 70102—

(A) by striking "and any payload" and inserting in lieu thereof "or reentry vehicle and any payload from Earth" in paragraph (3);

(B) by inserting "or reentry vehicle" after "means of a launch vehicle" in paragraph (8);

(C) by redesignating paragraphs (10) through (12) as paragraphs (14) through (16), respectively;

(D) by inserting after paragraph (9) the following new paragraphs:

"(10) 'reenter' and 'reentry' mean to return or attempt to return, purposefully, a reentry vehicle and its payload, if any, from Earth orbit or from outer space to Earth.

"(11) 'reentry services' means—

"(A) activities involved in the preparation of a reentry vehicle and its payload, if any, for reentry; and

"(B) the conduct of a reentry.

"(12) 'reentry site' means the location on Earth to which a reentry vehicle is intended to return (as defined in a license the Secretary issues or transfers under this chapter).

"(13) 'reentry vehicle' means a vehicle designed to return from Earth orbit or outer space to Earth, or a reusable launch vehicle designed to return from outer space substantially intact."; and

(E) by inserting "or reentry services" after "launch services" each place it appears in paragraph (15), as so redesignated by subparagraph (C) of this paragraph;

(4) in section 70103(b)—

(A) by inserting "AND REENTRIES" after "LAUNCHES" in the subsection heading;

(B) by inserting "and reentries" after "space launches" in paragraph (1); and

(C) by inserting "and reentry" after "space launch" in paragraph (2);

(5) in section 70104—

(A) by amending the section designation and heading to read as follows:

"§ 70104. Restrictions on launches, operations, and reentries";

(B) by inserting "or reentry site, or to reenter a reentry vehicle," after "operate a launch site" each place it appears in subsection (a);

(C) by inserting "or reentry" after "launch or operation" in subsection (a)(3) and (4);

(D) in subsection (b)—

(i) by striking "launch license" and inserting in lieu thereof "license";

(ii) by inserting "or reenter" after "may launch"; and

(iii) by inserting "or reentering" after "related to launching"; and

(E) in subsection (c)—

(i) by amending the subsection heading to read as follows: "PREVENTING LAUNCHES AND REENTRIES.—";

(ii) by inserting "or reentry" after "prevent the launch"; and

(iii) by inserting "or reentry" after "decides the launch";

(6) in section 70105—

(A) by inserting "or a reentry site, or the reentry of a reentry vehicle," after "operation of a launch site" in subsection (b)(1); and

(B) by striking "or operation" and inserting in lieu thereof ", operation, or reentry" in subsection (b)(2)(A);

(7) in section 70106(a)—

(A) by inserting "or reentry site" after "observer at a launch site";

(B) by inserting "or reentry vehicle" after "assemble a launch vehicle"; and

(C) by inserting "or reentry vehicle" after "with a launch vehicle";

(8) in section 70108—

(A) by amending the section designation and heading to read as follows:

"§ 70108. Prohibition, suspension, and end of launches, operation of launch sites and reentry sites, and reentries";

and

(B) in subsection (a)—

(i) by inserting "or reentry site, or reentry of a reentry vehicle," after "operation of a launch site"; and

(ii) by inserting "or reentry" after "launch or operation";

(9) in section 70109—

(A) by amending the section designation and heading to read as follows:

"§ 70109. Preemption of scheduled launches or reentries";

(B) in subsection (a)—

(i) by inserting "or reentry" after "ensure that a launch";

(ii) by inserting ", reentry site," after "United States Government launch site";

(iii) by inserting "or reentry date commitment" after "launch date commitment";

(iv) by inserting "or reentry" after "obtained for a launch";

(v) by inserting ", reentry site," after "access to a launch site";

(vi) by inserting ", or services related to a reentry," after "amount for launch services"; and

(vii) by inserting "or reentry" after "the scheduled launch"; and

(C) in subsection (c), by inserting "or reentry" after "prompt launching";

(10) in section 70110—

(A) by inserting "or reentry" after "prevent the launch" in subsection (a)(2); and

(B) by inserting "or reentry site, or reentry of a reentry vehicle," after "operation of a launch site" in subsection (a)(3)(B);

(11) in section 70111—

(A) by inserting "or reentry" after "launch" in subsection (a)(1)(A);

(B) by inserting "and reentry services" after "launch services" in subsection (a)(1)(B);

(C) by inserting "or reentry services" after "or launch services" in subsection (a)(2);

(D) by inserting "or reentry" after "commercial launch" both places it appears in subsection (b)(1);

(E) by inserting "or reentry services" after "launch services" in subsection (b)(2)(C);

(F) by striking "or its payload for launch" in subsection (d) and inserting in lieu thereof "or reentry vehicle, or the payload of either, for launch or reentry"; and

(G) by inserting ", reentry vehicle," after "manufacturer of the launch vehicle" in subsection (d);

(12) in section 70112—

(A) by inserting "or reentry" after "one launch" in subsection (a)(3);

(B) by inserting "or reentry services" after "launch services" in subsection (a)(4);

(C) by inserting "or reentry services" after "launch services" each place it appears in subsection (b);

(D) by inserting "applicable" after "carried out under the" in paragraphs (1) and (2) of subsection (b);

(E) by striking ", Space, and Technology" in subsection (d)(1);

(F) by inserting "Or Reentries" after "Launches" in the heading for subsection (e); and

(G) by inserting "or reentry site or a reentry" after "launch site" in subsection (e);

(13) in section 70113(a)(1) and (d)(1) and (2), by inserting "or reentry" after "one launch" each place it appears;

(14) in section 70115(b)(1)(D)(i)—

(A) by inserting "reentry site," after "launch site,"; and

(B) by inserting "or reentry vehicle" after "launch vehicle" both places it appears; and

(15) in section 70117—

(A) by inserting "or reentry site, or to reenter a reentry vehicle" after "operate a launch site" in subsection (a);

(B) by inserting "or reentry" after "approval of a space launch" in subsection (d);

(C) by amending subsection (f) to read as follows:

"(f) Launch Not an Export; Reentry Not an Import.—A launch vehicle, reentry vehicle, or payload that is launched or reentered is not, because of the launch or reentry, an export or import, respectively, for purposes of a law controlling exports or imports."; and

(D) in subsection (g)—

(i) by striking "operation of a launch vehicle or launch site," in paragraph (1) and inserting in lieu thereof "reentry, operation of a launch vehicle or reentry vehicle, or operation of a launch site or reentry site,"; and

(ii) by inserting "reentry," after "launch," in paragraph (2).

(b) Additional Amendments.—(1) Section 70105 of title 49, United States Code, is amended—

(A) by inserting "(1)" before "A person may apply" in subsection (a);

(B) by striking "receiving an application" both places it appears in subsection (a) and inserting in lieu thereof "accepting an application in accordance with criteria established pursuant to subsection (b)(2)(D)";

(C) by adding at the end of subsection (a) the following new paragraph:

"(2) In carrying out paragraph (1), the Secretary may establish procedures for certification of the safety of a launch vehicle, reentry vehicle, or safety system, procedure, service, or personnel that may be used in conducting licensed commercial space launch or reentry activities.";

(D) by striking "and" at the end of subsection (b)(2)(B);

(E) by striking the period at the end of subsection (b)(2)(C) and inserting in lieu thereof "; and";

(F) by adding at the end of subsection (b)(2) the following new subparagraph:

"(D) regulations establishing criteria for accepting or rejecting an application for a license under this chapter within 60 days after receipt of such application."; and

(G) by inserting ", or the requirement to obtain a license," after "waive a requirement" in subsection (b)(3).

(2) The amendment made by paragraph (1)(B) shall take effect upon the effective date of final regulations issued pursuant to section 70105(b)(2)(D) of title 49, United States Code, as added by paragraph (1)(F) of this subsection.

(3) Section 70102(5) of title 49, United States Code, is amended—

(A) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively; and

(B) by inserting before subparagraph (B), as so redesignated by subparagraph (A) of this paragraph, the following new subparagraph:

"(A) activities directly related to the preparation of a launch site or payload facility for one or more launches;".

(4) Section 70103(b) of title 49, United States Code, is amended—

(A) in the subsection heading, as amended by subsection (a)(4)(A) of this section, by inserting "And State Sponsored Spaceports" after "And Reentries"; and

(B) in paragraph (1), by inserting "and State sponsored spaceports" after "private sector".

(5) Section 70105(a)(1) of title 49, United States Code, as amended by subsection (b)(1) of this section, is amended by inserting at the end the following: "The Secretary shall submit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a written notice not later than 7 days after any occurrence when a license is not issued within the deadline established by this subsection.".

(6) Section 70111 of title 49, United States Code, is amended—

(A) in subsection (a)(1), by inserting after subparagraph (B) the following:

"The Secretary shall establish criteria and procedures for determining the priority of competing requests from the private sector and State governments for property and services under this section.";

(B) by striking "actual costs" in subsection (b)(1) and inserting in lieu thereof "additive costs only"; and

(C) by inserting after subsection (b)(2) the following new paragraph:

"(3) The Secretary shall ensure the establishment of uniform guidelines for, and consistent implementation of, this section by all Federal agencies.".

(7) Section 70112 of title 49, United States Code, is amended—

(A) in subsection (a)(1), by inserting "launch, reentry, or site operator" after "(1) When a";

(B) in subsection (b)(1), by inserting "launch, reentry, or site operator" after "(1)A"; and

(C) in subsection (f), by inserting "launch, reentry, or site operator" after "carried out under a".

(c) Regulations.—(1) Chapter 701 of title 49, United States Code, is amended by adding at the end the following new section:

"§ 70120. Regulations

"The Secretary of Transportation, within 6 months after the date of the enactment of this section, shall issue regulations to carry out this chapter that include—

"(1) guidelines for industry to obtain sufficient insurance coverage for potential damages to third parties;

"(2) procedures for requesting and obtaining licenses to operate a commercial launch vehicle and reentry vehicle;

"(3) procedures for requesting and obtaining operator licenses for launch and reentry; and

"(4) procedures for the application of government indemnification.".

(2) The table of sections for such chapter 701 is amended by adding after the item relating to section 70119 the following new item:

"70120. Regulations.".

(d) Report to Congress.—(1) Chapter 701 of title 49, United States Code, is further amended by adding at the end the following new section:

"§ 70121. Report to Congress

"The Secretary of Transportation shall submit to Congress an annual report to accompany the President's budget request that—

"(1) describes all activities undertaken under this chapter, including a description of the process for the application for and approval of licenses under this chapter and recommendations for legislation that may further commercial launches and reentries; and

"(2) reviews the performance of the regulatory activities and the effectiveness of the Office of Commercial Space Transportation.".

(2) The table of sections for such chapter 701 is further amended by adding after the item relating to section 70120, as added by subsection (c)(2) of this section, the following new item:

"70121. Report to Congress.".

SEC. 252. REQUIREMENT FOR INDEPENDENT COST ANALYSIS.

Before any funds may be obligated for Phase C of a project that is projected to cost more than $75,000,000 in total project costs, the Chief Financial Officer for the National Aeronautics and Space Administration shall conduct an independent cost analysis of such project and shall report the results to Congress. In developing cost accounting and reporting standards for carrying out this section, the Chief Financial Officer shall, to the extent practicable and consistent with other laws, solicit the advice of expertise outside of the National Aeronautics and Space Administration.

SEC. 253. OFFICE OF SPACE COMMERCE.

(a) ESTABLISHMENT.—There is established within the Department of Commerce an Office of Space Commerce.

(b) FUNCTIONS.—The Office of Space Commerce shall be the principal unit for the coordination of space-related issues, programs, and initiatives within the Department of Commerce. The Office's primary responsibilities shall include—

(1) promoting private sector investment in space activities by collecting, analyzing, and disseminating information on space markets, and conducting workshops and seminars to increase awareness of commercial space opportunities;

(2) assisting United States commercial providers in their efforts to do business with the United States Government, and acting as an industry advocate within the executive branch to ensure that the Federal Government meets its space-related requirement, to the fullest extent feasible, with commercially available space goods and services;

(3) ensuring that the United States Government does not compete with the private sector in the provision of space hardware and services otherwise available from the private sector;

(4) promoting the export of space-related goods and services;

(5) representing the Department of Commerce in the development of United States policies and in negotiations with foreign countries to ensure free and fair trade internationally in the area of space commerce;

(6) seeking the removal of legal, policy, and institutional impediments to space commerce; and

(7) licensing private sector parties to operate private remote sensing space systems and supporting the private sector's role in the commercial development of Landsat remote sensing data distribution.

SEC. 254. NATIONAL AERONAUTICS AND SPACE ACT OF 1958 AMENDMENTS.

(a) DECLARATION OF POLICY AND PURPOSE.—Section 102 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2451) is amended—

(1) by striking subsection (f) and redesignating subsections (g) and (h) as subsections (f) and (g), respectively; and

(2) in subsection (g), as so redesignated by paragraph (1) of this subsection, by striking "(f), and (g)" and inserting in lieu thereof "and (f)".

(b) REPORTS TO THE CONGRESS.—Section 206(a) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2476(a)) is amended—

(1) by striking "January" and inserting in lieu thereof "May"; and

(2) by striking "calendar" and inserting in lieu thereof "fiscal".

(c) DISCLOSURE OF TECHNICAL DATA.—Section 303 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2454) is amended—

(1) in subsection (a)(C), by inserting "or (c)" after "subsection (b)"; and

(2) by adding at the end the following new subsection:

"(c)(1) The Administrator, at his discretion or at the request of a private sector entity, shall delay for a period of at least one day, but not to exceed 5 years, the unrestricted public disclosure of technical data in the possession of, or under the control of, the Administration that has been generated in the performance of experimental, developmental, or research activities or programs funded jointly by the Administration and such private sector entity.

"(2) Within 1 year after the date of the enactment of the National Aeronautics and Space Administration Authorization Act, Fiscal Year 1997, the Administrator shall issue regulations to carry out this subsection. Paragraph (1) shall not take effect until such regulations are issued.

"(3) Regulations issued pursuant to paragraph (2) shall include—

"(A) guidelines for a determination of whether data is technical data within the meaning of this subsection;

"(B) provisions to ensure that technical data is available for dissemination within the United States to United States persons and entities in furtherance of the objective of maintaining leadership or competitiveness in civil and governmental aeronautical and space activities by the United States industrial base; and

"(C) a specification of the period or periods for which the delay in unrestricted public disclosure of technical data is to apply to various categories of such data, and the restrictions on disclosure of such data during such period or periods, including a requirement that the maximum 5-year protection under this subsection shall not be provided unless at least 50 percent of the funding for the activities or programs is provided by the private sector.

"(4) The Administrator shall annually report to the Congress all determinations made under paragraph (1).

"(5) For purposes of this subsection, the term 'technical data' means any recorded information, including computer software, that is or may be directly applicable to the design, engineering, development, production, manufacture, or operation of products or processes that may have significant value in maintaining leadership or competitiveness in civil and governmental aeronautical and space activities by the United States industrial base.".

SEC. 255. PROCUREMENT.

(a) PROCUREMENT DEMONSTRATION PROGRAM.—

(1) IN GENERAL.—The Administrator shall establish within the Office of Space Access and Technology a program of expedited technology procurement for the purpose of demonstrating how innovative technology concepts can rapidly be brought to bear upon space missions of the National Aeronautics and Space Administration.

(2) PROCEDURES AND EVALUATION.—The Administrator shall establish procedures for actively seeking from persons outside the National Aeronautics and Space Administration innovative technology concepts, relating to the provision of space hardware, technology, or service to the National Aeronautics and Space Administration.

(3) REQUIREMENT.—At least 1 percent of amounts authorized to be appropriated under section 212(4) shall be used for innovative technology procurements that are determined under paragraph (2) of this subsection to meet mission requirements.

(4) SPECIAL AUTHORITY.—In order to carry out this subsection the Administrator shall recruit and hire for limited term appointments persons from outside the National Aeronautics and Space Administration with special expertise and experience related to the innovative technology concepts with respect to which procurements are made under this subsection.

(5) SUNSET.—This subsection shall cease to be effective 10 years after the date of its enactment.

(b) TECHNOLOGY PROCUREMENT INITIATIVE.—

(1) IN GENERAL.—The Administrator shall coordinate National Aeronautics and Space Administration resources in the areas of procurement, commercial programs, and advanced technology in order to—

(A) fairly assess and procure commercially available technology from the marketplace in the most efficient manner practicable;

(B) achieve a continuous pattern of integrating advanced technology from the commercial sector, and from Federal sources outside the National Aeronautics and Space Administration, into the missions and programs of the National Aeronautics and Space Administration;

(C) incorporate private sector buying and bidding procedures, including fixed price contracts, into procurements; and

(D) provide incentives for cost-plus contractors of the National Aeronautics and Space Administration to integrate commercially available technology in subsystem contracts on a fixed-price basis.

(2) CERTIFICATION.—Upon solicitation of any procurement for space hardware, technology, or services that are not commercially available, the Administrator shall certify, by publication of a notice and opportunity to comment in the Commerce Business Daily, for each such procurement action, that no functional equivalent, commercially, available space hardware, technology, or service exists and that no commercial method of procurement in available.

SEC. 256. ADDITIONAL NATIONAL AERONAUTICS AND SPACE ADMINISTRATION FACILITIES.

The Administrator shall not construct or enter into a new lease for facilities to support National Aeronautics and Space Administration programs unless the Administrator notifies the Congress that the Administrator reviewed existing National Aeronautics and Space Administration and other federally owned facilities, including military facilities scheduled for closing or reduction, and found no such facilities appropriate for the intended use.

SEC. 257. PURCHASE OF SPACE SCIENCE DATA.

(a) IN GENERAL.—To the maximum extent possible, the National Aeronautics and Space Administration shall, where cost effective, purchase space science data from the United States private sector. Examples of such data include scientific data concerning the elemental and mineralogical resources of the moon and the planets, Earth environmental data obtained through remote sensing observations, and solar storm monitoring.

(b) COMPETITIVE BIDDING.—(1) Contracts for the purchase of space data under this section shall be awarded in a process of full, fair, and open competitive bidding.

(2) Submission of cost data, either for the purposes of supporting the bid or fulfilling the terms of the contract, shall not be required of bidders or awardees of the contract.

(3) Reasonable performance specifications, rather than design or construction specifications, shall be used to the maximum extent feasible to define requirements for United States private sector providers with respect to the design, construction, or operation of equipment used in obtaining space science data under contracts entered into under this section. This subsection shall not be construed to prohibit the Federal Government from requiring compliance with applicable safety standards.

(4) Contracts under this section shall not provide for the Federal Government to obtain ownership of data not specifically sought by the Federal Government.

SEC. 258. PLAN FOR MISSION TO PLANET EARTH.

(a) REQUIREMENT.—The Administrator shall, within 6 months after the date of the enactment of this Act, transmit to the Congress a report containing a plan for Mission to Planet Earth.

(b) CONTENTS.—The report required by subsection (a) shall include—

(1) an analysis of Earth observation systems of other countries and the ways in which the United States could benefit from such systems, including by eliminating duplication of effort;

(2) an analysis of how the Department of Defense's airborne and space sensor programs could be used in Mission to Planet Earth;

(3) a plan for infusing advanced technology into the Mission to Planet Earth program, including milestones and an identification of available resources;

(4) a plan to solicit proposals from the private sector on how to innovatively accomplish the most critical research on global climate change;

(5) an integrated plan for research in the Scientific Research and Mission to Planet Earth enterprises described in the National Aeronautics and Space Administration Strategic Plan issued in May, 1994;

(6) a plan for developing metrics and milestones to quantify the performance of work on Mission to Planet Earth; and

(7) a plan for the role, structure, and operation of the Earth Observing Satellite Data Information System.

SEC. 259. ACQUISITION OF EARTH REMOTE SENSING DATA.

(a) ACQUISITION.—To the maximum extent possible, the Administrator shall, where cost effective, acquire space-based and airborne Earth remote sensing data, services, distribution, and applications provided by the United States private sector to meet Government goals for Mission to Planet Earth.

(b) STUDY.—(1) The Administrator shall conduct a study to determine the extent to which the baseline scientific requirements of Mission to Planet Earth can be met by the private sector, and how the National Aeronautics and Space Administration will meet such requirements which cannot be met by the private sector.

(2) The study conducted under this subsection shall—

(A) make recommendations to promote the availability of information from the National Aeronautics and Space Administration to the private sector to enable the private sector to better meet the baseline scientific requirements of Mission to Planet Earth;

(B) determine and prioritize the appropriate baseline scientific requirements for Mission to Planet Earth, and reevaluate, scientifically justify, and prioritize the data sets necessary to fulfill those baseline scientific requirements;

(C) make recommendations to promote the dissemination to the private sector of information on advanced technology research and development performed by or for the National Aeronautics and Space Administration; and

(D) identify policy, regulatory, and legislative barriers to the implementation of the recommendations made under this subsection.

(3) The results of the study conducted under this subsection shall be transmitted to the Congress within 6 months after the date of the enactment of this Act.

(c) ADMINISTRATION.—This section shall be carried out as part of the Commercial Remote Sensing Program at the Stennis Space Center.

SEC. 260. SHUTTLE PRIVATIZATION.

(a) POLICY AND PREPARATION.—The Administrator shall prepare for an orderly transition from the Federal operation, or Federal management of contracted operation, of space transportation systems to the Federal purchase of commercial space transportation services for all nonemergency launch requirements, including human, cargo, and mixed payloads. In those preparations, the Administrator shall take into account the need for short-term economies, as well as the goal of restoring the National Aeronautics and Space Administration's research focus and its mandate to promote the fullest possible commercial use of space. As part of those preparations, the Administrator shall plan for the potential privatization of the Space Shuttle program after the year 2012. Such plan shall keep safety and cost effectiveness as high priorities. Nothing in this section shall prohibit the National Aeronautics and Space Administration from studying, designing, developing, or funding upgrades or modifications essential to the safe and economical operation of the Space Shuttle fleet.

(b) SAFE OPERATION.—In reviewing proposals for moving to a single prime contractor the Administrator shall give priority to continued safe operation of space transportation systems.

(c) FEASIBILITY STUDY.—The Administrator shall conduct a study of the feasibility of implementing the recommendation of the Independent Shuttle Management Review Team that the National Aeronautics and Space Administration transition toward the privatization of the Space Shuttle. The study shall identify, discuss, and, where possible, present options for resolving, the major policy and legal issues that must be addressed before the Space Shuttle is privatized, including—

(1) whether the Federal Government or the Space Shuttle contractor should own the Space Shuttle orbiters and ground facilities;

(2) whether the Federal Government should indemnify the contractor for any third party liability arising from Space Shuttle operations, and, if so, under what terms and conditions;

(3) whether payloads other than National Aeronautics and Space Administration payloads should be allowed to be launched on the Space Shuttle, how missions will be prioritized, and who will decide which mission flies and when;

(4) whether commercial payloads should be allowed to be launched on the Space Shuttle and whether any classes of payloads should be made ineligible for launch consideration;

(5) whether National Aeronautics and Space Administration and other Federal Government payloads should have priority over non-Federal payloads in the Space Shuttle launch assignments, and what policies should be developed to prioritize among payloads generally;

(6) whether the public interest requires that certain Space Shuttle functions continue to be performed by the Federal Government; and

(7) how much cost savings, if any, will be generated by privatization of the Space Shuttle.

(d) REPORT TO CONGRESS.—Within 60 days after the date of the enactment of this Act, the National Aeronautics and Space Administration shall complete the study required under subsection (c) and shall submit a report on the study to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives.

SEC. 261. LAUNCH VOUCHER DEMONSTRATION PROGRAM AMENDMENTS.

Section 504 of the National Aeronautics and Space Administration Authorization Act, Fiscal Year 1993 (15 U.S.C. 5803) is amended—

(1) in subsection (a)—

(A) by striking "the Office of Commercial Programs within"; and

(B) by striking "Such program shall not be effective after September 30, 1995.";

(2) by striking subsection (c); and

(3) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

SEC. 262. PRIVATIZATION OF MICROGRAVITY PARABOLIC FLIGHT OPERATIONS.

(a) FINDING.—The Congress finds that no national security or mission critical justification exists for the National Aeronautics and Space Administration to maintain its own fleet of aircraft to provide a short duration microgravity environment via parabolic flight.

(b) PRIVATIZATION OF FLIGHT OPERATIONS.—(1) The Administrator shall privatize all parabolic flight aircraft operations conducted by or for the National Aeronautics and Space Administration in support of microgravity research, astronaut training, and other functions, whose total cost can be reduced through issuance of one or more long-term, renewable, block purchase contracts for the performance of such operations by United States commercial sector providers.

(2) Within 90 days after the date of the enactment of this Act, the Administrator shall issue a request for proposals to provide services which meet all or part of the microgravity flight needs of the National Aeronautics and Space Administration, as described in paragraph (1) at a net savings to the United States Government. The Administrator shall coordinate the process of review of such proposals, and shall oversee the transfer of such operations to the commercial sector as specified in paragraph (3).

(3) Within 6 months after the issuance of a request for proposals under paragraph (2), the Administrator shall, where cost effective, award one or more contracts for microgravity parabolic flight services to a microgravity flight provider that is certified by the Federal Aviation Administration. Except as provided in paragraph (4), the Administrator shall cease all National Aeronautics

and Space Administration-operated parabolic aircraft flights, and shall thereafter procure all microgravity parabolic flight services from commercial sector providers. National Aeronautics and Space Administration experimenters, and National Aeronautics and Space Administration-funded experimenters, who would otherwise use National Aeronautics and Space Administration-owned or operated microgravity parabolic flight aircraft, shall be issued vouchers for the procurement of microgravity parabolic flight services from the commercial sector.

(4) The Administrator may, as necessary to ensure the continuity of National Aeronautics and Space Administration operations, continue to operate parabolic aircraft flights for up to 3 months after a contract is awarded under paragraph (3). If the Administrator continues operations pursuant to this paragraph, the Administrator shall concurrently transmit to the Congress an explanation of the reasons for such action.

(5) Six months after the National Aeronautics and Space Administration ceases all parabolic aircraft flights under paragraph (3), the Administrator shall transmit a report to Congress on the effectiveness of privatization under this section.

SEC. 263. UNITARY WIND TUNNEL PLAN ACT OF 1949 AMENDMENTS.

The Unitary Wind Tunnel Plan Act of 1949 is amended—

(1) in section 101 (50 U.S.C. 511) by striking "transsonic and supersonic" and inserting in lieu thereof "transonic, supersonic, and hypersonic"; and

(2) in section 103 (50 U.S.C. 513)—

(A) by striking "laboratories" in subsection (a) and inserting in lieu thereof "laboratories and centers";

(B) by striking "supersonic" in subsection (a) and inserting in lieu thereof "transonic, supersonic, and hypersonic"; and

(C) by striking "laboratory" in subsection (c) and inserting in lieu thereof "facility".

SEC. 264. USE OF ABANDONED AND UNDERUTILIZED BUILDINGS, GROUNDS, AND FACILITIES.

(a) IN GENERAL.—In meeting the needs of the National Aeronautics and Space Administration for additional facilities, the Administrator, whenever feasible, shall select abandoned and underutilized buildings, grounds, and facilities in depressed communities that can be converted to National Aeronautics and Space Administration facilities at a reasonable cost, as determined by the Administrator.

(b) DEFINITIONS.—For purposes of this section, the term "depressed communities" means rural and urban communities that are relatively depressed, in terms of age of housing, extent of poverty, growth of per capita income, extent of unemployment, job lag, or surplus labor.

SEC. 265. COST EFFECTIVENESS CALCULATIONS.

In calculating the cost effectiveness of the cost of the National Aeronautics and Space Administration engaging in an activity as compared to the private sector, the comparison shall be made based only on the price the private sector provider will charge for such activity.

SEC. 266. PROCUREMENT OMBUDSMAN.

(a) ESTABLISHMENT.—The Administrator shall establish the position of Procurement Ombudsman for the National Aeronautics and Space Administration.

(b) FUNCTIONS.—The Procurement Ombudsman shall—

(1) be responsible, in consultation with the Office of Procurement, for reviewing proposed new missions for the National Aeronautics and Space Administration to determine if such missions, or elements thereof, can be fulfilled by United States commercial providers; and

(2) serve as a point of contact for—

(A) persons with whom the National Aeronautics and Space Administration has entered into a procurement contract, with respect to concerns of those persons about that contract; and

(B) United States commercial providers, with respect to issues relating to competition between those providers and the Federal Government.

(c) REPORTS TO CONGRESS.—The Procurement Ombudsman shall annually, in conjunction with the President's annual budget request, transmit a report to Congress describing the activities of the Ombudsman during the previous year.

SEC. 267. AUTHORITY TO REDUCE OR SUSPEND CONTRACT PAYMENTS BASED ON SUBSTANTIAL EVIDENCE OF FRAUD.

Section 2307(h)(8) of title 10, United States Code, is amended by striking "and (4)" and inserting in lieu thereof "(4), and (6)".

Mr. WALKER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. KINGSTON) having assumed the chair, Mr. BURTON of Indiana, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3322) to authorize appropriations for fiscal year 1997 for civilian science activities of the Federal Government, and for other purposes, had come to no resolution thereon.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3517, MILITARY CONSTRUCTION APPROPRIATIONS BILL, FISCAL YEAR 1997

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 104-599) on the resolution (H. Res. 442) providing for consideration of the bill (H.R. 3517) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1997, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON H.R. 3540, FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1997

Mr. CALLAHAN, from the Committee on Appropriations, submitted a privileged report (Rept. No. 104-600) on the bill (H.R. 3540) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1997, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. All points of order are reserved.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, the pending business is the question of the Speaker's approval of the Journal.

Pursuant to clause 1, rule I, the Journal stands approved.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1462

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 1462.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2723 AND H.R. 1972

Mr. STOCKMAN. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 2723 and H.R. 1972.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

EXPRESSING SYMPATHY ON THE DEATH OF JERRY JUNKINS, PRESIDENT OF TEXAS INSTRUMENTS

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I join Dallas, the State of Texas, and the Nation in expressing my profound sympathy for the loss of a world leader, Mr. Jerry Junkins, president of Texas Instruments, who died, untimely, of a heart attack while traveling in Europe.

Mr. Junkins is well known throughout Texas, the Nation, and the world. He was a leader in trade policies, a leader in support of education, a leader in support of public-private partnerships and the creation of jobs, and a real leader in giving minority businesspeople opportunities. A very untimely death.

Mr. Speaker, with great sadness, I rise to pay special tribute to a good friend, and a remarkable individual who has distinguished himself by his exceptional contributions to the Dallas business community. Mr. Jerry R. Junkins, the Chairman, president and CEO of Texas Instruments, passed away from a heart attack while on a business trip in Germany. He was 58.

Jerry Junkins will be remembered for his many contributions in the international, national and state arenas, particularly as a leader in pushing for global trade expansion for the U.S. But for those of us in Dallas, he will be remembered as a champion for our community. He was a champion of early childhood education, especially for TI's support of the Margaret H. Cone Model Head Start Center. For many years, he chaired the Dallas Citizen's Council Education Committee. He was a guardian angel for Paul Quinn College, and he was the inspiration behind the TI Minority Business Development Program which grew to over $120 million in a very short time.

Jerry Junkins joined Texas Instruments in 1959, and worked his way to its top position of president and CEO in 1985. He became chairman in 1988. Jerry Junkins served in a broad range of civic and industrial positions in Dallas, including: Member of the Board of Trustees of Southern Methodist University; and Member of the Board of Directors of Caterpillar Inc., The Procter & Gamble Company, and 3M. He was also a member of the Business Council, cochairman of The Business Roundtable, and chairman of its International Trade and Investment Task Force.

Mr. Speaker, all of Dallas and the State of Texas grieve for Jerry Junkins' wife, Sally, his daughters Kirsten and Karen, his parents, and his brothers and sisters. Mr. Junkins was an extraordinary leader, an exemplary businessman, and a highly respected national and community leaders. He inspired those he worked with, won the devotion of his friends, and earned the gratitude of his Nation. I ask my colleagues to join me in honoring Mr. Jerry Junkins.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

WHAT NEXT FOR THE INDEPENDENT COUNSEL?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana [Mr. BURTON] is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, this week, the President's business partners in the Whitewater venture were found guilty of a total of 22 counts of bank fraud. James and Susan McDougal were President and Mrs. Clinton's business partners in the Whitewater Development Corp.—which is still the main focus of Kenneth Starr's investigation.

In addition, Jim Guy Tucker, Bill Clinton's successor as Governor of Arkansas, was found guilty of conspiracy and mail fraud.

Recently, a number of my colleagues have been raising questions about Mr. Starr's ethics and his work as Independent Counsel. They have stated that he is biased because of his Republican background or his legal work for different clients.

Mr. Speaker, this is nonsense being put out by the Democrats for political purposes. Mr. Starr's results speak for themselves:

First, of 19 charges that Mr. Starr filed against Mr. McDougal, he was convicted on 18.

Second, of four charges Mr. Starr filed against Mrs. McDougal, she was convicted on all four.

Third, of seven charges filed against Governor Tucker, he was convicted on two.

Fourth, of 30 charges Mr. Starr filed in these cases, he won convictions on 24. That is an 80 percent conviction rate. A jury of 12 Arkansas citizens has examined the evidence and clearly does not feel that Mr. Starr is filing frivolous or unsupported charges.

Fifth, in addition to this week's convictions, Mr. Starr has received guilty pleas from nine other people involved in Whitewater—political associates of President Clinton, associates of Madison Guarantee Savings and Loan, and people who worked on the Whitewater deal.

Sixth, one of those people who pled guilty was the Associate Attorney General of the United States—Webster Hubbell—a close friend of the President.

Clearly, serious crimes have been committed, and the independent counsel is doing a good job of bringing people to account for them. That is why Democrats are suddenly attacking the Independent Counsel.

At this point, there are two obvious questions that everyone is asking:

First, what impact do these convictions have on the President and Mrs. Clinton?

Second, where does the Independent Counsel go from here?

Let me shed a little light on these questions.

What impact do these convictions have on the President and Mrs. Clinton?

President Clinton was not on trial in this particular case. But he was never far away from it either.

David Hale testified that then-Governor Clinton pressured him to make the illegal loan of $300,000 to Susan McDougal.

Documents presented during the trial showed that part of that money went to pay debts of the Whitewater Development Corp. Bill and Hillary Clinton were partners in Whitewater, so they directly benefited from this loan.

The defense believed President Clinton's testimony during the trial would be a knockout punch for the defendants. It wasn't. The President's testimony apparently did little to cast doubts on the prosecution's case. Mr. and Mrs. McDougal were convicted on 22 of 23 counts.

The Castle Grande real estate deal was at the heart of this case. As an attorney at the Rose Law Firm, Hillary drew up legal papers for some of the key transactions. Throughout the trial, documentary evidence showed that this deal was a series of sham transactions that helped bring about the downfall of Madison Guarantee Savings and Loan.

This raises a very serious question: How much did Hillary Clinton know about the true nature of the Castle Grande deal?

For 4 years, Mrs. Clinton has been telling the public that she did very little legal work on the Castle Grande project. She made this statement in a sworn statement to Federal banking investigators.

However, the Rose Law Firm billing records that mysteriously turned up at the White House in January disputed that statement. Even though they had been under subpoena for 2 years, the records weren't given to the Independent Counsel until they were "discovered" in January.

It was quickly discovered that the billing records had Mrs. Clinton's fingerprints on them. More importantly, these records for the first time provided documentation that Mrs. Clinton had drafted legal documents for Castle Grande.

The questions that this raises are numerous:

First. Did Mrs. Clinton mislead Federal investigators about her involvement in Castle Grande?

Second. Did she or anyone at the White House obstruct justice by hiding these records for 2 years.

Third. Did Mrs. Clinton understand the nature of the sham transactions for which she was drawing up option agreements?

Where does the Independent Counsel go from here?

There are many other facets of the Whitewater scandal that merit continued investigation:

First, the Whitewater deal itself; second, potentially illegal contributions to Bill Clinton's campaigns; and third, the death of Vincent Foster.

One important area that I hope the Independent Counsel is exploring is the Arkansas Development Finance Authority—or ADFA.

ADFA was created by Governor Clinton in 1985 to provide economic development loans in Arkansas.

In December of 1988, ADFA deposited $50 million in a Japanese bank in the Cayman Islands. I have a copy of the contract that I will enter into the record. I have also delivered a copy of this document to the Independent Counsel's office.

Why would an economic development agency in Arkansas deposit $50 million in a bank in the Cayman Islands? The Cayman Islands are a well-known center of money laundering for drug dealers. The State Department's international narcotics control report described the Caymans as "a haven for money laundering."

In addition, public documents show that ADFA was steering bond underwriting business to a firm owned by

Dan Lasater. Mr. Lasater's story by now is well-known. He was a financial supporter of Bill Clinton's campaigns. He flew Bill and Hillary Clinton around on his private plane. He hired Bill Clinton's brother and paid off an $8,000 drug debt he owed. Mr. Lasater also pled guilty to Federal charges of cocaine distribution.

Why was ADFA steering business to someone like Dan Lasater, who was well-known in Arkansas for drug use and wild parties at which drugs were freely distributed?

Why was ADFA putting millions of dollars in foreign banks in a money-laundering haven like the Cayman Islands?

Was then-Governor Clinton aware of what was going on at the agency that he created?

All of these questions need to be resolved. The Independent Counsel should not quit—and I am confident that he will not quit—until these questions are completely answered to the public's satisfaction.

□ 2000

The questions that this raises are numerous: Did Mrs. Clinton mislead the Federal investigators about her involvement in Casa Grande? Did she or anyone else in the White House obstruct justice by hiding these records for 2 years? Did Mrs. Clinton understand the nature of the sham transactions for which she was drawing up option agreements.?

Second, where does the independent counsel go from here? There are many other facets of the Whitewater scandal that merit continued investigation: the Whitewater deal itself, potentially illegal contributions to Bill Clinton's campaigns, the death of Vince Foster. One important area that I hope the independent counsel is exploring is the Arkansas Development Financial Authority.

The ADFA was created by Governor Clinton in 1985 to provide economic development loans in Arkansas. In December of 1988 the Arkansas Development Financial Authority deposited, and get this, $50 million in a Japanese bank in the Cayman Islands. I have a copy of the contract that I will enter into the RECORD. Tomorrow night, since I am out of time now, Mr. Speaker, I will go into more detail on this $50 million that was Arkansas money that was transferred to the Cayman Islands, a major transit point for drug trafficking in this hemisphere.

WE MUST NOT TAKE YESTERDAY'S HEADLINES AND MAKE THEM TODAY'S CONCLUSIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas [Ms. JACKSON-LEE] is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I was compelled, in listening to my good friend on the other side of the aisle, to simply rise and ask for truth in speaking, only because I think that we do a disservice to make yesterday's headlines today's congressional debate.

A jury rendered a verdict yesterday. Some of those individuals are friends of those who are in government here in Washington, DC. The comment that I heard at this point is that the he wished his friends well. The comments that I heard of their lawyers is that the process is not over, and, in fact, they have the right to appeal. The real question becomes, now, for us in this Congress, to allow the process to move forward.

There is a Whitewater investigator committee in the Senate that has a June 14 deadline. To date, they have found nothing and determined nothing. There was a report secured by the RTC just about 2 years ago from a law firm in California, an independent assessment that found no wrongdoing on the part of the President and First Lady. But we are here only to encourage the fairness and openness to this process.

I hope we do not take to the House floor to cause statements to be made that would suggest that we have concluded and we have all the answers. It is appropriate, as I have said, for this process to be followed through. We might listen mindfully to the foreman of the jury, who spoke very eloquently yesterday evening and indicated that it was not a question of the integrity or credibility of the President of the United States. They made independent judgments on the data and documentation submitted.

But I do believe that we have the responsibility to the American public to be forthright. There is no reason to hide the ball, but we also have the responsibility to be responsible; to allow those authorities that have the jurisdiction, the courts of law, the investigative committee in the Senate, to do their job. We add nothing to bring to the floor accusations on the President and First Lady when there are processes going forward to ensure that the job is done.

I believe that American people would like us to proceed accordingly, and I hope we give respect to all of those involved in this process, including those who have been now judged, who have the right as Americans to appeal their case to the highest court of the land.

TRUTH IN SPEAKING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DORNAN] is recognized for 5 minutes.

Mr. DORNAN. Mr. Speaker, there are so many subjects racing through my mind right now for a 5-minute special order. I was going to talk about an Army hero who was killed in Bosnia trying to, to use his own words from a few hours before his death, clear these stinking minefields for the children of Bosnia, but the last gentlewoman began her remarks by saying it is time for truth in speaking.

Let me tell the gentlewoman, as somebody who started investigating Little Rock in 1992, before the Clintons were in the White house, I think Little Rock, just Little Rock, in an otherwise great State, and only in the field of politics with some businesspeople, was a stinking hole of corruption; with not this current Governor, but the prior Governor, a stinking hole of corruption. And that like Hamlet's line about murder, though it hath no tongue, will by most miraculous organ out, all of this financial corruption will by most miraculous organ out by, using her very words, truth in speaking.

Mr. BURTON of Indiana. Mr. Speaker, will the gentleman yield?

Mr. DORNAN. I yield to the gentleman from California.

Mr. BURTON of Indiana. Mr. Speaker, what I did in my special order was ask a number of questions that were still unanswered. One of the questions that I think is very, very important is why did the Arkansas Development Financial Authority send $50 million of Arkansas money to the Cayman Islands to deposit in a bank in the Cayman Islands, which is a major drug transit point acknowledged by almost every DEA agent in the world? Why would they send $50 million of Arkansas money down there? That is a question that needs to be answered.

I have the electronic bank transfer statements in my office. I am going to put them in the CONGRESSIONAL RECORD. There is no doubt the money was wired to the Cayman Islands. The question needs to be asked, why was it wired? Why would the Governor of Arkansas allow that? Why would the Arkansas Development Financial Authority, a State-run agency, send their money out of the country to a drug haven? I hope that the independent counsel will explore that. We are going to ask other questions as well.

Mr. DORNAN. Mr. Speaker, no one other than the gentleman has investigated the Vince Foster thing or analyzed it. And the line of Vince Foster's that comes back to us from the grave about the whole Whitewater mess and the IRS problems was, these are Vince Foster's words, "This is a can of worms we do not want to open." The can of worms was opened in front of that jury and they got 24 felony convictions.

Mr. Speaker, I yield to the gentlewoman from Texas, the Portia from the other side of the aisle.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I do not know if I will accept that. I am the gentlewoman from Texas. I appreciate the gentleman from California in his sincerity, and also my friend who is down at the well, the gentleman from Indiana [Mr. BURTON].

But might I just suggest to both of my colleagues, first of all, the gentleman from California [Mr. DORNAN] speaks highly of those who have offered themselves for a military career. Governor Jim Guy Tucker is a former Marine war correspondent, a graduate from Harvard, or undergraduate, and University of Arkansas Law School, I believe. I do not think he engaged in the business of public service to find himself where he is today.

My point being made on the floor is that we have various entities that are engaged in investigating these circumstances, including the special prosecutor and, in fact, the Senate Whitewater committee. I believe they have spent to date some $12.4 million and have yet to find or determine anything related to any consequences relevant to the White House.

My only point, made to both gentlemen, is that I think we would do well to allow those who have been designated to investigate it, and if the gentleman from Indiana [Mr. BURTON] is involved in the investigation, so be it; but the point is we do not add to the resolution by false accusations or loose accusations where we do not have the proof to answer the questions.

The gentleman from Indiana has every right to ask a question. I hope the gentleman's question is answered. But I do not find it meritorious to engage in this kind of debate.

Mr. DORNAN. I agree. Just to clear the record, for those who were not forced to take 4 years of Shakespeare in school, that Portia, because I well know the gentlewoman's distinguished name, means a lady lawyer of exceeding skill, as in Portia from the Merchant of Venice, who gave us the great soliloquy:

> The quality of mercy is not strain'd,
> It droppeth as the gentle rain from heaven
> Upon the place beneath. It is twice bless'd:
> It blesseth him that gives and him that takes.

I just wanted that on the record.

Ms. JACKSON-LEE of Texas. Mr. Speaker, if the gentleman will yield further, Shakespeare also said:

> The first thing we do is kill all the lawyers.

Mr. DORNAN. That was in Henry VI. The barber said that. I do not want any part of that.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I appreciate very much the gentleman's compliment. I want it to be acknowledged I am just a humble servant from the 18th Congressional District of Texas. But I appreciate the kindness of the gentleman from California [Mr. DORNAN] and the gentleman from Indiana [Mr. BURTON]. But I do think it is appropriate that we not take yesterday's headlines and be able to determine truth or fact here in the House when we do not have all the facts.

Mr. DORNAN. Mr. Speaker, in closing, they are taking bets in our cloakroom that AL GORE will run one heck of a race in October of this very year for President of the United States.

MEDICARE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota [Mr. GUTKNECHT] is recognized for 5 minutes.

Mr. GUTKNECHT. Mr. Speaker, why is it that Washington is unable to address and solve a political problem until it becomes a crisis? Why is it that Washington's answer to any problem is to take more in taxes and waste more in spending?

Well, they are doing it again, but this time it's serious. This time it's about Medicare. The President and the bureaucrats in Washington say there is no problem. I do not agree. The President wants everyone to ignore the financial problems surrounding Medicare, but I will not be silent. We have a moral imperative to fight back. And America needs to fight back as well.

What would you think of your Federal Government if it knew Medicare was in trouble, yet did nothing to save it? What would you think of the politicians in Washington if they had the figures in their hands and knew the truth, yet chose to do nothing? What would you think of your Member of Congress if he or she allowed Medicare to go bankrupt when they could have saved it? You would be pretty angry. Right? You would never forgive them. You would vote against them next November.

Well, guess what? That is exactly what the President has done. He knows the numbers. He knows what his own Medicare trustees have found. The trustees have admitted that Medicare is hemorrhaging money at a frightening rate. They have admitted that the program will soon be bankrupt. That is right. Bankrupt. That is not a joke. That is not some political claim. That is a fact.

President Clinton knows it. But he has tried to hide this fact because the elections are coming up. We have a President who will say and do anything to get reelected—and that includes playing politics with Medicare.

Sure, Republicans could have played along. We could have remained silent and done what politicians have done for decades—tell our voters that everything is fine until the crisis hits. But we did not come here to engage in politics-as-usual, and I did not come here to sell out my constituents just for the sake of the next election. Medicare is a matter of principle, and I would rather be sent home for telling the truth than remain here by telling lies.

Medicare has to be strengthened financially—there is no choice—and we have to stop the mismanagement once and for all. This may not be what some want to hear, but they have to hear it anyway. It may be common in Washington to hide the truth, but I cannot. And I will not. It is your money and your children's money. You have a right to know the truth.

I have seen the numbers issued by the Medicare trustees, and if we do not act soon, it will soon be too late. If we do not strengthen Medicare financially, we will continue to spend millions more than we take in, and it will go bankrupt. But it is not just a question of spending more money—and we Republicans want to spend 7 percent more per year, every year, on Medicare. It is a question of spending the money smarter.

But strengthening Medicare financially is not enough. Washington has a way of making everything it touches more expensive, more complicated, and more difficult for Americans to understand. That too must change. The Medicare paperwork is overwhelming. We need to simplify the Medicare system so that seniors can read the bills and interact effectively with their doctors and hospitals. We have to end Washington mismanagement, and end it now.

But even that is still not enough. Too many seniors have told me that their Medicare coverage is inadequate. It does not cover prescription drugs or eyeglasses. Seniors should be in charge, not the Washington bureaucracy. Seniors should have the right to choose the health care plan that suits them best, and no Washington bureaucrat should have the ability to deny them that choice. Remember, every dollar that is spent on the Washington bureaucracy is a dollar that cannot go to health care for seniors.

And that also means an end to all the abuse, fraud, and waste in the Medicare system. Under the Republican plan, doctors and hospitals that abuse the Medicare system will not get a slap on the wrist. They will be punished—legally and financially. Washington may not have been serious about fighting abuse, fraud and waste, but Republicans are.

It is our responsibility to strengthen Medicare financially so that it does not go bankrupt now or in the future. It is our responsibility to simplify Medicare so that every recipient will understand and be able to use the system easily. It is our responsibility to fight the waste, fraud and abuse in the Medicare system. In short, it our responsibility to find a solution for Medicare for the next generation, not just the next election.

I will fight for the right of every senior citizen in every district across America to get the facts. I will demand that the Medicare trustees and the White House make available to every American the exact financial details about Medicare. The President may not like it, but I believe the people who pay the bills have a right to know exactly what I know. You have a right to know the facts about Medicare. After all, it is your money.

□ 2015

CRISIS IN MEDICARE

The SPEAKER pro tempore (Mr. TAYLOR of North Carolina). Under a previous order of the House, the gentleman from Louisiana [Mr. TAUZIN] is recognized for 5 minutes.

Mr. TAUZIN. Mr. Speaker, I am pleased to follow my friend from Minnesota, Mr. GUTKNECHT, to talk about the Medicare crisis in America. It is a crisis. It is upon us. The Medicare system is not about to go bankrupt, it will not soon go bankrupt, it is already falling into bankruptcy.

The first quarter of this year, unexpectedly the Medicare system began slipping into bankruptcy. What does that mean? It means that the money coming into the system from your and my taxes is not enough to cover the money going out of the system, going out to pay the bills of seniors who need Medicare coverage.

Why is there not enough money in the system? Is it because we are not paying enough taxes? No, it is because Medicare costs are running at three times the rate of inflation. The waste, fraud, and abuse is about to ruin a system critical to American seniors, my mother included.

Mom just got out of the hospital in January, again from another serious problem. She has survived cancer twice. Last month she played in the Senior Olympics at home and won 5 medals—3 silver and two gold—one in javelin and one in shot put. She is a miracle.

But Medicare has saved my mother, and it has saved countless of other mothers, fathers, grandparents of Members of this House and of citizens all over this country. Can we afford to let Medicare go bankrupt? I say no.

Is it fair for anyone to scare seniors into resisting changes to reform Medicare to make it work? Is it fair to seniors to keep scaring them with Medicare cut language? The truth is if somebody does not fix Medicare soon, we will face three choices very soon.

First, we will have to choose between not taking care of our seniors anymore—and we will not make that choice, we will always take care of our seniors in America. Or, second, we will have to choose to tax the dickens out of the younger generation, to double their payroll taxes to put more money in this bucket that has got a hole in it. Or, third, we are going to have to borrow and borrow and borrow on future generations to cover the bankruptcy that is upon us in Medicare.

The biggest enemy of seniors in America is not those of us who are trying to fix Medicare, who are trying to give seniors more choices, who are trying to cut the waste, the fraud, the bureaucratic abuse, the mess we have in this system. The biggest enemy to Medicare and to seniors is not the Republican Party and those of us who have offered a plan to fix it.

The biggest enemy of our seniors, the biggest enemy of Medicare is anyone who will try to scare seniors into doing nothing, because to do nothing means we face one of those three awful choices: to borrow our whole country into bankruptcy, to tax the dickens out of future generations, or to give up caring for our seniors, none of which are good options.

We want to continue a sound and strong Medicare system for America's seniors, but to do so will take some courage around this place. It will take someone willing to say it is time to fix a problem before it goes bankrupt. It will take someone willing, literally in the White House, to address this issue instead of trying to scare seniors into believing that everybody is trying to cut their benefits or cut their program. Nothing could be further from the truth.

The truth is Medicare is already going bankrupt as we speak tonight. If we do not show some courage around this place and fix that system for our seniors, if someone in the White House does not join us instead of trying to scare seniors across America, Medicare will indeed fail the seniors who depend upon it, my mother included.

If all of you love your parents and your grandparents, as I know you must, as much as I love mine, then can we not join together and fix this problem while there is still a chance to fix it? Do we have to resort to partisan tactics and scare tactics just to resist each other politically? Or can we look beyond these political boundaries and fix the Medicare system for the seniors of our country, and preserve our children's opportunities to earn a decent living for themselves without getting taxed into oblivion?

Those are the hard choices we face, but I came here to make hard choices. I came here to tell the truth and to face the difficult problems we have. This is one of the most difficult ones we have.

Anybody who will scare seniors instead of facing this tough and difficult problem and curing the Medicare problems, taking care of the waste, fraud, and abuse that is ripping this system apart, anyone who is willing to scare seniors instead of doing that does not deserve to be reelected to any office in this land. Anyone who is willing to work for seniors, to repair the Medicare system, indeed deserves their trust and their confidence. It comes down to that.

Do we have faith enough in each other, in our purpose here in Washington, to serve this Nation and to do the right thing for those who sent us here, to put partisan attacks and scare tactics behind us? I think we can and I think we should, but it will take someone in the White House to show a little more courage and a little less partisanship.

THE TAX TRAP

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. KINGSTON] is recognized for 5 minutes.

Mr. KINGSTON. Mr. Speaker, as I travel around the first district of Georgia I meet a lot of people—in Savannah, Brunswick, Statesboro and also in the smaller towns like Odum, Reidsville, Glennville—and basically wherever I am having town meetings, they are always asking the same questions; Why are so many families across America struggling to keep their heads above water? Why are Americans working harder and harder and having less to show for it? Why is it that many people, many families, have to have two jobs just to make ends meet?

I think we can summarize everything in two words: the tax trap. It is simple to explain. It is simply this: the harder you work, the more taxes Washington makes you pay. The more taxes you pay, the longer and harder you have to work. You end up working harder and longer, and Washington ends up with more but you end up with less.

It is like the old doodle bugs we used to catch when we were kids, Mr. Speaker. The doodle bug builds a cylindrical trap. Ants come walking by and they fall into the cylindrical trap, and then they try to dig themselves out. The harder the ant digs, the more dirt falls on the ant. Then that doodle bug is just sitting there with his pinchers ready and his mouth wide open, and when that ant is exhausted, the doodle bug comes up, grabs him, and sucks him on down.

That is what is happening to middle-class America right now. We are just working harder and harder, trying to get out of this big trap set by the Washington bureaucracy, and Washington, just like the doodle bug, is winning.

When I was a child, Mr. Speaker, the biggest investment a family made was the family home, but today it is taxes. We send more money to the tax collector than we spend on food, clothing, and shelter combined.

My parents grew up in an America that promised that if they worked hard and saved and did the right thing, you too could enjoy the American dream. But today children in my generation and the many generations coming after me are afraid they are not going to be able to share in that American dream.

The Washington bureaucracy, though, has enjoyed it. They have enjoyed this fruits of our labor. Today the bureaucracy in Washington has grown to an all-time high. Our Government alone costs us $1.6 trillion a year, Mr. Speaker. It is way out of control. It has 160 different Federal job training programs, 240 different Federal education programs, 300 economic development programs, and 500 urban aid programs. How much is enough, Mr. Speaker? The fact is all these programs are probably well-intended, but they take money off the table of middle-class America.

Look at the President of the United States. He ran under a promise of a middle-class tax cut and instead passed the largest tax increase in the history of the country. Today, because of President Clinton's policy, the typical family pays $2,600 more in taxes than they did on election day 1992—and think about the insecurity the middle-class Americans have.

I think about Karen Goddard. Karen and I worked together for about 10 years. Karen and Ian had 2 incomes and they had 4 kids. Despite the fact that they worked hard, it was very difficult to get those kids' college education paid for. even though they had done everything right, Mr. Speaker, it still did not matter.

I think about people like Charles Sieler and Tracy Smith, who are going to be getting married in July. Once they get married, Mr. Speaker, their tax burden will become higher than it is individually because of their horrible marriage tax penalty where we actually tax people more once they are married than they were as single people before them.

I think about people of my dad's generation and—now I am getting up there, I am 41 years old; my dad and his friends, my old teachers, my Sunday school teacher, the people who used to drive me to Little League, and the people who used to drive me to the Dairy Queen on hot Sunday afternoons—elder senior Americans that I have known all my life. Now it is their turn to retire and enjoy the fruits of their labor, but they are not sure that Medicare is going to be there tomorrow and all of them are on Medicare, Mr. Speaker.

We have got to have fundamental changes in Washington, because our policies affect real people with real problems. This tax trap, Mr. Speaker, is really sucking us all in. We have got to break free of it. I believe we have to have fundamental reform in Washington. We have to change our education system, to put more local autonomy in the program. We need to have legal reform. We need to change the Washington bureaucracy. We need to have a health care plan that is more affordable and more accessible.

Mr. Speaker, these are the policies this Congress is moving toward. We need to continue these reforms. I am proud to work on them.

SYSTEM IN NEED OF CHANGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. NEY] is recognized for 5 minutes.

Mr. NEY. Mr. Speaker, today down in Bellaire, OH, a town in my district, something was said to me at Rogers Barber Shop that is said virtually every single day in my district as I go about talking to people. That was from a constituent who said, "You've got to balance the Nation's budget, you've got to do it for the children, we've got to do it now."

Then that gentleman proceeded to talk about how in fact he had opportunity when he was being raised down in the Ohio valley. I stop to think about it, and hardly a day goes by that I do not have a young couple that comes up to me and tells me that they wonder about their future and the future of their children.

Mr. Speaker, I would have to ask a few questions. Why are so many families struggling to keep their heads above water? Why has it become so difficult for families in this country to make it? I believe that we can summarize it in the 3 words that has been said best by my colleague from Georgia, the tax trap. It is the tax trap on working American men and women. It is a cycle. It is a vicious cycle. It is never ending on people in this country, Mr. Speaker.

Some people believe that the answer lies in Washington DC. It does not. For decades Washington, DC has told the American people that everything is okay while it continued to spend the inheritance of children and undermine their very future.

As I went around my district and did a lot of Memorial Day events with our fine veterans, I saw a lot of young people, Mr. Speaker. I looked at my own children, Bobby and Kayla, wondering what opportunity they are going to have, wondering what opportunity other young people are going to have in this country. I wonder if they are going to have the same kind of opportunity I had when I was raised 41 years ago, when a debt was not hung upon my neck to pay, unlike today. A child born today in this country is going to owe $187,000 over their working lifetime to pay for the past spending habits of this room.

That is not right, it is not fair, and it is not morally correct to do that to young people, Mr. Speaker.

Every day working families who have been so hard hit in the 18th Congressional District of Ohio as they have across this country, especially in the industrialized areas that were ravaged by the bureaucrats in this Government and by the overspending of Washington, every single day those working people have to sit down at their dinner table and they have to balance their budget, and Washington did not. That is the problem, Mr. Speaker. Past tax-and-spend policies are not the way to provide opportunity for working people.

And people have insecurity these days. I can only think of the married couple that wants to buy that piece of the American dream, the home. I can only think of the thirtysomethings who are accumulating debt that they cannot pay. I can only think about the couples in their forties and fifties who are desperately trying to do the right thing and save for their future, and I think of America's seniors, America's seniors who paid their dues and who deserve the best and deserve for Medicare to be their for them.

Those are the Americans that I can think of. Those are the real people. Not inside the Beltway in Washington, Mr. Speaker, but the real people that every single day have to go out and earn a living and have to provide opportunity for their families.

It is not right what has been done in Washington. Enough is enough. It is time to draw the line in the sand. It is time to give people back their ability to control their destiny.

Mr. Speaker, corporate America also needs to produce a healthy environment and healthy bottom line for working Americans. Corporate America needs to be involved in job training, employee education, and involved in the community. That does not mean that we need to rip down the corporations, but we need to be able to create a job and people need to be able to have a job. Corporate America has got to help with that take-home power. Corporate America has got to be a player in this system, Mr. Speaker. It has got to be sensitive to the working people, as Congress needs to be sensitive to the working people of this country.

We also need legal reform. The country has come into a sense of lawsuit madness and that in itself also has to end.

☐ 2030

With all due respect, the trial lawyers are totally out of control in this country. We need to make fundamental changes in Washington, DC, to have a better, brighter, cleaner, safer future for our children.

It is about the wallet, Mr. Speaker, the money that the working people of this country put into the wallet and the money this Government takes out. And under our plan, and we want to join together with the other side of the aisle, working Americans are going to have more of their own hard earned money to spend for their futures.

WASHINGTON'S SPENDING HAS UNDERMINED OUR FUTURE

The SPEAKER pro tempore (Mr. TAYLOR of North Carolina). Under a previous order of the House, the gentleman from Pennsylvania [Mr. FOX] is recognized for 5 minutes.

Mr. FOX of Pennsylvania. Mr. Speaker, the answer for too many people lies in Washington as a solution for all problems. For decades Washington has told America that everything is OK, while it spent our children's and grandchildren's inheritance and undermined their future. For too long Washington has spent more than it takes in, spent your hard earned tax dollars unwisely just to pay for a growing bureaucracy, a bureaucracy that includes 160 different job training programs, 240 educational programs, 300 economic development programs, and 500 urban aid programs.

How has Washington afforded these programs? By raising your taxes through the roof. Just ask Bill Clinton. He was not in office 100 days before attempting to take even more of your hard earned dollars. By comparison, Republicans spent our first 100 days trying to cut taxes.

The fact is virtually every year you send more of your hard earned dollars to Washington and that leaves less for you and your family. Do you ever wonder why the President and the Democrats are asking you to sacrifice a little more so Washington could spend a little more? Should not we demand Washington spend less so that you can keep more? After all, it is your money.

It should not surprise anyone that more and more American families find it difficult to make ends meet; that more and more Americans are forced to live from paycheck to paycheck; that too many Americans want to put something away for the future but cannot; that almost everybody feels the squeeze from rising prices and higher taxes.

The Republican majority is making a difference by making sure we have a line item veto, which passed; a balanced budget. We have regulatory reform and unfunded mandate reform. All of these have led to a stronger economy and less of your tax dollars going out the window.

Against unanimous Republican opposition, the President imposed the largest tax hike in American history in 1993. The cost of the President's policies for a typical family in higher taxes and lower earnings is $2,600, and all of us have felt the crunch. The tax trap costs a lot of money, and higher taxes means less savings and a more uncertain future. The Republican policies that we have put forward and have been adopted by this House, will put our course and our financial security back on track and are making a difference every day.

What we are trying to do here is part of the revolution of change that is positive and good for all Americans. Stay tuned further.

THE TAX TRAP

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona [Mr. HAYWORTH] is recognized for 5 minutes.

Mr. HAYWORTH. Mr. Speaker, this evening we have heard my colleagues talk about the tax trap, the tax trap which has enmeshed so many Americans who fall victim to this simple observation which history and simple mathematics would bear out: The harder you work and the more you succeed, the more Washington and the Washington bureaucracy takes from you.

I realize this is deadly serious business, Mr. Speaker, because we are talking about real people with real concerns and the genuine future of this Nation at stake. And not to make light of this, but to bear it out in one of its forms, I am reminded of the Walt Disney production, "The Parent Trap," because the tax trap for our citizens is all too often a parent trap. This is what I mean.

So often now, across the width and breadth of this country parents, both parents, in a household are working oft-times not because of choice but because of trying to move their family beyond this tax trap. Quite often a spouse goes to work simply to try and satisfy the tax bite; simply to try to lift the family out of this hole created by more and more taxation, and the incessant need of this bureaucracy to ask for more and more money from average Americans.

My colleague from Pennsylvania articulated it, talked about the largest tax increase in American history given to this Nation by people who used to sit in the majority in this very room along with a President who said on the campaign trail that middle-class America needed tax relief, and yet turned around not 100 days into his term and gave us the largest tax increase in American history.

Now, Mr. Speaker, we have heard a lot of playground taunts, we have heard a lot of name calling. The word extreme has been bandied about, and dare I say in extreme fashion. Well, Mr. Speaker, it is fair to ask this question. For those who would throw out the word extreme with such ease, what is so wrong about asking Washington to live within its means? What is so wrong about demanding that Washington not spend so extravagantly as to sacrifice our children's future? And is it fair, Mr. Speaker, to punish working families who are playing by the rules and trying to provide for their family's future?

The good news is that this new majority in Congress, working with a lot of folks, quite candidly, on the other side of the aisle who are willing to own up to these problems, trying to move past partisan bickering, together we have fashioned a constructive way to deal with these problems, to balance our Federal budget, to roll back the tax bite and try to eliminate the tax trap; to try to save health care and Medicare for future generations without bankrupting the generations who must pay for it.

That is the mission we face, and, again, we would ask the President of the United States to join with us in a constructive program for the future.

It is a tragedy, Mr. Speaker, that our President and his term of office thus far has been defined not by accomplishments. Indeed, now, Mr. Speaker, the question is not what can the President accomplish, but, said, Mr. Speaker, the question has become, especially in the wake of recent revelations, how can this President explain it away this time? What rhetorical device, what language can he use, what verbal contortions can be brought to bear to avoid the problem and escape the responsibility?

Mr. Speaker, the American people deserve us to act responsibly, to save this Nation for today's seniors and for our children.

REFORM OF THE FOOD AND DRUG ADMINISTRATION

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Pennsylvania [Mr. GREENWOOD] is recognized for 60 minutes as the designee of the majority leader.

Mr. GREENWOOD. Mr. Speaker, a number of my colleagues and I this evening have taken it upon ourselves to engage in a 1-hour special order on a very special package of bills we intend to move from the Committee on Commerce, on which we all serve, through the House of Representatives. We expect that the Senate will move its package and that we will put this package on the President's desk and that he will sign it.

The issue is reform of the Federal Food and Drug Administration.

GENERAL LEAVE

Mr. GREENWOOD. Mr. Speaker, before we proceed, I would like to ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GREENWOOD. Mr. Speaker, the Food and Drug Administration was created by this Congress at the turn of the century, about 90 years ago, and the Food and Drug Administration has a very important task. Americans from all walks of life, as parents, as sons and daughters, as spouses, rely on the Food and Drug Administration to make sure that the drugs that are prescribed to us, that the food that we consume, that the medical devices that are utilized in our care and hospitals are safe and are effective.

And we are blessed because in this country we have the greatest pharmaceutical industry in the world, we have the greatest medical device industry in the world, and our people enjoy safety and the best health care in the world as a result of the work of the Food and Drug Administration. It does a very good job of making sure that the products that reach us in the marketplace, that our doctors prescribe to us, that we encounter in our hospitals are, in fact, safe and, in fact, are effective; that they do what the makers say they will do for us.

That is the good news. But there is another side of the FDA, and the problem with the FDA is the time it has taken to move these products from the research laboratory through the Federal bureaucracy of the FDA, some 10,000 employees, to those Americans who are waiting for miracle cures, for new drugs, for the latest heart transplant devices, mechanical hearts. That time is too long. It is taking 12 years, on average, to move a product, a pharmaceutical product, through the Food and Drug Administration. It costs about $350 million for a company to do it.

And I think that probably most Americans watching tonight would be surprised to learn that two-thirds of all of the drugs that are actually developed in the Untied States by our pharmaceutical companies are first available to patients overseas, not in our country at all.

So our task has been with this legislation to see if we cannot reengineer the FDA, the Food and Drug Administration; to redesign it, reform it, update it, modernize it, make it better so that as we move into the next century, the FDA can still be the gold standard for safety and efficacy but also will begin to be able to bring these miracle products and miracle cures to our people much more quickly, because patients die in America today waiting for the bureaucracy within the FDA to act.

We appreciate the FDA needs to act with caution, but we think that we can reform the FDA so that it will act much more efficiently and much more in the patient's interest.

Now, as many Americans have noticed, getting things done in this Congress is not easy. It is a partisan place. It is a place of 535 individual Members of Congress. And in a Presidential election year, an election year for most of the Congress, it is difficult to come to an accord, and particularly on an issue as important and critical as reform of the FDA.

So my colleagues who we will hear from tonight, Mr. BARTON from Texas, Mr. KLUG from Wisconsin, Mr. BURR from North Carolina, and Mr. FOX from my own State of Pennsylvania, have done something that is a little unusual lately in the Congress, and that is we have reached out from the beginning in a bipartisan fashion. We have said to our colleagues on the other side of the aisle, this issue is about life and death. This issue is about saving the lives of our children and our parents and our husbands and our wives, and we need to put partisan politics aside.

□ 2045

We need to get the job done. We need to cooperate. We need to work together. And our success to date has been, I think, miraculous. We have gathered 159 cosponsors onto our bills, Republicans and Democrats across the political spectrum.

We have reached out to the patient groups. We have talked to our fellow Americans who suffer from AIDS or who are HIV-positive. We have talked to cancer patients. We have talked to the practitioners treating those patients and talked to patients who suffer from multiple sclerosis and Lou Gehrig's disease, kids who suffer from diabetes, and Americans who suffer from coronary artery diseases and a long, long list of diseases that is extensive.

We asked them what they think we need to do to make sure that these miraculous products being developed in our universities and our laboratories are brought to those who are literally dying, to receive them more quickly; and the result has been legislation that we think is exciting, we think is innovative, and we think actually will be signed into law in 1996.

We would like to share the details of this information with America this evening. To that end, I would first like to recognize my good friend and colleague from Texas, Mr. BARTON, who is the primary sponsor and the lead on the medical devices bill. He will tell us about medical devices and what we hope to do there.

Mr. BARTON of Texas. Mr. Speaker, I thank my friend from Pennsylvania, Mr. GREENWOOD, for organizing this special order. I am pleased to be on the House floor this evening with the gentleman from Pennsylvania [Mr. GREENWOOD], the gentleman from North Carolina [Mr. BURR], the gentleman from Wisconsin [Mr. KLUG], the gentleman from Florida [Mr. BILIRAKIS], and the gentleman from Pennsylvania [Mr. FOX], as we talk about a very important issue.

Mr. Speaker, if you went out to the American people and asked them, what does FDA stand for, I doubt very seriously that very many people could say that it stand for Food and Drug Administration. I joked earlier in the year in a television interview that it stands for "foot dragging and alibis," because it takes about 12 years and $350 million to get a drug and medical device through the entire gauntlet of approval steps at the FDA that are currently in place.

The people that are participating in this special order this evening, colleagues that have cosponsored the bills in a bipartisan effort, we want FDA to stand for fair decisions for all.

We have the best medical devices in the world; we have the best pharmacological drugs in the world; we have the safest food supply in the world. But more and more, our medical device companies, our pharmaceutical, innovative, companies are going overseas because the approvals do not take as long and the regulatory jungle is not as complex as it is here in this country.

To put a personal face on it, Mr. Speaker, my father is in his early 70's. He is a veteran and served his country in World War II. He was a navigator for the B–24 Liberator. Is now a diabetic and has been diagnosed within the last several months to have a slow-growing form of prostate cancer.

There are drugs in the marketplace today and procedures in the marketplace today in other countries that, were he a citizen of Great Britain or France or Germany, he would have access to those drugs and devices. Because he is a citizen of the United States, he does not.

It is very difficult for me to go to Waco, Texas, where my father lives, and say, Dad, I would like to help you, but under the current law we cannot let you use that noninvasive glucose sensor, so you do not have to prick your finger two or three times a day. Or, Dad, there is a new drug that has been approved for prostate cancer overseas, but it has not yet been approved by the FDA. If you live another 10 years, maybe it will be approved.

I cannot say that.

But I can say, Dad, in the next 3 months, I hope to be a part of a coalition of Republicans and Democrats in both the House and the Senate that passes an FDA reform package that makes those drugs and makes those devices accessible to you, not 10 years from now but next year, and maybe even in the next 5 or 6 months.

In the medical device bill that I am the chief sponsor of we have four basic principles. We do want a responsible method for third-party review where a medical device applicant can either go outside the system to an accredited third-party reviewer or can go within the system within the FDA currently to have their application reviewed.

We want a dispute resolution which is obvious in any complex situation. There are going to be disagreements. We think there needs to be some mechanism where if the applicant and the FDA have a disagreement about the application, you can get a fair resolution of that disagreement. We do not want it to be a trivial disagreement; we want it to be a substantive policy disagreement or a time disagreement. But let there be a internal dispute resolution that is actually workable.

Most Americans do not realize, but there is a cutoff date for medical device qualifications in this country. If your device was in existence before 1976, it is reviewed under a certain set of circumstances and if it came into existence after 1976, it has to go through a much more complex set of regulatory findings. We want to do away with this artificial 1976 bright line and we want all devices to be reapproved and, as they are, given an original classification and not automatically put into the most complex classification of Class III.

I think you would be surprised, Mr. Speaker, to realize that a simple piece of plastic called a breast sensor paid, which is two pieces of plastic with a silicone gel between it, about 6 inches in diameter, it took the FDA 10 years to approve the breast sensor device and then only with the use of prescription under the care of a physician, because under current law the breast sensor pad has to be classified as Class III, which would be like a heart implant.

Under our legislation, if approved and put into law, the breast sensor pad would be given a reclassification and almost certainly be put into Class I or Class II, where it would be available over the counter so that millions of American women could obtain it at a nominal fee and would be able to self-examine their breast in the privacy of their home.

The last thing that we want to insist on in the medical device bill is that all new devices be given a fair evaluation within a time certain of when they are presented. And that may again be third-party or may be within the FDA.

Mr. Speaker, I am pleased to participate in this special order. I commend Mr. GREENWOOD and, again, all the other chief sponsors that are here this evening: Mr. KLUG, Mr. BURR, the chairman of our subcommittee, Mr. BILIRAKIS of Florida, and of course Mr. FOX of Pennsylvania.

This is a bipartisan effort. It has got overwhelming support among the American people, 70 to 80 percent approval in the various polls, and we hope that before we adjourn to go home that we can have a bill on the President's desk and we think President Clinton will sign it.

I yield back to the distinguished gentleman from Pennsylvania.

Mr. GREENWOOD. Before the gentleman leaves, I want to recall the gentleman who came to our first press conference who suffered from a coronary problem where he had an artery that was closing down, and he needed a stint. Is that the right term? A stint that could be implanted in this artery to keep it open and keep the blood flowing.

He was told that his time was limited, he did not have long to live. There was a device that had been invented; I have it in my hand. I do not know that the camera can pick it up. It looks like a spring you might take out of a ball point pen. This is implanted in the artery and holds it open.

Mr. BARTON of Texas. I believe that device is available in Italy, but not in the United States.

Mr. GREENWOOD. Finish the story. He did go to Italy.

Mr. BARTON of Texas. It wasn't on the approved list in the United States it was approved in Europe. And so the gentleman went to Italy and his surgeons, I believe, flew to Italy with him, and they had the operation, and it was a success and he went mountain climbing within 6 months after the operation.

Had he stayed in the United States and waited for the FDA for approval, it is arguable that the gentleman would be dead today. He would not only not be mountain climbing, but he would not be breathing today. But because he did go overseas and was fortunate enough to have the money to go overseas, he is alive to tell the story today.

Mr. GREENWOOD. That story tells what needs to be told and what we are trying to accomplish here, and that is save lives. He was fortunate. He could afford to go to Italy and have the surgery and pay for it, but most Americans do not have that luxury.

Let me share one final point with the gentleman. We have something else in common. My dad is a B-24 liberator pilot as well.

Mr. Speaker, I would like to now yield to my colleague, the gentleman from Wisconsin [Mr. KLUG], who is the prime sponsor of the second of our three-bill package and that is the bill that would reform FDA with regard to its responsibilities for approving food products.

Mr. KLUG. Mr. Speaker, I thank the gentleman from Pennsylvania, Mr. GREENWOOD, for the time and also thank him and Chairman BLILEY and Chairman BILIRAKIS for their leadership on this proposal, as well as my colleagues from Texas and North Carolina.

Mr. Speaker, I want to go back, because I do not think we can stress this often enough, to what is at stake in FDA reform, period. Because you managed, Mr. GREENWOOD, at the end of your conversation with Mr. BARTON, I think, to put a very human face on what happens with FDA reform.

I can remember standing about 6 weeks ago in a press conference in Madison with the family of a young boy, Cody Young, who lives in Baraboo about an hour from Madison, the place where the Ringling Brothers Circus was founded. And he has a severe case of epilepsy. And the tragedy of this story, as you will hear over and over tonight, is that the original medication developed for Cody Young's severe case of epilepsy was first conceived at a United States research facility. It was tested in the United States, and it now sits essentially at the FDA's desk, ready to be approved, while the drug is already available in Switzerland. And here is Cody Young's family saying, I do not get it. Developed in the United States, first tested in the United States, ready to be marketed in the United States; and the FDA has it tangled up in bureaucratic redtape while it is available to citizens in Europe.

That is unfortunately not only the story of what happens to individual families, but also the story of individual companies. Frightening statistics say that a majority of United States medical device manufacturing companies, such as Lunar, which makes devices to check bone density, important in diagnosing osteoporosis in elderly women or, for example, a large anesthesia equipment manufacturing operation based in Madison, have considered in their recent past moving some of their operations offshore. Not only is it easier to get pharmaceutical products approved quicker overseas, but also approval of medical devices overseas, in addition, because of the liability problems we have in the United States. And we tried in this Chamber this year to fix the whole tort system and its attendant problems and dramatic costs.

The bottom line is, those companies' items, conceived in the United States, increasingly are being manufactured overseas and United States citizens will not be given access to them.

It is easy to understand why you need to care about pharmaceutical products, when they are available, and medical devices that cannot get approved, such as a child with juvenile diabetes who does not have access to noninvasive glucose testing. I talked to a little girl in Madison, 7 years old, whose fingertips are covered with scars because she has to prick them several times a day to do blood testing, where the testing machinery in Canada measures it in the sweat and you never have to prick your fingers.

Mr. Speaker, I have the middle part which is food. The Food and Drug Administration has grown so dramatically in recent years, it now covers a quarter of the Nation's economy and the first part is food. The second part is drugs, but the first part is food.

Over the years, the FDA has grown so cumbersome it has made it extraordinarily difficult for normal manufacturing operations to go on and normal farming practicing to evolve. What does that mean to you sitting in the Chamber or what does it mean if you are watching this at home? It means that it is more expensive to get food products to your shelves.

And the situation in the droughts affecting the Southwest in particular and the threat we see with wheat crops in Nebraska, it may be more difficult, for example, to help those crops spring back up. If they are hurt in the drought, they are more susceptible to disease and more susceptible to problems with insects and other calamities;

and we want to make it more available, make it easier for the American farmer to grow crops and make it easier to get the products to grocery stores at a price that still is reasonable for you as a consumer.

Mr. Speaker, let me tell you a couple of issues. There are four major companies in the United States which sell food gift packages, catalogs that you get at Christmas. Three are based in Wisconsin with two in my districts. No jokes about cheeses tonight.

□ 2100

Wisconsin Cheese is located in Sun Prairie, and another one of them is located in Monroe, WI. Swiss Colony is in fact the largest gift package company in the United States. Now, when you buy something from Swiss Colony, you will notice you get those kinds of little packages of cheese or sausage or crackers, whatever the case may be. Under the Nutritional Labeling and Education Act that was passed several years ago, we have to describe in some detail the ingredients in that packaging.

They were scared to death because imagine if you have a company that manufactures millions of pounds of cheese and sausage and you have got to come up with individual labels that fit on this little 1-by-1-inch square. We worked out an agreement with the FDA at that point that says when you buy a gift box, we will have a loose-leaf sheet in it. We worked that deal out. But now the problem is all across the country.

Suddenly, municipalities and States are developing their own labeling requirements. So now for somebody like Swiss Colony, you look down the road and see that not only do you have to have federal labeling, you now have to have 50 different labels for every State that wants its own set of nutritional information. It may be that municipalities and communities and cities pass their own labeling standards as well, so you have got 50 States and thousands of communities and cities and towns. You cannot do business that way.

Folks say, wait a minute, are not Republicans for shifting power back to States? You want welfare back there, Medicaid back there. Why suddenly are you arguing about nutritional labeling? Because one of the things we are supposed to do in the Committee on Commerce is to take care of interstate commerce. We want to make sure it is easy for things to get shipped across State lines. That is why you do not have toll booths when goods move from Illinois to Wisconsin or from Pennsylvania to New York. It is one of the founding principles in our Constitution.

So, Mr. Speaker, one of the things we are trying to do in this bill is develop national nutritional labeling standards, one size fits all. You can do one label that works in California and in Florida, and one label that works in New York and Wisconsin and Washington State.

Now, a very parallel case several years ago was something called the Town of Casey decision, also involving pesticides. The question in the Town of Casey decision is that the Town of Casey decided they were going to do their own standards for putting pesticide applications on farm fields around the Town of Casey. That was the community's right to do that, until you step back for a minute and try to think of that. What if every community in the United States developed its own standards for pesticide application and pesticide labeling? And some communities said you had to call 24 hours in advance, and some said 48 hours in advance, and some said you had written notice 7 days in advance and 14 days in advance, and 7 days afterwards, and 3 days afterwards with a phone call. It would be crazy. It would make it impossible to farm in the United States.

Mr. Speaker, that was actually a Supreme Court decision, and the Town of Casey went against the town. They said we are going to have one national standard for pesticide application and for labeling and for warning. That is what we are really trying to get at. I think it is a terrific idea that today consumers can pick up any product, whether it is a chunk of cheese or whether it is a piece of chicken or a candy bar and cereal, and look at the back and understand exactly what it is you are eating: what the ingredients are, what the fat content is, what the nutritional value is.

I think we all agree. This Chamber passed that several years ago. The President signed it into law. That is terrific. But one national nutritional labeling standard only is necessary. If you do not like what is listed, then you come here to Congress and you come to the FDA to change it.

Mr. Speaker, the second point I want to make for my colleague in Pennsylvania and other people in the Chamber and folks watching at home tonight is something called the Delaney clause. Now, this is real inside baseball, so stick with me for a minute. But the Delaney clause was passed in the late 1950's to guarantee we would not have cancer in our food chain, or I should say not have products that cause cancer in our food chain.

Now, what has happened over the last 45 years is that our testing equipment has gotten extraordinarily better, and the food chain is safer than it ever was before. But Delaney says you cannot have anything in food products which might even marginally be tied to cancer, one in a billion case. In fact, the testing equipment has now gotten so good. And a story that everybody in my home State of Wisconsin strangely seems to understand is that, if you throw a glass of beer into the Great Lakes, you can detect it with today's testing equipment.

That is the kind of standard you are looking at with an individual piece of food. The food is safer than it ever was before, but the testing equipment is so much better.

Now, what happens from a practical standpoint? The honest answer is nobody enforces Delaney. We make no differentiation whatsoever between a product that causes serious cancer risk or a product that has negligible cancer risk. We simply want to bring this into today's scientific standards.

Now wait a minute; this is not some kind of crazy radical idea. You know who wanted to do this back in 1982? AL GORE. AL GORE, when he was in the U.S. Senate, decided to try to change the Delaney clause to bring it up to today's standards.

In fact, what we do in this piece of legislation is say: Wait a minute, we are not even sure we are smart enough to know how to do it. We are going to ask the Food and Drug Administration to do it. We say to them you bring it up to today's standards. We do not want to do it because it will then be seen as political or be seen as not being tough enough.

The bottom line is everybody knows Delaney does not work, and the Food and Drug Administration has got to fix it. Again, keep in mind the two fundamental points. The idea is to make farming more practicable and safer.

Second, the easier it is to farm, the easier it is to get things to the supermarket, the better selection you will have as a consumer, and the cheaper prices that you will have in front of you.

So the bottom line again in all this FDA reform, what we are really trying to accomplish tonight is to make the Food and Drug Administration more responsible to changes in science and to make the Food and Drug Administration more responsible to changes in the marketplace. It is to tell the Food and Drug Administration your first priority should be to make sure that pharmaceutical products and medical devices and food manufacturing in the United States is extraordinarily safe. But when it takes 12 years, as my colleague, the gentleman from Pennsylvania [Mr. GREENWOOD] said and $390 million and 400,000 pages of documents in order to get a new prescription drug approved, it has gotten out of control.

Mr. Speaker, that is what this special order is about tonight, which is to take the Food and Drug Administration, which has done a terrific job over the years, and give it the tools and strip away some of the undergrowth and cut back some of the bureaucracy so it can do its job even better and simpler and less costly and less bureaucratic in 1996.

Mr. GREENWOOD. Mr. Speaker, I thank the gentleman. I think it is fair to say that, in both of the central issues of the food bill, what we are really trying to do is leave the authority in the FDA in terms of the uniformity. I represent the State of Pennsylvania, and we have Hershey Foods. As you talked, I tried to imagine a Hershey bar that might have to have one label in Minnesota and a different label in Houston, TX, and yet a third label in some community in New York, et cetera. It would be virtually impossible for the company to comply with all of that crazy patchwork quilt of labels.

All we are saying is the FDA does a good job at this. Let them be the experts. Let them determine what should be on the label, and leave it there because of the interstate commerce.

Mr. KLUG. Mr. Speaker, the gentleman is exactly right. If we think this through rationally, essentially what will happen is, if we end up with this crazy local, State, national patchwork of requirements for labeling standards, eventually companies will say well, we will do that for California, because California has got so many people in it, it is worth the investment. But it might not be in North Dakota, or it might not be in Delaware.

So essentially you will see a situation where companies and consumers will be deprived of the opportunity to buy things off the shelves simply because of labeling standards that add very little value to the amount of information that a consumer already has in front of him or in front of her. Again, we all agree on the committee that you want nutritional labeling standards in place, but one set of labels nationally. And if you are unhappy with an individual provision, get it changed once for California and Delaware and Wisconsin and Pennsylvania and not for every single community.

Mr. GREENWOOD. Mr. Speaker, then on the Delaney clause, all we are saying, again, is we want the FDA to decide what the standard should be for products that might be remotely tested in animals to have some carcinogenic quality.

It is the old story, you hear these stories, well, if you ate 500,000 pounds of grapes every day for the next 500,000 years, you might have a one-in-a-million chance of having cancer. That is sort of an absurd level of micromanagement. What we really want the FDA to do is tell us what is safe for our kids to eat, what is safe for us to eat, what will not increase our chances of cancer. And you tell us, you have got the experts, and we will make it apply nationwide.

Mr. KLUG. Mr. Speaker, it gets back to what I was talking about earlier with medical devices. It is part of that culture of fear. It is a fear within the FDA itself that they cannot say yes. If they say yes, it is that on-in-a-million chance that something will go wrong. But when you look at pharmaceutical products, what you forget is that 999,000 cases where something goes right; and that has really been the problem.

Again on the Delaney clause, what you have to remember is this is a very centrist idea. AL GORE suggested it. Dr. Kessler at the head of the Food and Drug Administration, when he was a staffer in the U.S. Senate, spent years trying to fix the Delaney clause. So this is not any radical idea. If you can get AL GORE and David Kessler and JOE BARTON and SCOTT KLUG and JIM GREENWOOD to all agree on the same issues, I would suggest everybody, including everybody at the FDA, understands Delaney does not work and that it has to get fixed.

Mr. GREENWOOD. Mr. Speaker, I thank the gentleman for his very good work on this legislation and look forward to its passage.

We are very privileged to have with us the gentleman from Florida [Mr. BILIRAKIS], the chairman of the Subcommittee on Health and Environment of the Committee on Commerce, who has provided the leadership for this effort, who has given us the green light to move this important package of legislation through his committee and who will now share his thoughts as our leader on this issue.

I yield such time as the gentleman from Florida may consume.

Mr. BILIRAKIS. Mr. Speaker, I thank the gentleman from Pennsylvania [Mr. GREENWOOD].

Mr. Speaker, tough acts to follow, certainly as we are all here this evening to talk about improving and saving people's lives. That is really what it is all about. We all want to ensure the health and safety of our citizens, and streamlining the approval process at the FDA will help to do just that.

Simply stated, the FDA must be reformed. Simply stated, it has to be reformed. Consumers must have quicker access to safe and effective new drugs, medical devices, and foods. Countless numbers of individuals and groups have contacted Congress to ask for help, and many of us have received this message loud and clear. The message is that FDA approvals, as so many of us have already said, of drugs, medical devices, and foods take too long.

Mr. Speaker, I would like everyone here today to know that this message has not fallen on deaf ears. I will not say that the message which we all have received time and again over these many past years has fallen on deaf ears prior to this Congress, but the fact of the matter is nothing was done by the Congress. Since this effort was started this year, some approvals all of a sudden, I might add, have been expedited. I am sure that is just a coincidence. Anyhow, Mr. Speaker, as chairman of the Health and Environment Subcommittee, I am really proud to be part of the FDA reform team created by the gentleman from Virginia, Chairman BLILEY, and spearheaded by the gentleman from Pennsylvania, Mr. GREENWOOD.

The team has come forward with several bipartisan proposals for reform that will speed up the approval process for drugs, medical devices, and foods so that consumers will have increased access to these products while still being assured of their health and safety. I want to underline that, as others have, while still being assured of their health and safety. This goal has guided our team in this effort.

As we have heard, the approval process takes much too long. Today, it takes something like 12 years and $350 million to get the average new drug from the laboratory to American patients who need it. To make things even worse, as others have said, the majority of the new drugs approved by the FDA in the last 5 years were already approved and in use in other countries.

The FDA approval process actually interferes with the essential need to approve vital research in products that fight serious illness. This legislation changes that. In the medical device area, I know it has been very thoroughly discussed. The average time it takes for the FDA to approve a medical device has increased from 415 days in 1990 to 773 days in 1995, all while the FDA is required by law to take no longer than 180 days to approve new medical devices. The legislation introduced in the House addresses these concerns.

Mr. Speaker, let me stress that streamlining and improving the FDA does not weaken our resolve for the safety or effectiveness of products. Once again, I would like to thank Chairman BLILEY for his leadership on this issue and especially JIM GREENWOOD, who has directed our FDA reform effort. Together with JOE BARTON, RICHARD BURR, and SCOTT KLUG, we have developed a balanced, bipartisan approach to approving the FDA's approval process. I am proud of you guys. You have done good, as we say in the South.

As I have said before, in closing, Mr. Speaker, the safety and health of our Nation's citizens is my and our concern. This FDA reform legislation is a balanced, bipartisan approach that will streamline the approval process to allow safe and effective drugs, devices and foods to reach patients, consumers more quickly and efficiently without sacrificing safety. So I urge my colleagues to carefully consider this legislation which would streamline and improve the approval process to allow our Nation's citizens better access to safe and effective drugs, medical devices, and foods.

Mr. Speaker, I thank the gentleman from Pennsylvania for his wonderful work.

Mr. GREENWOOD. Mr. Speaker, I thank the chairman very much. Let me say that the gentleman from Florida [Mr. BILIRAKIS] has served long and with great distinction on the Health and Environment Subcommittee, and this is his first term as the chairman of that committee. I think that working together in bipartisan fashion, we will be able to accomplish something that we will be able to say that on your watch, we passed legislation, the President signed it, and we talked about life and death issues. This will save lives. Children will survive rare diseases. Cures for horrible plagues, like AIDS and cancer will come to patients, relieve their suffering much more quickly for years and years to come. That will be just a part of your legacy as chairman of this subcommittee, and we are very pleased for your leadership.

Mr. Speaker, I would now like to yield time to my colleague, the gentleman from North Carolina [Mr. BURR]. Mr. BURR is the prime sponsor of the pharmaceutical bill, deals with pharmaceutical products and biologic products, all that new science that deals with fighting disease at the molecular level. It is where we are, I think, on the dawn of a new age in medicine where we will have cures for diseases that we cannot even image right now.

Mr. Speaker, Mr. BURR is a new Member. He is a freshman, but he has done just an extraordinary job on this project. He has, I would say, far more than anyone else in the House been responsible for the large number of cosponsors on this bill. He has been working with Members from around the country, from both sides of the aisle, preaching the good word of FDA reform and has converted a lot of folks to this cause.

With that, I would like to yield such time as he may consume to the gentleman from North Carolina [Mr. BURR].

□ 2115

Mr. BURR. Mr. Speaker, I thank the gentleman from Pennsylvania [Mr. GREENWOOD] and thank him for his leadership, as I do the gentleman from Florida [Mr. BILIRAKIS] and the gentleman from Virginia [Mr. BLILEY], and I think the gentleman raises a good question.

It is 9:15 at night. Why are we here? We are here tonight, and we have put months of work into hearings and into meetings with patient coalitions and with hospitals and with doctors about the horror stories at FDA, and I am here tonight to say that we also heard some successes with FDA.

We have an agency in the Food and Drug Administration that needs to be here. It has a purpose. But we have also seen the instances where the Food and Drug Administration has no human face, and what we have seen is, in fact, the human faces.

I never will forget, JIM, when I got to Washington just a year and a half ago; it seems like eternity now. In one of the first hearings I ran into a product called the censor pad, and I am sorry JOE BARTON is not here because JOE usually talks about it; I am the one that carries it around. And the reason I carry it around with me:

It probably was the best example since I have been here about the failure of bureaucracy, the fact that bureaucracy cannot make decisions that apply common sense to something. This product was designed to aid women with the examination of a breast for possible cancer. It increases the sensitivity over soap and water because it is plastic with some silicon in the middle, and it allows a woman at any time of the day to apply this pad and to begin an exam.

If this pad were to find breast cancer in 1 woman, then I feel that it is our responsibility to have it on the market because it is nonintrusive, it cannot hurt a person, it is not there to replace a mammogram or any other exam that is done in a medical office. It is there to encourage a woman any time of the day or night to check herself. This is the type of common sense thing that I think we ought to make sure is approved by the FDA.

Now this was classified as a medical device under the same category as a pacemaker because there was no prior product like it, and the reality is that this has been at the Food and Drug Administration now for 11 years. The person who invented this product won the inventor of the year award in medical devices, and the year after that the FDA sued him. It is an incredible story about the abuses that happen in bureaucracy.

But we are here to talk about positives tonight, we are here to talk about what we can do by this Congress taking a responsible look at the problems that we have at the Food and Drug Administration using the talents and creativity of people there that are the best in the country, and then, looking at the private sector in America where we have more talented people and saying how can we plug them into this process. How can we do it while assuring safety and efficacy to all the American people for the drugs and pharmaceuticals and medical devices that they have become so accustomed to that safety?

The gentleman from Texas [Mr. BARTON] talked about tonight third party review. Think of the teaching hospitals that we have in this country who do clinical trials today, who do drug research, who come up with new compounds that might be the breakthrough for cancer or for diabetes; they are at our disposal to try to use them not only in the clinical process, but in the overall overseeing of the clinical trial and maybe with the applications. There is an option that we look at. It is not that we have to do it. It is that we have a responsibility to explore any option that exists that might make it better because in fact what we hope is that we can reach new efficiencies while maintaining safety and efficacy.

As a matter of fact, the first thing, JIM, we changed, I think, was the mission statement. The mission statement was changed to say that the FDA should promote and protect, to promote, to move forward, to advance and to protect the integrity of the safety system that Americans had come to know. In fact, what we want to do is we want to open up the communication of what has been a very closed agency, one that communicates freely with the applicants of pharmaceuticals and devices, one that shares with the companies where they are in the process, one that solicits information from companies that companies are willing to supply because it is their intent to speed up the process.

I think we alluded to the fact earlier tonight that right now it takes 14.8 years to approve a new pharmaceutical in this country. In fact, in the 1960's, in 1963, it was 8.1 years. Today it is $350 million. Then it was about $70 million. If Americans wonder why drugs that hit the marketplace that are new are so expensive, all they have to do is look at the investment that pharmaceutical companies have to make in research and development and the approval time to realize why a new prescription is a hundred dollars. Well, nobody wants to make it $30 worse than we do, and if we can reach that through new efficiencies, we have a responsibility, as Members of Congress, to try to explore how in fact we can do that with the help of the FDA.

In fact, one of the single most important things of the FDA reform legislation is that we require the Food and Drug Administration to do an annual report to Congress, tell us how many drugs have we had applications for, how many have we approved. Is it unreasonable to believe that the American people deserve some type of accountability for the approval process? I think it is very much within the responsibility of Congress, as we represent people all across this country, to say to every agency in the Federal Government you have accountability to the people through us.

In fact, one of the most contentious parts of the bill deals with the dissemination of information. 70 percent of all the cancer treatment today is the off-label use of an approved drug. Doctors find that there is a drug that is already on the marketplace that works well for a certain disease, and they choose to use that drug to treat that particular problem. But in fact pharmaceutical companies cannot take their experience, their successes where they might write about them in professional medical journals and duplicate those and send them to other doctors. They can only make a copy and send it to a doctor when a doctor requests that information.

Well, 70 percent of my district is rural. My doctors are doing everything they can to provide primary care to their population. They do not have time to read medical journals. This would be such a tremendous aid to them, to have the ability for peer review articles to be replicated and sent to them. Think of the valuable information that one can find in peer review articles.

Mr. GREENWOOD. Mr. Speaker, if the gentleman will yield on that point, just to make this crystal clear to everyone because I think Americans will be surprised to understand this.

In your district, rural North Carolina; in my district in Bucks and Montgomery Counties of Pennsylvania, we can have a physician treating a child for a disease and frustrated because he cannot cure that disease, and somewhere in another part of the country a physician may have treated a thousand children with this disease with a pharmaceutical product that was not originally designed for that purpose, but it works, and it is saving these children. And today under the law, if the maker of that drug wanted to send an article that the doctor who treated the thousand kids wrote in a medical journal, wanted to mail it to the doctor, your physician in your district or my district, and say, "You might want to see what this doctor over here has done; he's curing these kids," it is against the law.

Mr. BURR. It is not only against the law, but to do it he would have to rely, we would have to rely, on our doctor who might not have read it to request it. What an insane way to go through the process.

And I think the thing that is scary and should be scary for the American people is that as this off-label use is tried more frequently, a doctor might determine that the dosage is very crucial, and if other doctors are going to use that off-label use or that pharmaceutical for an off-label use, should they not have the latest information about the dosage to use and the frequency of usage, where today again that is information that pharmaceutical companies can only disseminate when a physician requests it, not when there is a peer review article that states this new information that might have been found.

So in fact there are many areas, many parts of this legislation, that are crucial to the health of the American people. America has the best health care system in the world. It is unconscionable for Americans to have anything less than superior access to lifesaving drugs. I believe that by safely streamlining the drug approval process it will not only help families by lowering drug prices and keeping high paying jobs here in America, but give terminally ill patients access to lifesaving treatments.

FDA reform is not radical, it is responsible. It is not senseless, it is safe. America's health industry and patients are chained to an FDA process that provides no flexibility, has no common sense and has no human face. The FDA reform legislation will remove these chains and ensure safety in a process structured to more effectively and efficiently approve drugs.

In fact, as people have told stories tonight, JIM, about patients in their own districts, I have got several, too, several patients who are now being treated by alternative methods. Why are they doing that? Because it is their choice. They have determined that that choice that exists is the best choice for them, and right now we are slowly moving to a situation, if we are not there already, where the Government will tell us no, you cannot do that.

Well, when these people have a choice between nothing and nothing, do we not have a moral responsibility as Members of Congress to present them with an option? I think we do, and that is why I am proud to be here tonight. I am proud to be a sponsor of 3199, I am proud to say that this is a bill JON FOX started legislation long before I did, and this has incorporated much of JON's it has incorporated the thoughts of hundreds of people around this country and in this town, but more importantly, it is a bill that we can all stand here tonight and say that we are proud that it has bipartisan support, that Democrats and Republicans believe very strongly in the changes that we propose to make.

Why? Because we have put politics aside and we tried to put human health in the forefront. Well, we will succeed to do that. We will succeed by marking up this legislation in a bipartisan way, coming to this very House floor and debating with our critics the importance of it, and we will win because we are right.

☐ 2130

Mr. GREENWOOD. Mr. Speaker, I thank the gentleman for his remarks, and also for his stellar work throughout this process. Just to follow up, on a bipartisan note, I spend 2½ to 3 hours today in my office, and I am a Republican, with a Republican staff member, an attorney, a Democratic staff member, and we worked through the bills line by line, Republicans and Democrats, just using our common sense, just using the knowledge that each of us brings to the subject.

It has been a joy for me, in contrast to so much of what the House of Representatives has done since I have been in Congress that has been so partisan and had such a biting edge to it, to do it together, Democrats and Republicans, because we know that lives hand in the balance.

Mr. Speaker, I yield to my colleague, the gentleman from Pennsylvania [Mr. FOX], who represents the district immediately to the west of mine. Mr. FOX and I served in the Pennsylvania legislature, and he has been a leader in FDA reform and introduced his own legislation. I would like him to share his thoughts with us.

Mr. FOX of Pennsylvania. Mr. Speaker, I thank the gentleman from Pennsylvania and the gentleman from North Carolina [Mr. BURR] for his leadership in this movement. I know that he in the Pennsylvania legislature and the Pennsylvania Senate was particularly a leader into his own right when it came to health care reform and to making sure medical devices and pharmaceuticals were covered in the legislature, to the extent they could get them to those patients.

So I am very happy that the gentleman from Virginia, Mr. BLILEY, chairman of the Committee on Commerce, appointed you as the point person, the task force chairman for FDA reform, to bring together people like the gentleman from North Carolina, Mr. BURR, who has fashioned legislation which, I appreciate the acknowledgement of our initial efforts, but your bill, working with Mr. GREENWOOD and the gentleman from Virginia, Mr. BLILEY, and the gentleman from Florida, Mr. BILIRAKIS, the gentleman from Texas, Mr. BARTON, and the gentleman from Wisconsin, Mr. KLUG, together you have the package here that I think is the most important legislation in the second session of the 104th Congress.

We may have set the tone on reforming Congress in the first session and getting our fiscal house in order, but what could be more important for our constituents than making sure that health care opportunities to live longer and better can in fact be a reality?

What you two gentlemen, the gentleman from Pennsylvania [Mr. GREENWOOD] and the gentleman from North Carolina [Mr. BURR] have done here tonight I think is to bring out to our colleagues and to others exactly what can be done by the passage of this reform legislation. So I am very appreciative of your leadership and looking forward to having the bill passed.

I did want to mention that from my perspective and that of the American public, this legislation will speed up the lifesaving life-extending drugs and medical devices while people are awaiting a cure or a vaccine. Very important. What is amazing to me is that American patients have been denied, even though they have already been approved overseas, many important drugs. If the FDA had approved the drug Interleukin 2 in the United States as soon as it was approved in Europe, the lives of 3,500 kidney cancer patients might have been saved. On Alzheimer's disease, the drug THA was delayed for 7 years after it was available in Europe. I had a hearing in my country seat of Montgomery County in Norristown just last year with patients who had cancer, ALS, AIDS, epilepsy. One individual with epilepsy explained that they had to go to England to get a drug which really was not as good as the American drug, but the American drug was not approved by FDA yet.

So the fact is this legislation that Mr. GREENWOOD Mr. BURR are here tonight talking about will streamline product approval, allow for third party review, establish a fast track standard for filings and applications, have a collaborative approach to clinical research, promote harmonization; and by that we mean the discoveries overseas and in other countries which are clinically correct, we will allow their studies to be used and implemented here in the United States without the delay of further time.

Those annual reports by the FDA to Congress will certainly let us know how we are doing on speeding up the process. If we do not pass this legislation, but I am sure we will, the discoveries and jobs that they bring will go overseas. We just have to look to a 1995 study by the American Electronics Association that found 40 percent of medical device firms reduced their number of U.S. employees because of FDA delays. Twenty-nine percent boosted investment in foreign operations. Twenty-two percent moved U.S. jobs out of the country.

With the legislation that the gentleman from Pennsylvania [Mr. GREENWOOD] and the gentleman from North Carolina [Mr. BURR] are discussing tonight with their colleagues from the Committee on Commerce, we will stop that. The jobs will return, the discoveries will be made earlier, and our patients will be the beneficiaries.

So by working together with Commissioner Kessler, Republicans and Democrats together, House and Senate Members together, working with the White House, we will have FDA reform this year in the 104th Congress, and then we will be able to go back to our districts and say that we really passed important, bipartisan legislation that will improve the health care of every American.

I thank the gentlemen for their leadership, and for allowing me to join them in this important special order.

Mr. GREENWOOD. Mr. Speaker, I thank the gentleman. What I would like those Americans who are listening to us and watching us on C-Span tonight to think about is to imagine that their mother or father, their elderly parent, lies in a bed in a hospital, with a condition that is fatal, and the doctor takes you outside the room and says, "It does not look good for your mom or your dad. It does not look like he or she is going to make it," and why.

And you say, "Isn't there anything that you can do?" And the doctor says, "Well, there is a device that has been developed in our country, it has been tested in Europe, and it seems to be working in cases just like this, in France and in England and in Italy. And if I had that, if it was legal for me to use that, I would take your mom or your dad to surgery right away, we would implant that device, and I think the prognosis would be excellent. But it has not been approved by the Food and Drug Administration, it has been sitting there for years, and until I can get it, there is nothing I can do."

Or imagine your little child, boy or girl, the same situation, in a hospital, suffering, and as a parent you want to relieve that suffering. And the doctor tells you that there is a drug, there is a medicine, it is a wonderful medicine that has fixed these kids up elsewhere in the world, but we cannot get it through the FDA. It is still bogged down there. "If I could only get that, I could relieve your child's suffering or save his life."

I think if Americans picture themselves in that situation as sons and daughters of their elderly parents, or thinking about their husband or their wife in that situation, or in the worst case of all, a small child, they would say, somebody has to take care of this.

That is what we are doing. That is what we are trying to do. We are trying to say that the U.S. Congress needs to take an agency that has been around for 90 years, doing some very good work, and bring it into the next century, so that the spectacular and wonderful drugs that are being developed by the brightest and most dedicated people in our country, who want nothing other than to save those lives, to relieve that suffering, to get that product through the Food and Drug Administration, make sure that it is safe, make sure that it works, and get it to those patients as quickly as possible.

If we do that, and we do that because we put politics aside and say that Republicans and Democrats will work together, we will hold hands on this, we will get it done and we will all go over to the White House, Republicans and Democrats, for the bill signing ceremony, that will have made my stay in this Congress worthwhile.

Mr. BURR. Mr. Speaker, if the gentleman will continue to yield, I think the interesting thing here is that we are convicted to make sure that this legislation passes and gets a Presidential signature. Why? It is because we have seen the human face that we need to apply to the problem. Bureaucracy never tends to see the human face. I think for many people who listen tonight, they may wonder, you are Members of Congress. What do you know about reforming the FDA?

The number of hearings in oversight and investigation, and I would say to my colleague, JIM you were there, the number of hours that we spent once we had the first draft of this legislation, I believe 17 hours in 2 days, where we brought people in from all over the country who could lend their expertise to the language and to the intent, and to assure the efficacy and the safety, it all exists in this one package. For once, we have seen the process work exactly like it is supposed to.

But to an agency that I continue to hear the same remarks that I hear from other agencies, "We are making changes. Let it work. Let it happen. It will fix itself," it only reminds me of a statement that a gentleman made several years ago, that a fool is one that believes you can continue to do the same thing and expect a different result. In fact, we have to change culturally and fundamentally what we do if we want to expect a different result.

I carry in my voting card wallet a statement that I think is very appropriate, that is printed at the Jefferson Memorial. I will read it just very briefly. It is Jefferson's words: "I am not an advocate of frequent change in laws and constitutions, but laws and institutions must go hand in hand with the progress of the human mind. As that becomes more developed, more enlightened, as new discoveries are made, new truths discovered and manners and opinions change, with the change of circumstances, institutions must advance also to keep pace with the times."

Mr. Speaker, tonight we are keeping pace with the times.

Mr. GREENWOOD. Mr. Speaker, I thank the gentlemen who have participated in the special order. I think we are going to make this a textbook example of how the Congress of the United States can put politics aside completely and utterly, work with Democrats and Republicans evenhandedly, put a bill into law that will save thousands of lives, and I look forward to the bill signing ceremony.

Mr. TOWNS. Mr. Speaker, I am pleased to participate in this evening's special order on FDA reform. On March 29, three "FDA reform" bills were introduced to amend the Food, Drug and Cosmetics Act with respect to the regulation of drugs and biological products, foods and animal drugs and medical devices.

I believe that three bills offer an earnest and responsible approach to the reform of FDA regulations and procedures which govern a variety of very different and distinct products and industries. These legislative reforms recognize the need to streamline the operations of the Food and Drug Administration while giving the agency ultimate authority to protect the public's health.

Under the reform approach now before the Commerce Committee, the FDA would also be responsible for getting new products on the market through a prompt, efficient review and approval process. This effort responds to the agency's critics who argue that the current product approval process slows down the availability of safe and effective products. It is an approach which I believe will still protect the public health but it will also enhance American companies' ability to be more competitive in the internatonal marketplace.

That is why I am supporting these legislative reforms and also why I am the principal cosponsor of H.R. 3200, introduced by the gentleman from Wisconsin [Mr.KLUG], to address needed changes in the food and animal drug areas.

H.R. 3200 proposed changes to the labeling of Foods and the approval process for animal drugs. The current standard which subjects health claims to the same scrutiny that is applied to drugs is simply not warranted. In addition, the food additive petition process, which has allowed 200 petitions to languish, is in dire need of revision. Last year, an investigative report by the Subcommittee on Human Resources and Intergovernmental Relations found that reviewers requested too much data that was not even used to determine the safety of a food additive. Irrelevant data only adds unnecessary cost and depresses investments in new food ingredients and technologies. This "zero risk" management approach could be directly attributed to the influence of the Delaney clause which almost everyone agrees is no longer reflective to today's best scientific measurements. The findings, in this report, support the proposed change in H.R. 3200 from zero risk to a "negligible risk" standard.

H.R. 3200 also incorporates the provisions of H.R. 2508, to modernize the requirements for the regulation of animal drugs. The time frame for approval is shortened from 180 days to 90 days. In addition to these provisions, the bill provides for the regulation of certain drugs through a "veterinary feed directive" regulation for medicated feeds to be issued by a veterinarian.

Mr. Speaker, it is my hope that the three reform bills currently under consideration will retain FDA as a strong and viable agency that has the necessary resources to ensure product quality. It is also my expectation, however, that these reforms will make FDA a strong partner, rather than an impediment, in making useful technology and products to market.

WHAT MAKES AMERICA GREAT?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. ROHRABACHER] is recognized for 60 minutes.

Mr. ROHRABACHER. Mr. Speaker, today I would like to begin my talk here with a question of why do we think that America is a great country. I would like people who are listening and the people who are perhaps reading this in the CONGRESSIONAL RECORD to ask themselves why they think that America is such a great country.

Is it because we have a powerful military? No, that could not be the answer, could it, because there are a lot of great countries? There are a lot of countries in the world that have strong militaries, powerful militaries. Yet, they are not great countries. They are not countries that we would wish to identify with.

Is it because we have a lot of big companies, a lot of industrial companies in the United States? No. They have a lot of big firms and big companies in other parts of the world that are pretty despicable parts of the world. In fact, there are big companies at different places in the world that no American would want to live?

Perhaps it is because we have a beautiful flag, and we have the red, white, and blue, that is sitting behind the podium there. A beautiful flag does not make a great country, nor does a big military or a powerful military make a great country.

Certainly one of the factors that make a society a great country is the fact that people have a certain degree of freedom, and that was one of the guiding principles that led to the formation of the United States 200 years ago, when our Founding Fathers struggled for liberty and for independence.

But America is not just a free country. America is a prosperous country as well, but it is not just a prosperous country for a few people. It has a prosperity that has impacted on the lives of the common man and woman. Yes, in this country we have freedom. Everyone, every individual, has the right to vote, to speak, to pray; basically, to control his or her own destiny. These things are important to what is great about America.

Even our poor people, however, which is another factor, live a decent life. In America, a working person, an average working person, if he or she is willing to work and to try and to live an honest life, they can live a decent life economically. This, too, is part of the American dream, because what we have in America, what essentially makes America great, is our freedom and the opportunity of our people, the opportunity to live in a certain degree of prosperity. And our people have, indeed, lived more abundant lives than anyone else in the history of the world. Here, wealth is abundant enough so that the average person lives a good life.

Home ownership in this country is more widespread than in almost any society in the world. People own their own cars. Some of these things are considered miraculous in other parts of the world, where only a chosen elite, a very few people, get to participate in this, the blessings of America. In this country, our people select their own job, even. That is not the case in many other countries.

□ 2145

In our country, what we see is even the most arduous physical labor is assisted by machines, and this is part of the history of our country. Many people say, well, the reason America has done so well is because our people work so hard and they have always been hardworking people. Well, that is not really true. There are hardworking people all over the world. Yet very few societies have prospered and have enjoyed the freedom that we have here in the United States.

No, what we have done in the United States is ensure that our working people are assisted by machines and that the work that they do is multiplied, the product of their labor is multiplied by technology. Basically ours is a history of technology being brought to play to help save the backbreaking pain of our working people.

I recently came across a story of one of the early patents in the United States. It is not really all that early of a patent. It was issued March 20 of 1883. It was a patent that was issued to Jan Matzeliger and two investors who had invested in his project.

What was his project? What was his patent all about? It was a machine that revolutionized the manufacturing of shoes. Most people just take shoes for granted, but before this machine was invented, many people of the United States never wore shoes. In fact, the price of shoes was out of reach. Most people owned shoes, maybe one pair of shoes for their entire life.

But within a few years of Mr. Matzeliger's invention being brought to play, the price of shoes in our country dropped by 50 percent. Ordinary people were able to afford shoes for their feet. We just take this for granted today.

We also take for granted machines like Eli Whitney's reaper or the electric light bulb, or how about Robert Fulton's steam engine? By the way, Robert Fulton never invented the steam engine. If you look back at Robert Fulton, not only did he not invent the steam engine, he also was not the first one to ever put a steam engine onto a ship.

Robert Fulton put a steam engine on a ship and they called him a great inventor. Well, the fact is that the Germans had put a steam engine on a ship long before, but it had never been brought to play in their economy because special interest groups in the German economy refused to permit that steam engine on that ship from being used because it would displace people from work.

In the United States we saw it as a means of ending the terrible labor, the painful labor of pushing ships with sticks through the water. Our society welcomed technology and the German society did not.

In fact, even the Germans were not the first ones to invent the steam engine. The steam engine was invented by the Greeks in ancient times. Maybe you will remember seeing a picture of a steam engine, an early steam engine which revolved like this over a fire. That was invented by the Greeks, but in the Greek marketplace, relieving the pressure of work and the burden of work on so many people like the steam engine would have done was not something that was thought to be a worthy goal.

So the steam engines were passed up by the Greeks and by the German boatmen. But it was Robert Fulton that revolutionized the world and created steamboats which changed the world.

Thomas Jefferson, Ben Franklin, so many of our Founding Fathers were technologists because they believed in freedom and technology, they believed that technology would change the world just as democracy would change the world. In fact, creating a patent office was written into our Constitution. Can you imagine that? Over 200 years ago, our Founding Fathers wrote that there would be an office to patent new technologies and that was mandated in the basic law of the land, the Constitution.

That is because our Founding Fathers saw ours as a society that would be unlike any other society ever in the history of mankind. They saw that America would be a land of liberty, where the rights of all would be protected, and they believed that prosperity would follow because it would be not just the prosperity of the few but the prosperity of the many.

Well, how could that be possible? If they thought they were going to create a free society, how could they think that a free society and a free people could ever compete with slave labor? In fact, we had slave labor in a large portion of our country, so how could freedom work?

Well, how freedom could work and compete, and how we could convince ourselves to get rid of the evil of slavery in the United States, was that free people can compete with slave labor. Free people can compete with repressed citizens of other parts of the world, as in China today, if the free people have the technology they need to do the job. The technology was the key to freedom and prosperity. They saw that.

Interestingly enough, Mr. Matzeliger, whom I just mentioned, Jan Matzeliger, was a black American, and he invented a machine, as I said, that changed the life of all Americans. He invented a machine that made it possible for Americans to have decent lives because they were able to afford shoes.

And at a time when the rights of other black Americans and all black Americans were actually being tread upon, were being attacked, his right as an American to own his patent was not abridged. His patent rights were protected, even though he was a black American and many of the rights of black Americans of those days were not being recognized and not being protected. That is how strongly the United States felt about technology and about our rights to own the technology that we develop, because it is so important for new technologies to be developed and for that incentive to be into the system.

It was America's ingenuity as our Founding Fathers foresaw and as we can see ourselves in retrospect, it was America's ingenuity that has proven our most valuable asset.

Well, in the middle of the last century, Americans were given a guaranteed patent term of 17 years. That patent by that great black American who invented this machine that provided shoes for all of us, once his patent was issued, he received a guarantee, he and his investors, that that patent would be recognized for 17 years and he would be able to benefit from it. Mr. Matzeliger had lived a life of deprivation before he invented that machine, and he lived a decent life after that in Philadelphia. He lived a life not of luxury, not of opulence but a decent life and he was a gentleman and recognized so by his community and he left a sizable estate to the church when he died, because he had been able to receive the benefits of his invention and this was thought to be so important for all Americans. This was a right. It was a right, a guaranteed right of 17 years to benefit from anything that you invented. It was a right just like any other economic right or just like any other political right or social right. This 17-year guaranteed patent term served us well for over a century. Americans, in fact, have had traditionally the strongest patent protection of any nation of the world. That is why we prospered. That is why the American people have lived well when huge numbers of people in other countries have been living in poverty and living lives of desperation.

If we did not have a strong patent system, if we were not the ones developing the shoe machines, our people also would have lived in poverty, would have lived in repression. I am here tonight to warn the American people that the technology laws that have been so vital to our Nation's prosperity and to our standard of living, to the standard of living of all of our people, is being fundamentally changed, it is being changed in a way that they are not aware of and will have repercussions on their standard of living and it is happening as we speak. Patent rights enjoyed by Americans for over a century are being eliminated. The idea of a guaranteed patent term which has been the right of Americans is being eliminated. Americans will find that rights that they have taken for granted, prosperity that they have taken for granted, is changing, that something is being diminished and they just cannot figure out what it is that is happening to their country. Were we not always the leader in technology? What has happened? In the years ahead, Americans will never know what the change was because it is happening today very quietly. And it will have serious and sorrowful consequences upon the people, future generations of Americans and perhaps on this generation of young Americans.

It started only a short time ago, right after Mr. Clinton was elected, he sent the head of our patent office, Bruce Lehman, to Japan. There Mr. Lehman signed an agreement, to, quote, harmonize our patent laws with those of Japan. Here you have an unelected official who agreed to change our laws in a way which dramatically diminished our rights, rights that had been Americans for over 100 years, a guaranteed patent term, a right to guaranteed patent term of 17 years.

By the way, the Japanese did not have that, of course. That is why we had to change this patent term. We had to eliminate this guaranteed patent term that Americans had, because that is not what the Japanese system is like. The Japanese system is different. So the Agreement that Mr. Lehman signed was an agreement to harmonize our patent laws and instead of bringing their system up to our standard of protection for the individual, Mr. Lehman agreed to bring down the protection enjoyed by Americans to the much lower level of the Japanese.

If you might remember, the Japanese are not well known for their many inventions. I remember reading about Admiral Perry landing in Japan. Admiral Perry landed in Japan and brought a little train with him. Do you remember that? He brought a little piece of American technology of the day and the Japanese proceeded to copy it, because the Japanese are known to copy but they are not know to invent. Where we have something like 100 Nobel laureates for scientific achievements, they have 5. That is because in Japan, the system they have established, their patent system, their system of dealing with ingenuity and new ideas was a system that was set up for the, quote, collective good, which, of course, means the big guys who run the system are running it for themselves and they run roughshod over the common people of Japan. That is what we have done. We have harmonized our system to be like that. Is that not wonderful? Does that not make everybody think that is it not a great thing now that we going to have a system like Japan's? Forget it.

If we had harmonized our political rights with another country and brought the level of legal protection of our rights down, there would have been a revolt. What would have happened, for example, if we signed an agreement with Singapore saying, well, let us harmonize our laws here and what we are going to do is we will become more like Singapore and that means that we will have certain restrictions on freedom of religion and the press and rights to speak and that will make us like Singapore.

Americans would never accept that. They would say, "That's too important. You can't diminish our rights that way."

However, what is happening right now very quietly is the diminishing of basically intellectual property rights, the guaranteed patent term, which will have a much more dramatic impact on the life of the American people than what I just described as a harmonization with Singapore. And what will happen is we will turn around and we will never know what hit us.

This change is more insidious than anything I have ever seen during my 8 years in the House and during my 7 years before that in the White House, and during my 10 years before that in and out of journalism.

The first blow of this underhanded maneuver to quote, harmonize our laws, that protect the patent rights of our people so they will be like Japan came 2 years ago when a seemingly innocuous change about patent term was snuck into the GATT implementation legislation. I say snuck, because there was nothing in GATT that required us to change the length of our patent term the way it was presented. What they did is put something into the GATT implementation legislation that was not required by GATT.

Many American people do not understand and say, "Well, what does that have to do with anything?" What it has to do with it is the Members of this Congress voted for a thing called fast track.

□ 2200

I voted for fast track. I voted for fast track because I believed that setting up a world trading system was important and that if part of what that would do is that would say that when the President came back to us with an agreement, with his international trading agreement, we would then just vote on that agreement and it would be all or nothing. We could not amend it. Thus it is called fast track. We could not amend and would have to vote up or down on the bill. But part of the agreement that we thought we had by giving the President fast track was that nothing would be put in the GATT implementation legislation on that vote that was not absolutely required by GATT.

So in order to achieve this change in the patent law here, which was not required by GATT, they snuck it into the implementation legislation so that in order for us to defeat it, this body would have to vote against the entire world trading system. Well, does that sound like a Democratic maneuver? This was the most underhanded maneuver that I had ever seen, especially for a change that will have long-term implications for the well-being of our country.

The change, as I say, seemed innocent enough. In fact, the change in the GATT implementation legislation sounded like it was expanding the length of our patent term. Traditionally, as I have said, when someone applies for a patent, no matter how long it takes them to get that patent, it will be 17 years of protection that they have to recoup their investment and to profit from their invention after the patent is issued. So after that patent is issued, they will have 17 years.

That is what we have had for over a century. That is the incentive people have had to invest in new technologies. That is what incentive people have had, like this black gentleman who invented the shoemaking machine, who lived years in deprivation in order to invent the machine, because he knew he would benefit for 17 years of ownership after that machine was put on to the market and he was issued his patent.

Well, they changed that. They changed. They eliminated that guaranteed patent term, and, in exchange, what do we have? We were given a patent term that is 20 years from filing. Now, does that sound like they are extending your patent term? Well, no; in fact, what is happening is that the 20-year-from-filing term means that once you have filed for your patent, 20 years later, no matter how long it takes you to be issued your patent, you have no patent rights left.

So that means if it takes 10 to 15 years, as many breakthrough technologies have taken, a long time to get their patent issued, because sometimes in these modern technologies they are hard to understand; 20 years from filing means that if it takes them 15 years to get their patent issued, they have only got 5 years left of protection. Five years left of protection.

That means that every inventor, then, like in Japan, is totally vulnerable to the bureaucracy and totally vulnerable to big interest groups that might try to interfere with the process; might try to stop the patent from being issued in one way or another.

No, what we did in the GATT implementation legislation to the patent term was the most dramatic attack on patent rights, on fundamental right of Americans that I have seen in my lifetime. But because no one could understand it, it just slipped right on by. And as I say, I supported the fast track, and I never felt more betrayed than when I realized what had been put into that GATT implementation legislation when it was not even required by those negotiations.

Well, when I began to complain about it, I was promised by the House leadership, by the Republican leadership of the House, that there would be a chance to correct this problem and that we would have a chance to vote on restoring the guaranteed patent term. That was the promise made to me. So I put together a piece of legislation, H.R. 359, that restores the guaranteed patent term, the right of a guaranteed patent term of 17 years to the American people. It has 202 cosponsors. That piece of legislation was bottled up in a subcommittee for almost a year and a half; not permitted to move to the floor for a vote. And it took a lot of hell raising on the part of a certain Member of Congress to make sure that system started to move, because during that year and a half an expensive public relations campaign was launched.

Huge multinational corporations and foreign corporations, as well as giant American corporations, have moved into Washington, DC, and started an attack on H.R. 359. This bill, they say, is not in their interest. And many Members of this body have been, actually they have been contacted by huge companies saying, well, Congressman ROHRABACHER does not know what he is talking about; this will be in our benefit.

Well, what appears to have happened is that corporate America, giant corporate America, that has ties with multinational corporations and loyalties all over the world, and as we know those loyalties often do not extend to their own American people, they would sell out the jobs of American people in an instant in order to get a 10 percent higher profit margin by investing in a dictatorship like China, well these giant corporate American interests signed off on the idea of diminishing American patent rights. In exchange for what? In exchange for a promise that there would be an international system now which will recognize somewhat and somewhat enforce America's ownership of certain technologies and of patents. Sort of a recognition of patents.

Well, what is happening now would be very equivalent of when Japan began signing agreements 20 years ago to open their markets to the United States; that if instead of waiting to see if Japan would actually open their markets, instead of just signing pieces of paper, that we went right ahead and gave economic concessions to the Japanese that changed America's ability to compete with Japan. It is absolute nonsense.

And corporate America is not, is not, I repeat not, the best group in this country to decide what the rights, economic rights of our people should be. Not to say they do not do a good job, and oftentimes they are, yes, profit-making companies of world scope, but, quite often they have absolutely no commitment to the freedom and ideals that our forefathers talked about. They are looking at the bottom line. In this particular case their bottom line is very, very shortsighted, and really, in the end, has diminished the rights of the American people in a way that will dramatically hurt our prosperity.

Well, the second shoe during this year and a half when my bill was bottled up, the second shoe has fallen. A bill has been introduced, H.R. 3460, which finishes the harmonization, completes the harmonization that we, that our government, that this unelected official, Mr. Layman, has agreed to do, the harmonization of our patent laws.

What does H.R. 3460 do? This bill is so transparent I do not understand how any Member of Congress could vote for it. I call it the Steal American Technologies Act. And I hope that Members of Congress are contacted by their constituents about this bill, 3460, the Steal American Technologies Act, because when they hear what this bill does, common sense will tell them what is going on; that we are in the process of seeing one of the greatest acts of thievery from the United States of America in the history of our country.

This patent bill, this supposed patent bill, H.R. 3460, says this: that if our inventors apply for a patent, 18 months later, whether or not the patent has been issued to the applicant, all of the details of that patent application, every blueprint, every last piece of information, will be published for the world to see. Now, do you understand what I am saying? This law is an open invitation to the thieves of the world to steal American technology from American inventors even before our inventors have been issued their patent.

This is the same mentality at the patent office, which recently led our patent office to give its entire database to the Red Chinese. And what was the excuse when we were asked, well, why did you do that? They said, well, then they will know what technology not to steal.

This is beyond imagination, but it should be understandable to the common sense of the American people. I would hope that they know that in this Democratic process they can talk to their Congressmen, who will be voting on 3460 and voting on my bill as a substitute, H.R. 359, because common sense tells you that before you issue a patent to someone you do not disclose all of his secrets.

Ironically, when this bill was going through the subcommittee, I was sitting in my office with a manufacturer of solar technology. And I asked him, and this is at the same moment that the subcommittee was passing H.R. 3460 out, I said what will happen if this bill actually goes into law and when you file for a patent after 18 months, whether you have been issued the patent or not, that it gets published for the whole world? And his face reddened and his fist balled up and he said, Congressman, if that happens, that means that my technology, that we have spent so much time to develop and our investors here in the United States have invested in, that means my competitors overseas, the Chinese and the Japanese, or anybody else, will be in production of my technology, making a profit from it, before I am issued my patent and before I can go into production. Which means, if I try to fight them later, they will be using the profits from my technology to defeat me and probably put me out of business.

Talk about an outrage. It does not take a rocket scientist to figure out what is going on here. American technology is being put in jeopardy. For what? To harmonize our laws with Japan. And in Japan, of course, when a young inventor invents something, or a poor inventor or a small businessman invents something, in Japan over these years, the big companies have run roughshod over those average people and stolen their wealth and stolen their technology, and they know not to raise their head up and to protest.

By the way, there are other parts of this H.R. 3460, the Steal American Technologies Act. Know what the other parts are? They are not only going to attacks the rights of American citizens to a guaranteed patent term, they are not only going to take an inventor's rights away from him to have his invention secret until he is issued a patent, but they are going to change the system, the government system itself.

They are going to take the patent office and they are going to, what they call corporatize it. Now, I am a conservative Republican. I am all in favor of privatization. Now, you would think, oh, here is an idea where you take something done by the government and take it over to the private sector. Well, I was Ronald Reagan's speech writer. I talked about privatization all the time. You would think I would be in favor of it.

□ 2215

Well, it is just like the foolishness of changing the patent term to 20 years. That did not help us either. What it was was 20 years that ends up with 5 or 6 years of protection for breakthrough technologies.

No, this type of corporatization they have in mind would take our patent office, which has been part of our Government since the founding of our Constitution and corporatize it. What does that mean? That means that the patent examiners, the men and women who make judicial decisions as to what our rights are to new properties of technology, they are defining what your property rights are for the new technologies that are being created. Those patent examiners are going to lose their civil service protection.

So after all of these years, after 100 years of protection for our patent examiners, they will now be put in a situation where outside pressures will be brought on them because they do not have their civil service protection. This is an invitation to corruption. We have seen an invitation to steal our technology and now we see an invitation to corruption by opening our system up to pressures that it has never been opened up to before.

In one fell swoop, our international competitors will have destroyed the edge that we had on the world, the edge that ensured that America would be not only a land of freedom, but a land of prosperity for the common person. This is not just happening on its own. There are powerful forces at work that are behind H.R. 3460, the Steal American Technology Act, and are trying to fundamentally change the patent system.

Now, why is this? Why would they want to do that? They would want to do that because overseas they too understand that the development of new technology has been America's greatest leverage in our competition with the rest of the world.

What made us competitive? what made our people be able to keep their jobs and have decent standards of living in the past was because we had machines that permitted us to do things that could not be done overseas cheaper with slave labor. And that is ever more true as we enter into a new age where technology is even more important.

America is being neutered of the patent protection and the patent system that has kept our people free and prosperous, and future generations, maybe even our own children, will say, well, did we not always used to be the ones that came up with all the new ideas? Weren't we the ones that were ahead of the game because we were on the cutting edge of technology?

But that will be a distant memory because we will have changed the fundamental laws that made that so with America, because our edge was not because we were of any particular race or religion or culture. It was because our laws developed around the spirit of individualism and creativity and freedom that were consistent with a prosperous society. And now we are, or at least our leaders are, trying to harmonize our laws with those of Japan. That is not the way that we are going to have a better life for our people.

This is a desperate fight. Those who are opposing the Steal American Technologies Act, H.R. 3460, do not have the resources of these big corporations who see themselves as players in the international arena, rather than people who are concerned basically about the well-being of American people.

We do not have the resources to fight them. H.R. 359, my bill that would restore the guaranteed patent term, we have got very few resources behind us.

And even though we have had 202 cosponsors, we have not been able to move it through the system. I would hope that the American people know that democracy still flourishes here because they can get involved. It is not just the people in this body. It is not just Members of Congress who will make the decision.

If people actually talk to their Congressman, if people actually go and ask their Congressman, Hey, how are you going to vote on this Steal American Technologies Act, H.R. 3460? They will find that their Congressman is also listening to them.

And I would hope that we can prove that our democracy still functions and it is not just powerful interests in Washington, DC who want to harmonize our laws with Japan that can guide the future of our country.

I have every faith in this country. With technology, we will continue to be the land of liberty that our fathers foresaw. We will continue to be that hope of the world, that shining city on the hill where even the average people live decent lives if they work hard and are honest.

But this will not happen if in this new age of technology that we have changed the fundamental laws and protections that have assured American progress in the past.

This is a desperate fight and it is a fight not that many Americans understand. Patent law seems such a boring subject. In fact, I cannot get on talk radio programs. People, ask you about this and they say patent law? Are you crazy? Patent law, it is a very difficult issue to understand because it takes longer than 10 seconds to describe it.

But tonight I am telling you that we are in the midst of a battle that will make all the difference. If this scheme to harmonize our technology laws with those of Japan succeeds, our people will pay the consequences.

Now, what is the excuse the other side uses? Obviously, people honestly disagree. Not everybody on the other side is for bringing America down. Most of the Congressmen on the other side of this issue have been told, well, the reason we have to change this law is because there is something called a submarine patent. That this is a big problem.

What a submarine patent is that if somebody invents something and instead of trying to get their patent, like almost everybody wants to get their patent as soon as possible, 99 percent of all inventors are struggling, please give me my patent as soon as possible. They want their patent, but some, maybe a few, maybe 1 percent, I do not know, are trying to elongate this. They are actually playing the system so that the patent is not issued right away and so that when it is issued and they have that 17 years, it is actually a much longer period, maybe 20 years or maybe 25 years.

This is a very small problem numerically. Only a very few people want this, because most inventors know that technological change is happening so quickly, they have to get the patent issued so quickly because otherwise they will lose out, because new technology will be developed.

But we are told that this problem is so important. I would say that I believe this is a small problem and can be dealt with. I have told everyone in this debate, I will support any effort to deal with the submarine patent problem that does not eliminate the guaranteed patent term. And I have been willing to compromise for 1½ years on this, but yet it is funny. Those proponents of H.R. 3460 were never able to come back to me with what I asked.

I said, anything except eliminating the guaranteed patent term we can put into a bill and then that will work on these people who are trying to elongate the process. I, in fact, even put something into my bill that said if someone is elongating the process and not trying to get their patent issued, that after 60 months it will be published whether or not the patent has been issued.

And so, I said, okay, if someone is intentionally trying to get their patent so it is not issued, let us clamp down on that. But no one would ever come up with these suggestions. All they would suggest is we have got to eliminate the guaranteed patent term. That is all. That is all we can do. There is no other alternative but eliminate that guaranteed patent term.

It is very similar to saying I have got a toe that really hurts me, and so what I am going to do is cut my foot off in order to make sure my toe does not hurt me anymore. And that is the answer I have been getting back.

But some people, and many people in this body will never look at this issue with any depth because they are involved with many other issues. The issue we just heard about, the FDA, some Congressmen have spent enormous time and effort to try to get reforms in the FDA. They probably do not know about this patent issue, and they may accept the arguments of these big companies, these multinational corporations saying that in order to stop this submarine patent we have actually got to make this change or we have got to have a harmonization with Japan.

Well, we need to make sure that the American people and the American workers speak up. It should be evident to everyone that we are not going to have a better system by eliminating the civil service protection of our patent examiners by opening that up to outside pressures and corruption. That is not going to help anything.

We are not going to have a better system if our inventors do not have that guaranteed system because what will happen, if indeed their patents are held up as compared to past patents? For example, you know, we know that no matter how long it takes the bureaucracy to work in the past, they have had 17 years of protection. If they end up with 5 years of protection because it has been held up 15 years and there is only 5 years left, who is benefiting by that?

Well, look very closely. That 5 years, instead of 17 years worth of protection, that 5 years is going to result in very few royalties as compared to the 17 years of protection. Those hundreds of millions of dollars of royalties, even billions of dollars of royalties that would have been coming to the United States now are going to be in the bank accounts of huge foreign corporations that will not have to pay the royalty, even if they do not steal American technology and they just pay for it via a royalty.

So they, themselves, if they operate totally legally within the new system, will find that the wealth that should be coming here for our ideas and creativity will be staying right in those foreign bank accounts.

This is not the way to make it better for the United States, and it certainly will not make it better if every time our people come up with a great new idea—I know some people who have developed a new system that will dramatically bring down the pollution coming out of automobile engines, dramatically reduce this. They have been frightened to death because they are afraid that before they can actually go in the market with their invention, that what will happen is the word will leak out and all over the world, people will be stealing their technology and what they have a right to receive the benefit from developing this, that they will lose the profit from their own invention and never be able to recoup it.

Well, under the system that they are talking about, the Steal American Technology Act would say to my friends, You cannot file for a patent unless you are willing after 18 months to let everybody in the world know about every single detail of your invention.

Is this going to spur innovation and creativity and wealth creation in the United States? Our people are going to pull back. Investors not going to invest in American technologies. That is not going to make things better.

The shortening or eliminating the guaranteed patent term will hurt our major universities. One of the biggest supporters of my legislation, H.R. 359 are American universities, MIT, Harvard, all of these universities that have patents and know that they need a guaranteed patent term for them to have an asset.

Also the small business community is dramatically behind H.R. 359, and opposed to the H.R. 3460, the Steal American Technologies Act.

We have the little guy versus the big guy. That is what is going on in a very quiet but crucial struggle in Washington, DC, today. The little guy versus the big guy.

I believe in the United States of America. I believe the little guy can still win. I believe the small inventor who comes up with a new idea has been the main spring of the progress and the prosperity that we have had in the United States of America. And I know that if the American people can understand what the essence of this issue is all about, that they will insist that their Congressman not support the Steal American Technologies Act, H.R. 3460, but instead, will demand that the guaranteed patent term that we have enjoyed as a right of Americans for over a century be restored to the American people.

□ 2230

This, as I say, is a fight that probably will not even be noticed in the history books; especially if we win, it will not be noticed. People will never know about this fight if we win. The American standard of living and American competitiveness will be what it is.

Mr. Speaker, this is something that people have learned to take for granted. We have taken it for granted that young people have great opportunities in their lives. We have taken for granted that they wear shoes, that there are shoe for everybody in our society. We take that for granted. That has not been the history of the rest of the world. If we harmonize our laws and we downgrade our rights so that they are the same as every other country in the world, America will not be America.

So tonight, I hope that this battle will not be remembered because, if we win, people will just go right on and take this for granted. But if we lose, someday someone may read this CONGRESSIONAL RECORD and say this was a crucial turning point and no one ever noticed because the concept of patent law and intellectual property rights was just too esoteric for regular people to understand. This is at a time when we are going into a global marketplace, into a new era of technology, when as never before the standard of living of the American people will be tied to innovation and tied to creativity and tied to the new technologies of the coming age.

Mr. Speaker, I hope that those future Americans will not have to look back in the CONGRESSIONAL RECORD and see this speech and say it is too bad they did not recognize what was going on and complaining about the system. Instead, I hope that they never read that because the freedom and progress that we have is taken for granted and will be the same freedom and progress 100 years from now and 20 years from now that it was when our forefathers, Benjamin Franklin, that great technologist, Thomas Jefferson, these great champions of human liberties, not just for Americans but for all people, when they founded our country 225 years ago.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. ROUKEMA (at the request of Mr. ARMEY) for today and on May 30 on account of illness in the family.

Ms. MOLINARI (at the request of Mr. ARMEY) for today and the balance of the week on account of maternity leave.

Mr. POMEROY (at the request of Mr. GEPHARDT) for today on account of personal business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. JACKSON-LEE of Texas) to revise and extend their remarks and include extraneous material:)

Mr. NADLER, for 5 minutes, today.

(The following Members (at the request of Mr. HAYWORTH) to revise and extend their remarks and include extraneous material:)

Mr. MCINTOSH, for 5 minutes, on May 30.

Mr. JONES, for 5 minutes each day on May 30 and June 4.

Mr. RIGGS, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes each day, today, and on May 30 and 31.

Mr. DORNAN, for 5 minutes, today.

Mr. DIAZ-BALART, for 5 minutes, on May 30.

Mr. HOEKSTRA, for 5 minutes each day, today, and on May 30.

Mr. MILLER of Florida, for 5 minutes, on May 30.

Mr. GUTKNECHT, for 5 minutes, today.

Mr. TAUZIN, for 5 minutes, today.

Mr. KINGSTON, for 5 minutes, today.

Mr. NEY, for 5 minutes, today.

Mr. LUCAS, for 5 minutes, on May 30.

Mr. FOX of Pennsylvania, for 5 minutes, today.

Mr. HAYWORTH, for 5 minutes, today.

Mr. HOKE, for 5 minutes, today.

(The following Member (at her own request) to revise and extend her remarks and include extraneous material:)

Ms. JACKSON-LEE of Texas for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Ms. JACKSON-LEE of Texas) and to include extraneous matter:)

Mr. WARD.
Mr. WYNN.
Mr. LEVIN.
Mr. FRAZER, in two instances.
Mr. STARK.
Mr. MORAN.
Mr. SCHUMER, in two instances.
Mr. SKELTON.
Ms. WOOLSEY.
Mr. RAHALL.
Mr. OBERSTAR.
Ms. KAPTUR, in two instances.
Mr. FILNER.
Mr. KILDEE.
Mr. ACKERMAN.
Mr. ORTIZ.
Mr. GORDON.
Ms. PELOSI.
Mr. PAYNE of New Jersey, in two instances.

(The following Members (at the request of Mr. HAYWORTH) and to include extraneous matter:)

Mr. HOKE, in three instances.
Mr. SHUSTER.
Mrs. ROUKEMA.
Mr. SCHIFF.
Mr. KLUG.
Mr. KNOLLENBERG, in four instances.
Mr. HAYWORTH.
Mr. LEACH.

BILLS PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight, reported that that committee did on the following days present to the President, for his approval, bills of the House of the following title:

May 22, 1996:

H.R. 2066. An act to amend the National School Lunch Act to provide greater flexibility to schools to meet the Dietary Guidelines for Americans under the school lunch and school breakfast programs.

May 23, 1996:

H.R. 1965. An act to reauthorize the Coastal Zone Management Act of 1972, and for other purposes.

ADJOURNMENT

Mr. ROHRABACHER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 32 minutes p.m.) the House adjourned until Thursday, May 30, 1996, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3179. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Vegetables; Import Regulations; Modification of Regulatory Time Periods for Imported Onions (Docket

No. FV95–980–1FR) received May 22, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3180. A letter from the Administrator, Cooperative State Research, Education, and Extension Service, transmitting the Service's final rule—Rangland Research Grants Program; Administrative Provisions (Workplan Number: 95–006) received May 24, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3181. A letter from the Acting Administrator, Farm Service Agency, transmitting the Agency's final rule—Wetlands Reserve Program (RIN: 0560–AE83) received May 22, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3182. A letter from the General Sales Manager, Foreign Agricultural Service, transmitting the Service's final rule—Regulations Governing the Commercial Sales of Agricultural Commodities (RIN: 0551–AA43) received May 24, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3183. A letter from the Administrator, Foreign Agricultural Service, transmitting the Service's final rule—7 CFR Part 6—Import Quotas and Fees; Final Rule to Eliminate Certain Obsolete Subparts (RIN: 0551–AA46) received May 24, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3184. A letter from the Director, Financial Crimes Enforcement Network; transmitting the Network's final rule—Amendment to the Bank Secrecy Act Regulations Relating to Orders for Transmittal of Funds by Financial Institutions (31 CFR Part 103) (RIN: 1506–AA17) received May 28, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

3185. A letter from the Acting Director, Office of Thrift Supervision, transmitting the Office's 1995 annual report to Congress on implementation of the Community Reinvestment Act, pursuant to 12 U.S.C. 2904; to the Committee on Banking and Financial Services.

3186. A letter from the Assistant Secretary, Department of Education, transmitting Final Priority—Training Personnel for the Education of Individuals with Disabilities Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Economic and Educational Opportunities.

3187. A letter from the Assistant General Counsel for Regulations, Department of Education, transmitting the Department's report on the final priorities contained in the notice inviting applications for new awards for fiscal year [FY] 1996—Foreign Language Assistance Grants (State educational agencies) received May 28, 1996, pursuant to 5 U.S.C. 801(a)(1)(B); to the Committee on Economic and Educational Opportunities.

3188. A letter from the Assistant General Counsel for Regulations, Department of Education, transmitting the Department's report on the final priorities contained in the notice inviting applications for new awards for fiscal year [FY] 1996—Foreign Language Assistance Grants (Local educational agencies) received May 28, 1996, pursuant to 5 U.S.C. 801(a)(1)(B); to the Committee on Economic and Educational Opportunities.

3189. A letter from the Assistant General Counsel for Regulations, Department of Education, transmitting the Department's report on the final funding priority for Training Personnel for the Education of Individuals with Disabilities Program—received May 23, 1996, pursuant to 5 U.S.C. 801(a)(1)(B); to the Committee on Economic and Educational Opportunities.

3190. A letter from the General Counsel, Department of Energy, transmitting the Department's final rule—Acquisition Regulation; Technical Amendments (RIN: 1991–AB27) received May 22, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3191. A letter from the Director, Regulations Policy Management Staff, Food and Drug Administration, transmitting the Administration's final rule—Chlorofluorocarbon Propellants in Self-Pressurized Containers; Addition to List of Essential Uses (Docket No. 95P–0088) received May 28, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3192. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of defense articles or defense services sold commercially to Japan (Transmittal No. DTC–24–96), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

3193. A communication from the President of the United States, transmitting notification that the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Bosnian Serbs emergency is to continue in effect beyond May 30, 1996, pursuant to 50 U.S.C. 1622(d) (H. Doc. No. 104–222); to the Committee on International Relations and ordered to be printed.

3194. A letter from the Executive Director, Committee for Purchase From People Who Are Blind or Severely Disabled, transmitting the Committee's final rule—Additions to the Procurement List (61 F.R. 10733, 11811, and 14088) received May 23, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

3195. A letter from the Program Management Officer, National Marine Fisheries Service, transmitting the Service's final rule—Foreign and Domestic Fishing; Scientific Research Activity and Exempted Fishing [Docket No. 960222043–6131–01; I.D. 111595B] received May 28, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3196. A letter from the Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service, transmitting the Service's final rule—Ocean Salmon Fisheries Off the Coasts of Washington, Oregon, and California; Cape Arago, OR, to Oregon-California Border [Docket No. 960126016–6121–04; I.D. 051796A] received May 28, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3197. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule—Nationality Procedures (Bureau of Consular Affairs) (22 CFR Part 50 Subpart B and C) received May 22, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

3198. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (34)—Amendment No. 1728 (RIN: 2120–AA65) (1996–0011) received May 23, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3199. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (38)—Amendment No. 1727 (RIN: 2120–AA65) (1996–0010) received May 23, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3200. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (18)—Amendment No. 1726 (RIN: 2120–AA65) (1996–0009) received May 23, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3201. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (4)—Amendment No. 1731 (RIN: 2120–AA65) (1996–0012) received May 23, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3202. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (35)—Amendment No. 1730 (RIN: 2120–AA65) (1996–0014) received May 23, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3203. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (38)—Amendment No. 1729 (RIN: 2120–AA65) (1996–0013) received May 23, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3204. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revocation of Restricted Area R–5202, Gardiner's Island, NY (RIN: 2120–AA66) (1996–0022) received May 23, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3205. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class D and Class E Airspace; New England Region; Correction—Docket No. 95–ANE–60 (RIN: 2120–AA66) (1996–0026) received May 23, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3206. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Temporary Prohibition of Oxygen Generators as Cargo in Passenger Aircraft (RIN: 2137–AC89) received May 23, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3207. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Regulated Navigation Area: Boston Harbor, Long Island Bridge, Boston, MA (RIN: 2115–AE84) received May 23, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3208. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Special Local Regulation: Revision to special local regulations [CGD01–96–016] (RIN: 2115–AE46) received May 23, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3209. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Special Local Regulation: Swim the Bay, Narragansett Bay, Narragansett, RI [CGD01–95–170] (RIN:

2115–AE46) received May 23, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3210. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Special Local Regulation: Quonset Open House, North Kingstown, RI [CGD01–96–017] (RIN: 2115–AE46) received May 23, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3211. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Petroleum and Special Programs Administration (49 CFR Part 195) received May 23, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3212. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Restructuring of Cylinder Specifications Requirements (RIN: 2137–AC81) received May 23, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3213. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Jetstream Aircraft Limited HP137 MK1, Jetstream Models 3101 and 3201 Airplanes (Docket No. 95–CE–18–AD) (RIN: 2120–AA64) received May 23, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3214. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Jetstream Aircraft Limited HP137 MK1, Jetstream Series 200, and Jetstream Model 3101 Airplanes (Docket No. 95–CE–79–AD) (RIN: 2120–AA64) received May 23, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3215. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; The New Piper Aircraft, Inc. Models PA–28–140, PA–28–150, PA–28–160, and PA–28–180 Airplanes (Docket No. 95–CE–51–AD) (RIN: 2120–AA64) received May 23, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3216. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A310 and A300–600 Series Airplanes (Docket No. 94–NM–245) (RIN: 2120–AA64) (1996–0034) received May 23, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3217. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747–200, –300, and –400 Series Airplanes Equipped with General Electric Model CF6–80C2 PMC and CF6–80C2 FADEC Engines, and Pratt & Whitney Model PW4000 Engines (Docket No. 95–NM–162–AD) (RIN: 2120–AA64) received May 23, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3218. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC–9 and Model DC–9–80 Series Airplanes, Model MD–88 Airplanes, and C–9 (Military) Series Airplanes (Docket No. 95–NM–185–AD) (RIN: 2120–AA64) received May 23, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3219. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Learjet Model 31 and 35A Airplanes (Docket No. 95–NM–197–AD) (RIN: 2120–AA64) received May 23, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3220. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; de Havilland Model DHC–7 Series Airplanes (Docket No. 95–NM–110–AD) (RIN: 2120–AA64) received May 23, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3221. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Industrie Model A300, A300–600, and A310 Series Airplanes (Docket No. 95–NM–85–AD) (RIN: 2120–AA64) received May 23, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3222. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Tax Relief for Those Affected by Operation Joint Endeavor (Revenue Ruling 96–34) received May 23, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3223. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Taxpayer Identifying Numbers (TINs) (RIN: 1545–AS83) received May 23, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CANADY: Committee on the Judiciary. H.R. 3235. A bill to amend the Ethics in Government Act of 1978, to extend the authorization of appropriations for the Office of Government Ethics for 3 years, and for other purposes (Rept. 104–595 Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 1036. A bill to amend the Metropolitan Washington Airports Act of 1986 to direct the President to appoint additional members to the board of directors of the Metropolitan Washington Airports Authority, to replace the Board of Review of the Airports Authority with a Federal Advisory Commission, and for other purposes; with an amendment (Rept. 104–596). Referred to the Committee of the Whole House of the State of the Union.

Mr. HYDE: Committee on the Judiciary. H.R. 2977. A bill to reauthorize alternative means of dispute resolution in the Federal administrative process, and for other purposes (Rept. 104–597). Referred to the Committee of the Whole House on the State of the Union.

Mr. CLINGER: Committee on Government Reform and Oversight. Proceedings Against John M. Quinn, David Watkins, and Matthew Moore (Rept. 104–598). Referred to the House Calendar.

Mr. QUILLEN: Committee on Rules. House Resolution 442. Resolution providing for consideration of the bill (H.R. 3517) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1997, and for other purposes (Rept. 104–599). Referred to the House Calendar.

Mr. CALLAHAN: Committee on Appropriations. H.R. 3540. A bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1997, and for other purposes (Rept. 104–600). Referred to the Committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 5 of rule X the Committee on Government Reform and Oversight discharged from further consideration. H.R. 3235 referred to the Committee of the Whole House on the State of the Union.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 3235. Referral to the Committee on Government Reform and Oversight extended for a period ending not later than May 29, 1996.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DUNCAN (for himself, Mr. SHUSTER, Mr. OBERSTAR, Mr. LIPINSKI, and Mr. HEINEMAN):

H.R. 3536. A bill to amend title 49, United States Code, to require an air carrier to request and receive certain records before allowing an individual to begin service as a pilot, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. SAXTON:

H.R. 3537. A bill to improve coordination of Federal Oceanographic programs; to the Committee on Resources, and in addition to the Committee on National Security, and Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FILNER:

H.R. 3538. A bill to amend title 38, United States Code, to clarify the conditions under which an action may be brought against a State to enforce veterans' reemployment rights, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SHUSTER (for himself, Mr. DUNCAN, Mr. OBERSTAR, and Mr. LIPINSKI):

H.R. 3539. A bill to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Ways and Means, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CALLAHAN:

H.R. 3540. A bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1997, and for other purposes.

By Mr. ALLARD:

H.R. 3541. A bill to provide for an exchange of lands with the city of Greeley, CO, and The Water Supply and Storage Co. to eliminate private inholdings in wilderness areas, to cause instream flows to be created above a wild and scenic river, to eliminate potential development on private inholdings within the forest boundary, to reduce the need for future water reservoirs, to reduce the number of Federal land use authorizations, and to improve the security of the water supply of the city and the company, and for other purposes; to the Committee on Resources.

By Mr. BAKER of Louisiana:

H.R. 3542. A bill to amend title 38, United States Code, to allow dependency and indemnity compensation to be paid under certain circumstances to former spouses of veterans dying from service-connected disabilities; to the Committee on Veterans' Affairs.

By Ms. DUNN of Washington (for herself, Mr. ISTOOK, Mr. JACOBS, and Mr. ENGLISH of Pennsylvania):

H.R. 3543. A bill to provide for congressional election campaign accountability, and for other purposes; to the Committee on House Oversight, and in addition to the Committees on Government Reform and Oversight, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FATTAH (for himself, Mr. DOYLE, Mr. HASTINGS of Florida, Mr. LAUGHLIN, Ms. NORTON, Mr. TOWNS, and Mr. GREEN of Texas):

H.R. 3544. A bill to provide for transition for new Members of the House of Representatives; to the Committee on House Oversight.

By Mr. FORBES:

H.R. 3545. A bill for the relief of the survivors of the late Secretary of Commerce Ronald H. Brown and the survivors of each Federal employee killed in the plane crash with him; to the Committee on the Judiciary.

By Mr. GRAHAM:

H.R. 3546. A bill to direct the Secretary of the Interior to convey the Walhalla National Fish Hatchery to the State of South Carolina; to the Committee on Resources.

By Mr. HAYWORTH:

H.R. 3547. A bill to provide for the conveyance of a parcel of real property in the Apache National Forest in the State of Arizona to the Alpine Elementary School District 7 to be used for the construction of school facilities and related playing fields; to the Committee on Resources.

By Mr. KLUG (for himself, Mr. CONDIT, Mr. PETERSON of Minnesota, and Mr. TAUZIN):

H.R. 3548. A bill to amend title 23, United States Code, to eliminate penalties for noncompliance by States with requirements relating to the national minimum drinking age; to the Committee on Transportation and Infrastructure.

By Mr. LONGLEY (for himself, Mr. BALDACCI, and Mr. ZELIFF):

H.R. 3549. A bill to amend title 23, United States Code, to allow trucks weighing between 80,000 and 100,000 pounds to operate on that portion of the Maine Turnpike which is now limited to 80,000 pounds; to the Committee on Transportation and Infrastructure.

By Mr. McDADE:

H.R. 3550. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income the gain realized from the sale or exchange of a capital asset used to generate self-employment income if the entire amount of such gain is deposited in an individual retirement account; to the Committee on Ways and Means.

By Mr. SHAW (for himself, Mr. PALLONE, Mr. FOLEY, Mr. CASTLE, Mr. ANDREWS, and Mr. CUNNINGHAM):

H.R. 3551. A bill to amend the act entitled "An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property" to confirm and clarify the authority and responsibility of the Secretary of the Army, acting through the Chief of Engineers, to promote and carry out shore protection projects, including beach nourishment projects, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. QUILLEN:

H. Res. 442. Resolution providing for consideration of the bill (H.R. 3517) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1997, and for other purposes; House Calendar No. 232, House Report No. 104–599.

By Mr. CONDIT (for himself, Mr. POMBO, Mr. BREWSTER, Mr. CALVERT, Mr. CHAMBLISS, Mrs. CHENOWETH, Mr. DOOLEY, Mr. DOOLITTLE, Mr. FAZIO of California, Mr. FOLEY, Mr. PETE GEREN of Texas, Mr. HAYES, Mr. HERGER, Mrs. LINCOLN, Mr. ORTON, Mr. PAYNE of Virginia, Mr. PETERSON of Minnesota, Mr. RADANOVICH, Mr. RIGGS, Mr. SISISKY, and Mr. STENHOLM):

H. Res. 443. Resolution providing for consideration of the bill (H.R. 1627) to amend the Federal Insecticide, Fungicide and Rodenticide Act and the Federal Food, Drug, and Cosmetic Act, and for other purposes; to the Committee on Rules.

By Mr. FORBES:

H. Res. 444. Resolution urging the detention and extradition to the United States by the appropriate foreign governments of Mohammed Abbas for the murder of Leon Klinghoffer; to the Committee on International Relations.

MEMORIALS

Under clause 4 of rule XXII,

220. The SPEAKER presented a memorial of the Senate of the State of New Jersey, relative to Senate Resolution No. 20 memorializing the Congress of the United States to enact legislation which will facilitate the development and approval of new drugs, biological products, and medical devices; to the Committee on Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. BAKER of Louisiana introduced a bill H.R. 3552 for the relief of Alayne Mae Watson; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolution as follows:

H.R. 40: Mr. TATE.

H.R. 57: Mr. HERGER.

H.R. 324: Mr. POMEROY.

H.R. 621: Mr. ALLARD.

H.R. 738: Mr. KING.

H.R. 1023: Mr. CONDIT.

H.R. 1046: Mr. SKEEN and Mr. HILLIARD.

H.R. 1076: Mr. BARR, Mr. HORN, Mr. STUPAK, Mr. DEUTSCH, and Mr. EVANS.

H.R. 1226: Mr. CASTLE.

H.R. 1484: Mr. MARTINI.

H.R. 1499: Mr. TATE.

H.R. 1713: Mr. LAUGHLIN, Mr. WHITFIELD, and Mr. MARTINEZ.

H.R. 1776: Mr. HASTINGS of Washington, Mr. WISE, Mr. CUMMINGS, Mr. ANDREWS, Mr. COSTELLO, Mr. DICKS, Mr. FIELDS of Louisiana, Mr. MENENDEZ, Mr. MILLER of California, Mr. MORAN, Mr. ORTIZ, Mr. PALLONE, Mr. PASTOR, Mr. POSHARD, Mr. ROEMER, Mr. ROSE, Mr. SKAGGS, Mr. VOLKMER, Mr. WILLIAMS, Ms. MILLENDER-MCDONALD, Ms. HARMAN, Mr. MCHALE, Mr. DOYLE, Mr. ARCHER, Mr. TAYLOR of Mississippi, Mr. RADANOVICH, Mr. STOCKMAN, and Mr. MCNULTY.

H.R. 2026: Mr. GILMAN, Ms. PRYCE, Mr. YATES, Mr. BILIRAKIS, Mr. STARK, and Mr. DELAY.

H.R. 2167: Mr. SCHIFF and Mr. COYNE.

H.R. 2182: Mrs. MEYERS of Kansas.

H.R. 2240: Mr. FRELINGHUYSEN and Mr. CANADY.

H.R. 2244: Mr. SAM JOHNSON.

H.R. 2246: Mr. BROWN of California.

H.R. 2270: Mrs. CUBIN.

H.R. 2341: Mr. NORWOOD.

H.R. 2416: Mr. MORAN.

H.R. 2450: Mr. MCKEON.

H.R. 2536: Mr. MEEHAN, Mr. SCHIFF, Mr. HORN, and Mr. RAMSTAD.

H.R. 2580: Mr. CONDIT.

H.R. 2587: Mr. THORNBERRY, Mr. ORTIZ, Mr. MCHALE, and Mr. HOSTETTLER.

H.R. 2932: Mr. LAUGHLIN.

H.R. 2976: Mr. BARRETT of Wisconsin, Mr. CLINGER, Mr. CONDIT, Mr. FLAKE, Mr. KANJORSKI, Mr. KILDEE, and Mr. RAHALL.

H.R. 3022: Mr. HASTINGS of Florida, Mr. WATT of North Carolina, Mr. BOEHLERT, and Ms. SLAUGHTER.

H.R. 3038: Mr. MINGE and Mr. DOOLEY.

H.R. 3083: Mr. CAMPBELL.

H.R. 3155: Mr. DEUTSCH and Mr. HASTINGS of Florida.

H.R. 3173: Mr. BERMAN and Mr. NEAL of Massachusetts.

H.R. 3181: Mr. FILNER, Mr. WATT of North Carolina, Mr. SPRATT, Mr. EVANS, and Mrs. CLAYTON.

H.R. 3183: Mr. BALLENGER.

H.R. 3189: Mr. MASCARA and Mr. HUNTER.

H.R. 3195: Mr. SCARBOROUGH.

H.R. 3199: Mr. CALLAHAN, Mr. HAYWORTH, Mr. CHAPMAN, Mr. ROYCE, and Mr. CASTLE.

H.R. 3211: Mr. FUNDERBURK, Mr. DICKEY, Mr. BACHUS, Mr. SOUDER, Mr. CHAMBLISS, Mr. NORWOOD, Mr. MONTGOMERY, Mr. CANADY, Mr. WELDON of Florida, Mr. HAYWORTH, and Mr. PAXON.

H.R. 3226: Mr. LEACH, Ms. JACKSON-LEE, Mr. BACERRA, and Mr. GEJDENSON.

H.R. 3280: Mr. YATES and Mr. MCDERMOTT.

H.R. 3294: Ms. JACKSON-LEE and Mr. DORNAN.

H.R. 3303: Mr. ROSE.

H.R. 3307: Mr. FLANAGAN, Mr. ENGLISH of Pennsylvania, Mr. BUNNING of Kentucky, Mr. CANADY, and Mr. LIVINGSTON.

H.R. 3311: Mr. BONIOR and Mr. MASCARA.

H.R. 3332: Mr. CUMMINGS, Ms. VELAZQUEZ, Ms. JACKSON-LEE, Ms. LOFGREN, and Mrs. MINK of Hawaii.

H.R. 3337: Mr. OBERSTAR.

H.R. 3338: Mr. PASTOR, Mr. SALMON, Mr. PETERSON of Minnesota, and Mr. ROHRABACHER.

H.R. 3348: Mr. SANDERS.

H.R. 3354: Mr. WATTS of Oklahoma.

H.R. 3385: Mr. BONILLA, Mr. KOLBE, Mr. FIELDS of Texas, Mr. HALL of Texas, and Mr. STUMP.

H.R. 3401: Mr. FIELDS of Louisiana, Mrs. MEEK of Florida, Mrs. COLLINS of Illinois, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. BROWN of Florida, Mr. GONZALEZ, Mr. FRANKS of New Jersey, Ms. JACKSON-LEE, Ms. FURSE, and Mrs. KENNELLY.

H.R. 3449: Mr. SMITH of Texas and Mr. ORTIZ.

H.R. 3450: Mr. HOLDEN and Mr. GOODLING.

H.R. 3462: Mr. FROST, Mr. DAVIS, Mr. WYNN, Mr. EVANS, Mr. LEWIS of Georgia, Mr. WISE, Mr. STARK, Mr. BENTSEN, Mr. RAHALL, Mr. YATES, Mr. FRAZER, and Mr. EHLERS.

H.R. 3463: Mr. DELLUMS, Mr. HILLIARD, Mr. BARRETT of Wisconsin, Mr. NADLER, Mr. FRANK of Massachusetts, and Ms. NORTON.

H.R. 3465: Ms. ROYBAL-ALLARD, Mr. HORN Mr. DURBIN, Mr. FROST, Mr. VENTO, Mr. BARRETT of Wisconsin, Mr. MORAN, Ms. NORTON, and Mr. FAZIO of California.

H.R. 3498: Ms. WOOLSEY, Mr. WAXMAN, Mr. FROST, Ms. NORTON, Ms. PELOSI, Mr. NEAL of Massachusetts, and Ms. LOFGREN.

H.R. 3505: Mr. DOYLE, Ms. NORTON, Mr. WILSON, Mr. KENNEDY of Massachusetts, Mr. NEAL of Massachusetts, Mr. HEFNER, Mr. MASCARA, and Ms. MILLENDER-MCDONALD.

H.R. 3508: Ms. NORTON and Mr. ZIMMER.

H.R. 3520: Mr. LANTOS, Mr. HILLIARD, and Mr. MARTINEZ.

H. Res. 172: Mr. GUTIERREZ, Mr. GREEN of Texas, Mrs. COLLINS of Illinois, Mr. LIPINSKI, Mr. DELLUMS, Mr. LAHOOD, Mr. MANTON, Mr. FROST, Mr. FARR, and Mr. FILNER.

H. Res. 439: Ms. LOFGREN and Mr. WOLF.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1462: Mr. SMITH of New Jersey.

H.R. 1972: Mr. STOCKMAN.

H.R. 2723: Mr. STOCKMAN.

AMENDMENTS

Under clause 6 of rule XXII, proposed amendments were submitted as follows:

H.R. 3322

OFFERED BY: MR. ROEMER

AMENDMENT NO. 25: Page , 25, line 12, strike "$1,840,200,000" and insert in lieu thereof "$1,765,200,000".

H.R. 3322

OFFERED BY: MR. WAMP

AMENDMENT NO. 26: Page 83, line 1, strike "$445,668,000" and insert in lieu thereof "$450,668,000".

Page 83, line 10, strike "$64,991,000" and insert in lieu thereof "$86,984,000".

Page 85, line 10, insert "of which up to $116,483,000 may be available for fiscal year 1997," after "available until expended,".

Page 88, line 18, strike "$308,473,000" and insert in lieu thereof "$287,997,000".

Page 89, line 22, strike "$39,500,000" and insert in lieu thereof "$19,024,000".

H.R. 3517

OFFERED BY: MS. FURSE

AMENDMENT NO. 1: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . (a) LIMITATION ON USE OF FUNDS.—None of the funds made available in this Act may be used for renovation, repair, or other military construction project in connection with Spinelli Barracks or Taylor Barracks, Mannheim, Germany.

(b) CORRESPONDING REDUCTION IN FUNDS.—The amount otherwise provided by this Act for "MILITARY CONSTRUCTION, ARMY" is hereby reduced by $17,400,000.

EXTENSIONS OF REMARKS

MAJ. GEN. RANDOLPH W. HOUSE, WENTWORTH COMMISSIONING SPEECH

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 29, 1996

Mr. SKELTON. Mr. Speaker, on May 11, 1996, Maj. Gen. Randolph W. House gave the commissioning ceremony speech at Wentworth Military Academy in Lexington, MO. His impressive address should be preserved, and I include herewith a condensed version.

Major General House was the brigade commander of the Blackhawk brigade, 1st Cavalry Division, which received the Valorous Unit Award in the Persian Gulf conflict as a result of the deception attack into Iraq on February 20, 1991.

MAJ. GEN. RANDOLPH W. HOUSE, WENTWORTH MILITARY ACADEMY COMMISSIONING CEREMONY

I'd like to begin my remarks by emphasizing that it is indeed an honor and privilege to address you here today as you embark on the next phase of your military career.

What a sharp looking group of new lieutenants and cadets you are. I'll try to keep that keen, sharp look in your eyes by keeping these remarks brief and to the point.

It is great to be here in historic Lexington, Missouri, the scene of the famous "Battle of the Hemp Bales" in 1861. It is a humbling experience to walk the ground where brave soldiers struggled and were willing to die for what they believed in.

President Harry Truman said time and again that a nation that forgot its own history was in trouble, and he added, "The only thing new under the sun is the history you haven't learned yet."

I appreciate the opportunity to come to a school where our nation's great military heritage walks hand-in-hand with the present and future.

And today history is being made as Wentworth commissions its first four female cadets as second lieutenants. That's historic. That's outstanding. Congratulations to each of you.

Soon you will be platoon leaders in charge of America's soldiers. General Reimer, the Chief of Staff of our Army, tells an account of a group of captured German soldiers during WWII asking their American captors for their credentials before they would surrender. The American officer, pointing to the American soldiers present, said: "These are our credentials." Today this still holds true. Soldiers are our credentials. I charge you today to go forth and lead them every day with this in mind.

Now, you don't have to believe everything I say here today but, you better believe that I believe it. I'm going to give you my best shot from my foxhole.

Each of you stands on the threshold of a great adventure. Your career in the Army is not a destination but rather a terrific journey.

As you will soon find out, military service is much more than just a job. It is a calling, a way of life. General Douglas MacArthur once said, it is a calling that can be summed up in three words, "Duty, honor and country."

There can be no doubt that it takes a special breed of men and women to lead today's soldiers.

It is vitally important that these leaders remain focused on the reason our army exists . . . to fight and win our nation's wars. If we can do that, everything else we are asked to do such as fighting forest fires, peacekeeping, humanitarian relief missions and drug suppression missions, is easy.

I believe the ability to fight and win our nation's wars, rests on three pillars: discipline, competence and leadership.

At Fort Riley I have four expectations of leaders: First: Accomplish all missions to best of abilities and to agreed upon standards.

Second: Genuine compassion for soldiers.

Third: Develop next generation's leaders.

Fourth: Where ever you are assigned leave that place better than you found it.

As I said a few moments ago, each of you stand on the edge of a truly great adventure and I envy you for that. Soon you will be entrusted with the greatest treasure our nation has to offer, her sons and daughters. Do not take that charge lightly.

Always remain focused on the real reason we are here serving as the sword and shield of our great republic—to defend our nation—to fight and win our nation's wars.

When you focus on that one goal, and let yourself be guided by discipline, competence and leadership, it will get you where you want to go.

It will help you march a little farther, carry a little heavier load, and be willing to step into the unknown with the confidence that you can accomplish the mission.

Good luck, God speed, thank you for letting me speak to you on this important day, and I'll meet you on the high ground.

BLOCKING CABLE PORN IS EVERYONE'S FIGHT

HON. MARTIN R. HOKE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 29, 1996

Mr. HOKE. Mr. Speaker, last year in a Maryland suburb of Washington as the House and Senate were conferencing on the telecommunications bill, a 10-year-old boy was arrested for raping a 5-year-old girl. The incident shocked and deeply disturbed the people of the D.C. area. How, everyone wanted to know, could this possibly have happened? What on earth could have motivated it?

As it turns out, the boy said he got the idea by watching a pornographic cable channel on the television set in his own home, a channel that was supposed to be scrambled. However, the boy discovered that if watched long enough, it would unscramble and he could see and hear adults having sex.

As many of my constituents know only too well, cable subscribers in parts of the 10th District also receive the audio and video portion of pornographic channels in a manner that is intermittently clear. As a result, impressionable children can be exposed to the most graphic pornography and obscene programming and advertising.

At the time this story was breaking, I had been appointed a conferee on the telecommunications bill, and was in the midst of convincing my fellow conferees to make sure there was a provision that would require cable operators to completely block from non-subscribers both the audio and video portion of all channels showing sexually explicit programming. In the end, this provision—requiring the total elimination of all sight and sound—was agreed to and the bill became law. It was a great victory for families across America.

Predictably, before the president's signature was even dry on the new law, a pornographic cable channel, Playboy Enterprises, was in court challenging it, claiming that it unfairly discriminates against their right to broadcast pornographic programming to people who aren't even subscribers. However the real reason the pornography channels are fighting this provision is that they use partial scrambling as a marketing tool—to lure channel surfers into subscribing to their channels. The price we pay as a community is the pollution of our culture and trashing of Judeo-Christian values, as well as the exposure of innocents of the tenderest and most impressionable years to explicit sexual material.

The case will probably take several months to decide. In the meantime, there are steps that parents can take to protect their children.

If my fellow Americans agree that this new law makes sense and that cable companies should honor it irrespective of what the courts say, I urge them to contact their cable company, as I have, and tell them that you know about the new law—section 641 of the Telecommunications Act of 1996—and would like to know what steps they are taking to comply. If enough customers write in, the cable companies will have to respond.

TRIBUTE TO LEON GOLDSTEIN ON HIS 25TH ANNIVERSARY

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 29, 1996

Mr. SCHUMER. Mr. Speaker, I rise today to join all New Yorkers in celebrating the 25th anniversary of Mr. Leon Goldstein's presidency of Kingsborough Community College. I believe Brooklyn has become a center for educational advancement and career training

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

as a result of Mr. Goldstein's vision and leadership. His campus has become a haven of academic excellence for students throughout New York. I am particularly proud of Leon for helping students, professors, and other faculty members develop a caring and creative atmosphere that has earned Kingsborough its excellent reputation.

For 25 years, Leon has worked tirelessly to provide a solid education for students attending Kingsborough, enabling them to become successful and productive members of their community. Through his profound commitment and boundless energy, thousands of young people each year acquire solid academic skills that help them launch successful careers. I have met countless graduates that attribute much of their success to Leon's keen understanding of their individual learning needs. The curriculum at Kingsborough is vast and diverse enough so that people of all income levels, ethnic and cultural backgrounds, ages, and training have the opportunity to earn their degree. Leon has been a true inspiration to the people of New York and the residents of Brooklyn.

Among the successful educational programs Leon has developed include the My Turn program for senior citizens, the New Start program to help increase interaction with CUNY, bilingual studies, and the Institute for Public Service. Under Leon's leadership, Kingsborough has created more collaborative programs than any institution in the city, State, or Nation. Another innovative program which he championed is the College Now program, designed to help high school students, remain until graduation while also encouraging them to continue their studies. In addition, the Teacher's Academy program, which provides hundreds of New York City public school teachers on sabbatical leave to enroll at Kingsborough for 1 year to further their professional development. These results-oriented initiatives are vivid examples of Leon's creative visions for educational achievement.

Those attending Kingsborough have come to understand Leon's influence in their educational development. I urge all my colleagues and fellow residents of Brooklyn to congratulate Leon Goldstein for 25 distinguished years of service to Kingsborough and wish him continued success in his future endeavors.

ST. CROIX CENTRAL HIGH SCHOOL CONCERT AND JAZZ BANDS

HON. VICTOR O. FRAZER

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 29, 1996

Mr. FRAZER. Mr. Speaker, I rise today to pay special recognition to the St. Croix Central High School Jazz and Concert Bands. Their recent participation in a prestigious high school band competition in Atlanta, GA, is evidence of their determination to succeed.

The St. Croix Central High School Concert and Jazz Bands under the direction of Mr. Stan Joins won top honors at the May 3, 1996, Georgia music competition which was sponsored by the Music Educators National Conference. The 55-member band competed against 17 schools from the east coast. The concert band placed second and the ensemble jazz band received special recognition.

In competition, the concert band played Mozart's overture to "The Marriage of Figaro," "Beausoir" by Claude Debussy, and "Festival Prelude" arranged by Alfred Reed. The jazz ensemble arrangements included their own version of "Blue Monk," a Roger Pemberton arrangement of "Killer Joe," and a Sammy Nestico arrangement of "Jumpin at the Woodside." The groups were so impressive judges joined them on the stage to acknowledge their appreciation for the performances.

Some members of the band also received special recognition in various categories. Mr. John Sewer, Jr., was named outstanding jazz trumpeter, Mr. Seymour Joseph and Mr. Calbert Marius were named outstanding jazz saxophonist. Mr. Joel Massicott received outstanding rhythm soloist. Further, the jazz band won the honor of most outstanding jazz rhythm section.

The following students are true ambassadors for the U.S. Virgin Islands: Dyanne Baptisite, Kim Bethelmie, Robereti Blackmon, Craig Bradshaw, Bernard Bruney, Michael Bynoe, Leah Camacho, Zenobia Camacho, Edward Chapman, Veronica Chapman, Melicer Charles, Tauran Charles, Pamela Clarke, Cyril Dash, Irvin Doctrine, Evastus Drew, Wanda Evans, Ronald Feracho, Ideola Francis, Yasmin Farrel, Karl Frederick, Charese Frett, Sherrica Galloway, Ayinde George, Sammy Griffin, John Henry, Shekkaya Henry, Alex Hector, Francis Jackson, Emery Jagrup, Filbert Jagrup, Seymour Joseph, Dwayne Krauser, Maria Lopez, Lynel Lynch, Calbert Marius, Joel Massicott, Elias Mercado, Andrew Merchant, Phillip Merchant, Afiya Murphy, Natalie Pant, Sheryl Pant, Aisha Parrilla, April Peterson, Desiree Phillip, Vanessa Phillip, Rafael Prince, Denise Quindland, Victor Quinones, Morgan Raymond, Aaron St. Luce, Conroy Samuel, John Sewer, Jr., Tatyana Simon, Kenneth Vanterpool, George D. Ventura, Hassan West, and Therese Woods.

I ask my colleagues to join me today in congratulating Mr. Stan Joins, and the St. Croix Central High School Concert and Jazz Band members for the outstanding contributions they have made on behalf of the Virgin Islands. I wish them the very best as they continue to fulfill their dreams.

MORE THAN 70 YEARS OF SERVICE

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 29, 1996

Mr. KNOLLENBERG. Mr. Speaker, I rise today to honor a special person—Leona MacDonald Urquhart.

She is a special lady because since 1924—that's right—more than 70 years, she has worked day-in and day-out at the Pine Lake Country Club.

As she turns 83 years old, she continues to work at the club as executive hostess.

She began working at Pine Lake at age 11 as an assistant in the kitchen and helping the housekeeping staff. With only a short leave to have her two children, she has served loyally and continuously for more than 70 years.

Many people, members and guests, have walked through the doors of this club, and Leona has known and greeted them all—and they have known her. They have enjoyed her humor, her smile, her assistance, her dedication.

She is an example of the work ethic and dedication that made America the greatest country in the world.

Now, she deserves her praise. She deserves our loyalty. She deserves our thanks.

In a world where dedication and loyalty have less and less meaning each day, Leona Urquhart is a champion of many things.

But most of all, her triumph, her legacy, and her presence makes us proud.

Good Luck Leona. I hope you are there for another 70 years. Pine Lake would not be the same if you are not.

THE BEACON SHINES IN THE LIGHTHOUSE

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 29, 1996

Mr. PAYNE of New Jersey. Mr. Speaker, I would like to bring to the attention of my colleagues, an extraordinary family who has accepted an extraordinary mission. On Saturday, May 25, a tribute was paid to Bishop James A. Parrott.

Bishop Parrott and the Parrott family responded to the noticeable plight of the hungry, the unemployed, the underemployed, and the myriad number of citizens who are forced to live on fixed incomes that are below the poverty level. What makes this unique? In 1981, before the modern-day soup kitchen was established in many of our communities, Bishop Parrott opened what was known as the "Soup Kitchen at 1035 Broad Street" in Newark, NJ. This small, seemingly insignificant gesture of consciousness cast the dye for what would become Bishop Parrott's street ministry.

Lighthouse Community Services [LCS] was founded in 1981 and incorporated in 1989. The first meal was served on February 19, 1981 and consisted of homemade cornbread and soup prepared by Mother Ann Parrott, Mother Betty Martin and Mother Constance Baskerville. They started feeding a small group of about 20 individuals three times a week for lunch. What started as a modest number of 20 grew to 757. Since 1981 over 1 million meals have been served and over 5,000 persons have been temporarily housed at LCS. As the program grew so did the number of volunteers.

In addition to nutritional meals being served daily, emergency shelter for men, women, and children is provided on a daily basis. The men's residential shelter is used to house those in need while they complete school and/or find jobs, thereby enabling them to return to the mainstream of society as productive citizens.

Mr. Speaker, I am proud to bring the story of the Lighthouse Community Services to my colleagues and to the annals of U.S. history. The Parrott family has much of which to be proud and thankful. I offer my best wishes to Bishop James A. Parrott, Mother Ann Parrott and their children—James Jr., Dennis, deceased, Joan, Steven, Andrew and Mark. Five of the children are ordained clergy with the exception of Mark who is an ordained Deacon.

TAX FREEDOM DAY

HON. MARTIN R. HOKE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 29, 1996

Mr. HOKE. Mr. Speaker, although for most Americans it came and went without special notice, May 7 was a very important day. You might say it was a holiday of sorts, but unfortunately not the kind that will get you a day off work.

May 7 was tax freedom day, and according to the nonpartisan Tax Foundation it was the day that Americans finally stopped working for the Government and started working for themselves and their families.

That's right. Americans worked from January 1 of this year up to May 7—over 4 months—just to pay for the cost of Government at all levels—Federal, State, and local. As a result of tax increases passed in 1993—which I voted against—this is the latest in the year that tax freedom day has ever fallen. That means what I think most Americans already know in their gut: taxes are too high and Government costs too much. Consider:

In 1950, the average income family of four paid less than 5 percent of its income in total taxes and one wage earner could easily support the entire family. Today that same average income family pays about 24 percent to the Federal Government alone, 38 percent when you add in State and local taxes—the highest percentage in American peacetime history.

Because taxes are so high, middle-class incomes are being squeezed—not to support the family, but to support the Government.

What's even more disturbing is that the pressure to earn more leaves us with less time and energy to spend with our children or to get involved with our church or community. And when that happens our whole Nation suffers because our children suffer.

The corrosive and damaging effect of taxation on America's working families must be corrected. One giant step in the right direction is a $500 per child tax credit—a measure I am supporting in Congress.

With this credit, a family of four earning $30,000 would have its 1996 Federal income tax cut in half and the entire Federal tax burden of 4.7 million working families at the lowest income levels would be eliminated completely.

I am also supporting repeal of the 1993 gas tax increase of 4.3 cents per gallon. Of all the forms of taxation, the gas tax is one of the most unfair because it falls disproportionately on those at the bottom of the economic ladder.

Combined, these two tax cuts will provide some long overdue tax relief for America's working families. And wouldn't it be nice if tax freedom day fell a little earlier next year?

A TRIBUTE TO SHELDON STIEFELD

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 29, 1996

Mr. SCHUMER. Mr. Speaker, I rise today to honor an outstanding educator and mentor in Brooklyn, Mr. Sheldon "Shelly" Stiefeld, who is retiring after 34 years of service to New Yorks' public schools. Thousands of youngsters have learned a great deal from Shelly and his wife. Their tireless work and energy have done much to ensure the success of Brooklyn students.

I am especially familiar with Shelly's outstanding teaching abilities as he was my world history teacher at James Madison High School in Brooklyn. As an 11th grader, I was dazzled by his animated lectures and became entranced by his knowledge of different cultures and traditions. I am deeply grateful to him for giving me a strong basis for a future career in government.

It gives me great pleasure to join all the parents, students and friends in honor of Shelly Stiefeld's commitment to public education and academic excellence. My educational training under Shelly left me with a positive view of Brooklyn public schools. My own children follow the same path, as they also attend public schools. Shelly's retirement will certainly come as a loss to those who were fortunate enough to grow under his tutelage.

ST. CROIX HIGH SCHOOL MIXED CHORUS, JAZZ CHOIR AND VISUAL ENSEMBLE

HON. VICTOR O. FRAZER

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 29, 1996

Mr. FRAZER. Mr. Speaker, I rise today to pay special recognition to the St. Croix Central High School Mixed Chorus, Jazz Choir, and Visuals Ensemble under the direction of Mr. Otis Alexander. Their recent participation in the North American Music Festival which was held at the Georgia Institute of Technology in Atlanta, and McEachern High School in Powder Springs, GA, on April 10–14, 1996, is reflective of their desire to excel.

The mixed chorus in the open Division AAA and the jazz choir in the same division won two trophies for outstanding performances. The visual ensemble received a plaque for the excellent choreography which was set to the music "Maghelena" by Sergio Mendez.

Fourteen high school choruses, jazz choirs, madrigal singers, marching bands, and orchestras from four States and the Virgin Islands competed in this national music festival. The Virgin Islands performance is a testament to their hard work and determination to succeed. Their accomplishments are also a reflection of the dedication of Mr. Otis Alexander, and accompanists, Mr. Daryl Richards and Ms. Barbara Brown.

The 57 students from St. Croix Central High School enjoyed the honor of bringing to the virgin islands two trophies and a plaque which symbolized their excellent performance. Their participation in this music festival will be etched in their minds for many years to come.

The following students are true Ambassadors for the U.S. Virgin Islands: Rawlston Benjamin, Jermain Blair, Ajene Browne, Junita Chapman, Josette Cobb, Arthur Connor, Dwayne Cromwell, Diane Cruicshank, Kenya Daniels, Kaleema de'Lande, Angel Felix, Colleen Francis, Jeannette Garcia, Brian Gardine, Craig George, Pete Gibson, Cherie Gordon, Tishri Greenidge, Frank Griffith, Germaine Gumbs, Juana Gumbs, Randy Haile, Jo-Ann Hamilton, Kysha Hendricks, Jenee James, Cliff John, David Jones, Tena Lee, Nicole Logan, Cory McAlpin, Jada McAlpin, Showayne Modeste, Kalila Moorehead, Roberta Munoz, Antonia Navarra, Raymond O'Reilly, Lisa Pascal, Kirby Pascal, Jason Polius, Louisa Prosper, Rona Rawlins, Cheray Reid, Shawn Robles, Travis Rogers, Mervelle Sage, Lloyd Samuel, Erolyn Sweeney, Marsha Taylor, Akeda Thomas, Latisha Tonge, Estelle Torrens, Isabel Torrens, Tamyka Weekes, Hassan West, Naqueeba Wynter, and Wendy Wynter.

I ask my colleagues to join me today in congratulating Mr. Otis D. Alexander, Mr. Daryl Richards, Ms. Barbara Brown, and the members of the St. Croix Central High School Mixed Chorus, Jazz Choir, and Visual Ensemble for the outstanding contributions they have made on behalf of the Virgin Islands. I wish them the very best as they continue to fulfill their dreams.

TRIBUTE TO RABBI AND SARA GARSEK

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 29, 1996

Ms. KAPTUR. Mr. Speaker, I rise today to pay tribute to Rabbi Edward and Sara Garsek as they leave our community after more than 20 years of service. Since 1975, Rabbi Garsek has served as the spiritual leader of the Orthodox Congregation Etz Chayim in Toledo. In that capacity he has earned the admiration and respect of the entire Jewish community and beyond that all of the citizenry of our city. Through these years he and his wife Sara have worked lovingly and consistently to raise the spirituality of their extended Toledo family.

An integral part of the Garseks' roles as rabbi and rebbetzin has been as teachers—filling an enormous need in our community, teaching audit education courses, Hebrew High School, Community Hebrew School, as well as Sunday religious school. The benefit of their professionalism is most keenly felt at the Hebrew Academy of Toledo, where they meet daily with their pupils. They will be long remembered by their students.

Rabbi Garsek leads his congregation with a wonderful sense of humility, a warm sense of humor, and a passionate love of Israel—the people and the State. Sara is his perfect complement, a tower of strength in her knowledge, believe, and devotion to the words of the Torah. We in Toledo know them to live by the words of Hillel, "Be of the disciples of Aaron, loving peace and pursuing peace; be one who loves human beings and draws them near to Torah."

Rabbi and Sara Garsek came to Congregation Etz Chayim bringing with them three very young girls, Chaya, Esther, and Devorah. Over the years, they have been blessed with four more beautiful children, Zev, Shoahana, Rachael, and Yitzchak; a son-in-law, David; and two grandsons, Bentzion and Akiva.

Rabbi and Sara Garsek will be missed, but we know their presence will grace their new community as it has ours.

CONGRATULATING LT. COL. AND MRS. KENNETH P. STUART ON 45 YEARS OF SERVICE

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 29, 1996

Mr. SHUSTER. Mr. Speaker, today I want to recognize a husband and wife who have made a lasting difference in the lives of over 1,000 cadets during their 45 years of service at Carson Long Military Institute; Lt. Col. and Mrs. Kenneth P. Stuart. This June Lieutenant Colonel Stuart and his wife will end their magnificent careers at Pennsylvania's oldest military school, Carson Long in New Bloomfield, PA.

During his service, Colonel Stuart influenced the lives of over 1,300 young cadets. Since beginning his service in 1951, he has coached three sports, football, basketball, and baseball; he has served as the social studies department head, a building officer, the assistant to the president, and as the commandant of cadets.

Mrs. Stuart likewise shares a distinguished record of service at Carson Long. During her 20 years of service she has served as the librarian for the institute—a very important position in a school of higher learning, and as the social director for the institute since 1971.

I want to commend the outstanding efforts of these hard-working, exceptionally bright and dedicated educators. As our Nation looks for solutions to its many social shortcomings, the dedicated lives of these two brilliant people should shine as an example to our society on how to build communities and lives with purpose.

The Carson Long Military Institute has a long and honorable tradition dating back over 160 years to its founding in 1836. I know the staff and cadets of Carson Long are proud to be associated with such an historic institution and it is through this pride in Carson Long that they share in the lifelong dedication of these two great individuals.

Through their lives they have truly exemplified the ideal of community service and as a nation, we must be proud to have such individuals in our society. I for one am privileged that they reside in central Pennsylvania.

As the Colonel and Mrs. Stuart begin to celebrate their retirement, I know that all of the Members of Congress join me in wishing them every happiness in return and all the success in their future endeavors.

HONORING VIRGINIA DENT AND AURORA GAREISS

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 29, 1996

Mr. ACKERMAN. Mr. Speaker, I rise today to join with my colleagues and members of the Environmental Law Institute and the U.S. Environmental Protection Agency, as they gather on Thursday, May 30, to present Virginia Dent and Aurora Gareiss with the 1996 National Wetlands Award for volunteer leadership.

For the past 30 years, Virginia and Aurora have initiated programs to save the considerable salt marsh and freshwater estuaries surrounding Little Neck Bay in Little Neck, NY. Their heroic efforts have led to the acquisition of a series of wetland complexes throughout Queens, including, but not limited to, the 135-acre Udalls Cove Park Preserve, now protected by the New York City and State park systems.

However, Mr. Speaker, Virginia and Aurora's good work extends far beyond this valuable project. They have tirelessly strived to put an end to illegal dumping—a highly detrimental practice with far-reaching effects. Additionally, they have long tried to promote understanding of the causal link between environmental and physical health. In this vein, Virginia has served as the executive director of the New York State Northeast Queens Nature and Historical Preserve Commission, while Aurora has served as its commissioner. Furthermore, Virginia has spent the past 15 years on the Queens Borough president's Flushing Bay task force.

Mr. Speaker, Virginia and Aurora have come to symbolize the American spirit of voluntarism and generosity. I ask all my colleagues to rise with the grateful people of the Fifth Congressional District in extending to Virginia Dent and Aurora Gareiss the highest accolades of appreciation and admiration.

PARTIAL-BIRTH ABORTION IS TOTAL OUTRAGE

HON. MARTIN R. HOKE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 29, 1996

Mr. HOKE. Mr. Speaker, during the Vietnam war, journalists opposed to United States involvement sought to "bring the war into our living rooms" by showing images of the carnage and suffering on the nightly news. It made for disturbing viewing, but was effective in turning American public opinion against the war. It is in that tradition that I share with you the following description of something called partial-birth abortion, one of the most inhumane acts imaginable.

In this very late-term procedure, a breech position, feet first—labor is drug-induced and the baby is completely delivered except for the head. The baby is now moments and inches from birth—and from all the protections afforded by Federal and State law. But the birth is interrupted. The head is forced to remain in the canal. The base of the skull is then punctured, a vacuum catheter is inserted into the head, and the contents are suctioned out. The skull collapses, the baby dies, and the abortion is complete.

On April 10, President Clinton vetoed a bill passed by large majorities in each Chamber of Congress that would have outlawed this practice, a bill I was proud to help write as a member of the Judiciary Committee.

The President defended his veto on the grounds that the bill did not provide an exception for the health of the mother. But he knows full well that the Supreme Court has defined maternal health as "all factors—physical, emotional, psychological, familial, and the woman's age—relevant to the well-being of the patient." In other words, a health exception—which is synonymous with abortion-on-demand—would have gutted the bill. Also, the bill does provide an exception to save the life of the mother, even though in reality this grotesque procedure is never the only option available.

In response to this outrage, the Vatican took the unusual step of condemning the President's veto, calling it shameful and an incredibly brutal act of aggression against human life. It warned that legalizing partial-birth abortions "endangers morally and ethically the future of the society that allows it."

In addition, the National Conference of Catholic Bishops, headed by Bishop Anthony Pilla of Cleveland, wrote this stinging rebuke: "Mr. President, you and you alone had the choice of whether or not to allow children, almost completely born, to be killed brutally in partial-birth abortions. Your choice was to say yes and to allow this killing more akin to infanticide than abortion to continue."

While there may be a large difference of opinion in the way that Americans view the issue of abortion, on this issue they are of one mind. In fact, recent polls show that almost 80 percent of women and 65 percent of those who describe themselves as pro-choice oppose partial-birth abortions.

By his veto the President has shown that for all his talk about making abortion safe, legal, and rare, he is a captive of abortion-on-demand extremists. If he will not outlaw this heinous practice that affects "only" a thousand or so babies a year, he will never support any abortion restrictions.

One thing is certain, this issue will not go away. President Clinton will have to explain why, when it came time to choose between the culture of life and the culture of death, he chose death.

HONORING LIVONIA CTC COMPUTER STUDENTS

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 29, 1996

Mr. KNOLLENBERG. Mr. Speaker, I rise today to honor my district's latest national champions—Livonia Career/Technical Center students Eric Bode, Jill Thompson, and Mike Purcell.

For the second straight year, Livonia CTC computer programming students have finished 1–2–3 in the Business Professionals of America National Leadership Conference's competition.

In Phoenix, AZ, more than 4,000 delegates throughout the United States participated in the conference which included competitive events, leadership workshops and keynote speakers. More than 375 high school and college students who participated in the events were from Michigan. And for the fourth-straight year, Michigan won the most awards.

Congratulations Eric, Jill, and Mile. Once again, you have not only distinguished yourself with your outstanding performance, you have highlighted the excellent work of Livonia CTC, computer programming teacher Dennis Vince and Principal Janet Haas.

Vocational education, as well as improved leadership and development of our future business leaders is vital to our country's future. Livonia CTC is playing their part. I am very proud of their great work and their outstanding, success-driven students.

TRIBUTE TO TALLY C. TALBOT

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 29, 1996

Mr. PAYNE of New Jersey. Mr. Speaker, on Saturday, May 25, a retirement party is being held in honor of Tally C. Talbot. Mr. Talbot is a man for all seasons. He has spent nearly all of his life in public service.

Tally Talbot was born in Newark, NJ, my hometown. He is a man of diverse interests and experiences. He has been an educator, labor leader, senior citizen advocate, musician, public housing administrator, and Democratic district leader. He has truly served his community well.

Mr. Talbot's retirement will mark the end of a 32-year career with the Newark Housing Authority. During these years, he has used his education, skills, and life experiences to help others. He has worked with, counseled, and served countless individuals.

Mr. Speaker, I am sure my colleagues will join me as I offer congratulations to Tally C. Talbot. I would also like to extend my best wishes to him and his family—his wife, Marta Adelina Talbot, and his two children, Erica and Joanne.

THE POST WITH THE HEART

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 29, 1996

Ms. KAPTUR Mr. Speaker, I rise this evening to pay tribute to the Goldstein-Goodman Post No. 6909 of the Veterans of Foreign Wars as it celebrates its 50th anniversary this month. For the Goldstein-Goodman Post, it has been 50 years of dedication to community service that has brought honor to the memories of the two servicemen after whom the post is named.

Morris Goldstein and Barney Goodman were the first Jewish men from the Toledo community to be killed in action in their respective theaters of war in World War II.

From its earliest days, Post 6909 lived up to its more recently adopted motto: "Dedicated to Community Service." Even with its modest treasury, the post was able to donate time and money to schools, hospitals, and other community institutions such as the National Home in Eaton Rapids, Criel Hospital in Cleveland, St. Anthony's Orphanage, Cherry and Lagrange schools, the Jewish Community Center, the Society for Crippled Children, Darlington House, and numerous churches and synagogues.

Today, Post 6909 is known throughout Toledo as "The Post with the Heart." It sponsors The Goldstein-Goodman Scholarship Fund at the University of Toledo, and over $1 million has passed through the post's treasury to beneficiaries such as the Medical College of Ohio, Riverside Hospital, and local schools systems. Post members have and are still devoting hundreds of hours of time to community projects.

In May, 1946, Vice Mayor Michael DiSalle and Rabbi N. Katz installed Louis Baum as the first commander of Post 6909, and it is still going strong today.

Mr. Speaker, I commend to my colleagues Toledo's Post with the Heart on their 50th anniversary and wish them 50 more years of service to our community.

TRIBUTE TO THOMAS E. DELBRIDGE

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 29, 1996

Mr. GORDON. Mr. Speaker, I rise today to recognize Mr. Thomas Delbridge of Rutherford County, TN. Mr. Delbridge leaves his position as director of administrative services at the Tennessee State Department of Human Services on Friday, May 31. What will be a gain for his family will be a loss for all of Tennessee because this loyal service and dedication have meant so much throughout his 26 years of public service..

In February 1973, Tom began his tenure with the Tennessee State Department of Education as a supervisor of the trade and industrial program. His title reflected technical expertise gained through 21 years of vocational experience in the U.S. Air Force. Following his transition into civilian life, he worked as an industrial arts teacher at Hendersonville High School. His duty to country completed by military service, Mr. Delbridge found an equally high calling in education.

He accelerated from supervisor of trade and industry to the director of the comprehensive vocational education department, where he served until 1981. He then moved to the divisional level as director of administrative services for the vocational education department. Then, in 1984, Mr. Delbridge made the transition to the Department of Human Services, where he now serves.

We honor Mr. Delbridge today because he held the education of young people and public service as his first priority. He has been entrusted with Tennessee's future, and the future of America as well. It is a trust he has earned respectively, and a bright future for Tennessee he has shaped.

CONGRATULATING VANDY L. MILLER ON HIS RETIREMENT

HON. ALBERT RUSSELL WYNN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 29, 1996

Mr. WYNN. Mr. Speaker, there are many people in Federal Government whose specific contributions to our society are unknown to the vast majority of the public. They do their jobs year in and year out, working behind the scenes, largely unrecognized for their efforts on the public's behalf.

That is why I rise today, Mr. Speaker, to take this opportunity to recognize 42 years of dedicated Federal Government service by my constituent, Mr. Vandy L. Miller of Silver Spring, MD, on the occasion of his retirement. In a career of military and civilian service spanning over four decades, Mr. Miller has earned a tremendous amount of respect and a reputation as a committed and effective leader and manager. Integrity and humility have been hallmarks of his career.

Mr. Miller, a native of Bluefield, WV, began his Federal service in the U.S. Army in 1954 as a second lieutenant and distinguished military graduate of West Virginia State College, Institute, WV, and rose to the rank of full colonel in the Medical Services Corps. During his 24 years as an Army officer and soldier, he held many positions of increased technical and leadership responsibility in military installations in Europe and the United States, culminating with his retirement from military service as the Radiological Hygiene Consultant, Officer of the Army Surgeon General in the Pentagon.

Mr. Miller joined the Nuclear Regulatory Commission in 1978 as the Branch Chief, Material Licensing Branch. He was promoted to the Senior Executive Service, a military two-star general equivalency, in 1984 while serving in the Branch Chief position. In 1988, he was promoted to Assistant Director for Agreement States, Office of State Programs. In October 1993, Mr. Miller was appointed to the position of Director of the Office of Small and Disadvantaged Business Utilization and Civil Rights.

Throughout his career, Mr. Miller has always advocated the concepts of professional growth and development, networking, and continuing education. A humble and dedicated man, he has constructed a career of service and accomplishments using his values and principles he brought with him to work each day. Under Mr. Miller's leadership as the Nuclear Regulatory Commission's Assistant Director for Agreement State Program, Office of State Programs, realistic policy guidelines were developed for the States to ensure the technical adequacy and compatibility of their programs for regulating nuclear materials. In his position as the Director, Office of Small Business and Civil Rights, he successfully lead the implementation and coordination of the Nuclear Regulatory Commission's Equal Employment Opportunity [EEO] Program, the Small Business Program, and the Affirmative Employment Program. Under his direction of the EEO program, the number of formal EEO complaints being filed remained relatively low.

His dedication, competence, and professionalism are unsurpassed, and they have been recognized by a number of awards over the past decades. Mr. Miller has been recognize by the Federal Government for his outstanding public service. He was presented with the Nuclear Regulatory Commission Meritorious Service Award in 1992 and the Presidential Meritorious Executive Rank Award earlier this month. He has been the recipient of the Outstanding Community Leader in Education Award from the Montgomery County Council and numerous other community awards and citations.

In addition to his full time work for the Federal Government, Mr. Miller also understands the importance of community service to ensure the efficient running of our society. With this mind, he has held leadership positions in this Kappa Alpha Psi Fraternity, the Washington Metropolitan Organization of Black Scientists, the West Virginia State College "W" Club Association and the Woodside Civic Association, Silver Spring, MD. With his remaining spare time, Mr. Miller has served as a mentor for the Nuclear Regulatory Commission's Mentor Program and as an active member of the Deacon of the 12th Street Disciples of Christ Christian Church. Mr. Miller has not only served the public, but has encouraged others to follow his lead. Members of his own family, his wife, Sylvia, and three children, Kerwin, Karen, and Karmen are among the many people who have been drawn into community service, inspired by his example. I am sure he will continue to be active in his community in the future.

We can point with pride to Federal professionals like Vandy Miller for exemplifying the real spirit of public service. He has served with undying dedication, unrelenting commitment, and fervent devotion. I urge my colleagues to join me in paying tribute to this outstanding American, a man of God, a devoted public servant, and a family man.

Mr. Speaker, on behalf of the House of Representatives and my constituents in the 4th Congressional District of Maryland, I want to personally thank Vandy Miller for his exceptional career of service to his country and community, congratulate him on this special occasion, and wish him all the best in retirement as he enters the next chapter of his life. In addition to wishing him and his supportive wife Sylvia good luck and Godspeed in his retirement, we also wish long and happy lives to his children and grandchildren, Markia, LaShawn, Kyle, and Vandy.

ASIAN PACIFIC AMERICAN HERITAGE MONTH

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 29, 1996

Ms. PELOSI. Mr. Speaker, I rise today to celebrate and honor the almost 9 million Americans of Asian Pacific heritage who make such a magnificent contribution to our society.

As the Representative of a district that boasts Asian Pacific Americans as more than 28 percent of its population, I am proud to be able to praise the men and women of Asian Pacific American heritage who have worked both to make our world a better place to live.

Yvonne Lee is just one of those people making a difference. A San Franciscan appointed by President Clinton to the U.S. Commission for Civil Rights, she has a long and outstanding record of community service, both in San Francisco and throughout the Nation. Currently a fellow at the Asian Pacific American Leadership Institute, Yvonne previously served as the executive director of the Chinese American Citizens Alliance, a national civil rights organization.

I join my colleagues in celebrating Asian Pacific American Heritage Month and in saluting those in the Asian Pacific American community who have transformed our country.

HONORING PONTIAC CENTRAL HIGH SCHOOL'S U.S. FIRST TEAM

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 29, 1996

Mr. KILDEE. Mr. Speaker, I rise today to urge my colleagues in the House of Representatives to join me in paying tribute to the great accomplishments of the members of the U.S. First Team. The team consists of 32 students and 7 faculty members from Pontiac Central High School, that is located in my district. The U.S. First Team, is also comprised of 28 engineers from Delphi Interior Lighting Systems. I am proud to inform my colleagues that the U.S. First Team, from Pontiac Central High School, received the coveted National All Star Rookie of the Year Award, during the 5th Annual U.S. First Competition, in Orlando, FL. The team has also been honored by receiving the Worchester Polytechnical Institution [WPI] design innovations scholarship.

The hard work and dedication of the team is reflected in the fact that more than 96 teams from all over the country were involved in the national competition. Their success is a remarkable display of what can be accomplished when people work together toward a common goal.

Mr. Speaker, I am truly honored to be able to recognize the outstanding achievements of each of the members of the Pontiac Northern High School U.S. First Team. They deserve the title of national winners. I know the entire U.S. House of Representatives joins me today in honoring this fine group of Americans.

SUPER SALESMAN ROBERT DAVID

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wenesday, May 29, 1996

Mr. KNOLLENBERG. Mr. Speaker, I rise today to honor a supersalesman and special person—WXYT's Robert David.

David was recently honored with 1996 Sales Success Award from the sales and marketing executives of Detroit.

Recognized as one of the best salesmen in metro-Detroit, the Northville native is such a charmer, he met his future wife on the Ohio turnpike, eventually sweet-talking her into marriage.

As the national sales manager at WXYT radio in Southfield, Rob has increased sales revenues tenfold in just 8 years. And he has done it through knowing his customers, studying their language, and speaking to them on their own terms.

His simple strategy has been nothing but a recipe for success. And yet, that is not enough. Rob is always looking to improve his skills by attending extra sales training and industry workshops.

Rob has a positive attitude and a burning desire to succeed in a difficult industry known for high turnover.

Not only has Rob succeeded at WXYT, he has also been able to find time to serve as president of Michigan State University's business school alumni group. He also leads an annual MSU program called the Minorities in Communications Conference.

Rob David is a proven leader. He is a special person with a knack for success and the personality to go with it.

Congratulations Rob, and keep up the great work.

75TH ANNIVERSARY OF THE LIONS CLUB OF NEWARK

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 29, 1996

Mr. PAYNE of New Jersey. Mr. Speaker, I rise today to urge my colleagues to join me in celebrating the 75th Anniversary of The Lions Club of Newark. Friday, May 31, 1996, marks 75 years of continuous service and dedication to the community. The Lions Club is among the world's largest service organizations, working hard to live up to its time-tested motto, "We Serve." Since its inception in May of 1921, the Lions Club of Newark has been a credit to the national organization, providing invaluable services to the youth and the elderly. Through the years, the Lions Club of Newark has also provided constant support for causes benefiting the blind and the sight impaired in addition to numerous local and community charities. It gives me great pleasure to stand here today to applaud the Lions Club of Newark on this great moment in its decorated history.

In an age when people seem more concerned with getting ahead than they do with getting along, and hatred and violence litter our national headlines, it is refreshing and reassuring to take a moment to recognize and celebrate the works of the dedicated members of the Lions Club. They have accepted the challenge of creating a better community for the city of Newark with great courage and strength. Their commitment to the future leaders of our State and our Nation is reflected through the compassion and dedication with which they approach their work. This commitment is equally reflected in the revered Lions toast, "Not Above You, Not Beneath You, But With You."

It is with great pride that I stand before you to honor the valiant members of the Lions Club of Newark on this momentous occasion. For the past 75 years, the Lions Club of Newark has committed itself to charity and service for the good of the greater community. It is a beacon of hope during difficult times, and an inspiration to us all. On this 75th anniversary of the Lions Club of Newark, I stand before you to recognize and applaud the strength of the human spirit.

STATEMENT BY KYLE ANDERSON ON THE UN CONVENTION ON THE RIGHTS OF THE CHILD

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 29, 1996

Mr. SANDERS. Mr. Speaker, for the benefit of my colleagues I would like to have printed in the RECORD this statement by Kyle Anderson, a high school student from Rutland, Vermont, who was speaking at my recent town meeting on issues facing young people.

My topic is the UN Convention on the Rights of the Child, and its applicability to us as citizens of the United States and for our children in this country.

The world that we live in today is one of waste, want and needless suffering. But in November of 1989, a dramatic step was taken to treat this. On November 20, 1989, the General Assembly of the United Nations adopted the Convention on the Rights of the Child, a treaty that focuses on the protection, survival, development and well-being of children.

Among the many rights which the Convention gives to children are the following: the right to health care services; the right to education; the right to protection against discrimination on the basis or race, sex, religion, etc.; the right to protection against abuse, neglect or injury; the right to a name and nationality; the right to express the child's views in matters affecting the child; the right to have the child's interests be a primary consideration in all proceedings concerning the child; the right to be protected from economic exploitation, or hazardous work; the right to be protected against torture, or other cruel, inhumane or degrading treatment; and the right to freedom of thought in conscience, religion and expression.

As an international goal it is certainly important; and immediately after it was drafted, over 100 nations signed it, and then ratified it, obligating themselves to nurture the children of their respective territories. The U.S. wasn't among the original signers, but signed the document on the 16th of February, 1995. But without ratification, the Convention lies dormant. The United States didn't, and still hasn't, fully recognized the importance of the document, or its applicability to us.

Let me show you what I mean. (set up overhead: Cents of the Absurd) Can everybody read that? . . . All right, it says the 1995 State of the World Children Report from UNICEF says that we need to kindle a sense of absurdity at the idea that the world cannot afford to meet the needs of all the world's children for adequate nutrition, basic health care, primary education and clean water. The following figures are offered as kindling: it shows that all we really need to provide basic care in nutrition, primary education, safe water and sanitation, and family planning, for all the children, would be $34 billion. Now, if you look at what is spent, they give a few statistics, like $85 billion/yr. is spent on wine, $160 billion on beer, $400 billion on cigarettes, $250 billion on advertising, and $800 billion on the military—that's worldwide.

For the U.S., (next overhead: Winners & Losers—Federal Spending) here we see a drastic decrease in spending on housing, health care services, employment and training, mass transit, Farmer's Home Administration, child nutrition, especially, and education. All of these things have decreased, between 1980–1990, and military spending has increased 46%.

The fortunate and unfortunate kids of our age have recognized the need for greater action in the sector of children's well-being. Some of the things that youth has been doing are as follows:

Nov. 20, 1992, in Washington, D.C.—The National Committee on the Rights of the Child: Speaking Truth to Power;

May 4, 1992, at the Statehouse in Montpelier, VT—Rights of the Child Day;

Feb. 10–14, 1993, in New York City and Vermont—New York City and Vermont Student Homes Day;

Nov. 22, 1993, in Clarendon, VT—Youth in Action Conference: Children First;

June 13–19, 1993, in Vienna, Austria—Children's World Conference on Human Rights; and

April 29, 1995, in Montpelier, VT—Empowering Youth to Action.

In closing, I would like to reemphasize the importance of child development. This Convention is a great reminder of our obligation, and a helper in those situations where our priorities are trodden upon, in such areas as: the home, during war, or just all alone on the streets. The Convention will help, and will decrease the suffering. Thank you.

Congressman Sanders: Michael, thank you very much. I have some familiarity with that issue, because I introduced the Resolution in the House, trying to win support of the UN Convention on the Rights of the Child, and Senator Leahy did the same in the Senate, so Vermont has a strong interest in this issue. In your judgment, why has the Congress not ratified the Treaty?

Answer: Well, I really don't know. I thought . . . when Bill Clinton came in, I thought that . . . he's an advocate for this thing, and I was wondering why it hadn't gotten ratified yet, but he needs the help of the Congress . . .

Congressman Sanders: Well, I think in fact, Clinton did sign it but the problem is, it doesn't go into effect until it is ratified, and the Senate has not ratified it. Are you familiar with some of the arguments that the opponents of the Treaty are making?

Answer: No.

Congressman Sanders: Okay. A lot of the arguments center around the fact that they think it would take away from the rights of American citizens, which is incorrect, and that the UN would have too much power over what goes on in the United States—those are some of the arguments that are being used. I think you've raised a very important issue, and I think that the chart, which shows the spending priorities, in our nation and in our world, is very important. And what you're suggesting, is that if we changed our priorities just a little bit, we could wipe our hunger among children, we could end the disgrace of having, in our own country, the highest rate of childhood poverty in the entire industrialized world. Okay, thank you very much for your presentation.

TRIBUTE TO AMERICAN ACADEMY OF PAIN MANAGEMENT

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 29, 1996

Mr. FILNER. Mr. Speaker, I rise today to recognize and commemorate the emerging field of multidisciplinary pain management.

Millions of Americans suffer from the intractable chronic pain. These pain patients often find that, in addition to suffering unremitting pain, they cannot sleep, work, or engage in family and social events. Pain is the No. 1 reason that individuals seek health care. Pain is a costly epidemic.

Until recently, pain management has been poorly understood and poorly treated. In recent years, great strides have been made in helping to reduce the toll of pain and suffering. Multidisciplinary organizations, such as the American Academy of Pain Management, have brought together the previously fragmented clinical disciplines and have raised standards for the delivery for pain management.

The American Academy of Pain Management is the largest society of learned clinicians in the United States concerned with pain management. The academy credentials multidisciplinary clinicians in pain management, utilizing rigorous screening steps which help assure that the public can find empathetic and knowledgeable pain management clinicians. In addition to board certification in pain management, the American Academy of Pain Management accredits pain programs, cosponsors the National Pain Data Bank, and conducts continuing education in pain management.

Because of dedicated organizations such as the American Academy of Pain Management, our ability to reduce pain and suffering is improving.

Mr. Speaker, I am pleased to honor and recognize the commitment of the multidisciplinary membership of the American Academy of Pain Management and their visionary leadership in providing quality care to so many people.

STATEMENT BY MATTHEW DOLE REGARDING CENSORSHIP

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 29, 1996

Mr. SANDERS. Mr. Speaker, for the benefit of my colleagues I would like to have printed in the RECORD this statement by Matthew Dole, a high school student from St. Johnsbury, VT. He was speaking at my recent town meeting on issues facing young people.

My name is Matthew Dole. I face censorship every day as I watch movies, try to read a book or even read the newspaper. All people have beliefs on what should be censored, but those should not infringe on others' choices. If you are to ban books, please do it [right], but don't force your opinions upon others.

Proponents of censorship base their argument on the First Amendment. They interpret their Freedom of Speech as freedom to ban books. The opponents also use the First Amendment as a major right, not to be infringed upon. They have the freedom of choice, choice to read or watch whatever they want. They say that the proponents do not have the right to physically remove the books from our libraries and school shelves. People against censorship see it as large government once again challenging the individual, as was done in 1919 with Prohibition, later repealed. They ask for more local control, at the most local in fact—individual decision.

In this, the era of political correctness, people challenge books on today's standards. They do not historicize texts, meaning they don't consider the time or circumstances under which it was written. I have with me today three books that have been banned. The first one is Mark Twain's, "The Adventures of Huckleberry Finn." To historicize this book, it was written in 1884, as Twain lived in Mississippi, and he had previously fought as a Confederate in the Civil War. It was banned for racism, and the reason for that was the circumstances under which it was written. The second book is "Catcher in the Rye." This was banned for sexual scenes. I read this last year as a sophomore in high school as part of a Classic American Literature section. The third, and last, book is Margaret Mitchell's "Gone With the Wind." This book was again banned for racism, and the reason [is that] if it hadn't had racism in it, it wouldn't have been historically correct. It is a book about the Confederate South, once again; and it was also banned for one word.

As I've said, violence, racism and sex—three touchy, controversial subjects, are the most common reasons for book banning. Will banning the books make these issues disappear? I say, "No." They may, however, help educate people on these issues. What we must do instead is educate our children early. We can teach them to have opinions, and teach them why they can't read that book, or why they shouldn't read that book. As time passes, they will be able to handle the issues, before being offended. Also, they will be able to personally ban books, TV with the V-chip and movies with the rating system.

There's no "cut and dried" solution to this. If a case in book banning or any other censorship were to reach the Supreme Court, they can interpret the First Amendment. Or if two-thirds of each House vote in Congress, they could rewrite the First Amendment more specifically. And on a more local level, if two-thirds of all state legislatures wanted to, they could call an actual Convention and rewrite it themselves

Thank you for inviting me, and I hope something can be done on this issue.

Congressman Sanders: Thank you very much, Matthew. Matthew, let me ask you a question, because you have dealt with a very sensitive and controversial issue. So, here's my question: if at town meeting, or better yet a school board meeting, a parent gets up and says, "I read this book. It is vulgar, it has filthy words in it, it has ideas that I don't want my daughter to see; I want that book out of the library." You're a member of the school board—how do you respond to that?

Answer: Tell her that we can ban the book, in a sense, ban by putting it in, maybe, a section, like an adult section or a high school section. This happened at my old school, as a matter of fact, and they did not remove it from the library, and just put it in a separate section. What happened, was a 5th grader was basically in the high school section, reading this book. And I would ask them to educate . . . their kids, and I would ask the teachers also need to educate their kids on why they shouldn't read that book at that age.

Congressman Sanders: In your judgment, what is the danger of somebody defining a book and saying, "This book is terrible, I want it out." What are the long-term repercussions of that approach?

Answer: With these books that I've brought—these are classics, these are used in teaching. If we lose these books, we lose a valuable tool in teaching our youth.

Congressman Sanders: So what you're saying is that what may be vulgar for one person may be a work of art and a classic for somebody else.

Answer: That's right.

ASIAN PACIFIC AMERICAN HERITAGE MONTH MAY 21, 1996

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 29, 1996

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise to observe Asian Pacific American Heritage Month and to recognize the many contributions Americans of Asian and Pacific ancestry have made to our Nation.

May was selected as Asian Pacific American Heritage Month because several significant events took place in May that impacted the Asian Pacific community, events such as: the first Japanese immigrants arrival to the United States—May 27, 1869; the Central Pacific Railroad and the Union Pacific Railroad were joined at Promontory, UT, of which 90 percent of the track from Sacramento to Promontory was laid by Chinese workers—May 10, 1869; passage of the Chinese Exclusion Act, the first U.S. immigration law to discriminate on the basis of race—May 8, 1882; and the Alien Land Law was signed in California prohibiting Asians from buying land—May 19, 1913.

America has been enriched by the many contributions and achievements of the Asian Pacific community. We have all benefited from their struggles, their labor, and their achievement. From the railroads and bridges that were built to the works of art, music, and literature, Asian Pacific American contributions to the United States have been innumerable. For example, the most visited monument in Washington DC, the Vietnam Veterans Memorial, was designed by a Chinese-American, Maya Lin; the youngest person to win the French Tennis Open is Michael Chang; and the inventor of Playdoh is a Chinese-American.

In addition, Asian and Pacific Island Americans have fought and died in defense of our country. The most highly decorated infantry troop in or country during World War II was the 442d Infantry Battalion, a troop comprised entirely of Japanese-Americans.

Asian Pacific Americans' accomplishments not only symbolize our rich and diverse heritage, but also highlights shared ideals and unity in a common quest for freedom and dignity.

In the midst of extensive discrimination, both social and legislative, APA's have managed not only to survive, but to build communities and to carry on their rich heritage. Asian Pacific Americans have enriched our country's unique diversity and strengthened us as a Nation.

OLDER AMERICANS MONTH

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 29, 1996

Mr. STARK. Mr. Speaker, I rise today to commemorate May as Older Americans Month. This month is a special time to acknowledge the valuable contributions made by the senior citizens of this Nation, and to recognize their special needs. It is also a time to bring age-related issues to the forefront of America's attention. The population of this country is growing older at an unprecedented rate. By the year 2050, one in five Americans will be over 65 years of age. Older Americans Month gives us an opportunity to think about how we must plan to meet the needs of the rapidly growing number of our Nation's senior citizens.

At the forefront of the issues concerning older Americans is the current debate over the so-called reform of Medicare. Medicare currently provides over 90 percent of Americans over the age of 65 with quality health insurance benefits. There is no private insurance plan in the country that offers the wide range of benefits and affordable care that the Federal Medicare Program provides. Yet in their proposed budget plan, Republicans still want to cut $167 billion in Medicare and $72 billion in Medicaid. These cuts are unprecedented, and would have a devastating impact on today's older Americans, as well as destroying the options of future retiring citizens. Seniors would be forced into private managed care programs which are proven to be more restrictive and make money by denying care. While essential Federal health care benefits will be sacrificed, these cuts are planned to provide tax breaks for the wealthy.

The Republican proposal would abandon the needs of older Americans rather than meet them. This month, and in the months to come, let us recognize the senior citizens of this country, not by cutting their benefits and threatening their future, but by giving them hope in maintaining their health and security.

STATEMENT BY ACACIA FANTO REGARDING THE FINANCING OF PUBLIC SCHOOL EDUCATION

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 29, 1996

Mr. SANDERS. Mr. Speaker, for the benefit of my colleagues I would like to have printed in the RECORD this statement by Acacia Fanto, a high school student from Brattleboro, VT, who was speaking at my recent town meeting on issues facing young people.

My name is Acacia Fanto, and my topic is property tax funding of public school education.

Primary funding of public school education through property tax is inherently unfair. There are huge differences in property wealth from district to district. Based on this funding system . . . unequal from one area to another. The amount of money spent on education is a significant factor in determining the quality of education. Money is necessary to hire good teachers, buy the latest textbooks, get the latest classroom equipment, and attract good administrators. Despite this, cuts are prevalent everywhere. The biggest cuts are in arts, extracurricular activities and technology.

If money is a significant factor of a good education, and money is the biggest variable from one public school to another, then education quality is not equal in this country. The differences from one district to another are astonishing. There are tremendous disparities based on where you live. The property tax funding system is making it difficult for many areas to meet even basic educational needs, at a time when more and more money is needed for special programs. We need these programs in schools to deal with the problems of today, such as violence, teen pregnancy and broken families. All these necessities take money away from academic programs.

Property tax funding of public school education is not only unfair, but also a regressive funding system, one that often turns homeowners against schools because they don't want, or can't afford, to have their property taxes raised. The property tax funding system is unfair, unequal and ineffective, so alternatives need to be sought. The Robin Hood plan shifts money from wealthy districts to poorer ones, to try to equalize funding. This plan turns the "haves" against the "have-nots," and injects race and class into the equity funding fight. A statewide property tax, or income tax, could turn the problem from a local funding issue to a state one. These solutions would decrease inequalities within a state, but not within the country.

An alternative to the property tax funding system which would provide consistency, and would eliminate the unfairness, inequalities, and the opposition between the "haves" and the "have-nots," would be a federal progressive income tax system. People would be taxed based on a percentage of their income, then the money raised would be distributed fairly among the districts by the federal government.

In the search for a fair alternative, the first step that needs to be taken is to change America's attitude towards education. Education needs to be valued by this society in order to demonstrate its value to its youth. When money is spent on education, its value shines through, and creates a positive outcome in the future. We need to be able to put the funding issue behind us, so that the issue can become how to deliver best education possible. Instead of working to help the people, government is working against us, at a time when America is trying to create an educational system which responds to the future needs of America's youth. The government passed cuts in education, while at the same time approving bigger budgets for construction of prisons. Government needs to take a look at the long term effect of what it cuts and what it supports. If would support our youth, keep them in school and educate them, we may not have such growing need for prisons.

Equal opportunity is the basis of this country's ideals, but by looking at our schools, you wouldn't know it. This unfair educational system is based on the unequal distribution of money in our schools caused by the property tax funding system. The U.S. has created a caste system of public education that is increasingly separate and unequal. We must work to make this a country of equal opportunity.

TRIBUTE TO RABBI LANE STEINGER

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 29, 1996

Mr. LEVIN. Mr. Speaker, I rise today to honor Rabbi Lane Steinger who is retiring after 20 years of dedicated service as Rabbi of Temple Emanu-El in Oak Park, MI.

For the past 20 years, Rabbi Steinger has not only served as a spiritual leader and teacher to his congregation, but he has distinguished himself as a community activist. He has volunteered as a chaplain at William Beaumont Hospital and has served on a myriad of boards including the Christian-Muslim-Jewish Leadership Forum of the Greater Detroit Interfaith Round Table, Interns for Peace Rabbinical Board, the Cranbrook Peace Foundation, Michigan Religious Coalition for Abortion Rights, Jewish Resettlement Service, Jewish Federation Apartments, JARC, Jewish Vocational Service, and the Michigan League for Human Services.

But most importantly, Rabbi Steinger will be remembered for his warmth, compassion, and caring. He will be sorely missed.

Mr. Speaker, I ask my colleagues to join me in recognizing Rabbi Steinger's accomplishments and years of service to the congregation of Temple Emanu-El and the greater metropolitan Detroit area. I send Rabbi Steinger and his wife, Linda, and children, Shira, Daina, and Rafi, my very best wishes as they return home to St. Louis, MO, where Rabbi Steinger will assume the position of Director of the Midwest Council of the Union of American Hebrew Congregations.

TRIBUTE TO AARON PICKERING

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 29, 1996

Mr. DUNCAN. Mr. Speaker, I want to congratulate Mr. Aaron Pickering for being named as the first place winner in the 1996 Voice of Democracy program and recipient of the Selman Memorial Scholarship Award. This indeed is a great honor and one which Aaron should be very proud to receive.

The Veterans of Foreign Wars of the United States and its Ladies Auxiliary sponsor the Voice of Democracy audio-essay scholarship competition. The program is now in its 49th year and requires high school student entrants to write and record a 3- to 5-minute essay on an announced patriotic theme. "Answering America's Call" is this year's theme, and over 116,000 student participated in the program nationwide.

It is an honor for the second district and the entire State of Tennessee to be the home of the first-place winner, Aaron Pickering. Aaron is a senior at Halls High School. He is the son of Mr. and Mrs. Charles Pickering.

Aaron is an exceptional young man. In addition to receiving the Selman Scholarship Award, he has received numerous awards and honors for his endeavors. America needs more young men like Aaron to strengthen our Nation and secure its future. He is a well-rounded young man who has a bright future ahead of him.

I request that a copy of Aaron's winning essay "Answering America's Call" be placed in the RECORD at this point so that I can call it to the attention of my colleagues and other readers of the RECORD.

ANSWERING AMERICA'S CALL

(By Aaron Pickering)

It's not often that a simple story changes your view of democracy, but I would like to relate one to you that did just that for me. One day in a social studies class a few years ago we were discussing the upcoming student government elections. Some of the students who had been elected to office the previous year began to complain about how the student body treats SGA members. The general consensus seemed to be that students who did not vote in SGA elections did not have the right to complain when things went wrong. That concept seemed fair to me, after all, I always voted in the elections and never openly complained about anything SGA was doing.

Amidst all this commotion, my teacher stood up. We all expected him to join in on the attack. We were all in for a shock.

He immediately started into a story. Once he had a class in which a girl named Jennifer, the SGA president, was invited into as a special speaker. Jennifer was an outstanding student. She had won the election by a landslide. When the class began she gave an impressive speech about her many ambitions and hopes for student government that year. The class gave her a powerful round of applause. Jennifer basked in the glory for a few moments and then she headed for the door. My teacher stopped her and turned to the class, "Does anyone have a question for their new president?" The class just sat there with blank stares. My teacher asked again, "doesn't anyone have a question for their new president?" A hand slowly rose in the back of the room. It belonged to a young man named Ralph. Everyone stared in amazement; Ralph never said anything in class, he just sat back there, asleep all the time. Ralph stood up and asked Jennifer what SGA was going to do about the horrible lines in the lunchroom. Ralph explained how he had only 30 minutes at lunch and he had to spend 20 of those waiting in line to get his food. Jennifer responded with a simple "we're working on it." Ralph wasn't satisfied. He went on to propose a system where different classes would go to lunch on a staggered schedule to prevent congestion in the lines. At this point Jennifer was furious. She yelled at Ralph, "What right do you have to complain about anything, Ralph? You never do anything, you just sit back there and sleep. You didn't vote in the election, so you don't have any say in what we do!"

My teacher rang in, "Oh yes he does. Jennifer, I'm disappointed in you. You are the president of the entire student body; you represent them—all of them—in the student government. It doesn't matter if Ralph voted in the election or not, you are his president and he has every right to complain about problems and offer you his opinion on how they can be fixed." Jennifer stormed out of the room in anger.

A few months later Ralph's plan for an improved lunch schedule was implemented and the next year Ralph was elected president of the student body.

My entire class sat in silence. I had never thought of it that way; all of this time I had been content to simply vote. But now I realized that voting is only a small part of our duty as citizens. This situation took place in a simple high school government but as I have grown older and can now vote in real local, state and federal elections, the message of the story has never been more important. We elect officials who represent us and they need to know what we are thinking. It is their duty to listen to us and use our opinions to guide their actions. It's a basic concept of representative democracy; we can't have a government of, by, and for the people unless we, the people actively participate in the process.

Ralph answered America's call. He stood up and made his opinion known. He shaped the policy of his school. More of us need to take a lesson from Ralph. We can't simply vote and then sit back until the next election. We have to be in contact with our representatives and let them know what we think. Our elected officials are public servants and their job is just that—to serve the public. But they can't serve us unless they know what we want them to do. We must speak up. That is America's call—a call that it makes on each and every citizen, a call that if left unanswered would cause our nation to cease to exist. It will be a glorious day when every American can say that he or she plays an active role in government; it is only then that the American system will reach its full potential—it is only then that America's call will be answered.

STATEMENT BY PEOPLES ACADEMY STUDENTS ON ENVIRONMENTAL EDUCATION

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 29, 1996

Mr. SANDERS. Mr. Speaker, for the benefit of my colleagues I would like to have printed in the RECORD this statement by Kara von Behren, Sara Reeve, Anna Laszewski, and Alison Gingras, students from Peoples Academy in Vermont. They were speaking at my recent town meeting on issues facing young people.

The environment needs a place in the modern high school curriculum. Without knowledge of the problems that fact us, we cannot reverse their ill effect.

We're going to start off with a demonstration. Could you all stand up, please? Thanks. All right, we're going to start off with a couple of questions, and if your answer is "no," could you please sit back down.

Okay, our first question is: do you recycle at home?

Our second question is: do you compost at home?

Do you turn off the water when you brush your teeth?

Do you reuse your lunch bags or bring a cloth one?

Does your family buy recycled products?

All right, congratulations to any of you who are still standing (one or two)—you actually have some part in preserving our environment, and helping us to make this world a better place.

As an American Literature class, we compiled a survey, trying to find out how educated our high school was about the environment. We surveyed students in grades 9 through 12, as well as the faculty members. The questions ranged from, "what does EPA stand for?" to "how long are your showers?" to "how do you feel about the future of our world?" We discovered that many students didn't know much about environmental action programs—they didn't know the budget cuts would completely eliminate them. Students and teachers both felt that more time should be spent in the classroom discussing environmental issues, and that a definite part of the curriculum should be dedicated to it. It's not an issue only for science classes; it can be brought into every major course of study.

For example, we took a normal letter-writing assignment and transformed it into an environmental letter-writing campaign. We wrote letters to our Congressional delegation in Washington about budget cuts and other environmental issues. This is only one of the ways in which we've incorporated environmental education into our classroom, without completely altering the basic curriculum. And we have these letters, and later on we'd like to give them to you, Congressman.

Congressman SANDER. That was a very creative and interesting testimony. I think the essence of what you're saying is that if people think in an environmentally conscious way, we can have a profound impact on the environment. In a broader sense, what would you describe as the major environmental crisis our planet faces?

Answer. We've concentrated mostly on the budget cuts planned in the environmental action programs such as the EPA. The drastic cuts would completely eliminate clean water acts, safe drinking water, the state revolving funds that allow cities and counties to create protective water systems, such as sewer treatment plants. . . . Our second presentation will cover more of that.

TRIBUTE TO OFFICER HORST WOODS

HON. STEVEN SCHIFF

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 29, 1996

Mr. SCHIFF. Mr. Speaker, I rise today to pay tribute to officer Horst Woods, who was killed in the line of duty at the Veterans Administration Hospital in Albuquerque, this past January.

Officer Woods spent his entire adult life serving his country. He retired from the Navy in 1993, after 25 years of service, as a master chief. He served 5 tours of duty in Vietnam, and served also in the Libyan crisis and the Persian Gulf war.

Officer Woods was 46 years old, and is survived by his wife Linda, and his two children Matthew and Summer. Recently, he was memorialized at New Mexico's State Law Enforcement Academy.

Our community, State, and Nation owe officer Woods, and all those who have died in the line of duty, our eternal gratitude and the vow that their sacrifice will not be forgotten.

"WE THE PEOPLE" COMPETITION

HON. MIKE WARD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 29, 1996

Mr. WARD. Mr. Speaker, last month more than 1,300 students from all 50 States and the District of Columbia came to Washington to compete in the national finals of the We the People * * * The Citizen and the Constitution program. I am proud to announce that 23 senior government students from Louisville Male High School represented the Commonwealth of Kentucky. These young scholars worked diligently to reach the national finals by winning local competitions in their home State and then competed against 49 other classes throughout the Nation wherein they demonstrated a remarkable understanding of the fundamental ideals and values of American constitutional democracy.

The distinguished members of the team from Louisville Male High School, who represented my home State of Kentucky, were Abby Alster, Jil Beyerle, Lori Buchter, Adam Burns, Melissa Chandler, Sienna Greenwell, Patrick Hallahan, Nicole Hardin, Tony Heun, Michelle Hill, Patricia Holloway, Cammie Kramer, Kevin Laugherty, Anne-Marie Lucchese, Astrud Masterson, Kimberly Merritt, Tiffany Miller, Matthew Parish, Angela Rankin, Dana Smith, Danielle Vereen, Maleka Williams, and Jamie Zeller.

I would also like to recognize their teacher, Sandra Hoover, who deserves much of the credit for the success of the team. The district coordinator, Diane Meredith, and the State coordinator, Deborah Williamson, also contributed a significant amount of the time and effort to help the team reach the national finals.

The We the People * * * The Citizen and the Constitution program is the most extensive educational program in the country developed specifically to educate young people about the Constitution and the Bill of Rights. The 3-day national competition simulates a congressional heading in which students' oral presentations are judged on the basis of their knowledge of constitutional principles and their ability to apply them to historical and contemporary issues.

Administered by the Center of Civic Education, the We the People * * * program now in the 9th academic year, has reached more than 70,400 teachers and 22,600,000 students nationwide at the upper elementary, middle, and high school levels. Members of Congress and their staff enhance the program by discussing current constitutional issues with students and teachers.

The We the People * * * program provides an excellent opportunity for students to gain an informed perspective on the significance of the U.S. Constitution and its place in your history and our lives. I wish these students the best of luck in their continuing studies and want them to know how proud we as a community are of their achievements.

RABBI BEN GORRELICK'S 90TH BIRTHDAY

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 29, 1996

Mr. KNOLLENBERG. Mr. Speaker, I rise today to honor a special person—Rabbi Benjamin Gorrelick, of Southfield.

This week Rabbi Gorrelick will be honored on his 90th birthday for his service and commitment to our community.

As Rabbi Gorrelick has said, one may retire from the pulpit, but one can never retire from their calling. His dedication, his loyalty, and his leadership are a tribute to his ability to bring people together.

Born in Russian-dominated Poland, Rabbi Gorrelick came to America at age 15. Upon his arrival in New York, he enrolled in elementary school without knowing a word of English. After completing eight grades in just 18 months, he whizzed through high school and enrolled in City College of New York.

After graduating from CCNY, he moved on to Harvard where he received a master's degree in sociology. More importantly, at Cambridge he met his wife, Sarah, to whom he was married for 36 years until her death in 1975.

Ordained as a rabbi from the Jewish Theological Seminary in 1933, Gorrelick graduated top of his class and went to pulpits in Brooklyn, Cambridge, and Albany.

During World War II, the rabbi was a U.S. Army Chaplain in Europe for 13 months. While in Belgium, he helped support 10 Jewish orphanages caring for young people and children who survived Hitler. Hundreds of Jewish orphans were aided by his efforts.

He came to Detroit in 1949 where he became spiritual leader of Congregation Beth Aron. Later, he would help build Beth Achin, serving the human and spiritual needs of the community.

His leadership with national and local Jewish and civic organizations is evident in his long list of activities.

Good luck and thank you for your strong moral and spiritual leadership, Rabbi Gorrelick. You are an inspiration to all of us. I am delighted to wish you well in all your endeavors.

STATEMENT BY A.J. FERRITER REGARDING THE INFLUENCE OF LOBBYISTS

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 29, 1996

Mr. SANDERS. Mr. Speaker, for the benefit of my colleagues I would like to have printed in the RECORD this statement by A.J. Ferriter, a high school student from Thetford, VT, who was speaking at my recent town meeting on issues facing young people.

For the last few months, I've been investigating lobbying in Vermont, and found, much to my surprise, and delight, a healthy lobbying system. The Disclosure Act purged many of the ills affecting lobbying within Vermont, by virtually stopping all underhand deals, while, at the same time, not infringing upon our rights as Vermonters and U.S. citizens.

Yet we should not be content; problems still plague our lobbying system. Fortunately, my investigations have brought me in contact with district Representatives and state Senators throughout Vermont, and without leading them on, each district Representative and state Senator I spoke with expressed one common concern: lobbying groups using tax dollars to support themselves. This is not a problem with profit-making organizations (which is businesses), because they support themselves. It is a problem among non-profit organizations . . . whose promoters are given the title, "advocate," instead of "lobbyist."

I am concerned with two issues in the way advocates use tax dollars. The first is the use of financial support. Although many groups use their funds properly, many do not. Instead of using tax dollars to support their cause, the money is used to support themselves. In other words, this money is given to these organizations to support more administrative positions, and more lobbyists. This money was given to aid a public cause, not to support lobbyists.

Tax dollars paying for lobbyists' salaries is an alarming issue. Even if the tax dollars are being used properly, "is it right," in the words of one state Senator, "to use our tax dollars against us?" I do not believe it is. Take for instance, community mental health, a group whose objectives I support. Hypothetically, though, let's say I don't. If I don't, then I am not going to want my money supporting their programs; and if I speak out against them, they will just use the money I pay the state in taxes to further support lobbyists to speak out against me. So the more I speak out, the more money I am eventually giving to lobbyists I'm speaking out against. This is not encouraging.

Now, I'm not saying I am completely adverse to advocates, and forcing them to have the same nominal status as lobbyists. If they did, they might not receive the necessary funds they need to stay alive and support the crucial issues that they promote. Yet, if these human service, non-profit groups were forced to have the same status as lobbyists who represent profit-making organizations, then our tax dollars would no longer be used to support their lobbyists.

I say, use our money to support their policies, but find donations or something else to support your lobbyists. I cannot stop the government from spending my money on programs I'm not in favor of, but I should be able to stop the practice of giving my money to support lobbyists, whether I agree with their views or not. I believe a line must be drawn somewhere. Thank you.

Congressman Sanders: Thank you very much, A.J. That's an interesting presentation, and it's an issue that's being dealt with in Congress, and in Montpelier as well. Let me ask you a question: if I represent the tobacco industry—we heard a presentation earlier about the problems of young people smoking—and I represent the large cigarette companies that have billions of dollars in resources, and I hire some of the most sophisticated lobbyists in the country to knock on the doors of members of Congress, or in the statehouses throughout this country. I have plenty of money to do that, okay?

Answer. All right.

Congressman Sanders: And I don't get any taxpayer dollars to do that—I do that privately, all with the company's own money. Then on the other hand, we have a group of young people, say, who are concerned about the problems of smoking; they also want to lobby. One has billions of dollars in resources, the other side has very little money. How would you deal with that issue, so that both sides have a short at having their voices heard?

Answer. Would it be all right if you . . . rephrase your question? I kind of got lost in there.

Congressman Sanders: Okay. Here's the problem that I want to throw at you: He represents (he doesn't really) but let's say hypothetically he's the head of a large tobacco company—Philip Morris—and he has billions of dollars in resources. He wants the U.S. Congress to not do anything to limit the ability of the tobacco companies to make a lot of money. We have another group of young people, who are concerned about the impact of smoking on the health of their friends. They also want to get involved in the political process. They certainly don't have the resources—how do you deal with that issue?

Answer. I mean, that's obviously a concern, that I feel is valid. But I feel like if the young students are going up [against] a tobacco giant here, they have to have some way of being able to gain support throughout their communities. I don't know if it would be sending letters out; I don't know if it's public speaking. I'm not sure what it would be, but it has to be something—obviously, they can't do it through money, and . . . you bring up a good argument to my case. But the thing is, the tobacco industries do have the money, and it's a basic right to be able to lobby for what you want; and so we cannot restrict that.

For these students, though, like I said . . . one of the problems, I think, with lobbying is that a lot of it is not made public. With some of the public hearings we've got happening in Montpelier, there will be, let's say, an issue on tobacco. And what will happen is that there will be a lobbyist within the room so that he can tell his friends to garner support for the lobbyists, and show up at the public meeting. And the meeting is only 24 or 48 hours later, so that way people don't advocate tobacco don't have the time to just pick up their stuff and find an argument to oppose the tobacco arguments.

Congressman Sanders: You make a good, an interesting point. A lot of members of Congress and the legislature feel resentful when publicly supported institutions then come and lobby them, and that's the point that you're making. The other side of the story is, that groups that do not need public support—like the tobacco industry, or the chemical companies—they have huge amounts of resources to lobby, and in many ways therefore have an unfair advantage in terms of people from the other point of view. So those are the two sides of that argument.

Answer. Yeah, like I said . . . in the speech, we have to support their cause, but I don't feel like—if I don't agree with what these youngsters are saying, I don't want to have my money going to support their lobbyists. Fine, the cause—I can't control that, but control the lobbyists.

RECOGNIZING THE HONORING IMMIGRANT AMERICANS DAY AWARD RECIPIENTS

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 29, 1996

Mr. MORAN. Mr. Speaker, today I have the distinct pleasure of recognizing the 1996 Honor Immigrant Americans Day Award recipients from the Eight Congressional District in Virginia. These citizens were honored last month in northern Virginia.

The first annual Honor Immigrant Americans Day Awards banquet was hosted by the Organization of Chinese Americans. Founded in 1973, the Organization of Chinese Americans is a national nonprofit, nonpartisan advocacy organization that promotes equal opportunity for all Asian Americans. This group works tirelessly to end prejudice toward Asian Americans and ignorance of their unique culture.

The purpose of this celebration was to recognize the outstanding contributions that immigrant Americans have made to northern Virginia. The following citizens were awarded the Corporate Award for their outstanding achievements in both the workplace and in the community at large: Ms. Nettie B. Garcia of Inova Health System, for her innovative approach to Inova Health Systems and active volunteerism in the Hispanic community over the past 18 years; Chong Ja Park, registered nurse, for her outstanding achievement in passing the Virginia State nursing boards within 1 year of immigrating to the United States and for her interpreting skills; Madeline Li, BTG software developer, for her success in achieving senior level developer status; Margaret Turek, BTG software engineer, for her rapid advancement to the level of senior director of technical resources.

The following citizens received at-large awards for outstanding lifelong achievement in the community: Andres Burgoa, for his work in the American Embassy in Bolivia and the Defense Contract Audit Agency; Toa Quang Do, for his distinguished career as an entrepreneur, consultant, and community volunteer; Alam Hammad, Ph.D., business administration, GWU, for his efforts as a political activist, work on numerous political campaigns, and participation in the community.

Mr. Speaker, it is my great pleasure to recognize these very distinguished immigrant American citizens. Their many accomplishments and contributions serve as an example of excellence to all Americans to strive to do better both in the workplace and in our communities. I extend my warmest congratulations and best wishes for the future to all of the 1996 Immigrant Americans Day Award recipients.

LAND CONVEYANCE

HON. J.D. HAYWORTH

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 29, 1996

Mr. HAYWORTH. Mr. Speaker, today I am introducing legislation to convey 40 acres of U.S. Forest Service controlled land in Apache County, AZ, to the Alpine Elementary School District.

This 40 acres is needed by the Alpine Elementary School District to construct school facilities and related playing fields. The U.S. Forest Service has the authority, under the Townsite Act of 1958, to sell this acreage to the school district because no private lands exist for purchase. The school district is very willing to purchase these lands, however, the prohibitive costs of $7,500 per acre prevents the district from buying the needed acreage.

Eight-five percent of Apache County is federally controlled land. As a result, school districts rely heavily on proceeds from timber harvesting. Unfortunately, with the continued success of extreme preservationist efforts to halt all logging in most Western States, the Alpine Elementary School District's revenues have fallen sharply. Without this conveyance, they would not be able to afford to construct any facilities after acquiring the land.

My legislation stipulates that the school district can only use this land for school facilities. In addition, the school district will bear the costs of performing a survey to determine the exact acreage and legal description of the property.

Mr. Speaker, I urge my colleagues to support this important legislation.

STATEMENT BY PEOPLES ACADEMY STUDENTS ON COSTS OF POST-SECONDARY EDUCATION

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 29, 1996

Mr. SANDERS. Mr. Speaker, for the benefit of my colleagues I would like to have printed in the RECORD this statement by Bethany Carpenter, a high school student from Brattleboro, VT. She was speaking at my recent town meeting on issues facing young people.

My name is Bethany Carpenter, and first of all I just want to say thanks for letting us come today.

"The children of today are the leaders of tomorrow." How many times has that phrase been stated in one form or another, it seems to carry no meaning anymore. But what a true statement it is. Sadly, this statement soon will not be truthful. Many of the leaders of tomorrow are losing the opportunity to become leaders due to the lack of support for a post-secondary education.

Over the past year, I have gone through the process of looking at colleges; choosing a select number to apply to; applying; waiting for responses; and most importantly, sending for financial aid. My top choice school is a small university in upstate New York specializing in theater arts and elementary education. Unfortunately, this school costs $24,000/year. Therefore, I am forced to choose between my top choice school, which will better prepare me for my future career, or a somewhat large college in Central Vermont, which will cost less but will not provide me with the specialized education that my top choice would. To me, this is the most disappointing part of my application procedures.

The total post-secondary enrollment in this country has been rising rapidly in the past years, while the federal support for post-secondary students has been decreasing. High school students have been feeling more pressure to continue their education beyond their twelve years due to the lack of availability of high-paying jobs for high school graduates. In today's high-paced world, those who have completed more years of schooling typically experience less unemployment than other workers.

In addition, workers' earnings are generally increased as their level of learning increases. In the latter half of the 1970's, the average male college graduate earned about 50% more than the average high school graduate. By 1994, the premium paid to males with college degrees had risen to 81%. Similarly, the average wage advantage of female college graduates over female high school graduates grew from about 41% to 77%. In 1994, the average earnings of male workers 18 years or older with a bachelor's degree was $46,278, compared to that of high school graduates was only $25,038. In the same year, the average earnings of female workers with a bachelor's degree was $26,482, while that of a high school graduate was only $14,995.

The increase in salaries for college graduates over the past 15-20 years shows the need for a post-secondary education in today's society. Federal support in the form of student aid reached a high in 1980, with 83% of aid awarded in federal funds. That support has dropped to 75% in 1993. The enrollment of post-secondary students increased from 8.6 million in 1970 to 12.1 million in 1980, and rose to approximately 15 million in 1993.

I have formatted a plan for tuition which will allow more students to attend college. The plan starts with the fact that the United States, in 1995, spent an estimated $269.6 billion for our national defense, while only spending an estimated $54.7 billion for education and training. This is less than one-fifth of the amount that is spent on the military, and this is a disgrace! In many countries, higher education is a right, not a privilege. For instance, a fundamental principle in Swedish higher education is that all students who need help to finance their studies should receive assistance from the central government. Can the United States say the same? If the United States government were to take $69.6 billion of the national defense budget and put the money towards the education and training of America's future, this would open up worlds of possibilities for students, who would otherwise have to forfeit their dream for college.

If the government would make more money available to pay for the tuitions of students in need, more students would be able to afford the other expenses of college. My plan includes setting a basic fee for all students attending college, no matter what year they are in college or the college that they are attending. By doing this, the amount of money paid by any student or family would be lowered, their application process for colleges would also need to be reviewed, and many colleges would need to reevaluate their expenses and costs. The individual state governments would then need to institute loan and grant programs for the students who would still need assistance paying the basic fee or living expenses while in college.

This plan would involve a major change in thinking and planning on the part of many people involved, but it is my hope that it will lead to a better, more fair educational system for future students. Therefore, it is with a mixture of hope and trepidation and a wish that you consider very carefully my original statement, that "the children of today are the leaders of tomorrow," but only if given the chances to achieve their goals. (Applause)

Congressman Sanders: Thank you. Bethany, that was an excellent and important statement. Let me ask you a question. You mentioned Sweden, and it's true, throughout Europe, and even in Canada, that the cost of higher education is much less because the government plays a much more active role. Why do you think that's so, that other countries in Europe and Scandinavia, do that—make college more affordable for young people—and we don't do that in the U.S.?

Answer. Many of the other countries that I researched don't spend as much on their military, and these programs and other things like that, and they focus more on the fact that their youth (and even adults who want to continue their education) need to do that, and that that's more important than trying to set up a good army. So they institute a lot more loan, grant and financial aid programs.

Congressman Sanders: So they have a very different set of priorities than we do, is what you're saying.

Answer. A much different set of priorities.

ED LAWLOR TO RETIRE AS NJ LEAGUE PRESIDENT AFTER 42 YEARS OF SERVICE

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 29, 1996

Mrs. ROUKEMA. Mr. Speaker, I rise to recognize Ed Lawlor, president of the New Jersey Savings and Loan League, on his retirement.

As chairwoman of the Subcommittee on Financial Institutions, it is with great pleasure but also a certain sense of loss that I congratulate Ed Lawlor on his retirement as head of the New Jersey Savings and Loan League.

Ed and the league have always been partners working for solutions as I've pushed for legislative solutions to the many challenges that have faced the thrift industry over the years. From Garn-St. German legislation in 1982 to the latest battle to recapitalize SAIF, I have worked closely with Ed and his relentless pursuit of good public policy has been invaluable.

As a battle-scarred veteran of the savings and loan debacle of the 1980's. I can say it was a relief to be able to turn to Ed for advice. Ed was a rare voice of reason and honesty in those tumultuous days. Let me say that through the darkest hours of the savings and loan industry, I have always been proud of the manner in which New Jersey institutions have conducted themselves. So many times New Jersey thrifts have been asked to foot the bill for those institutions in Texas, California, and Arkansas that caused the lion's share of the problems in the thrift industry.

One of Ed's greatest assets is his sense of perspective. We have here a man with more than four decades of service to New Jersey's thrift industry, 42 years to be precise. Ed's length of service has allowed him to see the broad picture and has put him in the position to gauge how this week's crisis or next week's will play in the long-term.

Most recently, Ed and I have worked together on legislation to recapitalize the Savings Association Insurance Fund and to shore up the FICO problem. I wish we had been successful in a resolution to this problem before his departure. But let me assure you that I will keep up the fight to see that we pass legislation that will once and for all ensure the continued profitability, safety, and soundness of the thrift industry.

Ed has been a trusted and reliable friend and confident. I thank him again for his support and the exceptional help he and the league gave me during his tenure as President. I wish only the best for Ed, his wife, Marion, their children and grandchildren.

PERSONAL EXPLANATION

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 29, 1996

Mr. POMEROY. Mr. Speaker, today, May 29, I was not present to record my votes on the Omnibus Civilian Science Authorization Act for fiscal year 1997 [H.R. 3322]. I was absent due to the arrival of my adopted son, Scott Kirby Pomeroy, from Korea.

I would like to emphasize that, had I been present, I would have strongly supported two important amendments: The Zimmer amendment to eliminate funding for the space station, and the Cramer amendment to reinstate the certification requirement for closing a National Weather Service office. I have submitted statements in support of these amendments that will appear at the appropriate point in the RECORD.

STATEMENT BY SARAH SNIDER AND STEPHANIE PETROLITO REGARDING POST-HIGH SCHOOL JOB TRAINING AND SCHOLARSHIP OPPORTUNITIES

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 29, 1996

Mr. SANDERS. Mr. Speaker, for the benefit of my colleagues I would like to have printed in the RECORD this statement by Sarah Snider and Stephanie Petrolito, high school students at the People's Academy in Vermont. They were speaking at my recent town meeting on issues facing young people.

(Alternated speaking):

We represent the U.S. History class at People's Academy in Morrisville.

As high school students, we worry every day about our post-secondary plans, such as college, a vocational or trade school, or perhaps even joining the workforce directly after graduation.

As a class we've done some research on the subject, as a result we have lots of questions. We have more questions than answers, because many of us have not been through the financial aid process. Our questions begin with average students, from average families in average American towns.

Most American students are average, who don't get straight A's, and who aren't necessarily gifted in athletics or the arts. This is especially true in other larger states, where student-teacher ratio's are higher, and less attention is given to the student as an individual, and their talents. Also, the majority of American families belong to the middle class, and are not particularly wealthy or incredibly poor.

A major part of financial aid is based on students' academic and extracurricular achievements, as well as their families' income. Many of these students have incredible potential that is not expressed in their high school transcripts. Most of the students in the class that I represent fall into this category. I know that I do. We'd like to know what can be done to insure that we receive a college education.

The idea of spending 20 years paying off a debt is very discouraging, and although we are told that it is worth the money, most students are hesitant. As average students in the middle class, what kind of scholarships or financial aids, if any, are available to us? Many students are left so discouraged at these prospects that they decide, instead of furthering their education, to join the workforce. Education is a right for every American student, not a privilege.

Congressman Sanders: That is an incredible presentation. You've raised a lot of very important questions. I certainly don't know all the answers. But if basically what you're saying—let's say you have a middle class family making $20 or $30 or $40,000/year, and it costs $20-30,000 for one year to send one kid to college. That equation doesn't make sense, right? You can't do it.

Answer. Right.

Congressman Sanders: Further, I think you've made the point that if you don't have a college education, you won't make it into the middle class. So let me throw it back to you. If you were sitting in my seat in Congress, what would you do?

Answer. I would probably be inclined to * * * have the government be more involved. Like, what the girl from Brattleboro said about other countries where the government is more involved in college, and it costs less. And I totally agree that's the way it should be in this country, and that the government should spend less money on the military.

Congressman Sanders: Okay, as it happens I agree with you. But what is the other argument that is being made? What do you hear a whole lot of about the government lately? What do some people say about the government? Have you heard much?

Answer. Not much.

Congressman Sanders: Does everybody agree with your point of view?

Answer. No, not everybody. A lot of people think * * * that there is enough financial aid out there, and that there are other things that we need to worry about also. * * * But I just think really that education is incredibly important, and everybody thinks that.

Congressman Sanders: And a lot of people think, in fact, that the government should play *less* of a role.

Answer. Right.

Congressman Sanders: There's a whole line of thought out there, in which probably a majority of members of Congress now believe in exact contradiction to what you're saying. They're saying the government should get out of the issue. That Americorps—you mentioned Americorps—there's an effort to defund Americorps completely, not put one penny into Americorps.

Answer. But these are the people who've already been through college, and are not worrying about it now. There are three children in my family, and there's no way unless we each get a job during college, and try to go to college and do extracurricular activities, that we're going to be able to go to college.

Congressman Sanders: I agree with you. But when you hear the discussion going on in Congress about the role of government, what they have advocated, if I'm not mistaken, is that government should play a strong role in assuring that the middle class is able to send their kids to college, okay? Okay. So * * * they are defining a role of government. Right now in Congress there are many who strongly disagree with what they are asserting. I happen to agree. Thank you very much for your excellent presentation.

WHITEWATER VERDICT

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 29, 1996

Mr. PACKARD. Mr. Speaker, yesterday's verdicts in the Whitewater trial is about more than just the Madison Savings and Loan. The investigation does not stand or fall on any one person, one transaction, or one trial. Whitewater is about the arrogance of power. It is about public officials using their office for personal gain and not telling the truth about it.

The White House is spinning the verdicts already, repeating the lead prosecutor's closing argument that the President was not on trial. Yet, the total vindication the White House claims is premature. At the very least, these indictments prove just how poor the President's judgment is. Since coming to office, one of his advisors has been sent to prison; two of his close friends and business partners were convicted yesterday; and the sitting Governor of Arkansas—the President's hand-picked successor to the governorship—was also convicted. The people the President chooses to surround himself by present yet another credibility problem.

Mr. Speaker, perhaps now we will get down to the bottom of the Clintons' involvement in the scandal. A new trial focusing on the financing of Governor Clinton's 1990 campaign will begin next month—and many questions remain unanswered ranging from Mrs. Clinton's billing record to alleged jobs-for-contributions trades in the 1990 Clinton campaign.

Americans must have faith in their elected officials. They must believe that those given the public's trust will use it for the public good; that those in power will not abuse this trust, cover up the abuse, and then interfere with the investigation.

The American people take this case seriously. It is time the Clintons did as well.

STATEMENT BY KELLEY WILLIAMS, RYAN DRISCOLL, AND PATRICK WEBSTER ON GUN CONTROL

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 29, 1996

Mr. SANDERS. Mr. Speaker, for the benefit of my colleagues I would like to have printed in the RECORD this statement by Kelley Williams, Ryan Driscoll, and Patrick Webster, high school students from Vermont. They were speaking at my recent town meeting on issues facing young people.

Patrick: Our topic was on gun control, and as Ryan's going to tell you, we have four specific things we think need to be improved on gun control.

Ryan: We think that Congress should increase regulations by: having a 6 month waiting period; no sales to persons under 25; there should be more safety features on guns; there should be required gun education programs.

(Dialogue with alternating speakers): If nothing's done about this rising problem, the ownership will continue to increase from the current estimated 150 million to 175 million firearms.

The ATF estimates that there are 52 million handguns circulating in the U.S., and 2 million more bought each year.

About 2 million handguns were manufactured in the U.S. in 1989.

It's estimated that 135,000 students each day now carry guns to school.

One out of six pediatricians have treated a young gunshot victim.

80% of homicide victims knew their killers as a relative or friend?

Of 12,000 men and women who have committed suicide, nearly 60% used handguns.

We've got some statistics that we're going to put on the overhead. The first one shows the amount of gun distribution and how much it's gone up from 1988–91, and it's still rising.

The second graph shows that guns are becoming more and more commonplace in today's society. This is from a school in Los Angeles, from students, showing: people carrying guns in the last 30 days, carrying guns to school in the past year, if they've shot a gun at someone, if they were shot in the past year, or if they know someone who has been killed or injured by gunfire.

The most important fact to us Vermonters: over 41% of gun accidents in Vermont involved handguns.

TRIBUTE TO ENRIQUETA "QUETA" JIMENEZ LA GRAN AMIGA DE AMIGOS DEL VALLE, INC.

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 29, 1996

Mr. ORTIZ. Mr. Speaker, I rise today to commend and pay tribute to Enriqueta "Queta" Jimenez, selected as La Gran Amiga by a local organization in my district, Amigos del Valle, Inc.

Queta Jimenez, "La Prieta Linda", was born in Salamanca, Guanajuato, Mexico. As a child her dream was to become a great singer. She went on to become one of Mexico's greatest artists in the fields of music and film.

At the age of 14, she made her debut at the Mariscala Theater. For her, this was the most important day of her career. Soon she began to appear daily at Garibaldi or the Plaza De Los Mariachis. It was here that she met Silvestre Vargas, director of the grand Mariachi Vargas, who gave her the first opportunity to sing with a musical group.

During this time she arranged her radio and television debut on Mexico's most popular stations, XEQ and XEW. A year later, while working in XEW, she succeeded in having her first radio and TV program. It is here that she met Lola Beltran, who not only became her best friend, but helped her make her first record. Her recordings rose to the top of the charts, and she became one of Mexico's most popular artists.

Today, she has recorded 40 albums, starred in 58 Mexican and United States films, and performed in 60 different countries. She has also given private performances for President John F. Kennedy, Prince Felipe of Spain, French Prime Minister Charles deGaulle, President Lyndon B. Johnson, and numerous Mexican Presidents. Though all her memories are fond, her two most cherished performances took place at the Metropolitan Opera House in New York City and the Hollywood Bowl in Los Angeles.

Through her hard work, she has become one of Mexico's most popular television personalities, starring in both dramatic and musical performances. In 1981, she hosted her own television special in Hollywood on the ABC network, titled "The International Show of La Prieta Linda." which was made for the Mexican-American population in the United States.

"La Prieta Linda's" success as an artist is recognized through the numerous awards bestowed on her in Mexico and abroad, including: Mexico's top singer of "Cancion Ranchera," three gold records in Hollywood, two Golden Globes for greatest performer of Latin music, three Aztec calendars which signify Mexico's singer of the year, and the Artist of the Year Award from Colombia.

Queta Jimenez "La Prieta Linda" has not only achieved her childhood dream of becoming a renowned artist, but has fulfilled her personal dreams of having a family. She is married to Paul Vieyra, a journalist with the Excelsior, the newspaper of Mexico City, and has three daughters whom she loves very much.

I would like to join Los Amigos del Valle, Inc. in recognizing Mrs. Enriqueta "Queta" Jimenez "La Prieta Linda." She has brought much artistic enjoyment to south Texas through her influence in attracting other world-renowned Mexican entertainers such as Mr. Lalo Gonzalez "Piporro," Mrs. Maria Victoria, Mrs. Lucha Moreno, Mr. Jose Juan, the unforgettable and beloved Mr. David Reynoso "El Mayor," and Mrs. Lola Beltran "Lola La Grande."

I ask my colleagues to join me in extending congratulations to Enriqueta "Queta" Jimenez for being honored with the special recognition.

BEST WISHES TO LAURA SCHLOSS

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 29, 1996

Mr. OBERSTAR. Mr. Speaker, on June 5, 1996, Laura Schloss, staff assistant on the Democratic staff of the Committee on Transportation and Infrastructure, will be leaving the committee to pursue the study of law.

Although Laura has been with the committee only a short time, she has gained the respect and admiration of all. Things can get hectic in the front office of the largest legislative committee in the House, and Laura's contributions and organization skills have helped to make a difference.

Laura joined the committee staff after having served a 6-month stint with the office of then-Congressman Norman Y. Mineta. There, she assisted with mail operations, including the composition of constituent response letters, answered telephones, and provided help where needed.

Laura is a 1994 honors graduate of Princeton University, where she majored in political science. She is also an avid runner, having recently been a member of the Enclave, a Reebok-sponsored team.

On behalf of the Democratic members and staff of the Committee on Transportation and Infrastructure, I want to recognize Laura and offer our heartfelt gratitude for her service on the committee and to wish her well in her future endeavors.

FLOOD CONTROL STRATEGY FOR THE GREENBRIER BASIN

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 29, 1996

Mr. RAHALL. Mr. Speaker, the time for study is over. We must move now, today, with a flood control strategy for the Greenbrier River Basin. Moreover, we must move forward with a plan that is realistically achievable. A plan that does not divide the affected communities. One that is economically viable in light of the tight budgets the Federal, State, and local governments face.

Today I am proposing a flood control strategy for the Greenbrier Basin that includes both structural and nonstructural elements. This strategy does not include the construction of a main-stem dam on the river. Frankly, such a project would be difficult, if not impossible, to obtain an authorization for by the Congress.

Instead, I am proposing a strategy that is similar to what we have put into place along the Tug Fork River in southern West Virginia. The structural elements include the construction of floodwalls where necessary. The nonstructural elements include floodplain management strategies such as floodproofing and floodplain evacuations where absolutely necessary.

In formulating this approach, I have consulted with the U.S. Army Corps of Engineers, which has raised no objections, as well as with local officials. They, as I, agree that the most feasible, the most readily achievable, flood protection strategy for the Greenbrier Basin must be pursued. Toward this end, I will be seeking the necessary authorization from the Congress for this initiative.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, May 30, 1996, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 4

10:00 a.m.
Foreign Relations
To hold hearings on United Nations world conferences.
SD–419

Judiciary
To hold hearings on S. 1237, to revise certain provisions of law relating to child pornography.
SD–226

JUNE 5

9:30 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine proposals to reform the Commodity Exchange Act.
SR–328A

Governmental Affairs
Permanent Subcommittee on Investigations
To resume hearings to examine the security status of American informations systems.
SD–342

10:00 a.m.
Small Business
To hold oversight hearings on the implementation of the small business agenda.
SR–428A

JUNE 6

2:00 p.m.
Energy and Natural Resources
Parks, Historic Preservation and Recreation Subcommittee
To hold hearings on S. 1703, to revitalize and expand the scope of operations of the National Park Foundation to assist in the preservation of America's national parks.
SD–366

JUNE 11

9:30 a.m.
Indian Affairs
To hold oversight hearings on the implementation of the Indian Trust Fund Management Reform Act of 1994, and on Indian trust funds management by the Department of the Interior.
SR–485

JUNE 12

9:30 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD–366

JUNE 13

2:00 p.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1997 for the White House Office of National Drug Control Policy.
SD–192

JUNE 14

10:00 a.m.
Appropriations
Legislative Branch Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1997 for the General Accounting Office, and the Architect of the Capitol.
S–128, Capitol

JUNE 18

9:30 a.m.
Agriculture, Nutrition, and Forestry
Research, Nutrition, and General Legislation Subcommittee
To hold hearings to review a report to the Department of Agriculture by the Advisory Committee on Agricultural Concentration, and to examine other livestock industry issues.
SR–328A

JUNE 21

10:00 a.m.
Appropriations
Legislative Branch Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1997 for the Secretary of the Senate, the Sergeant At Arms, and the Government Printing Office.
S–128, Capitol

JUNE 25

9:30 a.m.
Energy and Natural Resources
To hold hearings on S. 1804, to make technical and other changes to the laws dealing with the territories and freely associated States of the United States, on a proposed amendment relating to Bikini and Enewetak medical care, and to hold oversight hearings on the law enforcement initiative in the Commonwealth of the Northern Mariana Islands.
SD–366

10:00 a.m.
Appropriations
Legislative Branch Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1997 for the Library of Congress.
S–128, Capitol

JUNE 26

9:30 a.m.
Indian Affairs
To hold hearings on proposals to reform the Indian Child Welfare Act.
SR–485

SEPTEMBER 17

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the American Legion.
334 Cannon Building

HOUSE OF REPRESENTATIVES—*Thursday, May 30, 1996*

The House met at 10 a.m.

The Reverend Brewster Y. Beach, vicar emeritus, St. Peter's Episcopal Church-Lithgow, Millbrook, NY, offered the following prayer:

O Lord our Governor, whose glory is in all the world, we commend to Thy merciful care the women, men, and children of every land whom Thou hast created, that seeking Thy guidance they may dwell secure in Thy peace. We pray especially this day for those to whom have been given the ordering of our common affairs in this our land. Fill them with the love of truth and righteousness and make them ever mindful of their calling to serve this people in Thy fear and devotion. In the time of prosperity, fill our hearts with thankfulness, and in the day of trouble, suffer not our trust in Thee to fail. All which we ask in Thy name and for Thy sake. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. WISE. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. WISE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 325, nays 66, answered "present" 1, not voting 41, as follows:

[Roll No. 199]

YEAS—325

Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Brewster
Browder
Brownback
Bryant (TN)
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chabot
Chambliss
Chenoweth
Clayton
Clement
Clinger
Coble
Coburn
Collins (GA)
Collins (MI)
Combest
Condit
Conyers
Cooley
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
Deal
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Evans
Ewing
Farr
Fawell
Fields (TX)
Flake
Flanagan
Foley
Forbes
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Geren
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Greenwood
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson (SD)
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaHood
Lantos
Largent
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas
Luther
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy
McCollum
McCrery
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
Meehan
Meek
Metcalf
Meyers
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Montgomery
Moorhead
Morella
Murtha
Myers
Myrick
Nadler
Neumann
Ney
Norwood
Nussle
Obey
Ortiz
Orton
Owens
Oxley
Packard
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (MN)
Petri
Pombo
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roybal-Allard
Royce
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Upton
Velazquez
Vucanovich
Walker
Walsh
Wamp
Ward
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
White
Wicker
Wise
Woolsey
Young (AK)
Young (FL)
Zeliff

NAYS—66

Abercrombie
Becerra
Borski
Brown (CA)
Brown (FL)
Brown (OH)
Bunn
Chapman
Chrysler
Clay
Clyburn
Collins (IL)
Costello
DeFazio
Dingell
Durbin
English
Ensign
Everett
Fazio
Filner
Fox
Funderburk
Gephardt
Gillmor
Gutierrez
Gutknecht
Hefley
Hefner
Heineman
Hilleary
Hilliard
Hinchey
Jacobs
Johnson, E. B.
LaFalce
Latham
Levin
Lewis (GA)
Longley
Maloney
Martini
McDermott
McNulty
Menendez
Neal
Oberstar
Pallone
Pickett
Roemer
Rush
Sabo
Schroeder
Slaughter
Stockman
Taylor (MS)
Thompson
Torkildsen
Vento
Visclosky
Volkmer
Weller
Whitfield
Wolf
Yates
Zimmer

ANSWERED "PRESENT"—1

Harman

NOT VOTING—41

Beilenson
Boucher
Bryant (TX)
Christensen
Coleman
Cummings
de la Garza
Dornan
Engel
Eshoo
Fattah
Fields (LA)
Foglietta
Ford
Gibbons
Gilchrest
Greene (UT)
Hayes
Herger
Houghton
Jefferson
Kennelly
Lincoln
Livingston
McDade
Molinari
Mollohan
Moran
Nethercutt
Olver
Peterson (FL)
Pomeroy
Roukema
Smith (TX)
Stark
Tejeda
Tiahrt
Waters
Williams
Wilson
Wynn

☐ 1023

So the Journal was approved.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. POMEROY. Mr. Speaker, today, May 30, I was not present to record my votes on rollcall votes No. 199 and No. 200. I was unavoidably absent due to the arrival yesterday of my adopted son, Scott Kirby Pomeroy, from Korea.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from North Carolina [Mrs. CLAYTON] come forward and lead the House in the Pledge of Allegiance.

Mrs. CLAYTON led the Pledge of Allegiance as follows:

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOME TO THE REVEREND BREWSTER BEACH

(Mrs. KELLY asked and was given permission to address the House for 1 minute.)

Mrs. KELLY. Mr. Speaker, on behalf of the U.S. House of Representatives, I am delighted to welcome Rev. Brewster Beach to the Halls of Congress and recognize him for delivering that inspirational opening prayer.

Reverend Beach has recently retired from St. Peter's Episcopal Church of Lithgow where his devotion and dedication helped the church grow considerably. Over the years, Reverend Beach started a Sunday School, formed a choir, expanded the church hall, and almost doubled the size of the parish. He is well known throughout the Hudson Valley and into New York City, not only as a minister but as a psychotherapist.

I would like to thank former Congressman Hamilton Fish for arranging to have Reverend Beach lead us in our opening prayer. We are all honored that he traveled all the way from Millbrook, NY, to join us today. Thank you again, Rev. Brewster Beach.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, May 30, 1996.

Hon. NEWT GINGRICH,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: I have the honor to transmit herewith a copy of the unofficial election returns received from the Honorable Phil Keisling, Secretary of State, State of Oregon, indicating that, according to the incomplete results of the Special Election held on May 21, 1996, the Honorable Earl Blumenauer was elected to the office of Representative in Congress, from the Third Congressional District, State of Oregon.

With warm regards,

ROBIN H. CARLE.

STATE OF OREGON,
Salem, OR, May 22, 1996.

Hon. ROBIN H. CARLE,
Clerk, House of Representatives, The Capitol, Washington, DC.

DEAR ROBIN: Pursuant to your request, I am faxing to you the unofficial returns for the Special Election for Representative in Congress in the Third Congressional District as obtained from the Multnomah and Clackamas County Elections. I must emphasize the fact that these returns cannot be considered official since, pursuant to Oregon law, the official returns are not due to the Secretary of States' Office, Elections Division until June 10, 1996. Also, the Elections Division has until June 20, 1996 to canvass the votes and certify the election results. This notification, therefore, cannot be construed as an official certification as required by ORS 254.545 of the Oregon Election Laws.

On May 21, 1996, a special election was held to elect a U.S. Representative to Oregon's Third Congressional District, for a term ending in January, 1997. The incomplete results, as of 12:00 noon May 22, as reported by Multnomah County and Clackamas County, were as follows: (see page 2)

Sincerely,

PHIL KEISLING,
Secretary of State.

U.S. REPRESENTATIVE, THIRD DISTRICT, "INCOMPLETE RESULTS"

	Multnomah	Clackamas
Blumenauer, 50,125 equal	46,135	3,990
Brunelle, 17,085 equal	14,725	2,360
Keating, 2,916 equal	2,703	213
Guillebeau, 1,604 equal	1,501	103

Absentees still to be counted as of 12:00 noon, May 22, 1996:

Multnomah Co. estimated to count	22,500
Clackamas Co. estimated to count	4,000
Total	26,500

Final Certification of the election, as required under Oregon law, must occur no later than June 20, 1996.

SWEARING IN OF THE HONORABLE EARL BLUMENAUER, OF OREGON, AS A MEMBER OF THE HOUSE

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that the gentleman from Oregon, Mr. EARL BLUMENAUER, be permitted to take the oath of office today. His certificate of election has not arrived, but there is no contest, and no question has been raised with regard to his election.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The SPEAKER. Will the Member-elect and the Oregon delegation present themselves.

Mr. BLUMENAUER appeared at the bar of the House and took the oath of office, as follows:

> Do you solemnly swear that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion, and that you will well and faithfully discharge the duties of the office on which you are about to enter. So help you God.

The SPEAKER. Congratulations, you are a Member of the Congress of the United States.

WELCOMING THE HONORABLE EARL BLUMENAUER TO THE HOUSE OF REPRESENTATIVES

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute.)

Mr. DEFAZIO. Mr. Speaker, I would first yield to the Honorable RICHARD GEPHARDT, the minority leader.

Mr. GEPHARDT. I thank the gentleman for yielding.

Mr. Speaker, it gives me great pleasure to join all of my colleagues—Democrats and Republicans alike—as we welcome the newest Member of the U.S. House of Representatives, EARL BLUMENAUER of Portland, OR.

As we all know, EARL comes to Congress with big shoes to fill. He's following in the footsteps of our former colleague, RON WYDEN, now the junior Senator from Oregon. For 15 years, RON devoted himself to the people of Portland. His service and effectiveness will certainly be missed in the people's House.

But I think the people of the Third District of Oregon have chosen a remarkable replacement in EARL BLUMENAUER—for they have chosen a man who has spent his entire life building his community, and bringing Portland's common sense to Portland's problems.

EARL had a passion for public policy at a very young age, testifying before Congress while he was still a college student. And after finishing school and working briefly in education, EARL became the youngest person ever elected to the Oregon Legislature, at 23 years old.

After three terms in his State's legislature, two as county commissioner, and three more on Portland's City Council, EARL has shown that his dedication to local solutions could have a national impact.

He's already recognized as a leader on urban environment and transportation policies. He's been a champion of reasonable, thoughtful land use; aggressive recycling; and the kind of light rail that has worked so well throughout the Portland region.

No wonder EARL won the support of prominent Republicans as well as Democrats in his election bid.

So I'm delighted to welcome him to Congress—to serve the people of Portland, and all Americans. I expect that his vision and values will contribute a great deal to our debates, and to the Nation's problems.

☐ 1030

Mr. DEFAZIO. Mr. Speaker, reclaiming my time, I thank the minority leader, and I am very pleased myself to have the honor of welcoming the gentleman from Oregon, EARL BLUMENAUER, as the newest Member of the U.S. House of Representatives and the Oregon delegation.

I have to say, in all honesty, I cannot think of a more highly qualified person to represent Oregon as a new Member in this body. He has a lengthy history of public service: He served in the Oregon Legislature, the Oregon Community College Board; he was a Multnomah County Commissioner at the same time I was a Lane County Commissioner, a tremendous experience and training to become a Member of Congress, to bring that local orientation with him; and he was on the Portland City Council.

Throughout his 24 years of elected office, perhaps the thing he is best known for is he is a worker, a hard worker. In each position that he has held of public trust he has not only done the job that has been asked of him, he as taken on a leadership role, rolled up his sleeves and helped develop creative and workable solutions to problems at every level of government. He has not risen through the ranks of government by resting on his laurels on his past record; he is constantly working, learning, serving, and doing better.

I know he will continue that commitment here in Congress, and I look forward to having his skill, knowledge, and energy to call upon and utilize as we work to do the people's business for the citizens of Oregon and our Nation.

Ms. FURSE. Mr. Speaker, will the gentleman yield?

Mr. DEFAZIO. I yield to the gentlewoman from Oregon.

Ms. FURSE. Mr. Speaker, I, too, am extraordinarily excited and happy that we are being joined by a great new Member from Oregon.

I think I would just like to say that to me the gentleman from Oregon, EARL BLUMENAUER, has the perfect background for being a Member of Congress, because he has been an activist. He has been an activist in our community and he has been a public servant. And it seems to me there is not a part of Oregon that does not in some way have that gentleman's fingerprints upon it. Whether it is the livability of our cities, whether it is recycling or transportation, he has been there and he has done the hard work.

He has shaped, I think, the present of the most livable city in this country, Portland, OR, and has shaped the future of that city, and I know that he will work to shape the future for not just Oregon but for the United States as he works with us in this prestigious body, and I welcome him to this delegation and to this House, the people's House.

Mr. BLUMENAUER. Mr. Speaker, will the gentleman yield?

Mr. DEFAZIO. I yield to the gentleman from Oregon.

Mr. BLUMENAUER. Mr. Speaker, I thank my colleagues for their kind words. I am honored to be able to join my colleagues and looking forward to working with them in advancing the tradition of the House.

I am greatly appreciative of the help of Representative DEFAZIO, Representative FURSE, Senator HATFIELD, and Senator WYDEN, and others from the Oregon delegation in terms of making the transaction work for me, and I am looking forward to working with all my colleagues to protect the environment and leave this country a little better for our children.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. CHAMBLISS). There will be 10 1-minutes on each side.

THE PRESIDENT ON WELFARE REFORM

(Mr. CHABOT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHABOT. Mr. Speaker, here is a quote from Tuesday's Washington Times editorial on welfare reform:

> Knowing the salience that welfare reform has with the electorate, the President desperately wants to be seen as leading the reform effort that he has actually been sabotaging.

The Times is right. Bill Clinton campaigned on a promise to, remember, end welfare as we know it. Of course he vetoed welfare reform twice. Bill Clinton has also dragged his feet on granting waivers to the States that would allow them to fix the welfare mess in those States. The White House has denied waivers to Illinois and Massachusetts and Wyoming. Those States waited up to 20 months to be notified of their denial. Just ridiculous.

The States should not have to crawl to Washington on bended knee to get permission to do the right thing for their own people.

When it comes to reforming welfare, despite talk about the end of the era of big government, Bill Clinton apparently still believes that big government knows best.

SENIORS, BEWARE OF PROPOSED CHANGES IN HEALTH CARE

(Mr. PALLONE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PALLONE. Mr. Speaker, the Republican leadership budget is being negotiated now between the two houses and we may have a motion to go to conference within the next day or so. I just wanted to point out once again that this budget essentially cuts Medicare and Medicaid in order to provide tax breaks for the wealthiest of Americans.

It is the same old thing that we had last year in 1995. Once again Medicare and Medicaid are on the chopping block and seniors are going to be given less choices and they will be pushed into managed care, which means they will not have the choice of doctors or in many cases even the choice of hospitals. And once again they are going to have to pay more, because the balanced billing provisions, the protections that exist right now that do not allow doctors to charge more or significantly more than 15 percent to their Medicare patients will be out the window.

If you stay in the traditional fee-for-service system where you have your own choice of doctor or your own choice of hospital, you could be charged extra, really unlimited amounts, under the provisions that the Republican leadership have placed into this budget.

Also, what they are doing with the medical savings accounts is they are making it so that seniors who opt for a medical savings account, which is a catastrophic policy essentially, will not have the guarantee of most of the Medicare benefits. For the first time in the history of the Medicare program, some senior citizens will have the guarantee of all their Medicare benefits and others will not because they opt for catastrophic coverage and will not necessarily know what they are getting into.

So beware, seniors, of what the Republicans are doing in this budget.

NOW TO ACHIEVE GENUINE WELFARE REFORM

(Mr. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYWORTH. Mr. Speaker, some things are totally predictable in this Chamber and nationwide. Just as the swallows return to Capistrano and the buzzards go back to Hinckley, so, too, does my good friend from New Jersey come to the well day after day with what I will diplomatically call deliberate disinformation, what the media has called Mediscare.

Here we have it once again. We have gotten the same thing from the other end of Pennsylvania Avenue. Again, the President says he want to end welfare as we know it. Well, perhaps the President and some of my friends on this side of the aisle need to have a little refresher course because, Mr. Speaker, we live in the United States of America, not the centralized bureaucracy of America.

The first meaningful step toward genuine welfare reform is to give the States the true flexibility to solve problems, not with Washington having the States coming on bended knee to ask for waivers, not with a centralized bureaucracy. Mr. Speaker, it is time to replace the counterfeit compassion of Uncle Sam and big brother with a genuine compassion of local people solving local problems.

REPUBLICAN CUTS IN MEDICARE AND MEDICAID WILL CLOSE HOSPITALS

(Mr. VOLKMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VOLKMER. Mr. Speaker, the radical right of the Republicans under Speaker GINGRICH are at it again. Last year the Democrats and the minority brought to the attention of the people of this country that the radical Republicans under Speaker GINGRICH were going to cut, under their budget and under their Balanced Budget Act, Medicare and Medicaid. They were going to make senior citizens pay more for it. They were going to close hospitals before that bill ended this 4, 5, 6, and 7 years, hospitals all across this Nation.

Well, we, as the minority, along with the President, by vetoing the legislation, we stopped that. Well, guess what, folks? Look at this year's budget by the Republicans again. They are at it again.

I will have, if that comes true, I will have at least four hospitals in my district that will have to be closed. That ends medical care not only for the elderly but for everybody else. I will have senior citizens that have to pay more.

I want to tell the gentleman from Arizona that spoke before, why does he want to cut Medicare and Medicaid?

PRESIDENT CLINTON HAS BECOME THE "MAYBE MAN"

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, President Clinton has become the maybe man. Maybe he will end welfare as we know it, and maybe he will not. Maybe he will sign the waiver for Wisconsin's welfare reforms and maybe he will not.

Should we trust what Clinton says or should we judge Clinton by what he does: Delay, waffle, and when inaction is not an option, veto.

The President has vetoed national welfare reform not once but twice. Congress has introduced new welfare reforms based on the unanimous recommendations of the National Governors' Association. These reforms have tough work requirements, have real time limits and end Washington's grip on the power, money and influence to block innovative reforms by the States.

Considering welfare reform and President Clinton, will the third time prove the charm or will the President strike out?

REPUBLICANS STILL RELYING ON MEDICARE CUTS TO PAY FOR TAX BREAKS

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Speaker, the Republican majority is still relying on Medicare cuts to pay for its tax breaks and its special deals for its friends. They have wisely come down from their demands of last year in cutting Medicare $270 billion and last year they offered a $245 billion tax break.

Their plan now for the next 6 years still contains Medicare cuts. These cuts would allow health care plans to charge seniors substantially more and reduce the seniors' choice of health care plans by pushing more seniors into managed care. Costs for seniors in the traditional Medicare would increase.

We need to reform Medicare but the Republicans take too much bite out of the apple. We need to reform the program by investing more into the waste, fraud and abuse investigations. Nearly $40 million has been recouped by the Medicare trust fund because of actions of this administration.

We need to fully fund waste, fraud and abuse investigations and reform the trust fund along the lines recommended by the trustees. We do not need to cut Medicare just to pay for tax breaks.

TRIBUTE TO CHARLOTTE FULLER CLONTS

(Mr. BARR of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARR of Georgia. Mr. Speaker, one of the most wonderful things about our community is that so many of its citizens give to the community despite their own challenges. Charlotte Fuller Clonts is one of those special citizens. Though she faces tough personal battles, Charlotte constantly and selflessly gives of herself to her community.

Charlotte resides in the Ridge Road community with her loving husband of 45 years and is well-known throughout Paulding County for her tireless efforts for the Veterans Memorial.

Since July 1995, Charlotte has served as publicity chairwoman for the memorial fund. Working bedridden much of the time, gathering information and writing during countless sleepless nights, Charlotte has helped to raise over $50,000 to construct the memorial in record time.

She was recognized for her hard work just a few years ago when she was named "Citizen of the Year." Charlotte has been involved in many other organizations as well, including: the Paulding County Chamber of Commerce, the Paulding County Planning Commission, the Paulding County Division March of Dimes, and many others. On behalf of Paulding County and the entire seventh district, I thank Charlotte for her loyalty to our community and to our country, and commend her to us all as an outstanding community citizen.

GINGRICH-LED CONGRESS STILL DESIROUS OF CUTTING MEDICARE TO FUND TAX BREAKS

(Mr. DOGGETT asked and was given permission to address the House for 1 minute.)

Mr. DOGGETT. Mr. Speaker, our fellow citizens know this Gingrich Congress by its deeds, and first among these is its continuing desire to cut Medicare in order to fund the tax breaks for our most wealthy citizens.

We saw a great deal of that last year as they proposed cuts of $270 billion in a pay more, get less Medicare plan. And this year they have not given up on that determination, as the Speaker says, to let Medicare wither on the vine. They have just regrouped and are coming at it from another angle.

☐ 1045

They have taken it step by step. Since it is an election year, they want to provide the tax break this year, hand out candy before the election, and next year come back with the full dimension of the Medicare cuts that will be necessary to pay for these election eve political tax breaks for the wealthy. The good indication that they still have their plan to cut Medicare on track is the budget resolution we have up tomorrow as they propose to have seniors pay for bills that they get from doctors above what Medicare pays.

THE PRESIDENT AND WELFARE

(Mr. LEWIS of Kentucky asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Kentucky. Mr. Speaker, you will remember that during his Presidential campaign, Bill Clinton promised to end welfare as we know it. But when he was elected, he vetoed welfare reform twice.

Mr. Speaker, Republicans take a different view. We do not view welfare as a political football. We want to give the States greater flexibility. We want tough work requirements. We want a 5-year limit on benefits. We want to lift people out of poverty and despair.

There is a huge difference between Bill Clinton's view on welfare reform and the Republican view of welfare reform. Bill Clinton wants to demagog. He wants to protect Washington bureaucracy and Washington spending.

Republicans want to actually keep our promises and actually do something to make a difference in the lives of those caught in the grasp of the welfare state.

Mr. Speaker, we can only hope that Bill Clinton will honor his word and help us reform welfare.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. CHAMBLISS). The Chair would remind the Member not to refer to the President in personal terms.

IMPACT ON AGRICULTURE OF UNION PACIFIC-SOUTHERN PACIFIC MERGER

(Mr. STENHOLM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STENHOLM. Mr. Speaker. I rise to express my deep concern regarding the proposed merger between the Union Pacific and Southern Pacific Railroads which is under consideration by the Surface Transportation Board.

If approved, this merger would be the largest rail merger in the history of the United States. It will result in only two railroads controlling the entire western half of the Nation. This massive consolidation of rail transportation could hurt competition in the rail industry, and ultimately, hurt farmers, ranchers, and shippers in the agriculture industry.

It is no secret that rail service is critical to the economic well-being of this Nation's agricultural and rural economies. Nearly half of all grain produced in the United States moves to market by rail. In fact, in 1995, grain, grain mill products, and other farm products accounted for more than 2.14 million rail loadings.

The very survival of farmers and ranchers depends on their ability to ship commodities at a competitive price and in a timely fashion. Access to reliable, cost-effective rail transportation is the only way they can remain competitive in markets here and overseas. With this proposed merger, they may not have that critical access.

With this merger, competition for rail transportation of agricultural products will be eliminated in some areas. With reduced competitive transportation options, agricultural shippers could be faced with higher rates and prices for rail services.

Farmers and local shippers in many rural areas will become captive customers, totally dependent on only one carrier to supply grain cars and ship to distant markets.

The proposed merger seems to be on a dangerous fast track. As the Surface Transportation Board considers this merger, we must urge them to consider all alternatives to monopoly and duoploy.

CHILDREN NEED PARENTS, NOT GOVERNMENT EXPERTS

(Mr. LARGENT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LARGENT. Mr. Speaker, in the next few days, we will be hearing a lot about the plight of children. The Stand for Children rally, scheduled for Saturday, will urge government to do more for children. The best protectors of children, the event organizers claim, are government bureaucrats and children's advocates.

I disagree. The best advocates for children today—and the most unappreciated—are moms and dads standing together for their children. The best thing we could do as a society and for children is not pour more money into marginal programs, but affirm and support families and parents.

H.R. 1946, the Parental Rights and Responsibilities Act, promotes the idea that family is key to providing for children. Parents are in the best position to protect and provide for their children. And the PRRA protects families from the harmful actions of government bureaucrats.

If the actions of the East Stroudsburg, PA, school officials who conducted genital exams on 11-year-old girls, without informing the girls or receiving explicit parental approval, is any indication of what it means to stand for children, Congress should quickly vote on and pass the PRRA. Because when it comes to children, what they need are moms and dads—not government experts.

TEENAGE PREGNANCY PREVENTION MONTH

(Mrs. CLAYTON asked and was given permission to address the House for 1 minute.)

Mrs. CLAYTON. Mr. Speaker, both President Clinton and Governor Hunt of my State have declared May as Teenager Pregnancy Prevention Month.

Many are observing National Teen Pregnancy Prevention Month because it has been shown that many more teenagers become pregnant during May than in any other month.

This is attributed to the many special events that occur in May such as proms, graduations, field trips, and other social outings.

The goal of teen pregnancy prevention efforts should be to assist teens to achieve social responsibility and long-term economic self-sufficiency.

To achieve this goal we must have a combined effort between the public and the private sectors.

Teen Pregnancy Prevention Month provides an opportunity to recognize existing teen pregnancy prevention programs.

Over the days and weeks to follow, I will share with our colleagues information about a variety of teenage pregnancy prevention programs that are underway.

It is time for all of us to join in this effort.

SPENDING ON CHILD CARE

(Ms. DUNN of Washington asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DUNN of Washington. Mr. Speaker, last week the White House rapid response team got another one wrong. Clinton adviser George Stephanopolous actually said that the administration opposed the Republican bill in Congress because it cuts too deeply into child care. "We've been willing to have flexibility," he said, "but we cannot agree to cuts in child care."

Mr. Speaker, are Republicans cutting child care? Well, to borrow a phrase from John McLaughlin: wrong. Let us talk reality. The current Republican welfare plan based on the bipartisan Governors' proposal calls for $4.5 billion more in mandatory and discretionary child care spending than the Clinton plan.

Here is the bottom line, Mr. Speaker: Republicans provide more funding for child care in our welfare plan than does the President in his, and making up excuses to oppose welfare reform does not help a single child escape the welfare trap and does not provide a single mother the help she needs to find a job.

President Clinton is in dire need of sensitivity training for hiring a pollster who also is employed by an accused rapist.

Mr. Speaker, while we are signing up Clinton administration officials in classes, someone should enroll George in remedial math.

WELFARE REFORM PLAN IS NOT BIPARTISAN

(Mr. CARDIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARDIN. Mr. Speaker, let me point out that the statement of the last speaker is just wrong. This is not a bipartisan proposal that is being brought up on Medicaid and welfare. The Democratic Governors have pointed out, although they worked very hard with Republican Governors to come out with a fair compromise on the subject of Medicaid and welfare, the proposal that the Republicans are bringing forward is not that compromise.

Mr. Speaker, once again we find the Republicans trying to bring out a Presidential veto rather than getting anything done. At least we had the Democratic Governors and the Republican Governors working together, a lesson that we should learn here of working together. But instead, the Republican leadership is bringing out their bill, not the bipartisan bill.

Mr. Speaker, I regret that, because I think we had an opportunity to get something done. But, obviously, the Republican leadership does not want that to happen.

CHANGE WELFARE AS WE KNOW IT

(Mr. SMITH of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Michigan. Mr. Speaker, look, most of the American people know that our welfare programs are not working. They have been successful in transferring money, and in the process they have taken away the self-respect, in many cases they have taken away the eagerness for those individuals to get up every morning and go to work and be a contributor to society.

Mr. Speaker, can we imagine any American family going to their young teenage daughter and saying, "I want to talk to you about individual responsibility and pregnancy"; and then they say, "If you get pregnant, we are going to increase your allowance by $500 a month, give you a separate place to live, and give you a food allowance"?

We would never do that as individual families, yet our society does that. It has got to change. My Governor, John Engler, has come to this administration for waivers. Governor Thompson of Wisconsin has come in for waivers. Let us change welfare as we know it.

SENIORS TARGETED BY REPUBLICAN MEDICARE PLAN

(Ms. McKINNEY asked and was given permission to address the House for 1 minute.)

Ms. McKINNEY. Mr. Speaker, Medicare protections against the extra-billing of seniors are the latest target of Republican leaders. As it stands now, health care providers are not allowed to extra-bill seniors for services paid for by Medicare. Under the Republicans' latest Medicare proposal, however, seniors would become sitting ducks for unscrupulous providers who want to make a fast buck by extra-billing the sick elderly.

At the same time, Mr. Speaker, Republican leaders are perfectly happy to let gluttonous defense contractors overbill the American taxpayer. Rather than clamping down on military contractors' overbilling the U.S. taxpayer, they will get an extra $12.4 billion, thanks to the Republicans.

Under a Republican-controlled Congress, defense contractors and the health care industry have free reign to give our seniors and taxpayers a B-2-sized wedgie with NEWT's blessing.

WELFARE SYSTEM NEEDS GREATER FLEXIBILITY

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, let me tell my colleagues about Sue and Sally Jones; real people, fake names. Sue is 18 years old. She has a baby. Her sister, Sally, is 15 years old. She does not have any children. She is in the 8th grade; should be in the 10th grade. Sue is a 10th grader who should be a senior.

Mr. Speaker, they do not live with their biological dad, because he was killed when they were toddlers. They live their biological mother's common-law husband, but the biological mother does not live at home anymore because she is a crack addict. One day she threw ash in her live-in husband's eyes, and he is disabled and cannot work.

They have a brother but not by the same biological father. He is in jail. This is a real family, but the caseworker in Savannah tells me that he thinks he can get both of these ladies off of the Government's welfare system and into the socioeconomic mainstream; but he needs flexibility.

Mr. Speaker, right now in our rigid, Washington-dictated welfare system one person has to work on their child care needs, one on the food needs, and one on the health care needs. Somebody else has to work on transportation, someone else on education.

Mr. Speaker, I tell my colleagues, these girls cannot get out of the poverty trap with a system like this. They need flexibility. The caseworker needs flexibility, and that is why we need to support Medicaid and welfare State grants.

CONGRESS SHOULD CELEBRATE OLDER AMERICANS MONTH

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, shame on us. This is the end of Older Americans Month, and here we are again, throwing them to the wolves.

First of all, we are telling many of our older Americans who live in rural communities that with the Republican extreme Medicare plan, they are going to see some of their more familiar hospital sites closed.

Oh, yes, Mr. Speaker, I received a letter from those individuals who would suggest that we do not have the facts. I am saddened to say that that individual who wrote a letter to my office did not have the courage to write a return address for us to be able to reply with the facts.

Yes, Mr. Speaker, rural hospitals will close under the extremist Republican Medicare plan. And, yes, many of our seniors who have gotten familiar with their own physicians, have a relationship with them, will be pushed into managed care.

Mr. Speaker, do my colleagues know about managed care? That is the kind of care that says we can only have 15 minutes with our doctor. That is the kind of care that says: I do not know if I can refer to you a specialist; it may cost too much.

We need to be able to say to the Republicans that we believe in older Americans because they have believed in America. We should not give to the wealthy Americans the crown jewel of tax reduction while we short-change our senior citizens. I am going to celebrate Older Americans Month.

REPUBLICANS' MEDICAID PROPOSALS WILL ALLOW EXTRA CHARGES TO RECIPIENTS

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, last week, in a room off the floor, House Republicans could take a minute out of their day and have their picture taken with a senior citizen and a sign that read something like this: "I am friendly to seniors."

It was a staged photo opportunity and, in fact, it was and is phony. Since taking control of the Congress, the Republicans have waged an all-out assault against seniors. Their new budget cuts $169 billion from Medicare in order to finance tax breaks for the wealthy.

Today's Washington Post says the current Medicaid proposal from the GOP would "turn Medicaid over to the States. It would allow States to levy copayments and other charges on certain Medicaid recipients."

In other words, Mr. Speaker, seniors could be forced to pay for services that they receive now. And it means extra bills for many who are on fixed incomes.

Republicans have consistently targeted seniors for budget cutbacks while setting aside hefty tax breaks for the wealthy. With a track record like that, it is no wonder that the Republicans have had to stage photo ops. Better to hide behind a Kodak moment than to face how your policies have affected this Nation's seniors.

□ 1100

TRAVELGATE DOCUMENTS

(Mr. CLINGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLINGER. Mr. Speaker, I want to announce to the Members of the House that the White House has, within the last half hour, turned over a box of documents to my committee, the Committee on Government Reform and Oversight, regarding our investigation into the Travelgate firing matter, together with a comprehensive privileged log detailing those documents which are being withheld from examination by my committee under a claim of executive privilege.

We are clearly making some progress, I think, in this matter. As a result of that, I have requested and asked the leadership of the majority to hold back, to pull back the contempt citation which was scheduled to be considered either today or tomorrow.

Mr. Speaker, I would consider this the beginning of a victory for the House because we are reasserting the rights of the House to have access to documents. We had been told by the administration that they would never give us a privileged log; today they did. I think that is enough reason to hold back on any further proceedings on the contempt citation.

We need to examine the documents which the White House has turned over to us. We need to consider the claims of executive privilege that have been exerted with regard to, I would point out, a very large number of documents. About 11 pages are being withheld, 11 pages listing the documents being withheld. We have to consider the validity, the viability of the claims of executive privilege. So we want to spend some time carefully reviewing the offered documents and understand clearly why they are withholding others and whether that has any validity. Only then I think, Mr. Speaker, can a new judgment be made as to whether we need to press ahead or complete our investigations with the missing documents that the White House is claiming must be withheld without looking at those for whatever reasons they are withholding it.

So, Mr. Speaker, with that, as I indicated, I have requested our leadership to pull the contempt citation from consideration from the floor today.

PERMISSION FOR SUNDRY COMMITTEES AND THEIR SUBCOMMITTEES TO SIT TODAY DURING THE 5-MINUTE RULE

Mr. SMITH of Michigan. Mr. Speaker, I ask unanimous consent that the following committees and their subcommittees be permitted to sit today while the House is meeting in the Committee of the Whole under the 5-minute rule:

Committee on Agricultre; Committee on Commerce; Committee on Economic and Educational Opportunities; Committee on Government Reform and Oversight; Committee on International Relations; Committee on the Judiciary; Committee on Resources; Committee on Small Business; Committee on Transportation and Infrastructure; Committee on Veterans' Affairs; and Permanent Select Committee on Intelligence.

Mr. Speaker, it is my understanding that the minority has been consulted and that there is no objection to these requests.

The SPEAKER pro tempore (Mr. CHAMBLISS). Is there objection to the request of the gentleman from Michigan?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 3517, MILITARY CONSTRUCTION APPROPRIATIONS ACT, 1997

Mr. QUILLEN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 442 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 442

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 3517) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1997, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 7 of rule XXI are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five minute rule. Points of order against provisions in the bill for failure to comply with clause 2 or 6 of rule XXI are waived. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. The Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment. The Chairman of the Committee of the Whole may reduce to not less than five minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall be not less than fifteen minutes. After the reading of the final lines of the bill, a motion that the Committee of the Whole rise and report the bill to the House with such amendments as may have been adopted shall, if offered by the majority leader or a designee, have precedence over a motion to amend. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Tennessee [Mr. QUILLEN] is recognized for 1 hour.

Mr. QUILLEN. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Ohio [Mr. HALL], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 442 is an open rule providing for the consideration of H.R. 3517, the military construction appropriations bill for fiscal year 1997. The rule provides 1 hour of general debate, and waives the 3-day requirement for availability of printed hearings and the committee report. In this case, the committee report has been available for the required amount of time but the complete set of hearings has not.

The rule also waives the prohibition against unauthorized appropriations and legislation in general appropriations bills. This is primarily necessary because the Defense authorization bill has not yet been signed into law. Additionally, the rule waives the prohibition on transfers of unobligated funds, which was included at the request of the Appropriations Committee.

The rule allows for priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD prior to their consideration, and it provides the usual motion to recommit, with or without instructions.

Mr. Speaker, there are two provisions in this rule which deviate from the typical rule on a general appropriations bill. First, the rule provides the Chairman of the Committee of the Whole the authority to postpone and cluster votes on amendments.

While this has been done before in rules, it has usually been done by unanimous consent on appropriations bills. This provision was included at the request of Chairman LIVINGSTON.

The second new feature of this rule is really a clarification of an existing House rule regarding the privileged motion to rise and report the bill to the House at the end of the regular amendment process.

Clause 2(d) of House Rule 21 provides that after a general appropriations bill has been read for amendment and all regular amendments have been considered, a privileged motion may be offered by the majority leader or a designee that the Committee rise and report the bill back to the House with such amendments as have been adopted.

According to that rule, this motion shall have precedence over motions to further amend the bill. If the motion is rejected, then it is in order to consider limitation amendments, but the motion can be renewed after the disposition of any limitation amendment.

The intent of the rule when it was first adopted in 1983 was to allow for the disposal of all regular amendments at the end of the reading of the bill for amendment before entertaining any limitation amendments. Once the limitation amendment process was underway, the motion to rise and report would be privileged at any time.

However, the Parliamentarian's office informs us that from a practical viewpoint, even if no regular amendments are pending or offered at the time the reading of the bill for such amendments is completed, and even if a limitation amendment has been offered and disposed of, a regular amendment could still be offered at that point, and it would have precedence over the majority leader's motion to rise and report.

This sets up the possibility of jumping back and forth between limitation amendments and regular amendments—thereby preempting the privileged motion to rise and report.

The language included in this rule before us today makes clear that line of distinction by making the motion to rise and report in order only after the final lines of the bill are read by the Clerk.

Prior to that, the Chair would inquire of the Committee of the Whole whether there are any further amendments not precluded by clauses 2(a) or 2(c). If none are offered at that point, the Chair would direct the Clerk to read the final lines of the bill. At any point thereafter, the majority leader or his designee may offer the privileged motion to rise and report.

In summary, the purpose of this language is to draw a clear line between the regular amendment process and the limitation amendment process at the end of the reading of the bill for amendment.

Mr. Speaker, H.R. 3517 is the first of the 13 appropriations bills to be considered for fiscal year 1997. The Quality of Life Task Force, chaired by former Secretary of the Army, Jack Marsh, has produced a report concluding that 62 percent of troop housing spaces and 64 percent of family housing units are currently unsuitable. I am especially pleased to see that this bill provides sufficient funds to construct and improve housing units for our troops and their families.

We have an obligation to provide adequate housing and other facilities for those who have volunteered to risk their lives to defend our country. Given the limited funds available, the appropriators have done an outstanding job in addressing this critical issue.

I would particularly like to commend the chair of the Military Construction Subcommittee, Mrs. VUCANOVICH, and ranking minority member, Mr. HEFNER, for their bipartisan spirit and hard work on this bill.

This is an excellent piece of legislation, and I urge my colleagues to support this rule and the bill.

Mr. Speaker, I include for the RECORD the following information:

THE AMENDMENT PROCESS UNDER SPECIAL RULES REPORTED BY THE RULES COMMITTEE,[1] 103D CONGRESS V. 104TH CONGRESS

[As of May 29, 1996]

Rule type	103d Congress		104th Congress	
	Number of rules	Percent of total	Number of rules	Percent of total
Open/Modified-open [2]	46	44	70	59
Modified Closed [3]	49	47	31	26
Closed [4]	9	9	17	15
Total	104	100	118	100

[1] This table applies only to rules which provide for the original consideration of bills, joint resolutions or budget resolutions and which provide for an amendment process. It does not apply to special rules which only waive points of order against appropriations bills which are already privileged and are considered under an open amendment process under House rules.

[2] An open rule is one under which any Member may offer a germane amendment under the five-minute rule. A modified open rule is one under which any Member may offer a germane amendment under the five-minute rule subject only to an overall time limit on the amendment process and/or a requirement that the amendment be preprinted in the Congressional Record.

[3] A modified closed rule is one under which the Rules Committee limits the amendments that may be offered only to those amendments designated in the special rule or the Rules Committee report to accompany it, or which preclude amendments to a particular portion of a bill, even though the rest of the bill may be completely open to amendment.

[4] A closed rule is one under which no amendments may be offered (other than amendments recommended by the committee in reporting the bill).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS

[As of May 29, 1996]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 38 (1/18/95)	O	H.R. 5	Unfunded Mandate Reform	A: 350–71 (1/19/95).
H. Res. 44 (1/24/95)	MC	H. Con. Res. 17	Social Security	A: 255–172 (1/25/95).
		H.J. Res. 1	Balanced Budget Amdt	
H. Res. 51 (1/31/95)	O	H.R. 101	Land Transfer, Taos Pueblo Indians	A: voice vote (2/1/95).
H. Res. 52 (1/31/95)	O	H.R. 400	Land Exchange, Arctic Nat'l. Park and Preserve	A: voice vote (2/1/95).
H. Res. 53 (1/31/95)	O	H.R. 440	Land Conveyance, Butte County, Calif	A: voice vote (2/1/95).
H. Res. 55 (2/1/95)	O	H.R. 2	Line Item Veto	A: voice vote (2/2/95).
H. Res. 60 (2/6/95)	O	H.R. 665	Victim Restitution	A: voice vote (2/7/95).
H. Res. 61 (2/6/95)	O	H.R. 666	Exclusionary Rule Reform	A: voice vote (2/7/95).
H. Res. 63 (2/8/95)	MO	H.R. 667	Violent Criminal Incarceration	A: voice vote (2/9/95).
H. Res. 69 (2/9/95)	O	H.R. 668	Criminal Alien Deportation	A: voice vote (2/10/95).
H. Res. 79 (2/10/95)	MO	H.R. 728	Law Enforcement Block Grants	A: voice vote (2/13/95).
H. Res. 83 (2/13/95)	MO	H.R. 7	National Security Revitalization	PQ: 229–100; A: 227–127 (2/15/95).
H. Res. 88 (2/16/95)	MC	H.R. 831	Health Insurance Deductibility	PQ: 230–191; A: 229–188 (2/21/95).
H. Res. 91 (2/21/95)	O	H.R. 830	Paperwork Reduction Act	A: voice vote (2/22/95).
H. Res. 92 (2/21/95)	MC	H.R. 889	Defense Supplemental	A: 282–144 (2/22/95).
H. Res. 93 (2/22/95)	MO	H.R. 450	Regulatory Transition Act	A: 252–175 (2/23/95).
H. Res. 96 (2/24/95)	MO	H.R. 1022	Risk Assessment	A: 253–165 (2/27/95).
H. Res. 100 (2/27/95)	O	H.R. 926	Regulatory Reform and Relief Act	A: voice vote (2/28/95).
H. Res. 101 (2/28/95)	MO	H.R. 925	Private Property Protection Act	A: 271–151 (3/2/95).
H. Res. 103 (3/3/95)	MO	H.R. 1058	Securities Litigation Reform	
H. Res. 104 (3/3/95)	MO	H.R. 988	Attorney Accountability Act	A: voice vote (3/6/95).
H. Res. 105 (3/6/95)	MO			A: 257–155 (3/7/95).
H. Res. 108 (3/7/95)	Debate	H.R. 956	Product Liability Reform	A: voice vote (3/8/95).
H. Res. 109 (3/8/95)	MC			PQ: 234–191 A: 247–181 (3/9/95).
H. Res. 115 (3/14/95)	MO	H.R. 1159	Making Emergency Supp. Approps	A: 242–190 (3/15/95).
H. Res. 116 (3/15/95)	MC	H.J. Res. 73	Term Limits Const. Amdt	A: voice vote (3/28/95).
H. Res. 117 (3/16/95)	Debate	H.R. 4	Personal Responsibility Act of 1995	A: voice vote (3/21/95).
H. Res. 119 (3/21/95)	MC			A: 217–211 (3/22/95).
H. Res. 125 (4/3/95)	O	H.R. 1271	Family Privacy Protection Act	A: 423–1 (4/4/95).
H. Res. 126 (4/3/95)	O	H.R. 660	Older Persons Housing Act	A: voice vote (4/6/95).
H. Res. 128 (4/4/95)	MC	H.R. 1215	Contract With America Tax Relief Act of 1995	A: 228–204 (4/5/95).
H. Res. 130 (4/5/95)	MC	H.R. 483	Medicare Select Expansion	A: 253–172 (4/6/95).
H. Res. 136 (5/1/95)	O	H.R. 655	Hydrogen Future Act of 1995	A: voice vote (5/2/95).
H. Res. 139 (5/3/95)	O	H.R. 1361	Coast Guard Auth. FY 1996	A: voice vote (5/9/95).
H. Res. 140 (5/9/95)	O	H.R. 961	Clean Water Amendments	A: 414–4 (5/10/95).
H. Res. 144 (5/11/95)	O	H.R. 535	Fish Hatchery—Arkansas	A: voice vote (5/15/95).
H. Res. 145 (5/11/95)	O	H.R. 584	Fish Hatchery—Iowa	A: voice vote (5/15/95).
H. Res. 146 (5/11/95)	O	H.R. 614	Fish Hatchery—Minnesota	A: voice vote (5/15/95).
H. Res. 149 (5/16/95)	MC	H. Con. Res. 67	Budget Resolution FY 1996	PQ: 252–170 A: 255–168 (5/17/95).
H. Res. 155 (5/22/95)	MO	H.R. 1561	American Overseas Interests Act	A: 233–176 (5/23/95).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS—Continued

[As of May 29, 1996]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 164 (6/8/95)	MC	H.R. 1530	Nat. Defense Auth. FY 1996	PQ: 225–191 A: 233–183 (6/13/95).
H. Res. 167 (6/15/95)	O	H.R. 1817	MilCon Appropriations FY 1996	PQ: 223–180 A: 245–155 (6/16/95).
H. Res. 169 (6/19/95)	MC	H.R. 1854	Leg. Branch Approps. FY 1996	PQ: 232–196 A: 236–191 (6/20/95).
H. Res. 170 (6/20/95)	O	H.R. 1868	For. Ops. Approps. FY 1996	PQ: 221–178 A: 217–175 (6/22/95).
H. Res. 171 (6/22/95)	O	H.R. 1905	Energy & Water Approps. FY 1996	A: voice vote (7/12/95).
H. Res. 173 (6/27/95)	C	H.J. Res. 79	Flag Constitutional Amendment	PQ: 258–170 A: 271–152 (6/28/95).
H. Res. 176 (6/28/95)	MC	H.R. 1944	Emer. Supp. Approps	PQ: 236–194 A: 234–192 (6/29/95).
H. Res. 185 (7/11/95)	O	H.R. 1977	Interior Approps. FY 1996	PQ: 235–193 D: 192–238 (7/12/95).
H. Res. 187 (7/12/95)	O	H.R. 1977	Interior Approps. FY 1996 #2	PQ: 230–194 A: 229–195 (7/13/95).
H. Res. 188 (7/12/95)	O	H.R. 1976	Agriculture Approps. FY 1996	PQ: 242–185 A: voice vote (7/18/95).
H. Res. 190 (7/17/95)	O	H.R. 2020	Treasury/Postal Approps. FY 1996	PQ: 232–192 A: voice vote (7/18/95).
H. Res. 193 (7/19/95)	C	H.J. Res. 96	Disapproval of MFN to China	A: voice vote (7/20/95).
H. Res. 194 (7/19/95)	O	H.R. 2002	Transportation Approps. FY 1996	PQ: 217–202 (7/21/95).
H. Res. 197 (7/21/95)	O	H.R. 70	Exports of Alaskan Crude Oil	A: voice vote (7/24/95).
H. Res. 198 (7/21/95)	O	H.R. 2076	Commerce, State Approps. FY 1996	A: voice vote (7/25/95).
H. Res. 201 (7/25/95)	O	H.R. 2099	VA/HUD Approps. FY 1996	A: 230–189 (7/25/95).
H. Res. 204 (7/28/95)	MC	S. 21	Terminating U.S. Arms Embargo on Bosnia	A: voice vote (8/1/95).
H. Res. 205 (7/28/95)	O	H.R. 2126	Defense Approps. FY 1996	A: 409–1 (7/31/95).
H. Res. 207 (8/1/95)	MC	H.R. 1555	Communications Act of 1995	A: 255–156 (8/2/95).
H. Res. 208 (8/1/95)	O	H.R. 2127	Labor, HHS Approps. FY 1996	A: 323–104 (8/2/95).
H. Res. 215 (9/7/95)	O	H.R. 1594	Economically Targeted Investments	A: voice vote (9/12/95).
H. Res. 216 (9/7/95)	MO	H.R. 1655	Intelligence Authorization FY 1996	A: voice vote (9/12/95).
H. Res. 218 (9/12/95)	O	H.R. 1162	Deficit Reduction Lockbox	A: voice vote (9/13/95).
H. Res. 219 (9/12/95)	O	H.R. 1670	Federal Acquisition Reform Act	A: 414–0 (9/13/95).
H. Res. 222 (9/18/95)	O	H.R. 1617	CAREERS Act	A: 388–2 (9/19/95).
H. Res. 224 (9/19/95)	O	H.R. 2274	Natl. Highway System	PQ: 241–173 A: 375–39–1 (9/20/95).
H. Res. 225 (9/19/95)	MC	H.R. 927	Cuban Liberty & Dem. Solidarity	A: 304–118 (9/20/95).
H. Res. 226 (9/21/95)	O	H.R. 743	Team Act	A: 344–66–1 (9/27/95).
H. Res. 227 (9/21/95)	O	H.R. 1170	3-Judge Court	A: voice vote (9/28/95).
H. Res. 228 (9/21/95)	O	H.R. 1601	Internatl. Space Station	A: voice vote (9/27/95).
H. Res. 230 (9/27/95)	C	H.J. Res. 108	Continuing Resolution FY 1996	A: voice vote (9/28/95).
H. Res. 234 (9/29/95)	O	H.R. 2405	Omnibus Science Auth	A: voice vote (10/11/95).
H. Res. 237 (10/17/95)	MC	H.R. 2259	Disapprove Sentencing Guidelines	A: voice vote (10/18/95).
H. Res. 238 (10/18/95)	MC	H.R. 2425	Medicare Preservation Act	PQ: 231–194 A: 227–192 (10/19/95).
H. Res. 239 (10/19/95)	C	H.R. 2492	Leg. Branch Approps	PQ: 235–184 A: voice vote (10/31/95).
H. Res. 245 (10/25/95)	MC	H. Con. Res. 109	Social Security Earnings Reform	PQ: 228–191 A: 235–185 (10/26/95).
		H.R. 2491	Seven-Year Balanced Budget	
H. Res. 251 (10/31/95)	C	H.R. 1833	Partial Birth Abortion Ban	A: 237–190 (11/1/95).
H. Res. 252 (10/31/95)	MO	H.R. 2546	D.C. Approps.	A: 241–181 (11/1/95).
H. Res. 257 (11/7/95)	C	H.J. Res. 115	Cont. Res. FY 1996	A: 216–210 (11/8/95).
H. Res. 258 (11/8/95)	MC	H.R. 2586	Debt Limit	A: 220–200 (11/10/95).
H. Res. 259 (11/9/95)	O	H.R. 2539	ICC Termination Act	A: voice vote (11/14/95).
H. Res. 261 (11/9/95)	C	H.J. Res. 115	Cont. Resolution	A: 223–182 (11/10/95).
H. Res. 262 (11/9/95)	C	H.R. 2586	Increase Debt Limit	A: 220–185 (11/10/95).
H. Res. 269 (11/15/95)	O	H.R. 2564	Lobbying Reform	A: voice vote (11/16/95).
H. Res. 270 (11/15/95)	C	H.J. Res. 122	Further Cont. Resolution	A: 229–176 (11/15/95).
H. Res. 273 (11/16/95)	MC	H.R. 2606	Prohibition on Funds for Bosnia	A: 239–181 (11/17/95).
H. Res. 284 (11/29/95)	O	H.R. 1788	Amtrak Reform	A: voice vote (11/30/95).
H. Res. 287 (11/30/95)	O	H.R. 1350	Maritime Security Act	A: voice vote (12/6/95).
H. Res. 293 (12/7/95)	C	H.R. 2621	Protect Federal Trust Funds	PQ: 223–183 A: 228–184 (12/14/95).
H. Res. 303 (12/13/95)	O	H.R. 1745	Utah Public Lands.	
H. Res. 309 (12/18/95)	C	H.Con. Res. 122	Budget Res. W/President	PQ: 230–188 A: 229–189 (12/19/95).
H. Res. 313 (12/19/95)	O	H.R. 558	Texas Low-Level Radioactive	A: voice vote (12/20/95).
H. Res. 323 (12/21/95)	C	H.R. 2677	Natl. Parks & Wildlife Refuge	Tabled (2/28/96).
H. Res. 366 (2/27/96)	MC	H.R. 2854	Farm Bill	PQ: 228–182 A: 244–168 (2/28/96).
H. Res. 368 (2/28/96)	O	H.R. 994	Small Business Growth	
H. Res. 371 (3/6/96)	C	H.R. 3021	Debt Limit Increase	A: voice vote (3/7/96).
H. Res. 372 (3/6/96)	MC	H.R. 3019	Cont. Approps. FY 1996	PQ: voice vote A: 235–175 (3/7/96).
H. Res. 380 (3/12/96)	MC	H.R. 2703	Effective Death Penalty	A: 251–157 (3/13/96).
H. Res. 384 (3/14/96)	MC	H.R. 2202	Immigration	PQ: 233–152 A: voice vote (3/21/96).
H. Res. 386 (3/20/96)	C	H.J. Res. 165	Further Cont. Approps	PQ: 234–187 A: 237–183 (3/21/96).
H. Res. 388 (3/20/96)	C	H.R. 125	Gun Crime Enforcement	A: 244–166 (3/22/96).
H. Res. 391 (3/27/96)	C	H.R. 3136	Contract w/America Advancement	PQ: 232–180 A: 232–177, (3/28/96).
H. Res. 392 (3/27/96)	MC	H.R. 3103	Health Coverage Affordability	PQ: 229–186 A: Voice Vote (3/29/96).
H. Res. 395 (3/29/96)	MC	H.J. Res. 159	Tax Limitation Const. Amdmt.	PQ: 232–168 A: 234–162 (4/15/96).
H. Res. 396 (3/29/96)	O	H.R. 842	Truth in Budgeting Act	A: voice vote (4/17/96).
H. Res. 409 (4/23/96)	O	H.R. 2715	Paperwork Elimination Act	A: voice vote (4/24/96).
H. Res. 410 (4/23/96)	O	H.R. 1675	Natl. Wildlife Refuge	A: voice vote (4/24/96).
H. Res. 411 (4/23/96)	O	H.J. Res. 175	Further Cont. Approps. FY 1996	A: voice vote (4/24/96).
H. Res. 418 (4/30/96)	O	H.R. 2641	U.S. Marshals Service	PQ: 219–203 A: voice vote (5/1/96).
H. Res. 419 (4/30/96)	O	H.R. 2149	Ocean Shipping Reform	A: 422–0 (5/1/96).
H. Res. 421 (5/2/96)	O	H.R. 2974	Crimes Against Children & Elderly	A: voice vote (5/7/96).
H. Res. 422 (5/2/96)	O	H.R. 3120	Witness & Jury Tampering	A: voice vote (5/7/96).
H. Res. 426 (5/7/96)	O	H.R. 2406	U.S. Housing Act of 1996	PQ: 218–208 A: voice vote (5/8/96).
H. Res. 427 (5/7/96)	O	H.R. 3322	Omnibus Civilian Science Auth	A: voice vote (5/9/96).
H. Res. 428 (5/7/96)	MC	H.R. 3286	Adoption Promotion & Stability	A: voice vote (5/9/96).
H. Res. 430 (5/9/96)	S H.R. 3230	DoD Auth. FY 1997	A: 235–149 (5/10/96)..	
H. Res. 435 (5/15/96)	MC	H. Con. Res. 178	Con. Res. on the Budget, 1997	PQ: 227–196 A: voice vote (5/16/96).
H. Res. 436 (5/16/96)	C	H.R. 3415	Repeal $43 cent fuel tax	PQ: 221–181 A: voice vote (5/21/96).
H. Res. 437 (5/16/96)	MO	H.R. 3259	Intell. Auth. FY 1997	A: voice vote (5/21/96).
H. Res. 438 (5/16/96)	MC	H.R. 3144	Defend America Act	
H. Res. 440 (5/21/96)	MC	H.R. 3448	Small Bus. Job Protection	A: 219–211 (5/22/96).
H. Res. 442 (5/29/96)	O	H.R. 3517	Mil. Const. Approps. FY 1997	

Codes: O-open rule; MO-modified open rule; MC-modified closed rule; C-closed rule; A-adoption vote; D-defeated; PQ-previous question vote. Source: Notices of Action Taken, Committee on Rules, 104th Congress.

Mr. QUILLEN. Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to commend my colleague from Tennessee, Mr. QUILLEN, as well as my colleagues on the other side of the aisle for bringing this resolution to the floor.

House Resolution 442 is an open rule which will allow full and fair debate on H.R. 3517, the military construction appropriations bill for fiscal 1997.

As my colleague from Tennessee described, this rule provides 1 hour of general debate, equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations.

Under this rule, germane amendments will be allowed under the 5-minute rule, the normal amending process in the House. All Members, on both sides of the aisle, will have the opportunity to offer amendments. I am pleased that the Rules Committee was able to report this rule without opposition in a voice vote, and I plan to support it.

This bill appropriates $10 billion for military construction, family housing, and base closure construction projects. Though the bill is $900 million greater than the administration request, it still represents a reduction of $1.1 billion, or 10 percent, below last year's level of funding.

The bill funds necessary capital improvements to our Nation's military facilities. Continuing the trend of recent years, the Appropriations Committee paid special attention to facilities that improve the quality of life for our service men and women. This is a wise decision because people are our most important resource.

The bill contains four projects in the Dayton, OH, area, which I am proud to represent. One project will improve 52 units of housing at Page Manor, a neighborhood of homes for junior officers and enlisted personnel at Wright-Patterson Air Force Base.

Another project will upgrade an administrative building on Gentile Air Force Station, in Kettering, OH. This will be used by the Defense Finance and Accounting Service, which is consolidating some of its activities at Gentile.

Mr. Speaker, this bill is important to our national defense. I urge adoption of this open rule which will permit full debate on this bill and allow Members to make additional attempts to amend it.

Mr. Speaker, I reserve the balance of my time.

Mr. QUILLEN. Mr. Speaker, I yield 3 minutes to the gentleman from Mississippi [Mr. WICKER].

Mr. WICKER. Mr. Speaker, I thank the gentleman from Tennessee for yielding me the time.

Mr. Speaker, I just wanted to rise at this point and voice my support for the rule and, as a member of the Subcommittee on Military Construction, also for the bill as it has been reported by the committee on a bipartisan basis. This has certainly been an area in which Republicans and Democrats have worked together in a bipartisan fashion.

□ 1115

We are talking today about quality of life for our service members, an area which arguably some years ago was neglected while the military budget was increased. Those quality-of-life issues were perhaps not addressed as fully as they should have been. As a result, last year the Congress increased the military construction budget by some 28 percent over the 1995 appropriation. This year, from that higher appropriation level of 1996, we have cut it back some 10 percent, but still that is much more, almost a billion dollars more, than the administration has requested. We are dealing in this bill with such quality-of-life issues as family housing, as barracks for our single enlisted troops, military medical facilities and child care. Seventy four percent of this bill comes in that area of quality of life. Because of that fact, I would hope that we would adopt the rule and also that we would leave the bill as it is, as it has been reported by the subcommittee.

Now I also want to take this opportunity, Mr. Speaker, to alert my colleagues that there may be an amendment offered by the gentlewoman from Oregon [Ms. FURSE] which I will oppose and which I hope the Members of this body will oppose because, in an attempt to get into the burden sharing issue which is not really a part of this bill, it would attempt to cut some $17 million from two barracks in Manneheim, Germany.

These are barracks that are run down, they are overcrowded, they are very, very old; frankly, they smell bad, Mr. Speaker, and these barracks represent a quality-of-life issue for our troops in Germany. They do not need to wait until some time in 1997 for us to start talking about replacing those barracks. We need to do it now.

Mr. Speaker, I would simply suggest to my colleagues, vote for the rule, vote for the bill, and resist the Furse amendment if the gentlewoman offers it. Let us not take this $17 million out of the quality-of-life funding for our troops in Europe.

Mr. QUILLEN. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. MCDADE].

Mr. MCDADE. Mr. Speaker, I thank the distinguished chairman of the committee for yielding to me just a few brief moments. I have to be out of the Chamber at 11:30, and about that time we will be considering the military construction appropriations bill.

I want to pay tribute to the distinguished chairwoman of that subcommittee, the honorable gentlewoman from the State of Nevada, BARBARA VUCANOVICH. She has done an extraordinary job running this committee, and this is her last trip, so to speak, in this House.

I remember when I approached her about taking this assignment as a member of the Committee on Appropriations. She was very reluctant to undertake it, not because she did not like the subject matter, but because she had so much she wanted to do in the field of health, in education, in the environment, care of younger people, the problems of crime in the country, but she agreed to do the job, and I wanted her to do it because I knew that her personality was such that she would be the kind of person who would have an unyielding concern for the welfare of our young men and women who serve this great Nation of ours. That concern showed through in every bill she brought to the floor.

I congratulate her for yeoman service in the House, and I wish her well in retirement.

Mr. QUILLEN. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. SOLOMON], the distinguished chairman of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, I am not going to take much time. I also want to praise the gentlewoman from Nevada, BARBARA VUCANOVICH, for the outstanding job that she has done during her entire career in this body and to commend the gentleman from North Carolina, Mr. HEFNER, her ranking member, for the job they have done on this particular bill.

Vote for the rule; vote for the bill when it comes up.

Mr. Speaker, I thank my good friend from Tennessee, the chairman emeritus of the committee, Mr. QUILLEN, for yielding to me. I simply want to take a brief moment to follow up on his excellent explanation of this open rule. As he pointed out, there are two new features in this rule that were not in the appropriations rules we granted last year.

First, the rule gives the chairman of the Committee of the Whole the authority to postpone and cluster votes on amendments. While we have done this before in special rules, it has usually been done by unanimous consent on appropriations bills. At Chairman LIVINGSTON's request, we are including this provision in the rule. However, as I mentioned in the Rules Committee last night, we will watch its use closely to ensure that it is used judiciously and sparingly.

We would not expect votes to be postponed on amendments beyond the reading of a title for amendment—only within a title. In this rule, that is not a problem since there is only one title. And we would expect the bill manager to consult with the minority manager on any postponement and clustering of votes to the maximum extent possible.

The second feature of this rule is really a clarification of an existing House rule regarding the privileged motion to rise and report at the end of the regular amendment process.

Clause 2(d) of House Rule 21 provides that after a general appropriations bill has been read for amendment and all regular amendments have been considered, a privileged motion may be offered by the majority leader, or a designee, that the Committee rise and report the bill back to the House with such amendments as have been adopted.

According to the House rule, this motion shall have precedence over motions to further amend the bill. If the motion is rejected, then it is in order to consider limitation amendments, but the motion can be renewed after the disposition of any limitation amendment. The problem is that in practice, the rule is unworkable if someone wants to offer a regular cutting amendment after we thought we had completed that process.

According to the Parliamentarian's Office, such a regular amendment could still be offered at that point, and would have precedence over the majority leader's motion to rise and report. This sets up the possibility of jumping back and forth between limitation amendments and regular amendments, thereby preempting the privileged motion to rise and report.

That was never the intent of the rule when it was first adopted at the beginning of the 98th Congress in 1983. The idea was to dispose of all regular amendments at the end of the reading of the bill for amendment before entertaining any limitation amendments. Once the limitation amendment process was underway, the motion to rise and report would be privileged at any time.

The language in the rule we have before us draws a clear line of demarcation by making the motion to rise and report in order after the last few lines of the bill are read by the Clerk.

Prior to the reading of the last few lines, the Chair would inquire of the Committee of the Whole whether there were any further amendments not precluded by clauses 2(a) or 2(c). If none are offered at that point, the Chair would direct the Clerk to read the last few lines of the bill.

At any point thereafter, the majority leader or a designee may offer the privileged motion to rise and report. That motion would take precedence over any pending limitation amendment or any regular amendment as well.

In summary, the purpose of this language is to draw a bright line between the regular amendment process and the limitation amendment process at the end of the reading of the bill for amendment. The only change made in clause 2(d) at the beginning of this Congress was to ensure that the motion to rise and report would be controlled by the majority leadership and not just the Appropriations Committee chairman acting alone.

Mr. HALL of Ohio. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. QUILLEN. Mr. Speaker, I urge adoption of the rule and the bill. I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mrs. VUCANOVICH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and that I may include extraneous and tabular material on the consideration of H.R. 3517.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Nevada?

There was no objection.

MILITARY CONSTRUCTION APPROPRIATIONS ACT, 1997

The SPEAKER pro tempore. Pursuant to House Resolution 442 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3517.

□ 1121

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3517) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1997, and for other purposes, with Mr. LATOURETTE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentlewoman from Nevada [Mrs. VUCANOVICH] and the gentleman from North Carolina [Mr. HEFNER] each will control 30 minutes.

The Chair recognizes the gentlewoman from Nevada [Mrs. VUCANOVICH].

Mrs. VUCANOVICH. Mr. Chairman, I yield myself such time as I may consume. It is my pleasure to present to the House the recommendations for the military construction appropriations bill for fiscal year 1997. The funding contained in H.R. 3517 totals $10 billion, is within the subcommittee's 602(b) allocation, and represents a $1.2 billion, or 10 percent, decrease from last year.

Mr. Chairman, from the outset, we have worked closely with the National Security Subcommittee on Military Installations and Facilities and are supporting only those items contained in the House-passed authorization bill.

Public attention has recently focused on the problems our subcommittee has been citing for several years: the quality of military housing for unaccompanied personnel and those with families, the necessity for support facilities, and the importance of providing an adequate working environment to improve productivity and readiness. The committee has heard testimony from many different individuals and organizations regarding these problems, and we continue to feel strongly that the funds in this bill significantly contribute to the readiness and retention of our military personnel.

The recommendations before the House today deal with the critical problem of underfunding in these areas. The budget request of $9.1 billion represents a decrease of over $2 billion, or 18 percent, from current spending. While there are many aspects of the request that are commendable, there are areas of concern, particularly in the unaccompanied personnel and family housing arenas. For example, the report on the Quality of Life Task Force, chaired by former Secretary of the Army Jack Marsh, cites that 62 percent of the barrack spaces and 64 percent of family housing units are unsuitable. Yet, while the Department has committed itself to a serious barracks revitalization program, the request for barracks construction is $65 million, or 10 percent below last year. And, family housing construction and operation and maintenance accounts are reduced by $405 million.

Mr. Chairman, these reductions are not acceptable to this committee and, therefore, we are recommending an additional $900 million above the budget request. Of these additional funds, roughly $680 million, or 75 percent, has been devoted to barracks, family housing and child development centers.

Of the total $10 billion recommendations, $4.3 billion, or 43 percent, is for construction and operations and maintenance of family housing. It is imperative that a sustained overall commitment to funding levels be maintained that will reduce deficits and increase the quality of living conditions. The recommendations in this bill signify congressional commitment to meet that goal.

Thirty-one percent, or $3.2 billion, is devoted to military construction for facilities that support our service members and their families and improve productivity and readiness. Included under these accounts is $776 million to address the substandard housing troops must live in; $313 million for hospital and medical facilities; $132 million for chemical weapons demilitarization; $88 million for environmental compliance; and $34 million for child development centers.

In addition, a significant portion of this appropriation, $2.5 billion, is to continue the ongoing downsizing of DOD's infrastructure through the base realignment and closure program. The implementation of base closures requires large upfront costs to ensure eventual savings, and this funding will keep closures ongoing and on schedule.

Mr. Chairman, I would like to thank the members of the subcommittee for their help in bringing this bill to the floor. We have worked in a bipartisan manner to produce a bill which addresses the needs of today's military. I want to express my deep appreciation to Mr. HEFNER for his commitment to this subcommittee. He has worked hard for many years to provide the badly needed improvements for the men and women who serve in our Armed Forces. His dedication to this process is invaluable.

In conclusion, Mr. Chairman, this $10 billion is only 4 percent of the total defense budget and a $1.2 billion decrease from last year's appropriation. But, this $10 billion directly supports the men and women in our Armed Forces; it increases productivity, readiness and recruitment, all very vital to a strong national defense. I ask my colleagues to join us in passing this bill.

Mr. Chairman, I include for the RECORD the following data:

FY 1997 MILITARY CONSTRUCTION APPROPRIATIONS BILL (H.R. 3517)

	FY 1996 Enacted	FY 1997 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
Military construction, Army	633,814,000	434,723,000	603,584,000	-30,230,000	+168,861,000
Rescission	-6,385,000			+6,385,000	
Total, Military construction, Army (net)	627,429,000	434,723,000	603,584,000	-23,845,000	+168,861,000
Military construction, Navy	554,636,000	525,346,000	724,476,000	+169,840,000	+199,130,000
Rescissions	-6,385,000		-12,000,000	-5,615,000	-12,000,000
Total, Military construction, Navy (net)	548,251,000	525,346,000	712,476,000	+164,225,000	+187,130,000
Military construction, Air Force	587,234,000	603,059,000	678,914,000	+91,680,000	+75,855,000
Rescissions	-15,150,000			+15,150,000	
Total, Military construction, Air Force (net)	572,084,000	603,059,000	678,914,000	+106,830,000	+75,855,000
Military construction, Defense-wide	640,357,000	812,945,000	772,345,000	+131,988,000	-40,600,000
Rescissions	-41,866,000			+41,866,000	
Total, Military construction, Defense-wide (net)	598,491,000	812,945,000	772,345,000	+173,854,000	-40,600,000
Total, Active components	2,346,255,000	2,376,073,000	2,767,319,000	+421,064,000	+391,246,000
Department of Defense Military Unaccompanied Housing Improvement Fund			10,000,000	+10,000,000	+10,000,000
Military construction, Army National Guard	137,110,000	7,600,000	41,316,000	-95,794,000	+33,716,000
Military construction, Air National Guard	171,272,000	75,394,000	118,394,000	-52,878,000	+43,000,000
Rescission	-6,700,000			+6,700,000	
Total, Military construction, Air National Guard (net)	164,572,000	75,394,000	118,394,000	-46,178,000	+43,000,000
Military construction, Army Reserve	72,728,000	48,459,000	50,159,000	-22,569,000	+1,700,000
Military construction, Naval Reserve	19,055,000	10,983,000	33,169,000	+14,114,000	+22,186,000
Military construction, Air Force Reserve	36,482,000	51,655,000	51,655,000	+15,173,000	
Total, Reserve components	429,947,000	194,091,000	294,693,000	-135,254,000	+100,602,000
Total, Military construction	2,776,202,000	2,570,164,000	3,072,012,000	+295,810,000	+501,848,000
Appropriations	(2,852,688,000)	(2,570,164,000)	(3,084,012,000)	(+231,324,000)	(+513,848,000)
Rescissions	(-76,486,000)		(-12,000,000)	(+64,486,000)	(-12,000,000)
NATO Security Investment Program	161,000,000	197,000,000	177,000,000	+16,000,000	-20,000,000
Supplemental appropriation	37,500,000			-37,500,000	
Total, NATO	198,500,000	197,000,000	177,000,000	-21,500,000	-20,000,000
Family housing, Army:					
Construction	116,656,000	75,013,000	176,603,000	+59,947,000	+101,590,000
Operation and Maintenance	1,335,596,000	1,212,466,000	1,257,466,000	-78,130,000	+45,000,000
Total, Family housing, Army	1,452,252,000	1,287,479,000	1,434,069,000	-18,183,000	+146,590,000
Family housing, Navy and Marine Corps:					
Construction	525,058,000	403,726,000	532,456,000	+7,398,000	+128,730,000
Operation and Maintenance	1,048,329,000	1,014,241,000	1,058,241,000	+9,912,000	+44,000,000
Total, Family housing, Navy	1,573,387,000	1,417,967,000	1,590,697,000	+17,310,000	+172,730,000
Family housing, Air Force:					
Construction	297,738,000	231,236,000	304,068,000	+6,330,000	+72,832,000
Operation and Maintenance	849,213,000	829,474,000	840,474,000	-8,739,000	+11,000,000
Total, Family housing, Air Force	1,146,951,000	1,060,710,000	1,144,542,000	-2,409,000	+83,832,000
Family housing, Defense-wide:					
Construction	3,772,000	4,371,000	4,371,000	+599,000	
Operation and Maintenance	30,467,000	30,963,000	30,963,000	+496,000	
Total, Family housing, Defense-wide	34,239,000	35,334,000	35,334,000	+1,095,000	
Department of Defense Family Housing Improvement Fund	22,000,000	20,000,000	35,000,000	+13,000,000	+15,000,000
Homeowners Assistance Fund, Defense	75,586,000	36,181,000	36,181,000	-39,405,000	
Total, Family housing	4,304,415,000	3,857,671,000	4,275,823,000	-28,592,000	+418,152,000
Construction	(943,224,000)	(714,346,000)	(1,017,498,000)	(+74,274,000)	(+303,152,000)
Operation and Maintenance	(3,263,605,000)	(3,087,144,000)	(3,187,144,000)	(-76,461,000)	(+100,000,000)
Family Housing Improvement Fund	(22,000,000)	(20,000,000)	(35,000,000)	(+13,000,000)	(+15,000,000)
Homeowners Assistance Fund	(75,586,000)	(36,181,000)	(36,181,000)	(-39,405,000)	

FY 1997 MILITARY CONSTRUCTION APPROPRIATIONS BILL (H.R. 3517)—Continued

	FY 1996 Enacted	FY 1997 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
Base realignment and closure accounts:					
Part II	964,843,000	352,800,000	352,800,000	-612,043,000	
Part III	2,148,480,000	971,925,000	971,925,000	-1,176,555,000	
Part IV	784,569,000	1,182,749,000	1,182,749,000	+398,180,000	
Total, Base realignment and closure accounts	3,897,892,000	2,507,474,000	2,507,474,000	-1,390,418,000	
Grand total:					
New budget (obligational) authority	11,177,009,000	9,132,309,000	10,032,309,000	-1,144,700,000	+900,000,000
Appropriations	(11,253,495,000)	(9,132,309,000)	(10,044,309,000)	(-1,209,186,000)	(+912,000,000)
Rescissions	(-76,486,000)		(-12,000,000)	(+64,486,000)	(-12,000,000)

Mr. HEFNER. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, I rise today in support of the fiscal year 1997 military construction bill, and I want to compliment the distinguished chairwoman of the military construction subcommittee for her work. The gentlewoman from Nevada [Mrs. VUCANOVICH] has worked hard to produce a good bill that responds to the highest priorities needs of our service men and women, and she has done so in a bipartisan way.

As chairman of this subcommittee, I have in the past emphasized the importance of providing adequate funding for quality of life projects. It is easy to pay lip service to the importance of addressing our needs for military family housing and barracks, and we on the subcommittee understand providing our men and women in the military with a decent place to live is a key to military readiness and retention, and with this bill we continue to make important progress on this issue.

The bill contains $10 billion in total funding and is consistent with a 602(b) allocation. All the projects are included in the authorization bill as passed by the House. There is $4.3 billion in the bill for family housing, and $777 million for new barracks, all very important projects. Recognizing the importance of family housing, barracks and child development centers, the bill includes $545 billion beyond the President's request for badly needed facilities. I believe that is $545 million; it is not that much of an increase. I think it is a typographical error.

At Fort Bragg and Pope Air Force bases, several important projects are being funded, including significant improvements for family housing and medical facilities as well as acquisition of additional and needed funding for Fort Bragg.

☐ 1130

Mr. Chairman, with all the various interation of base closures, bottom-up reviews, and 5-year plans, there has been a lot of pressure for significant reductions in funds for family housing. I am very pleased that this bill continues our bipartisan effort to address the quality-of-life issues for both enlisted personnel and families of military members. It may not seem that glamorous to fund barracks, family housing, and child care centers, but if Members have any exposure to the military way of life, they know that providing a decent place to live is an important factor in military readiness.

This bill also takes care of many other critical needs of the Department, including the base closure and construction and cleanup requirements, critically needed medical facilities, major new homeporting facilities, and other operational upgrades.

Finally, Mr. Chairman, I just want to joint that chorus of folks that have complimented the gentlewoman from Nevada [Mrs. VUCANOVICH] for doing an excellent job in a very, what I like to refer to as a nonpartisan way. This is probably the most nonpartisan committee on the Hill, and if we had more cooperation in other committees such as we have in this committee, we probably could get a lot more things done than we do around here. I wish her very well and the very best in her retirement, and I hope that she gets to play all the golf that she wants to play.

As a very dear friend of mine, and I mentioned this in the Committee on Rules today, who has passed on now, has said in all of his closing speeches, talking about individuals, he always said: "I hope you live as long as you want and never want as long as you live," and I hope that for you. I hope the gentlewoman has a long and happy retirement and I hope we see her from time to time in Washington, if we are all fortunate enough to be back here.

Mr. Chairman, I reserve the balance of my time.

Mrs. VUCANOVICH. Mr. Chairman, I appreciate the gentleman's kind words.

Mr. Chairman, I yield such time as he may consume to the gentleman from Louisiana [Mr. LIVINGSTON], who also serves as a member of our Subcommittee on Military Construction of the Committee on Appropriations.

Mr. LIVINGSTON. Mr. Chairman, I want to thank my friend, the gentlewoman from Nevada, for yielding time to me.

I also wanted to thank the distinguished ranking minority member and former chairman of the subcommittee for his remarks and for his support for the bill.

Mr. Chairman, I rise in vigorous support of the bill, but I also rise in tribute to the distinguished chairwoman of the subcommittee. She has done an outstanding job over these many years, and she has brought a great bill to the floor at this time.

The President, of course, has asked for $12 billion less in the overall defense budget than what we appropriated last year. In this particular subcommittee, he asked for about $2 billion less than we appropriated last year. Under the leadership of the gentlewoman from Nevada, the chairwoman of this subcommittee, we struck a compromise between what the President wanted and what we appropriated last year, and we are providing $10 billion for such things as family housing units privatization, barracks privatization, child development centers, hospital and medical facilities, environmental compliance, and demolition of dilapidated, excess facilities. So there is a lot of good in here, and I think it is reflective of the character of all of the members of the subcommittee, and especially its chairman, the gentlewoman from Nevada, BARBARA VUCANOVICH.

If I may, I would like to just take a minute to point out that she has been in Congress a number of years, having not held elective office before she came, but she has represented the people of Nevada in exemplary fashion. She currently serves as the Republican Conference secretary. She gave up her position on the Subcommittee on Energy and Mineral Resources, where she had tremendous interest in trying to take care of the needs of her State and involving herself in issues of great interest, such as revision of the mining laws and other things affecting western lands and western States, in order to take this chairmanship, and she just ran with it; and she has really done tremendous work in trying to meet the needs of the young people in uniform and providing for their assistance, their living standards, where, unfortunately, we have found in years past far too many people in uniform live in dilapidated and substandard housing.

The gentlewoman from Nevada [Mrs. VUCANOVICH] has toed the line and has worked very hard with the gentleman from North Carolina [Mr. HEFNER] to upgrade those conditions, eliminate that problem, and make sure all people are well taken care of.

I think she has produced a bill, a bipartisan bill, as the gentleman from North Carolina has pointed out, that can pass and should be signed into law, despite the fact it is $1 billion over what the President asked for. I think this is because the Members of Congress in this body have looked after the needs of the service people and have met those needs within the budget confines with which we are currently faced.

Mr. Chairman, I want to tell the gentlewoman, I thank her for her service, thank her for her work on this bill, and just as the gentleman from North Carolina [Mr. HEFNER] has said, I want to extend my very best wishes to her for a very long and happy retirement with her husband, George, and wish her and all her 5 children, 15 grandchildren, and 3 great-grandchildren, all of the best of everything that life has to offer.

Mr. HEFNER. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Mississippi [Mr. MONTGOMERY], who is also retiring this year, and has done a tremendous job since he has been in Congress, especially for the veterans and for the military readiness and for quality of life for our troops in the military.

Mr. MONTGOMERY. Mr. Chairman, I thank the gentleman from North Carolina for yielding me this time, and I commend the chairman of the committee and the subcommittee for her wonderful work, and I look forward to seeing her in retirement.

Mr. Chairman, I support this legislation. I did not have time to orient either side, but I have a problem. However, I do support the bill. I have a problem with the Army National Guard, and the gentleman from Colorado knows my complaint.

The Army National Guard was recommended by the President this year for military construction for the Army National Guard, which has over 2,000 units, about $7 million from the President's request. The authorization committee from the Army National Guard came up with $41 million.

My point is that, really, that is not enough money. Last year the Committee on Appropriations gave us $137 million, so we are actually getting $96 million less for the Army National Guard than we got last year. That is a tremendous decrease. I point out that of the total military budget, that the Reserves and National Guard are getting only 3 percent of the authorization budget, only 3 percent, yet they have 40 percent of the missions, they have 40 percent of the missions.

So this is out of line, and if we are going to depend on the Guard and Reserve more to carry on under the total force, we certainly should maybe next year, and I do not have an amendment to offer, but next time I would hope that whoever is here will try to give more funding for the Reserves in military construction.

Mrs. VUCANOVICH. Mr. Chairman, I yield 4 minutes to the gentleman from Mississippi [Mr. WICKER], a member of our subcommittee.

Mr. WICKER. Mr. Chairman, I would say to the members of the committee that I, too, want to commend and congratulate the Chair of the Subcommittee on Military Construction of the Committee on Appropriations, the gentlewoman from Nevada [Mrs. VUCANOVICH], and to personally thank her for the assistance she has given to this freshman Congressman as a member of her subcommittee. I also want to commend the gentleman from North Carolina [Mr. HEFNER] for the bipartisan approach that he and the members of the minority have taken with regard to this particular legislation. I rise, of course, in strong support of the bill.

During our subcommittee's hearings over these past few weeks, the predominant concern expressed was the continued deterioration of quality-of-life and infrastructure needs which support our military men and women. We all want to give our Armed Forces the best weapons systems, training, and equipment we can afford. Unfortunately, one area of the military that has not received as much attention in recent years has been this issue of brick and mortar.

In November 1994, the Department of Defense created a task force on the quality of life to assess the problems associated with military housing. On February 28 of this year, the chairman of this task force, former Secretary of the Army John Marsh, reported the findings of the year-long study.

The findings of the task force were disturbing. With regard to military family housing, 64 percent of these homes were classified as unsuitable. With regard to barracks for our single troops, 62 percent of these barracks were considered substandard due to overcrowding and poor conditions. One-half of all military barracks were built 30 or more years ago, and one-fourth require continuous upkeep to deal with such problems as asbestos, corroded pipes, and inadequate ventilation.

The Department of Defense also faces a 160,000-unit shortfall in barracks space. It would take 40 years, according to current estimates, and $8.5 billion to correct all of the deficiencies. Clearly, Mr. Chairman, whatever we are able to do today will fall far short of what we need to do to correct this situation.

The bill sends a clear message that we are going to take care of our military personnel. Family housing projects account for 43 percent of the bill. In addition, this bill provides $2.5 billion for one-time costs associated with base realignment and closing. Furthermore, in an effort to meet the child care needs of military facilities, this bill sets aside $34 million for child development centers.

Finally, like most of my colleagues, I am concerned about the budget deficit, the increasing national debt, which now exceeds $5 trillion. This bill is fiscally responsible, Mr. Chairman. It is within our 602 allocations, and at the same time it addresses important quality-of-life and military issues. I commend the work of the subcommittee, I commend the work of our Chair and our ranking minority member, and I strongly urge the adoption of this military construction bill.

Mr. HEFNER. Mr. Chairman, I yield 4½ minutes to the gentleman from Minnesota [Mr. MINGE].

Mr. MINGE. Mr. Chairman, I would like to thank the ranking member for yielding time to me.

Mr. Chairman, I rise in opposition to this bill because I believe it represents the wrong emphasis in spending priorities. I certainly appreciate the fact that the funding in this bill represents a cut of about $1 billion below last year. The $10 billion in spending contained in this bill, however, is higher than can be justified.

I certainly share with the previous speakers the concern about improving living conditions of men and women and families that are in our Armed Forces, but I cannot support spending on military construction at a level that is $900 million above the President's request, given the budget constraints we are facing. The fact of the matter is that in order to provide additional spending in this bill and stay within the budget allocation, the Committee on Appropriations will have to make deeper cuts in spending for education, agriculture, and other important domestic programs in subsequent appropriations bills. The issue is not just whether the programs and projects funded in this bill are for worthy causes, but can we justify the deep cuts in other programs necessary to pay for the additional increased spending in this bill; can we do it? I do not believe that we can.

Although I am opposed to this bill, I would like to compliment the managers of the bill and the members of the Committee on Appropriations for the work that they have done in applying objective criteria to the unrequested projects included in the bill. As the cochair of the porkbusters coalition, I have offered amendments to this bill in past years in other appropriations bills in order to eliminate wasteful projects. I have consulted with my porkbuster colleagues about the bill, especially Senator McCAIN, who is the Senate cochair of the porkbusters, who helped develop objective criteria for judging military construction projects.

We have concluded that the bill largely, and I emphasize the word "largely," adheres to the criteria developed by Senator McCAIN. Members of the porkbusters coalition, I would like to emphasize, do not oppose all spending projects. We simply believe that spending projects should be subject to greater scrutiny than they have in the past, and while there is always room for improvement, this bill has undergone much greater scrutiny than previous bills, and for that I would like to commend the committee.

□ 1145

I am troubled by the number of projects funded in this bill that were not in the administration's request or in the Defense Department's long-range plan. I would like to suggest that what we ought to be doing is following a 3-part approach to spending in this area. First, we ought to have a definite dollar amount that we commit to spending, and that ought to be a goal, it ought to be a limit, and the subcommittee ought to live within it.

Second, we ought to be sticking with the plan that is in that dollar figure and we ought not to be approving spending on projects that are not within the plan. In this case, we have 42 projects, I am advised, that are not in the long-range Defense Department plan.

And, third, I submit that we should be moving away from itemizing projects in report language or in the bills themselves. Instead, we ought to be exercising our oversight function to make sure that the Defense Department or any other Federal agency is allocating the funds for certain project areas in a wise and prudent manner, but not micromanaging within our committees and subcommittees individual projects, because of the temptations that this provides for members of the committees and the subcommittees to favor their own districts and projects that they feel are particularly important to them rather than the institution.

So, in sum, again I would like to compliment the committee and the subcommittee for their work, but say that I will be voting against this bill because of the fact that it spends $900 million more than the President has requested, and it includes 42 projects that are not on the long-range plan that cost $300 million in and of themselves.

Mrs. VUCANOVICH. Mr. Chairman, I yield 5 minutes to the gentleman from Colorado [Mr. HEFLEY], chairman of the Subcommittee on Military Installations and Facilities.

Mr. HEFLEY. Mr. Chairman, I rise in strong support of H.R. 3517, the Military Construction Appropriations Act for fiscal year 1997 and I urge my colleagues to support it.

As the chairman of the Subcommittee on Military Installations and Facilities, I want to commend Chairman VUCANOVICH and Mr. HEFNER for their continued cooperation in working with those of us on the authorization committee charged with improving our military facilities. I want to echo Chairman VUCANOVICH's remarks that this bill fully conforms to the military construction authorizations passed by the House on May 15—just 2 weeks ago.

This legislation would continue the strong bipartisan support of the House for initiatives designed to slow the ongoing deterioration of military facilities critical to the Nation's defense and to the improvement of housing and other basic quality of life facilities.

Chairman VUCANOVICH has thoroughly described what is in the bill, but I want to take a moment to talk about some of the important improvements we have proposed to improve the quality of life of military personnel and their families.

Those who serve in the Nation's military know firsthand the difficult conditions in housing the military faces. Those who served in the past can often go into a barracks or a military family's home and find that it has not changed much over the years—in many cases for decades. Degraded and crumbling housing is simply unacceptable. Whether they are stationed at home or abroad, we owe the men and women who volunteer to serve this great Nation more than that and we are working hard to change it.

I am gratified by the commitment of the Secretary of Defense and the support of the service chiefs for measures to improve the quality of life for military personnel. However, I am disappointed that the administration did not back up that commitment as forcefully as it could have in its budget proposal to Congress.

For fiscal year 1997, the administration proposed steep cuts in troop housing, family housing, and child development centers. This legislation, as well as the authorization bill already passed by the House, would take a number of important steps to shore up quality of life with an approximately $675 million package of improvements to the President's budget request.

Twenty-one additional barracks projects, benefiting thousands of unaccompanied personnel, will benefit from the added funding. We seek to increase by nearly 5 times the amount of funding put toward new child development centers and we would make additional improvements to housing that will benefit over 3,500 military families.

We need to continue to improve the quality of life for military personnel and their families as well as modernize our deteriorating military infrastructure. On a bipartisan basis, the authorization and appropriation committees have developed legislation that emphasizes the priority requirements of the military services and this legislation would put dollars only toward projects that can be executed in the coming fiscal year.

These are not imaginary requirements. The military services have indicated in testimony before the subcommittee which I chair that a military construction program that adequately addresses requirements and would begin to buy down the lingering facilities backlog would be two or three times the size of the current program. This bill proposes nothing quite that grand, but it would make a significant contribution toward resolving the problem.

Mr. Chairman, on a more personal note, I want to take this opportunity to reflect on the impending retirement of the chairman of the Appropriations Subcommittee on Military Construction, BARBARA VUCANOVICH.

BARBARA, we are going to miss you, I can tell you that from a very personal standpoint. I do not think there has ever been an authorizing chairman and an appropriations chairman that worked any closer than we did, or two committees that worked more closely or two staffs that worked more closely, and that is a tribute to your leadership. You did not consult with me before you made the decision to retire, and I resent that. I would have told you not to do it. We need you here. Good luck to you as you enter a new phase of your life and a new adventure.

Mr. HEFNER. Mr. Chairman, I yield myself 2 minutes.

I do not disagree with anything that the gentleman said, but this is not a new phenomenon for administrations not to request as much money as we need. We can go back years and years and years.

Many years ago I went out to Fort Hood, TX. I saw some of the troops' wives trying to redo an old cafeteria for a day care center, and we said this is not acceptable. Not any administration since I have been here has put enough focus on quality of life and family housing in the military. It is not real sexy to go out and talk about building barracks and cutting the ribbons for a barracks, as it is for a B-1 bomber or a B-2 bomber, what have you, but it is critical for retention and for making the quality of life for our troops as well as we can.

We are so far behind. I remember just a few years ago, not only did we have a cut, we had a pause. We did not do anything in military construction. It was requested that we have a pause in military construction. We did not even keep up with the year before. So it is not a new phenomenon for us to have to go to try to put in extra money for quality of life and housing for our troops.

Mr. Chairman, I just remember talking, when Mr. RALPH REGULA was the ranking member, when I was chairman, we worked very hard for quality of life. In fact, it was the gentleman from Ohio [Mr. REGULA] and myself that brought to the forefront burdensharing. We did not even have a subcommittee called burdensharing until we brought it to the forefront about burdensharing for our troops in these foreign countries.

So it is not a new phenomenon and it is not unique to any administration that they do not ask for enough money to do the job that we think needs to be done.

Mr. Chairman, having said that, I yield 4 minutes to the gentleman from Hawaii [Mr. ABERCROMBIE].

Mr. ABERCROMBIE. I thank the gentleman from North Carolina [Mr. HEFNER] for yielding me the time.

Mr. Chairman, I am pleased to be here today and particularly to follow the chair of our subcommittee, the gentleman from Colorado [Mr. HEFLEY], because I would like to echo his comments on the cooperation between the appropriations committee and the authorizing committee. In this particular instance, we are talking about quality of life, and I would like to follow then on the remarks of the gentleman from North Carolina [Mr. HEFNER] as well.

Unfortunately, the Department of Defense has come to rely upon us in Congress when it comes to budgetary matters with respect to quality of life. What happens is, on the procurement side, in the more exotic weapons systems, particularly those that cost a great deal of money, they push that part of the envelope right up to the edge, and then they count on Members of Congress to come through on questions of quality of life, whether it is barracks or family housing or what have you, child development centers, et cetera. And we have done that.

I want to commend the gentleman from Colorado [Mr. HEFLEY] for his bipartisan approach on it, the chair of the subcommittee; and my good friend from North Carolina [Mr. HEFNER] for seeing to it that these quality of life issues have not been abandoned.

In particular, I can say in the area of the Pacific, we have dealt with Schofield Barracks and the renewal of barracks there, and we are very appreciative, and this year at Kaneohe for the Marine Barracks. General Krulak, the Commandant of the Marine Corps, called very, very happy to see that we were going to start the phasing in of the new barracks proposals at Kaneohe in the State of Hawaii.

I will say that this has a further good effect. What this does is stop the competition for nonexistent rental housing between military families and civilian families. The result, the 6 years that I have been in office and the plan that I started out with and presented on a bipartisan basis, was that this would reduce rents, reduce the cost of living in Hawaii for civilian families and improve the quality of life for military families, I think a good result from that, and I am very grateful for it.

I have two other points that I would like to make very briefly. One, as a way of improving this, I hope and I think the gentleman from Colorado [Mr. HEFLEY] has indicated that he has an interest in this, and other Republican members on our authorizing committee have indicated an interest in this, is that we start thinking about capital budgeting and start differentiating operating costs from capital costs, particularly using as a demonstration model perhaps quality of life issues in the military. We have started that.

The gentleman from Colorado [Mr. HEFLEY] was instrumental in helping us put together legislation for public-private partnerships to see to it that we can get into capital expenditures. If we can differentiate capital expenditures from operating expenditures, I think we can make vast improvements in the quality of life area and demonstrate a way of moving toward more sensible spending patterns that will result not only in helping to balance the budget but in moving forward in a sensible way with our military budgeting.

So I am appreciative to the gentleman from Colorado [Mr. HEFLEY], the gentleman from North Carolina [Mr. HEFNER], to the gentlewoman from Nevada [Mrs. VUCANOVICH], and others who have helped support this issue.

Finally, Mr. Chairman, let me say that when I was first elected in a special election in 1986, there was someone here who took me under his wing, that acted as a mentor to me, someone whom I believe to be an example of the true gentleman that exists in the House of Representatives, someone who will be more than missed, someone for whom I have the greatest possible respect, someone that we know and military families throughout the country will appreciate for decades to come because of his work at Fort DeRussy and Hale Koa to see that the recreation needs of our military are taken care of. All of us are going to miss with all of our hearts Representative SONNY MONTGOMERY from Mississippi.

Mrs. VUCANOVICH. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. HUNTER], a member of the Committee on National Security.

Mr. HUNTER. I thank the gentlewoman for yielding time.

Mr. Chairman, I want to join as a member of the Committee on National Security and a member of Mr. HEFLEY's Subcommittee on Military Installations and Facilities in thanking Chairman VUCANOVICH for her great work. It is a work that really has contributed so much to the men and women who wear uniforms for our country.

It has been mentioned a couple of times that we spend more money than the President has requested in military construction, but I think Mr. HEFNER hit the nail on the head when he pointed out that we always have paid more attention to the quality of life issues than the administrations, regardless of whether they are Democrat or Republican.

I am reminded that this bill that BARBARA VUCANOVICH helped to put together and Mr. HEFNER helped to put together that provides for military construction, the defense bill taken together with that important component is roughly $100 billion less in real dollars than the 1985–86 Reagan defense budget. Because we were strong in the 1980's and because we brought down the Berlin Wall and dissolved the Soviet empire, we have been able to reduce defense expenditures. But beyond that, this bill also and the military construction budget that is an important part of the overall defense bill is in line and is consistent with the balanced budget program that the House leadership is moving forward with.

□ 1200

So this is not a budget buster. It is well within the confines of the dollar parameters that we have set.

Mr. Chairman, let me just say to gentlewoman from Nevada, who is one of the warmest, finest persons who has ever served in this body, we thank her for everything that she has brought to the deliberative process in the House of Representatives. She is a person of great wisdom, great intellect, and a big, big heart.

In another area, in the pro-life debates and the debates with respect to abortion, her speeches about "Heather the Feather" have touched everybody's heart. God bless her and thanks for her work.

Mrs. VUCANOVICH. Mr. Chairman, I yield 2 minutes to the gentlewoman from Florida [Mrs. FOWLER], a member of the Committee on National Security.

Mrs. FOWLER. Mr. Chairman, I rise in support of H.R. 3517, the fiscal year 1997 military construction appropriations bill.

The President's fiscal year 1997 request for military construction reflected a cut of 18 percent from fiscal year 1996 appropriated levels, even though the Defense Science Board's quality of life task force found that 62 percent of military housing spaces and 64 percent of family housing units are unsuitable.

The bill helps correct this deficiency. While still below last year's appropriation, it significantly boosts the President's request for both new and renovated barracks and military family housing. This will address the concerns of many in today's military who are fed up with inadequate housing and are voting with their feet.

This bill supports other infrastructure improvements, as well. Earlier this year, for instance, Assistant Secretary of the Navy Pirie highlighted the Navy's need for significant investment in port infrastructure to ensure readiness. I am pleased H.R. 3517 recognizes the requirement, adding funding for projects such as wharf improvements at Naval Station Mayport.

Mr. Chairman, this bill improves the readiness of our Armed Forces. It merits our support.

Mr. HEFNER. Mr. Chairman, I yield myself 1 minute.

I urge strong support of this bill. It is not as much as we would like to do. I suppose that will always be with the budget restrictions that we are under. I suppose we will never have enough money to do the things that we would like to do and would need to do, but I would just like to point out to those that would be critical of this bill that every item in this bill is authorized, and we have gone to great pains to see that the money is going to be targeted to where it would do the most good for quality of life for our Armed Forces.

So I think it is a good bill, it is a bill that I think that everybody can support, and I urge that everyone in the body would take a close look at it and I would strongly urge that we have a unanimous vote on this milcon bill. And again I want to congratulate the gentlewoman from Nevada and wish her a very happy retirement, and I hope that this will be a resounding endorsement of this bill here today on the last vote that she will be bringing to this floor.

Mr. FAZIO of California. Mr. Chairman, I rise in support of H.R. 3517, the Military Construction bill for fiscal year 1997. I would like to thank the chairwoman of this committee, BARBARA VUCANOVICH, who has once again moved this bill swiftly through the Appropriations Committee, and I am sad to say will be doing it for the last time. I want to wish her well and would like to personally thank her for the service that she has provided to this important subcommittee and this institution. I would also like to thank the ranking member of the subcommittee, BILL HEFNER, for his help and assistance in bringing this legislation to the floor.

Mr. Chairman, as both the chairwoman and the ranking member have noted, this bill provides $10 billion in fiscal year 1997 for military construction, family housing and military base closure. This bill continues this committee's commitment to funding initiatives that upgrade the quality of life for the men and women of armed forces and families.

Mr. Chairman, I would like to highlight, a few important projects in the bill that are crucial to the constituents of my district.

The first project is the ongoing renovation of the dormitories at Travis AFB. This bill provides funding for one dormitory scheduled for construction this year, and funding to speed up construction of a second dorm at Travis. Additionally, this bill includes $8.6 million for the construction of 70 multi-family housing units for enlisted personnel stationed at Travis. These projects go a long way to improve Travis' housing situation. The construction of the dormitories is part of a base-wide project to upgrade and improve base housing in order to meet Air Force requirements.

This bill also provides funds to replace Travis' underground fueling system. The system was designed to provide a quick and efficient way to refuel two jets at one time. Travis currently relies on an underground system from the 1950's, which often fails because of electrical shorts which occur after rainstorms. The new fuel system is safer and more efficient than the fuel trucks on the runway. It will also put an end to the occasional leaks which are so bad for the environment.

Mr. Chairman, these upgrades are a clear sign that Travis is, and will remain, vital to the Air Force mission. These improvements in modernization will ensure that the base will meet that mission.

Finally, this bill provides for two projects at Beale AFB: the closure of landfill No. 2 and for the CARS Deployable Ground Station Support Facility. Each of these projects are important to the continued mission at Beale.

Mr. Chairman, each of the initiatives I have outlined will help maintain Travis and Beale AFB as critical defense assets and as integral parts of their respective communities.

In closing, Mr. Chairman, I want to reiterate my support for this important military readiness bill.

Mr. UNDERWOOD. Mr. Chairman, I rise today to express my disappointment at the lack of funding in this bill for National Guard Armories, and to urge the Secretary of the Army to include construction funds for armories in next year's budget request.

When the authorizing committee for military construction, the House Military Construction and Facilities Subcommittee, held hearings on the fiscal year 1997 Department of Defense [DOD] authorization bill, the chairman was clear about his position on armories. No request means no funding, and no Member addons would be included in the bill.

This was not a new position. Last year, Chairman HEFLEY informed the Department of the Army and the Army National Guard that no armories would be funded until they were requested from the department in their annual budget request. Unfortunately, that advice was ignored this year and no armories were requested. The army knows how to solve this problem, and the ball is in their court.

As my colleagues on the National Security Committee know from my repeated speeches on this subject, the Guam Army National Guard is the only National Guard unit without an armory. At the same time, the Guam Army National Guard is one of the most recognized units in the nation, having received awards for the best recruiting and retention of any other unit in the country.

The construction of an armory for the Guam Army National Guard is a priority within the National Guard Bureau. Only recently, it was included in the $250 million priority list forwarded to the congressional defense committees at Senator REID's request.

I am pleased that the Department of the Army is now rethinking how it funds armories and has begun a dialog with the relevant committees. In order to meet the construction needs of our National Guard units, I urge the Department of the Army to include funding for armories, including a much-needed armory for the Guam Army National Guard, in next year's budget request.

Mr. QUINN. Mr. Chairman, I am unable to cast my vote in support of H.R. 3517, the Military Construction Appropriation Act, because I must attend the funeral of my friend and constituent, Seymour H. Knox III, of Buffalo.

H.R. 3517 underscores this Congress' continuing commitment to America's service personnel and their families, including many of my constituents who serve on the Niagara Falls Air Base. The bill also reflects a continuing commitment to the American taxpayer by calling for a $1.2 billion reduction from last year's level of $11.2 billion—keeping us on the path toward our ultimate goal of reaching a balanced budget by the year 2002.

According to the Quality of Life Task Force chaired by former Secretary of the Army Jack Marsh, 62 percent of troop housing and 64 percent of family housing units are currently unsuitable. This bill helps correct this deficiency.

Included in this legislation is $1 billion for family housing construction and improvements benefiting over 10,000 military families. In addition, the bill includes: $36 million for the Homeowners Assistance Fund; $34 million for child development centers; $313 million for hospital and medical facilities; and $88 million for environmental compliance.

Mr. STUPAK. Mr. Chairman, it has come to my attention that the move to privatize functions of the Department of Defense is apparently running into some snags when it comes to work being performed on the approximately 3,000 armories located all across our Nation, and at facilities located overseas.

First of all, I want to make certain that I am fully understood on this point, for I do not intend to detract from or denigrate any members of the National Guard and the Reserves.

Quite simply, my concern is that much of the work being performed through the Reserved Component Automation System could be resulting in additional costs, delays, and inefficiencies.

The Reserved Component Automation System program consists of installing electrical circuits and local-area-network [LAN] cable and devices in preparation for computers at armories throughout the Nation.

Apparently, the Department of Defense has determined that it cannot afford to perform this work at some of the smaller facilities through the use of outside contractors and, instead, is considering using armory personnel for this work.

Again, I am not questioning the skills, talents, and capabilities of members of the Guard and Reserves, but when there are small businesses in the private sector that have a proven track record of performing such work, I am concerned that local firms and local workers are being left out of the kind of work they customarily perform, typically at the lowest cost and with the greatest efficiency and best quality.

Mr. Chairman, a firm in my district has performed electrical and computer wiring work in as many as 70 armories, and the work they perform is of the highest quality and efficiency, and frequently at the lowest costs.

I would like to request of the distinguished chairwoman, my friend from Nevada, that we fully explore the best use of the funds that we appropriate through the Reserved Component Automation System and that we continue to apply very high standards, standards that call for cost-savings, high-quality, and greater efficiencies.

FEBRUARY 23, 1996.

Congressman BART STUPAK,
Cannon House Office Building,
Washington, DC.

Subject: Reserve/Armory projects.

DEAR BART: We have recently been advised that a contract has been issued to Boeing to perform the tasks we discussed on the larger sites in each State plus Europe. The contract is apparently a long term one and only for the large sites.

The information still indicates the government plans to complete the rest of the sites with armory personnel or individual contractors and since this is the arena we hoped to participate in, the door may be open.

Please let me know how I can assist you.

Sincerely,

RONALD C. LINDBERG,
Rapid Electric Sales & Service.

The Government has issued contracts for a Reserved Component Automation System which Rapid Electric has participated in by doing most of the armories in Michigan.

The project consists of installing electrical circuits and LAN cable and devices in preparation for computers.

The Government has determined it can't afford to do the smaller sites as originally planned and is considering using the armory personnel for the electrical and LAN installation.

We offer an alternative:

Rapid Electric has licensed electricians trained and experienced in these installations and can complete the work in a timely and professional manner while maintaining a cost within the allocated budget.

The work would be completed using our already trained personnel along with licensed electricians from the communities and states where the armory is located.

We would be consistent with the goals of privatisation and putting people to work as well as complying with the local codes and licensing laws.

Using nonqualified, nonlicensed personnel for installation of a national defense system is commercial senselessness. If we can't afford to do it right we are better off not to do it at all. It's better to work without a system than to depend on one that doesn't work.

The Government is expected to have an armory ready for the computer people when they arrive. If the electrical and LAN work isn't complete or does not operate when they arrive there is added expense and delay for rescheduling and return trips.

If the system fails when needed, it is of no value.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise today in support of H.R. 3517, the military construction appropriations for fiscal year 1997.

This bill properly focuses on improving the quality of life for our service men and women and their families. This bill provides for new barracks and family housing, child care and medical facilities, and environmental compliance projects; $776 million will be expended for new barracks; $34 million is appropriated for construction and improvement to day care centers and $48 million for energy conservation programs within the Department of Defense.

In Texas, $35,000,000 will go to construction and renovation of barracks at Fort Hood. Brooks Air Force Base and Dyess Air Force Base will receive $5,895,000 and $4,613,000 respectively.

At Brooks Air Force Base in Texas, $5,400,000 will be appropriated for a student dormitory. Dyess Air Force Base will receive $5,895,000 for improvements to their student dormitory facility.

Statewide, Texas will receive $6,500,000 aimed at general life safety upgrade for military personnel and their families in Texas.

I am proud to support this bill that provides for these types of quality of life programs which stress the importance of providing a healthy, happy, environment for the many families who live and work on military bases in my home State of Texas and across the country.

These young men and women are making a tremendous sacrifice in the service of our country and they deserve the improvements that this bill will make in their daily lives.

Mr. Chairman, I yield back the balance of my time.

Mrs. VUCANOVICH. Mr. Chairman, I thank the gentleman very much for his kind words, and I also urge support for this bill. I think it is a good bill.

Mr. Chairman, I have no more requests for time, and I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment and may reduce to not less than 5 minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall not be less than 15 minutes.

After the reading of the final lines of the bill, a motion that the Committee of the Whole rise and report the bill to the House with such amendments as may have been adopted shall, if offered by the majority leader or a designee, have precedence over a motion to amend.

The Clerk will read.

The Clerk read as follows:

H.R. 3517

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1997, for military construction, family housing, and base realignment and closure functions administered by the Department of Defense, and for other purposes, namely:

MILITARY CONSTRUCTION, ARMY

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Army as currently authorized by law, including personnel in the Army Corps of Engineers and other personal services necessary for the purposes of this appropriation, and for construction and operation of facilities in support of the functions of the Commander in Chief, $603,584,000, to remain available until September 30, 2001: *Provided,* That of this amount, not to exceed $54,384,000 shall be available for study, planning, design, architect and engineer services, and host nation support, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

MILITARY CONSTRUCTION, NAVY

(INCLUDING RESCISSIONS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, facilities, and real property for the Navy as currently authorized by law, including personnel in the Naval Facilities Engineering Command and other personal services necessary for the purposes of this appropriation, $724,476,000, to remain available until September 30, 2001: *Provided,* That of this amount, not to exceed $50,959,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor: *Provided further,* That of the funds appropriated for "Military Construction, Navy" under Public Law 102–136, $6,900,000 is hereby rescinded: *Provided further,* That of the funds appropriated for "Military Construction, Navy" under Public Law 102–380, $2,800,000 is hereby rescinded: *Provided further,* That of the funds appropriated for "Military Construction, Navy" under Public Law 103–110, $2,300,000 is hereby rescinded.

MILITARY CONSTRUCTION, AIR FORCE

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Air Force as currently authorized by law, $678,914,000, to remain available until September 30, 2001: *Provided,* That of this amount, not to exceed $47,387,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

MILITARY CONSTRUCTION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, installations, facilities, and real property for activities and agencies of the Department of Defense (other than the military departments), as currently authorized by law, $772,345,000, to remain available until September 30, 2001: *Provided,* That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction or family housing as he may designate, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided further,* That of the amount appropriated, not to exceed $12,239,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

DEPARTMENT OF DEFENSE MILITARY UNACCOMPANIED HOUSING IMPROVEMENT FUND

(INCLUDING TRANSFER OF FUNDS)

For the Department of Defense Military Unaccompanied Housing Improvement Fund, $10,000,000, to remain available until expended: *Provided,* That subject to thirty days prior notification to the Committees on Appropriations, such additional amounts as may be determined by the Secretary of Defense may be transferred to the Fund from amounts appropriated in this Act for the acquisition or construction of military unaccompanied housing in "Military Construction" accounts, to be merged with and to be made available for the same purposes and for the same period of time as amounts appropriated directly to the Fund: *Provided further,* That appropriations made available for the Fund in this Act shall be available to cover the costs, as defined in section 502(5) of the Congressional Budget Act of 1974, of direct loans and loan guarantees issued by the Department of Defense pursuant to the provisions of subchapter IV of chapter 169 of title 10, United States Code, pertaining to alternative means of acquiring and improving military unaccompanied housing and ancillary supporting facilities.

Military Construction, Army National Guard

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army National Guard, and contributions therefor, as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, $41,316,000, to remain available until September 30, 2001.

Military Construction, Air National Guard

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air National Guard, and contributions therefor, as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, $118,394,000, to remain available until September 30, 2001.

Military Construction, Army Reserve

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army Reserve as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, $50,159,000, to remain available until September 30, 2001.

Military Construction, Naval Reserve

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the reserve components of the Navy and Marine Corps as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, $33,169,000, to remain available until September 30, 2001.

Military Construction, Air Force Reserve

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air Force Reserve as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, $51,655,000, to remain available until September 30, 2001.

North Atlantic Treaty Organization Security Investment Program

For the United States share of the cost of the North Atlantic Treaty Organization Security Investment Program for the acquisition and construction of military facilities and installations (including international military headquarters) and for related expenses for the collective defense of the North Atlantic Treaty Area as authorized in military construction authorization Acts and section 2806 of title 10, United States Code, $177,000,000, to remain available until expended.

Family Housing, Army

For expenses of family housing for the Army for constrution, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, $176,603,000, to remain available until September 30, 2001; for Operation and Maintenance, and for debt payment, $1,257,466,000; in all $1,434,069,000.

Family Housing, Navy and Marine Corps

For expenses of family housing for the Navy and Marine Corps for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, $532,456,000, to remain available until September 30, 2001; for Operation and Maintenance, and for debt payment, $1,058,241,000; in all $1,590,697,000.

Family Housing, Air Force

For expenses of family housing for the Air Force for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, $304,068,000, to remain available until September 30, 2001; for Operation and Maintenance, and for debt payment, $840,474,000; in all $1,144,542,000.

Family Housing, Defense-wide

For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for construction, including acquisition, replacement, addition, expansion, extension and alteration, and for operation and maintenance, leasing, and minor construction, as authorized by law, as follows: for Construction, $4,371,000, to remain available until September 30, 2001; for Operation and Maintenance, $30,963,000; in all $35,334,000.

Department of Defense Family Housing Improvement Fund

(INCLUDING TRANSFER OF FUNDS)

For the Department of Defense Family Housing Improvement Fund, $35,000,000, to remain available until expended: *Provided*, That, subject to thirty days prior notification to the Committees on Appropriations, such additional amounts as may be determined by the Secretary of Defense may be transferred to the Fund from amounts appropriated in this Act for construction in "Family Housing" accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund: *Provided further*, That appropriations made available to the Fund in this Act shall be available to cover the costs, as defined in section 502(5) of the Congressional Budget Act of 1974, of direct loans or loan guarantees issued by the Department of Defense pursuant to the provisions of subchapter IV of Chapter 169, title 10, United States Code, pertaining to alternative means of acquiring and improving military family housing and supporting facilities.

Homeowners Assistance Fund, Defense

For use in the Homeowners Assistance Fund established by section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966, as amended (42 U.S.C. 3374), $36,181,000, to remain available until expended.

Base Realignment and Closure Account, Part II

For deposit into the Department of Defense Base Closure Account 1990 established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991 (Public Law 101–510), $352,800,000, to remain available until expended: *Provided*, That not more than $223,789,000 of the funds appropriated herein shall be available solely for environmental restoration, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

Base Realignment and Closure Account, Part III

For deposit into the Department of Defense Base Closure Account 1990 established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991 (Public Law 101–510), $971,925,000, to remain available until expended: *Provided*, That not more than $351,967,000 of the funds appropriated herein shall be available solely for environmental restoration, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

Base Realignment and Closure Account, Part IV

For deposit into the Department of Defense Base Closure Account 1990 established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991 (Public Law 101–510), $1,182,749,000, to remain available until expended: *Provided*, That not more than $200,841,000 of the funds appropriated herein shall be available solely for environmental restoration, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

GENERAL PROVISIONS

SEC. 101. None of the funds appropriated in Military Construction Appropriations Acts shall be expended for payments under a cost-plus-a-fixed-fee contract for work, where cost estimates exceed $25,000, to be performed within the United States, except Alaska, without the specific approval in writing of the Secretary of Defense setting forth the reasons therefor: *Provided*, That the foregoing shall not apply in the case of contracts for environmental restoration at an installation that is being closed or realigned where payments are made from a Base Realignment and Closure Account.

SEC. 102. Funds appropriated to the Department of Defense for construction shall be available for hire of passenger motor vehicles.

SEC. 103. Funds appropriated to the Department of Defense for construction may be used for advances to the Federal Highway Administration, Department of Transportation, for the construction of access roads as authorized by section 210 of title 23, United States Code, when projects authorized therein are certified as important to the national defense by the Secretary of Defense.

SEC. 104. None of the funds appropriated in this Act may be used to begin construction of new bases inside the continental United States for which specific appropriations have not been made.

SEC. 105. No part of the funds provided in Military Construction Appropriations Acts shall be used for purchase of land or land easements in excess of 100 per centum of the value as determined by the Army Corps of Engineers or the Naval Facilities Engineering Command, except (a) where there is a determination of value by a Federal court, or (b) purchases negotiated by the Attorney General or his designee, or (c) where the estimated value is less than $25,000, or (d) as otherwise determined by the Secretary of Defense to be in the public interest.

SEC. 106. None of the funds appropriated in Military Construction Appropriations Acts shall be used to (1) acquire land, (2) provide for site preparation, or (3) install utilities for any family housing, except housing for which funds have been made available in annual Military Construction Appropriations Acts.

SEC. 107. None of the funds appropriated in Military Construction Appropriations Acts for minor construction may be used to transfer or relocate any activity from one base or installation to another, without prior notification to the Committees on Appropriations.

SEC. 108. No part of the funds appropriated in Military Construction Appropriations Acts may be used for the procurement of steel for any construction project or activity for which American steel producers, fabricators, and manufacturers have been denied the opportunity to compete for such steel procurement.

SEC. 109. None of the funds available to the Department of Defense for military construction or family housing during the current fiscal year may be used to pay real property taxes in any foreign nation.

SEC. 110. None of the funds appropriated in Military Construction Appropriations Acts may be used to initiate a new installation overseas without prior notification to the Committees on Appropriations.

SEC. 111. None of the funds appropriated in Military Construction Appropriations Acts may be obligated for architect and engineer contracts estimated by the Government to exceed $500,000 for projects to be accomplished in Japan, in any NATO member country, or in countries bordering the Arabian Gulf, unless such contracts are awarded to United States firms or United States firms in joint venture with host nation firms.

SEC. 112. None of the funds appropriated in Military Construction Appropriations Acts for military construction in the United States territories and possessions in the Pacific and on Kwajalein Atoll, or in countries bordering the Arabian Gulf, may be used to award any contract estimated by the Government to exceed $1,000,000 to a foreign contractor: *Provided*, That this section shall not be applicable to contract awards for which the lowest responsive and responsible bid of a United States contractor exceeds the lowest responsive and responsible bid of a foreign contractor by greater than 20 per centum.

SEC. 113. The Secretary of Defense is to inform the appropriate Committees of Congress, including the Committees on Appropriations, of the plans and scope of any proposed military exercise involving United States personnel thirty days prior to its occurring, if amounts expended for construction, either temporary or permanent, are anticipated to exceed $100,000.

SEC. 114. Not more than 20 per centum of the appropriations in Military Construction Appropriations Acts which are limited for obligation during the current fiscal year shall be obligated during the last two months of the fiscal year.

(TRANSFER OF FUNDS)

SEC. 115. Funds appropriated to the Department of Defense for construction in prior years shall be available for construction authorized for each such military department by the authorizations enacted into law during the current session of Congress.

SEC. 116. For military construction or family housing projects that are being completed with funds otherwise expired or lapsed for obligation, expired or lapsed funds may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims, if any.

SEC. 117. Notwithstanding any other provision of law, any funds appropriated to a military department or defense agency for the construction of military projects may be obligated for a military construction project or contract, or for any portion of such a project or contract, at any time before the end of the fourth fiscal year after the fiscal year for which funds for such project were appropriated if the funds obligated for such project (1) are obligated from funds available for military construction projects, and (2) do not exceed the amount appropriated for such project, plus any amount by which the cost of such project is increased pursuant to law.

(TRANSFER OF FUNDS)

SEC. 118. During the five-year period after appropriations available to the Department of Defense for military construction and family housing operation and maintenance and construction have expired for obligation, upon a determination that such appropriations will not be necessary for the liquidation of obligations or for making authorized adjustments to such appropriations for obligations incurred during the period of availability of such appropriations, unobligated balances of such appropriations may be transferred into the appropriation "Foreign Currency Fluctuations, Construction, Defense" to be merged with and to be available for the same time period and for the same purposes as the appropriation to which transferred.

SEC. 119. The Secretary of Defense is to provide the Committees on Appropriations of the Senate and the House of Representatives with an annual report by February 15, containing details of the specific actions proposed to be taken by the Department of Defense during the current fiscal year to encourage other member nations of the North Atlantic Treaty Organization, Japan, Korea, and United States allies bordering the Arabian Gulf to assume a greater share of the common defense burden of such nations and the United States.

(TRANSFER OF FUNDS)

SEC. 120. During the current fiscal year, in addition to any other transfer authority available to the Department of Defense, proceeds deposited to the Department of Defense Base Closure Account established by section 207(a)(1) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526) pursuant to section 207(a)(2)(C) of such Act, may be transferred to the account established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991, to be merged with, and to be available for the same purposes and the same time period as that account.

SEC. 121. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the "Buy American Act").

SEC. 122. (a) In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) In providing financial assistance under this Act, the Secretary of the Treasury shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

(TRANSFER OF FUNDS)

SEC. 123. During the current fiscal year, in addition to any other transfer authority available to the Department of Defense, amounts may be transferred from the account established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991, to the fund established by section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) to pay for expenses associated with the Homeowners Assistance Program. Any amounts transferred shall be merged with and be available for the same purposes and for the same time period as the fund to which transferred.

Mrs. VUCANOVICH (during the reading). Mr. Chairman, I ask unanimous consent that the bill, through page 19, line 17, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Nevada?

There was no objection.

The CHAIRMAN. Are there any amendments to this portion of the bill?

AMENDMENT OFFERED BY MS. FURSE

Ms. FURSE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. FURSE: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . (a) LIMITATION ON USE OF FUNDS.—None of the funds made available in this Act may be used for renovation, repair, or other military construction project in connection with Spinelli Barracks or Taylor Barracks, Mannheim, Germany.

(b) CORRESPONDING REDUCTION IN FUNDS.—The amount otherwise provided by this Act for "MILITARY CONSTRUCTION, ARMY" is hereby reduced by $17,400,000.

Ms. FURSE. Mr. Chairman, I want to take a moment before I start and express my deep appreciation to the ranking member of this committee, the gentleman from North Carolina [Mr. HEFNER], and how much wonderful work he does for military personnel, and also to our retiring chairperson, she has also done such great work.

My amendment, Mr. Chairman, which is endorsed by Citizens Against Government Waste, reduces the Army military construction account by $17.4 million. That $17.4 million is the cost of renovating two barracks in Mannheim, Germany.

There are three reasons why I offer this amendment. The first is that these renovations were not requested by the Department of Defense; second, they are not in the Army's 6-year future defense plan; and, third, Mr. Chairman, we are about to undertake a fundamental reevaluation of our present worldwide troop deployment patterns and it seems to me this is not the time to be committing ourselves to an over $17 million remodeling project.

My colleagues will recall the Shays-Frank burdensharing amendment. It passed the House overwhelmingly by a vote of 353 to 62 during consideration of the fiscal year 1997 defense authorization. This amendment required a report on alternative configuration, due March 1, 1997.

Now, I certainly support the effort to improve quality of life for our troops; however, the U.S. taxpayers should not be asked to pick up the tab for this installation in Europe. The United States should negotiate with the Germans to make these renovations part of their contribution.

The Japanese Government gives about 79 percent of the nonpersonnel costs incurred in stationing our troops in their country, but none of our NATO allies, not even Germany, has agreed to kick in a dime for the renovation at Mannheim. This is yet another way that the Europeans end up paying just 24 percent of U.S. nonpersonnel costs and investing their own money in other things of value.

There are better ways, it seems to me, to spend this $17 million than in renovating barracks in Europe. In my own State of Oregon, our National Guard was told that if projects were not part of DOD long-range plans they would not be added to this bill. Well, the barracks in Germany were not part of the plan and they got funding for $17 million.

And the question I think we need to ask, if this is indeed a priority, is why did the Department of Defense not include these renovations in their request?

It is very important at this time that we are reviewing our overseas presence, and I believe that while we do that review we should set our priorities better than the one in this bill that my amendment would address.

The Furse amendment, is, as I said, endorsed by Citizens Against Government Waste and Taxpayers for Common Sense. I urge that Members support my amendment and save $17 million that we can well use in military construction in this country.

Mr. HEFLEY. Mr. Chairman, I rise in strong opposition to the amendment.

The amendment, I think, fundamentally misrepresents the situation on the ground in Germany and is a direct assault on the young men and women that are stationed there, young Americans who are in many cases now deployed in Bosnia.

I believe that deployment to Bosnia was supported by the gentlewoman from Oregon, but when we bring those troops back from the miserable situation in Bosnia to Germany, she wants them still to have a miserable living situation, it would appear, when they get back there.

As the chairman of the Subcommittee on Military Installations and Facilities, I want to remind the House these barracks projects have already been considered by the House. Just 2 weeks ago, the House passed the military construction authorization for the coming fiscal year as part of the defense authorization bill. No one challenged these barracks improvements at the time. No one offered an amendment, and these projects have been fully supported on a bipartisan basis throughout the committee process.

Moreover, these projects are also included in the defense authorization bill, which is reported by the Senate Armed Services Committee. We recognize the degraded and difficult living conditions of our soldiers in Germany, and so has the Army. The Army has not dedicated any military construction funding to barracks in Germany since before the drawdown began in 1989. Well, the drawdown is over, and we know where these troops are going to remain.

On April 10, 1996, I wrote to each of the military departments to determine the high priority unfunded requirements in military construction. Maj. Gen. Frank Miller, the Assistant Chief of Staff of the Army for Installation Management, responded to me on April 18. He indicated that these two projects were high priority unfunded requirements.

In testimony before the subcommittee that I chair, I asked Deputy Assistant Secretary of Defense for Economic Security where the department would put additional funding if it became available. Here is what he said: "I think that were we to have additional funds, the place that really needs the most attention is our overseas bases, and particularly in Europe." He went on to say that "what we are asking of those people and the conditions that they are finding themselves in are pretty abysmal." "Abysmal" is the word he used.

Barracks which have remained substantially the same since Harry Truman was President of the United States are not adequate, and payment-in-kind is simply not enough.

Now, the Germans, contrary to what the gentlewoman from Oregon [Ms. FURSE] has stated, are doing their part. This year the German Government will put $57.4 million in payment-in-kind toward 12 projects to support American forces, and each of these projects will go toward improving barracks and family housing.

Mr. Chairman, I note that the proponent of the amendment chose to ignore the $88 million in overseas barracks construction proposed by the administration, including $48 million proposed for construction in NATO countries. If this is a burdensharing issue, why not attack those projects?

If it is not a burdensharing issue, what is it? Why are we debating this? What kind of signal will we send to troops on the ground in Bosnia and throughout the military if this amendment is adopted? My guess is that a "yes" vote on this amendment will be seen as a slap in the face to those who serve in such miserable conditions.

This amendment will particularly harm the most junior enlisted personnel, those who did not join for pay or benefits, but simply to serve their country. The least we can do is ensure adequate living conditions.

We should not tolerate terrible, gang latrine conditions and substandard living conditions. Two-thirds of the barracks in the military services are considered unsuitable by the Defense Science Task Force on Equality of Life.

It should not matter whether troops are stationed at home or abroad. They are all Americans and they deserve better than we are giving them. This Congress has a responsibility to provide for the Army, and if there is a demonstrated inadequacy in the budget, we have a responsibility to address it.

Mr. Chairman, this bill makes a modest investment in addressing a very serious problem. I urge my colleagues to reject this amendment.

☐ 1215

Mr. MINGE. Mr. Chairman, I rise in support of the Furse amendment, and I am deeply interested in the comments of the previous speaker. The gentleman certainly raises issues that are of concern to all of us. Our troops in Bosnia are important to each American, their well-being, and their support.

But, Mr. Chairman, I would like to observe that it is our expectation that the troops in Bosnia will be withdrawn by the end of the year, or certainly sometime next year, and it is far from clear that these apartment units, these housing quarters are going to be completed in time for them to occupy them.

It is our hope and prayer, of course, that these troops will be home in the United States before then. So, I think that it is a red herring to claim that these units are for our troops in Bosnia.

Second, I would point out that the Armed Forces themselves have not included this barracks project in their long-term plan. Why is it we are building additional housing units in Europe at the instigation of the committees in Congress, when the Defense Department itself has not placed a priority on these units? I submit that this is not a responsible use of taxpayer dollars.

Third, it is important to note that we have a study underway pursuant to the request by Congress for how we should handle burdensharing obligations. Is it responsible for us to jump in and say that we should spend $17.4 million building these barracks when this study is in progress and when the Defense Department has not requested funds for the barracks themselves?

I think that the Furse amendment represents a modest, responsible, prudent approach to budgeting and that all of us would be well-advised to support this amendment to save the American taxpayer dollars or if these are dollars that must be spent according to the committee's calculations, to invest these dollars in facilities that would serve the American Armed Forces for a longer period of time and not violate the mandate from Congress with respect to the burdensharing study.

Finally, I would like to emphasize that we are not quibbling here over whether we are going to do something for the men and women in the Armed Forces or for our veterans. All of us agree that we ought to support the folks in the service. The question is what is responsible with respect to the American taxpayer, and how do we work effectively as a legislative body with the administrative branch to make these decisions?

Again, if the Defense Department itself has not included this project in its long-term plan, why are we leaping in at this point in time to second guess those experts?

Ms. FURSE. Mr. Chairman, will the gentleman yield?

Mr. MINGE. I yield to the gentlewoman from Oregon.

Ms. FURSE. Mr. Chairman, one of the things I would like to point out is that there are many needs for barracks in the United States. I would point out one place in Oregon where we do training in central Oregon. We train about 500 person-days a year, and there the trainees sleep on the armory floor and they use Porta-potties. They would love to have a barracks, but they were told, the National Guard was told it was not in the long-range plan, they would not be able to apply for these.

We are again saying this was not in the long-range plan, it was not requested, and we would like to see the long-range report completed first and make sure that our allies pick up the cost of some of these housing that then become part of their housing stock.

So, I would point out that many of the barracks need remodeling here in this country and our Army National Guard really does need to have some of that money spent on their local barracks, and I would suggest that is probably a better use of money, but it should have been authorized, or rather it should have been requested and I believe it must be in the long-range plan to be a conservative use of our taxpayers' money.

Mr. MINGE. Mr. Chairman, reclaiming my time, I would also like to report that we checked with the German embassy and we were advised that apartments can be rented in the Mannheim area for $750 a month for a 2-bedroom apartment. If we have a need for housing for our troops on an interim or swing period of time especially the troops in Bosnia, why do not we utilize the market that is available in the area to provide that housing on a temporary basis? I submit that building housing or building barracks that probably would have a life expectancy of 40 years is not a responsible use of money.

Mr. PORTER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in strong support of the bill. I have come down to the floor for the express purpose of saying what a joy it has been to serve on the subcommittee under the chairmanship of the gentlewoman from Nevada [Mrs. VUCANOVICH]. She has been one of the outstanding members and leaders not only on our Committee on Appropriations but in this House of Representatives and in the Republican Party.

She has been unfailingly helpful and cooperative with all the Members. It has been a joy to be a part of her subcommittee. As I said at the markup, she could give all of the rest of us subcommittee chairmen lessons in how to mark up a bill in an efficient way and get the job done for the House of Representatives.

Mr. Chairman, the gentlewoman has done an outstanding job in crafting this bill that addresses the quality of life and needs of our Armed Services, and this bill includes increased funding for troops' barracks quarters, for new family housing units, for private family homes, for child development centers.

All of these items are essential to the readiness of our Armed Forces. It is a disgrace to see the substandard housing facilities in which we have sometimes allowed the men and women who serve our country to live. They deserve the very best we can provide.

Under the leadership of Chairman VUCANOVICH, this bill takes very strong steps toward improving those conditions and I think she has done a masterful job in crafting the bill. I fully support it, and the fact that the gentlewoman is retiring, I want her to know that I believe it is a tremendous loss to the Congress and to the country to see her enter retirement. She is going to be missed very much, and I have been proud to serve under her chairmanship of the subcommittee.

Mr. UPTON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise today in support of the Furse amendment.

Mr. Chairman, I first want to say that I applaud the subcommittee this year and the full committee as well, for the bill itself is $1.1 billion less than last year's spending bill, which I think is a step in the right direction.

However, Mr. Chairman, I must say that I am dismayed that it is still $900 million more than what the Pentagon asked for. This amendment seeks to cut $17 million of the $900 million in unrequested funds. The money is designated, as the gentlewoman from Oregon [Ms. FURSE] indicated, for barracks improvements in Germany.

While there is nothing wrong with improving the quality of life for our troops, there is something wrong in asking the taxpayer to spend $17.5 million for a military project that the Pentagon does not have in its long-range plan. It did not request it, and consequently it must not see the need for this project.

Mr. Chairman, I know that it is hard to cut spending. We do not win a lot of battles, and I regret that this amendment is likely to fail. I wish that we had the line-item veto in effect for this year's spending appropriations instead of next year's. It would have been a good first test. But unfortunately it does not start until next year.

Mr. Chairman, $17 million is a lot of money. It is a lot of money in anybody's checkbook, whether it be the Federal Government's or somebody else's. And if we are going to start in cutting back on waste and unneeded projects, this is where we ought to start.

So, Mr. Chairman, I would urge my colleagues to join with me and the Citizens Against Government Waste and the Taxpayers for Common Sense in supporting this amendment.

Mr. HEFNER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, for a couple of reasons, one, I do not like to be on the wrong side of Citizens Against Government Waste because I am a citizen and I am against government waste, and second, I reluctantly oppose the gentlewoman's amendment. I think it is ill-advised.

What we are doing here, we are not—and someone mentioned projects all across the Nation. Well, there is no doubt about that. There are projects that need to be done. And $17 million would not address many projects in all the many States, the requests that we have here. But the only thing we are going to do, if we adopt this amendment, the only people it is going to hurt is going to be the troops that are stationed there. And we are going to continue to have the poor living conditions there. It was not requested. We understand that. But it was a high priority when we talked to the military people that were responsible for the living conditions for those people there. It was a high priority with them.

But in many cases over the years, people have not requested these funds because it was not a higher priority with them because they had so many other things and the budget crunch came. But they need these funds.

The gentlewoman has linked her amendment to a burdensharing amendment that passed the House in the Armed Services bill. I do not believe that any redeployment of our troops will affect the Army at Mannheim, Germany. The fact of the matter is that we are consolidating our forces there, and it serves as a major railhead for the Armed Forces in Europe. In fact, it was recently used to send troops and equipment to Bosnia.

Someone mentioned that they had talked with the German Housing Authority, and I respect that, but I doubt very seriously if the Germany Housing Authority could supply the number of apartments that we would need to accommodate our soldiers that are stationed there. Plus, they are enlisted men; they do not have the kind of resources that would be needed to live on the economy in Germany.

It is true that the Germany Government owes us over $200 million based on cost sharing reached in the understanding with many United States facilities. However, having said that, cutting these funds from this bill is not in any way going to affect the behavior of the German Government. It has been our contention for many years that we do not put enough pressure on our allies about burdensharing, but we are doing better with the Japanese, the Germans and everybody that is concerned.

This project will not actually replace but refurbish facilities built in 1940. I was 10 years old when they began occupying these facilities and that goes back a long, long way.

I certainly respect the gentlewoman's endeavor here and her commitment to it, but I think it is ill-advised and I would hope that the Members of Congress would look at this, look at the whole picture, and realize that this is not the way for us to go.

□ 1230

So, reluctantly, at the threat of being on the wrong side of Citizens Against Government Waste and my dear friend from Oregon, I would request that Members look at this entire bill and see it for what it is, a good bill. The priorities are set. There is no money that is being wasted. This money will be put to a very good use, and it will benefit our sons and our daughters that are stationed in Germany. This is not a frivolous funding, and I would highly recommend that we vote against this amendment and support this bill.

Mr. WICKER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the Furse amendment. At first blush, it might seem that a vote in favor of the amendment would be politically correct. After all, this project is not in anyone's district. There is not a single Member of this body who is going to be able to go home and brag about bringing home pork to his district. This expenditure simply provides for the needs of our servicemen who have signed on to support our national interests and have been assigned to Europe.

Also, we might get a plus from the Citizens Against Government Waste. And I agree with the gentleman from North Carolina. I am against government waste and I hate to receive a bad mark from a public interest group such as Citizens Against Government Waste. But if we pass the Furse amendment, we will do so at the expense of the quality of life of our servicemen who have agreed to serve our country and who are in desperate need of improved barracks right now.

Now, one thing that needs to be pointed out, Mr. Chairman, is that this project has been recommended by the U.S. Army. The subcommittee asked for a list of priorities, and the Army told us that these barracks were priorities. So let's make sure that we get that straight. The point has been made that they are not in the long-range plan. The question becomes why are they not in the long-range plan and why is this not in DOD's budget. As the gentleman from Hawaii pointed out earlier, the administrations have historically depended upon this Congress to take care of quality-of-life needs. They know that we are going to do right by our troops and that we will have to add certain funds if we are going to take care of our troops, particularly these single enlisted troops who depend on these barracks in Germany. So, I would urge that we defeat the Furse amendment that we take this little step toward quality of life for our troops.

Mr. Chairman, I yield to my colleague, the gentleman from Colorado [Mr. HEFLEY].

Mr. HEFLEY. Mr. Chairman, just to respond to a few of the comments that have been made, they talk about why do the Germans not do more. We are talking about $5 million that they are willing to put into these projects. Now that is burden sharing.

One of the speakers mentioned, well, they can rent apartments for $700 a month. How many enlisted people that these are going to benefit, the lower ranked enlisted people, can afford $700 a month to live on the economy? That might be nice, but who can afford that kind of thing? Yes, there are many projects we could do in America, and we are doing many projects across this country to try to improve quality of life across the country. But realize these are Americans that are in Bosnia now, and their permanent duty station is Germany. So when they come out of Bosnia, they go back to Germany. What kind of living conditions do we want them go come back to when they come back to Germany?

Mr. Chairman, as for it not being in the budget plan, as has been indicated by the previous speaker, it was a priority. When we asked the military about the priority, this was one of their priorities. As for the $900 million over the President's request, that is making the assumption that the President was correct with his request.

Many of us do not think that he was correct, that he cuts too deep and he cuts too fast and particularly when we are talking about quality-of-life projects. Why was it not in the long-range plans? Well, one of the reasons I think it was not in the long-range plan, it is going to be in the next long-range plan as a matter of fact. One reason it was not in the long-range plans is we had the base closure procedure and we were taking out bases all over Europe that we had, some 400 facilities at one time or another, if I remember the figure correctly, and we did not know exactly where we would be.

We know now where we will be. We know what the needs are, and we need to get about meeting those needs.

Mr. WICKER. Mr. Chairman, reclaiming the balance of my time, I would simply point out that, even though this bill is $900 million more than the President's request, it does represent a budget savings and a substantial savings of 10 percent over the amount appropriated by this Congress last year.

Mr. HOYER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, there is no Member on the floor for whom I have greater affection or more respect than the gentlewoman from Oregon. She does an outstanding job for her State, for her constituents, and she does an outstanding job for this country. However, on this issue I disagree with her and would urge my colleagues to support the committee's judgment in this instance.

The reason for that is I have had the opportunity, as many Members have had, to visit housing overseas, in Germany and in other countries; and I know the condition of that housing. As I call him, the chairman in exile mentioned the fact that this was built in 1940. I was not 10 at that point in time, but I was around, albeit briefly. I understand that we need to make sure, as the gentleman from Colorado said, that when these troops return from Bosnia to their permanent duty station that they have housing which will in fact be quality-of-life housing.

Mr. Chairman, this committee in particular, as well as the authorizing committee, has worked very, very hard on quality-of-life issues. As a matter of fact, as I think the gentleman from Mississippi mentioned, in fact the Congress has been at the forefront. Not the administration, neither this one nor previous administrations, has been in the forefront of ensuring quality of life for our troops. So I want to commend the committee for including this sum, notwithstanding the fact that it may not have been on the list.

Mr. Chairman, I am not one who believes simply because an administration, whether it has been the Reagan or Bush or Clinton administration, failed to include something that it thereby is not something that is a priority item. So I commend the committee, urge my colleagues to oppose the amendment and support this expenditure for this very necessary housing for our troops.

Mrs. VUCANOVICH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the Furse amendment.

I ask the sponsor of this amendment if she has ever visited the troops in Germany? Has she walked through one of these barracks built and paid for by the Germans during the 1930s? As chairman of this subcommittee I take pride that I have taken the time to visit with these troops, to talk to them and to see where they live. Many of them are on their first assignment and find themselves a long way from home and they do miss the amenities of the United States.

Let me share with you the condition I have found these barracks to be—76 percent of the U.S. Army's barracks in Europe still have gang latrines—when you walk into the buildings, obnoxious odors greet you because the plumbing systems are inadequately vented and emit sewer gases into the latrines and hallways. The gang latrines are undersized, crowded, covered in moisture, rot, and mold growth and do not provide even a minimum amount of privacy for our soldiers.

The concrete and plaster interior surfaces are cracked and water-logged in areas next to these latrines. Paint is peeling, replacement tiles are not available so surfaces appear as an unmatched mosaic. Stairway nosings are broken, trends are worn and uneven. Heat and air conditioning systems continuously fail. Electrical service cannot handle the number of appliances—minor comforts such as a boom box—that the modern soldier possesses.

I remind my colleagues that these are volunteers and are very proud to be serving their country. And when I have asked them what is important to them, the answer I continuously hear is a decent place to live, a place to take a private shower, to have heat and air conditioning, and enough electricity to run a microwave.

We have far too long allowed the condition of these barracks to send the signal that we don't care. As chairman of this subcommittee, I have worked to correct this unfortunate misconception—these barracks aren't in anyone's congressional district—they don't benefit one Member of this Congress—they benefit the young men and women who are deployed by President Clinton to Bosnia—as chairman of this subcommittee, and as I leave this House later this year, one of the things I am most proud of, is not just to talk about how I support our troops but to send a concrete signal that we really do care. I urge a strong vote against this amendment, and in support of the quality of life for our soldiers stationed overseas. There is nothing more important than to ensure they receive a decent place to live.

Finally, Mr. Chairman, this bill would not be the fine product that it is without the able, dedicated, and professional work of our subcommittee staff, Liz Dawson, Hank Moore, Mary Arnold and Mark Murray, and I want to personally thank them for all their efforts.

The SPEAKER pro tempore (Mr. LATOURETTE). The question is on the amendment offered by the gentlewoman from Oregon [Ms. FURSE].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Ms. FURSE. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 121, noes 289, not voting 24, as follows:

[Roll No. 200]

AYES—121

Barcia
Barrett (WI)
Barton
Bass
Becerra
Beilenson
Berman
Bilbray
Blumenauer
Brown (CA)
Brown (OH)
Bryant (TX)
Bunn
Campbell
Cardin
Chabot
Clay
Coburn
Collins (MI)
Conyers
Cooley
Cummings
Danner
DeFazio
Dellums
Deutsch
Dingell
Doggett
Duncan
Durbin
Ehlers
Engel
English
Eshoo
Evans
Fawell
Filner
Fox
Frank (MA)
Franks (NJ)
Furse
Gillmor
Green (TX)
Gutierrez
Hamilton
Hancock
Hastings (FL)
Hinchey
Jackson (IL)
Jackson-Lee (TX)
Johnston
Kennedy (MA)
Kleczka
Klug
Lantos
Lewis (GA)
LoBiondo
Lofgren
Lowey
Luther
Maloney
Markey
Martini
McCarthy
McDermott
McInnis
McKinney
Meehan
Metcalf
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Myrick
Nadler
Neal
Neumann
Ney
Nussle
Olver
Owens
Payne (NJ)
Pelosi
Peterson (MN)
Petri
Poshard
Ramstad
Rangel
Rivers
Roemer
Rohrabacher
Roukema
Royce
Rush
Sanders
Sanford
Schroeder
Schumer
Sensenbrenner
Shays
Slaughter
Smith (MI)
Spratt
Stark
Stockman
Stokes
Studds
Stupak
Towns
Upton
Velazquez
Vento
Ward
Watt (NC)
Weller
Williams
Woolsey
Wynn
Yates
Zimmer

NOES—289

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barr
Barrett (NE)
Bartlett
Bateman
Bentsen
Bereuter
Bevill
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (FL)
Brownback
Bryant (TN)
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Canady
Castle
Chambliss
Chenoweth
Christensen
Chrysler
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Combest
Condit
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLauro
DeLay
Diaz-Balart
Dickey
Dicks
Dixon
Dooley
Doolittle
Dornan
Doyle
Dreier
Dunn
Edwards
Ehrlich
Emerson
Ensign
Everett
Ewing
Farr
Fazio
Fields (TX)
Flake
Flanagan
Foley
Forbes
Fowler
Franks (CT)
Frelinghuysen
Frisa
Frost
Funderburk
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Greene (UT)
Greenwood
Gunderson
Hall (OH)
Hall (TX)
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, E.B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (RI)
Kildee
Kim
King
Kingston
Klink
Knollenberg
Kolbe
LaFalce
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
Longley
Lucas
Manton
Manzullo
Martinez
Mascara
Matsui
McCollum
McCrery
McHale
McHugh
McIntosh
McKeon
McNulty
Meek
Menendez
Meyers
Mica
Miller (FL)
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Nethercutt
Norwood
Oberstar
Obey
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Pastor
Payne (VA)
Pickett
Pombo
Porter
Portman
Pryce
Quillen
Radanovich
Rahall
Reed
Regula
Richardson
Riggs
Roberts
Rogers
Ros-Lehtinen
Rose
Roth
Roybal-Allard
Sabo
Salmon
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Scott
Seastrand
Serrano
Shadegg
Shaw
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Traficant
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Wamp
Waters
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
White
Whitfield
Wicker
Wise
Wolf
Young (AK)
Young (FL)
Zeliff

NOT VOTING—24

Bachus
Camp
Chapman
de la Garza
Fattah
Fields (LA)
Foglietta
Ford
Geren
Gutknecht
Hayes
Houghton
Jefferson
Kennelly
Lincoln
McDade
Molinari
Mollohan
Paxon
Peterson (FL)
Pomeroy
Quinn
Thornton
Wilson

☐ 1300

Messrs. BLUTE, COSTELLO, OBERSTAR, and Mrs. KELLY changed their vote from "aye" to "no."

Messrs. CHABOT, OLVER, FOX of Pennsylvania, and Ms. RIVERS changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there further amendments to the bill?

If not, the Clerk will read.

The Clerk read as follows:

> This Act may be cited as the "Military Construction Appropriations Act, 1997".

The CHAIRMAN. Are there further amendments to the bill?

If not, under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. LATOURETTE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3517), making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1997, and for other purposes, pursuant to House Resolution 442, he reported the bill back to the House.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The CHAIRMAN. The question is on the passage of the bill.

Pursuant to clause 7 of rule XV, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 369, nays 43, not voting 22, as follows:

[Roll No. 201]

YEAS—369

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Canady
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cummings
Cunningham
Danner
Davis
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (TX)
Filner
Flake
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Greene (UT)
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, E.B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kildee
Kim
King
Kingston
Klink
Knollenberg
Kolbe
LaFalce
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Longley
Lowey
Lucas
Maloney
Manton
Manzullo
Martinez
Mascara
McCarthy
McCollum
McCrery
McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Mink
Moakley
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Neal
Nethercutt
Ney
Norwood
Nussle
Obey
Olver
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (MN)
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Radanovich
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Velazquez
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Wamp
Ward
Waters
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—43

Barrett (WI)
Becerra
Beilenson
Bryant (TX)
Camp
Campbell
Conyers
Cooley
Frank (MA)
Furse
Hancock
Johnston
Kleczka
Klug
LaHood
Lewis (GA)
Lofgren
Luther
Markey
Martini
Matsui
McDermott
McKinney
Minge
Nadler
Neumann
Oberstar
Owens
Petri
Rahall
Ramstad
Rangel
Roemer
Royce
Sensenbrenner
Stark
Stockman
Upton
Vento
Watt (NC)
Weller
Williams
Yates

NOT VOTING—22

Bachus
Brown (OH)
Chapman
Clay
de la Garza
Fattah
Fields (LA)
Foglietta
Ford
Gutknecht
Hayes
Houghton
Jefferson
Kennelly
Lincoln
McDade
Molinari
Mollohan
Paxon
Peterson (FL)
Quinn
Wilson

□ 1322

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ORDER OF CONSIDERATION OF AMENDMENTS AND POSTPONING VOTES ON AMENDMENTS DURING FURTHER CONSIDERATION OF H.R. 3322, OMNIBUS CIVILIAN SCIENCE AUTHORIZATION ACT OF 1996

Mr. WALKER. Mr. Speaker, I ask unanimous consent that during further consideration of H.R. 3322, pursuant to House Resolution 427, it shall be in order to consider the following amendments, or germane modifications thereof, in sequence: The amendment numbered 15 printed by Representative LOFGREN; the amendment numbered 6 printed by Representative KENNEDY of Massachusetts; and the amendment numbered 5 printed by Representative JACKSON-LEE; the Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any of those amendments or any amendments thereto; and the Chairman of the Committee of the Whole may reduce to not less than 5 minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall be not less than 15 minutes.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

GENERAL LEAVE

Mr. WALKER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the material covered in the debate on H.R. 3322 yesterday.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

OMNIBUS CIVILIAN SCIENCE AUTHORIZATION ACT OF 1996

The SPEAKER pro tempore. Pursuant to House Resolution 427 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 3322.

□ 1325

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 3322) to authorize appropriations for fiscal year 1997 for civilian science activities of the Federal Government, and for other purposes, with Mr. BURTON of Indiana in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole House rose on Wednesday, May 29, 1996, title II was open for amendment at any point.

Are there any amendments to title II?

Mr. WALKER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, before we started the debate today, I thought it would be useful maybe to explain the reason for the debate sequence and the way it took place yesterday on the Democrat substitute. Our side simply decided that it was appropriate to allow the Democrats to present, in any way they wished to do and as broad as they wished to present it, their substitute to our bill.

We think that our legislative product stands on its own, that it is a good science bill, it is good for the environment, it is a good long-term bill. The Democrats were obviously proud of their work. We have them the opportunity to fully describe that work before going to a vote, and we thought that was the right way to accommodate the debate in the House.

I do regret that in the course of that debate there were a couple of inaccuracies particularly represented by the gentleman from Texas when he referred to the work of the committee. At one point he referred to the work of the committee as only producing one report last year. I do wish to get that corrected be in the RECORD, and I will submit for be the RECORD a list of 16 reports filed by this committee over the year last year that indicates that this committee was working.

I do think that there is a need to produce quality rather than quantity as the mark of a legislative committee, and that is what we have been doing both legislatively and in terms of the oversight hearings that we have been conducting. I just want to make certain that any inaccuracies that were stated during that time are in fact corrected, but I hope that we did see that there is a contrast of views when the Democrats present their side and we present our side.

Now we will proceed ahead with the bill and we will go through the amendment process here, and I hope that that amendment process will in fact produce the result of a bill that can be supported on a bipartisan basis on both sides of the aisle.

AMENDMENT NO. 24 OFFERED BY MR. WELDON OF FLORIDA

Mr. WELDON of Florida. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. WELDON of Florida: Page 26, line 12, strike "$2,167,400,000" and insert in lieu thereof "$2,107,400,000".

Page 30, line 11, strike "$1,957,850,000" and insert in lieu thereof "$2,017,850,000, of which $1,594,550,000 shall be for personnel and related costs, $35,000,000 shall be for travel, and $388,300,000 shall be for research operations support".

MODIFICATION OF AMENDMENT OFFERED BY MR. WELDON OF FLORIDA

Mr. WELDON of Florida. Mr. Chairman, I ask unanimous consent that my amendment be replaced with a new amendment.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification of amendment offered by Mr. WELDON of Florida: Page 26, line 12, strike "$2,167,400,000" and insert in lieu thereof "$2,107,400,000".

Page 28, line 2, strike "$410,600,000" and insert in lieu thereof "$405,600,000".

Page 28, line 3, strike "$95,500,000" and insert in lieu thereof "$92,500,000".

Page 28, line 11, strike "$281,250,000" and insert in lieu thereof "$276,250,000".

Page 30, line 11, strike "$1,957,850,000" and insert in lieu thereof "$2,030,800,000, of which $1,611,000,000 shall be for personnel and related costs, $31,500,000 shall be for travel, and $388,300,000 shall be for research operations support".

The CHAIRMAN. Is there objection to the modification offered by the gentleman from Florida [Mr. WELDON]?

Ms. JACKSON-LEE of Texas. Mr. Chairman, reserving the right to object, we have not had an opportunity to review this amendment, and we are looking to determine the offset that has been represented by the gentleman from Florida [Mr. WELDON] at this time.

Further reserving the right to object, I yield to the gentleman from Florida [Mr. WELDON] to explain his particular amendment.

□ 1330

Mr. WELDON of Florida. Mr. Chairman, if I may proceed, I believe the gentlewoman will agree my amendment is a good amendment.

The bill on the floor of the House has a shortfall for NASA personnel funding. The gentleman from Pennsylvania, Chairman WALKER, and I, as well as the gentleman from Texas, Mr. STOCKMAN, have worked hard to find a way to overcome the shortfall. My amendment would avoid possible furloughs of NASA employees, which would adversely affect every NASA center and every NASA program by restoring all of the funding shortfall. It provides for full offsets so there is no impact to the budget.

Specifically, my amendment increases funding for NASA program management by $81.5 million. It fully offsets the increase by decreasing funding in space science by $60 million, cutting $8.5 million from NASA's travel account, and cutting $13 million from various other accounts.

Even with my amendment, the space science account, which I know is an important account for the ranking minority member, still receive a net increase of $250 million above NASA's fiscal year 1997 request.

Many of my colleagues on the other side of the aisle have referred to the need to fix the shortfall, and my amendment would do just that. I urge all of my colleagues on both sides of the aisle to support my amendment.

The CHAIRMAN. Is there objection to the modification of the amendment offered by the gentleman from Florida?

Ms. JACKSON-LEE of Texas. Mr. Chairman, I do object.

The CHAIRMAN. Objection is heard.

The gentleman from Florida [Mr. WELDON] is recognized for 5 minutes on his original amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I object. Mr. Chairman, I object and I have an amendment that has been prefiled at the desk as No. 13.

The CHAIRMAN. This is the original amendment of the gentleman from Florida. He is entitled to 5 minutes to speak on his amendment.

Ms. JACKSON-LEE of Texas. Are we back to the original amendment, Mr. Chairman?

The CHAIRMAN. Yes; it was preprinted in the RECORD.

PARLIAMENTARY INQUIRY

Mr. BROWN of California. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his inquiry.

Mr. BROWN of California. Mr. Chairman, for purposes of ascertaining on what basis the Chair is making recognition, I would like to inquire as to who was recognized for the last amendment to this bill?

The CHAIRMAN. Yesterday, the gentleman from Michigan [Mr. EHLERS] was, but it is at the discretion of the Chair to determine which Member gains recognition, and both Members who sought recognition at the beginning of the bill today are members of the committee. The Chair has that discretion and the Chair chose to recognize the gentleman from Florida.

Mr. BROWN of California. Mr. Chairman, may I further continue my inquiry? Has it not been the practice to alternate recognition between the two sides of the aisle, particularly if both Members rose at the same time, both members of the committee?

The CHAIRMAN. In this case the Chair is exercising discretion properly.

Mr. BROWN of California. In other words, the Chair is utilizing his unfettered power to recognize whomever he wishes, and does he intend to continue in that practice?

The CHAIRMAN. The Chair will state that in this case he is exercising proper discretion.

Mr. BROWN of California. Then we may expect that we will have disregarded the precedent of alternating between the two sides, Mr. Chairman.

The CHAIRMAN. The Chair always tries to be fair.

Mr. BROWN of California. We appreciate that very much and hope the Chair is correct.

The CHAIRMAN. The gentleman from Florida [Mr. WELDON] is recognized for 5 minutes.

Mr. WELDON of Florida. Mr. Chairman, I want to do a little bit of explanation as to what has been going on here.

I think we all, on both sides of the aisle, share a desire to see this account restored to avoid any possibility of any furloughs and any significant financial shortfall on the part of NASA in terms of paying their employees.

The issue and the debate that has been going on is how do we do this in a fashion that is consistent with our responsibility to stay within the budget to fulfill our obligation to get the budget balanced, the commitment that we have made to the American people, and in that sense come up with appropriate offsets that do not adversely affect any other accounts in excess, and something that is consistent with the overall philosophy of the committee in terms of what our investment in future science and technology is.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. WELDON of Florida. I yield to the gentleman from Pennsylvania.

Mr. WALKER. First of all, Mr. Chairman, I want to thank the gentleman for his amendment and his good work out on the floor to attempt to correct the situation that rose largely because the administration was unable to provide us with good figures from the very outset.

We had an $81.5 million reduction in program management largely because NASA told us those were the projected levels for employment back in March. They have since come back and said that this is an unacceptable cut and that we were, in fact, cutting the numbers below what they thought were prudent.

We are attempting to, in good faith, change that situation on the floor, and the gentleman from Florida has agreed to try and help in this regard. I am as disappointed as I can be that the gentlewoman from Texas has been stopping us. We are trying to add back the 81.5 million she was in favor of doing and she has objected to an amendment to do just that.

Given that situation, the fact is what the gentleman from Florida, if I understand it correctly, is attempting to do is to find offsets for this money in other places.

One of the things that we had increased substantially in our budget, which means that we really are keeping our commitment to good environment, good science, all of the things that we have said, is to plus up the space science accounts. The No. 1 priority of the program as defined some years ago by the Augustine report, we have put $250 million more, even after the gentleman's amendment, into that account.

It is one of the real commitments we have made to the future of the NASA science programs. The gentleman protects that space science account. It takes some money out of it, but protects it in many ways. The gentlewoman comes here and she wants to strip all of the money out of the space accounts and put it all back into personnel.

We simply think this is a better approach. I am disappointed she objected. It makes the job more difficult if we cannot get cooperation on this, but I think what the gentleman is doing is an excellent amendment.

It is my understanding that the gentleman from Wisconsin will offer an amendment to the amendment here that will get us back to the right place, and I personally want to thank the gentleman for all the hard work he has put in that is moving us in the right direction.

Mr. WELDON of Florida. Mr. Chairman, reclaiming my time, I thank the gentleman, and let me just reiterate that I think we all share a desire to have the proper level of funding in this important account which pays the staff for NASA. They are a very, very hardworking work force, very, very dedicated to the future of our space program.

I know in my particular district, I have Kennedy Space Center, the launch center for NASA, and we have the shuttle program there, we have a very, very dedicated work force. By restoring these funds, I think we are sending a message that we support the staff, we support the personnel and we recognize them for the outstanding job that they have been doing.

AMENDMENT OFFERED BY MR. SENSENBRENNER TO THE AMENDMENT OFFERED BY MR. WELDON OF FLORIDA

Mr. SENSENBRENNER. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. SENSENBRENNER to the amendment offered by Mr. WELDON of Florida: After the item relating to page 26, line 12, insert the following:

Page 28, line 2, strike "$410,600,000" and insert in lieu thereof "$405,600,000".

Page 28, line 3, strike "$95,500,000" and insert in lieu thereof "$92,500,000".

Page 28, line 11, strike "$281,250,000" and insert in lieu there "$276,250,000".

Strike "$2,017,850,000, of which $1,594,550,000 shall be for personnel and related costs, $35,000,000 shall be for travel," and insert in lieu thereof "$2,030,800,000, of which $1,611,000,000 shall be for personnel and related costs, $31,500,000 shall be for travel,".

Mr. SENSENBRENNER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment to the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Chairman, this is the amendment that makes the personnel account whole. It adds a total of $81.5 million to the personnel account, $73 million comes as a result of reductions in other accounts, and there is a transfer of $8.5 million from travel into personnel.

The biggest reduction in the other accounts is space science, which is reduced by $60 million, mission communications by $5 million, academic by $3 million, and space communications by $5 million. This, I think, is the proper way to go about making sure that the personnel account is enough to avoid furloughs. It is done in a fiscally responsible manner in providing offsets to other accounts.

I would urge the adoption of the amendment to the amendment, which would bring the amendment of the gentleman from Florida [Mr. WELDON] back in the shape that he wanted it in prior to the objection to his request to modify it.

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. WELDON OF FLORIDA

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Ms. JACKSON-LEE of Texas as a substitute for the amendment offered by Mr. WELDON of Florida: For the amendment No. 24 offered by Mr. WELDON of Florida. In lieu of the matter proposed in amendment No. 24 insert:

Page 30, line 11, strike "$1,957,850,000" and insert in lieu thereof "$2,039,350,000".

Mr. WALKER. Mr. Chairman, I reserve a point of order on the substitute.

Ms. JACKSON-LEE of Texas. Mr. Chairman, it is interesting to hear my colleagues debate about now their recently obtained concern about the personnel at NASA and the various centers around the Nation. I appreciate my colleague from Florida and his sincerity. We have had discussions, but I might note that my amendment was prefiled much earlier than those who have now offered both amendments and perfecting amendments.

Let me first say to the chairman that the head of NASA does not want the $300 million in space science, would prefer to continue the progress that he has made in downsizing, but, most importantly, is concerned about the untimely abuse that will come through this legislation of NASA personnel that have been downsized and outsized.

The amendment that I offer will restore $81.5 million to ensure to the personnel account that we have the most responsible and safe staff to do the mission of NASA. It is not an increase, it is in recognition of the administration's budget, and is, as well, in recognition of the work that has been done by NASA already.

I think it is important to note that we have had a NASA restructuring process going on since fiscal year 1993. We started with civilian service employees of 24,900, at a 5-to-4 ratio in supervisors. We are now at a civilian service of 21,000, going to a 7-to-8 ratio. We now will move forward in the future to 17,000 civil service with a ratio of 11 to 1. NASA is already a lean, mean operating machine.

With the amendment presently on the floor, it does not in any way consider what NASA has already done. When Mr. Goldin set forth to restructure NASA, he began a trip down a path of personnel reduction which had at its center a logical and employee-caring philosophy. That is why we will result in the number of only 17,000 employees with a supervisory ratio of 11 to 1.

Mr. Chairman, that is real progress. NASA has demonstrated its commitment to this process in achieving these personnel levels. But let me say to my colleagues what will happen if we follow the present amendment on the floor, that of the gentleman from Florida [Mr. WELDON]. To put it bluntly, the salaries and expenses reduction is impossible to achieve, according to NASA, without drastic action. Unless a miracle occurs, and we have both buyout legislation and a lot of takers, there is simply no feasible way to implement this reduction without resorting to furloughs, and that furlough would be an estimated time of 10 to 12 days.

I ask my colleagues, Mr. Chairman, what does that do to both the loyal employees at NASA and, more importantly, what about the many calls I get into my office about the questions of safety. We have already begun the process of downsizing. Why would this legislation pointedly go at the personnel and not respond to what has already been occurring by Dan Goldin?

Mr. Chairman, I encourage my Republican colleagues to join me on this amendment. I appreciate the sincerity with which they have attempted to modify what I have already done. We need to go forward with restoring the $81.5 million that says to NASA we applaud what you are doing, we recognize the sacrifice that has already been taken by your employees, and, yes, we are concerned about the safety and the lives of both our employees but as well those astronauts that take their lives in their hands on behalf of the American people and on behalf of American science.

☐ 1345

It is my intent, Mr. Chairman, to offer this amendment and to be able to say that we expect that NASA will RIF a total of 1,400 employees by October 1, 1996. Why are we forcing them to do even more and then furloughing for now from 12 to 14 days?

This is an outrageous cut. I ask my colleagues to join me in providing for an $81.5 million restoration to allow NASA to do the job that it has to do.

Mr. Chairman, I offer my amendment to correct a problem within this legislation which, if it goes uncorrected, will fall upon the backs of the thousands of loyal, hardworking NASA employees across this country. Mr. Chairman, I am referring to language in H.R. 3322 which will result in an $81.5 million reduction in the NASA personnel account, from what the President has requested.

I do not understand why an agency which has been at the forefront of streamlining itself and lowering its cost to the American taxpayer should be punished for its accomplishments. Under Mr. Goldin, the NASA Administrator, the agency has taken extraordinary steps, without congressional prodding, to reinvent itself into an organization which is more focused on its mission and the people it serves.

When Mr. Goldin set forth to restructure NASA, he began a trip down a path of personnel reduction which had at its center logical and employee-caring philosophy. When this restructuring began, NASA had 24,900 civil servants with a supervisor ratio of 5.4 to 1. Now, the agency has 21,325 civil servants and when it is all said and done, the agency will have a mere 17,488 employees with a supervisor ratio of 11 to 1. Mr. Chairman, that is real progress. NASA has demonstrated its commitment to this process and achieving these personnel levels, but we must allow it to do so in an orderly and caring fashion for its employees. Many in this Chamber have assailed the way many corporations are throwing aside their loyal and valuable employees for the sake of Wall Street and quarterly returns. I call upon these same Members to practice what they preach and help NASA treat its employees fairly.

NASA has accomplished all of this through the use of buyouts, hiring freezes, redeployment, privatization, and outplacement, to name a few. It has a plan and a schedule. I encourage my colleagues to allow it to continue.

If this egregious cut should become law, there will be serious repercussions for the men, women, and families of NASA. The agency will be forced to furlough, for up to possibly 3 weeks, most of its employees. When was the last time anyone in Congress went without pay for such an extended time? This $81.5 million cut in salaries and expenses is ill-conceived, cannot be achieved without drastic action affecting all NASA centers, and it jeopardizes NASA's ability to safely deliver its programs. The impacts envisioned by the agency are a reduction in force [RIF] total 1,400 employees by October 1, 1996, a physical and legal impossibility or an agency-wide furlough of approximately 21,000 employees for 12 to 14 days.

In addition a $34 million cut, as some have proposed will still put an unacceptable strain on implementation of the zero-based review recommendations, including major changes in center roles and missions and consolidation of center capabilities; NASA needs the full amount of requested funding to accomplish the complex agency restructuring currently underway.

The CHAIRMAN. Does the gentleman from Pennsylvania [Mr. WALKER] insist on his point of order?

Mr. WALKER. Mr. Chairman, I withdraw my point of order.

Mr. BROWN of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, it is unfortunate that this little tiff should develop. There is a mistake in the bill, and an effort is being made to correct it. That mistake was pointed out by the ranking member of the Subcommittee on Space and Aeronautics, the gentleman from Texas [Mr. HALL], when the bill was in the subcommittee. It was pointed out when the bill was in markup in the full committee, and an amendment was offered to correct it in the full committee.

Mr. Chairman, that amendment to correct the problem in the full committee was resisted by both the chairman of the full committee and the gentleman from Florida [Mr. WELDON] and all of the Republicans together, who at that point did not feel that they had made a mistake.

Now they have come to realize that a mistake was made, I think, when they saw that the gentlewoman from Texas [Ms. JACKSON-LEE] had filed an amendment which would have corrected the error and might be recognized to present that amendment and the case for adopting her amendment would have been overwhelming.

But, Mr. Chairman, that led then to undoubtedly some strategic discussions on the other side. Should those on our side who had pointed out the problem at the subcommittee level, the full committee level, and by filing an amendment to correct it on the floor, be allowed to correct it, or should the majority now in their new-found wisdom be allowed to correct the mistake?

Apparently, they decided that in their new-found wisdom they would be allowed to correct the mistake, and they are riding roughshod over the normal processes of the House and over the position of the minority that this is something which ought to be corrected in the simplest possible way.

So, Mr. Chairman, they have presented an amendment which, though slightly flawed in its original aspect, will be attempted to be corrected by the gentleman from Wisconsin [Mr. SENSENBRENNER]. The flaws in the original amendment, including finding a whole series of offsetting cuts which would do, if not equal, at least considerable damage to the program at NASA, and I think they hope to avoid this possibility. But the whole point of this is really a game-playing operation.

The NASA budget has been cut by several hundred million dollars. It has been plussed up in order to substantiate the chairman's frequently reiterated position that he is a strong proponent of science. It has been plussed up to add money that the agency did not ask for and will find difficulty spending, and then they have made this terrible cut, which will have the effect of causing a layoff or furlough of a substantial number of employees. And, as I say, in their wisdom they have finally recognized that this is not the right way to go.

But since I offered the amendment to correct this in the full committee and I offered it in my substitute yesterday, I take considerable umbrage at the aura of sanctimoniousness that is now enshrouding the majority which they seek to correct a mistake of their own making, and I ask that the amendment of the gentleman from Florida [Mr. WELDON] be rejected and the substitute of the gentlewoman from Texas [Ms. JACKSON-LEE] be adopted.

Mr. SENSENBRENNER. Mr. Chairman, I rise in opposition to the substitute amendment.

Mr. Chairman, I think the difference between the substitute amendment offered by the gentlewoman from Texas [Ms. JACKSON-LEE] and the Sensenbrenner-Weldon amendment shows the difference between the two parties in the House of Representatives.

Mr. Chairman, the Jackson-Lee substitute is an add-on. There are no offsets. It adds on $81.5 million to make the personnel account whole. They do not look at reordering priorities. They do not look at keeping the total appropriation or total authorization for NASA the same. They just want to spend some more money and not offset any of the accounts, even those that they think have been set at too high a level by the majority on the committee.

The Weldon amendment, as amended by my amendment, provides the same amount of money for the NASA personnel account as the Jackson-Lee amendment, $81.5 million to stop all of those terrible things that the gentlewoman from Texas and the gentleman from California say will happen.

But what the Weldon and Sensenbrenner amendments do is to offset other parts of NASA, so that our amendment is budget neutral. It does not increase the total amount of money that will be spent on NASA. It is budget neutral.

So, Mr. Chairman, if Members are for just plussing up the NASA account without making offsets, vote for the Jackson-Lee amendment. If Members are not for that, vote to reject it and vote for the Sensenbrenner amendment and then the Weldon amendment, as amended by the Sensenbrenner amendment.

Mr. CRAMER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to enter this debate or this conversation here and say first, as I enter it, I respect the opinions of both sides and I know that we have all worked together very hard to make sure that we find a way to make NASA the kind of organization that NASA needs to be. Most of us here today have given long years doing that; many people much longer than I have. However, I am concerned about the direction that we are talking.

Mr. Chairman, I, of course, represent the Marshall Space Flight Center, and those Marshall employees there are certainly concerned about where they fit into NASA's budget picture.

I want to say in behalf of the gentlewoman from Texas [Ms. JACKSON-LEE], I know that she represents the Houston Johnson Space Flight Center, or at least parts of that area down there. I want my Marshall NASA employees to know that we respect them, that we are working for them.

Mr. Chairman, I am concerned that with the offsets that will be occurring under the Sensenbrenner-Weldon approach to this same issue, that we are having to raid other parts of NASA's budget. I wish, in fact, we could have a more complete NASA budget so that we did not have the raid those things. But I do want to say that I support the Jackson-Lee amendment and would encourage the Members to support it as well.

Ms. JACKSON-LEE. Mr. Chairman, will the gentleman yield?

Mr. CRAMER. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman from Alabama for his comments. I think both of us have had the opportunity, along with our Republican colleagues, to talk about the effectiveness of what has already occurred with NASA in terms of the downsizing and the impact that has occurred on our respective centers, Marshall, Kennedy, Johnson, and many others.

Mr. Chairman, I would like to certainly emphasize that the key point and distinction between the Weldon-Sensenbrenner amendment proudly shows that we are restoring moneys that do not impact negatively on other programs. Their amendment includes some deletions from the ROS accounts, which provides for safety measures and other operational needs in our various centers.

This amendment emphasizes the NASA staff, the work they have done, the safety necessities that we need to have in terms of keeping the appropriate amount of staff. It also reaffirms, if you will, already the RIF program that is in place where we will be seeing some 1,400 employees go by October 1996.

This causes NASA to be able to continue its mission without the tragedy of a furlough of some 2 weeks. How disruptive that will be for that to occur in the business of what NASA has to do. It will allow for the opportunity for travel for monitoring the cooperation between Russia and our space station partners.

So, Mr. Chairman, I think that with respect to what has been offered by the Republicans, after my amendment was offered on May 8, I believe the restoration of $81.5 million, which is not an increase but a restoration of funds that would meet the needs of these NASA employees with the downsizing occurring, is a more appropriate direction to take, and I would ask my colleagues to support wholeheartedly this amendment.

Mr. BROWN of California. Mr. Chairman, will the gentleman yield?

Mr. CRAMER. I yield to the gentleman from California.

Mr. BROWN of California. This conversation from the other side dealing wih the budget and no offsets is really sort of a shell game, which we all know. The majority has cut the President's budget by several hundred million dollars. This would partially restore that, this amendment of the gentlewoman from Texas [Ms. JACKSON-LEE].

The fact is, Mr. Chairman, the Subcommittee on Appropriations has already marked this bill up and has a larger figure in it than the majority has in their authorization bill.

So, whatever discussion of budget impact that is being made here, and I hear it all too frequently, is in the mind of the chairman of the committee, nothing more, because the Committee on Appropriations has already moved to correct the problem that is represented here, and we are not adding to or subtracting from the budget in the slightest.

Mr. STOCKMAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to speak on behalf of the Weldon amendment. My dear friend and colleague who is in the district right next to mine, the gentlewoman from Texas [Ms. JACKSON-LEE], and I are very good friends and we try to work together and ensure, Mr. Chairman, that we have a safe and sound NASA.

My dear friend and colleague from Texas made a statement that we are cutting funds from the safety program.

I want to reiterate and clarify that we are not doing that.

In fact, Mr. Chairman, I am a little bit concerned about the fact that when we offered this amendment to restore the money, the gentlewoman objected. I think what we are trying to do here is to make sure we have a balanced budget and we have a space station.

Frankly, my belief is if we do not balance the budget and have a space station, then we will not have a space program. This is a reasonable accommodation on both viewpoints. What we have done is restructured it so that we can fully employ the people of NASA.

Mr. Chairman, I have to speak from my heart because my wife currently works there, and I saw the pain and the suffering when our President of the United States cut Space Station Freedom. I went to a party in which they were saying good-bye to Space Station Freedom. And I more than anyone else want to see space station be completed. I want to see NASA whole again. And I have to tell you, Mr. Chairman, this amendment makes NASA whole again, and it protects the people.

Mr. Chairman, we have a great concern for the integrity and the people down in our district. They are very hard-working people that have a vision, and that vision of America is a first-class space program. We look around the world, and, Mr. Chairman, as we are looking around the world, we see Japan and we see Russia. Everybody is going into space. But, Mr. Chairman, without this amendment, we are not going to have a space program, because we need to make sure we are responsible to our grandchildren and our children that the budget is balanced so that we can pay for the space program.

Mr. Chairman, I come home at night and on weekends, and I meet my wife and she tells me of the passion and love with which people work at NASA. Mr. Chairman, you may not know this, but the engineers that work at NASA could go out in other sectors of this country and get more money, but they are doing it because they love NASA and they love this Nation. They are taking pay cuts. And they took RIF's. That is true. And we want to make sure that it is a sound financial planning.

Let me say something to you, Mr. Chairman, when we sit around the table and we discuss our budget, we have to make decisions. We have a fixed income in what we get every time. And this amendment which the gentleman from Florida has offered is the same thing as American families do. They sit around the table and make those hard decisions. We are incorporating the money that was inadvertently taken out and put it back there to ensure the viability of the space program.

And I know one day when I grow old and look back and look at my tenure here, Mr. Chairman, serving in this fine institution, I will know we did the right thing by supporting this amendment because what we are doing is we are looking out for the budget and we are looking out for the space program. And we are going to see a great and glorious space program.

Mr. Chairman, I want to thank the chairman of the committee and also my chairman of the subcommittee, Mr. SENSENBRENNER, for coming down to the district and telling the folks firsthand just what it means to us in Congress that we are dedicated to restoring those funds.

On behalf of the people in my district, Mr. Chairman, I would like to thank the gentleman for the consideration of this amendment and also like to say that I give my full support for it, and I am also going to tell my wife that we fought for the people of Texas and also for the people of NASA.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. STOCKMAN. I yield to the gentlewoman from Texas.

□ 1400

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman from Texas. Feeling his passion, I would want him to do the right thing. But I do have to emphasize to the gentleman from Texas that he might want to reconsider his facts. Here we are, on the House floor, complaining about $81.5 million straight up for the NASA personnel. The Committee on Appropriations has already authorized some $600 million more than what the authorizing committee has done, which has Republican leadership.

Mr. Chairman, let me say to my colleagues that the question your wife will ask you, have they cut the ROS? And you have cut the ROS by $34 million. That does not go to the safety issue. It takes away from safety. The right way to go is to support the Jackson-Lee amendment.

Mr. Chairman, I know my friend from Texas would want to be on the right mark by supporting the right amendment.

Mr. COLEMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to my colleague, the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank my colleague from Texas for yielding. More importantly, I thank him because he has been certainly a hard worker on the issues involving Texas and Texas economic opportunities and the needs of working Texans.

This bill is for working Americans. Particularly as it relates to NASA, I cannot seem to get my Republican colleagues to understand that this is a restoration, some $81.5 million, so much less than the authorization already appropriated by the Committee on Appropriations. When we begin to look at the Weldon-Sensenbrenner, we begin to see the chipping away to what NASA has already accomplished. It has accomplished a sufficient and efficient downsizing. By October, we will find some 1,400 who will be RIF'd.

If we do not pass the Jackson-Lee amendment, we will begin to see undercutting of safety issues by the undercutting of ROS. We also are going to see cutting of academic programs, space communications, the inability to work with our foreign space station partners, like Japan and Russia, because we will have no travel budget and, of course, science.

I think we really have to maintain a truth in speaking here, and that is that we are simply trying to restore the $81.5 million, one for safety and one for the responsible carrying out of NASA's mission with the right kind of personnel.

Mr. COLEMAN. Mr. Chairman, I yield to my colleague, the gentleman from California [Mr. BROWN], the ranking member of the full committee.

Mr. BROWN of California. Mr. Chairman, this entire bill that is before us, including the NASA part, is built on this gigantic fiction that we have to do this in order to influence the Committee on Appropriations and in order to keep the budget, to balance the budget, neither of which are true. We do not have to cut the President's budget by several hundred million dollars in order to balance the budget because his budget is balanced.

We are not influencing the appropriators. They have already acted to appropriate, to recommend the House appropriate an amount roughly what was in my substitute, may be a little bit more. Now the gentleman from Pennsylvania [Mr. WALKER] and the gentleman from Wisconsin [Mr. SENSENBRENNER] and others can keep harping on this fact that this bill, their bill is absolutely essential to balancing the budget and to influence the appropriators. The facts belie their statement.

Mr. Chairman, I urge the Members on the other side to try looking at the facts for a change instead of the figments of the imagination of the gentleman from Pennsylvania [Mr. WALKER].

Mr. COLEMAN. If I might, reclaiming my time, Mr. Chairman, only add that I think it is time for all of us to wake up and recognize that a good deal of the downsizing that went down at NASA went on long before the new majority became the new majority in the Congress. Indeed, this President and Vice President, AL GORE, had done a great deal in attempting to make Government work for the United States and for its citizens.

I think that what we have done at NASA is a shining example of what can be done when we all agree to put our shoulder to the wheel. I would hope that my colleagues in the majority would not walk about and continue to talk like they are the ones who invented economy in government. After all, a lot of us know that much of this began in 1993. Many of us, when this administration came into office, said it is about time.

We want very much, Mr. Chairman, to not harm the employees at NASA. We want very much, Mr. Chairman, to not harm the issue of science for the United States. We think that, without the amendment offered by my colleague from Houston, that could occur.

Mr. WALKER. Mr. Chairman, I rise in opposition to the substitute and move to strike the requisite number of words.

Mr. Chairman, this has been a fascinating discussion. First of all, again I am disappointed that the gentleman from California, a ranking member of the committee, feels it necessary as part of these debates to personalize them and attack me as though this is all being done personally. The fact is that what we are attempting to do is make some changes in the direction of government.

Now, listen carefully to what the other side is telling us. The amendment that I am opposing here, and it has been presented by the gentlewoman from Texas, increases spending by $81.5 million in this bill. Now, what we keep hearing from the majority is we can increase spending, increase spending, increase spending, increase spending, increase spending, increase spending, increase spending, and balance the budget. Now, if anybody has ever figured out a way to do that in their own household, I congratulate them. I would love to think that we can continue to increase spending, increase spending, increase spending, increase spending and end up balancing our budget at the end of the day. But that is exactly what we are being told, that somehow money just drifts out of nowhere, that the American people will just continue to ante up, empty their pocketbooks to give to Government so that people in Washington can increase spending. That is what the gentlewoman does with her amendment.

Now, the gentleman from Florida has offered another amendment, combined with the gentleman from Wisconsin. What they say is, yes, let us make NASA whole, where a mistake was made by the administration in what they submitted to the Congress. But let us do it by taking out of some other accounts.

Now, we have heard from the other side that, well, that is an irresponsible approach; you cannot take it out of other accounts. Well, why not? Let us think of the other accounts we are taking it out of. First of all, we are taking it out of an account that he other side said in their debate is an account that the administration does not even want.

Now, I happen to disagree with the administration on that. I think plussing up space science is in fact a good thing for the country. In fact, I have a letter from Carl Sagan and some other members of the Planetary Society that endorse the numbers in our bill because they feel very strongly that plussing up those numbers is the right way to go. But we have lowered them a little bit in order to accommodate this mistake that was made.

The other side does not want to do that. The other side does not want to plus up that account for space science. Stick with the President's budget. The President's budget, which over the period of 7 years drops over a cliff and drops into a valley. That is what they support. That is what they are out here defending. But there is one other place where we take a good deal of money. We take a good deal of money out of the travel accounts. Now, what they are claiming is that NASA needs $45 million for travel.

We say that perhaps that NASA could get along with $31 million for travel. I guess that is one of those things where we can have a debate. Is it 31 or is it 45? We think that, in order to preserve the integrity of the personnel process at NASA, maybe they can get by with $31 million for travel. That is the main difference here, whether or not you want to cut the space science account some to accommodate this and whether or not you want to cut the travel accounts. The rest of them are minor matters.

The gentlewoman from Texas does not want to cut at all. She just wants to spend the money. Just plus up the accounts, and live with the fiction that by spending more and more and more and more and more and more you can truly balance budgets and stop us from having deficits. I just do not believe that that works anymore. I just think that is the old way of doing things. That is the old status quo argument. We have had that for 40 years in the House of Representatives of spending more and more and more on every bill and somehow not ending up with balanced budgets, ending up with huge deficits.

Mr. Chairman, now we have started a new day. We have decided that we are going to set priorities for real. I know the gentleman from Texas resents that idea. He thinks it is a terrible thing our committee has had to live with, setting priorities. But it is a good thing for us as a country to set real priorities to make real decisions and fundamentally making the direction of this country back toward balanced budgets and toward giving the American people back more of what they earn for themselves.

That is what we should be about here, not adding spending but doing the right thing and doing it within the context of what we can afford.

Mr. BROWN of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am always deeply challenged when the chairman of the committee ups and makes one of his great orations. I will be very brief, actually.

The gentleman is talking to the wrong audience. He should be addressing his remarks with regard to balancing the budget and keeping spending down to his Republican colleagues on the Committee on Appropriations, who have already marked up a bill that spends at least $600 million more than his bill authorizers. Now, maybe he wants it that way. I do not know. But I suggest he may need to make that speech to some of those on the Committee on Appropriations and get them to go back and bring their bill down to what he has in this bill.

Now, is this a good bill? He cited the commendations he received from Carl Sagan. Here is a letter which each Member got from the National Space Society, which is the recognized premier civilian organization in this area. It says as follows:

> The administration is seeking to fund NASA in 1997 at $13.8 billion, a $400 million reduction from the current year's budget. The House science authorization bill would cut that down to only $13.5 billion, a $300 million cut. Members of the National Space Society strongly object to the proposed reduction in NASA's budget and believe the cuts in funding undermine America's leadership in advanced technology and lessen our Nation's ability to create economic opportunities.

Obviously their point came across very well to the appropriators, because the appropriators proceeded to appropriate even more than is in the authorization bill and even more than was in my substitute. I am establishing my record as a conservative Member of Congress by the fact that I went below the appropriators in my substitute.

Mr. SCHIFF. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think there are two important aspects of this debate. The first is how much money can we add to various spending proposals and at what point. I would like to point out that this is still the beginning of the process, not the end of the process. In fact, an amendment that I offered yesterday with respect to the National Science Foundation increased spending for the National Science Foundation in its research and related activities account without an offset, because the Committee on the Budget, which is working on this same issue, along with us and along with the Committee on Appropriations, had found a means to pay for its within the House-passed budget resolution.

As we proceed through the system, if the different committees of responsibility find ways to increase spending, in this particular case on civilian research and development, which I very much support, then I personally could at that point certainly support that.

At this point, however, dealing with the bill before us, therefore, I intend with regret, because I understand the gentlewoman's motivation, to vote against the Jackson-Lee amendment, in favor of the Sensenbrenner amendment and Weldon amendment.

However, I would like to say there is a larger debate here. Our ranking member, the gentleman from California [Mr. BROWN], referred to the fact that we do not need to make any changes from the President's proposals because the President's budget is balanced. Although we are now talking about NASA, I think the same subject comes up again, as we discussed yesterday with respect to the National Science Foundation, and which will come up with respect to almost every spending proposal I could think of. That is, Mr. Chairman, that the President proposes in almost every account more spending for the next fiscal year, which is fiscal year 1997, beginning October 1 of this year.

But the point is we are voting on fiscal year 1997 now, during 1996, which is the calendar year of the election year. Therefore, there is a proposed bump in spending almost everywhere by the administration, frankly to enhance their posture in the election. The point I want to make, I think this is going to be paid for elsewhere by the administration by deeper cuts than proposed by the majority in Congress in later years.

I know that is the case with respect to the National Science Foundation's salaries accounts, because we debated that yesterday. I know the administration proposed a bump up, followed by a steep decline in spending, well below congressional majority proposals.

So far as I know, that is correct with respect to the administration's NASA proposals for spending in subsequent fiscal years as rated by the Congressional Budget Office, that both sides have agreed to use to monitor spending and evaluate spending, would have deeper cuts in future years than is proposed in the House-passed budget resolution. If I am wrong on that, I would appreciate the figures being submitted during this debate. But so far as I know, this is a proposal for higher spending at one point to be followed by a lot deeper spending cuts elsewhere.

Mr. Chairman, I think that the majority's proposal is best here for NASA, as well as for other Government agencies.

□ 1415

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. SCHIFF. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, I just want to point out that when AAAS did their evaluation and compared what we did to the administration's plan that they are now defending, the AAAS, the authority on all this, the American Association for the Advancement of Science, in their R&D analysis said that NASA would fare slightly better under the House's plan, losing 23 percent instead of 29 percent in the administration's projections.

So when the gentleman from Texas [Mr. COLEMAN] a few minutes ago when he spoke said that the President and the Vice President have slashed NASA employees, he is absolutely right, and now when we look out into the future, as the gentleman points out, the AAAS says in their report that we are better in our House plan than the administration is in their plan, and I thank the gentleman for yielding.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. SCHIFF. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I am not sure what the gentleman from Pennsylvania is directing his comments toward. We are talking about real numbers, we are talking about what is occurring now and not prospectively, and what is happening now is that real numbers are $81.5 million being eliminated with additional cuts from ROS of $34 million, which does not allow us to respond to already downsize NASA in its present form.

Mr. SCHIFF. Mr. Chairman, if I may reclaim my time very briefly, I want to say that we are all proposing to add the money back right now, but what is more important is the gentleman from California, the senior member of the Committee on Science and former chairman, made a specific reference to the President's budget, and my only point was to show that the President's budget means all of the President's budget, just like a congressional budget means all of the congressional budget.

We have both agreed to try to reach a balanced budget, and it is not accurate to refer to 1 year of any budget and not show what the other effects would be.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, my concern is not whether or not we bust the budget. My concern is not that we are cutting the budget; it is how we are cutting the budget. It does not add up when we say we are protecting the personnel and we take away all their tools. It does not do anything but cause for more inefficiency. It is a problem being created by this amendment of Mr. WELDON's, and that is why I think that the more sensible way is with the amendment offered by the gentlewoman from Texas [Ms. JACKSON-LEE].

For example, when he cuts the travel budget by 30 percent, he will then jeopardize the ability of NASA civil service personnel to perform necessary project-related travel, like the trips to Russia to monitor Russian progress on the space station program, space station-related trips between Kennedy Space Center and the Johnson Space Center, travel to support launch operations of scientific payloads et cetera. I just do not think it makes sense the way that he is cutting.

As my colleagues know, we can cut the budget, but if it does not coordinate, if we leave NASA without utilities, without money for custodial services, then we really have not done anything to improve operations; we have simply cut without thinking. And that is exactly what the Weldon amendment does. I do not think it makes sense.

I think it does make sense to have a orderly downsizing, as they are doing now, that they have already accomplished, and they are continuing to accomplish. But when they say that they are protecting the personnel, they take away all their tools, then how irresponsible is that? I do not believe that we want to go that irresponsible way.

I believe that the way we must go, and it does not bust the budget, it does not exceed what the Committee on Appropriations has recommended, is to adopt the Jackson-Lee amendment.

Mr. WALKER. Mr. Chairman, will the gentlewoman yield?

Ms. EDDIE BERNICE JOHNSON of Texas. I yield to the gentleman from Pennsylvania.

Mr. WALKER. So if I am to understand, the gentlewoman from Texas thinks that NASA should spend $45 million for travel rather than $31 million for travel; is that correct?

Ms. EDDIE BERNICE JOHNSON of Texas. I think that we need to coordinate the real basic needs for what travel it is and look at those figures rather than deciding we just want to slash something.

Mr. WALKER. Just so I understand, the decision here is between $45 million for travel and $31 million for travel. The gentlewoman mentioned traveling to Russia. We do not understand why they would have to do that since we already have a full-time NASA office in Russia. But nevertheless what she is saying is that what she believes is that we ought to be spending more money for travel rather than saving that money.

Is that correct?

Ms. EDDIE BERNICE JOHNSON of Texas. Let me say that the gentleman from Pennsylvania can make a simplistic argument like that, and it might sound like it makes sense, but it does not make sense unless the gentleman can relate it to reality, relate it to basic needs of a program.

We can all pay with numbers. But unless those numbers make sense in reality, we are wasting other dollars.

Mr. WALKER. If the gentlewoman from Texas would continue to yield, she is the one that mentioned travel to Russia. She says that is one of the things this money was used for.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I am saying exactly what it would cut. If the gentleman would tell me exactly what the dollars he is talking about would pay for, then we can relate. But I am talking about cutting essential travel to carry out the duty of NASA.

Mr. WALKER. And the gentlewoman does not think they cay do that on $31.5 million.

Ms. EDDIE BERNICE JOHNSON of Texas. I think we ought to look back in that testimony and see. I do not know that they can do it with $31 million. It might not make sense.

I think that the gentleman from Pennsylvania ought to be the one explaining to me why they can make all these trips with $31 million rather than talking about and trying to excite the public.

Mr. WALKER. If the gentlewoman would continue to yield, I am perfectly willing to have them do it on $31 million.

Mr. BROWN of California. Mr. Chairman, will the gentlewoman yield?

Ms. EDDIE BERNICE JOHNSON of Texas. I yield to the gentleman from California.

Mr. BROWN of California. Mr. Chairman, the gentleman from Pennsylvania [Mr. WALKER] is making the point that my colleagues want to engage in profilgate spending and he wants to save this 15 or whatever million dollars it is. We discussed that yesterday, and we came to the conclusion that this money was not being saved, and we know it is not, but it is going to be spent in other directions. He wants to spend it to increase the military budget by $12 billion or $14 billion, and I said that, and then he added also we want to make a very substantial tax cut for what he calls middle-income America.

It is not a matter of saving, never has been. It is a matter of priorities. If my colleagues' priority is spending more for defense and for tax cuts for the wealthy, they want to cut it any way they can, and the gentleman from Pennsylvania [Mr. WALKER], living in this land that he does, it is time to make the case that what he is doing is prudent when he is merely asserting his values, with which I strongly disagree.

Mr. WALKER. Mr. Chairman, will the gentlewoman yield? Do I understand the gentleman from California is opposed to tax cuts for the middle class?

The CHAIRMAN pro tempore (Mr. CHAMBLISS). The time of the gentlewoman from Texas, Ms. EDDIE BERNICE JOHNSON has expired.

Mr. GENE GREEN of Texas. Mr. Chairman I move to strike the requisite number of words.

Mr. Chairman, let me talk about the Jackson-Lee amendment for a few minutes, and I think the Members who are here and who are watching it now realize that we are talking about authorization bill here. The Committee on Appropriations has already appropriated $600 million more than this bill authorizes, and what we are trying to do with my colleagues from Houston, Ms. JACKSON-LEE's amendment, is to provide $81.5 million in additional authorization to make sure we do not have as much as 3 weeks' furlough of the employees there. That is really not a way to run a government, a business, or an airline, or a railroad, or anything else where we plan to authorize less than what we are going to spend so we can lay off those workers there because we are not planning for it.

Again, it does not make any sense because all we are doing is authorizing, we are not spending a penny with this bill today. The Committee on Appropriation and the appropriations bill will spend the penny; we are just authorizing them to do it. And since they have already come up with $600 million more, again my colleagues may disagree with that, well, then let us talk to the Committee on Appropriations.

But NASA has already downsized and done everything they can. NASA has already downsized, and they have become leaner, meaner. In fact, whether it be the administration or those of us in Congress who have made them provide a better value for the American taxpayer, they have cut 4,000 civil service jobs since 1993 and plan to continue to cut another 4,000 by the fiscal year 2000. And the reduction in work force will not generate the savings for this coming year because NASA cannot technically execute a reduction in work force or a RIF, one early enough to generate that savings even if it is not authorized.

That is what I think we need to go back to, and from what I understand, this $81.5 million that is needed for the authorization to make sure that we do not have that furlough of those employees, these are full-time NASA employees where planning but not authorizing funding for them, to furlough them for 10 to 12 to 21 days sometime during the year. Again that is not the way anybody should run their business, and we should not expect the Government to run that way either because we are just authorizing it today.

The future of our work force depends on the high-skilled and the skilled jobs that the space station, the aerospace industry provides, and again we should not treat those employees, whether they are NASA or whether they are contract, in saying, "Well, we've sorry we're going to lay you off for 21 days because we don't have the authorization to spend the money even though one hand we could do it, but on the other hand we are not giving it to you."

That just does not make any sense.

Mr. BROWN of California. Mr. Chairman, will the gentleman yield?

Mr. GENE GREEN of Texas. Mr. Chairman, I yield to the gentleman from California.

Mr. BROWN of California. With regard to this money that the gentleman from Pennsylvania [Mr. WALKER] is pointing to that he now wants to save the difference in the transportation items, I would like to point out that the figure which is referred to here, the amount for transportation, was in the bill at the subcommittee level, it was in the bill when it was marked up at the full committee level, it was in the bill yesterday, as a matter of fact. And now Mr. WALKER has decided, without hearings, I might say, or any other indication, that that is really too much and it is wasted. So he is going to cut $15 million out of it in order to correct this waste.

Now my real question to the gentleman from Pennsylvania [Mr. WALKER] is:

Why did he suddenly find that this money is being wasted instead of at the subcommittee level, which he did not allow markups in, or the full committee level, which he did allow markups in, or even smaller in the debate?

If they were wasteful expenditures, he should have proposed in his manager's amendment that all this waste be removed. But, no he did not find out about it until it was necessary to correct the mistake which he also should have corrected in the full committee level and did not.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. GENE GREEN of Texas. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Since the Committee on Appropriations has come up, I think we should clarify, before we get too much misinformation on the floor: In our appropriation bill we cut $309 million out of essentially the operating accounts of NASA. The appropriators cut $542 million out of the operating accounts of NASA and in their bill. Now their total is higher, in large part because there are some fixed asset accounts that they count into their numbers, but if we look at the operating accounts that NASA has to spend before going out to brag about what has happened in the appropriation committee, take a look, folks, because the fact is there is $558 million in a fixed asset account that is counted in there, and we actually——

Mr. GENE GREEN of Texas. In reclaiming my time, Mr. Chairman, we are talking about the Jackson-Lee amendment, $81.5 million. The Committee on Appropriations has authorized $600 million. that $81.5 million could come out of that $600 million, and I could be corrected, but that is what I have been told. I do not know about the fixed asset part of this amendment.

We are talking about saving employees from having a reduction in work force for 10 to 12 to 20 days by having some reasonable planning in the authorization, and that is what authorizations are supposed to be about, Mr. Chairman, that we plan for those employees to do their work full-time.

Mr. Chairman, I encourage adoption of the Jackson-Lee amendment.

Mrs. MEEK of Florida. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am concerned as I have listened now, this is the second day I have listened to this debate in the Committee on Science and here on the floor, and I am just a little bit surprised that one of my dear colleagues from Florida really wants to cut personnel in such a way that it will affect Florida employees and citizens of Florida.

But I am concerned about all of the appropriations. I am concerned, first of all, to say that any time we are dealing with personnel, we cannot just jump without some studies. I do not think any one has ever looked at the negative impact of this particular issue that would cut money out of personnel.

First of all, the question I would like to ask is: Has anybody looked at the inflationary increase that these people will have to use to live by?

☐ 1430

Have Members looked at the benefits that will be due to them in this forthcoming budget which we are trying to authorize here? If we are arguing about figures, we had better think about some of the things that influence figures. Things that influence figures are not just the way we feel philosophically. What influences figures should be what impact will this have on the employees who make up the personnel of NASA. That is the first thing we are going to think about.

Then, if we are just thinking about budget cutting, we could cut any budget that each committee has put on. If we are just going to do that, then just wantonly cut the budgets, instead of going into a personnel budget and reducing it by so many million dollars.

Mr. Chairman, I do not have this argument with what the President's budget is. I am talking about the policy of authorizing something that will give the personnel of the NASA a chance to operate like personnel of other industries.

All the gentlewoman from Texas [Ms. JACKSON-LEE] is asking, and I am here to support her amendment, all she is asking is that we restore the NASA personnel account to the level that was requested by the President. I am hearing different things on that, standing here, but that is what her amendment is asking. I agree with that.

Mr. Chairman, if we do not pass her amendment, according to what is currently going on on the floor now, these personnel members, these are human beings, just like us in the Congress. We do not want our benefits cut, we do not want our salary cut due to the whims and whimsical ideas that people have. We want to be sure that if they are cut, there is a sound reason.

Think about what this will do, Mr. Chairman. What this will do is put them on a furlough. Have we not had enough furloughs here in the Federal Government? Have we not had enough Government employees and contractors of Government, to cause their personnel benefits and cause their pay to be cut? Have we not had enough of that? When will we learn our lesson?

Another thing, in dealing with the agency, I am hoping that somebody spoke to this agency, to NASA, and said, how can we best cut the personnel that will not negatively impact on you? I am not sure that this was ever done, because we are dealing pretty much with the budget here. We are not dealing with how these agencies should be run. I do not think any of us know that much about what is going on back in these agencies. I am not sure they even talked to them before they decided to bring up these cuts.

I am only talking about commonsense administration, commonsense, humane things that a government should not be doing; that is, cutting personnel without consulting the agency and saying to the agency, these are our objectives, these are our goals, how can we best reach that? That has not been done because, as I understand it, there was no consultation with the agency and there is no basis for this sharp reduction.

I close, Mr. Chairman, by saying if there is going to be a sharp reduction, particularly in personnel, it should be thought through, it should go through the authorizing committee, and then submit it, naturally, as we have to do to appropriations, but think about the impact, first. I beg the Members to support the amendment offered by the gentlewoman from Texas [Ms. JACKSON-LEE]. It is a humane amendment. It is based on the future of the personnel of NASA. They are dedicated people in that agency, Mr. Chairman. I would appeal to the House to pass the amendment offered by the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentlewoman yield?

Mrs. MEEK of Florida. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentlewoman from Florida. I think it is extremely important.

Let me indicate that the Sensenbrenner-Weldon amendment simply robs from Peter to say Paul. That is the clarification we need. Though they are belatedly offering to restore these funds, which the Jackson-Lee amendment does straight up, they then gut academic programs, they gut the space communications, they gut travel, so we cannot relate to our foreign space partners in the space station, and they gut science.

And NASA has indicated that we will see no savings with their reductions in 1997, fiscal year 1997, none whatsoever, because they cannot move that quickly. They are already downsizing, cutting jobs, cutting employees, as of October, 1996. The gentlewoman is absolutely right that Florida, Texas, and Alabama will be hurt drastically.

Mr. WELDON of Florida. Mr. Chairman, I move to strike the requisite number of words.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. WELDON of Florida. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, I just think we ought to have a clarification from the last set of remarks we just had. The gentlewoman from Florida accused my colleague, the gentleman from Florida [Mr. WELDON], of seeking to slash personnel. Thank goodness the gentlewoman from Texas tried to make a clarification on that.

The fact is that both of these amendments put back in the full money for personnel accounts. The only question here is whether or not we are going to save some money out of travel accounts and out of some other accounts in order to pay the personnel, or whether or not we are going to do simply an add-on that adds on deficit spending.

Mr. Chairman, I think we ought to clarify that. There was very little good information in that last set of remarks, because it simply did not relate to the topic before us. Again, the gentleman needs to be congratulated. He is doing the responsible thing here of plusing up those personnel accounts, but doing so in a way that we can afford it and the taxpayers do not end up having it taken out of their pocketbook.

Mr. WELDON of Florida. I thank the gentleman. I will try to make my comments briefly.

Mr. Chairman, this has been a lengthy debate. I think it has been fairly productive. I just want to explain a little to my colleagues how we got into this situation. Our staff on the committee sat down with the NASA officials and were given figures on the amount of money they needed for the support of their staff, the full-time equivalents. Then 2 days before we went to committee markup, they came in with a whole new set of numbers and said they needed $81.5 million more.

It is true that the ranking member did seek in his substitute to restore that money, and I commend him for that. But he also sought about $1.5 billion additional of spending that we did not have. It would amount to borrowing more money from our children to pay for what we are doing now. I think that was irresponsible, and his substitute was defeated in committee, as it was on the floor. Nobody on the minority side presented an amendment that would exclusively restore this account.

Mr. Chairman, I have been working diligently with the subcommittee chairman, the gentleman from Wisconsin [Mr. SENSENBRENNER], with the full committee chairman, the gentleman from Pennsylvania [Mr. WALKER], as well as with the chairman of the Subcommittee on VA, HUD and Independent Agencies, the gentleman from California, Mr. JERRY LEWIS, to make sure these funds are restored.

I think my amendment, with the perfecting amendment offered by the gentleman from Wisconsin [Mr. SENSENBRENNER], is a good, reasonable, responsible way to accomplish the goal. And we all agree on the goal, we just disagree on how we do it.

Mr. Chairman, I would urge my colleagues to vote in support of the Weldon-Sensenbrenner amendment.

Mr. COSTELLO. Mr. Chairman, I move to strike the requisite number of words.

Mr. BROWN of California. Mr. Chairman, will the gentleman yield?

Mr. COSTELLO. I yield to the gentleman from California.

Mr. BROWN of California. Mr. Chairman, I really do not like to belabor this, but sometimes it seems necessary to keep saying the same thing over again to get it across.

The gentleman from Florida [Mr. WELDON] is acting properly here to restore funding that, whether as he claims, it is the fault of the administration, or as I claim, it is the fault of the committee chairman himself, we both realize it needs to be corrected.

Then we repeat the mantra, that if we do not take away from some of these other things, travel and so forth, the budget is not going to be balanced. What does that means? That means that it does not conform to the Republican budget. The Democratic budget, which the President offered, it is still below that, and it is still in balance. They are going to contend, of course, that the President's balanced budget is phony and all that sort of stuff, so maybe it is. But it has been certified by the Congressional Budget Office as being in balance in 2002.

What is the difference? The President's budget, has been pointed out, is higher for both NASA and for the entire discretionary research and development account up to year 2000. It is substantially higher than the Republican budget over that same period of time by an amount of roughly $2 billion per year. Then it takes a sharp cut. That has been pointed out. It has been claimed, of course, that that is political manipulation, that the President is keeping the R&D budget artificially high, that the only true budget handed down from heaven itself is the Republican budget, which is roughly $2 billion per year less than the President's budget.

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. COSTELLO. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, I noticed that when the President's budget came up on the floor of the House, it was overwhelmingly rejected, and only 10 of the 23 Democrats on the Committee on Science voted for the President's budget. The gentleman was one of them, I give him credit for consistency, but evidently the gentleman was less persuasive then than he is today.

Mr. BROWN of California. Mr. Chairman, I thank the gentleman for that pertinent comment. I have said many times that in the 7-year runout, I do not like either the Republican budget or the President's budget. I have also said that since the main differences occur in the year 2000, and nobody can predict what is going to happen in the year 2000, and that will be in the first administration of President GORE, I am going to let President GORE worry about that problem when we get to it.

In the meantime, I am going to support the budget, which is $2 billion a year higher for R&D, and I urge my friends on that side to think carefully before rejecting it, because it will be an issue. I am spending most of my time trying to make the votes in support of a reasonable R&D program for this country an issue in this campaign.

The gentleman may think his position will stand up better than mine, and we will let the voters decide.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. COSTELLO. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman very much for his kindness in yielding to me.

Mr. Chairman, let me clear up several points. Let it be perfectly clear, as one of President used to say, that this side of the aisle is not against a balanced budget. We have voted time and time again, and as a freshman I can say I have voted for a balanced budget. The misnomer we have here is that we are against giving middle-income tax cuts.

That is not accurate. We are against bashing middle-income workers at the NASA centers around this Nation by borrowing from Peter to pay Paul, as the Weldon-Sensenbrenner amendment has. It may restore belatedly $81.5 million, but it guts other programs, and we do not know if we are going to have any savings by cutting other programs and requiring NASA, that has already downsized, to not be able to communicate with its foreign space station partners, to not be able to have space communications, and taking away from the science program.

I am not sure where they are trying to go, but I would solicit my colleagues to do the right thing and support the Jackson-Lee amendment that is a restoration, not an increase, a restoration of $81.5 million, that gives to our NASA employees the ability to downsize appropriately, without safety factors being damaged, as well as putting them on a 2-week or more furlough where they cannot work and they cannot continue the mission of NASA, and cannot continue the mission of this Nation with respect to space exploration and science.

Mr. VOLKMER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this discussion here today on the two amendments really is no different than the discussion yesterday concerning the substitute offered by the gentleman from California [Mr. BROWN] and the original bill sponsored by the chairman of the committee. I could say the same remarks about them, because basically what it is a question of funding programs that need to be funded, and still balancing the budget.

Mr. Chairman, the majority, which emphasizes balancing the budget, will lead us to believe that if we do not make these cuts in the TDRSS and other parts in order to fund back the personnel money for NASA, that we are not going to have a balanced budget. Mr. Chairman, it ain't so. It really ain't so. That amount of money, to begin with, is not going to make the difference in the next 7 years.

Second, under the coalition budget, which very few of their Members, the vast majority, did not support, this program for the personnel is fully funded, and so is the TDRSS and the research and development fully funded as is necessary, and we have a balanced budget by the year 2002.

As has been pointed out earlier today by the gentleman from California, our ranking minority member, it is a question of establishing priorities: What do we really want? There is no question in my mind that the radical right, under the leadership of the majority, does not want research and development. It is clear and simple. Why else are they cutting the program in this amendment, in the amendment of the gentleman from Florida? Why else?

I would also like to know from the gentleman from Florida, who offered the original amendment, what are they going to do about the TDRSS contract as presently existing, and we have a TDRSS contract to replace the present TDRSS that are in orbit, when we cut these funds? Where are we going to get the money? They are not going to get the money, so we are in violation of a contract. But so what? To them it does not mean anything. It is all in the name of balancing the budget.

That is a lot of baloney. It is not in the name of balancing the budget. It is in the name of following, basically, what the chairman of the committee, the gentleman from Pennsylvania [Mr. WALKER], feels is his straitjacket; and his straitjacket is that this is the only amount of money we are going to spend. I do not think it makes a difference to the gentleman from Pennsylvania whether we have the money there or not. If he does not want to spend it, he is not going to spend it.

□ 1445

It does not make any difference about balancing the budget. I will say it again and again. It has nothing to do with balancing the budget. It has all to do about the whims of the gentleman from Pennsylvania and how he feels about programs.

And, lo and behold, all the rest of the Members over there, they follow him down the road just like the rest of the body, the vast majority follows the Speaker right down the road. They just keep following him down that road, and I am sure that the American public is going to take a good look at the road that they are taking this country down: a road that leads to very little research and development, basic research, a road that makes mistakes now and then, as the gentleman from Pennsylvania made the mistake, why else are we having the original amendment? And later on we will have other amendments to clean up the bills that came out of committee.

It is not necessary to make those mistakes. The mistakes are basically made when they try to follow that straitjacket that is self-imposed by the gentleman from Pennsylvania on the actions of the committee.

As I said yesterday, I will say it again. As I have looked at this legislation, the original bill that came out of committee, in comparison to all the other ones we have had in the 20 years I have been here, it is the worst one and it is not necessary to be that way. It is only that way because of the dictates of the leadership of the Republican Party. It can be a good bill. It could be one that has positive features instead of negative features, but it is not going to be a good bill because they do not want it to be one.

The CHAIRMAN. The time of the gentleman from Missouri [Mr. VOLKMER] has expired.

(By unanimous consent, Mr. VOLKMER was allowed to proceed for 2 additional minutes.)

Mr. VOLKMER. They would like the American public to believe that somehow through the authorization process, not even the appropriation process but in this authorization process, they are going to lead us down, this Congress, down to a balanced budget. A lot of baloney. Nothing further from the truth.

Lo and behold, we will wait until we see what the appropriation process brings along. That is where the money is really spent in this whole area. This bill only authorizes. If the gentleman wants to really save money, I would suggest, the gentleman from Florida, if he really wants to save money, that he can cut this program when we get to the appropriation bill.

He can cut back NASA if he wants to. There is no reason that he cannot. He can cut it back. We do not have to have a space station. He can vote against the space station. He can do that. He can vote against the operation of the shuttle. He can do that and save a lot of money. It is easy to do. Instead of cutting back on other things, why does he not cut back on those things that are important to his district? That really shows self-sacrifice. I would recommend the gentleman think about it.

Mr. HALL of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Jackson-Lee amendment. The Brown substitute would have corrected this but we failed on that. We think this is a cut that should have never been made in the first place. We have talked about this in committee, we have talked about it on the floor earlier. I think to put it succinctly and to the point I need to quote Mr. Peterson, who is the NASA comptroller, who says:

> To put it bluntly, the S&E reduction is impossible to achieve without drastic action. Unless a miracle occurs and we have both buyout legislation and a lot of takers, there is simply no way feasible to implement this reduction without resorting to furloughs. At $81.5 million, we estimate a 10-to-12 day furlough would be necessary to make this number.

We do not want furloughs. I know no one on the other side wants furloughs. I believe that this comptroller knows what he is talking about, and submit this to Members for their consideration. I urge the adoption of the Jackson-Lee amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. SENSENBRENNER] to the amendment offered by the gentleman from Florida [Mr. WELDON].

The amendment to the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas [Ms. JACKSON-LEE] as a substitute for the amendment offered by the gentleman from Florida [Mr. WELDON], as amended.

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. WALKER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. Pursuant to clause 2(c) of rule XXIII, the Chair may reduce to a minimum of 5 minutes the period of time for any vote by electronic device, if ordered, on the pending amendment.

The vote was taken by electronic device, and there were—ayes 142, noes 271, not voting 21, as follows:

[Roll No. 202]

AYES—142

Abercrombie
Barcia
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Cramer
Cummings
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Flake
Frost
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hoke
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Johnston
Kennedy (MA)
LaFalce
Lantos
Levin
Lewis (GA)
Lofgren
Lowey
Maloney
Manton
Matsui
McDermott
McHale
McKinney
McNulty
Meek
Menendez
Millender-McDonald
Miller (CA)
Mink
Moakley
Nadler
Neal
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Rahall
Rangel
Richardson
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Skaggs
Skelton
Slaughter
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Velazquez
Vento
Volkmer
Waters
Watt (NC)
Waxman
Williams
Wilson
Woolsey
Wynn
Yates

NOES—271

Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blumenauer
Blute
Boehlert
Boehner
Bonilla
Bono
Borski
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Castle
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Coyne
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson

English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Furse
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greene (UT)
Greenwood
Gunderson
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (RI)
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Luther
Manzullo
Markey
Martinez
Martini
Mascara
McCarthy
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Meehan
Metcalf
Meyers
Mica
Miller (FL)
Minge
Montgomery
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Oxley
Packard
Parker
Payne (VA)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Radanovich
Ramstad
Reed
Regula
Riggs
Rivers
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stockman
Stump
Talent
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Visclosky
Vucanovich
Walker
Walsh
Wamp
Ward
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—21

Ackerman
Chabot
de la Garza
Fields (LA)
Foglietta
Ford
Gutknecht
Hayes
Houghton
Jefferson
Kennelly
Lincoln
McDade
Molinari
Mollohan
Moran
Murtha
Paxon
Peterson (FL)
Quinn
Wise

☐ 1511

Messrs. HOLDEN, SMITH of Michigan, MASCARA, BORSKI, COYNE, and BLUMENAUER changed their vote from "aye" to "no."

Mr. KENNEDY of Massachusetts and Mr. STUDDS changed their vote from "no" to "aye."

So the amendment offered as a substitute for the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. WELDON], as amended.

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SENSENBRENNER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 354, noes 60, not voting 20, as follows:

[Roll No. 203]

AYES—354

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blute
Boehlert
Boehner
Bonilla
Bono
Borski
Boucher
Brewster
Browder
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clement
Clinger
Clyburn
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cummings
Cunningham
Danner
Davis
Deal
DeFazio
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Greene (UT)
Greenwood
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCollum
McCrery
McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Meehan
Menendez
Metcalf
Meyers
Mica
Miller (FL)
Mink
Moakley
Montgomery
Moorhead
Moran
Morella
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Radanovich
Ramstad
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Sabo
Salmon
Sanders
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Studds
Stump
Stupak
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torricelli
Traficant
Upton
Velazquez
Vucanovich
Walker
Walsh
Wamp
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—60

Barrett (WI)
Becerra
Beilenson
Bonior
Brown (CA)
Clay
Clayton
Coleman
Collins (IL)
Collins (MI)
Coyne
Dellums
Dixon
Doggett
Engel
Fattah
Filner
Flake
Frank (MA)
Furse
Gibbons
Gutierrez
Hastings (FL)
Hinchey
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Johnson (SD)
Lewis (GA)
Luther
McCarthy
McDermott
McKinney
Meek
Millender-McDonald
Miller (CA)
Minge
Olver
Owens
Rahall
Rangel
Rush
Sawyer
Schroeder
Schumer
Scott
Skaggs
Stark
Stokes
Tanner
Torres
Towns
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Williams
Yates

NOT VOTING—20

Chabot
Conyers
de la Garza
Fields (LA)
Foglietta
Ford
Gutknecht
Hayes
Houghton
Jefferson
Kennelly
Lincoln
McDade
Molinari
Mollohan
Murtha
Paxon
Peterson (FL)
Quinn
Wise

☐ 1519

Mr. McDERMOTT and Mr. HASTINGS of Florida changed their vote from "aye" to "no."

Mr. SHAYS and Mr. BERMAN changed their vote from "no" to "aye."

So the amendment, as amended, was agreed to.

The result of the vote was announced as above recorded.

VACATING PASSAGE OF GEKAS AMENDMENT NO. 3 AND AMENDMENT NO. 3, AS MODIFIED, OFFERED BY MR. GEKAS

Mr. GEKAS. Mr. Chairman, I ask unanimous consent that the committee proceedings of yesterday, wherein my amendment No. 3 was adopted, be vacated and a new amendment also titled No. 3 be inserted in its place in lieu of the amendment yesterday. We had the wrong language submitted.

Mr. Chairman, I checked with the gentleman from California [Mr. BROWN] and he indicated that he has no objection.

Mr. CHAIRMAN. The Clerk will report the modified amendment.

The Clerk read as follows:

Amendment No. 3, as modified, offered by Mr. GEKAS. Page 87, after line 21, insert the following new subsection:

(h) BI-AGENCY WORKING GROUP.—The National Weather Service is encouraged to follow through on the recommendation contained in the document entitled "Secretary's Report to Congress on Adequacy of NEXRAD Coverage and Degradation of Weather Services Under National Weather Service Modernization for 32 Areas of Concern", dated October 12, 1995, to initiate a dialogue with the Federal Aviation Administration to form a bi-agency working group to further assess the potential for National Weather Service operational use of Federal Aviation Administration weather radar data, and to define engineering considerations that would be involved in implementing a data sharing link between the Federal Aviation Administration and the National Weather Service.

Mr. GEKAS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment, as modified, be considered as read and printed in the RECORD.

Mr. Chairman, I include for the RECORD communications and related articles on the subject of my amendment.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 23, 1995.

ELBERT W. FRIDAY, Jr.,
Assistant Administrator, National Weather Service, U.S. Department of Commerce, Silver Spring, MD.

DEAR MR. FRIDAY: Throughout the implementation process of the Next Generation Weather Radar (NEXRAD) system by the National Weather Service (NWS), serious concerns were raised regarding deficient coverage of the Harrisburg metropolitan area. Unfortunately, my concerns were repeatedly rebuffed by the NWS with claims that Harrisburg weather coverage was appropriate. Now that the NEXRAD system has been fully implemented it is clear that my earlier cautions and predictions have become reality.

While the NEXRAD radar beam projects a further distance than traditional radar, due to the earth's curvature coverage originating from 120 miles north of Harrisburg in State College creates a gap from the earth's surface to a level 16,000 feet above Harrisburg, completely missing the city. Physical limitations of the NEXRAD radar beam have left open an unmonitored area which is densely populated and prone to flooding.

At the time this concern was raised, I was told by the NWS that coverage would be adequate. I content that coverage of the area is not sufficient. A NWS employee submitted to me the enclosed sampling of documented cases illustrating severe weather conditions which went undetected by the NEXRAD system.

Unfortunately, while some areas of the country may enjoy improved radar services, Central Pennsylvania has been diminished service due to the lack of attention to this flaw in the NEXRAD coverage. I believe the most significant responsibility entrusted to the NWS is to ensure the public's safety. I urge you once again to reconsider this situation which the NWS has created and confirm that your job of ensuring public safety has been satisfied.

Thank you for your consideration; I look forward to your response.

Very truly yours,

GEORGE W. GEKAS,
Member of Congress.

CASE 1—APRIL 30, 1994

Attachment 1: Summary of Severe Weather Reports. The station log sheets from NWS Harrisburg were not available for this event. However widespread severe weather occurred over central Pennsylvania during the evening of April 30. As noted on Attachment 1, damage from a severe thunderstorm was reported in uptown Harrisburg at 10:46 pm. This damage was later determined by the National Weather Service to be caused by a tornado. Although forecasters in the State College office had called the Harrisburg office about severe weather appearing on their NEXRAD in other areas of the state prior to that time, they made no mention of severe weather in the Harrisburg area at the time of the tornado. The Harrisburg Weather Service office issued a severe thunderstorm warning for this storm based on the radar at Harrisburg.

Substantial damage occurred in uptown Harrisburg and near the State Hospital that evening.

CASE 2—JULY 20, 1994

Attachment 2: Note from person on duty at Harrisburg describing a severe thunderstorm event in Huntingdon County. (The NEXRAD radar site is in Centre County; Huntingdon County is adjacent to Centre County). Harrisburg radar showed this storm to be severe, and the person on duty at Harrisburg issued a severe thunderstorm warning based on the Harrisburg radar (after being advised by State College personnel that their NEXRAD did not indicate any severe weather in Huntingdon County.)

Attachment 3: The severe thunderstorm warning issued by Harrisburg.

Attachment 4: Station log documenting the report of damage from the storm. The report was received by NWS Harrisburg from Emergency Management officials in Huntingdon County. EMA officials indicated 20 to 30 trees down and damage to homes.

Comments: The NEXRAD radar has the ability to archive paper copies of its radar display. I requested archive copies of the radar display for the time of the storm in Huntington County. Apparently the NEXRAD did not show anything alarming in Huntingdon County at that time, because State College personnel did not start to archive until 7:40 pm that day, the damage occurred at 6:50 pm.

The damage in Huntingdon County occurred less than 40 miles from State College. Harrisburg, York and Lancaster are more than twice that distance from State College.

BULLETIN—IMMEDIATE BROADCAST REQUESTED, SEVERE THUNDERSTORM WARNING, NATIONAL WEATHER SERVICE, HARRISBURG PA, 6:31 P.M. EDT WED, JULY 20, 1994

The National Weather Service in Harrisburg has issued a severe thunderstorm warning effective until 7:15 p.m. EDT for people in the following location:

In south central Pennsylvania: Huntingdon County.

At 6:30 p.m. Harrisburg radar showed a severe thunderstorm between the town of Huntingdon and the Mifflin County line. This storm was moving toward the northeast at 10 miles an hour.

This is a dangerous storm. If you are in its path you should prepare for damaging wind in excess of 55 mph, large hail, and deadly lightning. People outside should move to a shelter, preferably inside a strong building but stay away from windows.

EMERGENCY ACTION LOG

Date/Time, July, 20, 1994 Information Received, city/town/time of event, source/event. Action Taken, calls made, warnings, etc. Initials, DM.

6:05 p.m.—Bob Fenner called—quarter-size hail in State College, Warning issued 6:05 PM—DM.

6:10 p.m.—CTP called—dime-size hail at the office in State College—DM.

9:15 p.m.—Rich Moore (Huntingdon County) called—20 to 30 large trees blown down; trees blown onto houses causing an estimated $2,000 damage; ½ mile by ½ mile patch of wind damage in Mill Creek at 6:50 p.m.; (DVIP 5 to 270 top 55,000 ft shown on WSR-74c radar just before warning issuance) (I also called CTP about the storm just before warning issuance. According to this the storm was not showing severe characteristics)—DM.

CASE 3—AUGUST 4, 1994

Attachment 5: Entry from Harrisburg's station log book. At 5:28 pm, the weather observer at the Middletown International Airport issued a weather observation reporting a wind gust of 50 knots (58 mph). A wind gust of 50 knots warrants a severe thunderstorm warning according to the severe weather criteria used by the National Weather Service. The person on duty at Harrisburg sent State College a message through the NWS computer system pointing out the observation. The weather office in Mt. Holly, New Jersey sent a similar message to State College at approximately the same time.

At 5:55 pm, the person on duty at State College called the Harrisburg office to ask if the Harrisburg radar showed any severe weather in the vicinity of the airport (because their radar showed no strong storms in that area). By that time (25 minutes after the report), the Harrisburg radar showed the storm was well below severe warning criteria.

No warning was ever issued by the State College office for this event.

EMERGENCY LOG BOOK

July 29, 1994, 3 p.m.—Pit's 88D is down and 57 is up until sometime Saturday (7/30/94). They will be taking radar observations until then—GC.

July 29, 1994, 11 p.m.—Left HAR radar on overnight per request by Art Krause (PHL)—GC.

August 4, 1994—At 5:30 p.m. the observer (MDR) issued an observation reporting a windgust to 50 kts. I sent them a message pointing that out. At 5:55 p.m., State College called and ask if the Harrisburg radar showed a strong cell in that area. By that time (30 minutes *after* the report) the cell was down to 25,000; VIP 5 to 8,000. No warning was issued by State College.—GC.

August 4, 1994, 10:35 p.m.—Left the radar on overnight per request by PHL (Tony Gigi).

August 12, 1994, 10:35 p.m.—Art K. wanted radar left on—DPM.

August 13, 1994—Radar left on—DPM.

[From the Harrisburg (PA) Patriot-News, May 14, 1996]

IT'S OFFICIAL: IT WAS A TORNADO

(By Mike Feeley)

National Weather Service investigators confirmed yesterday that a small tornado touched down Saturday at a truck-parts manufacturing shop along Cameron Street in Harrisburg and danced along the treetops for a half-mile before dissipating.

Relying mostly on witness accounts and damage to the Dayton Parts plant, weather service officials said the tornado—which never showed up on radar—lasted less than a minute.

But in that time, it reduced part of the Dayton plant at Cameron and Herr streets to rubble, ruptured a gas line, toppled trees and forced the evacuation of a city housing project.

The tornado was coupled with a thunderstorm that dumped an inch of rain on the area in less than 30 minutes.

Either the tornado or severe winds blew over a 16-ton caboose on the Conrail yards in Harrisburg, said Mayor Stephen R. Reed. In all, the storm caused $5 million worth of damage in the city.

About 150 people in the Harrisburg and Camp Hill areas still were without phone service this morning, said Shirley Risoldi, spokeswoman for Bell Atlantic. Risoldi said service should be restored to all homes by the end of the day.

Saturday's twister followed a path roughly 200 yards from that of a tornado that hit in 1994, Reed said. These types of tornadoes are not uncommon for the region, investigators said.

Radar maps used by the weather service to declare weather warnings showed no signs of tornadoes in Dauphin County, said Bruce W. Budd, NWS meteorologist-in-charge in State College.

Dauphin County was under only a severe thunderstorm warning when the tornado hit. The radar maps showed the potential for a twister in Schuylkill County, however, and that county was under a tornado warning.

"The indicators show a strong outflow of wind [in Harrisburg]," said Budd, as he reviewed radar maps of the area. "What we don't have is any indication of a tornado. But this type of light tornado is not easily detected. Any severe thunderstorm can produce a brief tornado."

Budd and meteorologist Richard W. Winther came to Harrisburg yesterday to investigate the report of a tornado. Most of the damage indicated a "straight-line" storm—similar to that of a severe thunderstorm.

But witnesses—including a motorcyclist who was knocked off his bike by a piece of debris—told the investigators they saw a funnel cloud touch down at the Dayton plant. And wreckage at the plant was strewn in such a way as to indicate a tornado had struck, Budd said.

There's evidence the tornado spent much of its short life moving along 20 or 30 feet off the ground, doing damage to larger trees in its path but leaving the smaller trees relatively undamaged.

The tornado will be classified as an "F-1," or light tornado, capable of winds of between 73 and 112 mph. Saturday's winds were in excess of 100 mph, Winther said.

'It's amazing that there were about 30 kids around an ice-cream truck and with trees on both sides of the truck damaged, no one was hurt," he said.

RECENT TORNADOES IN THE MIDSTATE

May 1996: A small tornado cuts through Cameron Street in Harrisburg, reduces part of a truck-parts manufacturing shop to rubble, ruptures a gas line and forces the evacuation of a housing project.

May 1995: A weak tornado touched down in Millersville, Lancaster County, destroying a barn, toppling trees and other structures.

July 1994: A tornado hits the Delwood Manor housing development in northern York County, tossing sheds and blowing off pieces of roofs.

April 1994: In uptown Harrisburg, a tornado rips parts of roofs off four row homes and shatters school windows.

August 1992: Winds of 80 to 90 mph swoop into Locust Grove Trailer Park on Route 22 in Lebanon County, displacing a mobile home and uprooting trees.

LOWER PAXTON TOWNSHIP,
Harrisburg, PA, May 11, 1996.

Hon. GEORGE GEKAS,
Member of Congress, Rayburn HOB, Washington, DC.

DEAR CONGRESSMAN GEKAS: As I write this, the thunder is still rumbling in the distance from a severe storm that has just slammed Dauphin and Cumberland counties with no warning from the National Weather Service.

As a former weathercaster in the nation's tornado alley and through my own interest in meteorology, I can see no excuse for the lack of warning before this storm struck. There was not even a severe thunderstorm watch. All this despite the fact that an hour before the storm hit, radar was showing a line of intensifying storms west of Harrisburg.

Storm warnings had been posted for Juniata and Franklin counties, then there was nothing until the storms had already passed through Dauphin County and were entering Lebanon County. At that time a warning was issued for Lebanon and Lancaster counties.

My police and fire radio is alive with communications regarding severe damage to private homes, apartment buildings, even a school . . . several of the incidents involving possible injury or entrapment.

It appears Lower Paxton Township has escaped the brunt of the storm. The city of Harrisburg seems to have experienced serious damage.

This is another glaring example that the realignment of the National Weather Service, especially in closing its Harrisburg office, is not providing adequate coverage of this meteorologically dynamic area. As competent and well-equipped as the meteorologists at the Weather Service Office in State College might be, standing barefoot on my front steps in Lower Paxton Township I could tell there was a severe storm imminent.

How many more times must the safety of the residents of my township and all other communities in this region be compromised before something is done to end this threat to public safety?

I urge you to employ whatever avenues available to rectify this situation. If I may be of any assistance, I would welcome contact from your office.

Respectfully,

JAY PURDY,
Supervisor, Lower Paxton Township.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection

The CHAIRMAN. Is there objection to the initial request of the gentleman from Pennsylvania?

There was no objection

The CHAIRMAN. The question is on the amendment, as modified, offered by the gentleman from Pennsylvania [Mr. GEKAS].

The amendment, as modified, was agreed to.

The CHAIRMAN. Are there other amendments to title II?

AMENDMENT OFFERED BY MR. SCOTT

Mr. SCOTT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SCOTT: Page 27, line 14, strike "$823,400,000" and insert in lieu thereof "$857,800,000".

Page 27, line 19, strike $152,800,000" and insert in lieu thereof "$187,200,000".

Mr. SCOTT. Mr. Chairman, I am offering an amendment to restore funding for NASA's Advanced Subsonic Aeronautic Research Program to the level contained in the President's budget. H.R. 3322 cuts the advanced subsonic program by 34.4 million, money that is vitally important to maintaining NASA's longstanding leadership in subsonic research.

For those not familiar with subsonic research, let me briefly outline the kinds of activities being affected. Activities such as research and development to address aging aircraft, safety concerns, and aging aircraft are the kinds of aircraft popular with the newer economy airlines and the aging airframes used by the United States military.

Subsonic research in jeopardy also includes cooperative activities with the FAA to improve safety and efficiency in the Nation's air traffic management system so we do not lose control of the increasing volume of commercial and military air traffic.

Also in jeopardy is R&D on advanced technologies that could result in quieter, more fuel efficient aircraft and an understanding of how aircraft operations affect the environment.

Mr. Chairman, I acknowledge and support the need to cut Government spending where appropriate in order to meet our budget responsibilities. However, a cut in NASA's aeronautic authorization program is extremely counterproductive to our shared goals of increasingly stronger economy and a stronger America.

Mr. Chairman, the American aeronautics industry has an annual sales of over $60 billion and is responsible for this country's greatest positive balance of trade.

Without the research and support of NASA, the U.S. aeronautics industry would not be competitive in the global marketplace. This was in fact the purpose for which Congress created NASA in the first place. It is important to remember that in 1917 Congress created NASA's predecessor for the express purpose of regaining America's competitiveness in aviation at a time when dominance in this area had been lost to the Europeans.

Now at a time when the Europeans are in high gear, supporting the research and development of the Airbus, we are poised to shoot ourselves in the foot again by cutting the very programs that kept the United States aeronautics program competitive. This amendment will enable these subsonic programs to continue at a reasonable level.

Mr. Chairman, recently I had the chance to see firsthand how this program works and the results of this program because I had the opportunity to participate in celebrations commemorating the production of the new Boeing 777, and also another program commemorating the McDonnell Douglas C-17. Both programs use the wing design and composite materials developed more than a decade ago by NASA. These aircraft, one commercial, one military, are now on the cutting edge of aircraft technology and greatly advance the competitive position of the United States in the world marketplace. Without the research under the advanced subsonic program, we are in jeopardy of losing our competitive edge 5, 10, and 15 years from now.

Mr. Chairman, we should not contribute to any effort which might lead to the loss of U.S. preeminence in aeronautics. I urge Members on both sides of the aisle to support this amendment and therefore support this country's economy.

Mr. SENSENBRENNER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, in fiscal year 1994, this program was funded at $106 million. The bill before us has a funding level for this program at $152.8 million for fiscal year 1997. Now, that is an increase of about 45 percent over a 3-fiscal-year period.

I believe that that increase is generous enough in light of the extreme fiscal situation that we are facing and the bipartisan drive to try to balance the budget.

Also, the amendment that has been offered by the gentleman from Virginia, while well-intentioned, is an add-on without corresponding offsets. We went through that entire issue in the last amendment, and the House voted very strongly in favor of, where we do have add-on, to have a corresponding offset so that the bill will maintain its fiscal neutrality.

This amendment does not maintain fiscal neutrality. It ends up increasing the authorization by $34 million-plus, and that means $34 million-plus of deficit spending should the Committee on Appropriations match the authorization level.

In summation, I do not think that we need this additional money. I think that it is important that there be on offset, not an add-on. I believe that this program has been given generous increases over the last 3 fiscal years under both Democratic and Republican-controlled Congresses and the amount that is in the bill unamended is enough.

Mr. BROWN of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I intend to support this amendment. I think it is a vitally necessary amendment. Of course, my critiera is whether or not it was in my substitute, and it was in my substitute; or it must be a very good amendment.

I am not quite sure how to deal with the arguments on the other side. Of course, part of the argument is maybe that this is corporate welfare and we do not fund corporate welfare. If it benefits corporations, we do not do it. So they want to keep the program considerably below the level that is being recommended by the administration.

□ 1530

Well, maybe it is just that they do not want to do anything the administration wants, no matter how good it is. Of course, they are raising again the subject of the budget; it does not have any offsets in it. Now, that was the same argument that we heard on the previous amendment and on various other amendments.

It is quite obvious that on the majority side, they have a great deal of wisdom, shared by almost every one of them, as evidenced by the fact that they all, in that wisdom, decided to vote against the prior amendment. So, I do not want the belabor these things too much.

It is my contention, of course, that this is one of the crucial programs in NASA's portfolio. It is doing something that specifically helps a major U.S. industry, which is faced with intense competition from around the world, specifically from Europe and the Airbus consortium. If we cannot do something to provide an adequate level of support for U.S. industry engaged in this competition, we are going to lose to the Europeans where the Airbus is a government-funded consortium.

We can argue that we want to be pristine in this. If there is a healthy aircraft industry, they ought to be taking up the whole cost for this. That has not been the case for the last 75 years. They know it, and part of their revolution is to change things that have been going on for the last 75 years, even though it was this program of working cooperatively with the industry that made us the preeminent supplier of aircraft to the world, preeminent because we were the best.

Mr. Chairman, now we have decided that we no longer need to continue that path for subsonic aircraft research. Now, I do not see a similar attitude toward the hypersonic aircraft research. It appears that this is not quite as much corporate welfare, although it is the same basic type of research. Maybe the reason is that we know that there will not be a commercial market for hypersonic planes. Even though this is applied research, the hypersonic, on behalf of American corporations, and this normally is the criteria for corporate welfare, in this case we will not call it corporate welfare for some reason or another.

I have not quite figured that out, but the gentleman from Pennsylvania [Mr. WALKER] will have a good explanation which he will give you shortly, I am sure.

Now, it is my view, and I take delight in pointing this out, that the position taken by the majority in these situations is full of contradictions. They, for example, have language in their report which provides certain direction to NASA with regard to applied research. It says the committee encourages NASA to review funding levels for polymer matrix composite programs to achieve a balance between composite and metallic technologies. Aluminum has been the material of choice for all significant commercial aircraft structures and continues to offer opportunities for cost-effective improvements in aircraft structural performance.

Now, this sounds to me an awful lot like a recommendation to pursue a particular line of advanced subsonic research because it has a more direct application to existing commercial aircraft design. Is that a good idea? Possibly. Or is this an example of corporate welfare, telling the government how to spend its money in support of certain technologies which are already well developed and have a large base in industry?

Apparently, if they like the program, it is not corporate welfare. If they do not, it is corporate welfare. I urge support for the Scott amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to support the amendment of the gentleman from Virginia. I think that clearly again I emphasize the creation of work for the 21st century, and I think we are doing a disservice by eliminating those dollars for that direction. So I rise to support the Scott amendment.

I would also like to add a comment regarding the amendment that I would offered, Mission to Planet Earth, and would ask if I could enter into a colloguy with the gentleman from California [Mr. BROWN].

As the gentleman knows, I had considered offering this amendment and had raised this with the committee on NASA's Mission to Planet Earth Program. But instead I would like to take the time to ask a few questions about the National Research Council's review of the Earth Observing System and how the Brown recommendation is compared to the actions taken in this bill. It is true that last year the chairman of the Committee on Science asked the well-respected National Research Council to undertake a review of NASA's Mission to Planet Earth Program and the Earth Observing System? In fact, I believe we discussed that in committee.

Mr. BROWN of California. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from California.

Mr. BROWN of California. Mr. Chairman, the gentlewoman is absolutely correct in her statement.

Ms. JACKSON-LEE of Texas. If the gentleman will continue to yield, is it also true that the National Research Council panel validated the scientific goals of Mission to Planet Earth and recommended, and I quote: NASA should implement most of the near-term components of Mission to Planet Earth/Earth Observing System, including Landsat 7, AM–1, PM–1 and the Tropical Rainfall Measuring Mission without delay in reduction in overall observing capability, and the Chemistry-1 mission should not be delayed?

Mr. BROWN of California. Mr. Chairman, if the gentlewoman would continue to yield, she is absolutely correct in the citation that she has made. In addition, the National Research Council went on to conclude, and I quote: Based on a series of reviews, a series of reviews, the program has evolved from its original plans to a reshaped program that is more responsive to the science, more resilient, more open to the introduction of new technologies. There has been a shift from a fixed series of large vehicle missions to a mixed fleet exploiting small- to medium-class spacecraft. However, any further structural changes to the near-term EOS missions would cause severe program dislocations. Further budgetary reductions or imposed constraints on technical options would require the elimination of key sensors, slips in schedule, loss of data continuity and the elimination of all advanced technology development that could enhance future research and lower cost, end of quotation.

Ms. JACKSON-LEE of Texas. Mr. Chairman, reclaiming my time, I would take from that statement that that was nothing but a clear and strong message from the National Research Council, I might add, an independent council, that assessed the Mission to Planet Earth and the Mission to Planet Earth directives in H.R. 3322 consistent with the recommendations of that National Research Council's independent review, a review that was in fact, as we understand it, requested by the chairman of the Committee on Science?

Mr. BROWN of California. If the gentlewoman will continue to yield, the gentlewoman is correct. That review was requested by the chairman of the Committee on Science. The legislation before us would actually cancel the PM–1 and Chemistry–1 spacecraft, cut the funding available for the Mission to Planet Earth Program by 27 percent and would fundamentally unravel the integrated scientific program that has been put in place.

The actions taken in H.R. 3322 fly in the face of the conclusions and recommendations of the National Research Council's review. I might point out that the chairman of the committee, when he asked for advice from the scientific body, has a tendency to ignore it unless it conforms with his own preestablished conclusions. I noted that the gentleman referred favorably to the AAAS report when he thought it substantiated his conclusions. Normally he does not agree with the report that they make each year with regard to R&D funding and the budget.

Ms. JACKSON-LEE of Texas. Reclaiming my time, it is interesting as we discuss this, and that is why I think the amendment would have been appropriate, but I wonder if the gentleman shares the view of at least one of our Republican colleagues that indicated that money spend on global change research is money down a rat hole.

Mr. BROWN of California. Mr. Chairman, is this the same Member who says it is liberal claptrap also?

Ms. JACKSON-LEE of Texas. Mr. Chairman, sounds familiar. Very much so.

Mr. BROWN of California. I do not share that view. In my opinion, such research is imperative if we are to truly understand the planet on which we live including the complex interactions that determine our climate and develop the policy options that offer the most benefit to all our citizens.

Ms. JACKSON-LEE of Texas. Reclaiming my time, I thank the gentleman from California [Mr. BROWN], and I would certainly agree with him. I hope that we will be able to pursue this through conference and be able to ensure that what we do have is the reasoned response to the National Research Council's review and be able to comply with that most timely study. I thank the gentleman and I yield back my time.

Mr. HOKE. Mr. Chairman, I rise in strong support of the Scott amendment to restore $34.4 million in funds to NASA's Advanced Subsonic Program. This increase would bring funding back to the requested level and reinvest vitally needed resources in maintaining NASA's longstanding global leadership in aeronautics research.

While advanced subsonic technology may seem like science fiction to some, this research does in fact help address safety, fuel efficiency, and environmental impact concerns for today's and the next generation of commercial aircraft. For anyone who has ever expressed concern about the aging aircraft used by some domestic airlines and the U.S. military, subsonic research is not just a smart investment, it is peace of mind.

And, although I fully recognize the need to cut the budget deficit, aeronautics research and technology spending has a tremendous net beneficial impact on our national economy and international balance of trade. The aeronautics industry has annual sales of over $60 billion and produces a positive balance of trade of $25 billion. In Ohio alone, the aerospace industry is responsible for approximately 300,000 jobs and injects some $13.5 billion into the State's economy.

While a $34 million cut from the request level may not seem like a lot of money, it is about 20 percent of the program's funds. I believe such a deep cut in this important program is unwarranted and exacerbates the overall funding cuts suffered by the Agency since 1993.

Our trading partners throughout the world are increasing their investments in research and technology and are consequently snatching markets away from our domestic companies. Faced with intense competition in a growing global aerospace market, we should do all we can to promote our aerospace industry and maintain NASA's preeminence in aeronautics.

I urge Members to support this important amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia [Mr. SCOTT].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. SCOTT. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 157, noes 250, not voting 27, as follows:

[Roll No. 204]

AYES—157

Abercrombie
Baldacci
Barcia
Bateman
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Blumenauer
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Clay
Clayton
Clement
Coleman
Collins (IL)
Collins (MI)
Conyers
Coyne
Cramer
Cummings
Deal
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Flake
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gonzalez
Green (TX)
Hall (TX)
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hoke
Horn
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Johnson (SD)
Johnson, E. B.
Johnston
Kennedy (MA)
Klink
LaFalce
Lantos
LaTourette
Levin
Lewis (GA)
Lofgren
Lowey
Maloney
Manton
Markey
Martinez
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meek
Menendez
Millender-McDonald
Miller (CA)
Mink
Moakley
Moran
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Petri
Pickett

Rahall
Rangel
Regula
Richardson
Rivers
Roemer
Rose
Rush
Sabo
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Stockman
Stokes
Studds
Stupak
Tanner
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Velazquez
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Wilson
Woolsey
Yates

NOES—250

Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Castle
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Greene (UT)
Greenwood
Gunderson
Hall (OH)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Holden
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (RI)
Kildee
Kim
King
Kingston
Kleczka
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Luther
Manzullo
Martini
Mascara
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Meehan
Metcalf
Meyers
Mica
Miller (FL)
Minge
Montgomery
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Orton
Oxley
Packard
Parker
Peterson (MN)
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Radanovich
Ramstad
Reed
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roybal-Allard
Royce
Salmon
Sanders
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stump
Talent
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vento
Vucanovich
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wolf
Young (FL)
Zeliff
Zimmer

NOT VOTING—27

Ackerman
Chabot
Chapman
Clyburn
de la Garza
Fields (LA)
Foglietta
Ford
Gibbons
Gutierrez
Gutknecht
Hayes
Houghton
Jefferson
Kennelly
Lincoln
McDade
Molinari
Mollohan
Murtha
Paxon
Peterson (FL)
Quinn
Roukema
Wise
Wynn
Young (AK)

☐ 1601

Mr. BEREUTER changed his vote from "aye" to "no."

Mr. SCHUMER and Mr. BEILENSON changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there further amendments to title II?

AMENDMENT OFFERED BY MR. ROEMER

Mr. ROEMER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

AMENDMENT OFFERED BY MR. ROEMER

Page 24, line 20, insert "and" after "Administration;".

Page 24, lines 21 through 24, strike paragraph (2).

Page 25, line 1, redesignate paragraph (3) as paragraph (2).

Page 25, lines 13 and 15, and page 26, lines 4 and 6, redesignate paragraphs (2) through (5) as paragraphs (1) through (4), respectively.

Page 26, line 14, strike "$498,500,000" and insert in lieu thereof "$230,700,000".

Page 27, line 4, strike "$711,000,000" and insert in lieu thereof "$679,400,000".

Page 38, line 14, through page 43, line 6, strike subtitle C.

Page 43, line 7, redesignate subtitle D as subtitle C.

Amend the table of contents accordingly.

Mr. SENSENBRENNER. Mr. Chairman, I ask unanimous consent that debate on this amendment and all amendments thereto be limited to 1 hour, with the time equally divided between the gentleman from Indiana [Mr. ROEMER] and myself.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The CHAIRMAN. The gentleman from Indiana [Mr. ROEMER] will be recognized for 30 minutes, and the gentleman from Wisconsin [Mr. SENSENBRENNER] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Indiana [Mr. ROEMER].

Mr. ROEMER. Mr. Chairman, I yield myself 6 minutes.

Mr. Chairman, I guess I ask for the patience of this body, since we seem to go through this argument on eliminating the space station a couple of times a year. Certainly people on both sides could dust off their talk from 1992 or 1994 and virtually give almost the identical talk for cutting the space station or for supporting it.

I am not going to give the previous speech, because it seems that we on the opposing side of the space station continue to get more and more arguments in favor of cutting the space station, especially from the scientific community. So let me give some background as to why this is not good science. This is not in the interests of the scientific community or in the interests of taxpayers in America today.

Mr. Chairman, Scientific American, which is one of the most distinguished periodicals written in the United States today, the June issue, has a very interesting article on the space station this month. Let me quote from it: "Scientific panels, such as the National Research Council's Space Studies Board, have warned that, although some interesting research will be possible on the station, the expected returns cannot, cannot justify the facility's overall cost."

Another quote from this "Science in the Sky" article in the Scientific American, dated June 1996: "To date, no large companies are planning major research or manufacturing efforts on the Space Station."

We hear from a host of proponents of the space station that this is going to solve everything from cancer to AIDS, to making, manufacturing, and testing new crystals. This is absolutely not what Scientific American says. They go on to look at what is good in the space station and what, out of the eight original missions that the space station had, what are we going to do now, in 1996, from when it was first designed in 1984.

With regard to high-technology products, it says in Scientific American: "No larger companies are currently interested in manufacturing in space." Astronomy, remote sensing for different platforms put on the space station, those are certainly gone now since 1984, but there is no research currently planned from inside or outside or anywhere on the space station.

On biotechnology, it says that "NASA and its partners are planning some experiments, but the commercial interest is limited only to subsidized research." So these claims that there is all this private sector interest and big manufacturing interests in the space station, and they are going to help the taxpayers pay for this, is just not accurate, not according to the latest article in Scientific American.

Members might say, as we approach some very, very difficult circumstances in reaching a balanced budget over the next 5 or 6 years, that we have to make some tough choices around this body. Based on science and merit, the space station is the most logical choice to eliminate.

When President Reagan first came up with the idea in 1984, he said the space station would cost us $8 billion. Does anybody in this body have any idea about the projected cost today? It is not $18 billion, it is not even $58 billion, it is close to $90 billion when we add in the costs of what we have spent, of what the space shuttle will cost us to put these different platforms up into the atmosphere, the cost of protecting it, the cost of maintaining it for the 10 or 12 years it is up there in space.

Mr. Chairman, we are talking about $90 billion. Some may argue, well, Members of Congress, we have already spent about $12 billion or $13 billion, we might as well finish it. Do Members want to justify an expense of $70 or $75 billion more of the taxpayers' money because we have spent $12 billion or $13 billion bad dollars? I do not think that makes a whole heck of a lot of sense. That does not make sense to people who are working so hard for so long for their tax money to pay their bills and to try to insist on a fair cost here in Washington, DC, when we do expend a dollar.

Mr. Chairman, I have the utmost respect for people on the other side of this issue, including the gentleman from Texas [Mr. HALL] and the gentleman from Alabama [Mr. CRAMER], who was elected the same year and serves with me on the Committee on Science, and Members on the other side of the aisle. But we have to have the courage in this body to make some tough spending cuts to get to a balanced budget.

If Members look at science and look at merit, this space station just does not pass the test of what hardworking American families will ask in terms of return on their tax dollar. It is not going to return good science. It is surely not going to return any kind of good return for these high-tech objectivity measures that people do not even have interest in at the manufacturing level, according to Scientific American, and we definitely have to make some of these tough choices to get to a balanced budget.

Citizens Against Government Waste endorses this amendment offered by myself and the gentleman from Iowa [Mr. GANSKE] and a host of other groups do as well, too, that I will list in the next few minutes. I urge the body to support this elimination of the space station, in the interests of science and in the interest of balancing the budget.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, we are going through one of the annual rites of spring in Washington. The tulips bloom, the dogwoods become very beautiful, and the gentleman from Indiana [Mr. ROEMER] introduces his amendment to kill the space station.

Let me say that I will match my record on spending issues against that of the gentleman from Indiana and anybody else in this House, and I support the space station. The Citizens Against Government Waste has given me their Taxpayer Hero Award consistently. The National Taxpayers Union has named me the tightwad of the decade in terms of my votes on taxes and spending, and I am proud of that, and I support the space station.

I am not going to belabor this point very much, but I do wish to make two points for the committee's consideration. The first is that the United States taxpayers have already put $12 billion into designing the space station and building 50,000 pounds of hardware. If the amendment of the gentleman from Indiana is adopted, that $12 billion investment will just evaporate. We just chalk that up to experience, and this vote is really a vote on whether or not to stiff the taxpayers the $12 billion that they have invested in this.

The space station is on time, it is on budget. We have settled on a design. We are not redesigning it. We are building the hardware now and we are looking forward to the launches of the first elements sometime next year.

The second point is that America's credibility is on the line, because we are the leaders of an international consortium that includes Russia, the member nations of the Russian space agency, Canada, and Japan. Should the amendment of the gentleman from Indiana be adopted, the United States will unilaterally cancel the space station, and the investments that have been made by the taxpayers of all those other countries will similarly be waived. That is about 4 billion U.S. dollars.

So if we end up stiffing our international partners and our allies, we are going to make sure that they are not going to want to get together with the United States, either on scientific endeavors or on any other endeavor, for fear that the Congress will change its mind and pull the rug out from underneath them.

Let us stay the course. Let us vote against the Roemer amendment. Let us build the space station, and then let us operate the space station and benefit from the scientific research that goes on.

Mr. Chairman, I reserve the balance of my time.

Mr. ROEMER. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Iowa [Mr. GANSKE], coauthor of this bipartisan amendment.

Mr. GANSKE. Mr. Chairman, I rise, not surprisingly, since I have cosponsored this amendment, in support of this amendment.

Mr. Chairman, this should not be an annual rite of spring. We should eliminate this funding. James van Allen, a respected scientist at the University of Iowa, and many other scientists have said that we will get much more bang for our buck by funding unmanned scientific explorations. The space station's spending is already $43 million over budget, or, as NASA would say, the expenses have experienced cost growth.

Despite these higher expenditures, NASA has fallen behind in the construction schedule. According to the GAO, we will sink $94 billion into this orbiting erector set before it is over, if NASA does not go any further over budget.

Our share of the price tag is not the only problem. The space station is supposed to be international, so let me speak to comments made by my friend and colleague, the gentleman from Wisconsin. The memoranda of understanding between NASA and the space agencies of our partners has not been finalized. We have no definitive agreements with any of our partners, whose contributions are necessary for the completion of this space station.

NASA insists that Russia has made commitments to the project. However, none of these agreements are in writing. NASA must know something that Russia does not know. For example, NASA states that an American will always be in command of the space station. The Russians, however, say that question has not been settled.

The fact that we have no written agreement with Russia I think is particularly problematic. Russian Presidential elections will be held this June, and it is uncertain who the successor to Yeltsin will be.

□ 1615

Should Mr. Yeltsin lose, it is likely that Mr. Zyuganov will be the President of Russia. As most Members know, he hates the West, and I would doubt that we would see any cooperation with the space station.

Another ally, Canada, will not decide whether they will pay for completion of the robotic arm until 1997. What if they decide not to? I suppose NASA will be back here in Congress asking for another chunk of change.

While NASA's overall budget has been declining and will continue to decline, the space station seems to be immune to scrutiny. NASA has consolidated control of the entire space station budget with the program manager, giving him an additional $300 million per year. These funds were previously controlled by various research offices responsible for scientific experiments to be conducted on the space station. This consolidation has made it possible for funds allocated for research to be used for construction of the space station.

What good will building the space station do if we spend all of the research money building the space station? Mr. Chairman, I am afraid that well-intentioned but misguided efforts to complete this project will not give us what we want. These concessions cost millions of dollars. We have the delay of completion of scientific projects in other areas. This is a black hole. The money goes in, nothing comes out.

For example, our offer to launch Russia's science power platform will upset the station construction schedule by causing a 5-month delay in launching Japan's science module and an 8-month delay in launching the centrifuge which some say is essential for life sciences research. I think we just should not throw more good money after bad. It is time to cut our losses. I believe that we should face reality, we should stop the money vacuum known as the space station now. Vote "yes" on this amendment.

Mr. SENSENBRENNER. Mr. Chairman, I yield 3 minutes to the gentleman from Texas [Mr. HALL].

Mr. HALL of Texas. I thank the gentleman for yielding me the time.

Mr. Chairman, I, of course, like all the other Members who will speak and who have spoken, have the highest regard for the gentleman from Indiana [Mr. ROEMER] and those who support him. We just differ with him. We just think he is still wrong and probably will be wrong in the next Congress and in the Congress after that and the one after that. Because he is a fine young man, he will be reelected, and he will be here when I am in the corner room of the Rockwall Nursing Home, but I will still be calling out to save the space station for us old folks.

As I mentioned to the gentleman from Indiana [Mr. ROEMER] at the recent full committee markup of the bill, the space station amendment, as the gentleman has said, is one of the endearing traditions here. I respect his convictions.

Mr. Chairman, the value of research today is already demonstrated in a lot of ways, but in a limited way by experiments that are being conducted on the space shuttle. In previous sessions, we have held hearings and we have held a number of hearings where we heard from some of the leading medical researchers of our day.

Dr. Michael DeBakey walked these halls 3 days, going in to visit with Members to tell them of the value of the space station and the hope that the space station holds out; in his early 80's, Dr. Mickey LeMaistre, head of M.D. Anderson, who knows the attacks that cancer makes on the citizenry, and all of us have someone in a cancer ward.

I think there is one word that the space station holds out and that one word is so important to people that are wasting away in the cancer wards. It is so important that we are even talking about revolutionizing the FDA because of that one word, and that one word for people is hope. They have hope that there is medication for them. They have hope that there is a breakthrough. We have not found that here in this environment. We hope and they hope that we will find it in the weightless environment of space.

Yes, it is a large expenditure of money, but the American people have cried out that they want this station, and if you really want to hear a hue and cry all across the universities of this country, from children in the first grade on up to the senior colleges, do something to the space station.

We almost lost the space station several sessions ago but we have never lost it. This body has always said yes, that this gives that one thing called hope. And when we talk about Russia and whether or not they are going to stay hitched, it has been certainly my finding in Russia itself that they seem not to have money for other things, but for educational pursuits and for the space station they seem to allocate and have money to set aside for it.

Both sides requested that AL GORE give us some assurance as to what their intentions were and what they thought the Russian intentions were. I read to you a letter from AL GORE addressed to us dated May 9. It says:

> As you are aware, I recently wrote to Prime Minister Chrnomyrdin regarding the status of funding for the Russian Space Agency's cooperative activities with NASA on the international Space Station program. In response, the Prime Minister has firmly pledged that Russia will meet its commitments to the ISS program in full.

It goes on to say other things. Members all have copies of this letter. I invite them to read it. But its assurance to us that the leaders of this country, the leaders of that country, certainly the investment that Japan and other countries have made ought to cry out to us: Save this space station and give these people hope.

Mr. ROEMER. Mr. Chairman, I would just say to the distinguished Member from Texas that he certainly will probably never be in a nursing home. As talented and as fired up as he is, he will probably be on the space station if it is built some day.

Mr. Chairman, I yield 2 minutes to the hardworking gentlewoman from New York [Ms. VELÁZQUEZ].

Ms. VELÁZQUEZ. Mr. Chairman, I rise today in strong support of the Roemer amendment to eliminate funding for the space station.

Just 3 weeks ago, we debated a bill that drastically cut housing aid to lower income Americans. In the name of deficit reduction, this body eliminated housing assistance for hundreds of thousands of Americans. The argument we heard was that, as a nation, we simply could not afford it.

But today, many in this Chamber are singing a different tune. This bill is definitely not about reducing spending. This bill continues the foolish proposal to spend billions of dollars for an orbiting public housing project, for just a few astronauts.

How can we tell millions of homeless people that there isn't enough money to put a safe roof over their heads, and then, continue to fund the space station? It is unconscionable to pour billions of dollars into this science fiction experiment, when we cannot afford to take care of our own citizens.

My colleagues, the real question before us today is whether millions of Americans will be forced to go without the most fundamental of needs—housing—in favor of an expensive space toy. Spending cuts to balance the budget must be applied to all domains, not just to the social programs. It is wrong to place this burden on the backs of the defenseless poor, without asking others to pay as well.

Let us not pour any more of our scarce funds into building a luxury hotel in the sky—especially after we just demolished public housing for the needy down here on Earth.

I urge my colleagues to vote "yes" on the Roemer amendment to cancel funding for the space station.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself 30 seconds just to rebut the gentlewoman from New York [Ms. VELÁZQUEZ].

There is a cut in the NASA budget. It is a pretty significant cut. We went through all of that in terms of the debate on the personnel. But just to set the record straight, from fiscal year 1996 to fiscal year 1997 this bill cuts the total NASA budget by $325 million.

Mr. Chairman, I yield 3 minutes to the gentleman from Florida [Mr. WELDON].

Mr. WELDON of Florida. I thank the subcommittee chairman for yielding me the time.

Mr. Chairman, I rise to take part in this traditional rite of spring, to oppose the Roemer amendment and speak out in support of the future, in support of our children, in support of the space station. I would like to address several of the arguments that have been made by the people who would favor killing our space station.

One of them is that they bring out articles and quotations from bench researchers that say, no, do not spend the money on space station, spend the money on my research. I have done bench research. I have done life sciences research. I can tell my colleagues they could go into any university anywhere in the United States and say, "Would you rather we spend $17 billion on the station or on more bench research?" And they would gladly say, "Give us the money for more bench research." The question before us is, is that the more appropriate use of our resources?

Another point that is being made by the opponents of the space station is this $90 billion figure. The space station is costing $17 billion to construct. The $90 billion figure comes from a GAO study where they added in the cost of running the shuttle program for those 7 years and the cost of all the research on the space station.

This would be equivalent, in my opinion, to saying to go out to dinner with your wife and see a movie does not cost $30, you have to factor in the cost of paving the roads to get back and forth from the restaurant and the cost of heating or cooling your house while you are in the restaurant. This kind of accounting is very, very deceptive.

The truth is the space station is on time and on budget, and there are very, very few programs run by this Federal Government that can make that claim. The space station program has been through downsizing. NASA has been through downsizing, and they have learned to be able to be lean, mean and efficient. This program is on time and it is on budget.

What this program is about is about the future. When we look at the cost of the space station and compare it to what we are going to spend over the next 7 years on defense, on health care, on roads and highways, this comes out to be less than 0.1 percent. I think it is about 0.01 percent of what we as a Nation are going to spend. The American people have said over and over again over the past 5, 6, 7 years, yes, we want to make this investment in the future, because that is what this is all about, the future.

I am told by teachers in my district that there is nothing that we can get children more excited about in the area of math and science than talking about space and manned space and the future. Support the station, vote "no" on the Roemer amendment.

Mr. ROEMER. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from New Jersey [Mr. ZIMMER], who used to serve on the Committee on Science and was a strong supporter and coauthor of this amendment in the past.

Mr. ZIMMER. I thank the gentleman for yielding me the time.

Mr. Chairman, 5 years ago when the gentleman from Indiana and I were freshmen and both rookie members of what was then the Science, Space and Technology Committee, we took the well of this House to warn that the space station was going to be an orbiting white elephant, that it was going to be a black hole in space that would suck up billions of tax dollars and radically expand the deficit, and we said that it simply was not worth the money.

Now, 5 years later, I wish I could say that we were wrong, but every day provides us with new evidence that we were right. In a period of declining NASA budgets, the space station, which is now estimated by the GAO to cost more than $94 billion, has already begun to cannibalize more valuable programs in space.

Bill Clinton's proposed NASA budget drops from $13.8 billion next year to $11.6 billion in the year 2000, and when inflation is factored in, the cut is even deeper. The Republican budget provides somewhat more money for NASA, but even so, the amount of available funds is drastically less than we thought it would be just a few years ago. There is simply not enough money to build the space station and to meet the Nation's more pressing needs for scientific research in space and on Earth.

According to this month's Scientific American, NASA's research and development outlay, bloated by the space station, represents almost 40 percent of the Nation's total nonhealth, nonmilitary research and development budget. The huge annual costs of the space station are sucking the life out of more cost effective programs of NASA, such as our magnificent orbiting observatories, unmanned interplanetary missions, the mission to planet Earth, as well as the development of cheaper launch systems which will make it possible for us someday to have an affordable space station.

This spring NASA has already used reserve funds to cover $144 million in cost growth of the space station program, $100 million is attributable to the program being behind schedule, and $44 million is due to the cost growth in some of the contracts. The Congressional Research Service reports that NASA officials are worried because these increases are occurring so early in the construction phase of the program.

□ 1630

There is one aspect that I think deserves particular attention this spring, and that is our relationship with Russia as a partner in the space station. When Bill Clinton and AL GORE proposed the Russian partnership, it generated greater support in this body because it seemed like a diplomatic coup. A symbol of the cold war was becoming a symbol of international cooperation.

But, unfortunately, it looks like our partnership with Russia is turning out to be a colossal mistake. The gentleman from Texas [Mr. HALL], says Russia always comes up with money when it is needed for space, and he refers us to a letter from the Vice President and promises from the Prime Minister of Russia. But the Russian Government has already delayed funding for its service module, a critical component of the space station, and work on the service module has fallen 5 months behind because the prime contractor has received only $10 million of the $55 million that has been requested.

The Russian Government still has not approved a timetable for making these payments. The Russian service module is scheduled for launch in 1998. If it is not delivered on time, it could devastate the schedule and the budget of the space station. NASA Administrator Dan Goldin has said, "If we do not have the service module, we cannot complete construction of the space station.

If Russia withdraws from the station, NASA estimates that assembly would be delayed by 18 months and would cost the United States an additional $2 billion. Additionally, the United States and our remaining international partners would have to develop and fund a new escape vehicle.

Now, regardless of who wins the upcoming elections for President in Russia, it is clear we will be dealing with a nation that is characterized by internal political strife, by ultranationalism, authoritarianism, and perhaps insurgent imperialism as well as tremendous corruption. While we should, obviously, support Russia's struggle to become a democratic, capitalistic nation, we cannot afford to gamble $94 billion on it.

We just can not be certain that there is going to be a happy ending to the Russian melodrama. It is not too late to cut our losses on this space station. We should support the Roemer-Ganske amendment.

Mr. SENSENBRENNER. Mr. Chairman, I yield 3 minutes to the gentleman from Alabama [Mr. CRAMER].

Mr. CRAMER. Mr. Chairman, I thank my colleague and chairman of the Subcommittee on Space and Aeronautics, and I again rise in opposition, strong opposition, to the amendment of the gentleman from Indiana [Mr. ROEMER].

This is, in fact, getting to be an annual ritual, I say to my colleague. I feel like one of those toys kids buy for Christmas, where you pull the back of the toy and the conversation comes out "Save Space Station", "Save Space Station", "Kill Space Station", "Kill Space Station."

There have been 10 votes on the floor of the House since 1991 over this issue. As I count it, there have been 32 total votes both in the committee and on the floor on this very issue. I think we have had a fair fight and I think, I say to my colleague, it is time for us to get off of NASA's back.

There is not an agency that has been under more scrutiny than NASA has been over the space station project. They have redesigned it since 1991, they have cut the budget, they have cut their personnel, they have come to Congress, they have dealt with us in an open, direct way, and yet we keep saying every year now is the time to turn our back on it.

We have invested billions of dollars. Our international partners have their partnership with us at stake in this project. They have invested billions of dollars. Now is not the time to turn our back on it.

I want to echo some of the comments that my colleague from Florida, Mr. WELDON, made about children and mathematics and science. We happen to have the international space camp there at the Marshall Space Flight Center, there in Huntsville in my district, and I get to go out there two or three times a year and see all these young people come in from all over the world with their parents, young people that are inspired by NASA and by the space program, young people that want to commit their careers to mathematics and science, young people that are using NASA as their image of what they want to do with their education and their careers. Let us not tell those young people that we are the kind of country that can in fact turn our back on this kind of investment, that can turn our back on the space station program.

Space station is the centerpiece of what NASA is all about. We have, in fact, many scientific projects that our doctors are planning to conduct on the space station. In my first year here I sat down with my colleague from Texas and a number of Texas doctors that were here that had joined with doctors from all over the world, and again they said the advances we had made in NASA technology that has given them benefits of robotics and surgery benefits and valves for artificial hearts, that we would lose our ability to complete those technologies if we, in fact, turn our back on the space station.

So I say we have had a fair fight. It is the irresponsible thing to do to turn your back on this project at this particular point. Let us kill this killing amendment and let us also kill the amendment that the gentleman from Indiana [Mr. ROEMER] will offer next, which intends to maim the NASA space station program. Let us stop this and let us get on with it.

Mr. SENSENBRENNER. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Texas [Mr. STOCKMAN].

Mr. STOCKMAN. Mr. Chairman, I have only been here a few short months, but I already feel like I know the gentleman from Indiana like a brother. We voted on this so many times now that I am being called an old bull in the Committee on Science.

This is something that we apparently do around here as a ritual, but let me tell my colleagues what this is really all about. When I was a child I looked at the TV and I watched us go up in Apollo to the Moon. I believed and saw and realized America was about something greater than I could ever imagine; that was America has a vision for the future.

America is a country and a nation seeking out new places. We were founded by a man that had that vision, and we continued throughout, as we looked to the West to develop, to search and look for new solutions, and to go, as they say in "Star Trek," boldly where no one else has ever gone.

What we are saying here is if we eliminate space station, we eliminate the vision for America. We will not hear anybody coming up here and saying we will have a new solution. This is what we are going to do.

Mr. Chairman, of all the money we spend in Government research, I submit this is the most important thing we do: Create new cures for illnesses and develop new processes to which we can feed the world.

We are obligated. We do not have a choice in this. We have to build the space station, because up there in the skies are the solutions to here on Earth. Mr. Chairman, there is no other purpose for the United States in this greatest quest.

Right now we look at the movies and the different things across the country and we know that Americans want a space station. We voted on this many times, and I submit to my friends that it is the wisest use of money. In fact, it has been researched that for every dollar we spend in space we get $7 back. That is not an expense, that is an investment.

As an accountant, I look and see things differently, and if my wife and I have trouble with our budget, we do not say, "Honey, let us cut the bonds"; "Honey, let us cut the investment." No, we say let us cut the expense, but do not cut the investments.

Space station is an investment in our future. It is an investment in the next generation for work. If we cut research and development, tomorrow's jobs will be in Japan and in Germany because they are continuing their space program. I submit we have to support this not for us, but for the next generation.

Mr. ROEMER. Mr. Chairman, may I ask how much time is remaining on both sides?

The CHAIRMAN. The gentleman from Indiana [Mr. ROEMER] has 13 minutes remaining, and the gentleman from Wisconsin [Mr. SENSENBRENNER] has 15 minutes remaining.

Mr. ROEMER. Mr. Chairman, I yield myself 4 minutes to just reply to some of the questions and comments that have been made.

Mr. Chairman, certainly this vote is a tough one. It is a tough one to eliminate the space station because people think that they do not want to make any votes in this body to move toward a balanced budget. There are some Democrats here in the House of Representatives that do not want to vote to cut anything. There are some Republicans in this body that will vote to cut everything but defense and the space station. We here, a bipartisan group, have come together and tried to put together an amendment based upon science and merit and the taxpayers' interests.

Now, this question is asked over and over and over, why do we keep doing this? Why do we keep making us go through this ritual every year of voting on the space station? It is because groups like the National Taxpayers Union support this amendment; Citizens Against Government Waste support this amendment; Citizens for a Sound Economy support this amendment; Taxpayers for Common Sense; the Concord Coalition. A bipartisan group of people dedicated to balancing the budget support this amendment.

This is not a bunch of Members of Congress running around trying to devise some way of balancing the budget on their own and taking away a vital project to the United States' research interests. These are grass roots organizations that feel that we should not be building this.

Now, again, I hear over and over from my colleagues this is great science. Again, I refer to Scientific American. High-tech products: Who is going to build them? Who is the company? According to this article, no large companies are currently interested in manufacturing in space. Where are they? How much money are they putting up? I want to know. That is a fair question.

Astronomy: No research currently planned, according to this article. Subsidies are required in biotechnology. They are not going to do it on their own. More taxpayers' money.

And when we talk about more taxpayers' money, we are coming back to the American taxpayer over and over and over again, with this budget going from $8 billion to $90 billion, whereas our taxpayers are sending the Russians $100 million of our hard-earned money, yet that is not going down. On the same hand, the gentleman from Wisconsin [Mr. SENSENBRENNER] said we are cutting NASA. Well, we are cutting NASA in all the wrong places to protect the space station.

The space station is cannibalizing, it is eating up these other programs, like Mission to Planet Earth, like new construction, like shuttle upgrades. These programs are being cut back and displaced. That is not in the best interest of good science.

So we have the space station within the science and the NASA project that is eating up more and more of our available good dollars to do good programs when NASA is doing some good things in areas like the Clementine project and the Hubble and the Galileo that went to Jupiter. We are doing some marvelous things in NASA, but we will not be doing anything in NASA before long if the space station continues to gobble up all these moneys.

Mr. Chairman, I urge my colleagues that we are not going to be disappointing the American taxpayer when we say that $14 billion already spent is going to be chased by another $70 billion before this is over. Let us save the taxpayer that $70 billion now.

Mr. Chairman, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, this is the key vote on the space station this year. I would hope that the committee will stay the course. I ask the membership to vote no on the Roemer amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana [Mr. ROEMER].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. ROEMER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 127, noes 286, not voting 21, as follows:

[Roll No. 205]

AYES—127

Ackerman
Barrett (WI)
Bass
Bereuter
Blute
Brown (OH)
Camp
Christensen
Coble
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
Cummings
Danner
DeFazio
Dellums
Dickey
Dingell
Dixon
Doyle
Duncan
Durbin
Ensign
Eshoo
Evans
Fattah
Frank (MA)
Franks (NJ)
Furse
Ganske
Gibbons
Goodlatte
Gunderson
Gutierrez
Hamilton
Herger
Hilleary
Hoekstra
Holden
Hutchinson
Inglis
Jacobs
Johnson (SD)
Kanjorski
Kaptur
Kennedy (MA)
Kildee
Kingston
Kleczka
Klink
Klug
LaFalce
Lantos
Largent
Latham
Lazio
Leach
Levin
Lipinski
LoBiondo
Longley
Lowey
Luther
Maloney
Manzullo
Markey
Martini
McCarthy
McHugh
McKinney
McNulty
Meehan
Menendez
Miller (CA)
Minge
Mink
Moakley
Myrick
Nadler
Neumann
Nussle
Oberstar
Obey
Olver
Owens
Pallone
Payne (NJ)
Payne (VA)
Pelosi
Peterson (MN)
Pomeroy
Porter
Portman
Poshard
Ramstad
Rangel
Reed
Rivers
Roemer
Roukema
Rush
Sabo
Sanders
Sanford
Schroeder
Schumer
Shays
Shuster
Slaughter
Smith (MI)
Solomon
Stark
Studds
Stupak
Towns
Upton
Velazquez
Vento
Visclosky
Wamp
Waxman
Wilson
Woolsey
Yates
Zimmer

NOES—286

Abercrombie
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Becerra
Beilenson
Bentsen
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Campbell
Canady
Cardin
Castle
Chambliss
Chapman
Chenoweth
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coburn
Coleman
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLauro
DeLay
Deutsch
Diaz-Balart
Dicks
Doggett
Dooley
Dornan
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Everett
Ewing
Farr
Fawell
Fazio
Filner
Flake
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Frelinghuysen
Frisa
Frost
Funderburk
Gallegly
Gejdenson
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Gonzalez
Goodling
Gordon
Goss
Graham
Green (TX)
Greene (UT)
Greenwood
Hall (OH)
Hall (TX)
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Heineman
Hilliard
Hinchey
Hobson
Hoke
Horn
Hostettler
Hoyer
Hunter
Hyde
Istook
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kasich
Kelly
Kennedy (RI)
Kennelly
Kim
King
Knollenberg
Kolbe
LaHood
LaTourette
Laughlin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Livingston
Lofgren
Lucas
Manton
Martinez
Mascara
Matsui
McCollum
McCrery
McDermott
McHale
McInnis
McIntosh
McKeon
Meek
Metcalf
Meyers
Mica
Millender-McDonald
Miller (FL)
Montgomery
Moorhead
Moran
Morella
Myers
Neal
Nethercutt
Ney
Norwood
Ortiz
Orton
Oxley
Packard
Parker
Petri
Pickett
Pombo
Pryce
Quillen
Radanovich
Rahall
Regula
Richardson
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roybal-Allard
Royce
Salmon
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Sisisky
Skaggs
Skeen
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stokes
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Traficant
Volkmer
Vucanovich
Walker
Walsh
Ward
Waters
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wolf
Wynn
Young (AK)
Young (FL)
Zeliff

NOT VOTING—21

Chabot
de la Garza
Doolittle
Fields (LA)
Fields (TX)
Foglietta
Ford
Gutknecht
Hayes
Houghton
Jefferson
Lincoln
McDade
Molinari
Mollohan
Murtha
Pastor
Paxon
Peterson (FL)
Quinn
Wise

□ 1704

The Clerk announced the following pair:

On this vote:

Mr. Chabot for, with Mr. Gutknecht against.

Mr. FRANKS of Connecticut and Mr. JACKSON of Illinois changed their vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Ms. ESHOO. Mr. Chairman, on recorded vote No. 205, I was incorrectly recorded as voting "aye." Please let the RECORD show it was my intention to vote "no." I have been and continue to be a strong supporter of the space station.

The CHAIRMAN. Are there further amendments to title II?

AMENDMENT OFFERED BY MR. ROEMER

Mr. ROEMER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. ROEMER: Page 25, line 12, strike "$1,840,200,000" and insert in lieu thereof "$1,765,200,000".

Mr. SENSENBRENNER. Mr. Chairman, with the agreement of the gentleman from Indiana, I ask unanimous consent that debate on this amendment and all amendments thereto be limited to 10 minutes equally divided between the gentleman from Indiana [Mr. ROEMER] and myself.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The CHAIRMAN. The gentleman from Indiana [Mr. ROEMER] will be recognized for 5 minutes, and the gentleman from Wisconsin [Mr. SENSENBRENNER] will be recognized for 5 minutes.

The Chair recognizes the gentleman from Indiana [Mr. ROEMER].

Mr. ROEMER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I believe that the House has spoken on eliminating the space station in that last amendment. They do not think that we should eliminate the space station. This amendment that I offer now for the consideration of this House is not the elimination of the space station. It is very, very different than eliminating the space station. All this amendment offered by myself and the gentleman from Iowa [Mr. GANSKE] does is to cut $75 million out of a $2.1 billion allocation for the space station every single year. They get $2.1 billion. We are just saying in this year's budget cut 3 percent, $75 million out of $2.1 billion.

Now, when everything else is being cut around here, when we argued about a cut in Head Start for a month and a half, when we argued about cuts in Medicare, when we have been arguing about cuts, some of the safety nets for some of our senior citizens and some of our schoolchildren, certainly a space station that gets $2.1 billion each year should be a part of balancing the budget.

Now, the other side, Mr. Chairman, is going to say this is a killer amendment, this is going to kill the space station. A 3-percent cut? Three percent, $75 million out of $2.1 billion, is not going to cut this space station. It is not going to eliminate the space station. This is just a way of saying what is fair is fair in terms of getting to a balanced budget.

So in conclusion, before I yield a few seconds to the gentlewoman from Texas, I urge Members to consider voting not for an elimination of the space station but for a 3-percent cut in a $2.1 billion budget. This is what would be fair to the American people.

This is the fairest way to get to a balanced budget in the next 6 years. This is fair to NASA when they are cutting the shuttle, when they are cutting new construction and a host of other important programs. Do not let the space station continue to cannibalize the other programs in NASA.

Mr. Chairman, I yield the balance of my time to the gentlewoman from Texas [Ms. JACKSON-LEE] who is going to argue against me.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank my good friend from Indiana [Mr. ROEMER]. There is not a person on the Committee on Science that I do not have the greatest respect for, like the gentleman and his integrity on this issue. But just like I disagreed with the gentleman on the previous vote and the previous effort to eliminate the space station, let me argue vigorously against the decrease because I would simply say that we cannot do any more.

The space station has already done as much cutting back through a series of restructuring and redesigns. We do not have any more slack in the program. What we have done is we have got a $2.1 billion program that will see us launch in about a year and a half. We have got a privatization program going on that efficiently uses both the civilian employees as well as our private sector employees or our civil service employees.

I will simply say to the gentleman from Indiana that we know that there are priorities, and those priorities have to be that we share with the American people. But I do believe that the space station creates jobs for the 21st century. I would ask my colleagues to vote against the gentleman from Indiana and support the space station.

Mr. Chairman, I have the utmost in respect for my fellow committee member and Democratic colleague, Mr. ROEMER, but I happen to believe that his position with regard to the space station is patently wrong. The Nation has always expanded its horizons and explored all its frontiers and the international space station *Alpha* continues in the tradition of American know-how and fortitude. *Alpha* has had a long and tortuous history, and finally, after many years, several redesigns, numerous congressional votes and several administrations, this Nation, along with its international partners are on the cusp of beginning the constant human presence in space; our final frontier. With the first momentous launch of *Alpha* hardware almost upon us, hardware is being cut, tested, and assembled even as we speak.

Alpha will allow us to do research that cannot be done here on mother Earth. The station will provide opportunities for research in the areas of materials, life sciences, physics, astronomy, and many other sciences. In addition, the very effort of designing and building the space station has created new building and engineering techniques, light-weight materials, and many new technologies.

NASA has accepted the funding cap Congress has held it to and has testified and pledged that barring unforeseen acts of God, they will complete the project on time and on budget. Period. Our international partners have promised their full economic and operational support, and NASA has a strong record of working with them to solve problems that arise as the program progresses.

I have always supported the space station, and I continue to do so, as evidenced by my vote today. I support the project, its goals, and its efforts. I also support the motivated and hard working employees of NASA, its many contractors, and all those involved in putting this project together. Let's honor them and their efforts by voting against the Roemer amendments, one to eliminate the space station and the alternative to reduce its funds.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself 5 minutes in opposition to the amendment.

Mr. Chairman, this is a very deceptive amendment because it says that, if we just take a little bit of money out of a $2.1 billion program, we will be able to save some money and nothing is going to happen to it. That conclusion is absolutely false.

One of the reasons why NASA brought itself into disrepute in the last decade is that both NASA and Congress decided to reduce costs in many of the accounts. The reduced costs saved money in the next fiscal year, but it ended up resulting in projects not being completed and projects were completed late and cost overruns. All of the engineers stayed on the payroll to complete the project when the meter is ticking.

NASA Administrator Dan Goldin, who I believe has done a marvelous job in making NASA faster, better and cheaper, has written me a letter. I want to quote it in part. It says, simply put, an arbitrary reduction of $49 to $100 million means a slowdown of work. A slowdown of work means a schedule slip, and schedule slip means increased cost. Analytically, the impact to the station schedule is up to 3 months, referring to the amendment of the gentleman from Indiana [Mr. ROEMER], and the increased cost as much as $200 million, or at least twice the amount saved by the proposed amendment.

This is an unacceptable risk to our careful balance of hardware elements and payroll deployment. What the gentleman from Indiana is doing here today in the name of saving money is to set this House and NASA up for a complaint that the station experiences cost overruns because of the stretchout and the schedule slip that is caused by the gentleman from Indiana's amendment. Then he will be back next year when the dogwood bloom and the tulips sprout saying NASA has not been able to hold to its schedule; there has been a cost overrun; let us kill the Space Station.

Well, the way to prevent the gentleman from making that argument is by rejection of his amendment today because the $75 million he proposes to save now will cost the taxpayers $200 million according to the NASA Administrator, who says he works for the President of the United States.

Mr. Chairman, I yield such time as he may consume to the gentleman from Florida [Mr. STEARNS].

Mr. STEARNS. Mr. Chairman, heaven is not reached by a single bound. But we build the ladder by which we rise.

Mr. Chairman, the international space station has, and will continue, to provide Americans with substantial benefits in areas including medicine, the environment, transportation, and even communications. And the benefits don't just stop there. Since the inception of the U.S. space program, the secondary applications of space technology have yielded $9 to the economy for every tax dollar spent. The returns are clearly well worth the investment.

The partnerships created through the space station serve as an exceptional model for future international ventures. The partners of this program have already contributed billions of dollars to the space station, demonstrating their commitment to completing the largest cooperative science program in history.

The international space station will be a world-class orbiting laboratory, which will serve as a test-bed for hundreds of science and technology experiments that could not be conducted on this planet. We will learn new research techniques for growing tissue samples outside of the human body, for use in cancer research and bone injuries. There will be new understandings of the aging process, with subsequent developments in counteracting the effects of aging.

Imagine the possibilities of academic involvement in the space station's activities. Through the cooperative efforts of NASA and academic institutions throughout the world, the space station will launch future generations into a brand new dimension of learning about space science.

Author J.G. Holland said, "Heaven is not reached by a single bound. But we build the ladder by which we rise." We are currently building that ladder, in a series of bounds. What we find at the top of this ladder will inspire future generations to imagine, explore, and actually see, first-hand, the unprecedented advances that the space station will provide. We must retain funding for the space station. I urge a "no" vote on the Roemer-Ganske amendment.

Mr. SENSENBRENNER. Mr. Chairman, I yield back the balance of my time.

☐ 1715

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana [Mr. ROEMER].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. ROEMER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were ayes 146, noes 269, not voting 19, as follows:

[Roll No. 206]

AYES—146

Ackerman
Allard
Barcia
Barrett (WI)
Bass
Bereuter
Blumenauer
Blute
Brown (OH)
Camp
Christensen
Clay
Coble
Coburn
Collins (GA)
Collins (IL)
Collins (MI)
Costello
Coyne
Cummings
Danner
DeFazio
DeLauro
Dellums
Dickey
Dingell
Dixon
Doyle
Duncan
Durbin
Ehrlich
Ensign
Evans
Fattah
Ford
Frank (MA)
Franks (NJ)
Furse
Ganske
Gibbons
Gillmor
Goodlatte
Gordon
Gunderson
Gutierrez
Hall (OH)
Hamilton
Hefley
Herger
Hilleary
Hinchey
Hoekstra
Holden
Hutchinson
Inglis
Jacobs
Johnson (SD)
Kanjorski
Kaptur
Kennedy (MA)
Kennelly
Kildee
Kingston
Kleczka
Klink
Klug
LaFalce
LaHood
Largent
Latham
Lazio
Leach
Levin
Lipinski
LoBiondo
Lowey
Luther
Maloney
Manzullo
Markey
Martini
McCarthy
McHugh
McInnis
McKinney
McNulty
Meehan
Menendez
Miller (CA)
Minge
Mink
Moakley
Montgomery
Myrick
Nadler
Neumann
Nussle
Oberstar
Obey
Olver
Owens
Pallone
Payne (NJ)
Payne (VA)
Pelosi
Peterson (MN)
Pomeroy
Porter
Portman
Poshard
Ramstad
Rangel
Reed
Rivers
Roemer
Roukema
Rush
Sanders
Sanford
Schaefer
Schroeder
Schumer
Serrano
Shays
Shuster
Slaughter
Smith (MI)
Spratt
Stark
Studds
Stupak
Tauzin
Thompson
Torkildsen
Towns
Upton
Velazquez
Vento
Visclosky
Wamp
Waters
Watts (OK)
Waxman
Williams
Woolsey
Yates

NOES—269

Abercrombie
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Becerra
Beilenson
Bentsen
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Campbell
Canady
Cardin
Castle
Chambliss
Chapman
Chenoweth
Chrysler
Clayton
Clement
Clinger
Clyburn
Coleman
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Deutsch
Diaz-Balart
Dicks
Doggett
Dooley
Doolittle
Dornan
Dreier
Dunn
Edwards
Ehlers
Emerson
Engel
English
Eshoo
Everett
Ewing
Farr
Fawell
Fazio
Filner
Flake
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Frelinghuysen
Frisa
Frost
Funderburk
Gallegly
Gejdenson
Gekas
Gephardt
Geren
Gilchrest
Gilman
Gonzalez
Goodling
Goss
Graham
Green (TX)
Greene (UT)
Greenwood
Hall (TX)
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefner
Heineman
Hilliard
Hobson
Hoke
Horn
Hostettler
Hoyer
Hunter
Hyde
Istook
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kasich
Kelly
Kennedy (RI)
Kim
King
Knollenberg
Kolbe
Lantos
LaTourette
Laughlin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Livingston
Lofgren
Longley
Lucas
Manton
Martinez
Mascara
Matsui
McCollum
McCrery
McDermott
McHale
McIntosh
McKeon
Meek
Metcalf
Meyers
Mica
Millender-McDonald
Miller (FL)
Moorhead
Morella
Myers
Neal
Nethercutt
Ney
Norwood
Ortiz
Orton
Oxley
Packard
Parker
Pastor
Petri
Pickett
Pombo
Pryce
Quillen
Radanovich
Rahall
Regula
Richardson
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roybal-Allard
Royce
Sabo
Salmon
Sawyer
Saxton
Scarborough
Schiff
Scott
Seastrand
Sensenbrenner
Shadegg
Shaw
Sisisky
Skaggs
Skeen
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stokes
Stump
Talent
Tanner
Tate
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Thurman
Tiahrt
Torres
Torricelli
Traficant
Volkmer
Vucanovich
Walker
Walsh
Ward
Watt (NC)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wise
Wolf
Wynn
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—19

Chabot
Conyers
de la Garza
Fields (LA)
Fields (TX)
Foglietta
Gutknecht
Hayes
Houghton
Jefferson
Lincoln
McDade
Molinari
Mollohan
Moran
Murtha
Paxon
Peterson (FL)
Quinn

☐ 1733

Mr. SAWYER changed his vote from "aye" to "no."

Ms. DELAURO and Mr. MARKEY changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. DIXON. Mr. Speaker, during consideration of H.R. 3322 on May 30, I inadvertently voted "aye" on rollcall votes 205 and 206. I intended to vote "no" on these rollcall votes.

The CHAIRMAN. Are there further amendments to title II?

If not, the Clerk will designate title III.

The text of title III is as follows.

TITLE III—UNITED STATES FIRE ADMINISTRATION

SEC. 301. SHORT TITLE.

This title may be cited as the "Fire Administration Authorization Act of 1996".

SEC. 302. AUTHORIZATION OF APPROPRIATIONS.

Section 17(g)(1) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2216(a)(1)) is amended—

(1) by striking "and" at the end of subparagraph (E);

(2) by striking the period at the end of subparagraph (F) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new subparagraph:

"(G) $27,560,000 for the fiscal year ending September 30, 1997.".

SEC. 303. FIRE SAFETY SYSTEMS IN ARMY HOUSING.

Section 31(c)(1)(A)(ii)(II) is amended by inserting ", or in the case of housing under the control of the Department of the Army, 6 years after such date of enactment" after "date of enactment".

SEC. 304. SUCCESSOR FIRE SAFETY STANDARDS.

The Federal Fire Prevention and Control Act of 1974 is amended—

(1) in section 29(a)(1), by inserting ", or any successor standard thereto," after "Association Standard 74";

(2) in section 29(a)(2), by inserting "or any successor standards thereto," after "whichever is appropriate,";

(3) in section 29(b)(2), by inserting ", or any successor standards thereto," after "Association Standard 13 or 13–R";

(4) in section 31(c)(2)(B)(i), by inserting "or any successor standard thereto," after "Life Safety Code),"; and

(5) in section 31(c)(2)(B)(ii), by inserting "or any successor standards thereto," after "Association Standard 101,".

SEC. 305. TERMINATION OR PRIVATIZATION OF FUNCTIONS.

The Administrator of the United States Fire Administration shall transmit to Congress a report providing notice at least 60 days in advance of the termination or transfer to a private sector entity of any significant function of the United States Fire Administration.

SEC. 306. REPORT ON BUDGETARY REDUCTION.

The Administrator of the United States Fire Administration shall transmit to Congress, within three months after the date of the enactment of this Act, a report setting forth the manner in which the United States Fire Administration intends to implement the budgetary reduction represented by the difference between the amount appropriated to the United States Fire Administration for fiscal year 1997 and the amount requested in the President's budget request for such fiscal year. Such report shall be prepared in consultation with the Alliance for Fire and Emergency Management, the International Association of Fire Chiefs, the International Association of Fire Fighters, the National Fire Protection Association, the National

Volunteer Fire Council, the National Association of State Fire Marshals, and the International Association of Arson Investigators.

The CHAIRMAN. Are there any amendments to title III?

If not, the Clerk will designate title IV.

The text of title IV is as follows:

TITLE IV—NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

SEC. 401. SHORT TITLE.

This title may be cited as the "National Oceanic and Atmospheric Administration Authorization Act of 1996".

SEC. 402. DEFINITIONS.

For the purposes of this title, the term—

(1) "Act of 1890" means the Act entitled "An Act to increase the efficiency and reduce the expenses of the Signal Corps of the Army, and to transfer the Weather Bureau to the Department of Agriculture", approved October 1, 1890 (26 Stat. 653);

(2) "Act of 1947" means the Act entitled "An Act to define the functions and duties of the Coast and Geodetic Survey, and for other purposes", approved August 6, 1947 (33 U.S.C. 883a et seq.);

(3) "Act of 1970" means the Act entitled "An Act to clarify the status and benefits of commissioned officers of the National Oceanic and Atmospheric Administration, and for other purposes", approved December 31, 1970 (33 U.S.C. 857-1 et seq.);

(4) "Administrator" means the Administrator of the National Oceanic and Atmospheric Administration; and

(5) "Secretary" means the Secretary of Commerce.

Subtitle A—Atmospheric, Weather, and Satellite Programs

SEC. 411. NATIONAL WEATHER SERVICE.

(a) OPERATIONS AND RESEARCH.—There are authorized to be appropriated to the Secretary to enable the National Oceanic and Atmospheric Administration to carry out the operations and research duties of the National Weather Service, $445,668,000 for fiscal year 1997. Such duties include meteorological, hydrological, and oceanographic public warnings and forecasts, as well as applied research in support of such warnings and forecasts.

(b) SYSTEMS ACQUISITION.—(1) There are authorized to be appropriated to the Secretary to enable the National Oceanic and Atmospheric Administration to carry out the public warning and forecast systems duties of the National Weather Service, $64,991,000 for fiscal year 1997. Such duties include the development, acquisition, and implementation of major public warning and forecast systems, including the upgrade of computer facilities. None of the funds authorized under this subsection shall be used for the purposes for which funds are authorized under subsection (e). None of the funds authorized under this subsection shall be used for the purposes for which funds are authorized under section 102(b) of the National Oceanic and Atmospheric Administration Authorization Act of 1992 (Public Law 102-567). None of the funds authorized by such section 102(b) shall be expended for a particular NEXRAD installation unless—

(A) it is identified as a National Weather Service NEXRAD installation in the National Implementation Plan for modernization of the National Weather Service, required under section 703 of the National Oceanic and Atmospheric Administration Authorization Act of 1992 (Public Law 102-567); or

(B) it is to be used only for spare parts, not as an installation at a particular site.

(2) Of the amounts authorized under paragraph (1), $42,935,000 shall be for NEXRAD program management, operations, and maintenance.

(c) NEW NEXRAD INSTALLATIONS.—No funds may be obligated for NEXRAD installations not identified in the National Implementation Plan for 1996, unless the Secretary certifies that such NEXRAD installations can be acquired within the authorization of NEXRAD contained in section 102(b) of the National Oceanic and Atmospheric Administration Authorization Act of 1992.

(d) ASOS PROGRAM AUTHORIZATION.—Of the sums authorized in subsection (b)(1), $10,056,000 for fiscal year 1997 are authorized to be appropriated to the Secretary, for the acquisition and deployment of—

(1) the Automated Surface Observing System and related systems, including multisensor and backup arrays for National Weather Service sites at airports; and

(2) Automated Meteorological Observing System and Remote Automated Meteorological Observing System replacement units.

and to cover all associated activities, including program management and operations and maintenance.

(e) AWIPS COMPLETE PROGRAM AUTHORIZATION.—(1) Except as provided in paragraph (2), there are authorized to be appropriated to the Secretary for all fiscal years beginning after September 30, 1996, an aggregate of $271,166,000, to remain available until expended, to complete the acquisition and deployment of the Advanced Weather Interactive Processing System and NOAA Port and to cover all associated activities, including program management and operations and maintenance through September 30, 1999.

(2) No funds are authorized to be appropriated for any fiscal year under paragraph (1) unless, within 60 days after the submission of the President's budget request for such fiscal year, the Secretary—

(A) certifies to the Congress that—

(i) the systems meet the technical performance specifications included in the system contract as in effect on August 11, 1995;

(ii) the systems can be fully deployed, sited, and operational without requiring further appropriations beyond amounts authorized under paragraph (1); and

(iii) the Secretary does not foresee any delays in the systems deployment and operations schedule; or

(B) submits to the Congress a report which describes—

(i) the circumstances which prevent a certification under subparagraph (A);

(ii) remedial actions undertaken or to be undertaken with respect to such circumstances;

(iii) the effects of such circumstances on the systems deployment and operations schedule and systems coverage; and

(iv) a justification for proceeding with the program, if appropriate.

(f) CONSTRUCTION OF WEATHER FORECAST OFFICES.—There are authorized to be appropriated to the Secretary to enable the National Oceanic and Atmospheric Administration to carry out construction, repair, and modification activities relating to new and existing weather forecast offices, $11,000,000 for fiscal year 1997. Such activities include planning, design, and land acquisition related to such offices.

(g) STREAMLINING WEATHER SERVICE MODERNIZATION.—

(1) REPEALS.—Sections 706 and 707 of the Weather Service Modernization Act (15 U.S.C. 313 note) are repealed.

(2) CONFORMING AMENDMENTS.—The Weather Service Modernization Act (15 U.S.C. 313 note) is amended—

(A) in section 702, by striking paragraph (3) and redesignating paragraphs (4) through (10) as paragraphs (3) through (9), respectively; and

(B) in section 703—

(i) by striking "(a) NATIONAL IMPLEMENTATION PLAN.—";

(ii) by striking paragraph (3) and redesignating paragraphs (4), (5), and (6) as paragraphs (3), (4), and (5), respectively; and

(iii) by striking subsections (b) and (c).

SEC. 412. ATMOSPHERIC RESEARCH.

(a) CLIMATE AND AIR QUALITY RESEARCH.—There are authorized to be appropriated to the Secretary to enable the National Oceanic and Atmospheric Administration to carry out its climate and air quality research duties, $99,272,000 for fiscal year 1997. Such duties include internannual and seasonal climate research and long-term climate and air quality research.

(b) ATMOSPHERIC PROGRAMS.—There are authorized to be appropriated to the Secretary to enable the National Oceanic and Atmospheric Administration to carry out its atmospheric research duties, $43,182,000 for fiscal year 1997. Such duties include research for developing improved prediction capabilities for atmospheric processes, as well as solar-terrestrial research and services.

SEC. 413. NATIONAL ENVIRONMENTAL SATELLITE, DATA, AND INFORMATION SERVICE.

(a) SATELLITE OBSERVING SYSTEMS.—There are authorized to be appropriated to the Secretary to enable the National Oceanic and Atmospheric Administration to carry out its satellite observing systems duties, $308,473,000 for fiscal year 1997, to remain available until expended. Such duties include spacecraft procurement, launch, and associated ground station systems involving polar orbiting and geostationary environmental satellites, as well as the operation of such satellites. None of the funds authorized under this subsection shall be used for the purposes for which funds are authorized under section 105(d) of the National Oceanic and Atmospheric Administration Authorization Act of 1992 (Public Law 102-567).

(b) POES PROGRAM AUTHORIZATION.—Of the sums authorized in subsection (a), there are authorized to be appropriated to the Secretary $147,664,000 for fiscal year 1997, to remain available until expended, for the procurement and launch of, and supporting ground systems for, Polar Orbiting Environmental Satellites, K, L, M, N, and N¹.

(c) GEOSTATIONARY OPERATIONAL ENVIRONMENTAL SATELLITES.—Of the sums authorized in subsection (a), there are authorized to be appropriated to the Administrator $70,757,000 for fiscal year 1997, to remain available until expended to procure up to three additional Geostationary Operational Environmental NEXT Satellites (GOES I-M clones), instruments, and supporting ground systems.

(d) NATIONAL POLAR-ORBITING OPERATIONAL ENVIRONMENTAL SATELLITE SYSTEM PROGRAM AUTHORIZATION.—Of the sums authorized in subsection (a), there are authorized to be appropriated to the Secretary, for fiscal year 1997, $39,500,000, to remain available until expended, for the procurement of the National Polar-Orbiting Operational Environmental Satellite System, and the procurement of the launching and supporting ground systems of such satellites.

(e) ENVIRONMENTAL DATA AND INFORMATION SERVICES.—There are authorized to be appropriated to the Secretary to enable the National Oceanic and Atmospheric Administration to carry out its environmental data and information services duties, $44,898,000 for fiscal year 1997. Such duties include climate data services, geophysical data services, and environmental assessment and information services.

Subtitle B—Marine Research

SEC. 421. NATIONAL OCEAN SERVICE.

(a) MAPPING AND CHARTING.—There are authorized to be appropriated to the Secretary, to enable the National Oceanic and Atmospheric Administration to carry out mapping and charting activities under the Act of 1947 and any other law involving those activities, $36,500,000 for fiscal year 1997.

(b) GEODESY.—There are authorized to be appropriated to the Secretary, to enable the National Oceanic and Atmospheric Administration to carry out geodesy activities under the Act of 1947 and any other law involving those activities, $20,163,000 for fiscal year 1997.

(c) OBSERVATION AND PREDICTION.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary, to enable the National Oceanic and Atmospheric Administration to carry out observation and prediction activities under the Act of 1947 and any other law involving those activities, $11,000,000 for fiscal year 1997.

(2) OCEAN AND EARTH SCIENCES.—In addition to amounts authorized under paragraph (1), there are authorized to be appropriated to the Secretary, to enable the National Oceanic and Atmospheric Administration to carry out ocean and earth science activities, $3,000,000 for fiscal year 1997.

(d) ESTUARINE AND COASTAL ASSESSMENT.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary, to enable the National Oceanic and Atmospheric Administration to support estuarine and coastal assessment activities under the Act of 1947 and any other law involving those activities, $2,674,000 for fiscal year 1997.

(2) OCEAN ASSESSMENT.—In addition to amounts authorized under paragraph (1), there are authorized to be appropriated to the Secretary, to enable the National Oceanic and Atmospheric Administration to carry out the National Status and Trends Program, the Strategic Environmental Assessment Program, and the Hazardous Materials Response Program, $21,925,000 for fiscal year 1997.

(3) DAMAGE ASSESSMENT PROGRAM.—In addition to amounts authorized under paragraph (1), there are authorized to be appropriated to the Secretary, to enable the National Oceanic and Atmospheric Administration to carry out the Damage Assessment Program, $1,200,000 for fiscal year 1997.

SEC. 422. OCEAN AND GREAT LAKES RESEARCH.

(a) MARINE PREDICTION RESEARCH.—There are authorized to be appropriated to the Secretary, to enable the National Oceanic and Atmospheric Administration to carry out marine prediction research activities under the Act of 1947, the Act of 1890, and any other law involving those activities, $14,808,000 for fiscal year 1997.

(b) NATIONAL SEA GRANT COLLEGE PROGRAM.—(1) Section 212(a) of the National Sea Grant College Program Act (33 U.S.C. 1131(a)) is amended to read as follows:

"(a) GRANTS AND CONTRACTS; FELLOWSHIPS.—There are authorized to be appropriated to carry out sections 205 and 208, $34,500,000 for fiscal year 1997.".

(2) Section 212(b)(1) of the National Sea Grant College Program Act (33 U.S.C. 1131(b)(1)) is amended by striking "an amount" and all that follows through "not to exceed $2,900,000" and inserting in lieu thereof "$1,500,000 for fiscal year 1997".

(3) Section 203(4) of the National Sea Grant College Program Act (33 U.S.C. 1122(4)) is amended by striking "discipline or field" and all that follows through "public administration)" and inserting in lieu thereof "field or discipline involving scientific research".

(c) COASTAL OCEAN PROGRAM.—There are authorized to be appropriated to the Secretary, to enable the National Oceanic and Atmospheric Administration to carry out the Coastal Ocean Program, $17,300,000 for fiscal year 1997.

Subtitle C—Program Support

SEC. 431. PROGRAM SUPPORT.

(a) EXECUTIVE DIRECTION AND ADMINISTRATIVE ACTIVITIES.—There are authorized to be appropriated to the Secretary, to enable the National Oceanic and Atmospheric Administration to carry out executive direction and administrative activities under the Act of 1970 and any other law involving those activities, $20,000,000 for fiscal year 1997.

(b) CENTRAL ADMINISTRATIVE SUPPORT.—There are authorized to be appropriated to the Secretary, to enable the National Oceanic and Atmospheric Administration to carry out central administrative support activities under the Act of 1970 and any other law involving those activities, $33,000,000 for fiscal year 1997.

(c) RETIRED PAY.—There are authorized to be appropriated to the Secretary, for retired pay for retired commissioned officers of the National Oceanic and Atmospheric Administration under the Act of 1970, $7,706,000 for fiscal year 1997.

(d) MARINE SERVICES.—

(1) SERVICE CONTRACTS.—Notwithstanding any other provision of law and subject to the availability of appropriations, the Secretary shall enter into contracts, including multiyear contracts, subject to paragraph (3), for the use of vessels to conduct oceanographic research and fisheries research, monitoring, enforcement, and management, and to acquire other data necessary to carry out the missions of the National Oceanic and Atmospheric Administration. The Secretary shall enter into these contracts unless—

(A) the cost of the contract is more than the cost (including the cost of vessel operation, maintenance, and all personnel) to the National Oceanic and Atmospheric Administration of obtaining those services on vessels of the National Oceanic and Atmospheric Administration;

(B) the contract is for more than 7 years; or

(C) the data is acquired through a vessel agreement pursuant to paragraph (4).

(2) VESSELS.—The Secretary may not enter into any contract for the construction, lease-purchase, upgrade, or service life extension of any vessel.

(3) MULTIYEAR CONTRACTS.—

(A) IN GENERAL.—Subject to subparagraphs (B) and (C), and notwithstanding section 1341 of title 31, United States Code, and section 11 of title 41, United States Code, the Secretary may acquire data under multiyear contracts.

(B) REQUIRED FINDINGS.—The Secretary may not enter into a contract pursuant to this paragraph unless the Secretary finds with respect to that contract that there is a reasonable expectation that throughout the contemplated contract period the Secretary will request from Congress funding for the contract at the level required to avoid contract termination.

(C) REQUIRED PROVISIONS.—The Secretary may not enter into a contract pursuant to this paragraph unless the contract includes—

(i) a provision under which the obligation of the United States to make payments under the contract for any fiscal year is subject to the availability of appropriations provided in advance for those payments;

(ii) a provision that specifies the term of effectiveness of the contract; and

(iii) appropriate provisions under which, in case of any termination of the contract before the end of the term specified pursuant to clause (ii), the United States shall only be liable for the lesser of—

(I) an amount specified in the contract for such a termination; or

(II) amounts that were appropriated before the date of the termination for the performance of the contract or for procurement of the type of acquisition covered by the contract and are unobligated on the date of the termination.

(4) VESSEL AGREEMENTS.—The Secretary shall use excess capacity of University National Oceanographic Laboratory System vessels where appropriate and may enter into memoranda of agreement with the operators of these vessels to carry out this requirement.

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary, to enable the National Oceanic and Atmospheric Administration to carry out marine services activities, $56,292,000 for fiscal year 1997.

(e) AIRCRAFT SERVICES.—There are authorized to be appropriated to the Secretary, to enable the National Oceanic and Atmospheric Administration to carry out aircraft services activities (including aircraft operations, maintenance, and support) under the Act of 1970 and any other law involving those activities, $9,153,000 for fiscal year 1997.

(f) FACILITIES REPAIRS AND RENOVATIONS.—There are authorized to be appropriated to the Secretary, to enable the National Oceanic and Atmospheric Administration to carry out facilities repairs and renovations, $7,546,000 for fiscal year 1997.

Subtitle D—Streamlining of Operations

SEC. 441. PROGRAMS.

(a) PROGRAMS.—No funds are authorized to be appropriated for the following programs and accounts:

(1) The National Undersea Research Program.

(2) The Fleet Modernization, Shipbuilding, and Construction Account.

(3) The Charleston, South Carolina, Special Management Plan.

(4) Chesapeake Bay Observation Buoys.

(5) Federal/State Weather Modification Grants.

(6) The Southeast Storm Research Account.

(7) National Institute for Environmental Renewal.

(8) The Lake Champlain Study.

(9) The Maine Marine Research Center.

(10) The South Carolina Cooperative Geodetic Survey Account.

(11) Pacific Island Technical Assistance.

(12) VENTS program.

(13) National Weather Service non-Federal, non-wildfire Fire Weather Service.

(14) National Weather Service Regional Climate Centers.

(15) National Weather Service Samoa Weather Forecast Office Repair and Upgrade Account.

(16) Dissemination of Weather Charts (Marine Facsimile Service).

(17) The Southeast United States Caribbean Fisheries Oceanographic Coordinated Investigations Program.

(18) National Coastal Research and Development Institute Account.

(19) Global Learning and Observations to Benefit the Environment program.

(b) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report certifying that all the programs listed in subsection (a) will be terminated no later than September 30, 1996.

(c) REPEAL OF SEA GRANT PROGRAMS.—

(1) REPEALS.—(A) Section 208(b) of the National Sea Grant College Program Act (33 U.S.C. 1127(b)) is repealed.

(B) Section 3 of the Sea Grant Program Improvement Act of 1976 (33 U.S.C. 1124a) is repealed.

(2) CONFORMING AMENDMENT.—Section 209 of the National Sea Grant College Program Act (33 U.S.C. 1128(b)(1)) is amended by striking "and section 3 of the Sea Grant Program Improvement Act of 1976".

(d) ADDITIONAL REPEAL.—The NOAA Fleet Modernization Act (33 U.S.C. 851 note) is repealed.

SEC. 442. LIMITATIONS ON APPROPRIATIONS.

(a) MAXIMUM AMOUNT.—No more than $1,765,359,000 are authorized to be appropriated to the Secretary for fiscal year 1997, by this Act and any other Act, to enable the National Oceanic and Atmospheric Administration to carry out all activities associated with Operations, Research, and Facilities.

(b) REDUCTION IN TRAVEL BUDGET.—Of the sums appropriated under this Act for Operations, Research, and Facilities, no more than $20,000,000 may be used for reimbursement of travel and related expenses for National Oceanic and Atmospheric Administration personnel.

SEC. 443. TERMINATION OF THE CORPS OF COMMISSIONED OFFICERS.

(a) NUMBER OF OFFICERS.—Notwithstanding section 8 of the Act of June 3, 1948 (33 U.S.C. 853g), no commissioned officers are authorized for any fiscal year after fiscal year 1996.

(b) SEVERANCE PAY.—Commissioned officers may be separated from the active list of the National Oceanic and Atmospheric Administration. In lieu of separation pay, officers so separated shall be eligible only for severance pay in accordance with the terms and conditions of section 5595 of title 5, United States Code, and only to the extent provided in advance in appropriations Acts.

(c) TRANSFER.—(1) Subject to the approval of the Secretary of Defense and under terms and conditions specified by the Secretary, commissioned officers subject to subsection (a) may transfer to the armed services under section 716 of title 10, United States Code.

(2) Subject to the approval of the Secretary of Transportation and under terms and conditions specified by the Secretary, commissioned officers subject to subsection (a) may transfer to the United States Coast Guard under section 716 of title 10, United States Code.

(3) Subject to the approval of the Administrator of the National Oceanic and Atmospheric Administration and under terms and conditions specified by that Administrator, a commissioned officer subject to subsection (a) may be employed by the National Oceanic and Atmospheric Administration as a member of the civil service, if the Administrator considers that individual to be the best available candidate for the position. No new civil service position may be created pursuant to this paragraph.

(4) The Administrator shall, before December 1, 1996, transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report listing all officers employed by the National Oceanic and Atmospheric Administration under paragraph (3), a description of their responsibilities as members of the NOAA Corps, and a description of their responsibilities as civil service employees of the National Oceanic and Atmospheric Administration.

(d) REPEALS.—(1) The following provisions of law are repealed:

(A) The Coast and Geodetic Survey Commissioned Officers' Act of 1948 (33 U.S.C. 853a–853o, 853p–853u).

(B) The Act of February 16, 1929 (Chapter 221, section 5; 45 Stat. 1187; 33 U.S.C. 852a).

(C) The Act of January 19, 1942 (Chapter 6; 56 Stat. 6).

(D) Section 9 of Public Law 87–649 (76 Stat. 495).

(E) The Act of May 22, 1917 (Chapter 20, section 16; 40 Stat. 87; 33 U.S.C. 854 et seq.).

(F) The Act of December 3, 1942 (Chapter 670; 56 Stat. 1038.

(G) Sections 1 through 5 of Public Law 91–621 (84 Stat. 1863; 33 U.S.C. 857–1 et seq.).

(H) The Act of August 10, 1956 (Chapter 1041, section 3; 70A Stat. 619; 33 U.S.C. 857a).

(I) The Act of May 18, 1920 (Chapter 190, section 11; 41 Stat. 603; 33 U.S.C. 864).

(J) The Act of July 22, 1947 (Chapter 286; 61 Stat. 400; 33 U.S.C. 873, 874).

(K) The Act of August 3, 1956 (Chapter 932; 70 Stat. 988; 33 U.S.C. 875, 876).

(L) All other Acts inconsistent with this subsection.

Following the repeal of provisions under this paragraph, all retirement benefits for the NOAA Corps which are in existence on September 30, 1996, shall continue to apply to eligible NOAA Corps officers and retirees.

(2) The effective date of the repeals under paragraph (1) shall be October 1, 1996.

(e) ABOLITION.—The Office of the National Oceanic and Atmospheric Administration Corps of Operations and the Commissioned Personnel Center are abolished effective September 30, 1996.

Subtitle E—Miscellaneous

SEC. 451. WEATHER DATA BUOYS.

(a) PROHIBITION.—It shall be unlawful for any unauthorized person to remove, change the location of, obstruct, willfully damage, make fast to, or interfere with any weather data buoy established, installed, operated, or maintained by the National Data Buoy Center.

(b) CIVIL PENALTIES.—The Administrator is authorized to assess a civil penalty against any person who violates any provision of this section in an amount of not more than $10,000 for each violation. Each day during which such violation continues shall be considered a new offense. Such penalties shall be assessed after notice and opportunity for a hearing.

(c) REWARDS.—The Administrator may offer and pay rewards for the apprehension and conviction, or for information helpful therein, of persons found interfering, in violation of law, with data buoys maintained by the National Data Buoy Center; or for information leading to the discovery of missing National Weather Service property or the recovery thereof.

SEC. 452. DUTIES OF THE NATIONAL WEATHER SERVICE.

(a) IN GENERAL.—To protect life and property and enhance the national economy, the Secretary, through the National Weather Service, except as outlined in subsection (b), shall be responsible for—

(1) forecasts and shall serve as the sole official source of weather warnings;

(2) the issue of storm warnings;

(3) the collection, exchange, and distribution of meteorological, hydrological, climatic, and oceanographic data and information; and

(4) the preparation of hydrometeorological guidance and core forecast information.

(b) COMPETITION WITH PRIVATE SECTOR.—The National Weather Service shall not compete, or assist other entities to compete, with the private sector when a service is currently provided or can be provided by commercial enterprise, unless—

(1) the Secretary finds that the private sector is unwilling or unable to provide the services; and

(2) the service provides vital weather warnings and forecasts for the protection of lives and property of the general public.

(c) AMENDMENTS.—The Act of 1890 is amended—

(1) by striking section 3 (15 U.S.C. 313); and

(2) in section 9 (15 U.S.C. 317), by striking all after "Department of Agriculture" and inserting in lieu thereof a period.

(d) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report detailing all National Weather Service activities which do not conform to the requirements of this section and outlining a timetable for their termination.

SEC. 453. NATIONAL OCEANOGRAPHIC PARTNERSHIP PROGRAM.

(a) PROGRAM REQUIRED.—(1) Subtitle C of title 10, United States Code, is amended by adding after chapter 663 the following new chapter:

"CHAPTER 665—NATIONAL OCEANOGRAPHIC PARTNERSHIP PROGRAM

"Sec.
"7901. National Oceanographic Partnership Program.
"7902. National Ocean Research Leadership Council.
"7903. Ocean Research Partnership Coordinating Group.
"7904. Ocean Research Advisory Panel.

"§7901. National Oceanographic Partnership Program

"(a) ESTABLISHMENT.—The Secretary of the Navy shall establish a program to be known as the 'National Oceanographic Partnership Program'.

"(b) PURPOSES.—The purposes of the program are as follows:

"(1) To promote the national goals of assuring national security, protecting quality of life, and strengthening science and education through improved knowledge of the ocean.

"(2) To coordinate and strengthen oceanographic efforts in support of those goals by—

"(A) identifying and carrying out partnerships among Federal agencies, academia, industry, and other members of the oceanographic scientific community in the areas of data, resources, and education; and

"(B) reporting annually to Congress on the program.

"§7902. National Ocean Research Leadership Council

"(a) COUNCIL.—There is established a National Ocean Research Leadership Council (hereinafter in this chapter referred to as the "Council").

"(b) MEMBERSHIP.—The Council is composed of the following members:

"(1) The Secretary of the Navy, who shall be the chairman of the Council.

"(2) The Administrator of the National Oceanic and Atmospheric Administration, who shall be the vice chairman of the Council.

"(3) The Director of the National Science Foundation.

"(4) The Administrator of the National Aeronautics and Space Administration.

"(5) The Deputy Secretary of Energy.

"(6) The Administrator of the Environmental Protection Agency.

"(7) The Commandant of the Coast Guard.

"(8) The Director of the Geological Survey of the Department of the Interior.

"(9) The Director of the Defense Advanced Research Projects Agency.

"(10) The Director of the Minerals Management Service of the Department of the Interior.

"(11) The President of the National Academy of Sciences, the President of the National Academy of Engineering, and the President of the Institute of Medicine.

"(12) The Director of the Office of Science and Technology.

"(13) The Director of the Office of Management and Budget.

"(14) One member appointed by the Chairman from among individuals who will represent the views of ocean industries.

"(15) One member appointed by the Chairman from among individuals who will represent the views of State governments.

"(16) One member appointed by the Chairman from among individuals who will represent the views of academia.

"(17) One member appointed by the Chairman from among individuals who will represent such other views as the Chairman considers appropriate.

"(c) TERM OF OFFICE.—The term of office of a member of the Council appointed under paragraph (14), (15), (16), or (17) of subsection (b) shall be two years, except that any person appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term.

"(d) RESPONSIBILITIES.—The Council shall have the following responsibilities:

"(1) To establish the Ocean Research Partnership Coordinating Group as provided in section 7903.

"(2) To establish the Ocean Research Advisory Panel as provided in section 7904.

"(3) To submit to Congress an annual report pursuant to subsection (e).

"(e) ANNUAL REPORT.—Not later than March 1 of each year, the Council shall submit to Congress a report on the National Oceanographic Partnership Program. The report shall contain the following:

"(1) A description of activities of the program carried out during the fiscal year before the fiscal year in which the report is prepared. The description also shall include a list of the members of the Ocean Research Partnership Coordinating Group, the Ocean Research Advisory Panel, and any working groups in existence during the fiscal year covered.

"(2) A general outline of the activities planned for the program during the fiscal year in which the report is prepared.

"(3) A summary of projects continued from the fiscal year before the fiscal year in which the report is prepared and projects expected to be started during the fiscal year in which the report is prepared and during the following fiscal year.

"(4) A description of the involvement of the program with Federal interagency coordinating entities.

"(5) The amounts requested, in the budget submitted to Congress pursuant to section 1105(a) of title 31 for the fiscal year following the fiscal year in which the report is prepared, for the programs, projects, and activities of the program and the estimated expenditures under such programs, projects, and activities during such following fiscal year.

"§ 7903. Ocean Research Partnership Coordinating Group

"(a) ESTABLISHMENT.—The Council shall establish an entity to be known as the 'Ocean Research Partnership Coordinating Group' (hereinafter in this chapter referred to as the 'Coordinating Group').

"(b) MEMBERSHIP.—The Coordinating Group shall consist of members appointed by the Council, with one member appointed from each Federal department or agency having an oceanographic research or development program.

"(c) CHAIRMAN.—The Council shall appoint the Chairman of the Coordinating Group.

"(d) RESPONSIBILITIES.—Subject to the authority, direction, and control of the Council, the Coordinating Group shall have the following responsibilities:

"(1) To prescribe policies and procedures to implement the National Oceanographic Partnership Program.

"(2) To review, select, and identify and allocate funds for partnership projects for implementation under the program, based on the following criteria:

"(A) Whether the project addresses critical research objectives or operational goals, such as data accessibility and quality assurance, sharing of resources, or education.

"(B) Whether the project has broad participation within the oceanographic community.

"(C) Whether the partners have a long-term commitment to the objectives of the project.

"(D) Whether the resources supporting the project are shared among the partners.

"(E) Whether the project has been subjected to adequate peer review.

"(3) To promote participation in partnership projects by each Federal department and agency involved with oceanographic research and by prescribing guidelines for participation in the program.

"(4) To submit to the Council an annual report pursuant to subsection (i).

"(e) PARTNERSHIP PROGRAM OFFICE.—The Coordinating Group shall establish, using competitive procedures, and oversee a partnership program office to carry out such duties as the Chairman of the Coordinating Group considers appropriate to implement the National Oceanographic Partnership Program, including the following:

"(1) To establish and oversee working groups to propose partnership projects to the Coordinating Group and advise the Group on such projects.

"(2) To manage peer review of partnership projects proposed to the Coordinating Group and competitions for projects selected by the Group.

"(3) To submit to the Coordinating Group an annual report on the status of all partnership projects and activities of the office.

"(f) CONTRACT AND GRANT AUTHORITY.—The Coordinating Group may authorize one or more of the departments or agencies represented in the Group to enter into contracts and make grants, using funds appropriated pursuant to an authorization for the National Oceanographic Partnership Program, for the purpose of implementing the program and carrying out the Coordinating Group's responsibilities.

"(g) FORMS OF PARTNERSHIP PROJECTS.—Partnership projects selected by the Coordinating Group may be in any form that the Coordinating Group considers appropriate, including memoranda of understanding, cooperative research and development agreements, and similar instruments.

"(h) ANNUAL REPORT.—Not later than February 1 of each year, the Coordinating Group shall submit to the Council a report on the National Oceanographic Partnership Program. The report shall contain, at a minimum, copies of any recommendations or reports to the Coordinating Group by the Ocean Research Advisory Panel.

"§ 7904. Ocean Research Advisory Panel

"(a) ESTABLISHMENT.—The Council shall appoint an Ocean Research Advisory Panel (hereinafter in this chapter referred to as the 'Advisory Panel') consisting of not less than 10 and not more than 18 members.

"(b) MEMBERSHIP.—Members of the Advisory Panel shall be appointed from among persons who are eminent in the field of marine science, or related fields, and who are representative, at a minimum, of the interests of government, academia, and industry.

"(c) RESPONSIBILITIES.—(1) The Coordinating Group shall refer to the Advisory Panel, and the Advisory Panel shall review, each proposed partnership project estimated to cost more than $500,000. The Advisory Panel shall make any recommendations to the Coordinating Group that the Advisory Panel considers appropriate regarding such projects.

"(2) The Advisory Panel shall make any recommendations to the Coordinating Group regarding activities that should be addressed by the National Oceanographic Partnership Program that the Advisory Panel considers appropriate.".

(2) The table of chapters at the beginning of subtitle C of title 10, United States Code, and at the beginning of part IV of such subtitle, are each amended by inserting after the item relating to chapter 663 the following:

"665. National Oceanographic Partnership Program .... 7901".

(b) INITIAL APPOINTMENTS OF COUNCIL MEMBERS.—The Secretary of the Navy shall make the appointments required by section 7902(b) of title 10, United States Code, as added by subsection (a)(1), not later than December 1, 1996.

(c) INITIAL APPOINTMENTS OF ADVISORY PANEL MEMBERS.—The National Ocean Research Leadership Council established by section 7902 of title 10, United States Code, as added by subsection (a)(1), shall make the appointments required by section 7904 of such title not later than January 1, 1997.

(d) FIRST ANNUAL REPORT OF NATIONAL OCEAN RESEARCH LEADERSHIP COUNCIL.—The first annual report required by section 7902(e) of title 10, United States Code, as added by subsection (a)(1), shall be submitted to Congress not later than March 1, 1997. The first report shall include, in addition to the information required by such section, information about the terms of office, procedures, and responsibilities of the Ocean Research Advisory Panel established by the Council.

(e) AUTHORIZATION OF APPROPRIATIONS.—No funds are authorized to be appropriated by this Act for the National Oceanographic Partnership Program for fiscal year 1997.

The CHAIRMAN. Are there any amendments to title IV?

AMENDMENT OFFERED BY MR. WAMP

Mr. WAMP. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WAMP: Page 83, line 1, strike "$445,668,000" and insert in lieu thereof "$450,668,000".

Page 83, line 10, strike "$64,991,000" and insert in lieu thereof "68,984,000".

Page 85, line 10, insert "of which up to $116,483,000 may be available for fiscal year 1997," after "available until expended,".

Page 88, line 18, strike "$308,473,000" and insert in lieu thereof "$287,997,000".

Page 89, line 22, strike "$39,500,000" and insert in lieu thereof "$19,024,000".

Mr. WAMP (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. WAMP. Mr. Chairman, as we move into this title, the National Oceanic and Atmospheric Administration, my amendment would add $20.5 million to the National Weather Service budget. Specifically, it increases the local warnings and forecast budget by $5 million. It increases the computer facility upgrades budget by $4 million. It increases the advanced weather interactive processing system budget by $11.5 million, for a total of $20.5 million.

The entire increase is offset by a reduction of $20.5 million in the polar convergent satellite program, which is a cost-shared program with the Defense Department. Since the defense authorization bill recently passed by this body only authorized $19 million for this program, yet the Committee on Science's mark still continued $39.5 million, we are reducing that amount to offset this increase, so that this increase is fully accounted for by spending reductions in other areas.

Why would we do this? The importance of the National Weather Service's modernization effort. We know great work has been accomplished through the Department of Commerce upgrading our National Weather Service system, implementing the NEXRAD radar system, in next generation radar nationwide.

Many outstanding Members of this body, like my friend, the gentleman from Huntsville, AL [Mr. CRAMER], have been very active in this effort. We are installing new, more powerful Doppler radars and state-of-the-art satellite across the Nation.

However, there are some areas that have been identified as being deficient, where the service is degraded because of soft spots in the system, and the Department of Commerce actually recognized that three of those areas exist in southeast Tennessee and northeast Alabama, one area, actually two congressional districts, the gentleman from Alabama, Mr. CRAMER's, and mine, but one area; plus Indiana and Arkansas.

The gentleman from Indiana [Mr. SOUDER] and the gentleman from Arkansas [Mr. HUTCHINSON] are affected as well, and we have Doppler radar needs that the Department of Commerce has certified to build these radars in our region, because the radars that are part of the NEXRAD system are too far from our area and are too high up in the air to cover the storms that blow through our region.

Specifically, this last weekend, again, tornadoes touched down in Bradley County, TN that were not detected from Morristown, TN because the radar is too high, so new Dopplers that are programmed in the system for these three areas have been approved and certified by the Department of Commerce.

Mr. Chairman, one of the best nonpartisan things we do here is the health and safety of the citizens of this country, and local weather forecasting is as close to the ground as it gets. It is important that we come together in a bipartisan way. I did not just want to increase spending, so we offset it. We worked with the chairman of the Committee on Science. We hope that the committee, the full committee here will support this reasonable increase in funding, since it is offset with another program that obviously does not need the money, based on our latest defense authorization bill.

AMENDMENT OFFERED BY MR. BROWN OF CALIFORNIA AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. WAMP

Mr. BROWN of California. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. BROWN of California as a substitute for the amendment offered by Mr. WAMP: Page 83, line 1, strike "$445,668,000" and insert in lieu thereof "$471,672,000."

Mr. BROWN of California (during the reading). Mr. Chairman, I ask unanimous consent that the amendment offered as a substitute for the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BROWN of California. Mr. Chairman, I rise to offer an amendment to the amendment in order to fully restore funding for the critical personnel of the National Weather Service. H.R. 3322 proposes a $26 million reduction from this account which I believe will seriously jeopardize the safety and well being of every American.

We have been informed by the National Weather Service that in order to implement this reduction, they would have to consider elimination of midnight shift personnel in every weather forecast office and eliminate rush hour forecast products nationally. In addition they would have to close planned warning and forecast offices and would have to defer the opening of any additional NEXRAD sites that were recently identified as necessary by the National Research Council. There is no question that the proposed cuts in H.R. 3322 would endanger public safety.

As reflected in the President's request, the National Weather Service is already committed to permanent reductions of over $25 million in base operations. They need, however, to make the transition to the modernized weather office system in order to realize these savings. Without the necessary operational infrastructure and personnel in place, the National Weather Service will not be able to utilize the full operational capabilities envisioned by the modernization plan.

My amendment does not attempt to numerically offset this increase with any reduction elsewhere in the bill. I want to point out that the bill we are considering today already seriously underfunds NOAA and the National Weather Service. The bill already reduces NOAA's programs in our jurisdiction by $155 million and will lead to great difficulty in carrying out critical satellite, weather forecasting, and research activities. To propose an offset would only legitimize this ill conceived plan to distort our national priorities.

I also point out that yesterday on this same bill, Mr. SCHIFF offered an amendment to raise funding for the National Science Foundation by $40 million with no offset. This had the full backing of the Republicans and passed easily. I make this point to illustrate the fiction we are being asked to participate in by pretending there is some magic number that in some way limits us in this authorization. This fiction seems to be only enforced when it is convenient.

I will close by reminding my colleagues that the serious nature of this problem we are trying to address here has been clear since this bill was first brought before the committee. I have tried on several occasions now to offer a substitute that addresses this and a number of other problems in the bill. These attempts have failed along party lines.

I commend the gentleman from Tennessee for his attempt at this late date to fix this problem. However, my fear is that his amendment does not fully address the problem. If his amendment passes in its current form, the National Weather Service will still face the necessity to reduce service to the public. In addition, the gentleman may only be compounding the problem by cutting elsewhere in the bill. I urge my colleagues to support my substitute to his amendment. Lets fully fund the Weather Service Operations.

Mr. Chairman, at the risk of appearing to be cynical, let me try and interpret what has been happening in connection with this legislation.

The bill before us, which was reported out of the full committee with little or no change from the chairman's recommendations, contained a number of problems. I sought to offer a substitute in the full committee, which was rejected on basically a party line vote, which corrected all of the problems that have been brought up here, and which we are now acting on.

Yesterday the gentleman from New Mexico [Mr. SCHIFF] found a little problem in the National Science Foundation budget, and he offered a $40 million add-on which we had offered in the full committee and it had been rejected. He did not have an offset to it, but he admitted that we really did not need an offset, so we proceeded to adopt that.

The gentleman from Florida [Mr. WELDON] offered this morning an amendment to add $81.5 million back for NASA personnel, when they finally discovered that the President's budget provided the funding that was needed, and if they cut $81 million out of it, it would result in layoffs and furloughs, which would be bad for a lot of people's health.

The gentleman from Tennessee [Mr. WAMP] now has discovered that the $26 million which I recommended be put back in the full committee really is necessary to protect the health and welfare of the citizens of our districts and our constituents. Part of the game here is both sides are trying to protect vulnerable Members by allowing them to offer amendments which will be popular in their districts. Of course, on our side, we do the same thing. We try and put the other side in the position of voting for something that will be very bad for them in their district.

After finally weighing the situation, we have decided that there are at least three or four instances in which the Republicans really cannot stand the heat from the mistakes in this bill, that is, from the political mistakes in this bill, so they are going to try and put the money back in to take care of the situation.

They are going to argue in front of God and everybody that this is based upon some sudden new insight, but what it really amounts to is they have decided that they do not want to take the political heat that they are going to get from, say, cutting back on weather service facilities and personnel in a district highly dependent on it, or cutting back on personnel for a major NASA lab in a district in which the economy depends on it, or a major energy lab. That is the way politics works, and we might as well be frank and admit it.

When we on our side try to point out that we had corrected all of these in our substitute, they say you did not do it the right way, or something like that. Of course, they are using the fact that our figures do not conform to their budget, as if this was holy writ, and therefore, anything that we do is obscene, until they find out that it is pretty nice to have something close to our budget in order to elect one of their Members.

Mr. Chairman, I hate to say this, because it makes me look so cynical and self-serving, but I thought that we ought to have that on the record. My substitute is very simple. It provides for the same additions that the gentleman from Tennessee [Mr. WAMP] has, or it fully funds the restoration of the personnel that the gentleman from Tennessee [Mr. WAMP] only partially funds and which was in the President's budget.

It does not attempt to offset this with a numerical increase to offset it from another portion of the bill. It does, however, have in it the provision that the gentleman from Tennessee makes reference to. There is no offset. We have decided to be honest and not have an offset. The gentleman from Tennessee found an offset in a program, polar orbiting satellites, which the agency had decided not to do anything about for the next 2 years anyway, so he is going to reduce the budget by that amount, which is a sort of a subterfuge, but if he can get away with it, fine.

Mr. Chairman, I urge the Members to be honest and to accept my substitute, which provides the same benefit that the gentleman from Tennessee [Mr. WAMP] does, and does not go through the motions of trying to offset this with some more or less specious offset, which is unnecessary, even if it was a real offset.

□ 1745

I know that since a part of the majority's position is going to be to wave the flag and claim that they have to have these offsets in order to balance the budget, which we pointed out means to increase the budget where they want and cut it where we want, I urge that Members support my substitute, recognizing that I probably will not win.

Mr. WALKER. Mr. Chairman, I move to strike the last word.

The gentleman from California does not need to be cynical about the process. The fact is what he is watching is the legislative process at work. Members do have a right under an open rule to come out here and offer amendments. We have to decide whether or not to accept some of those amendments or to fight some of those amendments.

It is not anything different than what goes on in Congress. In fact, it is the essence of the process to make some of these decisions as a Congress, and some of them change my bill, some of them enhance the bill. They in fact are an important part of how we do legislation. I do not resent the fact that the bill gets changed a little bit along the way. It is the way the process works. I have even happily accepted some amendments along the way because I thought they were the right things to do.

Mr. BROWN of California. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from California.

Mr. BROWN of California. Mr. Chairman, I am happy to have the gentleman acknowledge this. I am not trying to present this as some perverse or evil process. I just wonder why it is when I offered the same amendments in committee the Chair did not have the perspicacity to realize that they might be necessary.

Mr. WALKER. When the gentleman offered them in committee, in some cases we did not have the full information available to us to evaluate it. In other cases he offered them as a part of a substitute that contained many, many other items. In a number of the cases when the gentleman referred to the fact that he had offered them in committee, he did not offer separate amendments on the subject matters. What he offered was a substitute that covered a whole variety of items, and we rejected his substitute as going the wrong direction.

Mr. WAMP. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Tennessee.

Mr. WAMP. Mr. Chairman, I just want to point out that at the full committee level I was on record, and I think our chairman will remember, stating that I wanted to address this on the House floor and I would be looking actively for an offset so that we could do the responsible thing. But I specifically stated at the markup I wanted this addressed and detailed what I wanted addressed on the House floor.

So it was not like it mysteriously appeared, Mr. BROWN, and in all fairness Mr. CRAMER and I think it worked in about the most bipartisan way here. Let us not bring partisanship into this issue of NEXRAD radar system, please. I thank the gentleman for yielding.

Mr. WALKER. The gentleman is correct. He did reserve his rights for the floor. I am pleased that we were able to work something out. I am glad to modify the bill to do that.

It seems to me, though, that we do not want to do the Brown substitute. As the gentleman from California himself has said, this is not offset. It will increase the National Weather Service local warning and forecast budget by $26 million. That means that we are not dealing in the same manner that the gentleman from Tennessee [Mr. WAMP] has done, in the responsible way of assuring that we do this with an offset.

Unlike the Wamp amendment, which adds money for both modernization and local warnings and forecasts, the Brown amendment eliminates all the reductions that the Committee on Science made to the National Weather Service headquarters and specialized weather programs, and does not include any money for the modernization program. That strikes me as being an odd set of priorities. What you are doing is plusing up the account for the headquarters staff and overhead while not putting the money into the modernization program that the Weather Service regards as its most important priority. So the Wamp amendment in fact moves us toward a much stronger content level on it.

Why reduce the headquarters staff? Why do we think that is important? We are going along there with the inspector general. This is not some ideological kick. The inspector general said in his most recent report that the National Weather Service headquarters staff could be identified as having over $32 million in potential savings, and those reductions can be made in headquarters staff.

Why is that the case? Because as they modernize the Weather Service, the fact is that they are able to utilize some equipment to replace people, and so the modernization program is actually resulting in the ability to reduce headquarters staff. That is what is reflected in what we have done in the bill, what is reflected in the Wamp amendment, and we think that it makes sense to go along with what the gentleman from Tennessee [Mr. WAMP] wants to do here.

We believe that, in the case of the Brown substitute, that it puts the money that is not offset into a bureaucracy. We think that the money should go into some things with regard to headquarters, but there also ought to be money for modernization, and I thank the gentleman from Tennessee [Mr. WAMP] for what he has done.

Mr. CRAMER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to do something carefully here. I want to speak on behalf of the Brown substitute and on behalf of the Wamp amendment as well. I support the Brown substitute now because I supported the Brown substitute for the entire bill. If that fails, then of course I will support the Wamp proposal as well. I am concerned about the budget impact on the National Weather Service.

I want to reaffirm what the gentleman from Tennessee [Mr. WAMP] has said. We are neighbors there, from north Alabama, northeast Alabama, up there into Tennessee. We have struggled hard to make sure our very vulnerable area of the country is in fact included in the National Weather Service's modernization plan. Budget has impact on the service that the Weather Service can offer to our area so we are concerned not only about the placement of a new NEXRAD, one placement that will accommodate two congressional districts and we have worked hard together to make sure that we not have to cause a budget item that would reflect for two NEXRAD's but that we join together and accomplish that with one placement of NEXRAD and I think we have in fact worked in a model bipartisan way toward that and will accomplish that.

What I am concerned about that causes me to support the Brown substitute as well, and, if that fails, as well as what the gentleman from Tennessee [Mr. WAMP] is proposing here today is that beyond just the NEXRAD's, we have got a personnel issue that if we deny the National Weather Service this kind of budget item, then we are saying to them that they will have to direct the consequences down to the level of midnight forecasts, they will have to absorb this impact somewhere outside of headquarters, somewhere in the field as well. So I think both of these approaches will accomplish what I want to see accomplished. I think the Brown substitute does it in a much more complete way than what the gentleman from Tennessee [Mr. WAMP] is proposing, but I am concerned enough about the impact of what we do to stand up here and to say support the Brown substitute first and, if that fails, support the Wamp amendment.

Mr. DOGGETT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, yesterday I referred to the Committee on Science as a do-little committee that was, through this piece of legislation, offering a do-little agenda for this country when it comes to job creation through invigorating our science and technology policy, going absolutely the wrong direction if our goal is to have more high-paying jobs in this country based on science and technology.

I think the Wamp amendment today provides another example of the do-little legacy of this committee, because it is attempting to repair changes in our science policy that should never have been made in the first place. In any case, I was not here on the floor a little earlier this afternoon when the gentleman from Pennsylvania [Mr. WALKER], the chairman of the committee, asserted that my comments of yesterday were inaccurate. He particularly took umbrage at my claim that the committee had just one committee report to its credit for all of 1995. Take note he did not disagree with my comment that the committee had absolutely zero, that is, a big goose egg when it comes to legislation signed into law through its work last year but he did quarrel with the fact that they had only one committee report. He said they had 16. In fact, I have the Committee on Science calendar for last year, and it confirms that there was only one committee report for all of last year. This is distinguished, of course, as my remarks did, from those reports associated with the filing of more and more of these bills to fulfill the Gingrich ideological agenda.

A committee report, for those who do not understand the difference, is a matter of oversight, that we in Congress have a responsibility to exercise oversight over NOAA, over all of these various bureaucracies to see that they are doing their job. But this committee, unlike the time when my good friend, the gentleman from California [Mr. BROWN], chaired the committee and had 13 oversight reports of committees, has not kept pace with its work.

True, the chairman of the Committee on Science has been very involved in oversight of the Clinton administration, looking for any political examples it can find that might be useful in this year's elections. Perhaps that provides some of the reason why just merely pursuing good science has gotten second shift when it comes to oversight.

So I stand by my comments of yesterday regarding the lack of productivity of a committee that ought to be central to a jobs policy for this country. But I would cite this Wamp amendment as an example of more of the problem that when you pursue political rhetoric and political ideology over good science, you make mistakes like this. I believe that it is fair to say that there were not but a handful, if that, of our colleagues on the Republican side who had the slightest idea what was being done in committee when these cuts to NOAA were made and now that probably one or two people in the body have the slightest idea whether the restoration level that the gentleman from Tennessee [Mr. WAMP] is proposing is the appropriate level or whether the offset that he would propose will guarantee the integrity of NOAA services. And, of course, since the Committee on Science rarely meets, it goes 4 or 5 months without even convening, there is no committee record of any type. There has not been bringing in any expert or any citizen concerned with this to look at the NOAA issues. So we have no evidence or record upon which to support this amendment.

I would say that what we have had in the Committee on Science is amply demonstrated by this, not legislation that could be passed on a bipartisan basis as occurred under both Republicans and Democrats in previous administrations, not committee reports exercising the oversight policy; rather, we have just had an example that the main kind of science coming out of this committee is political science and we have had more excellence in pursuit of error.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. BROWN as a substitute for the amendment offered by the gentleman from Tennessee [Mr. WAMP].

The amendment offered as a substitute for the amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee [Mr. WAMP].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title IV?

Mr. ENGLISH of Pennsylvania. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to engage in a colloquy with the distinguished gentleman from Pennsylvania, the chairman of the Committee on Science.

Mr. Chairman, I am greatly concerned that the replacement of the Erie Weather Service Office at Erie, PA, with radar service from Pittsburgh, Cleveland, and Buffalo would increase weather-related accidents on Pennsylvania's north coastal region. Reports issued by both the General Accounting Office and the National Research Council support this conclusion by identifying radar coverage gaps and other shortcomings with the new nationwide NEXRAD coverage system. After the terrible consequences of unforeseen tornadoes in 1985 that devastated a number of communities in our region and the ever-present danger of unpredictable lake-effect weather on Lake Erie, the communities of northwest Pennsylvania in my view must have weather service they can depend upon.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. ENGLISH of Pennsylvania. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, I want to assure the gentleman that the National Weather Service is studying any potential impact that a removal of the Erie weather station would have on local forecasting. In the meantime, Erie will continue to receive its current radar coverage until January 1998 when the National Weather Service will complete its study. At that point the National Weather Service will recommend whatever arrangement is best to guarantee the continued safety of the local communities in northwestern Pennsylvania.

Mr. ENGLISH of Pennsylvania. I appreciate receiving those assurances from the distinguished chairman of the committee.

The CHAIRMAN. Are there further amendments to title IV?

Mr. DOYLE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, there are many problems with this legislation. One of the most significant is the lack of title dealing with the Department of Energy's R&D programs. Why not? I believe the explanation is that a bipartisan majority of the committee, and probably the House, would fund them at a much higher level than the chairman would like.

These members recognize the role energy plays in preserving our economic well-being and national security. What Mr. WALKER purports to be the relevant House action in this area guts funding for almost every sector of energy research: conservation, solar and renewable, nuclear—including fusion—as well as important fossil R&D efforts to reduce the environmental impacts of what will continue to be the source of over 85 percent of energy production.

If we were to follow the Walker budget, we would be practically zeroing out conservation, solar and renewables, and fossil energy.

When we marked up this bill in committee, we were promised a subcommittee markup on an energy authorization in the ensuing weeks. This did not happen.

Then, when H.R. 3322 was originally scheduled for floor action, we were told that there would be a subcommittee markup the following week.

It would be cynical to suggest that this announcement was made merely to allay the concerns of numerous members of the majority who are concerned over the chairman's vision of energy R&D.

However, it is interesting to note that once H.R. 3322 was pulled from the floor schedule the energy markup was canceled.

It is also interesting to point out that it has been 3 weeks since the Energy and Environment Subcommittee has met for any reason, so it is not as if we have been overwhelmed by the schedule. Perhaps someone who is setting the committee's schedule could tell us when energy policy is going to be a high enough priority for us to act.

When we began the debate on this bill, the committee chairman claimed that we handled the energy accounts on the floor last year. He refers us back to H.R. 2405, which the House passed last October. Let me remind Members that the genesis of this so-called vision of our energy future—a vision that calls for a $500 million reduction in energy research—not from the request, but from fiscal year 1996—was based on an amendment that the gentleman from Pennsylvania brought to the floor on his own and did not reflect the will of the committee.

Let me quote Mr. WALKER from the debate over the inclusion of fiscal year 1997 authorization in the Walker amendment, Science Committee Chairman WALKER stated, "I never contended that I brought this matter before the Committee. I brought it to the floor as my own amendment."—CONGRESSIONAL RECORD, October 11, 1995—H9847.

The claim of the gentleman from Pennsylvania that, because he wrote a fiscal year 1997 energy R&D budget on the floor last October, there is no need to review these accounts is incredible. This is an absolute contradiction to our treatment of the National Science Foundation budget, which like the DOE accounts received 2 year authorization in last year's science authorization, but unlike DOE, which is apparently not worthy of our consideration, the NSF budget was included in H.R. 3322.

What is the reason for doing so? I imagine it may have something to do with the lack of support for the chairman's vision of our future energy research needs.

I had considered offering an amendment on energy R&D, but have decided not to, as it has become apparent that it is a waste of the Members' time to in any way improve upon this meaningless and irrelevant legislation.

Instead, I will submit for the RECORD, at the proper place and time, a letter to Appropriations Chairman LIVINGSTON from members of the Science Committee, Republicans and Democrats, expressing our concern over energy R&D authorization levels and the continued irrelevance of the back-of-an-envelope budget the committee chairman has endorsed.

In closing, I want to reemphasize that this is in no way an "Omnibus" bill. Semi-omnibus would be a more accurate description, and in many instances, what is contained in the bill is not worthy of our support.

Mr. Chairman, I include the following for the RECORD:

HOUSE OF REPRESENTATIVES,
Washington, DC, May 7, 1996.

Hon. BOB LIVINGSTON,
Chairman, Committee on Appropriations, Washington, DC.

DEAR MR. CHAIRMAN: As Members of the House Science Committee, we are writing to express our concern over House-passed authorization levels contained in H.R. 2405 for civilian research and development activities for the Department of Energy.

Even if there is no further action by the Science Committee on its DOE accounts, your Committee needs to understand that the Science Committee provided for flexibility in the setting of FY 1997 funding levels in H.R. 2405. This is due to the continued relevance of the Davis amendment to these authorizations. The Davis amendment clarifies that authorization for these programs should be reconsidered if in the budget and appropriations process, more funds become available.

Last October, when the House considered H.R. 2405, an amendment offered by Chairman Walker was adopted which raised authorization levels for FY 1996 to meet the previously appropriated level, but also set FY 1997 levels. While the action taken regarding FY 1996 levels was in keeping with the Davis Amendment adopted during Science Committee mark-up, the Committee had not considered DOE funding for FY 1997 at all.

In the debate over the inclusion of FY 1997 authorization in the Walker amendment, Science Committee Chairman Walker stated, "I never contended that I brought this matter before the Committee. I brought it to the floor as my own amendment." (Congressional Record, October 11, 1995—H9847)

Since the House acted on H.R. 2405, there have been several developments which warrant reconsideration of these numbers. For example, the Congressional Budget Office has revised its economic assumptions, resulting in greater flexibility in making discretionary spending decisions. Also, the Energy & Environment Subcommittee has held a series of hearings on energy research and development, which have proven to be very helpful in our ability to judge the value of the various programs in question.

We are very grateful to Energy & Environment Subcommittee Chairman Rohrabacher for scheduling these hearings. However, they will be for naught if the Committee is unable to act on this hearing record in a timely manner.

The need to revisit DOE R&D funding is apparently shared by Chairman Walker and Subcommittee Chairman Rohrabacher, who have publicly pledged their willingness to move a FY 1997 DOE R&D authorization bill. While we support this action, we are concerned that the mark-up of this legislation will occur too late to influence your Committee's consideration of these accounts.

We recommend that your Committee not consider itself bound in any way by the FY 1997 levels passed in HR 2405. Energy policy is too important to our national security and economic strength to be based on last year's information. Thus, Congress should not act presumptively to drastically reduce these vital accounts.

Sincerely,

Mike Doyle; Sherwood Boehlert; John Tanner; John W. Olver; Steve Largent; George E. Brown, Jr.; Tim Roemer; Eddie Bernice Johnson; Paul McHale; Zach Wamp; Lynn N. Rivers; Zoe

Lofgren; Bart Gordon; Jane Harman; Tim Holden; Mike Ward; Robert E. Cramer, Jr.

The CHAIRMAN. Are there further amendments to title IV?

If not, the Clerk will designate title V.

The text of title V is as follows:

TITLE V—ENVIRONMENTAL PROTECTION AGENCY

SEC. 501. SHORT TITLE.

This title may be cited as the "Environmental Research, Development, and Demonstration Authorization Act of 1996".

SEC. 502. DEFINITIONS.

For the purposes of this title, the term—

(1) "Administrator" means the Administrator of the Environmental Protection Agency;

(2)"Agency" means the Environmental Protection Agency; and

(3) "Assistant Administrator" means the Assistant Administrator for Research and Development of the Agency.

SEC. 503. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—There are authorized to be appropriated to the Administrator $487,126,600 for fiscal year 1997 for Science and Technology activities, including program management and support, in the areas specified in subsection (b).

(b) Specific Programs and Activities.—Of the amount authorized in subsection (a), there are authorized to be appropriated the following:

(1) For air related research, $74, 119,900.

(2) For global change research, $1,400,000.

(3) For water quality related research, $26,294,000.

(4) For drinking water related research, $26,593,700.

(5) For toxic substances related research, $12,341,500.

(6) For lab and field expenses, $73,031,600.

(7) For headquarters expenses of the Office of Research and Development, $9,254,800.

(8) For multimedia related research expenses, $174,060,100, of which $5,000,000 shall be for graduate student fellowships.

(9) For program management expenses, $6,399,000.

(10) For pesticide related research, $20,632,000.

(11) For research related to hazardous waste, $12,000,000.

(12) For environmental research laboratories, $51,000,000.

(c) Additional Authorizations.—There are authorized to be appropriated to the Administrator for fiscal year 1997—

(1) for oil pollution related research, $2,076,900; and

(2) for research related to leaking underground storage tanks, $769,000.

(d) Limitations.—No funds are authorized to be appropriated by this title for—

(1) the Environmental Technology Initiative;

(2) the Climate Change Action Plan;

(3) Indoor Air Research;

(4) North Dakota Center for Air Toxic Metals Research;

(5) drinking water research conducted by the American Water Works Association Research Foundation, other than amounts awarded through a competitive process;

(6) the Water Environmental Research Foundation;

(7) the National Urban Air Toxic Research Center;

(8) the Gulf Coast Hazardous Substances Research Center;

(9) urban waste management research at the University of New Orleans, other than amounts awarded through a competitive process;

(10) the Resources and Agricultural Policy Systems Program at Iowa State University or

(11) the Oil Spill Remediation Research Center.

SEC. 504. SCIENTIFIC RESEARCH REVIEW.

(a) In General.—The Administrator shall assign to the Assistant Administrator the duties of—

(1) development a strategic plan for scientific and technical research activities throughout the Agency;

(2) integrating that strategic plan into ongoing Agency planning activities; and

(3) reviewing all Agency research to ensure the research—

(A) is of high quality; and

(B) does not duplicate any other research being conducted by the Agency.

(b) Report.—The Assistant Administrator shall transmit annually to the Administrator and to the Committee on Science of the House of Representatives and the Committee on Environmental and Public Works of the Senate a report detailing—

(1) all Agency research the Assistant Administrator finds is not of sufficiently high quality; and

(2) all Agency research the Assistant Administrator finds duplicates other Agency research.

SEC. 505. GRADUATE STUDENT FELLOWSHIPS.

In carrying out the graduate student fellowship program for which funds are authorized to be appropriated by this title, the Administrator shall ensure that any fellowship awarded to a student selected after the date of the enactment of this Act is used only to support scientific research that would further missions of the Office of Research and Development in fields in which there exists or is projected to exist a shortage in the number of scientists.

SEC, 506, SCIENCE ADVISORY BOARD.

(a) Annual Report.—The Science Advisory Board shall submit to Congress and to the Administrator an annual report that contains the views of the Science Advisory Board on proposed research programs as described in the President's budget for research, development, and demonstration activities at the Environmental Protection Agency. Such report shall be submitted to Congress as soon as practicable after the submission of the President's budget to Congress. The Administrator shall cooperate with the Director of the Science Advisory Board, particularly with respect to the timely provision of budget information to the Science Advisory Board, to allow the Science Advisory Board to carry out its duties under this subsection.

(b) Evaluation.—The Science Advisory Board shall conduct periodic evaluations of selected areas of the current and planned research development, and demonstration activities of the Environmental Protection Agency. The areas of evaluation shall be selected by the Science Advisory Board in consultation with the Administrator, the Office of Research and Development, other Agency programs and appropriate committees of the Congress. Reports containing the Science Advisory Board's evaluations and recommendations shall be filed with such committees and the Administrator. The Administrator shall provide to such committees a written response to the Science Advisory Board's evaluation and recommendations within 60 days after the Science Advisory Board's report has been submitted.

(c) Review of Certain Research Activities.—The Science Advisory Board shall annually review the research activities of the Environmental Protection Agency and shall include the results of such review in the annual report required by subsection (a).

(d) Submission to Congress.—The Administrator shall submit to the Congress any report required by law to be submitted to the Administrator by the Science Advisory Board. The Administrator shall make any such submission not later than 60 days after the Administrator receives the report from the Science Advisory Board.

The CHAIRMAN. Are there any amendments to title V?

□ 1800

AMENDMENT OFFERED BY MS. LOFGREN

Ms. LOFGREN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. Lofgren: Page 118, line 17, strike paragraph (2).

Page 118, line 18, through page 119, line 12, redesignate paragraphs (3) through (11) as paragraphs (2) through (10), respectively.

Ms. LOFGREN. Mr. Chairman, I rise today in opposition to one of the most egregious research bans in this bill. The very thought of Congress banning areas of scientific research should be offensive to all of us and to all American citizens.

H.R. 3322 attempts to restrict the EPA from spending money on the climate change action plan, a research program designed to identify cost effective ways of limiting carbon emissions in the future. The genesis of this program was the international concern expressed at the Rio Convention that increased emissions of greenhouse gases will lead to an increase in global temperatures or climate change.

The Committee on Science has held several hearings on the issue of climate change, and I believe this has been a reasonably productive exercise. We have heard from the world's experts, who represent the vast majority of scientists on climate change, and we have also heard from some skeptics who have participated in the public debate.

It is fair to say most Members on both sides of the issue have come away from these hearings better informed, whether or not they were swayed by the arguments. One of the few points of agreement, however, has been that the potential for climate change is plausible and we must continue to carry out the research to understand how much and how soon.

At the same time, we must understand how to achieve a reduction in our consumption of fossil fuels and emissions of greenhouse gases. This has relevance far beyond the obvious environmental concerns. It is simply good economics. Whether we do only the most cost effective things that are justified, regardless of whether there is climate change or whether we go beyond the so-called no regrets policy to do the more difficult things, it makes good sense to examine the issue. This is what the climate action plan does.

The climate action plan is based on an array of voluntary programs that, if successful, will save almost $2 billion annually by the year 2000. These include programs such as the Green Lights Program, the Energy Star Computer, Natural Gas Star, and other voluntary efforts that are strongly supported by industry.

Mr. Chairman, I personally believe that the evidence is mounting that human actions have had an impact on the Earth's climate and will have an increasing influence. I recognize, however, that other well-meaning Members may disagree. We should all agree, however, that we have a responsibility to more fully understand this issue. We should also agree that we should move toward a more energy efficient future beginning with voluntary programs such as those in the climate action plan.

This is hardly money down a rat hole, as was stated in our Committee on Science markup. The climate action plan will have far-reaching economic benefits as well as potentially important environmental benefits. I hope Members will join me in striking the prohibition on this program. Let us leave science to the scientists, not to the politicians.

Mr. BROWN of California. Mr. Chairman, I rise in support of this amendment.

Mr. Chairman, this amendment is intended to reverse what I consider one of the more egregious portions of this bill, which is found on page 118, line 14, under the title of limitations. And it says that no funds are authorized to be appropriated by this title for, and in this case paragraph 2, the climate change action plan.

Now, there are a total of five prohibitions here that prohibits funds from being spent for any of these five, and I expect amendments to eliminate some of these other prohibitions as well, but what I consider to be the most egregious is all of these are important programs already in place by this administration. They fall within that category of research and development which the distinguished gentleman from southern California [Mr. ROHRABACHER] came up yesterday and acknowledged that he considered to be liberal claptrap, and as a result of that categorization, which apparently is accepted by everybody on the Republican side, they propose to just categorically not fund any research within these various areas.

Now, this particular kind of research, actually it is not research as much as it is a program to act on the potential impact of certain new research findings, what these amendments do is preclude us from using scientific knowledge no matter where it comes from, the Federal Government, universities, or the private sector. If this research indicates that a certain program of action is necessary to alleviate the prospective damage revealed by this research, we are prohibited from developing a program to do that, an action plan to accomplish that.

Mr. Chairman, I do not care what the field is, I think that is the wrong way to approach any kind of public policy activity. We cannot just blindly prohibit certain kinds of things from taking place. This reminds me of the kind of thing that would get done in an autocratic dictatorship or a theocracy or something of that sort.

If the results of scientific research indicate that action is necessary, we should not prohibit that activity. The amendment offered by the gentlewoman from California [Ms. LOFGREN] would strike that language from the bill and, in my opinion, improve it considerably.

Mr. Chairman, I rise in support of the gentle lady's amendment to strike the prohibition on EPA's climate action plan. The goal of the climate action plan has been to identify actions that could be undertaken to return U.S. greenhouse gas emissions to 1990 levels by the year 2000. This is essentially the nonbinding target which the U.S. agreed to as part of the Framework Convention on Climate Change which came out of the 1992 Earth Summit in Rio de Janeiro, Brazil.

The action plan consists of 44 separate activities directed toward all sectors of the economy. The programs and activities are voluntary. A number of them also derive from the Energy Policy Act because of the dual nature of the problem—that is, building a sustainable future based on cost effective, environmentally safe energy sources.

In addition to Federal funding, a substantial amount of private capital has been committed to this problem. This will achieve energy savings valued at $61.2 billion out to the year 2000. Eighteen of the forty-four activities are designed to increase energy efficiency in the residential, commercial, and industrial sectors of the economy. EPA's part of this plan also focuses on technologies for methane recovery from coal mines, land fills, and natural gas systems.

The administration estimates that without the action plan, greenhouse gas missions would grow from 1,462 million metric tons in 1990 to 1,674 million metric tons by 2000. The program thus far has been very successful although we have a long way to go to achieve the targets suggested by the Rio treaty.

It is important to point out that this issue has involved two administrations and virtually all the other nations of the world. Building a sustainable future is not a partisan issue but it is a serious issue. Simply prohibiting funds from being spent to explore our options is irresponsible.

I urge the adoption of the Lofgren amendment.

Mr. WALKER. Mr. Chairman, I move to strike the last word.

I think we ought to get to the facts about what this amendment does. What this amendment does is sets off an area of research within EPA, which means that the money that would be spent for this research would come from all other environmental research, and the money that would thereby be given to other environmental research of equal standing, and perhaps more important priorities, would actually be given now to global climate change.

Now, the reason why we have this particular language in the bill right now, which the Lofgren amendment eliminates the termination of EPA's global climate change research program, is because we had good reason to decide that this was not high priority. First, the Office of Research and Development, which is authorized in this title, is intended to support the Environmental Protection Agency with good science. Currently we do not regulate CO_2 emissions. EPA does not regulate CFC's, and in this bill we have authorized EPA's stratospheric ozone research above the level requested by the President.

In other words, where EPA has real jurisdiction we have decided to actually increase the amounts of money going into that research. Now, if we adopt this particular amendment, what we will do is run the risk that we will take money away from places where we are increasing the money and give it to global climate change.

Second, the agency has been using its research to do impact assessment of global warming not improving the models it will tell us if and by how much the world may warm. That, in my mind, is not exactly the priority that most of us would choose.

Now, we are currently spending almost $2 billion across the Federal Government on global climate change research. It is important we prioritize that research. This is not a case of cutting out all the money for global change. I happen to think that global change research is a very, very appropriate thing to be funded. I think $2 billion being spent by the Federal Government is a lot of money, being spent for a lot of programs. What we ought to do is make certain it is being spent wisely and well.

The administration has spread climate change research through 12 agencies right now, including the Department of Defense, the Department of Commerce, the Department of Energy, the Department of Interior, NASA, NSF, and NOAA. EPA has a relatively small piece of that climate change budget, roughly about $20 million. We do not need 12 agencies doing essentially the same kind of research.

EPA, in this particular office, is not the place to conduct global climate change research. The research they are conducting is of a lesser value than that done by their agencies and should be terminated in favor of better research elsewhere.

The bottom line is if we choose to spend this $20 million in this place on climate change impact assessment out of the EPA budget, the hire priority research, such as maybe endocrine disrupter research, that we approved yesterday, drinking water research, clean air research, a lot of the other things are going to suffer. This money comes out of other high priority regulatory type matters in order to go into this account where we are already in other agencies spending $2 billion.

If that is what people want to do in the name of environment, then perhaps they will vote for this particular amendment. But we had exactly this same amendment on the floor last year and this exact same amendment was turned down last year. It seems to be that the Congress wisely understood last year that there are very important environmental matters to be researched at EPA. This is not one of the ones that should be done there. It should be done elsewhere, where they do a better job than what is being done at EPA. Vote against the Lofgren amendment.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the amendment offered by my colleague from California. It is no secret by now that this committee is committed to gutting the global climate research program. H.R. 3322 provides 27-percent fewer resources than the administration requested in the fiscal year 1997 budget in some of the strictest fiscal discipline applied to any of the programs under the bill.

The ban on using funds for the global climate change action plan is based on ideology, not information. Before I came to the Congress of the United States, I started two of the most successful energy conservation companies in the United States. They are still, today, two of the largest energy conservation companies in this country, and I can tell Members that energy conservation simply makes sense.

We now have a growing body of information about the carbon dioxide gases which are choking off the overall environment of this world. For us to wait until we have a critical situation which requires mandates, I think, is just plain silly.

When we look at the rising trade deficits that occur in the United States month after month after month, literally 50 percent of our annual trade deficit goes for one product, and that is importing foreign oil. Why not get behind a program which voluntarily asks industry to participate in ways of creating energy conservation instead of sending off our petroleum dollars to the OPEC'ers overseas? Why not keep the jobs here? Why not do it in a voluntary way? Why not support the amendment by my colleague from California, Ms. LOFGREN, in a way that will make sense for people in this country and that will create jobs for the people of the United States?

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Massachusetts. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, the gentleman may not be aware that earlier in the Congress, over the objections of many in the minority, we passed a bill to concentrate attention on hydrogen research. It is something we have pushed very, very heavily because we think that what the gentleman says is absolutely correct, that one of the ways in which we can achieve energy independence is to develop a new kind of energy regime. That bill is now in the Senate. We hope it will come back.

I would hope the gentleman would support us and what this committee is attempting to do in terms of transitioning to a new hydrogen economy as a way of addressing those kinds of issues.

Mr. KENNEDY of Massachusetts. Mr. Chairman, reclaiming my time, I appreciate the gentleman's concern. There is a question about whether or not hydrogen energy is the best methodology that we ought to be using in the future, and it seems to me, if that is nothing more than corporate welfare for the nuclear power industry, it is something we should take up.

Mr. WALKER. Mr. Chairman, will the gentleman further yield?

Mr. KENNEDY of Massachusetts. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, I would say to the gentleman that, in fact, we are trying to move the research away from any association with the nuclear side of it in the bill, and we are attempting to address exactly that issue, and hydrogen, the gentleman must admit, is an absolutely clean energy source, in fact, if we can utilize it.

Mr. KENNEDY of Massachusetts. Mr. Chairman, reclaiming my time, I appreciate the gentleman's concern, and I do not have a problem with trying to develop other resources, but I do have a problem when we try to use those arguments to oppose the basic fundamental requirement of this legislation, which was to just ask industry to voluntarily find ways of keeping our levels of carbon dioxide emissions down to the 1990 levels.

□ 1815

It seems to me that this is not requiring any kind of mandate. It is not in any way suggesting that we have to enforce those levels on industry. All it is saying is if we voluntarily get these industries to participate in this program, we can keep jobs here in the United States, we can cut down on our balance of trade deficit, and we can essentially strengthen the economy of America.

Mr. WALKER. Mr. Chairman, if the gentleman will continue to yield, that is not what this particular program does. In fact, what the gentleman is talking about is a $20 million expenditure that largely is going right now to impact assessments of global warming. It is not going to the voluntary programs.

Mr. KENNEDY of Massachusetts. Mr. Chairman, reclaiming my time, I appreciate the gentleman's comments, but the fact is that I have been assured that the purpose of this amendment is in fact to do just what I have suggested, which is to make a 27-percent cut in the Climate Change Action Plan, which the amendment of the gentlewoman from California [Ms. LOFRGEN] essentially restores the budget cuts for.

Mr. WALKER. Mr. Chairman, if the gentleman will continue to yield, in other sections of EPA, the gentleman is absolutely right. But this is the research account. In the research account, that Action Plan is not a part of what is being done here. The $20 million is not being spent on the Action Plan, it is being spent on impact assessments and things of that kind.

Mr. KENNEDY of Massachusetts. Mr. Chairman, reclaiming my time, I yield to the gentlewoman from California [Ms. LOFGREN] for a clarification of whether or not this is a restoration of the 20 percent cut or whether some other account is being affected.

Ms. LOFGREN. Mr. Chairman, if the gentleman from Massachusetts will yield, basically if the gentleman looks at page 188 of the bill, line 18, there is a prohibition on the utilization of funds already appropriated for the Climate Change Action Plan. And I would add, in addition to line 17.

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. KENNEDY] has expired.

(On request of Mr. WALKER, and by unanimous consent, Mr. KENNEDY of Massachusetts was allowed to proceed for 3 additional minutes.)

Mr. KENNEDY of Massachusetts. I yield to the gentlewoman from California [Ms. LOFGREN].

Ms. LOFGREN. Mr. Chairman, if the gentleman would read further on page 118, extending on to page 119, there are also prohibitions on research in the area of indoor air, drinking water research conducted by the American Waterworks Association, as well as a number of other prohibitions on scientific research activities.

Mr. Chairman, it is my view that it is a tremendous error for Members of Congress, most of whom are not scientists, I think we have three or four scientists among our 435, to substitute our judgment for those of scientists.

This is clearly an area that we know, as you referenced earlier, is of significant impact not only to the United States but to the world. My children are 11 and 14. I do not want them to be adults and live in a world where climate change is too late to impact, as the climate change action plan attempts to do on a voluntary basis before it is too late.

Mr. BROWN of California. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Massachusetts. I yield to the gentleman from California.

Mr. BROWN of California. Mr. Chairman, the climate change action plan, if I understand properly, is a small portion of the overall Global Warming Program, which is the subject of a 27-percent cut here. In the case of the climate change action plan, there is a 100-percent cut in this particular portion, but that is part of the overall 27 percent cut.

Mr. KENNEDY of Massachusetts. Mr. Chairman, reclaiming my time, I appreciate the clarification. If I might respond, let me read what the bill currently says.

No funds are authorized to be appropriated by this title for, No. 1, the environmental Technology Initiative; No. 2, the climate change action plan; No. 4, indoor air research, which I know we are going to come back to in a few minutes so I will be very kind about this; and, four, the Center for Air Toxics. In any event, the appropriate portion of this is that the climate change action plan will not receive any funds under this legislation.

Mr. WALKER. Mr. Chairman, if the gentleman will continue to yield, the action plan is not tied to the research program. The two Members on that side have quoted absolutely accurately, but the only thing we have in our program relates to the Office of Research. The Office of Research does not do the action plan.

Mr. KENNEDY of Massachusetts. Mr. Chairman, reclaiming my time, as I understand, the ORD portion does take up some significant technology aspects that are included in the cut that has been taken up by this bill. Some of the new technologies are in, in fact, cut under the portion of this bill which is granted coverage under the limitations which I just cited.

Mr. WALKER. Mr. Chairman, if the gentleman will continue to yield, there is practically no impact here because the action plan that the gentleman referred to earlier of doing business hookups is, in fact, not in the Office of Research, and that is all I am trying to say to the gentleman; to portray what is being done here is eliminating that program is inaccurate. That is not the case. What we are doing is simply trying to deal with global change research on a priority basis.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I appreciate that.

Mr. OLVER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am rising today in support of the amendment which the gentlewoman from California [Ms. LOFGREN] has offered on this underlying bill which allows the EPA to continue their work on the climate change action plan.

But I would like to just comment for a moment on the comments by the distinguished gentleman from Pennsylvania [Mr. WALKER], who is arguing here in his previous set of comments that all they are really doing is eliminating the consideration of the global climate change action plan from any involvement in EPA, that there are at least 11 other places in the budget where global climate change is covered in some way by research.

But it seems to me that the one perhaps most significant and most coherent locus of that research is right here under the EPA, which has a responsibility given to it by the Congress to deal with global climate change in the climate change action plan.

So for that reason at least, if we were going to be doing anything, we ought to be concentrating in this area where the Environmental Protection Agency has the responsibility given to it by Congress to deal with the climate change action plan.

Now, the amendment of the gentlewoman from California corrects what I think is a serious wrong-headedness of the Republican budget ax. Her amendment allows the EPA, the Environmental Protection Agency, to meet the responsibilities which have been rightfully assigned to it by the Congress.

Climate research has far-reaching implications for environmental protection, and this Congress has a responsibility to recognize the need for such research into our local as well as our global environment.

But once again the majority has demonstrated their carelessness and insensitivity where broad issues of environmental protection are concerned.

Mr. Chairman, in the wake of what has been a record-breaking winter and then the current crowd that, if sustained, could create a sand dune desert the size of the great State of Texas covering much of the southern high plains of this country, it seems to me it is preposterous for this Congress to turn its back on understanding climate change.

During the 104th Congress I have heard much about cost-benefit analysis. Apparently, some of my colleagues on the other side of the aisle have a problem with the analysis part of that cost-benefit analysis. But you do have to have data in order to do analysis. Whether you agree or disagree with the concept of global warming, let us at least be willing to gather the data so that our debate in this body grows from knowledge rather than from ignorance.

Sound policy requires us to incorporate sound scientific research and reasoning in order to have any kind of semblance of sound policy. It seems to me the truth is out there and we should not be running from it, we should be, if anything, concentrating our global climate change action in the EPA, which is charged with environmental protection, because it is a matter of greatest possible significance to us in climate change for what our environment is going to be in the future.

So I would hope that we would adopt the amendment by the gentlewoman from California and strike that little clause in paragraph 2, the words climate change action plan.

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. OLVER. I yield to the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I would just like to continue the dialog I had with the gentleman from Pennsylvania on the global climate change action plan, and the implications that this has for technology.

My understanding in checking with the staff is that, in fact, when you say that no funds are authorized to be appropriated for this title for the climate change action plan that you are, in fact, cutting $6.2 million that would go for the research on these new technologies and their impact. So I would just like to understand exactly what the gentleman's point is.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. OLVER. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, the gentleman is correct on the $6.2 million, but if he will look further, he will find that we transferred that money to plus up the account on the stratospheric ozone research, and the attempt here is to be sure that we are doing work in real areas in the EPA. It is a tradeoff. We happen to think that in terms of the immediate priorities the stratospheric ozone question is more important to address.

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. OLVER] has expired.

(On request of Mr. KENNEDY of Massachusetts, and by unanimous consent, Mr. OLVER was allowed to proceed for 1 additional minute.)

Mr. OLVER. I yield to the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I would just point out that there was some confusion in the last interchange that I had with the gentleman from Pennsylvania, because I thought he was trying to suggest the last time around that, in fact, there was not a cut.

Now I am understanding in this present exchange that there is, in fact, a cut, but he has just taken the money and used it for some other purpose. I understand that he is taking the money and using it for some other purpose, but the truth of the matter is that he cut the program and the gentlewoman from California [Ms. LOFGREN] is attempting to put the money back in the program, which I think has finally been clarified.

There is an attempt in this bill to gut the Global Climate Change Action Plan which will, in fact, hurt the technologies. The gentleman is going to use the money for some other purposes, which I am sure are very, very good and helpful and strong, but we still want some money put into this program.

Mr. OLVER. Mr. Chairman, reclaiming my time, as a matter of fact, it is not that we are specifically putting money back into the program, but merely removing the language that requires that no money be authorized for the Global Climate Change Action Plan. I would hope that the amendment by the gentlewoman from California would be adopted.

Mr. GILCHREST. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am trying to work my way through all of this. I started out this morning worrying about the Climate Change Action Plan because I think it is a significant, though not the overall major, part of this plan to study global warming, to study global climate change, which I happen to be a firm believer we need the exact scientific data to produce.

So I have been working my way through trying to figure out where the cuts are coming from, and I was happy to hear that we are not cutting $20 million out of the Global Climate Action Plan, but it is actually $6 million, but it is in an area of research so that the chairman of the subcommittee places the money in this area of research to stratospheric ozone research, which I think is appropriate.

I understand, though, in the EPA's budget in the area of the environmental programs and management, there is tens of millions of dollars for the Climate Change Action Plan.

Now, I want to stand here and agree with the gentleman from Massachusetts and the gentlewoman from California in that we need a significant role to play as far as the Government is concerned to produce more energy-efficient cars, lighting, using fuel. And a number of the Fortune 500 companies in the United States are part of this green light program and a part of many other programs which significantly reduce the costs of their production and at the same time significantly reducing the amount of hydrogen fuels going into the atmosphere which produce global climate change.

But in this particular amendment I urge my colleagues to vote "no." Basically, the $6 million coming out of the action plan is going into solid research so that we can understand the nature of the atmosphere and the nature of how it is changing as a result of human input and how we can further deal with this climate change that is, understandably from all the scientific data that we read, inevitable.

So, the research portion of this $6 million, I think, is being well spent.

Now, the climate action plan is a program that I fully endorse, and while it has taken a bit of a cut here, there still is probably, I am not sure what the exact amount is, but it is probably close to $100 million. And I think we should continue to pursue that climate action plan. It is a solid program that meshes government and the private sector together.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. GILCHREST. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, I appreciate the points that the gentleman has made. The fact is that we get accused all the time of being opposed to the Global Climate Change Program. I am sure there are some, the gentleman from California [Mr. ROHRABACHER], for example, is not particularly enthusiastic.

Mr. Chairman, I happen to support the research. I think it does good things too. I think it should be properly prioritized. I thought that when we were dealing with some of the ozone issues, that was also a part of the general pattern here of trying to understand the atmospheric conditions that produce some of the changes that are potential problems for us.

☐ 1830

So, in transferring the money around, it is important to realize that we are setting priorities. For instance, only NOAA and EPA, to my knowledge, do stratospheric ozone research. We have 12 different agencies doing the global climate change research. It seems to be the right kind of priority, to me, for us to do it in the way we have done it here. And I would agree with the gentleman. I think he has every reason to be supportive of some of the programs at EPA that move some of these programs forward and does recognize, I am pleased, that what we have done here is simply attempted to utilize research dollars a little bit better.

Mr. GILCHREST. Mr. Chairman, I yield to the gentlewoman from California [Ms. LOFGREN].

Ms. LOFGREN. Mr. Chairman, I just wanted to make a point, because I do think that to fail to enact the amendment I proposed would run contrary to the goals that my colleague is espousing that I share. I do not oppose research in stratosphere ozone research. However, we do have much research going on pursuant to our international treaty on ozone. As a matter of fact, we found a number of things already. As my colleagues are well aware, the Nobel Prize was awarded for some of the significant findings in that arena.

But the action plan, the climate change action plan is where we bring together the various components that are all important into our plan. It is not, that function, so far as I can tell as a member of the committee, is not provided for elsewhere in the budget.

Mr. GILCHREST. Mr. Chairman, reclaiming my time, there are still large dollars in the climate action plan.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from California [Ms. LOFGREN].

The question was taken; and the Chairman announced that the noes appeared to have it.

Ms. LOFGREN. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to the order of the House of today, further proceedings on the amendment offered by the gentlewoman from California [Ms. LOFGREN] will be postponed.

The point of no quorum is considered withdrawn.

The CHAIRMAN. Pursuant to the order of the House of today, it is now in order to consider amendment No. 6 by the gentleman from Massachusetts [Mr. KENNEDY].

AMENDMENT OFFERED BY MR. KENNEDY OF MASSACHUSETTS

Mr. KENNEDY of Massachusetts. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. KENNEDY of Massachusetts: Page 118, line 18, strike paragraph (3).

Page 118, line 19, through page 119, line 12, redesignate paragraphs (4) through (11) as paragraphs (3) through (10), respectively.

Mr. KENNEDY of Massachusetts. Mr. Chairman, the truth is that Americans spend about 90 percent of their lives indoors. While we spend 90 percent of our lives indoors, we spend billions and billions of dollars cleaning up outdoor air. Indoor air happens to be about 1,000 times more polluted than outdoor air. So we have a kind of a crazy situation where, despite the fact that we are living inside buildings, we are working inside buildings, we are living and working in areas that are much, much more polluted than the areas where we end up spending the vast majority of our dollars to clean up.

Now, I just believe that it makes sense for us to get a better handle on exactly the kinds of indoor air pollutants that are potentially causing great harm to the American people and people throughout the world. I know that my friend from Pennsylvania, Mr. WALKER, agrees that this is an important issue and one that we should work together to try and understand, both the causes as well as some of the solutions.

Mr. Chairman, in this very building, if we take a deep breath, we will be breathing in more fungus and bacteria and molds than we want to shake a stick at. So I would not suggest that all of my friends on the other side of the aisle stop breathing, although from time to time it seemed like a good idea. Nevertheless, I do think that trying to find out some better research and some better understandings about how we can deal with the serious issue of indoor air problems is an area where I hope we can both agree.

Mr. Chairman, if my friend from Pennsylvania has some thoughts on this, I would be happy to yield.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Massachusetts. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, I have talked to the gentleman about his amendment. Also, the gentleman from Virginia [Mr. DAVIS], on our side of the aisle, has talked to me some about this particular amendment. On behalf of Mr. DAVIS, I am prepared to accept the gentleman's amendment.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I very much appreciate and I want to pay particular thanks to the gentleman from California [Mr. BROWN] who has been a great supporter of research on indoor air quality for every year that I have offered this amendment for the last 10 years. I appreciate it once again.

We will let him smoke his cigar wherever he wants, but I do appreciate his help.

Mr. BROWN of California. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Massachusetts. I yield to the gentleman from California.

Mr. BROWN of California. Mr. Chairman, I thank the gentleman very much for yielding.

I do want to rise in support of the gentleman's amendment. I appreciate the willingness of our friends on the other side to accept that effort to move the proceedings along here, which I know is of interest to all of us.

Mr. Chairman, I rise in support of the amendment offered by my colleague from Massachusetts. Here we go again. It seems just a short time ago, 7 months ago actually, that we were having this same discussion. Unfortunately, the majority continues to believe that indoor air quality is an area where sound science is no science.

This belief is not based upon any testimony that we received, since we have never held hearings on this program. Ironically, one of our most extensive discussions of indoor air in committee occurred during the markup of H.R. 3322 when a unanimous-consent request was made that committee members refrain from smoking in the committee room during the markup.

In H.R. 3322, the majority is making a request that EPA refrain from gathering information about indoor air contaminants. I object to that request.

Indoor air pollution continues to be identified as a significant health risk and an area worthy of study by EPA's Science Advisory Panel. We all spend significant amounts of time indoors these days, and we all recognize that there have been health problems associated with faulty air-conditioning and ventilation systems. Individuals who suffer respiratory problems as a result of contaminants present in their homes and workplaces would like to know what the contaminants are and how they can be controlled.

The committee will try to tell us that this research program is really part of a plot to regulate the air in people's homes. This is ridiculous. This program's purpose is to empower citizens to make informed choices about products and services available to them to improve air quality in their homes. For nearly 10 years this program has generated information that has been used to disseminate information to State indoor air programs and to building owners and managers on how to avoid and mitigate indoor air quality problems.

The Indoor Air Research Program is an excellent example of how science can be used to achieve environmental quality goals without regulation.

The question is do we want to have the facts about indoor air quality or not? Do we want people to have information to make informed decisions about how they can improve their home and work environments or not? I urge my colleagues to support knowledge over ignorance by supporting the Kennedy amendment.

Mr. KENNEDY of Massachusetts. Mr. Chairman, poor indoor air causes flu, pneumonia, tuberculosis, and dozens of other diseases.

Air we breath indoors can contain dangerous levels of radon, asbestos, carbon monoxide, lead, and chlorine.

Americans spend an average 90 percent of their time indoors, yet air in homes, schools, workplaces, airplanes, can be 1,000 times more toxic.

This bill would eliminate EPA's nonregulatory indoor air research program—ending important research that would fuel future discoveries enabling us to prevent illnesses related to indoor air contamination.

In 103d Congress, we passed a bill that I have introduced every year, the Indoor Air Quality Act, with bipartisan support. We adjourned before the bill could be signed into law, but support for increased indoor air research was clearly validated by this Chamber.

The Science Committee report that accompanies this bill claims that EPA should not do indoor fair research, but that the research arm of OSHA, NIOSH [National Institute for Occupational Safety and Health], should.

But this seems odd, considering the fact that in the 1997 budget resolution, NIOSH is scheduled to be terminated—the very agency the committee claims should conduct this research.

Who, then, will do indoor air research? The bill, as written, prohibits the EPA from doing the research. And with NIOSH scheduled to be terminated, we end up with a situation where nobody is able to do indoor air research.

At any moment, 21.2 million Americans are working in 1.4 million offices, schools, factories, and other structures where indoor air quality may be a problem. How can we ignore these numbers?

The cost of indoor air pollution is staggering as well. Americans spend an extra $1.5 billion each year in medical bills, and the loss in productivity for businesses translates into tens of billions of dollars more.

We have had plenty of indoor air quality problems in my State.

A statewide 1995 survey by the U.S. General Accounting Office estimated that more than 30 percent of Massachusetts' 1,794 public schools suffer from poor air quality and that about 42 percent of them have ventilation problems.

In February, 26 students at Peabody Veterans Memorial High School in Boston were pulled out of school by parents concerned about the quality of air in the building. Their children had severe headaches, dizziness, sleepiness, and some developed rashes.

My district has had other sick building syndromes recently that stretch from the Boston Registry of Motor Vehicles, to a county courthouse, and to Bringham & Woman's Hospital.

But problems with indoor air quality are not unique to my district. Just yesterday, the Department of Transportation headquarters evacuated 5,500 workers because of the discovery of a toxic airborne mold in the building. The problem of poor indoor air quality is not going to go away on its own.

EPA's Science Advisory Board has ranked indoor air pollution as one of the highest health risks meriting EPA attention. While there is considerable information about some indoor pollutants, scientists know little about the relative magnitudes of the potential risks associated with different indoor environments and exposure levels.

All evidence points to the fact that we need more research on indoor air contamination, not less.

Fortunately, though, my friend from Pennsylvania, the chairman of the Science Committee, Mr. WALKER, has agreed to accept my amendment.

By accepting this change to the underlying bill, we are sending a positive message that we are going to continue supporting the type of research that consumers, homeowners, and builders need to make informed decisions about safeguarding their health.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. KENNEDY].

The amendment was agreed to.

The CHAIRMAN. Pursuant to the order of the House of today, it is now in order to consider amendment No. 5 by the gentlewoman from Texas [Ms. JACKSON-LEE].

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. JACKSON-LEE of Texas: Page 118, line 16, strike paragraph (1).

Page 118, line 17, through page 119, line 12, redesignate paragraphs (2) through (11) as paragraphs (1) through (10), respectively.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I solicit Chairman WALKER to accept this one as well because I think it tracks certainly our mutual concern on fiscal responsibility and the combination of commitment to the environment along with an effective partnership with business.

Beyond the science authorization bill, there is language which specifically prohibits any money from being appropriated for the Environmental Technology Initiative, or the ETI Program, of the Environmental Protection Agency.

Let me emphasize that my amendment is revenue neutral. It simply says that the administrator, if they see fit to implement this program, they must find ways to fund it and offset it by utilization of funds from a particular location and offset it from that location. My amendment would simply strike this language.

Though I cannot speak as to the reasons for the chairman's desire to zero out the program, I can tell how this program has benefited our country and its citizens. As recently demonstrated by speeches and votes on the floor of the House, many of us in Congress are deeply concerned about the environment and what can be done to harmonize human existence within it.

Mr. Chairman, as I am sure my colleagues are aware, many people have voiced their opinions about the EPA and its regulations. As an example, many businesses leaders have said that complying with EPA regulations is expensive.

Here lies the basis of support of the ETI. The goal of the Environmental Technology Initiative is to promote improved levels of health and environmental protection by accelerating the development and use of innovative environmental technologies. Most of these technologies may be put under the better, cheaper label and benefit industry by both being cheaper and exceeding current standards.

Environmental technologies prevent pollution, control and treat air and water pollution, remediate contaminated soil and groundwater, reduce greenhouse gas emissions, assess and monitor exposure levels and management environmental information.

It is the private sector's job to promote innovation, but it is the Government's job to create a climate where technology innovation is rewarded, not penalized, so that the private sector can function free of government interference. However, there are many barriers, both internal and external to the EPA, that limit private sector investment and innovative environmental technologies.

These barriers include: statutes, regulations, policies and procedures, like permitting and enforcement that favor the use of conventional technologies and then essentially lock these technologies into place; insufficient resources at the State level to provide credibility to vendors by verifying the performance and cost of promising new technologies; and lack of established networks and sources of information that provides users access to better, cleaner, safer, lower cost technologies.

Mr. Chairman, many of the 274 ETI-funded projects are beginning to show results, and EPA is disinvesting from direct technology development projects. What more can we ask for?

Mr. Chairman, let me add a note. In the Republican-based task force on the environment, we are told that we must replace the outdated approaches of the past with common sense, flexible, and effective approaches that build on consensus, private property ownership, free enterprise, local control, sound scientific evidence, and the latest technology. Here lies the Environmental Technology Institute.

I would suggest that by disinvesting from direct technology projects except in specific areas where private sector research and development is not available and focusing on reducing policy and regulatory barriers, this is the way for the EPA to go.

ETI funding is an integral part of EPA's research efforts to streamline its regulatory and permitting processes to ensure that new rules and policies do not inhibit the use of better, more effective technology. With my amendment I seek to ensure that the Environmental Technology Initiative continues to direct an appropriate way to ensure an effective partnership between Government and the private sector and to allow the EPA to do its job.

I simply ask that in a bipartisan manner we allow the EPA to do its job with current and new technologies, and that is to support the reinclusion of allowing the Environmental Technology Initiative to continue forward and to allow it not to be stricken and for the Administrator to be able to determine how best to utilize it and to fund it.

This is revenue neutral. I ask for bipartisan support on the amendment.

Mr. BROWN of California. Mr. Chairman, I move to strike the last word, and I include a statement for the RECORD:

Mr. Chairman, with her amendment, my colleague from Texas seeks to remove another of the majority's ill-considered bans on research conducted at the Environmental Protection Agency. Our Republican colleagues, in this bill, deny EPA the authority to continue the Environmental Technologies Initiative. Rather than contest the merits of the program, the majority simply does away with it. This theory of Republican policymaking reminds me of Mencken's famous line: "There is always a well-known solution to every human problem—neat, plausible, and wrong."

The environmental technologies initiative has as its goal increasing the speed with which new and better technologies become available to protect public health and environmental quality. The initiative seeks to prevent pollution, or to reduce the cost and increase the speed at which hazards are removed from the environment.

It is passing strange that at the same time the majority complains bitterly about EPA's impact on the private sector, it would here prevent the Agency from learning new ways to reduce the burden of environmental compliance. Republicans complain that EPA does not weigh the costs and benefits of pollution control strategies before issuing regulations, but let the Agency act to gain real-world experience with the costs and benefits of new technologies and the majority cannot interfere quickly enough. The majority once complained about congressional micromanagement of agencies during the Reagan and Bush years. We were harangued again and again about hamstringing the executive branch. But with Republicans in the majority, we find that micromanagement is in the eye of the beholder.

The Environmental Technologies initiative is precisely the sort of action that should be taken to achieve what the majority claims is its intent—to reduce the EPA's impact on business while maintaining environmental protections. EPA is working with business to find new ways to accomplish what the law demands. Rather than encouraging Administrator Browner for her leadership, the Republicans stop her cold. Am I alone in finding something wrong with this picture?

EPA is not alone in supporting the environmental technologies initiative. The Departments of Defense and Energy are searching for faster and more affordable methods of dealing with the overflowing waste pits at military bases around the country and at the Nation's nuclear weapons production facilities. The Government can offer access to facilities such as the National Laboratories and help for small businesses hoping to improve their technologies; in return the Government gets proven techniques for addressing its own problems.

Mr. Chairman, no idea is so dangerous that we can't even talk about it—except in this Republican Congress. We held no hearings on the merits of the environmental technologies initiative, probably because the results would contradict the policy the majority wanted to impose anyway. Banning research on cleanup technologies is hardly a smart move, and so I urge support for the Jackson-Lee amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas [Ms. JACKSON-LEE].

The question was taken; and the Chairman announced that the noes appeared to have it.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the order of the House of today, further proceedings on the amendment offered by the gentlewoman from Texas [Ms. JACKSON-LEE] will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to the order of the House of today, proceedings will now resume on those amendments on which further proceedings were postponed in the following order:

Amendment No. 15 offered by the gentlewoman from California [Ms. LOFGREN]; and amendment No. 5 offered by the gentlewoman from Texas [Ms. JACKSON-LEE].

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MS. LOFGREN

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from California [Ms. LOFGREN], on which further proceedings were postponed and on which the noes prevailed by a voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 197, noes 211, not voting 26, as follows:

[Roll No. 207]

AYES—197

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Blumenauer
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Bunn
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Coyne
Cramer
Cummings
Davis
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
English
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Flake
Ford
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gejdenson
Gephardt
Gillmor
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Hastings (FL)
Hefner
Heineman
Hilliard
Hinchey
Hoke
Holden
Horn
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
LaTourette
Lazio
Leach
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Luther
Maloney
Manton
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Moran
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (VA)
Pelosi
Peterson (MN)
Pomeroy
Radanovich
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Rose
Roukema
Roybal-Allard
Rush
Sabo
Salmon
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Shays
Skaggs
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Spratt
Stark
Stokes
Stupak
Tanner
Tejeda
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Weller
Williams
Wise
Woolsey
Wynn
Yates
Zimmer

NOES—211

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Castle
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Ensign
Everett
Ewing
Fawell
Flanagan
Foley
Fowler
Fox
Franks (CT)
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gilman
Goodlatte
Goodling
Goss
Graham
Greene (UT)
Greenwood
Gunderson
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
Laughlin
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
Longley
Lucas
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Montgomery
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pickett
Pombo
Porter
Portman
Poshard
Pryce
Quillen
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Sisisky
Skeen
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Traficant
Upton
Vucanovich
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff

NOT VOTING—26

Barton
Chabot
de la Garza
Engel
Fields (LA)
Fields (TX)
Foglietta
Forbes
Gibbons
Gutknecht
Harman
Hayes
Houghton
Jefferson
Jones
Lincoln
Lowey
McDade
Molinari
Mollohan
Murtha
Payne (NJ)
Peterson (FL)
Quinn
Studds
Wilson

□ 1901

Messrs. GREENWOOD, FRISA, and GOODLING changed their vote from "aye" to "no."

Mrs. KELLY and Mr. WELLER changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. JONES. Mr. Chairman, on rollcall No. 207, I was unavoidably detained—had I been present, I would have voted "no."

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from Texas [Ms. JACKSON-LEE] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 192, noes 209, not voting 33, as follows:

[Roll No. 208]

AYES—192

Abercrombie
Ackerman
Andrews
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Blumenauer
Boehlert
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
Cramer
Cummings
Danner
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Eshoo
Evans
Farr
Fattah
Fawell
Fazio
Filner
Flake
Forbes
Ford
Frank (MA)
Franks (NJ)
Frost
Furse
Gejdenson
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Hastings (FL)
Heineman
Hilliard
Hinchey
Hoke
Holden
Horn
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
LaFalce
LaHood
Lantos
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Longley

Lowey
Luther
Maloney
Manton
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Montgomery
Moran
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (VA)
Pelosi
Pomeroy
Porter
Poshard
Rahall
Ramstad
Rangel
Reed
Richardson
Rivers
Roemer
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Saxton
Schumer
Scott
Serrano
Skaggs
Skelton
Smith (NJ)
Spratt
Stark
Stenholm
Stokes
Stupak
Tanner
Tejeda
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt (NC)
Waxman
Weller
Williams
Wise
Woolsey
Wynn
Yates
Zimmer

NOES—209

Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehner
Bonilla
Bono
Brewster
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Castle
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Flanagan
Foley
Fowler
Fox
Franks (CT)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Goodlatte
Goodling
Goss
Graham
Greene (UT)
Greenwood
Gunderson
Hancock
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
Lucas
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Peterson (MN)
Petri
Pickett
Pombo
Portman
Pryce
Radanovich
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Royce
Salmon
Sanford
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Upton
Vucanovich
Walker
Walsh
Wamp
Ward
Watts (OK)
Weldon (FL)
Weldon (PA)
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff

NOT VOTING—33

Barton
Browder
Chabot
de la Garza
Engel
Fields (LA)
Fields (TX)
Foglietta
Gibbons
Gutknecht
Hansen
Harman
Hayes
Hefner
Houghton
Jefferson
Klink
Lincoln
McDade
Molinari
Mollohan
Murtha
Payne (NJ)
Peterson (FL)
Quillen
Quinn
Scarborough
Schroeder
Sisisky
Slaughter
Studds
Taylor (MS)
Wilson

□ 1908

The Clerk announced the following pair:

On this vote:

Mr. Browder for, with Mr. Gutknecht against.

Mr. LONGLEY and Mr. STENHOLM changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there further amendments to title V?

If not, the Clerk will designate title VI.

The text of title VI is as follows:

TITLE VI—NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SEC. 601. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated the following:

(1) For Scientific and Technical Research and Services of the National Institute of Standards and Technology, $280,600,000 for fiscal year 1997, of which—

(A) $38,407,000 shall be for Electronics and Electrical Engineering;

(B) $18,747,000 shall be for Manufacturing Engineering;

(C) $33,939,000 shall be for Chemical Science and Technology;

(D) $28,048,000 shall be for Physics;

(E) $54,589,000 shall be for Material Science and Engineering;

(F) $13,085,000 shall be for Building and Fire Research;

(G) $43,076,000 shall be for Computer Science and Applied Mathematics;

(H) $18,950,000 shall be for Technical Assistance;

(I) $28,772,000 shall be for Research Support; and

(J) $2,987,000 shall be for the Malcolm Baldrige National Quality Program under section 17 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3711a); and

(2) for Construction of Research Facilities of the National Institute of Standards and Technology, $105,240,000 for fiscal year 1997.

Mrs. MORELLA. Mr. Chairman, I move to strike the last word. Mr. Chairman, H.R. 3322 takes an aggressive stance in title VI of the bill to ensure that the core science programs at the National Institute of Standards and Technology [NIST] are funded at levels which will permit the NIST Laboratories to perform their critical national mission.

I commend the chairman of the committee, the gentleman from Pennsylvania, for his support. Mr. WALKER has recognized the important work being done at the NIST Laboratories and has recommended a funding level which the laboratories deserve.

NIST is integral to U.S. competition in the global marketplace, through its interaction with industry, and by developing and applying technology measurements and standards. I am pleased that, despite our commitment to achieve a balanced budget, and with tight budget caps in place, the bill authorizes a funding level for the NIST Laboratories above the President's request of $270.7 million.

By not only matching but exceeding the President's funding request for the scientific and technical research services account at $280.6 million, the bill funds projects which we were unable to fully authorize in the previous fiscal year. These added increases will fund projects in semiconductor, metrology, biotechnology measurements, advanced materials processing, and new Government coordinating responsibilities to make NIST the lead agency for standards and conformity assessment activities as mandated by the National Technology Transfer and Advancements Act of 1995.

In addition, the bill authorizes the NIST construction account to provide necessary renovation and modernization of facilities. Without these funds for the state-of-the-art Measurement and Calibration Laboratories to modernize their facilities, NIST cannot adequately fulfill its mission into the future.

Mr. Chairman, I am also pleased that title VII of H.R. 3322 authorizes fiscal year 1997 appropriations for FAA's research, engineering, and development [RE&D] activities; strengthens the role of the FAA RE&D Advisory Committee in setting priorities; and modifies requirements.

Title VII includes sections authored by the distinguished ranking member of the Technology Subcommittee, the gentleman from Tennessee, Mr. JOHN TANNER. These sections require the FAA to consider recommendations of the FAA RE&D Advisory Committee in establishing R&D priorities; requires the FAA RE&D Advisory Committee to review FAA's R&D funding allocations and advise the Administrator as to whether they will support FAA objectives; and modifies requirements for the National Aviation Research Plan by changing the time horizon to 5 years and requires the FAA to respond to the recommendations of the RE&D Advisory Committee.

Mr. Chairman, I recommend passage of the titles VI and VII.

□ 1915

The CHAIRMAN. Are there amendments to title VI?

If not, the Clerk will designate title VII.

The text of title VII is as follows:

TITLE VII—FEDERAL AVIATION ADMINISTRATION RESEARCH, ENGINEERING, AND DEVELOPMENT

SEC. 701. SHORT TITLE.

This title may be cited as the "FAA Research, Engineering, and Development Management Reform Act of 1996".

SEC. 702. FINDINGS.

The Congress finds that—

(1) considerable effort and expenditure has been devoted since 1981 to the modernization of the National Airspace System, with limited results;

(2) long-standing management, organizational, and cultural impediments at the Federal Aviation Administration have led to cost overruns, schedule delays, program terminations, and other wasteful inefficiencies;

(3) a lack of coordination between the technology developers and operational sections of the Federal Aviation Administration has led to research, engineering, and development programs that are unbalanced because they either are too technology driven or have operational requirements that are unrealistic or unwarranted;

(4) the research, engineering, and development functions of the Federal Aviation Administration have been carried out without the benefit of critical management education and competencies;

(5) the failure to employ contemporary management techniques and industry best practices has led to inadequate contractor oversight and poor risk management; and

(6) significant improvements in modernizing the National Airspace System will require fundamental changes in the Federal Aviation Administration's acquisition management system and in the orientation of the officials who implement the system.

SEC. 703. DEFINITIONS.

For purposes of this title—

(1) the term "affordable" means having life-cycle costs that are in consonance with the long-range funding and operational design plans for the National Airspace System;

(2) the term "evolutionary acquisition" means an acquisition strategy in which a core capability is fielded with a modular structure that allows for changes as requirements are refined;

(3) the term "life-cycle costs" means the total costs to the Federal Government of a system over its useful life, including the costs of research, development, acquisition, support, and disposal;

(4) the term "nondevelopmental" means not requiring significant further development to be made usefully operational; and

(5) the term "pre-planned product improvement" means an acquisition strategy that defers technically difficult or unknown system requirements to mitigate risks or to field a system that incorporates design considerations that facilitate future changes.

SEC. 704. MANAGEMENT PRINCIPLES.

The Federal Aviation Administration shall develop, implement, and maintain a disciplined acquisition management system that facilitates the transforming of broadly stated requirements into affordable, operationally effective and suitable products and services to meet the needs of users of the National Airspace System. Such acquisition management system shall be based on and incorporate the following principles:

(1) The employment and integration of—

(A) a process to establish and validate requirements;

(B) full life-cycle acquisition management; and

(C) planning, programming, and budgeting.

(2) Full involvement of both acquisition and operational Federal Aviation Administration personnel in the processes described in paragraph (1)(A), (B), and (C).

(3) Early and continuous involvement of National Airspace System operators and users, advisory committees, and industry vendors and experts in establishing and stabilizing sound, realistic operational requirements.

(4) Assignment of acquisition officials based on demonstrated leadership, professionalism, and proven acquisition management competencies, consistent with their positional responsibility and authority.

(5) Full life-cycle, event-driven acquisition strategies which explicitly link major interim program decisions and contractual commitments to demonstrated accomplishments in research, engineering, and development.

(6) The balancing of system design requirements and constraints based on cost-benefit sensitivity analysis.

(7) Consideration of maximum practicable use of nonmaterial, nondevelopmental, or commercial solutions before embarking on protracted research, engineering, and development activities by the Federal Aviation Administration.

(8) Consideration of evolutionary acquisition and pre-planned product improvement strategies to mitigate risks and expeditiously field products and services.

(9) Use of contemporary management techniques and industry best practices to—

(A) compare the current status of a program to where it should be;

(B) reassess the goals of a program and the plans for achieving those goals;

(C) assess program risks and strategies for mitigating those risks; and

(D) assess whether the program is affordable.

SEC. 705. DOCUMENT OF APRIL 1, 1996.

The Congress recognizes that the acquisition management system set forth in the document dated April 1, 1996, issued by the Federal Aviation Administration, is substantially compatible with the principles stated in section 704 of this title. The Federal Aviation Administration may implement that proposed system as a suitable compliance with the requirements of this title, and may modify elements of that system to the extent that those modifications conform with the principles stated in section 704 of this title.

SEC. 706. AUTHORIZATION OF APPROPRIATIONS.

Section 48102(a) of title 49, United States Code, is amended—

(1) by striking "and" at the end of paragraph (1)(J);

(2) by striking the period at the end of paragraph (2)(J) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new paragraph:

"(3) for fiscal year 1997—

"(A) $10,000,000 for system development and infrastructure projects and activities;

"(B) $39,911,000 for capacity and air traffic management technology projects and activities;

"(C) $20,371,000 for communications, navigation, and surveillance projects and activities;

"(D) $6,411,000 for weather projects and activities;

"(E) $6,000,000 for airport technology projects and activities;

"(F) $37,978,000 for aircraft safety technology projects and activities;

"(G) $36,045,000 for system security technology projects and activities;

"(H) $23,682,000 for human factors and aviation medicine projects and activities;

"(I) $3,800,000 for environment and energy projects and activities;

"(J) $1,500,000 for innovative/cooperative research projects and activities; and

"(K) such sums as may be necessary for other research, engineering, and development activities described in the President's fiscal year 1997 budget request to the Congress under the category 'Engineering, development, test, and evaluation' of Facilities and Equipment.".

SEC. 707. RESEARCH PRIORITIES.

Section 48102(b) of title 49, United States Code, is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by striking "AVAILABILITY FOR RESEARCH.—(1)" and inserting in lieu thereof "RESEARCH PRIORITIES.—(1) The Administrator shall consider the advice and recommendations of the research advisory committee established by section 44508 of this title in establishing priorities among major categories of research and development activities carried out by the Federal Aviation Administration.

"(2)".

SEC. 708. BUDGET DESIGNATION FOR FEDERAL AVIATION ADMINISTRATION RESEARCH AND DEVELOPMENT ACTIVITIES.

Section 48102(c) of title 49, United States Code, is amended to read as follows:

"(c) DESIGNATION OF ACTIVITIES.—(1) The amounts appropriated under subsection (a) are for the support of all research and development activities carried out by the Federal Aviation Administration that fall within the categories of basic research, applied research, and development, including the design and development of prototypes, in accordance with the classifications of the Office of Management and Budget Circular A–11 (Budget Formulation/Submission Process).

"(2) The President's annual budget request for the Federal Aviation Administration shall include all research and development activities within a single budget category. All of the activities carried out by the Administration within the categories of basic research, applied research, and development, as classified by the Office of Management and Budget Circular A–11, shall be placed in this single budget category.".

SEC. 709. RESEARCH ADVISORY COMMITTEE.

Section 44508(a)(1) of title 49, United States Code, is amended—

(1) by striking "and" at the end of subparagraph (B);

(2) by striking the period at the end of subparagraph (C) and inserting in lieu thereof "; and"; and

(3) by inserting after subparagraph (C) the following new subparagraph:

"(D) annually review the allocation made by the Administrator of the amounts authorized by section 48102(a) of this title among the major categories of research and development activities carried out by the Administration and provide advice and recommendations to the Administrator on whether such allocation is appropriate to meet the needs and objectives identified under subparagraph (A).".

SEC. 710. NATIONAL AVIATION RESEARCH PLAN.

Section 44501(c) of title 49, United States Code, is amended—

(1) in paragraph (2)(A) by striking "15-year" and inserting in lieu thereof "5-year";

(2) by amending subparagraph (B) to read as follows:

"(B) The plan shall—

"(i) provide estimates by year of the schedule, cost, and work force levels for each active and planned major research and development project under sections 40119, 44504, 44505, 44507, 44509, 44511–44513, and 44912 of this title, including activities carried out under cooperative agreements with other Federal departments and agencies;

"(ii) specify the goals and the priorities for allocation of resources among the major categories of research and development activities, including the rationale for the priorities identified;

"(iii) identify the allocation of resources among long-term research, near-term research, and development activities; and

"(iv) highlight the research and development activities that address specific recommendations of the research advisory committee established under section 44508 of this title, and document the recommendations of the committee that are not accepted, specifying the reasons for nonacceptance."; and

(3) in paragraph (3) by inserting ", including a description of the dissemination to the private sector of research results and a description of any new technologies developed" after "during the prior fiscal year".

Mrs. MORELLA. Thank you, Mr. Chairman, for this opportunity to briefly discuss title VII of H.R. 3322. This title authorizes fiscal year 1997 appropriations for FAA's research, engineering, and development [RE&D] activities; strengthens the role of the FAA RE&D advisory committee; and modifies the national aviation research plan.

FAA efforts to modernize the national airspace system have suffered significant cost, schedule, and performance problems and, according to extensive testimony, the issues do not appear to be the appropriated funding or how it's allocated—but to longstanding organizational, managerial, and cultural impediments within the FAA itself. With bold congressional help, the agency began an impressive first step by implementing a new acquisition management plan April 1.

When H.R. 3322 was introduced, it contained language to codify broadly-stated guiding principles—for managing FAA R&D activities long after the tenure of current FAA leadership. To expeditiously get the omnibus science bill to the House floor, we struck these important principles from this title. However, in the days ahead, we must maintain our focus on these critical principles to avoid the costly and protracted problems of the past. We look forward to working closely with Chairman BUD SHUSTER and our good friends and colleagues on the Transportation and Infrastructure Committee and Aviation Subcommittee Chairman JON J. DUNCAN and the respected members of the Aviation Subcommittee—not on a partisan nor jurisdictional mission, but rather to bring discipline and accountability to FAA programs that have drifted too long in the wilderness.

I would like to thank my good friend and distinguished gentleman from Tennessee, Mr. JOHN TANNER, the ranking minority member on the Technology Subcommittee, for his leadership in authoring sections of this title which strengthens the role of FAA's RE&D advisory committee in establishing R&D priorities and reviewing funding allocations, and increase the viability of the national aviation research plan. An additional section, also drafted by Mr. TANNER, would have greatly simplified the analysis of FAA R&D programs by requiring FAA to consolidate all its R&D activities into a single budget account—per OMB guidelines. This section was also withdrawn to expedite consideration of H.R. 3322 before the full House.

Regarding FAA RE&D funding, the President requested $195.7 million for fiscal year 1997. Management reform, based upon sound guiding principles, offers the promise of increased efficiencies and less waste. Accordingly, fiscal year 1997 RE&D budget authority should not be increased above the fiscal year 1996 appropriation—$185.698 million—until improvements in FAA's acquisition management are apparent and efficiencies can be more readily assessed.

In summary, FAA's chronic delays in fielding new systems have not been caused by a lack of funds or their allocation, but can be attributed to legendary organizational, managerial, and cultural impediments to changing its acquisition process. The FAA, with our assistance, has taken an enviable first step and we are cautiously optimistic. But the road ahead is long and formidable. Working together in the Congress, we can help continue the transformation of a bureaucratic agency—long overdue for change—into a world-class standard of excellence for the 21st century.

FEDERAL AVIATION ADMINISTRATION RESEARCH, ENGINEERING, AND DEVELOPMENT [RE&D] FY 97 RECOMMENDED AUTHORIZATION

[In millions of dollars]

	Fiscal year—		
	1996 appropriated	1997 PB request	1997 authorized
System development/infrastructure	10.000	16.822	10.000
Capacity/ATM technology	37.200	40.570	39.911
Comm/Nav/Surveillance	23.000	20.371	20.371
Weather	6.493	6.411	6.411
Airport technology	6.000	6.000	6.000
Air safety technology	37.978	38.999	37.978
System security	36.045	36.045	36.045
Human factors/aviation medicine	23.682	23.682	23.682
Environment/Energy	3.800	3.800	3.800
Innovative/Cooperative research	1.500	3.000	1.500
Total	185.698	195.700	185.698

Note: Capacity/Air Traffic Management Technology was adjusted upward slightly from the fiscal year 1996 appropriation. For fiscal year 1997, the President requested $2.629 million less for Communications/Navigation/Surveillance and $0.082 million less for Weather than was appropriated for fiscal 1996. These two amounts, totaling $2.711, were used to increase fiscal year 1997 budget authority for Capacity/Air Traffic Management activity from the fiscal year 1996 appropriated amount of $37.200 million to $39.912 million. This budget category, which funds research and development for the free flight concept, was cited as the top priority by the FAA's RE&D advisory committee.

The CHAIRMAN. Are there any amendments to title VII?

If not, the Clerk will designate title VIII.

The text of title VIII is as follows:

TITLE VIII—NATIONAL EARTHQUAKE HAZARDS REDUCTION PROGRAM

SEC. 801. AUTHORIZATION OF APPROPRIATIONS.

Section 12 of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7706) is amended—

(1) in subsection (a)(7) by striking "and $25,750,000 for the fiscal year ending September 30, 1996" and inserting in lieu thereof "$25,750,000 for the fiscal year ending September 30, 1996, and $18,825,000 for the fiscal year ending September 30, 1997";

(2) in subsection (b) by striking "and $50,676,000 for the fiscal year ending September 30, 1996" and inserting in lieu thereof "$50,676,000 for the fiscal year ending September 30, 1996, and $46,130,000 for the fiscal year ending September 30, 1997";

(3) in subsection (c) by adding at the end the following new sentence: "There are authorized to be appropriated, out of funds otherwise authorized to be appropriated to the National Science Foundation, $28,400,000 for fiscal year 1997, including $17,500,000 for engineering research and $10,900,000 for geosciences research."; and

(4) in subsection (d) by adding at the end the following new sentence: "There are authorized to be appropriated, out of funds otherwise authorized to be appropriated to the National Institute of Standards and Technology, $1,932,000 for fiscal year 1997.".

The CHAIRMAN. Are there any amendments to title VIII?

If not, the Clerk will designate title IX.

The text of title IX is as follows:

TITLE IX—MISCELLANEOUS

SEC. 901. PROHIBITION OF LOBBYING ACTIVITIES.

None of the funds authorized by this Act shall be available for any activity whose purpose is to influence legislation pending before the Congress, except that this shall not prevent officers or employees of the United States or of its departments or agencies from communicating to Members of Congress on the request of any Member or to Congress, through the proper channels, requests for legislation or appropriations which they deem necessary for the efficient conduct of the public business.

SEC. 902. LIMITATION ON APPROPRIATIONS.

(a) EXCLUSIVE AUTHORIZATION FOR FISCAL YEAR 1997.—Notwithstanding any other provision of law, no sums are authorized to be appropriated for fiscal year 1997 for the activities for which sums are authorized by this Act unless such sums are specifically authorized to be appropriated by this Act.

(b) SUBSEQUENT FISCAL YEARS.—No sums are authorized to be appropriated for any fiscal year after fiscal year 1997 for the activities for which sums are authorized by this Act unless such sums are specifically authorized to be appropriated by Act of Congress with respect to such fiscal year.

SEC. 903. ELIGIBILITY FOR AWARDS.

(a) IN GENERAL.—The head of each Federal agency for which funds are authorized under this Act shall exclude from consideration for awards of financial assistance made by that agency after fiscal year 1996 any person who received funds, other than those described in subsection (b), appropriated for a fiscal year after fiscal year 1996, from any Federal funding source for a project that was not subjected to a competitive, merit-based award process. Any exclusion from consideration pursuant to this section shall be effective for a period of 5 years after the person receives such Federal funds.

(b) EXCEPTION.—Subsection (a) shall not apply to awards to persons who are members of a class specified by law for which assistance is awarded to members of the class according to a formula provided by law.

The CHAIRMAN. Are there any amendments to title IX?

AMENDMENT OFFERED BY MR. SOLOMON

Mr. SOLOMON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SOLOMON: Page 137, after line 4, insert the following new sections:

SEC. 904. ROTC ACCESS TO CAMPUSES.

(a) DENIAL OF GRANTS AND CONTRACTS.—(1) No funds appropriated for civilian science activities of the Federal Government may be provided by contract or by grant (including a grant of funds to be available for student aid) to any institution of higher education that, as determined by the agency to which the funds were appropriated, in consultation with other appropriate Federal agencies, has an anti-ROTC policy.

(2) In the case of an institution of higher education that is ineligible for grants and contracts by reason of paragraph (1), the prohibition under that paragraph shall cease to apply to that institution upon a determination by the agency to which the funds were appropriated, in consultation with other appropriate Federal agencies, that the institution no longer has an anti-ROTC policy.

(b) NOTICE OF DETERMINATION.—Whenever an agency makes a determination under subsection (a) that an institution has an anti-ROTC policy, or that an institution previously determined to have an anti-ROTC policy no longer has such a policy, the agency—

(1) shall transmit notice of that determination to the Secretary of Education and the Congress; and

(2) shall publish in the Federal Register notice of that determination and of the effect of that determination under subsection (a) on the eligibility of that institution for grants and contracts.

(c) SEMIANNUAL NOTICE IN FEDERAL REGISTER.—Each agency shall publish in the Federal Register once every six months a list of each institution of higher education that is currently ineligible for grants and contracts by reason of a determination of the agency under subsection (a).

(d) ANTI-ROTC POLICY.—In this section, the term "anti-ROTC policy" means a policy or practice of an institution of higher education that—

(1) prohibits, or in effect prevents, the maintaining or establishing of a unit of the Senior Reserve Officer Training Corps at that institution; or

(2) prohibits, or in effect prevents, a student at that institution from enrolling in a unit of the Senior Reserve Officer Training Corps at another institution of higher education, but does not include a longstanding policy of pacifism based on historical religious affiliation.

SEC. 905. RECRUITING ON CAMPUS.

(a) DENIAL OF FUNDS.—(1) No funds appropriated for civilian science activities of the Federal Government may be provided by grant or contract (including a grant of funds to be available for student aid) to any institution of higher education that, as determined by the agency to which the funds were appropriated, in consultation with other appropriate Federal agencies, has a policy of denying, or which effectively prevents—

(A) entry to campuses or access to students on campuses; or

(B) access to directory information pertaining to students,

for purposes of military recruiting. This paragraph shall not apply to a longstanding policy of pacifism based on historical religious affiliation.

(2) In the case of an institution of higher education that is ineligible for grants and contracts by reason of paragraph (1), the prohibition under that paragraph shall cease to apply to that institution upon a determination by the agency to which the funds were appropriated, in consultation with other appropriate Federal Agencies, that the institution no longer has a policy described in paragraph (1).

(3) Students referred to in paragraph (1) are individuals who are 17 years of age or older.

(b) NOTICE OF DETERMINATION.—Whenever an agency makes a determination under subsection (a) that an institution has a policy described in subsection (a), or that an institution previously determined to have such a policy no longer has such a policy, the agency—

(1) shall transmit notice of that determination to the Secretary of Education and the Congress; and

(2) shall publish in the Federal Register notice of that determination and of the effect of that determination under subsection (a) on the eligibility of that institution for grants and contracts.

(c) SEMIANNUAL NOTICE IN FEDERAL REGISTER.—Each agency shall publish in the Federal Register once every six months a list of each institution of higher education that is currently ineligible for grants and contracts by reason of a determination of the agency under subsection (a).

(d) DEFINITION.—For purposes of this section, the term "directory information" means, with respect to a student, the student's name, address, telephone listing, date and place of birth, level of education, degrees received, and the most recent previous educational institution enrolled in by the student.

Amend the table of contents accordingly.

Mr. SOLOMON (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. SOLOMON. Mr. Chairman, let me be very brief, because this amendment in its two parts has previously passed this House and has become the law of the land. The amendment says that any institution of higher education that prohibits ROTC units on campus or prohibits the recruiters of our military to go on campus and offer honorable careers to the young men and women graduating from these colleges will not be eligible for any of the grants that appear in this legislation.

Mr. Chairman, these institutions just cannot expect to reject the people who defend our country and the public on one hand and dip into the public trough with the other hand. For the last 15 years or so, this country has had to depend on an all volunteer military. These young men and women come from all walks of life from all across this great country, and they are the best trained, the best educated, the best motivated young men and women of any military in the entire world today. But because it is an all-voluntary military, our military does need access to be able to offer these honorable careers to these young men and women.

This amendment, the last time it was offered to the defense authorization bill, received 271 votes, and therefore I would ask the Members accept it here tonight so that we can continue the success of our all-voluntary military today.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, I am prepared to accept the amendment if my understanding is correct of some language that the gentleman has added to the amendment.

As the gentleman knows, I had some concerns about schools that have a historic pattern of practicing pacifism, that are religiously oriented schools, and I wanted to assure that they were not kept from participating in research programs as a result of that historic pattern and those religious beliefs. My understanding is that the gentleman has put language into his amendment to assure that those kinds of institutions can be exempted. Is that correct?

Mr. SOLOMON. That is correct, I say to the gentleman from Pennsylvania [Mr. WALKER]. If he reads on page 3, on line 1 and 2, it says that this does not include institutions who have a longstanding policy of pacifism based on historical religious affiliations.

I understand that with the kind of schools that the gentleman might have in his district, as well as the gentleman from Virginia, who I think is seeking to be recognized here as well.

Mr. WALKER. Just one more clarification, if I could. It is my understanding that that exemption then would be up to the agency that is going to grant the money and the respective Federal agencies to make the determination.

Mr. SOLOMON. The gentleman is obsolutely correct.

Mr. WALKER. I thank the gentleman.

Mr. GOODLATTE. Mr. Chairman, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Virginia.

Mr. GOODLATTE. I thank the gentleman for yielding.

Mr. Chairman, I rise in strong support of the amendment. I think it is vitally important. Campus recruiting is a vitally important component of the military's effort to attract our Nation's best and brightest young people. It is simply sound fiscal policy to deny Federal dollars to schools that interfere with the Federal Government's constitutionally mandated function of raising a military.

However, I have in my district, as the gentleman from Pennsylvania has, religious denominations, Mennonite, Amish and others that have hundreds of years of historical background of not participating in military activities based upon their deeply found religious beliefs, and I think if they are not simply antimilitary based upon a political position of the time but rather have that deep-seated opinion, then they should have that exemption and should still be able to apply for funds for legitimate scientific programs at their institutions. I thank the gentleman for including that language in the bill which will protect those schools.

Mr. SOLOMON. The gentleman is correct, and certainly because of his recommendation and that of the gentleman from Pennsylvania [Mr. WALKER], we have included it.

Mr. POMBO. Mr. Chairman, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from California, who has been one of the major sponsors of legislation like this ever since he first came to the Congress.

Mr. POMBO. Mr. Chairman, I thank the gentleman for yielding. I rise in strong support of the amendment.

I think that it is an issue of fairness. It is an issue of fairness to our military, to our young people who have chosen a military career. I also believe it is extremely important that in our universities across this country that they make that an option for our students, for our young people, as an option for a career that they should go into if they do choose to accept Federal dollars and grants. I thank the gentleman for offering this amendment and am in strong support of it.

Mr. SOLOMON. It is the Solomon-Pombo amendment. I certainly thank the gentleman for speaking out for it.

Ms. LOFGREN. Mr. Chairman, will the gentleman yield?

Mr. SOLOMON. I yield to the gentlewoman from California.

Ms. LOFGREN. Mr. Chairman, will this include student loans?

Mr. SOLOMON. It has nothing to do with student loans.

Ms. LOFGREN. I am seeking to understand the amendment. Would the prohibition of funds going to a university include Pell grants or student loans or students in universities where ROTC is not offered?

Mr. SOLOMON. No, it would not. These deal only with research grants.

Ms. LOFGREN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I realize that I may be the only voice against the amendment here today, but I do so because there is a school in my district that for over a long period of time reached the conclusion not to have a ROTC program. I personally think ROTC is a good idea. I wish that ROTC did exist and I know individuals who have had a great experience and a measurable improvement in their future and life because of their participation in the program. However, I would hate to see San Jose State University cut off from all of the fine research that they are doing because of a decision made in another program area, supportive as I am of the ROTC program. I think it is a mistake to tie in our research funds with our ROTC program support, because so much of what is done by way of scientific research is not done just to benefit the universities that might participate in those research programs but that research is to benefit the entire country, to benefit the future of the United States by forging advances on one or another of critical questions that face us and our future.

So I think although we must take strong efforts to support our men and women in the military, in the long run it will do them no good to cripple those universities that might be doing research in the very areas that could benefit them in the future.

So with a great deal of respect for those who have offered the amendment, I would urge that we not willy-nilly run down this path that may have consequences that are adverse and that we have not fully considered.

As a member of the Committee on Science, I know that this was not considered by the committee. We did not have any hearings on it, at least in our committee, and I think it would be ill-advised to approve the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. SOLOMON].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title IX?

If not, are there further amendments to the bill?

Mr. BROWN of California. Mr. Chairman, I move to strike the last word to enter into a colloquy with the distinguished gentlewoman from Maryland.

Mr. Chairman, it was my intention to offer an amendment, a new title X which would add to the bill the provisions unanimously reported by the Technology Subcommittee chaired by the gentlewoman earlier this year.

Knowing of her interest in these programs, I would like to ask her what her intentions might be and if she would intend to offer such an amendment, I would allow her to do so.

Mrs. MORELLA. Mr. Chairman, will the gentleman yield?

Mr. BROWN of California. I yield to the gentlewoman from Maryland.

Mrs. MORELLA. In response, Mr. Chairman, to the ranking member of the Science Committee who is such a dedicated, distinguished gentleman who knows that I do care about the ATP Program, the amendment I am about to offer has to do with the Manufacturing Extension Program. It is an excellent amendment. I know that the gentleman would support it wholeheartedly. I would love to have the opportunity to offer it. We can then see whether the gentleman wants to do something else after that.

Mr. BROWN of California. I understand the gentlewoman's position. I infer that she is constrained from offering the version that was reported out of her subcommittee by unanimous vote; am I correct in that?

Mrs. MORELLA. Mr. Chairman, if the gentleman will continue to yield, I feel that it would be appropriate to fulfill what the full committee has decided to do, and it was not considered appropriate for the full committee to act on that.

Mr. BROWN of California. Did the full committee take some action that I am unaware of?

Mrs. MORELLA. No, the full committee did not act on that.

Mr. BROWN of California. In other words, the gentlewoman is doing what the gentleman from Pennsylvania [Mr. WALKER] says he is willing to accept?

Mrs. MORELLA. No, no, no, no, no, no. The ATP bill, which was authorized by our Technology Subcommittee, was approved, did not come to the full committee. And I am not offering it today, but I am offering an amendment that was offered at full committee and then was withdrawn with a significant sum attached to it.

Mr. BROWN of California. As much as I respect and admire the gentlewoman, I am constrained to say that her answer does not satisfy my requirements and I am going to offer, and I do offer at this point an amendment to the bill which had been approved unanimously by the subcommittee but was objected to by the chairman of the full committee.

AMENDMENT OFFERED BY MR. BROWN OF CALIFORNIA

Mr. BROWN of California. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BROWN of California: Page 137, after line 4, insert the following new title:

TITLE X—INDUSTRIAL TECHNOLOGY SERVICES

SEC. 1001. INDUSTRIAL TECHNOLOGY SERVICES AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Commerce for the Industrial Technology Services activities of the National Institute of Standards and Technology for fiscal year 1997—

(1) for the Advanced Technology Program under section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n), such sums as may be appropriated; and

(2) for the Manufacturing Extension Partnerships program under sections 25 and 26 of the National Institute of Standards and Technology Act (15 U.S.C. 278k and 278l), such sums as may be appropriated.

SEC. 1002. NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY ACT AMENDMENTS.

Section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n) is amended—

(1) by striking "or contracts" in subsection (b)(1)(B), and inserting in lieu thereof "contracts, and, subject to the last sentence of this subsection, other transactions";

(2) by inserting "and if the non-Federal participants in the joint venture agree to pay at least 50 percent of the total costs of the joint venture during the Federal participation period, which shall not exceed 5 years," after "participation to be appropriate,";

(3) by striking "provision of a minority share of the cost of such joint ventures for up to 5 years, and (iii)" in subsection (b)(1)(B), and inserting in lieu thereof "and";

(4) by striking "and cooperative agreements" in subsection (b)(2), and inserting in lieu thereof ", cooperative agreements, and, subject to the last sentence of this subsection, other transactions";

(5) by adding after subsection (b)(4) the following:

"The authority under paragraph (1)(B) and paragraph (2) to enter into other transactions shall apply only if the Secretary, acting through the Director, determines that standard contracts, grants, or cooperative agreements are not feasible or appropriate, and only when other transaction instruments incorporate terms and conditions that reflect the use of generally accepted commercial accounting and auditing practices."; and

(6) by adding at the end the following new subsection:

"(k) Notwithstanding subsection (b)(1)(B)(ii) and subsection (d)(3), the Director may grant extensions beyond the deadlines established under those subsections for joint venture and single applicant awardees to expend Federal funds to complete their projects, if such extension may be granted with no additional cost to the Federal Government and it is in the Federal Government's interest to do so.".

Amend the table of contents accordingly.

Mr. BROWN of California (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. WALKER. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from Pennsylvania reserves a point of order on the amendment.

Mr. BROWN of California. Mr. Chairman, as I indicated earlier, this amendment was considered in the Technology Subcommittee of the Committee on Science and adopted unanimously as an extremely innocuous indication of support for two of the vital programs of the National Institute of Science and Technology. These two programs were the Advanced Technology Program and the Manufacturing Extension Partnerships, as set forth in the amendment.

There is not a specific amount authorized for these programs but only such sums as may be appropriated. In other words, this leaves it up to the Committee on Appropriations to determine the level of funding. But, if adopted and signed into law by the President, it continues an authorization for these two excellent programs which are an integral part of the work of the National Institute of Science and Technology.

□ 1930

Now, it turns out, of course, that the bill, as reported out of the Subcommittee on Technology, was never taken up by the full committee. The gentleman from Pennsylvania [Mr. WALKER] has many good reasons why he does not want to continue authorizing these two programs, and his method of doing this, of course, was merely not to take them up in full committee, not to have them debated and marked up in full committee, and then not, therefore, to be included with the other matters within the jurisdiction of the Committee on Science and this so-called omnibus science authorization bill.

Now, I am offering something that I feel is the easiest, simplest, least controversial, and least expensive way to go. The gentleman from Pennsylvania [Mr. WALKER] has frequently argued that we must never in our authorizations go beyond the levels which the appropriators are going to go. As a consequence, of course, we many times end up going far below what the appropriators are going to go.

Last year, for example, the appropriators continued these two programs at levels which did not satisfy me, but they were continued on the books. I am now, at this point, offering this amendment as a nominal way to maintain the authorization for these two existing programs, at the level that the appropriators in their wisdom fit within the budget, so that we cannot have the argument argued so often by the gentleman that we are busting the budget.

We cannot bust the budget in an authorizing committee, as all of those who have served in this body know. It is only the appropriators who can bust the budget, and by passing the ball to them we will allow them to decide what the budget allows and we will maintain the authorization for these two finally important programs, which the gentleman from Pennsylvania [Mr. WALKER], the chairman of the committee, considers to be corporate welfare. So he is bitterly opposed to them.

Mr. Chairman, I very much hope that the Members will see the logic of my offering this minimal type of authorizing amendment and will support it.

Mr. WALKER. Mr. Chairman, I withdraw my point of order.

Mr. Chairman, I rise in opposition to the amendment. This is an interesting point in the debate. The gentleman from California has essentially decided to bring an amendment to the floor to authorize one of the favorite programs of the administration, and there is no doubt this administration loves corporate welfare. The gentleman has offered the ultimate corporate welfare amendment by reauthorizing the ATP program.

Now, as the gentlewoman from Maryland had said, we were prepared to try to reauthorize the manufacturing extension program but the gentleman from California was not satisfied with that. He wants to go further and go well beyond that and go into the ATP program. The ATP program is, in fact, industrial policy defined. It is all of the things that people are concerned about when they hear about their tax dollars being spent.

For middle class Americans who are concerned about where their tax dollars go, here is a program they should love because this particular chart talks about those largest awards and where they went last year. Now, when we think about $25,000-a-year working families in my district having taxes taken out of their pockets and brought to Washington and then given to people, who do we think they should have the money given to? Well, in this program where the money goes is to General Motors, Ford Motor, AT&T, GE, IBM, Hewlett-Packard, Motorola, United Technologies, Bell South, MCI, Allied Signal, Texas Instruments.

This is a list of the Fortune 500 that are getting money that is being taken out of the pocketbooks of working families and handed over to corporations.

Now, if Members think that results in good science, think a little bit about what we were told when the GAO took a look at these programs. What we will be told is, oh, well, we have to have these cooperative arrangements with these big companies in order to get development of new products. The fact is that we do not get development that is generic to all products, we get a few hand-picked corporations singled out that then get the money.

Now, I realize the administration loves that because these are hand-picked corporations that just happen to give big political contributions according to research done by one of the foundations in town. They looked at the ATP program and found that there was this surprising similarity between those who gave money to political campaigns and those who got money from the ATP program. So it fits a very, very nice pattern for those who think that corporate money into political campaigns is a great idea, but I am not so certain it serves the needs of science.

The fact is that what we have attempted to do is reprioritize spending by going away from some of these programs that give money to big corporations and put money into industrial subsidies and put the money into some of the places that we think are high priority research.

So the gentleman from California is offering an amendment which is, in fact, an amendment to continue the pattern of corporate welfare. Despite the fact suggested that the government ought to be backing out of corporate welfare, this administration, and now the minority, has decided that corporate welfare is the wave of the future. That is the way in which we have to go in order to assure a better climate for science in the country.

I just disagree. I think industrial policy science makes no sense. It in fact impedes our competitiveness. It does all the wrong things. It has us picking winners and losers in the marketplace. It does all the bad things in terms of how we want to proceed ahead with both research and development and the science of the country.

So if Members are for the gentleman's amendment as presented to us at the present time, they are for taking money out of the pockets of middle class Americans and giving it to General Motors, Ford Motor, AT&T, GE, IBM, Hewlett-Packard, Motorola, United Technologies, Bell South, MCI, Allied Signal, Texas Instruments, Apple Computers, Sun Microsystems, and a whole bunch of other people. That is what Members are for doing.

I think it is a bad deal and I suggest we should reject the amendment of the gentleman from California.

Mr. TANNER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, in the 5 minutes I have I will try to give the facts on this amendment and what it was meant to do. It was unanimously, Democrat and Republican, passed out of our subcommittee last year. Because of the comments of the previous speaker, one knows where the bias of the chair on our committee is toward these programs, and I do not need, I do not think, to elaborate on that anymore.

Let me simply say this. Trying to separate fact from fiction, these are not corporate welfare grants, these companies put up 50 percent of the money as these ATP programs, Republican-administered, throughout the country. And let me further say this. In an independent Silber & Associates report, talking about the Advanced Technology Program, they said that it does indicate the program is achieving its objective; that there is no evidence that there is any linkage to any kind of political campaign, and that, furthermore, over half of the ATP cost-shared awards have gone to small businesses and more than 100 universities have participated in more than 157 projects.

Now, we went through this in the subcommittee at great length. I am sorry that the chairman of the subcommittee did not choose to try to bring our bill that we thought was so good in a unanimous vote to the floor. The full committee never took up the unanimously passed bill in the subcommittee for reasons that have heretofore been expressed, and I would just simply say this. All we are asking for is a vote on this.

Every person who has looked at these programs who is not an ideologue or has a bias of some kind has said the wave of the future, and I cited earlier when I was talking about the Council on Competitiveness, hardly a liberal claptrap organization, said that the wave of the future is to get away from this business of applied versus basic science. The wave of the future is to make government an ally of business in this country because the businesses in this country, because the vagaries of the marketplace are not going to be able to invest in blue sky research without some thought of a product that can be marketed to come back to them in the future for commercialization.

Therefore, it behooves us all, government, industry, universities and Federal labs, to work together. That is exactly what these two programs do. They allow for industry to participate in blue sky research with the help of the Federal Government, so that if there is a technological breakthrough sometime down the line, American businesses will be able to take advantage of that in this worldwide marketplace. That it all it is.

Furthermore, this amendment does nothing more than authorize these programs at whatever sum the appropriators deem necessary, because we cannot get in our authorization committee a hearing on this bill in the full committee, notwithstanding the fact it was passed unanimously by the subcommittee.

Be that as it may, we do not run the committee, I understand that, but we have at this time an opportunity to let the Congress speak their will, not costing one dime, not one single cent, not a budget buster, only to say these programs ought to be authorized because unbiased experts have said they are working.

Mr. BROWN of California. Mr. Chairman, will the gentleman yield?

Mr. TANNER. I yield to the gentleman from California.

Mr. BROWN of California. Mr. Chairman, I want to briefly comment, and I very much appreciate the gentleman's statement, and it illustrates exactly the reason I appear to be a little irked here on the floor.

This was the most arbitrary action I have ever seen a chairman take when he rejected a unanimous subcommittee report and refused to take up the bill. And then to categorize that as corporate welfare or industrial policy or as the grants going to, I gather, Democratic contributors is the most ridiculous, absolutely false statement, which he has never been able to substantiate, that I have ever heard.

A combination of arbitrariness, dictatorialness and a misuse of facts is what is ruining the activities of this committee and of the Congress as a whole to the degree it is infected by the gentleman from Pennsylvania's positions.

AMENDMENT OFFERED BY MRS. MORELLA AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. BROWN OF CALIFORNIA

Mrs. MORELLA. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mrs. MORELLA as a substitute for the amendment offered by Mr. BROWN of California: Page 137, after line 4, insert the following new title:

TITLE X—FURTHER AUTHORIZATIONS

SEC. 1001. FURTHER AUTHORIZATIONS.

There are authorized to be appropriated $90,000,000 for the Manufacturing Extension Parternships program under sections 25 and 26 of the National Institute of Standards and Technology Act (15 U.S.C. 278k and 278l) for fiscal year 1997. None of the funds authorized by this section may be used to establish a new Center.

Amend the table of contents accordingly:

Mr. BROWN of California. Mr. Chairman, I reserve a point of order.

Mrs. MORELLA. Mr. Chairman, the substitute that I propose will also add a new title X to the bill. It is for the purpose of authorizing the Commerce Department manufacturing extension partnership program, managed by the National Institute of Standards and Technology.

□ 1945

This program is one which I, and many Members of this body on both sides of the aisle, consider to be not only valuable but essential to our national competitiveness. MEP's State and regional centers provide consultation and guidance to manufacturers, both large and small, in the development and implementation and advanced management techniques designed to enhance efficiency and manufacturing expertise.

Mr. Chairman, the substitute that I propose would provide an affirmative authorization only for the manufacturing extension partnership program, and it would allocate to it $10 million more than was appropriated for fiscal year 1996. The amount would be $90 million.

This money would provide the funding required for support of the centers that have now been established and also for those that are planned during the period of fiscal year 1997. So that would bring the total number of centers to 75 at the conclusion of fiscal year 1997.

Mr. Chairman, I understand from the information that we have been provided during the course of our committee's consideration of these spending authorizations that that figure would represent the full complement of centers, 75, that are planned by the present administration and that no new centers are planned for startup after the conclusion of the fiscal year 1997 period.

I am persuaded in any event that at the conclusion of this 1997 fiscal year, it will be appropriate to pause and evaluate the performance of these centers before considering the creation of any new ones.

Congress should consider, after gathering the requisite information, the record of the centers in achieving their goals and the implementation of criteria for continued Federal funding.

Thus, the amendment also contains language that would preclude the opening of any new centers after fiscal year 1997. This is not intended to be a permanent prohibition but merely to ensure that there be a pause in expansion until Congress has an opportunity to review and affirmatively make a decision about the need for any additional centers.

I know, however, that we do have preliminary information on the impact of the MEP program in the form of two GAO studies which collected extensive assessments of customer opinion on the value of the work done by the centers. Those customer reports were positive, spoke well for the fine work that is being done by the dedicated participants and the work of the centers.

So, Mr. Chairman, I urge adoption of my substitute to the Brown amendment.

The CHAIRMAN. Does the gentleman from California [Mr. BROWN] insist on his point of order?

Mr. BROWN of California. Having read the amendment, I withdraw my point of order, and I move to strike the last word.

Mr. Chairman, I must, to begin with, suggest my very great admiration for the gentlewoman from Maryland. She has been a stalwart of the committee for many years. I know of her dedication to all of the programs at the National Institutes of Standards and Technology and to the general policies of technology development, technology transfer and dissemination. She is one of the leaders in this House, and I have the very highest regard for her.

Mr. Chairman, I do not understand why she does certain things in this substitute. Of course, if she can explain it, I would be happy to listen to it. But what she has done here is to offer a substitute which takes a small part of the programs included in my amendment, the Manufacturing Extension Partnership, and eliminates the major program, the Advanced Technology Program.

She authorizes a specific sum, $90 million, here. I see nothing in the amendment which accords with the Chairman's frequent admonition that there must be offsets whenever an amendment is offered that increases the amount of money. Perhaps he has in mind how she is going to offset this $90 million. But until he does offer such an offset, then I am constrained to feel that his previous admonitions that we could not consider amendments that did not have offsets was slightly disingenuous, to coin a phrase that I have sometimes used.

Mr. Chairman, there is, also, despite the strong protestations by the gentlewoman as to the excellence of this program for manufacturing extension partnerships, and I thoroughly concur with her, that this is a prohibition against extending this program. None of the funds authorized shall be used to establish a new center. If these centers are, in fact, as good as they are purported to be, and which we agree they are, they are generally funded for a fixed term of years. When they have finished that, they are supposed to transition to, if possible, 100 percent private sector financing. The money that is released should be used to continue the work by establishing other centers.

In the gentlewoman's substitute, she prohibits this. Not that it requires more money; it could be done with existing stream of funds, but she prohibits it. This denies the earlier statements that she made that these centers are making a contribution to improving the quality of performance of our great small business community in this country, which is our goal.

Now, for these reasons, and others, having to do of course with the fact that it does not include the Advanced Technology Program, I am going to ask that we reject the substitute offered by the gentlewoman and pass the original amendment which contains everything that her amendment, her substitute, offers, plus additional benefits which I have already described in my earlier remarks.

Mr. WALKER. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the substitute.

Mr. Chairman, the gentleman from California [Mr. BROWN] has gone on a couple of emotional tirades, and I think we ought to clear up the record.

The gentleman from California has suggested that, in talking about the ATP Program, that this is ideologically driven by the chairman of the committee. I would suggest that just the opposite is true of the ideology. Let us correct the record with regard to whether or not any responsible observers have suggested whether there may be a connection between the ATP grants and politics.

It was done by the Cato Institute. I quote,

> Many of the top recipients of technology research grants awarded by the Clinton administration were also substantial contributors to the Clinton campaign or the Democratic National Committee.

Mr. Chairman, that is where I get the information. It was not made up. It is, in fact, very clear.

The next thing is, if this is a huge philosophical issue with the gentleman from Pennsylvania, then I do not know how I have gotten so far into the sack with Robert Shapiro, with director of economic policy at the Progressive Policy Institute, which is, in fact, not ideologically associated with me. But in looking at the ATP Program, he expressed some of the same concerns that I did.

Mr. Chairman, he says with regard to a grant that went to the Philips Corporation under ATP, he makes the statement:

> However, the Federal Government should not be helping Philips, the largest lighting company in the world, develop new commercial applications for technology already used in street lights.

That is the kind of thing that is going on in the program, and even people at the Progressive Policy Institute in fact are finding some concerns with those kinds of questions.

So we have a lot of lobbyists and big corporations that support this program, but the fact is that there are real concerns.

What the gentlewoman from Maryland [Mrs. MORELLA] has done is she has said, okay, she has a strong faith in some of these programs such as the MEP Program. She says, let us single it out and make sure that it gets all the money that it needs to fund the 75 centers that the administration says are necessary; and the administration has requested no more than 75.

The $90 million in the gentlewoman's amendment totally funds all 75 centers plus some administrative expenses. She is making the case that that is the right direction to go, but let us not continue down this road of funding industrial policy through ATP that gives money to big corporations out of the pockets of poor and middle-class wage earners.

Mr. Chairman, that is what the whole issue will be about here as we consider this: whether or not Members are for extending the MEP programs and probably getting an overwhelming vote in favor of the MEP, or whether or not what they are wanting to do is go the route of corporate welfare by ensuring that the ATP Program is that which is funded, and it is funded at a huge level at a cost to the taxpayers and going to big corporations.

Mr. DOYLE. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Pennsylvania. I thought the gentleman would give me the courtesy of allowing me to complete my statement, but I yield to the gentleman.

Mr. DOYLE. Mr. Chairman, I just would like to ask the gentleman, he likes to quote the Cato Institute report a lot and says that these are contributors to Democratic causes. Only five of the corporations, AT&T, Boeing, Chevron, Shell and Texaco, received ATP awards, and each of those companies gave more heavily to Republicans than they gave to Democrats.

Mr. Chairman, I would like to ask the gentleman too about corporate welfare that he supports like the National Weather Service, NIST in-house R&D, energy supply R&D, FAA, S&T. The Cato Institute defines all of this as corporate welfare.

If the gentleman is agreeing with Cato's definition that corporate welfare is any program that involves government cooperation with industry, then why is the gentleman supporting hydrogen R&D, which he supports? Is that not corporate welfare?

Mr. WALKER. Mr. Chairman, reclaiming my time, does the gentleman want a response or is he just interested in pejoratives?

Mr. Chairman, the hydrogen R&D Program that I supported was a basic research program. If the gentleman wants to go back and look at the bill, we supported a basic research program from hydrogen. We did not support any industrial policy to research to that. And the gentleman from Pennsylvania does not accept the Cato Institute's definition of corporate welfare. There are many different definitions around here that the gentleman can come up with.

Mr. DOYLE. Mr. Chairman, that is the report the gentleman cited.

Mr. WALKER. Mr. Chairman, I did not yield to the gentleman. Is he going to let me answer?

Mr. Chairman, the fact is that the way I define corporate welfare is when we are taking money from hard-earning, middle-class Americans and putting it in the hands of corporations through subsidies.

Now, that is exactly what we do here. And so, in fact, this is one of the biggest programs we have in the entire Federal Government that takes money out of the pocketbooks of Americans and hands it to big corporations.

So, Mr. Chairman, in my view, this is a definitional corporate welfare program. It is certainly a corporate subsidy program. It is certainly an industrial policy program, all the things that I think are bad.

The fact is we have had a recent report on U.S. competitiveness in USA Today. In USA Today they in fact say that the best things that we do in this country are when we have entrepreneurship and when we do the job of having better investment, not with huge corporate subsidies.

Mr. DAVIS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Morella substitute, and I yield to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Chairman, I just wanted to respond to the wording in this particular amendment. There are 75 centers that will, we understand, be fully funded, including administrative costs. Of the 75 centers, 15 are new. Fifteen are new, already contracted for, and we are providing the money for them for fiscal year 1997.

We are asking that it is appropriate at the end of that period of time to simply look and review the 75 centers to see how effectively they are operating. I think this is good accountability, good responsibility, good oversight on the part of this Congress.

The MEP program is one that our committee has demonstrated a desire to continue. We are budgeting it. We are offering in the authorization $10 million more than what was in the budget authorization for the last fiscal year that had been appropriated, and we feel it is a good amendment. I do not think it has any criticism. That is adverse. And I say to this Congress, pass it.

Mr. DAVIS. Mr. Chairman, reclaiming my time, I would just add, in support of this, that this House addressed the ATP program last year, zeroed it out. The gentlewoman from Maryland's strategy is to come back and try to get something for the MEP program. I think it is a realistic way that we can get the appropriate money for it, and I am happy to support it.

Ms. LOFGREN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I wanted to comment briefly on this because I have heard some of the same things that I have heard now for 18 months in the Committee on Science. I think there is a philosophical difference, and I think it is fair that we discuss it. It is not about money to corporations. I was here and voted against the agriculture bill. We shovel money at farmers, and they are corporations; that does not seem to bother anybody. It bothered me. So the problem is not about taking tax money and giving it to others apparently. It is about industrial policy. And I have heard the Chairman use that word over and over again.

I think there is a difference.

□ 2000

I know that we are in a vicious economic global competition. If we look at what others around the world are doing and compare them to what we will do it this bill passes with the Morella amendment to the Brown amendment, I think we will agree, at least I believe, we are in trouble.

Mr. Chairman, Europe is accelerating its investment in commercial technologies through just the same kind of programs that the ATP program represents for America through the European Union joint R&D initiative. Japan is doubling their government science and technology budget in the next 4 years. China is tripling its investment in joint projects. Korea is also boosting its R&D efforts in key areas.

They realize, as we should, that precompetitive, precommercial research is part of getting ahead in the really rather strident and tough competition that we face internationally.

I would like to note that some people who I do not think the very political, like the American Chemical Society, has said, and I quote: ATP is a vital component of our Nation's technology and competitiveness portfolio.

I would like to give just a couple of quick examples of how this actually works. One example from San Jose is Spectra Diode Laboratories, which joined with Xerox in 1991 in a project to develop integrated arrays of high-powered multi-wavelength laser diodes. Now the ATP funds that were provided, and I would add in partnership; industry puts at least 50 percent of the money up and oftentimes more; enabled this firm, SDL, to move ahead of where they otherwise would have been.

It is true one of the three technologies they developed might have been developed anyhow, but would not have happened in the time frame in which it did. In Silicon Valley and high tech, time is very important. We are talking about products that have a life cycle of 12 months, 13 months, 14 months. If you miss a step, pretty soon you have got your competitors abroad just killing you in the business.

Mr. Chairman, I would note that SDL's early applications have tripled their business in 2 years, and note that in some measure their success has added to the 46,000 jobs that were added in 1 year in Silicon Valley, CA.

None of us want to squander tax money, but there are things such as squandering and then there are investments for the future. My voters tell me for the most part that, if we can do something to invest in science and technology that boosts our economy, that provides high-tech, good-paying jobs, that is a good investment.

Mr. Chairman, I would add just one other example, and that has to do with something that I think is going to be a critical matter for our country and whether we prosper or fail in the next generation of computers. That is flat panel display. There are several competing technologies being pursued at this point. It is not yet clear which of them will emerge as the winner. We have one ATP program located in Silicon Valley pursuing very sophisticated approaches using photons as a base for the technology.

We have very little going on other than the ATP program in the United States. Our major competitors are in Japan, in Singapore, in Korea.

If we were to pull out of this technological research, we would be doing great damage. For those who have laptops, you cannot build a laptop unless you can get a flat panel. When all the flat panels are owned, when all the flat panel technology is owned by our economic competitors, our folks will not have a guaranteed supply of the key components for something that is going to be a growth industry.

Mr. Chairman, let us not shoot ourselves in the foot. I strongly urge that we vote against the Morella amendment. It kills the ATP program, and it does damage to our country's future.

Mr. DOYLE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I know it is getting late, and I am not going to take a lot of time. I just think it is interesting to note that, while the chairman of the Committee on Science likes to talk about Boeing receiving $2 million on the ATP program and labels that corporate welfare, he conveniently overlooks the $6 billion contract Boeing gets on the space station, which he supports. So I think there is just a little bit of a double standard going on here.

There is some corporate welfare apparently that is good, and then there is other corporate welfare that is not so good.

I would say to the gentlewoman from Maryland that we support MEP. All of us over here support that program, and we have tried to work in a bipartisan way to make sure what is clearly a success story continues. I would like to see the MEP program funded at $105 million, at full funding.

I would like to see other areas have MEP centers, like I enjoy in western Pennsylvania. The Southwestern Pennsylvania Industrial Resource Center, I believe, has saved the manufacturing base in Pittsburgh and is a program that not only needs to continue but should be expanded because it is doing good things, too.

Similar good things have been happening in the ATP program, and I think it is interesting to note that, when we held hearings on ATP, most of these so-called expert witnesses that were presented were not from members from the private sector or from industry. They were these so-called experts from these inside-the-Beltway think tanks that talked negatively about this program.

Every private sector, every company representative, even those that did not receive ATP awards, spoke favorably about this program. So I think, if we were serious about addressing this issue of so-called corporate welfare, that we would have done it in a much more substantial way rather than the very narrow focus that the chairman has taken in this program.

In closing, I think the Brown amendment is a far superior amendment because it takes care of two programs that are a success story. We do support the MEP program and certainly are going to support funding for that.

Certain elements within the Science Committee have tried to bury NIST's technology and manufacturing support programs without ever having to endure the political inconvenience of debating their merits or voting on the record to kill them.

Our amendment is designed to correct this situation and allow flexibility for the Appropriations Committee to find funding for these supposedly controversial programs.

What are the functions of these disputed programs?

First, let's look at NIST's Manufacturing Extension Program. The MEP, which originated during the Reagan administration, has been a salvation to many American small manufacturing businesses. Faced with increasing direct global competition in the mid-1980's, small American manufacturers needed to become more efficient, but objective sources of modernization advice were costly or nonexistent. Abroad, countries like Japan, Germany, Singapore, and Italy all launched manufacturing extension programs to help their small manufacturers innovate, renovate, and compete. The Manufacturing Extension Partnership program [MEP] was NIST's response to the efforts of our global competitors to seize control of the international market for technology.

The MEP demonstrates that the Federal Government, in partnership with local business groups, educational institutions, and State governments, could provide small manufacturers with modernization services worth several times the Federal investment. Today, the MEP program serves 32 States through a network of 44 nonprofit centers. Federal funds are awarded on a competitive basis with States and local partners matching Federal funds. Each MEP center is tailored to meet the needs of regional industries by assisting small and medium size firms employing fewer than 500 workers—381,000 manufacturers employing 12 million workers—to modernize in order to compete in the demanding marketplace of the 1990's and beyond. To date, MEP centers have reached 25,000 customer firms. Each MEP project on average adds or saves 5 jobs, increases sales by $360,000 and saves $430,000 in labor and investments. Total benefits to manufacturers amount to $8 for every Federal dollar invested.

The MEP in my region, SPIRC, the Southwestern Pennsylvania Industrial Resource Center, has made meaningful improvements in numerous manufacturing plants throughout Allegheny County. It's safe to say SPIRC is directly responsible for maintaining our manufacturing base in western Pennsylvania.

The MEP program's benefits have been widely recognized. The House and Senate have agreed on language that was included in the debt ceiling extension bill reaffirming the importance of MEP centers in helping business comply with Federal and State-level environmental regulations. The language reads:

> Nothing in this Act in any way affects or limits the ability of other technical assistance or extension programs to perform or continue to perform services related to compliance assistance.

This clearly covers current MEP activities, which provide significant environmental assistance to small and medium-sized manufacturers. This has been a recent point of emphasis within the MEP program. For example, the Tennessee MEP Center was awarded $900,000 to develop a prototype program for environmental compliance that can be emulated by other MEP centers.

Let's also look at another Reagan administration effort, the Advanced Technology Program, which addressed another market failure. Technology partnership programs, such as ATP, were crafted in direct response to the concern that too much of the scientific knowledge resulting from research projects was not finding its way into our companies, where technology could be turned into the products and services, the profits and jobs that drive our economy. Many factors, including the globalization of markets, the rapid pace of technology cycles, and the focus on short term investment, have led to the short term and narrow R&D focus in most companies.

As a result, U.S. industry tends to avoid investments in enabling technologies with broad economic benefits, and focuses almost exclusively on narrow mission-specific research with short horizons. Technology partnerships were conceived as a means to create some bridges to better connect basic research with the companies who can move ideas into the marketplace.

The ATP, based on previous Government experience in fostering technology transfer, is a cost-shared partnership between Government, industry, and universities. With funding of $341 million in fiscal year 1995, it represented less than 1 percent of total Federal civilian R&D investment. It is too early to determine the full economic benefits from a program like ATP, which began in 1990, but has at least a 10-year horizon for payoff. Already, there is substantial evidence that the ATP is catalyzing unique, new enabling technologies and thereby creating new economic opportunities that would not have existed otherwise.

Also, I want to mention that in spirit of bipartisan cooperation, Congressman BOEHLERT and I circulated a letter of support for MEP. Well over 90 Members signed onto this letter, including such notable Members as Congressman HASTERT, the majority's chief deputy whip, Chairman SPENCE of the Armed Services Committee, Chairman MEYERS of the Small Business Committee, and many others. I have a copy of the letter here, which I hope Members will look at before voting.

Thanks to more thoughtful consideration of these programs than that of the Science Committee, Congress provided adequate funding for the NIST laboratories and provided subsistence funding for the Manufacturing Extension Partnership. Unfortunately, funding for the Advanced Technology Program was eliminated for fiscal year 1996.

Authorization levels for the MEP and the ATP were not the result of any objective analysis of the merits of these programs, but were based solely on political considerations. From the beginning days of the 104th Congress, both the MEP and ATP programs were targeted as corporate welfare by certain Members.

What is the basis for my assertion that the attacks made on the ATP and MEP are political rather than any rational evaluation of the program? In a hearing before the Technology Subcommittee this past year, the only witness who spoke against the ATP and MEP were expert witnesses with no technical business background—their only experience was working for inside the beltway think tanks. Every other private sector witness supported these programs and programs like them, regardless of whether their company received an ATP award.

According to a July 1995 Congressional Budget Office [CBO] report, Federal Financial Support of Business, the ATP and MEP represent less than 4 percent of the $12 billion the Federal Government will spend on programs that support industrial technology commercialization. If the cities of these programs were truly interested in rooting out this so-called corporate welfare, why are they silent regarding the majority of programs, such as the almost $1 billion Small Business Innovation Research Program [SBIR], or $3.7 billion at the National Institutes of Health [NIH] for applied biomedical research? If they were serious, we would be debating the entire range of technology commercialization programs which the Government funds. The Science Committee has not done this and the House has not done this.

The elimination of the ATP and attempts to eliminate the MEP are using the corporate welfare label to further another agenda. To be frank, the ATP and MEP were targeted, despite their initiation by a Republican administration, because they were enthusiastically endorsed by Bill Clinton—both as a candidate and as President. Eliminating ATP and MEP does not mean that Congress is making hard choices, it says Congress is making political ones. Rather than listening to the experts and building a Federal investment S&T that is based in economic reality and looks to the future, opponents of these programs have only used rhetorical arguments as justification for attacking the ATP and MEP for purely political reasons.

I want to emphasize that until this Congress the question of support for MEP and ATP has not been partisan. It is the effort to make this a partisan debate that many of us on both sides of the aisle are working to counter. Even in the mark-up of this bill, Members of both parties supported this amendment, which failed on a tie vote. I have the utmost respect for my colleagues in the majority who have not succumbed to the misguided effort to handicap our competitiveness.

Mr. TANNER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will not take all of my 5 minutes. I just feel compelled to answer some of the charges, I guess we would call them, that have been made on the floor here today, all without any foundation, from the benefit of the standpoint of a hearing in our committee on these matters.

Let me tell Members what industry says about the Advanced Technology Program, just a few things. The Institute of Electrical and Electronic Engineers continues its strong support for the ATP program. A significant amount of progress in technology transfer is the direct result of the ATP programs. These programs illustrate that government participation in the R&D arena can be both efficient and productive.

The American Chemical Society: As the gentlewoman from California [Ms. LOFGREN] alluded to, ATP support of market incentives encourages companies to invest for the long term in high-risk, high-payoff technologies.

The American Electronics Association: ATP is based on government and industry cooperation and the development of technologies critical to America's long-term ability to compete in the global marketplace.

The South Carolina Research Authority in Columbia, SC: By supporting research in high-risk, leading-edge technology, the ATP is advancing the state of the art, contributing to the growth of our economy.

Finally, from a company in Valley Forge, PA: ATP is one vital approach to maintaining our science and technology leadership. These projects will never be undertaken without government support to challenge industry to take the higher technology risk. This could double or triple our R&D efforts on projects that are beyond our current core business and which we would otherwise never undertake.

That says it better than any politician, Mr. Chairman. That says exactly what this amendment that the gentleman from California [Mr. BROWN] has offered is all about. And that is why this almost, well, I do not know the word to use, amendment, to mask what is happening here that has been offered by the chairwoman of our subcommittee to just limit it to MEP and then to cut that off saying no new centers, that is why it should be rejected. We ought to really and truly support American business in this country.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the ATP program was established in 1990 by President Bush. It seems to have worked very well. I do not know what has caused the chairman of this committee to just turn against it and seem like to have closed his mind on it. When the amendment was offered in committee, the majority of the committee members bipartisanly supported it. But he literally went over in committee and intimidated a Member to change his vote. It failed because it was a tie vote.

It really says that most of us on this committee really do think about what the future is all about. We really do understand that we have to be a partner in creating these jobs and getting technology that saves money. You know, there are a lot of success stories of the ATP program. They are many, they are varied. But in the health care industry, for example, the ATP program for information infrastructure is assisting the industry in laying the foundation for the efficient use of technology in doctors' offices, hospitals, and clinics by cost-sharing with industry in the development of technologies, to reduce paperwork and bring better health care to rural areas. Many of our rural hospitals are at risk for closing.

Mr. Chairman, this is the kind of technology we need. Health care costs about $1 trillion a year in the United States, and the process of information accounts for about 20 percent of that total cost, or about $200 billion annually. If we can get technology to reduce that cost, thereby reducing the cost to individual patients, it is worth that small investment.

There are other examples of the ATP process. In Plano, TX, just outside my district but in the district of the gentleman from Texas, Mr. SAM JOHNSON, there is Microfab Technologies that hired 18 people. But they have come up, a very small company. I do not think you consider 18 people a large company, a big corporation. They have come up with product development from major, other companies. This new technology will significantly reduce hazardous waste. That is significant because soon we will be talking about Superfund reform and reauthorization.

I should think we want to save dollars when we have that technology. I think it is not penny-wise but it is pound-foolish for us to just decide arbitrarily, almost single-handedly that we must not partnership for developing technology, bringing about more jobs and reducing costs on things that are done in a way that could be improved with technology. I really regret that we have forgotten that we hold the trust of the people in this country, and we ought to try to bring about these changes because other countries will pass us by and we will pay more for it.

Rather than reducing ourselves to personality battles to show who is bigger than the other, that is irresponsible. I think that it is time for us to stop that and decide that we are here with the trust of people. We ought to stand and be responsible for what we are here about, and we cannot do it without these partnerships.

Ms. HARMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am extremely disappointed that a procedural maneuver may prevent a clean vote on the Tanner amendment, now called the Brown amendment, which I have enthusiastically cosponsored. Instead we will vote on a watered-down compromise, much less than we need.

NIST technology programs never used to be political hot potatoes. Both the MEP and ATP were established, as we just heard, during the Reagan and Bush administrations. Both programs are embraced by Members on both sides of the aisle because they make our Nation's businesses more competitive worldwide. Both programs are visionary and prove that government can be an effective partner with industry on technology development.

Mr. Chairman, let me just spend a few moments discussing the MEP and, in particular, California's Manufacturing Technology Center in Southern California's South Bay. Last year, 51 small manufacturers hired 442 additional employees after implementing improvements recommended by the CMTC. These same manufacturers saw their sales increase by a total of $5.8 million. Those are private-sector dollars, not taxpayer dollars.

It is all the more intriguing to me why the Committee on Science majority has decided to turn the Federal

Government's back on small manufacturers, which have accounted for the majority of manufacturing-sector job growth in the Nation during the last 25 years.

Equally important to our Nation's high-tech development is the ATP, the Advanced Technology Program, a unique partnership between government and industry to accelerate the development of high-risk technologies. That promises significant commercial payoffs and widespread benefits for our economy. Industry drives the ATP by setting the program's research priorities. Industry must keep its part of the partnership by adhering to strict cost-sharing rules. We must keep up our end of the bargain by maintaining investment in high-technology industries.

Mr. Chairman, we must drive technology forward into the 21st century. Government must be a partner with industry in this effort. This amendment is too little and very late.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, there has been a longstanding debate on this House floor that one party over another is good for small businesses. I rise to support the Brown substitute that really does support small businesses and creates jobs.

We realize that the MEP program, in fact, has kept thousands of smaller companies in business by giving them the technology and the understanding to maintain their business and to keep their doors open. But we have heard a very striking and unfortunate debate revolving around the ATP program.

□ 2015

Might I, Mr. Chairman, simply call the roll?

Plano, TX, an ATP program; Harris County, TX, an ATP program; Farmington Hills, MI, an ATP program; Danbury, CT, an ATP program; Yorktown Heights, NY, an ATP program; Valley Forge, PA, I might add in the great State of Pennsylvania, ATP program; Hopewell Junction, NY, ATP program; Wilmington, DE; San Diego, CA; Potomac, MD; Columbia, SC; Washington, DC; Santa Clara, CA, among many.

This is not a corporate welfare program. What it is is an effective partnership between business and government. It says to business, "Where there is a great risk and we realize that you will not be taking the opportunity to explore these technologies, we will come in in competition with Japan and Germany and France and England and stand alongside of you so that you might be successful."

I am somewhat disappointed that the distinguished chairman of this committee would continue to call this corporate welfare. Is he aware that when he sees the names of AT&T and IBM and Xerox, that they are, in fact, a partner with some 12 to 15 smaller companies that wind up on the grant from the Advanced Technology Program? Again a helping hand.

The chairman likes to always cite Cato as the expert on what is corporate welfare, and of course the Cato Institute suggests that the Advanced Technology Program is corporate welfare. Well, if they are so wise, let me offer to the gentleman from Pennsylvania [Mr. WALKER] that Cato also says that his favorite projects are welfare, corporate welfare; the National Weather Service, the NIST in-house research and development, general science at DOE, energy supply R&D, U.S. Geological Survey, the FAA, the Office of S&T Policy, cooperative R&D agreements, technology transfer, high-performance computing, R&D university researchers, and the Space Station.

Might I say that we as a body have a bipartisan responsibility to insure that the science of America becomes the jobs of the 21st century? I have said it yesterday, I say it today, and I say it tomorrow. The MEP program, along with the Advanced Technology Program, are effective partners, want to emphasize small businesses, but as well to emphasize partnerships between the government large corporations and smaller businesses to insure that risky scientific investigation and research is carried on so that we can be competitive worldwide.

This is a bad amendment that excludes the ATP program. I would ask my colleagues to join me in supporting the substitute offered by the ranking member, the gentleman from California [Mr. BROWN], for the committee offered in committee a bipartisan support short of that one vote. I will simply ask, Mr. Chairman, that we do that today and be victorious on behalf of research and businesses of America, particularly our small businesses.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Maryland [Mrs. MORELLA] as a substitute for the amendment offered by the gentleman from California [Mr. BROWN].

The amendment offered as a substitute for the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. BROWN], as amended.

The amendment, as amended, was agreed to.

The CHAIRMAN. Are there further amendments to the bill?

If not, under the rule the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. GOODLATTE) having assumed the chair, Mr. BURTON of Indiana, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3322) to authorize appropriations for fiscal year 1997 for civilian science activities of the Federal Government, and for other purposes, pursuant to House Resolution 427, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third, and passed, and a motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 3322, OMNIBUS CIVILIAN SCIENCE AUTHORIZATION ACT OF 1996

Mr. WALKER. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 3322, the Clerk may be authorized to correct section numbers, punctuation, and cross references, and to make such other technical and conforming changes as may be necessary to reflect the action of the House in amending the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

EXCHANGE OF LETTERS BETWEEN COMMITTEES REGARDING JURISDICTION

Mr. WALKER. Mr. Speaker, further, I ask unanimous consent that the RECORD include the exchange of letters between the Committee on Science and the Committees on Natural Resources, Transportation and Infrastructure, and Natural Security regarding the respective jurisdictions of the committees.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The letters referred to are as follows:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON SCIENCE,
Washington, DC, May 2, 1996.

Hon. BUD SHUSTER,
Chairman, House Committee on Transportation and Infrastructure, House of Representatives, Washington, DC.

DEAR BUD: On April 24, 1996, the House Committee on Science marked up and reported out H.R. 3322, the Omnibus Civilian Science Authorization Act of 1996. Title VII of the bill contains provisions relating to the authorization and administration of the Federal Aviation Administration's Research, Engineering and Development Program

Several sections of title VII fall within the jurisdiction of your committee and as such your committee received a sequential referral of the omnibus bill upon introduction.

Given the short time frame before the omnibus bill will be considered on the Floor of the House. I realize that the Transportation and Infrastructure Committee will not have sufficient time to consider those provisions within your committee's jurisdiction. In order to expedite Floor consideration of H.R. 3322, I will drop Sections 702, 703, 704, 705 and 708 of H.R. 3322 which mainly pertain to the management of the Federal Aviation Administration. I also understand that you also object to Section 706(k) of the omnibus bill, and I will therefore not include that provision when the omnibus bill is considered on the House Floor.

I appreciate your willingness to work with us to expedite the consideration of H.R. 3322. I look forward to continuing to work with you on these issues.

Cordially,

ROBERT S. WALKER,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON SCIENCE,
Washington, DC, April 30, 1996.

Hon. FLOYD SPENCE,
Chairman, Committee on National Security, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Committee on Science has marked up and introduced H.R. 3322, the Omnibus Civilian Science Authorization Act of 1996. The following provisions may be within the jurisdiction of the Committee on National Security: Section 128, Science Studies Institute and Section 453, National Oceanographic Partnership Program.

The Committee on Science acknowledges the Committee on National Security's jurisdictional interest in these provisions. It is my understanding that similar language to Section 453 will be included in the FY 1997 Department of Defense Authorization bill. Nevertheless, I ask that your committee waive any request for sequential referral with respect to the provisions described above so that the House can consider H.R. 3322 without undue delay. I would of course support the inclusion of your Committee as conferees should H.R. 3322 go to a House-Senate conference.

Thank you for your cooperation and I look forward to hearing from you.

Cordially,

ROBERT S. WALKER,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON SCIENCE,
Washington, DC, May 1, 1996.

Hon. DON YOUNG,
Chairman, Committee on Resources, House of Representatives, Washington, DC.

DEAR DON: I am writing to follow up on our conversation of May 1, 1996 about the National Oceanic and Atmospheric Administration (NOAA) title of H.R. 3322, the Omnibus Civilian Science Authorization Act of 1996. With one exception, the title's programmatic scope is identical to the NOAA title passed by the House last year as part of H.R. 2405, the Omnibus Civilian Science Authorization Act of 1995.

The one exception is a new section dealing with ocean research partnerships. It is my understanding that your staff has taken part in every step of the drafting process of the ocean research partnership language. In deference to your concerns, however, I will be pleased to drop the provision from the bill. Likewise, I am willing to drop language worked out between our two Committees last year, and passed by the House, on the NOAA Fleet and NOAA Corps as well as related program support accounts. I also am willing to drop language authorizing the National Sea Grant College Program as well as all National Ocean Service (NOS) programs and the Ocean and Great Lakes Programs of the office of Oceanic and Atmospheric Research (OAR).

As with last year, I am pleased to work out any differences our two Committees may have over the substance of authorization language covering the NOAA programs we share. If we cannot agree, however, I will oblige your desire to strike the authorization for the programs I have outlined above.

I look forward to continuing our close working relationship on legislative matters our two Committees share.

Cordially,

ROBERT S. WALKER,
Chairman.

CONGRESS OF THE UNITED STATES,
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, May 2, 1996.

Hon. ROBERT S. WALKER,
Chairman, House Committee on Science, Washington, DC.

DEAR BOB: Thank you for your letter of May 2, 1996, concerning H.R. 3322, the Omnibus Civilian Science Authorization Act of 1996. I appreciate the work your committee is doing in this bill on matters of civil aviation research and development within the jurisdiction of the Science Committee. I look forward to working with you on these matters as we proceed to reauthorize the Airport Improvement Program and as we continue to pursue FAA reform.

Because you have agreed to drop provisions within the Transportation Committee's jurisdiction from H.R. 3322, I have no objection to its consideration in the House.

With warm personal regards, I remain

Sincerely,

BUD SHUSTER,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON NATIONAL SECURITY,
Washington, DC, May 1, 1996.

Hon. ROBERT S. WALKER,
Chairman, Committee on Science, Washington, DC.

DEAR MR. CHAIRMAN: I understand the Committee on Science has recently marked up H.R. 3322, the Omnibus Civilian Science Authorization Act of 1996. This legislation includes two provisions within the legislative jurisdiction of the Committee on National Security—section 128, Science Studies Institute, and Section 453, National Oceanographic Partnership Program.

In recognition of your committee's desire to bring this legislation expeditiously before the House of Representatives, the Committee on National Security will waive referral of H.R. 3322, without, of course, waiving this committee's jurisdiction over the provisions in question. This committee also will seek to have conferees appointed for these provisions during any House-Senate conference.

I would appreciate your including this letter as a part of the report on H.R. 3322 and as part of the record during consideration of this bill by the House.

With warm personal regards, I am

Sincerely,

FLOYD D. SPENCE,
Chairman.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON RESOURCES,
Washington, DC, May 2, 1996.

Hon. ROBERT S. WALKER,
Chairman, Committee on Science, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter of May 1, 1996, agreeing to delete portions of Title IV, National Oceanic and Atmospheric Administration (NOAA), of H.R 3322, which are within the jurisdiction of the Committee on Resources.

I have memorialized our agreement in the form of an amendment to the bill. As you can see, it deletes authorization sections for the National Ocean Service (NOS) and the Ocean and Great Lakes Programs of the Office of Oceanic and Atmospheric Research (OAR). It also removes provisions affecting the NOAA Corps, NOAA Fleet, the National Sea Grant College Program and the National Oceanographic Partnership Program. The amendment also eliminates from the program termination list contained in Subtitle D those programs funded under the programs and offices listed above.

In addition, the amendment removes a limitation contained in section 442, Limitations on Appropriations, which could foreclose the Resources Committee (or any other Committee) from authorizing funds for the many NOAA programs not authorized under H.R. 3322, like the Coastal Zone Management Act, the Magnuson Fishery Conservation and Management Act and the National Marine Sanctuaries Act.

Finally, the amendment makes technical conforming changes to the remaining text of Title IV.

If the Science Committee plans to make a manager's amendment for H.R. 3322 in order, I ask that these changes be contained in that amendment. If no such amendment is contemplated, I ask that you request the Rules Committee to make this amendment self-executing upon the adoption of the Rule for consideration of H.R. 3322. Of course, I assume that you would not offer or support any amendments adding back the provisions deleted per our agreement.

I also look forward to continuing our close working relationship on legislative matters our two Committees share during the remainder of this Congress.

Sincerely,

DON YOUNG,
Chairman.

Amendments to H.R. 3322

Page 90, line 11, through page 93, line 13, strike subtitle B.

Page 93, line 14, redesignate subtitle C as subtitle B.

Page 94, line 4, through page 97, line 13, strike subsections (c) and (d).

Page 97, lines 14 and 21, redesignate subsections (e) and (f) as subsections (c) and (d) respectively.

Page 98, line 1, redesignate subtitle D as subtitle C.

Page 98, lines 6 through 11, strike paragraphs (1) through (4).

Page 98, lines 16 through 21, strike paragraphs (8) through (12).

Page 99, lines 5 through 9, strike paragraphs (17) and (18).

Page 98, line 12, through page 99, line 10, redesignate paragraphs (5), (6), (7), (13), (14), (15), (16), and (19) as paragraphs (1) through (8), respectively.

Page 99, line 19, through page 100, line 7, strike subsections (c) and (d).

Page 100, lines 11 and 12, strike "and any other Act".

Page 100, line 20, through page 103, line 24, strike section 443.

Page 104, line 1, redesignate subtitle E as subtitle D.

Page 106, line 9, through page 116, line 9, strike section 453.

GENERAL LEAVE

Mr. WALKER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks in the RECORD on H.R. 3322, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

APPOINTMENT OF CONFEREES ON HOUSE CONCURRENT RESOLUTION 178, CONCURRENT RESOLUTION ON THE BUDGET, FISCAL YEAR 1997

Mr. KASICH. Mr. Speaker, pursuant to clause 1 of rule XX, and at the direction of the Committee on the Budget, I ask unanimous consent to take from the Speaker's table the concurrent resolution (H. Con. Res 178) establishing the congressional budget for the U.S. Government for fiscal year 1997 and setting forth appropriate budgetary levels for the fiscal years 1998, 1999, 2000, 2001, and 2002, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. SABO

Mr. SABO. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. SABO moves that the managers on the part of the House at the conference on the disagreeing votes of the House and Senate on H. Con. Res 178, the concurrent resolution on the budget for fiscal years 1997 through 2002, be instructed—

(1) to agree to the Senate-passed levels of discretionary spending, as set by the amendment offered by Senator DOMENICI;

(2) to agree to section 325 of the Senate-passed resolution, relating to "balance billing" of Medicare patients by health care providers;

(3) to agree to section 326 of the Senate-passed resolution, relating to Federal nursing home quality standards; and

(4) to agree to section 327 of the Senate-passed resolution, relating to protection under the Medicaid program against spousal impoverishment.

The SPEAKER pro tempore. The gentleman from Minnesota [Mr. SABO] will be recognized for 30 minutes, and the gentleman from Ohio [Mr. KASICH] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. SABO].

Mr. SCHUMER. Mr. Speaker, I ask unanimous consent, in light of the fact that there are some flights at 9:30, that we limit debate on each side to 15 minutes. I have talked to the gentleman from Minnesota. It is okay with him. I would hope it would be okay with the gentleman from Ohio, too.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. KASICH. Mr. Speaker, reserving the right to object, I do not know whether this would then be a standing rule against the generally long-winded exhortations of the gentleman from New York [Mr. SCHUMER], but if he wants to set a precedent here for brevity, I would be more than happy to accept this recommendation.

Still reserving the right to object, I have not heard the gentleman respond to that.

Mr. SCHUMER. Mr. Speaker, will the gentleman yield?

Mr. KASICH. I yield to the gentleman from New York.

Mr. SCHUMER. Mr. Speaker, I will try to be as brief as I can.

Mr. SABO. Mr. Speaker, will the gentleman yield?

Mr. KASICH. I yield to the gentleman from Minnesota.

Mr. SABO. For the sake of my friend from Ohio, the gentleman from New York is not scheduled to speak.

Mr. KASICH. Mr. Speaker, we will accept that.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER pro tempore. The chair recognizes the gentleman from Minnesota [Mr. SABO].

Mr. SABO. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, Members, the motion to instruct does four very important things: It asks the House to agree to the Senate discretionary levels as set by an amendment offered by Senator DOMENICI in the Senate and agreed to by a 3-to-1 vote in the Senate. This is to insure that we do not head to another Government shutdown in a long, dragged-out fight over appropriation bills. It is also about making sure that we adequately fund our programs for education, environmental and safety protection, research and development, and vital programs such as in agriculture.

We also instruct the House to agree to three Senate sense of the Senate or sense of the Congress resolutions. Budget resolutions are about numbers, but it is ultimately also about policy. The Senate, through a sense of Congress, said that we should not be making changes in laws as they relate to spousal impoverishment and nursing home standards in Medicaid. I can think of no more fundamental policy that we should sustain in the Congress than those two basic priorities as we make modifications in Medicare, in Medicaid.

And we also say, and accept, a resolution from the Senate saying, that when we deal with changes in Medicare, we should not change the protections for seniors as it relates to balanced billing. In plain language, we should not let providers charge more than they are currently allowed to charge to seniors. Most of our seniors are very vulnerable, low-income people, and to change the Medicare system so that we ask higher payments from them, as proposed by the majority, is simply wrong.

So I urge the House to adopt this motion to instruct.

Mr. KASICH. Mr. Speaker, I yield myself such time as I may consume.

Let me first of all suggest that we cannot accept the motion to instruct for the simple reason that we really do not want to have our negotiating position dictated to us in a motion to instruct. In simple language, we do not intend to spend the $5 billion in additional spending that the Senate has asked for.

□ 2030

But in all likelihood, we will agree to a somewhat higher level of spending in an effort to reach agreement with the Senate. We will probably spend a little bit more money than what we spent when we passed our House resolution.

Second, however, we do not take, really, exception to the idea of having Federal nursing home quality standards. We, in fact, adopted that language in our proposal when we were in the Committee on the Budget, to make sure that we had the kind of protection for our seniors that we want as it relates to nursing home quality. We also have a change in the way in which we do the qualifications for Medicaid.

Let me just say that there are large pieces of this motion to instruct that we not only agree with, but we have solved in our resolution; but the idea that we ought to just spend this $5 billion extra is something we are not prepared to commit to because while we want to emphasize the programs for the environment, in which we have full funding of Superfund, and while we want to emphasize the programs of education, where we have real increases in title I funding, we also, however, want to make sure that at the end of the day we stay on track toward a balanced budget, that we are in a position where we are going to eliminate waste, fraud, and abuse and wasteful Washington spending. We believe we have an excellent resolution. We think we probably will add a little bit more money to it, but this is just too much to be able to pass tonight here on the House floor.

Mr. Speaker, I would say to the gentleman from Minnesota, I respect his efforts. Some of them I happen to agree with. But at the end of the day we need to stay on track, we need to balance the budget, we need to provide robust funding for education, the environment, a variety of areas, and to show real compassion.

Furthermore, let me also say, of course, the thrust of our budget resolution is designed to take power, money, and influence from this city and put it back into the hands of the American people in every town and city and village across this country. We intend to do that.

Mr. Speaker, I reserve the balance of my time.

Mr. SABO. Mr. Speaker, I yield 3 minutes to the gentleman from Missouri [Mr. GEPHARDT], the distinguished minority leader.

Mr. GEPHARDT. Mr. Speaker, I urge my colleagues to support this motion to instruct, so that we can rein in some of the excesses of the Republican budget, and stand up for working families for change.

The fact is, when we talk about the budget, we're not talking about a bunch of numbers and spreadsheets. We're talking about real people's lives.

We're talking about the elderly woman in my town of St. Louis, scraping by on Social Security, counting pennies at the end of the month—and already hard-pressed to survive the deep Republican cuts in Medicare.

We're talking about the young couple that is trying desperately to save for their children's education, and for their own retirement.

We're talking about the families that can no longer care for their parents and grandparents, but can't afford the $40,000-dollar-a-year price tag of a nursing home without any help.

It's no secret that I strongly opposed this Republican budget, because it heaped all the budget cuts on those seniors and families—carving up Medicare and jacking up the premiums; cutting into education and college loans; paring back nursing home assistance to lavish more tax breaks on people who don't need them.

But today, we have a chance to help the seniors, children, and families who should be the foundation of any budget proposal: To prevent some of the deep cuts in education, at a time when we need more education, not less of it; to protect seniors on Medicare from being overbilled by their health plans and providers, when many of them just don't have that extra money; To preserve the standards that say your whole family doesn't have to go bankrupt to put your parents in a nursing home; and to do more to protect the clean air and clean water and environmental decency that are central to America's health and safety.

This bill would tell the Committee on the Budget negotiators that they have to back away from the House Republicans' radicalism on those crucial issues, and toward the greater reason and moderation of the U.S. Senate.

The point of this bill is very simple: America's hard-working families matter more than any special-interest lobbyist.

The House Republicans' dangerous budget policies and Medicare cuts—already vetoed twice by the President—don't deserve another revival.

And together, we can start to make this a budget that actually works for working people.

Mr. Speaker, I urge Members to vote for this motion—to protect seniors on Medicare, and preserve nursing home standards, and secure education and the environment. Even these changes won't make the Republicans' budget perfect, but it will send an important message.

That today, this Congress votes for families, for a change.

Support this motion to instruct.

Mr. KASICH. Mr. Speaker, I yield myself 30 seconds to, for the one-billionth time, explain that Medicare continues to go up. We do not have any cuts in Medicare, we have real increases in Medicare. Student loans go up dramatically; in fact, nearly a 30-percent increase in funding for student loans. These are the things we are doing to set priorities for programs we really believe in, but at the same time get rid of those programs that do not make sense, that waste money, so families in fact can have a future.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Arizona [Mr. KOLBE].

Mr. KOLBE. Mr. Speaker, first of all, I do rise in opposition to this motion to instruct conferees. From a procedural standpoint, this is a little bit like the poker player who, two poker players come to the table and one says, you put all your cards down on the table and show me what you have got there and I will decide whether I am going to raise the ante here or I am going to call you or not.

Let us not do that. Let us not put all our cards down on the table here. We are going into negotiation next week, a conference committee, with the Senate. We should not go into it with with all of our cards out on the table.

Let us leave the procedural stuff aside. I listened to this motion to instruct being read here tonight. There are four parts of it, but I want to concentrate on the first one: to agree to the Senate-passed levels of discretionary spending. Sometimes I think my colleagues over on this side of the aisle are a little like the moth that goes to the flame. The flame is more spending, and they just cannot resist it, more spending, no matter where you find it, no matter where it comes from; if it is more spending, we have to do it. It does not matter that the budget resolution that we passed in the House of Representatives protects such things as title I, protects such things as Head Start, gives more money to veterans' health care, gives more money to Superfund.

But this has $5 million more in budget authority, $4 billion more in outlays, it is more spending. Let us not worry about where it is, let us just spend more money. That is all it seems to be that we hear about over there; not how can we reduce the deficit, how can we get the budget balanced, how can we save our children's future, but just how can we spend more money. Quick, we have something over here that is more money. Let us spend this money. Let us go and advocate spending these additional dollars.

We are past that. Mr. Speaker, that is passé. That was the past. That was what we used to do. The time has come to say, where can we reduce spending, how can we do government more efficiently, how can we reduce the size of government, how can we send government functions back to the States and local people. That is what we should be talking about, not how can we find another $5 billion to spend.

Mr. Speaker, I urge that this motion be defeated.

Mr. SABO. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin [Mr. OBEY], the distinguished ranking member of the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, 7 months late and two Government shutdowns later, this Congress finally got together and passed a bipartisan continuing resolution or a bipartisan series of appropriation bills just a few weeks ago. Now the Committee on Appropriations last Thursday agreed to an allocation of resources which is going to walk away from that agreement and take us right back to some of the same old arguments we had all of last year. We should not do that. This vote tonight is a test.

Some of our friends on the Republican side of the aisle have made it quite clear through the last year and a half they want to eliminate the Department of Education, they want to make deep cuts in education, they want to make deep cuts in our ability to protect the environment, they want to savage job training, but then we had another set of our Republican friends who said, oh, no, we are not like that. We are moderates. We want to protect education, we want to protect job training, we want to protect health and protect our seniors.

Tonight is the night they can do it, Mr. Speaker. What we are asking the Members to choose is whether or not they are going to vote for a budget put together by the gentleman from Ohio [Mr. KASICH], which will still require major departures from that bipartisan consensus we reached just a few weeks ago, or whether or not Members are going to buy a different Republican version, that one being proposed by Senator DOMENICI and his allies in the other body.

It seems to me the choice is clear. If Members really are moderates, if they really do care about solving these problems in a bipartisan way, rather than putting us in the same old fights all over again, they will vote for this resolution tonight. This is not a radical left-wing resolution. We are asking Members to accept the judgment of their fiscal leader in the other body, from their own party. I do not think that is asking too much, if Members are really moderate and really do want to see bills signed, and do not want to see the Government shut down again.

Mr. KASICH. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin [Mr. NEUMANN].

Mr. NEUMANN. Mr. Speaker, I rise to oppose this motion to instruct. I would like to correct what was just said.

Mr. Speaker, what we are being asked to do tonight is we are being asked to support the concept of the deficit going back up again in fiscal year 1997. I repeat, if we go along with this motion tonight, we will have the deficit going back up again in 1997. I do not think there is a single American out there who wants our deficit going back up again. The Senate bill asks us to spend $5 billion more than the House-approved plan.

I did something special for tonight, I went and dug out our original blueprint to a balanced budget that we passed last year. Guess what, the House-passed plan already has $7 billion more in spending than our original blueprint, and now we are back here asking for more spending yet. I thought it was time we got spending in line so we could get to a balanced budget to preserve this Nation for our children.

It is about time that we recognize that balancing the budget means more opportunities for our families, more job opportunities for our families, and more opportunities for them to live the American dream. That is what this is about. It is about choosing if we are going to head back off in the wrong direction again, let the deficits go back up again, start spending more money, watch this thing go back in the direction that led us down to this $5 trillion debt in the first place. I, for one, am opposed to that.

Mr. Speaker, I rise tonight to strongly encourage the House conferees to hold the line on spending, stick with the House-passed numbers, and get us to a balanced budget so we can preserve this Nation for our children.

Mr. SABO. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Florida, Mrs. CARRIE MEEK.

Mrs. MEEK of Florida. Mr. Speaker, here we go again. We are in the same circle of errors that we started the first time on the budget. It is almost like a pattern of dissent and disgust.

First of all, we keep saying we are going to take care of our seniors, but that is just a pious platitude around here. They really do not want to take care of the seniors, because if they wanted to take care of the seniors, they certainly would keep the nursing home safeguards where they were, because Members have heard of all kinds of abuse, we have heard of all the horror stories about what happens to seniors in nursing homes. If Members do not believe it, come to my State of Florida, and we can see this abuse happening to these elderly people.

Do Members know who these people are? They are our parents. They are our aunts and our uncles who get in a nursing home, and if we do not straighten our this Medicare situation, where the majority budget is trying to cut it, now they have a golden boy in the Republican party budget, he is just as golden as he can be, our champion, and he knows what he is doing, but he is not treating the seniors right. He is not treating them right.

What he is doing with this budget, he is going to lower the nursing home standards. They cannot keep it, and they do not have the money. They are going to go back to make the same mistakes. Why can we not keep the protection for senior citizens that we had all along against these excess charges, billing for things that are not even authorized? We are going to see that again. Why can we not protect these families, people who are being ruined as they pay for this care? They are being ruined. Their whole families are being wiped out. It is spousal impoverishment. They are making them citizens of poverty, and they have worked all their lives.

I appeal to the people to let us instruct the conferees in a way that is sound. It makes sense, and it is something that this Congress should do. It is not any fly-by-night, it is no way to spend, spend, spend. It is just like setting your priorities in such a way that you keep senior citizens well. The seniors of this country are hearing this, so we had better be sure that we look out for them, Mr. Speaker. Let us pass this to instruct the conferees.

Mr. Speaker, neither the House version of the budget resolution nor the Senate version is the correct way for Congress to balance the budget.

But the Senate version is clearly preferable in the protections it gives to our elderly citizens and disabled people who are in nursing homes. These protections are, of course, also important the children and other relatives of these patients.

The Senate adopted two amendments offered by Senator KENNEDY dealing with nursing home care. One amendment proclaims the sense of Congress that we retain the current law preventing the impoverishment of spouses by forcing them to pay for nursing home care. It also retains the current prohibition on liens on the home of a nursing home patient if it is being occupied by the patient's spouse or dependent children. This amendment passed the Senate by a vote of 94 to 6. I am happy to learn that the majority's new Medicaid bill complies with this Senate amendment. So I hope that the House budget conferees will readily agree to this Senate amendment.

The other amendment offered by Senator KENNEDY was adopted by a vote of 99 to zero. It proclaims that it is the sense of Congress that the Federal Government should continue to establish and enforce the Federal standards relating to the quality of care in nursing homes. While the majority party in the House is apparently willing to accept Federal standards, they have been unwilling to retain the current law that there should be Federal enforcement of these standards.

Some Members of the majority may not remember the nursing home scandals that arose when we left protection of the elderly solely to the States.

We tried that policy once. It failed. Don't try another experiment with the elderly. Do not sacrifice them on the ideological altar of States' rights.

Support the motion to instruct the conferees.

Mr. KASICH. Mr. Speaker, I yield myself 10 seconds.

Mr. Speaker, I recommend to my friend, the gentlewoman from Florida, that she refer to page 177 of the Committee on the Budget of the House of Representatives, where it has the language that protects our seniors. I would just recommend to the gentlewoman tonight, before she goes to sleep, that she gets the book and reads it.

Mr. Speaker, I yield 1 minute to the gentleman from Kansas [Mr. BROWNBACK].

□ 2045

Mr. BROWNBACK. Mr. Speaker, I rise in strong opposition to this motion to instruct conferees. I just make a point at the very outset that the past speaker from Florida, who I agree with on some things, and she is a wonderful lady, I particularly agree with her point that she says we have a golden boy that chairs the Budget Committee. He is a golden boy because he is doing what is right. It is to balance the budget. That is what the American people want.

Here we are talking about $5 billion on top of $494 billion that we are already spending, and we start breaking down the path toward balancing the budget. This is doing what is right. When you do what is right, you are a golden boy when you do that, and that is what the American people want. We need to do that.

Mr. Speaker, I rise in strong opposition to this. We are protecting the seniors, and we are protecting the kids.

Mr. SABO. Mr. Speaker, how much time is left on both sides?

The SPEAKER pro tempore (Mr. GOODLATTE). The gentleman from Minnesota [Mr. SABO] has 6 minutes remaining, and the gentleman from Ohio [Mr. KASICH] has 6 minutes remaining.

Mr. SABO. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia [Mr. PAYNE].

Mr. PAYNE of Virginia. I thank the gentleman from Minnesota for yielding me time.

Mr. Speaker, I rise in support of this motion to instruct. It is consistent with our coalition, our blue dog budget that moves to balancing the budget in a straightforward manner. But this motion also prohibits cost shifting to seniors under the Medicare program.

The Republican budget resolution would allow many doctors to bill the Medicare program as much as they wanted and the patient would pay the difference. What does this mean for patients? Under the current law, if a patient visits his doctor for a checkup, Medicare would pay about $50, the price that Medicare has determined to be fair and equitable, and the doctor could not bill the patient for any extra amount.

Under this Republican plan, Medicare would still pay the $50, but the doctor could than bill any additional amount, $15, $25, $50 above that amount that Medicare is already paying. The extra charge then would have to be paid by our seniors. These extra charges could cost our seniors as much as $40 billion during the next 6 years, yet they do nothing to ensure the solvency of the Medicare trust fund.

The current prohibition on balance billing is solid policy for two reasons. First it has reduced extra charges to our seniors by over $18 billion since 1985 and, secondly, it ensures the fiscal responsibility of the Medicare program and forces providers to be more efficient. All of us agree that the Medicare trust fund must be strengthened and that the program must be made more efficient.

Let us reform the Medicare program in a constructive and thoughtful manner. Repealing balance billing protections for seniors is just bad policy. It damages the trust fund's health, it potentially damages our seniors' health, and damages our seniors' pocketbooks. I urge my colleagues to support this motion to instruct.

Mr. KASICH. Mr. Speaker, I yield 2 minutes to the very distinguished gentleman from Delaware [Mr. CASTLE], the former Governor.

Mr. CASTLE. I thank the gentleman for yielding me the time.

Mr. Speaker, I answer to the call of being a moderate. I am someone who has worked hard here, I think, for adequate funding for education, for the environment, for housing and other important domestic programs, and I believe that the Budget Committee and the Appropriation Committee in this year are acting in good faith to provide funding for these programs. I believe that our seniors, I believe that our children, I believe that our education programs, I believe that our environmental programs are going to be protected by the budgeting which we have this year.

So I rise in opposition to the motion to instruct. I believe we must balance the budget. Earlier in this year, as the appropriation process went forward dealing with the 602(b)'s, 28 of us over here on the Republican side signed a letter to the gentleman from Louisiana [Mr. LIVINGSTON] and the gentleman from Ohio [Mr. KASICH] asking them to be expansive with respect to Labor-HHS-Education bills and the VA-HUD and Independent Agency bills, and they have responded to that, I think, differently than last year.

I think we are in a situation now in which we can support the budget which is going ahead, but we must never forget that ultimately if we are going to help these children and these families and these senior citizens, we must balance the budget of the United States of America. That is what this is all about. We cannot add spending back into it, but we have to deal with the good faith efforts which have come forward so far.

I believe that it is unnecessary and unfair to demand that our conferees accept the entire $5 billion Senate increase for domestic discretionary spending. This has been laid out very carefully this year in a way in which we can all manage. So I would urge all of us here tonight to hold the line on spending, and I would urge all of us to oppose the motion to instruct conferees.

Mr. SABO. Mr. Speaker, I yield 10 seconds to the gentlewoman from Florida [Mrs. MEEK].

Mrs. MEEK of Florida. Mr. Speaker, I just wanted 10 seconds so that my chairman would understand my point.

The Republicans accepted the language concerning Federal protection in these standards but they did not say that they would enforce them. So just accepting the language without enforcement leaves a zero.

Mr. SABO. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland [Mr. CARDIN].

Mr. CARDIN. I want to thank my friend from Minnesota for yielding me this time and thank him for his leadership on this issue.

Mr. Speaker, I support this motion, but let me just give one reason, one part of the motion that deals with Medicare that I think is particularly important. The House budget resolution takes away the protection that our seniors have today, certain seniors, on their doctor or hospital being able to bill more than Medicare permits. That will require many seniors to pay a lot more for their health care as a result of that provision.

Last year the Democrats pointed out to the Republicans in their budget resolution the mistakes that they were making in Medicare, that it would cost our seniors more, it would take away their choice, being done in order to give tax breaks to basically wealthy people. Let us not make the same mistake again this year.

This motion gives us a chance, one chance, one part dealing with balance billing, to go along with the wisdom of the other body and to make sure that our seniors have the protection against balance billing. I urge my colleagues to take advantage of this and vote for the motion that is accompanying the conference report.

We have heard from the Republicans, we have heard from the Democrats. Let me quote, if I might, from two nonpartisan private commissions that report to Congress that work for us. These are nonpartisan commissions that look at the health care system. Both have evaluated the Republican Medicare proposal.

PPRC has said "The absence of balance billing limits for services delivered in private fee-for-service plans and plans associated with MSA's could leave beneficiaries exposed to substantial out of pocket liability."

And PROPAC said "PROPAC is concerned that beneficiaries who choose the Medicare Plus fee-for-service option will be subjected to unanticipated out-of-pocket liabilities." But then the commission goes on and says "The Commission is also concerned about provider behavior resulting from these arrangements: Some providers may decide not to see those with traditional Medicare coverage by limiting their practice to patients who can pay high charges. This phenomenon could limit access of Medicare beneficiaries, particularly those with low incomes."

The provision that is in the House budget resolution will lead to different levels of care for our seniors. Those that are wealthy will have one system. Those that have limited income, most of our seniors, are going to be denied full access and are going to be asked to pay more with less choice.

That is not what we want. Our seniors already have the highest out-of-pocket health care cost of any group of Americans. The Republican budget resolution will add to that cost.

The Senate, the other body, at least recognized on balance billing that we must maintain a provision that has been in the Medicare system for a long time, that protects against extra billings by doctors and hospitals that our seniors just cannot afford. I urge my colleagues to support the motion that is accompanying the conference report.

Mr. KASICH. Mr. Speaker, I yield 1½ minutes to the gentleman from Connecticut [Mr. SHAYS].

Mr. SHAYS. I thank the gentleman for yielding time.

Mr. Speaker, I just want to correct the facts stated on the other side. They are simply not accurate when they say that we will charge seniors more.

The fact is on Medicare, we are going to have spending go up from $196 to $284 billion. That is a 45-percent increase. On a per-person basis, it is going to go up to 34 percent, from $5,200 to $7,000.

I really believe in our proposal. The bottom line is very simple. We do not increase copayments, we do not increase the deductible, we do not increase the premium, and we say that under the fee-for-service system, you cannot have balance billing.

Furthermore, we allow individuals to have choice. If people do not want the traditional fee-for-service, they can have choice, or a whole host of different programs. Under those different programs, they may get eye care, they may get dental care, they may have a rebate in their copayment, their deductible, they may even have their MediGap paid for.

The bottom line is when they are in their fee-for-service system, they get what they get now. If they get into private care and choose to, if they get into it and they do not like the plan, they can leave. They have 24 months, each and every month, to leave. So we give them choice, we do not increase copayment, the deductible or the premium. It stays the same. It seems to me like a very good plan. Plus we add 45 percent more to the spending on Medicare, from $196 to $284 billion.

We do the same thing with Medicaid. That goes up 46 percent, from $95 to $140 billion. That is a significant increase in spending. Only in this place when you spend more is it called a cut.

The SPEAKER pro tempore. The gentleman from Ohio has 2¾ minutes remaining, the gentleman from Minnesota has 50 seconds remaining and has the right to close the debate.

Mr. KASICH. Mr. Speaker, I yield 1 minute to the gentleman from Arizona [Mr. HAYWORTH].

Mr. HAYWORTH. I thank the chairman for yielding time.

Mr. Speaker, I rise in opposition to this motion to instruct our conferees for three very simple policy reasons, and for three additional personal reasons.

The major differences are these. Our plan of the new majority brings the deficit down. To change course, to embrace this big spending the other side is so enthralled with, would drive the deficit up.

Second, our plan is real. The President and the guardians of the old order would need huge, unspecified cuts to finally deal with the deficit and eventually achieve balance.

And, third, our plan begins to control the explosive growth in entitlements, saving those programs by controlling the growth, not by cuts but by growth control.

Mr. Speaker, I said there are also three personal reasons and I wear them here on my lapel, Nicole, Hannah, and John Micah, my 3 children. I will not leave them saddled with a debt. It is immoral. Reject this motion. Embrace our budget. Embrace our future.

Mr. KASICH. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, to close the debate, it is really kind of simple. We have a real budget that uses real numbers. It lowers the deficit and it balances the budget by 2002.

The alternative, the President's budget. It got barely a majority of support of the people on the other side of the aisle. Why? Because it does not lower the deficit. It uses smoke and mirrors. In fact in the last year it has a tax increase.

Every time we pull the Democrats, and not all the Democrats, but we pull the people on the other side that like Washington, we pull them to the drinking fountain, they take a little drink and they buy into less spending, it is only about 24 hours later when they are trying to figure out how to get us to spend more.

We have a good plan, it has got the right priorities, it lowers the deficit, it protects our children and it also transfers power, money and influence from this city. The fundamental difference between Democrats and Republicans today is that we want to give people power back in their communities, in their villages, in their towns across this country, and the Washington spenders and liberals believe that people at home cannot get it right.

Well, as Republicans, we are going to fight, and it is going to be a long road but at the end of the day we are going to pry people's power and money and influence out of Washington bureaucrats and put it back into the hands of Americans across this great country and trust that they will get it right at the end of the day to solve local problems with local solutions and to protect their children.

Vote against the motion to instruct.

Mr. SABO. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, the motion to instruct simply says, let us adopt some simple basic protections for the seniors and vulnerable in our society as it relates to health care. As it relates to the investments we make in domestic discretionary spending, we simply say, accept the Domenici amendment which BOB DOLE voted for. You can do it. You can do it within the context of a balanced budget which we agree that we need to achieve. But let us do it in a fair fashion. Let us move in the direction and not closing down Government again. Just simply accept the proposal offered by the Senate Budget chairman, a very Republican person, the last I heard, supported by BOB DOLE.

Let us be reasonable. Let us move on a course that gets the session ended. Let us not vote to close down the Government again.

Ms. PELOSI. Mr. Speaker, I rise in support of the Sabo motion to instruct conferees on the budget resolution. The motion instructs the conferees to agree to the Senate levels for nondefense discretionary spending. Let me explain why this is important.

As we know, the President and the Republican leadership have both proposed plans that the Congressional Budget Office says would reach balance in 2002. Clearly, the President's budget illustrates that a balanced budget does not necessitate extreme and excessive cuts in programs of vital importance to millions of Americans.

The House budget resolution is worse than the Senate, making it harder to finance important domestic priorities in education and training, the environment, science and technology, and law enforcement.

The allocations to the appropriations subcommittees reflected in the House budget resolution have created the same basic conflict that led to two Government shutdowns and 13 continuing resolution in the battle over 1996 spending. Why would we knowingly do this again?

Specifically, the House allocations are $19 billion less than the President's request for nondefense programs, while at the same time adding nearly $13 billion above the Pentagon's request in funding for defense and military construction programs.

For example, the allocation to the Labor-HHS—Education Subcommittee is $6.7 billion below the President's request and $2.5 billion below the levels necessary to sustain the 1996 program level. This allocation would likely result in significant cuts to such programs as Title I Education for the Disadvantaged, Pell Grant college scholarships, and the Summer Youth Employment Program.

The chairman of the Budget Committee in the other body clearly recognized that we were once again engaging in a train wreck scenario. Rather than push this to the brink again this year, he wisely proposed to add $5 billion to the Senate domestic discretionary spending level to make whole the allocation to the appropriations subcommittees necessary to avoid unnecessary vetoes and further gridlock.

Although the Sabo motion would not even meet the President half way on priorities, it would allow funding at a freeze level for most program, funding at current services level for some priority programs, and allow modest investments in a very limited number of priority domestic investments such as biomedical research.

The Sabo motion does not fully address the fundamental differences between the Republican leadership and the President with regard to budget priorities. For example, the budget resolution would still assume a cut of $61 billion from the President proposed spending level for education and training. Nonetheless, the Sabo motion would allow us to get through the 1997 spending bills with a much higher level of bipartisan support. In the short and long run, this would be a good thing for the American people.

Mr. ROHRABACHER. Mr. Chairman, this is a classic example of the thinking that we sometimes hear from across the aisle. Instead of focusing on the policy goal, they focus on the bureaucratic program. Instead of measuring results, they measure resources and effort expended.

Over the past year and a half the Science Committee has witnessed a growing dispute about global climate change. There is perhaps even greater dispute about whether Mission to Planet Earth is the right way to study climate change. But there is 100-percent dispute—nobody agrees—that the original baselined Earth observing system is the most cost-effective way to collect the data required for Mission to Planet Earth.

Only the gentlewoman from Texas—plus a few contractors and bureaucrats—seem to think that we should do this project the old and expensive way.

Several weeks ago the Space Subcommittee heard testimony from multiple witnesses that using small satellites to collect Earth science data would be cheaper and easier than the larger satellites currently planned for the Earth observing system. We have also heard testimony that the new commercial remote sensing industry should be able to save us a great deal of money in collecting and distributing data.

So it seems clear that we can achieve the scientific goals of this program much more cheaply than is currently projected. But only if we allow budgetary necessity to be the mother of programmatic invention and reform.

Now it's no secret that I'm not a huge fan of this program, or of the scientific theories it may help to test. But that's not what's at issue here. The issue is whether we do this research affordably, within the context of a balanced budget, or whether we try to do it unaffordably, and break the budget and probably fail to do the science.

So why would anyone want to hang on to the old ways of doing things when that's not only more expensive, but in fact not as good? If we followed that logic—the logic of the gentlewoman from Texas—then Houston wouldn't be the hometown of the largest personal computer company in the world because we would all still use giant mainframe computers instead of PC's, we wouldn't have the benefits of using the new technology, and, of course, none of those jobs would exist in Houston.

Mrs. SMITH of Washington. Mr. Chairman, I rise today in support of the Nation's science programs and the international space station. Over the past several years, the Boeing Co. and its employees in my home state of Washington have been working to help design and build the international space station. Currently, the space station is on schedule and on budget. In addition, Mr. Speaker, the space station holds great promise in the research of cancer and cell development, human physiology, biotechnology, fluid physics, combustion science, materials science, telecommunications, and new pharmaceutical products. With all these great promises in mind, I applaud the efforts of the Boeing space station employees for helping to advance our country's leadership in space technology. I look forward to witnessing the success of this technology and urge my colleagues to support the space station for countless generations to come.

Mr. WYNN. Mr. Chairman, I have some very serious concerns about the legislation before the House today, H.R. 3322, the Omnibus Civilian Science Authorization Act of 1996. This bill cuts NASA's Mission to Planet Earth [MTPE] Program by $261 million from the fiscal year 1996 estimated funding level and $373,700,000 from the President's fiscal year 1997 request.

Mission to Planet Earth is NASA's long-term, coordinated research effort to study the Earth as a global environmental system. This program will expand our knowledge of the Earth and its environment, the solar system, and the universe through observations from space. The end product of Mission to Planet Earth will be the ability to develop and implement environmental policies based on a better understanding of how our environment works.

There are many reasons that global environmental change is important to our society. A single climate change event can cause global effects. For example, one major climate event, El Niño in the Pacific Ocean, has been occurring for hundreds of years on a fairly regular basis. When it does occur, it has a tremendous effect on weather patterns, causing floods and droughts in different parts of the world. Many researchers believe that the 1993 Mississippi and 1995 California floods were caused by El Niño. In the last decade, the pattern of El Niño occurrences has increased tremendously, though we have not yet learned why.

The U.S. Government estimates that natural disasters cost the United States an average of about $1 billion each week. Improving our ability to understand, predict, and respond to these events could allow us to find ways of reducing these costs and the loss to human life.

By using satellites and other tools to study the Earth, NASA hopes to expand our understanding of how natural processes affect us, and how we might be affecting them. Such studies will yield improved weather forecasts, tools for managing agriculture and forests, information for fishermen and coastal planners, and, eventually, an ability to predict how the climate will change in the future.

I would also like to make it clear that Mission to Planet Earth has always enjoyed bipartisan support. The largest budget element for Mission to Planet Earth is the Earth observing system [EOS], which will make two dozen different measurements over at least 15 years to provide the first long-term, integrated observations of the global environment. The program is estimated to cost approximately $7.6 billion through the year 2000, and has already been reduced by 60 percent since its original approval by Congress in 1990.

This project was originally designed during the Reagan administration to study the full range of issues associated with changes in the global environment. President Bush formally proposed the build EOS in 1990 and Congress approved a new start for the program later that year. Since 1990, EOS has undergone three restructuring efforts, designed to focus objectives and approaches and reduce the overall program budget.

NASA has worked hard to reduce the costs of its programs, and I think those efforts should be commended. I support full funding for Mission to Planet Earth, and hope that my colleagues will join me in meeting the administration's funding request. In the long run, the knowledge we gain through this program may save a great deal of money and a great many lives. In my opinion, that is a fairly significant return on investment.

Mr. QUINN. Mr. Chairman, I rise today to share my views on the Omnibus Civilian Science Authorization Act. I would like to state my support for NASA's space station. NASA has played a vital role in America's development, both in the advancement of scientific innovations and the implementation of technological breakthroughs. Often times, technology that is produced from these breakthroughs becomes integrated into our Nation's industrial sector. The United States receives a direct dual benefit from the space program, both in the fields of scientific discovery and commercial technological transformation. I envision great things in America's future scientific discovery. The space station will be the heart of our Nation's great innovative zeal.

I would also like to express my support for title IV of the bill which authorizes the National Oceanic and Atmospheric Administration to implement its National Weather Service Program [NWS].

The NWS furnishes the entire United States with forecasts and other weather information. This past year we experienced unusually severe weather conditions and the NWS readily provided protection for our everyday lives.

If the NWS does not receive sufficient funds, the agency would simply amount to a data collection center. I am pleased to see that the bill increases funding for the NWS by $19.8 million from fiscal year 1996. Nevertheless, the American people could still stand to lose out on the crucial services offered by the NWS. To that end, I support the various amendments which would bolster the NWS's ability to execute its responsibilities in a sound manner.

I support Mr. BROWN and Mr. WAMP's amendment which would increase the authorization for the National Weather Service. Additionally, I support Mr. CRAMER's amendment which modifies the agency, which, for example, would require the Department of Commerce to notify Congress on its decision to close, consolidate, or relocate any field office.

Mr. HILLEARY. Mr. Chairman, I rise to encourage the House members to vote for H.R. 3322, Omnibus Civilian Science Authorization Act. It is a good bill that authorizes vital programs and includes helpful language that effects the whole country.

This bill has provisions to update the language of the Unitary Wind Tunnel Act of 1949 which originally declared that the NASA Administrator and the Secretary of Defense should jointly develop a plan for construction of "wind tunnel facilities for the solution of research, development, and evaluation problems in aeronautics at educational institutions within the continental limits of the United States for training and research in aeronautics, and to revise the uncompleted portions of the unitary plan from time to time to accord with changes in national defense requirements and scientific and technical advances."

The field of aeronautics has received many advances since this act was last amended in 1958—almost four decades ago. Unfortunately, as we heard from expert testimony before the Science Committee, the wind tunnel facilities in this Nation are showing their age. The European countries, in a consortium, recently opened a new transonic wind tunnel which is technologically superior to any in the United States. This will have a direct effect on improving the competitiveness of European aircraft in the global market.

Mr. Chairman, the aerospace industry is the second largest exporting industry in this country, second only to agriculture. While just a few short years ago, the U.S. aerospace industry accounted for around 70 percent of the global market, recent reports show that we may have dropped below 50 percent. This loss of market share costs us billions of dollars in our trade deficit and each percentage point of global aerospace market lost by our domestic companies translates into about 44,000 Americans losing their jobs.

A study conducted by the National Research Council [NRC] in 1992 identified that our current wind tunnel facilities are inadequate for maintaining aeronautical superiority into the next century.

In 1994, NASA was directed by Congress to conduct a study of the needs and requirements of a national wind tunnel complex.

NASA currently is in the process of concluding this study of the technical, business, and related issues concerning the feasibility of developing the national wind tunnel complex. I fully support and encourage NASA to complete this study process, to assure that America's national security and international competitive interests in civil and military aeronautics will be sustained over the long term.

I am disappointed that President Clinton has chosen not to build the facility and provided no funding for construction.

In my view, the NWTC study takes on added importance at this time, in light of continuing budgetary pressures on NASA and other agencies engaged in aeronautics research and test activities, including the Department of Defense and the Federal Aviation Administration. Congress should also consider economic conditions in the aviation manufacturing sector of America's national industrial base constraining large-scale capital investment in research and test facilities along with the need to effectively integrate the NWTC with existing NASA, DOD, and FAA aeronautical research and test facilities and activities.

With this background, I believe that the integrated planning and organizational framework envisioned in the Unitary Wind Tunnel Plan Act of 1949, as amended, is a suitable and appropriate vehicle for the planning, development, and operation of aeronautics research and test facilities and activities in subsonic, transonic, supersonic, and hypersonic flight regimes, since all regimes influence performance, cost, and competition for civil aviation directly undertaken in whole or in part by NASA.

Congress has already made it very clear that before the first spade of dirt can be turned, there must be an agreement in place which includes substantial financial participation from both the private aerospace industry and the Department of Defense as they will be the primary users and beneficiaries of the project.

Any decision by the Congress to move beyond the phase 1 study is contingent upon NASA executing a memorandum of agreement with both the Department of Defense of the U.S. aviation industry, both commercial and military, regarding cost shares for construction and utilization of the complex.

With regard to the NWTC study, in light of the budgetary pressures, general economic conditions impacting the U.S. aviation industry and other factors noted above, I would hope that NASA will place special emphasis on the development and operation of additional wind tunnels at existing NASA and DOD research and test facilities.

I encourage my colleagues to support this bill.

The SPEAKER pro tempore. All time has expired.

Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct the conferees offered by the gentleman from Minnesota [Mr. SABO].

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. SABO. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 187, nays 205, not voting 42, as follows:

[Roll No. 209]

YEAS—187

Abercrombie
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Beilenson
Bentsen
Berman
Bevill
Bishop
Blumenauer
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Coyne
Cramer
Cummings
Danner
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
English
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Flake
Flanagan
Ford
Fox
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Leach
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Martini
Mascara
Matsui
McDermott
McHale
McKinney
McNulty
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Moran
Morella
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (VA)
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Riggs
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schiff
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Smith (NJ)
Spratt
Stenholm
Stockman
Stokes
Stupak
Tanner
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Weller
Williams
Wise
Woolsey
Wynn

NAYS—205

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Callahan
Calvert
Camp
Campbell
Canady
Castle
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Ehlers
Ehrlich
Emerson
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fowler
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greene (UT)
Greenwood
Gunderson
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
Longley
Lucas
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Moorhead
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pombo
Porter
Portman
Pryce
Radanovich
Ramstad
Regula
Roberts
Rogers
Rohrabacher
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Skeen
Smith (MI)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns

Stump
Talent
Tate
Tauzin
Thomas
Thornberry
Tiahrt
Upton
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—42

Ackerman
Barton
Becerra
Buyer
Chabot
Costello
Davis
de la Garza
Dunn
Engel
Fields (LA)
Fields (TX)
Foglietta
Gibbons
Gutknecht
Hayes
Houghton
Jefferson
Kennedy (MA)
King
Lincoln
McCarthy
McDade
Meehan
Molinari
Mollohan
Montgomery
Murtha
Nadler
Payne (NJ)
Peterson (FL)
Quillen
Quinn
Richardson
Ros-Lehtinen
Shuster
Stark
Studds
Taylor (NC)
Vucanovich
Wilson
Yates

□ 2118

The Clerk announced the following pair:

On this vote:

Mr. Ackerman for, with Mr. King against.

Mr. PETE GEREN of Texas changed his vote from "yea" to "nay."

Mr. GORDON changed his vote from "nay" to "yea."

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. (Mr. GOODLATTE). Without objection, the Chair appoints the following conferees: from the Committee on the Budget, for consideration of the House concurrent resolution and the Senate amendment, and modifications committed to conference: Messrs. KASICH, HOBSON, WALKER, KOLBE, SHAYS, HERGER, SABO, STENHOLM, Ms. SLAUGHTER, and Mr. COYNE.

There was no objection.

GENERAL LEAVE

Mr. KASICH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the motion to instruct conferees on House Concurrent Resolution 178, the House concurrent resolution on the Budget for fiscal year 1997.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3540, FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1997

Mr. GOSS from the Committee on Rules, submitted a privileged report (Rept. No. 104-601) on the resolution (H.Res. 445) providing for consideration of the bill (H. R. 3540) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1997, and for other purposes, which was referred to the House Calendar and ordered to be printed.

LEGISLATIVE PROGRAM

(Mr. BONIOR asked and was given permission to address the House for 1 minute.)

Mr. BONIOR. Mr. Speaker, I would inquire of the distinguished majority leader regarding the schedule for the rest of the evening and week and the following week.

Mr. ARMEY. Mr. Speaker, if the gentleman would yield, I am pleased to announce that the House has completed legislative business for the week. On Tuesday next, the House will meet at 12:30 p.m. for morning hour and 2 p.m. for legislative business.

We will consider the number of bills under suspension of the rules. I will not read through that list now, but a complete schedule will be distributed to all Members' offices.

Members should note, however, that if any recorded votes are ordered on the suspensions, they will be postponed until 12 o'clock noon on Wednesday, June 5.

On Wednesday, June 5, and Thursday, June 6, we will consider the Foreign Operations Appropriations bill which, of course, will be subject to a rule.

Mr. Speaker, we should finish legislative business by 6 p.m. on Thursday, June 6.

Mr. BONIOR. Mr. Speaker, reclaiming my time, I have just two quick questions to the gentleman from Texas [Mr. ARMEY]. Does he expect to have the conference report on the budget resolution next week?

Mr. ARMEY. Mr. Speaker, if the gentleman would yield, it is our hope that we would be able to do this possibly even by Thursday. Obviously, we have to see what we can accomplish when the Senate is back in town, but we are hopeful.

Mr. BONIOR. Mr. Speaker, the other inquiry I would make to my friend from Texas is that we on this side of the aisle have heard rumors that the gentleman may be considering adding a suspension concerning welfare reform. We are obviously concerned, since it is not on the gentleman's list, at least the list that we are aware of, and we have not seen this legislation.

So, my query to my friend from Texas is, will we be considering a welfare bill on Tuesday, a day which I might add, that Members will not even be in town?

Mr. ARMEY. Mr. Speaker, if the gentleman will yield, that bill has not yet been written, but the gentleman should expect that it will be added to the Suspension Calendar for Tuesday.

Mr. BONIOR. For Tuesday?

Mr. ARMEY. For Tuesday.

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, I am confused about that response from the majority leader, because when our staff met with the gentleman from Wisconsin [Mr. NEUMANN] today, he indicated that neither he nor anyone involved in putting that bill together had read the waiver request submitted yesterday and he said he was simply operating on trust.

Since my understanding is that the governor himself exercised some 70 item vetoes on the legislation that was passed by the legislature covering some 27 different subjects, whether or not the Congress is going to be allowed to at least fully understand what is in that package, and how those item vetoes have changed the package as it was originally passed by the Wisconsin legislature. Are we going to have adequate understanding of that before we asked to vote?

I mean, if this is going to be debated on a day when Members are not even here, and then voted on a subsequent day, I would venture to say that there will not be three Members of the Congress who know what is in the bill which they are passing on to the Senate.

Mr. ARMEY. Mr. Speaker, if the gentleman would continue to yield, in light of the President's ringing endorsement just given recently of the Wisconsin welfare plan, we have the relevant committees in discussions with the State and they are preparing a resolution which, frankly, will not be that lengthy or complex or difficult to understand.

I am confident that Members who find themselves keenly interested in this subject will be able to make their way back to the floor in time to participate in the discussion on Tuesday next.

Mr. BONIOR. Mr. Speaker, is the gentleman suggesting that this is going to go through the appropriate committee before it is brought to the floor of the House?

Mr. ARMEY. No, if the gentleman would continue to yield, it is being prepared by the appropriate committee and it will be on the agenda next Tuesday.

Mr. BONIOR. But, Mr. Speaker, I gather from the gentleman's answer that, in fact, there will be no markup in the committee. So this is an example of a welfare bill not yet written brought directly to the floor of the House of Representatives without adequate attendance on Tuesday, when there are no votes scheduled, and to be debated. That seems to be a pretty, if I may say so to my friend from Texas, a pretty outrageous thing for the majority to do next week.

Mr. ARMEY. Mr. Speaker, if the gentleman would continue to yield, I reiterate we are acting in response to the President's enthusiastic endorsement of the Wisconsin welfare plan and we want to give the President every opportunity to act in accordance with the very, very public position he has taken demonstrating the enthusiastic support, and it will be on the schedule next Tuesday.

Mr. BONIOR. Mr. Speaker, I yield to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Speaker, I would simply like to observe that this seems to me to be nothing but a blatantly political act. The question is not what the President has said he will or will not do. I hope he will provide ample opportunity for Wisconsin to get what it is asking for, after he has met his responsibilities and we have met ours, to understand what it is we are helping to support.

But as I understand it, the legislation to be brought before the Congress has nothing to do with the President. It simply provides a congressional waiver without, at this point to my knowledge, a single Member of the House having read what it is that is supposed to be waived.

Mr. ARMEY. Mr. Speaker, if the gentleman would continued to yield, clearly a single Member of the House will have read it if a single Member of the House will have written it. That being an academic point, it will be on the floor and the gentleman will have ample opportunity to debate it on Tuesday.

Mr. BONIOR. Mr. Speaker, it seems to me, I would say to my friend from Texas, that 20 minutes of debate is hardly ample time to debate one of the most important issued that this country is facing, and that is welfare.

And it just, if the gentleman will pardon my vehemence, I say to my friend from Texas, to bring this out to the floor without the committee having marked it up, without attendance here, to debate it for 20 minutes, is not the proper way to conduct the business of this House.

☐ 2130

While the President may have endorsed it and while many of us on the other side of the aisle agree with many of the features of it, we have a responsibility as Members of this institution to look at it, look at it carefully to make sure that it meets the standards that we think are appropriate for the American people.

Mr. Speaker, I yield to the gentleman from Texas [Mr. DOGGETT].

Mr. DOGGETT. Mr. Speaker, do I understand then that we will be taking up on Tuesday, a day when many Members will not be here, I certainly plan to be here personally, that a piece of legislation that has not yet been written and that we will have only 20 minutes per side to debate that piece of legislation? Are those the circumstances that we will face on Tuesday?

Mr. ARMEY. Mr. Speaker, if the gentleman will continue to yield, I do appreciate the fact the gentleman from Texas will be here because then the 40 minutes of debate, which is so much more than is usually given by Congress to a presidential waiver, will be that much more enlightening and I do appreciate it.

Mr. DOGGETT. Mr. Speaker, is the gentleman's interest in confining this debate to 40 minutes on a bill that has not yet been written that will be presented on a day when most people will not be here an indication of his disinterest in getting a welfare reform bill passed or just his wry sense of humor?

Mr. ARMEY. Mr. Speaker, this is an endorsement of the President's stated public intention to give a waiver to the State of Wisconsin due to his enthusiastic support for what it is the State has done. I do not understand why those on the gentleman's side of the aisle are so reluctant to stand by their man. That being what it is, they will have their opportunity to do so on Tuesday next.

Mr. BONIOR. I yield to the gentleman from Wisconsin [Mr. KLECZKA].

Mr. KLECZKA. Mr. Speaker, would the majority leader give the Members of the body some feel as to what these waivers include? I am told that there are 75 separate waivers. Could the majority leader possible share with the Members what some of them might be?

Mr. BONIOR. Mr. Speaker, I yield to the gentleman from Wisconsin [Mr. NEUMANN].

Mr. NEUMANN. Mr. Speaker, I would just point out on a radio address Saturday about a week ago, the President said that he had received what he needed in that radio address. He said to the American public that he supported the Wisconsin plan, and I can quote directly several of his words. He said we should get this done in terms of approving the waivers.

Mr. KLECZKA. Mr. Speaker, if the gentleman will continue to yield, since the gentleman from Wisconsin [Mr. NEUMANN] is going to be the author of the bill, maybe he could relate to and enlighten some of the Members here as to maybe 3 or 4 or maybe 5 of the 75 waivers. Could he share that with us?

Mr. NEUMANN. I can share what is in the bill we are drafting. I would certainly be happy to do that, and I would also like to say we have been working for the last 48 hours or more getting that bill prepared. There has been a lot of discussion back and forth on the preparation of the bill.

Mr. KLECZKA. Mr. Speaker, if the gentleman will continue to yield, let us talk about for a moment what we are doing here. The legislature passed a bill called W-2 in the Wisconsin legislature some 6, 8 weeks ago. About 5 weeks ago, the Governor signed the bill, and it has taken him 6 weeks, 5 weeks to come to Washington, DC to request the waivers to implement this piece of legislation.

When the Republicans in the House talk about a waiver, know full well it is not a single waiver. It is 75 separate waivers doing everything from eliminating the fair hearing, which is currently provided for under the law, to making provisions for those working in Wisconsin to work at a subminimum wage.

I happen to do a radio show with my colleague, the gentleman from Wisconsin [Mr. PETRI], and we discussed this very same issue last Friday. At that point in time, I had before me a list of 42 of those waivers, and they are from soup to nuts. They are lengthy and some are complicated, but they are 42. Now our Governor comes to town, has a press conference at the Press Club and all of a sudden enlightens this person from Wisconsin that magically there are now 75 waivers.

So what we are going to be asked to do on Tuesday is to grant carte blanche all 75 waivers. I as one Member from Wisconsin, which does have some interest in this subject matter, do not even know what the 30 have to do, do not know anything about the 30. But I should also state that I have received numerous letters in my office from very, very interested Wisconsinites who do not know what the 75 waivers are, either, and have requested the Secretary of Health and Social Services and those in charge around here to provide for a 30-day public comment period.

They want to be heard. Something very unheard of in this new Congress, the public wants to be heard. I think the people from Wisconsin who this will directly affect have a right to approach this government and say I do not like number 75, I like 68.

Why are we rushing this through on a day when Congress is not going to be here? I will say there is not a Member, there is not one of nine of us, there is not any of the nine of us from Wisconsin who knows anything about these waivers, including the author of the bill. I asked him to give me a feel for one, two, three, four, five. He does not know. He has not seen them. At least I saw 42 of them and raised questions on 2 of those items.

Mr. Speaker, my colleagues are going to be asked to rubber stamp 75 major waivers for welfare in the State of Wisconsin. There are not any of my colleagues, including ourselves, who will know what we are doing. Is that how to run a Congress, Mr. Minority Whip?

Mr. BONIOR. Mr. Speaker, I yield for a response from the distinguished majority leader, the gentleman from Texas [Mr. ARMEY].

Mr. ARMEY. Mr. Speaker, first of all let me say we have already had more debate in these past few minutes announcing the schedule on a Presidential waiver than Congress usually has on such things.

Second, I might say, clearly I am sure the gentleman from Wisconsin must acknowledge that the President must have known very well what these waivers would be before he so publicly promised that he wanted to give them. Even though the gentleman from Wisconsin may not have known, I am sure the President did. In any event, the debate that the gentleman so richly wants to engage in is scheduled for Tuesday next week. That is the time to have that debate. This is a discussion of the schedule.

Mr. KLECZKA. I cannot speak for the President, but I as a Member of this body have a right to know and the gentleman is not affording that right.

Smile, very funny.

Mr. OBEY. Mr. Speaker, if the gentleman will continue to yield, I would simply like to make one additional point. The issue is not what the President knows, because the legislation that is being brought before us asks for a congressional waiver, not a Presidential waiver. So the issue is not what somebody on the other end of the avenue knows. The issue is what the gentleman knows. The issue is what the gentleman knows. The issue is what I know.

The fact is right now, nobody in this room knows diddly about the details of what is being asked to be waived.

The other point I would simply make is that the public has a right by law to comment. What we are asking the Congress to do is to make a summary judgment before the public has a right to comment about any of those waivers being proposed.

Mr. NEUMANN. Mr. Speaker, I would like to point out some of us in this room do have a pretty good handle on what is being proposed.

Mr. OBEY. That is not what the gentleman said in a meeting today.

Mr. BONIOR. Mr. Speaker, I yield to the gentleman from Wisconsin [Mr. NEUMANN].

Mr. NEUMANN. Mr. Speaker, I would like to point out that a lot of us in this room do have a pretty good handle. Even if we did not have a pretty good handle on it, I personally do. Even if we did not, I would like to point out that our State legislature did pass this. I for one have more faith in the great people in the State of Wisconsin, and I think they know better for the people in the State of Wisconsin than anybody in this city does. I for one trust their judgment.

Mr. BONIOR. I yield to the gentleman from Wisconsin [Mr. BARRETT].

Mr. BARRETT of Wisconsin. Mr. Speaker, I think we need a little history on this measure if we are going to talk about the legislature in Wisconsin. The legislature in Wisconsin did pass this measure. This was a measure that Governor Thompson publicly embraced long before the Wisconsin legislature passed it. But once the Wisconsin legislature passed it, he exercised his line item veto 97 times; 97 times he used his partial veto on this piece of legislation affecting 27 areas. And he did it consistent with his statement earlier that he embraced this legislation.

Now he comes to Washington, DC. He presents it to the President of the United States. He does not give it to us. I called the Governor's office yesterday looking for a copy of this waiver request. I still have not received one from the Governor's office. Yet the gentleman is coming before the Congress of the United States asking us to vote on something.

I certainly think that the President has every right to embrace this proposal, but that does not mean we take away the 30-day period for the public to comment. All the politicians in this body will have a chance to comment on this, but what is wrong with letting the American people have an opportunity to have their say on this issue? Why are we squelching them? If this is such a good proposal, let us give it a little sunshine. Let us the American people look at it.

Let us just not ram it through here because all this is an attempt to embarrass the President. Let us debate it. Let us talk about it. The gentleman says he knows what all the details are. I bet he does not know what the details are. There are 250 pages.

There is one last statement I just want to point out because this piece of legislation affects my district more than any other district in this entire country. It requires mothers who have given birth to a child to go back to work within 12 weeks. Now, that might be something that people support here. But I represent those areas, and I have talked to the child care providers. They say they do not exist. We are telling women to go back to work after 12 weeks. Where are they supposed to put their children? That is what I want to know.

We have all these pro-life legislators here but, once that child is born, you are on your own. I want to know what is going to happen to those children? Those are real people. They are alive now, and I want to know what happens to them.

Mr. Speaker, I think just to come in here for political purposes to say we are going to try to ram it to the President, that is good Presidential politics. But there are people involved in this action, and this body should not abdicate its responsibilities to the people who live in my community.

Mr. BONIOR. I yield to the gentleman from Wisconsin [Mr. NUEMANN].

Mr. NEUMANN. Mr. Speaker, I would just like to point out to the gentleman from Wisconsin, to my colleague, my neighbor to the north, I would just like to point out that this welfare reform bill is not about a welfare reform bill for the United States of America. It is about a welfare reform bill for the State of Wisconsin. I am not quite sure what all the people here are so afraid of. The great people in Wisconsin have figured out a way that people that have been on welfare all of their lives are going to go back into the work force once again, instead of looking forward to welfare for the rest of their lives. They are going to look forward to again living the American dream. They are going to look forward to the opportunity to return to the work force and improve their lives and improve the lives of their families.

I do not know what this body is so afraid of. This is not a welfare reform plan for the United States of America. This is a welfare reform plan for the State of Wisconsin that the President has said he will grant the waivers for. All we are doing, all we are asking for here is to go ahead and grant those waivers so the people in the State of Wisconsin can do what the people in the State of Wisconsin believe is best for their own people in Wisconsin, not for the whole country, just for the people in Wisconsin.

Mr. BONIOR. I yield to my friend, the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Speaker, I would simply take note of the fact that we have had a great many claims made about W-2 by the Governor and by various members of the legislature. I think the test that ought to be followed is that, before this Congress votes on this legislation, that it knows that the legislation measures up to each and every claim made for it by the Governor of the State of Wisconsin. That is the test by which we ought to determine whether the Congress, rather than the executive branch, ought to exercise its responsibility and provide this waiver.

If the Congress does not meet that test, then this is nothing but a cynical, crass, political maneuver aimed at going after the President of the United States without any intent to provide a constructive movement forward on the complicated, important issue of welfare reform.

Mr. ARMEY. Mr. Speaker, if the gentleman will continue to yield, I guess I am stunned. I just cannot believe the President of the United States did not give consideration to all of these ailments described here on the floor. I cannot believe the President of the United States would have taken such callous disregard when he went to Wisconsin just a few days ago and so enthusiastically endorsed this Wisconsin plan and pledged that he would grant these waivers.

It strikes me the gentleman's complaint might be with the President. In any event, we will further air this out on Tuesday.

Mr. BONIOR. Mr. Speaker, I would say to my friend that the President of the United States will not be voting next week on this floor, but 435 Members will. They have an obligation and a duty and a responsibility to understand what is brought before them. Hopefully it will be done through the system which we have established here through the committees and with adequate time for Members on both sides of the aisle to debate this.

I think the gentleman understands from the debate we have had here tonight how serious we view this, not so much on substance but the procedures that are being laid out here to consider this important issue. I would hope that the distinguished majority leader and the leadership on his side of the aisle would reconsider the time, the time of debate, and the whole manner in which they hope to carry this out next week. We consider it a very serious matter.

I would say to my friend from Texas, we will act accordingly with respect to how this is performed in the days ahead of us.

PERMISSION FOR COMMITTEE ON THE JUDICIARY TO HAVE UNTIL 5 P.M. FRIDAY, MAY 31, 1996, TO FILE REPORT ON H.R. 2650, MANDATORY FEDERAL PRISON DRUG TREATMENT ACT OF 1995

Mr. MCCOLLUM. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary may have until 5 p.m. tomorrow, Friday, May 31, 1996, to file a report on H.R. 2650, to amend title 18, United States Code, to eliminate certain sentencing inequities for drug offenders.

The SPEAKER pro tempore (Mr. NEY). Is there objection to the request of the gentleman from Florida?

There was no objection.

ADJOURNMENT FROM FRIDAY, MAY 31, TO TUESDAY, JUNE 4, 1996

Mr. MCCOLLUM. Mr. Speaker, I ask unanimous consent that when the House adjourns on Friday, May 31, 1996, it adjourn to meet at 12:30 p.m. on Tuesday, June 4, for morning hour debates.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. MCCOLLUM. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

□ 2145

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. NEY). Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

TEENAGE PREGNANCY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California [Ms. ROYBAL-ALLARD] is recognized for 5 minutes.

Ms. ROYBAL-ALLARD. Mr. Speaker the month of May has been set aside as teenage pregnancy prevention month. Although May is coming to an end, it is imperative that legislators and the American people continue to focus attention on creating policies and programs to reduce the growing number of teenagers who become pregnant each year.

This is critical because, unfortunately, the United States has the highest rate of teen pregnancy among the industrialized nations of the world. The result is the devastation of the lives of millions of young girls and the loss to our country of their talents and potential contributions. This loss weakens our country's future, because in order to compete in the ever expanding global economy, we must utilize the full talents of all our young people.

In my State of California, for example, 8 out of 10 teen mothers never finish high school. The result? Thousands of uneducated and untrained young girls forced onto welfare with little hope for a better future.

Furthermore, moneys that could be used to help improve the quality of life for all Americans are diminished by the expenditure of billions of dollars on health care and cash assistance programs for families with teen parents.

For example, the average AFDC and Medicaid costs for just one teen pregnancy through the first year of support total more than $10,000 per child; and the total spent in California for teen pregnancies is between $5 billion and $7 billion annually.

Tragically, this pattern is often repeated from mother to daughter, creating a vicious cycle of despair and dependency on public assistance.

It is therefore in the best interests of all Americans to do what is necessary to help end this national tragedy of teenage pregnancy. To succeed however, we must be fair and humane in our solutions. We must not advocate policies that hurt innocent children or punish teen mothers by denying them assistance to care for themselves and their children.

Instead we must invest in comprehensive programs that have a proven track record of success. One example is the Teen Outreach Program, known as TOP.

TOP, which has been chosen as a model program for California's Teen Pregnancy Prevention Initiative, is a comprehensive program focused on preventing adolescent pregnancy and fostering overall youth development. This program incorporates both a classroom-based curriculum focused on adolescent reproductive health and a community service component which offers young people the opportunity to help others while helping themselves.

A recent 10-year evaluation found that students who participated in TOP had an 18 percent lower rate of suspension from school, a 60 percent lower dropout rate, and a 33 percent lower rate of pregnancy than nonparticipating students.

The Teen Outreach Program is just one example of the effectiveness of prevention and education programs. Further, statistics support the fact that money spent on prevention programs saves billions of dollars in future costs to society.

As May comes to an end, let us remain vigilant in our effort to end teenage pregnancies. In so doing, we save more than dollars; we save our Nation's children and strengthen our country's future.

REPORT FROM INDIANA: MEMORIAL DAY HEROES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana [Mr. MCINTOSH] is recognized for 5 minutes.

Mr. MCINTOSH. Mr. Speaker, I rise today to give my weekly report from Indiana.

Every weekend, my wife Ruthie and I travel across Indiana.

So often we are blessed to be included in very, very special ceremonies.

Last Memorial Day weekend we participated in two unforgettable events honoring veterans for Memorial Day.

They reminded me that 220 years ago, the signers of the Declaration of Independence took a solemn oath:

> And for the support of this Declaration, with a firm Reliance on the Protection of divine Providence, we mutually pledge to each other our Lives, our Fortunes, and our sacred Honor.

Last weekend as we celebrated Memorial Day, Americans reflected upon the grand project to which those men, our Founding Fathers, pledged their lives, their fortunes, and their sacred honor.

That grand project was the United States of America.

It was not merely a territory, was not a treasure, and was not an allegiance to a king.

No, that grand project was an idea. It was the idea of freedom.

The first event was held last Friday in Indianapolis where awe-inspiring half-oval limestone memorials were dedicated for Indiana's Vietnam and Korean war veterans.

These memorials were dedicated thanks to George Busirk, president of the Indiana War Memorial Commission; and Gerald "Dutch" Bole, the director of the Indiana Department of Veterans Affairs.

On the limestone is carved the names of those men and women who died in those conflicts.

In many of our communities veterans of past wars are no longer remembered on Memorial Day.

But in Indianapolis, over 6,000 people came to honor those who sacrifice in defense of this country. And it was also a day, to honor those who have taken their place.

My colleague, Mr. JACOBS, who served in Korea, set the tone for the event, when he said:

> We gather not in triumph and glory, but in sorrow. We must never forget the young Americans that sacrificed their lives, so that we may live in liberty.

I saw sorrow and pride in the face of Sgt. Sammy Davis, who received a Congressional Medal of Honor for gallantry during an enemy attack during his tour in the Vietnam war. And Adrian Cronauer shared with us the original "Gooooooood Morning Vietnam."

Captain Scott O'Grady joined in the ceremony. He is the soldier who captured America's heart, when he was shot down over the skies of Bosnia and through his faith in God made his way to freedom, in June of last year.

Captain O'Grady shed a tear at the playing of "Taps" to honor those who did not come home from Vietnam and Korea.

The second ceremony that Ruthie and I participated in was a special memorial service in Centerville, IN—a small, quite town in Wayne County.

There, folks gathered from miles around at the Crown Hill Cemetery, to lay wreaths, place flags and honor our brave men and women who served in our Armed Forces.

Post Adjutant Earl Dingworth and members of the American Legion Post 287 were on hand to honor those who had made the ultimate sacrifice for their country.

Chaplain Roy Brown, from Richmond's Veterans of Foreign Wars [VFW] Post 1108, asked God's blessing for those who serve, and for their friends and family.

It was both an honor and privilege for me to salute those brave Americans who sacrificed and will sacrifice their lives on behalf of this country.

I would like to commend our brave servicemen and women, our veterans and their families as Hoosier Heros, Hoosier Heros because they have taken the ultimate oath in defense of our liberty.

I would like my colleagues and all Americans listening today to join me in taking that same sacred oath our forefathers took over 200 years ago.

To pledge in the defense of America our lives, our fortunes, and our sacred honor.

Those are the kind of American values our Country stands for.

Because the men and women who take this oath are not only Hoosier heros, but America's heros.

And that Mr. Speaker, is my report from Indiana.

REPORT FROM INDIANA: TONY STEWARD

Mr. Speaker, I rise today, to give a Report from Indiana.

In my home State, we gear-up for the Indianapolis 500 during the month of May.

It is a cherished Hoosier tradition celebrated across the State since 1911.

Many young children, grow up, dreaming about someday racing in the 500. Few, have been so lucky.

But this year, Hoosier racing fans were able to cheer for a home-town boy.

Tony Steward, a 25-year-old of Rushville, IN, and from my district, was that young man.

Tony Steward is to be commended for his courage and dedication to reaching one of his life-long goals.

Tony is a 1989 graduate of Columbus North High School.

And this year, he participated in "The Greatest Spectacle on Earth" * * * The Indianapolis 500.

Race-fans across the State, cheered for the Columbus native and Rushville resident.

He earned one of only 33 slots on race day.

He qualified with the fastest time and earned the prestigious pole position.

And for the first 31 laps, he led the race.

He bravely challenged the 2½ mile oval at speeds of up to 230 miles-per-hour.

During the 82d lap, his engine blew and he finished the race in 24th place.

But his performance earned him the 'Rookie of the Year Award.'

His participation in this historic auto racing event made us all very proud.

USE OF SPECIAL ORDER TIME

Mr. OBEY. Mr. Speaker, I ask unanimous consent to use the time of the gentleman from Minnesota [Mr. VENTO]. I would like to make a few comments on what just transpired here a few minutes ago.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

TAKE POLITICS OUT OF WELFARE REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin [Mr. OBEY] is recognized for 5 minutes.

Mr. OBEY. Mr. Speaker, in my view, welfare reform is one of the most serious problems facing this country. I do not honestly believe that the American people will have any confidence in the ability of their Government at any level until they are convinced that we can reform welfare, get rid of the existing dead-end system and create a real opportunity to move people from welfare to work. I think for that to occur, and I have been here quite awhile and I have seen previous welfare reform attempts fail because they become politicized, I think that if you want welfare reform, to succeed you have to have serious people trying to do serious things to work out serious disagreements and come to a serious compromise on how we approach the problem. That is what we ought to be doing.

Instead, in my view, by scheduled this blatantly political proposal before the Congress next Tuesday, when no one is scheduled to be here, we are simply seeing a situation in which the majority party evidently is more interested in going after the President than they are in dealing seriously with welfare reform; at least that is my view.

□ 2200

If we were serious and if we really did want Wisconsin to receive the waivers that are being requested, then we would ask the President to, to the maximum extent possible, cooperate with Wisconsin in bringing about the acceptance of those waivers. That, in fact, is exactly what the President said when he was in Wisconsin, that he would work with Wisconsin to try to provide the waivers that were necessary.

I would suggest, Mr. Speaker, that given the fact that the chief executive of the State of Wisconsin, Governor Thompson, exercised some 90, I thought it was 79, I am now told it is 90 separate item vetoes on 27 different subjects, it appears to me that the Governor used his brain and thought about some of the problems that he has thought were in the package that was passed by the legislature.

It comes with considerable ill grace for anyone in this body to suggest that the President ought not be able to also use his brain and evaluate honestly whether or not this package measures up to the claims made for it by the Governor of the State of Wisconsin. If it does, the waivers should be granted. If it does not, the Federal Government ought to work with the State until those matters are worked out. That is what we would do if we were serious people.

Mr. KLECZKA. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Wisconsin.

Mr. KLECZKA. Mr. Speaker, I think what is at issue here is under current law there is a 30-day comment period. Those members of the public who are interested in the proposal can come forward to either support or to oppose.

In my office, I have received numerous letters and petitions from residents of the State of Wisconsin who watched the bill pass the State legislature, watched the Governor sign it, and now they want to have their say as to whether or not these 75, not 1, but 75 waivers, should be granted. Mr. Speaker, they run from soup to nuts.

Even if the President supports this, and I cannot speak for him, nor can he speak for me, regardless, the law would still provide that 30 days will be used for a comment period, and then the President can decide and the Secretary of HHS and everyone else. So that is what we are asking be done here.

This is being foisted upon us on a day when the Congress is not in session. We have six bills up when Congress is not in session, this is the seventh, which has not even been printed yet. The purported offeror, the gentleman from Racine, Kenosha, he himself, when asked on the floor tonight, did not know himself what the waivers were all about. He is being used as some kind of pawn here. It is really sad what is going on. The only thing we are asking is let us let the people of Wisconsin, on an issue that greatly affects them, be heard. That is what they are asking me to provide for them.

Mr. Speaker, this resolution, this action, cuts off the 30 days.

Mr. OBEY. Mr. Speaker, I would simply make the point that unless we give the people that 30-day waiver, this will be a supreme act of arrogance in which only politicians are allowed to voice their opinions.

Mr. BARRETT of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Wisconsin.

Mr. BARRETT of Wisconsin. Mr. Speaker, welfare reform is a serious issue. The welfare reform of Wisconsin attempts to put people back to work, but that does not mean that people in Congress should stop doing our work. I think it would be a gross abdication of our responsibilities to, sight unseen, approve these waivers.

I called Governor Thompson's office yesterday to get a copy of his waiver request. I still have not received it. If they are asking 435 Members of Congress to vote on his waiver request, sight unseen, that is bad public policy. It shuts out the American people, and this Congress should debate this issue.

WHAT THE 104TH CONGRESS HAS BEEN DOING FOR CHILDREN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. DELAY] is recognized for 5 minutes.

Mr. DELAY. Mr. Speaker, as we know, this Saturday, Washington will be the site of a rally for children, called the Stand for Children.

I commend the organizers of this rally for their commitment to helping children. I hope this rally will be a balanced presentation on how best the Federal Government can help our children, and more importantly, make our children's future brighter.

I am taking this special order tonight to let the American people know what the Congress has been doing for children.

The truth is that the 104th Congress is the most prochild Congress in the last 40 years.

What is a prochild Congress? What does that mean for people outside the beltway, people who struggle to raise a family, people who want to pass on a better America to their children?

A prochild Congress must meet three tests.

First, it must be fiscally responsible.

Passing on a bankrupt nation is the surest way to undermine our children's future.

This Congress passed the first balanced budget in a generation. It tried to restrain the growth of entitlement programs that will bankrupt the country in 10 years unless action is taken now.

Our children, individually, already owe hundreds of thousands of dollars in debt, because of the profligate spending habits of past Congresses.

We must stop spending our children's futures. This Congress has succeeded in reigning in wasteful Washington spending, and that is probably the best thing we could do, to stand for children.

Second, a prochild Congress works to strengthen the family.

Villages do not make the best parents. Parents make the best parents. It does not take a village to raise a child. It takes a family. It takes parents.

Allowing parents to keep more of their money to spend on their children is the quickest way to take the strain off the family structure.

Our $500-per-child tax credit is real relief for parents to help them meet the higher costs of raising children.

Welfare reform is another way we have worked to strengthen the family. Our current welfare system has destroyed too many families. It has actually made it harder for two-parent families to stay together.

We have worked to change that system, by requiring work, by removing the disincentives for marriage, and by making it harder for fathers to abandon their kids.

A prochild Congress also promotes adoption.

I read with interest the First Lady's recent discussions of adoption, and the President's endorsement of our adoption reform bills.

Getting children into safe, loving, and permanent homes should be the paramount concern, not political correctness.

I hope the President's words match his deeds and that he continues to support our efforts to promote adoption and remove the barriers to adoption.

Finally, a prochild Congress is a prolife Congress.

We have been the most prolife Congress in the last 20 years.

Some on the liberal left will make the argument that you can be both prochild and proabortion.

I disagree. You cannot speak on behalf of children on one hand wile promoting policies that kill them on the other.

I am proud of the work of this Congress, and I am proud of the work they have done to help children have a brighter and more prosperous future.

The 104th Congress does stand for children and for that we should all be proud.

WEAVING THE FABRIC OF A STRONG COMMUNITY MEANS DEVOTING MORE RESOURCES TO PREVENTING TEEN PREGNANCY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina [Mrs. CLAYTON] is recognized for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, I disagree with the last speaker, that this Congress has been a prochild Congress.

It certainly has not acted on behalf of children when it refused children the opportunity to have a decent lunch so they could learn better. It certainly has not acted in the good interests of children when they refused to allow them to have food stamps, where indeed their families were suffering. It certainly has not acted well on behalf of children where they were denied Title I educational funds that go to disadvantaged children to learn better, so they can make a contribution. Finally, it certainly has not acted in the best interests of children when it denies its family or wants to deny its family a liveable wage so they can provide for their families.

Mr. Speaker, I want to join the debate today by saying this is May, and May is, indeed, a month when we want to advocate about children, about Teenager Pregnancy Prevention Month. This is a time that we should look at that.

I want to speak maybe a little more philosophically.

Mr. Speaker, the fabric of our society is woven from numerous threads. Threads from the Federal Government's policies and services are interwoven with threads from State government policies and services, along with threads from county and municipal governments, civic organizations and private sector efforts.

These threads form an intricate pattern of policies, programs and services, all interconnected, that in turn effect the lives of all our citizens.

To achieve a strong community fabric, the Federal Government must carefully consider the length, the strength, the flexibility, the vibrancy, and the quality of threads that we contribute to the weave of policies, programs, and procedures.

The goal of teen pregnancy prevention efforts should be to assist teens to achieve social responsibility and long-term economic self-sufficiency. Achievement of this goal depends on the efforts of the participant, the service provider, and the administering governmental agencies. The primary role of the Federal Government should be to facilitate the success of each parties' efforts.

Our current teen pregnancy crisis evolved over several generations when the social fabric became worn and tattered and began to unravel. Consequently, we must realize that we cannot break this intergenerational cycle or eliminate the crisis over night.

We must carefully examine the fabric of our programs to determine where the strength is, where the wear and tear has occurred and where the frayed edges and holes have occurred.

The mending occurs when we revise current policies and implement new ones. To create an effective policy and weave a durable social fabric we must add the appropriate thread in the correct proportions.

Just as the textile industry weaves nylon thread to create a more durable cloth, to break the cycle of teen pregnancy and poverty, we must implement pregnancy prevention programs that educate and support school age youths [10–21] in high risk situations and their family members through comprehensive social and health services, with an emphasis on pregnancy prevention.

I strongly support abstinence education and feel that it is critically important to fund abstinence programs for preteens as well as teenagers. Within 5 years, a concentrated abstinence program for preteens should bring about a decline in the number of teenagers who are sexually active.

However, we cannot ignore the fact that today, so many of our teenagers are already sexually active. It is therefore imperative that we also provide funding for comprehensive prevention programs including contraceptive use.

We must also weave a comprehensive policy to address the numerous factors that contribute to the number of teenagers having babies. We currently have a patchwork of different policies which has been created by patching the holes in our social fabric.

Every time a problem began to tear the social fabric, it was patched by creating an individual policy to address each individual problem.

This patchwork includes the obvious differing policies: Encouraging abstinence, preventing unintended pregnancies among the sexually active, alleviating the problems associated to adolescent parenthood, and attempting to ensure that teen pregnancy does not lead to welfare dependency.

However, there are big holes in the fabric that have not been patched. These include establishing paternity and holding fathers financially responsible, enforcing child support laws, protecting young teenagers from sexual abuse, and enforcing States' statutory rape laws that are currently on the books.

We must weave a comprehensive policy into the social fabric at the federal level to prevent teen pregnancies.

The first thread is a policy that allows state and local agencies to implement concentrated, organized contraceptive intervention programs.

The second thread is to enact cohesive policies and laws, at the Federal, State and local levels.

The third thread is sufficient Federal funding to implement them.

Devoting more resources to preventing teen pregnancy will not only save us money in the long run, but it will strengthen the social fabric by improving the health, education, economic opportunities and well-being of our Nation's youth.

IN RECOGNITION OF COACH ELVIN J. JAMES, GOLDSBORO, NC

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina [Mr. JONES] is recognized for 5 minutes.

Mr. JONES. Mr. Speaker, I would like to take this opportunity to recognize the accomplishments of an outstanding individual from eastern North Carolina, Elvin J. James.

Elvin James is the head football coach at Goldsboro High School, in my district in North Carolina. Recently, USA Weekend Magazine honored Coach James with its "Most Caring Coach Award, 1996."

Without a doubt, education is an issue that is critically important to the future of our country. Though we spend more money on education than any other country in the world—$27 billion to be exact—our students' test scores and literacy levels have steadily declined.

It is becoming more and more clear that we must return education to parents, local communities, and especially to teachers. Mr. Speaker, it is a teacher like Coach James, who goes that extra mile, who dedicates so much of himself to his students, that brings this message home.

Coach James is a living example of where hard work and dedication can take you in this world. Coach James grew up in Beaufort, NC, and was adopted by his grandmother, Jennie James, who supported him and eight other children by working as a maid.

She admits to this day that the family had very little, but Jennie James taught her children right from wrong.

Her continuing message, "Get an education, work hard, be respectful," had a great impact on Coach James' life.

Coach James excelled in football and other sports during his school years. In 1974, he was awarded an athletic scholarship by Elizabeth City State University in North Carolina, to play football and to pursue a college education.

Unable to pay for his expenses, James left school and joined the U.S. Army. After serving 4 years, he returned to college and earned a degree in education.

He has been teaching ever since. Coach James currently lives with his wife Mary Kay, their daughter, Ashelyn and their son, Elvin Jarrod.

Mr. Speaker, Elvin James is worthy of our recognition for more than just this. During the past 10 years, Coach James had helped more than 50 students earn college scholarships, and helped numerous students stay in school.

He spends countless hours on the phone talking with college coaches about potential candidates. Many times a year, Elvin James travels from State to State, taking students on campus visits and trying to introduce them to opportunities, they never dreamed were possible.

Since he began, Coach James has put more than 80,000 miles on his car. He has spent more than $3,000 of his own money, and given up more than 45 of his sick and vacation days to take these players on recruiting trips.

Less than a half-dozen of these players would have received scholarships if it had not been for these trips.

Coach James doesn't stop here. James is there for each student, literally, every step of the way; helping them prepare for the SAT or helping them fill out their college applications.

On several occasions, when parents were unable to take their children to college, Coach James was the one who took them and helped them move in. He has even let students with family troubles move in for a while, until things at home got worked out.

Coach James works in a school that serves many disadvantaged students. Many of his students come from broken homes. By many of society's standards, the odds are against these children's success.

However, Coach James is a great motivator, who encourages students to believe in themselves, even when no one else does. When Coach James looks at these children, he sees wonderful young men and women, who, if given the opportunity, will become outstanding and productive citizens.

Mr. Speaker, for more than 14 years, Elvin James has been touching the lives of young people. He deserves this award and our praise tonight.

Coach Elvin James, USA Weekend Magazine's Most Caring Coach, 1996, is an example of what is truly right with our education system. Our country and especially our children need more teachers and parents, just like Coach James.

I am proud to recognize Coach James, as a symbol of all the men and women who have dedicated their lives to education, and who care so much about our children's future.

□ 2215

THE 1997 REPUBLICAN BUDGET: THE STAND AGAINST CHILDREN

The SPEAKER pro tempore (Mr. NEY). Under a previous order of the House, the gentleman from California [Mr. FILNER] is recognized for 5 minutes.

Mr. FILNER. Mr. Speaker, this coming Saturday, June 1, thousands of families, schools, churches, synagogues, and other organizations will gather at the Lincoln Memorial for what is aptly being called the Stand for Children. Stand for Children is a national day of commitment to children that has been convened by the Children's Defense Fund and endorsed by more than 3,000 national, State, and local organizations.

From my hometown of San Diego, CA, alone more than 120 people organized by the Children's Advocacy Institute at the University of San Diego will be attending this event.

The Stand for Children will address the critical issues facing America's children, including drugs, violence, and poverty.

Ironically, children in America are also under attack by the very institution that should be protecting them from these evils, the U.S. Congress. This 104th Congress is waging a stand against children.

The Republican majority, with the so-called pro-family agenda, has pretended to extend its protective hand toward America's youth, when in reality it has not given our children a fair shake. This majority has voted repeatedly to slash funding for children's programs, including education, student loans, child nutrition, health care for children, child protection services such as foster care, and aid for disabled children.

This agenda threatens not only the education and well-being of our Nation's children, it puts the future of America at risk. If our children do not receive a quality education, proper nutrition, and a nurtured upbringing, then American businesses will not be able to compete in the global economy.

Congressional Democrats have worked with President Clinton to fend off the onslaught of these cuts. This year we successfully restored most of the education cuts proposed by Republicans in their 1996 budget, and the President vetoed many damaging cuts in children's programs contained in the so-called welfare reform and budget reconciliation pills.

I would have hoped that Republicans learned a lesson from their failure to cut children's programs in this year's budget but, sadly, they have not. Their proposal for fiscal year 1997 would cut many of the same programs that were on the chopping block last year. This month 221 House Republicans voted for the 1997 budget resolution which would cut funding for education and training programs by 22 percent over the next 6 years.

Here are the specifics of what the majority whip called the pro-choice or the pro-education or the pro-child Congress:

A 6-year freeze in title I funding for aid to local schools, resulting in a 20 percent cut by the year 2002.

A 6-year freeze for Head Start, resulting in a 20 percent cut by 2002.

Elimination of the Goals 2000 public schools reform which currently helps 5 million students in more than 8,000 schools across the country raise their academic achievement.

Their proposal eliminates all Federal funding for bilingual and immigrant education.

It eliminates new funding for Perkins student loans which provide low-interest financial assistance to thousands of college students, and eliminates the direct loan program which helps 2.5 million students receive college loans more quickly and less expensively than traditional loans.

It eliminates AmeriCorps, the national service program that gives 200,000 young people the chance to serve their communities while earning money for college.

And it cuts 20 percent in funding for our Nation's libraries.

This is what the gentleman from Texas [Mr. DELAY] called the pro-children's Congress. Republican cuts in other programs would also threaten the well-being of our children.

By cutting Medicaid by $72 billion over 6 years, they jeopardize the Federal guarantee of coverage to thousands of low-income children. And by allowing the wealthy to opt out of the health care system through the use of medical savings accounts, they risk causing a further decline in coverage and services for poor families and children.

The Republican budget would also cut spending for school lunches, foster care, aid to disabled children and youth crime prevention programs.

It is time for Republicans to realize that the American people will not tolerate massive, irresponsible cuts that failed earlier this year. Our children deserve better. We must give our children the assistance and support they need for a successful future.

Mr. Speaker, let us all stand for children.

Mr. VENTO. Mr. Speaker, will the gentleman yield?

Mr. FILNER. I yield to the gentleman from Minnesota.

Mr. VENTO. I thank the gentleman for yielding. I want to commend him for his statement. I also want to point out that under the rubric of welfare reform the Republican proposals cut SSI, programs that go to children with various types of disabilities such as cystic fibrosis and multiple sclerosis, actually cutting those benefits by 25 percent. This is all under the rubric of welfare reform.

This welfare reform is a good bumper sticker slogan, but when we peel off that bumper sticker and look at what is behind it, we have got cuts in school lunches, we have got cuts in terms of various types of nutrition programs. We have got cuts in terms of child care. This, mind you, all under the rubric of welfare reform.

Of course under welfare reform we all know the proposals that have been put forth for a teenage parent that has another child. That child would get no support. Some help in terms of a child-friendly Congress, taking it out on the child that is born to a teenage mother.

Mr. FILNER. Let us all, again, stand for children.

NOMINATING LEONEL MOREJON ALMAGRO FOR NOBEL PEACE PRIZE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. DIAZ-BALART] is recognized for 5 minutes.

Mr. DIAZ-BALART. Mr. Speaker, tomorrow morning approximately 60 members of this House, including the Speaker, will be sending a letter to the Nobel Committee of the Norwegian Parliament, the entity that designates the winners of the Nobel Peace Prize, to nominate Leonel Morejon Almagro, the National Delegate of the Concilio Cubano, the Cuban Council, an umbrella of over 140 pro-democracy groups in Cuba, for the Nobel Peace Prize.

Mr. Morejon Almagro is at this time a political prisoner at the State security prison at Villa Marista in Havana. Mr. Morejon Almagro is a 31-year-old attorney who was dismissed from his position as a lawyer because of his defense of numerous political prisoners in court. In 1986 he founded NaturPaz, Nature Peace, a peaceful environmental group that was prohibited by the Cuban dictatorship. Shortly after its founding, NaturPaz supported a ban on all nuclear weapons testing in the world. In 1991 he was detained by Cuban State Security for organizing a peaceful demonstration in front of the UNESCO office in Havana to protest the Iraqi invasion of Kuwait and the environmental destruction that it caused.

In 1986 and 1987, Mr. Morejon Almagro, at great personal risk, taught ecology and pacifism to students in school and criticized Cuban involvement in the Angolan and Ethiopian conflicts.

He played a decisive role this year in the formation of Concilio Cubano, as I stated, a coalition of over 140 peaceful pro-democracy organizations in Cuba. And he was elected a National Delegate of Concilio Cubano on February 10, 1996. He was arrested 5 days later, charged with resisting authority, and sentenced to 6 months in prison. He began a hunger strike after his arrest and his mother told independent journalists in Cuba that she feared for his life and believed that he was being subjected to psychiatric torture, including electroshocks. Upon appealing his sentence, Mr. Morejon Almagro was resentenced to 15 months instead of 6 months imprisonment. He has been declared a prisoner of conscience by Amnesty International. The National Vice-Delegates of Concilio Cubano also remain in prison to this day, Lazaro Gonzalez and Mercedes Parada Antunez, the latter in a hospital. The regime stated that she would be subjected to surgery and has not specified what it has meant by that.

Just as Aung San Suu Kyi, the Burmese dissident leader, received the Nobel Peace Prize in 1991, and before that, Desmond Tutu in 1984 and Lech Walesa in 1983 and Andrei Sakharov in 1975 and Martin Luther King in 1964, Mr. Morejon Almagro at this time deserves the Nobel Peace Prize. He represents, Mr. Speaker, an entire new generation of Cubans which is fighting from within the totalitarian nation to achieve freedom and the reestablishment of democracy. That is why Castro fears Leonel so much.

By awarding him the Nobel Peace Prize, not only would the great work of Mr. Morejon Almagro be duly recognized, in this way hopefully contributing to his physical protection at this extraordinarily difficult time of political imprisonment, but also the important work of the entire internal opposition in Cuba would be honored. The importance of all who risk their lives by being members of Concilio Cubano as well as the rest of the internal opposition and the independent journalists in Cuba would all be recognized by the awarding of the Nobel Peace Prize to Leonel Morejon Almagro.

With regard to the independent press, Mr. Speaker, just a few days ago, perhaps the most well known independent journalist in Cuba, Rafael Solana, was put on an airplane and expelled, sent to Madrid where he very reluctantly arrived, vowing to continue his work and of course to return as soon as Cuba is free.

Olance Nogreras, another well-known independent journalist, was picked up just hours ago by State Security. The repression is intensifying in an extraordinary manner within Cuba.

We must fight and with this nomination of Leonel Morejon Almagro for the Nobel Peace Prize, we are fighting against the great conspiracy of silence that exists in the international community against the Cuban tragedy, Mr. Speaker. This conspiracy of silence will be grasped in all its magnitude only when Castro is history and all the political prisons are opened.

The true story of the Cuban tragedy is really not being focused upon. Humberto Real, a Cuban patriot, has been sentenced to death by the dictatorship in the last weeks but the Cuban people continue to struggle.

That is why I am proud of my colleagues who joined me in signing this letter today in nomination of Mr. Morejon Almagro for the Nobel Peace Prize, and of course our struggle will continue because it is very just and necessary.

□ 2230

ECONOMIC SECURITY FOR FAMILIES

Ms. PELOSI. Mr. Speaker, as has been mentioned earlier by our colleagues, on Saturday, the Children's Defense Fund will hold a Stand for Children event where people from all over the country will be traveling to Washington to participate. I, myself, am proud to say that from San Francisco and from all over California, indeed, we will have a very large contingent participating.

That stand for children is one that we must make every day of the year in the Congress of the United States. As a member of the Appropriations Subcommittee on Health, Human Services and Education, I have been actually bowled over by the size of the cuts in the budget for children's initiatives that had been put forth both last year and which we anticipate because of the budget resolution allocations to come down this year.

I rise tonight, Mr. Speaker, to talk not just about children, but the families that they live in, because when we talk abut children, we not only talk about their health, education, and well-being, but we also talk about the economic security of their families. We talked about this last week when we made the fight successfully to increase the minimum wage, dragging this House kicking and screaming to a place where we could hold our head up a littler higher to pay fair wages to the American worker.

But also part of the economic security of American families are the issues of Medicare and Medicaid, which once again take severe cuts in the budget proposal that passed the House tonight. That is why our colleague, the gentleman from Minnesota, Mr. MARTIN SABO, put forth a motion to instruct. His motion to instruct was for us to instruct conferees to accept the higher discretionary levels in the Senate bill in order to avoid another government shutdown; to accept the higher levels in the Senate bill. He is talking about the Domenici numbers, Republican numbers in the Senate side. Even the Senate Republicans reject the severe cuts that are being proposed on the House side.

Another part of the Sabo motion to instruct was to retain protection for seniors against excess charges by health care providers in Medicare and also to retain Federal standards for nursing homes. Of course, and sadly, our Republican colleagues voted down this motion to instruct to agree to the Republican Senate numbers and, instead, to retain the House severe cuts.

The budget resolution allocations have created the same basic conflict that led to two Government shutdowns and 13 continuing resolutions in the battle over 1996 spending. Why would we want to do that again?

In regard to protecting health care for seniors, the House version of the budget resolution retains essentially the same Medicare policies that were vetoed by President Clinton in the reconciliation bill. Further, the House budget resolution does not protect seniors from the draconian Medicaid policies that were passed in the House last year.

I would like to review, Mr. Speaker, some of the provisions that we are fighting. The Republican record on senior citizens in the 104th Congress includes eliminating doctor and hospital choice by forcing seniors into Medicare managed-care plans. The GOP plan would allow doctors to charge extra out-of-pocket costs to seniors who remain in Medicare fee-for-service. The GOP plan would severely cut Medicare and Medicaid hospital funding, forcing many to close their doors on seniors. And the Republican plan would eliminate coverage guaranteed for over 4 million elderly Americans who need nursing home care. The Republican plan further erodes Medicare solvency by creating wealth-healthy plans, leaving many seniors with higher costs and less care.

Does this sound familiar? We fought this fight last year. The Democrats in the Congress and the President of the United States stood firm against this assault on the economic and personal security of America's seniors and, therefore, America's families.

The Democrats prevented the Republicans last year from doubling Medicare part B premiums, from attempting to eliminate doctor choice, from cutting Medicare premium assistance for low-income seniors, from repealing Federal nursing home quality standards and putting homes and family farms of elderly couples at risk for nursing home care, and we kept them from forcing adult children to be financially liable for their parents' nursing home bills.

This is important because all of the seniors that we talk about have contributed to the strength and the success of our country. How many times have we seen our colleagues come to the floor, including this evening, sing the praises and the contributions that have been made by various senior citizens in their districts and turn right around and cut Medicare and Medicaid to assist those seniors in their older years?

Mr. Speaker, I urge my colleagues to pay close attention and the American people to pay close attention to these cuts which will affect their lives very directly.

WELFARE BILL THEATRICS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. DOGGETT] is recognized for 5 minutes.

Mr. DOGGETT. Mr. Speaker, the theatrics in which the majority leader engaged in the few minutes before the closing of this Congress tonight again provide America an indication of what is wrong with this Congress.

The majority leader, you will remember, outlined a schedule for next week, and he conveniently omitted one piece of legislation from that schedule. This particular bill will be considered on a day when most of the Members of Congress are not present here in Washington. This particular bill will be considered under a procedure that limits debate to 40 minutes, with no amendments, and it can be actually defeated by one-third of the Members of this body.

This bill, the majority leader finally conceded, has not yet even been written, much less discussed and considered by a committee in Congress and presented to the American people for their debate, which is the normal approach in a democratic society.

Now, this particular bill is not a bill to name a post office in Podunkville after DICK ARMEY or to declare National Apple Pie Week. No, this particular bill deals with a subject that most Americans are concerned about, and that is our welfare system. It is a welfare system that is broke, that is not working for the taxpayer, quite clearly, but it is also not working for the people that it is designed to benefit.

I know that those of us on the Democratic side, from our unanimous vote in the last session of this Congress, expressed our view that we want to place an importance in welfare reform on work, on the value of work, on teaching the value of work, on helping families that have been torn apart get back into the work force and provide for their families. But if anyone would have thought we would deal with such a serious matter with the kind of stunt that we saw tonight, the notion that this Congress would take up a matter of such importance without any real debate, without the Members even knowing what was in the bill.

We did have one gentleman who thought he knew something about the bill. We learned that there were 97 line item vetoes by the Governor of Wisconsin in this bill. Under the debate procedure, we will have less than 30 seconds per line item veto to consider this.

One would think that this is, as I asked the majority leader, just another example of his very strange sense of humor; that this stunt is all a joke. But one who thought that would not have observed the way this Congress has been conducted for the last year and a half, for it has been one stunt after another like this that has created the greatest failure of any Congress in recent American history.

It all started last year when these Republicans decided that they were going to provide a tax break for the richest members of our society and make those who were now on Medicare pay for it. And so they set up a series of secret task forces, and those forces were out there figuring out how much more they could hike premiums, how much more they could increase the cost of health care for our seniors, all to provide tax brakes for those at the top of the economic ladder. And they did it all in secret, and then they came out here and presented it as essentially a "take it or leave it" plan, originally to our Committee on the Budget and finally to the House.

It is the same kind of extremism that caused this Government to be shut down last year for weeks at a cost of $1.5 billion. Frittered away. Totally and completely wasted American taxpayer money by these folks in their Government shutdown fever.

It is the kind of political theatrics that instead of coming in a sensible bipartisan moderate way to see how we change this welfare system and make it work and change this Medicare system and make it work better.

Mr. KINGSTON. Mr. Speaker, will the gentleman yield?

Mr. DOGGETT. I will not yield at this time. Perhaps at the conclusion of my remarks.

Mr. KINGSTON. I will be happy to yield back to the gentleman.

Mr. DOGGETT. I thank the gentleman for his comment. In fact, what I would like to do is to have an opportunity to yield and discuss and debate at length this whole subject of welfare reform instead of handling it in the same shabby way that the Republicans did Medicare reform last year, which was designed to provide those tax breaks for the people at the top of the economic ladder and make those people on Medicare bear the cost of those tax breaks.

Now we are going to approach this other tough issue in our society that needs to be attacked in a bipartisan way to try to get at the heart of making welfare work and making it work fair, but to do it in this kind of fashion, when even the Republican Members do not know what is in their bill, is the kind of extremist approach that America has rejected.

I think that it is time for this Congress to get down to business in a true Democratic spirit, not in terms of party but in terms of a process that does not come around with the kind of arrogance that we have seen here tonight, of saying we will present you something and you can take it or leave it, because that kind of approach is not going to produce any legislation.

That is why this Congress has nothing to show but political rhetoric and nonsense and wasted taxpayer money for most of the last year and a half, because these folks have not been interested in trying in craft legislation in a bipartisan way to deal with the true problems of this country. They have been interested in scoring political points.

They do not care next week whether one welfare mom goes back to work, because they are not interested in jobs for welfare moms. They are interested in protecting their own political job, and America is going to see through this kind of nonsense.

REQUEST OF PRESIDENT TO USE STATUTORY AUTHORITY TO SUSPEND DAVIS-BACON ACT FOR REBUILDING EFFORT IN OKLAHOMA CITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oklahoma [Mr. LUCAS] is recognized for 5 minutes.

Mr. LUCAS of Oklahoma. Mr. Speaker, I yield to my friend from Georgia a few seconds.

Mr. KINGSTON. Mr. Speaker, I thank the gentleman from Oklahoma for yielding.

Had the gentleman from Texas yielded, what I wanted to point out is that the Republican Party, acting in a spirit of bipartisanship, is taking the President of the United States at his word on the Wisconsin waiver and we are going to have that bill on the floor of the House.

I am surprised, as I listen to these Democrats, that they are against it because it was President Clinton's idea. I wanted to make sure that folks know we are doing exactly what President Clinton called for and that no Democrats have expressed any outrage until suddenly tonight.

I thank the gentleman.

Mr. LUCAS Mr. Speaker, I think the gentleman's point is well taken.

Mr. Speaker, on July 27, 1995, President Clinton signed Public Law 104–19 which appropriated $39 million in Community Development Block Grants

[CDBG] to assist citizens of Oklahoma City with meeting the financial hardships created by the bombing of the Alfred P. Murrah Federal building. This truly was the proper Federal response to a presidentially-mandated national emergency. Never before had Congress passed, and the President signed, legislation utilizing CDBG funds in this manner. An act of terror of this magnitude forces all of us to reflect on the standard operating procedures under which we, as a government, react to national emergencies. At this time, I am asking the President and the rest of the Federal Government to diligently reflect on how best we can restore Oklahoma City to where it was before 9:02 a.m. of that fateful day.

Mr. Speaker, as millions of people around the Nation joined the city of Oklahoma City on April 19 to remember those killed and injured in the bombing of the Alfred P. Murrah Federal building, they may have noticed the number of buildings that remain as damaged today as they were immediately following this tragic event.

On April 17 of this year, I sent a letter to President Clinton pointing out that there are major obstacles to fully utilizing the CDBG funds in the rebuilding effort and asking for his assistance in freeing up these funds to rebuild Oklahoma City. Specifically, I asked that he use his statutory authority to suspend the Davis-Bacon Act for these funds. It is my belief that in a unique situation such as what occurred in Oklahoma City, this authority should be used. In fact, FEMA appropriations are not subject to Davis-Bacon to ensure that relief efforts can be accomplished in an expeditious manner so that the focus can be on rebuilding the communities affected. The funds appropriated to Oklahoma City should be seen in this light, which would warrant the suspension of Davis-Bacon.

To date I have received no response from the White House; by not responding to this request, President Clinton has ignored the request of Oklahoma City which has appealed to me for assistance in this matter. Last week, armed with specific case examples from Oklahoma City, I sent a second letter which again asked the President to exercise his authority to suspend this act. One example stated Davis-Bacon raised the costs of the project by 75 percent, and the city estimates that all project costs rise by an average of 25 to 40 percent. These are dollars that do not go toward disaster relief, but which are badly needed by the people of Oklahoma City.

According to title 40, section 276a–5 of the U.S. Code, "In the event of a national emergency, the President is authorized to suspend the provisions of the Davis-Bacon Act." On the day of the bombing, the President issued a release stating that the bombing was a national emergency. I agreed with him and welcomed his pronouncement.

Mr. President, I ask you to take the next step and suspend the Davis-Bacon Act today. The sooner this is done, the sooner Oklahoma City will be able to fully utilize the money appropriated them last year.

I understand that Davis-Bacon is a politically charged issue and that this is a campaign year, but I maintain to the President that my motive for this request is not to repeal the Davis-Bacon Act, but to utilize the act to its fullest.

My point is that, in disaster situations, like what happened in Oklahoma City, the primary role of the Federal Government is to ensure that the fewest number of restrictions are placed on relief workers and small businesses. Had Oklahoma City received money from FEMA instead of from HUD, as disaster relief funds normally are, Davis-Bacon requirements would not have applied. Therefore, I feel this is a reasonable and nonpartisan request. I stand here today, as a representative of the people from Oklahoma City, who simply want to use the Federal relief funds in the matter that relief funds have historically been used.

Presidents Roosevelt, Nixon, and Bush, used this section of the law to suspend Davis-Bacon. Though there clearly is a precedent for suspending Davis-Bacon, there is no precedent for what occurred in Oklahoma City.

My question is simple: Mr. President, what will it be, yes or no?

Mr. Speaker, the letters of the President referred to earlier are included for the Record.

House of Representatives,
Washington, DC, April 17, 1996.

Hon. William J. Clinton,
President of the United States,
Washington, DC.

Dear President Clinton: As we approach the one year anniversary of the tragic bombing of the Alfred P. Murrah Federal Building in Oklahoma City, I want to take the opportunity to relate to you certain problems that have slowed down the utilization of the $39 million in Community Development Block Grant (CDBG) funds by businesses and individuals. A similar letter has also been sent to Secretary Reich and Secretary Cisneros.

First, I want to emphasize that the people of Oklahoma, myself included, will forever be indebted for the federal response to this unprecedented act of terrorism. In fact, it is because of this rapid response that I feel that this issue must be addressed. As you know, Oklahoma City received $39 million in CDBG funds through the Department of Housing and Urban Development. Secretary Cisneros worked closely with myself and others to find offsets in this section of the budget and worked very hard to assure that the City would have flexibility in its use of this money.

At present, this money is subject to The Davis-Bacon Act, which requires small businesses to comply with Davis-Bacon reporting requirements and pay local prevailing wages for work associated with cleaning up and rebuilding the devastated area. The City of Oklahoma City has estimated that Davis-Bacon increases the cost of these projects by 25–40 percent and produces long delays. Even employees who want to help rebuild their workplace have to be certified under conditions of the Davis-Bacon Act and be paid as though they were general contractors. Like you, I want maximum utilization of the CDGB funds to rebuilt the City. Under these conditions, I fear that the $39 million will not be sufficient to rejuvenate Oklahoma City.

In Title 40, Section 276A–5, United States Code, the President has the authority to suspend the Davis-Bacon Act in times of national emergency. As you are aware, the Oklahoma City bombing was declared a national emergency on April 19, 1995. I am requesting that this authority be used. I am not advocating any statutory changes to be made to this Act, nor do I want this request to be seen as a testament to Davis-Bacon; however, in times of national emergency, appropriated funds should solely be directed for relief efforts. I'm afraid that currently that is not the case.

If this action is not desirable to the administration, I would recommend substantially increasing the threshold for Davis-Bacon projects so that small contractors can bid on this work. This would also allow small businesses to use their own employees to clean up and rebuild their stores. Again, this would only apply to the CDBG funds in Oklahoma City.

If this is done, I believe we owe it to the businesses and the community to set up an on-site verification process to immediately certify workers so that these relief projects can be expedited. This would not address the higher costs for these projects, but would allow them to commence work.

I believe that a solution to this problem can be achieved. The aftermath of the Oklahoma City bombing is a tremendous illustration of how federal, state, and local officials can work together and work with the community to address a disaster. I hope that this cooperation continues, and I thank you for your consideration of my requests.

Sincerely,

Frank D. Lucas,
Member of Congress.

Congress of the United States,
House of Representatives,
Washington, DC, May 23, 1996.

Hon. William J. Clinton,
President of the United States,
Washington, DC.

Dear Mr. President: On April 17, 1996, a request was made for your further assistance in rebuilding Oklahoma City after the bombing of the Alfred P. Murrah Federal Building. As a unique and tragic event, the bombing has no parallel or precedent, which requires vigilance among citizens and public officials to continue our efforts to heal our broken community.

To date, I have not received a response from you regarding the City of Oklahoma City's request for a suspension of the Davis-Bacon Act (the Act) requirements as it relates to the CDBG funding for bombing relief. Title 40, §276a-5 (U.S.C.), provides the President authority to suspend the Act's requirements in times of a national emergency. On April 19, 1995, you declared a national emergency for Oklahoma City. Based on your tour of Oklahoma City on April 5 of this year, you know firsthand the extent of the damage that still exists one year later. Thus, quick action to our request will accelerate the recovery effort.

Recently, I received an interim response from Assistant Secretary DeCell of the Department of Housing and Urban Development, which was lacking in relevance and understanding of our problem. Hopefully, HUD's cursory examination will not weigh too heavily on your decision to grant our suspension request.

During staff discussions with HUD, it was mentioned that no precedent exists for such a suspension. In fact, President Roosevelt, Nixon and Bush have granted it on three occasions. Additionally, I trust you will agree that no precedent exists for what occurred in Oklahoma City and any reliance on past situations are not analogous or relevant.

The following are a sampling of real life examples of how the Act is constricting the rebuilding efforts. The increased costs are undeniable. The city of Oklahoma City has submitted a request for an additional $26 million in bombing relief. This subsequent request underscores the urgency in maximizing the relief funds already available to Oklahoma.

1. The use of a single "prime contractor" increases the cost of the project because the prime contractor will add overhead costs for subcontracting, administrative expenses to complete the Davis-Bacon compliances and profit.

2. Most Davis-Bacon wages in Oklahoma City exceed the wage that is usually paid in the open market.

3. Because Davis-Bacon sets specific wages for specific trades, the general laborer, employed by a small business, may perform several tasks during his daily shift. In a given day, the employee may use a backhoe, a shovel and frame walls in a building. Each trade classification has a different wage rate which must be documented with the number of hours worked in each classification. This means that in an eight hour day, the employee could use a shovel for 1.5 hours @$7.37 per hour, use a backhoe for 45 minutes @14.06 plus $3.49 in fringes/ per hour and frame a building for 5.45 hours @$11.90 per hour.

4. City staff have been told that if an employee is working at a higher wage classification, the employee must be paid at the highest wage rate regardless of the work being performed (See Asbestos removal).

5. Davis-Bacon does not take into account merit and longevity of employees and their corresponding wages. All employees are paid the same minimum wage regardless of experience. An employer could pay more than the minimum wage to more senior employees, but that is unlikely given that the minimum wage is usually more than the most senior employee makes on projects not subject to Davis-Bacon wages.

6. According to the Department of Housing and Urban Development, repairs to bomb-damaged buildings completed before October 30, 1995, are not subject to Davis-Bacon wages. Any project after that date is subject to Davis-Bacon. If the work has been completed by the property owner and the contractor has been paid and his employees have been paid:

(a) What incentive does a contractor have to recalculate all of his employee hours at the Federal Wage rate?

(b) If a contractor does not want to re-figure his wages, what recourse does an owner have to get reimbursed? (The contractor has been paid, why spend the time to re-figure?)

(c) When the contractor does comply, he will add overhead and profit to his costs making the job even more costly.

7. The $2,000 threshold for Davis-Bacon projects is too low. If you have two items to replace such as a window and an overhead door, the total cost may only be over $2,000. Each contractor will spend an hour or less on the job to install the products. Most of the bid is for the product, not the labor. A small independent contractor or small business owner will spend three days filling out paperwork for an hour-long job (See 1 NW 12th Example).

EXAMPLES

311 N. Harvey—original bids:	
Ward Construction	$2,900
Southwestern Roofing	21,398
Total	24,298
Revised Davis-Bacon bids (11% increase)	27,000
520 N. Hudson—original bids:	
Brat Paint	5,434
Mike Harper	675
King Electric	3,045
Mid-American Roofing	32,134
Total	41,288
Revised Davis-Bacon bids (One Prime Contractor) (44% increase)	59,398
225 NW 6th—original bids:	
Overhead Door	1,600
Mid-American Roofing	37,578
Total	39,178
Revised Davis-Bacon Bids (One Prime Contractor) (25% increase)	48,920
408 NW 6th—original bids:	
Central Glass	7,209
Bob Growan (exterior paint)	2,305
Ed Orr (replace ceiling)	11,900
Total	21,459
Revised Davis-Bacon Bids (75% increase)	37,720

In this case at 408 NW 6th, the property owner obtained the low bids above from individual contractors. The owner had also completed some minor reimbursable repairs prior to this bidding. The owner was told that he would have to rebid the project with the required wage rates and that he could only sue one "prime contractor" on projects where Davis-Bacon wage rates are in effect. The results of bidding the same work with general contractors and Davis-Bacon wage rates, is provided. This is an increase of $16,261 or 75% for the same work.

Although this may be an extreme case, history with our program shows most increases due to wage rate requirements in the range of 8–50%, it is indicative of the possible cost increase that can result from a combination of wage rate requirements and the use of general contractors on small jobs. The property owner was not surprised that the price increased significantly, but was baffled that we required him to do this. His question was why? To be honest, I don't know, other than "that is the federal requirement."

1 NW 12th Street: Taylor's Downtown Glass gave a bid of $433.23 to replace a window in a downtown building. It will take less than 30 minutes to perform the task. Tull Overhead Door gave a bid of $3,597.00 to replace an overhead door. The contractor will spend less than an hour installing the product. Taylor's Downtown Glass spent three days filling out the paperwork and has to keep track of the entire week of payroll for a job that takes less than 30 minutes. Tull Overhead Door spent costly time attending a pre-work conference that was required even though he had done Davis-Bacon work before.

Asbestos Removal: The federal wage rate for Asbestos Workers is $18.00 per hour plus $5.13 in fringes. The problem is that local asbestos abatement companies only pay that rate to employees when working in full containment garments ("moon suits" with respirators). Otherwise they pay them at a regular common laborer rate or a wage rate that corresponds to their other job.

However, according to Davis-Bacon Rules, the abatement workers must be paid as such when they are driving a truck, unloading lumber and building containment areas, load out areas, etc. This will increase the asbestos abatement cost significantly and our project designers are amazed that this rule must be followed.

CONCLUSION

The point of the examples provided in this letter is that there is a substantial cost factor involved in implementing this program with Davis-Bacon prevailing wages, and I feel the money would be better spent providing additional assistance to those who were damaged. In addition, the fact that we must pay these wage rates with the accompanying reporting paperwork for businesses and additional City staff costs, frequently adds to the frustration of those who we are trying to help. Business and property owners often state that this is just another example of the government doing everything slower and at an increased cost. Unfortunately, I must agree with them.

I realize that there may be a reluctance to suspend Davis-Bacon wage rates for these funds. Although, I do find it interesting that if Oklahoma City had obtained funding through the Federal Emergency Management Agency (FEMA), as is typical in a disaster area, federal Davis-Bacon wage rates would not apply. However, because Congress designated Community Development Block Grant Funds (CDBG) for this unique disaster, HUD requires all construction projects with a total project cost of $2,000 or more to pay Davis-Bacon wages. In general, if the intent of the FEMA policy is not to burden those affected by a disaster or emergency with Davis-Bacon requirements, then I feel that the same policy should apply to the unique situation in Oklahoma City.

Your attention to this matter is truly appreciated. I look forward to our continued cooperation in assisting those damaged and providing for the revitalization of the areas affected by the bombing.

Sincerely,

FRANK D. LUCAS.

□ 2245

THE CONTINUED ASSAULT ON OUR NATION'S WORKING FAMILIES AND SENIORS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota [Mr. VENTO] is recognized for 5 minutes.

Mr. VENTO. Mr. Speaker, during the past year, the majority has consistently advocated proposals to weaken programs and protections for our Nation's working families and seniors. As recent action shows, the majority has not been listening to the consistent and concerned voices of the American people which have expressed opposition to these proposals.

The majority is once again proposing fundamental changes in Medicare and Medicaid, which I might say helps and empowers over 70 million Americans gain access to health insurance. Their plan is to change the Medicare and Medicaid from programs which assure health care for those who need it to programs which limit Federal spending to a defined amount. In other words, they are changing them from defined benefit programs to defined contribution programs.

Congress should be acting to expand health care coverage and rein in escalating health care costs, but instead, Republicans in this Congress are focused on tearing our Nation's health safety net, potentially adding millions more to the ranks of the uninsured.

At the same time, the Republican plan includes tax breaks from $124 billion to $175 billion over the 6 years, and leaves the option open for even additional tax breaks, such as the costly capital gains tax break.

The majority would not need to make such drastic cuts and changes in Medicare and Medicaid if they did not insist on providing tax breaks for the wealthy.

Their plan will jeopardize health care for 623,000 Minnesotans who are enrolled in Medicare and 443,000 Minnesotans that receive help from Medicaid, half of those are children. In other words, 220,000 children receive Medicaid in Minnesota. In fact, about 1 in 5 Minnesotans relies on Medicaid or Medicare; over a million people.

The Republican Medicare plan continues to essentially include the same policy proposals as last year's plan, drastically cutting payments to the providers, restructuring the current programs, and heavily relying upon untested medical savings accounts. The medical savings accounts proposal has been predicted to cost, at a loss to the Medicare trust fund, an estimated $15 billion because Medicare funds would be given to healthier, wealthier people who most often do not need medical care.

The claim of extending Medicare solvency is only a pretext for the out of context policy the GOP pursues. The Medicare Part A program needs changing, but the Republican plan goes too far and in the wrong direction, changing Medicare from a reliable health care insurance for our seniors to a second-class health care system for Medicare recipients.

Under the Medicare plan, seniors will pay more and get less. The plan would allow doctors and hospitals to charge seniors above and beyond the established Medicare reimbursement rate. Balance-billing will become the norm as providers shift more cost to the seniors. The proposed cuts by the Republican Congress will show up as bills on the backs of the Medicare elderly who earn an average of $10,000 or less yearly.

Perhaps even more damaging than the Medicare cuts are cuts and program changes planned for Medicaid. Under the Republican plan seniors, people with disabilities, and low-income families who receive help from Medicaid, would be at risk of losing their coverage. In addition, States will be allowed to reduce their own share of funding for Medicaid, making the actual cuts more severe than they first appear.

Two-thirds of all nursing home residents receive help from the Medicaid system to pay their nursing home bills. The Republican plan will allow States to target the assets of seniors' children to help pay nursing home bills, which average $38,000 per year. Again, the plan is really nothing less than a form of cost-shifting.

The plan cuts Federal expenditures but does not limit consumer costs. In fact, these programs were put in place to permit families to take care of themselves when a health care crisis occurs. Now, the changes being proposed would pull the plug on the 30-year commitment to Medicare and Medicaid.

Republicans have shown that they are indifferent to the elderly and willing to send the American working families and seniors the bill for tax breaks for the wealthy. But these are not responsible or fair priorities for our Nation's future. The American people expect shared sacrifice, not cuts for people programs and tax breaks for wealthier individuals, but there they go again, hoping that the bumper sticker slogan of a tax break will cover up the cuts of people programs.

Mr. Speaker, I urge the Members of this body to strongly oppose these proposals again as were proposed last year.

TRIBUTE TO ST. MARTHA'S STUDENTS—INTERNATIONAL SCHOOL CYBERFAIR 1996

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. CHRYSLER] is recognized for 5 minutes.

Mr. CHRYSLER. Mr. Speaker, I rise today to congratulate the students of St. Martha's Elementary School of Okemos, MI. Mr. Speaker, the students of St. Martha's recently became one of the grand prize winners of the International School CyberFair, a global competition celebrating the ability of on-line communications to share and unite students throughout their communities, their nations, and indeed the world.

Placing second in their category, the third, fourth, and fifth grade students of St. Martha's created an Internet web site highlighting familiar treasures of the mid-Michigan area so that students throughout the world could explore their community.

In addition to creating their own web site, the students of St. Martha's incorporated links to numerous other Michigan attractions, such as Michigan State University, the University of Michigan, Lansing Community College, and the Michigan State Government Offices.

Mr. Speaker, in receiving this outstanding award, the students of St. Martha's are paving the way for advancement of technologies in our classroom. These students have not only demonstrated exceptional skill and determination in providing their communities with this tool of learning, but they have also become student ambassadors to the world.

As we have now passed the telecommunications bill and it has been signed into law this year, these students are on the cutting edge of the Information Age. As sure as we lived in the agricultural age in the 1800's, and moved on into the industrial age in the 1900's, we are now into the information age of the 21st century.

Between 1600 and 1960, human knowledge doubled. Between 1960 and 1980, human knowledge doubled again. And between 1980 and 1990, human knowledge doubled again. And between 1990 and 1995, it doubled again. And now about every 18 months to 2 years, human knowledge will double again.

The telecommunications bill will not only create 3.2 million new jobs, but it will also create a new America where 40 percent of the working people can work out of their homes.

That means that we will eliminate the traffic jams in the morning and in the evenings. We will stop polluting our air from the cars sitting in the traffic jams idling away. But more importantly, we will have mom or dad, or maybe mom and dad both, at home when these kids go to school and, just as importantly, when they come home from school, and we will start putting American families back together again.

Mr. Speaker, I would like to congratulate the students and the faculty of St. Martha's in receiving this award. Additionally, I would like to recognize Cisco Systems and the MCI Corporation for sponsoring this global competition for their commitment to tomorrow's future leaders.

I would encourage my colleagues and citizens throughout the Nation to visit our mid-Michigan community via the web site created by the fine students at St. Martha's. The web site is located on the worldwide web at http://cyberfair.gsn.org/stmartha.

REPUBLICAN MEDICARE/MEDICAID PLANS ARE "CLUELESS"

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California [Ms. WOOLSEY] is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, I would like to thank Representative PALLONE for organizing this special order tonight and for his outstanding leadership in protecting Medicare.

Mr. Speaker, colleagues, the Gingrich majority just can't keep its hands off of Medicare. For a second year in a row, the new majority is trying to pay for special interest tax breaks by forcing drastic cuts in Medicare.

After shutting the Government down twice, after seeing their approval ratings plummet to record-breaking lows, after the near collapse of their legislative agenda you would think they would learn.

Well, my friends, our colleagues on the other side of the aisle remain clueless. They remain clueless to the fact that the American people want no part of a scheme to make Medicare "Wither on the vine," as the Speaker suggested.

They remain clueless that seniors are not willing to pay more to receive less. The Republican budget cuts $167 billion from Medicare over 6 years, which will mean drastically higher health care costs and fewer health care benefits for our Nation's seniors.

They remain clueless about forcing americans into managed care programs without physician choice—the same programs which may force seniors to give up their trusted doctors. And the American people sure don't want to be gouged through excessive copayments, known as balanced billing, which is included in the Republican plan.

And Republicans remain clueless to the fact that the American people don't want their local hospitals closed because of a budget plan that cuts the Medicare Hospital Trust Fund by $51 billion over 6 years.

Well, I am here, armed with messages from three of my constituents, to help members of the new majority get a clue. Hopefully our colleagues on the other side of the aisle are sitting in their offices, watching C-Span. I urge you to turn up the volume in your office, listen closely, and take note.

First, a 65-year-old man wrote me to say (and I quote): "I worked hard all of my life, raised ten kids, and fought in two wars to live my life in peace. Living on only 801 dollars a month, I need all the help I can get."

This person deserves better. He fought two wars for our country, and he should not live his golden years in fear of getting sick. With his income, he can't pay more for health care. It is wrong that the new majority is asking people like him to do so.

The second message is from Ethel from San Rafael. She wrote to let me know that "Medicare is only barely sufficient as it is. (She continued that) "A cut would be a death knell to help as we know it."

So, I ask you if Medicare is barely sufficient now, what will it be like if the new majority has its way and cuts $167 billion and weakens anti-fraud laws?

Finally, an elderly gentleman named Vernon, wants all of us to know that he can't afford to pay more for Medicare. He said, "The old folks need money for food. Cutting Medicare will take away our food money."

How much food will Vernon give up, Mr. Speaker, when the new majority cuts Medicare by $167 billion? Does this Congress really intend for people like Vernon to give up food in order to pay for a doctor's visit or to pay for prescription drugs?

I hope that our colleagues in the majority listen to the heartfelt pleas of these people. I hope that members of the new majority can open their eyes to the devastation that will occur if their Medicare plan is enacted.

So get a clue, my friends. Listen to the American people and stop raiding Medicare for your special interest tax break. Start working with Democrats.

I'm proud to say that I voted for the President's budget, which preserves the solvency of the Medicare system without damaging cuts to services. This Democratic alternative prevents outrageous increases in premiums and copayments, and maintains strong antifraud policies.

Let's work together to strengthen Medicare, and preserve it for future generations.

Again, I want to thank Congressman FRANK PALLONE for his leadership on this issue. You have done a terrific job of protecting Medicare from cuts, and it is always a pleasure to work with you.

□ 2300

FEDERAL SPENDING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. KINGSTON] is recognized for 5 minutes.

Mr. KINGSTON. Mr. Speaker, let me start off by saying I have got great news for Ethel in San Rafael, California and Vern in California also. The Republican plan increases their Medicare from $190 billion to $304 billion. Good news.

Ms. WOOLSEY. Will the gentleman yield?

Mr. KINGSTON. Mr. Speaker, I will be glad to send them the information since they are not getting it from that side of the aisle. I will be happy to. Let me yield to the gentlewoman for 20 seconds. But let the Record show Democrats earlier would not yield to me for even 10 seconds. But I got some other stuff I want to talk about.

Ms. WOOLSEY. Mr. Speaker, I would have yielded for 10 seconds, believe me.

I would like to point out that Medicare is not growing to cover the cost of inflation, nor the cost of the need for the services and the people who will be needing those services. One thing is increasing an amount, the other thing is to increase the amount to cover those who will be using the benefit.

Mr. KINGSTON. Reclaiming the time, I appreciate that point. Our budget increases Medicare from $5,000 to $7,000 per person in anticipation of new enrollees, so that includes new enrollees. Again, I will be happy to send that information to your constituents and work with you on a bipartisan basis.

Let me also, though, address the good old days of Democrat leadership because that is one of the things I really wanted to talk about since the theme on the Democrat side seems to be let us go back to Democrat leadership. What happened when President Clinton, the Democrats controlled the Senate, the House and the White House? The highest tax increase in the history of America, $265 billion. Highest spending, $300 billion increase in spending. A $16 billion stimulus package that President Clinton and the Democrats in the Senate and the Democrats in the House passed, which included, among other important things, is cataloguing fish.

They did not propose a balanced budget when the Democrats controlled the House, the Senate and the White House. The Republicans on the other hand, have passed a balanced budget out of this House for the first time in 26 years. The balanced budget amendment did not get out of the House under Democrat leadership; did pass under Republican leadership.

On welfare reform, the President of the United States in 1992 promised to end welfare reform as we know it, had a Democrat House, a Democrat Senate, and did not introduce a welfare bill. We have passed two out of this body and in the Senate, one passing on a bipartisan vote of 87–12. It was vetoed not once but twice by the President.

On health care, the President of the United States, when he had the two Chambers, tried to pass a nationalized health care plan and increased the bureaucracy by 59 different agencies. It did not move under the Republican House and the Republican Senate. We have health care reform that is making health care more affordable and more accessible. It is now in conference. It looks good.

New bureaucracy, endless growth of the Government under President Clinton, including AmeriCorps, which is a volunteer program that pays volunteers $26,000 per volunteer. Let me repeat that: $26,000 per volunteer. We are trying to downsize the bureaucracy.

Student loans, very little happened under student loans under President Clinton. A lot of defaults, of course, but implemented the first stage of government takeover of the student loan program. We, on the other hand, have a budget that has increased student loans from $24 billion to $36 billion. Be happy to share that with any Democrat who does not have that information.

When the Democrats controlled the Senate and the House and the White House, there were no major reforms of Congress. Under the Republican Congress, we passed Congressional Accountability Act, a gift ban. We have cut the staff by one-third. We have required a two-thirds vote for an increase in taxes. We are considering campaign reform as we speak.

For the senior citizens that the Democrats used to love to say that they are great champions of, under President Clinton and the Democrat House and the Democrat Senate, there was an increase on Social Security taxes, taxes were increased on Social Security. Under the Republican House, we have decreased those taxes. Now, that of course was vetoed by the President.

We have also passed an earnings limitation so that seniors who want to can stay in the workplace longer. Even little things, I am not going to say this is little at all, but I mean, things that are less visible, we have done many, many changes on. I will be happy to share that.

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from New Jersey [Mr. PALLONE] is recognized for one-half the time remaining before midnight as the designee of the minority leader.

The Chair recognizes the gentleman from New Jersey.

Mr. PALLONE. Mr. Speaker, I just wanted to begin this special order tonight by pointing out that this evening, when we had the Democratic motion to instruct on the budget, that a major point that was being made in that motion to instruct is that the budget resolution that was adopted here in the House that is put forward by the Republican leadership basically denies basic protection on health care for seniors.

Essentially what we have in this budget resolution are major attacks on the Medicare Program, and also on the Medicaid Program. As a result, in the motion to instruct that was put forward by the Democrats this evening, we were trying to seek to retain current protections under the law against excessive Medicare charges by doctors and hospitals to preserve Federal nursing home standards and also to make sure that we do not have a recurrence of the spousal impoverishment and liens on homes that occurred before protections were put into place for the Medicaid Program, again to protect seniors.

Part of this motion to instruct was for us as Democrats to make the point that this Republican budget, which we will be considering again probably in conference within the next couple of weeks, essentially takes us down the same path that we were on last year with regard to fiscal priorities, especially with regard to our Nation's seniors. May is Older Americans Month, and I want to emphasize that this Republican budget truly reflects the hurt, if you will, that the Republican leadership seeks to implement on seniors, particularly on the Medicare and Medicaid Programs.

The Republican Medicare plan will result in seniors paying more out of their own pockets for substandard care while cutting over $160 billion to pay for tax breaks for the wealthy. More important than these steep cuts are the extreme structural change that the Republican leadership is trying to impose on seniors. Their plan eliminates the choice of doctors and hospitals that seniors now enjoy by basically forcing them into managed care.

This Republican plan will allow doctors to charge seniors extra money beyond the expenses that Medicare will cover. This means that seniors will have to pay doctors a lot more money out of their own pocket. To compound all of this, the cuts that the Republicans are imposing will force many hospitals to close. The funding that hospitals, home health care service, skilled nursing facilities receive will be sharply reduced. The bottom line is that with that reduced resource, many seniors will suffer.

I have to say once again that I believe very strongly that Medicare should not even be discussed in the context of the budget resolution. If we are looking to improve Medicare, we should increase preventive services and cut the waste, fraud and abuse in the Medicare Program. These are the types of things that will ensure Medicare's future while providing quality health care for our Nation's seniors. Instead, the Republican leadership is essentially going down a path of destroying Medicare and also Medicaid.

I wanted to just point out again, and I know I have a number of speakers here tonight who want to join in this special order, and I would like to yield some time to them. But essentially we went through the same process in 1995 last year with the Republican leadership in their budget trying to essentially change both the Medicare and the Medicaid Programs in very negative ways.

As Democrats, we pointed out that last year, essentially what we tried to do was to prevent the Republicans from doubling Medicare part B premiums, eliminating doctor choice, cutting Medicare premium assistance for low-income seniors, repealing Federal nursing home quality standards, putting homes and family farms of elderly couples at risk for nursing home care. And also the Republicans were trying to force adult children to be financially liable for their parents' nursing home bills.

Mr. Speaker, we were very successful as Democrats in essentially putting to rest these changes that the Republicans were trying to make last year in the Medicare program. We have the same phenomenon again this year. The budget that was already adopted here, the Republican leadership that was adopted already on the floor and which will come up again in a few weeks in conference before it finally is adopted by both the House and the Senate Republican leadership, still plans to eliminate doctor and hospital choice by forcing seniors into Medicare managed care plans. It also allows doctors to charge extra out-of-pocket costs to seniors who remain in medicare fee-for-service, severely cuts Medicare and Medicaid hospital funding, forcing many hospitals to close their doors on seniors, eliminates coverage guarantees for over 4 million elderly Americans who need nursing home care, and also further erodes Medicare's solvency by creating wealthy healthy plans, leaving many seniors with higher costs and less care.

We have the same thing again, which is Medicare cuts to pay for tax care to pay for tax breaks for wealthy Americans, and a continued decline in the quality of service and the ability of our senior citizens to obtain quality Medicare programs and forcing them to pay more out of their own pockets.

So the record, the Republican leadership record is the same. It is just the same old plan that we dealt with last year that we are going to have rehashed again here in the House in 1996.

With that, I would like to introduce and yield some time now to the gentleman from Ohio [Mr. BROWN].

Mr. BROWN of Ohio. Thank you, Mr. PALLONE, for your work in opposing these extreme Gingrich Medicare and Medicaid plans.

What is amazing, and I want to take one small part out of what you said. The Gingrich plan and what they are trying to do in this body today is not much different from when they shut the government down last year. Medicare cuts, student loan cuts, cuts in the environment, all to pay for tax breaks for the richest people in society.

One particular issue that you touched on is what they want to do to nursing home protections. Last year we thought we had won that battle. We thought that they would not try that again. Again, this year in their budget and in our committee, in the Committee on Commerce, and the Health Subcommittee when they are talking about these issues, the Gingrich plan again says let us repeal all the protections for nursing homes that this Congress, with President Reagan, passed 10 years ago.

I though in this society there was a consensus around making sure that there were protections against oversedation, protections against restraints or senior citizens in nursing homes.

□ 2315

I thought there was a consensus in the society that they in fact would be protected if those laws would be in place to make nursing homes safer because clearly those laws passed by the Democratic Congress with the Republican President in the mid-1980's made sense and would stay in place.

Yet the Gingrich extremists, this Congress, has tried to pull that consensus apart when a great majority, probably 90 percent of the public, believes, yes, we should have those protections in nursing homes. Yet this Gingrich extremist group says, "Let's not; let's repeal it, turn it over to the States." That was the problem we had in the beginning where State governments simply were not providing for safe nursing homes with the kinds of regulation that is necessary to protect those senior citizens in nursing homes.

And not only are they making cuts in Medicare and Medicaid to pay for tax breaks for the richest people in society, at the same time they are stripping away those protections for the safety of our parents and our grandparents in nursing homes.

Mr. Speaker, it just simply does not make sense, and they are trying to explode a consensus, these Gingrich extremists are trying to explode this consensus that we have built in this country on this issue, on clean air laws, on safe drinking water laws, on pure food laws, on worker safety laws. They are trying to explode this consensus that society in this great country has built, and I simply do not understand it.

Mr. PALLONE. Well, I think, if the gentleman will yield back, the problem is that they are trying to squeeze all of this money out of the budget through the Medicare and the Medicaid programs, and the gentleman from Ohio [Mr. BROWN] makes the point that essentially what is happening here is they are turning over, if you will, the Medicaid program in a block grant to the States and letting the States essentially do what they want, whether that means no nursing home standards or whatever, in order to try to save money, to squeeze money out of Medicaid again primarily to pay for these tax breaks for the wealthy. That is what motivates this. It is all budget driven.

And I want to thank the gentleman for his statements, and I would like to yield now to the gentlewoman from North Carolina [Mrs. CLAYTON].

Mrs. CLAYTON. Thank you for yielding, and I also want to thank you for your leadership in keeping us focused on what the implications of these cuts are, and I would just like to make my brief remarks on emphasis of rural communities.

I come from North Carolina, and my district, North Carolina, including my district, is rural and represents a rural America which indeed suffers already from other economic indicators. We are communities that have less of infrastructure. We are communities of lower wages. We are communities having less of conveniences already.

Now, when you combine that with having these indiscriminate cuts of reducing in the amount that senior citizens can get and hospitals can get, that is going to further impact those poorest, must vulnerable of our society, and that means rural hospitals, which are already operating at the margin because they have more than 80 percent of all of their pay coming from either Medicare or Medicaid. So they are already over-dependent on Medicare and Medicaid.

That would mean more closing of hospitals in rural areas, yet this Congress's particular majority say they believe in rural America. They say that, but people will see indeed what they do.

What they want is a cheaper health service, not a better health service, and I think we should make the point that Democrats would like to see that senior citizens have better health care. We would like to see a better health care plan, not necessarily a cheaper health care plan. Cheaper is not always less costly, because in the long run, when the society has less health care, that would mean there will be less providers. Already we are suffering from a disproportion of health providers in hospitals in rural areas.

So cheaper does not mean better. It means always that you get less for the quality of services for the money that you offer.

So we do not want to deny senior citizens quality health care under the disguise of having a cheaper plan. What we want is a better health plan that does not cost as much.

And you are correct. What we should focus on is reducing—reducing the preventive—I mean increasing preventative programs that will give us better quality of health. Then those of us in rural areas can make a better life for ourselves.

So I just want to add to the discussion that those of us who live in rural America will be hurt far greater than those of us who live in the rest of America. Already we are disproportionately suffering from the lack of services, and now to put this greater cut on our rural hospitals, that means that one-fourth of the hospitals in rural America will be finding themselves threatened with closure, and I think that is grossly unfair.

Rural Americans also suffer with high percentage of people who are lower income, and 63 percent of those who are senior citizens in rural areas happen to live in poverty. So you know what the cuts in Medicare and Medicaid will do to that population, and I yield back the time and thank the gentleman for his leadership.

Mr. PALLONE. Mr. Speaker, I think the gentlewoman makes a very good point, and I think a lot of people do not realize that whether it is rural areas, or suburban areas, or urban areas, my district is mostly suburban, but the majority of the hospitals are more than 50 percent Medicare-Medicaid dependent in my area, and so when you talk about cuts in Medicare and Medicaid, even in a suburban district like that I represent, you are talking about most of the income that these hospitals have. They will not be able to continue to operate with the level of cuts that the Republicans have proposed.

And they are trying to say that they are doing this in order to save Medicare. In reality what they are really doing is using Medicare as the focal point of their budget in order to achieve, you know, tax breaks, and to deal with their budget, they are cutting, making these massive cuts in Medicare and Medicaid, and the result is that the hospitals in many areas will close, not only in rural areas, but even in some suburban areas.

Mrs. CLAYTON. I think the American people will judge them by what they do. They say they are for America, but what they really are for is for the richest of America, and they do not mind who suffers in the process, whether senior citizens or whatever.

Mr. PALLONE. Exactly. Thank you.

I like to yield now to the gentleman from Michigan [Mr. BONIOR], our minority whip.

Mr. BONIOR. I thank my friend for taking this time and for laying out for us, I think rather clearly, this evening how the Republican agenda with respect to Medicare—and it really has not changed. You are absolutely right. Although we were able to beat back some of these Draconian measures in terms of cuts and increased charges for our seniors in order to pay for the huge tax breaks that they want to provide for the wealthiest in this country, we will beat that back, get the President to veto that particular provision. They have come back again this year, and they want to do it all over again. It is like deja vu all over again.

And the gentlewoman from North Carolina is absolutely correct in terms of what this is going to do, what their plan is going to do to hospitals, and it is not just rural hospitals, but she is absolutely correct. It is going to really hurt rural hospitals. We are talking roughly about $5 million out of hospitals, and that means many hospitals will be closing in this country, and the services that they provide for those who remain open will be diminished in terms of what they provide today.

But in metropolitan areas in southeastern Michigan where I come from, the Republican proposal last year would have cost those hospitals $2.2 billion over the 7 years of their budget plan. Now, what does that mean? That means 5,000 people with good-paying jobs would have to be laid off in those hospitals. That means poor service for the people who are in those hospitals.

And on top of all of that we learn that the Republican proposal to cut Medicare in order to give tax breaks to the wealthiest in our country today, the extremist Gingrich idea here would also do something that is beyond me. That is, it would allow people to be billed by their doctors above what Medicare allows, and this extra billing is disastrous for our seniors. Sixty percent of our seniors today in this country have incomes of $10,000 a year or less. That includes their Social Security and any annuity or retirement they may have; 60 percent, $10,000 or less. They cannot afford to go to a doctor, have Medicare pick up x amount, and then have the doctor send them a bill, and these bills start piling up on their bureau drawers, and they look at them every day, and they have this terrible feeling they are not meeting their obligations, and these bills are there staring them in the face, hundreds of dollars, thousands of dollars.

This billing practice that they want to institute is not in the best interests of our elderly people in this country. They cannot afford it. Is not fair. And you know this is all part of their plan to put together a pot of money in order to provide tax breaks for the wealthiest individuals in our society today.

So I thank my friend from New Jersey [Mr. PALLONE] for laying these facts out for us today, laying out the fact that what they really want to do is break this system, and they want to do it by moving people into managed care so those people who are left in fee for services are going to have humongous rates charged to them, and they want to do it by providing medical savings accounts which go to the healthy and the wealthy in this country, and not anyone else, and basically take away from the basic structure of Medicare.

They really want to kill Medicare. We know that. I think the general public understands that. They are not interested in reforming it. They want to change it and change it permanently, and you really basically get rid of it.

And Medicare has been a very good system. It has worked for seniors in this country for many, many years. Before we had Medicare in 1965, literally hundreds of thousands of seniors were indigent in this country. A large percentage of them were indigent because they could not afford health care, they have to rely on their families. This has helped bring literally tens of millions of seniors out of poverty and helped them live with dignity in their later years.

We are here to protect that program. We, as you point out correctly, understand that there needs to be some streamlining, we need to make some savings, we need to get rid of the waste, the fraud and the abuse in the system. And we are committed to do that. But we are not committed to destroy a program that has provided for our seniors in this country.

And I thank my colleague for his determination, for his leadership on this issue and for raising this issue tonight for the American people to focus in on because in fact we are in another battle, and it is a battle to save Medicare for our elderly in this country.

Mr. PALLONE. Mr. Speaker, I want to thank the gentleman from Michigan and just point out again, you know, I know that our colleagues on the other side always say, well, people will have choice, they do not have to go into managed care. But the reality is the way the system is set up by the Republican leadership, people are forced into managed care. You have a rate differential, which means basically that doctors will get reimbursed more or less depending on which system seniors opt for, and then you have this balanced billing. So essentially what happens is seniors find that since they have to spend a lot more money out of pocket to pay the doctor, if they stay in the traditional system where they can choose their own doctor, they are literally forced into the managed care system because under that system they do not have to pay the extra money out of pocket to their doctor.

So when the Republicans say, oh, you have a choice, the reality is you do not have a choice. You are forced into managed care. Otherwise you have to stay in a system where the cost and how much you have to pay out of pocket just gets to be more and more. And so in reality you do not have a choice. You lose your choice of doctor and also maybe your choice of hospital in a lot of cases, and I think that is important to point out.

I yield now to the gentlewoman from Connecticut, who has done so much on this Medicare issue and made the point so well on it.

Ms. DELAURO. It is a pleasure to join my colleagues here tonight, and I just like to pick up a comment that our colleague from Michigan pointed out, and that is, if you need to put the Medicare debate in a context, we live in a great country, we really do, and in 1965 we passed a Medicare system. As a matter of fact as an aside, it was the current Republican candidate for President, BOB DOLE, who said that he was proud of his vote back then and he voted against Medicare because he did not believe that it was a system that worked. And we ought to keep that in mind. This was not a comment that he did not believe it would work in 1965. In 1996, when he was running for President of the United States, he does not believe that this is a system that works. We ought to keep that squarely in mind.

But the fact is that it was passed, and it was a stroke of genius in terms of health care for seniors in this country.

□ 2330

Before Medicare, less than 50 percent of seniors in this Nation had health care coverage in any way. Today, 99 percent of seniors are covered. They have health care. They do not have to worry that they are going to be wiped out because of an illness that they did not create but they were unfortunate enough to get.

I think we need to talk about this debate on Medicare and Medicaid in the context of what this system has meant to people in this country. As my colleagues have pointed out, last year in the Republican budget they intended to make a $270 billion cut in Medicaid to pay for tax breaks, $245 billion in tax breaks for the wealthiest in this country.

What happened around the Nation, the hue and cry of seniors, of their families, of people who believed that this was the wrong thing to do, stopped them from doing the kinds of things that my colleague, the gentleman from New Jersey, has pointed out in his chart. What they wanted to do was to double the premiums, to increase the copayments, increase the deductibles, do away with choice, make it more difficult for hospitals, make it more difficult for rural areas.

Quite frankly, we thought we had beat back the barbarians. But instead, what we see is in the 1997 budget the very same set of premises, the very same policy being brought forward again. This is a new budget, but it is the same set of policies with regard to Medicare and Medicaid and the same sweeping and dangerous cuts.

To quote the gentleman from Georgia, Mr. GINGRICH, he said "We can't do it all at once." The goal for Mr. GINGRICH, he would like to see Medicare wither on the vine, but "we can't do it all at once. We need to do it in pieces." So we tried in 1995 and we got pushed back, so we are going to try again in 1996, and God help us in 1997, because it will come back again.

The Republicans got a little trickier this time in this budget. They learned a lesson: Don't let anything sit around for too long so that the American public has some time to notice what is going on and to learn about it, because if they learn about it and they know about it, they are very smart and they will rise up and they will say that we are not going to do this. Sixty percent of the public said to the President of the United States that they wanted him to veto that budget because it contained these kinds of Medicare cuts.

This new budget, and I put "new" in quotes, moved through this House in a week, moved through this House in 1 week because they knew that if they let it stay around long enough, we would see the exact same set of premises, the exact same policy with regard to Medicare and Medicaid that they tried to impose on the American public in the last budget, last year. It is $168 billion in Medicaid and Medicare cuts this time around. It is done in 6 years versus 7 years. It would have sliced 19 percent last year from Medicare. This year it is 17 percent, a 2 percent difference. The American public should not be fooled. It is the exact some policy.

Let us contrast the cut with the amount of the tax break for the wealthy. It is $168 billion in a tax cut in Medicare and it is $176 to $180 billion in a tax break that will benefit the wealthiest in this country. It is the same exact equation that was set up in the last budget. The public should not be fooled.

If we move to Medicaid, or as my colleagues has pointed out, in these areas we have the same things that exist. The restrictions that are now on doctors and hospitals not to overcharge people beyond what Medicare will take care of will be removed: increased bills, out-of-pocket costs for seniors; nursing home standards not enforced. And we know what that means in the quality of life and the quality of care for those we love who go into nursing homes. We know also what they want to do to spouses and children in being able to attack their assets.

The long and the short of it is that we are going to make this fight day in and day out in the next several weeks, in the next several months, because the public should not be fooled by the same set of policies that would foist upon American seniors a second-rate health care system. It is wrong, it is unfair, it is not what this Nation is about. It is not what our values are. It is not what our priorities are. We are going to make the same fight and the same cases that we did over the last several months. This is not going to rest until we turn this policy around and do what is right and do what is best for America's seniors and the American people.

THE ACCOMPLISHMENTS OF THE 104TH CONGRESS

The SPEAKER pro tempore (Mr. NEY). Under the Speaker's announced policy of May 12, 1995, the gentleman from Pennsylvania [Mr. FOX] is recognized for the balance of the time remaining before midnight as the designee of the majority leader.

Mr. FOX of Pennsylvania. Mr. Speaker, I appreciate the opportunity to address my colleagues and speak to the House regarding some important issues. I think it is important at this time, as we approach the end of the week here in the second session of the 104th Congress, to really look at the fine record of achievement in a bipartisan House that we have to this date brought about.

We only have to look at the fact that we have passed $250 billion in reductions of taxes for families here in the United States. We only have to look at the fact that we have reduced Federal spending in duplicative programs, not in worthwhile programs, obviously. We have passed the first balanced budget since 1969, very important to this economy and to this country.

We only have to look to Alan Greenspan, who is the individual who told this Congress and this Nation that if we reduce our interest costs we will help each American be able to buy a car, pay for those interest payments. If we have a balanced budget we will be able to better handle the mortgage and the cost of education.

We have gotten tough on crime, limited criminals' endless death row appeals in cases where there are baseless appeals, where there has been no wrongdoing at the time of trial. We have passed victim restitution, we have passed truth-in-sentencing grants, strengthened the antiterrorism statutes, strengthened sexual crimes against children statutes.

We have also passed private health care reform. Our legislation will provide portability, accessibility, availability.

Look to the student loan program, where we have increased student loan volume by 50 percent, from $24 billion in 1996 to $36 billion by 1997. We have had real congressional reform. We have passed the Congressional Accountability Act, signed into law by the President, which provides that every law we now pass in the Congress, as we have in prior Congresses, there have been laws passed, but this is the first time in this Congress that when the laws are passed by also will apply to Congress. Whether it be the fair labor standards or civil rights law, they also apply to our employees as well.

We have passed lobbying reform and gift ban, cut committee staff by one-third, and required a two-thirds vote for any tax increase in this House for this Congress.

We have also passed an increase in the amount senior citizens can earn without losing Social Security benefits. That was brought by a Republican majority proposal. Currently, Mr. Speaker, seniors are frozen at $11,038, those under 70 are frozen at that amount without deductions being made from Social Security. But under the legislation we have passed here, that will rise to $30,000.

Mr. Speaker, we have heard a lot of distortions tonight from the other side of the aisle trying to talk about what we are doing here in Congress. The facts are far different from the distortions we have heard. The fact is, when it comes to Medicare reform, our proposal was bipartisan and the best we could actually come up with, a very positive program, considering the fact that it was the President who said that if we do nothing with Medicare it will go out of business in 7 years. It will go bankrupt.

You might say to yourself, how did it get to this point? Why would it go bankrupt? But we got to this point because, frankly, there has been fraud and abuse and waste up to $30 billion a year. Frankly, that can be stopped, but it will take legislation which has been introduced in this House. For the first time those who commit fraud under the Medicare or Medicaid system, health care fraud is a crime, and if you commit that kind of offense you will no longer be a provider and you can go to jail for 10 years.

That is the kind of forward thinking legislation that has been introduced in this House, and frankly should be adopted and signed into law by the President. If we take out the fraud, abuse and waste that is in Medicare, we will be able to preserve Medicare and preserve for each senior the right to have their choice of doctor and choice of hospital. Very important.

In addition, the proposed legislation is going to increase the current payment about $5,000 per senior, up to $7,100 by the year 2002. We also offer for the first time, choice besides fee-for-service, giving you a choice of doctors and hospitals, and also medical savings accounts and, as well, managed care. That is, what the seniors want in their particular case, to have eyeglasses and pharmaceuticals included at no extra charge.

But the proposal went further. We think it is a very, very wise proposal. In addition to limiting fraud, waste, and abuse, the proposal from the House calls for making sure that the medical education component, which is now under Medicare, will be a separate line item in the budget, so we make sure that our interns and residents have that quality education without cutting away from our senior citizens' health care benefits what they need.

We also call for reductions in the cost of paperwork. Right now we spend about 12 percent of Medicare dollars in paperwork. That should mostly go to health care for our seniors. Under our proposal, that is what will happen.

We also make sure that this whole program is based on the fact that whatever savings we have in Medicare, whatever savings are achieved, whether it is $30 billion a year in fraud, waste, and abuse, it has to go back for health care and not for some other item in the U.S. Budget.

We can see, Mr. Speaker, that working together we can have Medicare reform that is going to be helpful to our seniors, and make sure we have a system that is for this year's seniors and the next generation's seniors and something that is going to be good for this country.

We, as well, have been working on tax reform, and tax reform that is fair to all Americans, not from the distortions that you have heard from the other side of the aisle about how it is only for the rich. The tax reform we are talking about is for the middle class, a $500-per-child tax credit. We are talking about an adoption tax credit of $5,000. We are talking about tax credits for small businesses to start up, to provide jobs for our citizens.

These are real proposals that will make a real difference. We are talking about a $2,000 new IRA for each individual, $4,000 for each married couple. These are proposals that were adopted by the Kennedy administration and made a difference. They could happen again here in this Congress.

It is also important to note that our welfare reform proposals will make real difference. Of course, there are people in the safety net who must get welfare. That is undeniable. But there are people who are able-bodied, and under our proposal what will happen is able-bodied individuals, through job counseling, job training, and job placement will have the opportunity to obtain employment, to have the pride of work, to make a difference in their lives, and instead of the welfare as we have it now being a hammock, it will be springboard, Mr. Speaker, to a new class of individuals getting involved in the world of work, more people paying taxes, more people who are employed and stabilizing those taxes. That is the kind of true welfare reform that will make a difference.

Under that proposal as well, it calls for us, Mr. Speaker, to have new enforcement procedures for child support. We have a situation in this country where probably the most unpaid bills we have are child support. We can make a difference by adopting plans like they have in the State of Maine.

There they require, Mr. Speaker, that every person who is not paying their child support would lose their license if it was not paid. Ninety-five percent paid their amounts owned on child support, once they knew they could lose their driver's license. It is recommended under our welfare reform proposals that States adopt plans like Maine's or an alternative which will, again, get us the enforcement that we want.

We can achieve this, and it is certainly meaningful, and it is something that can make a big difference.

We also called for improvements in our child nutrition programs and our WIC programs, women, infants, and children programs, by increasing the amount of money that is going to be spent on the school lunch programs, and in fact making sure that the States administer them.

Mr. Speaker, currently under our school lunch programs we spend 50 percent of the funds just to administer them. Under the proposals that the Governors have talked to Congress about, they said they will only spend 5 percent on administration, but with the extra 10 percent we will still provide in this program, they would be able to feed more children more meals, but by Federal standards. If they did not adhere to those standards, then we as a Congress would take it back.

So working in partnership with local governments, which are closest to the people, we can provide the kinds of services that people want without bankrupting the Nation, without making people pay until July 1 every year through taxes and regulations all that money to Uncle Sam. We want to make sure there is more money in their pocket to spend as they want to, to spend as their families need.

I think it is very important that we continue trying to find the bipartisan effort, instead of the rhetoric we have heard previously tonight about how this party, the Republican Party, does not care about seniors. Nothing could be further from the truth.

The two major proposals that have come before this Congress in this session have been raising the income eligibility for seniors' earnings, and No. 2, the other proposal was to roll back in 1993 the unfair tax on Social Security. The Republican majority brought both those forward and they were both adopted in this House.

Now it is incumbent upon us to continue fighting for seniors to make sure Medicare provides the health care benefits they need, but removing the waste from the system, and that is the key feature here. We will make sure that we eliminate the waste, the fraud and abuse that has gone on for so many years and must end.

Part and parcel of our making sure that health care is improved for our seniors is that we provide FDA reform as well, to make sure that for all citizens we speed up the approval of life-saving, life-extending drugs and medical devices in this country.

□ 2345

This can and will be done under legislation that has been introduced in the Committee on Commerce under the leadership of JIM GREENWOOD as the task force chairman, the Commerce Committee chairman TOM BLILEY, the subcommittee chairman MIKE BILIRAKIS, and the three sponsors of the bill, Congressman KLUG, Congressman BARTON and Congressman BURR of North Carolina who has the pharmaceutical bill.

Together the bills dealing with pharmaceuticals, medical devices, and food will in fact move this country forward in such a way that the discoveries we have in the United States will be kept here. If we do not speed up the FDA reform process, then the discoveries for medical benefit and the jobs will go overseas. We cannot afford that as a Nation both from an employment point of view or from a health care point of view.

So I am pleased to see that the leadership is moving forward with FDA. What we are going to do is work with the Commissioner of FDA and the White House to make sure this legislation is bipartisan, is passed, and we do make a difference in the lives of the people we are representing.

Mr. Speaker, as I know from the hearing I had in my own district in Montgomery County, PA, in the county seat, we had victims who have diseases, patients who are waiting for a cure, a vaccine. They tell us that if we can speed up the approval of these drugs, they will live longer, others will have a chance to live longer and frankly their families are waiting for this kind of relief.

We need to fast track this legislation. I am very appreciative that the individuals who brought forward the vehicle in the Committee on Commerce folded my legislation which was introduced last year into the majority bills and I am hopeful that together with other Congressmen and the Senate we will be able to get this passed in this session and make a real difference in people's lives.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HOUGHTON (at the request of Mr. ARMEY), for today, on account of attending a funeral.

Mr. QUINN (at the request of Mr. ARMEY), after 12 noon today, on account of attending a funeral.

Mr. GUTKNECHT (at the request of Mr. ARMEY), after 12:30 p.m. today, on account of attending his daughter's graduation.

Mr. FIELDS of Louisiana (at the request of Mr. GEPHARDT), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. FILNER) to revise and extend their remarks and include extraneous material:)

Ms. ROYBAL-ALLARD, for 5 minutes today.

Mr. VENTO, for 5 minutes, today.

Mrs. CLAYTON, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Ms. PELOSI, for 5 minutes, today.

Mr. DOGGETT, for 5 minutes, today.

(The following Members (at the request of Mr. JONES) to revise and extend their remarks and include extraneous material:)

Mr. EWING, for 5 minutes today.

Mr. JONES, for 5 minutes on June 5.

Mr. DELAY, for 5 minutes, today.

Mr. CHRYSLER, for 5 minutes, today.

Mr. ROHRABACHER, for 5 minutes, today.

Mr. KINGSTON, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. FILNER) and to include extraneous matter:)

Mr. LANTOS in three instances.
Mrs. MALONEY.
Mr. TORRICELLI.
Ms. WOOLSEY.
Mr. JACOBS.
Mr. BONIOR.
Mr. TRAFICANT.
Ms. KAPTUR.
Mrs. LINCOLN.
Mr. KANJORSKI in two instances.
Mr. RUSH.
Mr. KLECZKA.
Mr. FAZIO of California.
Mr. CONDIT.
Mr. SANDERS in six instances.
Mr. LIPINSKI.
Mr. MASCARA.
Mrs. SCHROEDER.
Mrs. COLLINS of Illinois.

(The following Members (at the request of Mr. JONES) and to include extraneous matter:)

Mr. FIELDS of Texas.
Mr. OXLEY.
Mr. RIGGS.
Mr. QUINN.
Mr. BURTON of Indiana.
Mr. HORN in two instances.
Mr. SMITH of New Jersey.
Mr. LIVINGSTON.
Mr. SHAW.
Mrs. ROUKEMA in two instances.
Mr. GEKAS.
Mrs. VUCANOVICH.
Mr. CRANE.
Mrs. MORELLA.
Mr. ZIMMER.
Mr. CHRYSLER.
Mr. WELDON of Pennsylvania.

(The following Members (at the request of Mr. FOX of Pennsylvania) and to include extraneous matter:)

Mr. HOSTETTLER.
Mr. BROWN of Ohio.
Mr. HALL of Texas.
Mr. MCINNIS.
Ms. EDDIE BERNICE JOHNSON of Texas.
Mrs. SMITH of Washington.
Mr. FOLEY.
Mr. VENTO.

ADJOURNMENT

Mr. FOX of Pennsylvania. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 47 minutes p.m.), the House adjourned until tomorrow, Friday, May 31, 1996, at 9 a.m.

OATH OF OFFICE OF MEMBERS, RESIDENT COMMISSIONER, AND DELEGATES

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

> "I, A B, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely; without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Members of the 104th Congress, pursuant to the provisions of 2 U.S.C. 2b:

Honorable EARL BLUMENAUER, Third Congressional District of Oregon.

EXECUTIVE COMMUNICATIONS ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3224. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Fluid Milk Promotion Order; Final Rule [DA-96-07] received May 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3225. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting the Secretary's report pursuant to section 1208(c) of Public Law 104-106; to the Committee on National Security.

3226. A letter from the Director, Office of Bilingual Education and Minority Language Affairs, Department of Education, transmitting notice inviting applications for new awards for fiscal year [FY] 1996—Foreign Language Assistance Grants (State educational agencies), pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Economic and Educational Opportunities.

3227. A letter from the Acting Assistant Secretary, Department of Education, transmitting final priorities—Research and Demonstration Project; Rehabilitation Research and Training Center; and a Rehabilitation Engineering Research Center, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Economic and Educational Opportunities.

3228. A letter from the Director, Office of Bilingual Education and Minority Language Affairs, Department of Education, transmitting notice inviting applications for new awards for fiscal year [FY] 1996—Foreign Language Assistance Grants (Local educational agencies), pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Economic and Educational Opportunities.

3229. A letter from the Deputy General Counsel for Regulations and Legislation, Department of Education, transmitting the Department's report on the notice of final funding priorities for Research and Demonstration Project, Rehabilitation Research and Training Centers, and Rehabilitation Engineering Research Center—received May 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(B); to the Committee on Economic and Educational Opportunities.

3230. A letter from the Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting the Commission's annual report for fiscal year 1994, pursuant to 42 U.S.C. 2000e-4(e); to the Committee on Economic and Educational Opportunities.

3231. A letter from the Secretary of Health and Human Services, transmitting a draft of proposed legislation entitled the "Runaway and Homeless Youth Amendments of 1996"; to the Committee on Economic and Educational Opportunities.

3232. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Federal Motor Vehicle Safety Standards' Head Restraints (RIN: 2127-AF70) received May 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3233. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Prosulfuron; Extension of Pesticide Tolerance (FRL-5371-8) received May 28, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3234. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Prosulfuron; Pesticide Tolerance (FRL-5357-5) received May 28, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3235. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Parts 2 and 15 of the Commission's Rules to Deregulate the Equipment Authorization Requirements for Digital Devices (ET Docket No. 95-19) received May 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3236. A letter from the Program Management Officer, National Marine Fisheries Service, transmitting the Service's final rule—Taking and Importing of Marine Mammals; Dolphin Safe Tuna Labeling; Regulation Consolidation [Docket No. 960516135-6135-01; I.D. 051096A] (RIN: 0648-AF08) received May 29, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3237. A letter from the Secretary of Energy, transmitting the Department's 33d quarterly report to Congress on the status of Exxon and stripper well oil overcharge funds as of December 31, 1995; to the Committee on Commerce.

3238. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting the texts of ILO Convention No. 176 and Recommendation No. 183 concerning Safety and Health in Mines and the Protocol of 1995 to Convention No. 81 concerning labor inspection, the instruments were adopted by the International Labor Conference at its 82d Session, at Geneva, June 22, 1995, pursuant to Article 19 of the Constitution of the International Labor Organization; to the Committee on International Relations.

3239. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's report on employment of U.S. citizens by certain international organizations, pursuant to Public Law 102–138, section 181 (105 Stat. 682); to the Committee on International Relations.

3240. A letter from the Secretary of Labor, transmitting the semiannual report on activities of the inspector general for the period October 1, 1995, through March 31, 1996, and the semiannual management report for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

3241. A letter from the Comptroller General of the United States, transmitting a list of all reports issued or released in April 1996, pursuant to 31 U.S.C. 719(h); to the Committee on Government Reform and Oversight.

3242. A letter from the Executive Director, Committee for Purchase From People Who Are Blind or Severely Disabled, transmitting the Committee's final rule—Additions to the Procurement List (61 F.R. 6977, 14088, and 15225) received May 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

3243. A letter from the Chairman, Equal Employment Opportunity Commission, transmitting the semiannual report on activities of the inspector general for the period October 1, 1995, through March 31, 1996, and the semiannual management report for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

3244. A letter from the Chairman of the Board, National Credit Union Administration, transmitting the semiannual report on activities of the inspector general for the period October 1, 1995, through March 31, 1996, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

3245. A letter from the Independent Counsel, Office of Independent Counsel, transmitting the 1995 annual report in compliance with the Inspector General Act Amendments of 1988, pursuant to Public Law 100–504, section 104(a) (102 Stat. 2525); to the Committee on Government Reform and Oversight.

3246. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Allowances and Differentials; Separate Maintenance Allowance for Duty at Johnston Island (RIN: 3206–AH17) received May 28, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

3247. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Prevailing Rate System; Abolishment of Merced, CA, Nonappropriated Fund Wage Area (RIN: 3206–AH30) received May 28, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

3248. A letter from the Chairman, Securities and Exchange Commission, transmitting the semiannual report on activities of the inspector general for the period October 1, 1995, through March 31, 1996, and the semiannual management report for the same period, also the inspector general's first 5-year strategic plan, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

3249. A letter from the Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting the Department's final rule—Royalty Relief for Producing Leases and Certain Existing Leases in Deep Water (Mineral Management Service) (RIN: 1010–AC13) received May 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3250. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—Oregon Caves National Monument, Admission to Caves (National Park Service) (RIN: 1024–AC26) received May 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3251. A letter from the Chairman, Mississippi River Corridor Study Commission, transmitting the Commission's reports entitled "Mississippi River Corridor Study Volume 1: Feasibility Report" and "Mississippi River Corridor Study Volume 2: Inventory of Resources and Significance", pursuant to Public Law 101–398, section 9(b) (104 Stat. 859); to the Committee on Resources.

3252. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule—Foreign Prohibitions on Longshore Work by United States Nationals (Bureau of Economic and Business Affairs) (22 CFR Part 89) received May 28, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

3253. A letter from the President and Executive Director, National Mining Hall of Fame and Museum, transmitting the Museum's 1995 audited financial statement and a copy of form 990 which was filed with the Internal Revenue Service, pursuant to 36 U.S.C. 4111; to the Committee on the Judiciary.

3254. A letter from the Secretary of Labor, transmitting the Department's report entitled "Effects of the Immigration Reform and Control Act: Characteristics and Labor Market Behavior of the Legalized Population Five Years Following Legalization," pursuant to section 404(c) of the Immigration Reform and Control Act of 1986 [IRCA]; to the Committee on the Judiciary.

3255. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Pittsfield, MA (Docket No. 96–ANE–12) (RIN: 2120–AA66) (1996–0027) received May 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3256. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Ely, NV (Docket No. 96–AWP–5) (RIN: 2120–AA66) (1966–0028) received May 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3257. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Emergency Notice of Enforcement Policy (RIN: 2120–ZZ01) received May 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3258. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Special Use Airspace, Technical Amendment (Docket No. 73–8) (RIN: 2120–AA66) (1966–0029) received May 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3259. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Removal of Class D Airspace; K.I. Sawyer (AFB), MI (Docket No. 95–AGL–4) (RIN: 2120–AA66) (1996–0024) received May 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3260. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification of the Offutt AFB, Class C Airspace Area; NE (Docket No. 95–AWA–7) (RIN: 2120–AA66) (1996–0023) received May 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3261. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Robinson Helicopter Company Model R22 Helicopters (Docket No. 95–SW–27–AD) (RIN: 2120–AA64) received May 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3262. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Robinson Helicopter Company Model R44 Helicopters (Docket No. (95–SW–32–AD) (RIN: 2120–AA64) received May 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3263. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Israel Aircraft Industries (IAI), Ltd., Model 1125 Westwind Astra Series Airplanes (Docket No. 95–NM–94–AD) (RIN: 2120–AA64) received May 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3264. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Beech Aircraft Corporation Model C90A Airplanes (Docket No. 95–CE–82–AD) (RIN: 2120–AA64) received May 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3265. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC–9 Series Airplanes (Docket No. 95–NM–145–AD) (RIN: 2120–AA64) received May 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3266. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC–9–80 Series Airplanes and Model MD–88 Airplanes (Docket No. 95–NM–98–AD) (RIN: 2120–AA64) received May 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3267. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Saab Model SAAB 2000 Series Airplanes (Docket No. 96–NM–102–AD) (RIN: 2120–AA64) received May 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3268. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Periodic Updates to the Pipeline Safety Regulations (Research and Special Programs Administration) received May 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3269. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Transportation for Individuals With Disabilities (Misc. Amendments) Correction to Final Rule published May 21, 1996 (RIN: 2105–AC13) (1996–

0001) received May 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3270. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of State Participation Program (RIN: 2130–AB08) received May 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3271. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Safety Zone Regulations: Delaware Bay, Delaware River, Salem River, NJ [CGD 05–96–030] received May 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3272. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Special Local Regulations; Miami Super Boat Race; Miami Beach, FL [CGD 07–96–018] (RIN: 2115–AE46) received May 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3273. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Safety Zone: Empire State Regatta, Albany, NY [CGD 01–96–023] (RIN: 2115–AA97) received May 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3274. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Periodic Inspection and Testing of Cylinders [Docket No. HM–220A, Amendment Numbers 171–143, 173–251] (RIN: 2137–AC59) received May 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A) to the Committee on Transportation and Infrastructure.

3275. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Miscellaneous Hazardous Materials Regulations; Regulatory Review [Docket HM–222B; Amendment Numbers 171–145, 172–149, 173–253, 176–40, 177–87, 178–116, and 180–9] (RIN: 2137–AC76) received May 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3276. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Federal Motor Vehicle Safety Standards; Air Brake Systems [Docket No. 96–050, Notice 1] (RIN: 2127–AG31) received May 30, 1996, pursuant to 5 U.S.C. 801(A)(1)(A); to the Committee on Transportation and Infrastructure.

3277. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Electric Engineering Requirements for Merchant Vessels (U.S. Coast Guard) [CGD 94–108] (RIN: 2115–AF24) received May 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3278. A letter from the Acting Administrator, General Services Administration, transmitting informational copies of 3 lease prospectuses for the Department of Defense in northern Virginia, pursuant to 40 U.S.C. 606(a); to the Committee on Transportation and Infrastructure.

3279. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—National Cemeteries (RIN: 2900–AI06) received May 29, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

3280. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Delegations of Authority: Tort Claims and Debt Collection (RIN: 2900–ai13) received May 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

3281. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Gender Policy for VA Publications and Other Communication (RIN: 2900–aI09) received May 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

3282. A letter from the Regulatory Policy Officer, Bureau of Alcohol, Tobacco and Firearms, transmitting the Bureau's final rule—Basic Permit Requirements Under the Federal Alcohol Administration Act, Nonindustrial Use of Spirits and Wine, Bulk Sales and Bottling of Distilled Spirits (95R–023P) (RIN: 1512–AB 43) received May 29, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3283. A letter from the Assistant Secretary for Employment and Training, Department of Labor, transmitting the Department's final rule—Unemployment Insurance Program Letter No. 22–96 received May 29, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3284. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Weighted Average Interest Rate Update (Notice 96–32) received May 28, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3285. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability (Revenue Procedure 96–33) received May 28, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3286. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Weighted Average Interest Rate Update (Notice 96–24) received May 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3287. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Reporting of Nonpayroll Withheld Tax Liabilities (RIN: 1545–AT86) received May 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3288. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Payment by Employer of Expenses for Meals and Entertainment, Club Dues, and Spousal Travel (RIN: 1545–AS74) received May 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3289. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Closing Agreements (Revenue Procedure 96–29) received May 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3290. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Refund Requests under Section 4972(c)(6) (Announcement 96–26) received May 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3291. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of the Department's intent to provide $8 million in fiscal year 1996 funds for the purpose of supporting the Organization for Security and Cooperation in Europe's [OSCE] efforts to supervise and monitor Bosnian elections, as called for in the Dayton Accords, pursuant to 22 U.S.C. 2394–1(a) and Public Law 104–107, section 515 (110 Stat. 726); jointly, to the Committee on International Relations and Appropriations.

3292. A letter from the Acting Administrator, Agency for International Development, transmitting the Agency's report covering allocations under the economic support fund and international organizations and programs accounts, pursuant to 22 U.S.C. 2413(a) and Public Law 104–107, section 515 (110 Stat. 726); jointly, to the Committee on International Relations and Appropriations.

3293. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation entitled the "Plant Protection Act"; jointly, to the Committee on Agriculture, Ways and Means, and the Judiciary.

3294. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation entitled the "Animal Health Protection Act"; jointly, to the Committee on Agriculture, Ways and Means, and the Judiciary.

REPORTS OF COMMITTEE ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SPENCE: Committee on National Security. H.R. 2754. A bill to approve and implement the OECD Shipbuilding Trade Agreement; with an amendment (Rept. 104–524, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. GOSS: Committee on Rules. House Resolution 445. Resolution providing for consideration of the bill (H.R. 3540) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1997, and for other purposes (Rept. 104–601). Referred to the House Calendar.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 3107. Referred to the Committee on Ways and Means extended for a period ending not later than June 7, 1996.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. OXLEY (for himself and Mr. MANTON):

H.R. 3553. A bill to amend the Federal Trade Commission Act to authorize appropriations for the Federal Trade Commission; to the Committee on Commerce.

By Mr. BRYANT of Tennessee (for himself, Mr. TANNER, Mr. HILLEARY, Mr. CLEMENT, Mr. DUCAN, and Mr. WAMP):

H.R. 3554. A bill to authorize immediate haying and grazing during 1996 on certain lands enrolled in the conservation reserve program in the State of Tennessee; to the Committee on Agriculture.

By Mr. GREENWOOD:

H.R. 3555. A bill to provide for payment under the Medicare Program for transportation costs of portable ultrasound equipment for diagnostic tests in the same manner as payment is made for transportation costs of portable x ray equipment; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HANSEN:

H.R. 3556. A bill to amend the Truth in Lending Act to require notice of cancellation rights with respect to private mortgage insurance which is required by a creditor as a condition for entering into a residential mortgage transaction, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. HILLIARD:

H.R. 3557. A bill to direct the Secretary of the Interior to convey the Marion National Fish Hatchery to the State of Alabama; to the Committee on Resources.

By Mrs. MEEK of Florida (for herself, Mrs. Collins of Illinois, Ms. Ros-Lehtinen, Mr. Hilliard, Mr. Diaz-Balart, Mr. Dellums, Mr. Dixon, Ms. Millender-McDonald, Ms. Waters, Ms. Brown of Florida, Mr. Hastings of Florida, Mr. Johnston of Florida, Mr. Bishop, Mr. Lewis of Georgia, Ms. McKinney, Mr. Rush, Mr. Jackson, Mr. Fields of Louisiana, Mr. Jefferson, Mr. Cummings, Mr. Wynn, Mr. Conyers, Miss Collins of Michigan, Mr. Clay, Mr. Thompson, Mr. Menendez, Mr. Payne of New Jersey, Mr. Flake, Mr. Owens, Mr. Rangel, Mr. Towns, Mrs. Clayton, Mr. Watt of North Carolina, Mr. Fattah, Mr. Clyburn, Ms. Jackson-Lee, Ms. Eddie Bernice Johnson of Texas, Mr. Lantos, Mr. Pastor, Ms. Roybal-Allard, Mr. Torres, Mr. Frazer, and Ms. Norton):

H.R. 3558. A bill to provide for greater accuracy in the 2000 decennial census of population, and for other purposes; to the Committee on Government Reform and Oversight, and in addition to the Committees on Ways and Means, Agriculture, Commerce, Economic and Educational Opportunities, and Banking and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NETHERCUTT (for himself and Mr. Hastings of Washington):

H.R. 3559. A bill to amend the Internal Revenue Code of 1986 to provide a deduction for a portion of the fiscal year 1996 transitional payment under the Agricultural Market Transition Act which is deposited into a reserve against future farm losses; to the Committee on Ways and Means.

By Mr. RANGEL.

H.R. 3560. A bill to designate the Federal building located at 290 Broadway in New York, NY, as the "Ronald H. Brown Federal Building"; to the Committee on Transportation and Infrastructure.

By Mr. SMITH of New Jersey:

H.R. 3561. A bill to provide greater authority for the Secretary of Veterans Affairs to share health-care resources of the Department of Veterans Affairs, to provide enhanced administrative flexibility in carrying out health-care resources sharing agreements, and for other purposes; to the Committee on Veterans' Affairs.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 40: Ms. Woolsey.

H.R. 469: Mr. Watts of Oklahoma.

H.R. 580: Mr. Collins of Georgia.

H.R. 773: Mr. English of Pennsylvania.

H.R. 789: Mr. Coburn.

H.R. 974: Mr. Farr and Ms. Woolsey.

H.R. 987: Mr. Dornan.

H.R. 997: Mr. Brown of Ohio.

H.R. 1090: Mr. Ortiz, Mr. Gonzalez, and Mr. Bevill.

H.R. 1386: Mr. Sam Johnson, Mr. Longley, and Mr. Schiff.

H.R. 1406: Mr. Green of Texas.

H.R. 1425: Mrs. Chenoweth.

H.R. 1462: Mr. Bevill, Mr. Cramer, Mr. Frelinghuysen, Mr. Roemer, Mr. Deal of Georgia, Mr. Gordon, Ms. Brown of Florida, Mr. Johnson of South Dakota, Mr. Ward, Mr. Callahan, Mr. Dooley, and Mr. Jackson.

H.R. 1876: Mr. Rohrabacher.

H.R. 1946: Mr. Lucas, Mr. Traficant, Mr. Brownback, and Mr. Burton of Indiana.

H.R. 1972: Mr. Montgomery and Mr. Nussle.

H.R. 2026: Mr. Murtha, Mr. Brown of California, Mr. Everett, Mr. Hunter, Mr. Coble, Mr. Wamp, Mr. Bono, Mr. Doolittle, Mr. Bonilla, Mr. Watts of Oklahoma, Mr. Upton, Mr. Ramstad, Mr. Pombo, Mr. Ackerman, Mr. Torkildsen, Mr. Hancock, and Mr. Souder.

H.R. 2144: Mr. McInnis.

H.R. 2247: Mr. LaTourette and Mr. Solomon.

H.R. 2320: Mr. Deutsch, Mr. Crapo, Ms. Ros-Lehtinen, and Mr. McHugh.

H.R. 2400: Mr. Gordon and Mr. Nethercutt.

H.R. 2508: Mr. Rohrabacher.

H.R. 2548: Mr. Romero-Barcelo.

H.R. 2566: Mr. McHale.

H.R. 2579: Mr. Horn, Mr. Baldacci, Ms. Slaughter, Mr. Pomeroy, and Mr. Sanders.

H.R. 2587: Mr. Weldon of Pennsylvania.

H.R. 2598: Mr. Bereuter.

H.R. 2607: Mr. Romero-Barcelo.

H.R. 2751: Mr. Borski.

H.R. 2757: Mr. Neal of Massachusetts, Ms. Slaughter, Mr. Torkildsen, and Mr. Gilman.

H.R. 2807: Ms. McKinney, Mr. Bilbray, Mr. Largent, and Mr. Bereuter.

H.R. 2834: Mr. Frost.

H.R. 2844: Mr. Stupak, Mr. Dellums, Mrs. Kennelly, Mr. Foley, Mr. LaFalce, and Mr. Borski.

H.R. 2900: Mr. Wamp, Mr. Gallegly, Mr. Barton of Texas, Mr. Spratt, Mr. Hoyer, Mr. Hansen, Mr. Luther, Mr. Klug, Mr. Barrett of Wisconsin, Mr. Green of Texas, Mr. Oxley, Mr. Walsh, Mr. Tanner, Mr. Pomeroy, and Mr. McCrery.

H.R. 2911: Mr. Taylor of North Carolina.

H.R. 2925: Mr. Longley and Mr. Deal of Georgia.

H.R. 2927: Mr. Calvert.

H.R. 2943: Mr. Kennedy of Rhode Island.

H.R. 2951: Mr. Sanders, Mr. Flake, Mr. Berman, and Mr. Olver.

H.R. 2958: Mr. Peterson of Minnesota.

H.R. 2976: Mr. Klink, Mr. Martinez, Mr. Brown of California, and Mr. Nussle.

H.R. 2995: Mr. Gilman and Mr. McDermott.

H.R. 3079: Mr. Norwood.

H.R. 3118: Mr. Scarborough and Mrs. Lowey.

H.R. 3119: Mr. McDermott, Mr. Longley, Mr. English of Pennsylvania, Mrs. Lowey, and Mrs. Thurman.

H.R. 3138: Mr. Johnston of Florida.

H.R. 3142: Mr. Gillmor, Ms. Slaughter, and Mrs. Myrick.

H.R. 3147: Mr. Condit.

H.R. 3167: Mr. Camp.

H.R. 3187: Mr. Shays, Mr. Evans, Mr. Flake, Ms. McKinney, Mr. Bishop, Ms. Millender-McDonald, Mr. Jackson, Mr. Lewis of Georgia, Mr. Hastings of Florida, Mr. Watt of North Carolina, Mr. Stokes, Mr. Clay, Ms. Waters, Mr. Rush, Mr. Fazio of California, Mr. Gutierrez, Mrs. Clayton, Ms. Jackson-Lee, Mrs. Meek of Florida, Mr. Scott, Mr. McNulty, Mr. Richardson, Mr. Green of Texas, and Mr. Coleman.

H.R. 3195: Mr. Coble, Mr. Kingston, and Mr. Deal of Georgia.

H.R. 3203: Mr. Horn, Mr. Torres, Mr. Filner, Mr. Metcalf, and Mrs. Smith of Washington.

H.R. 3204: Mr. Horn, Mr. Torres, Mr. Filner, Mr. Metcalf, and Mrs. Smith of Washington.

H.R. 3205: Mr. Horn, Mr. Torres, Mr. Filner, Mr. Metcalf, and Mrs. Smith of Washington.

H.R. 3247: Mr. Sanders, Mr. Frank of Massachusetts, and Ms. Furse.

H.R. 3252: Ms. Kaptur, Ms. Norton, Mrs. Meek of Florida, Mr. Conyers, and Mr. Bonior.

H.R. 3293: Ms. Roybal-Allard and Mrs. Morella.

H.R. 3310: Mr. Barrett of Nebraska and Mr. Miller of Florida.

H.R. 3311: Mr. Klink.

H.R. 3331: Ms. Slaughter, Ms. Kaptur, Mr. Bentsen, Ms. Woolsey, Mr. Gutierrez, Mr. Flake, Mr. Calvert, and Mr. Romero-Barcelo.

H.R. 3332: Ms. DeLauro and Ms. Brown of Florida.

H.R. 3357: Mr. Yates, Mrs. Schroeder, Mrs. Maloney, Mr. Frost, Mr. Wynn, Mr. Dellums, Mr. Filner, and Ms. Lofgren.

H.R. 3358: Mr. Yates, Mrs. Schroeder, Mrs. Maloney, Mr. Frost, Mr. Wynn, Mr. Dellums, Mr. Filner, and Ms. Lofgren.

H.R. 3359: Mr. Yates, Mrs. Schroeder, Mr. Maloney, Mr. Frost, Mr. Wynn, Mr. Dellums, Mr. Filner, and Ms. Lofgren.

H.R. 3360: Mr. Yates, Mrs. Schroeder, Mrs. Maloney, Mr. Frost, Mr. Wynn, Mr. Dellums, Mr. Filner, and Ms. Lofgren.

H.R. 3361: Mr. Yates, Mrs. Schroeder, Mrs. Maloney, Mr. Frost, Mr. Wynn, Mr. Dellums, Mr. Filner, and Ms. Lofgren.

H.R. 3362: Ms. Roybal-Allard, Ms. Jackson-Lee, and Mr. Holden.

H.R. 3379: Ms. Furse.

H.R. 3391: Mr. Roemer, Mr. Whitfield, and Mr. Porter.

H.R. 3396: Mr. Smith of Texas, Mr. McInnis, Mr. Hutchinson, Mr. Christensen, Mr. Scarborough, Mr. Brownback, Mr. Baker of California, Mr. Chambliss, Mr. Young of Alaska, Mr. Metcalf, Mr. Gutknecht, Mr. Heineman, Mr. Hoekstra, Mr. Jones, Mr. Wamp, Mr. Lewis of Kentucky, Mr. Greene of Utah, Mrs. Seastrand, Mr. Hoke, Mr. Kim, and Mrs. Cubin.

H.R. 3421: Mr. Clement.

H.R. 3431: Mr. Coburn.

H.R. 3443: Mr. Manton, Ms. Slaughter, Mr. Rahall, Mr. Green of Texas, Mr. Nadler, Mr. Deutsch, Mr. Yates, Mr. Flake, Mrs. Johnson of Connecticut, Mr. Pallone, and Mrs. Clayton.

H.R. 3447: Mr. BROWNBACK, Mr. LINDER, Mr. HANCOCK, and Mr. MILLER of Florida.

H.R. 3449: Mr. TEJEDA.

H.R. 3451: Mr. CANADY, Mr. SENSENBRENNER, and Mr. CALVERT.

H.R. 3468: Mr. HORN, and Mr. VENTO.

H.R. 3496: Mr. JACOBS.

H.R. 3508: Mr. FOLEY, Mr. MILLER of Florida, and Mr. ROMERO-BARCELO.

H.R. 3511: Mr. BOUCHER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HILLIARD, Ms. NORTON, and Ms. LOFGREN.

H.R. 3525: Mr. HEINEMAN.

H.R. 3527: Mr. BROWN of California.

H. Con. Res. 10: Mr. EDWARDS.

H. Con. Res. 47: Mr. ROSE, Mrs. CLAYTON, and Mr. JONES.

H. Con. Res. 100: Mr. BALLENGER, Mr. BARR, Mr. BLILEY, Mr. BONO, Mr. BURTON of Indiana, Mr. CALVERT, Mr. COLLINS of Georgia, Ms. DUNN of Washington, Mr. FIELDS of Texas, Mr. HOBSON, Mr. LINDER, Mr. MICA, Mr. NEY, Mr. STUMP, Mr. TORKILDSEN, Mrs. VUCANOVICH, and Mr. WELLER.

H. Con. Res. 181: Mr. COMBEST.

H. Res. 429: Mr. FRANK of Massachusetts, Mr. SCARBOROUGH, Mr. BROWN of Ohio, and Mr. TRAFICANT.

H. Res. 439: Mr. FOLEY.

H. Res. 441: Mr. NEY, Mr. ROMERO-BARCELO, Mr. LEVIN, Mr. MANTON, and Mr. TORKILDSEN.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 3540

OFFERED BY: MR. BURTON OF INDIANA

AMENDMENT NO. 1: Page 7, line 22, after the dollar amount, insert the following: "(reduced by $144,000,000)".

H.R. 3540

OFFERED BY: MR. BURTON OF INDIANA

AMENDMENT NO. 2: Page 7, line 22, after the dollar amount, insert the following: "(reduced by $152,296,000)".

H.R. 3540

OFFERED BY: MR. BURTON OF INDIANA

AMENDMENT NO. 3: Page 7, line 22, after the dollar amount, insert the following: "(reduced by $8,296,000)".

H.R. 3540

OFFERED BY: MR. BURTON OF INDIANA

AMENDMENT NO. 4: Page 13, line 11, after the dollar amount, insert the following: "(reduced by $46,554,000)".

H.R. 3540

OFFERED BY: MR. BURTON OF INDIANA

AMENDMENT NO. 5: Page 97, after line 5, insert the following new section:

LIMITATION ON ASSISTANCE FOR INDIA

SEC. 573. Not more than $48,674,000 of the funds appropriated in this Act under the heading "Development Assistance" may be made available to the Government of India, or to nongovernmental organizations and private voluntary organizations operating within India.

H.R. 3540

OFFERED BY: MR. LIGHTFOOT

AMENDMENT NO. 6: Page 2, line 25, after the dollar amount, insert the following: "(increased by $64,000,000)".

Page 7, line 22, after the dollar amount, insert the following: "(reduced by $60,000,000)".

Page 13, line 11, after the dollar amount, insert the following: "(reduced by $4,000,000)".

H.R. 3540

OFFERED BY: MR. VISCLOSKY

AMENDMENT NO. 7: Page 85, line 16, insert after "Funds" the following: "(other than funds appropriated in this Act under the heading 'Economic Support Fund')".

EXTENSIONS OF REMARKS

12TH ANNIVERSARY OF THE MASSACRE AT THE GOLDEN TEMPLE OF AMRITSAR

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 30, 1996

Mr. BURTON of Indiana. Mr. Speaker, I rise today to commemorate a sad date—the 12th anniversary of the Indian Government's brutal attack on the Golden Temple—the holiest shrine of the Sikh religion. This military assault, which many of my colleagues will remember vividly, took place in June 1984, in the state of Punjab.

Mr. Speaker, the Golden Temple is to the Sikh religion what the Vatican is to Christians or Mecca is to Muslims. Thirty-eight other Sikh temples were attacked by the Indian Army throughout Punjab. In all, more than 20,000 Sikhs were killed by Indian forces in these attacks, many in brutal mass executions. Many unarmed civilians were shot at point-blank range.

The entire world was appalled by this senseless attack. Indian soldiers burned the Golden Temple's library, which contained countless original manuscripts of Sikh scriptures. The Sikh holy book—the Guru Granth Sahib—was shot full of holes. This brutal repression of the Sikh people and the Sikh religion was condemned by governments around the world. For the Sikh people, it crystallized the growing movement for an independent homeland by the name of Khalistan.

Mr. Speaker, the Golden Temple massacre kicked off a wave of repression that has not abated to this day. More than 1.1 million Indian soldiers occupy Punjab and the neighboring state of Kashmir today. Over the last 12 years, they have released a reign of terror over both the Sikh and Kashmiri people—including widespread torture, summary executions, gang rapes of women, abductions, and disappearances of innocent civilians. It has been estimated by many that over 150,000 Sikhs have died in the violence since the attack at the Golden Temple.

The recent election results and the growing strength of the Hindu fundamentalist BJP party offer little hope for improvement in India's record of abuse. India now has its third government in 3 weeks. Now more than ever, it is especially important that governments around the world mark the anniversary of the attack on the Golden Temple by urging the Indian Government to exercise restraint and respect the rights of all people to democracy, self-determination, and freedom from human rights abuses.

I urge all of my colleagues to join me in cosponsoring H.R. 1425, which would cut off development aid to India until it respects human rights, and House Concurrent Resolution 32, which calls for self-determination for the Sikh people, who have suffered for too long under a repressive regime.

THE TAYLOR AUDUBON STUDENTS AND SCHOLARS PROGRAMS

HON. BOB LIVINGSTON

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 30, 1996

Mr. LIVINGSTON. Mr. Speaker, I want to take this opportunity and express my support for a program in my district, the Taylor Audubon Students and Scholars Program. This program provides positive incentives to our youth to stay in school and achieve good grades.

Under the Taylor program, all Louisiana students in grades 7 through 12, who complete the school year with good grades, will be awarded private memberships in the Aquarium of the Americas and the Audubon Zoo. Specifically, all students with an overall grade point average of 2.5 or higher will earn a free year's membership in the aquarium. Students finishing with a grade point average of 3.0 or higher will qualify for the Scholars Program, which in addition to the Aquarium membership, includes a free year's membership in the zoo. I should also note that the program allows award winning students to take their parents to the aquarium and the zoo free of charge in January and February.

All public, private, and parochial school students in Orleans Parish in grades 7 through 12 are eligible this year. Next year, the program will be made available to such students statewide.

It is imperative that we encourage our children to take their school work seriously. Unfortunately, more and more of our children are dropping out of school. And, despite the massive expenditure of Federal and State funds, we have seen little improvement in the performance of those students who remain in school. For example, SAT scores have dropped from a total average of 939 in 1972 to 902 in 1994. In science, 17-year-olds scored 11 points worse than they did in 1970. Reading scores are also down, with 66 percent of 17-year-olds not reading at a proficient level. While U.S. students scored worse than all other large countries except Spain, I believe the Taylor Audubon Students and Scholars Program will help reverse this dangerous trend.

I am impressed with how the Taylor program affords students a positive incentive to stay in school and improve their performance. I hope that other States and cities will look to the Taylor approach as a model for education improvement. Having visited the Aquarium of the Americas and the Audubon Zoo myself on numerous occasions, I am confident that all will notice the positive change in their children's attitude toward school.

Mr. Patrick Taylor, the father of this most worthy program, deserves our praise and our appreciation for a wonderful contribution to the betterment of our world.

TRIBUTE TO COL. C. FRANK FOGLEMAN

HON. MARK ADAM FOLEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 30, 1996

Mr. FOLEY. Mr. Speaker, I rise to honor and recognize the retirement of one of Palm Beach County's most prominent and respected law enforcement officers, Col. C. Frank Fogleman of the Palm Beach County sheriffs office.

Col. Fogleman began his law enforcement career in 1962 as a patrolman with the Belle Glade police department. He earned the rank of detective in 1965 and joined the Palm Beach County sheriff's office as a detective in 1967.

With hard work and a professional demeanor, Frank rose through the ranks of the sheriffs office and served as a lieutenant in charge of the Detective Bureau and Vice Intelligence Unit, as a captain responsible for the Belle Glade substation, and in 1986 became a major and director of the Criminal Investigations Division.

And, since 1989, Frank has served the citizens of Palm Beach County as colonel, overseeing nearly 1,000 employees in the uniform division. This duty has required him to directly manage the road patrol division and smooth operation of three substations, along with the airport, marine, mounted, K–9, and aviation divisions.

Frank's long service with the sheriff's office is a testament to his devotion to public service, inner drive for excellence and dedication to the basics tenets of honorable law enforcement. After 34 years of procedures, apprehensions, reviews, arrests, and budgets, Frank certainly deserves a chance to go fishing.

Mr. Speaker, I wish to thank Col. C. Frank Fogleman for his 34 years of service to the people of Palm Beach County, and wish Frank and Dottie many enjoyable and healthy years to come.

CONGRATULATIONS TO TEACHER MARTHA "MARTIE" SEMMER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 30, 1996

Mr. McINNIS. Mr. Speaker, I rise today to honor Martie Semmer of Frisco, CO. Martie is the recipient of a national award for building community interest in foreign language education. I would like to outline just a few of Martie's numerous contributions to her profession.

Martie worked tirelessly on all levels to bring her noble profession the attention it deserves. Due to her hard work at the grassroots level, her Summit School District is one of the few to have K–12 foreign language offering. But Martie did not stop there. She introduced her students to unique and practical applications of their knowledge. Summit School District students are writing to Mexican pen-pals, and studying in two languages about migratory birds.

Martie's efforts gained the attention of the Colorado State Legislature, which now legally recognizes the foreign language profession. If it were not for Martie's determined spirit, surely this would never have come to pass. Both foreign language students, and teachers alike, owe Martie Semmer a debt of gratitude.

It is a person such as Martie Semmer that inspires us all to take that extra step. Mr. Speaker, I ask our colleagues to join me in congratulating Martie Semmer, a truly outstanding teacher.

THE SMALL BUSINESS JOB PROTECTION ACT OF 1996

HON. LINDA SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 30, 1996

Mrs. SMITH of Washington. Mr. Speaker, last week, the House of Representatives passed the Small Business Job Protection Act of 1996 (H.R. 3448). I supported this legislation for several reasons. As the chairwoman of the House Small Business Subcommittee on Taxation and Finance, I have grown increasingly aware over the last year of the need for a lessened tax burden on small business owners.

For example, the extension of the work opportunity tax credit will mean that managers of J.C. Penney stores in my district will be able to hire veterans and recipients of Aid to Families with Dependent Children. If we are serious about ending the cycle of dependency that is endemic to our present welfare system, we need to provide small businesses with the means to make work a viable alternative to welfare.

The extension of the Federal unemployment tax exemption means that Washington State farmers will be able to harvest their crops with the aid of alien workers. We all know how great the apples are from Washington State. What many may not realize is that these apples would not be picked without the hard work of alien agriculture workers.

I also support the bill's provisions regarding tuition assistance. Hewlett Packard employs approximately 2,700 people in my district in southwest Washington. This year alone, 285 men and women have enrolled in undergraduate and graduate level courses. These hardworking Americans are furthering their job skills and employability by pursuing an education in their off hours. This would not be possible without Hewlett Packard providing their employees with tuition assistance as part of their salary package. For many of my constituents, extending the exclusion for employer-provided educational assistance makes the difference in keeping up with the latest developments in technology. This is particularly important for a company such as Hewlett Packard that is committed to keeping pace with an ever changing world.

I commend my colleagues for supporting the Small Business Job Protection Act of 1996. This legislation will further enable our economy to grow and prosper.

TRIBUTE TO SEYMOUR H. KNOX III

HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 30, 1996

Mr. QUINN. Mr. Speaker, I rise today in memory of Mr. Seymour H. Knox III.

Throughout his life, Seymour Knox tirelessly dedicated himself to the enhancement of our western New York community. He was prominent in Buffalo business and society through his involvement with the Buffalo Sabres National Hockey League franchise, the Buffalo Fine Arts Academy, which governs the Albright-Knox Art Gallery, Kidder Peabody & Co., and the Crossroads Arena Corp.

Seymour Knox earned his undergraduate degree in sociology at Yale University in 1949, and attended graduate school at Columbia University, concentrating on accounting and banking. Mr. Knox honorably served the United States of America during World War II, where he received an Army commendation ribbon in recognition of outstanding performance of duty.

In 1969, Seymour Knox, along with his brother, Northrup, acquired a National Hockey League franchise which established our Buffalo Sabres. His passion for hockey, commitment to western New York, and genuine concern for its community is best evidenced by the Marine Midland Arena, a project which will undoubtedly serve as his legacy, and will help ensure Buffalo will always have its beloved Sabres.

For his efforts on behalf of Buffalo and professional hockey, Seymour Knox was inducted into the Hockey Hall of Fame in 1993, and in an emotional tribute this past March, was inducted into the Buffalo Sabres Hall of Fame.

On May 22, 1996, the Buffalo community lost one of its greatest men. A man whose dedicated and charitable community service, hard work, commitment to Buffalo's development, personal strength, and vibrant love of life serve as an inspiration to us all.

Mr. Speaker, today I would like to join with the city of Buffalo, and indeed, our entire western New York community, to honor Mr. Seymour H. Knox III, who is survived by his wife, Jean; his brother, Northrup; his children, Seymour H. Knox IV, W.A. Read Knox, Avery F. Knox, and Helen K. Keilholtz; and his five grandchildren for his dedicated service to our western New York community. To that end, I would like to convey to the Knox family my deepest sympathies, and ask my colleagues in the House of Representatives to join with me in a moment of silence.

SALUTING AIR FORCE LT. PAUL "JAY" SMITH FOR SERVICE TO HIS COUNTRY

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 30, 1996

Mr. FIELDS of Texas. Mr. Speaker, all Americans were shocked and deeply saddened when they learned of the crash of Valujet flight 592 in Florida on May 11, a crash that took the lives of 110 persons. I want to take a moment to salute one of those victims, an extraordinary young man, Air Force Lt. Paul "Jay" Smith of Montgomery, AL.

When he lost his life, Lieutenant Smith was returning to Montgomery from Miami, where he had traveled to participate in ceremonies commissioning a fraternity brother and former ROTC colleague as a second lieutenant in the Air Force.

Lieutenant Smith was not a constituent, but he was a remarkable young man who served his country with distinction as a computer specialist with the U.S. Air Force at Maxwell Air Force Base in Montgomery. While his parents, Susan and Lt. Col. (ret.) Paul Smith, and his sister, Laurie, mourn Jay's passing, and while all of us in this Chamber share their grief, let each of us remember Jay's enthusiasm for life, his dedication to his country, and the love he showed his family—and let each of us determine to bring those same qualities into our own lives.

A member of my staff who has known the Smith family for 40 years shared with me a letter that Jay wrote to his parents 2 years ago shortly after spending spring break with them.

> I pray every night that God will continue to be as generous as he has been with our family. I think back on my life and realize that I have been extremely fortunate. Who could ask for anything more than great parents [and] a great sister,

Jay wrote.

> There's never really much to write about that I don't already tell you about by phone, but I just wanted to take the time out for a family that has provided me with unconditional love. I love you very much. Making you happy is one of the most important parts of my life. . . .

That was the kind of young man that Jay Smith was—concerned more for others than for himself, and deeply grateful to his family for the opportunities they helped to provide him. But in the end, it was Jay's own hard work, dedication to duty, and commitment to excellence that made possible in his brief, but highly successful, career in the U.S. Air Force. A citation accompanying the posthumous presentation to Jay of the Air Force Commendation Medal mentions some of the qualities that so many other admired in him.

That citation reads in part,

> The outstanding professional skill, leadership and ceaseless efforts of Lieutenant Smith resulted in major contributions to the effectiveness and success of the Standard System Group's efforts. . . . He effectively accomplished the work of five individuals and accelerated work output to accommodate the heightened operational pace in support of the United States Peacekeeping

Forces in Bosnia. Lieutenant Smith's ability to produce extraordinary results even during periods of uneven workloads, irregular hours, and an aggressive schedule, allowed the program to complete numerous complex and time-consuming taskings error-free in record time.

I understand that nothing I say here will fully ease the Smith family's grief, or the pain that Jay's many friends and Air Force colleagues feel. I understand, too, that nothing I say will do justice to this remarkably dedicated young man who dreamed of following in his father's footsteps as a career officer in the U.S. Air Force.

Regrettably, I can only state the obvious: that Lt. Paul "Jay" Smith is the kind of young man on whom our Nation's future depends, and on whom our Nation's freedom and security has always depended. In his all too brief time on this Earth, Jay touched many lives. I hope that in the days ahead, the Smith family and Jay's many friends will be comforted by God's healing powers, by our prayers and best wishes, and by the gratitude each of us feels for his service to the United States of America.

THE FEDERAL TRADE COMMISSION REAUTHORIZATION ACT OF 1996

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 30, 1996

Mr. OXLEY. Mr. Speaker, as the chairman of the Subcommittee on Commerce, Trade, and Hazardous Materials, I am pleased to introduce, along with my distinguished ranking minority member, the gentleman from New York, Mr. MANTON, the Federal Trade Commission Reauthorization Act of 1996. This bill simply reauthorizes the agency for fiscal years 1997 and 1998 at a current services level.

At the moment, we see no need for major changes to the FTC's authorizing statutes. The Commerce Committee completed the first major reauthorization of the agency in the 103d Congress, the first reauthorization of the agency since 1980. In that legislation, we made major changes to the Federal Trade Commission Act and the operations of the FTC, so as to improve its ability to meet its mission of protecting consumers from deceptive trade practices and unfair methods of competition. The changes we made earlier are only just being implemented and need to be evaluated before going forward with more legislative changes.

The FTC is a regulatory agency which fulfills its mission with a minimal burden on the taxpayer. More than half of its annual budget is raised in fees from the corporations that it regulates. Under the leadership of FTC Chairman Pitofsky, the agency has begun a program of evaluating old rules and regulations and discarding those which are no longer needed. It is looking at old rules—such as the Made in America rule—and considering whether they need to be updated to reflect our modern global economy. This is the kind of forward thinking that is important for modern regulators to engage in, and I am pleased to see that the FTC has undertaken many of these initiatives of its own accord.

Certainly the FTC is not perfect. Particularly during the 1970's and 1980's, numerous decisions made by the FTC reflected the extreme viewpoints of a handful of commission members and staff, and detracted from the majority of the good work done by the agency. Today, however, such incidents are far fewer in number and less severe in nature. As part of the reauthorization process, the Commerce Subcommittee will look closely at the continuing operations of the FTC, and carefully evaluate their effectiveness. By looking at issues like enforcement versus rulemaking, modernization of rules, and other issues, we can fulfill our oversight obligations within the context of this reauthorization.

I hope that all of my colleagues will join Mr. MANTON and me in supporting this bipartisan legislation when we bring it to the floor.

STOP BURNING CHURCHES

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 30, 1996

Mr. THOMPSON. Mr. Speaker, I rise today out of concern for the increasing number of churches that have been destroyed by arson over the past 3 years. The burnings of New Mount Zion Baptist Church in Ruleville, MI and Elbethel Church in Sartartia, MI which are in my Congressional District as well as St. Paul AME Church in Hatley, MI constantly reminds me of that early Sunday morning in 1963 when a church in Birmingham, AL was firebombed killing four little girls while they were attending Sunday School. As many of my colleagues will agree, this was a horrible crime and to allow this episode to remain unchecked in 1996 would be an atrocity.

Mr. Speaker, we must make a concerted effort to assure the American people that the church is a sanctuary from the violence which is rampant in society, and not a place where God-fearing Americans should fear for their lives. While many of us would like to believe that the days of Jim Crow and hate crimes are a part of the past, to others these church bombings are evidence that the brutal, destructive force of racism and intolerance is alive and growing in America.

While Federal law enforcement officials conclude that they have found no evidence of these crimes being racially motivated, I cannot, knowing the history of the Ku Klux Klan, the Skinheads, the White Aryan Resistance, and the Christian Identity movement, wholeheartedly believe that these church burnings are more than coincidental.

Knowing that most of the bombings happening in southern States, gives a lot of credence to the theory that they have been perpetrated by the purveyors of hate and division.

Mr. Speaker, I urge this body to do all within its power to see that these acts of violence are fully investigated and these criminals are brought to justice. Let's make our churches, temples, and mosques a safe place to worship.

HONORING CARTER AND LOUISE JACKSON

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 30, 1996

Mr. McINNIS. Mr. Speaker, it is an honor for me to bring to the attention of my colleagues in the U.S. House of Representatives a great gift from Carter and Louise Jackson to the State of Colorado.

Last year, the Jacksons donated 300 acres of their spectacular property as a conservation easement to Colorado Open Lands, a group that is dedicated to preserving open space.

This spectacular pasture, which spreads beneath the stunning Mount Sopris, is prime land for development, but the Jackson family did not want to see that happen. They wanted to see their beautiful land preserved for future generations, and with their unselfish donation to Colorado Open Lands, this will indeed happen.

As David Frey wrote in the Glenwood Springs Post, "Jackson's property is a rare gem—a shimmering green swath of open space . . . In a time of booming growth in the Roaring Fork Valley, Jackson's property is a high-prized, easily developed land. But most of it won't be developed. Ever."

The property will likely be used in the future for hiking and fishing access along the river. "An A-frame cabin along the riverbank has hosted scout troops for decades," Frey writes, "and highway commuters and river runners alike have watched the seasons change on the property over the years."

Mr. Speaker, by selflessly giving of themselves and future generations of their family, the Jacksons have ensured that future generations of all Coloradans will enjoy this spectacular land in its natural state.

NEBRASKANS SUPPORT A BALANCED BUDGET AMENDMENT

HON. JON CHRISTENSEN

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 30, 1996

Mr. CHRISTENSEN. Mr. Speaker, next week there will likely be a debate in the other body over amending the U.S. Constitution to require a balanced budget. The Nebraskans I represent overwhelmingly support this measure. In my view, a balanced budget amendment is vital to Nebraska's working families, carrying on admirably under the weight of a massive national debt, endless deficits, and big government.

As you may recall, in the first month of the new Congress the House of Representatives passed a balanced budget amendment by a vote of 300 to 132, putting in place the centerpiece of the Republican agenda. Attempts to amend the Constitution to require a balanced budget date back to the 1700's. President Ronald Reagan pushed throughout his tenure for such a measure but was unable to pass it through the Democratic-dominated House and the Senate.

I pledged to work hard for a balanced budget amendment and did as I said I would do by voting in favor of it. I made a promise to the people of Nebraska and I delivered. The balanced budget amendment will change the way our government works, forcing Washington to balance its books.

Enforcing a balanced budget on Washington is not about numbers it is about people. It is about parents with kids in Elkhorn High, lying awake at night desperate to figure out a way to put them through college. It is about a newlywed wife, dreaming of the curtains she would love to put in a new home in Omaha—then finding herself in tears because she knows she will never move in. It is about an idealistic Creighton University student giving up on studying, looking to a bottle or worse because he cannot figure out where he is going to find a job even if he gets straight A's. It is about my grandmother, in her 80's and still teaching school, worried about her security so as never to be a burden, even though she never could be to those of us who love her.

You know these people. You are worried about them, like I am. They live in Scottsbluff and Sarpy County, Plattsmouth and Papillion, South Omaha—and the South Bronx. They deserve a better future. And we can give it to them.

The deficits we are running today have crippled wage and job growth for America's families. According to the nonpartisan concord coalition, the average American family would be making at least $15,000 a year more if we were not carrying the terrible burden of the Federal debt. For the hard working families I know in Nebraska, $15,000 would make a huge difference.

Some say we should just balanced the budget, without putting in place any enforcement mechanism. Those people have not seen how Washington works. The have not seen Presidents willing to break promises for pure politics. They have not seen the first balanced budget in a generation, which we helped craft and pass, vetoed and misrepresented to get a leg up in the election. During the budget stand-off, I worked hard to put together meetings between moderate Democrats and House Republican freshman to find common ground on the budget. As I encouraged each side to work together, it occurred to me that we were not the problem. The problem was that at the highest levels, no one would be forced to step onto the common ground we had found. For years now, Presidents and Congress have been unable to take that step because each could blame the other for the ultimate failure of the process.

Let us stop Washington's budget merry-go-round. It is high time we put some backbone in our institutions to give them the courage to face the tough choices we have laid out for the Nation. Our colleagues in the other body should pass the balanced budget amendment as we have in the House—for our families, and for our future.

TRIBUTE TO POLICE LT. ART BLAKEY

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 30, 1996

Mr. VENTO. Mr. Speaker, I rise today to share an article that appeared in the St. Paul Pioneer Press on May 24, 1996, commemorating the heroic actions of Police Lt. Art Blakey in the performance of his duty to serve and protect the people of St. Paul.

Lieutenant Blakey should serve as a reminder to all of us the dedication and sacrifice our police officers make everyday on the job. These men and women who so valiantly serve our constituents deserve our full support and admiration.

I hope my colleagues will enjoy the following article:

NEIGHBORS HONOR HERO WOUNDED IN SHOOTOUT

(By Pat Burson)

Community leaders, law enforcement officers, neighbors and friends called Lt. Art Blakey a hero during a ceremony in his honor Thursday night in the heart of his Summit-University neighborhood in St. Paul.

It's not just that the off-duty sheriff's deputy was willing to put his life on the line after three masked men barged into a St. Paul VFW post and one began firing shots into the crowd.

It's also the simple things Blakey does every day.

"He's a husband and a father and a grandfather and a long-time contributing member to our community," said Nathaniel Khaliq, president of the St. Paul NAACP, which helped organized the tribute. "And in these days of black men being portrayed as being the source of many of society's problems and with many people saying we don't have an adequate number of role models, I think Art Blakey is certainly one we can hold high for others to see."

Blakey was wounded in the club shootout, hit in the lower torso by the gunman's bullet. He just returned to work this week.

The shooting happened April 13, his 24th wedding anniversary.

He had walked the block from his home to the VFW post and was ordering juice at the back of the room when the masked men entered.

When one began shooting, Blakey identified himself and ordered the man to drop the weapon. Instead the gunman pulled the trigger, and a bullet pierced the deputy's lower torso. Blakey returned fire, hitting the man twice in the stomach.

Three suspects have been charged in connection with the incident.

On Thursday night, Blakey sat in St. Peter Claver Catholic Church with his wife, Carolyn, and family members as about 125 well-wishers—including state officials and local politicians, law enforcement officers, local block club members and community leaders—showered him with plaques, flowers, citations and words of praise, gratitude and support.

Blakey was the first recipient of the Chief's Award for Valor from St. Paul Police Chief William Finney.

When Blakey's turn came, he thanked a litany of supporters saying he was "just overwhelmed."

And a little unnerved by all the fuss.

"I just don't feel like I need to be patted on the back," Blakey said later. "Twenty-seven years ago, I took the oath to serve and protect. I continue to feel that way."

Khaliq, St. Paul NAACP president, said people are quick to honor those who die in action, but often forget to show their gratitude when the heroes survive. "We did this so he can see the appreciation of the community for what he did," said Khaliq, "and the community can see there are Art Blakeys among us that deserve the title of hero."

THE STANLEY FAMILY IS HONORED

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 30, 1996

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise to congratulate my friends, constituents, and a great Dallas family for being honored by the Dallas Division of State of Israel Bonds on Thursday evening, May 30, 1996. The Stanley family is being recognized for their dedicated accomplishments which exemplify Jewish consciousness through "Midor Lador"—"from generation to generation" embodying Jerusalem, the spiritual heart and soul of the Jewish people. They will be presented with the Jerusalem 3000 Peter Max Award.

Renee Stanley along with her late husband Paul, encouraged in their children an awareness of commitment to the local community as well as to the State of Israel. Many organizations benefit from the Stanley family efforts, including Temple Emanu-El, the Jewish Community Center, AIPAC, the American Jewish Congress, Jewish Federation of Greater Dallas, Dallas Center for Holocaust Studies and National Council of Jewish Women, Jewish Family Service, ADL, Simon Wiesenthal Center & Bet Hashoah Museum of Tolerance, National Holocaust Center in Washington, B'nai B'rith Kivtznich National Jewish Museum, and World Jewish Congress.

I wish to extend my congratulations to Renee, Rich, David, Marc, and Wendy, and Roger Stanley who have all worked to improve the quality of life for their fellow citizens in our community and in the world. Keep up the great work.

BROWARD COUNTY LIBRARY SYSTEM

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 30, 1996

Mr. SHAW. Mr. Speaker, I rise today to recognize a south Florida institution which has recently received the highest honor in its field. The American Libraries Association and the Library Journal have named the Broward County Library System, the "1996 National Library of the Year."

The Broward County Library System has consistently provided the residents of south

Florida with excellent service, valuable resources, and vital information. The library system has become a fixture within the community, and the community support is extraordinary. The library draws more attendance than all the Florida sports teams combined. The Miami Herald, proclaimed the library to be "one of the Broward County commission's most important achievements." Support such as this illustrates the Broward County Library's successful pursuit of excellence and innovative approaches to library service.

In our growing age of technology and telecommunications, the Broward County Library System has provided state of the art resources which are in high demand. The library volunteered to pilot the FreeNet system to enhance access in providing the south Florida community with electronic mail, a public forum to exchange ideas, and internet service to research data bases. During its expansion in service and information, the library system has proven its commitment to develop a service that will meet the technological standards of the 21st century.

Through its program of service and dedication, the Broward County Library System has kept the taxpayer in high regard. For example, the library system formed a partnership with Broward Community College in order to consolidate financial resources for operational and construction services. This partnership has saved taxpayers $17 million—which is the total cost of building and operating two libraries. Both the public and private sectors have enabled the Broward County Library System to provide essential service, as well as a commitment to education.

The Broward County Library System has provided educational standards that have been adopted and practiced by educators. The library has teamed up with local schools, colleges, and universities in providing its coveted resources for all age groups.

Mr. Speaker, throughout this country there are many individuals who are dedicated to strengthening our community spirit, one such individual is Mr. Samuel Morrison, director of the libraries division of Broward County. I ask my colleagues to join me in extending congratulations to Sam Morrison and the staff of the Broward County Library System on the receipt of the 1996 National Library of the Year Award.

REMARKS OF BENJAMIN MEED AT THE NATIONAL DAYS OF REMEMBRANCE CEREMONY

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 30, 1996

Mr. LANTOS. Mr. Speaker, on April 16, Members of Congress, members of the Diplomatic Corps, and hundreds of survivors of the Holocaust and their friends gathered here in the Capitol Rotunda for the National Days of Remembrance commemoration. The U.S. Holocaust Memorial Council was established by Congress to preserve the memory of the victims of the Holocaust. I commend the Council and the members of the Days of Remembrance Committee, chaired by my good friend, Benjamin Meed, for their vigilant and genuine adherence to their extraordinarily important task.

One of the first acts of the Council was to establish the annual Days of Remembrance commemoration to mirror similar observances held in Israel and throughout our Nation and elsewhere in the world. This year, the commemoration centered on the 50th anniversary of the Nuremburg trials. The observance was a reminder of the difficult process of first coping and then healing that all survivors and their families and loved ones had to endure.

I invite my colleagues to read Benjamin Meed's excellent welcoming remarks. Ben Meed is the most prominent and effective force for keeping the lessons and the memories of the Holocaust alive in the United States. We are extremely fortunate that this highly competent individual has committed his life to this important task, and in particular to organizing the annual National Days of Remembrance commemoration. I ask that Ben Meed's remarks be inserted into the RECORD.

WELCOMING REMARKS BY BENJAMIN MEED, CHAIRMAN, DAYS OF REMEMBRANCE

Members of the Diplomatic Corps, distinguished Members of Congress, Honorable members of the Holocaust Memorial Council, Fellow Survivors, Dear Friends.

When Congress created the United States Holocaust Memorial Council in 1980, there were only a few Yom Hashoah observances held in communities of Holocaust survivors living in this country. You, the Members of Congress, entrusted us, the members of the Council, with the responsibility of teaching American citizens about the Holocaust. We have complied with your mandate by building the Holocaust Memorial Museum, which most of you have visited, and by leading the nation in annual civic commemorations, known as the Days of Remembrance. I am privileged to tell you that now, during this week of Holocaust Remembrance, more than a million people from all the states of our great Union will come together in Memory. We are joined by Governors, Mayors and community leaders as well as professors, teachers and schoolchildren.

Earlier today, the entire nation of Israel stopped and stood silent in Remembrance. We are together in dedication to Memory and aspiration for Peace.

Over the past fifteen years that we have gathered to commemorate in this Rotunda, we have observed an anniversary—the fiftieth year of a milestone event: the Night of Broken Glass, the Warsaw Ghetto Uprising, the encounter between American soldiers and Holocaust survivors.

This year we confront the anniversary of the aftermath of the Holocaust: what happened as we survivors attempted to rebuild our lives. This was not an easy thing to do. It was years before we could ask a policeman for directions. Why? Because he was wearing a uniform. For a long time, it took courage just to answer a knock on the front door.

It is true that we looked to the future in hope, but the shadows of the past remained. And so we dedicated our lives to Remembrance—remembrance of all those for whom the future had been destroyed by the Shoah.

Rebuilding because a central concern for the world—rebuilding a Europe devastated by war; rebuilding the shattered image of humanity in a world of Auschwitz, Belzec and Treblinka. America understood the necessity of encouraging the European nations to work together for economic recovery. Thus the Marshall Plan was implemented, and the groundwork for the Europe of today was laid.

The Allied leaders also realize that to build a sound future, there had to be an accounting for crimes so great as to be unparalleled in recorded history.

Nuremberg, the city where Nazi party pageants had been held, the place where the Nuremberg Laws were promulgated and the German legal system became an accomplice to mass murder, was chosen as the site for the first, joint International Military Tribunal.

In its charter, three forms of crimes were specified. Two of them were ancient, but one was unprecedented. Crimes against the peace and war crimes were familiar terms to all of us, but Crimes Against Humanity was a new category. It described mass murder and extermination, enslavement and deportation based on racial, religious, or political affiliation.

Through the proceedings of the Nuremberg Trials, we came to know the perpetrators. Documents that the killers had so carefully created were gathered and studied. In the defense testimony of accused doctors, judges and industrial leaders as well as military generals, Einsatzgruppen commanders, and concentration camp commandants, the world learned "how the crimes were committed." We also learned that tens of thousands of ordinary Germans from all walks of life had willingly participated in the annihilation process. Ironically, those on trial pled not guilty to the charges, they did not claim innocence. Rather, they attempted to shift the burden of responsibility to those of higher rank.

Was justice achieved? Certainly not! For what meaning can justice have in a world of Mydanek, Chelmo and Sobibor? What punishment is appropriate for the crimes?

Still, the attempt to speak of justice was important. It was a way of setting limits, of saying there are crimes so evil and so enormous that civilizations itself is on trial. For such crimes, there must be punishment.

For many years at hundreds of commemorations around the world, we have pleaded Zuchor—Remember—Remember the children of Teresienstadt. Remember the fighters of Warsaw. Remember the poets of Vilna. Remember all of our lost loved ones.

Today, let us also not forget the killers. Let us not forget their evil and their infamy. Let us not forget them because they express what happens to the power of government and the majesty of legal systems that become detached from moral values and humane goals. The same powers that heal and help can also humiliate and decimate. There is a difference; there must be a difference; and you and I must make sure that we make a difference.

With these words, here in this great Hall of democracy, let us recommit ourselves to the principals of justice and liberty for all—and to Remembrance—now and forever.

TRIBUTE TO WARREN COUNTY COMMUNITY COLLEGE

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 30, 1996

Mrs. ROUKEMA. Mr. Speaker, I rise to congratulate Warren County Community College on the dedication of its newly completed academic and student services building—the college's first permanent home of its own.

Dedication of this new facility is only the latest in a series of milestones in the short but busy history of Warren County Community College. The college had its beginnings in the formation of a citizens committee in 1975 by the Warren County Board of Freeholders. The committee was charged with studying the need for a community college. In 1981, the Freeholders authorized creation of the college and appointed the initial members of the board of trustees. Authorization of offer degree programs came in 1987 and the first commencement was held in 1988, 13 years after the committee began its work. Full accreditation followed in 1993.

During these years, Warren County Community College operated as a "college without walls," offering classes at various locations throughout the county. In 1987, a 20,000-square-foot building was leased to provide specialized facilities dedicated for student use such as computer rooms, science laboratories, a bookstore, and library. With more than 1,200 students, however, the rapid growth of the college made a permanent home necessary. Plans were laid for a permanent campus in the 175-acre Educational Park on Route 57 in Franklin, home also of the Warren County Vocational and Technical Institute and the Warren County Communications Center.

Groundbreaking took place in March 1994 and the academic and student services building was ready for an open house this March. This weekend's ceremony marks the official dedication.

I would like to extend my personal congratulations to President Vincent De Sanctis. Dr. De Sanctis, as much as anyone, has been responsible for the growth and success of Warren County Community College. His strong leadership and vision have given this institution of higher learning the direction and inspiration necessary for success. I would also like to congratulate the board of trustees, administration, faculty, staff, and students on this monumental occasion. A college is built of minds and the quest for knowledge, not bricks and mortar. But a building of its own gives the sense of permanence and tangible existence that will inspire further endeavors toward academic excellence.

The dedication this weekend, Saturday, June 1, will coincide with the college's ninth commencement. The class of 1996 may not have been able to enjoy the new building. But they will carry something with them that is much more valuable: In the words of the college motto, "Education That Lasts a Lifetime."

THE MACARTHUR LEADERSHIP AWARDS HONOR 24 FINE AMERICANS

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 30, 1996

Mr. HORN. Mr. Speaker, at a Pentagon awards ceremony on May 17, I had the pleasure of seeing 24 fine officers in the U.S. Army receive the General Douglas MacArthur Leadership Award. This is the 9th year in which these awards have been made. The General Douglas MacArthur Foundation, in cooperation with the Department of the Army, sponsors the annual presentation.

I was present because one of my constituents, Capt. John K. Tien was one of the recipients, a West Point graduate who has served his country with distinction, Tien was nominated to the U.S. Military Academy by my predecessor Representative Glenn Anderson. For over a decade, I have known Tien's mother, Debbie, who has worked for the California State University system in which I served before becoming a Member of this House. His step-father, Tom Hennessy, is the most widely read and quoted columnist in the South Bay area of Los Angeles County and Orange County as well.

The MacArthur Leadership Award recognizes those company grade officers who demonstrate the ideals for which Gen. Douglas MacArthur stood. All of us who lived through the Second World War know those ideals: duty, honor, country. The purpose of this coveted award is to recognize junior officer leadership in the U.S. Army. The very able Chief of Staff of the Army, Gen. Dennis J. Reimer, presented the awardees with a 23-pound bust of General MacArthur. He was assisted by the former Secretary of State and General Alexander Haig. Over the years, representatives of the MacArthur Foundation, which is headed by Robert M. White II, its president, have faithfully attended.

What is particularly impressive about the selection of the MacArthur awardees is that they represent the diversity of the modern Army: 12 awards are made to officers in the Active Army, 6 awards are made to officers in the Army National Guard, and 6 awards are made to officers in the Army Reserve. Those who receive the 12 awards from the Active Army are nominated by 23 major army commands and the headquarters of the Army and the various field operating agencies. It is a very competitive process, 22 of the 24 awardees were captains; 2 were first lieutenants. I think it is a sure thing that the latter two will make captain and beyond. Three of the recipients were women.

The U.S. Army can be proud of the men and women of all races and of many national origins, who have had great opportunities in the Army to exercise leadership. And they have done just that.

Mr. Speaker, I ask consent that the list of the 1995 General Douglas MacArthur Leadership Award recipients be included at this point in the RECORD.

1995 GENERAL DOUGLAS MACARTHUR LEADERSHIP AWARD RECIPIENTS

Captain Willard M. Burleson II. Captain Burleson represents the U.S. Army Europe. He was assigned as Commander, Company A, 3rd Battalion, 325th Infantry (Airborne Battalion Combat Team), Vicenza, Italy, when selected.

Captain Steven J. Campfield. Captain Campfield represents the U.S. Army Reserve. He was assigned as Commander, Company C, 1st Battalion, 214th Aviation Regiment, Los Alamitos, California, when selected.

Captain Mike A. Canzoneri. Captain Canzoneri represents the U.S. Army National Guard. He was assigned as Battalion S-4, 3rd Battalion, 124th Infantry, Panama City, Florida, when selected.

Captain Douglas C. Crissman. Captain Crissman represents the U.S. Army Forces Command. He was assigned as Commander, Company B, 3rd Battalion, 504th Parachute Infantry Regiment, 82nd Airborne Division, Fort Bragg, North Carolina, when selected.

Captain Karen H. Gibson. Captain Gibson represents the U.S. Army Intelligence and Security Command. She was assigned as Operations Officer, 731st Military Intelligence Battalion, 703rd Military Intelligence Bridgade, Schofield Barracks, Hawaii, when selected.

Captain James H. Griffiths. Captain Griffiths represents the U.S. Army Reserve. He was assigned as Commander, Headquarters and Headquarters Company, 172nd Support Group, Broken Arrow, Oklahoma, when selected.

Captain Melinda C. Grow. Captain Grow represents the U.S. Army National Guard. She was assigned as Commander, 321st Signal Company, Reno, Nevada, when selected.

Captain Captain Paul A. Metcalfe. Captain Metcalfe represents the U.S. Army National Guard. He was assigned as Battalion Training Officer, 1st Battalion, 158th Field Artillery, Lawton, Oklahoma, when selected.

Captain Richard G. Miller. Captain Miller represents the U.S. Army National Guard. He was assigned as Battalion S-1, 2nd Battalion, 222nd Field Artillery, Cedar City, Utah, when selected.

Captain Thomas L. Morgan III. Captain Morgan represents the U.S. Army National Guard. He was assigned as Commander, Company B, 1st Battalion, 116th Infantry, 29th Infantry Division (Light), Christiansburg, Virginia, when selected.

Captain Rodney S. Morris. Captain Morris represents the U.S. Army Forces Command. He was assigned as Commander, 194th Military Police Company, 101st Airborne Division, Fort Campbell, Kentucky, when selected.

Captain Peter F. Najera. Captain Najera represents the U.S. Army Forces Command. He was assigned as Commander, Headquarters and Headquarters Troop, 3rd Squadron, 3rd Armored Cavalry Regiment, Fort Carson, Colorado, when selected.

Captain William B. Ostlund. Captain Ostlund represents the Eighth U.S. Army. He was assigned as Commander, Company B, 2nd Battalion, 9th Infantry Regiment, 2nd Infantry Division, Camp Casey, Korea, when selected.

Captain Ignacio J. Perez. Captain Perez represents the U.S. Army Reserves. He was assigned as Commander, 231st Transportation Company, St. Petersburg, Florida, when selected.

Captain Donald V. Phillips. Captain Phillips represents the U.S. Army Forces Command. He was assigned as Commander, Headquarters and Headquarters Company, 2nd Battalion, 69th Armor Regiment, 24th Infantry Division, Fort Stewart, Georgia, when selected.

Captain A. C. Roper, Jr. Captain Roper represents the U.S. Army Reserves. He was assigned as Chief Briefing Officer, 314th Public Affairs Detachment, Birmingham, Alabama, when selected.

Captain Oliver S. Saunders. Captain Saunders represents the Military District of Washington. He was assigned as Commander, Fort Myer Military Police Company, Fort Myer, Virginia, when selected.

Captain Timothy H. Stevenson. Captain Stevenson represents the U.S. Army Medical Command. He was assigned as Commander, Company C, Academy Battalion, U.S. Army Medical Center and School, Fort Sam Houston, Texas, when selected.

Captain Eugene F. Swisher. Captain Swisher represents the U.S. Army Reserves. He was assigned as Information Management Systems Project Officer, Army Reserve Personnel Center, St. Louis, Missouri, when selected.

Captain James E. Taylor. Captain Taylor represents the U.S. Army National Guard. He was assigned as Commander, Headquarters and Headquarters Company, 2nd Brigade, 34th Infantry Division, Boone, Iowa, when selected.

Captain John K. Tien. Captain Tien represents the U.S. Army Forces Command. He was assigned as Commander, Company D, 3rd Battalion, 66th Armor Regiment, 2nd Armored Division, Fort Hood, Texas, when selected.

Captain Frank Zachar. Captain Zachar represents the U.S. Army Forces Command. He was assigned as Commander, Company B, 2nd Battalion, 16th Infantry Regiment, 1st Infantry Division, Fort Riley, Kansas, when selected.

First Lieutenant Scott P. Belveal. Lieutenant Belveal represents the U.S. Army Europe. He was assigned as Battalion Maintenance Officer, 1st Battalion, 6th Infantry, 3d Infantry Division, Vilseck, Germany, when selected.

First Lieutenant Donna M. Bivona. Lieutenant Bivona represents the U.S. Army Reserve. She was assigned as Battalion S-2, 310th Military Police Battalion, Uniondale, New York, when selected.

12TH ANNIVERSARY OF THE ATTACK ON THE GOLDEN TEMPLE

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 30, 1996

Mr. CRANE. Mr. Speaker, I rise today in solemn observance of the 12th anniversary of the Indian Government's military assault on the Golden Temple, the holiest shrine of the Sikh religion, which took place from June 3–6, 1984. Thirty-eight other gurdwaras, Sikh temples were also attacked during the same operation. In all over 20,000 Sikhs were murdered during June 1984.

It is important to remember the particulars of this horrifying event because they help us to understand the complete disregard the Indian Government holds for the value of Sikh life. India planned the attack on the Golden Temple on the day of the martyrdom of Guru Arjan Dev, the fifth Sikh Guru. India knew that the temple complex would be filled with pilgrims who were gathered there to observe this auspicious occasion. Before laying siege to the temple, the Indian Government took pains to remove all foreigners from the Punjab. A complete press block was implemented. Traffic in and out of Punjab was halted. Those caught in the Golden Temple had no means of getting information in or out.

Three wings of the Indian military were used: The army, the navy and the air force. These forces practiced well planned mock attacks at a model of the Golden Temple in Chakrata for months before the attack. It is clear from the carnage inside the temple after the attack that soldiers were instructed to kill as many Sikhs as possible in the most ruthless manner. In one instance, it was reported by survivors that 100 children between the ages of 8 to 12 were lined up on the grounds of the Golden Temple and asked if they supported Sikh freedom from India. As each one answered in the affirmative, Indian security forces shot them dead at point blank range.

The Akal Takht, a separate building on the Golden Temple complex which represents the highest seat of spiritual and temporal authority for the Sikhs, was also attacked. Blasted with heavy mountain guns and tank artillery, the Akal Takht was set ablaze. Original, irreplaceable documents written in the hands of the Sikhs Gurus were destroyed. A library containing other priceless, original religious documents was also set ablaze.

The attack on the Golden Temple was no ordinary police action. It was an all-out military assault. How would Muslims feel if an army attacked Mecca? How would Christians feel if an army attacked the Vatican? Make no mistake about it, India's attack on the Golden Temple was an attempt to symbolically reinforce the Government total domination over the Sikhs. To put it another way, India simply wanted to show the Sikhs who was the boss.

But, India is now beginning to see the folly of its attack on the Golden Temple. Instead of submitting to the tyranny of the Indian Government, the Sikh nation is bravely waging a struggle for complete independence from India. Since the attack on the Golden Temple, Indian forces have killed over 150,000 Sikhs. Instructed by their religion to stand up against tyranny wherever it exists, Sikhs refuse to submit to the tyranny of the Indian Government. On October 7, 1987, the Sikh nation formally severed ties with India and declared themselves independent forming the separate country of Khalistan.

As we reflect on the horrible massacre of Sikhs, which took place in the Golden Temple complex 12 years ago, let us also look forward to the eventual freedom of the Sikh people. Throughout their history, Sikhs have faced grave injustice at the hands of tyrants. Sikhs possess an interminable spirit and cling tenaciously to the belief that out of the ashes of cataclysmic episodes like that of the Golden Temple attack they will emerge only stronger and more determined to fight the wrongs visited upon them. Sikhs earnestly want their freedom and they have sought our support. I support the independence of Khalistan and I urge my colleagues to support the independence of Khalistan as well.

THANK YOU, DR. ERNIE DEAR

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 30, 1996

Mr. BONIOR. Mr. Speaker, oftentimes on this floor, we are called upon to honor men and women who have graced our communities. And while it is right that we do that, occasionally we are confronted with the accomplishments of a particularly special person and find it hard to give the true measure of their work in just a few minutes.

That is how I feel today as I rise to pay tribute to Dr. R. Ernest Dear, a constituent and friend, who is retiring this year as president of St. Clair County Community College in Port Huron, MI. For four decades, as a teacher, principal, college president, and parent, Ernie Dear has worked tirelessly to improve educational opportunities for people in Michigan. In the process, he has inspired all of us who have had the privilege to work with him and served as a role model for educators and public servants everywhere.

Throughout his distinguished career, Ernie Dear has been recognized both in and out of the classroom as a leader, and somebody who has given of himself personally and professionally for the good of others. To know Ernie Dear is to be touched and rejuvenated by his determination and his optimism. Each of us has benefited from the gifts of his ebullience and positive attitude.

Ernie Dear has a long list of professional awards and accomplishments, but he has made another mark on our community that is even more important and even more lasting. The story of his work in education is written on the lives of the innumerable people whom he has touched over the years.

As a consequence of Dr. Dear's work, thousands of people in Michigan are better educated and have a lifelong love of learning. Because of his commitment, countless men and women have new careers and new outlooks on life. And thanks to his accomplishments, many are better able to handle the challenges that face them. Even more than the awards and the respect of his peers, this is Ernie Dear's true legacy, and one which will continue to flourish for years to come.

Mr. Speaker, I take great pride in honoring Dr. Ernie Dear. He has been an inspiration to me, and a good friend. As Ernie marks this important milestone, I hope that my colleagues will join me in expressing our gratitude for his hard work and his contributions to our community. I know that all of us wish him and his wife, Barbara, continued happiness and joy in the years ahead.

IN MEMORY OF MAJ. AUDIE L. MURPHY

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 30, 1996

Mr. HALL of Texas. Mr. Speaker, today marks the 25th anniversary of the death of the most decorated soldier of World War II and a genuine national hero—the late Audie Leon Murphy—who was a native of the Fourth District of Texas as well as a personal friend of mine. It is a special privilege for me today to pay tribute to this legendary American, and I would like to do so on behalf of the entire Texas Delegation as well as on behalf of his hometown friends and relatives in Farmersville, TX, and on behalf of the late Congressman Olin Teague of Texas who first paid tribute to Audie Murphy in the CONGRESSIONAL RECORD on October 13, 1971—on the occasion of the dedication of the Audie Leon Murphy Hospital for veterans in San Antonio.

Audie Murphy was indeed a legend in his own time—and a hero for all times. For his valor in combat and action above and beyond the call of duty, he received every medal the

Army awards. He earned the Silver Star twice in 3 days, three Purple Hearts, the Distinguished Service Cross, and the Medal of Honor.

The Citation to the Medal of Honor recognized 2d. Lt. Audie Murphy, 15th Infantry, for his valor on January 26, 1945, near Holtzwihr, France. His Company B was attacked by six tanks and waves of infantry. Second Lieutenant Murphy ordered his men to withdraw to prepare positions in a woods, while he remained forward at his command post to direct the artillery. One of his company's tank destroyers received a direct hit and began to burn. Lieutenant Murphy climbed on the burning tank destroyer and trained its machinegun on the enemy, killing dozens and causing their infantry attack to waver. He held his position for more than an hour, received a leg wound, but continued the fight until his ammunition was exhausted. He then made his way to his company, refused medical attention, and organized the company in a counterattack which forced the enemy to withdraw. The Citation states, "Lieutenant Murphy's indomitable courage and his refusal to give an inch of ground saved his company from possible encirclement and destruction, and enabled it to hold the woods which had been the enemy's objective."

Audie received the Distinguished Service Cross for his extraordinary heroism on August 15, 1944, near Ramatuelle, France. On this date, according to the award citation, "His extraordinary heroism resulted in the capture of a fiercely contested enemy-held hill and the annihilation or capture of the entire enemy garrison."

And yet Audie believed that his medals belonged to every man in his company, and he always maintained that he was just "another man." His humility stemmed perhaps from a humble beginning near Kingston, TX and years of living in poverty. Audie had to quit school in the eighth grade to help support his mother and eight siblings. He hunted small games to supply food for the family, and became an expert marksman. He took odd jobs wherever he could find them—on a farm, a filling station, and grocery store, a radio repair shop. But Audie made up for his lack of education with a brilliant mind, great dignity, and a sense of composure that impressed all those who met him.

Following the war, James Cagney extended him an invitation to visit Hollywood, where he signed an acting contract. His best-selling autobiography, "To Hell and Back," was made into a successful movie in which Audie played the starring role. His specialty was small-budget westerns, but Audie never really liked acting, and he pursued several business ventures over the years. It was on one of these ventures that he was killed in a plane crash near Roanoke, VA, on May 30, 1971. He left behind his wife of 20 years, Pamela Archer, two sons, Terry and James Shannon, other family members and hundreds of friends and admirers.

Since that time the Audie L. Murphy National Memorial Tribute Committee, headed by Louis J. Parillo, has honored his memory by awarding the ALM Patriotism Portrait Awards. The awards are presented in groups of three to represent our Nation's Triad Defense System, and this 25th anniversary of Audie's death will mark the final presentation. Recipients in the order presented, include: The American Security Council, Maj. Gen. John K. Singlaub, USA Ret., Gen. William C. Westmoreland, USA Ret.; Gen. Louis H. Wilson, USMC Ret., The Marine Attack Squadron 131, 4th Marine Air Wing, Fourth Marine Division; Gen. Omar Bradley, USA Ret., 28th Division PNG, First Army; Headquarters 3rd Infantry Division U.S. Army, 3rd U.S. Infantry Regiment (The Old Guard), U.S. Army Parachute Team (Golden Knights; North American Air Defense Command, 112th Fighter Group, Pennsylvania ANG, 910th Special Operations Group, USAFR; City of New Castle, PA, County of Lawrence, Pennsylvania, Commonwealth of Pennsylvania; Department of the Army, Department of the Navy, Department of Defense; Robert Bleier (Trustee for Vietnam Veterans), Congressman Olin "Tiger" Teague (posthumously), President Ronald W. Reagan; The Honorable William J. Perry, Secretary of Defense, The American Legion, and Veterans of Foreign Wars.

In closing, Mr. Speaker, we are joined today by Audie Murphy's family, his friends, and his many fans in paying this final tribute to WWII's most decorated war hero. Perhaps the finest tribute would be to place in the CONGRESSIONAL RECORD two odes composed by Audie Leon Murphy. These reflect his thoughts and feelings for his fallen comrades and reveal to us, more than any words of our own could possibly reveal, the full measure of this great American.

ALONE AND FAR REMOVED

Alone and far removed from earthly care
The noble ruins of men lie buried here.
You were strong men, good men
Endowed with youth and much the will to live.
I hear no protest from the mute lips of the dead.
They rest; there is no more to give.

FREEDOM FLIES IN YOUR HEART LIKE AN EAGLE

Dusty old helmet, rusty old gun,
They sit in the corner and wait—
Two souvenirs of the Second World War
That have withstood the time, and the hate.

Mute witness to a time of much trouble,
Where kill or be killed was the law—
Were these implements used with high honor?
What was the glory they saw?

Many times I've wanted to ask them—
And now that we're here all alone,
Relics all three of a long ago war—
Where has freedom gone?

Freedom flies in your heart like an eagle.
Let it soar with the winds high above
Among the spirits of soldiers now sleeping,
Guard it with care and with love.

I salute my old friends in the corner.
I agree with all they have said—
And if the moment of truth comes tomorrow,
I'll be free, or By God, I'll be dead!

TRIBUTE TO OFFICER DANIEL THOMAS BUCK ON RETIREMENT FROM U.S. CAPITOL POLICE

HON. BLANCHE LAMBERT LINCOLN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 30, 1996

Mrs. LINCOLN. Mr. Speaker, Officer Daniel Thomas Buck retires from the U.S. Capitol Police after 20 years of dedicated service. I would like to take this opportunity to express to "Buck" my gratitude for his distinguished career and for being a good friend to many on Capitol Hill.

I came to know Buck over 10 years ago when he was first stationed at the New Jersey and C Streets entrance to the Longworth Building. Buck dutifully guarded this area and cheerfully greeted thousands of Hill employees and visitors while assigned to that patrol. Most of us take the security on Capitol Hill for granted. However, we entrust our police officers, such as Buck, with the duties of maintaining law and order in which they must be highly trained and capable of reacting to an emergency situation at a moment's notice. Buck has certainly upheld the high standards of our Capitol Police force throughout his 20 years. I know that his integrity and fortitude are characteristics that have helped to influence other officers in carrying out their jobs with unswerving allegiance to the law.

Truly, Buck is one of our unsung heros on Capitol Hill who performed his duties, day after day on weekends, and holidays loyally and responsibly. Buck is retiring to Florida to spend more time with his children, grandchildren, and to enjoy his favorite sport of hunting. I know he is proud of his excellent and honorable record with the Capitol Hill Police. I bid Buck farewell with mixed emotions, and I am sure that my colleagues join me in wishing him much good fortune as he begins this new chapter in his life.

REMARKS BY MILES LERMAN AT THE NATIONAL DAYS OF REMEMBRANCE CEREMONY

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 30, 1996

Mr. LANTOS. Mr. Speaker, on April 16, Members of Congress, members of the Diplomatic Corps and hundreds of survivors of the Holocaust and their friends gathered here in the Capitol Rotunda for the National Days of Remembrance commemoration. The United States Holocaust Memorial Council was established by Congress to preserve the memory of the victims of the Holocaust. I commend the Council and the members of the Days of Remembrance Committee, chaired by my good friend Benjamin Meed, for their vigilant and genuine adherence to their extraordinarily important task.

One of the first acts of the Council was to establish the annual Days of Remembrance commemoration to mirror similar observances held in Israel and throughout our Nation and elsewhere in the world. This year, the commemoration centered on the 50th anniversary of the Nuremberg trials. The observance was a reminder of the difficult process of first coping and then healing that all survivors and their families and loved ones had to endure.

I commend my colleagues' attention to the insightful comments of my good friend Miles Lerman. Miles was instrumental in bringing the dream of the Holocaust Memorial Museum to reality, an immense project that is universally regarded as a resounding success. As Chairman of the U.S. Holocaust Memorial Council, Miles is appointed by the President to coordinate our national effort to memorialize the victims of the Holocaust and to teach all Americans its many lessons. His words at the National Days of Remembrance commemoration are a demonstration of his outstanding ability to carry out this important task.

DAYS OF REMEMBRANCE CEREMONY

(By Miles Lerman)

Distinguished Dignitaries, Honorable Members of Congress, ladies and gentlemen.

The theme of this year's days of remembrance is the 50th anniversary of the Nuremberg Trials. What makes these trials so significant is the fact that the Allied Forces after victory did not pursue vengeance. Instead they chose to implement a due process of law to hold the German political and military leaders personally accountable for the heinous crimes they committed against humanity.

We will hear more of those trial proceedings from Justice Breyer, who will analyze the uniqueness of the Nuremberg trials and place them in the proper historic prospective.

I will, therefore, concentrate my remarks on the importance of remembrance.

Remembrance serves many purposes. It helps us look back and wonder how different the fate of Holocaust victims would have been if the Western leaders of those days would have had the stamina at the outset to stand up to Adolph Hitler—a political megalomaniac whose appetite for territorial expansion was unsatiated; whose wild dream of developing a Deutsche heren rasse—a German super race which would enslave all nations he would conquer and create a Third Reich that would last a thousand years.

This insanity could have been stopped in time but it was not. The leaders of Britain and France wanted to believe that they could reason with Adolph Hitler and thus continued to give in to his constantly escalating demands until they finally came to realize that they were dealing with a monster that must be subdued at any price.

By this time, however, Hitler had managed to build a powerful war machine which took enormous sacrifices on the part of all Allied Armies who waged battles from the desserts of Africa to Leningrad and Normandy to defeat the Nazi monster.

It took 6 years of bloody battles with millions of casualties and billions of dollars of military equipment to put an end to the Nazi nightmare that could have been stopped at a much earlier stage.

It is a myth—it is a falsehood to believe that only Hitler and his SS henchmen were the ones who were responsible for the mass murder.

In the Archives of the Holocaust Memorial Museum in Washington, we have documents proving that the entire industrial complex of Nazi Germany was involved in the process of mass annihilation. We have documents of German engineering firms praising the efficiency of the crematories they are offering for sale.

We have copies of authentic bids from German chemical companies soliciting the orders for the Cyclone B gas enunciating the economic efficiency of their product for the mass killing of women and children.

We dwell on this past not to inflame fury, but because we believe that in the ashes of this tragic past lies an all important lesson essential to our collective future as a democratic and free society where human differences are respected and human rights are protected.

This is what the Holocaust Memorial Museum is all about.

When the Nazi nightmare was finally brought to an end, the world chose to believe that the lessons of this horrible period would once and for all put an end to hatred and bigotry.

Today, 50 years later, we must admit that we were naively optimistic. The sad facts are, the world has not learned its lesson. Once again, we are confronted with savageries of the worst kind all over the world.

Futile ethnic cleansings and senseless carnage are still rampant. Not only in the distant places such as former Yugoslavia and Rwanda, but the venom of hatred and bigotry has embedded itself even in the heartland of America. This phenomena should be of great concern to all of us.

There are, however, those who argue not to pay too much attention to these crackpots because they are only a marginal fringe of our democratic society. So permit me to invoke memory and remind you that the same arguments were heard in Germany in the early 30's when Hitler began his quest for power.

Today we are beginning to see more and more blatant disregard and lack of respect for the sanctity of martyrdom.

Let me cite to you just two examples. Only recently have we learned that Franjo Tudjman, the President of Croatia, has announced plans to bring to Jasenovac the bones of the Croatian Ustashis. The Ustashis were Hitler's most willing collaborators.

Today, President Tudjman wants to mingle the bones of the Ustashis killers with the bones of victims whom they have murdered in Jasenovac.

Jasenovac is the largest death camp of Yugoslavia where tens of thousands of victims are buried in mass graves.

This proposed callous desecration of the Jasenovac Memorial cannot be permitted to happen.

I have conveyed to President Tudjman our outrage over this defilement and have advised him that the U.S. Holocaust Memorial Council will not remain silent until these evil plans are scrapped.

Another example is Auschwitz. In Auschwitz, plans were in the making to build a shopping center only 100 yards away from the camp perimeter. Again, we expressed our dismay, we intervened and protested—this time successfully. I am pleased to inform you that I have received written confirmation from Polish Ambassador, Jerzy Kozminsky, that the development of the shopping center within the confines of Auschwitz has been canceled.

The Polish authorities are to be commended for putting a stop to what would have been a painful desecration of memory.

The Nuremberg trials teach us that we cannot remain indifferent; we cannot look the other way when evil plans are in the making; when atrocities take place and the truth is distorted. We must always be ready to speak out against evil no matter where it takes place—and no matter who the victims are.

The victims of the Nazi inferno deserve the dignity of being left in peace and we at the Holocaust Memorial Council are determined to do all that is in our power to make sure that the ashes of the victims remain undefiled and undisturbed. This is our sacred task that we must fulfill today, tomorrow and in years to come.

TRIBUTE TO RAMESH TANDON, M.D.

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 30, 1996

Mrs. ROUKEMA. Mr. Speaker, I rise to congratulate Dr. Ramesh Tandon, M.D., on his completion of service as president of the Passaic County, NJ, Medical Society. Dr. Tandon is a dedicated and talented physician whose skill is well respected by colleagues and patients alike. He is also a committed civic leader who has supported our schools, police, and civic organizations.

Dr. Tandon, who holds undergraduate and medical degrees from the University of Allahabad in his native India, began his career in India in 1968 as an intern at Safdarjung Hospital in New Delhi. In 1972, he emigrated to New York, where he did a residency in general surgery at the Hospital of Joint Disease. He later became an emergency room physician in New York before moving to New Jersey in 1977 to work as an emergency room physician at South Bergen Hospital and to establish a private practice in surgery, now located in Lyndhurst.

Dr. Tandon has been director of general surgery at St. Mary's Hospital in Passaic since 1992. He has also served as chairman of the hospital's executive committee and president of the medical staff.

Dr. Tandon has held several community positions. In addition to serving as president of the Passaic County Medical Society in 1995, he has been a member of the society's board of trustees, physician for the Lyndhurst school system and police department, and president of the Lyndhurst Lion's Club.

Our Nation enjoys the world's highest standard for modern health care, which is vitally important to every citizen, Dr. Tandon has exemplified the highest professional standards. We express our deepest gratitude to Dr. Tandon and physicians like him who see that the highest quality of care is maintained. Best wishes to Dr. Tandon as he continues his exemplary service to his patients and the Passaic County community.

TRIBUTES TO ISABEL PATTERSON

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 30, 1996

Mr. HORN. Mr. Speaker, recently several hundred friends of Isabel Patterson gathered together to honor Isabel Patterson, who died suddenly and peacefully after a lifetime of service and commitment to her university and her community. She cared about children and young people generally. Isabel knew hardship in her youth, came West from Texas to Long Beach where she found success in education, in business, and in caring.

Mr. Speaker, I ask consent that the eulogies made by three of us be placed in the RECORD. The first eulogy was by Bruce L. Molyneaux, a relative of Isabel Patterson, speaking on behalf of the family. The second eulogy is by Hon. Beverly O'Neill, the Mayor of Long Beach, and third eulogy is by myself, who knew Isabel as a friend beginning with my role as President of her alma mater, California State University, Long Beach.

EULOGY BY BRUCE L. MOLYNEAUX

For those of you who may not know me. My name is Bruce Molyneaux, the Grandson of Isabel's sister Myrtlle. Isabel used to comment that I was her "great Nephew", However she wasn't sure what made me so great. I'm not so sure either. You see Isabel had a higher standard of greatness than most people could ever dream of, and, she achieved her goals. As easy as it may be to find sorrow in her passing we are truly here today to celebrate her life. She would not have wanted us to mourn for her gifts of wit, knowledge, and goodwill will live forever.

While growing up my family and I called Isabel Aunt Pat. It was only recently when she offered that I could call her Isabel, however I never could quite get used to that. Having Isabel in the family was like having a built in celebrity, never short on excitement.

In the past week I have had an opportunity to share with many of you some of your memories of Isabel. All filled with laughter and smiles and it has made the time that much easier. It also reminded me of how she could make an entrance exclusively her own. For instance her seventieth birthday when she bought a moped and was planning on riding it to her party but instead arriving in a cab after having it stolen while idiling in her driveway. Darn, another missed photo opportunity. Or who could forget the entrance on her 75th birthday two stepping to the yellow rose of Texas as Dick Sharp struggled to keep up.

I am very proud to have known such a strong and caring individual in my lifetime and only hope that all of us can continue her practice of caring and sharing.

I also wanted to thank everyone for their presence here today on behalf of the family, and then it occurred to me that something about that just didn't sound right. When I look around this room I see Isabel's vast extended family, family of friends, and know that we have all shared moments which made her as special to us as any sibling or spouse. So in fact I will thank you, thank you for being part of Isabel's family and your presence throughout her life.

Isabel made a comment to me once, and she said if I didn't remember anything else, to remember this. "All is in the Land" it is the only possession which has true value. Today we return her to that land which allowed her to achieve so much and be so great. Thanks for everything Aunt Pat we love you.

EULOGY BY MAYOR BEVERLY O'NEILL

There is only one Isabel. She was smart. She was irreplaceable. She was sometimes cantankerous and frustrating. She was direct. She was hardworking. She was giving.

It's hard to believe that Isabel won't be around anymore, because she was one of the people who really helped define this City—her City—as she helped to define her College—Long Beach State College—and even colleges and other schools that she never attended but adopted out of love later in life—especially Long Beach City College.

Isabel, as everyone has heard, was from West Texas, from Amarillo in the Panhandle, which is what Texans call that part of Baja Oklahoma, that probes up into that part of the Midwest that Steinbeck wrote about in The Grapes of Wrath and which used to be called the "Dustbowl" during the long-ago days of the Great Depression.

My husband's family came from the same area around Amarillo, and I think maybe this had a great deal to do with the connection that Bill and Isabel always felt. If you've ever been in this part of the country, it's not kind or picturesque, but it breeds character. As Isabel often said, it doesn't do much else.

Someone once wrote off an enemy by saying "he had a face like West Texas." Well, Isabel didn't have a face like West Texas—it was more like West Ireland or maybe Norway. But she had the character of that area, and we were lucky enough to have her bring that tough Texas soul out to California in the years just before State College opened in 1949.

About 20 years ago someone wrote a book about a young Texas girl. It was called True Grit. It was later made into a movie that starred John Wayne. The phrase beautifully captured Isabel. She had true grit. Nothing stopped her. She just kept on doing what had to be done—until it was done. And then she usually started on something else.

Isabel and I first met over 40 years ago when I graduated from City College and went to Long Beach State. Isabel and my husband were both original 49'ers, and Isabel was always so very proud to have been there at the very beginning. She was, among other things, the first editor of the college paper, The Fortyniner. She knew everyone, and everyone knew her—which wasn't too hard to do in a school with a student body that numbered about 50 the first semester and about 150 in the second semester. In all events, Long Beach State College was Isabel's school. She took a lot from Long Beach State College but—far more important—she gave a whole lot back to it. She gave money, lots of money—but more important, the long years of hard work and effort that that money represented. But more than this, she brought her love and abiding devotion. She loved the College and she loved the people that went there and the faculty that taught there.

Isabel was so fond of so many people who made the college what it is today, both faculty and students. So many names—many gone, many still with us.

Jumping up to more recent times, there was—and is, of course—President Steve Horn—now the Honorable Steven Horn, Congressman of the 54th District, who was President of the College for an almost unprecedented 17 years and who Isabel unreservedly adored.

After Isabel graduated from Long Beach State College in 1951, she went on to teach elementary school in the Long Beach Unified School District for a couple of years before she went into real estate in Belmont Shore where she worked hard and wisely invested. I think it is more than fitting that today Isabel's name is attached not only to a particular part of the College, but to a part that resonates with her concern for children—the Isabel Patterson School Center.

She also adopted—later on—Long Beach City College. I was at Long Beach City College for many years, and Isabel was very important to that institution. She was interested in students. She knew how much her education had meant to her. She would say, "if a student needs shoes to go to school, you should have a little money to help them." She called her students her jewels. She is the first person in current Long Beach to be called a benefactor.

I love having the opportunity to say a few words about Isabel. Some people pass away and are gone. Isabel may have passed away, but she will never be gone. She lives in the impact that her life had—and continues to have—on others. She will always be present in the College she loved, and the other College she adopted and also fostered. She will live on in the students whose scholarships bear her name and whose academic careers have been deeply affected by her generous and continuous involvement; she will live on in the young children who store their lunch boxes and sweaters in the lockers at the Isabel Patterson Preschool Center five days a week. She will also live on in the City of Long Beach where her name is synonymous with Giving. The great art historian Bernard Berenson once said that "a complete life may be one ending in so full an identification with the non-self that there is no self left to die." Isabel probably wouldn't have been enchanted with the high-flown wording, but she would have heartily embraced the sentiment. She cared enough to endow many others with hope. She lives in that hope and it is expressed in the lives of many others whom she will never meet.

Thank you, Isabel. We will miss you.

EULOGY BY U.S. REPRESENTATIVE STEPHEN HORN

The two beautiful tributes you have just heard would have deeply moved Isabel. We sometimes talked about what it would be like when she died. As I look around here and see all of her friends which would have meant so much to her, I know that she is very pleased.

She often used that old gag, which I believe was first used by George Burns, but he might have gotten it from Isabel. And that is when she awoke in the morning, she first looked at the obituary page of the Press Telegram, and she said, "If my name wasn't there, I decided to get up."

When Isabel told me during a luncheon many years ago that I was to give the eulogy at her funeral, I smiled and told her "You'll live to be a hundred." I had hoped that would be true, and that this day would not come so soon.

During Isabel's wonderful and colorful life in Long Beach, she became a legend. Her generosity to individuals and to local organizations was unmatched. When Isabel gave, she gave not simply in dollars. She gave of herself. When Isabel donated a party in her Penthouse at a charity auction, she would often do all of the cleaning as well as all of the cooking. Friends—some of us in this room—were enlisted to tend bar, or to do cleanup. And I have washed many dishes there, as I think several of you have. Her upbringing on a Texas ranch gave her confidence and self sufficiency. Her years working for the Navy were also to serve her well later as chief organizer, order-giver, bottlewasher at one and the same time.

She was an excellent student and an excellent athlete. She spent 2½ years at Texas Technological University where she was a fine student and also one of the Campus Queens—in the days when colleges still had Campus Queens.

Her propensity for work and financial need caused her to leave school and go to work at a New Deal agency—the Farm Security Administration. Many of you will remember that agency and the music "The Plow That Broke the Plains" by composer Virgil Thomson. As a young woman, she greatly admired and loved Eleanor Roosevelt and Eleanor's quest for equality. Isabel supervised 25 employees with the Farm Security Administration. She had rave reviews of her work, but when higher level promotions occurred, even though this was a New Deal agency, she was always passed over for a man. So she had personal experience, and an early abhorrence of any type of discrimination. With the coming of the Second World War, Isabel moved to Long Beach.

Her refusal to spend money on what she considered frivolous or overpriced is known to most in this audience. She was a tireless bargain-hunter, in business as well as in her own purchases.

Isabel obviously valued nice things, but she loathed ostentation. Her friends would ask her: Why she didn't travel more? Why she didn't spend more money on herself? Why she didn't stop giving all of her money away, rather than living so frugally? Then she took the satisfaction in telling them that her deep belief was "to give back in life." To think about, and to care about, the next generation and future generations. That was Isabel. She lived it. She urged others to live it, too. For instance, Isabel valued a T-shirt with the palm prints of the little children at the Child Development Center every bit as much—and frankly much more—than any ring she had seen with precious stones. She needled those with the precious stones to turn a few of them in and to help worthwhile community groups.

She cringed when she was described as a "philanthropist" in the local newspaper. Her major gifts to Long Beach and its educational institutions were also legendary and set the precedent for others to do likewise.

One night in the early 1970s, when I was President of California State University, I was hosting a reception during a football game. As usual, we invited various "friends of the university"—which translates into current and prospective donors to the university. At that time, Isabel was giving a $1500 grant-in-aid to the 49er Athletic Foundation. In brief, she was paying the student fees and the room and board of a runningback. At the half time reception I heard behind me this enthusiastic Texas drawl which said, "Honey, someday I'm going to give you a million dollars." Within a second, I replied, "I can use $250,000 right now." "Oh?" she queried. I asked her to join me for lunch in my office during the next week. There I showed her the plan for what became the Isabel Patterson Child Development Center. The leaders of the student government had told me that this center was the most important student need they saw on campus. They put their money where their mouth was, and appropriated $50,000 to have Architect Frank Sata draw his unique and dynamic plan. Isabel was deeply moved. The project was underway. Thanks to two marvelous directors—Louise Maddox and Pamela McDonald—the Patterson Center was a model from the very beginning for state and nation. Years later, Isabel funded the enlargement of the Center—the doubling of it—and the establishment of the Infant Toddler addition.

Of all the honors she received from community organizations, and as much as she appreciated them, the event that she cherished the most was the annual birthday party in her honor at the Isabel Patterson Child Development Center. Her most prized possessions were the photographs of her with the children on those happy occasions.

Her commitment to "the next generation" and especially little children were evident in her significant support of California State University, Long Beach, Long Beach City College, and the Long Beach Unified School District with loans and grants for individual student support. She wanted students, as has been noted, to have the shoes they needed to attend school.

She cared deeply for the children's programs and this Congregational church and its marvelous minister. She also aided other wonderful institutions in the community such as Cedar House and Sarah Center which help victims of family abuse.

One night, Isabel was seated on my right. And Councilman—at that time Mayor—Tom Clark, was on my left. After I introduced them to each other, Tom noted that "it would sure be nice if the City had a bicentennial clock tower." The next thing we knew, Isabel had committed to the bicentennial clock tower. Later, she wasn't too pleased when the chimes did not always work. Isabel was a great scrutinizer as to what happened with her gifts. The city grew to appreciate the clock tower.

Of course, we all know what happened when Isabel heard an orchestra's rendition of "The Yellow Rose of Texas." Very rapidly the Texan in her came to the fore. Keeping perfect time, she would sa-shey to the middle of the floor, with arms up raised, waving a "Y'All Come!" invitation. Everyone there HAD to come, for this was her "theme song."

Wherever Isabel living in Long Beach, she kept the neighborhood branch of the Public Library in business. During any week, she would have somewhere between 7 to 12 books going. Her reading was eclectic and her reading was eager. She enjoyed history. She had majored in History at what was then Southern Los Angeles—Orange County State College. That name lasted only one year. The students and the state dropped that name. She read biographies. She read novels. And she remembered and read economics. As a child, she was stimulated by her mother's collection of books and often mentioned how her mother's reading to her inspired a lifelong love of learning.

Although Isabel projected a carefree, fun-loving persona, she was also a serious, and a concerned observer of the world in which she lived. She saw that world through the eyes of one who lived and survived the harsh demands of the Depression in Texas. Never shirking from hard, physical work, she always attributed her remarkable success in real estate not to luck, but to "hard work"—as she put it—"and a willingness to clean toilets!" Many a shop owner in Belmont Shore recalled Isabel changing rapidly from her school teacher or real estate wardrobe, putting on overalls, and buying what she needed to fix the plumbing in one of the many houses she was systematically acquiring and improving.

Isabel and I differed about very few things. One was her deep distrust of anything to do with politics. Initially, she was adamantly opposed to my running for the House of Representatives. She felt the same way about Beverly O'Neill running for mayor. The reason she gave for opposition to both of us entering politics was that we "were both too honest." That was flattering, but I suspect she did not want to see either of her friends honest." That was flattering, but I suspect she did not want to see either of her friends hurt. I would kid her and say "Come on, Isabel, don't worry, faculty politics are a lot more difficult than congressional politics." [great laughter] I used the same excuse for Beverly.

However, after Beverly and I were both successful, Isabel was among the first to be there with words of congratulations and support. I did not know that Isabel had actually changed her party registration in order to vote for me in the primary election, until she told me that "My daddy is turning over in his grave." [great laughter] It was a sacrifice for her too, but it was an example of the lengths she would go for a friend. She was a strong Democrat. She kept reminding me that because she had helped me, every Republican group in America seemed to have her on its regular dunning list. [great laughter] Then she would give a hearty laugh and get back to what was occurring in the city or in real estate or whatever topic currently interested her.

Isabel was noted for looking forward, not backward. This is one trait we both cared about, and shared and valued. Two nights before she died, she was very much looking forward to good times with good friends. In a conversation with my wife Nini, they made plans for lunch and to visit the new Infant-Toddler Center at the University which also bears her name. Isabel noted that she was happily looking forward to a short trip with Pamela MacDonald, the second director of the Center, and Barbara Holden, who was also a University staff member and a good friend.

CSULB—the university—meant much to Isabel. She was—as has been noted—its 18th student. She was the first editor of what became the Daily Forty-Niner. She received her degree in English and History. She began her teaching career and enjoyed her 5th grade students as a result of that education.

And all of those who have called her a friend—as I see throughout this audience—you know what I mean. Isabel knew what was right. As a 5th grade teacher, she knew that phonetics was right. At that time, the Long Beach Unified School District prohibited the teaching of phonetics.

Isabel once told me that she taught the students phonetics with an eraser in one hand and the chalk in the other. And she also kept a weary eye on the door as she was teaching phonetics. If the principal was coming through the door, the eraser would wipe out the phonetics which were on the blackboard.

Her reward for violating district policy occurred at the end of the school year. The students had taken the district wide achievement tests.

And one day, the principal called in Isabel and said "Mrs. Patterson, you must have a very exceptional class. They were 25% ahead of every other 5th grade in Long Beach."

Isabel smiled graciously and accepted the compliment.

In her heart, she knew that her teaching phonetics put her class ahead of every other class in the city.

Jack and Connie Shainline have been most helpful to her in these years when some infirmities were beginning to develop. During what would be her last evening she had enjoyed dinner with her good friend Dick Gaylord, who was always there for her at any hour of need.

Cam Killingsworth perhaps expressed the feelings of a lot of us when she wrote me a note: "Welcome home, even though the circumstances are somber. We all have treasured memories—and maybe some not so—of our Dear Isabel, but nothing can overshadow how much I learned from her. The difference she made in my life and the hope that I might spend the rest of my life striving to make in difference in young people's lives, learning from her extraordinary example."

Cam continues: "I spent some time with her the night she died and I am grateful that she appeared well. We went through stacks of pictures that she had been working on for awhile preparing then to send to various friends. We had some laughs and reminisced some about the warm memories that the images evoked. But the pictures that warmed her heart the most were of the university, especially her birthdays at the Center.

Isabel was pleased to hear the latest news of our grandchild—and I know that she would understand and approve why Nini is not here for her today. She is in Pnoenix with our grandchild who was born just a few weeks ago. It is the first opportunity Nini has had to spend a week there to help. Isabel knew that children come first and babysitting assignments by grandmothers are necessary.

Isabel Patterson, as we know, was a great woman, and a good woman, a great friend, and a rare human being. She touched the lives of every single one of us in this beautiful church. And I know that in the years ahead, many of things we do will be done because she came into our lives.

TRIBUTE TO CHURCH OF THE ASCENSION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 30, 1996

Mrs. MALONEY. Mr. Speaker, today I rise to pay tribute to the Church of the Ascension, which is located in Greenpoint, Brooklyn. I am proud to honor the Church of the Ascension here today in celebration of its 150 continuous years of service to its community.

The early days of the Church of the Ascension are remarkable. The church began in 1846, in the borrowed parlor of a house in Greenpoint, Brooklyn. It was officially incorporated as a church in December 1846, and the Sunday school was established in the following year. Services were held during those first years in the Sunday school room of another church, and later in the Odd Fellows Hall, until October 1853, when the first service was held in the Church of the Ascension on Kent Street, in Greenpoint, Brooklyn. Ascension bears the notable distinction of being the first church established in Greenpoint, Brooklyn.

Today, I am proud to report that since June 1995, the Church of the Ascension has been led by its first female rector, Rev. Mabel Burke Lewis. Mother Lewis oversees an active Sunday school with regular classes of Bible readings, games, and projects. There are afterschool programs and a summer day camp, opportunities for adult education, and adult and children's craft groups during the year. Ascension continues to take a leadership role in the Episcopal charities campaign, and has recently begun an adult literacy program and an AIDS ministry in local hospitals. Mother Lewis has introduced healing services at the church and has brought back 12-step recovery programs, after a long absence. Under the able cadence of Mother Lewis, Ascension works with other churches to feed the hungry in Greenpoint.

The Church of the Ascension has become what it is today through a long succession of very inspirational, effective, and dedicated ministers who led Ascension through good and bad times. Too numerous to list here, their contributions to the parish and to the community are the reason the Church of the Ascension can today celebrate 150 years. From fundraising and eliminating debt, to staging Shakespearian plays, to rebuilding after fire, those dedicated and selfless individuals enabled the Church of the Ascension to answer the spiritual and redemptive needs of its parishioners.

It is for these reasons, Mr. Speaker, that I rise today to pay tribute to the Church of the Ascension for its 150 years of service to the parishioners and community of Greenpoint, Brooklyn. I ask my colleagues to join with me in this tribute and in wishing Ascension another 150 years of continued service.

RECOGNITION OF SAMMY GORDON, A LOCAL HERO

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 30, 1996

Mr. SMITH of New Jersey. Mr. Speaker, not long ago I received word of some remarkable work by a very special young man from my district in Trenton, NJ. His efforts were truly commendable and an inspiration to us all. And so I rise today to pay tribute to Sammy Gordon for his efforts to help the victims of last year's bombing in Oklahoma City.

Last April, upon hearing of the tragedy in Oklahoma, Sammy, then age 12 and a 7th grader at Holy Cross School in Trenton, decided he wanted to help the victims. And help he did. Enlisting support from friends, parents, and local merchants, but mostly by his own wits and gritty determination, Sammy managed to raise $3,300 selling lemonade. He chose a truly ingenious location—a local drive-by ATM machine—where the customers were both easily accessible and possessed of ready cash.

Sammy and his friend's original motivation for the endeavor had been the worthwhile goal of building a clubhouse. However, when Sammy heard of the hardships that the bombing victims were enduring, he decided that it would be better to put the needs of others ahead of his own wants.

Sammy's compassion and determination to relieve suffering, stands in marked contrast to the despicable act of wanton cruelty which inspired his efforts in the first place. When a calamity like Oklahoma City is intentionally inflicted, it defies explanation. In the face of such meaningless terror, all of us can be tempted to despair. Responses like Sammy's, however, offer the rays of hope we all need to prevent this despair from setting in. By his act of kindness, Sammy reminds us that this world is far more defined by goodness, than by the evil. The extraordinary success of his endeavor also reminds us that when we take a small step to do good, it can serve as a catalyst and big things can sometimes result.

Finally, Mr. Speaker, this young man demonstrated that personal acts of charity are indispensable to the kind of society we all want to live in. In contrast to Sammy's fast action, it took the Government over a year to decide what the appropriate legal response to this tragedy ought to be. Sammy and others like him stepped forward almost immediately, as only individuals can, and began to fill the overwhelming needs of a community which had been so terribly battered.

In these respects, the money Sammy raised selling lemonade, and forgoing—temporarily, I hope—the construction of his clubhouse, not only helped those who were directly affected by tragedy, but rather it helps us all. That is no small accomplishment.

And so, Mr. Speaker, I rise not only to commend Samuel Gordon, but to thank him as well. I wish Sammy and his friends the best of luck in whatever the future brings them. I believe that if they continue to put the needs of others ahead of their own desires, they will be very happy in their own lives and we will all be richer for it.

AIRLINE PILOT HIRING AND SAFETY ACT OF 1996

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 30, 1996

Mr. TRAFICANT. Mr. Speaker, as a member of the Transportation and Infrastructure Subcommittee on Aviation, I am pleased that today the subcommittee approved H.R. 3536, the Airline Pilot Hiring and Safety Act of 1996. The bill requires airlines to share pilot performance records.

Over the past 8 years, there have been six commercial airplane crashes—all but one on small airlines. According to the National Transportation Safety Board, five of these crashes are attributable to pilot error; 111 people were killed in these crashes. In at least four of these fatal accidents, the employing airline was not aware that the pilots had documented histories of poor performance with other airlines that had employed them.

One of these crashes occurred on December 13, 1994, when American Eagle flight 3379 on route from Greensboro, NC, to Raleigh-Durham crashed 4 miles short of the runway while attempting an instrument controlled landing in poor weather conditions. Thirteen passengers and the two crew members were killed. The pilot, Capt. Mike Hillis, was hired by American Eagle just 4 days after he was forced to quit by his previous employer because of poor piloting skills. American Eagle had no knowledge of his prior poor performance ratings or the fact that he had, in effect, been fired for poor piloting skills.

One of the passengers who died on flight 3379 was William Gibson of Kernersville, NC.

Mr. Gibson's parents, Mary Ann and Howard Gibson, and his sister, Susan Gibson Berson traveled to Washington, DC, last December to appear before a subcommittee hearing on this issue. Mary Ann and Howard came all the way from Warren, OH, in my congressional district. The approval of H.R. 3536 today by the subcommittee is a testament to the hard work, dedication, and vision of the Gibson family and countless other families who have lost loved ones in plane crashes caused by pilot error.

It sorrows me to note that on January 20 of this year, Howard Gibson passed away. I can't think of a more fitting tribute to Howard Gibson and his son, William, than approval of H.R. 3536.

William Gibson was 39 years old when he died. In addition to his parents and sisters, he left behind his wife, Roberta, and three beautiful children: Katie, age 12; Courtney, age 9; and Ross, age 4. William was a senior executive accountant for American Sunroof Corp.

His death was a tragedy—a tragedy shared by the families and friends of other victims who died in airplane accidents that could have been avoided if the employing airline knew of the pilot's previous record.

According to the NTSB, the probable cause of the American Eagle flight 3379 accident was pilot error. The pilot mistakenly assumed that an engine had failed, and the pilot subsequently failed to follow approved procedures for engine failure, single-engine approach and go-around, and stall recovery. Most significantly, the NTSB found that a key contributor to the accident was the failure of American Eagle to identify, document, monitor, and remedy deficiencies in pilot performance and training.

The Federal Aviation Administration does not require a potential employer to conduct a pilot applicant background check. While the FAA requires airlines to conduct security checks of pilot applicants, there is no FAA requirement to verify flight experience, determine an applicant's safety/enforcement history, pilot training and performance in the pilot's previous position, or any criminal or driving history.

The Airline Pilot Hiring and Safety Act requires an airline to obtain the records of a pilot from the pilot's previous employer before hiring that pilot. The bill requires airlines to keep pilot records for up to 5 years, and allows pilots full access to their records and notice of whenever records are being provided. The bill also provides immunity to airlines unless the airline knowingly lies about the pilot's record.

I would like to note for the record that the airline pilots have raised some legitimate concerns about this bill. They argue that many pilot training records are subjective, and requiring record sharing and background checks will result in the sanitization of pilot records to protect pilots' careers. This, they argue, would have the effect of making the system less safe.

While I understand the pilots' concerns, I believe the bill before us strikes a reasonable balance between safety and privacy. And the bill does directly address another concern the pilots raised by requiring the FAA to issue a proposed rule within 18 months establishing minimum standards for pilot qualifications. The airline pilots are right on target when they note that one way to address the safety issue is for the FAA to standardize and tighten pilot hiring standards.

I would also repeat that the bill allows pilots to sue airlines if an airline lied about a pilot. The bill also includes clear language safeguarding the privacy of pilot records.

On balance, H.R. 3536 is a good bill and I am proud to support it. Most importantly, I am proud of Mary Ann Gibson, her daughter Susan, and the entire Gibson family for the work they have done to move this legislation forward. It is my sincere hope that this legislation is enacted into law this year.

TRIBUTE TO ROBERT O'NEAL

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 30, 1996

Mr. JACOBS. Mr. Speaker, Bob O'Neal was one of the best law enforcement officers ever in our country.

It was he who inspired the Indiana's sheriffs merit law which it was my privilege to sponsor in the Indiana General Assembly.

Sheriff O'Neal was also at one time my boss. I worked my way through night law school in Indianapolis as a sheriff's police officer during Mr. O'Neal's two terms of office.

Have thrown the mold away, they will not find another officer quite to fit the shoes of Bob O'Neal.

ROBERT O'NEAL, EX-CHIEF OF INDIANA STATE POLICE, FORMER COUNTY SHERIFF

Services for Robert Andrew O'Neal, 82. Speedway, retired Indiana State Police superintendent and former Marion County sheriff, will be May 24 at 9:30 a.m. in Conkle Funeral Home, Speedway Chapel, and at 10 a.m. in St. Christopher Catholic Church, of which he was a member.

Calling will be from 3 to 9 p.m. May 23 in the funeral home.

Burial will be in Holy Cross Cemetery.

He died May 20.

Mr. O'Neal joined the State Police in 1934. He was appointed superintendent July 1, 1952, becoming the first state police officer to be promoted progressively from the lowest to the highest position in the department.

In 1954, he was elected Marion County sheriff, a position he held until 1962, when he was appointed a U.S. marshal by President John F. Kennedy.

Mr. O'Neal was re-appointed superintendent of the State Police in 1965 and served in that position until retiring from the department in 1968.

He then was appointed police commissioner for the town of Speedway. He was reappointed in 1980 and 1983.

He received numerous awards for his law enforcement activities. He received the Good Government Award by the Indianapolis Junior Chamber of Commerce, the State Legislation Citation for outstanding police work, the Liberty Bell Award by the Indiana State Bar Association and Sheriff of the Year Award by Indiana Sheriffs Association.

Mr. O'Neal served many years as chairman of the 500 Race Traffic Committee after Anton "Tony" Hulman bought the Indianapolis Motor Speedway in 1946. After an unsuccessful bid to regain the Marion County sheriff's job in 1986, he served as the track's safety director from 1988 until his 1994 retirement.

Among the many positions he held in the Speedway community, Mr. O'Neal had been president of Speedway Lions Club and chairman of the Speedway High School Athletic Fund Committee. He also had been secretary of the Speedway School Building Corp. more than 20 years.

He was a member of Indianapolis Athletic Club, Knights of Columbus Council 437 and Indiana Sheriffs Association.

Mr. O'Neal was a graduate of the State Police Training School and FBI Academy.

Memorial contributions may be made to the Bob O'Neal Memorial Fund, in care of St. Christopher Catholic Church.

He was the widower of Emma F. Bernhardt O'Neal.

Survivors: children Robert A. Jr., J. William, John A., Joseph M., Mary Ann O'Neal; eight grandchildren; 11 great-grandchildren.

TRIBUTE TO THE BEACH HOUSE

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 30, 1996

Ms. KAPTUR. Mr. Speaker, I rise today to pay tribute to a Toledo institution which has been serving women and their families for 75 years. The Beach House has worked to meet the needs of our city's homeless women, children, and entire families.

Our Nation's lack of affordable housing is a crucial problem and a principal reason why women often find themselves and their families without shelter. Beach House provides emergency shelter for 30 days in a clean and safe environment with 24-hour supervision 365 days a year. An on-staff licensed social worker helps clients to establish a plan of action, which includes finding housing and making referrals to other agencies for needed assistance.

Beach House opened its doors in May, 1921, under the guiding hand of Mrs. Helen Beach Jones, the wife of Toledo's Mayor "Golden Rule" Jones. Mrs. Jones worked with several women's organizations to establish the shelter, and named it Beach House in honor of her mother Harriet Beach. In 1982, the shelter expanded its clientele to include fathers and husbands in order to keep homeless families intact.

The Women's Protective Association has governed and managed the shelter from its inception. In 1941, Beach House moved to its present location, and in 1963, it received a charter as a nonprofit organization. A recent complete remodeling of the shelter has made it accessible to disabled persons.

Beach House also operates a transitional shelter project called Steinquest House that allows qualifying women and families to continue supportive services for up to 24 months.

Mr. Speaker, at 75, Beach House is a wonderful example of a community helping its own. It has seen good times and bad times. It has seen depression and war, and throughout its years Beach House has served the women of Toledo and their families with steadfastness and with compassion. I commend Beach House to my colleagues. We know it will be there whenever there is need.

TRIBUTE TO JESSICA AND BRUCE POMERANTZ

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 30, 1996

Mr. TORRICELLI. Mr. Speaker, I rise today in honor of the AIDS Walk organized by Jessica Pomerantz of Cresskill High School on Sunday, June 2. The scourge of AIDS has left few homes and families unscathed by its wrath. The most recent figures available estimate that nearly one-half of a million people have been stricken with AIDS, and it is now the leading cause of death among young to middle-aged Americans. The most frightening aspect of the disease is its failure to discriminate among its victims. From heterosexuals, to homosexuals, to African-Americans, to Latinos, all identifiable groups have found themselves its targets.

My greatest concern, however, is the toll that has been taken on the female population. AIDS is now the fourth most common cause of death among American women. In the State of New Jersey, the situation has been particularly grim. Sadly, New Jersey has one of the highest rates of heterosexual transmission in the Nation. Of these cases, an overwhelming majority are women, and the numbers will only increase. Women account for more than one-third of the total number of HIV-positive adults in New Jersey. More significantly, over one-quarter of New Jersey's full-blown AIDS patients are women—the highest rate in the country.

Nationwide, the condition surrounding minorities has been equally bleak. Rates of African-Americans and Latinos with AIDS, for example, continue to increase steadily. New Jersey mirrors this national picture. Statistics demonstrate that minority women in the State have been particularly hard hit. Together, African-American and Latino women accounted for more than three-quarters of all female AIDS cases in New Jersey last year.

Educating the public about these problems, as well as preventive measures, will do a great deal to begin curbing the spread of AIDS. Some progress has been made already as rates of transmission through injection drug use have decreased. However, a great deal of work remains to be done.

For this reason, Jessica and Bruce Pomerantz are to be congratulated for their efforts on behalf of the AIDS Walk to bring these issues to the forefront of our national consciousness. In order to effect real change in this country, it is essential that more concerned citizens like Jessica and Bruce act to heighten our awareness of the startling facts. The victimization of women and minorities should not be allowed to continue any more.

TRIBUTE TO ETHEL SEIDERMAN

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 30, 1996

Ms. WOOLSEY. Mr. Speaker, I rise today to honor one of my district's most dedicated and caring individuals, Ethel Seiderman. Ethel is being honored as a 1996 Educator of the Year. I wish that I could join with her colleagues, friends, and family tonight to celebrate her remarkable accomplishments.

In 1973, Ethel founded and served as the first director of the Fairfax San Anselmo Children's Center which soon became a model institution in the field. The center serves 125 children from low and moderate income families between the ages of 3 months to 10 years. In developing innovative programs to serve mildly ill children as well as those with special needs, and with extended hours of care, over 1,000 families have benefited directly from Ethel's vision of accessible and affordable child care.

After her tenure as site director, Ethel went on to head the parent services project with the goal of integrating family support components within child care programs. Ethel has secured funding from both private industry and foundations while pursuing the creation of a long term, stable funding base for these model programs. Ethel is also a sought after speaker and consultant for the California State Department of Education, The Family Resource Coalition, and Head Start.

Ethel's tireless efforts on behalf of children and families have resulted in an unparalleled partnership between parents, providers, businesses, and government agencies. This coalition has improved the accessibility and elevated the quality of child care in Marin County and serves as a model to the entire Nation.

Mr. Speaker, it is my great pleasure to pay tribute to Ethel Seiderman and I extend my hearty congratulations and best wishes to Ethel for continued success in the years to come.

REMARKS OF SENATOR CHRISTOPHER J. DODD AT THE NATIONAL DAYS OF REMEMBRANCE CEREMONY

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 30, 1996

Mr. LANTOS. Mr. Speaker, on April 16, Members of Congress, members of the diplomatic corps and hundreds of survivors of the Holocaust and their friends gathered here in the Capitol Rotunda for the National Days of Remembrance commemoration. The U.S. Holocaust Memorial Council was established by Congress to preserve the memory of the victims of the Holocaust. I commend the Council and the members of the Days of Remembrance Committee, chaired by my good friend Benjamin Meed, for their vigilant and genuine adherence to their extraordinarily important task.

One of the first acts of the Council was to establish the annual Days of Remembrance commemoration to mirror similar observances held in Israel and throughout our Nation and elsewhere in the world. This year, the commemoration centered on the 50th anniversary of the Nuremberg trials. The observance was a reminder of the difficult process of first coping and then healing that all survivors and their families and loved ones had to endure.

Our colleague from the other body, Senator CHRISTOPHER DODD, made a memorable speech at this historic ceremony. The Senator draws upon the personal experience of his father, Thomas Dodd, who served as a prosecutor at Nuremberg, to chronicle the extraordinary task of bringing the story of the World War II to light while being true to the cause of justice. At a time when the rest of the world looked to Nuremberg with the most passionate of feelings, Thomas Dodd was enlisted to ignore his feelings in the course of his prosecution so that the Nazi war criminals would have the chance to defend themselves that none of their victims had. I invite my colleagues to read Senator DODD's remarks and gain a full appreciation of the accomplishments of Thomas Dodd and the trials of Nuremberg.

DAYS OF REMEMBRANCE

(By Senator Christopher J. Dodd)

I stand before you today not only as a Senator and an American, but more profoundly as the son of Thomas Dodd:

A man who in the summer of 1945 left my mother, myself and my four brothers and sisters and journeyed to a place called Nuremberg.

My father wasn't asked to shoulder a rifle, fly a plane, or parachute beyond enemy lines.

His responsibility was not to fellow soldiers or officers.

My father went to Nuremberg as a prosecutor with a solemn obligation to the victims and the survivors of Nazi atrocities, to see justice prevail over inhumanity.

And, I stand here before you today to bear witness to my father's experiences at the Nuremberg tribunals 50 years ago. Growing up as a child, my father often spoke to his family about his time in Germany and what he learned of the Holocaust.

The particulars: Goering and Goebbels, Auschwitz and Dachau were peoples and places with which I became intimately familiar.

I knew far more about the events of the Holocaust than most people of my generation because my father wanted his children to learn and never forget.

Today, on this day of remembrance I think back to those early lessons and what my father might say if he were with us today.

My father left Nuremberg with a greater fervor for the need to uphold freedom and human rights and to speak out against intolerance, and injustice wherever it may rear its head.

The fifteen months he spent prosecuting Nazi war criminals defined the type of public person he would become and dictated the issues that he so passionately fought for throughout his life.

The struggles at Nuremberg were not easy ones. My father and all those who were there, were burdened with a grave responsibility:

To not only punish the guilty but to also reassure the survivors that future generations would never forget the atrocities.

While these represented arduous challenges, my father and his colleagues at Nuremberg understood their obligations.

During the fifteen months my father spent in Nuremberg he wrote to my mother every single day. In one particularly poignant letter, he said:

"Sometimes a man knows his duty, his responsibility so clearly, so surely he cannot hesitate—he does not refuse it. Even great pain and other sacrifices seem unimportant in such a situation. The pain is no less for this knowledge—but the pain has a purpose at least."

And the pain certainly had a purpose.

Because whatever its legacy on international law, the Nuremberg tribunal permanently enshrined into international diplomacy the notion that the hand of vengeance ultimately would be steadied by the rule of law.

After the surrender of Germany and once the ghastly atrocities of the Holocaust had been revealed to the world there was a natural impulse to lash out in vengeance.

Some leaders, such as Winston Churchill called for the immediate execution of Nazi leaders, without trial.

In a sense this furor was quite understandable.

But, at Nuremberg, the United States and her Allies ended this war the way they had fought it, by embodying. What Abraham Lincoln called, "The better angels of our nature."

When millions of innocent Jews were jammed into boxcars on the way to the railroad sidings at Auschwitz, Treblinka and Dachau to be selected for extermination they weren't granted the right of due process; they weren't granted the right to defend themselves.

For them, there was no justice, only a "final solution" in the crematoriums and gas chambers of the Nazis.

But at Nuremberg, the allies recognized that the only true antidote to the savagery of the Nazis was justice.

That's why at Nuremberg defendants were given the right to defend themselves.

That's why at Nuremberg they were able to choose their own legal representation.

That's why at Nuremberg they were given the right to speak on their own behalf.

And that's why at Nuremberg three of the defendants were acquitted.

Consider the words of Supreme Court Justice Robert Jackson in describing these actions:

"That four great nations, flushed with victory and stung with injury stay the hand of vengeance and voluntarily submit their captive enemies to the judgment of the law is one of the most significant tributes that power has ever paid to reason."

Recently, looking through my father's letters, I came across a wonderful anecdote from that time.

After only a few weeks in Germany, my father had the opportunity to go to a baseball game at the very same stadium where, in my father's words, "Hitler corrupted and misled the youth of Germany."

But on that day, in the summer of 1945, the voices of evil that had once reverberated in Nuremberg were replaced by the sounds of 40,000 Americans doing the "most American of things";—watching a baseball game.

Something as wholesome as baseball is, I believe, a wonderful metaphor for the triumph of American optimism and American ideals over the forces of Nazism.

At Nuremberg, America's commitment to the ideals enshrined in our Constitution remained intact even in the face of unspeakable horror.

My father felt very deeply that this is the ultimate legacy of Nuremberg; our triumph in arms led to the triumph of our ideals.

And as we gather to remember the lessons of Nuremberg 50 years later, I know that if my father were here it is the legacy of the international rule of law that would be paramount in his mind.

In closing, I want all of you to take a brief look at this beautiful setting:

The Rotunda of the Nation's Capitol, the home of the world's greatest democracy.

The ideals that America so brightly represents; freedom, equality, the rule of law and the rights of man find shelter in these halls.

It was those principles that served as lodestars for my father and the many participants at Nuremberg.

And in this time of remembrance, it is those standards that we must commemorate because they represent the true moral and ethical ideals that we defended 50 years ago and which we must continue to strive for as a nation and as a people.

STATEMENT BY DANIELLE DUSHARM, HEATHER SKIDMORE, JESSICA WILLIAMS, AND ETHAN THIBAULT REGARDING DRUG EDUCATION

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 30, 1996

Mr. SANDERS. Mr. Speaker, for the benefit of my colleagues I would like to have printed in the RECORD this statement by several students from Champlain Valley Union High School in Vermont, who were speaking at my recent town meeting on issues facing young people:

We chose the topic of Drug Education for middle school through some high school students, just because we feel that drugs are everywhere, and in every high school, and involve many people.

I'm going to give you a couple of statistics. In 1992 [the] Drug Education budget was cut, and since then the per cent of 8th graders rose from 6.2% in '91 to 13% in '94. That is 110% increase. From 1992–94, pot use rose 62% among the 10th graders, and 40% among 12th graders. In '91–94, 8th graders who say [they] use pot in the previous years doubled to 13%. In '92–94, pot use among the 10th graders increased 66%, while 12th graders increased 40%. In '94, 95% of 10th graders and 31% of 12th graders said they used marijuana in the past year. Pot use has had the most dramatic turn-around in the 1990's.

Other drugs on the rise, gradually: LSD, hallucinogens, stimulants, barbiturates, and cocaine and crack, in 1994. At every grade level from eight through twelve, one in five or six tried sniffing an inhalant (such as glue, aerosol, paint thinners), to just produce "instant highs." Eighth graders are most likely to have used inhalants than any other drug except alcohol or tobacco. More than a third of the eighth graders surveyed last year, and nearly half of the twelfth graders said they used illicit drugs at least once. 20% of the 8th graders said they had used inhalants, the most widely-used drug in the age group.

I'm going to go a little bit into some of the drug education programs that are out there. DARE, which is Drug Abuse Resistance Education; it's not proven to be effective as far as 7th and 8th graders go. They're more concerned about being distant from adults, and more concerned about being accepted among their peers. A police officer comes in, you know, this is great for 5th graders; they love the cops, and the whole idea of them coming. But as far as the police officer question and answer, it's not very effective. Kids as far as 7th and 8 graders ask questions that they shouldn't be asking. They should be asking questions on . . . the effects of this drug: what would it do in long-term of use. It's proven that 5th graders that have been introduced to the D.A.R.E. Program increased tobacco use from 7th to 9th grade from 13% to 37%, and I see that as being a high jump, considering it's supposed to be preventing drug abuse.

There's another program called the All-Stars Program, which is involving 7th graders in Lexington, North Carolina. It doesn't have teachers teaching. It has the children doing skits—acting out plays—teaching themselves without realizing that they're actually teaching each other to not do drugs. I believe that's a pretty effective way of doing it.

There's also a Life Skills Training, that involved 3,597 predominately white, middle class students in 56 public schools in New York, which were users of alcohol, tobacco and marijuana. The whole program consists of: 15 classes in 7th grade; 10 booster sessions in 8th grade; and then it continues on to your freshman year in high school, where you're actually involved with older peers, as far as 12th graders that are more experienced into the drugs. Among these students that got the complete program vs. a control, 44% fewer were pot smokers (weekly), 23–33% fewer students got drunk once/month, and about 33% fewer were a pack a day smoker. So, the program seems to be pretty effective as far as teaching education on the effects of drugs and what it does to you, other than, you know, question & answer.

That's pretty much it.

Congressman SANDERS. Thank you very much. (APPLAUSE) Let me ask you a couple of questions. From your own personal observation, how serious is the drug and tobacco problem for young people in the State of Vermont?

Answer. Very serious. I mean, it's everywhere. . . . To me, I feel like there's no way you can escape it. You walk into a bathroom at school, and there's nothing but filled with smoke. I mean, there are other bathrooms to use, but if that happens to be the closest one, there's no way of avoiding it. You know, you tell them to stop, you bring them to the office, it doesn't stop it; they're going to do what they want, just because, they're rebelling against the administration, or whatever it is. And, I just feel a lot of it needs to be dealt with as far as education.

Congressman SANDERS. What you've suggested is that some of the government programs, at least in your judgment, might not be that effective—are not working. What would you suggest to the State of Vermont actually in order to get kids away from drugs and tobacco?

Answer. I would suggest—I would start educating in 5th grade, but then continue through 7th and 8th grade; but not doing is as D.A.R.E., where an officer comes in. You have them acting out skits . . . one student being the supposedly drug dealer and another being peer-pressured into it, and . . . have another student in there saying, "You know, don't do it." So, pretty much teaching each other to not do drugs.

TRIBUTE TO JOHN M. RUPCICH, 1996 OAK CREEK CITIZEN OF THE YEAR

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 30, 1996

Mr. KLECZKA. Mr. Speaker, I am pleased to rise today in tribute to Mr. John M. Rupcich, the 1996 Oak Creek Citizen of the Year.

Mr. Rupcich, the chief executive officer of NDC, Inc., has given generously of his time and many talents over the years to enhance the lives of all who live and work in Oak Creek, WI. As a successful and well-respected businessman in our community, John has lent many a hand to the area's nonprofit and service organizations, for the betterment of their clients and the public at large.

Mr. Rupcich, who was one of the driving forces behind the planning and construction of the beautiful, new Oak Creek Community Center, will be honored, very fittingly, at a recognition dinner at the community center on June 7.

I look forward to joining John's many friends, business associates, and his family in paying tribute to him that evening.

KING'S COLLEGE JUBILEE ANNIVERSARY

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 30, 1996

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to King's College, a distinguished institution of higher learning in my district in Pennsylvania. This week, King's will celebrate its Jubilee Anniversary, and I am pleased to be able to participate in this event.

King's College is fortunate to have as its president, Father James Lackenmier, C.S.C., who has demonstrated tremendous leadership during his tenure as president of King's. He has motivated both students and facility members to participate in the activities of King's College and the surrounding community. He has driven his colleagues and students to always strive for the highest level of success, with special attention to an agenda he initiated for the college, "Emphasis on Excellence."

As early as 1938, Bishop William J. Hafey had a vision of a Catholic college in Wilkes-Barre, PA. The college would afford Catholics in the Wyoming Valley a chance for higher education. The Bishop postponed his dream while the depression lingered and the United States prepared for the Second World War. In 1944, when the war began to wind down, the Bishop took the steps to make his dream for a Catholic college a reality and contacted the Holy Cross Fathers at the University of Notre Dame. The Fathers were invited to open a sister school in Wilkes-Barre. Soon after his proposal was made, Bishop Hafey received word that the Holy Cross Fathers were interested in the idea.

Father John Cavanaugh, C.S.C. was sent from Notre Dame to discuss the details with Bishop Hafey. Shortly thereafter, Bishop Hafey traveled to New York to meet with Father Albert Cousineau, C.S.C., the Superior General of the Congregation of the Holy Cross to seek his sanctions of the plans. In March of 1945, Bishop Hafey got word that the Holy Cross Fathers accepted his invitation to establish King's College, the name chosen to honor Christ the King.

On April 20, 1945, The Catholic Light newsletter headline read "College for Men to be Opened in Wilkes-Barre." The opening date of the college depended on the "conclusion of the war" and "the ability to obtain priorities for the necessary renovations which must be made in the temporary home for King's College." Bishop Hafey had expectations that the many returning servicemen would use the G.I. Bill of Rights to enroll in college upon returning from the war.

Father James W. Connerton, C.S.C. arrived in Wilkes-Barre from the University of Notre Dame with $200 in expense money and instructions to buy a typewriter and start the college. Until the faculty residence became available the following August, Father Connerton resided in St. Mary's Rectory as the guest of Bishop O'Connor.

Mr. Speaker, the early days of King's College were spent untying the administrative red tape, and obtaining the incorporation papers through the courts. Between May and September of 1946, 306 applicants were accepted for admission out of more than 500 young men. Most were newly discharged veterans just as Bishop Hafey had hoped. The faculty began to arrive in Wilkes-Barre. King's College became a reality.

A beaming Bishop Hafey celebrated the solemn opening mass. At the end of the liturgy the bishop spoke the words which have become the cornerstone of the beginnings of King's College.

> The day when a seed planted is a day rooted in hope . . . this day the seed of a new college is planted in the soil of Luzerne County in the State of Pennsylvania. One hundred years from this day the unborn hundreds, perhaps thousands, will gather to recall historically its beginnings, to recount its growth, and especially to estimate its fruit, its worth to the community of human beings living here their temporal lives in preparation for life eternal; its service to God, to country and immortal souls.

Mr. Speaker, it is impossible to estimate the value of King's College to the Wyoming Valley, King's has overcome 50 years of social and economic change. In 1972, when the Susquehanna River spilled its banks and inundated the Wyoming Valley, King's was among the hardest hit. The college survived the social changes of the turbulent 1960's and women became a familiar sight on campus. From its humble beginnings to a 15-acre campus which includes the College of Arts and Sciences and the McGowan School of Business, King's has been recognized by Barron's Best Buys in Higher Education and U.S. News and World Report.

Mr. Speaker, the Wyoming Valley and Wilkes-Barre are indeed fortunate that Bishop Hafey realized his dream some 50 years ago. I salute King's College and praise my friend Father Lackenmier for all his leadership. I wish all the best and much continued prosperity for the King's College, its students, and its graduates.

STATEMENT BY JENNIFER CARLSON, JOHN DRISCOLL, BEN LECLAIR, JENNIFER DESJARDIN, AND HEATHER WILES REGARDING FINANCIAL AID REFORM

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 30, 1996

Mr. SANDERS. Mr. Speaker, for the benefit of my colleagues I would like to have printed in the RECORD this statement by five Champlain Valley Union High School students, who were speaking at my recent town meeting on issues facing young people:

John: We'd like to first have all the people out in the audience who are going to attend college to stand up right now. All right. Whoever can pay off college by themselves, without any assistance from the government, or the college, please keep standing. Anyone who requires any kind of financial aid, please sit down. Okay, I see one person out in the audience that can afford college.

Okay, that's what's happening around the country right now, is that people of our generation cannot afford college. The cost of many colleges are approaching $30,000. People just can't afford that.

I know in my personal experience, I'm going to a college that costs $28,000; my mom works full-time as a teacher, and she only makes $26,000. Without financial aid of any sort, going to my college of choice would be impossible. And the U.S. is unique in this fact, in that almost all of its young and brightest citizens end up being in debt, be it $30,000 or even $100,000. This really isn't right.

Ben: And in today's society, having a college education is a must. Anyone that expects to succeed needs to have a college education. You've heard the facts already, that the males that go to college are 50% higher than high school graduates, and without the funding of student aid and good financial packages from colleges, it's impossible for our generation—for us, for any of us—to really make any contribution to our nation. And we're in strong support of raising student aid to normal people, not just the people that really need it, in the lower class, but in the middle class, where you won't qualify for the financial aid that you need. But yet, you cant' afford to pay it yourself. John's got a graph that talks about how income has risen, and the cost of college has risen also.

(John got up with graph) As you can see, the bar on top is the Median* Household Income for families in U.S. (1980–2000;) and at the bottom is the cost of 4-year colleges across the board. (*taken from U.S. Census Bureau) And the gap . . . ends up being about $10,000; and $10,000 is not enough for a family, the moderate American family, to live on. You also have to count taxes in that, and taxes slash the American family income by about ⅓. This means that the families have little or no income after paying for college.

Ben: And one of our resolutions is that as a student, you get a loan from the government, and in order to pay back the loan that the government gives, is by doing work for the government itself, in the field that they study. So, for instance, I want to study Journalism in college. Well, the government would give me a certain amount that would help pay for college that would lessen the burden on myself for paying it. A board would decide how long a person would have to work, say it would be 4 years for the government, or whatever, in that special range, working with public relations and communications, and so on and so forth. We believe that could work, and it very well can work. Also, we just read in the Globe about how President Clinton is (signal) working on doing . . . for every student in top 5% in the high school graduating gets a $1,000 merit scholarship. That's good, but it's not enough. Each student, by need, has to have the necessity to make this country better, and without a proper education, it's not going to get any better.

John: One of the best things, in addition to loans, is federal financial aid, is to make all college costs deductible from your taxable income, so that—the family will have more disposable income, and can write-off more income, so they pay less taxes while sending their kids to school. Hopefully this will encourage more people to go to school. The government will get the money back in the long run, so it's not like it's hurting the budget that much.

Congressman Sanders: Okay. Thank you for your testimony. Let me ask you a couple of questions. Given the problems that you've articulated, what is your understanding as to what Congress is doing right now to address those problems?

Answer: Well the Republican-controlled majority in Congress has not been very forgiving of . . . the cost of college; they believe that balancing the budget is more important than keeping our young people afloat, and going to college. They've been really selfish in that.

Congressman Sanders: Let me ask you another question. We have heard from a number of the panelists today a great concern, and it was interesting to see so many people stand up, and say, "Yes, we are going to need help from the government or from some other source in order to go to college." Given that reality, is it your judgment that the students themselves have been effective politically in fighting for more federal aid to education. Have they done as good job in making their concerns known to their elected officials?

Answer: I think a lot of them are not really at an age to make an impact, because of their age, they're not old enough to vote, and really vote for the candidates that will help raise the financial aid. President Clinton is trying the best he can, but with the Congress being so closed-minded in some respects, we don't really have a say.

SUPPORT FOR HIA DATABASE CENTER

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 30, 1996

Mr. GEKAS. Mr. Speaker, I rise today during our debate on H.R. 3517, the Military Construction Appropriations Act for fiscal year 1997, to express my strong support for the establishment of a site database center at the Harrisburg International Airport (HIA), in Middletown, PA. Located on the immediate and surrounding grounds of HIA (the former Olmsted Air Force Base) is a Superfund Site, designated in 1984, the existence of which is due directly to the activities that took place during the operation of Olmsted Air Force Base from 1917 to 1967. For the last 13 years, an intense effort has been undertaken at the local, State and Federal level to determine the nature of the hazardous waste left by the Air Force when it closed Olmsted, the origins and locations of its spread, and remediation of the waste, all within the dictates of the Superfund designation and with the goal of getting HIA deleted off the Superfund list by the end of this year.

My involvement with the HIA Superfund Site has been since 1983 when it was thought, erroneously we now know, that an inclusion on the Superfund list would be the fastest, cheapest and best way to clean up the waste left by the Air Force. How wrong we were in that thinking is another, longer story. But, in the years since HIA was put on the Superfund list, the Air Force, the Army Corps of Engineers, the Commonwealth of Pennsylvania (the current owner of the land), local, regional and private entities, our late U.S. Senator John Heinz, former Senator Wofford, current Senators SPECTER and SANTORUM, Congressman MURTHA, and this Member of Congress (along with many others too numerous to mention at this time) have sought to make the cleanup at HIA a model site cleanup program for other Formerly Used Defense Sites (FUDS) across the United States to emulate.

As part of the cleanup effort, funds were dedicated in several Defense Appropriations bills to provide for a full cleanup of the site. All parties have understood that full cleanup meant that following Superfund delisting the land in question should be available for public and private development. Throughout the cleanup process, volumes of data have been collected from the several environmental investigations conducted for the final remedy and delisting of the site. A crucial part of the current delisting effort and any post-delisting development that occurs is the interpretation and management of this data. Remediation cannot occur under Superfund without the requisite interpretations of site data. Post-Superfund developers must know what happened on the site, and any future environmental questions that arise at HIA must refer back to the data from the current cleanup effort. When all the current participants have left the site, the only reliable reference source will be a database.

Unfortunately, as we near the end of the long march to delisting, a serious bar to full cleanup has arisen: the maintenance of a useful site database. The Air Force, through the Army Corps of Engineers, refuses to either maintain, or pay for the maintenance of, a site database. The Air Force is wrong in their refusal. From the very beginning, in my many meetings with various Secretaries and Under Secretaries of Defense regarding HIA, it was fully understood that post-Superfund site maintenance would include a managed database, and appropriations were made with the database in mind.

In fact, the Department of Defense, as recently as this year, has stated its support for the type of post-remediation followup the database would provide. In a February 22, 1996 letter from Sherri W. Goodman, Deputy Under Secretary of Defense (Environmental Security), she cites her support for the annual report to Congress of the Defense Environmental Response Task Force (DERTF), which she chairs: "The purpose of the DERTF is to study and provide findings and recommendations for expediting and improving environmental response actions at military installations being closed or realigned." Further, Section 3.3 of the DERTF Report states: "Effective measures must be in place before transfer of property to ensure adequate protection of human health and the environment." And, in the same report, Section 3.4—Liability For Subsequent Response Actions: "However, further cleanup may be required if the land use changes and the original remedy, although protective for the anticipated land use, is not fully protective under the new land use."

Mr. Speaker, how can the Department of Defense in one publication express a need for and responsibility of site maintenance in the future and then deny such maintenance as is proposed with the site database for Harrisburg International Airport with the site database? And, to further weaken the DoD position on the HIA database, I offer that the Pennsylvania State University (PSU) at Harrisburg, which also serves as the Pennsylvania State Data Center, has proposed to manage and maintain the HIA site database for five years for under $123,000. Mr. Speaker, this is a public entity, a professional data center, and an on-site location which has offered to manage a database for five years for a price the Department of Defense would probably charge for one year (and not do nearly as well).

Mr. Speaker, the facts are these: the Department of Defense made a commitment to this Member of Congress and the Commonwealth of Pennsylvania to manage and maintain this database; the Department of Defense has stated this year in a Report to Congress its commitment to post-cleanup development and database management at its waste sites; the Pennsylvania State University has offered the best database management service at the best location for the best price. Mr. Speaker, I believe that the Committee on Appropriations could have easily been persuaded to require the Department of Defense to fund this site database. We hope that the Department of Defense, and the Air Force and Corps of Engineers in particular, will see that the PSU database offer is the proper—and best—way to proceed and will make available the $123,000 for the PSU-managed database from the appropriations it has already been given by the Congress to fully clean up the HIA/Olmsted site.

KHALISTAN SYMPOSIUM AT LONDON SCHOOL SHOWS KHALISTAN MOVEMENT IS GAINING MOMENTUM

HON. GARY A. CONDIT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 30, 1996

Mr. CONDIT. Mr. Speaker, the Khalistan Society at the London School of Economics recently sponsored a seminar on the subject of freedom for the Sikh nation in an independent Khalistan. The keynote speaker was Dr. Gurmit Singh Aulakh, president of the Council of Khalistan, who has been vigilant in leading his people in the struggle for freedom. Other participants included British Member of Parliament Max Maddon and Mr. Rahman of Amnesty International. The Khalistan Society works to promote a free and independent Khalistan among the students and faculty of the London school. The London school is one of the world's most prestigious institutes, and this seminar is a significant step forward in the movement to liberate Khalistan.

The Sikh nation has suffered greatly under Indian tyranny. The Indian regime has killed over 150,000 Sikhs since 1984, as well as tens of thousands of Kashmiri Muslims, Christians in Nagaland, and other peoples throughout the subcontinent. No Sikh has ever signed the Indian constitution. In the past few days, a Khalistani American was arrested in India and charged with possessing a gun and drugs, which there is good reason to believe were planted on him. This is a standard tactic of the Indian police. In February 1995, Sikh human rights activist Jaswant Singh Khalra released a report that showed that the Indian regime had abducted, tortured, murdered, and cremated more than 25,000 Sikhs. For having released this report, Mr. Khalra was himself abducted by police while washing his car in front of his house on September 7, 1995. Despite international protest, the Indian Government refuses to release Mr. Khalra. His whereabouts remain unknown. I call upon the new Indian Government to release Mr. Khalra and all the other Sikh political prisoners languishing in Indian jails, some under now-expired emergency laws.

The Sikh nation has a tradition of self-rule. Sikhs ruled Punjab from 1710 to 1716 and from 1765 to 1849. When America was fighting for its independence, the Sikh nation was ruling itself independently. Punjab was the last part of the subcontinent to fall to the British. During India's struggle for independence, overwhelming majorities of those killed and jailed were Sikhs. When India achieved its freedom, three nations were to receive power. The Muslims received Pakistan, the Hindus got India, and the Sikh leadership cast its lot with India on the promise that Sikh rights would be respected and no law affecting those rights would pass unless they consented to it. Of course, those promises have not been kept. The collapse of the corrupt Congress Party, which has ruled India since independence, provides an opportunity for a new direction in Indian politics. I hope that the new government will respect human rights and let the Sikhs and the other occupied peoples of the subcontinent live in freedom. The breakup of India is inevitable. The handwriting is on the wall. Only a free Khalistan will allow the Sikh Nation to live in peace, freedom, prosperity, and dignity.

I am introducing Dr. Aulakh's speech to the seminar into the RECORD along with a press release issued by the Khalistan Society.

SIKH NATIONAL IDENTITTY AND THE STRUGGLE FOR AN INDEPENDENT KHALISTAN

(By Dr. Gurmit Singh Aulakh)

Ladies and gentlemen, students, fellow Sikhs: I want to thank you for providing me this opportunity to come to the London School of Economics and talk on issues facing the struggle for an independent Khalistan.

In 1984 I was working as a research scientist in Boston studying the genetics of mycoplasmas, the reactivation of the herpes virus and the biology of cancer and AIDS. Nineteen eighty-four was also the year the Indian government attacked the Golden Temple and 38 other Gurdwaras throughout Punjab. Twenty thousands Sikhs were killed. The Akal Takht was destroyed. Nineteen eighty-four was also the year two Sikhs assassinated Indira Gandhi for ordering the desecration of the Golden Temple. In response, high-level politicians in the ruling Congress (I) party fomented the massacre of Sikhs throughout India. Crazed Hindu mobs slaughtered 40,000 Sikhs and destroyed millions of dollars of Sikh property. Two years later, in 1986, I left my job at Harvard Medical School and dedicated myself to attaining freedom for the Sikh nation.

Nineteen eighty-four marks a watershed year for the Sikh nation. It was a year of rude awakening, a year Sikhs awoke to the reality that as a nation we were no longer safe under Indian rule. But during the past 12 years of my involvement with the struggle for Sikh freedom, I have come to see very distinctly that 1984 did not occur in a vacuum. Sikhs have been agitating for some of their most fundamental rights as a nation since the British pulled out of the subcontinent in 1947. Furthermore, it is plainly evident that nothing in Sikh history suggests that Sikhs would be remotely satisfied under the rule of a foreign power. Let me make it perfectly clear that the Sikhs are an independent nation. This is our identity. We were wrong to join India after partition in 1947. We were lied to; we were duped, we were manipulated and we have paid dearly. Today we want our freedom, and this is fully consistent with our national character.

The first Sikh Guru Nanak, lived in the 15th century, a time of immense turmoil. He witnessed the brutality of the Mughal invaders who had swept down through Afghanistan into the northern subcontinent, terrorizing the local populations. According to the Sikh historian Harbans Singh, Guru Nanak's voice offered "the only strongly vocal protest in India against the invasions of Barbar, founder of the Mughal dynasty." Guru Nanak also spoke out against the social evils of the caste system which promoted vast inequality among fellow human beings. Guru Nanak recognized all humanity as one and knew that the free life was the only life worth living.

The succeeding nine Gurus of the Sikh faith further developed what Guru Nanak set into motion. When the tenth Sikh Guru, Guru Gobind Singh, baptized the Sikhs into nationhood in 1699, he specifically commanded all Sikhs to stand up to tyranny no matter where it exists. Guru Gobind Singh, too, knew the importance of maintaining one's freedom, and he was certain to pass this legacy on to the Sikh nation. Every morning Sikhs pray "Raj Kare Ga Khalsa: The Khalsa Shall Rule." After the death of Guru Gobind Singh, Banda Singh Bahadur swept through the Punjab, defeating the forces of the Mughal rulers who had earlier outlawed the Sikhs, placing a hefty bounty on severed Sikh heads. Banda Singh's rule lasted from 1710 to 1716.

Wars with the brutal Muhgals followed Banda Singh's rule. The Sikhs fought valiantly against great odds. During the lowest periods of those days, Sikhs rallied together to chant "Raj Karega Khalsa: The Khalsa Shall Rule." It wasn't until 1765 that the Sikhs reestablished their kingdom under the Khalsa Misls, who were later consolidated by Maharajah Ranjit Singh in 1799. Ranjit Singh's rule was characterized by an enlightened form of government that recognized the equality of all citizens regardless of religious affiliation or social class standing. Indians today choose to forget that the territories held by the Sikhs extended from the borders of China and Tibet in the North to the deserts of Sindh in the South and from Afghanistan in the North-West to the river Ganga in the East. Indians also seem to forget that it was the Sikhs who halted the foreign invasions from the North-West of the subcontinent that had been going on for thousands of years.

The point in all this history is to show that Sikhs have forged for themselves an independent national identity. According to the UN charter, a nation is marked by one or more of the following characteristics: common descent, common tradition, common heritage, common culture or common language. The Sikhs qualify on all counts. Current attempts to define Sikhs as less than a nation are thinly veiled attempts to keep Sikhs from attaining their rightful place in the international community.

The Sikhs ruled Punjab until they were annexed by the British in 1849 at the conclusion of the Anglo-Sikh Wars. The Sikhs were the last nation on the Indian subcontinent to fall to the British and the record shows that the British recognized the Sikhs as a sovereign, independent nation. Indeed, if not for the treason of a few highly place Dogras who betrayed the Sikh nation by sabotaging the Sikh army in return for British favors, the Punjab may never have fallen into British hands. Sikhs were also the first nation on the subcontinent to raise the cry of freedom from the British. It was the Sikhs who suffered the overwhelming number of casualties during the struggle to oust the British. Though the Sikhs at the time comprised 1.6% of the population on the subcontinent, 85% of those hanged by the British were Sikhs; 80% of those exiled were Sikhs; and 75% of those jailed were Sikhs.

In 1947, when the British pulled out of India, three nations were recognized to receive the transfer of power: the Muslims, the Hindus and the Sikhs. The Muslims took their share in the newly created Pakistan; the Hindus took current-day India and the Sikhs opted to join their share with the Hindus under solemn assurances by Jawarhar Lal Nehru and Mohandas Gandhi that the Sikh nation would lead an autonomous existence in the north. Gandhi personally guaranteed that no law would be passed in the new India that was unacceptable to the Sikh nation. In 1950, however, when it came time to sign the constitution, Sikhs found the document contrary to their interests as a nation, making no allowances whatsoever for their free existence. The Sikh delegates at the Constituent Assembly refused to sign the document. To this day no Sikh has signed the Indian constitution. Later the Sikh representative Master Tara Singh was jailed by Nehru for agitating for the implementation of promises made to the Sikh nation. When asked why he would not honor the commitments he made to the Sikhs, Nehru is reported to have replied as follows: "I shut my ears when someone speaks to me about honoring the promises made to Sikhs during the independence movement." Sadly, the history of the Sikh nation since the ratification of the Indian constitution is the story of Sikhs struggling for their most basic rights as a free and independent nation.

Which brings us around again to 1984. Earlier I mentioned the Indian government's military assault on the Golden Temple which took place in June of 1984. The Indian government has offered a great deal of empty reasons why it attacked the Golden Temple, but the plain truth of the matter is that Indira Gandhi and the Congress Party simply wanted to show Sikhs who was boss. Mrs. Gandhi simply did not want to hear anymore about Sikh rights or the unfulfilled promises of freedom. She was also afraid that sooner or later Sikhs would simply take the freedom that they deserved and reclaim their homeland. Therefore, she planned the assault of the Golden Temple on the day of the martyrdom of the fifth Sikh Guru, Guru Arjan Dev—a day when she knew the temple complex would be filled with observant pilgrims. She also coordinated the assaults on 38 other Gurdwaras throughout Punjab. Over 20,000 Sikhs were killed in June of 1984.

Indira Gandhi and the government of India had envisioned this military operation as a solution to their problems, a way to get the Sikhs off their backs. But the strategy backfired. Whatever complacency had fallen over the Sikhs was lifted. The attack on the Golden Temple made Sikhs reflect on their tradition. Sikhs recalled their tradition: "Khalsa Bagi Yan Badshah: Either the Sikhs are ruling or they are in rebellion!" On October 7, 1987 the Sikh nation formally declared itself independent forming the separate country of Khalistan. Sikhs have not given up their dream of reclaiming their independence. We fully expect to achieve the liberation of Khalistan by 1999, the 300th anniversary of the Sikh nation.

During the past 12 years, over 150,000 Sikhs have been killed by Indian government forces. According to respected human rights activists in Khalistan, the number of Sikhs who have "disappeared" or who have been illegally killed in extrajudicial murders may exceed 100,000. The extent of India's campaign against the Sikhs is staggering. Also staggering is the extent to which the Indian government will go to cover-up its brutal campaign of genocide against the Sikhs.

Take the case of Sikh human rights activist Jaswant Singh Khalra. For years Sikhs have been alleging that Indian police have been abducting Sikhs, torturing them, killing them and then cremating their remains as "unidentified bodies" in order to cover-up any evidence of police responsibility. Mr. Khalra was the first to bring concrete evidence to these allegations. He visited three municipal cremation grounds in Amritsar District and counted up the bodies listed as "unidentified." His findings are astounding. Police have murdered and cremated 6,017 Sikhs in Amritsar District alone. Over 25,000 were killed in the same way throughout the rest of Khalistan.

For having publicized his findings, Mr. Khalra was himself abducted by police on September 6th in front of his home in the presence of witnesses. Prior to his abduction, the Superintendent of Police threatened Mr. Khalra at a press conference saying "We made 25,000 disappear. It would not be hard to make one more disappear." On October 19, 1995, sixty-five Members of the U.S. Congress sent a letter to Indian Prime Minister Narasimha Rao demanding Mr. Khalra's release. To this date his whereabouts remain unknown.

The Sikhs are not the only nation suffering under the boot of Indian repression. The Muslims of Kashmir claim that Indian has murdered over 43,000 Kashmiris since 1988. The Christians of Nagaland claim that India has killed over 200,000 Nagas since 1950. This level of oppression points to a profound decay eating away at the foundation of India. According Rajinder Puri of the Times of India, the Indian government is "a rotten, corrupt, repressive and anti-people system." The only way the government of Indian can hold the country together is by oppression—by brute force, fear and intimidation. If this sounds a bit like the former Soviet Union, the comparison is an apt one. And like the Soviet Union, India is destined to disintegrate.

Let me make it clear that India is not a democracy. It is a conglomerate of nations held together by the nexus of oppression. The Sikhs want out. The Kashmiris want out. Nagaland wants out. There's trouble in Assam. There's trouble in Tamil Nadu. The millions of the so-called "black untouchables" are some of the most oppressed people on the face of the earth. People are starving to death while India spends billions of its World Bank money on developing nuclear weapons and repressing freedom movements. The Indian political system is the most corrupt in the world. One third of Prime Minister Rao's ministry has been indicted on corruption charges and has been forced to resign. If Hindus aren't killing Sikhs, they are killing Muslims. Mosques are being destroyed. Children are being exploited as sex slaves. Wives are set up in flames if they fail to bring large enough dowries. Last year a five year old untouchable girl was blinded by her school teacher when she drank from a pitcher reserved for upper caste Hindus only. In December the Chandigarh Tribune reported that a Sikh man was killed by Indian police when they tied his legs to two jeeps driving off in opposite directions, tearing him in half. I remember the report about police torturing a little Sikh girl by covering her in molasses and pouring ants on her. Please tell me, why on earth would Sikhs want to live in a country like this?

India is not only bad for the people held under its rule. India has also proven itself an irresponsible member of the international community. India refuses to sign the Nonproliferation Treaty and the Comprehensive Test Ban Treaty. India has persistently claimed that its nuclear research is for peaceful purposes only, but leading nuclear experts have confirmed that India is secretly building an atomic powered submarine. (See Washington Times, Dec. 9, 1994). India has also test launched the Prithvi II ballistic missile and the Polar Satellite Launch Vehicle, both of which are capable of delivering nuclear warheads. India has been detected smuggling heavy water, a substance needed to manufacture plutonium, out of European countries in violation of international regulations. According to the British documentary, "Nuclear India," the government of India spends 25% of its research and development budget on nuclear research and only 2% on education.

From 1986 to 1991, India was the world's largest importer of major weapons and remains one of the largest today. In 1994, reports emerged that India was preparing to arm Iran. India persistently votes against the United States and the West in the United Nations. In fact, just recently when the United States sponsored a resolution to bring China under the scrutiny of the U.N. Human Rights Commission, India sided with China to block the move. India is also smuggling CFC gas into the United States, which has been banned since January 1st. According to the U.S. Custom Service, CFC gas smuggling has become its number two problem behind illegal drugs—and India is one of the primary culprits! Add to this list a long history of intellectual property theft on the part of Indian manufactures—especially in the field of pharmaceuticals. Indeed, the Washington Times reported on May 3, that the United States has placed India on its trade watch list. It certainly appears that India is doing its level best to distance itself from the decent behavior of legitimate countries in the community of nations.

James Brady, the former U.S. Secretary of State, has called the Indian subcontinent the most dangerous place in the world. War is nearly always imminent. The stockpiling of arms and nuclear weapons is a daily occurrence. Contrast this reality with the vision of a free Khalistan in a newly liberated South Asia, free from the bullying domination of the Indian government. A free Khalistan would serve as a buffer nation between India and Pakistan, thus reducing the potential for armed conflict between the two countries. Khalistan would also agree to the nuclear non-proliferation efforts currently being made by the international community, thus promoting a nuclear free South Asia. And unlike India which depends on IMF loans and U.S. assistance to feed its people (while secretly spending billions on developing nuclear weapons and crushing freedom movements), an independent Khalistan will cultivate economic self-sustainability. Indeed, Khalistan is uniquely situated for economic prosperity. Currently, Sikhs are responsible for 26% of the Indian GNP. The Sikh work ethic is legendary in South Asia. Our doctors, scientists, scholars, financiers and engineers are among the best in the world. Agriculturally, Khalistan could sustain itself with just a fraction of its yield, exporting the rest. Currently, Sikhs supply 73% of India's wheat reserve and 48% of its rice reserve. Remember that Sikhs make up only 2% of the total population in India. A free Khalistan has the foundation for a long overdue South Asian success story.

Unfortunately, the past 12 years of brutality at the hands of the Indian government has pushed the movement for a free Khalistan almost entirely underground. Those Sikhs who are brave enough to stand up and vocally advocate Sikh freedom are shot down without a second thought. Through the terror tactics promoted by former Chief Minister Beant Singh and former Chief of Police K.P.S. Gill, the Indian government has instilled a fear psychosis on the population of Punjab. According to Indian journalist, Iqbal Masud, "The Beant-Gill duo committed mass incarceration and disappearance and called it 'normalcy.'" Sikhs want the world to know, however, that the only "normalcy" in Punjab is the silence of a nation suffocating under the strangle hold of Indian repression.

It is the Sikhs outside of Khalistan who can truly raise the voice of Sikh freedom without fear of brutal retaliation. On April 27, over 15,000 Sikhs in New York City did just this when they shouted the Jathedar of the Akal Takht of a speaker's podium when he refused to raise the slogan of "Khalistan Zindabad." The current Jathedar of the Akal Takht has refused to fullfil the duty of his office by starting a mass-movement for Sikh freedom. The Sikhs in New York showed their displeasure for his kind of weak leadership and assuaged any doubts that the grassroots of the Sikh nation stands firmly in support of Sikh independence.

Working in the international community, the Council of Khalistan has had tremendous success in bringing to light the brutality of the Indian government. Due to our efforts, two bills are currently pending in the United

States Congress. House Concurrent Resolution 32 seeks to formally recognize the Sikh nation's right of self-determination. House Resolution 1425—"The Human Rights in India Act"—seeks to cut U.S. aid to India if the government of India continues its campaign of brutality against the Sikhs and other nations and people held under Indian repression.

The Council of Khalistan has also managed to get 51 Members of the U.S. Congress to send a letter to the U.S. State Department demanding that the visa of Mr. K.P.S. Gill be denied if he attempts to enter the United States as part of the Indian field hockey team during the Summer Olympics. I ask you, if 51 Members of the U.S. Congress can stand up against the greatest murderer of Sikhs in the modern era, what is preventing the Jathedar of the Akal Takht and the members of the Akali Dal from doing the same?

The current Sikh leaders in Punjab are uniformly corrupt. The Akali Dal leadership has long ago surrendered to the Government of India. In 1992, 96% of the Sikh population in Punjab boycotted the elections under the Indian constitution. This was a clear mandate for Khalistan. Look at the situation today. The Akali Dal has obviously failed miserably in delivering on that mandate. Just last week Akali politicians participated in elections under the Indian constitution as if the past 12 years had never happened. This crisis in leadership is what makes Sikhs outside of Khalistan so important. It is the job of Sikhs in the West to stand up and tell the Indian government that Sikhs do not want elections. The only thing Sikhs want is independence. If a plebiscite were held in Khalistan today, over 95% of the Sikh population would vote for independence.

The current political situation in India will give the Sikhs a perfect opportunity to seize freedom. It is clear that the Congress party is greatly weakened by rampant corruption. No single party will emerge dominant from last week's elections. A weak coalition will be formed. In the past, Sikhs were able to seize control of the Punjab during weak governments in Delhi. We can do it again. It will take courage and sacrifice, but the only way we will liberate the Sikh nation is by launching a nationwide *shantmai morcha*—a peaceful mass-movement for the liberation of Khalistan. We need to protest by the hundreds of thousands; fill the jails; boycott the Indian government completely and form a Khalsa Raj party for the freedom of Khalistan.

Our work is cut out for us, but the Sikh nation is a proud and fiercely independent nation. Our history has forged in us an unconquerable desire for freedom. We possess a well-founded and deeply imbedded national identity. We are a strong nation with a long tradition of resistance to tyranny. We are a freedom loving people and we want to live in peace so that we may develop to our fullest potential. We will never be deterred from the path of freedom, and Khalistan will be ours. Sikhs are looking forward to 1999, the 300th anniversary of the Sikh nation. On that day Sikhs will proudly hoist the Sikh flag high above the Golden Temple and thank Guru for the long awaited blessing of freedom in a sovereign, independent Khalistan.

INAUGURAL MEETING OF THE KHALISTAN SOCIETY: SPEAKERS EXPOSE INDIAN STATE REPRESSION, SUPPORT SELF-DETERMINATION FOR KHALISTAN

LONDON.—The movement for Punjab's national independence received a historic boost today, as the Khalistan Society launched its Inaugural meeting here at The London School of Economics. Three invited speakers, Dr. Gurmit Singh Aulakh, President, Council of Khalistan, Mr. Max Madden, British Member of Parliament, and Mr. Asad Rehman, a representative of London based Amnesty International, stressed the moral imperative to hold India accountable for extensive and continuing human rights violations against the Sikh people and other minorities in India. They also urged the massive British Asian community to mobilize its resources to protect the rights of those fighting for freedom in India-occupied Punjab.

Mr. Max Madden told audience members of his trip to Punjab in 1991, when he visited Sikh villages and a Punjabi jail, speaking to literally hundreds of people who had suffered human rights abuses by Indian police forces. "I met a father whose 12 year old daughter was abducted by policemen, raped repeatedly, and eventually killed. Policemen warned the father that were he to pursue a case against the officers involved, his 7 year old daughter would face the same fate." He recalled meeting Mr. K.P.S. Gill, former Punjab Chief of Police, who he described as "the epitome of evil." Mr. Madden reiterated the right of the people of Punjab to self-determination, and congratulated The Khalistan Society for its efforts to highlight human rights violations against the Sikhs in Punjab. He told the audience, "Because of my human rights activities, the Indian High Commission refuses to grant me a visa to visit India."

Mr. Asad Rehman stressed the need to put human rights on the agenda of governments in South Asia. He detailed the violent and anti-democratic tactics used by India to crush political dissent, and drew comparisons between such tactics used in occupied Punjab and other parts of India. He stressed the importance of peaceful self-determination in Punjab, stating, "Everyone must have the right to express their political beliefs freely, whatever they may be, without fear of imprisonment, torture or death."

Dr. Gurmit S. Aulakh strongly denounced the Indian government for its continuing policy of state repression against Sikhs in Punjab, Muslims in Kashmir, and Christians in Nagaland. He spoke of the case of Mr. Jaswant Singh Khalra, a Sikh human rights activist in Punjab who has recently "disappeared" and is feared to be dead. Dr. Aulakh detailed the history of the Sikh struggle for freedom, and articulated his vision of a Khalistani state. "Khalistan will be a buffer state between India and Pakistan, and will sign Nuclear Non-Proliferation treaties, thereby increasing regional peace and security. We will also operate on a 'one man, one vote' policy. In a free Khalistan, there will be no human rights violations, and minorities will be treated equally."

STATEMENT BY DAVID SMITH REGARDING CAMPAIGN FINANCING

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 30, 1996

Mr. SANDERS. Mr. Speaker, for the benefit of my colleagues I would like to have printed in the RECORD this statement by David Smith, a high school student from Brattleboro, VT, who was speaking at my recent town meeting on issues facing young people:

A couple of days ago, I heard two men laughing about the term, "representation of the people," claiming that the people are no longer really represented. Unfortunately, I'm beginning to agree with this, because I have a problem believing that a politician is going to think about me—the average voter—when the oil and gas industry gives Congress $17–18 million annually; when the health industry gives $68.8 million, when the banking industry gives $42.1 million; and that's just to name a few. Our government is overrun by the influences of special interest groups, industries, corporations, unions and other bit spenders.

But you, the politicians, are also stuck, because the average House election is up way past $150,000; the average Senate election is up past $3.5 million. And that's average, which means that the backwater, small-time candidate has no chance of competing with the mainstream Republican or Democrat, because he or she has no corporate, big-spender backing. In short our campaign finance system is outdated, flawed, and full to the brim with loopholes. We need changes.

What I'm proposing today is a publicly financed system. My proposal starts in September, 8 months before an election, with candidates collecting low-dollar contributions. This is the only private money in my whole system; and, since it's low-dollar, it doesn't have any influence over a candidate. This seen money lasts until the first primary in February. To qualify for public financing, candidates must receive 20% of the vote. Parties may also qualify for public financing by getting 20% of the vote between two candidates, and sending their most winning . . . candidate to run. Candidates who receive the required vote will receive an account of money to work with.

In addition to monetary funds, the candidates will also receive radio and TV space. But instead of getting 45 second soundbites, candidates will receive 15 minute blocks, almost like "informercials," and this will force them to really discuss in detail their platforms. And you can also get debates going, and really educate the public. Lastly, government will pay for one or two mass mailings per candidate. Winners of the national conventions will then be given money to campaign in the general election.

Now, how are we going to pay for this? The Working Group on Electoral Democracy estimated that a plan similar to this one would cost between $5–600 million annually. And I've devised two ways to pay for this: the first is a $6 flat tax on every taxpaying American. Unfortunately, the taxpayers don't really want another tax. So, an alternative plan would be a one dollar check-off box on tax returns for Congressional funding, right next to the one for Presidential funding. Also, a one percent shift in funds from the military to campaign finances, and last, the first national lotto game. Vermont alone already receives around $23 million in funds from various lotto games, and I think that a national lottery game could bring in at least half of the money needed to fund this campaign system.

What this system will do, is it will do 5 things: first, it will stop all public legislation from being influenced by the wealth of industries, corporations, all private money will be taken out of politics. Second, it creates a level playing field for all candidates, rich and poor candidates must have the same chance of being elected as everyone else, and voters must start to elect candidates on their merits, not on their money. Thirdly, it allows politicians to spend their time at politics, not at campaigning. I've heard that politicians spend between anywhere from 40–80% of their time campaigning. In this system, they would spend 5% of their time campaigning. [Fourth] it will allow politicians to get in touch with what voters want, not what the heavy contributors want. If they have to go to the grassroots to get their support, then there will be more talk about what the real voters want. Finally, it closes down all loopholes, so that no private money can influence the private system, and we will return to the ideal of "representation of the people."

Congressman SANDERS. Thank you. (Applause) You've touched on a very important issue. David, let me ask you a couple of questions. First, give us some examples, if you might, of the role that big money plays in influencing politics, influencing legislation. Do you have any examples that you might be able to provide?

Answer. Sure. A little while ago, the Legislature allocated money for the Pentagon to build new bombers. This was in spite of the Pentagon saying that, "We don't want any new bombers, we don't want the money." The reason the money was allocated, was because of the influence of the corporations that make and help produce those bombers. They have such power, with their monetary funds that they can almost shape the way legislation works.

Congressman SANDERS: You're absolutely right, that is a very good example. Let me ask you the second question: recently the Speaker of the House went on a tour around the country, and he spoke at $10,000/plate fundraising dinners; $10,000/plate to have dinner with House Speaker Gingrich. Why would anybody pay $10,000—it was a very good dinner, no doubt—but other than the good quality food, and you think of another good reason why someone would want to go to dinner with the Speaker for $10,000/plate?

Answer. Sure. It was influence. By paying $10,000 to a candidate, you get influence over that candidate so they will better represent what you want. An example: if I was a politician and I came back to the office one day and there were 14 messages for me; 13 were from people I never heard of, and the last was from someone who has paid me $10,000 at a local charity the week before, the first person I'm going to call back is that big payer. So, by paying lots of money, we get more influence.

THE "ONE CHINA" POLICY

HON. SHERROD BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 30, 1996

Mr. BROWN of Ohio. Mr. Speaker, when the status of United States relations with China and/or Taiwan is debated, references are often made to the "One China" policy. This policy dates back to the Shanghai Communique, which since 1972 has formed the legal framework of Sino-American relations. It reads: "The U.S. acknowledges that all Chinese on either side of the Taiwan Strait maintain there is but one China and that Taiwan is a part of China."

I have always been puzzled by the "One China" policy. It is a complete abstraction; it simply does not comport with reality. It might serve the interests of the hegemonists in China, but it is an unrealistic as it is outdated.

When Mao Tse-tung's Communists seized power in China in 1949 and established the People's Republic of China [PRC], "Generalissimo" Chiang Kai-shek's Nationalists fled to Taiwan and established the Republic of China [ROC] on Taiwan. According to Mao, the PRC consisted of China, Taiwan, Tibet, and Mongolia. According to Chiang, the ROC consisted of exactly the same territory, i.e., China, Taiwan, Tibet, and Mongolia. Until 1972, the United States and most countries around the world chose to recognize the ROC regime as the sole, legitimate government of the whole territory.

When President Nixon and Henry Kissinger went to China in 1972 and shifted recognition from Taipei to Beijing, they substituted one abstraction of reality for another. The rise of the Soviet Union to superpower status had necessitated a Sino-American relationship; the United States perceived the need for a powerful ally in the area, able to counter the Soviet threat. Indeed, on February 28, Nixon and Mao concluded the aforementioned Shanghai Communique. It completely neglected the rights and wishes of the people of Taiwan.

Today, with the recent tension in the Taiwan Strait it is becoming more and more clear that the "One China" policy is an outdated and untenable relic of the cold war. It therefore needs to be abolished.

Constructive ambiguity, strategic ambiguity, and even tactical ambiguity are terms that arise when our relationship with Taiwan is being discussed. To prevent the recurrence of the recent crisis in the Taiwan Strait, we cannot afford to be ambiguous in our China policy; it is time to acknowledge reality. There is one China and one Taiwan; the United States and the rest of the world should adjust their policy to current reality.

The people of Taiwan have fought long and hard to establish a democracy on their island. The world should respect their choice. And if their wish is recognition by the rest of the world of their status as separate from China, then the United States, as the leader of the free world, should take the lead in that process.

Mr. Chairman, we can make a beginning by acknowledging that Taiwan is not a part of China and scrap once and for all the outdated and unrealistic "One China" policy.

LEONARD LOCKE HONORED

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 30, 1996

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to my close personal friend and neighbor, Mr. Leonard Locke. On May 30, 1996, Leonard will celebrate his 80th birthday. It is my pleasure to join with his family, many friends, and neighbors in wishing Leonard a very happy birthday.

Mr. Speaker, Leonard Locke was born not too far from where we both live today in the Alden section of Nanticoke. After graduating from Newport Township High School, Leonard proudly served his country in the 76th Division of the 385th Infantry during World War II. He earned five battle stars during his active duty in France, Belgium, Luxembourg, and Germany.

After the war, Leonard opened a neighborhood grocery store in the Alden section of Nanticoke. During the 40 years that Leonard ran the store, he was always a friend to all his customers and his neighborhood. Ten years ago, Leonard retired to enjoy the pleasures of life.

Leonard Locke was an active member of the business community participating as a director of Wyoming Valley Distributing Co. for 20 years, as well as its secretary for 15 of those years. Also in this connection, he lent his business expertise with the United Retail Grocers Association of Northeastern Pennsylvania serving at times as the organization's president and secretary.

Leonard has been a registered Democrat since 1937, and has been proud to serve as a Democratic committeeman in my own ward, the 10th ward of Nanticoke. Upon his retirement, Leonard took an active role in local government serving as a Nanticoke City Councilman in charge of accounts and finance.

Leonard is an active member of the American Legion Post 350 of Nanticoke and a member and past president of Tatra of Luzerne County.

Mr. Speaker, my wife Nancy and I have been neighbors of Leonard Locke since 1979, During the many years that I have known Leonard, I have always enjoyed walking in my backyard and sharing his wonderful friendship and cheerful salute, "Hi neighbor!" My wife and I are extremely pleased to the have the opportunity to wish Leonard Locke a happy and healthy 80th birthday.

TRIBUTE TO AUGUST G. ERDMANN, CITY OF MILWAUKEE FIRE CHIEF

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 30, 1996

Mr. KLECZKA. Mr. Speaker, I am pleased to rise today in tribute to August G. Erdmann, fire chief, city of Milwaukee, who will soon retire after serving the Department for 32 years, the last seven as chief.

Chief Erdmann, a life-long resident of Milwaukee, graduated from Custer High School and earned an associate degree in fire science from the Milwaukee Area Technical College.

Throughout this distinguished career, Chief Erdmann has served on the board of directors of the American Red Cross and the Foundation for the Milwaukee Fire Education Center Survive Alive House, the latter which strives to educate the public, especially our youth, about fire safety. His leadership on the Emergency Planning Committee and the State of Wisconsin Hazardous Materials Regional Response Team is to be commended. Chief Erdmann also served as the chairperson of the Combined Giving Campaign, soliciting contributions to local charities, and has provided direction and leadership to make financial resources available for the Fallen Fire Fighter Memorial.

Chief Erdmann's retirement, as you can certainly see by his involvement in many projects, will undoubtedly leave a void at the Milwaukee Fire Department and in our community as a whole. However, his retirement will also now allow him to spend well-deserved time with his wife, Nancy, their children, and grandchildren.

Best wishes, August, and on behalf of the citizens of Milwaukee, whom you have protected and served so diligently over your long career, thanks for a job well done.

TRIBUTE TO GENERAL MALCOLM O'NEILL

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 30, 1996

Mr. WELDON of Pennsylvania. Mr. Speaker, tomorrow the military will lose one of its most stellar leaders. After 24 years of outstanding service to the Nation, Gen. Malcolm O'Neill will be retiring. While we wish General O'Neill and his family the best, we will personally regret his retirement and sorely miss his leadership.

It was only 2 years ago that I came to personally know and closely work with General O'Neill. As Director of the Ballistic Missile Defense Organization [BMDO], General O'Neill was one of the first Department officials to meet with me after I took the helm as chairman of the House Research and Development Subcommittee.

As the administration's spokesperson on missile defense matters, General O'Neill was not in a position to support all of the missile defense initiatives supported by the Republican majority—but that never deterred him from remaining accessible, providing us with the facts and most important, from sharing his candid thoughts on proposals from both sides of the aisle. His technical expertise and impartiality are unparalleled. I very quickly came to rely on his judgment, and routinely sought his input on program and policy issues.

While there are major differences remaining between the administration and Congress on missile defense, it is a real tribute to General O'Neill that we were able to reach the level of consensus that we did on this issue. We are no longer talking about if we should have missile defenses, but when we will have missile defenses. We are no longer arguing whether it is prudent to defend against missile threats, but whether we should prioritize theater defenses at the expense of national defense. We are no longer arguing whether it is feasible to defend against incoming missiles, but what option we should pursue.

I have developed a close working relationship with General O'Neill, and perhaps more than any Member of Congress, I will regret his retirement from military service. He has served with integrity, dedication, valor and distinction as an officer in the U.S. Army. Although he has served in numerous and varied posts in his career, his extraordinary performance in one of the toughest department posts shows his true mettle. In fact, I thought so highly of Mal that I drafted a letter—signed by many House Members, including the leadership, urging the Department to discourage his retirement and to retain him as Director of BMDO.

Members understand all too well his decision to spend well-earned time with his family, but we selfishly regret his decision. I know I speak for all who have ever worked with Mal in saying it has been an honor and a pleasure working with him. I would urge him to get at least a good week or two of rest and relaxation, because I know many of us in Congress will still be relying on his continued advice and input. Mal, we wish you and your family the best in retirement and continued success in the future.

TRIBUTE TO THE ASSOCIATION OF WOMEN IN SCIENCE

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 30, 1996

Mrs. MORELLA. Mr. Speaker, I rise to honor the Association of Women in Science [AWIS] which is celebrating its 25th year of service and commitment to young girls and women in science. AWIS is the largest multidisciplinary science organization for women in the United States. Founded in 1971, AWIS is a nonprofit organization committed to the achievement of equity and full participation for women in all areas of science and technology. Serving as a national voice, AWIS has made a lasting impact on the accessibility of science education and scientific careers to women.

During this special year, AWIS plans to focus its efforts on the continuation and expansion of its programs that promote educational and career opportunities for women in the sciences and engineering. Two current projects include: The Association for Women in Science Mentoring Project and Women Scientists in Academia: Warming up a Chilly Climate. The mentoring project, funded by the National Science Foundation, is a community-based program at 12 locations throughout the country that attempts to foster cooperation between local representatives of scientific organizations, and undergraduate and graduate students. The Women Scientists in Academia project is funded by the Alfred P. Sloan Foundation and focuses on improving college and university environments for the advancement of women in science.

Equality of opportunity for all Americans, regardless of gender, race, ethnicity, religion or physical ability, is the cornerstone of our democracy. We must afford all of our citizens access to science education and science careers without discrimination or other barriers. Our advancement and competitiveness in the global marketplace depends upon it.

Mr. Speaker, it is a proud moment for me to recognize the ground-breaking achievements of AWIS and express appreciation to this outstanding organization for their continuing work toward equity for all women in science and technology.

HOUSING ACT AMENDMENT JEOPARDIZES HOMELESS ASSISTANCE USE OF FEDERAL PROPERTY

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 30, 1996

Mrs. COLLINS of Illinois. Mr. Speaker, I rise to express deep concern over a provision that first appeared in the manager's amendment to H.R. 2406, the U.S. Housing Act of 1996. This legislation passed the House on May 9, 1996. The provision, which is section 506, would seriously jeopardize an important form of assistance to the homeless provided by the title V of the Stewart B. McKinney Homeless Assistance Act. Under that title, providers of homeless assistance have a priority in obtaining Federal surplus real property for such use.

The language of section 506 was not the subject of any committee hearings. It was not the subject of prior consultation with the Government Reform and Oversight Committee, the jurisdictional committee for such a matter. It was not the subject of advance discussions either with the General Services Administration or with the Department of Health and Human Services. Each of these agencies has specific responsibilities with respect to the implementation of title V.

Mr. Speaker, during the 101st Congress, I chaired a subcommittee of the Committee on Government Operations and was a principal author of title V. I know the importance of the work being done by dozens of homeless representatives throughout the country that have obtained use of Federal surplus real property. These properties are helping the providers bring shelter, food, job training, and job search assistance to thousands of homeless men, women, and children.

My concern is that section 506 seems to reflect insensitivity or indifference not only toward the homeless but toward the sacrifices and achievements of numerous provider groups, private and public, that have used and will use title V to serve our less fortunate sisters and brothers. I would note that the same might be said about one of mandatory policy assumptions of the Fiscal Year 1997 Budget Resolution, namely, that title V be repealed.

Let us look at some of the things section 506 does. It gives GSA discretionary authority to disregard title V and transfer surplus real property to a nonprofit organization for homeless shelters, or, and I emphasize that "or", for occupancy or construction by low-income individuals and families. Any such transfer, however, must be concurred in by the appropriate local governmental authorities. Yet once GSA makes a transfer of a portion of the property that is significant as the section defines "significant", transfers of that portion and all other portions of the property will be deemed to be in compliance with title V. This is so, no matter how great the overall size or value of the property is. The term "significant" is defined in terms of a finite size or value or a given fraction of overall size or value.

In using a fractional value criterion, GSA would be in the position of having to appraise the entire property and then make the figure known. The reason is that GSA, in cooperation with the local authorities, would need to predetermine and then announce to potential nonprofit organizations what portion or portions of the property could be viewed as significant and available for a section 506 transfer. This would create a problem. Any such revelation would prejudice GSA's ability to get top dollar in disposing of other portions of the property by negotiated or public sale.

Under section 506, a qualified nonprofit organization is one that exists chiefly to provide housing or housing assistance either for the homeless or, and I again emphasize that "or", for low-income individuals or families. Housing for low-income persons is certainly a worthy purpose. Under section 506, however, GSA and the local authorities would have the option of using that purpose to displace homeless assistance in the forms for which title V provides, such as shelters.

Section 506 gives GSA broad authority, which includes issuance of implementing regulations. GSA would undoubtedly choose to issue such regulations. Logically, the regulations would provide for some kind of suspension or delay of the existing title V screening or application process. Otherwise, groups wishing to take advantage of the section 506 authority would not have an effective opportunity to do so. It is likely that GSA and the local authorities more often than not would end up concluding a section 506 transfer arrangement. Impelling them would be a mutual desire to avoid involvement with title V processes. Meanwhile, of course, other homeless assistance representatives would be discouraged from planning or acting with respect to any portion of the property.

Mr. Speaker, no case has been made that the title V priority for homeless use should be set aside in this manner or that surplus property use for low-income housing should become for GSA and the local authorities an alternative to meeting basic homeless assistance needs.

Moreover, the language of 506 is full of surprises and ambiguities. Instances of imprecision or omission are quite numerous. It is simply not clear how the language would operate or whether it could operate at all. Here are some of these deficiencies:

First. Section 506 involves only GSA. It gives authority to no other Federal agency. Yet it would impose on GSA strange new functions, including the evaluation of a homeless assistance plan, a low-income housing project, and a qualified nonprofit organization. In contrast to section 506, existing surplus property transfer programs require GSA to rely on the review and approval of the Departments of Interior, Health and Human Services, Education, Transportation, or Justice, depending on whether the property is to be used for recreation, historic monuments, public health (including homeless assistance), education, public airports, or correctional facilities.

Second. There is nothing said in section 506 about the mode of disposal, that is, whether it should be by gift, public benefit discount conveyance, lease, or sale.

Third. There is nothing in section 506 about terms and conditions of transfer, about restricting future use of the property, about its resale, or about compliance action and reversion in the event of nonuse or default.

Fourth. The section authorizes transfers only to nonprofit organizations irrespective of their tax-exempt status. Most title V applicants are required to have such status. In addition the section fails to include as possible transferees local public bodies, such as public housing authorities, or welfare departments. Public bodies are among the eligible transferees under almost every other Federal property transfer program.

Mr. Speaker, section 506 was not well crafted or adequately considered before it was allowed to creep into H.R. 2406. Therefore, I ask all my colleagues who wish to do the right thing by the homeless and their representatives to join me in urging that the substantive mistakes and the technical deficiencies of this provision be fully addressed when the measure comes before a committee of conference.

CONGRATULATIONS TO KIMBERLY ABLER

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 30, 1996

Mr. KLECZKA. Mr. Speaker, I rise today to pay tribute and offer my congratulations to Ms. Kimberly Abler of Milwaukee for receiving the 1996 Time Warner National Teacher Award, an honor shared only by 15 other teachers in the country.

Ms. Abler, an art specialist at Tippecanoe School for the Humanities in Milwaukee, was recognized for her innovative use of cable television as an educational tool in the classroom. The entry submitted by Ms. Abler and her co-educator, Ms. Jane Borden, was designed to help second grade students connect historical events to their present lives.

This program, titled "Harriet Tubman Freedom Tour," is part of the Cable in the Classroom series of educational shows provided as a public service of the cable industry.

As we move into the information age, it is exciting to see such creativity and initiative in embracing new technology to educate our Nation's youth. I commend Ms. Abler on her achievement and send my sincere appreciation for her dedication to shaping young minds.

STATEMENT BY TERESA SNOW AND TYLER RYAN REGARDING CHANGES IN SECONDARY EDUCATION

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 30, 1996

Mr. SANDERS. Mr. Speaker, for the benefit of my colleagues I would like to have printed in the RECORD this statement by Teresa Snow and Tyler Ryan, high school students at Peoples Academy in Vermont, who were speaking at my recent town meeting on issues facing young people:

We're both Seniors at Peoples Academy High School in Morrisville, VT. We're going to talk about improving the education system, and education opportunities. We basically gathered these ideas from our own experiences and our own concerns, and we came up with these topics and ideas.

We believe that all kids should go to preschool, and at an early age they should start learning our language, and many of the words. . . . Being a high school senior, I can't watch the news and understand what they're talking about, because I don't believe I've had the right education and background. I believe that they should learn about the environment and recycling, what goes where; 'cause, we only got bins in our classrooms, and maybe when I was in middle school, and kids throw their trash in the recycling and throw recycling in trash cans, and they don't really care. You need to know when you're young where things go and how to take care of this world.

I think that foreign language should be a requirement. Because we're in Vermont, we should learn French because we're close to the Canadian border. People in Arizona and New Mexico should learn Spanish, because they're near the Mexican border. We need to learn a foreign language. Tyler wants to work with architecture, and I guess a lot of the supplies come from Japan, and . . . he may need to learn Japanese, and without that readily accessible, then he's not going to be able to know—he's not going to have the right connections.

For middle school and high school ideas . . . I went to England as an exchange student a year and a-half-ago, and . . . they have a different system. They have required classes up till you're like fifteen, and we could have our required classes and our credits from 7th through 10th grade. Then 11th and 12th grade you could do job-oriented in your profession, like singled-out. You can take very, much more focused classes, become more prepared for, if you don't go to college, then you have some background of what you want to do.

We also feel that the teacher:student ratio is really "off." Kids don't get the attention that they need, so we thought that excelling students, kids that are getting 95's in their classes, should have an opportunity of either becoming independent in that course, and possibly spending the class period in the library in the school, or using different resources in like the town libraries, or other schools' libraries or college libraries. Or they could become like teachers aides—complete their work and then go around and help the classroom, 'cause that would help out both ways: it would help the ratio, the greater student:teacher ratio. I also think another thing—if you have students that go to college to become teachers, they should get an opportunity to do apprenticeships, come to schools to help with the ratio as well.

And, kids lately are lacking so much desire and interest in school; it's very, very sad. Like, I could have gone to college, but I really don't have any desire anymore, right now. It's something everybody needs; everybody needs a good education.

Tyler: There definitely needs to be smaller classes; the classrooms are just way too crowded. The technology is not there; like, in our school we have one computer/classroom, and that's definitely not enough, because if you took a class period to work on a class project, or whatever, it would take you . . . it would take the class about a month to do a project over the computer. We think there should be available money for apprenticeships and trade schools, and better, more accessible to scholarships . . . for college, because it's just—the prices are outrageous. We also think that there should be an education tax, which would be put into high school kids' paychecks, that would take out a small percentage to pay for college; and if they decide not to use that money . . . to go to college, they could put it towards retirement, or put it into a savings plan, or something like that.

Congressman Sanders: Both of you have raised some very interesting points. Let me ask you a couple of question, because you have raised some issues I hadn't thought about. The issue, I think, that Teresa and Tyler have talked about, is that when you go to school as students, in a sense you are consuming a product, and I was wondering how often students are consulted about the quality of that product. In other words, let me just ask you a question: Is it your understanding that students have access to School Board, in order to express their views about the quality of the education they're getting?

Teresa: I know we do [have access] because I was on Student Council, and they've brought things to the School Board about having all-day Winter Carnivals; but . . . they don't listen a lot. I mean, the Student Council were very strong in their presentation, and they had a lot of good ideas, and things to back up what they wanted to do, so it was easily passed. But . . .

Congressman Sanders: So it's not your impression that students are really consulted in terms of how they feel about the good or bad parts of their education.

Tyler: I feel that the School Board doesn't even know what is going on in the school. I've never even seen a School Board member really in a school. They don't come and talk to us; they talk to . . . the teachers. And I don't even feel that the teachers in our school know what the students want or need.

Congressman Sanders: Well, in terms of student involvement . . . do you think it might be of interest or importance for the students to say to the School Board, "Listen, you're spending money on us. don't you want to have our opinion about how well you're doing?

Tyler: Definitely.

Teresa: I definitely think they should get our opinion, and a lot of times they go to such groups as Student Council or NHS, and those kids aren't giving the school a problem; it's not those kids that the teachers and the School Board want to talk to . . . it's not where the problem is, it's not where the issues lie.

Congressman Sanders: Okay. Teresa, you raised an issue: you said that you perceive that some students are not really interested in learning, they're giving up. Why do you think that's so?

Teresa: Well, when you're in kindergarten and you're with these teachers, that want you to play with blocks and you're having a good time, and you just—teachers don't try to get you as involved, I don't think, and you just lose interest. They don't try as hard. They just want to get on with their class, teach what they're supposed to teach . . .

Tyler: . . . and then finish the class and be done with it. They don't really care about the students that much.

Congressman Sanders: It sounds to me like the suggestion you may be making is we've got to figure out a way to involve the students in the State of Vermont in their own education, more than is the case. Is that right?

Tyler: Yes.

CONGRATULATIONS BOULDER CITY HIGH SCHOOL

HON. BARBARA F. VUCANOVICH

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 30, 1996

Mrs. VUCANOVICH. Mr. Speaker, I would like to offer my sincere congratulations to Boulder City High School in Boulder City, NV, for winning the region one award at the We the People...the Citizen and the Constitution national finals held in Washington, DC at the end of April. This award is presented to the school in each of five geographic regions with the highest cumulative score during the first 2 days of the national finals. These 22 outstanding young people competed against 49 other classes from throughout the Nation and demonstrated a remarkable understanding of the fundamental ideals and values of American constitutional democracy.

We the People...the Citizen and the Constitution features an intensive curriculum which provides students with an in-depth understanding of the Constitution and the Bill of Rights and the principles and values they embody. The program is designed to promote an understanding of the rights and responsibilities of citizens in our constitutional democracy.

I would like to individually congratulate: Paul Ainsworth, Colin Ard, Farnoush Athari, Nichole Best, Jessica Brolick, Daniel Chapel, John Delap, Sheri Delp, Jennifer Eugster, Michael Fecteau, Jennifer Fisher, Hermon Ghermay, Lesley Harrington Lisa Miller, Brain Moynihan, Matthew Ripplinger, John Rutherford, Hope Shea, Shannon Trelease-Smith, Erica Vaughan, Lanna Venturino, and their teacher Lynn D. Stewart.

Mr. Speaker, these students and their teacher are exemplary scholars and I am proud to recognize their accomplishments. Keep up the good work Boulder City High School.

DEDICATION OF MARQUETTE UNIVERSITY'S ASPIN CENTER FOR GOVERNMENT

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 30, 1996

Mr. KLECZKA. Mr. Speaker, it is with great pride that I rise today to commemorate the grand opening and dedication of the building which houses the Les Aspin Center for Government, a Marquette University program with a now permanent base in Washington, DC.

Beginning as a single Marquette University student internship in 1987, the Les Aspin Center for Government is now a permanent presence in our Nation's Capitol, with world-wide studies and exchange programs, offering a hands-on approach to Government service and possible career opportunities.

Throughout his distinguished career, from 11 terms as Congressman from Wisconsin's First Congressional District to his dedicated service as U.S. Secretary of Defense, Les Aspin was a statesman in the truest sense of the word, oftentimes putting the needs and concerns of this country, and of all Americans, above his own.

With this in mind, I challenge the Les Aspin Center for Government, in particular, and Marquette University, as a whole, to educate, prepare, and train its young scholars in the true meaning of statesmanship, following the grand example of Les Aspin.

It is also with sadness that I stand before you today, Mr. Speaker. Just as Les Aspin began his professional career at Marquette University as an economics professor, he also completed his career at the university, dying unexpectedly shortly after accepting a new and exciting position as a distinguished professor of international policy.

It is therefore quite fitting that the Aspin family and Marquette University has chosen to rename the center in his memory. I only wish he were here with us to join in the festivities.

STATEMENT BY ALISON CARPENTER REGARDING CHILD ABUSE

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 30, 1996

Mr. SANDERS. Mr. Speaker, for the benefit of my colleagues I would like to have printed in the RECORD this statement by Alison Carpenter, a high school student from Brattleboro, VT, who was speaking at my recent town meeting on issues facing young people.

Children suffer at the hands of adults. They are beaten, kicked and burned with cigarettes. They are thrown against walls, scalded by hot water, forced to stand in freezing showers until they pass out, and thrown into running washing machines. They are sexual molested: they are the victims of incest. Child abuse is a serious issue that has existed throughout history, and it is a major concern in our society today. It was not until recently that it was recognized as a medical and social problem.

Child abuse takes many forms: it occurs whenever an adult inflicts intentional physical, emotional or sexual harm to a child. There are many steps that are being taken to prevent all three forms of child abuse, but it will take a long time to fully eliminate it. The most common form of abuse on children is physical abuse. There are approximately 200 cases of physical abuse for every one that is reported, according to the National Committee for the Protection of Child Abuse. A child is the victim of physical violence even if the anger is not directly inflicted on him or her. A witness to violence is a victim of violence. Children who witness abuse at home can suffer in unseen ways. Quite often, their pain goes untreated; they can suffer serious emotional damage.

Children need a large amount of emotional support from their families. Some elements of emotional support include: respecting the child's needs, tolerating his or her feelings, and a willingness to learn from their behavior. Our emotions are one of our basic powers. Emotional abuse is form of psychological battering. A child's earliest needs in life are for a warm, loving person to be there, to mirror, echo and affirm them. Children need to be prized, and applauded during their growth achievement. If they do not get this, they will do whatever they can in order to. These are basic needs. Children need to be allowed to feel, and to express what they feel. If a child is controlled compulsively, he or she will become an adult with a compulsive, controlling and immature childish side. Some forms of emotional abuse are yelling, belittling, criticizing, humiliating and comparing a child.

Incest, or sexual abuse, is the most shaming of any form of violence, because it involves the betrayal of a supposed loved one. It leaves a long-term effect on the child, believing it was their fault. It is a violation of the child's sexuality. Some people believe that children may simply imagine episodes of sexual abuse. An argument that is made by psychologists, is that a young child who has not been molested, has not had the experience of with sex to be capable of imagining such an experience.

The profile of an abuser tends to be very similar in all forms of child abuse. An abuser is usually someone who has a poor self-image; someone who lacks sensitivity to others' feelings. A person who abuses was most likely abused themselves, or was deprived of basic parenting. An abuser has usually had unmet needs for love or comfort, and is in denial about his or her feelings. Child abuse has a tremendous impact on victims throughout their entire lives. They tend to feel helpless and out of control. The victims tend to dissociate from all of their memories, and begin to feel a sense of unreality. They may have recurring nightmares, sleep disorders or flashbacks. As they get older, they tend to develop split or multiple personalities. They have little or no interest in anything, trouble completing thought processes, confusion, and no trust. A girl who has been abused sexually grows up to believe that she cannot escape being battered. A boy who has been abused may believe in male supremacy. Boy victims, more than girls, identify with the offenders, and sometimes become offenders. This bonding with abusers is a way to overcome the feeling of helplessness and powerlessness.

There are many actions that are being taken against child abuse. Forty-nine States (except for Wyoming), have established children's trust funds. All of the States have a Child Protective Service system, which is a government system that is responsible for investigating reports of child abuse or neglect. This, however, lacks the resources needed to respond to overwhelming number of reports. All States also have a child abuse reporting law, requiring reports of suspected abuse to be made by specified professionals, or others whose work brings them in regular contact with children. There are also family preservation services, that are working to make it so the child can remain with his or her family as long as his safety is not endangered. Private organizations, such as Mothers Against Raping Children and Mothers of Sexually Abused Infants and Children serve as support groups, and fight for the rights of children. We Can Help Ourselves is another organization that teaches children how to handle abusive sitations.

There are still many things that need to be done to help prevent the abuse of children. States need to provide even more services for victims of abuse. They need to look at the quality of foster care, because it needs to be more than just giving a child a place to live. People need to be more alert to possible child abuse cases, and to report them to the authorities. Those in a position of authority need to investigate quickly and accurately, and take the first steps to remove children from abusive situations. We need to bring offenders to court, and most of all, we need to stop abusing our children.

Bringing a child into the world is a huge responsibility, that two people make and must live with forever. Parenting is not temporary; it is not something that can be put aside when a person wants a break. Child abuse is an awful cycle, which travels from generation to generation. As author John Bradshaw says, "It is about the silence of nights spent holding in screams, holding back tears, holding in one's very self." One of the main causes of child abuse is the lack of education that this country has. There are so many people who do not know what is morally right from wrong. Children should be able to look up to their parents without fearing them. Our society as a whole needs to work together to stop child abuse.

The first step in this long fight is to educate. Now is not the time to cut back on education services.

One quote I believe summarizes the issue is, "If a child live with criticism, he learns to condemn. If a child lives with hostility, he learns to fight. If a child lives with shame, he learns to feel ashamed." Thank you.

Congressman Sanders: Thank you, Alison. Alison has touched on one of the most tragic issues that we as a country face, and that is that there are hundreds and hundreds of thousands of little kids and teenagers who are being abused. And as Alison indicated, that type of abuse has a profound impact on one's ability to grow up to be a mature adult. Alison, let me just ask you a couple of questions. Why is it, do you think—what goes through an adult's mind, a grown-up person's mind who would abuse a child. What motivates somebody to do that, do you think?

Answer: I think that an abuser is one who has a lot of inside pain, and they don't know any other way of handling their pain, and they take it out on children, because children don't really fight back. Children, they're the only thing that they can take it out on, because they . . . don't have the ability to fight back.

Congressman Sanders: I think . . . that's a very good answer. Let me ask you another question. Very specifically, and I know you touched on this a little bit, what can we do to ameliorate that problem? What do we as a community, as a society, as a country, how do we address that tragedy?

Answer. I think that the most important thing is to educate, not only the abusers but the children of abusers, so that children know that this isn't right; that what they have been growing up in is not a good situation. Because, quite often children who are abused grow up to be abusers, because they don't know any better, and I think we need to educate them and show them that this isn't the way that our society should be.

Congressman Sanders: Alison, thank you very much for that excellent testimony.

TOO MANY CAPTAINS

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 30, 1996

Mrs. SCHROEDER. Mr. Speaker, Adm. Jeremy Boorda's suicide was a tragedy for his family and the Navy. But that hasn't stopped the vultures from circling. They were out in force before he died, and they're still hovering.

First, former Navy Secretary John Lehman, who was fired by the Reagan administration, has been making the rounds—the Wall Street Journal and the Sunday morning television talk shows—with the spin of spins: He blames Boorda's suicide on the Navy's enemies. Guess who the Navy's enemies are? Anyone, myself included, who tried to clean up the Tailhook scandal.

With friends like Mr. Lehman, the Navy needs no enemies. Left out of his disengenuous assertion is the fact the he participated in and condoned the Tailhook debaucheries. Gregory Vistica relates in his recent book, "Fall From Glory, The Men Who Sank the U.S. Navy," that then-Secretary Lehman gyrated with a naked stripper in a room full of Naval officers at the 1986 Tailhook convention. That is the tawdry standard Mr. Lehman set for the Navy on his watch. Is it any wonder the orgies continued until they involved assaults on female Naval officers? Is it any wonder that by the time Tailhook hit the fan in 1991 it splattered Navy leaders at the highest echelons?

Worse, once Tailhook became public, senior Naval officers who has known of and ignored the Tailhook excesses tried to contain the scandal and shift blame down ranks. The admirals were first into the lifeboats, leaving junior officers to go down with the ship. It is any wonder that Tailhook generated a storm of bitterness that continues to this day?

On ABC's This Week with David Brinkley last Sunday, Mr. Lehman responded to questions about his behavior by accusing reporters of "gutter journalism." He was half right. He was in the gutter, not the reporters.

Mr. Lehman went on to add to the Navy's list of enemies the White House—I don't know if he meant the Reagan White House, which forced his resignation, the Bush White House, or the Clinton White House. Probably all three—and the Senate Armed Services Committee, headed up by STROM THURMOND (R-SC) and SAM NUNN (D-GA). He implied that the committee did my bidding. Don't I wish.

In the final analysis, Mr. Lehman, whose motto as Secretary was loyalty is agreeing with me, can't tolerate anyone who disagrees with him.

Then we have former Secretary of the Navy James Webb, who replaced Mr. Lehman in 1987, but abruptly quit his post 2 years later when things didn't go his way. He wanted a larger Navy and a smaller Army and Air Force—no surprise there. And a bigger Navy with no women. In a recent speech—April 25—at the Naval Academy, Mr. Webb erupted with a volcanic attack on today's Navy, Mr. Lehman, and Admiral Boorda. The audience cheered. Go figure.

Finally, we have the disgraceful case of Comdr. John E. Carey. After being relieved of his command for improper conduct, Commander Carey wrote an anonymous letter that the Navy Times unfortunately published. Did Commander Carey take issue with the action of his superiors? Did he argue the merits of his dismissal? No, he didn't mention that he had been sacked. Instead he launched a personal attack, a tabloid mugging, on Admiral Boorda, ridiculing his short stature—referring to him as little Mickey Boorda. Acting as if he represented the entire Navy, rather than one disgruntled, bitter individual, he made the lunatic claim that not a single officer in the Navy respected the admiral.

So there you have it, a debaucher, a malcontent, and a calumniator. One was fired by President Reagan, one quit in a huff, and the other was relieved of his command. Yet they all claim to represent the Navy. They can't all be right.

The Navy suffers from a command fixation. Everyone thinks they are captain of the ship. The ship is the Navy. It goes where the captain commands it. We've got a rabble of captains, some like Lehman and Webb outside the service and others inside, all jockeying to speak for the Navy, but all denouncing it and each other because the Navy's not sailing where they want it to go.

Compare the antics of this trio with the thoughts expressed Tuesday by Bettie Moran Boorda, the admiral's widow. Her statement apparently sprang directly from Admiral Boorda's final message to the Navy he loved. "Take care of each other. Be honorable. Do what is right."

TUCKER MALONEY, WBBM "REPORTER FOR A DAY" HONOR WINNER

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 30, 1996

Mr. LIPINSKI. Mr. Speaker, I rise today to pay tribute to an outstanding young man whose work as a broadcaster has been recognized by one of Chicago's largest radio stations, WBBM–AM.

Mr. Maloney, a junior at Lyons Township High School in LaGrange, IL, was one of 10 students to be a "reporter for the day" among more than 500 entries. Tucker, who has been broadcasting on the high school's radio station, WLTL, since his freshman year, submitted to WBBM his 90-second report on a proposal to build a garbage building incinerator in his community.

It is the second year in a row that Tucker has been honored by the station. In 1995, Tucker's report on his interview with "Baywatch" star David Hasselhoff, a Lyons Township High School graduate, earned him reporter-for-a-day status.

Mr. Speaker, I congratulate Mr. Maloney on this prestigious honor, and wish him continued success in broadcasting, or any other endeavor he pursues.

STATEMENT BY KARA VON BEHREN, SARA REEVE, ALISON GINGRAS, AND ANNA LASZEWSKI REGARDING RISKS TO THE ENVIRONMENT

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 30, 1996

Mr. SANDERS. Mr. Speaker, for the benefit of my colleagues I would like to have printed in the RECORD this statement by high school students from Peoples Academy in Vermont, who were speaking at my recent town meeting on issues facing young people:

Kara: Being an American literature class, we have focused on writers throughout America's history, and we've focused on a lot of them. We've pulled some quotes, so as I go along, Ali's just going to say some of them.

They include Krevocur's "What Is an American" (as Krevokur said, "We are nothing but what we derive from the air we breathe, the climate we inhabit, and the nature of our employment")-Jefferson's Declaration of Independence; Kerouac's "On the Road" as well as many other Beat writers; Maya Angelou's "On the Pulse of Morning;" Kingsolver's "Animal Dreams," and many of her essays, short stories and poem; Robert Prescott Allen's "Spirit in Nature" ("People now consume, control or destroy almost 40% of the plant energy of the land, and 25% of all plant energy, the ultimate source of food for all animals, and almost all organisms."); some of Thoreau's works and excerpts from them; Scott Russell Sander's "Speaking the Word from Nature" ("Where our theories of nature have become wiser, our experience of nature has become shallower.")

And due to this event, as well as our own interests, we have looked at many environmental pieces about the EPA, Earth Day and other similar activities; budget cuts and specific Acts.

We've looked for connection to environmental issues; we haven't had to look very far. In a country founded by people who relied on the land, the environment plays a major role in our history and literature. It is up to us to make sure education about the environment gets out, and that's the only way we can insure that the environment will play a major role in the future.

Okay, we made murals which are over there, on the wall. Feel free to go look at them. . .

Yes, do go look at them; we worked hard. They're just pictures—one's a pool table and one's a tree—but we put all the quotes from our own work and from all the writers that we've read that pertain to protecting the environment and what we're doing to destroy it. And so, they're all there and please, do go look at them.

As part of some of these writing assignments and readings, the environment has been a topic of concern. The new budget plans call for cuts in just about every area. The question becomes, "how much are willing to sacrifice from each of these departments?"

Our world has been misused for so long now that it is costing immense sums of money to try to clean it up. Can we really afford not to clean the land up, though? We are causing the inevitable destruction of ourselves, by destroying the natural world. The Housing Appropriations Bill would cut EPA's funding by 34%, prohibiting funding for EPA's Wetlands, Sewer Overflow, Polluted Runoff and other programs. The bill also cuts the State's Revolving Fund by $365 million. The State Revolving Fund provides for loans to cities and counties for sewage treatment plants and other clean water facilities. This means that, without funding, communities and cities, like our own, would probably not receive assistance in addressing public health issues concerning clean water that we need.

One of the most serious shortcomings recognized by the Administration are the threats to the Clean Water Act. By cutting the last $725 million in the Drinking Water State Revolving Fund, the House eliminates the President's proposed $1.8 billion investment for safe drinking water. The proposed bill would sacrifice America's wetland resources by stopping the President's program that would prohibit the destruction of them. The new bill would support a multi-billion dollar fishing and shell-fishing industry (signal) within those wetlands instead. These cuts can hurt only us.

When the Clean Water Act was established, there were many goals it had set to make on our lakes and rivers. . . . So far, we have yet to meet any of these goals. We are still trying to complete some of them were set to meet in the eighties. With these proposed budget cuts, the Clean Water Act will never comes to live up to its potential, and our lakes and rivers will never be as clean as was hoped. We are making great progress in this area, as well as others, but with these cuts in funding, we will have to put these programs on hold, while the pollution and contamination continues to occur. Without the funding, there will be no way to stop the destruction that we, as a nation, have put so much time and effort into. We implore you to consider these things when you throw anything away. Become inspired to write a letter or to do something good and right. Without the environment intact we are nothing, and as a Cree saying says, "If you destroy the land, you destroy the animals; if you destroy the animals, you destroy the people." Thank you.

TRIBUTE TO HEROES WILLIAM RECKNER AND NATASCHA LYNN GEMAS

HON. FRANK MASCARA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 30, 1996

Mr. MASCARA. Mr. Speaker, I would like to share a story of two very special individuals from southwestern Pennsylvania: William Reckner, a Vietnam veteran and Head Start bus driver, and Natascha Lynn Gemas.

Last December, William Reckner rescued Natascha, age 2, from her burning Footedale home. The toddler was given a 20 percent chance of survival by admitting doctors. But after 2 months of treatment and rehabilitation, Natascha returned home. During her recovery, Mr. Reckner visited Natascha at Mercy Hospital in Pittsburgh and then at the Mountainview Regional Rehabilitation Hospital in Morgantown, WV.

"The more Natasha recovered, the more I recovered," Mr. Reckner said.

I wish to join the citizens of the 20th Congressional District in saluting Mr. Reckner for his heroic effort, and ask that the story of his courage and compassion be entered in the CONGRESSIONAL RECORD. Mr. Reckner's personal sacrifice, and little Natasha's will to live should be a constant reminder to all of us that life is indeed the most precious gift one can give.

A TRIBUTE TO JESSICA POMERANTZ

HON. DICK ZIMMER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 30, 1996

Mr. ZIMMER. Mr. Speaker, I rise today to honor a young woman from New Jersey who is a true leader in her community. Jessica Pomerantz is a 15-year-old student in Cresskill, NJ, who, among her many extracurricular activities, has become the founder of AIDS Education Week and the AIDS Walk at Cresskill High School.

Jessica has been honored by her selfless commitment to helping a childrens' AIDS foundation and educating others about the deadly AIDS virus. Her dedication and hard work have also been recognized by the New Jersey Senate and General Assembly in a Joint Legislative Resolution. Jessica is an exemplary student who has been named Student of the Month by her high school, is a member of the varsity tennis team, the junior varsity softball team, the Jewish Community Center Youth Leadership Corp, the yearbook staff, the debate team and is a Spanish tutor.

I am proud to honor Jessica for her devotion to helping others. She sets a wonderful example for students across the country.

INCREASE OF THE MINIMUM WAGE

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 30, 1996

Mr. RUSH. Mr. Speaker, the minimum wage and efforts to increase it, have been focus of many inaccurate comments by Members in the Republican majority. Some have said that there are no heads of households supporting families on a minimum wage. Others have proclaimed, an increase in the minimum wage would cause jobs to decrease for low-skilled workers.

Mr. Speaker, the truth is—an increase in the minimum wage is the only way working Americans will be able to sustain decent living for themselves. The truth is—that 12 million Americans, most of them women, would benefit from the minimum wage increase. The truth is—that a raise in the minimum wage is the least this Congress can do for Americans, after cuts in education, Medicare, school lunches, and environmental protections.

The fact that we are even having a debate on the merits of a minimum wage increase shows that the majority cares little for those who are struggling. The majority feels the need to debate the merits of a bill that will provide extra pay that would mean 7 months of groceries, a year of health care costs, 9 months of utility bills or 4 months of housing.

We must stand strong for those who have the least. We must fight for those who are trying to better their situations through good, honest, hard work. We must be sure that a minimum wage is truly a living wage. Since businesses are enjoying record profits, we must ensure that profits are shared with the persons who made the records possible.

HOUSE OF REPRESENTATIVES—*Friday, May 31, 1996*

The House met at 9 a.m. and was called to order by the Speaker pro tempore [Mr. LAHOOD].

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 31, 1996.

I hereby designate the Honorable RAY LAHOOD to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Be with us, O God, all the day long, and may Your mercies ever surround us. May we never leave the brightness of Your presence, and may the glory of Your blessings touch us in all we do. Be with us this day, and may the bounty of Your glory bless every person, now and evermore. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Mississippi [Mr. MONTGOMERY] come forward and lead the House in the Pledge of Allegiance.

Mr. MONTGOMERY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

WHO'S FOR KIDS AND WHO'S JUST KIDDING?

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Colorado [Mrs. SCHROEDER] is recognized for 5 minutes.

Mrs. SCHROEDER. Mr. Speaker, I came to talk about what the gentleman from California, Mr. GEORGE MILLER, and I did yesterday. Mr. MILLER and I were both Chairs of the Select Committee on Children, Youth, and Families. That select committee is now gone. It has been put away. But when the Select Committee on Children, Youth, and Families was alive, it was a vigorous watchdog for children and for family votes.

Yesterday the gentleman from California [Mr. MILLER] and I decided that in the spirit of what is happening this weekend in Washington, with tens of thousands of people coming to Washington tomorrow for the Stand for Children Rally, that we would look at the votes of the 104th Congress and rank the top 10 that would help children. Yesterday we released our report. We called it, "Who's for Kids and Who's Just Kidding?"

The reason that we emphasized that is no Member of Congress has ever gotten elected saying they hate kids, and yet when you look at the votes, it comes out very differently. That is partly because we do not have a watchdog here anymore on these different votes pointing out the difference, and so people can kind of plaster over their votes with wonderful photo ops, with warm, fuzzy children and puppy dogs, and they can also give great speeches and rhetoric on family values, and then vote the other way when no one is looking.

We put everybody on notice that we are going to continue monitoring this through the election, because what has really happened is that America's parents and teachers and aunts and uncles and people like myself, who really feel we should be voting based on our children's future, want these voting records, but we are also busy. We feel like hamsters in the wheel, where we run at 100 miles an hour. We run faster and faster every year, and at the end of the year our tongues are hanging out and we are really tired, and we never got out of the bottom of the wheel, and the last thing we have time to do is comb the CONGRESSIONAL RECORD for an entire 2 years looking for votes on kids.

We are going to keep doing this. We were shocked when we looked at what has happened in this 104th Congress. It is no wonder so many tens of thousands of people are coming. These issues had traditionally had a very strong bipartisan coalition working on them. Yet, this year we see all sorts of programs that have never been controversial before put on the chopping block because they say, oh, well, we need money for the debt.

Let me tell the Members, 5-year-olds did not cause the debt; 3-year-olds did not cause the debt. Why in the world are we balancing the budget on their backs, when we turn around and put $13 billion more in defense than even the Joint Chiefs asked for? That does not seem fair to me.

Mr. Speaker, the other reason they have been cutting kids is they say they need the money for tax cuts. Who do the tax cuts go to? They go to the richest people in this country. I think that is unfair, too. Why should kids have to give to those who already have so much?

I was a little horrified yesterday when the Republican conference came out to our press conference and handed out this report saying that they are fighting the welfare state to save our children from poverty. They had that in a box. There is the issue: "Our Children." They mean their children and their family.

My question is, What do you do about the American child that is in poverty? Is that not one of our children, too? I would hope legislators think of our children and America's children. They are certainly America's future. The fact that we would be cutting that out and just saying, oh, no, no, you should have picked better parents, too bad, it is not our problem; I think that is wrong.

Basically, because kids cannot vote, they are a very easy target. Some of the things that have been done is we absolutely zeroed out all after-school and summer programs for kids. I find that shocking. We slashed away at the lunch program. They will tell you, "Yes, we increased it," but we did not increase it enough to have the same allocation for the number of children there. We have more children coming in and they did not increase it nearly enough, so I guess something gets removed from the plate. Maybe they do not get potatoes, maybe they do not get meat. I do not know. We cut basic education, Head Start. We cut out all sorts of other things.

I know my time is up, but we are going to stay on this, because we think this is the most important thing we can do. If we do not care about our kids, this country is not going to survive. So who is for kids and who is just kidding? We are going to tell you.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

IN SUPPORT OF THE CHILDREN'S DEFENSE FUND: STAND FOR CHILDREN

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of the Children's Defense Fund's Stand for Children, which took place at the Lincoln Memorial on Saturday. I stand with Marian Wright Edelman, the Children's Defense Fund, and all of the American families and children rallied. According to a recent report released last month by the Department of Health and Human Services, the percentage of children in extreme poverty—with a family income less than half the official poverty level—has doubled since 1975; it now stands at 10 percent or 6.3 million children. One in every five children in the United States live in poverty. On a typical day in the United States, 8,490 children are reported abused or neglected and 3 die of that abuse. Every day an average of 790 babies are born underweight, 2,660 are born into families whose income falls below Federal poverty levels and 3,398 are born to unmarried mothers. In 1992, there were 850,000 substantiated cases of child abuse or neglect, while the homicide rate for teens more than doubled between 1970 and 1992.

What will the future hold, if a generation of young people are being raised without guidance, in poverty, and in fear of crime? What have we done in Congress to support and stand for children? We must focus on devoting Federal resources for education and crime prevention.

A recent Time/CNN Poll found that 73 percent of those polled favored having more of their tax dollars go to programs that benefit the young. However, the majority in Congress have been attempting to cut programs targeted for children.

We speak so often in this House about family values and protecting children. At the same time however, my colleagues on the other side of the aisle, recently presented a budget package that will effectively eliminate the Federal guarantee of assistance for poor children in this country for the first time in 60 years.

The majority's plan is antifamily and antichild. It calls for unprecedented cuts in programs serving children and would remove the basic protections for hungry, abused, disabled, and poor children while using the savings to offset tax breaks for wealthy individuals.

The Republican plan folds 20 separate child protection programs into two block grants at a time when GAO and others report current resources are failing to keep pace with the needs of a national child protection system in crisis. Under this plan, funds could be inadequate to respond to rapidly increasing reports of abuse and neglect, and insufficient to protect abused children and find them safe, loving and permanent adoptive homes. The plan potentially guts accountability for State child protection systems, over 20 of which are operating under court mandates for failing to provide adequate service to abused and neglected children.

The Republican budget assumes a more strict definition of disability for children and the creation of a two-tiered system of benefits for children. Eligible children who require personal care assistance and who, without such assistance, would require specialized care outside the home receive 100 percent of the Federal SSI benefit. However, children with disabilities who do not meet this personal care assistance test receive 75 percent of the SSI benefit amount. This system could result in a large majority of disabled children having their benefits reduced—children with disabilities such as cerebral palsy, Down syndrome, muscular dystrophy, cystic fibrosis, and AIDS.

The Republican plan would also deny most Federal, State, and local benefits, including school lunch, to illegal aliens and would deny SSI and food stamps to legal aliens until they become citizens.

The Republican budget fails to provide adequate resources for work programs and child care which are critical to effectuate a transition from welfare to work. The Republican plan significantly increases the need for child care while reducing the resources for child care services as well as the funds available to States to improve the quality of care.

This strategy of welfare-to-work is doomed to fail. Mandatory welfare-to-work programs can get parents off welfare and into jobs, but only if the program is well designated and is given the resources to be successful. The GOP plan is punitive and wrong-headed. It will not put people to work, it will put them on the street. Any restructuring of the welfare system must move people away from dependency toward self-sufficiency. Facilitating the transition off welfare requires job training, guaranteed child care, and health insurance at an affordable price.

We cannot expect to reduce our welfare rolls if we do not provide the women of this Nation the opportunity to better themselves and their families through job training and education, if we do not provide them with good quality child care and most importantly if we do not provide them with a job.

Together, welfare programs make up the safety net that poor children and their families rely on in times of need. We must not allow the safety net to be shredded. We must keep our promises to the children of this Nation. We must ensure that in times of need they receive the health care, food and general services they need to survive.

The Republican budget resolution also proposes to cut the earned income tax credit [EITC] by $20 billion over the next 7 years. This cut includes eliminating the EITC for childless workers as well as families with children who have modest incomes. In fact, over 6 million families with children could receive a reduction in their EITC.

This program was designed to assist the working poor of America who the Republicans argue that in exchange for losing the earned income tax credit, many low-income families would receive the $500 per child tax credit. The fact of the matter, however, is that the children's tax credit will not benefit 34 percent of the Nation's children because they live in families that are ineligible because their income is too low.

Stand for Children was a national day for all of us to demonstrate a commitment to children, to celebrate our future, and to work together for community renewal. I urge all of my colleagues on both sides of the aisle to continue to support this very important effort.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MONTGOMERY) to revise and extend their remarks and include extraneous material:)

Ms. WATERS, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mrs. SCHROEDER, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Member (at the request of Mr. MONTGOMERY) and to include extraneous matter:)

Mr. YATES.

ADJOURNMENT

Mr. MONTGOMERY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 9 minutes a.m.), under its previous order, the House adjourned until Tuesday, June 4, 1996, at 12:30 p.m. for morning hour debates.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. McCOLLUM: Committee on the Judiciary. H.R. 2650. A bill to amend title 18, United States Code, to eliminate certain sentencing inequities for drug offenders; with an amendment (Rept. 104-602). Referred to the Committee of the Whole House on the State of the Union.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 326: Mr. WELDON of Florida.
H.R. 2939: Mr. HAMILTON.
H.R. 2976: Mr. LATHAM.
H.R. 3379: Mr. SMITH of Michigan.

EXTENSIONS OF REMARKS

TRIBUTE TO MRS. ESTHER GAMM'S FOURTH GRADE CLASS

HON. SIDNEY R. YATES

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, May 31, 1996

Mr. YATES. Mr. Speaker, I wish to commend Mrs. Esther Gamm's fourth grade class at Highland School in Skokie, IL, which is located in my congressional district, for receiving fourth place in the elementary school division of the 10th Annual "Set a Good Example" national competition.

At a time when there are daily reports of children at risk and in trouble with the law, it is reassuring to report on Mrs. Gamm's class' achievement. Two children at Highland were victims of the AIDS virus and the fourth graders learned about the importance of combating bias and prejudice.

The children held discussions and wrote poetry and persuasive essays based on their understanding of the rights and responsibilities of fourth graders.

The students decided to share their feelings, drawings, writings, and other expressions with the children at Children's Memorial Hospital and with seniors in their community.

A reading of their work reveals a unique understanding of the meaning of trust and the strength of relationships. As Mrs. Gamm points out, "They came to believe that their behavior could make the difference between a happy life and one of desolation. Friendship took on a deeper meaning and caring for one another means respect and an honest appraisal of one's self-respect." This is a powerful message—one well worth remembering by adults as well as children.

I'm immensely proud of Highland's fourth graders—and of the entire student body, faculty, and administration. Highland School has a deserved reputation for excellence and they deserve our heartfelt congratulations on a job well done.

SENATE—*Monday, June 3, 1996*

The Senate met at 1:30 p.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, source of all that we have and are, forgive us for taking Your blessings for granted. We go to sleep at night fully confident that we will awake the next morning, but often we do not praise You for the wonder of being alive. We rush into the day on our high horse and then ride off in all directions without thanking You for each day brimming full and overflowing with Your goodness. We presumptuously assume that we are in control of our lives, others, and circumstances. So much of what we think we accomplish alone is really the result of what You plan for us out of sheer grace, and give us the strength to attempt. We are so quick to take the credit. Life soon becomes horizontal and flat with faithless familiarity. Then into the blandness of this drift into self-help humanism, we hear the challenge Sursum Corda: Lift up your hearts. Carpe diem: Seize the day. Life is a privilege to be lived to the fullest in serving with humble gratitude. Remind us that we could not breathe a breath, think a thought, or work creatively this day without Your permission and Your power. Now we are ready for a new week of opportunities and challenges. In the name of our Lord. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, Senator LOTT, is recognized.

Mr. LOTT. Thank you very much, Mr. President.

PROGRAM

Mr. LOTT. The Senate will be in a period of morning business today until the hour of 3:30 p.m., with Senators permitted to speak for up to 5 minutes each. The first 90 minutes of morning business will be under the control of Senator COVERDELL of Georgia, or his designee, and the last 30 minutes will be under the control of Senator DASCHLE, or his designee.

At 3:30 today, the Senate will resume debate on a motion to proceed to S. 1635, the Defend America Act. No rollcall votes will occur during today's session but as a reminder there will be a cloture vote on the motion to proceed to S. 1635 at 2:15 p.m. tomorrow. If cloture is invoked on Tuesday, it is the hope that we may begin consideration of the defend America legislation and hopefully complete action on that important bill in a reasonable timeframe.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. DEWINE). Under the previous order, leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 3:30 p.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

Under the previous order, the first 90 minutes shall be under the control of the Senator from Georgia [Mr. COVERDELL].

The Senator from Georgia is recognized.

BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

Mr. COVERDELL. Mr. President, we will soon once again cast a historic vote on a balanced budget amendment to the Constitution. It will be a historic vote. It will be a defining vote. Given the experience of the last 26 years, $5 trillion in debt, interest on debt that will soon exceed Defense Department spending, it is certainly an appropriate matter for the Senate to consider.

I will not prolong my remarks right now, but, Mr. President, I will yield up to 10 minutes to the distinguished Senator from Mississippi, if I might.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, I thank the Senator from Georgia for having this time for us to discuss this very important issue.

For many years, I have supported the constitutional amendment for a balanced budget. The American people have overwhelmingly indicated repeatedly that they support a constitutional amendment for a balanced budget. I guess it would be just as well, maybe better, if we had in fact been balancing the budget every year over all these many years going all the way back, I guess, to 1969 when we had a last annual balanced budget.

There have been some very serious, some very credible efforts to come up with a balanced budget over a period of a number of years. Last year, the Congress passed a balanced budget resolution that would have balanced the budget in a 7-year period of time, with the plan to get that job done. Of course, that one was vetoed by the President. There have been other instances where we started toward controlling Federal spending. We had that effort in the early 1980's when President Reagan was in the White House. We had the Gramm-Latta bill that reduced spending by several billions of dollars and then after about 1982–83 the numbers, the spending by Congress started going back the other way.

And, of course, we had the Gramm-Rudman procedure whereby if we did not actually balance the budget each year, there would be an across-the-board cut known as a sequester. This had an impact for a year or two, and then every time Congress would get up to the point where they were going to have to make decisions or allow sequester or cuts to go into effect, Congress backed away from it, just moved the dates until finally it was rendered useless.

So there have been some good efforts, but the fact is it has not been accomplished. But yet almost every State in the Nation balances its budget every year. Even a poor State like my home State of Mississippi every year balances its budget.

Why is it? It is because the constitutions at the State level require it. You cannot have deficit spending in so many States. A few of them that do not have it in their constitution do it anyway. Some of them I guess have it in their constitution and may violate what is required. But for the most part I believe that is the fundamental difference.

It is time the Federal Government lived within its means. I think the simple solution is if you do not have x amount of revenue coming in to get the job done, you just make changes. You change priorities. If you do not have it, you do not spend it. It is real simple.

I believe that putting this balanced budget requirement in the Constitution is the responsible thing to do, and it is the mechanism that will guarantee that Congress, working with the President, would have to do the responsible thing, and that is balance the budget each year.

A week ago, Mr. President, I joined Senator DOMENICI and others in writing President Clinton one last plea that he support the balanced budget amendment to the Constitution. That is what we need. Last time we had this vote, we were one vote short in the Senate—just one vote. And there were at least

---

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

six or seven Senators who had voted for a constitutional amendment for a balanced budget in the past but switched and voted against it last year. So there is a pool of Democrats that could be convinced, and I thought that a plea from the President would make the difference.

So far his reply has been silence, and that is disappointing, but it is not entirely surprising. But if he really agrees that we should have a balanced budget, which he has said that he does, then we need his help. Both as a candidate and as Chief Executive, President Clinton has talked a good fight about balancing the Federal budget. But when it comes to the one legislative veto that can get the job done, he has not been very helpful.

It is often said that the Federal Government and the taxpayers, more important, are drowning in red ink. That is a good metaphor, but it needs one addition. That addition is President Clinton standing at the edge of the red ink ocean, feeling the pain of those who are drowning while holding behind his back the only available life preserver. This is that available life preserver. That is the balanced budget amendment. It is the only way that we have, that I have seen, to pull our children and our grandchildren out of the sea of Government debt. It is the only means we have to force Government to live within its means.

An old song reminds us that "It don't mean a thing if it ain't got that swing." By the same token, no amount of Presidential rhetoric about a balanced budget means a thing if we do not pass a balanced budget amendment. Opponents of the amendment know that and have known it all along. That is why they have been willing over the years to give lipservice to the goal of budgetary balance and even to endorse the balanced budget amendment itself as long as there was no immediate prospect of its passage.

Now, I think a lot of credit goes to the Senator from Illinois; he has worked hard in actually trying to get this done. There are many who have said they would vote for it, but when it got to the time actually to vote for it, decided they better change their mind, especially last year when they saw it was about to pass.

Then came the elections of 1994. The old order sort of shattered and the political landscape was transformed with the new majorities of both the House and Senate.

Almost overnight, a balanced budget amendment was not just talk anymore. Clear majorities in both Chambers of Congress had pledged to vote for it. So the angry and aroused, energized electorate was finally going to get some action, action it had been seeking for a long time. That is what the American public thought was happening.

But we were entering a period of second thoughts, a time when many Members of Congress revised their official positions on the balanced budget amendment. I already pointed out that six Senators who had voted for it in the past switched last year and voted against it. That was the key in its defeat.

That is why I, along with others, are now publicly calling on the President, appealing to the President, to step forward and help us with this vote this week.

I hope that we will have another vote on the constitutional amendment requiring a balanced budget this week, probably on Wednesday. If we could pick up just another couple of votes, the job would be done. The President can help us by making those contacts.

I give the President his due. Whatever his problems with the American public may be, it is clear he wields tremendous clout with congressional Democrats, especially here in the Senate. Time and again his allies in this Chamber have come to his rescue, blocking bills that the White House did not want to have to deal with. Actually, it has been a remarkably synchronized operation—a real tribute.

But, if you look at what is happening right now in the Senate, bill after bill after bill is being hung up by filibusters or failure to agree to procedures to allow those bills to be voted on. The White House Travel Office legislation is still, in effect, pending before the Senate. A taxpayers bill of rights No. 2 is pending and awaiting action. Repeal of the 4.3-cents-a-gallon gas tax is waiting for action. Many bills that the American people support overwhelmingly and deserve to have passed are in limbo here, and that has been the case with the balanced budget amendment.

The letter we sent to the President last week asked him to address this issue in his Saturday radio address, to rally support for the amendment. In candor, we felt obliged to warn that, "[f]ailure to do everything in your power to win this vote would send a clear signal to the American people * * *" that he really did not want this balanced budget amendment to pass, even though he has said nice things about it in the past. Thus far, we have not heard from the President. He did not endorse the amendment in his Saturday radio speech and he has not lifted a finger, the best I can tell, to help us pass the amendment through the Senate so the American people can decide.

Remember this, even if we passed it here in the Senate after it has already passed in the House, it still would have to go to the American people so the various State legislatures could vote on ratification in that amendment process. Should we not at least let the American people, through their State legislatures, have a chance to express themselves, to vote on this issue? So that is all we have been asking, is to allow us an opportunity to take up this amendment, debate it, vote on it, and hopefully pass it on to the States for them to pass judgment.

Opponents of the balanced budget amendment tend to ignore that part of the constitutional process. Instead, throughout the Senate's year-long debate on the amendment, they have come up with a number of red herrings. We have been told the amendment would imperil Social Security, it would devastate crucial domestic programs, that it would require tax hikes, and that it might hobble the Government in times of national or international emergency.

Do opponents of the amendment seriously believe that three-quarters of the State legislatures would ratify a constitutional amendment that was going to harm Social Security? Would the Senate? Would the U.S. Senate vote for that? I don't think so. I know I would not.

Do opponents of the amendment really think that 37 State legislatures would adopt an amendment that in any way cripples Government in times of crisis? Of course not. I think the opponents of the balanced budget amendment realize those arguments are, at best, irrelevant and, at worst, false. I guess we should be relieved they have not blamed the amendment for Britain's "mad cow" disease or global warming, but there is still time before the vote and we may hear that.

Since these are all false arguments blocking this amendment, I urge that we take them up, debate them seriously here in the next 2 days, and have a vote on this constitutional amendment.

Since those are all false reasons for blocking the amendment, why are its opponents so determined to kill it here in the Senate, before the States can even have a say in the process? I think the answer is obvious. The amendment is indeed a danger, a peril, and a threat.

It endangers the entrenched interests that have called the shots in official Washington for most of the last half-century. It imperils the network of lobbies whose reason for existence is bigger and fatter Government budgets. It threatens to derail the Federal gravy train and make its relaxed riders walk for a change.

They cannot survive under a balanced budget amendment, for it would take away their subsidized pulpits and make them earn their keep in the open marketplace of ideas. They cannot do that, and they know it. They do not have the support of the American people, so they cling to the support of the American Government.

It is why the balanced budget amendment, almost overnight, changed from a bipartisan sure thing to an endangered species. And it is why, when we vote again on the amendment within the next few days, we will probably be two or three votes short of passage. Unless, that is, unless President Clinton steps into the breach and convinces his Senate allies to vote the same way they campaigned: for the amendment and against business as usual in Washington.

The ball is in his court. If the amendment is defeated this time around, the whole country will know who bears the responsibility for its demise.

Mr. President, I ask unanimous consent that the text of my letter to President Clinton be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CONGRESS OF THE UNITED STATES,
Washington, DC, May 29, 1996.

DEAR MR. PRESIDENT: You have been telling the American people that you believe we need a balanced budget.

With a decisive vote on a constitutional balanced budget amendment scheduled for the Senate floor the week of June 3, we now have a unique opportunity to exhibit leadership over partisanship for the best interests of this nation and for our children's future.

If you are sincere in wanting a balanced budget, then please use the power of your office to persuade Democrat senators that this is best for our children and our nation. As you know, six Democrat senators campaigned on their support for a balanced budget amendment, but then helped defeat it last year.

Failure to do everything in your power to win this vote would send a clear signal to the American people that you place politics above country. Join us in passing this necessary and historic amendment. We propose that you use your Saturday radio address this week to rally support for the balanced budget amendment, and Republicans will use our response time to echo your message.

Sincerely,

SENATOR TRENT LOTT
SENATOR PETE DOMENICI
REPRESENTATIVE DICK ARMEY
REPRESENTATIVE JOHN KASICH

Mr. LOTT. Mr. President, I want to take this opportunity to convey to him something that was not in that letter.

I want to assure him that, even if he succeeds in blocking the balanced budget amendment, he is not going to block Congress' efforts to curb his tax-and-spend approach to Government.

That is the meaning of the budget resolution the House and Senate have already passed. And it will be the clear and frugal bottom line of the appropriation bills we will send down to the White House over the next 4 months.

One way or another, the taxpayers are going to win this fight. President Clinton and his Senate allies can delay that outcome, but they cannot prevent it forever.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, I thank the Senator from Mississippi. I think he has hit on key features relating to the passage of the balanced budget amendment, the first being that this really is in the hands of the President of the United States. He was the reason that six members of his party changed their minds, and his rhetoric can now be the reason to support a balanced budget by speaking out and calling on his side to support it.

I am very pleased that Senator DOLE is fulfilling his promise to the American people and recalling it, even though the odds against getting over that hill are great.

Now, Mr. President, I yield up to 15 minutes to the principal sponsor of the balanced budget amendment, its longtime and ardent supporter, the Senator from Utah.

The PRESIDING OFFICER. The Senator from Utah is recognized for 15 minutes.

Mr. HATCH. Mr. President, I rise today to call on the Senate to send the Dole-Hatch-Simon balanced budget amendment to the States for ratification. We will have the opportunity to vote for it again soon. I am hoping that the Senate will respond to the needs of the American people.

President Clinton has fought the balanced budget amendment every step of the way, and I would just like to ask, "Why?" The President says he is for a balanced budget. Yet, I suggest that the opponents of the balanced budget amendment are simply not ready to impose the kind of fiscal discipline on themselves that a constitutional amendment would require. It is tough to stop spending other peoples' money.

Last year he succeeded in blocking the balanced budget amendment. President Clinton won but the American people lost. The American people will lose again if President Clinton has his way this year, if we cannot talk him into helping here. Unless he changes his mind and makes clear his support for the balanced budget amendment we will probably fail one more time.

It is important for our country and our children. The subject matter goes to the heart of our Founding Fathers' hope for our constitutional system—a system that would protect individual freedom through limited government. In the latter half of this century, however, the intention of the Framers of the Constitution has been betrayed by Congress' inability to control its own spending habits. The size of the Federal leviathan has grown to such an extent that the very liberties of the American people are threatened.

The other body has already given its approval to the amendment, so it is up to the Senate to follow and meet the needs of the American people, 85 percent of whom favor a balanced budget amendment. We need to relegate the spendthrift and tax-happy policies of the past to the dustbin of history. This amendment has broad support in the country and among Democrats and Republicans who believe that we need to get the Nation's fiscal house in order so that we can leave a legacy of a strong national economy and a responsible National Government to our children and grandchildren.

Mr. President, our Nation is faced with a worsening problem of rising national debt and deficits and the increased Government use of capital that would otherwise be available to the private sector to create jobs to invest in our future. This problem presents risks to our long-term economic growth and endangers the well-being of our elderly, our working people, and especially our children and grandchildren. The debt burden is a mortgage on their future.

The total national debt now stands at more than $5.1 trillion. That means that every man, woman, and child in Utah and all of our States has an individual debt burden of $19,600. While it took us more than 200 years to acquire our first trillion dollars of debt, we have recently been adding another trillion dollars to our debt about every 5 years, and that is shortening as we keep going.

Yet, Mr. President, opponents of the balanced budget amendment claim that there is no problem. They point to the marginal slowdown in the growth of the debt in the last year or so as if it suggested that all our problems are solved. Only inside the Washington, DC, beltway can people claim that we are on the right track while we add to a debt of more than $5.1 trillion. The President's own 1997 budget predicts that in the year 2000, total Federal debt will be more than $6 trillion. That means a Federal debt of about $23,700 per person. Every one of us will owe that much when we get to that point. That is, if the President has his way. This would be nearly a tenfold increase in the per capita debt since 1975.

When we last debated the balanced budget amendment, I gave a daily update of the debt increase as we debated. By the end of the debate, my "debt tracker" was becoming unwieldy, so I have brought down a sort of summary debt tracker to bring us up to date since we began debate on this amendment in January of last year.

As my chart shows, when we began debate on the balanced budget amendment, the debt was $4.8 trillion. As of this week, it stands at more than $5.1 trillion. That is an increase of $320 billion in a little over a year. It is absolutely incredible. Translated into more understandable terms, that means that the cost of the delay in passing this important amendment has been more than $1,200 for every man, woman and child in America.

Put another way, over the 15 months that have elapsed since President Clinton helped defeat the balanced budget amendment, the debt has increased on average over $650 million of debt, over $27 million an hour, over $450,000 a minute and over $7,500 every second.

This is the price of the delay caused by President Clinton and his allies.

That increasing debt is not just numbers on a chart. Over time, the disproportionate burdens imposed on today's children and their children by a continuing pattern of deficits could include some combination of the following: increased taxes; reduced public welfare benefits; reduced public pensions; reduced expenditures on infrastructure and other public investments; diminished capital formation; diminished job creation; diminished productivity enhancement; diminished real wage growth in the private economy; higher interest rates; higher inflation; increased indebtedness to and economic dependence on foreign creditors; and an increased risk of default on the Federal debt.

This is fiscal child abuse, and it simply must end.

Mr. President, if one thing became clear during our recent experience in trying to enact the Balanced Budget Act of 1995, it is that we need a constitutional mandate. Some Senators argued during our debate last year on Senate Joint Resolution 1 that we did not need a constitutional amendment to balance the budget. "We know what needs to be done," they said. "We should just do it."

The trouble is that Congress did it and the President did not. But under a constitutional amendment to balance the budget, the words "just do it" would have authority for both elected branches of the Government, both the executive and the legislative branches.

In the year that has gone by since President Clinton helped defeat the balanced budget amendment, the country has witnessed one of the most contentious budget battles in the history of our Nation. President Clinton was willing to let the Government shut down twice before he finally agreed to work seriously toward balancing the budget.

But what guarantee is there that the Federal Government will ever achieve a balanced budget? When the other side of the aisle controlled the Congress, we never had serious consideration of a balanced budget plan. President Clinton never proposed a balanced budget until he was forced to. The budget he first submitted when we debated this amendment last year had $200 billion deficits as far as the eye could see. Even our colleagues on the other side of the aisle recognized this as an entirely inadequate approach and rejected it. In fact, the President submitted no fewer than 10 budgets in 1 year and a series of attempts to avoid the tough, but responsible, decision to balance the budget.

Nothing shows more clearly how difficult it is to move in the right direction than the last 9 months. Mr. President, we need the balanced budget amendment to lock in the balanced budget rule now, or the future of our children will be bleaker and bleaker.

The proposed constitutional amendment will help us end Congress' dangerous deficit habit in the way that past efforts have not. It will do this by correcting a bias that exists in the system, in our present process, which favors ever-increasing levels of Federal Government spending. The balanced budget amendment reduces the spending bias in our present system by ensuring that, under normal circumstances, votes by Congress for increased spending will be accompanied by votes either to reduce other spending programs or to increase taxes to pay for such programs.

For the first time since the abandonment of our historical norm of balanced budgets, Congress would be required to cast politically difficult votes—one politically difficult vote a year at least as a precondition to casting a politically attractive vote to increasing spending.

Mr. President, the Senate should approve the balanced budget amendment. It is the right thing to do for ourselves and our children and grandchildren, and it will give us back responsible and accountable constitutional Government. If we continue to play around like we have over the last number of years during this administration, with all the mouthing in the world about balancing the budget and all the action in the world not doing so, we are bartering away our future.

Look at this growth of a little over a year—$320 billion more in deficits. Yet, they sit down there at the White House and act like everything is going just perfectly, like they are making real headway on the budgetary deficit. When this gets up much over $5.13 trillion into $6 trillion, the interest against the national debt is going to eat us alive. Then the pressure will be to monetize the debt—that is, print dollars like they did in Germany, where it took a wheelbarrow to buy a loaf of bread, so we can pay off our debt with cheap dollars and basically defraud all the people who rely on the valid well-being of the United States.

We have to face this. This is the time to do it. I hope our colleagues on the other side will get real on this. Everybody in Washington knows, and I think most people out in the country know, that this argument over Social Security is a false, fallacious and ridiculous argument. We have to do what is right now.

I thank my dear colleague from Georgia for leading this matter right now and having people here to speak to this issue.

I yield the floor.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, I thank the Senator from Utah, not only for his remarks this afternoon, but for the extended effort over the years to produce a sound fiscal policy in the United States in the management of our financial affairs.

I now recognize the junior Senator from Utah for up to 10 minutes.

The PRESIDING OFFICER. The Senator from Utah is recognized for up to 10 minutes.

Mr. BENNETT. Thank you, Mr. President. This problem, like the poor, seems to always be with us. I can remember debates about balancing the budget and dealing with the budget deficit that go back 30 and 40 years. In the 1992 election, when President Clinton ran, this was a major issue, primarily because of Ross Perot. Ross Perot raised it, Ross Perot made an issue out of it and Ross Perot, I think, got his finest reaction on the television, when he was being attacked for his lack of experience, when he responded by saying, "You're right; I don't have experience. I have never run up a $4 trillion deficit in any of the businesses I have run. I don't know how to do that."

I am not a supporter of Ross Perot. I voted for George Bush and campaigned for George Bush and think the country would be better off if George Bush had won. But I do give Mr. Perot his due for having focused our attention on this issue.

I ran in 1992 as well, so was heavily involved in it. At the time, the deficit was around $300 billion a year. I remember saying to those people who came to my town meetings and heard me as I was campaigning, "Let me make a prediction. I predict that no matter who wins the election, the deficit will go down, and it will go down fairly significantly, and every politician in Washington will take credit for having made it go down, and none of them will have had anything to do with it at all."

I think I predicted correctly. The deficit has gone down. It is roughly half what it used to be.

Let me remind everybody, lest they fall into the trap of misunderstanding what I am saying, the deficit is not the debt. To say the deficit is half what it was in 1992 is like saying to your teenaged child, "You're overspending by $200 a month your allowance, but that's all right because you used to overspend by $400 a month, so your deficit has been cut in half." No. The debt keeps going up with every dollar of the deficit. But the deficit has indeed been cut in half.

Why was I able to predict that the deficit would be cut in half in 1992 with such accuracy? Two things. As I say, the politicians had nothing to do with either one of them.

No. 1, the cold war is over. President Clinton talks about the number of Government employees who have been severed from Government service since he has been President. He says, "We've eliminated some 270,000 civilian jobs." He is right. Over 200,000 of those are in the Defense Department.

This is the so-called peace dividend that we heard about for so long. We are now at peace. The cold war is over. We are not spending nearly as much on the Defense Department as we used to. We have eliminated some 200,000 jobs of civilians in the Defense Department. As a result of that, the deficit has come down. Did any politician here have anything to do with it? No. In my opinion, the politician who should be most credited with ending the cold war is named Ronald Reagan. And he left town some time ago.

The second reason the deficit has come down is because the savings and loan bailout has been taken care of. I am a businessman. Anybody who has been in business knows what an extraordinary expenditure is. An extraordinary expenditure is something you have to pay that is not part of your everyday activity.

We had to pay hundreds of billions of dollars to the depositors at savings and loan institutions whose money was insured by the Federal Government. These S&L's went under, and while we can prosecute the owners and the managers of the S&L's if they have committed fraud, we have an obligation to pay off the depositors. So the cost of paying those depositors was going through the budget process like a pig in a python—a big bulge. Once it was digested, the python went back to its normal size.

We paid off the last of the savings and loans obligations a year or so ago. Somewhat to our surprise, we found out the properties we were left with, those S&L assets we seized in order to pay off the obligations, are worth more than was anticipated. So we got more in selling those properties than we expected, and we did not have to pay as much as we had expected in the obligations.

Put those two facts together and what do you get? You get a reduction in the deficit short term, one time. That is what I want to emphasize. This reduction in the deficit that was so predictable is a short-term, one-time phenomenon.

Look at the future and you see what June O'Neill, the Director of the Congressional Budget Office, told us in the Appropriations Committee last week; by the time some of the young folks who are here in the galleries observing the Senate operate are into their careers, that is, in the year 2020, 2030, not that far away, if we do not do something about the structural deficit—not this extraordinary expenditure kind of deficit that we had—if we do not do something about the structural deficit, June O'Neill says, at that point the national debt will be 180 percent of gross domestic product.

In other words, we will owe 180 percent of everything we produce in a single year. That is the same as saying, "OK, if you have a $100,000-a-year salary, you have $180,000 in debt."

The highest point in our history in terms of our debt was at the height of the Second World War when our debt stood at 130 percent of our gross domestic product. That was when we were at war fighting for our survival. We were willing to risk the debt under those circumstances.

The regular structural debt—that has nothing to do with war, nothing to do with emergencies, nothing to do with drought—in the working careers of the young people who come on their spring breaks and vacations to see us in the gallery, in their working careers you will see the debt higher than it was at the height of the Second World War if we do not do something about it.

We do not seem to be able to do anything about it. We passed balanced budgets. The President has vetoed them. We have come up with ways of controlling the spending. The President has vetoed them. Again and again we have had a legislative fix, and the answer has been, "We'll deal with that tomorrow." I have said on this floor before, I think the theme song of this administration should be from the musical "Annie" because Annie was always singing about "tomorrow, tomorrow," we will balance the budget tomorrow. It is always a day away.

When we say, let us start today, it is always, well, if you start today, it will start to hurt a little bit, so we will promise to hurt you tomorrow, but we will continue to spend today.

Apparently, the only way to get anybody's attention finally in this circumstance is to put it into our basic law. I have resisted this all my political career. I felt the Constitution should not be tampered with. I am a very reluctant and late-coming convert to the idea of a balanced budget amendment to the Constitution. I am there because I have come to the conclusion that there is, in fact, no other way.

So I join with my colleagues rising on the floor today to say, not tomorrow, today, and not through hopes and pledges and expressions of good intentions, but through writing it into our basic law and putting into our basic structure on which all other laws are built the requirement that we get our financial affairs in order, so that the young people who come to see us can send their children to come to see our children and have the debates over substantive ways to spend the taxpayers' money, instead of being in a circumstance where we have no choices because everything has to go to service the enormous national debt that we are looking at if we do not get this circumstance under control.

For that reason, Mr. President, I join with my colleagues in endorsing a balanced budget amendment and hope that we are successful this week in seeing it pass. I yield the floor.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER (Mr. KYL). The Senator from Georgia.

Mr. COVERDELL. Mr. President, I thank the Senator from Utah for a very forceful presentation.

I want to reiterate a point, before I yield to the Senator from Idaho, that was made by the Senator from Mississippi when he opened this discussion. He pointed out that this vote is to allow the States to take up the issue of whether or not the Constitution should be amended. The other side does not even want the States to carry on and conduct the debate of this great national issue. They do not want to let it go to the States.

I find that uniquely Washingtonian. "No. We have to keep it all here. We don't dare let the States debate this great issue and make their voices heard." It takes three-fourths of them to ratify this before it would become an amendment to the Constitution.

With that, Mr. President, I yield up to 10 minutes to the Senator from Idaho who, I might add, has also been a driving force behind the effort to secure a balanced budget amendment to the Constitution.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, let me thank my colleague from Georgia and the Senator from Utah who has just spoken on this fundamental American issue.

Mr. President, I had the privilege of beginning my service to the State of Idaho in 1981 in the U.S. House of Representatives. By 1982, it had become obvious to me that the collective bias, if you will, inside the Congress and elsewhere in the Federal Government, at that time and still today, was largely to spend money, to tax when you had to, but clearly to spend money on those programs that you felt most beneficial to your constituency. And when taxation was not popular, the bias was to go ahead and borrow the money because—that was certainly popular in the 1970's and 1980's and into the early 1990's—if you could bring home one Government program after another and deliver it to your constituency, especially if you did not have to pay for it in the form of taxes, you were just an extremely popular politician and you tended to get reelected year after year after year. Thank goodness the attitude has changed a bit in Congress.

It was in 1982 that I and a Democrat Congressman from Texas, Charlie Stenholm, first introduced, and joined forces in a bipartisan effort to pass, a balanced budget amendment to the Constitution on the floor of the U.S. House of Representatives. At that time, I and others traveled nationwide from State to State asking the State legislatures to petition the Congress for the very right that the Senator from Georgia has just spoken to—the right to speak to the Constitution, the right to amend the very basic document of our country.

From 1982 to 1995, this Congress has been struggling with the fact that they really did want to deny the American people the right to speak their will on their Constitution, to reshape their Constitution, in a very important way, in what it would do to direct, to simply limit, the Congress of the United States and its activities.

In 1982, if you looked at the polls, the public was somewhat concerned about a balanced budget amendment. It was not until the late 1980's when the deficits were soaring to nearly $300 billion a year that this issue finally became an urgent issue with the American people. Even in a poll today, after 2 long years of struggling with liberal Democrats and fighting to try to balance a budget, the American people, now 83 percent strong, say, "Give us a constitutional amendment for us to speak on, to debate and ratify, that would force the Congress of the United States to balance its budget."

From 1982 to 1996, this issue has become, without question, the most important, single, driving issue in the minds of the average person out there. That average American believes in a balanced budget, and recognizes the tremendous difficulties that the Congress itself has had in attempting to balance the budget, and therefore believes it will take the weight of the Constitution to balance the budget.

What does it mean in real terms? Mr. President, we talk about a constitutional amendment requiring the Congress to function in certain ways. All well and good. Everybody wants a balanced budget and wants our Government to keep their fiscal house in order. Even this President, who only pays simple lip service to a balanced budget and does not really mean it—we saw between 1992 to 1994 when he was big spender No. 1 and big taxer No. 1. Now, of course, because of 1994 and the elections, he has changed his tune a lot. In fact, it is awfully hard to tell who he is these days, but we do know he at least says he is now for a balanced budget. Not for a constitutional amendment. Oh, no, do not force the Government to be fiscally responsible. Just trust Bill. Just trust the President that he will be a responsible public servant, along with the Congress, that for now, 36 years, has been unable to balance its budget. As critical as I am of this President, his own people said in his budget for 1995 that, because of the way Government spends, that future generations are going to look at paying 82 percent of their income into taxation on an annual basis for all levels of Government service and to pay interest on the debt. I cannot imagine any one young person, let alone any adult, who would believe that to be acceptable. Yet the best minds from this Government supposedly say that is a fact, unless we change things.

The National Taxpayers Union estimates a child born today, in his or her lifetime, is going to pay an extra $180,000 in taxes just to pay interest on the current accruing Federal debt. Those are the people reasons that we ought to do something. Clearly, the ability to keep our fiscal house in order, Mr. President, is of paramount importance to any one American's future and to the future and strength of this country.

The balanced budget bill that the President vetoed this last year would have begun the very important process to lead us to the balanced budget we speak of by the year 2002. What does it mean to the American family if we would have been able to accomplish what the President vetoed on one side and then said he was for on the other? About $2,400 a year in mortgage payments for a $75,000, 30-year mortgage. That is significant money. How about $1,000 on the lifetime of a 4-year car loan? That is big money to an American family. How about $1,900 on the life of a 10-year student loan? All we have heard from this administration when we tried to adjust the student loan program is that we were cutting the loan program, when we did not cut loans or eligibility a dime. Yet, they will not balance their budget to give the student who has to pay the interest on the debt that he or she has accrued the benefit of a $1,900 savings on a 10-year student loan. That is big money to real families, spread across millions and millions of students who need student loans to put themselves through their undergraduate years.

How about 6 million new jobs by the year 2002—just from balancing the budget. And there are other kinds of growth or multipliers in the economy that will occur if we are able to do this. Those are the good reasons. That is why we ought to be balancing the budget.

Now, can we get there without a constitutional amendment? Well, I think everyone watching today, and certainly the American people over the last 2 years, have watched us play the game. Some of us were deadly serious about a balanced budget. I am afraid the other side of the aisle was not at all that interested. We have heard one plan, two plans, four plans, six plans. Oh, there are all kinds of plans to balance the budget. But when that side of the aisle disagrees with this side of the aisle, and ultimately, in the end, with the President's veto standing there over us, balanced budgets simply do not occur because the Constitution does not require them. We have only our ability to work together to solve this, and that is not enough.

I have always been convinced from the very day that I fought for a balanced budget amendment on the floor of the U.S. House in 1982 that we needed the extraordinary power of the Constitution to force the Congress of the United States and those who serve it to be fiscally responsible. We had learned—not this particular Senator, but a good many before him—that there were all kinds of ways to game the system, and in the end you could ultimately tell the American people you were doing one thing when, in fact, you were doing something different.

It does not work that way when the Constitution requires you to respond in a certain manner. Oh, there are those who would say you can just ignore the Constitution. Mr. President, that is one thing that is not ignored around here. In the privileged time I have had to serve the State of Idaho in Congress, I have seen the Constitution is not intentionally ignored. There are times when what we do gets judged by the courts to be constitutionally lacking. When that occurs with a law we pass, we make the necessary decisions and adjustments to change it and bring it back into shape.

Since 1969 we have had 27 unbalanced budgets in a row. From 1960 on, 35 of 36 budgets have been unbalanced. A majority of the American people have seen the Federal Government balance its books only once or never. Yet, when our Founding Fathers created this great country, they did not require this as a constitutional requirement because they simply felt there would never be a day when the budgets would not be balanced. If they did become unbalanced, certainly, the fiscally responsible Congress would move quickly to bring them back into balance.

Mr. President, let me conclude by saying we will have an opportunity once again to vote on a constitutional amendment to require Congress and the President to balance the Federal budget. I know of no single, stronger way to allow the American people to debate the issue of a balanced budget in every State capital of this Nation, than to allow the legislatures of all of the States to move in the constitutionally prescribed way, and that is to ratify or deny a constitutional amendment—the 28th—to our Constitution, which would require the Government of this country to balance its budget on an annual basis.

I yield the remainder of my time.

Mr. COVERDELL. Mr. President, it is my understanding that the distinguished Senator from Arizona would like to speak on this subject matter. If he is willing, I would be pleased to replace him as Presiding Officer and yield up to 10 minutes from the Senator from Arizona.

(Mr. COVERDELL assumed the chair).

Mr. KYL. Mr. President, I appreciate the Senator conducting this special order, and I appreciate his yielding time for me to speak on the matter of the balanced budget amendment.

I think the case for the balanced budget amendment is now stronger than ever. Many of the critics of the balanced budget amendment in the past have argued that it was unnecessary, that if Congress only had the courage and the will, it could balance the budget and do so without the explicit mandate to do so in the Constitution.

Well, Mr. President, the majority of Congress did finally muster the courage and the will on November 17 of last year when it passed the Balanced Budget Act. For the first time in 26 years, a majority in the Senate and the House approved a comprehensive plan to begin to limit Federal spending and to balance the Federal budget.

But courage and will—and the votes of the majority in the Congress—were not enough to overcome President Clinton's dogged determination to spend beyond the Nation's means. A President committed to big Government can always be counted on to use every tool at his disposal to thwart progress toward a balanced budget, to wear down the courage and the will of even the most steadfast of the deficit hawks.

On April 25, for example, a majority in Congress concluded that it was easier to yield to President Clinton's demand for more spending than to fight for maximum deficit reduction. The omnibus appropriations bill for fiscal year 1996—a bill that I opposed—spent about $5 billion more than was originally intended. The Senate added another $5 billion to the fiscal year 1997 budget resolution 2 weeks ago to appease the President. Granted, the additional spending is offset by savings achieved in other areas. But if Congress had applied those offsets to deficit reduction instead of accommodating the President's demands for more spending, it would be that much easier to achieve the goal of balancing the budget. As it stands, it will be billions of dollars harder to achieve the goal of a balanced budget by the year 2002.

The balanced budget amendment would correctly put the onus on the President in future situations like this. Instead of requiring Congress to muster a supermajority vote to limit Government spending—for example, to override President Clinton's veto of more frugal appropriations legislation—the balanced budget amendment would require the President to orchestrate a supermajority to vote for his proposals to add to the deficit.

Mr. President, this illustrates the problem. It is far easier to spend money than it is to save it. While it will take a supermajority to save taxpayer money and balance the budget over President Clinton's veto, it takes only a simple majority to spend hard-earned tax dollars. In fact, because so much of the Federal budget is on autopilot, the Government can spend more every year without taking any vote at all.

President Clinton uses this fact to his advantage. He claims to support a balanced budget, but resists every effort to accomplish that objective, knowing full well that inaction means that the Government will continue to grow and that Federal spending will continue to escalate.

The fact is, despite claims to the contrary, President Clinton has never proposed a budget that would actually achieve balance. Speaking about the latest budget proposed by the administration, the Director of the Congressional Budget Office, June O'Neill, said in testimony on April 17, "Under CBO's more cautious economic and technical assumptions, the basic policies outlined in the President's budget would bring down the deficit to about $80 billion by the year 2002 instead of producing the budget surplus that the administration estimates."

In other words, the President's most frugal budget would still result in an $80 billion budget deficit.

So for all of the President's proclamations that he is now a true believer in a balanced budget, the fact is that he has yet to offer an honest plan to achieve balance by any date certain.

By contrast, the budget that the Congress passed last year and the budget we just passed 2 weeks ago, do achieve balance and they do so while protecting the programs that are most important to the American people. We promised not to cut Medicare. We do not. Medicare spending would be allowed to grow at twice the rate of inflation. In fact, per beneficiary spending would grow from $5,200 in 1996 to $7,000 in 2002—a 35-percent increase. We allow it to grow, but at a sustainable level.

We provide a $500-per-child tax credit for every child under 18 years of age. We protect Social Security. We reform Medicaid and continue progress toward more market-oriented farm policies.

Mr. President, there are good reasons to balance the budget. The Congressional Budget Office predicts that a balanced budget would facilitate a reduction in long-term real interest rates of between 1 and 2 percent. That means that more Americans will have the chance to live the American dream—to own their own homes. A 2-percent reduction on a typical 30-year mortgage in my State of Arizona would save homeowners over $230 a month. That is $2,655 each year. That same 2-percent reduction in interest rates on a typical $15,000 car loan would save buyers $676. The savings would also accrue on student loans, credit cards, and loans to businesses that want to expand and create new jobs. Reducing interest rates is probably one of the most important things we can do to help people across this country, and reductions in interest rates are the first result of a balanced budget.

With that in mind, I urge my colleagues to vote for the balanced budget amendment when it comes before the Senate later this week. It has been a long time in coming, and it is urgently needed.

Before closing, I want to make one final point. Ideally, the balanced budget amendment should include a tax or spending limitation, or both, because it matters how we balance the budget.

I have long advocated a spending limit as the best approach. The balanced budget spending limitation amendment, Senate Joint Resolution 3, which I introduced in January 1995, includes such a limitation. It would require a balanced budget and limit spending to 19 percent of the gross national product, which is roughly the level of revenue that the Federal Government has collected over the last 40 years.

Limit spending and there is no need to consider tax increases. Congress would not be allowed to spend the additional revenue raised. Link Federal spending to economic growth, as measured by GNP, and an incentive is created for Congress to promote progrowth economic policies. The more the economy grows, the more the Congress is allowed to spend, but always proportionate to the size of the economy.

A tax limit is the next best approach, and that is why we have advocated a supermajority to raise taxes.

The tax limitation amendment that I introduced earlier this year—an initiative the House just voted on on April 15—would require a two-thirds vote of each House of Congress to approve tax increases. It would make an important addition to the Constitution, whether or not the balanced budget amendment is approved, but it is particularly important if the balanced budget amendment does become part of our Constitution. I do not believe that the balanced budget amendment should become an excuse to raise taxes. That is why I believe it should be accompanied by either a spending limitation or a tax limitation.

Mr. President, the balanced budget amendment is no panacea. A constitutional spending or tax limitation must follow to ensure that the budget is balanced in the right way—by eliminating spending. But it is essential that we take this first important step and pass the balanced budget amendment when it comes before us this week.

So I urge my colleagues to support the amendment and hope that we can adopt it and change the Constitution, that the States will ratify it, and that we will in fact require a balanced budget amendment requiring the Congress to maintain a balanced budget for our Federal Government.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KYL). Without objection, it is so ordered.

Mr. COVERDELL. Mr. President, I compliment you on your remarks. I did not have a chance to do so to the Senator from Idaho and all the others that have risen in support of the balanced budget amendment to the Constitution. If I could take just a minute to try to step back from this day-to-day routine and debate that we find ourselves in in the U.S. Senate in Washington, DC, not long ago—getting on to running on the second year—President Clinton's Bipartisan Commission on Entitlements issued its report. Mr. President, in that report it showed us—holding it right here in front of me—that in the year 2006, five Federal programs will consume 100 percent virtually of the U.S. Treasury. Though there is a little bit left—enough to run about one-third of the current Defense Department—that is it. That is within all of our watch. That is just within a decade. The five programs are Social Security, Medicare, Medicaid, Federal retirement, and the interest only on our debt—the interest only.

So we have in these Halls of Congress over the last 30 to 40 years put in place a potential catastrophe. We have talked about this for many, many years. Mr. President, the responsibility for addressing these problems can no longer be passed to someone in the future. We can no longer pass the baton. We are at the moment as we approach the new century of exercising prudent disciplines to bring into check the financial affairs of these United States of America of which the balanced budget amendment is a critical component. We have been joined by the Senator from Illinois who has been a dogged advocate of a balanced budget amendment to the Constitution. I am going to yield to him in just a moment.

Let me just say, Mr. President, that when a generation of Americans consciously engages in consuming the resources of a future generation it is engaged in abrogating their freedom. This country was birthed in the pursuit of freedom, and thousands of its citizens lie under markers across the world in unending and exhaustive efforts to protect our freedom. What no country was ever able to do from the outside we are close to doing to ourselves. We have been engaged in a domestic abuse that could have the very effect that we fought for so long to protect.

We just heard a Senator on this floor say unchecked a child born yesterday will forfeit 84 percent of their living wages to pay for this. That cannot happen. American citizens already work from January 1 to May 7 before they get to keep their first paycheck. If we do not bring this into check they would only get to keep their paycheck in the month of December.

This is just not a business about numbers, Mr. President. We are discussing freedom of the Americans who follow us. No generation of Americans I can imagine would ever consciously be engaged in robbing the future of the very freedom we fought to enjoy ourselves.

Mr. President, I would like to yield up to 10 minutes to my distinguished colleague from Illinois, Senator SIMON.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Mr. President, and my colleague from Georgia, I thank you.

I am pleased to rise in support of this. Let me comment first of all on the politics of this because there are those on my side who say this is political. And I do not think there is any question that its timing right now is in part political. That does not get to the merits of it, however.

I would have to say—and I say this as someone who is supporting Bill Clinton for reelection—that BOB DOLE has been consistent on this. This is not a phony position that he is taking in order to gain a few votes in an election.

Second, in terms of the politics, let me just add that if we should pass it we give BOB DOLE a small victory in terms of politics because whatever has happened in the past people do not worry about that in an election. They talk about what is going to happen in the future. If we defeat it—and it is Democrat votes that defeat it—then you hand BOB DOLE a much bigger issue. That is the political reality.

A second political reality is the public image—I say to my friends on the Republican side—of Republicans is they simply are too hard-hearted, are not considerate of those who struggle in our society, and too often candidly propose amendments and pass bills that confirm that impression. On our side, the public image is they are good-hearted people. But they are fiscally reckless. And too often we seem to go out of our way to confirm that. And if it is Democratic votes that defeat this tomorrow, or whenever we vote on this, we will have played into what is the worst of our perceptions.

But aside from the politics—and the politics really should be extremely secondary—we are talking about something that is absolutely essential for the future of our country. This is not a new idea. Thomas Jefferson was the first person to suggest that we needed this kind of a constitutional amendment. He was not in the United States in 1787 when the Constitution was written. He was negotiating for us in Paris. When he got back, he said, "If I could just add one amendment to the Constitution it would be to prohibit the Federal Government from borrowing money." He wanted an absolute prohibition which this amendment does not do. It leaves room for emergencies to have deficits. But he said one generation should no more be willing to pay for the previous generation's debts than for the debts of another country. That was a very interesting observation from him.

I was reading the other day and came across where John Kennedy in 1963 complained about the huge amount of money that was being paid for interest for which we got nothing. Do you know what the gross interest expenditure was in 1963? Mr. President, $9 billion. That is a terrible waste of money. But do you know what the latest Congressional Budget Office figure is for this fiscal year? Gross interest expenditure—$344 billion. What if we had such a constitutional amendment in place in 1963, or what if we had it in place in 1980 when the total debt was less than $1 trillion? And if we do not pass it tomorrow, 5 years from now or 10 years from now the situation will be much worse. And people will say, "Why didn't they act?" Why, indeed? Mr. President, $344 billion—we will spend 11 times more on interest than on education, 22 times more on interest than foreign aid, and twice as much on interest as all of our poverty programs. What do we get for it? Nothing other than higher interest rates.

And I mentioned foreign aid. It is interesting. We now pay in interest to other countries somewhere in excess of $45 billion a year—when I say other countries, I am including people who own the bonds; maybe individuals in other countries. In other words, we are spending roughly three times as much on interest for those who are more fortunate than we are spending on foreign aid for those who are less fortunate. And it is getting worse. One of the publications I receive—and I am sure it has a very small circulation—is called Grant's Interest Rate Observers, published in New York City.

The last edition has this very interesting statistic: May 17, 1995, foreign central bank holdings of Treasuries, $444 billion; May 15, 1996, 1 year later—it was $444 billion—it is $553 billion. And it is not going to go on indefinitely.

The distinguished economist Lester Thurow said that at some point other countries and people in other countries are going to say, "We are not going to buy those bonds anymore." The question is not if they are going to say that; the question is when they are going to say that. We are headed for serious, serious trouble.

If you read an Adam Smith quotation—I should have brought it over here—in his "Wealth of Nations," 1776, he said this is the history of nations: They pile up more and more debt, and then they find out the only politically satisfactory answer to solving the debt problem is to debase the currency.

That is where we are headed. Let no one make any mistake about it. Unless we have the discipline of a constitutional amendment, we will eventually do what the economists call monetize the debt. We are just going to start the printing presses rolling, because as you look at Social Security and other projections of entitlements in the long run, eventually some Congress—we may not be around at that point; I certainly will not be around—is going to face one of three very drastic choices. First, to dramatically increase taxes. And you know how popular that would be. Or to dramatically cut back on Social Security and other expenditures, and you know how popular that would be. And the third option, print more money, and that is where we are headed.

Now, the opponents will say we can do it without it. Both sides have agreed we are going to have a 7-year balanced budget. My friends, the Presiding Officer, the distinguished Senator from Arizona, will grow green hair before the budget is balanced in 7 years under this proposal. It just is not going to happen. Both parties put the really tough choices out to the end of 7 years. That is the politically easy thing to do. If it was politically easy, we would have balanced the budget a longtime ago. What we like to do is tell people we are for balancing the budget, but we are going to put off these really difficult decisions.

We need the discipline of a constitutional amendment to force us to do the right thing.

Now, some will argue, well, we ought to exclude Social Security. And we have since 1969 had a unified budget that has included Social Security. I have always favored excluding Social Security. Some of us who have been pushing this have tried to negotiate where we could over a period of years move in that direction to protect Social Security even more. But real candidly, we have been unable to pick up any additional votes by doing that. But let no one use the figleaf of Social Security to cover opposition to this. Bob Myers, chief actuary for Social Security for 21 years, said it is absolutely essential for the future of Social Security that we have a balanced budget amendment, because if we do not have a balanced budget amendment, frankly, we are going to monetize the debt, and that means just printing the money and the trust funds will just really move down.

I see I am being signaled on time.

Mr. COVERDELL. Mr. President, I yield 3 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. I thank my colleague.

Let me just add two or three more points. We are spending an increasing percentage of our tax dollar on interest. I do not care whether you are Republican or Democrat, liberal or conservative. That just does not make sense. We ought to be spending our money on goods and services. And then let us differ on whether we have a national health program, which I strongly favor. Maybe my colleagues here differ with me on that. But we ought to have pay-as-you-go Government, and if we want to have a program, we have to pay for it. And if we do not have the courage to vote the revenue, we cannot have the program—just that basic. It is true for a family. It must be true for a nation.

This is also welfare in reverse. The biggest welfare program we have in the United States by far is interest, and it is welfare for the rich, and increasingly the rich beyond our borders. I know there are some who argue this trickle-down economic theory: Give to the wealthiest and it will help everybody. I have never bought that theory. I believe if you give money so people can buy General Motors cars, if you give to the people at the bottom, the president of General Motors is going to do all right, too. But it does not necessarily work in reverse. Even if you buy the trickle-down theory, who can argue that if you give money to wealthy people in Japan and Saudi Arabia and Great Britain and The Netherlands, that is helping people here in the United States of America?

We end up raising interest rates. We have seen Wharton and the other schools, the econometric studies that say if we pass this, when we achieve a balanced budget we will have interest rates—the largest projection—the prime rate dropping 3.5 percent. You have had the Concord Coalition study that says the deficit in the last 20 years is costing the average American family today $15,500 a year in income, and yet we continue dissipating our funds, violating the future of our children and our grandchildren.

It just does not make sense. We ought to do the right thing, and the right thing is to have a balanced budget requirement in the Constitution unless there is an emergency. Then you can get 60 percent of the vote.

I thank my colleague from Georgia for his leadership. And let me just add my thanks to Senator HATCH and Senator CRAIG and Senator THURMOND and others. Senator DeConcini, when he was here, was very helpful on this. Senator HEFLIN has been, and others. But this is one where I know politics rears its head at this point in our Nation. This is one where we have to say, what does the Nation need? And I think it is very clear what we need.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, before the Senator from Illinois leaves the Chamber, I wish to tell him that in his limited few minutes here I thought he made an absolutely eloquent presentation as to why our Nation, this generation, and particularly those yet to come, are so dependent on the type of discipline as represented by the proposal the Senator from Illinois suggests. The Senator referred to Thomas Jefferson and his desire to have had this in the original Constitution. The reason, if you read through his works, is over and over there was an abiding fear of government and its spending proliferation consuming the resources of the breadearner, himself or herself. You see it over and over and over.

If he were here today on this floor, he would be a very disappointed gentleman, when he would know that the wages of a working family, currently almost half of them—it depends on who you are—are consumed by a growing and growing government. We just mentioned the data that, unchecked or unchanged, a child born yesterday will forfeit 84 percent of his or her working lifetime wages. That is not possible. There will be a revolution.

This is going to be solved. I will stop addressing this just to the Senator from Illinois so he can get on with his day—but this is going to be solved. We have two options. One, which is the proposal of the Senator from Illinois, that we as a people manage this problem, that we institute new disciplines, that we have a process that assures the people that their financial affairs will be managed. When we do that we very quickly, as everybody has alluded to, produce positive benefits. Or we can ignore it, wait until that last 2 years of a 7-year plan, talk about it tomorrow, wait until someone else is in office, and we will create an absolute destabilized, wounded America that will trip into the new century instead of march into it.

I admire the Senator from Illinois. As I said, those were eloquent remarks.

Mr. SIMON. If my colleague will yield, I thank him for his comments. The reality is, we have already wounded America. But the wounds will become much more severe if we do not pay attention to this.

Mr. COVERDELL. Mr. President, I yield the remainder of our time to the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, I compliment my colleague from Georgia for his leadership on this issue, and also for his statement earlier. In addition, I compliment the Senator from Illinois for his leadership, for his cosponsoring this resolution, not just today but last year, not just last year but the year before.

For several years Senator SIMON has been a leader in saying we should pass a constitutional amendment to balance the budget. He is right. He also makes it bipartisan, which is awfully important. I would support this amendment if it was offered by the Democrats. If you had a Democrat in the White House or a Republican in the White House or an Independent, this amendment should pass. It has passed in the Senate before. We actually passed this amendment in August 1982. It passed when Republicans gained control of the Senate for the first time. It passed with 69 votes, 69 to 31.

The House never passed it. The House tried that year but they failed. They came up short. Then, after we had Republican control of both Houses, the House passed it. And I compliment the House. They passed it on January 26, 1995. The Senate again considered it and, unfortunately, it failed by one vote. Actually the final vote was 65–35. Everyone knows it takes 67 votes, but Senator DOLE moved to reconsider it, which he has that right to do, so we can have another try at it. I compliment him for doing so. I believe this week we will have another chance to pass a constitutional amendment to balance the budget.

I remember when we had this debate some of our colleagues said, "I believe in a balanced budget, I just do not think we have to have a constitutional amendment." But I remember reading some remarks that were made by some people on the other side of the aisle that said we need a constitutional amendment. They voted for it. Actually, on March 1, 1994, I had a resolution that said we should pass a constitutional amendment to balance the budget. Several of our colleagues on the Democrat side at that time supported it. But in 1995, when it was for real, after it had already passed the House, they voted no. That is unfortunate.

You might say, why did they vote no? President Clinton was against it. I wish he was not against it. Everybody in America should know that President Clinton was against a constitutional amendment to balance the budget. If he were in favor of it, I am sure some of our colleagues who did not vote for it would vote to pass it and we could pass it this week. And we should pass it this week.

Maybe there will be an election conversion. I think we have noticed a great deal of flexibility on the part of President Clinton on a lot of issues. Maybe on this issue he would see the wisdom, supported by 80-some-odd percent of the American people who say we should have a constitutional amendment to balance the budget. Most all States have something like this in their constitutions. That happens to work. And we need it in our Constitution.

I look at the words of one of our forefathers, Thomas Jefferson, who said, in 1798:

> I wish it were possible to obtain a single amendment to our Constitution. I would be willing to depend on that alone for reduction of the administration of our Government to the genuine principles of its Constitution. I mean an additional article taking from the Federal Government the power of borrowing.

Thomas Jefferson, 1798. He was exactly right.

I have seen Government spending grow a lot, even since I have been here. If you look at the total amount of Government spending: In 1960 we spent less than $100 billion, in 1970 we spent less than $200 billion, by 1980 we spent almost triple that and went to about $600 billion so you see it growing rather substantially. By 1990 it grew to over $1.2 trillion, and last year we spent over $1.5 trillion. So we have seen spending grow, and grow dramatically.

The present occupant of the Chair, Senator KYL from Arizona, said: Wait a minute, we should have a limitation, a limitation on taxes. I figure maybe a limitation on spending. But we both see the growth of Government growing substantially. For every dollar that Government spends, we have to take it away from the American people, either in the form of taxes today, and/or in borrowing, both of which are taking money from the private sector and putting it in the hands of the public sector.

I happen to think that is part of the problem, because I think that the private sector can spend money a lot better. Families can spend the money a lot better than Government can, than bureaucrats can. I happen to think families care a lot more about education than the bureaucrats in the Department of Education. I think families are a lot more interested in the health of their families than some bureaucrat in the Department of Health and Human Services. I think families are a lot more concerned, families and local communities, about welfare than the massive bureaucracy that we now have, that has 334 federally controlled, Federal defined, federally determined benefits of welfare. I think States and local groups can do a lot better job in job training than when we have 156 different Federal job training programs. They are stacked on top of each other. That is the reason we see spending just going through the roof. So we need to reform it.

How can we do it? If we have the majority votes we do not need a constitutional amendment. Maybe not a simple majority, maybe we need 60 votes because in the Senate sometimes it takes 60 to pass legislation. That is unfortunate. We passed a balanced budget resolution earlier, last month. It was a good resolution. It does lead us. It shows how we can get to a balanced budget in 6 years; not in 7 years, in 6 years. I support that. I think it is a giant step in the right direction.

Some people would say President Clinton offered a balanced budget, and is that not good? I would say it is a marked contrast to what he offered a year ago in January, which had $200 billion deficits forever. So we are making progress. But if you look at the details you realize his budget is not really balanced. The Senator from Arizona quoted the Director of the Congressional Budget Office, who says, "No, it does not come into balance. Actually his budget, by the year 2002, has an $81 billion deficit unless you have automatic tax increases."

So, if the economy does not perform as well as President Clinton had anticipated, instead of having automatic spending reductions he has automatic tax increases. I do not think that is a good idea. Then, if you look at some of the other things he has in his budget, they are purely smoke and mirrors. He plays games with Medicare, taking home health care and moving that away from Medicare part A, moving it out, $55 billion.

That is surely a charade. He cannot be serious. But we do have a serious budget.

Some of our colleagues said, "I support a balanced budget, not the amendment, but I support a balanced budget." Well, we passed a balanced budget and we did show, yes, we would cut actually some discretionary spending—it is almost a freeze—but little more than a freeze in discretionary spending.

Take the total amount we spend on discretionary spending, about one-third of the budget. We spend $1.5 trillion, a little over that, one-third of that is discretionary spending. We basically freeze that for 6 years. We cut a little bit more than that from a freeze. President Clinton spends more than a freeze, and he cuts a lot more in defense. But we make that.

Then we curb the growth of some entitlement programs. Some people are really playing scare tactics, trying to scare senior citizens saying, "Wait a minute, those policies the Republicans have, they're not fair, they're not realistic, they're cutting Medicare too much."

It is totally false. For example, in Medicare in 1996, we are spending $186 billion. Under our budget in 2002, that figure increases to $279 billion. That is an increase of 42 percent. That is not a cut. That is not a cut. If you look at per capita, last year it was $4,800 per senior. By the year 2002, it is going to be over $2,000 more. That is not a cut. If you go from less than $5,000 and you are spending $7,000, that is over a $2,000 increase per capita in Medicare alone under our budget.

What do we do? We keep Medicare solvent for at least 10 years. President

Clinton does not do that. Medicare is going to go broke. Those are just the facts. He may want to put the facts off, but you cannot fool the people. Actually, Medicare in the first 6 months of this year paid out $4.2 billion more than it took in. You cannot do that indefinitely. You cannot sit back and just let that happen. If that happens, then Medicare is going to be broke and the hospitals and doctors will not be paid.

To me, that is not responsible. Some people may want to play politics and they may think that is going to help them in elections, but I found seniors in my State of Oklahoma are very realistic. When you tell them the facts, they are very mature and very willing to do what is necessary to save the system. Certainly, when you tell them, "Wait a minute, Medicare is going to grow from $4,800 to $7,000," they do not think that is a cut.

What about welfare, Medicaid spending? Actually, in 1996, Medicaid spending was $95.7 billion. Under our proposal, in the year 2002, it grows to $139.5 billion. That is a 46 percent increase. That is not a cut. Medicaid goes up 46 percent in the next 6 years. That is not a cut.

So I just make those two points, Mr. President, because a lot of people say, "They are slashing the budget." Actually, we do not slash the budget. In 1996, we spent $1.57 trillion. In this one year what is estimated to be spent is $1.57 trillion. In the year 2002, we are going to be spending $1.846 trillion. That is an increase of $271 billion, or 2.7 percent per year.

So spending grows every single year. Entitlement spending grows every single year, and we are able to save and keep Medicare solvent for 10 years. And we are able to deliver a balanced budget. And we are able to give some tax relief to American families. We are able to tell families, almost all working families with incomes less than $100,000 in America, if they have children, they will get a $500 tax credit per child. That is in our budget. That is our statement that we really and truly believe American families can spend this money better than Washington, DC, and we can do that and balance the budget.

I have heard President Clinton say he supports a tax credit for children. He campaigned on it in 1992, but he did not deliver it in 1993, 1994, or 1995. As a matter of fact, in 1993, instead of giving a tax reduction, as he campaigned for, he gave the largest tax increase in history, and he hit American families right between the eyes.

He gave an increase in gasoline taxes, an increase for families that are on Social Security income, and a big hit on other families. That is not fair, that is not right, that is not what he campaigned on. Actually, he campaigned, and in his book said, "We're against increasing gasoline excise taxes." Lo and behold, if you look at his tax increase in 1993, there was an increase in gasoline taxes.

Now he says he would be willing to support reducing them temporarily. To me that is not good enough. It shows very much a strong inconsistency on the part of the President. Maybe he was not telling the truth. Maybe he did not level with the American people, but he did exactly the opposite of what he said he was going to do. In his book, he said he was opposed to gasoline tax increases, and in his tax increase, it had a 4.3-cent gasoline tax increase.

The total net amount of tax reduction that we have under the budget proposal that has already passed is $122 billion. President Clinton's net tax reduction in 6 years on his so-called budget is $6 billion. There is no net tax cut for American families under President Clinton's proposal. I think that is unfortunate.

We do have a balanced budget proposal. We do have a road map on how we can get there. We should do it. Thomas Jefferson was exactly right—exactly right. I just hope that my colleagues on both sides of the aisle will look at this and ask, "What is in the best interest of the United States? Should we not pass a constitutional amendment to balance the budget?"

I think we should, and we should do it this week. Thomas Jefferson was right, Mr. President. I hope that our colleagues will reconsider. I am proud of the Senators on this side of the aisle. We had 98 percent of the Republicans, all but one, voted for a constitutional amendment to balance the budget. I hope that we will have that strong support on this side of the aisle, and I hope a few of our colleagues who supported a constitutional amendment to balance the budget in the past will likewise vote for it this time and give the American people what they really want. And that is a constitutional amendment to balance the budget.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. GRAMS). All time given to the Senator from Georgia has expired.

Under the previous order, there will now be 30 minutes for debate under the control of the Democratic leader, or his designee.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

Mr. DORGAN. Mr. President, it is Monday, and we have had an hour and a half of morning business by the majority party. It is, "He said, she said, they said."

And it is, "President Clinton this" and "President Clinton that."

And it is, "We have a balanced budget and the other folks don't."

And it is, "They are the big spenders and we're the folks who want to put America back on track."

Let us review exactly where we are, because it is important for people to understand what the business of the Senate is today.

The business of the Senate is to discuss a proposal by the majority party to change the Constitution to balance the budget and require a balanced budget in the Constitution, and the pending order of business in the Senate is a missile program, a national missile defense program, called the "Defend America Act," which will cost, according to the Congressional Budget Office, upward of $60 billion of new spending just to construct—not to operate.

So the same folks who have been treating us to an hour and a half of discussion about the need to change the Constitution to balance the budget are also saying, "By the way, we want to balance the budget, but we want a new $60 billion spending program, and we want to work on that immediately, and we demand that that money be spent right now."

Following that, also pending before the Senate, is we also want to cut the gasoline tax, and we also want a very substantial tax cut during the 7 years. All of this from the same folks. "We want a balanced budget, we want to increase spending," they say, "we want to cut taxes, gas tax and other taxes." I do not understand what school they went to. I do not understand what arithmetic book they have studied.

It seems to me to be consistent if one says, "Let's change the Constitution to require a balanced budget," and the very next act of business would not be to bring to the floor an enormously expensive new spending program called the Defend America Act, which is a nice way, a retitling, of saying we want to build star wars again.

Everybody has a right to develop their priorities and to advertise them, however inconsistent they may be. I am going to talk tomorrow about the Defend America Act, or the star wars program. We have had some experience with that. The only one that was ever built, the antiballistic missile program, was built in my State of North Dakota. There is a very large concrete monument to it, a large concrete pyramid that sits up in the hills of North Dakota. In today's dollars, $25 billion was spent in order to construct it, and it was decommissioned the same month it was declared operational—$25 billion. That is called shooting blanks.

But it is all right, I guess, according to some, because it was not their money, it was the taxpayers' money.

That is the attitude of some—anything that explodes, they want to build, any new weapons program they want to construct. Katie bar the door. The sky is the limit. The American taxpayers' credit card is at stake, so let's build it.

The same people who say let us change the Constitution to require a balanced budget, in the next order of business on the Senate floor will also say, let us spend $60 billion on a program that will not really defend America but that they can advertise will defend America.

At another time I will discuss that in greater detail. But first the issue of the constitutional amendment to balance the budget. There is no balanced budget, contrary to the claims made in the last 1½ hours.

This is from recent weeks on the floor of the Senate. It sat on every desk here in the Senate. It is from the Budget Committee. It is the budget passed by this Senate that advertised it was balancing the budget. It says for the year 2002 that there will be a $108 billion deficit. This is the resolution they said balanced the budget.

Why would that be the case? Why, if they advertise a product they say balances the budget, would it in the text of the bill laying on every desk of the Senate say that in the year 2002 the deficit will be $108 billion? Because they take money from the Social Security trust funds, $108 billion, and use it over in the operating budget to say, "Oh, by the way, our budget is in balance."

But technically the law prohibits them from doing that in this legislation, so the only place where you have to tell the truth is right here. And it laid on every Senator's desk. Every one of the Senators who stood up stretched every inch of their height and proclaimed the budget was in balance. Even on their desks it demonstrated they were $108 billion short in the year 2002. But there is nothing in the Senate that prohibits anybody from false advertising or false claims or deciding to boast about whatever they want to boast about. So they boasted this was a balanced budget. Of course, it was not.

But the point I want to make today is that exactly what they did in the budget resolution for this year is what they insist on enshrining in the Constitution. The language in the constitutional amendment to balance the budget enshrines in the Constitution the provision that they shall use the Social Security trust fund surpluses to balance the Federal budget. There would not be one vote in favor of that proposition in the U.S. Senate today if you had to vote up or down on it.

I was here in 1983, serving in the House Ways and Means Committee, when we passed the Social Security reform bill. That bill provided that we begin saving each year—that is, raising more money in the Social Security trust fund—than we spend out through payroll taxes in order to save for when the baby boomers retire.

What is that all about? If you read your history books, you will know that just after the Second World War America had the largest crop of babies in its history. I am told that there was an enormous outpouring of affection and warmth and love when people who had been separated for long periods were reacquainted. And guess what? The war babies, the largest group of babies ever born in this country's history, were born just after the Second World War, just after all those folks came back from fighting that war. They will retire after the turn of the century.

In 1983, the decision was made to begin saving in the Social Security system for when we will need those funds when the baby boomers retire. This year, $69 billion more will be collected in the Social Security trust funds than will be spent out; $69 billion will be accrued as a surplus this year alone.

The proposition that the majority party brings to this Congress is to say this: Let us balance the budget, and let us, in fact, enshrine in the Constitution a provision that will balance the budget by allowing us to take the trust funds in the Social Security system every year and show it over here in the operating budget and claim we have balanced the operating budget.

My colleague from North Dakota, Senator CONRAD, says if you were in business and did that, they would put you in jail. If you were in business and did that, and said, "By the way, I am going to balance my business budget this year by taking my employees' pension funds, that is how I am going to balance my budget, I will just take their pension revenues and bring it over into the operating budget and claim I balanced my budget or made a profit," you would have 2 years of hard tennis in a minimum-security prison, because you cannot do that. You ought not be able to do it in the Congress either, and you especially ought not to be able to do it in the U.S. Constitution.

If the majority party changed section 7 of their constitutional amendment proposal to say that they will not misuse these Social Security trust funds to balance the budget, they would get 75 votes for this proposition. But they will not do that. They will not do that because they understand that to lay their hands on the Social Security trust funds gives them an opportunity to claim they have balanced the budget even while they are pushing their own agenda of more tax cuts, building a $60 billion star wars program. And the fact is, none of it adds up. None of it adds up.

It is interesting. I have seen and heard the three stages of denial about the Social Security trust funds on the floor of the Senate. I will not name the Senators. I could, but I will not. Three Senators.

One stands up and says, "There are no Social Security trust funds. There are no trust funds." That is the first denial. The second Senator stands up and says, "There are trust funds, and we are not misusing them." The second denial. The third denial is the Senator who stands up and says, "There are trust funds, and we are misusing them, but we promise to stop by the year 2008." All three assertions have been made by the majority side of the aisle.

What is it? There are no trust funds? That is interesting. Tell the millions and millions of people who work, who pay into that trust fund every year with payroll taxes, that there are no trust funds, or there are trust funds but we are not misusing them. Explain this. Explain the bottom of the budget document that was brought to the floor of the Senate. Or there are trust funds, we are misusing them, and we promise to stop by 2008. Translated, this means: Allow us to write in the Constitution at least for the next 12 years that we can misuse Social Security trust funds to claim we balanced the budget that is not in balance.

I know people have said, well, there has been switching here and there. Somebody voted for it before, then is against it. Look, when the constitutional amendment to balance the budget was previously brought to the floor of the Senate, Senator SIMON, who spoke not too long ago today, was an author. I raised the question with him about using the Social Security trust funds. The fact is, he wanted a constitutional amendment that would exclude the Social Security trust funds. He proposed that. He favored that. But in order to have a bipartisan coalition, he did not get that. But he said to me on the floor, and he said to others: We pledge that we will not be using the Social Security trust funds. And others did as well. We had a pledge that that would not be the case.

The second time around we not only did not have a pledge they would not use the Social Security trust funds, we had a vote on whether or not they would, and they voted to say, "We will use the Social Security trust funds." Then people say the vote was exactly the same vote under the same circumstances. No, I am sorry to disagree. The first was a promise they would not misuse the Social Security trust funds, and the second was a legislative promise they would. Big difference, a difference that amounts to well over half a trillion dollars.

I want us to balance the Federal budget. I will vote for a constitutional amendment to balance the budget if they will change section 7 to say we are not going to misuse the Social Security trust funds. If they want to do that, they will get 75 votes, in my judgment, for this constitutional amendment. If they do not want to do that, it means they do not want a constitutional amendment and do not intend to balance the budget.

I also say, the most consistent thing they could do, those who allege they should balance the budget by enshrining in the Constitution a provision that they should misuse the Social Security trust funds, the most consistent thing they could do is bring to the floor of the U.S. Senate an agenda that could balance the budget.

I voted for a provision in 1993 that substantially changed expenditures by decreasing Federal spending, increasing some Federal taxes. And the deficit has been decreased substantially. All of us who voted for that experienced some difficulty because of the vote, because it was a hard vote to cast. I am glad I cast the vote. I think we did the right thing. Those of us who cast that vote cast an affirmative vote that says: We stand on the side of reducing the Federal deficit.

We will cast our votes to demonstrate that we will reduce the Federal deficit. I am glad I voted that way. We did not get one accidental vote on the other side of the aisle. Not one. You would think occasionally with a mixup somebody would vote wrong. We did not get one vote on the other side either in the Senate or the House.

They wanted us to do it because it was not easy to do it. We did it. The deficit is coming down. But the deficit will not continue to come down with a menu coming to the floor of the Senate for people that say the next thing we want to do is a $60 billion star wars program. I say to those people, how will you pay for it? Show me the money. Who will you tax to build the star wars program? Will it be like the concrete pyramid we have in the Dakotas, declared dysfunctional the same month it was declared operational, of which $25 billion of the taxpayer money was spent? Is that a consistent kind of philosophy? Does that come from people who really want to balance the budget? I do not think so.

The Senator from North Dakota, Senator CONRAD, my colleague, is on the floor. He also was involved in this discussion about the trust fund, Social Security, the right way to balance the budget, the right way to put something in the Constitution. There is a right and a wrong way to do it. I yield the floor so my colleague, Senator CONRAD, could offer some comments of his on this subject.

Mr. CONRAD. Mr. President, I thank my colleague from North Dakota for talking about the balanced budget amendment that will be offered this week and opening the discussion about what are we really doing here. I think this is one of the most misunderstood discussions in the United States.

When we hear people talking about a balanced budget amendment to the Constitution of the United States, the first question we ought to ask is, what budget is being balanced? It is very easy to talk around this town about balancing the budget. What one finds is there are not many folks who are willing to actually sit down and put their name next to a budget that does, in fact, balance.

What we have over the time I have been in Congress and for the time before I came to Congress, a series of folks who are willing to stand up and say, "I am for Gramm-Rudman-Hollings. That is a formula that will balance the budget." Or, "I am for a balanced budget amendment to the Constitution," without a plan attached to it and without talking very clearly about what budget they are balancing.

I hope people are paying attention because I will give them precisely what this balanced budget talks about. It says in section 7:

> "Total receipts shall include all receipts of the United States Government except those derived from borrowing. Total outlays shall include all outlays of the United States Government except for those for repayment of debt principal."

That is what is included in this amendment. Do you know what this means, colleagues and people who are listening around the country? This means you are including all of the receipts and all of the expenditures of the Social Security system. Social Security is not contributing to the deficit. It is not contributing to the debt. Social Security is in surplus. In 1997, for fiscal year 1997, the most recent estimate is that Social Security will contribute $72 billion of surplus—of surplus. Yet this definition would have us include in the determination of a balanced budget all of the Social Security surplus used between now and the year 2002.

Mr. President, that is $525 billion being thrown into the pot to call it a balanced budget. What a fraud. That is not a balanced budget. There is not a company in America that would take the retirement funds of its employees and throw those into the pot and call it balancing their company's budget. In fact, if anybody attempted to do that they would be on their way to a Federal institution and it would not be the U.S. Congress. They would be on their way to a Federal penitentiary because that is a violation of Federal law. It is a violation of Federal law to loot the trust funds of employees who are going to retire in order to balance a company's budget. Mr. President, that is precisely what is being proposed as a constitutional amendment.

Mr. President, let me say it as clearly as I can. We are talking about enshrining a principle and a policy in the Constitution of the United States that defines a balanced budget as one that uses Social Security trust fund surpluses to achieve balance. What could be more wrong? What could be more fraudulent? What could be a greater violation of the trust of the people that sent us here than to put into the Constitution of the United States, the organic law of this country, a definition of a balanced budget that assumes you raid and loot trust funds in order to achieve balance? Mr. President, I would not vote for that proposition under any circumstances, under any circumstances. I would not vote for that if my life were threatened because that is a fundamental violation of any precept of honesty.

Mr. President, some will say "Senator, we are engaged in that process now. We loot the Social Security trust funds every year and call it part of the unified budget." Mr. President, that is exactly right. That is what we are doing. That does not make it right. We are taking Social Security surpluses and counting them when we report on the deficit of the United States because even though the law says that is not to be done, people put all the funds into one pot. As this chart shows—which I call the budget teakettle of America—it shows the revenues that go into that teakettle. The individual income taxes make up 45 percent of the revenue, Social Security taxes make up 37 percent, corporate income taxes, 10 percent, other taxes 8 percent. That is the money that goes in. The spending that comes out, Social Security is 22 percent, interest on the debt is 16 percent, defense is 16 percent, Medicare is 14 percent, Medicaid is 7 percent, and all other spending is 25 percent.

This shows precisely that is happening. All the money goes into one pot comes out of that same pot. That is the budget they are talking about balancing under this balanced budget amendment. The problem with that is Social Security is in surplus by $70 billion. What they are saying is they will take every single penny of Social Security surplus, throw that into the pot, and call it a balanced budget. That is not a balanced budget. That is an absolute fraud. That is not a balanced budget.

I have a financial background. Before I came here I was the tax commissioner of the State of North Dakota. I have a master's in business administration. Any class for anybody in business school, if you would have said you will take the retirement funds of your employees and throw those into the pot to call it a balanced budget, you would be laughed out of the class if you proposed such a thing. That is the balanced budget proposal that will be before this body. It is not, by any serious definition, a balanced budget.

The only way one could claim a balanced budget would be to take out the trust funds from the calculation. In fact, that is what the law requires. The law says specifically you are not to count Social Security surpluses in making a determination, whether or not you have balanced the budget. We passed that law right here. The Senators overwhelmingly said it is not honest, it is not correct, to use Social Security surpluses to determine whether or not you have balanced the budget.

Mr. President, all of us have been part of budget plans this year. We have had a Republican balanced budget plan. We have had the President's balanced budget plan. I have been part of a group called the centrist coalition, 22 Senators—11 Democrats and 11 Republicans—who have put together a plan. As I said in the Budget Committee, if we are going to be honest with each other and honest with the American people, none of those is a balanced budget plan. Each of them assumes the use of Social Security trust funds to balance by the year 2002. That is not a balanced budget.

In fact, last year I offered the Fair Share Balanced Budget Plan, the only plan that has been offered here that balances without using Social Security surpluses. Mr. President, I recognize that makes it more difficult to achieve balance, but it is the only honest way to get the job done. Mr. President, I am going to oppose, with every fiber in my being, putting into the Constitution of the United States—let us think a minute about what we are talking about here. Let us think about what we are talking about. We are not talking about passing a budget plan. We are not talking about passing a statute. We are talking about changing the organic law of this country. We are talking about changing the document that has made this country the greatest one in human history. We are talking about changing the document that has provided a protection and a series of guarantees to the American people, unrivaled in world history. We are talking about putting the definition of a balanced budget in that document that says, yes, it is OK to go loot and raid trust funds to call it a balanced budget.

I will tell you, I really have to think, what would Benjamin Franklin think of that? What would Thomas Jefferson think of that? What would George Washington think of that? I do not think that would be a very proud moment in America's history—to enshrine in the Constitution of the United States the definition of a balanced budget that includes raiding every trust fund in sight in order to achieve balance.

Mr. President, that cannot be the outcome here.

Mr. DORGAN. Will the Senator yield?

Mr. CONRAD. Yes.

Mr. DORGAN. I ask the Senator if he has heard this. I have heard people stand on the Senate floor and say this issue you are raising about the Social Security trust funds is a bogus issue. There is a fellow, whose name I will not give, who wrote a piece in the Washington Post that said this is a bogus issue, that the Social Security trust funds are just part of the regular revenues of the Federal Government. Do they just profoundly misunderstand the circumstances here? How would the Senator respond to the folks who try to create kind of a smokescreen and say this is all bogus and none of this means anything?

Mr. CONRAD. I always hesitate to characterize the statements or motivations of others. But I will simply say this. It matters a lot what we do here. You know, sometimes the actions in this Chamber do not matter and the actions in the other Chamber do not matter much. This action matters a lot. Here is why it matters. For those who say, "Well, we have been doing that; we have been taking Social Security surpluses, so what does it matter that we keep on doing it?" The reason it matters is because, back in 1983, we saw we were headed for a cliff, for a circumstance in which the Social Security system would be broke. So Congress took action. Congress put into place a system that would assure Social Security surpluses so we would be prepared for when the baby boom generation started to retire. We know now that we have a short period of time to prepare for when those baby boomers start to retire.

The idea is to run surpluses to get ready for when those baby boomers have retired and have 48 million people on the system instead of 24 million, because if we do not have surpluses, we will have to have either an 82-percent tax rate in this country, or a one-third cut in all benefits. Does anybody believe we are going to have an 82-percent tax rate? I do not. That means we are going to have some dramatic cuts in benefits which people have paid into to secure for themselves. So the money is not available.

Mr. DORGAN. I have one additional question. There is virtue in balancing the budget. We ought to care about that and not spending our children's money or charging to our children and grandchildren. There is also virtue in keeping your promise. If you promise you are going to save by taking money out of people's paychecks, and if you say we are going to put that aside in a trust fund, there is virtue in keeping that promise as well; is that correct?

Mr. CONRAD. I think there is not only virtue in it, but it is required that we do it because the hard reality in this town is that while it is true we have been talking Social Security surpluses—about $500 billion so far—this is the tip of the iceberg. We are about to run, over the next 15 years, $2 trillion in Social Security surpluses, and we need every dime of it to be ready for when the baby boomers retire. If we spent it all, squandered every penny, if we deluded ourselves by passing a phony balanced budget amendment to the Constitution, and the baby boomers retire and they go to the cupboard and the cupboard is bare, we are going to have some mighty angry folks in this country, and they are going to ask some pretty tough questions. They are going to ask, "Where did the money go? I thought you balanced the budget and secured the solvency of the Social Security System."

Mr. President, the hard reality is that we have been doing something wrong and we have to stop it to prepare for the future. We have to get ready for when the baby boom generation retires. The only way we can do that is to balance the budget and do it honestly, without counting Social Security surpluses. To put it into the Constitution of the United States, to put a definition in the Constitution of the United States that a balanced budget includes raiding and looting the Social Security trust funds is just profoundly wrong. There is no principle in that.

The PRESIDING OFFICER. All time has expired under the previous order.

Mr. CONRAD. Mr. President, I ask unanimous consent for an additional 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

A BROKEN PROMISE TO THE FARMERS

Mr. CONRAD. Mr. President, on a different matter, on Friday last, I learned that the Republicans on the House side have now broken the promise to farmers contained in the most recent farm bill.

Mr. President, I think everyone in this Chamber remembers that America's farmers were told that if you accept this new farm bill that has sharply declining payments in it and has no safety net for when prices plunge, you will at least be assured that for the 7 years of this farm bill the payments contained in that will be guaranteed. In fact, the proponents of the so-called Freedom to Farm Act told the American farm producers that this is like a contract. In fact, they related it to the Conservation Reserve Program contracts. They said, "Farmers, at least you will be assured you are going to get payments of these amounts."

Mr. President, last week, the House Appropriations subcommittee broke the promise, violated the pledge, and said to the American farmers that that was all a trick. We promised you a contract, but we are breaking the contract before the ink is even dry. The farm bill has just been signed into law, and already you might as well throw it out the window because the fundamental pledge and promise has turned out to be a hoax. Not a word of truth is in it because they have cut the transition payments before farmers have even received one—the payments that were supposed to be inviolate, the payments that were supposed to be guaranteed, the payments that were supposed to be a contract. It turns out that they have no guarantee attached to them at all. There is no contract. Farmers are being asked right now to sign up, put their name on the line. But they do not know what they are signing up to because it is very clear from the action taken in the House Appropriations Committee that they can cut the funding for those transition payments any time, in any amount, in any way they want. It does not have to be 7 years of payments; it could be 3. In the first 3 years, they could cut them 50 percent, or they could cut them 80 percent.

There is no contract here. There is no commitment here. There is no guarantee here. All there is is a betrayal, a betrayal of the farmers who trusted those who promoted this approach, who were told, and told repeatedly, that these are sharply declining payments, but at least you can be assured you will be getting what the formula provides over the next 7 years. Now we know none of it is true.

Mr. President, I think those who promoted the Freedom to Farm Act on the basis that it was a guarantee ought to apologize to America's producers. I think they ought to stand up and admit that there are not contract payments here. There is nothing here that is assured. They have sold farmers a pig in a poke. That, I think, was one of the most disappointing betrayals that I have seen in the 10 years I have been in the U.S. Senate; if there ever was a circumstance in which it was absolutely clear what the promise was—with respect to the so-called Freedom to Farm Program.

During debate on the farm bill, Republican Senator after Republican Senator stood on this floor in this Chamber and promoted the bill based on these payment guarantees. Farmers will have certainty. Payments will be guaranteed. Farmers will know how much money they will have to work with each year, they said. Now the truth is out. Freedom to Farm is a fraud. There is no contract. There is no guarantee.

Mr. President, unfortunately, they did not stop. They did not stop in the House Agriculture Committee with breaking the promise on transition payments. They then, after promising a market-based farm program, announced an unprecedented move to put a cap on sugarcane prices at 21.2 cents a pound—unprecedented. This is a market-oriented bill, and farmers are told you will get the benefits of the market. Well, it is a one-way benefit. You get the benefit when prices are going down. When the prices start going up, we are going to put a cap on them. That is an interesting idea of market orientation.

I thank the Chair. I yield the floor.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business Friday, May 31, 1996, the Federal debt stood at $5,128,508,504,892.80.

On a per capita basis, every man, woman, and child in America owes $19,353.72 as his or her share of that debt.

NATIONAL SMALL BUSINESS WEEK

Mr. PRESSLER. Mr. President, this year National Small Business Week will be held from June 2 to June 8. This week is a fitting opportunity for us to recognize the contributions of the many entrepreneurs in our country and reassess policies affecting small businesses.

It has been said many times over, but small businesses really are the heart of our small towns and cities. A full 99.9 percent of businesses in South Dakota are small businesses. In fact, we have only 25 businesses in the State that employ more than 500 people. Entrepreneurs in the local cafe, gas station, hardware store, and pharmacy provide essential services and cohesion for our communities. Farmers and small business people too, contribute to the community. Together, these leaders are the key to our economic strength.

Small businesses operate against overwhelming odds. Burdensome regulations and paperwork, onerous taxes, inadequate access to capital, and excessive litigation all are barriers to success. Congress made good progress earlier this year by passing the Small Business Regulatory Relief Enforcement Fairness Act, which instituted judicial review of regulations. This is a step in the right direction. We should continue on this track and enact workplace safety and Fair Labor Standards Act reforms. I recently spoke with Clark Sinclair, who owns a furniture store in Madison, SD, about the need for flexibility in awarding either earn comp time or overtime. This flexibility would be beneficial for both employees and business owners.

Business men and women should be free to operate without fear that their livelihood is in jeopardy due to unreasonable Government regulation and enforcement. Karla and Richard Hauk are prime examples of the obstacles small business owners face today. The Hauks recently constructed a Days Inn in Wall, SD, believing they complied with the Americans with Disabilities Act. The Department of Justice filed suit against them even as the Hauks made goodfaith efforts to negotiate and comply with the law. Government should work constructively with law-abiding business owners like the Hauks and help them meet legal requirements.

Our tax policy also consistently works against small firms. The current estate tax system is a good example. I am proud to have worked with Senator DOLE on a reform proposal that would alleviate the heavy burden of estate taxes on small family-owned businesses. Currently, estate taxes are so onerous that the inheritors are frequently forced to sell all or part of a family business simply to pay off the taxes. This tax can reach as high as an overwhelming 55 percent of the total value of the business. Many families must sell off all or part of their business or farm just to pay the estate tax. That is wrong.

Congress also should increase the deductibility of health care insurance for the self-employed, increase expensing, and reduce the overall tax burden on small businesses. Many small business owners file personal tax returns for their businesses. Thus, thanks to the Clinton budget plan, many sole proprietorships pay a higher tax rate than the largest corporations in the Nation. Take a business like Malloy Electric in Sioux Falls. Gary Jacobsen employs 65 people but cannot hire more employees because of the high tax burden. This is a business that has been a cornerstone of the community for 25 years, and yet the Government continues to tie their hands.

Despite these obstacles, entrepreneurs strike out on their own—and succeed. I would like to recognize the 1996 South Dakota Small Business Persons of the Year, DeLon and Janice Buttolph, of Labelcrafters Inc. in Sioux Falls. The Buttolph's custom label printing business started in 1987 with just one employee and one small contract. Now, Labelcrafters runs two shifts with 24 employees and continues to grow. The company has received national recognition for producing environmentally friendly labels. As partners in life, as well as partners in business, DeLon and Janice have shown that good small businesses come from families.

I also would like to recognize several other South Dakota small business persons who have made a difference in our State: Shelly A. Knuths, Roscoe Manufacturing Co., Madison—South Dakota Women in Business Advocate; Kenneth E. Yager, K.O. Lee Co., Aberdeen—South Dakota Small Business Exporter; Terry L. Fredericks, attorney for Whiting, Hagg & Hagg, Rapid City—South Dakota Veteran Small Business Advocate; Richard B. Vallie, Native American Herbal Tea, Aberdeen—South Dakota Minority Small Business Advocate; and Mark W. Benson, First Bank of South Dakota, Rapid City—South Dakota Financial Services Advocate. In addition, Doug O'Bryan Contracting, Inc. of Martin, and C&W Enterprises of Sioux Falls, have received the Administrator's Award for Excellence for their outstanding performance as prime contractors under Federal contract.

These individuals are today's real heroes. They are creating jobs and prosperity in South Dakota small cities and towns. They are overlooked too often. This week we should take time to recognize their leadership and accomplishments. My congratulations to these and all other South Dakota entrepreneurs who daily make a difference.

HONORING KENTUCKY SMALL BUSINESS PERSON OF THE YEAR, BOB PATTERSON

Mr. FORD. Mr. President, I rise today to pay tribute to Mr. Bob Patterson of Louisville, KY, who has been selected as the Kentucky Small Business Person of the Year by the U.S. Small Business Administration.

Bob Patterson is the President, CEO, and partner of Consumers Choice Coffee, Inc., a coffee distributor in Louisville, KY. Under Bob Patterson, who has been involved with the coffee industry for 18 years, Consumers Choice Coffee has grown to become Kentucky's premier coffee company. Consumers Choice Coffee maintains an exclusive contract to supply more than 200 McDonald's restaurants in addition to supplying many upscale restaurants.

In 1990, when Bob became president and chief executive officer, Consumers Choice Coffee was entering into the worst period in its history. With losses in both profits and sales, Bob had his hands full. He concentrated on expansion, developing new product lines and reeducating his employees to improve customer service. Consumers Choice began to gain new customers. The company began to supply not only coffee, but equipment and service agreements.

As the company was beginning to improve, coffee prices were driven up do to a frost in Brazil. Bob advised his customers on this long-term crisis, and helped them to prepare. Again, more vendors came to rely on Consumers Choice Coffee because of its strong commitment to meet the needs of its customers.

Today, Consumers Choice Coffee, Inc. is a well known name in Kentucky's restaurant industry. It has an ever growing clientele of restaurants and other vendors. The company has Bob Patterson to thank. Bob has displayed great determination in the face of adversity. He sets an example of dedication of business and commitment to his customers that should be followed by small business persons across my State and the Nation. I am happy that Bob is being recognized for all of the good work he has done. I congratulate him on this significant accomplishment and wish him many future years of success.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, all time is elapsed, and morning business is now closed.

DEFEND AMERICA ACT OF 1996—MOTION TO PROCEED

The PRESIDING OFFICER. The Senate will now resume consideration of the motion to proceed to S. 1635, which the clerk will report.

The assistant legislative clerk read as follows:

> A motion to proceed to the consideration of S. 1635, a bill to establish a United States policy for the deployment of a national missile defense system, and for other purposes.

The Senate resumed consideration of the motion to proceed.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, last Thursday the majority leader sought to proceed to the Defend America Act of 1996, but was blocked from doing so by those on the other side of the aisle who do not want the President to sign or be forced to veto this important legislation. These Senators may be able to block passage of the Defend America Act, but they will not be able to cover up the fact they and President Clinton have concluded that the American people should not be defended against ballistic missile attack.

Of course, the President has said that he favors ballistic missile defense. But his actions contradict this words. Since elected, President Clinton has cut funding for ballistic missile defense every year. No program has been cut more drastically than the National Missile Defense Program. The Defend America Act seeks to reverse this disturbing trend and to set a measured course toward the deployment of an affordable national missile defense system to protect all Americans.

In his recent speech to the Coast Guard Academy, President Clinton asserted that his fiscal year 1997 budget request includes $3 billion for national missile defense. In fact, it includes $2.8 billion for all ballistic missile defense technologies and programs and only $500 million for national missile defense. This amount is insufficient to fulfill even the goals of the President's own 3-plus-3 development program. Ironically, if it were not for continued Republican pressure on the administration, the President would not have developed even this figleaf of a plan.

The President and his allies in Congress have spent more time developing excuses for why we should not commit to a national missile defense deployment effort than they have in looking at the dire consequences of not going ahead with such a program. But like all such excuses, these ring hollow.

The President and other opponents of national missile defense have asserted that there is no threat to justify a commitment at this time, that we should wait 3 years before we even begin to think about a deployment decision. But in 3 years, North Korea could be on the verge of deploying an intercontinental ballistic missile and other rogue countries could be well along this path.

The opponents of national missile defense have also asserted that a commitment at this time could lead to technological obsolescence at the time the system becomes operational. If this argument were extended to other defense programs, we would never build another bomber, fighter, ship, or tank. Versions of this argument have been made time and again, each time opponents of a major defense program spin up the excuse making machine.

A national missile defense system developed pursuant to the Defend America Act will be no more outdated than one developed under the Clinton administration's 3-plus-3 plan. In fact, it would likely be more modern and technologically sophisticated, given the robust testing and focused development called for in this legislation. Under the Clinton plan, technology development will languish and many companies will soon pull out of the business altogether. Ironically, the technologies that would be pursued under the Defend America Act are the same ones that the administration is also developing. The main difference is that the Defend America Act would require us to get serious rather than sitting on our hands as we have been doing for the last 3 years.

The best way to ensure that we deploy a modern and operationally effective national missile defense system is to get an initial system fielded quickly, then upgrade and build upon this first piece as necessary. Contrary to what the President and his nay-saying supporters assert, readiness to respond to a threat does not come by keeping technology bottled up in a laboratory. Anyone familiar with manufacturing and technology development will confirm that the way to improve the state-of-the-art is to get started, gain operational knowledge, and then build on this experience in an incremental manner. This is the cost-effective, low-risk approach advocated in the Defend America Act.

Perhaps the most telling argument made by the opponents of the Defend America Act is the assertion that it would threaten arms control. In fact, the only thing it threatens is the status quo with respect to the ABM Treaty. The Defend America Act does call on the President to seek amendments to the ABM Treaty, which most opponents do not want to see happen. But, since it is awkward for them to be seen as more interested in defending an outdated treaty than the American people, other excuses have to be found. Hence the argument that START II might be jeopardized.

But there is no reason why the Defend America Act should in any way jeopardize START II or United States-Russian relations. Russia already has an operational national missile defense system, so obviously they cannot believe that such a deployment is destabilizing. More important, during past negotiations, Russia has demonstrated a clear willingness to amend the ABM Treaty. Unfortunately, the Clinton administration is only interested in making the ABM Treaty more restrictive rather than finding a way to loosen its grip on our missile defense programs. The fact that the United States and Russia were on the verge of agreeing to amend the ABM Treaty at the same time as START I was being concluded clearly illustrates that keeping the ABM Treaty is its current form is not a prerequisite for concluding strategic arms control agreements. We should remember that it was the Clinton administration and not the Russian Federation that ended the negotiations to expand our rights to deploy national missile defense.

Mr. President, as I have said many times before, the Defend America Act is a balanced and responsible piece of legislation. I am very disappointed that the President is seeking to prevent the Senate from voting on this important bill. If he is opposed to it, it is his right to veto it. But the American people deserve to know the President's position. In my view, procedural maneuvers and misleading arguments will not cloak those who seek to keep America defenseless.

Mr. President, I yield the floor.

Mr. KYL addressed the Chair.

Mr. THURMOND. Mr. President, I am going to yield to the able Senator from Arizona [Mr. KYL] at this time.

The PRESIDING OFFICER (Mr. CRAIG). The Senator from Arizona.

Mr. KYL. Mr. President, I thank the Senator from South Carolina, the chairman of the Armed Services Committee, for yielding but also for his leadership in this area.

I think two of the people who we have most to thank for bringing this matter to the attention of the Senate are our majority leader, BOB DOLE, and the chairman of the Senate Armed Services Committee, Senator THURMOND. It is Senator DOLE who wanted to ensure that before he left this body we had an opportunity to vote on and pass the Defend America Act. I agree with Senator THURMOND that our Senate colleagues ought to ensure that we have an opportunity to vote on this important measure by ensuring that we vote for cloture tomorrow when we have that vote. So I appreciate Senator THURMOND's leadership on this matter.

Mr. President, before I proceed, I ask unanimous consent that Dan Ciechnowski, who is a fellow in my office, be allowed floor privileges during the pendency of this matter.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Mr. President, let me begin by discussing some of the details of this legislation because I think when our colleagues focus on precisely what it says, it is awfully hard to disagree with any of it. And in fact I cannot imagine that anyone would vote against the Defend America Act of 1996 except for purely political reasons. That would be most unfortunate because there is nothing more important that the Senate and the House and the President have as our responsibility than defending America. That is the first obligation of the U.S. Government. And to continue to allow the situation which currently exists, which is that the United States is totally vulnerable to a missile attack by any enemy in the future, is intolerable. We need to get about the business of ensuring that we can solve this problem, that we can deploy an effective system for defending against ballistic missiles, and the way to do that is to pass the Defend America Act. It is the necessary first step in this effort.

Let me begin by noting the provisions of the act itself. And if anyone wants to disagree with any of these provisions, I invite them here to the floor to engage in that debate. I do not think anyone can logically disagree with the provisions of this act.

Mr. President, people will disagree with other things. They will make up an argument about what we are really intending to achieve here, and they will argue against that. It is called red herrings. Or they will set up straw men which they will attempt to knock over. They will assert that we are trying to reestablish the Reagan administration's space shield to prevent a nuclear attack by the then Soviet Union. That is not what this is all about. They will argue about star wars. They will argue about $60 billion expenditures. None of that is what we are talking about here.

So I am going to focus specifically on what this act says, and I would ask those who come to argue against it to confine their remarks to this act, not some perceived or imaginary piece of legislation that they may wish to defeat but rather that which is before us right now.

It is called, as I said, the Defend America Act of 1996. Majority leader BOB DOLE is the sponsor. I can think of no more fitting tribute to BOB DOLE than for his Senate colleagues to allow us to vote on this important matter. They can then vote their consciences on whether they want to defend America or not but give the majority leader the right to vote on this important proposition.

I guarantee you that if we do not have that right, Republican candidate BOB DOLE is going to be talking to the American people throughout the length and the breadth of this country to remind them that today the United States has no ability to defend against a ballistic missile attack by another country.

Mr. President, that does not have to come to China and Russia, the two countries that today have the capability of launching intercontinental ballistic missiles against the United States. It can come in the form of an accidental launch from one of those countries or another country. It can come in the form of a limited attack either against our troops stationed abroad, against our allies, or against parts of the United States that are within reach today or soon will be within the reach of ballistic missiles of other nations like North Korea, for example.

It is interesting just parenthetically that one of the studies which said there was no threat to the United States in the near term, that is, before the end of the century, relied upon the notion that the definition of United States was the lower 48 States. Well, as I recall, Alaska and Hawaii have been States for some time now and the citizens of those States would be a bit surprised to learn that colleagues in the Senate do not think it important to defend that because they are not part of the lower 48.

Mr. President, every veteran of World War II knows how the war in the Pacific started. It was an attack on Pearl Harbor in Hawaii, not even then a State but obviously part of the United States in terms of our defense at risk, and we went to war over that. To suggest that because there is not a threat to the lower 48 States today, we should not begin to prepare against the contingency when that threat will exist or to prepare to defend other Americans who do not live in the lower 48 States is irresponsible, and therefore I would urge my colleagues, as I said, to allow us to at least vote on this Defend America Act.

Here are the findings in the act. First, that the United States has the technical capability to develop and deploy a national missile defense system.

There is no disagreement about this. There is disagreement about exactly which system to deploy. The administration has its favorites. Others have their favorites. But there is no disagreement about the fact that the technology is here.

Second, the threat posed to the United States by the proliferation of ballistic missiles is growing. The trend is toward longer-range missiles including those with intercontinental reach.

Again, intelligence estimates make this point clear, and the President himself has declared an emergency based upon this threat of proliferation.

Third, there are ways for determined countries to acquire intercontinental ballistic missiles by means other than indigenous development.

Of course, that is true, and it is an important point to make because it is not the threat that a country beginning today will after a period of years figure out how to build one of these weapons, but it is also the case that countries around the world are trying very hard to buy components and even completed systems from other countries. This is why the sale by either

Russia or China of part or whole of a missile system or a weapon of mass destruction is so disconcerting because countries do not have to develop them indigenously; they can buy them or buy the key components from other countries, and that is why the threat will occur sooner rather than later.

Fourth, the deployment by the United States of an NMDS, National Missile Defense System, will help to deter countries from seeking long-range missiles.

That, too, should be obvious. It is clear that to the extent we have a defense against such weapons, it does not make sense for another country to expend a lot of resources to develop those kinds of systems. It is very much one of the reasons why the Soviet Union collapsed and why the Soviet Union decided at a certain point that it would not be able to defeat the United States militarily, notwithstanding its very strong intercontinental ballistic missile system, because Ronald Reagan was preparing to develop and eventually deploy the Strategic Defense Initiative, a system which would have been able to thwart such attack—not defeat it completely but to preclude it from succeeding completely and therefore allowing the United States the opportunity to respond with our own offensive deterrent capability. And that potential for development of SDI, as it was then called, was enough to cause the Russians to throw in the towel with respect to that matter. And it was one of the reasons why the Soviet Union eventually collapsed.

And that is not just me talking. There are several Russians who were in power at the time who confirmed the fact. The same thing is true of much less powerful and less wealthy nations than the Soviet Union of old, talking about countries like Iraq, Iran, North Korea, Libya, countries that may well desire to develop these weapons today knowing that we have no defense against them but if we had such a defense would perhaps turn their attentions elsewhere.

The next point of the bill is that the danger of an accidental missile launch has not disappeared and deployment of an NMD system will reduce concerns about this threat. That should be obvious and require no further explanation.

Next. Deployment of an NMD system can enhance stability in the post-cold-war era. The United States and Russia should welcome the opportunity to reduce reliance on threats of nuclear retaliation as the sole basis of stability.

This should be obvious, Mr. President, but it is interesting, and even paradoxical, I would say, that there are still some people in the Government and perhaps even here in the Congress who believe we are more stable in an unstable environment than we are in a stable environment.

That may sound counterintuitive, but there used to be an argument that if we were very vulnerable to an attack and if our opponent at that time, the Soviet Union, was also very vulnerable to an attack, that neither one of us would dare to attack each other. It was called "mutual assured destruction." If they would attack us, then we would attack them, and we would both destroy each other. Some people believe that was one of the factors that precluded either country from attacking the other during the cold war, and it may have had some impact.

But that is no longer the situation we face today, Mr. President. There is no longer a Soviet Union threatening to destroy the United States, and certainly we have no pretensions in that regard. There is a Russia with a lot of nuclear weapons, some of which could, by mistake, be launched against the United States; some of which could, by mistake, find their way to the hands of people who are not very friendly to us. Certainly the Chinese are developing weapons that they do not have a need to develop.

But the real threat today is from countries arrayed around the world that would do us harm, that have foreign policy interests inimical to ours, and that would use these weapons as threats. They are weaker countries than ours. We do not have to worry about them attacking us with these missiles in order to defeat us militarily. That is not the point. The concern is they would use these missiles in order to thwart us from achieving our foreign policy goals.

For example, we know 5 years ago during the time of the gulf war, the vote in Congress to try to kick Saddam Hussein out of Kuwait was a very close vote in both the House and the Senate. Among the concerns people had was the threat of loss of life to the U.S. military in trying to repel Saddam Hussein. If we had known at that time that Saddam had a nuclear weapon capability and the missiles to deliver those weapons—not just to the United States but, let us say, to Israel, to London, to Rome, to Paris, to Cairo, wherever—would the United States Congress, knowing that, have then decided to vote to use military force to repel Saddam Hussein? I think it is a very close question, and I am not certain what the answer would have been.

Put it another way. Would the European allies who joined what was then called the "grand coalition of nations" to defeat Saddam Hussein, knowing he had weapons that could reach their capital cities, would they have been as willing to come to the aid of Kuwait in that instance? I think the answer is obvious.

The point is that countries who would use these weapons today would use them, not in an all-out attack on the United States—nobody is suggesting that—but as a means, in effect, of blackmailing the United States. The most recent expression of this was a Chinese leader who said, with respect to the desire of the United States to come to the aid of Taiwan, "You better think twice about this, because we really do not think that Taiwan is as important to you as the lives of the people in Los Angeles." Would the United States be willing to go to war to protect Taiwan if it knew that China would launch a missile against the people of Los Angeles?

Well, it causes you to think. Any President of the United States would have to think very, very carefully about asking the Congress for authority to use force in a situation that did not directly involve the United States if the force that we were attempting to take action against, or might take action against, if that country had a nuclear weapon or a chemical or biological weapon that could be delivered to a United States city or to the city of an ally in Europe or some other place in the world. That is the threat that currently exists and that will exist in the near term before those missiles have the capability of hitting the United States.

And, yes, Alaska and Hawaii are a part of the United States. The North Korean missile will be able to hit those States before it will be able to hit, I suppose, California or Arizona or Idaho. But that is still part of the United States, and therefore the threat is sooner and closer, not farther away.

In any event, I think it is fairly clear that both the United States and Russia should welcome the opportunity to reduce the reliance on threats of nuclear retaliation as the sole basis of stability, because it is not realistic to expect that the United States would obliterate the people of Iraq, for example, with nuclear weapons if Saddam were to engage in some other act of aggression in the Middle East today. It is just not realistic to expect that the United States would do that.

Finally, the authors of the ABM Treaty envisioned the need to change the treaty as circumstances changed, and they provide the mechanisms to do so in the treaty. We note that in the findings of the Defend America Act. Then we say the United States and Russia previously considered such changes and should do so again.

As we note later on in the act, it may be necessary for us to approach the Russians to discuss questions of amending the ABM Treaty so that both of our nations will be free of the constraints currently imposed by that treaty that do not permit us to defend ourselves against missile attack, or at least adequately defend ourselves.

Next we come to the National Missile Defense Policy. There are two specific policy goals stated in the act. The first is the deployment by the end of the year 2003—that is 8 years from now—of an NMD system—

> . . . capable of providing a highly-effective defense of the territory of the United States against limited, unauthorized, or accidental ballistic missile attacks; and
>
> (2) [which] will be augmented over time to provide a layered defense against larger and more sophisticated ballistic missile threats as they emerge.

The second goal or policy is:

> . . . cooperative transition to a regime that does not feature an offensive-only form of deterrence as the basis for strategic stability.

Let me take them in reverse order. The second is one I already discussed, cooperatively transitioning to a situation in which the powers of the world are not engaged in threats against each other as the method by which to deter an attack against them; the idea that if you attack us, we will attack you. There ought to be a more humane and logical way of keeping peace in the world, and that is to have the capability of defending ourselves as the best way of deterring an attack.

That is so for an additional reason that should be obvious, but I will simply note it quickly. There are a lot of regimes in the world today that do not have the stability and the interest in peace that the United States and the Soviet Union had during the cold war. As belligerent as we believed the Soviet Union was, we recognized that it was led by rational people who understood the enormous power of nuclear weapons and the devastation and the tragedy that could be loosed on the world if they were ever to pull the trigger of those weapons. That is why they were not used.

That same cannot be said for some of the leaders today. There are people in the world today, leaders who have already said that, if they had the ballistic missile capability, they would use it against the United States. Mu'ammar Qadhafi of Libya is one such person who has said precisely that. I think there is no doubt that countries led by the current leaders of Iraq, Iran, and perhaps other nations—North Korea is certainly not a stable nation today either and other countries could evolve in the future—do not have the same degree of stability that the United States and the Soviet Union had in the past. To rely upon the idea of deterrence without defense, given these kinds of regimes loose in the world today, is clearly not in the best interests of the people of the United States.

Let me get to the first of the policy goals, because there is some disagreement about this goal. It has really three components to it. First of all, deployment by the end of the year 2003 of an NMD system. Opponents say 2003 is too specific, it is too soon, we really need more time. If we had more time we could develop an even better system.

Mr. President, I am guilty of that same kind of logic when it comes to buying computers. There is going to be a better computer 6 months from now and a year from now. If we maintain that point of view, of course, we would never buy a computer. I know the same thing is true about cars. It is true about virtually everything in our technology area today. But when it comes to defending ourselves against ballistic missile attack, when the threat is here and now and certainly will be before us by the year 2003, I do not think it makes sense to say let us wait a little longer because better technology will come along in the future.

Sure it will. That is why we say in the act that we should deploy a system by the year 2003 with the capability of adding additional layers and technology as time goes on and as threats evolve. That is precisely why we say let us start now with something that is relatively simple and have the capability of making it more robust as the threats further clarify and emerge and as we have the capability of doing so.

What is the capability that people argue about? We say deployment by the end of 2003 of an NMD system capable of providing a highly effective defense of U.S. territory. Any argument about that, providing a highly effective defense of U.S. territory?

> . . . against limited, unauthorized or accidental ballistic missile attacks;

Is there any reason why we should not provide defense against those three things? Are they all three legitimate threats? Yes, any intelligence source will identify "limited, unauthorized or accidental ballistic missile attacks" threats in the near term.

The third principle is:

> . . . and will be augmented over time to provide a layered defense as larger and more sophisticated threats emerge.

Precisely as I said before: The goal is to employ what we can at the time a limited threat is before us, to be able to meet that threat and then build on that system as our capabilities increase and as threats might later emerge. Those are the two policy goals in the bill.

What do we call for in terms of architecture? There has been a lot of criticism of the bill on the ground it is going to cost too much. That is literally untrue, because the bill does not identify a particular system. It is like going to a broker, as Majority Leader BOB DOLE has said. I go to a real estate broker and say, "I would like to buy a house." The broker says, "I can get you one for $40,000 or I can get you one for $4 million. Which do you want?"

Obviously, there is a big range between $40,000 and $4 million in houses, just as there is a big range in the kind of thing we could buy here to defend ourselves, and it certainly depends on the kind of threat we see emerging, the degree of our technology we want to put in place at any given time and a variety of other factors.

What we said is the President should decide. So if the President and his supporters claim it is going to cost too much, it is because they choose a system that is going to cost too much, because the bill allows the President to decide which system to buy and which system to deploy.

You cannot have it both ways, Mr. President. You cannot say you want the ability to decide which system and then also say that it is going to cost too much. If it costs too much, it is only because you bought one that costs too much.

But the reality is, we are all pretty much agreed on what we need, and it is not too expensive. My guess is it will be less than $2 billion a year for the next 10 years out of a defense budget of $265 billion each year. That is not too much to pay to protect the American people from attack.

In any event, what we call for here is components which would be developed for deployment and would include the following things:

> (1) An interceptor system that optimizes defensive coverage of the United States . . .

Obviously, you want to optimize coverage. A single ground site would not optimize coverage. That is all that is allowed by the ABM Treaty, and that is why we have to deal with the ABM Treaty later on. We say it can be either ground based, sea based or space based, or any combination of these basing modes.

Typically, the criticism of the Missile Defense Act is we are talking about star wars, a massive shield of space-based satellites that would protect the United States from any conceivable attack. That is what was contemplated back during the cold war when the threat from the Soviet Union required us to develop that degree of protection. That is no longer necessary. Nobody is talking about that, and that is why we say either ground based, sea based or space based, or any combination of these.

Probably what would be developed first is a sea-based system or a ground-based system, and then later they would be integrated. The only components in space, at least to begin with, is the satellite that detects the launch. We already have that, and everyone agrees that we need to have a satellite in space that can detect a launch, wherever it might occur, and communicate the information about that launch to the system, whichever it is, sea-based or ground-based.

Obviously, we need fixed-based ground radars. If we have a sea-based system, we also need radars on our Aegis cruisers. We already have them, so that is a zero-cost investment. We have 40-plus Aegis cruisers and destroyers out there with this radar already on there, and fixed ground-based radars already exist.

We need space based, including a space and missile tracking system. This is a satellite that would be able to detect a launch and communicate that information as it tracks the adversary's missile through space.

Finally, battle management, command, control, and communications. Everybody understands the need for that.

Those are the components. Nothing new there, nothing wild, nothing exorbitant, no space shield, as some people have suggested.

Section 5 of the bill talks about implementation of the National Missile Defense System and specifies certain actions that the Secretary of Defense must take in implementing the NMD policy. This is an area where there is some disagreement, because we say specifically the President should initiate actions necessary to meet the deployment goal. That includes conducting by the end of 1998 an integrated systems test. This is one of the milestones, one of the mileposts, along with actually deploying a system that would need to be achieved in order to achieve the deployment by the year 2003.

We talk about using streamlined acquisition procedures. I do not know who can disagree with that. That will certainly save money and time.

Finally, we talk about developing a follow-on NMD program. Some opponents find this, and say, "Aha, we finally discovered the problem with your Defend America Act, because you require a follow-on NMD program."

All that means is we are not going to freeze everything in place and forget about the development of future threats. We are going to provide for the technology to meet those threats as they evolve. That is all that means.

Section 6 of the bill requires a report on the plan for NMD development and deployment. It requires the Secretary of Defense to submit a report to Congress by March 15, 1997, which addresses the following matters:

First, the Secretary's plan for implementing the NMD policy, including a description and discussion of the NMD architecture selected. That should not be any problem.

Second, the Secretary's estimate of the cost associated with the NMD. Tell us how much the system you choose is going to cost.

Third, an analysis of follow-on options. We need that to evaluate properly what we are going to have to spend and develop in the future.

Finally, a point at which NMD development would conflict with the ABM Treaty. This is very important, because some people rightly say there is a point beyond which the United States could be in violation of the ABM Treaty if we deploy a system that is capable of defending us.

That is true. Unfortunately, the irony is the only kind of system that is permitted under the treaty today probably would not defend the entire United States, at least very effectively, at least against much of a threat. That is why most everyone agrees we need more than a single site, land-based system. To do that, we have to reopen the ABM Treaty, and that gets us into section 7, policy regarding the ABM Treaty.

Let me back up. The bill itself notes there is already in the ABM Treaty a policy established for amending and otherwise dealing with changes to the treaty. They include the following:

We would urge the President to pursue high-level discussions with Russia to amend the ABM Treaty. The ABM Treaty allows for its amendment.

Second, any amendment must be submitted for advice and consent to the Senate. Everyone knows that.

Third, the bill calls for the President and the Congress to withdraw from the treaty if amendments are not produced within 1 year. That, too, is called for in the ABM Treaty. If it is in the interest of the United States to withdraw from the treaty because we have not been able to amend it to our satisfaction, then we have that right under the treaty.

What the bill calls for is a longer period of time, 1 year, than the treaty itself calls for, 6 months. So, Mr. President, I do not see how anyone could object to the language in the Defend America Act that says we tried to amend the treaty, if we need to, and if we cannot, then after a year withdraw from it. Frankly, I would be in favor withdrawing earlier than a year, but we provide that much leeway to the President of the United States.

I have now described the act, Mr. President. What is there to disagree with here? The only thing, as I said, I think a reasonable person could disagree with is the specifying of the year 2003 for the actual deployment of a system, and on that reasonable people could differ.

Should it be 2003? Should it be the year 2000? Should it be the year 2005? Or should it be a flexible date? Reasonable people can differ about that.

As to everything else in here, I fail to see how any reasonable person interested in the defense of the United States could find disagreement with the words of this act. I really challenge my colleagues to come down here and point out what they would disagree with except for this date of 2003.

Let me address that again just a little bit. As I said before, one of the arguments is if we lock that date in we will be locking in technology. That is true with any system that we ever have purchased on defense. But sometimes threats are upon us and we have to go with what we have.

We have been working on missile defense for a long time. In fact, one of the criticisms of the missile defense program is we have been spending $30 billion on this for well over a decade. That is true. And critics say we do not have anything to show for it. That is not true. We have a lot to show for it.

We have a lot of technology that is just ready to be developed and deployed if somebody will just let us do it. That is what this act finally says: You have been critical of us for spending the money and not developing or deploying it. All right. Agree with us that we are going to get on with the job.

The only way to do that is to specify a date, because if we do not, Mr. President, we will continue to go on and on and on and on without ever deploying, always saying, "Well, there's something just right around the corner that is even better." It is a Catch-22 for those of us who support missile defense. We say, "OK, we'll wait for something better." And our critics say, "You haven't deployed any, and you've gone at it for 15 years and spent $30 billion."

Mr. President, my point is, let us set a date, take the technology we have in hand, which is very good, and plenty good to defeat the kind of missile technology that would be used against us in the foreseeable future, and deploy a system that we know we can deploy. We have done this with weapons systems that we have acquired throughout the last several decades.

Many of the systems we have acquired have the built-in capability of being upgraded to more robust or sophisticated systems as time goes on. That is precisely what we call for in the Missile Defense Act. Let us start with what we can build by the year 2003, and, as we say, as technology improves and the threat evolves, we will have follow-on systems.

Some opponents of the act have objected to the act because it allows us to do that or calls upon the Congress and the President to do that. But it clearly is nothing more than good sense. And it is really the same argument that opponents have used against us saying, well, there will be better technology later on. That is right. So let us make sure the system we deploy has the capability of taking advantage of that technology as we develop it.

Mr. President, there is another advantage to actually getting a deadline in the statute. It focuses the planning efforts. It breeds efficiency because it gives the defense planners a specific time line for developing and for doing the research, for doing the testing and then for acquiring, actually bending the metal, as they say, for acquiring the systems and for getting them deployed.

If you do not have a specific deadline, you never have this kind of efficiency, you never have the certainty of the schedule that is required for the researchers and the contractors to get along with the job, let alone the procurement officers in the Department of Defense. So you need a deadline. We have this with every other weapons system that we procure. We have specific dates, specific time lines and we achieve our goal by developing those time lines with a certainty at the end. If you do not have a specific date, you are never going to get there, at least not in any efficient way.

Finally, I argue that specifying a date for development, and selecting the date of 2003, is probably the best way for us to prevent the development and deployment of ballistic missiles by these rogue nations that we fear, nations that cannot ever defeat us militarily, but certainly nations who can thwart our conduct of foreign policy and can do us great harm and do harm to our allies and forces deployed abroad.

If we actually make it clear that we are committed to deploying a system, let us say by the year 2003, then I think that nations that are not very wealthy and that have a hard time acquiring the components or the completed systems will perhaps turn their attention to other methods for trying to throw their weight around. But as long as they know that nobody in the world is committed to deploying a system by any particular time, there is no reason for them not to proceed with their plans to buy the missiles or to develop the missiles and to develop the warheads that go on them, whether they be nuclear, biological, or chemical. And that is why we want to specify this date of 2003.

There has been recently an argument about the cost. And it is too bad that this argument had to come at the time that it did because it is a totally bogus argument, yet I know some of our opponents will use it against us. It is the Congressional Budget Office analysis of the cost of such a system.

But if you read the analysis carefully, rather than just spouting the rhetoric of those who oppose a ballistic missile defense system, if you read the analysis carefully, you realize that CBO did not say that the system would cost somewhere between $40 and $60 billion or $14 and $40 billion or whatever the figures people like to throw around. What the CBO said was, well, it all depends on what you buy. If you buy everything that has ever been talked about, something that nobody is proposing, you could even spend up to $60 billion. My guess is you could spend more than that if you really wanted to buy everything that anybody had ever talked about.

But the cold war is over. We are not talking about that anymore. I read you the Missile Defense Act. We are not suggesting a space shield, so we are not talking about the system that could cost that kind of money.

Instead, what the CBO said with respect to what we are really talking about is this. I want to quote from the CBO analysis. We are talking about an initial defense. I will quote.

> This initial defense would cost $14 billion, about $8.5 billion for the ground-based system and $5 billion for the SMTS space-based sensors. The ground-based system could cost roughly $4 billion less if the Air Force's proposal for a Minuteman-based system was adopted.

They should have said "were adopted." Then they go on to discuss other kinds of options.

The point is, that it all depends which house you choose to buy, as the majority leader analogized here. Do you want to buy the $40,000 house, the $80,000 house, the $150,000 house? Do you want to buy five houses at $4 million each?

What the CBO said was, well, if you bought everybody's idea of a neat house, it would cost a lot of money, might cost $60 billion. We are not talking about that. Let us not have any rhetoric from the opponents of this bill that it could cost up to $60 billion. CBO itself says what we are talking about would cost $14 billion. Mr. President, actually the administration has said that it would be less than that. The Secretary of Defense has said the system that they like would cost $5 billion.

I do not know whether it is $5 billion or $14 billion or something in between. In fact, they note it actually could be $4 billion less if the Minuteman-based system was adopted. That would be $10 billion. I do not know which of these figures is correct. But we are talking about deploying a system over the next 8 years or so.

If you divide $10 billion into 8 years, that is a little over $1 billion a year. That is hardly something that we cannot afford in the $265 billion defense budget when we are talking about protecting the lives of Americans and conducting our foreign policy without being blackmailed by these tinhorn dictators around the world.

So I think with respect to cost we should understand that we are talking about a system that is probably in the neighborhood of $5 to $10 billion, maybe $14 billion, maybe $20 billion at the most to do it the right way, but $14 billion according to the CBO's suggestion of an initial deployment.

I also note that CBO, in its estimates, apparently included O&M costs, operations and maintenance costs for a period of 10 years in some of their estimates. That is not ordinarily used to calculate the cost of acquiring any weapon systems. You understand both the acquisition cost and you understand the cost of acquiring it and operating it for 10 years; but ordinarily you do not describe as the acquisition cost the additional costs of O&M for another 10 years, which is what apparently CBO did. So one better be very careful about throwing these numbers of the CBO estimate around, Mr. President. They do not support the argument that this is too expensive.

Anybody that wants to make that argument is going to have to answer to the American people the first time that Americans are killed because somebody has launched a missile against them, and answer the question what price their lives were worth.

As a matter of fact, let us just stop and think for a moment, Mr. President. It was only 5 years ago that 28 Americans were killed by a ballistic missile launched by Saddam Hussein during the Persian Gulf war. The largest number of Americans killed in a single attack, 28 Americans died because we could not defend against a ballistic missile.

That was in a theater that was far away. That was in a war that we were fighting. But let us move it just a little bit further out. We could not protect our own military. We could not protect the people of Israel who took scud hit after scud hit because the Patriots could not knock them down. In the future we are not going to protect the people in Rome or London or Paris or Moscow or Anchorage or Honolulu or in South Korea or Japan or any number of places around the world that we will want to defend and will not have the capability of defending. Now, what price are those lives worth?

Let me proceed just a little bit more with respect to the cost item, since I am informed Senator NUNN will be here in about 15 minutes and he will have some comments to make on this act. I will proceed to discuss some of the arguments that have been raised against it that I was going to refer to later.

One of the arguments is that the language in the bill that discusses the ABM Treaty is really tantamount to an anticipatory breach of the treaty. This concerns some people greatly because they also believe if we proceed to defend ourselves, people in Russia will begin acting very irresponsibly with respect to START I and START II, and they may not even ratify START II. It has been predicted they will begin violating the START I treaty that both countries are already bound by.

Mr. President, I have two basic things to say about this. First, this kind of argument is reminiscent of the cold war. It was the argument between those who wanted appeasement on the one hand and those who believed in peace through strength on the other hand. Appeasement was no stranger at the time of the cold war, but I thought everyone learned the lesson of Munich. Neville Chamberlain, who believed in his heart he had won peace in our time after he came back from Munich, we now know that the concessions that were made by the allies at that time to Adolf Hitler, the appeasement of Hitler was what created the appetite for him to take even more and finally go beyond the point that the allies could endure. That is how World War II began.

There were then those in the cold war era who felt if we just gave the Soviets what they wanted, if we appeased them, everything would be right. What we found, every act of appeasement led to another act of aggression, and it was only when we began to confront aggression with strength, with resolve, with courage, with willpower, with defense, that the aggressor said, "OK, we did not really want that after all."

Finally, through the development of our defense forces in the early 1980's, the focus on developing a defense against ballistic missiles, the resolve demonstrated through President Reagan's famous peace through strength, our adversary realized it could not defeat us militarily. President Gorbachev, to his credit, knew he could not defeat us economically, that the political system they developed, combined with the economics of that system, were insufficient to sustain the kind of effort that would be needed to bury us, as Khrushchev said.

That is why the Soviet Union fell. Appeasement never worked. Strength did. The argument that if we do not do what the Russians want, everything will be bad, goes back to that old idea, that old philosophy of appeasement. It has been said if we even talk about amending the ABM Treaty, the Russians will violate START I, they will not destroy all the missiles they promised to destroy, that the Russian Duma will not ratify START II.

We will take each of those things. First of all, the United States has already suggested the possibility of amending the ABM Treaty to the Russians, and we had conversations with them about it. They did not walk away and say, "This is absolutely nuts. We will never do that." This was done during the Bush administration.

Second, there are ongoing discussions today about changes to the meaning of the ABM Treaty as circumstances have changed. In fact, there are ongoing discussions in Geneva and elsewhere about the exact definition of strategic missiles that can be defended against under the ABM Treaty. It is not as if this thing was written in stone, never to be changed or even considered for modification. The cold war is over. Circumstances have changed. It is going to have to be changed, if not scrapped altogether, as threats and circumstances change. That is only right. Only those who do not understand the cold war is over would argue the ABM Treaty should never be changed.

The next point, that the Russians actually will violate the START I Treaty if we talk about changing the ABM Treaty, Mr. President, the Russians have, in fact, already violated several treaties. They do not need us to talk about amending the ABM Treaty to do that. I think we need to separate the two. There is no direct linkage, and there should not be.

The point is, the Russians will do what they think is in their best interest. If the United States makes it clear to the Russians it is in their best interest to continue to comply with START I and to talk to us about making changes in the ABM Treaty, they will do that. As a responsible country, I believe that Russia will be responsible in pursuing that course of action with us. If the Russians decide not to ratify the START II Treaty because they do not think it is in their national interest, there is nothing we can do to stop them from that.

I do not think by stopping any discussion of defending ourselves against ballistic missile attack it will make one bit of difference. I could quote numerous Russians who made the statement the reason that the Duma would not proceed to ratify START II does not have anything to do with the START II Treaty but has to do with what they perceive the costs to be and what they perceive their national interests to be. Therefore, I think it is foolish for us to believe we have that much control over what the Russian Duma does, that if we begin talking about changing the ABM Treaty, it will cause them to change their plans. I do not think that is correct. In any event, if it were, what that would argue for is the United States could never do anything in our national interest to protect our citizens because it might cause some irresponsible Russians to act in a way inimical both to their interests and ours. I do not think that is logical.

In addition to this, Mr. President, it is not as if we are breaching the ABM Treaty. As I noted, the ABM Treaty allows for amendment. It is like the Constitution. We all say we should be very careful about amending the Constitution. It is a pretty sacred document, true. But we have amended it because it has within it the means of amending it. Our Founding Fathers knew it was not a perfect document for all time, that we might want to make changes to it. Who were the first group to make changes? Our Founding Fathers. They adopted the Bill of Rights.

The ABM Treaty, which has existed now for over 20 years, I daresay is not as sacrosanct as the U.S. Constitution. It could be amended, and therefore it provides within its terms for amendment as time goes on.

Many would argue that actually the treaty no longer exists because the country with whom it was negotiated no longer exists; namely, the Union of Soviet Socialist Republics, the U.S.S.R., no longer is. Some say Russia acceded to interests. That may or may not be under international law. But it is a change, an amendment, to reflect changed circumstances. You cannot deny that.

In addition to that, in addition to allowing for amendment, the treaty allows for withdrawal if it is in the United States' interest. All we have to do under the treaty is give notice that 6 months later we will withdraw, and we can walk away from the treaty. That is what the treaty itself provides for.

Why would people be critical of the Defend America Act, which specifically says, in order not to cause a violation of the ABM Treaty, we should begin discussion with the Russians now, telling them of our desire to develop a ballistic missile defense, of the fact that there may be circumstances under which it would run counter to the terms of the ABM Treaty, and therefore suggesting we sit down and talk with the Russians about ways to modify the treaty to accommodate the kind of defenses both of our countries are going to need in the future. What is wrong with that? That is not an anticipatory breach. That is not saying we will violate the law sometime in the future and have a cause of action against us today. That is a real, genuine effort on our part to be totally upfront and say we will have to make some changes sooner or later, probably, so will you not sit down with us and talk about what the changes might be.

If, for some reason, the Russians absolutely will not talk to us, the act says that the President still has a year—not 6 months, as the treaty provides, but an entire year—within which to seek these negotiations and withdraw at the end of that year if the Russians have not been willing to talk to us, that withdrawal being based upon the provisions of the treaty itself, allowing withdrawal in the national interests of the United States.

The President of the United States, Bill Clinton, has already declared a national emergency based upon the ballistic missile threat. If there is a national emergency, then certainly the conditions exist under which we could withdraw from the treaty if we desire to. No one is suggesting that at this point. My point is, simply, that it is not an anticipatory breach for us to pass this law. Anyone who argues to the contrary, really seriously, Mr. President, has not read the language of the Defend America Act. It does not call for anticipatory breach.

I have already dealt with the argument that this is just a straw horse from the Reagan era of the star wars system. That is not what we are talking about. I had to read the language of the act to make the point. I do not doubt there will be some who have not bothered to read it and who will come here and talk of star wars and space shield and the rest. Remember what I said, Mr. President, they are simply setting up a straw man to knock down. It is not what we are talking about here.

There has been some question about the threat and when the threat will actually evolve. There is much that could be said about this, some of which I will reserve for a little bit later on. I do not think that anyone would credibly deny that by the year 2003, there is a significant probability that threats will exist beyond the acknowledged threat that exists today from either Russia or China.

Now, there is a question about when the North Koreans will actually be able to reach the continental United States and whether "continental" means the lower 48, or Alaska, or Hawaii. I really do not think it matters much. Clearly, by about the year 2003, the North Koreans will have a missile that is able to reach South Korea, Japan, the Philippines and, possibly, Alaska and Hawaii. That ought to be enough, Mr. President. For those who say, "Well, let us wait until the threat is there to develop the system," I say, at that point it will be a little too late. Until you can develop and deploy a system, you are susceptible to the blackmail that a regime like that could visit upon you.

I do not doubt that if the same leaders who control North Korea today are in power at that point, it could create great mischief if we did not have a means of defending ourselves.

With respect to that threat, many things can be said. I have to begin by saying that the year 2003 being 7 years down the road is certainly a point at which we ought to be prepared to defend against a threat from countries like North Korea, even if we are not concerned about a threat from Russia or China today—particularly an accidental launch from one of those countries. The national intelligence estimate, which is touted by some, suggesting that the threat will not occur for 10 or 15 years does not support that proposition. It only supports the proposition that if a country started today and began to indigenously develop a weapon, that it might take that long before they could do it. As we know, that is not the way most nations acquire the weapons. They buy them, for instance, from Russia, China, or North Korea. If they cannot buy a complete system, they buy components from whomever, and they put them together. The Iraqi scuds were done like that. So if you calculate the time it takes a country to buy a space-launch capability, which is just as effective as a ballistic missile war fighting capability, or components of a system to put it together, it is clear that numerous nations do not mean us any good in the world, and they could develop the systems before the year 2003.

I also make the point that the United States has a history—an unfortunate history—of turning a blind eye to reality and the facts because we are a peace-loving Nation. We do not like to assume others would do us harm, at least in a sneaky fashion. But Pearl Harbor is the best example of where intelligence pointed the way directly and specifically to a threat. If we had been more suspicious or cynical of the Japanese at that time, we would have probably understood that that was a very real threat and would have been better prepared to deal with it. But we were not. It was our own fault, in many respects.

That same thing could be said about the situation today. It will be our own fault if some nation decides to be very sneaky about the way it develops a weapon and deploys that weapon against us. Iraq, we know, was much more capable than we ever had any reason to expect 5 years ago. We now know that. We know that other countries are seeking to acquire this technology, such as North Korea, the Iranians, and so on. Yet, somehow we just try to delude ourselves into thinking that maybe everything will be all right, that we really will not have to worry about it, so let us not bother to worry about it until we are sure the threat is there.

Well, Mr. President, at that point it is too late; the horse is out of the barn. The unfortunate thing about that analogy is that it does not begin to describe the horrors that could be visited upon people if we wait until it is literally too late. I would rather be a year too early and maybe spend a little bit more money than we had to, and maybe lock in technology a little bit earlier, than I would be to be a year too late because, frankly, at that point, no one knows what the harm would be, whether it would be an actual attack, or whether it would be simply thwarting important foreign policy goals of the Western alliance because we did not have the weapons to stop a ballistic missile attack.

As I said, Mr. President, I will defer discussion of this threat because I really do not think that reasonable opponents to the Defend America Act will argue that there is no potential threat there. They may argue that it may not be as serious by the year 2003 as I think it might be, but I do not think anybody could credibly argue that the threat is not there. We can quote the former CIA Directors. Jim Woolsey made the point very clear. I will note, Mr. President, that as recently as May 31, the Washington Times carried two stories that I thought were, frankly, very distressing. The lower story said, "Woolsey Disputes Clinton Missile Threat Assessment." He was President Clinton's first Director of the Central Intelligence Agency. This article from the Associated Press points out in numerous ways the areas in which former CIA Director Jim Woolsey believes that the Clinton administration is underestimating this missile threat in an effort not to go forward with the Ballistic Missile Defense Act.

The other headline is, "White House Misled Joint Chiefs on ABM Treaty Talks." I understand there was a letter written around May 1 by one or more of the Joint Chiefs that says, "We really do not need this Defend America Act." Mr. President, I ask unanimous consent that this newspaper article be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. KYL. Mr. President, this makes the point that the Joint Chiefs were misled. They were basically told that the administration was not going to go forward with certain plans, that there were not changes being contemplated to the ABM Treaty that, in fact, were being contemplated, that there were not limitations being placed upon certain of our systems. And as a result, they could clearly have been lulled into the belief that we did not need the kind of Missile Defense Act we are talking about now. I suggest that if all of the information is known to all of the people concerned, we will be much more serious about going forward with a missile defense plan.

Finally with respect to this point, I note that the President himself has recently begun to talk about the need for missile defense. Some say that this is a political reaction to BOB DOLE's leadership on the issue. It may be. But I will acknowledge that the President, as well as the rest of us, is interested in defending the American people. Whichever is the case, the President has acknowledged the threat. So we are only arguing about exactly when the threat will materialize. The President's position is that we might be able to wait a little longer and deploy a system a little after 2003 and still get by. He may be right. But my point is, is it worth the risk?

When we have the technology, we have spent the money and—as a matter of fact, if we talk about a sea-based system, we have the aegis cruisers, and they have the radars, and they already have the satellites in space which can detect a launch, and we have basically half of the standard missile on these ships. We simply have to put the second part of the missile on with the components on the tip of it to enable us to hone in and guide the missile to be intercepted. That is all we are talking about developing with respect to that system. We have proceeded significantly along with the development of the THAAD program.

No, Mr. President, the problem is that if there is a problem with deploying these systems, it is, as Senator THURMOND said earlier, that the administration, year after year after year—all 4 years—has submitted budgets where the administration has sought to reduce the amount of expenditure for missile defense, and specifically for the national missile defense. They have been willing to go forward with the tactical missile defense, to a degree, but not to the degree called for in the legislation we have passed and the President has signed. He does not want to go forward with a national missile defense.

That is perplexing. I do not understand how it is all right to help our friends, like the Israelis, defend themselves—and there has been money there in the last several years to help the Israelis build the Arrow Missile Defense System to protect their homeland and people. So I do not understand why U.S. tax dollars should be spent on that system and not on a similar system to protect the United States. I am all for the development of the Arrow. I have been to Israel and have seen the threat they live under from their neighbors that would do them harm. They understand the need for a missile defense, and we have been willing to support their national missile defense system.

Why is the President of the United States willing to spend money so that the people of Israel will not be killed in a missile attack, and he is not willing to spend money so that the people of the United States are free from missile attack? I do not understand that.

Mr. President, as I said, reasonable people can differ about whether the threat will occur in the year 2003, 2007, or in the year 2000. But you cannot argue about the fact that the threat will be there, and, in some respects, it already is.

So if we are willing to spend that money and to make that commitment to defend the people of other countries, why are we not willing to make that commitment to defend the people of the United States?

Let me make this point. When pollsters ask Americans around the country how we would defend ourselves against a missile attack, Americans answer with a variety of very innovative responses. "Well, we will shoot them down." How? "Well, we have airplanes with missiles that will shoot them down. Well, we will shoot them down with our own missiles. Well, we have lasers in space. I am not sure how, but we will shoot them down."

The fact is that we do not have any way of shooting them down. We are totally vulnerable to an attack.

Do you know what about 80 percent of the Americans who respond to these surveys say? They say that is absolutely irresponsible and we have to do something about it today to turn this situation around—today. They are shocked to know that we are vulnerable to missile attack.

I guess it is our own fault for not making the point to people that we do not have a defense. It is particularly shocking, I guess, for not correcting this deficiency given the fact that the Persian Gulf war was 5 years ago and we have let 5 years go by without making very much progress toward the development and deployment of these defenses. I would have thought that after 28 Americans were killed in one Scud attack and after Israel was attacked by Iraq that the United States would finally have committed itself to building missile defenses to protect the United States and the people of the United States. We kind of frittered away our money and time. Now we have other nations in addition to Iraq that are very aggressively and very actively developing these weapons. Yet, we do not seem to be any further down the road toward making a commitment to develop and deploy the system.

As I said, if you look at every other weapons system that we bought, let us say the F–15, or the F–16, or the carrier, the Trident submarine, you name it, the only way we have of being able to get it done is say we want to buy this weapon, we want to have it done by *x* date, therefore, we are going to appropriate the money necessary to achieve deployment by that date, and we ask the administration to come forward with a plan which lays out the specific deadlines for a specific timetable by which the tests are going to be conducted, and eventually we will get to the point of deployment. Usually it takes a little longer than we predicted, but we try to set those dates up so that we actually achieve the objective.

That is what we are asking for in this legislation by setting a specific date. We are saying, we know we will never get there if we keep moving the goalposts and if we never set an actual date for deployment, so let us set the day and let us get on with it. If we do not do that, we will never get there. That is why I say it really is a bogus argument to talk about the threat, because everyone acknowledges there is a threat. They simply argue about when it will really surface. I submit that it is not worth playing around with that question, particularly since we know that 5 years have elapsed since Americans have been killed by a ballistic missile.

There is another subargument here that I really want to deal with very briefly, and since Senator NUNN is not here I am going to go forward. This is the argument that deterrence is sufficient and we already have the ability to retaliate against someone who launches a missile, and that ought to be enough to deter them from ever doing so.

I ask the question again. Given the fact that the United States pulled out of Iraq and did not use any kind of weapon of mass destruction against Saddam Hussein, did not even destroy his palace guard at the conclusion of that war, and given the fact that President Bush himself made the point on several occasions that we mean no harm to the Iraqi people, we only wish that the regime of Saddam Hussein would not act irresponsibly and that we would try to defeat it—given those facts, is it credible to assume that the United States in the future will use a nuclear weapon or a chemical or biological weapon on the people of a country whose leaders attack us, or who threaten to attack us, or who threaten to attack, say, the French, the British, the Israelis, or the Russians? Is that a credible deterrent? Are we going to deter Mu'ammar Qadhafi, or the leaders of Korea, or some other country? I do not think so.

I think that deterrence argument, if it did work in the cold war—there is some dispute about it—is not the kind of argument that is going to work today against countries that frankly do not think we will use the deterrent and do not care, in any event. The risk of failure on relying on deterrence is simply too great to rely on that doctrine today. It will not work against the kind of nations that mean us harm today. It is not credible.

I note the fact that Secretary Perry himself, in the Nuclear Posture Review on September 20, 1994, made the following comment, with which I totally agree.

> We now have an opportunity to create a new relationship, based not on MAD, not on Mutual Assured Destruction, but rather on another acronym, MAS, or Mutual Assured Safety.

What he was talking about was the ability to deter aggressor nations based upon the fact that we can defend ourselves, and, therefore, there was no point in their developing the means to attack us, or initiating such an attack; that because we had the ability to defend ourselves, it would make it impossible for them to succeed, and, therefore, there would be no point in their expending the funds to do so. That is the theory of defensive deterrence, and it really is the only kind of defense that will exist against the kind of threat that we face today. When we were arrayed against the Soviet Union, it might have been a different matter, though that is questionable. But it is certainly not the case today.

I had indicated when we talked about the START II Treaty that there were some people I would quote. Let me do that since I have the time, because this is the final argument, and that is, we are kind of playing with fire. We do not want to do anything that would disturb the Russians, and it could be that they would take actions that we would be sorry for if we did anything to anger them.

Clearly, at this point in time, only 3 weeks or so away from the Russian elections, our eyes are turned toward Russia because we understand that some very irresponsible people could be elected and lead the Russian State. That would be a real shame. None of us want to do that. All of us are hoping for the election of very responsible people to lead the Russian nation, people with whom we can work in the future and continue to work on defense matters together, because we mean no harm to them. They should know that. We wish them well, and we hope they share that feeling and, therefore, engage with us in those kind of agreements that demonstrate the desire for peaceful nations to proceed along the path of peace and eliminate the kind of weapons of mass destruction that populate the world today.

That is why we hope very much that they continue to abide by treaties like the START I Treaty and that they would ratify the START II Treaty to further bring down the number of dangerous weapons in the world. But here is what some of the Russians themselves have said with respect to the probability of their actions with respect to the ABM Treaty.

Alexi Arbatov, Deputy Chair of the Russian State Duma Defense Committee, complained that the loss of MIRV'd missile capability resulting from START II was a critical reason for them to be concerned with the START II Treaty. He stated that the Russians "cannot economically fill the gap with single warheads; it's too costly." He proposed developing a protocol that lowered START II warhead ceilings to relieve their economic difficulties with the treaty.

In other words, what he was saying was that "it is going to be awfully expensive for us to bring down our warheads to the level called for in the START II Treaty. You all may be able to afford it in the United States. We can't. So let us not bring them down quite so far."

Well, it may be that they will have a hard time doing that, but if they do not adopt the START II Treaty, it will be for reasons of economics, as he pointed out, not because the United States has suggested the need to look at an outmoded ABM Treaty which previous Russian Governments have been willing to look at themselves.

U.S. Ambassador Brooks predicted the Russians will be forced to go well below START I levels with or without START II for economic reasons. He was actually proposing a slightly different argument related to economics. He was saying the Russians are going to have to proceed with START I and maybe even START II limits in the long run because it is so expensive to maintain them, and while in the short run our thought may have been correct, Ambassador Brooks is probably correct with respect to the long run.

It is in both of our interests in the long run to save money by not having to maintain these expensive stockpiles. It costs money to dismantle them initially. That is why people like Senator NUNN and others have been responsible for proposing U.S. assistance to enable the Russians to bring down their stockpiles. It is for economic reasons that the Russians will find it impossible to continue to maintain this high level of stockpile. It does not have anything to do with the ABM Treaty.

Neither the United States nor Russia will have the capacity to enter into another arms race, I suspect, whether or not we made modifications to the ABM Treaty.

Clearly, with respect to other nations like China, the START I and START II Treaties do not even apply here. So though some say we should not even begin to change the ABM Treaty because of the Russian response, I would counter by saying: What about the Chinese? What about other countries that are not even involved in the START I or START II Treaty?

Clearly, deploying this, or beginning to talk about amending the ABM Treaty so we deploy an effective defense system is in the national defense interest of the United States and we should not be deterred from proceeding with that step simply because there may be some who contend that the Russians will be unhappy and therefore there would be a reaction against us.

Mr. President, since I have other time, let me proceed with one final point, and then I would be happy to yield to anybody else who would like to speak.

What we are talking about here, for those who might not have been with us at the very beginning, is a very modest—very modest—first step. It is called the Defend America Act. It was brought to the Senate floor by Majority Leader BOB DOLE. It is true that he has made a political issue of this but only because the American people have been shocked to find out that the United States is undefended against a ballistic missile attack.

That is why Senate Majority Leader BOB DOLE, the Republican Presidential nominee, has said it is important for us to get on with the job of ultimately developing and deploying a system that could defend the United States, at least in a modest way, against certain kinds of limited attack. So the Defend America Act that we have before us is a very modest first step toward that end.

It is not the space shield that some people would like to talk about. It is not a hugely expensive kind of project that CBO has said we could develop. Yes, we could, but that is not what this is. It is really a very modest attempt, and it is important for the Senate, I think, to begin this debate and, hopefully, to have a vote on this act in the relatively near future.

The House of Representatives was scheduled to take this up just before the Memorial Day recess and did not do so at that time, passing the budget instead. But I am hopeful, too, that the House of Representatives will take up the Defend America Act very soon. The important thing for the American people to know is that the Senate will not be able to vote on this act unless 60 Members of the Senate agree, because of a procedure that we have here which says that anybody can object to bringing up a bill and, if they do, it takes 60 Senators then to have a vote on it—60 Senators have to agree. That is called invoking cloture. Tomorrow afternoon at 2:15, we are going to have a vote to invoke cloture, that is to say, to stop this debate that has been going on and to have a vote on proceeding with a vote on the bill. There will still be an opportunity to further debate the bill after that, but then we would have a vote before the end of the week on the Defend America Act.

This will be the last chance that Majority Leader BOB DOLE has to bring this act up during his time in the Senate. I think it is important even for those people who do not necessarily agree with the Defend America Act, who for some reason want to support the President of the United States in his opposition to it. Maybe for political reasons they want to vote against it because it would hurt BOB DOLE and help Bill Clinton. I can understand all of those things even though I think it would be irrational to vote against it for purely political reasons. But whatever reasons my colleagues might have for ultimately voting against it, I find it hard to understand why any of them would oppose having a vote on it.

What are they afraid of? Mr. President, what are they afraid of? Why would Members of this body—and specifically now I am talking about Democrats, since I believe all the Republicans will support the cloture vote, will support taking a vote on the Defend America Act. Not all Republicans probably will vote for it in the end, although most will. But why would Democrats almost to a person oppose even taking a vote on this bill? Why? I can think of only one reason, and it is not a pleasant thought. That one reason is politics.

I read the Defend America Act. There is nothing in there that every one of us does not believe, with the possible exception of the actual deployment by the year 2003. I have discussed the reasons why I think 2003 is a good date. Now, others may disagree. They have the right to express that disagreement by voting against the bill. Even though they may agree with everything else in it, they might not like that, so they want to vote against it. They have the right to vote against it. We would still be debating for another day or day and a half after we invoke cloture, so by the end of this week we could have a vote on this bill.

Now, why would colleagues not even let us vote on the bill? Why would they say: No; BOB DOLE, you cannot have a vote? Is it because they do not want Americans to be free from ballistic missile attack? I do not think so. I do not think there is a person here who believes that.

I can only think of one reason, Mr. President, and that is to deny BOB DOLE the right to have a vote on his bill. Now, I urge my colleagues, Republicans and Democrats alike, who have stood in this Chamber and who have stood in receptions and dinners and other fora to laud BOB DOLE and pay tribute to him for the long service that he has given to our country, most recently in the Senate, but before that in the House and, of course, serving in our military, I appeal to all of my colleagues who have genuinely expressed their appreciation for BOB DOLE's service, Democrats and Republicans alike, recognizing that whether he is to be the President of the United States or not, he is to be respected as a strong national leader who for years has done a lot of good things for this country—and nobody believes more strongly in the defense of the United States than BOB DOLE—I would urge those colleagues of mine, Democrats and Republicans alike, to just stop and think and see if it is not within their heart to at least give him a vote on his bill. They can then vote against it, and he will understand those who have legitimate reasons for voting against it. But I think what he would find very hard to believe is that his colleagues would not even let him have a vote on this important matter that, after all, is not that important to him personally or politically but is very important to the American people. BOB DOLE knows how important it is that we provide for our national defense.

I will just conclude with this point. I have mentioned the Persian Gulf war many times, Mr. President. But after that Persian Gulf war was over and Dick Cheney and President Bush and Colin Powell and Norm Schwarzkopf were all given great kudos for winning the Persian Gulf war, what did they say? Well, most of them said it was not us that did it, obviously; it was the men and women we had trained so well that did the job. Of course, they were right. But Dick Cheney said one additional thing, and I will never forget it because he is a very reflective person. He said that it was not me, it was not us that won this war. It was the people 10 and 15 years ago who made the decision then to invest in the kind of weaponry and training that enabled our people to win today. They could not have foreseen the uses to which these weapons would be put. They had to fight those who said that they were a waste of money at the time, that they cost too much, that they might not work, that they were not necessary, that there was no threat. They had to stand up in the face of all of those arguments and have the courage of their conviction that someday, somewhere the United States might need that kind of weaponry to defend itself and its interests and it would be important for the men and women that we ask to go in harm's way that we give them the very best to protect themselves. Dick Cheney said we really owe this victory of the Persian Gulf war to the people who were in the Congress and who were in the administrations at that time, who made the tough decisions to make the investment to build these things so that when we needed them they would be there, even though no one could predict when or where or under what circumstances that would be.

Mr. President, I am saying the same thing today. We will hear all of the arguments: Well, it may not work. Well, we do not know even who it is going to be used against. Well, we are not sure that the threat is here yet or even when there is going to be a threat. Well, we know there will be a threat, but it probably will not be for a while yet. We can take a chance.

We have to stand up today just like those people did 10 and 15 years before Dick Cheney was Secretary of Defense and be courageous enough to make the investment to protect not only the American people but also our forces deployed abroad and our allies, but most specifically the American people. That is what the Defend America Act is all about, so that 10 or 15 years from now, or 7 or 8 or 9 years from now when we have been able to thwart some kind of attack by an aggressor and people are patting everyone on the back saying job well done, those people will look back on the Congress of today and say, well, actually, they were the ones, those people back in 1996 who had the courage to go forward with the system, they were the ones to whom we owe our appreciation and perhaps our lives.

Do we have the courage to make that kind of commitment today, at a very small, relative, expense, $1 or $2 billion a year out of a $265 billion defense budget, for maybe 10 years? That is not too high a price to pay for the lives of American people.

So I ask my colleagues when we have this cloture vote tomorrow at 2:15, think about your children or grandchildren and your lives and the lives of those we will put in harm's way 10 or 15 years from now. Think about the legacy we want to leave. Think about the people we want to protect, about the interests that we want to project in the world. Think about what that takes.

Also, think about the unfairness of not even allowing this bill to come to a vote, and think about the final tribute that you can pay to a great man, whether you agree with him politically or not, BOB DOLE, who, after all, has asked nothing more than to be allowed to have a vote on this piece of legislation.

For those reasons, I hope my colleagues will join us in voting for cloture so we can have a vote on the Missile Defense Act sometime this week.

EXHIBIT 1

[From the Washington Times, May 31, 1996]

WHITE HOUSE MISLED JOINT CHIEFS ON ABM TREATY TALKS

(By Bill Gertz)

Clinton administration officials misled the Joint Chiefs of Staff about efforts to reach an agreement with Russia at last month's summit on the complex issue of clarifying the Anti-Ballastic Missile (ABM) Treaty, Pentagon officials said.

To prevent details from being disclosed to the press, the military service chiefs were not told in advance of the Moscow summit about a White House plan to hold detailed talks between the two presidents aimed at reaching a partial agreement on what short-range anti-missile defense systems are legal under the 1972 ABM Treaty, according to officials who spoke on the condition of anonymity.

Several days before the April 22 summit in Moscow, a Pentagon briefer, explaining the White House summit agenda for defense issues, told a meeting of the Joint Chiefs of Staff that the issue of ABM theater missile defense (TMD) demarcation would not be brought up at meetings between President Clinton and Russian President Boris Yeltsin, or other defense officials, they said.

"At the [Joint Chiefs] meeting, the chiefs were told ABM-TMD demarcation will not be discussed at the summit," one official said. "In fact that briefing was part of a deliberate deception plan on the part of the White House."

The postsummit realization that some officials acted dishonestly with the military chiefs upset many in the Pentagon, particularly officials charged with developing missile defenses.

"Everybody was outraged," one official said. "The only conclusion we could come to was that the White House negotiated with the Russians against its own military."

A second official said a senior general who took part in the briefing, held in the secure Pentagon room known as "the tank," specifically asked the briefer to clarify whether the issue would be raised. The general, concerned over Russian backtracking at earlier arms talks, was told missile defense would not be discussed at all, the official said.

"That conversation did occur, and that answer was received," a spokesman for the general said, asking that his name and service not be identified.

The briefer, an aide to Gen. John Shalikashvili, chairman of the Joint Chiefs of Staff, explained that the only defense topics to be discussed at the summit would be the Conventional Forces in Europe Treaty, efforts to reach a nuclear test ban treaty, and chemical and biological weapons.

Presidents Clinton and Yeltsin said during a postsummit news conference on April 22 that they had discussed the ABM issue extensively.

Mr. Clinton told reporters "real progress" was made on the ABM-TMD issue during five hours of talks. "I'm convinced that if we do this in an open way that has a lot of integrity, I think we'll all be just fine on this and I think it will work out very well," Mr. Clinton said.

A new round of ABM talks with Moscow on missile demarcation began May 20 at the Standing Consultative Commission (SCC) in Geneva. The White House official said the Russians presented proposals at the session with "wrinkles"—positions—opposed by U.S. negotiators.

An earlier round of SCC talks broke off after they were deadlocked over Russian insistence on reversing agreements reached earlier by U.S. and Russian officials outside the formal talks.

Russia announced in the earlier meeting that any Pentagon work on higher-speed regional missile defenses would be regarded by Moscow as illegal under the ABM Treaty until a second agreement is reached, a classified State Department cable said.

Pentagon officials said a political agreement reached by U.S. and Russian officials at the summit will limit U.S. use of space-based sensors with advanced missile defenses, such as the Navy's wide-area system known as Upper Tier. It also would bar work on the Air Force's airborne laser gun, which will be capable of knocking down missiles shortly after takeoff.

WOOLSEY DISPUTES CLINTON, MISSILE-THREAT ASSESSMENT

President Clinton's former CIA director yesterday accused the administration of playing down the threat of missile attack from Russia, China or elsewhere.

R. James Woolsey, who headed the nation's spy apparatus during the first two years of the Clinton administration, told a House committee that the administration has understated the missile threat on multiple fronts.

In particular, Mr. Woolsey criticized a frequently quoted National Intelligence Estimate that found little threat of a missile attack on the contiguous 48 states until well into the next century.

"I believe that the 'contiguous 48' reference . . . can lead to a badly distorted and minimized perception of the serious threats we face from ballistic missiles now and in the very near future—threats to our friends, our allies, our overseas bases and military forces, our overseas territories and some of the 50 states," Mr. Woolsey told the House Government Reform and Oversight Committee.

A White House official, who spoke on the condition of anonymity, said the United States has theater missile defenses that could be rushed into place to protect Alaska and Hawaii should a threat arise.

He said the administration was "absolutely in agreement" that the threat of terrorism must be met, but said Mr. Clinton opposes rushing a system into place when a slower pace might result in a better defense.

In his testimony, Mr. Woolsey said the chances of missile terrorism increase as potentially hostile states improve their technology.

"It is quite reasonable to believe that within a few years [Iraqi leader] Saddam Hussein or the Chinese rulers will be able to threaten something far more troubling than firings of relatively inaccurate ballistic missiles," Mr. Woolsey said. "They may quite plausibly be able to threaten to destroy, say, the Knesset [Israel's parliament], or threaten to create, in effect, an international Chernobyl incident at a Taiwanese nuclear power plant."

Mr. Woolsey, now practicing law in Washington, has been embraced by Republicans seeking funding to deploy a national missile-defense system by 2003: Mr. Woolsey said after the hearing that he supports legislation sponsored by Senate Majority Leader Bob Dole, the presumptive Republican presidential nominee, and House Speaker Newt Gingrich to deploy the missile-defense system.

In an apparent endorsement of current administration priorities, Mr. Woolsey said the Pentagon should place "primary importance" on developing theater missile defenses while pursuing "a sound program to move toward some type of national defense." But Mr. Woolsey criticized several aspects of administration policy. Specifically, Mr. Woolsey:

Criticized the administration for trimming funding for some theater-defense systems.

Questioned the administration decision to make highly accurate global-positioning-system technology available commercially, a move that enemies could use to make their missiles even more accurate.

Disputed Mr. Clinton's assertion that U.S. intelligence does not foresee an emerging ballistic-missile threat in the coming decade.

Mr. KEMPTHORNE. Mr. President, I am pleased to rise today in support of the Defend America Act of 1996 currently before the Senate which establishes, by the year 2003, a national missile-defense [NMD] system to protect the United States against limited, unauthorized or accidental missile attacks. The deployment of an NMD system as articulated by the author of the bill—Senator DOLE—will not only defend, it will deter—by reducing the incentive of rogue regimes to acquire ballistic missiles and weapons of mass destruction.

I am deeply concerned, as are other Members of Congress, about increased interest by several countries hostile to this great Nation to acquire ballistic missiles capable of reaching the United States. As recently as last month, Clinton administration officials, to include the former Director of Central Intelligence [DCI]—R. James Woolsey—testified before Congress that the National Intelligence Estimate [NIE] used by the President to veto earlier proposals to deploy a NMD system was flawed. Mr. Woolsey challenged the conclusion made by the NIE report that no long-range missiles will threaten the 48 contiguous States for at least 15 years. Former DCI Woolsey further stated that limiting the estimate's focus on the missile threat to the 48 States "can lead to a badly distorted and minimized perception of very serious threats we face from ballistic missiles now and in the very near future."

The Intelligence Community [IC] of the United States has confirmed that North Korea is developing an intercontinental ballistic missile that will be capable of reaching Alaska or beyond once deployed. In April, Kim Myong Chol—a North Korean reported by the Washington Post to have close contacts to the government in Pyongyang—stated that North Korean leader Kim Jong-il has ordered the development and deployment of strategic long-range ballistic missiles tipped with a super-powerful warhead. The purpose of this missile, according to Chol, is to provide North Korea with the capability to destroy major metropolitan centers. This system is likely to be deployed in less than 10 years and be part operational intercontinental ballistic missile force capable of hitting the American mainland.

Additionally, the threat posed to the United States by the proliferation of ballistic missiles is growing at an ever faster pace. Other rogue nations such as Iran, Iraq and Libya are also pursuing the development of longer range missiles to include those with an intercontinental capability. According to the CIA, Iran is seeking to supplement its existing ballistic missile inventories with the purchase from North Korea of the 1,000–1,300 kilometer (No Dong) ballistic missile. Iran—with help from China and North Korea—is seeking to develop and produce its own ballistic missiles with the objective of producing a medium-range ballistic missile to threaten targets to a distance of 3,000 kilometers. Foreshadowing future successes, Iranian President Rafsanjani said as recently as August 1995 that: "An incredible thing has happened in defense so that we [Iranians] are making everything from rockets to the smallest military equipment. We are also exporters and could export to countries which we wish. You should know that we are one of the main centers for construction of defense equipment. Of course we cannot advertise much in this sector and we do not wish to advertise because it is a defense sphere, but we are getting on with the job."

It should be mentioned that Iran is also aggressively pursuing a nuclear weapons capability and, if significant foreign assistance were provided (e.g., from China or Russia), could produce a nuclear device as early as the end of the decade. Moreover, Iranian leaders have in the past and continue to make numerous statements before cheering crowds along the lines of "The United States still remains the Great Satan" and "Mankind should not think the White House will remain forever. No, it will be destroyed."

I would like to stress that the Defend America Act emphasizes that the goal of defending Americans against ballistic missile attack must be accomplished in an affordable manner. Senator DOLE's bill focuses on a $14 billion limited national missile defense [NMD] system. The Defend America Act calls for the use of programs currently in development to serve as the building blocks for a system that will meet the missile threat as it emerges and has the flexibility to adapt to new development in ballistic missile technology by rogue states. In contrast, the Congressional Budget Office [CBO] highly inflated estimate of $31–$60 billion reflects the cost of a more robust defense that includes every option that might be done and could be done in the next 20 years in order to protect the United States from an unrealistic attack of up to 200 warheads accompanied by sophisticated countermeasures.

It must be made clear and in very specific terms that the United States is firmly committed to a National Missile

Defense system. And, therefore I urge Senators to support the Defend America Act of 1996. This measure will ensure that future generations of Americans remain secure from long-range ballistic missile attack.

Mr. KYL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. THOMAS). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. NUNN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NUNN. Mr. President, last year the subject of national missile defense proved to be one of the most difficult issues we faced during the consideration of the defense authorization bill for fiscal year 1996. This year, we may face similar challenges as a result of provisions in S. 1635, the proposed Defend America Act, which was introduced by Senator DOLE and others on March 21, 1996, as well as certain provisions in S. 1745, the Defense Authorization Act reported by the Armed Services Committee.

In my judgment, it would be relatively easy to develop a consensus in the Congress as to what measures we should authorize in fiscal year 1997 to address the requirements of a sound national missile defense program. Difficulties arise, however, when we focus on decisions which do not need to be resolved at this time, but which assume a great symbolic importance to a number of Senators and a number of commentators.

Today, I would like to review last year's actions on missile defense, discuss the proposals that have been introduced to date, and set forth at least my own views as to how the Nation should proceed in both the short term and long term on the subject of missile defenses.

Last year's bill, as reported by the Armed Services Committee, proposed to legislate a requirement that the United States deploy by the year 1999 a prototype national missile defense system which, because of the compressed time, would have necessarily had a very limited capability. The bill further required the United States to deploy a multiple-site ABM system with an initial operational capability by the year 2003.

The bill also proposed the system would be augmented to provide a layered defense against a larger and more sophisticated type attack. In addition, the proposed language would have established in permanent law a specific demarcation between what we call theater missile defense and strategic missile defense or national missile defense, as the term is used in this debate. It also prohibited negotiations, or other executive branch actions concerning clarification or interpretation of the ABM Treaty and the line between theater and strategic defenses.

In my judgment, and that of many other Senators and of the administration, the language in last year's bill was unacceptable. The requirement for a multiple-site system was clearly inconsistent with the ABM Treaty which limits parties to a single site. The mandate for a layered system, which would require deployment of space-based systems, also was inconsistent with the treaty. The statutory demarcation between theater and national missile defense systems, and the prohibition on negotiations by the administration, also raised difficult constitutional questions about the authority of the Congress to impinge on the President's negotiating authority, as well as his role as Commander in Chief.

When it became clear during the debate that there was insufficient support for the bill as passed by the committee to also pass the Senate, the majority leader, Senator DOLE, and the minority leader, Senator DASCHLE, designated Senators WARNER, COHEN, LEVIN, and myself—two Democrats, two Republicans—to attempt to develop a bipartisan substitute, and that we did. The result was a bipartisan amendment which provided extensive guidance to ensure that the United States would develop a more focused Missile Defense Program than the administration's then-current National Missile Defense Program.

Mr. President, if any of our colleagues would like to look at a sound proposal that was negotiated—every word of it was negotiated—they will do well to review that in reviewing this debate before we vote on these matters.

The bipartisan amendment stated that it, "is the policy of the United States to develop for deployment a multiple-site national missile defense system that: First, is affordable and operationally effective against limited, accidental, and unauthorized ballistic missile attacks on the territory of the United States, and second, can be augmented over time as the threat changes to provide a layered defense against limited, accidental, or unauthorized ballistic missile threats."

The bipartisan amendment required the Secretary of Defense to: "develop an affordable and operationally effective national missile defense system to counter a limited, accidental, or unauthorized ballistic missile attack, and which is capable of attaining initial operational capability [IOC] by the end of 2003."

The bipartisan amendment also set forth the understanding of the Senate as to the demarcation between theater and ballistic missile defense systems, and established a prohibition against the use of funds: "to implement an agreement with any of the independent states of the former Soviet Union entered into after January 1, 1995. that would establish a demarcation between theater missile defense systems and antiballistic missile systems for purposes of the ABM Treaty or that would restrict the performance, operation, or deployment of United States theater missile defense systems except: First, to the extent provided in an act enacted subsequent to this act; second, to implement that portion of any such agreement that implements the criteria in subsection (b)(1); or third, to implement any such agreement that is entered into pursuant to the treaty making power of the President under the Constitution."

That amendment, developed by two Democrats and two Republicans, was approved overwhelmingly in the Senate by a vote of 85 to 13 and, interestingly enough, only one Republican voted against the amendment. Most of the votes against the amendment were on the Democratic side by people who felt the amendment went too far toward a national missile defense. Only one Republican, as I recall, voted against it.

Despite this overwhelming approval, the bipartisan amendment was abandoned in conference, which was puzzling to me at the time and remains puzzling, to say the least, since it would clearly define our national missile defense goals and give renewed bipartisan emphasis to the importance of national missile defenses.

The bipartisan amendment also had the added advantage that it would have been signed into law by President Clinton, not an insignificant step if your motive is to get something done. Instead, the majority conferees decided to mandate a specific requirement to deploy a national missile defense system by the year 2003. There is a difference here between "develop for development" and "deploy."

"Develop for deployment," which was in the bipartisan agreement that passed the Senate, is a different term than "deploy," because "develop for deployment" indicates a further decision has to be made after the development has taken place before you decide to deploy, whereas "deploy," as used then and as used in the act before us—that will perhaps be before us that is now the subject of debate—"deploy" means deploy. It means you are making a decision now to deploy a system that will be developed over a period of time and be, hopefully, ready in 2003.

The Clinton administration expressed strong opposition to the conference report, particularly in terms of its impact on Russian consideration of the START II Treaty, which has not been ratified in Russia, which is designed to produce a second major reduction in United States and Russian nuclear weapons, including, I might state, Mr. President, getting rid of MIRV'd weapons which has been the goal, to get rid of multiple warhead missiles aimed at the United States which has been the goal of Democratic and Republican Presidents for many years.

The administration also expressed concern that the language could lead the Russians to abandon other arms control agreements if they conclude that it is United States policy to take unilateral action to abandon the ABM Treaty. And reading the act as it was proposed last year, I find it inescapable that that is what the Russians would conclude.

In a letter to Senator DASCHLE dated December 15, Secretary of Defense Bill Perry stated, and I quote from that letter:

> [B]y directing the NMD [National Missile Defense] be "operationally effective" in defending all 50 States (including Hawaii and Alaska), the bill would likely require a multiple-site NMD architecture that cannot be accommodated within the terms of the ABM Treaty as now written. By setting U.S. policy on a collision course with the ABM Treaty, the bill puts at risk continued implementation of the START I Treaty and ratification of the START II, two treaties which together will reduce the number of U.S. and Russian strategic warheads by two-thirds from Cold War levels, significantly lowering the threat to U.S. national security.

Ending the quote from Secretary Perry.

As a result of those concerns, and other considerations, the President vetoed the bill. That was the main defense authorization bill that was vetoed.

When the conferees reconvened, the majority decided to drop all language dealing with missile defense. Again, from my perspective, a very curious position, because we had already shown overwhelming bipartisan support, including every Republican, but one, in the U.S. Senate for what I would call the Nunn-Levin-Cohen-Warner amendment which passed the Senate. So why we did not go back to that as a substitute after the vetoed bill is still puzzling to me.

If the motive was to accelerate national missile defense, why would the majority not choose to insert the bipartisan amendment passed overwhelmingly in the Senate and agreed to by the President? I still have that question today. We could have passed that. We would be 1 year further along with a national consensus on where we go with national missile defense. But here we are, again, fighting over this issue. It seems to me some would rather fight over the issue than resolve it. Nevertheless, that is from my perspective.

The Dole-Gingrich bill let me just address briefly.

On March 21, 1996, Senator DOLE introduced S. 1635, entitled Defend America Act of 1996, on behalf of himself and 19 other Senators. I might stipulate at the beginning that I agree in defending America and I think my record indicates that over the years. So the title of the bill is not my problem.

Speaker GINGRICH and others introduced an identical version in the House. The Dole-Gingrich bill would mandate deployment of a national missile defense system by 2003 and selection of a particular architecture for that system a few months from now. I believe the date is March of next year. It gives the President 1 year from its enactment in which to negotiate modifications to the ABM Treaty to permit the chosen architecture to be developed and deployed.

So this is a very compressed timeframe, based on all technical assessments from the program managers, as to where we are now, particularly the items of selecting the architecture and in terms of negotiating an ABM Treaty amendment, which is not going to be a quick, easy matter, as everyone who has ever negotiated with the Russians knows.

A critique of the Dole-Gingrich bill is set forth in a recent speech by Robert Bell, the Senior Director of Defense Policy and Arms Control on the National Security Council. Mr. Bell takes the Dole-Gingrich proposal to task on several particular points.

First, he notes that the Dole-Gingrich bill requires a deployment decision today well before we have a system to deploy.

Second, he suggests that the Dole-Gingrich bill appears to be a "stalking-horse" for the resurrection of the old SDI program intended to defend against much larger scale attacks than a limited national defense could cope with.

Incidentally, the threat has changed immensely since those days because of START I and START II, at least the prospect of START II, in reducing the number of warheads, if these amendments go through, reducing them very substantially from what existed in the 1980's when President Reagan proposed the original so-called star wars program, which was an accelerated program of larger scope than we had in existence in terms of research and development.

Third, Mr. Bell indicates that the Dole-Gingrich bill would constitute an "anticipatory breach" of the ABM Treaty.

Finally, Mr. Bell suggests strong Russian opposition to the 1-year deadline in the Dole-Gingrich bill for negotiating changes in the ABM Treaty acceptable to the United States.

Mr. President, I agree with many of Mr. Bell's criticisms of the Dole-Gingrich bill. I ask unanimous consent that a copy of that speech be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. NUNN. Mr. President, the nonpartisan Congressional Budget Office was asked to estimate the acquisition cost for the NMD system required by the Dole-Gingrich bill. On May 17, 1996, the Congressional Budget Office provided the Armed Services Committee with that cost estimate. CBO estimates that the total acquisition cost for the Dole-Gingrich bill through the year 2010 would range from $31 billion to as much as $60 billion.

As the CBO report notes:

> The wide range in the estimate reflects uncertainty about two factors—the type and capability of a defensive system that would satisfy the terms of the bill, and the cost of each component of that system.

Mr. President, CBO is right. There is a huge range because no one knows the system that we in this bill, if we pass this bill, would be by law saying had to be deployed. So if we pass this bill as is, we would be making a deployment decision on a system that is not developed, that will cost, according to CBO, anywhere from $30 to $60 billion. In a period of time where we are trying to get our budget under control, to pass into law something that mandates the deployment of a system that could range in cost from $30 to $60 billion is, to say the least, puzzling for a Senate that has talked about fiscal prudence. Just a little $30 billion swing there in terms of what we are talking about.

In its present form, Mr. President, I believe there is no question that the Dole-Gingrich bill, if and when passed by the Congress and sent to the President, will be vetoed just under the speed of light on both cost and arms control grounds.

I emphasize, however—and I think certainly this is important, from my perspective—that I support a number of the concepts underlying the Dole-Gingrich bill, concepts that I believe are imperfectly presented in its text, in other words, flawed.

Like the sponsors of that bill, I do not believe we can assume that no ballistic missile threat for the United States will emerge over the next 15 years.

Like the sponsors, I believe there is some preemptive and deterrent value to deploying a national missile defense system to defend against limited—I emphasize "limited"—missile attacks even before the threat, certainly the rogue nation threat, has fully emerged.

To understand the unwarranted cost of delay in deploying a limited national missile defense system, I think we need only look at the difficult situation today in the theater missile defense area. Our theater missile defense systems arrived well after the short-range missile threat in the Middle East had emerged. When the Persian Gulf war began, Iraq had hundreds of short-range ballistic missiles at its disposal, while we had a very limited antimissile capability essentially grafted onto the Patriot air defense system. We were grateful for what we had. The results from Patriot defenses are still in some dispute—and certainly psychologically there was a big plus in having that system, and also militarily—but it is clear that the Patriot's performance did not resemble the "astrodome" defense that many missile defense enthusiasts envision. We are still playing catchup ball in the theater missile defense area, and we continue to do so today.

Mr. President, there are three parts to the threat that encourage us, from my perspective, to move forward on a prudent basis on a national missile defense system.

First, there is a potential at some future time for deliberate, long-range missile attacks from rogue nations. You can debate whether that is going to be in 5 years, 10 years, 2 years, 4 years. We all know that if certain powers in the world decided they wanted a rogue nation to have a missile and a nuclear warhead, it could happen overnight. I do not think that is likely because I do not think it is to Russia's benefit or China's benefit, or anyone else that is a nuclear power, to deliver a missile delivery system or a nuclear warhead to a rogue nation.

The second threat is the threat of accidental launch from existing nuclear powers. That accidental is exactly what we are talking about here. We are not talking about deliberate in the second threat, but accidental.

There is a threat of unauthorized launch from existing nuclear powers.

Since the threat of accidental and unauthorized launches of long-range missiles from both China and Russia exist today, I have no qualms about advocating the development and deployment of an accelerated but sensible—and I underscore both words, "accelerated but sensible"—basis of a limited national defense capability.

The cost of that deployment can be viewed as a very reasonable insurance premium, if it is a prudent program against the catastrophic damage, the unimaginable loss of life that would result from even a single accidental or unauthorized nuclear missile aimed at an American city. I must add, however, the caution that everyone contemplating an insurance policy has to weigh the cost of the insurance premium against the risk of loss. Then you have to decide whether the risk warrants the premium. That is the way you have to decide a number of things, both in everyday life as well as in the defense arena.

Today, as the CBO report makes plain, the cost of the Dole-Gingrich bill's insurance premium for national missile defense is quite high. Therefore, these have to be weighed carefully, each, in my view, separately but also collectively.

For all of these reasons, Mr. President, I have some sympathy for some of the underlying concepts of the Dole-Gingrich bill. Unfortunately, as drafted, the demerits of the Dole-Gingrich bill far outweigh its good features.

Once again, as with last year's abortive national missile defense provisions, the Dole-Gingrich bill contains a series of egregious provisions that have nothing to do with getting on with the deployment of this national defense system to defend America from limited attacks and much to do with the implied hopes of a few in this body that the entire thrust of arms control and cooperation with the Russian federation can be reversed.

I certainly do not attribute that to everyone who supports this bill. But I think there are some who believe we would be better off—and they believe this sincerely—if we tossed out START I, tossed out START II and simply went all out to provide defenses that would certainly have to be much more comprehensive, because the threat would grow greatly in comparison to what would happen if we do carry out these arms control agreements that are underway.

Mr. President, I do not understand the logic that finds any advantage accrued to the United States from our acting to destroy the START II Treaty well before it enters into force and take down with it the ABM Treaty and probably the START I Treaty as well. I do not understand that logic.

Before START, the former Soviet Union had over 13,000 strategic nuclear warheads aimed at us; once START II enters into force, that total will be reduced to only 3,000 to 3,500 warheads.

Mr. President, as I have already mentioned, the threat that we are talking about has three prongs. One is, rogue nation. That is the debating point about where that will develop. The other two prongs are already here—accidental and unauthorized launch.

Does it not stand to reason there is much less chance of having an accidental or unauthorized launch if the Russians have moved down from 13,000 warheads to 3,000 or to 3,500, even with a military that is demoralized to some extent? Managing 3,000 to 3,500 warheads, if START II goes into effect and is implemented, is certainly a much more manageable situation than managing 13,000 and greatly reduces the threat that this national missile defense is aimed to prevent.

There is a direct connection between the START agreements being implemented and the reduction of threat that the National Missile Defense Act is aimed at. If we can get a major reduction in threat by carrying out arms control agreements, why would we want to disrupt that pattern? These agreements were negotiated and signed not by President Clinton or by President Carter but by President Reagan and by President Bush.

Mr. President, does the Senate believe our defense budget will be smaller if START II fails? Does the Senate believe a U.S. national missile defense system sized to defend against START I force levels—which will be the levels if we disrupt the reduction; that will be what we will be left with—do we believe missile defense systems sized to defend against the force levels will be paid for by the Congress and the American people? If so, it will be far bigger than any $30 to $60 billion. That is for a limited system. That is for a limited system.

If we go back to START I levels or START II levels you can take that figure and you can put a multiple on it. Does the Senate think the way to deploy limited missile defense capability is to pass, on a party-line vote, a bill that is certain to be vetoed? Is that somebody's idea of how you sustain a long-term program that will cost $30 to $60 billion? In my opinion, that is not the way you proceed. Primarily, what we will do if we pass this bill and it is vetoed, we will be in a posture where a number of people can issue press releases, while yet another legislative year passes. How many ballistic missiles can press releases defend against? Not many.

Even if all the egregious language were removed from the Dole-Gingrich bill, we would still be left with another fundamental problem. The Dole-Gingrich bill violates most precepts of sound acquisition policy. The Dole-Gingrich bill says we are going to decide today to deploy "something" that can perhaps shoot down enemy long-range ballistic missiles that might be launched at U.S. territory by the year 2003. The preferred NMD system is not even defined in the Dole-Gingrich bill. No prototype hardware exists. There is no test data to support a cost and effectiveness analysis. We have, at best, back-of-the-envelope cost and "schedule" estimates provided by NMD developers to the ballistic missile defense organization. These developers' cost estimates are much lower than those provided by the nonpartisan Congressional Budget Office. I have seen a lot of weapons procured, and I have never seen a weapons developer overestimate the cost of the weapon. Just the reverse. I have seen almost every developer underestimate what it will cost. Of course that is their incentive.

Let me ask my colleagues, would we rely on defense contractors to tell us the cost of a new aircraft program, a new submarine program, or a new armored vehicle program? Would we rely on contractors, unchecked, solely, to tell us how soon the system would be operational? Would we legislate procurement of aircraft, ships, or armored vehicles, without knowing the outcome of research, development, testing, and evaluation? Would we commit to deployment without independent review of the testing done by the developer? Of course not. Of course we use the information a developer gives us, but we do enough testing and evaluation so we get an independent analysis.

That is the only sound, prudent way to buy any system, let alone a system that has this kind of revolutionary technology. Yet many of our colleagues appear ready to buy the Dole-Gingrich bill's proverbial pig in a poke, based on the back-of-the-envelope calculations, with no test data on any aspect of the system in hand today.

Mr. President, it would be a sad day for this body if we abandon our commitment to fly before we buy. Why would the Senate abandon its requirement that it will commit major funding to deploy complex major weapon systems only after adequate test and evaluation has been conducted? I do not understand how anyone can argue that the deployment mandate in the Dole—Gingrich bill constitutes responsible oversight and stewardship of the taxpayer dollars.

Mr. President, I also would like to address the administration's NMD Program which may be offered as a substitute to the Dole-Gingrich bill. Despite all the sound and fury that will accompany the debate over the Dole-Gingrich bill, the fact is that the end points of it and the administration's "3-plus-3" —3 years of development followed by 3 years of deployment—these programs are really quite similar. Both support extensive R&D on national missile defenses. Both provide the prospect of a deployed national missile defense system by the end of the year 2003. The main differences are that the administration plans to carry out the development and testing of the components of an NMD system for 3 more years while complying with the ABM Treaty and then consider whether or not to deploy that system, while the Dole-Gingrich bill commits us by law to a deployment decision on a noncompliant system today. By "noncompliant" I mean with existing treaty obligations of the countries.

While I am in agreement with much of the administration's program, I find that there are several omissions that, were they included, would materially strengthen the proposal. My major concern with the administration's proposal is the absence of any real criteria for evaluating 3 years hence whether or not the time has come to end development and start deployment. Significant among the considerations of that point should be, it seems to me, whether the threat—and by this, I mean one-third of the threat, the rogue nation threat—has matured as rapidly as we expected it would. Certainly we will know more as the years unfold. We recognize additional time spent in development usually leads to improved system performance, but it can also lead in many cases to much cheaper ways of achieving the desired objectives. For example, the administration's program also does not portray how much more effective or how much cheaper an NMD system might be if we were to defer deployment for an additional finite period, say 3 more years, if they were to conclude that the severity of the threat—in my view, the rogue nation threat, although the administration, which is where I differ significantly, they define the threat as only the rogue nation threat; I define that as one of the threats, the other two being accidental and unauthorized, and that threat is already here—if they were to conclude the severity of the rogue nation threat does not require an immediate deployment.

Mr. President, we have to consider all of these threats in assessing whether the risk is worth the premium or whether there are other ways we could spend the premium money to enhance our security more than will enhance it with this type system. That is the balance that is missing in this bill.

Mr. President, earlier I used the analogy of buying insurance in discussing the threat to the United States from attack by nuclear weapons delivered by long-range missiles. I noted that one must consider the cost of the insurance premium and the risk of loss. Many view the creation of nuclear weapons a half-century ago as the event that cracked open Pandora's box, allowing evils to escape, namely nuclear weapons. Increasingly, however, we are recognizing that the end of the cold war has ripped the lid off the box.

We have seen an attempt to use chemical weapons during the World Trade Center bombing, we have seen actual use of sarin gas in the Tokyo subway. In our subcommittee, Senator ROTH and I had a substantial number of hearings on that subject. We have seen the ugly face of domestic terrorism in the bombing of the Alfred P. Murrah Federal Building in Oklahoma City and the tragedy that ensued from that, the Chechen rebels in Russia conceal deadly radiological sources in a Moscow park, in effect, making a very clear and visible threat of using radiological weapons. That is, nuclear weapon materials being dispersed without an explosion. We have seen a sharply growing number of arrests of shady characters bringing fissionable materials out of Russia and other member States of the former Soviet Union.

In summary, Mr. President, America's citizens today face an array of potential and actual threats from many kinds of weapons of mass destruction, not simply being delivered by ballistic missile. Some of these threats can emerge at home, others can come from abroad, by a variety of means and in many guises. This Nation, today, is singularly unprepared for any sort of terrorist threat employing chemical, biological or radiological weapons of mass destruction. We have all sorts of vulnerabilities that we are just beginning to pay some attention to.

Mr. President, this raises, again, the question of what risks America can afford to pay to insure against, and how much America can afford to pay for insurance of all kinds. What are the priorities we should attach to improving our capabilities to defend against each of these threats, including but not limited to the threat of long-range missiles armed with nuclear weapons? Are we providing funding to deal with each of these different threats in accordance with our level of preparedness and the imminence of the threats, or are we overfunding some of the threats while starving and completely ignoring others? Does the Dole bill represent the equivalent of an expensive life insurance policy that only ensures against death from shark attacks and lightning strikes, but does not provide coverage against more fundamental problems, such as heart attack and cancer?

Since we are spending so little and are so unprepared for terrorist attacks on our cities, using chemical, biological, or radiological weapons, should we not be checking out the costs of a more comprehensive and less expensive insurance policy than the Dole-Gingrich bill?

In fact, Mr. President, Senator LUGAR, Senator DOMENICI, and I have spent a great deal of time in recent months and years, and we plan to introduce an amendment on the fiscal year 1997 defense authorization bill when it is brought up on the floor later this month to address many of these areas of America's unpreparedness in a comprehensive way, dealing particularly with the domestic threat of chemical and biological weapons being used against our cities and against our citizens.

Mr. President, also—and this is a separate matter that Senator LUGAR and Senator DOMENICI are not involved in, and I want to make that clear—I intend to offer a substitute during this debate if the Dole-Gingrich bill is considered by the Senate. My substitute will include a number of modifications and omissions I have previously noted in this presentation today, including—and this is just the highlights or the fundamental parts of this substitute—No. 1, the specification of a treaty-compliant national missile defense system to be developed for deployment at Grand Forks, consistent with an additional operation capacity in 2003.

Again, the words "developed for deployment" is different from deployment, and that is a fundamental difference. It means develop so we can be prepared, with logical reasoning, to decide whether and when to deploy—after we know whether it will work, after we know how much it is going to cost.

By the way, that would be, as I said, a treaty-compliant system because, under the ABM Treaty, we are allowed to have a missile defense system at

Grand Forks, and, of course, the Russians have had one around Moscow for some time.

No. 2, a statement of the criteria to be considered in any future deployment decision, including the threat, the cost and effectiveness of the deployed system against that threat based on demonstrated test results, the cost differential and gain and effectiveness of the deployed system, if it were to continue to be developed an additional period of 1 to 3 years. In other words, can we make quantum leaps in effectiveness and in reducing costs if we take another year or two to develop it? That has to be measured against a threat at the appropriate time. We cannot make that judgment now.

Also, the effect on deployment of reducing the threat against the United States through arms control measures: Should we not consider the effect on START I and START II? Should we think about that? And also including our relative preparedness for other contingencies involving the threat and use of weapons of mass destruction, including, as I mentioned, chemical and biological attacks against American cities.

The third part of this substitute will be an inclusion of a provision establishing a procedure to permit a vote by both Houses of the 106th Congress on the deployment of the treaty-compliant national missile defense system described in my proposal, with that vote constructed as a privileged motion under expedited procedures. Mr. President, this would say that at a time certain we will vote, we will decide, but we will do it on a time scale where we have the information before we make the decision, not after we make the decision.

No. 4, a provision urging that the President seek, cooperatively with Russia, to rescind the 1974 protocol to the ABM Treaty and make modest conforming changes to allow both sides 2 national defense sites and up to 200 interceptors. Mr. President, that was the original ABM Treaty, and the protocol cut 2 sites and 200 interceptors to 1 site and 100 interceptors. This would be saying to those who believe that the ABM Treaty and everything about it is sacred—and I do not—we will go back to the original ABM Treaty, which permitted 2 sites and 200 interceptors. This would greatly improve the effectiveness of the United States and Russia against limited attacks by long-range ballistic missiles, without threatening either side's deterrent capabilities or either side's perception of having deterrence to a first-strike by the other side.

Mr. President, the fifth provision is a provision urging continued cooperation with Russia and other States on the full spectrum of threats involving weapons of mass destruction. Mr. President, we have just received word that the last nuclear warhead has been taken out of the Ukraine and moved to Russia. This is the best example of reducing the threat against the United States by means other than military hardware. We are using the so-called unn-Lugar money to reduce the threat. If anybody thinks it is easier to deal with four nuclear States, four different hands on the nuclear trigger, four different command and controls, four different sets of officers, all aiming missiles at the United States or at other allies in the world, then I think they need to rethink their position.

What we have been able to do in the last 2 or 3 years, with stalwart work by Secretary Perry and others in the Department of Defense, we have been able to get three of the former parts of the Soviet Union that ended up with nuclear weapons—Belarus, Kazakhstan, and Ukraine—to give up all their nuclear weapons. The Ukraine's last warhead has just moved out. I think that demonstrates the comprehensive kind of approach that we have to have in dealing with this problem.

Finally, Mr. President, a sixth component, and a very important part of this overall substitute, would be calling for greater United States-Russian cooperation in such areas as sharing improved missile detection and warning data. If successful, this cooperation, particularly joined with the amendments to the ABM Treaty, which should be mutually agreed on—we always have the right to basically serve notice that we are getting out from under the treaties if Russia will not negotiate in good faith—but, if successful, the combination of having the ability to go back to the original ABM Treaty and have two sites, and also joint development programs for advanced theater missile defense systems, since we and Russia face similar theater missile defense threats—Russia probably greater than we face that kind of threat—that kind of combination could put us on the road to a different kind of relationship with Russia. Obviously, the extent of such cooperation may well be dependent upon the outcome of the Russian elections and the future direction of the Russian Government. At this point, that is unknown.

Mr. President, in summary, I believe my amendment, when it is introduced, can provide the basis for a strong, bipartisan bill, allowing us to move forward with the national missile defense capability against limited attack. I have no doubt that some in this body will not support this approach because it does not have enough of a flavor of immediate deployment before we know cost affordability, technical systems, and how they work. So some people will not favor it because of that and also because it does not lead to necessarily abandoning the ABM Treaty. Others will dismiss, from the other point of view, all threats of missile attack on the United States, and they will oppose it because this substitute is too forward leaning. We could end up, on this substitute, with only one vote, and that might be mine. It may be one of those classic squeezes where everybody is opposed to it for different reasons.

I hope that is not accurate. I hope that many in the coalition that supported last year's bipartisan amendment, by a vote of 85 to 13, will be able to support this amendment, which I think can provide us the right road to reduce the overall threat against the United States, to provide for an orderly and logical sequence of decisionmaking in the national missile defense area, and also provide for a method of retaining the constructive parts of the ABM Treaty, by having modest amendments to that treaty in a cooperative way, and also providing for increased cooperation between the United States and Russia, in recognizing that we both, to some extent, face the same kind of threat. It would behoove both of us to work together in protecting our people and our citizens.

Mr. President, for a long time to come, the Russians, even if we get START I and START II, are still going to have enough capacity, in 30 minutes to an hour's time, to destroy most of the United States.

I think in considering that equation—and that is even if we pass the Dole-Gingrich bill, and even if everything works out and it is affordable, even if it is technically feasible and even if we begin deploying it in 2003, we are going to have a period of many years while we remain vulnerable to an attack by the Russians against the United States.

For that reason I think everybody better pay careful attention to the way we go about reducing this overall threat of rogue nations and accidental unauthorized launch. The way we go about it can produce a much safer America. But it can also, if we go about it in the wrong way, cause a great deal of increased risk to our citizens because of the continuing threat of existing nuclear powers, and, even if we have arms control and if it works perfectly, that threat is going to remain for a long time to come.

Mr. President, many people do not realize it. But, if we were to agree right now with the Russians, the Chinese, the French, the British, and everybody else in the world to abolish all nuclear weapons from the face of the Earth, it would take years and years and years to be able to negotiate something that would be verifiable. And then it would take years and years to reduce the number of warheads and missiles. It would take a long, long time.

So we are going to be living with this nuclear equation for a long number of years to come, even under the best of circumstances. And I think it is in our interest to proceed in a very logical and a very prudent fashion as to how we go about protecting America's national security and protecting the land that we love.

[EXHIBIT 1]

DEFENDING AMERICA AGAINST WMD

(By Robert G. Bell, Senior Director, NSC)

It is always a pleasure for me to come back to the Hill, and a special pleasure to be here only a week or so before "Defend America Week" in the House and Senate. The Administration is delighted that both Houses are going to take time out of their busy schedules to focus on the state of our Nation's defenses. But I want to make it clear that for the Administration, defending America is not something we concentrate on one week out of the year. Defending America is what we're about day in and day out.

This morning I would like to address one important aspect of our strategy for defending America, and that is defense against the growing danger of weapons of mass destruction (WMD). On April 25th the Secretary of Defense addressed this topic in a comprehensive fashion in a speech at George Washington University, and I recommend that speech to you. As he noted, the Administration has erected three lines of defense against weapons of mass destruction. I agree with the point Senator Cochran makes in his Post oped today that there should not be an "either/or" choice between these three lines of defense: we need all three.

The first line of defense is prevention—or what Secretary Perry has called "defense by other means." This line of defense includes ratifying and entering into force START I and START II, which together will remove from active inventories two-thirds of the strategic nuclear weapons that threatened us at the height of the Cold War.

It includes ratifying the Chemical Weapons Convention, which we look forward to seeing on the Senate floor in the near future now that it has been overwhelmingly approved by the Foreign Relations Committee.

It includes achieving the indefinite and unconditional extension of the Non-Proliferation Treaty, strengthening the IAEA and MTCR, negotiating the nuclear framework accord with North Korea, and signing two nuclear-free zone treaties which, together with the Antarctica and South American agreements, now mean that over half the land area of the earth is denuclearized.

These agreements, in tandem with the "true-zero" Comprehensive Test Ban treaty we intend to have ready for signature by September, establish strict restrictions on the further proliferation of nuclear weapons.

It includes the US/Russian detargeting agreement the President reached with President Yeltsin, which ensures that if—God forbid—a nuclear missile should ever be launched accidentally, it would cause no harm. And it includes the invaluable Nunn-Lugar program for directly removing nuclear capabilities.

As Michael Krepon has underscored in testimony and in his published writings, it is unfortunate that while Congress is increasing budget accounts for missile defense by hundreds of millions, many on the Hill have restricted or even cut funding for these preventive programs, and some have staunchly opposed the arms control treaties I mentioned.

The second line of defense against weapons of mass destruction is deterrence, both at the conventional and nuclear level. Any rogue nation foolish enough to contemplate using nuclear, chemical or biological weapons against the United States, its Armed Forces or our allies must not be confused about how we would respond. As Secretary Perry stated, it would be "devastating" and "absolutely overwhelming."

The President has made clear in three successive annual National Security Strategy Reports the plain fact that this Administration believes, fundamentally, in maintaining a robust and credible nuclear deterrent. Not because we believe Russia is going to attack us today, tomorrow, next week, next month, next year. But because we face an uncertain future and an uncertain world, and keeping our nuclear forces strong is a prudent hedge. That is why we decided to maintain the triad. That is why we decided to backfit the D-5 SLBM into our Trident submarines. And that is why the President recently decided that we are not going to go below START I levels until Russia ratifies the START II treaty.

The third line of defense is compromised by our theater and national missile defense programs, on which the Defense Department is spending $3 billion a year. As Secretary Perry stated, our ballistic missile defense program starts with a sober and clear-eyed look at the missile threat. What is that threat?

First, there is the short-range missile threat, which is here and now. That threat includes SCUDs and other missiles with ranges below 1000 kilometers. To defend against such attacks we have deployed upgraded Patriots in various theaters around the world and are poised to deploy in the next few years more advanced PAC-3 and Navy Lower Tier TMDs.

Second is the emerging threat of more advanced, longer-range theater ballistic missiles. To counter these expected threats we are developing the Army THAAD and the Navy Upper Tier TMDs, with deployment planned after the end of the decade and, in the case of THAAD, a contingency deployment of 40 prototype interceptors available as soon as two years from now.

As this audience well knows, Congress and the Administration have disagreed over the pace of these two programs and our approach to the arms control dimension of both systems. Congress wants to go faster; we say we have the time to get it right. We say we should not build so much concurrency into the programs that we increase technical risk inordinately. On the arms control front, we are trying, in a cooperative fashion with Russia, to make clear that the ABM Treaty does not restrict TMD systems that have a hypothetical capability under certain scenarios to intercept certain strategic ballistic missiles. In this regard, we were encouraged by the understandings on ABM/TMD demarcation reached at last month's summit in Moscow. But as Secretary Perry emphasized, "our bottom line is that we will not give up the right to defend our troops from attack by theater ballistic missiles."

The third threat is the prospect that a rogue state will obtain a strategic ballistic missile that could threaten our homeland. When do we expect that could occur? This brings us to the recent National Intelligence Estimate—the now-famous NIE. That NIE says, as has been stated in open testimony, that the intelligence community does not believe it is likely that we will face an ICBM or SLBM threat from a rogue nation to the continental United States (CONUS) within the next 15 years. In the special case of Alaska and Hawaii—which we obviously recognize as full partners in this union of fifty states—the CIA has said, in a public letter to Senators Levin and Bumpers, that the intelligence community does not think that the North Korean Taepo Dong II, which might have the range to reach western Hawaii or parts of Alaska, will be operational within the next 5 years. Let me take each of those cases in turn.

First, why "15 years" in terms of a threat to CONUS? It is important to understand that this was not a case of building the threat from the bottom up, of starting now and going out in time year by year to see how far you could go before everyone agreed a threat was likely to emerge. Rather, the analysts decided that the 15 year mark was the most relevant point in time in terms of being useful to the policy and acquisition communities. They could have picked the 10 year mark, but since weapons systems have a 12–15 year acquisition period, that would have been too soon. And they could have picked 20 or 25 years, but that would have been too speculative. So they decided to ask themselves what they thought the situation would look like in 15 years.

Did the NIE ignore possible short-cuts that a country might pursue as an alternative to an indigenous, bottom-up ICBM or SLBM development, test and acquisition process? No. It looked at such alternatives as a rogue state buying, stealing or otherwise getting possession of a complete missile. They did not say it could not happen; that it was impossible. But they did judge that possibility to be remote or very low.

Did the Administration take comfort from the 15 year estimate and conclude we did not need to do anything before then? No. We are developing an NMD deployment option that could be fielded by 2003, eight years—I repeat, eight years, in advance of the estimate. I will have more to say about our program in a minute.

Did the NIE ignore the Alaska/Hawaii threats? No. That analysis is in there. In this case, the picture is less clear. But both the Air Force and the Army have on their own initiative put together quick response, treaty-complaint, relatively low cost deployment options that could defend Alaska and Hawaii against an attack involving just a few warheads. These options would be uniquely effective, and I would say exclusively effective, against just this kind of scenario: a North Korea that acquires a handful of missiles sooner than expected.

Finally, was the NIE "politicized", as has been charged? I will tell you categorically that the answer to that is "no." I say that for two reasons. First, the first I knew that there was an NIE coming out on this issue was when I came to work one morning and found it in my in-box. Anyone who thinks that someone at the White House could call up the CIA and order them to produce a "helpful" NIE without the NSC knowing about it knows nothing about how the Executive Branch works. The second reason is that the 15 year estimate was a unanimous judgment among the various elements of the intelligence community. This was not a case of a "footnoted" estimate, where some organizations said one thing and others said another and the Administration decided to pick the most favorable view. Rather, all organizations that participated in the NIE were in agreement, and it was not a close call.

So, that it is our plan and our program. But our critics are supporting another approach, embodied now in the bill introduced by the Majority Leader and the Speaker, and we are about to engage in a great debate on this issue.

I want to be clear about the critical differences between the Dole-Gingrich bill and the substitute that Mr. Spratt offered that lost narrowly in committee and will be voted on again on the floor, and the substitute bill that I understand Senator Nunn is preparing for introduction in the Senate.

The first critical difference, as Secretary Perry emphasized in his speech at GW, is a question of timing. The Dole-Gingrich bill says choose the NMD architecture now and deploy it independent of what happens with the threat. Our plan is to develop a deployment option, assess the threat in three years, and examine the deployment requirement on a year-by-year basis starting in 2000. Either approach would allow a system to be fielded by 2003. But ours offers the prospect, if the threat does not materialize sooner than we expect, of saving the large sums now and across the Future Years Defense Plan (FYDP) that would be required to build and deploy a national missile defense.

How much would we save? Frankly, it is hard to say. Senator Dole said he did not know how much his plan would cost. That is because the Dole-Gingrich bill embraces such a wide range of possible architectures that it is impossible to estimate what the bill would cost. But if you take the most conservative option—that is, a two-site land-based ABM defense—that would cost on the order of $20 billion in acquisition and operating and support costs. That is $20 billion that is not in the FYDP or the Military Services' outyear budgets. That is $20 billion that would compete with Service procurement requirements that we and the Chiefs agree have a higher priority. That is why the Chairman of the Joint Chiefs of Staff and the Chiefs oppose any significant increase in spending on ballistic missile defenses and have recommended that current levels be maintained.

I think it is interesting that some Members have held up copies of leaked memos from General Shali and read from those portions in which he and the Chiefs made recommendations with regard to procurement levels, but then have not gone on to read those portions in which the Chairman and the Chiefs recommend against spending more on missile defenses.

The second critical difference, quite frankly, is that, at least for some of its backers the Dole-Gingrich bill is a stalking horse for a return to a Reagan-era SDI, and our program is not. Let me illustrate that with five points.

Point One: The bill specifically embraces much of the Reagan-era "Star Wars" scheme.

The bill would direct the Secretary of Defense to deploy a national missile defense (NMD) by 2003 that includes one or more of four ABM interceptor options, three of which involve putting ABM weapons or sensors in space in violation of the ABM Treaty:

The bill recommends that the Secretary consider an NMD based on space-based laser (SBLs). To "defend America" with SBLs would require, at a minimum, a constellation of 17 orbiting weapons platforms, at a cost of tens of billions of dollars that is not in the FYDP. In addition, there is at present no launcher in the U.S. inventory capable of placing a platform of this size and weight in orbit, thus billions more would be required to develop and produce such rockets. Although the SASC plussed up the SBL line in its version of the FY 1997 defense authorization act by $101 million, BMDO believes that even if money were unlimited, the SBL technology is currently so immature that we could not expect to be ready to carry out the first test of a full-scale prototype for a decade. Yet the Dole-Gingrich bill suggests we would conduct a first "integrated systems test" of the entire system in two years and complete the deployment of the whole constellation in seven.

A second option the bill recommends to the Secretary is space-based kinetic-kill interceptors. To "defend America" with such orbiting rocket launchers would require resurrection of the SDI-era "Brilliant Pebbles" program, which was terminated several years ago. As with SBLs, an NMD that provided nationwide coverage from Hawaii to Maine would require deployment of a large constellation of orbiting weapons platforms that would cost tens of billions of dollars. If the "Brilliant Pebbles" program was reactivated today, BMDO believes the first interceptors would not be tested for three years and deployment would take much longer, yet the bill suggests there is a viable option to have a complete space-based kinetic kill NMD defense in place by 2003.

Sea-based ABMs: This third option would also violate the ABM Treaty. The bill recommends the Secretary deploy such a defense by 2003, yet we do not even have such an NMD program in R&D. Navy Upper Tier is a TMD, and upgrading it is an ABM would require development and deployment of space-based ABM battle management satellites that could replace the radars on the Aegis-clear ships. Such ABM "components"—which were a central element of Reagan-era SDI architectures—would violate the ABM Treaty.

Point Two: Ignoring the space-based options in the bill requires a willing suspension of disbelief.

The only one of the four options recommended to the Secretary for deployment by 2003 that is allowed under the ABM Treaty and coincides with current DoD NMD development programs is ground-based interceptors. Deployment of 100 such interceptors at a single site is permitted. But if a ground-based ABM is what the sponsors of the bill want the Secretary to develop, why doesn't the bill just say so? Why does it also endorse the other three options? The answer is that there are influential defense experts backing this bill who fervently believe that land-based ABMs would be a mistake and that putting weapons in space is the only way to go. For these experts, the original Reagan plan was right, and everything that has happened since, including President Bush's downgrading of SDI to a limited-defense oriented "GPALS" has been a mistake.

Point Three: The bill requires that the initial NMD deployment "will be augmented over time to provide a layered defense against larger and more sophisticated ballistic missile threats".

The reference to a "layered" defense against "larger" threats is code for a return to the original Reagan-era "astrodome" SDI concept for stopping even an all-out Russian nuclear strike.

Point Four: The bill would state that "it is the policy of the United States to seek a cooperative transition to a regime that does not feature an offense-only form of deterrence as the basis for strategic stability."

This text restates vintage Reagan-era SDI ideology: the idea, often articulated by the former President, that Mutual Assured Destruction (MAD) is "immoral" and that we should replace it with an impenetrable missile shield that would allow us to dramatically reduce strategic offensive arms. In its most extreme form, we would "give" SDI to the Russians so we could both erect such shields in space and eliminate all our nuclear weapons.

Point Five: The bill concedes that the NMD that it requires be deployed by 2003 requires amendment of the ABM Treaty, but it mandates that if Russia does not agree to such amendments "within one year" we consider withdrawing from the Treaty:

The bill requires a "highly effective" defense that "optimizes" protection of CONUS, Alaska and Hawaii against limited missile attacks, including accidental or unauthorized launches. Acknowledging that these criteria cannot be satisfied within the Treaty as now constituted, the bill directs the President to obtain amendments that would allow an NMD of this level of effectiveness to be deployed.

The one-year deadline in the bill to achieve these amendments is not arbitrary, since, as noted, the bill requires a full-up systems integration test in two years of the NMD system that is to be deployed by 2003, and such tests could only take place after we had entered the development phase of the acquisition process. Any development or test of a space-based laser, space-based kinetic kill interceptor, sea-based ABM or multiple-site ground-based ABM system would violate the Treaty. Thus the time-lines established in the bill could, in the case of at least three of the NMD options it recommends the Secretary consider, only be met if the U.S. obtained the necessary treaty relief within a year.

In light of clear Russia opposition to any such amendments, the bill would be seen by Russia as tantamount to an "anticipatory breach" of the Treaty, thereby putting at immediate risk Russia reductions of strategic offensive arms under START I and START II. By holding a gun to the Russians' heads and demanding amendments within a year, the bill reflects an antipathy to the ABM Treaty reminiscent of Reagan-era "Star Wars" thinking. But in so doing, we stand to forfeit what otherwise would be a two-thirds reduction in Russia's strategic nuclear arsenal.

In conclusion, let me say that I spent eighteen years on the Hill: six at CRS working for both parties, four on the Senate Foreign Relations Committee working for a Republican majority, and eight on the Senate Armed Services Committee working first for a Democratic minority and then a Democratic majority. And the hallmark of those years was a spirit of bipartisanship and compromise when it came to important issues affecting our national security. I know that that spirit was still alive on the Hill as recently as last August, when Senator Nunn and Senator Warner, joined by Senator Levin and Senator Cohen, worked out a bipartisan compromise on missile defense policy that was supported by the Administration. That compromise passed the Senate with 86 Senator voting "aye."

As we begin Defend America week, I hope we will not be debating a bumper sticker slogan. Rather I hope we will have an honest and objective debate on missile defense policy and that a spirit of bipartisanship and compromise will again be evident.

Thank you.

Mr. KYL addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I appreciate the comments by the Senator from Georgia, and will not attempt to discuss them this evening since the hour is late except to note one thing; that is, that while reasonable people can differ about some of the elements of the bill, as I noted in my remarks and the Senator from Georgia noted to the point that maybe some people are more interested in a press release or the issue than actually getting it passed, I just ask our colleagues tomorrow when the cloture vote comes to put us to the test and allow us to at least have a vote on the bill. We would like to get it passed. I would much rather move forward with the bill, get it to the President so he can sign it, or veto it as the case may be, but at least to try to move forward with the issue. If the cloture vote is supported, and if the bill is defeated, then at least the body will have worked its way. But at least I would like to have people take yes for an answer, and yes in this case meaning that we are serious about moving forward and we would like to try to get something passed.

So again I urge my colleagues to support the cloture motion tomorrow.

Mr. NUNN. Will my friend yield briefly?

Mr. KYL. Absolutely. I am happy to.

Mr. NUNN. I hope the Senator from Arizona will not exclude the possibility of continuing to have a dialog in this area to see if we can reach something that can be signed by the President this year. That is my goal. I think that is possible. But it is not likely the way we are going at this point in time.

I also add that, as the Senator may know, there has been an offer at least from some of us on this side. I will be careful how I word this. I am not sure who has signed off on it. That is at the leadership level now—an offer to have a vote on this bill so we do as the Senator indicated and come to some conclusion even if it goes to the White House and is later vetoed; but also to get a similar agreement on the chemical weapons treaty which has come out of the Foreign Relations Committee by a bipartisan vote. I think there are substantial numbers of Republican Senators who support that treaty. It is of enormous importance to a number of people in this body.

I think myself it will enhance our ability to deal with the growing threat of chemical weapons. And there is certainly a willingness by many people on this side of the aisle—certainly I speak for myself—to make sure that we get a vote on both of these bills this year; that is, the missile defense and the chemical weapons treaties.

I might add though that if there is no movement on the chemical weapons treaty and getting some time certain to deal with that, I think it is unlikely that there is going to be much movement by a number of our colleagues to have a vote on the National Missile Defense Act and substitutes thereto. I would like to get it up myself because I would like to debate the substitute as I have outlined here today. There may be another substitute that is pretty much identical to the administration's proposal. My substitute will differ in certain respects from the administration's preposition.

So it is my hope that we can get both of these matters—both the National Missile Defense Act, as well as the chemical weapons treaty, up. I hope the Senator will work toward that end also.

Mr. KYL. In response, I hope the Senator from Georgia is not suggesting that the National Missile Defense Act is being held hostage to bringing up the chemical weapons treaty because the two are not linked, and there are a lot of us who believe that whether or not we could pass the chemical weapons treaty this year—and there is still more work to be done to that in the Judiciary Committee on which I sit which has not held hearings yet, given the fact we do not have a lot of legislative time in this session, that there is more to be done on that bill—I hope the Senator from Georgia is not suggesting that until we act on that we cannot act on this important matter of national missile defense.

Mr. NUNN. The Senator from Georgia is suggesting that there are a number of people in this body—and I am sure, whether it is 36, or 40, or 25, or 15—who want to make sure that we pass the chemical weapons treaty, or at least vote on it. It requires a two-thirds vote. If there is a one-third part against it, it will not pass anyway. And I say there are a number of people who would indeed tie those two together since both are deemed by a number of people with different reasons and different perspectives as important to national security.

Mr. KYL. It would be unfortunate if the two were required to be tied together and we could not act on the National Missile Defense Act, in my view anyway.

MORNING BUSINESS

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 1:32 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3322. An act to authorize appropriations for fiscal year 1997 for civilian science activities of the Federal Government, and for other purposes.

H.R. 3517. An act making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1997, and for other purposes.

The message also announced that the House disagrees to the amendment of the Senate to the concurrent resolution (H. Con. Res. 178) establishing the congressional budget for the U.S. Government for fiscal year 1997 and setting forth appropriate budgetary levels for fiscal years 1998, 1999, 2000, 2001, 2002, and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. KASICH, Mr. HOBSON, Mr. WALKER, Mr. KOLBE, Mr. SHAYS, Mr. HERGER, Mr. SABO, Mr. STENHOLM, Ms. SLAUGHTER, and Mr. COYNE as the managers of the conference on the part of the House.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 3322. An act to authorize appropriations for fiscal year 1997 for civilian science activities of the Federal Government, and for other purposes; to the Committee on Commerce, Science and Transportation.

H.R. 3517. An act making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1997, and for other purposes; to the Committee on Appropriations.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2728. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a final rule relative to the end of the regulatory period for onions grown in South Texas under Marketing Order 959 from June 15 to June 4 of each year, received on May 20, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2729. A communication from the Congressional Review Coordinator of Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a final rule concerning the amended regulations to provide for the payment of indemnity for cervids destroyed because of tuberculosis, and to provide for the payment of indemnity for cattle, bison, and cervids found to have been exposed to tuberculosis by reason of association with any tuberculosis livestock, received on May 21, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2730. A communication from the Administrator of Food and Consumer Service, Department of Agriculture, transmitting, pursuant to law, the report of a final rule relative to the amending of the regulations governing the collection of social security numbers and household income information on the application for free meals under the Summer Food Service Program, and for free and reduced price meals under the Child and Adult Care Food Program (RIN 0584-AB17), received on May 20, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2731. A communication from the Acting Administrator of the Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, the report of a final rule relative to the removing of obsolete regulations pertaining to Wetlands Reserve Program (RIN 0560-AE83), received on May 22, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2732. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a final rule relative to the revising of the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables by increasing the fees charged for the inspection of processed fruits and vegetables and certain other products, received on May 22, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2733. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a final rule relative to the modifying of the time periods when imported onions are regulated based on the grade, size, quality, and maturity requirements of the South Texas onion and Idaho-Eastern Oregon onion marketing orders, received on May 22, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2734. A communication from the Administrator of the Cooperative State Research, Education, and Extension Service, Department of Agriculture, transmitting, pursuant to law, the report of a final rule relative to the amending of its regulations relating to the administration of the Small Business Innovation Research Grants Program, which prescribe the procedures to be followed annually in the solicitation of research grant proposals, the evaluation of such proposals, and the award of competitive research grants under this program (RIN 0524-AA08), received on May 13, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2735. A communication from the Administrator of the Rural Utilities Service, Department of Agriculture, transmitting, pursuant to law, the report of a final rule relative to the amending of its regulations on Telecommunications Standards and Specifications for Materials, Equipment and Construction, by codifying the RUS Specification for Aerial Service Wires, received on May 16, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2736. A communication from the Congressional Review Coordinator of the Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a final rule relative to the amending of user fees for certain import- and export-related services for live animals and birds, animal products, organisms and vectors, and germ plasm and veterinary diagnostic services (RIN 0579-AA67), received on May 15, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2737. A communication from the Administrator and Executive Vice President of the Commodity Credit Corporation, Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, the report of a final rule relative to the amending of the regulation by setting forth 1995-crop loan rates to be used in administering the Sugar Price-Support Program (RIN 0560-AE44), received on May 13, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2738. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, relative to the Medicare prospective payment system; to the Committee on Finance.

EC-2739. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Criteria for a Rural Hospital to be Designated as an Essential Access Community Hospital," received on May 16, 1996; to the Committee on Finance.

EC-2740. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Conditions of Coverage for Organ Procurement Organization; Medicare and Medicaid Programs," received on May 13, 1996; to the Committee on Finance.

EC-2741. A communication from the Regulatory Policy Officer of the Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Materials and Processes Authorized For the Production of Wine and For the Treatment of Juice, Wine and Distilling Material," (RIN 1512-AB26) received May 16, 1996; to the Committee on Finance.

EC-2742. A communication from the Executive Director of the Physician Payment Review Commission, transmitting, pursuant to law, the report of a revised letter on volume performance standards; to the Committee on Finance.

EC-2743. A communication from the Chief of the Regulations Branch, U.S. Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Removal of Customs Regulations Relating to the Steel Voluntary Restraint Arrangement Program," (RIN 1515-AB04) received on May 13, 1996; to the Committee on Finance.

EC-2744. A communication from the Chief of the Regulations Branch, U.S. Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Prohibited/Restricted Merchandise; Enforcement of Foreign Assets Control Regulations," (RIN 1515-AB91) received on May 13, 1996; to the Committee on Finance.

EC-2745. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of Notice 96-31 relative to the Protocol Amending the Convention With Respect to Taxes on Income and Capital, received on May 13, 1996; to the Committee on Finance.

EC-2746. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of Revenue Ruling 96-27 entitled "Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property", received on May 21, 1996; to the Committee on Finance.

EC-2747. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of Revenue Ruling 96-28 entitled "Determination of Interest Rate", received on May 22, 1996; to the Committee on Finance.

EC-2748. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of Revenue Ruling 96-29 entitled "Definitions Relating to Corporate Reorganizations", received on May 22, 1996; to the Committee on Finance.

EC-2749. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of Revenue Ruling 96-30 entitled "Distribution of Stock and Securities of a Controlled Corporation", received on May 22, 1996; to the Committee on Finance.

EC-2750. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of Notice 96-34 entitled "Administrative, Procedural, and Miscellaneous Tax Relief for Those Affected by Operation Joint Endeavor" received on May 23, 1996; to the Committee on Finance.

EC-2751. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of final regulations on taxpayer identifying numbers received on May 23, 1996; to the Committee on Finance.

EC-2752. A communication from the Director of the Trade and Development Agency, transmitting, a draft of proposed legislation to authorize appropriations for activities of the Trade and Development Agency for fiscal years 1997 and 1998; to the Committee on Finance.

EC-2753. A communication from the Chief Counsel of the Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule amending the Federal Republic of Yugoslavia (Serbia and Montenegro) and Bosnian Serb-Controlled Areas of the Republic of Bosnia and Herzegovina Sanctions Regulations, received on May 10, 1996; to the Committee on Foreign Relations.

EC-2754. A communication from the Acting Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the notice of an intention relative to Peacekeeping Operations; to the Committee on Foreign Relations.

EC-2755. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, the report of the texts of international agreements, other than treaties, and background statements; to the Committee on Foreign Relations.

EC-2756. A communication from the Administrator and Executive Vice President, Commodity Credit Corporation, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Dairy Indemnity Payment Program," (RIN 0560-AE57) received on May 13, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2757. A communication from the Under Secretary of Agriculture (Rural Development), transmitting, pursuant to law, the report of a rule entitled "Business and Industrial Loan Program," (RIN 0570-AA11) received on May 23, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2758. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the cumulative report on rescissions and deferrals dated April 1, 1996; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, to the Committee on the Budget, to the Committee on Agriculture, Nutrition, and Forestry, to the Committee on Armed Services, to the Committee on Finance, to the Committee on Foreign Relations, and to the Committee on Governmental Affairs.

EC–2759. A communication from the Under Secretary of Defense (Acquisition and Technology), transmitting, pursuant to law, the Selected Acquisition Reports for the period January 1 through March 31, 1995; to the Committee on Armed Services.

EC–2760. A communication from the Secretary of Defense, transmitting, pursuant to law, a report relative to the Cooperative Threat Reduction funding; to the Committee on Armed Services.

EC–2761. A communication from the Director of Defense Procurement (Acquisition and Technology), Office of the Under Secretary of Defense, transmitting, pursuant to law, the report of an interim rule under the Defense Federal Acquisition Regulation Supplement Case 96–D305 received on May 22, 1996; to the Committee on Armed Services.

EC–2762. A communication from the Director of Defense Procurement (Acquisition and Technology), Office of the Under Secretary of Defense, transmitting, pursuant to law, the report of a final rule under the Defense Federal Acquisition Regulation Supplement Case 96–D007 received on May 22, 1996; to the Committee on Armed Services.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. SIMPSON (for himself and Mr. THOMAS):

S. 1824. A bill to require the Secretary of the Interior to conduct a study concerning grazing use of certain land within and adjacent to Grand Teton National Park, Wyoming, and temporarily extend a grazing permit, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. LOTT:

S. 1825. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Halcyon*; to the Committee on Commerce, Science, and Transportation.

S. 1826. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Courier Service*; to the Committee on Commerce, Science, and Transportation.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SIMPSON: (for himself and Mr. THOMAS)

S. 1824. A bill to require the Secretary of the Interior to conduct a study concerning grazing use of certain land within and adjacent to Grand Teton National Park, Wyoming, and temporarily extend a grazing permit, and for other purposes; to the Committee on Energy and Natural Resources.

GRAZING STUDY OF TETON PARK AND OTHER AREAS LEGISLATION

• Mr. SIMPSON. Mr. President, on behalf of my good friend and colleague, CRAIG THOMAS, I introduce today a bill that will establish a very narrowly focused study of the effects of cattle grazing on certain lands in and near Teton National Park in Teton County, WY.

Mr. President, this study is necessary as a means of avoiding the one thing that all sides of this issue are determined to avoid: the further development of lands associated with that spectacular national wonder. The language of this bill should be noncontroversial and little—if any—expense would be entailed.

I also wish to commend the efforts of our House colleague, BARBARA CUBIN, on this bill and I urge its unanimous support. •

ADDITIONAL COSPONSORS

S. 149

At the request of Mr. GRAMM, the name of the Senator from Arizona [Mr. KYL] was added as a cosponsor of S. 149, a bill to require a balanced Federal budget by fiscal year 2002 and each year thereafter, to protect Social Security, to provide for zero-based budgeting and decennial sunsetting, to impose spending caps on the growth of entitlements during fiscal years 1996 through 2002, and to enforce those requirements through a budget process involving the President and Congress and sequestration.

S. 507

At the request of Mr. PRESSLER, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of S. 507, a bill to amend title 18 of the United States Code regarding false identification documents, and for other purposes.

S. 878

At the request of Mr. COCHRAN, the name of the Senator from Tennessee [Mr. FRIST] was added as a cosponsor of S. 878, a bill to amend the Internal Revenue Code of 1986 to reduce mandatory premiums to the United Mine Workers of America Combined Benefit Fund by certain surplus amounts in the Fund, and for other purposes.

S. 953

At the request of Mr. CHAFEE, the name of the Senator from Delaware [Mr. BIDEN] was added as a cosponsor of S. 953, a bill to require the Secretary of the Treasury to mint coins in commemoration of black revolutionary war patriots.

S. 1107

At the request of Mr. DASCHLE, the name of the Senator from North Dakota [Mr. DORGAN] was added as a cosponsor of S. 1107, a bill to extend COBRA continuation coverage to retirees and their dependents, and for other purposes.

S. 1139

At the request of Mr. LOTT, the name of the Senator from Maine [Mr. COHEN] was added as a cosponsor of S. 1139, a bill to amend the Merchant Marine Act, 1936, and for other purposes.

S. 1400

At the request of Mrs. KASSEBAUM, the name of the Senator from Vermont [Mr. LEAHY] was added as a cosponsor of S. 1400, a bill to require the Secretary of Labor to issue guidance as to the application of the Employee Retirement Income Security Act of 1974 to insurance company general accounts.

S. 1563

At the request of Mr. ROCKEFELLER, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 1563, a bill to amend title 38, United States Code, to revise and improve eligibility for medical care and services under that title, and for other purposes.

S. 1610

At the request of Mr. BOND, the name of the Senator from Michigan [Mr. ABRAHAM] was added as a cosponsor of S. 1610, a bill to amend the Internal Revenue Code of 1986 to clarify the standards used for determining whether individuals are not employees.

S. 1632

At the request of Mr. LAUTENBERG, the names of the Senator from Massachusetts [Mr. KENNEDY], the Senator from Washington [Mrs. MURRAY], and the Senator from Wisconsin [Mr. KOHL] were added as cosponsors of S. 1632, a bill to prohibit persons convicted of a crime involving domestic violence from owning or possessing firearms, and for other purposes.

S. 1669

At the request of Mr. LOTT, the names of the Senator from Nevada [Mr. REID], the Senator from Vermont [Mr. JEFFORDS], the Senator from Oregon [Mr. HATFIELD], the Senator from Hawaii [Mr. INOUYE], and the Senator from Georgia [Mr. NUNN] were added as cosponsors of S. 1669, a bill to name the Department of Veterans Affairs medical center in Jackson, Mississippi, as the "G.V. (Sonny) Montgomery Department of Veterans Affairs Medical Center".

S. 1701

At the request of Mr. PELL, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of S. 1701, a bill to end the use of steel jaw leghold traps on animals in the United States, and for other purposes.

S. 1729

At the request of Mrs. HUTCHISON, the names of the Senator from Idaho [Mr. KEMPTHORNE], the Senator from North

Carolina [Mr. HELMS], and the Senator from Iowa [Mr. HARKIN] were added as cosponsors of S. 1729, a bill to amend title 18, United States Code, with respect to stalking.

S. 1799

At the request of Ms. SNOWE, the names of the Senator from California [Mrs. BOXER], and the Senator from New Jersey [Mr. BRADLEY] were added as cosponsors of S. 1799, a bill to promote greater equity in the delivery of health care services to American women through expanded research on women's health issues and through improved access to health care services, including preventive health services.

S. 1811

At the request of Mr. BRADLEY, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of S. 1811, a bill to amend the Act entitled "An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property" to confirm and clarify the authority and responsibility of the Secretary of the Army, acting through the Chief of Engineers, to promote and carry out shore protection projects, including beach nourishment projects, and for other purposes.

SENATE RESOLUTION 202

At the request of Mr. ABRAHAM, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of Senate Resolution 202, A resolution concerning the ban on the use of United States passports for travel to Lebanon.

NOTICES OF HEARINGS

SPECIAL COMMITTEE ON AGING

Mr. COHEN. Mr. President, I wish to announce that the Special Committee on Aging will hold a hearing on Wednesday, June 5, 1996, at 9 a.m., in room 562 of the Dirksen Senate Office Building. The hearing will discuss encouraging return to work in the SSI and DI programs.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will meet on Wednesday, June 12, 1996 at 9:30 a.m. in SR-328A to consider the Food Quality Protection Act, S. 1166.

ADDITIONAL STATEMENTS

THE WARRIOR TRADITION CONTINUES

• Mr. KEMPTHORNE. Mr. President, I rise today to recognize the accomplishments of a group of young men from my home State of Idaho. Lewis-Clark State College's baseball team won a record ninth National Association of Intercollegiate Athletics World Series title last Friday, beating St. Ambrose University of Iowa in the championship game, 9–0.

The ninth title in the past 13 years continues a tradition at Lewis-Clark State under head coach Ed Cheff. Under Coach Cheff, the Warriors have won more NAIA World Series games and played in more national championships than any other school. They won six straight titles between 1987 and 1992.

Cheff's latest team finished the 1996 season with an outstanding record of 53 wins and only 11 losses, and they were a perfect 5–0 in the double-elimination tournament. In the title game, played appropriately enough at Lewis and Clark Park in Sioux City, IO, Freshman Matt Randel pitched a 4-hitter while striking out 10 and not walking a batter. Such a performance fit his season, as he finished the year with an 8–0 pitching mark. Pitching was the key to the Warriors' title, as the staff set a record for the lowest earned run average in tournament history, allowing less than a run a game.

The Warrior bats came alive in the title game, as LCSC banged out 18 hits, including 3 each by Jose Rijo-Berger, Art Baeza, and Troy Silva. Trent Lies hit a solo home run.

The Warriors started the season ranked No. 1 in the NAIA, and finished with a season-high 15-game winning streak, including the 5 games in the tournament. In its 17 appearances in the national championships, Lewis-Clark State has won an incredible 72 games, while losing only 20.

This season, Coach Cheff posted his 1,000th win at LCSC, making him only the third NAIA coach to ever reach that milestone. He has been named national coach of the year four times and was honored as NAIA Coach of the Decade for the 1980's. The record on the field speaks volumes about Ed Cheff. But off the field his accomplishments are just as remarkable.

LCSC has produced 8 NAIA Academic All-Americans and has placed 34 players on All-American teams. And Ed Cheff and his Warriors have, over the years, become a rallying point for the community of Lewiston. Thousands of fans have attended games at Harris Field, and they have established a network of community support unrivaled at any level.

Mr. President, I know the U.S. Senate joins me and all of Idaho in congratulating Ed Cheff and the baseball players at Lewis-Clark State College for continuing their outstanding winning tradition with this year's NAIA World Series title.•

TRIBUTE TO WILLIAM BRUCE JOHNSON

• Mr. BUMPERS. Mr. President, I rise today to pay tribute to a fellow Arkansan, William Bruce Johnson. Bruce is the president of White River Hardwoods and Woodworks, Inc., in Fayetteville, AR. Because of his outstanding contribution to the business community, Bruce has been selected by the U.S. Small Business Administration as the 1996 Arkansas Small Business Person of the Year. I am convinced that this is an honor richly deserved.

Bruce Johnson and his wife Joan have pioneered new and innovative approaches to their business, and in the process, propelled White River Hardwoods into a nationally known company. In 1979, Bruce's company mainly sold premium hardwood lumber, but with an entrepreneurial spirit, Bruce entered the finishing market with a full line of architectural moldings and interior hardwood products. He and his wife proudly built a business that has become synonymous with superior quality and customer satisfaction. Incidentally, their children play a very active role as well, making White River Hardwoods truly a family-owned small business.

Mr. President, I have said many times that small business is the backbone of this country, and White River is the perfect example of that statement. As many of you here know, owning your own business gives new meaning to full-time employment. That kind of dedication is precisely the reason why I think SBA is such a vital program to this country. Bruce got his first SBA loan in 1983 and then his second in 1992. Because of the availability of those SBA loans, White River Hardwoods expanded warehouse space, purchased equipment, hired new employees, and bettered the small business community—not only for Arkansas, but for the whole country. Outside of their Fayetteville base, White River operates a combination showroom and warehouse in Springfield, MO. They are partnered with 28 independent manufacturing representatives across the United States, and each day they effect a network of 32 stocking distributors and 314 dealers. The company's sales in 1995 reached nearly $5.5 million, which is no insignificant contribution to our economy.

We need more people like Bruce and Joan Johnson in this country. Together they work hard every day along side their children to ensure the futures of their employees and the community around them. Mr. President, I hope you will join me in congratulating William Bruce Johnson as the 1996 Arkansas Small Business Person of the Year.•

ORDERS FOR TUESDAY, JUNE 4, 1996

Mr. KYL. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until 9:30 a.m. on Tuesday, June 4; further, that immediately following the prayer the Journal of proceedings be deemed approved to date, no resolutions come over under the rule, the call of the calendar be dispensed with, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day, and then there be a period for morning business until the hour of 10:30 a.m. with Senators to speak for up to 5 minutes each with the following exceptions: Senator HATCH for 20 minutes, Senator LEAHY for 15 minutes, Senator DEWINE for 20 minutes, and Senator GRASSLEY for 5 minutes.

I further ask that at 10:30 the Senate resume the motion to proceed to S. 1635 and the time between 10:30 and 12:30 be equally divided in the usual form for debate on the motion to invoke cloture on the motion to proceed to S. 1635, the Defend America Act; and further that the Senate recess between the hours of 12:30 and 2:15 for the weekly policy conferences to meet.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. KYL. For the information of all Senators, under a previous order, there will be a cloture vote tomorrow at 2:15 on the motion to proceed to the Defend America Act. Senators will be able to debate that motion to proceed between the hours of 10:30 and 12:30 on Tuesday. If cloture is invoked, it is hoped that the Senate will be able to debate S. 1635 and hopefully complete action on that bill. If cloture is not invoked, the Senate may consider any other legislative items that can be cleared.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. KYL. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order.

There being no objection, the Senate at 6:08 p.m., adjourned until Tuesday, June 4, 1996, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate June 3, 1996:

DEPARTMENT OF STATE

JEFFREY DAVIDOW, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AN ASSISTANT SECRETARY OF STATE, VICE ALEXANDER FLETCHER WATSON, RESIGNED.

TENNESSEE VALLEY AUTHORITY

JOHNNY H. HAYES, OF TENNESSEE, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY FOR A TERM EXPIRING MAY 18, 2005 (REAPPOINTMENT), TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

DORIS B. HOLLEB, OF ILLINOIS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2002, VICE KENNY JACKSON WILLIAMS, TERM EXPIRED.

PANAMA CANAL COMMISSION

ALBERTO ALEMAN ZUBIETA, A CITIZEN OF THE REPUBLIC OF PANAMA, TO BE ADMINISTRATOR OF THE PANAMA CANAL COMMISSION, VICE GILBERTO GUARDIA FABREGA, RESIGNED.

IN THE ARMY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE U.S. ARMY WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. DAVID L. BENTON, [redacted]

THE FOLLOWING-NAMED ARMY MEDICAL SERVICE CORPS COMPETITIVE CATEGORY OFFICER FOR APPOINTMENT IN THE REGULAR ARMY OF THE UNITED STATES TO THE GRADE OF BRIGADIER GENERAL UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 611(A) AND 624(C):

To be brigadier general

COL. MACK C. HILL, [redacted] U.S. ARMY

THE FOLLOWING-NAMED ARMY MEDICAL CORPS COMPETITIVE CATEGORY OFFICERS FOR APPOINTMENT IN THE REGULAR ARMY OF THE UNITED STATES TO THE GRADE OF BRIGADIER GENERAL UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 611(A) AND 624(C):

To be brigadier general

COL. RALPH O. DEWITT, JR., [redacted] U.S. ARMY
COL. KEVIN C. KILEY, [redacted] U.S. ARMY
COL. MICHAEL J. KUSSMAN, [redacted] U.S. ARMY
COL. DARREL R. PORR, [redacted] U.S. ARMY

IN THE MARINE CORPS

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE U.S. MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER THE PROVISIONS OF SECTION 601(A), TITLE 10, UNITED STATES CODE:

To be lieutenant general

MAJ. GEN. CARLTON W. FULFORD, JR., [redacted]

IN THE NAVY

THE FOLLOWING-NAMED OFFICERS FOR PROMOTION IN THE LINE IN THE NAVY OF THE UNITED STATES TO THE GRADE INDICATED UNDER TITLE 10, UNITED STATES CODE, SECTION 624:

UNRESTRICTED LINE OFFICER

To be rear admiral (lower half)

CAPT. HARRY M. HIGHFILL, [redacted]
CAPT. RICHARD J. NAUGHTON, [redacted]
CAPT. WILLIAM G. SUTTON, [redacted]

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICERS FOR PROMOTION IN THE U.S. AIR FORCE, UNDER THE APPROPRIATE PROVISIONS OF SECTION 624, TITLE 10, UNITED STATES CODE, AS AMENDED, WITH DATES OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE.

MEDICAL SERVICE CORPS

To be lieutenant colonel

GREGORY O. ALLEN, [redacted]
ROBERT C. BROOKES II, [redacted]
DONALD L. BROWN, [redacted]
DAVID A. COSTA, [redacted]
JAMES P. COUNSMAN, [redacted]
STUART R. COWLES, [redacted]
CRAIG A. CYR, [redacted]
JEANETTE ERICKSON, [redacted]
ROGER S. GOETZ, [redacted]
BERNARD J. KERR, JR., [redacted]
EDWARD H. KLINE, JR., [redacted]
MARK A. LAZARUS, [redacted]
ROBERT C. MALDONADO, [redacted]
NANCY D. MOORE, [redacted]
RONALD S. MURPHY, [redacted]
JOANNE S. PARKES, [redacted]
MICHAEL L. PERRY, [redacted]
FRED W. PETERS, JR., [redacted]
JAMES C. PUSTAY, [redacted]
CHARLES M. QUINNELLY, [redacted]
YOLANDA REAVIS, [redacted]
MARC M. SAGER, [redacted]
JACK R. SIMPSON, [redacted]
MARY L. STROBEL, [redacted]
MARYANN SWIGART, [redacted]
LARRY D. THEIS, [redacted]
ARTHUR D. VILLANI, [redacted]
EDWARD Y. WALKER III, [redacted]
MARK S. WEINSTEIN, [redacted]
KENNETH R. WELTZ, [redacted]
STEPHEN M. WOLFE, [redacted]

IN THE NAVY

THE FOLLOWING-NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. NAVY IN ACCORDANCE WITH SECTION 624 OF TITLE 10, UNITED STATES CODE:

MEDICAL CORPS OFFICERS

To be captain

WILLIAM S. ADSIT, [redacted]
GEORGE M. AKOB, [redacted]
FANANCY L. ANZALONE, [redacted]
RAMON E. BAEZ, JR., [redacted]
MICHAEL J. BAILEY, [redacted]
LAURIE M. BALAGURCHIK, [redacted]
JOHN T. BESTOSO, [redacted]
KAREN M. BOWDEN, [redacted]
CHARLES E. BRADY, JR., [redacted]
JEFFREY F. BROOKMAN, [redacted]
JAMES L. BUCK, [redacted]
PATRICIA L. BUSS, [redacted]
PEGGY J. CHANDLER, [redacted]
DANA C. COVEY, [redacted]
VINCENCE F. DILLION, [redacted]
GENE L. DOWELL, [redacted]
DAVID W. FERGUSON, [redacted]
JAMES N. FRAME, [redacted]
NEIL F. GIBBS, [redacted]
GREGORY C. GRAY, [redacted]
THOMAS W. GROSSMAN, JR., [redacted]
FRANK W. HALL, [redacted]
KENDELL G. GANSEN, [redacted]
DAVID M. HARLAN, [redacted]
KONRAD E. HAYASHI, [redacted]
DONALD S. HERIP, [redacted]
EILEEN HORNER, [redacted]
THOMAS K. HUISMAN, [redacted]
WILLIAM A. KELLEY, [redacted]
PETER D. KENT, [redacted]
MUNGKORN KIETHANOM, [redacted]
LORENZ F. LASSEN, [redacted]
DAVID LEIVERS, [redacted]
KENNETH E. LEONARD, [redacted]
DONALD R. MASON, [redacted]
THOMAS E. MCGUE, [redacted]
RICHARD L. MORRISSEY, [redacted]
STEVEN L. NICHOLS, [redacted]
DOMINICK PAPARELLA, [redacted]
STEVEN W. REMMENGA, [redacted]
CARLOS A. ROSENDE, [redacted]
DAVID M. SACK, [redacted]
ROBERT T. SPIRO, [redacted]
DAVID S. WADE, [redacted]
MARK R. WALLACE, [redacted]
LAWRENCE A. WOOD, [redacted]

SUPPLY CORPS OFFICERS

To be captain

DENNIS V. BELT, [redacted]
CARL T. BRIGHT, [redacted]
WAYNE G. CHESLEY, [redacted]
SHAW H. COHE, [redacted]
DAVID N. DOYLE, [redacted]
EDWARD N. HERING, [redacted]
ROBERT K. KEARNEY, [redacted]
JOSEPH W. KENNEY, [redacted]
WILLIAM A. KOWBA, [redacted]
ROBERT E. LEE, [redacted]
ROBERT J. MUNDELL, [redacted]
ROBERT M. NOONAN, [redacted]
PHILIP M. PFEIL, [redacted]
JAMES P. POE, [redacted]
JOHN S. PROCTOR, [redacted]
JACK PRPICH, [redacted]
JOHN G. RIPPERTON, [redacted]
MICHAEL S. ROESNER, [redacted]
DAVID G. SHANAHAN, [redacted]
ALAN S. THOMPSON, [redacted]
CHARLES T. VICKERS, [redacted]

CHAPLAIN CORPS OFFICERS

To be captain

THOMAS R. ATKINS, [redacted]
RALPH S. EPPERSON, [redacted]
LOUIS V. IASIELLO, [redacted]
ALAN N. KEIRAN, [redacted]
JAMES B. MAGNESS, [redacted]
STANLEY H. MCCREARY, [redacted]
ALBERT I. SLOMOVITZ, [redacted]
EDWIN D. STANFIELD, [redacted]
GEORGE L. TUMLIN, JR., [redacted]
RAE O. WEIMER, [redacted]
CAROLYN C. WIGGINS, [redacted]
BERNARD R. WILSON, [redacted]

CIVIL ENGINEER CORPS OFFICERS

To be captain

JAMES M. BARRETT II [redacted]
FRED H. BECKMANN, [redacted]
DENNIS BIDDICK, [redacted]
WILLIAM F. BOUDRA, [redacted]
ROBERT P. BUCHHOLZ, [redacted]
PHILIP H. DALBY, [redacted]
MICHAEL D. DONNELLY, [redacted]
THOMAS F. DREYER, [redacted]
JAMES W. HOLLRITH, [redacted]
RICHARD B. HUNTER, JR., [redacted]
DAVID A. JONES, [redacted]
LOUIS V. MARCHETTE, [redacted]
THOMAS D. MCMURRAY, [redacted]
JENNIFER L. MUSTAIN, [redacted]
ROGER L. ORNDORFF, [redacted]
JAMES E. OWENS, [redacted]
JOHN M. SHREWSBURY, [redacted]
JOHN E. SURASH, [redacted]
JEFFREY TUBELLO, [redacted]

JUDGE ADVOCATE GENERAL'S CORPS OFFICERS

To be captain

TERRY G. BAKER, [redacted]

STEPHEN J. COYLE [redacted]
THOMAS W. GREENE, JR. [redacted]
DAVID L. GRIMORD [redacted]
GINGER C. PAAD [redacted]
DAVID P. PRICE [redacted]
MARK E. ROSEN [redacted]
FRANCIS V. RUSSO, JR. [redacted]
RICHARD A. STEVENS [redacted]
JANICE L. WALLI [redacted]
ROBERT W. WEDAN, JR. [redacted]
DAVID M. WHITE [redacted]

DENTAL CORPS OFFICERS

To be captain

JACK A. BOWERS [redacted]
ALEX D. EHRLICH [redacted]
DEIDRA B. FLANARY [redacted]
RICHARD C. HAHN [redacted]
CURTIS L. HAYDEN [redacted]
DONNA R. HUGGINS [redacted]
JAY W. JOHNSON [redacted]
JONATHAN D. KARAMAN [redacted]
DAVID W. KIDD [redacted]
EUGENE V. NOLFI, JR. [redacted]
MARK R. PEREZ [redacted]
WILLIAM C. RODDY [redacted]
ROD M. ROGGE [redacted]
PETER G. SEDER [redacted]
WILLIAM SWITTS [redacted]
KENNETH R. WRIGHT [redacted]

MEDICAL SERVICE CORPS OFFICERS

To be captain

JAMES R. BEDDARD, JR. [redacted]
JAMES R. CAMPBELL [redacted]
JACK D. CHAPMAN II [redacted]
CLARENCE R. CLINE [redacted]
JOHN T. COYNE [redacted]
WILLIAM H. CRAIG, JR. [redacted]
MICHAEL S. CROSS [redacted]
WILLIAM P. FRANK [redacted]
GEORGE D. KRAMER [redacted]
GEORGE C. MASSEY [redacted]
THOMAS R. MC COY [redacted]
ROBERT J. MILLER, JR [redacted]
MICHAEL H. MITTELMAN [redacted]
VICENT W. MUSASHE [redacted]
SIDNEY D. RODGERS, [redacted]
MICHAEL T. TAMBURELLO [redacted]
JERALD L. ULMER [redacted]
STEPHEN E. WALZ [redacted]
FAYTHE M. WEBER [redacted]
FRED R. WHITE [redacted]
MARK T. WOOSTER [redacted]
EDWARD P. WYATT [redacted]
GARY W. ZUCKERMAN [redacted]

NURSE CORPS OFFICERS

To be captain

MARGARET M. ALLARD [redacted]
MAURICIO APARICIO III [redacted]
CHRISTINE M. BRUZEKKOHLER [redacted]
MARGARET L. BURNS [redacted]
KATHRYN A. CADWELL, [redacted]
JO A. CLANTON [redacted]
DENNIS L. ELLIS [redacted]
MARYLOUISE K. FELHOFER [redacted]
RODNEY L. FIEREK [redacted]
MELISSA A. GEORGE [redacted]
DEBORAH B. GRAY [redacted]
LISA D. HILES [redacted]
LISSA M. KOHLER [redacted]
ELLEN R. LAHMAN [redacted]
PATRICIA H. NETZER [redacted]
KAREN M. OTT [redacted]
ALBERT J. SHIMKUS, JR. [redacted]
HELEN L. SMITH [redacted]
THERESE A. WHITE, [redacted]
SUSAN A. WIDHALM, [redacted]

LIMITED DUTY OFFICERS (STAFF)

To be captain

CRISPIN A. TOLEDO [redacted]

THE FOLLOWING-NAMED OFFICERS, IN THE RESERVE, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. NAVY IN ACCORDANCE WITH SECTION 5912 OF TITLE 10, UNITED STATES CODE:

UNRESTRICTED LINE OFFICERS

To be captain

JOHNNY P. ALBUS [redacted]
STEPHEN R. ALLEN [redacted]
JAMES D. ANDERSON [redacted]
SCOTT P. ANDERSON [redacted]
GEORGE B. AUSTIN [redacted]
EDWARD L. AVIS [redacted]
DOUGLAS A. BADER [redacted]
JAMES A. BARNETT, JR [redacted]
PAUL R. BAZEMORE, JR. [redacted]
JAMES E. BEEBE, [redacted]
FRED W. BERGMAN [redacted]
GARRY J. BONELLI [redacted]
MITCHELL C. BOSWELL [redacted]
STEVEN G. BOWERS [redacted]
THOMAS E. BOYD [redacted]
ROBERT C. BRACKETT [redacted]
ROBERT A. BRODY [redacted]
CHRISTOPHER M. BROWN [redacted]
RODRIC F. BRUNNGRABER [redacted]
LESLIE E. BRYAN [redacted]
STEPHEN A. BUESCHER [redacted]
BRIAN P. BURGHGRAVE [redacted]
GEORGE K. BUSSE [redacted]
STEPHEN C. BUTLER [redacted]
WILLIAM D. CADY [redacted]
GREGORY T. CANDY [redacted]
RICHARD P. CAREY [redacted]
THOMAS A. CARLSON [redacted]
JOHN F. CATES, JR. [redacted]
ALANSON T. CHENAULT IV [redacted]
WAYNE E. CLIBURN [redacted]
DWIGHT W. COLBURN [redacted]
JOE T. COLEMAN, JR. [redacted]
DAVID E. CRISALLI [redacted]
DAVID J. CRONK [redacted]
JOHN C. CUNLIFFE [redacted]
BRIAN F. DELANEY [redacted]
JAMES E. DESPAIN [redacted]
DAVID M. DRAKE [redacted]
FRANK R. DUNAWAY III [redacted]
RAYMOND L. ECKENRODE [redacted]
CHARLES R. EISENMANN [redacted]
STEPHEN L. ELLIS [redacted]
FRANKLIN A. ERVIN [redacted]
RICHARD L. FARRELL, JR [redacted]
JAMES E. FAY [redacted]
PAUL S. FISCHBECK [redacted]
WALTER N. FLIPPIN III [redacted]
DAVID E. FROST, [redacted]
JAMES E. GARRISON [redacted]
ANTHONY D. GIANCATARINO, [redacted]
JAMES A. GIBSON [redacted]
JAMES T. GISSENDANNER [redacted]
WILLIAM O. GLASS, JR. [redacted]
WILLIAM G. GLENNEY IV [redacted]
CHRISTOPHER P. GRAZEL [redacted]
GEORGE A. GREENLEAF [redacted]
CARL H. GRUENLER [redacted]
GARY N. HALL [redacted]
KEVIN D. HAMMAR [redacted]
KURT F. HANSEN [redacted]
PAUL W. HARAR, [redacted]
PETER W. HARRIS [redacted]
EDWARD P. HERMANN [redacted]
STUART C. HINRICHS [redacted]
STEVEN HOLIBONICH [redacted]
FREDERICK R. HOLLINGER [redacted]
WILLIAM S. HOWSE [redacted]
MICHAEL J. HUDGINS [redacted]
GARY C. INGOLD, 344-46-3308
WAYNE M. JAKUBOWSKI, [redacted]
ROBERT E. JENKINS [redacted]
ROGER J. JONES [redacted]
WILLIAM H. KNELLER, [redacted]
DANIEL J. KOENIG [redacted]
WAYNE K. KRUGER [redacted]
STEPHEN J. KUHAR [redacted]
SCOTT R. LAIDLAW [redacted]
HAROLD M. LAMB, JR. [redacted]
ROBERT H. LANG, JR. [redacted]
FRANK M. LANGLEY [redacted]
BRIAN S. LEACH [redacted]
JOHN W. LICHTSINN [redacted]
JAMES J. LIND [redacted]
JAMES L. LITTRELL [redacted]
CURTIS A. LOGE [redacted]
JULIUS L. LONGSHORE [redacted]
JAMES M. LOVE [redacted]
SCOTT C. MACLEOD [redacted]
CHRISTOPHER H. MADIGAN, [redacted]
WALTER S. MC CABE [redacted]
MARY B. B. MC GEE [redacted]
JOSEPH C. MC GOWAN III [redacted]
PETER D. MC LOUGHLIN, [redacted]
JEFFRY L. MC NAIR [redacted]
STEVEN L. MILLER [redacted]
FRANK A. MINICH [redacted]
RANDOLPH H. MIOTA [redacted]
MICHAEL P. MITCHELL [redacted]
ROBERT S. MIZE [redacted]
CHRISTOPHER MOSCHELLA [redacted]
RONALD MUELLER [redacted]
JAMES S. MURPHY [redacted]
TONY M. MUSCHARA [redacted]
SAMUEL M. NAGLE [redacted]
JAMES A. NATTER [redacted]
TIMOTHY J. NAVILLE [redacted]
RANDY E. NEES [redacted]
GREGORY F. NELSON [redacted]
KIP W. NICELY [redacted]
STEPHEN A. O'BRIEN [redacted]
STEVEN M. O'BRIEN [redacted]
GARY S. O'CONNOR [redacted]
JOHN C. OLDFIELD [redacted]
DAVID L. OLNEY [redacted]
JOHN C. ORR [redacted]
ALLEN C. PAINTER [redacted]
MICHAEL F. PALES [redacted]
CARLTON D. PARKER [redacted]
WILLIAM H. PAYNE [redacted]
JAMES A. PETERSEN [redacted]
LOUIS W. POLLOCK [redacted]
BRADLEY PORLIER [redacted]
CYRIL H. PRIKAZSKY [redacted]
ORVILLE PRINS [redacted]
CHARLES L. RADER [redacted]
DOUGLAS N. REECE [redacted]
FRANK F. RENNIE IV [redacted]
ERNEST J. RICE [redacted]
FRANCIS R. H. RIGGS [redacted]
CHARLES R. ROBIE [redacted]
PHILIP D. SALADEN [redacted]
MARK J. SALMEN [redacted]
RICHARD J. SALMON [redacted]
JOHN D. SAMPLE [redacted]
CRAIG A. SCHEMEL [redacted]
DOUGLAS C. SCHLAEFER [redacted]
JOHN D. SCHUMACHER [redacted]
GEORGE R. SEFTAS [redacted]
RONALD D. SEIZERT [redacted]
PHILIP D. SIMS [redacted]
DONALD R. SKOTTY [redacted]
GARY M. SKURA [redacted]
STEPHEN I. SLIGHT [redacted]
PETER G. SMITH [redacted]
MICHAEL L. SOARES [redacted]
BRIAN H. SOLOMON [redacted]
THOMAS L. SPRAGUE [redacted]
GEORGE D. STEEL [redacted]
DENNIS D. STONE [redacted]
KEVIN F. STONE [redacted]
RICHARD E. STRUTNER [redacted]
DON W. SWAILES [redacted]
ERNEST E. TABB [redacted]
EUGENE P. THEUS [redacted]
BURT D. THORP [redacted]
JOHN J. TOMASELLI [redacted]
LAWRENCE G.J. TRAYNOR [redacted]
ROBERT G. TREITZ [redacted]
JOHN S. TURNER [redacted]
THOMAS W. UHL [redacted]
ROBERT D. VONBERNUTH [redacted]
RICHARD S. WAGNER [redacted]
KIM C. WALDEN [redacted]
LEONARD P. WALES [redacted]
RODERICK A. WELLS [redacted]
KIRK D. WESSEL [redacted]
RONALD W. WETMORE [redacted]
DAVID E. WHIPPLE [redacted]
LONNIE O. WILKERSON III [redacted]
CARL J. WILLIS [redacted]
LUCY B. YOUNG, [redacted]
DAVID Y. YUMEN [redacted]

UNRESTRICTED LINE OFFICERS (TAR)

To be captain

PAUL A. ANDERSON [redacted]
RICHARD A. ANDERSON [redacted]
THOMAS G. BAUER, [redacted]
SCOTT A. BEATON [redacted]
CHRIS J. CLUSTER [redacted]
JEROME A. DABROWSKI [redacted]
RALPH J. DEAN [redacted]
WILLIAM L. GARRETT [redacted]
CRAIG C. GROOM, [redacted]
JON M. HAAS [redacted]
STANLEY F. HALTER [redacted]
JOHN E. HUIE, JR. [redacted]
DAVID J. JACOBSON [redacted]
PATRICK J. KING [redacted]
JOSEPH F. LUDWIKOWSKI [redacted]
BILLY R. MALONE [redacted]
WILLIAM S. MARLOWE, JR. [redacted]
CRAIG O. MC DONALD [redacted]
BARRY L. MORGAN [redacted]
EDWIN D. OVERSTREET [redacted]
HARLEY H. PETERSON [redacted]
BYRON V. SMITH III, [redacted]
RICHARD L. SMITH [redacted]
RICHARD E. SOUTHWORTH [redacted]
JOHN W. WATT [redacted]
EDWARD B. WEISS, [redacted]
JOHN M. WERNER [redacted]
STEVEN L. WETZEL [redacted]
PATTI A. YOUNG [redacted]

ENGINEERING DUTY OFFICERS

To be captain

BRUCE A. BEEMER, [redacted]
LORAINE M. BEYER [redacted]
GEORGE L. CAVA [redacted]
GERALD L. GRIFFIN, JR. [redacted]
JOHN C. KLEIN IV [redacted]
MARINO J. NICCOLAI [redacted]
MICHAEL A. O'NEAL [redacted]
GREGORY R. POHL [redacted]
JAMES F. RUBINO [redacted]
MARC L. SORENSEN [redacted]

AEROSPACE ENGINEERING DUTY OFFICERS (ENGINEERING)

To be captain

JACK R. BATES [redacted]
KEITH A. BOARDMAN [redacted]
THOMAS A.I. CAVANAUGH [redacted]
BARRY L. DOUGHERTY [redacted]
HARRY L. TREDENNICK [redacted]

AEROSPACE ENGINEERING DUTY OFFICERS (MAINTENANCE)

To be captain

STEPHEN P. CLARKE [redacted]
KEITH V. KELLY, JR. [redacted]
RONALD J. KRIEL [redacted]
DANTE J. PETRO [redacted]
DONALD J. SHUTT [redacted]

SPECIAL DUTY OFFICERS (MERCHANT MARINE)

To be captain

CHARLES T. ECKER III [redacted]
MARK R. ESHER [redacted]
DAVID B. FISHER [redacted]
BRUCE KEENER IV [redacted]
CHRISTOPHER G. LARKIN [redacted]
REGINALD E. MC KAMIE [redacted]
LAWRENCE J. MURPHY [redacted]
RICHARD D. STEWART [redacted]
ARTHUR H. SULZER IV [redacted]

SPECIAL DUTY OFFICERS (CRYPTOLOGY)

To be captain

MICHAEL D. FRANCIS [redacted]
WILLIAM R. MATHEWS III [redacted]
CHARLES H. TILTON [redacted]
WILLIAM H. VANDYKE [redacted]

SPECIAL DUTY OFFICERS (INTELLIGENCE)

To be captain

ROBERT W. BARTON [redacted]
MICHAEL W. BROADWAY [redacted]
DOUGLAS T. CARDINAL [redacted]
COLIN M. CLARK [redacted]
ROBERT K. DRIVER [redacted]
SHERYLL L. ELSTON [redacted]
ALAN J. FINK [redacted]
STEVEN L. HULL [redacted]
BRADLEY M. INMAN [redacted]
RAYMOND G. KALLMAN [redacted]
LYNN M. KALLUS [redacted]
STEPHEN E. LEPKOWSKI [redacted]
JAMES M. LEVESON [redacted]
MICHAEL A. MALDOVAN [redacted]
RICHARD V. MAUGHAN [redacted]
ROBERT A. MC DONALD [redacted]
DAVID C. MC GOWAN [redacted]
MARK E. MILLER [redacted]
WILLIAM H. MINNECI [redacted]
MARK M. PETZINGER [redacted]
DONALD R. RHOADS [redacted]
GEORGE J. ROARK, II [redacted]
JAMES B. ROBERTS, II [redacted]
CECIL J. ROWE [redacted]
MARYBETH K. RUPERT [redacted]
ANNA M. STEINBERGER [redacted]
THOMAS O. SWIFT [redacted]
ROBERT W. TODD [redacted]
ANDRES, VAART [redacted]
DOUGLAS L. WILLS [redacted]

SPECIAL DUTY OFFICERS (INTELLIGENCE) (TAR)

To be captain

STEPHEN M. SAIA [redacted]

SPECIAL DUTY OFFICERS (PUBLIC AFFAIRS)

To be captain

WILLIAM G. ARMSTRONG, JR. [redacted]
JONATHAN W. BUCHANAN [redacted]
BARBARA J. BURNS [redacted]
WILLIAM H. HICKMAN [redacted]
STEPHEN H. HORWITZ [redacted]
NATHAN E. JONES [redacted]
ANNE C. LEON [redacted]
STEVIE PRESSLEY [redacted]
JEAN E. ROBERTS [redacted]
MICHAEL P. SMITH [redacted]

SPECIAL DUTY OFFICERS (FLEET SUPPORT)

To be captain

HARRY W. BARRICK, III [redacted]
ROGER T. BARTH [redacted]
GAYLA J. BERGREN [redacted]
DONALD B. BURKE, [redacted]
WILLIAM J. BUSHAW [redacted]
POLLY M. CAPANSKY [redacted]
CYNTHIA D. CORMAN [redacted]
KAREN T. DANIS [redacted]
FRANCIS E. DEBONS [redacted]
JACK W. FLETT [redacted]
JOHN E. FLYNN [redacted]
NANCY P. ISE [redacted]
DONALD J. KISSINGER, JR. [redacted]
JEAN. M. LIBUTTI, [redacted]
KERRIE S. MOSER [redacted]
MARY C. RHEDIN, [redacted]
GREGORY W. RICHARDS [redacted]
GARY A. SIMONSEN [redacted]
LINDA K. TUCKER [redacted]
JUDITH M. WALKER [redacted]
LINDA E. WARGO [redacted]
DANIEL R. WARMAN [redacted]
TERRANCE J. WEAR [redacted]
JUDITH A. YANDOH [redacted]

SPECIAL DUTY OFFICERS (FLEET SUPPORT) (TAR)

To be captain

VIRGINIA D. JOOSTEN [redacted]
LESLIE J. P. LANG [redacted]

SPECIAL DUTY OFFICERS (OCEANOGRAPHY)

To be captain

JOHN W. RABY [redacted]
MARK E. SCHULTZ [redacted]

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICERS FOR PROMOTION IN THE U.S. AIR FORCE, UNDER THE APPROPRIATE PROVISIONS OF SECTION 624, TITLE 10, UNITED STATES CODE, AS AMENDED, WITH DATES OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE:

CHAPLAIN CORPS

To be lieutenant colonel

DERRICK K. ANDERSON [redacted]
CARL M. ANDREWS [redacted]
BRUCE A. ARNOLD [redacted]
JAMES P. BARLOW [redacted]
RICHARD L. BLANTON, [redacted]
ROBERT E. CRUTHIRDS, [redacted]
EDWARD P. FEDOR [redacted]
MARION T. HARNED [redacted]
JOE F. JOHNSTON [redacted]
WAYNE R. KNUTSON, JR. [redacted]
BENNIE R. LIGGINS [redacted]
JOSEPH E. MC CLANAHAN [redacted]
MACK R. PAINTER, JR. [redacted]
JOEL G. RAYFIELD [redacted]
CHARLES R. ROWLAND III [redacted]
FROILAN A. SALUTA [redacted]
JAMES P. THOMAS [redacted]
MILLARD G. TIMMONS [redacted]
JOSEPH R. WALLROTH [redacted]
ROGER S. WINBURG, [redacted]

THE FOLLOWING-NAMED OFFICERS FOR PROMOTION IN THE U.S. AIR FORCE, UNDER THE APPROPRIATE PROVISIONS OF SECTION 624, TITLE 10, UNITED STATES CODE, AS AMENDED, WITH DATES OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE, AND THOSE OFFICERS IDENTIFIED BY AN ASTERISK FOR APPOINTMENT IN THE REGULAR AIR FORCE UNDER THE PROVISIONS OF SECTION 531, TITLE 10, U.S.C., PROVIDED THAT IN NO CASE SHALL THE FOLLOWING OFFICERS BE APPOINTED IN A GRADE HIGHER THAN INDICATED:

LINE

To be major

ALAN A. ABANGAN [redacted]
FREDERICK H. ABBOTT III [redacted]
THOMAS G. ABBOTT [redacted]
JOHN T. ACKERMAN, [redacted]
MITCHELL D. ACKERMAN [redacted]
KEITH A. ACREE [redacted]
TIMOTHY J. ADAM [redacted]
MARCELLA F. ADAMS [redacted]
JAMES S. ADAMSKI, [redacted]
EDWARD J. ADELMAN [redacted]
MERRILL E. ADKISON [redacted]
SIMON A. ADMORE [redacted]
MARK A. AICHER [redacted]
KERIM A. AKEL [redacted]
JAMES J. ALBRECHT [redacted]
STEFAN E. ALEKSEVITCH [redacted]
ANGELA R. ALEXANDER [redacted]
CHERYL D. ALLEN [redacted]
DANNY P. ALLEN [redacted]
HERBERT L. ALLEN, JR. [redacted]
STEPHEN L. ALLEN [redacted]
ALEXANDER A. ALLER [redacted]
MICHAEL J. ALLSHOUSE [redacted]
MARK A. ALTOBELLI [redacted]
THOMAS S. AMICK [redacted]
TRACY A. AMOS [redacted]
GREGORY M. ANDERS [redacted]
BRIAN K. ANDERSON [redacted]
CHRISTOPHER P. ANDERSON [redacted]
DAVID J. ANDERSON [redacted]
DOUGLAS P. ANDERSON [redacted]
LYNDON S. ANDERSON [redacted]
MICHAEL G. ANDERSON [redacted]
RICHARD D. ANDERSON [redacted]
MICHAEL E. ANDRESS [redacted]
EMILY B. ANDREW [redacted]
WESLEY R. ANDRUES [redacted]
*JOHN J. ANDUAGAARIAS [redacted]
DAVID W. ANGLE [redacted]
JOHANN J. ANTLFINGER [redacted]
ANDREW J. ANTON [redacted]
TIMOTHY G. APEL [redacted]
DAVID M. APPEL, [redacted]
JAMES H. APPLEYARD, JR. [redacted]
*ANDREW L. ARACE [redacted]
*LORENZO C. ARAGON [redacted]
LEE J. ARCHAMBAULT [redacted]
STUART K. ARCHER [redacted]
GARY A. ARDES [redacted]
MARK R. ARLINGHAUS [redacted]
*JEFFERY W. ARMANTROUT [redacted]
DENNIS M. ARMSTRONG [redacted]
TERRY W. ARMSTRONG [redacted]
*DEAN M. ARNDORFER [redacted]
KEITH J. ARNEY [redacted]
SUZANNE G. ARNOLD [redacted]
STEVEN J. ARQUIETTE [redacted]
MATTHEW J. ARTH [redacted]
BLAINE A. ASATO [redacted]
DUSTIN G. ASHTON [redacted]
WILLIAM J. ASTORE [redacted]
JOHN H. ATTEBURY [redacted]
JAMES B. AYERS [redacted]
SCOTT D. AYERS [redacted]
CHRISTOPHER B. AYRES [redacted]
BLAN R. AYYAR [redacted]
*LANELL J. BABB [redacted]
ADAM C. BABCOCK, [redacted]
STEVEN L. BABCOCK [redacted]
RONALD J. BABSKI, JR. [redacted]
TYLER J. BACH [redacted]
JONATHAN E. BACHMAN [redacted]
STEVEN E. BACHMANN [redacted]
DONALD J. BACON [redacted]
BERNARD BADAMI [redacted]
DANIEL S.V. BADER [redacted]
ROBERT S. BAERST [redacted]
BRENT G. BAILEY [redacted]
CHRISTOPHER J. BAIN [redacted]
WILLIAM S. BAIR [redacted]
*ANDREW B. BAKER [redacted]
LONNY P. BAKER [redacted]
ROBERT K. BAKER [redacted]
SCOTT A. BAKER, [redacted]
WESLEY D. BAKER [redacted]
VINCENT R. BAKKE, [redacted]
ROBERT E. BAMBERG [redacted]
MARK D. BANCZAK [redacted]
JON P. BANKS [redacted]
ROBERT E. BANKS [redacted]
ARTHUR M. BANNER [redacted]
EDWARD L. BARBOUR [redacted]
RANDOLPH K. BARKER [redacted]
DONALD J. BARNES [redacted]
GLENN D. BARNES [redacted]
SHAWN J. BARNES [redacted]
JERRY L. BARNETT, JR. [redacted]
PATRICK A. BARNETT [redacted]
GLENN R. BARNEY, [redacted]
JAMES M. BARON [redacted]
HERBERT B. BARR [redacted]
DIANNE M. BARRETT [redacted]
*LESTER C. BARRETT [redacted]
LARRY D. BARTLETT [redacted]
MATTHEW R. BARTLETT [redacted]
JULES A. BARTOW [redacted]
ROGER W. BASL [redacted]
JEFFREY S. BATEMAN [redacted]
LAWRENCE J. BATES [redacted]
JAMES C. BATTE [redacted]
ERIC J. BATWAY [redacted]
KAREN M. BAUGH [redacted]
CHARLES R. BAUMGARDNER [redacted]
JAY A. BAUMGARTNER [redacted]
ALEX L. BAYS [redacted]
KERRY L. BEAGHAN [redacted]
JAMES R. BEAMON [redacted]
WILLIAM D. BEATTY [redacted]
MARK E. BEAUCHEMIN [redacted]
PHILLIP J. BEAUDOIN [redacted]
ROBERT D. BECKEL, JR. [redacted]
TISH D. BECKEL [redacted]
JOHN A. BEECY [redacted]
WILLIAM RAY, BEEN [redacted]
ERIC A. BEENE [redacted]
*GREGORY P. BEERS [redacted]
NIKOLAUS W. BEHNER [redacted]
*THOMAS M. BEIRNE [redacted]
ARTHUR T. BEISNER, II [redacted]
BRIAN C. BELLACICCO [redacted]
PAUL J. BELLAIRE, JR [redacted]
PETER L. BELMONTE [redacted]
HOWARD D. BELOTE, [redacted]
LISA M. BELUE [redacted]
CHRISTOPHER J. BENCE [redacted]
ROBERT P. BENDER, JR. [redacted]
GARY A. BENITZ [redacted]
GARLAND J. BENNETT, JR. [redacted]
RALPH D. BENNETT, [redacted]
WALTER R. BENNETT, JR. [redacted]
JANET BENT [redacted]
DENNIS L. BENTLEY [redacted]
ROBIN N. BENTON [redacted]
CHRISTOPHER A. BERES [redacted]
*CHRISTOPHER J. BERGER [redacted]
SCOTT D. BERGER [redacted]
*JAMES W. BERGSTROM, JR. [redacted]
CRAIG A. BERLETTE [redacted]
WILLIAM S. BERNER [redacted]
TIMOTHY P. BERRY [redacted]
WARREN D. BERRY [redacted]
GREGORY D. BEST [redacted]
MICHAEL R. BEST [redacted]
*TOM J. BIANCO, [redacted]
*MARK D. BIBLER [redacted]
GREGORY W. BICE [redacted]
GEOFFREY B. BIEDERMANN [redacted]
CHARLES S. BIEVER [redacted]
JEFFREY B. BIGELOW [redacted]
KEVIN V. BIGGERS [redacted]
ROBERT T. BIGLER [redacted]
NEIL R. BILLINGS [redacted]
GARY E. BINDER [redacted]
BRADFORD LEE BINGAMAN, [redacted]
RICHARD S. BINGER [redacted]
DAVID P. BIROS [redacted]
TIMOTHY C. BISCHOFF [redacted]
DAVID A. BISHOP, JR. [redacted]
GRANT C. BISHOP [redacted]
GREGORY A. BISHOP [redacted]
MARK G. BISHOP [redacted]
JOHN W. BLACK, [redacted]
MICHAEL B. BLACK [redacted]
NORMAN S. BLACK, [redacted]
BRENDA J. BLACKMAN [redacted]
*KEVIN M. BLANCHARD [redacted]
JODY L. BLANCHFIELD [redacted]

DEAN R. BLANKENBEKER [redacted]
BRIAN S. BLANKENSHIP [redacted]
CLIFTON D. BLANKS [redacted]
DOUGLAS E. BLAUSER [redacted]
LAWRENCE K. BLAVOS [redacted]
STEPHEN M. BLIZZARD [redacted]
PETER G. BLOCK [redacted]
MARK A. BLUME [redacted]
MARTIN G. BOBAK [redacted]
JOHN D. BOBBITT [redacted]
LEE W. BODENHAUSEN [redacted]
JOSEPH BOLTERSDORF [redacted]
CRAIG A. BOND [redacted]
ALLEN N. BOOHER [redacted]
GUY R. BOOTH, [redacted]
JAMES E. BOOTH [redacted]
DAVID E. BOSSERT [redacted]
*GERALD J. BOTH [redacted]
JAMES E. BOWE [redacted]
FREDRICK S. BOWER [redacted]
JOHN C. BOWLING [redacted]
CHRISTINE A. BOWMAN [redacted]
KATHLEEN E. BOWMAN [redacted]
KIT Q. BOYD [redacted]
TODD A. BOYD, [redacted]
VICKI M. BOYD, [redacted]
LARRY A. BRADBURY, [redacted]
ALAN E. BRADY [redacted]
STEPHAN P. BRADY [redacted]
MICHAEL D. BRAMHALL [redacted]
BRIAN S. BRANDNER [redacted]
CAROL E. BRANDT [redacted]
JAMES R. BRANDT [redacted]
WILLIAM C. BRANDT [redacted]
WALTER BRECEVIC [redacted]
JEAN J. BRENNAN [redacted]
SETH P. BRETSCHER [redacted]
CORTNEY S. BREWERTON [redacted]
CLAY W. BREZNIK, [redacted]
JACK L. BRIGGS, I [redacted]
RICHARD W. BRIGGS [redacted]
MICHAEL P. BRIGNOLA [redacted]
EDWARD E. BRIMNER, [redacted]
*JOHN J. BRISLAN [redacted]
DWIGHT C. BRISSEY [redacted]
RODNEY K. BRITTENHAM [redacted]
*NICHOLAS A. BROCCOLI [redacted]
JEFFREY A. BROCK [redacted]
ARTHUR R. BROCKMAN, [redacted]
BRAD T. BEOEMMEL [redacted]
CHERYL P. BROOKS [redacted]
TODD M. BROSZ, [redacted]
CHARLES P. BROTHERS, JR. [redacted]
BARRETT P. BROUSSARD [redacted]
ALLEN R. BROWN [redacted]
DAVID A. BROWN, [redacted]
DAVID W. BROWN [redacted]
GARY W. BROWN, [redacted]
GLENN E. BROWN [redacted]
JAMES P. BROWN [redacted]
MICHAEL A. BROWN, [redacted]
THOMAS J. BROWNING [redacted]
KAREN L. BRUCE [redacted]
ROBERT A. BRUCE [redacted]
STEVEN P. BRUNTS [redacted]
JOSEPH R. BRYAN [redacted]
GLENN W. BUCHFELLER, [redacted]
BRADLEY E. BUCK [redacted]
WILLIAM J. BUECHEL [redacted]
BRIAN BUELL [redacted]
JOHN M. BUKOWINSKI [redacted]
DOUGLAS L. BULLOCK [redacted]
MATTHEW J. BUNDY [redacted]
PETER D. BURGESS [redacted]
CHRISTOPHER J. BURKE [redacted]
DAVID K. BURKE [redacted]
KENT T. BURKHARDT, [redacted]
ANGELA C. BURNS [redacted]
BRIAN K. BURNS [redacted]
DOUGLAS H. BURNS [redacted]
KELLY D. BURNS [redacted]
*PAUL J. BURRELL [redacted]
KRIS A. BURROWS [redacted]
*PATRICK J. BUSH [redacted]
ROBERT F. BUSSIAN [redacted]
THOMAS A. BUSSIERE [redacted]
LAWRENCE M. BUTKUS [redacted]
CHARLES T. BUTLER [redacted]
DAVID W. BUTLER [redacted]
PATRICK F. BUTLER [redacted]
ROBERT J. BUTLER [redacted]
STEPHEN D. BUTLER, [redacted]
ANTHONY M. BUTTERS [redacted]
ANDREW L. BUTTS [redacted]
FORREST F. BUTTS III, [redacted]
STUART L. BUTTS [redacted]
BRADLEY G. BUTZ [redacted]
JAMES H. BYERS [redacted]
ROBERT L. BYRD [redacted]
THOMAS A. BYRGE, JR. [redacted]
GREGORY M. CAIN [redacted]
WILLIAM F. CAIN, JR. [redacted]
DAVID K. CALDER [redacted]
MICHAEL G. CALDWELL [redacted]
JAMES R. CALKINS [redacted]
KEVIN P. CALLAHAN [redacted]
JUAN A. CAMACHO, JR. [redacted]
HARRIET D. CAMEJO [redacted]
PETER P. CAMIT [redacted]
GAGE B. CAMP [redacted]
MICHAEL A. CANINO, [redacted]
MICHAEL A. CANNA [redacted]

JOSEPH C. CANNIZZO, [redacted]
CHARLES G. CAPPS [redacted]
SEAN K. CAREY [redacted]
JOEL C. CARLSON [redacted]
DENNIS L. CARR [redacted]
MICHAEL J. CARR [redacted]
KEITH B. CARRAGHAN, [redacted]
ANTHONY J. CARRELLI, [redacted]
JOHN L. CARROLL [redacted]
JEFFREY A. CARROTHERS [redacted]
BRENT CARTAGENA [redacted]
CURTIS R. CARTER [redacted]
GREGORY WARREN CARTER, [redacted]
JOHN F. CARTER [redacted]
PAUL L. CARTER, III [redacted]
NICHOLAS R. CARTER [redacted]
RICKEY L. CARTER [redacted]
RICKY W. CARVER [redacted]
LYLE W. CARY, [redacted]
LOUIS A. CASALE [redacted]
THOMAS M. CASEY, [redacted]
GERARD A. CASTELLI [redacted]
DAVID A. CASTILLO [redacted]
PETER H. CASTOR [redacted]
JOSEPH E. CASTRO, [redacted]
CHARLES E. CATOE [redacted]
MARK D. CAUDLE, [redacted]
JOSE E. CAUSSADE [redacted]
FRANK M. CAVUOTI, [redacted]
JACK J. CELIE [redacted]
WILLIAM A. CENTER [redacted]
ANDREW J. CERNICKY [redacted]
ANTHONY J. CERVENY, JR. [redacted]
NORMAN J. CHAI, [redacted]
JAMES J. CHAMBERS, JR. [redacted]
JOHN T. CHANDLER [redacted]
KENNETH A. CHANIN [redacted]
SPENCER R. CHAPMAN [redacted]
STEPHEN W. CHAPPEL [redacted]
STEVEN R. CHARBONNEAU [redacted]
CHRISTOPHER W. CHARLES [redacted]
JACQUELINE N. CHARSAGUA [redacted]
CLEOPHUS D. CHATMAN, [redacted]
GARY D. CHESLEY [redacted]
*FRANK S. CHIMENTO [redacted]
MICHAEL L. CHING, [redacted]
DARWIN J. CHIVERS [redacted]
DALE R. CHRISTENSEN [redacted]
DELBERT G. CHRISTMAN [redacted]
STEVEN R. CHRISTY [redacted]
ALLAN J. CHROMY [redacted]
*MARK D. CIARLONE [redacted]
BRENT A. CICCHETTO [redacted]
ROBERT D. CLAMPITT [redacted]
CHARLES K. CLARK, [redacted]
DAN L. CLARK [redacted]
DOUGLAS L. CLARK, [redacted]
JAMES S. CLARK [redacted]
RICHARD M. CLARK, [redacted]
ANDREW L. M. CLARKE [redacted]
JOHN B. CLARKE [redacted]
CHRISTOPHER L. CLAUNCH [redacted]
DAVID R. CLAXTON, [redacted]
BRUCE A. CLAYPOOL, [redacted]
MAX A. CLAYTON, JR. [redacted]
THOMAS R. CLAYTON [redacted]
KAREN A. CLEARY, [redacted]
*ROBERT M. CLEARY [redacted]
CHEVALIER P. CLEAVES [redacted]
DANIEL P. CLEPPER [redacted]
MARK L. CLIFFORD [redacted]
JOHN D. CLINE [redacted]
KENNETH L. CLINE, [redacted]
MICHAEL W. CLOSE, [redacted]
ALAN J. CLOSSON [redacted]
PATRICIA R. CLOUD [redacted]
FREDERICK A. CLUTZ [redacted]
DAVID W. COCHRAN, [redacted]
STEVEN A. COFFIN [redacted]
*JOHN T. COFFINDAFFER [redacted]
BRYAN J. COFFMAN, [redacted]
KEVIN J. COLE [redacted]
THOMAS M. COLE, [redacted]
ROBERT A. COLELLA [redacted]
RONALD A. COLEMAN, [redacted]
STANLEY J. COLGATE [redacted]
CYNTHIA B. COLIN, [redacted]
JOHN C. COLOMBO, [redacted]
JOSE E. COLON [redacted]
DALE K. COLTER [redacted]
RONALD C. COMEAU, [redacted]
*JAMES L. COMFORT [redacted]
DONALD J. COMI [redacted]
PAUL M. COMMEAU, [redacted]
THOMAS W. CONNELLY, [redacted]
MICHAEL P. CONNOLLY, [redacted]
WILLIAM D. CONNORS [redacted]
WILFRED B. CONSOL [redacted]
GERALD L. CONSTABLE [redacted]
THOMAS P. CONSTANT [redacted]
DAVID R. CONTRERAS [redacted]
CREIGHTON W. COOK, JR. [redacted]
JAMES L. COOK [redacted]
WILLIAM S. COOKE [redacted]
MICHAEL A. COOMBES, [redacted]
CHRISTOPHER M. COOMBS, [redacted]
DAVID B. COOMER, [redacted]
MARCUS F. COOPER III, [redacted]
MARK A. COOTER, [redacted]
SHAUN P. COPELIN [redacted]
CRAIG R. COREY, [redacted]
CHARLES P. CORLEY [redacted]

DONALD M. CORLEY, [redacted]
*LOUIS J. CORNAY, JR. [redacted]
RICKY J. CORNELIO [redacted]
TIMOTHY R. CORNELL [redacted]
LUIS A. CORTES [redacted]
JAY A. COSSENTINE, [redacted]
WILLIAM J. COSTLOW [redacted]
JOHN A. COTE, [redacted]
DANIEL D. COTTON, [redacted]
CHRISTOPHER D. COTTS, [redacted]
JAMES D. COUCH, [redacted]
JOHN P. COULTER [redacted]
*PETER J. COURTNEY, [redacted]
BARRY J. COUSLER [redacted]
BRIAN D. COX, [redacted]
CHARLES D. COX, [redacted]
GARY L. COX, [redacted]
SAMUEL E. COX, [redacted]
*DOUGLAS M. CRABB, [redacted]
MICHAEL K. CRAMER, [redacted]
ROBERT J. CRAVEN, [redacted]
ROBERT A. CREEDON [redacted]
RODERICK L. CREGIER [redacted]
STEVEN E. CREWS [redacted]
MICHAEL J. CRISON, [redacted]
*CARL E. CROFT, [redacted]
KENNETH A. CROSBY, [redacted]
CLINTON E. CROSIER [redacted]
SEAN M. CROTTY, [redacted]
GEORGE R. CROUSE [redacted]
JOHN S. CROWN, [redacted]
RAYMOND E. CROWNHART, [redacted]
YELLIXA Z. CRUZ, [redacted]
THOMAS B. CUCCHI, [redacted]
*JANENE V. CULLEN [redacted]
ROBERT L. CUMMINGS, JR. [redacted]
ANN CUNNINGHAM, [redacted]
HAROLD J. CUNINGHAM, JR. [redacted]
*JOHN C. CUNNINGHAM, [redacted]
KYLE P. CUNNINGHAM, [redacted]
THOMAS F. CURRAN, JR. [redacted]
TOM P. CURRIE, JR. [redacted]
ANDRE K. CURRY, [redacted]
DANNY R. CURTIS [redacted]
ROBERT L. CURTIS [redacted]
JAMES R. CVANCARA [redacted]
MARGARET J. CZAPIEWSKI [redacted]
THERESA A. DALY, [redacted]
*JAMES C. DAMOUR, [redacted]
ASBURY J. DANIEL [redacted]
ALVIN E. DANIELS, [redacted]
*DARREN R. DANIELS, [redacted]
ROBERT G. DANTONIO, [redacted]
JOHN L. DARGAN, [redacted]
BERNARD P. DAVEY [redacted]
STEPHEN R. DAVIDSON [redacted]
ALAN D. DAVIS, [redacted]
DARRELL E. DAVIS [redacted]
SCOTT J. DAVIS [redacted]
WESLEY C. DAVIS [redacted]
GEORGE E. DAY, JR., [redacted]
THOMAS H. DEALE, [redacted]
CRYSTAL Y. DEAS [redacted]
VINCENT G. DEBONO, JR. [redacted]
ANTHONY K. DECKARD, [redacted]
LYLE K. DECKER, [redacted]
BUDDY E. DEES, JR. [redacted]
PATRICIA W.J. DEES [redacted]
THEODORE T. DEGUZMAN, [redacted]
DOUGLAS W. DEHART, [redacted]
JEFFERY K. DEITERS [redacted]
WILLIAM P. DELANEY, [redacted]
CORDELL A. DELAPENA, JR. [redacted]
JOSEPH M. DELGRANDE [redacted]
SEBASTIANO DELISO [redacted]
DEVIN J. DELLAROSE [redacted]
HUGH C. DELONG, [redacted]
MARK E. DELUCA [redacted]
RICHARD C. DEMARS, [redacted]
STEPHEN R. DEMERS [redacted]
DANIEL L. DEMOTT [redacted]
MICHAEL H. DEMOULLY, [redacted]
ROBERT H. DEMPSEY II [redacted]
STEPHEN T. DENKER, [redacted]
SCOTT L. DENNIS [redacted]
LEE K. DEPALO [redacted]
WILLIAM J. DEROUCHEY [redacted]
DONALD T.R. DERRY [redacted]
BRUCE T. DESAUTELS [redacted]
CHRISTOPHER A. DESIMONE [redacted]
SAMUEL F. DETRICK [redacted]
MARK W. DEVANE, [redacted]
DAVID S. DEVOL [redacted]
JOHN A. DEWITT II [redacted]
JOSEPH E. DIANA [redacted]
MICHAEL R. DICKEY, [redacted]
PAMELA D. DICKEY [redacted]
*MARC DICOCCO, [redacted]
CHARLES J. DIERKES, JR. [redacted]
*STEPHEN A. DIFONZO [redacted]
DANIEL J. DILWORTH [redacted]
DAVID J. DINTAMAN, [redacted]
GREGORY E. DITZLER [redacted]
JERRY B. DOBBINS, [redacted]
LAURENCE A. DOBROT, [redacted]
JOHN D. DOHERTY [redacted]
JOHN J. DOHERTY [redacted]
KRISTEN J. DOLAN [redacted]
DAVID A. DOLLISON, [redacted]
RAMONA L. DOLSON, [redacted]
ROBERT A. DOMINGUEZ, [redacted]
CHRISTINE M. DON [redacted]

THOMAS J. DONALDS [redacted]
EDWIN F. DONALDSON III [redacted]
STEVEN G. DONATUCCI [redacted]
DAVID L. DONLEY, JR. [redacted]
BRIAN P. DONNELLY [redacted]
BARBARA H. DONOVAN, [redacted]
STEVE DONOVAN [redacted]
ROBERT C. DOOLEY [redacted]
RODERICK E. DORSEY, JR. [redacted]
MARK E. DOTSON [redacted]
RAE ANNE DOTTER [redacted]
ETHEL P. DOTTS [redacted]
DEBRA J. DOUCETTE [redacted]
BRIAN K. DOUGHERTY [redacted]
JOSEPH T. DOUGHERTY [redacted]
DWAYNE E. DOVER [redacted]
MARIA J. DOWLING [redacted]
JACK R. DOWNEY [redacted]
STEVEN R. DRAGO [redacted]
BEVERLY J. DRAKE [redacted]
JEFFREY M. DRAKE [redacted]
JERRY A. DUBOSE [redacted]
STEVEN A. DUBRON [redacted]
COURTNEY ANNE DUCHARME [redacted]
RICHARD L. DUCKWORTH [redacted]
*ALFRED U. DUENAS [redacted]
RALPH W. DUESTERHOEFT [redacted]
VALENTINE J. DUGIE [redacted]
ROBERT J. DUKAT [redacted]
ANTHONY D. DUNBAR [redacted]
ARTHUR N. DUNN [redacted]
BRIAN C. DUNN [redacted]
CHARLES A. DUNN II [redacted]
ELIZABETH C. DUNN [redacted]
SCOTT L. DUNN [redacted]
TROY R. DUNN, [redacted]
CLIFFORD R. DUNNING, JR. [redacted]
JOHN H. DYCK [redacted]
STEVEN C. DYE [redacted]
*RAYMOND R. DYESS [redacted]
CRAIG S. DYSON [redacted]
DAVID J. DZARAN [redacted]
GARY J. DZUBILO [redacted]
CHARLES W. EASTMAN [redacted]
*CHRIS A. EATON [redacted]
KATHLEEN N. ECHIVERRI [redacted]
MICHAEL K. EDGAR [redacted]
TROY A. EDGELL [redacted]
DONALD R. EDSALL, JR. [redacted]
JON D. EDWARDS, [redacted]
KEITH A. EDWARDS [redacted]
KENNETH A. EDWARDS [redacted]
MARTIN L. EDWARDS [redacted]
ROBERT P. EGAN [redacted]
STEPHEN J. EICHENBRENNER [redacted]
DANIEL L. EICKMEIER [redacted]
DARREN J. ELDRIDGE [redacted]
MARK A. ELGERT [redacted]
STEPHEN M. ELLIOTT [redacted]
CURTIS D. ELLIS [redacted]
DAVID F. ELLIS [redacted]
LAURENCE E. ELLIS [redacted]
PETER S.H. ELLIS [redacted]
JAMES H. ELLS [redacted]
DANIEL J. ELMORE [redacted]
LEON E. ELSARELLI [redacted]
WILLIAM J. EMERSON [redacted]
GEORGE A. EMILIO [redacted]
CHRISTOPHER T. EMMERT [redacted]
WILLIAM L. ENGELSON, JR. [redacted]
ARNEL B. ENRIQUEZ [redacted]
BRUCE A. ENSOR [redacted]
SCOTT B. ERICKSON [redacted]
LOYE M. ESCHENBURG [redacted]
GRETA M. ESPEAIGNNETTE [redacted]
ROBERT F. ESPEJO [redacted]
MICHAEL J. ESTES [redacted]
DANIEL S. EUCKER [redacted]
MICHAEL E. EVANS [redacted]
MYRA L. EVANSMANYWEATHER [redacted]
JULIE BURNS EVERSOLE [redacted]
ROYCE E. EVES [redacted]
MARK S. EWART [redacted]
JAMES A. FABER [redacted]
KAROLEN KAY FAHRNI [redacted]
ELLIOT T. FAIR III [redacted]
JAMES E. FAIRCHILD [redacted]
MARK R. FAIRCHILD [redacted]
MARK B. FALKE [redacted]
JON D. FANNING [redacted]
HAROLD H. FANSLER [redacted]
JEFFREY L. FANTO [redacted]
LOREN L. FAULKNHAM [redacted]
FRANCIS J. FAUPEL [redacted]
DAVID C. FEDORS [redacted]
MARK L. FEINGOLD, [redacted]
CHRISTOPHER B. FELT [redacted]
ROLAND D. FENTON, JR. [redacted]
GLENN A. FERGUSON [redacted]
TIMOTHY G. FERNER [redacted]
SYLVIA E.D. FERRY [redacted]
THOMAS W. FESSENDEN [redacted]
EDWARD A. FIENGA [redacted]
SUZANNE FILION [redacted]
TIMOTHY J. FINNEGAN [redacted]
GREG A. FINNEY [redacted]
*EDWARD E. FIRNBERG [redacted]
MARK E. FISCHER [redacted]
RAYMOND C. FISCHER [redacted]
SCOTT A. FISCHER [redacted]
RICHARD N. FISH [redacted]
JOHN E. FISHER [redacted]
ANNE F. FITCH [redacted]
THOMAS A. FITCH [redacted]
*JAY S. FITZGERALD [redacted]
*MICHAEL J. FLERI [redacted]
JEFFREY D. FLETCHER [redacted]
KELLY E. FLETCHER [redacted]
GARY D. FLINCHBAUGH, [redacted]
PHILIP J. FLUHR [redacted]
*CHARLES P. FLYNN [redacted]
DOUGLAS J. FOGLE [redacted]
JAMES C. FOGLE [redacted]
ROGER B. FOGLEMAN [redacted]
JAMES A. FOLEY [redacted]
JAMES M. FOLEY [redacted]
SAMMY J. FONG [redacted]
DONALD B. FORRER [redacted]
RICHARD A. FORSTER [redacted]
MICHAEL E. FORTNEY [redacted]
JOHN D. FORZATO [redacted]
DAVID I. FOSTER [redacted]
MICHAEL W. FOSTER [redacted]
MORRIS K. FOSTER [redacted]
KEVIN L. FOX [redacted]
SEAN M. FOX [redacted]
ALFIO F. FRAGALA [redacted]
WILLIAM W. FRANCIS [redacted]
GABRIEL S. FRANCO [redacted]
*CARMEN V. FRAZIER [redacted]
KRISTIN M. FRAZIER [redacted]
ANTHONY R. FREDERICK [redacted]
TERI L. FREDERICK [redacted]
DAVID EUGENE FREEMAN [redacted]
LAWRENCE W. FRIEND, [redacted]
GREGORY T. FRIGAULT [redacted]
KEVIN R. FRISBIE [redacted]
MICHAEL L. FRY [redacted]
DAVID B. FRYE [redacted]
ALGENE FRYER [redacted]
CHRISTIAN G. FUNK [redacted]
*ROLLAND J.GAGNON [redacted]
*MICHAEL J. GAINES [redacted]
STEPHEN O. GAINES II [redacted]
JAMES C. GAINEY, JR. [redacted]
TIMOTHY J. GAITHER [redacted]
SHERRI S. GALANTE [redacted]
LELLO GALASSI [redacted]
ROBERT J. GALBERG [redacted]
PHILLIP GALES [redacted]
BRYAN J. GALLAGHER [redacted]
FRANK P. GALLAGHER [redacted]
ROBERT G. GALLASCH [redacted]
KURT J. GALLEGOS [redacted]
TODD A. GANGER, [redacted]
JEFFREY S. GARDNER [redacted]
*JOHN W. GARDNER [redacted]
*LESTER L. GARDNER, JR. [redacted]
KYLE E. GARLAND [redacted]
MARK E. GARNER, [redacted]
*LESLIE A. GARRETT [redacted]
MICHAEL K. GARRITY [redacted]
TODD A. GASWICK, [redacted]
*JUAN A. GAUD, [redacted]
*ROGER T. GAUERT [redacted]
GARY L. GAUTREAU [redacted]
INGE GEDO [redacted]
MARK E. GEHRS [redacted]
RICHARD A. GENTSCH [redacted]
RICHARD B. GERTZ [redacted]
JEFFREY I. GETTLE [redacted]
JAMES F. GEURTS [redacted]
RANDALL W. GIBB [redacted]
ORLANDO G. GIBBONS [redacted]
BRUCE A. GIBSON [redacted]
JOHN A. GIBSON IV [redacted]
ROBERT L. GIDDINGS [redacted]
BRUCE E. GIESIGE [redacted]
BILLY J. GILILLAND [redacted]
MARY K. GILLMAN [redacted]
JOHN E. GILMOUR [redacted]
MARTIN T. GIMBUS [redacted]
RICHARD T. GINDHART, JR. [redacted]
JEFFREY L. GINGRAS [redacted]
DOUGLAS S. GLEISNER [redacted]
JOHN R. GLOCK, [redacted]
THOMAS W. GOFFUS [redacted]
JOHN F. GOGAN, JR. [redacted]
DERRILL T. GOLDIZEN [redacted]
KATHLEEN M. GOMRICK [redacted]
RICHARD A. GONZALUDO [redacted]
MARK W. GOOCH, [redacted]
JUSTINE N. GOOD [redacted]
DAVID M. GOODE III [redacted]
CARL C. GOODISON [redacted]
WAYNE A. GOODLIN, [redacted]
*GAYLE L. GOODMAN [redacted]
MICHAEL S. GOODWIN, [redacted]
REID M. GOODWYN, [redacted]
*MARC W. GOOLD, [redacted]
TIMOTHY D. GOOLEY [redacted]
JOSEPH E. GOOTEE [redacted]
DEAN C. GORDON, JR. [redacted]
ERIC L. GORDON, [redacted]
JOSEPH C. GORNEY [redacted]
JEFFREY R. GOSE [redacted]
MICHAEL A. GOYETTE [redacted]
*WILLIAM J. GRABOWSKI [redacted]
*VAUGHN K. GRACE, [redacted]
RODNEY L. GRADY [redacted]
BARRY S. GRAHAM [redacted]
JOHN K. GRAHAM, [redacted]
*CARL S. GRAMLICK [redacted]
JAMES F. GRANT, JR. [redacted]
STANLEY E. GRANT [redacted]
MARTIN E. GRANUM [redacted]
JOSEPH J. GRAVANTE, JR. [redacted]
LAWRENCE C. GRAY II [redacted]
RUTH E. GRAYSON [redacted]
DEREK P. GREEN [redacted]
*GARRY M. GREEN [redacted]
JAMES R. GREEN [redacted]
ROBERT T. GREEN [redacted]
TIMOTHY S. GREEN [redacted]
SCOTT B. GREENE [redacted]
JAMES L. GREGOIRE [redacted]
STEVEN K. GREGORCYK [redacted]
PETER W. GRETSCH [redacted]
CYNTHIA J. GREY [redacted]
*JOSEPH N. GRIFFIN [redacted]
*ROBERT G. GRIFFIN [redacted]
PAUL A. GRIFFITH, JR. [redacted]
DAVID J. GRIMWOOD, [redacted]
MATTHEW P. GROOVER [redacted]
*DAVID E. GROSS [redacted]
MICHAEL L. GROSS [redacted]
MAURICE G. GROSSO [redacted]
MATTHEW J. GROUX [redacted]
KEVIN S. GROVE [redacted]
MATTHEW D. GRUNER [redacted]
ALLEN B. GRUNIN, [redacted]
STEVEN M. GRUPENHAGEN [redacted]
DAVID A GUIDER, [redacted]
BRET S. GUINN [redacted]
THOMAS A. GUINN, [redacted]
JAMES C. GUNN [redacted]
ERIC G. GUNZELMAN [redacted]
MICHAEL E. GUY [redacted]
CALVIN L. GUYER, JR. [redacted]
JAMES GUZZWELL [redacted]
RYAN K. HAALAND, [redacted]
RENEE M. HAAS [redacted]
RICHARD S. HAAS [redacted]
DOUGLAS A. HABERMAN [redacted]
ROBERT D. HACKETT III [redacted]
JEFFREY L. HACKMAN [redacted]
WADE E. HADER, [redacted]
LANCE C. HAFELI [redacted]
JOHN W. HAGEN, [redacted]
DANIEL E. HAGMAIER [redacted]
DAVID G. HAGSTROM, [redacted]
TAMMY M. HAIGHT, [redacted]
MICHAEL F. HAKE [redacted]
CRAIG W. HALL, [redacted]
DONALD S. HALL [redacted]
JAMES R. HALL [redacted]
KURT D. HALL [redacted]
JOHN K. HALLISEY [redacted]
MARK C. HALLISEY [redacted]
JAMES R. HAM [redacted]
*MICHAEL J. HAMILL [redacted]
JAMES E. HAMMETT, JR. [redacted]
JOHN L. HAMPTON [redacted]
STANLEY R. HANCOCK [redacted]
RICHARD A. HAND, [redacted]
GARY R. HANDLEY [redacted]
WILLIAM S. HANDY [redacted]
RONALD B. HANKES [redacted]
PETER D. HANLON [redacted]
*GREGORY M. HANNON [redacted]
*GARY R. HANSON, [redacted]
DEBORAH D. HARDEN [redacted]
CHARLENE J. HARDING [redacted]
PAUL R. HARDY [redacted]
CHARLES M. HARMON, [redacted]
STEVEN M. HARMON [redacted]
DANE E. HARREL [redacted]
JEFFREY L. HARRIGIAN [redacted]
CHRISTOPHER A. HARRINGTON [redacted]
*JERRY S.G. HARRINGTON [redacted]
DAVID A. HARRIS [redacted]
KEITH D. HARRIS [redacted]
KEVIN T. HARRIS [redacted]
MARK L. HARRIS [redacted]
HARRY M. HARRISON [redacted]
KEVEN E. HARSHBARGER [redacted]
JAMES T. HART, JR. [redacted]
MARK E. HARTER [redacted]
QUINTIN H. HARTT, JR. [redacted]
JAMES F. HARVELL [redacted]
ANTON J. HARYLUCK [redacted]
VERNON E. HASENSTEIN, JR. [redacted]
*JOSEPH M. HASTINGS [redacted]
STEPHEN C. HATLEY [redacted]
JOHN F. HAUG [redacted]
ROBERT D. HAUGHIAN [redacted]
JEFFREY A. HAUSMANN [redacted]
*DAVID P. HAWKINS [redacted]
MARK J. HAWLEY [redacted]
KENNETH K. HAYASHI [redacted]
JAMES C. HAYDEN [redacted]
DJESSE D. HAYES IV [redacted]
MONIA L. HAYES [redacted]
TERRY E. HAYES [redacted]
JEFFREY E. HAYMOND [redacted]
MICHAEL T. HEALY [redacted]
FRANKLIN P. HEATH, JR. [redacted]
JOHN P. HEBERT, JR. [redacted]
RICHARD L. HEDGPETH [redacted]
VICTOR L. HEDGPETH [redacted]
DANIEL J. HEETER [redacted]
BRIAN K. HEFLIN [redacted]
STEPHEN L. HEFLIN [redacted]
FRANK R. HEINSOHN [redacted]
DONNA C. HEINZ, [redacted]
JOSEPH S. HEIRIGS [redacted]

KURT C. HELD [redacted]
HEIDI L. HELLAUER [redacted]
GARLAND S. HENDERSON [redacted]
GORDON B. HENDRICKSON [redacted]
GORDON T. HENGST [redacted]
MICHAEL D. HENNESSY [redacted]
JOHN M. HENNIGAN [redacted]
STEPHEN E. HENNING [redacted]
CURTIS E. HENRY [redacted]
STEVEN L. HENRY [redacted]
CHRISTOPH L. HERD [redacted]
RICHARD I. HERMANSEN [redacted]
HAROLD T. HERNDON, JR. [redacted]
MICHAEL D. HERNDON [redacted]
CHRISTOPHER K. HERRMANN [redacted]
JAMES W. HERRMANN [redacted]
CLIFTON G. HERTEL [redacted]
CHARLES F. HERTENSTEIN II [redacted]
KENNETH P. HESSION [redacted]
GORDON S. HETHERINGTON [redacted]
DAVID A. HICKEY [redacted]
MEREDITH K. HICKMAN [redacted]
WILLIAM S. HICKMAN [redacted]
DANIEL K. HICKS [redacted]
JOHN M. HICKS [redacted]
KERRY D. HICKS [redacted]
IRVING T. HIGA [redacted]
TRACY A. HIGGINS [redacted]
JOHN F. HILBING [redacted]
WILLIAM M. HILBUN [redacted]
MICHAEL S. HILER [redacted]
KENNETH E. HILL, JR. [redacted]
JAMES B. HILLER [redacted]
HAROLD D. HINCKS [redacted]
LAWRENCE W. HINKIN [redacted]
COAWETTA D. HINNANT [redacted]
JAMES A. HIRD [redacted]
YVETTE P. HIRD [redacted]
KENNETH R. HIRLINGER, JR. [redacted]
PETER A. HIRNEISE [redacted]
BENJAMIN P. HOBDAY [redacted]
MARK A. HOBSON [redacted]
DORIAN A. HODGE [redacted]
*GENE L. HODGE [redacted]
WILLIAM R. HODGKISS [redacted]
GREG J. HOFFMAN [redacted]
BONNIE L. HOFFMAN [redacted]
SUSAN M. HOGG [redacted]
JEFFREY A. HOLBROOK [redacted]
RICHARD L. HOLBROOK [redacted]
NORMAN D. HOLCOMB, JR. [redacted]
CHARLES H. HOLDEN, JR. [redacted]
RODNEY L. HOLDER [redacted]
DOROTHY C. HOLMES [redacted]
DANIEL W. HOLT [redacted]
TY D. HOLT [redacted]
CHRISTIAN D. HONKANEN [redacted]
NEAL L. HOOKS [redacted]
GUY R. HOOPER [redacted]
LYSA P. HOPSON [redacted]
MARK D. HORN [redacted]
MICHAEL H. HORN [redacted]
JOHN P. HORNER [redacted]
PAUL R. HORST, JR. [redacted]
KIRK G. HORTON [redacted]
*TIMUR J. HOUSUM [redacted]
MICHAEL R. HOWARD [redacted]
RUSSELL C. HOWARD [redacted]
TYRONE B. HOWARD [redacted]
ROBERT H. HRABE [redacted]
BRENT R. HRNCIR [redacted]
PAMELA DEE HRNCIR [redacted]
DANIEL HROVAT [redacted]
LLOYD F. HUBBARD [redacted]
*PATRICK M. HUBER [redacted]
ROBERT B. HUBER [redacted]
THOMAS J. HUDD [redacted]
SAMUEL HUDSPATH [redacted]
TERRY R. HUFF [redacted]
BRYON K. HUFFMAN [redacted]
JONATHAN L. HUGGINS [redacted]
SAMUEL C. HUGGINS [redacted]
MONTGOMERY C. HUGHSON [redacted]
DONALD L. HUGULEY, JR. [redacted]
DALE R. HUHMANN [redacted]
THOMAS D. HUIZENGA [redacted]
WHITNEY J. HULETT [redacted]
DAVID A. HUNT [redacted]
BRIAN E. HUNT [redacted]
ROBERT J. HUNT, JR. [redacted]
LARRY D. HUNTER [redacted]
MARK W. HUNTER [redacted]
THOMAS K. HUNTER, JR. [redacted]
RICHARD D. HURLEY [redacted]
JOHN W. HURSEY [redacted]
MARK L. HUSON [redacted]
STEPHEN L. HUTCHENS [redacted]
DIRK M. HUTCHISON [redacted]
TIMOTHY D. HUTCHISON [redacted]
RICHARD T. HYLAND [redacted]
RANDAL W. ICE [redacted]
PHILLIP J. IDLE [redacted]
THOMAS C. IMBURGIO [redacted]
BRET L. INDERMILL [redacted]
GERARDO INUMERABLE, JR. [redacted]
THOMAS H. IRISH [redacted]
PAUL E. IRWIN, JR. [redacted]
WILLIAM P. ISLER, JR. [redacted]
ALAN R. ISROW [redacted]
WILLIAM P. IULIANO [redacted]
DALE A. JACKMAN [redacted]
JEFFREY A. JACKSON [redacted]
ROBERT W. JACKSON, JR. [redacted]
TED A. JACKSON [redacted]
RAYMOND K. JACOBS [redacted]
GLENN P. JAGGER [redacted]
ALLEN J. JAMERSON [redacted]
BRETT L. JAMES [redacted]
JESSE L. JAMES [redacted]
TERRY C. JAMES [redacted]
GARY E. JANDZINSKI [redacted]
STACEY L. JANSEN [redacted]
RICHARD S. JARVIS [redacted]
VINCENT B. JEFFERSON [redacted]
BENJAMIN W. JENKINS [redacted]
*JIMMY R. JENKINS, JR. [redacted]
*GILBERT W. JENNINGS [redacted]
JAY R. JENNINGS [redacted]
ROGER W. JERNEY [redacted]
CARL V. JERRETT [redacted]
CHARLES T. JERVEY [redacted]
DANIEL R. JODER [redacted]
VINCENT J. JODOIN [redacted]
BRUCE G. JOHNSON [redacted]
CHARLES D. JOHNSON [redacted]
*CLAUDE S. JOHNSON [redacted]
DAVID C. JOHNSON [redacted]
DONALD B. JOHNSON [redacted]
JAMES E. JOHNSON [redacted]
JAMES L. JOHNSON [redacted]
JAMES R. JOHNSON [redacted]
JEFFREY B. JOHNSON [redacted]
ROBERT L. JOHNSON [redacted]
ROBERT N. JOHNSON, JR. [redacted]
SAMUEL C. JOHNSON [redacted]
STEPHANIE K. JOHNSON [redacted]
STEPHEN S. JOHNSON [redacted]
STEVEN C. JOHNSON [redacted]
STUART P. JOHNSON II [redacted]
TERRY L. JOHNSON [redacted]
ANGELA V. JOHNSONHUGHES [redacted]
BRENT A. JOLLY [redacted]
BRUCE W. JONES [redacted]
CHARLES E. JONES, JR. [redacted]
DIMITRI K. JONES [redacted]
DONALD R. JONES [redacted]
GLENDA D. JONES [redacted]
*GUY N. JONES, JR. [redacted]
HOWARD G. JONES III [redacted]
*JEFFREY D. JONES [redacted]
RAYMOND JONES [redacted]
RICHARD D. JONES [redacted]
ROBERT L. JONES [redacted]
WESTON W. JONES [redacted]
LAURIE A. JORDAN [redacted]
LEWIS E. JORDAN, JR. [redacted]
MICHAEL J. JORDAN [redacted]
TERRY L. JORDAN [redacted]
ERIK C. JORGENSEN [redacted]
JOSHUA JOSE [redacted]
CAROLINE D. JOYCE [redacted]
DOUGLAS W. JUBACK [redacted]
HOWARD C. JUDD [redacted]
WARD F. JUEDEMAN [redacted]
CHARLES R. JUNG [redacted]
JEFFREY D. JUNGEMANN [redacted]
CHERYL ANN JUNKER [redacted]
JOEL B. JUNKER [redacted]
MARK E. JUNTUNEN [redacted]
THOMAS C. JUNYSZEK [redacted]
JUDSON J. JUSELL [redacted]
RANDEE B. KAISER [redacted]
JOHN F. KANE [redacted]
JOHN J. KAPLAN [redacted]
HANS R. KASPAR [redacted]
CHARLES V. KASTENHOLZ [redacted]
WILLIAM R. KAVCHAK [redacted]
MICHAEL D. KEATON [redacted]
HAROLD W. KECK, JR. [redacted]
RANDY A. KEE [redacted]
TERRY L. KEE [redacted]
RICKY L. KEELING [redacted]
EDWARD N. KEEN [redacted]
ROBERT L. KEHR [redacted]
MICHAEL H. KEIFER [redacted]
CHAN W. KEITH [redacted]
KEITH R. KELLER [redacted]
DAVID H. KELLEY [redacted]
JEFFREY S. KELLEY [redacted]
MICHAEL R. KELLEY [redacted]
WILLIAM E. KELLEY [redacted]
JAMES M. KELLY [redacted]
*PATRICK M. KELLY [redacted]
RICHARD W. KELLY [redacted]
STEVEN A. KELLY [redacted]
MARSHALL K. KENDRICK [redacted]
KEITH E. KENNEDY [redacted]
DAVID A. KENSINGER [redacted]
ELIZABETH BROWN KERR [redacted]
DAVID A. KERSEY [redacted]
RANDALL T. KERSEY [redacted]
GREGORY L. KESLER [redacted]
RICHARD B. KEYES [redacted]
TARIQ M. KHAN [redacted]
BRENDA M. KHOURY [redacted]
KELLEY S. KIERNAN [redacted]
DAVID A. KILCHER [redacted]
KEVIN L. KILPATRICK [redacted]
WALTER J. KIM [redacted]
HARRY R. KIMBERLY III [redacted]
DONALD FRANCIS KIMMINAU [redacted]
GREGORY R. KINCAID [redacted]
CRAIG K. KING [redacted]
DALE G. KING [redacted]
KEVIN B. KING [redacted]
RALPH F. KING III [redacted]
GALEN P. KIRCHMEIER [redacted]
DONALD E. KIRKHAM, JR. [redacted]
MARK L. KISER [redacted]
SCOTT ALAN KISER [redacted]
DAVID R. KISNER [redacted]
THOMAS A. KLAWITER [redacted]
JEFFERY T. KLAY [redacted]
*BART D. KLEIN [redacted]
KENNETH B. KLEINLEIN [redacted]
ANDREW T. KLEMAS [redacted]
*CARL L. KLINE [redacted]
JERRY G. KLINE [redacted]
KRIS D. KLUGE [redacted]
SANDRA L. KNAUER [redacted]
*WILLIAM K. KNEBEL [redacted]
JOSEPH K. KNEBL [redacted]
BRYAN K. KNIGHT [redacted]
TRACY D. KNIGHTS [redacted]
CLARK J. KNUDSEN [redacted]
LAURA J. KOCH [redacted]
DONALD J. KOCHANSKI [redacted]
MARY M.L. KODAMA [redacted]
DONALD A. KOEHLER [redacted]
*STEVEN S. KOEHLER [redacted]
FREDERICK M. KOENNECKE [redacted]
GUS A. KOHNTOPP [redacted]
JOHN M. KOK [redacted]
JOHN T. KONOPKA [redacted]
RICKY M. KOON [redacted]
STEPHEN W. KORNS [redacted]
DAVID J. KORTYNA [redacted]
KEITH J. KOSAN [redacted]
EDWARD J. KOSLOW [redacted]
DAVID J. KOSSLER [redacted]
EDWARD A. KOSTELNIK, JR. [redacted]
MARILYN H. KOTT [redacted]
STEPHEN R. KOWALSKI [redacted]
*EDWARD C. KRAFT, III [redacted]
SCOTT L. KRAMER [redacted]
PAUL E. KRAUSE [redacted]
KEVIN L. KREBS [redacted]
SANDY J. KRIGEL [redacted]
DAVID E. KRINER [redacted]
*KARL D. KRONBERGS [redacted]
ROBERT D. KROPER [redacted]
*MICHAEL V. KRUEGER [redacted]
*JOHN KRUZINAUSKAS, JR. [redacted]
ROBERT W. KUHN, JR. [redacted]
EDWARD J. KULAS, JR. [redacted]
DAVID R. KUNSELMAN [redacted]
CARL A. KUTSCHE [redacted]
DAVID W. KYGER [redacted]
JAMES D. LABOMBARD [redacted]
STUART L. LABOVITZ [redacted]
FRANKLIN D. LADSON [redacted]
JOHN S. LAING [redacted]
LARRY LAIRD [redacted]
ALAN T. LAKE [redacted]
MICHAEL E. LALLY [redacted]
CRAIG R. LAMB [redacted]
STEVEN K. LAMBERT [redacted]
JEFFREY J. LAMERS [redacted]
DAVID G. LANDFAIR [redacted]
CAROL L. LANE [redacted]
PAULA M. LANE [redacted]
RICHARD A. LANE [redacted]
CHARLES R. LANGLAIS [redacted]
BART W. LANGLAND [redacted]
MARK M. LANKFORD [redacted]
RICHARD E. LANNING [redacted]
FRANCIS J. LAPIERRE, JR. [redacted]
LOUIS E. LAPORTE [redacted]
GARY W. LARBERG [redacted]
DALE B. LARKIN [redacted]
SCOTT C. LARRIMORE [redacted]
DONALD M. LARSON [redacted]
RICHARD A. LARSON [redacted]
*JAMES R. LASCHE [redacted]
JOHN A. LASLEY [redacted]
J. EDWARD LASSELLE, JR. [redacted]
KELLY J. LATIMER [redacted]
SHARON MARY LATOUR [redacted]
JIMMY J.S. LAU [redacted]
EDWARD J. LAVALLEE [redacted]
STEVEN A. LAVELL [redacted]
ALAN J. LAVERSON [redacted]
PHILIP J. LAWLOR [redacted]
MARGARET Z. LAWSON [redacted]
STUART P. LAY [redacted]
ANN K. LEE [redacted]
ARNOLD E.M. LEE [redacted]
EDWARD J. LEE [redacted]
EUGENE K. LEE II [redacted]
JILL H. LEE [redacted]
KEVIN A. LEE [redacted]
KEVIN L. LEE [redacted]
ANGELES LEENEY [redacted]
SUSAN G. LEGATOWICZ [redacted]
DAVID A. LEGGE [redacted]
TIMOTHY A. LEHMANN [redacted]
CEDRIC E. LEIGHTON [redacted]
JOSEPH L. LENERTZ [redacted]
BABETTE M. LENFANT [redacted]
GREGORY J. LENGYEL [redacted]
PETER M. LENIO [redacted]
STEVEN G. LEONARD [redacted]
ANTHONY D. LEPPELLERE [redacted]
WILLIAM P. LESLIE [redacted]
ANDREW R. LESNICK [redacted]
LEE K. LEVY II [redacted]

DANIEL P. LEWANDOWSKI [redacted]
RONALD F. LEWANDOWSKI [redacted]
JAMES A. LEWIS III [redacted]
*KENNETH DEAN LEWIS, JR. [redacted]
PERRY A. LEWIS [redacted]
PETER A. LEWIS [redacted]
TIMOTHY H. LEWIS [redacted]
ROBERT A. LEWIT [redacted]
SAMUEL LIBERTO [redacted]
*JEFFREY M. LIDDLE [redacted]
BROOKS R. LIESKE [redacted]
JAMES K. LIGGETT [redacted]
DARWINA M. LIGUORI [redacted]
DENNIS E. LILEIKIS, [redacted]
MARK S. LILLEY [redacted]
EDWARD H. LINCH III [redacted]
MICHAEL L. LINDAUER [redacted]
*SCOTT ALAN LINDEN [redacted]
DALE S. LINDER [redacted]
WILLIAM E. LINDSEY [redacted]
STEPHEN T. LING [redacted]
JOHN LIPINSKI [redacted]
LISA M. LIPSCOMB [redacted]
RICHARD A. LIPSEY [redacted]
DENNIS W. LISHERNESS [redacted]
*MARK J. LITTLE [redacted]
HAROLD C. LLOYD III [redacted]
KATHERINE M. LOCH [redacted]
BRIAN R. LOEHRKE [redacted]
DAVID M. LOFTUS, [redacted]
ANTHONY M. LOGUE [redacted]
*ANTHONY S. LOMBARDO, [redacted]
DALE J. LONG [redacted]
JOHN W. LONG, [redacted]
RANDY R. LONG [redacted]
STEVEN R. LOOTENS [redacted]
IVAN LOPEZ [redacted]
RONALD D. LOTZ [redacted]
PHILIP E. LOUDEN, JR [redacted]
PAUL D. LOVE [redacted]
JAMES E. LOVELL [redacted]
TRACY C. LOVETTE [redacted]
JEFFREY S. LOWDERMILK [redacted]
JOSE M. LOYA, JR. [redacted]
BRETT A. LOYD [redacted]
DOUGLAS E. LUCAS [redacted]
MICHAEL T. LUFT [redacted]
CYNTHIA A. GUERRA LUIS [redacted]
RANDY L. LUKASIK [redacted]
THOMAS P. LUKENIC [redacted]
ENID T. LYNCH [redacted]
KEVIN M. LYNCH [redacted]
JOHN M. LYONS [redacted]
ROBERT L. MACHO [redacted]
NINA D. MACK [redacted]
CRAIG S. MAC LEOD [redacted]
STEPHEN D. MAC LEOD [redacted]
SCOTT A. MAC QUEEN [redacted]
RONALD E. MAC RALL [redacted]
BRIAN J. MAGERS [redacted]
JOSEPH B. MAGUIRE, [redacted]
BLAKE C. MAHAN [redacted]
PAUL M. MAHON [redacted]
EVAN V. MAI [redacted]
*THOMAS O. MAJOR [redacted]
VICTOR J. MAKELA, [redacted]
*MARK P. MAKOWSKI [redacted]
PATRICK C. MALACKOWSKI [redacted]
CHERYL L. MALONE [redacted]
DAVID M. MALONEY [redacted]
DENNIS M. MALONEY [redacted]
VICTOR W. MANGINO [redacted]
KEVIN J. MANION [redacted]
MICHAEL A. MANKUS [redacted]
RAYMOND C. MAPLE [redacted]
STEVE G. MARCH [redacted]
JEFFREY N. MARCOTTE [redacted]
HOWARD K. MARDIS [redacted]
DALE R. MARKS [redacted]
JAMES A. MARKS, JR. [redacted]
RICHARD S. MARKS [redacted]
*TIMOTHY M. MARKS [redacted]
THOMAS G. MARKWARDT [redacted]
ROBERT E. MARMELSTEIN [redacted]
JAMES S. MARR, [redacted]
JAMES R. MARRS [redacted]
RONALD L. MARSELLE [redacted]
PATRICK A. MARSHALL [redacted]
SONDRA K. MARSTON, [redacted]
DAVID L. MARTENS [redacted]
LAWRENCE M. MARTIN, JR. [redacted]
RICHARD L. MARTIN [redacted]
TODD A. MARTIN [redacted]
JOE C. MARTINEZ [redacted]
RICHARD A. MARTINEZ [redacted]
KARL H. MARUSAK [redacted]
RONALD PETER MARX [redacted]
PETER A. MASKE [redacted]
MAUREEN E. MASSEY [redacted]
STEPHEN G. MASTERS [redacted]
MICHAEL J. MASUCCI [redacted]
JOSE A. MATA [redacted]
TODD H. MATHES [redacted]
MITCHELL J. MATHEYS [redacted]
MARK D. MATTISON [redacted]
KEVIN L. MATTOCH [redacted]
ANTHONY C. MATTOX [redacted]
MARY E. MATUSIEWICZ [redacted]
THOMAS P. MAUCHLY [redacted]
GARY A. MAUSOLF [redacted]
ELIZABETH L. MAY [redacted]
ROGER A. MAY [redacted]

*DAVID E. MAYNARD [redacted]
*GILLOUS R. MAYS II [redacted]
LAURELI MAZIK [redacted]
CHRISTOPHER A. MAZUR [redacted]
LISA M. MAZUR [redacted]
*DAVID A. MC CABE [redacted]
JACKIE L. MC CARTHY [redacted]
DOUGLAS A. MC CARTY [redacted]
ROBERT A. MC CAUGHAN [redacted]
*MARK A. MC CLAIN [redacted]
*RICK S. MC CLAIN [redacted]
PATRICK A. MC CLELLAND [redacted]
EDWARD R. MC CLESKEY [redacted]
*DANA R. MC COLLUM [redacted]
JAMES M.M. MC COMAS [redacted]
DAVID C. MC CORMICK [redacted]
JAMES B. MC CORMICK, JR. [redacted]
JAMES A. MC COY [redacted]
KIMBERLEY A. MC CRAE [redacted]
JOAN MC CRAY, [redacted]
SCOTT L. MC CREEDY [redacted]
JAMES D. MC CULLOUGH [redacted]
CHRISTOPHER R. MC DANIEL [redacted]
MICHAEL A. MC DONALD [redacted]
MICHAEL C. MC DONALD [redacted]
KENNETH B. MC DOWELL [redacted]
MICHAEL B. MC ENTIRE [redacted]
ANTHONY W. MC EUEN [redacted]
JEFFREY J. MC GALLAIRD [redacted]
MICHAEL B. MC GEE, JR. [redacted]
MICHAEL L. MC GEE [redacted]
STEVEN E. MC GIBBON [redacted]
PATRICIA I. MC GINNIS [redacted]
MATTHEW M. MC GOVERN [redacted]
EUGENE J. MC GRATH [redacted]
MICHAEL J. MC INERNEY [redacted]
PAUL S. MC INTYRE [redacted]
*KENNETH A. MC KELLAR [redacted]
STEPHEN A. MC KELVEY [redacted]
DUNCAN D. MC KENZIE [redacted]
DONALD C. MC KERCHER [redacted]
CALLIS L. MC LAIN [redacted]
JOSEPH R. MC LAUGHLIN [redacted]
JAMES MC LEAN, JR. [redacted]
MARK M. MC LEOD [redacted]
GEORGE L. MC MULLIN, II [redacted]
*ROBERT D. MC MURRY, JR. [redacted]
LOUIS E. MC NAMARA, JR. [redacted]
JOSEPH W. MC NAMEE [redacted]
KENNETH E. MC NULTY, II [redacted]
ANNE C. MC PHARLIN [redacted]
TIMOTHY E. MC PHARLIN [redacted]
JAMES L. MC REYNOLDS [redacted]
SHARYN N. MC WHORTER [redacted]
DENNIS F. MEADOWS, JR. [redacted]
JAMES R. MECKOLL [redacted]
LINDA R. MEDLER [redacted]
DARREN D. MEDLIN [redacted]
MARCIA R. MEEKSEURE [redacted]
JAMES J. MEERSMAN [redacted]
SCOTT A. MEIER [redacted]
THEODORE E. MEINHOLD [redacted]
BERRAE N. MEIXSELL, JR. [redacted]
LIONEL S. MELLOTT, [redacted]
BRIAN S. MELTON [redacted]
KEVIN D. MENARD [redacted]
CANDIDO T. MENDES [redacted]
SEAN R. MERCADANTE [redacted]
IVAN L. MERRITT [redacted]
JOHN H. MEYER III [redacted]
KIMBERLY A. MEYER [redacted]
JOSEPH F. MICHELL IV [redacted]
VICKI D. MICHETTI [redacted]
WESLEY L. MIDDLETON, [redacted]
BARRY S. MIGYANKO [redacted]
JEFFREY T. MIKESELL [redacted]
GREGORY A. MILLER [redacted]
JAMES R. MILLER [redacted]
JOSEPH C. MILLER [redacted]
*LISA L. MILLER [redacted]
MICHAEL D. MILLER [redacted]
MICHAEL D. MILLER [redacted]
PATRICK J.S. MILLER [redacted]
RICHARD R. MILLER [redacted]
STEVEN L. MILLER [redacted]
*TAD W. MILLER [redacted]
TIMOTHY D. MILLER [redacted]
WALTER T. MILLER III [redacted]
WILLIAM V. MILLER, JR. [redacted]
PRESTON R. MILLIKAN [redacted]
MATTHEW S. MILLS [redacted]
RICHARD C. MILLS [redacted]
TIMOTHY I. MILLS [redacted]
JAMES W. MILROY [redacted]
BARBARA D. MINER [redacted]
CHARLES J. MINER [redacted]
GREGORY R. MINKIEWICZ [redacted]
JEFFREY G. MINTZLAFF [redacted]
ROBERT MIRANDA [redacted]
CHARLES E. MITCHELL [redacted]
M.J. MITCHELL [redacted]
*MICHAEL A. MITCHELL [redacted]
SCOTT E. MITCHELL [redacted]
KENNETH D. MOAK [redacted]
MATTHEW M. MODLESKI [redacted]
KENNON J. MOEN [redacted]
BJORN P. MOENE [redacted]
KATHRYN M. MOENE [redacted]
MARK H. MOL [redacted]
MATTHEW H. MOLLOY [redacted]
CHRISTOPHE P. MONAHAN [redacted]
KEITH L. MONDY [redacted]

DAVID R. MONISMITH [redacted]
MICHAEL J. MONROE, [redacted]
MICHELE S. MONROE [redacted]
KAREN J. MONTANYE, [redacted]
JOHN P. MONTGOMERY [redacted]
KENT R. MONTGOMERY [redacted]
ROBERT E. MONTGOMERY [redacted]
SAM H. MONTGOMERY, JR. [redacted]
MANUEL R. MONTOYA [redacted]
JAY H. MONTROSS [redacted]
*DAVID J. MOORE [redacted]
JAMES W. MOORE [redacted]
KEVIN R. MOORE [redacted]
KEVIN R. MOORE [redacted]
RICKY V. MOORE [redacted]
SCOTT A. MOORE [redacted]
VERNON L. MOORE [redacted]
*WINFRED G. MOORE [redacted]
STEVEN J. MORANI [redacted]
SUSAN N. MORELAND, [redacted]
GEORGE G. MORETTI [redacted]
DAVID W. MORGAN, [redacted]
JAMES A. MORGAN [redacted]
KEITH W. MORGAN [redacted]
MARYDARLENE MORGAN, [redacted]
MATTHEW E. MORGAN [redacted]
MICHAEL B. MORGAN [redacted]
ROBERT K. MORING [redacted]
JOHN C. MORLEY [redacted]
PATRICK D. MORONEY [redacted]
BRETT E. MORRIS [redacted]
CHARLES R. MORRISON [redacted]
*WILLIAM J. MORROW, JR. [redacted]
LLOYD K. MOSEMANN III [redacted]
BARBARA I. MOSSL [redacted]
WILLIAM H.V. MOTT [redacted]
STEPHEN K. MOULTON [redacted]
*MARIO N. MOYA, [redacted]
LONNY G. MOYER [redacted]
ROBERT J. MOYNIHAN [redacted]
ANDRES E. MUKK [redacted]
MICHAEL L. MULDOON [redacted]
KEVIN M. MULVIHILL [redacted]
STEVEN E. MUNDINE [redacted]
KEVEN M. MURNANE [redacted]
ANTHONY R. MURPHY [redacted]
MARK MURPHY, [redacted]
MONTE J. MURPHY [redacted]
CARLLEEN MURRAY, [redacted]
JAMES E. MURRAY [redacted]
MELVIN R. MUSSER [redacted]
JEFFREY L. MUTCHMORE [redacted]
GREGORY J. MYERS [redacted]
GREGORY J. MYERS [redacted]
JOHN E. MYERS [redacted]
STUART L. MYKRANTZ, [redacted]
EDWARD P. NAGLER [redacted]
DAVID A. NAGY, [redacted]
MARK K. NAKANISHI [redacted]
JUAN C. NARVID [redacted]
EARL R. NASON [redacted]
MARK A. NAUMANN [redacted]
JAMES B. NAZAR [redacted]
GUY C. NEDDO, [redacted]
BRIAN K. NELSON [redacted]
CLYDE A. NELSON [redacted]
ERIC T. NELSON, [redacted]
JEFFREY E. NELSON [redacted]
JEFFREY S. NELSON [redacted]
KENNETH L. NELSON [redacted]
PAUL D. NELSON [redacted]
PAUL F. NELSON [redacted]
RANDALL R. NELSON [redacted]
*KURT M. NEUMAN [redacted]
SCOTT A. NEUMANN [redacted]
WILEY R. NEWBY [redacted]
HAROLD I. NEWHOUSE III [redacted]
LOREN G. NEWKIRK, [redacted]
*STEPHEN A. NEWLON [redacted]
MICHAEL J. NEWMAN [redacted]
RANDALL E. NEWMAN [redacted]
DALLAS N. NEWSOME [redacted]
HARRY N. NEWTON [redacted]
HIAWATHA K. NEWTON [redacted]
TIMOTHY J. NEWTON [redacted]
HOANG X. NGUYEN [redacted]
KEITH E. NICKLES [redacted]
CRAIG K. NIIYA, [redacted]
*RICHARD NITZBERG [redacted]
ROBERT J. NORDBERG II [redacted]
ALAN J. NORTHRUP [redacted]
RONALD B. NORTON, [redacted]
PERRY L. NOUIS [redacted]
*JEFFREY L. NOVAK [redacted]
MICHAEL R. NOVITSKE [redacted]
WILLIAM K. NUGENT, JR. [redacted]
DANIEL C. NUGTEREN [redacted]
THOMAS L. NUNAMAKER [redacted]
JEROME P. NUTTER [redacted]
CHRISTOPHER J. NUZZO [redacted]
CRAIG M. NYGAARD [redacted]
PERRY R. OAKS [redacted]
DONALD R. OBERDIECK [redacted]
THOMAS A. OBERG [redacted]
JAMES W. O'BRIEN [redacted]
JOHN L. O'BRIEN [redacted]
TIMOTHY J. O'BRIEN [redacted]
*JOHN O'CONNELL [redacted]
KEVIN W. O'DAY, [redacted]
RICHARD A. ODDO [redacted]
*CHRISTOPHER J. O'DELL [redacted]
MICHAEL S. O'DOWD, [redacted]

TEDDY D. OELFKE [redacted]
JAMES R. OELGOETZ, JR [redacted]
WILLIAM F. OGDEN [redacted]
MICHAEL L. OGLE [redacted]
REX E. OGLE, JR. [redacted]
THOMAS R. O'HARA [redacted]
MICHAEL J. O'KEEFE [redacted]
DON I. OLDS, JR. [redacted]
*JAMES K. OLSON [redacted]
WAYNE R. OLSON [redacted]
WESLEY A. OLSON [redacted]
PEDRO R. OMS [redacted]
LISA A.H. ONAGA, [redacted]
MICHAEL F. O'NEAL [redacted]
*STUART K.S. O'NEILL [redacted]
*STEVE A. ORDONIA [redacted]
STEPHEN E. OREAR [redacted]
SUZANNE M. O'REILLY [redacted]
RANDALL J. ORNE [redacted]
TERRENCE J. O'SHAUGHNESSY, JR [redacted]
CHARLES E. OSTEEN [redacted]
KEVIN D. OSTEN [redacted]
KATHLEEN O'SULLIVAN [redacted]
GREGORY S. OTEY [redacted]
CHRISTOPHER W. OVERMAN [redacted]
CHARLES A. OWEN [redacted]
BONNIE L. OWENS [redacted]
DEAN P. OWENS [redacted]
JONATHAN M. OWENS [redacted]
SCOTT A. OWENS [redacted]
RANDOLPH A. PAGAN [redacted]
JOHN S. PAGANONI [redacted]
FREDERIC C. PAGE [redacted]
GERALD L. PAGE [redacted]
JILL S. PAGE [redacted]
CLIVE A. PAIGE [redacted]
*GREGG M. PALMER [redacted]
JESS D. PALMER [redacted]
JEAN PAPROCKI, JR [redacted]
EARL W. PARCHMENT, JR. [redacted]
MARK J. PARISI [redacted]
CHRISTOPHER L. PARKER [redacted]
LAMAR D. PARKER [redacted]
RANDALL C. PARKER [redacted]
WAYNE A. PARKINSON [redacted]
CARL W. PARRAMORE, [redacted]
TERRY W. PARROTT [redacted]
STEPHANIE A. PARSON [redacted]
JAMES B. PARSONS, [redacted]
TERRY A. PARSONS [redacted]
DAVID W. PASQUINI [redacted]
WILLIAM C. PASZKIEWICZ [redacted]
JOHN E. PATCHETT [redacted]
GEOFFREY C. PATTERSON [redacted]
ERIC J. PAUL [redacted]
JOHN M. PAUL [redacted]
ROBERT A. PAULUKAITIS [redacted]
ERIC R. PAYNE [redacted]
MARK H. PAYNE [redacted]
STEPHEN D. PEARCE [redacted]
*ANDREW H. PEARS [redacted]
GERALD M. PEASLEE [redacted]
FRANK S. PECHIN III [redacted]
JANICE C. PEGRAM [redacted]
IAN R. PELLETIER [redacted]
MICHAEL E. PELLETIER [redacted]
CHRISTIAN M. PELOZA [redacted]
PETER R. PEPIN [redacted]
THOMAS PEPPARD [redacted]
JAMES A. PEPPLER [redacted]
MICHAEL H. PERALES [redacted]
HAROLD S. PERDUE [redacted]
SANDRA M. PERDUE [redacted]
STEVEN J. PERENCHIO [redacted]
CARMEN F. PERONE, JR. [redacted]
MELVYN T.J. PERREIRA [redacted]
CATHERINE M. PERRO [redacted]
WANDA C. PERRY [redacted]
JAMES J. PETERSEN [redacted]
MITCHELL A. PETERSEN [redacted]
CLARK D. PETERSON [redacted]
JAMES P. PETERSON [redacted]
JEFFREY L. PETERSON [redacted]
MARY E. PETERSON [redacted]
GREGORY J. PETREQUIN [redacted]
SANDRA L. PETRIE [redacted]
MICHAEL J. PETROSH, JR [redacted]
*JAMES P. PFARR [redacted]
TIMOTHY C. PHARRIS [redacted]
HERBERT PHILLIPS, JR [redacted]
*JAMES M. PHILLIPS [redacted]
JEFFREY B. PHILLIPS [redacted]
JOHN M. PHILLIPS [redacted]
PAUL E. PHILLIPS, [redacted]
JAMES A. PICKLE [redacted]
DAVID R. PIERCE [redacted]
ALEXANDER S. PILIPOWSKYJ [redacted]
ANN M. PINC [redacted]
MICHAEL A. PIPAN [redacted]
MICHAEL A. PISCITELLI [redacted]
JOHN F. PISTOLESSI [redacted]
ANDREW M. PITTMAN [redacted]
*PHILIP A. PLATT [redacted]
JOHN A. PLAZA [redacted]
BRETT A. PLENTL [redacted]
BRIAN S. PLETCHER [redacted]
MICHAEL R. PLUMMER [redacted]
RICHARD J. POEL [redacted]
JAMES POHORENCE [redacted]
CLAUDE J. POITRAS [redacted]
ROBERT A. POLI [redacted]
DEBORAH C. POLLARD [redacted]
KEITH R. POND [redacted]
MARK S. PONTI [redacted]
MARGARET B. POORE [redacted]
MICHAEL G. POPOVICH [redacted]
MICHAEL R. POPPERT [redacted]
ROBERT B. POST [redacted]
*TODD M. POST [redacted]
MARK S. POSTAGE [redacted]
GREGORY L. POTTER [redacted]
KEITH D. POULIN, [redacted]
GARY W. POUNDER [redacted]
KELLY J. POWELL [redacted]
*JERRY A. PRASS [redacted]
*DANA R. PRATT [redacted]
WILLIAM D. PREASKORN [redacted]
MELVIN R. PRELL [redacted]
STEVEN J. PRESTON [redacted]
JOSEPH J. PRIDOTKAS [redacted]
JOHN J. PRIVETTE [redacted]
JOHN W. PROBST [redacted]
DOUGLAS W. PROCTOR [redacted]
KAREN A. PULLEN [redacted]
JAMES R. PULLIAM [redacted]
PAUL F. PULSE III [redacted]
GREGORY A. PYKE [redacted]
PAUL C. QUIGLEY [redacted]
RUSSELL J. QUINN [redacted]
JIMMIE D. RABB [redacted]
GARY R. RAFFERTY [redacted]
STEVEN G. RAFFERTY [redacted]
PATRICK J. RAGLOW [redacted]
TODD D. RAINES [redacted]
JON V. RAMER [redacted]
ROSE A. RAMIREZ [redacted]
MARK J. RANDOLPH [redacted]
GEORGE M. RANK [redacted]
*PETER M. RANON [redacted]
EDWARD R. RAUDENBUSH [redacted]
CHRISTIAN P. RAUSCHENBACH [redacted]
GREGORY C. RAY [redacted]
TIMOTHY M. RAY [redacted]
DAVID M. RAYMO [redacted]
PETER D. READ [redacted]
PHILIP C. REAMY [redacted]
REID D. REASOR [redacted]
JAMES C. REAVIS [redacted]
MICHELE E. REBOULET [redacted]
JOSEPH L. RECTOR [redacted]
GREGORY M. REDICK [redacted]
FRANK J. REDNER, JR. [redacted]
BARRY L. REED [redacted]
DARREN J. REED [redacted]
HENRY M. REED III [redacted]
JAMES F. REED [redacted]
JOHN C. REED [redacted]
GLENN C. REEDY [redacted]
REX W. REES [redacted]
ROBERT M. REESE [redacted]
KURT L. REESMAN [redacted]
JOSEPH T. REEVES [redacted]
*MICHAEL W. REGAN [redacted]
MICHAEL T. REHG [redacted]
MICHAEL J. REIN [redacted]
JOHN A. REISNER [redacted]
JEFFREY S. RENNER [redacted]
BRIAN A. RENO [redacted]
DAVID A. RETH [redacted]
*ROBERT C. REVILLE [redacted]
LEONIDAS D. REYES [redacted]
BART R. RHODES [redacted]
*ALAN G. RIBA [redacted]
ROBERT B. RICARTE [redacted]
JOHN F. RICHARDS, JR [redacted]
JAMES P. RICHTER [redacted]
DOUGLAS B. RIDER [redacted]
GEORGE E. RIEBLING [redacted]
JAMES G. RIEMENSVANLAARE [redacted]
DARRELL L. RIGGS [redacted]
*KENNETH E. RIGGS, [redacted]
MICHAEL T. RINALDI [redacted]
*ROBERT E. RING, JR. [redacted]
JAMES P. RIORDAN [redacted]
JOHN S. RIORDAN [redacted]
KEVIN T. RIORDAN [redacted]
*GEORGE A. RISSE [redacted]
THOMAS J. RITENOUR II [redacted]
MICHAEL P. RITS [redacted]
JOHN A. RITTER [redacted]
STEPHEN B. RITTER [redacted]
OSCAR M. RIVERA, [redacted]
JAMES C. RIX [redacted]
KIMBERLEE FORBESS RIX [redacted]
STEPHEN C. ROACH [redacted]
ANTHONY D. ROAKE [redacted]
RICHARD F. ROBEL, JR. [redacted]
TONCIE L. ROBERSON [redacted]
JULIAN R. ROBERTS, JR [redacted]
PAUL E. ROBERTS [redacted]
ALBERT E. ROBERTSON, JR. [redacted]
ERICA ROBERTSON [redacted]
RICHARD M. ROBICHAUD, [redacted]
ROBBIE D. ROBINETTE [redacted]
JEFFREY K. ROBINSON [redacted]
JOHN W. ROBINSON, JR. [redacted]
JOSEPH H. ROBINSON [redacted]
PHILLIP L. ROBINSON [redacted]
KEVIN E. ROBITAILLE [redacted]
PATRICK R. ROCHE [redacted]
RICHARD K. ROCKWELL [redacted]
EVAN G. ROELOFS [redacted]
EUGENE P. ROGERS [redacted]
ROBERT D. ROGERS, JR. [redacted]
JAMES G. ROLLINS [redacted]
DIANE M. ROMAN [redacted]
ANTHONY ROMANO [redacted]
CRAIG W. ROMERO [redacted]
AUTUMN K. ROSS [redacted]
CECIL L. ROSS [redacted]
GEORGE H. ROSS III [redacted]
MARK A. ROSS [redacted]
JOSEPH J. ROSSACCI [redacted]
CHRISTOPHER J. ROSSI [redacted]
FRANK J. ROSSI [redacted]
TERRENCE L. ROTERING [redacted]
MICHAEL S. ROTTMAN [redacted]
LAURIE M. ROUILLARD [redacted]
GLENN G. ROUSSEAU [redacted]
JAMES A. ROUSSEAU [redacted]
KEVIN J. ROUTHIER [redacted]
RONALD C. ROUX [redacted]
RICHARD P. ROWBURREY [redacted]
AMY M. ROWE [redacted]
BRUCE C. ROWE [redacted]
JAMES L. ROWE, JR. [redacted]
MICHAEL S. ROWLAND [redacted]
DAVID B. ROYAL [redacted]
ARTHUR E. ROZIER [redacted]
BLAINE O. RUDOCK [redacted]
STANLEY RUFF [redacted]
SCOTT J. RUFLIN [redacted]
RICHARD J. RUGGIERO [redacted]
MARK H. RUMPH [redacted]
*JANE E. RUSSELL [redacted]
MARC D. RUSSICK [redacted]
SCOTT C. RUTHERFORD [redacted]
JOHN A. RUTKOWSKI [redacted]
CRAIG A. RUTLAND [redacted]
KATHLEEN D. RYAN [redacted]
MARK R. RYDELL [redacted]
LINDA MAUREEN RYERSE, [redacted]
SAMUEL J. SABLAN [redacted]
RAYMOND A. SABLE [redacted]
BRAD L. SABO, [redacted]
JOHN M. SAGHERA [redacted]
LAURA L. SAKOS [redacted]
LORI S. SALGADO [redacted]
JEFFREY M. SALING [redacted]
CHRISTOPHER SALVUCCI [redacted]
RONALD L. SAMIC [redacted]
PAUL L. SAMPANG [redacted]
CHARLES W. SAMUEL [redacted]
DANIEL SANCHEZ [redacted]
BRIAN SANDERS [redacted]
*MICHAEL W. SANDERS [redacted]
RONALD J. SANDERS [redacted]
MICHAEL D. SANDQUIST [redacted]
JOHN P. SANTACROCE [redacted]
HENRY J. SANTICOLA [redacted]
JOSEPH F. SANTORELLI [redacted]
WALTER J. SARAFIN, [redacted]
MICHAEL D. SARCHET [redacted]
STEVEN R. SARTORE [redacted]
MARC H. SASSEVILLE [redacted]
DONALD T. SAUNDERS [redacted]
JOHN D. SCARBOROUGH [redacted]
BRIAN M. SCHAAF [redacted]
DAVID N. SCHAAF [redacted]
SCOTT A. SCHAEFFLER [redacted]
KEVIN M. SCHAFER [redacted]
JEFFREY L. SCHAFF [redacted]
DIRK D. SCHALCH [redacted]
MARK G. SCHEEN [redacted]
ERVIN G. SCHEETS, JR., [redacted]
GERALD A. SCHEUCHNER [redacted]
THOMAS L. SCHIANO [redacted]
GREGORY J. SCHILLER [redacted]
JOSEPH V. SCHMIDT, [redacted]
PAUL G. SCHMIDT [redacted]
ERIC W. SCHNAIBLE [redacted]
STEVEN M. SCHNEIDER, [redacted]
THOMAS A. SCHNEIDER, [redacted]
CRAIG W. SCHNEPF [redacted]
JON S.H. SCHOENBERG [redacted]
TERRY D. SCHONERT [redacted]
THOMAS M. SCHORSCH [redacted]
MARIA L. SCHREFFLER [redacted]
MICHAEL S. SCHULENBERG [redacted]
ROBERT J. SCHULTE II [redacted]
CHARLES SCHULTZ, JR. [redacted]
LISA M. SCHULZLATSIS [redacted]
MICHAEL W. SCHWARTZ, [redacted]
JAMES E. SCHWENKE [redacted]
ALTON J. SCOTT [redacted]
BRYAN E. SCOTT [redacted]
CARL W. SCOTT [redacted]
JOHN P. SCOTT [redacted]
*SHANE E. SCOTT [redacted]
TOI V. SCRENCI [redacted]
*KENNETH E. SCRITCHFIELD [redacted]
THOMAS B. SCRUGGS [redacted]
DEBORAH A. SEAMAN [redacted]
KEITH A. SEAMAN [redacted]
TERRY G. SEAMAN [redacted]
BRIAN G. SEARCY [redacted]
PATRICIA K.F. SEARCY [redacted]
ANTHONY J. SEELY, [redacted]
HOWARD A. SEID [redacted]
PAUL S. SEKETA [redacted]
JOHN SELLERS [redacted]
JOHN G. SELLS [redacted]
BRYAN K. SELVAAG [redacted]
JOSEPH S. SEPESSY [redacted]
DANIEL J. SETTERGREN [redacted]
*WILLIAM E. SETTLEMIRE [redacted]

THOMAS J. SEXTON [redacted]
PAUL A. SEYMOUR [redacted]
ALAN L. SHAFER [redacted]
MARTHA T. SHAFFER [redacted]
BRUCE G. SHAPIRO [redacted]
ROBERT B. SHARP, JR [redacted]
PETRA L. SHARRETT [redacted]
GARY L. SHAW [redacted]
ROBERT S.H. SHAW [redacted]
RUSSELL J. SHAW, JR [redacted]
STUART J. SHAW [redacted]
KARL J. SHAWHAN [redacted]
*DANIEL F. SHEA [redacted]
STEPHEN E. SHEA [redacted]
RICHARD L. SHELLEY [redacted]
TIMOTHY L. SHELTON [redacted]
*STEVEN C. SHEPARD [redacted]
JIMMY SHEPPARD, JR [redacted]
JOHN T. SHEPPARD [redacted]
MICHAEL A. SHIELDS [redacted]
JOSEPH T. SHINNICK [redacted]
RICHARD P. SHIPMAN [redacted]
MICHAEL D. SHIRLEY [redacted]
THOMAS P. SHOAF [redacted]
EDWARD F. SHOCK [redacted]
THOMOTHY C. SHOCKLEY [redacted]
JAMES R. SHOEMAKER [redacted]
DOUGLAS G. SHRYOCK [redacted]
DENNIS W. SHUMAKER [redacted]
SANDRA J. SHURMAN [redacted]
RODNEY S. SIBILA [redacted]
GEORGE R. SICAY [redacted]
JOSEPH P. SIDO [redacted]
ALAN C. SIERICHS [redacted]
DANIEL W. SIETMAN [redacted]
JAMES K. SIKES [redacted]
DOROTHY A. SILVANIC [redacted]
MARK A. SILVANIC [redacted]
JAY B. SILVERIA [redacted]
JESSE T. SIMMONS, JR [redacted]
JOHN C. SIMMONS [redacted]
KIRBY E. W. SIMMONS [redacted]
THOMAS A. SIMPKINSON [redacted]
*CARL R SIMPSON [redacted]
DENNIS J. SIMPSON [redacted]
JON T. SIMS, JR [redacted]
MITCHELL A. SINGER [redacted]
ROBERT W. SINGLETON [redacted]
ROBERT E. SIPPEL [redacted]
KENNETH G. SIPPERLY, JR., [redacted]
*DAVID G. SIZOO [redacted]
TRACEY S. SKELTON [redacted]
JADE A. SKINNER [redacted]
PAUL J. SKOWRONEK [redacted]
DANIEL P. SKROBIALOWSKI [redacted]
MIRO SKRODZKI [redacted]
MICHAEL D. SLATER [redacted]
MICHAEL C. SLEPICA [redacted]
CHARLES E. SLOAN [redacted]
WILLIAM E. SLUTTER [redacted]
BOBBY J. SMALL, JR [redacted]
JOHN H. SMART [redacted]
TRACY A. SMIEDENDORF [redacted]
ALLAN J. SMITH [redacted]
DANIEL L. SMITH [redacted]
DAVID C. SMITH [redacted]
DAVID R. SMITH [redacted]
DOUGLAS F. SMITH [redacted]
DOYLE D. SMITH [redacted]
GEORGE M. SMITH [redacted]
JURGEN W. SMITH [redacted]
KATHLEEN A. SMITH [redacted]
KENNETH J. SMITH [redacted]
KYLE M. SMITH [redacted]
MICHAEL S. SMITH [redacted]
PAUL L. SMITH [redacted]
PENNY E. SMITH [redacted]
ROBERT A. SMITH [redacted]
SUZANNE L. SMITH [redacted]
TIMOTHY F. SMITH [redacted]
ROBERT G. SMOTHERS [redacted]
ERICK A. SNELLMAN [redacted]
BRUCE D. SNYDER [redacted]
DAVID E. SNYDER [redacted]
GREGORY D. SNYDER [redacted]
CHERYL A. SOAT [redacted]
DAVID I.S. SOBRINO [redacted]
*MELVIN P. SODERLUND, [redacted]
DAVID M. SOFET [redacted]
CHRISTOPHER T. SORRENTINO, [redacted]
EZRA A. SOSA, [redacted]
ROBIN G. SOULE [redacted]
BRADLEY D. SPACY [redacted]
JOHN M. SPAIN [redacted]
JON R. SPANGLER [redacted]
JAMES A. SPAULDING [redacted]
JEFFREY S. SPEAR [redacted]
PAMELA S. SPEARING [redacted]
THEODORE M. SPENCER [redacted]
WILLIAM J. SPENDLEY, JR [redacted]
ADAM G. SPENIK [redacted]
MICHAEL J. SPITZ [redacted]
KIMBERLY A. SPONSELLER [redacted]
BRUCE E. SPRINGS, [redacted]
MICHAEL C. STALEY [redacted]
*STEVEN R. STALLINGS [redacted]
*WILLIAM L. STALLINGS III [redacted]
ROGER D. STAMEY [redacted]
STEPHEN W. STARKS [redacted]
SCOTT A. STEFANOV [redacted]
*JOHN H. STEIN [redacted]
MARCY A. STEINKEFIKE [redacted]
DEAN R. STENGL, [redacted]
JON R. STEPHENS [redacted]
MARK T. STEPHENS [redacted]
DAVID R. STEPHENSON [redacted]
ROBERT J. STEVENS [redacted]
CURTISS S. STEWART [redacted]
DAVID F. STEWART [redacted]
MICHAEL H. STICKNEY [redacted]
EDWARD S. STINCHCOMB, [redacted]
CHARLES K. STITT, JR [redacted]
KEVIN B. STMARY [redacted]
GEORGE R. STOLLER, JR. [redacted]
ERIC J. STONE [redacted]
PATRICK M. STONEHAM [redacted]
JEFFREY N. STOUT [redacted]
LESLIE STOUTE [redacted]
TYRONE A. STRACHAN [redacted]
PETER R. STRAIGHT [redacted]
ANDREW J. STRAMPACH [redacted]
JOHN E. STRAZZO [redacted]
GERALD E. STREFF [redacted]
STEPHEN B. STREHLE [redacted]
STUART G. STRICKLAND [redacted]
TERRY D. STRIHA [redacted]
STEPHEN L. STROM [redacted]
JACK F. STUART II [redacted]
*DARREN L. STUDER [redacted]
SCOTT A. STURGILL [redacted]
JOHN J. SULLIVAN [redacted]
DONALD H. SUMMERLIN, [redacted]
PAUL A. SUMMERS [redacted]
DAVID B. SUMRELL [redacted]
JON M. SUTTERFIELD [redacted]
CHRISTOPHER D. SWADENER [redacted]
MARK L. SWARD [redacted]
RICKY E. SWARD [redacted]
JAMES A. SWEENEY III [redacted]
KEITH A. SWENSEN [redacted]
STEVEN A. SWENSON [redacted]
THOMAS J. SWIDEREK [redacted]
*SHANNON W. SWITTS [redacted]
ROBERT L. SWORTZEL [redacted]
*DAVID M. SYNDERGAARD [redacted]
MARK A. SYZDEK [redacted]
WILLIAM J. SZAREK [redacted]
JAMES J. SZCZUR [redacted]
RICHARD J. TAGLAND, JR. [redacted]
MICHAEL L. TALBERT [redacted]
ROBERT A. TALBOT [redacted]
MARK S. TALLEY [redacted]
PAUL A. TANGUAY [redacted]
EDWARD J. TANNER [redacted]
MICHAEL D. TANNER [redacted]
MARTIN K. TATUM [redacted]
JAMES L.D. TAYLOR [redacted]
JON M. TAYLOR [redacted]
PAUL J. TAYLOR, JR. [redacted]
SAMMIE B. TAYLOR [redacted]
SCOTT T. TAYLOR [redacted]
ROGER W. TEAGUE [redacted]
MICHAEL A. TEMPLE [redacted]
THOMAS J. TENPENNY [redacted]
CHRISTOPHER I. TERRY [redacted]
JAYEVAN J. TEVIS II [redacted]
*SCOTT D. THACHER [redacted]
MARK J. THARP [redacted]
BRIAN D. THEISEN [redacted]
GREGORY L. THEODOSS [redacted]
THOMAS J. THIBODEAU [redacted]
EDWIN R. THOELE [redacted]
ANTHONY C. THOMAS [redacted]
ANTONIO L. THOMAS [redacted]
GARY C. THOMAS, [redacted]
CAREY S. THOMPSON [redacted]
CHARLES F. THOMPSON [redacted]
DARRELL L. THOMPSON [redacted]
IRENE I. THOMPSON [redacted]
RALPH THOMPSON, JR. [redacted]
STEVEN L. THOMPSON [redacted]
TERRACE B. THOMPSON [redacted]
WADE J. THOMPSON [redacted]
IVAN E. THORSOS III [redacted]
CLIFFORD B. THORSTENSON [redacted]
ROGER D. TRASHER [redacted]
KEENE F. TIEDEMANN [redacted]
THOMAS R. TIGHE [redacted]
BRUCE A. TILL [redacted]
BARRY C. TILTON [redacted]
GREGORY W. TINDALL [redacted]
TIMOTHY A. TIPPETT [redacted]
DAVID M. TOBIN, [redacted]
DONALD L. TOBIN, JR. [redacted]
KEITH E. TOBIN [redacted]
RICHARD D. TODD [redacted]
KENNETH E. TODOROV [redacted]
RALPH C. TOLLE [redacted]
ROBERT W. TOMASINO [redacted]
JAMES J. TOMASZEWSKI [redacted]
EDWARD R. TOMME [redacted]
*JOHN E. TOMTSCHIK [redacted]
KIMBERLY K. TONEY [redacted]
WILLIAM L. TONGUE [redacted]
*DAVID F. TOOMEY III [redacted]
DANNY J. TOPP [redacted]
MICHAEL L. TOYNE [redacted]
JOHN W. TRAINOR [redacted]
DOROTHY J. TRIBBLE [redacted]
RANDALL C. TRITT [redacted]
CHRISTOPHER W. TROTTER [redacted]
TIMOTHY G. TRUEHEART, [redacted]
*HARRY A. TRUHN [redacted]
ERIC P. TRUMBLE [redacted]
MARC TRUUMEES [redacted]
JAMES M. TUCCI, [redacted]
CAREY F. TUCKER [redacted]
KEITH T. TUCKER [redacted]
STEVEN J. TURECHEK [redacted]
BRYAN D. TURNER [redacted]
DAVID L. TURNER [redacted]
MONTE D. TURNER [redacted]
*WARREN W. TURNER [redacted]
*DENNIS J. TUTHILL [redacted]
RANDY B. TYMOFICHUK [redacted]
CONSTANTINE TZAVARAS, [redacted]
MICHAEL ULISSE [redacted]
KATHY R. ULLRICH [redacted]
STEPHAN M. URBANCZYK [redacted]
ERADIO E. URESTI [redacted]
WILLIAM H. UTTRICH [redacted]
STEPHEN G. UYEHATA [redacted]
SCOTT R. VADNAIS [redacted]
CHRISTOPHER R. VALLE [redacted]
ROBIN P. VANDERBERRY [redacted]
SCOTT A. VANDERHAMM [redacted]
JANET C. VANDERLEY [redacted]
*DEBORAH L. VANDEVEN [redacted]
PHILIP M. VANEAU [redacted]
GLENN E. VANKNOWE, [redacted]
SCOTT M. VANNESS [redacted]
KENNETH J. VANRAVENSWAAY [redacted]
BRUCE M. VANZUIDEN, [redacted]
JOHNNY B. VARNEDORE [redacted]
WILLIAM J. VAUGHT, JR. [redacted]
JANET L. VEESART [redacted]
JOSEPH A. VENEZIANO [redacted]
JEFFREY J. VERDONE [redacted]
DAVID G. VERRETT [redacted]
EDUARDO L. VICENCIO [redacted]
JAMES G. VICK [redacted]
TODD T. VIKAN [redacted]
ANDREW T. VINCENT [redacted]
ANGELA M. VINCENT [redacted]
STEPHEN MICHAEL VINICA, [redacted]
RONNIE L. VINSON [redacted]
STEPHEN M. VISEL [redacted]
JEAN N. VITE [redacted]
JOHN B. VITTRUP [redacted]
SCOTT R. VOSKOVITCH [redacted]
*HAI C. VU, [redacted]
MICHAEL C. WADDEL [redacted]
BARRY M. WADDELL [redacted]
JERRY T. WAGNER, JR. [redacted]
*FRANKLIN S. WALDEN [redacted]
PHILIP E. WALGREN [redacted]
GORDON J. WALKER [redacted]
JAMES C. WALKER [redacted]
ROBERT H. WALKER [redacted]
ROBERT M. WALKER [redacted]
ROBERT M. WALKER [redacted]
GERALD B. WALKINGTON [redacted]
DION R. WALL [redacted]
KEVIN J. WALLACE [redacted]
NANCY R. WALLACE [redacted]
JAMES E. WALTRIP [redacted]
JON D. WALZ [redacted]
CHRISTOPHER A. WARACK [redacted]
BRIAN K. WARD, [redacted]
CHARLES H. WARD, JR., [redacted]
MICHAEL P. WARD [redacted]
PHILIP N. WARD [redacted]
RAYMOND C. WARD, [redacted]
*THOMAS B. WARD, [redacted]
WARREN G. WARD, [redacted]
RALPH D. WARDROUP [redacted]
RICHARD E. WARREN [redacted]
JAY J. WARWICK [redacted]
ROBERT A. WASHBURN II [redacted]
JOYCE D. WASHINGTON [redacted]
ROBERT A. WASSERMAN [redacted]
DONALD P. WATERS, [redacted]
HAROLD E. WATERS, JR. [redacted]
BARBARA K. WATKINS [redacted]
ROGER H. WATKINS [redacted]
TERRY WATKINS [redacted]
GREGORY C. WATSON [redacted]
WILLIAM G. WATSON [redacted]
CHARLES F. WATTERSON [redacted]
WILLIAM A. WAUGAMAN [redacted]
DALE E. WEAVER [redacted]
KENNETH M. WEAVER [redacted]
PAUL A. WEBB [redacted]
JANINE T. WEBER [redacted]
RAYMOND W. WEETH, [redacted]
CHRISTOPHER P. WEGGEMAN [redacted]
GREGORY T. WEHKING [redacted]
JOSEPH A. WEINBERGER, JR. [redacted]
GORDON A. WEISS, [redacted]
JERRY K. WELDON II [redacted]
DOUGLAS E. WELLS [redacted]
MICHAEL D. WELLS [redacted]
JAMES A. WENTWORTH, [redacted]
JAY M. WENTZELL [redacted]
JOSEPH D. WERCINSKI [redacted]
WILLIAM J. WERTLEY [redacted]
JOEL S. WESTA [redacted]
PETER E. WESTENDORFF [redacted]
PHILIP V. WESTERFIELD [redacted]
MARK W. WESTERGREN [redacted]
BARBARA J. WHEATON [redacted]
MATTHEW T. WHELAN, [redacted]
PETER A. WHELAN [redacted]
JOHN W. WHISENHUNT [redacted]
DOUGLAS A. WHITE, [redacted]
DOUGLAS D. WHITE [redacted]

DOUGLAS R. WHITE [redacted]
DOUGLAS W. WHITE II [redacted]
OVETA M. WHITE [redacted]
STEVEN C. WHITE [redacted]
KEITH G. WHYTE [redacted]
MICHAEL A. WIDHAMMER [redacted]
SCOTT G. WIERSCHKE [redacted]
*TIMOTHY M. WIESMANN [redacted]
GEORGE J. WIGGINS, JR. [redacted]
STEPHEN D. WILBUR [redacted]
*JIMMY D. WILEY [redacted]
*DAVID A. WILKINS [redacted]
*ERIC W. WILKS [redacted]
ALBERT H. WILLIAMS, JR. [redacted]
DAVID W. WILLIAMS [redacted]
EDWARD M. WILLIAMS [redacted]
FRANK Q. WILLIAMS [redacted]
JAMES B. WILLIAMS [redacted]
JEAN C.M. WILLIAMS [redacted]
JOSEPH S. WILLIAMS [redacted]
RICHARD K. WILLIAMS [redacted]
*ROGER E. WILLIAMS, JR. [redacted]
SALLY D. WILLIAMS [redacted]
TIMOTHY J. WILLIAMS [redacted]
TODD A. WILLIAMS [redacted]
DAVID L. WILLIAMSEN [redacted]
ROBERT D. WILLIAMSON [redacted]
MARY A. WILLMON [redacted]
BURKE E. WILSON [redacted]
HENRY T. WILSON [redacted]
JOHNNY T. WILSON [redacted]
MICHAEL R. WILSON [redacted]
PATRICK A. WILSON [redacted]
SCOTT A. WILSON [redacted]
CARY B. WINDLER [redacted]
STEVEN P. WINKLMANN [redacted]
MARK G. WINTON [redacted]
MICHAEL E. WISMER [redacted]
JEFFREY A. WITKO [redacted]
ROBERT J. WITTMANN [redacted]
ELIZABETH A. WOISH [redacted]
GARY M. WOLBERT [redacted]
MICHAEL K. WOLF [redacted]
DALLAS A. WOLFE [redacted]
DEAN A. WOLFORD [redacted]
JEFFREY R. WOOD [redacted]
*JOHN C. WOOD [redacted]
JOHNNY L. WOOD [redacted]
WILLIAM D. WOOD [redacted]
THOMAS D. WOODEN [redacted]
ROBERT R. WOODLEY [redacted]
LOUANN J. WOODS [redacted]
*EDWIN R. WOODWARD [redacted]
TYRONE M. WOODYARD [redacted]
DANIEL B. WOOLDRIDGE [redacted]
RICHARD A. WOOLEY [redacted]
KEVIN B. WOOTON [redacted]
*GUY T. WORTHINGTON [redacted]
STANLEY S. WORTHINGTON [redacted]
LORI A. WORTMAN [redacted]
BROOKS D. WRIGHT [redacted]
JOHN D. WRIGHT [redacted]
RICHARD N. WRIGHT [redacted]
VICTORIA L. WUCHNICK [redacted]
ERIC J. WYDRA [redacted]
ROBERT T. WYNN [redacted]
THOMAS B. WYNN [redacted]
*LAINE R. WYRICK [redacted]
KAREN A. YACKIEL [redacted]
*DAVID L. YANG [redacted]
EDWARD K. YANKSON [redacted]
KENNETH L. YAPHE [redacted]
KIMBERLY L. YODER [redacted]
DARRELL E. YOST [redacted]
DOUGLAS E. YOUNG [redacted]
MARK R. YOUNG [redacted]
SAMUEL D. YOUNG [redacted]
MICHAEL V. YUILL [redacted]
*RONALD YURCHISHIN [redacted]
PAUL J. ZABBO [redacted]
DANIEL R. ZAHIRNIAK [redacted]
ROBERT J. ZALESKE [redacted]
ANDREW ZAPRZALA [redacted]
*JOHN L. ZAWASKY [redacted]
MICHAEL K. ZECH [redacted]
EDWARD C. ZICK [redacted]
JOHN J. ZIEGLER, I [redacted]
DONALD M. ZIMMERMAN [redacted]
GARY R. ZIMMERMAN [redacted]
DANIEL C. ZOOK [redacted]
KIMBERLEE B. ZORICH [redacted]
LOUIS V. ZUCCARELLO [redacted]
THOMAS M. ZUCCARO [redacted]

I NOMINATE THE FOLLOWING-NAMED OFFICERS FOR PROMOTION IN THE UNITED STATES AIR FORCE, UNDER THE APPROPRIATE PROVISIONS OF SECTION 624, TITLE 10, U.S.C., AS AMENDED, WITH DATES OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE, AND THOSE OFFICERS IDENTIFIED BY AN ASTERISK FOR APPOINTMENT IN THE REGULAR AIR FORCE UNDER THE PROVISIONS OF SECTION 531, TITLE 10, U.S.C., WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF SECTION 8067, TITLE 10, U.S.C., TO PERFORM DUTIES INDICATED PROVIDED THAT IN NO CASE SHALL THE FOLLOWING OFFICERS BE APPOINTED IN A GRADE HIGHER THAN INDICATED.

NURSE CORPS

To be major

MICHELLE D. ADAMS [redacted]
*JUSTINIANO J. ALBINO [redacted]
BRIAN D. ANDERSON [redacted]
LORENE R. ANDERSON [redacted]
TAMY D. ARCHAMBAULT [redacted]
ERICA J. AUERBACH [redacted]
WILHELMA J. BADGER [redacted]
MICHAEL E. BAGWELL [redacted]
KEVIN D. BALLARD [redacted]
ELLEN W. BARGER [redacted]
DENISE M. BARLOW [redacted]
JILL E. BARNES [redacted]
LISA K. BARNETT [redacted]
DEBRA L. BENSON [redacted]
LISTA M. BENSON [redacted]
THOMAS M. BERGMANN [redacted]
JEFFREY P. BLISE [redacted]
JOYCE K. BORGFELD [redacted]
GLORIA S. BOWDEN [redacted]
JUDITHALISON K. BROEKING [redacted]
VALERIE A. BROOKS [redacted]
MARK J. BROWN [redacted]
PATRICIA A. BROWN [redacted]
DARLENE R. BRUNNER [redacted]
*MARLA D. BUCKLES [redacted]
RALPH T. BUDDEMEYER JR. [redacted]
SUSAN J. BURNETT [redacted]
ELAINA L. CAMPBELL [redacted]
ERIN P. CARLISLE [redacted]
COLLEEN A. CARMODY [redacted]
WARD R. CASSELS [redacted]
TERESA G. CHANEY [redacted]
DEBBIE J. COBB [redacted]
*RAYMOND D. CODDINGTON [redacted]
STEPHANIE A. CONDRON [redacted]
ROGER L. COX [redacted]
JANET M. CREELMAN [redacted]
CAROLYN A. CUMMINGS [redacted]
*LARRY R. CURTIS [redacted]
GRETCHEN A. CUSACK [redacted]
JUDITH M. DALY [redacted]
*GEORGINE DANKBERG [redacted]
JO A. DANOWSKI [redacted]
DEAN F. DEGNER [redacted]
MARY C. DELUCIA [redacted]
TRACY A. DEWOODY [redacted]
*DIANE L. DEYAK [redacted]
DOROTHY E. DIZMANG [redacted]
EDNA E. DOMINO [redacted]
KATHRY L. DOTY [redacted]
LESLIE K. DROEGE [redacted]
MARVIN E. EARLY [redacted]
RICHARD H. EAVES [redacted]
DEBORAH L. ECHANIS [redacted]
JANET L. EGAN [redacted]
ARDYTHE K. ELLISON [redacted]
CHRISTINE R. ELMENDORF [redacted]
ROBERT E. EMERSON [redacted]
HARRIETT ERICKSON [redacted]
GLENN R. ERMER [redacted]
*PHILIP F. ERNST IV [redacted]
JOSE A. ESTELA, JR. [redacted]
PAULA M. EVANS [redacted]
*THOMAS J. EVANS [redacted]
*BETH A. EWING [redacted]
JOHN R. EWING [redacted]
MATTHEW A. FAGERT [redacted]
CYNTHIA L. FERGUSON [redacted]
DEBORAH K. FLAGG [redacted]
JEANETTE A. FORTUNA [redacted]
JAIME B. GAPASIN [redacted]
RENE GARCIA [redacted]
GARY J. GARDNER [redacted]
LINDA S. GHANEM [redacted]
TOMMI L. GILL [redacted]
*KIMBERLY D. GLENN [redacted]
MICHELLE E. GOLDING [redacted]
JORGE L. GOMEZDIAZ [redacted]
MARC. J. GRENIER [redacted]
SHIRLEY D. GUILLORY [redacted]
PATRICIA M. GUNTER [redacted]
SCOTT W. GUTHLAND [redacted]
EVELYN M. GWYNNBROWN [redacted]
LAURIE A. HALL [redacted]
BRIDGET B. HARRELL [redacted]
VIVIAN C. HARRIS [redacted]
SUSAN L. HEGLAR [redacted]
*DONNA M. HEITER [redacted]
JANE C. HENDRICKS [redacted]
MARY M. HIGGINS [redacted]
CYNTHIA K. HILSHER [redacted]
CHARLES W. HOAG, JR. [redacted]
MARK S. HOLLAND [redacted]
ROBIN E. HUNT [redacted]
ELLIS R. JACKSON [redacted]
MARY T. JACO [redacted]
CARLEIGH JEANNE JACOBS [redacted]
MARILYN H. JIGGITTS [redacted]
DIANA E. JOHNS [redacted]
CHARLES M. JOHNSON [redacted]
CAROL A. KHATER [redacted]
KAREN M. KINNE [redacted]
LYLE L. KINNEY [redacted]
JEFFREY J. KNIGHT [redacted]
MAUREEN A. KOCH [redacted]
*BARBARA L. KUHN [redacted]
MOLLY J. KUSIK [redacted]
BRIDGET L. LAREW [redacted]
BETH S. LECKEY [redacted]
RICHARD LEDESMA [redacted]
MARYBETH S. LENZ [redacted]
CHRISTINE A. LIDDLE [redacted]
BARBARA J. LIPPARD [redacted]
NANCY J. MAGNUSSON [redacted]
MELINDA S. MANDRILLO [redacted]
KIRK MARTIN [redacted]
MARIATHERESA G. MARTINEZ [redacted]
BARBARA M. MASON [redacted]
CATHERINE F. MATTIE [redacted]
STEPHEN J. MAZER [redacted]
EUGENE A. MC ADOO [redacted]
*KELLEY A. MC CARTHY [redacted]
CAROL L. MC CASKILL [redacted]
*VIVIAN P. MC CORMICK [redacted]
IRMA L. MC NAMEE [redacted]
RICHARD T. MELCHIOR [redacted]
VICKI LYNN MEYSENBURG [redacted]
DEBORAH K. MILANO [redacted]
DONNA L. MILLER [redacted]
PATRICIA M. MILLER [redacted]
VIVIAN B. MILLS [redacted]
*GUY H. MONSON [redacted]
SUSAN D. MORGAN [redacted]
CAREY A.C. MORRILL [redacted]
BEATRIX L. MOTE [redacted]
LINDA C. MOZER [redacted]
IVONNE Q. MUEHLENWEG [redacted]
CAROLE M. MURRAY [redacted]
JOHN Z. NAGY [redacted]
VALERIE R. NELSON [redacted]
*ALVIN J. NEWCOMER [redacted]
BARBARA R. NITZ [redacted]
WILLIAM R. OSBORNE [redacted]
ANN L. PALENSHUS [redacted]
ELLEN U. PALMER [redacted]
MICHAEL A. PAPIO [redacted]
VALERIE S. PARKER [redacted]
CAROLINE C. PARMANN [redacted]
PHILLIP E. PARR [redacted]
GARY E. PARSONS [redacted]
BARBARA A. PATRICK [redacted]
DINAH L. PINNEY [redacted]
LORENDA A. POISSANTSALLING [redacted]
ANN K. POLHLOPEK [redacted]
IU DOK PREMOE [redacted]
PATRICIA J. PRENTICEAUSTIN [redacted]
MARK G. PRESCOTT [redacted]
PHILLIP M. PRIDDY [redacted]
LISA M.A. RANDALL [redacted]
NIMA D. REAVIS [redacted]
CHERYL A. REILLY [redacted]
KATHERINE J. REINECKE [redacted]
THOMAS A. RENTER [redacted]
CATHERINE A. RICE [redacted]
LORI A. RILEY [redacted]
*RICKY E. ROBERTS [redacted]
MARY E. ROBINSON [redacted]
*ROBERT RODRIGUEZ [redacted]
THOMAS F. ROSHETKO [redacted]
MARJORIE L. RUCHHOEFT [redacted]
PATRICIA A. RUTTER [redacted]
WILLIAM M. SANBORN [redacted]
SHERRY J. SASSER [redacted]
*DAVID T. SAYLE [redacted]
ELSIE M. SCHASZBERGER [redacted]
*REBECCA SCHLICK [redacted]
DENISE R. SCHRADER [redacted]
SHARON A. SIMMONS [redacted]
PATRICIA A. SKELTON [redacted]
BEVERLY J. SMITH [redacted]
DELAINE R. SMITH [redacted]
PATRICIA A. SMITH [redacted]
STEPHANIE D. SMITH [redacted]
ALISON L. SOLBERG [redacted]
PATRICK G. SPENCER [redacted]
ROBIN E. SQUELLATI [redacted]
LOIS J. STAUFFER [redacted]
REBECCA L. STECKEL [redacted]
*ELIZABETH A. STONE [redacted]
BRENDA J. STRAND [redacted]
HEIDI M. SUMMERS [redacted]
CECELIA W. SUTTON [redacted]
WILLETTE E. SWANN [redacted]
JOHNNY L. SWINDLE [redacted]
DEBORAH A. TARLETON [redacted]
CLINTON A. THIEL [redacted]
FRED D. THOMPSON [redacted]
SANDRA C. TYNES [redacted]
ROWENA M. VALENCIA [redacted]
CHARLES R. VARNER [redacted]
PEDRO M. VILLAMIN II [redacted]
DENNIS R. VILORIA [redacted]
DOROTHY A. VINCENT [redacted]
RICK L. WADE [redacted]
JANICE D. WALLACE [redacted]
JUDY L. WARD [redacted]
ROSEANNE C. WARNER [redacted]
WENDY J. WARNER [redacted]
DAVID M. WEISS [redacted]
ELEANOR T. WEST [redacted]
MARIAN A. WHITE [redacted]
THOMAS E. WILLIAMS [redacted]
MARY A. WILLIAMSGRANT [redacted]
CATHY S. WINTERBOTHAM [redacted]
DIANE B. WOJCIESZAK [redacted]
PAULINE L. WRUBEL [redacted]
KERRI L. WYBLE [redacted]
JONI E. YOUNG [redacted]

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, June 4, 1996, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 5

9:00 a.m.
Special on Aging
To hold hearings to examine how the Supplemental Security Income and the Disability Income programs can be reformed to encourage more people to enter into productive employment.
SD–562

9:30 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine proposals to reform the Commodity Exchange Act.
SR–328A

Governmental Affairs
Permanent Subcommittee on Investigations
To resume hearings to examine the security status of American informations systems.
SD–342

Labor and Human Resources
Business meeting, to mark up S. 1221, to authorize funds for fiscal years 1996 through 2000 for the Legal Services Corporation.
SD–430

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1997 for the Department of Defense, focusing on medical programs.
SD–192

Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1997 for foreign assistance programs, focusing on peacekeeping and international organizations and programs.
SD–138

Foreign Relations
East Asian and Pacific Affairs Subcommittee
To hold hearings to examine the foreign policy implications of China most-favored nation status.
SD–419

Small Business
To hold oversight hearings on the implementation of the small business agenda.
SR–428A

2:00 p.m.
Banking, Housing, and Urban Affairs
To hold hearings on S. 1815, to provide for improved regulation of the securities markets, eliminate excess securities fees, and reduce the costs of investing.
SD–538

JUNE 6

9:00 a.m.
Finance
To hold hearings to examine the most-favored-nation (MFN) status of China, focusing on consequences to American interests if MFN is revoked.
SD–215

9:30 a.m.
Commerce, Science, and Transportation
Business meeting, to consider pending calendar business.
SR–253

10:00 a.m.
Foreign Relations
Near Eastern and South Asian Affairs Subcommittee
To hold hearings to examine prospects for peace in Afghanistan.
SD–419

Governmental Affairs
To hold oversight hearings on Internal Revenue Service financial management.
SD–342

1:30 p.m.
Banking, Housing, and Urban Affairs
To hold hearings on S. 1317, to repeal the Public Utility Holding Company Act of 1935 and transfer certain regulatory functions from the Securities and Exchange Commission to the Federal Energy Regulatory Commission and the Public Service Commissions of various States.
SD–538

2:00 p.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1997 for the Department of Health and Human Services.
SD–192

Energy and Natural Resources
Parks, Historic Preservation and Recreation Subcommittee
To hold hearings on S. 1703, to revitalize and expand the scope of operations of the National Park Foundation to assist in the preservation of America's national parks.
SD–366

Foreign Relations
To hold hearings to examine the consequences of most-favored-nation renewal for China.
SD–419

JUNE 7

9:30 a.m.
Joint Economic
To hold hearings to examine the employment-unemployment situation for May.
SD–562

JUNE 11

9:30 a.m.
Indian Affairs
To hold oversight hearings on the implementation of the Indian Trust Fund Management Reform Act of 1994, and on Indian trust funds management by the Department of the Interior.
SR–485

2:00 p.m.
Judiciary
Constitution, Federalism, and Property Rights Subcommittee
Business meeting, to consider pending legislation.
SD–226

JUNE 12

9:30 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings on S. 1166, to improve the registration of pesticides, to provide minor use crop protection, and to improve pesticide tolerances to safeguard infants and children.
SR–328A

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD–366

JUNE 13

2:00 p.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1997 for the White House Office of National Drug Control Policy.
SD–192

JUNE 14

10:00 a.m.
Appropriations
Legislative Branch Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1997 for the General Accounting Office, and the Architect of the Capitol.
S–128, Capitol

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

JUNE 18

9:00 a.m.

Rules and Administration

To hold hearings on public access to government information in the 21st century, focusing on the Government Printing Office depository library program.

SR-301

9:30 a.m.

Agriculture, Nutrition, and Forestry

Research, Nutrition, and General Legislation Subcommittee

To hold hearings to review a report to the Department of Agriculture by the Advisory Committee on Agricultural Concentration, and to examine other livestock industry issues.

SR-328A

10:00 a.m.

Judiciary

To hold hearings to examine oversight of the Department of Justice witness security program.

SD-226

JUNE 21

10:00 a.m.

Appropriations

Legislative Branch Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1997 for the Secretary of the Senate, the Sergeant At Arms, and the Government Printing Office.

S-128, Capitol

JUNE 25

9:30 a.m.

Energy and Natural Resources

To hold hearings on S. 1804, to make technical and other changes to the laws dealing with the territories and freely associated States of the United States, on a proposed amendment relating to Bikini and Enewetak medical care, and to hold oversight hearings on the law enforcement initiative in the Commonwealth of the Northern Mariana Islands.

SD-366

10:00 a.m.

Appropriations

Legislative Branch Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1997 for the Library of Congress.

S-128, Capitol

JUNE 26

9:30 a.m.

Indian Affairs

To hold hearings on proposals to reform the Indian Child Welfare Act.

SR-485

SEPTEMBER 17

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the American Legion.

334 Cannon Building

SENATE—*Tuesday, June 4, 1996*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious Father, thank You for this time of prayer in which our minds and hearts can be enlarged to receive Your spirit. You are the answer to our deepest need. More than any secondary gift You can give, we long for the primary grace of Yourself offered in profound love and acceptance. We have learned that when we abide in Your presence and are receptive to Your guidance, You inspire our minds with insight and wisdom, our hearts with resiliency and courage, and our bodies with vigor and vitality.

In the quiet of this moment we commit all our worries to You. We entrust to You our concerns over the people of our lives. Our desire is to give ourselves to the work of this day with freedom and joy. Give us strength when we are weary, fresh vision when our wells run dry, indefatigable hope when others become discouraged. In the name of our Lord. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able Senator from Iowa is recognized.

SCHEDULE

Mr. GRASSLEY. Mr. President, on behalf of the leader, I want to announce that the Senate will be in a period for morning business today until the hour of 10:30 a.m. At 10:30, the Senate will begin 2 hours of debate. That time will be equally divided on the motion to proceed to S. 1635, the Defend America Act.

At 2:15 today there will be a cloture vote on the motion to proceed to S. 1635. If cloture is invoked today, it is hoped that we may begin consideration of the defend America legislation and complete action on that legislation.

As a reminder, the Senate will recess today between the hours of 12:30 and 2:15 for the weekly policy conferences to meet.

MORNING BUSINESS

The PRESIDING OFFICER (Mr. DEWINE). Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10:30 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

THE IOWA SESQUICENTENNIAL

Mr. GRASSLEY. Mr. President, today, I begin a series of remarks to celebrate the sesquicentennial of my home State of Iowa. It is my intention to say something on the history of Iowa, building up to the opening of the Smithsonian Institution's Festival of American Folklife on June 26. This year the festival celebrates Iowa.

So, I wish to inform my colleagues that they will shortly be receiving an invitation from the Secretary of the Smithsonian and the Iowa congressional delegation to attend a birthday party for Iowa. We will host the birthday party on June 26 from 6:30 until 8:30 at the Centennial Building of the Smithsonian located next to the Smithsonian Castle. I hope to see many of you as we enjoy cake and ice cream along with the other invited guests, including the President, Vice-President, Cabinet members, Supreme Court Justices, and foreign diplomatic corps. Many Iowa-based businesses will also be there. As a matter of fact, even the Maytag repairman, the loneliest man in town, may be there.

James K. Polk was our President when, on December 28, 1846, Iowa was admitted into the Union as the 29th State. But our history began long before that date. Before the coming of settlers from the East, Iowa was home to almost 17 different tribes of Indians over the years. Tribal names included the Ioway, Sauk, Sioux, Potawatomi, Oto, Missouri, and Mesquaki. The Mesquaki still live in Iowa on the Mesquaki Settlement in Tama County, which is some of the tribe's original land. This is a unique situation because this land is a settlement, not a reservation. It is comprised of land, now approximately 3,200 acres, which the tribe bought and owns outright.

Iowa is a very fertile land, with deep black soil and plentiful water. Little did the French explorers Louis Joliet and Father Jacques Marquette know when they came ashore in eastern Iowa from their Mississippi River travels in 1673 that this patch of land would become a modern-day international agricultural giant. Mr. President, 323 years later, Iowans proudly help to feed the world.

It is interesting to note that since 1880, Iowa has remained No. 1 in pork production in the United States. As Don Muhm, former Des Moines Register agriculture writer and very good friend of mine, writes in his book "Iowa Pork & People," the peak in Iowa hog farms came in 1935, when swine was raised on 185,215 farms in the State. This dropped to 33,000 farms in Iowa in 1993. As I have proudly stated on this floor many times before, 1 in 4 pigs in the United States lives in my home State of Iowa. And 78 percent of this country's grain-fed beef is raised in Iowa. In 1991, Iowa ranked first in the Nation in the production of red meat. Last year, in 1995, Iowa had the honor of ranking No. 1 in the Nation in the production of both corn and soybeans.

The good soil and abundance of good water are key to Iowa's agricultural productivity. There are numerous rivers and streams in the State. While Iowa ranks 30th in the United States by size of population and 23d in terms of size in land area, Iowa ranks 5th in the United States in the number of bridges needed to cross those rivers and streams. There are 24,844 bridges in Iowa.

Getting our products, both agricultural and nonagricultural, to market takes good roads. Iowa has more miles of road than 40 of the other States.

From the time the first official settlement began in Iowa in June 1833 to the present day, Iowans have proven themselves to be an industrious and blessed people. Our history is as rich as our land. We are proud to be Iowans, and we are proud to be Americans. During the upcoming days I will continue my talks on Iowa, hoping to impart to you and to the Nation a small part of something that is almost too big to describe—the Iowa spirit.

The PRESIDING OFFICER. The Senator from Utah, [Mr. HATCH], is now recognized to speak for up to 20 minutes.

The Senator from Utah.

PRESIDENT CLINTON'S CODDLE-A-CONVICTED-CRIMINAL CAMPAIGN

Mr. HATCH. Mr. President, an administration's law enforcement philosophy manifests itself in many ways. I have spoken several times about soft-on-crime Clinton administration judges. President Clinton has been AWOL—absent without leadership—in the war on drugs. After years of declining use the drug problem is on the rise—on President Clinton's watch. Today, I want to speak about the Clinton coddle-a-convicted-criminal program.

The President is responsible for protecting the constitutional rights of convicted criminals incarcerated in

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

State prisons. This is pursuant to the Civil Rights of Institutionalized Persons Act, sometimes called CRIPA, an act that I cast the deciding vote on and was prime cosponsor of, along with Senator Birch Bayh, many years ago, in the 1970's.

Convicted criminals do have some constitutional rights; but, understandably, those rights are very sharply circumscribed. And, to my mind, the Clinton administration, takes a very liberal view of these rights, and reads the rights of the accused and of convicted criminals more favorably than many of the rest of us.

Mr. President, the Clinton administration has asserted a number of instances where the constitutional rights of some of the most vicious criminals at the Maryland Correctional Adjustment Center, known as Supermax, are allegedly being violated. I cite a letter of Assistant Attorney General for Civil Rights Deval L. Patrick, to Gov. Parris N. Glendening, May 1, 1996. I want to focus on some of these alleged constitutional deprivations, or at least what the Clinton administration calls alleged deprivations of prisoners' rights.

I remind colleagues that Supermax was constructed to house inmates who by their own conduct create public safety justification for removal from traditional correctional facilities. Supermax inmates require close custody and a high level of supervision. Among the inmates at Supermax are 105 murderers, 19 rapists, and those who have histories of escape or attempted escape.

Mr. President, I hope my colleagues and others who are listening pause and brace themselves for the unconstitutional deprivations to which Maryland is allegedly subjecting these murderers, rapists, and other hardened criminals.

Now, is the Clinton administration citing the State of Maryland because it beats the convicts at Supermax? No. Is the Clinton administration citing Maryland because it tortures or starves these vicious criminals? No.

Mr. President, the Clinton administration is citing the State of Maryland, in part, because "food is served lukewarm or cold" to these murderers and rapists. Doesn't your heart just bleed for these murderers and rapists and other criminals? They are getting their food served lukewarm or cold. The Clinton administration makes a Federal case out of it. President Clinton is forcing Maryland taxpayers to defend against this ridiculous constitutional claim. This is the evolving standard of decency in the hands of liberals wielding the vast power of the all-mighty Federal Government. It is an abuse of Federal power on behalf of murderers and rapists; that is, the administration's position in this matter.

If you do not believe me, Mr. President, let me read you the relevant paragraph from page 5 of the Clinton administration's May 1 letter:

> Food served to the prisoners at Supermax is prepared at the penitentiary across the street and brought to Supermax in bulk. At Supermax, the food is placed into individual compartmentalized thermal trays for distribution to the prisoners in their cells. Food placed in the trays is not promptly covered; trays brought to the housing units are not promptly served. As a result, food is served lukewarm or cold. Food must be served at temperatures that conform to accepted health standards.

CRIPA, or the Civil Rights of Institutionalized Persons Act, requires only enforcing the constitutional minimum. Instead, the Clinton administration makes a Federal case out of it, advancing a constitutional right for hardened, convicted murderers and rapists, so vicious and dangerous as to need special supervision, to have their hot food served hot, not lukewarm or cold.

This is nothing but a Clinton coddle-a-convicted-criminal approach. I might say a convicted-vicious-criminal approach. The Clinton administration is forcing the taxpayers of Maryland to pay the cost of responding to its ridiculous demand.

That is not all. The Clinton administration insists that Maryland provide these killers and rapists 1 hour of out-of-cell time daily. At least five times per week, this out-of-cell activity should occur outdoors, weather permitting. Again, from the letter of Mr. Patrick. That is right Mr. President, the hardened criminals who are the worst of the worst, who require special supervision, have a constitutional right to fresh air, to go outdoors. This does not represent law and order. This is the coddling of vicious criminals.

Here is how the Clinton administration describes general conditions at Supermax:

> Inmates at Supermax are subjected to extreme social isolation. Inmates are confined to single person cells 24 hours a day, except for a brief period (less than an hour) every 2 to 3 days when they are permitted, one at a time, out of their cells to shower and walk around a dayroom area. Inmates are not permitted outdoors due to staff shortages. Inmates eat all of their meals in their cells. Food trays are passed through a narrow food port in a cell door, solid except for a vision window. Inmates are not allowed to participate in any prison job opportunities or any other prison recreational or educational programs. No recreational equipment is provided. Inmates in adjoining cells can hear but not see each other. The sole opportunity for socialization occurs during the out-of-cell time, when the inmate released from his cell may socialize with other inmates on his block, who are locked behind their cell doors.

They go on to say:

> Supermax' failure to provide sufficient out-of-cell time on a daily basis as well as its failure to provide any opportunity to go outdoors is unconstitutional, especially given the highly restrictive regimen of daily life at Maryland Supermax.

Is it any wonder Supermax inmates are isolated? These prisoners have been removed from traditional maximum security prisons as a result of their own conduct.

But the Clinton administration's heart just bleeds for these hardened, convicted criminals. Pity the inmates at Supermax. Joe the murderer does not have enough time to socialize, schmooz, and compare notes with Harry the murderer and rapists Ben and John. Does your heart not just bleed for these criminals, Mr. President? These model citizens do not get to jump on an exercise bike. So let us sue Maryland. Let us establish a constitutional right for convicted murderers and rapists to socialize with one another. Again, I stress, these are not merely maximum security prisoners. These prisoners at Supermax are the worst people in the Maryland prison system.

It is true that some courts, including the fourth circuit decision the Clinton administration relies upon, have ruled that "generally a prisoner must be provided some opportunity to exercise" under the eighth amendment, but that is in general. *Mitchell* v. *Rice*, 954 F.2d 187, 192]. Even the total deprivation of all exercise does not always violate the cruel and unusual punishment clause. According to the cited fourth circuit precedent, there is no per se rule requiring a minimum of exercise time in all cases. The issue turns on the particular circumstances.

Moreover, the Clinton administration's misleading reading of fourth circuit precedent favorable to the murderers and rapists of Supermax notwithstanding, the Mitchell versus Rice case does not suggest that there is a constitutional right for these prisoners to go out of doors.

Under the circumstances at Supermax; namely, the nature of the dangerous criminals locked up there, and their need for close supervision, the Clinton administration should let Supermax afford these inmates the brief time out of their cells every second or third day that the administration finds constitutionally objectionable. If Maryland correctional authorities want to provide more out of cell time, that should be in their discretion.

And I certainly believe the Clinton administration ought to drop its position that these particular murderers, rapists, and other closely supervised criminals, have a constitutional right to fresh air. Many, if not all, of the murderers in this group are lucky to be breathing indoor air at all, which is more than their victims are doing right now, I might add.

With respect to hot food, out-of-cell exercise time, and access to fresh air, the Clinton administration is seeking extraconstitutional conveniences and comforts for convicted criminals who do not deserve them.

The lesson is this: an administration's crime policies are a web of many factors. They include, for example, the kind of judges a President will appoint. They include the prosecutorial policies of an administration, its outlook on the drug problem and how to combat it. And they include the manner in which the constitutional rights of the accused and of convicted criminals are assessed.

A more liberal administration such as the incumbent administration will wind up, on balance, softer on crime. A conservative administration will be tougher on crime. And a conservative administration will not abuse its power by trying to coerce States into coddling convicted murderers and rapists.

Mr. President, the criminal justice system in this country has not been run very well. We should do everything in our power—the first time people are convicted—for people we really can rehabilitate, whose lives we can change. Rehabilitation is a very important part of this.

But, by gosh, we have no room for coddling these convicted murderers and rapists. We have no room for that. And to have this administration start to demand that they coddle these criminals and file lawsuits against States and have the taxpayers pay for the coddling of criminals—I am not just talking about criminals, but the most hardened criminals in America—I think is not only highly unusual with regard to the way I look at things, and I think most people in this country look at things, but it is typical for some of these more liberal thinkers who basically never blame the criminals for what they do, always blame society for not having helped them enough in these formative years.

The fact of the matter is, there is a word called "responsibility." We have to start requiring people to be responsible in our society even though they may have come from the wrong side of the tracks. Many people grew up on the other side of the tracks, in extremely difficult circumstances, and overcame those circumstances without turning to crime.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Chair, in its capacity as a Senator from the State of Ohio, suggests the absence of a quorum. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. THOMAS). Without objection, it is so ordered.

HEALTH INSURANCE REFORM LEGISLATION

Mr. KENNEDY. Mr. President, the Senate and House of Representatives have an excellent chance to complete action this week on the Health Insurance Reform Act—if Senators and Representatives are willing to put aside partisanship and Presidential politics and act in the public interest.

This legislation is what the American people need and deserve. If it were sent to the President today it would be signed into law tomorrow. But it has been languishing in Congress for several weeks, primarily because some Republicans insist that the bill must also include a highly controversial provision on medical savings accounts.

Senator DOLE has said on several occasions that he would like to achieve final action on this legislation before he leaves the Senate. If Senator DOLE is serious about such action, it is difficult to believe he cannot make it happen. We can break the logjam this week and pass a bill that both Republicans and Democrats can be proud of.

The consensus reforms in this legislation are essential and long overdue. Twenty-five million Americans a year will benefit from its provisions. The legislation eliminates the worst abuses of the current health insurance system. Under the current system, millions of Americans are forced to pass up jobs that would improve their standard of living or offer them greater opportunities, because they are afraid they will lose their health insurance. Many other Americans abandon the goal of starting their own business, because health insurance would be unavailable to them or members of their families. Still other Americans lose their health insurance because they become sick or lose their job or change their job, even when they have paid their insurance premiums for many years.

With each passing year, the pitfalls in private health insurance become more serious. More than half of all insurance policies impose exclusions for preexisting conditions. As a result, insurance is often denied for the very illnesses most likely to require medical care. No matter how faithfully people pay their premiums, they often have to start over again with a new exclusion period if they change jobs or lose their coverage. Some 81 million Americans have illnesses that could subject them to exclusions for preexisting conditions if they lose their current coverage. Sometimes, the exclusions make them completely uninsurable.

The reforms that passed the Senate 100 to 0 last April deal with each of these problems. Insurance companies are limited in their power to impose exclusions for preexisting conditions. No exclusion can last for more than 12 months. Once persons have been covered for 12 months, no new exclusion can be imposed as long as there is no gap in coverage, even if they change their job, lose their job, or change insurance companies.

The bill requires insurers to sell and renew group health policies for all employers who want coverage for their employees. It guarantees renewal of individual policies. It prohibits insurers from denying insurance to those who move from group to individual coverage. It prohibits group health plans for excluding any employee based on health status. Individuals with coverage under a group plan will not be locked into their job for fear they will be denied coverage or face a new exclusion for a preexisting condition.

The bill will also help small businesses provide better and less expensive coverage for their employees. Purchasing cooperatives will enable small groups and individuals to join together to negotiate lower rates. As a result, they can obtain the kind of clout in the marketplace currently available only to large employers.

There is nothing radical or extreme about these provisions. They were included in every proposal, Republican or Democratic, introduced in the last Congress, including Senator DOLE'S. When it became clear in 1994 that President Clinton's comprehensive health reform bill could not be enacted into law, Senator DOLE said that we should simply pass the things we all agree on. As he stated in August 1994 on the floor of the Senate.

> We will be back . . . And you can bet that health care will be near the top of our agenda. There are a lot of plans and some have similarities. Many of us think we ought to take all the common parts of these plans, put then together and pass that bill.

A week later, Senator DOLE described those common parts—provisions to help Americans who cannot afford insurance, who cannot get insurance because of preexisting conditions, or who cannot keep insurance due to a job change.

The bill that Senator KASSEBAUM and I introduced in 1995 followed that suggestion. It included only those reforms that had broad bipartisan support in the last Congress. We agreed to oppose all controversial provisions—even provisions we would support under other circumstances.

With Senator KASSEBAUM'S leadership, the legislation was approved by the Senate Labor and Human Resources Committee by a unanimous vote. By the time it was debated on the Senate floor, it had 66 cosponsors—28 Republicans and 38 Democrats—ranging from the most conservative Members of the Senate to the most liberal.

When the bill was taken up by the full Senate, Senator DOLE and Senator ROTH offered an amendment that had many constructive, noncontroversial provisions which strengthened the bill—fairer tax treatment for small businesses, deductibility for long term care expenses, tax relief for the terminally ill, and provisions to crack down on fraud in Medicare and Medicaid. Senator KASSEBAUM and I welcomed these provisions and accepted them.

But their amendment also included medical savings accounts, a proposal that would kill the bill. Fortunately, the Senate decisively rejected that proposal, and the amended bill, without medical savings accounts, passed the Senate unanimously.

Since then, unfortunately, a major impasse has developed over this issue. If the impasse can be resolved, the bill will pass. If not, the bill will die. Our best chance to resolve the impasse is now—this week. Senator DOLE wants the bill to pass before he leaves the Senate, and other Republicans are unlikely to reject a genuine request for action from their party's leader. Once Senator DOLE is gone, the prospects of ending the impasse are much more bleak.

Reasonable compromises are easily within our grasp on medical savings accounts. It is irresponsible for Republicans to hold the other bipartisan reforms in this bill hostage, if they can't get their way on medical savings accounts.

What happens to this bill is not going to make a difference in the outcome of the 1996 Presidential election. But it will make a difference, a very large difference, to the 25 million Americans who will benefit immensely from these needed health reforms. If we keep our eyes on them—if we keep those deserving families in communities across America uppermost in our minds, this bill will pass.

It is also clear who will get the blame if this bill dies. To kill this entire bill because they can't get all they want on medical savings accounts would be a flagrant and despicable abuse of power by the Republican Party—and the American people should vote accordingly in the elections in November.

SEBASTIAN J. "BUSTER" RUGGERI

Mr. KENNEDY. Mr. President, I welcome this opportunity to pay tribute to a remarkable man, a brilliant trial attorney, and a dear friend, Sebastian J. "Buster" Ruggeri.

Buster is a legend in Greenfield, Massachusetts. He was born in 1914, four years after his parents arrived in Greenfield from Sicily, and grew up delivering groceries for his family's business. He went on to graduate from Rensselaer Polytechnic Institute in 1936, and Boston University Law School in 1939.

In 1942, after practicing law for several years, Buster joined the Air Force. He spent three years as a lawyer in the service, working his way up from private to lieutenant colonel and retiring as head judge advocate for a base of 40,000 service members in India.

After the war, Buster joined the Air Force Reserve Squadron based in Greenfield. He became commander of 85 men, retiring as lieutenant colonel after 22 years.

After this outstanding service to the nation, Buster focused his attentions once again on the private practice of law. He quickly became known as the dean of the county's legal community. He is one of the brightest, most dedicated, and effective trial lawyers in Western Massachusetts. His passion and knowledge of the law and his commitment to justice led to a remarkably successful legal career.

Buster's interests extend to many other areas. He is a leading member of the Greenfield and Franklin County Democratic Committees. No Kennedy has ever gone to Franklin County without Buster's advice, assistance, and friendship. He used to hold strategy sessions for my brother during his campaign for President in 1960, and he's been a valuable friend and adviser to me throughout my years in the Senate.

In addition to these commitments, Buster always made time for community service. He is a longtime member of the Lions Club and the Elks Club, and served as deputy director for the Elks. Buster is also a distinguished member of the Veterans of Foreign Wars and the American Legion. His professional achievements also include serving as president of the Massachusetts Trial Lawyers Association and the Franklin County Bar Association.

I congratulate Buster on his remarkable career, and I wish him well as he continues his unique leadership for his profession, his community, and his country. I ask unanimous consent that a recent article on Buster's extraordinary life be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A "COLORFUL PISAN" IN THE COURTHOUSE

(By Russell G. Haddad)

GREENFIELD.—By all accounts over the past half century observers could usually tell when attorney Sebastian J. "Buster" Ruggeri didn't have a strong case.

The demonstrative and gregarious Ruggeri never flinched from a weak hand. He would create a diversion from the facts of a case by waving his hands about and performing some theatrics.

"If he didn't have a strong case he would shout at the jury," recalled former District Court Judge Allan McGuane who could hear him from two floors away.

John A. Barrett, Franklin County's register of probate, recalls a time when Ruggeri had a 2 p.m. appointment in probate court, but called to say he would be late. He showed up 15 minutes late but had spent the previous hours appearing in courts in Boston, Worcester and Springfield before arriving in Franklin County.

It's just this kind of drive that over the years has earned Ruggeri, still practicing full time at 82, a reputation as an energetic trial lawyer who would take cases nobody else wanted.

Ruggeri—considered the dean of the county's legal community—still seems tireless. The self-described "colorful pisan" began practicing law in 1939, and seemed to thrive on crisis and proving that he could win despite the odds, his long-time associates say.

"In the courtroom you could feel his presence," Barrett said. "He commanded the attention of everybody."

Ruggeri, meanwhile, looks back on his legal career and takes pride in never doing anything halfway. He was a general practitioner, researching, handling divorces, doing worker compensation cases, but also handling criminal cases as serious as murder, and civil actions.

"I was always intense in my practice and tried to treat everyone fairly," said Ruggeri.

He said his family nickname—first used by his parents when they called him for dinner—was always "Busty" but became "Buster" when Sen. Edward Kennedy called him that years ago.

In his heyday, Ruggeri was known as one of the most imaginative and hardworking trial lawyers in Western Massachusetts.

"I could always express myself," he said smiling. "I'm at home being up front."

His style worked in what Ruggeri describes as his most memorable trial—a 1975 murder case in which he defended Ernest W. Morran. Ruggeri in his closing statement hammered away at the prosecution's case slamming his fist on the jury box.

He ended his remarks reciting a Robert Frost poem to reinforce his argument that police had ignored Morran's version of what happened and arrested the wrong man in Ashfield woods on a snowy night in November 1974.

"Two roads diverged in a yellow wood And
sorry I could not travel both
And be one traveler, long I stood
And looked down one as far as I could
To where it bent in the undergrowth."

As if he were there today, Ruggeri finished:

"Two roads diverged into a wood and I . . ."
". . . took the one less traveled by,
And that has made all the difference."

Ruggeri explained that he learned early on in his career that he could sway juries by performing an impassioned plea. He had to convince the jurors that he believed in his client.

"You have to become a part of it," Ruggeri said. "I just about live it."

Attorney John Callahan, who was a Northwest District Attorney from 1970 to 1978 and faced off against Ruggeri on many occasions, said he was impressed with Ruggeri many, many times.

"He was bright. He was tenacious. He was very effective," Callahan said.

He recalled the Morran case, for which he was the prosecuting attorney. He said it stands out as a prime example of Ruggeri's skills and tenacity. Callahan said Ruggeri did an "unbelievable job" in cross-examining a pathologist testifying for the prosecutors.

The key to Ruggeri's success was preparation by hiring a pathologist of his own to inspect the evidence and guide him, according to Callahan.

"As far as I'm concerned it was one of the best jobs that Sebastian ever did," he said. "Sebastian could try a case off the top of his head but seldom did when it was a serious matter. As he always did, he gave his heart and soul to the trial as he did with many others."

Ruggeri was born in 1914, about four years after his parents, Anthony and Rose, moved here from Sicily. His mother and father, who worked for the Boston & Maine railroad in the East Deerfield yards, never had any formal education but went on to build a successful grocery business, A. Ruggeri & Sons.

The oldest of four sons—he also has an older sister—Ruggeri later helped in this business delivering groceries. He has fond memories of those times when his mother would give cookies to neighborhood children and the market was a meeting place to talk about politics and the various happenings in town.

"People used to come in and chew the fat for an hour," Ruggeri said with a sparkle in his eye.

But above all else, his greatest impression of those days was his father, who opened the store in the 1920's in the basement of their Deerfield Street house. Ruggeri said his father would work practically all day, yet have time to instill morals and values in his children.

"I think the world of my Daddy," Ruggeri said affectionately. "My parents were next to God."

However, he didn't always move in the direction his father and mother wanted. On graduating from Greenfield High School, Ruggeri attended Rensselaer Polytechnic Institute in 1936, earning a civil engineering degree. While his parents wanted him to become an engineer, he had designs on a legal career and eventually went to Boston University Law School and graduated in 1939.

"I thought engineering would be too quiet," the fragile-looking, but strong-willed Ruggeri recalled.

After three years of practicing law, Ruggeri joined the Air Corps in 1942. He spent the subsequent three years in the service, quickly working his way up from private to lieutenant colonel, retiring as head judge advocate for a base of 10,000 men in India.

After the war, he joined the 9286th Air Force Reserve Squadron, based in Greenfield. He later became commander of 85 men, retiring as a lieutenant colonel after 22 years.

A conversation about Ruggeri's military experience tends to get a bit dangerous. He becomes animated, excitedly pacing back and forth and swinging his arms as he tells stories of being in officer cadet school and his travels in India in the shadow of the Himalayan Mountains on the Chinese border.

Reared on local political gossip at the family store, Ruggeri eventually became a leader in the local and state Democratic Party, befriending the Kennedys and on numerous occasions hosting them at his 13-room James Street home.

In his Bank Row offices, photographs of John F. Kennedy and Robert F. Kennedy hang on the walls. A commemorative poster from the 25th anniversary of JFK's assassination is prominently placed in the waiting area just outside Ruggeri's office.

U.S. Sen. Edward M. Kennedy personally signed the poster with a message.

"To Buster—who started with Jack and has stood shoulder to shoulder with all the Kennedy brothers—Ted," the proclamation reads.

Kennedy, in a prepared statement, recently called Ruggeri a "great friend and key supporter" for more than 40 years going back to JFK's first campaign for the U.S. Senate in 1952.

"Ever since, no Kennedy has gone into Franklin County without Buster's advice, assistance and friendship," Kennedy said. "He's made an enormous difference, and I know that Jack and Bob felt the same way."

Ruggeri, who was one of the guests invited to Rose Kennedy's funeral last year, boasts that JFK's run for the presidency began in his office as strategy sessions to take control of the state Democratic Committee were held there. He said he only asked for one job through his ties with Sen. Kennedy—U.S. ambassador to Italy.

"I speak Italian fluently and everything," said Ruggeri, who in recent years has been invited to join the Republican Senatorial Inner Circle. "I could have fun in Italy."

Over the years, Ruggeri acquired much downtown property in Greenfield, becoming the largest single landlord in town. His 37 properties include a sizable chunk of Bank Row, part of which is the former First National Bank building. He also owns an empty Federal Street office building as well as several residential properties, the Silver Arrow liquor store on French King Highway and the Ruggeri Shopping Center on Federal Street. He also owns 52 acres on Shelburne Road, which he hopes to sell for possible use as a shopping center.

Ruggeri, who started buying real estate soon after he began practicing law, said at one time the properties were considered a badge of honor. Now many of them are vacant and falling into disrepair and he owes more than $130,000 in back taxes.

At one time the commercial properties downtown "had a certain amount of honor to them," he said. "I've got some temporary burden. I'm hoping 1996 will be better for me."

The life of Franklin County's oldest lawyer has been full of community service. He is a longtime member of the Lions Club and Elks Club, having served as past district deputy for the Elks. He also is a member of the Veterans of Foreign Wars and American Legion organizations. His professional affiliations included being a past president of the Massachusetts Trial Lawyers Association and Franklin County Bar Association. Politically, he is a member of the Greenfield and Franklin County Democratic Committees.

Ruggeri and his wife, Margaret, were married 33 years before she died in 1974. They had five children together—Avis, Margaret, Phyllis, Christine and Paul, who died in a 1982 car crash.

Paul's death still appears to affect Ruggeri as he fondly remembers what his son, and law partner, meant to him and the firm.

"He was bringing in young clients," Ruggeri said. "My whole plans to turn the office over to him were shot to hell. He had a great future."

Ruggeri's plans to retire and hand the firm to his son had been dashed, and made him push his career forward.

McGuane, a former state representative, thinks of Ruggeri as a "remarkable man." He said Ruggeri belongs to the old school of being polite and courteous.

"He's honest. A man of his word," McGuane said. "He always gave his client a full day's work for his pay whether win, or lose or draw."

Over his legal career, Ruggeri said he has had no regrets despite having chances to become a federal judge on several occasions through his association with the Kennedys.

"I always wanted to be a small town lawyer," Ruggeri said, "I had the freedom here."

Hard work has become his trademark.

And Ruggeri is still going strong. He received a degree in patent law last summer from Franklin Pierce Law Center in Concord, N.H.

EXCELLENCE: A BOYD FAMILY TRADITION

Mr. HOLLINGS. Mr. President, I consider myself to be extremely fortunate to have a staff made up of people who are not only excellent at what they do, but are bright, interesting, and a pleasure to be around. Among them is a young man by the name of Moses Boyd, whose intelligence, determination and inimitable style have been a longtime asset to my office. Apparently, being hardworking and capable are traits that run in his family. I ask unanimous consent to have printed in the RECORD a column that Moses wrote as a tribute to a role model of his. She sounds like an incredible woman.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

[From the State, Columbia, SC, Mar. 29, 1996]

MIDLANDS VOTING RIGHTS ADVOCATE SALUTED

(By Moses Boyd)

As part of last month's Black History celebrations, we would like to honor a living inspiration who made a significant contribution to the voting rights of many Richland County citizens.

She is Elease Boyd, my mother.

She was born in 1924 in Fairfield County, where she attended public schools. Married at 15, she gave birth to 14 children and enjoyed a loving marriage of more than 55 years until the passing of her husband last year.

While young, she became a Sunday school teacher at Zion Pilgrim Baptist Church. In that position, she instructed church members in reading and writing as well as Bible lessons.

Her interest in voting rights began in the 1950s. She regularly encouraged church members and community residents to register to vote, holding sessions on how to do it.

She persistently communicated her interest to organizations such as the National Association for the Advancement of Colored People. She once accompanied a group to one of Martin Luther King Jr.'s seminars on voting rights.

As a result of her interest, she was appointed in 1967 to the Richland County Board of Voter Registration.

She became the first African-American woman to serve as a registrar in South Carolina. In that role, she worked tirelessly to increase voter registration, particularly among low-income and African-American citizens.

Her service led to appointment as chairman of the board in 1980, making her the first African-American woman to serve in this capacity in South Carolina. She retired as board chairman in 1988.

Colleagues, associates, friends and observers have noted the vital role she played in ensuring voting rights.

She made an enormous contribution to residents of Richland County and South Carolina.

Congratulations, Mama.

FOSTER CHILDREN

Mr. DEWINE. Mr. President, I rise today to talk about an American tragedy. First, Mr. President, too many children in this country are spending the most important formative years in a legal limbo, a legal limbo that denies them their chance to be adopted, that denies them what all children should have: the chance to be loved and cared for by parents.

Second, we are sending many children in this country back to dangerous and abusive homes. We send them back to live with parents who are parents in name only, and to homes that are homes in name only. We send these children back to the custody of people who have already abused and tortured them. We send these children back to be abused, beaten, and, many times, killed.

Mr. President, we are all too familiar with the statistics that demonstrate the tragedy that befalls these children. Every day in America—every day—three children actually die because of abuse and negligent at the hands of their parents or caregivers, over 1,200 children per year.

Mr. President, almost half of these children, almost half of them, are killed after their tragic circumstances have already come to the attention of the local authorities. Tonight, Mr. President, almost 421,000 children will sleep in foster homes. Over a year's time, 659,000 will be in a foster home for at least part of the year.

Shockingly, roughly 43 percent of the children in the foster care system at any one time will languish in foster care longer than 2 years. Mr. President, 10 percent will be in foster care longer than 5 years.

Mr. President, the number of these foster children is rising. From 1986 to 1990, it rose almost 50 percent.

In summary, Mr. President, too many of our children are not finding permanent homes. Too many of them are being hurt, and too many of them are dying.

Mr. President, most Americans have probably heard of the tragedy that befell Elisa Izquierdo in New York City. Her mother used crack when she was pregnant with Elisa. A month before she was born, her half brother, Ruben, and her half sister, Cassie, had been removed from her mother's custody and placed into foster care. They had been neglected, unsupervised, and unfed for long periods of time. In other words, Mr. President, this woman left her children alone and simply did not feed them.

But then, Mr. President, amazingly, the children were sent back to the same woman, and then Elisa was born. When Elisa was born, she tested positive for crack. She was taken from her mother and transferred to her father's custody. Tragically, in 1994, Elisa's father died. Elisa was then 5 years old. The director of Elisa's preschool warned officials about the mother's history of child abuse and drug abuse. Without any further investigation and without ordering any further monitoring of Elisa's home situation, a family court judge transferred Elisa back to her mother.

In March 1995, when Elisa was 6 years old, she was admitted to the hospital with a shoulder fracture—a shoulder fracture, Mr. President. This is a little girl from a household with a history of child abuse, and she shows up at the hospital with a shoulder fracture. What did the hospital do? The hospital sent her back to her mother.

Eight months later, in November 1995, she was battered to death by that same mother. You see, Elisa's mother was convinced that Elisa was possessed by the devil. She wanted to drive out the evil, so she forced Elisa to eat her own feces, mopped the floor with her head, and finally bashed her head against a concrete wall. On November 2, 1995, Elisa was found dead.

Mr. President, this story then was on the front page of the New York Times, and for days after that the story was covered. Millions of Americans were, understandably, shocked. But you know, Mr. President, what shocked me when I read the story, when I heard about it, was that anyone would be shocked at all, because the horrible truth is that while this horrible tragedy captured the attention of the country, the sad fact is that atrocities such as this are happening against children every single day in this country. Children are being reunited with brutal abusers. They are abused again and again, and, yes, sometimes they are killed.

Here is another story. A Chicago woman had a lengthy history of mental illness. She ate batteries, she ate coat hangers, and she drank Drano. She stuck pop cans and light bulbs into herself. Twice she had to have surgery to have foreign objects removed from her body. Then when she was pregnant, she denied that the baby was hers. While pregnant, she set herself on fire. That is her idea of what being a parent is all about. On three occasions, her children were taken away from her by the department of children and family services, known as DCFS.

One of her children was named Joseph. Joseph's second foster mother—keep in mind that this was a child that was being pushed back and forth between foster homes, back and forth with his mother. Joseph's second foster mother reported to the DCFS officials that every time Joseph came back from visiting his mother, he had bruises. Yet, in 1993, all the children were returned to this mother—one last time.

A month later, in April 1993, this mother hanged Joseph; she hanged her little boy. She hanged her 3-year-old son. Her comment to the police was, "I just killed my child. I hung him." She stood him up on a chair and said, "bye." He said, "bye." Then he waved. And she pushed the chair away. She hanged this little boy.

Mr. President, what kind of a person does something like that to a child? She told a policeman, "DCFS was" blankety-blank "with me."

Mr. President, why on Earth would anyone think we should keep trying to reunite that family?

Another example. Last year in Brooklyn, NY, there were allegations that baby Cecia Williams and her three older siblings had been abandoned by their mother. As a result, they were temporarily removed from their mother's custody. It turned out they had not been abandoned by the mother. She had actually placed them in the care of an uncle, and he had abandoned the children.

Later, Cecia and the other children were sent back home. Last month, after they were sent back home in New York, Cecia Williams died after being battered, bruised, and, possibly, sexually abused. Her mother and her boyfriend have been charged with the crime.

Cecia was 9 months old. Cecia is dead today—a victim of blunt blows to her torso, and lacerations to her liver and small intestinal area.

Another example. A young boy in New Jersey named Quintin McKenzie was admitted to a Newark hospital after a severe beating, for which his father was arrested. Quintin was placed in foster care. But when the charges were dropped, he was sent back to that family. In 1988, Quintin was 3½ years old when his mother killed him. She plunged him into scalding water because he had soiled his diapers.

In Franklin County, OH, the local children services agency, in another case, was trying to help Kim Chandler deal with her children—7-year-old Quiana, 4-year-old Quincy, and 1-month-old Erica. In July 1992, they closed the case on her. On September 24, 1992, all three children were shot dead, and Kim Chandler was charged with the crime.

In Rushville, OH, in March 1989, 4-year-old Christopher Engle died when his father dumped scalding water on him.

Mr. President, we could go on and on and on. Tragically, there is not a Member of the Senate who could not cite examples from his or her own State of these tragedies. I could multiply example after example of households like these—households that look like families but are not, Mr. President; people who look like parents, but who are not; people who never, never should be allowed to be alone with any child. I do intend, in the months ahead, to discuss many of these stories on this floor, Mr. President.

Why are atrocities like this happening? There are many factors contributing to this problem. In many cases, the abuse is caused by parents who were themselves abused as children. In other cases, the parent is deeply disturbed or mentally ill. Often, the parent is a teenager, who is emotionally unprepared for the responsibility of raising a child.

All of these factors were present in earlier generations. What is different today is that too many of the young parents have no role models of good parenting. They did not have good parents themselves, so they have no idea how to be parents for their own children.

Another major problem, Mr. President, is the decline of the extended family, the support system that used to do so much to make sure children were taken care of. In many cases, it just does not exist today.

Add to all of this the relatively new phenomenon of crack. Since the late 1980's, we have seen an explosion of this new form of cocaine that is readily available, is cheap, and explosively addictive. Crack is so addictive that mothers have sold their children so they can get more of it. Someone said, when talking about crack, that crack is the only thing that has ever been invented by man that will cause a mother to behave not like a mother and abandon all the natural instincts that she might have—to leave that child, sell that child, to abuse that child.

Mr. President, put all these factors together and we have a major social problem on our hands. Now, we ask social workers to try to patch up the wounded. But the social workers are underpaid and overworked. When I was an assistant county prosecutor over 20 years ago, and then when I was the county prosecutor in Greene County, OH, I worked closely with these dedicated, hard-working social welfare professionals. I have great respect and admiration for them. They are literally at the front line of our efforts to save children. We expect the impossible from them and, frankly, do not give them all the tools and resources they need to do their jobs. Often, the only options they have, and the only choices they have for these children, are all bad—no good options, no good choices.

Many times, our social welfare agencies are simply overwhelmed. Some experts say that the social worker handling children ought to handle no more than 15 or 20 cases at a time. But the truth is that we have social workers today handling 50, 60, 70 cases. They do not have enough time or enough resources to solve the problems these kids have.

In summary, Mr. President, there are many causes for the tragedies I have discussed. Further, there are many things that must change, many things that we can do to help these children.

There are many things we can do, Mr. President, to lessen the time it takes for children to be adopted, and to lessen the time these poor kids have to spend in the legal limbo of the system. Further, there are many things we can do to lessen the odds of tragedies like the cases of Elisa Izquierdo and Joseph Wallace.

Mr. President, I intend to keep working to find solutions to these problems, recognizing that their causes are multiple—and that to solve them, we must do many things.

But today, I would like to focus on one of the causes of these tragedies, one that most people have not heard about. It is the unintended consequence of a small part of a law passed by the U.S. Congress.

In 1980, Congress passed the Adoption Assistance and Child Welfare Act—known as CWA. The Child Welfare Act has done a great deal of good. It increased the resources available to struggling families. It increased the supervision of children in the foster care system. And it gave financial support to people to encourage them to adopt children with special needs.

But while the law has done a great deal of good, many experts are coming to believe that this law has actually had some bad unintended consequences.

Under the CWA, for a State to be eligible for Federal matching funds for foster care expenditures, the State must have a plan for the provision of child welfare services approved by the Secretary of HHS. The State plan must provide:

> . . . that, in each case, reasonable efforts will be made (A) prior to the placement of a child in foster care, to prevent or eliminate the need for removal of the child from his home, and (B) to make it possible for the child to return to his home.

In other words, Mr. President, no matter what the particular circumstances of a household may be—the State must make reasonable efforts to keep it together, and to put it back together if it falls apart.

What constitutes "reasonable efforts"? Here is where maybe we have part of the problem.

This has not been defined by Congress. Nor has it been defined by HHS.

This failure to define what constitutes "reasonable efforts" has had a very important—and very damaging—practical result. There is strong evidence to suggest that in the absence of a definition, reasonable efforts have become—in some cases—extraordinary efforts. Efforts to keep families together at all costs.

Mr. President, much of the national attention on the case of Elisa Izquierdo has focused on the many ways the social welfare agencies dropped the ball. It has been said that there were numerous points in the story when some agency could have and should have intervened to remove Elisa and her siblings from her mother's custody.

I am not going to revisit that ground. Rather, my point is a broader one: Should our Federal law really push the envelope, so that extraordinary efforts are made to keep that family together—efforts that any of us in this Chamber or anyone listening would not consider reasonable?

Throughout human history, the family has been recognized as the bedrock of civilization. The family is where values are transmitted. It is where children learn behavior—develop their character—and form their personality.

Over the last couple of years, a remarkable convergence has occurred in American social thought. Liberals and conservatives are now in near-total agreement on the need to strengthen the family as an institution. Without stronger families, it will be impossible to avoid a social explosion in which troubled children turn into dysfunctional adults on a massive scale.

But what we are confronting in the terrible stories I have just recounted are not families. They are households that look like families—but are not.

If you look inside one of these households, you see some children. And you see some people who—superficially, at least—resemble parents. But this is not what you and I and most Americans mean when we talk about families.

In this type of family when we have heard the horror stories, the children are beaten and abused and neglected. Mr. President, what do we, as a society, do about these households—these households that are not families?

By 1980, the child welfare system in this country had come under some pretty strong criticism. That is why we have the bill. After many hearings, Congress concluded that abused and neglected children too often were unnecessarily removed from their parents—and very significantly that insufficient resources were devoted to the commendable task of preserving and reuniting families—and that children not able to return to their parents often drifted in foster care without ever finding a permanent home.

That is how the CWA came to be enacted. The phenomenon known as foster care drift—children who get lost in a child welfare system that cannot or will not find them a permanent home—simply had to be faced and reversed.

Let me interject at this point, Mr. President, that I had substantial experience on this issue before the passage of the CWA legislation in 1980. As long ago as 1973, I was serving as an assistant county prosecutor in Greene County, OH, and one of my duties was to represent the Greene County Children Services in cases where children were going to be removed from their parents' custody.

I saw first hand that too many of these cases dragged on forever. The children end up getting trapped in temporary foster care placements, which often entail multiple moves from foster home to foster home to foster home, for years and years and years.

Congress enacted the CWA to try to solve this very real problem. There were good reasons for the CWA, and the CWA has done a lot of good. There are some families that need a little help if they are going to stay together, and it is right for us to help them. Not only is it right—it is also clearly in the best interests of the child to reunite families when we can.

Mr. President, I ask unanimous consent for 5 additional minutes, and I apologize to my colleague.

Mr. EXON. Reserving the right to object, I would like to see what the parliamentary procedure is and ask the Chair to make a ruling. I have 15 minutes that was assigned to me under the original schedule, and also Senator LEAHY. The time is about up. I would not object to the request from the Senator so he can finish his remarks so long as the same procedure would be afforded to this Senator after he has finished his presentation.

The PRESIDING OFFICER. Is their objection to the Senator's request?

Hearing none, it is so ordered.

Mr. DEWINE. I thank my colleague. Again I apologize for taking his time and the Senate's time. But I would like to complete. It should not take any more than just a few more moments.

We should not be in the position of taking children away just because the parents are too poor—or just because there is a problem in the family. If the problem can be fixed, we must try to keep the family together for the children's benefit. It is just that at some point, when it comes to cases of child abuse and child neglect, we have to step in and say: "Enough is enough. The child comes first."

And that is where we are now, in a lot of cases. Fifteen years after the passage of the CWA, I think we need to revisit this issue, and see how the system is working in practice.

I believe we need to reemphasize what all of us agree on—the fact that the child ought to come first. We have to make the best interests of the child our top national priority.

In many of the cases we have looked at, it looks like the CWA has been not been correctly interpreted. At least that is the way it appears. Try to imagine what the authors of the CWA—the people who stood on this Senate floor and the House floor in 1979 and 1980—what would they have said if they had been asked: "Should Joseph Wallace be sent back to his mother? Should this little Joseph, this little boy, be sent back?"

I cannot believe that anyone would say he should have been sent back. And I cannot believe that it was the authors' intent that it would take place. I cannot believe that they would say, "In that case, and in every case, the child must be reunited with the adult at all costs."

No, I don't think so.

Reasonable people agree, Mr. President, on one point: Nothing—nothing—should take precedence over the best interests of the child. It is common sense. And I think we need to make sure the CWA is interpreted consistently—and correctly—to reflect that common sense.

It is my hope that an important new book will spark the national debate that America need to have on this issue. The book is called "The Book of David: How Preserving Families Can Cost Children's Lives," by Richard J. Gelles.

Dr. Gelles is the director of the Family Violence Research Program at the University of Rhode Island. For years, Dr. Gelles thought children should be permanently removed from their homes only as a last resort, even if it meant that the children may spend years moving back and forth between birth homes and foster homes. He now says—and I quote:

> It is a fiction to believe one can balance preservation and safety without tilting in favor of parents and placing children at risk.

He believes that the system is weighted too far toward giving the mother and father chance after chance after chance to put their life in order—putting the adults first, rather than putting the children first.

Even some social-work professionals will tell you how true this is. Krista Grevious, a Kentucky social worker with 21 years of experience, says:

> I think it's probably one of the most dangerous things we have ever done for children.

Patrick Murphy is the court-appointed lawyer for abused children in Cook County, Il. He says:

> Increasingly, people in this business do not look at things from the point of view of the child. But the child is the defenseless party here. We've forgotten that.

In 1993, Murphy published an article in the New York Times that put the problem in historical context. I quote from his article:

> The family preservation system is a continuation of sloppy thinking of the 1960's and 1970's that holds, as an unquestionable truth, that society should never blame a victim. Of course, the children are not considered the victims here. Rather the abusive parents are considered victims of poverty and addiction. This attitude is not only patronizing, it endangers children.

Marcia Robinson Lowry, head of the Children's Rights Project at the American Civil Liberties Union, sums it up. She says:

> We've oversold the fact that all families can be saved. All families can't be saved.

Mr. President, let me make this absolutely clear. I think there is nothing wrong with giving parents another chance. But we have to make sure the child comes first. Is that child going to get a second chance at growing up? A second chance to be 4 years old—the age when a personality is already fundamentally shaped?

Jann Heffner, the director of the Dave Thomas Foundation for Adoption, has a useful way of looking at this problem—the concept of "kid days." When you are 3 years old, 1 month of experience does a lot to the formation of your personality. It is not a month that can be taken for granted, or treated as routine.

One helpful way of looking at it is this: If you are 50 years old, 1 year is 2 percent of your life. If you are 3 years old, 1 year is one-third of your life.

There is some important psychological activity going on with these children. And every day—every hour—really counts. Lynne Gallagher, director of the Arizona Governor's Office for Children, says:

> It's as though these people think we can put the kids in the deep freeze for awhile * * * and then pull them out when the parents are ready to parent.

We all know how crucial those formative years can be.

Let me return to the work of Dr. Gelles. He says:

> It is time to face up to the fact that some parents are not capable of being parents, cannot be changed, and should not continue to be allowed to care for children.

He advocates changes in Federal laws to protect children. He also thinks that child-protection officials should move to terminate parental rights sooner, thus freeing children for adoption.

I think the time is ripe for these changes. In New York City, Mayor Giuliani has pledged to shift the city's priorities away from family preservation—and toward protecting children from harm.

But we need to examine how much of the problem we face is a consequence of Federal law—the lack of precision of the CWA legislation back in 1980. And this is truly a national problem that needs a national response. According to the National Committee to Prevent Child Abuse, child abuse fatalities have increased by 40 percent between 1985 and 1995.

I think there is something the U.S. Congress should do about that. I think we should make it absolutely clear that the best interests of the child are the primary concern of social policy.

We need to examine, Mr. President, whether in fact the 1980 Child Welfare Act has been misinterpreted—and whether we need to clarify it so there can be no misunderstanding of Congress' intent. While family reunification is a laudable goal, and should usually be attempted, the best interests of the child should always come first. This, Mr. President, was the intention of the drafters of the 1980 law. Congress should reaffirm this—by making whatever clarification is necessary in the law.

To the extent that the 1980 law has been imprecise, ambiguous, and unclear, or just misinterpreted, it has contributed to the syndrome in which children move from child abuse to foster home to child abuse. It is time for us to break this cycle—to help children escape their abusers and find a permanent home before they have suffered absolutely irreparable physical and emotional damage.

If we make explicit our commitment to putting the best interests of the child first, in almost all cases that will mean family reunification. The best interests of the child are almost always served by reuniting and preserving families. But in the cases where family reunification is not in the best interest of the child, in those cases we must protect the child. Federal law must be clearly on the side of the child.

I intend to introduce—in the near future—legislation that will clarify once and for all the intent of Congress on this issue. Congress should stand with the highest values of the American people. And the mind and heart of America are crystal clear on this issue: The children come first.

When they do not, we, as a society, as Americans, have every right to become outraged, to get mad—and demand change.

I simply conclude by saying we need to look at the best interests of the child. We need to reexamine this law. We need to look at how it is actually working.

I understand that this may be an uphill battle, that there is a reluctance to revisit this. But I think we should revisit it. I think we should look at it, keeping in mind only one thing, what really is in the best interests of children.

I ask unanimous consent that four articles on this subject be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Baltimore Sun, Dec. 4, 1995]

TINY COFFINS

(By Mona Charen)

WASHINGTON.—The death of 6-year-old Elisa Izquierdo, allegedly at the hands of her mother, has touched New York as few such cases do. Her funeral was attended by the city's mayor, the state's lieutenant governor and hundreds of mourners who didn't even know her.

It mystifies me that some cases of child abuse receive extravagant attention and evoke the tears and guilty questions they ought to arouse. Thousands of others are ignored, their funerals sparsely attended, their files closed, and we never ask how this is possible in a country that calls itself civilized. According to Richard Gelles of the University of Rhode Island, between 1,200 and 1,400 children are killed by their parents or caretakers every year in America. At least half are known to social-service agencies before they die.

Elisa Izquierdo had been tormented for a very long time. When she died from a severe beating, her body bore old scars of scores of other injuries. Neighbors recalled hearing her scream in pain and beg her mother not to hurt her. Her cousin, who had sued for custody, revealed that the mother had, among other tortures, forced the child to eat her own feces.

The number of New Yorkers who knew of Elisa's suffering but did nothing is astounding. She was being seen regularly by social-service workers at her kindergarten. She was known to the city's Child Welfare Administration and to a private agency that intervenes in troubled families.

Social service agencies nationwide complain that they are impossibly overburdened. "There are people who have 40 cases," complained a caseworker to the New York Times. "They don't have time to go back and make second visits." Budget cuts have made it even harder to do their jobs.

Who else can intervene?

Though I am generally opposed to bureaucracy, preventing child abuse is an exception. Who else but the government can intervene to protect these children? The number of children in foster care is increasing dramatically, from 434,000 in 1982 to more than 600,000 today. According to the American Public Welfare Association, 70 percent of those kids enter the system because of abuse, neglect or "parental conditions" including drug abuse. In the District of Columbia, social workers don't have enough cars or fax machines to keep abreast of their caseloads. If child protective agencies need more money, they should have it.

But the heart of the problem is not money; it is philosophy. Most social-service agencies pursue the goal of "family preservation." Federal money is tied to state efforts to keep biological families together. Children, once removed from abusive homes, are returned again and again. Social workers see their jobs as the provision of "services" to parents who abuse their children. In one case the parents of 10 children were hurting some of them. The Child Welfare Administration assigned them a full-time housekeeper, lamenting only that budget cuts forced them to withdraw her after a year or so.

Unless social-service agencies nationwide can stiffen their spines, stop thinking of the abusing parents as the victims and focus on terminating parental rights in cases of abuse and neglect, this plague of tiny coffins will continue. There are thousands of would-be adoptive couples ready to provide loving homes for kids who have been abused. Yet the system frustrates them at every turn.

[From the Tampa Tribune, Apr. 21, 1996]

TAKE CHILDREN OUT OF HARM'S WAY

(By Joan Beck)

Every day at least three children in America die—killed by their parents or caretakers. Often they are also the victims of efforts by child protection agencies to keep families together, whatever the risks.

Such a child was David Edwards, dead at the age of 15 months, whose mother, Darlene, 23, called 911 one morning to say her son wasn't breathing. Paramedics arrived quickly and immediately began CPR, inserting a breathing tube into his throat and rhythmically compressing his chest in hopes of keeping blood flowing to his brain.

Continuing CPR, the paramedics rushed David to a Rhode Island hospital, where further efforts at resuscitation were futile. An autopsy showed signs of repeated child abuse and suffocation. Investigators found that after David's father, Donald, had left for work, Darlene, who had been working as a prostitute out of their apartment, had entertained a "trick." To keep David quiet, she forcibly held him down and suffocated him.

What's chilling is that David was known to be at deadly risk. His parents had earlier lost custody of David's older sister, Marie, because of severe abuse. The state child protective agency had been called twice about David. His father had raged at the caseworker when she tried to check on the child. But the casework plan had been to keep the family together.

Questioned after David's funeral, attended only by his grandparents and a state investigator, Darlene was charged with murder. She pleaded guilty to manslaughter and was sentenced to four years in prison, followed by a long probation.

There's nothing new about David's story. Similar tragedies are old stuff in big-city newspapers and on TV stations. Only the names of the children are different.

But David shouldn't have died, insists Richard J. Gelles, director of the family violence research program at the University of Rhode Island. Contributing to David's death, he says, are the laws, casework philosophy and public sentiments that keep emphasizing the rights of biological parents and the goal of family preservation.

Like David, more than half of the annual toll of 1,200 children killed by parents or caretakers were already known by state or local child protection agencies to be in danger. Their deaths are heartbreaking evidence that current policies and services are failing and must be changed.

But the answers don't come easy. The problems are overwhelming the system and getting worse, as dysfunctional families and single-parent homes increase, drug abuse grows and state agencies are dangerously pinched for resources. In his new book, "The Book of David" (subtitled "How Preserving Families Can Cost children's Lives"), Gelles points out the worrisome realities. State and local child protection agencies get almost 3 million reports of abuse and neglect every year; about 38 percent are substantiated. Many charges are dismissed—in part because some child abuse and neglect can be difficult to detect.

The caseworkers who must make the life-and-death decisions about which children are actually in danger and how to help them, Gelles says, are typically in their 20s—liberal-arts majors with about 20 hours of training. Part of that training is how to fill out paperwork, and some of it emphasizes keeping families together.

But family preservation, however appealing its philosophy and goals, has been dangerously oversold as an answer to child abuse and neglect, Gelles insists—and as cost savings for taxpayers.

He urges that the rights of abusing parents be terminated much faster—after no more than a year, for example, for those with drug or alcohol problems who are not making good progress in rehabilitation. He would also end parental rights quickly in cases like David's in which abusing parents have already lost custody of another youngster.

Gelles concedes that the foster-care system is overwhelmed with the needs of all the children who should be placed out of their homes for their own safety. But his other solutions only nibble away at the problem.

Making endangered children available for adoption at the youngest ages possible gives them the best shot they can have at a safe and benign childhood, Gelles points out. Adoptive parents are easiest to find for babies and toddlers, before a youngster has been permanently damaged emotionally or physically by abuse.

Even David's sister was eventually adopted, although she was permanently disabled by her parents' abuse. New parents could easily have been found for David had the rights of his biological parents been terminated, Gelles points out.

Gelles also recommends setting up more small residential group homes. He says this setting gives a child the chance to make the long-term attachment to a caring adult that is psychologically essential, although he does not recommend such homes for youngsters under age 3.

Most important, every kind of help for abused children must put their safety first, Gelles insists, even at the expense of the rights of biological parents or the benign-sounding goals of family preservation.

Better solutions to problems of poverty, unemployment, dangerous neighborhoods, drugs, teen pregnancy, crime and poor schools would also help, Gelles agrees, in hopes of reducing abuse and neglect. Better welfare policies could help families "where the overriding problems are those of poverty rather than inflicted injury or sexual abuse."

Gelles knows there is no single answer to problems of child abuse. He acknowledges that family preservation efforts do help in some instances, that foster care sometimes fails, that money and public patience run out. But he has done a public service with his insistence that we make the well-being of children the center of our welfare and protection policies—in ways that we don't now.

[From the Washington Post, May 12, 1996]

ADOPT A SENSE OF OUTRAGE

(By Mary McGrory)

After Sister Josephine finished her wrathful remarks about abused children at the spring adoption seminar in a Washington law office, the chairman, former Pennsylvania governor Robert P. Casey, spoke in praise of outrage.

"If you don't have a sense of outrage as a politician, you are not worth a damn. If you have lost it, get out of politics."

He is quite right. Sister Josephine Murphy of the Daughters of Charity told of the grossly abused babies who pass through her hands at St. Ann's Infant and Maternity Home in Hyattsville, where she is the administrator. I add, in the interests of full disclosure, that I am a friend and fan of hers and awestruck at her competence. I believe she could run the Defense Department. I am familiar with her views on what she regards as the uneven contest between women and children—she notes with asperity the hullabaloo over rape in contrast to the relatively mild sentences for infanticide.

She described graphically the sufferings of the abused, abandoned and neglected; infants who have been burned at an open fire; children raped and assaulted—and sent back to their abusive homes by judges who don't care to know what is happening. She told of a 7-year-old boy who reproached her for sending him home. He warned her that when he grew up he was going to "go out and kill my mother's boyfriend." She had a warning too. "The money we don't spend protecting children we will have to spend on jails."

The Family Reunification and Preservation Act is the cause of these grotesque practices. The body count of children abused to death in 1995 was 1,271, according to the National Committee to Prevent Child Abuse. Yet in the much-praised adoption reform bills being pushed through Congress in time for Mother's Day, no mention is made of this.

The law's folly—requiring social workers to make "reasonable efforts" to send a child back to abusive parents—was remarked upon at the seminar by William Pierce, president of the National Council for Adoption. Imagine, he said, if a wife-batterer were brought into court and the judge ordered the wife to return to him while he tried to straighten out.

The pendulum has begun to swing the other way, Casey says. Some states have passed laws requiring delinquent parents to improve within a year—or forego their parental rights.

Why don't politicians seize on this deadly danger to children? Well, it could be dangerous to them. Douglas Besharov of the American Enterprise Institute, a leading authority on child welfare, points out the political trickiness of revising the statute. "Don't forget," he says, "that six years ago David Dinkins ran for mayor of New York against [Ed] Koch on a charge that he was taking too many black kids away from their families."

Maybe that is why today's mayor, Rudy Giuliani, one of the most astute politicians in the country, is avoiding the issue in the most notorious (and still reverberating) child-abuse horror: the murder of 6-year old Elisa Izquierdo by her mother. Giuliani has created a new child welfare agency and a review panel that issued a voluminous report and suspended two employees involved in the case. But he never came to grips with the crime in the courtroom.

Elisa had been in the care of her adoring father. When he died, his sister, Elisa's aunt, applied for custody. But under the Family Reunification Act, the judge gave Elisa into the care of her mad mother. Given that the numerous social workers involved should have been more watchful and more demanding, the mayor should have realized that the tragedy began with the custody award.

Beshasrov, who served on the mayor's commission, says the terrible irony is that the judge who made the decision had had Elisa's mother before her when the first custody choice was made. She apparently forgot all about it—and had no lawyer or clerk to remind her, thereby sentencing Elisa to beatings and tortures and eventual death.

Too bad Giuliani didn't read "The Book of David," also a true-life tale, by Richard Gelles of the Family Violence Research Program of the University of Rhode Island. Gelles, author of 20 books about child welfare, is currently in Washington, working for Sen. Fred Thompson (R-Tenn) on adoption laws. David, 15 months old, died at the hands of his mother, a part-time prostitute. It was avoidable. His mother had also abused David's older sister, almost to death. Gelles shows the tension in social workers who must work under warring mandates: investigating abusive parents while drawing up plans to reunite them with their endangered children.

The policy, Gelles says, comes of "a persistent unwillingness to put children first." It is also the unwillingness of public men to break shibboleths. We as a nation, profess to believe that all mothers are like Whistler's and that a "family" can consist of one female, a drug addict and a "home," a drug den. As Casey says, outrage is needed.

[From the Weekly Standard, May 27, 1996]

TWO WORDS THAT KILL

(By Richard J. Gelles)

What if, by changing two words in a federal law, you could prevent the deaths of hundreds of children each year and also prevent tens or even hundreds of thousands of abused children from being victimized again and again?

For 16 years, child welfare policies have been guided by two words: "reasonable efforts." One of the cornerstones of the Adoption Assistance and Child Welfare Act of 1980 (PL 96-272) was the mandate that states make "reasonable efforts" to keep or reunite abused and neglected children with their biological parents. This provision was designed to reduce the number of maltreated children placed in foster care. Although reducing the cost of out-of-home placement was certainly a factor behind the reasonable-efforts provision, the major rationale for these two words was the deep-seated belief that children do best when raised by their biological parents and that parents will stop maltreating their children if they are provided with sufficient personal, social and economic resources.

There was bipartisan support for the doctrine of reasonable efforts. Conservatives supported it because it was consistent with a family-values approach to social policy. Liberals supported it because it was in the best tradition of the safety net for children and families in need. Child advocates enthusiastically embraced "reasonable efforts" because they saw taking children from abusive parents as even more harmful than the abuse, because they felt there was subtle racism in the child welfare system that made minority children more likely to be placed in foster care, and because "reasonable efforts" created a new funding stream for a social service system whose funding, in the 1980s, was being restricted or cut.

Soon after the adoption of the doctrine of reasonable efforts, family-preservation programs were developed. These provide intensive services, such as parent education, help with housekeeping, and assistance dealing with the bureaucracy, to families deemed at risk of having their children removed. Financially supported and marketed by private foundations such as the Edna McConnell Clark Foundation, embraced by the Children's Defense Fund and the Child Welfare League of America, and ultimately the recipient of $1 billion of federal support, intensive family-preservation programs are touted as able to both preserve families and protect children.

But reasonable efforts and intensive family preservation have been a false promise. Child-welfare-agency directors and workers believe that family preservation and child safety can be balanced. Because they believe family-preservation programs are effective, child welfare agencies and workers often make every possible effort to preserve families, even when what they are preserving could hardly be called a family and even when there is no evidence that the parents can or will change their abusive behavior. There have been nearly a dozen scientifically reputable evaluations of intensive family-preservation programs and not one has found that such programs reduce costs, reduce out-of-home placements, or improve child safety. Similarly, research finds that children need a stable, giving caretaker, not necessary a biological caretaker.

It is a fiction to believe one can balance preservation and safety without tilting in favor of parents and placing children at risk. More than 1,200 children are killed by their parents or caretakers such year, and nearly half of these children are killed after they or their parents have come to the attention of child welfare agencies. Tens of thousands, if not hundreds of thousands, of children are re-abused each year after they or their parents have been identified by child welfare agencies.

It is time to replace the words "reasonable efforts" with two others: "child safety." It is time to fact up to the fact that some parents are not capable of being parents, cannot be changed, and should not continue to be allowed to care for children. Of course, the change will be a bit difficult than merely substituting two words. There will be howls of protest from advocates who will claim that abolishing "reasonable efforts" means that more children will be placed in foster care, thus straining already over-taxed state child welfare budgets. Claims that children are abused or harmed by foster care will also be trotted out, typically without actual research to support such claims. Indeed, some children are harmed in foster care, but research does show that abused children placed out of the home do better in the short and long runs than children left with abusive and neglectful parents. Advocates will also argue that child welfare policy should not be based on child fatalities, because such fatalities are rare. Well, child fatalities are not rare enough. Elisa Izquierdo in New York City, Joseph Wallace in Chicago, and hundreds of other less publicized child fatalities were the direct results of unreasonable efforts to keep children with their abusive biological caretakers. A change in two words will force child welfare agencies to take steps to enhance and speed up adoptions and to consider the use of congregate care facilities (or what some have called "orphanages") for some children who have no other safe permanent home.

The 1995 report on child fatalities by the U.S. Advisory Board on Child Abuse and Neglect was dedicated to children killed by parents or caretakers and concluded with a recommendation that all child and family programs make child safety a "major priority." Changing two words in welfare reform legislation now before Congress would go a long way toward achieving that goal.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I ask unanimous consent that whatever time beyond the hour of 10:30 is taken in morning business be added on to the period of time for debate so that, on the Missile Defense Act, there is still a total of 2 hours equally divided between the two sides.

Mr. EXON. May I ask a question? Will the Senator yield for a question?

Mr. KYL. Certainly.

Mr. EXON. Would the Senator also add on 3 minutes for the Senator from Massachusetts?

Mr. KYL. Certainly. I will add that to the unanimous-consent request.

The PRESIDING OFFICER. Under the unanimous consent, the Senator from Nebraska has 15 minutes, the Senator from Massachusetts has 3 minutes, which will be added on to make 2 hours for missile defense.

The Senator from Nebraska.

Mr. EXON. Mr. President, if I have the floor, I yield 3 minutes to the Senator from Massachusetts at this time.

The PRESIDING OFFICER. The Senator from Massachusetts.

HIGHER EDUCATION

Mr. KENNEDY. Mr. President, I rise just to take a moment of the Senate's time to alert the membership, and also those who are interested in education, about the President's speech at Princeton University, which is taking place at 10:40 today. That will be a very important speech about this Nation's commitment in the area of higher education. What we are going to see at our universities, over the period of the next 7 years, is an expansion of the number of students by some 12 percent.

As we debated the recent budget resolution, there was going to be a continuing deterioration in the support for the Pell grants. Under the proposal that the President is advancing today, effectively what he is going to be putting before the Congress is a guarantee for continuing education for any high school students who get a B average in their senior year, to go to a community college and be able to put together an expanded Pell grant plus some refundable credits so that students will be able to attend community colleges.

More than 66 percent of the Nation's community colleges will be eligible. This, I think, is a strong commitment to provide incentives to young people to continue their education. It is a national commitment to make sure that education has the priority that I believe most families believe it should have, in terms of our Nation's commitment.

At an appropriate time I will present for the RECORD a statement and additional comments, but it does seem to me this is a bold initiative in the area of education that ought to have appeal to every working family in this country who dreams about educational opportunities for its children.

I thank the Senator from Nebraska and I yield whatever remaining time I have.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

DEFEND AMERICA ACT OF 1996—MOTION TO PROCEED

The PRESIDING OFFICER. The Senate will now resume consideration of the motion to proceed to S. 1635. The clerk will report.

The bill clerk read as follows:

A motion to proceed to the consideration of the bill (S. 1635) to establish a United States policy for the deployment of a national missile defense system, and for other purposes.

The Senate resumed consideration of the motion to proceed.

The PRESIDING OFFICER. Under the unanimous-consent agreement, there will be 2 hours allotted to this issue.

Mr. EXON. Mr. President, the Dole star wars bill the Senate is debating is a reckless and expensive attempt to recreate the nostalgia of the cold war through the regrettable and unwarranted use of fear and fabrication. Over the last several years, the majority has resolutely turned a deaf ear to the objections of millions of men, women, and children at risk while it continually snips away at America's safety net. But in a conversion worthy of Jekyll and Hyde, the majority is passionately arguing that we throw open the Treasury doors to create a new defense safety net to take the place of the social safety net it is intent on unraveling. Multibillion-dollar missile launchers will replace school lunches in this new gilded net. Guns in the sky will replace efforts to remove guns from our school playgrounds. Money that used to help the poor buy heating fuel in winter will now heat lasers orbiting the Earth.

The underlying premise of the Dole star wars bill is that the ballistic missile threat targeted toward the United States is so great, so urgent that nothing short of a crash program similar to the race to the Moon in the 1960's will do. No cost to the American taxpayers is too great. No arms control treaty is too valuable. The siren call behind the Dole star wars bill is a seductive one indeed: If you believe in a strong national defense, then you must be willing to shield America against missile attack—a missile attack anywhere, anytime—regardless of the consequences. But, like the sirens tempting Odysseus, to heed the call will bring catastrophe, not security.

The packaging of the Dole star wars bill is slick and the rhetoric is packed with chest-thumping patriotism. But the issue of missile defense is much more complex than it may seem to some. A number of questions need to be asked and answered before the Senate can judge the need to embark on a crash program to field a national missile defense system in 6 years.

What is the threat of ballistic missile attack facing the United States today and in the near future?

From where does this threat originate? And are there other less costly, more effective means of meeting this threat, whatever it is?

What is meant when the bill requires a defense against a "limited, unauthorized, and accidental attack" What is the likelihood of such attacks occurring? And what type of missile defense is necessary in order to blunt such an attack if there is one?

What type of attacks against the United States using weapons of mass destruction would the Dole star wars system be powerless to defend against? How are we as a nation addressing this terrorist threat and how would pursuing a star wars system affect the timeliness of these efforts?

What is the cost of the mandate contained in the Dole star wars bill and how will it be paid for? Or to turn the question around, what social program or other defense priority will suffer as a result of this expensive undertaking.

What are the consequences of fielding a missile defense system that violates the existing limitations of the ABM Treaty, as required by the Dole star wars bill?

Will implementation of the START I Treaty be endangered?

Will ratification of the START II Treaty by the Russian Duma be jeopardized if we renege on our ABM Treaty obligation?

Will it affect other arms control agreements pending or in the future if America backs down and violates a treaty, such treaties as the Chemicals Weapons Convention and the Comprehensive Test Ban Treaty?

Will implementation of the Dole star wars system prompt an expensive and destabilizing arms race which would otherwise not occur?

Is missile defense technology sufficiently mature to mandate a 2003 deployment date? Of course not.

Will the fly-before-you-buy principle be applied to this highly advanced and sophisticated technology through extensive testing and evaluation prior to the operational deployment?

What has been the record of missile defense testing to date? That is an important question.

Are we rushing to judgment on certain technologies which may be obsolete and marginally effective in order to meet an arbitrary date upon which there is no basis for its selection?

Finally, what are the alleged shortcomings of the administration's 3-plus-3 missile defense plan which the Dole star wars bill professes to correct?

The Secretary of Defense, the Chairman of the Joint Chiefs, and the service chiefs are in solid support of the two-step plan to develop the technology over the next 3 years and then—and then, Mr. President, and then only—make a decision as to the wisdom of deploying in 3 years. Why is this unanimous opinion of the civilian and military leadership of this country in the Pentagon not sound?

These are just a few of the questions relevant to the Dole star wars bill at 9½ pages in length. That is what that bill takes up. The bill is deceptively modest, but beyond the printed words are many consequences, both intended and perhaps unintended, which must be seriously considered, I suggest, before far-reaching legislation is voted upon.

In a general sense, I am disappointed that the majority is insisting on raising the Dole star wars bill at this time. Why is that necessary? The issue is already intractably ensnarled in the web of Presidential politics, and I lament the unavoidable reality that support for the Dole star wars bill by Members of the majority party will be seen as some sort of test of party allegiance and debate concerning important national security issues, such as missile defenses, should be separated—should be separated—completely, Mr. President, from the game of Presidential chess playing.

Senator DOLE, in his May 23 opening statement on this bill, made it clear that the two shall be intertwined. Perhaps the most curious statement made by Senator DOLE during his initial floor debate was when he disavowed forcing the Secretary of Defense to do anything, though the bill mandates the deployment of a highly effective multilayered missile defense system capable of intersecting dozens of warheads. Senator DOLE is quoted in the CONGRESSIONAL RECORD as saying:

> The choice of what type of system is left up to the Secretary of Defense . . . The decision on what is affordable and effective is left up to the Secretary of Defense.

Why is it that the distinguished majority leader professes to defer to the Secretary of Defense on such fundamental aspects of the program details but feels compelled to overturn his wisdom on the need—on the need—for and timing of the deployment of a national defense missile system?

The Senate cannot have it both ways. If Congress forces the hand of the Pentagon contrary to its wishes to decide in 1996 that we shall deploy such a system by the year 2003, we cannot walk away from the cost of the decision, the limitation it places on the type of architecture to be used and the consequences such a preemptive breach of the ABM Treaty will have on other aspects of arms control treaties that are ongoing and also affects the future efforts to curb the proliferation of weapons of mass destruction.

Mr. President, approval of the Dole star wars bill will have a definite anti effect and serious consequences, not the least of which are in the area of cost. In the last 34 years, the United States has spent $100 billion on missile defense programs. To proceed, as the Dole star wars bill would have us do, would cost the U.S. taxpayers, according to the Congressional Budget Office, $31 to $60 billion, not including operating and support costs associated with the system once it is deployed or the cost of buying and launching the satellites necessary to maintain the system as existing satellites begin to fail.

According to CBO, the postdeployment costs would reach a few hundred million dollars annually by 2005 when ground-based systems and space-based sensors would be in place. After 2010, though, operating and support costs would increase significantly because of the need to launch replacements for any space-based system which wear out over time.

The CBO goes on to predict that at some point, new technology or reassessment of the defense situation could lead to changes in the system which could raise the costs even much higher. Overall costs to implement the Dole star wars bill could easily approach $70 to $80 billion. This is in addition to the $100 billion our Nation has already spent on missile defense programs.

Mr. President, a word of caution. Our Nation is also pursuing a multilayered theater missile defense system to protect our troops in the field against ballistic missile attack. I strongly support this, as does the President and the members of the Joint Chiefs. This Senator agrees with our uniform and civilian leaders that the theater missile defenses is our most immediate concern and deserves to be our top priority. But the pricetag for developing, producing, deploying, and operating these land-based and sea-based theater systems will add a minimum of $20 to $30 billion, increasing our running missile defense bill to nearly one-quarter of a trillion dollars before it is all over.

Before we can commit to building a $60 billion national missile defense system, perhaps there should be a more involved discussion, Mr. President, of who or what are we defending against. Three of the four nations capable of launching a nuclear-armed intercontinental ballistic missile are American allies. And the fourth, China, possesses an arsenal that could easily overwhelm the sort of limited defense mandated by the Dole star wars bill, though why China would launch such a suicidal nuclear holocaust is difficult to imagine.

The best national intelligence estimate we have is that the threat of a Third World nation possessing the capability to strike the United States is at least 50 years away. Furthermore, the nation most often mentioned as a rogue state and emerging threat to the United States is North Korea, though they have not ever developed or tested a missile anywhere near capable of striking a major U.S. population center.

Furthermore, current reports are that North Korea is economically bankrupt and in the process of melting down internally. Unable to feed itself, the North Korean Army is reported to be eating grass and roots in order to survive. What chance does the North Korean Communist regime have to survive another 15 years, not to mention at the same time developing and deploying a nuclear weapon and a missile delivery system that could be successful in targeting the United States, at least in that timeframe?

Most people in the United States understand that the United States must be more realistic, and the likely attack on American soil using a weapon of mass destruction would come in the form of a terrorist attack similar to what took place at the World Trade Center or in Oklahoma City.

Terrorist groups have the means today to launch an attack that could kill thousands of Americans using chemical and biological weaponry. As an open society, we are as a nation at extremely high risk and vulnerable to such attack. Only through the fine work of our intelligence and law enforcement community have many of these plots been foiled.

Why would a terrorist group or rogue nation spend 15 to 20 years and billions of dollars to manufacture a rudimentary——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. EXON. Mr. President, I ask unanimous consent for an additional 4 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. EXON. Why would a terrorist group or rogue nation spend 15 or 20 years and billions of dollars to manufacture a rudimentary nuclear warhead and long-range ballistic missile delivery system which would lead a noticeable trail from where it was launched, when a weapon concealed in a suitcase or on the back of a rented truck can do the same job right now at a small fraction of the cost and with much greater anonymity?

Not only is the Dole star wars system useless in defending America against such a threat, it would divert scarce resources from the immediate and pressing concerns of combating terrorism and protecting our troops in the field against theater ballistic missile attacks.

Aside from the cost of the Dole Star Wars Program, Mr. President, the question of the need to pursue a crash program of a decision to deploy a system that is not in compliance with the ABM Treaty carries with it immense consequences, not only as to the reliability of the United States to uphold its treaty obligations, but also the future of ongoing arms control programs and policies. It would be sadly ironic from the standpoint of whether other nations would believe us if passage of the Dole star wars bill jeopardizes implementation of the START I and ratification of START II by the Russian Duma. That would be a tragedy, and we cannot accept that risk. These accords, if fully realized, would eliminate over 5,000 nuclear warheads designed to strike America.

We cannot be frivolous about the future of START I and START II. These are the most significant arms reduction treaties in the history of mankind, major strides away from the prospect of nuclear holocaust and the lingering shadow of the cold war. Abrogation of the ABM Treaty in the pursuit of enhanced national security would be foolhardy if it halted the destruction of the very nuclear weapon delivery systems we are trying to defend against. Such a scenario, if played out, would likely endanger other concrete efforts, such as the Chemical Weapons Convention and the Comprehensive Test Ban Treaty, to halt the spread of weapons of mass destruction.

In short, our actions, if we go for and vote for the Dole star wars bill, should not be considered in a vacuum. Intended or not, implementation of the Dole star wars bill would have a far-reaching, chilling effect on the future of arms control.

Often forgotten in the debate on the national missile defense is the question of whether technology is sufficiently mature enough to mandate the year 2003 as the deployment date. The record of missile interceptor testing to date and in the foreseeable future is one of more failure than success. In the rush to deploy a prototype system using highly advanced and sophisticated technology by the year 2003, we will be forsaking, Mr. President, the-fly-before-you-buy principle that has served us well in recent years.

Not only will we be limiting the testing and evaluation of the system in a push to field a system at an earlier and unnecessary date, we will be locking ourselves into certain technologies which may become obsolete by the year 2003.

Contrary to the claims of the proponents of this bill, the administration is pursuing a program to develop and deploy a continental missile system to meet the future threat. The so-called 3-plus-3 Program is a two-step plan to develop the necessary technology over the next 3 years and then make a decision as to the wisdom of deploying a system in the subsequent 3 years. The Secretary of Defense, the Chairman of the Joint Chiefs, and the Service Chiefs are in solid support of this reasonable and responsible approach. Our best war-fighters and intelligence experts agree that approval of the Dole star wars plan would be folly in that the threat simply does not exist in the near term to justify jeopardizing the arms control treaties that will allow the military to fund other spending priorities within the military.

The American people understand the folly of the Dole star wars bill as well. I have a collection of over three dozen newspaper editorials from around the country in opposition to this bill. I ask unanimous consent that excerpts of these editorials in opposition to the Dole star wars bill be printed in the RECORD so that my colleagues can better understand what the American public is saying about the Dole star wars bill before they cast their votes on this expensive, unnecessary, and destabilizing proposition.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICA'S EDITORS OPPOSE NEW STAR WARS PLANS

Now, here's Dole & Co., seeking another $20 billion for that gold-plated rat hole, lest we become vulnerable to North Korea or Libya, a truly screwball idea. Never mind that a few well-placed cruise missile could erase both nations' military capability.—"Resurrection of Star Wars," the Chattanooga Times, Chattanooga, TN, May 15, 1996.

The Clinton administration . . . takes the reasonable position that Washington should be certain of the kind of threat it is trying to protect against before committing to such a system. . . . This new and unimproved proposal to commit as much as $20 billion to an unproven, destabilizing defense system is nothing more than a political ploy that trivializes a deadly serious issue.—"Indefensible Then and Now," St. Petersburg Times, St. Petersburg, FL, May 19, 1996.

One of the most wasteful items (in the House defense budget) is the $4 billion earmarked to construct a missile defense system by 2003. This dubious "Son of Star Wars" could wind up costing as much as $54 billion before it finally could be deployed.—"Fort Pork Gets Reinforced," the Miami Herald, Miami, FL, May 20, 1996.

The Defend America Act is a transparent effort to manufacture an issue to help resuscitate the Dole campaign. Election-year pressures are no excuse for spending billions of dollars to produce a missile defense system that is likely to be out of date the day it is completed.—"Star Wars, the Sequel," the New York Times, May 14, 1996.

It doesn't make any sense to be cutting budgets for students, the elderly, and low-income families so that the Pentagon can have billions more to develop a missile defense system that will be outdated by the time any nation poses a threat.—"Costly Rush to Star Wars Weapons," Idaho Falls Post-Register, Idaho Falls, ID, May 17, 1996.

Clinton's approach to spend a few million dollars on missile-defense research while monitoring hostile nations makes eminently more sense.—"Errant Missile: Clinton Should Challenge Defense Budget," Star Tribune, Minneapolis, MN, May 24, 1996.

Why waste billions on a system that will not work to defend against a threat that does not exist? Congressional Republicans are trying to buy an election issue with taxpayers' money.—"If Missile-Defense Systems were Horses," the Atlanta Constitution, Atlanta, GA, May 23, 1996.

When lawmakers fixate on boosting defense industries in their districts, when partisans demagogue a defend-America issue. . . . you can bet there'll be precious little peace dividend left to apply against America's mountain of debt.—"Cold Warriors Spend On," the Atlanta Journal/The Atlanta Constitution, Atlanta, GA, May 19, 1996.

Call it the $60 billion campaign promise. . . . There is no guarantee the new system will work. The United States spent $35 billion on Reagan's Star Wars dream and built nothing.—"Star Wars is an Awfully Expensive Republican Dream," the Hartford Courant, May 25, 1996.

And for all claims of defending America against any and all attacks, the most sophisticated space-based defense system is helpless in the face of a single, earth-bound terrorist hell-bent on destruction.—"Does U.S. Need New Defense System," the Plain Dealer, Cleveland, OH, May 5, 1996.

You do not place the fate of thousands of American lives on unproven technology of uncertain proficiency. You eliminate the threat before it eliminates you, a strategy that would make deployment of a missile defense system pointless and redundant.—"Offense is Best Missile Defense: America needs a system to protect deployed troops, but should take out attack capability of rogue nation," Patriot and Evening News, Harrisburg, PA, May 13, 1996.

If it makes sense to support Star Wars to defend our nation from a possible future nuclear attack by North Korea and Libya, doesn't it logically follow that we should discourage nations from spreading nuclear weapons to Pakistan? If we really want to protect our nation from nuclear attack, doesn't it make sense to do as much as possible to dismantle nuclear weapons that are already in place, able to reach the United States?—"What's Riggs' Defense Stand?" the Napa Valley Register, Napa, CA, May 14, 1996.

Actions taken by Congress last week suggest that federal funding priorities remain as skewed as ever. . . . It is difficult if not impossible to accurately estimate the costs of

Dole's "Defend America Act." Costs could range from $5 billion. . . . to more than $44 billion. . . . This despite the fact that only China and the former Soviet Union possess ballistic missiles capable of reaching the United States at this time.—"How Much for Defense?" Intelligencer-Journal, Lancaster, PA, May 16, 1996.

Political and budgetary considerations aside, a national missile defense system should not be developed until the proper technology is at hand.—"The Missile Flap," the Boston Globe, May 23, 1996.

Congress' worst-kept secret is out: Members are acknowledging . . . that defense spending is driven in part by its value as a local jobs program, not necessarily by the nation's priority needs. . . . Most contentious is the congressional stampede to rush new spending on a missile defense program when the CIA says the threat remains highly remove.—"Using Defense Budget as Jobs Program Robs Public," USA Today, May 20, 1996.

In the defense bills passed by the House and the Senate, GOP lawmakers seem to think money is no object. The same Congress that is shredding the safety net for the poor, raising the cost of college for students and shrinking Medicare is pushing on the Pentagon weapons the military doesn't want or need. That kind of profigacy surely deserves the veto president Clinton is weighing.—"The Defense Pork Barrel," the Sacramento Bee, Sacramento, CA, September 15, 1995.

The president must balance the true need for this investment in preparedness against the pledge to balance the budget in seven years and, more importantly, against the level of preparedness potentially lost in such areas as education, job training and health care if the money is to be found for the military.—"Military Questions and Spending." Bangor Daily News, Bangor, ME, May 16, 1996.

The GOP revival of Star Wars, dubbed by its sponsors the "Defend America Act," looks more political than military in intent. . . . If "SDI-the Sequel" passes, Mr. Clinton should veto it, and remind Americans they need to be spending scarce resources on ongoing social and economic, not military, battles.—"Newt's War Toy," the Berkshire Eagle, Pittsfield, MA, May 12, 1996.

The administration's plan is realistic both in facing up to a rogue-missile threat and in taking into account the considered view of U.S. intelligence that the threat is more than 15 years away.—"Prudent Steps on Missile Defense," the Washington Post, May 14, 1996.

Shorter-range missiles are an immediate danger to US forces stationed overseas . . . Theater missile defenses thus make more sense and should have a faster development rack, as in fact they do. To try to invert these priorities and make a pitch for quick development of a system for national defense . . . is foolishness. It would divert money from more-important defense needs.—"Spacey on Defense," the Christian Science Monitor, May 17, 1996.

Those who oppose missile defense as destabilizing owe it to this nation to conduct a thorough review. It is appropriate to ask whether the U.S. should develop and deploy a more modest system . . . A thoughtful analysis produces this policy: robust research, yes, but no to setting an artificial date for deployment before these questions are answered.—"A Wise Pause on Missile Defense," Chicago Tribune, May 24, 1996.

Mr. EXON. I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I am standing in momentarily for Senator DOLE. I will call on Senator SMITH in just a moment.

First, I ask unanimous consent that the executive summary, some three or four pages of a document entitled the "National Missile Defense Options" prepared in response to the House National Security Committee by the Ballistic Missile Defense Organization, dated July 31, 1995, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

(From the Ballistic Missile Defense
Organization)

NATIONAL MISSILE DEFENSE OPTIONS

ABSTRACT

This document responds to a request from the House National Security Committee to report on specific programmatic, funding, and architecture options for the development and deployment of national missile defenses. As requested, it describes architecture options that contain only ground based elements, those that contain only space-based elements, and those with both. The architectures described in the report build on the current BMDO program, including the legacy from previous years. With adequate funding and streamlined acquisition, initial operational capability of these options ranges from FY2000 to 2007, preliminary cost estimates range from $4,800M to $43,100M (FY 95 $), and relative risks range from low to high. The architectures span a large range in the threat levels against which they can protect, in their estimated cost, and in their support to theater missile defense. None of the architectures has been formally evaluated for compliance with the ABM Treaty.

EXECUTIVE SUMMARY

In response to a request from the House National Security Committee, dated February 21, 1995, this report describes a variety of architectures that could be deployed for National Missile Defense. In keeping with the DOD thrust for acquisition reform, the costs and schedules are predicated on successful acquisition streamlining to reduce acquisition costs and shorten schedules for an operational capability.

Consistent with the specifics of the request, the report describes example alternative architectures that are compatible with technologies and prototypes being developed by BMDO, and that could be made available for deployment. The report provides estimates of their effectiveness, schedules, relative risks, and requirements for acquisition and deployment funding. The architecture options are meant to be representative of general classes of national missile defense systems. The performance levels, which are also meant to be representative, are in fact dependent on many variables, such as threat characteristics and operational procedures. The examples presented are not "tuned" to any particular threat or defense mission, so that modified weapon or sensor inventories could provide different performance and could handle different threats.

BMDO does not advocate any one or another of these architectures or architecture classes as end point systems. Rather, our current program has adopted a strategy of evolutionary defense. This strategy addresses the wide range of threat possibilities existing in the uncertain and unpredictable future. The range of such threats includes events such as a third world nation acquiring and threatening to use a few ballistic missiles armed with weapons of mass destruction, China using its ballistic missiles to prevent US action in Korea, an unauthorized limited attack used to instigate a conflict, or a return to a nuclear standoff with a major nuclear power. The BMDO program addresses all of these, consistent with the assessed likelihood of these threats and within its allotted funds.

With adequate annual budgets, all of the architectures presented here can lead to an initial operational capability between 2000 and 2007, but with varying risks. These dates are, in some cases, earlier operational timeframes than have been previously described for NMD options. These later dates were valid because the programs were budget constrained, used more traditional acquisition approaches, and risks were limited to be low to moderate.

Figure EX-1[1] identifies the four architecture classes discussed in the report—each with a range of capabilities and acquisition costs as illustrated. These architectures are classified by where their sensors and weapons would be based. Other concepts that include potentially promising sea-based or Navy systems will be addressed in future reports.

The costs reflected by this report are rough order of magnitude (ROM) projections of the remaining development and acquisition costs in FY95 dollars. They reflect anticipated savings from acquisition streamlining and have been developed using a standard set of assumptions, some of which might not actually be implemented on any given program. The candidate National Missile Defense elements discussed here are not now in an acquisition program and have not been subjected to the rigorous planning and costing reviews usually associated with defense acquisition.

Two measures of capability are reflected in the figure: the threat levels to which the architecture can deny damage to the United States with at least 50 percent probability, which is equivalent to enforcing less than one leaker (on average), and the area protected (i.e., US only or global). The use of damage denial probability was chosen as the appropriate measure of effectiveness for this report because it follows from the Operational Requirements Document (ORD) established for Ballistic Missile Defense and validated by the Joint Requirements Oversight Council (JROC). This requirement specified the confidence level and the probability that no warheads would penetrate a defense system in the face of a ballistic missile attack.

Threat levels considered in this report range from an attack by four unsophisticated warheads, to an attack by 200 MIRV warheads with complex payloads launched nearly simultaneously by 20 boosters. The largest attack used in this report is consistent with the existing JROC-validated operational requirement for National Missile Defense. This requirement was previously shown, in the GPALS COEA and other analyses, to require multilayer defenses with space based elements for high effectiveness. Some degradation in performance could arise due to the responses that threat countries might take to the presence of any specific defense we might deploy, but such responses can be offset by straightforward upgrades to the defenses discussed in this report. Threats containing greater than 200 warheads also remain possible for the foreseeable future.

---

[1] Figure EX-1 not reproducible in the RECORD.

The damage denial performance of an architecture is an extremely stringent measure of effectiveness, demanding that, on the average, leakage be reduced to one warhead or less. Less perfect defense performance, such as the negation of 190 of 200 attacking warheads, would also be highly valuable both as a defense and as a deterrent to the use of ballistic missiles.

Accordingly, in the body of this report, we also show how well each of the architectural variants could negate the warheads in the spectrum of representative attacks we considered.

Figure EX-2 provides a brief description and summary of the four architecture classes in this report, which are all supported by our NMD architecture strategy and modular approach. Additional design, performance, and programmatic details follow. None of the proposed systems has been formally evaluated for compliance with the ABM Treaty.

"All Ground Based" architectures have BM/C^3, ground based radars and ground based interceptors. The ground based radars include early warning radars, other existing radars and BMD radars. In common with the other architectures, DSP or SBIRs (High) provide cueing to the BMD system. Entry level defenses with 20 interceptors at Grand Forks could deny damage against a few warheads, with moderate relative risk, by FY 1999 to 2000 for an estimated $3,500M (the BMDO Tiger Team "2+2" solution) or by late FY 2001 with low-moderate relative risk for an estimated $4,800M. Expanding the systems to multiple sites with more radars and interceptors, at costs up to about $12,200M, could increase the defense effectiveness. These expanded architectures could achieve "good" damage denial performance against threats of up to about 50 warheads.

"Ground Based/Space Sensor" architectures contain BM/C^3, ground based radars, a space based sensor constellation, Space and Missile Tracking System (SBIRs [low]), formerly known as Brilliant Eyes), and ground based interceptors. The space sensors improve this architecture's performance. It could be operational by FY 2004 with moderate relative risk. This is BMDO's "objective architecture" that is the focus of the current NMD Technology Readiness Program. An initial one-site, 100–GBI option, Case A, costing an estimated $11,000M, could provide "good" performance for threats of about 20 warheads. Expanded inventories and additional interceptor/radar sites could achieve "good" performance against threat levels of 70 warheads or more with costs up to about $20,100M.

"All Space Based" architectures would achieve a higher capability against MIRV systems and provide coverage of assets beyond the United States with costs starting at about $20,000M. Two types of space based systems are considered in this report, chemical lasers and rocket-boosted kinetic kill interceptors. Space based chemical lasers offer the capability to intercept during boost phase against theater threats as well as strategic threats. This capability greatly enhances the performance of theater missile defense architectures, especially against advanced threats. A space based laser (SBL) system and associated BM/C^3, with costs of $20,000M to $23,000M, could potentially reach IOC by 2007 with relatively high risk. An enhanced laser system, available at IOC two years later and with costs of $26,000M to $29,000M, would provide robustness against certain threats. The space based interceptor (SBI) system, including SMTS and BM/C^3, and costing $20,000M to $23,000M, could reach IOC in 2004 at moderate to high relative risk.

Combinations of the two types of space based systems provide "good" or better damage denial performance at all threat levels up to 200 warheads, at a cost of $37,100M to $43,100M with IOC and relative risks as noted above.

Finally, combined "Space and Ground Based" architectures, which include BM/C^3, weapons, and sensors on the ground and in space, can achieve "good" or better damage denial performance against all threat levels up to 200 warheads, with estimated costs of $30,700M to $35,100M.

The relative risks shown in Figure EX-2 are subjective estimates for the funding and schedules we show and the architecture's maturity. The adoption of more deliberate programs, coupled with the infusion of additional funding could clearly reduce risk in all areas. The time scale at which risk could be reduced, and the cost incurred to achieve the risk reduction, depend on the maturity of the programs and their technical challenges. It is likely, for example, that less time and funding could be required to reduce risks from moderate to low in ground-based systems than would be required to reduce risks for space based lasers from high to moderate. However, definitive risk reduction timelines and costs for all the architectures in this report have not yet been developed.

As shown in Figure EX-1 and EX-2, the architectures in this report span a considerable range in performance and cost. Ground based systems represent lowest-cost defense solutions for denying damage against up to 20 warheads. Space sensors would improve the cost effectiveness when threats approach the performance limits of ground-based systems. For high damage denial effectiveness and cost effectiveness against larger attacks, above about 70 RVs, space based weapons become essential. Finally, layered defense systems become cost effective for denying damage against 200 warheads.

FIGURE EX–2.

[Summary of the architecture options considered in this report including an estimate of dates for operational capabilities. The threat levels given represent an estimate of the maximum representative threat level for which each option could deny damage, with a probability of 50 percent or more (less than one leaker on the average)]

Architecture classes	Deployment	Operational date	ROM cost FY95 (in dollars)	Threat level warheads	Relative risk
All ground based	20 GBI, 1 Site*	2001	4,800M	4	Low-Mod.
	100 GBI, 1 Site	2003	6,500M	20	Low.
	300 GBI, 3 Sites	2004	12,200M	50	Low.
Ground based with space sensors	100 GBI, 1 Site, 18 SMTS	2005	11,000M	20	Moderate.
	300 GBI, 3 Sites, 24 SMTS	2006	17,200M	60	Moderate.
	630 GBI, 3 Sites, 24 SMTS	2006	20,100M	70	Moderate.
All space based	20 SBL (8 meter)	2008	20,000M–23,000M	60–100	High.
	20 SBL (enhanced)	2010	26,000M–29,000M	~200	High.
	500 SBI, 18 SMTS	2005	20,000M–23,000M	60–100	Mod-High.
	1000 SBI, 18 SMTS	2007	20,000M–23,000M	~200	Mod-High.
	20 SBL, 500 SBI	2008	37,100M–43,100M	>200	High.
Space and ground based	20 SBL, 100 GBI, 3 Sites	2008	32,100M–35,100M	>200	High.
	500 SBI, 18 SMTS 300 GBI, 3 Sites	2005	30,700M–33,700M	>200	Mod-High.

*An emergency-response variant of this architectural option could be made available by early 2000, at moderate relative risk, and for an estimated cost of $3,500M (FY95). See discussion in Section 3.

Mr. KYL. Second, Mr. President, let me make three quick comments regarding the statements of the Senator from Nebraska. Then I am going to call on Senator SMITH, a member of the Senate Armed Services Committee.

There is an old saying that "if you can't defeat something on the facts, then call it names." Of course, we are not debating something today called the Dole star wars bill. There is no such thing. We are debating something called the Defend America Act, which is a bill designed to provide a ballistic missile defense for the United States. To denigrate this as some kind of star wars concept is to totally misrepresent it, and that is not the way to try to debate an issue on the merits.

Second, the Senator from Nebraska asked the question, why would the North Koreans want to develop a costly missile? Their troops are eating grass. Mr. President, it is hard to figure out why the North Koreans do what they do. But the fact is, our intelligence agencies report to us that they are indeed developing a missile. That is not contested by anyone. The only question is when that missile will be able to reach the United States. That is a fact.

Third, there are questions about the cost and a lot of misrepresentations about the cost. As I discussed for about an hour last night, according to the CBO, the cost of the kind of system that we are talking about here is between $10 and $14 billion. So let us not be misrepresenting the cost.

Finally, I think most startlingly, Mr. President, the Senator from Nebraska made the argument that the Russians might violate the START agreements if we go forward and, therefore, we should not go forward. I find this a truly remarkable statement. We are being held hostage to Russian blackmail that they might violate a treaty they have with us and, therefore, we do not provide for our national defense?

That is startling. What do treaties mean?

Treaties are important. But so is providing for our national security by the acquisition of weapons both offensive and defensive. It seems to me, Mr. President, that we cannot be subjected to blackmail. The Russians have not even made this threat. It is Members of the United States Senate who assume that the Russians might violate treaties that they have signed if we go forward with the development of a national ballistic missile defense system.

So it seems to me that this really demonstrates the paucity of arguments that exist against this bill when we have to stoop to making the argument the Russians might violate a treaty they have entered into with us and, therefore, we better not go forward. If that is all the treaties mean to the Russians, then I suggest we need both treaties and a ballistic missile defense system.

With that, Mr. President, I yield 10 minutes to the Senator from New Hampshire, Senator SMITH, who is on the Senate Armed Services Committee.

The PRESIDING OFFICER (Mr. CAMPBELL). The Senator from New Hampshire [Mr. SMITH] is recognized for 10 minutes.

Mr. SMITH. Mr. President, I thank the Senator from Arizona for yielding, and rise today, Mr. President, in very strong support of the Defend America Act.

I am proud to be an original cosponsor of this legislation. I commend the majority leader, Senate DOLE, for bringing this bill to the attention of the Senate and to the American people.

Mr. President, our Nation is walking a very dangerous tightrope. For reasons that are unknown and certainly inconceivable to most Americans, President Clinton refuses to defend our country against ballistic missiles. That is exactly what he is doing by opposing this bill, even though the technology to do so is available today. The truth is, our Nation is absolutely, completely vulnerable to ballistic missiles.

We have no defense—I repeat, no defense—whatever against a missile targeted on our territory, our people, our industry, or any of our national treasures—no defense. The Patriot missiles that everyone remembers from Desert Storm 5 years ago are not capable of stopping long-range missiles. In fact, they can only defend small areas against short-range missiles. The Patriot is what we call a point-defense system that we send along with our troops when we deploy them in harm's way.

Here at home, we have no defenses of any kind. We have no defense against long-range missiles from China, from Russia, from North Korea. I differ from the Senator from Nebraska. I have no idea, no idea whatever what the national security meetings, classified and confidential on North Korea, I have no idea what is going on in those meetings. Apparently, the Senator from Nebraska does. I do not know if he has somebody sitting in on them or where he gets his information, but I do not have such information, and I do not think the intelligence communities have it either. We have no defense against missiles that Iran, Iraq, Syria, and Libya are vigorously seeking to acquire—vigorously. That is the truth. This is not some star wars program. That is an outrageous statement, as the Senator from Arizona pointed out.

In this Senator's view, it is unacceptable that we would refuse to defend ourselves from this kind of technology being spread around the world to these kinds of nations. When told of this situation, the vast majority of the American people not only become upset, they become enraged. They cannot understand why their elected representatives would be willing to leave them defenseless and then stand on the floor of the U.S. Senate and advocate leaving them defenseless against the likes of people like Saddam Hussein or Mu'ammar Qadhafi. Hardly reasonable, rational, leaders in the world today, let alone Kim Jong-il whom very few of us know much about at all. They cannot understand why the tax dollars that they sometimes so reluctantly, or willingly in reluctance give up, how can they not contribute for our national defense? That is what they are asking. That is what they are asking. They have a right to be upset. There is no excuse for not defending America against ballistic missiles.

The Republican Congress agrees with the American people and took action last year to defend all Americans—all Americans; not certain Americans, all Americans—against ballistic missiles, whatever their source. In the defense bill last year, Congress established a program to develop and deploy a national missile defense system for the United States. This program is not some elaborate star wars concept, but rather a very modest yet capable ground-based system that would provide a limited defense of America against accidental, unauthorized or hostile missile attacks.

I ask anybody out there listening, or anybody participating in the debate on the other side, are you certain, are you absolutely certain, that Qadhafi or Saddam Hussein, Iran or Kim Jong-il do not have the capability or will not have it in the very near future? If you are certain, you ought to vote for them. If you are not sure, you ought to be voting with us.

President Clinton vetoed the defense bill specifically because of the requirement to defend America. That is the main reason he vetoed the defense bill, because he did not want us, did not want us, to put this requirement in. In fact, in his statement of policy the President called national missile defense "unwarranted and unnecessary." It is one thing to say "unnecessary," that might be an opinion, but "unwarranted"? This is a very insightful quote. It gets right to the heart of the differences between this President and this Congress. To President Clinton, providing for the common defense is "unwarranted and unnecessary." That is what he says. To the Congress, it is the most fundamental of our constitutional responsibilities, the most fundamental. Simply put, it is a defining issue between the two of us. It is an issue that defines our Nation's character, right to the heart of character, a commitment to the American people. How could you not defend yourselves, your people, against the threat of an incoming missile? It does not have to be deliberate. It could be accidental. We have no defense.

It is an issue that defines the difference between the two political parties in this country. There cannot be compromise on it. There are people here on the floor and in this Senate who are trying to work out some compromise to give on something else, and we will give a little bit of something else. There is no compromise, no compromise on defending ourselves against incoming ballistic missiles. It is an issue that defines the very basic difference between the two men who are seeking the Presidency, President Clinton, and BOB DOLE, who is the author of this bill. It is a basic difference between the two men. It is an issue that history will undoubtedly look back on and pass judgment upon for better or for worse, an issue that will define our generation.

Mr. President, if we fail to take action to defend America now while we still have the chance, we will regret it. At some point in the very near future we will have waited too long. What is that point? Are you sure, folks over there, sure that we have not reached that point? At some point in the near future we will have waited too long. The theoretical threat of a hostile ballistic missile launch will have become a reality and we will have no defense. Will we be ready when the theoretical becomes reality? Will be we ready? Not if we listen to this side of the debate. Not if we do what they are asking us to do, we will not be ready.

What will it take for the President to recognize this? Must a missile equipped with a chemical, biological or perhaps a nuclear warhead, rain down upon the citizens of America before we act? Must tens of thousands of Americans die before we act? That does not have to happen. Let me tell you, had we not been far-sighted enough and thoughtful enough to provide the Patriot missile, we would have lost a lot more people in the Persian Gulf war. It is a good thing Saddam Hussein only has a Scud missile, or perhaps some of the families would be speaking here through us today.

To those of us who are cosponsoring this legislation, the time to act is now. Not tomorrow, not the next day, now. We have the capability to do it. Our Nation is in jeopardy, ballistic missiles and weapons of mass destruction are spreading throughout the world. That is a fact. I have had hearings. I have heard information on it. We have heard the testimony. We cannot stop this. We have to protect ourselves against them. Mr. President, 30 nations currently possess or are actively acquiring weapons of mass destruction, and the missiles to deliver them. They are not all friendly nations. Just recently, the United States admitted that Iran is covertly storing up to 16 ballistic missiles armed with chemical or biological warheads. Iraq is the most inspected and thoroughly monitored country in the world, yet they still have them. If we cannot find these missiles in the desert of Iraq, how are we going to track them in the valleys of China, North Korea, Iran, or Syria? The answer is, my colleagues, we cannot. We cannot track them. That is the point. Even if we could, we do not have the system to counter them. We cannot counter them even if we can find them.

The only solution is to develop missile defenses. This bill does that. It would require that our Nation deploy a national missile defense system capable of protecting all Americans by the year 2003. This is not about politics. It is not about partisanship. It is about national security and keeping faith with those who elected us and depend upon us to safeguard their lives and property, yet this bill is being filibustered, that is the bottom line, by the other side of the aisle—filibustering a bill to defend America. What an outrage. If we ignore this obligation, we will have failed in our most fundamental constitutional responsibility. You do not filibuster the defense of the United States of America. We can filibuster a lot of things around here, and we do it all the time, but not the defense of America. It runs against every principle I have ever stood for, and it ought to run against every principle that others in here stand for.

Mr. President, as we discuss and debate the merits of this legislation, I want to specifically address what I believe are some fundamental and extremely dangerous flaws in the administration's position. First off, the administration has continually emphasized that they see no long-range missile threat emerging within the next 15 years that could threaten the United States.

I would note that when the administration is pressed to describe how they came up with the 15-year number, versus 10 years, or 20 years, there is no real methodology. Essentially, it appears to have been a nice round number that the administration came up with.

The classified national intelligence estimate that the administration uses to support this assertion is anything but reassuring. And contrary to the assertions of the Clinton administration, it does not rule out a rogue nation acquiring ballistic missile capabilities that could threaten the United States. Rather, it projects the view that it is unlikely that such a situation would arise.

Essentially, it relies upon the perceived intentions of other countries rather than their actual technical capabilities. That is a very dangerous way of assessing the threat environment, and it runs in direct conflict with our historical experience.

Our experience following World War II is very instructive. During 1945 and 1946, the United States conducted operation paperclip in order to employ Dr. Werner von Braun and his team of German scientists. My colleagues may recall it was von Braun and his associates who had created the German V–2 rocket. The transfer of these experts and their equipment provided the United States with nearly instant ballistic missile capability. Under the Hermes project, with the infusion of german technical expertise, we soon began launching V–2 rockets.

A year later, the development of a two-stage vehicle based on the V–2 was begun. The so-called bumper vehicle went on to establish range, altitude, and speed records. By the late 1950's, frustrated by difficulties in the Atlas program, Gen. Bernard Schriever, a pioneer of the U.S. Ballistic Missile Program, ordered that our existing Thor ballistic missile be modified to include a new second stage. This second stage provided strategic range capability for our ballistic missiles within a year, increasing the range of the Thor missile from 1,500 miles to approximately 5,000 miles.

Mr. President, the lesson here is quite simple. The acquisition of key technical experts can dramatically accelerate the pace of development for a country seeking to field ballistic missiles. In addition, the range of existing systems can be rapidly increased by incorporating additional stages. In the 1940's, designing and building ballistic missiles was a new and challenging endeavor. But with focus, determination, and national level support, it was done very rapidly.

By contrast, in the 1980's and 1990's, the schools and universities of the West teach advanced technology to students from all over the world. Missile designs are well understood, missile components are available on the world market, and whole missile systems can be bought and delivered, as in the case of the Soviet Scuds to China, the North Korean Scuds to Iraq, Chinese M–11 missiles to Pakistan, and Chinese CSS–2 missiles to Saudi Arabia. Since most of today's ballistic missiles are mobile, training and launching by customer nation crews can take place in the missile's country of origin, so that the first actual launch of a missile from the customer country may occur without advance warning.

Additionally, ballistic missiles do not need to have a long range to threaten the United States. In the 1950's, the United States launched several ballistic missiles from the deck of a ship, and sent them to high altitudes where their nuclear payloads were detonated. Most of the population of the United States live near the east and west coasts, and thus are highly vulnerable to a ship-launched missile that could be covertly deployed in merchant traffic several hundred miles off the coast at sea. The modifications to such a ship would not need to be obvious, a few test missile launches could be performed in remote locations to avoid detection.

The problem with the administration program is that it seeks to wait until the last possible moment to deploy missile defense. But historically, we have proven very poor at making such intelligence estimates. Just look at Iraq's nuclear, chemical, and biological weapons program. The real challenge for the United States is to deploy theater and national missile defenses as rapidly as possible in order to discourage potential proliferators from developing, building, buying, or otherwise acquiring offensive ballistic missiles. That is what deterrence is all about. But you can't have deterrence without the capability to actually defeat or defend against a threat. Without missile defenses there is no deterrence.

Perhaps most absurd is the administration's argument that the technology of the future will be more advanced than that of today, so we should wait for the future technology to be available before we begin formal acquisition of missile defenses. If we followed that model we would never procure any weapons systems because they would always be surpassed by future technology.

What this argument fails to recognize is that real objectives and deadlines are the critical instruments for focusing the efforts of the management and technical communities in government and industry. The experience of operating a real system with real military personnel cannot be replaced by paper and pencil, or computer system designs. In addition, the longer we wait to commit to deploy a national missile defense, the more we will encourage our adversaries to pursue their own offensive ballistic missile programs. Without an actual system deployed, or at the very least a commitment to, and timetable for, deploying a system, there is no deterrent value.

The Russians have now accumulated 30 years of experience in building and operating ballistic missile defense systems, including the nuclear-tipped Moscow area defense and several mobile systems such as the SA-5, the SA-10, and the SA-12. This unique experience has been cited by our military as a major advantage for the Russians. It must be rectified.

Mr. President, I also want to address the issue of how ballistic missile defense relates to strategic arms reduction. The administration and certain Members of Congress have falsely sought to link this legislation with Russian ratification of the START II Treaty. Simply put, it is bogus linkage.

The truth is that no provision in the Defend America Act threatens Russia or undermines the deterrent value of its strategic offensive forces. Nothing in this bill would disadvantage Russian security in any way. The numbers of defensive systems the bill envisions to combat accidental or rogue nation attacks are simply too few to affect the deterrent value of Russia's strategic arsenal.

The ABM Treaty was constructed during the cold war and is premised on mutual assured destruction. But the world is no longer bipolar, it is multipolar. Mutual assured destruction is not relevant in today's environment. It will not deter aggression by adversaries other than Russia.

The truth is defenses threaten no one. If Russia and the United States are no longer targeting nuclear weapons on each other, how could the deployment of a limited defense against other potential adversaries threaten Russia in any way?

We are providing billions in foreign aid to Russia to support them economically, politically, and to aid in dismantlement of their nuclear arsenal. When relations are this cooperative, how can anyone reasonably assert that we are provoking Russia or undermining the relationship by defending ourselves against the likes of Kim Jong-Il or Saddam Hussein.

The truth is that any linkage between the Defend America Act and the START II Treaty is purely artificial. It is pure fear mongering by those who use it for political purposes here at home. Frankly, it is shameful.

Those in Russia who are trying to link the two know full well that nothing in this bill threatens Russia in any way. They are merely trying to coerce further concessions. The truth is, we have consistently heard Russian officials seek to link START II to NATO expansion, compliance with the CFE Treaty, national missile defense, and virtually every other possible pressure point. Again, it is purely bogus linkage. And where I come from, it is called extortion. It should not be rewarded.

If we do legitimize this fallacy, and pay the ransom that some are demanding, where will it end? What will the next hostage be? How many times will we allow Russia to exercise a veto over our defense policy? And at what cost to our security?

Mr. President, let me close with one final observation. National defense should not be a partisan issue. As elected representatives, we have no more fundamental or important constitutional responsibility than to provide for the defense of this country. As it currently stands, this Nation, its people, treasures, and industry, are absolutely vulnerable to ballistic missile attack. The technology is here today, all that is lacking is the political will to do so. We cannot delay any longer. We must get on with the business of defending America.

If we allow politics to prevail and we leave our citizens naked against aggression, I fear that the results will be catastrophic. If we wait for a ballistic missile to rain down upon our Nation, wreaking chaos and destruction, it will be too late. We will have failed our citizens. We will have failed the Constitution. We will have failed this sacred institution.

I believe deep in my heart that history will look back upon this debate as a key point in our Nation's history. Let us consider the consequences of our actions very carefully. Let us keep faith with the American people who rely upon us to protect their security. They have no one else to turn to. It is our responsibility. It is our obligation.

I urge my colleagues to support the Defend America Act as reported by the Senate Armed Services Committee.

Mr. NUNN. Mr. President, how much time is remaining?

The PRESIDING OFFICER. The Senator from New Hampshire has an additional 2 minutes.

Mr. NUNN. How much time do I have?

The PRESIDING OFFICER. One hour.

Mr. NUNN. Mr. President, I have several people who would like to speak. Several people were down for 15 minutes, but I ask them if they can adjust that. Otherwise, we will not be able to get around on the requests. Senator EXON would like 2 minutes, which I will yield to him now.

The PRESIDING OFFICER. The Senator from New Hampshire has 2 more minutes first.

Mr. NUNN. Following that, Mr. President.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. SMITH. Mr. President, let me close with one final observation. I feel very strongly that this issue has become a partisan political issue. It should not be a partisan political issue. We have no more fundamental or important constitutional responsibility than to provide for the defense of this country. And to be on the floor filibustering a bill that defends America, protects America from incoming missiles is an outrage. We can disagree on the degree, we can disagree on the architecture, we can disagree on the timing. But we ought not to be filibustering it. We ought to be having an up-or-down vote on it. I think everybody ought to be on record today—not having it put off, but be on record today. Are you for it, or are you against it? We ought to be recorded so the American people can judge us when the time comes.

This Nation's people, treasury, and industry are vulnerable to missile attack. The technology is here. All that is lacking is the political will. We cannot delay any longer. We have to get on with the business of defending America. History, I think, will look at this debate as a key point in our Nation's history. Let us consider the consequences of our actions carefully and keep faith with the American people, who rely upon us to protect their security. They do not have anybody else to turn to. It is our responsibility, our obligation. All we are asking is that we exercise it. All the Senator from Arizona is asking for is a vote. All the Republican leader is asking for is a vote. We are not asking for anything else. We are not even asking for a victory, we are asking for a vote so that we can be recorded.

Mr. NUNN. Mr. President, I yield 2 minutes to Senator EXON, and then 10 minutes to Senator DORGAN.

The PRESIDING OFFICER. The Senator from Nebraska has 2 minutes. Following that, Senator DORGAN has 10 minutes.

Mr. EXON. Mr. President, I was struck to hear the term that people on the other side were startled that we would oppose this, that we are being blackmailed by Russia, and that we are being held hostage by Russia. Nothing could be further from the truth.

I simply say, Mr. President, that already the opposition is saying we are against missile defenses on this side. We are not against missile defenses. The talk was made about the Patriot, how important that was in the gulf war. This Senator and most of the Senators on this side were leaders, when we were in charge of the Senate, in developing the Patriot missile. What we are against is hastily moving, as the Dole star wars bill would do, to a missile defense that is untested, untried, with no assurance whatsoever that it will work.

Go with us. We are with the experts at the Pentagon. We are with the President. We want a missile defense, but we want it in a timely fashion and not rush to violate treaties that the United States of America signed in good faith.

I ask unanimous consent that two letters from CBO relating to the cost issue be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 15, 1996.

Hon. FLOYD SPENCE,
Chairman, Committee on National Security, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed H.R. 3144, the Defend America Act of 1996, as ordered reported by the House Committee on National Security on May 1, 1996. The bill calls for deployment by 2003 of a system to defend the nation against an attack by ballistic missiles, but does not specify how much funding would be available for this purpose. Based on plans and estimates of the Department of Defense, the costs of complying with the bill would total $10 billion over the next five years, or about $7 billion more than is currently programmed for national missile defense.

Through 2010, total acquisition costs would range from $31 billion to $60 billion for a layered defense that would include both ground- and space-based weapons. The wide range in the estimate reflects uncertainty about two factors—the type and capability of a defensive system that would satisfy the terms of the bill, and the costs of each component of that system. These figures do not include the cost to operate and support the defense after it is deployed. The attachment provides additional details on these estimates.

Section 4 of the Unfunded Mandates Reform Act of 1996 excludes from the application of that bill legislative provisions that are necessary for the national security or the ratification or implementation of international treaty obligations. CBO has determined that the provisions of H.R. 3144 fit within that exclusion.

H.R. 3144 would not affect direct spending or receipts and thus would not be subject to pay-as-you-go procedure under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Raymond Hall and David Mosher.

Sincerely,

JUNE E. O'NEILL,
Director.

BUDGETARY IMPLICATIONS OF H.R. 3144, THE DEFEND AMERICA ACT OF 1996

This document addresses the budgetary implications of H.R. 3144, as ordered reported by the House Committee on National Security on May 1, 1996. The Defend America Act of 1996 would require the United States to deploy a national missile defense by the end of 2003 that provides "a highly effective defense of all 50 states against limited, unauthorized and accidental attacks . . . [that would be] augmented over time to provide a layered defense against larger and more sophisticated ballistic missile threats as they emerge." Those two requirements form the basis of CBO's estimate. According to the bill, the initial defense must include interceptors, ground-based radar, space-based sensor, including the Space and Missile Tracking System (SMTS), and a battle management and command and control system to tie the components together. The interceptors can be ground-, sea-, or space-based. The space-based weapons could be lasers or kinetic energy interceptors (also known as Brilliant Pebbles). The layered defense that would eventually follow, according to the bill's second requirement, would likely be achieved by adding space-based weapons to the ground-based system.

CBO estimates that H.R. 3144 would cost nearly $10 billion over the next five years, or about $7 billion more than is currently programmed for national missile defense. Through 2010, the system would cost between $31 billion and $60 billion. None of the estimates include the cost to operate and support the defense after it is deployed. Our estimates are derived from data provided by the military services and the Ballistic Missile Defense Organization (BMDO). While we have been unable to review many of the details behind those estimates, we believe that they are the best that are currently available. In some cases, though, we adjusted the Department of Defense's (DoD) estimates to better reflect procurement costs and potential risks. For example, we added about $3 billion to hedge against technical and schedule risks in the development programs. We also reduced the estimated cost of deploying 500 space-based interceptors by $4 billion. We did not, however, adjust the estimates to reflect cost increases that typically occur in developing systems that advance the state of the art.

Minimum Requirements and Costs. The low end of the range of estimates reflects what we believe would be the smallest system that would meet both of the bill's principal requirements. As proposed by the Army, the initial defense would consist of 100 interceptors based at Grand Forks, South Dakota. Combined with SMTS, this system would be able to defend all 50 states against an unsophisticated attack of up to 20 warheads under many scenarios, according to BMDO. The interceptors would be armed with the Army's Exoatmospheric Kill Vehicle (EKV). To track incoming warheads, four new phased-array radars would be deployed, one each in Grand Forks, Alaska, Hawaii, and New England.

This initial defense would cost $14 billion—about $8.5 billion for the ground-based system and $5 billion for the SMTS space-based sensors. (The ground-based system could cost roughly $4 billion less if the Air Force's proposal for a Minuteman-based system was adopted.) The upper layer, which would be added sometime after 2006, would employ 500 space-based interceptors similar to Brilliant Pebbles—the less expensive of the two types of space-based weapons. It would make the defense capable of protecting the United States from a more sophisticated attack of up to 60 warheads according to BMDO, and would cost an additional $14 billion. CBO adds another $3 billion to these estimates to hedge against potential risk associated with the development programs. Thus, the total cost of the layered defense would be about $31 billion.

Potential Increases in Requirements and Costs. The bill specifies that the defense shall protect the United States against limited or unauthorized attacks, but does not specify how big the attack might be. The high end of the range reflects the costs of a system to protect the United States against a more potent threat—for example, an attack that could have 200 warheads accompanied by sophisticated countermeasures. DoD bases its operational requirement for a national missile defense on such a threat.

CBO assumes that the ground-based layer would include 300 interceptors deployed at 3 sites and would cost $13 billion, or about $4.5 billion more than the costs of meeting the minimum requirements. SMTS satellites would be deployed at a cost of $5 billion. The space-based layer would include a combination of 500 space-based interceptors ($14 billion) and 20 space-based lasers ($25 billion) for maximum effectiveness. Again, $3 billion is added in anticipation of technological and integration problems. The total cost of this high-end layered defense would be about $60 billion. Except for the lasers, this system would be similar to the Global Protection Against Limited Strikes (GPALS) system proposed by past administrations.

Cost Comparison. The estimate for the ground-based systems described above is about two-thirds less than previous estimates associated with earlier proposals, for example the GPALS system. The earlier proposals focused on the challenging threat of an unauthorized attack by the Soviet Union. Today the focus is on smaller and less capable threats—as a result, the defense's components may be somewhat less capable. Past proposals also called for a robust program that included substantial efforts to test the systems and to reduce and manage the technical and schedule risks associated with such an ambitious development effort. It is unclear how much these efforts can be reduced without increasing risk to unacceptable levels. But if current plans must be revised to include more thorough testing and larger efforts to reduce risks, and if the purpose of the defense evolves into protecting against larger and more sophisticated threats, costs of the ground-based systems could approach those developed for systems like GPALS—thus, costs of the high-end system could greatly exceed $60 billion by 2010.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 30, 1996.

Hon. J. JAMES EXON,
Ranking Member, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR SENATOR: In your letter of April 4, 1996, you asked about the cost of deploying the national missile defense system proposed in the Defend America Act of 1996 (S. 1635). I have attached the cost estimate that the Congressional Budget Office (CBO) prepared for S. 1635, which should answer your questions.

At your request, CBO also examined the compliance issues that the Defend America Act could raise with respect to the Anti-Ballistic Missile (ABM) Treaty. Because the bill does not specify a missile defense system in detail, it is difficult to identify precisely the possible conflicts with the treaty. But some fundamental issues would arise regardless of the specific architecture of the defense. The bill anticipates those conflicts by requiring that the Secretary of Defense report to the Congress on the problems with the treaty that he expects to encounter in the course of developing and deploying the defense. The bill also urges the President to negotiate amendments to the treaty with Russia that would permit the United States to deploy its defense. If an agreement cannot be reached within one year of the enactment of the bill, however, it directs the President to consider withdrawing from the treaty.

In brief, our reading of the bill suggests that some systems would violate the treaty in its current form, while others may or may not. Space-based weapons would clearly violate the treaty's prohibition on ABM components that are based in space. Sea-based weapons are similarly prohibited. Together, those prohibitions would make it difficult to deploy a layered national missile defense that would comply with the ABM treaty in its current form.

Other issues are not as clear and are often debated. For example, in Article I of the treaty, each side pledges "not to deploy ABM systems for defense of the territory of its country." Critics argue that deploying any national missile defense, no matter how capable, would violate that provision. But, the Army and Air Force claim that the small, ground-based national missile defenses that they have proposed would comply with the treaty.

Issues of compliance could arise even for a ground-based defense that complies with the numerical and geographic limits specified in the ABM treaty (no more than 100 ground-based interceptors and one ABM radar, all located at Grand Forks, North Dakota). The principal issue is whether the new tracking radars that would be deployed in the Pacific and on U.S. coasts would substitute for the ABM radar at Grand Forks. Under many scenarios, particularly attacks on Alaska and Hawaii, the Grand Forks radar would never see warheads or intercepts because its view would be blocked by the Earth's curvature. For the same reason, the radar could not be used to send course corrections directly to an interceptor. Instead, such a defense would use ground-based repeater stations to communicate with an interceptor. According to opponents, that would mean that forward-based tracking radars would substitute for the ABM radar, a practice that the treaty strictly prohibits. Supporters of the proposed defenses counter that forward-based radars would not be substitutes because the fire-control solutions and instructions to an interceptor for correcting course would still come from Grand Forks.

The degree to which the Space and Missile Tracking System (SMTS) conflicts with the treaty is also being debated. Critics of space-based sensors argue that they could, in effect, substitute for an ABM radar. The Russians have reportedly expressed similar concerns about SMTS. The argument is similar to that made against forward-based tracking radars: if an entire intercept can occur out of view of the ABM radar at Grand Forks, something must be substituting for the radar. Supporters of SMTS contend that the system would be an "adjunct" to the ABM system, much like the space- and ground-based early warning sensors that the United States deployed before the ABM treaty was signed in 1972. (An adjunct is a device that could not, by itself, substitute for or perform the functions of an ABM radar). Those early warning sensors were not limited by the treaty and advocates believe that SMTS should not be limited either. According to press accounts, the U.S. government reported to the Congress in 1995 that SMTS might, in some configurations, comply with the treaty. This document reflects a U.S. position and does not imply that Russia agrees with that interpretation. Differences would have to be worked out in negotiations.

Finally, your staff asked that we examine operating and support costs. We have not had time to analyze those costs fully, but we can report that those costs would reach a few hundred million dollars annually by 2005 when ground-based systems and space-based sensors would be in place. After 2010, operating and support costs would increase significantly because the Department of Defense would have to launch replacements for any space-based systems, which wear out over time. Of course, at some point new technology or a reassessment of the defense situation could lead to changes in the system, which could have a large impact on costs.

If you wish further details on our analysis, we will be pleased to provide them. The CBO staff contacts are David Mosher, who can be reached at 226-2900, and Raymond Hall, who can be reached at 226-2840.

Sincerely,

JUNE E. O'NEILL,
Director.

The PRESIDING OFFICER. The Senator from North Dakota [Mr. DORGAN] is recognized.

Mr. DORGAN. Mr. President, surely the American people, who watch and listen, must think we have the attention of houseflies. We are having a debate here in the U.S. Senate about balancing the Federal budget, about amending the Constitution to require a balanced budget, about cutting spending, about being frugal, about dealing with this country's debt. And then immediately trotting on the floor of the Senate is a new proposal—by the same folks who say they lead in reducing the budget deficit, lead in reducing spending—they say to us now, "We want to spend an additional up to $60 billion for, yes, a star wars program."

I want to correct some of the statements that have just been made. There is no filibuster. The petition to invoke cloture, to close off debate, was filed simultaneously with the bill coming to the floor. How can someone, without even smiling about it, file a cloture motion before debate even begins? There is no filibuster.

We are going to have a debate on this. That is what we insist on. Those who want to initiate a $60 billion program without debate do no service to defense policy in this country, in my judgment.

Second, this bill is star wars. Here is the bill, page 6: "Ground-based interceptors, sea-based interceptors, space-based kinetic energy interceptors, space-based directed energy systems."

Call it what you want. It is star wars; $14 billion, my eye. We have spent $96 billion on star wars and missile defenses. This chart was put together by the Congressional Research Service, and we have funded so many programs over the last 40 years that nobody can read this. It is a national missile defense family tree that is so complex you cannot read it. It is a bunch of boxes and lines tracing the development of dozens of programs. These are the things that we have funded. This is all the work done for missile defenses.

What we have to show for all this in this country today is one abandoned antiballistic missile facility—it is in my State. Over $26 billion in today's money was spent on it. It was declared mothballed the same year it was declared operational.

Are there threats against this country? You bet. What are they? A glass vial of deadly biological agents to be brought in in someone's pocket, threatening a subway or a city is a threat. A truck bomb parked in front of a Federal building is a threat. A cruise missile armed with a nuclear warhead is a threat. An intercontinental ballistic missile is a threat. You can list a whole series of threats against this country.

Have we ever had an effective system to knock down any missile coming in? No, we have not. Why? Any missile launched against this country will have a return address. We will know exactly where it was launched from, and this country will vaporize them. That is what our nuclear deterrent has prevented from happening to our country for many years. That has been our missile defense for 40 years.

Now, do we need to research missile defenses? Yes, we are doing that. We are spending a great deal of money doing that. We spent $96 billion on all of this to date. But I want to talk about a number of different approaches to defending our country.

The best way to defend America is to destroy an adversary's missile before it is launched. I have a piece of metal here in my hand that comes from silo number 110, in Pervomaysk, Ukraine. This silo had an SS-19 in it. That SS-19 had 6 warheads, each of them 550 kilotons: each warhead 20 times the explosive power of the bomb dropped on Hiroshima. This twisted lump of metal was part of that silo with that missile. The silo does not exist anymore, because we helped to blow it up.

Let me show you a picture of it. This is that silo blown up, with the missile gone. There is no missile there. The missile was destroyed. Here is a man sitting on the floor—Senator NUNN—who, along with Senator LUGAR, with the Nunn-Lugar initiative, will, in my judgment, forever change the dimensions of this nuclear deterrent and these issues of nuclear threat by creating a program in which 212 submarine launchers are gone in the Soviet Union, 378 ICBM missile silos are eliminated, and 25 heavy bombers gone. Do you know what is indicated in this photo is today? This is silo 110. It just so happens—and it is a pure coincidence—that the Secretary of Defense is visiting silo 110 today. The U.S. Secretary of Defense is visiting this site. Do you know what is here today? Sunflowers—not missiles, but sunflowers.

What we have done is destroyed a missile in its silo by destroying the silo and moving the missile and warhead, and the missile is cut up and it is gone. That happens to be an effective missile defense. Senator NUNN and Senator LUGAR and others who fought so valiantly for this program are reducing the nuclear threat in this country.

I have a picture of the destruction of a heavy bomber. Here they are sawing off the wings. This picture shows Russians using American equipment to cut up a Russian bomber. That heavy bomber—it is a TU-95 Bear bomber—could launch 16 cruise missiles against our country.

Defending America means that you get the enemy, through arms agreements, to reduce these kinds of weapons. The fact is what the other side brings to the floor of this Senate—and they can protest forever about it, and they are wrong—is a proposal that will threaten the arms agreements by which missiles and bombers and other strategic weapons are being reduced now in other parts of the world. The fact is they want to abrogate the arms control treaties. In my judgment, that is shortsighted.

The Ukrainian President on June 1st—a couple of days ago—certified that his country, which used to have 4,000 strategic and tactical nuclear warheads, now has zero—zero. The Cooperative Threat Reduction Program in the Defense Department, with the leadership of Senators NUNN, LUGAR, and others, has done a remarkable job. Is this the only thing we ought to do? No. It is remarkably successful. We should do many additional things, but the last thing we ought to do is jump on this horse and ride off into the sunset to build a $60 billion program that threatens to undermine all of these arms agreements that have led to all of this progress. This makes no sense at all.

I thought you all were conservatives. You keep coming to the floor talking about the deficit, and the first thing you do when we finish that discussion is come to the floor with a big, spanking new, gold-plated weapons program that is going to cost $60 billion, a program we have already spent $96 billion on according to the Brookings Institution. I am telling you, it does not add up.

Do those who oppose the so-called Defend America Act, which is really a star wars program, believe Americans should not be defended? Of course not. There are dozen of ways of defending America. We ought to do research and deploy, and do a whole range of them, the most important of which, in my judgment, is the deployment and implementation of the Cooperative Threat Reduction Program initiated by Senators NUNN and LUGAR. But there are others.

President Clinton says, let us do the research necessary—several billion dollars. Let the system be available for deployment if we see that the threat exists. And I know we have all of these claims by others about Korea. Look, Korea spends from $2 to $5 billion a year on their entire defense program. We are a country that spends $270 billion a year. There is no credible evidence that Korea has tested anything close to a weapon that is going to deliver a nuclear warhead to parts of the United States. Worry about a suitcase bomb put in the trunk of a Yugo car parked at the dock of New York City. That is a threat. Worry about a biological agent. That is a threat. But this bill would put all of our eggs in this basket and say that the sky is the limit, even though it is the taxpayers' money. This bill would have us embark on a $60 billion spending program, and when we are finished we might have covered—unlikely, but maybe—one small slice of the range of threats that confront this country. I think if you talk about shortsightedness, this bill ranks up there with an Olympic performance.

Our military leaders in the Department of Defense have told us that this bill would endanger our security. General Shalikashvili wrote to Senator NUNN to say that "efforts which suggest changes, or withdrawal, from the ABM Treaty may jeopardize Russian ratification of START II and could prompt Russia to withdraw from START I."

In other words, this bill could pull the rug out from under the very thing that is reducing the nuclear threat, the very thing that results in weapons being destroyed. A missile silo that used to hold a missile with six warheads aimed at American cities and American military targets now has sunflowers planted on top of it. The missile and its warheads are gone.

This proposal pulls the rug out from under that kind of an approach. I just do not understand that proposal at this time being brought to the Senate.

No matter what claims are made on the other side, this is not a debate between those who think Americans should be defended and those who believe Americans should not be defended. That is preposterous. That is an absurd contention. All of us believe we ought to spend money wisely to defend this country's liberty. All of us believe we ought to make the investments necessary to guarantee the safety of the American people.

Let me thank the Senator from Georgia for the time. We will have more to discuss about this subject later, and I am anxious to engage in further debate when we get to debate on the bill.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. KYL. Mr. President, I yield 10 minutes to the Senator from Indiana, Senator COATS, a member of the Senate Armed Services Committee.

Mr. NUNN. Mr. President, following Senator COATS' remarks, I will yield 10 minutes to the Senator from New Mexico, Senator BINGAMAN.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. COATS. Mr. President, I appreciate the opportunity to add some words to this debate. Obviously, we all believe that while we can debate what the fundamental role of the Congress and the Government is, priorities ought to be established. This is true particularly in the domestic spending areas where there is no constitutional responsibility of the Federal Government. However, there is a clear constitutional responsibility for Congress to provide for the national defense. In that regard, we are addressing what I think is one of the most fundamental and most important decisions that this Congress is going to make in the next several days; that is, what kind of defense we will provide for the United States? To date, our country has enjoyed the benefit of its strategic location—surrounded by oceans east and west, and friendly neighbors to the north and south. Our strategic location has enabled us to ensure the defense of American soil. Today, however, the advance of technology, the development of long-range ballistic missiles, and the proliferation of those missiles among nations who have not had a history of responsible leadership poses a real threat to the United States. Over the last several years we have engaged in a debate over how to best address this emerging new threat.

The Senator from North Dakota raised the issue of other compelling threats. Indeed, there are other threats Americans face from a biological, chemical, or nuclear weapons delivered through ballistic missiles. A truck packed with explosives, a ship cargo container that sailed up into one of our ports, or any number of other means of delivering weapons of mass destruction are clearly threats we must take seriously. However, the fact that these threats exist does not mean we should ignore the very real threat posed to American citizens by proliferating ballistic missile technology. people.

The Senator from North Dakota talked about other effective deterrents. He discussed the success that Americans had with a strategy of deterrence through mutual assured destruction. During that particular era, there were two superpowers engaged in a standoff. Mutual assured destruction seemed the most feasible strategy to counter Soviet missile threats. But, in that era, there was no threat of missile proliferation such as we face today. There was a very serious, but very definable, cold war between the two superpowers, each possessing thousands of nuclear warheads that could be used in retaliation against the other should a first strike be launched. As we all know, the strategy of mutual destruction is no longer a viable means of deterrence.

There is a also a moral imperative at issue with the concept of mutual assured destruction. Simply to say that our best protection against a missile attack that could injure or kill millions of Americans is our capability to respond in kind against the country that launched the attack, violates basic moral considerations our Nation could not support today.

I found it interesting that the Senator from North Dakota spoke of sunflowers now growing over former missile sites. Most of us would like to see sunflowers growing over every missile site, not only in the former Soviet Union but in other countries around the world. Unfortunately, this has not been the case. More than 25 countries—including China, North Korea, Libya, Syria, Iran, Pakistan, and India—possess or are seeking to acquire ballistic missiles capable of carrying nuclear, chemical, or biological warheads. They are actively pursuing ballistic missile technology for their fields—not sunflowers. And, as we all know, we have had little success discouraging these nations from acquiring missile technology.

North Korea has been developing ballistic missiles such as the Taepo Dong II, a missile with a range of up to 6,000 miles that can certainly target Alaska and Hawaii. North Korean President Kim Jong-Il has reportedly ordered the development and deployment of strategic long-range ballistic missiles tipped with more powerful warheads. By many estimates, in less than 10 years, North Korea will be able to deploy an operational intercontinental ballistic missile force capable of hitting the American mainland.

The administration is ignoring these very serious trends. Instead, it has adopted a wait-and-see strategy in its approach to the defense of our Nation. Much of the administration's position is derived from a recent national intelligence estimate report by U.S. intelligence agencies. The NIE claims that no country will be able to acquire ballistic missile technology capable of reaching the United States for at least 15 years. But NIE's choice of 15 years is based on calculations most Americans would hardly find reassuring. The 15-year estimate is based primarily on the indigenous development of missile systems, ignoring the rapid rate of ballistic missile technology proliferation so evident today.

In addition, the NIE based its threat calculations without regard to Hawaii and Alaska. The report projects that no rogue nation will possess the technology capable of hitting the lower 48 States for 15 years. In qualifying its estimate, the NIE discounts the more immediate threat of North Korea's Taepo Dong II missiles to these States. Yet, in August 1994, John Deutch, then Deputy Secretary of Defense, testified before Congress that "If the North Koreans field the Taepo Dong 2 missile, Guam, Alaska, and parts of Hawaii would potentially be at risk." At that time, the CIA estimated that this system would be deployed before the year 2000.

It is unfortunate that the United States today has little control over the proliferation of ballistic missile technology. But, the time has come for us to recognize this fact and act accordingly. Mutual assured destruction and other strategies have come and gone. They are no longer appropriate for the era in which we live, nor the threats America might face in 21st century. The administration's position of adhering to a policy whose assumptions are based on the perceived intentions of countries rather than their emerging capabilities and the realities of the world today is a serious mistake.

Even the NIE report warns that a future political crisis in Russia or China could lead to an unauthorized ICBM launch against the United States. Russia today is embroiled in political turmoil resulting from reform and the civil war in Chechnya, while China remains in the throes of uncertain changes in political leadership. Both China and Russia have also been actively selling technology to other nations. Indeed, recent reports indicate that China is attempting to buy SS–18 missile technology from Russia and the Ukraine—technology that would significantly enhance China's ability to target American soil. Technology transfers such as these give countries a major advantage in developing indigenous nuclear weapons and delivery systems, to include ballistic missiles. Libya and Iraq's leaders have made their desire to obtain such weapons quite clear, while North Korea has been willing to oblige by selling its missiles to interested parties.

There are many other countries actively engaged in buying advanced technologies and missiles. If rogue nations are successful in buying systems already developed, or can acquire the technology to build their own indigenous systems, the United States may well face a threat even sooner than expected. In testifying before Congress earlier this year, Jim Woolsey—President Clinton's first Director of Central Intelligence—addressed the grave nature of ballistic missile technology, stating that:

> Ballistic missiles can, and in the future they increasingly will, be used by hostile states for blackmail, terror, and to drive wedges between us and our friends and allies. It is my judgment that the administration is not currently giving this vital problem the weight it deserves.

Who is to say that the current intentions upon which the administration rationalizes its position may not quickly shift to the disadvantage of the United States? Should one of these countries decide to target the United States—for the reasons Jim Woolsey cited—how will we defend America? Reassurances that a ballistic missile defense system is under development will do nothing to defend American citizens, just as it does nothing to deter future aggressors.

Even if NIE's 15-year threat window were realistic, a strategy of waiting to deploy a defensive system until we are certain we will face an imminent attack fails to recognize the reality that deploying a new system with advanced technology will invariably require fine-tuning. This hedge strategy risks the welfare of American citizens in the face of a direct threat to our national security.

Proliferation of nuclear, biological, chemical weapons and the means to deliver them is a dangerous game. While we must continue our efforts to prevent rogue nations from acquiring this technology and thus endangering us, we must also concede that ultimately we are powerless to deter the acquisition of this technology. If we cannot deter the proliferation of ballistic missile technology, we must at least diminish the incentive for attacking the United States and nullify the potential consequences of such an attack. We can do this by developing and deploying a national missile defense system. In the end, it is the only plausible strategy to protect American citizens from the future threat of a ballistic missile attack. As former British Prime Minister Margaret Thatcher recently remarked:

> Acquiring an effective global defense against ballistic missiles is . . . a matter of the greatest importance and urgency. But the risk is that thousands of people may be killed by an attack which forethought and wise preparations might have prevented.

It is the reality of the proliferation of ballistic missile technology, the capability of providing nuclear, chemical or biological destruction through the delivery on ballistic missiles, and the proliferation of those missiles that demands we give serious consideration to a national missile defense system. We are making positive strides in providing theater missile defense protection for our troops abroad. But, in my opinion, we are not taking the steps that we need to take to provide that same kind of protection to Americans here at home.

It is a risky strategy to continue to postpone the basic decisions that need to be made relative to deployment of a national missile defense system. We can argue over timing. We can argue over the deployment. We can argue over the cost that is appropriate in relationship to our budget each year. But we must not deny our citizens protection from the grave potential of a future ballistic missile attack on the United States.

There is a little doubt that the cloture vote which will take place at 2:15 will succeed. The previous speaker has challenged us to get to the debate. We will need his help in order to get to that debate. Indeed, we are going to need help from those who have opposed the proposal before us in order to get to the heart of the critical issues addressed in the Defend America Act.

The PRESIDING OFFICER. The Senator from New Mexico has 10 minutes.

Mr. BINGAMAN. Mr. President, I also rise in opposition to the motion to proceed on this bill, this so-called Defend America Act. The bill is bad policy for many reasons. Several of my colleagues have already mentioned some of those.

First, the bill would undermine Russia's ratification of the START II Treaty, and undermine the implementation of the START I Treaty. These treaties will destroy vastly more Russian nuclear weapons than any missile defense program that is being proposed in this legislation.

A second reason the bill is bad policy is that the bill would mandate the premature deployment of a national missile defense that we do not know today how to deploy, whatever the proponents of the bill may argue.

A third very significant reason why this bill is bad public policy is that it would divert many billions of dollars—the estimate is about $60 billion—from higher Pentagon priorities, particularly around the turn of the century when the Republican defense budgets fall below the President's defense budgets.

I do think we need to ask where the money is coming from. As the Senator from North Dakota said a few moments ago, it is ironic that the effort is being made to move ahead on this legislation the same week the Senate is being asked to once again vote on whether or not to embrace a balanced budget constitutional amendment. We also need to ask at what expense to our other defense capabilities would we be adopting this kind of legislation. The Joint Chiefs of Staff believe those other defense capabilities are more important. We need to heed their advice on this.

The proponents of this bill do not know what system they are demanding to deploy. They do not know what it will cost. They seem at best indifferent to the reaction that we would find in Russia, and at worst they seem to rush to embrace the demise of the Anti-Ballistic Missile Treaty as a welcome consequence of this bill.

We need to ask ourselves why is this not the position of the Joint Chiefs of Staff? Why do the Joint Chiefs put higher priority on preserving START I and going forward with START II and on developing other defense capabilities, including theater missile defenses? The proponents of this legislation have no answers to those questions.

Let me spend a few minutes talking about some of the reasons I am deeply skeptical of our ability to develop highly effective national missile defenses, as called for in this bill, in the timeframe that is set out and required by this bill. I have followed this debate fairly closely since March 1983, shortly after I came to the Senate and President Reagan gave his famous star wars speech. We now know, many years later, that President Reagan had essentially been sold a bill of goods by the proponents of star wars. He was told that an x-ray laser, driven by a nuclear explosion in space, could wipe out a whole swarm of attacking Soviet ICBM's. But the x-ray laser proved to be neither technically sound nor politically viable. The nuclear component of the SDI program was gone within a couple of years. Instead, the goal became a nonnuclear national missile defense composed of a wide range of kinetic-kill and directed-energy weapons coupled with advanced space and ground sensors that could provide some sort of astrodome-like, leak-proof protection for the American people against all ballistic missile attacks.

Mr. President, there was almost no one in the technical community at the time who thought that it was possible to develop what I just described. I distinctly remember being briefed at Sandia National Laboratories in the mid-1980's on their red team analyses of the various proposals being put forward as part of the strategic defense initiative [SDI] by contractors. The red team always won. Nevertheless, we spent billions of dollars in pursuit of this goal that not even the proponents of this bill support today.

It was not until Senator SHELBY and I offered an amendment in 1989 that Congress even tried to look at the component parts of the SDI Program and put some priority on those that made sense, at the same time scaling back those that did not. That amendment, which was debated on the eve of Iraq's invasion of Kuwait, put first priority on developing theater missile defenses, and it called for sharp cutbacks in the more exotic space-based SDI systems, such as the system that was then known as Brilliant Pebbles.

The Persian Gulf war heightened the consensus that our first priority should be theater defenses, if we could come up with some type of theater defenses that, in fact, were effective. The Patriot interceptor clearly had been ineffective against the Iraqi Scud attacks during the war, as the Senator from Arizona noted yesterday. So in 1990, under Senator NUNN's amendment, priority was once again given to theater defenses.

Why has it been so hard for us to come up with effective theater missile defense systems? Since 1989, we have spent over $10 billion on developing theater missile defenses. The President proposed another $2 billion in fiscal year 1997, the budget that we are still working on. Some of these systems, such as THAAD, are now entering testing, but, thus far, they have not had great success in the way of hitting targets.

Why is that, Mr. President? It is true because hitting a bullet with a bullet is a very, very difficult thing to accomplish. A theater ballistic missile will be moving at up to 5 kilometers per second or 3 miles per second as it approaches its target. Think about that. Three miles per second. An interceptor missile sent up to intercept it travels at approximately the same speed and it has to maneuver so that it ends up in the same breadbasket-sized space at precisely the right moment as the two missiles approach each other at up to 6 miles per second. That is a pretty good trick.

The Congress has been calling for highly effective theater missile defenses for at least 7 years now. We have been supporting research for far longer. And yet, as I said, we have not hit very much. We all hope that our investments in THAAD and Navy Lower Tier and improved Patriot and MEADS and Navy Upper Tier will eventually result in a reasonably effective theater defense capability. We know that that is a capability our military commanders want because finding and destroying small truck-mounted Scud-sized missiles before they were launched proved very difficult in the Persian Gulf war.

However, after 7 years, in which Congress consistently approved the requests for theater missile defense system funding—in fact, added funds during several of those years—we still do not have a highly effective theater missile defense, although we, hopefully, have some promising candidates. Anyone who told us that theater missile defenses would be easy back in the 1980's should have conceded their mistake by now. Anyone who promised astrodomes for national missile defense should have lost credibility with Congress and the American people a long time ago.

Yet, it is that same crowd who is pushing this legislation. They are much more careful about promising astrodomes now. Instead, this bill calls for deployment "by the end of 2003" of "a National Missile Defense system that—

> (1) Is capable of providing a highly-effective defense of the territory of the United States against limited, unauthorized or accidental ballistic missile attacks; and
>
> (2) Will be augmented over time to provide a layered defense against larger and more sophisticated ballistic missile threats as they emerge."

Seven years from now, according to this bill, we are supposed to have solved a harder problem than theater defenses, namely national missile defense, and deployed a system. The proponents totally disregard the lessons of how hard it has been to develop theater defenses over the past 7 years. These technological developments can-not be made on a congressionally mandated time schedule.

We also need to ask what the threat is that is conjured up to justify spending this $60 billion contemplated in this bill. Is it a real threat like the mobile Scuds that our troops faced in the Persian Gulf? The intelligence community does not think so. Yet, the threat you hear the most about from the proponents of this bill is the potential threat that North Korea could develop a missile, the Taepo Dong II, capable of attacking the Aleutian Islands sometime soon. The proponents attack the intelligence community for not leaping to the conclusion that this threat justifies deployment of a national missile defense now.

Let me put a few facts on the table about this potential threat.

North Korea's total gross national product is about $25 billion. That is less than one-third of 1 percent of the U.S. gross national product. In fact, that country is bankrupt, Mr. President. Its people are malnourished, if not starving. Its total defense budget is less than $6 billion, which is approximately one-fortieth of our own, and yet those who want to pursue a crash national missile defense system criticize the intelligence community for unanimously judging that it might be difficult for North Korea to develop a long-range missile in the next 15 years.

If North Korea's Taepo Dong II—a missile that does not today exist—is the justification for this bill, it is a pretty thin justification indeed. But let us take this argument further. Let us give the proponents of this bill the benefit of the doubt. Let us say that this bankrupt country actually started building such an intercontinental ballistic missile tomorrow. Are we a pitiful helpless giant incapable of responding? Does our $267 billion defense budget provide our President and our military leaders no options to deal with this threat? Should we sue for peace? Of course not.

The Taepo Dong II, if it ever exists, would be a large immobile missile. We would know about its development immediately through our intelligence capabilities. And we would be able to destroy it by a preemptive strike long before it was ready to be launched, just as Israel once dealt with the Iraqi nuclear complex.

If the threat is a rogue nation, like North Korea, Iraq, Iran, or Libya, developing an ICBM, then clearly preemption with our existing military capabilities would clearly handle such a threat with very high confidence. It is a far higher confidence level than we are ever likely to achieve with a national missile defense system. The American people would support such a preemptive strike, just as they support today the threat of preemption which Secretary Perry has made to the underground Libyan complex should it begin to manufacture chemical weapons.

There is an editorial, which I want to cite on this point, that was in the May 13, 1996 edition of the Patriot & Evening News out of Harrisburg, PA. This is an article called "Offense is Best Missile Defense."

The author makes the obvious point about the threat from rogue states. He says:

> If a nation hostile to the United States should acquire the capability to send a missile our way, dare we wait until it is fired to see if our missile defense system actually works? Or would we in fact use other military means to go in and put it out of commission before it was fired?
>
> The answer surely is that you do not place the fate of thousands of American lives on unproven technology of uncertain proficiency. You eliminate the threat before it eliminates you, a strategy that would make deployment of a missile defense system pointless and redundant.

Mr. President, I ask unanimous consent that the full text of this article appear at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

[See exhibit 1.]

Mr. BINGAMAN. So, Mr. President, the threat of a rogue nation really cannot and should not be the justification for this bill and the expenditure of tens of billions of dollars.

But let us also look at the technical side of national missile defense. As the senior Senator from Ohio, Senator GLENN, has said many times on this floor, we do not today know how to do this, whatever a contractor may claim. With ICBM's we are talking about bullets intercepting bullets with closing velocities of up to 10 miles per second. The President and Secretary Perry propose to continue research in this area at the rate of half a billion dollars per year to see if we can solve the technical problems. That is an adequate amount in my judgment, given how little has been delivered thus far after the expenditure of many tens of billions of dollars. I am from Missouri like Harry Truman when I hear any promises about how close we are to solving the technical problems of national missile defense. Someone is going to have to show me with real test results. I have heard such promises before. The American people have heard such promises before.

Mr. President, if the threat from rogue states is remote and capable of being handled by other means, as I believe it is, if we have no technical solution in hand, if we risk undermining the benefits of START I and the START II Treaty as well, then why on Earth should we move ahead to pass this bill? The proponents threaten us with some variation of the astrodome 30-second political spot. They feel the American people will be outraged that we do not have a national missile defense system. But it is much more likely that the American people will see this legislation for what it is, a fiscally, technically, and strategically unsound bill that will damage both our Treasury and our security.

Mr. President, I believe it would be folly for us to proceed to enact it and the American people will not be fooled into believing otherwise. I appreciate the time and yield the floor.

EXHIBIT 1

[From the Harrisburg (PA) Patriot & Evening News, May 13, 1996]

OFFENSE IS BEST MISSILE DEFENSE

AMERICA NEEDS A SYSTEM TO PROTECT DEPLOYED TROOPS, BUT SHOULD TAKE OUT ATTACK CAPABILITY OF ROGUE NATION

Should the United States develop and deploy a system to destroy incoming missiles fired by a rogue state, such as Iran or North Korea?

That is the issue in what the House leadership has dubbed "Defend America Week," as it considers legislation that would deploy a missile defense system by the year 2003.

At stake, Republicans argue, is the nation's security in a world where all sorts of nations are equipping themselves with or seeking weapons of mass destruction.

Also at stake are billions of dollars, and perhaps the ability of our military forces to carry out more conventional missions, for the defense pot isn't likely to get much bigger even if Congress votes for deployment of expensive defensive missiles.

Is such a deployment necessary? The Clinton administration proposes to spend $600 million annually for five years to develop a system, but not deploy it unless a clear threat emerges. No nation that might pose such a threat has the capability to launch a missile that can reach American shores. And the best intelligence estimate is that such capability is at least 15 years away.

It should be noted that the administration does propose to fund the development and deployment of a theater anti-missile system to protect American military forces overseas from attacks such as those by Scud missiles we saw during the Persian Gulf War.

Not only is there no immediate threat that would require deployment of a national missile-defense system, the so-called "Defend America Act" doesn't even define the type of system that would be developed or deployed. That suggests a considerable gap between the idea and an actual system capable of picking off a missile before it inflicts harm on this country.

Indeed, one of the arguments against early deployment is that the pace of technology could well render such a system obsolete in the estimated three years required for it to become operational.

The costs are not inconsequential. Deployment of even a modest, single site, ground-based system could amount to $5 billion, though it would be of doubtful worth. A more ambitious system would cost on the order of $25 billion. A multi-site system could run $44 billion or more, but would also violate the ABM treaty with Russia, which limits each country to one ABM site.

More to the point, if a nation hostile to the United States should acquire the capability to send a missile our way, dare we wait until it is fired and see if our missile defense system actually works? Or would we in fact use other military means to go in and put it out of commission before it was fired?

The answer surely is that you do not place the fate of thousands of American lives on unproven technology of uncertain proficiency. You eliminate the threat before it eliminates you, a strategy that would make deployment of a missile defense system pointless and redundant.

Mr. KYL. Mr. President, I yield 10 minutes to the Senator from Oklahoma, Senator INHOFE, a member of the Senate Armed Services Committee.

The PRESIDING OFFICER. The Senator from Oklahoma, Mr. Inhofe, is recognized for 10 minutes.

Mr. INHOFE. Mr. President, I thank the Senator for yielding.

We are in the middle of a debate we have heard over and over. I do not think I have heard anything today or yesterday that I have not heard already and we have not discussed at some length.

The Senator from New Mexico mischaracterizes the threat that exists out there. I hope we can go back and recall some of that debate because it started, in characterizing the threat, 2 years ago, when James Woolsey, who has already been identified as the CIA Director under President Clinton, who has stated that we know of between 20 and 25 nations that have or are in the final stages of developing weapons of mass destruction, either biological, chemical, or nuclear, and are developing the missile means in delivering those weapons. He said this 2 years ago.

I suggest that those who look wistfully back and say, "Isn't it wonderful that the cold war is over," that the threat could very easily be, and I think it is, greater than it was during the cold war. During the cold war, we had the U.S.S.R. and the United States as two superpowers. So it made some sense to some people to come up with agreements to downgrade nuclear capability because there were only two nuclear superpowers out there. But if we are talking about 25 to 30 nations now and we establish some type of relationship with Russia, since the U.S.S.R. is no longer in existence, then we still have 25 or 30 other nations that are building up their nuclear capability at the same time we are tearing ours down.

Is the threat out there? The Russians have the SS–25, the SS–18, which is a MIRV'd missile, I think, with 10 warheads. They have the capability of launching. And North Korea's Taepo Dong II missile that the Senator from New Mexico talked about, that is something that the experts say is within 5 years—and I have heard lower figures than that—of being able to reach the United States. We are talking about technology that exists. We are talking about missiles that can reach long distances and can reach the United States from such places as China, Russia, and North Korea.

I also suggest that we do not need to talk about the gross national product of North Korea. That should not enter into this debate. I do not care what their gross national product is. If they have a Taepo Dong II missile that can reach the United States, it only takes one. Coming from Oklahoma, I can tell you, one bomb is enough.

So when you look at the threat, I think you need to consult the individuals who are the experts and the ones who said we know what capability is there.

We have had this debate already. We had this debate in 1991. We decided we would protect ourselves against the threat of a missile attack by the year 1996. Here it is 1996.

We are having this debate again. Technology has improved. As far as the Senator from New Mexico's statement about hitting a bullet with a bullet—yes, that is a difficult thing, but there is not a person in the United States who was not watching CNN during the Persian Gulf war, and we all saw Patriot bullets hitting Scud bullets. That was 5 years ago. Mr. President, we can hit a bullet with a bullet.

When you are talking about the proper function of Government, I cannot think of any function that is more significant than protecting the citizens of the United States.

We had a lot of discussion about the cost of this. I hear these figures being batted around, $30 and $60 billion. The fact is we already have somewhere between $44 and $50 billion invested in our Aegis ships. We have 22 cruisers and destroyers already floating out there with launching capability.

We want to get them upgraded so they can reach up into the upper tier and defend us against missile attack. I do not see anything un-American about that. That money has already been spent. We have that investment. We are down now to a very small amount of money that could bring us to the reality of being able to defend ourselves.

Here is Team B of the Heritage Foundation, which is made up of a lot of very knowledgeable people, such as Lt. Gen. James Abrahamson, former SDIO Director and Associate NASA Administrator, and Lt. Gen. Daniel Graham, the former Director of the Defense Intelligence Agency.

We have all of these people sitting down determining the cost of actually coming up with a system that will protect America using the Navy's Aegis system. They say it is going to be somewhere in the neighborhood of $3 billion, plus $5 billion if we are going to field the satellites we need to be able to detect where one of these missiles is launched.

To be able to use our satellites to detect a missile that is coming toward the United States will cost, according to the Heritage experts, approximately $5 billion. If you take the CBO report and look at what it really says—and they talk about the figures $31 to $60 billion—what they are talking about is if you want to buy every available missile defense technology there is.

What we are suggesting in this bill right here is that the President and the Secretary of Defense look at all the technology, look at the land-launched missiles, look at the Navy's Aegis system and space systems and pick the right combination that will defend America.

What the CBO did was to add up the cost as if we adopted everything. It is like going into a used car lot and buying every car in the lot, not just the one that is going to take care of our needs.

So the cost is not that much. If the CBO is right, and if it is between the $30 and $60 billion—let us assume it is $40 billion—that is the total cost from 1997 to the year 2010. That is 14 years. So we would be taking approximately $3 billion a year.

The Senator from North Dakota talked about the fact that there was not any real threat from North Korea. I suggest that the Senator go back and reread what Gen. Gary Luck, the United States commander in South Korea, came out and stated this year before the Armed Services Committee. He said we have very serious threats. Granted, we are talking about more of a theater missile problem there in Korea. But he said: With 37,000 Americans in South Korea, we need to start working on this system right now because we know what the Taepo Dong II missile is advancing and we know what kind of threat it will be not just to South Korea but to the United States.

So I would like, rather than to listen to someone who has very little knowledge about the technology that is available out there, to listen to those who are the experts. I also add that the experts—I was very proud of the four chiefs of the four services the other day coming out and saying that out military procurement is underfunded by $20 billion underfunded—recognizing we in America are not paying proper attention to defending America. It took a lot of courage for them to say that.

The Senator from North Dakota goes on and on talking about $60 billion, $90 billion, large sums of money, as if none of that has already been spent. I suggest, Mr. President, that the vast majority of what we need for missile defense has been spent, that we could take the amount of money that has been spent and spend about 10 percent more and have a system in place that would be able to shoot down an ICBM missile if it came toward the United States.

Coming from Oklahoma, I think I am probably a little more sensitive to what kind of a disaster can take place. I was there the day after the bombing of the Federal building in Oklahoma City. It is easy to sit here, read the accounts in the paper, maybe watch TV and not be too impressed with how personal this is. When you have a close friend whose son and daughter were in that building, were killed in that building, and they did not know it for 3 days; when you see the disaster, the millions of dollars that were lost, the half billion dollars that was identified in property damage, the 168 lives; and then you realize that the explosive power of the bomb that went off in Oklahoma City was equal to a ton of TNT, while the smallest nuclear warhead that we know about today that our intelligence community can document is 1 kiloton, a thousand times the size of the bomb that wiped out the Murrah Federal office building in Oklahoma City—I just say to those who like to keep their head in the sand, those who like to believe that there is no threat out there, a lot of the experts disagree with you. And what if you are wrong?

The PRESIDING OFFICER. Time has expired. Who yields time?

Mr. NUNN. Mr. President, I believe the Senator from Michigan, Senator LEVIN, had been on the floor and would like to speak. But he is not here now.

Mr. KYL. If he is not here, Mr. President, I will yield 5 minutes to the Senator from Mississippi, Senator COCHRAN.

The PRESIDING OFFICER. The Senator from Mississippi, Senator COCHRAN, is recognized for 5 minutes.

Mr. COCHRAN. Mr. President, I thank my distinguished colleague from Arizona for yielding time to me.

The most often heard criticisms of this legislation that have come to my attention and that I have read in the op-ed pieces and the newspapers consist generally of three main arguments: First, the system costs too much; second, we will violate the ABM Treaty; third, this is not the real threat we are dealing with right now, that it is more of a terrorism threat, that people could bring a nuclear weapon in a suitcase and put it anywhere in the United States, and that this is what we have to concentrate our attention on.

Let me take those arguments and just say that on the basis of the facts—not the rhetoric, not the eye wash, not the double-talk, but the facts—before our Committee on Defense Appropriations, we have heard of a system that, using a sea-based system, we can deploy a missile defense system with existing ships, cruisers, that are now in the inventory of the U.S. Navy and at sea around the world that have a firing system that is capable of being used for launching interceptors. This can be deployed over a 5-year period at a cost of between $2 and $3 billion.

Think about that. That is within the budget request being submitted by the President of the United States for missile defense. Other testimony came from the Air Force. The highest ranking officers of the Air Force described before our committee a ground-based system, the technology for which already exists and is proven to be very promising in this area. The cost? $2 to $2.5 billion. Now, come on.

There was testimony from the Army, the highest ranking officials in the Army, about a ground-based system for missile defense. One estimate was from $5 to $7 billion over a period of years to deploy this system.

The reason those costs are so low is because we have already invested substantial sums of money. Those investments are not wasted if we will go ahead and deploy a system in an orderly way, using the technology that is there.

Second, opponents of national missile defense say we will violate the ABM Treaty. The Defend America Act, which I am cosponsoring, along with a number of other Senators, specifically provides that the President pursue high-level discussions with the Russian federation to achieve an agreement to amend the ABM Treaty to allow deployment of the National Missile Defense System being developed for deployment under section 4. It does not say violate the treaty. It suggests that if there is a need to amend the treaty to keep from violating it, the President should work to accomplish that objective. We do not know what the Russians would say to that kind of proposal, but we ought to at least explore it. But to say that the Defend America Act violates the ABM Treaty is just not true.

Third, opponents of national missile defense say that the kind of threat that we are confronting right now isn't that serious. Well, it is. There are some 20 countries, maybe more, who either have or are in the process of acquiring missile technology capable of delivering lethal warheads, nuclear, biological, and other types of lethal warheads over long distances that could create mass destruction, putting at risk, right now, our troops in South Korea, those deployed in other regions of the world. Our interests everywhere are threatened.

Now, of course, we are worried about terrorism. That is why we passed the antiterrorism bill the other day. Of course, we are worried about doing enough in terms of surveillance and keeping up with what is going on and what kind of threats exist against the United States and its citizens. That is why we have intelligence-gathering agencies. That is why we are urging that the President submit a request for more funds for these things rather than less. So we are fighting that battle. We are dealing with that threat. To use as an excuse that we should not have a missile defense system because there are other threats that may be more obvious, does not argue, in any way, against the passage of this bill. That is the point.

I am tired of hearing these same old arguments, dredged up, reused and rephrased, in the New York Times editorial page and by others contributing their information through that source to this debate. I think they are wrong. They are certainly not accurate.

Mr. NUNN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER (Mr. COCHRAN). The Senator has 36 minutes and 7 seconds.

Mr. NUNN. I yield 10 minutes to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 10 minutes.

Mr. LEVIN. Mr. President, Senate bill 1635, the so-called Defend America Act, is really misnamed. It should more appropriately be called the Reducing America's Security Act, because it would reduce our security by jeopardizing the massive reductions of former Soviet nuclear weapons that are scheduled to take place under START I and START II.

Those reductions are not going to take place, we have been so informed, if we unilaterally commit to deploy a system which violates the agreement between ourselves and Russia, the ABM Treaty. That is the bottom line. Everybody can try to wriggle away from that and try to avoid that issue if they want, but we have an agreement with Russia. That agreement prohibits or precludes the kind of systems which the Senator from Mississippi just described. Sea-based ABM systems are not allowed under that agreement. We have been told if we commit to deploy systems which violate that agreement with Russia that they will not proceed to dismantle weapons under START I and they will not ratify START II.

That is the issue which we face. Which course of action is more in our security interest: proceeding with huge reductions in Russian nuclear weapons or violating an agreement with Russia and keeping those weapons in place?

It is not whether there is a potential threat. There is a potential threat. The question is whether or not we address that threat in a rational, reasonable way, which does not create greater dangers to ourselves. If we address a potential threat in a way which causes Russia to say, "OK, you are committing now to violate an agreement which you have worked out with us, and we are, therefore, going to stop dismantling our nuclear weapons under START I and we are not going to ratify START II," we have not only cut off our nose to spite our face, but we have produced a far more threatening situation involving thousands of nuclear weapons which will continue to exist, which otherwise will be dismantled.

Now, that is not just Democrats in the Congress talking, and that is not just the administration talking. That is the Chairman of the Joint Chiefs of Staff. That is the Chiefs of Staff themselves. That is our regional CINC's around the world. They are telling us it is not in our interest to proceed down the line of threatening an agreement which will result in Russia, saying, "OK, if you are going to have prohibited defenses, then, folks, we are not going to dismantle the weapons that we otherwise were willing to dismantle."

Of course we want to defend against potential threats. But we do not want to do so in a way which creates worse threats for ourselves. That is what the Chairman of the Joint Chiefs of Staff is telling us. That is in a letter to Senator NUNN, in which he tells us that the Chairman, the Chiefs, the CINC's, do not approve a course of action which threatens to undermine an agreement that we have with Russia.

His letter to Senator NUNN reads:

> In response to the recent letter on the Defend America Act of 1996, I share congressional concern with regard to the proliferation of ballistic missiles and the potential threat that these missiles may present to the United States and our allies.

Then he says:

> Efforts which suggest changes to or withdrawal from the ABM Treaty may jeopardize Russian ratification of START II and, as articulated in the Soviet statement to the United States of 13 June 1991, could prompt Russia to withdraw from START I.

Continuing:

> I am concerned that failure of either START initiative will result in Russian retention of hundreds or even thousands more nuclear weapons, thereby increasing both the costs and the risks that we may face.

We have our highest uniformed military authority, not just the civilian heads of the Department of Defense, but our highest uniformed military authorities who have said they do not want us to commit now to deploy a system by a year certain, as this bill requires. That unilateral commitment to deploy a system which would violate the ABM Treaty, as would the system which my good friend from Mississippi just outlined, the sea-based ABM system, that will lead Russia to withdraw from START I and not ratify START II, leaving us in a much more threatening situation than the one which we would otherwise face.

What the Defense Department wants us to do instead is put ourselves in a position where we can deploy, should the threat warrant it and should the costs make it cost-effective and the technology make it militarily effective. That is the so-called 3-plus-3 approach. It gets us to a position where we can decide within 3 years to have a deployed system within 3 additional years. But it would not commit us now, prematurely, to such a deployment both for the reason which I just gave, which is that it threatens the ABM agreement with Russia which has allowed them to dismantle thousands of weapons and would cause them to stop dismantling more, but also from the Defense Department perspective, it prematurely commits us to technologies before we know what are the best technologies in order to meet this potential threat.

So the question is not whether we want to defend America. Of course, we want to defend America. The question is how best to defend America, how best to defend against potential threats, and how best to do so without creating a worse situation for ourselves. I want to emphasize this fact so this does not appear to be Senator DOLE and Speaker GINGRICH on the one side and the administration on the other side. This is the Chairman of the Joint Chiefs and the Joint Chiefs themselves.

At the end of his letter, as he emphasized, "I have discussed the above position with the Joint Chiefs and the appropriate CINC's, and all are in agreement." What they are in agreement with is the danger of ruining our chances for continuing massive reductions of former Soviet nuclear weapons by threatening the ABM Treaty, and also in agreement on the administration's approach which I have just outlined, the so-called 3-plus-3 approach.

There are other threats, as my good friend from Mississippi has pointed out. There are lots of threats, lots of terrorist threats we face, including threats that could come in a suitcase, threats that could come in trucks, threats of chemical weapons, threats of biological agents, and we must spend a lot more time and more resources addressing terrorist threats. We have to rate these threats in terms of likelihood.

The head of the CIA, John Deutch, has ranked threats, and when he ranked the threat of terrorists using weapons of weapons of mass destruction, whether chemical or biological weapons or nuclear weapons, with the threat of ballistic missiles delivering nuclear weapons or other weapons of mass destruction by rogue states, he listed the missiles delivering the weapons as a far distant third. And so we, too, must make decisions on allocations of resources, based on the likelihood of the threat. That is part of our job in Congress.

Now, the CBO has estimated this Dole-Gingrich missile defense system could cost $60 billion, roughly. The CBO estimate apparently is not accepted by the folks who insist that we accept CBO estimates on everything else. I think it is obvious why there is the inconsistency here, and it is an inconsistency. If there is an estimate of a certain amount by CBO, it seems to me that we ought to be consistent and say, OK, if we are going to accept the CBO numbers in terms of budget deliberations, the estimates should be given some kind of a prima facie credibility in terms of other areas as well.

So there is a significant cost here. Is it worth it? We do not know yet. The answer is that it may be, but may not be. If it creates a system which can effectively defend us from in-coming missiles, and if there is a real threat of those missiles coming in, and that system will not create worse threats than the ones we are considering, it may well be. So we have to weigh the likelihood of the threat.

When is the threat likely to emerge? The CIA estimate is not in the next 15 years, in terms of any new states having the capability to hit the continental United States, other than Russia and China. And so we have to weigh the likelihood of those threats and the cost of defending against those threats against all the other aspects that go into this kind of a decision.

We have other ways to defend ourselves. We have arms control and threat reduction efforts, like the START I and START II treaties and the Nunn-Lugar Cooperative Threat Reduction Program that are leading to massive reductions of former Soviet nuclear weapons. We have deterrence, which is a very critical way of defending ourselves—frequently not even considered anymore, but still it was the heart of the ABM Treaty. So there are other ways in which we can and want to and must defend ourselves, in addition to having some kind of an antiballistic missile system, as we clearly see in the case of Russia.

There are two nations that already have such ballistic missiles: Russia and China. The Russians are now reducing their nuclear weapons under the START I Treaty, and once the START II Treaty enters into force Russia will make even greater reductions. These two treaties will result in the reduction of two-thirds of the nuclear weapons that the Soviet Union deployed at the end of the cold war. That is a huge increase to our security—a two-thirds reduction in nuclear weapons. Mr. President, I want to emphasize that the reductions we expect from START I and START II will be some 6,500 nuclear weapons that were deployed as recently as the end of 1991—far more nuclear weapons than those of all the other nations combined that possess nuclear weapons.

In addition to these reductions, the United States and Russia have de-targeted their missiles. That means that if there were an accidental launch of a Russian missile—which the intelligence community estimates to be a very very remote possibility—the missiles would land in the ocean and not on each other's territory. So we have already taken the most important step to reduce the risk of an accidental launch of a Russian missile by detargeting our missiles.

Mr. President, Americans are understandably far more concerned about the threat of terrorists bringing weapons into the United States. Here are some polling results: 67 percent believe that it is more likely that the United States will be attacked by terrorists bringing weapons into the country than being attacked by nuclear ballistic missiles. Only 3 percent of those polled thought the threat of ballistic missile attack was more likely than terrorist attack.

Our intelligence community has the same assessment of the relative likelihood of threats to our Nation. It views the threat of a terrorist attack in the United States using chemical or biological weapons as more likely than a ballistic missile attack. In testimony before the Governmental Affairs Permanent Subcommittee on Investigations earlier this year, Director of Central Intelligence John Deutch said that terrorists would be most likely to use chemical weapons to attack the United States, than biological agents, and finally nuclear weapons. Director

Deutch said that "chemicals are the weapon of choice for a terrorist group." Nothing in this Dole-Gingrich legislation would do anything to prevent a terrorist attack, such as the Tokyo subway gas attack. This bill focuses exclusively on the much less likely prospect of a ballistic missile attack against the United States

And on the view of the threat and appropriate funding level, the senior military leadership believe there are higher priorities that should be funded ahead of unrequested missile defense funds. For example, at the beginning of this year the Joint Requirements Oversight Council, which is made up of the Vice Chairman of the Joint Chiefs of Staff and all the Vice Chiefs of Staff, sent a memorandum to the Under Secretary of Defense for Acquisition and Technology stating their views on prioritizing and funding missile defense programs. The memorandum states:

> This memorandum is to inform you of the Joint Requirement Oversight Council's (JROC) position of prioritizing a Theater Missile Defense (TMD) capability over a National Missile Defense (NMD) capability.
>
> The JROC believes that with the current and projected ballistic missile threat, which shows Russia and China as the only countries able to field a threat against the U.S. homeland, the funding level for NMD should be no more than $500 million per year and TMD should be no more than $2.3 billion per year through the FYDP [Future Years Defense Plan]. Those funding levels will allow us to continue to field critical TMD/NMD systems to meet the projected threats and, at the same time, save dollars that can be given back to the Services to be used for critical recapitalization programs.
>
> We believe the proposed TMD/NMD acquisition levels are balanced and proportional and offer great potential for achieving an affordable ballistic missile defense architecture that meets our joint warfighting needs.

So these are the views of the senior military leaders. They know the threat and they know what is a reasonable and prudent response to the threat. They also know that there are more pressing defense needs on which to spend our limited resources than committing to spend tens of billions on a missile defense system in carrying out a commitment to deploy a system by 2003, without even knowing the results of development and testing. That is why they recommended these more prudent levels of spending, which is consistent with what the Defense Department requested this year.

The (DOD) plan is to develop our missile defense technology so that we can make a deployment decision in 3 years if needed, and then be able to deploy a system after 3 more years, as early as 2003, if there is a threat that warrants deployment and if it is cost-effective. This so-called "3 plus 3" plan makes no commitment now to deploy. It commits us to improve significantly our missile defense technology and capability so we could deploy if and when that makes sense in terms of threat and costs.

By committing now to building a system that will be operational in 2003, the Dole bill could lock in the least capable technology and provide us with what the Pentagon terms a very "thin" system. It would thus deny us the ability to pick the best technology available in case a serious threat does emerge. The Defense Department has testified to Congress that for each year beyond 2003 that we wait before deploying a system we will increase the capability of the system we might not prematurely commit, but develop it properly and eventually build. Since there is no threat now from rogue nations, we should take the time to get it right in case we need to deploy. That is the Pentagon's plan and we should support it and reject the Dole-Gingrich plan.

Mr. President: Let me cite the provisions of this legislation that are of greatest concern:

Section 3 states:

> It is the policy of the United States to deploy by the end of 2003 a National Missile Defense system that —
>
> (1) is capable of providing a highly effective defense of the territory of the United States against limited, unauthorized, or accidental ballistic missile attacks; and
>
> (2) will be augmented over time to provide a layered defense against larger and more sophisticated threats as they emerge.

Section 4 states:

> (a) To implement the policy established in section 3(a), the Secretary of Defense shall develop for deployment an affordable and operationally effective National Missile Defense (NMD) system which shall achieve an initial operational capability (IOC) by the end of 2003.
>
> (b) The system to be developed for deployment shall include the following elements:
>
> (1) An interceptor system that optimizes defensive coverage of the continental United States, Alaska, and Hawaii against limited, accidental, or unauthorized ballistic missile attacks and includes one or more of the following:
>
> (A) Ground-based interceptors.
>
> (B) Sea-based interceptors.
>
> (C) Space-based kinetic energy interceptors.
>
> (D) Space-based directed energy systems.

I would point out, Mr. President, that all of the last three of these elements are strictly prohibited by the ABM Treaty.

Finally, Section 7 states:

> . . . Congress urges the President to pursue high-level discussions with the Russian Federation to achieve an agreement to amend the ABM Treaty to allow deployment of the national missile defense system being developed for deployment under section 4.

Mr. President, it seems clear to me that when the bill states that the President would need an amendment to the ABM Treaty "to allow deployment of the national missile defense system being developed for deployment under section 4", as this bill does, it is an abundantly clear indication that the bill envisions a system that would not be permitted by the ABM Treaty. That is exactly what this bill is about. The administration sent to Congress yesterday its statement of administration policy concerning this bill. I will quote the first sentence of this administration statement. "If S. 1635 were presented to the President in its current form, the President would veto the bill." Mr. President, yesterday was a historic day for U.S. and international security. We learned that the last of the nuclear weapons left over from the former Soviet Union have been removed from Ukraine. So Ukraine is nuclear weapon-free, as it promised. When the Soviet Union collapsed it gave rise to four nations with nuclear weapons on their soil: Russia, Ukraine, Belarus, and Kazakhstan. In addition to Russia, there were suddenly three new nuclear weapon states that had more nuclear weapons than the rest of the other nuclear weapon states—Britain, France and China—combined. Through hard work and cooperation, we are on the path to making those three states nuclear weapon free. Ukraine is to be commended for this action. But this kind of cooperative threat reduction is not possible when we threaten to unilaterally violate a key treaty with Russia, or take actions that will jeopardize the huge reductions in former Soviet nuclear weapons. If we want to increase America's security, we should support cooperative threat reduction efforts—not threaten them. The Senate should reject this Dole-Gingrich legislation that would reduce America's security.

Mr. President, in closing, I ask unanimous consent that three documents be printed into the RECORD at this time. One is the letter which I have made reference to from General Shalikashvili, which I have quoted. Next is the document from the Joint Requirements Oversight Council [JROC] which has prioritized and recommended an appropriate level of funding for the theater missile defense and national missile defense programs, and other aspects, which are relevant to this debate. Last is a statement of administration policy regarding the Dole-Gingrich bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CHAIRMAN OF THE
JOINT CHIEFS OF STAFF,
Washington, DC, May 1, 1996.

Hon. SAM NUNN,
U.S. Senate, Committee on Armed Services, Washington, DC.

DEAR SENATOR NUNN. In response to your recent letter on the Defend America Act of 1996. I share Congressional concern with regard to the proliferation of ballistic missiles and the potential threat these missiles may present to the United States and our allies. My staff, along with the CINCs, Services and the Ballistic Missile Defense Organization (BMDO), is actively reviewing proposed systems to ensure we are prepared to field the most technologically capable systems available. We also need to take into account the parallel initiatives ongoing to reduce the ballistic missile threat.

In this regard, efforts which suggest changes to or withdrawal from the ABM

Treaty may jeopardize Russian ratification of START II and, as articulated in the Soviet Statement to the United States of 13 June 1991, could prompt Russia to withdraw from START I. I am concerned that failure of either START initiative will result in Russian retention of hundreds or even thousands more nuclear weapons thereby increasing both the costs and risks we may face.

We can reduce the possibility of facing these increased cost and risks by planning an NMD system consistent with the ABM treaty. The current National Missile Defense Deployment Readiness Program (NDRP), which is consistent with the ABM treaty, will help provide stability in our strategic relationship with Russia as well as reducing future risks from rogue countries.

In closing let me reassure you, Senator Nunn, that I will use my office to ensure a timely national missile defense deployment decision is made when warranted. I have discussed the above position with the Joint Chiefs and the appropriate CINCs, and all are in agreement.

Sincerely,

JOHN M. SHALIKASHVILI.

THE VICE CHAIRMAN OF
THE JOINT CHIEFS OF STAFF,
Washington, DC.

Memorandum for the Under Secretary of Defense for Acquisition and Technology.

Subject: National missile defense.

1. This memorandum is to inform you of The Joint Requirements Oversight Councils (JROC) position of prioritizing a Theater Missile Defense (TMD) capability over a National Missile Defense (NMD) capability.

2. The JROC believes that with the current and projected missile threat, which shows Russia and China as the only countries able to field a threat against the US homeland, the funding level for NMD should be no more than $500 million per year and TMD should be no more than $2.3 billion per year through the FYDP. These funding levels will allow us to continue to field critical TMD/NMD systems to meet the projected threats and, at the same time, save dollars that can be given back to the Services to be used for critical recapitalization programs.

3. We believe the proposed TMD/NMD acquisition levels are balanced and proportional and offer great potential for achieving an affordable ballistic missile defense architecture that meets our joint warfighting needs.

W.A. OWENS,
Vice Chairman of the Joint Chiefs of Staff.
THOMAS S. MOORMAN, JR.,
General, USAF, Vice Chief of Staff.
J.W. PRUEHER,
Admiral, US Navy, Vice Chief of Naval Operations.
F.D. HEARNEY,
Assistant Commandant of the Marine Corps.
RONALD H. GRIFFITH,
General, US Army, Vice Chief of Staff.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, June 3, 1996.

STATEMENT OF ADMINISTRATION POLICY

[THIS STATEMENT HAS BEEN COORDINATED BY OMB WITH THE CONCERNED AGENCIES.]

S. 1635—Defend America Act of 1996—(Sen. Dole (R) KS and 23 cosponsors).

If S. 1635 were presented to the President in its current form, the President would veto the bill.

S. 1635 would commit the United States now to deployment by 2003 of a costly system for national missile defense (NMD) to defend the United States, inter alia, from a long-range missile threat from countries other than the major declared nuclear powers. For the reasons explained below, committing the United States now to such a deployment is not only unnecessary, but could be harmful to our broader national defense interests.

The costly deployments required by S. 1635 would divert vital defense funds from other more pressing defense needs. The bill encourages deployment of space-based laser satellites that would cost billions and would violate the ABM treaty. The CBO has estimated that such an NMD would cost $31–$60 billion through 2010. These amounts do not even include the costs of operating and supporting such a system. Such unnecessary NMD spending—within the defense budget levels proposed by the Administration through 2002—would jeopardize modernization efforts for other, more pressing defense missions. Moreover, the budget resolutions passed by the House and Senate would provide $10 to $16 billion less in 2001 and 2002 for defense than the Administration's budget plan. Proceeding with the NMD program envisioned by this bill, under these defense budget levels, would cripple modernization.

The immediate commitment to a specific system to defend against a threat that does not now exist is both imprudent and dangerous. By mandating an NMD deployment decision now, the bill would force the Department of Defense (DOD) to commit prematurely to a technological option that may be outdated when the threat emerges. The bill embraces much of the failed "Star Wars" scheme, which depends on advances in technology that are at least a decade away.

The Administration's Deployment Readiness Program will continue to develop national missile defense technology for three years—the minimum time needed to develop a workable defense—after which time the United States can make an informed decision to deploy a system by 2003 if so warranted by the threat. The Intelligence Community has estimated that there will be sufficient warning time to make this timetable possible. This "3+3" approach to national missile defense ensures that a system will be fielded with the best technology available if and when the threat emerges. The Administration approach also preserves the correct priority in the Ballistic Missile Defense program. This program fully funds Theater Missile Defense to defeat a threat that is here and now, and complements a comprehensive defense against weapons of mass destruction that includes prevention, deterrence, and defense.

Finally, by setting U.S. policy on a collision course with the ABM Treaty, S. 1635 would put at risk continued Russian implementation of the START I Treaty and Russian ratification of START II. These two treaties together will reduce the number of U.S. and Russian strategic nuclear warheads by two-thirds from Cold War levels, significantly lowering the threat to U.S. national security.

The PRESIDING OFFICER (Mr. ASHCROFT). Who yields time?

Mr. NUNN. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be equally divided.

The PRESIDING OFFICER. Without objection, the time during the quorum will be charged equally to both sides.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NUNN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. Mr. President, I rise today to voice my strong support for the Defend America Act. I won't comment on every aspect of this important legislation, but there are certain issues which bear highlighting.

Although we in Alaska may sometimes wish we were further away from Washington, DC, I think the citizens in my State would be shocked to learn that this administration apparently dismisses the strategic importance of Alaska, the other noncontiguous State, Hawaii, and U.S. territories. Have President Clinton and his advisers forgotten which State Japan chose to strike first, and what event drove us into World War II?

President Clinton has said, "The possibility of a long-range missile attack on American soil by a rogue state is more than a decade away." This statement ignores testimony in 1994 by John Deutch, then Deputy Secretary of Defense, "If North Koreans field the Taepo Dong 2 missile, Guam, Alaska and parts of Hawaii would potentially be at risk." Does the President really mean that Alaska is not American soil?

As President Clinton's first Director of the CIA, James Woolsey, stated,

> [T]he contiguous 48' frame of reference for this NIE (National Intelligence Estimate), if the document is used as a basis for drawing general policy conclusions, can lead to badly distorted and minimized perception of the serious threats we face from ballistic missiles now and in the very near future—threats to our friends, our allies, our overseas bases and military forces, our overseas territories, and some of the 50 states.

Very few of those in opposition to this bill give much thought to the actual nature of the threat that currently exists. As I've mentioned, the intelligence community has documented that the North Koreans are developing the capability to strike my State of Alaska with intercontinental ballistic missiles. That is not to mention those nations with adequate current capability such as Russia and China or those nations racing to gain such technology such as Iraq, Iran, and Libya.

I have heard several of my colleagues dismiss the threat from North Korea because that country is on the verge of collapse. I would remind my colleagues of some historical facts. First, North Korea has a history of reckless, irrational acts. This is the country which launched the invasion of South Korea in 1950 resulting in the deaths of 3 million of her countrymen and more than 33,000 American troops; a country whose agents detonated a bomb in Rangoon killing 16 South Korean officials; a country whose agents blew up a Korean Airlines flight killing 115 passengers and crew; and a country whose military hacked American personnel to death in the DMZ. Using missile blackmail may be just the type of desperate act North Korea might try to get the United States to start talking about a separate defense treaty, something that country has sought for years.

Third, if anything, the United States is extending the life of the North Korean regime by providing vast sums of free oil and expensive nuclear reactor technology under the terms of the agreed framework.

So I would not be so quick to dismiss North Korea as a threat.

An extremely important aspect of this bill is that it would allow the United States to act in its best interests abroad without the fear of having U.S. cities held hostage by hostile nations possessing intercontinental missiles. For instance, during the recent series of Chinese missile tests off the coast of Taiwan, President Clinton rightly sent in United States warships to stabilize the situation. During the crisis, a high level Chinese diplomat stated in a thinly veiled threat of nuclear missile blackmail that the United States would not come to the aid of Taiwan because it was more worried about Los Angeles than Taipei.

And although we are not debating this particular aspect of missile defense right now, I believe Majority Leader BOB DOLE was exactly right in his recent speech on Asia when he called on President Clinton to begin to work with Japan, South Korea, and our other Asian allies in developing, testing, and deploying ballistic missile defenses—a Pacific democracy defense program. I believe this concept should be extended to Taiwan, which we know from the recent Chinese tests of missiles just off Taiwan's shores, is vulnerable to missile blackmail. The United States is committed by law to providing for Taiwan's defense, but thus far, we leave her defenseless to this significant threat.

Mr. President, the United States is a global power with vested interests both politically and commercially all over the world. We simply cannot allow U.S. policy to be determined by those who would practice missile blackmail.

It is a fact that today in 1996, with the Soviet Union and the specter of communism no longer casting a shadow over global peace, the world is in many ways even more dangerous than when the cold war raged.

In place of a global struggle between the West and expansionist communism, we now have the proliferation of weapons and missile technology that has the potential to make every nation hostile to the United States and our allies a serious threat by virtue of simply buying what they need on the open market. Despite very detailed arms control treaties that are in place, we have seen time and again, that nations determined to get weapons technology usually do.

Let's take a look at Iraq, the world's most heavily inspected country, where United Nation's teams have been on the ground for years, and where we are constantly surprised by new revelations of Iraqi efforts to rebuild their offensive capabilities.

During the days of the cold war, the policy of both the United States, and the Soviet Union was called MAD, or mutually assured destruction. This policy was based on mutual fear. Should the Soviets launch an attack on the United States, our response would have been reciprocal in nature. Essentially, if you attack us, we will attack you. The Defend America Act seeks to move us away from such a hair trigger defensive posture. Indeed, according to the Washington Post "both countries have more to fear from rogue nations than each other."

Many of those wanting to acquire ballistic missiles today, not only lack the stability of our old nemesis, but have actually used weapons of mass destruction on their neighbors and their very own citizens. These same countries have also stated very publicly their desire to purchase weapons technology that would allow them to reach the United States. Libya's Mu'ammar Qadhafi has often spoken of his desire to "have missiles that can reach New York" to serve as a deterrent to United States diplomatic action.

Most Americans will remember watching Iraqi Scud missiles rain down on Israel and Saudi Arabia during the gulf war. In fact, the greatest single loss of American life in the gulf war occurred during a Scud missile attack.

The situation is so dire that the Secretary of Defense, William Perry, recently issued a report declaring that the proliferation of missile technology "presents a grave and urgent risk to the United States and our citizens, allies, and troops abroad."

The need for a missile defense system is obvious. It would provide a limited defensive capability to defend the United States against a limited attack by a rogue nation, accidental or unauthorized launch against the United States.

Lastly, I would like to address the issue of cost. This is very important because the opponents of this bill are making claims that have little to do with reality. The Congressional Budget Office did indeed issue a report saying that a particular configuration of a missile defense system could cost upward of $30 to 60 billion. However, if one were to actually read the bill, it does not mandate any particular type of system configuration. In the letter accompanying the report, CBO Director June O'Neill stated that the costs for such a system "would be $10 billion over the next five years, or about $7 billion more than is currently programmed for national missile defense."

The Washington Times in an article last month wrote that the difference of $3 billion is a hedge amount used by the CBO against technical or schedule risks that are typically associated with such an undertaking. The $31 to 60 billion numbers are for something far more grandiose than the bill envisions.

I would also like to pose one question to my friends in opposition to this bill: What price would they place on Anchorage? Or Los Angeles or New York or any American city? What is the price we are ready to pay to protect ourselves from some maniac who finds himself in charge of nuclear, biological, or chemical weapons and the means to deliver them?

I guarantee that, God forbid, should an American city ever be hit like the Israeli cities were during the gulf war, there would be a hue and cry across this land asking why we do not put up even a limited defense capability when we clearly had the know-how.

To paraphrase Oscar Wilde, the opponents of this bill seem to know the price of everything and the value of nothing. This bill will give the United States a limited capability to defend itself at a modest cost in an increasingly unstable world and should be passed.

Thank you Mr. President, I yield the floor.

Mr. HARKIN. Mr. President, I rise today to speak in opposition to S. 1635, the so-called Defend America Act. I know supporters call it the Defend America Act, but I'm going to call it what it is—the De-Fund America Act.

Why do I call it that? Because its main effect will be to add tens of billions of dollars, if not more, to the deficit over the next 15 years, without increasing the security of the United States one bit.

As a strong supporter of a balanced budget amendment to the Constitution, I cannot support this bill. I do not know how anyone can bring this fiscal black hole to the floor, and with a straight face bring up consideration of the balanced budget amendment in the same week. Something is wrong with that picture.

As an editorial in the Des Moines Register said on May 6, 1996, "[b]ackers [of this version of National Missile Defense] find it most profitable to start with a few billion, and when it's gone, point to the past expenditures as justification for future shovelings down the same rathole."

The same editorial says that De-Fund America Act booster, Representative CURT WELDON, told industrial supporters, "[i]f you keep relying on the facts and logic, then we're going to lose this battle." I couldn't agree more.

I ask unanimous consent that the editorial be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. According to the CBO, the ballistic missile shield mandated by the De-Fund America Act will cost between $30 and $60 billion just to develop and deploy. Ironically, the very same people who insisted that President Clinton rely on the CBO in the budget negotiations are the ones now claiming that the CBO can't be trusted on the De-Fund America Act.

The defunders think the CBO numbers are too high. I should state here that I don't necessarily trust the CBO numbers either—I think the numbers are way too low.

For one thing, the CBO has not yet come out with specific numbers on how much this technology will cost to operate, but it has told my staff that the operational cost will be an additional "hundred of millions dollars a year during the early stages." I suspect the total figure will exceed $100 billion once all of the costs are calculated.

Mr. President, we've already spent about $100 billion in 1996 dollars to build a technological defense against ballistic missiles. During the Reagan star wars years alone, the United States taxpayers forked over $38 billion. Proponents of this act are quick to point out that it is not star wars. And I agree. It is not even star wars. Like most sequels, this one is not as good as the original, and the price of admission has increased. The proponents of the De-Fund America Act want the taxpayers to fritter away another $100 billion on a still unrealistic but wimpier version of President Reagan's fantasy.

The defunders also claim we have no defense against intercontinental ballistic missiles. Mr. President, it is true that we do not have a way to shoot down intercontinental missiles after they have been launched. But we do have a demonstrated cost-effective means of eliminating them.

Existing arms control agreements have already resulted in the destruction of over 300 intercontinental ballistic missiles and over 800 ballistic missile launchers, and the removal of over 3,800 nuclear warheads from deployment. Furthermore, these agreements have persuaded Kazakhstan, Ukraine, and Belarus to give up nuclear weapons altogether. In fact, just yesterday President Clinton announced that the last nuclear warhead was removed from the Ukraine.

The De-Fund America Act is like a million-dollar mansion consisting of a leaky roof but no walls. It may provide very expensive protection from skydiving intruders, but it leaves the occupants unprotected from the more mundane threats. Mr. President, Americans know all too well that weapons of mass destruction are more likely to arrive by rented truck than ICBM. Wasting $60 to $100 billion on this not-even-star-wars program is fiscally irresponsible.

I urge my colleagues to oppose S. 1635, the De-Fund America Act.

EXHIBIT 1

[From the Des Moines Register, May 6, 1996]

"DEFRAUD AMERICA WEEK"

Somebody forgot to tell Congress that the Cold War ended.

Somebody also forgot to tell Congress that even if Russia were still a superpower with the demonic intention of destroying the United States, a "Star Wars" system would offer little if any defense.

Somebody forgot to tell Congress that the nation is trying to face up to its deficit problems, trying to economize by dumping wasteful, illogical, unworkable projects.

But congressional Republicans are sailing blithely onward, their vision apparently clouded by the same hypnotic hype that put Star Wars on the drawing boards 12 years and 29 billion wasted dollars ago.

They have launched an effort to deploy a national missile defense system by 2003. A spending bill comes up for consideration next week.

Total cost is unknown. Backers find it most profitable to start with a few billion, and when it's gone, point to past expenditures as justification for future shovelings down the same rat hole.

Whose missiles will it defend us against? Questions like that are out of order. According to a publication of the Union of Concerned Scientists, Pennsylvania Congressman Curt Weldon, organizer of the Congressional Missile Defense Caucus, told industrial supporters last year, "If you keep relying on the facts and logic, then we're going to lose this battle."

The Star Wars pushers are calling next week "Defend America Week." A wag suggests "Defraud America Week."

Mr. McCAIN. Mr. President, the Defend America Act would put the United States on the right track to defending Americans against the threat of ballistic missile attack.

Despite the claims of the opponents of this bill, the threat to U.S. citizens from ballistic missiles today is real. China and Russia currently possess nuclear-tipped ICBM's which could strike major United States cities. Press reports indicate that China is also seeking to increase its ICBM force by acquiring some of Russia's SS–18 ICBM's. More than 25 countries have or are in the process of acquiring weapons of mass destruction and the means to deliver them.

Yet today, America has absolutely no means of protecting our citizens from a ballistic missile strike. Even after a high-ranking Chinese official voiced a veiled threat of nuclear attack on Los Angeles, no one seriously believes China, or any other nation, today intends to launch such an attack. But the fact remains that we cannot defend our population from the devastating effects of an accidental launch of a single ballistic missile from China or Russia.

If we do not act now, we will have no capability to protect the citizens of Alaska and Hawaii if North Korea were to launch its newest missile, the Taepo-Dong II, which may be operational in 3 to 5 years. And we are not taking effective action to defend against the proliferation of missiles and technology to rogue nations who are actively seeking to acquire them, including Iran, Iraq, Syria, and Libya.

Mr. President, ballistic missiles are the only offensive weapons in the world against which our country has deliberately chosen not to defend itself. Why do we have no defense against the most devastating offensive weapon in the world today?

There are several good reasons for deploying defenses against ballistic missiles. The potential for an accidental ballistic missile strike on the continental United States exists today, and future threats are emerging. Providing a credible defense against missile attacks would serve as an additional deterrent against their intentional use. In addition, defenses would help stem proliferation by making ballistic missiles less attractive to potential adversaries.

Senator DOLE recently called on President Clinton to apply to East Asia what the President recently discovered about Israel: missile defense is essential to our allies' security. Senator DOLE urged the formation of a new Pacific democracy defense program with Japan, South Korea, and our other Asian allies to develop, test, and deploy ballistic missile defenses. With American leadership and know-how, we can create an allied missile defense network that provides protection for people and territory from the Aleutians to Australia. The Defend America Act would provide the same protection for Americans at home.

Mr. President, the Clinton administration has tried to downplay the threats from ballistic missiles and the advantages of defenses by issuing intelligence estimates that conclude that no new missile threats will exist for 10 to 15 years. This is simply wishful thinking that ignores current reality.

President Clinton has stymied every effort of the Republican-led Congress to build a missile defense system for our Nation. He vetoed last year's defense authorization bill which included a provision that would have focused the Defense Department's missile defense program on building a limited defensive capability for the United States as rapidly as possible. President Clinton has also refused to consider meaningful changes to the ABM Treaty of

1972 which would permit the deployment of effective missile defenses for America.

Now, the Senate Democrats refuse to allow a full debate on Senator DOLE's bill, the Defend America Act, which would put the United States on a rapid track toward deploying a system to defend the American people against limited, accidental, or unauthorized ballistic missile attacks. The American people should hear a full debate on this matter.

As a fiscal conservative, I believe we must balance the clear need for missile defenses with our ongoing efforts to balance the Federal budget. We must focus on deploying an effective missile defense system that is affordable within the constraints of a limited defense budget and which is balanced against other high-priority defense programs. But we must remember that being a day late and a dollar short in addressing the ballistic missile threat to this Nation could cost far more than money.

Mr. President, the fact is that an effective defense against a limited missile attack is both feasible and affordable. Opponents of any type of national missile defense have purposely misconstrued a recent Congressional Budget Office cost estimate of the Defend America Act. They have chosen the highest figure contained in the CBO report and are claiming that it is the cost of the missile defense system supported by Senator DOLE and Republicans in Congress. That is patently false.

Senator DOLE's Defend America bill says that the United States should have a highly effective system to defend against limited ballistic missile strikes. The bill does not specify all of the components of such a system; it leaves that to the experts at the Pentagon.

The CBO estimated that the missile defense system required in the Defend America Act would cost less than $14 billion over the next 13 years—or about a billion dollars a year. That is less than one-half of 1 percent of the annual defense budget, now about $267 billion. Compared to the cost of the *Seawolf* submarine, $2.5 billion per submarine, or the B-2 bomber, over $1 billion per aircraft, $1 billion a year to defend all of America from the devastation of a ballistic missile strike is clearly affordable.

The Pentagon has also proposed some very cost-effective initial missile defense systems. The Air Force has proposed a 20-interceptor system that would cost about $2.25 billion and could be deployed in just 4 years. The Army has a more extensive 100-interceptor system that would cost about $5 billion. Last year, the Clinton administration's Secretary of Defense said it could be done for about $5 billion.

The Defend America Act does state that, as threats emerge in the future, the United States should have a more capable, layered missile defense system. CBO estimated the cost of a robust layered system at $31 to $60 billion. That estimate assumes we would decide to deploy space-based interceptors, space-based lasers, and just about every other possible technology. But nothing in the bill requires those technologies to be included in a missile defense system, unless the threat clearly justifies their deployment.

Mr. President, the Clinton administration's false confidence that America is safe from missile attack jeopardizes the safety of all Americans. The Republican Congress, led by Senator DOLE, is prepared to provide for America's common defense, a duty set forth in the Constitution. It is time we deployed a system that will defend Americans at home.

Mr. DOLE. Mr. President, it is unfortunate that we need to vote on a motion to proceed to legislation dealing with an issue so critical to America's future as national missile defense. In his speech to the Coast Guard Academy, the President stated that he supports missile defense. Yet, today I expect that a majority of the other side of the aisle—at the Clinton administration's request—will vote against the motion to proceed to the Defend America Act. The fact is that the President speaks of his support for national missile defense, but acts in opposition to it. Last year the President vetoed the Defense authorization bill specifically citing the provision making it U.S. policy to deploy a national missile defense system by 2003. Many of my colleagues on the other side of the aisle also profess their support of missile defense but are quick to add that they cannot support this bill. It is hard to understand their reasons. They cite technological questions, mention costs, but ignore the fact that this bill puts the very decision of what system is chosen in the hands of President Clinton's own Secretary of Defense. That leads me to one conclusion: The Clinton administration and its allies seek to avoid debate on defending America. This is unfortunate and irresponsible. I believe that an open debate and discussion on this national security issue is vitally important because there are many misconceptions—about the threat our Nation faces, about the present state of our missile defense programs, about the cost of an effective national missile defense system.

The greatest misconception held by a majority of the American people is that the United States can defend itself against ballistic missile attack. Most Americans think that if a ballistic missile is fired at the United States, we can shoot it down. The truth is, we cannot. We have no defense—I repeat—no defense against ballistic missiles.

As we enter the 21st century, there is no greater threat to our Nation, than that posed by the proliferation of weapons of mass destruction and the means to deliver them. The list of countries acquiring chemical, biological, and nuclear weapons, and ballistic missile technology numbers around 25 at present—and is steadily growing. President Clinton's former CIA Director, Jim Woolsey, testified at length to the Congress on the nature of the proliferation threat and was critical of recent intelligence estimates which were narrowly focused and based on questionable assumptions. You would not know from some of today's remarks by opponents of the Defend America Act that the cold war is over. The Soviet Union no longer exists. Yet, the Clinton administration, some on the other side of the aisle—and even some members of the press—are acting as if we are still in the 1970's and 1980's. They speak of star wars, space shields, mutual assured destruction. But, the world has changed. We must look to the future, not the past.

I would like to quote from one of the key Clinton administration arms control experts, Mr. Bob Bell. He is quoted in today's Washington Post defending changes being made to the Conventional Forces in Europe [CFE] Treaty, saying "* * * were we going to take account of this change in the strategic situation over the last five years * * *?"

That is what we are talking about here—taking account of the change in the strategic situation. This bill recognizes that the threat our country faces has changed and it seeks to respond to it in a measured and responsible fashion.

The Defend America Act does not require abrogation of the ABM Treaty. It urges the President to negotiate with the Russians on changes to the ABM Treaty—just as the administration has been doing with other arms control treaties only at the Russians' request. Which makes me wonder if the Russians asked for changes to the ABM Treaty would the Clinton administration have a different position?

As for our ability to defend America—there should be no doubt that we have the technological capability to effectively defend our citizens from the growing threat of ballistic missiles. What is needed is the will and leadership to deploy an effective national missile defense system by 2003. A national missile defense system cannot be built overnight. The development and production of new tanks, new fighter planes takes years. And, when these new weapons systems, for example the Stealth fighter, are finally deployed they are not obsolete.

Finally, on the matter of cost. The CBO estimates are so wide ranging that they are almost irrelevant as a guide to decisionmakers. We need to look at our defense needs and affordability. And an effective national missile defense system can be deployed affordably. One can add any number of unnecessary requirements to a number of weapons system thereby making them unaffordable. This is no different than building a house. A family of four probably needs a three bedroom home—not a 10-bedroom mansion. This does not mean that a 10-bedroom house cannot be built—if one has the money.

Mr. President, let us get past the distortions and the hollow rhetoric and move toward a serious debate on defending America. I would like to quote from a great western leader, former Prime Minister Margaret Thatcher:

> With the collapse of the Soviet Union there was also a dispersal of weapons of mass destruction and of the technologies to produce them. This has gone much further than we envisaged; and it now constitutes quite simply the most dangerous threat of our times. Yet there is still a conspiracy of silence among Western governments and analysts about it.

Mr. President, let us end the conspiracy of silence. The American people deserve better. The most basic responsibility our Government has to its citizens is to protect them from harm. To ignore the changing world and cling to past thinking is inexcusable.

Mr. GLENN. Mr. President, I rise today to present some brief remarks about the latest Republican missile defense proposal, the Defend America Act. Though I have spoken at some length on missile defense issues and the Anti-Ballistic Missile [ABM] Treaty—see CONGRESSIONAL RECORD, September 6, 1995, p. S-12659–12667, and August 3, 1995, p. 11253–11255—I want to take this opportunity to explain how it is not only possible for a patriotic U.S. Senator to vote against a bill bearing such a proud title, but to do so without hesitation.

In good conscience, I just do not believe that the national security interests of the United States would be advanced by this legislation and would like now to outline my reasons why I have come to this conclusion.

THE ABM TREATY

First, I believe the ABM Treaty is worth preserving. This bill sets a course that will lead inevitably to a U.S. departure from that treaty. this is reason enough to oppose this bill.

The ABM Treaty has advanced U.S. security interests and it has done so without unilaterally restricting America's ability to defend itself, as some of the treaty's critics have suggested. Critics forget that the treaty is bilateral and has substantially restricted Russia's freedom both to deploy its own defenses against or strategic missiles and to proliferate strategic missile defense systems to other countries. The demise of the ABM Treaty would release Russia from those restrictions. The treaty has worked to help preserve and stabilize nuclear deterrence, which remains a vital element in maintaining our national security even in a post-cold-war world.

I do not believe that the treaty has unduly restricted U.S. missile defense options. We have already spent a fortune on missile defense and have little to show for it. A recent study by the Brookings Institution has concluded that America has already spent some $99 billion dollars on missile defense since 1962. and contrary to the blanket claim by some of the proponents of the pending legislation, our Government is aggressively working to improve U.S. defenses against theater missile attacks. Indeed, it is the present administration that is spearheading our national effort to place theater missile defense at the forefront of our missile defense priorities. Because the ABM Treaty does not prohibit the United States from investing in theater missile defenses, the treaty is an inappropriate target of the repeated Republican attacks we have been seeing in recent years.

The ABM Treaty is not unchangeable. It has specific provisions for consultations leading to amendments of the treaty. These provisions do not include, however, the freedom for one side to pass legislation unilaterally reinterpreting key provisions of the treaty. The current bill, however, accelerates the deployment of antiballistic missile systems that have capabilities against strategic ballistic missiles. It also specifically includes air-based, space-based, and all ground-based interceptors as elements of the national missile defense architecture, despite the requirement in the ABM Treaty that such systems shall not be developed, tested, or deployed. I believe that America's interests are best preserved by sticking to the consultative procedures provided in the ABM Treaty and for adapting the treaty to changing conditions only via this process of mutual agreement.

COST

Enough has been said and written about the sky-rocketing costs of missile defense. I will not add much to this discussion other than to echo the concerns that people across the Nation have been expressing about the staggering $99 billion that the Brookings Institution has estimated that the United States has already spent since 1962 on missile defense systems. This, coupled with the Congressional Budget Office's recent estimate that the Defend America Act will cost the U.S. taxpayer as much as another $60 billion—and this does not include operation costs—leads to a form of "sticker shock" that comes close to rivaling GAO's estimated $250 billion that will be needed to clean up our nuclear weapons complex.

It is worth noting here that the current U.S. funding levels and priorities for missile defense have been solidly and consistently supported by both the military and intelligence communities.

THE THREAT

Thanks to the leadership of this administration, we are focusing our missile defense expenditures on real threats, that is to say, theater missile threats, rather than nonexistent ICBM threats from so-called rogue nations that our entire national security establishment continues to define as long-term in nature. This threat definition has the support of the Secretary of Defense, the Director of Central Intelligence, the Chairman of the Joint Chiefs of Staff, and other top U.S. national security officials throughout the Government. Incidentally, it also has the overwhelming support of editorial opinion from newspapers from across the country.

The Defend America Act, however, operates from a fundamentally different set of assumptions. It assumes the present existence of a grave missile threat to America's homeland and it presumes that the best way to address missile threats is via expensive taxpayer-funded missile defense projects.

Nobody disputes that missile proliferation is a danger that America must take seriously in the years ahead, and indeed, it is a deep awareness of this threat that has driven a wide range of U.S. efforts aimed at the nonproliferation of ballistic missiles. Our approach is not driven narrowly by the dream of a technical fix—which will always remain out of reach—but a combination of technological, political, and diplomatic efforts not just to defend ourselves against imminent attacks, but more importantly, to prevent the acquisition of destabilization missile systems in the first place, to retard or reverse the growth of existing missile systems, and to eliminate outright missile systems via multilateral negotiations.

With respect to dealing with the missile proliferation threat, let me put it this way: the best Defend America Act is one that would strengthen export controls, strengthen sanctions, strengthen multilateral regimes, strengthen transparency of missile projects around the world, eliminate destabilizing missile systems, and improve U.S. capabilities to collect and to analyze data about missile proliferation. Yet there is absolutely nothing in this bill that addresses this integrated, global approach to the problem. Instead, the present bill proposes to force the President to throw vast sums of money to deploy technical fixes that are neither fixes nor based on proven technology.

Small wonder that proponents of the proposed legislation are finding themselves defending the Defend America Act rather than elaborating a new road map for addressing the missile threat in a more comprehensive manner. A legislatively mandated deployment of a national missile defense system by the year 2003 would actually increase the threat to the United States—it would jeopardize the capabilities of our nuclear deterrent force, it would be accompanied by an expansion of the offensive nuclear arsenals of both Russia and the United States, it would probably mean the end of the START process of strategic arms reductions, it would eliminate all hopes of getting the other nuclear weapon states (China, Britain, and France) to limit their own strategic nuclear arsenals, and it could well jeopardize the Nuclear Non-Proliferation Treaty, as more and more countries come to realize that the nuclear weapon states are not serious about implementing their arms control disarmament responsibilities under the treaty. To this extent, the Defend America Act resembles more accurately an Attack America Act.

America has many options available to address the missile threat aside from the nostrums offered by star wars. Diplomatically, we are working to reduce and to reverse the proliferation of all weapons of mass destruction. Militarily, we are investing in the finest conventional military capabilities that exist anywhere on Earth, and they are backed up by the finest global intelligence capabilities on Earth. Why must we continually denigrate or short change these capabilities in congressional debates on missile defense? Advocates of the pending legislation appear sometimes to believe that America just has no option to address missile threats other than buying missile defense hardware. I believe we should be voting here today to expand our effort on the diplomatic front to address these threats, while maintaining our conventional military and intelligence capabilities, but there is nothing in this bill that would justify such a vote.

TECHNOLOGY

It is an extremely difficult and often underestimated challenge to use a missile to shoot down another missile. As I have mentioned earlier, the $99 billion our country has already spent on missile defense has not yet produced any comprehensive or reliable defense against incoming strategic missiles. It is far easier to prevent missile attacks by eliminating missiles, preventing their proliferation, and developing multilateral sanctions and export controls, than it is to develop and deploy a magic missile shield that would span our vast country.

Even the theater missile systems—including THAAD, Navy Lower Tier, Navy Theater-Wide, and MEADS—that are called for in this legislation require substantial additional research and testing before any responsible deployment would be possible. PAC–III is the only one of the many systems identified for deployment in this bill that will be ready for deployment anytime soon.

The administration has its priorities straight and I believe these priorities are in line with what most Americans would regard as prudent—we must address current threats first and keep our powder dry in the event future threats arise. We must redouble our diplomatic efforts to ensure that those threats do not arise. The current bill would not only aggravate the foreign missile threat, for the reasons I have discussed earlier, but would compel the President to deploy expensive and unproven missile defense systems.

CONCLUSION

For all the reasons above, I cannot support this legislation. Yet the debate today and various foreign and defense policy debates in recent months has revealed not only some severe shortcomings in this legislation. The debate also reveals the apparent inability of the Republican Party to come up with a comprehensive, integrated plan of action to guide America's military and diplomatic priorities over the course of the last Presidential term of this millennium.

Where does the Republican Party stand on nonproliferation? What does it have to offer to strengthen export controls?

What is it doing to toughen U.S. sanctions and ensure their implementation? Where are the Republican votes when we need them when it comes to strengthening sanctions and export controls?

What is it proposing to address proliferation threats arising from outside the narrow domain of Russia and the rogue regimes, a field of vision which features a blind eye as its prominent characteristic?

What is it offering to strengthen international organizations and regimes to prevent proliferation or to increase its costs?

While the administration proceeds with diplomatic efforts to curb North Korea's nuclear and missile programs, what besides SDI do the Republicans have to offer that stands a better chance of addressing these threats?

What does it propose to do about the ongoing arms race in South Asia involving nuclear weapons and missiles, and how will its SDI schemes protect our allies, including Israel, against threats from weapons of mass destruction that are not delivered by missiles?

What does it offer to address the grave threats posed from expanding international commercial uses of plutonium, one of the deadliest elements on Earth?

The answer, unfortunately, is absolutely nothing. I stand ready to work closely with my fellow colleagues on the other side of the aisle to join in forging effective responses to these threats. I know such cooperation is possible; indeed, none of the nonproliferation legislation that I have authored over the years would have been possible without it. But I hardly believe that there is anything in the Defend America Act [DAA] that offers any basis whatsoever for forging a bipartisan consensus.

Because of this, Mr. President, I believe that history will relabel the DAA as DOA.

Mr. DASCHLE. Mr. President, just 2 weeks ago, the Congressional Budget Office issued a $60 billion cost estimate for the Defend America Act—an ill-advised Republican effort to resurrect the discredited star wars missile defense system. Several days later, House Republicans responded to this bloated price tag by doing the right thing. They pulled the bill from floor consideration, and a bad idea might have fallen by the wayside had not the majority leader picked up what his House colleagues rejected as imprudent and scheduled a Senate vote on it for today.

One can only speculate about the motivation behind this vote. But whether it is election-year politics or simply misplaced priorities, the Senate's course should be clear. The Defend America Act threatens our national security and undermines essential efforts to balance the federal budget. The Senate should vote it down.

The grossly misnamed Defend America Act would be more appropriately entitled the Jeopardize America Act. The bill would direct the Department of Defense to deploy by 2003 a national missile defense system that allegedly would defend the United States against limited, unauthorized, or accidental ballistic missile attacks. That system, according to its promoters, could be "augmented over time to provide a layered defense against larger and more sophisticated threats as they emerge."

Sound familiar?

The bill has a certain tinny ring about it. Look closely and you will see that the Defend America Act is really the fifth variant of Ronald Reagan's failed star wars experiment. To implement this proposal, the act calls for changing or withdrawing from the ABM Treaty in order to permit the deployment of a combination of ground-, sea-, and space-based components—a clear revival of the star wars program that disappeared with the end of the cold war.

All of this is particularly disturbing when you consider that enactment of this legislation is both harmful to United States-Russian relations and, according to our own military and intelligence experts, unnecessary to combat the threats we are likely to face in the next decade or more.

The Russians have been very clear in their views on unilateral tampering with the ABM Treaty to facilitate the deployment of a national missile defense system. In a May 1 letter to Congress, General John Shalikashvili, the Chairman of the Joint Chiefs of Staff, said:

> Efforts which suggest changes to or withdrawal from the ABM Treaty may jeopardize

> Russian ratification of START II and . . . could prompt Russia to withdraw from START I. I am concerned that failure of either START initiative will result in Russian retention of hundreds or even thousands more nuclear weapons thereby increasing both costs and risks we may face.

Compounding the arms control concerns is the timing. The Senate vote on Defend America is scheduled just 2 weeks before the Russian elections so crucial to that country's continued peaceful transition to democracy. We have to be concerned that the Defend America Act hands the Communists a pre-election gift with its distinctly unpropitious echo of cold war antagonisms.

What is worse, our military and intelligence experts say such risktaking is not warranted. According to public accounts of the National Intelligence Estimate, a classified consensus report by all of our intelligence agencies, "no country other than the major declared nuclear powers will develop or otherwise acquire a ballistic missile in the next 15 years that could threaten the contiguous 48 states and Canada."

The irony of a defense system that actually threatens our security is only part of the story. Immediately after the first vote on the Defend America Act, the Senate is scheduled to vote on the balanced budget amendment to the Constitution. That strikes many Senators on both sides of the aisle as an odd sequence of events. One moment we are voting on a constitutional amendment to balance the budget; the next we are raising the deficit by tens of billions of dollars.

Since the mid-1980's, Congress has spent nearly $40 billion on ballistic missile defense, and all we have to show for it are canceled checks from defense contractors. The Congressional Budget Office estimate of an additional $60 billion for this latest version of a highly complex, interwoven system is charitable. It covers only the costs to acquire the system. It fails to include either the costs to operate this system or cost overruns. And, if history is any guide, cost overruns alone for a system of this complexity could easily double the estimate.

Who will pay this tab?

Of course, in the long run it will be the American taxpayers. In the short run, however, either the deficit will be increased, spending will be slashed on important domestic priorities such as education and the environment, or the Defense Department will have to juggle its own accounts. To accommodate such a huge expense, more conventional defense priorities such as readiness, procurement and force structure may suffer.

There is a better, less expensive and more effective way to do the same job.

The President's national missile defense policy also meets any threat by 2003 but in a much wiser and far more fiscally responsible manner. It beats the Republican plan hands down on three counts.

First, it's superior common sense. The President believes that, as Senator SAM NUNN notes, we should "fly before we buy." At a minimum, we should look before we buy. Under the President's plan, we would continue to develop the technologies for a national missile defense system, then assess the situation, and deploy it only if it is needed.

Second, it's superior technologically. The President's policy would allow us to develop more capable and cost-effective defense systems that can meet the exact nature of the threat as it emerges.

Third, it's superior diplomatically. The President's approach would give us time and latitude to negotiate amendments to the ABM Treaty with the Russians that allow us to continue on the path of reducing Moscow's nuclear arsenal. It would not rush us headlong into an international arms control crisis.

Even the Republican revolutionaries in the House had the wisdom to see that this bill would commit our Nation to an unwise, unaffordable, and dangerous policy. They scrapped it because the Defend America Act is indefensible.

THE DEFEND AMERICA ACT

Mr. KENNEDY. Mr. President, today, the Senate is revisiting the star wars system of the 1980's, renamed for the 1990's as the Defend America Act. It was a bad idea then and it is a bad idea today.

The suggestion in the title Defend America Act is that to defend America requires nothing more than deploying a national missile defense. In reality, this legislation would pour exorbitant sums into building a missile defense system that would make our Nation more vulnerable to missile attack, while at the same time ignoring the more likely threats to our territory and citizens. The Defend America Act misses the point, and at no small cost to the American taxpayer.

The bill requires the Defense Department to deploy a national missile defense by 2003. This approach has several flaws. First, the threat from limited missile attacks against the United States is remote. Throughout the cold war, when the superpowers were antagonists and had far larger nuclear arsenals than they field today, we chose not to deploy missile defenses because the cost did not justify the protection they could provide.

Why should we decide to deploy missile defenses now, when the cold war is over, when we have far more cooperative relations with Russia, and when they have a much smaller superpower arsenal? The Secretary of Defense and the Joint Chiefs of Staff state that now is not the time to deploy a national missile defense. But the Republicans reject that advice and want to build this wasteful system.

The second flaw in this bill is that deploying a missile defense system now will put U.S. policy on a collision course with the Anti-Ballistic Missile Treaty. The bill promotes the use of ABM components prohibited by this important treaty. Moreover, the bill recommends formal withdrawal from the treaty if the Russians fail to agree within a year to re-write the treaty to permit a national missile defense. Provisions like these send a strong signal to the Russians that cooperation to achieve nuclear arms reductions is not a United States priority. The passage of this bill would put other nations on notice that we do not take our treaty obligations seriously.

Members of the Russian Parliament have stated that they will oppose ratification of START II if the United States takes steps to develop or deploy ballistic missile defenses in violation of the ABM Treaty. By endangering the prospects for START II ratification by Russia, the Missile Defense Act will ensure that we will face many thousands more Russian nuclear weapons in the near future than if arms reductions are implemented. Discarding the ABM Treaty would reverse the logic of deterrence and arms control that Republican and Democratic Presidents have pursued for the last four decades.

Further, the current threat does not justify the multi-billion dollar expenditures required to field a national missile defense by 2003. The Congressional Budget Office estimates that the total acquisition cost of this program will range from $31 to $60 billion, and cost billions more to operate. At a time when we are trying to balance the budget and meet essential needs, it is impossible to justify this massive new defense expenditure.

Although this bill purports to defend America, it fails to address the most pressing threats to American security. The World Trade Center and Oklahoma City bombings remind us that terrorist use of nuclear, chemical and biological weapons on American soil remains a far greater threat than a ballistic missile attack by a foreign nation. Loose controls on nuclear material from the former Soviet Union raise the threat of nuclear proliferation by hostile nations or groups. The policies—and expenditures—contained in this bill in no way address these vital threats.

In contrast, the Clinton administration's defense policy addresses these varied threats. First, it takes specific steps to increase nuclear safety. In April in Moscow, the G–7, Russia, and Ukraine met at a nuclear safety summit to discuss means of increasing controls over nuclear materials and defending against nuclear smugglers. The Cooperative Threat Reduction Program, sponsored in Congress by Senators NUNN and LUGAR, achieved to the removal of thousands of nuclear warheads from former Soviet arsenals and the destruction of hundreds of missile launchers, and has safeguarded vulnerable stockpiles of nuclear materials.

The Clinton administration also addresses ballistic missile threats, but in a more sensible fashion. The Defense Department supports theater missile defense programs to defend our forces in the field. To deal with the possibility of a future ballistic missile threats to U.S. territory, the Pentagon supports an affordable level of spending on anti-missile defenses. This program, called 3+3, will ensure that 3 years from now, we will be able to decide whether to deploy a missile defense system that could be in place in 3 years. Our senior military leadership agrees that this is the most sensible way to protect against unforeseen missile threats.

The Defend America Act would spend money we don't have to defend against threats that don't exist. We need a strong defense, but we must prepare to meet real threats. Failure to do so will end up wasting billions of taxpayer dollars. I urge my colleagues to oppose this bill.

Mr. NUNN. Mr. President, I believe Senator CONRAD from North Dakota wanted to speak. We had set aside certain time for him. The debate was originally scheduled to conclude at 12:30. I wanted to serve notice that Senators on our side of the aisle or on this side of the question that would like to speak, they need to come over momentarily so that we can get back to the original time schedule, which is 12:30. I reserve the remainder of my time and yield the floor.

Mr. KYL. Mr. President, I ask to be notified when our side has 4 minutes of time remaining. Rather than waiting, I will make some remarks at this time. As Senator NUNN said, if others wish to speak, they should come to the floor immediately.

Let me just respond to the key point that Senator LEVIN made because it is an important question. It is what the effect would be as a result of the United States developing and deploying a national missile defense—what the effect would be on the START I and START II Treaties. These are the two treaties that called for the United States and Russia to reduce our nuclear inventories. Under START I, we would bring the number of warheads down to, I believe, 6,000. And 6,000 warheads is still a lot of warheads. That is why the U.S. Senate has also ratified the START II Treaty, which would take it down below that to, I think, 3,500 warheads. And 3,500 warheads is still a lot of warheads, but the Russian Duma has not even ratified START II yet.

The argument I find curious, and which I characterized as "startling" a while ago, is that the United States Senate would be deterred from acting to defend America on the basis that the Russians might violate the START I Treaty by refusing to reduce their warheads to the required 6,000 level under START I, if the United States should take action—which is perfectly legal—which does not violate any treaty whatsoever, but which provides for our defense against ballistic missile attack. I find that a very curious notion. But, more importantly, it does not seem to be a reason for the United States not to act. If we cannot act to defend ourselves because we believe that someone else will, as a consequence, violate a treaty that they have with us, then of what worth is that treaty? And of what worth would a follow-on treaty be? If people believe that the Russians are going to violate the START I Treaty if we develop a ballistic missile defense system—which is totally legal—then how valuable is it for the Russians to sign onto a START II Treaty, which would bring their warheads down even more?

This is not a matter of either/or. I agree with my friends on this side who say it is desirable to bring those numbers of warheads down, to chop up the bombers, and to close the missile sites. That is a good thing. And it comes side by side with defending America. We still have a defense budget. We are still defending ourselves. Ballistic missile defense is one of those areas of defense that we have been providing for. One of my colleagues said we have already spent a lot of money in that area. It is true. All we are saying is let us spend just a little bit more money and provide an actual system that will defend America. It does not violate any treaties, and there is no reason for the Russians to be concerned that, as a result of this, they should begin violating treaties that they have signed with the United States. So it seems to me that is not a good argument to make against this bill.

The bottom line here is this is the Defend America Act. The majority leader, BOB DOLE, has asked that we be able to vote on this, and this afternoon we are going to have a vote to decide whether we are going to vote—in other words, a vote to invoke cloture—to stop debate for the time being and actually begin debate on the bill so we can eventually bring it to a vote up or down. Some of my colleagues would prefer not to vote on the bill. I would prefer that they vote either yes or no. They do not have to agree with us that the Defend America Act is a good idea. We ought to at least be able to get a vote on the bill. The vote that is going to occur this afternoon is not a vote on the Defend America Act. It is simply a vote on whether we should proceed to consider the Defend America Act. I hope that our Senate colleagues would at least agree that we can go that far even if they do not want to end up voting for it for the reasons articulated.

Let me reserve the remainder of time on this side, and again urge Senators if they wish to speak on the bill, they need to get here because the original time was to expire at 12:30. We have extended that for 10 or 15 minutes. If Senators are not here to speak, we will close debate on the bill before long.

Mr. NUNN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Georgia has 21 minutes and 54 seconds.

Mr. NUNN. If there are any other Senators that would like to speak, I would certainly invite them to come over at this time.

In brief response to my friend from Arizona, he mentioned that those of us who have expressed some concern about the relationship between what we perceive to be a participatory breach of the ABM Treaty as contained in the Dole-Gingrich bill, and the Russians—it will be necessary to continue to draw down their missile and nuclear weapons category as contained and required in START I, and as will be required in START II, if ratified—that there is this connection in the Dole-Gingrich bill, and anyone virtually reading this bill and who is familiar with the ABM Treaty would consider this to be tantamount to notice that the ABM Treaty is going to be breached.

In section 4(a)(1), little (b) under section 4, very clearly the system to be developed for deployment shall include the following elements: No. 1, an interceptor system that optimizes defensive coverage of the continental United States, and so forth, and includes one or a combination of the following: (a) ground-based interceptors; (b) sea-based interceptors; (c) space-based kinetic energy interceptors; (d) space-based direct energy interceptors, and so forth.

Three out of the four of those named would violate directly the ABM Treaty. I do not think the ABM Treaty is sacred ground. I believe there ought to be modest amendments to the ABM Treaty.

As I suggested in my remarks yesterday, if the Senator wants to carry out the spirit of his remarks which is saying for the Russians we are not going to violate the ABM Treaty and now you do not violate START I, we will not be violating the ABM Treaty if we deploy a ground-based system—and we would not. That is correct. But if we deploy any of the other systems named in this Dole-Gingrich bill we would.

So if he would like to vote strictly on the proposition he just offered then we will have a chance to do that on my substitute because that is what it does. It says we will go forward with a treaty, an ABM Treaty compliance system with 100 interceptors at Grand Forks, and then we will seek an amendment to the treaty as provided in the treaty to be able to go to two sites and 1,200 missiles, which would indeed be the original ABM Treaty exactly as it was before there was an amendment in the 1970's. That would be treaty compliant. If we did that, there would be no question that the Russians would have no right to violate START I. They would have no excuse for basically not ratifying START II. But when you basically say to the Russians what we are going to do here is get you to draw down to 3,500 warheads, and then about the time you do that under the START II treaty we are going to deploy perhaps a sea-based system, a space-based system, or space-based direct energy system, what you are saying in effect is we want you to comply with the START I and START II, but just about the time you get through implementing it we are going to in all likelihood break out of the ABM Treaty. That is the message that is going forward here. That is the message everybody understands that has studied the ABM Treaty.

So to say we basically are fearful that the Russians are breaking their obligations and leaving out of the equation that we are serving notice we are going to break ourselves, I think, is a little bit misleading.

So I say to my friend from Arizona that, if he would like to vote on that proposition staying within the ABM Treaty, or seeking an amendment within a reasonable timeframe to that treaty to permit a better system than the one-site system, he will have every opportunity to do that when we get to a vote on this because that is exactly what the Nunn substitute will provide.

Mr. KYL. Mr. President, I would say to the distinguished ranking member of the Armed Services Committee that I would love the opportunity to vote on both the proposal that Senator DOLE has made and also the substitute that Senator NUNN would like to make. That is what this cloture vote is all about. If we do not vote for cloture we are not going to have that opportunity.

Second, there is no difference in concept between the proposal of the Senator from Georgia and our proposal. We are not engaging in an anticipatory breach of the ABM Treaty with this bill. We provide two specific mechanisms, both of which are treaty compliant, to proceed. One of them is similar to that which the Senator from Georgia proposes. In his substitute he is suggesting that we have not one ground-based site but two. Under the current ABM Treaty that would be in violation of the treaty if we went forward to build that.

So in his legislation he provides that we should seek an amendment to the treaty to accommodate this second site. Likewise, in the Dole bill, the bill before us today, it reads on page 9, line 8, "In light of the findings in section 2 and the policy established in section 3 [in other words, that we should build a national missile defense system] the Congress urges the President to pursue high level discussions with the Russian Federation to achieve an agreement to amend the ABM Treaty"—to allow the deployment of the system. We ask for the same thing.

In other words, to the extent that we might go beyond what the ABM Treaty allows, the Senator from Georgia is correct to say that some of the things in the bill, if they were done—it is up to the President to decide whether they would be done—but if they were done those things could be considered beyond the scope of the ABM Treaty. In that event, we then ask the President to engage in the negotiations with the Russians to amend the treaty to permit it. In the event that the Russians would not agree to it, we then invoke a second provision of the ABM Treaty which specifically provides that the United States can give notice of withdrawal from the treaty if we determine it is in our interest to do so. We tried for an entire year of negotiations, whereas the ABM Treaty would allow us to withdraw within a period of only 6 months.

We are not breaching the ABM Treaty. We are not even engaged in an anticipatory breach—in other words, a breach sometime in the future. We are simply saying that we are going to embark upon a course of action which will provide for the defense of the United States, and, if in the future some provision of that would not be consistent with the ABM Treaty then, (a), the President should try to negotiate amendments to the treaty just as the Nunn substitute provides; and (b), if that is not possible, then the United States can give notice of withdrawal from the treaty which the treaty itself provides.

It is a little bit like the argument that someone does not like to amend the U.S. Constitution in some respect. They said the Constitution should not be amended. Of course, the Constitution has within it an explicit provision for amending it. It has been amended some 23 times now, or 24. I have lost track. The fact is we have amended the U.S. Constitution. The ABM Treaty has a provision for amendment of the ABM Treaty. Just because we want to do something that might be inconsistent with the current treaty does not mean that thereby we are in violation of the treaty, if we are able to amend the treaty or even if we give notice under the treaty that we are going to withdraw from it because it is in our national interest to do so. That is not a breach of the treaty. It is using the actual provisions of the treaty to further the interests of the United States.

So, I certainly respect the judgment of the Senator from Georgia that we must be very cautious about how we proceed. We have to take into consideration how other nations might react, and certainly Russia is important in this regard. But, by the same token, we cannot fail to act, if something is in the interests of the United States, in anticipation that the Russians might not like it or that they might, as a consequence of what we do that is perfectly legal, begin to violate some treaty that we believe to be in our best interests.

Mr. NUNN. Will the Senator yield for one brief moment?

Mr. KYL. I am happy to stop at this point and yield the floor.

Mr. NUNN. I do not want to make the argument for the Russians here, but I think they would do the same thing we are talking about in the bill that you are talking about. If they see that on our side the ABM Treaty is going to likely be violated, then they will serve notice under START I that it was not in their national interests. To say, on the one hand, we are complying because we are going to give notice and then get out, but, on the other hand, they could not do the same thing and they are therefore violating the treaty is also, I think, a little misleading.

I think it works both ways. If they want to get out of START I, they have the right to do so, or if we want to get out of START I. We both have those reciprocal clauses in both ABM and START I, and I think that would be the way either side would go about devolving from the position of compliance.

Mr. KYL. I might say to the Senator that while that might be the right of the Russians, you have to consider what is in the national interest of Russia and the United States. We will both act in our national interests whatever we deem that to be.

Mr. NUNN. Exactly.

Mr. KYL. There are a lot of arguments made by Russians themselves that relate to the cost of continuing to maintain an arsenal. My guess would be that the Russians would at least want to draw their arsenal down to the levels called for in START I, because it is very expensive to maintain that degree of arsenal.

There is also a counterargument made that they might not agree to the START II Treaty that we have already ratified because of the high cost of compliance in bringing those warheads down. The Senator from Georgia has been a leader in the United States in trying to provide assistance to the Russians to enable them to afford to do that. It is an expensive proposition.

Mr. NUNN. Right.

Mr. KYL. I guess what I am saying here is that the Russians themselves have made two contradictory arguments, both of which might be true. That is to say, No. 1, it is expensive to maintain these arsenals; No. 2, it is expensive to get rid of them. Probably they will do what is in their best interests regardless of what the United States does.

Mr. NUNN. I think they certainly will act in what they believe is their national interest. I think the real key here is whether we can enter into a period of time with Russia, and we have some hope of doing that, where we both have similar national interests in both defensive weapons as well as drawing down offensive weapons. So we reduce the threat to them, they reduce the threat to us. We both move together in trying to develop some type systems to defend our own territory, that are certainly more sophisticated than what Russia has now, and we have none at all. So I am very much in favor of moving down the path of cooperation with the Russians if it is possible. If it is not possible, we have to go back to the national interest clause under the ABM Treaty.

As I have said many times, I do not think the ABM Treaty is sacred. I think it was in our interests when it was entered into, but it has to be adjusted over the period of time. It is all-important the way you go about adjusting it, though. I think if you talk to anyone now who is familiar with the history of the ABM Treaty, if they read the Dole-Gingrich bill before us, the way it is worded, the entire tenor of the bill is tantamount to serving notice that we are going to move in our own independent direction.

At some point, we may have to do that, but I do not think the year is now, and I do not think it is time now to give up on a mutual approach that can save us billions and billions of dollars and also increase the security of our people. I do not think that hope should be written off.

Mr. KYL. Mr. President, I certainly agree with the goals as articulated by the Senator from Georgia. We have some slight difference as to how to get there, but he certainly has articulated the issue well.

I ask at this point, if there is no one else who desires to speak, even though there be time remaining, if there is no other person desiring to speak other than the leaders, that it would be possible to yield back any remaining time and proceed to allow leaders to speak as they desire and then to hold the cloture vote at 2:15 or as soon thereafter as appropriate.

Mr. NUNN. Mr. President, I agree with the suggestion of my friend from Arizona. There is apparently no one else on this side who plans to speak at this point in time. I certainly would agree to that procedure.

The PRESIDING OFFICER. Without objection, the time has been considered yielded back. Leaders will be accorded an opportunity to speak prior to the cloture vote, which will be when the Senate reconvenes.

RECESS

Mr. KYL. Mr. President, at this point I ask unanimous consent that the Senate stand in recess until the hour of 2:15.

There being no objection, at 12:35 p.m., the Senate recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. COATS].

DEFEND AMERICA ACT OF 1996—MOTION TO PROCEED

The Senate continued with the consideration of the motion.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 411, the "Defend America" bill:

Bob Dole, Strom Thurmond, John Warner, Trent Lott, Bob Smith, Rick Santorum, Jesse Helms, Kay Bailey Hutchison, Dan Coats, Dirk Kempthorne, John McCain, Jon Kyl, Pete V. Domenici, Bill Cohen, Lauch Faircloth, Ted Stevens.

CALL OF THE ROLL

The PRESIDING OFFICER. The mandatory quorum call has been waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the motion to proceed to consideration of S. 1635, a bill to establish U.S. policy for the deployment of a national missile defense system, shall be brought to a close?

The yeas and nays are required. The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Tennessee [Mr. FRIST] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 53, nays 46, as follows:

[Rollcall Vote No. 157 Leg.]

YEAS—53

Abraham
Ashcroft
Bennett
Bond
Brown
Burns
Campbell
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
DeWine
Dole
Domenici
Faircloth
Gorton
Gramm
Grams
Grassley
Gregg
Hatch
Hatfield
Heflin
Helms
Hutchison
Inhofe
Jeffords
Kassebaum
Kempthorne
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Pressler
Roth
Santorum
Shelby
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—46

Akaka
Baucus
Biden
Bingaman
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Conrad
Daschle
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hollings
Inouye
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Robb
Rockefeller
Sarbanes
Simon
Wellstone
Wyden

NOT VOTING—1

Frist

The PRESIDING OFFICER. On this vote, the yeas are 53, and the nays are 46. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. THURMOND. Mr. President, I move to reconsider the vote.

Mr. LOTT. Mr. President, I move to lay it on the table.

The motion to lay on the table was agreed to.

MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent there now be a period of morning business with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, if I could add, for the information of all Senators, this is so we can have a discussion with the democratic leadership and get an understanding as to how we will proceed from here on the time for the balanced budget discussion.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEFEND AMERICA ACT OF 1996

Mr. HELMS. Mr. President, Let me emphasize that I regard the Defend America Act of 1996 as a vital piece of legislation—one which provides a clear and concise blueprint for protecting the American people from the growing threat of attack from ballistic missiles carrying nuclear chemical or biological warheads. I am also convinced, Mr. President, beyond peradventure, that it is critical that the United States begin immediately the 8-year task of building and deploying a national missile defense. Finally, I am disappointed that this legislation is being subjected to a filibuster.

This past winter, shortly after the Clinton administration vetoed the missile defense provisions in the 1996 Defense Authorization Act, I, along with others, questioned the wisdom of the administration's stated assumption that no country "other than the declared nuclear powers" would threaten the "continental" United States with a ballistic missile for at least 15 years. An incredible statement. I was astonished then and I am astonished now, when I think about it, by the intellectual bankruptcy of such a statement.

Mr. President, I shall make four points in this regard: First, I continue to wonder how the administration could so cavalierly make decisions about the deployment of a national missile defense, while explicitly excluding declared nuclear powers from the threat calculus. One has only to consider China, which fields dozens of submarine-launched ballistic missiles, hundreds of warheads on heavy bombers, roughly 24 medium and long-range ballistic missiles, and has several crash modernization initiatives in progress. Moreover, China intends to deploy, by the end of this century, four new types of ballistic missiles. Furthermore, the United States has very clear indications that Red China is, at this very moment, pursuing MIRV technology.

Now, then, Mr. President, this is the very same country, mind you, that has just finished flexing its military might by conducting live missile-firing exercises in the Strait of Taiwan, in a clear effort to bully and cower a valued and longstanding ally of the United States. This is the same country—China—that issued thinly veiled threats this spring suggesting that nuclear weapons would be used against the United States if the United States intervened on behalf of Taiwan. Assistant Secretary of State Winston Lord acknowledged that Chinese officials had declared that the United States, "wouldn't dare defend Taiwan because they [China] would rain nuclear bombs on Los Angeles" if we did.

Now, if this is not nuclear blackmail, it will do while the Clinton administration folds its hands until the first nuclear missile hits the west coast. China's ability to hold the United States hostage to such threats is made possible by the fact that a band of latter-day Luddites here in Washington have consistently refused even to consider building the very strategic missile defenses necessary to protect the American people from such an attack.

Mr. President, it is time for the defenders of the ABM Treaty to give up their pious devotion to an antiquated arms control theology and come to grips with the realities of the post-cold-war world. Dr. Henry Kissinger, the architect of the ABM Treaty, put it best when he recently wrote, "The end of the cold war has made . . . a strategy of mutually assured destruction largely irrelevant. Barely plausible when there was only one strategic opponent, the theory makes no sense in a multipolar world of proliferating nuclear powers."

He went on to say that MAD, mutually assured destruction, would not work against blackmail with nuclear weapons. Yet, that is exactly what we are faced with when China blatantly threatens Los Angeles, U.S.A.

Second, I cannot fathom the administration's sensibilities when it drew a distinction between threats to the United States and threats to the continental United States. The last time I checked, nearly 2 million U.S. citizens live in Alaska and Hawaii. These people and their families are no less deserving of protection than anyone living in Arkansas or North Carolina or Washington, DC, or anywhere else. It is simply incredible that those who oppose ballistic missile defense are doing so based on their view of the threat to only 48 out of the 50 States of the Union. This is all the more galling since it is an indisputable fact that North Korea is developing a series of missiles capable of striking both Alaska and Hawaii.

Third, I call Senators' attention to a key caveat in the much publicized 1996 threat assessment that has been largely overlooked. That assessment declared that "foreign assistance is a wild card that can sometimes permit a country to solve difficult developmental problems relatively quickly. Such external assistance can hinder our ability to predict how soon a system will become operational."

Good Lord, Mr. President, this one statement alone unravels the whole ball of yarn. Foreign assistance is the norm in the development of ballistic missile systems, not the exception. The Soviet Union collaborated on ballistic missiles with 14 countries around the globe, all of whom can now field some type of Soviet-made missile.

Russia recently was caught shipping entire missile sections to Iraq. Both Libya and Egypt have transferred missiles to other countries. China has sold intermediate-range missiles to Saudi Arabia and missile technology to Iran, Syria, and North Korea. In turn, Iran is working with North Korea and Syria on various missiles, and North Korea is supplying both missiles and missile production facilities to anybody who is prepared to pay for them with cash.

Recently, Mr. President, I was astounded to discover that Russia and Ukraine may be concluding a secret deal with China to transfer ICBM components. A report by the Defense Intelligence Agency concluded that Communist China is seeking to enhance its strategic arsenal with components from Russia's most lethal type of intercontinental ballistic missile—the SS-18.

Dubbed "Satan" by Western intelligence services, the SS-18 is the world's most destructive weapon to date. It has the ability to drop 10 megaton-rated warheads within 600 feet of their targets. Acquisition of just the booster stage of this missile would give China the ability to launch nuclear warheads against any and every city in the United States of America—a strategic reach of up to 6,820 miles that China, thank the Lord, does not yet possess.

Mr. President, I am deeply troubled that Secretary of Defense Perry has held open the door to the possibility that SS-18 boosters could be used commercially by the Chinese to boost satellites into orbit. He stated during an interview with reporters from the Washington Times that "I guess our answer would be only if it's very tightly controlled, so you can have great confidence this technology is not being diverted to some other application. That would be the only exception I would make."

Well, speaking just as one Senator, I must say, in no uncertain terms, that I believe any such exception would be made at the peril of the national security of the American people. The Defense Intelligence Agency has specifically noted that "China's interest in using SS-18 boosters in its civilian program seems odd because the SS-18's engine characteristics may be incompatible with many sensitive satellite payloads." I might add that the Foreign Relations Committee, of which I am chairman, recommended Senate ratification of the START II Treaty subject to the understanding that the treaty would rectify a longstanding inequity of previous arms control agreements by completely eliminating this monster missile forever. Secretary Perry's comment appears to open the door for Satan's coming under the red flag of Communist China.

For the record I should mention that the START II Treaty specifically prohibits Russia from transferring SS-18's to any recipient whatsoever or whomever, and does so from the date of START II's signature. The Foreign Relations Committee even attached a condition stating that "space-launch vehicles composed of items that are limited by the START Treaty or the START II Treaty shall be subject to the obligations undertaken in the respective treaty." Case closed. In my judgment, there should not be any question about whether the transfer of SS-18 technology to China is acceptable. I contend that it absolutely is not.

The truth of the matter is that no amount of policy reformulation by the administration can change the fact that the United States is vulnerable to nuclear-tipped missiles fielded by China, or anyone else. Rectifying this dangerous deficiency requires leadership and action. It is an all the more pressing issue because the current course charted by the administration fails to recognize the inherent danger in China's pursuit of an advanced nuclear arsenal.

Mr. President, any further delay in the development by the United States of a flexible, cost-effective national missile defense is unconscionable. I am honored to be a cosponsor of the Defend America Act and urge Senators to support this legislation to ensure that the American people in all 50 States are protected from attack by ballistic missiles.

THE 50TH ANNIVERSARY OF THE SIGNING OF THE NATIONAL SCHOOL LUNCH ACT

Mr. LEAHY. Mr. President, I would like to take a few minutes to celebrate a birthday. June 4, 1996, marks the 50th anniversary of the signing of the National School Lunch Act by President Harry Truman. While turning 50 is not a happy occasion for most of us, the celebration of this birthday is one that should make all of us happy.

The link between proper nutrition and a child's ability to grow and to learn is undisputed. The School Lunch Program was founded in part, because President Truman saw the alarmingly large number of World War II draftees who failed their physicals due to nutrition-related problems. President Truman declared it a "measure of national security to safeguard the health and well being of the nation's children." President Truman was right.

Numerous scientific studies have documented the nutritional benefits of the program—children who eat school meals perform better on achievement tests and are late and absent from school less often than children who did not participate in the programs. Any parent or teacher will tell you that a child who has not eaten cannot think and cannot learn.

In speaking at the 1969 White House Conference on Food Nutrition and Health, President Nixon said that "a child ill-fed is dulled in curiosity, lower in stamina and distracted from learning."

Over the last year or so the school nutrition programs have been the subject of a lot of debate, with many extreme Republicans in the House supporting a repeal of the School Lunch Act. This is a program that has always enjoyed strong bipartisan support in the Senate.

Agriculture Chairman LUGAR and Senators DOLE and COCHRAN have always supported the program, and have really helped make it what it is today. Back in 1981 Senators DOLE, COCHRAN, and HELMS wrote, then-White House chief of staff, Jim Baker and urged the Reagan administration not to make cuts to the program.

In 1995, the Vermont School Lunch Program served over 7,663,000 lunches to students in 335 schools in Vermont. For many of these children school meals are their main source of nutrition. School lunches provide one-third to one-half of the recommended daily allowances for key nutrients.

The school nutrition programs have done a fabulous job for the last 50 years of providing American children healthy school meals that prepare them to learn today and to compete tomorrow. This program is an example of what is working and what is good about Government.

Today's school nutrition programs are healthier than ever. As part of the Better Nutrition and Health for Children Act of 1994 that I was able to pass as chairman of the Agriculture Committee, all schools must meet the dietary guidelines for Americans by the 1996-97 school year.

Many schools are ahead of the deadline and are already meeting these guidelines that lower the sodium and fat content of the school meals. For those schools that need help, USDA is working with them.

We in Congress are also working with the schools and asking them what they need. Just last week the President signed H.R. 2066 giving schools maximum flexibility in how they meet the new dietary guidelines. So I think that we have reached a very good medium of Federal support and guidelines while giving the individual schools the flexibility to do what works best for them.

Last year marked a major milestone in the history of the National School Lunch Program—for the first time in 50 years we made historic changes in the nutrition standards for school meals. Under the leadership of Under Secretary Haas we have the School Meals Initiative for Healthy Children.

Then, realizing that change cannot be mandated, Under Secretary Haas undertook one of the most sweeping, innovative programs in the history of the program—Team Nutrition.

Team Nutrition's mission is to improve the health and education of children by creating innovative public and private partnerships that promote food choices for a healthy diet through the media, schools, families, and communities across the country.

For 50 years, the National School Lunch Program has prepared children for a healthier future.

Today, as we move into the 21st century, we are celebrating and bringing together all those who care about the health of our Nation's children. That's what Team Nutrition is all about—local community coalitions joining together to promote nutrition education for children and families. Already Team Nutrition has over 12,000 schools signed up. Team Nutrition is reaching millions of children in thousands of communities and inspiring educators, families, and community leaders to work together to improve the health of our Nation's children.

I am also pleased that one of my former communication directors, Alicia Bambara, is working with the Under Secretary on this effort and doing a wonderful job. She also worked to found a shelter for homeless, pregnant women in the District of Columbia.

I would like to congratulate the School Lunch Program and give a special thanks to a few special people who have helped bring so many healthy meals to Vermont school children: Jo Busha, the head of the Vermont Child Nutrition Program, Marlene Senecal, Connie Bellavance, and Sue Steinhurst at the Vermont School Food Service Association and Rob Dostis with the Campaign to End Childhood Hunger. I also would like to thank all of the wonderful school food service professionals who work so very hard at this important task.

I ask unanimous consent that an article which gives an excellent history of the program's first 50 years be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DECADES OF DEDICATION—THE EARLY YEARS

(By Patricia L. Fitzgerald)

Despite all the changes of the past 50 years—technology, economics, demographics, legislation—the history of school foodservice is truly remarkable for how much has stayed the same. The mission hasn't changed since the earliest programs in the 19th century: Provide meals to children at school to ensure their health and promote their ability to learn. And while many faces have changed, the school foodservice profession has always been composed of individuals who have a true and dedicated commitment to this mission.

Many of the obstacles that confronted the profession's pioneers still exist—in different forms—today. These include managing tight budgets, surviving political maneuverings, meeting nutritional requirements in the face of children's tastes and preferences and fighting resistance to consider school meals an integral and intrinsic part of the education system.

But where did all of this—the need, the dedication, the challenge—begin? How did two groups of foodservice directors find themselves merging together in 1946 to create a profession dedicated to advancing standards and managing a new federal program?

ROOTS

According to historical records, the first known program to combine lunch and education began in 1790, in Munich, Germany. Court Rumford, Benjamin Thompson, established the Poor People's Institute, which included a program of teaching and feeding hungry, vagrant children. Half of the day, the children worked making clothes for the army and the other half they received an education. Food was primarily a soup made from potatoes, barley and peas.

Throughout the 19th century, all over Europe, charitable organizations began to take on the burden of feeding and educating children in poverty, but as the century wore on, local governments began to pick up more and more of the financial burden. By 1877, the Paris government started school "cantines," providing meals at public expense for children in need. In England, the Education (Provision of Meals) Act passed in 1905, after lobbying from 365 private and charitable organizations. And in Holland in 1900, a royal decree ordered municipals to supply food and clothing to needy school children.

These efforts in Europe were paralleled by ones in the United States. In 1853, the Children's Aid Society in New York served meals to students attending vocational school, but it wasn't until 1919 that the Board of Education assumed full responsibility for all lunch programs in Manhattan and the Bronx. The movement was similar in other U.S. cities. In Philadelphia, for example, the Starr Center Association began serving penny lunches in one school in 1894; in 1909, responsibility for operating and supporting the lunch program was transferred to the city's school board.

In smaller cities, "charitable organizations" often meant the mothers of the children at school. In 1904, the Women's School Alliance of Wisconsin began furnishing lunches to children in Milwaukee. The meals were prepared in the homes of women who lived near the schools and were willing to cook and serve. And in rural areas, the responsibility was often assumed by the teachers themselves, preparing soups and other hot dishes from meats and vegetables brought by the children.

THE GREAT DEPRESSION

The stock market crash of 1929 brought a whole new urgency and visibility to the issue of hunger in America. As unemployment skyrocketed, the country's middle class suddenly became the "new poor," and the country looked to the government for help.

Unfortunately, President Herbert Hoover's administration had no answers, and the Depression wore on without relief. Instead of slowing the expansion of local school lunch programs, the bleak economics drove home their value. In many communities, a school meal program was initiated and provided by a legion of volunteers.

Aid came in the form of new president Franklin Delano Roosevelt's New Deal, and the establishment of a number of "alpha-bet organizations," government programs designed to provide opportunities for employment. In 1933–34, burgeoning school lunch programs in 39 states found valuable assistance from the Civil Works Administration and the Federal Relief Administration. And in 1935, the Work Projects Administration (WPA) was created; needy women all over the United States found work under WPA programs to prepare and serve school lunches. And with much of the labor burden off of school districts, lunch prices could be kept low, which increased participation.

Donated commodities were another key to early school lunch success. While unemployment in the cities was rampant, America's farmers were having bumper crops. But without a market to buy, surpluses grew, prices fell and farmers began to go out of business. In 1935, the government began to remove price-depressing surplus foods from the market, and school lunch programs were one excellent outlet for the goods.

Throughout the 1930s, many states and cities began to adopt legislation—often including appropriations—that mandated schools to serve lunch to students. By 1937, 15 states had passed laws specifically authorizing local school boards to operate lunchrooms, serving meals at cost or less.

The numbers tell the story. By 1941, WPA school lunch programs were in all states, the District of Columbia and Puerto Rico, serving an average of nearly 2 million lunches daily and employing more than 64,000 people.

A SENSE OF PERMANENCE

When America went to war, it sent its boys overseas and its women to work in the defense industry. By 1944, the WPA's payroll was gone, but the demand for continuation of lunch programs was not. In 1944, Congress earmarked funds to maintain the programs for the year and repeated this action in 1945. Behind the scenes, a campaign to establish a permanent, reliable federal subsidy for school lunch was in the works.

In 1946, Congress recognized the need to establish a national, permanent, federally funded school lunch program. Section 2 of the final law succinctly explains the legislators' rationale: "It is hereby declared to be the policy of Congress, as a measure of national security, to safeguard the health and well-being of the Nation's children and to encourage the domestic consumption of nutritious agricultural commodities and other food, by assisting the States, through grants-in-aid and other means, in providing an adequate supply of foods and other facilities for the establishment, maintenance, operation and expansion of nonprofit school lunch programs."

After considerable lobbying by the burgeoning school foodservice profession and with the support of some heavy hitters in the Senate, Congress passed the National School Lunch Act of 1946, which was signed into law by President Harry Truman on June 4. In addition to defining appropriations—including those for administrative expenses—the new law set minimum nutritional requirements for three types of acceptable lunches.

A NEW PROFESSION

Although school foodservice began with unskilled volunteers, it was quick to grow into a bona fide profession during the 1930s. Cafeteria management and foodservice direction were new careers. And the early pioneers (see sidebar, page 50) developed high standards for sanitation, nutrition and home economics. The Thirties saw the formation of two national organizations created to further this brand-new profession: the Conference of Food Service Directors and the National School Cafeteria Association.

After passage of the National School Lunch Act, these two groups agreed to a merger conference to join forces and create a new organization. On October 10–12, 1946, in Chicago, the School Food Service Association was born (the word "American" wouldn't be added to the name of the organization until 1951). There were 300 school foodservice professionals in attendance, representing programs in 34 states, as well as the U.S. Department of Agriculture. Constance C. Hart, a school foodservice director from Rochester, N.Y., and a founder of the Conference of Food Service Directors, was elected ASFSA's first president.

Through the end of the 1940's, the Association concentrated on getting on its feet, administering the new federal school lunch program and providing professional development opportunities for its growing membership. In 1947, member rolls were 709. Oklahoma became ASFSA's first state affiliate. The first annual convention was held in Dallas in November. Attendance at the convention was 478, and there were 39 exhibitors, including many still-familiar names, such as American Dietetic Association, The Cleveland Range Company, Florida Citrus Commission, The Hobart Manufacturing Company and the National Livestock and Meat Board. In 1948, membership remained steady, Betsy Curtis was president and the convention was held in Detroit.

Dr. Mary deGarmo Bryan took the helm in 1948–49, and ASFSA's first constitution was adopted. That year also saw the development of the Association's first membership publication: *School Meals*. Membership grew to 920. Thelma Flanagan's term as 1949–50 president say many actions that gave shape to the infant association. We'll examine these in the next installment of "Decades of Dedication."

O PIONEERS!

The school foodservice profession owes a debt to all of the leaders that guided it through the turbulent waters of change and growth over the past 50 years. In this issue we pay special tribute to just a few of those who fought for the establishment of a federal school lunch program and helped shape a brand-new profession. Their influence is still felt today.

Dr. Mary deGarmo Bryan. A professional educator, she was largely responsible for the professional standards of the program, teaching many of the first generation of school foodservice professionals. Her 1936 text, The School Cafeteria, was one of the bases for the school lunch program. A professor at Columbia University Teachers College for over 20 years, deGarmo was president of ASFSA in 1948–49.

Marion Cronan. Through her regular column, "The School Lunch," in Practical Home Economics magazine, Cronan was instrumental in bringing the professional concerns of lunch programs to the attention of a foodservice audience. She served as ASFSA president for 1967–68.

Thelma Flanagan. Considered by many to be Florida's "first lady of the profession," Flanagan also made an indelible impact on the national association. As ASFSA's 1949–50 president, Flanagan was responsible for giving the fledgling association some shape, creating specialized departments and instituting long-range planning. Today, the Thelma Flanagan Gold Award recognizes states that excel in meeting ASFSA's Plan of Action.

Constance Hart. Director of Lunchrooms for the Rochester, N.Y., public school system in 1942, Hart was an early proponent for nutrition education in the schools. A founder of the Conference of Food Service Directors in 1935, Hart became ASFSA's first president, elected at the merger meeting between the Conference and the National School Cafeteria Association. She served in 1946–47.

Senator Richard B. Russell (D–Ga.) As chair of the Senate Agriculture Committee's Appropriations Subcommittee, his support of the National School Lunch Act was invaluable for getting the bill through Congress.

John Stalker. In 1935, Stalker headed Massachusetts' commodity distribution program and became the state's director of school foodservice programs. Stalker set nutrition and management standards that were national models. He designed ASFSA's first emblem and served as a valuable legislative leader at both the state and national levels.

Frank Washam. Director of Chicago's school lunch program, Washam was a leader in the National School Cafeteria Association and a leader in the movement to obtain permanent federal support for school lunches.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, I think so often of that November evening long ago—it was in 1972—when the TV commentators network reported that the people of North Carolina had elected me to the Senate. It was 9:17 p.m. and I recall how stunned I was.

It had never really occurred to me that I would be the first Republican in history to be elected by the people of North Carolina to the U.S. Senate. Needless to say, it was a memorable moment in my life and I, that evening, made a commitment to myself that I would never fail to see a young person, or a group of young people, who wanted to see me.

Keeping that commitment for almost 24 years, it has proved enormously meaningful to me. I have been inspired on countless occasions by the estimated 60,000 young people with whom I have visited during the more than 23 years I have been in the Senate.

A large percentage of them are understandably concerned, and greatly so, about the total Federal debt which back in February of this year crossed the $5 trillion mark for the first time in history. It is Congress that has created this monstrous debt which coming generations will have to pay.

Mr. President, the young people who visit with me almost always are inclined to discuss the fact that under the U.S. Constitution, no President can spend a dime of Federal money that has not first been authorized and appropriated by both the House and Senate of the United States.

That is why, on February 22, 1992, I began making these daily reports to the Senate. I decided that it was important that a daily record be made of the precise size of the Federal debt which, at the close of business yesterday—Monday, June 3, 1996—stood at $5,136,903,015,098.32. On a per capita basis, the existing Federal debt amounts to $19,384.92 for every man, woman, and child in America on a per capita basis.

The increase in the national debt in the 24 hours since my report yesterday—which identified the total Federal debt as of close of business on Friday, May 31, 1996—shows an increase of more than $8 billion—$8,394,510,205.52, to be exact. That increase alone is enough to match the total amount needed to pay the college tuition for each of the 1,244,737 students for 4 years.

PRESIDENT CLINTON'S HOPE SCHOLARSHIP PLAN

Mr. KENNEDY. Mr. President, earlier today, in his commencement address at Princeton University, President Clinton announced a dramatic new proposal called the Hope scholarship plan, to bring college education within closer reach for all Americans. This important new initiative guarantees free tuition for large numbers of students attending the Nation's community colleges. For students at 4-year colleges, it supplements Pell grant aid, and it strengthens the tuition tax deduction in the President's budget by adding a new education tax credit. The plan is fully paid for with savings that achieve a balanced budget by 2002.

This initiative is modeled on the GI bill of rights of the World War II era, which gave so many veterans the skills needed in those years to participate fully in our expanding economy. We rejected the idea of a cash bonus for soldiers. Instead, we invested in their futures and the future of the Nation by making higher education available and affordable for returning veterans. The investment has more than paid for itself. For every dollar invested in grants under the GI bill, the Nation received more than $8 in economic returns.

The Hope scholarships, announced by President Clinton, are based on the same principles—investing in the future of America by investing in education and training for all citizens. The President's proposal recognizes what business leaders have been telling us for years, that high skills are the key to high wages for American workers in the global economy.

According to the Bureau of Labor Statistics, 60 percent of all jobs created between now and the year 2005 will require education beyond high school.

The Hope scholarship plan will make at least two years of college possible for every American. It will guarantee $1,500 in tuition assistance a year, through Pell grants or a refundable tax credit or both, for 2 years to every student in the country who attends a community college, earns at least a "B" average in the second year, and stays off drugs.

Community colleges enroll 48 percent of all undergraduates and over half of all minority students. Many community college students are working adults returning to college to improve their skills. Based on current surveys, more than half of the Nation's students maintain a "B" average.

The $1,500 credit is designed to pay full tuition costs at community colleges. But it can also be applied to the first 2 years of tuition at 4-year colleges for students who maintain a "B" average in the second year. Alternatively, students and their families will be able to choose a tax deduction of $10,000 a year per family for the first 2 years. For the last 2 years of college and graduate school and professional school, the tax deduction remains available to all families with incomes below $100,000 or to individuals with incomes below $70,000.

These important new benefits build on the 33 percent increase in Pell grant funding in the President's budget. By comparison, the Republican budget resolution cuts Pell grants by 18 percent over the next 6 years and denies grants to 1.3 million students altogether. The President's budget increases the maximum Pell grant award by almost $800 by 2002.

The Hope scholarship plan recognizes the need for high skills in today's economy, and helps to meet that need. It offers realistic help to students and working adults seeking to acquire new skills. I commend the President for this initiative, and I urge the Congress to support it.

Mr. President, I ask unanimous consent that President Clinton's address may be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD as follows:

REMARKS BY THE PRESIDENT AT PRINCETON UNIVERSITY COMMENCEMENT ADDRESS

The PRESIDENT. Thank you very much. President Shapiro, members of the faculty, alumni, to parents and friends of this graduating class, especially to the graduates of the Class of 1996—(applause.) Let me thank you co-Presidents, George Whitesides and Susan Suh, who came to say hello to me this morning; and compliment your valedictory address by Bryan Duff, and the Latin address by Charles Stowell. I actually took four years of Latin in high school. (Laughter.) And even without being prompted, I knew I was supposed to laugh when he was digging me about going to Yale. (Laughter.)

I want to also thank Princeton for honoring the high school teachers and the faculty members here for teaching, for today we celebrate the learning of the graduates and we should be honoring the teachers who made their learning possible. I thank you for that. (Applause.)

It's a great honor to be here in celebrating Princeton's 250 years. I understand that Presidents are only invited to speak here once every 50 years. President Truman and President Cleveland—you've got to say one thing, for all the troubles the Democrats have had in the 20th century, we've had pretty good timing when it comes to Princeton over the last 100 years. (Laughter and applause.)

I want to thank President Shapiro for his distinguished service to higher education in our country. I thank Princeton for its long and noble service to our Nation. I also am deeply indebted to Princeton for the contributions it has made to our administration and my presidency.

My Press Secretary, Mike McCurry, sat in these seats in 1976. I'm sure that Princeton had something to do with the fact that he not only thinks, but talks so fast. The Chair of our National Economic Council, Laura Tyson, was a Princeton Professor then, and Mike McCurry's thesis advisor. And you got back from me Professor Alan Blinder, who was a distinguished member of the Council of Economic Advisors and the Vice Chairman of the Federal Reserve, and a brilliant contributor to our efforts to improve the economy. I want to thank Alan Blinder here among his colleagues and these students for what he has done.

I thank Tony Lake and Bruce Reed and John Hilley and Peter Bass, all members of our staff who graduated from Princeton. Two Princeton graduates who are no longer living—Vic Raiser and his son, Monty, were great friends of mine. Vic's wife, Molly, is here—our protocol chief. And if it hadn't been for him I might not be here today, and I want to recognize their contributions to Princeton and Princeton's gifts to them.

I also want to say that one of my youngest staff members is a classmate here—Jon Orszag. And when the ceremony is over I'd like to have you back at work, please. (Laughter.)

I would like to talk to the senior class today about not only the importance of your education, but the importance of everyone else's education to your future. At every pivotal moment in American history, Princeton, its leadership, its students have played a crucial role. Many of our Founding Fathers were among your first sons. A president of Princeton was the only university president to sign the Declaration of Independence. This hall was occupied by the British since 1776, liberated by Washington's army in 1777, and as the President said, sanctified forever to American history by the deliberations of the Continental Congress in 1783.

In 1896, the last time there was a Class of '96, when Princeton celebrated its 150th anniversary and, as has been said, Grover Cleveland was President, Professor Woodrow Wilson gave his very famous speech, "Princeton in the Nation's Service." I read that speech before I came here today. And I'd like to read just a brief quote from it: "Today we must stand as those who would count their force for the future. Those who made Princeton are dead. Those who shall keep it and better it still live. They are even ourselves." What he said about Princeton 100 years ago applied then to America and applies to America even more today.

At the time of that speech 100 years ago, America was living as it is living today, through a period of enormous change. The Industrial Age brought incredible new opportunities and great new challenges to our people. Princeton, through Wilson and his contemporaries, was at the center of efforts to master these powerful forces of change in a way that would enable all Americans to benefit from them and protect our time-honored values.

Less than 3 years after he left this campus, Woodrow Wilson became President of the United States. He followed Theodore Roosevelt as the leader of America's response to that time of change. We now know it as the Progressive Era.

Today, on the edge of a new century, all of you—our Class of '96—are living through another time of great change, standing on the threshold of a new Progressive Era. Powerful forces are changing forever our jobs, our neighborhoods, the institutions which shape our lives. For many Americans, this is a time of enormous opportunity. But for others, it's a time of profound insecurity. They wonder whether their old skills and their enduring values will be enough to keep up with the challenges of this new age.

In 1996, like 1896, we really do stand at the dawn of a profoundly new era. I have called it the Age of Possibility because of the revolution in information and technology and market capitalism sweeping the globe—a world no longer divided by the Cold War. Just consider this: There's more computer power in a Ford Taurus every one of you can buy and drive to the supermarket than there was in Apollo 11 when Neil Armstrong took it to the moon. Nobody who wasn't a high-energy physicist had even heard of the World Wide Web when I became President. And now even my cat, Socks, has his own page. (Laughter.) By the time a child born today is old enough to read, over 100 million people will be on the Internet.

This Age of Possibility means that more Americans than ever before will be able to live out their dreams. Indeed, for all of you in the Class of '96, this Age of Possibility is actually an age of high probability, in large measure because of the excellent education you celebrate today.

But we know that not all Americans see the future that way. We know that about half of our people in this increasingly global economy are working harder and harder without making any more money; that about half of the people who lose their jobs today don't ever find another job doing as well as they were doing in their previous one.

We know that, therefore, our mission today must be to ensure that all of our people have the opportunity to live out their dreams in a nation that remains the world's strongest force for peace and freedom, for prosperity, for our commitment that we can respect our diversity and still find unity.

This is about more than money. Opportunity is what defines this country. For 220 years, the idea of opportunity for all and the freedom to seize it have literally been the defining elements of America. They were always ideals never perfectly realized, but always our history has been a steady march of striving to live up to them.

Having these ideals achievable, imaginable for all is an important part of maintaining our sense of democracy and our ability to forge an American community with such disparate elements of race and religion and ethnicity across so many borders that could so easily divide this country.

And so I say to you, creating opportunity for all, the opportunity that everyone has, that many of you are now exercising, dreaming about your future—that is what you must do in order to make sure that this Age of Possibility is really that for all Americans.

When I took office, I was concerned about the uncertain steps our country was taking for that future. We'd let our deficit get out of hand, unemployment had exploded, job growth was the slowest since the Great Depression. The country seemed to be coming apart when we needed desperately to be coming together.

I wanted to chart a new course, rooted first in growth and opportunity—first, to put our economic house in order so that our businesses could prosper and create jobs; second, to tap the full potential of the new global economy; third, to invest in our people so that they would have the capacity to meet the demands of this new age and to improve their own lives.

This strategy is in place, and it is working. The deficit is half of what it was. The Government is now the smallest it's been in 30 years. As a percentage of the Federal work force, the federal government is the smallest it's been since 1933, before the beginning of the New Deal. We signed over 200 trade agreements. Our exports are at an all-time high. Fifteen million of our hardest-pressed people have gotten tax cuts. Most of the small businesses have as well.

We've invested in research and defense transformations. We've invested in new technologies. And we've invested in environmental protection and sustainable development. And I will say, parenthetically, the great challenge of your age will be to prove that we can bring prosperity and opportunity to people all across the globe without destroying the environment, which is the precondition of our successful existence. And all of you will have to meet that challenge, and I challenge you to do it. (Applause.)

Our economy, while most of the rest of the world was in recession, has produced 8.5 million new jobs, the lowest combined rates of inflation, unemployment and home mortgages in three decades, the lowest deficit as a percentage of our income of any advanced economy in the world, 3.7 million more American homeowners, and record numbers of new small businesses in each of the last 3 years.

We are doing well, but we must do better if we are going to make the promise of this new age real to all Americans. That means we have to grow faster. How fast can we grow? No one knows the exact answer to that. But if we look at the long-term, if we believe in our people and invest in them and their opportunities, and our people take responsibility, the sky is the limit.

We must look with the greatest skepticism toward those who promise easy and quick solutions. We know that the course that leads to long-term growth is in the minds and spirits and ideas and discipline and effort of people like those of you who graduate here today. We are on the right course; we must accelerate it, not veer from it.

We have to finish the job we started in 1993 and balance the budget—not only because we want to free you and your children of the legacy of debt, but because that will keep interest rates down, increase savings, expand companies, start new small businesses, help more families buy homes and more parents send their children to college.

We know we have to continue to fight for fair and open trade because we proved now if other markets are as open to our products and services as we are to theirs, we'll do just fine. We know we have to do more to help all Americans deal with the economic changes of the present day in a more positive way by investing in the future and targeting tax cuts to help Americans deal with their own problems and build strong families.

We know we have to continue to invest in the things that a government needs to invest in, including research and development, and technology, and environmental protection. We know that since so many people will have to change jobs more often than in the past, we have to give families the security to know that if they change jobs they can still carry with them access to health care and pensions and education for a lifetime.

But finally and most importantly, if we really want Americans—all Americans—to participate in the future that is now at your fingertips, we have got to increase the quality and the level of education not just for the graduates of Princeton and Georgetown and Yale and the state universities of this country, but for all the American people. It is the only way to achieve that goal. (Applause.)

The very fact that we have been here or our forebears have for 250 years is testimony to the elemental truth that education has always been important to individual Americans. And for quite a long time, education has been quite important to our whole country. Fifty years ago when the Class of '46 was here, coming in after World War II the G.I. Bill helped to build a great American middle class and a great American economy. But today, more than ever before in the history of the United States, education is the fault line, the great Continental Divide between those who will prosper and those who will not in the new economy.

If you look at the census data, you can see what happens to hard-working people who have a high school diploma or who drop out of high school and try to keep up in the job market, but fall further and further behind. You can also see that if all Americans have access to education, it is no longer a fault line, it is a sturdy bridge that will lead us all together from the old economy to the new.

Now, we have to work to give every American that kind of opportunity. And we've worked hard to do it—from increasing preschool opportunities, to improving the public school years, to increasing technology in our schools. And this spring the Vice President and I helped to kick off a Net Day in California where schools and businesses and civic leaders hooked up nearly 50 percent of the schools to the Internet in a single weekend. What I want to see is every schoolroom and every library in every school in America hooked up to the Internet by the end of the year 2000. We can do that. (Applause.)

And I am very proud that I was asked to announce today that a coalition of high-tech companies, parents, teachers and students are launching Net Day New Jersey this week to connect over a thousand schools in New Jersey to the Internet by this time next year. That will make a huge difference in making learning more democratic and information more accessible in this country. I thank them for that. Every single person in New Jersey who will be a part of that. (Applause.)

But we have to face the fact that that is not enough. We have to do more. Just consider the last 100 years. At the turn of the century, the progressives made it the law of the land for every child to be in school. Before then there was no such requirement. After World War II, we said 10 years are not enough, public schools should extend to 12 years. And then, as I said, the G.I. Bill and college loans threw open the doors of college to the sons and daughters of farmers and factory workers. And they have powered our economy ever since.

America knows that higher education is the key to the growth we need to lift our country. And today that is more true than ever. Just listen to these facts. Over half the new jobs created in the last 3 years have been managerial and professional jobs. The new jobs require higher-level skills. Fifteen years ago the typical worker with a college degree made 38 percent more than a worker with a high school diploma. Today, that figure is 73 percent more. Two years of college means a 20-percent increase in annual earnings. People who finish 2 years of college earn a quarter of a million dollars more than their high school counterparts over a lifetime.

Now, it is clear that America has the best higher education system in the world, and that it is a key to a successful future in the 21st century. It is also clear that because of cost and other factors, not all Americans have access to higher education.

I want to say today that I believe the clear facts this time make it imperative that our goal must be nothing less than to make the 13th and 14th years of education as universal to all Americans as the first 12 are today. (Applause.)

We have put in place an unprecedented college opportunity strategy: Student loans can now be given directly to people who need them, with a provision to repay them based on the ability of the graduate to pay—based on income. This is a dramatic change which is making loans more accessible to young people who did not have them before. Americorps, which by next year will have given over 65,000 young people the chance to earn their way through college by serving their country and their communities. More Pell Grants, scholarships for deserving students every year.

Now we want to go further; we want to expand work-study so that a million students can work their way through college by the year 2000. We want to let people use money from their Individual Retirement accounts to help pay for college. We want every honor student in the top 5 percent of every high school class in America to get a $1,000 scholarship.

And we also want to do some other things that I believe we must do to make 14 years of education the standard for every American. First, I have asked Congress to pass a $10,000 tax deduction to help families pay for the cost of all education after high school—$10,000 a year. (Applause.)

Today I announced one more element to complete our college strategy and make those 2 years of college as universal as 4 years of high school—a way to do it, by giving families a tax credit targeted to achieve that goal and making clear that this opportunity requires responsibility to receive it.

We should say to Americans who want to go to college, we will give you a tax credit to pay the cost of tuition at the average community college for your first year, or you can apply the same amount to the first year in a 4-year university or college. We will give you the exact same cut for the second year, but only if you earn it by getting a B average the first year. A tax deduction for families to help them pay for education after high school; a tax credit for individuals to guarantee their first year of college and the second year if they earn it.

This is not just for those individuals, this is for America. Your America will be stronger if all Americans have at least 2 years of higher education.

Think of it: We're not only saying to children from very poor families who think they would never be able to go to college, people who may not have stellar academic records in high school, if you're willing to work hard and take a chance, you can at least go to your local community college and we'll pay for the first year. If you're in your 20s and you're already working, but you can't move ahead on a high school diploma, now you can go back to college. If you're a mother planning to go to work, but you're afraid you don't have the skills to get a good job, you can go to college. If you're 40 and you're worried that you need more education to support your family, now you can go part-time, you can go at night. By all means, go to college and we'll pay the tuition.

I know this will work. When I was the governor of my home state, we created academic challenge scholarships that helped people who had good grades and who had good behavior to go to college. But my proposal today builds mostly on the enormously successful HOPE Scholarships in Georgia, which guaranteed any student in the state of Georgia free college as long as they had a B average. This year those scholarships are helping 80,000 students in the state of Georgia alone—including 70 percent of the freshmen class at the University of Georgia.

In recognition of Georgia's leadership, I have decided to call this proposal America's HOPE Scholarships. And I want to thank the Governor of Georgia, Zell Miller, who developed this idea. I also would like to recognize him—he came up here with me today—and thank him for the contribution that he is now going to make to all of America's future.

Governor Miller, where are you? Would you please stand up? Here he is. Thank you.

Let me say, as all of you know, money doesn't grow on trees in Washington, and we're not financing deficits anymore. I'm proud to say, as a matter of fact, for the last 2 years our budget has been in surplus, except for the interest necessary to pay the debt run up in the several years before I became President. So we are doing our best to pay for these programs. And this program will be paid for by budgeted savings in the balanced budget plan. We cannot go back to the days of something for nothing or pretend that in order to invest in education we have to sacrifice fiscal responsibility.

Now, this program will do three things. It will open the doors of college opportunity to every American, regardless of their ability to pay. Education at the typical community college will now be free. And the very few states that have tuition above the amount that we can afford to credit, I would challenge those states to close the gap. We're going to take care of most of the states. The rest of them should help us the last little way.

Second, it will offer free tuition and training to every adult willing to work for it. Nobody now needs to be stuck in a dead-end job or in unemployment. And finally, this plan will work because it will go to people who, by definition, are willing to work for it. It's America's most basic bargain. We'll help create opportunity if you'll take responsibility. This is the basic bargain that has made us a great Nation.

I know that here at the reunion weekend the Class of '46 has celebrated its 50th reunion. And I want to just mention them one more time. Many members of the Class of '46 fought in the second world war. And they came home and laid down their arms and took up the responsibility of the future with the help of the G.I. Bill. That's when our Nation did its part simply by giving them the opportunity to make the most of their own lives. And in doing that, they made America's most golden years.

The ultimate lesson of the Class of 1946 will also apply to the Class of 1996 in the 21st century. Because of the education you have, if America does well, you will do very well. If America is a good country to live in you will be able to build a very good life.

So I ask you never to be satisfied with an age of probability for only the sons and daughters of Princeton. You could go your own way in a society that, after all, seems so often to be coming apart instead of coming together. You will, of course, have the ability to succeed in the global economy, even if you have to secede from those Americans trapped in the old economy. But you should not walk away from our common purpose.

Again I will say this is about far more than economics and money. It is about preserving the quality of our democracy, the integrity of every person standing as an equal citizen before the law, the ability of our country to prove that no matter how diverse we get, we can still come together in shared community values to make each of our lives and our family's lives stronger and richer and better. This is about more than money.

The older I get and the more I become aware that I have more yesterdays than tomorrows, the more I think that in our final hours, which all of us have to face, very rarely will we say, gosh, I wish I'd spent more time at the office, or if only I'd just made a little more money. But we will think about the dreams we lived out, the wonders we knew when we were most fully alive. This is about giving every single, solitary soul in this country the chance to be most fully alive. And if we do that, those of you who have this brilliant education, who have been gifted by God with great minds and strong bodies and hearts, you will do very well and you will be very happy.

In 1914, Woodrow Wilson wrote as President, "The future is clear and bright with the promise of the best things. We are all in the same boat. We shall advance and advance together with a new spirit." I wish you well, and I pray that you will advance, and advance together with a new spirit.

God bless you and God bless America. (Applause.)

A TRIBUTE TO SEYMOUR H. KNOX III, 1926–96

Mr. MOYNIHAN. Mr. President, I rise today to pay tribute to Seymour H. Knox III, a civic and business leader from Buffalo, NY. Seymour Knox, age 70, died on May 22, 1996, at his home in East Aurora, New York, after a long battle with cancer.

Like his father before him, Seymour Knox created a lasting institution for the city of Buffalo by which he shall be remembered. For the father, this was the Albright-Knox Art Gallery. For the son, it was the Buffalo Sabres hockey team. Seymour, in cooperation with his brother Northrup, led an investor group that acquired a National Hockey League Franchise in 1969. For over a quarter century, the Sabres have made the long winter a bit more enjoyable for the people of Buffalo, and with the recent completion of the Marine Midland Arena, Seymour Knox has assured that this alliance will long continue.

Apart from his interest in hockey, Seymour Knox was a leading investment executive at Kidder Peabody and Co., and active in the community. He was chairman of the Buffalo Fine Arts Academy, the body which oversees the gallery created by his father, and was also named chairman of the Smithsonian Associates in 1984. He was also active in the Buffalo YMCA, the U.S. Squash Racquets Association, and the Seymour H. Knox Foundation. He will long be remembered as someone who cared deeply about the city of Buffalo and who used his standing in the community to improve the lives of countless citizens.

Seymour Knox will be fondly remembered by his wife, Jean; his brother, Northrup: his three sons, Seymour IV, W.A. Read, and Avery F.; his daughter, Helen K. Keilholtz; and five grandchildren. We offer our condolences and prayers to his family.

I ask unanimous consent that the text of an article from the Buffalo News be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Buffalo News, May 23, 1996]

SEYMOUR KNOX III LEAVES LEGACY TO THE COMMUNITY HE CARED FOR

Seymour H. Knox III was born to wealth, and he put it to good use for his community. Like his father before him, Knox left Buffalo an institution that will forever bear his mark. In his father's case, it was a nationally known art gallery. In his case, it is a nationally famous sports team. Buffalo is richer for both of them.

To say it simply, Buffalo needs more people like Seymour H. Knox III. His death Wednesday, from cancer, came a few days after the public got its first look at the Marine Midland Arena, which Knox worked arduously to bring into being. It will be the new home of the Buffalo Sabres major-league hockey team, his hard-won creation and his enduring contribution to his home town.

More than one friend and more than one fan will express regrets that Knox did not live to see the day when his team would skate onto the ice of the new arena. But at least he knew it would happen.

Through the efforts of Knox and his brother, Northrup, the Buffalo franchise in the National Hockey League was secured in 1969. From the beginning to this death, Seymour Knox III was chairman of the partnership that owned the team. Most of the time he was also president of the team.

Titles aside, the hockey-loving public knew Knox simply as the one who got the team for Buffalo and served as its head man through the years. He was the guy in the gold seats a few rows above the Sabres' bench.

Knox also kept the team here. In an age when professional owners change cities at an alarming rate, Knox was loyal to Buffalo even though its comparatively small market might have made other pastures seem greener. The point of the new arena is to make the team financially strong, securing it for Buffalo for the foreseeable future. Knox's vision made the Marine Midland Arena possible. His legacy will be the exciting hockey games of the future—games that will help make Buffalo a better place to spend the winter.

Knox was also important to Buffalo for numerous other civic endeavors. Those included the chairmanship of the Buffalo Fine Acts Academy, governing body of the Albright-Knox Art Gallery, which, to a great degree, was his father's gift to Buffalo. The gallery's most distinguishing feature is its modern art collection put together with care by the late Seymour H. Knox Jr.

His son's contribution is less genteel, but a community needs many aspects to its life. It is richer for both of these gifts.

From the start, the hockey team has played at Memorial Auditorium, Buffalo's aged indoor sports place, now slipping into retirement.

At the last Sabres game in the Aud a bit more than a month ago, Knox was given a prolonged ovation by a capacity crowd. Fans know why the Sabres exist. They let it show. Knox gave a short speech, closing with the words: "Farewell, old friend."

Buffalo people can repeat those words today.

THE 50TH ANNIVERSARY OF NATIONAL SCHOOL LUNCH PROGRAM

Mr. DASCHLE. Mr. President, today marks the 50th anniversary of one of the smartest investments this Nation has ever made, the National School Lunch Program.

In 1943, Winston Churchill said that "there is no finer investment for any community than putting milk into babies." That sort of inspired investment is what the School Lunch Program is about. The only nutritious meal some children eat in a day, a school lunch can help to lengthen attention span, increase learning capacity and dramatically improve overall health.

The School Lunch Program currently operates in 95 percent of our Nation's schools and serves 26 million children each school day. It is a remarkable success, and I urge my colleagues to join me in commending the people who make that success possible, from the people at the USDA who run the program, to the State and local nutritionists who plan the meals and the school food service workers who serve them to our children. Each of them is helping to make our country stronger and healthier, and we thank them for it.

The School Lunch Act was passed not as an act of charity, not even as a matter of educational efficacy, but as a matter of national security after shocking numbers of young men failed their physicals in World War II because of preventable, nutrition-related illnesses.

Last year, Department of Agriculture updated Federal regulations to require school meals to meet the Federal dietary guidelines for Americans. The resulting Schools Meals Initiative for Healthy Children will make a good program even better.

Recognizing that simply adopting policies does not always guarantee change, the Clinton administration launched Team Nutrition in June 1995 to unite public and private organizations in promoting healthful dietary habits through schools, community organizations and the media. This groundbreaking measure also provides the training, technical assistance, and nutrition education that are critical to the School Meals Initiative's successful implementation.

Last fall marked the introduction of the Team Nutrition Schools Program, which brings together teachers and principals, schools and families, community leaders and school food service professionals to work for healthier school meals.

This fall, the USDA will build on the success of Team Nutrition by providing every school district with the help they may need to make sure the meals they serve their students meet the Federal dietary guidelines. I'm proud to have sponsored the amendment that will enable the USDA to get that information and assistance out to schools ahead of their original target date.

Our Nation has done much to alleviate childhood hunger and malnutrition in the 50 years since President Truman signed the National School Lunch Act. Rickets and other nutrition-related illnesses that once were common among poor children in this Nation are now mercifully rare because we channelled the will and resources of this great Nation against them.

But the challenge is not ended. Every month, 5 million children go hungry in this country. One out of every eight children under the age of 12. So today, as we celebrate 50 years of success with the School Lunch Program, let us remember these children and recommit ourselves to seeing that they, too, are able to share in the abundant blessings of our land.

NATIONAL MISSILE DEFENSE

Mr. ROBB. Mr. President, I wasn't able to get to the floor during the time set aside during debate on the Defend America Act, but it's an important topic and I would like to address it now.

Mr. President, we all want to defend America and I yield to no one in my commitment to a strong national defense, but I believe the Defend America Act in its current form could actually reduce U.S. security. I reach this conclusion based on a review of four key aspects of a national missile defense system:

First, the nature of the threats that the United States faces today and will likely face 10 years from now.

Second, the technological implications of building a system today versus in the future.

Third, the question of affordability.

And fourth, the impact on existing arms reduction treaties.

On all counts, the available evidence weighs against deployment of a national missile defense system in the near term. Consider the threat. Since the fall of the Berlin Wall and the collapse of the Soviet Union, we have witnessed a remarkable reversal in the arms race and, as such, the nature of the nuclear threat to America. The Soviet nuclear arsenal, over 13,000 nuclear weapons strong at the height of the cold war, will be reduced to about 3,500 weapons under START II. By any measure, this adds up to a more secure America.

Today, instead, the ballistic missile threat can be summed up in three scenarios: An accidental attack by land-based ICBM's from Russia or China, an unauthorized attack by a Russian submarine, or a very limited attack by a rogue nation such as North Korea or Iraq. Note, since we are addressing missile defenses, that I am referring to missile threats. This is not to suggest that other means of delivery are any less threatening, whether trucks, ships, aircraft, or even suitcases. I also consider the threat of biological or chemical attack as more likely if not more devastating than nuclear attack.

The Russian and Chinese missile attack scenarios are nothing new—we have lived with such threats for decades. But the third threat is in my mind the most problematic in the long term. While worst-case United States intelligence estimates forecast that North Korea may be only a few years away from deploying ICBM's that can reach portions of Hawaii and Alaska, other potentially hostile nations are at least a decade away from such a capability. Although their direct purchase of long-range missile components or systems is always possible, the balance of evidence suggests that it would be premature to commit to a near-term defense capability when we're not even sure when, whether, and how the threat will develop.

The Defend America Act calls for deployment by 2003, or 8 years out. It may seem as though we're splitting hairs, but this is an important distinction between those trying to mandate a date certain for deployment, and those willing to invest responsibly and deploy after the technology has proven itself and the threat is closer to the horizon.

Consider the technological implications of building a system today versus at the turn of the century or later. I supported funding in the eighties for what was referred to as the strategic defense initiative. But then as now, in the absence of a new and compelling threat on the order of a reinvigorated Soviet Union, what is the driving force to lock into today's technology? My Republican colleagues seem to believe that we can set a completion date, spend huge sums of money on the problem, and magically achieve a fix. How easily we forget the optimistic projections for the performance of the Patriot missiles in the gulf war, and of the x-ray laser that was inaccurately touted in the eighties as the definitive solution for knocking down hundreds of missiles and warheads. The challenge for hitting a "bullet" with a bullet is no less daunting today than in the past. We cannot simply dictate a solution.

But even if we could achieve the technology in the near term, what are the costs over the long run if we buy today, discover that the technological window has again been broken through, and then turn around and buy anew in another 5 or 6 years? If we ever expect to achieve a balanced Federal budget, it won't be through impetuous, impulsive buying of an extremely expensive system. s

Which leads me to the issue of affordability. A range of numbers are thrown around as estimates of the costs for a national missile defense. CBO recently came out with an estimate of $60 billion which has been widely reported in the press. But we all should acknowledge the great uncertainties in this type of estimation. A small change in the assumptions about the accuracy of our sensors, or the probability of kill of our interceptors, or whether the threat uses decoy or maneuvering warheads, can change the final cost estimates by an order of magnitude. I'm willing to put tens of billions into an effective, limited national missile defense. But I cannot condone pouring billions of the taxpayer dollars into an unproven capability whose costs could explode and needlessly drain other vital defense programs.

But for those Senators who believe the threat is imminent, and that the technology is achievable in the near term, and that the costs will be reasonable, I urge them to carefully consider what the Defend America Act would mean for existing and future arms control agreements. Many Senators today have pointed out that the act anticipates a breach of the ABM Treaty, and that it could undermine the START process. But we need to understand in more detail the value of these treaties and why their erosion or loss could actually decrease America's security. Mr. President, I would like to address this matter in some depth.

Let's first step back to the years before the 1972 ratification of the ABM Treaty, when the debate over missile defenses was in full force. Those opposed to any kind of limits on missile defense deployments were highly critical of those willing to deliberately constrain America's ability to defend its citizens against missile attack. But missile defense advocates needed to meet two tests: the first, generally referred to as arms race stability; the second, crisis stability.

Arms race stability refers to a situation between armed nations where there are few incentives for a vicious cycle of tit-for-tat weapons deployments. In an unstable setting, the deployment of a system by one side is met by the same or more deployments by the other side, which in turn is countered by more deployments by the first side, and so on ad infinitum.

Historically, the nation facing an expanded threat might respond with new offensive capabilities, better defenses, or both. But in the case of missile defenses, the technologies available in the sixties and seventies for intercepting incoming nuclear warheads with nonnuclear interceptors were proving very costly. And with the introduction of so-called MIRV'd ballistic missiles in the 1960's—where several nuclear warheads could be placed on a single missile and targeted independently—offensive nuclear forces became, by comparison, quite inexpensive. The cost to deploy one additional nuclear warhead on a MIRV'd ICBM was significantly less than the cost of the many interceptors and related sensors required to destroy that warhead.

By this dynamic, it was convincingly argued by ABM Treaty proponents, any U.S. attempts to deploy costly strategic defenses would be met by even less costly Russian deployments of more nuclear warheads that could simply overwhelm the defenses. This situation would have been highly unstable from an arms race perspective. Assisting the offense in this equation was the possibility of deploying on ICBM's hundreds of decoys and radar-reflecting chaff along with the nuclear warheads to confuse the U.S. interceptors and their sensors.

During the 1980's, technologies had advanced, improving the prospects for more cost-effective defenses. Particularly promising were space-based systems which could destroy ICBM's during their early flight before they deployed their warheads, and lasers which showed potential for engaging many targets in a short period. And yet despite over $35 billion in R&D expenditures since President Reagan launched the Strategic Defense Initiative in 1983, it would still appear that—at least in the case of Russia and perhaps China—the incremental cost for the offense is lower than for the defense.

START II, still awaiting Russia's ratification, will not only reduce Russia's nuclear arsenal to about 3,500 warheads, but, of equal importance, the treaty requires the elimination of land-based MIRV'd systems. If the United States decides to deploy national missile defenses early in the next decade and the Russians want to maintain their ability to target the United States, they could simply deploy more MIRV'd ICBM's at a lower cost. Indeed, if the United States did decide to unilaterally deploy national defenses without first reaching an agreement with the Russians, it would be an entirely rational and appropriate response for Moscow to forgo START and retain or build more of its most cost-effective countermeasure—MIRV'd ICBM's. We could again face a Russian arsenal of over 11,000 warheads.

We could easily push the Russians to reverse course and hold onto or even produce more of their most formidable MIRV'd ICBM, the SS–18—a missile that we spent enormous diplomatic capital to have dismantled. The cold war SS–18 force of over 300 ICBM's housed roughly 3,000 large, highly accurate nuclear warheads. Its capability to devastate the United States ICBM force created much anxiety during the cold war, primarily because it gave the Soviets an incentive to launch a disarming first strike in the midst of a crisis with the United States or NATO.

The choice is a stark one: on the one hand, a United States national missile defense that could handle limited attacks from many potential threats, but would be incapable of defeating a major Russian attack because the Russians respond by maintaining a daunting arsenal of MIRV's; and on the other hand, a Russia devoid of its most devastating threat to our country—its large, MIRV'd, highly accurate ICBM's. On this point alone, I would oppose pushing legislation that would tell the Russians we plan to violate the ABM Treaty by the year 2003. This seems especially shortsighted since we're not even sure the technology will be available by then even if we double the national missile defense budget.

We should also consider the issue of arms race stability in the context of other potential threats today. Here national missile defenses show more promise.

A single nuclear weapon can transform a minor nation into a serious regional power overnight. The most obvious example is Iraq. Initial margins of public and congressional support for the United States deployment to the gulf were slim. But if Saddam Hussein had possessed a working nuclear device when Iraq invaded Kuwait, some argue that the United States would have steered clear of the gulf.

For those rogue nations considering entry into the nuclear club, the existence of even a limited but effective U.S. missile defense capability, whether for theater or national defense, creates a disincentive for embarking on the economically and diplomatically costly path of nuclear development. Granted, missile defenses will not stop the rogue leader from delivering a weapon via truck, ship, aircraft, cruise missile, or even a suitcase, but his inability to deliver a rapid missile strike against U.S. or allied forces in the theater or U.S. civilians in North America helps dampen his enthusiasm for nuclear development, or for that matter biological or chemical weapons development.

Next, examine the nation with a fledgling or modest nuclear arsenal, or biological or chemical weapons. Many of these nations, such as North Korea or China, not only have weapons of mass destruction, but have or will soon have the means for delivering them to United States territory. A U.S. national missile defense could help deter such nations from pursuing and producing more longer-range ballistic missiles.

As the Russian and United States nuclear inventories shrink dramatically under START, China could see an opportunity to become a peer in the nuclear superpower league by deploying a hundred or so MIRVed ICBM's, each with 10 or so MIRV's. The technology and costs to do so would not be prohibitive. But with a capable national missile defense, the United States could, in part, deter Beijing from pursuing superpower nuclear status.

Well what about crisis stability?

Crisis stability refers to a situation where the antagonists in a crisis do not have powerful military motivations—quite independent of their political and diplomatic incentives—to launch a preemptive attack. Imagine two warships sailing side by side—guns trained on each other—tensely anticipating the initiation of a battle. If each captain knows he can fire a first shot and sink the other ship before his opponent can even get off a shot, then the situation is unstable.

On first inspection, missile defenses would seem to have lent stability to the United States-Soviet nuclear standoff during the cold war. Like the two warships, one side would be less inclined to attack the other knowing that the first attack would be diluted by defensive systems and then met by a destructive counterattack. But proponents of the ABM Treaty saw things differently. What if during that first strike, the attacker could not only overwhelm the opponent's defenses and destroy most of them, but also destroy much of his offensive arsenal in the process?

In this scenario, the attacker still has his defenses in place and many offensive weapons that allow him to hold the opponent's cities hostage, while his opponent can only respond with a handful of surviving weapons. ABM Treaty proponents concluded that, by creating an inviting incentive to strike first, national missile defenses could in fact increase the odds for nuclear conflagration.

Today, the advent of more capable defensive technologies suitable for deployment in space could only exacerbate the advantage for the first striker, simply because many of the large and vulnerable defensive assets in space would be easier to detect and destroy than the warheads they're meant to intercept. As long as defensive systems are vulnerable themselves to attack, we will incur a crisis stability problem if we and an opponent deploy extensive national missile defenses.

We are now less concerned, of course, about a tense United States–Soviet standoff, which hopefully will remain in the ashheap of history—assuming Yeltsin fends off a Communist revival. Other nuclear powers are a different story. Clearly U.S. missile defenses would play a useful role in controlling escalation in a crisis or conflict with a lesser nuclear power, who could not confidently hold a U.S. city hostage in the face of U.S. missile defenses.

Another component of crisis stability involves dynamics that are beyond the control of rational leaders, such as an accidental or unauthorized launch, or an attack whose origins are unclear, or a minor attack that is misinterpreted as a major one. Here, too, missile defenses can add to crisis stability by providing the option to defeat these limited attacks before a commitment is made to launching a major counterstrike.

On balance, the Defend America Act gets a mixed review from an arms race and crisis stability standpoint. My overriding concern, however, is that the advantages of a national system—even in the context of a rogue nation, accidental, or unauthorized attack—do not outweigh the consequences of undermining START and engendering extensive Russian MIRVed ICBM re-deployments.

The Russians have made it very clear that unilateral United States abrogation of the ABM Treaty, as anticipated by the Defend America Act, will force Moscow to forgo START II ratification. This is not mere rhetoric. Russia's heavy MIRVed ICBMs give Moscow its best "bang for the buck." The Russian military is strapped for cash and can barely afford modernization of its strategic nuclear forces. If Russia's strategic position vis-a-vis the United States is undermined, it would be perfectly rational, as I stated earlier, for Moscow to renege on START.

In light of these concerns, I cannot support the Defend America Act in its current form. We should not pass legislation which mandates deployment of a national missile defense by 2003, and requires the President to renegotiate the ABM Treaty to ease its restrictions on the development of such a system. As my Democratic colleague from Ohio has noted, we can no more dictate the development of an unproven technology than to mandate a cure for cancer. And we cannot unilaterally renegotiate a major treaty.

I believe a more measured approach is needed. First, we need to continue basic research on national missile defenses at the requested level and in compliance with the ABM Treaty. This means no space-based systems or space-based tracking in an ABM mode.

Second, we should continue to vigorously pursue programs, such as Nunn-Lugar, that will reduce the proliferation of weapons of mass destruction and related technologies. The return on the dollar of these programs is self-evident and I will not advocate them further here. Let me just add that we should not lose sight of an equally troubling delivery system, such as a truck, ship, aircraft or suitcase, that could be used to transport a nuclear, biological or chemical weapon to or near our territory or military forces. If we are not balanced in our responses to all means of delivering weapons of mass destruction, we invite a hostile regime to take the path of least resistance and simply bypass our multibillion dollar missile defenses. I applaud Senator NUNN's initiative to broaden the scope of the national missile defense legislation to consider all strategic weapons and means of delivery.

Third, we need to continue to achieve a theater missile defense capability quickly, but avoid spreading ourselves too thinly. We're spending a great deal of money on several theater systems when in reality nothing will be fielded for years, and we're uncertain if one or more approaches will ever fully work or be highly cost-effective. I was skeptical of the optimistic estimates of Patriot performance prior to the gulf war, and not surprised when we learned that early news reports had grossly overstated its performance during the war.

My fourth recommendation, therefore, is to expend considerable resources on the most mature theater system, PAC-3, to demonstrate that we can achieve a basic capability against a moderate threat. By moderate threat I mean a limited attack by missiles that were not specifically designed to defeat our defenses with decoys, maneuvering reentry vehicles, and the like. If we successfully conclude this mini-Manhattan Project, we can accelerate the other technologies to achieve the kind of layered defenses that would greatly improve overall missile defense performance.

Fifth, we should create an architecture that could be expanded into space at a later date if merited by the threat, but stick to ground and airborne systems for now. This means that as we make decisions on the optimal technologies for national defense interceptors, sensors, and communications systems, we ensure that they are compatible with future, more robust technologies and systems.

Sixth, we need to work with the Russians to amend the ABM Treaty to allow for mutual tiered expansion of missile defense systems. In other words, after we've proven a basic system that fits within the treaty's constraints, and after we've achieved key research milestones on a more expansive system, we should then be able to approach the Russians for joint approval of testing or deployment of the next tier of defenses.

The Russians might decide to go along with the next phase even if they have not reached the same capability, or ask for a delay in the joint approval to give them time to reach some sort of parity in defensive capability. We might even want to permit asymmetries in a modified ABM Treaty or START III, where the Russians would be allowed relatively more offensive capabilities as the United States deploys national defenses.

At each step, we could consider any requests by the Russians for assistance to improve their own defenses. Although I am not convinced such assistance would be in our best interests, this might be a small price to pay if we want to deploy national defenses and keep the ABM and START Treaties alive.

A good initial step, as proposed by Senator NUNN in the context of his substitute amendment, is for both sides to agree to rescind the 1974 Protocol to the ABM Treaty, which reduced the number of national missile defense sites allowed by the original treaty from two to one. If we try to deploy a ground-based national defense system constrained to one site, we are looking at an inordinately inefficient and therefore expensive system.

Allowing for space-based tracking in an ABM mode also makes sense if each side is interested in a more capable and cost-effective limited national defense. Another area that could prove win-win for both sides is construction of jointly manned, ground-based missile launch detection centers near each other's ICBM fields.

Finally, we have to engage the Chinese sooner rather than later on their growing nuclear arsenal. According to press accounts, China has deployed CSS-3 and CSS-4 ICBMs, the latter of which are capable of reaching most of the continental United States. China has also reportedly tested the CSS-4 missile armed with MIRVs. Most recently, the Washington Times reports that the Chinese are acquiring technology from the Russian SS-18. It would not require an inordinate amount of resources for China to deploy dozens of additional ICBMs with MIRVs, meaning possibly hundreds of new warheads that could rain down on United States cities.

Now is the time to discourage the Chinese from embarking on an ambitious, and highly destabilizing, nuclear arms build-up. That is why, Mr. President, it is crucial that the United States pursue trilateral negotiations with Russia and the People's Republic of China on MIRVed ICBMs. I have drafted a Sense of the Senate resolution related to this matter, and may offer it during consideration of the fiscal year 1997 Defense Authorization Act.

With that, Mr. President, I reiterate my opposition to the Defend America Act, urge a more measured approach and yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KEMPTHORNE). Without objection, it is so ordered.

The Senator from Colorado is recognized.

(The remarks of Mr. BROWN and Mr. McCAIN pertaining to the introduction of S. 1830 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

PRESIDENT CLINTON'S HIGHER EDUCATION PROPOSALS

Mr. PELL. Mr. President, as one who has spent much of his Senate career seeking to broaden and expand educational opportunity, I want to commend President Clinton for the education proposal that he today placed at the forefront of his domestic agenda. I also take special pride in the fact that he set forth his proposals in his commencement address at Princeton University, which is my alma mater.

While we have not had the opportunity to examine the package in any detail, I am particularly drawn to two of the President's proposals. The first of these is the Hope scholarship plan. Its thrust and purpose is most certainly consistent with my longstanding belief that we ought to guarantee 2 years of education beyond high school to every student who has the drive, desire, and talent.

As I have said many times, the idea that 12 years of education is sufficient education for our young people is, quite simply, an outmoded, turn-of-the-century concept. As we approach the turn of a new century, it is truly high time that we discarded that notion. The vast majority of leaders in the growth industries of our Nation recognize that a skilled work force requires at least 2 years of education beyond high school. But while we have talked about trying to change an outdated policy, it is President Clinton who has brought the talk to an end and laid out a plan to make the concept of 14 years of education a reality.

The Hope scholarship plan would provide a $1,500 tax credit for the first year of education after high school, and another $1,500 for the second year if they worked hard, stayed off drugs, and earned at least a "B" average. It is a plan that would reward efforts and achievement, twin objectives with which I strongly concur.

It is a plan that would make a tuition-free education possible for 67 percent of all community college students. For students with financial need, it would work in concert with the Pell grant and further ease the burden of paying for a college education.

While it would have its most profound impact on students attending community college, it would also be of immense help to students pursuing a 4-year degree. Students and their families could opt for either the $1,500 tax credit or a $10,000 tax deduction. It would be their decision as to which option better suited their needs.

With respect to the proposed $10,000 tax deduction, I am especially pleased that the administration has refined its original proposal. It will now be targeted to hard-pressed middle-income wage earners. These are the very families who today find that paying for their children's education is increasingly beyond their financial reach.

The other proposal to which I am drawn is the President's proposed 33-percent increase in the maximum Pell grant over the next 7 years. For fiscal year 1997, the President has already proposed increasing the maximum grant from $2,470 to $2,700, a 1-year increase of almost 10 percent. And, according to today's announcement, the maximum grant would continue to receive yearly increases, and would reach a maximum award of $3,128 by fiscal year 2002.

Unfortunately, the proposal will not redress the terrible imbalance between grants and loans that has become so pronounced over the past decade and a half. Where a deserving student's financial aid package was once 75 percent grants and 25 percent loans, today it is the opposite—almost 75 percent loans and only 25 percent grants. Yet, even though the President's proposal may fall short of the mark, it is certainly a welcome step in the right direction. It also stands in stark contrast to the budget resolutions approved by both the House and Senate. They would freeze the budget authority for the Pell Grant Program.

In all candor, however, we should take the President's Pell grant proposals as only the first step. We ought to give it our careful and thoughtful consideration, and then do him one better by enacting legislation that truly addresses the enormous and growing debt burden incurred by literally millions of college students as they struggle to pay for a college education. While I realize I may sail against the political winds, I continue to believe deeply that the Pell grant ought to be made an entitlement, which would free it from the pitfalls of yearly appropriations.

Mr. President, I believe deeply that education is a capital investment. What we put into the education of our children is returned to us many times over. Every study we know shows that there is a direct relationship between more education and higher personal income. Better education means better jobs, and better jobs mean a stronger and more vibrant economy. We must be careful, however, that the cost of an education and the debt undertaken in getting it do not overtake us.

I welcome the President's proposals. I applaud the initiative he has taken. I congratulate him for placing a priority on education. While we had little advance notice of these proposals and virtually no time in which to mull them over, I hope very much that we will give them careful and thoughtful consideration, and that they will not be overwhelmed by election year politics.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. THOMPSON). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, I ask unanimous consent I be allowed to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

IN DEFENSE OF THE CONSTITUTION

Mr. FEINGOLD. Mr. President, I rise today to speak about the U.S. Constitution and what I believe is the essential need to exercise extreme restraint in regard to amending this great document. As recent articles in a number of publications and newspapers have pointed out, this Congress, Mr. President, the 104th Congress, perhaps unlike any in recent memory, seems intent on amending the U.S. Constitution. I do not question the sincerity of those efforts. The history of our Constitution and those amendments that have been adopted, as well as the mechanism crafted by the framers for adopting amendments, counsels that caution govern any efforts to amend this great document, our Constitution.

Since its ratification in 1788, the Constitution of the United States has been the single greatest protector of individual rights known to man. It is superior to any of its predecessors, and has been the benchmark against which all other constitutions since adopted have been judged. Perhaps the greatest tribute to the U.S. Constitution, Mr. President, and the greatest tribute to those who drafted the document, is that in the 208 years since its ratification, the people of this Nation have only amended it on 27 occasions. This equates with only about one amendment every 7.7 years.

However, Mr. President, this figure is a little bit misleading when one looks closely at the actual history accompanying those 27 amendments. It becomes obvious that those specific instances where the people of this Nation have moved to amend their Constitution have actually been few and far between, and those efforts have typically only been in response to some fundamental deficiency or flaw in our democratic system of government.

As we look at the 27 amendments, Mr. President, for example, the first 10 amendments to the Constitution, the Bill of Rights, were adopted as part of an agreement to actually garner support for the passage of the underlying Constitution itself; 10 of the 27 were adopted at the very outset of our country. Anti-Federalists who opposed the Federal Constitution were opposed to its adoption unless and until a more explicit statement on the rights of man was added to the Constitution. The fervent belief that certain rights should remain squarely within the province of the individual manifests itself in the Bill of Rights.

While the Bill of Rights was adopted almost simultaneously with the Constitution, becoming effective in 1791, what the Bill of Rights did was set a tone which on most subsequent occasions has been followed. That tone was that constitutional amendments should be reserved for response to shortcomings in our democratic way of governance in general, not to attend to the emotion or issue of the day each time. I think this is evidenced by the adoption, following the Civil War of the 13th, 14th, and 15th amendments.

These three amendments, much like the Bill of Rights, spoke directly to the rights and equality of men, and extended to African-Americans rights previously that were denied to them, denied to them under the original Constitution, and even under the original Bill of Rights.

Further, many of our constitutional amendments deal directly with the ability of citizens to participate in democracy, they go to the very core of whether everyone can participate. The 17th, 19th, 24th and 26th amendments improve citizen involvement in elections by allowing for the direct election of Senators, extending the franchise to women, abolishing the poll tax, and reducing the voting age. The essence of democracy itself, Mr. President, is participation. These amendments fostered that fundamental element of our Nation. For that reason, I think they were all probably appropriate uses of the unusual and unique ability to amend the Constitution.

Mr. President, obviously there have been other amendments albeit few rising to the level of the importance of the Bill of Rights and the Civil War amendments. However, I have noted these not to argue their importance, but to illustrate that throughout our history most amendments to the Constitution have been restricted to addressing systemic problems with our Government—problems which actually inhibit one's ability to participate in the benefits of democracy. In other words, these have to do with basic errors or problems that have arisen in our system that simply mean somebody cannot participate fully in our democracy. They have not, almost in every case, been amendments that have to do with one particular issue at a time that is dividing our country.

Of course, on one glaring occasion we did depart from this standard and we adopted the ill-fated 18th amendment—the prohibition amendment. The result of this misguided venture into social policy resulted 14 years later in the adoption of another amendment, 1 of the 27, the 21st amendment, which repealed prohibition. So that is 2 of the 27, a lousy idea that did not work, followed by the repeal of this venture into social policy.

Another aspect of our Constitution which argues for restraint in amending this document is found in the Constitution in article V. Article V establishes two methods for amending the Constitution. First, the Constitution may be amended by constitutional convention. The second method allows the Constitution to be amended if approved by two-thirds majority of both Houses of Congress, and then, of course, ratified by three-fourths of the States. These explicit methods for amendment were, in essence, a compromise between the unworkable unanimity requirement for amending the Articles of Confederation, one of the reasons that we had a constitutional convention, and the notion held by many of the Framers that some mechanism must exist to address potential shortcomings in the new Constitution. The compromise that is embodied in article V established a difficult but not impossible standard for amendment which, like the Constitution itself, I think, has served this Nation very well.

While article V protects the people from constitutional uncertainty and alteration based solely upon the will of an ever-changing political majority, it also provides an avenue for amendment when it is truly necessary.

The result of this has been to preserve the Constitution as it was intended to be. With only 27 amendments, it remains a general statement of principles used to help define a new nation, as opposed to a step-by-step method of governance.

In so doing, I think article V has prevented the U.S. Constitution from simply becoming littered with a flurry of well-meaning but unnecessary amendments. Article V has prevented the Constitution from evolving into a document that would be almost unrecognizable in terms of length and scope to the Framers, who drafted it over 200 years ago. This is the really important thing, Mr. President, because it points out the fundamental distinction between a Constitution and ordinary statutes.

There is a big difference in our system. As I understand it, there is less of a difference in the system in England. There, there is no written Constitution; Parliament is supreme. Technically speaking, Parliament can pass any law, and it then becomes the supreme law of the land. We have broken that system. We chose to have a simple, brief document that was greater than the legislature, that was greater than a parliament, that was greater than a Congress. It is the notion of a limited written Constitution. That is the difference between us and the English system. And, in fact, it was part of the reason, in my view, why the revolution was fought. Our citizens wanted a document over which no legislative body had supremacy, except for in the very unusual circumstances that were outlined in article V, or a combination of a very significant supermajority of Congress and very significant supermajority of States together would have to be the only ones that could ever amend that document.

As Prof. Kathleen Sullivan pointed out recently in an article cleverly entitled, "Constitutional Amendmentitis":

> The very idea of a Constitution turns on the separation of the legal and the political realms. The Constitution sets up the framework of the Government. It also sets forth a few fundamental political ideals (equality, representation, individual liberties) that place limits on how far any short-term majority may go. This is our higher law. All the rest is left to politics.

Mr. President, let there be no doubt that had this standard that Kathleen Sullivan very eloquently stated had not prevailed throughout our history, the fundamental character of our Constitution would be greatly diminished today.

In the course of our history, it is estimated that nearly 11,000 amendments to the Constitution have been introduced. Had not our predecessors and the standards embodied in article V combined to reject the vast majority of these efforts, it is uncertain what our Constitution might look like today. It, obviously, would not look anything like the Constitution. You probably could not find anything in there that the Founding Fathers had put together. It would not be, as Chief Justice John Marshall argued, a framework of the great outlines of our society.

So let us say that throughout our history people had proposed in each legislative session and gotten through a constitutional amendment about things like school prayer or balancing the budget, or flag burning—I am sure there would have been a variety of social concerns that each session of our Congress would have tacked onto the Constitution. Let me tell you something else because I believe in the whole Constitution. I think our first amendment would not look anything like it does today. I also think that the second amendment to the U.S. Constitution, which I believe in, and which protects the right to bear arms, might not be there either.

See, that is what happens when you start down this road. When anybody gets a bright idea, instead of trying to pass a bill that can be changed without going through the constitutional process, somebody says, "Let us do a constitutional amendment." Well, that is the greatest threat to our basic liberties than anything we can do legislatively—whether it be the right to free speech or a person's right to simply have a firearm if they want to go hunting. Somebody could try to get rid of that. If we go down this road, there is no end to it.

It is with this Nation's reluctance to amend the Constitution in mind that I rise today to voice my concern that the lessons of our constitutional history have been lost in the 104th Congress. I have had the honor of serving on the Senate Judiciary Committee for a little more than a year now, along with the Presiding Officer. And in that time the full committee has voted on three amendments to the Constitution, and, in the near future, as many as four more may be forthcoming.

To date in the 104th Congress, over 135 constitutional amendments have been proposed. But what is more troubling is that the 104th Congress has voted on more amendments to the Constitution than any of its predecessors in recent history. The other body has voted on four amendments, while this body has voted on two and debated a third. As the distinguished retired Judge Abner Mikva wrote in the Legal Times recently, "The 104th Congress has taken floor action on more constitutional amendments than any other Congress in the last 30 years."

I note that an amendment to require a supermajority to raise taxes was brought to the House floor recently solely because it was tax day—April 15. They knew they were not going to win on that vote. That was well known. It was brought to the floor simply so that proponents could stand up on tax day and make speeches. The thought that an amendment to the Constitution could be offered solely because it offers a good sound bite opportunity seems to be a little indefensible. I think it is a departure from the time when the Framers met in Philadelphia, guided only by a tenuous opportunity to craft a framework to guide a new Nation.

Throughout the course of many of the debates on amendments, the argument has been made that Congress should simply pass proposed amendments and let the people of the Nation decide their fate. However, to do so defies our sworn obligation to uphold the Constitution of this Nation. I fell into this trap here. I think many of my colleagues know of my strong desire to see campaign finance reform in this country. The way we do things around here, sometimes an amendment is tacked onto another bill. On one occasion, I actually voted for a sense-of-the-Senate resolution that would have started us down the road toward a constitutional amendment that would have overturned Buckley versus Valeo. It would have limited how much could be spent in campaigns. I understand how people feel when they are frustrated and want to turn to a constitutional amendment. I think I made a mistake, and I would not vote that way now because I realize that everybody has a bright idea about how to change the Constitution. We need to find a way to solve our problems and do our job without messing up the fundamental document that has helped make this country so great. So this session I am working on legislation, along with the Presiding Officer, where through the legislative process we will try to change the campaign system without changing the U.S. Constitution's first amendment. So all of us have fallen into this trap. This is not an attempt to suggest that it is only Democrats or only Republicans. It is just very tempting. But it is a mistake.

The Framers of the Constitution set a very high standard for amendment and explicitly intended that the Members of Congress play a significant role in adopting any changes to our national charter. In my estimation, Mr. President, this is a responsibility of the highest order and not one we should abandon.

In fact, what separates the U.S. Constitution from many State constitutions, which can go so far as to protect the right to due process and the right to fish in the same document, is that the Congress and the people must ratify amendments. We should remain mindful of the Framers' intent and the obligations each of us is sworn to uphold. In other words, we are not supposed to kick out constitutional amendments in the Congress and just say let everybody decide on it. That is not what was intended. It was intended that we should give it extremely close scrutiny, and in only very rare circumstances should we send constitutional amendments out for ratification.

Mr. President, if adopted, the amendments considered in the 104th Congress would signal the biggest single constitutional remodeling since the Bill of Rights. It is an effort which I believe is unnecessary and ill conceived. It is certainly not consistent with our history of constitutional amendment.

There can be little doubt that many great challenges lie before our Nation as we head toward a new century. However, the Constitution cannot provide the courage or answers we need to solve our problems, nor was it intended to do so. Ultimately, the responsibility for this Nation lies with the people, the people in this Congress and the people who send us here to do their work.

For over 200 years the Constitution has served this Nation well and it is essential to the continuing development of our young Nation that the Constitution remain a statement of general principles. In charting a different course, one which allows the Constitution to serve as the method of addressing each difficult challenge that faces this Nation, inevitably we sacrifice the integrity of this document.

We will lose the fundamental integrity of the Constitution which I believe underlies everything we do.

We must guard against the U.S. Constitution becoming what James Madison feared would be little more than a list of special provisos.

I hope that as we continue our work here in this highly political year we will bear Madison's concerns in mind as well as the history surrounding efforts to amend the Constitution. It is a history worth following. A history which defines not only the nature of this great document but also defines the fundamental character of this Nation. It is a history which has helped to ensure that this simple, yet brilliant, document has remained the cornerstone of our freedoms. The spate of constitutional amendments considered during this Congress are at odds with this important precedent.

By departing from the fundamental notion that our Constitution establishes the framework or the great outlines of our society and seeking to use it to address specific problems, the Constitution will become something less than it was intended to be. We should quell our desire to amend this great document and address the problems that confront this Nation. Although they are many, none can truly be attributed to a constitutional deficiency.

Mr. President, I suggest the absence of a quorum. I yield the floor.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ABRAHAM). Without objection, it is so ordered.

Ms. MIKULSKI. I thank the Chair.

(The remarks of Ms. MIKULSKI pertaining to the introduction of S. 1832 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Ms. MIKULSKI. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE DEFEND AMERICA ACT

Mr. NICKLES. Mr. President, I am going to speak on the Defend America Act. First, let me state I am very disappointed that the Senate, one, had to file a cloture motion, and, two, was unsuccessful in obtaining cloture so we could at least take up the Defend America Act, debate it, discuss it and vote on it.

It is unfortunate the Democrats in the Senate today decided to filibuster even moving to consider legislation which would allow us to further develop systems capable of defending America. Even right now we are defenseless against intercontinental ballistic missiles. I want to compliment Senator DOLE for scheduling this for a floor vote, I compliment the House of Representatives for passing it, but I am displeased that the Senate was not able to consider this legislation.

It is unfortunate to think that we need to have 60 votes just to move to consider the Defend America Act. I am happy to cosponsor this act. I think it is good legislation, needed legislation.

It was part of the defense authorization bill that we passed last year that unfortunately President Clinton vetoed. He vetoed it for whatever reason. I think in the campaign he continued to refer to the strategic defense initiative, star wars. But for whatever reason, he leaves us defenseless against incoming intercontinental ballistic missiles, missiles that could have a nuclear warhead, missiles that could have a chemical warhead or a biological warhead. Right now we do not have defense capabilities.

Regrettably, the vote today was almost straight party line. We had all Republicans vote in favor of taking up this legislation. One Republican Senator was necessarily absent. We had one Democrat, Senator HEFLIN, that voted for it. I compliment Senator HEFLIN. I hate to see him leave the Senate. He has been one of the Senators I think that shows courage on occasion and says, "I'm going to do what is right for this country." The Senator from Alabama, I compliment him for his vote.

What was right for this country was voting for the Defend America Act. We do need to develop capabilities to be able to destroy incoming missiles that we do not have today. President Clinton does not agree with that. And I am going to go through a statement that talks about what the Defend America Act does, and what it does not do, and why it is needed.

The Defend America Act of 1996 states clearly and simply the United States should be defended against limited, unauthorized or accidental ballistic missile attacks and calls for the deployment of a national defense system to protect America.

This bill does not violate any treaty. It only urges the administration to negotiate with Russia changes to the 1972 Anti-Ballistic Missile Treaty to allow for the deployment of an effective missile defense system.

If an agreement is not reached within 1 year after the bill is enacted, the President and Congress are to consider withdrawing from the treaty, as provided under article 15 of the treaty.

Why is the legislation needed? Currently the United States is undefended. We are defenseless against ballistic missile attack. Most people are surprised and even shocked to hear this. They are of the mistaken belief that the United States can defend itself against incoming ballistic missiles. They are wrong.

While the United States remains defenseless, Russia long ago recognized the value of missile defenses and deployed its own missile defense system around Moscow.

In the ultimate irony, the United States is now assisting Israel in acquiring its own missile defense system to protect Israeli citizens. I wish the Clinton administration could explain why it will help Israel defend its citizens against missile attack but refuse to protect Americans against missiles. That does not make sense. Maybe it makes good politics, but it does not make good policy.

Mr. President, the threats are real, and they are growing. It is clear that ballistic missile threats to the United States are growing from a couple of sources, unauthorized or accidental ballistic missile attacks from Russia and China and also from small dictatorships now fielding missile forces.

We may no longer think in terms of having to defend ourselves against a massive Soviet missile attack. Yet political instability and political uncertainty in Russia and China emphasize the need to guard against a possible unauthorized or accidental missile launch.

China has proven willing to threaten the use of ballistic missiles for political and military blackmail, as shown during the Taiwan Strait crisis in March of this year. One month before Chinese military exercises and its launching ballistic missiles into the Taiwan Strait, a Chinese official warned Charles Freeman, Deputy Chief of Mission at the U.S. Embassy in Beijing, that "the United States would not intervene on Taiwan's behalf, because Americans would not be willing to sacrifice Los Angeles on Taiwan's behalf," as reported in the Los Angeles Times on January 27, 1996, page 5.

Recently, lower level Chinese officials made a not-so-veiled threat to American officials. Winston Lord, Assistant Secretary of State for East Asia and the Pacific, quoted these Chinese officials as saying the United States "wouldn't dare defend Taiwan because they'd [China] rain nuclear bombs on Los Angeles," as reported in the Boston Globe, March 18 of this year.

Other ballistic missile threats exist or are also on the horizon. More than 25 countries currently possess, or are seeking to acquire, weapons of mass destruction—namely, nuclear, chemical, and biological weapons. Many countries that already have shorter range ballistic missiles are seeking to acquire more sophisticated, long-range ballistic missiles. Rather than defend Americans, the Clinton administration is rationalizing its inaction by hiding behind questionable intelligence estimates.

While recent intelligence estimates say that a new ballistic missile threat to the United States will not appear for the next 15 years, this analysis is flawed for several reasons. First, it focuses only on indigenous development and assumes that international trade does not exist. The Secretary of Defense, William Perry, recently admitted the intelligence community's estimate "could be foreshortened if any of those nations were able . . . to get direct assistance from countries that already have [such systems], either sending them missiles, selling them missiles, or giving them important component or technology assistance." That was in his statement before the Senate Armed Services Committee on March 3 of this year.

In fact, Secretary Perry recently acknowledged that, "We do have information that China was seeking SS–18 technology from Russia." That was May 22 of this year. The SS–18 is a massive, 10-warhead ICBM. By integrating SS–18 technology into its current ICBM arsenal, China would greatly enhance the range and sophistication of its nuclear weapons capability. We should remember that China has sold ballistic missiles to other countries and has exported missile technology to Iraq, Iran, and Pakistan.

Second, the estimate that no new threat to the United States will appear within 15 years focuses only on the continental United States. What about Alaska? What about Hawaii? The Clinton administration apparently prefers not to include the cities in these States as part of our Nation, even though they could be vulnerable to a North Korean attack in just a few years. In 1995, the Acting Director of Central Intelligence, Adm. William Studeman, acknowledged that "if Pyongyang has foreshortened its development program [of the Taepo Dong I or Taepo Dong II], we could see these missiles earlier" than 3 to 5 years. That was before the Intelligence Committee on April 3, 1995.

Finally, intelligence estimates are often wrong. Several years before Japan attacked Pearl Harbor, Maj. George Fielding Elliot, author and military science writer, declared, "A Japanese attack on Pearl Harbor is a strategic impossibility," as quoted in September of 1938. This prediction is chillingly similar to the ones we are hearing from critics of the Defend America Act today.

Looking at the situation today, while recent 1995 national intelligence estimates state, "We [the intelligence community] are likely to detect any indigenous long-range missile program many years before development," it was the same community that failed to detect the breadth of Iraq's nuclear weapons program. Once international inspections were conducted after the Persian Gulf war, it was revealed that Iraq's nuclear program was far larger and more advanced than the United States intelligence community had predicted, and the inspections showed that Saddam Hussein was just months away from deploying a nuclear bomb, not years, as the intelligence community had estimated.

Just several months ago, CIA Director John Deutch admitted Iran, Iraq, North Korea, and Libya all had explored the possibility of buying fissile materials as a way of rapidly acquiring an arsenal of nuclear weapons. So far, according to Deutch, none has succeeded in these efforts. But the CIA Director further stated the United States and its allies "have been lucky so far."

That was in the Washington Post of March 21 of this year. Mr. President, I am not willing to depend on luck to keep Americans safe from ambitious leaders such as Iraq's Saddam Hussein and North Korea's Kim Jong-il, who are eagerly seeking to acquire more weapons of mass destruction.

The Clinton administration prefers to rely on cold war theories and an outdated 1971 treaty to protect America. The Republicans' Defend America Act provides a vision for the future where the United States and Russia negotiate changes to the moribund 1972 Anti-Ballistic Missile Treaty, commonly called the ABM Treaty, to allow for national defense against the emerging threats to both Russia and the United States from Third World countries. Just like the last guest lingering at a dinner party, the ABM Treaty has overstayed its welcome.

Let us be very clear. Nothing in the Defend America Act requires the United States to withdraw from or violates the ABM Treaty. The act merely reiterates that withdrawal from the treaty is a legal option under the provisions of the ABM Treaty itself and urges considering such withdrawal if negotiated changes are not forthcoming within 1 year. Some of the statements that were made earlier today, I think, frankly, are not the case, or maybe our colleagues have not read this legislation as closely as they should have.

The imperative for deploying a national defense system has never been more clear. Yet the Clinton administration refused to take immediate steps to defend America. Last year, we worked hard to include similar language in the 1996 DOD authorization bill, requiring the President to deploy by a certain date a missile defense system to protect our country. President Clinton vetoed this bill largely because of this provision. So we passed the defense authorization bill without it.

Now we try to pass it as an individual item. The Democrats unfortunately, with one exception, Senator HEFLIN from Alabama, said, "No, we do not want to consider it. We do not want to debate it." Mr. President, I think that is a sad day for our country. It bothers me when I think of the fact that we had Americans lose their lives in Saudi Arabia during the Persian Gulf war because a Scud missile came in and our only defense capability at that time was the Patriot antimissile defense. But the Patriot is a very limited defense and was only partially successful. It destroyed a couple of missiles that were fired toward Israel and fired toward Saudi Arabia, but destroyed them in their backyard, as the missile was coming in, in some cases just right before it reached its target. As I said, it was only partially successful.

That is not a defense capability against more sophisticated weapons. The Scuds that the Iraqis were firing at Americans, Saudi Arabians, and Israelis, those were old missiles, old technology, way behind the times, not sophisticated in any way, that we can only knock down. Our success rate was limited. People would be really shocked if they realized we do not have the capability to shoot down incoming missiles. We need it. We have the technology to develop it. It can be done a lot more economically than the Congressional Budget Office said. It came up with an estimate that said over the next 14 years it might cost $31 to $61 billion.

In our bill we said "affordable." Frankly, if it costs $31 billion and you do that over 14 years, that is a couple of billion a year. I think that is a good investment. I think it would be done a lot more economically than that. Should we not make an investment? Is that not really what the Federal Government is all about, protecting our freedom, protecting our country, protecting our people? When we find out we are defenseless against intercontinental ballistic missiles, we do not have the capability to shoot them down, do we not owe it to our country to invest in a system to destroy these missiles before they get in our backyard? If you have a weapon such as a nuclear warhead, it does not do any good to destroy it over your city, before it reaches the target. Then it is too late. It would maximize damage. If it is biological, the same is true, as well as with a chemical weapon. You do not gain anything destroying it just before it hits the target. You need to destroy it well before it gets into your backyard.

We would like to have the opportunity to utilize the technology advances that we have in this country to be able to defend our country. Unfortunately, the Clinton administration and Democrats in the Senate, with one exception, have said "No, we are not going to do it. We want to worship at the altar of a treaty from 1972 that says we are not going to defend ourselves." Now, the 1972 treaty does allow you to have at least 100 interceptors, and it also says you can renegotiate. That is really what we are saying we would do. We do not abrogate, we do not violate the ABM Treaty under the Defend America Act. I am bothered by the fact that our colleagues would play politics with an issue so important as defending American citizens.

I am bothered by the fact that this administration finds it politically acceptable to develop anti-missile systems for Israel, but not the United States. That bothers me. It bothers me when I read statements by high-level officials in China talking about the possibility of destroying Los Angeles, and we do not have the capability to avoid that should they be irrational enough to ever try to carry out such a threat. It bothers me when I see 25 nations around the world, many of which are not real friends of the United States, seeking earnestly to develop intercontinental ballistic missile technology with a variety of warheads that could threaten not only the United States, but our allies, and we do not do anything to give us defense capabilities.

That is what Senator DOLE was trying to do with the Defend America Act today. That is what Senator WALLOP, who was one of the real leaders in trying to develop strategic defense initiative for years, was trying to do. We have a significant investment that this country has made, and now we have an administration that says: We do not think there will be a threat for 15 years, so let us not do anything. Or let us develop missile systems, and we will pay for three-fourths of it in Israel because, politically, that is popular.

Why is it not popular in the United States if we want to help Israel defend itself? I was in Israel prior to the Persian Gulf war, and I urged the administration to get Patriot missiles over there to shoot down the Scuds. It partially worked. But the Patriot is certainly not good enough for an ICBM. We can develop systems to shoot down in-coming missiles before they get in our back yards. We should do it. If it is an investment of a couple of billion dollars, or $4 billion, or $31 billion over the next 14 years, that is a good investment for protecting the American people, our interests and our cities. We should do it.

Yet, unfortunately, our colleagues on the Democrat side of the aisle say, no, they are going to protect President Clinton and play politics. President Clinton does not want it, so we are not going to do it. I think that is a serious, serious mistake. We should not play politics with the security of the American people and American interests. I am afraid that is what happened today. I regret that decision.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HEFLIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GORTON). Without objection, it is so ordered.

THE BALANCED BUDGET AMENDMENT

Mr. HEFLIN. Mr. President, once again I rise in support of the pending proposal to amend the U.S. Constitution to require a balanced Federal budget. The reason is quite simple. After all of the turmoil of this past year, after all of the posturing and the pandering and the promises and the Government shutdowns, Congress and the President have not come to an agreement to balance the Federal budget. Short of a constitutional requirement, I have serious doubts that the Congress and the President will do so.

Admittedly, there is some political Presidential posturing going on with this impending vote. The majority leader, who is his party's presumptive Presidential nominee, is calling up this vote knowing full well that he does not have the necessary two-thirds majority. On the other hand, the President is proudly stating to the public that his efforts in his deficit reduction plan have resulted in reducing the annual deficit from when he took office from $294 billion to nearly $130 billion this year. He has invited the majority leader to the White House for further negotiations on balancing the budget.

When the majority leader leaves, I hope that the new majority leader will be extended an invitation to go to the White House and to go through negotiations and settle the differences.

In actual dollars and cents, I believe that over the 7-year period there is something in the neighborhood of $12 trillion involved in the budget process, and the difference between the White House's and the Republican Party's position is only $100 billion. That is less than 0.8 of 1 percent. And that difference we ought to be able to resolve, get together and work out.

However, this is a political year. We must recognize that. The Senate has just completed action on a $1.6 trillion budget resolution proposed by the majority party which seeks to balance the budget by 2002 with a combination of tax and spending cuts. I supported a proposal submitted by the President which also called for a balanced budget and would achieve a balanced budget, but contained fewer tax cuts and less cutting of the Medicare Program. However, this proposal was not adopted.

The Senate and the House must settle their differences in regard to the budget figures, and then the Appropriations Committees must act, and a reconciliation bill must be passed. All of this must be signed by the President. It is going to be a long, hot summer here in Washington while the rest of the country simmers at our inaction.

The budget process is not easy, as we have learned from last year. It does not guarantee that the President and the Congress will enact a balanced Federal budget. We have seen this, gone through Gramm-Rudman-Hollings and other proposals which tried to achieve a balanced budget. But all of these have come up wanting. That is one of the reasons why I feel that we need the discipline which a constitutional amendment will provide.

I believe that most of my colleagues are well intentioned and want to enact balanced budgets for the benefit of generations of Americans yet to be born. Unfortunately, I have seen in my Senate career—some 18 years that I have been here—that we can often find an easy excuse for not fulfilling our commitment to deliver a balanced budget each year.

There is a way out of the thicket right now in regard to the adoption of the constitutional amendment requiring a balanced budget. A handful of Senators, I think as many as eight, have indicated they would vote for the constitutional amendment if a compromise can be reached with regard to the Social Security issue.

This compromise would not allow Social Security trust fund revenues to be used when calculating whether the budget is balanced. Admittedly, this will make balancing the Federal budget more difficult because the Social Security trust fund surpluses will no longer be used to mask the true size of the deficit.

A constitutional amendment will remove all doubt, regardless of whether we reach any compromise pertaining to Social Security trust funds or not. A constitutional amendment will remove all doubt, and the Federal Government will have to balance its budget. The process will still be difficult, but it will be necessary to achieve the final goal as required by this proposed amendment to the Constitution.

Amending the Constitution, in my judgment, is a last-resort method which should be utilized sparingly and only when the national interest so demands. I am often asked to cosponsor worthy proposals to amend the Constitution, but I rarely do so under the test that I have just mentioned.

The balanced budget amendment meets that test. The national interest demands that we act to allow the States the opportunity to ratify the proposed amendment. They may not do so. And if that is the case, then the will of the American people will have been spoken. Therein is the genius of our Nation's organic document. Ultimately, the sovereign power of the Government rests with the people.

These will perhaps be my last comments—or perhaps not my last comments on this, but among my last words on this great issue. Further, the first bill I introduced when I came to Congress was a bill calling for a constitutional amendment requiring a balanced budget. I truly believe that on behalf of the generations of Americans yet unborn, this proposed amendment is necessary to prevent them from inheriting an even greater debt than they now most certainly will incur.

Politics aside, now is the time to act, once and for all.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATO ENLARGEMENT FACILITATION ACT

Mr. DOLE. Mr. President, earlier today I think Senator BROWN of Colorado in my behalf and in behalf of others introduced the NATO Enlargement Facilitation Act.

I am certainly pleased to be joined by the distinguished Senator from Colorado, Senator BROWN—who has been a real leader on this issue—the distinguished chairman of the Foreign Relations Committee, and a number of other colleagues. This legislation is intended to expedite the transition to full NATO membership of emerging democracies in Central and Eastern Europe. This bill builds on earlier bipartisan legislation, such as the NATO Participation Act of 1994, which reflects the strong bipartisan support for the policy of enlarging the NATO alliance. NATO has expanded its membership on three occasions, each time enhancing security and stability in Europe. Bringing eligible Central and Eastern European nations into NATO will serve that same critical purpose. For nearly 4 years, the new democracies of Central and Eastern Europe have sought to protect their freedom and independence by becoming members—full members—of Western institutions, especially NATO. They have repeatedly petitioned for membership. Moreover, they have seized every opportunity for such association, proving their flexibility and seriousness. They have become partners for peace, but they desire to become real members of a real alliance. The need for a more inclusive, more effective atlantic alliance that would respond to present security needs has been clear at least since violent aggression began in the former Yugoslavia—where the world witnessed the ineffective response of the United Nations, the European Community, the Western European Union, NATO, and the United States.

Since that time, it became clear that the elaborate architecture of European security developed during the cold war era was, and is, not up to the challenges of the post-cold-war world.

Meanwhile, the window of opportunity for consolidation of new freedoms, independence, and security is closing. Forging new relationships and new institutions is increasingly difficult and controversial. In my view, further delays will undermine the governments and confidence of people recently freed from the expansionist ambitions of aggressive neighbors. Yet, the Clinton administration has acted as if time were not a factor—as if there were no threats to the independence of the newly self-governing democracies.

Secretary Christopher in a recent speech stated that the administration's policy was "slow, but deliberate." I believe the administration's policy is deliberately slow. The Clinton administration has consistently avoided concrete steps toward NATO enlargement—studying and discussing, but not acting. Mr. President, this legislation is designed to facilitate NATO enlargement by providing targeted security assistance for those countries most likely to become eligible to join NATO. The NATO Enlargement Facilitation Act creates a $60 million assistance program composed of Foreign Military Financing [FMF] loan and grant programs and the International Military Education and Training [IMET] program. This legislation declares Poland, Hungary, and the Czech Republic eligible for this assistance and authorizes the President to designate others as they meet the criteria in current law.

This legislation, however, does not name countries to be NATO members. That is a decision for the alliance to take. This legislation seeks to make up for time lost due to a lack of U.S. leadership. It is also important to note that this bill is a beginning, not an endpoint. Poland, the Czech Republic, and Hungary will likely be the first countries in Central and Eastern Europe to join NATO— not the last. Finally, this legislation should not be interpreted as a lessening of U.S. interests in close ties with other countries in the region. The freedom and security of all of Europe's new democracies are a big concern to us.

I believe that the United States and NATO must act decisively—before the window of opportunity closes. When the Bush administration was confronted with the challenge of German reunification, Western leaders swiftly reached agreement on policy and acted resolutely to achieve it.

As with German reunification, the act of including Central and Eastern European democracies in NATO is not and cannot reasonably be seen as an affront—much less a threat—to any other country, least of all Russia. All actual and potential members of the NATO alliance share an interest in a peaceable, democratic Russia. Furthermore, the United States has a distinct national interest in a firm security relationship with Russia. Any United States Government should, and we expect, will work cooperatively with a democratic Russia for the consolidation of security in Europe—but not by denying NATO membership to Europe's new democracies.

Mr. President, NATO enlargement has enjoyed bipartisan support since the end of the cold war. I hope that all of my colleagues will support this legislation in that same bipartisan spirit.

Let me say that we also, of course, addressed in our press conference earlier today, when we were honored to have former President Lech Welesa of Poland with us, that no countries are named. It is very likely that the first three countries invited will be Poland, Hungary and the Czech Republic. Though we have not forgotten the Baltic States of Estonia, Latvia, Lithuania and other Central and Eastern European countries when they have complied and when they have been selected by NATO.

So my view is that we have had the good beginning. The former President of Poland was very impressed, and he feels that we may now be on the way to achieving something that has been eluding these freedom loving people for a number of years.

TRIBUTE TO HOWELL HEFLIN

Mr. DOLE. Mr. President, it has been my practice as Senator Republican leader to pay tribute to colleagues who are retiring from the Senate.

Usually, these remarks are delivered shortly before the Senate adjourns for the year.

However, my announcement of 2 weeks ago that I will also be leaving the Senate has moved up my time schedule.

In the coming days, then, I will be devoting some of my leader time to share a few memories of those of our colleagues who will not return to this Chamber when the 105th Congress convenes next January.

Let me start with a friend of all of us, Senator HOWELL HEFLIN of Alabama.

For 18 years, HOWELL HEFLIN has represented Alabama with distinction here in the U.S. Senate. But to many here in this Chamber, and to countless Alabamans, it is not "Senator" HEFLIN, it is "judge" HEFLIN.

Prior to his arrival in the Senate, judge HEFLIN served for 6 years as chief justice of the Alabama Supreme Court, earning a reputation for fairness and common sense. It's a reputation that has continued through his service here in the Senate.

As a member of the Judiciary Committee, Senator HEFLIN has become known, in the words of the almanac of American politics, as "a careful lawyer who picks at the rules of law with the delicate touch of a watch repairman."

It took someone with that touch to successful revise America's bankruptcy laws, as Senator HEFLIN did in 1994.

Alabama, like Kansas, is a State with a strong agriculture heritage, and I have enjoyed serving with Senator Heflin on the Agriculture Committee, and learning a great deal from him about issues ranging from peanuts to the boll weevil.

But as I reflect back on our 18-year friendship, the one incident that remains most clearly in my mind was Senator HEFLIN's vote authorizing President Bush to use force to remove Saddam Hussein from Kuwait. Senator HEFLIN was 1 of 11 Senate Democrats who has the courage to break with their leadership and stand with the President. History will always reflect that this was the right decision and that had the 52 to 47 vote gone differently, it would have been a tremendous blow to America's prestige.

Elizabeth and I are proud to call HOWELL and "MIKE" HEFLIN our friends, and we wish them many more years of health and happiness as they return to the state they love so much and have served so well.

TRIBUTE TO CLAIBORNE PELL

Mr. DOLE. Mr. President, "I am less dynamic than many," Senator CLAIBORNE PELL once said in his typical quiet manner, "But I have my own course, which I set and try to follow."

For six terms, CLAIBORNE PELL has followed that course in representing America's smallest State in terms of geography with a commitment and dedication that is anything but small.

Foreign policy and the environment are just two of the many issues on which the contributions of Senator PELL will be long remembered.

But, as countless college students over a quarter century can tell you, the one cause which will be forever linked with the gentleman from Rhode Island is education.

His basic education opportunity grant—justifiably renamed the Pell grant in 1980—has provided many financially challenged young Americans with the resources necessary to receive a college degree.

The great educator Henry Adams once said, "a teacher affects eternity. He can never tell where his influence stops." Senator PELL will leave this Chamber with the knowledge that he will never be able to tell where his influence stops—because it would be impossible to know or quantify the difference that Pell grants made in the life of countless Americans.

I am proud to be called a conservative Republican and Senator PELL is proud to be known as a liberal Democrat. Despite the fact we were on the opposite side of many issues, however, I never doubted the fact that Senator PELL'S word was his bond, and I knew that, no matter what, I could always count on Senator PELL'S friendship.

I look forward to counting on that friendship for many years to come.

HANK BROWN

Mr. DOLE. Mr. President, I have learned over the years that Kansans and Coloradans share more than a common border. We also share a deep belief in the values of hard work, honesty, and personal responsibility.

And, as westerners, we share a healthy skepticism of those who think they are better qualified to tell us how to run our affairs because they happen to work in the Nation's Capital.

For 6 years, the Colorado point-of-view has been represented in this Chamber with great energy and eloquence by HANK BROWN.

Senator BROWN hit the ground running when he arrived in the Senate, and he has not stopped since, making a difference on nearly every major issue we have debated.

HANK BROWN understands the dangers of deficit spending, and the benefits that would come with a balanced budget. And, as a member of the Senate Budget Committee, he worked closely with Senator DOMENICI in writing the historic Republican plan to balance the budget.

Senator BROWN also has exhibited tremendous political courage in his willingness to speak forthrightly about the absolute necessity to reform entitlement programs if our children are to live in financially solvent Nation.

From a personal point of view, I am grateful that Senator BROWN has provided me with the same candor with which he has addressed the issues of our day. I always knew that when I asked HANK a question, I would receive in return the plainspoken truth.

From the skies above Vietnam to the floor of Congress, HANK BROWN has devoted his life to forthrightly serving his country. Though he is leaving the Senate after just one term, I have no doubt that he will keep on doing precisely that.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting one nomination which was referred to the Committee on Foreign Relations.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT CONCERNING THE NATIONAL EMERGENCY WITH RESPECT TO THE LAPSE OF THE EXPORT ADMINISTRATION ACT OF 1979—MESSAGE FROM THE PRESIDENT—PM 151

The Presiding Officer laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

As required by section 204 of the International Emergency Economic Powers Act (50 U.S.C. 1703(c)) and section 401(c) of the National Emergencies Act (50 U.S.C. 1641(c)), I transmit herewith a 6-month periodic report on the national emergency declared by Executive Order No. 12924 of August 19, 1994, to deal with the threat to the national security, foreign policy, and economy of the United States caused by the lapse of the Export Administration Act of 1979.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *June 4, 1996*.

PRESIDENT'S PERIODIC REPORT ON THE NATIONAL EMERGENCY CAUSED BY THE LAPSE OF THE EXPORT ADMINISTRATION ACT OF 1979

1. On August 19, 1994, in Executive Order No. 12924, I declared a national emergency under the International Emergency Economic Powers Act (IEEPA) (50 U.S.C. 1701 *et seq.*) to deal with the threat to the national security, foreign policy, and economy of the United States caused by the lapse of the Export Administration Act of 1979, as amended (50 U.S.C. App. 2401 *et seq.*) and the system of controls maintained under that Act. In that order, I continued in effect, to the extent permitted by law, the provisions of the Export Administration Act of 1979 (EAA), as amended, the Export Administration Regulations (15 CFR 768 *et seq.*), and the delegations of authority set forth in Executive Order No. 12002 of July 7, 1977 (as amended by Executive Order No. 12755 of March 12, 1991), Executive Order No. 12214 of May 2, 1980, Executive Order No. 12735 of November 16, 1990 (subsequently revoked by Executive Order No. 12938 of November 14, 1994), and Executive Order No. 12851 of June 11, 1993. As required by the National Emergencies Act (50 U.S.C. 1622(d)), I issued a notice on August 15, 1995, continuing the emergency declared in Executive Order No. 12924.

2. I issued Executive Order No. 12924 pursuant to the authority vested in me as President by the Constitution and laws of the United States, including, but not limited to, the IEEPA. At that time, I also submitted a report to the Congress pursuant to section 204(b) of IEEPA (50 U.S.C. 1703(b)). Section 204 of IEEPA requires follow-up reports, with respect to actions or changes, to be submitted every 6 months. Additionally, section 401(c) of the National Emergencies Act (50 U.S.C. 1641(c)) requires that the President, within 90 days after the end of each 6-month period following a declaration of a national emergency, report to the Congress on the total expenditures directly attributable to that declaration. To comply with these requirements, I have submitted combined activities and expenditures reports for the 6-month periods from August 19, 1994, to February 19, 1995, and from February 19, 1995, to August 19, 1995. The following report covers the 6-month period from August 19, 1995, to February 19, 1996.

3. Since the issuance of Executive Order No. 12924, the Department of Commerce has continued to administer and enforce the system of export controls, including antiboycott provisions, contained in the Export Administration Regulations (EAR). In administering these controls, the Department has acted under a policy of conforming actions under Executive Order No. 12924 to those required under the Export Administration Act, insofar as appropriate.

4. Since my last report to the Congress, there have been several significant developments in the area of export controls:

A. MULTILATERAL DEVELOPMENTS

Wassenaar Arrangement for Export Controls for Conventional Arms and Dual-Use Goods and Technologies. The Bureau of Export Administration (BXA) of the Department of Commerce participated in several rounds of negotiations to establish a successor regime to COCOM. On December 19, 1995, 28 countries (former COCOM partners, cooperating countries, Russia, and the Visegrad states) agreed to establish a new regime, called the Wassenaar Arrangement, to control conventional arms and munitions and related dual-use equipment. The Wassenaar Arrangement will be headquartered in Austria. The first plenary meeting of the new regime was held in Vienna in April 1996.

Australia Group. The Australia Group (AG) is an informal multilateral body formed in 1984 to address concerns about proliferation of chemical and biological warfare capabilities. Currently, 29 governments, representing supplier or producer countries, are members. The AG operates by consensus.

At the October 1995 plenary meeting, the Biological Weapons Experts conducted a technical review of the AG biological control list, which has been in force for 3 years. There was agreement on tightening the controls on certain microorganisms and equipment (e.g., fermenters) that can be used in the production of biological weapons. Regulations are being drafted to reflect these changes in biological weapons export controls.

The AG also agreed at the October 1995 plenary to tighten controls on license-free sample shipments. Accordingly, BXA will monitor its recently revised sample shipments rule to determine if it should be modified.

The United States shared its experiences at the October 1995 meeting in implementing its chemical mixtures regulations, and is seeking a comprehensive understanding of how other members implement the AG mixture controls.

Members agreed to U.S. proposals at the October 1995 meeting for intensified information exchange and other measures to better address chemical and biological warfare terrorism.

Nuclear Suppliers Group. The Nuclear Suppliers Group (NSG), currently composed of 32 member countries, maintains a control list of nuclear related dual-use items and guidelines for their control.

NSG member countries have recently completed a technical review of the dual-use control list and are presently engaged in restructuring the present control language to better reflect nuclear proliferation concerns as well as to allow the more effective implementation of export controls for these items.

The Department of Commerce continues to issue license denials for NSG-controlled items as part of the "no-undercut" provision. Under this provision, a denial notification received from an NSG member country precludes other member countries from approving similar transactions, thereby assuring that the earlier denial is not "undercut." There are procedures for member countries to consult on specific denials if they wish to disagree with the original denial.

Missile Technology Control Regime. The Missile Technology Control Regime (MTCR), founded in 1987 and currently comprising 28 member countries, is an informal group whose members coordinate their national export controls to help prevent missile proliferation. Each member country, under its own national laws, has agreed to abide by multilateral MTCR Guidelines for controlling the transfer of items that contribute to missile programs. These items are identified in an MTCR Equipment and Technology Annex to the Guidelines.

The Department continues to implement the Enhanced Proliferation Control Initiative (EPCI), which is a "catch-all" control on items that are not on the MTCR Annex, but could be used directly in projects of missile proliferation concern. As a result of U.S. leadership, similar controls have now been adopted by over half of the MTCR members.

As a consequence of bilateral missile nonproliferation agreements with Russia and South Africa, those two countries have conformed their national export controls to MTCR standards and were formally admitted to membership in the MTCR in October 1995.

The United States also supported Brazil's candidacy for membership in the MTCR, and Brazil was accepted unanimously in October 1995.

B. BILATERAL COOPERATION/TECHNICAL ASSISTANCE

As part of the Administration's continuing effort to encourage other countries to strengthen their export control systems, the Department of Commerce and other agencies conducted a wide range of discussions with a number of foreign countries.

Russian Exchanges. In October 1995, BXA hosted a large delegation of senior Russian industry executives and government export control officials. They met in Boston and in Washington, D.C., to discuss industry-government cooperation on export controls. The purpose of this program was to bring together U.S. and Russian business executives and government officials to discuss such issues as the administration of export controls, legal reform, licensing, industry compliance, and enforcement.

In December 1995, BXA participated in an interagency delegation to a briefing hosted by the Russian government on the operation of Russia's export control system. Russian ministries, organizations, and enterprises gave presentations.

Central Asian/Caucasus Export Control Forum. In November 1995, BXA participated in an interagency delegation as co-hosts with Turkey in an export control forum for seven Central Asian and Caucasus states (Armenia, Azerbaijan, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekristan). Presentations were given on legal, legislative, and non proliferation issues, including licensing, enforcement, and industry-government relations.

Nonproliferation and Export Control Cooperation. In late 1994, BXA created the Nonproliferation and Export Control Cooperation (NEC) team to marshal BXA's resources and expertise to support U.S. export control cooperation programs in the former Soviet Union, other newly emerging states in the Central Asian, Transcaucasian, and Baltic regions, and certain central European states. From August to December 1995, the NEC team, with representatives from the Departments of State, Defense, and Energy, and the U.S. Customs Service, coordinated 14 cooperative exchanges with Belarus, Kazakhstan, Ukraine, Lithuania, Bulgaria, Romania, and Poland. These cooperative exchanges focused on the legal bases for export control systems, regulatory procedures, licensing processes, preventive enforcement mechanisms, industry-government relations, and systems automation.

C. REGULATORY ACTIONS: PUBLISHED AND PENDING REGULATORY REFORM

For almost three decades, the EAR have been amended frequently to respond to various national security, nonproliferation, and foreign policy crises. Until recently, the EAR had never been subjected to a systematic and comprehensive review for the purpose of coordinating and restructuring these many amendments to create a set of regulations that is internally consistent and easier to use. Last May, BXA published a proposed rule that included a comprehensive revision and reorganization of the EAR that will, in accordance with the goal set by the Trade Promotion Coordinating Committee, "make the regulations more user-friendly." The BXA has involved the exporting community in every step of the process, releasing early drafts as "discussion packages," conducting "town hall"—style-fora in 13 States, and redrafting to incorporate the many industry comments and suggestions received once the proposed rule was published. In November 1995, BXA circulated a draft interim rule for interagency review. The BXA delivered the interim rule to the *Federal Register* in February for publication in March.

General License Eligibility Extended to Semiconductor Manufacturing Equipment. BXA published a final rule on February 14 to expand general license eligibility to most destinations to include certain semiconductor manufacturing equipment: ion implanters, etching systems, chemical vapor deposition equipment, certain "cluster tools," masks, reticles, and test systems.

High-Performance Computers. On January 25, BXA published a rule that implements the President's October 6, 1995, announcement of a major reform of computer export controls. The rule liberalizes export controls on all computers, and establishes four tiers of countries and a new policy for each tier. This new rule will provide significant benefit to the international competitiveness of the U.S. computer industry. This rule was effective January 22.

Nuclear Controls. On February 1, BXA published an interim rule to amend a number of Export Control Classification Numbers (ECCNs) in order to make the U.S. Nuclear Referral List conform more closely with the items contained in the multi-lateral NSG Annex published by the International Atomic Energy Agency and adhered to by the United States and other subscribing governments in the NSG. In addition, this rule removed Poland from general license General Nuclear Suppliers Group (GNSG) restrictions, and added Argentina, New Zealand, South Africa, and South Korea to the countries that are eligible to receive exports under general license GNSG.

Expansion of Foreign Policy Controls for Sudan. In December, BXA circulated for interagency review a draft rule that will establish foreign policy controls on exports to Sudan. New controls are being published with the comprehensive revision and reorganization of the Export Administration Act. These controls are consistent with the Secretary of State's determination that the Government of Sudan has repeatedly provided support for acts of international terrorism.

Expansion of General Licenses GLX and GTDR. On December 20, 1995, BXA published a final rule that expands general license for exports for civil end-users in countries of the former Soviet Union, Romania, and the People's Republic of China (GLX) eligibility to include: microprocessors with a composite theoretical performance not exceeding 500 million theoretical operations per second, memory integrated circuits, certain digital integrated circuits, field programmable gate arrays and logic arrays, portable (personal) or mobile radiotelephones not capable of end-to-end encryption, and software to protect against computer viruses. In addition, revisions were made to expand eligibility for general license for technical data (GTDR) with written assurance to include certain virus protection software.

Specially Designed Implements of Torture. On November 28, 1995, BXA published a final rule that expanded foreign policy controls on specially designed implements of torture. Previously, such implements were controlled as "crime control and detection" commodities in the same category as handcuffs, police helmets, and shields. As such, they did not require a validated license for export to member countries of the North Atlantic Treaty Organization (NATO), Australia, Japan, or New Zealand. This new rule created a control list entry requiring a validated license for export of specially designed implements of torture to all destinations, including Canada. Applications for such exports will continue to be subject to a general policy of denial.

Chemical Mixtures. On October 19, 1995, BXA published a final rule that implements the agreement reached by the AG in December 1994 on certain technical revisions in the AG's harmonized controls on chemical weapons precursors. The rule refines and clarifies the scope of controls on exports of sample shipments and mixtures containing controlled precursor and intermediate chemicals. The rule also revised the list of countries eligible to receive AG benefits under U.S. regulations by adding Poland, the Slovak Republic, and Romania.

D. STRATEGIC INDUSTRIES/ECONOMIC SECURITY

In late 1994, the National Security Advisor directed that an interagency study be prepared to assess the current and future international market for software products containing encryption (PRD/NSC–48). The directive was in response to industry claims that U.S. export controls on certain powerful encryption technologies were providing no benefit to national security, and were hampering the software industry's ability to compete in the global marketplace. On January 11, the Department of Commerce announced the public release of the study, jointly prepared by BXA and the National Security Agency. The study provides an in-depth evaluation of the international market, reviews the availability of foreign encryption software, and assesses the impact that U.S. export controls for encryption have had on the competitiveness of the software industry. The study found that the U.S. software industry still dominates world markets, but the existence of strong export controls, both in the United States and other major countries, is slowing the growth of the international market.

E. EXPORT ENFORCEMENT

Over the last 6 months, the Department of Commerce continued its vigorous enforcement of the EAR through educational outreach, license application screening, spot checks, investigations, and enforcement actions. In the last 6 months, these efforts resulted in civil penalties, denials of export privileges, criminal fines, and imprisonment. Total penalties imposed from August 10, 1995, through February 15, 1996, amounted to $3,226,750 in export control and antiboycott compliance cases, including criminal fines totaling $255,000; in addition, 14 parties were denied export privileges.

Two Companies and an Individual Penalized Total of $1.45 Million for Alleged Antiboycott Violations. On August 29, 1995, Assistant Secretary for Export Enforcement John Despres signed an order imposing civil penalties totaling $1,446,400 on Parbel of Florida, Inc., formerly known as Helena Rubenstein, Inc., and Cosmair, Inc., both subsidiaries of L'Oreal, S.A., the French cosmetic company, and on Bruce L. Mishkin, an employee of Cosmair, Inc., for 291 alleged violations of the antiboycott provisions of the EAA and EAR.

The Department of Commerce alleged that, in 1989, in response to a request from L'Oreal, S.A., Helena Rubinstein, Inc., and Bruce L. Mishkin each furnished or agreed to furnish 144 items of information about Helena Rubinstein, Inc.'s business relationships with or in Israel. The Department further alleged that Cosmair, Inc., did not prevent Mr. Mishkin from furnishing information about Helena Rubinstein, Inc.'s business relationships with or in Israel. The Department alleged that, in so doing, Cosmair, Inc., violated the EAR by permitting the doing of an act prohibited by the EAR.

The companies and Mishkin each agreed to pay the civil penalties in separate but related settlements, which combined, constitute one of the largest for the Office of Antiboycott Compliance (OAC). Under the terms of the Consent Agreements, Parbel paid $1,387,000, Mr. Mishkin paid $50,400, and Cosmair paid $9,000 to settle the allegations.

California Man Penalized for Alleged Export Control Violations Involving Shotguns to Namibia and South Africa. On November 28, 1995, Assistant Secretary for Export Enforcements John Despres imposed a 15-year denial of export privileges and a $60,000 civil penalty on James L. Stephens, president and co-owner of Weisser's Sporting Goods, National City, California, for the alleged illegal export of certain U.S.-origin shotguns to Namibia and South Africa.

The Department alleged that, between 1990 and 1992, Stephens conspired with overseas parties to export and, on two separate occasions, actually exported, U.S.-origin shotguns with barrel lengths 18 inches and over to Namibia and South Africa without applying for and obtaining from the Department the validated export licenses he knew or had reason to know were required under the EAA and EAR. In addition, the Department alleged that, in furtherance of the conspiracy, and in connection with each of these exports, Stephens made false or misleading representations of material fact to a U.S. agency in connection with the preparation, submission, or use of export control documents.

In a separate matter, Weisser's Sporting Goods plead guilty on November 20, 1995, in the Southern District of California, to one criminal count of violating U.S. export control laws in connection with the export of shotguns to South Africa. Sentencing for the criminal violation took place on January 16, 1996. Weisser's Sporting Goods was fined $30,000 and placed on 3 years' probation.

Illinois Company and its French Subsidiary Penalized $550,000 for Alleged Antiboycott Violations. On November 29, 1995, Assistant Secretary for Export Enforcement John Despres signed an order imposing civil penalties totaling $550,000 on Sundstrand Corporation ("Sundstrand") and its wholly owned subsidiary, Sundstrand International, S.A. Zone Industrielle de Dijon-Sud ("Sundstrand Dijon"), for alleged violations of the antiboycott provisions of the EAA and the EAR.

Sundstrand is a Rockford, Illinois-based manufacturer and exporter of aerospace and industrial equipment. Sundstrand Dijon is a repair and testing facility for Sundstrand equipment located in Dijon, France. While neither admitting nor denying the alleged violations, Sundstrand agreed to pay a $350,000 civil penalty to settle allegations that, on 175 occasions between October 1988 and June 1993, it failed to report to the Department its receipt of boycott-related requests from the United Arab Emirates (UAE). Sundstrand Dijon agreed to pay a $200,000 civil penalty to settle allegations that, on 100 occasions during the same period, it failed to report to the Department its receipt of boycott-related requests from UAE, Bahrain, and Yemen.

Swiss and U.S. Companies Denied Export Privileges and Corporate Officers Fined for Illegal Exports. On January 11, 1996, Assistant Secretary for Export Enforcement John Despres denied the export privileges of Lasarray Corporation of Irvine, California, and Lasarray, S.A., of Switzerland. The period of the denial is 2 years. Additionally, Ernst Uhlmann, a Swiss businessman who owned Lasarray, received a civil penalty of $50,000 (with $25,000 suspended); Eugene T. Fitzgibbons, the former president of Lasarray Corporation, received a civil penalty of $20,000 (with $10,000 suspended); and Edwin Barrowcliff, a former vice president of Lasarray Corporation, received a civil penalty of $20,000, all of which is suspended. The Department alleged that, between 1990 and 1991, Lasarray unlawfully exported base wafer integrated circuits to Switzerland without the required validated export license.

Civil Penalty of $400,000, Imposed on Illinois Company for Alleged Export Control Violations. On January 31, 1996, the Assistant Secretary for Export Enforcement John Despres signed an order imposing a $400,000 civil penalty on U.S. Robotics Access Corp. of Skokie, Illinois, for 123 alleged violations of the EAA and Regulations. The Department of Commerce alleged that, on 41 separate occasions between June 1990 and June 1992, U.S. Robotics exported U.S.-origin, high-speed computer modems from the United States to South Africa, Liechtenstein, Czechoslovakia, New Zealand, and Singapore, without obtaining from the Department the required validated licenses. In connection with each of these exports, the Department also alleged that the company falsely represented on air waybills and Shipper's Export Declarations that the modems qualified for export under general license when, in fact, a validated license was required. To settle the allegations, U.S. Robotics will pay $300,000 of the $400,000 penalty the Department imposed. Payment of the remaining $100,000 is suspended for 1 year and will be waived if, during the 1-year period of suspension, U.S. Robotics does not violate the Act, Regulations, or any conditions of the Department's order.

Civil and Criminal Penalties Imposed on Oregon Company. On February 12, 1996, Assistant Secretary for Export Enforcement John Despres imposed a civil penalty of $40,000 ($20,000 suspended for 1 year) on Patrick Lumber, of Portland, Oregon, for allegedly violating the embargo on exports to Libya. On the same day, Patrick Lumber was sentenced to pay a criminal fine of $225,000 by the United States District Court in Portland, Oregon, following the company's guilty plea to a two-count indictment charging it with violating the IEEPA. The United States charged that, in 1993, Patrick Lumber exported two shipments of yellow pine wood worth over $800,000 from the United States to Libya in violation of the IEEPA.

Under Secretary Affirms ALJ Decision and Order Imposing $10,000 Civil Penalty on Florida Freight Forwarder for Antiboycott Violations. On October 30, 1995, the Under Secretary for Export Administration affirmed the May 1, 1995, decision of the Administrative Law Judge (ALJ) that Stair Cargo Services, Inc., of Miami, Florida, a subsidiary of Intertrans Corporation of Dallas, Texas, committed two violations of the antiboycott provisions of the Act and Regulations. The ALJ found that, in 1988, a Stair Cargo branch office in Inglewood, California, complied with a boycott-related request from Kuwait to provide the name of a supplier of goods and services for clearance by Kuwaiti boycott authorities, thereby furnishing information about that firm's business relationships with persons known or believed to be blacklisted. The ALJ also found that Stair Cargo failed to report to the Department its receipt of the boycott-related request, as required by the Regulations. The ALJ imposed a civil penalty of $10,000 for these violations.

5. The expenses incurred by the Federal Government in the 6-month period from August 19, 1995, to February 19, 1996, that are directly attributable to the exercise of authorities conferred by the declaration of a national emergency with respect to export controls were largely centered in the Department of Commerce, Bureau of Export Administration. Expenditures by the Department of Commerce are anticipated to be $18 million, most of which represents program operating costs, wage and salary costs for Federal personnel, and overhead expenses.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–2763. A communication from the Acting Director of the Office of Thrift Supervision, Department of Treasury, transmitting, pursuant to law, the report entitled "Responsibilities under the Community Reinvestment Act"; to the Committee on Banking, Housing, and Urban Affairs.

EC–2764. A communication from the Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a final rule entitled "Amendment to the Bank Secrecy Act Regulations Relating to Recordkeeping for Funds Transfers and Transmittals of Funds by Financial Institutions" (RIN 1505-AA37), received on May 30, 1996; to the Committee on Banking, Housing, and Urban Affairs.

EC–2765. A communication from the Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a final rule concerning the basic framework establishing the rights, liabilities, and responsibilities of participants in electronic fund transfer systems, received on May 30, 1996; to the Committee on Banking, Housing, and Urban Affairs.

EC–2766. A communication from the Director of the Financial Crimes Enforcement Network, Department of the Treasury, transmitting, pursuant to law, the report of a final rule entitled "Amendment to the Bank Secrecy Act Regulations Relating to Orders for Transmittals of Funds by Financial Institutions" (RIN 1506-AA17), received on May 24, 1996; to the Committee on Banking, Housing, and Urban Affairs.

EC–2767. A communication from the Executive Assistant to the Director of Congressional Affairs, U.S. Secret Service, Department of the Treasury, transmitting, pursuant to law, the report of a final rule concerning the color illustrations of U.S. currency, received on May 31, 1996; to the Committee on Banking, Housing, and Urban Affairs.

EC–2768. A communication from the Secretary of Commerce, transmitting, a report concerning Ombudsman activities with the new independent states; to the Committee on Commerce, Science, and Transportation.

EC–2769. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a final rule concerning the Coast Guard establishing a temporary moving safety zone for the USS Kennedy (RIN 2115-AA97), received on May 13, 1996; to the Committee on Commerce, Science, and Transportation.

EC–2770. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a final rule concerning the Coast Guard establishing a temporary moving safety zone for the Fleet Week Parade of Ships (RIN 2115-AA97), received on May 13, 1996; to the Committee on Commerce, Science, and Transportation.

EC–2771. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a final rule concerning the Coast Guard establishing a temporary safety zone for a powerboat race located on Greenwood Lake, New Jersey (RIN 2115-AA97), received on May 13, 1996; to the Committee on Commerce, Science, and Transportation.

EC–2772. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a final rule concerning the Hazardous Materials Transportation Regulations (RIN 2137-AB60), received on May 13, 1996; to the Committee on Commerce, Science, and Transportation.

EC–2773. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives," (RIN2120-AA64) received on May 13, 1996; to the Committee on Commerce, Science, and Transportation.

EC–2774. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Exemption, Approval, Registration and Reporting Procedures; Miscellaneous Provisions," (RIN2137-AC63) received on May 13, 1996; to the Committee on Commerce, Science, and Transportation.

EC–2775. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Coast Guard Board for Correction of Military Records: Procedural Regulation," (RIN2105-AC31) received on May 13, 1996; to the Committee on Commerce, Science, and Transportation.

EC–2776. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of five rules concerning Standard Instructment Approach Procedures and Airworthiness Directives (RIN2120-AA65, 2120-AA64) received on May 23, 1996; to the Committee on Commerce, Science, and Transportation.

EC–2777. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of seven rules concerning Temporary Prohibition of Oxygen Generators as Cargo in Passenger Aircraft (RIN2137-AC89, 2115-AE84, 2115-AE46, 2137-AC81) received on May 23, 1996; to the Committee on Commerce, Science, and Transportation.

EC–2778. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of thirteen rules concerning Airworthiness Directives (RIN2120-AA64, 2120-AA66, 2120-ZZ01) received on May 30, 1996; to the Committee on Commerce, Science, and Transportation.

EC–2779. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of twelve rules concerning Airworthiness Directives (RIN2120-AA64, 2120-AA65, 2120-AA66) received on May 23, 1996; to the Committee on Commerce, Science, and Transportation.

EC 2780. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of the eleven rules concerning Periodic Inspection and Testing of Cylinders (RIN2137–AC59, 2137–AC74, 2137–AC76, 2127–AG31, 2127–AV70, 2115–, 2115–AA97, 2130–AB08, 2105–AC13, 2115–AE46, 2115–AF24) received on May 30, 1996; to the Committee on Commerce, Science,and Transportation.

EC 2781. A communication from the Associate Director for Strategic Planning, Minority Business Development Agency, Department of Commerce, transmitting, pursuant to law, the interim final rule entitled "Revision of the Cost-Share Requirement and Addition of Bonus Points for Community-Based Organizations Applying to Operate Minority Business Development Centers in Designated Locations," (RIN0640-XX02) received on May 31, 1996; to the Committee on Commerce, Science, and Transportation.

EC 2782. A communication from the Director for Executive Budgeting and Assistance Management, Department of Commerce, transmitting, pursuant to law, concerning grant and cooperative agreement cost principles, (RIN0605-AA10) received on May 22, 1996; to the Committee on Commerce, Science, and Transportation.

EC 2783. A communication from the Managing Director of the Federal Communications Commission, transmitting, pursuant to law, the rule to conform the maritime service rules to the provisions of the Telecommunications Act of 1996, received on May 21, 1996; to the Committee on Commerce, Science and Transportation.

EC 2784. A communication from the Acting Director of Procurement, Grants and Administrative Services, Office of Finance and Administration, Department of Commerce, transmitting, pursuant to law, the final rule concerning financial assistance for the Pribilof Environmental Restoration Program (RIN0648–ZA23), received on May 23, 1996; to the Committee on Commerce, Science and Transportation.

EC 2785. A communication from the Secretary of Transportation, transmitting, pursuant to law, the report of the National Transportation Safety Board's Recommendations for calendar year 1995; to the Committee on Commerce, Science and Transportation.

EC 2786. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, the rule entitled "Guides for the Metallic Watch Band Industry and Guides for the Jewelry Industry," received on May 22, 1996; to the Committee on Commerce, Science and Transportation.

EC 2787. A communication from the Director of the Office of Fisheries Conservation and Management, the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a final rule relative to inseason action for the ocean salmon fisheries off the coasts of Washington, Oregon, and California, received on May 23, 1996; to the Committee on Commerce, Science and Transportation.

EC–2788. A communication from the Program Management Officer of the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a final rule relative to existing regulations regarding dolphin safe tuna labeling (RIN 0648–AF08), received on May 29, 1996; to the Committee on Commerce, Science, and Transportation.

EC–2789. A communication from the Acting Director of Office of Fisheries Conservation and Management, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a final rule relative to bycatch rate standards for the second half of 1996 in the Bering Sea and Aleutian Islands and in the Gulf of Alaska, received on May 31, 1996; to the Committee on Commerce, Science, and Transportation.

EC–2790. A communication from the Acting Director of the Office of Fisheries Conservation and Management, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a final rule concerning the closure of directed fishing for Pacific cod by vessels using hook-and-line gear in the Bearing Sea and Aleutian Islands management area, received on May 23, 1996; to the Committee on Commerce, Science, and Transportation.

EC–2791. A communication from the Acting Director of the Office of Fisheries Conservation and Management. National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a final rule concerning the directed fishery for groundfish in the other nontrawl fishery in the Bering Sea and Aleutian Island management area, received on May 23, 1996; to the Committee on Commerce, Science, and Transportation.

EC–2792. A communication from the Acting Director of the Office of Fisheries Conservation and Management, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a final rule concerning a closure that prohibits retention of Pacific ocean perch in the Western Aleutian District of the Bering and Aleutian Islands management area, received on May 23, 1996; to the Committee on Commerce, Science, and Transportation.

EC–2793. A communication from the Acting Director of the Office of Fisheries Conservation and Management, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a final rule concerning correcting the definition for "fishing trip", received on May 23, 1996; to the Committee on Commerce, Science, and Transportation.

EC–2794. A communication from the Secretary of the Interior, transmitting, pursuant to law, the annual report on the Youth Conservation Corps for fiscal year 1995; to the Committee on Energy and Natural Resources.

EC–2795. A communication from the Secretary of Energy, transmitting, pursuant to law, the report of the Office of Alcohol Fuels; to the Committee on Energy and Natural Resources.

EC–2796. A communication from the Assistant Secretary of the Interior for Fish and Wildlife and Parks, transmitting, pursuant to law, the final rule concerning the Migratory Bird Hunting and Conservation Stamp, Contest, (RIN1018–AD71) received on May 16, 1996; to the Committee on Environment and Public Works.

EC–2797. A communication from the Deputy Under Secretary of Defense (Environmental Security), transmitting, pursuant to law, the report of the Defense Environmental Restoration Program for fiscal year 1995; to the Committee on Environment and Public Works.

EC–2798. A communication from the Secretary of Transportation, transmitting, a draft of proposed legislation entitled "The State Infrastructure Bank Improvement Act of 1996"; to the Committee on Environment and Public Works.

EC–2799. A communication from the Secretary of Transportation, transmitting, a draft of proposed legislation concerning the Federal-Aid Highway Program; to the Committee on Environment and Public Works.

EC–2800. A communication from the Director of the Office of Congressional Affairs, transmitting, pursuant to law, a rule entitled "The Freedom of Employees in the Nuclear Industry to Raise Safety Concerns Without Fear of Retaliation," received on May 13, 1996; to the Committee on Environment and Public Works.

EC–2801. A communication from the Director of the Office of Congressional Affairs, transmitting, pursuant to law, a rule entitled "Termination or Transfer of Licensed Activities: Recordkeeping Requirements," (RIN3150–AF17) received on May 13, 1996; to the Committee on Environment and Public Works.

EC–2802. A communication from the Director of the Office of Congressional Affairs, transmitting, pursuant to law, a rule entitled "Protecting the Identity of Allegers and Confidential Sources," received on May 22, 1996; to the Committee on Environment and Public Works.

EC–2803. A communication from the Director of the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the rule entitled "The Final Determination of Threatened for the California Red-Legged Frog," (RIN1018–AC34) received on May 20, 1996; to the Committee on Environment and Public Works.

EC–2804. A communication from the Director of the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the rule entitled "Endangered and Threatened Wildlife and Plants," (RIN1018–AC33) received on May 16, 1996; to the Committee on Environment and Public works.

EC–2805. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the rule entitled "Approval and Promulgation of Implementation Plans; Ohio," (FRL5439–4) received on May 13, 1996; to the Committee on Environment and Public Works.

EC–2806. A communication from the Director of the Office of Regulatory Management and Information, Environment Protection Agency, transmitting, pursuant to law, the report of seven rules concerning Allyl Issothicyanate as a Component of Food Grade Oil of Mustard, (FRL5505–2, 5467–6, 5500–56, 5505–7, 5504–8, 5465–2, 5366–4) received on May 13, 1996; to the Committee on Environment and Public Works.

EC–2807. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of four rules concerning Propylene Oxide, (FRL5444–6, 5506–6, 5375–8, 5507–3) received on May 15, 1996; to the Committee on Environment and Public Works.

EC–2808. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of three rules concerning Protection of Stratospheric Ozone, (FRL5507–5, 5467–1, 5504–4) received on May 16, 1996; to the Committee on Environment and Public Works.

EC–2809. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of ten rules concerning Pesticides, (FRL5508–5, 5506–3, 5505–4, 5449–2, 5372–2, 4996–1, 5359–1, 5359–4, 5508–3, 5508–2, 5508–4), received on May 21, 1996; to the Committee on Environment and Public Works.

EC–2810. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the rule concerning National Emission Standards For Hazardous Air Pollutants (FRL5509–1) received on May 21, 1996; to the Committee on Environment and Public Works.

EC–2811. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of two rules concerning Prosulfuron, (FRL5357–5, 5371–8) received on May 24, 1996; to the Committee on Environment and Public Works.

EC–2812. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of two rules concerning National Emission standards for Hazardous Air Pollutants, (FRL5513–1, 5512–6) received on May 24, 1996; to the Committee on Environment and Public Works.

EC–2813. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, the annual report of the Civil Service Retirement and Disability Fund for fiscal year 1995; to the Committee on Governmental Affairs.

EC–2814. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, a rule entitled "Allowances and Differentials," (RIN3206–AH17) received on May 28, 1996; to the Committee on Governmental Affairs.

EC–2815. A communication from the Chairman of the District of Columbia Financial Responsibility and Management Assistance Authority, transmitting, pursuant to law, the proposed budget for fiscal year 1997; to the Committee on Governmental Affairs.

EC–2816. A communication from the Chairman of the District of Columbia Financial Responsibility and Management Assistance Authority, transmitting, pursuant to law, the Mayor's District of Columbia fiscal year 1997 budget and multiyear plan; to the Committee on Governmental Affairs.

EC–2817. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–254 adopted by the Council on April 2, 1996; to the Committee on Governmental Affairs.

EC–2818. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–258 adopted by the Council on April 2, 1996; to the Committee on Governmental Affairs.

EC–2819. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–260 adopted by the Council on April 2, 1996; to the Committee on Governmental Affairs.

EC–2820. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–261 adopted by the Council on April 2, 1996; to the Committee on Governmental Affairs.

EC–2821. A communication from the District of Columbia Auditor, transmitting, pursuant to law, the report entitled "Compliance Review of the District of Columbia Insurance Administration for Fiscal Years 1994 and 1995"; to the Committee on Governmental Affairs.

EC–2822. A communication from the Chairman of the Farm Credit Administration, transmitting, pursuant to law, the report concerning the compliance with the Government in the Sunshine Act during calendar year 1995; to the Committee on Governmental Affairs.

EC–2823. A communication from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, Office of Policy, Planning and Evaluation, transmitting, pursuant to law, the report of a final rule concerning the Federal Travel Regulation (RIN: 3090–AF88), received on May 13, 1996; to the Committee on Governmental Affairs.

EC–2824. A communication from the Chairman of the Federal Communications Commission, transmitting, pursuant to law, the report concerning the implementation of the Government in the Sunshine Act for the calendar year 1995; to the Committee on Governmental Affairs.

EC–2825. A communication from the Executive Director of the Committee for Purchase From People Who Are Blind or Severely Disabled, transmitting, pursuant to law, the report of a final rule concerning commodities and services to be furnished by nonprofit agencies, received on May 28, 1996; to the Committee on Governmental Affairs.

EC–2826. A communication from the Chairman of the Merit Systems Protection Board, transmitting, a draft of proposed legislation to reauthorize the Board through the year 2001; to the Committee on Governmental Affairs.

EC–2827. A communication from the Chairman of the Federal Maritime Commission, transmitting, pursuant to law, the report under the Inspector General Act for the period October 1, 1995 through March 31, 1996; to the Committee on Governmental Affairs.

EC–2828. A communication from the Chairman of the National Endowment For the Arts, transmitting, pursuant to law, the report under the Inspector General Act for the period October 1, 1995 through March 31, 1996; to the Committee on Governmental Affairs.

EC–2829. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the report under the Federal Managers' Financial Integrity Act for Fiscal Year 1995; to the Committee on Governmental Affairs.

EC–2830. A communication from the Chairman of the Armed Forces Retirement Home Board, transmitting, pursuant to law, the report concerning the Federal Managers Financial Integrity Act for fiscal year 1995; to the Committee on Governmental Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. LAUTENBERG:

S. 1827. A bill to prohibit foreign travel by outgoing political appointees and Members of Congress, and for other purposes; to the Committee on Governmental Affairs.

By Mr. HEFLIN:

S. 1828. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel TOP GUN, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. PRESSLER:

S. 1829. A bill to prohibit the purchase of foreign beef by a school participating in the school lunch, school breakfast, or child care food program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BROWN (for Mr. Dole (for himself, Mr. Brown, Mr. Roth, Mr. Helms, Mr. McCain, Mr. Specter, Mr. Santorum, Mr. Gorton, and Mr. McConnell)):

S. 1830. A bill to amend the NATO Participation Act of 1994 to expedite the transition to full membership in the North Atlantic Treaty Organization of emerging democracies in Central and Eastern Europe; to the Committee on Foreign Relations.

By Mr. PRESSLER (for himself, Mr. Hollings, Mr. Lott, and Mr. Ford):

S. 1831. A bill to amend title 49, United States Code, to authorize appropriations for fiscal years 1997, 1998, and 1999 for the National Transportation Safety Board, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. MIKULSKI (for herself and Ms. Snowe):

S. 1832. A bill to amend title II of the Social Security Act to provide that a monthly insurance benefit thereunder shall be paid for the month in which the recipient dies, subject to a reduction of 50 percent if the recipient dies during the first 15 days of such month, and for other purposes; to the Committee on Finance.

By Mr. GLENN (for himself and Mr. Pryor) (by request):

S. 1833. A bill to provide a temporary authority for the use of voluntary separation incentives by Federal agencies that are reducing employment levels, and for other purposes; to the Committee on Governmental Affairs..

By Mr. McCAIN (for himself, Mr. Inouye, Mr. Simon, and Mr. Domenici):

S. 1834. A bill to reauthorize the Indian Environmental General Assistance Program Act of 1992, and for other purposes; to the Committee on Indian Affairs.

By Mr. FEINGOLD (for himself, Mr. Bradley, and Mr. Wellstone):

S. 1835. A bill to expand the definition of limited tax benefit for purposes of the Line Item Veto; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, that if one Committee reports, the other have thirty days to report or be discharged.

By Mr. SANTORUM:

S. 1836. A bill to designate a segment of the Clarion River, located in Pennsylvania, as a component of the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FORD (for himself, Mr. Baucus, Mr. Biden, Mr. Bingaman, Mrs. Boxer, Mr. Bradley, Mr. Bryan, Mr. Bumpers, Mr. Coats, Mr. Cohen, Mr. Craig, Mr. Daschle, Mr. DeWine, Mr. Dodd, Mr. Domenici, Mr. Exon, Mr. Frist, Mr. Grams, Mr. Grassley, Mr. Heflin, Mr. Helms, Mr. Hollings, Mr. Inhofe, Mr. Inouye, Mrs. Kassebaum, Mr. Kempthorne, Mr. Lautenberg, Mr. Leahy, Mr. Levin, Mr. Lugar, Mr. Mack, Mr. McConnell, Mr. Murkowski, Mrs. Murray, Mr. Nunn, Mr. Pressler, Mr. Pryor, Mr. Reid, Mr. Robb, Mr. Sarbanes, Mr. Simon, Mr. Smith, Mr. Specter, Mr. Thomas, Mr. Thurmond, Mr. Warner, Mr. Wellstone, Mr. Wyden, Mr. Kerry, Mr. Gramm, Mrs. Hutchison, Ms. Snowe, Mr. Akaka, Mr. Lieberman, and Mrs. Feinstein):

S. Res. 257. Resolution to designate June 15, 1996, as "National Race for the Cure Day"; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LAUTENBERG:

S. 1827. A bill to prohibit foreign travel by outgoing political appointees and Members of Congress, and for other purposes; to the Committee on Governmental Affairs.

THE LAME DUCKS CAN'T FLY ACT

• Mr. LAUTENBERG. Mr. President, today I am introducing legislation, which I call the Lame Ducks Can't Fly Act, to prevent Federal officials who are about to leave office from traveling abroad courtesy of U.S. taxpayers.

The bill would prohibit any Member of Congress who is leaving office from traveling to another country at taxpayer expense in the last 6 months of the Member's term. This prohibition could be waived by the Speaker of the House or by the President Pro Tempore of the Senate. If a waiver is granted, a detailed statement must be printed in the Congressional Record indicating the purposes and costs of the travel.

Similarly, the bill would prohibit any political appointee in the executive branch from traveling overseas at taxpayer expense following an election in which the President is not returned to office. The prohibition for executive branch appointees could be waived if the President determines that such travel cannot reasonably be postponed until the new President takes office, and that the travel is essential to protect or promote vital national security interests.

Mr. President, after the general election in 1992, many Americans were outraged when they saw Governmental officials traveling abroad on seemingly nonessential trips, even though they were about to lose their jobs. One delegation, for example, traveled to China and Hong Kong aboard a military jet that reportedly cost about $12,000 per hour to fly. Another trip was planned for Moscow before it was abruptly canceled when the plans were reported in the press.

In recent months, press reports have highlighted the serious concerns of many Foreign Service officers about abuses of official travel privileges by U.S. officials from all branches of government. The problem has grown to such an extent that the American Foreign Service Association has issued a policy statement calling for 14 changes in Government official foreign travel policy. The Association's first recommendation is to prohibit travel abroad by officials within 6 months of the end of their term.

Mr. President, it can be tempting for elected or appointed officials to have one last junket before losing their jobs. But it is wrong. And it is not fair to taxpayers—many of whom have a hard time making ends meet. These costs may be small compared to the budget deficit. Yet these kinds of abuses are outrageous, and they sap the trust of Americans in their Government.

Mr. President, there are times when travel abroad by lame duck officials is necessary to protect important national interests. However, there is no excuse for wasting taxpayer dollars on nonessential travel.

I hope my colleagues will support the legislation, and ask unanimous consent that a copy of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1827

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LIMITATION OF FOREIGN TRAVEL BY CERTAIN POLITICAL APPOINTEES DURING POST PRESIDENTIAL ELECTION PERIOD.

(A) In General.—Subchapter I of chapter 57 of title 5, United States Code, is amended by adding at the end thereof the following new section:

"§ 5710. Limitation of travel of political appointees during certain post Presidential election periods

"(a) For purposes of this section the term—

"(1) 'political appointee' means any individual who serves—

"(A) in a Senior Executive Service position and is not a career appointee as defined under section 3132(a)(4);

"(B) in a position under the Executive Schedule pursuant to subchapter II of chapter 53; or

"(C) in a position of a confidential or policy-determining character under schedule C of subpart C of part 213 of title 5 of the Code of Federal Regulations; and

"(2) 'post Presidential election period' means any period beginning on the date immediately following the date of the first Tuesday following the first Monday in November on which the general election of the

President occurs, and ending on the January 20 following such an election.

"(b) Subject on the provisions of subsection (c), travel by a political appointee may not be paid for under the provisions of this subchapter or any other provision of law, if such travel—

"(1) is outside of the United States; and

"(2) occurs during a post Presidential election period after which the incumbent President shall not return for another term of office as President.

"(c)(1) The provisions of subsection (b) shall not apply to travel by the Secretary of State, the Secretary of Defense, the United States Trade Representative, or political appointees who are accompanying these individuals on affected travel.

"(2) The President may waive the provisions of subsection (b) with regard to any travel if the President makes a written determination that such travel—

"(A) cannot reasonably be postponed until after the post Presidential election period; and

"(B) is essential to protect or promote vital national interests.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The table of sections for chapter 57 of title 5, United States Code, is amended by inserting after the item relating to section 5709 the following:

"5710. Limitation of travel of political appointees during certain post Presidential election periods.".

SEC. 2. LIMITATION OF FOREIGN TRAVEL BY CERTAIN MEMBERS OF CONGRESS DURING ELECTION PERIODS.

(a) LIMITATION.—

(1) IN GENERAL.—Except as provided in subsection (b), no funds may be expended for travel by a Member of Congress if such travel—

(A) is outside of the United States; and

(B) occurs after the date that is 180 days prior to the end of the term of service or date of retirement of the Member of Congress.

(2) DATE OF RETIREMENT.—For purposes of this subsection, the date of retirement is the date on which the Member is to retire as a Member of Congress, pursuant to a public announcement by or on behalf of the Member.

(b) WAIVER.—

(1) IN GENERAL.—The Speaker of the House of Representatives, with respect to Members of the House of Representatives, and the President pro tempore of the Senate, with respect to Members of the Senate, may waive the prohibition on travel under this section if the travel is determined to be in the interest of the House of Representatives or the Senate, respectively, and the United States.

(2) STATEMENT.—

(A) IN GENERAL.—Except as provided in subparagraph (B) and if a waiver is granted under this subsection, a statement of the waiver shall be printed in the Congressional Record as soon as practicable and shall include a detailed description of the travel involved, the purpose of travel, and an estimate of the costs of the travel.

(B) EXCEPTION.—If the Speaker of the House of Representatives or the President pro tempore of the Senate determines that publication of such a statement would jeopardize national security, or otherwise compromise vital national interests, no statement is required.

(c) DEFINITION.—For purposes of this section the term "Member of Congress" includes any Delegate or Resident Commissioner to the Congress.•

By Mr. PRESSLER:

S. 1829. A bill to prohibit the purchase of foreign beef by a school participating in the school lunch, school breakfast, or child care food program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

AMENDMENT TO THE NATIONAL SCHOOL LUNCH ACT

Mr. PRESSLER. Mr. President, today I am introducing legislation that would require schools participating in the National School Lunch Program to buy American beef. The bill would extend this requirement also to the School Breakfast Program and the Child and Adult Care Food Program [CACFP]. This is a simple bill. Further, given the current situation faced by American cattlemen, this bill should command bipartisan support.

Currently, the U.S. Department of Agriculture [USDA] is bound by the Buy American Act, which requires USDA to purchase American beef for the commodities distribution portion of these programs. However, no similar requirement is placed on schools which purchase their own foodstuffs and then receive Federal reimbursement for the meals they serve students. Schools are encouraged to buy American, but are not bound to do so. My bill would provide consistency throughout these child nutrition programs. Simply put, if schools expect to be reimbursed, we expect schools to buy American beef.

Why should this bill be passed? Plain and simple, immediate action must be taken to help our Nation's cattle industry. Cattle prices have plummeted to their lowest level in years. High grain prices and drought also have contributed to the economic crisis facing our ranchers. The result is that South Dakota's cattlemen are facing some very tough times. Some South Dakota producers soon may be forced to leave the cattle business altogether unless markets begin to improve. Their plight is spilling over to affect other businesses in the small towns and cities where they live. We should look at all possible ways to stimulate the American beef market. A requirement that schools purchase American beef will increase demand.

This is just one advance in our battle to improve conditions for American cattlemen. As I have advocated, Congress and the administration should work actively on multiple fronts. I plan to introduce legislation that would require all beef sold to consumers be labeled, indicating in what country the beef was produced. This requirement would make it easier for schools and other consumers to buy American beef.

I recently requested that the USDA prohibit formula or basis pricing on forward contracted cattle, require that forward contracts be offered in an open, public manner and require that packer-fed cattle be sold in an open, public market. I hope they will take action on this front soon. These are all actions the Clinton administration can take without congressional action.

I also urged President Clinton to begin an investigation into cattle imports from Mexico. Many South Dakota producers have serious concerns that recent import surges may be due to Mexico transshipping cattle from other countries into the United States, which is a blatant violation of trade agreements. Again, the President need not wait for congressional action.

Finally, and most important, the Clinton administration should begin an anti-trust action on the meatpacking industry. This is very important for our cattlemen. I have called on the administration time and again to enforce fully our anti-trust laws. I am still waiting for action.

Mr. President, with a combined effort by Congress and the President, I am confident we can once again make our cattle industry healthy and competitive. I am proud to be an active voice for South Dakota's livestock producers. This issue requires immediate attention and I hope my colleagues will join me in addressing this serious problem.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1829

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMERICAN BEEF IN CHILD NUTRITION PROGRAMS.

The National School Lunch Act (42 U.S.C. 1751 et seq.) is amended by adding at the end the following:

"SEC. 28. AMERICAN BEEF IN CHILD NUTRITION PROGRAMS.

"A school or service institution in the continental United States participating in the school lunch program, the school breakfast program under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773), or the child care food program under section 17 may not purchase beef or beef food-products produced outside the United States for use in carrying out the program.".

By Mr. BROWN (for Mr. DOLE (for himself, Mr. BROWN, Mr. ROTH, Mr. HELMS, Mr. MCCAIN, Mr. SPECTER, and Mr. SANTORUM)):

S. 1830. A bill to amend the NATO Participation Act of 1994 to expedite the transition to full membership in the North Atlantic Treaty Organization of emerging democracies in Central and Eastern Europe; to the Committee on Foreign Relations.

THE NATO ENLARGEMENT FACILITATION ACT OF 1996

Mr. BROWN. Mr. President, I rise to introduce a new bill for consideration by the Senate.

In 1994, when the administration seemed reluctant to allow countries in Central Europe to join NATO, we drafted a bill titled the "NATO Participation Act of 1994." That measure set forth in U.S. statute a policy, for the first time, that would ensure NATO expansion to include those countries in Central Europe that want to be free and want to join in a mutual pact for self-defense. The bill marked a significant change of course for the United States.

The administration's reluctance to move forward with NATO expansion brought back memories of the tragic events of World War II, of both the Soviet invasion of Poland and the German invasion of Poland and other countries in Central Europe. Indeed, that reluctance brought back the tragic memories of the post-World-War-II era, when at key times this country turned its back on people who had fought to be free and then found themselves enslaved by the Soviet Union.

Mr. President, that NATO Participation Act had to be offered four times on the floor of the Senate before we finally got it adopted formally by Congress and signed into law by the President. It was opposed vehemently by the administration at every opportunity. But, in the end—and I might add, after much hard work of many fellow Americans who had insisted upon its passage—it passed both houses of Congress and was then embraced by the administration.

Unfortunately, even though that measure had passed giving the President necessary authorities to establish a transition program for countries moving toward NATO membership, the administration failed to move ahead with a clear plan for expansion of NATO to those Central European countries that had not only exhibited an interest in it, but had specifically asked to become members.

In response to that failure and to again move policy along, we drafted and introduced the NATO Participation Act II, officially titled the "NATO Participation Act Amendments of 1995." That measure went further than NATO Participation Act I. The NATO Participation Act I authorized the President to establish a transition program and plan for NATO expansion. NATO Participation Act II called on the President to evaluate those countries moving toward NATO membership and to name specific countries that would be determined eligible for NATO transition assistance, and it expanded our powers to work with them and to develop a mutual arms policy.

That act, initially opposed by the administration, eventually was embraced by the administration as it moved toward passage. That expanded our ability to provide transition assistance to allow Central European countries to protect themselves and their independence. Alas, the administration with its discretionary power to name countries that they consider eligible to move forward toward NATO membership, has refused to act.

Months ago, I specifically contacted the administration and asked what steps they were taking, as they had promised they would, to move toward this goal. According to the foreign relations committees, the administration can find no country in Central Europe it views as ready for transition assistance.

Sadly, Mr. President, because of the administration's refusal to act, what has been done is to raise the question as to whether or not NATO will ever be expanded. To simply give it lip service and say—as the administration has done—that it is not a question of whether we expand NATO, it is a question of how and when, dodges the issue. The real issue is whether or not we will recognize other countries having a sphere of influence and control over Central Europe. The central issue is whether or not free men and women around the world will stand by idly if the security and independence of Central Europe is threatened.

These are not hollow questions. These tragic questions were answered in World War II. Many historians believe that the failure of the free democracies to come forward and stand up for Central Europe was one of the reasons that Hitler rose to such heights and gained so much strength before the free world was mobilized to stop him. It is not an idle question when, at the end of World War II, the Soviet Union spread its influence and its armies over Central Europe, and free men and women failed to stand up for their freedom then.

Mr. President, it speaks to the core issue, and the core issue is whether or not we will turn our backs on the free men and women of Central Europe once more. This bill, the third NATO Participation Act, the expansion facilitation act of NATO offered in 1996, speaks to that. It specifically names three countries—Poland, Hungary, and the Czech Republic—as qualifying for the program; requires the President to name other countries meeting a series of additional criteria; and permits the President to name any other countries to the transition assistance program that meet the existing criteria of the NATO Participation Act.

Mr. President, I am particularly proud to join with Senator DOLE in introducing this bill. BOB DOLE deserves a great deal of credit for his many efforts to expand NATO rapidly and to bring the nations of Central Europe into NATO. From the very first time that Senator PAUL SIMON and I introduced the NATO Participation Act as an amendment to the Foreign Operations Bill in July, 1994, BOB DOLE has been a cosponsor. He has joined every effort to hasten NATO expansion, spoken out clearly and frequently against the foot-dragging of this administration and has been more than just a cosponsor of every NATO Participation Act that has been written. His frequent inputs and the keen insights of Mira Baratta and Randy Scheunemann of his staff have been invaluable to our efforts to put the United States back in the lead in expanding NATO.

In January, 1994, when the issue of expanding NATO to include the Central European powers first became an issue at the NATO summit, BOB DOLE stated, "If NATO governments embrace this new role of ensuring stability and security in Europe, the logic of expanding NATO becomes increasingly clear . . . The Partnership for Peace should not be used as a means to dismiss the legitimate security concerns of the new democracies in Central Europe."

In 1995 he stated that, "Russia continues to threaten prospective NATO members over alliance expansion, thereby confirming the need to enlarge NATO sooner rather than later."

Just recently, he reiterated his commitment to NATO expansion by stating "the time has come to welcome Europe's new democracies into NATO. Only NATO expansion can guarantee another five decades of peace on the continent."

Mr. President, I strongly agree with our distinguished majority leader. It is time to take the countries of Central Europe off the table once and for all. America's dawdling will continue to create uncertainty and generate instability in the heart of Europe. The United States needs to take its rightful place as the world's leader and move quickly to expand the North Atlantic Alliance to the nations of Central Europe.

Mr. President, I send the bill to the desk and ask unanimous consent it be printed in the RECORD and that Senator SANTORUM be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill will be received and appropriately referred.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1830

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "NATO Enlargement Facilitation Act of 1996".

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) Since 1949, the North Atlantic Treaty Organization (NATO) has played an essential role in guaranteeing the security, freedom, and prosperity of the United States and its partners in the Alliance.

(2) The NATO Alliance is, and has been since its inception, purely defensive in character, and it poses no threat to any nation. The enlargement of the NATO Alliance to include as full and equal members emerging

democracies in Central and Eastern Europe does not threaten any nation. America's security, freedom, and prosperity remain linked to the security of the countries of Europe.

(3) The sustained commitment of the member countries of NATO to a mutual defense has made possible the democratic transformation of Eastern Europe. Members of the Alliance can and should play a critical role in addressing the security challenges of the post-Cold War era and in creating the stable environment needed for those emerging democracies in Central and Eastern Europe to successfully complete political and economic transformation.

(4) NATO has enlarged its membership on 3 different occasions since 1949.

(5) Congress has sought to facilitate the further enlargement of NATO at an early date by enacting the NATO Participation Act of 1994 (title II of Public Law 103–447; 22 U.S.C. 1928 note) and the NATO Participation Act Amendments of 1995 (section 585 of Public Law 104–107).

(6) As new members of NATO assume the responsibilities of Alliance membership, the costs of maintaining stability in Europe will be shared more widely. Facilitation of the enlargement process will require current members of NATO, and the United States in particular, to demonstrate the political will needed to build on successful ongoing programs such as the Warsaw Initiative and the Partnership for Peace by making available the resources necessary to supplement efforts prospective new members are themselves undertaking.

(7) New members will be full members of the Alliance, enjoying all rights and assuming all the obligations under the Washington Treaty.

(8) Cooperative regional peacekeeping initiatives involving emerging democracies in Central and Eastern Europe that have expressed interest in joining NATO, such as the Baltic Peacekeeping Battalion, the Polish-Lithuanian Joint Peacekeeping Force, and the Polish-Ukrainian Peacekeeping Force, can make an important contribution to European peace and security and international peacekeeping efforts, assist those countries preparing to assume the responsibilities of possible NATO membership, and accordingly should receive appropriate support from the United States.

(9) The United States continues to regard the political independence and territorial integrity of all emerging democracies in Central and Eastern Europe as vital to European peace and security.

(10) NATO remains the only multilateral security organization capable of conducting effective military operations and preserving security and stability of the Euro-Atlantic region.

(11) NATO is an important diplomatic forum and has played a positive role in defusing tensions between members of the Alliance and, as a result, no military action has occurred between two Alliance member states since the inception of NATO in 1949.

(12) The admission to NATO of emerging democracies in Central and Eastern Europe that meet specific criteria for NATO membership would contribute to international peace and enhance the security of the region.

(13) A number of Eastern European countries have expressed interest in NATO membership, and have taken concrete steps to demonstrate this commitment; including their participation in Partnership for Peace activities.

(14) In recognition that not all countries which have requested membership in NATO will necessarily qualify at the same pace, the accession date for each new member will vary.

(15) The eventual membership of Austria, Finland, and Sweden is fully expected and is not precluded by this Act.

(16) The provision of additional NATO transition assistance should include those emerging democracies most ready for closer ties with NATO and should be designed to assist other countries meeting specified criteria of eligibility to move forward toward eventual NATO membership.

(17) The Congress of the United States finds that Poland, Hungary, and the Czech Republic have made the most progress toward achieving the stated criteria and should be eligible for the additional assistance described in this bill.

(18) The evaluation of future membership in NATO for emerging democracies in Central and Eastern Europe should be based on the progress of those nations in meeting criteria for NATO membership, which require enhancement of NATO's security and the approval of all NATO members.

SEC. 3. UNITED STATES POLICY.

It should be the policy of the United States—

(1) to join with the NATO allies of the United States to redefine the role of the NATO Alliance in the post-Cold War world;

(2) to actively assist the emerging democracies in Central and Eastern Europe in their transition so that such countries may eventually qualify for NATO membership; and

(3) to work to define a constructive and cooperative political and security relationship between an enlarged NATO and the Russian Federation.

SEC. 4. SENSE OF THE CONGRESS.

It is the sense of the Congress that in order to promote economic stability and security in Estonia, Latvia, Lithuania, Slovenia, Slovakia, Bulgaria, Romania, Albania, Moldova, and Ukraine—

(1) the United States should support the full and active participation of these countries in activities appropriate for qualifying for NATO membership;

(2) the United States Government should use all diplomatic means available to press the European Union to admit as soon as possible any country which qualifies for membership; and

(3) the United States Government and the North Atlantic Treaty Organization should support military exercises and peacekeeping initiatives between and among these nations, nations of the North Atlantic Treaty Organization, and Russia.

SEC. 5. DESIGNATION OF COUNTRIES ELIGIBLE FOR NATO ENLARGEMENT ASSISTANCE.

(a) In General.—The following countries are designated as eligible to receive assistance under the program established under section 203(a) of the NATO Participation Act of 1994: Poland, Hungary, and the Czech Republic.

(b) Designation of Other Countries.—The President shall designate other emerging democracies in Central and Eastern Europe as eligible to receive assistance under the program established under section 203(a) of such Act if such countries—

(1) have expressed a clear desire to join NATO;

(2) have begun an individualized dialogue with NATO in preparation for accession;

(3) are strategically significant to an effective NATO defense; and

(4) have met the other criteria outlined in section 203(d) of the NATO Participation Act of 1994 (title II of Public Law 103–447; 22 U.S.C. 1928 note).

(c) Rule of Construction.—Subsection (a) does not preclude the designation by the President of Slovakia, Estonia, Latvia, Lithuania, Romania, Slovenia, or any other emerging democracy in Central and Eastern Europe pursuant to section 203(d) of the NATO Participation Act of 1994 as eligible to receive assistance under the program established under section 203(a) of such Act.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS FOR NATO ENLARGEMENT ASSISTANCE.

(a) In General.—There are authorized to be appropriated $60,000,000 for fiscal year 1997 for the program established under section 203(a) of the NATO Participation Act of 1994.

(b) Availability.—Of the funds authorized to be appropriated by subsection (a)—

(1) $20,000,000 shall be available for the subsidy cost, as defined in section 502(5) of the Credit Reform Act of 1990, of direct loans pursuant to the authority of section 203(c)(4) of the NATO Participation Act of 1994 and section 23 of the Arms Export Control Act (relating to the "Foreign Military Financing Program");

(2) $30,000,000 shall be available for assistance on a grant basis pursuant to the authority of section 203(c)(4) of the NATO Participation Act of 1994 and section 23 of the Arms Export Control Act (relating to the "Foreign Military Financing Program"); and

(3) $10,000,000 shall be available for assistance pursuant to the authority of section 203(c)(3) of the NATO Participation Act of 1994 and chapter 5 of part II of the Foreign Assistance Act of 1961 (relating to international military education and training).

(c) Rule of Construction.—Amounts authorized to be appropriated under this section are authorized to be appropriated in addition to such amounts as otherwise may be available for such purposes.

SEC. 7. EXCESS DEFENSE ARTICLES.

(a) Priority Delivery.—Notwithstanding any other provision of law, the provision and delivery of excess defense articles under the authority of section 203(c)(1) and (2) of the NATO Participation Act of 1994 and section 516 of the Foreign Assistance Act of 1961 shall be given priority to the maximum extend feasible over the provision and delivery of such excess defense articles to all other countries except those countries referred to in section 541 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1995 (Public Law 103–306; 108 Stat. 1640).

(b) Cooperative Regional Peacekeeping Initiatives.—The Congress encourages the President to provide excess defense articles and other appropriate assistance to cooperative regional peacekeeping initiatives involving emerging democracies in Central and Eastern Europe that have expressed an interest in joining NATO in order to enhance their ability to contribute to European peace and security and international peacekeeping efforts.

SEC. 8. MODERNIZATION OF DEFENSE CAPABILITY.

The Congress endorses effort by the United States to modernize the defense capability of Poland, Hungary, the Czech Republic, and any other countries designed by the President pursuant to section 203(d) of the NATO Participation Act of 1994, by exploring with such countries options for the sale or lease of such countries of weapons systems compatible with those used by NATO members, including air defense systems, advanced fighter aircraft, and telecommunications infrastructure.

SEC. 9. TERMINATION OF ELIGIBILITY.

(a) IN GENERAL.—Section 203(f) of the NATO Participation Act of 1994 (title II of Public Law 103–447; 22 U.S.C. 1928 note) is amended to read as follows:

"(f) TERMINATION OF ELIGIBILITY.—(1) The eligibility of a country designated under subsection (d) for the program established in subsection (a) shall terminate 60 days after the President makes a certification under paragraph (2) unless, within the 60-day period, the Congress enacts a joint resolution disapproving the termination of eligibility.

"(2) Whenever the President determines that the government of a country designated under subsection (d)—

"(A) no longer meets the criteria set forth in subsection (d)(2)(A);

"(B) is hostile to the NATO Alliance; or

"(C) poses a national security threat to the United States.

then the President shall so certify to the appropriate congressional committees.

"(3) Nothing in this Act affects the eligibility of countries to participate under other provisions of law in programs described in this Act.".

(b) CONGRESSIONAL PRIORITY PROCEDURES.—Section 203 of such Act is amended by adding at the end the following new subsection:

"(g) CONGRESSIONAL PRIORITY PROCEDURES.—

"(1) APPLICABLE PROCEDURES.—A joint resolution described in paragraph (2) which is introduced in a House of Congress shall be considered in accordance with the procedures set forth in paragraphs (3) through (7) of section 8066(c) of the Department of Defense Appropriations Act, 1985 (as contained in Public Law 98–473; 98 Stat. 1936), except that—

"(A) references to the 'resolution described in paragraph (1)' shall be deemed to be references to the joint resolution; and

"(B) references to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate shall be deemed to be references to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate, respectively.

"(2) TEXT OF JOINT RESOLUTION.—A joint resolution under this paragraph is a joint resolution the matter after the resolving clause of which is as follows: 'That the Congress disapproves the certification submitted by the President on _______ pursuant to section 203(f) of the NATO Participation Act of 1994.'.".

SEC. 10. AMENDMENTS TO THE NATO PARTICIPATION ACT.

(a) CONFORMING AMENDMENT.—The NATO Participation Act of 1994 (title II of Public Law 193–447; 22 U.S.C. 1928 note) is amended in sections 203(a), 203(d)(1), and 203(d)(2) by striking "countries emerging from communist domination" each place it appears and inserting "emerging democracies in Central and Eastern Europe".

(b) DEFINITIONS.—The NATO Participation Act of 1994 (title II of Public Law 103–446; 22 U.S.C. 1928 note) is amended by adding at the end the following new section:

"SEC. 206. DEFINITIONS.

"The term 'emerging democracies in Central and Eastern Europe' includes, but is not limited to, Albania, Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Moldova, Poland, Romania, Slovakia, Slovenia, and Ukraine.".

SEC. 11. DEFINITIONS.

As used in this Act:

(1) EMERGING DEMOCRACIES IN CENTRAL AND EASTERN EUROPE.—The term "emerging democracies in Central and Eastern Europe" includes, but is not limited to, Albania, Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Moldova, Poland, Romania, Slovakia, Slovenia, and Ukraine.

(2) NATO.—The term "NATO" means the North Atlantic Treaty Organization.

Mr. McCAIN. Mr. President, I thank my colleague from Colorado for his continued leadership on this and other issues. He and I just left a press availability conducted by the majority leader, Senator DOLE, along with the former President of Poland, Lech Walesa. I must say that former President Walesa was both compelling and enlightening in his remarks.

Mr. President, I support the bill introduced by the Senator from Colorado.

Each year, the Senate debates the issue of NATO expansion and each year the President reassures the American people and our new friends in Eastern Europe that he has every intention of extending the NATO umbrella. Once again, this year, on the eve of another historic Russian election, we find ourselves debating the issue of NATO expansion, and still, although the President will proclaim his support for expansion, NATO membership remains reserved to the states which comprised it before the collapse of the Soviet Union.

A few circumstances have changed. President Yeltsin, whose fate our own President has made the centerpiece of United States policies toward the former Soviet Union and Eastern Europe, is much less secure. With the Russian elections only weeks away, Eastern Europe may again be faced with a communist Russia—a Russia which proudly extols the virtues of a failed philosophy. But even if President Yeltsin ultimately prevails in the elections, he, himself, has given the West sufficient cause for concern. He has not always succeeded in ensuring Russian compliance with treaty obligations. And yielding to industry pressures, he has apparently ignored American warnings in crucial areas of nonproliferation. Perhaps most alarming, until the most recent ceasefire agreement, the brutal war in Chechnya persisted unabated despite President Yeltsin's orders that it stop.

President Yeltsin has also made disturbing changes in the composition of his cabinet. He has displaced all the major economic reformers associated with his government, and has replaced his widely respected foreign minister, Andrea Kozyrev, with Yevgeny Primakov, a figure with strong ties to the not so distant Soviet past.

It is far too early to declare Russian economic and political reforms failures. I have always supported assistance to the Newly Independent States of the Soviet Union and I will continue to support Russian reform efforts. The situation we face in Russia today bears almost no comparison to the situation the United States and its allies in Europe faced in 1947. Just the same, however, in evaluating President Yeltsin let us not forget that his is no longer the government of Gaidar, Yavlinsky, Fedorov, and Kozyrev.

This is not to say that the United States has an interest in seeing President Yeltsin defeated in the upcoming election. On the contrary, if, despite what I hope is election year maneuvering, he remains committed to economic and political reform and the peaceful resolution of disputes with his neighbors, and if he demonstrates his commitment to international treaties, his reelection is very much in our interest.

The sponsors of this bill do not seek NATO expansion in response to the policies and political agendas of any Russian leader. We seek NATO expansion as a part of a larger European strategic order that will provide the nations of Central and Eastern Europe with the sort of political and economic security that Western Europe enjoyed following World War II. We seek a European security structure which can endure changes in national leadership and governing philosophies.

The United States and its NATO allies must depend for their security on a stable balance of power, not character assessments of various national leaders.

Expanding NATO and, as the bill calls for, defining a security relationship between an enlarged NATO and Russia will also stabilize Russia's security situation. Like any peaceful democratic nation, it thrives on security and predictability. The perpetuation of the current security vacuum in the middle of Europe is no more in its interest than in ours.

As in the past, the administration will respond to new calls for NATO enlargement by preaching caution. It will cite the upcoming elections as a particularly sensitive moment. After the elections, it will cite the fragile nature of the Russian electorate and upcoming government. Then, no doubt, it will cite another critical NATO meeting where consensus is to be sought on expansion.

In the meantime, we will have lost the window of opportunity that was created by the collapse of the Soviet Union and Russia's preoccupation with its domestic concerns. Three and a half years have already been squandered.

It is time now to begin NATO expansion. No more temporizing. No more excuses. This is why I have joined with my colleagues, Senators DOLE, BROWN, HELMS, and others in introducing the NATO Enlargement Facilitation Act of 1996.

The bill before us identifies Poland, Hungary, and the Czech Republic as those countries first in line for NATO membership and proposes to give them the assistance they need to rapidly become members. To date and to no avail, Congress has left it up to the President to determine whether these countries were eligible for such assistance. Now we are telling the President that vacation time is over. These three countries meet the criteria. We should start preparing them to enter NATO. Under this legislation, each country will be eligible to receive, as a part of the targeted program to assist its transition to full NATO membership, transfers to excess defense articles, foreign military financing [FMF], economic assistance, IMET, and other assistance.

As for other emerging democracies in Central and Eastern Europe which desire NATO membership, but do not yet meet its standards, the bill requires the President to provide them the same assistance at such time as they meet a number of clear criteria, including progress toward the establishment of democracy, free markets, and civilian control of the military. There are a number of other requirements for aspiring new members, but they are reasonable, and they are explicit.

Equally important as mandating assistance to NATO aspirants, the bill authorizes the necessary spending. Critics will no longer be able to charge that proponents of a more comprehensive and strategically relevant NATO are unwilling to pay the costs associated with expansion. This bill authorizes a total of $60 million in fiscal year 1997 for the explicit purpose of expanding NATO.

If there is any doubt of the necessity for Congress to take the initiative today, consider the following statement made by President Clinton in Prague almost 3 years ago:

> Let me be absolutely clear: the security of your states is important to the security of the United States . . . the question is no longer whether NATO will take on new members but when and how.

How else can one explain the vast difference between the President's rhetoric and the lack of actual movement than that he lacks a clear idea of how to move from rhetoric to action? Not only has NATO not admitted new members, the President has still not identified to former Warsaw Pact countries the when and how of expansion. The other explanation is that the President has never intended to expand NATO and all his protests to the contrary are simply efforts to outmaneuver the critics of his foreign policy. Granted the President has a record of this sort of cleverness. But I trust that the President would not take the security of Europe so lightly as to play politics with its future.

A more charitable explanation for the disconnect between the President's rhetoric and action is that the rationale for NATO expansion is genuinely lost on him. He may truly believe in a European security structure which, like the Partnership for Peace, stretches from the Atlantic to the borders of China. Perhaps he truly believes that a security structure can be created which is so far flung as to have no apparent strategic coherence.

Instead of going about the difficult diplomacy of creating a viable European security structure, the administration has preoccupied itself with the fears of drawing new lines. Perhaps the President and his chief adviser on Russia, Strobe Talbott, are real visionaries. They see a world where there are no lines separating countries, alliances, or even countinents—a world where concepts such like security, strategic alliance, and geopolitics have no relevance.

In fairness to the President, I freely admit that the logic of this reasoning eludes me. I do not want to underestimate the lasting impact of the Russian democratic revolution. It was certainly monumental and it lifted the spirits of a world weary of superpower confrontation. But the Russian revolution, as great as it was, did not presage a radical change in the nature of man or the way in which the world guarantees peace.

I, for one, will forgo putting all my faith in visionary ideas of a new Europe free of historical tensions. Twice in this century, Europe has been convulsed by nationalism and militarism—this despite the efforts of far greater visionaries than President Clinton.

The sponsors of the NATO Enlargement Facilitation Act take their guidance from history. The cause of all recent European conflicts has been a security vacuum in the center of Europe. Today, although the borders of Western Europe are secured, it remains the advantage of a NATO security guarantee. On the other hand, Eastern Europe, which is in a more precarious situation, remains without such guarantees. By all accounts, this amounts to a security vacuum, and unless we act to fill it, I fear history will repeat itself.

Lech Walesa, who knows better than most the history of Russia's involvement in Eastern Europe, has warned that a failure to expand NATO may result in a major tragedy. A combination of economic and strategic insecurity has already driven this hero of the cold war from power. All the more reason to remember his words, "We kept crying and shouting in 1939, but they only believed us when the war reached Paris and London. The situation is similar today." In that the political atmosphere in Europe is once again clouded with what President Vaclav Havel, has described as "a mentality marked by caution, hesitation, delayed decision-making, and a tendency to look for the most convenient solutions," the times do seem eerily similar.

By Mr. PRESSLER (for himself, Mr. HOLLINGS, Mr. LOTT, and Mr. FORD):

S. 1831. A bill to amend title 49, United States Code, to authorize appropriations for fiscal years 1997, 1998, and 1999 for the National Transportation Safety Board, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE NATIONAL TRANSPORTATION SAFETY BOARD AMENDMENTS OF 1996

Mr. PRESSLER. Mr. President, today I am introducing the National Transportation Safety Board Amendments of 1996. I am pleased to be joined in this effort by Senator HOLLINGS, ranking member of the Senate Commerce Committee, Senator LOTT, chairman of the Senate Surface Transportation Subcommittee, and Senator FORD, ranking member of the Senate Aviation Subcommittee. This is a bipartisan reauthorization bill and I urge its swift passage.

The National Transportation Safety Board [NTSB], an independent agency, is charged with determining the probable cause of transportation accidents and promoting transportation safety. Specifically, the NTSB investigates all forms of transportation accidents, conducts safety studies, and evaluates the effectiveness of other Government agencies' programs for preventing transportation accidents. It also reviews appeals of adverse certificate and civil penalty actions by the administrators of agencies of the Department of Transportation involving airman and seaman licenses. Sadly, its work is never done.

Mr. President, the tireless work of the NTSB is too often overlooked. Since its inception in 1967, the NTSB has investigated more than 100,000 aviation accidents and thousands of accidents in the other surface modes—rail, highway, marine, and pipeline. NTSB investigators are on call 24 hours a day and work around the world investigating significant transportation accidents in order to obtain facts to enable development of solutions designed to prevent future accidents.

Indeed, the NTSB is considered the world's premier accident investigation agency. It has achieved that distinction through its thorough investigations and professional approach to meeting its statutory responsibilities. In total, the NTSB has issued almost 10,000 safety recommendations to improve the safety of the traveling public.

Sadly, during the past few months, the NTSB has been extremely busy. We are all aware the NTSB is investigating the devastating crash of ValuJet near Miami, FL. At the same time, major on-going investigations continue for the USAir accident near Pittsburgh, PA, the school bus/train collision in Fox River Grove, IL, and the MARC commuter train/Amtrak collision near Silver Spring, MD, to name just a few.

I want to point out the NTSB has no authority to regulate the transportation industry. Therefore, its effectiveness depends on its reputation for timely and accurate determinations of accident causation and for issuing realistic and feasible safety recommendations.

The NTSB's reputation for impartiality and thoroughness has enabled it to achieve such success in shaping transportation safety improvements that more than 80 percent of its recommendations have been implemented. Examples of implemented recommendations include fire resistant materials and floor-level escape lighting in aircraft cabins, child safety seats in automobiles, improved school bus construction standards, Amtrak passenger car safety improvements, new recreational boating safety and commercial fishing vessel regulations, the development of one-call notification systems in all 50 States and improved regulations for buried pipelines.

The NTSB's authorization expires at the end of fiscal year 1996. The bill we are introducing today provides a 3 year authorization for fiscal years 1997, 1998, and 1999 at a level of 370 FTE's. Our objective is to establish sufficient funding levels to enable the NTSB to carry out its immense workload. We can meet this goal while at the same time, reducing the currently authorized levels. That is what this bill achieves.

The bill also includes a few statutory changes. First, the bill provides for temporary deferral of Freedom of Information Act [FOIA] requests regarding the release of foreign aviation accident or incident information for 2 years or until the foreign government leading the investigation approves release of information. This would apply to NTSB participation in foreign accident investigations only. This provision would facilitate the NTSB's ability to effectively investigate and participate in foreign accidents without risk of the untimely release of information prior to a foreign governments' approval. However, the NTSB would not be restricted from utilizing foreign accident investigation information in making safety recommendations.

Second, the bill would exempt from FOIA aviation data voluntarily supplied to the NTSB. The aviation industry currently collects various kinds of information, but industry does not share it with the NTSB because of concerns that material would be released to the public. Some data, if voluntarily supplied to the Government, is exempted from FOIA requests. This exemption, however, is at the discretion of the agency. The NTSB has requested the exemption be made permanent through statute instead of discretionary, and believes a permanent exemption will encourage the aviation industry to freely share significant safety-related data.

Third, when the NTSB conducts training of its employees and others in subjects necessary for the proper performance of accident investigations, the bill would allow the NTSB to charge non-NTSB personnel attending for the costs associated with the course. These reimbursements would be credited to the NTSB as offsetting collections.

Mr. President, the NTSB carries out an enormous public service. While it is a small agency, its work product is critical. Seldom, if ever, is this agency the target of criticism. That cannot be said about many Federal governmental agencies. Therefore, I want to commend the NTSB Board members and its employees for their dedication to carrying out such an important public service.

I urge my colleagues to support this legislation to ensure the NTSB can continue its essential work in an efficient manner.

By Ms. MIKULSKI (for herself and Ms. SNOWE):

S. 1832. A bill to amend title II of the Social Security Act to provide that a monthly insurance benefit thereunder shall be paid for the month in which the recipient dies, subject to a reduction of 50 percent if the recipient dies during the first 15 days of such month, and for other purposes; to the Committee on Finance.

THE SOCIAL SECURITY FAMILY PROTECTION ACT

Ms. MIKULSKI. Mr. President, today, I rise to talk about an issue that is very important to me, very important to the constituents of Maryland and very important to the people of the United States of America.

I wish to declare that I am introducing a bipartisan bill, with Senator OLYMPIA SNOWE, to end an unfair policy of the Social Security System.

Senator SNOWE and I want to introduce this bill because it deals with Social Security, retirement security, and income security. We want the middle class in the United States of America to know that we are going to give help to those who practice self-help.

What is it I am talking about? We have found that Social Security does not pay for the last month of life. If someone dies May 18 or May 28, when the Social Security check arrived on June 3, the surviving spouse or family members had to send back the Social Security check. I think that is an outrage.

That individual worked for Social Security, earned Social Security, put money in the Social Security trust fund. We feel that it is up to the Social Security system to allow the surviving spouse or the estate of the family to have that Social Security check for the last month of your life.

This legislation has an urgency. People have called my office in tears. Very often it is a son or a daughter. They are at the desk clearing off the paperwork for their mom, and there is the Social Security check. And they say, "Senator, the check says for the month of May. Mom died on May 28. Why do we have to send the Social Security check back? We have bills to pay. We have utility coverage that we need to wrap up, our rent, a mortgage, health bills. Why is Social Security telling me, 'Send the check back or we're going to come and get you'?"

My gosh, with all the problems in the United States of America, we ought to be going after drug dealers and tax dodgers, not those people who have paid into Social Security and their surviving spouse or their family who has been left with the bills for the last month of their life. I say they are absolutely right—absolutely right—because we believe that Social Security should be there for you, for the family, and for the surviving spouse.

I listened to my constituents. And what they say is this: "Senator MIKULSKI, we don't want anything free. But our family does want what our dad worked for. We do want what we feel we deserve and what has been paid for in the trust fund in our loved one's name. Please make sure that our family gets the Social Security check for the last month of our life."

That is what we are going to do. That is why Senator SNOWE and I are introducing the Family Social Security Protection Act. While we talk about retirement security, the most important item in that is income security. And the safety net for every American is Social Security.

We know that as Senators we have to make sure that Social Security is solvent. And we want to work to do that. We also know that we have an obligation to those who continue to get Social Security that they get their COLA so when the cost of living goes up, that Social Security is adjusted. But this reform of providing a Social Security check for the last month of life is absolutely crucial.

How do we propose to do that? We have a very simple, straightforward way of dealing with this. Our legislation says this: that if you die before the 15th of a month, you will get a check for those 15 days. If you die after the 15th of the month, and between then and the 31st, your surviving spouse or the family estate would get that last Social Security check.

We think it is fundamentally fair. Senator SNOWE and I are old-fashioned in our belief in many values. We believe you honor your father and your mother. We believe that it is not only a good religious principle, but it is good public policy.

The way to do that is to have a strong Social Security System and to make sure that Social Security System is fair in every way. That is why we support making sure that the surviving spouse or family has the Social Security check for the last month of life. Mr. President, we hope to have the support of our colleagues. That is the essence of my statement.

By Mr. GLENN (for himself and Mr. PRYOR) (by request):

S. 1833. A bill to provide temporary authority for the use of voluntary separation incentives by Federal agencies that are reducing employment levels, and for other purposes; to the Committee on Governmental Affairs.

THE FEDERAL EMPLOYMENT REDUCTION ASSISTANCE ACT OF 1996

• Mr. GLENN. Mr. President, at the request of the administration, I rise to introduce The Federal Employment Reduction Assistance Act of 1996. This legislative proposal is modeled after the Federal Workforce Restructuring Act of 1994, which provided Federal civilian agencies with authority to offer voluntary separation incentives for a 1-year period that ended March 31, 1995. I was the chief sponsor of the 1994 legislation. Approximately 115,100 Federal employees voluntarily resigned or retired during the first buyout program. In addition, 40,000 more agreed to leave under a delayed departure program and will leave this year or next.

The Federal Workforce Restructuring Act of 1996 contains the following proposals:

The authority for separation incentives begins with enactment of the act and continues until September 30, 2000.

The amount of the buyout incentive would be the lesser of the amount that the employee's severance pay would be or whichever of the following amounts is applicable based on separation in accordance with the agency plan:

$25,000 in fiscal years 1996 and 1997.
$20,000 in fiscal year 1998.
$15,000 in fiscal year 1999.
$10,000 in fiscal year 2000.

Any employee who receives an incentive and then accepts any paid employment with the Government within 5 years after separating would have to repay the entire amount of the incentive payment to the agency that paid the incentive. This provision could be waived only under stringent circumstances of agency need.

Agencies are required to pay an amount into the civil service retirement trust fund equal to 15 percent of the final basic pay of each employee who is accepting a buyout.

Agencies are required to reduce their full-time equivalent [FTE] employment by one for each buyout.

OMB approval would be required for all agency buyout plans. The legislation would only apply to civilian agencies. DOD would continue to operate its own buyout program.

In addition, the proposed legislation includes some softening provisions for agencies that must institute reductions-in-force [RIF's]:

The bill would authorize agencies to allow employees to volunteer for a separation during a RIF if this would prevent the involuntary separation of another employee in a similar situation. Employees who volunteered would receive severance pay. The DOD authorization bill also contains this proposal.

Employees involuntarily separated under RIF's could continue their health insurance coverage for up to 18 months while continuing to pay only the premium that would apply to current employees.

Mr. President, previous buyout legislation was preeminently successful in helping to reduce the number of Federal employees but accomplished the downsizing in a fair and equitable manner.

Overall, including the buyout program, there are now some 208,000 fewer civil service employees than there were when this administration came into office. That's a real success story. In fact, Federal employment is now at its lowest point since John F. Kennedy.

This buyout legislation will help to continue that trend. I urge my colleagues to support this bill.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION ANALYSIS

The first section provides a title for the bill, the "Federal Employment Reduction Assistance Act of 1996."

Section 2 provides definitions of "agency" and "employee." Among the provisions, an employee who has received any previous voluntary separation incentive from the Federal Government and has not repaid the incentive is excluded from any incentives under this Act.

Section 3 provides that, when an agency head determines that employment in the agency must be reduced in order to improve operating efficiency or meet anticipated budget levels, the agency head may submit a plan to the Director of the Office of Management and Budget for payment of voluntary separation incentives to agency employees. The plan must specify the manner in which the planned employment reductions will improve efficiency or meet budget levels. The plan must also include a proposed time period for payment of separation incentives, and a proposed coverage for offers of incentives to agency employees, which may be on the basis of any component of the agency, any occupation or levels of an occupation, any geographic location, or any appropriate combination of these factors. The Director of the Office of Management and Budget shall review and approve or disapprove each plan submitted, and may modify the plan with respect to the time period for incentives or the coverage of incentive offers.

Section 4 provides that in order to receive a voluntary separation incentive, an employee covered by an offer of incentives must separate from service with the agency (whether by retirement or resignation) within the time period specified in the agency's plan as approved. An employee's voluntary separation incentive is an amount equal to the lesser of the amount that the employee's severance pay would be if the employee were entitled to severance pay under section 5595 of title 5, United States Code (without adjustment for any previous severance pay), or whichever of the following amounts is applicable based on the date of separation: $25,000 during fiscal years 1996 and 1997; $20,000 during fiscal year 1998; $15,000 during fiscal year 1999; or $10,000 during fiscal year 2000.

Section 5 provides that any employee who receives a voluntary separation incentive under this Act and then accepts any employment with the Government within 5 years after separating must, prior to the first day of such employment, repay the entire amount of the incentive to the agency that paid the incentive. If the subsequent employment is with the Executive branch, including the United States Postal Service, the Director of the Office of Personnel Management may waive the repayment at the request of the agency head if the individual possesses unique abilities and is the only qualified applicant available for the position. For subsequent employment in the legislative branch, the head of the entity or the appointing official may waive repayment on the same basis. If the subsequent employment is in the judicial branch, the Director of the Administrative Office of the United States Courts may waive repayment on the same criteria. For the purpose of the repayment and waiver provisions, employment includes employment under a personal services contract, as defined by the Director of the Office of Personnel Management.

Section 6 requires additional agency contributions to the Civil Service Retirement and Disability Fund in amounts equal to 15 percent of the final basic pay of each employee of the agency who is covered by the Civil Service Retirement System or the Federal Employees Retirement System to whom a voluntary separation incentive is paid under this Act.

Section 7 provides that full-time equivalent employment in each agency will be reduced by one for each separation of an employee who receives a voluntary separation incentive under this Act, and directs the Office of Management and Budget to take any action necessary to ensure compliance. Reductions will be calculated by using the agency's actual full-time equivalent employment levels. For example, if an agency's actual FTE usage in FY 1996 is 1,050 FTEs, and 50 FTEs separate during FY 1997 using voluntary separation incentive payments provided under this Act, then the agency staffing levels at the end of FY 1997 shall not exceed 1,000 FTEs.

Section 8 requires the Office of Personnel Management to report by March 31st of each year to the Senate Committee on Governmental Affairs and the House Committee on Government Reform and Oversight concerning agencies' use of voluntary separation incentives in the previous fiscal year. The report must show, for each agency which had approval to pay incentives, the number of employees who received incentives, the average amount of the incentives, and the average grade or pay level of the employees who received incentives. The report must also include the number of waivers made under the provisions of section 5 in the repayment of incentives upon subsequent employment with the Government, the reasons for each waiver, and the title and grade or pay level of each employee to whom the waiver applied. Section 8 also amends the Federal Workforce Restructuring Act of 1994 (Public Law 103–226), which now requires that reports on voluntary separation incentives under that Act provide data for each employee who received an incentive, to instead require reports on a summary basis for each agency which paid incentives, as provided for the new authority.

Section 9 authorizes agency heads, under procedures prescribed by the Office of Personnel Management, to allow an employee to volunteer for separation in a reduction-in-force when this will result in retaining an employee in a similar position who would otherwise be released in the reduction-in-force. A voluntary release under the provision would be treated as an involuntary separation in the reduction-in-force. The procedures prescribed by the Office will provide that an offer of voluntary participation in a reduction-in-force is made at the agency's discretion, and that no employee may be coerced into accepting such offer. An employee who is voluntarily released would not have assignment ("bump" and "retreat") rights in the reduction-in-force.

Section 10 provides that employees in any agency who are involuntarily separated in a reduction-in-force, or who voluntarily separate from a surplus position that has been specifically identified for elimination in the reduction-in-force, can continue health benefits coverage for 18 months and be required to pay only the employee's share of the premium.

Section 11 provides that the Director of the Office of Personnel Management may prescribe any regulations necessary to administer the provisions of the Act.

Section 12 provides that the Act will take effect upon enactment and that no voluntary separation incentive under the Act may be paid based on the separation of an employee after September 30, 2000.

U.S. OFFICE OF
PERSONNEL MANAGEMENT,
Washington, DC, May 9, 1996.

Hon. ALBERT GORE, Jr.,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: On behalf of the President's Management Council, the Office of Personnel Management submits herewith an Administration legislative proposal entitled the "Federal Employment Reduction Assistance Act of 1996." We request that it be referred to the appropriate committee for prompt and favorable consideration.

While total Federal employment is relatively stable at present, the need for employment reductions may vary significantly from one particular agency to another. In the next several years, it is likely that many Federal agencies will need to make significant cuts. The Administration believes that separation incentives can be an appropriate tool for those agencies that must reduce their employment levels, when the use of incentives is properly related to the specific cuts that are needed within the agency and thus will help reshape the agency for the future. Further, it is vital to provide for consistent administration of any incentive programs that prove necessary for different agencies, and to appropriately limit the time period for any incentive offers.

This initiative is based on the Executive Branch's experience with voluntary separation incentives under the Federal Workforce Restructuring Act of 1994. The Restructuring Act provided Federal civilian agencies with authority to offer voluntary separation incentives for a one-year period that ended March 31, 1995. We believe that agencies generally used these incentives successfully to help avoid involuntary separations, and that the Restructuring Act provided a useful framework for consistent administration of incentive programs in many different agencies.

This proposal would provide an overall system for the limited use of voluntary separation incentives by Federal civilian agencies. When an agency head determines that employment in the agency must be reduced in order to improve operating efficiency or meet anticipated budget levels, the agency head may submit a plan to the Director of the Office of Management and Budget for payment of voluntary separation incentives to agency employees. The plan must specify how the planned employment reductions will improve efficiency or meet budget levels. The plan must also include a proposed time period for payment of incentives, and a proposed coverage for offers of incentives to agency employees on the needed organizational, occupational, and geographic basis. The Director of the Office of Management and Budget would approve or disapprove each plan submitted, and would have authority to modify the time period for incentives or coverage of incentive offers. We believe that these provisions for plan approval will ensure that any separation incentives are appropriately targeted within the agency in view of the specific cuts that are needed, and are offered on a timely basis. An agency's full-time equivalent employment would be reduced by one for each employee of the agency who receives an incentive.

The authority for separation incentives would be in effect for the period starting with the enactment of this Act and ending September 30, 2000. The amount of an employee's incentive would be the lesser of the amount that the employee's severance pay would be, or whichever of the following amounts is applicable based on separation in accordance with the agency plan: $25,000 in fiscal years 1996 and 1997; $20,000 in fiscal year 1998; $15,000 in fiscal year 1999; or $10,000 in fiscal year 2000. Any employee who receives an incentive and then accepts any employment with the Government within 5 years after separating must, prior to the first day of employment, repay the entire amount of the incentive to the agency that paid the incentive. The repayment requirement could be waived only under very stringent circumstances of agency need.

In order to further assist agencies in making needed cuts, the bill would authorize agencies, under appropriate conditions, to allow an employee to volunteer for separation in a reduction-in-force when this will prevent the involuntary separation of an employee in a similar position. In addition, in order to minimize the impact of reduction-in-force actions on employees, the bill provides that employees who are involuntarily separated in reductions-in-force can continue their health insurance coverage for 18 months while continuing to pay only the premium that would apply to a current employee.

The Administration believes that this proposal would provide a very useful tool to assist agencies in making needed cuts under appropriate controls and effective program administration.

The Office of Management and Budget advises that the enactment of this legislative proposal would be in accord with the program of the President.

Sincerely,

JAMES B. KING,
Director.•

By Mr. MCCAIN (for himself, Mr. INOUYE, Mr. SIMON, and Mr. DOMENICI):

S. 1834. A bill to reauthorize the Indian Environmental General Assistance Program Act of 1992, and for other purposes; to the Committee on Indian Affairs

THE INDIAN ENVIRONMENTAL GENERAL ASSISTANCE PROGRAM ACT AMENDMENTS

Mr. MCCAIN. Mr. President, I rise today to introduce legislation to amend the Indian Environmental General Assistance Program Act of 1992. I am pleased to be joined by the vice chairman of the Committee on Indian Affairs, Senator INOUYE, and my colleagues, Senator SIMON and Senator DOMENICI as original cosponsors of this legislation.

Mr. President, the Congress enacted the Indian Environmental General Assistance Program Act over 4 years ago to correct a serious deficiency in Federal efforts to ensure environmental protection on reservation lands. Environmental problems on Indian lands were virtually ignored until the mid-1980's when the Congress adopted amendments to the Clean Water Act, Superfund and the Safe Drinking Water Act to authorize Indian tribes to obtain regulatory primacy under these Federal statutes. Despite these efforts to ensure that Indian lands enjoyed the same level of environmental protection as the rest of the Nation, there remain many serious environmental threats to Indian lands.

Some of the most severe environmental problems in the United States threaten our poorest communities. It has been reported that at least 600 solid waste landfills exist on Indian lands that do not meet Federal standards. Contamination from unsanitary landfills pose a daily hazard to the Pine Ridge reservation in South Dakota, which is located in one of the poorest counties in America. Mercury pollution on the Seminole Indian Reservation in Florida threatens fishing and the gathering of food. The Navajo Nation estimates that as many as 1,000 abandoned hazardous waste sites polluted with uranium mine waste contaminate its reservation land in New Mexico, Arizona, and Utah. In a 1994 inspector general report, the EPA estimated that at least 75 percent of the reported 530 leaking underground storage tanks on Indian lands have not been cleaned up and many more have not been identified. These additional conditions are intolerable and deserve our immediate action.

The Indian Environmental General Assistance Program Act authorizes the Environmental Protection Agency to award multimedia grants to Indian tribal governments for the purpose of developing tribal capacity to establish environmental regulatory programs. Before the Committee on Indian Affairs, Indian tribes have testified regarding the need for a diversified and flexible funding mechanism to allow for the development of tribal environmental programs across a wide range of media areas.

The General Assistance Program allows Indian tribes to tailor an environmental management approach that is flexible and allows for the allocation of limited resources pursuant to tribally identified environmental priorities. The minimum award for a general assistance grant is $75,000 per year. The act authorizes $15 million per fiscal year to be appropriated to the EPA to administer the General Assistance Program.

Despite these advances in Federal Indian environmental policy, many Indian tribal programs are barely in the infant stages of development. The General Assistance Program provides Indian tribal governments with the necessary technical and financial assistance to enable them to become better environmental managers.

The bill I am introducing is a simple amendment to the act that would authorize the appropriation of such sums as are necessary to implement the Indian Environmental General Assistance Program. This modification will provide greater flexibility to the Administrator of EPA to make awards to Indian tribes under the act and it will enable a greater number of Indian tribes to develop environmental programs.

In the 4 years since its enactment, less than one-fifth of the 557 Indian tribes and Alaska Native villages have been able to receive grant awards under this program. This modification will ensure that more tribal governments will be able to receive assistance to address the many severe environmental problems affecting reservation lands. In monetary terms, the funds that are needed to address these environmental problems are enormous and far exceed the scarce resources of most Indian tribes. Through this legislation, we will ensure that the Federal Government will afford Indian lands the same protection to a clean environment as the rest of the United States.

I am pleased to note that this legislation is strongly endorsed by Indian tribes and the EPA. The EPA has steadily increased its efforts over the past several years to support tribal authority to regulate environmental programs on reservation lands. EPA Administrator Browner expressed her commitment to improving environmental protection on Indian lands by elevating the needs of Indian tribes as a funding priority for the Agency. This commitment is a long overdue, but much welcome change for Indian country.

I urge my colleagues to support the passage of this legislation and join me in this effort to assist Indian tribes to improve environmental quality on Indian lands.

By Mr. FEINGOLD (for himself, Mr. BRADLEY, and Mr. WELLSTONE):

S. 1835. A bill to expand the definition of limited tax benefit for purposes of the line-item veto; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, that if one committee reports the other have 30 days to report or be discharged.

THE LINE-ITEM VETO ACT EXPANSION ACT OF 1996

Mr. FEINGOLD. Mr. President, I am pleased to introduce legislation to expand the Line-Item Veto Act to cover one of the largest and fastest growing areas of the Federal budget, tax expenditures.

I am especially proud to be joined in offering this legislation by two colleagues who have worked to ensure that tax expenditures receive the scrutiny that other forms of spending receive, my good friends, the Senator from New Jersey [Mr. BRADLEY] and the Senator from Minnesota [Mr. WELLSTONE].

In addition to our effort here in the Senate, I am pleased that my good friend, Congressman TOM BARRETT of Milwaukee, is spearheading this legislation in the other body. Both bills expand the Line-Item Veto Act which was signed into law recently, and which will take effect next January and remain in force for the next 8 years.

Mr. President, both Congressman BARRETT and I supported the new Line-Item Veto Act that was signed into law a few weeks ago. Though it isn't the whole answer to our deficit problem, I very much hope it will be part of the answer.

However, the new Line-Item Veto Act failed to address one of the largest, and fastest growing areas of Federal spending—the program spending done through the Tax Code, often called tax expenditures.

Citizens for Tax Justice estimates that over the next 7 years, we will spend $3.7 trillion on tax expenditures. In the coming fiscal year, it is estimated that we will spend more on programs through the Tax Code, nearly $480 billion, than we will on discretionary spending for defense, agriculture, the Commerce Department programs, education, the environment, health programs including medical research, housing programs, the Justice Department, transportation, veterans affairs, the space program, the entire Federal judiciary, and the entire legislative branch.

Mr. President, despite making up a huge portion of the Federal budget, tax expenditures are off the table with regard to the new Presidential authority which only extends to so-called limited tax benefits, defined in part to be a tax expenditure that benefits 100 or fewer taxpayers. Thus, as long as the tax attorneys can find 101 taxpayers—individuals, corporations, or both—who benefit from the proposed tax expenditure, it is beyond the reach of the new Presidential authority.

Mr. President, it may not even be necessary for the tax attorneys to find that one 101st taxpayer. If a tax expenditure gives equal treatment to all persons in the same industry or engaged in the same type of activity, it is exempt from the new Presidential authority no matter how few benefit from the special treatment.

Also, if all persons owning the same type of property, or issuing the same type of investment, receive the same treatment from a tax expenditure, that tax expenditure is beyond the reach of the President's new authority.

And, there are still more exceptions that make it even harder for a President to trim unnecessary spending done through the Tax Code. For example, if any difference in the treatment of persons by a new tax expenditure is based solely on the size or form of the business or association involved, or, in the case of individuals, general demographic conditions, then the new spending cannot be touched by the President except as part of a veto of the entire piece of legislation which contains the new spending.

Mr. President, we find none of these elaborate restrictions on spending done through the appropriations process or through entitlements. The new Presidential authority is handcuffed only for spending done through the Tax Code.

Mr. President, this raises several problems.

First, and foremost, it partitions off an enormous portion of the Federal budget from this new tool to cut wasteful and unnecessary spending. Citizens for Tax Justice estimates that we are spending over $450 billion through the Tax Code this year, nearly $480 billion next year, and a whopping $3.7 trillion over the next 7 years. If the authority established by the Line-Item Veto Act is to have meaning, it cannot be preempted from being used to scrutinize this much spending.

A second problem raised by the inability of the new Presidential authority to address new tax expenditures is that it creates an enormous loophole through which questionable spending can escape. The current Line-Item Veto Act power given the President formally covers discretionary spending and new entitlement authority. But a special interest intent on enacting its pork-barrel spending could still do so by avoiding the discretionary or entitlement formats, and instead transform their pork into a tax expenditure. As a tax expenditure, most special interest pork is beyond the reach of the Line-Item Veto Act.

Mr. President, this gaping hole is big enough to sink the entire ship.

No matter how powerful this new authority is with regard to discretionary spending and entitlement authority, it is virtually useless against tax expenditures, and thus invites special interests to use this avenue to deliver pork.

Mr. President, a further problem with the lack of adequate Presidential review in this area is the very real potential for inequities in the implementation of the new Line-Item Veto Act authority. These inequities arise in part from the progressive structure of marginal tax rates—as income rises, higher tax rates are applied. In turn, this means that many tax expenditures are worth more to those in the higher income tax brackets than they are to families with lower incomes.

In some instances, tax expenditures provide no benefit at all to individuals with lower incomes.

This is not the case with entitlement and discretionary spending programs—both areas covered by the Line-Item Veto Act. The benefits of those programs often are targeted to those with lower income.

The net effect is that the scope of the current Line-Item Veto Act covers programs that often benefit those with low and moderate income, while it is powerless with regard to programs that often benefit individuals and corporations with higher incomes.

Mr. President, tax expenditures have another feature that makes it especially important that we extend the new Line-Item Veto Act to cover them, namely their status as a kind of super-entitlement. Once enacted, a tax expenditure continues to spend money without any additional authorization or appropriation, and without any regular review. In fact, while even funding for entitlements like Medicare or Medicaid can be suspended in rare instances such as a Government shutdown, funding for a tax expenditure is never interrupted.

Tax expenditures enjoy a status that is far above any other kind of government spending, and as such, it should receive special scrutiny. Extending the Line-Item Veto Act to cover them will provide some of that needed review.

Mr. President, as I have noted, tax expenditures make up a huge portion of the budget. They will soon exceed the entire Federal discretionary budget. Citizens for Tax Justice reports that if all current tax expenditures were suddenly repealed, the deficit could be eliminated and income tax rates could be reduced across the board by about 25 percent.

Clearly, tax expenditures have an enormous impact on the deficit, and we need to pursue two tracks with regard to them. First, we must cut some of the $455 billion in existing spending done through the Tax Code. Any balanced plan to eliminate the deficit over the next few years must contain cuts to spending in this area.

And second, with so much of our budget already dedicated to this kind of spending, we must bring tax expenditures under the Line-Item Veto Act and give the President the authority to act on new spending in this area as he does in other areas.

Our legislation does just that by eliminating the highly restrictive language with respect to tax expenditures.

Mr. President, as with the recently enacted Line-Item Veto Act itself, this bill to extend that new authority is not the whole answer to our deficit problems, but it can be part of the answer, and I urge my colleagues to support this effort to put teeth into the new Presidential authority with respect to the tax expenditure portion of the Federal budget.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1835

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENT TO CONGRESSIONAL BUDGET ACT.

Section 1026(9) of the Congressional Budget and Impoundment Control Act of 1974 (as added by the Line Item Veto Act) is amended to read as follows:

"(9) LIMITED TAX BENEFIT.—The term 'limited tax benefit' means any tax provision that has the practical effect of providing a benefit in the form of different treatment to a particular taxpayer or a limited class of taxpayers, whether or not such provision is limited by its terms to a particular taxpayer or class of taxpayers.".

By Mr. SANTORUM:

S. 1836. A bill to designate a segment of the Clarion River, located in Pennsylvania, as a component of the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Energy and Natural Resources.

NATIONAL WILD AND SCENIC RIVERS SYSTEM LEGISLATION

Mr. SANTORUM. Mr. President, I rise today to introduce a measure to add 51.7 miles of Pennsylvania's Clarion River to the National Wild and Scenic Rivers System. This bill, which Senator SPECTER has joined as an original cosponsor, is companion legislation to a measure being introduced in the House of Representatives today by Congressman BILL CLINGER.

Our bill designates segments of the main stem of the Clarion River from the Allegheny National Forest-State Game Lands No. 44 boundary to the backwaters of Piney Dam as part of the National Wild and Scenic Rivers System. This designation will help to preserve and protect the significant scenic and recreational values of these segments of the Clarion River.

This measure will conclude work begun by the late Senator John Heinz. It was his legislation to add a portion of the Allegheny River to the National Wild and Scenic Rivers System that also authorized the study of the Clarion River to determine its eligibility. The study was concluded earlier this year. And enactment of the bill that Senator SPECTER and I are offering today will bring Senator Heinz's efforts full circle.

Thank you, Mr. President. I ask unanimous consent that the full text of this bill appear in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1836

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF THE CLARION RIVER.

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following:

"( ) CLARION RIVER, PENNSYLVANIA.—The 51.7-mile segment of the main stem of the Clarion River from the Allegheny National Forest/State Game Lands Number 44 boundary, located approximately 0.7 miles downstream from the Ridgway Borough limit, to an unnamed tributary in the backwaters of Piney Dam approximately 0.6 miles downstream from Blyson Run, to be administered by the Secretary of Agriculture in the following classifications:

"(A) The approximately 8.6 mile segment of the main stem from the Allegheny National Forest/State Game Lands Number 44 boundary, located approximately 0.7 miles downstream from the Ridgway Borough limit, to Portland Mills, as a recreational river.

"(B) The approximately 8-mile segment of the main stem from Portland Mills to the Allegheny National Forest boundary, located approximately 0.8 miles downstream from Irwin Run, as a scenic river.

"(C) The approximately 26-mile segment of the main stem from the Allegheny National Forest boundary, located approximately 0.8 miles downstream from Irwin Run, to the State Game Lands 283 boundary, located approximately 0.9 miles downstream from the Cooksburg bridge, as a recreational river.

"(D) The approximately 9.1-mile segment of the main stem from the State Game Lands 283 boundary, located approximately 0.9 miles downstream from the Cooksburg bridge, to an unnamed tributary at the backwaters of Piney Dam, located approximately 0.6 miles downstream from Blyson Run, as a scenic river.".

ADDITIONAL COSPONSORS

S. 341

At the request of Mr. BROWN, the name of the Senator from Colorado [Mr. CAMPBELL] was added as a cosponsor of S. 341, a bill to extend the authorization of the Uranium Mill Tailings Radiation Control Act of 1978, and for other purposes.

S. 491

At the request of Mr. BREAUX, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 491, a bill to amend title XVIII of the Social Security Act to provide coverage of outpatient self-management training services under part B of the medicare program for individuals with diabetes.

S. 684

At the request of Mr. HATFIELD, the name of the Senator from Georgia [Mr.

COVERDELL] was added as a cosponsor of S. 684, a bill to amend the Public Health Service Act to provide for programs of research regarding Parkinson's disease, and for other purposes.

S. 1389

At the request of Mrs. FEINSTEIN, the names of the Senator from Illinois [Ms. MOSELEY-BRAUN] and the Senator from Washington [Mrs. MURRAY] were added as cosponsors of S. 1389, a bill to reform the financing of Federal elections, and for other purposes.

S. 1610

At the request of Mr. BOND, the names of the Senator from Washington [Mr. GORTON] and the Senator from New Hampshire [Mr. GREGG] were added as cosponsors of S. 1610, a bill to amend the Internal Revenue Code of 1986 to clarify the standards used for determining whether individuals are not employees.

S. 1661

At the request of Mr. PRESSLER, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 1661, a bill to specify that States may waive certain requirements relating to commercial motor vehicle operators under chapter 313 of title 49, United States Code, with respect to the operators of certain farm vehicles, and for other purposes.

S. 1703

At the request of Mr. MURKOWSKI, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of S. 1703, a bill to amend the Act establishing the National Park Foundation.

S. 1729

At the request of Mrs. HUTCHISON, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 1729, a bill to amend title 18, United States Code, with respect to stalking.

S. 1731

At the request of Mr. CRAIG, the names of the Senator from Idaho [Mr. KEMPTHORNE] and the Senator from New Mexico [Mr. DOMENICI] were added as cosponsors of S. 1731, a bill to reauthorize and amend the National Geologic Mapping Act of 1992, and for other purposes.

S. 1735

At the request of Mr. PRESSLER, the names of the Senator from Illinois [Ms. MOSELEY-BRAUN] and the Senator from Alaska [Mr. MURKOWSKI] were added as cosponsors of S. 1735, a bill to establish the United States Tourism Organization as a nongovernmental entity for the purpose of promoting tourism in the United States.

S. 1740

At the request of Mr. NICKLES, the names of the Senator from Mississippi [Mr. LOTT], the Senator from Alabama [Mr. SHELBY], the Senator from New Hampshire [Mr. SMITH], the Senator from South Carolina [Mr. THURMOND], the Senator from Kentucky [Mr. MCCONNELL], the Senator from Pennsylvania [Mr. SANTORUM], and the Senator from Virginia [Mr. WARNER] were added as cosponsors of S. 1740, a bill to define and protect the institution of marriage.

S. 1743

At the request of Mr. BINGAMAN, the names of the Senator from Arizona [Mr. KYL], the Senator from South Dakota [Mr. PRESSLER], the Senator from Texas [Mrs. HUTCHISON], the Senator from Kansas [Mrs. KASSEBAUM], and the Senator from Iowa [Mr. HARKIN] were added as cosponsors of S. 1743, a bill to provide temporary emergency livestock feed assistance for certain producers, and for other purposes.

SENATE CONCURRENT RESOLUTION 63

At the request of Mrs. KASSEBAUM, the names of the Senator from Missouri [Mr. BOND], the Senator from Texas [Mr. GRAMM], the Senator from New Mexico [Mr. DOMENICI], and the Senator from Texas [Mrs. HUTCHISON] were added as cosponsors of Senate Concurrent Resolution 63, a concurrent resolution to express the sense of Congress that the Secretary of Agriculture should dispose of all remaining commodities in the disaster reserve maintained under the Agricultural Act of 1970 to relieve the distress of livestock producers whose ability to maintain livestock is adversely affected by the prolonged drought conditions existing in certain areas of the United States, and for other purposes.

SENATE RESOLUTION 243

At the request of Mr. ROBB, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of Senate Resolution 243, a resolution to designate the week of May 5, 1996, as "National Correctional Officers and Employees Week."

SENATE RESOLUTION 257—RELATIVE TO THE RACE FOR THE CURE DAY

Mr. FORD (for himself, Mr. BAUCUS, Mr. BIDEN, Mr. BINGAMAN, Mrs. BOXER, Mr. BRADLEY, Mr. BRYAN, Mr. BUMPERS, Mr. COATS, Mr. COHEN, Mr. CRAIG, Mr. DASCHLE, Mr. DEWINE, Mr. DODD, Mr. DOMENICI, Mr. EXON, Mr. FRIST, Mr. GRAMS, Mr. GRASSLEY, Mr. HEFLIN, Mr. HELMS, Mr. HOLLINGS, Mr. INHOFE, Mr. INOUYE, Mrs. KASSEBAUM, Mr. KEMPTHORNE, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LUGAR, Mr. MACK, Mr. MCCONNELL, Mr. MURKOWSKI, Mrs. MURRAY, Mr. NUNN, Mr. PRESSLER, Mr. PRYOR, Mr. REID, Mr. ROBB, Mr. SARBANES, Mr. SIMON, Mr. SMITH, Mr. SPECTER, Mr. THOMAS, Mr. THURMOND, Mr. WARNER, Mr. WELLSTONE, Mr. WYDEN, Mr. KERRY, Mr. GRAMM, Mrs. HUTCHISON, Ms. SNOWE, Mr. AKAKA, Mrs. FEINSTEIN, and Mr. LIEBERMAN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 257

Whereas breast cancer strikes an estimated 184,000 women and 1,000 men in the United States annually;

Whereas breast cancer will kill 44,300 women in the United States alone this year;

Whereas breast cancer is the leading cause of death for women between the ages of 35 and 54;

Whereas death rates resulting from breast cancer could be substantially decreased if women were informed about the risks of contracting the cancer and if they received mammograms on a regular basis;

Whereas the Race of the Cure is dedicated to eradicating breast cancer through providing funding for research, education, treatment, and screenings for low-income women;

Whereas throughout the year, almost 340,000 participants in 65 cities across the United States (including the first-time host cities of Los Angeles, Las Vegas, Cheyenne, Sacramento, Battle Creek, Baton Rouge, and Louisville) will join together in Races for the Cure to demonstrate their commitment to fighting breast cancer;

Whereas the National Race for the Cure in Washington, D.C., is the largest 5 kilometer race in the country, with 35,000 walkers, runners, and in-line skaters expected to participate this year; and

Whereas the Seventh National Race for the Cure is to be held on Saturday, June 15, 1996, in Washington, D.C.: Now, therefore, be it

Resolved, That the Senate designates Saturday, June 15, 1996, as "National Race for the Cure Day". The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the day with appropriate programs and activities.

NOTICES OF HEARINGS

SUBCOMMITTEE ON INVESTIGATIONS

Mr. STEVENS. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, will hold hearings regarding security in cyberspace.

This hearing will take place on Wednesday, June 5, 1996, in room 342 of the Dirksen Senate Office Building. For further information, please contact Daniel S. Gelber of the subcommittee staff at 224–9157.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce that a full committee hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place Tuesday, June 11, 1996, at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on S. 1010, a bill to amend the unit of general local government definition for Federal payments in lieu of taxes to include unorganized boroughs in Alaska, and for other purposes, S. 1807, a bill to amend the Alaska Native Claims Settlement Act, regarding the Kake Tribal Corp. public interest land exchange, and S. 1187, a bill to convey certain real property located in the Tongass National Forest to Daniel J. Gross, Sr., and Douglas K. Gross, and for other purposes.

Those who wish to testify or to submit written testimony should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. Presentation of oral testimony is by committee invitation. For further information, please contact Jo Meuse or Brian Malnak.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. KYL. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be granted permission to conduct a hearing on Tuesday, June 4, at 9:30 a.m., hearing room (SD–406) on S. 1730, the Oil Spill Prevention and Response Improvement Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. KYL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, June 4, 1996, at 10 a.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. KYL. I ask unanimous consent that the Committee on the Judiciary be authorized to meet for a hearing on S. 1237, the Child Pornography Prevention Act of 1995, during the session of the Senate on Tuesday, June 4, 1996, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTERNATIONAL TRADE

Mr. KYL. Mr. President, the Finance Committee requests unanimous consent for the Subcommittee on International Trade to hold a hearing on the permanent extension of most-favored-nation [MFN] trade status to Romania on Tuesday, June 4, 1996, beginning at 2 p.m. in room SD–215.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

A WEEKEND WITHOUT WAR OVER THE ABORTION ISSUE

• Mr. SIMON. Mr. President, the New York Times carried a story the other day about people in Wisconsin from the pro-life and pro-choice side of the abortion issues, to use the names each side uses, meeting together to talk about what can be done in a constructive way on the issue of abortion.

About 100 people met at this meeting. I commend them for doing it.

This is a meeting that I or some other Member of the Senate should have called a long time ago.

I remember when Cardinal Bernardin, the Roman Catholic prelate in the Chicago area, said that people of sincerity on both sides ought to be meeting and trying to work together on a common agenda.

For example, we know that girls and boys who drop out of high school are much more likely to be involved in teenage pregnancies. And a high percentage of those end in abortions.

If we have programs to encourage people to stay in high school, we are going to have fewer abortions.

That may not be as emotionally satisfying as carrying a picket sign or haranguing someone, but it does infinitely more constructive good and it is something that both sides could agree upon.

I applaud the leaders, Mary Jacksteit and Sister Adrienne Kaufmann, for what they are doing.

I ask that the New York Times article be printed in the RECORD.

The article follows:

A WEEKEND WITHOUT WAR OVER THE ABORTION ISSUE

MADISON, WI.—In workshops and seminars, 100 people from both sides in the fight over abortion met here this weekend to talk about their beliefs without proselytizing or condemning each other.

At its first national conference, which ended today at the University of Wisconsin, a group known as the Common Ground Network for Life and Choice brought together community organizers, members of the clergy, writers and academics in an effort to defuse the rancor that often colors the abortion debate.

"Common Ground is trying to maintain a civil environment in which people can discuss the issues," said Mary Jacksteit, a former labor lawyer who co-founded the organization in Washington in 1993. "This is the place for light instead of heat."

The aim, Ms. Jacksteit said, is to ease the dispute over abortion and find points of commonalty that can be put into practice on a local level.

Critics say Common Ground members risk compromising their beliefs by fraternizing with their opponents. But Ms. Jacksteit said the group's focus was not necessarily on abortion.

Rather than developing a middle position, the organization favors exploring issues that can have a cause and effect bearing on abortion—like teen-age pregnancy, birth control, adoption and sexual responsibility.

Ms. Jacksteit and the group's other founder, Adrienne Kaufmann, a Benedictine nun, refrain from labeling themselves and decline to be pinned down on the beliefs.

"Neither one of us have been either pro-life or pro-choice activists," sister Kaufmann said. "We do not have a hidden agenda."

Many participants in the conference identified their position only by attaching colored stickers to their name tags, a green dot indicating support of abortion rights, a blue dot indicating opposition. One-third had blue dots, one-third had green dots and one-third had no sticker.

In a Friday workshop, groups of participants sat knee to knee in a circle of chairs, Planned Parenthood board members beside Operation Rescue organizers, a Baptist minister who supports abortion rights beside someone long active in social issues who opposes abortion.

"When President Clinton vetoed the late-term abortion bill, I was pleased," said the Mel Taylor, a Baptist pastor for Denver and a supporter of abortion rights. "But I was also very aware of how my friends on the other side were grieving. What I can't do anymore is gloat."

For the participants, a willingness to engage in dialogue did not mean conceding their beliefs.

"I don't feel like I have to give an inch at all," said Loretto Wagner, a veteran abortion opponent who started the Common Ground chapter in St. Louis. "To learn to trust people does not demand any kind of compromise. But I don't have to stand on my principles with my chin thrust out in confrontation. The whole concept of Common Ground involves recognizing our similarities rather than our differences, and not coercing or forcing our agenda on someone."

With 1,500 members in 21 states, Common Ground has tried such bridge-building in a number of communities, Ms. Jacksteit said. In Buffalo, Common Ground works with schools to combat teen-age pregnancy. In St. Louis, an abortion clinic gives prenatal care to women who decide not to terminate a pregnancy and refers them to a crisis pregnancy center run by opponents of abortion. These services were arranged by the directors of the clinic and the crisis center, who are members of Common Ground.

In 1995, after the announcement that two abortion clinics would be built in Davenport, Iowa, Common Ground members talked about ways to reduce the potential for violence.

In another workshop on Friday, participants critiqued their own sides in the abortion conflict.

"I think it's possible to disagree with somebody without calling them a baby killer or believing they are monsters of fiends," said Frederica Mathewes-Green, the author of "Real Choices" and an abortion opponent. The slogan "It's a baby," popularized by abortion opponents, only deadlocks the debate, Ms. Mathewes-Green said. It perpetuates the misbelief that women and babies are on opposite sides of the issues, she added, and alienates women who face unplanned pregnancies.

Conversely, the slogan "It's a woman's choice" trivializes the death of the fetus, the author Naomi Wolf told participants at the Friday workshop. The death of the fetus has become "the blind spot" of the abortion-rights movement, said Ms. Wolf, who supports abortion rights and who last fall condemned the oratory of the abortion-rights movement in an essay in The New Republic.

"I think there is a great hunger in America for a discussion on this issue," she added. Most Americans "want to preserve abortion as a legal right, but condemn it as a moral iniquity."

Many Common Ground members said they were viewed with suspicion not by their adversaries but by their allies. They said their willingness to sit down and listen to the enemy was seen as a form of betrayal.

The apparent mistrust is not a surprise to Sister Kaufmann.

"We live in an adversarial society," she said. "To be in a non-contentious conversation with someone is viewed as strange behavior."•

REPORT ON THE DEFENSE INVESTIGATIVE SERVICE MEMORANDUM

• Mr. MOYNIHAN. Mr. President, for over a year I have served as the Chairman of the Commission on Protecting and Reducing Government Secrecy. Among the Commission's concerns is the often corrupting nature of secrets. Undocumented allegations, sweeping generalizations, personal biases, and outright lies can all be wrapped in the protective cloak of secrecy and receive a level of credibility that they would quickly lose if their documentation and sources were subject to public scrutiny. In addition to the problem of formal classification, the Commission has witnessed examples of instances in which unclassified information gathered from open sources is given greater weight by restricting the distribution of such information to those who hold security clearances. We were recently witness to an example of this phenomenon.

In October, 1995, a counterintelligence profile by the Defense Investigative Service of the Defense Department was sent to 250 leading defense contractors warning of the danger posed by the State of Israel. Israel, the reader was warned, is a "nontraditional adversary" with a proven history of aggressive espionage against the United States, utilizing the strong ethnic ties to Israel present in the United States and the skilled exploitation of selective employment opportunities to infiltrate American industry.

These are serious allegations. They are substantiated with a reading list of three leading daily newspapers and four recent best-selling books about Israeli espionage. No specific citations, no references to pages, or even issues of the newspapers. No attempt to link the explosive statements in the memorandum to the list of sources that follow.

Before entering the Senate, I taught at both Syracuse and Harvard Universities. Had I received a term paper from a college freshman with such inadequate documentation I would have returned it without bothering to read the material.

But add the magic words counterintelligence profile and send it out on a computer from the Defense Investigative Service and for 3 long months these ugly allegations festered unchallenged. For 3 long months none of the 250 defense contractors who had received this document raised a question in public. After all, who wanted to betray the contents of a Defense Department counterintelligence profile, albeit one adorned with a notation that the document did "not necessarily represent the views of the Defense Investigative Service or the Department of Defense?" Certainly not a defense contractor concerned that such action might raise suspicions of involvement in the pro-Israel cabal. Incidently, the very word "cabal" has its roots in the medieval suggestion that Jewish sages—students of the Cabala—were planning to subvert established European regimes.

The silence that greeted this outrageous memorandum is hardly the first time that people who knew better have been quiet in the face of similar ugly allegations.

A century ago the Czar's secret police crafted their own counterintelligence profile in response to the world's outrage at the government-sanctioned pogroms against Russian Jews. This document, the infamous Protocols of the Elders of Zion, purported to be proof of the international Jewish conspiracy bent on world dominance. After the First World War, the Protocols were translated into numerous languages and became popular in nativist and anti-Semitic circles in this country. Virtually everyone knew the Protocols were an ugly lie. But for much too long almost no one had the courage to say so in a clear and unambiguous voice.

The damage done by the Defense Investigative Service memorandum was real and the questions it raised could not be ignored. The loyalties and integrity of millions of American citizens have been questioned in a report prepared at Government expense and released, in a manner which suggested it carried the authority of the Department of Defense, to a select group of corporations who were advised to be cautious about employees with strong ethnic ties to Israel.

When I learned of this memorandum in January, I spoke to Under Secretary of Defense John White to say that we need to have an affirmative statement of what the policy of the Department of Defense is. Which is to say that Israel is most assuredly not a nontraditional adversary and that defense contractors are in no way to consider ethnic origins in their employment practices. I subsequently met with Michael Waguespack, Director of the National Counterintelligence Center, and with John F. Donnelly, then the Director of the Defense Investigative Service. Both appreciated the implications and lessons of this incident. One hopes that no group of Americans, and no foreign country, ever has to endure similar allegations.•

SALUTE TO TENNESSEE'S BICENTENNIAL

• Mr. FRIST. Mr. President, I rise today in recognition and celebration of Tennessee's 200th birthday. Two hundred years ago, when Tennessee's statehood was in its infancy, pioneers and frontiersmen banded together to forge a new future for the Southwest Territory. Though the road to statehood was filled with many obstacles, including land disputes with North Carolina and Presidential politics that held the territory's petition hostage, the spirit of Tennessee's founding fathers prevailed. On July 1, 1796—months after our forefathers called a convention and drafted a State constitution—President George Washington signed a bill into law and Tennessee became the 16th State in the Union.

With a chain of mountains separating them from their eastern neighbors and a vast wilderness to their west, Tennessee's new citizens continued to rely on their frontier skills. It was that pioneer determination that laid the rock-solid foundation for growth and prosperity in the State of Tennessee. It wasn't long before the population grew. Settlers from Virginia, North Carolina, South Carolina, and Pennsylvania quickly moved in—first to mountainous east Tennessee and then went to the hills of middle Tennessee and on to the banks of the Mississippi. Today, Tennessee's population is as rich and diverse as our native soil and our three grand regional divisions.

In the last 200 years, Tennesseans have become President and Vice President of the United States; they have fought—sometimes brother against brother—in bloody battles in the War Between the States and have given their lives on foreign soil in World Wars; they have toiled in hot fields and on hot city streets; they have founded some of the finest colleges and universities around; they have built music and entertainment industries; and they have helped develop the technology that will advance Tennessee into its third successful century. And Mr. President, they have all—in one way or another—contributed to the fortune of our State and Nation.

Mr. President, as Tennessee looks back proudly on the accomplishments of its first 200 years, let us also recognize the bright future that lies ahead for my home state. The volunteers of Tennessee are no longer living on the frontier, but their pioneering minds and spirits continue to drive them toward success. So Mr. President, I rise today to celebrate with my fellow Tennesseans as we all look forward to the prosperous growth and bountiful success that the next 200 years of Tennessee history will behold.•

THE SILLY SEASON

• Mr. SIMON. Mr. President, I felt like cheering as I read Tom Friedman's column in the New York Times on the gasoline tax, which I ask to be printed in the RECORD after my remarks.

Frankly, no tax cut makes any sense when we are still running a huge deficit. Tax cuts are pandering at their worst.

But of all the tax cuts the one that makes the least sense is the 4.3-cent-a-gallon cut in the gas tax.

Even our neighbors in Canada, who have much greater distances to cover with a sparser population, have a gasoline tax roughly double our gasoline tax.

No country outside Saudi Arabia has a gas tax lower than ours.

We illustrate over and over again the need for doing what Thomas Jefferson first suggested—having a constitutional amendment to restrict Government borrowing.

For most of the first two centuries of our country's existence that was not a huge problem, but we are so motivated by polls and gimmicks that we are doing a great disservice to our country.

If President Clinton had stood up and said this is wrong, he would have picked up support both in conservative circles as well as generally.

It is interesting that after we had passed the 4.3-cent-a-gallon tax increase, I did not have a single person among the 12 million people in Illinois object to that tax increase.

I talked to a western Senator where you might expect greater sensitivity, and he told me he had the same experience.

The article follows:

[From the New York Times]

THE SILLY SEASON

(By Thomas L. Friedman)

WASHINGTON.—I have a confession to make: Even before the old Bob Dole became the new Bob Dole, our family station wagon wasn't exactly plastered with his bumper stickers. But last week I returned from an overseas trip to find that Mr. Dole was proposing to repeal the 4.3-cent-a-gallon gasoline tax, and I've changed my mind about the old guy. Yes, sir, scrapping the gasoline tax. That's the sort of leadership America needs; that's the sort of spirit of sacrifice the country's been missing: a President who's ready to sacrifice the budget, to sacrifice the environment, to sacrifice energy conservation, to sacrifice oil reserves in order to save the American people 4.3 cents a gallon. And when Mr. Dole's sidekick Dick Armey, the House majority leader, suggested that we consider cutting the education budget to make up for the lost gas-tax revenue, well, then and there I knew I was a Dole man. I mean, cutting education to save Americans a few pennies a gallon at a time when their gas is already the cheapest in the world—that's the kind of thinking that will keep us the world's most competitive nation in the 21st century. I sure hope the Japanese don't get that idea.

Are we out of our minds? Raising the gas tax has been one of the few smart things we've done in recent years. It promotes energy conservation, it helps protect the air, it encourages development of alternative energies, it promotes national security by reducing U.S. dependence on foreign oil supplies—*and* it reduces the budget deficit. That 4.3-cent-a-gallon tax raises $5 billion a year. It is one of the reasons the deficit has been cut in half since 1993.

Any proposal to repeal the gas tax should be hooted out of Congress with scorn. Unfortunately, that's not what President Clinton did. Instead he's trying to trade his support for this idiotic gas-tax repeal for a Republican endorsement of his proposal to raise the minimum wage—the worst sort of election-year poker. Mr. Clinton is saying to Mr. Dole: "I see your foolishness and I raise you one."

It is hard to believe that the Dole proposal for repeal of the gas tax is effective even as political pandering. How many people are really going to change their votes from Clinton to Dole over 4.3 cents a gallon? Moreover, how can Republicans argue that a balanced budget and deficit reduction are the two most urgent priorities in American politics and then, when gas prices go up a bit due to seasonal factors, simply discard the gas tax without regard for the long-term budget implications? "It only makes sense politically if it is part of a broader Dole strategy for lowering taxes," says Bill Kristol, editor of the conservative Weekly Standard. And then for Mr. Armey to even hint that we might pay for this giveaway by cutting education—that takes your breath away. For a cheap political high with the shelf life of a dead fish, a House Republican leader is ready to cut $5 billion a year from education? How could such a thought even cross Mr. Armey's mind? Forget about what a Dole Presidency would be like; if this keeps up I'm not sure we can afford a Dole candidacy.

The truth is we shouldn't be lowering our gas taxes. We should be raising them. Gasoline is probably the best bargain commodity in the U.S. marketplace. The latest blip aside, the real price of gasoline in the U.S. has been falling for 15 years (and if the Iraqi oil sanctions are eased by the U.N. soon, gas prices in the U.S. will likely resume that downward trend). In France and Italy, gas goes for $4.50 a gallon; in Japan it costs $3.75. Most of the difference between their prices and ours is taxes that those Governments use to finance public services. We could put a 50-cent-a-gallon tax on U.S. gasoline, get rid of the deficit and still have a huge competitive edge over the Europeans and Japanese. "This is one of the easiest and most attractive ways of raising tax revenue, and we're just giving it away," says the oil economist Vahan Zanoyan, of the Petroleum Finance Company.

In his speech announcing his resignation from the Senate, Mr. Dole insisted that: "My campaign for the President is not merely about obtaining office. It's about fundamental things, consequential things, things that are real. My campaign is about telling the truth, it's about doing what is right."

If that's true, then I can't wait for the Dole campaign to begin.•

L.W. HIGGINS HIGH SCHOOL, MARRERO, LA

• Mr. JOHNSTON. Mr. President, I rise today to congratulate Jamie Staub's civics class from L.W. Higgins High School in Marrero, LA, winners of the Louisiana competition of the We the People . . . the Citizen and the Constitution Program. These exceptional young people were participants in the national finals held in Washington, DC on April 27, through April 29, 1996.

The distinguished members of the team are: Stephen Deffner, Khai T. Duong, Kim Evans, Mary Rose Hollywood, Liliane Thuy Huynh, Danielle S. James, Ashley Huong Kha, Julie Larue, Christina Magenta Lindsay, Lauren Elizabeth Mo, Cathy Thuy Nguyen, Michelle Thuy-Trang Nguyen, Traci Hong Pham, Shaun Adrian Posey, Hoai X. Tran, Mary M. Tran, Euriah Marie Walters, and Donald Alexander Winchester, Jr.

I would also like to recognize Jamie Staub, their outstanding teacher, who can be credited with much of the team's success. The district coordinator, Jane Wilson, and the State coordinator, Catherine St. Amant, also devoted a great deal of time and were integral to the team's achievement.

The We the People . . . the Citizen and the Constitution Program is the most extensive educational program in the country developed specifically to educate youth about the Constitution and the Bill of Rights. The 3-day national competition simulates a congressional hearing in which students' oral presentations are judged on the ability to apply constitutional principles to both historical and contemporary issues.

Administered by the Center for Civic Education, the We the People Program, now in its ninth academic year, has reached more than 70,400 teachers and 226,000 students nationwide. Members of Congress and their staff enhance the program by discussing current constitutional issues with students and teachers.

This outstanding program provides an excellent opportunity for students to gain an informed perspective on the significance of the U.S. Constitution and its place in history and in our lives. I am very proud of the students of L.W. Higgins High School and look forward to their continued success in the future.•

ANNOUNCEMENT OF POSITION ON VOTES

• Mr. LIEBERMAN. Mr. President, on Wednesday, May 22, because of obligations in my State, I was absent for two rollcall votes, rollcall Nos. 145 and 146.

Had I been present, I would have voted "yea" on rollcall No. 145 and "nay" on rollcall No. 146.•

BUDGET SCOREKEEPING REPORT

• Mr. DOMENICI. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of section 5 of Senate Concurrent Resolution 32, the first concurrent resolution on the budget for 1986.

This report shows the effects of congressional action on the budget through May 24, 1996. The estimates of budget authority, outlays, and revenues, which are consistent with the technical and economic assumptions of the 1996 concurrent resolution on the budget, House Concurrent Resolution 67, show that current level spending is above the budget resolution by $15.5 billion in budget authority and by $14.3 billion in outlays. Current level is $79 million below the revenue floor in 1996 and $5.5 billion above the revenue floor over the 5 years 1996–2000. The current estimate of the deficit for purposes of calculating the maximum deficit amount is $260.1 billion, $14.4 billion above the maximum deficit amount for 1996 of $245.7 billion.

Since my last report, dated May 2, 1996, there has been no action to change the current level of budget authority, outlays, or revenues.

The report follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 3, 1996.

Hon. PETE V. DOMENICI,
Chairman, Committee on the Budget,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report for fiscal year 1996 shows the effects of Congressional action on the 1996 budget and is current through May 24, 1996. The estimates of budget authority, outlays and revenues are consistent with the technical and economic assumptions of the 1996 Concurrent Resolution on the Budget (H. Con. Res. 67). The report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended.

Since my last report, dated May 2, 1996, there has been no action to change the current level of budget authority, outlays or revenues.

Sincerely,

JUNE E. O'NEILL,
Director.

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, FISCAL YEAR 1996, 104TH CONGRESS, 2D SESSION, AS OF CLOSE OF BUSINESS MAY 24, 1996

[In billions of dollars]

	Budget resolution (H. Con. Res. 67)	Current level	Current level over/under resolution
ON-BUDGET			
Budget Authority [1]	1,285.5	1,301.1	15.5
Outlays [1]	1,288.2	1,302.5	14.3
Revenues:			
1996	1,042.5	1,042.4	−0.1
1996–2000	5,691.5	5,697.0	5.5
Deficit	245.7	260.1	14.4
Debt Subject to Limit	5,210.7	5,041.5	−169.2
OFF-BUDGET			
Social Security Outlays:			
1996	299.4	299.4	0.0
1996–2000	1,626.5	1,626.5	0.0
Social Security Revenues:			
1996	374.7	374.7	0.0
1996–2000	2,061.0	2,061.0	0.0

[1] The discretionary spending limits for budget authority and outlays for the Budget Resolution have been revised pursuant to Section 103(c) of P.L. 104–121, the Contract with America Advancement Act.

Note.—Current level numbers are the estimated revenue and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 104TH CONGRESS, 2D SESSION, SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1996, AS OF CLOSE OF BUSINESS MAY 24, 1996

[In millions of dollars]

	Budget authority	Outlays	Revenues
ENACTED IN PREVIOUS SESSIONS			
Revenues			1,042,557
Permanents and other spending legislation	830,272	798,924	
Appropriation legislation		242,052	
Offsetting receipts	−200,017	−200,017	
Total previously enacted	630,254	840,958	1,042,557
ENACTED IN FIRST SESSION			
Appropriation bills:			
1995 Rescissions and Department of Defense Emergency Supplementals Act (P.L. 104–6)	−100	−885	
1995 Rescissions and Emergency Supplementals for Disaster Assistance Act (P.L. 104–19)	22	−3,149	
Agriculture (P.L. 104–37)	62,602	45,620	
Defense (P.L. 104–61)	243,301	163,223	
Energy and Water (P.L. 104–46)	19,336	11,502	
Legislative Branch (P.L. 105–53)	2,125	1,977	
Military Construction (P.L. 104–32)	11,177	3,110	
Transportation (P.L. 104–50)	12,682	11,899	
Treasury, Postal Service (P.L. 104–52)	23,026	20,530	
Offsetting receipts	−7,946	−7,946	
Authorization bills:			
Self-Employed Health Insurance Act (P.L. 104–7)	−18	−18	−101
Alaska Native Claims Settlement Act (P.L. 104–42)	1	1	
Fishermen's Protective Act Amendments of 1995 (P.L. 104–43)		(1)	
Perishable Agricultural Commodities Act (P.L. 104–48)	1	(1)	1
Alaska Power Administration Sale Act (P.L. 104–58)	−20	−20	
ICC Termination Act (P.L. 104–88)			(1)
Total enacted first session	366,191	245,845	−100
ENACTED IN SECOND SESSION			
Appropriation bills:			
Ninth Continuing Resolution (P.L. 104–99) [2]	−1,111	−1,313	
District of Columbia (P.L. 104–122)	712	712	
Foreign Operations (P.L. 104–107)	12,104	5,936	
Offsetting receipts	−44	−44	
Omnibus Rescission and Appropriations Act of 1996 (P.L. 104–134)	330,746	246,113	
Offsetting receipts	−63,682	−55,154	
Authorization bills:			
Gloucester Marine Fisheries Act (P.L. 104–91) [3]	14,054	5,882	
Smithsonian Institution Commemorative Coin Act (P.L. 104–96)	3	3	
Saddleback Mountain Arizona Settlement Act (P.L. 104–102)		−7	
Telecommunications Act of 1996 (P.L. 104–104) [4]			
Farm Credit System Regulatory Relief Act (P.L. 104–105)	−1	−1	
National Defense Authorization Act of 1996 (P.L. 104–106)	369	367	
Extension of Certain Expiring Authorities of the Department of Veterans Affairs (P.L. 104–110)	−5	−5	
To award Congressional Gold Medal to Ruth and Billy Graham (P.L. 104–111)	(1)	(1)	
An Act Providing for Tax Benefits for Armed Forces in Bosnia, Herzegovina, Croatia and Macedonia (P.L. 104–117)			−38
Contract with America Advancement Act (P.L. 104–121)	−120	−6	
Agriculture Improvement and Reform Act (P.L. 94–127)	−325	−744	
Federal Tea Tasters Repeal Act of 1996 (P.L. 104–128)			(1)
Antiterrorism and Effective Death Penalty Act (P.L. 104–132)			2
Total enacted second session	292,699	201,740	−36
ENTITLEMENTS AND MANDATORIES			
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted	11,913	13,951	
Total Current Level [5]	1,301,058	1,302,495	1,042,421
Total Budget Resolution	1,285,515	1,288,160	1,042,500
Amount remaining:			
Under Budget Resolution			79
Over Budget Resolution	15,543	14,335	

[1] Less than $500,000.

[2] P.L. 104–99 provides funding for specific appropriated accounts until September 30, 1996.

[3] This bill, also referred to as the sixth continuing resolution for 1996, provides funding until September 30, 1996 for specific appropriated accounts.

[4] The effects of this Act on budget authority, outlays and revenues begin in fiscal year 1997.

[5] In accordance with the Budget Enforcement Act, the total does not include $4,551 million in budget authority and $2,458 million in outlays for funding of emergencies that have been designated as such by the President and the Congress.

Note.—Detail may not add due to rounding.•

WORLDWIDE GAMBLING BOOM IS CAUSE FOR CONCERN

• Mr. SIMON. Mr. President, a friend of mine, Robert Luken, sent me an article from the Catholic Times, the Springfield, IL, diocesan newspaper with a story by John Thavis that was distributed by Catholic News Service under the title "Worldwide Gambling Boom Is Cause for Concern," which I ask to be printed in the RECORD at the conclusion of my remarks.

It contains not only good moral advice but good common sense that we must keep in mind as we approach a decision on whether or not to have a Federal commission to look at the huge growth of gambling in our country.

I urge my colleagues to read the article.

The article follows:

[From the Springfield Catholic Times, Apr. 21, 1996]

WORLDWIDE GAMBLING BOOM IS CAUSE FOR CONCERN

(By John Travis)

VATICAN CITY.—A worldwide boom in gambling—increasingly sponsored by the state—is raising moral concerns among Vatican officials, theologians and Catholic social scientists.

Gambling is not a new issue for the church. Bingo has been a parish mainstay for decades. Local churches have raised money through raffles or other take-a-chance offerings.

But this small-scale "social" gambling has given way to a more aggressive form that, according to church experts, has a corrosive effect on individuals, families and the entire social fabric. In the U.S., nearly $500 billion is wagered legally every year.

"Gambling is obviously reaching alarming proportions. I think it represents a menace to the basic institution of the family and to the community at large," said Jerzy Zubrzycki, a member of the Pontifical Academy of Social Sciences, who has spent years researching the effects of gambling.

Gambling "is a search for a quick fix, like the drug culture. It's escapism instead of facing one's problems and trying to grow," said U.S. Jesuit Father John Navone, a theologian at Rome's Gregorian University.

For Swiss Dominican Father Georges Cottier, Pope John Paul II's in-house theologian, the spread of gambling is no less than a sign of a "social disease." The house never loses, but the weak and their families often do, he said.

Yet, surprisingly to many, the church's official teaching on gambling is quite tolerant. According to the "Catechism of the Catholic Church," games of chance and betting are not in themselves evil or unjust.

They become morally unacceptable when they "deprive someone of what is necessary to provide for his needs and those of others." The catechism also rejects unfair wagers or cheating; but there's no explicit mention of the state's role in promoting lotteries, casinos or "scratch-and-win" tickets.

The Vatican has not examined the finer moral points of state-sponsored gambling in any comprehensive way, and the Congregation for the Doctrine of the Faith declined to answer questions about the issue. Church officials are, however, tracking recent statements against gambling by bishops in the U.S., Canada and Australia.

"The state, instead of being a brake or a guide on this issue, is playing the game itself. Unfortunately, this is part of the crisis of values in society," said Franciscan Father Pier Giuseppe Pesce, a Rome theologian who advises the Vatican.

Mary Ann Glendon, a U.S. lawyer and a member of the Pontifical Academy of Social Sciences, said state-sponsored gambling often appears a painless way to produce much-needed revenues. But really, it's a "regressive tax" that hits the poor hardest.

What she especially finds objectionable is that the state "imitates the private operators of casinos, in trickling in this little wins" to keep people coming back. It's "very cynical and very exploitative," she said.

Father Cottier said he thought the Vatican should take a closer look at the morality of all this. One way in which the issue might be advanced, he said, is for a bishop to pose formal questions for response by the doctrinal congregation.

But none of those interviewed was proposing a ban on gambling. The question is more complex than that, they said.

As Glendon said, "When we address the moral issue we have to make sure that we are not trying to eliminate things that make life pleasant and fun."•

CELEBRATING 50 YEARS OF THE NATIONAL SCHOOL LUNCH PROGRAM

• Mr. McCONNELL. Mr. President, 50 years ago this June, President Harry Truman signed the National School Lunch Act into law declaring "Nothing is more important in our national life than the welfare of our children, and proper nourishment comes first in attaining this welfare." This created the modern School Lunch Program operated through the U.S. Department of Agriculture.

By the end of its first year about 7.1 million children were participating in the National School Lunch Program. Today, over 25 million children receive a nutritious lunch under the program.

The National School Lunch Program is administered by Food and Consumer Service, an agency of the U.S. Department of Agriculture. At the State and local levels, the program is usually administered by the State education agency in cooperation with local school districts.

Throughout my career, I have been a strong supporter of child nutrition programs. We in public service have no greater responsibility than to ensure the health an well-being of our Nation's children. I pledge my commitment to continue to support the tremendously successful School Lunch Program.

Studies confirm and teachers readily agree, that there is a clear link between sound nutrition, learning ability, and the behavior of children. The best education programs we can devise will have little effect if children are simply too hungry to concentrate.

The School Lunch Program is a vital ingredient in the recipe to provide nutritious meals for America's children. For many of our Nation's children, the meals they receive through the various nutrition programs, especially the School Lunch Program, are the only nutritious foods they eat all day. Over 93,000 schools and residential child care institutions participate in the National School Lunch Program. The program is available in 95 percent of all public schools, representing 97 percent of all public school children.

Today, we not only celebrate the 50th anniversary of the School Lunch Program but also salute the women and men who contribute to the success of this program. I also want to thank the American School Food Service Association and their members for providing high-quality, low-cost meals to children across the country.

The School Lunch Program is an investment in our kids, an investment in our Nation's future. Happy anniversary and congratulations on a job well done.•

IN MEMORY OF IVAN FRANK KARDOS

• Mr. WELLSTONE. Mr. President, I rise to pay tribute to Ivan Frank Kardos, an attorney, formerly of Washington, DC, who died in his home in Grove, OK, April 2, 1996, with his family and friends in attendance, after a 2½-year battle with cancer. He was cremated and his ashes were inurned in a ceremony on May 21, 1996, at Arlington National Cemetery with full military honors.

Mr. Kardos, born August 2, 1920, in Budapest, Hungary, was the son of William and Olga Kovacs Kardos, who preceded him in death. The family emigrated to New York City when Frank was 2 years old.

He graduated from New York University Law School in 1948. His bar admissions included New York, Maryland, District of Columbia, Oklahoma, U.S. Court of Appeals for the 2d, 10th, and District of Columbia Circuits, U.S. district courts for the Southern District of New York, Northern, Eastern and Western Districts of Oklahoma, and for the District of Columbia, U.S. Courts of Military Appeals, U.S. Court of Claims, and the U.S. Supreme Court.

His legal career in the public sector included service with the United States Postal Service, United States Army Corps of Engineers in New York and Washington, DC, and Karachi, Pakistan. He was the Principal Deputy to the General Counsel of the U.S. Postal Service, responsible for writing and administering the Department's Code of Ethical Conduct and Conflicts of Interest Programs.

He was liaison with the Department of Labor for the Service Contract Act of 1965 and other labor requirements under Federal contracts and was also liaison with the Department of Justice concerning various criminal matters and the Public Information Act, and with the then Civil Service Commission for Inter-Agency Committee for Procurement. He served as a legal advisor concerning equal opportunity employment, and administered on behalf of the general counsel the Release of Information Program under the Freedom of Information Act.

Frank's Military service began in the ROTC in 1937. He was on active duty with the United States Army in the armored branch when Pearl Harbor was bombed and served 42 months in the Southwest Pacific theater, including the Philippines and New Guinea. In 1980, he retired from the military with the rank of lieutenant colonel.

In addition to his successful professional career in public service, Frank also was generous with his time in the private sector. He strongly believed in giving back to society by being actively involved with such organizations as SCORE, the American Legion, Masonic Bodies, and Literacy Programs.

A man of great intellect who lived his life with integrity and honesty, he will be sorely missed by his family and friends. He is survived by his wife, Bettie Crumpler Kardos of Grove, OK; sons Christopher and his wife Sherry and their son Jonathan of Cedar Rapids, IA; Michael and his wife Kay of Austin, TX, Gregory and his wife Brenda with their daughter Kelly and son, Scott of Farmington, NM, and daughter, Pamela Kardos-Gordon and her husband, Wayne Gordon, of Upper Marlboro, MD.•

REPUBLIC OF ITALY'S 50TH ANNIVERSARY

• Mr. LEVIN. Mr. President, 1996 marks the 50th anniversary of the establishment of the Republic of Italy. Fifty years ago, Italy escaped the dark hold of fascism and began the process of becoming the important democratic nation it is today. Modern Italy was created out of the tumultuous aftermath of World War II. The system of governing for the new republic received its mandate from the people of Italy, and it has continued in that fashion for the past 50 years. On May 9, 1946, Victor Emmanuel III gave up his claim to the Italian throne. On June 2, 1946, Italians officially replaced the monarchy with a republic when Italy held its first free elections in 20 years. The purpose of the Constituent Assembly that was elected was to prepare a new democratic constitution to guide a free Italy in the future. The Assembly adopted a new constitution 1 year later. As Italy's democratic tradition has grown stronger and older over the years, the nation has continued to exert its leadership in world affairs. Today, Italy is a respected ally of much of the industrialized world and a leader in many of its organizations. I know that my Senate colleagues join me in celebrating the great strides that the Republic of Italy has made over the past 50 years.•

CONGRATULATING STEVE STRICKER'S 1996 KEMPER OPEN VICTORY

• Mr. KOHL. Mr. President, I rise today to congratulate Edgerton, WI, resident, Steve Stricker, on winning the 1996 Kemper Open. Known to many on the Professional Golfers Association (PGA) tour as the best player not to have won on tour, Stricker shed that distinction with his commanding 3-stroke victory at the Tournament Players Club (TPC) at Avenel in nearby Potomac, MD.

Stricker demonstrated the skill and confidence of a champion throughout the 72-hole tournament. Whether it was a 5-foot par putt to maintain his lead, or the decision to attack the par 5 sixth hole rather than hold back, Steve's long hours of practice and overall commitment to excellence paid off, literally.

Steve Stricker was not alone on the damp and drizzly 7,005 yard, par 71 course, however. Stricker's caddie, Nicki, who also happens to be his wife, was there every step of the way, encouraging him to be aggressive, yet acting as a steadying presence over any anxious moments during the tournament. A competitive golfer in her own right, Nicki's wise counsel and experience added to the victory, making it truly a team effort.

Those of us who have followed his short career know that this is just the tip of the iceberg for Steve Stricker. With his exceptional work ethic and dedication to making himself the best, Steve's successes have only just begun. With this in mind, I congratulate Steve Stricker on his 1996 Kemper Open victory and look forward to more of the same.•

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. DOLE. Mr. President, I ask unanimous consent the Senate immediately proceed to executive session to consider the following nominations en bloc, on today's Executive Calendar: Calendar Nos. 482, 521 through 528, 530, 554 and 555.

I further ask unanimous consent that the nominations be confirmed en bloc, the motions to reconsider be laid upon the table en bloc, that any statements relating to the nominations appear at the appropriate place in the RECORD, the President be immediately notified of the Senate's action, the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF LABOR

Pascal D. Forgione, Jr., of Delaware, to be Commissioner of Education Statistics for a term expiring June 21, 1999.

DEPARTMENT OF STATE

Lawrence Neal Benedict, of California, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Cape Verde.

The following-named Career Member of the Senior Foreign Service, Class of Career Minister, for the personal rank of Career Ambassador in recognition of especially distinguished service over a sustained period:

J. Stapleton Roy, of Pennsylvania

Harold Walter Geisel, of Illinois, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Mauritius and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federal and Islamic Republic of The Comoros.

Aubrey Hooks, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of the Congo.

Robert Krueger, of Texas, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Botswana.

David H. Shinn, of Washington, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Ethiopia.

AFRICAN DEVELOPMENT FOUNDATION

Ernest G. Green, of the District of Columbia, to be a Member of the Board of Directors of the African Development Foundation for a term expiring September 22, 2001. (Reappointment)

U.S. INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Lottie Lee Shackelford, of Arkansas, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 1998. (Reappointment)

AFRICAN DEVELOPMENT FOUNDATION

Henry McKoy, of North Carolina, to be a Member of the Board of Directors of the African Development Foundation for a term expiring February 9, 2002.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Ronnie Feuerstein Heyman, of New York, to be a Member of the National Council on the Arts for a term expiring September 3, 2000.

Terry Evans, of Kansas, to be a Member of the National Council on the Arts for a term expiring September 3, 2000.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

ORDERS FOR WEDNESDAY, JUNE 5, 1996

Mr. DOLE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 9:15 a.m. on Wednesday, June 5; further, that immediately following the prayer, the Journal of proceedings be deemed approved to date, no resolutions come over under the rule, the call of the calendar be dispensed with, the morning hour be deemed to have expired, and the time for the two leaders be retained their use later in the day, there then be a period for morning business until the hour of 11 a.m. with Senators permitted to speak for up to 5 minutes each with the following exceptions: Senator ROTH, 30 minutes; Senator BRADLEY or designee, 40 minutes; Senator GRASSLEY, 5 minutes.

I further ask at 11 a.m. the Senate begin debate on House Joint Resolution 1, the balanced budget amendment. I further ask the time for debate on Wednesday be equally divided with the portion of time under the control of the Democrats divided as follows: Senator HOLLINGS, 2 hours; Senator DORGAN, 1 hour; Senator EXON, 30 minutes; further, I ask the time between 1:30 p.m. and 3:30 p.m. be under the control of Senator THOMAS.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. So, I would say for the information of all Senators, tomorrow will be dedicated to debate on the balanced budget amendment.

UNANIMOUS CONSENT AGREEMENT—HOUSE JOINT RESOLUTION 1

Mr. DOLE. I ask unanimous consent a motion to proceed and the motion to reconsider be agreed to, and the vote occur on passage of House Joint Resolution. 1 at 12 noon on Thursday, June 6, 1996, with the last 40 minutes of debate under the control of the two leaders with the majority leader in control of the closing 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE CONCURRENT RESOLUTION 63

Mr. DOLE. Mr. President, it had been my hope tonight, on behalf of Senator KASSEBAUM, to pass Senate Concurrent Resolution 63. We were going to ask that the Committee on Agriculture be discharged from further consideration of that resolution and that the Senate then proceed to its immediate consideration. I understand there may be an amendment on the other side of the aisle. As I understand, the person who may have the amendment is not now available.

Let me indicate what the resolution will do. We have been promised that maybe by tomorrow morning sometime we can resolve any problem. I hope that is the only reason. There may be another reason that sort of crosses my mind as I stand here.

This resolution will express the sense of Congress that the Secretary of Agriculture should dispose of all remaining commodities in the disaster reserve maintained under the Agricultural Act of 1970 to relieve the distress of livestock producers whose ability to maintain livestock is adversely affected by the prolonged drought conditions existing in certain areas of the United States, and for other purposes. The amendment indicates that, in light of the prolonged drought conditions existing in certain areas of the United States, the Secretary of Agriculture promptly dispose of all commodities in the disaster reserve maintained under section 813 of the Agricultural Act of 1970, 7 USC 1427 (a) to relieve the distress of livestock producers whose ability to maintain livestock is adversely affected by the prolonged drought. And that is true.

In some parts of America, including my home State of Kansas, we have had a long drought. In fact, in Texas, I think it is the worst drought they have had, in some parts of Texas, in over 50 years.

So I hope we can move on this quickly. It is a sense-of-the-Senate resolution. It may be that the administration has decided to move without passage of the resolution. That will probably be known later.

The PRESIDING OFFICER. In my capacity as a Senator from the State of Washington, I suggest the absence of a quorum. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9:15 A.M. TOMORROW

Mr. DOLE. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:24 p.m., adjourned until Wednesday, June 5, 1996, at 9:15 a.m.

NOMINATIONS

Executive nominations received by the Senate June 4, 1996:

DEPARTMENT OF STATE

MADELEINE MAY KUNIN, OF VERMONT, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO SWITZERLAND.

CONFIRMATIONS

Executive Nominations Confirmed by the Senate June 4, 1996:

DEPARTMENT OF LABOR

PASCAL D. FORGIONE, JR., OF DELAWARE, TO BE COMMISSIONER OF EDUCATION STATISTICS FOR A TERM EXPIRING JUNE 21, 1999.

DEPARTMENT OF STATE

LAWRENCE NEAL BENEDICT, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF CAPE VERDE.

THE FOLLOWING-NAMED CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, FOR THE PERSONAL RANK OF CAREER AMBASSADOR IN RECOGNITION OF ESPECIALLY DISTINGUISHED SERVICE OVER A SUSTAINED PERIOD:

J. STAPLETON ROY, OF PENNSYLVANIA

HAROLD WALTER GEISEL, OF ILLINOIS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MAURITIUS AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE FEDERAL AND ISLAMIC REPUBLIC OF THE COMOROS.

AUBREY HOOKS, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF THE CONGO.

ROBERT KRUEGER, OF TEXAS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF BOTSWANA.

DAVID H. SHINN, OF WASHINGTON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO ETHIOPIA.

AFRICAN DEVELOPMENT FOUNDATION

ERNEST G. GREEN, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE AFRICAN DEVELOPMENT FOUNDATION FOR A TERM EXPIRING SEPTEMBER 22, 2001.

HENRY MCKOY, OF NORTH CAROLINA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE AFRICAN DEVELOPMENT FOUNDATION FOR A TERM EXPIRING FEBRUARY 9, 2002.

UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

LOTTIE LEE SHACKELFORD, OF ARKANSAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 1998.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

RONNIE FEUERSTEIN HEYMAN, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2000.

TERRY EVANS, OF KANSAS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2000.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

HOUSE OF REPRESENTATIVES—*Tuesday, June 4, 1996*

The House met at 12:30 p.m., and was called to order by the Speaker pro tempore [Mr. COBLE].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 4, 1996.

I hereby designate the Honorable HOWARD COBLE to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MORNING BUSINESS

The SPEAKER pro tempore. Pursuant to the order of the House of May 12, 1995, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority and minority leader limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. PALLONE] for 5 minutes.

GINGRICH-DOLE MEDICARE PLAN AND DEMOCRATIC ALTERNATIVE

Mr. PALLONE. Mr. Speaker, this weekend on NBC's "Meet the Press," House Speaker NEWT GINGRICH went on the attack on Medicare once again, and now he claims that the President and the Democrats in Congress are deliberately misleading the American people about his plan; that is, the Republican plan, so-called plan to save Medicare. I would like to tell my colleagues that nothing could be further from the truth. Last year the American people overwhelmingly rejected the Republican plan to cut $270 billion from Medicare to pay for tax breaks primarily for the wealthy, and the Speaker knows the public opinion is not on his side, so he is trying to confuse the American people by making extreme attacks on Democrats' integrity rather than addressing the Medicare issue correctly.

I guess we should not be surprised because it was Speaker GINGRICH who last year said it was his goal to see Medicare, and I quote, "wither on the vine." The bottom line, Mr. Speaker, is that the Republicans want to use the budget, this budget that they passed a few weeks ago and is now in conference with the Senate, as the vehicle for transforming Medicare in a very radical way.

My position is, and I believe it is that of most Democrats, if changes in Medicare are to come they should not be made in the context of the budget, they should not be a vehicle to make cuts in Medicare that would be used for other priorities, such as tax breaks for the wealthy or increased defense spending or whatever other initiatives the Republicans plan for the budget.

Now, we know this Wednesday the Medicare trustees are going to come out with their annual report and already we are hearing that the Speaker and the Republican leadership are going to use this report, which will show again that Medicare does need some changes in order for it not to become insolvent 5 or 6 years from now, but the bottom line is that the Republican leadership plan to save Medicare is not an effort to make some adjustments in Medicare so that it remains solvent and so that the money is available to continue the program as it currently exists. Rather, they want to make major radical structural changes in the Medicare program that will reduce the quality of care, will reduce senior's ability to choose their own doctors or hospitals and basically force most senior citizens in either managed care programs where they do not have choices or alternatively make them pay more out of pocket for the services that they get.

I wanted to point out in the time I have remaining here what I would call a number of key issues that I think reveal the true colors of the Gingrich-Dole Medicare plan. First, the Republican leadership claims that Medicare is going broke and they are saving it. Well, last year they knew they were cutting Medicare before the Medicare trustees' report came out. The trustees' report was used and will be used again this year to masquerade their true motives, which is to cut Medicare for tax cuts for the wealthy.

Second, it is likely that the Medicare trustees will report that the part A trust fund will become insolvent, they are claiming, I think, we expect the report to say that the insolvency projection is about 5 years from now. Well, Democrats are interested in shoring up the Medicare trust fund and have voted for plans that achieve this goal.

President Clinton has proposed a plan that will extend the life of the Medicare program, if you will, for at least another 10 years. So this notion that somehow the Republicans are saving Medicare is simply false. The Democrats have put forward proposals that would save Medicare and prevent solvency but not make basic structural changes in the Medicare program.

Third, the GOP claim they are merely slowing the rate of growth of Medicare with their drastic cuts. Well, let us be honest about it. When the Gingrich-Dole rate of growth does not keep pace with the increasing medical costs, then seniors will either pay more or see reduced services and second class health care.

This was Speaker GINGRICH's main point over the weekend on "Meet the Press." He claimed, oh, we are just slowing the growth of Medicare, we are not making cuts. Well, if the growth does not keep up with inflation how in the world are average senior citizens going to get quality care or the same level of services they get now?

Fourth, the GOP claims the Gingrich-Dole Medicare plan offers choices. In fact, they are taking away senior choices. Their plan will co-op senior citizens into managed care plans or HMO's, forcing them to give up their choice of doctors.

And lastly, I wanted to mention, Mr. Speaker, how the Gingrich-Dole plan differs from the Democratic alternatives. In addition to the steep cuts, the Gingrich-Dole plan makes radical structural changes to Medicare. For instance, it calls for steeper cuts to hospitals, compounded with extreme Medicaid cuts, and hospitals will simply close.

Additionally, the Gingrich-Dole plan will allow doctors remaining in the traditional Medicare to charge seniors more in out-of-pockets costs. The protection existing now when you go to the doctor, he cannot charge you more than 15 percent. That is gone. Now they can charge whatever they want.

And, last, concerning the controversial medical accounts, the MSA's, or I call them the wealthy-healthy accounts, the nonpartisan Congressional Budget Office found any plan to incorporate the wealthy-healthy accounts will actually hasten Medicare's insolvency. It will cost the trustees over $3 billion. That is certainly no way to save Medicare.

WHAT GENDER GAP? LIBERAL MEDIA SPIN

The SPEAKER pro tempore. Under the Speaker's announced policy of May

12, 1995, the gentleman from Florida [Mr. STEARNS] is recognized during morning business for 5 minutes.

Mr. STEARNS. Mr. Speaker, I would say to the gentleman from New Jersey [Mr. PALLONE], the former Governor of Colorado has been speaking over the weekend to the Perot party. He indicated he supported President Clinton in 1992 but he can no longer support President Clinton because the Democrats and the President are demagoging the issue on Medicare. There are indeed no cuts. In fact, the amount of money that is going to Medicare is going up every year; it is going up almost 7.3 percent.

That being said, Mr. Speaker, I am here to talk about the gender gap and how women identify with this as a political issue. Now this gender gap is touted by the National Organization of Women as being in their favor. It is mentioned in the Presidential election that one candidate has a gender gap problem among voters. What does this all really mean?

Well, Concerned Women for America recently hired the Wirthlin Group to conduct a survey, which directly challenges the stereotypical view of the gender gap drawing women to the liberal position on controversial social issues.

Its conducted survey found when asking their party affiliation, it did show 40 percent of the women out of this 1,000 people that they asked, 40 percent of the women identified themselves as Democrat, 29 percent as Republican and 25 percent as Independent. The Democrats appear to have an advantage because the gender gap assumes women voters hold liberal positions on many issues. This assumption would appear to create a risk for candidates who take a conservative position on issues.

In terms of political philosophy, however, 53 percent of all the women surveyed identified themselves as conservative; that is, women who identified themselves as Democrats were also identifying themselves as conservatives. This clearly shows party affiliation does not automatically translate into liberal ideology nor an outright rejection of conservatism.

While the NOW organization is often accepted as the standard position for women voters, this organization actually emphasizes the gender gap by promoting the notion that women's issues such as abortion are the sole determinant for women voters. Well, this is not true. Only 36 percent of the women surveyed have a formidable and favorable impression of NOW which portrays itself as a voice of American women.

The survey also found out that only 1 percent of women listing abortion as their key issue of all the issues. When asked about abortion, 55 percent of women were pro-life, contrasting the views of NOW who are strongly pro-abortion. An even larger majority, 66 percent, favor adoption for tax credit, using tax credits. These findings indeed support a gender gap in favor of conservative voters.

Women identified a decline in family values as the single most important issue. The NOW group proposes a generally liberal position with regard to family views, particularly dealing with homosexual rights and welfare reform. Welfare reform pits 66 percent of women against the views of liberals and the NOW group and in favor of reforms such as family caps.

The Wirthlin study depicts the gender gap as really not a gap at all. Rather, there has been a lack of effective leadership to articulate the conservative position to women. On abortion, adoption, family values, welfare reform, and homosexuality rights women are just frankly conservative and frankly share the Republican view. The media has played a large part in discouraging conservative candidates by concluding conservative social policies alienate women voters. This poll shows just the opposite, and what we have, frankly, Mr. Speaker, is a liberal spin on the issue of the gender gap.

Liberal politicians are already detecting this, though, They realize the conservative positions are the way to go and to promote ideas. Conservatives during the Reagan era were able to attract millions of registered Democrat voters largely on the strength of Reagan's social conservatism. As conservative leaders, we have the ability to attract these voters, including these so-called women's issues. The gender gap is removed.

Mr. Speaker, the gender gap is a figment of the liberals and the media's imagination. For once the issues are clearly explained by the overwhelming majority of women today of all political persuasions accepting the conservative approach to abortion, adoption, family values, welfare reform, and homosexual rights. Today's women are basically conservative.

WHAT THE GENDER GAP IS ALL ABOUT

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentlewoman from Colorado [Mrs. SCHROEDER] is recognized during morning business for 5 minutes.

Mrs. SCHROEDER. Mr. Speaker, I am delighted to be following the prior gentleman onto the floor, because I want to talk a bit about the gender gap and how I think they still just do not get it.

America's women are engaging in a gender gap because they are very concerned that the Government does not understand what has happened to their families, and American women are very family based. That was the whole purpose of this Stand for Children organization this weekend, where hundreds of thousands of people and organizations came together to say things have changed so drastically for America's families, but the Government does not understand it, the corporations do not understand it, institutions do not understand it. And if we do not suddenly start understanding what this is about, we are looking at real disaster.

Let me just point out a bit why I think things have changed so much. I graduated from high school in 1958. I want to read to you what came from my high school book on home economics about how I should be a good wife.

No. 1, it said: When your husband comes home, have dinner ready. Plan ahead the night before a delicious meal. Men like to be fed right as they come through the door, and they will feel very comforted if they know that they can always count on that.

No. 2, prepare yourself at least 15 minutes before your husband is coming home. Be sure you are refreshed. Touch up your makeup, put a ribbon in your hair, clear away the clutter in the house, get the children cleaned up. Remember, they are little treasures and they must look like little treasures. Minimize all noise. Turn off all machines in the house and be there at the door to greet him and welcome him home from the very, very difficult day he has had at work.

Do not greet him with problems. Do not greet him with complaints. Do not complain if he is late for dinner. Listen to him. Let him talk first. Make the evening his.

Now, Mr. Speaker, you show me an American home where you can practice this today and I am going to move there. My husband and I have never been able to do this. He has wanted that kind of wife, I have wanted to be that kind of wife. We cannot afford it, nor can anyone else in America today, except the extremely wealthy, because we are in a global economy.

□ 1245

While America's families used to be little islands of tranquillity, what has happened to us today is they are like the Bermuda Triangle. We have a government, we have Members on the other side of the aisle who vote against family medical leave, against helping with child care, against helping with elder care, against, against, against, against trying to increase the amount of deductions for children, on and on and on. Yet they claim they are pro-family. But what they are saying is, your family is your problem, the Government should not do anything about it.

The problem is no one has time to be a family anymore because they are working so hard. The average American family feels like one of those squirrels in a wheel. They run faster and faster every year, their tongue is hanging out, and they never get out of the bottom of the wheel. The Government keeps telling them, greet your husband at the door, make sure his dinner is on the table and the children are clean.

Please. That is what is driving the gender gap.

All the work and family issues continue to get ignored because we have got a higher economic level here who very often does not understand the stress being put on America's families. So when you look at the rest of the Western World, they are way ahead of us. When you look at what people were trying to say here this weekend, they were saying: Government, get a clue; corporations, get a clue; institutions, get a clue.

We must find a way where America's families again can be that little more tranquil island. They will probably never be able to go back to the 1950's. But for heaven's sake, they cannot survive under the tremendous pressures that they are now under where you see single-parent families trying to be both mother, father, provider, and everything else, dual-parent families working at a gazillion jobs running around trying to do everything just to keep the mortgage paid and hardly recognize each other when they finally do get to be in the house at the same time.

America's families today have to keep pictures of the family members pasted by the door so, if people like that come to the door, they know who to let in because they are not around enough. That is what the gender gap is about. We have not understood it at all in this body. I know. It took me 9 years to get family medical leave passed. It is not nearly enough.

Mr. Speaker, we have got people who want to roll it back tomorrow. We have never been able to get many of the other things done. When we get that done, we will not have a gender gap. Let us get on with it.

INTERNAL REVENUE CODE GUIDELINES

The SPEAKER pro tempore (Mr. COBLE). Under the Speaker's announced policy of May 12, 1995, the gentleman from Colorado [Mr. SKAGGS] is recognized during morning business for 5 minutes.

Mr. SKAGGS. Mr. Speaker, I want to address my colleagues today about an action I took at the end of last week in requesting the chairman of the Committee on Ways and Means of the House and the chairman of the Subcommittee on National Economic Growth, Natural Resources, and Regulatory Affairs of the Committee on Government Reform and Oversight to hold hearings to look into some very troubling transactions that have recently been reported in an article in the Miami Herald.

Mr. Speaker, let me try to set the context for this by reading a bit from a recent publication of the Internal Revenue Service that starts out saying that charities, 501(c)(3) organizations, should be careful that their efforts to educate voters stay within Internal Revenue Service Guidelines. Quoting more particularly: "Organizations exempt from Federal income tax as organizations described in section 501(c)(3) of the Internal Revenue Code are prohibited by the terms of their exemption from participating or intervening directly or indirectly in any political campaign on behalf of or in opposition to any candidate for public office." It elaborates on that saying that they cannot endorse any candidate, make any donations, engage in fundraising, whatever.

What events raise questions under this statement of the law governing these 501(c)(3) organizations? Mr. Speaker, this is a copy of a letter, as we can see, on letterhead titled Senator BOB DOLE, majority leader, which starts out as follows: "Dear friend, I want you to join me in an historic campaign to rein in the Federal Government in order to set free the spirit of the American people." It goes on, somewhat later on this first page: "President Clinton and the liberal big government advocates would like you and all Americans to believe the public is turning against our efforts."

It goes on for two or three pages before one learns that this is a letter paid for and soliciting funds in behalf of the Citizens Against Government Waste, an organization organized under section 501(c)(3) of the Internal Revenue Code and therefore subject to exactly the prohibition stated in the Internal Revenue Service advisory earlier this year.

Mr. Speaker, this was brought to my attention through an article in the Miami Herald which I would ask to include in the RECORD along with copies of the letters in question that I quoted from. Clearly that kind of letter being submitted in behalf of an individual who is running for President of the United States making the kind of arguments that are very relevant to his campaign for President of the United States but being paid for under the auspices of a tax-exempt 501(c)(3) organization raise some very, very serious questions. They evidently were designed to stimulate support for the Presidential campaign of Senator DOLE and also concluded suggestions that recipients of the letter make contributions to the organizations that paid for the letter.

We are told that the sponsoring organizations, which also included the Heritage Foundation, then turned around and provided the names and addresses of persons who contributed in response to these letters, to the Presidential campaign of Senator DOLE so that presumably they could be used for solicitations by his campaign. The Internal Revenue Code explicitly prohibits 501(c)(3) organizations from engaging in just this kind of political activity directly or indirectly in support of or in opposition to a candidate's campaign.

The Miami Herald article that I refer to also makes it clear that neither the 501(c)(3) organizations' expenditures in preparing and distributing the letters nor the lists of contributors that were then provided by these organizations to the Dole for President campaign have been reported as contributions to the Dole campaign. If the figures are correct, these mailings to some 10 million Americans cost nearly $1 million. The value of the contributor lists are worth possibly $40,000 or more. But here was no reporting either under the FEC laws and again no explanation was made as to how this could occur in compliance with the clear prohibitions in the Internal Revenue Code against this kind of campaign activity by 501(c)(3)s.

It raises a whole range of questions which I believe appropriate committees of the House ought to look into regarding the coordination between the Presidential campaigns and these nonprofit organizations who benefited by the mailings, how much they cost, how the lists were developed, whether or not it was all coordinated with the Dole campaign.

I hope my colleagues will take the action as I requested and conduct a thorough investigation of this matter.

Mr. Speaker, I include the following materials for the RECORD:

[From the Miami Herald, May 25, 1996]

DOLE CAMPAIGN GETS HELP FROM NONPROFITS HE AIDED

(By Frank Greve)

WASHINGTON.—Bob Dole, shortly after he announced last year that he was running for president, sent millions of Americans letters urging them to contribute to the Heritage Foundation. And to Citizens Against Government Waste. And to a half-dozen other right-of-center groups.

Dole's advocacy could get his campaign into trouble with the Federal Election Commission. It also could get tax-exempt groups he helped into hot water with the Internal Revenue Service.

That's because tax-exempt groups can't participate in partisan politics, Dole can't take help from them, and the letters he wrote for them helped his campaign raise money.

Here's how it worked: The nonprofits paid for the letters, which promoted both Dole and their cause. The nonprofits kept the donations, but passed on to the Dole campaign, free of charge, the name of every contributor he inspired. Those hot prospects—maybe 200,000 of them—subsequently got letters from Dole asking them to contribute to his campaign.

Dole has not reported these mailing lists as contributions, arguing that they were part of a barter not covered by federal election law. The lists could be worth $40,000 or more, according to direct-mail specialists. Under Federal Election Commission law, campaigners can't take anything from federally chartered nonprofits. Mailing lists are explicitly banned.

Nor have the tax-exempt groups acknowledged any political help to Dole. IRS law, reiterated in a public warning last month, forbids their participation in "any activities that may be beneficial or detrimental to any candidate."

Both Dole and the nonprofits argue that their deals were a simple swap: a politician's fund-raising help for the names of donors attracted.

"We are clearly within our rights to have engaged in this practice," Christina Martin, deputy press secretary for the Dole campaign, said. "We don't think there are any problems, but if there are, they lie with the nonprofits and the IRS, not the Dole campaign."

In fact, other presidential candidates, including Ronald Reagan, have traded endorsements for mailing lists in the past. But times may be changing, particularly at the IRS.

Tax-exempt groups that participate in politics in any way are "going to get in trouble," Marcus Owens, director of the tax service's Exempt Organizations Division, warned in an interview, noting that he had a record high of more than 30 such cases pending.

A RECENT CRACKDOWN

Just last month, Owens and the IRS cracked down on tax-exempt groups that advocated electing or unseating particular candidates. That had been a staple motivator in fund-raising appeals of many groups.

Without referring to Dole's deals in particular, Owens said trades involving mailing lists "could very well be viewed as political intervention, because a mailing list is a very valuable item for a political campaign."

"The IRS is shooting straight at the heart of a rather common practice," said Frances Hill, a University of Miami law professor who concentrates on exempt organizations. "Having a candidate sign a fund-raising letter for a [tax-exempt organization] during a campaign is not something I would advise."

For Dole's presidential drive, the initial letters on the groups' behalf may have been more valuable than the contributor lists they generated.

"I want you to join me in an historic campaign to rein in the federal government in order to set free the spirit of the American people," Dole began in a typical appeal, this one on behalf of Citizens Against Government Waste, a Washington-based foe of pork-barrel spending.

"President Clinton and the liberal, big-government advocates," Dole continued, are undermining his budget-balancing efforts, "laying the groundwork for future tax increases."

Not until Page 3 of the four-page appeal does Dole mention Citizens Against Government Waste as his important ally and urge a contribution to the group.

Appeals like these enabled Dole to arouse—free—millions of activists essential to his voter base. Postage along cost the nonprofits $80,000 per million-letters. An estimated 10 million letters were sent.

The Citizens Against Government Waste appeal, using envelopes and stationery with Dole's name on it in ornate script, was highly successful, reported Thomas Schatz, the group's president.

He added that giving the donor list derived to the endorser is a "standard practice" in the direct-mail industry. The transaction was merely "a trade," Schatz added, and it served his group well.

Exchanges of endorsements for mailing lists are "purely a business decision," according to John Von Kannon, treasurer of the Heritage Foundation, a Washington think tank. Heritage gained as much or more from Dole's signature as Dole gained from the mailing list, Von Kannon said, so no campaign contribution was made.

"There's law as written and law as enforced," stressed lawyer William Lehrfeld, an adviser to Washington's conservative nonprofits. Politicians and nonprofits have consorted together for as long as priests have fought abortion and campaigners have sought pulpit endorsements, Lehrfeld contended. The only real question, he added, is where the IRS chooses to draw the line.

IRS rulings lag years behind current practices, so it's impossible to know exactly what the agency's recent warnings mean. While declining to address Dole's dealings directly, Owens raised some questions about them.

Among them were the timing of Dole's appeals, the degree of political content in them, and whether participating groups were prepared to offer to other politicians the mailing lists Dole helped create.

RULING AWAITED

The Federal Election Commission also moves slowly and has not yet ruled on a case involving an exchange of endorsements and mailing lists, according to spokesman Ian Stirton. Until such a ruling is made, the commission's interpretation will not be known.

The Clinton campaign has "absolutely not" engaged in the practice, according to Hal Malchow, head of Clinton's direct-mail effort. Nor did the 1992 campaign use mailing lists from tax-exempt groups, said Ann Lewis, deputy manager of the Clinton campaign.

Among Democrats, Sen. Edward Kennedy of Massachusetts recently endorsed a direct-mail appeal for Handgun Control Inc. with the expectation of obtaining the donor list. Kennedy intends to pay for the names, his office and the nonprofit said when a reporter raised the issue.

DEAR FRIEND: I want you to join me in an historic campaign to rein in the federal government in order to set free the spirit of the American people.

I want to wage a bold effort to slash the waste out of the federal government and balance the budget. But I need your help.

As a starting point in this critical process, I have already called for and started working toward the elimination of the Departments of Housing and Urban Development, Commerce, and Energy.

Clearly, these are three of the most ineffective, burdensome and wasteful departments of government. What's more, the states can do a much better job of administering welfare than bureaucrats here in Washington.

The tens of billions of dollars per year saved by eliminating these unnecessary and meddlesome departments will amount to a good down payment on balancing the budget.

But we must go much, much further!

We must cut many additional billions of dollars in waste and slow the growth of government if we are to balance the budget and save our children and grandchildren from a future in which the lion's share of their earnings will go to pay off our debts.

One of the best ways you can join and help me in this war on wasteful spending and the deficit is by answering the very important Survey I have enclosed for you.

This National Survey to Slash Wasteful Spending & the Deficit is a powerful way you can make your opinions known in Washington right now.

What's more, this Survey will demonstrate that support for cutting wasteful spending is growing stronger every day.

President Clinton and the liberal, big-government advocates would like you and all Americans to believe the public is turning against our efforts to balance the budget and cut wasteful government.

Your Survey will help me prove them wrong! Please take a moment now to answer and return your Survey.

I cannot overemphasize how critical it is for you to personally participate in this nationwide Survey. Please answer today!

If you fail to publicly support this new waste-cutting campaign, I fear that our current effort to slash the size, cost and power of wasteful government may fail and the deficit will skyrocket well beyond its current $200 billion a year level. Here's why I say that.

Have you noticed recently that the big-government advocates want you and all Americans to believe that cutting spending is "hurting children and helping rich people?"

These are not isolated cases of fair-minded opposition to one or another specific cuts in government waste.

This is a concerted campaign to stop all efforts to cut wasteful government spending by portraying all government spending as "sacred" and the waste-cutters as "heartless."

It is a campaign waged by big-government advocates who live off of government waste and refuse to recognize the terrible damage which 40 years of wasteful, runaway deficit spending has done to America.

You and I and all the budget-cutters in Congress are, in fact, facing nothing short of an all-out political battle.

We face a battle between those of us who want to avert a deficit crisis by cutting wasteful government spending and those who view all government spending as "sacred," care little about the deficit and are laying the groundwork for future tax increases.

Let me give you just one example.

Did you notice how, with the active help of President Clinton, the big-government advocates have tried to portray the new Congress' efforts to reduce only the growth rate of spending on school lunches as an actual cut in the program?

The new Congress proposed spending more on school lunches than ever before in American history.

Yet, the advocates of big government are trying to convince the American people that we would deny food to starving children.

It is untrue. It is distorted. It is pure political propaganda.

Their goal is to convince the American people that cutting spending simply can't be done—that it's too painful.

They are once again trying to build their case which says that America has this massive national debt not because Washington spends too much money, but because YOU don't pay enough in taxes.

Your Survey will help to counter this propaganda campaign by showing that you're too smart for their scare tactics.

Your Survey will demonstrate that you want common sense cuts in government waste because you know that the deficit produced by this wasteful spending will devastate every American's future.

Your Survey will show that you understand and are deeply concerned that right now every child born in America will pay $187,000 over their lifetime just to pay the interest on the debt we've already accumulated. That means they will pay $3,500 in taxes every year of their working lives just to pay this interest on our debt.

Your Survey will show me and the new Congress which wasteful spending you want cut first in our drive to protect the taxpayers and our children's future by balancing the budget.

And your Survey will bolster the convictions of the members of Congress who are being attacked the most because the big government advocates are hoping to defeat them in the next election.

I urge you to show your support for our cuts in wasteful government and tell us which reforms you think are the most urgent by answering your Survey today. Your Survey answers will be tabulated and the results will be aggressively publicized both here in Washington and to opinion leaders and the news media throughout the country.

And when you return your Survey, I must ask you to also make a special contribution to the organization which is not only sponsoring this vital national Survey, but is the leading organization in the fight against deficit-producing government waste.

One of the most important groups in fighting wasteful government spending is Citizens Against Government Waste (CAGW), a private, nonprofit organization.

Establishing in 1984, CAGW began as an organization solely devoted to fighting for the implementation of Ronald Reagan's Grace Commission recommendations.

Since then, CAGW has been credited with leading the way in helping to cut over $250 billion in government spending. Today, CAGW researches and identifies the most blatant waste in government and shows how it can be eliminated.

CAGW has a long and successful record of winning major cuts in wasteful spending without sacrificing America's defenses. My colleagues and I for years have applauded CAGW for providing valuable information needed to cut wasteful government.

But CAGW's greatest contribution has been how they have rallied the American people in opposition to government waste and the deficit. The big government advocates laughed at CAGW, when years ago they began an aggressive campaign to show the American people how the deficit and government waste were jeopardizing their futures.

Last November, many of those who used to laugh at CAGW were swept out of office! In fact, CAGW was a leading force in the popular revolt against big, wasteful, deficit-ridden government.

But now we need CAGW and you, as a CAGW Charter Member, to wage this new campaign to demonstrate widespread support for the deeper cuts in wasteful government spending and balancing the budget, and to help counter the outrageous charge that cutting the deficit-producing waste will "hurt children and help rich people."

The only way CAGW can wage such an aggressive campaign is if you will send a Charter Membership contribution of $25, $35, $50 or more when you return your Survey.

When you join CAGW, you will make it possible for CAGW to tabulate and report your Survey results to leaders of the budget-cutting efforts on Capitol Hill. Also, your membership contribution will enable CAGW to expand this campaign to generate a truly nationwide outpouring of support for smaller, leaner government.

And most importantly, your contribution will provide the critical dollars CAGW needs to help my colleagues and me counter the outrageous charges of being "cruel and heartless" budget-cutters.

The best way we can counter the charges against our waste-cutting efforts is by overwhelming the big-government advocates with detailed examples of how they are wasting our tax dollars and how they are endangering the future of our children and grandchildren.

Unfortunately, my budget-cutting colleagues and I simply don't have the resources to single-handedly counter the intense and misleading propaganda from the advocates of big government. We are counting on you to help us by joining and supporting CAGW's efforts. Please make every effort to send a membership contribution of $25, $35, $50, or more when you return your Survey.

The road ahead will only get tougher. Those who live off and depend on government waste will fight harder and harder. If we are to continue slashing wasteful spending and the deficit, we must have your support as a CAGW member in rallying the American people to our cause.

But the success of CAGW's efforts all depends on your decision to return your Survey and send a generous membership contribution today.

This is one of those special times in history when you can help decide the outcome of a critical national debate. Will we be able to make the cuts in wasteful government spending which are necessary to save our children's future or will big-government advocates stop us?

With your contribution and your Survey, you can help ensure that our efforts to continue cutting waste will not be blocked by the narrow, selfish special interest groups. Please respond today and be as generous as you can. My colleagues and I are counting on you.

Sincerely,

Senator BOB DOLE.

P.S. The next few months will be critical in our battle to slash wasteful government spending. If we are to succeed, we need your support today. Please answer your Survey right away and return it with your most generous contribution to CAGW possible. My colleagues and I want and need to hear from you. Please answer today.

DEAR — —: As your Senate Majority Leader, I want to get Washington off your back and out of your pocket.

I want to take power from Washington and put it back in your hands.

I want the federal government to focus on the jobs it does best, such as defending the nation, conducting foreign relations, and putting criminals in jail.

This message—these clear ideas—is the engine of political change in America today. It put Congress in conservative hands for the first time in forty years.

And working with my close friends at The Heritage Foundation (who have spent two decades trying to cut government) I want to change how Washington taxes, spends and regulates.

Families, not bureaucrats, should control what their children are taught.

Billions can be saved and service improved by rethinking, cutting and merging the 14 Cabinet Department as they exist today.

I want to start by getting rid of the departments of Education, Housing and Urban Development, Energy, and Commerce.

And as a Heritage member you can help me by reading the enclosed fact sheet I have prepared with the help of Heritage's respected policy experts.

It offers real leadership. Real help for our country.

Why start with these four?

Because they are examples of what's gone wrong in Washington. Their missions are either duplicated elsewhere, obsolete, or should never have been in federal hands in the first place. Yet they cost $70 billion and employ 74,000 bureaucrats.

America is better off without them. See for yourself.

71 other government bodies already duplicate functions of the Department of Commerce—yet we spend $3.6 billion on it alone each year.

HUD spends more than $200 million annually on programs that breed despair by trapping poor Americans in crime ridden slums—not because there are no better options, but because the housing authorities don't want to change.

The Department of Energy's budget has increased by 155% since its creation in 1977 despite the lack of any threat to America's energy supplies.

The Department of Education has a new $65 billion program that could dictate everything from how schools can discipline kids to the salaries of assistant coaches. This department was created as a political payback to the teachers' unions by Jimmy Carter's White House. Since then, our children's test scores have plummeted and control has been taken from parents and communities.

Your fact sheet tells you what else is wrong with these four cabinet departments, what can be fixed, what should be tossed out, how the job can be done better and at less cost to you.

Take a few minutes to read it and tell me what you think by filling out the nine question survey enclosed with my letter.

Your answers will be tabulated by The Heritage Foundation and given to me, every other member of Congress, the White House and the news media.

I will use the results—and your support—to keep the political heat turned up in Washington. Because, unlike the rest of America, much of official Washington really doesn't want change.

Already, Bill Clinton and the special interests who profit from the current system (like the National Education Association) are fighting pitched battles to protect the turf that has made too many of them rich and powerful.

President Clinton, the "New Democrat" who campaigned as a reformer, has become the spokesman for the status quo.

But I am committed to giving you the reforms you want and America needs.

The liberals spent the last 30 years tinkering, spending and writing laws to create a "Great Society" but all we've gotten is debt and despair.

Their thirst for special interest legislation cracks and fragments our cultural unity. Rather than "One nation under God" we have become a nation of unconnected special interest groups.

This is what Heritage and I are working to fix.

That's why I hope you will take a few minutes to read your fact sheet and let me know if you support getting rid of these departments entirely.

It's simple. Just complete the survey and mail it to my attention at The Heritage Foundation.

Why have I chosen The Heritage Foundation?

Because I trust they are honest. I have counted upon their accurate and well documented work for the last 22 years.

As a member, you know Heritage believes in free enterprise, limited government, traditional values and a strong national defense. These are the answers to our problems.

Heritage was a driving force behind the success of my friend Ronald Reagan's two terms in office. They are real hawks when it comes to protecting your freedoms.

Heritage does the hard work of looking at government, evaluating what it does and what it really costs. Their work is closely watched and quoted by all of the major networks and news organizations—which is no small feat when you know the press is mostly run by lifelong liberals.

When you send back your survey, please include a contribution to The Heritage Foundation to help them continue this painstaking work that we in Congress rely on so heavily.

Ed Foulner, Heritage's president, has told me that you have given $25 to the Foundation.

I congratulate you on your generosity, and I urge you to give another $25, or even $75, to Heritage for this vital work.

As you know, The Heritage Foundation lives by the free market system they advocate. Heritage accepts no government funds and relies on voluntary gifts to support their work.

So please take a moment to read our fact sheet on shutting down the Departments of Education, HUD, Energy and Commerce forever. Tell us what you think by completing the survey and mailing it back today. In advance, I thank you for your support.

Sincerely,

BOB DOLE,
Senate Majority Leader.

P.S. I want to change how Washington taxes, spends and regulates.

But with Bill Clinton in the White House, true reform will not come easily. It requires all who want it to work together.

That's why I am working with The Heritage Foundation to restore our future by limiting government to its core functions such as national defense and fighting crime.

I want to start by cutting the Department of Education, Housing and Urban Development, Energy, and Commerce. This saves billions of your tax dollars immediately.

How do you feel about this?

Tell me today. Please complete the enclosed survey and return it to me at The Heritage Foundation. And your gift of $25 or $75 to help Heritage with this vital work is greatly appreciated. Thank you.

WOMEN'S PENSION EQUITY ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentlewoman from Oregon [Ms. FURSE] is recognized during morning business for 5 minutes.

Ms. FURSE. Mr. Speaker, life history is important. The history of a Member of Congress can give insight into a problem in our society. This is just such an occasion.

I think I can safely say that my work history has been very similar to that of the majority of American women. I was a mother. I was a homemaker. I worked in my community for community change. I was a volunteer. I worked in a nonprofit. When I was divorced, my lawyer did not do what he should have done, which was make sure that the pension of my spouse was something that I would have been provided.

I continued to work in nonprofits and community organizations. It was not until I came to Congress that I ever got a job where there was a pension attached, and even that I cannot vest in. Well, Mr. Speaker, that is the situation for a majority of women, elderly women like myself in this country.

I am honored to be able to do something to fix this situation. Mr. Speaker, together with my colleague, the gentlewoman from New York, Mrs. NITA LOWEY, I have introduced the Women's Pension Equity Act. Some 60 percent of seniors are women, but they make up 75 percent of the elderly poor. Women are far more likely than men to live out their older lives in poverty, making those older years anything but golden. In my own State, I am sad to say that only 37 percent of the women in Oregon participate in a pension plan.

We need to make steps to fix this, take steps, that is what the Women's Pension Equity Act does.

Women in America need our help. They live longer than men and are five times as likely to be widowed than widowers over the age of 40. In the last 20 years, the number of women over the age of 45 who are divorced has risen dramatically. And 20 percent of older women have no other source of income than Social Security. It is a sad fact, Mr. Speaker, but elderly women are twice as likely as men to be poor. So that is why we need these pension reforms.

According to the AARP, only 23 percent of divorced women over the age 62 had pension plans of any type. My life history is just like that. Nearly 50 percent of married private pension recipients have a plan that will not continue to pay benefits in the event of a spouse's death.

There is a crack in our safety net, and it is women who are falling through it. The Women's Pension Equity Act will correct these inequities. My bill is modeled after the bill introduced by Senator CAROL MOSELEY-BRAUN. It will reform pension law to help protect senior women. First it will make much needed improvements in private pension law to help protect women in divorce proceedings and to simplify spousal consent rules for survivor annuities.

Mr. Speaker, it will make important changes to improve pension coverage for widows or divorced widows under the Federal Civil Service Retirement System as well as the military retirement system. And lastly, the legislation would improve coverage for divorced women under the Railroad Retirement Board.

Mr. Speaker, we must reverse the status quo, which dictates that, if you are old and a woman, you are poor. This legislation is about reforming the pension system to protect the economic security of elderly women. Women have worked hard their entire lives, serving their families, their careers, their communities, and they deserve nothing less than the best. I urge my colleagues to support this legislation and work for its swift passage in the House.

IT IS TIME TO LOOK AT THE JONES ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Guam [Mr. UNDERWOOD] is recognized during morning business for 5 minutes.

Mr. UNDERWOOD. Mr. Speaker, I rise to commend Chairman HOWARD COBLE, chairman of the Subcommittee on Coast Guard and Maritime Transportation, for scheduling a hearing to review our maritime policy. In particular, this hearing will take a close look at the Jones Act, which requires that goods between American ports be shipped on American vessels.

The Jones Act might make sense for some mainland communities, but it does not make sense for Guam, 8,000 miles away from the west coast. Unfortunately for Guam, the defenders of the Jones Act form a unique coalition of labor and corporate interests who have every intention of fighting to preserve their corporate pork and their captive markets.

We need to study this issue carefully and, while we recognize a national need for a strong merchant marine, this objective should not be accomplished at the expense of small island communities or the American consumer. At the very least, Congress should examine the changing regulatory environment and the movement to free trade. We should consider which regulatory regime makes sense for the offshore domestic trades—complete deregulation, with full competition, or a regulated environment, with protections for the consumer against shipping carrier rate abuses.

Guam's position is that the Jones Act should not apply to territories outside the U.S. Customs Zone—and Guam is the only U.S. territory located outside the U.S. Customs Zone subject to the Jones Act. American Samoa, the Virgin Islands, and our good neighbor, the Commonwealth of the Northern Marianas, are all exempt from the Jones Act. Guam seeks an exemption from the Jones Act consistent with the treatment of other U.S. Territories outside the U.S. Customs Zone.

I welcome the hearing on June 12 on this issue and I thank Chairman COBLE for inviting the Governor of Guam to help make our case before the committee.

My intern asked who the Jones Act is named for—well, it's not the John Paul Jones who said "Don't give up the ship," it's the other Jones who might have said "Don't give up the shipping subsidy."

□ 1300

REV. RANDY ALBANO

The SPEAKER pro tempore (Mr. COBLE). Under the Speaker's announced policy of May 12, 1995, the gentleman from Texas [Mr. BENTSEN] is recognized during morning business for 5 minutes.

Mr. BENTSEN. Mr. Speaker, today I rise to recognize the Reverend Randy Albano, who works in my district assisting seafarers throughout the world who travel to the Port of Houston, in their personal and spiritual needs. Father Albano recently brought to light the vicious murder of three Romanian stowaways beaten and thrown overboard from a ship off the coast of Spain and, through his contacts, was able to assure the safety of the vessel's crew members in bringing the responsible parties to justice.

Father Albano, working out of the Barbours Cut Seafarers' Center in LaPorte, TX, intervened with the Canadian Government on behalf of eight Filipino seamen who wrote to him that they had witnessed their officers murder three Romanian stowaways. Two of the Romanians were set adrift on a small makeshift raft after they were discovered, and the raft subsequently fell apart in the high seas, and the third Romanian was stabbed to death on the deck of the ship and then cast overboard.

The Filipino crewmen, fearing for their lives, contacted Father Albano for guidance. He referred the matter to the Canadian Government, which detained the captain in Halifax, NS.

I have contacted the Canadian Ambassador to express my concern that the Filipino seamen be granted refugee status and that the captain and officers of the ship be prosecuted for these unspeakable crimes.

I would especially like to express my deep appreciation for Father Albano for the important work that he does and also to the Barbours Cut Seafarers' Center and its many civic volunteers from LaPorte, including Lou Lawler. Father Albano, and the volunteers at the Seafarers' Center in Barbours Cut have done so much to ensure safe travel on the high seas and to improve working conditions and the quality of life for seafarers.

Once again, Father Albano has courageously helped to ensure that the rule of law and basic respect for humanity are observed on the high seas.

RECESS

The SPEAKER pro tempore. There being no further requests for morning business, pursuant to clause 12, rule I, the House will stand in recess until 2 p.m.

Accordingly (at 1 o'clock and 2 minutes p.m.), the House stood in recess until 2 p.m.

AFTER RECESS

The recess have expired, the House was called to order by the Speaker pro tempore [Mr. UPTON] at 2 p.m.

PRAYER

Rabbi Edward Davis, Young Israel Temple, Hollywood, FL, offered the following prayer:

Avinu Shebashamayim, Our Heavenly Father, we seek Your blessing for wisdom every day of our lives. Recognizing our limitations, we find it necessary to ask You for Your guidance. There are times when we feel incapable of solving our problems. Yet our vision is global and optimistic. We feel confident that with Your assistance we will be successful in creating and maintaining a safe and secure environment for our neighborhoods, our country, and our world. Bestow Your blessing upon the Members of this House. Grant them good health, family enrichment, financial security, and the wisdom to decide issues with prudence and compassion. These men and women make decisions that effect us all. May America be rewarded by our faith in them; and may our faith in You, O God, be strong. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Mississippi [Mr. MONTGOMERY] come forward and lead the House in the Pledge of Allegiance.

Mr. MONTGOMERY led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

STAND FOR CHILDREN

(Mr. BOEHNER asked and was given permission to address the House for 1 minute.)

Mr. BOEHNER. Mr. Speaker, my colleagues, this weekend in Washington, there was a march. It was entitled "Stand for Children." And I could not agree more that we should put politics aside and give our children a better nation than what we had inherited. If the President this year is willing to act and not just talk, I think that we can do this.

In my hand is the world's most expensive credit card. It is a credit card that has accumulated 5 trillion dollars' worth of debt and accumulating budget deficits of $150 to $200 billion a year. This a voting card for a Member of Congress. This is the most unconscionable thing that any government could do to its children, because the adults in our country will not pay this. It will be our children and theirs who get to pay off this massive debt.

Mr. Speaker, we can pass legislation this year that will balance the budget while at the same time providing $500 more for parents with dependent children at home, lowering the average cost of a college loan by $2,100, saving families over $100 a month on their mortgage, and will provide real opportunities for children when they get out of school and look for jobs. All we have to do is balance the budget.

If the President really does feel the pain of kids today, he should put politics aside and begin to act.

MEDICARE CUTS PROPOSED

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, tomorrow the Medicare trustees are going to issue their annual report to Congress and to the American people, and we already know that the Republican leadership is going to take advantage of this to try to suggest that the trustees' report justifies their severe and extreme changes in the Medicare Program for senior citizens.

I would suggest that the Democrats in the House of Representatives last year, with an amendment that was brought forward by the gentleman from Florida [Mr. GIBBONS] and this year in the budget that was proposed by the President that we voted on, suggested minor changes or cuts, if you will, in the Medicare Program that would keep the Medicare Program solvent well into the next century.

The extreme cuts and changes in Medicare that the Republicans are proposing are not needed. The Medicare trustees' report should not be an excuse to justify, if you will, the changes that the Republican leadership is proposed in Medicare. Rather, we should be getting together to make those minor cuts, if you will, to save the program and keep it solvent on a bipartisan basis.

A BALANCED BUDGET

(Mr. BALLENGER asked and was given permission to address the House for 1 minute.)

Mr. BALLENGER. Mr. Speaker, no one doubts the importance of a balanced budget to America's families. But what we are doubting is President Clinton's commitment.

Well, the Senate vote this week on a balanced budget amendment is his chance to actually prove his commitment to a balanced budget. All he has to do is use his widely acclaimed oratorical skills, and lead the Somersault Six down the path to a balanced budget.

These Somersault Six are six Senators of his own party who had previously voted in favor of the amendment, but then switched their vote last year in order to defeat the amendment. They are the sole obstacle to delivering a balanced budget to the American people.

We call on the President to show leadership and do the right thing for our children and grandchildren. If the President really believes that big Government and wasteful Washington spending are a thing of the past, he shouldn't be afraid to legally require a balanced Washington budget.

CHILDREN DID NOT RUN UP THE DEBT

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, I rally thank the wonderful citizens around America who came this weekend to stand for children. We have heard some speeches this morning about how the best thing we can do for children is not run up a debt. That is absolutely right. We should not run up a debt. But let us also remind people that children did not run up the debt that is already there.

Mr. Speaker, we should not try to balance the debt on the backs of children, because children are going to be the ones that inherit this debt and are going to have to pay it off. The things that we desperately need for children are to make sure that they have the educational skills that they can get out and compete globally in the 21st century and make enough money so they can pay this off and get this country going the right way.

So to cut student loans, to cut aid to education, to cut after-school programs and summer programs, to cut math and science programs are all terribly shortsighted. Those who cause the debt should pay for the debt, not the children.

FEDERAL DEPOSIT INSURANCE FUNDS AND REGULATORY RELIEF ACT OF 1996

(Mr. BEREUTER asked and was given permission to address the House for 1 minute.)

Mr. BEREUTER. Mr. Speaker, earlier today, this Member introduced the Federal Deposit Insurance Funds and Regulatory Relief Act of 1996, which constitutes a comprehensive plan to: First, fully capitalize the Savings Association insurance fund; second, guarantee payment of interest on Financing Corporation bonds; third, merge the bank and thrift charters; fourth, merge the bank insurance fund and the Savings Association insurance fund into a new deposit insurance fund; and fifth, provide solid regulatory relief to all financial institutions.

Mr. Speaker, this Member will be circulating a "Dear Colleague" letter explaining the provisions in the bill and he invites his colleagues to join in cosponsoring this comprehensive legislation.

FIGHT THE ATTACK ON AGRICULTURE

(Mr. BARRETT of Nebraska asked and was given permission to address the House for 1 minute.)

Mr. BARRETT of Nebraska. Mr. Speaker, the House Agriculture Appropriations Subcommittee's bill is a slap in the face to rural America. Last week the subcommittee approved a bill that would provide $581 million less in budget authority for agriculture programs for fiscal year 1997.

The subcommittee's bill demonstrates the blatant lack of understanding many in Congress have for the 1996 farm bill and for America's farmers.

The Agriculture Committee worked for more than a year on a farm bill that would meet the needs of farmers, and our obligations in balancing the budget. We created a program of fixed, but declining payments to transition farmers from dependence on the government, to market-based production. The subcommittee's bill invalidates the farm bill and these contracts.

Today, I'm speaking especially to all of my colleagues from rural districts. Let's drop this partisanship. As aggies we must work together to fight, once again, this attack on agriculture.

THE WARNING BY DR. BILLY GRAHAM

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, a few weeks ago, Dr. Billy Graham received a well-deserved Congressional Medal of Honor here in the Capitol.

In his acceptance speech, he said that our Nation had "confused liberty with license" and that we are now "a society poised on the brink of self-destruction."

I am a little more optimistic than Dr. Graham, but unfortunately, almost no one would say that he had no reason or justification for his statements.

Let me quickly note three recent incidents which would cause Dr. Graham further concern.

First, a Federal judge ruled yesterday that a rural Mississippi school had violated the Constitution by allowing prayers over the intercom and classes about the Bible.

Second, the top legal adviser for the Governor of Florida said a school prayer bill was illegal because "we are officially now mandated to be a country with no formal recognition of God."

Third, a Maryland school superintendent revoked an invitation to U.S. Supreme Court Justice Clarence Thomas because he happens to be both black and conservative.

Another high official in Prince George's County, where this occurred, called it "the epitome of intolerance and bigotry."

These things would not have happened in this country just a few years ago.

We should think very seriously about the warning by Dr. Billy Graham.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken on Wednesday, June 5, 1996.

AUTHORIZATION OF MAJOR FACILITY PROJECTS AND MAJOR MEDICAL FACILITY LEASES FOR DEPARTMENT OF VETERANS AFFAIRS, FISCAL YEAR 1997

Mr. STUMP. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3376) to authorize major medical facility projects and major medical facility leases for the Department of Veterans Affairs for fiscal year 1997, and for other purposes, as amended.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—CONSTRUCTION AUTHORIZATION

SEC. 101. AUTHORIZATION OF MAJOR MEDICAL FACILITY PROJECTS.

(a) AMBULATORY CARE ADDITION PROJECTS.—The Secretary of Veterans Affairs may carry out the following ambulatory care addition major medical facility projects, with each project to be carried out in the amount specified for that project:

(1) Addition of ambulatory care facilities for mental health enhancements at the Department of Veterans Affairs medical center in Dallas, Texas, $19,900,000.

(2) Addition of ambulatory care facilities at the Department of Veterans Affairs medical center in Brockton, Massachusetts, $13,500,000.

(3) Addition of ambulatory care facilities for outpatient improvements at the Department of Veterans Affairs medical center in Shreveport, Louisiana, $25,000,000.

(4) Addition of ambulatory care facilities at the Department of Veterans Affairs medical center in Lyons, New Jersey, $21,100,000.

(5) Addition of ambulatory care facilities at the Department of Veterans Affairs medical center in Tomah, Wisconsin, $12,700,000.

(6) Addition of ambulatory care facilities at the Department of Veterans Affairs medical center in Asheville, North Carolina, in the amount of $28,800,000.

(7) Addition of ambulatory care facilities at the Department of Veterans Affairs medical center in Temple, Texas, in the amount of $9,800,000.

(8) Addition of ambulatory care facilities at the Department of Veterans Affairs medical center in Tucson, Arizona, in the amount of $35,500,000.

(b) ENVIRONMENTAL IMPROVEMENT PROJECTS.—The Secretary of Veterans Affairs may carry out the following environmental improvement major medical facility projects, with each project to be carried out in the amount specified for that project:

(1) Environmental improvements for the renovation of nursing home facilities at the Department of Veterans Affairs medical center in Lebanon, Pennsylvania, in the amount of $9,500,000.

(2) Environmental improvements at the Department of Veterans Affairs medical center in Marion, Illinois, in the amount of $11,500,000.

(3) Environmental improvements to modernize patient wards at the Department of Veterans Affairs medical center in Atlanta, Georgia, $28,200,000.

(4) Environmental improvements for the replacement of a psychiatric bed building at the Department of Veterans Affairs medical center in Battle Creek, Michigan, $22,900,000.

(5) Environmental improvements for ward renovation for patient privacy at the Department of Veterans Affairs medical center in Omaha, Nebraska, $7,700,000.

(6) Environmental improvements at the Department of Veterans Affairs medical center in Pittsburgh, Pennsylvania, $17,400,000.

(7) Environmental improvements for the renovation of various buildings at the Department of Veterans Affairs medical center in Waco, Texas, $26,000,000.

(8) Environmental improvements for the replacement of psychiatric beds at the Department of Veterans Affairs medical center in Marion, Indiana, in the amount of $17,300,000.

(9) Environmental improvements for the renovation of psychiatric wards at the Department of Veterans Affairs medical center in Perry Point, Maryland, in the amount of $15,100,000.

(10) Environmental enhancement at the Department of Veterans Affairs medical center in Salisbury, North Carolina, in the amount of $18,200,000.

(c) SEISMIC CORRECTION PROJECTS.—The Secretary of Veterans Affairs may carry out the following seismic correction major medical facility projects, with each project to be carried out in the amount specified for that project:

(1) Seismic corrections at the Department of Veterans Affairs medical center in Palo Alto, California, in the amount of $36,000,000.

(2) Seismic corrections at the Department of Veterans Affairs medical center in Long Beach, California, in the amount of $20,200,000.

(3) Seismic corrections at the Department of Veterans Affairs medical center in San Francisco, California, $26,000,000.

SEC. 102. AUTHORIZATION OF MAJOR MEDICAL FACILITY LEASES.

The Secretary of Veterans Affairs may enter into leases for medical facilities as follows:

(1) Lease of a satellite outpatient clinic in Allentown, Pennsylvania, in an amount not to exceed $2,159,000.

(2) Lease of a satellite outpatient clinic in Beaumont, Texas, in an amount not to exceed $1,940,000.

(3) Lease of a satellite outpatient clinic in Boston, Massachusetts, in an amount not to exceed $2,358,000.

(4) Lease of a parking facility in Cleveland, Ohio, in an amount not to exceed $1,300,000.

(5) Lease of a satellite outpatient clinic and Veterans Benefits Administration field office in San Antonio, Texas, in an amount not to exceed $2,256,000.

(6) Lease of a satellite outpatient clinic in Toledo, Ohio, in an amount not to exceed $2,223,000.

SEC. 103. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary of Veterans Affairs for fiscal year 1997—

(1) for the Construction, Major Projects, account, $422,300,000 for the projects authorized in section 101; and

(2) for the Medical Care account, $12,236,000 for the leases authorized in section 102.

(b) LIMITATION.—The projects authorized in section 101 may only be carried out using—

(1) funds appropriated for fiscal year 1997 pursuant to the authorization of appropriations in subsection (a);

(2) funds appropriated for Construction, Major Projects for a fiscal year before fiscal year 1997 that remain available for obligation; and

(3) funds appropriated for Construction, Major Projects for fiscal year 1997 for a category of activity not specific to a project.

SEC. 104. REPORT ON HEALTH CARE NEEDS OF VETERANS IN EAST CENTRAL FLORIDA.

(a) REPORT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the health care needs of veterans in east central Florida. In preparing the report, the Secretary shall consider the needs of such veterans for psychiatric and long-term care. The Secretary shall include in the report the Secretary's views, based on the Secretary's determination of such needs, as to the best means of meeting such needs using the amounts appropriated pursuant to the authorization of appropriations in this Act and Public Law 103-452 for projects to meet the health care needs of such veterans. The Secretary may, subject to the availability of appropriations for such purpose, use an independent contractor to assist in the determination of such health care needs.

(b) LIMITATION.—The Secretary may not obligate any funds, other than for design work, for the conversion of the former Orlando Naval Training Center Hospital in Orlando, Florida (now under the jurisdiction of the Secretary of Veterans Affairs), to a nursing home care unit until 45 days after the date on which the report required by subsection (a) is submitted.

TITLE II—STRATEGIC PLANNING FOR HEALTH CARE RESOURCES

SEC. 201. STRATEGIC PLANNING.

Section 8107 of title 38, United States Code, is amended—

(1) by redesignating subsection (b) as subsection (c);

(2) by striking out subsection (a) and inserting in lieu thereof the following new subsections:

"(a) In order to promote effective planning for the efficient provision of care to eligible veterans, the Secretary, based on the analysis and recommendations of the Under Secretary for Health, shall submit to each committee, not later than January 31 of each year, a report regarding long-range health planning of the Department.

"(b) Each report under subsection (a) shall include the following:

"(1) A five-year strategic plan for the provision of care under chapter 17 of this title to eligible veterans through coordinated networks of medical facilities operating within prescribed geographic service-delivery areas, such plan to include provision of services for the specialized treatment and rehabilitative needs of disabled veterans (including veterans with spinal cord dysfunction, blindness, amputations, and mental illness) through distinct programs or facilities of the Department dedicated to the specialized needs of those veterans.

"(2) A description of how planning for the networks will be coordinated.

"(3) A profile regarding each such network of medical facilities which identifies—

"(A) the mission of each existing or proposed medical facility in the network;

"(B) any planned change in the mission for any such facility and the rationale for such planned change;

"(C) the population of veterans to be served by the network and anticipated changes over a five-year period and a ten-year period, respectively, in that population and in the health-care needs of that population;

"(D) information relevant to assessing progress toward the goal of achieving relative equivalency in the level of resources per patient distributed to each network, such information to include the plans for and progress toward lowering the cost of care-delivery in the network (by means such as changes in the mix in the network of physicians, nurses, physician assistants, and advance practice nurses);

"(E) the capacity of non-Federal facilities in the network to provide acute, long-term, and specialized treatment and rehabilitative services (described in section 7305 of this title), and determinations regarding the extent to which services to be provided in each service-delivery area and each facility in such area should be provided directly through facilities of the Department or through contract or other arrangements, including arrangements authorized under sections 8111 and 8153 of this title; and

"(F) a five-year plan for construction, replacement, or alteration projects in support of the approved mission of each facility in the network and a description of how those projects will improve access to care, or quality of care, for patients served in the network.

"(4) A status report for each facility on progress toward—

"(A) instituting planned mission changes identified under paragraph (3)(B);

"(B) implementing principles of managed care of eligible veterans; and

"(C) developing and instituting cost-effective alternatives to provision of institutional care."; and

(3) by adding at the end the following new subsection:

"(d)(1) The Secretary shall submit to each committee, not later than January 31 of each year, a report showing the current priorities of the Department for proposed major medical construction projects. Each such report shall identify the 20 projects, from within all the projects in the Department's inventory of proposed projects, that have the highest priority and, for those 20 projects, the relative priority and rank scoring of each such project. The 20 projects shall be compiled, and their relative rankings shall be shown, by category of project (including the categories of ambulatory care projects, nursing home care projects, and such other categories as the Secretary determines).

"(2) The Secretary shall include in each report, for each project listed, a description of the specific factors that account for the relative ranking of that project in relation to other projects within the same category.

"(3) In a case in which the relative ranking of a proposed project has changed since the last report under this subsection was submitted, the Secretary shall also include in the report a description of the reasons for the change in the ranking, including an explanation of any change in the scoring of the project under the Department's scoring system for proposed major medical construction projects.".

SEC. 202. REVISION TO PROSPECTUS REQUIREMENTS.

(a) ADDITIONAL INFORMATION.—Section 8104(b) of title 38, United States Code, is amended—

(1) by striking out "shall include—" and inserting in lieu thereof "shall include the following:";

(2) in paragraph (1)—

(A) by striking out "a detailed" and inserting in lieu thereof "A detailed"; and

(B) by striking out the semicolon at the end and inserting in lieu thereof a period;

(3) in paragraph (2)—

(A) by striking out "an estimate" and inserting in lieu thereof "An estimate"; and

(B) by striking out "; and" and inserting in lieu thereof a period;

(4) in paragraph (3), by striking out "an estimate" and inserting in lieu thereof "An estimate"; and

(5) by adding at the end the following new paragraphs:

"(4) Demographic data applicable to the project, including information on projected changes in the population of veterans to be served by the project over a five-year period and a ten-year period.

"(5) Current and projected workload and utilization data.

"(6) Current and projected operating costs of the facility, to include both recurring and non-recurring costs.

"(7) The priority score assigned to the project under the Department's prioritization methodology and, if the project is being proposed for funding ahead of a project with a higher score, a specific explanation of the factors other than the priority that were considered and the basis on which the project is proposed for funding ahead of projects with higher priority scores.

"(8) A listing of each alternative to construction of the facility that has been considered.".

(b) APPLICABILITY.—The amendments made by subsection (a) shall apply with respect to any prospectus submitted by the Secretary of Veterans Affairs after the date of the enactment of this Act.

SEC. 203. CONSTRUCTION AUTHORIZATION REQUIREMENTS.

(a) DEFINITION OF MAJOR MEDICAL FACILITY PROJECT.—Paragraph (3)(A) of section 8104(a) of title 38, United States Code, is amended by striking out "$3,000,000" and inserting "$5,000,000".

(b) APPLICABILITY OF CONSTRUCTION AUTHORIZATION REQUIREMENT.—(1) Subsection (b) of section 301 of the Veterans' Medical Programs Amendments of 1992 (Public Law 102–405; 106 Stat. 1984) is repealed.

(2) The amendments made by subsection (a) of such section shall apply with respect to any major medical facility project or any major medical facility lease of the Department of Veterans Affairs, regardless of when funds are first appropriated for that project or lease, except that in the case of a project for which funds were first appropriated before October 9, 1992, such amendments shall not apply with respect to amounts appropriated for that project for a fiscal year before fiscal year 1998.

(c) LIMITATION ON OBLIGATIONS FOR ADVANCE PLANNING.—Section 8104 of title 38, United States Code, is amended by adding at the end the following new subsection:

"(f) The Secretary may not obligate funds in an amount in excess of $500,000 from the Advance Planning Fund of the Department toward design or development of a major medical facility project until—

"(1) the Secretary submits to the committees a report on the proposed obligation; and

"(2) a period of 30 days has passed after the date on which the report is received by the committees.".

SEC. 204. TERMINOLOGY CHANGES.

(a) DEFINITION OF "CONSTRUCT".—Section 8101(2) of title 38, United States Code, is amended—

(1) by striking out "working drawings" and inserting in lieu thereof "construction documents"; and

(2) by striking out "preliminary plans" and inserting in lieu thereof "design development".

(b) PARKING FACILITIES.—Section 8109(h)(3)(B) of such title is amended by striking out "working drawings" and inserting in lieu thereof "construction documents".

SEC. 205. VETERANS HEALTH ADMINISTRATION HEADQUARTERS.

(a) REPEAL OF STATUTORY SPECIFICATION OF ORGANIZATIONAL SERVICES.—The text of section 7305 of title 38, United States Code, is amended to read as follows:

"(a) The Veterans Health Administration shall include the Office of the Under Secretary for Health and such professional and auxiliary services as the Secretary may find to be necessary to carry out the functions of the Administration.

"(b) In organizing, and appointing persons to positions in, the Office, the Under Secretary shall ensure that the Office is staffed so as to provide the Under Secretary with appropriate expertise, including expertise in—

"(1) unique programs operated by the Administration to provide for the specialized treatment and rehabilitation of disabled veterans (including blind rehabilitation, spinal cord dysfunction, mental illness, and geriatrics and long-term care); and

"(2) appropriate clinical care disciplines.".

(b) OFFICE OF THE UNDER SECRETARY.—Section 7306 of such title is amended—

(1) in subsection (a)—

(A) by striking out "and who shall be a qualified doctor of medicine" in paragraph (2);

(B) by striking out paragraphs (5), (6), and (7); and

(C) by redesignating the succeeding two paragraphs as paragraphs (5) and (6), respectively; and

(2) in subsection (b)—

(A) by striking out "subsection (a)(3)" and all that follows through "two may be" and inserting in lieu thereof "subsection (a)(3), not more than two may be";

(B) by striking out the semicolon after "dental medicines" and inserting in lieu thereof a period; and

(C) by striking out paragraphs (2) and (3).

TITLE III—OTHER MATTERS

SEC. 301. NAME OF DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER, JACKSON, MISSISSIPPI.

(a) NAME.—The Department of Veterans Affairs medical center in Jackson, Mississippi, shall be known and designated as the "G. V. Sonny Montgomery Department of Veterans Affairs Medical Center". Any reference to such medical center in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the G. V. Sonny Montgomery Department of Veterans Affairs Medical Center.

(b) EFFECTIVE DATE.—Subsection (a) shall take effect at noon on January 3, 1997, or the first day on which G. V. Sonny Montgomery otherwise ceases to be a Member of the House of Representatives.

SEC 302. NAME OF DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER, JOHNSON CITY, TENNESSEE.

(a) NAME.—The Mountain Home Department of Veterans Affairs medical center in Johnson City, Tennessee, shall after the date of the enactment of this Act be known and designated as the "James H. Quillen Department of Veterans Affairs Medical Center". Any reference to such medical center in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the James H. Quillen Department of Veterans Affairs Medical Center.

(b) EFFECTIVE DATE.—Subsection (a) shall take effect at noon on January 3, 1997, or the first day on which James H. Quillen otherwise ceases to be a Member of the House of Representatives.

SEC. 303. NAME OF DEPARTMENT OF VETERANS AFFAIRS NURSING CARE CENTER, ASPINWALL, PENNSYLVANIA.

The Department of Veterans Affairs nursing care center at the Department of Veterans Affairs medical center in Aspinwall, Pennsylvania, shall after the date of the enactment of this Act be known and designated as the "H. John Heinz, III Department of Veterans Affairs Nursing Care Center". Any reference to such nursing care center in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the H. John Heinz, III Department of Veterans Affairs Nursing Care Center.

SEC. 304. RESTORATION OF AUTHORITY FOR ESTABLISHMENT OF DEPARTMENT OF VETERANS AFFAIRS RESEARCH CORPORATIONS.

Section 7368 of title 38, United States Code, is amended by striking out "December 31, 1992" and inserting in lieu thereof "December 31, 2000".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona [Mr. STUMP] and the gentleman from Mississippi [Mr. MONTGOMERY] will each be recognized for 20 minutes.

The Chair recognizes the gentleman from Arizona [Mr. STUMP].

GENERAL LEAVE

Mr. STUMP. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3376, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. STUMP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill authorizes $422 million in VA major medical facility construction for fiscal year 1997.

I want to thank the ranking member of the committee, my good friend, SONNY MONTGOMERY, for his work on this measure. I also want to thank TIM HUTCHINSON, chairman of the Hospitals and Health Care Subcommittee, and CHET EDWARDS, the subcommittee's ranking member, for their bipartisan approach to this bill.

Last year, a separate VA construction authorization bill was not acted on by the House. The final omnibus appropriations bill for fiscal year 1996 only partially funded the projects approved by the Committee on Veterans' Affairs. Approximately, $200 million remained unauthorized and unappropriated after final action on the fiscal year 1996 legislation. H.R. 3376 includes that $200 million project list and adds further projects to combine the remaining portion of last year's bill into a fiscal year 1997 construction bill.

I want to point out to Members that this bill does not construct new hospitals, or additional new inpatient bed capacity.

The projects in this bill fall into three main categories, ambulatory care additions, patient environment improvements, and seismic corrections. These 21 projects come from the top of VA's priority list in each category. Over 200 projects were scored and evaluated by the VA for the 1997 budget cycle.

The ambulatory care additions will help the VA shift more rapidly to outpatient care as the private sector has. The patient environment improvement projects renovate and replace existing, but substandard, inpatient capacity. And, the seismic correction projects will help VA facilities better withstand earthquakes in areas most prone to experience them.

The bill also makes important improvements in the VA's strategic planning process for future evaluation of construction priorities. TIM HUTCHINSON will say more about the bill in his explanation; however, I want to point out another very important part of the bill. Title 3 of H.R. 3376 renames three VA facilities after very deserving individuals, the Honorable G.V. SONNY MONTGOMERY, the Honorable JAMES H. QUILLEN, and the Honorable H. John Heinz III.

I would like to take the time to lead off the comments about naming the VA medical center in Jackson, MS after my closest friend in the House, SONNY MONTGOMERY. To say that taking this action enjoys unanimous support would actually be quite an understatement. Not taking this action would be one of the gravest omissions the 104th Congress could possibly make.

Naming this VA facility after SONNY is fitting recognition to his commitment and devotion to our Nation's veterans during 30 years of service in the House of Representatives. His record of leadership and accomplishment as chairman of the House Committee on Veterans' Affairs, and as a senior member of the Armed Services, now National Security Committee, are unparalleled. He has rightfully been called Mr. Veteran, and I doubt his standing among our Nation's veterans will ever be eclipsed. I am proud to cosponsor this naming bill and to have the privilege, as chairman of the Committee on Veterans' Affairs, to bring this measure to the floor in honor of this great American.

Mr. Speaker, H.R. 3376 also renames the VA medical center in Johnson City, TN after another true friend of our Nation's veterans, JIMMY QUILLEN. The distinguished gentleman from Tennessee is retiring after 34 years as a member of this body, during which he has dedicated himself to improving access to health care for the citizens of his district and State. Those efforts have included the veterans of Tennessee and all veterans throughout the country. His support for improving care and expanding the facilities at the Johnson City, VA medical center are well known.

I strongly believe JIMMY QUILLEN's service to veterans warrants this action honoring his efforts on their behalf, and was proud to introduce H.R. 3320, which is incorporated in the bill before us today. H.R. 3320 was cosponsored on a bipartisan basis by the entire Tennessee delegation and by every Member of the House Veterans' Affairs Committee. I want to express my personal thanks to another Member of the Tennessee delegation, JOHN DUNCAN, for his assistance and hard work on this bill.

Mr. Speaker, the third naming provision in the bill honors the late Senator from Pennsylvania, the Honorable John Heinz. Senator Heinz served the people of his State for 20 years in outstanding fashion. His tragic death in a plane crash in 1991, prematurely ended the congressional service of this Air Force veteran.

His long time support for our Nation's veterans warrants the action we take today, which will change the name of the Aspinwall VA Nursing Care Center, to the H. John Heinz, III Department of Veterans Affairs Nursing Care Center. I want to thank Representative MIKE DOYLE, a Member of the Veterans' Affairs Committee for introducing the original bill, H.R. 2760, which was sponsored by the entire Pennsylvania delegation.

☐ 1415

Mr. Speaker, I yield such time as he may consume to the gentleman from Arkansas [Mr. HUTCHINSON] for an explanation of his bill.

Mr. HUTCHINSON. Mr. Speaker, I thank the chairman for yielding me this time.

Mr. Speaker, I urge my colleagues to support H.R. 3376, bipartisan legislation which authorizes major facility projects and major medical facility leases for the Department of Veterans Affairs health care system, as well as a number of other important provisions which ensure effective strategic planning and management of the Veterans Health Administration.

I would like to thank Chairman STUMP, along with the ranking member, SONNY MONTGOMERY, and my subcommittee colleague, CHET EDWARDS, for their efforts to meld this bill into an effective piece of legislation which addresses the highest priority facility construction needs within the VA system.

H.R. 3376 authorizes the appropriation of $422.3 million for 21 projects which includes the construction of 8 outpatient clinics, renovation of 10 priority patient environment projects, and the correction of major seismic problems at 3 California medical centers. The legislation also authorizes $12.2 million for six major medical facility leases. I would like to strongly reiterate that this legislation does not add one hospital bed to the system but instead puts the focus on needed improvements for patient privacy, safety, and renovation of the valuable infrastructure of aging and often historic mental health facilities. Since 1969, the VA health care system has closed over 54,000 beds to adjust to the changes in health care and this legislation seeks to assist the VA in its continued transition from a hospital-based system into a health care system.

I would like to highlight a very significant provision in this bill which requires the VA to develop a 5-year strategic plan for its health care system. Within the development of the plan, the VA is required to address such factors as veteran population trends, resource distribution, cost of patient care, the capacity of non-Federal providers within their geographic planning networks, the missions of each facility within the network, and specifically, the distribution of the important specialized services on both the network and national levels. Effective planning will make the VA a more effective and efficient provider of quality health services able to better serve veterans by placing services where veterans need them.

Over the years, many of my colleagues and their veteran constituents have voiced concerns about the unequal distribution of VA resources. This bill represents a significant step in creating parity for veterans by requiring VA to compare expenditures of veterans by geographic networks and then shifting resources to follow the veteran.

In strengthening strategic planning the bill also requires that as part of the annual authorization process the VA provide a report on the top 20 major medical construction projects, the relative of each project by category, and a description of the factors that account for the rank of each project. In this era of public accountability, it is critical that each major expenditure speak to the highest priority needs of veterans.

The bill also raises the threshold for major construction projects from the current level of $3 to $5 million. It would also limit the scope of the so-called grandfather clause and require that major projects be authorized annually to ensure facility need and accountability in the major construction program.

The bill removes the requirement that the Veterans Health Administration be organized along certain clinical specialties and allows the Under Secretary greater flexibility in the organization of the headquarters staff.

Last and most importantly, this bill honors three great Americans by naming VA facilities after them. They are G.V. Sonny Montgomery Veterans Affairs Medical Center, Jackson, MS; the James H. Quillen Veterans Affairs Medical Center, in Johnson City, TN and the H. John Heinz III Veterans Affairs Nursing Care Center, Aspinwall, PA.

The rapidly changing health care environment, coupled with our joint responsibility to the veteran and the taxpayer, are satisfied by the provisions of this legislation. I strongly urge its passage.

Mr. Speaker, I want to especially give my personal tribute to the gentleman from Mississippi, G.V. SONNY MONTGOMERY, a true friend of veterans and no one more deserving of this recognition and this honor. My predecessor, a long-time member of the Committee on Veterans' Affairs, John Paul Hammerschmidt, regarded SONNY as his dearest and closest friend in all of Congress, if not all the world. I share that same affection and am glad to pay that honor to him today and to support this legislation.

Mr. MONTGOMERY. Mr. Speaker, I yield myself such time as I may consume.

I certainly want to begin by thanking the chairman of the committee, the gentleman from Arizona, the Honorable BOB STUMP, for bringing this bill to the floor and for the very, very kind words that the chairman has given me and the gentleman from Tennessee, JIMMY QUILLEN, and former Senator John Heinz.

I want to point out, Mr. Speaker, that under the leadership of BOB STUMP, our committee is bipartisan. We work together, we have no problems, and, naturally, I would say this is a good bill being brought to the floor today.

I also want to thank the chairman of the Subcommittee on Hospitals and Health Care, the gentleman from Arkansas, the Honorable TIM HUTCHINSON, and I am certainly glad that he has considered running for the House again and leaving the Senate alone. I think that was the right decision.

Also thanks to the gentleman from Texas, the Honorable CHET EDWARDS, for working together, as I mentioned, in a bipartisan manner for this legislation.

The construction authorization bill, H.R. 3376, is very important in that many VA hospitals were built more than 50 years ago, Mr. Speaker, and they were not designed for the way health care is provided today. Too many of these old patient care buildings have never been upgraded. As a result, it is difficult to care for some of the veterans with psychiatric problems, the problems with infection control, and situations really exist that interfere with good treatment.

As many of my colleagues are aware, the VA is making many changes in its health care system. And the gentleman from Arizona, Chairman STUMP, and I think it is for the best in making these changes.

Last week the Washington Post ran a very long article written by Bill McAllister about the VA's increased emphasis on primary care and its struggle to update its facilities. Millions of veterans continue to rely on the VA care. So we need to authorize construction projects to fix these old buildings up and make our patient care more convenient.

The projects included in this bill are at the very top of the VA priority list. Rather than adding more hospital beds or, as has been said earlier, building more hospitals, these projects expand outpatient capacity and renovation of existing hospital space so that the VA can provide care in a humane and safe environment and increase the number of veterans that they can see on a daily basis.

Now, Mr. Speaker, the Congress has a record of being very responsive to veterans needs. From 1988 to 1995 the Congress appropriated an average of $436 million per year for VA major construction, with most of this money going for medical construction. With these funds, the VA was able to replace, to modernize a number of our 171 hospitals that we have across the country, and to open the state-of-the-art outpatient centers.

However, last year, the VA only got $136 million in medical construction funds. The amount recommended by the appropriation subcommittee for the coming fiscal year is more than that, but it is still $200 million less than it should be.

Last week the house appropriated over $300 million for construction for military medical treatment facilities. And, Mr. Speaker, they do not have half, even a third, of the medical facilities we have for the VA. We have just not provided enough money to keep these veterans' facilities in decent shape.

In addition, the veterans populations is shifting, and we need to try to meet that increased demand, especially through opening more outpatients clinics. What we are trying to do is maybe get away from the big hospitals and have outpatient clinics where we can take care of more of the veterans.

VA had a backlog of high-priority medical construction projects which total out at about $3 billion. If we continue at the current pace of funding these projects, some of these hospitals will be a pile of rubble before we get around to finding the money to renovate them. I hope we can fund more funds for the outpatient clinics and other projects that our committee is recommending in this legislation. We need to fund all of the projects in this bill if we are going to keep our word to the veterans.

Mr. Speaker, I urge my colleagues to support this bill. I am pleased that a construction authorization bill is at last being brought to the floor. This bill represents a good-faith, truly bipartisan approach to identifying the most needed major medical construction work within the VA health care system. I commend BOB STUMP, the chairman of the Veterans' Affairs Committee for his leadership in developing and marking up this bill. I also want to thank the chairman of the Subcommittee on Hospitals and Health Care, the Honorable TIM HUTCHINSON, and the ranking member, the Honorable CHET EDWARDS, for their work on this bill.

In addition to authorizing major medical construction projects for fiscal year 1997, this bill would make statutory changes aimed at improving the construction planning process. Among these, the bill would require VA to develop a strategic planning process and to provide Congress annually a detailed report on its planning, to include its construction plans. It would also require VA to provide the Committees on Veterans' Affairs with an annual report identifying by category the construction projects which represent its highest priorities for funding. Such reporting would assist the committees in developing construction authorization legislation. In that regard, one section of the bill, which would repeal a grandfather clause, exempting certain construction projects from the authorization requirement, has prompted a technical question.

My friend, VIC FAZIO, has asked me to clarify the impact that repeal would have on the proposed fiscal year 1997 funding of construction work on a replacement VA medical center at Travis Air Force Base. In adopting a construction authorization requirement, the Congress in Public Law 102-405 grandfathered construction projects for which funds had been appropriated before the law's enactment, in effect providing that the construction authorization requirement would not apply to those projects. It is my understanding that the VA's general counsel has concluded, based on Congress having provided specific funding for the advance planning and design phases of a Martinez replacement hospital prior to the enactment of Public Law 102–504, that VA may, under the grandfather clause, obligate moneys appropriated for constructing a replacement hospital at Travis Air Force Base. Under H.R. 3376, the repeal of the grandfather clause would first have application with respect to amounts appropriated for fiscal year 1998. Accordingly, should Congress appropriate fiscal year 1997 funds for the Travis project, nothing in H.R. 3376 would bar VA from obligating those fiscal year 1997 funds.

Mr. Speaker, H.R. 3376 does raise some important issues, beyond the specific projects it authorizes. VA is making needed reforms in its medical care system, but its physical plant needs work too. In many places around the country, VA must provide care in aging facilities that need major renovation. Veterans continue to rely on VA care, so we can't just let VA hospitals deteriorate. We need to bring old buildings up to acceptable patient-care and privacy standards, and strengthen inpatient facilities that are vulnerable to earthquakes. We also need to give VA the means to lower the cost of care by funding construction that would allow VA to replace hospital wards with new space in which to provide outpatient care. These are high priority needs, and the VA has a large backlog of such priority construction projects totaling $3 billion. But veterans across the country wait, year after year, in hope that Congress will provide the funds needed to address such problems at their local VA hospital.

Members need to know, however, that the fiscal year 1997 VA-HUD appropriations bill marked up last week by the Subcommittee on VA, HUD, and Independent Agencies will provide funding for only a few of the projects which H.R. 3376 would authorize. With only $189 million targeted to major medical construction projects under the marked up bill, the level of funding is simply inadequate, both with respect to the volume of needed construction and in relation to funding levels in prior Congresses. From 1988 to 1995, for example, the Congress appropriated an annual average of $436 million for VA major construction, with most of this money going for medical construction. With the substantially reduced levels of VA construction funding in this Congress, the upshot is that critically needed projects will face years of delay.

It is particularly important, therefore, that those limited funds dedicated to major medical construction for veterans are targeted to the most compelling of VA's needs. For that reason, it is very disappointing to find moneys earmarked under the proposed fiscal year 1997 appropriation for projects which VA itself does not support or for which there is no compelling priority.

With the very limited major medical construction funding proposed in the subcommittee's bill, and apparent differences over what constitute construction priorities, there is little prospect of making any significant dent in VA's huge construction backlog. It is illuminating, however, to examine the kinds of projects which the Veterans' Affairs Committee determined to have the most compelling need for funding and which will go unfunded for another year. They include situations in which:

Patients referred to a specialty VA psychiatric treatment center are hospitalized in buildings constructed in the 1920's which lack adequate ventilation, air conditioning, handicapped facilities, and elevators, and which do not provide a suitable environment for patients with acute psychiatric behavior. To be replaced with construction of a new psychiatric care building at a cost of $24.3 million—Battle Creek, MI.

Structural problems in the design of 50-year-old patient care buildings, which also do not meet fire, life-safety, and disabled-access requirements, at a major medical facility render them especially vulnerable to an earthquake. Requiring correction at cost of $20.2 million—Long, Beach, CA.

VA treats veterans in a 1940-vintage building with such inadequate space that outpatient care areas are congested, chaotic, lack a designated emergency room, and provide inadequate patient privacy. Requiring construction of an ambulatory care addition at a cost of $12.7 million—Tomah, WI.

Veterans are hospitalized for psychiatric problems under cramped conditions in a 1930's-vintage building constructed for tuberculosis patients at a major VA center. Requiring construction of a mental health addition at a cost of $19.7 million—Dallas, TX.

The space within which a 40-year-old major urban medical facility can provide ambulatory care is 62 percent deficient of its real needs resulting in inadequate number of treatment rooms, undue delays in scheduling appointments, treatment rooms scattered over three floors, insufficient waiting areas, and critical shortage of storage space, in addition to noncompliance with standards governing ventilation and handicapped access. Requiring construction of an ambulatory care addition and hospital renovations at a cost of $13.5 million—Brockton, MA.

Patient wards in a more than 30-year-old major metropolitan hospital suffer from severe space, functional and technical deficiencies including lack of sufficient fire sprinklers, infection-control problems associated with lack of private toilet and shower facilities, inadequate facilities for female patients, and lack of handicapped accessibility. Requiring ward modernization at a cost of $29.5 million—Atlanta, GA.

In my view, Mr. Speaker, these are compelling needs, and it is distressing that sufficient funds are not being allocated to meet them. Veterans will find this difficult to understand in light of the subcommittee's reversal on a project it rejected last year. The subcommittee reported last year that it could not fund the proposed replacement hospital at Travis Air Force Base "because of the budgetary situation—both present and anticipated in the future", and instead fiscal year 1996 funds were appropriated for an outpatient clinic at Travis. The subcommittee has now reversed course and has proposed partial funding of the Travis hospital construction project.

If the gloomy budget situation which appeared to have doomed the Travis project last year has in fact brightened sufficiently to permit an about-face, then it surely must mean there is sufficient flexibility to fund some of the compelling projects I have cited above.

Given the state of the infrastructure at many of VA's medical centers, veterans will be troubled by appropriations' subcommittee's decisions to fund major construction for a second year at levels more than $200 million below prior-year funding. If the appropriations' subcommittee's recommendations were to be adopted, major medical construction funding for the two sessions of the 104th Congress would total only $336 million, in contrast with a total of $869 million appropriated for VA major medical construction during the 103d Congress.

Veterans will rightly question the depths of these cuts. It is not enough to increase VA medical care funding; veterans should not be asked to receive care in substandard half-century old VA facilities or to wait patiently as needed renovations are deferred year after year. There is clearly no Federal-wide plan to slash construction spending. The fiscal year 1997 military construction appropriations bill, for example, provides more than $300 million for military hospital and medical projects; yet the number of DOD tertiary care treatment facilities is far smaller than the number of VA tertiary care facilities. Our commitment to America's veterans requires that we treat them with dignity. We fail in that duty when we tolerate their receiving care in facilities which no longer meet safety codes, are overcrowded, or deny them the degree of privacy we would want for ourselves.

Mr. Speaker, I reserve the balance of my time.

Mr. STUMP. Mr. Speaker, I yield 3 minutes to the gentleman from Tennessee [Mr. DUNCAN].

Mr. DUNCAN. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, I am pleased to be the original sponsor of the request to name the Veterans' Hospital in Johnson City, TN, after our colleague, the gentleman from Tennessee [Mr. QUILLEN].

I am very grateful to the outstanding chairman of the Veterans' Affairs Committee for including this provision in his legislation which we are taking up today. It is primarily due to the gentleman from Arizona, Chairman STUMP, that this action has moved through the process so expeditiously.

Congressman JIMMY QUILLEN was first elected to the House in 1962. He served for 8 years prior to that in the Tennessee State house.

For 42 years, he has been elected, every 2 years, to a legislative office by the people of upper east Tennessee. He has never lost an election, primarily because he served his people well, and he never got too big for his britches or let his position go to his head.

He has now achieved the record for the longest continuous service of any Tennessean ever to serve in Congress. Congressman QUILLEN is certainly a living legend. He came up the hard way, 1 of 10 children, in what was considered poverty even many years ago. As he has said, he was poor, but did not know it, because he came from a good and loving family.

He has achieved great success, both in business and in politics. At one time he was the youngest newspaper publisher in the State of Tennessee, and he started one of the most successful insurance agencies in our State. JIMMY QUILLEN served this Nation with honor in the U.S. Navy. He has always had a special place in his heart for our country's veterans, and he has fought hard to protect and support the Veterans' Hospital in Johnson City.

On a personal note, for almost 32 of the 34 years, JIMMY QUILLEN has been in Congress, he has served alongside someone named Duncan, first my father, and now me. He was one of my father's closest friends, and they worked together for almost 24 years.

I am now in my 8th year in the House, and during that time, as several people have noticed, JIMMY QUILLEN has treated me almost like a son. He has been so kind and helpful to me, as he has been to countless thousands in his district and throughout this Nation.

I can think of no honor more well-deserved, no honor more fitting and appropriate, than to name the Veterans' Hospital at Johnson City after a truly great American, Congressman JAMES H. QUILLEN.

Mr. Speaker, while I am up, I would like to also commend the gentleman from Arizona, Chairman STUMP, as the chairman of the Committee on Veterans' Affairs, for naming the medical facility in Jackson, MS, after another great American Congressman, the gentleman from Mississippi, SONNY MONTGOMERY, one of the finest and one of the most popular Members in this Congress.

He has achieved a record that not many people could match in his 30 years of service in this Congress. Another close friend of our family, Congressman SONNY MONTGOMERY, is one of the finest men that any of us could ever meet, and I am pleased that that facility will be named after Congressman MONTGOMERY.

□ 1430

Mr. STUMP. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. HORN].

Mr. HORN. Mr. Speaker, I commend particularly the gentleman from Arizona, Chairman STUMP, and the gentleman from Mississippi, former Chairman MONTGOMERY, for this excellent bill that they have encouraged their colleagues to report to the floor.

Along with many other worthy projects in this legislation, over $20 million is authorized for seismic corrections in the Long Beach Veterans Administration Medical Center. The Long Beach VA Medical Center has earned a well-deserved reputation for providing a top-notch and first class diverse range of services not only to veterans in Long Beach, but also to veterans throughout southern California.

One of the VA's largest single division tertiary care medical centers, the Long Beach VA Medical Center has achieved national prominence in the field of spinal cord injury and the rehabilitation of paraplegics and quadriplegics. Long Beach's VA Medical Center has also been a leader in health care innovation and in cost containment. The entire VA medical system has benefited from a cost accounting package developed at the Long Beach center.

The Center's efforts to improve efficiency serve as an example to hospitals throughout the United States. The seismic corrections funding authorized in H.R. 3376 will allow the Center to continue its state-of-the-art research and the excellent care it provides to its patients.

I urge all my colleagues to vote in favor of the VA construction authorization bill not because the Long Beach VA Medical Center is in it, but for the many other very worthy centers which are being upgraded.

Mr. STUMP. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, the tribute paid today by the speakers thus far to our colleagues JIMMY QUILLEN and SONNY MONTGOMERY are well deserved and ones in which I join because they, too, have been personal friends and longstanding servants of this House as well as their own constituencies.

I want to rise now to add to their names one other hero who has been mentioned here today, John Heinz, after whom one of the facilities contained in this bill will be named. John Heinz at the very moment of his death was literally killed in the line of duty, was concerning himself on a trip to further the interests of his investigation into Medicare fraud and other health care abuses, all in the genre of the issues in which he was involved from the very first day he began to serve in this very House before he went to the U.S. Senate. He was a hero to many Pennsylvanians, to all Pennsylvanians and to all those who remember him who are now Members of this Congress.

Mr. STUMP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, last week the appropriations Subcommittee on VA, HUD and Independent Agencies marked up its bill for the coming fiscal year. There are substantial differences between the spending priorities they arrived at and what is in this bill. Hopefully we can reach a consensus on construction as well as other areas of the appropriation bills that do not match up with the priorities on the Committee on Veterans' Affairs.

Mr. Speaker, I urge passage of H.R. 3376.

Mr. MONTGOMERY. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I rise to thank the gentleman from Tennessee and the gentleman from Pennsylvania for their very, very kind remarks about JIMMY QUILLEN and John Heinz and myself. We think we did the best we could on this legislation, and I encourage my colleagues to support it.

The gentleman from Arkansas mentioned his predecessor John Paul Hammerschmidt, who is a good friend of mine. Mr. Hammerschmidt and I served for a number of years together on the Veterans' Committee, including three Congresses during which he served as the ranking minority member while I served as chairman. Mr. Hammerschmidt was an outstanding member of this committee and the House of Representatives. All of the veterans' organizations admired him and praised his service on behalf of veterans, and he gave me wise counsel on numerous occasions during our service together on the Veterans' Committee.

I also want to thank the gentleman from Tennessee [Mr. DUNCAN] for his remarks. As he said, his family and mine are very close friends.

Mr. SMITH of New Jersey. Mr. Speaker, I rise today in support of this bill. The Veterans Health Administration is a model of our national commitment to honor our debts. It must be preserved. For that to happen, it must be allowed to change with the rest of the health care industry. One of the most significant changes in our Nation's health care delivery in recent years has been the movement to increased reliance on ambulatory care. For the VHA to keep pace with this welcome change, requires capital improvement. This bill today addresses some of those needs.

Specifically the Veterans' Affairs Committee approved a $21.1 million grant for Lyons Medical Center in Lyons, NJ. The grant provides funding for an ambulatory care unit.

This is great news for New Jersey vets. The Lyons' ambulatory care unit will take us into the next century as a state-of-the-art health care facility. It's an improvement that is long overdue.

In the past, the veterans' hospital would require overnight stays for minor surgery that would have been outpatient surgery elsewhere. The ambulatory care unit will allow veterans to go in and out of the hospital in one day, eliminating the added burden of overnight stays.

With the recent merger of Lyons and East Orange VA Medical Centers, this is truly a sign that Lyons is a well-respected and much-needed facility. This grant ensures that Lyons will continue to offer state-of-the-art health care and will keep its important place in the VA health care delivery system of New Jersey.

Finally Mr. Speaker, I also rise to congratulate Mr. MONTGOMERY, a true gentleman and leader when it comes to fighting for veterans. It has always been a pleasure to work for veterans as a member of the House Veterans' Affairs Committee. Over the years it has always been clear that a unique bipartisan spirit has prevailed there. That spirit has arisen from the shared commitment of the vast majority of the members of the committee to honor our obligations to our veterans first. Mr. MONTGOMERY, by his tireless service to the committee has nurtured that bipartisan spirit. Our success has been largely attributable to his fine service and leadership here and we will miss him.

Mr. HOYER. Mr. Speaker, I rise today in support of H.R. 3376. In particular, I am pleased that the bill authorizes $15.1 million for major renovations at the Perry Point Medical Center in Maryland.

The project will focus on renovating and reconfiguring the patient rooms in the psychiatric nursing units in order to improve patient privacy. Two of the buildings involved in the project were built in 1935 and this project will meet disability accessibility requirements and upgrade and modernize the facility's utilities. Additionally, this legislation will instruct the Veterans' Administration to meet space planning criteria and standards set by the Joint Commission on Accreditation of Health Care Organizations.

The Perry Point VA Medical Center provides excellent extended and psychiatric care to veterans throughout the State of Maryland as well as the mid-Atlantic region who have served our Nation so ably in the name of freedom and democracy. Perry Point, along with the VA medical center at Baltimore and the other facilities included in the Chesapeake network, provide specialty services to tens of thousands of veterans each year.

Mr. Speaker, it gives me great pleasure to rise with my colleagues in support of this measure which embodies a bipartisan commitment to providing the best services for our Nation's veterans.

Veterans from throughout the Fifth Congressional District and the State of Maryland will be better served as a result of this legislation and the ensuing improvements at the Perry Point VA Medical Center and I am pleased to rise with my colleagues today in support of H.R. 3376.

Mr. GILMAN. Mr. Speaker, I rise today in strong support of H.R. 3376 VA Major Construction Authorization and Major Medical Leases Act.

In recent years the health care industry has been de-emphasizing hospitals in favor of outpatient care facilities. Modern medicine has successfully demonstrated that many medical services are more efficiently performed on an outpatient basis.

This legislation will help the VA adjust to these new dynamics as it encourages a trend toward more ambulatory care construction projects.

With the recent opening of a clinic in Rockland County, my district has firsthand experience in observing the benefits of outpatient care.

Mr. Speaker, this legislation will benefit veterans by providing care in a more efficient manner which is also flexible enough to meet their future needs.

Mr. EVERETT. Mr. Speaker, as a member of the House Committee on Veterans' Affairs and chairman of the Compensation, Pension, Insurance and Memorial Affairs subcommittee, I am happy to rise today in support of H.R. 3376 authorizing major medical facility projects and major medical facility leases for the Department of Veterans Affairs for fiscal year 1997.

H.R. 3376 demonstrates strong bipartisan support for carrying out this country's unfailing commitment to our veterans. Recognizing the inevitable shift from expensive inpatient care to more cost effective primary and outpatient care, this legislation authorizes spending for the VA's medical facilities construction projects. The committee's action continues to stress the importance of providing services for veterans in an environment that is not only more convenient and more cost effective, but improves the quality of care through increased access to routine outpatient treatment and preventative health services.

I would especially like to recognize the foresight of the committee for the inclusion of directive report language authorizing the Secretary to establish an ambulatory care access point in Dothan, AL. The days of large vertically integrated hospitals as the primary mode of health care delivery are gone. Rather, in order to provide more effective and quality health care, the VA must be more flexible in bringing VA services to the veteran.

Such projects, like the much-needed community-based access point in Dothan, AL, are small in scale and do not require committee authorization or further appropriation of funds. However, the need for these small scaled projects is compelling given the lack of access to veteran's health care in many rural areas across the country. Currently, the more than 38,350 veterans reside within a 50-mile radius of Dothan are forced to travel 100 miles or more to the nearest VA medical center. The long and sometimes difficult trip back home after treatment is often impossible and warrants overnight lodging.

The establishment of a community-based access point in Dothan will provide routine, preventative and emergency outpatient medical services to the veterans in the southeast region of Alabama without requiring the construction of a large and costly inpatient facility. The quality of care for veterans in my district and in the surrounding areas of Alabama, Georgia, and Florida will improve significantly, while the cost for caring for these veterans will, most likely, prove more effective.

Mr. Speaker, in closing, because the other body failed to take up the fiscal year 1996 construction authorization, it is incumbent upon the upper Chamber that they consider this legislation so that our veterans are not deprived of the care they deserve.

I thank my friend, Mr. HUTCHINSON, chairman of the Hospitals and Health Care Subcommittee, and I thank my good friend, Chairman STUMP, for fostering greater opportunities for veterans in many regions of the country where it is prohibitive for veterans to travel to the nearest VA facility for care.

I stand in acknowledgment of their leadership on behalf of our nation's veterans and, I urge my colleagues to support this important legislation.

Mr. DOYLE. Mr. Speaker, I rise in favor of H.R. 3376, a bill of great importance to our Nation's veterans.

I want to begin by thanking Chairman STUMP for the leadership he has shown. In politics, there is never going to be an unanimity, but he has done a great job in addressing any issues that have arisen in our committee. He has gone out of his way to make sure that every member of the committee, regardless of party affiliation, has had an opportunity to help shape our legislative product. As a freshman in the minority, I want to say that the House Veterans' Affairs Committee should serve as a model to other chairmen as how to run a committee.

Also, I want to express my most heartfelt appreciation for the opportunity to work alongside the man they call Mr. Veteran—SONNY MONTGOMERY. I just want to say to SONNY that it has been an honor to serve alongside you, and I consider it an awesome privilege to have been your colleague on the Veterans' Affairs Committee.

In this bill, we are naming the VA medical center in Jackson, MI, after the former chairman—and I just want to let the chairman know that while members might come and go from this Chamber, that a good name lasts forever. I think it is safe to say that the name of SONNY MONTGOMERY is a good name.

There are many reasons to support this bill. Of all our commitments to those who served in our Nation's armed forces, none is more important than the guarantee of health care. For those Members who do not think there is a difference between the medical needs of veterans and those of the general public, I invite you to take a tour of a VA hospital with me. I guarantee that you will come away with a much different view of veterans' medical care. We must realize that private hospitals would never provide the type of patient care that is provided by VA hospitals as they could never make it profitable.

The underpinning of the VA health care system is maintaining the physical facilities needed to provide adequate service. Even in this difficult budgetary climate, veterans medical facilities construction must remain a high priority. Thus, I urge members to support this bill, and to support appropriations in this area when the VA–HUD bill comes to the floor later this Spring.

There are two parts of H.R. 3376 I want to highlight.

First, this bill has incorporated H.R. 2760, my bill to name the nursing care facility at the VA hospital in Aspinwall, PA, after the late Senator John Heinz.

The Heinz family is one of the most notable in Pennsylvania, and Senator Heinz' commitment to public service was a tremendous example to many of us in western Pennsylvania. Unfortunately, he was taken from us too soon when his plane crashed outside Philadelphia 5½ years ago.

During his time in Congress, John Heinz had many accomplishments, too many to try to list. However, as far as the people in and around Pittsburgh are concerned, one of his greatest contributions to our community was his leadership in the making the Aspinwall Veterans Hospital a reality.

Some may think that it is hyperbole to say that the construction of a veterans hospital is a great event to a region as populous as Pittsburgh. Those people obviously do not know a lot about Pittsburgh.

Ever since I can remember, my life has focused on veterans' issues, and their role in the Pittsburgh community. As I have often mentioned in this committee, I would not be here today if it wasn't for the benefits my family received from the VA in return for my father's service. These benefits were not without a steep price, because of the wounds my father received in combat, his life was made shorter than it should be.

My family and I are not unique. Throughout southwestern Pennsylvania, young men and women have served in our Nation's Armed Forces at a greater rate than almost anywhere. They and their families have counted on the VA to be there for them, and the VA has almost always been there. As those who served in World War II and Korea grew older, and their numbers were augmented by those who went to Vietnam, the needs for veterans services, especially health care, grew considerably in western Pennsylvania.

It was Senator Heinz, a native of Pittsburgh, who recognized that veterans in our area were being underserved, and that the situation would only get worse without decisive action. From his seat on the Senate Appropriations Subcommittee on Veterans Affairs, Housing, and Independent Agencies, he made the construction of the hospital in Aspinwall his No. 1 priority.

Today, throughout Pennsylvania, Ohio, Maryland, and West Virginia, countless veterans are having their health care needs met thanks to the efforts of John Heinz. I think it is only fitting that he receive this posthumous tribute to his good work. And I am not alone in this belief, as H.R. 2760 was cosponsored by all of my 20 colleagues in the Pennsylvania delegation, including Congressmen MASCARA and FOX who serve with us on this committee.

This legislation is supported by the Pennsylvania chapters of all the congressionally chartered Veterans Service Organizations. I have letters here from each of them, which I will include for the RECORD at the appropriate point.

I want to thank the American Legion of Pennsylvania and, in particular, Department Adjutant Stanley Reinhardt for bringing this idea to my attention.

I also want to express my support for the authorization for environmental improvements at the University Drive VA Hospital, located in the Oakland section of the city of Pittsburgh.

Mr. Speaker, I could describe in graphic detail the conditions that currently exist at these wards at University Drive, but I do not believe that it is appropriate subject matter for the floor of the House of Representatives. I hope it will suffice to say that this action is needed to allow each nursing unit at University Drive to meet current VA standards for life-safety, patient privacy, and handicapped accessibility. Also, there is a need to meet the needs resulting from the increasing number of female veterans requiring care.

The main building of University Drive was constructed in 1954, and has gone unchanged since. With the passage of time, this has produced numerous space, functional, and technical deficiencies in meeting the specifications of today's health care standards.

The importance of University Drive goes well beyond the boundaries of the City of Pittsburgh. It is the tertiary care, medical/surgical referral facility for the 65-county Western Pennsylvania Network, and is the National DVA Referral Center for Liver Transplantation. This project is essential to maintaining this hospital's capability to meet the needs of the 380,000 veterans in Allegheny County, as well as those throughout Pennsylvania, Ohio, Maryland, and West Virginia who rely on the services provided by University Drive.

As a supporter of the constitutional balanced budget amendment that passed the House last year, I understand that we need to be extremely scrupulous in how we spend money. Even when there is a clear need that could be funded, we must determine whether or not something has to be funded. Keeping that admonition in mind, I hasten to point out that in the DVA internal rating for major construction projects, the University Drive project scored 19.8—out of a highest possible score of 19.8. For your consideration, I have attached a copy of this analysis. There is no way in which this project could have been rated any higher of a priority.

In conclusion, this bill is in the best interests of the people of Pennsylvania and the Nation as a whole, and I urge Members to support it.

Mr. MCCOLLUM. Mr. Speaker, I rise in strong support of H.R. 3376, and commend Chairmen STUMP and HUTCHINSON for their efforts to bring this bill to the floor.

This bill represents another step toward addressing the disparity that has impacted many of Florida's veterans. Although the overall veterans population is declining, Florida's increases daily as more and more veterans move into the Sunshine State. Florida has the highest concentration of elderly veterans of any State, the second highest number of veterans of all ages, and the third highest concentration of wartime veterans. Last fiscal year, despite the fact that Florida facilities received the highest number of applications for medical care by service-connected veterans in the Nation, we continued to receive fewer funds than California, New York, and Texas—each with less demands on their systems.

Despite our leading veterans population, Florida has continued to receive far less than its fair share of funding for VA medical services. As a result, veterans that can receive care in other parts of the country that do not have such high veteran-to-facility ratios can find themselves turned away from more crowded facilities in Florida. These disparities must end.

This House has taken steps to address shortfalls in veterans medical care, by proposing a 13 percent increase in funding for VA medical care in fiscal year 1996, and moving forward on our plan to spend $339 million more on veterans health care over 7 years than the President has proposed. This construction bill represents the next step by the new Republican Congress to honor our Nation's commitment to its veterans.

Most important to veterans in my community, the bill directs the Secretary of Veterans Affairs to study the best means of meeting the health care needs of veterans in east central Florida. There has been considerable controversy about what needs exist, and how to best meet them. One option may be to operate the former Orlando Naval Training Center Hospital as a veterans medical facility. The first floor of this five-story facility is already serving the 200,000 veterans in its service area as an outpatient clinic, drawing veterans from across east central Florida. The additional floors contain some of the most advanced impatient care facilities—including intensive care units, critical operating rooms, inpatient beds, and an efficient food delivery service—in any private, public, or veterans hospital in Florida. Incredibly, Secretary Brown has proposed to destroy these facilities, and spend money to fill the space with nursing home beds.

I do not dispute the need for additional long-term care in Florida, and will support various efforts to make this option available to our veterans. As stated, our State has the highest number of elderly veterans in the country. But spending scarce health care dollars to effectively destroy a fully functional, state-of-the-art hospital—especially when such facilities are so needed in east central Florida—makes absolutely no sense, especially when a completely separate nursing home facility could be built without sacrificing the hospital for almost the same amount of money.

The committee has directed that this report must examine the need to include acute inpatient services, such as those provided by the Orlando facility, as well as psychiatric and long-term services. It is my hope that the report required by this legislation will illustrate other options to best meet the health care needs of veterans in east central Florida.

Last year, this Congress approved funding to construct another badly needed outpatient clinic in Brevard County. This means that after years of delay, Brevard County veterans will finally be able to receive needed ambulatory care close to home. I commend this Congress' action, and specifically praise the efforts of my colleague, Congressman DAVE WELDON, for finally succeeding in bringing additional veterans health care facilities to east central Florida.

Relief is on the way for veterans in Florida, and this legislation certainly moves us forward in that struggle. New facilities are being built, older ones are being re-engineered to meet new needs, and wide gaps in service-areas may finally be filled as a result of this committee's past efforts and future plans. I commend the committee and this House for working to repay the debt of our Nation owes its veterans, and helping to correct some of the imbalances that have left veterans in Florida in need of such greater attention.

Mr. THURMAN. Mr. Speaker, I rise today in support of the authorization of major facility projects and major medical facility leases for Department of Veterans Affairs, fiscal year 1997 (H.R. 3376).

Channeling funds to modernize and renovate existing VA medical facilities is good policy. Furthermore, I firmly believe that the VA should employ strategic planning tools when allocating resources to VA facilities. However, I must point out that, if Congress does not compel the VA to enact the plan outlined in this bill, it simply becomes another ineffectual study. The bill before us today does not go far enough. H.R. 3376 requires the VA to develop a 5-year strategic plan for its health care system without compelling them to enact it.

For years, the VA has studied the problem of resource allocation and, accordingly, developed the Resource Planning and Management [RPM] system. The aim of the RPM was to better allocate resources among its medical facilities across the country. The RPM system classifies each patient into a clinical care group, calculates average facility costs per patient, and forecasts future workload. While the aim of the 1994 measure was on target, the results continue to be unsatisfactory. According to the GAO (March 19, 1996), "' * * although RPM lets VA identify inequities in resource distribution, VA has, so far, chosen not to use the system, to help ensure that resources are distributed more equitably."

In an April 13 interview with Florida Today, Department of Veterans Affairs Under Secretary for Health Kenneth Kizer admitted what the veterans in Florida, Georgia, Arizona, Nevada, North Carolina, Virginia, Washington, South Carolina, New Mexico, Hawaii, Alaska, New Hampshire, Colorado, Maine, and Vermont already know. In commenting about the current state of the VA health care system, Kizer observed, "Are resources equitably allocated in the VA now? The answer is no."

The facts speak for themselves. For example, between 1980 and 1990, my home State of Florida experienced an explosion of growth in its veterans population—a net increase of almost 350,000 veterans, or 96 veterans per day. In contrast, between 1985 and 1990, the VA's budget allocation in the southern region—which includes Florida—showed no increase.

Some States carry an unfair financial burden. While some may disagree about the cause of the veterans influx into various States, many agree, and the facts support, that some States shoulder the burden more than others. During debate of the fiscal year 1996 VA–HUD-independent agencies appropriations, Representative LEWIS of California also agreed and stated, in our colloquy on the House floor, that the committee "has long been concerned abut the VA's resource methodology," and he recognized that there was an "uneven access to VA care."

In March, Senators GRAHAM and MCCAIN attempted to address this problem by offering an amendment to the fiscal year 1996 omnibus appropriations bill (H.R. 3019) which called for more equitable distribution of money based on where veterans live when they receive care. Unfortunately, this provision was stripped from H.R. 3019 in conference.

Requiring the VA to develop a plan to reallocate resources makes good sense—which is why I support H.R. 3376. Nevertheless, it does not go far enough. Congress needs to do more than ask for additional resource reallocation plans and, instead, compel the VA to implement those in which they have already invested. That is why on April 25 I introduced legislation (H.R. 3346) which would require the VA to develop a plan to link the allocation of its resources to facility workloads. This measure would require the VA to operate within the new 22 veterans integrated service networks [VISNs] and based on the RPM system—in which the VA has already invested a great deal of time and money. Moreover, H.R. 3346 would require the Secretary to implement the plan within 60 days of submitting it to Congress.

While the provisions in H.R. 3376 relating to resource allocation differ slightly from H.R. 3346, they are certainly a movement in the right direction. But, I urge Congress to go wholeheartedly in that direction and give our Nation's veterans the health care they deserve. Addressing the chronic under-funding and fiscal inequities which exists in veterans' health care should be one of our utmost responsibilities.

Ms. MILLENDER-MCDONALD. Mr. Speaker, I want to thank Mr. MONTGOMERY for the time to speak today and for your leadership, as well as that of Chairman STUMP, in seeing this bill through the legislative process.

Mr. Speaker, colleagues, this bill addresses some urgent needs among our Nation's veterans' medical facilities and I rise in strong support of the legislation and urge its swift approval.

The $434 million authorized by this legislation is perhaps some of the most important money that we will be discussing on this floor, for it will be spent ensuring that the men and women who put their lives on the line for our Nation will be adequately taken care of once they have left service.

This money renovates, upgrades and, where needed, expands current Department of Veterans Affairs medical facilities to ensure that the needs of our former servicemen and women are met.

One project of particular importance to me and my constituents in the 37th Congressional District is the seismic upgrading of the VA medical center in Long Beach, CA.

This bill provides $20.2 million to allow the Department of Veterans Affairs to bring three of the buildings at the Long Beach facility up to code in terms of earthquake safety, fire safety, mechanical and electrical safety, and compliance with the Americans with Disabilities Act.

The buildings receiving these improvements are all over 50 years old and in serious need of repair.

Specifically, the three buildings to be improved house important operational and various support services critical to monitoring the health and welfare of our veterans.

Without these repairs the buildings, all of which were built in 1943, are in grave danger. The facilities are very close to the Newport-Inglewood Fault Zone, which is considered active and capable of generating an earthquake of magnitude 7.0.

The VA has testified that there is no other medical facility in Long Beach large enough to meet the VA's needs, and it is expected that the major functions of this Medical Center will remain the same under the proposed Veterans Integrated Service Network.

In short, this is an important facility to the veterans residing in the Long Beach area and it is therefore incumbent upon us to ensure that it meets the basic safety codes of the area.

It is for this reason that these seismic repairs were included in the President's fiscal year 1997 budget request and that the Department of Veterans' Affairs Undersecretary for Health, Mr. Kenneth Kizer, testified in support of these repairs as recently as March.

Without these repairs, we are placing the lives of our Nation's veterans, as well as the lives of those who serve them, in grave danger.

I would submit to my colleagues that our veterans deserve better than this, and I am pleased to see that the committee agrees with this assessment.

I look forward to working with you, Congressman MONTGOMERY, and with Chairman STUMP, to see that the wisdom of the committee is followed and that the veterans who use the Long Beach facilities are not placed in harm's way.

In closing, I would like to commend the committee for deciding to name the medical center in Jackson, MS after our esteemed colleague from Meridian, Mr. MONTGOMERY. Although I have only had the honor of serving with him for a little over a month, I appreciate the work that he has done for our veterans and share the committee's view that it is befitting to bestow such an honor in naming a veteran's medical center in his honor in his home State.

So, once again, I rise in support of this important legislation and I urge my colleagues to do the same.

Mr. Speaker, I yield back the balance of my time.

Mr. STUMP. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. UPTON). The question is on the motion offered by the gentleman from Arizona [Mr. STUMP] that the House suspend the rules and pass the bill, H.R. 3376, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

MANDATORY FEDERAL PRISON DRUG TREATMENT ACT OF 1996

Mr. HEINEMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2650) to amend title 18, United States Code, to eliminate certain sentencing inequities for drug offenders, as amended.

The Clerk read as follows:

H.R. 2650

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Mandatory Federal Prison Drug Treatment Act of 1996".

SEC. 2. ELIMINATION OF SENTENCING INEQUITIES FOR DRUG OFFENDERS.

(a) IN GENERAL.—Subparagraph (B) of section 3621(e)(2) of title 18, United States Code, is amended to read as follows:

"(B) ADMINISTRATION OF TREATMENT PROGRAMS.—The Attorney General shall ensure through the use of all appropriate and available incentives and sanctions that eligible prisoners undergo a program of substance abuse treatment.".

(b) CONFORMING AMENDMENT.—The heading for paragraph (2) of section 3621(e) of title 18, United States Code, is amended by striking "INCENTIVE FOR PRISONERS' SUCCESSFUL COMPLETION OF TREATMENT PROGRAM" and inserting "TREATMENT REQUIREMENT".

(c) ELIGIBILITY.—Clause (ii) of section 3621(e)(5)(B) of title 18, United States Code, is amended to read as follows:

"(ii) within 24 months of the date of release, or is otherwise designated by the Bureau of Prisons for participation in a residential substance abuse treatment program; and".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina [Mr. HEINEMAN] and the gentlewoman from Colorado [Mrs. SCHROEDER] each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina [Mr. HEINEMAN].

GENERAL LEAVE

Mr. HEINEMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on H.R. 2650, the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. HEINEMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on November 16, 1995, I introduced H.R. 2650, the Mandatory Federal Prison Drug Treatment Act, to restore equity in the way the Federal Bureau of Prisons [BOP] administers its very successful drug treatment program.

This legislation is simple, yet intuitive. Instead of rewarding addicted inmates at the expense of clean inmates, the Mandatory Federal Prison Drug Treatment Act provides a proper incentive to recovering addicts to get treatment without providing them with advantage over other inmates who have not been addicted to narcotics.

On June 8, 1995 the Crime Subcommittee held a hearing concerning the Federal Bureau of Prisons. At that hearing, Kathleen Hawk, the Director of the Federal Bureau of Prisons testified that currently, the BOP can allow drug abusers to get out of prison a year earlier than their clean counterparts simply by completing a drug treatment program. This inequity is not based on past criminal history. Rather, these unequal sentences are the result of one inmate's drug addiction.

Unfortunately, as now constituted, the BOP can reward a drug addict by taking a year off his sentence after completion of a drug treatment program. This is poor policy as well as simply unfair.

H.R. 2650 eliminates the ability of BOP to release an addicted inmate a year early if he completes a drug treatment program. To provide an incentive to get addicted prisoners into treatment, H.R. 2650 requires the Attorney General to ensure that BOP utilizes all positive incentives and sanctions available to get prisoners into an appropriate drug treatment program.

Thus, the Mandatory Federal Prison Drug Treatment Act preserves drug treatment programs in Federal prisons while providing incentives for addicts to get clean. H.R. 2650 provides BOP with the flexibility it needs to utilize a variety of incentives and sanctions for inmates at different security levels.

During the past few weeks, I have worked closely with the Bureau of Prisons and Department of Justice to ensure that the individuals who implement this legislation are in favor of it. While everyone agrees that Congress should eliminate the sentencing inequity which allows BOP to, in effect, reward an addicted inmate for being an addict, BOP was concerned that the original version of H.R. 2650 would unduly tie their hands in the administration of their drug treatment programs.

After extensive consultation, I incorporated DOJ's suggestions and the legislation now requires the Attorney General to ensure that BOP use all available sanctions and incentives to persuade eligible prisoners to participate in a drug treatment program. The bill provides BOP the needed flexibility to utilize a variety of sanctions for inmates at differing security levels. What are they? Preferred housing, half way house placement, employment in jail.

I am pleased to report that DOJ and BOP support enactment of H.R. 2650 and would like to submit the DOJ letter of support for H.R. 2650. Mr. Speaker, this is reasonable, bipartisan legislation which fixes a mistake enacted in the 1994 crime bill. This legislation strengthens the BOP's ability to get an addicted inmate in treatment and at the same time eliminates the sentencing disparity which allowed addicted inmates to get out a year early. I urge my colleagues to support this simple and important legislation.

Mr. Speaker, I reserve the balance of my time.

Mrs. SCHROEDER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Michigan [Mr. CONYERS], the ranking member of the Committee on the Judiciary, could not be here today.

Mr. Speaker, I include for the RECORD his statement in support of the bill.

Mr. CONYERS. Mr. Speaker, I support this bill which requires prisoners eligible for drug treatment to successfully complete drug treatment programs and remain drug free after the program's completion to receive good time credit.

Current law unfairly favors drug-abusing offenders—who may receive up to a year off their prison terms by undergoing treatment—in comparison with nondrug abusing offenders who have no comparable opportunity for early release.

This bill provides that good time credit would not vest for an eligible prisoner unless the prisoner successfully completes a substance abuse treatment program and remains drug-free thereafter. Good time credit would accumulate, as it would for any prisoner, but it would not vest and could be revoked at any time prior to release if the prisoner did not receive treatment for drug abuse or if the offender failed to remain drug-free.

The incentives in the current law are misguided. Current law actually allows prisoners with drug problems to reduce their sentences more than prisoners who have no substance abuse problems. I support this bill because it rectifies this incentive problem while still encouraging prisoners with substance abuse problems to receive treatment.

Mrs. SCHROEDER. Mr. Speaker, I yield back the balance of my time.

Mr. HEINEMAN. Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina [Mr. COBLE].

Mr. COBLE. Mr. Speaker, I thank the gentleman from North Carolina for yielding time to me.

Mr. HEINEMAN has pretty accurately portrayed what this bill will do. Under current law, as he pointed out, the Bureau of Prisons may grant a nonviolent addicted prisoner as much as a 1-year early release if that inmate completes a residential drug treatment program. In other words, I think an argument could be made that the law discriminates in favor of criminals who enter prison with a drug habit.

Representative HEINEMAN's bill corrects this problem by eliminating the bureau's discretionary authority to act in this manner. In addition, H.R. 2650 requires the Attorney General to ensure that the Bureau of Prisons uses necessary incentives and sanctions to compel inmate participation in drug treatment programs.

Examples would include reduction in good time credits and preferred housing or job assignments. Representative HEINEMAN's bill enables the Bureau of Prisons to use a variety of these sanctions and incentives at varying and differing security levels.

Finally, Mr. Speaker, present law restricts drug rehabilitation assistance to those inmates who request such help. H.R. 2650 changes this requirement or alters it by confining treatment to inmates who are within 24 months of release, thereby hopefully maximizing each program's effects.

I applaud Representative HEINEMAN's work on this issue. His legislation serves the interest not only of society, it seems to me, but the inmate as well. In many instances, rewarding inmates for activity they should have avoided in the first place appears to perhaps be a misplaced priority.

I think Representative HEINEMAN's bill is pursuing the proper course, and

I thank the gentleman from North Carolina for having yielded the time to me.

Mr. HEINEMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2650, the Mandatory Federal Prison Drug Treatment Act, restores equity in the way the Federal Bureau of Prisons administers its very successful drug treatment program. H.R. 2650 is an example of bipartisan legislation at its best. I have worked closely with the Department of Justice, and the Democrats on the Judiciary Committee, including the ranking minority member of the Crime Subcommittee, CHARLES SCHUMER, who enthusiastically supports this legislation.

As a 38-year law enforcement veteran, I know the importance of tough and effective drug treatment for nonviolent offenders and the dangerous precedent set by rewarding drug addicts for simply being drug addicts.

H.R. 2650 does away with a loophole in the 1994 crime bill which allowed the Bureau of Prisons to release drug addicts a year earlier than their clean counterparts. The Mandatory Federal Prison Drug Treatment Act also strengthens the ability of the Bureau of Prisons to get addicted prisoners into treatment.

Thus, the Mandatory Federal Prison Drug Treatment Act preserves drug treatment programs in Federal prisons while providing a better policy for addicts to get clean. H.R. 2650 provides the Bureau of Prisons with the flexibility it needs to utilize a variety of sanctions for inmates at different security levels.

H.R. 2650 strengthens the Bureau of Prison's ability to employ a variety of incentives and sanctions to motivate inmates to participate in drug treatment programs and thus will maximize the effect of the program and the number of inmates receiving treatment. H.R. 2650 is emblematic of how tough law enforcement can be combined with effective treatment programs for nonviolent offenders to provide maximum results.

Mr. Speaker, I would again like to thank my colleagues from both sides of the aisle for their support of this sensible legislation. I also want to thank our leadership and the staff of the Judiciary Committee for expediting consideration of this important and bipartisan measure.

Mr. HOKE. Mr. Speaker, as an original cosponsor of H.R. 2650 and as a member of the committee that heard testimony on it, I rise in strong support of the legislation.

This bill eliminates the sentencing inequity which now allows the Federal Bureau of Prisons to reward a convicted felon simply for being a drug addict. The current state of our prison policy on this issue is downright appalling. Many of our constituents probably do not realize that drug addicts are eligible for early release from prison if they complete drug treatment programs while serving time. In other words, if a drug addict abides by the law while serving his sentence by forgoing illegal drug use, he will receive preferential treatment over other prisoners who are drug-free and serving the same sentence.

What signal are we sending to our young people by giving such preferential treatment to drug abusers? Our society has not done a very good job instilling basic moral values in our future generations, in large measure because we have ignored the real-life consequences of our activity here in Washington. Despite the tremendous amount of money that has been spent on drug prevention programs, substance abuse is on the rise. And what kind of role models do drug-addicted athletes make? It is time for Congress to take a stand, and use its bully pulpit to discourage drug use. While this legislation is narrowly drawn to address one aspect of our drug control strategy, it is a good first step.

Supporters of the current system argue that the early release mechanism is used as an incentive for addicts to seek help. But there are other "carrots" and "sticks" that may be used to achieve this same goal. For example, inmates might be granted preferred housing or job assignments. The bill requires the Bureau of Prisons to use all such incentives and sanctions to get prisoners into drug treatment programs.

This legislation recognizes that incentives can be powerful tools, but does not sacrifice the integrity of the prison sentence in the process. I commend the gentleman from North Carolina for introducing this bill and I am proud to support it.

Mr. DAVIS. Mr. Speaker, I rise today in strong support of H.R. 2650, the Mandatory Federal Prison Drug Treatment Act which was introduced by the gentleman from North Carolina, Congressman FRED HEINEMAN.

H.R. 2650 is a commonsense bill that would eliminate the sentencing inequity which currently allows the Federal Bureau of Prisons to in practice reward a drug addicted inmate for being a drug addict.

Under the 1994 crime bill, a disparity in sentencing was created that favors prisoners who attend drug treatment by giving them a 1-year credit toward the term of their sentence. Thus, those individuals who enter prison with a drug problem can currently be released earlier than a similarly sentenced individual who has no drug addition. Mr. Speaker, I believe that this provision of the 1994 crime bill is just another example of a well intentioned Federal law that has unintended practical consequences.

Congressman HEINEMAN's legislation does not modify the Bureau of Prisons successful drug treatment program currently in place. The bill would retain all incentives for completing drug treatment besides the credit toward early release. These incentives include giving inmates preferred jobs and housing assignments.

Instead, H.R. 2650 requires the Bureau of Prisons to provide proper incentives for addicted inmates to get treatment. Mr. Speaker, there is no reason why an inmate convicted for a crime should get 1 year taken off his sentence just because he is a drug addict, while a similarly convicted inmate who is not an addict must serve a full sentence.

Therefore, I urge the House to support this bipartisan legislation.

Mr. FLANAGAN. Mr. Speaker, on June 4, 1996, the House unanimously passed H.R. 2650, the Mandatory Federal Prison Drug Treatment Act introduced by my Judiciary Committee colleague, Congressman FRED HEINEMAN. This legislation helps rectify an inequity in the law that occurred when Congress passed the 1994 Violent Crime Control and Law Enforcement Act, also known as the 1994 crime bill, 2 years ago.

Presently, by completing a drug treatment program a prisoner can get out of jail up to 1 year earlier than someone who does not have an abuse problem. Preferential treatment is thus given to the person who has illegally used drugs rather than to the person who is drug free. This sentencing disparity must end, It is absurd that prisoners with drug problems are able to have sentences reduced while those who are drug free do not have the same advantage. The law actually benefits those with drug addictions rather than those who are substance abuse free.

It is a bit absurd that a prisoner who does not have an abuse problem cannot receive credit for his or her good behavior while someone who has a drug problem can. This is a little like a school rewarding a student who behaves well on Halloween, after having been malicious the year before, for good behavior while the student who never got into trouble receives nothing. It is simply not equitable. No one should be rewarded for avoiding bad behavior that should not have occurred in the first place.

Fortunately, H.R. 2650 corrects this disparity. The legislation eliminates the Bureau of Prison's discretionary authority to grant early release to nonviolent drug addicted prisoners in the same way that nondrug addicts are granted early release. It also stops the accrual of early release time that a "treated" prisoner can earn through good behavior and requires that prisoners be drug free upon their release from prison.

I applaud this legislation and especially compliment Congressman FRED HEINEMAN for his yeoman like work on this initiative. I hope the other body will quickly act on this legislation and that the President will soon sign this much needed reform into law.

Mr. HEINEMAN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina [Mr. HEINEMAN] that the House suspend the rules and pass the bill, H.R. 2650, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

□ 1445

ANTICOUNTERFEITING CONSUMER PROTECTION ACT OF 1996

Mr. MOORHEAD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2511) to control and prevent commercial counterfeiting, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2511

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Anticounterfeiting Consumer Protection Act of 1996".

SEC. 2. FINDINGS.

The counterfeiting of trademarked and copyrighted merchandise—

(1) has been connected with organized crime;

(2) deprives legitimate trademark and copyright owners of substantial revenues and consumer goodwill;

(3) poses health and safety threats to United States consumers;

(4) eliminates United States jobs; and

(5) is a multibillion-dollar drain on the United States economy.

SEC. 3. COUNTERFEITING AS RACKETEERING.

Section 1961(1)(B) of title 18, United States Code, is amended by inserting ", section 2318 (relating to trafficking in counterfeit labels for phonorecords, computer programs or computer program documentation or packaging and copies of motion pictures or other audiovisual works), section 2319 (relating to criminal infringement of a copyright), section 2319A (relating to unauthorized fixation of and trafficking in sound recordings and music videos of live music performances), section 2320 (relating to trafficking in goods or services bearing counterfeit marks)" after "sections 2314 and 2315 (relating to interstate transportation of stolen property)".

SEC. 4. APPLICATION TO COMPUTER PROGRAMS, COMPUTER PROGRAM DOCUMENTATION, OR PACKAGING.

(a) IN GENERAL.—Section 2318 of title 18, United States Code, is amended—

(1) in subsection (a), by striking "a motion picture or other audiovisual work," and inserting "a computer program or documentation or packaging for a computer program, or a copy of a motion picture or other audiovisual work, and whoever, in any of the circumstances described in subsection (c) of this section, knowingly traffics in counterfeit documentation or packaging for a computer program,";

(2) in subsection (b)(3) by inserting "'computer program'," after "motion picture',"; and

(3) in subsection (c)—

(A) by striking "or" at the end of paragraph (2);

(B) in paragraph (3)—

(i) by inserting "a copy of a copyrighted computer program or copyrighted documentation or packaging for a computer program," after "enclose,"; and

(ii) by striking the period at the end and inserting "; or"; and

(C) by adding after paragraph (3) the following:

"(4) the counterfeited documentation or packaging for a computer program is copyrighted.".

(b) CONFORMING AMENDMENTS.—(1) The section caption for section 2318 of title 18, United States Code, is amended to read as follows:

§2318. Trafficking in counterfeit labels for phonorecords, copies of computer programs or computer program documentation or packaging, and copies of motion pictures or other audio visual works, and trafficking in counterfeit computer program documentation or packaging".

(2) The item relating to section 2318 in the table of sections for chapter 113 of such title is amended to read as follows:

"2318. Trafficking in counterfeit labels for phonorecords, copies of computer programs or computer program documentation or packaging, and copies of motion pictures or other audio visual works, and trafficking in counterfeit computer program documentation or packaging.".

SEC. 5. TRAFFICKING IN COUNTERFEIT GOODS AND SERVICES.

Section 2320 of title 18, United States Code, is amended by adding at the end the following:

"(e) Beginning with the first year after the date of enactment of this subsection, the Attorney General shall include in the report of the Attorney General to Congress on the business of the Department of Justice prepared pursuant to section 522 of title 28, an accounting, on a district by district basis, of the following with respect to all actions taken by the Department of Justice that involve trafficking in counterfeit labels for phonorecords, copies of computer programs or computer program documentation or packaging, copies of motion pictures or other audiovisual works (as defined in section 2318 of title 18), criminal infringement of copyrights (as defined in section 2319 of title 18), unauthorized fixation of and trafficking in sound recordings and music videos of live musical performances (as defined in section 2319A of title 18), or trafficking in goods or services bearing counterfeit marks (as defined in section 2320 of title 18):

"(1) The number of open investigations.

"(2) The number of cases referred by the United States Customs Service.

"(3) The number of cases referred by other agencies or sources.

"(4) The number and outcome, including settlements, sentences, recoveries, and penalties, of all prosecutions brought under sections 2318, 2319, 2319A, and 2320 of title 18.".

SEC. 6. SEIZURE OF COUNTERFEIT GOODS

Section 34(d)(9) of the Act of July 5, 1946 (60 Stat. 427, chapter 540; 15 U.S.C. 1116(d)(9)), is amended by striking the first sentence and inserting the following: "The court shall order that service of a copy of the order under this subsection shall be made by a Federal law enforcement officer (such as a United States marshal or an officer or agent of the United States Customs Service, Secret Service, Federal Bureau of Investigation, or Post Office) or may be made by a State or local law enforcement officer, who, upon making service, shall carry out the seizure under the order.".

SEC. 7. RECOVERY FOR VIOLATION OF RIGHTS.

Section 35 of the Act of July 5, 1946 (60 Stat. 427, chapter 540; 15 U.S.C. 1117), is amended by adding at the end the following new subsection:

"(c) In a case involving the use of a counterfeit mark (as defined in section 34(d) (15 U.S.C. 1116(d)) in connection with the sale, offering for sale, or distribution of goods or services, the plaintiff may elect, at any time before final judgment is rendered by the trial court, to recover, instead of actual damages and profits under subsection (a), an award of statutory damages for any such use in connection with the sale, offering for sale, or distribution of goods or services in the amount of—

"(1) not less than $500 or more than $100,000 per counterfeit mark per type of goods or services sold, offered for sale, or distributed, as the court considers just; or

"(2) if the court finds that the use of the counterfeit mark was willful, not more than $1,000,000 per counterfeit mark per type of goods or services sold, offered for sale, or distributed, as the court considers just.".

SEC. 8. DISPOSITION OF EXCLUDED ARTICLES.

Section 603(c) of title 17, United States Code, is amended in the second sentence by striking "as the case may be;" and all that follows through the end and inserting "as the case may be.".

SEC. 9. DISPOSITION OF MERCHANDISE BEARING AMERICAN TRADEMARK

Section 526(e) of the Tariff Act of 1930 (19 U.S.C. 1526(e)) is amended—

(1) in the second sentence, by inserting "destroy the merchandise. Alternatively, if the merchandise is not unsafe or a hazard to health, and the Secretary has the consent of the trademark owner, the Secretary may" after "shall, after forfeiture,";

(2) by inserting "or" at the end of paragraph (2);

(3) by striking ", or" at the end of paragraph (3) and inserting a period; and

(4) by striking paragraph (4).

SEC. 10. CIVIL PENALTIES

Section 526 of the Tariff Act of 1930 (19 U.S.C. 1526) is amended by adding at the end the following new subsection:

"(f) CIVIL PENALTIES.—(1) Any person who directs, assists financially or otherwise, or aids and abets the importation of merchandise for sale or public distribution that is seized under subsection (e) shall be subject to a civil fine.

"(2) For the first such seizure, the fine shall be not more than the value that the merchandise would have had if it were genuine, according to the manufacturer's suggested retail price, determined under regulations promulgated by the Secretary.

"(3) For the second seizure and thereafter, the fine shall be not more than twice the value that the merchandise would have had if it were genuine, as determined under regulations promulgated by the Secretary.

"(4) The imposition of a fine under this subsection shall be within the discretion of the Customs Service, and shall be in addition to any other civil or criminal penalty or other remedy authorized by law.".

SEC. 11. PUBLIC DISCLOSURE OF AIRCRAFT MANIFESTS.

Section 431(c)(1) of the Tariff Act of 1930 (19 U.S.C. 1431(c)(1) is amended—

(1) in the matter preceding subparagraph (A), by inserting "vessel or aircraft" before "manifest";

(2) by amending subparagraph (D) to read as follows:

"(D) The name of the vessel, aircraft, or carrier.";

(3) by amending subparagraph (E) to read as follows:

"(E) The seaport or airport of loading.";

(4) by amending subparagraph (F) to read as follows:

"(F) The seaport or airport of discharge."; and

(5) by adding after subparagraph (G) the following new subparagraph:

"(H) The trademarks appearing on the goods or packages.".

SEC. 12. CUSTOMS ENTRY DOCUMENTATION.

Section 484(d) of the Tariff Act of 1930 (19 U.S.C. 1484(d)) is amended—

(1) by striking "Entries" and inserting "(1) Entries"; and

(2) by adding at the end the following new paragraph:

"(2) The Secretary, in prescribing regulations governing the content of entry documentation, shall require that entry documentation contain such information as may be necessary to determine whether the imported merchandise bears an infringing trademark in violation of section 42 of the Act of July 5, 1946 (commonly referred to as the 'Trademark Act of 1946'; 15 U.S.C. 1124), or any other applicable law, including a trademark appearing on the goods or packaging.".

SEC. 13. UNLAWFUL USE OF VESSELS, VEHICLES, AND AIRCRAFT IN AID OF COMMERCIAL COUNTERFEITING.

Section 80302(a) of title 49, United States Code, is amended—

(1) by striking "or" at the end of paragraph (4);

(2) by striking the period at the end of paragraph (5) and inserting "; or"; and

(3) by adding at the end the following new paragraph:

"(6)(A) a counterfeit label for a phonorecord, copy of a computer program or computer program documentation or packaging, or copy of a motion picture or other audiovisual work (as defined in section 2318 of title 18);

"(B) a phonorecord or copy in violation of section 2319 of title 18;

"(C) a fixation of a sound recording or music video of a live musical performance in violation of section 2319A of title 18; or

"(D) any good bearing a counterfeit mark (as defined in section 2320 of title 18).".

SEC. 14. REGULATIONS.

Not later than 6 months after the date of the enactment of this Act, the Secretary of the Treasury shall prescribe such regulations or amendments to existing regulations that may be necessary to carry out the amendments made by sections 9, 10, 11, 12, and 13 of this Act.

The SPEAKER pro tempore (Mr. UPTON). Pursuant to the rule, the gentleman from California [Mr. MOORHEAD] and the gentlewoman from Colorado [Mrs. SCHROEDER] will each be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. MOORHEAD].

GENERAL LEAVE

Mr. MOORHEAD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on H.R. 2511.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MOORHEAD. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I would like to commend my friend and colleague from Virginia, Mr. GOODLATTE, for his leadership in drafting and introducing this bill, which is cosponsored by Chairman HYDE, Ranking Minority Member CONYERS, Representative COBLE, a valued senior member on the subcommittee, myself, and several other Members. I also want to thank the gentlewoman from Colorado, PAT SCHROEDER, for her support in processing this legislation.

Two amendments to H.R. 2511 were adopted by the Subcommittee on Courts and Intellectual Property, and the bill was unanimously approved by both the subcommittee and the full Judiciary Committee. A companion bill in the other body, S. 1136, passed by voice vote on December 13, 1995.

Current law recognizes that a problem of criminal trademark and copyright counterfeiting exists, but it does not do enough to deter and prosecute counterfeiters. Criminal counterfeiting has risen to a new level. In 1982, the cost of piracy to U.S. industries was approximately $5.5 billion. Today, American businesses lost 35 times that amount, more than $200 billion per year.

The combination of high profits and low risk of prosecution has made trademark and copyright counterfeiting a favorite activity of organized crime syndicates. Law enforcement agents from the U.S. Customs Service testified that combating criminal activity connected to counterfeiting is starting to look like attacking the drug trafficking problem. Last year, those same customs agents coordinated raids in New York and Los Angeles that netted $27 million in counterfeit merchandise and supported indictments of 43 members of a Korean crime syndicate.

The price of counterfeiting goes well beyond lost revenues and damaged business reputations: it can cost lives. Fatal automobile, airplane, and helicopter crashes have been associated with faulty counterfeit machine parts. Name brand prescription and over-the-counter drugs have also been counterfeited. Millions of bogus pills containing inferior, or even harmful, ingredients have been distributed to unsuspecting consumers purchasing medicine.

Searle discovered the distribution of more than 1 million bogus birth control pills after several women complained of unusual bleeding. Tylenol, Advil, Tagament, Ceclor, and Zantac are all other famous name brand pharmaceuticals that are reported to have been counterfeited. One witness testified that toy makers are concerned that cheap knock-offs present choking hazards and may contain toxic paints or dyes.

H.R. 2511 proposes key amendments to both criminal and civil laws in response to the growing threat of criminal counterfeiting. It improves the ability of law enforcement officers to detect and arrest counterfeiters. It also allows for the meaningful prosecution of all levels of a criminal organization involved in counterfeiting.

Finally, this bill ensures that seized counterfeit goods are destroyed rather than returned to the importer for reshipment to another port of entry.

I am unaware of any opposition to H.R. 2511, and I urge its adoption.

Mr. Speaker, I reserve the balance of my time.

Mrs. SCHROEDER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I join the subcommittee chairman in supporting H.R. 2511. This bill strengthens criminal and civil laws and remedies relating to copyright and trademark counterfeiting.

Our subcommittee has worked hard to ensure that intellectual property is accorded a high level of protection. As we seek to persuade other countries around the world to provide strong protection for copyrights, trademarks, and patents, it is critical that we demonstrate through our own legal system the high value that we place on intellectual property.

Because there is an enormous potential for profit in illegal counterfeiting, the civil and criminal remedies must be strong if we are to deter counterfeiting. As the committee report notes, between 5 and 8 percent of all goods and services sold worldwide are counterfeit. In some industries, the problem is enormous; the computer software industry, for example, estimates that for every five software programs that are legally sold, two illegally pirated copies are also sold.

As the gentleman from California has pointed out, the problem goes beyond the monetary loss and damage to reputation suffered by the copyright or trademark owner. Counterfeit goods also can pose a serious threat to consumers. Many of my colleagues may recall, for example, the substandard infant formula, falsely labeled with a well-known brand, that was distributed last year in the United States. In another case, more than a million bogus birth control pills were distributed falsely bearing the mark of a pharmaceutical company; the company did not discover the counterfeits until women complained of pain and unusual bleeding.

By making trafficking in counterfeit goods or services a predicate offense subject to RICO, by strengthening provisions relating to the seizure and destruction of counterfeited goods, and by providing for judicially determined statutory damages for trademark owners, this bill will make it easier to combat commercial counterfeiting.

The administration supports this bill, and I urge my colleagues to support this bill strengthening the ability of trademark and copyright owners to protect their property rights, and that is what this bill does.

Mr. Speaker, I thank everybody on the committee for doing this, and I think it has been in the long tradition of this committee to move these in a very bipartisan, nonconfrontational fashion because we understand how terribly important it is for the United States to stand firm on the globe in protecting these trademarks and to be moving forward and protecting copyrights. This country produces a very high percentage of it, it is a high percentage of our trade internationally, and I again thank the subcommittee chairman for his strong leadership on all of this.

Mr. Speaker, I reserve the balance of my time.

Mr. MOORHEAD. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois [Mr. HYDE], chairman of the full Committee on the Judiciary of the House.

Mr. HYDE. Mr. Speaker, I surely am not going to take all that time. I have nothing new to add that has not already been said. This is a fine piece of legislation. It will cure or move toward cure of a very serious problem, that of counterfeiting, and so I will ask that my remarks, which are truncated and comprehensive, be included in the RECORD.

But, I do want to congratulate the chairman of the subcommittee, the gentleman from California, CARLOS MOORHEAD, and the ranking member, the gentlewoman from Colorado, Mrs. PATRICIA SCHROEDER, on her excellent counsel, the gentleman from Virginia, Mr. GOODLATTE, who initiated this legislation. And I think the staff, certainly our staff, Tom Mooney, John Dudas, Mitch Glazier, Joe Wolfe, and Betty Wheeler, all deserve special thanks as well.

Mr. Speaker, I strongly support H.R. 2511, the Anticounterfeiting Consumer Protection Act of 1996. Soon we will consider the renewal of most-favored-nation status for China. This timely legislation highlights one of the growing problems we have with that country: counterfeit goods. The Chinese continue to counterfeit the goods of legitimate American companies at an alarming rate.

Just 2 weeks ago, the administration issued a finding that China was not satisfactorily implementing the Agreement on Enforcement of Intellectual Property Rights and Market Access, signed in March 1995. In making its finding, the administration said the following:

> Critical deficiencies are present in China's implementation of measures to address piracy at the production and wholesale distribution level. Piracy remains particularly rampant in Guangdong province. Manufacturers and distributors, primarily located in southern China, continue to produce pirated CD's, LD's, and CD-ROM's in massive quantities. Due to lax enforcement at the point of production and at the border, exports of pirated computer software, movies, sound recordings, and other products have grown substantially over the past year. Products pirated in China have flooded Southeast Asia, Russia, and the other Commonwealth of Independent States [CIS] countries. Latin America and European markets have also been targeted, and the U.S. Customs Service has seized pirated CD's and CD-ROM's entering the United States from China.

According to recent newspaper articles, the Chinese may have as many as 31 government-licensed plants turning out pirated CD's and CD–ROM's. To make matters worse, many believe that some or all of these plants are run by the Chinese military or government officials. According to these articles, the International Intellectual Property Alliance, which represents the record and motion picture industry, estimates that in 1995, the United States lost $6.9 billion in exports because of counterfeit movies, records, books, and software. About $2.3 billion were lost to the Chinese. The Pharmaceutical Manufacturers' Association estimates that its losses from pirated drug patents exceed $3 billion. Millions more are lost to counterfeit auto parts, athletic shoes, and apparel.

Unfortunately, the probe is not limited to the Chinese. Organized crime operations sell counterfeit goods as a way to launder the money from their other criminal activities. By doing so, the Chinese, the Mob, and countless other criminals steal billions of dollars' worth of intellectual property that American companies and individuals have developed at great expense.

For far too long, we have tended to look upon the counterfeiting of goods as a rather trivial crime. That must stop. The sale of counterfeit goods has numerous serious consequences.

First, we must consider who is selling these goods: the Chinese communist government, the Mob, and common criminals. These are not people that Americans want to finance.

Second, counterfeit goods amount to nothing more than the theft of intellectual property. If we do not vigorously protect intellectual property, we destroy the incentive to create.

Third, counterfeit goods are frequently dangerous, and they can cause serious injury. The current issue of Business Week reports that substandard airplane parts contributed to at least 166 airplane crashes from 1973 to 1993. Last September, the New York Times reported that the FDA has uncovered at least 10 operations in 8 States producing substandard infant formula that has caused sickness in babies using it.

Finally, by injuring legitimate American companies, counterfeit goods destroy American jobs. If we want to protect our American jobs, we must stop the importation of the phony compact discs and computer programs that the Chinese would foist upon us.

Because of all these serious consequences, I strongly support H.R. 2511. It will give new tools to the legitimate American companies who want to fight off the counterfeiters. It will place counterfeiting activities within the RICO statute, exactly the place where such organized criminal activity belongs. With all of the RICO remedies in hand, law enforcement officials and the private companies will be able to hit the counterfeiters in their pocketbooks.

H.R. 2511 will also give the Government new tools when it seizes counterfeit goods at the border. Amazingly, up until now, our law allowed counterfeiters who got caught at the border to re-export the goods to another country. Obviously then, there was little cost to getting caught. H.R. 2511 insures that we will never engage in that simple-minded practice again. Rather, under H.R. 2511, counterfeit goods seized at the border will either be destroyed or, if the legitimate trademark owner consents, given to charity.

For all these reasons, Mr. Speaker, I commend the distinguished chairman of the Subcommittee on Courts and Intellectual Property, Mr. MOORHEAD, and the ranking member, Mrs. SCHROEDER, for their important work in bringing this bipartisan legislation to the floor. I urge all of my colleagues to vote in favor of H.R. 2511.

Mr. MOORHEAD. Mr. Speaker, I yield 8 minutes to the gentleman from Virginia [Mr. GOODLATTE], the sponsor of this legislation.

Mr. GOODLATTE. Mr. Speaker, as the lead sponsor of H.R. 2511 I am proud that this House is taking a decisive step to make it tougher for product counterfeiters to prey on American business and American consumers and cost American workers their jobs.

Counterfeit products cost U.S. businesses an estimated $200 billion annually. An estimated 5 percent of products sold worldwide are phony. Fortune Magazine has called it the crime of the 21st century. That is because counterfeiting is a highly lucrative, but relatively low-risk crime with only handslap penalties if caught.

New technology has made it much easier for counterfeiters to pursue their trade. Computers and digital technology have made it a cinch to copy audiotapes, video, and software, and unlike analog copies, the thousandth digital copy is just as clean and clear as the first. Scanners and laser printers have made it easy to replicate labels, logos, and even the holograms that software producers afix to their products to prove authenticity.

For years we have overlooked counterfeiters, assuming that product counterfeiting meant $2 fake watches and was a victimless crime. But the evidence is mounting that counterfeiting is a very dangerous crime that can threaten the health and safety of us all.

Last year the Federal Aviation Administration grounded 6,000 piston-powered aircraft to check for phoney crankshaft bolts that could cause crashes. The cover story in this week's Business Week is on bogus airplane parts and cites the explosion last June of the No. 2 engine on a ValuJet plane as an example. Business Week reports that the explosion was caused by an engine that had been overhauled and later sold to ValuJet by a repair station in Turkey that lacked FAA approval. It further reports that investigators found that the engine contained a cracked and corroded compressor disk which had been plated over during the overhaul and was thus undetectable.

Counterfeit airplane parts actually caused a deadly crash of a Norwegian plane that killed 55 people.

In April 1995, the Food and Drug Administration released a "Consumer Alert" warning parents against using counterfeit-labeled Similac with iron "Ready to Feed" liquid formula in 8-ounce plastic cans with a fictitious code number and expiration date. The fake infant formula, found in 16 States, reportedly caused illnesses ranging from rashes to seizures in many babies who consumed the substandard product.

A counterfeit brake pad caused an automobile crash that killed a mother and her child. In 1990 more than 30 raids were conducted in 15 States as a result of a crackdown on auto parts counterfeiting.

Rampant piracy of the intellectual property of American businesses has strained United States-China relations, bringing us to the brink of a trade war and requiring a reconsideration of whether China should receive most-favored-nation trade benefits.

The question Congress must ask is whether China will agree to abide by the basic rules that govern international trade, or will Chinese officials continue to condone piracy? Remember that China is our fifth largest trading partner and very well may be on its way to becoming the world's largest economy. If China refuses to play by the rules and continues at best, to ignore piracy, or at worst, to encourage it, the losses for American companies will be staggering.

For example, Chinese officials, after much prodding by Microsoft Corp. agreed to investigate the Jin Die Science and Technology Development Co. in southern China. When they raided the company, Chinese officials found 5,700 computer disks containing thousands of dollars each in Microsoft software, illegally mass-produced on sophisticated machinery. According to the Washington Post, during this raid the Chinese confiscated the counterfeit software disks, but U.S. executives who were at the raid claim they also saw Jin Die's machines producing video discs containing movies such as "Waterworld" and "Ace Ventura II." The Chinese authorities did nothing to stop the pirating of these American movies.

H.R. 2511 will make it easier to ensure that the constant flow of counterfeits, arriving in the United States from countries like China can be confiscated and taken out of the stream of commerce. It also ensures that the American businesses who suffer commercial damage from counterfeit products may be awarded either actual or statutory damages.

Because of the lure of enormous profits compared to the relatively low risk of being arrested, prosecuted, and sent to jail, it has not taken long for organized crime to get involved in counterfeiting operations. These operations have become highly sophisticated, well-financed, mobile, and international in scope.

In March 1995, more than 10.5 million dollars' worth of counterfeit software was found during a raid in California that also turned up semiautomatic weapons, handguns, and military explosives. Newspaper stories report that those who were arrested are under investigation for their link to organized crime, a link that may reach from China, Hong Kong, and Taiwan to southern California's immigrant neighborhoods.

These criminal networks have distribution systems as diverse as any modern corporation. Counterfeiters know that although criminal penalties exist on the books, criminal actions are rarely initiated against counterfeiters. As for private enforcement actions, trademark and copyright owners are consistently frustrated by an inability to recover any meaningful damages.

This legislation takes strong steps to attack this problem.

The Anticounterfeiting Consumer Protection Act will help law enforcement officials contend with the sophisticated nature of modern counterfeiting. First, it increases criminal penalties by making trafficking in counterfeit goods or services a RICO offense, consequently providing for increased jail time, criminal fines, and asset forfeiture.

Second, the legislation allows greater involvement by all levels of Federal law enforcement in fighting counterfeiting, including enhanced authority to seize counterfeit goods and the tools of the counterfeiters' trade.

Third, it makes it more difficult for these goods to re-enter the stream of commerce once they have been seized.

Fourth, our bill also adds teeth to existing statutes and provides stronger civil remedies, including civil fines pegged to the value of genuine goods and statutory damage awards of up to $1,000,000 per mark.

The Anticounterfeiting Consumer Protection Act will provide law enforcement officials with the tools they need to fight back, and to protect American business and the health and safety of American consumers. The time has come to make sure that our fight against counterfeiting is as sophisticated and modern as the crime itself.

Finally, I want to thank all of the members of the Judiciary Committee who have supported this important legislation. Chairman HYDE, Chairman MOORHEAD, ranking minority member CONYERS, Congresswoman SCHROEDER have all contributed to this effort. I greatly appreciate their hard work on behalf of American consumers and businesses.

I urge all to support this legislation.

□ 1500

Mrs. SCHROEDER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to thank two more staff people who worked very, very hard on this legislation, and that would be Elizabeth Frazee and Betty Wheeler. They also, I think, worked very hard on this, and we wanted to make sure everyone was included in the chairman's very generous thank yous.

Mr. Speaker, I yield back the balance of my time.

Mr. MOORHEAD. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia [Mr. DAVIS].

Mr. DAVIS. Mr. Speaker, first of all, I want to compliment the author of this legislation, the gentleman from Virginia [Mr. GOODLATTE], the chairman, the gentleman from California [Mr. MOORHEAD], and the ranking member, the gentlewoman from Colorado [Mrs. SCHROEDER], for their leadership on this issue.

Trademark counterfeiting costs this Nation over $200 million annually. That is more than the annual budget deficit in this country. Counterfeiting has grown from about $5.5 million in costs in 1982 to that $200 billion figure today. I once again applaud the authors of this amendment and the bipartisan way in which we have moved forward passage today.

The industry estimates that sales of counterfeit software exceed 40 percent of total industry revenues. Almost two of five cartridges that include a piece of software that are sold are counterfeit. Counterfeit software also costs companies more than revenues and it costs this Nation more than just jobs. It costs companies their reputation, because often substandard products with inferior quality enter the marketplace mislabeled with the originating company. What consumers do is they cannot take a chance on this, so they will buy other products that they figure are not mislabeled. The better companies end up, as a result of that, losing sales, losing jobs, losing revenues.

Mr. Speaker, this legislation I think is going to make a significant contribution toward curbing these abuses. It is going to make this a RICO offense. It is going to increase fines and jail time for offenders. It is going to speed the seizure of goods, in many cases. It is going to increase penalties and civil fines of up to $1 million per mark. It is going to allow greater enforcement coordination by State and local law enforcement officials working toward this.

This is, I think, an increasing area of concern for those in the software industry, and I think this legislation is going to make tremendous headway toward curbing these abuses in the future. I am proud to be a cosponsor of this, and once again congratulate my colleagues in bringing this to the floor today.

Mr. MOORHEAD. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. UPTON). The question is on the motion offered by the gentleman from California [Mr. MOORHEAD] that the House suspend the rules and pass the bill, H.R. 2511, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MOORHEAD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2511, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MOORHEAD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill, S. 1136, to control and prevent commercial counterfeiting, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mrs. SCHROEDER. Mr. Speaker, reserving the right to object, I would ask the gentleman from California [Mr. MOORHEAD], if he could explain the purpose of his unanimous-consent request.

Mr. MOORHEAD. Mr. Speaker, the purpose of this request is to send the bill back to the Senate with an amendment consisting of the text of the House-passed bill, and to ask for a conference.

Mrs. SCHROEDER. Mr. Speaker, based on that, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1136

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Anticounterfeiting Consumer Protection Act of 1995".

SEC. 2. FINDINGS.

The counterfeiting of trademarked and copyrighted merchandise—

(1) has been connected with organized crime;

(2) deprives legitimate trademark and copyright owners of substantial revenues and consumer goodwill;

(3) poses health and safety threats to American consumers;

(4) eliminates American jobs; and

(5) is a multibillion-dollar drain on the United States economy.

SEC. 3. COUNTERFEITING AS RACKETEERING.

Section 1961(1)(B) of title 18, United States Code, is amended by inserting ", section 2318 (relating to trafficking in counterfeit labels for phonorecords, computer programs or computer program documentation or packaging and copies of motion pictures or other audiovisual works), section 2319 (relating to criminal infringement of a copyright), section 2320 (relating to trafficking in goods or services bearing counterfeit marks)" after "sections 2314 and 2315 (relating to interstate transportation of stolen property)".

SEC. 4. APPLICATION TO COMPUTER PROGRAMS, COMPUTER PROGRAM DOCUMENTATION, OR PACKAGING.

Section 2318 of title 18, United States Code, is amended—

(1) in subsection (a), by inserting "a computer program or computer program documentation or packaging or" after "copy of";

(2) in subsection (b)(3), by inserting "'computer program,'" after "'motion picture,'"; and

(3) in subsection (c)(3), by inserting "a copy of a computer program or computer program documentation or packaging," after "enclose,".

SEC. 5. TRAFFICKING IN COUNTERFEIT GOODS OR SERVICES.

Section 2320 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(e) Beginning with the first year after the date of enactment of this subsection, the Attorney General shall include in the report of the Attorney General to Congress on the business of the Department of Justice prepared pursuant to section 522 of title 28, on a district by district basis, for all actions involving trafficking in counterfeit labels for phonorecords, copies of computer programs or computer program documentation or packaging, copies of motion pictures or other audiovisual works (as defined in section 2318 of title 18), criminal infringement of copyrights (as defined in section 2319 of title 18), or trafficking in goods or services bearing counterfeit marks (as defined in section 2320 of title 18), an accounting of—

"(1) the number of open investigations;

"(2) the number of cases referred by the United States Customs Service;

"(3) the number of cases referred by other agencies or sources; and

"(4) the number and outcome, including settlements, sentences, recoveries, and penalties, of all prosecutions brought under sections 2318, 2319, and 2320 of title 18.".

SEC. 6. SEIZURE OF COUNTERFEIT GOODS.

Section 34(d)(9) of the Act of July 5, 1946 (60 Stat. 427, chapter 540; 15 U.S.C. 1116(d)(9)), is amended by striking the first sentence and inserting the following: "The court shall order that service of a copy of the order under this subsection shall be made by a Federal law enforcement officer (such as a United States marshal or an officer or agent of the United States Customs Service, Secret Service, Federal Bureau of Investigation, or Post Office) or may be made by a State or local law enforcement officer, who, upon making service, shall carry out the seizure under the order.".

SEC. 7. RECOVERY FOR VIOLATION OF RIGHTS.

Section 35 of the Act of July 5, 1946 (60 Stat. 427, chapter 540; 15 U.S.C. 1117), is amended by adding at the end the following new subsection:

"(c) In a case involving the use of a counterfeit mark (as defined in section 34(d) (15 U.S.C. 1116(d)) in connection with the sale, offering for sale, or distribution of goods or services, the plaintiff may elect, at any time before final judgment is rendered by the trial court, to recover, instead of actual damages and profits under subsection (a), an award of statutory damages for any such use in the amount of—

"(1) not less than $500 or more than $100,000 per counterfeit mark per type of goods or services sold, offered for sale, or distributed, as the court considers just; or

"(2) if the court finds that the use of the counterfeit mark was willful, not more than $1,000,000 per counterfeit mark per type of goods or services sold, offered for sale, or distributed, as the court considers just.".

SEC. 8. DISPOSITION OF EXCLUDED ARTICLES.

Section 603(c) of title 17, United States Code, is amended in the second sentence by striking "as the case may be;" and all that follows through the end and inserting "as the case may be.".

SEC. 9. DISPOSITION OF MERCHANDISE BEARING AMERICAN TRADEMARK.

Section 526(e) of the Tariff Act of 1930 (19 U.S.C. 1526(e)) is amended—

(1) in the second sentence, by inserting "destroy the merchandise. Alternatively, if the merchandise is not unsafe or a hazard to health, and the Secretary has the consent of the trademark owner, the Secretary may" after "shall, after forfeiture,";

(2) by inserting "or" at the end of paragraph (2);

(3) by striking ", or" at the end of paragraph (3) and inserting a period; and

(4) by striking paragraph (4).

SEC. 10. CIVIL PENALTIES.

Section 526 of the Tariff Act of 1930 (19 U.S.C. 1526) is amended by adding at the end the following new subsection:

"(f)(1) Any person who directs, assists financially or otherwise, or aids and abets the importation of merchandise for sale or public distribution that is seized under subsection (e) shall be subject to a civil fine.

"(2) For the first such seizure, the fine shall be not more than the value that the merchandise would have had if it were genuine, according to the manufacturer's suggested retail price, determined under regulations promulgated by the Secretary.

"(3) For the second seizure and thereafter, the fine shall be not more than twice the value that the merchandise would have had if it were genuine, as determined under regulations promulgated by the Secretary.

"(4) The imposition of a fine under this subsection shall be within the discretion of the United States Customs Service, and shall be in addition to any other civil or criminal penalty or other remedy authorized by law.".

SEC. 11. PUBLIC DISCLOSURE OF AIRCRAFT MANIFESTS.

Section 431(c)(1) of the Tariff Act of 1930 (19 U.S.C. 1431(c)(1)) is amended—

(1) in the matter preceding subparagraph (A), by inserting "vessel or aircraft" before "manifest";

(2) by amending subparagraph (D) to read as follows:

"(D) The name of the vessel, aircraft, or carrier.";

(3) by amending subparagraph (E) to read as follows:

"(E) The seaport or airport of loading."; and

(4) by amending subparagraph (F) to read as follows:

"(F) The seaport or airport of discharge.".

SEC. 12. CUSTOMS ENTRY DOCUMENTATION.

Section 484(d) of the Tariff Act of 1930 (19 U.S.C. 1484(d)) is amended—

(1) by striking "Entries" and inserting "(1) Entries"; and

(2) by adding at the end the following new paragraph:

"(2) The Secretary, in prescribing regulations governing the content of entry documentation, shall require that entry documentation contain such information as may be necessary to determine whether the imported merchandise bears an infringing trademark in violation of section 42 of the

Act of July 5, 1946 (60 Stat. 440, chapter 540; 15 U.S.C. 1124) or any other applicable law, including a trademark appearing on the goods or packaging.".

SEC. 13. UNLAWFUL USE OF VESSELS, VEHICLES, AND AIRCRAFT IN AID OF COMMERCIAL COUNTERFEITING.

Section 80302(a) of title 49, United States Code, is amended—

(1) by striking "or" at the end of paragraph (4);

(2) by striking the period at the end of paragraph (5) and inserting "; or"; and

(3) by adding at the end the following new paragraph:

"(6)(A) A counterfeit label for a phonorecord, computer program or computer program documentation or packaging or copy of a motion picture or other audiovisual work (as defined in section 2318 of title 18);

"(B) a phonorecord or copy in violation of section 2319 of title 18; or

"(C) any good bearing a counterfeit mark (as defined in section 2320 of title 18).".

SEC. 14. REGULATIONS.

Not later than 6 months after the date of enactment of this Act, the Secretary of the Treasury shall prescribe such regulations or amendments to existing regulations that may be necessary to implement and enforce this Act.

MOTION OFFERED BY MR. MOORHEAD

Mr. MOORHEAD. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MOORHEAD moves to strike out all after the enacting clause of S. 1136 and to insert in lieu thereof the text of H.R. 2511, as passed by the House.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES

Mr. MOORHEAD. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Pursuant to rule XX and by direction of the Committee on the Judiciary, Mr. MOORHEAD moves that the House insist on its amendment to the bill S. 1136 and request a conference thereon with the Senate.

The motion was agreed to.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Messrs. HYDE, MOORHEAD, GOODLATTE, CONYERS, and Mrs. SCHROEDER.

There was no objection.

A similar House bill (H.R. 2511) was laid on the table.

COPYRIGHT CLARIFICATIONS ACT OF 1996

Mr. MOORHEAD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1861) to make technical corrections in the Satellite Home Viewer Act of 1994 and other provisions of title 17, United States Code, as amended.

The Clerk read as follows:

H.R. 1861

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Copyright Clarifications Act of 1996".

SEC. 2. SATELLITE HOME VIEWER ACT.

The Satellite Home Viewer Act of 1994 (Public Law 103–369) is amended as follows:

(1) Section 2(3)(A) is amended to read as follows:

"(A) in clause (i) by striking '12 cents' and inserting '17.5 cents per subscriber in the case of superstations that as retransmitted by the satellite carrier include any program which, if delivered by any cable system in the United States, would be subject to the syndicated exclusivity rules of the Federal Communications Commission, and 14 cents per subscriber in the case of superstations that are syndex-proof as defined in section 258.2 of title 37, Code of Federal Regulations; and' ".

(2) Section 2(4) is amended to read as follows:

"(4) Subsection (c) is amended—

"(A) in paragraph (1)—

"(i) by striking 'until December 31, 1992,';

"(ii) by striking '(2), (3) or (4)' and inserting '(2) or (3)'; and

"(iii) by striking the second sentence;

"(B) in paragraph (2)—

"(i) in subparagraph (A) by striking 'July 1, 1991' and inserting 'July 1, 1996'; and

"(ii) in subparagraph (D) by striking 'December 31, 1994' and inserting 'December 31, 1999, or in accordance with the terms of the agreement, whichever is later'; and

"(C) in paragraph (3)—

"(i) in subparagraph (A) by striking 'December 31, 1991' and inserting 'January 1, 1997';

"(ii) by amending subparagraph (B) to read as follows:

'(B) ESTABLISHMENT OF ROYALTY FEES.—In determining royalty fees under this paragraph, the copyright arbitration royalty panel appointed under chapter 8 shall establish fees for the retransmission of network stations and superstations that most clearly represent the fair market value of secondary transmissions. In determining the fair market value, the panel shall base its decision on economic, competitive, and programming information presented by the parties, including—

'(i) the competitive environment in which such programming is distributed, the cost of similar signals in similar private and compulsory license marketplaces, and any special features and conditions of the retransmission marketplace;

'(ii) the economic impact of such fees on copyright owners and satellite carriers; and

'(iii) the impact on the continued availability of secondary transmissions to the public.'; and

"(iii) in subparagraph (C), by inserting 'or July 1, 1997, whichever is later' after 'section 802(g)'.".

(3) Section 2(5)(A) is amended to read as follows:

"(A) in paragraph (5)(C) by striking 'the date of the enactment of the Satellite Home Viewer Act of 1988' and inserting 'November 16, 1988'; and".

SEC. 3. COPYRIGHT IN RESTORED WORKS.

Section 104A of title 17, United States Code, is amended as follows:

(1) Subsection (d)(3)(A) is amended to read as follows:

"(3) EXISTING DERIVATIVE WORKS.—(A) In the case of a derivative work that is based upon a restored work and is created—

"(i) before the date of the enactment of the Uruguay Round Agreements Act, if the source country of the restored work is an eligible country on such date, or

"(ii) before the date of adherence or proclamation, if the source country of the restored work is not an eligible country on such date of enactment,a reliance party may continue to exploit that derivative work for the duration of the restored copyright if the reliance party pays to the owner of the restored copyright reasonable compensation for conduct which would be subject to a remedy for infringement but for the provisions of this paragraph.".

(2) Subsection (e)(1)(B)(ii) is amended by striking the last sentence.

(3) Subsection (h)(2) is amended to read as follows:

"(2) The 'date of restoration' of a restored copyright is the later of—

"(A) January 1, 1996, the date on which the Agreement on Trade-Related Aspects of Intellectual Property referred to in section 101(d)(15) of the Uruguay Round Agreements Act enters into force with respect to the United States, if the source country of the restored work is a nation adhering to the Berne Convention or a WTO member country on such date, or

"(B) the date of adherence or proclamation, in the case of any other source country of the restored work.".

(4) Subsection (h)(3) is amended to read as follows:

"(3) The term 'eligible country' means a nation, other than the United States, that, after the date of the enactment of the Uruguay Round Agreements Act—

"(A) becomes a WTO member,

"(B) is or becomes a member of the Berne Convention, or

"(C) becomes subject to a proclamation under subsection (g).".

SEC. 4. LICENSES FOR NONEXEMPT SUBSCRIPTION TRANSMISSIONS.

Section 114(f) of title 17, United States Code, is amended—

(1) in paragraph (1), by inserting ", or ending 30 days after the Librarian issues and publishes in the Federal Register an order adopting or rejecting the report of the copyright arbitration royalty panel, if such panel is convened" after "December 31, 2000"; and

(2) in paragraph (2), by striking "and publish in the Federal Register".

SEC. 5. ROYALTY PAYABLE UNDER COMPULSORY LICENSE.

Section 115(c)(3)(D) of title 17, United States Code, is amended by striking "and publish in the Federal Register".

SEC. 6. NEGOTIATED LICENSE FOR JUKEBOXES.

Section 116 of title 17, United States Code, is amended—

(1) by amending subsection (b)(2) to read as follows:

"(2) ARBITRATION.—Parties not subject to such a negotiation may determine the result of the negotiation by arbitration in accordance with the provisions of chapter 8."; and

(2) by adding at the end the following new subsection:

"(d) DEFINITIONS.—As used in this section, the following terms mean the following:

"(1) A 'coin-operated phonorecord player' is a machine or device that—

"(A) is employed solely for the performance of nondramatic musical works by means of phonorecords upon being activated by the insertion of coins, currency, tokens, or other monetary units or their equivalent;

"(B) is located in an establishment making no direct or indirect charge for admission;

"(C) is accompanied by a list which is comprised of the titles of all the musical works available for performance on it, and is affixed to the phonorecord player or posted in the establishment in a prominent position where it can be readily examined by the public; and

"(D) affords a choice of works available for performance and permits the choice to be made by the patrons of the establishment in which it is located.

"(2) An 'operator' is any person who, alone or jointly with others—

"(A) owns a coin-operated phonorecord player;

"(B) has the power to make a coin-operated phonorecord player available for placement in

an establishment for purposes of public performance; or

"(C) has the power to exercise primary control over the selection of the musical works made available for public performance on a coin-operated phonorecord player.".

SEC. 7. LIMITATIONS ON EXCLUSIVE RIGHTS; COMPUTER PROGRAMS.

Section 117 of title 17, United States Code, is amended as follows:

(1) Strike "Notwithstanding" and insert the following:

"(a) MAKING OF ADDITIONAL COPY OR ADAPTATION BY OWNER OF COPY.—Notwithstanding".

(2) Strike "Any exact" and insert the following:

"(b) LEASE, SALE, OR OTHER TRANSFER OF ADDITIONAL COPY OR ADAPTATION.—Any exact".

(3) Add at the end the following:

"(c) MACHINE MAINTENANCE OR REPAIR.—Notwithstanding the provisions of section 106, it is not an infringement for the owner or lessee of a machine to make or authorize the making of a copy of a computer program if such copy is made solely by virtue of the activation of a machine that lawfully contains an authorized copy of the computer program, for purposes only of maintenance or repair of that machine, provided that—

"(1) such new copy is used in no other manner and is destroyed immediately after the maintenance or repair is completed, and

"(2) with respect to any computer program or part thereof that is not necessary for that machine to be activated, such program or part thereof is not accessed or used other than to make such new copy by virtue of the activation of the machine.

"(d) DEFINITIONS.—For purposes of this section—

"(1) the term 'maintenance' of a machine means servicing the machine in order to make it work in accordance with its original specifications and any changes to those specifications authorized for that machine; and

"(2) the term 'repair' of a machine means restoring it to the state of working in accordance with its original specifications and any changes to those specifications authorized for that machine.".

SEC. 8. PUBLIC BROADCASTING COMPULSORY LICENSE.

Section 118 of title 17, United States Code, is amended as follows:

(1) Subsection (b) is amended by striking paragraph (1) and redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively.

(2) Subsection (b)(2) (as redesignated by paragraph (1) of this section) is amended by striking "(2)" each place it appears and inserting "(1)".

(3) Subsection (e) is amended to read as follows:

"(e)(1) Except as expressly provided in this subsection, this section shall not apply to works other than those specified in subsection (b).

"(2) Owners of copyright in nondramatic literary works and public broadcasting entities may, during the course of voluntary negotiations, agree among themselves, respectively, as to the terms and rates of royalty payments without liability under the antitrust laws. Any such terms and rates of royalty payments shall be effective upon being filed in the Copyright Office, in accordance with regulations that the Register of Copyrights shall prescribe.".

SEC. 9. REGISTRATION AND INFRINGEMENT ACTIONS.

Section 411(b)(1) of title 17, United States Code, is amended to read as follows:

"(1) serves notice upon the infringer, not less than 48 hours before such fixation, identifying the work and the specific time and source of its first transmission, and declaring an intention to secure copyright in the work; and".

SEC. 10. COPYRIGHT OFFICE FEES.

(a) FEE INCREASES.—Section 708(b) of title 17, United States Code, is amended to read as follows:

"(b) In calendar year 1996 and in any subsequent calendar year, the Register of Copyrights, by regulation, may increase the fees specified in subsection (a) in the following manner:

"(1) The Register shall conduct a study of the costs incurred by the Copyright Office for the registration of claims, the recordation of documents, and the provision of services. The study shall also consider the timing of any increase in fees and the authority to use such fees consistent with the budget.

"(2) The Register shall have discretion to increase fees up to the reasonable costs incurred by the Copyright Office for the services described in paragraph (1) plus a reasonable inflation adjustment to account for any estimated increase in costs.

"(3) Any newly established fee based on paragraph (2) shall be rounded off to the nearest dollar, or for a fee less than $12, rounded off to the nearest 50 cents.

"(4) The fees shall be fair and equitable and give due consideration to the objectives of the copyright system.

"(5) If upon completion of the study, the Register determines that the fees should be increased, the Register shall prepare a proposed fee schedule and submit the schedule with the accompanying economic analysis to the Congress. The fees proposed by the Register may be instituted after the end of 120 days after the schedule is submitted to the Congress unless, within that 120-day period, a law is enacted stating in substance that the Congress does not approve the schedule.".

(b) DEPOSIT OF FEES.—Section 708(d) of such title is amended to read as follows:

"(d)(1) Except as provided in paragraph (2), all fees received under this section shall be deposited by the Register of Copyrights in the Treasury of the United States and shall be credited to the appropriations for necessary expenses of the Copyright Office. Such fees that are collected shall remain available until expended. The Register may, in accordance with regulations that he or she shall prescribe, refund any sum paid by mistake or in excess of the fee required by this section.

"(2) In the case of fees deposited against future services, the Register of Copyrights shall request the Secretary of the Treasury to invest in interest-bearing securities in the United States Treasury any portion of the fees that, as determined by the Register, is not required to meet current deposit account demands. Funds shall be invested in securities that permit funds to be available to the Copyright Office at all times if they are determined to be necessary to meet current deposit account demands. Such investments shall be in public debt securities with maturities suitable to the needs of the fund, as determined by the Register of Copyrights, and bearing interest at rates determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturities.

"(3) The income on such investments shall be deposited in the Treasury of the United States and shall be credited to the appropriations for necessary expenses of the Copyright Office.".

SEC. 11. COPYRIGHT ARBITRATION ROYALTY PANELS.

(a) ESTABLISHMENT AND PURPOSE.—Section 801 of title 17, United States Code, is amended—

(1) in subsection (b)(1) by striking "and 116" in the first sentence and inserting "116, and 119";

(2) in subsection (c) by inserting after "panel" at the end of the sentence the following: ", including—

"(1) authorizing the distribution of those royalty fees collected under sections 111, 119, and 1005 that the Librarian has found are not subject to controversy; and

"(2) accepting or rejecting royalty claims filed under sections 111, 119, and 1007 on the basis of timeliness or the failure to establish the basis for a claim"; and

(3) by amending subsection (d) to read as follows:

"(d) SUPPORT AND REIMBURSEMENT OF ARBITRATION PANELS.—The Librarian of Congress, upon the recommendation of the Register of Copyrights, shall provide the copyright arbitration royalty panels with the necessary administrative services related to proceedings under this chapter, and shall reimburse the arbitrators at such intervals and in such manner as the Librarian shall provide by regulation. Each such arbitrator is an independent contractor acting on behalf of the United States, and shall be paid pursuant to a signed agreement between the Library of Congress and the arbitrator. Payments to the arbitrators shall be considered costs incurred by the Library of Congress and the Copyright Office for purposes of section 802(h)(1).".

(b) PROCEEDINGS.—Section 802(h)(1) of title 17, United States Code, is amended—

(1) by amending the heading to read "DEDUCTION OF COSTS OF LIBRARY OF CONGRESS AND COPYRIGHT OFFICE FROM ROYALTY FEES.—";

(2) in the first sentence by inserting "to support distribution proceedings" after "Copyright Office"; and

(3) by amending the third sentence to read as follows: "In ratemaking proceedings, the Librarian of Congress and the Copyright Office may assess their reasonable costs directly to the parties to the most recent relevant arbitration proceeding, 50 percent of the costs to the parties who would receive royalties from the royalty rate adopted in the proceeding and 50 percent of the costs to the parties who would pay the royalty rate so adopted, subject to the discretion of the arbitrators to assess costs under subsection (c).".

SEC. 12. DIGITAL AUDIO RECORDING DEVICES AND MEDIA.

Section 1007(b) of title 17, United States Code, is amended by striking "Within 30 days after" in the first sentence and inserting "After".

SEC. 13. TREATMENT OF PRE-1978 PUBLICATION OF SOUND RECORDINGS.

Section 303 of title 17, United States Code, is amended—

(1) by striking "Copyright" and inserting "(a) Copyright"; and

(2) by adding at the end the following:

"(b) The distribution before January 1, 1978, of a phonorecord shall not for any purpose constitute a publication of the musical work embodied therein.".

SEC. 14. CONFORMING AMENDMENT.

Paragraph (5) of section 4 of the Digital Performance Right in Sound Recordings Act of 1995 is redesignated as paragraph (4).

SEC. 15. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by this Act shall take effect on the date of the enactment of this Act.

(b) SATELLITE HOME VIEWER ACT.—The amendments made by section 1 shall be effective as if enacted as part of the Satellite Home Viewer Act of 1994 (Public Law 103–369).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. MOORHEAD] and the gentlewoman from Colorado [Mrs. SCHROEDER] will each be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. MOORHEAD].

GENERAL LEAVE

Mr. MOORHEAD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1861.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MOORHEAD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1861, the Copyright Clarifications Act of 1996. This important legislation will assist the U.S. Copyright Office in carrying out its duties, including giving the Office the ability to set reasonable fees for basic services, subject to congressional approval. It corrects or clarifies the language in several recent amendments to the Copyright act so that Congress' original intent can be better achieved. Two provisions resolve problems created by recent judicial interpretations of provisions of the copyright law. One of these amendments makes clear that the distribution of musical disks or tapes before 1978 did not publish the musical compositions embodied in the disks or tapes. The other amendment ensures that independent service organizations have the ability to activate a computer to maintain and repair its hardware components without being held liable by a court for copyright infringement due to that activation alone.

The U.S. Copyright Office is the agency charged with primary responsibility for implementing the provisions of the Copyright Act. In early 1995, the Copyright Office submitted to the Subcommittee on Courts and Intellectual Property a number of recommendations to clarify or correct the following: the Copyright Fees and Technical Amendments Act of 1989, the Audio Home Recording Act of 1992, the Copyright Royalty Tribunal Reform Act of 1993, the Satellite Home Viewer Act of 1994, and the Digital Performance Right in Sound Recordings Act of 1995. This legislation is the result of those efforts and I want to congratulate the Register of Copyrights, Marybeth Peters, and her staff, for their great initiative and hard work.

This legislation amends section 117 to ensure that independent service organizations do not inadvertently become liable for copyright infringement merely because they have turned on a machine in order to service its hardware components. The language contained in this section of the bill was driven by the introduction of H.R. 533, by Representative KNOLLENBERG of Michigan. I thank Mr. KNOLLENBERG for bringing this important matter to the subcommittee's attention and for leading the way in negotiations between the parties which resulted in the language contained in this bill.

A provision of this bill which clarifies the law to ensure that the mere distribution of musical disks or tapes before 1978 did not constitute a publication of the musical composition embodied in those disks or tapes comes from a decision of the Ninth Circuit in the case of La Cienega Music Co. which conflicts with 90 years of practice of the U.S. Copyright Office and the longstanding legal precedent in this country, thereby casting a black cloud over the rights of every U.S. music publisher for any pre-1978 composition released on phonorecords. I want to take a moment to thank Mr. Bernard Besman, the owner of La Cienega Music Co., who has fought so hard to exhaust his remedies in the courts, and who is primarily responsible for the necessary clarification to the law that exists in H.R. 1861. Music publishers, songwriters, and all those involved in the creation of music owe Mr. Besman deep thanks for his personal sacrifice in pursuing through the judicial and legislative system a just solution to a wrong about which he felt strongly. He can be assured that we will work quickly to get this piece of legislation to the President's desk for his signature so that Mr. Besman's fight for all music writers and publishers can come to a rewarding end.

Mr. Speaker, all of the provisions contained in this bill are necessary for the proper functioning of the U.S. Copyright Office and the Copyright system, I am unaware of any opposition to this legislation, and I urge a favorable vote on H.R. 1861.

Mr. Speaker, I reserve the balance of my time.

Mrs. SCHROEDER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker. I again thank my subcommittee chairman, the distinguished gentleman from California, [Mr. MOORHEAD], and I join the subcommittee chairman and the members of the subcommittee in supporting H.R. 1861, which has a whole number of provisions that clarify the copyright law.

So we are doing two things today. In the prior bill we increased the penalties, and here we are making it as clear as possible what the copyright law should be. Some of these provisions correct drafting errors in prior recent amendments to the law. Other provisions are intended to assist the Copyright Office in carrying out their duties. These provisions are basically technical and housekeeping in nature. This is one of the few housekeeping tasks I ever do in my role here. They are described in detail in the bill report that accompanies this.

Another provision reinstates the longstanding view of the Copyright Office that has been confirmed by the Second Circuit Court of Appeals that the sale or distribution of recordings to the public before 1978 did not constitute publication of the music composition embodied in the recording.

□ 1515

This longstanding view, however, was rejected by the ninth circuit last year, and that created a good deal of uncertainty for many musical works that have been recorded and sold before 1978. This bill is intended to remove that uncertainty by confirming the longstanding view of the Copyright Office and what everybody had thought had been the law before the ninth circuit decision.

Finally, there is a narrowly crafted provision that enables independent service organizations that have the ability to activate a computer to maintain and repair its hardware components without becoming liable for copyright infringement.

I want to emphasize the extremely narrow reach of this provision. It is designed to maintain undiminished copyright protection to authors of computer programs, while making it possible for third parties to service the computer hardware.

The provisions of this bill have received the support of the Register of Copyrights who testified before our subcommittee on behalf of the U.S. Copyright Office. I urge my colleagues to support this bill.

Mr. Speaker, having no further requests for time, I yield back the balance of my time.

Mr. MOORHEAD. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan [Mr. KNOLLENBERG].

Mr. KNOLLENBERG. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I want to thank Chairman MOORHEAD for pushing this bill through Congress. It is a tribute to his fine leadership—and leadership we will miss when he departs at the end of this Congress.

I am very pleased the chairman has provided this opportunity to move this important, bipartisan bill through the House. My bill, H.R. 533, has been included in this legislation, and I want to extend my appreciation to the chairman for choosing to include our language.

My bill is designed to ensure that independent service organizations [ISO's] do not inadvertently become liable for copyright infringement merely because they have turned on a machine in order to service its hardware components.

As it is written, current law holds them liable when they flip the switch. It places a heavy burden on our workers who need to service our computer systems. And a strict enforcement of this law could shut down the multibillion dollar high technology maintenance industry which provides thousands of jobs.

In today's business world, our computer service technicians must have the flexibility to do their jobs without the fear they are breaking copyright laws.

Every day our reliance on our computer systems is growing, and in today's deadline-filled, rushed business world, minutes can mean millions.

These restrictions also have a negative impact on consumers. Costs and convenience are major factors when using specific computer service people. Forcing consumers into strict requirements of who can and cannot service your computer will certainly negatively impact consumers and businesses alike.

With the personal computer as common in our day-to-day lives as any other household item, we need to give our computer repairmen the flexibility and opportunity to service our systems.

At this point I would like to enter into a colloquy with the distinguished chairman of the Courts and Intellectual Property Subcommittee.

Mr. Chairman, the report language states:

> When a computer is activated, that is when it is turned on, certain software or parts thereof (generally the machine's operating system software) is automatically copied into the machine's random access memory, or RAM.

In the very next sentence it states:

> During the course of activating the computer, different parts of the operating system may reside in the RAM at different times because the operating system is sometimes larger than the capacity of the RAM.

Mr. Chairman, does activating the computer mean allowing the entire operating system to be loaded by the computer into the RAM, even if different parts of the operating system are not loaded in one step?

Mr. MOORHEAD. If the gentleman will yield, Mr. Speaker, the gentleman is correct. Activation may include getting the different parts of the operating system through the RAM. Because the entire operating system may not entirely fit into the RAM, activation may proceed through a series of steps until the entire operating system is fully loaded.

Mr. KNOLLENBERG. Again, I want to thank the chairman for his efforts and hard work. I want to thank him for including my legislation in this bill.

Mr. MOORHEAD. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. MOORHEAD] that the House suspend the rules and pass the bill, H.R. 1861, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

BOATING AND AVIATION OPERATION SAFETY ACT OF 1996

Mr. GEKAS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 234) to amend title 11 of the United States Code to make nondischargeable a debt for death or injury caused by the debtor's operation of watercraft or aircraft while intoxicated, as amended.

The Clerk read as follows:

H.R. 234

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Boating and Aviation Operation Safety Act of 1996".

SEC. 2. AMENDMENT.

Section 523(a)(9) of title 11, United States Code, is amended by inserting ", watercraft, or aircraft" after "motor vehicle".

SEC. 3. EFFECTIVE DATE; APPLICATION OF AMENDMENT.

(a) EFFECTIVE DATE.—Except as provided in subsection (b), this Act and the amendment made by section 2 shall take effect on the date of the enactment of this Act.

(b) APPLICATION OF AMENDMENT.—The amendment made by section 2 shall not apply with respect to cases commenced under title 11 of the United States Code before the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania [Mr. GEKAS] and the gentleman from Rhode Island [Mr. REED] will each be recognized for 20 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. GEKAS].

GENERAL LEAVE

Mr. GEKAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on H.R. 234, the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GEKAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 234, the Boating and Aviation Operation Safety Act and urge its adoption by the House.

Mr. Speaker, prior to 1984, it was possible in some realms in bankruptcy to have the spectacle of a drunk driver who causes untold adverse consequences, damages, and injuries to an innocent victim and then we could observe a phenomenon whereby a judgment would be entered against this drunk driver for the damage that he has caused and then to see the drunk driver enter bankruptcy and have his whole obligation wiped out, discharged, because of the safe haven that a bankruptcy would accord him.

In 1984, the Congress passed legislation that would make nondischargeable that kind of situation. That is, if that scenario were repeated after 1984, notwithstanding the fact that a drunk driver later would try to file for bankruptcy, even if he were accorded the safeguards of bankruptcy, this particular obligation on drunk driving damages that he had caused would not be discharged from bankruptcy.

Now, bringing us up to date here today, it has come to pass that several cases have come up on watercraft drunk operation, and then the courts became split as to whether the nondischargeability of a debt of a drunk driver would apply to a drunk boat operator.

So we have this legislation here to clarify all of those distinctions and controverted issues and solve the situation. In other words, this legislation would add watercraft of any type where operated by someone who is drunk, who causes damages, that kind of damage would not be dischargeable in bankruptcy to accompany the same prohibition that now exists in the law for drunk driving of land vehicles, as it were.

That is the whole purpose of the legislation. But there are some matters that we wanted to clear up, so we will enter into a colloquy, or after the statement of the gentleman from Rhode Island [Mr. REED], we will enter into a colloquy to further clarify some of these distinctions.

Mr. Speaker, I reserve the balance of my time.

Mr. REED. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the bill. The goal of chapter 7 and chapter 13 bankruptcy proceedings is to give the debtor a fresh start by discharging his or her debts, either after liquidation of assets and payments to creditors in chapter 7 or after a 3- to 5-year consumer reorganization repayment period in chapter 13.

However, certain debts, such as alimony and child support, are nondischargeable. The bankruptcy code already prohibits the discharge of debt arising from the operation of a motor vehicle while intoxicated, and there have been three reported cases interpreting this section of the bankruptcy code. Two have held that the motor boat falls within the meaning of motor vehicle; one held the opposite.

This bill, introduced by the gentleman from Michigan [Mr. EHLERS], would add watercraft and aircraft to the phrase motor vehicle in section 523(a)(9).

This addition would clarify and emphasize that current law already prohibits the discharge of debts incurred through the drunken operation of boats and aircraft, as well as cars. H.R. 234 would eliminate further confusion in the courts about the intended scope of this statute.

I commend the gentleman from Michigan [Mr. EHLERS] for his interest in this issue. My home State of Rhode Island is known as the Ocean State. We have thousands of people operating all types of watercraft off our shores. Regrettably, in the next few weeks we will probably have tragic incidents in which people are injured and perhaps killed by someone who irresponsibly drank and piloted a boat.

One of the witnesses at the subcommittee hearing on this issue testified that 25 percent of the reported boating accidents in Maryland involved people with elevated blood alcohol levels. Clearly, this type of dangerous and irresponsible behavior is something we must try to discourage by all means at our disposal, and using the bankruptcy code to do so I think is appropriate. This clarification is indeed a very useful clarification of the code.

Mr. Speaker, I reserve the balance of my time.

Mr. GEKAS. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan [Mr. EHLERS].

Mr. EHLERS. Mr. Speaker, I want to thank the chairman of the subcommittee not only for yielding time but also for taking this bill up in the subcommittee and lending his support to it.

As my colleagues have heard, this bill is necessary because the current law simply specifies motor vehicle, and that has been interpreted in three different ways by the courts.

In 1989, there was a case in Florida in which the judge ruled that motor vehicle included a boat or an airplane, operated respectively on a waterway or on an airway.

In a later decision in 1993, another court held that motor vehicle clearly was intended to apply only to an automobile and, therefore, did not apply to watercraft or aircraft.

Once again, in 1995, there was a judgment in another court that, indeed, motor vehicle included boats and aircraft.

So it is not only necessary to pass this particular bill to make certain that we include aircraft and watercraft as vehicles whose illegal operations by someone who is drunk or on drugs results in a nondischargeable debt during bankruptcy, but it is also very important to make this clear because the courts have ruled in different fashions in these various cases. Therefore, I appreciate the committee taking up the bill and giving us an opportunity to clarify this.

The bill itself is very simple. It simply makes clear that anyone who is operating a motor vehicle, a watercraft or an aircraft illegally by virtue of being intoxicated from using alcohol, a drug or another substance may not hide from responsibility for damages by making this a dischargeable debt by declaring bankruptcy. Clearly, this can be labeled as a victims' rights bill, because this will ensure that victims of such a drunk or drugged operator will receive adequate compensation and they cannot be deprived of that compensation simply by virtue of the perpetrator having declared bankruptcy.

I urge that the bill be passed, and I thank the chairman, once again, for his diligent work on this issue.

Mr. REED. Mr. Speaker, I yield myself such time as I may consume for the purpose of conducting a colloquy with my colleague, the distinguished gentleman from Pennsylvania [Mr. GEKAS], and I would ask the gentleman if he would answer a question.

Mr. GEKAS. Mr. Speaker, if the gentleman will yield, I would be happy to.

Mr. REED. Mr. Speaker, how is watercraft to be defined?

Mr. GEKAS. A watercraft is a buoyant craft operated by a person in the water—as an aircraft is an airborne craft operated by a person in the air or in the act of taking off or landing.

As I have said, our intent is to protect the public from intoxicated operators of watercraft and aircraft. It matters not whether the watercraft is a motorboat, a personal watercraft, a barge, a canoe, a kayak, a rowboat or whatever, or whether the aircraft is jet propelled, or propeller driven, or a glider or a hang glider—you name it. There is no requirement that the watercraft or aircraft be powered by an engine. Under this legislation, it is the unlawful operation of a watercraft or aircraft by an intoxicated operator resulting in death or personal injury that gives rise to a nondischargeable debt.

Mr. REED. I thank the gentleman.

Mr. Speaker, I yield back the balance of my time.

Mr. GEKAS. Mr. Speaker, I want to thank the gentleman from Michigan [Mr. EHLERS] for the initiative that he displayed in bringing this matter to the conclusion that it has found today, and I ask the Members to extend their support to the current legislation.

Ms. DELAURO. Mr. Speaker, I rise in strong support of H.R. 234, the Boating and Aviation Safety Act. The bill amends Federal bankruptcy law to ensure financial responsibility for individuals who cause deaths or injuries by operation of a boat or aircraft while under the influence of drugs or alcohol. Specifically, the measure prohibits bankruptcy courts from discharging an individual's debts for wrongful death or injuries if caused by the individual's operation of a motor vehicle, boat, or aircraft while intoxicated.

This legislation is extremely important to residents of my district, many of whom live on the shoreline of the Long Island Sound. Boating accidents are an unfortunate reality on a highly active waterway. As the summer boating season begins, it is essential to provide the victims of preventable boating accidents the same recourse for reckless piloting of boats on our waters as any victim of a accident in a car. This important legislation would extend the bankruptcy law that pertains to operators of motor vehicles to operators of boats and aircraft. This is a matter of fairness.

While some bankruptcy courts have used a broad interpretation of the motor vehicle to include operators of aircraft and boats in cases of injury or death to others due to intoxication, some have not. In order to ensure justice to the victims of boating accidents and their families we must pass this measure today.

We must send a strong message to boat operators: If you drink and operate a boat you are going to face the same harsh punishment that you would if you drink and drive. I strongly support this bill and urge its immediate adoption.

Mr. GEKAS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania [Mr. GEKAS] that the House suspend the rules and pass the bill, H.R. 234, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

□ 1530

ADMINISTRATIVE DISPUTE RESOLUTION ACT OF 1996

Mr. GEKAS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2977) to reauthorize alternative means of dispute resolution in the Federal administrative process, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2977

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Administrative Dispute Resolution Act of 1996".

SEC. 2. AMENDMENT TO DEFINITIONS.

Section 571 of title 5, United States Code, is amended—

(1) in paragraph (3)—

(A) by striking ", in lieu of an adjudication as defined in section 551(7) of this title,";

(B) by striking "settlement negotiations,"; and

(C) by striking "and arbitration" and inserting "arbitration, and use of ombudsmen"; and

(2) in paragraph (8)—

(A) in subparagraph (B) by striking "decision," and inserting "decision;"; and

(B) by striking the matter following subparagraph (B).

SEC. 3. AMENDMENTS TO CONFIDENTIALITY PROVISIONS.

(a) LIMITATION OF CONFIDENTIALITY APPLICATION TO COMMUNICATION.—Section 574(a) of title, 5, United States Code, is amended in the matter before paragraph (1) by striking "any information concerning".

(b) ALTERNATIVE CONFIDENTIALITY PROCEDURES.—Section 574(d) of title 5, United States Code, is amended—

(1) by inserting "(1)" after "(d)"; and

(2) by adding at the end thereof the following new paragraph:

"(2) To qualify for the exemption established under subsection (j), an alternative confidential procedure under this subsection may not provide for less disclosure than the confidential procedures otherwise provided under this section.".

(c) EXEMPTION FROM DISCLOSURE BY STATUTE.—Section 574(j) of title 5, United States Code, is amended by striking "This section" and inserting "This section (other than subsection (a))".

SEC. 4. AMENDMENT TO REFLECT THE CLOSURE OF THE ADMINISTRATIVE CONFERENCE.

(a) PROMOTION OF ADMINISTRATIVE DISPUTE RESOLUTIONS.—Section 3(a)(1) of the Administrative Dispute Resolution Act (5 U.S.C. 581 note; Public Law 101–552; 104 Stat. 2736) is amended by striking "the Administrative Conference of the United States and".

(b) COMPILATION OF INFORMATION.—

(1) IN GENERAL.—Section 582 of title 5, United States Code, is repealed.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 5 of title 5, United States Code, is amended by striking the item relating to section 582.

(c) FEDERAL MEDIATION AND CONCILIATION SERVICE.—Section 203(f) of the Labor Management Relations Act, 1947 (29 U.S.C. 173(f)) is amended by striking "the Administrative Conference of the United States and".

SEC. 5. AMENDMENTS TO SUPPORT SERVICE PROVISION.

Section 583 of title 5, United States Code, is amended by inserting "State, local, and tribal governments," after "other Federal agencies,".

SEC. 6. AMENDMENTS TO THE CONTRACT DISPUTES ACT.

Section 6 of the Contract Disputes Act of 1978 (41 U.S.C. 605) is amended—

(1) in subsection (d) by striking the second sentence and inserting: "The contractor shall certify the claim when required to do so as provided under subsection (c)(1) or as otherwise required by law."; and

(2) in subsection (e) by striking the first sentence.

SEC. 7. AMENDMENTS ON ACQUIRING NEUTRALS.

(a) EXPEDITED HIRING OF NEUTRALS.—

(1) COMPETITIVE REQUIREMENTS IN DEFENSE AGENCY CONTRACTS.—Section 2304(c)(3)(C) of title 10, United States Code, is amended by striking "agency, or" and inserting "agency, or to procure the services of an expert or neutral for use".

(2) COMPETITIVE REQUIREMENTS IN FEDERAL CONTRACTS.—Section 303(c)(3)(C) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)(3)(C)), is amended by striking "agency, or" and inserting "agency, or to procure the services of an expert or neutral for use".

(b) REFERENCES TO THE ADMINISTRATIVE CONFERENCE OF THE UNITED STATES.—Section 573 of title 5, United States Code, is amended—

(1) by striking subsection (c) and inserting the following:

"(c) In consultation with other appropriate Federal agencies and professional organizations experienced in matters concerning dispute resolution, the Federal Mediation and Conciliation Service shall—

"(1) encourage and facilitate agency use of alternative means of dispute resolutions; and

"(2) develop procedures that permit agencies to obtain the services of neutrals on an expedited basis."; and

(2) in subsection (e) by striking "on a roster established under subsection (c)(2) or a roster maintained by other public or private organizations, or individual".

SEC. 8. PERMANENT AUTHORIZATION OF THE ALTERNATIVE DISPUTE RESOLUTION PROVISIONS OF TITLE 5, UNITED STATES CODE.

The Administrative Dispute Resolution Act (Public Law 101–552; 104 Stat. 2747; 5 U.S.C. 581 note) is amended by striking section 11.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.Subchapter IV of chapter 5 of title 5, United States Code, is amended by adding at the end thereof the following new section:

"§ 584. Authorization of appropriations

"There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this subchapter.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 5 of title 5, United States Code, is amended by inserting after the item relating to section 583 the following:

"584. Authorization of appropriations.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania [Mr. GEKAS] and the gentleman from Rhode Island [Mr. REED] will each be recognized for 20 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2977 and urge its adoption by the House. The Administrative Dispute Resolution Act was signed into law by President Bush back in 1990. From what we were able to discern over the 5 years of its operation, it did a world of good.

This administrative resolution syndrome is one in which Federal agencies are given an additional tool to try to settle disputes that might arise between agencies or between an agency and a contractor, shall we say, a government contractor, or a private citizens group, or anyone who runs into and becomes embroiled in a dispute with a Federal agency. Hence, the administrative procedure that was set up by the bill that we have referred to would set up a procedure for that purpose.

Well, this authority ran out in October of last year. We in the Subcommittee on Commercial and Administrative Law held an oversight hearing in December 1995, and I speak for the gentleman from Rhode Island, both he and I were sufficiently impressed with the cost saving and efficiency displayed in the various mechanisms employed by the Administrative Dispute Resolution Act that we, almost on the spot, reendorsed the concept of having these agencies being able to filter out disputes of this type before they should reach a court jurisdiction. So we proceeded to work together, and the product that we have before us today is one in which we co-worked and co-authored, as it were.

One of the phenomena that makes it even more important for us to pass this legislation was the phasing out of ACUS, the Administrative Conference of the United States, which had during its lifetime covered some of the mechanisms which now are more fully employed by what we propose to do here today.

But I would mention some of the improvements that we have fashioned in H.R. 2977 for the purposes of the RECORD: For instance, we amend the Federal Property and Administrative Services Act to clarify that agencies may use expedited procurement procedures when hiring neutral third parties for some of these proceedings.

It also amends the law to authorize agencies to use the services and facilities of State, local, and tribal governments in order to implement the ADR Act. That is enlarging the scope of the capacity to deal agency by agency in solving disputes before they reach a more hectic state.

Also, it amends the Contract Disputes Act to require that contract claims only in excess of $100,000 be certified in order to facilitate the use of ADR, and also a provision that broadens the definition of "alternative means of dispute resolution" to include the use of ombudsmen, while at the same time striking from that definition "settlement negotiations," which was not deemed particularly useful, and so on.

It does some other improvements, and I will ask that these remarks be made a part of the RECORD so we will fully cover it, but I do wish to cover just one other little dispute that we resolved in a gentlemanly and bipartisan fashion.

There was a dispute as to whether we should allow binding arbitration when, let us say, a Federal agency became involved with a Federal contractor. If we had a binding arbitration conclusion, it would mean that this would be binding on the Federal Government. Then the dispute arose, can the Federal Government constitutionally surrender its decisionmaking to a nonelected official, thus bringing in a whole gamut of constitutional questions.

So what has been utilized over the past has been the opt-out provision, that if we do come to a kind of an arbitration conclusion, then government will have the right within a certain period of time to opt out, not to be bound by that decision, thus preserving the constitutionality of the agency representing the U.S. Government who could not delegate this kind of duty.

The penalty for that would be, though, that some of the costs and other costs could be garnered by the disaffected other parties, but at least the governmental constitutional safeguard would remain in place. What we have done in this legislation is to preserve in some fashion the opt-out provision, thus not facing the constitutional problems that this issue raises.

We also straightened out some items on confidentiality, and all-in-all have improved the concept to a degree that we feel comfortable in presenting it to the floor and having the gentleman from Massachusetts hurry us up to complete the process.

And so we offer our thanks to everyone who helped prepare the legislation.

Mr. Speaker, I rise in support of H.R. 2977 and urge its adoption by the House.

The Administrative Dispute Resolution Act [ADR] was signed into law by President George W. Bush on November 15, 1990, as Public Law 101–552. It was intended to encourage the use of alternative techniques to resolve disputes involving Federal agencies in the discharge of their regulatory responsibilities. The law provided explicit authority for agencies to engage in ADR and developed a framework meant to foster it.

The Subcommittee on Commercial and Administrative Law held an oversight hearing on December 13, 1995 on the ADR Act, which expired on October 1 of last year. The testimony that was presented before the subcommittee, I think, can be characterized as being uniformly favorable. Representatives of agencies, ADR practitioners and a corporate counsel all testified to savings attributable to the use of ADR techniques. Savings not only in time but also in considerable money, both to the Government and to private citizens and businesses. Not only I, but also the ranking minority member, were impressed and persuaded that a procedure that can facilitate such savings deserves to be reimplemented with whatever improvements have either been made necessary by time or will help effectuate even further savings.

Therefore, the gentleman from Rhode Island and I introduced this bill in a bipartisan spirit of cooperation attempting to focus attention on the most important areas of agreement and calculated to encourage the most expeditious passage of this legislation.

The bill makes a variety of changes to current law principally of a minor and technical nature to reflect things that have occurred since the ADR Act was first signed into law, for instance, the discontinuation of the Administrative Conference of the United States, which formerly had a primary role in promoting the act. But before ACUS went out of existence, it offered several recommended improvements to the act, some of which are included in H.R. 2977.

Improvements to current law proposed by H.R. 2977, include:

Amending the Federal Property and Administrative Services Act (41 U.S.C. 253(c)(3)(C) and 10 U.S.C. 2304(c)(3)(C)) to clarify that agencies may use expedited procurement procedures when hiring neutral third parties for ADR proceedings.

The bill amends 5 U.S.C. 583 to authorize agencies to use the services and facilities of State, local, and tribal governments in order to implement the ADR Act.

The bill amends the Contract Disputes Act to require that contract claims only in excess of $100,000 be certified in order to facilitate the use of ADR.

H.R. 2977 broadens the definition of "alternative means of dispute resolution" to include the use of ombudsmen, while at the same time striking from that definition "settlement negotiations" which was not deemed particularly useful.

The bill strikes language in current law that requires an alternative means of dispute resolution must be a procedure that is "in lieu of an adjudication as defined in section 551(7) [of the Act]". This amendment would broaden the possibilities for and encourages the use of ADR.

The bill deletes the exemption from ADR for the settlement of employee grievance proceedings specified under 5 U.S.C. 2302 and 7121(c), thus allowing parties to voluntarily use ADR to resolve employment related disputes.

It is perhaps appropriate to mention two things that are not in the bill and to explain briefly the committee's rationale for not including them. The first involves binding arbitration as it applies the Government and the second, which is in the bill to a lesser degree than proposed by some witnesses, concerns the confidentiality of ADR communications.

With respect to binding arbitration, current law contains a so-called opt-out provision that permits the Government a period of time in which to vacate an arbiter's decision or award. This procedure was developed in order to avoid a constitutional problem involving the appointments clause of the U.S. Constitution identified by then Assistant Attorney General William Barr in testimony before this subcommittee in 1990.

Mr. Barr expressed concern that straight binding arbitration would result in the delegation of significant executive authority to individuals not chosen in accordance with the aforementioned clause. The Congress responded by adopting the compromise procedure contained in current law which gives an agency a period of time in which to ratify or vacate the arbiter's award but also provides the assessment of costs against the Government in the event that the award is vacated by an agency—this to serve as a disincentive for such an action.

Repeal of this provision was suggested during testimony by the witness from the Department of Justice and may ultimately be a part of legislation in the other body. However, concern was expressed by members at the subcommittee's hearing, which I chair, that this would too abruptly reverse a decision the Congress had made little more than 5 years earlier and which had been motivated by constitutional concerns significant and persuasive enough to convince us to fashion a mechanism to allay them. There are also policy implications regarding accountability for the control of government spending inherent in binding arbitration that should be considered. I felt, and the gentleman from Rhode Island does also, that this issue deserves more discrete consideration. Therefore, H.R. 2977 retains current law.

With respect to confidentiality, several witnesses testified at the hearing that the confidentiality protections in the ADR Act should be broadened in order to facilitate and encourage its use. Both the gentleman from Rhode Island and I agree that reasonable steps should be taken to encourage resort to dispute resolution techniques which have been shown to be effective at saving money and avoiding litigation. Broadening confidentiality protections would foster an atmosphere in which parties to the ADR process could exchange views in a spirit of candor and would also encourage the use of Government neutrals where appropriate.

The by-play between the ADR Act and the Freedom of Information Act [FOIA] has been of concern in this process, creating something of an anomaly, that is disclosure of information relating to ADR communications by both parties and neutrals is generally prohibited but is discoverable through FOIA. According to testimony, this has been a particular problem when the Government is a neutral and it often discourages the use of government neutrals.

One solution might be to simply exempt "dispute resolution communications" which are "generated by or provided to an agency or neutral" from the disclosure requirements of FOIA if they may not be disclosed under the ADR Act. But the gentleman from Rhode Island and I are aware that there is legitimate concern that this may be too broad a solution and H.R. 2977 proposes instead an exemption from FOIA only to apply to the Government when it acts as a neutral. This doubtless will not please those who feel that the ADR proceeding would operate best if surrounded by confidentiality, but on the other hand I think it is best to proceed with caution in this area and I think the bill represents that cautious approach.

As I noted, this legislation was developed in the best spirit of bipartisan cooperation which I hope bodes well for its expeditious consideration. I urge support from the Members.

Mr. Speaker, I reserve the balance of my time.

Mr. REED. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of this legislation.

Mr. Speaker, I just wanted to say how pleased I was to be able to work on this legislation with the subcommittee chairman, the distinguished gentleman from Pennsylvania, and I commend the chairman for his fine work here today.

The legislation before us today will permanently reauthorize the Administrative Dispute Resolution Act.

We are all concerned with reducing litigation. The use of alternative dispute resolution techniques—techniques designed to resolve conflicts consensually, generally with the assistance of a neutral third party—can lower the tremendous costs and ease the delays of Government litigation. This benefits the Government, as well as business and private parties.

The original ADR Act got agencies started on the road of using mediation, arbitration, negotiation, and other methods to resolve disputes. We heard excellent testimony at our hearing on the benefits and savings that accrue from the use of alternative dispute resolution.

For example, Joseph McDade, a deputy dispute resolution specialist from the Air Force testified before the Subcommittee on Commercial and Administrative Law that the Air Force had used ADR to resolve more than 1,000 civilian personnel disputes, with a settlement rate close to 80 percent. Likewise, 53 Air Force contracting cases have gone through ADR, and all have been resolved. The Air Force has begun adding ADR clauses to contracts, to ensure that disputes do not drive up acquisition costs.

According to a report of the Administrative Conference of the United States, the Department of Labor used mediation to resolve violations of labor or workplace standards in the Philadelphia region. Eighty-one percent of the cases were settled, usually in a single session, with a cost savings of 7 to 11 percent per case. The cases were resolved months faster than they would have been otherwise.

The FDIC and RTC have mediated disputes among failed financial institutions and saved millions in legal fees—over $13 million in estimated legal costs for the FDIC, and over $115 million for the RTC. The Departments of Health and Human Services and Education have used ADR in grant audits and disputes. ADR is being used increasingly in enforcement disputes. The Attorney General recently directed all civil litigation components within the Department of Justice to develop ADR case selection criteria and is requiring ADR training for all civil litigation attorneys.

While agencies inherently have the authority to use ADR techniques, testimony received by the subcommittee indicate that the expiration of the ADR Act has caused confusion and disruption in the field. The act provides a necessary framework for governmentwide ADR, as well as important incentives for promoting its use. The ADR Act sets uniform governmentwide standards for the use of ADR, provides the confidentiality protections that are necessary for a full and candid exchange between the parties, and provides the authority to hire neutrals as well as to use donated neutrals and space for ADR.

This legislation permanently reauthorizes the act and makes several important improvements:

It expands the range of cases that can be referred to ADR by eliminating the exemptions for certain types of workplace related disputes so employee grievances and discrimination cases under civil rights laws may, with the consent of the employee, be referred to ADR. The general provisions of section 572(b), which establishes criteria for identifying cases where ADR is not appropriate, would still apply.

It makes the procedure more user friendly by streamlining the acquisition process for hiring mediators.

It enhances the confidentiality provisions. Currently, section 574 of the act prohibits third-party neutrals and parties to the dispute from disclosing communications during an ADR proceeding, with limited exceptions. These communications are not necessarily exempt from disclosure under the Freedom of Information Act. In particular, the lack of an FOIA exemption may serve as an incentive to hire private neutrals who are not subject to FOIA, rather than Government neutrals. According to the testimony of the Federal Mediation Conciliation Service, this is a particular problem for Government agencies, like FMCS, that furnish employees as neutrals for proceedings involving other Federal agencies, since their neutrals notes, unlike the notes of private sector neutrals, may be subject to FOIA disclosure. The committee bill provides that the memoranda, notes, or work product of the neutral, are exempt from disclosure under FOIA. Exempting these communications from FOIA does not diminish the amount of information that would otherwise be available to the public if a neutral were not employed. A careful balance must be struck between the need for confidentiality in the ADR process and the basic purpose underlying FOIA, that openness in Government is essential to accountability. The committee was reluctant to expand the exemption from ADR Act should not be used as a shield to hide documents that otherwise would be available to the public. The principles of Government openness and accountability underlying FOIA are vital to the functioning of a democratic society.

When the ADR Act was first enacted in 1990, the Federal Government lagged well behind the private sector and the courts in using alternative dispute resolutions. Since then, almost every agency has experimented with consensus based dispute resolution techniques. Now, the Federal Government has the opportunity to become a leader in making dispute resolution easier, cheaper, and more effective.

Mr. Speaker, I urge an "aye" vote on this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. GEKAS. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. CLINGER].

Mr. CLINGER. Mr. Speaker, I thank the gentleman for yielding time, and I would ask if he would engage in a colloquy with me.

Mr. Chairman, am I correct that H.R. 2977 does not include any language to remove from the district courts the so-called Scanwell bid protest jurisdiction?

Mr. GEKAS. Mr. Speaker, will the gentleman yield?

Mr. CLINGER. I yield to the gentleman from Pennsylvania.

Mr. GEKAS. Mr. Speaker, the gentleman is correct. It was our intent that this bill not include any language regarding removal of Scanwell jurisdiction from the district courts. We would hope and urge our colleagues in the other body not to use legislation reauthorizing the ADR Act for such a purpose.

Mr. CLINGER. I thank the chairman, and I appreciate his intentions on this issue. As he knows, Congress recently made sweeping, extensive reforms to the Federal procurement system and the administrative bid protest forms. These reforms are only now really being implemented, and I am concerned that the system be given full opportunity to absorb the recently enacted changes before there is any further disruption in the system.

Mr. GEKAS. I thank the gentleman for his comments. We too have these concerns and understand the need to review the Scanwell issue before moving forward on further changes. We intend to hold hearings in the future to review whether eliminating bid protest jurisdiction from the Federal district courts is appropriate.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. REED. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. UPTON). The question is on the motion offered by the gentleman from Pennsylvania [Mr. GEKAS] that the House suspend the rules and pass the bill, H.R. 2977, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

OFFICE OF GOVERNMENT ETHICS AUTHORIZATION ACT OF 1996

Mr. CANADY of Florida. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3235) to amend the Ethics in Government Act of 1978, to extend the authorization of appropriations for the Office of Government Ethics for 3 years, and for other purposes.

The Clerk read as follows:

H.R. 3235

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Office of Government Ethics Authorization Act of 1996".

SEC. 2. GIFT ACCEPTANCE AUTHORITY.

Section 403 of the Ethics in Government Act of 1978 (5 U.S.C. App. 5) is amended—

(1) by inserting "(a)" before "Upon the request"; and

(2) by adding at the end the following:

"(b)(1) The Director is authorized to accept and utilize on behalf of the United States, any gift, donation, bequest, or devise of money, use of facilities, personal property, or services for the purpose of aiding or facilitating the work of the Office of Government Ethics.

"(2) No gift may be accepted—

"(A) that attaches conditions inconsistent with applicable laws or regulations; or

"(B) that is conditioned upon or will require the expenditure of appropriated funds that are not available to the Office of Government Ethics.

"(3) The Director shall establish written rules setting forth the criteria to be used in determining whether the acceptance of contributions of money, services, use of facilities, or personal property under this subsection would reflect unfavorably upon the ability of the Office of Government Ethics, or any employee of such Office, to carry out its responsibilities or official duties in a fair and objective manner, or would compromise the integrity or the appearance of the integrity of its programs or any official involved in those programs.".

SEC. 3. EXTENSION OF AUTHORIZATION OF APPROPRIATIONS.

The text of section 405 of the Ethics in Government Act of 1978 (5 U.S.C. App. 5) is amended to read as follows: "There are authorized to be appropriated to carry out this title such sums as may be necessary for each of fiscal years 1997 through 1999.".

SEC. 4. REPEAL AND CONFORMING AMENDMENTS.

(a) REPEAL OF DISPLAY REQUIREMENT.—The Act entitled "An Act to provide for the display of the Code of Ethics for Government Service," approved July 3, 1980 (5 U.S.C. 7301 note), is repealed.

(b) CONFORMING AMENDMENTS.—

(1) FDIA.—Section 12(f)(3) of the Federal Deposit Insurance Act (12 U.S.C. 1822(f)(3)) is amended by striking ", with the concurrence of the Office of Government Ethics,".

(2) ETHICS IN GOVERNMENT ACT OF 1978.—(A) The heading for section 401 of the Ethics in Government Act of 1978 is amended to read as follows: "ESTABLISHMENT; APPOINTMENT OF DIRECTOR".

(B) Section 408 of such Act is amended by striking "March 31" and inserting "April 30".

SEC. 5. LIMITATION ON POSTEMPLOYMENT RESTRICTIONS.

Section 207(j) of title 18, United States Code, is amended by adding at the end the following new paragraph:

"(7) POLITICAL PARTIES AND CAMPAIGN COMMITTEES.—(A) Except as provided in subparagraph (B), the restrictions contained in subsections (c), (d), and (e) shall not apply to a communication or appearance made solely on behalf of a candidate in his or her capacity as a candidate, an authorized committee, a national committee, a national Federal campaign committee, a State committee, or a political party.

"(B) Subparagraph (A) shall not apply to—

"(i) any communication to, or appearance before, the Federal Election Commission by a former officer or employee of the Federal Election Commission; or

"(ii) a communication or appearance made by a person who is subject to the restrictions contained in subsections (c), (d), or (e) if, at the time of the communication or appearance, the person is employed by a person or entity other than—

"(I) a candidate, an authorized committee, a national committee, a national Federal campaign committee, a State committee, or a political party; or

"(II) a person or entity who represents, aids, or advises only persons or entities described in subclause (I).

"(C) For purposes of this paragraph—

"(i) the term 'candidate' means any person who seeks nomination for election, or election, to Federal or State office or who has authorized others to explore on his or her behalf the possibility of seeking nomination for election, or election, to Federal or State office;

"(ii) the term 'authorized committee' means any political committee designated in writing by a candidate as authorized to receive contributions or make expenditures to promote the nomination for election, or the election, of such candidate, or to explore the possibility of seeking nomination for election, or the election, of such candidate, except that a political committee that receives contributions or makes expenditures to promote more than 1 candidate may not be designated as an authorized committee for purposes of subparagraph (A);

"(iii) the term 'national committee' means the organization which, by virtue of the bylaws of a political party, is responsible for the day-to-day operation of such political party at the national level;

"(iv) the term 'national Federal campaign committee' means an organization that, by virtue of the bylaws of a political party, is established primarily for the purpose of providing assistance, at the national level, to candidates nominated by that party for election to the office of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress;

"(v) the term 'State committee' means the organization which, by virtue of the bylaws of a political party, is responsible for the day-to-day operation of such political party at the State level;

"(vi) the term 'political party' means an association, committee, or organization that nominates a candidate for election to any Federal or State elected office whose name appears on the election ballot as the candidate of such association, committee, or organization; and

"(vii) the term 'State' means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.".

SEC. 6. PAY LEVEL.

Section 207(c)(2)(A)(ii) of title 18, United States Code, is amended by striking "level V of the Executive Schedule," and inserting "level 5 of the Senior Executive Service,".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. CANADY] and the gentleman from Massachusetts [Mr. FRANK] will each be recognized for 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. CANADY].

GENERAL LEAVE

Mr. CANADY of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3235, the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

□ 1545

Mr. CANADY of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3235, the Office of Government Ethics Authorization Act of 1996, which reauthorizes the Office of Government Ethics for a period of 3 years. The Office of Government Ethics was established in 1979 as the entity within the Office of Personnel Management to administer executive branch policies relating to financial disclosure, employee conduct, and conflict of interest laws.

Congress authorized funding for the Office of Government Ethics in 1983 and 1988. The most recent authorization expired on October 1, 1994. H.R. 3235 reauthorizes the Office of Government Ethics through fiscal year 1999.

The system of ethics in Government enacted by Congress is designed to ensure that executive branch decisions are neither tainted nor appear to be tainted by any questions of conflict of interest on the part of the employees involved in those decisions. The Ethics in Government Act states that the Office of Government Ethics is responsible for providing overall direction of executive branch policies relating to preventing conflicts of interest on the part of officers and employees of any executive branch agency. Over time, the responsibilities of the office have expanded by statute and executive order to include providing interpretive guidance on, and administrative support for a number of additional requirements related to employee conduct. These functions comprise the ethics in government program of the executive branch.

Section 2 of the bill under consideration authorizes the Director of the Office of Government Ethics to accept gifts on behalf of that agency. Federal departments and agencies are not permitted to accept gifts unless they have specific statutory authority to do so. While the Office of Government Ethics currently has no such authority, 19 executive branch agencies and departments do have gift acceptance authority.

In testimony before the Subcommittee on the Constitution, Director Potts stated that the office intends primarily to use its government acceptance authority to support its education and training program in carrying out the office's training mission. The office provides multiagency ethics training sessions for Federal employees at locations both in Washington, DC, and throughout the United States. Often there is no Federal facility available that can provide adequate space and services for such training sessions. The gift acceptance authority contained in H.R. 3235 will allow the Office of Government Ethics to accept donated non-Federal facilities which in the past have been offered by State and local governments.

This gift acceptance authority includes the requirement that the Director promulgate rules establishing criteria governing gift acceptance to ensure the acceptance of any gift will not compromise the integrity of the agency's programs or create unfavorable appearances. It is the intention of the sponsor that these rules will safeguard against even the appearance of a conflict of interest in the acceptance of gifts by the Office of Government Ethics.

The 19 executive branch agencies and departments that have gift acceptance authority are not required currently to prescribe regulations governing the use of such authority. After the Director promulgate regulations establishing a set of criteria governing gift acceptance, these regulations will serve as a source of model guidance to be used by departments and agencies.

H.R. 3235 also adds a new limitation on post-employment restrictions. This provision will allow campaign related communications by former government officials which are currently prohibited. Currently former Members, staff, and certain executive branch employees are subject to a blanket 1-year prohibition on communications to Members, staff, or the employee's former executive branch agency, where the intent of the communication is to influence the actions that individual's former office. However, those individuals who wish to take a leave of absence or resign from an office to work on a campaign are prohibited from making anything more than ministerial communications with their former office.

The purpose of the existing 1-year cooling-off period is to prohibit an individual from pecuniary gain as a result of past relationships at that individual's former office. However, in the case of a leave of absence or resignation to work on a campaign, the issue is not one of pecuniary gain from past office relationships. Instead, the issue is one of allowing necessary communications integral to any campaign-related employment. Therefore, where the intention of the former employee is to participate in the electoral process subject to the narrow exception established by the protection of this bill, the revolving door restrictions of title 18 will no longer apply.

Finally, section 6 of the bill amends section 207(c) of title 18. This amendment is necessary so that Senior Executive Service level 4 employees will not be subject to the post-employment restrictions of section 207, which was the intention of the 1989 Ethics in Government Act amendments. Section 6 amends the last clause of the definition of "senior" official in section 207(c) by tying the basic rate of pay to a level equal to or greater than that of level 5 of the Senior Executive Service.

Section 207(c) of title 18 was amended in 1989 to define "senior" officials in part as those officials serving in any position for which the basic rate of pay is equal to or greater than that of an employee serving in an Executive level 5 position. In 1989, the definition of "senior" officials encompassed individuals at levels 5 and 6 of the Senior Executive Service.

The change made by section 6 of the bill is necessary because Congress has chosen for purposes unrelated to post-employment restrictions to freeze the rates of pay for positions on the Executive Level Schedule. The rates of pay for positions in the Senior Executive Service are set by the President through executive order. On January 7, 1996, Executive Order 12984 increased the basic rate of pay for a Senior Executive Service level 4 employee to an amount above that of an Executive Level 5 position. The result of this executive order is the unintended consequence of Senior Executive Service level 4 employees being subject to post-employment restrictions originally intended only for Senior Executive Service level 5 and 6 employees.

Mr. Speaker, the Committee on the Judiciary reported H.R. 3235 by voice vote. H.R. 3235 is the product of the combined efforts of the majority and minority in the Judiciary Committee with the significant input of the administration and the Office of Government Ethics. I would particularly like to thank the gentleman from Massachusetts [Mr. FRANK], the ranking member of the Subcommittee on the Constitution, for his work on this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself less time than anyone else has taken today to express my appreciation for the gentleman's kind remarks, my agreement with the substance.

Mr. HORN. Mr. Speaker, the purpose of this legislation is to provide the reauthorization of the Office of Government Ethics and its activities. This extension and authorization would be for 3 years.

The Office of Government Ethics serves a useful function in assisting executive branch officials and employees to assure that they conduct their affairs in an atmosphere free of questions of improper influences on the decisionmaking process.

At a time when the activities of executive branch officials and employees are the subject of a number of inquiries, the Office of Government Ethics must be aggressive in ensuring that the highest standards of ethical conduct are followed by those the office is designed to serve.

The Subcommittee on Government Management, Information and Technology, which I chair, also has jurisdiction over this office. We will work with Mr. CANADY's subcommittee to monitor the Office of Government Ethics' effectiveness in the performance of its mandate.

This legislation has bipartisan support. It deserves that support. I congratulate Chairman HYDE and Chairman CANADY on their work to bring this matter to a vote.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield back the balance of my time.

Mr. CANADY of Florida. Mr. Speaker, I yield back the balance of my time.

Mr. SPEAKER pro tempore (Mr. UPTON). The question is on the motion offered by the gentleman from Florida [Mr. CANADY] that the House suspend the rules and pass the bill, H.R. 3235.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

SENSE OF CONGRESS THAT SECRETARY OF AGRICULTURE DISPOSE OF REMAINING COMMODITIES IN DISASTER RESERVE

Mr. BARRETT of Nebraska. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 181) expressing the Sense of Congress that the Secretary of Agriculture should dispose of all remaining commodities in the disaster reserve maintained under the Agricultural Act of 1970 to relieve the distress of livestock producers whose ability to maintain livestock is adversely affected by the prolonged drought conditions existing in certain areas of the United States, as amended.

The Clerk read as follows:

H. CON. RES. 181

Resolved by the House of Representatives (the Senate concurring), That, in light of the prolonged drought and other adverse weather conditions existing in certain areas of the United States, the Secretary of Agriculture should promptly dispose of all commodities in the disaster reserve maintained under section 813 of the Agricultural Act of 1970 (7 U.S.C. 1427a) to relieve the distress of livestock producers whose ability to maintain livestock is adversely affected by the disaster conditions, such as prolonged drought or flooding.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nebraska [Mr. BARRETT] and the gentleman from Texas [Mr. STENHOLM] each will be recognized for 20 minutes.

The Chair recognizes the gentleman from Nebraska [Mr. BARRETT].

Mr. BARRETT of Nebraska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this concurrent resolution expresses a sense of Congress that the Secretary of Agriculture should dispose of all remaining commodities in the disaster reserve. At the present time, the Commodity Credit Corporation is holding approximately 45 million bushels of feed grains, primarily corn, barley, and sorghum. Release of this grain should help relieve the distress to livestock producers who are adversely affected by the prolonged drought conditions which are existing in certain areas of the United States.

Mr. Speaker, passage of this House concurrent resolution calling for the release of Government-owned feed grain is very important for several reasons. First, the drought is causing many areas of our country their worst natural disaster of this century. Dry areas include Texas, New Mexico, Colorado, Kansas, Oklahoma, in particular. In some of those areas, it is now being compared to the 1930s dust bowl. Farmers who own livestock are being severely hit with the drought conditions, especially when coupled with the low point in the cattle cycle and record high grain prices.

The grain in this disaster reserve, nearly 45 million bushels, as I said, is worth approximately $200 million and would provide for all the cattle on feed in these affected States enough feed to feed them for perhaps a little over 2 weeks.

Passage of House Concurrent Resolution 181 not only makes sense, it saves money. The Federal Government is currently spending approximately $10 million a year to store this grain.

In my opinion, the Government should not be paying huge storage fees and holding grain from the marketplace when this country is experiencing record low grain supplies.

This is an important concurrent resolution. I thank the leadership for providing its swift consideration. The release of this grain across the country should provide some temporary relief for our Nation's livestock sector.

Support for the resolution shows that this Congress is aware of the severe disaster taking place in drought regions across this country and of course we are willing to use what resources we have to make the situation just a little bit better.

I urge the adoption of House Concurrent Resolution 181.

Mr. Speaker, I reserve the balance of my time.

Mr. STENHOLM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Concurrent Resolution 181, which has been introduced by my colleagues on the Agriculture Committee, Mr. BARRETT and Mr. EMERSON. I applaud the actions of my colleagues in this effort and am pleased to join them in bringing the bill to the House floor this afternoon.

I would also like to note that the Clinton administration has been working on a similar effort to make Government-owned feed grain stocks available to hard-pressed livestock producers. I'm certain that Secretary Glickman will welcome the support shown by this concurrent resolution to continue this process.

There is no doubt that there is a need to alleviate the stress facing producers in many parts of this country due to the severe drought in the southern Plains and flooding and excessive rainfall in the northern Plains and eastern corn belt. These natural disasters come at a time when grain stocks are at their lowest levels in decades causing record market prices and cattle producers are receiving even less for their animals than during the Great Depression based on inflation-adjusted dollars.

The release of this grain would be in addition to the actions already taken by the Clinton administration to help alleviate the stress in the livestock and crop sectors. These actions include release of conservation reserve program acres for haying and grazing, extension of noninsured crop disaster assistance program coverage, extension of the livestock feed program, the release of additional funds for emergency loans, advance purchases of beef for the school lunch program, and export credit guarantees for meat.

In my own State of Texas we are facing devastation in the livestock and crop sectors in the range of $6.5 billion and the summer has just begun. Sixty-two percent of the rangeland in Texas is rated as being in poor to very poor condition and producers are facing $374 million in added feed costs for beef cows alone due to the deterioration of range and pasture lands. Dairy producers in Texas are facing a possible doubling of their normal feed costs due to the increases in the cost of feed and hay they depend on for daily milk production.

Similar statistics are available from other States: State agricultural officials in Oklahoma have indicated the possibility of 5,000 to 10,000 producers going out of business in that State. Kansas is facing their worst wheat crop since the Depression with the 180 million bushel harvest—less than half the normal.

There is no opposition to the bill that I am aware of and this should have very little effect on the normal movement of grain because it will probably be distributed directly to producers outside the normal channels of grain merchandising.

I would encourage my colleagues to support this resolution. The livestock sector in our country contributes billions of dollars to our economy and if we do not take actions to help stem the liquidation of herds now, we will pay the price later for rebuilding that infrastructure.

Mr. Speaker, I reserve the balance of my time.

Mr. BARRETT of Nebraska. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Speaker, I join in support of this resolution. It is true that we have had a lot of droughts, a lot of floods, especially in my State of California, where agriculture is the No. 1 commodity. But I just this weekend spoke to a group of poultry producers, and they also say a large reason for the increase in cost and shortage of grain is that we have given so much grain overseas, in some cases sold it below the price, that our people are now having to pay expensive prices here in the United States.

For example, the price of chickens is going to go up 50 percent because of the cost of the grain. I would urge the producers of this resolution and the committee to take a close look before we sell grain overseas or give it away that affects our producers here in this country that we need to take a second look at it. I rise in strong support, and I thank my colleagues on both sides of the aisle.

Mr. RICHARDSON. Mr. Speaker, New Mexico is the driest that it has been in 101 years. People in the West need help from a severe drought that has devastated New Mexico, Texas, Arizona, Nevada, and southern California.

I rise in strong support of this legislation which will offer some relief for ranchers who do not have feed for their cattle.

The dry conditions mean no pasture, no hay, and a limited amount of grain.

The shortage of grain on a worldwide basis has heightened the already disastrous situation for ranchers affected by the drought. Because of a lack of grain, producers in my district are being forced to sit back and watch their cattle starve.

This legislation will allow the USDA to release 46 million bushels of feed grain that is being held in reserves.

Although this resolution is not amendable I would like to urge the USDA to make this grain available directly to the ranchers in the drought affected States who are in need.

New Mexico ranchers need this relief now.

Mr. BENTSEN. Mr. Speaker, I rise in strong support of House Concurrent Resolution 181, which directs the Department of Agriculture to release the national grain reserve. This action is necessary because of the severe drought conditions being experienced in the Plains and Southwest portions of this country.

Severe drought conditions have stunted the growing season for Texas cotton, wheat, and grain farmers. Soil erosion is becoming a critical issue as the dry season is beginning and summer winds will literally scour fields clean of nutrient rich topsoil.

Texas cattle producers are also being devastated by the drought because it requires them to buy more feed at a time when prices are extraordinarily high. Livestock producers in general are suffering tremendous losses because the natural forage withered due to lack of measurable rainfall.

This resolution allows the release of the reserve only if the President declares a natural disaster in the region, which President Clinton has done, or if we pass this concurrent resolution declaring that such reserves should be released.

Without immediate assistance, ranchers will continue to cull their herds, which will result in higher beef prices for consumers once the supply is exhausted. Mr. Speaker, this is not simply a rural issue. If prices of feed grain and beef are allowed to fluctuate wildly, all of us will feel the impact at the supermarket. We need stable food prices, and this resolution can help achieve that goal. I urge the Department of Agriculture to release this reserve directly to the cattle producers and not through the Commodity Credit Corporation to speed the aid directly to where it is needed.

Banks should also be allowed to extend nonperforming loans without increasing reserves. Allowing banks the flexibility to assist farmers will ensure my State's farmers can survive through this drought.

Mr. BARRETT of Nebraska. Mr. Speaker, I have no further requests for time, and I yield the balance of my time.

Mr. STENHOLM. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nebraska [Mr. BARRETT] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 181, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The title was amended so as to read: "Concurrent resolution expressing the Sense of Congress that the Secretary of Agriculture should dispose of all remaining commodities in the disaster reserve maintained under the Agricultural Act of 1970 to relieve the distress of livestock producers whose ability to maintain livestock is adversely affected by disaster conditions existing in certain areas of the United States, such as prolonged drought or flooding.".

A motion to reconsider was laid on the table.

☐ 1600

GENERAL LEAVE

Mr. BARRETT of Nebraska. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Concurrent Resolution 181.

The SPEAKER pro tempore (Mr. UPTON). Is there objection to the request of the gentleman from Nebraska?

There was no objection.

PERIODIC REPORT ON NATIONAL EMERGENCY CAUSED BY LAPSE OF EXPORT ADMINISTRATION ACT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 104-225)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed.

To the Congress of the United States:

As required by section 204 of the International Emergency Economic Powers Act (50 U.S.C. 1703(c)) and section 401(c) of the National Emergencies Act (50 U.S.C. 1641(c)), I transmit herewith a 6-month periodic report on the national emergency declared by Executive Order No. 12924 of August 19, 1994, to deal with the threat to the national security, foreign policy, and economy of the United States caused by the lapse of the Export Administration Act of 1979.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *June 4, 1996.*

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

DISCUSSION OF 1997 BUDGET

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Hawaii [Mr. ABERCROMBIE] is recognized for 60 minutes as the designee of the minority leader.

Mr. ABERCROMBIE. Mr. Speaker, I wish I could say it was a pleasure to be here today, but I intend to discuss the 1997 budget today.

Mr. Speaker, you may recall that I analyzed the 1996 budget activity in the context of an extended debate that took place on this floor, and in the other body, and you may recall, Mr. Speaker, that I invoked Members from the other body, like Mr. HOLLINGS and Mr. DORGAN, covering the full range of opinions certainly in the Democratic Party. I indicated in that discussion that I had in conjunction with the CONGRESSIONAL RECORD in 1996 that there was no such thing as a balanced budget being prepared, let alone put forward in 1996, and we have the same situation today.

Mr. Speaker, I do not doubt that it is very important for Mr. DOLE to resign from the Senate to run as citizen and/or candidate DOLE, because I do not think that in his role as Senator, let alone majority leader, that he would have the opportunity to have much credibility in the way of putting forward a balanced budget amendment, let alone putting forward a balanced budget for 1997.

My fundamental point, Mr. Speaker, is that the budget that will be presented to us shortly, possibly this week, and be dispatched as quickly as possible, as opposed to 1996, dispatched as quickly as possible because it is not a balanced budget.

Now, my good friend, my good and dear friend I would say, the gentleman from Ohio [Mr. KASICH], will come down, and he is an engaging individual. When I state my affection and friendship for him, Mr. Speaker, you know that it is a feeling that is genuine on my part. I value his friendship and I have genuine affection for him as an individual, but he has an impossible task. I grant he is probably the best one to try to put it forward.

As you know, Mr. Speaker, he is an avuncular person, even as yourself, and he will come down on the floor, and with his engaging smile and his wit and rhetoric, we will put the best possible face on the fact that this is not a balanced budget document. It is not balanced for 1997, it most certainly is not going to be balanced for the year 2002.

The reason I am taking the special order time, Mr. Speaker, with the budget, is that given the rules of the House it is virtually impossible to have any kind of lengthy discussion that would illuminate for the public and for the Members exactly what the budget is all about. Most of this takes place in a hearing room, in the Committee on the Budget hearings, and in staff work that is being done, discussions between the House and the other body with respect to a conference on the budget. Suffice to say, and I will for the RECORD, and would be happy to engage, as I did previously when we discussed the 1996 budget, be happy to engage anyone from the Republican side or from the Democratic side, because the budget being prepared from the Democratic side does not balance either. The difference is that we can count, I can count.

As you know, Mr. Speaker, I would like to see the budget deficit disappear, but I think we should take a much longer period of time to do it so that we do not endanger the economy. I think that, interestingly enough, considering the labels that are put out about liberal Democrats and conservative Republicans or conservative Democrats and liberal Republicans, whatever these labels are, that I think the Federal Reserve, Mr. Greenspan's approach has been that the economy should be prevented from slipping into either recession or depression or slipping into a phase of inflation or hyperinflation. I think the stock market reflects this.

The fact is that the growth in the economy is such that with a judicious approach to deficit cutting, we could keep the economy robust and reduce the deficit. This is, in fact, what President Clinton has accomplished. I know this is a source of great distress to those who predicted disaster with the Clinton budget, as presented in 1992 and 1993, but the fact is that the deficit has been cut considerably both in percentage terms and in real dollars for 3 years running now, something which has not happened since the end of World War II.

So the President, not having the benefit of a Congress which is supportive of him in the majority; that is to say, a Republican Congress before him, has accepted the admonition of the majority to utilize the Congressional Budget

Office figures in order to present to the public the idea of what would constitute numbers sufficient to have a balanced budget.

In that role; that is to say, of a President who is faced with a Congress that wants to balance the budget utilizing the Congressional Budget Office figures, he accepted that ultimately in 1996. His priorities were different. As a result of the priorities within those priorities were, the President vetoed various elements of the budget and the budget was ultimately settled in a series of confrontations, a series of recriminations and arguments back and forth as to who was doing what and why.

In the course of events, the Government was closed on various occasions and generally it was seen as a kind of sorry affair all the way around. Nonetheless, my point here is recounting that today is that we will not see that again, apparently, in 1997. We will go through the same series of illusions, using somewhat different numbers, but we will come to a much more rapid conclusion. The reason we will come to the more rapid conclusion is that we will not have the opportunity this year to go through—if the gentleman from Michigan would step to the microphone, I will be happy to yield at an appropriate point.

Mr. Speaker, if Mr. SMITH will grant me just a moment or two more to make the fundamental of my case, then I will be happy to yield to him. Always a pleasure to see him. In fact, he was one of the few people, as I mentioned previously, Mr. Speaker, who was willing to engage in a dialog and a colloquy on the question of the budget, and I value his input and exchange.

As I indicated, Mr. Speaker, in 1996, if you will recall, we went through weeks actually, not just hours or days of discussion but weeks of discussion, and in the course of that discussion I was on the floor reviewing the budget, and I will do so again for 1997. My fundamental premise is this, that just as there was only the illusion of a balanced budget proposal, whether single year or multiyear, in 1996, there will be only the illusion presented this year. It will be strictly for political consumption and will not amount to anything worth the paper that it is written on in such elaborate fashion.

I have here, Mr. Speaker, in my hand, and I will not have extensive charts down on the floor, I think the report speaks for itself, it is the concurrent resolution on the budget, fiscal year 1997, a report of the Committee on the Budget of the House of Representatives to accompany the Congressional Resolution 178 setting forth the congressional budget of the United States Government for the fiscal years 1997 through 2002, and it has additional minority and dissenting views.

Now, this document runs some 450-plus pagers, 455 pages or so, and it is a very interesting document. It takes 44 pages, which is the first 44, takes 44 pages to get to the actual budget, when we actually get to the fiscal year budget for 1997. It is preceded on the page 43 with the end of politics as usual. This, I take it, is not exactly an attempt at humor on the part of the Committee on the Budget, the Committee on the Budget not being known for its sense of humor, other than in the person of, as I said, the aforementioned chair of the Committee on the Budget, but in the end of politics as usual, functions by function description, it says, "The discussions that follow describe the budget resolution's recommended priorities for the fiscal years 1997 through 2002."

Now, it took us 44 pages to get there. We went through everything, including attacking corporate subsidies, economic assumptions of the budget resolution, the Clinton crunch, Americans' anxiety about their economic future, quite a rhetorical set-to in the first 44 pages. But what do we have then on page 44?

Well, it says at the end of each function, "Additional provisions with budgetary effects are mentioned." Mentioned, Mr. Speaker. I am going to get into a little more detail. The discussions that follow reflect the assumptions underlying the House Committee on the Budget's recommendations concerning the funding priorities for programs in each function.

The actual changes for the programs fall under the authority of the authorizing and appropriating committees with jurisdiction over the programs.

☐ 1615

Let me explain very briefly, for those Members who may not be fully familiar with the budget process and those members of the public which may follow the CONGRESSIONAL RECORD on this who may not be totally familiar with it, once the Committee on the Budget makes its recommendations, it provides through that recommendation a kind of game plan for us in the House and the other body, a game plan for the Congress.

Then the various committees in the Congress, whether they are authorizing committees or whether they are appropriating committees, authorizing meaning the program committees, the subject matter committees, and the Committee on Appropriations and its subcommittees, those who provide the money for the functions that are approved and authorized, they put the actual numbers and programs behind the Committee on the Budget recommendations.

So with that in mind, what do we get to? We hear from Mr. DOLE, Mr. Clinton, Mr. KASICH, Mr. SABO, heartfelt and I will say totally sincere admonitions to us to arrive at a balanced budget. Well, as I indicated, I think that can be done. I think it will take a lot longer period than 1997 to 2002, and I need only look at the actual budget document itself to come up with proof of that.

Let us examine what it actually says on page 44 of the budget resolution. Fiscal year 1997 through 2002, the deficit starting in 1997 will be—and these are estimates, they could go up or down. We realize that, but this is the best guess. And it is an informed guess by the Committee on the Budget and utilizing the congressional budget figures, and I take them at their word on this. And for conversation's sake, I will agree that these are the numbers that are under discussion and upon which we will vote—$163 billion deficit in 1995; 1996, it was $150 billion. The 1995 figure was down from the figures previous to that. You may recall during the last years of Mr. Bush's administration, the figures were 250 and above, between 250 and 300 billion. The number 163 then was progress. It may be too high for some people but unless you want to literally amputate the economy in order to achieve a balanced budget, this is certainly within the range of acceptability. It certainly has been reflected, that acceptability has been reflected in the conservative bodies, if you will, of financial opinion in this country as manifested in the policies of the Federal Reserve and the response of the stock exchange. So we had 163 billion, down considerably from the 250 to 290 billion plus of previous years; 1996, 150; 1997, the estimate is 147.

This is a deficit I am citing. It is not something I am making up. I am taking this directly from page 44 under the column line deficit/surplus. Either it is a deficit or a surplus. This is the deficit. We get deficits in 1998, 1999, the year 2000, 2001, going from 147 to 142 to 114 to 87 to 39, certainly progress, then suddenly, as if by magic, Mr. Speaker, in the year 2002, we get a plus 3 billion, $3.185 billion.

To me it is like watching a television show I saw recently, I think it was called the Wonderful World of Magic. This is the wonderful world of congressional budgeting. When someone is sawed in half, I saw this again, that is one of the oldest tricks, sawing a, generally a young woman in half, we do not really saw her in half. You have the illusion of her being sawed in half. She waves from one end, and the box is split in half and the feet are wiggling at the other end. Then the box is brought back together again and magically she reappears. That knife that went through that body apparently was an illusion.

Well, the deficit cutting knife that is going through the deficit here between the years 1997 and 2002 is an illusion. Because suddenly, she is whole, the budget is whole, the budget has been balanced in 2002. Yet what happens then between 1997 and the year 2002, we have had an accumulated deficit of 528 billion. But magically, after that 528 billion in increasing deficit has occurred, suddenly, 528 billion later we achieve a $3 billion surplus for that 1 year. After that the deficit explodes again.

Mr. Speaker, surely you can see and surely Members can see and surely the public, upon reading this document, will see that this is a game that is being played, a ballet with the books, a budget that is in name, a budget balancing act which is in name only, an act, yes, but certainly not balanced.

I see the gentleman from Michigan [Mr. SMITH] has taken the rostrum down on the floor and I presume would like to have some discussion. I yield to the gentleman from Michigan.

Mr. SMITH of Michigan. Mr. Speaker, I hope we could also carry on a colloquy and make clear to the American people what is happening on this budget. When you speak of the young lady being sawed in half, I always figured that was contortions with one whole person in each half of the box. I think that contortions on the budget is something that Congress has become accustomed to.

I appreciate the gentleman from Hawaii suggesting that the budget is not a true balanced budget in terms of the fact that it does not consider whether it is borrowing from the 153 odd trust funds, the large contributor to that lending, of course, is the Social Security trust fund, but still——

Mr. ABERCROMBIE. Mr. Speaker, I had not gotten to that, but as Mr. SMITH knows from our previous discussion, that is where in fact the money comes from. We borrow the money to mask the deficit, do we not?

Mr. SMITH of Michigan. Well, I think there are two things. Technically, if you take all revenues coming into the Federal Government and then you subtract what you spend and if that number is a plus or minus, maybe technically it is balanced, but honestly, the fact is you are exactly right, which we are still continuing to borrow, in the year 2002, $100 billion from the Social Security and other trust funds.

Mr. ABERCROMBIE. That year?

Mr. SMITH of Michigan. That particular year. So we have now amassed approximately $500 billion that we have borrowed from Social Security and no way to pay it back. But let us not take our eye off of the ball that we are talking about. It seems to me that that ball, in terms of the Federal budget, is cutting spending. We have the ability in Congress to cut discretionary spending. But when you realize that discretionary spending only involves about one-third of the budget and we have got about 20 percent that goes to the interest on the money that we are borrowing and then almost half of the budget is entitlement spending, so I think your example of an illusion that somehow magically the budget is going to be balanced in these out years is exactly that, because will we stick to our guns and balance the budget?

Mr. ABERCROMBIE. Mr. Speaker, I do not think it is necessary for us to yield back and forth inasmuch as we have eye contact. I think we can do this, with the Chair's permission, carry on a conversation, because this is a colloquy and a conversation.

Would the gentleman agree then that there is no plan stated that I could find in this budget document, I have gone through all 450 plus pages, including the dissenting opinions, that provides a plan for repayment of the money that is borrowed to achieve this balancing of the budget in the year 2002, at least on paper?

Mr. SMITH of Michigan. That is correct. The gentleman is correct on that. Since 1986, when we started bringing in the greater surpluses from Social Security and some of the other trust funds, such as the Federal retirement trust fund, a law was passed back in the 1980's that says any surplus money automatically goes to the Treasury for borrowing. I think that is wrong. It is an incorrect way to be fiscally responsible for the future of Social Security and the other trust funds.

Mr. ABERCROMBIE. Would you agree that it is very convenient for the Committee on the Budget then to be able to cite the so-called surplus in the Social Security fund as a source of providing the funds for balancing the budget?

Mr. SMITH of Michigan. But I think we should make it clear, this is not Republican or Democrat. It is what everybody has been doing, and so I appreciate the opportunity to make people aware of the serious nature of Social Security. If I just might, 2 weeks ago, one of the former commissioners of Social Security said that she perceived that it would be possible sometime in the year 2005, that part of that year there would be less money coming into Social Security than was required for a payout; in other words, not having enough money. And so when do we start and how do we start paying back the money we own Social Security?

Mr. ABERCROMBIE. I am not an advocate of term limits. It all depends on whether you and I are here or not. But for some people who are advocating a balanced budget and have been castigating one side or the other over the lack of a balanced budget and who say they are for term limits, they want to pass this budget, they will be gone out of the Congress. And suddenly, 2005 will be here and they will say, it is not my fault, I had nothing to do with it.

Is it not our responsibility, if we are telling people that this is a balanced budget and there will be a balanced budget in 2002, that that be meaningful, that that not reflect an illusion, reflect borrowing for which there is no payback plan? You and I cannot borrow. If we say we should run the Government more like a business or the general illusions, we should at least be honest about our borrowing. You and I could not borrow money and not have a payback plan, could we?

Mr. SMITH of Michigan. I do not think we want to pick on the President, but we want to certainly include him in this discussion. Seventy percent of his discretionary cuts come in the last 2 years, that even if he is reelected he is not going to be here either. To pretend that we are going to do these gorgeous things in the last 2 years is not honest and it is not fair. We should have lower spending every year.

Mr. ABERCROMBIE. Would the gentleman agree that what is called back loading in the last 2 years is not limited to the President's budget, that it is also reflected in this budget put forward by the majority in the House?

Mr. SMITH of Michigan. Would the gentleman permit me to define what I see as the difference in those two budgets? The President's budget says that if it is not going to balance without the changes in the welfare and entitlement spendings, we want automatic spending reductions to come out of discretionary spending in those last 2 years. The Republicans have suggested, in your budget resolution book that you carry, that we are going to start changing those welfare entitlement spending programs. And that is a gradual transition so we start with some minor spending cuts, and those spending cuts, by changes in the legislative language, become greater amounts in the out years. But, yes, both budgets depend on those last 2 or 3 years for a significant part of what is going to end up being called a balanced budget.

Mr. ABERCROMBIE. Both budgets depend on balloon payments?

Mr. SMITH of Michigan. Both budgets depend on those out years to accomplish the final goal. I think that should call to our minds and attention that we should have a gradual sloping line. We should get on that glide path and reduce spending every year for the next 6 years to make sure that we have a balanced budget, not leave it up to future Congresses in case you and I are not here.

Mr. ABERCROMBIE. You and I may not be here after today. Although I must say that this does show, I think, that this is not so much a question of majority versus minority. It is a question of whether you want to be honest about it.

My defense, if you will, of the President's approach under this is that the President has accepted, and I will say in good faith, the congressional budget numbers as offered by the majority. His difference comes in this, in how he prioritizes the spending changes. We can argue that and I think we should argue it a lot more.

My fear is, and what I said earlier today was, because it is so difficult to understand terms like out years and whether a surplus is really a surplus and those kinds of things, because it is so difficult, the majority, I am given to understand, intends to put forward the budget and the amount of discussion that is going to take place about the budget, such as you and I are having right now, will be minimized. In fact, it will be virtually nonexistent. From what I can gather, both sides are apparently quite content to do that. Although I would welcome the opportunity, if Mr. SOLOMON and the Committee on Rules would agree, to open up the budget for 3 or 4 or 5 days' review.

☐ 1630

Mr. SMITH of Michigan. Do you agree, Mr. ABERCROMBIE, if I might presume to ask you a question, that we should cut spending enough, both discretionary spending and the welfare entitlement spending, enough so that at the end, when we call it a balanced budget, we are no longer borrowing from Social Security.

Mr. ABERCROMBIE. I not only agree, but I think we should have an extensive discussion as to what exactly constitutes welfare, what exactly constitutes discretionary spending, what programs should we have and not have.

For example, my understanding is that the Speaker, for some reason unknown to me, is proposing a defense act or bill which revolves around national missile defense. Now, I would say, and I would hope you would agree, that the majority has not only very able, but extremely well-informed, experienced legislators on the Committee on National Security, of whom I can name two or three right now: Mr. WELDON, Mr. HUNTER, and Mr. CUNNINGHAM. I can think of just three offhand. And the minority has people like Mr. SPRATT.

Mr. DELLUMS, others I could name, Mr. PETERSON of Florida, who are equally capable, and equally capable, by the way, of defending and rebutting on the question of national missile defense.

But the Speaker has said he wants to bring forward a missile bill. Now, I do not think the Speaker knows any more about missiles than he knows about Hawaiian malasadas, and I do not think he knows much about malasadas, and I will spell that after this is over, but take it from me, it is a Portuguese donut, and I do not think he knows much about it. I think Leonard's knows all about it out in Honolulu.

But that budget, if we are going to talk about spending and welfare, has to be looked at very hard. The Congressional Budget Office, as I understand it, came up with figures just to acquire this defense system, missile system, national missile defense, of between $30 and $60 billion. Now, that is a serious question; and we cannot hide behind the idea that somehow, if you are for it, you are for defense, if you are against it, you are against defense, when you have to put it in terms of what constitutes proper spending under the admonitions that you just enunciated.

Mr. SMITH of Michigan. Just as a footnote, my understanding is they are talking about a program that would be closer to $5 billion now, but just for everybody I think we should put it in perspective of what the military budget is in relation to other spending.

The military budget, 1 of the 13 appropriation bills, is approximately 15 percent of the total Federal budget. The welfare entitlement programs are approximately 50 percent of the budget. I think we need a discussion in our effort to balance the budget, what should be the obligations of the Federal Government——

Mr. ABERCROMBIE. I agree.

Mr. SMITH of Michigan. What is its priorities and what should we do, and I think the gentleman would agree, whether we are spending $350 or $340 billion, that defense is an absolute responsibility of the Federal Government.

Mr. ABERCROMBIE. I am sure the gentleman would agree also that an investment in our children, an investment in the educational infrastructure and foundation, both literal and figurative, of our children is equally a national priority and a defense of the Nation. So what we need is a discussion as to what constitutes an actual strategic policy of the United States with respect to procurement of military technology and what constitutes an investment in our people as well. That deserves a discussion.

I am not saying necessarily a lengthy discussion, but it certainly deserves a discussion in depth, and perhaps the gentleman could indicate whether my understanding is correct, that the intention of the majority, the intention of the majority leader and the Committee on Rules is to dispatch this budget within a day or so of our discussion today.

Mr. SMITH of Michigan. Well, I think, Mr. ABERCROMBIE, what I will do is make one more comment. I feel somewhat guilty using your hour of time——

Mr. ABERCROMBIE. No; not at all.

Mr. SMITH of Michigan. And doing part of the talking, but it seems to me when you mention, when you mention having an investment in our children and our grandchildren and in future generations, it seems to me that there is something immoral about the fact that we think our problems today are so great that we are borrowing the money that they have not even earned yet, that somehow we are saying, look, we are going to borrow the money, and our kids and our grandkids are going to have to pay it back, our debt today, like they are not going to have serious problems of their own in the next 20 or 30 years.

So, No. 1, I say it is immoral for us to overspend and borrow the money and make our grandkids pay for it; No. 2, I say it is dumb economically because what we are doing now is we have a Federal Government that borrows 41 percent of all the money lent out in the United States. Alan Greenspan, the chairman of the Fed, said, "Look, if you guys balance the budget, you're going to end up with interest rates that are 2 percent lower. You'll see this economy and jobs go like they have never gone before." Yet we, as politicians, find it difficult not to say "yes" to everybody.

Mr. ABERCROMBIE. Well, are you making an argument to vote against this budget then, because it does not balance, as you indicated, and it does borrow immorally against a future, the immediate future.

Mr. SMITH of Michigan. I would say the first thing I did when I came to Congress 3 years ago was introduce my own balanced budget.

Mr. ABERCROMBIE. I credit you for that.

Mr. SMITH of Michigan. I balance it in 5 years. I think we should be even more frugal than this Republican budget. I think we should cut more spending. I think we should be more aggressive in our determination to end up with what you suggest, a true balanced budget, but it's the best we have got.

Mr. ABERCROMBIE. Let us talk about that.

Mr. SMITH of Michigan. This Republican budget is the best one of the whole bunch that we have got, certainly much better.

Mr. ABERCROMBIE. Let us talk about it just a minute. Would you indulge me and stay a moment longer because you know I want to catch you up on the importance of what you are saying, what I think I understand you to be saying.

You think it is immoral to borrow money that you have no plan to pay back for because our kids have to pay for it; right?

Mr. SMITH of Michigan. Yes.

Mr. ABERCROMBIE. And this budget does that over the next 5 years, or whatever the timeframe is, approximately 5 years, and I asked you then, I said, well, do you think then this is an argument against this particular budget? And you said, well, no, because you thought maybe you could even be more harsh. Certainly you did not mean that there should be greater cuts now and more borrowing.

Mr. SMITH of Michigan. No; I think there should be more cuts.

Mr. ABERCROMBIE. Well, either you do the cuts—can you come up with $528 billion?

Mr. SMITH of Michigan. Can I come up—you mean—are you talking about $500 billion that we owe——

Mr. ABERCROMBIE. I do not ask you that in a pejorative fashion. I am just trying to take the figure that is here in the budget because—that is presented by your party, by the majority party—because, as I understand this budget, they anticipate over the next 5 years a deficit of $528 billion. So it seemed to me that you would have to come up, if we are to balance the budget according to the—and I accept your premises; I mean I do not think they can be accomplished, but I accept that you mean these premises and you are putting them forward in good faith.

What that would mean in any estimation is that you would have to come up with a plan, not you personally necessarily, but the majority would have to come up with a plan for saving or cutting $528 billion and most certainly probably could not have a tax cut——

Mr. SMITH of Michigan. But, see, by definition, if you were to cut out that 500, that means a balanced budget this year. That means no overspending. And I think the pickle that we have got ourselves into by continuing to promise more and more people more and more things that we cannot afford, whether it is Social Security or whether it is Medicare or Medicaid or AFDC or anything else, we are going to have to gradually phase this down. As a conservative that thought we should balance the budget as a high priority, I thought we should do it in 5 years. The decision was: Let us get the economy going with tax breaks and do it in 7 years.

So I say OK, but let us take the best, the most frugal budget that gets us closer to the balanced budget, and so far it is the Republican budget.

Mr. ABERCROMBIE. Thank you very much. I appreciate it.

As usual, Mr. SMITH has been very forthright in his presentation, and I am appreciative of that. However, I would hope, Mr. Speaker, that you would consider what has been said during this colloquy, which I hope was at least informative, if not illuminating, and in the process then think about what Mr. SMITH said.

We know what he would prefer. He would prefer the deficit to disappear more quickly, and the reason that I find the notion amusing is I would prefer to be able to dunk a basketball, but I probably would have to pay a lot more in taxes. But I do not think that is going to happen. I mean it is an interesting thing to think about. In fact, I thought about it a lot in my life. I look at that basket up there, and I think, you know, it would be interesting to be able to dunk the ball. But it is a fantasy, and the difference between, I think, a sane person and someone who is steeped in illusion is to know the difference between fantasy and reality.

It is a fantasy, and by Mr. SMITH's own calculations it is a fantasy, to believe that we are really going to balance the budget in 5 years' time, or 7 years' time, because we have not taken into account where we borrowed the money to be able to put the numbers on the page to pretend that we were balancing the budget. Or we have imagined savings that somehow are going to take place like a balloon payment.

You notice I mentioned the phrase balloon payment because I think that is as close as the average person would come to be able to relate their own budget, say their own mortgage, to what is taking place here in the Congress.

I take no pleasure in going through this. On the contrary. I am glad Mr. SMITH was down here so that it does not look at if it is just something I am conjuring up in order to take up time or to try and make some remarks that can be seen as very smart and sophisticated and dismissive of the genuine problem that exists with respect to the deficit. On the contrary. I would take what Mr. SMITH said very much to heart.

If you recall, if I recall correctly, he stated something: We should do it more gradually. Well, say 7 years was gradually to him. Well, maybe it would take 17. After all, we take 30 years to pay a mortgage on a home. In many instances we take 5 or 6 years to pay a car, we take some months or even years to pay off an appliance. It seems to me that if we are talking about the economic stability of the United States of America, to put a 30-year timetable or a 15-year timetable on paying down our deficit so that our economy stays stable, in fact stays robust and growing, that inflation stays in check, and interest rates remain low, and confidence high, that that would be an excellent use of our time vis-a-vis the growth capacity and possibilities of the U.S. economy.

So there is no need to go through this kind of a charade with the budget unless we are trying to score political points and not deal realistically with the question of the budget and balancing it.

Let me further state then at this point a subject that we got into very briefly; that is to say Mr. SMITH and I got into it very briefly: How do you balance the budget when you are borrowing against Social Security, the so-called surplus in Social Security? And parenthetically, Mr. Speaker, let me say that that is not really a surplus. What we are doing now is what the average person thinks about when they put their savings together. They save now in order to be able to draw upon it in the future when it is needed.

Now, the rough parallel to that is the Social Security System. We are paying into Social Security more than we take out presently because we know that in the future those funds will be called upon to be paid out. More people will be drawing upon Social Security with less people paying into it, we will have to make adjustments at some point in order to take that into account. Now, presumably the economy will grow, the percentage that may be taken in your Social Security tax, your payroll tax, et cetera, may increase in absolute numbers because the economy grows.

All of those things can be guessed at, taken into account, but nonetheless the general proposition is, is that the Social Security trust fund must take in more money than it pays out as it goes along in order to be able to meet the requirements that Social Security will have to meet sometime in the next century in the early part of the century.

If that is the case, and we are borrowing from Social Security trust fund and other trust funds, principally Social Security, if we are borrowing from them and have no plan to pay it back, because I think Mr. SMITH agreed that nowhere in the 1997 budget projections through the next 5 years is there a plan to pay back Social Security, now, Mr. Speaker, if you and I borrowed money from ourselves and had no plan to pay it back, I do not think either of us would feel that that money somehow would magically appear in the year 2002.

All that being said, Mr. Speaker, the borrowing, the deficit rising, no plan to pay it back to the Social Security System, how then is it possible to claim that the budget will be balanced in 2002? How is that possible and at the same time have a tax cut that will take revenues out of the system?

Does it not make sense to you, Mr. Speaker, that if you are borrowing money in order in order to mask a deficit, that if you have a tax cut, which in fact increases the amount of money that will not be going to the Treasury, in addition to what you are borrowing, you are actually increasing the deficit? you are actually increasing the deficit even more.

This is why I oppose this idea of cutting taxes while you say you are balancing the budget. I have no objection to a tax cut if the tax cut is not couched in terms of balancing the budget. Surely we have been through this before.

☐ 1645

Mr. Speaker, I have no objection to tax cuts as such. Quite the opposite. I would like to see tax incentives. I would like to see, for example, and I think it is well known, I believe that we should have a business meal entertainment deduction increase. I would like to see it at 100 percent. I have no objection to supply-side economics, as such, when we can justify it, deliberate it, and discuss it on an issue-by-issue basis. I think that I could make a case that the business meal entertainment deduction is a job provider, is a job generator; that we could find labor and management on the same side of the table on that. I think the spousal deduction for travel ought to be put forward as an incentive to boosting the economy.

I think we will find, Mr. Speaker, in our home States that tourism, entertainment, and travel constitute one of the top three business endeavors in our States. Tourism, travel, and entertainment is the top money producer and job generator in some 13 States, and it is one of the top three in 30-plus States.

I am willing, Mr. Speaker, not only willing but eager, to have a discussion about where we can have tax incentives and tax breaks, and discuss what constitutes, as I said with the gentleman from Michigan previously, what constitutes welfare. Welfare is not just something that comes with a single mother and children. Welfare can come to corporations, too.

I notice that Mr. Trump was not hurting for people to come to his aid and rescue when he needed all the benefits of corporate welfare, when he was running through his various real estate machinations in New York and Atlantic City and elsewhere. Business has these incentives and breaks all the time.

I think individuals ought to be able to finance their education. We cannot exist in the 21st century without a good education, and I think that would be a good investment, if we can find a way to provide tax incentives and breaks to accomplish that. I think we would benefit from that.

The argument against that is the immediate consequences of some incentives and cuts and breaks, whatever we want to call them, may be a drop in the Treasury. I would argue that. We would have to determine whether or not, for example, with business meal entertainment deductions and the spousal travel deduction, if we were able to increase that, I think more business would be done, and I could make an argument that revenues would increase. This is essentially the supply-side argument that took place in the 1980's.

However, if we take it in such a broad brush that it is to cover everything, then I think we run into the trouble that this budget runs into, that we cannot make the numbers add up. That is where I think the difficulty occurs here. I would like to think, and I certainly hope that I am a reasonable person who takes his oath as seriously as anyone does in all of the Congress, and I believe every one of my colleagues and yourself, Mr. Speaker, takes himself or herself quite seriously when it comes to carrying out their duty under their oath of office.

As a result of that, I would like to think that while we may have disagreements as to the precise way in which we can accomplish our goals, that nonetheless, the discussion as to how to arrive at that is not only very valuable, but crucial to determining whether or not we are actually going to accomplish the goal. The goal here is ultimately to balance the budget while keeping the economy robust, and to see to it that the average American throughout the spectrum of opportunity and individual capacities and abilities does the very best that they can nationwide. That is what we do.

Mr. Speaker, it used to be a point of pride in this country that people earned a good living, that they could end up better than where they started. Now we seem to see an ethos developing of cost-cutting, which means people-cutting. People are being rewarded at the top of the corporate hierarchy for being able to cut jobs out, and to see to it that people are maligned simply for trying to get an increase in the minimum wage.

I do not think this is the atmosphere in which we want to discuss something like balancing the budget, because if the only way to balance the budget is to take it on the backs of children or on people trying to better themselves in life, that is no solution. To me, that runs counter to my understanding of what the American dream is all about.

So in that context, then, it seems to me that what is very important here is that we discuss what is actually happening. What actually is happening is that the budget is gradually being balanced, as it should be, without endangering the economy. The deficit declines for the fourth consecutive year in 1996. This is the first time it has happened since the Truman administration. I am going over some of the elements that I have cited before in a little more detail.

The traditional Congressional Budget Office baseline projections include discretionary spending at caps established in 1993 and show the deficit rising after 1996 and reaching $210 billion in 2002. This is $18 billion lower than the December projection of this year, and $80 billion lower than April of 1995. In other words, these numbers can change with the wind, but the wind has to be blowing in the right direction.

The direction of the budgetary wind is this: That we have a prudent understanding of what it takes to have the budget balance. To simply do it arbitrarily, as is done in this 1997 budget, and to think about the idea of cutting taxes at the same time that you are trying to achieve a balance in the budget and a reduction of the deficit, more than a reduction, the balancing of deficit spending, I think is beyond credibility.

I would indicate, Mr. Speaker, because I have had some considerable time to discuss it, and perhaps not all of our colleagues have heard the whole discussion, the hypothesis that I am putting forward, the thesis that I am putting forward, is that if you have as the budget, and the document I am referring to is the budget of the majority, the Committee on the Budget of the House of Representatives, if we have, as the Committee on the Budget indicates, deficits for every year from 1997 through 2001, and then suddenly find a surplus in the year 2002, it is just not credible. Try and sell that in Ravenswood, WV.

I talked with friends there today. I said I was going to make a presentation today. They were interested in what I was going to say, what my premises were going to be. I just asked whether or not this sounded credible, that you could have deficits, declining as they might be right up to 2001, and suddenly come up with a surplus in 2002, and then from 2003 on just watch the deficit expand again.

I hope that we are not going to be subject, Mr. Speaker, to Member after Member coming to the well of the House and regaling us with stories about their children and their grandchildren and all this mawkish, overblown rhetoric about how they are so concerned with their children and grandchildren, presumably none of the rest of us are, which I find a little bit farfetched, but rather, if we are so concerned about children and grandchildren, maybe we should be a little more honest with them right now.

My fundamental point is this budget does not balance. The budget in 1998 does not balance. The budget in 1999 does not balance. The budget in 2000, 2001, it does not balance. How is it going to balance in 2002? Even if it does on paper, how long is it going to last? Merely the time it takes to say it: "Oh, the budget is balanced"? Well, it was balanced, because it was balanced when I said it, but now we are 3 seconds beyond that time and it is not balanced anymore. But we balanced it for that moment, on paper, just to go through that allusion. I do not think it is worthy of this Congress to do it.

So, Mr. Speaker, I think if we look at 1996 and what we went through, we did not have a balanced budget but we did manage to cut the deficit. We did manage to cut the rate of the deficit. We did hold inflation down. We held steady on interest rates. I think on the whole, then, the President's priorities were met. The majority ultimately voted for a budget that was more in line with the President's priorities, so the President is entitled to credit for sticking to a position with respect to the rate of the deficit reduction under the premises established by the majority in the Congress, the Republican majority, and it worked.

Now the President is coming forward again, saying that he would like to see these priorities carried forward on education, on Medicare, on Medicaid and the environment, and that he has certain standards that he desires to maintain under pain of exercising his veto.

That is his constitutional right. In fact, it is his obligation as President, even as President Bush and President Reagan before him exercised the veto dozens and dozens of times, most of which we were unable to overcome when we were the majority here in the House of Representatives or the majority in the Senate. They prevailed. That is our constitutional system.

It is supposed to be hard to pass legislation in the United States of America. What many people call gridlock is the wheels of government turning precisely the way the Framers of the Constitution intended for them to turn. The Congress of the United States makes policy, yes, but only if it achieve the approbation of the executive. The executive can prevail against the legislative body only if the executive can be sustained in the legislative body. We have the judicial side to see to it that we both keep a proper balance. That is our system.

Mr. Speaker, I do not find it regrettable in the least that it is difficult to pass items like the budget. What I find regrettable is that we seem to be passing it so easily this week, Mr. Speaker. That is what bothers me. This is the single most important document with respect to the legislative business and what follows from it that we will have before us this year. It certainly is the most important piece of legislation before the election which is to take place in November. As a result, it seems to me we should be devoting considerable time to it.

I appreciate the fact that the gentleman from Michigan [Mr. SMITH] came down and was willing to spend some time discussing it. I think the import of the arguments that he made essentially supports my position. Of course, I can make that statement now because he has left the floor and cannot taken an opposing position to that, but I think I can extract from what he said at least a reasonable basis for saying, as I have, and indicate again to you at this moment, that we need to be much more gradual about it. To that degree, the President seems to be taking the right approach. He has accepted the will of the majority with respect to the premises upon which it bases its balanced budget projections, the Congressional Budget Office.

It is not necessary for me to explain to you, Mr. Speaker, what the Congressional Budget Office is. Suffice it to say that every legislative body relies upon individuals, experts in their field, to make recommendations and to draw upon statistics and information made available to them from their various professional fields and backgrounds in order to complete a picture. In this instance, it is a picture of what the economy is like and what we can expect.

This does not mean they are going to be absolutely correct in every instance, but all individual families, all companies, all businesses, all organizations, in fact, all nations, have to utilize the best brains that they have available, accumulate the most knowledge that they can, and try to draw reasonable conclusions as to what the future might bring so they can make decisions. That is all the Congressional Budget Office does with respect to the budget. It makes the best estimate that it can based upon the premises that are agreed upon.

In this instance, Mr. Speaker, we have agreed upon premises which, by definition of the budget, do no add up to a balance. I have no objection to passing this budget, Mr. Speaker, with the admonition that we should take up the President's disagreement with respect to the priorities. I voted for the budget previously, and despite my own misgivings, so it is not a question of whether we should vote on a budget, it is question of what the priorities should be.

I have no objection to saying that this could be a step in the direction of balancing the budget, if we have the President's priorities involved in it. I do object to us indicating to the American people that somehow this is going to lead to a balanced budget, just as I object to the idea of going through this illusion and farce, which apparently is going to take place in the other body, about passing a balanced budget amendment. The balanced budget amendment will no more achieve a balanced budget than this document does.

☐ 1700

This does not achieve a balanced budget, and neither does passing the balanced budget amendment accomplish anything of the kind, any more than vows in a marriage guarantee that there will be happiness and prosperity in it. You can have the intention, but unless you put behind it the activity which will ensure that happy consequence, then you cannot claim that it will happen.

What I am saying here is if we put forward a budget that says, yes, we will cut spending and we will cut spending in a way that will continue to reduce the deficit over time and we hope at some point then to be able to reach balance, then that is all right. Not only is it all right, but that is the right way to do it.

I mentioned a mortgage before. Let me draw the analogy for my colleagues here and for those who may be interested in the record.

Just as you are not expected to have cash on hand to buy your house but, rather, you are expected to be able to make your payments, be able to meet your obligations over a period of time, then you can go forward with the purchase of that home and say that you own it. Do you actually own it? No. Because the bank owns it. We are going to have a mortgage-burning ceremony perhaps in 30 years.

But that bank is making a bet. That bank is betting that you have the capability and the capacity to make those payments for that period of time. Think about it. Twelve times a month for 13 years. That is pretty good guessing. Perhaps it bespeaks a knowledge of finance and general economic trends that is fairly reliable.

Now, that being the case, I think we need to do the same thing with this budget. Let us not con the American people into thinking for a moment that this document is moving toward balancing the budget in the year 2002. It is not true. It is not going to happen. That is irrefutable.

Mr. SMITH certainly did not refute it. On the contrary, he agreed with my premise. It is not going to be balanced because we do not take into account how we are going to pay for all of the money that we borrowed to presumably create the illusion of balancing this budget.

What we can do is create over time an ability to pay, a robust economy that will enable us to gradually draw down the amount of the deficit with prudent spending, with a clear understanding of what programs we want to support and why we want to support them and how they benefit the American people, and over that lengthy period of time accomplish this goal. There is nothing not only wrong with that, that is the sensible, practical, reasonable way to do it, because it maximizes the opportunity for the great mass of American people to join in the prosperity, to be able to better themselves in what they want to accomplish for themselves and their family.

So I stand here today, Mr. Speaker, I do not think a lonely voice or a single voice. I think I stand here enunciating fairly clearly for the American people, and I hope for my colleagues, most certainly, the idea that we should not utilize the budget process for political purposes merely because there is an election, but we should utilize our opportunity with this budget process to begin to make progress towards reducing the deficit, coming into balance, having the economy grow and seeing a robust, prosperous economy for all.

Mr. Speaker, inasmuch as there is only a minute left, I want to thank you for your courtesy today in allowing me to speak and for sharing this time with me. I hope that I have made some contribution today. I intend to, in the future, towards reviewing the 1997 budget and reviewing the whole question of the budget deficit, the budget balance proposition, and seeing to it that all Americans now and in the future are able to enjoy a prosperous future.

MAKING BUDGET PRIORITIES CLEAR

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Under the

Speaker's announced policy of May 12, 1995, the gentleman from Connecticut [Mr. SHAYS] is recognized for 60 minutes as the designee of the majority leader.

Mr. SHAYS. Mr. Speaker, I appreciate having this opportunity to speak at this special order. I thank you for presiding.

Mr. Speaker, I appreciate also the opportunity to listen to the sincere comments of my colleague from Hawaii. Many of his points I agree with. There is area to find common ground, but there also, obviously, are major disagreements.

I think sometimes people look at the debate we have on the floor of the House and it looks like a food fight in a high school cafeteria, but there are significant differences that I think my colleague would agree separate us, and then there are also things that bind us together. Obviously, we care deeply about the future of this country.

Mr. ABERCROMBIE. Mr. Speaker, will the gentleman yield a moment?

Mr. SHAYS. I yield to the gentleman from Hawaii.

Mr. ABERCROMBIE. Mr. Speaker, I just want to state that the gentleman in the well, Mr. SHAYS is well known for his sober consideration of these issues and his comity with other Members with respect to their discussion, and I will be pleased to listen to his presentation.

Mr. SHAYS. I thank the gentleman.

Mr. Speaker, we have three primary objectives in our effort to get our financial house in order and balance the Federal budget and save our economy. We have three major objectives as we sit and work on this floor of the House.

Our first is, in fact, to get our financial house in order and balance our Federal budget. The next is to save our trust funds, particularly Medicare, from bankruptcy. The third is to transform what I would call our caretaking, social, corporate and farming welfare state into a caring opportunity society.

It is probably that last one that ends up being the most controversial; but, clearly, the first is controversial as well, because you cannot separate the budget from politics and from priorities.

The bottom line is that we have to set priorities. If we spend money here, we may not be able to spend money there. It is a concept of opportunity cost. We give up an opportunity when we decide to put our priorities here and our resources here. We give up the opportunity to spend them here.

Our plan is designed to help Americans earn more so that they can keep more and so that they can do more.

The debate we had last year was quite controversial, but there were some basic facts that simply cannot be denied. We tried to increase the earned income tax credit; we tried to increase school lunch programs; we tried to increase the student loan program; and we tried to increase Medicaid and Medicare.

Under our plan last year that was vetoed by the President, we had the earned income tax credit, which is presently $19 billion. We sought in the seventh year to increase it to $25 billion.

The earned income tax credit is a credit given to those who make money but make so little money that they do not pay taxes. In fact, they get back an earned income tax credit from the taxpayer. Others who make enough who pay taxes pay some, the working poor, more money than they earned. That is called the earned income tax credit.

It was said last year when the President vetoed our plan that we were cutting the earned income tax credit, and yet the earned income tax credit went from $19 billion to $25 billion. Only in this Chamber and perhaps in Washington when you spend so much more do people call it a cut.

The school lunch program grew from $5.2 billion to $6.8 billion. I can remember seeing the President and some of my Democrat colleagues on the floor of the House talking about this issue but going to schools as well. At schools they were telling the students that they would not under the plan of the new Congress, the Republican Congress, have school lunches in the future. Yet our plan grew from $5.2 billion to $6.8 billion. Instead of it growing 5.2 percent a year, it was going to grow at 4.5 percent a year, of new money, each and every year.

So we slowed the growth of the increase, still allowing it to grow from $5.2 billion to $6.8 billion in the seventh year. Again, only in this place when you spend so much more do people call it a cut. But that disease is spreading around the country.

The student loan program, the one that we were criticized the most for under our plan last year grew from $24 billion to $36 billion, an increase of 50 percent. Now, if the program is growing from $24 billion to $36 billion, how could people call it a cut? Because the plan was to grow ultimately to about $40 billion? Is that the reason you can say that when you spend $24 billion to $36 billion it is a cut?

What we have to do in this country is slow the growth in spending. Now, we were able to do that by a simple effort. Students receive a grace period from when they graduate to when they get their first job 6 months later, and that grace period, the taxpayers pay the interest on their debt.

We suggested that the students, once they had their job 6 months later, would pay the interest during that 6-month period. For the average loan, it amounted to $9 more a month amortized over their loan. So we were saying to the students that we would allow them to get the same grants they got in the past, up to $49,000. We were saying, they could still get those loans, they would still quality, but they would pay the interest on that part that accrues from when they graduate to that 6-month grace period. It is $9 more a month, which is the cost of a pizza or the cost of a movie theater and a Coke.

I have no problem telling our young people that they can pay that cost when, in fact, it only amounts to $9 a month.

Now, why would we want to do this? Why would we want Medicaid to grow from $89 billion to $127 million, Medicare from $178 billion to $209 billions? Hardly a cut. Medicaid growing from $89 billion to $127 billion, Medicare from $178 billion to $289 billion, the student loan program from $24 billion to $36 billion, the school lunch program from $5.2 billion to $6.8 billion, the earned income tax credit from $19 billion to $25 billion. Not a cut, but a slowing of the growth of those programs.

Why would we want to do it? Because in the last 22 years our national debt has grown 10 times. It has grown 10 times in 22 years. It has grown from about $480 billion to $5.1 trillion, $5,100 billion, a 10-fold increase. Not a doubling, not a tripling, but a 10-fold increase in the national debt.

On a per-person share in current dollars, it grew from $1,800 to $18,000. But even if we do it in constant dollars, it was grown. In 1945, $1,700 per individual to $18,000 today per individual.

The Federal debt in today's dollars was only $2,462 billion, now it is $5,100 billion. So it is 50 percent larger, even in today's dollars.

Now, as we look at this issue, we have to say, how can it be twice as much now as then? And people said, well, it did not really matter, because it was like that after World War II and it did not really affect us.

Let us take what we have right now in today's budget. In today's spending, from 1991 to 1996, we spent $8.7 trillion. From 1991 to 1996, we spent $8.7 trillion. In the next 6 years, we are looking to spend $10.4 trillion. Hardly a cut. An increase in total spending of 20 percent over the last 6 years to the next 6 years.

The student loan program under our plan this year will grow 42 percent. It will grow from $26 billion to $37 billion, a 42-percent increase in the student loan program.

The earned income tax credit will grow 43 percent. In the last 6 years we spent $109 billion, and in the next 6 years we will spend $155 billion over the next 6 years. Only in Washington when you spend so much more do people call it a cut.

Welfare spending. Over the last 6 years, it was $441 billion. In the next 6 years, we will spend $575 billion. Under our plan, we will spend 30 percent more in the next 6 years than we did over the last 6 years.

Medicaid spending over the last 6 years was $463 billion. In the next 6 years, it will grow to $731 billion. We will spend in the next 6 years $731 billion. In the last 6 years, we spend $463 billion, hardly a cut in spending, a significant increase of 58 percent.

☐ 1715

Medicaid growth went from $463 billion to $731 billion. The President is proposing that we spend $749 billion, an increase or difference of $18 billion over a 6-year period. So the President is criticizing the increased spending that this Congress will do, when in actual fact his numbers are almost identical, an $18 billion differences over a period of 6 years, which gets us to what we are going to find out next year.

Medicare is divided into two parts, Medicare part A and Medicare part B. Medicare part A is the money we pay in taxes to the trust fund that pays for all our hospital services. That is money that individuals who are working today put into a fund, the Medicare part A trust fund, and that fund should be growing. But we learned that it is starting to actually have a decrease in the amount of money going into the fund. Medicare is going bankrupt, and the trust fund we were told 2 years ago will become bankrupt in the year 2002, we are learning now that it will go bankrupt not in the year 2002 but possibly in the year 2000.

What are we doing in spending on Medicare? In the last 6 years we spent $920 billion. In the next 6 years we intend to spend $1,479 billion. We intend to spend 61 percent more on Medicare in the next 6 years as opposed to what we spent in the last 6 years.

On a per person basis, Medicare will grow from $5,200, which is what it is in 1996 per beneficiary, to $7,000 in the sixth year, the 2002. That is a 35-percent increase per beneficiary.

We are going to spend 61 percent more in terms of Medicare dollars in the next 6 years as opposed to the last 6 years. But in terms of a per person expenditure, we are going to spend 35 percent more, hardly a cut when you go from $5,200 to $7,000.

Now we know that Medicare part A is going bankrupt in the year 2000. We know that we have to do something to save that fund from bankruptcy, and so we came forward with a plan last year which was vetoed by the President.

In fact, our plan last year would have saved the trust fund until the year 2010, whereas now it is going to go bankrupt in the year 2000. That means that all the money that goes in by the year 2000 will go out, and will simply go out to beneficiaries with no money in the fund and not enough for all the bills that we have to pay.

This to me summarizes the challenge that we have and the fact that our plan made so much sense that it is hard for me to understand why the President vetoed it. Our Medicare plan saved Medicare from bankruptcy. It increased spending from $5,200 to $7,000, and it did it without an increase in the premium, without an increase in copayments, without an increase in the deductibles.

In addition, we gave Americans choice. For the first time we allowed Americans to have the same opportunity that I have as a Federal employee, not as a Member of Congress but as a Federal employee. I have the opportunity to choose a lot of different health care plans.

We devised a plan that allowed beneficiaries, only if they wanted to, to go and choose their own health care. They could stay in the traditional fee-for-service health care plan, or they could choose to leave that traditional fee-for-service that was devised in the 1960's and move from that plan into an HMO or other private health care plan.

The only way those other health care plans could offer their service is if they offered better than the fee-for-service. They had to provide some kind of eye care, dental care, a rebate in copayment or a rebate in the deductible. Maybe some private carriers, like they are doing in some States, would pay part or all of the MediGap, which is the 20 percent that seniors pay above and beyond what Medicare pays. Medicare pays the 80 percent and seniors pay the 20 percent unless they buy a MediGap program.

Private health care plans want to get into the Medicare system because there is so much money, so much waste in which to realize savings that they could actually save money and provide a better program for seniors.

So a senior under our plan does not have to pay an increase in copayment, does not have to pay an increase in the deductible, does not have to pay an increase in the premium, that will remain at 25 percent of program cost, and yet now they can get choice. They can get choice and a private health care plan that will offer them more than the traditional Medicare plan will offer. It will offer eye care, dental care, it will offer rebate in copayment or deductible, or maybe an elimination of premium or maybe part of MediGap.

So why was it vetoed? Well, the reason it was vetoed is the President said we were cutting Medicare because we saved over $220 billion by our plan last year, and this plan this year saves about $158 billion. It still grows significantly. From now until the sixth year, it still grows significantly, yet we are able to have savings. We are able to have savings because we allow the private sector to come in and offer programs, and we are able to make savings because they realize savings as well.

So this Congress which was elected in 1994, we came in recognizing that the national debt had increased 10 times in simply 22 years. We realized that Medicare was just simply growing and growing and growing, and Medicaid was growing and growing and growing, and the student loan programs were growing and growing and growing, and we had to find a way to slow their growth so that the taxpayers would not have to keep paying more and more of their income in taxes.

Mr. Rabin said, before he died, the former prime minister of Israel, he said the politicians are elected by adults to represent the children, and that is what we are trying to do. Because if we fail to get a handle on the growth in Government spending, we are going to find that anywhere from 60 to 80 percent of all the income we make as Americans will go to Federal, State and local taxes if that trend lines continues.

So we are trying to slow the growth in spending, still allow it to grow but not grow as quickly, for the good of our children.

Our plan will help Americans earn more so that they can keep more and so that they can do more. Our plan also tries to reduce the overall growth in taxes so that ultimately we can return more to the American people, and so that we can downsize the size of Government and have it move from the Federal Government to State and local governments.

I notice my colleague is trying to rescue me from my dialogue here.

Mr. KASICH. Mr. Speaker, I wanted to take just a second to compliment my colleague from Connecticut, Mr. SHAYS. I want to compliment him for a special order that is designed to let people know precisely what the facts are in regard to our program, but let me, if I could, take a second to suggest that, of course, we have the courage to do this and this has been very difficult.

I remind the gentleman that in 1982 Ronald Reagan tried to deal with reforming entitlement programs and Republicans got crushed at the polls in 1982 and in 1986 we lost the U.S. Senate, Republicans did, because one other time they tried to reform entitlements. So we knew that trying to do something to put the good of the country first and politics second would mean that we would catch some heat. But we are willing to do it. And we are willing to do it for a couple of reasons. One is obviously the children, and I am sure that the gentleman has talked about out commitment and the difficulty that our children will face. We do not want to give them a world where they work longer and harder to pay for the bills that we are ringing up and create marginal tax rates that approach 84 percent. I mean, the country will not survive at that rate. I think that we owe our children, we owe the next generation, we owe the pioneers of the next millennium an opportunity to have an America that gives that a chance and gives them hope, allows them to live their dreams. I mean, it would be wrong and selfish for us to have been able to have a lot of our hopes and dreams realized and then say to the next generation, "Forget it." That is wrong. And so we put the children first and that is why we have been willing to walk over some of these hot coals and encounter some political criticism.

But we are not just doing it for the children. It is like I say to a minister friend of mine, you cannot tell people the only reason you ought to get involved in religion is because in 20 years when you die, you will reach salvation. There has not to be something for you today to get involved in religion and in terms of balancing the budget. And frankly it is about giving people more security in their jobs, real wage increases. Because America again has to become a country that is a saving country, an investing and a risk-taking country so that we in fact can put tools in the hands of American workers so they can compete and win in the world marketplace, getting paid a good wage for what they are producing and being able to be assured that their job is going to exist. More and more Americans are working longer and harder not to get ahead but to stay even. We are trying to fix that by creating a program that will reward savings and investment and risk-taking so our workers can have the tools. But I think what is most important when we look at the charts on Medicare or welfare or Medicaid or any of these programs, frankly the Republican mantra is amazing here at the end of the 20th century. The Republican mantra is power to the people. Essentially what we are trying to do is systematically transfer power and money and influence from this city back to the neighborhoods and communities where our constituents live so that they can begin to design local solutions to local problems.

Just to take one program, I have no doubt that virtually any neighborhood in America could design their own welfare program that would not only show proper compassion but would also use local solutions to local problems at less cost. Frankly, you could not design a welfare program that is worse than the one that we currently have. What we are arguing for is, let us take the program out of this city, let us have faith that real people living in real neighborhoods with real compassion looking at real problems can design real solutions. I believe they can. I believe in the power of people to get it right at the end of the day. And I do not think it is necessary to substitute or to interface a bureaucrat with people in the neighborhoods of America. We are going to solve crime problems in Los Angeles not from Washington but in the neighborhoods of Los Angeles. We are going to solve housing problems in Columbus, OH, not from bureaucratic Washington but, rather, let us let the housing authority officials have the power to do it the way it works in our community. We want to design local welfare solutions. Frankly, we do not need to ask Federal bureaucrats to tell mothers and fathers whether their children are learning or not.

So our program is one of real compassion. It also allows us at the end of the day to stand at the end of that very dark tunnel with a very powerful searchlight signaling the next generation into the next millennium that they have got hopes, they have got dreams and in fact they can be realized.

But the way in which that is achieved is to not keep everybody's power and money and influence in this city but basically to pry it out of the hands of Washington bureaucrats, put it back in the hands of people in local communities, demand excellence from one another, accountability, and realize that if we just believe in ourselves, believe in the power of the individual rather than the power of government, the 21st century will be the best we have ever seen on the face of this earth.

I appreciate the gentleman taking this special order and yielding.

Mr. SHAYS. I would love to just say to the gentleman that I remember well in 1989 he offered an amendment to try to get a handle on government spending and I think there were only 38 Members who supported him. Each year he kept offering amendments to slow the growth of the Federal Government, to not make these deficits so large, and each year he got more and more support. It was just a constant effort on his part.

I remember him asking Mr. Greenspan at the hearing he chaired, he said, "Mr. Greenspan, are you concerned that we will cut spending too much?" He responded by saying, "Mr. Chairman, I don't go to sleep at night fearful that when I wake up the next day that Congress will have cut too much."

But you are not just talking about cutting, because what you are also talking about is growing this economy and to move it from the Federal Government to the State government which is so important.

Mr. KASICH. Let me say to the gentleman I am not really any more enamored with State and local government or not much more enamored than I am with Federal Government. I think the 21st century is not going to be about the power of government or the power of bureaucracy or indebtedness or taxation or regulation. I think the 21st century is about the power of people like you and me, removed from this place, living in neighborhoods, the ability of us to soar, in the age of the computer, where Americans have more tools and more freedom. You do not have to wear a necktie in the morning anymore. You do not have to go to an office anymore. You can sit in your own den and you can use a magical instrument called a computer to shake things around the world.

□ 1730

I do not want to look forward to a 21st century where I have got to call a Washington bureaucrat to ask him whether I should log on or not. No, it is not just about balancing a budget, but it is systematically giving people their money, their power, their authority, their influence back to develop creative solutions to what exists in their neighborhoods. I think that really what it is all about into the next century and what this debate is going to be all about is whether we are successful in saying to Americans, not powerful Americans but Americans like my mom and dad and the families in the neighborhood that I grew up in, that we trust you, we believe in you. The 21st century is going to be more about the power of individuals than it is going to be about the power of the United States Congress.

We have had our way for about 40 years and for a lot of the time we have done good job. But frankly, it is now time for the pendulum to swing back to the neighborhoods. We need to revitalize our neighborhoods and our families, our communities. That is what the 21st century has to be all about. In the course of doing it, we will save the next generation. We will provide greater security economically. Let us forget this economic security and just say good jobs that last for Americans.

So I just think the gentleman from Connecticut is a patriot. I love the fact that he takes the time to do this. On that committee, the Committee on the Budget, he has been the most persistent advocate of trying to bring about changes in this system. I will say to the gentleman and for those Members who may be watching, you see, our victory is inevitable. But it is going to be a long road. The road to change is always long, and it is always rocky, and it is always winding. But if you stay committed to principle, at the end of the day you will have traveled up that road and you will have success.

Mr. Speaker, this city cannot go back. We are going to be debating a waiver program for the State of Wisconsin where people in Wisconsin believe they can design a welfare program better than people in Washington can. I mean, it is just patently absurd to say: Oh, no, no, we are not going to let you. We are not going to let you design your program. You think you know how to get people to work, you think you know how to get people trained? Do you think you have a solution in Wisconsin that we do not have here in Washington? Oh, no, no, we are not going to let you do it.

That is the kind of thing that goes on inside this town. You know, the liberals, the Washington liberals, God bless 'em, they do not believe people can get it right at the end of the day. But the Washington liberals, they are jealously guarding our power. It is not theirs. They took it from us. Now we want it back, and they do not want to give it back. So we are going to have to pry it out of their hands and get our money back out of their pockets, get our money back out of their pockets. That is what makes the fight so tough. But frankly, this is the future. We have started the revolution.

Frankly, it started with the shot fired across the bow on the Penny-Kasich bill, which signaled to this town we are never going to go back to the way we were for 40 years and we are going to win. There is a reason to be uplifted by this. Let us just keep at it.

Mr. SHAYS. Mr. Speaker, I thank the gentleman for participating.

As the gentleman was talking, I thought about when I was elected in 1974 to the statehouse. When I was in the statehouse, we had a law that said you could not spend more than you took in in revenue. I see my colleague from Michigan as well, and I know that he represented, was in the statehouse as well. I think he probably had that same kind of requirement; did he not?

Mr. SMITH of Michigan. I thank the gentleman. In fact, most States have the requirement of a balanced budget. So it is a shame that the United States that is overspending so much and that taxes so much does not have the same kind of legal obligation. I guess the gentleman from Connecticut, Mr. SHAYS, and I are still hoping that the Senate might be successful in passing that balanced budget bill. Somehow something has got to give us the intestinal fortitude to do what is very difficult to do, and that is to cut down on some of the spending in Federal Government.

Mr. SHAYS. Well, when I was in the statehouse, I was always amazed that our Federal leaders could continually spend more money than they raised in revenues and their incredible reluctance to do it. I kept asking myself how could it happen, and I think that we have to acknowledge that the blame was bipartisan and also shared with Congress and the White House as well.

I think it is fair to say that some on our side of the aisle, the Republican side of the aisle, did not see a defense program they did not like and were quite willing to keep spending. And on the other side of the aisle, there was no concern to control the gigantic growth of entitlements. I notice that my colleague may have a pie chart that illustrates that 50 percent or more now of all that we spend are entitlements.

Before referring to the chart, I would just like to talk about what that means. It means that half of our budget we do not even vote on each and every year. It is one reason why Congress was simply not getting a handle on that budget and the White House. Almost 50 percent of the budget was on automatic pilot. You fit the title in welfare, you get it. You fit the title in Medicare, you get it. You fit the title in Medicaid, you get it. You fit the title on certain agricultural subsidies, you get it.

Mr. Speaker, I did not have to vote in each and every year to set priorities with other priorities. So they just kept growing and growing. I would love to yield to my colleague to talk more about this issue.

Mr. SMITH of Michigan. I think really this borrowing has masked, it has hidden the true cost of government. If we had to pay this out in taxes, I think the American people would say: "Hey, wait a minute; I earned that money; do not take so much of it away from me".

As we borrow and somehow we make future generations obligated to pay our overindulgence, our overspending today, somehow it is easy to say: Well, somehow it will be taken care of.

Yes, this chart, this chart represents the fact that Congress has lost its power, its constitutional power, to control spending. I just want to start out with a little white in the pie chart, because the white in the pie chart represents that part of the budget that is now paid and expended just to cover the interest on the Federal debt. This 15 percent, this 15 percent does not cover the interest on what we owe Social Security and the other trust funds when we borrow the surplus money coming into those trust funds.

If we added the interest that is paid by the Federal Government on Social Security, for example, it would amount to an additional $90 billion that we are paying in interest. That means that interest is the largest part of this budget. But what Mr. SHAYS is suggesting is just take a look at the blue portion of this pie chart. This is what over the last 40 years, inch by inch and step by step, the Congress of the United States has said we are going to put on automatic pilot and give the authority to the President, whether or not we continue these spendings.

So this is the entitlement spending, the welfare spending, the AFDC, aid to families with dependent children, it is the food stamp spending, it is the Medicare spending that Mr. SHAYS has become such a leader in in trying to get a grip and a handle on. It is the Social Security spending.

By the way, even on Social Security, the unfunded liability, or what is called the actuary debt on Social Security, now approaches $4.5 trillion. Our overspending annually is $5 trillion. We are in a great deal of trouble, and we have got to start looking at some of these issues. We have the other side continue to demagogue and say: Look, look at those cruel, mean-spirited Republicans that are trying to cut spending.

Mr. SHAYS. But the bottom line to this is that each and every year we vote on about a third of the budget. We do not vote on the interest on the national debt, and we do not vote on half of the budget, which are what we call entitlements, that long list that we have there. So we have been trying over a number of years to try to control spending by just looking at defense and nondefense, what is spend out of the Committee on Appropriations.

Mr. SMITH of Michigan. That is right.

Mr. SHAYS. To our credit, that is the one area where Congress has greater control than the President. When we spend and appropriate an item and the President vetoes, we get zero.

Mr. SMITH of Michigan. Will the gentleman yield?

Mr. SHAYS. Happily.

Mr. SMITH of Michigan. Mr. Speaker, it is hard not to be aggressive when talking about this issue. Even today I heard a Member of the more liberal party suggest that look at how deficits have come down. Look how they came down in 1995. Look how they came down in 1996. Of course what happened is, when Republicans came into Congress January 1, 1995, the first thing we did was cut $13 billion our of the 1995 budget. Then we set the 1996 budget.

Mr. SHAYS. If the gentleman will yield, that is the budget we were already in.

Mr. SMITH of Michigan. That was the budget we were already in. We only had 6 months left or 9 months.

Mr. SHAYS. We rescinded certain expenditures. In fact what we did do, if I could be a little more precise, we actually cut $20 billion from that budget, but then added $11 billion back that the President requested and would have been in the budget if we had not even made the $20 billion. We had a net savings of $9 billion. But then we had the debate in 1996 and the shutdown of Government.

We had the shutdown of Government in part because when we gave the President certain budgets, he vetoed it. We ended up with zero and a disagreement on how much we should spend. Ultimately we have now a full agreement with the President on the 1996 budget, the budget we are in now, and which will end the end of this September. The thing that we need to point out is the President wanted to spend $7 billion more than we spend in 1995, and we ended spending $23 billion less. We ended up making a savings ultimately to his plan of $30 billion, $23 billion of actual reductions in this year less than we are spending, less than we spent last year.

Mr. SMITH of Michigan. I do not mean to brag, and I do not mean to make a greater separation between Republicans and Democrats. But still, the reason that the overspending is so low is because Republicans were very aggressive in what is called the rescission bill of reducing the 1994–95 budget, again in the 1995–96 budget with a great deal of frugality of making tough decisions. Everybody should know it is not easy to cut spending. People that have gone to the Federal Government, to the trough, if you will, and become accustomed to having those Federal services do not like those services cut out. So it has been easy for the liberals to demagogue the issue, to say look at these mean-spirited cuts.

Mr. Speaker, the bottom line is we now borrow 20 cents out of each dollar the Federal Government spends, and that is too much borrowing. It is not responsible. I think it is immoral for our kids and our grandkids.

Mr. SHAYS. We have had really three main objectives. One is to get our financial house in order and balance the budget. We came forward with a 7-year plan. We actually have real and absolute cuts, absolute cuts in what we call discretionary spending. We were going to spend less in some programs next year than we spent this year, and we spent less this year than we did in the year before. Those are true cuts. But in 50 percent of the budgets, some programs that are very important in Medicare and Medicaid, we are allowing for significant increases in both of those programs.

We are just trying to slow the growth. So our first effort is to get our financial house in order and balance the budget. Our second one is to save Medicare from bankruptcy. We are going to learn tomorrow that the Medicare plan fund, the Medicare part A, which was to remain solvent, not bankrupt, remain solvent to the year 2002 and will actually probably become bankrupt maybe in the year 2000, which is 2 years sooner than we thought.

Mr. SMITH of Michigan. Mr. Speaker, I mentioned earlier that Social Security has got very serious problems and that actuary debt or unfunded liability amounts to about $4.5 trillion. But in Medicare, it is even more serious than that. So the promises that past Congresses have made of what they are going to do for health care for senior citizens is now in a great deal of financial problems. If it is not corrected, we could lose Medicare.

So I would ask the gentleman from Connecticut just to very briefly repeat some of the fact that there is not much difference between what the President suggested, what the Republicans have suggested. So to use this issue politically by scolding Republicans is not a fair accusation.

Mr. SHAYS. Well, first off, it is just important that we recognize that the program is growing significantly. The program is growing significantly, it is not being cut. On a per person basis, we are going to allow it to grow as it did last year from $4,800 to $7,000 per beneficiary. We did it without an increase in the copayment, without an increase in the deductibles, and without an increase in the premium.

The premium will stay, except we did do something for the wealthiest. Those who make over $100,000 and are single will pay more in their premium. If they make over $150,000 and they are married, they will pay more in their premium. So we did say the very wealthy should pay more. It is not something that Democrats like to say that Republicans do, ask the wealthiest to pay more.

Sometimes I have to say sometimes Republicans do not like to acknowledge that we are asking the wealthiest to pay more. But people who are receiving Medicare, it is the best buy in town. Those who can afford it should pay more, and we are asking the very wealthy to pay more.

Now, what we are also doing is we are allowing for choice. We are allowing for people to get the same opportunity that the gentleman from Michigan, Mr. SMITH, and I have. I mean, we have the opportunity to choose a whole host of different health care plans. We are not looking into one. If we get a more expensive plan, we have to pay for more dollars. We have to still pay a greater amount if we get a more expensive plan. But we are given choice. Mr. Speaker, under the traditional Medicare system, there is no choice. It is a traditional fee-for-service.

Mr. SMITH of Michigan. You know, somebody asked me last Thursday, look, we do not smoke. Why should we pay more of our taxes, more of our premiums for Medicare to cover the people that do not take care of their own health, that smoke, that do otherwise? My reaction was, look, that is what we are trying to do with one of these options, medical savings accounts, so the people that do take care of themselves can end up sharing some of that savings.

I think it would be good if the gentleman mentioned some of the options.

Mr. SHAYS. Mr. Speaker, one of the options will be that we will allow private care plans to offer to seniors a whole host of different services.

□ 1745

They may offer eye care or dental care, they may give a rebate on the copayment or the deductible, they may give a rebate on the premium. They may even pay, because in some areas the cost of health care is so much less than we actually pay in Medicare, they may actually be able to pay almost all of the Medigap, pay all or part of the Medigap, which a lot of seniors pay today, and they will still make money off the plan.

They will be able to give them annual checkups, which some seniors do not get now. Now, if a senior does not like it, they get into the private care and they do not like it, they have 24 months, each and every month, 2 years in each and every month, to get back to their fee-for-service plan.

So we do not increase copayments, we do not increase the deductible, we do not increase the premium, we give seniors choice.

Mr. SMITH of Michigan. And if a person wants to stay in exactly the same program they are in, they can do that.

Mr. SHAYS. They can. And it is not like the telephone system, where if you were on AT&T and you automatically find you are with Sprint or MCI, no, you stay in the plan. You stay in the traditional fee-for-service. You have to ask to be out and then you can request immediately to be put back, and within a month you are back in the old plan.

So it is hard for me to understand why the President vetoed. The reason he vetoed is he said we were cutting, even though the plan grew so much. It is true we were able to save. We were able to save the fund from bankruptcy. We had it remain solvent to the year 2010, and we were able to save the taxpayers over $200 billion. So it was just difficult for me to understand why the President would not have accepted that plan.

Mr. SMITH of Michigan. Mr. Speaker, a little while ago I was reading at my desk, and in a letter, one of my constituents in Michigan sent me this application. She was asking me is this a legitimate organization; what are they doing?

And what that was, it had a big sheet that they were sending all these senior citizens. They probably went to the driver's license bureau or someplace and got this list of names of everybody over 65, and it says there are some people in Washington that are trying to balance the budget on the backs of the health care of senior citizens. Send us your $20 or $40 and we will work to protect your rights.

You know, I think that that kind of attitude, that kind of solicitation to take advantage of senior citizens to try to make more money for whoever, is washed up, because I think most senior citizens, as they decide what they want to leave this world with, I think most of them want to leave their kids and their grandkids and their great grandkids the same kind of opportunities they had. They do not want to keep sucking up on financial, to ask the young working people of this country to pay more of their benefits. They are willing to tighten their belts just like everybody else is to make sure that Medicare is solvent, that Social Security is solvent, that this country gets their house in order so we can have a continuing great America with continuing opportunities.

That sounds a little like a speech.

Mr. SHAYS. Well, it is a speech, but it is a very accurate speech. We are saying that last year we spent $4,800 per senior. It will grow to 72 and now $7,000 in the 6th year from where we are today. That is a significant increase. And yet while seniors will still get that significant increase, we save, under our new plan, $158 billion.

At one time it would have been over $200 billion, but the President vetoed that plan. We have a plan that will save $158 billion to the taxpayers. It still gives seniors more, and yet they will contribute to helping save this country candidly from financial ruin.

We talk about getting our financial house in order and saving our trust fund. This fund is a little more nebulous, but it is something that is very near and dear to me because I believe that is where we probably have the biggest controversy and that is we are trying to transform other caretaking, social, corporate and farming welfare state into a caring opportunity society.

We want people to be independent and not dependent on the Federal Government, and we want them to learn and to grow. We are not saying to someone in an urban area, your mother was on crack, you did not graduate from the 5th grade, I am sorry, you are on your own. No, we have to have a caring, aggressive plan to help individuals, but it cannot be the traditional handout.

I say this as a moderate Republican, some might call a moderate Republican a liberal Republican, but I think I am pretty much down the center of the political spectrum. I look at a lot of what Government has done, and I think if we have an honest debate, we do see 12-year-olds having babies, we do see 14-year-olds selling drugs and 15-year-olds killing each other, we do see 18-year-olds who cannot read their diplomas, we see 24-year-olds who have never had a job, and frankly not because a job does not exist but because they have got in their own mindset that it is a so-called deadend job. We see 30-year-old grandparents. That, to me, is the legacy of the welfare state.

Mr. SMITH of Michigan. And it is sad. We talk about a $5 trillion national debt, but we have spent $5 trillion on the welfare program since they started in 1965, and we have been successful in transferring wealth, but in the process somehow we have taken away the spirit. With a lot of people we have taken away their self-respect by sending them signals that they are often going to be better off not to go to work, not to bust their gut trying to help their community and help other people and pay their fair share of taxes. so they stay on welfare, and we are now in the fourth generation.

And we are a humane society. We are a caring society. We want to help people that are down on their luck. But people take advantage of it, and not only stay on it for all of their essential working lives but then we end up with their kids being on and their grandkids being on.

Mr. SHAYS. And if my colleague would just yield, I would point out that we are also not just talking about social welfare, we are talking about corporate welfare.

Mr. SMITH of Michigan. Good point.

Mr. SHAYS. We are talking about writeoffs that businesses have been able to get over the last 40 years through, candidly, this former Congress. They have been able to get a significant writeoff, approved by, candidly, Republican presidents, so both hands have been involved, where they have gotten certain writeoffs that are unique to them in their business opportunity. They then become dependent on what are true writeoffs and, in my judgment, are nothing more than corporate welfare. So we are looking to have our Federal Government not have so many corporate writeoffs.

And while I am probably on more sensitive ground, being that the gentleman comes from a farming area, I think you would acknowledge there are certain Federal programs that farmers have become so dependent on, it has changed their behavior. It is not like they do not work. They bust their guts. But they are working following a Federal program that sometimes has an incentive not to plant or to plant the wrong things that simply are costly.

Mr. SMITH of Michigan. That used to be true. Now, we have passed what is called the Fair Agricultural Act that does away with all of those subsidies. Over the next 7, or 6 years now, it phases out all of those Federal farm program subsidies, so the Federal Government is no longer managing that farm, and individual farmers will have the freedom to decide how much of what crop to plant.

I think that is good. I think the Federal subsidy programs have tended to be a disservice to agriculture. We have seen smaller family farms forced out of business because the larger farms had a greater advantage with those Federal programs.

So the ag programs are phasing out, but corporate welfare, the lobbyists and the PAC's flow to that Committee on Ways and Means because just a few changes in the words, can make millions of dollars of difference.

Mr. SHAYS. One comma, one little bracket, taking out a word, adding or not can make a difference. This Congress is looking to get after all three types of welfare, the social, the corporate, and where it was in the farming. There are a few programs still remaining that did not get out, but a gigantic leap forward, phased out over 7 years.

I would say to the gentleman that I had to ask myself where have I been a constructive force. And I have been able to go back over my time in the State house and in Congress and say, well, I voted for this program, and I have been able to feel good. But when I analyze some, not all, but some of those votes, I have had to say I have made people more dependent rather than less.

I have made a practice in the last 4 years of asking people who have had to pull themselves up by the boot straps and have succeeded, why. And in almost every instance, it was a father, a mother, a brother, a sister, a schoolteacher, but somebody pushing them, someone recognizing that and making sure that individual knew that nobody was going to do it for them.

I was thinking, and, to me, one of the most memorable was when I had a young woman come in, 35 years old, a doctor, an M.D., and she said she was 12 years old when her father passed away. She had six younger brothers and sisters. She became almost the second mother in the family, raising, as a 12 year old, her younger brothers and sisters. But her mother had one dream, that they would all get degrees; not just college degrees but advanced degrees.

There were two doctors in that group, there was a psychiatrist, there was, fortunately, only one lawyer, there was a schoolteacher, and she was just there to tell me that I had a dream, we moved forward, and no one gave me. We worked for it. Her mother was a schoolteacher, with not a lot of income, and obviously she turned to a lot of different sources for help. But she made sure that each of her children knew they had to do it on their own.

Which gets me to a kind of wonderful quote that Ann Landers said, and it was in my calendar. You have seen these calendars that have the quote of the day. My dad, when he used to work in New York, would come home, when I was a young kid, and give me different quotes from the newspaper, and sometimes Ann Landers would show up. And she said, "In the final analysis, it is not what you do for your children, but what you have taught them to do for themselves that will make them successful human beings."

I see this and I think about that, and I think about the march on Washington. One, we cannot burden our children with tremendous debt; but, second, we have to have those kind of government programs that teach them what to do for themselves.

Government does have an active role. I would like to think more State and local government and less Federal Government, with a one-size-fits-all mentality. The government does have a role, but it has to be a role, not to give a hand-out, but to really teach people.

I think, as my colleague wants to, if we want to have English be a primary language in this country, we have to, as colleagues, recognize and make sure that there is no American who is missing the opportunity, and no alien who is a resident here who is missing the opportunity to learn how to speak English. We may have our feelings about bilingual programs, but there has to be that alternative, I would just say to my colleague, and I am happy to yield.

Mr. SMITH of Michigan. It seems to me we need to remind ourselves what made the United States of America so great, and that was the concept that the people that worked hard, that really tried, that invested, that took chances, that got up every morning when they did not feel like it and went to work and produced, were better off than the people that do not.

Now we are moving into sort of a gray area where often the individuals on some of the welfare programs are better off than working poor. That cannot be the formula for a successful America. We have to get back to the concept that those who are trying every day, that are working hard, that are striving to make their family and their kids more independent and more successful, by encouraging them when they come home every night, are the people that are going to make the future of America and make it greater.

We cannot continue to rely, as an aging industry, on increasing taxes on business and individuals as a way for government to have more funds to make it right for everybody else. We have to have the kind of policy that encourages those individuals to be more responsible for their own destiny.

Mr. SHAYS. I do not know how we do that, though, unless we get our financial base on a firm foundation.

Mr. SMITH of Michigan. Absolutely. That has to be the first step.

Mr. SHAYS. So we have to get our financial house in order and balance that budget as the foundation. Not as the solution, but as the foundation for then saving our trust funds, which are obviously related to the first issue, but then, ultimately, transforming this caretaking, social, and corporate welfare state into a caring, into a very caring opportunity society.

Instead of taking this pie and deciding how we divide up limited resources, what can we do to grow this economy. And that clearly is a very important element to the last part of our plan, and that is beside just getting our financial house in order to have certain tax incentives to encourage growth in this economy.

Mr. SMITH of Michigan. And I think the people that talk about or advocate a flat tax or a consumption tax or a value added tax or a national sales tax are not saying that, look, this is the golden way to have a successful tax, they are saying, look, the tax system we have now is failing us. We are penalizing investment, we are penalizing savings, we are discouraging businesses from expanding and creating more and better jobs by putting more and better tools and facilities in the hands of the greatest work force in the world, which is the American work force.

Somehow, in our look-see to changing our tax system, it has to be an admission, an acknowledgment that what we have now, that has been written many times over by the special interest lobbyists and their huge PAC contributions to candidates for office, has ended up being not what is good for the future of America.

□ 1800

So I think it is important that we do exactly what you are suggesting, Mr. SHAYS, that we have the kind of tax policy changes that encourages savings, that encourages investment.

Mr. SHAYS. And encourage people to pay their taxes. It is estimated we could lose almost $100 billion in revenue, one, because it is not simple enough and, second, that people simply have found a whole host of ways to avoid paying taxes in the course of trying to do what they think are legitimate or maybe not legitimate write-offs.

Mr. SMITH of Michigan. There are so many loopholes and so many corporate tax breaks that probably should not be there that it justifies a whole new look at our tax system.

Mr. SHAYS. I would like to spend the last 5 minutes and just summarize what we are trying to do.

We are trying to do what Prime Minister Itzhak Rabin said. We are elected by adults to represent the children, and we are trying to get our financial house in order and balance the Federal budget. We are trying to save our trust funds from bankruptcy, particularly Medicare. And we are trying to transform our caretaking, social, corporate and farming welfare state into an opportunity society. We do that by allowing our spending to grow.

We allow it to grow 20 percent more each year, 20 percent or more in the next 6 years as opposed to the last 6 years, 20 percent more, from 8.7 billion to 10.4 billion. We do it by allowing the student loan program not to cut but to grow from 26 billion to 37 billion, a 42-percent increase.

We take the earned income tax credit, which is an expenditure made by taxpayers to the working poor where they actually receive money rather than pay taxes, and that program over the last 6 years we spent 109 billion. We are going to spend 155 billion under our 6-year plan. Under welfare spending over the last 6 years we have spent 441 billion. In the next 6 years we will spend 30 percent more; we will spend 575 billion.

In Medicaid we will grow from 463 billion over the last 6 years to 731 billion. We are going to spend 58 percent more in the next 6 years under Medicaid, which is health care for the poor and nursing care for the elderly.

Then we are going to deal with Medicaid, Medicaid spending, which grows from 463 to 731, just to point out that our numbers are not that different than what the President's numbers are, except we want to allow for more flexibility on the State and local level under this plan and not have a one-size-fits-all Medicaid plan done by the Federal Government.

Medicare is going bankrupt. It is going to be highlighted tomorrow when the trustees report that Medicare part B, the money we pay in our payroll tax, we will run out of money potentially by the year 2000, rather than what we originally thought, the year 2002. We had a plan to save Medicare until the year 2010 and the President vetoed it last year. Our new plan will not stretch it out entirely to the year 2010 but close to it. We spent in the last 6 years 920 billion; in the next 6 years we are going to spend 1.4 trillion, a 61-percent additional expenditure in dollars.

In Medicare premiums we are going to grow from 5200 this year to 7000. Last year they were 4800. So we are allowing this plan to grow per beneficiary and we do it without increasing the copayment, without increasing the deductible, without increasing the premium. We give seniors choice. We do ask the seniors who are the wealthiest, making over 100,000 plus, to pay more of their Medicare part B premium. But for all other seniors the program remains the same, no increase in copayment, deduction or premium, and we give them extensive choice.

With that, Mr. Speaker, I would like to say that I am absolutely convinced that this Congress is on the right track, trying to get our financial house in order, trying to balance the Federal budget, trying to save our trust funds and trying to transform this social and corporate welfare state into a truly caring opportunity society.

SAFETY NET FOR CHILDREN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. OWENS] is recognized for 60 minutes.

Mr. OWENS. Mr. Speaker, I would like to begin by congratulating the Children's Defense Fund and Marian Wright Edelman and all of the other sponsors of Stand for Children which took place here in Washington last Saturday, June 1.

They came from all over, all parts of the Nation. They came from every ethnic group, every religion, every race, they were all together, children and families, making it clear that in America the great caring majority stands for children and American policies. Government policies at this point in our Nation's history reflect this fact. They reflect the fact that this Nation stands for children. The policies of the Government stand for children.

Mr. Speaker, the problem that they did not talk very much about on Saturday is the problem of the present attempt to change those government policies, to turn our policies around and make this a Nation whose policies are hostile toward families and children.

In contrast to the Stand for Children that was taking place in Washington here, more than 200,000 people by the official estimates, in contrast to that Stand for Children, let us consider for a moment the problem of Brazil and Colombia, where large numbers of children are being found dead in the streets every day. They are being found dead as a result of being shot the night before. They are killing children in Brazil. They are killing children in Colombia. They are killing children in certain other South American countries.

Mr. Speaker, I do not mean child abuse in the usual sense. There is a high degree of child abuse in these nations, but there is a phenomenon which we have not yet experienced in America. That is they are shooting children at night, and you find the dead bodies the next day. The elite classes of Brazil and Colombia and certain other South American countries are the classes of people that are envied by our Republican majority here in this country.

We have an elitist philosophy driving an attempt by the Republican majority to change the policies that have an impact on children. The previous speakers talked about they were not cutting school lunch programs because after all the figures, the numbers will show that there is an increase in the numbers over the years. They do not tell you that the number of children will increase faster than the dollars that they have put in the budget will increase. If you did a simple mathematical calculation of dividing the number of children into the number of dollars available, you will see that the amount of dollars available, you will see that the amount of dollars per child will go down as a result of the cuts that they are proposing.

They are also taking out large blocks of children and saying that immigrant children shall not be served and we are going to just leave them on their own. We are going to leave them to fend for themselves. So the contrast is very important, to take into consideration the fact that in this Nation at this point in history, the majority of Americans still stand for children. They stand for children regardless of what the Republican majority in the Congress right now is trying to do.

They are going to reject the attempts wholesale to change the policies which favor children and families. They are going to reject it in November, but in the meantime we have a serious problem of trying to beat back the threats to the policies and the programs in our Government which support families and children.

There are three examples I would like for you to consider. Consider the fact that in America we do stand for children. Still our Government policies are favorable to children and families. In Brazil, Colombia and certain other South American countries, they do not have the safety net for families and for children, so they have gone in the opposite direction.

They have created so many problems with families and children that large numbers of children roam the streets day and night, and they have begun to hate those children. They have begun to demonize those children. They are wiping out those children at night through vigilante groups. Many groups involved are even considered to be close to the police, or in a few examples the police themselves have been accused of murdering children at night.

These children become a nuisance because they steal in the daytime. They obstruct the beauty of the sidewalks. They do a lot of things which make people very upset with them. Society will not deal with them in a rational way. Society will not provide programs which will guarantee that they have a decent home or decent meal, school lunches, will not guarantee that they have some safety net so that families are not thrown into the streets, that society ends up at the other extreme, exterminating children, large numbers of children are being killed.

Contrast the societies of the industrialized nations that the United States is in economic competition with. Brazil, not Brazil, Italy, England, France, Germany, those societies have safety nets which are far greater than any safety nets that we have here in America. They treat children far better. Recent articles in the newspaper, the New York Times talked about in Italy the mothers under the provisions which allow family leave have abused it to the point where certain mothers have stayed off a whole year from work and gotten paid. That was an example of abuse. But then they described the kinds of programs that they have for family leave in a country like Italy. They showed how a person who wanted to abuse the system could do that. What they were saying is that there is a very strong family net there for people who have children.

In this country, which has a gross national product which is smaller than ours, Italy is not a rich industrialized nation, as rich as the United States, but in Italy they have policies for families which are far better. In France, they are always citing the day care programs in France, unparalleled, no parallel programs anywhere in the world to the kind of day care programs they provide in France.

In Germany, the programs for workers that allow vacations and sick leave and so forth are unparalleled in terms of any workers anywhere in the world. So on the one hand you have families and children in certain industrialized nations who are far better off and supported far more by the government and the country as a whole than we have in this country.

On the other hand, you have the other extreme, the elite minorities of South America, the rich leadership of South America who are envied by the elite minority here in this country. They do not pay very much taxes. They are not bothered with the nuisance of taxes. You have billionaires in South America who are scot-free from responsibilities of trying to guarantee that there is a safety net for children and families, and our Republican majority here wants to create a situation for our elite minority to have a similar situation. They want more and more advantages for the rich, less and less taxes, less and less disturbing their abilities to make maximum number of dollars in profits.

In South America they do not have environmental laws. They do not have a number of things which force our corporations and businesses to act in a more humane way, ways which are supportive of life in general and of families and of children. So they have gone to the extreme in places like Brazil and Colombia.

On the other hand, we are at least in the middle. We have some safety net programs. Right now we are at a critical point in our history where a Republican majority in control of the Congress is striving to try to eliminate those safety net programs.

Mr. Speaker, I am going to talk in a little while about specific examples of programs for children that the Republican majority has attempted to eliminate, programs for families that the Republican majority is attempting to eradicate at this very moment. One of the most important programs of course is Medicaid, the Medicaid entitlement. Families will be hurt a great deal if the program passed by the Republican majority in this House were to be signed into law.

Last Thursday there was another program, the reauthorization of IDEA, the Individuals with Disabilities Education Act. That, too, was under the hammer by the Republican majority. They are chipping away at that program now and creating a situation where it is possible that the Federal Government may pull out of its support for children with disabilities, the education, completely. I will talk more about that later.

Mr. Speaker, let me just go for a moment to some clippings related to Brazil. I want to make the point clear here that, if a society takes the route of accepting no responsibility for the poor families within that society, the society takes the route that it is against minimum wage. So those who are working cannot earn a decent living and then takes the route that those who are not, those who cannot find jobs and are on unemployment do not deserve any help from government. If it takes the route of cutting back on job training programs as all of these routes taken by the Republican majority here in this Congress, you take that route, you are eventually going to end up in a situation where the children are demonized and hated because they are running out there without any support. Families cannot keep them at home. Families cannot keep them. Families cannot house them. Families cannot clothe them. So they are on the street.

☐ 1815

Where do they go if not onto the streets? And once they are on the streets, they become scum in the eyes of the general population. It is not surprising that it is the police that sometimes end up being involved in trying to eradicate these children.

These are not my words. Let me just quote from a story that appeared, a United Press International story, on April 25, 1995. I use this story because it is an example of a situation where they caught, for the first time they caught some of the people who were doing the eradication of children. Children have been dying, being shot, like flies. You know, they have been dying in large numbers and being found on the street dead, shot in large numbers, and nobody has been held responsible. This is the one example where there was a witness, and they actually arrested people, and a trial was taking place last April related to the killing of these children.

Let me just read from the United Press International article of April 25, 1996. A former military police agent in Brazil confessed Thursday to his part in the 1993 killings of eight street children as they slept outside the Candelaria Church in Rio de Janeiro and said people scheduled to go on trial are innocent. The police agent was one of those accused, and as he came up for trial, he confessed, but he said certain other people that were accused were not innocent.

The important thing about this is that the prosecutor, Jose Muinos Pineiro, said that this trial was the first ever in the case of the killing of street children, and the trial was to begin as planned, and it would be a landmark in Brazil, although for years they have been finding children shot in the streets in the morning, and nobody has ever been punished. So this was the first case.

Mr. Santos, who was a former policeman, confessed, said he decided to confess because of conflicts of conscience, conflicts of conscience. The witness who identified Mr. Santos and the others is a boy named Wagner dos Santos, and Wagner dos Santos, the little child who identified the assailant, the assassins, has suffered two assassination attempts since the time he identified them and the time of the trial. He has been so threatened that he had to be moved to Switzerland and kept there between the time of the assassinations of the children and the time of the trial; the only trial being held; only time they have caught the killers of children in the streets of Brazil.

Now, am I exaggerating the situation? Here is another article dated October 12, 1995 from Inter Press Service, and it states that a study, according to the article, a study by the United Nations Children's Fund, UNICEF, reported that Colombia's average of 2,219 child killings each year now outstrips the more notorious death by violence of children in Brazil, where the figure was 1,533 annually.

Now, I am not talking about child abuse, I am not talking about child deaths as a result of neglect. We are talking about children being shot in the streets, children being shot like rats.

The Colombian city with the highest children's death rate in Medellin, with 64 children murdered for every 100,000 inhabitants. The city of Cali, the third largest city, has 13 deaths per 100,000 children. We know some of these names because they are drug centers in Columbia. In the capital of Colombia, Bogota, they have a better record: Eight children die violently each year per 100,000 inhabitants.

Now, I quote these statistics to let you know, you know, in a civilized society, and these are civilized societies, they are quasi-democracies in some cases, but the situation has deteriorated to the point where instead of standing for children, the citizens stand against children, enough of them stand against children to allow this to go on day in and day out, night in and night out, and the children are picked up in the morning like rats, dead rats.

Human Rights Watch stopped short of describing the widespread murder of street children as government policy, but it did state that the police agents are involved in a broad range of abuse against minors, including torture, corporal punishment and widespread killings. Human Rights narrated the story of Frankie, a Bogota street urchin who had managed to escape three social cleansing operations. It also discussed the case of Andres, a child prostitute who, according to three friends, was taken out of the center when he was working by three armed men dressed in police uniforms, and several days later this body was found on the outskirts of Bogota.

The report notes that the most extreme attack took place November 15, 1992, when eight children and one adult who were members of a community group were murdered in Villatina, a marginal barrio of Medellin, in the northwest of Colombia. According to witnesses, the youths were gathered at night on a street corner in the barrio when 12 men in three vehicles approached and demanded that they lie on the ground, and opened fire on them.

One of the victims reportedly managed to tell his mother before dying that he recognized his killer as a member of the judicial police. One human rights organization linked the Villatina massacre to the deaths of two police officers the same day and said that because those police officers had been killed, they were out to get revenge on the children before this massacre took place.

Now, I only mentioned police and make a point about police because police are an agent of government. Police are the front line of what people really want. And when societies have degenerated to the point where they are killing children and policemen are involved or turning their back, refuse to investigate, then you know that the society is culpable. It is not something out there on the outskirts, on the edges of society, taking place that does not have approval from a large number of citizens.

You know Daniel Goldhagen has written a book called "Hitler's Willing Executioners," and in the book, "Hitler's Willing Executioners," Daniel Goldhagen says that what Hitler did could not have happened if the Nazis had not taken over the government. They had control of the government, and they had power over people, but the extent to which the mass murders occurred, the massacre of 6 million Jewish people occurred, they also had to have a willing population, and that too many people in the German population cooperated because they had come to the point where they demonized Jewish people and saw them as subhuman, and because they saw them as subhuman, they could participate in these outrageous acts without any conscience.

When a society reaches the point where frustrations and failure of government and failure of institutions is such that children become a nuisance, a threat, and the society begins to demonize its children, then they can do unspeakable things to its children, like murder them in the streets like rats.

Mr. Goldhagen also makes some references to slavery. Slavery took place in a situation where large numbers of human beings were treated in a outrageous subhuman, criminal manner for 232 years in America. Slavery in South America lasted longer. Slavery in South America was more brutal. Slavery in South America did not have the constriction of early laws which forbade the import of slaves, so for a much longer time in South America they were importing slaves. And South

America was much more brutal in the treatment of its slaves because they were expendable, they did not try to keep their property alive the way the American slave owners did, they did not set up breeding farms and try to breed slaves and take care of female slaves because they were valuable property. In South America they had an access to large numbers of incoming slaves, and the tradition was they just worked them until they worked them to death. The brutality was so much greater and the heritage of that brutality probably has something to do with the fact that they are shooting children down in the streets of certain South American countries right now.

I might add, my colleagues, that in these South American countries there is a black population. Colombia has, I learned on the radio this morning, 6 million, at least 6 million, people who are of African descent. In Brazil at least half of the people in Brazil are of African descent, and probably, if you use the general yardstick that is applied in America that if you have one drop of African blood you are of African decent, the majority of people in Brazil are of African descent.

The children who are shot down in the streets are usually black or mixed children in the streets of Colombia; it is the black and the mixed children who are being murdered in the streets of Brazil because they are the bottom of the economic ladder, they are the despised ones who have no safety net, there is no welfare program, there is no school lunch program, there is no Medicaid, there is no program for children with disabilities. So they are thrown into the streets.

This is my introduction to my discussion of the Stand For Children. I applaud the Stand For Children because it says a lot about where the majority of Americans are at this point.

There was one thing that happened with Stand For Children that disturbed me. Marian Wright Edelman, who is the organizer of this Stand For Children, on last Saturday did a brilliant job, and we all know Marian Wright Edelman on the Hill very well. Republicans and Democrats are familiar with the work of the Children's Defense Fund, and they have done a great job, and they are very knowledgeable about the political process. They are nonpartisan, and sometimes they have appealed to us to act in a bipartisan way, but they are political. I was disturbed in Marian Wright Edelman's final speech, her closing speech on Saturday when she said to people, "Go back home," and she asked them to follow God. "Don't follow politicians, follow God."

Now, by all means they should follow God. But I wonder why she had to say do not follow politicians. It struck me as strange and sounded dangerous because in my community I have had a problem with people putting down politicians, not wanting to get involved in the political process, not even bothering to go out and vote because they are so fed up with following politicians, they are fed up with the political process, they do not participate, and therefore the people who do participate and those who have the power are making rules and laws which are very much to the detriment of those people. "Don't follow the politicians."

You know it is strange in many ways because it lets all of us off the hook. All politicians, Members of Congress, city council members, members of State legislatures, you are off the hook if you do not have responsibility for children because we have been told, the people have been told, not to follow us.

I do not think Marian Wright Edelman meant this at all; I am positive she did not, because nobody has more political sophistication in America than Marian Wright Edelman. But it came over that way. For a layman listening, it sounds as if we should not follow politicians, that God, you know, cannot be for politicians.

Some politicians are not following God. You know, the scenario, as I see it, is God is up front there, and if you want to get something done through the political process, you have to have certain laws change, you have to have programs in this country and public policy in this country which benefit children; then to do that you got to get behind the politicians. God is in front, the politicians are behind God; some of them are, some of us are. We are the advocates of God's work, we are the advocates for children.

□ 1830

You have to get behind us. If you are going to go in another arena, you want God to be up front. If you want educators and teachers to be up front, get behind them. If you go into the arena where you are talking about health care and you want the doctors in the health care system and the nurses, God is up front and the doctors and health care system and nurses are behind God.

If you want to accomplish something in this world, you have to do it through men and women who make decisions. God is not a dictator. God is not totalitarian. God has left us with free will. God will not intervene in America and deal with whether the Medicaid entitlement stays in place or not. God is not going to come down and deal with that directly. God will act through agents.

There are some advocates that follow God and will fight to guarantee that we keep Medicaid, because it is a life and death matter. We must keep the Medicaid entitlement. There are some advocates who are on the side of God, who are behind God, who will guarantee that we have children with disabilities be supported by the Federal Government. God will not get involved. God will not intervene. That is what free will is all about.

I am not a theologian or deep philosopher, because we have gone through that over and over again. The decision has been made that God leaves mankind free to make certain decisions. God sits and watches, and he is disappointed sometimes. He must spend a lot of time crying about the kinds of decisions that we make. From time to time horrible things are done by men and women who are making the decisions. Horrible things are done by men and women who have the power. God must be very disappointed.

On the other hand, there are men and women who do things that God, I am sure, appreciates a great deal and supports, and in the final analysis I think that those people who are following God, doing God's work, will triumph. But never tell people not to follow politicians, follow God. Tell them to follow the politicians who are in line behind God, and it makes much more sense.

The Children's Defense Fund certainly knows that the political process requires that you talk to politicians, that you confront the Members of Congress, confront the Senators, confront the Members of the House. All that is necessary in order to get things done.

I think that the Children's Defense Fund does its homework very well. Some of the documents they put out clearly show that they do not believe that politicians should not be followed. Or maybe what she is really saying is do not follow them, push them; get behind them and push them. Or maybe it meant that you should get in front of them with some ropes and pull them, because the Children's Defense Fund certainly engages us. We are engaged in problems with children, and I applaud them for that. I applaud them for engaging us year in and year out on problems related to children.

They gave us a list. They sent it around to all the Members of Congress. This list says, "Who's for Kids and Who's Just Kidding?" This came from the Children's Defense Fund, the top 10 kids' votes in the 104th Congress. In after school and summer programs for kids, they give a record of how the Congress voted on the after school and summer programs for kids.

Cut school lunch, that is another vote that was taken. They give a record of how Republicans and Democrats voted. Cut basic education and Head Start and summer jobs, a third vote that was taken which directly impacts on children, on families. Allow parents to block out violent or sexual TV shows. That was a vote that directly affects children and families. If you stand for children, they indicate that you would have voted yes on that vote.

No. 5, cut student loans and children's health and nutrition programs.

We heard a discussion before from our Republican colleagues, that they really are not cutting student loans and they are not cutting children's programs. The amount of money is increasing, but they do not tell us that the number of children, the number of students, is increasing, and when you divide the number of children for these programs into the amount of money, as the children increase, the amount of money is going down per child.

No. 6, restore $3.1 billion in education cuts. We restored that, yet the vote to do that is important. Cut education by $3 billion, that was a vote taken. She is recapitulating past history over the last few months, where the Republicans tried to cut education and to cut job training and to cut summer youth programs and to cut school lunches, and we stood firm. We took our case to the American people. We made it clear to everybody out there what was happening, and they backed down. But she is recounting how the votes went down. These were votes against children.

Accept the Senate's proposal for higher spending on education. That is a vote that is important. Provide a $5,000 adoption tax credit. That is a vote for children on which I think we almost had unanimous consent, we almost had every person on both sides of the aisle voting for the $5,000 adoption tax credit. They note that. That was a vote for families and for children.

Cut funding for basic education and Head Start by 20 percent. Originally the Republican majority voted to cut Head Start by $300 million. I am happy to say that we had yet another vote where we put it back in. I do not know how many Republicans voted to put it back in, but the bill passed which put the money back in for the Head Start cut. Those are concrete things the Children's Defense Fund, the stand for children people, sent around as examples of votes that impacted on children. They understand the political process. They understand clearly.

In another place they make it clear that the Republicans have come up wanting as a party. As a fact, they say, and it is not that they are bipartisan, they are not Democrat or Republican, but they state the facts clearly. I am going to quote from an item in a letter of March 27, 1996, signed by Marion Wright Edelman. This is when the Children's Defense Fund first announced it was the prime sponsor for the Stand for Children.

"Every child in America needs and deserves a healthy start, a had start, a fair start, a safe start, and a moral start in life. Yet this year's book shows that we continue as a Nation to leave millions of our children behind. Despite overwhelming evidence of child suffering and neglect, proposals pending in Congress would return America to the past rather than prepare children for the future; weaken rather than strengthen the guaranteed safety net for children and families during times of need, recession, and disaster; and decrease rather than increase cost-effective child investments in order to give a tax cut to the non-needy. At a time when more than 15 million children are poor, over 3 million are abused and neglected, and more than half a million drop out of school, it is essential that Congress strengthen rather than shred the Federal guaranteed safety net for children.

"I hope that you will find this information, including State by State tables contained in the Appendix, valuable as a resource and as a guide for future action on behalf of America's children. If I or my staff can be of assistance, please contact," et cetera, et cetera; a letter from the Children's Defense Fund in March of this year, saying that we still are taking steps that threaten children and threaten families.

Here is a statement that came out just last week, along with a copy of the top 10 votes for kids. I read from the statement: "The record of the Republican-led 104th Congress on protecting our children is truly an outrage. While Republicans talk about a pro-family agenda, they have voted repeatedly to slash funding for education programs, student loans, child nutrition, health care for children, foster care and other child protection services, and aid for disabled children. The Republican agenda of the 104th Congress has been everything but kid-friendly. In fact, it's been hostile."

Continuing to quote from the item distributed by the Children's Defense Fund last week, it says "This Republican agenda threatens the education and well-being of our Nation's children, effectively abandoning the promise and future of America. Without healthy children in good public schools, our businesses will not be able to compete in the new global economy, and yet throughout, the Republican agenda essentially balances the budget on the backs of our Nation's future."

We heard our Republican colleagues talk before about how important it is to get rid of the deficit and to deal with the budget so children in the future can not have the burden of having to pay for those programs. The debt must be eliminated because of the children in the future.

It seems to be a pattern of the Republican Party that is escalating. It is the children in the womb, they are very much concerned about unborn children. We all should be, because you do not have children unless they get born. But they are excessively preoccupied by the unborn children, but the minute the children arrive and get here, they abandon them.

They do not care what happens to them in terms of the WIC program and the program for infants and mothers. They do not care what happens in terms of mothers who have to stay home to take care of their children. They do not care what happens when the children go to school and have a school lunch program. It is the unborn child, and then it is the child in the future, posterity.

Republicans are concerned about children who are unborn and they are concerned about children who have not been conceived yet, those in the far future. There is something wrong with the sudden lapse and the gap between the child who arrives here and the child in the womb and the children of posterity, there is something radically wrong with the reasoning.

I wrote a little rap poem on April 19 which talked about this, and said that it seems that we are sending a message to the fetuses, and I place the situation in terms of a message from the newborn to the fetus. The newborn is saying "I've arrived here and I find all this hostility. Stay in there. Don't come out here. Don't come into this mean world, you know. "There is a real danger here." The people who talk about a right to life make the right to life just an empty slogan unless it is accompanies by programs and policies which provide an even playing field of opportunity for all children.

At that time I was announcing on April 19, 1996, my support, my applause for the Children's Defense Fund's call for a Stand for Children. Quoting from my entry into the CONGRESSIONAL RECORD on that day, I said, "On June 1st the Children's Defense Fund is sponsoring a great summit in Washington called Stand for Children. This is a gathering which deserves the support of all Members of Congress. We should all join the Stand for Children on this specific day, and for all the days before and after June 1, Congress should refocus on the business of protecting our most precious resource, children outside of their mothers wombs, as well as children inside the wombs." The I go on to give the rap poem which I will read later.

To close out this particular item that was circulated last week by the Children's Defense Fund, and I quote again from it, "Fortunately, the Democrats in Congress and the Clinton administration have successfully fought off many of the damaging cuts that the Republicans have put forth. For example, Democrats have successfully restored most of the education cuts endorsed by the GOP, and President Clinton has vetoed many damaging cuts in children's programs in the GOP welfare and budget reconciliation bills."

This is material that was distributed, despite the fact that this is a nonpartisan group. They just stated the facts. Those are the facts. This is a nonpartisan group that said they did not want any politicians to speak. I accepted that. I was there Saturday. I did not think it was a great problem that politicians could not speak, Republicans or Democrats. There were many other voices that ought to be heard. But I do have a problem if you tell people not to follow politicians, not to follow any politicians, to put us all in one category. That is very unreal and dangerous.

Let me just return to this list. In this list of the top 10 votes in the 104th Congress, there are some things that are left out. There are some things that we need to add. If needs to go beyond 10. We need to bring to light the fact that programs that will impact on children go beyond these 10 areas.

The cuts in public library aid, public libraries receive very tiny amounts of Federal money, but those amounts are very important. We even cut those tiny amounts. We get the best bargain in education in public libraries. For the amount of money spent we get a greater return than anywhere else. They were cut.

Summer youth employment, they did mention that in the 10 points that were made. The destruction of opportunity to learn standards. Most people do not know that the Congress passed a reauthorization of the Elementary and Secondary Education Act, which had in it an item which called for States to establish opportunity to learn standards.

This is all voluntary. States do not have to do it, but if States are going to participate in the program where they establish curriculum standards and they establish testing standards, the curriculum standards and testing standards focus on the children. The onus is on the children to live up to the curriculum standards. They are going to be tested. We added, after much debate, a set of standards called opportunity to learn standards. Opportunity to learn standards mean exactly what they say, the opportunity to learn.

You must have standards which talk about what opportunities to learn are you providing at the State level. Are the teachers qualified? That is an important opportunity to learn standard. Are the buildings safe and conducive and modernized so that learning can take place? Does the library have books that are current, or do they have 35-year-old history books or geography books that are dangerous for children to read, because they read the wrong information?

Do they have laboratories for science and math? That is important. Do they have laboratories for science? Do they have supplies for the laboratories? All of these things are basic, commonsense items. That is what opportunity to learn standards are all about.

□ 1845

We had a great debate during the time when we were reauthorizing the Elementary Secondary Education Act, a great debate among ourselves in the House. Then when the bill was in conference, there was a great debate between the House and the Senate, and those of us who are in favor of opportunity to learn standards prevailed in the authorization process in the 103d Congress. Lo and behold, it violated all the rules. The appropriations process, this Republican majority, through a stealth attack, in the conference process took out the opportunity to learn standards.

They do not want to talk about ways in which we can help children to learn and have that discussed openly the way we discuss testing children. We want to test children until they are tested right out of school, but we do not want to provide a discussion of what are qualified teachers and what is an appropriate set of learning aids in science and math. We do not want to deal with the responsibilities of the local education agency, the responsibilities of the State government, and the responsibilities of the Federal Government.

So the destruction of opportunity to learn standards should be added to this list of votes that hurt kids.

Last Thursday, in the reauthorization of the Individual with Disabilities Education Act that I referred to before at the committee level, the Economic and Educational Opportunities Committee reauthorized a bill which has a drastic set of cuts and a drastic set of negative provisions which do not advance current law but, in my opinion, they build a beachhead for later destruction of the Federal Government's participation in programs to educate children with disabilities.

I sit on that committee, and I am very much aware of the dangers there; and, of course, the Children's Defense Fund could not know exactly the extent of what was happening at the committee level, because the process has gone on for several weeks.

I congratulate the chairman of the committee for holding up the process for 3 weeks while a number of programs that deal with children with disabilities, representatives of organizations, tried to get them to change critical parts of the bill. They at least entered into a dialogue, and for 3 weeks the process did not go forward while the debate took place and the groups were involved.

Finally, in very critical areas, the majority of the groups agreed; and they were overridden by two or three who did not agree on certain critical provisions of the bill.

One of those critical provisions was the provision related to the cessation of services for children. Children with disabilities now are protected in current law. You cannot expel them and throw them out on the streets no matter what happens in terms of their problems in the classroom. You have to, if you are going to remove them from the classroom, most all States now under the Federal law are obligated to provide alternative education. You cannot just throw them out.

In many States, they have State laws which say you cannot throw children out. Whether they have disabilities or not, you cannot throw them out of school without providing them some alternatives.

But there are many States that do not have it. Those children who have disabilities and would for some reason be expelled would be thrown into a situation where it would be very difficult for them to, without the support of public schools and public education, get an education or to get acclimated. They would be thrown out there on the streets and abandoned.

That is the worst thing we can do. We do not want to go in the direction of Brazil and Colombia, South American nations which, by ignoring their children, set up a situation where later on their children are despised and demonized, and later on they are murdered. We want to maintain some sense of civilization as reflected through how we care for the least among us.

So I made a statement at the beginning of the markup, which to save time I will just read it here. It summarizes some of my concern with IDEA, Individuals with Disability Education Act reauthorization. I said, and I quote, at the beginning of this markup, "It would be useful for all concerned if we made a sincere effort to move away from sensational headlines about special education and establish a more objective perspective as advocates for public education."

I am talking about sensational headlines that appeared related to special education being too costly or special education threatening mainstream education because it takes money away from the children who are in regular classrooms. That is a situation that has been generated from this Capitol. This is a situation that the Republican majority has blown out of proportion and made it appear that there is a great threat out there to mainstream education flowing from special education concerns.

"This markup is for the purpose of reauthorizing a program for the most needy children in America. In the overall constellation of Federal funding, IDEA receives only a tiny amount of money. $2.3 billion is proposed for grants to States in fiscal year 1996. Please consider this amount within the context of recent exposures of an unaudited slush fund at the CIA which totaled $4 billion."

Some $2.3 billion is proposed for grants to the States in the fiscal 1996 budget for children with disabilities. That is less than the $4 billion that the CIA had unaudited in the slush fund that they did not know they had. Let us keep our perspective straight. How can we be bankrupting America by providing $2.3 billion to the States for children with disabilities when we have lying around in the CIA $4 billion that we do not even know we have?

"At the Federal Reserve Bank the GAO discovered an unaudited rainy day fund which totaled $3.7 billion even though that agency has not had a rainy day in 79 years."

The rainy day fund has been there. They have been adding to it. That $3.7 billion is far more than we appropriated for children with disabilities, sitting around at the Federal Reserve Bank unutilized. Let us keep our perspective and understand.

The problem is not that there is too much money going to special education needs. The problem is there is too little money going to education as a whole. The problem is that we have to be concerned, members of the Education Committee and members of all other committees, with where the money is going. Education cannot be examined in isolation.

The people in the education community have come to see the budget for education as being the universe that they have to deal with. So they are looking at the total amount for education at present and saying that special education is getting too much of what is available. Let us make more available so that you do not have to cannibalize each other. You do not have to take from one to give to the other. We have the money in the CIA. We have the money in the Federal Reserve Bank. We have the $13 billion additional funding for the Defense Department.

My colleagues from the other side who spoke before never said a word about increasing defense by $13 billion. We talked about the need to balance the budget and need to be more responsible in government expenditures, but nobody said anything about $13 billion more than the President asked, which for has been added to the defense budget this year.

Quoting again from my own statement, "Against the background of continuing monumental waste in B–2 bomber programs and excessive farm subsidies, we should alert all members of the education community to the fact that there is no need to participate in cannibalization among education programs. Special education will not bankrupt the overall education budget. Long overdue increases for all education programs is the solution. Demonization and scapagoating special education promulgates a disaster for overall education funding.

"This bill," the reauthorization of IDEA, which is to come to the floor of the House in the next two weeks, "attacks special education as if it was an enemy. This is a fatal flaw."

"At the time I think it is appropriate to consider the conclusion of Kathleen Boundy, Co-director of the Center for Law and Education, and I quote from her and her closing comment on the present reauthorization bill.

" 'Despite the earnest efforts of many who have attempted to improve this bill and existing law, it is our view that such efforts have ultimately been unsuccessful in both the Senate and the House, and that Part B of IDEA, regardless of its shortcomings, should be left alone in 1996.' "

It is a bill that was not broken, did not need to be repaired, but is being drastically overhauled in the direction of cutting back on the commitment of the Federal Government. It will be to the detriment of children. The neediest children in America are children who are in special education programs. It is to their detriment that we have embarked upon a course which may end up cutting back on a long-term commitment to children in special education.

The Senate has a bill that has not yet passed the House. It passed out of committee. We hope that the Senate is understood by all the people out there that care about education and care about children, we hope they understand that it is not too late.

Certainly people in the Children's Defense Fund ought to put this on their list and consider calling it to the attention of people that care about children in America. If you stand for children, it is still possible to deal with the House legislation H.R. 3268 and the Senate bill S. 1578, part of the revisions of special education law, Public Law 94–142. It is still possible that we can wake up the decisionmakers here in Washington to the fact that they will hurt children if they go ahead with the provisions in this bill which call for a cessation of services completely for children who are disciplined for certain problems.

Without getting into a debate about what those particular kinds of problems are, there are some, and I agree with them wholeheartedly, who take the position that we should never cease services for children, services of any kind. Cessation of services, the throwing of children in the street, will lead us step by step into where Brazil and Colombia are at this point.

The provision which relates to the cessation of services is due to the fact that it is perceived that large amounts of disruption in classrooms is ruining the education process, and they want to stop disruption, whether it is by children with disabilities or anybody else.

Discipline is a major problem in education. Discipline is what I hear teachers talk about all the time. In this Capitol, we ought to address the problem of discipline. The States do not seem to be able to solve the problem and bring it down to reasonable dimensions. The cities, the local education agencies are not able to deal with it and bring it down to a reasonable dimension. It goes on and on, the problem with discipline.

So why not deal with the problem of discipline without invading special education? Special education suffers because large numbers of children who are discipline problems are classified as having a disability. I have complained year in and year out about large numbers of African-American males who have problems of one kind that lead to discipline problems being shunted off into a category called emotionally disturbed.

We took steps when we reauthorized the bill several years ago to begin to deal with this in a constructive way. We wanted to bring more African-American teachers into the system. We had grants for that. Historically, black colleges were encouraged to get involved in training of teachers of children with disabilities.

We wanted to get mothers and families and communities more in tune to what was involved in the way programs for children with disabilities, special education programs operate so that they would not be victimized one way or the other. The children who needed the service should have the proper identification, and they should be placed. Children who did not need special education should not be shunted there because they have certain discipline problems.

☐ 1900

All of those things are cut out of the bill. The cessation of services was one very important item that we lost on. The majority of the groups that had debated the problem, had discussed the problem with representatives of the Republican majority in the final analysis said they could not accept the reauthorization bill as it is considering that it has the cessation of services.

Mr. Speaker, I would like to submit for the RECORD a letter addressed to the Honorable WILLIAM F. GOODLING, chairman of the Committee on Economic and Educational Opportunities, from the long list of organizations which includes the National Association of School Administrators, the National Education Association, National Parent Teacher Association, Council for Exceptional Children and many, many others. I would like to enter it in its entirety into the RECORD.

MAY 22, 1996.

Hon. WILLIAM F. GOODLING,
Chairman, Committee On Economic and Educational Opportunities, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Our organizations believe that all students, even those who break school rules, should receive educational and related services. In that spirit, we urge your strong support for including provisions in the reauthorization of the IDEA that ensure all students have access to appropriate educational opportunities. Providing quality educational opportunities to children and youth is a critical component in the development of both individual achievement and in achieving a highly skilled, competitive workforce.

The fact that students with disabilities have unique needs is recognized through the policy and practice of collaboration and individualized education programs. (IEPs). Our organizations support provisions that would help schools balance the rights of students with disabilities with the need to maintain order and discipline in the schools through preventive measures such as appropriate behavioral interventions, additional classroom and student supports, adequate financial support and other intervention strategies. Should preventive measures not prove adequate, however, we believe it is imperative that continuing educational and related services be provided to all students—even those who need to be served in alternative settings due to suspensions or expulsions from the regular settings—in order to help such students better adapt socially and educationally.

We urge you, as the author of the reauthorization bill for IDEA, to include language that will ensure access to educational and related services for all students with disabilities, even when they violate school discipline rules or policies.

Sincerely,

American Association of School Administrators, National Education Association, National Parent Teacher Association, Council for Exceptional Children, National Association of Secondary School Principals, National Easter Seal Society, Bazelon Center for Mental Health Law, National Association of Protection and Advocacy Systems, Learning Disabilities Association, Brain Injury Association.

American Psychological Association, Adapted Physical Activity Council, National Consortium of Physical Education and Recreation For Individuals with Disabilities, National Therapeutic Recreation Association, National Coalition on Deaf-Blindness, American Council of the Blind, Children and Adults with Attention Deficit Disorders, American Occupational Therapy Association, American Association on Mental Retardation, Federation of Families for Children's Mental Health.

American Academy of Audiology, National Mental Health Association, National Association of Developmental Disabilities Councils, National Parents Network on Disabilities, Association for Education and Rehabilitation of the Blind and Visually Impaired, National Association of School Psychologists, American Foundation for the blind, American Association of University Affiliated Programs, Joseph P. Kennedy Jr. Foundation, American Academy of Child and Adolescent Psychiatry.

Justice For All, The Arc, Council of Great City Schools, National Association of the Deaf, Convention of American Instructors of the Deaf, American Speech-Language-Hearing Association, National Association of School Nurses, Washington PAVE, Project PROMPT, Vermont Parent Information Center.

Special Education Action Committee, Parent Information Center of Delaware, Federation for Children with Special Needs, Connecticut Parent Advocacy Center, Inc., Very Special Arts, American Counseling Association, American Physical Therapy Association, Council of Schools For The Blind, National Council On Independent Living, CAUSE.

Center for Access to Resources and Education, National Coalition For Students With Disabilities Education and Legal Defense Fund, National Down Syndrome Congress, Systematic Training of Military Parents, Washington State Special Education Coalition.

On the other very important controversial point that I spoke on, personnel standards, children with disabilities are now in a situation where they require people who have special training. That has been recognized for decades. We have steadily had programs to develop more teachers, to develop more people who are able to deal with these problems. This legislation all of a sudden, we not only cut out the development programs and the requirement for personnel development but the Republican majority has put in a waiver of the requirements, the qualifications can be waived for individuals. The waiver is an open door to a complete retreat from any quality standards for the personnel. Just as children who are in math and science classes should be taught by teachers who majored in math and science in college, we think that children who have special problems with respect to disabilities ought to be taught and handled by teachers and personnel who have had training in that area. The waiver says that you do not have to do it anymore. Yes, the waiver says that it is for a 3-year period, that unqualified individuals can teach children who have disabilities for 3 years only. For 3 years you can destroy a lot of lives. And the waiver is such that large numbers of people will get these 3-year waivers.

The problem is money. School boards and local education agencies will see themselves saving large amounts of money by accepting unqualified people, giving the waivers, saving the money. In the meantime the children are the victims of unqualified personnel who do not know what they are doing.

Mr. Speaker, I again made a statement which I would like to read in its entirety:

This amendment concerns a provision which is at the core of the Federal Government's commitment to a free and appropriate education for children with disabilities. Without properly trained personnel, the best that children with disabilities can expect is to be warehoused. The worst that will happen under the tutelage of the untrained and inexperienced will be psychological and emotional damage, as well as a substandard education.

In a letter from the Center for Law and Education which I am attaching to this statement, a co-director concludes that we should just abandon this effort and leave the bill alone.

I would like to strongly echo these sentiments. IDEA, Individuals with Disabilities Education Act, was not broken. The current law did not need to be overhauled. The current law did not need to be replaced. This bill is not a reauthorization. The bill that passed out of committee last Thursday is an attack to establish a beachhead. From this beachhead the Republican majority, which has already drastically indicated its contempt for all public education, will attempt a total annihilation of Federal support for special education.

Like a sledgehammer pounding away at a thumb tack, massive power is being brought to bear on programs for the education of children with disabilities, a very tiny component of public education in America. A slander campaign waged against special education has generated distorted perceptions which scapegoat a very productive and beneficial program. Despite these distorted perceptions, special education is in no way a threat to mainstream education. This tiny minority deserves fairer treatment at the hands of the education majority. This minimal program for the most needy students also deserves continued support from both Democrats and the Republican majority.

I congratulate the community of people with disabilities and their consensus group which launched a monumental effort to maintain workable legislation consistent with the original intent of the law and bowing to no partisan dogmas. The language before us is in many ways improved beyond the original doctrinaire attack as a result of the efforts of these negotiators. But the revisions do not go far enough in several fundamental areas. Personnel standards is one of these areas.

This bill, with premeditated stealth, wrecks the carefully developed protections which have been thoughtfully crafted over many years with the input of both recipients and providers of service to children with disabilities. Obliteration of these requirements is a contemptuous and hostile act against children with disabilities. No member of this committee would ever support the wholesale waiver of standards for science and math teachers in the schools located in his or her district. Waiving personnel standards only serves one ignoble purpose: Compliance can be achieved cheaply. For less money, the quality of teaching and other services will most likely be adulterated.

Mr. Speaker, I wish to submit the statement in its entirety for the RECORD.

STATEMENT OF HON. MAJOR R. OWENS "RESTORATION OF PERSONNEL STANDARDS" MAY 30, 1996

This amendment concerns a provision which is at the core of the federal government's commitment to a Free and Appropriate Education for children with disabilities. Without properly trained personnel the best that children with disabilities can expect is to be warehoused; the worst that will often happen under the tutelage of the untrained and inexperienced will be psychological and emotional damage, as well as a substandard education.

In a letter from the Center For Law and Education which I am attaching to this statement the Co-Director of the Center, Kathleen Boundy, concludes as follows:

"Despite the earnest efforts of many who have attempted to improve this bill and existing law, it is our view that such efforts have ultimately been unsuccessful in both the Senate and the House and that Part B of IDEA, regardless of its shortcomings, should be left alone in 1996."

I would like to strongly echo these sentiments. IDEA was not broken. The current law did not need to be overhauled. The Current law did not need to be replaced. This bill is not a reauthorization. This bill is an attack to establish a beachhead. From this beachhead the Republican Majority, which has already dramatically indicated its contempt for all public education, will attempt a total annihilation of federal support for Special Education.

Like a sledge hammer pounding away at a thumb tack, massive power is being brought to bear on programs for the education of children with disabilities, a very tiny component of public education in America. A slander campaign waged against Special Education has generated distorted perceptions which scapegoat a very productive and beneficial program. Despite these distorted perceptions, Special Education is in no way a threat to mainstream education. This tiny minority deserves fairer treatment at the hands of the education majority. This minimal program for the most needy students, also deserves continued support from both Democrats and the Republican majority.

I congratulate the community of people with disabilities and their consensus group which launched a monumental effort to maintain workable legislation consistent with the original intent of the law and bowing to no partisan dogmas. The language before is in many ways improved beyond the original doctrinaire attack as a result of the efforts of these negotiators. But the revisions do not go far enough in several fundamental areas. Personnel standards is one of these areas.

This bill, with premeditated stealth, wrecks the carefully developed protections which have been thoughtfully crafted over many years with the input of both recipients and providers of service to children with disabilities. Obliteration of these requirements is a contemptuous and hostile act against children with disabilities. No member of this Committee would ever support the wholesale waiver of standards for science and math teachers in the schools located in his or her district. Waiving personnel standards only serves one ignoble purpose: Compliance can be achieved cheaply. For less money the quality of teaching and other services will most likely be adulterated. Children will most certainly be shortchanged. But on the surface, the letter of the law will be met.

In this bill funding for staff recruitment and development has been gutted. Efforts to overcome the critical shortage of minority staff have been abandoned. The problem of qualified staff shortages will be solved superficially and dishonestly by simply ignoring the need to employ persons who are qualified. We are civilized leaders agreeing to a savage solution. We would never take the same route to resolve a problem of a shortage of airline pilots or a shortage of open-heart surgeons.

At this point it should be noted that the current law contains a component which would have offset the negative consequences of the waiver of personnel standards, but this has also been greatly reduced. Provisions which facilitated the recruitment, training and certification of personnel have been adulterated. During the negotiations with the Consensus group it was generally assumed that these provisions would remain substantially as they are in current law. The Republican Majority, unfortunately, violated the good faith effort of the negotiators and destroyed and most relevant parts of this component.

In summary, I urge the adoption of this amendment as the first giant step away from this bill's oppressive posture against children with disabilities. This oppressive posture of the Republican Majority generates an impact which is destructive and deadly.

Let us move forward in a bi-partisan spirit to ensure that this body creates the proper federal legislation and resources to provide quality programs and quality staff for children with disabilities.

Mr. Speaker, I would like to say that standing for children means that you stand for children with disabilities, and you stand for policies that are going to promote children across the board. We are fortunate in this Nation that we presently do stand for children. Never let us go to the other extreme and be in the position of Brazil and Colombia where they are killing children instead of standing for children. We stand for children and we should continue to stand for children.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. ABERCROMBIE) to revise and extend her remarks and include extraneous material:)

Mrs. MINK of Hawaii, for 5 minutes, today.

(The following Member (at the request of Mr. BARRETT of Nebraska) to revise and extend his remarks and include extraneous material:)

Mr. MCINTOSH, for 5 minutes, on June 6.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. ABERCROMBIE) and to include extraneous matter:)

Mr. HOYER.
Mr. FAZIO of California in two instances.
Mr. LIPINSKI.
Mrs. MEEK of Florida.
Mr. BENTSEN in two instances.
Mr. LEVIN in two instances.
Mr. BERMAN.
Mr. WAXMAN.
Mr. MENENDEZ.
Mr. KENNEDY of Massachusetts.
Mr. STARK.
Mr. DEUTSCH.
Mr. HAMILTON.
Mr. BROWN of California.
Mr. STUPAK in two instances.

(The following Members (at the request of Mr. BARRETT of Nebraska) and to include extraneous matter:)

Mrs. MORELLA.
Mr. HOKE.
Mr. SOLOMON.
Mr. PORTER.
Mr. GILMAN.
Mr. FRANKS of New Jersey.
Mr. SMITH of New Jersey.

(The following Members (at the request of Mr. OWENS) and to include extraneous matter:)

Mrs. CLAYTON.
Mr. KENNEDY of Massachusetts.
Mr. CHRISTENSEN.
Mr. SHUSTER.
Mrs. KELLY in two instances.
Mr. RICHARDSON.
Mr. HUNTER in two instances.
Mr. TORRES.
Mr. ACKERMAN.
Mr. NEUMANN.
Mr. GALLEGLY.
Mr. SANDERS.

ADJOURNMENT

Mr. OWENS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 5 minutes p.m.), the House adjourned until tomorrow, Wednesday, June 5, 1996, at 10 a.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports and an amended report concerning the foreign currencies and U.S. dollars utilized by various individuals and delegations authorized by the Speaker of the House of Representatives during the fourth quarter of 1995 and the 1st quarter of 1996 in connection with official foreign travel, pursuant to Public Law 95–384, are as follows:

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO BOSNIA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN DEC. 9 AND DEC. 12, 1995

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Greg Ganske	12/9	12/10	Italy		188.00						188.00
	12/10	12/11	Yugoslavia		140.00		26.19		43.79		209.98
	12/11	12/13	Croatia		188.00				34.94		222.94
Julie Pacquing	12/9	12/10	Italy		188.00						188.00
	12/10	12/11	Yugoslavia		140.00		26.19		43.79		209.98
	12/11	12/13	Croatia		188.00				34.94		222.94
Terry Peel	12/9	12/10	Italy		188.00						188.00
	12/10	12/11	Yugoslavia		140.00		26.19		43.79		209.98
	12/11	12/13	Croatia		188.00				34.94		222.94
Dudley Tadami	12/9	12/10	Italy		188.00						188.00
	12/10	12/11	Yugoslavia		140.00		26.19		43.79		209.98
	12/11	12/13	Croatia		188.00				34.94		222.94
Barry Jackson	12/9	12/10	Italy		188.00						188.00
	12/10	12/11	Yugoslavia		140.00		26.19		43.79		209.88
	12/11	12/13	Croatia		188.00				34.94		222.94
Jim Varey	12/9	12/10	Italy		188.00						188.00
	12/10	12/11	Yugoslavia		140.00		26.19		43.79		209.98
	12/11	12/13	Croatia		188.00				34.94		222.94
Hon. Sam Farr	12/9	12/10	Italy		188.00						188.00
	12/10	12/11	Yugoslavia		140.00		26.19		43.79		209.98
	12/11	12/13	Croatia		188.00				34.94		222.94
Hon. Frank Mascara	12/9	12/10	Italy		188.00						188.00
	12/10	12/11	Yugoslavia		140.00		26.19		43.79		209.98
	12/11	12/13	Croatia		188.00				34.94		222.94
Hon. Roger Wicker	12/9	12/10	Italy		188.00						188.00
	12/10	12/11	Yugoslavia		140.00		26.19		43.79		209.98
	12/11	12/13	Croatia		188.00				34.94		222.94
Hon. John Mica	12/9	12/10	Italy		188.00						188.00
	12/10	12/11	Yugoslavia		140.00		26.19		43.79		209.98
	12/11	12/13	Croatia		188.00				34.94		222.94
Hon. Maurice Hinchey	12/9	12/10	Italy		188.00						188.00
	12/10	12/11	Yugoslavia		140.00		26.19		43.79		209.98
	12/11	12/13	Croatia		188.00				34.94		222.94
Hon. Dan Miller	12/9	12/10	Italy		188.00						188.00
	12/10	12/11	Yugoslavia		140.00		26.19		43.79		209.98
	12/11	12/13	Croatia		188.00				34.94		222.94
Hon. Frank Riggs	12/9	12/10	Italy		188.00						188.00
	12/10	12/11	Yugoslavia		140.00		26.19		43.79		209.98
	12/11	12/13	Croatia		188.00				34.94		222.94
Hon. Helen Chenoweth	12/9	12/10	Italy		188.00						188.00
	12/10	12/11	Yugoslavia		140.00		26.19		43.79		209.98
	12/11	12/13	Croatia		188.00				34.94		222.94
Hon. Jim Bunn	12/9	12/10	Italy		188.00						188.00
	12/10	12/11	Yugoslavia		140.00		26.19		43.79		209.98
	12/11	12/13	Croatia		188.00				34.94		222.94
Ray Mock	12/9	12/10	Italy		188.00						188.00
	12/10	12/11	Yugoslavia		140.00		26.19		43.79		209.98
	12/11	12/13	Croatia		188.00				34.94		222.94
Hon. Martin Hoke	12/9	12/10	Italy		188.00						188.00
	12/10	12/11	Yugoslavia		140.00		26.19		43.79		209.98
	12/11	12/13	Croatia		188.00				34.94		222.94
Hon. Van Hilleary	12/9	12/10	Italy		188.00						188.00
	12/10	12/11	Yugoslavia		140.00		26.19		43.79		209.98
	12/11	12/13	Croatia		188.00				34.94		222.94
Hon. Jennifer Dunn	12/9	12/10	Italy		188.00						188.00
	12/10	12/11	Yugoslavia		140.00		26.19		43.79		209.98
	12/11	12/13	Croatia		188.00				34.94		222.94
Hon. Andrea Seastrand	12/9	12/10	Italy		188.00						188.00
	12/10	12/11	Yugoslavia		140.00		26.19		43.79		209.98
	12/11	12/13	Croatia		188.00				34.94		222.94
Hon. Ron Packard	12/9	12/10	Italy		188.00						188.00
	12/10	12/11	Yugoslavia		140.00		26.19		43.79		209.98
	12/11	12/13	Croatia		188.00				34.94		222.94
Committee totals					10,836.00		549.99		1,653.33		13,039.32

---

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

RON PACKARD, May 28, 1996.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO ITALY, BOSNIA, CROATIA, AND HUNGARY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 29 AND MAR. 4, 1996

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Sonny Callahan	3/1	3/2	Italy		200.00		(3)				200.00
Hon. Charles Wilson	3/1	3/2	Italy		200.00		(3)				200.00
Hon. Bob Stump	3/1	3/2	Italy		200.00		(3)				200.00
Hon. Bob Dornan	3/1	3/2	Italy		200.00		(3)				200.00
Hon. Esteban Torres	3/1	3/2	Italy		200.00		(3)				200.00
Hon. Charles Taylor	3/1	3/2	Italy		200.00		(3)				200.00
Hon. Richard Hastings	3/1	3/2	Italy		200.00		(3)				200.00
Hon. Mac Thornberry	3/1	3/2	Italy		200.00		(3)				200.00
Hon. Victor Frazer	3/1	3/2	Italy		200.00		(3)				200.00
Hon. W. Livingood	3/1	3/2	Italy		200.00		(3)				200.00
Charles Flickner	3/1	3/2	Italy		200.00		(3)				200.00
Bill Inglee	3/1	3/2	Italy		200.00		(3)				200.00
Brett O'Brien	3/1	3/2	Italy		200.00		(3)				200.00
Mark Murray	3/1	3/2	Italy		200.00		(3)				200.00
Hon. Sonny Callahan	3/2	3/3	Croatia		280.00		(3)				280.00
Hon. Charles Wilson	3/2	3/3	Croatia		280.00		(3)				280.00
Hon. Bob Stump	3/2	3/3	Croatia		280.00		(3)				280.00
Hon. Bob Dornan	3/2	3/3	Croatia		280.00		(3)				280.00
Hon. Esteban Torres	3/2	3/3	Croatia		280.00		(3)				280.00
Hon. Charles Taylor	3/2	3/3	Croatia		280.00		(3)				280.00
Hon. Richard Hastings	3/2	3/3	Croatia		280.00		(3)				280.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO ITALY, BOSNIA, CROATIA, AND HUNGARY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 29 AND MAR. 4, 1996—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Mac Thornberry	3/2	3/3	Croatia		280.00		(3)				280.00
Hon. Victor Frazer	3/2	3/3	Croatia		280.00		(3)				280.00
Hon. W. Livingood	3/2	3/3	Croatia		280.00		(3)				280.00
Charles Flickner	3/2	3/3	Croatia		280.00		(3)				280.00
Bill Inglee	3/2	3/3	Croatia		280.00		(3)				280.00
Brett O'Brien	3/2	3/3	Croatia		280.00		(3)				280.00
Mark Murray	3/2	3/3	Croatia		280.00		(3)				280.00
Hon. Sonny Callahan	3/3	3/4	Hungary		212.00		(3)				212.00
Hon. Charles Wilson	3/3	3/4	Hungary		212.00		(3)				212.00
Hon. Bob Stump	3/3	3/4	Hungary		212.00		(3)				212.00
Hon. Bob Dornan	3/3	3/4	Hungary		212.00		(3)				212.00
Hon. Esteban Torres	3/3	3/4	Hungary		212.00		(3)				212.00
Hon. Charles Taylor	3/3	3/4	Hungary		212.00		(3)				212.00
Hon. Richard Hastings	3/3	3/4	Hungary		212.00		(3)				212.00
Hon. Mac Thornberry	3/3	3/4	Hungary		212.00		(3)				212.00
Hon. Victor Frazer	3/3	3/4	Hungary		212.00		(3)				212.00
W. Livingood	3/3	3/4	Hungary		212.00		(3)				212.00
Charles Flickner	3/3	3/4	Hungary		212.00		(3)				212.00
Bill Inglee	3/3	3/4	Hungary		212.00		(3)				212.00
Brett O'Brien	3/3	3/4	Hungary		212.00		(3)				212.00
Mark Murray	3/3	3/4	Hungary		212.00		(3)				212.00
Committee Total					9,688.00						9,688.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

SONNY CALLAHAN, Chairman, Apr. 1, 1996.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. GARDNER PECKHAM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 12 AND FEB. 24, 1996

Name of Member or employee	Date		Country	Per diem		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Gardner Peckham	2/12	2/14	Germany		301.00						
	2/14	2/21	Bosnia		1,288.00						
	2/21	2/22	Croatia		228.00						
	2/22	2/24	Italy		337.00		1,515.75				3,669.75
Committee total					2,154.00		1,515.75				3,669.75

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

GARDNER G. PECKHAM, Mar. 18, 1996.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3295. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Idaho-Eastern Oregon Onions; Assessment Rate (Docket No. FV96-958-21FR) received May 31, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3296. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final fule—Oregon-California Potatoes; Assessment Rate (Docket No. FV96-947-1IFR) received May 31, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3297. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Southeastern Potatoes; Assessment Rate (Docket No. FV96-953-1IFR) received May 31, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3298. A letter from the Assistant Secretary of Defense, transmitting the Department's report entitled "Off-The-Shelf Systems" a supplemental report to the section 366 National Defense Authorization Act, fiscal year 1996 report, which was submitted April 16, 1996, and numbered EC2378, pursuant to Public Law 104-106, section 366(c)(1) (110 Stat. 276); to the Committee on National Security.

3299. A letter from the Secretary of Defense, transmitting notification that the Secretary has approved the retirement of Lt. Gen. Arthur E. Williams, U.S. Army, on the retired list in the grade of lieutenant general, and certification that General Williams has served satisfactorily on active duty in his current grade; to the Committee on National Security.

3300. A letter from the Assistant Secretary for Legislative Affairs and Public Liaison, Department of the Treasury, transmitting a copy of the 13th monthly report as required by the Mexican Debt Disclosure Act of 1995, pursuant to Public Law 104-6, section 404(a) (109 Stat. 90); to the Committee on Banking and Financial Services.

3301. A letter from the Assistant to the Board, Federal Reserve System, transmitting the Reserve's final rule—Regulation E, Electronic Fund Transfers [Docket No. R-0830] received May 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

3302. A letter from the Assistant to the Board, Federal Reserve System, transmitting the Reserve's final rule—Amendments to the Bank Secrecy Act Regulations Relating to the Recordkeeping for Funds Transfers and Transmittals of Funds by Financial Institutions [Docket No. R-0807] (RIN: 1505-AA37) received May 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

3303. A letter from the Director, Office of Management and Budget, transmitting OMB's estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 2002 resulting from passage of H.R. 1836, pursuant to Public Law 101-508, section 13101(a) (104 Stat. 1388-582); to the Committee on the Budget.

3304. A letter from the Acting Commissioner, National Center for Education Statistics, transmitting the annual statistical report of the National Center for Education Statistics [NCES] entitled "The Condition of Education," pursuant to 20 U.S.C. 9005; to the Committee on Economic and Educational Opportunities.

3305. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Nevada; Final Authorization of State Hazardous Waste Management Programs Revisions (FRL-5510-9) received May 31, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3306. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Acid Rain Program; Elimination of Direct Sale Program and IPP Written Guarantee (FRL-5513-4) received May 31, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3307. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Hazardous

Waste Treatment, Storage, and Disposal Facilities and Hazardous Waste Generators; Organic Air Emission Standards for Tanks, Surface Impoundments and Containers (Amendment of final rule to postpone requirements) (FRL–5509–4) received June 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3308. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Amendment of the Commission's Rules to Conform the Maritime Service Rules to the Provisions of the Telecommunications Act of 1996 (FCC 96–156) received May 21, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3309. A letter from the Secretary of Energy, transmitting the annual report on the activities of the Office of Alcohol Fuels, pursuant to 42 U.S.C. 8818(c)(2); to the Committee on Commerce.

3310. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

3311. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's report pursuant to title II of Public Law 104–107 (Nonproliferation and Disarmament Fund [NDF] activities); to the Committee on International Relations.

3312. A letter from the Secretary of the Interior, transmitting the semiannual report on activities of the inspector general for the period October 1, 1995, through March 31, 1996, together with the Secretary's report on audit followup, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

3313. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–269, "Omnibus Sports Consolidation Act Amendment Act of 1996" received June 3, 1996, pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

3314. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–270, "Public Utilities Board of Directors Amendment Act of 1996" received June 3, 1996, pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

3315. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–271, "District of Columbia Income and Franchise Tax Act of 1947 Conformity Amendment Act of 1996" received June 3, 1996, pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

3316. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–272, "Child Support Enforcement Temporary Amendment Act of 1996" received June 3, 1996, pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

3317. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–273, "Department of Corrections Privatization Facilitation Temporary Act of 1996" received June 3, 1996, pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

3318. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–274, "Business and Nonprofit Corporation Five-Year Annual Report Act Suspension Temporary Amendment Act of 1996" received June 3, 1996, pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

3319. A letter from the Director for Executive Budgeting and Assistance Management, Department of Commerce, transmitting the Department's final rule—Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments (RIN: 0605–AA10) received May 28, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

3320. A letter from the Chairman, Board of Governors, Federal Reserve Systems, transmitting the semiannual report on activities of the inspector general for the period October 1, 1995, through March 31, 1996, and the semiannual management report for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

3321. A letter from the Director, Office of Personnel Management, transmitting the semiannual report on activities of the inspector general for the period October 1, 1995, through March 31, 1996, and the management response for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

3322. A letter from the Chairman, Board of Directors, Panama Canal Commission, transmitting the semiannual report on activities of the inspector general for the period October 1, 1995, through March 31, 1996, also the Commission's statistical tables and accompanying comments on audit reports for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

3323. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to authorize subsistence payment for employees performing certain duties; to the Committee on Government Reform and Oversight.

3324. A letter from the Director, United States Information Agency, transmitting the semiannual report on activities of the inspector general for the period October 1, 1995, through March 31, 1996, and the semiannual management report for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

3325. A letter from the Chairman, U.S. International Trade Commission, transmitting the semiannual report on activities of the inspector general for the period October 1, 1995, through March 31, 1996, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

3326. A letter from the Secretary of the Interior, transmitting the 25th annual report of the actual operation during water year 1995 for the reservoirs along the Colorado River; projected plan of operation for water year 1996, pursuant to 43 U.S.C. 1552(b); to the Committee on Resources.

3327. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—Glacier Bay National Park, Alaska: Vessel Management Plan Regulations (National Park Service) (RIN: 1024–AC05) received May 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3328. A letter from the Program Management Officer, National Oceanic and Atmospheric Administration, transmitting the Service's final rule—General Provisions for Domestic Fisheries; Amendment of Emergency Fishing Closure in Block Island Sound [Docket No. 960126016–6105–03; I.D. 040896B] received June 4, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3329. A letter from the Program Management Officer, National Oceanic and Atmospheric Administration, transmitting the Service's final rule—General Provisions for Domestic Fisheries; Amendment to Closure for American Lobster in Block Island Sound [Docket No. 960126016–6149–05; I.D. 052196G] received June 4, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3330. A letter from the Secretary of the Interior, transmitting notification of the Secretary's decision to waive the 20-percent limitation for projects in the State of California (the San Sevaine Creek Water Project) notification received May 29, 1996; to the Committee on Resources.

3331. A letter from the Secretary of the Interior, transmitting notification that the County of San Bernardino (San Sevaine Creek Water Project) has applied for financial assistance under the Small Reclamation Projects Act of 1956 (70 Stat. 1044), as amended, to provide flood protection, up to 25,000 acre-feet of annual ground-water recharge to the Chino Groundwater Basin, and direct benefit to an agricultural area of 29,500 acres; to the Committee on Resources.

3332. A letter from the Assistant Attorney General of the United States, transmitting a draft of proposed legislation to strengthen Federal child protection laws; to the Committee on the Judiciary.

3333. A letter from the Commissioner, Immigration and Naturalization Service, transmitting the Service's final rule—Certification of Designated Fingerprinting Services [INS No. 1666–94] (RIN: 1115–AD75) received May 29, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

3334. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Continued Rotation and Rotor Locking Tests, and Vibration and Vibration Tests (Federal Aviation Administration) (RIN: 2120–AF57) received June 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3335. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Child Restraint Systems (Federal Aviation Administration) (RIN: 2120–AF52) received June 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3336. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—IFR Altitudes; Miscellaneous Amendments (53)—Amendment No. 396 (Federal Aviation Administration) (RIN: 2120–AF63) (1996–0003) received June 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3337. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Tallulah, LA—Docket No. 95–ASW–12 (Federal Aviation Administration) (RIN: 2120–AF66) (1996–0041) received June 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3338. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of

Class E Airspace; Las Vegas, NM—Docket No. 95–ASW–311 (Federal Aviation Administration) (RIN: 2120–AA66) (1996–0032) received June 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3339. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Dumas, TX—Docket No. 95–ASW–30 (Federal Aviation Administration) (RIN: 2120–AA66) (1996–0031) received June 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3340. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Brownfield, TX—Docket No. 95–ASW–29 (Federal Aviation Administration) (RIN: 2120–AA66) (1996–0030) received June 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3341. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Hobbs, NM—Docket No. 95–ASW–28 (Federal Aviation Administration) (RIN: 2120–AA66) (1996–0040) received June 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3342. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Deming, NM—Docket No. 95–ASW–27 (Federal Aviation Administration) (RIN: 2120–AA66) (1996–0027) received June 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3343. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Carlsbad, NM—Docket No. 95–ASW–26 (Federal Aviation Administration) (RIN: 2120–AA66) (1996–0039) received June 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3344. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Belen, NM—Docket No. 95–ASW–25 (Federal Aviation Administration) (RIN: 2120–AA66) (1996–0038) received June 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3345. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Mena, AR—Docket No. 95–ASW–24 (Federal Aviation Administration) (RIN: 2120–AA66) (1996–0034) received June 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3346. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Galliano LA—Docket No. 95–ASW–23 (Federal Aviation Administration) (RIN: 2120–AA66) (1996–0033) received June 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3347. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Marshall, TX—Docket No. 95–ASW–22 (Federal Aviation Administration) (RIN: 2120–AA66) (1996–0048) received June 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3348. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Livingston, TX—Docket No. 95–ASW–21 (Federal Aviation Administration) (RIN: 2120–AA66) (1996–0047) received June 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3349. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Midlothian-Waxahaclie, TX—Docket No. 95–ASW–19 (Federal Aviation Administration) (RIN: 2120–AA66) (1996–0051) received June 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3350. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Reserve, LA—Docket No. 95–ASW–16 (Federal Aviation Administration) (RIN: 2120–AA66) (1996–0049) received June 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3351. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Gainesville, TX—Docket No. 95–ASW–151 (Federal Aviation Administration) (RIN: 2120–AA66) (1996–0044) received June 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3352. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Hondo, TX—Docket No. 95–ASW–14 (Federal Aviation Administration) (RIN: 2120–AA66) (1996–0043) received June 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3353. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Santa Fe, NM—Docket No. 95–ASW–13 (Federal Aviation Administration) (RIN: 2120–AA66) (1996–0042) received June 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3354. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fokker Model F28 Mark 0100 Series Airplanes (Docket No. 95–NM–172–AD) (RIN: 2120–AA64) received June 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3355. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Beech (Raytheon) Model BAe 125 Series 1000A and Model Hawker 1000 Airplanes (Docket No. 95–NM–180–AD) (RIN: 2120–AA64) received June 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3356. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC–9–80 Series Airplanes, Model MD–88, and MD–90 Airplanes (Docket No. 95–NM–188–AD) (RIN: 2120–AA64) received June 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3357. A letter from the Chairman, Surface Transportation Board, transmitting the Board's final rule—Exemption From Regulation—Boxcar Traffic Filing (STB Ex Parte No. 548) (49 CFR Part 1039) received June 4, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3358. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Loan Guaranty: Miscellaneous (RIN: 2900–AI01) received May 31, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

3359. A communication from the President of the United States, transmitting notification of his determination that a continuation of a waiver currently in effect for the People's Republic of China will substantially promote the objective of section 402 of the Trade Act of 1974—received in the United States House of Representatives May 31, 1996, pursuant to 19 U.S.C. 2432(c) and (d) (H. Doc. No. 104–223); to the Committee on Ways and Means and ordered to be printed.

3360. A communication from the President of the United States, transmitting notification of his determination that a continuation of a waiver currently in effect for Albania, Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Mongolia, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan will substantially promote the objectives of section 402 of the Trade Act of 1974—received in the United States House of Representatives June 3, 1996, pursuant to 19 U.S.C. 2432(c) and (d) (H. Doc. No. 104–224); to the Committee on Ways and Means and ordered to be printed.

3361. A letter from the Chief, Regulations Branch, U.S. Customs Service, Department of the Treasury, transmitting the Department's final rule—Removal of Toshiba Sanction Regulations (U.S. Customs Service) (RIN: 1515–AB96) received May 31, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3362. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Enterprise Zone Facility Bonds (RIN: 1545–AM01) received May 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3363. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Section 1033.—Involuntary Conversions (Revenue Ruling 96–32) received May 31, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3364. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Form 5300 Series, Schedule Q (Announcement 96–53) received June 4, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3365. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Section 472.—Last-in, First-out Inventories (Revenue Ruling 96–31) received May 31, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3366. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Administrative, Procedural, and Miscellaneous (Revenue Procedure 96–35) received May 31, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3367. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of the Department's intent to reprogram $0.5 million in fiscal year 1996 funds made available under chapter 6 of Part II of the FAA, as amended for administrative and operations support for the International Customs Observer Mission [ICOM] in Bosnia, pursuant to 22 U.S.C. 2394-1(a) and Public Law 104-107, section 515 (110 Stat. 726); jointly, to the Committees on International Relations and Appropriations.

3368. A letter from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to assist in the reform of travel management in the Federal Government; jointly, to the Committees on Government Reform and Oversight and Science.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Alaska: Committee on Resources. H.R. 848. A bill to increase the amount authorized to be appropriated for assistance for highway relocation regarding the Chickamauga and Chattanooga National Military Park in Georgia; with an amendment (Rept. 104-603). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. NEUMANN (for himself, Mr. KLUG, Mr. GUNDERSON, Mr. PETRI, Mr. ROTH, and Mr. SENSENBRENNER):

H.R. 3562. A bill to authorize the State of Wisconsin to implement the demonstration project known as "Wisconsin Works"; to the Committee on Ways and Means, and in addition to the Committees on Agriculture, Economic and Educational Opportunities, and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHUSTER (for himself and Mr. OBERSTAR) (both by request):

H.R. 3563. A bill to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. GILMAN (for himself, Mr. BEREUTER, Mr. GEJDENSON, Mr. HYDE, Mr. LIPINSKI, Mr. SOLOMON, Mr. OBERSTAR, Mr. COX, Ms. KAPTUR, Mr. LEACH, Mrs. MALONEY, Mr. ZIMMER, Mr. SMITH of New Jersey, Mr. TORRICELLI, Mr. BROWNBACK, Ms. LOFGREN, Mr. HOKE, Mr. PALLONE, Mr. QUINN, Mr. HOLDEN, Mr. KIM, Mr. HOSTETTLER, Mr. GALLEGLY, and Mr. KING):

H.R. 3564. A bill to amend the NATO Participation Act of 1994 to expedite the transition to full membership in the North Atlantic Treaty Organization of emerging democracies in Central and Eastern Europe; to the Committee on International Relations, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCCOLLUM (for himself, Mr. HYDE, Mr. CUNNINGHAM, Mr. COBLE, Mr. BUYER, Mr. HEINEMAN, and Mr. BRYANT of Tennessee):

H.R. 3565. A bill to amend title 18, United States Code, with respect to juvenile offenders, and for other purposes; to the Committee on the Judiciary, and in addition, to the Committee on Economic and Educational Opportunities, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BARRETT of Wisconsin:

H.R. 3566. A bill to expand the definition of limited tax benefit for purposes of the Line Item Veto Act; to the Committee on Government Reform and Oversight, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BEREUTER:

H.R. 3567. A bill to fully capitalize the deposit insurance funds, to provide regulatory relief for insured depository institutions and depository institution holding companies, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. CLINGER:

H.R. 3568. A bill to designate 51.7 miles of the Clarion River, located in Pennsylvania, as a component of the National Wild and Scenic Rivers System; to the Committee on Resources.

By Mr. COX (for himself, Mr. GILMAN, Mr. SOLOMON, Mr. TORRICELLI, Mr. LANTOS, Mr. SMITH of New Jersey, Mr. ROYCE, Mr. BURTON of Indiana, Mr. SCARBOROUGH, Mr. FUNDERBURK, Mr. BROWN of Ohio, Mr. DORNAN, Mr. ROHRABACHER, and Mr. BONO):

H.R. 3569. A bill to provide that most-favored-nation trading status for the People's Republic of China may continue provided that Taiwan is admitted to the World Trade Organization by March 1, 1997; to the Committee on Ways and Means.

By Mrs. KELLY:

H.R. 3570. A bill to amend the Internal Revenue Code of 1986 to provide that gain on the sale of a principal residence shall be excluded from gross income without regard to the age of the taxpayer or the amount of the gain; to the Committee on Ways and Means.

By Mr. KING:

H.R. 3571. A bill to amend title 18, United States Code, to protect the sanctity of religious communications; to the Committee on the Judiciary.

By Mr. LEWIS of Kentucky:

H.R. 3572. A bill to designate the bridge on U.S. Route 231 which crosses the Ohio River between Maceo, KY, and Rockport, IN, as the "William H. Natcher Bridge"; to the Committee on Transportation and Infrastructure.

By Mr. MENENDEZ:

H.R. 3573. A bill to amend the Oil Pollution Act of 1990 to make the act more effective in preventing oil pollution in the Nation's waters through enhanced prevention of, and improved response to, oil spills, and to ensure that citizens and communities injured by oil spills are promptly and fully compensated, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mrs. MORELLA:

H.R. 3574. A bill to amend title 5, United States Code, to provide for the termination of any rights that a former spouse may have, in connection with receiving any portion of an annuity of a retired Federal employee, by reason of the remarriage of the former spouse; to the Committee on Government Reform and Oversight.

By Mr. RICHARDSON (for himself and Mr. SKEEN):

H.R. 3575. A bill to amend the Agricultural Market Transition Act to include native pasture for livestock among the list of crops specifically identified as eligible for noninsured crop disaster assistance; to the Committee on Agriculture.

By Mr. ROEMER:

H.R. 3576. A bill to designate the U.S. courthouse located at 401 South Michigan Street in South Bend, IN, as the "Robert Kurtz Rodibaugh United States Courthouse"; to the Committee on Transportation and Infrastructure.

By Mr. SOLOMON (for himself, Mr. GILMAN, and Mr. COX):

H.R. 3577. A bill to oppose the provision of assistance to the People's Republic of China by any international financial institution; to the Committee on Banking and Financial Services.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 713: Mr. FAZIO of California.

H.R. 789: Mr. MCINTOSH.

H.R. 820: Mr. SCHIFF, Mr. BRYANT of Texas, Mr. CAMP, Ms. KAPTUR, Mr. BEILENSON, Mr. BARTON of Texas, Mr. EVANS, Ms. DELAURO, Mr. CHABOT, Mr. BROWN of California, and Mr. HASTINGS of Florida.

H.R. 1046: Ms. BROWN of Florida, Mr. FLAKE, and Mr. RANGEL.

H.R. 1073: Mr. COBLE and Ms. ROYBAL-ALLARD.

H.R. 1074: Ms. ROYBAL-ALLARD.

H.R. 1464: Mr. CAMPBELL.

H.R. 1656: Ms. ROYBAL-ALLARD.

H.R. 1733: Ms. SLAUGHTER.

H.R. 1757: Mr. LAFALCE.

H.R. 1758: Mr. GREEN of Texas.

H.R. 1776: Mr. JOHNSON of South Dakota and Mr. EVERETT.

H.R. 1797: Mr. CUMMINGS.

H.R. 2270: Mrs. SEASTRAND.

H.R. 2566: Mr. WAXMAN.

H.R. 2665: Mr. MANTON.

H.R. 2745: Ms. BROWN of Florida, Ms. MCKINNEY, and Mr. HORN.

H.R. 2748: Mr. HILLIARD, Mr. MINGE, Mr. EVANS, Mr. DURBIN, Mr. OLVER, and Mr. SANDERS.

H.R. 2749: Mr. HASTERT.

H.R. 2779: Mrs. CLAYTON, Ms. SLAUGHTER, and Mr. BARR.

H.R. 2827: Mr. FRELINGHUYSEN.

H.R. 2834: Mr. FLAKE.

H.R. 2849: Mr. HINCHEY and Mr. LAFALCE.

H.R. 2994: Mr. BOUCHER.

H.R. 3078: Mr. FUNDERBURK, Mr. SCHAEFER, and Mr. BOEHNER.

H.R. 3083: Mr. ROMERO-BARCELO.

H.R. 3118: Mr. SAXTON.

H.R. 3178: Mr. GEJDENSON and Mr. JOHNSON of South Dakota.

H.R. 3222: Mrs. CLAYTON and Mr. BEILENSON.

H.R. 3226: Mr. WARD, Mr. GANSKE, Mr. DOOLEY, Ms. RIVERS, Mr. CUMMINGS, and Mr. MANTON.

H.R. 3241: Mr. ROMERO-BARCELO.

H.R. 3246: Mr. DURBIN.

H.R. 3267: Miss COLLINS of Michigan and Mr. MILLER of California.

H.R. 3280: Mr. EVANS, Mr. GEJDENSON, Mr. LEVIN, and Mr. REED.

H.R. 3337: Mr. RANGEL and Mrs. LOWEY.

H.R. 3393: Mr. TALENT.

H.R. 3401: Mr. MILLER of California, Mrs. CLAYTON, Mr. FLAKE, Mr. BOEHLERT, and Ms. DELAURO.

H.R. 3430: Mr. STUPAK and Mr. PETERSON of Minnesota.

H.R. 3445: Mrs. LOWEY and Mr. MANTON.

H.R. 3460: Ms. SLAUGHTER.

H.R. 3521: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FRAZER, Mr. CUMMINGS, Mr. FROST, Mr. RANGEL, Mr. MANTON, Mr. PAYNE of New Jersey, Mr. WATTS of Oklahoma, Mr. TOWNS, and Mr. WYNN.

H.R. 3551: Mr. SMITH of New Jersey, Mr. JONES, and Mr. TORRICELLI.

H.R. 3554: Mr. GORDON and Mr. QUILLEN.

H. Con. Res. 10: Mr. WELDON of Pennsylvania.

H. Con. Res. 26: Mr. KENNEDY of Rhode Island, Mr. KENNEDY of Massachusetts, Mr. CUMMINGS, and Mrs. KENNELLY.

H. Con. Res. 47: Mr. DOOLITTLE and Mr. QUINN.

H. Con. Res. 51: Mr. TORRICELLI, Mr. BUNNING of Kentucky, and Mr. CUNNINGHAM.

H. Con. Res. 145: Mr. TORRICELLI and Mr. HORN.

H. Con. Res. 156: Mr. COLEMAN.

H. Con. Res. 181: Mr. BONILLA, Mr. JOHNSON of South Dakota, Mr. MINGE, Mr. PETERSON of Minnesota, Mrs. CLAYTON, Mr. ROSE, Mr. POMEROY, and Mr. STENHOLM.

H. Res. 439: Mr. GUNDERSON.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 3540

OFFERED BY: MR. BURTON OF INDIANA

AMENDMENT NO. 8: Page 95, line 12, insert before the semicolon the following; ", including the murders of Mireille Bertin, Michel Gonzalez, and Jean Hubert Feuille".

H.R. 3540

OFFERED BY: MR. ENGEL

AMENDMENT NO. 9: Page 10, line 24, insert before the period the following. ", of which $6,000,000 shall be for assistance for Kosova".

H.R. 3540

OFFERED BY: MR. FRANK OF MASSACHUSETTS

AMENDMENT NO. 10: Page 97, line 5, insert the following new section:

PROHIBITION OF IMET ASSISTANCE FOR INDONESIA

SEC. 573. None of the funds appropriated in this Act under the heading "International Military Education and Training" may be made available to the Government of Indonesia.

H.R. 3540

OFFERED BY: MR. HALL OF OHIO

AMENDMENT NO. 11: Page 97, line 5, insert the following new section:

PROHIBITION ON USE OF FUNDS FOR PROCUREMENT AND MANUFACTURE OF ANTIPERSONNEL LANDMINES

SEC. 573. None of the funds made available in this Act may be used for assistance in support of any country when it is made known to the Federal official having authority to obligate or expend such funds that such country has used, or is likely to use, any part of such assistance for the procurement or manufacture of antipersonnel landmines.

H.R. 3540

OFFERED BY: MR. HASTINGS OF FLORIDA

AMENDMENT NO. 12: Page 7, line 17, before the period insert the following: ": *Provided further*, That, of the amount appropriated under this heading, $140,000,000 should be made available for programs in Africa".

H.R. 3540

OFFERED BY: MR. HASTINGS OF FLORIDA

AMENDMENT NO. 13: Page 7, line 21, strike "and chapter 10 of part I".

Page 7, line 22, after "$1,150,000,000" insert "(decreased by $539,300,000)".

Page 9, after line 18, insert the following:

DEVELOPMENT FUND FOR AFRICA

For necessary expenses to carry out the provisions of chapter 10 of part I of the Foreign Assistance Act of 1961, $539,300,000, to remain available until September 30, 1998.

H.R. 3540

OFFERED BY: MR. HASTINGS OF FLORIDA

AMENDMENT NO. 14: Page 22, line 15, insert the following:

(n) The Congress—

(1) finds that the rising number of reports of religious persecutions in Russia is of concern;

(2) urges the Secretary of State to be attentive to this growing problem; and

(3) urges the Government of Russia to eliminate restrictions on religious institutions, such as the restrictions placed on the Jewish Agency for Israel, and to reissue operating licenses allowing such Agency to reopen their offices.

H.R. 3540

OFFERED BY: MR. HASTINGS OF FLORIDA

AMENDMENT NO. 15: Page 97, line 5, insert the following:

DEVELOPMENT FUND FOR AFRICA

SEC. 573. For necessary expenses to carry out the provisions of chapter 10 of part I of the Foreign Assistance Act of 1961, to be derived from amounts provided in this Act for "DEVELOPMENT ASSISTANCE", $539,300,000, to remain available until September 30, 1998.

H.R. 3540

OFFERED BY: MR. KENNEDY OF MASSACHUSETTS

AMENDMENT NO. 16: Page 97, line 5, insert the following new section:

PROHIBITION OF FUNDS FOR SCHOOL OF THE AMERICAS

SEC. 573. None of the funds made available in this Act may be used for the School of the Americas.

H.R. 3540

OFFERED BY: MR. LAHOOD

AMENDMENT NO. 17: Page 2, line 25, after the dollar amount, insert the following: "(reduced by $72,600,000)".

H.R. 3540

OFFERED BY: MRS. LOWEY

AMENDMENT NO. 18: Strike Section 518A (page 50, line 3 through page 52, line 20).

H.R. 3540

OFFERED BY: MR. MANZULLO

AMENDMENT NO. 19: Page 3, line 25, after the dollar amount, insert the following: "(reduced by $3,136,000)".

H.R. 3540

OFFERED BY: MR. MICA

AMENDMENT NO. 20: Page 7, line 4, after "$600,000,000" insert "increased by $23,287,500)".

Page 13, line 11, after "$465,750,000" insert "(decreased by $23,287,500)".

H.R. 3540

OFFERED BY: MR. MICA

AMENDMENT NO. 21: Page 11, line 20, after "$1,500,000" insert "(increased by $1,500,000)".

Page 13, line 11, after "$465,750,000" insert "(decreased by $1,500,000)".

H.R. 3540

OFFERED BY: MR. NEUMANN

AMENDMENT NO. 22: Page 17, line 15, after the dollar amount, insert the following: "(reduced by $40,750,000)".

H.R. 3540

OFFERED BY: MR. OBEY

AMENDMENT NO. 23: On page 3, line 25, after the dollar amount, insert the following: "(reduced by $2,000,000)".

H.R. 3540

OFFERED BY: MR. OBEY

AMENDMENT NO. 24: On page 3, line 25, after the dollar amount, insert the following: "(reduced by $1,000,000)".

H.R. 3540

OFFERED BY: MR. OBEY

AMENDMENT NO. 25: On page 4, line 25, after the dollar amount, insert the following: "(reduced by $4,000,000)".

H.R. 3540

OFFERED BY: MR. OBEY

AMENDMENT NO. 26: On page 4, line 25, after the dollar amount, insert the following: "(reduced by $2,000,000)".

H.R. 3540

OFFERED BY: MR. OBEY

AMENDMENT NO. 27: On page 27, line 24, after the dollar amount, insert the following: "(reduced by $6,000,000)".

H.R. 3540

OFFERED BY: MR. OBEY

AMENDMENT NO. 28: On page 27, line 24, after the dollar amount, insert the following: "(reduced by $4,000,000)".

H.R. 3540

OFFERED BY: MR. OBEY

AMENDMENT NO. 29: On page 27, line 24, after the dollar amount, insert the following: "(reduced by $3,000,000)".

H.R. 3540

OFFERED BY: MR. OBEY

AMENDMENT NO. 30: On page 27, line 24, after the dollar amount, insert the following: "(reduced by $1,525,000)".

H.R. 3540

OFFERED BY: MR. OBEY

AMENDMENT NO. 31: On page 27, line 24, after the dollar amount, insert the following: "(reduced by $800,000)".

H.R. 3540

OFFERED BY: MR. OBEY

AMENDMENT NO. 32: On page 27, line 24, after the dollar amount, insert the following: "(reduced by $400,000)".

H.R. 3540

OFFERED BY: MR. OBEY

AMENDMENT NO. 33: On page 27, line 24, after the dollar amount insert the following: "(reduced by $150,000)".

H.R. 3540

OFFERED BY: MR. OBEY

AMENDMENT NO. 34: On page 27, line 24, after the dollar amount insert the following: "(reduced by $50,000)".

H.R. 3540

OFFERED BY: MR. OBEY

AMENDMENT NO. 35: On page 27, line 24, after the dollar amount insert the following: "(reduced by $25,000)".

H.R. 3540

OFFERED BY: MR. OBEY

AMENDMENT NO. 36: On page 28, line 1, insert after the colon the following:

"*Provided further*, That up to $20,000 of the funds appropriated under this heading may be made available for grant financed military education and training for any high income country on the condition that that country agrees to fund from its own resources the transportation cost and living allowances of its students:"

H.R. 3540

OFFERED BY: MR. OBEY

AMENDMENT NO. 37: On page 28, line 1, insert after the colon the following:

"*Provided further*, That the civilian personnel for whom military education and training may be provided under this heading may also include members of national legislatures who are responsible for the oversight and management of the military, and may also include individuals who are not members of the government:"

H.R. 3540

OFFERED BY: MR. OBEY

AMENDMENT NO. 38: On page 28, line 8, after the dollar amount, insert the following: "(reduced by $60,000,000)".

H.R. 3540

OFFERED BY: MR. OBEY

AMENDMENT NO. 39: On page 28, line 8, after the dollar amount, insert the following: "(reduced by $30,000,000)".

H.R. 3540

OFFERED BY: MR. OBEY

AMENDMENT NO. 40: On page 29, line 7, strike "$35,000,000", and insert "$27,160,000", and

On page 29, line 10, strike "$323,815,000" and insert "$251,287,000".

H.R. 3540

OFFERED BY: MR. OBEY

AMENDMENT NO. 41: On page 29, line 7, after the dollar amount, insert the following: "(reduced by $7,840,000)", and

On page 29, line 10, after the dollar amount, insert the following: "(reduced by $72,528,000)".

H.R. 3540

OFFERED BY: MR. OBEY

AMENDMENT NO. 42: On page 30, line 5, after "Act:", insert

Provided further, That not more than $100,000,000 of the funds made available under this heading shall be available for use in financing the procurement of defense articles, defense services, or design and construction services that are not sold by the United States Government under the Arms Export Control Act to countries other than Israel and Egypt."

H.R. 3540

OFFERED BY: MR. OBEY

AMENDMENT NO. 43: On page 30, line 5, after "Act:", insert:

"*Provided further*, That not more than $50,000,000 of the funds made available under this heading shall be available for use in financing the procurement of defense articles, defense services, or design and construction services that are not sold by the United States under the Arms Export Control Act to countries other than Israel and Egypt:"

H.R. 3540

OFFERED BY: MR. OBEY

AMENDMENT NO. 44: On page 31, line 4, after the colon insert the following:

"*Provided further*, That the Department of Defense shall conduct during the current fiscal year nonreimbursable audits of private firms whose contracts are made directly with foreign governments and are financed with funds made available under this heading (as well as subcontractors thereunder) as requested by the Defense Security Assistance Agency:"

H.R. 3540

OFFERED BY: MR. OBEY

AMENDMENT NO. 45: On page 31, strike everything starting on line 19, through, "loans:" on line 1, on page 31.

H.R. 3540

OFFERED BY: MR. OBEY

AMENDMENT NO. 46: On page 80, lines 15 and 16, strike "110 percent" and insert "1000 percent".

H.R. 3540

OFFERED BY: MR. OBEY

AMENDMENT NO. 47: On page 80, lines 15 and 16, strike "110 percent", and insert "500 percent".

H.R. 3540

OFFERED BY: MR. OBEY

AMENDMENT NO. 48: On page 81, line 21, strike "5 percent" and insert "20 percent".

H.R. 3540

OFFERED BY: MR. OBEY

AMENDMENT NO. 49: On page 81, line 21, strike "5 percent" and insert "15 percent".

H.R. 3540

OFFERED BY: MR. OBEY

AMENDMENT NO. 50: On page 81, line 21, strike "5 percent", and insert "10 percent".

H.R. 3540

OFFERED BY: MR. OBEY

AMENDMENT NO. 51: On page 82, line 12, strike, "of up to $25,000,000".

H.R. 3540

OFFERED BY: MR. OBEY

AMENDMENT NO. 52: On page 82, line 12, strike "$25,000,000" and insert, "$50,000,000".

H.R. 3540

OFFERED BY: MR. OBEY

AMENDMENT NO. 53: On page 93, strike everything beginning on line 1, through "training." on page 93, line 21.

H.R. 3540

OFFERED BY: MR. OBEY

AMENDMENT NO. 54: On page 97, after line 5, insert:

"SEC. 573. None of the funds appropriated under the heading "International Military Education and Training" may be made available for Cambodia and Thailand."

H.R. 3540

OFFERED BY: MR. OBEY

AMENDMENT NO. 55: On page 97, after line 5, insert:

"SEC. 573. None of the funds appropriated under the heading "International Military Education and Training" may be made available for Indonesia."

H.R. 3540

OFFERED BY: MR. OBEY

AMENDMENT NO. 56: On page 97, after line 5, insert:

"SEC. 573. None of the funds appropriated under the heading "International Military Education and Training" may be made available for Kenya."

H.R. 3540

OFFERED BY: MR. OBEY

AMENDMENT NO. 57: On page 97, after line 5, insert:

"SEC. 573. Not more than $50,000,000 of the funds made available under the heading "Foreign Military Financing Program" may be made available for use in financing the procurement of defense articles, defense services, or design and construction services that are not sold by the United States Government under the Arms Export Control Act to countries other than Israel and Egypt."

H.R. 3540

OFFERED BY: MR. OBEY

AMENDMENT NO. 58: On page 97, after line 5, insert:

"SEC. 573. None of the funds made available under the heading "Foreign Military Financing Program" may be made available for any country when it is made known to the President that the government of such country has not agreed to the Department of Defense conducting during the current fiscal year nonreimbursable audits of private firms whose contracts are made directly with foreign government and are financed with funds made available under this heading (as well as subcontractors thereunder) as requested by the Defense Security Assistance Agency."

H.R. 3540

OFFERED BY: MR. OBEY

AMENDMENT NO. 59: On page 97, after line 5, insert:

"SEC. 573. None of the funds appropriated under the heading "International Military Education and Training" may be made available for Austria."

H.R. 3540

OFFERED BY: MR. OBEY

AMENDMENT NO. 60: On page 97, after line 5, insert:

"SEC. 573. None of the funds appropriated under the heading "International Military Education and Training" may be made available for Finland."

H.R. 3540

OFFERED BY: MR. OBEY

AMENDMENT NO. 61: On page 97, after line 5, insert:

"SEC. 573. None of the funds appropriated under the heading "International Military Education and Training" may be made available for Malta."

H.R. 3540

OFFERED BY: MR. OBEY

AMENDMENT NO. 62: On page 97, after line 5, insert:

"SEC. 573. None of the funds appropriated under the heading "International Military Education and Training" may be made available for Portugal."

H.R. 3540

OFFERED BY: MR. OBEY

AMENDMENT NO. 63: On page 97, after line 5, insert:

"SEC. 573. None of the funds appropriated under the heading "International Military Education and Training" may be made available for Spain."

H.R. 3540

OFFERED BY: MR. OBEY

AMENDMENT NO. 64: On page 97, after line 5, insert:

"SEC. 573. None of the funds appropriated under the heading "International Military Education and Training" may be made available for Singapore."

H.R. 3540

OFFERED BY: MR. OBEY

AMENDMENT NO. 65: On page 97, after line 5, insert:

"SEC. 573. None of the funds appropriated under the heading "International Military

Education and Training" may be made available for India."

H.R. 3540

OFFERED BY: MR. OBEY

AMENDMENT NO. 66: On page 97, after line 5, insert:

"SEC. 573. None of the funds appropriated under the heading "International Military Education and Training" may be made available for Bahrain."

H.R. 3540

OFFERED BY: MR. RADANOVICH

AMENDMENT NO. 67: Page 97, after line 5, insert the following new section:

LIMITATION ON ASSISTANCE TO TURKEY

"SEC. 573. Not more than $22,000,000 of the funds appropriated in this Act under the heading "Economic Support Fund" may be made available to the Government of Turkey, except when it is made known to the Federal official having authority to obligate or expend such funds that the Government of Turkey has (1) joined the United States in acknowledging the atrocity committed against the Armenian population of the Ottoman Empire from 1915 to 1923; and (2) taken all appropriate steps to honor the memory of the victims of the Armenian genocide.

H.R. 3540

OFFERED BY: MR. SKAGGS

AMENDMENT NO. 68: Page 52, strike lines 14 through 20.

H.R. 3540

OFFERED BY: MR. SOUDER

AMENDMENT NO. 69: Page 97, after line 5, insert the following:

LIMITATION ON ASSISTANCE TO MEXICO

SEC. 573. None of the funds appropriated or otherwise made available by this Act may be obligated or expended for the Government of Mexico, except if it is made known to the Federal entity or official to which funds are appropriated under this Act that—

(1) the Government of Mexico is taking actions to reduce the amount of illegal drugs entering the United States from Mexico; and

(2) the Government of Mexico—

(A) is taking effective actions to apply vigorously all law enforcement resources to investigate, track, capture, incarcerate, and prosecute individuals controlling, supervising, or managing international narcotics cartels or other similar entities and the accomplices of such individuals, individuals responsible for, or otherwise involved in, corruption, and individuals involved in money-laundering;

(B) is pursing international anti-drug trafficking initiatives;

(C) is cooperating fully with international efforts at narcotics interdiction; and

(D) is cooperating fully with requests by the United States for assistance in investigations of money-laundering violations and is making progress toward implementation of effective law to prohibit money-laundering.

H.R. 3540

OFFERED BY: MR. SOUDER

AMENDMENT NO. 70: Page 97, after line 5, insert the following:

LIMITATION ON ASSISTANCE TO MEXICO

SEC. 573. None of the funds appropriated or otherwise made available by this Act may be obligated or expended for the Government of Mexico, except if it is made known to the Federal entity or official to which funds are appropriated under this Act that—

(1) the Government of Mexico is taking actions to reduce the amount of illegal drugs entering the United States from Mexico, as determined by the Director of the Office of National Drug Control Policy; and

(2) the Government of Mexico—

(A) is taking effective actions to apply vigorously all law enforcement resources to investigate, track, capture, incarcerate, and prosecute illegal drug kingpins and their accomplices, individuals responsible for, or otherwise involved in, corruption, and individuals involved in money-laundering; and

(B) is pursuing international anti-drug trafficking initiatives.

H.R. 3540

OFFERED BY: MR. SOUDER

AMENDMENT NO. 71: Page, 97, after line 5, insert the following:

LIMITATION ON ASSISTANCE TO MEXICO

SEC. 573. None of the funds appropriated or otherwise made available by this Act may be obligated or expended for the Government of Mexico, unless the President determines and certifies in writing to the Committees on Appropriations of the House of Representatives and the Senate that—

(1) the Government of Mexico is taking actions to reduce the amount of illegal drugs entering the United States from Mexico; and

(2) the Government of Mexico—

(A) is taking effective actions to apply vigorously all law enforcement resources to investigate, track, capture, incarcerate, and prosecute individuals controlling, supervising, or managing international narcotics cartels or other similar entities and the accomplices of such individuals, individuals responsible for, or otherwise involved in, corruption, and individuals involved in money-laundering;

(B) is pursuing international anti-drug trafficking initiatives;

(C) is cooperating fully with international efforts at narcotics interdiction; and

(D) is cooperating fully with requests by the United States for assistance in investigations of money-laundering violations and is making progress toward implementation of effective laws to prohibit money-laundering.

H.R. 3540

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 72: Page 97, after line 5, insert the following new section:

ACROSS-THE-BOARD REDUCTION OF AMOUNTS

SEC. 573. (a) IN GENERAL.—Except as provided in subsection (b), each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 1 percent.

(b) EXCEPTIONS.—Subsection (a) shall not apply to the amounts appropriated or otherwise made available by this Act for the following:

(1) "Trade and Development Agency".

(2) "Development Assistance".

(3) "International Disaster Assistance".

(4) "African Development Foundation".

(5) "Inter-American Foundation".

(6) "Peace Corps".

(7) "International Narcotics Control".

(8) "Nonproliferation, Anti-Terrorism, Demining and Related Programs".

(9) "Contribution to the Asian Development Fund".

(10) "Child Survival and Disease Programs Fund".

H.R. 3540

OFFERED BY: MR. VISCLOSKY

AMENDMENT NO. 73: Page 85, line 8, insert after "Funds" the following: "(other than funds appropriated in this Act under the heading 'Economic Support Fund')".

H.R. 3540

OFFERED BY: MS. WATERS

AMENDMENT NO. 74: Page 34, line 12, after the dollar amount, insert the following: "(reduced by $8,000,000)".

Page 34, line 24, after the dollar amount, insert the following: "(reduced by $25,000,000)".

Page 34, after line 24, insert the following:

CONTRIBUTION TO THE AFRICAN DEVELOPMENT BANK

For payment to the African Development Bank by the Secretary of the Treasury for the United States share of the paid-in portion of the increase in capital stock, $8,000,000, to remain available until expended.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increase in resources of the African Development Fund, as authorized by Public Law 103-306, $25,000,000, to remain available until expended.

H.R. 3540

OFFERED BY: MR. ZIMMER

AMENDMENT NO. 75: Page 97, after line 5, insert the following:

PROHIBITION ON DEVELOPMENT OF SHOPPING CENTER NEAR THE FORMER AUSCHWITZ CONCENTRATION CAMP

SEC. 573. It is the sense of the Congress that the Government of Poland should prohibit development of a shopping center within the 500-yard protective zone surrounding the former Auschwitz concentration camp in the town of Osweicim, Poland.

EXTENSIONS OF REMARKS

LEGISLATION AMENDING THE SPOUSAL PROTECTION ACT

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 1996

Mrs. MORELLA. Mr. Speaker, today I am introducing legislation to amend the Spousal Protection Act so a former spouse's right to a Federal worker's pension is relinquished if the former spouse remarries before the age of 55.

Current law allows a former spouse to receive a portion of the Federal worker's pension even if the former spouse remarries. On the other hand, a survivor annuity stops permanently if the former spouse remarries before age 55. It cannot be restored, even if the new marriage fails.

A Federal worker whose spouse remarries could have a meager pension to live on. This occurs because the former spouse does not have to relinquish his/her right to the Federal worker's pension even if he/she remarries. The law should not be structured so one individual enjoys his/her golden years at the expense of another.

This legislation will not take money from a former spouse who needs and deserves it; it will provide equity to Federal workers who may find themselves in a desperate financial situation in retirement because they are still paying a portion of their pension to a remarried former spouse. Current law leaves the retired Federal employee—and any new spouse they may have—with their pension diminished to protect someone who no longer requires such protection. In 1986, the Congress recognized the survivor annuity inequity caused by the 1984 Spousal Protection Act and voted to rescind the rights of a former spouse in regards to the survivor annuity in the event that the former spouse remarries before age 55. Nothing has been done to protect the employee's pension in the same circumstances.

There is a precedent for this legislation. Former spouses of Foreign Service employees are not entitled to an annuity under 22 U.S.C. 4054 if before the commencement of that annuity the former spouse remarries before becoming 60 years of age.

In this period of Federal downsizing, this legislation would also affect the number of Federal workers taking early-outs or regular optional retirements. These Federal workers are more likely to continue working to receive their higher salaries and increase their pensions. Because of these workers staying in the Federal workforce, younger workers with lower salaries may find themselves more likely to be RIF'd.

I have a constituent who is a Federal employee approaching retirement age. Although his former spouse has remarried a retired business executive with a generous pension, he will be forced to pay his former spouse a portion of his pension. As a result, this employee and his new spouse will need to extend their careers to make up the difference.

Mr. Speaker, I support the Spousal Protection Act, but we need to rethink what the results are for retirees whose former spouses remarry, and that is what this legislation does.

STATEMENTS REGARDING OVERCROWDING PROBLEMS IN EDUCATION

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 1996

Mr. SANDERS. Mr. Speaker, for the benefit of my colleagues I would like to have printed in the RECORD this statement by Jackie Frazier, Kate Greanon, Kay Gerson, Drew McNaughton, Kate McQuillen, Jennifer Arner, Lucas D'Amico, and Charley Hart, high school students from Vermont, who were speaking at my recent town meeting on issues facing young people.

For the record, my name is Jackie Frazier, this is Kay Gerson, Kate McQuillen, and Drew McNaughton. Our discussion is actually, "Overcrowding, or Budget [Problems] and Education."

(Alternating speakers): We've been asked to directly discuss problems that arise within our school, and our students participating in school for seven years—being in a high school—and the problem that most prominently arises for us was the overcrowding problem in our school. What all of you may not know, is that we have 5 districts that come to our school, and we also have people that are paying tuition to come here. As most schools are having a problem with budget now, unless they live—earlier, someone was discussing how in . . . a resort town, they have more money to put into a school system. We have 5 towns, and this school was actually built at one time to support around 750 students; at this point in time, we have close to 910 people, which is not that much over, but each year we are increasing. Two years ago, we had a class of about 80 students, my class is about 130, the upcoming class of 7th grade next year will have around 170; I think it's a substantial increase each year.

If you were to look at a town in your report, you'll see that each year we are increasing drastically in the number of students, but we don't have the budget to increase either space or more teachers. Sometimes we have to actually hold classes in this auditorium, over on the side here, and in the small media room upstairs, which is normally held for just movies. Each year as the budget stays the same, and the capacity stays the same, the students go up; and what we'd like to discuss, and we have a movie to show you, is that each year when the amount of students do go up, the actual grade of the school goes down in standard: in the way we survive, in the air we breathe, and in the rooms that populate. Sometimes the student ratio is 30 students to one teacher, when ideally it's 20:1. So, each time that we do this, we want to show you how it looks, in reality.

Can everyone hear me? (narrating as video is shown): Due to the reduced janitorial staff over the past few years, and increased student population we see an overall depreciation of the physical condition of the school. There is no classroom space available; this American History class uses a corner of the auditorium as a makeshift classroom for one period each day. One of our stairwells . . . This was . . . one of the Junior High classrooms, and . . . you can see, there are many classrooms in the school which have a severe overcrowding problem. A high school classroom, with a ratio of about 30:1.

All right, so that was a video to show visually what's the matter with it. Now, I want to talk about what the funds are directed towards, instead of building maintenance. By 1997, the future budget is planning on increasing itself by $617,000, and $409,940 of which is going to Special Ed. programs. I think if Special Ed. is increasing itself by 85%, and while all of this is going on, U-32 High School is going rapidly down. We already mentioned the American History class, and how it's held over there; but there's also a Spanish class upstairs that has 30 students in it, and the rooms about as big as about a third of this stage. We're all cramped together in it—it decreases individualized . . . one-on-one help with a teacher, so they fall behind, and they can't catch up. The ventilation problem in the school, you've probably already noticed; so when one student gets sick, the whole student body gets sick. So I think on a national scale, U-32 is the representation of the problem, in that . . . we're supposed to be a world power, and I don't think our schools should be run this way. It's a bad way to represent our country.

HONORING THE U.C. DAVIS SCHOOL OF MEDICINE

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 1996

Mr. FAZIO of California. Mr. Speaker, I rise today in honor of the University of California, Davis, School of Medicine, which is celebrating its 25th year of graduating students with the doctor of medicine degree. The U.C. Davis School of Medicine has a national reputation as a leader in the training of primary care medical residents, particularly in family practice with a rural orientation.

Because of its excellent curriculum and rigorous academic standards, the U.C. Davis School of Medicine was ranked second in the nation by U.S. News and World Report among all comprehensive medical schools in 1995. In addition, the school's academic medical center, with its outstanding patient care, superb medical faculty, and state-of-the art medical

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

technology, is consistently ranked among the best academic medical centers in the nation.

Since its inception, the School of Medicine has created an extensive network of affiliated community hospitals, clinics, and physician group practices throughout the Sacramento region. The medical staff consists of over 1,000 primary care and specialty physicians, many of whom have gained national reputations for excellence. In addition the medical center serves as the only level I trauma center in northern California.

I salute the U.C. Davis School of Medicine for its twenty five years of contributions to the community and numerous medical advances. They have truly made our community a better and healthier one.

REV. LOUIS CAESAR CAPPO

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 1996

Mr. STUPAK. Mr. Speaker and Members of the U.S. House of Representatives, it is an honor for me to bring to the attention of this body and the Nation a remarkable individual who has devoted his life to helping others. Rev. Louis C. Cappo is celebrating his 50th anniversary of ordination into the priesthood on June 8, 1996. Throughout his career Reverend Cappo has enriched Michigan's Upper Peninsula economically, socially, but most important spiritually. He is currently Rector of St. Peter's Cathedral parish, a parish known for their poetic liturgies and beautiful music.

Reverend Cappo was born and raised in Houghton County, in Michigan's Upper Peninsula. He attended St. Lawrence College and St. Francis Seminary in Wisconsin, graduating in 1943 with a degree in theology. On June 8, 1946, Father Cappo was ordained a priest in Milwaukee at St. John's Cathedral. After ordination he returned to the Upper Peninsula, beginning his ministry in Ishpeming. Reverend Cappo spent his first 25 years of ministry serving parishes, hospitals, and Catholic schools throughout the Upper Peninsula from St. Ignace to Hancock to Escanaba.

In 1972, Reverend Cappo settled in Sault Ste. Marie when Bishop Salatka appointed him executive director of the Tower of History and head of the department of community services and family life for the Marquette diocese. In this assignment, Father Cappo's responsibilities included running various social and community programs, including the Campaign for Human Development, Natural Family Programming, marriage, family, and individual counseling, infant and special needs adoptions, and infant foster care programs. Father Cappo served as director of the department of community service and family life for 13 years. In 1975, he was appointed to his present position, Rector of St. Peter's Cathedral.

Reverend Cappo is known throughout the Upper Peninsula not only for his devotion to improving our spiritual life and social programs, but also for the work he has done to help improve the area's economy. One of his most noteworthy accomplishments was in 1966 when he was instrumental in bringing natural gas to the Upper Peninsula. Father Cappo has participated in the International Trade Commission, the U.S. Small Business Administration Advisory Council and the Marquette United Way Board of Directors. He has also been chairperson of the Michigan Tourist Council and is currently Chaplain to the Michigan State police.

Reverend Cappo's devotion is recognized by colleagues, Catholics, and fellow citizens throughout our State. As an example of his devotion, in 1974 he was presented with the Northern Michigan University President's Award for outstanding citizenship. This remarkable man is 76 years old and as devoted to his priesthood as ever.

Mr. Speaker, in Hebrews it states, "one does not take this honor on his own initiative, but only when called upon by God, as Aaron was, you are a priest forever." Father Cappo has been called by God to be a spiritual leader for all the residents of the Upper Peninsula of Michigan. For whenever we have called upon Father Cappo he has been there for us. It is appropriate that we give honor to Father Cappo and as we recognize Father Cappo's achievements, we give honor to God. Honor to God through his priest, who is our priest forever.

Mr. Speaker, on behalf of St. Peter's Parish, the Marquette diocese, and the entire State of Michigan, I congratulate Rev. Louis Cappo on this golden anniversary of his ordination into priesthood.

TRIBUTE TO JULIE SIMPSON

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 1996

Mr. HUNTER. Mr. Speaker, I rise today to recognize the remarkable dedication and accomplishments of a constituent in my district, Julie Simpson of Spring Valley, CA. For the past 16 years, Julie has been employed by the U.S. Navy in San Diego, CA. I would like to take a moment to commend her hard work and dedication.

Julie began her quest for independence in the Grossmont Union High School district's special education program. It was there that she was first introduced to the Navy Defense Subsistence Office of the Pacific Rim. Under this Navy program, Julie was given civil service status and became self-sufficient for the first time in her life. She began as a typist and has since moved up to her current position as a transportation clerk and computer specialist. Julie is responsible for processing the ordering and warehousing of perishable produce for the Pacific Navy fleet. Currently, Julie has a GS-4 ranking, a remarkable achievement for a mentally handicapped person, and has become an invaluable asset to the San Diego Navy Depot.

The Covenant Ministries of Benevolence in Spring Valley has arranged a recognition assembly to honor Julie as well as those who have played prominent roles in her life. The event is scheduled for July of this year in San Diego. Among those who will be honored will be Julie's mother, Beverly, who has served as a constant source of strength and inspiration to her daughter.

Mr. Speaker, in a time when our mentally challenged citizens are so often given a second rate status, individuals like Julie Simpson offer hope and assurance to us all. Julie is an exceptional person who has gained a solid identity and shown her strength and abilities through hard work. I would like to join with the many others in honoring Julie for all of her remarkable qualities and personal achievements.

WINNING ESSAY: "IMPOVERISHED METROPOLISES"

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 1996

Mr. LEVIN. Mr. Speaker, when HUD Secretary Henry Cisneros leads U.S. representatives to HABITAT II—the Second U.N. Conference on Human Settlement—in Istanbul, Turkey, the official delegation will include a Michigan high school student whose essay won first place in the 1996 National High School Contest on the United Nations.

In his essay, John Hart, a junior at Kimball High School in Royal Oak, MI, describes the impact of migration, trade policies, and international economics on urban centers throughout the world, and argues for a "new set of priorities," based primarily on free trade and multilateral investment, to promote global prosperity.

Hart's essay, "Impoverished Metropolises," won a $1,000 first prize and a trip to HABITAT II for both Hart and his history and international relations teacher at Kimball High School, Patricia Estep. The conference focuses on building links among national urban development programs, environmental studies and social service networks.

I compliment John Hart for his accomplishment, and commend his work to the attention of my colleagues.

IMPOVERISHED METROPOLISES

(By John Hart)

The fate of the world is entwined with the fate of its cities. Social critic Lewis Mumford remarked that "the city is a place for multiplying happy chances and making the most of unplanned opportunities." At the turn of the century, roughly five percent of the world's people lived in cities with populations over 100,000. Today, an estimated forty-five percent, slightly more than 2.5 billion people, live in urban centers. Every year, millions migrate to metropolitan areas in search of prosperity. However, bright hopes have been clouded by dim prospects, as rapid population growth has strained resources and ignited economic turmoil. These problems plague the growth of the developing world. Millions of citizens face deplorable living conditions, while others struggle to support themselves. Poverty and unemployment form the core of metropolitan crises; economic and social hardships in developing nations are one of the world's most prevalent ills.

The influx of billions of people into metropolitan areas strains the resources, leadership, and infrastructure of dozens of nations. Migration is a continuous trend. Citizens from the poor interior of sub-Saharan Africa travel to Kinshasa, Zaire, despite the collapse of its economy and services. Rapid population growth has pushed Kinshasa to the edge of anarchy. Between 1950 and 1995 the number of cities worldwide with a population of over one million increased fourfold, from 83 to 315. Cities, first and third world alike, are coping with waves of poor newcomers while affluent citizens move out, driven away by crime and a deteriorating quality of life. Rio de Janeiro, Sao Paulo, Jakarta, Mexico City, Cairo, Delhi, and Beijing face similar situations. The United Nations estimates that by the year 2025 more than five billion people, or sixty-one percent of humanity, will be living in cities.

Poverty and disease are rampant in hundreds of the world's metropolises. Unsanitary conditions breed infectious diseases, infecting millions chronically. In Poland, the land and water have been so poisoned by toxic waste that ten percent of babies are born with birth defects. Virulent insects thrive in contaminated areas. Urbanization has produced an ideal environment for the spread of disease. Carolyn Stevens, an epidemiologist at the London School of Hygiene and Tropical Medicine, notes that poverty is the root cause of such epidemics. Disproportionate numbers of poor people living in cities die from both infectious diseases and chronic illnesses. As migrants flood cities, resulting urban growth outruns the installation of sanitation. Hopeful citizens view metropolitan life as one of opportunity; however, resources are drained quickly and the standard of living falls exponentially. As time progresses, crowded, unsanitary slums will continue to harbor disease, perpetuating massive poverty.

Massive migration also strains rural economies. Millions move toward the cities, abandoning suburban life in hope of metropolitan prosperity. Many of those who migrate in the developing world are farmers. The world's largest nations, including India and China, depend upon massive production of grain to feed their millions. As rural populations dwindle, grain output also dwindles commensurably. Burgeoning city populations, on the other hand, demand widespread resources. Agricultural output fails to fulfill the demand of large metropolises. As a result, much of the third world must import billions of pounds of grain. Although such attempts are successful, many are still left in poverty. Urban growth creates an unprecedented strain on the worldwide agricultural industry, ensuing economic hardship and widespread poverty.

Population growth also strains urban economies. As cities swell from migration and births, workers face crowds of competitors. Economic growth cannot keep up with population expansion. Beijing is home to an estimated one million floating workers in search of jobs. Unemployment rates in scores of African cities top twenty percent and are unlikely to drop anytime soon. Newcomers have fled to Kinshasa, yet recent violence has scared away affluent businessmen and foreign workers. As a result, over the last three years, Kinshasa has seen its economy shrink by forty percent. Thousands of government jobs have disappeared, and the city's infrastructure has crumbled. In Beijing, the banking system is on the brink of collapse, as inflation is rapidly outpacing income growth. Hundreds of cities face similar situations; growing demand outpaces economic supply, harboring unemployment and depression. Metropolitan economics can't keep up with increased pressure.

More and more, the fate of cities determines the fate of nations and regions. In dozens of countries, a single major city accounts for half of the government's revenues and a large portion of GDP. Karachi is Pakistan's financial center, only major port, and has the highest concentration of literate people. Large cities such as these are not only fundamental to the economy of their nation but are also catalysts for political movements. Depression and widespread poverty often spur ethnic or religious conflict. Overcrowded cities harbor violence and civil strife; passions incubate among disgusted peasants. In Pakistan, if factional violence intensifies, unrest could engulf the rest of the populace, leading to international conflicts and large movements of people. Cities are fundamental to economic and social stability.

The problems of the world's major cities demand the attention of policy makers. The international community must work toward creating a new agenda for dealing with rapid urbanization. First, aid must not be prioritized to the world's few largest metropolises. Most international attention is directed toward the most gigantic cities, although smaller urban centers often face more severe hardships. Future programs must concentrate on assisting cities with the deepest problems, not those with the largest populations.

Moreover, international organizations, such as the United Nations, must support community-based initiatives. These projects, pioneered by the World Bank, focus on small, yet fundamental problems. One of these initiatives, the Kampung Improvement Program in Jakarta, Indonesia, gave citizens an incentive to clean up their community. This method of foreign aid concentrates expertise of foreign workers, yet also gives cities a certain degree of autonomy in the self-improvement process. After the Jakarta program was implemented, Josef Leitmann, a World Bank urban planner, indicated that the "poor began to look at their community as their home. A simple change in psychology produced a change in physical surroundings." By impressing the process of social and economic development, rather than blanketing certain areas with massive amounts of aid, international organizations can improve the welfare of cities dramatically.

The international community must also promote multilateral free trade. Developing countries, such as China and Russia, must be included in the World Trade Organization. Increasing economic relations between all nations helps narrow the North-South gap, the economic and political barrier between first and third world countries. The United States and other major global powers can no longer concentrate trade with a select few large partners; they must open their doors to small, indigenous nations. Such an initiative would boost the economies of struggling cities, as increased exposure to world markets would boost standards of living and calm protectionist unrest.

Current United States policies, such as the Export Enhancement Program (EEP), are contributing to third world city poverty. The program, known as the EEP, allows China to purchase grain from the United States at a substantially reduced price. Although China is the world's largest importer of grain, programs like the EEP, essentially subsidize foreign agricultural industries, killing their ability to complete. Nations such as China are, thus, able to purchase grain from the United States at a cheaper price than from their own farmers. This system pressures the individual farmers, causing millions to move to cities. Mass migration, in turn, strains resources in urban areas, perpetuating poverty and unemployment.

Corporate investment also plays a fundamental role in reaching out to swelling metropolises. Abolishment of protectionist trade barriers must be accompanied by increased investment in fledgling economies. Multinational corporations, or MNCs, must be encouraged to develop new initiatives to boost the infrastructures of struggling cities. Hands-on investment, as opposed to large monetary grants, will pave the way for worldwide metropolitan prosperity.

Cities form the cornerstone of civilization. Recent population growth has dulled the luster of shining metropolises. Migration has strained the developing world, creating millions of unemployed workers, pushing even more into poverty. Industrialized nations must form a new set of priorities, hinging chief objectives upon free trade and multilateral investment. Although the world cannot rectify all urban problems, it must act quickly and decisively in order to promote global prosperity. If positive steps are taken, present-day slums may become, as Lewis Mumford put it, "symbols of the possible."

CASTLETON HOSE CO. CELEBRATES 125 YEARS OF SERVICE

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 1996

Mr. SOLOMON. Mr. Speaker, anyone who visits my office can't help but notice the display of fire helmets that dominates my reception area. They're there for two reasons. First, I had the privilege of being a volunteer fireman in my hometown of Queensbury for more than 20 years, which helps explain the second reason, the tremendous respect that experience gave me for those who provide fire protection in our rural areas.

Mr. Speaker, in a rural area like the 22d District of New York, fire protection is often solely in the hands of these volunteer companies. In New York State alone they save countless lives and billions of dollars worth of property. That is why the efforts of people like those fire fighters in Castleton, NY is so critical.

And that's why, Mr. Speaker, in their wisdom, the Castleton Village Board and Board President Frank P. Harder proposed starting the Castleton Fire Department back in the spring of 1871. Later that summer, the first engine House was completed on what is now the corner of Green Avenue and 1st street in Castleton. Clearly, they recognized the importance of protecting the lives and property of their friends and neighbors and established two hose companies to do just that.

On that note, Mr. Speaker, those are the traits that make me most fond of such communities, the undeniable camaraderie which exists among neighbors. Looking out for one another and the good of the whole is what makes places like Castleton a great place to live and raise a family. And this concept of community service couldn't be better exemplified than by the devoted service of the fine men and women who have comprised the Castleton Fire Co. over its 125 year history. That's right, for well over a century, this organization has provided critical services for the citizens on a volunteer basis. As a former volunteer fireman myself, I understand, and appreciate, the commitment required to perform such vital public duties.

Mr. Speaker, It has become all too seldom that you see fellow citizens put themselves in harms way for the sake of another. While almost all things have changed over the years, thankfully for the residents of Castleton, the members of their fire department have selflessly performed their duty, without remiss, since Abe VanBuren took the post as the first Fire Chief back in 1871.

You know, I have always said there is nothing more all-American than volunteering to help one's community. By that measure, Mr. Speaker, the members of the Castleton Fire Company, past and present, are truly great Americans. It will be my distinct pleasure to join the community of Castleton, this Saturday, June 8, 1996, in a parade and tribute to their fire department and the selfless sacrifices of its members over the course of the last 125 years. In that regard, I ask that you Mr. Speaker, and all members of the House, join me now in paying tribute to these dedicated men and women.

INTRODUCTION OF THE HOMEOWNERS RELIEF ACT OF 1996

HON. SUE W. KELLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 1996

Mrs. KELLY. Mr. Speaker, I rise today to introduce the Homeowners Relief Act, legislation to provide homeowners with relief from capital gains taxes upon the sale of their principal residence.

This legislation recognizes that a person's home is something more than a simple investment; it's a fundamental part of the American dream, and our Tax Code should recognize this fact. The bill exempts the sale of a principal residence from capital gains taxation. Specifically, the bill excludes from taxation the gains from the sale of a principal residence if, during the 7-year period prior to the sale of the residence, the property was owned by the taxpayer and used as the taxpayer's principal residence for 5 or more years.

Under current law, capital gains liability on the sale of a principal residence is postponed if another residence of equal or greater value is purchased within 2 years. In addition, taxpayers 55 years of age or older may claim a one-time $125,000 exclusion of the gain from the sale of a principal residence during any 3 of 5 years immediately preceding the sale. Further, taxpayers can also avoid capital gains on owner-occupied housing by holding the asset until death and leaving it to their heirs.

While these exemptions serve to shield most homeowners from capital gains liability, certain circumstances force many homeowners to shoulder a significant capital gains tax bite when they sell their home. Increased home values put many taxpayers, particularly older Americans looking to retire, in the difficult situation of having to pay substantial capital gains taxes. In addition, at a time when corporate downsizing is all too common, often the most substantial asset held by laid-off workers is their home.

The problem is, current law has the effect of locking individuals into homes that, but for the Tax Code, they might wish to sell. Those individuals who can afford to purchase a more expensive home can postpone capital gains liability, while those who need to move to more modest accommodations, because their economic circumstances warrant doing so, must pay a tax.

Mr. Speaker, passage of this legislation will give homeowners needed relief from this inequity, and will put recognition in the Tax Code of the special status of the home. I urge my colleagues to join me in supporting the Homeowners Relief Act of 1996.

IN HONOR OF THE GALVESTON BAY FOUNDATION

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 1996

Mr. BENTSEN. Mr. Speaker, I rise to honor the Galveston Bay Foundation and its work to preserve and enhance Galveston Bay. On June 8, 1996, the Foundation will host its sixth annual "Bay Day Festival," a day long entertainment, educational, and recreational event at historic Sylvan Beach County Park in La Porte, TX, to showcase Galveston Bay's many resources.

Galveston Bay is one of southeast Texas' most valuable and most threatened natural resources. Since the 1950s, the Bay has lost more than 30,000 acres of coastal wetlands and 90 percent of its aquatic grass beds. More than half the Bay has been permanently closed for commercial oyster harvesting while the remainder is routinely closed after heavy rainfall. With the completion of Lake Livingston Dam, the Trinity River Delta has been reduced dramatically, elminating vital wetland habitat.

The Galveston Bay Foundation has played a critical role in helping to reverse this degradation and bring the Bay back to health. The Foundation was formed in 1987 as a non-profit organization made up of commercial fishermen, developers, business people, environmental groups, government officials, recreational interests, and other citizens who sought to increase education and communication about the importance of Galveston Bay to the region.

The Foundation's work to preserve the Bay has four fundamental principals—education, conservation, research, and advocacy. Through these efforts, the Foundation seeks to increase awareness of the multiple uses of Galveston Bay and to increase participation in projects to preserve the natural resources of the Bay.

In 1987, through the leadership of U.S. Senator Lloyd Bentsen, the U.S. Congress designated Galveston Bay as a part of the National Estuary Program in an attempt to solve problems to the Bay caused by pollution, development, and overuse. The Galveston Bay Plan was developed by a consortium of scientists, corporate and governmental representatives, and local citizens. The Foundation has served as a partner in the effort to restore vital Bay habitats, contain contaminated runoff, and curtail sewage and industrial waste. The success of the clean-up is a testament to the Foundation and its ability to reach consensus on a solution to improve the quality of life on Galveston Bay.

The Foundation has also been instrumental in developing environmentally sound approach to modernize the Houston Ship Channel, demonstrating that environmental protection and economic growth can go hand in hand. This innovative plan that will both expand the Houston Ship Channel and contribute significantly to the restoration of Galveston Bay.

This project will use dredged material to restore Galveston Bay's wetlands, creating new wildlife habitats and enhancing recreational benefits. The creation of marshlands, a critical part of the Galveston Bay ecosystem, will provide habitats for thousands of species of plant and animal life, including several endangered species. The three islands to be created under the plan will also provide natural habitats for birds and other wildlife. New boating channels and anchorages will give fishermen and other recreational users increased access to the Bay. The Foundation's role in developing this plan has increased the benefits exponentially for Texas' families and wildlife that rely on Galveston Bay.

I commend the Galveston Bay Foundation for its nine years of service to the committees surrounding Galveston Bay, and I wish the Foundation continued success in achieving its goals in preserving and enhancing one of Texas' and the nation's most treasured natural resources.

CONTINUATION OF THE SUMMER YOUTH EMPLOYMENT PROGRAM

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 1996

Mr. SANDERS. Mr. Speaker, for the benefit of my colleagues, I would like to have printed in the RECORD this statement by Amy DeCarmine, Amber Johnson, Beth Carmine, and Nathina Roy, high school students from Vermont, who were speaking at my recent town meeting on issues facing young people

The Summer Youth Employment Program has kept us off the streets; kept us from the use of drugs, alcohol and violence of any type. The Youth Program has also given us the experience of how living can be in real life, and how to conserve money for our future.

There can be nothing more positive in our lives than the Summer Youth Employment Program; it is a continuance of encouragement of being a responsible young adult. The Summer Youth Employment Program has been the cause of so many young people being employed, and in some cases it may help to slow down the cycle of the welfare generation. It gives us ideas, training for possible future employment, and it gives us a better idea of what we need to do to accomplish our future. Please help us to keep what has been proven to be a wonderful chance to understand what is expected from us as adults.

It has given us a great source of self-pride in our abilities to contribute and know what this is—that this is a great start in life. And with your support in us, you have also given us hope that you believe in all of us. We need this opportunity to prove that we are serious about our future, and need your consideration to allow us this Program to continue. That's it.

Congressman Sanders: Can you tell us what kind of work you did in the Summer Youth Employment Program?

Answer: I've been on the Youth Program for two years now. And, the first year I worked at Project Independence, which is helping elderly people take care of themselves and entertain them. And last summer, I cleaned the elementary school of Williamstown to get [it] ready for school.

Answer: I've only been in this for one year, which was last year, but I worked with Amber at the elementary school cleaning, and I thought it was a really great thing, because a lot of people that are inexperienced, like under 16, [employers] don't want to hire you * * *

Answer: I worked at a hospital as a spot clerk in the basement, and I was in the program for one year. It was a very good skill because I'm going to be working at a hospital after I graduate.

Congressman Sanders: So I think what you're seeing here is an example of a Federal program which meant a lot to you three, and to tens and tens of thousands of other young Americans.

Answer: Yes.

Congressman Sanders: There is a major debate taking place in Congress right now, as to whether this fund, with this program, should continue to be funded. I prefer, strongly, that it should; but we're fighting against people who prefer to put money into airplanes and bombers that the Pentagon doesn't need, rather than in programs like this. So, I thank you very much for personalizing one of the major debates taking place in Congress. Thank you.

TRIBUTE TO THE OTA

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 1996

Mr. FAZIO of California. Mr. Speaker, I rise today to recognize the Institute for Technology Assessment.

The Institute of Technology Assessment [ITI] was established as a nonprofit research group by former senior analysts of the Office of Technology Assessment [OTA]. In one of perhaps the most mindless acts committed by this Congress, OTA was eliminated last year. This House voted twice to continue funding for OTA, but the Republican congressional leadership prevailed in the end, and OTA went out of business.

I fought hard for the continuation of OTA, because the objective analysis of issues related to science and technology that OTA provided was an invaluable resource to the public policy efforts of this Congress. So I am glad that this new institute has stepped up to take on OTA's crucial mission.

ITA has just received funding and support from the New York Community Trust, the Garfield Foundation in Philadelphia, the George Mason University Foundation, and the Medical Technology and Practice Patterns Institute in Washington, DC.

ITA will carry out multidisciplinary studies and analysis of the potential economic, social, legal, and environmental effects of technical developments and technology-related projects, programs, or policies.

I am thrilled that the Institute of Technology Assessment has been established, and I am honored to begin my service on ITA's advisory panel.

I ask that my fellow colleagues join me in a bipartisan effort to help ITA maintain the focus on public policy and legislative issues inherited from OTA.

GILBERT "GIBBY" LAFAVE

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 1996

Mr. STUPAK. Mr. Speaker, it is with great pride that I bring to the attention of the House of Representatives and of this Nation the recent retirement of Mr. Gilbert "Gibby" LaFave, director of aging and nutrition for the Dickinson-Iron Counties Community Service Agency. The agency, located in Michigan's Upper Peninsula, will truly miss Mr. LaFave who concluded his tenure on May 10, 1996, after 16 dedicated years.

During these times of budget cuts and increased need for social services to our senior citizens, the efforts of so many people to stretch a dollar, to provide more and better services to those who truly need assistance and to improve the quality of life for so many is truly an accomplishment. throughout his years at the DICSA, Gibby personified dedication, care, and concern for our seniors in his every effort.

Leading the development of the rural transportation program for seniors and the handicapped in Dickinson and Iron Countries, Gibby's efforts provided a way these seniors could get out of doors and do things for themselves. The program allowed for a degree of self-sufficiency and helped the local economy.

Gibby was also very much aware of the inability of many seniors to perform their household chores due to physical constraints. In response, he was the leading force behind the development of the senior chore service that provides this type of work to be done for seniors by more able-bodied clients of the agency.

For many, many years, Gibby LaFave has also lent his efforts to this community and surrounding area through participating in local government and helping to raise funds for a variety of programs, services, and other noteworthy causes.

Mr. Speaker, the public service of Gilbert "Gibby" LaFave is greatly appreciated. His concern for his fellowman will be long remembered and valued. On behalf of so many Michigan's Upper Peninsula that benefited by his actions, I congratulate Gibby LaFave on his retirement and wish him well.

TRIBUTE TO LT. COL. ORVILLE SANDAKER

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 1996

Mr. HUNTER. Mr. Speaker, today I rise to recognize the outstanding service and dedication of a constituent in my district, Lt. Col. Orville Sandaker. His career in the Air Force Association [AFA] as a pilot trainer spans five decades and has included over 15 awards and recognitions. I would like to take a moment to commend Orville's exceptional service to our country.

Orville began his career 60 years ago in Coopertown, ND, flying an OX–5 Travelair. Since then, Orville has logged over 5,000 hours in the air, 3,000 of which included search and rescue missions. On December 1, 1941, Orville became a charter member of the Civil Air Patrol [CAP] and in 1948, went to serve in the Auxiliary of the U.S. Air Force. Orville has also worked as a training check pilot since 1951 and as a co-founder of the Flying Samaritans and a charter member of the Baja Bush Pilots, his responsibilities are ever-changing.

Throughout his tenure in the Air Force Auxiliary Service and various Chairmanship positions in the San Diego Chapter of the AFA, Orville has contributed infinitely to the aerospace and flight education of young pilots. It is this continued role as an educator that has earned Orville many CAP and AFA honors, including their top National Achievement awards.

Mr. Speaker, in an era when the U.S. military is often not given sufficient recognition, outstanding leaders, such as Orville, exemplify the commitment our Armed Forces has to superior performance. Orville has dedicated his life to teaching our young Air Force aviators the necessary skills and tools to serve our country in the best possible manner. As a veteran and chairman of the House Subcommittee on Military Procurement, I would like to commend Lt. Col. Orville Sandaker for all of his efforts and years of service and to the U.S. Air Force and our country.

TRIBUTE TO RANDY HUSK, TROY CITY COUNCIL

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 1996

Mr. LEVIN. Mr. Speaker, I rise today to recognize Randall J. Husk, recently retired from the Troy City Council after 18 years of distinguished service.

Known to his friends and family as Randy, he has served most effectively and was honored by his peers with election as Mayor Pro Tem in 3 different years. While a City Councilman, Randy Husk served with distinction representing the city of Troy on the Michigan Municipal League's Workers Compensation Board and on the General Assembly of the Southeast Michigan Council of Governments

[SEMCOG]. Prior to his first city council term he was appointed to the planning commission for 3 years and was on the zoning Board of Appeals, holding the office of chairman of each. During his tenure in both appointed and elected city government he was known as a strong supporter of the Troy master land use plan.

Randy Husk's energy and untiring dedication extend beyond City Hall to other areas of the community. His concern for youth is demonstrated by his contributions to the Troy Boys and Girls Club, the Athens High School Athletic Boosters Club, and his service as a volunteer probation worker for the Oakland County Juvenile Department. And he is a member and past president of the Troy Optimist Club, serving the youth of Troy in that role also. The Troy Code of Ethics Committee recognized his commitment by electing him Vice Chairman. He is a past president of the Apollo Homeowners Association, and a past Trustee of the Troy Inter-Service Club Council.

The citizens of Troy were not surprised when in 1977 the Troy Jaycees presented Randy Husk with the Distinguished Service Award. Always outspoken in support of issues he believes in, he has been untiring in his efforts to promote the betterment of the health, safety, and welfare of the Troy community.

And so, Mr. Speaker, we take note of the numerous contributions of Randy Husk to the citizens of Troy, and I offer my best wishes for his continued success in future endeavors.

SARATOGA SPRINGS, NY, RECEIVES GREAT AMERICAN MAIN STREET AWARD

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 1996

Mr. SOLOMON. Mr. Speaker, only five cities were singled out by the National Trust for Historic Preservation for its Great American Main Street Award. One of them, Saratoga Springs, NY, is in the 22d Congressional District I have the privilege of representing.

The award was well earned. Saratoga Springs has long enjoyed its distinction as a city of thoroughbred racing and fine mansions. But by the 1970's, the city's charm was starting to fade. Fortunately, Saratogians are justifiably proud of their city, and a group of them decided to restore the city's splendor to its fullest.

About a quarter century ago building facades were crumbling and the downtown was lifeless. Fear that a recently constructed nearby supermall would drain the city's commercial blood, a group of citizens responded by forming what was known as the plan of action. Besides encouraging ideas on renovation, plan of action led to a special assessment district, a group of 82 downtown property owners on and along Broadway who paid an additional tax each year for improvements.

These efforts, in turn, led to a spring flowerplanting program and the gathering of residents 4 days a week to dig up sidewalks and plant 250 trees along Broadway. The city also boasts of a new urban center that attracts tourists even outside the racing season.

To make a long story short, Mr. Speaker, the total value of downtown property was valued at $15 million in the early 1970's and is valued at $63 million today.

The summer season of thoroughbred racing and Saratoga Performing Arts Center always drew tourists to Saratoga Springs. But the city's finest sons and daughters were not content until they once again had a city worthy of those two attractions.

As the recipient of a Great American Main Street Award, Saratoga Springs will receive a plaque to display along the street, a certificate, a trophy, and a $5,000 award to be put in a revolving trust controlled by the city's Preservation Foundation.

Mr. Speaker, the spirit that restored Saratoga Springs is the spirit that made America the greatest country in the world. I'm proud of the city, privileged to represent her residents in Congress, and fortunate to have my major district office on Broadway.

Let us now, Mr. Speaker, add our own voices to the growing chorus of tributes to Saratoga Springs, NY, as one of this Nation's truly fine cities.

A TRIBUTE TO TERRI McNAIR

HON. SUE W. KELLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 1996

Mrs. KELLY. Mr. Speaker, I rise today to pay tribute to a true American hero. Terri McNair, a constituent of mine, is the living embodiment of the spirit of charity and giving that this Nation was built on. She has devoted her career, and much of her free time, to easing the pain and the burden on people who are less fortunate.

As the volunteer president of the Community Center in Katonah, NY, Terri McNair coordinates an operation that provides food, clothing, literacy programs, career counseling, and most importantly, a helping hand and word of encouragement to needy people in my district and hometown. The Katonah Community Center is a place of refuge for many people, and she is a beacon of hope for those people who seek out this refuge.

Terri McNair's commitment to the less fortunate does not end when she goes to her full-time job. She is a social worker who coordinates the Family Violence Program at the Bedford Hills Correctional Facility. As a social worker at New York's only maximum security women's prison, Terri McNair works with inmates who have been both the perpetrators and the victims of violence and she is in a key position to help these women stop this endless cycle of violence.

For her commitment to making her community and our world a better place, I rise today to pay tribute to a woman whose commitment to the less fortunate is unmatched and whose charity and compassion is truly awe-inspiring. Terri McNair, on behalf of myself, my colleagues in the U.S. House of Representatives and all of the people whose lives you have touched, I want to offer you my most sincere thanks. Terri, you truly are an American hero.

IN HONOR OF SHELL EXPLORER POST 9999, DEER PARK, TX

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 1996

Mr. BENTSEN. Mr. Speaker, I rise to commend the members of Shell Explorer Post No. 9999 in Deer Park, TX, for their many achievements and contributions to our community.

The Shell Explorer Post is sponsored by the Shell Oil Refinery located in Deer Park, TX, and is part of the East Central Exploring District of the Sam Houston Area Council of the Boy Scouts of America. The post is open to young men and women, ages 14 to 20, who wish to be part of a vibrant, growing, fun-filled organization that explores career opportunities and encourages community involvement.

Shell Explorers learn the value of community service, develop an awareness of our fragile environment, and establish an understanding of the strength we have as a people that fosters pride in themselves and their ability to do good work, both as individuals and as a team.

During the 1994–95 season, they brought their hard work and dedicated service to a wide assortment of community projects.

To help improve our environment, the Explorers cleaned up a stretch of beach front for the fifth year in a row. They then turned their attention to the Armand Bayou Nature Center where they helped to build gates, repair fences, and clear brush vines. Through such activities, the Explorers learned about the ecosystem and wildlife while helping to beautify our community for all of us.

Senior citizens hold a special place in the hearts of the Explorers, and they go out of their way year after year to help better their lives. Whether it be removing old broken sheetrock, helping a carpenter to install a new kitchen counter and sink, patching or painting, the Explorers are always there to extend their valuable services.

Besides doing handiwork, the Explorers can always be relied on to share a friendly smile. During the Christmas holiday, they delivered hot, hearty meals to homebound seniors in Pasadena, Deer Park, La Porte, and the Deer Park Activities Center. The Explorers also brought Christmas cards and kind words for those who lived far from families and were alone for the season.

The Shell Explorers are particularly proud of their $1,000 donation to the Boys and Girls Harbor Youth Facility in Morgan's Point, TX. Through several car washes, the Explorers had raised this money to finance their yearly activities. However, they later learned that the Boys and Girls Harbor Youth Facility, which helps orphans and troubled youth, was in need so the Shell Explorers donated the funds to help the Facility.

Career opportunities are also a focal point for the Explorers. They visited KRBE Radio to learn the tricks of sound mixing, the art of promotions, and other career opportunities for those interested in a future in broadcasting. The Explorers invite guest speakers to discuss their careers as well as to instill the value of good study habits and the importance of a college education.

The Shell Explorers provide an example of good citizenship for all of us. Through the years, they have learned that by serving others they serve themselves and each member has gone forth with the knowledge that he or she had made a difference.

IMMIGRATION AND REFUGEES IN THE UNITED STATES

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 1996

Mr. SANDERS. Mr. Speaker, for the benefit of my colleagues I would like to have printed in the RECORD this statement by Tedra Guyett and Harmony Hariman, high school students from Washington County, VT, who were speaking at my recent town meeting on issues facing young people.

My name is Harmony Hariman, and I'm a Student Area Coordinator for Amnesty International, and I'm an intern with the Vermont Refugee Assistance.

My name is Tedra Guyette; I'm also a Student Area Coordinator for Vermont, and I'm also an intern with Vermont Refugee Assistance.

The first thing we really want to talk about is a Bill that was passed on March 21st in the House, HR 2202. That's really upsetting to me, because it effectively banned people who have genuine political claims . . . from ever entering the U.S., or ever staying, because . . . When a person flees their country with the fear of safety, and they come here, do you think they're going to come off the plane and say, "Whoops, we better get a lawyer and file some papers?" No, they're worried about their safety. And often spend months trying to save their families, and just getting settled, which pretty much bans them from ever filing. The Bill HR 2202 would ensure that any immigrant or refugee who is caught entering or crossing the border illegally will be permanently barred from ever legally entering the country. Yet there are instances where a refugee has no other option. Immigrants lack knowledge about specific opportunities of become a citizen, and often do not understand the process itself, or how to negotiate the I.N.S. bureaucracy.

There is a section of the bill that says that immigrants who are here illegally, or undocumented immigrants, are unable to receive health care through out public system. And there's a myth that the reason that the health care system is in the ground is because it's the immigrants, it's the poor people that are just dragging it down. But really, immigrants use health care less than the general public. A 1992 U.S. Dept. of Justice report found that immigrants use federally funded services less than the general population, and there have been several studies that show that it's not immigrants that are pulling us down, it's everyone else's stupidity and ignorance about the immigrants. Most hospital care costs for undocumented immigrants were paid by private insurance, which was 47%; or by the immigrants and their families themselves, which was 45%. That only leaves 8% of the immigrants in the country that were paid for by the government.

This Bill would also deny immigrants benefits under any means-tested programs funded by the federal government, or by state government, as well as being ineligible to receive grants, to receive Earned Income tax credits, to receive SSI benefits, Medicaid, Food Stamps, housing assistance, unemployment benefits, college financial aid, among others. Although, undocumented immigrants alone paid $7 billion per year in taxes. In 1990, undocumented immigrants paid $2.7 billion in Social Security, and $160 million in Unemployment Insurance; and this is according to a publication by the Urban Institute. (signal)

I'm just going to do a quick story about a man that I know. He's 18 years old, and is from Sudan, and is now lost in the "war zone" of the American immigration system. He's actually living in Woodbury; he is apparently some kind of dangerous criminal because he came here with a false passport; so, now he's in jail, and the first time I met him I asked him, "Well, how long will you be here?" meaning, how long would he be staying with family that he was staying with. And he misinterpreted me to mean, "How long will you be in the U.S.," and just said, "immigration," and shrugged his shoulders. And that was probably the saddest thing I've ever seen in my life, was this man-just lost.

Due to time restrictions, we are unable to address all the myths and . . . overstatements, but I can say that to blame immigrants is to scapegoat an easy, unpopular target, and to divert responsbility from more proper parties.

Congressman Sanders: Thank you very much. Let me ask you a couple of questions: what does political asylum mean, and why is that important?

Answer. Well, to me, it means someone who because of their benefits, because of their actions, needs to flee their home, needs to leave, whether it's because they were against their government in this country . . . like the [last] girl was saying, or the wrong color, in the wrong country; come to a place where they can be safe, where they can wake up in the morning and know that, "okay, nobody's going to shoot me today." That's what asylum means.

Congressman Sanders: Okay. Were you immigrants?

Answer. Yes, my family was . . . [there's] a history of immigrants in my family.

Answer. Being that we are white, I think we are all immigrants, in this country.

Congressman Sanders: so, essentially what you're saying is that everybody other than the Native Americans are immigrants if we are in this country?

Answer. That's true.

Answer. That's correct.

Congressman Sanders: Okay. Thank you very much—excellent presentation.

UN HABITAT MEETING: A BOOST FOR CIVIL SOCIETY IN TURKEY?

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 1996

Mr. HOYER. Mr. Speaker, Habitat II, the United Nations Conference on Human Settlements is now underway in Istanbul, Turkey. World leaders, international media, and thousands of NGO representatives from around the planet have assembled to address critical global issues related to sustainable development.

Mr. Speaker, in addition to Habitat II's global significance, the meeting offers an unprecedented opportunity to further develop civil society and democracy in Turkey and raise international awareness of the serious problems which prevent Turkey from realizing its great potential. The gathering affords Turkish NGO's—the building blocks of civil society—an unparalleled opportunity to network, organize coalitions, and develop advocacy strategies. Among NGO's attending the conference, there is a palpable sense that Habitat will catalyze efforts to advance civil society, democracy, and human rights in Turkey. Mr. Speaker, it is my hope that this important conference will also result in concerted international efforts to support human rights and democracy in Turkey and the NGO's which support these ideals.

Mr. Speaker, Istanbul is an appropriate venue to examine sustainable development. A former seat of empires and home to a multitude of cultures and people, Istanbul is a dynamic urban bridge between Europe and Asia, Christianity and Islam, antiquity and the 21st century. From modern high rises and opulent Ottoman palaces to sprawling shanty towns and exploding garbage dumps, Istanbul encompasses all that is wonderful and frightening about today's urban environments.

Mr. Speaker, Istanbul's unforgettable character owes much to a great Ottoman hero, the 16th century soldier-turned-architect, Sinan. During a prolific career that spanned six decades, Sinan-designed many of Turkey's most well-known landmarks. Yet he also built structures throughout the Ottoman empire which were critical to daily lives, including: bridges, wells, warehouses, tombs, aqueducts, baths, residences, and caravan stops. In Istanbul alone, more than 300 Sinan-designed structures have been identified.

Yet while Sinan's heritage provides an impressive Habitat backdrop, the travails of a contemporary Turkish architect reveal a not-so-proud legacy, one that reminds us that Turkey faces severe strains which threaten democracy and the development of civil society.

Yavuz Onen is general secretary of the Turkish Architect's Association and president of the Human Rights Foundation of Turkey. The Foundation documents human rights abuses and operates four treatment centers for victims of torture in Turkey. In 1995, Mr. Onen accepted awards on behalf of the Foundation from the International Human Rights Law Group and the Lawyers Committee for Human Rights. Foundation leaders and doctors face constant prosecution and harassment. The Turkish Government's persecution of the Foundation and other NGO's reflect a larger effort to criminalize and silence groups and individuals critical of government human rights practices, military abuses of the Kurdish population, Turkey's founder Ataturk, or state institutions.

Mr. Speaker, a more immediate attempt to silence criticism during Habitat is evidenced by the police closure of a building used by 35 NGO's boycotting the conference to protest government human rights and Kurdish policies. These groups have organized an alternative Habitat to publicly protest the destruction of almost 3,000 Kurdish villages and creation of almost 3 million refugees. These groups rightly contend that such policies are incompatible with the goals of Habitat and reflect serious threats to democracy and development of civil society in Turkey. Yet instead of allowing open discussion of these serious issues, the Government of Turkey has once again chosen to respond with repression—in full view of the international community.

Mr. Speaker, Turkey has ratified numerous U.N. and European human rights conventions, committed itself to OSCE standards and principles, and is seeking closer ties with the West. Unfortunately, efforts by successive Turkish governments to strengthen democratic institutions and institute legal reforms have failed to resolve underlying sources of human rights problems.

Mr. Speaker, Turkey is an important strategic and economic ally. As a NATO member proximate to the Balkans, Caucasus, Central Asia, and the Middle East, Turkey figures prominently in regional efforts to address water, energy, arms control, terrorism, and environmental issues. Yet while Turkey's government and people are poised to reap political, economic, and strategic windfalls, the potential perils for Turkey, should it move back on the democratic path, loom equally large.

Mr. Speaker, these dangers are very real. As Habitat II convenes, Turkey's minority coalition government verges on collapse, incapacitated since its inception by bitter personal rivalries and corruption charges. The Constitutional Court recently invalidated the parliamentary vote which approved the centrist coalition, and a no-confidence vote this Thursday will likely bring down the government. Turkey's military leaders, who seized power on three occasions since 1960, increasingly express dissatisfaction with the status quo and rising popularity of the Muslim-based Refah Party. Coup rumors abound in the Turkish press. As confidence in the government ebbs, support for Muslim fundamentalist and nationalist parties has increased. Should moderate, secular parties lose power, Turkey could turn away from the West, undergo a military coup or face deepening instability and political violence. All these scenarios set back democracy and civil society, threaten regional stability, and pose obstacles to Turkey's moving closer to Europe and the United States.

Mr. Speaker, the Turkish Government's intolerance of NGO's protesting village evacuations and other Kurdish or human rights issues has already marred Habitat. While participants in the official and NGO forums will reportedly not be prosecuted for remarks that violate Turkish law, it is unclear whether individuals and groups speaking outside the meeting will face charges. Mr. Speaker, this leads me to ask what will happen after Habitat, when NGO's energized by the experience attempt to utilize newly established links and implement strategies developed during the conference? It will be very important for all Habitat participants, including U.S. delegation members led by Housing and Urban Development Secretary Henry Cisneros, to maintain links and support for groups they worked with during Habitat II. As human rights issues and the further advancement of civil society in Turkey have important implications for bilateral relations, this Congress should continue to closely monitor developments in Turkey after Habitat II.

EILEEN PECH RECEIVES WOMEN'S HISTORY MONTH HONORS

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 1996

Mr. LIPINSKI. Mr. Speaker, I rise today to pay tribute to an outstanding journalist in my district who was recently honored for her contributions to her community.

Ms. Eileen Pech, of Berwyn, IL, was recently named Woman of the Year by the Morton Township Women's History Month Committee. The committee recognized Ms. Pech, a reporter for the LIFE newspapers, for her working toward the betterment of the community.

Ms. Pech is widely respected in her community for her fair-minded, thorough, and often entertaining coverage of local events. She shuns the spotlight herself and in accepting the award, said she is "much more comfortable" sitting in the audience writing about the accomplishments of others.

Mr. Speaker, I congratulate Ms. Pech on receiving this prestigious award, and extend to her my best wishes on continued success.

THE IMPORTANCE OF AERONAUTICS RESEARCH AND TECHNOLOGY

HON. MARTIN R. HOKE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 1996

Mr. HOKE. Mr. Speaker, I rise to express my appreciation to the distinguished chairman of the House Science Committee for his help in providing adequate funding levels in the area of aeronautics research and technology. In these times of severe budget constraints there was undoubtedly a strong temptation to slash spending in these critical programs, but the chairman demonstrated a real willingness to listen to and accept my vigorous defense of aeronautics at NASA, especially in high-speed research and advanced subsonics technology. I want to take this opportunity to thank the chairman for his commitment and foresight.

Aeronautics research and technology helps promote a high-technology industry, one that is of critical importance to our national economy and international balance of trade. Even conservative estimates show that the aerospace industry has annual sales of over $60 billion and produces a positive balance of trade of $25 million. In Ohio alone, the aerospace industry is responsible for approximately 300,000 jobs and injects $13.5 billion into the State's economy.

But it's not just a question of dollars and jobs. Aeronautics research and technology helps address safety, fuel efficiency, and environmental impact concerns. Anyone who has ever expressed concern about air travel can fully appreciate the importance of this scientific work. Research and development in the areas of aging aircraft safety, air traffic management, advanced technologies, and wing and engine icing are just some of the ways in which aeronautics directly touches our lives. Moreover, scientific work in aeronautics has also led to the development of thousands of spinoff technologies that we see every day. The NASA Lewis Research Center in my district in northeast Ohio, along with Wright Labs at the Wright-Patterson Air Force Base in Dayton, are responsible for developing or refining many everyday conveniences such as medical equipment, orthopedic advances, microwave ovens, automotive brake discs, high-temperature paints, fire-resistant fabrics, and graphite composite sporting goods.

Despite all of the industry's successes and contributions to our way of life, the future of America's preeminence in aeronautics is threatened. Our trading partners continue to pour billions into their domestic research and development programs, while our national effort, led by the extraordinary work of the men and women at NASA, has suffered from declining levels of investment. The President's budget request for NASA, in fact, recommends a cut of $4.9 billion over the next 4 years when compared to this year's funding. Although I take a back seat to no one when it comes to battling our budget deficit, I have serious reservations about making such deep cuts in an agency that is at the forefront of technology research and development on which our Nation's future competitiveness depends. The House Budget Resolution, by contrast, represents some $2 billion more than the President over the same time period by making responsible choices in establishing agency priorities, and targeting resources to where they will best be utilized.

While there might be a temptation to cut aeronautics research and technology resources in the pursuit of short-term budget savings. I believe the long-run interests of our Nation require that an adequate level of investment be made in aeronautics. That is why it is so important that the funding levels recommended in the House Budget Resolution be honored.

CELEBRATING THE EDWARDS/WARD FAMILY REUNION

HON. EVA M. CLAYTON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 1996

Mrs. CLAYTON. Mr. Speaker, family reunions are an important part of the American fabric. I recently sent a letter to Ms. Allene Farmer Hayes concerning the reunion her family has planned for July. Many of the family members live in my congressional district, and I want to share with my colleagues the text of my letter to Ms. Hayes.

It is my understanding the Edwards/Ward Family will hold its sixth family reunion during the weekend of July 4th, in Washington, D.C.

As you gather to celebrate, remember the ties that bind you. Your theme, "Family Matters" is an excellent one. I am convinced that you cannot move ahead in life if you do not know from whence you came. All too often, we forget those who came before us, their struggles, and even their achievements, even though it is they who have helped mold the future of those in attendance.

This occasion at this time in our Nation's history reminds us of the rewards of toil and hard work. Your family reunion marks yet another step in your commitment to continue to build upon a strong and solid foundation. It also reflects the value of loving husbands and wives, devoted fathers and mothers, attentive grandfathers and grandmothers, dutiful sons and daughters and loyal uncles, aunts, cousins and other family members. This reunion is but another stepping stone in a brilliant path that the family has blazed, leaving a legacy from which all can learn.

At this special time, permit me to borrow from the words that are found in Saint Matthew 16:18, "And I say also unto thee . . . upon this rock I will build my church; and the gates of hell shall not prevail against it." We face difficult and uncertain times as many are challenging the very foundations that have made this Nation strong. It is important, now more than ever, that the family stand together and assert your rightful role. Ecclesiastes 4:12 is instructive, "And though a man might prevail against one who is alone, two will withstand him. A threefold cord is not quickly broken." This reunion should be a time for rekindling the spirit, reigniting the energy and reestablishing the unity that has made your family a pillar of strength.

I am a strong believer that family is one of the most precious gifts we have; a gift that we must treasure. So, as you gather together, reflect into the history of the Edwards/Ward Family, and learn from that history. And remember, that it is the past which brought you together, but it is the future generations that will keep the Edwards/Ward Family together.

Please know that as a member of the North Carolina Congressional Delegation, I am proud to be of service to such celebrated citizens and to have the opportunity to greet you and the distinguished members of your family. May you be richly blessed as you strive to perfect that which God has bestowed upon you.

Congratulations on this event. I wish for each of you many years of health, happiness, and prosperity.

TRIBUTE TO BRUCE CORWIN

HON. HOWARD L. BERMAN

OF CALIFORNIA

HON HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 1996

Mr. BERMAN. Mr. Speaker, we are honored to pay tribute to our good friend Bruce Corwin, whose company, Metropolitan Theaters Corp., is this year being given the H.E.L.P. Group's Corporate Philanthropy Award for ongoing dedication to children with special needs everywhere. Anyone who knows Bruce and his work knows that he is an ideal choice for this award. We can think of few others who have done so much for children and the larger community.

This is the second time Bruce has been honored by the H.E.L.P. Group; in 1988, he received its humanitarian award. Indeed, the list of those organizations and associations that bestowed awards on Bruce through the years is extraordinary. Among the more notable: in 1986 Los Angeles Children's Museum named Bruce its Man of the Year, 3 years later he was named Man of the Year by the Temple Sinai Jewish Community Center of the Desert. Not to be outdone, in 1993 the Channel Islands Chapter of the Multiple Sclerosis Society named Bruce its Man of the Year.

Bruce's wide range of philanthropic and volunteer interests is truly remarkable. It is hard to imagine how he finds both the time and energy to do so much. For example, Mayor Bradley appointed Bruce to the Los Angeles Fire Commission, where he served as president for 2 years. He is also on the advisory board of Bet Tzedek, a member of the advisory committee of the Los Angeles conservancy, and a member of the executive board of the Will Rogers Hospital.

Finally, Bruce is general partner of the San Diego Padres baseball team, which this year is the surprising leader of the National League's West Division. It would not surprise us if somehow, in some way, he has played a part in the Padres' success.

We ask our colleagues to join us today in saluting Bruce Corwin, as well as his wife, Toni, and sons, Daniel and David. His selflessness in a shining example for us all.

CASH GRANTS UNDER THE COOPERATIVE THREAT REDUCTION PROGRAM

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 1996

Mr. HAMILTON. Mr. Speaker, on April 2, 1996, I wrote to Secretary Perry about a proposed cash grant to the Ministry of Defense of Ukraine under the cooperative threat reduction—Nunn-Lugar program. On May 28 I received a reply from Deputy Secretary of Defense John White, and I would like to bring the corresponding to the attention of my colleagues. The text of the correspondence follows:

HOUSE OF REPRESENTATIVES, COMMITTEE ON INTERNATIONAL RELATIONS,
Washington, DC, April 2, 1996.

Hon. WILLIAM J. PERRY,
Secretary of Defense, Department of Defense, Washington, DC.

DEAR SECRETARY PERRY: I write with respect to your letter of March 19, 1996 concerning a proposed obligation of $10.3 million of the FY95 Cooperative Threat Reduction (CTR) funding as a cash grant directly to the Ministry of Defense of Ukraine.

As you know, I have been a strong advocate and supporter of the CTR program from the outset. I believe that this program is in the national interest of the United States, and that it has made important contributions to U.S. national security over the past 5 years through the destructive and dismantlement of nuclear weapons systems.

What concerns me is your proposed cash grant. I have consistently opposed, as the State Department well knows, all types of cash grants to NIS states as inconsistent with the authorities of the FREEDOM Support Act. In November 1994, Secretary Christopher wrote to me pledging that no future cash grants from FREEDOM Support Act funds would go forward. I have also felt that any U.S. assistance must be tied to identifiable reforms.

My views with respect to CTR funds are the same. I would appreciate a detailed explanation of the reasons that you seek to proceed with such a cash grant, and why you cannot achieve your purposes through the U.S. articles or services. I would also like a description of your oversight mechanisms for the monitoring the use of funds from this proposed cash transfer, how you will monitor whether funded activities are accomplished, and what specific reforms this assistance is tied to.

I would respectfully request from you a commitment that this proposed cash transfer is not a precedent for future CTR activities. I would also seek from you a commitment on prior consultation if, at any time, a cash transfer from CTR funds is under future consideration.

With best regards,
Sincerely,
LEE H. HAMILTON,
Ranking Democratic Member.

DEPUTY SECRETARY OF DEFENSE,
Washington, DC, May 28, 1996.

Hon. LEE H. HAMILTON,
U.S. House of Representatives,
Washington, DC.

DEAR CONGRESSMAN HAMILTON: Secretary Perry has asked me to respond to your letter of April 2, 1996 regarding DOD's proposed obligation of up to $10.3 million of the FY95 Cooperative Threat Reduction (CTR) funding as a cash grant directly to the Ukrainian Ministry of Defense. First, let me clearly state that the Secretary and I share your concern about providing CTR assistance in the form of grants: though the authority has existed for some years to use grants, we have given clear direction that grants will not be normally provided. DOD is proposing an exception to this policy in this case because it is required to facilitate the final denuclearization of Ukraine, a paramount national security goal for the United States.

The activities the grant will support involve sensitive activities to include removal of nuclear warheads and nuclear support equipment and the defueling, removal from silos and partial neutralization of SS–19 missiles, as well as road repair and construction on sensitive areas of missile bases. All of these expenditures are non-recurring costs associated with the final removal of all warheads and related equipment from Ukraine. Ukraine's agreement with Russia under which the warheads will be returned prohibits any foreign presence when these activities are underway. Therefore, the U.S. cannot use normal contracting methods.

Although cash grants cannot be audited as closely as goods and services the U.S. provides to Ukraine, I want to assure you that Ukraine will provide invoices, records of payments made, and summary reports for most activities under the Grant. We will verify that the invoices relate to effort covered under the Grant and we will be working with the Ukrainian banks to ensure that payments are actually made by the Ministry of Defense to legitimate third parties. In addition, the invoices and reports will be measured against information available to us from national technical means of surveillance, through which we can determine that the activities for which the assistance has been provided have in fact occurred. Until we have these reports and confirm independently that work has taken place, the full amount of assistance will not be provided to Ukraine.

Let me stress the Secretary approved the use of grants in this instance only because the activities involved are critical to achieving one of our paramount security goals. This exception is not intended to set a precedent for future CTR activities. DOD does not now envision another exception to our established policy of not providing direct financial assistance to foreign governments under the CTR program. However, I will make sure you are contacted in advance if another exception is considered.

Your support for the CTR program is vital and I want to add my personal thanks for the help you have provided. If you have any further questions, please feel free to contact me.

Sincerely,

——— ———.

ANDREA JAQUITH ON GANGS AND STREET VIOLENCE

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 1996

Mr. SANDERS. Mr. Speaker, for the benefit of my colleagues I would like to have printed in the RECORD this statement by Andrea Jaquith, a high school student from Brattleboro, VT, who was speaking at my recent town meeting on issues facing young people.

The phenomenon of gangs and gang violence is widespread throughout this country, and is spreading rapidly and fast becoming a societal problem of great magnitude. Some people blame the gang problems on the poverty that this country is struggling with. With the possible exception of some states in the Northeast, every state now has some sort of gang problem. In 1961, there were about 23 cities in the U.S. with known street gangs. Today, there are at least 187 different cities with known street gangs. In 1992, there were an estimated 4,881 gangs in the U.S.

L.A. County in California is the gang capital of the nation. In 1991, there were 150,000 persons in 1,000 gangs in L.A. County. John Pole of Emerge Magazine said, "If you could eliminate the narcotics problem tomorrow, you would still have a significant gang problem. If the next day you eliminated the gang problem, you'd still have a significant crack problem."

Guns, "gas traps" or "toolies"—whatever you choose to call them—firearms are a major part of gangs and violence, in general, today with American youths. Gunshot wounds are the leading cause of death for all teenage boys in America. Guns kill 14 kids in America every day. It is estimated that one out of 25 African-American male children now in kindergarten will be murdered with a gun by the age of 18. In a recent survey conducted, it was found that one in five H.S. students carry a weapon with them. The vast majority of juveniles get guns from their own homes, and the majority of accidental shootings occur in homes where kids can easily get guns. In a 1989 poll, nearly three out of five Americans own a gun.

So many youths have firearms because of the perceived absence of any other kind of power necessary to attain status and wealth. 5,000 kids are killed by a gun every year in the U.S. There's a trend that appears to be a weak economy and scarcity of legitimate jobs for these young minority men—that's why they tend to join gangs. Basic needs that kids get by joining gangs are: structure, nurturing, economic opportunity and a sense of belonging. Most kids join gangs because that's what there is to join where they live—there aren't sports teams that they can join, and there aren't jobs that they can get because of the weak economy—so that's why they turn to gangs.

There are two well-known gangs in Western U.S.; they're known as the "Crips" and the "Bloods;" the Crips and the Bloods are rivals in the Western U.S.—the Crips wear blue and the Bloods wear red. There is a lot hatred between these two gangs; a Blood will not ask for a cigarette because the word begins with a c,' as in Crips. Instead, they ask for a figarette." Parents are very fearful for their children's lives when they go out to play or go to school; if they are caught wearing the wrong colors, they could be misinterpreted for belonging to a gang, and get hurt or killed. Parents dress their children carefully in brown, yellow or other neutral colors, and they avoid buying British Nike's brand sneakers, because the initials have come to mean "bloodkiller," a sign of disrespect in a Blood neighborhood. Nearly 50% of the Black male population age 21 through 24 is involved in some sort of gang activity. More than 200,000 people live in South Central L.A., and most have turned their homes into what look like jails: heavy metal-grid bars across the windows and doors, their yards turned into military compounds with wrought-iron fences, etc. They do this to protect their property, their family and themselves from gangs involvement.

Solutions to ending the gang problems of the U.S. are difficult to come up with. Trying to attract the interest of teenagers is also hard to do. Some suggestions have been: recreational activities for the students to participate in after school so they can stay off the streets. A way to bring teenagers into the picture of helping out is by way of teacher training. They need training to recognize gang members (signal), and discourage their activities. Other than recreational activities, there should be also an alternative for those nonathletic students. There should be tighter security—security officers at schools to deal with troublesome students; increased discipline would mean stricter enforcement of existing disciplinary rules. Metal detectors are also a way of weeding out weapons, and in some schools there's a truancy court that deals with people with high absenteeism. There is also . . . alternative schools with programs for disciplinary problem children. Former gang members participate in community awareness campaigns. And one last solution would be to control the unemployment by making . . . more jobs available for students and young people.

Congressman Sanders: Andrea, thank you very much; that was excellent. I'd like to ask you a very brief question, one question: in your judgment, has the government or other interests done a good job of controlling or eliminating youth gangs in America?

Answer. I don't think so, because there's a lot of unemployment out there, and that's why these teens are turning to gangs, because they don't have anything to do. So I think that the government should create more jobs for the students to get involved with.

Congressman Sanders: Are you familiar with the Summer Youth Employment Program?

Answer. A little bit.

Congressman Sanders: The Summer Youth Employment Program is a Federal program which allows low- and middle-income students to have summer jobs. It's a very important program, in districts such as you were speaking about in Los Angeles, where unemployment is very high. One of the things that I should tell you, a little bit sadly, is we were fighting this fight, but we think that the leadership in Congress is going to eliminate the funding for the Summer Youth Employment Program, which I think addresses some of the concerns that you've raised.

REVISION OF UNITED STATES-PUERTO RICO POLITICAL STATUS ACT, H.R. 3024

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 1996

Mr. GALLEGLY. Mr. Speaker, today I am submitting for the RECORD a revision of H.R. 3024, the "United States-Puerto Rico Political Status Act." The purpose of the revised version is to enable Members of Congress to consider the actual language of the political status option which was presented to voters as the definition of the "Commonwealth" political status option in a 1993 plebiscite conducted by Puerto Rican authorities under local law. The local political parties in Puerto Rico formulated the ballot definitions in that plebiscite.

On December 14, 1994, the Legislature of Puerto Rico adopted Concurrent Resolution 62, requesting the 104th Congress, if unwilling to accede to and implement the definition of "Commonwealth" from the 1993 ballot, to state ". . . the specific status alternatives that it is willing to consider, and the measure it recommends the people of Puerto Rico should take as part of the process to solve the problem of their political status." Before responding to Concurrent Resolution 62, on October 17, 1995, the Subcommittee on Native American and Insular Affairs, Committee on Resources, and the Subcommittee on the Western Hemisphere, Committee on International Relations, conducted hearings on the 1993 plebiscite results in which representatives of each principal political party testified and persons of all persuasions were afforded the opportunity to submit statements for the record.

Based on the record of that hearing (see, Joint Hearing Report, Serial No. 104–56 (Committee on Resources)), Chairman DON YOUNG and I introduced H.R. 3024 along with 13 other cosponsors to the request of the Puerto Rico Legislature in Concurrent Resolution 62. H.R. 3024 reflects the best judgment of its sponsors with respect to how Puerto Rico's political status can be resolved consistent with the U.S. Constitution and this Nation's commitment to self-determination. The definition of "Commonwealth" on the ballot in the 1993 plebiscite was not included in the bill as introduced for reasons which include those set forth in the letter of February 29, 1996, from

Chairman DAN BURTON and I as the two subcommittee chairmen who conducted the joint hearing on October 17, 1995, signed as well by our respective full committee chairmen. See, CONGRESSIONAL RECORD, March 6, 1996, page 3851.

On March 23, 1996, a comprehensive hearing on H.R. 3024 was conducted by the Committee on Resources in San Juan, PR. Again, all parties were afforded an opportunity to testify or submit written statements. On the basis of the exhaustive record now before the committee and extensive consultations with interested individuals, political parties, and elected officials in Puerto Rico, the Subcommittee on Native American and Insular Affairs is prepared to consider further H.R. 3024.

Obviously, it would be unfair and irresponsible to allow the deliberative process of Congress regarding H.R. 3024 to be held hostage by those who, for whatever reason, may prefer to delay or prevent a considered and unambiguous Federal response to the 1993 plebiscite. However, to accommodate the widest possible range of rational and responsible views on this matter, Chairman YOUNG has taken the time to consider the record carefully, and he has agreed to support revisions to the bill based on comments and recommendations made in hearings and during consultation with some of our colleagues, representatives of the major parties, and other concerned parties.

Thus, for example, we are prepared to ensure that a valid definition of "Commonwealth" consistent with applicable rulings of the U.S. Supreme Court is included in the democratic process under this bill—even though the present status would not have changed under the original version unless the voters approved a new status. In addition, the revised version of H.R. 3024, with the 1993 "Commonwealth" definition prepared by the local political party which supports that status option, is being made available for consideration by the subcommittee and interested Members of Congress.

The constitutional, fiscal, and political obstacles to implementation of both the core elements and most provisions of the 1993 "Commonwealth" definition remain, as indicated in the February 29 letter cited above, Still, Chairman YOUNG has demonstrated exceptional sensitivity toward the difficult issues which arise from the inclusion of this "best of both worlds" definition on the 1993 ballot, and its approval by a slight plurality but less than a majority of the voters. Under the U.S. Constitution only Congress can determine what political status options it is willing to consider as requested by Concurrent Resolution 62, but Chairman YOUNG's decision to present the 1993 definition to Congress for its consideration reflects his commitment to the most open and bipartisan approach possible.

I want to express my admiration for the conscientious and careful approach which Chairman YOUNG has taken in this matter. While some of the people of Puerto Rico and even some Members of Congress may well prefer this legislation not be considered on the merits, there is no credible basis for further delay. The process of hearings and accommodation of the views of others which Chairman YOUNG has overseen has been exceptionally fair, and, by ensuring that people in Puerto Rico know that the 1993 definition of "Commonwealth" is considered by Congress in the original form without alteration, Chairman YOUNG has demonstrated unprecedented flexibility and openness.

That is why some 60 Members, including Democrats and Republicans, are now cosponsors of the United States-Puerto Rico Political Status Act, H.R. 3024. That is why we are going to move forward without further delay.

The revision to H.R. 3024 is made by inserting the following language on line 22, page 9, of H.R. 3024 as introduced on March 6, 1996:

(3) A path of Commonwealth, in which—

"(A) the Commonwealth is a mandate in favor of guaranteeing our progress and security as well as that of our children within a status of equal political dignity, based on the permanent union between Puerto Rico and the United States encompassed in a bilateral pact that cannot be altered except by mutual agreement.

"(B) the Commonwealth guarantees—

"(i) irrevocable United States citizenship;

"(ii) common market;

"(iii) common currency;

"(iv) common defense with the United States;

"(v) fiscal autonomy for Puerto Rico;

"(vi) Puerto Rico Olympic Committee and our own international sports representation; and

"(viii) full development of our cultural identity, under Commonwealth we are Puerto Ricans first;

"(C) we will develop Commonwealth through specific proposals to be brought before the United States Congress; and

"(D) we will immediately propose—

"(I) reformulate section 936, ensuring creation of more and better jobs;

"(ii) extend the Supplementary Security Insurance to Puerto Rico;

"(iii) obtain Nutritional Assistance Program allocations equal to those received by the States; and

"(iv) protect other products of our agriculture, in addition to coffee.".

SPECIAL TRIBUTE TO MRS. MARY VEREEN ON HER RETIREMENT

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 1996

Mrs. MEEK of Florida. Mr. Speaker, I rise to pay tribute to a remarkable educator whose exemplary life of commitment represents a genuine consecration to the ideals of service on behalf of thousands of students. Mrs. Mary Vereen is retiring from the Dade County Public Schools after serving 31 years of continuous teaching, educating and motivating countless boys and girls to choose the path of academic excellence and personal achievement.

In her own quiet but dignified way she epitomized the noble qualities that ordinary Americans, the unsung heroes and heroines of our Nation, have always engendered into their charges time and time again. I would not feel right at all if I did not share with Congress the legacy of excellence and sacrifice this humble educator bequeathed to benefit the lives of so many children in my community.

A salient description of what Mrs. Vereen meant to many homes in the inner city is so compelling as to tug at the heartfelt simplicity and relentless commitment she gave to these children. Nurturing them into becoming responsible and productive members of society, she transformed her covenant of service into one that bespeaks of her utmost caring and encouragement for their future. She also veritably became an oasis of hope and support for their parents who have had to weather the storms that constantly challenged them along the way.

In her stint as a teacher and then as an administrator, she created ample opportunity and brought so much joy to so many students who were eager to meet the challenges she posed to them. With this basic methodology Mrs. Vereen went on to guide her charges, both children and their parents, counseling them to abide by the tenets of common discipline and personal responsibility. She instilled into their value systems no less than the love of learning and the mastery of the basic skills, demanding moral excellence and communal courtesy in their dealings with one another. Mediocrity was unacceptable.

Mr. Speaker, my community will sorely miss the guiding hand of Mrs. Mary Vereen. Her legacy exemplifies a genuine stewardship reflecting an admirable fusion of utmost professionalism and personal integrity that will long be remembered and admired in the annals of educational leadership. I wish her a well-deserved retirement and success and happiness in her future endeavors.

NO DEAL ON TOBACCO INDUSTRY PROPOSAL

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 1996

Mr. STARK. Mr. Speaker, recently two tobacco industry giants, Philip Morris USA and United States Tobacco [UST], presented a gift to the American people: their approach to how the industry and the Federal Government could work together to reduce youth smoking. Their present was beautifully wrapped with an agreement to ban cigarette vending machines, to restrict mail distribution of tobacco products, and to prohibit billboard advertising of tobacco products within 1,000 feet of schools—all of which would be greatly effective in decreasing youth smoking, an injurious activity that one out of every three American high school students take part in. But once we tear away the ribbons and packaging on this present, we find that all that's left is gag gift from the tobacco industry. The Philip Morris/UST proposal mocks the health and welfare of our Nation's children and the tobacco industry gets the last laugh.

The Philip Morris/UST proposal is an utter sham compared to the FDA's proposed rule:

The FDA proposed rule bans tobacco sponsorship of any athletic, musical, artistic or other social or cultural event. Under their proposal, the tobacco industry can sponsor motorsports and rodeo, two events that the tobacco industry is heavily invested in. These sporting events are the most commonly attended sporting events in the country.

The FDA proposed rule restricts tobacco advertisements to publications with an adult readership of 85 percent or more and less than 2 million readers under 18 years old. The industry proposal changes readership to subscribers. Since most children and youths do not subscribe to magazines, this provision becomes ineffectual.

The FDA proposed rule requires each tobacco manufacturer to contribute to a $150 million public education campaign to discourage youth from tobacco use. The tobacco industry doesn't even bother to include this provision in their proposal.

But most importantly, the Philip Morris/UST proposal eliminates FDA jurisdiction over tobacco products. This would effectively shut down the FDA's ability to regulate tobacco at all with disastrous effects: It would preempt the FDA from ruling that nicotine is a drug. It would preempt the FDA from ruling that nicotine is addictive. And it would preempt the FDA from ruling that a cigarette is a device used to transmit an addictive drug. With no FDA jurisdiction over tobacco, there is no agency with authority over nicotine-containing tobacco products.

We cannot allow the tobacco industry to go unregulated especially in the area of youth smoking. The threat to our Nation's children is too great. For example, in California alone:

Over 29 million packs of cigarettes are sold to California children annually, generating $62.5 million in sales revenue for the tobacco industry.

Teens under 18 can successfully purchase tobacco from one out of three tobacco retailers in California.

Smoking among youth in California is increasing from 9.1 percent in 1993 to 10.9 percent in 1994.

And California is one of the leaders in anti-smoking efforts. I could only imagine how bad the statistics would be if even our few laws weren't in place.

Philip Morris and UST know that their public support has been reduced to ashes. Since today is World No-Tobacco Day, I urge Congress to embrace the FDA proposal, a comprehensive approach to reduce youth tobacco use and reject the tobacco industry's sham proposal. No deal for Philip Morris and UST. Our children's health is non-negotiable.

THE OIL SPILL PREVENTION AND RESPONSE IMPROVEMENT ACT

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 1996

Mr. MENENDEZ. Mr. Speaker, it is with a sense of urgency that I introduce the Oil Spill Prevention and Response Improvement Act. On May 10, 1996, a tanker moored in Delaware Bay spilled 10,000 gallons of light grade crude oil. Strong winds pushed the slick toward the beaches of Cape May, NJ, posing a threat to wildlife and migrating waterfowl. The tanker had been anchored 17 miles off the Cape May Shore in an area known as the Big Stone Anchorage. It was involved in a process known as lightering. A tanker lighters by pumping some of its cargo into a smaller barge. This is usually done because there is insufficient depth of water to allow the tanker to safely make passage to secure oil terminals. Transferring oil over open water between two or more vessels is a risky process which greatly increases the possibility of spills or more serious accidents.

While the Cape May incident was a relatively minor accident and the environmental impacts were quickly contained, I am greatly troubled about the prospect of an accident in the New York Harbor. Thirty billion gallons of oil of every type are shipped through the Port of New York and New Jersey each year. One billion gallons is lightered from deep water anchorages beyond the Verrazano Narrows. That is 100 times the amount of oil spilled by the Exxon *Valdez* off the Alaskan coast. These barges are often single hulled and sometimes have no crew or anchor. The situation in the New York Harbor is doubly dangerous because of an institutional failure to dredge. The lightering process is used to reduce the weight of oil tankers and thereby lessen draft to enable these great ships to negotiate the shoaled-in channels and berths of the upper bay and the connecting channels in the Kill Van Kull and the Arthur Kill. It is only the exceptional skill and dedication of the pilots serving the Port of New York and New Jersey that have prevented a catastrophe, but there have been a number of near collisions.

To reduce this threat, this legislation requires the Coast Guard to develop requirements for lightering and towing operations. It provides incentives for converting to the use of double hull vessels. The bill will also reduce the economic hardship on the victims of oil-spills, particularly in fishing communities. This bill is a good starting point at improving the Oil Pollution Act and improving the safety of barges that move a commodity that is essential for our economy safely and without harm to the environment.

INTRODUCTION OF RABBI DAVIS

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 1996

Mr. DEUTSCH. Mr. Speaker, it gives me great pleasure to introduce to my colleagues, Rabbi Edward Davis, who will be giving today's opening prayer. Rabbi Davis leads the Young Israel Congregation of Hollywood, FL. Yet, Rabbi Davis is far more than just the spiritual leader of his south Florida congregation. After serving as Young Israel's rabbi for over 15 years, he has emerged as a well-respected leader throughout the community. He is a man that people can turn to in their time of need and someone people seek out to share in their joyous occasions. Moreover, he has become a dear friend whose ability to enrich people's religious experience is a treasure and a gift.

Rabbi Edward Davis is married to Meira Davis and is the father of nine children. Mr. Speaker, I congratulate Rabbi Davis on all that he has accomplished and I ask my colleagues to join me in welcoming Rabbi Davis to the floor.

STATEMENT REGARDING STUDENT VOICE AND EMPOWERMENT

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 1996

Mr. SANDERS. Mr. Speaker, for the benefit of my colleagues I would like to have printed in the RECORD this statement by several high school students at Champlain Valley Union High School in Vermont, who were speaking at my recent town meeting on issues facing young people.

Through our high school years, we have discovered the power and voice that we as students have in our school; and we have realized that this power of student voice is an incredibly valuable and meaningful learning experience.

It's important to recognize that education reform, especially when it concerns the students that say their education . . . can be very slow. And we hope that some of the ideas that we present today will be a springboard for further action on the part of both students in the audience as well as for Vermont.

It's our hope that . . . we be more of a voice, both in schools and on a national level. And, for that reason, our presentation is both for Congressman Sanders and for the teachers and the students in the audience.

We believe that student voice is fundamental to provide the necessary quality of education to our nation's youth. Student voice empowers our students, instilling confidence and providing opportunities for participation in the democratic process. Student voice gives students control over their own education, getting them interested and excited about it, and making it more meaningful.

Student voice improves the tone and level of respect among students, teachers and administration and other members of the school community, building a stronger community. Incorporating student voice into the educational experience is a tool for developing contributing members of a democratic society.

We attended a national conference last November, where we came together with students and teachers from across the country re: policy changes for student voice. And we came up with a general policy at that conference. This first handout that we've given Congressman Sanders (and if anyone else we would like to copy, we'll have them available afterwards) is kind of our own version of general policy that we created. It's something you can bring back to your own schools, and share with other people. The following is the policy:

School government: schools should incorporate a democratic decision-making process where all students can be recognized; all people in the school community should have equal opportunity to be heard; there should be a commitment to building this process by making it accessible, and by providing students and staff with the time necessary to plan and implement the school's plan of action.

For curriculum, students need to have a voice in what and how they learn; open dialogue should exist between teachers and students, about teacher and student evaluation.

For school tone and culture: a school should have an atmosphere that reflects its values of student empowerment; this includes allowing students to help shape the atmosphere of the school; the climate of the school should be one of open communication between all its members; students and faculty should feel equally comfortable in discussing concerns and suggestions. The first step towards creating a school culture that allows for Student Voice lies within each individual, and . . . we want to stress that each person is responsible for speaking out, and listening, and encouraging the voice of others. The school atmosphere should reflect the democratic ideals of our society. In an ideal world, as well as a democracy, every person has a voice, and so each person's voice should be listened to and respected.

And the most important thing is "how" and "what can you do;" and that's the second handout that we have available if you want it. (signal) We're just going to go through reading this is all. Here are some suggestions:

Create more funding for education; let's think about the future; if students are empowered today, we will be prepared tomorrow to contribute to society in an active and productive way. But this cannot be accomplished on a shoestring budget. . . . What is more important than education, what is more important than our future?

Encourage students to teach each other; everyone is good at something; finding strengths build upon them by creating opportunities for students to teach their peers. Through this teaching process, students will gain confidence in leadership skills. Invite students to serve on national committees and panels concerning education skills. Create positions for students to advise the Secretary of Education: a student representative in Washington.

And the final suggestion today: create charters for student rights within your local schools, and send these charters to other schools, and encourage them to create their own charters. Let's begin a grassroots Student Voice Movement. (APPLAUSE)

Congressman Sanders: I would strongly encourage all of the schools here to get copies of these very excellent documents. The second I'd like to ask you: to what degree are these principles in existence now at CVU—are they in existence?

Answer. I think we're here because we have gotten these principles from our school and from our education; and that's not to say that every student at CVU has gotten the same things that we have. I think that our school does an excellent job of providing opportunities for students, but it doesn't do quite as well in making . . . sure that all students realize and recognize that opportunity.

Congressman Sanders: Let me ask you the last question: in the last election nationally, only 38% of the American people came out to vote. What do you see as the relationship between student democracy and democracy within our country as a whole?

Answer. It's building on the future; if we start in schools. The problem with our democracy today is that as students grow up in our educational system, they don't learn that much about it. Then once they get out there into the real world they haven't had very much practice with it, and don't know what to do. One of the best ways to remedy that problem is to start dealing with democracy in the schools.

HONORING JOSEPH JACOBSON

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 1996

Mr. ACKERMAN. Mr. Speaker, I rise today to join with my colleagues, and the members of the Harry Van Arsdale Jr. Memorial Association as they present their Humanitarian Award to Joseph Jacobson. The Memorial Association recognizes individuals who pay tribute to educational and social projects that express the lifelong philosophy and personal commitments of Harry Van Arsdale, Jr., the long time, and much beloved labor leader.

Throughout his life, Joe Jacobson has strived to help others. In 1921, Mr. Jacobson was initiated into the Local 3, International Brotherhood of Electrical Workers. From there he held a position on the Board of Directors of the Electrical Workers Benefit Society. He has served as president to the Electrical Welfare Club, and the Bronx Acorn Social Club. Mr. Jacobson was also a representative of Local 3, International Brotherhood of Electrical Workers, and an employee representative of the Joint Industry Board of the Electrical Industry, and of the vacation committee.

While becoming active in the community, he still remained a loving husband to his late wife Rose, and a father to his son Stanley, who has blessed the Jacobsons with three grandchildren and one great-grandson.

This is not the first time Mr. Jacobson has been honored with such prestigious recognition. Mr. Jacobson's accomplishments were also acknowledged by the Electrical Industry Division of the State of Israel Bonds, the Federation of Jewish Philanthropies of the Electrical Sign Division, and the United Jewish Appeal and the Bronx Council of Scouting.

The dedication of this man to better his community continued even after his retirement on March 1, 1967. He was instrumental in organizing the thirteen chapters of the Retirees Association of Local 3, International Brotherhood of Electrical Workers. He served as their first treasurer in 1969, and has served as president since 1975, while continuing to remain a board member on the National Council of Senior Citizens. He still remains active in his community, always putting others before himself. There is no doubt in my mind that this country would benefit by having more people like Joseph Jacobson.

Mr. Speaker, it is with the utmost sincerity and gratitude, that I pay tribute to this man, and thank him for the generosity he has proffered on others throughout his life. He is an outstanding citizen and an inspiration to us all. Therefore, I ask my colleagues to rise with me, and the people of the Fifth Congressional District, as we extend to Joseph Jacobson our sincere appreciation for his life's work and dedication to others.

SERVING NEW JERSEY'S VETERANS BETTER

HON. BOB FRANKS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 1996

Mr. FRANKS of New Jersey. Mr. Speaker, I rise today in support of H.R. 3376, a bill which authorizes major medical construction projects for the Department of Veterans Affairs in fiscal year 1997. Among these projects, there is one which is special importance to me and to my constituents: an allocation of $21.1 million for a new building on the grounds of the Veterans Medical Center at Lyons, NJ.

Lyons Medical Center has served New Jersey's veterans since 1930. The Center started life as a long-term care facility with 400 beds for the mentally ill. With over 1,000 nursing home and hospital beds and outpatient visits totaling over 90,000 a year, Lyons is now the largest medical center in the VA's health care system.

H.R. 3376 will provide Lyons with the funds for a two-story building that will replace an aging building currently on site. This new building will enable the Center to provide better service in a more cost-effective manner. The Center will be able to consolidate the hospital's emergency department, diagnostic and treatment services, and ambulatory care clinic.

I regard this work at Lyons as one small part of our country's ongoing commitment to its veterans. My father served during World War II as a fighter pilot. He and his generation successfully met the challenge of defending democracy against the fascist threat.

I think our generation now is confronted with another kind of threat, one from within—that is, our every-growing national debt. In light of this problem, we must review our Nation's spending priorities. The 1997 budget resolution reaches a balanced budget in 2002 while increasing spending for Veterans Affairs from $37.8 billion in 1996 to $39.9 billion in 2002. This Congress stands firm in honoring our obligation to veterans, while also honoring our commitment to future generations of Americans by passing a balanced budget.

Mr. Speaker, with H.R. 3376 and its proposed spending to upgrade the Lyons Medical Center, the House continues to honor its obligation to New Jersey's veterans. I commend Chairman STUMP for this excellent bill, and urge my colleagues to support H.R. 3376.

NATO ENLARGEMENT FACILITATION ACT OF 1996

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 1996

Mr. SMITH of New Jersey. Mr. Speaker, as an outspoken supporter of NATO expansion, I am pleased to join Chairman GILMAN and others in introducing legislation designed to move this important process ahead in a timely manner. Regrettably, the Clinton administration's professed commitment to expansion of NATO has not been adequately matched by concrete deeds. The Partnership for Peace program, meant to deepen and strengthen the links between the Alliance and the emerging democracies of East Central Europe, appears stalled. The legislation we introduce today is designed to move the program forward, making much-needed resources available to Poland, Hungary, the Czech Republic and others, helping them to meet the obligations which NATO membership would entail.

The United States must provide the determined leadership necessary to advance NATO enlargement and check those bent on blocking the inclusion of new states in the Alliance.

Mr. Speaker, the peoples of East Central Europe have made tremendous strides in working to overcome the legacy of communism. Many of the countries have undertaken significant steps to consolidate democracy, to protect human rights, and to rebuild economies based on market principles.

At the same time, my endorsement of an expanded NATO is tempered by a recognition of the fact that progress in the region has not been even. There is room for further improvement in each and every one of the states concerned. I would note that all 27 states which have joined the Partnership for Peace to date are participating States of the Organization for Security and Cooperation in Europe [OSCE]. That membership has committed each to act in accordance with all OSCE documents, including the Helsinki Final Act.

As chairman of the Helsinki Commission, I am convinced of the fundamental role of human rights in advancing genuine security and stability, and, as such, must be an integral aspect of the expansion process. The human rights record of prospective candidates for NATO membership deserves close scrutiny. In fact, I would argue that a country's record should be subjected to more—not less—scrutiny the closer that country comes to being admitted into full membership in NATO. I would emphasize that none of the countries seeking NATO membership, including those considered to be leading contenders, is without problems.

The Government of Poland, for example, still has an arcane defamation law that provides criminal penalties against those who allegedly "slander" the state, similar to the laws previously used by Communist regimes to silence their opponents. In response to a letter from members of the Helsinki Commission on this issue, authorities in Warsaw have recently indicated their intention to repeal this provision as part of a general overhaul of the penal code. This step will, in my view, remove one of the last remaining vestiges of the Communist system from Poland's generally outstanding human rights record.

In the case of Hungary, there is continued concern over the use of excessive force by police, including harassment and physical abuse of Roma, Hungary's largest minority group. Some human rights organizations have suggested that Roma are also kept in pretrial detention more often and for longer periods than non-Roma.

The Czech Republic, although a human rights leader in many respects, passed a citizenship law after the dissolution of the Czechoslovak Federation that leaves thousands of people without citizenship. Regrettably, a recently passed amendment to the law failed to resolve this problem. Also, the Czech Republic has used a criminal defamation law to restrict free speech.

Mr. Speaker, I appreciate the tremendous progress which each of these states has made since the revolutions of the late 1980's and early 1990's which toppled the dictators of East Central Europe and the former Soviet Empire. I urge the leaders of Poland, Hungary, and the Czech Republic to take concrete steps to address the remaining human rights concerns in a manner consistent with OSCE principles as they pursue their goal of full NATO membership.

Mr. Speaker, the Congress has sought to play an active and constructive role in moving the NATO expansion process forward. The NATO Enlargement Facilitation Act, which we introduce today, demonstrates our firm commitment to the people of East Central Europe, including those from the Baltic States and Ukraine, as they strive to overcome the legacy of Communism and pursue democracy rooted in respect for the rights and freedoms of the individual.

INTRODUCTION OF H.R. 3562, WISCONSIN WORKS

HON. MARK W. NEUMANN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 1996

Mr. NEUMANN. Mr. Speaker, I am submitting for printing in the CONGRESSIONAL RECORD the text of H.R. 3562, a bill to authorize the State of Wisconsin to implement the "Wisconsin Works" welfare reform plan. I am also submitting a list of the 88 Federal waivers requested by the Governor of Wisconsin, plus a summary of the Wisconsin Works plan, for the benefit of Members of Congress.

The Wisconsin Works plan was researched, written, debated, and passed into law by the citizens of Wisconsin through their elected representatives. The plan underwent the scrutiny of numerous public hearings and 18 months of public debate. The plan passed the Wisconsin state legislature with bipartisan support—both the State Assembly and State Senate passed the plan with at least a two-thirds vote. Finally, the President of the United States enthusiastically endorsed Wisconsin's plan in a radio address to the Nation on May 18, 1996.

H.R. 3562

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORITY TO IMPLEMENT WISCONSIN WORKS DEMONSTRATION PROJECT.

(a) IN GENERAL.—Upon presentation by the State of Wisconsin of the document entitled "Wisconsin Works" (as signed into State law by the Governor of Wisconsin on April 26, 1996) to the appropriate Federal official with respect to any Federal entitlement program specified in such document—

(1) such official is deemed to have waived compliance with the requirements of Federal law with respect to such program to the extent and for the period necessary to enable the State of Wisconsin to carry out the demonstration project described in the document; and

(2) the costs of carrying out the demonstration project which would not otherwise be included as expenditures under such program shall be regarded as expenditures under such program.

(b) LIMITATION OF COSTS.—Subsection (a)(2) shall not apply to the extent that—

(1) the sum of such costs and the expenditures of the State of Wisconsin under all programs to which subsection (a) applies during any testing period exceeds

(2) the total amount that would be expended under such programs during such testing period in the absence of the demonstration project.

(c) TESTING PERIOD.—For purposes of subsection (b), the testing periods are—

(1) the 5-year period that begins with the date of the commencement of the demonstration project, and

(2) the period of the demonstration project.

(d) RECAPTURE OF EXCESS.—If at the close of any testing period, the Secretary of Health and Human Services determines that the amount described in subsection (b)(2) exceeds the amount described in subsection (b)(1) for such period, such Secretary shall withhold an amount equal to such excess from amounts otherwise payable to the State of Wisconsin under section 403 of the Social Security Act (relating to the program of aid to families with dependent children) for the first fiscal year beginning after the close of such period. The preceding sentence shall not apply to the extent such Secretary is otherwise paid such excess by the State of Wisconsin.

SEC. 2. NO EFFECT ON CERTAIN OTHER WAIVERS GRANTED TO THE STATE OF WISCONSIN.

This Act shall not be construed to affect the terms or conditions of any waiver granted before the date of the enactment of this Act to the State of Wisconsin under section 1115 of the Social Security Act, including earned waiver savings and conditions. The current waivers are considered a precondition and can be subsumed as part of the Wisconsin Works demonstration.

SEC. 3. AUTHORITY TO PARTICIPATE UNDER SUBSEQUENT LEGISLATION.

If, after the date of the enactment of this Act, any Federal law is enacted which modifies the terms of, or the amounts of expenditures permitted under, any program to which section 1 applies, the State of Wisconsin may elect to participate in such program as so modified.

WISCONSIN WAIVERS (88) SUBMITTED MAY 28, 1996

GENERAL

1. New fraud penalties
2. Dual agency administration of medical assistance and food stamps
3. New performance standards for agencies
4. End entitlement to cash, health, child care
5. Fair hearing rights

AID TO FAMILIES WITH DEPENDENT CHILDREN

1. Definition of dependent child
2. Definition of AFDC
3. Benefit for dependent children of parents receiving SSI
4. No entitlement to job positions
5. 60 day residency requirement
6. Assistance group definition
7. End income/resource exemptions
8. Refusal of offer of employment
9. Time-limited participation
10. Early imposition of time limit clocks
11. Flexible use of AFDC and medical funds

12. Agency review of welfare cases
13. Privatization
14. Performance standards for agencies
15. Two month delay in closing cases
16. Changing assets limits
17. Lump sums
18. Benefit calculation
19. End AFDC needs standard
20. Elimination of child care disregard
21. Learnfare sanctions
22. Non-custodial parent eligibility
23. Sanction for child support noncooperation
24. Paying child support directly
25. Treatment of stepparent income
26. End medical assistance extension
27. Eligibility of sponsored aliens
28. Deeming income of sponsors
29. Fraud penalties
30. Minors required to live at home
31. Statewide eligibility criteria
32. Quality control
33. Filing federal fraud reports
34. Benefits under trial jobs
35. Placement for unsubsidized jobs
36. Trial jobs
37. Community service jobs
38. Work required for parents of children under age 6
39. Transition
40. Job access loans
41. Flexible use of cash/medical funds
42. Child care copayment requirements
43. Community steering committee
44. JOBS program provisions
45. AODA participation
46. Work exemption for parents of children under age 1
47. Employment category sanctions
48. Applicant job search
49. Extensions of time limits
50. CWEP participation
51. One parent participation in work program
52. Emergency assistance
53. Displacement
54. Recoupment of overpayment
55. Garnishing benefits for medical premiums
56. Automatic data processing

MEDICAID

1. Entitlement status of medical assistance
2. End of medical assistance extension
3. HMOs
4. Maintain effort on medical assistance
5. No public health benefits if employer plan
6. Health plan premiums
7. Medical assistance income eligibility limits
8. Income disregards
9. Assets
10. Privatization
11. Treatment of stepparent income
12. Minor parents required to live at home
13. Agency review of cases
14. Sanction for child support noncooperation

CHILD SUPPORT

1. Paying child support directly
2. Child support disregard
3. Mandatory cooperation on child support
4. Continued eligibility for child support
5. Child support services for welfare families
6. Earning incentives on child support

CHILD CARE

1. Eligibility age for child care
2. Financial eligibility for child care

FOOD STAMPS

1. Certification
2. Graduated benefit levels
3. Employment and training program exemptions
4. Work requirements
5. Nutrition education

MAJOR FEATURES OF THE WISCONSIN WELFARE REFORM PLAN (WAIVER SUBMITTED MAY 28, 1996)

1. Cash assistance is available only through work or participation in a work activity (such as community service or a sheltered workshop for the disabled).

2. There is a 5-year lifetime limit on assistance (with limited individual extensions such as for poor local economy).

3. Teen parents must live at home or in a supervised alternative living arrangement like kinship care or group homes.

4. Health care coverage (replacing Medicaid) will be obtained from certified HMOs through benefits packages resembling those offered by employers, with recipients paying premiums on a sliding scale and standard copayments. Under the Wisconsin plan, health care spending grows from $445 million in FY 1997 to $475 million in FY 1998.

5. Child care is available to all eligible families who need it to work, with funds focused on lower-income families and recipient copayments linked to the cost of care. Under the Wisconsin plan, child care spending grows from $158 million in FY 1997 to $180 million in FY 1998.

6. The Wisconsin plan includes five food stamp waivers, linking food stamps with other benefits, encouraging work (by maintaining food stamp benefits as work and income rises, by limiting exceptions to required work, and by reducing benefits for failure to work), and requiring nutrition education for participants. Food stamps would be replaced with cash, increasing flexibility and recipient self-esteem.

7. Even though child care and health care spending grows, other expenses such as subsidized employment expenses, office costs, and state administration fall even more, resulting in lower total welfare spending ($1.063 billion in FY 1997 and $1.042 billion in FY 1998).

JACQUES STALDER YEAGER, SR. PRESENTED UCR AWARD

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 1996

Mr. BROWN of California. Mr. Speaker, I rise today to recognize the lifetime achievements of Jacques Stalder Yeager. Jacques has a long history of community service which includes public leadership and the raising of many thousands of dollars for community projects.

On June 5, 1996, Jacques is being recognized by the Citizens University Committee at the University of California, Riverside for outstanding service to the University and the extended community. His service to UCR includes University of California Board of Regents 1988–94; Citizens University Committee, past chairman and membership chairman, with continuous CUC membership since 1969; UCR Foundation Board of Trustees; founding life member of the Chancellor's Associates; and Chancellor's Executive Roundtable.

In addition to his strong support of the university, Jacques is a noted businessman and community leader. A native of Riverside, Jacques joined the family construction business in 1947 after returning from military service in World War II. In 1957, he became president of E.L. Yeager Construction Co., Inc., then chairman/CEO in July 1993. Last year, he sold the company to six of its senior managers, and Jacques now serves as a director on the company board.

Jacques has always proved to be a reliable advisor who shows his love for the community by involvement in transportation planning and water resource management issues, and by his commitment to coordinated economic planning in the region. He has also been actively involved in charitable foundations, including the Red Cross, the Arthritis Foundation, and arts and museum foundations.

I join the Citizens University Committee in the celebrating of Jacques Yeager's distinguished service to the university and to our community.

STATEMENT REGARDING STUDENT-CENTERED HIGH SCHOOL EDUCATION

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 1996

Mr. SANDERS. Mr. Speaker, for the benefit of my colleagues I would like to have printed in the RECORD this statement by several high school students at Peoples Academy in Vermont, who were speaking at my recent town meeting on issues facing young people.

Our topic is: changing the education system. We don't have any great solutions, or anything, but we just want to increase the awareness of the fact that there's too much emphasis put on getting good grades, and having a good score. And the desire to learn is gone; or if it's not gone, it's not there very much, or whatever. The result of this is that students just go through school just . . . playing the motions, getting good grades, having tests, memorizing and they're not necessarily learning anything; or discovering . . . how they are self-learners, like what is the best way for them to learn, which they can carry with them throughout life.

Another thing that we think is that teachers seem bored. They're teaching the same thing again and again and again, and . . . becomes monotonous; it makes learning more of a chore. . . .

Along the same lines, we think that perhaps there could be more courses—there's a lot of courses out there that are trying to help teachers learn how to become better educators; but many times the teachers themselves don't have the desire to become better educated. If those teachers could, instead of going to classes and things like that and learning how, we could find the teachers that are considered good teachers, that actually want to help someone . . . I dare say, that the majority of people that become teachers don't necessarily become a teacher and say, "Well, I want to go out there and help better the education of our youth, and . . . become better people. They say, "This'll be a good paycheck for me.

And that's another thing that is a real problem with the way the system is set up right now: that money and getting a good paycheck is how things are judged by, and if you want to become a doctor, or whatever, it's not because you want to help cure disease, it's because you want a BMW. And, if these things are taught in the school, then that's obviously how it's going to be presented, but if we could . . . help people understand what they would enjoy doing, and less emphasis on money. Perhaps trying to help people understand that, "Well, hey, money's not the only thing out there, you know, you've got to go to a job 40 hrs./week, making $50,000/yr., and hate my job, that's not something that's going to make your life happy. So, if we could change things, and help . . . people understand that you have to want to learn; you need to understand what you need to go out and learn about yourself.

And this is going to help in the school system also, because if someone's enjoying what they're learning, they're going to actually go out and do it themselves; they're going to be interested. I dare say that some people, if not most people are here today because it's for a class; they have to be here for a class, not because they're interested in the political system, but because it's a break. And if that's going to be the way things are, then nobody's going to be happy in their life; and that's a bigger issue than simply educating. (APPLAUSE)

We also feel that . . . you shouldn't have as many required courses; you have a four-year English requirement to graduate, and had my 4th year of English, and just sat through my English classes—I couldn't wait until it was over, I didn't learn much of anything, I just got by. I think that there should be more elective classes that you can take, that you're interested in, so that you have more interest to learn, I think that would be better for the students. Along the same lines also, that it is a major problem how general the courses are . . . The general courses are made to expose us to a lot of things, so that we can try to find out what we enjoy. But instead, it actually decreases that, because the system that's presented is looked at as something that's not enjoyable. So a kid—maybe does enjoy reading, but perhaps the way it's presented isn't for him. So, he may go away thinking, "I'm no good at English, I can't get it right." But that's not necessarily the case. It may be that the system that the English is being presented [in] is the problem. So you need to look at that, it's more than just looking at, "Well, he's just a bad student."

TRIBUTE TO DR. ARTHUR PAPPAS

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 1996

Mr. KENNEDY of Massachusetts. Mr. Speaker, one of the pleasures of serving this great body, is the opportunity to recognize outstanding individuals from across the nation. It is with great pride that I rise today to congratulate Dr. Arthur Pappas who was recently honored by the Massachusetts Hospital School for his dedication to children and his 25 years of service as Trustee and Chairman of the Board of the Massachusetts Hospital School.

Dr. Pappas is well known in the Boston area as a humanitarian and his association with the Massachusetts Hospital School is just one of his numerous public service activities. The Massachusetts Hospital School is an institution that encourages equal opportunity. The goal of the school is to reinforce the idea that each child should be given the chance to grow in every possible way despite his or her physical challenge.

In addition to his public service, Dr. Pappas is a leading orthopedist and has been a teacher and mentor to many medical students. He is also a pioneer in the field of sports medicine and has served as the team physician to the Boston Red Sox for many years. Through his private practice and work with the Red Sox, Dr. Pappas has advanced the medical knowledge of the proper treatment and rehabilitation of patients with debilitating injuries, and in so doing has helped thousands of patients.

Mr. Speaker, I am sure that I speak on behalf of everyone who has ever worked with Dr. Pappas or benefitted from his good works, when I offer my warmest congratulations.

INTRODUCTION OF WATER RESOURCES DEVELOPMENT ACT OF 1996

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 1996

Mr. SHUSTER. Mr. Speaker, today I am pleased to introduce, with my colleague from the Committee on Transportation and Infrastructure, JIM OBERSTAR, the administration's proposed authorization bill for the civil works program of the Army Corps of Engineers, the Water Resources Development Act of 1996, or WRDA.

Submitting a WRDA proposal signals the President's interest in continuing the Nation's commitment to water infrastructure. I congratulate the President and our former House colleague, the Honorable Martin Lancaster, who was recently confirmed as the Assistant Secretary of the Army for Civil Works, for their commitment to water resources development and conservation. While I cannot support some of its provisions, the bill represents an important first step in reinstating the biennial authorization process for corps projects and programs. I look forward to working with Secretary Lancaster as the committee moves forward soon with comprehensive WRDA legislation.

TRIBUTE TO LA PUENTE VALLEY REGIONAL OCCUPATIONAL PROGRAM

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 1996

Mr. TORRES. Mr. Speaker, I rise today to recognize the accomplishments of the La Puente Valley Regional Occupational Program [ROP], as it celebrates 25 years of community service and putting people on a path to a meaningful and productive career.

Established in July 1970, by four sponsoring unified school districts; Bassett, Hacienda-La Puente, Rowland, and Walnut Valley, in cooperation with the county superintendent of schools and the State of California, the La Puente Valley ROP will celebrate 25 years of dedicated service to the community on July 1, 1996.

In July 1994, La Puente Valley ROP became a three-district Regional Occupational Program featuring Bassett, Hacienda-La Puente, and Rowland Unified School Districts. Under the dynamic leadership of Superintendent Patricia Frank and Board of Trustee Members Anita Perez, Al Cobos, Mary Jo Maxwell, Toni Giaffoglione, Norman Hsu, and Pete Samphere; and an outstanding instructional staff, the La Puente Valley ROP has made major gains toward implementing the goals as stated in it's mission statement:

> The La Puente Valley Regional Occupational Program is committed to developing and providing quality occupational training programs that lead to a successful school-to-work transition or advanced technical training. These programs shall meet the diverse needs of all eligible students.

Over the past 25 years, more than 145,000 high school juniors and seniors, and adults from the community have taken advantage of the opportunities to participate in hundreds of courses. The La Puente Valley ROP offers: business and management, graphic arts, industrial technology, electronics, health occupations, personal services, food services/restaurant occupations and agriculture. Through the interest-aptitude-ability testing, career counseling, and job placement assistance, hundreds of the participating students have made the successful school-to-work transition.

The benefits to prospective employers are significant, there are no fees, applicants are prescreened, and potential employees are trained to meet a company's needs. The partnership built between industry, education, and the community is commendable.

Mr. Speaker, I am honored to have such a successful program serving my constituents. It is with pride that I rise and ask my colleagues to join me in recognizing the La Puente Valley Regional Occupational Program for 25 years of distinguished service to the community.

A TRIBUTE TO THE LIFE OF ADM. JEREMY BOORDA

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 1996

Mr. PORTER. Mr. Speaker, Harold Kramer, a retired member of the U.S. Navy and a constituent of mine residing in Lake Bluff, IL, wrote this impassioned tribute to the late Admiral Boorda. I would like to take this opportunity to share his words with the country.

THE MEANING OF VALOR

Many of us older Americans, including myself, have had the privilege of serving in the United States Navy in World War II and after . . . in my own case, as an enlisted man. It was, during my enlistment at the age of 17 in 1944, and still is a disciplined and dedicated organization which is one of the bulwarks of our way of democratic life. But in the last few years, a series of unfortunate events of which we are all aware—at an aviator's party, in Okinawa, at Annapolis and elsewhere has forced us to take stock of our shortcomings and re-dedicate ourselves to the re-establishment of the highest degree of understanding of others and morality in our treatment of others who differ from ourselves.

Admiral Boorda, whose untimely death we are here to mourn, was a dedicated man who enlisted in the United States Navy 40 years ago and—make no mistake about this—served the Navy and his country with great distinction throughout that exceptionally long service career. Because of the shortcomings of individuals—including officers in training at the Naval Academy plus harassment by both officers (at Tailhook) and enlisted men—Admiral Boorda had to address himself primarily to correcting problems of ethics and the need for basic decency in treatment of others in the Navy. And these are the same problems which haunt us in our civilian lives. Because of his concentration on apologizing for and correcting the wrongs of others in the Navy, he was sensitive in the extreme to his apparent own shortcoming in the technical violation of what entitled the wearing of the Navy "V" for valor.

Admiral Mike Boorda did serve with valor throughout his career and abroad his assigned tour of duty on a destroyer squadron during the Vietnam War. Although it happened that he was not fired upon, he was always willing to place himself in harms way in serving his country. The Webster Dictionary defines "Valor" as strength of mind or spirit that enables a person to encounter danger with firmness and personal bravery. Every one of us can and must be aware that our Chief of Naval Operations, Admiral Mike Boorda displayed these qualities and intended the wearing of the "V" medals to simply signify his having served during the period of the Vietnam War in the war theater. He earned them by his commitment to serve wherever needed in a war theater! He earned them by his 40 years of service to his country! He earned them by his always very special concern for the Navy enlisted men and women! Because Mike Boorda never forgot that he had advanced through the enlisted ranks, and he always sought the welfare of the enlisted man and woman.

We an mourn Admiral Boorda's untimely death in a number of ways. First, we can make our feeling known to the segments of the media such as Newsweek by canceling subscriptions when they put headlines above decency. We can constantly make a great effort toward understanding those with whom we serve—especially those who are different than ourselves. We can show the same kind of decency toward others that distinguished Admiral Boorda's life. And we can strive mightily to never allow the physically strong to take advantage of the physically weaker: to know in our hearts that real strength is strength of character! We can strive to give unstintingly of our selves in the service of God, our country and humanity! And in doing these things we can honor Admiral Boorda, our still outstanding United States Navy, and ourselves!

Admiral Mike Boorda actually gave his life for his country because he felt that was the only way, under the circumstances of more bad publicity for the Navy, to maintain the integrity of the service he loved. He gave his life for his country just as truly as if he had been under fire! While deeply saddened by his sacrifice of himself, we can honor his memory and his work by knowing that we cannot, we will not allow the wrongs of the past toward our fellows to be our guideline for the future. We can start by shaking the hand of the person next to us, taking some of his or her burden upon our own shoulders with a smile, and making the lives of those around us bright and better!

BALANCING THE BUDGET IS CRUCIAL TO OUR FUTURE

HON. JON CHRISTENSEN

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 4, 1996

Mr. CHRISTENSEN. Mr. Speaker, the time has come to decide whether Congress should amend the United States Constitution to require an annual balanced budget. The Nebraskans I represent overwhelmingly support such a measure because they know, like me, that balancing the budget is crucial to their families' well-being and future prosperity.

As you may recall, in the first month of the new Congress the House of Representatives passed a balanced budget amendment by a vote of 300 to 132, thus taking the initial steps of the Republican journey in honoring its Contract With America. Although the balanced budget amendment overwhelmingly passed the House, it was defeated in the Senate when six Democrats who previously had voted in favor of the amendment switched their vote to defeat it. This week, the Senate will again revisit the balanced budget amendment and again attempt to do what is right: begin fixing a system that broke long ago.

According to the House Budget Committee, next year Americans will pay as much interest on the $5 trillion national debt as we will pay for our national defense. That statistic alone illustrates the inadequate way Washington has been doing business. The policies and practices of poor decisionmaking and poor leadership have cost the American families dearly, placing a price tag on our current defeat of over $15,000 per year for each family. Now the time has come to change course, and focus on a new horizon for our families, and for each other.

The balanced budget amendment will force the Government to play by the rules which we, as members of society, have come to expect in our ordinary affairs. Shareholders in corporations wouldn't allow it. The members of your professional organization wouldn't tolerate it. And certainly, you wouldn't plan your family's financial future based on it. Yet for the past 200 years we have let the Government make decisions without accountability; accountability which undoubtedly would not go unanswered by the corporation, by your professional organization, or by the members of your family. The time has come to require Congress to be accountable for the decisions it's making regarding the financial future of our Nation, and our Nation's children.

I pledged to work hard for a balanced budget amendment and did as I said I would do by voting in favor of it. I made a promise to the people of Nebraska and I delivered. The balanced budget amendment will change the way our government does business, forcing Washington do behave responsibly by requiring Congress to balance its books.

In a week representing the end of an era here on Capitol Hill, I defer to words of Senate Majority Leader ROBERT DOLE made last month regarding his 20-year battle for a constitutional amendment to balance the budget:

> Perhaps no policy is more important to the economic future of Americans and the future of our children and the future of our nation than a balanced budget amendment. I know the President urged and probably persuaded at least six Democrats to vote "no," but it's not often we get a second chance to do the right thing.

The time has come to move forward and redirect our policies and practices to responsible spending and reasonable growth. Now is the time to confront the spending dragon on Capitol Hill, and slay the demon like never before. The time has come to show the American people that we are not afraid to accept the responsibility of balancing the budget and restoring fiscal sanity to this country's government. Now is the time. Now more than ever.

SENATE—*Wednesday, June 5, 1996*

The Senate met at 9:15 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, Sovereign of this Nation, we begin the work of this day with an acute sense of our accountability to You. We claim Solomon's promise, "In everything you do, put God first, and He will direct you and crown your effort with success".—Prov. 3:6. In response, we say with the psalmist, "May the words of our mouths and the meditation of our hearts be pleasing in Your sight, O Lord".—Psalm 19:14. Help us remember that every thought we think and every word we speak is open to Your scrutiny. We commit this day to love You with our minds and honor You with our words. Guide the crucial decisions of this day. Bless the Senators with Your gifts of wisdom and vision. Grant them the profound inner peace that results from trusting You completely. Draw them together in oneness in diversity, unity in patriotism, and loyalty in a shared commitment to You. In the name of our Lord. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, Senator LOTT, from Mississippi, is recognized.

SCHEDULE

Mr. LOTT. Mr. President, this morning the Senate will be in a period of morning business until the hour of 11 a.m. I believe the Senator from Delaware, Senator ROTH, is prepared to begin speaking immediately. Following morning business, the Senate will begin debate on House Joint Resolution 1, the balanced budget constitutional amendment.

Senators are reminded that a vote on passage on the balanced budget amendment will occur at 12 noon tomorrow by unanimous consent. It is also possible that the Senate may consider other legislative or Executive Calendar items that can be cleared for action. I know that the distinguished majority leader, Senator DOLE, has been working to see if some of these executive items can be cleared. We hope that can be worked out during this week.

I yield the floor.

MORNING BUSINESS

The PRESIDING OFFICER (Mr. INHOFE). Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 11 a.m., with Senators permitted to speak for not to exceed 5 minutes each. The Senator from Delaware, [Mr. ROTH], is recognized for 30 minutes.

UNCONDITIONAL MFN STATUS FOR CHINA

Mr. ROTH. Mr. President, I rise to talk about why I believe every Member of this Chamber should support the unconditional extension of most-favored-nation trading status to the People's Republic of China. As we are all aware, Senator DOLE declared his support for unconditional extension of MFN for China sometime ago. More recently, the President announced he would renew China's MFN status unconditionally for another year.

Now the matter comes before the Congress. We have to decide whether or not Senator DOLE's position and the President's decision deserve our support. The Chinese, of course, have not made this issue easy for us. Their destabilizing nuclear, chemical, and missile sales, their continued nuclear testing, their assertiveness in the South China Sea, their growing trade surplus with the United States, their piracy of our intellectual property, their military threats against Taiwan, their moves to undermine democratic reforms in Hong Kong, and their abuses of human rights, these all demand a stern reply.

That is why it is tempting to revoke China's MFN status. But it would be a huge mistake to do so. I say this for four reasons.

First, revoking MFN would put at risk hundreds of thousands of American jobs, and billions of dollars worth of American exports and investments.

Second, revoking MFN is an ineffective weapon that would not solve any of the problems we have with China. Indeed, revocation may make them worse.

Third, more proportional, targeted measures currently available permit a more effective response to these problems.

Finally, extending MFN is fundamental to developing a coherent China policy—one that sets priorities and provides a strategic framework for the conduct of our relations with that important country. Mr. President, the United States, East Asia, and the entire world have much to gain from a positive relationship between Washington and Beijing and much to lose from an unnecessarily confrontational one.

Before going into more detail about these four points, I believe it necessary to clarify the meaning of the term, "most-favored-nation trading status." That's because the term gives the false impression that MFN is some sort of special privilege or reward.

The term even confuses our most prestigious newspapers. In their stories on the President's announcement to renew China's MFN status, the Wall Street Journal, the Washington Post, the New York Times, and the Los Angeles Times all incorrectly described MFN as a "privilege" or in some way preferential or favorable.

In fact, MFN is not a special privilege or reward. It designates the most ordinary, most normal trading relationship among countries. Specifically, MFN refers to the uniform tariff treatment that the United States applies to virtually every country in the world.

For example, if the U.S. tariff on imported clock radios is 5 percent, all clock radios imported from countries with MFN status are subject to a 5-percent tariff. Imports from countries that do not have MFN status—and there are only six countries that fall into this category—are subject to far higher duty rates.

Another important point about MFN is that it is not a one-way street. When we give MFN status to a particular country, that country, in return, gives the United States most-favored-nation status.

Therefore, because we give Singapore MFN status, the clock radios we import from that country are subject to the same tariff rates as clock radios from Thailand, Spain, or any other country to which we extend MFN.

In return, when Singapore imports our computer chips, it imposes the same tariff on United States chips as those imported from Japan, Korea, Great Britain, or any other country to which it extends MFN.

What does the United States get out of all this? American companies get to compete on fair and equal terms with their foreign rivals.

Let me emphasize again: MFN status does not confer—let alone imply—special treatment.

In fact, when we decide to give special treatment to imports from other countries—as Congress has expressly chosen to do for certain products from over 130 nations—those imports are subject to tariff rates substantially below the MFN rate. Sometimes we

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

even allow specified countries to export products to the United States duty free.

In short, MFN status denotes the standard, not the exceptional, trading relationship. Ending this standard trading relationship by revoking MFN is an extreme measure. In fact, because MFN is so fundamental to trade relations among countries, some correctly liken its withdrawal to a declaration of economic war.

These are the facts about MFN. Anyone who maintains that we do China a special favor when we renew its MFN status is either misinformed or disingenuous.

Because of the confusion created by the phrase, "most-favored-nation trading status," I am working with Senator MOYNIHAN to replace the phrase in U.S. statute with a more suitable term, one that underscores the unexceptional nature of the MFN concept. I believe that if we adopt such a change in terminology, we will all better understand the issue, and our debate will be more constructive.

Now, I want to stress that those who favor MFN renewal, such as myself, share most, if not all, of the same goals as those opposed to MFN renewal.

We, too, want Beijing to cease its destabilizing nuclear, chemical, and missile sales. We, too, want China to end its nuclear testing. We, too, want China to resolve peacefully its territorial disagreements in the South China Sea. We, too, want China to lower barriers to U.S. exports and reduce its trade surplus with the United States. We, too, want China to end its piracy of our intellectual property. We, too, want China to end its military threats against Taiwan and resolve its differences with Taipei peacefully. We, too, want China to follow faithfully the dictates of the Sino-British Declaration on Hong Kong. We also want China to cooperate with us in addressing serious global concerns such as environmental degradation, transnational crime, and narcotics trafficking. And we, too, want China to respect the basic human rights of its citizens.

Where we differ from the opponents of MFN is on how to achieve these goals.

The simple fact is that there is absolutely no evidence that the drastic action of withdrawing MFN will force China to satisfy any of our objectives. Indeed, sanctioning China by withdrawing MFN runs the great risk of making that country more belligerent and less cooperative on these and other issues.

Keep in mind that experience shows that unilateral trade sanctions generally don't work. The chances of success only improve when sanctions are applied in cooperation with our major allies. However, not one of these allies—not Canada, not the European Union, not Japan, not Australia—is debating whether to withdraw MFN status from China. That's because they all know withdrawal is neither a constructive nor effective option for inducing the Chinese to change their behavior. In addition, they understand the tremendous cost of withdrawing MFN status, a cost we ignore at our peril.

Let's be clear on this point. If we revoke MFN for China, Beijing would certainly be hurt, but so, too, would the United States.

As a result of withdrawing MFN, United States duties on goods imported from China would immediately rise to the tariff rates established under the highly protectionist, Depression-era Smoot-Hawley tariff law. Chinese imports, which currently face an average tariff rate of 6 to 8 percent, will be subject to an average tariff rate of 40 to 50 percent, with the tariff rates for certain items exceeding 100 percent.

Because MFN is provided on a reciprocoal basis, China would respond to higher tariffs on its goods by slapping higher tariffs on United States goods. Such a move will slam the door shut on United States exports to the Chinese market—the fastest growing market in the world. These U.S. exports totaled almost $12 billion in 1995 and supported approximately 200,000 high-skilled, high-wage American jobs in critical sectors such as the aircraft, telecommunications, and automotive equipment industries.

Business conducted by United States companies in China will go instead to the Europeans, the Japanese, the Canadians, and firms from all the other countries in the world which continue normal commerical relations with China.

In addition to severely damaging United States exporters, the small and large American firms that have invested billions of dollars to penetrate the Chinese market would see their efforts and investments gravely jeopardized.

Some claim, of course, that in the event China's MFN status is withdrawn, those billions of dollars of United States investments in China will be brought back to the United States. The reality is, however, that United States companies forced out of China are far more likely to move those investments to other developing countries in Asia or Latin America.

The economic fallout from withdrawing China's MFN status is not only going to hit American companies, but also American consumers. Our lowest income citizens, in particular, would suffer from the dramatically higher prices they will have to pay for a variety of basic goods as a direct result of the imposition of substantially higher duties on Chinese imports.

Mr. President, some claim that pricing Chinese goods out of our market through higher duties would be beneficial. They maintain that we would eliminate our trade deficit with Beijing because the products we now import from China would be produced in the United States.

Let us be realistic. It is a mistake to think that most of what we import from China would be produced in the United States. The truth is that in most cases imports from other developing countries would be substituted for imports from China.

Moreover, it does not make any sense to try to reduce the trade deficit by ending all trade, as would likely happen if we revoke China's MFN status. You may get a balance of trade—zero imports and zero exports—but at a cost of hundreds of thousands of good, high-paying U.S. jobs and billions of dollars of U.S. exports.

The only way to reduce the trade deficit and retain American jobs and exports is to ensure that United States products have the same access to the Chinese market that Chinese products have to ours. This is not an easy task. But revoking normal trade relations with China would make it impossible.

While I believe the threat to United States jobs and exports alone provides a convicing reason to support renewal of China's MFN status, there are other compelling arguments for unconditional renewal.

In particular, cutting ourselves off from China by withdrawing its MFN status will end any ability the United States has to directly influence developments in China, including how China treats its citizens and whether it permits the development of a freer society and more democratic political system.

United States businesses help advance human rights and civil society in China by being there, not by leaving or by being shut out. United States companies operating in China observe basic worker rights in dealings with their local employees. United States companies provide Chinese citizens with opportunities unheard of before China began to open its economy and society to the outside world in 1978. United States companies teach their Chinese employees the valuable lessons of American business culture, including independent decisionmaking and enterpreneurial skills.

Among other reasons, that's why Martin Lee, the Hong Kong legislator and human rights advocate; Hong Kong Gov. Chris Patten and Wei Jingsheng, the prominent Chinese dissident who has suffered for so long from state persecution, all support renewal of MFN for China.

Moreover, that is why the Taiwanese—who are not shy about voicing their opinions on China to Members of Congress—have not advocated revoking MFN. And that's why the countries of the Association of Southeast Asian Nations, four of whose members have territorial disputes with China, have not come to Capitol Hill to press the

United States to revoke China's MFN status.

Mr. President, I think that it is the height of arrogance for opponents of MFN to assert that they know better than Martin Lee, Wei Jingsheng, the Taiwanese, and the countries of ASEAN, how to change China's behavior.

Indeed, as they know, there is ample evidence that the mere threat of revoking MFN will make China less cooperative and more confrontational.

For example, several weeks ago, China announced for the first time that it would buy several billion dollars worth of passenger jets from the European consortium, Airbus. This action was a deliberate repudiation of Boeing, meant to send us the message that revocation of MFN will result in costly economic retaliation.

Shortly thereafter, in an action designed to send us a signal on the security implications of recklessly confronting Beijing, China struck a deal with Russia to develop a long-term strategic partnership.

These actions indicate some of the problems and consequences we would face if we use the sledge-hammer approach of revoking MFN.

Keep in mind that the President already has specific, measured and targeted tools at his disposal that allow him to address our problems with China without resorting to the indiscriminate and destructive approach of revoking MFN.

For example, we are currently preparing to hit China with trade sanctions on $2 billion worth of specified Chinese imports because of Beijing's failure to honor its agreement with the United States to crack down on Chinese companies making pirated knockoffs of American music, movies, and computer software.

Similarly, we can invoke targeted section 301 sanctions for other discrete discriminatory and unreasonable Chinese trade practices.

When China illegally sells nuclear technology, we can apply sanctions which are specified by the Nuclear Proliferation Prevention Act.

We can counter China's threats to Taiwan by considering sales of upgraded defensive weaponry to Taipei, as well as by reaffirming our unwavering commitment to a peaceful resolution of the dispute between Taiwan and China in the context of our one-China policy, a policy which has been supported by each of our last six Presidents.

We can rely on international law and the shared interests of the countries of Southeast Asia to counter aggressive Chinese territorial claims.

And we can continue to expose and condemn China's repressive human rights record in this Chamber and in organizations around the world.

The range of tools available to respond to specific problems with China is considerable. At the same time, however, their breadth reveals a fundamental weakness in our overall approach to our relations with Beijing—the absence of an effective, broadly based, clearly articulated and carefully coordinated China policy that sets priorities and guides our use of these tools.

I agree with those who say that the rise of China presents us with a serious foreign policy challenge. But it also presents us with enormous opportunities. We can only respond to that challenge adequately and seize those opportunities through a sensible overall China policy, one that enhances the chance of creating a positive bilateral relationship. The clear objective of that policy should be to encourage China's constructive and responsible behavior and discourage aggressiveness and irresponsibility.

The absence of a coherent China policy results in large measure from short-sighted political considerations. For example, the 1992 Clinton campaign rhetoric about coddling dictators in Beijing left the Clinton administration little room to maneuver on China policy. Early on, the President indicated he would link human rights issues to the MFN decision. The following year, however, he was forced to reverse himself and announced the two issues would not be linked.

Similarly, in 1994, the Clinton administration refused Taiwan President Li the ability to play a round of golf in Hawaii while in transit to Costa Rica. But in 1995, the administration granted him a visa to visit Cornell University immediately after telling the Chinese it would not do so because such an act would violate our one-China policy.

These and other mixed signals from the administration, as well as the cacophony of voices from Capitol Hill on how to deal with China, have left the United States with a dangerously muddled China policy.

Without question, if the United States had a better sense of its priorities and aims in the United States-China relationship, and a clearly articulated China policy that reflects those priorities, we would be better able to influence Chinese behavior. Moreover, the tools we currently have available to respond to Chinese misconduct would be more effective when used in the context of a coherent China policy.

In brief, I believe such a policy must have four central elements. First, we must expand our economic relationship with Beijing, because a China integrated into the global economy is more likely to behave in ways more compatible with American interests and international norms. Thus, we should seek to encourage China's development and participate in its economic growth. That's why I assign importance to China gaining entry into the World Trade Organization based on commercial considerations and GATT principles.

The more China is integrated into the international economy, the more subject Beijing is to the harsh realities of the marketplace. Should China choose a path toward blatant aggression and destabilizing domestic repression, foreign investment will dry up and firms will move to other countries where the risks are lower and the returns are higher.

Moreover, we have a better opportunity to influence China to act in ways we prefer when we enmesh it in the sort of economic relationships fostered by most-favored-nation trade status. Renewing MFN thus is absolutely central to an effective China policy.

In addition, the economic growth fostered by participation in the global economy almost inevitably leads to greater demands for democratic reforms. Other Asian countries, such as South Korea, Taiwan, and Thailand, have amply demonstrated the political evolution that accompanies economic development.

The second element of a coherent China policy is the resumption of high-level, regular dialog with China. I was delighted to see that in his speech on China 2 weeks ago, Secretary Christopher accepted Senator DOLE's suggestions on this matter. After all it has been 7 years since an American President went to Beijing for summit talks, and 8 years since a Chinese leader has been in this country for a summit. Mistrust is bound to grow when we do not meet, particularly when the list of critical bilateral, regional, and global issues requiring discussion is so long.

Third, we must nurture aspects of the relationship where we share interests and can cooperate for our common good. For example, China played a useful role in bringing relative peace and stability to Cambodia. Moreover, China has the potential to play a key role in settling the serious threat posed by North Korea to the South, as well as the 47,000 American troops we have on the ground there. I cannot envision Beijing cooperating with us on North Korea if we revoke China's most-favored-nation trade status. Indeed, I cannot imagine the Chinese playing a constructive role on any matter of mutual importance—from protecting the environment to controlling transnational crime and narcotics trafficking—if we simply continue to threaten and sanction them.

The fourth element of any coherent China policy must include preparedness to deal with China if its participation in world affairs proves disruptive. Strengthening our current array of bilateral security ties in Asia is thus essential. In addition, I believe we must look more closely at the possibility of creating effective regional security arrangements.

Closer cooperation on security and diplomatic initiatives with nations in the Asia Pacific that share our interests on China would serve to prod Beijing to accept the moderating influence of global economic integration. It would also provide a hedge in the event Beijing instead chooses a more aggressive path.

In sum, continued economic relations with China, high-level dialog, cooperation with China on matters of mutual concern, and strengthened security and diplomatic ties with the rest of Asia should, in my opinion, form the basis of any effective China policy.

Mr. President, some claim that the decision we face on renewing MFN can be reduced to a question of whether "our lust for trade exceed(s) our loathing of tyranny."

This argument is disingenuous and the question is simply wrong. The right question is whether taking the draconian step of revoking China's MFN status is worth the potentially huge cost to the United States, especially when this action has an extremely remote chance of achieving its aims. I await a response to this question from the opponents of China's MFN renewal.

Mr. President, I must stress again that the United States, East Asia, and the entire world have much to gain from Washington and Beijing achieving a positive relationship, and much to lose should bilateral relations further deteriorate unnecessarily. Renewing MFN for China is only a step—but an extraordinarily important one—toward building a fruitful bilateral relationship. Therefore, Mr. President, I urge my colleagues in the strongest possible terms to support unconditional renewal of MFN for China.

Mr. MOYNIHAN. Mr. President, as the distinguished chairman of the Finance Committee has so clearly stated, discussions of American foreign trade policy are increasingly bedeviled by the use of an 18th century term, most favored nation, to describe trade agreements reached with other nations. The most favored nation involved is not the nation with which we are negotiating, but rather a third nation altogether which happens to have the lowest tariff, or whatever, with respect to some product or other. The United States agrees to give to country X whatever terms are the best terms it gives to some third country. Whichever that might be.

This issue arises for the simple reason that the last tariff schedule enacted by statute was the Smoot-Hawley Tariff Act of 1930, with the highest tariff rates, overall, in American history. In response to the disaster that followed the Roosevelt administration began a series of trade treaties entered into as executive agreements. This arrangement continues to this day. As a result, nations entering the Western trading regime, which is to say, in the main, former or current Communist nations, must receive the treatment accorded under the GATT or the WTO, or else Smoot-Hawley. Granting the former status is no sign of favor, simply of normal trade relations.

For more than two centuries this has been our practice, but only recently has the term caused public misunderstanding. What we mean is that we will confer on country X normal trading relations. The time has come, then, to say so. We grant country X normal trade relations (NTR) in return for country X treating us in the same manner. Which is to say, NTR.

Just last month the Finance Committee acted on legislation to grant permanent most-favored-nation treatment to Bulgaria and Cambodia. Yesterday, the Trade Subcommittee held a hearing regarding Romania's MFN status, and tomorrow the committee will hear witnesses speak to questions surrounding the granting of most-favored-nation treatment to China. If one read the headlines, one might believe these four countries to be the most important in all of American trade policy.

But not at all. As the chairman has just said, MFN treatment is not special treatment. Countries to which we grant this supposed most favored treatment are not, in fact, the most preferred in our trade relations. When we undertake an obligation to provide most-favored-nation treatment to another country, we simply agree to give that country the same treatment that we give the great majority of our trading partners. The rationale is that, if every country observes this principle, all countries will benefit in the long run through the resulting more efficient use of resources.

Indeed, there is no single most favored nation in our trade policy. As noted in a 1919 report to the Congress by the U.S. Tariff Commission, now the U.S. International Trade Commission,

> It is neither the purpose nor the effect of the most-favored-nation clause to establish a "most-favored nation;" on the contrary its use implies the intention that the maximum of advantages which either of the parties to a treaty has extended or shall extend to any third State—for the moment the "most-favored"—shall be given or be made accessible to the other party. . . . "Reciprocity and Commercial Agreements," United States Tariff Commission, 1919.

In fact, over time, we have developed a great variety of relations with our trading partners. We have agreed to free trade with Canada, Israel, and Mexico. We offer special benefits to countries of the Caribbean and Andean regions. We have a longstanding policy of duty-free treatment for imports from developing countries under the Generalized System of Preferences. If one really wants to identify a most favored country, one certainly must take note of these relationships, which are all more advantageous than general most-favored-nation treatment.

MFN is a principle from the past. The concept has been traced to 12th century arrangements between trading cities of the Mediterranean and the Arab princes of North Africa, although the phrase most-favored-nation did not appear until the end of the 17th century. In United States law, the principle was first recognized in the 1778 commercial treaty between the United States and France, stating:

> The Most Christian King and the United States engage mutually not to grant any particular favor to other nations, in respect of commerce and navigation, which shall not immediately become common to the other party. . . .

Thereafter, an MFN clause became a standard element of treaties of friendship, commerce, and navigation, the early formal bilateral economic treaties of the United States. In essence, this was our mechanism for assuring fair and equal treatment for the trade of the United States. Over time, an ever-lengthening chain of commercial agreements, incorporating the MFN obligation, reduced barriers and increased trade. Ultimately, this basic principle was adopted in 1947 as the central obligation of the General Agreement on Tariffs and Trade—article I, part I of the "GATT 1947". It continues central to the World Trade Organization created in 1994—article I, part I of the "GATT 1994".

But, as the GATT has been succeeded by the WTO, so it is time to consider a successor term to MFN. A term that recognizes that, in the modern world, it is the norm, not the exception, to treat our trading partners equally. Senator ROTH and I, along with Senator CHAFEE, would propose for the Senate's consideration a more accurate term—"normal trade relations." Shortly, we will introduce legislation changing U.S. law, as necessary and appropriate.

THE NATO ENLARGEMENT FACILITATION ACT OF 1996

Mr. ROTH. Mr. President, I have long been a supporter of the transatlantic community of nations and its cornerstone institution, NATO. And today I wish to express my support for the NATO Enlargement Facilitation Act of 1996—extremely important legislation which I also cosponsor.

This bill is designed specifically to support and foster the careful, gradual extension of NATO membership to the nations of Central and Eastern Europe. If passed, this bill would direct tangible assistance to the efforts of Poland, the Czech Republic, and Hungary to join the alliance. These nations are the most prepared of their region for the responsibilities and burdens of NATO membership.

Equally important, it is the intent of the authors of this bill to assist other Central and Eastern European countries whose economies and democracies have sufficiently progressed to move forward toward eventual NATO membership.

Such a policy is absolutely necessary to ensure that NATO's acceptance of Polish, Czech, and Hungarian applications for membership not create new divisions in Europe, but is instead part of an inclusive and on-going process that will extend to the entire community of European nations.

Extending the alliance's membership to Poland, the Czech Republic and Hungary, will help transform Central and Eastern Europe into a cornerstone of enduring peace and stability in post-cold-war Europe. It would do so for the following reasons:

First, the NATO enlargement would project security into a region that has long suffered as a security vacuum in European affairs. History has repeatedly shown us that the strategic vulnerability of Central and Eastern Europe has produced catastrophic consequences—consequences that drew the United States twice this century into world war.

Second, NATO enlargement would help facilitate the economic and political integration of Central and Eastern Europe into the transatlantic community of nations. Passage of our NATO enlargement legislation would demonstrate America's commitment to consolidating an enlarged Europe. This would give more incentive to all the nations of the region to continue their political and economic reforms by demonstrating that these reforms do result in tangible geopolitical gains.

By projecting stability into Central and Eastern Europe, NATO enlargement would reinforce the regional stability necessary for nations to focus on internal political and economic reform. Mr. President, security is not an alternative to reform, but it is essential for reform to occur.

Third, two great European powers, Germany and Russia, are now undergoing very complex and sensitive transformations. Their futures will be significantly shaped by the future of Central and Eastern Europe. Extending NATO membership to nations of this region will reinforce the positive evolutions of these two great powers.

In the case of Germany, NATO enlargement would further lock German interests into a transatlantic security structure and further consolidate the extremely positive role Bonn now plays in European affairs.

The extension of NATO membership to Central and East European nations would also be of great benefit to Russia. By enhancing and reinforcing stability and peace in Central and Eastern Europe, NATO enlargement would make unrealistic calls by Russia's extremists for the revitalization of the former Soviet Union or the westward expansion of Russian hegemony. Greater stability along Russia frontiers will enable Moscow to direct more of its energy toward the internal challenges of political and economic reform.

This point is too often forgotten in this debate. There has been too strong a tendency in United States policy to overreact to outdated Russian sensitivities. This overreaction comes at the expense of strategic realities and objectives central to the interests of the alliance, as well as to the United States.

I would also like to note that this NATO enlargement legislation reflects the attitudes of many of our parliamentary counterparts in Europe. The North Atlantic Assembly, a gathering of legislators from the 16 nations of NATO, adopted at the end of 1994, my resolution calling for the extension of membership in the alliance to Poland, the Czech Republic, and Hungary.

Mr. President, America's defense and security must be structured to shape a strategic landscape that enhances economic, political, and military stability all across Europe. Careful and gradual extension of NATO membership to nations of Central and Eastern Europe is a critical step toward this end. This is in our national interest. It is action long overdue, and it is the intent of the NATO Enlargement Facilitation Act of 1996.

For these reasons, I call upon my colleagues in the Senate, as well as President Clinton and his administration, to embrace this legislation.

Mr. President, I yield the floor.

Mr. BRADLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey [Mr. BRADLEY] is recognized to speak for up to 40 minutes.

RACE FOR THE CURE

Mr. BRADLEY. Mr. President, I will not take 40 minutes, but I am very pleased to be joined by colleagues in the Chamber today in recognizing the 1996 national Race for the Cure. The race, which will take place this year on Saturday, June 15, is a unique opportunity to bring together the many people whose lives have been touched by breast cancer.

This year, Capitol Hill has an opportunity to play a tremendous role in this race. Today is the first on-site Capitol Hill registration, and today is also the beginning of something very special in this race. For every Capitol Hill participant who registers, the company Eli Lilly has generously offered to match their registration fee in the form of a donation to Race for the Cure. So for every individual who signs up to participate, your contribution to the race will be doubled. In other words, one can really make a difference here and have that difference amplified.

For all those who are unfamiliar with Race for the Cure, the race is a 5-kilometer run or, in my case, walk that raises money for breast cancer research and for early screening for underprivileged women in underserved communities in the District, Maryland, and Virginia. The race also allows a new generation of women to be made aware of the risks associated with breast cancer. Although we still do not have a cure, we do have screening devices which can increase the early detection that prolongs life. Education and awareness is one of our strongest weapons in the fight against breast cancer.

Today in America, 500 women will be diagnosed with breast cancer. Most likely, each will be frightened, uncertain of her future, and in search of a treatment that, if it cannot cure her, will at least prolong her life. Each woman's family and friends, coworkers, and caregivers will worry deeply about her.

Today in America, 150 women will die of breast cancer. Their lives will be ended prematurely, their family, friends, coworkers and caregivers will be grief-stricken. Listen to the enormity of the disease: Fully one out of nine women in this country will get breast cancer, one out of nine women. Since 1960, nearly 1 million women have died from this disease. With their deaths, millions of their loved ones, including children and aging parents dependent upon them, have suffered as well. We stagger under these numbers, even as we search for the causes and for a cure.

All women are at risk for breast cancer, with the incidence increasing among older women and the mortality rate higher for African American women. While other factors that may put a woman at risk are being thoroughly investigated, we are still, ourselves, at risk for feeling helpless in the face of this killer. I speak about this with personal experience. In 1992, my own wife contracted breast cancer. Ernestine had a mastectomy and chemotherapy for 6 months. As I sat and watched the devastating impact of chemotherapy on her body, I thought to myself, 100 years from now people will look back and maybe consider this treatment like the leeches of the 18th century, it is so devastating. She persevered. It was a trauma for our whole family. It was, for me, the moment that I realized that sometimes catastrophe can overtake the best laid plans and that every day has to be lived to its fullest because one cannot take tomorrow for granted.

That is kind of the secondary benefit of this whole experience, learning that every day must be lived to the fullest extent possible because one does not know about tomorrow. But one thing my wife feels very strongly, having come out of the treatment with flying colors, being cancer-free now for over 3 years, is that she does not consider herself a victim of breast cancer. She considers that she has triumphed over breast cancer. Early detection and more research for a cure will allow millions of other women to have that feeling as well; that they, too, have triumphed over breast cancer.

So, remembering that the women who battle this disease are our wives, sisters, mothers, daughters, and friends, I am proud to join the estimated 30,000 other runners, walkers, rollerbladers and wheelchair participants, who will participate in the Race for the Cure on June 15. Today I ask all of my colleagues and the staff who work on Capitol Hill to consider participating in the race on June 15. There are already 55 registrants from the Bradley office. Last year I think we were No. 1. Registration is simple. In-person registration is available for all Hill participants today. Let me repeat that. Registration is available today at the Reserve Officers Association Building, which is on the corner of First Street and Constitution, right across from the Hart Office Building.

Registering for the race will be one of the easiest tasks you can do today. Frankly, participating in the race on June 15 will be one of the most rewarding. If you have not done it, I urge you to do it. It will be a morning that you will not forget, and your efforts could really make a difference.

I yield the floor.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I commend my colleague from New Jersey for setting aside the time this morning to talk about the issue and the commitment that we have to conquering breast cancer, which is the largest killer of women between the ages of 35 and 54 in this country. I thought it was poignant to hear my colleague, Senator BRADLEY, talk about this issue not only as a women's health issue, which it very much is, but as the family issue that it is. He talked about the fact that there was a trauma in his whole family. Of course there was. This is a disease that affects men, it affects children and families as well as the women in this country.

Two of the leaders in the Senate on this issue have been Senators whose wives have had breast cancer, Senator BRADLEY and Senator MACK of Florida. I am pleased they have taken this leadership role and joined with all of the women in the Senate—eight of us, soon to be nine—that all have had instances in our families or among our friends of women who have had to battle this terrible disease, one which I think we are on the cusp of solving. I thank the Senator from New Jersey and the Senator from Florida and all the women who have come together to understand the importance of conquering breast cancer.

I want to talk a little bit about my own history with the Komen Foundation. The history of the Komen Foundation is written on this piece of paper. It says, "In 1982 Nancy Brinker established the Susan G. Komen Breast Cancer Foundation with only a few hundred dollars of her own and a shoe box full of friends' names."

Mr. President, my name was in Nancy Brinker's shoe box. I was one of those that Nancy called together to put on the first Race for the Cure and the first luncheon in Dallas, TX, in 1983. I was a friend of Nancy Brinker, who is one of the most extraordinary people I have ever known. I will say that this history of the Komen Foundation grossly underestimates Nancy's monetary commitment, her time commitment, and her number of friends. She had friends all over the United States as well as in Dallas, because she was such a giving person.

Because she had the experience of sitting with her 36-year-old sister who died of breast cancer before her very eyes, she made the commitment to her sister at that time that she would spend her life trying to educate and research this issue so this would not happen to other people. So, 13 years later, I never thought I would be standing on the Senate floor, talking about the Race for the Cure in Washington, DC, but in fact that is exactly what has happened. This has spread like wildfire, because so many families in this country are affected by breast cancer and, frankly, because we have not done enough to highlight and focus on the research that is necessary to beat this disease.

In the last 2 years, I want to point out, Congress has been committed to promoting women's health care issues. Breast cancer research and funding has increased over 10 percent per year in the last 2 years. The National Institutes of Health funding for breast cancer has increased over the last 2 years, and last year Congress directed the National Cancer Institute to set aside a portion of its budget to be used for research grants and projects to further the national action plan on breast cancer.

We developed the National Women's Health Information Clearinghouse in 1995 and 1996, and Congress appropriated $2.1 billion for the space station, which is the sole environment possible for studying certain aspects of breast and ovarian cancer and osteoporosis.

A lot of people do not realize that you cannot create the antigravity conditions in space on Earth. You cannot do it. So the space station has given us a new outlet to look at breast and ovarian cancer cells and to look at the bone loss in osteoporosis, all three of which are unique to women.

Osteoporosis is not exclusively a woman's disease, but it does hit women the hardest. These are best able to be studied in the microgravity conditions in space. That is one of the reasons why I am so committed to the space station and the importance of space station research for getting to these women's health issues that we have not been able to conquer heretofore.

So I commend the Komen Foundation for all they have given to save lives in this country. Let's talk about the way that they have saved lives. Just by their education efforts, they have told women all over our country of the importance of self-examination for early detection, because we find many times women can detect, before they even go for their annual mammogram, that they have a lump that they need to have checked out. This is, in fact, what saved Nancy Brinker's life. Because she had been so educated in the need for early detection because of the death of her sister, Susan G. Komen, it did save her life. But Nancy has gone on with the Komen Foundation to save thousands of women's lives because they now know the importance of an annual mammogram after the age of 35 and the importance of self-examination. This is the most important thing the Komen Foundation has done.

But in addition to this, the Komen Foundation has also provided millions of dollars for research through their luncheons and their races for the cure for breast cancer. The research funding goes directly to the doctors who are trying to discover what causes breast cancer so that we can find the cure.

So the Susan G. Komen Foundation, which started only 13 years ago, and which is going to have its annual Race for the Cure in Washington, DC, has done so much, as well as the hundreds of thousands of volunteers who come to the races, who pay their entry fee, who volunteer to help coordinate the races, have really given to this project of trying to find the cure for breast cancer.

I want to say that the Vice Presidents of the United States have been a very big part of this. Vice President Dan Quayle and his wife, Mrs. Quayle, started by highlighting and focusing the Washington Race for the Cure. I am proud to say that Vice President AL GORE and his wife, Tipper, have continued that tradition, and they will be leading this year's Race for the Cure in Washington.

This just helps us bring in the 25,000 people who are now going to run in the Race for the Cure, and all of this money goes to heightening the awareness of women about the need for early detection, and it goes to the research that will get to the cause of this dreaded disease so that we will be able to find the cure.

I am very proud to say that this is a woman's issue upon which all of us can agree. We must find the cure, and I commend the thousands of volunteers around this country who have taken up the cause.

I will just add that I had a wonderful experience this past Saturday doing the start of the Race for the Cure in Plano, TX. It just does your heart good to see the women who wear the pink visors. The women who wear the pink visors are the breast cancer survivors, and they have the number of years since they had detected breast cancer put on their visors. There were a number of those out there, and there were the people who wear the tags on their bags that said, "I am running in memory of my mother," "my grandmother," "my sister." The men and women who run are generally running with spirit and heart because they have been affected in some way by this disease.

I was able to witness the women's 5K, and the men's 5K, and then the children's 1K. We had toddlers who were still in their strollers. We had toddlers who were barely walking. But we had a spirit out in Plano, TX, that is something I see every time I attend a Race for the Cure.

So I urge my colleagues to participate on June 15. I urge anyone in America who has not been to a Race for the Cure to go to one. If you do not have one in your hometown, start one. This is a cause upon which we can all agree and something that will bring us together and eventually solve this dreaded disease that affects the women, the men, and the children in families across America.

Thank you, Mr. President, and I yield the floor.

Mr. AKAKA addressed the Chair.

The PRESIDING OFFICER (Mr. KYL). The Senator from Hawaii.

Mr. AKAKA. Mr. President, I rise with others of my colleagues in the Senate in support of the sixth annual National Race for the Cure, which will be held in Washington, DC, on Saturday, June 15, this year.

Race for the Cure, as has been noted, is a breast cancer benefit run sponsored by the Susan G. Komen Breast Cancer Foundation. The foundation was established in 1982 by Nancy Brinker in honor of her sister who died of breast cancer at the age of 36.

Since its creation, the foundation, through events such as Race for the Cure, has raised millions of dollars to promote education, promote awareness, promote research, and promote early detection of the disease.

Three-fourths of the money raised goes toward local treatment and screening activities, while one-fourth of the funds goes to the Komen Foundation to fund national research activities.

The statistics on breast cancer remain startling, Mr. President. This year, an estimated 44,000 women in our country will die from breast cancer, and another 184,000 will be diagnosed with the disease. I continue to have great concern over the high incidence and low survival rates for this disease among minority and low-income women. I remain particularly concerned that the Native Hawaiian women have the highest incidence of breast cancer among all racial and ethnic groups in this country.

While the cause of breast cancer remains unknown and the disease is not fully understood, significant advancements have been made in the management of breast cancer. As with many of the life-threatening illnesses, early detection of breast cancer, coupled with appropriate and timely followup, remains the most effective method to ensure successful treatment and improved survivability. However, Mr. President, much work remains. Many women do not know how to conduct self-examinations, and many would benefit from a screening mammogram. Some of them do not seek it because of fear, because of cost or even because of lack of access.

In closing, Mr. President, I encourage my colleagues and their staff and families to participate in the 1996 National Race for the Cure. All of us have families or friends who have battled breast cancer.

In particular, this sixth annual race has special meaning for those of us in the Senate. This year's race is dedicated to the memory of Martha Moloney, a longtime aide to Senator WENDELL FORD who lost her valiant fight against breast cancer last November.

Continuing the fight against breast cancer is the most appropriate way to honor Martha's memory and to recognize the heroic efforts of millions of women and their families confronting this disease.

Mr. President, this is one of those dreaded diseases in our country. We all need to support the race 100 percent and participate in all of these activities.

Thank you very much, Mr. President.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Thank you very much.

Mr. President, I am pleased to join my colleagues this morning in expressing support for the National Race for the Cure. I want to acknowledge and salute the Senator from New Jersey, Senator BRADLEY, for encouraging us to take a few moments this morning to focus on this very important issue.

It is particularly appropriate for those of us in Congress to acknowledge the importance of battling this disease. We represent a wide variety of constituencies across this great Nation, and in so doing we bring to this Chamber particular regional beliefs and attitudes. But unlike the people that we represent, breast cancer is a problem that knows no geographic boundaries.

It does not stop at congressional districts or at State lines. All of us, regardless of where in the Nation we hail, need to acknowledge the toll that breast cancer is taking on women throughout the country and indeed across the world.

A brief look at some statistics should give us all reason to pause. Breast cancer is the leading cause of death for women between the ages of 35 and 54. One in eight women in the United States will develop breast cancer. Three-fourths of those women have no known risk factors, thus making accurate and adequate detection efforts a must for all women.

In Idaho we are fortunate enough to be well below the national age-adjusted average for incidences of breast cancer. Despite this, every year approximately 700 new cases of breast cancer are diagnosed in Idaho. In 1994 alone, 155 women lost their lives against this disease, against this killer.

There is, however, some light at the end of the tunnel. The Federal investment in breast cancer research prevention and treatment has increased dramatically in recent years. This has helped us move closer toward discovering what causes the disease.

We are also able to detect breast cancer sooner and thus improve survival rates for those stricken with the disease. When caught early, thanks to the research to date, the prognosis for recovery is very positive. Increased education and mammography screenings are just two of the things that we can do to make that survival rate even higher in the future.

I would like to acknowledge those who are working so diligently to make the National Race for the Cure a success. Those who are publicizing the event, those who are registering participants, and those who will take part by either running in the race or by providing support and services to the runners.

On a personal note, I would like to thank my wife Patricia for her efforts in building Team Idaho's role in the Race for the Cure. Patricia and I have been blessed in that our families have not had to face breast cancer. But my wife lost both of her parents to various forms of cancer, including her mother when Patricia was only 6 months old. Because of this, my wife Patricia has committed herself to doing what she can to see that other children will not face the loss of a mother at such a tender age.

As we get closer to the actual date of the race, I encourage all Senate offices to do their part to help this tremendous cause. Capitol Hill registrations will be taking place for the next 2 days. The registration fees and donations will play a significant role in our work against breast cancer. At the same time, the heightened awareness about breast cancer generated by the Race for the Cure will hopefully encourage earlier detection and treatment.

On Saturday, June 15, Team Idaho will be there to do its part to fight breast cancer. My wife Patricia, our daughter Heather, son Jeff, numerous dear friends, and great staff will be there as Team Idaho joins with so many other participants in our efforts in this Race for the Cure to find the ultimate cure for breast cancer.

With that, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL RACE FOR THE CURE

Mr. FORD. Mr. President, first, let me thank all my colleagues that have been on the floor this morning making statements relating to the Race for the Cure and the effort that is being made in that interest in eradication of breast cancer. I also thank the Chair today for his work this morning and his support. We are all very grateful.

Mr. President, as many may know, last year a loyal and trusted member of my State, Martha Maloney, passed away after a long battle with cancer. Martha had been with my office for 18 years, so you will understand when I say she was like part of the family to me. Over the years, I had the privilege to see her develop her legislative skills, having a hand in numerous historic legislative achievements and working on airport projects all across the Commonwealth of Kentucky.

Martha's bravery in fighting breast cancer inspired a 200-member team to participate in last year's National Race for the Cure on behalf of breast cancer. They ran and walked the 5K's because they were "doing it for Martha." She was able to be there. She was able to see their effort and was very pleased.

Now, Mr. President, this year's race, to be held on June 15, will be dedicated in her honor. That is why I stand here today. Martha had long been a strong supporter of breast cancer research, and proceeds from the National Race for the Cure will go to the Susan G. Komen Foundation, the Nation's largest private funder of breast cancer research, education, screening, and treatment.

Over 26,000 participants and sponsors in last year's event raised over $650,000 that went to local hospitals and health care organizations. Preliminary figures show this year's run will double, if not triple, that amount. Already, $1.4 million has been collected or pledged. I, like many with me in this Chamber today, think this is very significant. For that reason, we introduced a resolution designating June 15, 1996, as "National Race for the Cure Day."

With over 35,000 runners, walkers, even in-line skaters expected, this year's race will be a resounding success. Many people will contribute to the success of the National Race for the Cure. I would be remiss if I did not tip my hat to the U.S. Postal Service for its cooperation in releasing 100 million breast cancer stamps nationwide on June 15. The pink ribbon on the new stamp, and the cheers of all those who line the Race for the Cure course, will not only pay tribute to the many who silently suffered in the past, but also serve as a promise to stand firmly committed to those battling the disease today and to commend all of our resources so there might be no casualties in the future.

Along with the breast cancer stamp, the Postal Service will launch a nationwide effort to make post offices in every community centers of information and understanding about this disease. Brochures and videotapes explaining the importance of self-examination and annual mammograms will be on hand in every post office across this great land. Postal employees will be provided with facts about breast cancer they can share nationwide.

I also would be remiss if I did not point out that the Commonwealth will host its first Race for the Cure on October 26. Mr. President, 1,000 Kentuckians are expected to make that run, joining 340,000 participants in 64 other cities across the country.

Mr. President, I attended the State convention of the postmasters in Kentucky just this past Monday. They have an individual that is in charge of the overall operation. I think this is true in most States. Hopefully, there will be more than just one race in Kentucky. We are hoping for 35 to 40. If other States will do similar events, I can almost feel a tidal wave coming in the amount of money that can be put into research and hopefully expedite the day that the answer to this devastating cancer can be found.

I want to encourage my colleagues and their staff to be one of those walkers or runners to support this worthy cause in any way they can. There is a mother or a daughter or sister who will be very thankful you did.

NATIONAL RACE FOR THE CURE DAY

Mr. FORD. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of Senate Resolution 257, designating June 15, 1996, as "National Race for the Cure Day," and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 257) to designate June 15, 1996, as "National Race for the Cure Day."

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. LEAHY. Mr. President, today I join my distinguished colleagues in urging all of our colleagues, their staff, families, and friends, to join the thousands of individuals who will participate in this year's Race for the Cure. In years past, my wife and I have eagerly joined the throngs of people of all ages who run or walk, are pushed in strollers or push themselves in wheelchairs, who share one common goal: helping to raise money so that a cure can be found for the disease that has taken the lives of nearly 1 million of our sisters, daughters, wives, and mothers during the past 35 years. This has been one of the most important events in which we have participated over the years.

Since 1992, I have fought for increased funding for breast cancer because as lawmakers, it is our responsibility to provide the tools researchers need to find a cure. Many of us find ourselves fighting this insidious disease in our daily jobs, as lawmakers, scientists, researchers, doctors, and advocates. But as a husband, father, and friend, this race has been another way for me to show my support of the urgent need to stop the spread of breast cancer, of the courageous women who fought this disease and won, and finally, to honor the strong women who were simply unable to overcome the power of this disease.

I hope that everyone will heed the messages presented on the floor of the Senate and participate in this important event.

Mrs. MURRAY. Mr. President, I am proud to be here again this year, joining my colleagues in the Senate to talk about the National Race for the Cure. This important event underscores the critical need to raise awareness about breast cancer, and the need to support research and education about this frightening disease.

We have heard the numbers and seen the statistics. Each year breast cancer strikes 184,000 women, and kills an estimated 45,000. Far too many have died from this disease, and the list includes many of my own friends and relatives. We all can agree that more must be done to educate women about the risks, prevention, and treatment of breast cancer. I can tell you that, as a woman, the mixed messages we receive are frustrating and dangerous.

We hear conflicting advice about when to have a mammogram—one year it's at age 40 then next it's at age 50—we need consistent, accurate information or else women will continue to die. Studies show that early detection and proper treatment could save the lives of 9 out of 10 women with breast cancer—that's 90 percent, Mr. President.

These numbers are too serious to ignore.

We must do all we can to encourage education and awareness about how we can protect ourselves and our daughters from the tragedy of breast cancer. For this reason, the Race for the Cure is so very important; the D.C. race is the largest 5-kilometer race in the country—35,000 participants are expected to run, walk, and roller blade this year. This is a day to draw national attention to this disease; throughout the year races will be taking place in cities across the country to turn the spotlight on this critical women's health issue. Of course 1 day is not enough, but it's a good place to start and it's an important reminder for all of us.

I want to encourage my colleagues to participate, as well as people all over the country. As it happens, today and tomorrow are Capitol Hill registration days. I am proud to say my office has put together a team and will be participating in the race. I urge everyone to do the same.

Mr. President, I would like to take a moment to thank Senator BRADLEY for his passionate and personal commitment to addressing women's health issues. I appreciate his leadership and dedication to supporting the National Race for the Cure.

I also want to briefly thank Senator FORD for submitting the resolution to designate June 15 "National Race for the Cure Day." I am proud to join him as a cosponsor of this resolution and for recognizing the importance of the Race for the Cure in the battle against breast cancer.

Breast cancer, while predominantly a woman's health issue, does affect men and it certainly can devastate an entire family. We must do all that we can to protect ourselves and our families from having to endure the tragedy of this disease. The National Race for the Cure is an ideal way to join the fight against breast cancer. I thank my colleagues for recognizing that.

NO BACKSLIDING ON FINDING A CURE FOR BREAST CANCER

Mrs. FEINSTEIN. Mr. President, I rise today to join my colleagues in expressing support for an increased effort to find a cure for breast cancer and for the Race for the Cure which will take place on June 15.

Every 3 minutes an American woman is diagnosed with breast cancer.

Every 12 minutes an American woman dies of breast cancer.

Breast cancer is the second leading cause of cancer death in women. The incidence is rising each year.

This year, 184,300 new cases will be diagnosed and 44,300 women will die from breast cancer. In California this year, 17,100 new cases of female breast cancer will be diagnosed and 4,100 California women will die.

Even though the Federal Government has spent almost $1.5 billion on breast cancer research in the last 20 years and Federal funding has quadrupled since 1990, we still do not have a cure. The annual race is an important event, bringing public attention to the need to continue the drive. It gives us all a way to keep up the momentum toward a cure.

Breast cancer is not just a woman's disease. It also can afflict men. In addition, when a woman has breast cancer, her whole family is affected. Everyone must cope with the trauma, physical, and psychological.

Women today must sort through many confusing messages. There is confusion about who should have a mammogram and how frequently. There is confusion about treatment options, like mastectomy versus lumpectomy, radiation versus chemotherapy.

To help families better understand the disease, their options and research trends, the Senate Cancer Coalition which I chair with Senator MACK, is holding a hearing on June 13 from 1 to 4 p.m. in room 106 Dirksen. Experts will discuss the controversies surrounding frequency of mammograms and treatment choices. We will look at what the Federal research dollar has accomplished and the direction research should now take. We will examine the obstacles families face in getting good information and making informed decisions.

Breast cancer is a devastating disease. I commend my colleagues for coming to the Senate floor today to express their concern and to stress the importance of continuing the Federal research race for the cure. This is an important role the Federal Government can play and one in which I am proud to participate.

The PRESIDING OFFICER. Without objection, the resolution and preamble are agreed to.

The resolution (S. Res. 257) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 257

Whereas breast cancer strikes an estimated 184,000 women and 1,000 men in the United States annually;

Whereas breast cancer will kill 44,300 women in the United States alone this year;

Whereas breast cancer is the leading cause of death for women between the ages of 35 and 54;

Whereas death rates resulting from breast cancer could be substantially decreased if women were informed about the risks of contracting the cancer and if they receive mammograms on a regular basis;

Whereas the Race for the Cure is dedicated to eradicating breast cancer through providing funding for research, education, treatment, and screening for low-income women;

Whereas throughout the year, almost 340,000 participants in 65 cities across the United States (including the first-time host cities of Los Angeles, Las Vegas, Cheyenne, Sacramento, Battle Creek, Baton Rouge, and Louisville) will join together in Races for the Cure to demonstrate their commitment to fighting breast cancer;

Whereas the National Race for the Cure in Washington, D.C., is the largest 5 kilometer race in the country, with over 35,000 walkers, runners, and in-line skaters expected to participate this year; and

Whereas the Seventh National Race for the Cure is to be held on Saturday, June 15, 1996, in Washington, D.C.: Now, therefore, be it

Resolved, That the Senate designates Saturday, June 15, 1996, as "National Race for the Cure Day". The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the day with appropriate programs and activities.

Mr. FORD. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. FORD. Mr. President, I ask unanimous consent that two of our colleagues be added as cosponsors, Senator COVERDELL and Senator KOHL.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FORD. Mr. President, I believe it would be in order to leave the resolution at the desk until 5 o'clock today so any other Senator that might want to be a cosponsor can do so.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FORD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE DROUGHT IN NEW MEXICO

Mr. BINGAMAN. Mr. President, I wanted to take a few minutes here to bring the Senate up to date on the severe drought that we are experiencing in all of the Southwest, but particularly in my home State of New Mexico, and also to urge action on a bill that I introduced with 14 cosponsors recently—the Temporary Emergency Livestock Feed Assistance Act of 1996.

Last week, in Roswell, NM, the newspaper called the Roswell Daily Record contained a joke of sorts. It said that a rancher placed five calves in a pen because he could not afford to feed them. He knew that they would not fetch much if he tried to sell them. He put a sign on there saying "free calves." He came back the next day and found 20 calves in the pen. This a joke, but unfortunately, in New Mexico, the drought is no laughing matter. The precipitation levels in my State, through the end of May of this year, are 60 to 80 percent below normal.

In the Albuquerque Journal on May 26, it profiled a ranch owned by Shirley

Porter. One of the lines of the story summed up the circumstances that she faces and says, "She does not need to worry about gates anymore. There is nothing here to get loose. Shirley Porter, who is a rancher in San Jon, on the east side of New Mexico, sold every last one of her 139 cows, calves, and bulls at a livestock auction in Clayton, NM. She was given a total of $30,204.63 for all of her livestock. She had come to this ranch as a bride right after high school. And now, at the age of 67, she was forced to liquidate. She was quoted as saying, "I am not going to grieve for them"—that is, the livestock—"because if I had kept them, they would have starved to death."

Every part of New Mexico is affected by this drought, and much of the rest of the Southwest as well. In one part of New Mexico, farmers are predicting that they will obtain about 1 bushel per acre of wheat. Usually the yield is about 45 bushels per acre. To keep the livestock alive, ranchers are forced in some cases to burn the thorns off prickly pear cacti to give their cattle a little food. Ranchers are having to sell off cattle just to pay the interest on the loans that they have, and, of course, the cattle market is flooded. Calves that would have sold for $125 a year ago now are selling for $10 to $20.

Fireworks in my State have been banned by our State Corporation Commission statewide from now through the 18th of the month. I think they are going to consider extending that ban assuming no rain is forthcoming; 22 of 33 counties have been declared disaster drought areas.

Let me refer to some charts that I have here, Mr. President, to make the point even more graphically. I think these are hard for anyone to see from a distance, but perhaps the coloration of the charts will make the point.

As I understand, the Weather Service's main indicator for drought areas—severe drought—is the so-called Palmer Index. When you look at the Palmer Index for the country as a whole—this is valid through the end of March 1996—you can see that much of my State or the majority of my State even by the end of March was listed in a severe or extreme drought condition. Here again is the drought severity index. This is the long-term Palmer Index, which shows the bright red area, which shows most of my State and, of course, most of the Presiding Officer's State of Arizona listed again as severe or extreme drought. Much of Nevada and California as well as much of the Southwestern part of the country is affected.

On U.S. precipitation rankings, again from the Weather Bureau, you can see that extremely dry is the bright orange area through the entire State of New Mexico and much of the rest of the Southwest as well. This final chart is one which tries to show the severity of the fire danger. As of May 3, 1996, again it shows virtually all of New Mexico and all of Arizona and much of Texas, Colorado, Utah, California, and Nevada.

So this is a serious problem, Mr. President.

What I have proposed and what many have joined me in proposing is Senate bill 1743, the Temporary Emergency Livestock Feed Assistant Act of 1996. The bill would give immediate assistance to ranchers if passed. We now have 14 cosponsors of that legislation as of last count. We would be putting the livestock feed program back into effect with this legislation for a 1-year period. The program was suspended in the recently enacted farm bill. This proposed legislation would extend the program through 1996.

Under the bill, producers who have suffered at least a 40-percent loss of feed production would be able to apply for assistance through their local farm service agencies. The livestock eligible would be cattle, sheep, and goats. The old program was funded through the Commodity Credit Corporation. We do not propose to do that again. S. 1743 targets $18 million from the Cottonseed and Sunflower Seed Oil Export Assistance Program. I am informed that this is money which is not expected to be used this current year. It is money that was appropriated but will not be used for that purpose because the need is not there.

In addition, the Department of Agriculture has a stockpile of grain. The stockpile, of course, is referred to as the Commodity Reserve Program.

I was encouraged to see that there is a resolution that now has passed the House and which is expected to be considered here in the Senate very shortly to urge the Secretary of Agriculture and the President to go forward with use of that Commodity Reserve Program. That is another part of the legislation that we introduced calling on the Secretary of Agriculture to report back as to what portion of those commodities could appropriately be used to provide assistance to these ranchers.

Mr. President, this is a serious problem. It is not one that has been short-lived. We have been living with the drought now for many months in the Southwest. Unfortunately, the situation seems to continue. Each of my calls back to New Mexico, regardless of what subject I call to discuss with people there, begins with a discussion about the drought and the lack of rainfall.

I hope very much that the Senate and the Congress as a whole will go ahead and act on this Temporary Emergency Livestock Feed Assistance Act. I have talked to the chairman and ranking member of the Agriculture Committee and asked them to give attention to this, and hopefully we can take action on this in the next few weeks before we adjourn for the Fourth of July recess.

This is the kind of constructive act that I think would encourage people in their view of the Congress. There is, of course, a tremendous amount of politics being played in Washington these days on all sides. Everyone knows that. We are looking for things that we can agree upon and constructively pursue. In my view, enactment of this Senate bill 1743 should be one of those actions that we could take on a bipartisan basis which would help the people that we are sent here to represent.

Mr. President, I urge consideration of this. I encourage any of the other Senators or their staffers who may be watching or hearing the discussion today who would like to cosponsor the legislation to do so. Let me read off a short list of 14 cosponsors before I conclude my remarks.

On the Democratic side, Senators DASCHLE, BAUCUS, DORGAN, EXON, and HARKIN are cosponsors; on the Republican side, my colleague, Senator DOMENICI, Senator GRAMM of Texas, Senator GRASSLEY, Senator HATCH, Senator INHOFE, Senator KYL, Senator PRESSLER, Senator HUTCHISON, and Senator KASSEBAUM are cosponsors.

I think this is clearly a bipartisan effort to deal with a very real-life, immediate situation. I hope very much we can take action on this in the next week or two so that relief of some sort at least can be provided before the July 4 recess. I will be looking for opportunities to move this legislation forward. We cannot legislate rain, but we can legislate relief to assist those who are suffering because of the drought.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE 50TH ANNIVERSARY OF OLD STURBRIDGE VILLAGE

Mr. KENNEDY. Mr. President, this Saturday marks the 50th anniversary of Old Sturbridge Village in Sturbridge, MA, where our Nation's past comes alive for large numbers of visitors each year.

In 1995, over 500,000 people—including 110,000 schoolchildren—visited Old Sturbridge Village and enjoyed its workshops, performances, arts and crafts programs, and numerous special events. The American Association of Museums has described the village as a "model living history museum. The historic structures and their interpretation combine to offer visitors an experience that is authentic, instructive, and enjoyable. Education programs at Old Sturbridge Village set a very high standard for others to aspire toward . . . [and] deserve to be emulated in our profession."

Old Sturbridge Village has accomplished a great deal since it first opened to the public in 1946. It was originally established through the philanthropy of Albert Wells and J. Cheney Wells, two brothers who owned and operated the American Optical Company in Southbridge, MA. The Wells brothers were passionate collectors of American antiques. When their collections outgrew their homes, they came up with the idea of displaying them in a working village that would recreate the occupations of early 19th century New England for future generations.

Today, Old Sturbridge Village stands on a 200-acre tract of farmland and meadows donated by the Wells brothers, complete with a Federal-era mansion, a working sawmill and gristmill, and over 40 buildings that house their collections of antiques. Visitors who walk along the village's unpaved roads, or go into the Asa Knight General Store stocked with snuff and tooth powder have a genuine sense of stepping back into time and history. I have visited Old Sturbridge Village many times with my family, and I am always greatly impressed with the exhibits and demonstrations.

President Kennedy once said that "we celebrate the past to awaken the future." For 50 years, Old Sturbridge Village has accomplished that goal. I commend Alberta Scott George, president of Old Sturbridge Village, and her dedicated staff, past and present, on this auspicious anniversary for all they have done so well, and for their skill in preserving these fascinating aspects of our Massachusetts heritage and history.

SWISS BANKS, JEWISH DEPOSITS, AND PLUNDERED JEWISH ASSETS

Mr. D'AMATO. Mr. President, I rise today to speak again on the role of Swiss banks during the war in relation to their continued retention of Jewish assets as well as looted Jewish assets.

During the course of our ongoing inquiry into these important subjects, we continue to find documents which detail the alleged use of Swiss banks by the Nazis for illicit purposes. One such declassified intelligence document, dated June 12, 1945, from the U.S. Legation in Bern, Switzerland, entitled "Interim Report on Johann Wehrli & Co., Zurich," details the use of a special account set up at what was then called the Wehrli Bank in Zurich under the name of the "Trustee Account Gustloff Stiftung."

I want to quote the relevant section of this document to further explain this point.

> The payments to the Germans of the Hirtenbergerwerke ([Fritz] Mandl's munitions factory in Austria) assets, which were under Mandl's control in 1938, were effected through the Wehrli Bank to an account known as Trustee Account Gustloff Stiftung. The examiner, who has a personal knowledge concerning the background of this trust as a result of his many years residence in Germany before the war, described the Gustloff Stiftung as a "fund" in which were placed the assets and titles of property taken by the Nazis from Jewish businessmen in Germany and the occupied countries. Gustloff, the head of the Nazi party in Switzerland, was murdered in 1935 by one Frankfurter. In accordance with the prevailing practice at the time, Gustloff was selected by the Nazis as one of their "martyrs" and many statues were erected to perpetuate his name. The name of the trust, therefore, seems to have no further significance. The only record of Gustloff Stiftung on the books of Wehrli is in connection with the sale of the Hirtenbergerwerke properties.

This revelation, if true, seems very disturbing, in that a Swiss bank had a specific account set up to hold plundered assets of European Jews. From other documents, we have information that leads us to believe that the Wehrli Bank was also used to transfer assets of Germans to Argentina, near the end of World War II and after. This begs the question, were assets from the Gustloff Stiftung also transferred to South America or other locations.

Of particular concern is the further question of whether there were other accounts like the Gustloff Stiftung in other Swiss banks. While we cannot yet verify this, it is entirely possible that if one such account existed, others did also.

On the topic of Jewish assets in Swiss banks, I would like to comment that the answers that we are receiving to questions we are asking the Swiss Bankers Association are wholly insufficient. They are evasive and they continue to deny any knowledge of impropriety. They continue to dodge questions as to where these assets might be, or if they even existed.

We have very clear information that suggests that Swiss banks have continued to maintain this myth now for over one-half of a century. In this vein, I would like to submit for the record, evidence of this claim.

Therefore, I ask unanimous consent to have printed in the RECORD, at this point, three documents detailing a request for information on their account in the Swiss Bank Corporation, from July 1939, made on behalf of an Austrian Jewish couple by the names of Anny and Kurt Kadisch. One is a letter to the State Department from Congressman Robert L. Rodgers regarding this request, the second is a letter to the Swiss Bank Corporation from the Kadisch's attorney to the bank, and the third is the answer from the Swiss Bank Corporation to the Kadisch's attorney.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 7, 1939.

OFFICE OF THE ADVISER ON INTERNATIONAL ECONOMIC AFFAIRS,
Department of State,
Washington, DC.

DEAR MR. LIVESEY: On June 27th my office contacted you relative to the proper procedure to be followed to ascertain the status of an account in a bank in Switzerland. The information which was given to me by the constituent making the inquiry was not sufficient to enable the Department of State to give any difinite instructions, and your office suggested we make further inquiry of my correspondent.

In today's mail my constituent, Mr. Roberts, advised me further in the matter—as will be noted in the inclosed letters (copies).

What Anny and Kurt Kadisch really desire is to effect the transfer of the funds to the credit of Account 61879 to this country. They also want to know the status of the account at the present time and the best course to follow to have these funds transferred to the United States.

Any information your office can furnish, or advice as to procedure for Mr. Roberts or his clients, Anny and Kurt Kadisch, will be personally appreciated. I am well acquainted with Mr. Roberts, who is a capable and reliable attorney.

Very respectfully,
R.L. RODGERS.

SAMUEL J. ROBERTS,
ATTORNEY AT LAW,
Erie, PA, May 23, 1939.

ALBERT MARTI, *Director,*
Schweizer Bankverein,
Zuerich, Rudolfspletz, Switzerland.

DEAR DIRECTOR MARTI: We have been requested by Anny and Kurt Kadisch, formerly of Graz, Austria, to determine the present status of Account No. 61879, which consists of the purchase of Two Thousand (2000) pounds British War Assented Loan 3½%.

Will you please be kind enough to give us whatever information you have concerning this Account and forward to us forms, or documents, which may be necessary to prepare an order to effect a transfer of said Account?

You are assured that we shall greatly appreciate any information which you can give us concerning this matter.

Very truly yours,
SAMUEL J. ROBERTS.

SWISS BANK CORPORATION,
Zurich, Switzerland.

Basle St. Gall Geneva Lausanne,
La Chaux-de-Fonds Neuchatel, Schaffhausen London E.C., 2, 99 Gresham St., Bienne Chiasso Herisau Le Locle Nyon, Aigle Bischofszell Morges Rorschach Zofingen.

Fully paid-up capital and reserves Fr. 194,000,000.

Telegrams: Suisbanque.

SAMUEL J. ROBERTS, ESQ.,
ATTORNEY AT LAW,
Erie, Pennsylvania, U.S.A.

ZURICH, JUNE 2, 1939.

DEAR SIR: We are in receipt of your letter of May 23rd and regret being unable to give you the information desired.

Yours faithfully
SWISS BANK CORPORATION.

Mr. D'AMATO. Mr. President, as one can read, the Kadisch's attorney requested help for them from Congressman Rodgers, who then wrote to the State Department on their behalf.

Their attorney also wrote on their behalf to the bank in question. The Kadisch's were checking on the status of their account, of which unlike other claimants, they had the account number.

As we have found to be the case after the war, the Swiss bank denied them any information about the account. As of yet, we do not know what was the fate of this account. This is, however, disturbing, especially since the Kadisch's had the bank's name as well as the account number. This document only brings up more questions for the Swiss banks to answer.

I hope that we will be able to obtain answers to these and other questions in the coming months. Right now, however, I am very disappointed in the lack of cooperation by the Swiss Bankers Association and their continued denial of knowledge regarding these accounts as well as the fate of plundered Jewish assets.

The 1996 NATIONAL RACE FOR THE CURE

Mr. ABRAHAM. Mr. President, along with several of my colleagues, I rise today to commend the many people helping to conduct our fight against breast cancer and to promote participation in an event that has increased in stature each year it has been held: the National Race for the Cure.

Saturday morning, June 15, several thousand people will gather down on the mall near the Washington Monument to compete in the 1996 National Race for the Cure, either by participating in a 5 kilometer run or a one mile walk. The purpose of this race is to help raise money for and focus attention on breast cancer, one of the major threats to the lives and health of women in this country. Numerous corporations have made financial and in-kind contributions to help support this event—including several Michigan corporations such as Kelloggs, General Motors and Ford—and they are to be commended for their generosity and dedication. Also, the U.S. Postal Service will be unveiling a stamp promoting early detection and treatment of breast cancer.

The race is put together by the Susan G. Komen Breast Cancer Foundation, the largest private funder of research dedicated solely to breast cancer in the U.S. Efforts such as the Race for the Cure and other events held in 67 cities in 35 States and the District of Columbia enable the Susan G. Komen Foundation to fight breast cancer through a combination of research advocacy, education, screening and treatment.

We are on the edge of crucial breakthroughs in the area of breast cancer research and treatment. For instance, researchers at the Human Genome Project at the National Institutes of Health have located the section of the gene that they believe dictates the genetic and hereditary nature of breast cancer. The efforts of private organizations such as the Komen Foundation, when combined with the work done through Federal agencies such as NIH, increase the real likelihood that a cure for breast cancer will be discovered in the foreseeable future.

Breast cancer education and activism are not new to the Abraham family. Ever since my Mother's death back in 1982 from breast cancer, our family has been involved in efforts to heighten awareness and promote early detection of this devastating disease. Among our recent activities, just last month, my wife Jane and I participated in the Michigan Race for the Cure. Jane is also serving on the Congressional Committee for the National Race for the Cure being held next Saturday.

Too often it takes the loss of someone close and dear to one's heart to properly focus our attention and energy on spreading the word about silent killers like breast cancer. That is why it is critical for those of us who have experienced the tragedy of breast cancer to speak out and inform women—and men—of the dangers of ignorance and procrastination.

And it is vital that men become involved in this issue as well, reminding their mothers, wives, sisters, and daughters of the importance of early detection and treatment. It is only through such efforts that we can see to it that people no longer have to lose a loved one before learning the bitter truth about this devastating and deadly illness.

Once again, I want to commend everyone involved in putting together this year's race. I urge Members and their staff to participate in the race itself and to provide support to the broader cause of increasing education, treatment and research in the battle against breast cancer.

BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

The PRESIDING OFFICER. The Senate will now proceed to debate House Joint Resolution 1, which the clerk will report.

The bill clerk read as follows:

A joint resolution (H.J. Res. 1) proposing a balanced budget amendment to the Constitution of the United States.

The Senate resumed consideration of the joint resolution.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I rise today to call on the Senate to send the Dole-Hatch-Simon balanced budget amendment to the States for ratification. The time for decision has arrived. We will be voting on it either today or tomorrow. I suspect the vote is set for noon tomorrow. I hope that the Senate will respond to the needs of the American people and pass the balanced budget amendment.

Let me initially pay tribute to some of my colleagues who have fought for the passage of this crucial measure. First, let me mention the distinguished senior Senator from Illinois, PAUL SIMON, the primary Democrat sponsor of this bipartisan amendment. Senator SIMON has been a tireless and courageous, active worker on behalf of this amendment in his efforts over the years to secure passage of this amendment. His efforts on this matter, I think, are going to be missed in future Congresses. I have certainly enjoyed working with him. He is sincere. He is dedicated. He knows, unless we put the fiscal discipline into the Constitution, that we are not going to be able to balance this budget within 7 years or at any time in the immediate future.

I also have to mention another veteran of the battle for the balanced budget amendment, Senator STROM THURMOND. The senior Senator from South Carolina has been a consistent voice for fiscal responsibility and a staunch supporter of the balanced budget amendment over many years of his service here. We look forward to his continued work on this and other matters in the future. Senator HEFLIN from Alabama has also been a long-time supporter of this bipartisan measure, who will certainly be missed in future Congresses. I will miss both of these senior Democrats, who have done so much to try to pass the balanced budget amendment.

Let me also mention on our side—there are so many that should be mentioned on both sides—but let me mention Senator LARRY CRAIG, of Idaho, who has been a forceful advocate of the amendment and has done the best within his power to try to get the amendment up and of course do everything he can to pass it. And I might also add Senator PAUL COVERDELL of Georgia, who has been a key leader on the team in moving this idea forward.

I would also like to especially thank the 11 freshman Republican Senators who joined us at the beginning of this Congress. All of them leapt immediately into this fray in support of the balanced budget amendment when it came up in the very first month of the 104th Congress. They deserve a lot of credit. We only lost this by one vote. We will hear from each of them later, as we did in the first round of debates last year. It is heartening to see new Members so strongly dedicated to the fiscal soundness of our country.

These and so many of my colleagues from both sides of the aisle have been valiant servants of their country in fighting for a constitutional provision which will protect future generations from the profligacy of the current and past generations. But one stands above them all in his tirelessness, his dedication, in his commitment to providing a better future for our children and grandchildren, an America like the one that he grew up in, fought for, and of course an America that he has served all of his life. He will be leaving us soon and he will be sorely missed in this body, but he will be going on to greater challenges and higher offices in the service of our country. I am, of course, referring to our majority leader, and our leader in this effort on the balanced budget amendment, Senator ROBERT DOLE. BOB DOLE has made this a priority and has worked to make a balanced budget amendment the 28th amendment to the Constitution. His efforts on this amendment happen to be consistent with his decades of service on behalf of all Americans and on behalf of future generations. The contrast of his record with that of President Clinton is very clear.

President Clinton has fought the balanced budget amendment every step of the way. I would ask, why? The President now says he is for a balanced budget, yet I suggest the opponents of the balanced budget amendment are simply not ready to impose the kind of fiscal discipline on themselves that a constitutional amendment would require. It is tough to stop spending other people's money.

Last year, President Clinton succeeded in blocking the balanced budget amendment. He used all the tools at his disposal. He sent out Cabinet officials to argue against the amendment and even against balancing the budget per se. He used the resources of the Federal Government and all the persuasive power of the Presidency to defeat the balanced budget amendment to the Constitution.

Last year, President Clinton won and, in my opinion, the American people lost. The American people will lose again if President Clinton has his way again this year, unless he changes his mind and makes clear his support for this balanced budget amendment, the only one that has a possibility of passing because it already has passed the House of Representatives.

The subject matter of the amendment goes to the heart of our Founding Fathers' hope for our constitutional system, a system that would protect individual freedom through limited government. In the later half of this century, however, the intention of the Framers of the Constitution has been betrayed by Congress' inability to control its own spending habits. The size of the Federal leviathan has grown to such an extent that the very liberties of the American people and our future generations are threatened.

Since the other body has already given its approval to the amendment it is up to the Senate to follow suit to meet the needs of the American people, 85 percent of whom favor a balanced budget amendment. We need to relegate the spendthrift and tax-happy policies of the past to the dustbin of history.

This amendment has broad support in the country and among Democrats and Republicans who believe we need to get the Nation's fiscal house in order so that we can leave a legacy of a strong national economy and a responsible national Government to our children and grandchildren.

The problem is our worsening debt crisis. Our Nation is faced with the worsening problem of rising national debt and deficits and the increased Government use of capital that would otherwise be available to the private sector to create jobs and invest in our future. This problem presents risks to our long-term economic growth and endangers the well-being of our elderly, our working people, and especially our children and grandchildren. The debt burden is a mortgage on their future. The debt is fiscal child abuse and it must end.

The total national debt now stands at more than $5.1 trillion. That means that every man, woman and child in Utah, and all of our States, has an individual debt burden of more than $19,600. While it took us more than 200 years to acquire our first trillion dollars of debt, we have recently been adding another $1 trillion to our debt about every 5 years.

Yet opponents of the balanced budget amendment claim that there is no problem. They point to the marginal slowdown in the growth of the debt in the last year or so as if it suggested that all our problems are solved. Only inside this beltway, in Washington, DC, can people claim that we are on the right track while we add to a debt of more than $5.1 trillion.

The President's own 1997 budget predicts that in the year 2000, total Federal debt will be more than $6 trillion. That means a Federal debt of about $23,700 per person. Everybody in this country will have jumped from $19,600 per person that we owe now to $23,700 per person. This would be nearly a tenfold increase in per-capita debt since 1975.

When we last debated the balanced budget amendment I gave a daily update on the debt increase as we debated. By the end of the debate my "debt tracker" was becoming unwieldy, so I brought down sort of a summary debt tracker to bring us up to date on the debt since we began debate on this amendment in January of last year.

As my chart here shows, when we last began our debate in January 1995, we were in debt, as a national debt, $4.81 trillion. Since January 30, 1995 to June 3, 1996, a little over a year, we are now at $5.13 trillion in national debt. We have gone up $320 billion while this President is claiming we are getting the national debt under control and that he is really solving the deficit problems. That is a false claim and there is no question about it.

Translated in more understandable terms this means that the cost of delay in passing this important amendment has been more than $1,200 for every man, woman and child in our country. Put another way, over the 15 months that have elapsed since President Clinton helped defeat the balanced budget amendment, the debt has increased on average over $650 million a day; over $27 million an hour, over $450,000 a minute, over $7,500 every second. This is the price of the delay by President Clinton and his allies.

That increasing debt is not just numbers on a chart. Over time, the disproportionate burdens imposed on today's children and their children by the continuing pattern of deficits could include some combination of the following: Increased taxes, reduced public welfare benefits, reduced public pensions, reduced expenditures on infrastructure and other public investments, diminished capital formation, decreased job creation, weaker productivity enhancement, and stagnating real wage growth in the private economy, higher interest rates, higher inflation, increased indebtedness to and economic dependence on foreign creditors, increased risk of default on the Federal debt, and, I might add, I think a very strong hit on Social Security—a very strong hit. Because, while we have done nothing to pass a balanced budget amendment, the debt has gone up $320 billion in just the last 15 months, and every time that goes up it reduces the value of every dollar and hits people on Social Security more than anybody else.

So, while some are arguing that we have to protect Social Security in the balanced budget amendment, something that should not be written into a constitutional amendment, Social Security is endangered because we are not putting this fiscal discipline into the Constitution and we have now gone 15 months with more danger to Social Security than ever before, where, had we passed this amendment, we would be on the way to balancing the budget by the year 2002 without any obfuscation, without the phony budgets that we commonly see around here, without the smoke and mirrors. We would have to do it. That, in the end, is what will protect Social Security and other pensions of people who are counting on them in our society.

Mr. President, one thing became clear during our recent experience in trying to enact the Balanced Budget Act of 1995. It is that we need a constitutional amendment. Some Senators argued during our debate last year on Senate Joint Resolution 1 that "we did not need a constitutional amendment to balance the budget; we know what needs to be done; we should just do it." In fact, the President said that in a news clip I saw. He pointed to the media and said, "Let's just do it."

That is what they have been saying for 60 years now and why everything is being put in jeopardy as this debt continues to skyrocket, while we continue not to have a balanced budget amendment which would protect us. The trouble with "just do it," is that Congress did it and the President did not. But under a constitutional amendment to balance the budget, the words "just do it," would have authority for both of the elected branches of Government.

In the year that has gone by since President Clinton helped defeat the balanced budget amendment, the country has witnessed one of the most contentious budget battles in the history of our Nation. President Clinton was willing to let the Government shut down not once but twice before he finally agreed to work seriously toward balancing the budget.

But really what guarantee is there the Federal Government will achieve a balanced budget? And it is not just balancing the budget; it is reducing the national debt as well.

When the other side of the aisle controlled Congress, we never even had a serious consideration of this budget plan, we never even looked at it seriously. President Clinton never proposed a balanced budget until he was forced to. The budget that he submitted, when we first debated this amendment last year, had $200 billion deficits as far as the eye can see. Even our colleagues on the other side of the aisle recognized this as an entirely inadequate approach and rejected it. In fact, the President submitted no fewer than 10 budgets in 1 year in a series of attempts to avoid the tough, but responsible, decision to balance the budget.

Can the country afford the risk of having this fight every year? Nothing shows more clearly how difficult it is to move in the right direction than just the last 9 months. Mr. President, we need the balanced budget amendment to lock in the balanced budget rule, or the future of our children will become bleaker and bleaker.

This constitutional amendment will help us end Congress' dangerous deficit habit in the way past efforts have not. It will do this by correcting a bias in the present process, which favors ever-increasing levels of Government spending. The balanced budget amendment reduces the spending bias in our present system by ensuring that, under normal circumstances, votes by Congress for increased spending will be accompanied by votes either to reduce other spending programs or to increase taxes to pay for our programs. For the first time since the abandonment of our historical norm of balanced budgets, Congress would be required to cast a politically difficult vote as a precondition to casting a politically attractive vote to increase spending.

Mr. President, the Senate should approve the balanced budget amendment. A vote against the amendment is a vote for the old status quo of irresponsible drift into more insurmountable debt than we already have. Sending the balanced budget amendment to the States is the right thing to do for ourselves, our children and our grandchildren, and it will give us back responsible and accountable constitutional Government.

I just want to say one more word about Social Security. I do not know of one Senator on either side of the aisle who does not want to protect Social Security. You do not write a protection for any particular item in the budget into the Constitution because that would lock it in and make it very difficult to ever make any changes or reforms that must be made.

The fact of the matter is, though, that if we do not pass a balanced budget amendment, Social Security will suffer, because we know by the year 2014, Social Security will start going bankrupt. In fact, many think it is going to start going bankrupt well before then. If we pass a balanced budget amendment, we will have to face these problems, and we will have to face them in a way that will protect those who are on Social Security in ways that, if we do not pass a balanced budget amendment, they will never be protected.

People need to know that is what it is. We have had 15 months of our debt going up $320 billion and that cannot help but have an effect on the financial viability of our country, on the financial viability of Social Security, on the financial viability of the whole world. We have to get it under control. The only methodology that I know of that will get us there, and I think most people will agree will get us there, is a balanced budget amendment locked into the Constitution which all of us revere and worship, which all of us will pay attention to, which all of us will honor and are sworn to uphold that will help us to get these spending practices under control.

I hope we can pass this balanced budget amendment. I do not have any illusions about it, but we are going to have this vote, and if it does go down again, which everybody expects it to, it will not be the last time we vote on this, we will be back next year and the year after, if that is what it takes, until this amendment is locked in the Constitution and people have to face the music here in Congress. It is about time we did.

I yield the floor.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER (Mr. SANTORUM). The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that Senator EXON be recognized at 1 p.m. today.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that Senator DORGAN be recognized at 3:30 p.m. today to use whatever time he utilizes under the time he controls and that I be recognized after that.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. Mr. President, I find it hard to believe my ears. What this really involves is the determined effort by the proponents of Senate Joint Resolution 1 to balance the budget with a constitutional amendment that devastates Social Security over the next 7 years by over $600 billion.

Let me read section 7 of the joint resolution:

> Total receipts shall include all receipts of the United States Government, except those derived from borrowing. Total outlays shall include all outlays of the United States Government, except for those for repayment of debt principal.

We suggested when this came up last year, and again earlier this year, that we were readily prepared to vote for a balanced budget amendment—we are waiting on the majority leader, of course, to make his motion to reconsider—if we add to the existing exclusion in section 7 that ignores those funds derived from borrowing and similarly exclude the Social Security trust fund surpluses.

The distinguished Senator from Utah says, "Oh, it's so fine, we're going to finally lock it in," and he shows a chart with a horrendous debt. He says, "Now we're going to finally really fix it so we can balance the budget." Then in the same breath, he says that "we're going to protect Social Security."

Social Security has long been protected. I intend to talk a little later about the history of our efforts to save it in 1983 with the National Commission on Social Security Reform on which the distinguished majority leader, Senator DOLE of Kansas, served.

But more to the point at hand: I made a motion as a member of the Budget Committee on July 10, 1990, that we put in a provision for Social Security protection. The reason being that we were beginning to rob the Social Security trust fund.

When the National Commission on Social Security Reform, the Greenspan commission, issued its report in 1983, they mandated that Social Security would be put off-budget in 1992. But when we saw what was really going on, I worked in bipartisan fashion with Senator Heinz and put into the law section 13301, signed on November 5, 1990, by President George Bush, which reads as follows:

> Exclusion of Social Security from all budgets. Notwithstanding any other provision of law, the receipts and disbursements of the Federal Old Age and Survivors Insurance trust fund, the Federal Disability Insurance

trust fund, shall not be counted as new budget authority outlays, receipts or deficit or surplus for purposes of the budget of the U.S. Government as submitted by the President, two, the congressional budget or, three, the Balanced Budget and Emergency Deficit Control Act of 1985. Exclusion of Social Security from the congressional budget, section 301(a) of the Congressional Budget Act of 1974, as amended, by adding at the end the following: "The concurrent resolution shall not include the outlays and revenue totals of the Old Age Survivors and Disability Insurance Program established under title II of the Social Security Act or the related provisions of the Internal Revenue Code of 1986 in the surplus or deficit totals required by this subsection or in any other surplus or deficit totals required by this title."

That is the law of the land. The Congressional Research Service and all others reading it who understand the English language know that section 7 of House Joint Resolution 1 repeals that law.

They dutifully praise the Senator from Illinois who stood for long periods of time here with me trying to balance the budget. He has come to me and other Senators on this side of the aisle and said, "Let's see if we can't compromise." I replied, "I don't mind being realistic, if you want to extend the date or any other wording." But Social Security has to be protected. We demonstrated the seriousness of our convictions with Senator DOLE's vote and Senator HOLLINGS' vote, just last year.

Mr. President, just November of last year, on the 16th of November, I put an forth an amendment:

Notwithstanding any other provision of this joint resolution, the 7-year balanced budget passed by the Congress to the President shall not include the use of Social Security trust funds to reflect a balanced budget.

In other words, that put the Congress on record against any kind of unified budget that included Social Security trust funds. That was passed with Senator DOLE's and Senator HOLLINGS' vote, 97–2, and in the original instance, back 5 years ago, in 1990, it was 98–2.

Yes, we talk about protecting Social Security, but in this constitutional amendment, we avoid that particular protection that is already in the law. Why are they so adamant to do so? Because they cannot present a balanced budget, Mr. President, over that 7-year period without using Social Security trust funds and without other smoke and mirrors.

I have put it into the RECORD many a time. I will put it in again and show you the particular budget that I submitted. And I said that if you could give me a 7-year balanced budget without an increase in taxes, a realistic budget without the smoke and mirrors, I would jump off the Capitol dome. I tried to convince them. They all said, "Well, HOLLINGS—what's he for?"

I will put it in here right now in this RECORD. Mr. President, I ask unanimous consent that the Truth-in-Budgeting Act schedules, dated January 23, 1995, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HOLLINGS RELEASES REALITIES ON TRUTH IN BUDGETING

Reality #1: $1.2 trillion in spending cuts is necessary.

Reality #2: There aren't enough savings in entitlements.

*Have welfare reform, but a jobs program will cost; savings are questionable.

*Health reform can and should save some, but slowing growth from 10 to 5 percent doesn't offer enough savings.

*Social security won't be cut and will be off-budget again.

Reality #3: We should hold the line on the budget on Defense; that would be no savings.

Reality #4: Savings must come from freezes and cuts in domestic discretionary spending but that's not enough to stop hemorrhaging interest costs.

Reality #5: Taxes are necessary to stop hemorrhage in interest costs.

	1996	1997	1998	1999	2000	2001	2002
Deficit CBO Jan. 95 (using trust funds)	207	224	225	253	284	297	322
Freeze discretionary outlays after 1998	0	0	0	−19	−38	−58	−78
Spending cuts	−37	−74	−111	−128	−146	−163	−180
Interest savings	−1	−5	−11	−20	−32	−46	−64
Total savings ($1.2 trillion)	−38	−79	−122	−167	−216	−267	−322
Remaining deficit using trust funds	169	145	103	86	68	30	0
Remaining defict excluding trust funds	287	264	222	202	185	149	121
5% VAT	96	155	172	184	190	196	200
Net deficit excluding trust funds	187	97	27	(17)	(54)	(111)	(159)
Gross debt	5,142	5,257	5,300	5,305	5,272	5,200	5,091
Avg. interest rate on debt (in percent)	7.0	7.1	6.9	6.8	6.7	6.7	6.7
Interest cost on the debt	367	370	368	368	366	360	354

Note.—Figures are in billions. Figures don't include the billions necessary for a middle-class tax cut.

Non-Defense Discretionary Spending Cuts	1996	1997
Space Station	2.1	2.1
Eliminate CDBG	2.0	2.0
Eliminate Low-Income Home Energy Assistance	1.4	1.5
Eliminate Arts Funding	1.0	1.0
Eliminate Funding for Campus Based Aid	1.4	1.4
Eliminate Funding for Impact Aid	1.0	1.0
Reduce Law Enforcement Funding to Control Drugs	1.5	1.8
Eliminate Federal Wastewater Grants	0.8	1.6
Eliminate SBA Loans	0.21	0.282
Reduce Federal Aid for Mass Transit	0.5	1.0
Eliminate EDA	0.02	0.1
Reduce Federal Rent Subsidies	0.1	0.2
Reduce Overhead for University Research	0.2	0.3
Repeal Davis-Bacon	0.2	0.5
Reduce State Dept. Funding and End Misc. Activities	0.1	0.2
End P.L. 480 Title I and III sales	0.4	0.6
Eliminate Overseas Broadcasting	0.458	0.570
Eliminate the Bureau of Mines	0.1	0.2
Eliminate Expansion of Rural Housing Assistance	0.1	0.2
Eliminate USTTA	0.012	0.16
Eliminate ATP	0.1	0.2
Eliminate Airport Grant in Aids	0.3	1.0
Eliminate Federal Highway Demonstration projects	0.1	0.3
Eliminate Amtrak Subsidies	0.4	0.4
Eliminate RDA Loan Guarantees	0.0	0.1
Eliminate Appalachian Regional Commission	0.0	0.1
Eliminate Untargeted Funds for Math and Science	0.1	0.2
Cut Federal Salaries by 4%	4.0	4.0
Charge Federal Employees Commercial Rates for Parking	0.1	0.1
Reduce Agricultural Research Extension Activities	0.2	0.2
Cancel Advanced Solid Rocket Motor	0.3	0.4
Eliminate Legal Services	0.4	0.4
Reduce Federal Travel by 30%	0.4	0.4
Reduce Energy Funding for Energy Technology Develop	0.2	0.5
Reduce Superfund Cleanup Costs	0.2	0.4
Reduce REA Subsidies	0.1	0.1
Eliminate Postal subsidies for Non-profits	0.1	0.1
Reduce NIH funding	0.5	1.1
Eliminate Federal Crop Insurance Program	0.3	0.3
Reduce Justice State-Local Assistance grants	0.1	0.2
Reduce Export-Import Direct Loans	0.1	0.2
Eliminate Library Programs	0.1	0.1
Modify Service Contract Act	0.2	0.2
Eliminate HUD Special Purpose Grants	0.2	0.3
Reduce Housing Programs	0.4	1.0
Eliminate Community Investment Program	0.1	0.4
Reduce Strategic Petroleum Program	0.1	0.1
Eliminate Senior Community Service Program	0.1	0.4
Reduce USDA spending for Export Marketing	0.02	0.02
Reduce Maternal and Child Health Grants	0.2	0.4
Close Veterans Hospitals	0.1	0.2
Reduce Number of Political Employees	0.1	0.1
Reduce Management Costs for VA Health Care	0.2	0.4
Reduce PMA Subsidy	0.0	1.2
Reduce Below Cost Timber Sales	0.0	0.1
Reduce the Legislative Branch 15%	0.3	0.3
Eliminate Small Business Development Centers	0.056	0.074
Eliminate Minority Assistance Score, Small Business Institute and Other Technical Assistance Programs, Women's Business Assistance, International Trade Assistance, Empowerment Zones	0.033	0.046
Eliminate New State Department Construction Projects	0.010	0.023
Eliminate Int'l Boundaries and Water Commission	0.013	0.02
Eliminate Asia Foundation	0.013	0.015
Eliminate International Fisheries Commission	0.015	0.015
Eliminate Arms Control Disarmament Agency	0.041	0.054
Eliminate NED	0.014	0.034
Eliminate Fulbright and Other International Exchanges	0.119	0.207
Eliminate North-South Center	0.002	0.004
Eliminate U.S. Contribution to WHO, OAS and Other International Organizations Including the U.N	0.873	0.873
Eliminate Participation in U.N. Peacekeeping	0.533	0.533
Eliminate Byrne Grant	0.112	0.306
Eliminate Community Policing Program	0.286	0.780
Moratorium on New Federal Prison Construction	0.028	0.140
Reduce Coast Guard 10%	0.208	0.260
Eliminate Manufacturing Extension Program	0.03	0.06
Eliminate Coastal Zone Management	0.03	0.06
Eliminate National Marine Sanctuaries	0.007	0.012
Eliminate Climate and Global Change Research	0.047	0.078
Eliminate National Sea Grant	0.032	0.054
Eliminate State Weather Modification Grant	0.002	0.003
Cut Weather Service Operations 10%	0.031	0.051
Eliminate Regional Climate Centers	0.002	0.003
Eliminate Minority Business Development Agency	0.022	0.044
Eliminate Public Telecommunications Facilities Program Grant	0.003	0.016
Eliminate Children's Educational Television	0.0	0.002
Eliminate National Information Infrastructure Grant	0.001	0.032
Cut Pell Grants 20%	0.250	1.24
Eliminate Education Research	0.042	0.283
Cut Head Start 50%	0.840	1.8
Eliminate Meals and Services for the Elderly	0.335	0.473
Eliminate Title II Social Service Block Grant	2.7	2.8
Eliminate Community Services Block Grant	0.317	0.470
Eliminate Rehabilitation Services	1.85	2.30
Eliminate Vocational Education	0.176	1.2
Reduce Chapter 1 20%	0.173	1.16
Reduce Special Education 20%	0.072	0.480
Eliminate Bilingual Education	0.029	0.196
Eliminate JTPA	0.250	4.5
Eliminate Child Welfare Services	0.240	0.289
Eliminate CDC Breast Cancer Program	0.048	0.089
Eliminate CDC AIDS Control Program	0.283	0.525
Eliminate Ryan White AIDS Program	0.228	0.468
Eliminate Maternal and Child Health	0.246	0.506
Eliminate Family Planning Program	0.069	0.143
Eliminate CDC Immunization Program	0.168	0.345
Eliminate Tuberculosis Program	0.042	0.087
Eliminate Agricultural Research Service	0.546	0.656
Reduce WIC 50%	1.579	1.735
Eliminate TEFAP:		
Administrative	0.024	0.040

Non-Defense Discretionary Spending Cuts	1996	1997
Commodities	0.025	0.025
Reduce Cooperative State Research Service 20%	0.044	0.070
Reduce Animal Plant Health Inspection Service 10%	0.036	0.044
Reduce Food Safety Inspection Service 10%	0.047	0.052
Total	36.942	58.407

Mr. HOLLINGS. I included that to show how you could do it, how many cuts would be necessary in discretionary spending, with taxes and without taxes at that particular time. I did that because I had heard my colleagues on national TV. On "Meet the Press," I heard the distinguished chairman of the Budget Committee, Senator DOMENICI, on the House side Mr. KASICH, and others say they are going to present a balanced budget.

I got together with the best of minds on the Budget Committee, the staff. We worked all through the month of January. Then we just put it into the RECORD that we had tried. I should note that the spending cuts I included were rather harsh —harsh, harsh. I was not prepared to vote for those unless we got a consensus to go along and really do the job.

But let me not get off my major point here with respect to this resolution. The reason they will not exclude Social Security trust funds and pick up the votes on this side—and they could pick up easily 5 and probably 10 votes, and they know it—is that if they include the exclusion, they will rob their plan of some $600 billion over the 6- to 7-year period.

You know, this is all about the Presidential election. I mean, after all, why have 7 years? It gets us by the election here in November and it gets us by the November election in the year 2000. So anytime you can get past two Presidential elections—and there were high hopes at one time that they were going to have the White House—you would not have any real responsibility to do anything under the constitutional amendment until after you were elected and reelected.

They certainly did not want to go along, even though they could get the balanced budget amendment to the Constitution, for which the Senator from South Carolina has previously voted. I do not mind a balanced budget amendment to the Constitution, but the reason they do not call up a balanced budget amendment that protects Social Security is because they know that they could not then vote for the fraud that is in their recent budget proposal.

I have categorically made this statement again and again for the past 15 years. No real balanced budget has been submitted in that 15-year period, no balanced budget has been submitted by this Congress or the President in the last 15 years. And to have the unmitigated gall to get up here and bring charts to the crowd—I do not know how long the distinguished Senator from Utah has been in the U.S. Senate, but he has been here a long time. I do not know how long the Senator from Kansas has been here, our distinguished majority leader, but I know he voted with us in 1968 when we balanced the budget. I think the exact date was some time in June 1968. He was in the House and I was in the Senate.

June 20, 1968, was the date of the adoption of the conference report on H.R. 15414 imposing—listen to this, Mr. President, hear ye, all ears take heed—imposing a 10-percent surcharge on personal and corporate income taxes. It required the Federal Government to cut fiscal 1969 expenditures by $6 billion, and to reduce new obligational authority by $10 billion. It required a reduction in the number of Federal employees, extending certain existing excise taxes, accelerating payments of corporation taxes, revising or extending the effective date of certain welfare and medical assistance laws, and including provisions on various other subjects adopted by a vote in the House of Representatives of 268–150. It shows the distinguished Senator from Kansas voting "aye."

Mr. President, I ask unanimous consent that the voting record be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXCERPT FROM HOUSE VOTES 109 THROUGH 112

112. HR 15414. Adoption of the conference report (H. Rept. 1533) on HR 15414 imposing a 10-percent surcharge on personal and corporate income taxes, requiring the Federal Government to cut fiscal 1969 expenditures by $6 billion and to reduce new obligational authority by $10 billion, requiring a reduction in the number of federal employees, extending certain existing excise taxes, accelerating payment of corporation taxes, revising or extending the effective date of certain welfare and medical assistance laws, and including provisions on various other subjects. Adopted 268–150: R 114–73; D 154–77 (ND 96–49; SD 58–28), June 20, 1968. A "yea" was a vote supporting the President's position.

	109	110	111	112
Kansas:				
1-Dole	Y	Y	N	Y
2-Mize	Y	Y	Y	Y
4-Shriver	Y	Y	Y	Y
5-Skubitz	Y	Y	Y	Y
3-Winn	Y	Y	N	N

Mr. HOLLINGS. Mr. President, that is the Senator from Kansas that we know and love. He was increasing taxes. He was cutting spending. He was getting rid of Federal employees, and right on down through his record as chairman of the Finance Committee—yes, we might as well bring it out categorically—he proposed the largest tax increase in the history of the U.S. Government.

Mr. President, I ask unanimous consent to have printed an article by Judy Mann, entitled "Fiddling With the Numbers."

[From the Washington Post]

FIDDLING WITH THE NUMBERS

(By Judy Mann)

Gov. Christine Todd Whitman, the Republican meteor from New Jersey, had the unusual honor for a first-term governor of being asked to deliver her party's response to President Clinton's State of the Union message last week.

And she delivered a whopper of what can most kindly be called a glaring inaccuracy.

Sandwiched into her Republican sales pitch was the kind of line that does serious political damage: Clinton, she intoned, "imposed the biggest tax increase in American history."

And millions of Americans sat in front of their television sets, perhaps believing that Clinton and the Democrat-controlled Congress had done a real number on them.

The trouble is that this poster lady for tax cuts was not letting any facts get in her way. But don't hold your breath waiting for the talk show hosts to set the record straight.

The biggest tax increase in history did not occur in the Omnibus Budget Reconciliation Act of 1993. The biggest tax increase in post-World War II history occurred in 1982 under President Ronald Reagan.

Here is how the two compare, according to Bill Gale, a specialist on tax policy and senior fellow at the Brookings Institution. The 1993 act raised taxes for the next 5 years by a gross total of $268 billion, but with the expansion of the earned income tax credit to more working poor families, the net increase comes to $240.4 billion in 1993. The Tax Equity and Fiscal Responsibility Act of 1982, by comparison, increased taxes by a net of $217.5 billion over 5 years. Nominally, then, it is true that the 1993 tax bill was the biggest in history.

But things don't work nominally. "A dollar now is worth less than a dollar was back then, so that a tax increase of, say $10 billion in 1982 would be a tax increase of $15 billion now," says Gale. In fact, if you adjust for the 48 percent change in price level, the 1982 tax increase becomes a $325.6 billion increase in 1993 dollars. And that makes it the biggest tax increase in history by $85 billion.

Moreover, says Gale, the population of the country increased, so that, on a per person basis, the 1993 tax increase is lower than the one in 1982, and the gross domestic product increased over the decade, which means that personal income rose. "Once you adjust for price translation, it's not the biggest, and when you account for population and GDP, it gets even smaller."

He raises another point that makes this whole business of tax policy just a bit more complex than the heroic tax slashers would have us believe. "The question is whether [the 1993 tax increase] was a good idea or a bad idea, not whether it was the biggest tax increase. Suppose it was the biggest? I find it frustrating that the level of the debate about stuff like this as carried on by politicians is generally so low."

So was it a good idea? "We needed to reduce the deficit," he says, "we still need to reduce the deficit. The bond market responded positively. Interest rates fell. There may be a longer term benefit in that it shows Congress and the president are capable of cutting the deficit even without a balanced budget amendment."

Other long-term benefits, he says, are that "more capital is freed up for private investment, and ultimately that can result in more productive and highly paid workers."

How bad was the hit for those few who did have to pay more taxes? One tax attorney says that his increased taxes were more than offset by savings he was able to generate by refinancing the mortgage on his house at the lower interest rates we've had as a result. The 1993 tax increase did include a 4.3-cent-a-gallon rise in gasoline tax, which hits the middle class. But most of us did not have to endure an income tax increase. In 1992, the top tax rate was 31 percent of the taxable income over $51,900 for single taxpayers and $86,500 for married couples filing jointly. Two new tax brackets were added in 1993: 36 percent for singles with taxable incomes over $115,000 and married couples with incomes over $140,000; and 39.6 percent for singles and married couples with taxable incomes over $250,000.

Not exactly your working poor or even your average family.

The rising GOP stars are finding out that when they say or do something stupid or mendacious, folks notice. The jury ought to be out on Whitman's performance as governor until we see the effects of supply side economics on New Jersey. But in her first nationally televised performance as a spokeswoman for her party, she should have known better than to give the country only half the story. In the process, she left a lot to be desired in one quality Americans are looking for in politicians: honesty.

Mr. HOLLINGS. Mr. President, I will read one sentence. The entire article is in the RECORD so we know there is no misuse of this particular instrument here: "The biggest tax increase in post-World War II history occurred in 1982 under President Ronald Reagan."

Now, Mr. President, we also have the statements from the other media. That statement was in the Washington Post on January 1 of last year. Everybody knows about that quote from the Wall Street Journal dated October 26, 1994: "Contrary to Republican claims, the 1993 package is not the largest tax increase in history. The 1982 deficit reduction package of President Reagan and Senator Robert Dole in a GOP-controlled Senate was a bigger tax bill, both in 1993 adjusted dollars and as a percentage of the overall economy." That was in the Wall Street Journal, October 26, 1994.

Further, from the Washington Post of February 1, 1995: "The biggest tax increase in history did not occur in the Omnibus Budget Reconciliation Act of 1993. The biggest tax increase in post-World War II history occurred in 1982 under President Ronald Reagan."

Now, from the New York Times, November 3, 1995: "It is not true that the $240 billion tax increase approved by Congress in 1993 at Mr. Clinton's behest is the largest in American history. When adjusted for inflation, the only way to make comparison for dollar amounts in different years, a tax increase engineered by Mr. Dole in 1982, when he was chairman of the Senate Finance Committee, was larger." That was the New York Times, November 3, 1995. That is the Senator from Kansas that we know and love.

I voted, this Senator from South Carolina, with the Senator from Kansas back in 1968 when we had the last balanced budget. I voted against Reaganomics in 1981 and went along the legislation in 1982 because we could see the disaster coming; deficits were exploding, we needed more revenues, and the budget was getting entirely out of hand. Now, Mr. President, you cannot believe your ears. You cannot believe your ears. Having increased spending over the 15-year period, $250 billion more than we have taken in, on an average each year, we have run the national deficit—I do not need a chart; all you need is the facts—from less than $1 trillion.

From the beginning of this Nation, in 1776 with the cost of the Revolution, the War of 1812, the Civil War, the Spanish-American War, World War I, World War II, Korea, Vietnam, the cost of all the wars, we still had not run up a debt of $1 trillion. I know we had Desert Storm, but the others are supposed to have paid for it. In a 15-year period, without the cost of a war, we have run amok. We have gone from less than $1 trillion to over $5 trillion.

What is the interest cost? The interest cost now is estimated to be 353 billion bucks next year; that is the April 30 figure by the CBO. Mr. President, I ask unanimous consent to have this table printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

President and year	U.S. budget (outlays in billions)	Trust funds	Real deficit	Gross Federal debt (billions)	Gross interest (Budget realities, Sen. Hollings, 4–17–96)
Truman:					
1945	92.7	5.4		260.1	
1946	55.2	3.9	−10.9	271.0	
1947	34.5	3.4	+13.9	257.1	
1948	29.8	3.0	+5.1	252.0	
1949	38.8	2.4	−0.6	252.6	
1950	42.6	−0.1	−0.1	256.9	
1951	45.5	3.7	+1.6	255.3	
1952	67.7	3.5	−3.8	259.1	
1953	76.1	3.4	−6.9	266.0	
Eisenhower:					
1954	70.9	2.0	−4.8	270.8	
1955	68.4	1.2	−3.6	274.4	
1956	70.6	2.6	+1.7	272.7	
1957	76.6	1.8	+0.4	272.3	
1958	82.4	0.2	−7.4	279.7	
1959	92.1	−1.6	−7.8	287.5	
1960	92.2	−0.5	−3.0	290.5	
1961	97.7	0.9	−2.1	292.6	
Kennedy:					
1962	106.8	−0.3	−10.3	302.9	9.1
1963	111.3	1.9	−7.4	310.3	9.9
Johnson:					
1964	118.5	2.7	−5.8	316.1	10.7
1965	118.2	2.5	−6.2	322.3	11.3
1966	134.5	1.5	−6.2	328.5	12.0
1967	157.5	7.1	−11.9	340.4	13.4
1968	178.1	3.1	−28.3	368.7	14.6
1969	183.6	−0.3	+0.9	365.8	16.6
Nixon:					
1970	195.6	12.3	−15.1	380.9	19.3
1971	210.2	4.3	−27.3	408.2	21.0
1972	230.7	4.3	−27.7	435.9	21.8
1973	245.7	15.5	−30.4	466.3	24.2
1974	269.4	11.5	−17.6	483.9	29.3
Ford:					
1975	332.3	4.8	−58.0	541.9	32.7
1976	371.8	13.4	−87.1	629.0	37.1
Carter:					
1977	409.2	23.7	−77.4	706.4	41.9
1978	458.7	11.0	−70.2	776.6	48.7
1979	503.5	12.2	−52.9	829.5	59.9
1980	590.9	5.8	−79.6	909.1	74.8
Reagan:					
1981	678.2	6.7	−85.7	994.8	95.5
1982	745.8	14.5	−142.5	1,137.3	117.2
1983	808.4	26.6	−234.4	1,371.7	128.7
1984	851.8	7.6	−193.0	1,564.7	153.9
1985	946.4	40.6	−252.9	1,817.6	178.9
1986	990.3	81.8	−303.0	2,120.6	190.3

President and year	U.S. budget (outlays in billions)	Trust funds	Real deficit	Gross Federal debt (billions)	Gross interest (Budget realities, Sen. Hollings, 4–17–96)
1987	1,003.9	75.7	−225.5	2,346.1	195.3
1988	1,064.1	100.0	−255.2	2,601.3	214.1
Bush:					
1989	1,143.2	114.2	−266.7	2,868.0	240.9
1990	1,252.7	117.2	−338.6	3,206.6	264.7
1991	1,323.8	122.7	−391.9	3,598.5	285.5
1992	1,380.9	113.2	−403.6	4,002.1	292.3
Clinton:					
1993	1,408.2	94.2	−349.3	4,351.4	292.5
1994	1,460.6	89.1	−292.3	4,643.7	296.3
1995	1,514.4	113.4	−277.3	4,921.0	332.4
1996	1,572.0	126.0	−270.0	5,191.0	344.0
Est. 1997	1,651.0	127.0	−292.0	5,483.0	353.0

Historical Tables, Budget of the U.S. Government FY 1996; Beginning in 1962 CBO's "1995 Economic and Budget Outlook."

Mr. HOLLINGS. Mr. President, the distinguished Senator is running for President and he is getting the praises. He also ought to get the facts. He is running on his record. "He gets results, results, results." Well, heavens above, what is the result? We are spending $1 billion a day for nothing. Now, they could perhaps assess the blame to the Senator from South Carolina, or the Senator from Kansas, or any of the other Senators that have been around the last 15 years, but you can look at your books—Mr. President, they cannot blame President William Jefferson Clinton. He is the only President who has come to town since Lyndon Johnson that has cut the deficit.

The Republicans have the unmitigated gall, totally shameless, to single out the one individual that came in and said we are going to cut the deficit $500 billion, we are going to tax gasoline, we are going to tax Social Security and in return get the finest result to the economy that you could possibly imagine. Meanwhile, Senators on the other side of the aisle said they would be hunting us in the street and shooting us down like dogs and all that nonsense. We could not get a single Republican vote in the U.S. Senate. We could not get a single Republican vote in the U.S. House of Representatives.

But President Clinton stuck to his guns. We stuck to our guns. Yes, we were responsible for those spending cuts. We are responsible for those tax increases and we are responsible for the wonderful economy, the low inflation rate, the creation of over 8 million jobs and everything else. Yet they have come out to point fingers, when they are the ones who caused this waste of $1 billion a day for nothing. Interest costs have gone up from $75 billion in 1980–81 to $353 billion. Just in round figures that is a $275 billion increase in spending for nothing—no Government, no schools, no highways, no law enforcement, no foreign aid, no welfare, no nothing.

The crowd that caused this waste has now come around in this Presidential race and are trying to throw a long pass. Please. I never heard of such foolishness—here we are dead broke, we are spending $1 billion a day. Nobody has proposed that kind of spending cut or tax increase. Now we have the distinguished Senator from Kansas who wants to repeal the gas tax, $30 billion. He wants to have a missile defense of $60 billion. He now is going to propose an across-the-board cut of $600 billion. Anything to get elected. Come on. I have a hard time when I wake up every morning and come to the office to face this problem. That is why I asked for this extra time on this measure.

They should not get the votes for this disaster. Coming around here with a constitutional amendment, like a crowd at a football game up in the grandstand hollering, "We want a touchdown, we want a touchdown." Heck, we are the team. We are on the field. What have they done, other than procedure—to pass it on to the States, and after two or three elections, 7 years from now, with the State's ratification—or 2, 3 years, whatever—pass it to the States and let them ratify and come back and let the Congress then go along with the ratification. Anything to push off our responsibility and act like we are not here. They bring in charts and blame the one individual that has cut the deficit since he took office. Down in Arkansas he had a track record of 10 years of balancing budgets. He comes to town with these interest costs and a horrendous debt. What does he do? He submits a realistic budget that would have the economy in good shape, and we can not get a single vote. And they have the unmitigated gall to come up here and say they are leading the way, and that President Clinton does not want a balanced budget while they do. They are the ones who caused these horrendous deficits.

Then I look at the screen from the Republican TV channel, channel 2, and here is what it has on there. It says: "Interest costs on the national debt account for 15 percent of all Federal spending." False. Interest costs on the debt are 27 percent of all Federal spending. Mark it down. I have to correct this myself. I cannot get the newspapers to do it.

Republican statement on the TV channel: "40 cents of every Federal income dollar goes to pay interest on the national debt." Fact: 54 cents of every Federal income tax dollar goes to pay interest on the national debt.

Republican statement: "Annual interest cost on the national debt almost equals annual discretionary spending." Fact: Annual interest costs far exceed discretionary spending. Discretionary spending—which is inclusive of international affairs—for 1996 is $267 billion. The 1996 interest on the debt is $344 billion.

Another Republican statement—they just put out—you talk about truth and who has character, come on. "Annual interest costs on the national debt almost equals the cost of national defense." That is on the Republican screen right now, so all the Republican Senators can glean these quick misinformations and run out on the Senate floor and act like they have studied the problem and know what they are talking about. False. The fact is, annual interest costs far exceed the cost of national defense. The 1996 defense spending is $265 billion. Interest costs on the debt are $344 billion.

Now, Mr. President, I hardly know how you are supposed to make sense out of this "non-sense". All that these plans accomplish is to move the deficit from the general Government over to Social Security. And they talk like it is a given: "Unified budget, unified budget, unified budget." That is my distinguished colleague from New Mexico, the chairman of the Budget Committee. I know he is a brilliant Senator, and I know he knows differently.

I want to go now to the Social Security record because, Mr. President, we have had a difficult time zeroing in on how we got to where we are. I hold the report of the National Commission on Social Security Reform, dated January 1983—right on page 23 it says: "The National Commission was able to reach a consensus for meeting the short-range and long-range financial requirements by a vote of 12–3."

The distinguished Senator from Kansas was included in that vote, Mr. President, and he bragged openly to the Catholic Conference on May 26—just this past month—that he helped save Social Security in 1983. In the short term, he did. He was a member of the commission. And one of their conclusions, point 21 on page 224, was: "A majority of the members of the national commission recommends that the operation of OASI, DI, HI, and SSI trust funds should be removed from the unified budget. Some of those who do not support this recommendation believe that the situation would be adequately handled if the operations of the Social Security Program were displayed within the present unified Federal budget as a separate budget function, apart from the other income security programs."

Now, Mr. President, there is no question that the distinguished Senator from Kansas supported that. And Senator DOLE referred, in his additional views along with Congressman Conable, who was chairman then on the House side, in statement 5, page 2, to the short and long-term deficits in Social Security: "In our judgment, $150 billion to $200 billion is the amount required to keep the system solvent through 1990, and over the very long-term, the next 75 years, the needs of the system amount to about $25 billion a year." Thus, there was an understanding that we were making necessary changes to ensure the integrity of the Social Security system.

Now, moving on, to save time, Mr. President, again, on statement 5, page 7: "Accumulating considerably larger reserves is desirable," said the Senator from Kansas. But now those reserves are what he is trying to eliminate—eliminate about $600 billion to get this farcical constitutional amendment. We have never written a farce into the Constitution. I hope we do not put a farce in it now, because we know what the farce is. "Accumulating considerably larger reserves is desirable." And then the Senator said later on, "Trust fund reserves have been on a downhill coast for years." So he was very concerned as chairman of the Finance Committee at that particular time. He stated so in his submission of the particular bill on March 16, 1983, as the chairman when he said, "OASI, DI in the particular bill actually generates a surplus." Again, a particular caveat or catchall to make sure it does not go below. On page 22, on March 16, Senator DOLE says, "If the reserves fall below 20 percent of the annual outgo, the annual COLA would be based on the lower increase in wages and prices."

So they put in the 20-percent cushion, and constantly throughout referred to the effect on the trust funds. Now, the only reason I emphasize that is to show that in 1983 the distinguished Senator wanted to have trust funds. But they also wanted to ensure that the trust fund was off budget.

Let me read from the actual CONGRESSIONAL RECORD of March 24, 1983, on the House side.

It says:

> D. Separate treatment of trust fund operations under unified budget. Beginning with 1969, the financial operations of the Social Security trust funds have been included in the unified budget of the Federal Government. House bill: House bill provides for the display of OASI, SI and DI fund operations as a separate function within the budget. Beginning with the fiscal year 1989, these trust fund operations would be removed from the unified budget—Senate amendment, no provision.

The conference agreement, here is what they agreed to:

> The conference agreement follows the House bill except that the trust fund operations would not be removed from the unified budget until the fiscal year 1992.

So the conference committee chose to follow the recommendation in the Greenspan commission report and adopted into law that by 1992 you would take Social Security off-budget as a true trust fund.

When we started to see these surpluses being used to make the deficit look smaller, we decided we couldn't wait until 1992. On July 10th, 1990, in the Budget Committee, by a vote of 20 to 1, we put Social Security trust funds off budget and abolished the unified budget, including inclusion of Social Security. In that vote, 20 to 1, the one dissenting vote was the distinguished Senator from Texas, Senator GRAMM.

Let me say what we did when we adopted the law in 1983 and go back to what Mr. Heinz said, the former distinguished Senator from Pennsylvania, our great colleague, John Heinz, and I quote:

> Mr. President, unless we separate Social Security from the budget, it is absolutely inconceivable to me that we are going to be able to finance Social Security in any kind of rational way in the long run. Left in the unified budget, there does not seem to be anything we are going to be able to do except spend Social Security surpluses on other programs in the surplus years and our Social Security in the deficit years. Without some assurance that this program will be treated like the Social Security insurance program that it is, how can we expect young workers who are paying millions to pay anything into Social Security today, nearly 100 million of them, to trust that the benefits that they pay in taxes are going to be in when they retire 30 years from now? The answer is, unless we separate Social Security, as I provided, I do not think we can.

So it was Senator Heinz on the Republican side, in a bipartisan initiative in 1990, by a vote of 98 to 2—who worked with me to do just exactly that by law. It is the law today. It was signed by a Republican President, George Bush, but now under this constitutional amendment is about to be repealed.

They talk about protecting Social Security. But they are trying to disregard the protection we already have. We owe Social Security $520 billion as of the end of April. That is how much has been borrowed from Social Security. Tack on under this particular constitutional amendment another $600 billion as planned in the Republican budget by the year 2002. In the end, we may pass a constitutional amendment, but even if it was adhered to and things fell into place under a best-case scenario, we would end up saying, Yes, we balanced the budget, but we devastated Social Security. We would owe Social Security $1.14 trillion. And who is going to raise taxes for that? Yet, they sit up here in solemn dignity talking about who is for balanced budgets, the very crowd that devastated us, devastated the plan.

I do not know how you make sense out of this crowd. I do not know how you make sense out of the media.

James Fallows wrote a very interesting volume entitled "Breaking the News." In there he discussed the dichotomy between Walter Lippmann and John Dewey. Lippmann and Dewey both agreed that we should have an outstanding press and an expert press, and to a great extent, we do. They know these things. Unfortunately, they have gotten into the habit of taking polls, because they want to be ahead of the news. So they gather news and then they find the stories to support the polls. That is an incestuous kind of thing and consequently, the press ends up making the news rather than reporting the news.

But Dewey went further, by saying that the American public should be engaged. It is Fallows' position that the public has not been engaged, nor have they been made to feel a part of the process so that they could understand hard facts. He states in his book that the press has a duty to report the truth even if they have to go against public opinion. We as a society are not getting those truths reported.

Unfortunately, this particular Senator takes issue with the idea about the public being engaged. The public knows, and they want to be disengaged. They get this all "spew time" on the 7 o'clock news, they get this all spew time in the magazines, the daily press, and the media. It is a deluge. All they hear from us is this preelection off-Broadway show on the floor of the national Congress complete with charts.

The little tidbit of the moment this morning is that Medicare is going broke in the year 2001. So what has changed? That was the report when President Clinton took office. It was going broke in the year 2001. He extended—oh, they do not want to say that—he extended it into 2002; 1993 was his first assault on Medicare spending, because, yes, we not only cut spending $500 billion, we not only increased taxes some $240 billion, but we cut Medicare $57 billion without a Republican vote.

They came in here with these tremendous tax cuts, which, unfortunately, my friend, Stevie Forbes, has the Republican nominee talking about now. I hope he does not go overboard with that nonsense. Because I can report to you exactly where that nonsense started. Here it goes again.

I want to include, Mr. President, an article from the New Perspectives Quarterly of March 22, 1993, by none other than David A. Stockman, the daddy rabbit of Reaganomics.

I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From New Perspectives Quarterly, Mar. 22, 1993]

AMERICA IS NOT OVERSPENDING; NORTH AMERICA: THE BIG ENGINE THAT COULDN'T

(By David A. Stockman)

David A. Stockman Director of the Office of Management and Budget from 1981 to 1985, during the first years of the "Reagan Revolution," David Stockman left office amid the lingering controversy caused by his revelations in the Atlantic magazine about the internal Administration politics which, Stockman said, would result in untenable deficits.

Stockman's memoirs of those years are entitled A Triumph of Politics: How the Reagan Revolution Failed. He is currently a General Partner at the Blackstone Group, a New York investment house.

President Clinton's economic plan deserves heavy-duty criticism—particularly the $190 billion worth of new boondoggles through FY1998 that are euphemistically labelled "stimulus" and "investment" programs. But on one thing he has told the unvarnished truth. There is no way out of the elephantine budget deficits which have plagued the nation since 1981 without major tax increases.

In this regard, the full-throated anti-tax war cries emanating from the GOP since February 17 amount to no more than deceptive gibberish. Indeed, if Congressman Newt Gingrich and his playmates had the parental supervision they deserve, they would be sent to the nearest corner wherein to lodge their Pinocchio-sized noses until this adult task of raising taxes is finished.

The fact is, we have no other viable choice. According to the Congressional Budget Office (CBO) forecast, by FY1998 we will have practical full employment and, also, nearly a $400 billion budget deficit if nothing is done. The projected red ink would amount to five percent of GNP, and would mean continuing Treasury absorption of most of our meager net national savings through the end of the century. This is hardly a formula for sustaining a competitive and growing economy.

The root problem goes back to the July 1981 frenzy of excessive and imprudent tax-cutting that shattered the nation's fiscal stability. A noisy faction of Republicans have willfully denied this giant mistake of fiscal governance, and their own culpability in it, ever since. Instead, they have incessantly poisoned the political debate with a mindless stream of anti-tax venom, while pretending that economic growth and spending cuts alone could cure the deficit.

It ought to be obvious by now that we can't grow our way out. If we should happen to realize CBO's economic forecast by 1998, wouldn't a nearly $400 billion deficit in a full employment economy 17 years after the event finally constitute the smoking gun?

To be sure, aversion to higher taxes is usually a necessary, healthy impulse in a political democracy. But when the alternative becomes as self-evidently threadbare and groundless as has the "growth" argument, we are no longer dealing with legitimate skepticism but with what amounts to a demagogic fetish.

Unfortunately, as a matter of hard-core political realism, the ritualized spending cut mantra of the GOP anti-taxers is equally vapid. Again, the historical facts are overwhelming.

Ronald Reagan's original across-the-board income tax cut would have permanently reduced the federal revenue base by three percent of GNP. At a time when defense spending was being rapidly pumped up, and in a context in which the then "conservative" congressional majority had already decided to leave 90 percent of domestic spending untouched, the Reagan tax rate cut alone would have strained the nation's fiscal equation beyond the breaking point. But no one blew the whistle. Instead, both parties succumbed to a shameless tax-bidding war that ended up doubling the tax cut to six percent of GNP—or slashing to nearly one-third the permanent revenue base of the United States government.

While delayed effective dates and phase-ins postponed the full day of reckoning until the late 1980s, there is no gainsaying the fiscal carnage. As of August, 1981, Uncle Sam had been left to finance a 1980s-sized domestic welfare state and defense build-up from a general revenue base that was now smaller relative to GNP than at any time since 1940!

In subsequent years, several "mini" tax increase bills did slowly restore the Federal revenue base to nearly its post-war average share of GNP. The $2.5 trillion in cumulative deficits since 1981, however, is not a product of "over-spending" in any meaningful sense of the term. In fact, we have had a rolling legislative referendum for 12 years on "appropriate" Federal spending in today's society—and by now the overwhelming bi-partisan consensus is crystal clear.

Cash benefits for Social Security recipients, government retirees and veterans will cost about $500 billion in 1998—or six percent of prospective GNP. The fact is they also cost six percent of GNP when Jimmy Carter came to town in 1977, as they did when Ronald Reagan arrived in 1981, Bush in 1989 and Clinton in 1993.

The explanation for this remarkable 25 years of actual and prospective fiscal cost stability is simple. Since the mid-1970s there has been no legislative action to increase benefits, while a deep political consensus has steadily congealed on not cutting them, either. Ronald Reagan pledged not to touch Social Security in his 1984 debate with Mondale; on this issue Bush never did move his lips; and Rep. Gingrich can readily wax as eloquently on the "sanctity" of the nation's social contract with the old folks as the late Senator Claude Pepper ever did.

The political and policy fundamentals of the $375 billion prospective 1998 cost of Medicare and Medicaid are exactly the same. If every amendment relating to these medical entitlements which increased or decreased eligibility and benefit coverage since Jimmy Carter's inauguration were laid end-to-end, the net impact by 1998 would hardly amount to one to two percent of currently projected costs.

Thus, in the case of the big medical entitlements, there has been no legislatively driven "overspending" surge in the last two decades. And since 1981, no elected Republican has even dared think out loud about the kind of big changes in beneficiary premium costs and co-payments that could actually save meaningful budget dollars.

To be sure, budget costs of the medical entitlements have skyrocketed—but that is because our underlying health delivery system is ridden with inflationary growth. Perhaps Hillary will fix this huge, systemic economic problem. But until that silver bullet is discovered, there is no way to save meaningful budget dollars in these programs except to impose higher participation costs on middle and upper income beneficiaries—a move for which the GOP has absolutely no stomach.

Likewise, the "safety net" for the poor and price and credit supports for rural America cost the same in real terms—about $100 billion—as they did in January, 1981. That is because Republicans and Democrats have gone to the well year after year only to add nickels, subtract pennies, and, in effect, validate over and over the same "appropriate" level of spending.

On the vast expanse of the domestic budget, then, "overspending" is an absolute myth. Our post-1981 mega-deficits are not attributable to it; and the GOP has neither a coherent program nor the political courage to attack anything but the most microscopic spending marginalia.

It is unfortunate that having summoned the courage to face the tax issue squarely, President Clinton has clouded the debate with an excess of bashing the wealthy and an utterly unnecessary grab-bag of new tax and spending giveaways. But that can be corrected in the legislative process—and it in no way lets the Republicans off the hook. They led the Congress into a giant fiscal mistake 12 years ago, and they now have the responsibility to work with a President who is at least brave enough to attempt to correct it.

(Mr. ASHCROFT assumed the chair.)

Mr. HOLLINGS. Mr. President, I thank the distinguished Chair. The entire article is there, but let me just read this paragraph. How did this all get started, that chart of yours—if you want to know where that chart started, it did not start under President Clinton. He has reduced the deficit.

He has reduced the deficit. The debt they show on that chart that goes from less than $1 trillion on up to over $5 trillion occurred under you and me. And I quote:

> The root problem goes back to the July 1981 frenzy of excessive and imprudent tax cutting that shattered the Nation's fiscal stability. A noisy faction of Republicans have willfully denied this giant mistake of fiscal governance and their own culpability in it ever since. Instead they have incessantly poisoned the political debate with a mindless stream of antitax venom while pretending that economic growth and spending cuts alone could cure the deficit. It ought to be obvious by now that we can't grow our way out.

So much for growth, so much for tax cuts, so much for the ying-yang of entitlements. They had in the Atlantic Monthly this past issue an article by my friend Peter Peterson, former Secretary of the Treasury as well as in the Department of Commerce, and eminent fiscal expert. But he says the father of all unfunded mandates is Social Security and Medicare.

It's absolutely ridiculous when you get the best of the best talking that nonsense. Social Security has a surplus of $520 billion. Medicare has a surplus of $130 billion according to the April 30 Treasury report. So we have surpluses that they would call unfunded mandates. This misconception is followed by Time Magazine saying that the biggest thing causing the deficit is these runaway entitlements. All absolutely false.

What is in deficit, Mr. President, is the general Government. There is one big sham, one big fraud that is going on here in the National Government. And the people are enraged because they know about it. They are paying more and getting less Government. And, of course, the pollsters are off on that bit about get rid of the Government, get rid of the Government, get rid of the Government. The Government is not the solution; the Government is the enemy.

The fact is that we can spend money and save money, but these interest costs on the debt keep going up and away. Payment is required just like taxes. They say two things you cannot avoid are death and taxes. The third thing is interest costs on the debt. They are interest taxes going up on automatic pilot. As we talk today, while we talk, it will go up another billion bucks. And what is broke today is the Government, not the entitlements.

Now, I commend my distinguished friend from Nebraska, BOB KERREY, and the former Senator from Missouri, JACK DANFORTH. I voted for the Kerrey amendment to the budget resolution because, yes, I agree we have to get a bridle on this animal. We are going to have to gradually raise the retirement age. We are going to have to consider other changes such as holding up on the COLA's.

I have voted for a COLA freeze in the past. I have proposed budget freezes. I have proposed automatic spending cuts across the board. I have even proposed increasing taxes to reduce the deficit. But, Mr. President, you cannot get it now from this group. They are the ones who do not want to pay for Government. And they have the audacity to come here with these runaway spending programs and ridiculous allegations that the President is against defense. It is all a political act. They know he is oversensitive about defense and that he is going along with what the Joint Chiefs want.

I was with Danny Graham. I got the first SDI award. Do not tell me about SDI and its support. I still support it. But after spending almost 90 billion bucks and having nothing to show for it, now is the time to stop, look, and listen and move in a measured way, as the distinguished Senator from Georgia, SAM NUNN, says to do and the Joint Chiefs say to do. But instead of being practical, they give us political theatre. And this particular constitutional amendment is another act where they try to make the President look bad for not being able to get the Democrats' vote.

Come on. The President did not get my vote on GATT. He did get my vote on NAFTA. I have a lot of things on which he is not going to get my vote. What are you talking about, get the vote.

But the Republicans can get HOLLINGS' vote in a flash if they protect Social Security. Just put in section 7 that Social Security funds are excluded. Why not write what the law requires and what we all say should be done to give the children and grandchildren a sense of trust, reliance, and respect for Government. There is no such thing as a unified budget with Social Security. By law Social Security is off-budget. But now they put in the constitutional amendment these different statements here.

Some may ask, what does the Senator from South Carolina want? Everybody knows, or should know, that the Senator from South Carolina works in a bipartisan fashion. This Senator, you are looking at him, got the only bipartisan thing done in the last 2 years, the telecommunications bill. I know it. The public knows it. I worked for 4 years on that. We worked with the Republicans and Democrats and we got 91 votes, 91 of the Senators on the floor. So I know how to work in a bipartisan way.

In fact, I worked with President Johnson to balance the budget in a bipartisan way. But when President Reagan came to town with the so-called Kemp-Roth tax cut, I knew we were headed for the pits. I knew it. Senator DOLE knew it. I can show you his statements critical of Kemp-Roth. He was not any supply-side chairman of Finance. He knew better. Senator Howard Baker, the majority leader, sat right down there at that first desk and he shrugged his shoulders and said this is a riverboat gamble. You did not get elected to come up here and gamble like a riverboat gambler. And I will not go along with it.

Vice President George Herbert Walker Bush called it "voodoo." How in Heaven's name can you cut your revenues, increase all your spending for defense, as elicited by Warren Rudman in his recent book, and expect a balanced budget? Who is that stupid? We continue to practice pollster-driven politics and focus on hot-button issues. But the public knows better.

So I voted against Reaganomics. I voted for the spending cuts. I voted for the tax increases. And I want to correct the record in that Rudman book, which I have a little time to do. The inference is, in that first chapter, that Senator HOLLINGS had some doubts about Gramm-Rudman-Hollings and later asked for a divorce. It implies that I acted like I was just along for the ride.

Let me tell you now, the Senator from South Carolina worked in a bipartisan fashion like a dirty dog, over the objection of the Democratic majority leader, over the objection of the Democratic chairman of the Budget Committee. On 14 votes, up or down, we got a majority of Democrats to vote for across-the-board spending cuts of Gramm-Rudman-Hollings: $36 billion a year.

Incidentally, I helped write Gramm-Rudman-Hollings. I used this budget tool as Governor. I got a balanced budget. I got the first triple-A credit rating. The distinguished former Governor and occupant of the Chair knows what I mean. We do not have a triple-A credit rating in the great State of South Carolina now. I got it. It has been lost. So I know how hard it is to work and get from Standard & Poor's a triple-A credit rating. I did it with a rule we had in the legislature of automatic cuts across the board, and that is all Gramm-Rudman-Hollings was. If you did not meet the target of spending cuts, then the law did it for you.

You could see the maneuvering and extension of a year and extension again of another year. So, 1987 we were still serious, eight of us, in a bipartisan fashion. I am qualifying myself as a witness. With six Democrats and two Republicans, Senator Boschwitz and Senator Danforth, myself and others, we voted for a value-added tax of 5 percent to eliminate the deficit and the debt. We knew we needed spending cuts. We knew we wanted Gramm-Rudman-Hollings. We knew we had to cut the size of the Federal Government. We knew we had to have spending freezes. But we also realized in that vote—and it was after a very serious, studied debate in the Budget Committee—that balancing the budget also required increasing revenues.

I appeared before the Finance Committee. I have testified twice. I met with the expert, Dr. Cnossen, who knows all about VAT's. I later met with the then-chairman, Senator Moynihan of New York, of the Finance Committee, and I am willing to appear again. I have introduced my legislation again in this Congress because I know you cannot possibly get a balanced budget without also raising revenues.

The way they have been doing it is, No. 1, rob the trust funds, not just Social Security to the tune of $1.2 trillion. They have the highway trust funds, and the House crowd just acted to take the transportation trust funds off-budget. They said, "Wait a minute, you are taking our highway funds." They said, "Wait a minute, you are taking our airport improvement moneys," to make the airports safe and everything else of that kind, "and using it on foreign aid, or welfare, or defense, or whatever. You are not spending it for its purpose."

So the House is has acted on that measure. But there are still other trust funds: They are using military pension surpluses, they are using civil service pensions, and everything else of that kind, to the tune right now of $1.2 trillion. So, we put forth, in a bipartisan fashion, a value-added tax. Then, in a bipartisan fashion, we enacted section 13301 to protect Social Security.

Thereafter, in April 1991, we wanted to answer the catcall that we heard from some Members on this side and on the other side of the aisle about the annual surpluses in Social Security. The distinguished Senator from New York, Senator MOYNIHAN, Senator KASTEN of Wisconsin, and myself, we offered an amendment to cut—what; taxes? Social Security payroll taxes.

We had the argument about the payroll taxes. I do not know why they are talking about cutting taxes again, just in time for the 1996 election. Why don't they look at how the distinguished Senator from Kansas voted back in 1991. He could have cut Social Security taxes, and supported truth in budgeting. We offered that amendment in April 1991, in a bipartisan fashion, and we got voted down.

Now, they have the audacity to come here, at this particular time, and talk on and on and on about who is for deficits. Let me be categorical about this. I know what President Reagan did, because I put into the RECORD the statement made by none other than the Director of his Office of Management and Budget, David Stockman. I was there and I saw it. I said, man, if this thing works, we can all go back home. Every Governor will start cutting his revenues. Go to the mayor of the city. I wish you would go back to your mayor wherever you live and say we have a new way of doing things. What we ought to do is cut your revenues. But cut your revenues 25 percent and see what your bond rating is then. You will have to lay off your firemen and policemen and everything else like that, and you will get run out of the mayor's office.

Try that on as a Governor. They try to give these tired arguments a kind of dignity and bring out charts and everything else. They claim they need a $500 or $600 billion cut to get the economy moving, but then they have Greenspan trying to hold growth down to 2.5 percent.

We could take care of a lot of deficits here if we had more growth, but that is another debate. The fact of the matter is, they come out with all of these things about tax cuts, getting rid of the 4.3-cent gasoline tax added in 1993, $30 billion over those years. I voted for it. It is working. In fact, we know the price of gasoline went down after we put on the tax.

It is the fourth quarter in the Presidential race. They are throwing the bomb, anything to bring the candidate alive, anything to bring the candidate alive—actually changing his entire congressional record of fiscal responsibility. You have him now for growth where he was not before. You have now for tax cuts when he was for tax increases and voted for and supported them and led the way for fiscal responsibility. You have him going along with any kind of thing to satisfy some small group that they have there—even assault weapons, I think.

Anybody knows you cannot let assault weapons be used around this country. Come on. But now they want to court another particular group in the polls, so they pick another hot-button item, and try to complete a long pass play.

Welfare reform—let it be shown that on welfare, we have worked and worked hard and had a good record. But then they wanted to abandon the children. I think it is on course again now, so I will not say any more, but I would be glad to get into that debate, because you cannot immediately save money by putting people to work, instituting an employment program, instituting day care, transportation and all these other things.

In the outyears you might, hopefully, get them off welfare, and I would go along with that and want to support it. But in the meantime, let us not continue to attack children's programs to the tune of $60 billion and then in the same breath say, Let's have $60 billion for SDI, because we've put "Defend America" in the title of the bill.

The time is now, Mr. President, to rebuild the strength of our economy. Our Nation's strength is like a three-legged stool. We have the one leg of values as a nation. That is strong. We feed the hungry in Somalia. We help develop democracy in Haiti. We commit troops for peace in Bosnia. We stand for freedom around the world and for this Americans are willing to sacrifice. The values leg is strong.

The second leg of military is unquestioned.

The third leg that is fractured and almost causes us to topple is the economic leg, and that is easily understood. For 50 years now, in trying to spread capitalism, defeat communism, spread democracy the world around, we sacrificed our economy. I have had many a debate on textiles. Others have had it on steel and iron and different manufacturing. The truth is that Japan is a larger manufacturing nation than the United States of America. The truth is, we have been blindsided. Read "Blindside" by Eamon Fingleton.

Now is the time to start rebuilding our Nation's health. Let's start with those on welfare and, more than anything else, yes, let's continue this initiative for children because in the long run, it will save us money. I wrote a book on hunger. I worked to establish the women, infants and children feeding program or WIC. You cannot rebuild a strong America by denying the infants and expectant mothers access to nutritional programs. For every dollar we spend in WIC, we save $3.

You are not going to build a strong America by denying Head Start to 5- and 6-year-olds. For every dollar we put in to Head Start, we save $4.25.

We are not going to build a strong America by denying school lunches to the 6- and 7-year-olds.

We are not going to build a strong America by denying title I to the disadvantaged 9- and 10-year-olds.

You are not going to build a strong America by denying summertime jobs.

You are not going to build a strong America by denying student loans for youngsters, 16-year-olds, to go to college.

These are the programs we are cutting, and meanwhile we are all talking about who is really telling the truth, who is really for reducing the deficit, who is really for a balanced budget, and we go through this silly act. People blame both sides, and they should blame both sides. That is why the American public does not turn out in force for national elections.

Now is the time to get real. Cut out the balanced budget amendments and let's balance the budget. Give it to us, and I will support it, I will go to conference. As a former chairman of the Budget Committee, I will work in a bipartisan fashion. We can balance this budget. It is going to be tough, but we will all have to work together to do it. We can't afford to keep turning it into Presidential political headlines.

It goes without saying that these particular budgets have never been balanced.

Mr. President, I ask unanimous consent a letter from June O'Neill of October 18 to the distinguished chairman of the Budget Committee be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL BUDGET OFFICE,
October 18, 1995.

Hon. PETE V. DOMENICI,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed the legislation submitted to the Senate Committee on the Budget by eleven Senate committees pursuant to the reconciliation directives included in the budget resolution for fiscal year 1996 (H. Con. Res. 67). CBO's estimates of the budgetary effects of each of those submissions have been provided to the relevant committees and to the Budget Committee. Based on those estimates, using the economic and technical assumptions underlying the budget resolution, and assuming the level of discretionary spending specified in that resolution, CBO projects that enactment of the reconciliation legislation submitted to the Budget Committee would produce a small budget surplus in 2002. The effects of the proposed package of savings on the projected deficit are summarized in Table 1, which includes the adjustments to CBO's April 1995 baseline assumed by the budget resolution. The estimated savings that would result from enactment of each committee's reconciliation proposal is shown in Table 2.

As you noted in your letter of October 6, CBO published in August an estimate of the fiscal dividend that could result from balancing the budget in 2002. CBO estimated that instituting credible budget policies to eliminate the deficit by 2002 could reduce interest rates by 150 basis points over six years (based on a weighted average of long-term and short-term interest rates) and increase the real rate of economic growth by 0.1 percentage point a year on average, compared with CBO's economic projections under current policies. CBO projected that the resulting reductions in federal interest payments and increases in federal revenues would total $50 billion in 2002 and $170 billion over the 1996–2002 period. Those projections were based on a hypothetical deficit reduction path developed by CBO. The deficit reductions estimated to result from the reconciliation legislation submitted to the Budget Committee, together with the constraints on discretionary spending proposed in the budget resolution, would likely yield a fiscal dividend similar to that discussed in the August report.

If you wish further details on this projection, we will be pleased to provide them.

Sincerely,

JUNE E. O'NEILL,
Director.

Mr. HOLLINGS. Mr. President, that letter of October 18, 1995, said that we produce a small budget surplus with this 1996 budget we are under. But, Mr. President, when reminded of the law—do you think you have to remind a trust officer in a bank of the law? Do you think a director of the Congressional Budget Office has to be reminded of the Budget Act on Social Security?

I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, October 20, 1995.

Hon. KENT CONRAD,
U.S. Senate,
Washington, DC.

DEAR SENATOR: Pursuant to Section 205(a) of the budget resolution for fiscal year 1996 (H. Con. Res. 67), the Congressional Budget Office provided the Chairman of the Senate Budget Committee on October 18 with a projection of the budget deficits or surpluses that would result from enactment of the reconciliation legislation submitted to the Budget Committee. As specified in section 205(a), CBO provided projections (using the economic and technical assumptions underlying the budget resolution and assuming the level of discretionary spending specified in that resolution) of the deficit or surplus of the total budget—that is, the deficit or surplus resulting from all budgetary transactions of the federal government, including Social Security and Postal Service spending and receipts that are designated as off-budget transactions. As stated in the letter to Chairman Domenici, CBO projected that there will be a total-budget surplus of $10 billion in 2002. Excluding an estimated off-budget surplus of $115 billion in 2002 from the calculation, CBO would project an on-budget deficit of $105 billion in 2002. (The letter you received yesterday incorrectly stated these two figures.)

If you wish further details on this projection, we will be pleased to provide them. The staff contact is Jim Horney, who can be reached at 226–2880.

Sincerely,

JUNE E. O'NEILL.

Mr. HOLLINGS. October 20, 1995, to the Honorable KENT CONRAD.

Dear Senator: After taking Social Security off budget—

Actually, the budget projected would have a deficit of $105 billion. We might get that truth out. We fought to get adherence to that law. We put up an amendment, and we cannot get support for it. But we continue to put up that amendment and everything else to say we want a balanced budget.

I have worked in the vineyards for 30 years for a balanced budget up here. I got one back when I was Governor of my State, and I will go along with you, but just do not move deficits. Let's eliminate deficits. Let's not move the deficits from general Government over to Social Security putting it in debt $1.100 trillion by the year 2002. All you have to do is add "Social Security trust fund" where you say, "except for borrowed funds." "Except for borrowed funds from the Social Security trust fund."

That is all it is, a little language. They do not want to do it, because the truth hits them in the face when they go around the corner. If they put that in a constitutional amendment, there is no way in the world that they can produce a balanced budget without increasing taxes.

Their political singsong is, "We can just balance the budget. We're conservatives, and they're spending us blind, and the liberals there, they want to continue spending and all we need is spending cuts and you can eliminate the Government."

Mr. President, with $267 billion in domestic spending eliminated and with the $344 interest cost increase, you would still have a deficit. Do not just cut—eliminate. Eliminate Commerce or housing or energy or education. Eliminate Interior, eliminate the Justice Department, get rid of the FBI, the DEA, the Border Patrol and just eliminate it all, and you still have a deficit.

That is the dilemma we are in. Today's problems are not entitlements. It is not Social Security and AARP. My distinguished friend from Wyoming comes in here and says there is no trust fund. Well, that is his view. But in the view of the Congress and under his vote, there is a trust fund. Under the recommendation of the Greenspan commission, we put it off budget. Since 1990, we have had it formally in the law and they now want to repeal the law with section 7 of this particular constitutional amendment.

Mr. President, thank heavens for the sobriety of the Members on this side who have dutifully written a letter saying, Dear Mr. DOLE: Just go along with the protection under the law that we have in section 13301 of the statutory laws of the United States of America and you've got us five and you can pass a constitutional amendment in a flash.

They do not want a constitutional amendment. They want to get the credit, but they do not want to get the duty and responsibility. It is an absolute fraud, and they know it.

I retain the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. COATS. Mr. President, I yield 10 minutes to the distinguished Senator from South Carolina.

Mr. THURMOND. I thank the able Senator.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, I rise today in support of the motion to reconsider House Joint Resolution 1, the balanced budget amendment. Last year, the House acted with wide bipartisan support as it adopted the balanced budget amendment by a vote of 300 to 132. Unfortunately, last year in the Senate, we fell 1 vote short of the 67 votes needed for final passage. Now, we have an opportunity to do the right thing and adopt this proposal.

Mr. President, mandating balanced Federal budgets is not a new idea. The first constitutional amendment to balance the budget was proposed in 1936 by Minnesota Representative Harold Knutson. During World War II the attention of the Nation was distracted from efforts to secure annual balanced budgets, although Senator Tydings and Representative Disney introduced several balanced budget amendments during that period.

Following World War II, a Senate joint resolution on balanced budgets was introduced by Senators Tydings and Bridges and reported out by the Committee on Appropriations in 1947 but received no further action. During the 1950's, an increasing number of constitutional initiatives for balanced budgets came to be introduced regularly in Congress. It was during that time that I supported legislation such as that offered by Senators Bridges, Curtis, and Harry Byrd to require the submission by the President of an annual balanced budget and to prevent Congress from adjourning without having enacted such a budget. No action was taken on these measures. Yet, since the beginning of the 84th Congress in 1955, an average of four constitutional amendments to require a balanced Federal budget have been proposed during each Congress. There was little substantive action in the 1960's and 1970's on our proposals. But finally, in 1982 while I was chairman of the Judiciary Committee, the Senate passed a balanced budget amendment which I authored. Our victory was short-lived, however, because the Speaker and the majority leader at that time led the movement to kill it in the Democrat-controlled House of Representatives. That was our high water mark as we fell one vote short in 1986, four votes short in 1994, and one vote short last year. This is our final opportunity this year to deliver to the American people a balanced budget amendment.

Mr. President, simply stated, this legislation calls for a constitutional amendment requiring that outlays not exceed receipts during any fiscal year. Also, the Congress would be allowed by a three-fifths vote to adopt a specific level of deficit spending. Further, there is language to allow the Congress to waive the amendment during time of war or imminent military threat. Finally, the amendment requires that any bill to increase taxes be approved by a majority of the whole number of both Houses.

This legislation would provide an important step to reduce and ultimately eliminate the Federal deficit. The American people have expressed their strong opinion that we focus our efforts on reducing the deficit. Making a balanced budget amendment part of the Constitution is appropriate action for addressing our Nation's runaway fiscal policy.

Over the past half-century, the Federal Government has become jeopardized by an irrational and irresponsible pattern of spending. As a result, this firmly entrenched fiscal policy is a threat to the liberties and opportunities of our present and future citizens.

The national debt is over $5.1 trillion. Today, the payment of interest on the debt is the second largest item in the budget. That accounts for the estimate that this year it will take over 40 percent of all personal income tax receipts to pay the interest on the debt.

Mr. President, the tax dollars that go to pay interest on the debt are purely to service a voracious Federal appetite for spending. Payment of interest on the debt does not build roads, it does not fund medical research, it does not provide educational opportunities, it does not provide job opportunities, and it does not speak well for the Federal Government. Payment of interest on the debt merely allows the Federal Government to carry a debt which has been growing at an alarming rate. It is deficit spending which has brought us to these crossroads. Congress has balanced the Federal budget only once—I repeat, only once—in the last 36 years and only 8 times in the last 64 years. A balanced budget amendment as part of the Constitution will mandate the Congress to adhere to a responsible fiscal policy.

The American businessmen and businesswomen have become incredulous as they witness year in and year out the spending habits of the Congress. Anyone who runs a business clearly understands that they cannot survive by continuing to spend more money than they take in. It is time the Federal Government abides by this simple yet compelling principle.

For many years, I have believed, as have many Members of Congress, that the way to reverse this misguided direction of the Federal Government's fiscal policy is by amending the Constitution to mandate, except in extraordinary circumstances, balanced Federal budgets. The Congress should adopt this proposal and send it to the American people for ratification. The balanced budget amendment is a much needed addition to the Constitution and it would establish balanced budgets as a fiscal norm, rather than a fiscal abnormality.

Mr. President, the tax burdens which today's deficits will place on future generations of American workers is staggering. Future American workers are our children and our children's children. We are mortgaging the future for generations yet unborn. This is a terrible injustice we are imposing on America's future and it has been appropriately referred to as fiscal child abuse.

Our third president, Thomas Jefferson, stated, and I quote:

> The question whether one generation has the right to bind another by the deficit it imposes is a question of such consequence as to place it among the fundamental principles of government. We should consider ourselves unauthorized to saddle posterity with our debts, and morally bound to pay them ourselves.

That is a quote of Mr. Thomas Jefferson.

Mr. President, it is time we show the fiscal discipline advocated by Thomas Jefferson and adopt a balanced budget amendment. Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senate from Georgia.

Mr. COVERDELL. Mr. President, I, of course, rise in support of passage of the balanced budget amendment to the Constitution. I enjoyed very much listening to the remarks of the distinguished senior Senator from South Carolina as he outlined the benefits and the necessities of passing a balanced budget amendment to the Constitution.

You know, one of the things that leaves me perplexed about this entire debate is the fact that what we are talking about here is having the Congress ratify and send to the States the opportunity to engage in a broad national debate with regard to the passage of a balanced budget amendment. Those who rise in opposition seem to want to prevent the several States from engaging in this very valid, very important national debate. For myself, I have total confidence that the States deserve and need and will appropriately manage this debate.

Remember, for it to become a true amendment to the Constitution it will require that three-fourths of those States ratify this concept. So this concept will not come into place without massive public attention in all of the 50 States.

Surely, if three-fourths of the States conclude this is the right thing to do, then, indeed, it is the right thing to do. Yet those on the other side do not want it to get to the States. They want to lock it down here, very repeatedly, in Washington, whereas we have just heard in the last 36 years we have had 35 budgets that were not balanced, and one that was, which is, of course, why the vast majority of Americans understand and know that we need this discipline, that the wise founder Thomas Jefferson warned us about. We need this provision of discipline in the Constitution.

I do not know how much evidence it takes. You count them off, 36 years, and we balanced the budget once, and 35 times we failed to do so, might suggest to the average American that something is a little bit out of whack, a little bit out of whack, and they are paying, oh, are they paying the price for it.

I see my colleague from Indiana is on the floor and I will yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, once again we are debating the balanced budget. We should not, any longer, be debating the balanced budget. We should be living by a balanced budget. Americans have lost their patience with this endless, fruitless process of debating the issue and our failure to achieve the issue. The question now before us, again, is simple: How do we finally make this commitment real, make it lasting, and make it binding?

The Democrats have argued—and I am not referring to the 13 Democrats that supported this effort in that close, almost historic vote that took place over a year ago; I am referring to Democrats because no Republicans are arguing against a balanced budget in this debate—Democrats have argued in the past that a balanced budget amendment is unnecessary. "Let's not amend the Constitution," they say, "just simply balance the books ourselves." Last year, during debate on this amendment, the minority leader stated, "The budget is not going to be balanced in 2002 unless the responsible people in 1995 start to focus on their share of the work." Senator KERREY added, "Let Senators get to work to show Americans we have the courage this amendment presumes that we lack."

Now, that argument had some credibility when we made this debate in 1995, although it has been argued now for more than a decade, but it did have some credibility at the time. It is our responsibility. It is our job to keep the Nation's fiscal house in order and to not spend more than we take in. Of course, we fail in that job year after year after year and there is always another excuse, there is always another program that needs to be preserved. There is always an argument why we cannot do it now.

Today, that argument does not have credibility. Democrats, both the President and Members of Congress, have shown little courage and have not lived up to their share of the work. Every tough question, every tough vote we have had, especially on entitlements, has been exploited for partisan advantage. Democrats have talked of balanced budgets, while refusing to pay the cost of courage. It is a cynical display. It is a hypocritical display to say we must go forward on our own, and then put every roadblock in the way to accomplishing what they say we must do.

What lessons have we learned in this past year? If you make hard, necessary choices, the President and Democrat leaders will undermine you. If you carefully and responsibly confront runaway entitlements, they will vilify you. The President and his party are trying to create a Washington culture that rewards cowardice and compromises our future.

What do we do about it? How can we change that culture? How can we require Washington to make the difficult choices and turn our easy words into reliable results? The answer, Mr. President, is a balanced budget amendment to the Constitution. We have simply exhausted all other avenues in arriving at this goal.

We are back where we started. Congress must be mandated to do what it has consistently refused to do. No argument could be more clear and more compelling than our experience of this last few months. If balancing the budget is not a matter of constitutional principle, it will not be accomplished. It must no longer be subject to shifting and cynical political tactics. Our first duty as legislators, to preserve a strong and solvent Nation for the next generation, that commitment should be burned into our conscience and written into our most basic law, the Constitution of the United States or it will not happen.

Once again, we are here and we have the choice to make that happen. The success of this effort will depend on one thing: The President needs to persuade just 2 Democrat Senators to join 13 of their colleagues who voted for the balanced budget last year, to support this attempt at balancing the budget. The outcome is pretty much in his hands. If he refuses to act, he, then, is going to have to share the responsibility of the failure of this Congress to address what I believe is one of the most fundamental issues of our time. This is not a normal, everyday political debate we are engaged in. It concerns the very first principles of American Government and one of the most basic principles of morality. Endless debt is not just a drag on our economy, it is a burden on our national conscious.

I have quoted Thomas Jefferson on this topic before but his argument is worth hearing again:

> The question of whether one generation has the right to bend another by the deficit it imposes is a question of such consequence as to place it among the fundamental principles of government. We should consider ourselves unauthorized to saddle posterity with our debts, and be morally bound to pay them ourselves.

Let me repeat that: Thomas Jefferson said, a long time ago, but it holds true today in a way that it never has before.

> We should consider ourselves unauthorized to saddle posterity with our debts, and be morally bound to pay them ourselves.

What we are debating here is one of the most important and one of the most basic moral commitments between generations. It has always been one of our highest ethical traditions for parents to sacrifice for the sake of their children. It is the depth of selfishness to call on children to sacrifice for the sake of their parents. It violates a trust and it betrays a duty. When Americans view our actions, they see past the numbers to a set of principles. They see more than a matter of right and left. They see a matter of right and wrong.

One thing is increasingly obvious: We will not reliably consistently balance our budget until the Constitution requires it. The tug of quick political benefit is still too strong. The voice of vested interests is too loud. Buying votes by placing burdens on the future is still too easy. This amendment will force us, as a Congress, to make a choice. Will we preserve our ability to run up deficits or will we part with this destructive power once and for all?

Never has the choice been more stark or more important. It is the difference between false promises and real commitments. It is the difference between public relations and public accountability. We will never be restrained until we formally and forcefully restrain ourselves.

President Clinton's current budget is example No. 1, a case in point. It is a political charade, not a serious budget plan. It increases discretionary spending every year until 2001 and 2002—conveniently beyond the time when President Clinton will no longer be President. That is when he proposes to cut his spending level by $67 billion. Everybody knows this is absurd. It is an absurd proposal to say we will not make the hard choices, but we will force them onto the next President.

Such cuts in those outyears, after Bill Clinton has retired to Hope, AR, will be impossible. They will be too sudden and too steep—in education, the environmental, and veterans programs. But President Clinton does not mind, because all the tough decisions would be made on someone else's watch. It is another shining example of the Washington culture of cowardice.

The time for these kinds of gimmicks and maneuvers is over. Americans have been disappointed too often. We have the ability to clear away decades of decision with one clear, sincere, moral commitment—that is, that we will no longer steal from the future, that we will pass a balanced budget amendment to the Constitution, we will leave a legacy to our children other than a monumental debt. We will leave them a legacy of courage and responsibility.

What Member wants to serve in this body and leave here looking back, having had the opportunity, but failed, to rectify this extraordinary imbalance in our Nation's fiscal affairs? What Member wants to think back on their time, as they have been privileged to serve in the U.S. Senate, and say, well, I was there, I had an opportunity to deal with one of the most fundamental, important issues this Nation has ever faced, to set a legacy for the future that will determine the prosperity and posterity for our children and grandchildren and generations to follow; yet, I passed on that opportunity because, you see, I did not want to make that a mandatory effort. I did not want to make us bound to fulfill that promise because the situation might change, or a program that I really favored might be impacted. And so, therefore, we put it off until the future, and we will ask the next Congress, or the next President to deal with that problem, and we forfeited our ability to deal with it now.

I do not want to have that as my legacy. But we have been talking about this ever since I have been here. There has always been an excuse not to go forward. There has always been some reason. As soon as we address the reason of the moment that is put up, then another one is raised. There is always a reason why we cannot go forward. We are just a few votes away from beginning that legacy.

The President, in his rhetoric, has supported balanced budgets again and again. Now he can prove himself a partner or partisan. It is his choice. I hope he will pressure his own party to support a constitutional amendment that nearly 83 percent of the American public supports. I hope he will abandon unfair attacks on the people making the hard, necessary, and courageous budget choices. I hope he will begin to bargain in good faith for a change. I hope for all these things, Mr. President. Unfortunately, I am not confident that we will see any of them, and that is a shame because it is a missed opportunity that may not come again. and I expect the American public, in just 5 months, will remember.

The moment has come to send a balanced budget amendment to the States. Let us begin a national debate, in every State legislature in this country. Americans have waited decades for this opportunity. And they have waited long enough.

Mr. COVERDELL. Will the Senator yield for a moment?

Mr. COATS. I am happy to yield.

Mr. COVERDELL. The Senator has very eloquently described the responsibility, through the Thomas Jefferson quote, that each generation has for the future, and that any time a generation consumes the future's resources for their own satisfaction, they are abrogating the freedom of the future.

My question is this: Is it not true that if we were successful in passing a balanced budget amendment to the Constitution requiring balanced budgets, there would be immense benefits for the present, that interest rates would drop, job lines would be shorter, there would be new businesses, and that the net effect would be that an average family in my State and yours would have the equivalent of making $3,000 to $5,000 of immediate new income in their checking accounts in the form of reduced home mortgages and loans, so that they could get about the business of getting America up, getting it housed and fed and ready to be the leaders of the future?

Mr. COATS. The Senator makes an excellent point and one that has not been made enough. We have a responsibility to future generations. Clearly, the one thing we can do that would most benefit the future of this country, our children and grandchildren, and succeeding generations of Americans, is to enact within the Constitution a responsibility that each of us ought to take on, but we have been unable to take on as a majority. But it will have immense benefits for the present, as the Senator has suggested.

The Federal Reserve Chairman has indicated that if we could put a real balanced budget in place, we can pretty much count on an interest rate reduction of 2 percentage points. And 2 percentage points is an immense economic benefit to the present generation. For all those seeking to buy a new home, it means, over the lifetime of mortgage payments on that home, tens of thousands, if not more, of dollars in their pockets that otherwise would be paid in interest. It means, for those who own a home now and have a mortgage, the opportunity to refinance that home and put money right directly into their pocketbooks, into education for their children, into meeting the needs of their families.

So there is an immediate benefit for all Americans and for American businesses that have to go out and raise the capital to expand, which provides jobs for Americans, and on and on it goes. A number of figures have been thrown out in terms of what this means. A balanced budget over the next 6 years, according to some who have studied this, indicates that it would add to the United States economy $32 billion in real disposable income, $66 billion in new purchases, $88 billion in new investment, and over 100,000 new housing starts. That translates into jobs, jobs, and jobs—real jobs, not minimum wage jobs.

The best thing we can do for people looking for work or seeking to improve their position and their jobs is to jump-start this economy in a way in which we can expand opportunities for Americans to work. Average Americans will save, it is estimated, $2,388 a year on mortgage payments on a house with a $75,000, 30-year mortgage. Those of us who live in urban areas, or occupy areas where housing costs are much higher, obviously, are going to save much more than that. And it would be $1,026 saved over the life of a 4-year car loan. Every 3 or 4 years, we go out to buy a new car. Most Americans do not have the cash to purchase those cars and, therefore, put a 4- to 5-year car loan on it. We are talking about $1,000 or more in the pocket of every American who buys a new car back into their wallet to spend for other purposes, or to save, that they otherwise would pay in interest. And $1,891 interest over the life of a 10-year student loan, for all those parents and families—and I am one of them, as my third child will go off to college in a month and a half—those of us that need to borrow money to help finance that education are going to be borrowing it at lower interest costs, and it will save us the average, over a 10-year student loan, of nearly $2,000.

Add all that up, and it amounts to nearly $75,000 of savings for the average family—that is, raising kids, paying for transportation, putting a mortgage on their house, trying to save some money to send their kids to college to get an education beyond high school. We are talking about real dollars. So the appeal to the American public is not just our moral responsibility and the legacy we leave for future generations for this country, but also direct economic benefits that can flow directly to this economy and to Americans in this generation.

So, Mr. President, the question from the Senator from Georgia is a pertinent and relevant question to this discussion which I want to just briefly address.

Mrs. BOXER. Mr. President, will the Senator yield so I can find out what the time parameters are? As I understand it, at 1 o'clock Senator EXON gets the floor. I ask him if I could have 5 minutes.

Mr. EXON. I am happy to yield 5 minutes to the Senator from California.

Mr. COATS. Mr. President, I will honor that and wrap up my remarks so we can keep some semblance of time.

The PRESIDING OFFICER. Under the previous order, the Senator from Nebraska is to be recognized at 1 o'clock.

Mr. COATS. I thank the Chair for the time.

I thank my friend from Georgia for yielding.

The PRESIDING OFFICER. The Senator from Nebraska.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California is recognized under the time of the Senator from Nebraska.

Mrs. BOXER. Thank you very much, Mr. President. I thank my friend from Nebraska. I am delighted to speak for a brief period of time. I greatly appreciate his yielding me that 5 minutes.

(The remarks of Mrs. BOXER pertaining to the introduction of S. 1837 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mrs. BOXER. Mr. President, I think we are going along the same path on which we have already gone. Do we want to really balance the budget, or do we want a figleaf? Clearly a discussion and vote on a constitutional amendment debate is a figleaf when we can have the real thing. The President was very clear. He said to the Republican leadership, "Please, come into to my office and let us get it done."

Every single Member of this body has voted for a balanced budget, a real one, not a figleaf. I voted for two. I voted for the Democratic plan, and I voted for a bipartisan plan. If those Republicans who were so anxious to have a balanced budget would come over and support the bipartisan plan, we would have a balanced budget. We would not have to have a figleaf. We could have the real thing.

That is important. That is what it would take. It is not up to the President. It is up to this body to come together either around their own plan and get enough votes to do it or around a bipartisan plan. I think that is the issue. The issue is not about a figleaf; it is about reality.

Sometimes I think the public is confused about this because they are told that people oppose an amendment to the Constitution because they do not want to balance the budget. In fact we have had very, very tough votes to do it. You do not need an amendment to the Constitution to balance the budget.

Mr. President, in my remaining time, I hope we get back to the issues that matter to people. No. 1, agreement on a real balanced budget; No. 2, the Kassebaum-Kennedy bill which will protect people who need health care; No. 3, the minimum wage. Then I would like to see us take up pension security, and in the few minutes I have remaining I want to call my colleagues' attention to a front page story in the Wall Street Journal today entitled "Frittered Away—Some workers find retirement nest eggs full of strange assets. Losses can be serious." It goes very painstakingly through a tragedy that has befallen employees of a company headquartered in Texas with many stores in my home State of California which invested about 85 percent of its 401(k) plan assets, which belong to employees. Employees put their hard-earned money into that particular company plan. The employees now find out that the company has gone bankrupt, hundreds of them have lost their jobs, and they may have lost their retirement.

If you want to do something on the floor of the U.S. Senate that impacts the lives of people, get a real balanced budget through, get the Kennedy-Kassebaum legislation through so employees can have health care, so it can be portable, get the pension bill I introduced today through so employees know that the same rules that apply to defined benefit pension plans apply to their 401(k)'s.

The Wall Street Journal article talks about how some employers have taken the hard-earned pension contributions of their employees and put them into worthless investments. Some of them have decorated their offices with these so-called investments. The investments are worth nothing, and the employees are left holding the bag. We can make a very easy change here by applying the same protections to 401(k) plans as we already apply to other plans.

When we are here for 3 days talking about a constitutional amendment to balance the budget, I know the Senator from Nebraska has supported it in the past, but I think he will explain his frustration with this measure. We on the other side want to balance the budget. But the first thing they do is repeal the gas tax and put that money into the pockets of the oil companies. Then they talk about a huge tax cut.

It gets a little frustrating. If we really care about the people of this country, start debating a real balanced budget. Start debating the issues that matter to people.

I hope my colleagues will support my pension bill because it would protect workers from losing their 401(k) plans that they worked so hard to put their money into.

I say to my friend, I thank you very much for yielding. I look forward to his remarks.

I yield the floor.

The PRESIDING OFFICER (Mr. FAIRCLOTH). The Chair recognizes the Senator from Nebraska.

Mr. EXON. I thank the Chair. I thank my friend from California for her kind remarks.

Mr. President, I am very disappointed by this constitutional balanced budget amendment charade staged by the majority. My colleagues know that I am a staunch and dogged supporter of a balanced Federal budget and a balanced budget amendment to the Constitution. I have not changed in my resolve but quite obviously others have. There is something to be said for consistency and political honesty even during a political campaign. Up until very recently, I thought that if you favored one, you had to support the other. They clearly go hand-in-hand. But that was before the political shenanigans evidently brought about by election-year politics.

But watching the majority leader and the majority party become the new high priests of what George Bush called voodoo economics has caused me to question whether the Republicans sincerely want a balanced budget at all or just a meaningless campaign issue. Advocating a balanced budget amendment while advocating fiscal policy that makes it impossible to function is ludicrous.

One minute, the majority leader calls for passage of a balanced budget amendment. But in nearly the same breath, he simultaneously pushes massive tax deductions that would reduce revenues by multibillions of dollars such as deductibility of Social Security payroll taxes, repeal of the gas tax, and a laundry list of other tax breaks too numerous to mention. On the spending side, he calls for a $50 billion plus revival of star wars that would additionally worsen the deficit. All of this fiscal nonsense—it is fiscal nonsense, Mr. President—has caused me to conclude that I will not be a party to this hypocritical enterprise that falsely promises to balance the budget down the road, but avoids every hard vote to cut the deficit here and now and actually reach balance by 2002 when supposedly the constitutional amendment would kick in.

I find the about-face by the majority puzzling, to say the least. The National Review once quoted BOB DOLE calling supply-side economics a "magic formula that would give us lower taxes, all the benefits voters clamor for, and every weapons system on the military's wish list."

Doesn't that sound rather familiar now?

The majority leader was known for many years as downright hostile to supply siders, including his former nemesis, Jack Kemp. He once chided that Mr. Kemp liked to preach painless ways to reduce the deficit, and I quote Mr. DOLE, "while some of us do all of the dirty work." Perhaps the majority leader does not want to get his hands dirty anymore. Why do you suppose that is so?

During one of his previous Presidential runs, the majority leader said that the American people "are ready for bitter medicine" to reduce the deficit, but now he has become the tax cut candy man.

The majority leader also liked to joke that he had good news and the bad news. Once again I quote the majority leader. "The good news was that a busload of supply side economists had plunged off the cliff. The bad news was that there were three empty seats."

Mr. President, no one is laughing today, not the American people who will be stuck with a new deficit bill because of the Senator's 11th hour conversion to supply side economics.

Jokes aside, I cannot fathom how anyone who had a perch so close to the unholy economic mess that supply siders created could now become their standard bearer.

Former OMB Director David Stockman recanted, at least, from the deficits that he helped create. He wrote:

> The real root problem goes back to the July 1981 frenzy of excessive and imprudent tax cutting that shattered the Nation's fiscal stability. A noisy faction of Republicans have willfully denied this giant mistake of fiscal governance and their own culpability in it ever since. Instead they have incessantly poisoned the political debate with a mindless stream of anti-tax venom while pretending that economic growth and spending cuts alone could cure the deficit.

Mr. Stockman was right and everyone in this Chamber, including the majority leader, knows it. But the majority leader was already agreeing with this assessment years ago. In January 1982, he told the Washington Post:

> I do not subscribe to the fantasy that if we do nothing, deficits will disappear. Some of those in Congress who are the most vocally leading the fight against tax increases propose nothing to bring spending under control. It is hard to conceive a worse economic or political path to follow.

There is another revealing quote of the majority leader in the New Republic of January 7, 1985: "I never thought growth would deal with the deficit." To continue the quote from DOLE, "Mondale's view of it was all right. He was the wrong salesman." At least now we know where's the beef.

The majority leader also told the New York Economic Club in January 1984:

> Unlike some who believe we can sit on the sidelines and allow economic growth to balance the Federal budget, I believe that Congress and the administration must earn its redemption.

I say to the distinguished majority leader, so do I. We can earn some redemption today by pulling this travesty off the floor of the Senate.

Mr. President, I have spent many an hour advocating a balanced budget amendment to the Constitution. No one has been more intent on this endeavor. I went even further than some of my colleagues would dare. I took the debate from a philosophical discussion to a level where it really counts. I tried to get Congress to abide by the very policy statement set out in the balanced budget amendment.

At the beginning of this Congress, I offered an amendment that would have created a point of order against considering any budget resolution that fails to comply with the requirements set out in the balanced budget amendment.

But my colleagues on the other side of the aisle, who were white hot in their passion for a balanced budget amendment, were curiously cool to that amendment.

You hear all of these pious speeches about how we want to balance the Federal budget, but if we had a dollar for every Senate speech in favor of a balanced budget we would have had a budget surplus long ago.

Then comes along a Presidential election, and all of a sudden Senators are falling all over themselves to cut taxes. I heard one Senator say, well, this was not the first tax that he would have cut, but it was an opportunity to cut taxes, and he was not going to miss it. It is a transparent political ploy, and this Senator, for one, has had enough of it.

Last year, the Senate had a thoughtful and measured debate on the balanced budget amendment. I did not particularly savor the outcome, but I was proud of the manner in which the Senate conducted the people's business. We were thorough, we were thoughtful, we were fair, and we acquitted ourselves with repute.

But today's action by the majority wreaks of partisanship and election year politics. It is not serious or sound public policy. It is more like a sound bite. This is a crass and appalling public relations stunt concocted and orchestrated by the Republican majority and the Republican National Committee. Their motives are as obvious as their tactics are unseemly. Mr. President, I will not dance to their piper. I deplore their tactics.

Using Congress as a backdrop, the majority will do their very best to embarrass the President and divert attention away from their 15 months of failed leadership. They will grasp at every thin reed to win back the White House, even this trumped up attempt to pass a balanced budget amendment to the Constitution that everyone knows in advance will fail.

I suppose they feel they have no choice. The majority needs and wants to shift the attention of the public away from their flash-in-the-pan agenda and their inability to produce a fair balanced budget behind which the American people can rally.

Mr. President, that reminds me of an article I once read. In August 1985, David Stockman, President Reagan's OMB Director, presented Senator BOB DOLE with a supply side birthday cake. According to the press, the Senator chortled with glee to find that under the icing the cake was hollow. I say to the majority leader, so is this attempt to win votes in November.

The Senate majority leader, 20 points or so behind in the race for the Presidency, has come up with a gimmick to reduce the gas tax by 4.3 cents, which, if maintained until the magical year of 2002, could cost the Treasury $34 billion in revenues when we are already far short of any attainable goal to meet the constitutional guaranteed balance by that date. No matter the fact that the price of crude oil has fallen back to its low late in February.

According to the Wall Street Journal, the majority leader is also advocating of a $500 a child tax credit and a $500 annual credit for individuals contributing to charities. His key advisers are urging a 15-percent across-the-board tax cut. Billionaire Steve Forbes and adviser Jack Kemp are pushing a flat tax reduction. Meanwhile, President Clinton is inching toward more tax cuts as well. Where will it end? When will the tax bidding stop? When are we all going to recognize that we are on the road to bankruptcy?

I have criticized President Clinton for his tax cut proposals as well. But, by comparison, he is a piker. One thing is certain, President Clinton will not be around when the heavy lifting starts after the year 2000. At best, BOB DOLE would be approaching 80 years of age, in his second term as President. What an exciting prospect for keeping promises.

I ask my colleagues on both sides, how on Earth can we debate a constitutional amendment to balance the budget and then have a host of tax cuts in the wings that will worsen the deficit? And, yes, I say worsen the deficit, because the offset that the majority cobbles together or attempts to cobble together to pay for the tax cut will, in all likelihood, be something we are already counting on to help balance the budget. You cannot spend the same dollar two or three times.

So, if Senators want to cut taxes and then ask me to join them to support a balanced budget amendment, they will soon find this Senator unwilling to go with them down that crooked road of no return. It is madness. It is unconscionable. It is the biggest flimflam in history.

The American people should understand that if a constitutional amendment to balance the budget by 2002 is followed by the tax cuts proposed or waiting in the wings by the majority, including a huge $180 billion tax giveaway in the reconciliation bill, then future Congresses will face by far the largest tax increase ever imagined. Such a happening would be the height of fiscal and budget irresponsibility, and would saddle future Presidents and future Congresses with an unworkable fiscal dilemma.

In conclusion, if the distinguished majority leader is indeed earnest about reopening a serious debate on a balanced budget amendment to the Constitution, he will find a strong and willing ally in this Senator, as he has in the past. He knows that. I will not, however, be a party to this partisan charade. The numbers simply do not add up. We must repudiate this partisan sham. The honest, fiscally conservative vote on the Dole initiative is no.

Mr. President, I reserve the remainder of my time and I yield the floor.

Mr. BENNETT addressed the Chair.

The PRESIDING OFFICER (Mr. CAMPBELL). The Chair recognizes the Senator from Utah.

Mr. BENNETT. Mr. President, I have listened with some interest while my colleague from Nebraska has spoken. I am sure it will come as no surprise that I disagree with just about everything he has had to say, particularly with respect to the majority leader and his position. But I will not speak for the majority leader. He is more than capable of speaking for himself. I would like to get a few facts on the record that I think need to be part of this debate.

Fact No. 1: Money does not come from the budget. I know that comes as a great surprise to this body, but money comes from the economy, and if the economy is growing and vibrant, there is lots of money in the Treasury. If the economy is shrinking or depressed it does not matter how much the budget projected would be there, it will not be there. So the one thing that frustrates me the most, coming from the business world into the Congress, is this insistence upon making projections, all neat and balanced down to the last dollar, and then assuming that is the way things will turn out.

It is like a businessman who says at the beginning of the year, "I project we will have so much revenue from our business this year. Accordingly, I will adopt a budget for x amount to spend that much revenue." I have been in that circumstance. We made projections for a business that I was CEO of. As it turned out, we fell 10 percent short of our projections.

That should not bother too many people. Ten percent is not that much money. The problem is, our spending was based on the projection of revenue, and we had to change the spending pattern midyear, indeed midmonth, when it became clear to us we were not going to make as much as we thought we were going to make. We had projected a 100-percent increase in that business, and we had been doing that every year up to that point. As it turned out, we only had a 90-percent increase. As I say, we missed it by 10 percent. We had to adjust immediately or we were headed for a loss year. We do not do that around here. We say oh, no, the budget projects such and such, so we will spend such and such, regardless of what happens in the real economy. Let me give the Senate an example.

We stood here, my first Congress, the 103d Congress, and heard projections of how much money would come from the tax increase that President Clinton proposed. We heard numbers, hundreds of billions of dollars will come if this is done and we need to do this to balance the budget. The deficit is so much, we are going to get so much, this is how this is all going to work out. I put in the RECORD before, so I will not do it again, an article by Marty Feldstein, one of the more distinguished economists of this country, who, looking back after 2 years, said, in terms of actual revenue, the Clinton tax increase produced only one-third as much money as was projected.

Why? Simply because the economy reacted. People were faced with tax increases in one category of their investments so they switched investments to someplace else to avoid taxes. You do not have to be, really, very smart to figure out how that happens.

So President Clinton proposed a tax increase. It was passed by the previous Congress, and then the results came in and the results were that we only got one-third as much revenue as the President had projected we would. People changed their behavior.

It is very hard to convince a computer that is what is going to happen. The computers are programmed around here to assume the static analysis, on and on and on. The Senator from Nebraska heaped great scorn upon the supply-siders and carried on with the kind of rhetoric we have heard before in this Chamber about how it was the terrible tax cuts under Ronald Reagan that produced the runaway deficits we are all living with. That has been repeated so many times that people are beginning to believe it.

Mr. President, I do not have the time to give this argument again. I have given it before, but I have discovered in the Senate there is no such thing as repetition. But I will do my best to summarize it.

In 1989, which was the last fiscal year we operated under the tax structure that was created by Ronald Reagan, income taxes produced 8.6 percent of gross domestic product coming back to the Government. So, however big the economy was, 8.6 percent of that came back to the Government in revenue. Then said those: "Oh, no, the terrible Reagan tax cuts have caused us to not have enough revenue. Tell you what we are going to do, we are going to have first the tax increase that occurred at Andrews Air Force base and then the Clinton tax increase that came in the 103d Congress."

And with those two successive tax increases, what did we get in fiscal 1995? The tax increase hit in 1993. What did we get in fiscal 1995? If we got only 8.6 percent of gross domestic product under the disastrous Reagan proposals, should we not be expecting 9, 9½, maybe even 10 percent? The fact is, instead of going up, revenues went down. Yes, down. In fiscal 1995, income taxes produced 8 percent of gross domestic product, almost 10 percent less of gross domestic product than was the case before.

It is very clear that the tremendous deficits that we have heard about and we have talked about and we spend time on did not come as a result of the Reagan tax cuts. Federal revenues went up every single year under President Reagan. The economy grew rapidly. Once we came out of the recession that occurred at the beginning of Reagan's term, we had the longest period of economic expansion peacetime in our history.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BENNETT. Mr. President, I ask unanimous consent that I be allowed to continue for 3 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. I thank the Chair.

Mr. President, money does not come from the budget. Money comes from the economy, and we have to learn in this body and the other body and in the White House to pay attention to the results from the economy instead of spending all of our time reviewing the numbers of the budget and listening to the computers of the budget who project blindly into the future without making the midcourse adjustments.

The record is very clear. The tax program that was followed during the Reagan years produced record revenues—not reduced revenues, record high revenues. The problem of the deficit occurred on the spending side, and it occurred on the spending side because of the changing demographics in the country and the growing spending on entitlements.

Nobody is to blame for that except the elderly who do not have the courtesy to die with the same regularity that they used to, and I, for one, do not want to call upon them to start doing that now just to balance the budget.

But that is the new reality of the marketplace, that is the new reality of the economy, and we must adjust our rhetoric to that reality instead of trying to go back and fuzz the factors of the past and say, somehow, President Reagan is responsible for all of our difficulties.

No, our difficulties are rooted in the changes that are occurring in the country. We must recognize that fact, and we must put in place the structural discipline that will force us to recognize that fact in the form of the balanced budget amendment.

I thank the Chair. I did not want to leave the statements made by the Senator from Nebraska unresponded to, responding to in my own name, recognizing, as I said, that the majority leader is more than capable of responding in his own behalf.

The PRESIDING OFFICER. Under the previous order, the time from 1:30 p.m. to 3:30 p.m. will be under the control of the Senator from Wyoming, Senator THOMAS.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that I be allowed to speak for 5 minutes out of the time of the Senator from Nebraska [Mr. EXON].

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. JOHNSTON. Mr. President, I rise to oppose this balanced budget amendment, recognizing that some of the people in this Chamber, for whom I have the most respect, are for it. But I oppose it to a large extent because of what I call the dilemma of enforceability.

My colleagues will recall that when this amendment was up earlier in this Congress, we had tremendous amounts of debates on whether the courts ought to be able to enforce this amendment. I made speeches against the difficulties that courts would have, the constitutional crisis that it would put this country in, and how terrible it would be in a democracy to have nonelected, appointed-for-life judges who are not available to the public making decisions about increasing taxes or cutting Social Security or cutting Medicare or cutting programs across the board, judges who have no feel for these programs, who have no background in the programs, no staff to understand the programs coming in and making an order and saying, "We're going to increase your income tax," or "We're going to cut your Social Security," or cut your Medicare programs, or name a thousand other different Federal programs.

I think it would be terrible, Mr. President. I think it would just be terrible. I think it would be the stuff of revolution, as people would say, "How did we get in this situation?"

Indeed, as we outlined these difficulties of this bill earlier when it was being discussed, finally the sponsors of the resolution agreed, at least they agreed to the extent they accepted an amendment. Some would say they accepted the amendment just to get the necessary votes; others would say they accepted the amendment because they knew it was the right thing. But in any event, the amendment, as I understand it—the Nunn amendment which is now part of this—states as follows:

> The judicial power of the United States shall not extend to any case or controversy arising under this article, except as may be specifically authorized by legislation adopted pursuant to this section.

I suppose that is the present state of the amendment. What does that mean, Mr. President? It means this whole thing is a sham. It is either enforceable, and enforceable by the courts, so that the Supreme Court tells you what the size of your taxes are or what the amount of your Social Security payment is, or else it is not enforceable, and it is a sham.

People say, "Well, make your choice, Senator. You can't argue on the one hand against the courts enforcing it and on the other hand argue that if they don't enforce it, it's a sham." The fact of the matter is, that is the truth. Either horn of that dilemma is not breachable by this amendment.

There is really only one way to balance this budget and to do so in a way that makes sense to the American people, and that is for the Congress to do it. That is because the Congress, in every district in America, has an elected Representative who can come and represent the people, go back home in town meetings and communicate with the people, be on television, receive letters, respond to letters, communicate with the public and, in fact, represent the people in the most fundamental decisions that this country is made of; that is, what is the size of your taxes, what are the amounts of your benefits, and what are the functions of Government.

That is central to a democracy, that is central to our country, Mr. President, and the public ought to be entitled to be heard on that. That is why I think to try to get this automatic pilot, this constitutional amendment just will not work.

We tried it before. We tried it with Gramm-Rudman. I voted against the Gramm-Rudman because there is no magic automatic pilot. There is no substitute for elected Representatives making decisions in the interest of the public.

I remember when we passed Gramm-Rudman.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. JOHNSTON. Mr. President, may I be allowed 3 additional minutes?

The PRESIDING OFFICER. The Senator has 3 additional minutes.

Mr. JOHNSTON. We had a provision in Gramm-Rudman called sequestration. My colleagues will remember that well. If the budget was not balanced, or if we did not meet the target provided in Gramm-Rudman, there was to be this automatic guillotine that fell. There was going to be a chopped-off spending by a prearranged formula, and it was all going to be arranged and that was going to substitute for the backbone of Congress.

Of course, what happened, we got right up to look at that gleaming guillotine which was going to cut off spending, and the Congress, predictably, said, at least the opponents of Gramm-Rudman said, it was going to be this. We said, "No, stay the guillotine, stay the sequestration, don't do it."

Here we are with a different kind of guillotine. Either we are going to have a permanent block in the guillotine, which is what the Nunn amendment says, nonenforceability, or we are going to go back to the old guillotine.

Mr. President, can you imagine what the American public would say if the Supreme Court made an order that said, "We're going to increase your income tax by 50 percent?" Why, there would be rioting in the streets. You say, "Oh, the Supreme Court wouldn't do that." Oh, no?

How is the Supreme Court supposed to balance this budget? You know, they have to do it quickly. Do you think they can go through every one of these little programs, thousands of programs, and snip each one? They cannot do that. They do not have that knowledge.

Can they cut them across the board? You cannot cut programs across the board, Mr. President. There are contractual arrangements. You take one of the budgets I have something to do with, the Corps of Engineers, they go out and make contracts. You cannot come in and say, "Well, we're going to pay you 95 percent or 80 percent of that which you're entitled to under the contract." You cannot do that constitutionally. You cannot do it in good sense. So you cannot cut things across the board. You have to have big amounts of money. So where do those big amounts of money come from? Two places—taxes or entitlements. You spell entitlements "Social Security" or "Medicare."

So, Mr. President, if anybody around here thinks that you can easily give the Supreme Court of the United States the power to raise your taxes and raise them big time, or to cut your Medicare and to cut your Medicare big time and raise these costs for our senior citizens, or do the same thing with Social Security, you have to be kidding, Mr. President. People have not thought this through if they think the American people would accept that or if they think that is sound Government or good policy.

The other horn of the dilemma is, if you make it nonenforceable, it does not mean a thing except for a campaign speech. It is a good substitute for real policy, which means that you really frustrate the goal of the balanced budget. I mean, if you have this thing where you say, "Look, don't ask me to cut these programs. I have already voted for the balanced budget amendment," then that is a good substitute for real policy. The only thing we need to do, Mr. President, is exercise real backbone, exercise real representation.

I thank the Chair.

The PRESIDING OFFICER. The time of the Senator has expired. Who yield time?

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming Mr. [THOMAS], is recognized.

Mr. THOMAS. Mr. President, I rise to continue this discussion on the balanced budget amendment. It has been a long discussion. It is not a new discussion. It is one that has gone on for years. Unfortunately, it is one that is going to go on for a number of more years.

Let me comment for a moment on the presentation of the gentleman from Louisiana. I respect him very much. Certainly he is one of the most polished and dependable Members of this body.

I disagree with him in this instance. I disagree on the notion that somehow the courts will inject themselves into this and this will not work. I cite the fact that some 35 States, mine included, has it in their constitution. We have not had the problem with the involvement of the courts.

The courts in some instances can come to the legislature, can come to the Congress and say, "What you have done is unconstitutional, and you need to redo it." That is a legitimate function of the court. They may do that, I suspect, in the spending area, but not to establish what you are going to spend. "What you're doing is not right, and you have to do it again." There is a substantial amount of evidence that that does work.

Mr. JOHNSTON. Would the Senator yield?

Mr. THOMAS. Sure.

Mr. JOHNSTON. Is the Senator aware of the huge amount of experience in the States where they have either constitutional provisions requiring a balanced budget or prohibiting the incurment of debt, or other constitutional provisions with respect to the raising of money under which legislatures, by clever schemes, get around these provisions?

I cite, as one of those, legislation that I was involved in, I mean, both legislation and litigation—I hate to make this question too long—involving the dome stadium in Louisiana where the law said, "No bond issued under this amendment may bear the faith or credit of the State," and where the legislature and the Governor came in with a clever artifice and got around that, and you ended up with bonds which bore the faith and credit of the State. Or, more recently, where the Louisiana Constitution said it takes a two-thirds vote to raise taxes, and they created a special taxing district by majority vote which raised the money and raised the taxes and got around the constitutional provision.

I cite those two examples as being typical of what has happened all across this Nation in avoiding the effect of those. Is the Senator aware of those?

Mr. THOMAS. Yes, of course. Let me give you an example. The Senator has been here for 20 years, or whatever, and we have not balanced the budget in the time the Senator has been here.

The Senator points to some areas—I do not mean this personally—but this has not been done. The Senator points to some possibilities that might happen under a constitutional amendment. Look at what has happened without one.

So I say to the Senator that—he talks about a sham. The sham is that we have gone on for 25 years here and we have spent more than we have taken in. Every time we talk about it, everyone who gets up in this place says, "I'm for balancing the budget. I'm going to balance the budget." What is the evidence? The evidence is you have not.

Mr. JOHNSTON. The last 4 years we have cut down the deficit by more than 50 percent.

Mr. THOMAS. By raising taxes, the largest tax increase in history, I agree. I did not vote for it. The Senator did, did he not?

Mr. JOHNSTON. No.

Mr. THOMAS. I am sorry. I do not think that is the way to do it. I think we are looking for some sort of discipline. We just have an honest disagreement about this. I think that the constitutional amendment provides the discipline within which this body or other legislative bodies can work.

Obviously, the Senator mentioned Gramm-Rudman. It did not work because there was not the discipline. This body found its way to go around that, did they not? They said this is an appropriations but did not score it under Gramm-Rudman.

Mr. JOHNSTON. Well, if the Senator will further yield?

Mr. THOMAS. Sure.

Mr. JOHNSTON. Should it be enforceable or not enforceable?

Mr. THOMAS. Of course, enforceable.

Mr. JOHNSTON. Of course, enforceable?

Mr. THOMAS. Yes.

Mr. JOHNSTON. The Nunn amendment is part of it at this time.

Mr. THOMAS. I am not sure.

Mr. JOHNSTON. I am advised it is part of this, which makes it nonenforceable, save for an act of Congress. Then you have the Supreme Court. I mean, should the Supreme Court be able to raise your taxes?

Mr. THOMAS. I claim my time back here. We can stand here, as we do, and as has been going on now since I have been here, in the House for 5 or 6 years, and particularly this year, and think of all these reasons why it cannot be done. "Oh, so Social Security is there." "Oh, it's not enforceable." "Oh, the courts are going to get into it."

But, you know, you really come down to the bottom line. And the bottom line is this year, for the first time in 25 years, the Congress sent to the President a balanced budget. The President promptly vetoed it. So I think you have to ask yourself, is it morally and fiscally responsible to balance the budget? Do we have a responsibility as representatives of our constituency to say, "Look, we're not going to spend more than we take in except in an emergency?" I think that is reasonable. I know the Senator would agree to that. But that has not happened. So we go into all these reasons and all these excuses why we cannot do that.

First of all, all we are doing is we are sending a constitutional amendment to the States. The folks will have another chance to look at this, which I think makes some sense. But I feel very strongly that we have tried the other things.

Some say, "Well, you shouldn't tamper with the Constitution. The Framers didn't put that in there." I do not think the Framers also expected that you would have the largest line item in the budget being interest on a debt that has been built up because we do not balance the budget.

I think we are making some progress. I have to tell you that part of the largest tax increase in history helps do that. I think on the other side of the aisle you found, for the first time, some people willing to reduce spending, cut that back some. The combination of those two things are moving us in the right direction. There are two different points of view on it. That is why we are going to vote on one of these times.

Mr. JOHNSTON. I will not prevail upon my friend to yield further. I thank him for yielding. I appreciate his courtesy.

Mr. THOMAS. I thank the Senator very much.

In any event, I just think it is time we have to take a look at what we are doing. Certainly a balanced budget amendment is something most people have thought was a good idea. A number of people on that side of the aisle thought it was a good idea a couple years ago; now, in the last time we voted, did not. Of course it takes two-thirds. It is a difficult thing to do.

Mr. President, one of the things that we ought to talk about a little bit, and I think about a great deal, is, why is it important to me as a citizen in Casper, WY, why is it important to anyone who pays their taxes, and is part of this Government? It seems to me that is where we ought to start.

First of all, I think a balanced budget has a great deal of impact on our lives. We have gone for a very long time with an unbalanced budget and we did not think much about it. There were no great discussions about it until fairly recently. Why? Because the debt has gotten so large that very likely next year the largest line item in the budget will be for interest of $260-some billion, which will not be available to spend in other areas.

People have made the good point that if we did not have the interest payment, the budget would be balanced. But we do. I have heard others say, "Let's get rid of the debt. It is just Government debt." That is not true. You and I own Treasury notes. It belongs to people. It is a real debt. We have to pay that interest. That is part of it.

Another is, if you did not take all that money out of the economy, we would have, I think, a strengthened economy. We would have more jobs. Interest rates will be lower with a balanced budget. We have seen that happen fairly recently as we move toward that. Those are things that affect you and me as we live at home and work.

This is not some esoteric exercise about budgets, about legislation. It is a very real thing. Interest rates are lower on your home, on your school costs for your kids, on your car. It is very real. It makes a great deal of difference for the economy to be stronger, and jobs make a great deal of difference.

Furthermore, and maybe just as important to most of us, is that there is a moral and fiscal obligation with our Government to not spend more than we take in. That applies to everyone else. But we say, "Well, if we want something and we do not have the money, we will charge it to our kids, our grandkids." That is what we have done.

This business of reducing the deficit, which is terribly important, has nothing to do with the corpus of the debt. We still have $5 trillion out there that we have not even started to do anything about. We are still trying to reduce it. Over this 6-year period, as we move toward a balanced budget, the debt continues to grow, the interest continues to grow.

Mr. President, I think it is fairly easy to get up here politically and go into great economic ideas and so on, but the facts are pretty basic. That is, that it strengthens this country. It strengthens families. It is responsible. It is morally right. We have not done it. We need to do something different. The idea that you continue to do the same thing and expect different results is simply not a realistic expectation.

Mr. President, we have asked for some time—"we" being the freshman class—for the next 1½ to talk about this issue. I suppose some of us take a little different view than others in this body in that we all came through the last election. We are very conscious of what our voters said to us 2 years ago. Most of us would agree that one of the strong messages was the Federal Government is too large and costs too much and we need to do something about that. If you talk about balancing the budget in my State, it is one of the highest priorities of anyone there. I think those of us who have just been here now for less than a year and a half have a little bit of special interest in it. That is why we have asked for some time as freshmen, to have a special order on balancing the budget.

I yield to my friend and associate from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania [Mr. SANTORUM] is recognized for 7 minutes.

Mr. SANTORUM. I thank my friend from Wyoming, I thank the Presiding Officer, and I thank my friend from Minnesota, who is ready to talk.

This is an important debate. It almost is anticlimatic. The fact is that it is widely reported in the press that we do not have enough votes to pass the balanced budget amendment, an amendment that passed the House of Representatives, that this is just an exercise. Unfortunately, it has been minimized as a result of that.

I think it is important. I am glad the Senator from Wyoming has been our leader on the floor on these issues, has taken the time to get the freshman on the Republican side—the freshmen Members are all Republicans; I guess that would be the Republican side—to get up and talk about why we think this is important and why the public should be, again, focused on this issue.

I do not think there is anything more fundamental for the Government to do than to run an operation that is balanced. Almost every State government runs an operation that balances the budget every year. It is incumbent upon Government to act in a responsible fashion with the taxpayers' dollars and do so in setting priorities. It is hard to do. You have heard a lot about all the money that needs to be spent on a lot of different programs. There are a lot of things we need to do.

I see the pages down here and young people up in the gallery. I visited high schools and colleges just over the last week during the break, and it is hard to look into the faces of the young people in this country and say to them, "Look, it is much more important for us to get reelected. It is more important for us to have an issue to scare people on things like Medicare and education spending. It is more important for us to play politics, for our political career, than it is to solve the problems that face this country that are going to be burdening you to even a greater degree than it is burdening this generation of Americans."

I think we need to do a little soul searching at this point. One thing I found when I got in the Congress, you can always find a reason to vote no. There is always something in every piece of legislation, even if it is one sentence, you can always find a reason, an excuse, to be opposed to something and walk away from taking the responsibility.

I remember when I was in the minority in the House, it was very easy to walk away and say, "I am in the minority. It is not really my job to move legislation here. Yes, it is a good bill, but maybe I will take a pass on this because I am afraid of one little political twist." That is what we have done here on the balanced budget amendment. We found there are several Members who have found a reason to vote "no". That is the Social Security issue. That is the reason to vote "no" on something they say they are for. And they protest, "We want a balanced budget," but it is the Social Security issue holding us back.

I think that balancing the Federal budget is bigger than any one single program in Washington. A lot of great programs have passed here, a lot of not so good programs have passed here, but nothing rises to the level of doing the basic fundamental requirement of any government, and that is to balance its books.

For those who hide behind Social Security, I say to them: Where were you and where are you when it comes to doing something for these young people on Social Security? Where are the brave souls who stride to the well and say, "We need to do Social Security reform because these young people who are paying taxes right now have absolutely no hope of seeing Social Security payments when they retire." Where are the brave people who want to preserve Social Security, not as a political issue for their next election, but as a real issue for the next generation?

I ask everyone who is hiding behind that issue, and I ask all the people who are listening right now, to examine those Members and examine the people who are using this issue and find out how truly they want to protect Social Security. I believe this is just a political issue they can hide behind so they can vote no on something they really do not want to do, which is the bottom line, balance our books, constrain Government spending.

I am hopeful at some point we will pass this. I have a lot of faith in the American public that when elections come around in November, they will send more Members to the U.S. Senate and Members of the House of Representatives, who will support a balanced budget—hopefully, from both parties. They will send a clear message that, yes, we understand that tough decisions have to be made, but that is why we sent you to Washington—to make the tough decisions to move this country forward.

So I am not discouraged at all. This is something that is going to happen. We are going to balance this budget. We have passed one balanced budget, which was not signed by the President. We passed major entitlement reform. Twice we passed welfare. We passed Medicare reform and Medicaid reform. We have done the heavy lifting to balance the budget. People say that we can do it today. We have done it today. We passed the balanced budget. So do not talk to me about we do not need this balanced budget because we can do it already. We did it already, and the same people who said we do not need the balanced budget amendment voted against the balanced budget proposal we sent to the President. The same President who says we do not need a balanced budget amendment vetoed the balanced budget resolution that we sent to him, which was the act to do that.

So, again, if you look at the Social Security issue, you know, it is just, we are for it, but we are going to hide behind Social Security. The other argument is that we do not need the balanced budget amendment because we can do it ourselves. We did it ourselves, and they were against that, too.

So I think we just have to question what the real motive is here. Do these people really want to balance the budget, or do they just want to tell you they want to balance the budget? I think the answer is pretty clear. When the rubber hits the road, when it is either "yes" or "no" on a constitutional amendment to balance the budget, the answer is "no," and their excuse is Social Security. When it comes to reforming Social Security, the answer to reform is, "No, we cannot do that, we cannot touch it." The other excuse is that we do not need this because we can balance it ourselves. When we put one on the floor specifying where the changes need to be made in order to put the budget in balance, the answer was "no."

So it is "no" to a constitutional amendment, "no" to Social Security reform, "no" to a balanced budget act. But, "Yes, we are for it. In general, we are all for this."

Well, you cannot be for it and vote "no," "no," "no" when it comes time to put your words into actions. I hope that at some point we do put the words into actions and that we do it soon.

Mr. GRAMS addressed the Chair.

The PRESIDING OFFICER (Mr. GREGG). The Senator from Minnesota.

Mr. GRAMS. Mr. President, I ask unanimous consent that I also may proceed under the time set aside for Senator THOMPSON.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMS. Mr. President, I am proud to be here today and to join with my freshman colleagues as we stand firmly together in our support for a balanced budget amendment to the U.S. Constitution. Sixteen months in the Senate have not dulled our enthusiasm for its enactment. We are more committed today than ever before.

Mr. President, it is a rare occasion in life when a person is granted a second chance, an opportunity to right a wrong. When those moments come along, we hope that we have learned from our mistakes and that when we are given that chance to approach things differently, we will step forward and do the right thing.

My colleagues and I have an opportunity this week to do that right thing and repair a wrong made within this Chamber a year ago when we denied the American people, by a single vote, the balanced budget amendment that they have repeatedly called upon us to pass.

The balanced budget amendment lies at the heart of what I believe to be the defining issue of the 104th Congress: deciding the priorities of the Federal Government and its budget.

Naturally, there have been disagreements over where these priorities lay. Each of us have different ideas about how the Government should—and, more importantly, should not—spend the taxpayers' money. But even with these disagreements, there are several basic principles on which we should all agree. The balanced budget amendment embodies these common areas of agreement because it deals with the future of our children and grandchildren, and, therefore, it deals with America's future.

After all, that future is what our efforts to ensure a balanced budget are all about. In order for our children to enjoy the same economic security that we inherited from our parents, we must begin the process of controlling our Federal spending. Our parents and grandparents did not leave us a debt to pay—even after financing such major undertakings as World War II. They paid those bills and did not pass that debt on to us. But this generation has compiled a $5 trillion-plus debt that we are now going to be asking our children and grandchildren to pay, and we cannot even reach an agreement on balancing the budget so we do not continue to do that.

With a balanced budget, then and only then, can we hope to pass on to our kids an inheritance of prosperity rather than a lasting legacy of debt. Right now, that future does not look so bright if we do not change our ways.

This year, the national debt has surpassed the astounding figure of $5 trillion. It is increasing at an average of $650 million every day. Even today, we are spending more on our interest payments than we are spending to defend this Nation.

By the way, as of 12 o'clock this afternoon, every child born in this country today already owes $19,357.86 as their share of the national debt. The moment they are born, they are $19,000-plus in debt. Over his or her lifetime, that child can expect to pay over $187,000 in taxes just to cover the interest on that debt. That is about $4,700 a year, or more than $400 a month that they are going to pay just to cover the interest on that debt.

To meet its annual interest obligations, Congress has repeatedly raised the taxes of working Americans. As a result of an overwhelming burden of taxes, families now are having a tough time raising their children, paying their bills, and trying to make ends meet.

The Congressional Budget Office projects that spending on mandatory expenses, such as interest on the debt, will exceed 70 percent of total Federal outlays by the year 2003—meaning that less than 30 cents of every tax dollar will be available for education, environmental protection, crime prevention, and highways.

Is that the legacy that we want to leave to our children? For that reason, we should all agree that balancing the budget without raising taxes must be the foremost goal of this Congress.

It is our responsibility and duty to ensure the American children of this generation and the next a strong economy, a good education, a clean environment, and a debt-free future, but also that they have the ability to have their own dollars in the future to continue the efforts and not just to pay interest again on this Congress' mistakes.

A constitutional amendment mandating a balanced budget is perhaps our best hope. There are those who question the need for an amendment requiring a budget that is balanced. After all, they argue, should a responsible Congress not be able to balance the budget without the need for a constitutional requirement? Yes, we certainly should. Congress should have the backbone to limit its spending and set priorities, just as every Main Street American family has to do.

If a family in my State of Minnesota wants to buy a house, it works out a mortgage and a payment schedule that fits the family budget. Eventually, that debt is paid; it is not passed on to the next generation. That is what the vast majority of Americans do when they make a major purchase. But that is not how the Federal Government operates. It borrows the money, without any kind of schedule for paying it back, except to go and raise taxes, or borrow it in the name of our children, and that debt continues to build, and the payments keep being deferred. And the debt, again, is passed down to our kids.

We often hear the argument of the need for borrowing and spending today to help our kids. Those short-term arguments will, in fact, in the long-term, harm the very people that those arguments say they want to protect.

If that family in Minnesota decides it needs to tighten its belt, it does. Congress simply punches another notch or two in the leather. Congress simply does not have the backbone to restrain itself; it never has and maybe never will.

Look at the facts. Congress has spent more than it has taken in for 55 of the last 64 years. We have not bothered to balance the budget since 1969. But for my colleagues who sometimes get lost in statistics, here is the reality of what our fiscal irresponsibility means to average Americans. Today, every family of four owes $3,500 on the interest on the national debt. That means $3,500 less to care for our kids, $3,500 less to keep our families fed and clothed.

A balanced Federal budget would actually put those dollars back into the family budget. Economists have universally predicted the positive effects achieved with a balanced Federal budget. By the time 6 years have passed and the budget is brought into balance:

GDP will grow by an additional $10.8 billion than it would under current law, interest rates will drop, and Americans will boost their spending power through an additional $32.1 billion in real disposable income.

A decrease of just four-tenths of a percent in the mortgage rate would save the buyer of a $100,000 home some $10,000 over the life of a 30-year mortgage, and there are estimates that interest rates could fall a full 2 percentage points, which would create even greater savings.

An additional 104,000 family homes would be built, and 600,000 more automobiles would be sold. That is good for the economy, that is good for jobs, and that is good for everyone.

Job providers would be empowered to create new jobs and pay higher salaries for those jobs, as many as an additional 6.1 million new jobs, by some estimates.

Makes the minimum wage increase look petty, does it not? So what does all this really mean on Main Street? Well, for an average American family with two kids, a mortgage payment, car and student loans, a couple of pets and lot of monthly bills, a balanced Federal budget would put nearly $1,800 a year back into the family bank account by the savings that we would reap from a balanced budget. Let people earn more, and then let them keep more of that money. There are those in this Congress on this Senate floor who say no, that Americans need to give Washington their money, and then come "hat in hand" begging for our compassion as Washington then sits in judgment of who gets what. And who are they going to take that money from to pass it out?

Coupled with the $500-per-child tax credit that makes up the cornerstone of our balanced budget legislation, a typical family of four would reap a balanced budget bonus of $2,791 every year.

Yes, the concept is simple enough, and those practical statistics should be all it takes to convince anyone of the need for a balanced budget. But our internal battles over the past year have demonstrated just how difficult it is to carry out such a seemingly simple idea. We have proven, more than ever before, the need for a balanced budget amendment.

Through the commitment of this Congress to eliminating the deficit and erasing our debt without raising taxes on middle-class families, we were able to move $40 billion closer to a balanced budget last year by controlling the growth of government spending and rooting out a great deal of waste and inefficiency. But as each of my colleagues will remember, it was a battle that took every ounce of our energy.

Because of the opposition of the President and my colleagues across the aisle to even these modest, sensible spending reductions, we endured 2 protracted Government shutdowns, 14 temporary spending measures to keep the Government from running out of money, 3 Presidential vetoes of our appropriations bills, and a final veto of our actual balanced budget legislation. At the end of the day, we had moved closer to a balanced budget. I am proud of our efforts. We must not stop working for a balanced budget amendment, however.

Under the leadership of a Republican Congress, each and every person is dedicated to achieving a balanced budget by the year 2002. If this Congress could not force the big spenders in this body and the White House to mend their money-hungry ways and balance the budget through simple legislation—just as past Congresses could not do in 1964, 1976, 1978, 1979, 1980, 1985, 1987, and 1990—what chance do future Congresses have without the moral authority of the U.S. Constitution to back them up?

The American people know it will never happen without a balanced budget amendment, and they are calling on us—overwhelmingly—to pass it. Again, if we pass this balanced budget amendment, all we are doing is going to give the States and the voters of those States the opportunity to say yes or no. We do not make that decision on this floor. We are saying we are going to give the American people the opportunity to say yes or no to a balanced budget. But there are some that do not believe the American people can make that decision.

A Gallup Poll published just 2 weeks ago in USA Today showed that an astounding 83 percent of the American people support this amendment. It was the most popular item surveyed, and why should it not be? It makes perfect sense.

In Minnesota last year, just days before the Senate voted on the balanced budget amendment, I was joined at the capitol in St. Paul by members of my State's House and Senate delegations, elected officials from both sides of the aisle who were less interested in party labels than ensuring America's economic security. On behalf of working families who cannot understand why Washington refuses to get its finances under control, on behalf of families who are terrified by the legacy of debt we are building for our children and grandchildren, we signed a petition urging Congress to immediately pass the balanced budget amendment and send it to the States for ratification.

Together, we sent a strong, unqualified message to all Minnesota taxpayers that we heard their message and were no longer willing to accept business as usual from the Congress.

Today, we are all a year older, a year wiser, and just as committed to our purpose as we were 1 year ago.

Unlike the Federal Government, which has managed to amass a $5 trillion debt, Minnesota does not rack up debt year after year.

Unlike the Federal Government, Minnesota does not spend beyond its means, building deficits that will take years to wipe away.

Unlike the Federal Government, Minnesota does not promise the Moon, while mortgaging the stars in order to deliver.

Why is it that Minnesota has succeeded where the Federal Government has failed? Why have 48 States abided by a balanced budget every year? Because the Minnesota State Constitution requires that we balance our budget, as do 48 other States.

Not only does Minnesota and 48 other States have to balance their budgets, but families and individuals have to balance their budgets, too. Businesses that cannot balance their budgets soon find themselves out of business. The only place where a balanced budget is not the rule is in Washington. That is what we are here to change.

As support for a balanced budget amendment grows among the public, the fear of what it will mean to those who have built their careers so recklessly spending the taxpayers' hard-earned dollars have intensified. As we move closer and closer to enacting this critical legislation, they see the writing on the wall, and frankly, they are scared, so scared, I have been told there may be colleagues of mine who would change a vote they made on behalf of this legislation a year ago to vote "no" this time around.

Well, the public should be outraged that there are those to whom a piece of legislation so vital as the balanced budget amendment is nothing more than a game, and their vote nothing more than a political poker chip, to be traded at will when the stakes begin to rise.

I would remind those colleagues of mine who speak out against this amendment that we would not be having this debate were it not for 30 years of deficit spending by this body. If we let the American public down again—as we did on March 2 of last year, when this Chamber turned back the balanced budget amendment—we will feel the anger of the people at the polls in November, and I believe they will speak with an even louder, more unified voice than they ever have before.

As I conclude, I turn to the words of President Thomas Jefferson, a leader who understood the importance of economic freedom in a free society, and the dangers of imposing our fiscal burdens onto our children.

He wrote:

> The question of whether one generation has the right to bind another by the deficit it imposes is a question of such consequence as to place it among the fundamental principles of government. We should consider ourselves unauthorized to saddle posterity with our debts, morally bound to pay them ourselves.

Mr. President, those words are just as relevant today as they were when penned by Jefferson nearly 200 years ago, during the founding days of this Republic.

For all our differences—in beliefs and purposes—we should all share the common goals of building a better economic future for the coming generations, and giving them the freedom to seek success unfettered by any constraints we may impose. As we debate the merits of the balanced budget amendment, let us not lose sight of that goal. I urge my colleagues to support this amendment, and to do it for the sake of our children and our grandchildren.

Mr. President, I yield the floor.

Mr. THOMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. THOMPSON. Mr. President, we continue down the road toward bankrupting our country. The fact that I keep repeating this, and that others keep repeating this and perhaps we get used to hearing this, does not make it any less true. It cannot be repeated often enough. And behind closed doors Democrats, Republicans, people in the Congress, people in the White House, all admit what has to be done to keep from turning this country into one that is second rate when we leave it to our kids.

The most frustrating part of the last year and a half that I have spent in the U.S. Senate is witnessing close up the fact that we do not have the ability or the willpower to do what we all know is necessary and what we all know is the right thing to do. That is why I believe that our last clear chance to do so is undoubtedly a constitutional amendment to require us to balance the budget.

We all know that Medicare is on its way to insolvency. We all know that Social Security is on its way to insolvency. We claim to have reached a consensus in this country that we need a balanced budget—not only that but that we need to balance it with real numbers and not phony numbers; and, not only that, that we need to do it in 7 years.

But with all of this knowledge and all of this consensus and agreement behind closed doors and all of this coming together in terms of what needs to be done, we cannot take the first step. We have spent the last year to year and a half proving to the American people that we cannot really take the first step toward doing what we know has to be done. And yet there are those among us who continue to say we do not need a balanced budget amendment. Of course, we need to balance the budget, but we do not need a balanced budget amendment to require us to do so. All we have to do is to do the right thing.

I challenge anyone to give any evidence over the last year, year and a half that we have shown any ability or will to do the right thing. It does not exist.

We talk about a 7-year balanced budget. The President has a proposal. We have a proposal. Under the best of circumstances, even if either of these proposals were adopted, it is doubtful that it would be carried out; the proposals are back-end loaded. The President has some 60 something billion of cuts in the last 2 years of that 7-year time period. It is extremely doubtful, to say the least, that those cuts would actually be made when the time came. It is a matter of rolling our sins forward for yet a few more years when most of us are out of office and do not have to face the consequences and under the assumption that future Congresses will have the courage that we do not have except we are making their job tougher than the one we have today.

Even if it does happen, even if we get everything we want, for example, on this side of the aisle, we are looking at the end of that road at a $6 trillion debt. We are looking at the end of that road at the imminent retirement of the baby boomers. And the people who keep up with the demographics point out to us what that is going to mean.

By the year 2030, there will be twice as many people over the age of 65 as there were in 1990 and only 20 percent more workers, so those people paying in those FICA taxes for those retirement programs are going to be dwindling in number while the retirees are expanding. We all know what the results of that are going to be.

We all know we cannot continue down this road, and yet it is another election year and so the President vetoes our attempt to balance the budget. He opposes our attempt to pass a constitutional amendment, and our friends on the other side of the aisle fall in in lockstep.

Mr. President, this is not an esoteric economic issue. It is about the future of this country and the kind of America we are going to leave and what it is going to look like to our kids. What it is going to look like is astronomical tax rates they are going to be paying if we continue the spending pattern that we have had. It is going to mean astronomical interest rates that they are going to be paying. It is going to mean more and more reliance on foreign money and foreign investment coming into this country to help us pay the interest on the debt.

It is going to mean diminished savings. We already have the lowest savings rate in the industrialized world, the United States of America does, one of the lowest investment rates in the industrialized world in the United States of America. That is why we are looking at such low growth rates. You add to that the taxes that are going to be necessary to finance this astronomical debt as it goes out here, the interest rates that are going to come from that, and you are talking about economic disaster that is facing us. There is really not any serious debate about that. And all those people who complain about any kind of effort to balance the budget because they are looking out for the kids, they are looking out for the elderly, they are looking out for the young folks, what are you going to say to those young folks then when they cannot even go out and buy their first home when they start their families? What are you going to say when they cannot even buy a car because of the interest rates? And the tax rates they are going to pay. It will not make sense to work any more under those circumstances.

Yet we heard in the last couple days now the latest bid in the tax cut game from the President is to finance 2 years of college for people. I can only say we can debate that issue later, but we better be financing maybe 10 or 15 years of college for people because they better stay in college. There are not going to be any jobs out there for them at the rate we are going. Everybody cannot go to college and stay forever. There has to be a work force out there, and they have to have reasonable interest rates to pay when they go to buy the items to build their family. They will have no need to buy a home. We are making it so they will not be able to do that.

We are the first generation in our history that even considered borrowing against our kids and those yet unborn to finance our own consumption. That is shameful. That is what we are doing. And yet we continue to say we do not need a constitutional amendment; we just need to do the right thing, when today, even today, every man, woman, and child is paying $1,000 a year just to finance the interest on the debt.

Some say, well, we are making progress. We passed the largest tax increase in the history of the world, and we temporarily reduced the deficit, knowing that when the baby boomers start retiring in the next few years, it looks as if a rate that is slowing down is going to go off the charts in an upward direction.

We say, well, look at what we did last year: We cut $23 billion from the budget from the year before. A drop in the bucket, Mr. President. We did not touch any of those areas that are increasing, some at the rate of 10 percent a year, that are going to have to be reformed if there is any hope of saving them.

Yet now we hear all of the same old arguments against the balanced budget amendment—we should not be tinkering with the Constitution. And I certainly think we should not be tinkering with the Constitution. But the Founding Fathers assumed that changed circumstances required us to seriously address our Constitution from time to time.

I would say the circumstances have changed. Thomas Jefferson and George Washington never thought about the possibility of bankrupting the next generation before they were even born. Those are the changed circumstances we are looking at today.

I would also say, Mr. President, if we have an economic meltdown in this country, there are going to be changes in regulations, there are going to be changes in statutory law, and, yes, there are going to be changes in the Constitution that are worse than our worst nightmares right now about what those changes might be. So the answer to that is to make some reasonable changes to get us on a flight path that shows some possibility of saving ourselves from ourselves.

Is that a pitiful situation or not? Of course it is. It should not be that way. But we have given ourselves now ample opportunity under all kinds of circumstances to so-called do the right thing, and yet here we are a year, a year and a half later. Every time somebody makes a proposal, the other side goes on television with 30-second attack ads to make sure we do not do anything responsible, because this is an election year. And yet they say we do not need a constitutional amendment. I say we need to do whatever is necessary to keep from handing this country over to our kids in a way that we would certainly not want our parents to have handed it over to us, and they, in fact, did not.

The other argument we hear, of course, is one that the opponents of the balanced budget amendment want to protect Social Security. Mr. President, in my brief time here I have learned that if you want to stop something, if you want to throw a roadblock in the way of something being accomplished, you run out the old Social Security red herring and try your best to scare the elderly, because if you can scare the elderly, you can create enough temporary political confusion that you can prevent any kind of reform.

This is, of course, what has happened again. Six of my colleagues on the other side of the aisle in 1994, when there was no chance of a constitutional amendment for a balanced budget passing, voted for the amendment. Last year, when we had a real good shot at getting it passed, we fell one vote short. One Senator switched back and voted against the constitutional amendment. And the reason for that is they discovered that it might have endangered Social Security in some way.

The argument goes that because we include the receipts that go into Social Security and the expenditures that go out of Social Security in the entire budget, in some way that is endangering that program, and if we somehow pulled it out and set it over here to the side, that in some way would protect it. Of course, it is an appeal to fear. It is an appeal to ignorance. It has no relationship to reality.

It has been pointed out on this floor by my Republican and Democratic colleagues alike. Senator SIMON of Illinois just the other day, of course, pointed it out as a fig leaf that some will try to hide behind because they do not want a constitutional amendment to balance the budget. Time magazine called that argument "mendacious nonsense," the idea that the constitutional amendment to balance the budget would somehow endanger Social Security.

The fact of the matter is, only if we get the reforms necessary to keep from bankrupting this country can we protect and preserve Social Security. So the contrary of that argument is the case. Not to mention the fact that all we are doing is treating it the way that we have been treating it for three decades in this country, Democrat and Republican administrations alike.

President Clinton's last budget kept it all together, just the way we have always done. We did not hear any cries from our friends on the other side of the aisle when that happened. They voted for it. They voted for that budget, to keep all Government revenues and all Government expenditures together. You are not looking at a realistic situation if you do not consider them together. We all agreed on that. So the Johnny-come-lately argument.

Not to mention the fact that if, in some way, Social Security was sequestered from the entire budgetary process, that would make, of course, balancing the budget impossible because it would require $360 billion more cuts than what we have to make now. We have shown we cannot do what is necessary now, but if the income and the outflow of Social Security were taken out of it, we would have to cut programs another $360 billion. The opponents of the balanced budget amendment know this. They know it would make it absolutely impossible to be workable under those circumstances. We strained and fought for a year and a half. We got $23 billion in cuts—not $360 billion, but $23 billion.

But the point they make is that Social Security is now in surplus, so if you put it all together in the general budget, the general budget is getting the benefit of Social Security because it is in surplus and it makes the deficit look smaller. And it is true. It is true. That is the way the books are kept, and that is true, when you talk about for the next 15 years, for the general budget.

You know, those are Americans, too, getting the benefit of the general budget. Many of the same people who get the benefit of Social Security get the benefit of the programs in the general budget. But for the next 15 years, the numbers on the Social Security side will assist on the general budget side. And that is true.

But typical of the way that we think in Washington, DC—which is, if we are lucky, a couple of inches past our nose—we are not looking down the road. We are not caring about anybody but ourselves. We are not even caring about our own children. Because look at 16 years out. Social Security is in surplus now, but along about 2011, Social Security goes into the red, and we will be paying out more in Social Security, at a steeper and steeper rate, than we are taking in. So, by being a part of the general budget, under those circumstances Social Security gets the benefit of that, because where is the money going to come from to make the Social Security payments if not from the general budget?

Nobody, no opponent of this measure, is coming here and saying we need more Social Security taxes. Nobody wants to advocate this. So where is the money going to come from?

The point is, approximately $850 billion annually will be needed by the year 2030 to fund Social Security, to pay current the liability over and above payroll tax receipts. So, by the year 2030, Social Security is going to need $850 billion from somewhere. We are in surplus now, but here is what it is going to look like starting about 2011. But by 2030, we have dug a real big deep ditch for ourselves. Nobody wants to talk about that.

Mr. President, just to repeat, the so-called saving Social Security by not going along with the bookkeeping entry that we have done for three decades, Democrats and Republicans, is a total red herring, a figleaf to hide behind by those who do not want to stop the culture of spend, spend, spend, and hopefully elect, elect, elect in a campaign year.

Mr. President, in conclusion, I urge we take what I referred to earlier as this last clear chance that I believe we have this year to take that first step—it is not a solution; goodness knows we are a long, long way from a solution—but to take this first step toward doing something responsible so we can hand this country over to our kids and to our grandkids in halfway decent shape, the way our parents and forefathers did for us.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I yield myself 10 minutes from Senator THOMAS' time.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, the question I fear most as a Senator is not a question from a news reporter, it is not a question from a constituent visiting my office, it is not a question from a constituent at home; it is the question that I fear my grandchildren will ask me, and it is this. "If you were a Senator back then, why didn't you do something? Why didn't you balance our budget, so my family would be able to have jobs and afford an education?" Mr. President, that is the question I fear the most.

A great-grandparent, born in 1900, paid about 24 percent of the family income in Federal, State, and local taxes. That is after the benefits were taken out. A 26-year-old mother today, who may be working in an office or raising her children at home, will pay at least 34 percent of the family income in taxes after benefits. That is already one of the highest levels in our country's history. But if we do not change our ways, the real bad news comes for her children. Her young baby will pay 84 percent of lifetime income in taxes if we do not balance the budget in this country. That is what it will take to continue our current policies for Government spending. Our grandchildren cannot support such a burden of spending, debt and interest. At 84 percent, they will not be able to find jobs at all, much less pay their bills.

I do not ever want to be asked why I did not change the course of this country. I did not come to Washington to support the status quo. I came to change the way they do business in Washington, DC. I came to get Washington off the backs of the hard-working American people so they can earn more and keep more of what they earn. That is the American dream.

With a balanced Federal budget, the Joint Economic Committee forecasts that interest rates will fall by 2 percent. Let us look at what that means for the American family.

Senator PHIL GRAMM came up with this chart to talk about what it will mean to each family to have interest rates lowered by 2 percent. Our children's education? We would save $1,369 on a 10-year student loan because interest rates would be 2 percent less. There would be a $680 saving on a car loan over 4 years. For a small business, it would mean a savings of $4,716 on a 8-year loan.

Farms that are struggling right now, especially in my home State of Texas, where we have a terrible drought, nevertheless have loans to pay. A 2-percent drop in interest rates would save the farmer $2,067 on a 6-month loan.

What most Americans pay the most interest on is homes. On a home mortgage, 30 years, a 2-percent drop in interest rates would create $1,880 per year in savings—almost $2,000. That is like saying we are going to cut your taxes $2,000 just by balancing the budget. So, with more interest kept in our pockets instead of paid to the bank, we will be able to send more of our children to college, give more of our children jobs in small businesses, and earn enough to pay for our homes and cars.

Yesterday, my office got a letter addressed to all Senators signed by 91 interest groups asking us to oppose the balanced budget amendment. It was signed by all sorts of groups: Labor unions representing teachers, postal workers, Government employees and auto workers; the American Association of Retired Persons; the League of Women Voters; the Americans for

Democratic Action, several environmental groups; and several churches of many different faiths.

Why did 91 of these groups come together? What is their common bond? They are asking the hard-working people of America to work for their priorities. Many of these groups balance their budgets every year on the backs of the American taxpayer, the same taxpayer who goes to work every day hoping to earn enough money to do a little bit better for their children.

These groups had the nerve to say, "The American public has a right to know how a balanced budget will be achieved before a balanced budget amendment is enacted. Which important programs—education, health care, Social Security, transportation, job training—will either be dramatically cut or eliminated threatening America's vital interests?"

That was the question asked by these 91 groups. Where have they been? Where have they been for the last 2 years? For the first time since Government careened out of control, we have done exactly that. We have told the American people exactly how we will balance the budget over 7 years, and we are asking for a constitutional amendment that will assure that once we do the work to balance it, that never again will a Congress be able to rob from our future generations to pay for what we are going to do today.

This Republican Congress has passed a balanced budget twice. It balanced a budget last year that did not touch Social Security, that allowed for increases in Medicare and Medicaid, that funded education, the environment, job training and transportation, and protected our children by cutting taxes on their parents and providing their futures will be deficit free.

But, what happened? President Clinton vetoed the balanced budget. So we have delivered a balanced budget in writing, and if they are looking for the details, they can look in President Clinton's wastebasket. And while they are there, maybe they will look at some of the promises that have been made by the President, because 4 years ago yesterday, June 4, 1992, President Clinton told the American people on television that if he was elected, he would present a 5-year balanced budget plan. He went back and forth on that over the last few years, but then when he did submit what he called a balanced budget to Congress, he did it by saying that all the tough cuts would come after the year 2000 when he would be gone, if he is elected to a second term.

I think that is the difference between the President and the Congress. The President has said one thing and made those promises and he has done something entirely different. Congress said what they would do in 1994, and they have kept their promises to the American people. We have set our priorities, and we have kept our promises.

So when the interest groups line up to oppose change, I think they should really consider what they are doing to their own members. Do the auto workers want to lower interest rates so they can build and sell more cars? Do the Government employees want lower prices on their homes so they can afford their part of the American dream? Do retirees want to leave a better world to their grandchildren? I know they do, because they contact my office all the time saying that they do.

To make this happen, we must change the way we do business in Washington. We must stop the deficit spending and make sure that no future Congress does it again.

To stop the deficit spending, we need a permanent constitutional protection so that we will not be able to go out and borrow money on our children's future. The more the population ages, the more economic growth stagnates from high tax, slow growth policies the more urgent our problem will become.

I urge my colleagues to vote with me to take action now to protect our country's future for our children by passing the balanced budget amendment and sending it to the States for ratification. We will be better remembered by our grandchildren if they have the same kind of America that we have been privileged to grow up in. And, Mr. President, I do not want to face my grandchildren 20 years from now and have them ask the most dreaded question: "If you were a Senator back then, why didn't you do something?"

We can take action on the balanced budget amendment this week, and we can set the future course for our country and for our children and for our grandchildren.

Thank you, Mr. President. I yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, I am authorized to yield such time from Senator Thomas' time as I may need.

Mr. President, in a free country, some questions are never answered finally and definitively but must be addressed anew by each generation. It is, I think, for that reason that the words of Thomas Jefferson at the beginning of our Nation's history are so apposite today. Thomas Jefferson said:

> To question whether one generation has the right to bind another by the deficit it imposes is a question of such consequence as to place it among the fundamental principles of Government. We should consider ourselves unauthorized to saddle posterity with our debts and morally bound to pay them ourselves.

That method of phrasing the question in Thomas Jefferson's time is every bit, if not more, applicable today during the course of this debate as it was almost two centuries ago.

This debate is most fundamentally about a moral question, about our right as Members of Congress, as representatives of the people of the United States to spend money, to advance programs—however well-intentioned, however successful—for which we are not willing to pay and to send the bills to our children and our grandchildren.

The question is practical as well as moral: Constant deficits, the increase in the burden of debt, the increase in the rate of interest which the Federal Government must pay on that debt and, equally significant, the interest rates individuals must pay when they purchase homes or automobiles, that businesses must pay when they wish to expand and give more opportunity.

Burdens—the burdens of regulation, the burdens of a large Government—are enhanced by unbalanced budgets, by the creation of bureaucracies, agencies, rules and regulations for which we are unwilling to pay but are willing to undertake only because we can send the bill to someone else.

Mr. President, there are a series of objections to this proposal. I hope it is not oversimplifying it by saying in some connections, they come from those organizations and those individuals who simply fear for the survival of their programs if present-day taxpayers are required to pay for those programs. Those fears are perhaps well-founded.

Clearly, if this amendment were a part of the Constitution of the United States, we would spend less on today's programs. We would be required to set priorities to determine which are the most important programs to a far greater extent than we do at the present time.

A second objection which I have heard is, "Oh, it won't be enforceable anyway. People will find escape valves, ways to get out from under the requirements of this constitutional amendment."

A third is that we are turning the entire proposition over to the courts of the land, that courts will be able to impose taxes or cut spending if the Congress does not do it itself.

These are just some of the parade of horrible theories with which opponents regale us during the course of this debate. Some of them may or may not to a certain extent have a degree of validity.

But the other half is reality, Mr. President. For all of the fine words about our balancing the budget without a constitutional amendment, no Congress and administration has done so in 30 years. Yet, there has hardly been a Member of this body or the other body during that three decades who has not given lip service to the proposition that a balanced budget is a good idea. It has just not been quite so important as some other idea which each of those hundreds, perhaps thousands at this point, of Members of Congress have had. Reality, in other words, Mr. President, speaks far louder than any words we can possibly state.

I must admit that I was persuaded by some of those arguments a decade ago. I voted against a predecessor to this constitutional amendment based on the proposition that Congress ought to do the job itself. Well, Mr. President, fool me once, shame on you; fool me twice, shame on me. It had not happened before I came to this body; it has not happened since I came to this body.

I simply leave off with the proposition that if we do not change the structure in which we operate, the same excuses, the same reasons will be presented a decade from now that are being presented here today, and it is very likely that we will be no closer to that balance, that we will continue to pile unjust burdens on our successors, that we will continue to fail the moral duty that Thomas Jefferson outlined for us.

Just last year this constitutional amendment was defeated, largely by the votes of Members of this body who said, "We don't need a constitutional amendment. We simply need the moral courage to pass a balanced budget ourselves."

We took up that challenge, Mr. President. The Presiding Officer was a part of it. I was a part of it. We did, in fact, in this body and in the House of Representatives pass a balanced budget plan that would have met the requirements of the constitutional amendment had it been a part of the Constitution. We did that for the first time in 30 years. And we were faced with a veto by the President of the United States.

In turn, the President of the United States then presented what he claimed to be a balanced budget, though all of the heavy lifting, all of the significant spending cuts would not take place until after the next President's full term had expired. That has not been accepted.

As recently as 2 weeks ago, Mr. President, for the first time in several decades, a group of Members from both parties in this body, Democrats and Republicans, came together and came up with an alternative proposal for a balanced budget that significantly impacted the entitlement spending programs which are at the heart of our deficit challenge. But, Mr. President, they failed, even though they got 46 votes out of 100 in this body. They failed. And they failed, among other reasons, because of the deafening silence from the President of the United States, a silence which communicated disagreement, disagreement based on the proposition that the President of the United States would no more have signed that bipartisan proposal than he would the Republican proposal of last December.

So, Mr. President, why should anyone listening to this debate believe that what has not taken place for 30 years will take place if this constitutional amendment is defeated? Every element in our history tells us that it will not. Each individual Member is more committed to something that he or she considers more important than the balanced budget, absent the discipline this constitutional amendment will impose on us.

So, Mr. President, I think this debate comes down to our own individual answers to a series of questions.

Do we really want a better economic future for our children and grandchildren?

Do we want them to be able to live in better homes because mortgage interest rates are lower?

Do we want them to have greater opportunities and more choices of jobs in a more prosperous economy?

Do we want their incomes to be higher because their Governmental burdens are less?

The answer to each of these questions, of course, from everyone here is in the affirmative.

But the fundamental question, Mr. President, is, do we want those goals for the future badly enough to do something about it, badly enough to take a difficult vote at this particular time?

Do we, Mr. President, want to live up to the advice of Thomas Jefferson? Do we care enough about our ethical and moral responsibilities to those who come after us to say, "The present system has not worked. We need a new system"?

Only if we pass this constitutional amendment, only if we allow this debate to take place in 50 State legislatures, as they debate the confirmation of such a constitutional amendment, will we carry out our duties.

History tells us, Mr. President, that we will not do it on our own. This constitutional amendment is needed. We hope for the endorsement of the President, which we are almost certain not to get. But we hope, even more significantly, for the courage, the concern for the future, the concern for our economy, the concern for our moral duties that can, in my opinion, only be carried out if this constitutional amendment is passed and submitted to the States for their ratification.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Mr. President, I yield myself such time from the time of Senator THOMAS as I may consume.

Mr. President, we are talking today about the balanced budget amendment that we will soon be voting on again. There have been several different kinds of comments made about the need for the balanced budget, probably the two most prominent being, No. 1, the fact that in the short-term we will all be financially better off if the Federal budget is in balance interest rates will immediately begin to come down. All economists agree that interest rates will drop once the market understands that we are going to balance the Federal budget. That 1-, 2-, or 2.7-percent drop in interest rates, depending on which economist you believe, means Americans will have more money to put in their pockets immediately.

In my home State of Arizona, the average home mortgage is just under $100,000. The interest that would be saved as a result of balancing the budget for every Arizonan with that average home mortgage would amount to $2,655 every year—$2,655. This is real money. For the average student loan it is $547. So, if we here in the Congress can pass a balanced budget amendment and send that to the States for ratification, the markets will adjust, will lower interest rates, and all of us will benefit as a result of that, through immediate financial savings.

There are many other ways this occurs. The Federal Government has borrowing costs which I will discuss here in a moment. Those borrowing costs are reduced. As a result, we do not have to pay as much in taxes to cover those borrowing costs. It applies all throughout the economy, both the private sector and the Government sector. Balancing the budget will reduce interest rates, and that will mean money in our pockets. That is an immediate benefit for all Americans, regardless of income status, regardless of where they live. It is very, very important.

Second, Mr. President, the other primary argument about the balanced budget has been the valid observation that we owe our children and our grandchildren the promise of a future that will be as good for them as our lives have been for us. We want them to have as much opportunity as we have had. That will not be the case if we continue to run up the debt and then ask them to pay it in the future. It is very much like young people getting in over their heads with their credit cards. We know that credit card interest rates are pretty high. Soon after you have loaded up your credit card, you can hardly make the monthly payments. You have to sell one of the two cars you own. You have to maybe take out a second mortgage on the home, or in a case I know, someone had to sell their home to pay the interest accumulating on this debt. That is what we are asking our children and grandchildren to do if we keep increasing the Federal debt with annual Federal deficits.

Until there is a balanced budget amendment this is not going to stop. How do we know that? Some of our colleagues who opposed the balanced budget amendment last year made the argument, "If you just let us do it, we will do it. That is what we were elected to come here to do, to make the tough decisions." We said, "All right, let's do it." For the first time in 26 years, Mr. President, we passed a balanced budget, on November 17, 1995. The problem is on December 7, 1995, President Clinton vetoed that balanced budget. Because of the impossibility of overriding his veto, we have not been able to agree upon a budget that would achieve balance. That is, until just 2 weeks ago, at which time the Republican Senate again passed a new budget that would be in balance after 6 years.

This effort to ensure that our children and grandchildren have the same kind of future that we have had also has very real monetary consequences. I have a brandnew grandson, whose name is Jonathan. He owes the Federal Government $187,000. He is a year old. This is kind of a tough burden for him. That $187,000 is just to pay the interest on the Federal debt during his lifetime. That does not pay anything else. It does not pay for defense, for education, for health care, or for anything else; it just pays the interest on the debt. But that is how much he owes. It is unfair.

One of the reasons that I ran for the U.S. Congress when I did was to try to ensure that when I finally left this world, I left it better off than I inherited it. I have now acquired a position of great honor and opportunity to try to do something about that commitment that I made. All of us have said the same thing in one way or another. If we are not committed enough to do something for these young children and grandchildren that we have, to guarantee that they have as good a future as we have had, then we are not doing our job. We understand that, without the constraints that are required to comply with the Constitution, we are not going to balance the Federal budget, and those kinds of obligations are going to continue to be imposed upon our children.

I said in the beginning that those were the two primary arguments for the balanced budget amendment. I do not see how anybody can argue that they should not call for the adoption of the amendment. I wanted to focus on a different aspect of it that still relates to this question of interest payments because I think it puts into perspective how far out of whack this has become.

I want to relate some figures on how much in the way of interest we are paying. What is the interest we are talking about again? This is interest on the accumulated $5 trillion-plus in Federal debt. Each year, we have a Federal budget deficit that adds to that debt and, therefore, adds to the interest. Here is what the interest payments now amount to. Compare this first with 1965, 30 years ago. The Federal Government in that year paid $8.6 billion in interest. I remember a couple of days ago when I was presiding, and the Senator from Illinois, Senator SIMON, who has been a very strong advocate of the balanced budget amendment and who, unfortunately, is going to be leaving the Senate at the end of this year, said—talking about the figure of $9 billion—"Back then, $9 billion was a lot of money." It reminded me of one of his predecessors who represented the State of Illinois, Everett Dirksen, who was famous for saying, "A billion here, a billion there, pretty soon you are talking big money." Here is what this $9 billion in 1965 has come to. In 1995, 30 years later, instead of $9 billion in interest, the Government paid $232 billion in interest. In just 30 years, it went from $9 billion to $232 billion.

What does that mean in terms of the obligation of the average family? In 1965, that interest cost of a little under $9 billion amounted to 17.6 percent of all individual income taxes paid. In 1995, the $232 billion in interest cost was over 30 percent of income taxes. In other words, just think about April 15 when you paid your tax bill. Almost one-third of that was interest on the Federal debt. What did the Federal Government get for that? What did we get for that? Absolutely nothing. That is just interest on the debt. It did not buy a single airplane for defense, it did not buy anything regarding health care or education or support for the elderly, or any other Government program that is of interest to the people of this country. It just paid the interest on the debt.

Now, let us compare it to a couple items in the Federal budget. Let us compare it to national defense. In 1965, 30 years ago, interest costs were 16.9 percent of the outlays for defense in that year. But, in 1995, this $232 billion in interest costs was almost 85 percent of all outlays for defense. In other words, here is the defense budget. Thirty years ago, we paid, in interest, about 17 percent of what we were paying for defense. Today, we pay, in interest, 85 percent of what we are paying for defense. In other words, it is almost getting up to the same amount that we pay for defense, which is the single largest component of our discretionary budget.

So let us compare it to our discretionary spending. In 1965, interest costs were equal to 38.9 percent of all domestic discretionary spending. Domestic discretionary spending is the money we spend for agriculture, for subsidies, for health care, for defense, and all of the other things. But, in 1995, that interest cost was 92 percent of domestic discretionary spending. In other words, Mr. President, we paid almost as much in interest costs as we did for all of the domestic programs that were funded by the Federal Government.

So, Mr. President, it is clear that this interest cost is huge, it is growing, it is not productive, and it takes money that could be spent for other things. As a result of reducing this interest expense, we would all be far better off, and it will not happen unless we pass an amendment to the Constitution to require a balanced budget.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. DOLE. Mr. President, is leader time reserved?

The PRESIDING OFFICER. Yes.

MEDICARE WILL GO BANKRUPT IN 2001

Mr. DOLE. Mr. President, the Medicare trustees have now released their report on the state of the Medicare trust fund, and the news is not good. Instead of going bankrupt in the year 2002, as they had previously forecasted, the trustees now conclude that Medicare will go bankrupt in the year 2001—just 5 years from now.

For the past year and a half, this Republican Congress has attempted to deal honestly and forthrightly with the impending Medicare meltdown. We have put forward a budget that would protect, preserve, and strengthen Medicare by reducing the unsustainable rate of growth, while still allowing for a healthy growth rate.

We did not claim that our plan was perfect or that it solved a long-term problem. But it was a real attempt to alleviate a crisis that will immediately impact 37 million Americans and will have repercussions on tens of millions more.

Along with our proposals to provide for short-term solvency in the Medicare trust funds, I also suggested, on numerous occasions, that President Clinton appoint a blue ribbon, bipartisan advisory committee, similar to the one I served on in 1983 that rescued Social Security, to help deal with this long-term crisis in Medicare. I was interested to see that Secretary Shalala made a similar recommendation today.

My response to the initial report of the Medicare trustees was based on my belief that leadership means more than just talking about the problem; it also means doing something to solve it. It is also clear to me that if we are to be successful, we must put politics aside and work on a bipartisan basis.

Unfortunately, President Clinton has been unwilling to do that. Ever since the trustees—three of whom are members of the President's administration—issued their original report, the administration has chosen to either ignore the warning of Medicare's impending bankruptcy, or to engage in a very sad campaign to frighten America's senior citizens.

It is an undeniable fact that the Republican proposal allowed spending for Medicare beneficiaries to increase from $4,800 to $7,200 per person over 7 years. It is also an undeniable fact that in their ill-fated health care reform proposal the Clinton administration advocated slowing Medicare's rate of growth. Despite that fact, however, the President vetoed our Medicare proposal. We have heard nothing—nothing at all—but attacks on Republicans for "slashing and cutting" Medicare. When the President was asked not long ago why he continued to use these terms even though they are not true—and I happened to be listening to the press conference—he said that the media made him do it. Maybe they did. But he has been doing it.

With the release of today's report, the inescapable conclusion is that, while the rhetoric flew, Medicare was put at further risk. Those who say that talk is cheap should now know that 18 months of misleading rhetoric may have gained points in the opinion polls, but it also put Medicare another $90 billion-plus in the red.

The bottom line is that the 37 million Americans who depend on Medicare deserve better. Future generations of Americans who will need Medicare deserve better.

The choice is clear. America's leaders can spend the next 5 months focusing on the next election, thereby allow Medicare to grow ever closer to bankruptcy; or we can focus on the next generation, and do what we must to save Medicare.

It will not be easy nor simple. The solution cannot be a shell game, moving money from one part of Medicare to another. A tax increase is also not the answer.

I call on the President to come forward with real initiatives so we can preserve the Medicare Program and to join with Republicans on a bipartisan basis, as I have proposed before, to address this very serious problem.

So we have 37 million Americans who depend on Medicare. That is the bottom line. Future generations are looking to whether or not there will be any Medicare trust fund or any Medicare benefits. I think we need to fix Medicare just as we fixed Social Security in 1983 on a bipartisan, nonpartisan basis.

I remember walking onto the Senate floor in 1983 right in that aisleway when we thought everything had evaporated—collapsed. I met Senator MOYNIHAN coming in the door. And we stood here and talked for 2 or 3 minutes about we could not let this happen; there were too many millions of Americans who depended on Social Security. So together we got it back on track. And the end result is we did in effect rescue Social Security.

Now someone is going to be asked to do the same with Medicare. I would call on the President to stop running the TV commercials, to stop trying to scare senior citizens, to stop trying to frighten seniors with some of the ads paid for by union dues. Millions and millions and millions of dollars have been spent on political attacks and TV attacks on Republicans who want to fix, preserve, and strengthen Medicare.

Today is the day of reckoning. Today even the administration says, "Oh, well. We ought to fix this." We are going to fix it, or it is going to be bankrupt. And I believe it will be fixed.

So the President now I understand would like to work it out. He has had a whole year to bash Republicans, a whole year to scare senior citizens, and now he understands—at least the people around him understand—the seriousness of this shell game.

So I call on the President to come forward with real initiative so we can preserve the Medicare Program and join with us. As I said, our plan is not perfect either. Maybe we can come together. This is a very serious problem. It is not going to go away. It is not going to go away. The trustees' report is very clear on that particular area. It is not going to go away. We have to fix it. We have to stand up and be counted.

We cannot have it both ways. We cannot scare seniors on the one hand and fix it on the other. It is time to tell the American people the truth. It is time to tell the American people—to give the American people the facts.

So I would be prepared—I am certain my colleagues will be prepared—to work with the administration if in fact they want to work on a bipartisan basis. This is serious business—37 million Americans who want us to make progress to do it the right way—to preserve and strengthen Medicare.

Mr. HOLLINGS. Will the distinguished Senator yield?

Mr. DOLE. I am happy to yield.

Mr. HOLLINGS. I referred earlier to the BOB DOLE we know and love. I earlier remarked because he and I have worked to try to balance this budget over the years. More particularly I put in the RECORD a statement, and the vote and record made of the Greenspan commission upon which the Senator served where they recommended that Social Security after a period of years be off budget. Of course, the vote the Senator and I both joined in doing just that. In 1990 we put it off budget. The law was signed by President Bush. Now we have the Senator's amendment, and he got my vote. If we just do exactly what he intends, I think here in section 7, "total receipts shall include all receipts of the U.S. Government except those derived from borrowing." That has been interpreted as borrowing from the public. Why borrow from Social Security? In other words, we owe Social Security $530 billion. These budgets which have been put out by both sides all use Social Security. So by the year 2002 we will owe $1.1 trillion.

So you can pick up not only my vote. By the letter we sent —I have talked to these Members; five of us, and at least more—pass this constitutional amendment by just protecting borrowing from the public but in conformance with the law which the Senator and I support; not borrow from Social Security. In other words really eliminate the deficit rather than move the deficit from the general Government over to the Social Security fund.

Mr. DOLE. Let me indicate first that I acknowledge the Senator's efforts over the years to face up to the budget problem. He has demonstrated it with his votes. I think in this case though—I do not have the amendment before me. I know what it says. I think if we do that over a period of years, others would like to do it right now—we phase it out. I think the Senator is saying he would prefer we do it immediately. We have been doing it the way proposed here for some time. Even in the 7-year budget plan we proposed, of course, we did not use Social Security.

So our view is—my view on this balanced budget which I will discuss tomorrow—is that we need to make it very clear precisely what we are doing because we need this discipline. We need to send this to the States, and give the States a chance to ratify it. If Kansas does not want to ratify it, or South Carolina, or Arizona, or Idaho, that is their right. But if three-fourths of the States do not ratify the amendment it does not became part of the Constitution.

I think the Senator from South Carolina also shares our views on Medicare. He is one Senator who will not stand here and let Medicare go belly up. I hope that there will be enough bipartisan support that whatever the problem is can be remedied and remedied very quickly.

Mr. HOLLINGS. If the distinguished Senator will yield, we would not do it immediately. In other words it would be part of the Senator's joint resolution, or balanced budget amendment, to the Constitution, and as the Senator's comments just indicated it would go back to the States for several years to be ratified. In the meantime, it would be in there and protected but it would not control immediately. And while they are ratifying we could be working, as the Senator indicated, to bring it into line without using Social Security funds.

So I do not see the harm done if we could just include that. We can pass the balanced budget amendment to the Constitution.

Mr. DOLE. I would be pleased to look at anything the Senator suggests. The Senator from Idaho, I believe, has about the same approach. At least it might be the same result obtained by the Senator from South Carolina. He will be our next speaker.

BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

The Senate continued with the consideration of the joint resolution.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER (Mr. KYL). The Senator from Idaho.

Mr. KEMPTHORNE. I yield such time from the time of the Senator from Wyoming as I may consume.

The PRESIDING OFFICER. The Senator is recognized.

Mr. KEMPTHORNE. Mr. President, as we listen to this critically important debate on the balanced budget amendment, we hear all of the different figures. The fact that $19,000 is owed by every man, woman, and child currently in America; the fact that we spend almost $300 billion in interest on the debt—all of these numbers. But I have a hard time understanding this. How do you put that in perspective—how big is that—in the few moments that I am going to speak? Because I am going to make the formal part of my speech a part of the RECORD. But in the few moments that I am going to speak—that is 5 minutes—we will have $5.5 million in interest payments.

So what does that equate to? That means that instead of paying that interest we could put 100 police officers on the street. It means that during those 5 minutes that I will be speaking we could instead use that $5.5 million to immunize more than 45,000 kids in America. It means that we could provide a year of Head Start for almost 1,500 kids in America. That is what we are consuming just in the few moments that I will be speaking.

Today, as I walked over here, I saw all the Americans that are visiting this Nation's Capitol today. I think it is tremendous to see the citizens coming and seeing this Nation's Capitol. Just outside the door are the rich portraits that we have of George Washington and the Founding Fathers. We think about our history and what this country is founded upon. George Washington said in his farewell address to the Nation that he warned Congress to "cherish public credit and to use it as sparingly as possible avoiding occasions of expense." And Thomas Jefferson, who believed so strongly in a balanced budget, said that it was so important "as to place it among the fundamental principles of government. We should consider ourselves unauthorized to saddle posterity with our debts and morally bound to pay them ourselves."

Those are the principles upon which this Nation was founded.

So how have we abided by those words? Are we paying our debts as we go? No. The last time that we had a balanced budget in the United States of America I was 17 years old. I now am the father of a 17-year-old daughter.

It has been a generation since we have had a balanced budget. We do not have the discipline, so we need to make it part of the Constitution.

Now I want to just step back, Mr. President, and address the big picture. Again, we mention all these numbers. But I just hope all Americans realize that while we try to get a two-thirds vote in the Senate of the United States, because it has passed in the House already, the balanced budget amendment, that does not mean we have accomplished a balanced budget for the country.

That simply means Congress is saying we will now put the question to the 50 States of the Union because we are the United States of America. We are not the Federal Government of America, so we place that question before the 50 States so that the people of America can affirm whether or not they feel we should have a balanced budget amendment.

It is hard for me to understand how this body can come to the conclusion that for some reason we must not ask that question of the American public. It is inconceivable especially when you look at the track record of how we have so poorly spent those finite resources, the dollars of the citizens of America, because it is not the Government's money. It is the people's money, and they should be brought into this process.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from North Dakota has the floor. The Senator from North Dakota is recognized for 1 hour.

Mr. DORGAN. Mr. President, I am going to yield time to the Senator from Arkansas, [Mr. BUMPERS] as soon as Senator BUMPERS comes to the Chamber. Following that, I intend to make some remarks about this subject.

I see Senator HOLLINGS from South Carolina is in the Chamber. I listened intently to Senator HOLLINGS and always enjoy his presentations. He knows this subject. As the former Chairman of the Budget Committee he has been involved in this subject for a long, long time. And I think if one looks at the record of Senator HOLLINGS on taxing and spending issues, no one in this Chamber could credibly argue he does not want a balanced budget. No one has been a more vigorous fighter for a balanced budget in the Senate than Senator HOLLINGS from South Carolina. The point Senator HOLLINGS has made is there is a right way to do this and a wrong way to do this.

This is a copy of the Constitution. This copy is a little small booklet, the kind that Senator BYRD, our distinguished colleague from West Virginia, carries with him. He is fond of saying this is his contract with America, the Constitution of the United States.

This, incidentally, was written over 200 years ago by 55 men—55 white men, to be exact—who convened in a small room in a place called Constitution Hall, the assembly room of Constitution Hall in Philadelphia, PA. Those 55 men spent the summer writing a Constitution for our country. I was selected to be one of 55 people who on the 200th birthday of the writing of the Constitution went back into the same room and held a celebration, a 200th birthday celebration of the writing of this remarkable document, the Constitution of the United States. And on the 200th anniversary, 55 of us went into that room, 55 men, women, minorities—a wonderfully diverse group of Americans convened in that room.

That little room up in Philadelphia has at the front of the room the chair where George Washington sat—yes, the very chair sat in by George Washington as he convened and chaired, presided over, the constitutional convention.

If you read the accounts of the deliberations, Ben Franklin sat over on this side, Mason, Madison. Thomas Jefferson was not there; he was in Europe. But he contributed through his writings enormously to the Bill of Rights of the Constitution. But you could not help, while sitting in that room celebrating two centuries of the Constitution of the United States, you could not help getting some goose bumps about what all of this is about.

This is the longest surviving, most successful democracy in the history of humankind. This democracy survives because the Constitution gives the power to the people. It is a country that belongs to the people.

The Constitution starts:

> We the People of the United States, in Order to form a more perfect Union, establish Justice, ensure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

"We the people." This is quite a remarkable document in the history of humankind.

Some in this Chamber view this as a mere rough draft. We have had over 140 proposals in this Congress alone to change the U.S. Constitution. I do not see many people walking around here who look much like Ben Franklin or Thomas Jefferson. And I worry that this Congress on a dozen different initiatives believes it can improve on the work of our Founding Fathers, who created a document that provides timeless truths about how democracy can work to serve the interests of the people.

I am going to talk about that in the context of this debate, a debate today about how to change, or whether to change, the Constitution in order to deal with this issue of deficits and fiscal policy. But before I begin that discussion, I want to call on my colleague from Arkansas, Senator BUMPERS.

Senator BUMPERS, like a lot of Senators in this Chamber on both sides of the political aisle, is someone for whom I have deep respect. No one has served this country more honorably and provided better service in the cause of democracy than my colleague from Arkansas, Senator BUMPERS. He not only is, I think, probably one of the best orators of the Senate in many decades; he is a person with a remarkable depth of knowledge about these budget issues. He sees where we have been, where we are heading, what is important, what we ought to be doing for the future of this country.

So I am just delighted to yield whatever time he may consume. Let me yield 20 minutes to the Senator from Arkansas, [Mr. BUMPERS].

The PRESIDING OFFICER (Mr. KEMPTHORNE). The Senator from Arkansas, [Mr. BUMPERS], is recognized for up to 20 minutes.

Mr. BUMPERS. Mr. President, first, I thank my distinguished friend from North Dakota for yielding. Second, I especially thank him for his very generous laudatory comments, all of which are true, of course, and to thank him for his very valiant, noble efforts in the cause of constitutional government.

He made an observation which I have made many, many times but frankly across the Nation seems to fall on deaf ears, and that is we are the oldest democracy on Earth. Our Constitution, which should be sacred to all of us, is the oldest organic, existing law in the world, and yet many of my colleagues want to treat it as an unfinished, rough draft. Every time we have a politically popular thing crop up in this country, everyone wants to amend the Constitution. Without denigrating specific colleagues, nor really denigrating the Senate as a body, I do not know a single person in the Senate that I want to defer to instead of James Madison, defer to instead of Benjamin Franklin, defer to instead of John Adams or John Jay.

Arthur Schlesinger, one of the preeminent historians of this country, has said, and I think with a great deal of acumen and accuracy, in 1787 the greatest gathering of minds ever assembled under one roof met in Philadelphia to craft this document which we solemnly swear, when we are sworn into the Senate, we will support and defend—the Constitution of the United States.

Is that a sacred, solemn oath we take, or is it something we do just for political reasons, because we have to, or because of legal reasons? I have heard it said in this body that 83 percent of the people in this country when asked, "Would you favor a constitutional amendment to balance the budget," 83 percent of the people say yes. What they do not tell you is that 83 percent of the people of this country also say they are contemptuous of politicians who have to look at a poll in order to find out what they think.

The Senator from South Carolina, from Oregon, the rest of us, have a solemn duty to be educators as well as legislators. The people of my State did not all attend law school and study constitutional law. They have not all read "The Federalist Papers."

I am chagrined, irritated, and angry because in this body we want a constitutional amendment to balance the budget. We want a constitutional amendment to limit terms of Senators, as though the people of your State do not have enough sense to know who they want to vote for; or a constitutional amendment that would ban flag burning; a constitutional amendment that would require our children to recite certain prayers in school, and on and on it goes. This is just a snipe hunt. As a matter of fact, this amendment gives snipe hunting a bad name.

What does this amendment do? SAM NUNN, our distinguished colleague from Georgia, when we considered this before, very thoughtfully added an amendment saying the courts will not have any jurisdiction over this. I am not sure we can legislatively make that decision here, but assume we can; that answers the question "Will all Federal courts have jurisdiction?" Under the Nunn amendment, they would not. But let us just assume that, as my good friend from South Carolina is wont to say very often in this Chamber, we pass a budget resolution to say this balances the budget, pat ourselves on the back, give ourselves the good Government award, head on home and tell the constituents how great we are.

But, wait, some person that is aggrieved says, "Look, that budget resolution is based on flawed assumptions about revenues and expenditures. You have it all out of kilter." Would he have a right to go to court and demand that Congress do this thing right, the way the people of this country told them to do it? I do not know the answer to that.

Will the Congress be required to raise taxes and cut spending to achieve it? Can they do it all one way or the other? I suppose they could, but I am not at all sure. Numerous questions remain unanswered. How does this amendment force Congress to reach an agreement about which specific spending cuts or which tax hikes we should adopt?

Finally, if you go to court, do you have standing? And what if the Supreme Court says this is a political question, which they often do where politicians are involved; where does that leave it? High and dry, just like we were last fall.

Mr. President, I have listened to a good portion of this debate from my office on C-SPAN. I cannot believe people come to the floor and they say, "I do not have the courage to make the tough choices, to vote for a balanced budget; therefore, please vote for this constitutional amendment so the courts or the law will make me do it."

Frankly, I do not want to get too strident or partisan about this, but if I were sitting on the other side of the aisle, that is exactly what I would be saying.

In 1993, every Member in this body, every single Senator, had a chance to vote for a meaningful deficit reduction package. It has been said over and over, but it bears repeating, that when we adopted that package in, I think, August 1993, not one Republican could find it in his heart to vote to reduce the deficit by $500 billion. The Vice President sat in the Presiding Officer's chair and cast the tie-breaking vote. Two-hundred and fifty billion dollars in tax increases, $250 billion in spending cuts. You cannot find a better way to start reducing the deficit. And OMB said, if you pass this, over the next 5 years the deficit will be $500 billion less than it would otherwise be.

Mr. President, that turned out to be grossly wrong. The figure now, according to OMB, is $846 billion.

Bill Clinton, to his eternal credit, I do not care whether you like him or do not like him, but I can tell you one of the reasons he is going to be reelected President is because he did not sit around waiting for a constitutional amendment to do something. He submitted a package of deficit reduction proposals to this body and we adopted it without one single Republican vote.

I inform my Republican friends who are all so enthusiastic about this amendment today, that deficit reduction package we adopted constitutes a reduction not of $500 billion, but $846 billion. So, my Republican friends, my question is this: Why not repeal it? You did not like it then. You are trying to kill the gas tax part of it now, which has to be the silliest thing I have ever heard. But I want to ask you, why not repeal it if it was that bad?

We lost two of the finest U.S. Senators ever to sit in this body because they voted for that package, and their opponents took advantage of it and said, "He is a taxer and spender." They lost their seats for doing the most courageous thing any Senator could do. People sit in their seats today who are spineless, who did not have the courage to vote for it.

So I say to my Republican friends, repeal it and then tell us where are you going to find $846 billion, because that is what you have to find.

When Bill Clinton ran for President he made a promise to the American people and I thought it was fair. It was a political promise, of course. Any promise a politician makes is political. But he said: You elect me President and in the first 4 years I will reduce the deficit by 50 percent. We were looking at a $290-billion-to-$300-billion deficit that year, 1993, which turned out to be $264 billion, and which has been going down every year.

Because of that bill in 1993, the deficit this year is not going to be 50 percent of the projected $292 billion. The projection was that the deficit would be $292 billion in 1996. Current figures place the deficit at $125 billion, not a cut of 50 percent, a cut of almost 60 percent.

I can tell you, this fall, if I were President Clinton, I would keep a chart, about twice the size of these I am using, with me every minute of every day to show the American people why they should be dancing in the streets, because a few courageous Senators screwed up their nerve and did what they were supposed to do.

What else does this constitutional amendment require? Nothing, in the year 2002.

It gives the States 7 years to ratify it. We do not have to do anything for 7 years.

You know, I think if I were a Republican, I would probably be taking the same tact they are. I would be so embarrassed about a lack of courage, a lack of responsibility in refusing to vote for something responsible, to bring the deficit down when the chance finally emerged.

So, what is their solution? Well, I do not know what kind of a tax cut Senator DOLE will propose. I have heard figures up to $600, $700 billion. I do not know what it is going to be. But here is their method of balancing the budget: build a ballistic missile defense system which will cost American taxpayers $50 billion to $60 billion and deploy it by the year 2003.

"What kind of a system is that going to be?"

The Republicans respond, "Don't know. Don't have any technology yet, but we can start spending the $50 billion."

The people ask, "Where's the money coming from without raising the deficit?"

The Republicans reply, "Don't know. Find it somewhere."

What else? The gas tax, repeal of that 4.3-cent gasoline tax we passed in 1993. It will accommodate the big sport utility vehicles and the vans and the big trucks. It will encourage people to drive more and further pollute the environment, as well as losing about $2 billion.

The people want to know, "Where is that $2 billion coming from?"

Again, the Republican response is, "Don't know."

What else? Airline ticket tax. We conveniently let that lapse on December 31 of this year, and we have already lost about $3 billion this year on the airline ticket tax.

"Why haven't we reinstated it?"

"Don't know."

What does it do? That loss of revenue raises the deficit by $3 billion.

What other proposals do the Republicans have for balancing the budget? Well, there is a $7 billion cut for small business. I can tell you, I yield to no one in my commitment to small business. I used to be a small businessman, and it was a struggle. I can tell you, they hurt me every time they raised the minimum wage. It did not hurt for very long. Back in those days, you had to do $250,000 a year in order to qualify, and I was not doing that much business.

So what are the Republicans going to do here? They propose $7 billion in additional tax cuts for small business. It is tough for anyone to vote against that.

What else? Well, we are going to continue selling Federal lands that belong to the taxpayers for $2.50 or $5 an acre, beneath which lies billions and billions of dollars worth of gold; sell it to them for $2.50 or $5 an acre and not require them to pay the taxpayers 1 cent of royalty. This has been going on since 1872, and you cannot stop it. I know, because I have tried desperately for 7 years.

It is shameless and unbelievable. Republicans who do not have a mine within 500 miles of their States vote to defend this practice for the benefit of the biggest mining companies in America.

What else? Continue the shameless way we let our parks concessions. I urge my colleagues to listen to this story. Matsushita Electric Co. bought Universal. Universal, among other things, owned the Curry Co., which had the right to all the concessions in Yosemite, National Park. It is a beautiful, beautiful park. Everyone here has visited it.

As you know, since the memory of man runneth not, as we lawyers like to say, the people who own the parks concessions in Yellowstone, Yosemite, and Grand Canyon took in around $500 million to $600 million a year in revenue, and they returned about $18 million to the Government.

I say to my colleagues, when we go home and tell the chamber of commerce, "Please reelect me, and if you do, I will treat your money just like it is my own," that we should consider this example. I want everyone in the U.S. Senate who would let a contract that produces for the person you contracted with $500 million to $600 million and you received $18 million to stand up. I want everyone in the U.S. Senate who would sell his land that had $11 billion worth of gold under it for $2.50 or $5 an acre and not receive a dime of royalty to stand up. I want all those Senators to stand up. You told the Chamber of Commerce you would treat their money and the public lands as if it were your own.

Finally, Matsushita bought Universal. There was a hue and cry in this country about a Japanese company owning the concessions at Yosemite. And $100 million a year, I say to my colleagues, is what that one produces. And so the Japanese said, "Look, we don't need all this flack. We'll just return it to you."

So the Parks Foundation said, "Well, why don't we take it and we will relet the contract."

So they took it and they relet the contract and the company they selected last year returned $20 million to the U.S. Treasury, more than all the others combined have been returning, because we negotiated a decent contract. But if you tried to do that on all the national parks, we have a half a dozen on this side and about 50 on that side who will squeal like a pig under a gate: "Oh, you can't do this, you can't do that, that's jobs in my State."

So we tried cutting taxes and balancing the budget in 1981, Mr. President. Do you know what we got out of it? We went from a $1 trillion debt to a $3 trillion debt in 8 years. It was hogwash in the beginning and it still is. You cannot do it. We did not do it. You cannot cut taxes massively like we did in 1981 and hope to balance the budget. So what are we paying for? If we did not have to pay interest just on the debt that was accumulated in the 8 years of Ronald Reagan's Presidency—let me repeat this. I ask for 1 additional minute.

Mr. DORGAN. I yield the Senator 1 additional minute.

Mr. BUMPERS. If we did not have to pay interest on just the increased deficit that was accumulated when Ronald Reagan was President, we would not be standing here debating today because we would have a nice healthy surplus.

Mr. HOLLINGS. Amen.

Mr. BUMPERS. Mr. President, "thems the facts," and that is what brings us here today: using a constitutional amendment as a figleaf, a political ploy to keep from making the hard decisions just as they did in 1993, just as they will in 1996.

Finally, I am not voting to tinker with what James Madison did 207 years ago that has made us the strongest, longest living democracy in the world. I am not voting for something that nobody in this body can explain how it will work. It is nothing but utter chaos.

I plead with my colleagues, don't snap on this one. I yield the floor.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, how much time is remaining?

The PRESIDING OFFICER. The Senator from North Dakota controls 32 minutes.

Mr. DORGAN. Mr. President, the Senator from Arkansas has spoken eloquently about this issue. I will try to add some to the debate.

I began the discussion talking about the Constitution of the United States, the constitutional convention that produced the framework for our democracy.

I will discuss what this attempt is here on the floor of the Senate. Is it an attempt to balance the budget, as is being alleged, or it is an attempt to simply change the Constitution? The reason I ask the question is there are plenty of people here in the Senate who seem to want to support every single proposed constitutional amendment that is offered. We have had thousands of proposed changes to this Constitution. We have changed it very, very rarely, and we have made it difficult to change.

One reason for doing that, as the Senator from Arkansas suggests, is it is hard to see people walking in this Chamber who resemble in philosophy and in spirit Thomas Jefferson, or James Madison, or George Mason, or George Washington. So we have made it difficult to change this document.

This country has taken on too much debt. That is clear. It is not the case, as some stand up daily in the Senate and say, "Well, the American people must pay their bills every day. They don't have any debt." That is not the case. This country has $21 trillion in debt, $21 trillion in debt. There is just over $5 trillion is U.S. Government debt, over $4 trillion of consumer debt, and $4 trillion-plus, nearly $5 trillion of corporate debt, business debt. It totals $21 trillion in debt: mortgages for houses, lines of credit for businesses, Government debt, bonds, Federal debt. There is too much Federal debt. That is not being debated today.

The Senator from Arkansas pointed out that in 1993 we had a vote here in this Chamber about debt and deficits. The Senator asked the question: Who is willing to stand up and cast a hard vote, a really tough vote to reduce the Federal deficit? Who is willing to cast an honest vote, a vote that says to the constituents, "I'm standing here and I'm willing to cast a vote to cut Federal spending now; I'm willing to cast a vote to increase some taxes now because that must be done in order to reduce the Federal deficit?"

It was not popular. The political and popular thing would have been to say, "Well, if this is heavy lifting, if this is about really reducing the deficit, if this is about really increasing some taxes and really cutting some spending, count me out. I don't want to be part of anything that requires some political risk. Just count me out."

But there were a lot of people in this Chamber who said, "Count me in. Let me stand up for that. This isn't about rhetoric or changing the Constitution. This is about reducing the Federal deficit."

Do you know that we passed that bill by one vote, as the Senator from Arkansas said? We did not get one vote from the other side of aisle, not even one by accident. You would think occasionally someone would make a mistake in this Chamber. We did not get one accidental vote in this Chamber. I understand that as well. We had the majority and we had the ability and the responsibility to advance the legislation.

I said it before, and I will say it again, I am pleased I voted for that. It has substantially reduced the deficit. It is not easy to do. It is not popular to do. But it is the right thing to do.

The job is far from over. We have to continue the effort.

But I find it fascinating that folks come to this Chamber day after day, hold up the Constitution, and point their fingers across the aisle and say, "We demand you support us to amend the U.S. Constitution to require a balanced budget, and if you don't, you don't support balanced budgets." I find it fascinating that those same people come to the Chamber in the very next breath and say, "By the way, we want to balance the budget, and we also want to build a new star wars program for $60 billion." The question is, how are you going to pay for it? They say, "We don't know. We want to balance the budget, but we want to build star wars."

The majority leader was asked recently at a press conference when they said they wanted to build star wars—the question from the press was, "Senator, how much do you think this is going to cost? And where is that money going to come from?"

The answer from the majority leader of the Senate was, "Well, I'll leave that up to the experts." Translated: "I don't know. I don't care." Defend America, build a new star wars program. CBO says it will cost up to $60 billion just to build it, let alone operate it; $60 billion just to build it, from the same people who come here and say they want to balance the budget. You ask, "What is this going to cost?" They say, "I don't know. We'll leave it up to somebody else."

Can you imagine them shopping for a car. They look in a showroom and say, "I want that yellow one." Someone says, "Aren't you going to ask how much it costs?" They say, "I don't care. Leave it to the experts." They do not care about how much it costs. The same people that demand of us that we accept their prescription for the U.S. constitution because they say they want a balanced budget, those same people trot on the floor of the U.S. Senate with schemes to increase spending by up to $60 billion for a star wars program, schemes to enact all sorts of tax breaks, most of which will benefit the upper income people in this country, and then they tell us, "Believe us. We really want a balanced budget." Nonsense.

What they want to do is amend the Constitution. If they wanted a balanced budget, they have had plenty of opportunities. They could have voted with us in 1993 in a proposal that honestly does the things that balance the budget. It will not be the Constitution that balances the budget. It will be the acts of men and women in the Senate to deal with spending and revenue issues that will balance the budget.

I will address a couple of issues that have been raised. Some say, "Well, this is the same amendment that has been voted on before. Some of you voted for it before and did not vote for it this time. What on Earth is going on?"

There is a pretty fundamental difference between this and what was voted on before. We have voted on constitutional amendments before in the Senate. I have voted for a constitutional amendment. I voted against a constitutional amendment, as has the Senator from South Carolina. I voted for the constitutional amendment that says, let us balance the budget honestly and not misuse the Social Security trust funds to do it. I have voted against the constitutional amendment to balance the budget that would take into the Social Security trust funds a giant scoop and take the money and shovel it over here into the operating budget of the United States and misuse the money.

How would you feel about a business, any business in your town or any town, that says, "I'll tell you what. You're asking me about my financial performance this year. I'll tell you what. It's actually pretty good. I had to take my employees' pension money to bring it over on to the operating statement to make it income. I made it pretty good because I took my employees' pension fund. All in all, this year did I do pretty well? Yeah, I did, with the employees' pension funds being used."

Show me a businessperson who stands up and says that, and I will show you someone who is doing 2 years of hard tennis in a minimum security prison in this country. You cannot do that in this country. You cannot misuse pension funds.

Interesting. I was on a television program last night that I shall not name: "Crossfire." Mr. Novak asked the first question about the issue of the Social Security funds. And he says, as others have said, "Oh, that's a bunch of nonsense. What a hoax." Let us talk about the hoax.

Lots of folks out there today are working, and working hard. They got up early, they went to work, they worked all day, and they finished. Maybe at the end of the day today they got a paycheck. They looked at that paycheck, and it shows that some money was taken out of that paycheck to put in the Social Security trust fund—it is called FICA taxes—put in the Social Security trust fund. The promise of the Federal Government is very simple—this is not rocket science—the promise of the Federal Government is, "We'll take the money from your paycheck, and we promise you it goes into a trust fund—ergo the word "trust" is used—and the trust fund will be used when we need it, when the baby-boom generation retires."

I said yesterday that my colleagues will remember what the baby boomers are—the war babies. The war babies were the largest baby crop in American history. I am told that when folks came back from the Second World War, there was an enormous outpouring of love and affection. As a result, we had the largest baby crop in America.

When that largest baby crop in America retires after the turn of the century, we will have a maximum strain on the Social Security system. One of the sober things that was done in the 1980's in this Congress was to say, we will accrue more money in the Social Security trust funds each and every year in order to save for the time we will need it when the war babies retire.

The result is this year $69 billion will come in in excess of what is needed this year in the Social Security system. That is forced national savings, to be available when the war babies hit the retirement rolls.

Regrettably, the majority party says in their budgeting scheme—and I should say also it has happened under Democrats; and it is wrong under either party—that we want to use that money and use it as an offset to show it as revenue in order to balance the Federal budget. We are not going to have the trust fund; we are going to put it over here under operating revenues and use it to balance the Federal budget.

Now, it is interesting. Senator HOLLINGS changed the law and he prohibited them from actually putting in writing what they are doing. So the result is this. I have here the budget that was passed by the majority party that they claim was a balanced budget. It, of course, is not in balance.

Here is a page from their budget resolution that they wrote—we did not write, they wrote. It says "Deficits," in the year 2002: $108 billion. Why would they put a bill on our desk that says "Deficits," $108 billion in the year 2002, and stand up and crow that they balanced the budget? Why is that the case? Because they intend to use $108 billion in trust fund money, almost all from the Social Security trust fund, in the year 2002 to show this as a zero balance.

The Senator from South Carolina prevents them from doing that by law, so they cannot really put it in writing. All they can do is intend to do it. You misuse the money and put in writing that there is still a $108 billion deficit. I do not know how that goes over in your town, but I come from a town of 300 people and they tend to look at the fine print and they tend to understand what is happening. You cannot misuse the Social Security trust fund like that and claim you balance the budget by taking money out of trust funds. That is not the right thing to do.

I have said that there have been three stages of denial on the floor of the Senate about this issue. I am still trying to figure out who claims to be right. Three Senators—and I will not name them—three separate Senators have stood up on different occasions and said the following three things. First, there is no Social Security trust fund. It does not exist. Second, there is a Social Security trust fund, and we are not misusing it. We promise. And third, there is a Social Security trust fund. We are misusing it. We promise to stop by the year 2008. Those are the three stages of denial on the Social Security issue.

I think the three of them ought to have a meeting with the rest of their caucus and figure out, which is it? Is there no trust fund? Are you not misusing it? Are you misusing it and promise to stop later?

Of course, we all understand the real answer. I was part of a group in 1983 that constructed the 1983 reform package for Social Security. It was one of the sober things we did in that decade. We decided to create savings in the Social Security system to be available when we need them at the turn of the century. Well, we will not have saved anything if we stay on this road. And we certainly will not have saved anything if we allow the majority party to convince enough people in the Senate to enshrine in the Constitution a requirement that the Social Security funds be used to balance the budget.

Now, we have had, essentially, the same vote on similar documents on two different years. In 1994 Senator SIMON, whom I admire greatly, who has been a proponent of this amendment, said on the floor of the Senate, "We guarantee we are not going to use the Social Security trust funds."

I said to him that I happen to know that the constitutional amendment that you originally offered included a provision to prevent the use of Social Security trust funds. I said, "Is that right?" And he said yes. That was his original position, but he changed it because it had to be bipartisan and the other side would not accept that provision. He said: We will guarantee we will provide a statutory remedy to prevent the Social Security trust funds from being used. We had a vote. I thought that was fine. We will have a guarantee.

The next year, in 1995, a similar resolution comes up, not identical, but similar. Instead of providing a guarantee that they will not use the Social Security trust funds, we had a vote that guaranteed they would use the Social Security trust funds and would enshrine that in the U.S. Constitution.

What a charade. I would not vote for that in 100 years. What a total charade. Then people say, "Well, it was the same." It was not the same. The difference between promising not to use it and guaranteeing you will use it is a difference of about a $600 billion misuse of Social Security trust funds.

I want to finish these comments by talking just for a moment about something Abraham Lincoln said. When they were dedicating the battlefield cemetery at Gettysburg in November 1863, there were going to be two speakers. Of the two speakers they invited, one was Dr. Edward Everett, known to be one of the greatest orators of his day. He had been president of Harvard University. He had been a U.S. Senator, had been a Secretary of State, and was known to be one of the greatest orators of his time. He was invited to speak at this dedication of this battlefield cemetery. Of course, Abraham Lincoln was invited to speak at this battlefield cemetery dedication too.

Dr. Edward Everett was introduced and he stood up, and the history book records he spoke 2½ hours. After 2½ hours he sat down. Then the President of the United States was recognized, and he spoke for 2 minutes. After he sat down and was on his way back to Washington, he wondered to his aide whether what he said would be long remembered. He felt Dr. Edward Everett, one of the great orators of his time, had spoken at great length for 2½ hours, and he had gotten up and given just a couple of minutes.

Of course, the result of that day is that Lincoln's address, the Gettysburg Address, as brief as it was, has become perhaps the best known and most admired statement given in the history of our Nation. At the end of his statement, as brief as it was, was the following:

> The world will little note nor long remember what we say here, but it can never forget what they did here. It is for us, the living, rather to be dedicated here to the unfinished work which they who fought here have thus far so nobly advanced. It is rather for us to be dedicated to the great task remaining before us—that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion; that we here highly resolve that all these dead will not have died in vain; that this nation, under God, shall have a new birth of freedom; and that government of the people, by the people, and for the people, shall not perish from the earth.

This is truly government of, by, and for the people. This document, a document we debate today, a document that some propose we change now, this document provides the framework by which self-government works in America. This is not an idle debate. This is not a vote anyone dare take lightly.

I stand with my colleagues today to say I stand second to no one in this country who believes that we need to set this country back on course, fix the things that are wrong, celebrate the things that are right, and believe in

America's promise. But I will not be one of those who blithely follow the windsock, who need to know the direction of yesterday's poll or today's poll or tomorrow's poll to figure out what I shall do next in proposing changing America's basic document, the U.S. Constitution.

Mr. BUMPERS. Will the Senator yield?

Mr. DORGAN. I am happy to yield to the Senator.

Mr. BUMPERS. Mr. President, I was particularly taken by the observation of the Senator from North Dakota about the Gettysburg Address, because Dr. Edward Everett was considered the greatest orator in America. After he spoke for 2, 2½ hours on a very hot, steamy day, Lincoln found it very difficult to stand up and follow a man of such oratorical skills and national renown. On the train on the way back to Washington, he thought that he had been an abominable failure. He could not imagine people taking his words very seriously after that oration. Of course, the rest is history. But I just want to point out to the Senator from North Dakota that Garry Wills has written a great book, just on the Gettysburg Address, really more than I want to know about the Gettysburg Address, but it is a fabulous book which goes into great detail about the events of that day.

I would like to share one final observation—and I know the Senator from North Dakota is as well acquainted with these figures as I am—when you stop to consider that there have been 83 or 84 resolutions to amend the Constitution introduced in the U.S. Congress since January 1995, 83 proposals by Members of this Congress to tinker with that sacred document. There have been 2,300 proposed constitutional amendments since I came to the Senate. They were like snowflakes falling when I began serving during the days of busing and the segregation fight was still raging. And since the Nation adopted the Constitution, 17,000 have been proposed. I say that to my distinguished colleague to simply point out the contempt with which so many of my colleagues hold that sacred document.

Well, I have voted for one constitutional amendment since I came to the Senate 22 years ago. I regret that. But I can tell you, my record will be intact when the roll is called on this amendment.

I yield the floor.

Mr. DORGAN. Mr. President, I yield 10 minutes to the Senator from California, Senator FEINSTEIN.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. I thank the Senator from North Dakota and I thank the Chair.

Mr. President, on May 23—13 days ago—there were three votes on budgets. There was one for the Republican budget, which received a party vote; there was one for the President's budget, which received a party vote; and there was one more on a budget put forward by the centrist coalition.

Now, one of the things that became very clear in budget balancing in this body is that there are different points of view on both sides of the aisle. Republicans do not tend to support a Democratic budget, and Democrats do not tend to support a Republican budget. This was borne out.

Well, for some 6 months, under the leadership of Senator CHAFEE and Senator BREAUX, 11 Republicans and 11 Democrats sat down around a table and said, "look, we know we have to balance the budget. How are we going to do it, and what does each party need to do?"

Believe it or not, we produced a document that came five votes short of being adopted by this body. With five more votes, we would not have needed a constitutional amendment to balance the budget, and we would have balanced the budget within 7 years. I believe it is still possible to do succeed.

I support a constitutional amendment to balance the budget. I even sponsored one, with a number of my colleagues, last year. But, in my view, if Congress does not have the will to actually balance the budget, it may, at some point, need castor oil. And that is all this amendment is. I heard people on the floor this morning make the statement that now is the time to bite the bullet. Now is the time to make the hard choices.

Does this constitutional amendment restructure Medicare? No.

Does it restructure Medicaid? No.

Does it bring on welfare reform? No.

Does it provide for ballistic missile defense? No.

Does it have the tax increases to pay for one? No.

Does it have a tax cut in it, which so many want? No.

Does it solve any problem at all? No, it does not.

It does one thing. It says that the people of three-quarters of the State legislatures will vote and decide whether there will be a constitutional amendment to balance the budget by the year 2003.

The bill before us today is the same bill rejected by this body last year. I voted against it then because I do not believe it is the right amendment for this country, and I will vote against it today for these same reasons.

Let me give you a couple of these reasons. A constitutional amendment cannot possibly be ratified right now in time to do any good. It would take the 3-year period that I described. The Medicare trustees announced yesterday the Medicare trust fund will actually reach insolvency in 2001—a year earlier than originally projected. This is a loud and clear message—or should be—that we do not have the luxury of waiting any longer to balance the budget.

Additionally, the amendment before us says that, for all time, the Social Security trust fund will be stolen to balance the budget. This body would send to the States a constitutional amendment that would utilize the Social Security trust fund, for all time, to balance the budget.

I think it is painfully clear to all of us that there is no way to achieve the goal of balancing the budget in 7 years without using, to some degree, funds that really should, by law, be set aside for Social Security. Our earlier speakers, including Senator DORGAN, Senator HOLLINGS, and others know it as well as anyone in this body. Every plan put forward to balance the budget this year includes Social Security funds to some degree or another.

However, today we are considering a constitutional amendment. The amendment would permanently use Social Security trust funds to balance the budget. It allows absolutely no flexibility to protect the solvency of the trust fund for future generations who will depend on it. That is not right because, all during this period, Americans will be working and paying payroll taxes for their Social Security retirement. Workers will pay their 6.2-percent FICA tax to contribute to their retirement and employers will match that 6.2 percent. People have a right to know that this trust fund will be there when they retire.

This amendment, by locking into the Constitution the requirement that Social Security funds are used to balance the Federal budget, in perpetuity, abrogates that contract with American taxpayers.

Under this amendment, Social Security funds could wind up being used to pay for general governmental programs, just as Senator DORGAN spelled out. It is like taking the pension fund, if you operate a company, and putting it on your operating budget. You just would not do it.

Furthermore, I mentioned earlier that this constitutional amendment would have to pass muster with three-fourths of the States. If you think the debate in Congress has been difficult on this issue for the last few years, just wait until the voters of 50 States, or the legislatures of 50 States, start debating the permanent inclusion of the Social Security trust funds in the Federal budget under this balanced budget amendment. I venture to say that the likelihood of its ratification is dim, at best.

Well, what is the upshot of all of this? The upshot is that we have the vehicle to balance the budget, without altering the Constitution, and we should just do it.

I want to read this list. This is the first time I have ever seen this in the time I have been here. Forty-six Members—22 Republicans and 24 Democrats—voted for a centrist budget. The Republican supporters are: BENNETT, BROWN, CAMPBELL, CHAFEE, COATS, COCHRAN, COHEN, D'AMATO, DEWINE, FAIRCLOTH, FRIST, GORTON, GREGG, HATCH, HATFIELD, JEFFORDS, KASSEBAUM, LUGAR, SANTORUM, SIMPSON, SNOWE, and SPECTER.

These 24 Democrats voted with the 22 Republicans: AKAKA, BINGAMAN, BOXER, BRADLEY, BREAUX, BRYAN, CONRAD, FEINSTEIN, GRAHAM, INOUYE, JOHNSTON, KERREY, KOHL, LEAHY, LEVIN, LIEBERMAN, MOYNIHAN, MURRAY, NUNN, PELL, PRYOR, REID, ROBB, and SIMON.

With the centrist budget amendment, we were five votes short of achieving the tax cut Republicans wanted, and minimizing the cuts in vital programs that Democrats wanted. We came within five votes of achieving significant savings for a wide variety of Federal program. In Medicare, we made enough changes to assure the solvency of the trust fund until 2007, and made some necessary changes in part B, as well. We took steps to meet the needs of Medicaid, restructuring the program, and provide welfare reform while retaining a Federal safety net. We also adopted a balanced tax cut, for individuals and businesses, including education, capital gains reform, research and development tax credits—all put together in a package that both parties could buy into.

I was really very disappointed that there were not five other Members of this body who could stand up and we could get the job done.

I do not believe that a constitutional amendment, particularly one that includes the Social Security trust fund, is ever realistically going to be ratified by three-quarters of the States. There are enough people in this Nation who pay those FICA taxes who do not want to see their FICA taxes used for anything other than their retirement.

Therefore, I respectfully submit to this body that the centrist coalition, which balances the budget in 7 years, uses the Congressional Budget Office numbers, does not make unnecessary and precipitously deep cuts in important programs, represents the Nation's best interests and is really the way to go.

I thank the Chair. I yield the floor.

Mr. DORGAN. Mr. President, how much time is available?

The PRESIDING OFFICER. The Senator has one-half minute remaining.

Mr. DORGAN. How much time is remaining to the Senator from South Carolina?

The PRESIDING OFFICER. Forty-seven minutes.

Mr. DORGAN. I yield whatever time I have to the Senator from Oregon, and I believe the Senator from South Carolina would like to yield as well.

Mr. HOLLINGS. I yield 15 minutes to the Senator from Oregon.

Mr. WYDEN. Mr. President, I thank my colleagues from South Carolina and North Dakota.

Mr. President, colleagues, as of now everyone knows what is going to happen when the Senate votes on this measure. The script on this issue has been published. It is played, and it is almost like yesterday's news. There probably is more likelihood that Michael Jordan is not going to show up for the playoffs than there is going to be a surprise on this issue.

I am here today to say that it does not have to be this way, my colleagues. I have introduced along with Senator HOLLINGS, Senator DORGAN, and Senator DASCHLE a constitutional amendment to balance the budget that is identical to the measure introduced by Senator DOLE, save for one change. Our measure simply says that you cannot go out and raid the Social Security trust fund. You cannot go out and take $600 billion, money that belongs to working people, to young people, to seniors, and use it to balance the budget.

I call our effort—and it has really been led by Senator HOLLINGS for all these years. I think that we are the straight bookkeeping crowd. We are the crowd that wants some truth in budgeting. We are the folks who are saying it is time to end this accounting fiction which has been perpetrated, as Senator HOLLINGS has said, in direct contravention of section 13301 of the Budget Act.

The Budget Act is clear. There is no ambiguity about it. It says that you cannot use Social Security funds to mask the overall Federal deficit. You cannot do it. Both political parties unfortunately have done it.

So what we want to do in our straight bookkeeping kind of effort is to try to make sure in the interest of both the cause of balancing the budget and protecting the Social Security program that we do what the law requires, and we do what is in the public interest.

I happen to think that, if you do it as we propose, what is going to happen is you are going to have to make tough choices on both the budget and Social Security more quickly.

I have come from a round of town meetings—and I am sure all of our colleagues have—at home. One of the things I heard consistently is that lots of folks feel that the Congress has put off the tough choices—put them off until after the election, put them off for years. If you do what we propose, you bet you have to make some tough choices, and you have to make them earlier. Maybe we are going to have to say no to some pork barrel spending programs.

I believe that if you wall off the Social Security program, as we propose, that you do not let the surplus be used for balancing the budget, and you are going to see when the Social Security stands, as it should, separate from the Federal budget that we have to make some changes there too. We have a Social Security advisory commission that is going to report fairly shortly. They have a number of recommendations. They are going to be tough for people to swallow. But let me say that at a time when more young people think that they are going to see Elvis than think they are going to get a Social Security check that we are going to have to make some tough choices with respect to Social Security.

So with our proposal—by making sure that the overall deficit is tackled responsibly and tackled more quickly—by walling off the Social Security program, as the Congress intended in the Budget Act, we believe that the country will get the discipline and tough choices that are needed, and get them earlier.

I want to announce also this afternoon that it is my intention, after further consultation with the minority leader, Senator DASCHLE, and Senator DORGAN, to ask unanimous consent after the Senate has voted on the measure of the majority leader—it is my desire and my intention—to ask unanimous consent that our measure, a constitutional amendment to balance the budget without raiding Social Security, be considered immediately after the vote on the measure offered by the majority leader.

I think it is time to talk about a constitutional amendment to balance the budget that has some legs. I think that we have had enough of this exercise in failure. The script has been written. We do not have to conclude this debate with a debate that fails. We can conclude it in a manner that will bring us real truth in budgeting, will ensure that the books are kept, and will allow us to have a constitutional amendment to balance the budget.

So let me be clear on this. I and those that support this measure are willing to write into law that there would be a constitutional amendment to balance the budget. This is not a statute. This is a constitutional amendment to balance the budget. And it is identical to the measure offered by the majority leader save for one respect.

It is my intent to ask unanimous consent to have that measure considered immediately after the vote on this measure offered by the majority leader. I hope that measure will be considered. I believe that, if it is considered, we will get a minimum of 70 votes on that particular measure.

My source for that appraisal is that on February 10, 1995—Senator HOLLINGS was here, I was not—but on February 10, 1995, on a measure that in effect recommitted a constitutional amendment to balance the budget to committee to do exactly what Senator

HOLLINGS and I propose now—that particular measure got more than 80 votes.

I would like to conclude my remarks in really a bipartisan kind of fashion by picking up on what the majority leader said early this week.

The majority leader said early this week, "If the President wants a balanced budget, we will have a balanced budget." I am here to say that, if the majority leader wants a constitutional amendment to balance the budget, we will have a constitutional amendment to balance the budget. It is a measure that will get a minimum of 70 votes on this floor. It is a measure that will write into law a specific constitutional amendment to bring about the discipline the American people want, and it will be bipartisan. But it also will be one that will keep faith with our working people and with our seniors who are paying those whopper payroll taxes—15.3 percent between the worker and the employer. Millions of Americans pay more in payroll taxes than they pay in income taxes. They want a balanced budget, but they do not think we ought to do it by raiding the Social Security Program. The measure we hope to get a recorded vote on after the measure proposed by the majority leader would give us a chance to meet the desires of the American people for a balanced budget but one that also ensures that their Social Security is protected.

I thank my good friend from South Carolina for yielding me this time.

Mr. President, I yield the floor.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER (Mr. THOMPSON). The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, let me thank the distinguished Senator from Oregon. First, I will surprise him by thanking him for the telecommunications bill. I welcome him to the Senate and thank him for introducing a constitutional amendment for a balanced budget that does not move the Government's deficit over to the Social Security trust fund.

But more particularly, with respect to the telecommunications bill, I wish to thank him for his work. We passed that bill by an overwhelming majority here in the House and in the Senate. It came out of the conference committee and we reconciled the differences—which was a very difficult job. And, just before Christmas the distinguished Vice President appeared on NBC News, where he was being interviewed, and proclaimed, "We now have the information superhighway, and I got everything I want."

Well, that really put the Speaker of the House into a tizzy, and we, the conferees, were told that our telecommunications bill was dead. Between that time, some 10 days before Christmas, and the first week of February, Congressman BLILEY and I had to hold the fort, but we worked in a bipartisan fashion. We did not change a single word.

What really occurred is that our colleague, Senator WYDEN, won the special election out in Oregon, causing the Speaker of the House to say, "Heavens, we have to show we can do something." I said we have an overwhelming majority ready for the telecommunications bill in the House and in the Senate, and that is how we got it.

So I think it ought to be stated for the record that the Senator from Oregon was instrumental in ensuring passage of the telecommunications bill. And perhaps tomorrow if the Republicans really want a balanced budget amendment to the Constitution, we will obtain one. All that is required is a specific language in section 7 of the resolution excluding Social Security funds from deficit calculations. The present language includes Social Security funds. So there is no argument about the form, the present language already has exceptions in section 7: "Total receipts shall include all receipts of the U.S. Government except those derived from borrowing."

That has been interpreted as borrowing from the public. But how about borrowing from yourself, borrowing from the Social Security trust fund. All they have to do is change "from borrowing" to "from the public and Social Security trust fund." That is all we have to add. I and several Senators on this side of the aisle formally informed the distinguished majority leader in a letter last year that we would support a balanced budget amendment that protected Social Security. I waited all year long for a joint resolution that I could amend. We in the Senate are used to putting an amendment on anything so you can get a vote. But oh, no. A constitutional amendment can only be offered as an amendment to another joint resolution. So, I waited and then the flag burning joint resolution came up in December.

And so I said I have an amendment. In fact, I had two. I had one constitutional amendment that would have allowed the Congress of the United States to control expenditures in Federal elections. It would have overturned the flawed decision of Buckley versus Valeo.

My other amendment was a real balanced budget amendment that protected Social Security, identical to the balanced budget amendment that the Senator from Oregon will ask unanimous consent to consider tomorrow. I will be in there supporting the Senator, and I hope we can work it out. I hope it is not true that they want to pass up this opportunity, because it is right here.

I am tired of the media saying the balanced budget amendment failed by one vote, when they know differently. That is technical reporting, because the truth of the matter is that they could easily have picked up at least five votes if they had agreed to add language excluding Social Security.

So I will be working with the Senator, and I thank the distinguished Senator from Oregon on his leadership. I thank publicly, of course, the Senator from Arkansas, for coming to the floor. I also want to thank Senator DORGAN of North Dakota. He understands all these particular problems and issues, and he is the most eloquent, I know, in the Senate on all of them. He gives categorical leadership and very commonsense observations, and you can follow his rationale. I happen to agree with most of it all the time. The Senator from California, Senator FEINSTEIN, has been a leader in trying to do something about a balanced budget.

But let me go, Mr. President, to statements made earlier before I forget them. The distinguished Senator from Texas, Senator HUTCHISON, got right to the point saying, why don't we do something. She kept talking about generations in the future and everything else like that.

We tried to do something, not pass it off in a 7-year passing of the buck. This constitutional amendment is really putting off the tough decisions. It is not biting the bullet or making any hard decisions. Heck, you can say anything in rhetoric, in language. But should know from hard experience that actions speak louder than words.

I came in as a Governor of a State, where the budget I inherited was totally in the red. We had in the constitution of 1895, still do in the constitution of the State of South Carolina in 1895, "thou budget shall be balanced." But that didn't mean anything. There a number of accounting gimmicks that they employ like borrowing and moving trust funds.

And so at this particular point, Mr. President, I want to ask unanimous consent to list the 48 States with a balanced budget requirement, the type of requirement, whether it is constitutional or statutory. They are all supposed to be balanced at the end of year. The chart lists the balances in the general funds and in the transfer funds. So the States, even with the constitutional requirement, do not a balanced budget give.

I can tell you here and now, if I say it once—I have the time, fortunately—I say it again: A constitutional amendment requiring a balanced budget does not a balanced budget give. They play the gamesmanship.

I ask unanimous consent to have this printed in the RECORD, so we will have those documents in there to show the game that the States are playing.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATES WITH BALANCED BUDGET REQUIREMENTS

State	Type of requirement	Balanced budget for FY 1995	Ending general fund balance (in millions)	Transfer fund (in millions)
Alabama	Constitutional	Y	54	0
Alaska	Statutory	Y	0	2,136
Arizona	Constitutional	Y	270	223
Arkansas	Statutory	Y	0	0
California	Constitutional	Y	683	313
Colorado	Constitutional	Y	484	484
Connecticut	Constitutional	Y	81	0
Delaware	Constitutional	Y	374	79.1
Florida	Constitutional	Y	129	282
Georgia	Constitutional	Y	224	288
Hawaii	Constitutional	Y	90	0
Idaho	Constitutional	Y	3	33
Illinois	Constitutional	Y	331	0
Indiana	Statutory	Y	679	419
Iowa	Statutory	Y	292	116
Kansas	Constitutional	Y	357	5
Kentucky	Constitutional	Y	261	100
Louisiana	Constitutional	Y	146	0
Maine	Statutory	Y	4	10
Maryland	Constitutional	Y	133	286
Massachusetts	Constitutional	Y	179	425
Michigan	Constitutional	Y	0	1,003
Minnesota	Statutory	Y	1,057	500
Mississippi	Statutory	Y	115	268
Missouri	Constitutional	Y	473	24
Montana	Constitutional	Y	47	NA
Nebraska	Statutory	Y	176	21
Nevada	Constitutional	Y	102	100
New Hampshire	Statutory	Y	0	24
New Jersey	Constitutional	Y	952	263.3
New Mexico	Statutory	Y	0	59
New York	Constitutional	Y	158	157
North Carolina	Constitutional	Y	892	423.6
North Dakota	Statutory	Y	31	0
Ohio	Constitutional	Y	70	828
Oklahoma	Constitutional	Y	195	45
Oregon	Constitutional	Y	496	39
Pennsylvania	Constitutional	Y	429	66
Rhode Island	Statutory	Y	5	45
South Carolina	Constitutional	Y	589	164.8
South Dakota	Constitutional	Y	0	11
Tennessee	Constitutional	Y	138	101
Texas	Constitutional	Y	1,852	9
Utah	Constitutional	Y	61	66
Virginia	Constitutional	Y	17	80
Washington	Statutory	Y	559	0
West Virginia	Constitutional	Y	64	64
Wisconsin	Constitutional	Y	127	78.2

Notes:

1. Vermont has no balanced budget requirement and reported a $15 million deficit.

2. Wyoming has no balanced budget requirement and reported a $26 million surplus.

3. 35 states have constitutional requirements; 13 States have statutory requirements.

Mr. HOLLINGS. Senator COATS of Indiana said the amendment will enforce the discipline, force us to meet our responsibilities. Of course, that is not the case at all. On the contrary, I have been trying to do that. I tried freezing, I say to the Senator. He is nice to stay around so I have someone to talk to. Usually they just go ahead somewhere else. At least I can talk to C-Span. And now I see the distinguished Senator from North Dakota.

I want to read an article. I will not read the whole article, I will just read from this, referring to "Ace in the Hole" in the New Yorker, in the June 10 issue that has just come out. This is an article, "Ace in the Hole," by John Cassidy. I commend it to my colleagues for their reading.

> Despite some suggestions to the contrary—notably by the Heritage Foundation, a conservative think tank—this year cannot be compared with 1992, let alone 1980 or 1932. In the first quarter of 1996, inflation-adjusted growth in national output, which is the broadest index of economic performance, 2.3 per cent on an annualized basis; over the full course of the Clinton Administration, such growth has averaged around 2.5 per cent a year. This record is about average for the post-1973 era but well above the growth rate of 1.6 percent eked out during the Bush Presidency. A number of other measures also suggest that the economy is doing significantly better than it was four years ago: two of the most widely followed are the "misery index," which is the rate of inflation added to the rate of unemployment, and the size of the federal budget deficit.
>
> At the moment, the unemployment rate is 5.4 per cent, and the inflation rate is 2.9 per cent. Added together, these numbers produce a misery index of 8.3, which is an extremely low number. The last year it was lower was 1968, when the unemployment rate was 3.6 per cent and the inflation rate averaged 4.2 per cent. For much of the nineteen-seventies and eighties, the misery index well into double digits. As recently as 1992, it stood at 10.4.
>
> Perhaps the most important, and least heralded, achievement of the Clinton Administration is the improvement it has wrought in the national finances. According to the Congressional Budget Office, the federal budget deficit for the 1996 fiscal year, which began last October, will be about $145 billion. This is a large number, but it is only half the size of the deficit that the federal government recorded in 1992, which was $290 billion. And these raw numbers don't tell the full story. In ranking budget deficits, economists usually look at them in relation to the size of the economy. Measured in this way, the federal deficit this year will be about 1.9 per cent of the gross domestic product, according to the C.B.O. This figure is down from 4.9 per cent in 1992; indeed, it is the lowest such figure recorded since 1979, the year before Ronald Reagan was elected, when the budget deficit was just 1.7 percent of G.D.P.

That takes us to our distinguished friend, Senator Muskie, who was chairman. We had a Democratic House and Senate. Senator Muskie was chairman of our Budget Committee, and I was right in there behind him. I took over in 1980. So we were working and had more or less succeeded, under President Carter, in reducing the deficit from what we had inherited from President Ford. However, in came President Reagan with Reaganomics and the fiscal disaster that we are now experiencing.

I tried, during the early 1980's, what they called the Fritz freeze. They gave it a name because I was so intent. I said every Governor would come in and he would say let us just take spending the way it is now and let us just take this year's budget for next year. There would be no cuts, there would be no increases. That way we would save $50 billion at the Federal level.

We tried the freeze. We tried to hold the line. We could not get it done. I tried with Gramm-Rudman-Hollings. And then I came with a value-added tax in 1987. There is no question that I have been trying to head off annual deficits with about $180 billion in revenues from a 5 percent VAT.

I went to Darman in 1989, after we could not get it past the Budget Committee in 1987. In 1989, when President Bush took office, I met with Dick Darman. I had been a close friend of his father's, Mr. Morton Darman. We had a good, heart-to-heart talk.

I said, "By 1992, if President Bush doesn't get on top of this monster, it is growing so, he is going to need the Secret Service." I said that in a jocular fashion, but politically that is what happened to him. "It's the Economy, Stupid." I will put in the chart. There have been intermittent figures, but the real deficit then was $403.6 billion. That is without using those trust funds, $403. So we were up, up and away.

I got a nice note from the President, President Bush, that he just did not think it was timely and he wanted to get himself more stabilized in office.

Again, when President Clinton took office, I went. I will never forget the conference that we had. When I suggested a VAT for the deficit and the debt, President Clinton said, "I got a call last night from Lane Kirkland. The AFL–CIO has its annual meeting at Bal Harbour, in Florida. He said that he would go along with a VAT for the deficit and the debt." And I said, "Heavens above, Mr. President, that's who opposed me."

I came before the Finance Committee and testified for a value-added tax. I had the experts there and everything else to answer all the econometric issues and questions. It was the AFL that said, "Wait a minute, this is regressive, regressive, a heavy burden, and everything else." Of course, every industrialized country has a value-added tax. Our competition in Europe has a VAT. You cannot be a member of the European Economic Community unless you have a value-added tax. Out in the Pacific rim, every country there has a value-added tax. In Korea, for example, it is 25 percent. So the competition is economically succeeding. They have 5 percent in Japan. They will be the largest economy, according to Eamon Fingleton in "Blindside," by the year 2000. They are presently a larger manufacturing nation than we are here in the United States.

So I said it would solve our deficit in the balance of trade because it is rebatable at the bottom, at the border. So if you produce something here today in Washington, this desk and chair, for $500, you will pay all the corporate taxes, all the income taxes, all the sales taxes and everything else. If you ship it to Paris, France, they will add on a 17 percent VAT and sell it. But, if you produce that same chair and desk in Paris, France, they add a 17 percent value-added tax, a VAT at the time of manufacture, but when it leaves the port at Le Havre to come to Washington, DC, they subtract or rebate the 17 percent.

So you can see the tremendous advantage to move the industry offshore. We have been talking about slave labor, about child labor, about 27-cents-an-hour labor down. But let's talk about the advantage they have in Europe and in the Pacific rim where they employ value added taxes.

I have introduced this legislation again in this Congress. That particular bill now, Mr. President, is S. 237. It is in the Finance Committee.

When the distinguished Senator from Texas, Senator HUTCHISON, says, "Let's do something now," let's go to the Finance Committee that the majority of the Republicans control. I will testify. We will get the expert witnesses, and we will get something done. We do not have to wait 7 years on States to find out whether or not we are going to meet our responsibilities.

I really resent the idea of us like a crowd up in the grandstand hollering, "We want a touchdown, we want a touchdown, we want a touchdown," when we are the team, we are on the field.

Mr. WYDEN. Will the Senator yield just for a question?

Mr. HOLLINGS. Yes.

Mr. WYDEN. It seems to me that what you are saying is this is just about budget discipline.

Mr. HOLLINGS. Yes.

Mr. WYDEN. This is about making tough choices, and you can make them in a variety of ways. I said the other day that I thought some of what was going on in this town was like a hot-fudge-sundae approach to dieting. You can have tax cuts, you can have new weapons systems and then somehow say the books are going to balance. It is like having six or seven hot fudge sundaes a day and still lose weight.

I think what you offer in your important remarks is, this is about budget discipline, and you are going to suggest a variety of ways to do it.

Mr. HOLLINGS. Exactly. I thank the distinguished Senator. Let's make the record on the hot fudge sundae.

At the present time, the Dole agenda—and I repeat this and I got into it this morning—was the repeal of the 4.3-cent gas tax. That is $30 billion. The missile defense system is $60 billion. The across-the-board tax cuts, $600 billion.

So that is what we are up against; $690 billion that is in the Presidential campaign and, whoopee, "I have to get elected because I can cut the revenues another $690 billion. And, incidentally, I get another $600 billion from the Social Security trust fund." When the smoke has cleared, we are down well over a trillion bucks.

What a charade. What a fraud. How can anybody be serious and stand up here? But they all have the same singsong. Let me go quickly, because we are going to run out of time.

They all come in here with the same stock phrases—Thomas Jefferson, children and grandchildren, first balanced budget in 30 years, largest tax increase in history. The largest tax increase in history, one more time—I ask unanimous consent to have printed in the RECORD "Fiddling with the Numbers," by Judy Mann.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post]

FIDDLING WITH THE NUMBERS

(By Judy Mann)

Gov. Christine Todd Whitman, the Republican meteor from New Jersey, had the unusual honor for a first-term governor of being asked to deliver her party's response to President Clinton's State of the Union message last week.

And she delivered a whopper of what can most kindly be called a glaring inaccuracy.

Sandwiched into her Republican sales pitch was the kind of line that does serious political damage: Clinton, she intoned, "imposed the biggest tax increase in American history."

And millions of Americans sat in front of their television sets, perhaps believing that Clinton and the Democrat-controlled Congress had done a real number on them.

The trouble is that this poster lady for tax cuts was not letting any facts get in her way. But don't hold your breath waiting for the talk show hosts to set the record straight.

The biggest tax increase in history did not occur in the Omnibus Budget Reconciliation Act of 1993. The biggest tax increase in post-World War II history occurred in 1982 under President Ronald Reagan.

Here is how the two compare, according to Bill Gale, a specialist on tax policy and senior fellow at the Brookings Institution. The 1993 act raised taxes for the next 5 years by a gross total of $268 billion, but with the expansion of the earned income tax credit to more working poor families, the net increase comes to $240.4 billion in 1993. The Tax Equity and Fiscal Responsibility Act of 1982, by comparison, increased taxes by a net of $217.5 billion over 5 years. Nominally, then, it is true that the 1993 tax bill was the biggest in history.

But things don't work nominally. "A dollar now is worth less than a dollar was back then, so that a tax increase of, say $10 billion in 1982 would be a tax increase of $15 billion now," says Gale. In fact, if you adjust for the 48 percent change in price level, the 1982 tax increase becomes a $325.6 billion increase in 1993 dollars. And that makes it the biggest tax increase in history by $85 billion.

Moreover, says Gale, the population of the country increased, so that, on a per person basis, the 1993 tax increase is lower than the one in 1982, and the gross domestic product increased over the decade, which means that personal income rose. "Once you adjust for price translation, it's not the biggest, and when you account for population and GDP, it gets even smaller."

He raises another point that makes this whole business of tax policy just a bit more complex than the heroic tax slashers would have us believe. "The question is whether [the 1993 tax increase] was a good idea or a bad idea, not whether it was the biggest tax increase. Suppose it was the biggest? I find it frustrating that the level of the debate about stuff like this as carried on by politicians is generally so low."

So was it a good idea? "We needed to reduce the deficit," he says, "we still need to reduce the deficit. The bond market responded positively. Interest rates fell. There may be a longer term benefit in that it shows Congress and the president are capable of cutting the deficit even without a balanced budget amendment."

Other long-term benefits, he says, are that "more capital is freed up for private investment, and ultimately that can result in more productive and highly paid workers."

How bad was the hit for those few who did have to pay more taxes? One tax attorney says that his increased taxes were more than offset by savings he was able to generate by refinancing the mortgage on his house at the lower interest rates we've had as a result. The 1993 tax increase did include a 4.3-cent-a-gallon rise in gasoline tax, which hits the middle class. But most of us did not have to endure an income tax increase. In 1992, the top tax rate was 31 percent of the taxable income over $51,900 for single taxpayers and $86,500 for married couples filing jointly. Two new tax brackets were added in 1993: 36 percent for singles with taxable incomes over $115,000 and married couples with incomes over $140,000; and 39.6 percent for singles and married couples with taxable incomes over $250,000.

Not exactly your working poor or even your average family.

The rising GOP stars are finding out that when they say or do something stupid or mendacious, folks notice. The jury ought to be out on Whitman's performance as governor until we see the effects of supply side economics on New Jersey. But in her first nationally televised performance as a spokeswoman for her party, she should have known better than to give the country only half the story. In the process, she left a lot to be desired in one quality Americans are looking for in politicians: honesty.

Mr. HOLLINGS. I thank the distinguished Chair. So we know from all the quotes from the Wall Street Journal, the New York Times, and everything else that the largest tax increase was back in 1982 under the chairman of the Finance Committee, the Senator from Kansas.

The first balanced budget in 30 years—I showed the two letters that we put in from the Director of the Congressional Budget Office, June O'Neill. One day in October of last year on the present 1996 budget, she had a slight surplus, and then 2 days later when we reminded her of section 13301, she said it is a $105 billion deficit.

The distinguished Senator from North Dakota did it in more dramatic terms. Here, again, my colleagues should look at this year's budget resolution, Senate Concurrent Resolution 57. Turn to page 5: Fiscal year 2002, deficits, $108.3 billion.

Come on, how can you keep on saying the first balanced budget when the document itself shows a deficit. You talk about backloading. The President had a backloaded budget. Almost two-thirds of the cuts in that particular phony budget was to occur after the second Presidential election, the last 2 years. Two-thirds of it. It ought to be ashes in their mouths.

So there they are with their first balanced budget in 30 years. All the children and grandchildren—come on, it is us.

You can look at these particular charts and you can see at a glance, even with the President halving the deficit—and he is the only President who has—spending on interest costs continue to rise. The interest costs during the last 4 years has gone up $50 billion. That is just interest costs; that is spending on automatic pilot.

We have increased these costs, forcing the American people to pay more and get less. We are getting hit now; I cannot fully fund women, infants, and children feeding and Head Start and title I for the disadvantaged and student loans and get the economy rebuilt, do the bridges, the highways, expand the airports, and strengthen our economy. I talked about that early this morning. Why can I not do it? Because my money is going to interest costs on the national debt.

President Reagan promised a balanced budget in 1 year. He came in and said, "Whoops, this problem is way worse. I'll do it in 3 years." But, Mr. President, instead he added almost $270 billion in forced spending for nothing.

The interest cost on the national debt after 217 years of history in 1981 was $74.8 billion. Let's call it $75 billion. Now it is projected at $344 billion.

He has added almost $270 billion in unnecessary spending that we get nothing for. We cannot get funds for prisons or the environment. In fact, it just was pointed out, if he had done what he promised—and they all say "President Clinton promised; President Clinton promised; President Clinton promised"—if Reagan had carried out his particular promises, what would we have done? We would be talking about a surplus around here.

So the unmitigated gall of this crowd that comes aboard—the freshmen. It reminds me of a saying in the Navy during World War II, "When in danger, when in doubt, run in circles, scream and shout."

And they come down and get their 2-hour session. I do not know if I have all the time to go down through, because I was making notes. We need to focus on the problem at hand. It is not Social Security which is presently in surplus. It is not Medicare that the distinguished majority leader saw fit to come in and talk about. Medicare is in surplus until 2001, they say, which is what it was when President Clinton came to office.

So we have not gone backward. We had gotten it up to 2002 when Senator EXON and I voted for the 1993 $57 billion cut in Medicare. That is what we did in 1993.

So we have been cutting spending and making progress. As Senator HUTCHISON says, we ought to really do something. They all come in with "children and grandchildren, children and grandchildren," that is on some silly pollster's chart; it is like parrots at a pet store. Then quoting Thomas Jefferson. Ha. They ought to quote Lyndon Baines Johnson. He was conscientious. He was being blamed for the Great Society, the War on Poverty, and the war in Vietnam.

I pointed out how Senator DOLE voted back in 1968 as a House Member for, what, a 10-percent surcharge on income tax for individuals and corporations, $6 billion in spending cuts, $200,000 in employees' cuts, extended excise taxes, and everything else. But we did it. We balanced the budget.

We do not have to go to what Thomas Jefferson said and a constitutional amendment that puts off everything, passing the buck to the legislatures, and the people generally arguing again for another 7 years with interest costs of $353 billion. I can tell you now the interest cost will be over $500 billion by the time they get their so-called constitutional amendment if they can get it.

Mr. President, right to the point, do not quote Jefferson on that. Quote Jefferson on what he said: If between a free press and a free government, I would choose the former. Jefferson's point was, you can have a free government, but unless you have a free press to keep the politicians honest, it is not going to stay free long. That is what is occurring. The free press has joined in the conspiracy with the politicians in making the news, getting polls, reporting ahead of time, making more news. You cannot get them to report the true deficits that we have, the true interest costs that we have, the true initiatives that we make and have made.

There is the "Balance the budget. Who stands for a balanced budget?" when the only gentleman in this city that has done something about it, and cannot be blamed, is President William Jefferson Clinton. You can blame me. I have been here. I am in my 30th year. You can blame the Senator from Nebraska or some of the Senators that have been here before 1992.

January 1993 is when President Clinton came to town. We are the ones who gave him the spending on automatic pilot, this horrendous debt, the horrendous interest costs. What does he do? He faces up to the task. He brings in his Vice President and he gets every Democrat to vote for $500 billion in spending cuts, increasing taxes on liquor, beer, cigarettes, and increasing taxes on gasoline, increasing taxes on Social Security.

Who is really serious about Social Security? The Senator from Pennsylvania came here and said, "You are trying to hide. You're trying to hide," he said, "hide behind Social Security." Who is hiding? Old Joe Louis said, "You can run, but you can't hide." The Senator from Pennsylvania.

We made it crystal clear. We have it written in the law. What you are trying to do is hide, in section 7, the repeal of that law. You are the one that is hiding. You are the one that wants to move the deficit from your political accounting in the Government over to the Social Security trust fund and decimate the program. That is exactly what has been going on.

Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator from South Carolina has 6 minutes.

Mr. HOLLINGS. I would gladly yield to the distinguished ranking member of our Budget Committee. I thought he was eloquent. I thought he made a masterful statement that was common sense. Out in the Midwest they think that way. I would be glad to yield to the distinguished Senator from Nebraska if he would like a little bit of time in the remaining few minutes I have.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. I thank very much my great friend and colleague from South Carolina, whom I have admired ever since I came here 18 years ago. I served under him on the Budget Committee, and I served under him in his chairmanship of the Commerce Committee. We have worked together for so very long on the budget problems of the United States of America. But I simply say that I wish everybody who serves in Congress had his head screwed on as correctly as does the Senator from South Carolina.

During all of this rancorous debate about who is to blame, I am reminded once again of that time—it must have been in 1979—when Jimmy Carter was President of the United States. I believe the Senator was on the Budget Committee and Senator Muskie served as chairman. I remember well the statement that the Senator made when the President of the United States called us down to the White House. The President was very alarmed by the fact that the deficit for that particular fiscal year was likely to go over $100 billion, and if we did not arrest what we were doing, we were going to exceed in the next year or two $1 trillion—the horrible $1 trillion figure—on the national debt. I do not know what the interest on the debt was at that time, but obviously it was small compared to what we are now paying.

So the Senator from South Carolina is accurate in explaining what he did with regard to the remarks that have been made on the floor of this Senate today.

We are not here to find fault. We are here trying to solve a problem. But the problem we have been sinking into over the years goes back to the time when supply-side economics was ushered into this body, when Ronald Reagan became President of the United States.

As the Senator from South Carolina just said, President Ronald Reagan, who is an honorable man, said when he came into office that he was going to balance the budget in 4 years. The facts of the matter were that the budget went out of balance in those 4 years faster than it has gone out of balance any time in the whole history of the United States of America.

The facts of the matter are, while there has been so much criticism of the President of the United States today, it should be remembered and written indelibly, so it will not be forgotten, that under this President we have had 3 successive years of deficit reduction, from a figure of about a $300 billion shortfall in the budget each year, down to about $130 billion. That is what Bill Clinton has done.

So Bill Clinton is the one who has accomplished reducing the deficit faster than any President, probably going back to Harry Truman or Lyndon Johnson. We still have a major problem on our hands. It goes back, and all of this crying and moaning today goes back to that period in the early 1980's when the United States of America was under $1 trillion in national debt and was under $100 billion a year in the annual deficit.

That rose appreciably. And as the Senator from South Carolina has said time and time again, if we had not run up those deficits that were run up under Ronald Reagan, the budget would be balanced today, would be in surplus today, and we would not have all the concerns that we do have about future solvency of Social Security and Medicare.

So I simply say that the reason I am not going to vote for the constitutional amendment to balance the budget, as I elaborated on to some extent earlier today, is the fact, Mr. President, that this is a sham. This is a political sham where the U.S. Senate is being used as a tool in the Presidential race. Unfortunately, that is not the way to run the Government and that certainly is not the way to run our budget. I do appreciate very much the Senator yielding me time.

Mr. HOLLINGS. Mr. President, how much time do I have?

The PRESIDING OFFICER. According to the timekeeper, Senator EXON had 2 minutes reserved for him; so using those 2 minutes, there would still be 2 minutes left.

Mr. EXON. Mr. President, I yield the balance of my 2 minutes to my friend from South Carolina.

Mr. HOLLINGS. I thank the distinguished Senator.

In the 2 minutes I will read from the daddy rabbit of Reaganomics where they start talking about growth now, David Stockman:

> The root problem goes back to the July 1981 frenzy of excessive and imprudent tax cutting that shattered the Nation's fiscal stability. A noisy faction of Republicans have willfully denied this giant mistake for fiscal governance and their own culpability in it ever since. Instead, they have incessantly poisoned the political debate with a mindless stream of antitax venom while pretending that economic growth and spending cuts alone could cure the deficit. It ought to be obvious by now that we can't grow our way out.

With the time left I see the distinguished colleague from Texas, the senior colleague from Texas. I know we will hear a lecture about who is in the wagon. It is the contention of the Senator from South Carolina that it is the Senators and Congressmen in this wagon. We have been in the wagon for 15 years, spending $270 billion for nothing, having a wonderful time, and now with this so-called balanced budget amendment we will get from a wagon into a limousine to ride around the countryside and tell them how we bit the bullet and something will happen two Presidential elections from now.

Mr. CRAIG. Mr. President, I yield the senior Senator from Texas 2 minutes.

Mr. GRAMM. Let me say to my dear colleague from South Carolina that I do not want to talk about who is in the White House. I want to change who is in the White House. Today I want to talk about drought.

THE DROUGHT

Mr. GRAMM. Mr. President, we have 45 million bushels of feed grain in emergency reserve in the United States. We pay $10 million a year in rent to store that feed grain. We have a major drought in many parts of the country. Obviously, much of it is centered in my part of the country. I thought last night we had worked out an agreement whereby we could pass a resolution calling on the Secretary of Agriculture to release this emergency feed grain to let it flow into the market and flow to people who are being forced to liquidate their livestock herds because they cannot obtain food.

It is my understanding that we have now worked that out. I think it is very important this resolution pass tonight. This is not going to make it rain in Texas, Oklahoma, and Kansas. It is not a solution for the kind of divine intervention that we need in eliminating the drought, but it is a small step in the right direction. I hope this resolution tonight will pass. I was disappointed the Democratic leader objected to it yesterday. We could have sent good news out last night. I hope we can do that tonight.

In addition, Senator HUTCHISON and I hope, tonight, to pass a resolution on haying on conservation reserve land. If you will remember, the President wisely, in an action that I applauded, allowed people to put livestock on conservation reserve land. We want to let them hay it in drought areas. I think that is also a step in the right direction.

I thank the distinguished Senator for yielding.

BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

The Senate continued with consideration of the resolution.

Mr. CRAIG. Mr. President, I ask unanimous consent the amount of time the Senator from Texas used not count against the total remaining time Republicans have on the balanced budget debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. Mr. President, for a good number of hours today the Senate has been involved in what is an important debate, the issue of a balanced budget amendment to our Constitution.

Before I begin, I want to acknowledge the hard work and leadership of several Members of the Senate and the House who have devoted many years of effort on behalf of this legislation. These have included Senator THURMOND, Senator HATCH, and of course the distinguished majority leader, Senator DOLE, on our side of the aisle; Senator SIMON, who is a true statesman and friend, and Senator HEFLIN, on the other side; and Congressmen STENHOLM and SCHAEFER, the House authors of this amendment.

This legislation has come a long way. In 1982, the Senate voted 69 to 31 to pass a balanced budget amendment. It fell 46 votes short in the House. Last year, the House passed it by 300 votes to 132. It lost here in the Senate by a single vote. Of course, we know that Senator DOLE changed his vote to preserve the right to move for reconsideration.

We are now in reconsideration of House Joint Resolution 1. That was after six Democrat Senators switched their vote and opposed the same language that they had voted for 1 year earlier. This is an issue, Mr. President, that is not going to go away. If it is not going to be this Congress, it certainly is going to be the next Congress or another Congress very soon that has to deal with this issue.

There is a very simple reason why it will not go away, because we are not here to decide whether there will be a balanced budget amendment to the Constitution, we are here to decide whether the American people ought to have a right to express their will on this issue. In other words, under article V of the Constitution, we in Congress may only propose amendments to the States for ratification.

That is what we are here to do. The reason I think, Mr. President, this will not go away is because in 1982, 63 percent of the American public said this was an issue that ought to be addressed by Congress passing a balanced budget amendment and sending it to the States. In a Gallup Poll just within the last week, by 83 percent to 14 percent—a 6 to 1 margin—they said they support the balanced budget amendment and it is time we deal with this issue. In other words, the American people, by a very large majority now, say to the Congress of the United States, "Give us the right to choose."

Tomorrow when we vote on this, it will be Democrats on the floor of the U.S. Senate that will refuse the American people the right to choose whether to ratify this amendment. Those who oppose the amendment, those who seek to postpone the day of reckoning when this Government must deal with this issue are simply not recognizing their moral obligation to respond as they should to this issue.

Why is it happening now, that the Senate will not pass this amendment? Why will some in the opposition not stay true to where they were on this issue over the last good many years? By that, I mean, Mr. President, acting in a bipartisan way. Why does this issue appear to have become so partisan?

The balanced budget amendment to our Constitution has always been a bipartisan issue. It is now clearly partisan. The President put tremendous pressure on Democrats in 1995. That is why six Senators switched to "no" votes from their previous history of "yes" votes. We know that. The record ought to be awfully clear that is what happened. Up until that time, we always had that strong bipartisan majority in support of the amendment. Last year, for example, 72 Democrats in the House voted for it; 14 Democrats in the Senate voted for it.

I think, Mr. President, it is truly sad and certainly frustrating when you think you have agreement on such a fundamental principle of government, only to see Senators change their votes. This is not a partisan issue but, I think, a moral issue, a moral imperative, a responsibility of this Senate, to at least allow the American people to express their will. Now we find the only response is that the welfare state mentality of this administration, and tragically enough, those who now oppose this amendment, now want to politicize it. I am afraid that is how the vote will come out.

There are two reasons why the balanced budget amendment was defeated in this past year. In this 104th Congress, the party whose majority and leadership opposed the balanced budget amendment no longer had control of the Congress. They could always manipulate the vote in the past. They could always assure it would not pass. This year, by a change in the electorate, the American people, and most importantly, the Congress, and always the interest groups involved, knew the Congress was firing with real bullets. The liberal special interest groups who are feeding off big Government spending and sending the bill to our children realized we were the closest ever to sending a balanced budget amendment to the States.

That is when the President said to his friends here on the other side, "You have to block this. You have to stop this." That is why six Senators who had been with us before backed off, changed their tune, found an excuse to say something different, switched their vote from a yes to a no. This President, who had never really been for a balanced budget, was able to call the tune. Tragically enough, he and his colleagues denied the American people an opportunity to choose. The President who sent us a so-called balanced budget with an $81 billion deficit in the year 2002 is the one that is now denying the American people their constitutional right to decide this issue.

I simply call on President Clinton to release his hostages, if you will, to release the "BBA 6" that once were with us, the Balanced Budget Amendment Six, who once sat on the other side, proud to vote for a balanced budget amendment.

I say, Mr. President, let our colleagues go. Let the American people have a chance to decide. That is really what this effort is all about. Congresses do not enact constitutional amendments; they only propose.

But you would think, from the debate you heard today, that the vote to be cast on the floor of this Senate tomorrow will be the deciding factor that crumbles the Government, destroys the budget.

No, it will not be that at all, Mr. President. What passing this amendment would do is launch one of the most important national debates in the history of our country—a debate that would occur in every capital city in every State in our Nation among the legislators of that State, as to whether this Government balances its budget, and whether the people have a right to tell us to do so—as I think they ought to have.

Those six flip-floppers—those who voted against the amendment when they previously had all been for it—used a very interesting word, a neat little three-letter word, the "but" word. They used that three-letter word something like this: "I am for balancing the budget, but not this way." "I am for a balanced budget amendment, but not this one." "I was for a balanced budget amendment last year, but"—but—"I discovered a new reason to be against it this year."

Mr. President, the amendment was not any different in March 1995 from what it was in March 1994. Why did they change?

The politics changed. The politics changed dramatically in the fall of 1994, and, as I said, they knew that we were now firing with real bullets, and the chance to send a balanced budget to the American people was, for the first time, truly a real likelihood.

Members of this body may have read a book written a few years ago by a former staffer of the Democrat Speaker of the House, a book on "Inside-the-Beltway Political Gamesmanship." It had an entire chapter devoted to the following rule, Mr. President:

When you are losing the argument, concede on the principle and continue to fight over the details.

The balanced budget amendment opponents, obviously, have read the book, memorized that rule, and are today implementing it on the floor of the U.S. Senate.

Now we have at least 72 Senators who say that they agree on the principle of a balanced budget amendment. But fewer than the 67—the two-thirds necessary—that will ever vote for the passage of one.

Now there appear to be 90 or 100 Senators who say, "Well, now, we agree on the principle of a balanced budget." But there are more than enough votes to sustain the President's veto when, in fact, he vetoes a real balanced budget. In other words, when you are losing the argument, concede on the principle and continue to fight on the details.

Mr. President, I respect the sincerely held opinions of those who have come to the floor and oppose any balanced budget amendment. That is different. There are Senators who do that. Senator Bob BYRD of West Virginia says he opposes any balanced budget amendment. It is my understanding that he has been consistent in not voting for one. He holds true to his conviction. He does not now agree "in principle" and say, "But something is wrong with the details." Well, I have to respect that. That is fair.

What frustrates me, and will increasingly anger the American people, is how so many in this body, or the other, say, "Oh, I am for a balanced budget amendment in principle," but, Mr. President, their actions imply differently, as shown in their votes versus their words.

It is a time-tested trick in this business called "political gamesmanship" to make the perfect the enemy of the good.

If you want to kill a proposal like the balanced budget amendment, instead of saying you are against it, when 83 percent of the American people are for it, you simply say that it is not good enough, not quite the way we want it, and if we can only shape it a little differently, then we would have it the way it ought to be.

Now, that is nitpicking in the highest form, Mr. President. You make up the exceptions that would gut the amendment, and you say, "This is an improvement because I cannot vote for it the way it is." The result is, you kill the amendment because you want to preserve the status quo.

All this nitpicking and all of the blamesmanship really misses the point. The one central question before us is this:

Would this country be better off, would the lives of American citizens be improved, if we placed the Government under a balanced budget amendment to our Constitution?

Would our children have a better life now and in the future? Would working men and women have better jobs?

Would our senior citizens be more secure in the Government's ability to keep its promises to them? Would homes and education be more affordable?

Over the long run, would there be more money left over for charities, families, and Government to care for the poor, the sick, and the needy?

These are all variations of one question. And, of course, the answer to that question is undeniably yes. We know that, and the American people know that. We know of the huge amount of money, the economic vitality, that the debt of the Government now consumes.

Balanced budget amendment opponents say, "We will not vote for a constitutional amendment to require a balanced budget until we see your actual plan to balance the budget, because we know we can produce one."

You and I both know, Mr. President, we have produced a balanced budget, in answer to that argument, over the last 12 months.

We, in fact, produced a balanced budget and did not touch Social Security. We increased spending and increased consumer choices for every senior citizen in Medicare. We preserved the safety net for the needy and cut the redtape to make it easier for Federal-State partnerships to help them. And we continued to be responsible in protecting the environment.

All of those things were done in the context of a balanced budget. We answered their charge, and we answered their call.

And the President vetoed it.

Now we understand a great deal more about this debate. Without the extraordinary discipline that our Constitution will bring us, we probably will find it very difficult to get to a balanced budget, or even a nearly-balanced budget, unless we can, in fact, get a constitutional amendment that requires, in the supreme law of the land, that this body and the other respond every year with a balanced budget.

Here is an example of why I think that argument makes so much sense. Here is the record about the goodwill and the intent of Congresses and Presidents of the United States when it comes to balancing the budget:

The Budget and Accounting Act of 1921, also called the Anti-Deficiency Act, was intended to keep the budget balanced. The Revenue Act of 1964 was supposed to balance the budget. The BYRD amendment of 1978—offered by Senator Harry F. Byrd of Virginia—required balanced budgets. The Humphrey-Hawkins Act of 1978 called for balancing the budget. The Revenue Act of 1978 was supposed to balance the budget. The Debt Limit Increase of 1979 included language to balance the budget. The Bretton Woods amendment of 1980, as amended by a second Byrd amendment, required a balanced budget. The recodification of title XXXI, in 1982, with an amendment better known as Byrd III, called for a balanced budget. The Gramm-Rudman-Hollings Act—act No. 1—of 1985 required a balanced budget. The Gramm-Rudman-Hollings Act of 1987—act No. 2—required a balanced budget. The Budget Enforcement Act of 1990 was supposed to balance the budget.

Why, then, do we have a debt of the kind we have today, of $5.13 trillion dollars? Why are we spending hundreds of billions of dollars on interest, after all of that exercise, from 1921 to 1990, in which the specific language and the direction of the public policy of this country was to balance the Federal budget, and why do we not have a balanced budget?

The reason is very simple. We do not have an amendment to the constitution. We do not have in the organic law of the land a requirement that says to the Congress and the President that you cannot pass "go," you have to make the tough choices, you have to do it.

As a result of that, the tough choices were never made. The American public was played to. There was good intent in many of those instances. But Congresses and Presidents simply could not face the kind of decisionmaking that the people expected of responsible leaders.

Now, I have heard today the flip and the flop of the red herring so many times coming from that side that it has been most difficult to hold a straight face.

What am I talking about? I am talking about Social Security. Let me say for the RECORD they are wrong. It is a false argument, and they know it. But once again the safety for the status quo is in fighting over the details.

If you do not want to face up to balancing the budget, and if you really do not want a balanced budget amendment, then you find a new argument. Just this year alone, after those six Senators were always with us, when the President said to them, you cannot be with the amendment's supporters, find a way out, they found a way out. They found a new argument. That new argument was Social Security.

At best, those making the argument—while one might wonder about their intention, and I trust that it is good—I must agree with Members on our side that they are tremendously misinformed.

At worst, there are big special interest groups with deep pockets using mass mail scare tactics to frighten innocent seniors, with one goal and one goal alone, and that is to destroy the idea of a balanced budget amendment.

Senior citizens I have talked to in my State of Idaho—and I am sure that you have also, Mr. President, in your State of Michigan—know perfectly well that a bankrupt Federal Government will not have the ability to send any Social Security checks out to anybody. No checks will go out, if our Government is bankrupt. By killing the balanced budget amendment, opponents are killing the only way—the only true way—to save Social Security and other seniors programs.

Robert J. Myers, the former chief actuary and former deputy commissioner of the Social Security Administration, has said this. We have had him before hearings. He has publicly testified and made these comments. He says,

> "Regaining control of our fiscal affairs is the most important step we can take to protect the soundness of the Social Security trust fund. I urge Congress to make the goal a reality, to pass a balanced budget amendment without delay."

That is a former chief actuary of the Social Security system. He says the only way you save Social Security is to balance the budget.

Mr. President, we keep hearing about raiding Social Security. No one is raiding the Social Security trust funds. That is false rhetoric. It is wrong for them to use it, and they know it. But it gives them their excuse for opposing the amendment.

There are two things happening.

First, ever since President Franklin Delano Roosevelt, a Democrat, created Social Security in the 1930's, any surplus funds have been borrowed by the Federal Treasury and invested in Federal bonds.

Why? So that the money not needed immediately to pay out benefits could earn interest safely and soundly.

Second, ever since President Lyndon Johnson, a Democrat, put the Government on a unified budget in the 1960's, annual Social Security surpluses have been counted as reducing the overall Federal deficit in that year.

It is simply a matter of bookkeeping. Many believe it is bad bookkeeping. But in all fairness, it is no ruse. It is only bookkeeping.

Those are facts. They are reality. There have been no games played. That is the law.

Ever since our last balanced budget in 1969, these borrowing and bookkeeping practices have been happening with Social Security. Under 20 budgets passed by Democrat Congresses, under six budgets passed by divided Congresses, and so far for one budget resulting during a Republican Congress, this has been the law, and this has been the reality, this borrowing, and this bookkeeping.

The reality is that every budget submitted by President Clinton in the last year, the House Democrat blue dog budget in the last year, the Conrad substitute budget, and the Chafee-Breaux budget—all of them use this kind of borrowing and bookkeeping.

So let us not play games with the record of the Congress, with the record of the Senate, with the minds of the American people. The reality is in the answer to the question, Are you for or are you against a balanced budget? If you are for one, you will allow the American people to engage in this debate, to become actively involved.

Treasury borrowing from Social Security would continue under the balanced budget amendment, and under any and every substitute—the ones offered by Senator HOLLINGS, Senator WYDEN, Senator DORGAN, Senator FEINSTEIN, Senator REID, whomever—the reality is, under their alternatives, they continue to borrow from the trust funds because the laws of the 1930's require it.

Their alternative does nothing to change or stop the Treasury from borrowing Social Security surpluses.

Why do they not tell us this? In other words, get honest and get real. Quit playing the mind game with the American people.

There is only one way to change Treasury borrowing from Social Security, and it has nothing to do with a balanced budget amendment.

The only way to make surplus Social Security funds unavailable to the Federal Government is to pass a law that requires Social Security surpluses to be invested somewhere else outside of the Federal Government.

Has that been proposed today? It has not. Will it be proposed by any one of these Senators? We will see, but I doubt it. And if that bill were proposed, and if it became law, that law would have exactly the same effect under our amendment or their amendment.

So, to those who are suggesting that their opposition to the balanced budget amendment is because of Social Security, I say, You do not quite argue the whole argument. Bring forth your bill to change the system for investing in Treasury bonds, if that is what you believe. But stop hiding behind this ridiculous, absolutely false claim that the balanced budget amendment somehow does anything to harm the Social Security system.

Every alternative to the balanced budget amendment the opponents have put forth dealing with Social Security has loopholes in it that you could drive nearly any amount of spending through it, as long as you call it Social Security. They are more loophole than law.

Their proposal would allow Social Security to run unlimited deficits and would allow future Congresses to raid Social Security trust funds to spend for anything and everything they wanted.

Has that question been asked of them today? No, it has not. I ask it now. Is that what you are proposing—to allow unlimited deficits in Social Security to allow borrowing for other purposes? Of course, they would say no, but that is what their language would allow. But they do not seem to want to talk about it.

A flatout exemption for Social Security in the balanced budget amendment would mean more borrowing and more debt. It would mean Social Security would go bankrupt to pay for all this other spending, or there would have to be a huge tax increase to stabilize it.

Several Senators have had serious discussions to see if there was a way to protect the surpluses of Social Security trust funds from being used for other purposes, without creating loopholes.

Senator SIMON, whom I have worked with for years on this issue, Senator DOMENICI, and Senator HATCH spent an awful lot of time, and I have, too, trying to find out if there was a clean, responsible way to protect the surpluses Social Security trust funds in the context of the argument put forth by Democrats.

We know that can be done, but we have not been able to accomplish agreement with those who say that is what they want.

We said, let's prohibit Social Security surpluses from being counted to make the deficit look smaller. Let's balance the budget without using the Social Security surplus. But, when Social Security starts running deficits around the year 2019, let's make up those deficits, let's keep the lid on Federal borrowing, and let's shore up Social Security with funds from the rest of the budget.

Unfortunately, the opponents once again agreed with us on principle, but not on the details.

Let's get back to the most important point in this Social Security debate. And it is something very, very simple. If you balance the budget and if you quit creating debt, you in fact strengthen and stabilize Social Security. You solve the problem now by creating fiscal responsibility and economic growth in this country, and you accomplish that by balancing budgets and moving along the process that sets this economy free.

Deficit spending and a mounting national debt are taking a tremendous toll on real people, on real families. And if we do nothing, it will only get worse.

The President's own budget for fiscal 1995 said that unless things change, Mr. President, future generations face a lifetime total tax rate of nearly 82 percent. A new analysis by the Congressional Budget Office says that rate actually may be around 84 percent.

The National Taxpayers Union estimates that unless things change, a child born today will pay an extra $180,000 in taxes just to pay interest on the national debt. And the President and some Democrats in the Senate will not allow the American people to create the mechanism that will stop the growth of that kind of debt structure.

The Concord Coalition says that the existing Federal debt already has reduced the typical American family income by 15,000 spendable dollars a year.

On the other hand, who benefits if we balance the budget?

The kids benefit, the future benefits, and everyone who wants a job, who wants to buy a home, who wants a good education, wants to buy a car, wants the kind of economic growth that will provide his or her children the future opportunities that they had at their age when they were young.

That is what this whole debate is about—about a $2,400-a-year reduction in a mortgage payment on $75,000, 30-year mortgage. Or it is about a $1,000 reduction in interest on the life of a 4-year car loan. Or a family saving $1,900 on a 10-year student loan. And it's about creating 6 million new jobs by the year 2002.

Mr. DOMENICI. Will the Senator yield for a question?

Mr. CRAIG. I am happy to yield to the chairman of the Budget Committee.

Mr. DOMENICI. I heard you say balanced budgets are good for the children and it is good for the future. It is good for senior citizens, too, is it not?

Mr. CRAIG. If the senior citizens want a strong and stable system of economic security, you are darned right it is good. There is something else. Senior citizens live on fixed incomes. The best thing in the world for them is a very strong economy that allows them to live and to not have their money exploited by inflation.

Mr. DOMENICI. It seems to me that almost everybody who has looked at the Social Security system over time has said the most significant, positive thing that can happen for that Social Security system is to have a strong, growing, robust American economy with low inflation. I thought one of the big reasons we were all working on this balanced budget is because it is more apt to produce a strong, robust growing American economy than deficit spending of the type we have been undertaking for the last 40 years.

Am I correct in that?

Mr. CRAIG. The Senator is correct. A year ago we were challenged on this floor by those who opposed a balanced budget amendment and who said you can balance the budget without an amendment.

The chairman of the Budget Committee met that challenge responsibly in the way that it ought to be met and produced a balanced budget amendment, one that brought us to balance. The chairman produced a budget that honored the critical policy priorities of this country and sent it to a President, this President, and he vetoed it.

And now it is this President who is twisting the arms over here on the other side to assure that a balanced budget amendment does not pass and that the American people do not get to exercise their constitutional to debate whether to ratify it.

Mr. DOMENICI. I thank the Senator very much.

Mr. CRAIG. So the chairman is absolutely right.

Mr. President, let me try to close soon. My colleague from Alaska is here to debate this issue. Here are some other statistics that are just so darned important for all of us to understand.

The gross Federal debt now tops $5 trillion—that is more than $19,000 for every man, woman and child in this country. The gross interest payments this year are around $344 billion.

Here is what that says to all of us who try to deal with these monstrously big numbers that nobody really understands.

That $344 billion in interest payments this year amounts to $1,300 for every American. In other words, the average American household will pay $3,400 in taxes this year, not for roads or education or defense, but to pay interest on past Federal debts.

Gross interest payments this year will be equal to 54 percent of all the individual income taxes collected.

Gross interest payments on debt will be just $4 billion less than what we will spend on the entire Social Security bill for the year; $77 billion more than we will spend on all domestic discretionary programs put together; $79 billion more than we will spend on defense, the second largest Federal program; $145 billion more than all Federal means tested poverty programs put together; $148 billion more than we spent on all Medicare, the third biggest Federal program.

What is the message here? The message is that slowly but surely because this Senate has been unwilling to grapple with the true issue of getting to a balanced budget—and that is the balanced budget amendment—over the years we have seen this debt grow in proportion to the budget and the economy, and today's interest on debt is literally consuming the Federal budget and the assets of the American people.

The Economic and Budget Outlook just released by the Congressional Budget Office contains a truly frightening chapter on the long-term budget outlook. It says, if we do nothing, our children face a grim future.

Today, we are suffering from historically slow economic growth. Unless we change things, in one generation, the economy will start a real decline and our children will face a permanently declining standard of living.

If we do not pass this amendment, I fear for our children and I fear for our country.

If we do nothing:

In less than two generations, the debt burden will grow so huge that, in CBO's words, it "would exceed levels that the economy could reasonably support."

Our children will reach the prime of their life and then retire in a nation in the grip of a permanently worsening recession.

Our grandchildren will raise families in a declining Third World economy. Or—and I do not say this lightly—there will be a revolution.

On the other hand, these same CBO projections show what will happen if we do the right thing today:

If we balance the budget permanently beginning in 2002, real incomes for the next generation will be one-third higher than they are today.

Our path is clear.

The worst thing you can say about the balanced budget amendment is that maybe Congresses and Presidents will have the courage and vision to do the right thing without it.

The bitter experience of history suggests otherwise.

The best thing you can say about this amendment is that it guarantees we will pass on the American dream to our children and that they will continue to have the opportunity for a better life; that our seniors will be more economically secure; and that Americans today and tomorrow will have more and better jobs.

I certainly hope we can arrive at that magic two-thirds vote tomorrow. I certainly hope the President would free his balanced budget amendment hostages over on the other side and allow them to vote their true conviction as they have over the years under the leadership of the Senator from Illinois, PAUL SIMON, who has worked so hard to keep this a balanced, bipartisan issue. I am so disappointed that this issue has become a partisan-type issue. But I remain hopeful, because the balanced budget amendment will not go away. The people want it. The future needs it. And our nation deserves it.

Mr. President, I now yield——

Mr. MURKOWSKI. Ten minutes.

Mr. CRAIG. Ten minutes to the Senator from Alaska.

The PRESIDING OFFICER. The Chair indicates to the Senator from Idaho he has exactly 10 minutes remaining under his time.

The Senator from Alaska.

Mr. MURKOWSKI. I thank the Chair. I thank my colleague from Idaho. I thought his comments were certainly appropriate. Let us reflect a little bit about the vote we are going to cast tomorrow. That vote will really determine the economic stability and the vitality of this Nation as we enter the 21st century.

Mr. President, I am going to vote for this balanced budget amendment because I believe nothing short of amending the Constitution is going to change our addiction to spending and living beyond our means.

I was a commercial banker during my previous life outside this body. I recall back in 1962 the Federal Government's budget reached $100 billion. By 1971, it had doubled to $200 billion. By 1977, it had doubled again. In 1983, the Federal budget topped $800 billion. The budget for next year, fiscal year 1997, will be more than $1.6 trillion.

We have heard concerns expressed on the other side relative to the Social Security issue. It has been commented that somehow a balanced budget will have a detrimental effect on our obligation to meet our Social Security commitments.

Just think for a moment. How can we meet our obligation to our seniors, how can we meet the obligation of coming generations if our fiscal house is not in order? It has already been suggested as to what the increased tax burden will have to be on future generations.

We have been spending far in excess of revenues. That is like carrying an overdraft or carrying your accounts on your credit card knowing you cannot pay them off. So what have we been doing? We have been increasing the amount that we are spending for interest. I think it is somewhere in the area of $240 billion today. That is nearly $1,000 for every man, woman, and child in America. What does it do? It pays interest on the Federal debt.

Now, not too many people talk about the Federal debt, but we have increased the Federal debt authorization now to $5 trillion. It seems as if we go through a budget process, we add up what we need, we take a look at the revenue that we have, and instead of either increasing the revenue or cutting the expenditures we simply take what we need and add it to the accumulated national Federal debt, which is over $5 trillion.

This interest cost must be paid. I have said it on this floor time and time again. Interest is like owning a horse that eats while you sleep. It goes on and on and on. What is the exposure with the increased amount that we have to pay? As everyone knows, interest rates fluctuate. I am often reminded of what the prime rate was in December of 1980. The prime rate was 20.5. You can imagine the interest cost on $5 trillion if, indeed, we were in that range again, and this could happen. It happened before.

After years of trying, last year this Congress came within one vote of sending a balanced budget constitutional amendment to the States. The amendment passed the House of Representatives on January 26 when House Joint Resolution 1 was approved by a vote of 300 to 132, easily exceeding the necessary two-thirds majority. The Senate added an amendment restricting the power of the courts to enforce the amendment and defeated many weakening amendments, but then on March 2 the Senate failed by one vote to adopt the proposed constitutional amendment.

We have the opportunity to address this again tomorrow.

If we look at history, we will realize that for more than one-third of a century—35 of the last 36 years, the Government has been running a continuous and unending string of deficits. Even if we adopt this amendment, it is an absolute certainty the deficits will continue into the year 2000.

I have reflected on the debt being more than $5 trillion. In 10 years, Mr. President, that debt is going to rise by 80 percent up to what? Nine trillion dollars. Put another way, in the year 2006, every man, woman, and child in America will owe Uncle Sam $32,700. For a family of four, that is $131,000.

What are we thinking of here? There should be absolutely no question that we do not have the self-discipline in this body to address a balanced budget process. With a constitutional amendment, it will mandate that process.

We have not been blind to these deficits. For the last 11 years, Congress and the President have sought to find solutions, remedies. We passed statutes and reconciliation bills, all in the name of reaching a deficit of zero. On three occasions over the past 10 years, legislators on both sides of the aisle sat down with the President and tried to hammer out some workable solutions to solve the deficit. On every occasion the promise of a zero deficit has evaporated.

Congress did not have the discipline or the political courage to do the one thing that would bring down the deficit, reduce spending. Yes, we voted to raise taxes on more than one occasion, but have we ever cut or frozen spending? No. It was only last year that we finally had the courage to face up to the challenge of runaway entitlements. Today, those entitlements account for 55 percent of Federal spending and will grow to 59 percent by the end of this century. There is not going to be any discretionary spending left.

The American public witnessed, I think, an unprecedented spectacle when the President vetoed the only creditable balanced budget proposal ever to be written by Congress.

Then—we got blamed for it—but he shut down the Government because of his refusal to give up the taxing and spending policies that have brought us to the brink of national bankruptcy and placed blame on Congress because we attempted to responsibly address the deficit.

Had this amendment been incorporated in the Constitution, the President would have been in violation of his own oath of office to preserve, to protect and defend the Constitution—which he refused to abide by vetoing a real balanced budget.

We are basically broke. Any CPA or banker can look at the Federal statement and find $5 trillion in debt; interest of 14 percent of the budget would tell you that. We can no longer labor under the assumption that business as usual in Washington assumes that every year we can run those deficits of $150 billion, $250 billion, $350 billion—$350 billion. This accumulation of debt has brought us, today, to the point where, for the first time in our history, we are forced to borrow from the credit markets for the sole purpose of paying interest on the debt.

Think of that. We are borrowing to pay interest on the debt. We are not borrowing just out there to fund our programs. We are having to borrow to pay the interest. That is why we are broke. It may surprise some people to know that over the next 10 years we would be running a surplus, we would be running a surplus in this country in the Federal budget if every year we did not have to pay that $200 billion to $400 billion annual interest bill that has resulted in our chronic inability to bring revenue and spending into balance.

I said we are broke. We are borrowing just to cover those interest costs. That is fiscal irresponsibility. We all know it. We are subject to the shifting winds of international investment flows, where a minor change of economic policy, not in this country, but in Bonn or London, or an earthquake in Japan—those are the people who are financing, if you will, a portion of our debt—could have a direct effect on what this United States Government has to pay for money to finance its debt. Can anyone imagine what would happen if the owners of our debt—18 percent of which, I might add, is owned by foreigners—if they felt there was a sudden loss of confidence in the U.S. economy, and they called in the debt, they called in just $300 billion or $500 billion of our debt? How would we pay the owners off? We could not unless we inflated our dollar to the point that what a dollar buys today would actually be worth 50 cents or less. That is how it is done.

The only way to get out of this sea of red ink is to adopt a simple mandate because we do not have the discipline to do it—we have proven it time and time again—and adopt the balanced budget amendment.

The public knows that no family or business can survive very long when, year in and year out, the principal of its debt grows and all its borrowing is dedicated to paying off the debt holders.

When future generations look back on the decisions that we made in the last decade of the 20th century, I know they will appreciate the wisdom of the people in the Congress in adding the balanced budget amendment to the Constitution. For this amendment stands for the proposition that future generations are entitled to economic freedom, unburdened by the financial debt of past generations.

It is our responsibility to end the practice of sending unpaid bills to our children and to our grandchildren. That is a principle that belongs in the Constitution in the same sense as the freedom of speech and the freedom of press belong to the Constitution.

Let me just repeat that because I firmly believe that. It is our responsibility to end the practice of sending unpaid bills to our children and grandchildren. That principle belongs in the Constitution in the same sense as the freedom of speech and press belong in that document.

I urge my colleagues to adopt this amendment, send it to the States where it can be debated by the people. Give them a chance to render their judgment.

Mr. President, I would like to introduce a bill.

(The remarks of Mr. MURKOWSKI pertaining to the introduction of S. 1844 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, we are talking this evening and voting tomorrow on whether to add another amendment to the Constitution of the United States. Our Constitution has had 27 amendments added to it in 209 years. If you do not count the Bill of Rights, the first 10 amendments, then it has been amended 17 times in about 205 years. That is not very many times.

Most times that we have amended the Constitution it has been when it has become an absolute necessity. We do not revise this sacred document otherwise.

I support the balanced budget amendment that is before us. I had a chance to vote on it last year, when it failed by one vote. I supported it in 1994, when it failed by two or three votes, I believe. I voted on it in other versions in previous years. I very much support the principle of having a constitutional amendment and to have our Constitution then say that Congress should live within its income. I think this is very, very good discipline that results from such a constitutional provision, a discipline that we see in State legislative bodies. I think about 46 States have such requirements. Their requirements make legislative bodies, whether controlled by liberals or by conservatives, fiscally responsible. Fiscally responsible is mainly interpreted as living within your annual income. As families must live within that income, as businesses live within that income, the same discipline ought to apply to the Federal Government.

Many of our early constitutional Framers, early statesmen, and early political leaders, believed in that principle so strongly that they did not feel it had to be put in the Constitution. For maybe 170 years, living within our means, was really not much of a problem. But in the last generation, the Congress and even leaders in the executive branch have gone hog wild on spending money. They have not cared about building up a tremendous debt that puts an obligation on future generations. They failed to consider it an immoral obligation that we have given to other generations.

Living beyond our income is an expression of materialism that is too rampant in American society. Living beyond one's income, in and of itself, is a major problem. Possibly, the Federal deficit is just an expression of our societal excess. But to some extent, maybe the lack of leadership shown by us in the Congress of the United States on the principle of not balancing the Federal budget is an example of not living within our income and has fed that base materialism of the American people. I see our discussion today and the amendment we are dealing with as an effort to reject that sort of fiscal policy and reject the materialism that it promotes within our American society.

So we have another chance on this vote for a balanced budget constitutional amendment. Who knows, maybe some think this is the last chance. I do not think it is the last chance if we do not pass this tomorrow. This is not going to go away, so people might as well realize that eventually the wisdom of the American people is going to win out. Their wisdom is that Government ought to live within its income, just like families must live within their income and businesses must live within their income or otherwise go bankrupt.

When is the day of bankruptcy for America? Maybe we cannot predict it. It might be next year, or it might be 10 years from now, but there is always a day of reckoning when you are not fiscally responsible. The same principles apply whether it is Government or whether it is families or businesses.

I am thankful for Senator DOLE's wisdom in reversing his vote so that he could file this motion to reconsider the balanced budget amendment and we can have another opportunity to do right what we did wrong last year. He gave us another vote on this important amendment.

Of course, I am also thankful for the U.S. Constitution, including all of its inherent imperfections. It may be imperfect, but our Constitution has continued longer than any other written form of government. I believe that this is because it is a living, breathing, and evolving document. Indeed, it is evolution that we seek.

Originally, it sought to fulfill the promises of the Declaration of Independence, and that declaration grew out of our Nation's ordeal that we remember as the Revolutionary War. People at that time were, literally, bleeding for a crusade of liberty that they believed in. They knew the oppression of a distant authoritarian monarchy. They had a yearning to be free. They believed that freedom was bestowed upon them by their creator, and the Constitution reflects that.

The Declaration of Independence was a promise of liberty. The Constitution—this Constitution that I hold in my right hand—is a fulfillment of that promise. It continues to fulfill the promise not of politicians, but of the hearts of the people of our Nation.

I believe that American people, again, sense themselves oppressed by a distant authoritarian power. That authoritarian power is Washington. It has evolved, as such, since the Constitutional Convention of 1787. The oppression that the American people feel is an ever-increasing national debt and the heavy hand of big government. That big government comes as a result of more laws and more expenditures and more programs that are not paid for on a current basis. Rather, they are left to our children and our grandchildren.

Big government, aided and abetted by Congresses and Presidents, appropriates the future liability and promissory notes of our children and our grandchildren. History teaches us that modern day Presidents and Congresses cannot resist the temptation to spend us into oblivion. Those who oppose this balanced budget amendment speak with little credibility when they propose with sanctimony some alternative way. We have tried their alternative way, and it failed.

In last year's debate, Mr. President, we were told we did not need this constitutional amendment, because if you want to balance the budget, you could just go do it without it being required by the law of the land. So we worked 8 months, in 13 committees, on a 1,800-page Balanced Budget Act of 1995. We sent it to the President around Thanksgiving time. The President vetoed our work on December 5, 1995. We received not one bit of help from people who said we did not need a constitutional amendment. They thought that we could just do it, but they were wrong.

How many times did we hear on the Senate floor, just do it, and we did it without the constitutional amendment, without the help of people who said, just do it. Then, we got a veto from a President who says now he believes in a balanced budget. At the time of the veto he had not presented a balanced budget. We still do not have it, and we will not know if we will have it, even though we are going through the process of resolving to balance the next fiscal year's budget.

I have come to the conclusion that the only viable alternative is with a congressional commitment to a balanced budget through the constitutional amendment that we have before us. Living within our means must be the law of the land. Americans must know that we current legislators, and those who follow us, cannot enslave future generations to distant creditors. If there is any inalienable right, Mr. President, surely it is the one to know that you are not burdened for the cost of something that you did not have any opportunity to enjoy.

In 1775, Alexander Hamilton said something pertinent on this issue. He said:

> The sacred rights of mankind are not to be rummaged for among old parchments, or musty records. They are written, as with a sunbeam, in the whole volume of human nature, by the hand of the divinity itself; and can never be erased or obscured by mortal power.

Mr. President, this means that the people's will is the law, and the Constitution only becomes the law as enumeration of the people's will. It tells us that sooner or later the American people will again have their balanced budget, like they did for most of the first 170-year history of our country. The people will not ultimately be oppressed by our spending habits. If we do not show a commitment to a balanced budget, the people will balance the budget with a future Congress. Their first step toward that balance will be to replace the current Congress with its irresponsible spending habits. Our first step to avoid being replaced should be to pass a resolution for this amendment and send it to the States for their review.

The key to passing a balanced budget amendment is its abundant grassroots, bipartisan support. This support reflects the fact that Americans support the amendment by very, very large margins. It should, therefore, have passed this body a long time ago by equally large margins, but it has not. It has not because some Members of the other party have decided to play politics. Some want to try to deny any victory to Republicans for purely political reasons.

I think the American people deserve better. I think that the American people deserve a Government that responds to the will of the American people. They deserve a Government that spends only what it takes in; in other words, a Government that does what simple, common sense dictates.

Somehow, common sense eludes us. In the past, year after year, Members of one Chamber or the other voted down this constitutional amendment, and year after year, the budget deficit increased. Meanwhile, year after year, our children have been saddled with increasingly larger debt.

The American people, I think, expressed their desire to eliminate the burden when they elected a Republican Congress in 1994 for the first time in 40 years.

A balanced budget would mean a stronger economy, good Government, and more jobs produced by that stronger economy. DRI-McGraw Hill, which has been called the world's leading nonpartisan economic analysis and forecasting firm, has concluded that the balanced budget amendment would add credibility to budgeting.

This credibility would lead to lower interest rates and a stronger economy.

Mr. Greenspan, the Chairman of the Federal Reserve Board, says that for individuals balancing the budget would yield $2,300 less interest on a 30-year home mortgage, $603 less interest per year on a student loan, and $150 less per year on car loans. So we are talking about real economic benefit coming from our passing something like the failed Balanced Budget Act of 1995. Possibly we will succeed this year.

This same firm found that the lower interest rates resulting from the balanced budget amendment could create half the necessary savings needed to balance the budget in the first place. This is because interest on the debt is such a large portion of our Federal budget. Lower interest rates then mean lower payments.

I believe that the American people are willing to do their part to prevent future generations from being saddled with an unconscionable amount of debt. They are willing to do so even if it means that some Federal spending they support would be affected. This is especially true if our budgeting is done fairly.

I am reminded by a constituent of mine who told me he was a lifelong Democrat. He now votes Republican because he is certain that if we do not stop spending more than we take in, we will be the ruin of our children and grandchildren.

That is what this debate is all about today. It is about passing on the American dream to our children and our grandchildren. Americans of all political persuasions are realizing that the role of the Federal Government must be limited. Even the people of the other party are taking that view now in this town. So messages from the grassroots, expressed in the last election, are getting through, not only to Republicans, but to Democrats as well.

They know that all Federal programs have not delivered what had been promised. They also know that the sums of money that are spent on these costly programs are tremendous. Many of these programs have failed or are filled with waste and abuse.

I hope that the Senators who may have supported this amendment in the past, particularly in 1994 when it was the same wording as it is now—they changed their mind last time because of pressure from the White House—will come back to the original position they had when their party controlled the Congress. That was a time when their President was not fighting the language of this amendment.

It seems what was OK in 1994 should have been all right in 1995. Senators have one more opportunity in 1996 to correct that mistake. I think the reason to do it is because our children's future is too important for us to ignore this opportunity.

I have spoken before about my first involvement in legislation to balance the budget. It was not a constitutional amendment. It was a law to require a balanced budget. There was a Senator by the name of Harry F. Byrd from Virginia at that time. I think it was in 1978. I was a Member of the other body. I worked with Senator Byrd to pass a simple law that says, "The Federal Government shall not spend more than it takes in."

That was a very well-intentioned but law. Quite frankly, as I look back on it, it unfortunately was a very weak response to a very serious problem that was a lot less serious then than it is today. Because under our Constitution, as you know, succeeding Congresses can obliterate anything that a preceding Congress has done.

I learned an important lesson from that Byrd-Grassley legislation. Congress needs help with self-discipline. Each of the prior efforts to balance the budget, whether it was the Byrd-Grassley law or whether it was Gramm-Rudman I, Gramm-Rudman II, or other budget agreements in the 1990's, have all failed because they can be changed so easily.

Pure and simple, big government is addicted to big spending and the big debt that results therefrom. That is why a constitutional amendment is necessary. A constitutional amendment, though difficult to get adopted in the first place, is also difficult to change. It cannot be changed like Gramm-Rudman I or II was changed. So it would not be changed by a simple unwillingness of legislative bodies to follow its mandate and bite the bullet.

We take an oath to uphold this Constitution every 6 years when we are sworn into the Senate. We see the effective restraint that a constitutional provision brings to the States, as I have spoken of already. Because State legislatures that are controlled by conservative Republicans or liberal Democrats take a similar oath, the rule of law that follows it applies and is strictly adhered to.

So only the balanced budget amendment that is before us will ultimately restrain runaway Government spending. A new day will come when we have a constitutional amendment disciplining our spending appetites. The Senate's passage of the balanced budget amendment would show the public that we have decided to get serious about protecting the American dream and passing that dream on to our children and grandchildren. It is in doubt today with big debt, high interest rates, and a growth in the economy that is slower than it takes to sustain the American dream for our expanding population.

Because of high interest rates and high taxes, there are 3 million jobs that have not been created in the present recovery since 1992 that would have been created in other normal recoveries since World War II.

Our beloved, but imperfect, Constitution has allowed us to endanger the American dream because we have not yet added the written philosophy that our forefathers had in their hearts and practiced in the Congress. They did not put it into the Constitution because they did not think it was necessary. Now, 209 years later, we find it absolutely necessary to protect our way of life. We have an imperfect document except that the Framers gave us article V so that the people can change the Constitution when necessary.

The people are now asking us to vote to allow them the opportunity to amend the Constitution. Amending the Constitution is a prescription for protecting the American dream. So this vote that we have tomorrow is referendum in giving our constituents, particularly the younger ones, the right to preserve the American dream. In my view, that is an absolute necessity. It is a very clear choice between responsible spending or losing the American dream and our way of life. I yield the floor.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Mr. President, I rise in strong support of this amendment. I want to pay tribute also to Senator HATCH, Senator CRAIG, and Senator THURMOND, who have been among the leaders on the Presiding Officer's side, and former Senator DeConcini on our side, as well as Senator HEFLIN and Senator BRYAN.

The charge is made that we are talking pure politics. I would be naive if I did not admit there is some politics in all of this. Obviously, BOB DOLE is a candidate for President, and he wants to stress this. I have to say, in fairness to BOB DOLE, this is not a phony position on his part. This is a stand he has taken all along. I am supporting Bill Clinton for President, but I appreciate BOB DOLE's stand on the balanced budget amendment.

To my Democratic friends, if you want to depoliticize it, pass it. To my friends on the other side who are opposed to a minimum wage, you want to depoliticize the minimum wage? Pass it. It will be eliminated from the election. And the same on the balanced budget amendment.

The Presiding Officer is from New Hampshire where in the woods and the trails of New Hampshire, prior to the Revolution, there was talk about "taxation without representation." My latest grandchild is now 2 months old. Nicholas Simon, 2 months old, does not know anything about the taxation that has been imposed upon him. Talk about taxation without representation, that is what we are doing to future generations. Listen to the Democratic platform of one century ago, 1896.

> We are opposed to the issuing of interest-bearing bonds in times of peace.

Incidentally, no other country in history in times of peace has moved from being a creditor nation to being a debtor nation. Not only have we done that, we have moved from being the No. 1 creditor nation to being the No. 1 debtor nation. It is like moving from Super Bowl champ to the very last place.

We have a lot of Jefferson-Jackson dinner parties. I assume the Presiding Officer has never been invited to one of these. Andrew Jackson said, "I am one that does not believe a national debt is a blessing but rather a curse." Thomas Jefferson was not in the United States when the Constitution was written. He was over in Paris, negotiating for us. When he came back, he said, "If I could add one amendment to the Constitution, it would be to require a balanced budget."

It is very interesting, Laurence Tribe, a professor at Harvard who opposes the constitutional amendment, says this in testimony last year:

> Despite the misgivings I expressed on this score a decade ago, I no longer think that a balanced budget amendment is, at a conceptual level, an ill-suited kind of provision to include in the Constitution.

The Jeffersonian notion that today's populace should not be able to burden future generations with excessive debt does seem to be the kind of fundamental value that is worthy of enshrinement in the Constitution. In a sense, it represents a structural protection for our children and grandchildren.

There is, as the Presiding Officer knows, a lot of cynicism toward Government, much more so than in Western Europe, where the taxes are much higher than they are in the United States. I believe a fundamental reason for that is that, with the exception of Israel, no modern industrial State spends as high a percentage of its tax dollars on interest and on defense as does the United States. The average citizen does not see much for that. They do not see much in the defense area. Clearly, we have to spend money in defense. For interest, all we get out of the huge debt is higher interest rates. That is it.

Now, I have heard some of my colleagues say they cannot vote for this because of Social Security. My friends, that is a fig leaf. It would make more sense to say, "Your astrologer advised you not to vote for this."

The reality is, this provides more protection for Social Security than Social Security will have without this. Those who say, "Well, let's make it 2002 excluding Social Security," not one offered an amendment to the budget to do that when that was up. Yet, they suggest we should enshrine it in the Constitution.

I, frankly, worked with Senator HATCH in trying to fashion something that over a period of years—and worked with Senator DOMENICI—over a period of years would slide into that, because you cannot do it from 2002 that quickly. That would harm the economy.

It is very interesting that the chief actuary for Social Security for 21 years, Bob Myers, says it is essential for Social Security that we do it. Now, why is that the case? As Adam Smith warned us in "The Wealth of Nations," a classic document, he said that the history of nations is that you keep piling up debt and then you eventually debase the currency.

That is where we are headed—there is just no question about it—as you look at those long-term projections. We are going to keep piling up the debt, and then at some point the order will be made, "Start the printing presses rolling; we are going to print the money. We are going to debase the currency. We are going to do what the economists call 'monetize the debt.'"

I get a publication that has a very limited circulation, I am sure, called Grant's Interest Rate Observer. It comes out every week. Here is the most recent. You will be interested in these figures: May 17, 1995, foreign bank holdings of treasuries, $444 billion. May 15, 1996, a year later, $553 billion. It goes up and up and up. And Lester Thurow, the distinguished economist, says the question is not "if" foreign governments and people in other countries are going to stop buying our bonds, the question is "when." We have to face up to this.

I heard Senator MURKOWSKI speak just a little bit ago in which he said 18 percent of our bonds are now held beyond our country. In fact, the figure is larger than that because a lot of it is hidden. Many countries prohibit their citizens from buying bonds from other countries.

Just take the 18-percent figure. If you take the $344 billion that is the gross interest expenditure that CBO now says it will be, take 18 percent of that—if my math is correct, I just calculated it here quickly—that is $62 billion that will be sent overseas for interest this year.

Now, there are some who believe if you help the wealthy, it will trickle down and help everybody. I do not happen to believe there is much validity to that. But there sure is not much validity to sending that $62 billion to wealthy people in Great Britain or The Netherlands or Saudi Arabia or Japan. That is not going to trickle down to American working men and women. That just does not make sense.

Mr. President, $62 billion abroad is four times what we are spending on foreign aid. In other words, we are spending four times as much on foreign aid to the wealthy as we are on foreign aid for poor people. That just does not make sense.

The head of the IMF has complained that the wealthy United States goes into the financial markets and raises interest, and poor countries have to pay that high interest. Prof. David Calleo of Johns Hopkins University calls that action obscene.

Now, to the credit of Senator DOMENICI and Congressman KASICH and people in this body who voted to say we will balance the budget in 7 years, to your credit on that side, you led the way on this. I voted for it in the Budget Committee, but you led the way.

Let me say, in all candor, we are not going to have a balanced budget in 7 years unless we have a constitutional amendment. We are putting all the tough decisions in the last years. That is true in the Democratic proposal; it is true in the Republican proposal. Those of us in public life like to do popular things. We need the discipline of a constitutional amendment.

We have great interstate highways today. President Eisenhower proposed issuing bonds to pay for it. A Senator by the name of Albert Gore, Sr., said, "Let's not have deficit financing. Let's increase the gas tax and pay for it on a pay-as-you-go basis." His amendment, fortunately, prevailed. We saved hundreds of billions of dollars. That is what we have to do, put Government on a pay-as-you-go basis.

I heard Senator HOLLINGS earlier today, and I have great respect for him, talking about the need for some changes in our tax structure. Let me tell you, fundamental changes are not going to happen without a constitutional amendment.

I hear people complaining about Alan Greenspan and what the Federal Reserve Board is doing. Our primary problems—and sometimes I differ with Alan Greenspan—but our primary problems are fiscal, not monetary. The $344 billion we will spend this year on interest is 11 times what we will spend on education, 22 times as much as we spend on foreign aid, and twice what we are spend on our poverty programs.

The Concord Coalition—cochaired by former Senator Warren Rudman from the State of the Presiding Officer, cochaired by Paul Tsongas, which also has Paul Volcker on its board—did an economic analysis. The deficit, in the last 20 years, is costing the average American family $15,500 a year in income. I do not know of any families in Illinois or New Hampshire or Oklahoma who would not welcome that kind of an increase. But it takes some discipline to move us in the right direction. We have shown that we do not have it on our own. We need the discipline of a constitutional amendment.

We need to have, real candidly, political cover. We ought to do it on our own, but we are not doing it. We need to go back to whatever State we are from and say that we really hated to cut this program, we really hated to increase these taxes, but the constitutional amendment forced us to do it.

If there is anyone in this body who is not certain how to vote—and there probably is not—I suggest that they look at their children, look at their grandchildren. Forget who you might offend in this body and what they think. Look at those children and grandchildren and simply ask: How do we build a better future for them? If you ask that question, then the vote will be in favor of a constitutional amendment.

I yield the floor.

Mr. INHOFE addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, if I thought, 10 years ago, I would be making this statement, I would say someone is out of his mind. But I have to say now that it comes from the heart when I say this. There is no loss in the history of the institution of the U.S. Senate as great as the loss that will be incurred when Senator SIMON submits his retirement and is no longer in this body. I say that in a very sincere way because Senator SIMON and I have a few things in common, but certainly political philosophy is not one of them. He is a liberal. I am a conservative. But he is very honest about his liberalism, and he is one who puts his priorities first. His statement about his children and grandchildren is very touching indeed.

Mr. President, I think that the vote we are going to be casting tomorrow will be the second most significant vote, perhaps in the last decade, but certainly in this session of the legislature. The first most significant vote happened yesterday when we made a decision in this country not to defend ourselves from nuclear missile attack. It is something I think we made a grave mistake on, because many of the other things are not significant now when you think about the threat that is out there.

What we are going to do tomorrow is certainly significant. I decided that a way to approach this would be to take, verbatim, the arguments that have been made in opposition to a budget balancing amendment to the Constitution and address each one of them.

There are ten arguments. I will read these:

Proponents have refused to lay out a detailed plan to get a balanced budget.

How can you tell if it would be good for the country if you do not know the details? Senator SIMON talked about a figleaf. This is a figleaf. I can remember when we lost this earlier—I guess last year—by one vote, and they tried to kill it in a way that they would not have to vote against it by putting an amendment on called the "right-to-know amendment," which would outline everything that we are going to appropriate, everything that we are going to fund, every tax we are going to increase or decrease, for the next 7 years. Obviously, you cannot do that.

In a minute, I will show you the political philosophy of those individuals who voted for the right-to-know amendment, because those individuals, each one of them, voted against the final bill, and there is a common thread there that we need to look at.

I can tell you what we do know, which is that the status quo is bad—bad for the country. Business as usual cannot continue. We are to the point where we have to make a change. We did not have that luxury last year, or 10 years ago, even though we are working on this as a problem. I will say this. Those individuals who are going to vote against our balanced budget amendment to the Constitution tomorrow are liberals, but they do not go home and campaign that way. They are not politically honest with the people back home on their philosophy. How many times have you heard someone on the stump stand up and say, "Vote for me and I will increase your taxes, I will increase spending, and I will increase the deficit"? You do not hear it. Yet, that is exactly what happens.

You cannot give a detailed plan as to how it is going to happen. Back in May 1961, President Kennedy decided that it was in our Nation's interest to have a man on the Moon in 10 years. He did not say what was going to happen, or how. He did not map out the details. We could not do it yet because the rockets were not built, the spacecraft was not designed, and the astronauts were not trained. Nobody said how we were going to do it. But we committed ourselves to it, and we did it.

Here is another one, argument No. 2: Proponents want to treat people like children, hiding the hard truth from them.

I can tell you that is not the case. My wife and I have been married for 37 years. We are into grandchildren now. One time, our No. 2 son was out learning to ride a bicycle. He was a very young child. I went out there and pushed him, and he got balanced. Finally, he was able to go all the way around the block. When he came back, he said, "You know, Dad, I wish the whole world was downhill."

The whole world is not downhill. What we are embarking upon, if we are successful in doing it, is not going to be easy. It is something that we have to do. We do not have a choice. We are out of time. We all know that the world is not downhill. We have to pedal uphill. It will take sacrifice. But for our children's sake and future generations, we have to do it.

Third is that proponents say they are tired of Washington telling people what to do—the Washington-knows-best mentality—and that the balanced budget amendment is the ultimate Washington mandate.

My response to that is, no, they have it backward. Those who oppose the balanced budget amendment to the Constitution are the guys who have been running this show for the last 40 years, who have created this $5 trillion debt. They are arrogant in saying that we know what is better. Yes; future generations are going to have to pay for this. But that Washington-knows-best attitude is what got us where we are today, that continuing business as usual for all these years. They say that despite the fact that 70 to 80 percent of the people in America support a balanced budget amendment to the Constitution. Why? Because they know that without that fiscal discipline forcing them to do it, we are not going to do it.

I think the public spoke loudly and clearly in the elections of 1994. It was, in fact, a Republican year, and in a minute I will document this and show this to you. A lot of people that are going to be voting against this will not be around much longer. In a way, the balanced budget amendment is a mandate for fiscal responsibility on Congress, and it will not mandate unwanted regulation on the States or the people.

Argument No. 4: All these Governors who are boasting about cutting taxes in their States should know that the balanced budget amendment will require them to impose huge State tax increases.

Well, that simply is not true. I think the Governors know it. The Governors are supporting this. In fact, let us keep in mind that if we are successful in passing this at noon tomorrow, three-fourths of the States are going to have to ratify this. It is not something we can do unilaterally. I agree with the statements made about the sanctity of the Constitution. That is why the Founding Fathers made it so difficult. The States will have to make the decision, and if they think it will increase taxes, they are not going to support it. They know it will not do that. These States that have been cutting tax rates are actually enjoying increasing revenue. History has shown that is the case. You can increase revenue by cutting tax rates. President Kennedy once said, "We have to have more revenue, and we are going to cut taxes," and it worked. Look what happened in the United States of America. In 1980, our total revenues were $517 billion. In 1990, 10 years later, it was over $1 trillion. It doubled in that period of time. That was a period of time when the tax rates took the largest cuts we have had in any 10-year period in history, from the marginal rates. In 1980, it was $244 billion that was derived from income taxes. In 1990, it was $466 billion. That was after tax reductions.

But this mentality we have in the White House and the administration does not agree with that. They do not look at history. They are too smart for that. Laura Tyson, the chief economic adviser to the President of the United States, was quoted in the Wall Street Journal on December 30, 1992.

She said:

> In direct contradiction to the 12 years of Republican ideology, there is no relationship between the level of taxes the Nation pays and its economic performance.

Of course, if you believe that, they just keep raising taxes. We know better. The people of America know better. The balanced budget amendment will require a rate of increase in Federal spending to be slowed down. The States will rejoice when they can do this, and three-fourths of the States have already said it shall be no problem at all in ratifying this.

Three-fourths of the States have a balanced budget amendment to their State constitution. In 1941, my State of Oklahoma had a balanced budget amendment. These same arguments they are using today were the arguments they were using back then, and it has worked since 1941, and it has worked in the rest of States.

Argument No. 5: The balanced budget amendment is a pig in a giant poke.

I do not know what this means. I do not know that anyone else does. But I would say this: That the real pig in the poke was pointed out to me by someone who called me up. I was called up after that statement was made by a young lady, a beautiful young lady professor at the University of Arkansas, the home State of our President. She called up and had seen that apparently on C–SPAN. Of course, in Arkansas they know something about pigs. They have the Arkansas Razorbacks, and they use the pigs and the hogs and the hogs and the Razorbacks kind of interchangeably. This young lady was Dr. Molly Rapier on the staff at the University of Arkansas. She said the pig in the poke is in Washington—not outside of Washington. It is those individuals who are spending more and more and more and getting to the trough first.

The sixth argument that has been used: The balanced budget amendment will give the politicians license to cut and slash and burn needed programs.

This is the big argument they use to make it appear as if we are going to be slashing Government programs, and then they zero in on either the elderly or veterans or somebody else to make them think that we are going to be cutting programs.

The Heritage Foundation came out with a study. This was conducted by economists and Ph.D.'s from all over the country from major institutions. They came up with the conclusion—this is a couple of years ago—that we could actually reduce and eliminate the deficit in a much shorter period of time merely by putting growth caps on. I called to get an update from them today. They said if we had growth caps on all Government spending of 1.5 percent we would balance the budget in 7 years including the major tax cuts that the Republicans are asking for to stimulate the economy. These are the economists that are saying this.

So we know that this argument is being used, and it is another figleaf, as has been so articulated and presented by the distinguished senior Senator from Illinois, Senator SIMON. I think that it would do one thing, and that it would cause a counterpressure.

A study was made not too long ago about all the people who come to see Members of Congress in the House and the Senate. Over 98 percent of them are in there to get more money for some cause. Some are lobbyists, some are citizens, and some are employees that are in for more money for their causes. So there is nobody out there speaking for that 80 percent of the people who want to reduce the size of the cost of Government. This would do this.

I remember one of the best speeches I ever heard was way back in the 1960's when a great communicator, Ronald Reagan, gave a speech, his first political speech, called "Rendezvous With Destiny." He said, "There is nothing closer to immortality on the face of this Earth than a Government agency once formed." I think we have learned it is true. It is very difficult with the political pressures to cut the size of Government.

The seventh argument is:

> Senators are sent here to make intelligent and well-informed decisions on the people's behalf.

I have heard this so many times from liberals—saying, "We do not need that because that is our job. We are elected to balance a budget." We have not done it. We have proven that we are incapable of doing it for 40 years. So we have been forced to do it.

That is exactly what this would be. This is not anything that is a new idea. Thomas Jefferson said when he came back from France during the development of our Constitution that it could have been improved by having something in there to stop the Americans from going into debt.

I can remember a guy named Carl Curtis from Nebraska back in 1974, Mr. President. I was in the State Senate of Oklahoma at that time. He had an idea. He was a great conservative from Nebraska. He said, "I know how we can balance the budget." He said, "We can get three-fourths of the States to preratify, and then we could use this an as argument saying this is a mandate from the States." So I introduced a resolution in the State senate in 1974, and it passed to preratify the Constitution. It is something that has been around for a long time. It is something that we have an opportunity to achieve tomorrow.

In response to the opinion polls, a statement was made not long ago on this floor by one of the Senators who is opposed to a balanced budget. He said, "The proponents talk about public opinion." Years ago Talleyrand said, "There is more wisdom in public opinion than there is to be found in Napoleon, Voltaire and all the ministers of state present or to come."

But this is true only to the extent that public opinion is informed opinion. In the case of a balanced budget amendment it is not informed opinion. I have to tell that very distinguished Senator in all respects that he is definitely wrong.

I would submit that the people of America know that we cannot continue on the road that we are on. I would submit that Talleyrand was exactly right when he said, "There is more wisdom in public opinion polls than there is. . ."—and to bring it to up today's vernacular, ". . . to be found in the President, the President pro tempore, and all the ministers of the Clinton administration and the liberal Democrats who are lobbying against the balanced budget amendment."

Let us keep in mind Talleyrand, who was there during the Napoleon reign, also had another quote which was "Throw mud, throw mud. Some of it may stick." That is exactly what has been happening during this debate.

The ninth argument was:

> The 1990 and 1993 budget deals worked. The way to deal with the deficit is to continue the successful deficit reduction effort for the last 5 years. Since 1990, we have achieved over $900 billion in deficit reduction.

I do not know. There was an article in the Reader's Digest not long ago called "Budget Baloney." They talk about how we are saying things here to make people think we are doing something constructive by eliminating the deficit. The debt has grown and grown during this administration.

I will have to say this. I do not want to sound like I am blatantly partisan. In 1990, when George Bush was President of the United States, he caved in to the liberal Democrats that were controlling Congress at that time, and he agreed to a tax increase. It was the wrong thing to do. I voted against it. I spoke against it when I was serving in the other body with the distinguished Presiding Officer. I can remember being on "Nightline" as one of the few people to stand up against his own President because it was wrong. In 1993 when President Clinton had control of both the House and the Senate it was "the largest single tax increase in the history of public finance in America or anyplace in the world." Those are not the words of conservative Republican Jim Inhofe. Those are the words of PATRICK MOYNIHAN who was the chairman of the Senate Finance Committee at that time. But in both cases the results belie the claims of success.

If these two huge, painful budget deals were successful in reducing the deficit, then Heaven help us. Just look at the figures. This is the President's own budget book. Under his plan, by 1998 our debt will increase by $1.1 trillion. These are the President's figures. By the year 2000, $1.1 trillion. That is something that we cannot afford.

The last one that I want to mention is to quote the argument:

> The balanced budget amendment is nothing more than a slogan, an empty promise. Most Senators who support it will not even be here in the year 2000 when it will take effect.

You know the problem is that the Members of Congress who are responsible for creating this burdensome national debt will not be here when our children have to pay for it. It has been said several times on this floor. The Congressional Budget Office figures support the fact that a person born today, unless we change it, will have to spend 82 percent of his lifetime income just to support the Government's extravagance that we are guilty of today.

So let me just mention that talk is cheap. There are those who oppose it. Those individuals who oppose the balanced budget amendment, they are the ones—the same ones as I suggested earlier in my talk. I suggested that those individuals who voted against a balanced budget amendment the last time and are planning to vote it against it this time, even though they will not go home and tell the people they are going to do this, are the liberals.

How do you know if they are liberals or conservatives? You do it by looking at how they are rated. You do not want to stand up and call people names. There are ratings organizations out there. The National Taxpayers Union rates as to how we vote. If we are big spenders they say we are. Of those 33 individuals who voted against the balanced budget amendment when it was up last time, all 33 voted for the largest tax increase and the largest spending increase in the history of public finance. All 33 of them got either a "D" or an "F" by the National Taxpayers Union. That is incontrovertible. They are liberals. They will not say that at home. But they are. And I suggest there is something else that is incontrovertible; that is what has happened in the past. Those individuals who were voting for the large spending increases and the tax hike and who received a "D" or an "F" are the individuals who either were defeated or who retired in the 1994 election.

So I think it is something we need to look at, and I am hoping that those individuals—as the distinguished Senator from Iowa [Mr. GRASSLEY] said, a lot of the Senators who are voting for this because they want to go the party line instead of voting with the people at home better really stop and think about it before noon tomorrow because the people at home are not going to forget.

I can suggest to you that we have had several people who are going to be voting against it who have actually made these statements at home. The Senator from North Dakota, [Mr. DORGAN], said in the CONGRESSIONAL RECORD March 1, 1994: "This constitutional amendment, no matter what one thinks of it, will add the pressure that we reconcile what we spend with what we raise." And he will most likely vote against it. If not, the resolution will pass.

Senator HOLLINGS said, "I can offer my colleagues 3.5 trillion reasons for a balanced budget amendment to the Constitution. It ought to be a minimal moral obligation of our National Government. So let us debate, pass and ratify the balanced budget amendment. By writing a balanced budget amendment into the basic law of the land, we will compel Washington to do its job." That is Senator ERNEST HOLLINGS, March 1, 1994.

Then we had our very, very distinguished minority leader, Senator TOM DASCHLE, from South Dakota, who said on February 28, 1994: "Too much is at stake for us to settle for the status quo. A balanced budget amendment will provide the fiscal discipline our Nation must have in order to meet the needs of the present generation without bankrupting those in the future."

I only say that not to embarrass my colleagues because they are all very distinguished, but they certainly had a change of heart between the time they were making these statements and what will happen tomorrow. I am hoping that two out of three of these individuals who made the statement will turn around and remember what they said in 1994 and will vote for it, and we will pass a balanced budget amendment to the Constitution.

Lastly, Mr. President, Senator SIMON talked about his grandson, Nicholas Simon, and I think that is really what it is all about. Kay and I have a bunch of kids, and our No. 3 child, Molly, just last January 9 called me up and said, "You know, Daddy, I'm about a month overdue, and they are going to force labor today. Would you come over." And I was right over there. She said to me, she said, "Daddy, would you like to come in the delivery room when we deliver Baby Jase." Nowadays they peek. They know what it is. Back when we were having kids, they would not let you in the hospital, let alone the delivery room. And so I said, "Yes, I want to do it."

I went in there and stood behind the bed, and we made it through this process. It made me appreciate my wife a lot more than I did before. And finally Baby Jase was born, Baby Jase right here was born. This is on January 9. And he had taken his first breath. He was not even a minute old when she handed him to me. She said, "Daddy, would you like to hold Baby Jase?" I held Baby Jase, and I looked at him, and the thing that came to my mind at that time was, as we were speaking at that very moment, Baby Jase was inheriting $19,000 as his share of the national debt; that if we do not do something to change it like we are proposing today, if we do not pass this balanced budget amendment, then Baby Jase is going to have to spend 82 to 84 percent of his earnings paying it.

What do you think he did to deserve that? He did not do anything. That is why I say, Madam President, this is not a fiscal issue that we are considering. It is probably the most serious moral issue we have dealt with since I have been in the Senate.

I yield the floor.

Mr. SHELBY addressed the Chair.

The PRESIDING OFFICER (Mrs. HUTCHISON). The Senator from Alabama is recognized.

Mr. SHELBY. Madam President, Webster's dictionary defines the term "red herring" as "something that distracts attention from the real issue. [From the practice of dragging a red herring across a trail to confuse hunting dogs]."

The reason I share this definition with you tonight is because most of the arguments we have heard in objection to the balanced budget amendment amount to little more than red herrings. The objections, I believe, are simply distractions from the real issue before us.

The real issue before us is that Federal spending is out of control, make no mistake about it, and unless we pass a constitutional amendment to control spending, our children and grandchildren will never know the America we take for granted.

The United States has a current national debt of more than $5 trillion, and based on projections under President Clinton's latest budget it will be more than $6.7 trillion by the year 2000. I have said it before and I believe I will say it again tonight, Madam President: Debtors are never free; they are only subject to the dominion of their creditors. That is the real issue here.

Throughout the debate on this issue, we have heard no less than five red herrings repeated time and again. I ask you to listen carefully as I go through them one by one and explain why they are just distractions from the real issue.

Red herring No. 1 I will share with you. Red herring No. 1: "The balanced budget amendment would raid Social Security and put the burden of balancing the budget on the elderly."

Nothing could be further from the truth. The fact is that there is no Social Security trust fund—no Social Security trust fund. The surplus of which many speak is actually a form of IOU. The purpose of the balanced budget amendment is to ensure the solvency of the United States so we can protect the living standards of Americans and pay our creditors. I believe if you truly care about the elderly and clearly understand the issue at hand, I see no other option than to support the balanced budget amendment.

Proponents of a balanced budget amendment know that protecting our

Nation's economic solvency will do far more to protect the standard of living of every American than to rely on blatant political halfhearted remedies that, in the end, do more harm than good.

Red herring No. 2 I will share with you. Red herring No. 2 is that "the balanced budget amendment is not enforceable. The amendment would curtail the authority of and respect for the U.S. Constitution."

Again, there is no truth in that. The amendment speaks for itself. Section 2 of the amendment requires a three-fifths vote to increase the debt ceiling. If you consider that insignificant, I ask you, why do we vote every year to increase the debt limit? Why does the President submit his budget by the first Monday in February every year? Neither of these procedures are identified in our Constitution. Indeed, these budget procedures are based on statute.

As U.S. Senators, we are obligated to abide by the law. To suggest that Members will arbitrarily disregard the Constitution at best undermines the role Congress plays in our participatory democracy.

Red herring No. 3 I will share with you. What is it? They say, "The balanced budget amendment will have dire consequences on the elderly and the children." Nothing could be farther from the truth. Again, on the one hand, the opponents of the constitutional amendment to balance the budget will say that the balanced budget amendment will lead to draconian cuts in very critical programs. According to them, every old person, young person, and poor person will be hurt by balancing the Federal budget. But, red herring No. 2 claims that the balanced budget amendment is not enforceable. No amendment will be able to force the President and Congress to balance the budget. Who is going to sue them, they ask?

Which is it? Are we going to experience draconian cuts or are we not? The arguments against the balanced budget amendment contradict each other, they say. Since the logic is inconsistent, opponents will try to paint a dreadful picture to the American people, hoping this will elevate opposition to the balanced budget amendment.

I have a frightening picture I would like to share with the American people. Imagine a day 30 years in the future as your children are planning to retire. They have worked all their lives, spent frugally, and saved religiously. Yet the Federal Government has continued to run massive budget deficits, piling up an unconscionable amount of debt. One day your children wake up and find that the rest of the world no longer believes that the United States is able to meet its financial obligation. Thus, the value of the dollar crashes in financial markets. The Federal Reserve cannot stop the falling dollar. And, in response, the Treasury prints money. Suddenly—yes, suddenly—your children's assets are worth half of what they were a day before. Inflation is rampant and we are reduced to a Third World country. Everything your children have worked for has been taken from them because some Members of this body did not think that addressing the debt was important.

We know it is important. In order to pass the America we know on to our children, we must restrain ourselves from passing our bills on to our children and to our grandchildren.

Red herring No. 4. You have heard this. The opponents say, "The balanced budget amendment is just some popular idea we are voting for, brought about by the Contract With America. We need time to think about a balanced budget amendment."

Do we? The fact of the matter is that the balanced budget amendment is not a new idea at all. It has been debated right here in the U.S. Senate. One of Thomas Jefferson's well known sayings is, "If I could add one amendment to the Constitution, it would be to prohibit the Federal Government from borrowing funds * * * We should consider ourselves unauthorized to saddle posterity with our debts and morally bound to pay them ourselves."

In 1936, Congressman Harold Knutson of Minnesota proposed the first constitutional amendment to balance the budget. Since then, a number of balanced budget amendments have been proposed. We have held hearings as far back as 1979, and even voted on the amendment. Indeed, the issue has come up several times since then. Several of the Senators opposing the balanced budget amendment today have been around for many of those debates. The balanced budget amendment is not a new idea. We know the issue all too well. We are not rushing to judgment.

Red herring No. 5, that I will share with you. The opponents say—we do not believe it, but they say: "Federal accounting does not allow for capital budgeting. Federal accounting would throw chills down the spine of any business executive."

Trying to confront the arguments against the balanced budget amendment is like following a bouncing ball. When they are defending Social Security, the books are fine, they are in surplus. However, when we discuss the tremendous deficits and debt of the United States, the Federal accounting is somehow inept. Once again, there is an inconsistency in the opponents' reasoning. If you maintain the argument that Federal accounting is flawed, then one must take another look at the books of the Social Security trust fund. The bottom line is there is no fund, there is no surplus. According to accounting rules used by business executives, liability exceeds assets. By definition, that is not a surplus.

In addition, I hear analogies being made between the Federal budget and the homeowners who enter into substantial debt when they purchase a house. The difference is that homeowners do not buy a house this year, next year, and the year after that. A homeowner pays down the principal each month, each year. The Federal Government, on the other hand, never gets to this point because it has to borrow just to pay the interest. It is a perpetual problem that all of us are familiar with, that feeds itself.

The balanced budget amendment opponents have used every red herring imaginable, hoping just one of them will distract for a moment the American people from the issue at hand. But the fact is, Madam President, the trail of debt now tops $5 trillion, as I said earlier. The red herrings of a balanced budget amendment will not convince anyone on Wall Street or Main Street. The hunting dogs were not confused. The time has come for a balanced budget amendment to the Constitution of the United States of America if we are going to save anything for our children and our grandchildren.

I yield the floor.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Madam President, I note a little over a year ago this body rejected this proposed amendment. A great deal has happened since then, but none of the fundamental flaws of the joint resolution have been corrected. It still raises serious problems related to the role of the courts and the power it might confer on unelected judges to set our national budget policy. It remains a serious and real threat to Social Security. It continues to risk expansion of Presidential impoundment authority.

Madam President, all of these faults are still there, they still remain. But there have been significant events in the last year that do bear on the proposed constitutional amendment, and they go to the very heart of the arguments put forward by the proponents of the constitutional amendment.

The central reason offered by the proponents of the amendment is that without this constitutional mandate we will not balance the budget. That argument was appealing but ultimately unpersuasive a year ago. It remains unpersuasive today.

Prior to the vote in 1995, President Clinton and the 103d Congress had just finished cutting the deficit in half—the first time for 3 years in a row that the deficit had gone down, and not just by a little bit, but by half. The effects of the deficit reduction package we enacted brought the deficit down from what would have been nearly $300 billion in this fiscal year to what is now projected to be $145 billion, or even, based on the very most recent estimates, $130 or $120 billion. In far less than just one Presidential term, what would have been a $300 billion deficit is now something in the range of only $125 or $130 billion. It is a tremendous achievement in the right direction, one which I bet almost no one would have predicted could have happened in this short a time.

We were clearly on the road to balancing our Federal budget. Since that time we have seen a number of different balanced budget proposals offered by Republicans, and then others offered by Democrats, and still others offered by bipartisan coalitions. Of course, the President has become the first President in many decades to submit a budget that is actually balanced. All of those plans were drafted without the presence of a constitutional mandate. In fact, I firmly believe those plans would not have been proposed and would not have been forthcoming but for the failure of either party to find political cover in the adoption of a constitutional amendment. Without the ability to hide behind a lengthy, multiyear ratification process, this Congress had no excuse. The Congress, in effect, by not having a balanced budget amendment being considered by the States for several years, is really being forced every day to try to live up to all the rhetoric that has spilled on this floor in the name of balancing the budget.

I proposed a specific plan to balance the budget in 5 years when I was running in 1992, and I am especially pleased to be able to say that several dozen of the provisions of that plan have already been enacted into law in some form or another. They are part of the progress that we have made in reducing the deficit by more than half since 1992. I will continue to push individual provisions from that balanced budget plan, as well as add other ideas to it.

Madam President, I believe a majority of both Houses strongly supports a balanced budget and is willing, even today, to set aside partisan differences to accomplish this most important of our economic goals. But that is not what this proposed constitutional amendment is all about. What the proposed constitutional amendment is about, or at least the idea of having this vote at this time, tomorrow, is all about, is politics.

Does anyone doubt that the outcome of this vote will be any different than the vote taken last year? Nobody has said that on either side. Then why have we returned to this issue right now? The answer is clear. This vote is being taken for purely political purposes. The drive for the constitutional amendment in my view has largely been political from the beginning.

We should not be shocked by that. Congress, by its nature, is a political institution. That is understood and to be expected in such an institution.

What is disturbing, though, Madam President, is the willingness of some to risk our Constitution in this manner to gain temporary political advantage. The so-called balanced budget amendment is only one of many constitutional proposed changes. Too many of them, I think, are again for largely political ends. I think each of them is unnecessary; some of them are grossly irresponsible.

As I noted earlier, the call for this constitutional amendment certainly cannot stem from the lack of discussion and effort and consideration of the issue of balancing the budget. There are a sufficient number of plans to do that now, and though the plans do have some significant differences, I think there is a broad middle ground on which a consensus plan that achieved balance could be enacted.

No, Madam President, for a majority of the supporters of this proposal, the constitutional amendment is more of a political device, pure and simple. It is one of a series of political statements that is repeated over and over that those folks hope will gain them the advantage with the voters. How else can one explain the almost incredible contradiction of voting for a constitutional amendment to balance the budget and saying that is your top priority and then at the same time insisting on the fiscally irresponsible deficit increasing tax cuts?

As I have noted previously on the floor, we are in the middle of a stampede of proposals for tax cuts: Gasoline tax cuts, adoption tax credits, a whole slew of new business tax cuts, apparently tacked on to the minimum wage bill in the other body, and, of course, a $122 billion tax cut in the current budget resolution which was passed by this body just prior to our recess.

The chairman of the Budget Committee in the other body was purported to have suggested the tax cuts provided for in the tax resolution might even total $180 billion. Let me note that not everyone who supports this proposed constitutional amendment has advocated these tax cuts, in fairness. Some of its advocates supported efforts to strip the $122 billion tax cut from the budget resolution and instead dedicate the savings toward deficit reduction. But, unfortunately, Madam President, those people who both supported the balanced budget amendment and were willing to forego the tax cuts—a consistent position—were just too few in number.

The overwhelming majority of those who support this amendment to our Constitution have consistently supported tax cuts over deficit reduction when it came to a vote last month. And I have said it many times on this floor, and I will say it again: What is wrong with that? What is wrong is that you cannot spend a dollar twice. You cannot spend it on deficit reduction and spend it on tax cuts. You can only spend it once, but the folks who say they want the balanced budget amendment and want tax cuts want you to think you can spend it twice, and you cannot.

The overwhelming majority of those who support this amendment to our Constitution also supported the absurd parliamentary ruling that endorsed the special reconciliation rule for a measure that is intended not to reduce the deficit—not to reduce the deficit—even though that is what supposedly the budget resolution is about, but to increase it by having more tax cuts when we cannot afford them.

Madam President, I will make the following not very bold prediction: Before the summer is out, an overwhelming majority of those who support this amendment to the Constitution will be leading the rally behind a massive tax cut plan that will be even larger than those we have seen today. The tax cut frenzy is only beginning to gather steam. There is only one plausible explanation for that inconsistency, and, gee, it looks a little bit like political expedience.

For the sake of avoiding a politically difficult stand, the overwhelming majority of those who support this joint resolution will accede to only what can be called, in my view, a reckless tax cut plan that severely undermines the very goal they maintain requires this new constitutional protection. Of course, there will be economic gymnastics to accompany a tax proposal, and we will all be told that plus is minus, that up is down by the same crowd that helped us get into this fiscal mess in the first place with trickle-down economics. And I suspect that because they desire a political victory here, some will actually come to believe their own rationale, despite the clear evidence that it did not work before.

A little over a year after failing to get sufficient support for the proposed constitutional amendment, the supporters of the joint resolution will, once again, get what they desire, and that is a vote, a vote they can use for political ends, promoting themselves or attacking others. The age of the 30-second television commercial and the 2-minute news story really does reward this kind of gesture. We all know it.

If you say you are for a balanced budget amendment, a lot of people think you are saying you have come up with a plan to actually balance the budget, even though the two things have very little to do with each other. It has spawned dozens of constitutional amendments, and it will produce more. We may live in a political world in which it is uncomfortable to do the right thing, but, Madam President, I do not think we were elected to be comfortable.

Our Nation's Founders wisely incorporated the two-thirds threshold to protect against just this kind of politically motivated abuse of our Constitution. I earnestly hope that one-third plus one in this body will tomorrow and in the future continue to have the political will necessary to stand up for that great document and give the American people the kind of Government they truly do deserve: a Government that is focused not on short-term political expedience but on the long-term solutions to our problems and, in particular, the true effort to do what we can and should do here without sending this to the States, and that is a topic and priority of our country to balance the budget within the next very few years.

I yield the floor.

Mr. SMITH addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. SMITH. Thank you, Madam President. A famous President not too long ago, Ronald Reagan, said, "Here we go again." Here we go again, back with the same debate we heard last year in November, that somehow we do not need a balanced budget amendment, because all we have to do is balance the budget, show the political will, get the job done, make the tough decisions. That is what we hear over and over and over and over.

As has been said all day in this debate, the truth of the matter is, in spite of the rhetoric, the political will is not here, and it has not been here, which is why we must have the amendment.

I have just been fascinated, since I had the opportunity to be around the floor for the last couple of hours, both as a presider and just listening, to hear some of this rhetoric regarding the balanced budget amendment, the number of excuses as to why we do not need the amendment. It is incredible. There is one right after the other: We do not need it; it is unnecessary; we can balance the budget, make the tough decisions; just need the political will.

Yet, when it came down to doing it, we put a balanced budget on the desk of the President of the United States and he vetoed it. We have not been able to get a balanced budget passed. So we need the amendment. It is as simple as that.

When the balanced budget amendment was before the Senate in 1995, we were told then that an amendment to the Constitution was not necessary, as we had been told many times before, if Congress did its work. Congress is not doing its work, and, therefore, we need the amendment.

It is interesting as to just what this amendment does. I think the American people should understand, and it has been said on the floor before, but we are simply asking people to vote tomorrow to let the States and the people decide whether they want to amend the Constitution of the United States.

No amendment passes here tomorrow. We do not have an amendment if the Senate gets 67 votes. That does not happen. What happens when we vote here tomorrow is that this will then go to the States where three-quarters of the State legislatures would have to agree.

That is all we are asking to do. We are simply asking this Congress, who at times appears to have this know-it-all attitude, to send this back to the States. Let the States decide whether they want to amend the Constitution. If they say no, there is no amendment.

I campaigned for a balanced budget when I first ran for political office in 1980. The national debt was nowhere near $5 trillion then. And 16 years later—16 years later—we are still debating the proposal, trillions and trillions of dollars added to the debt since that time.

To hear the rhetoric in here, you would think it was not important, it did not matter, we do not need an amendment. Why would anyone like myself and others devote more than a decade of time to fight for this balanced budget amendment or to fight for a balanced budget, either one? The answer is very simple.

I am going to take a different approach here. We have heard a lot of speeches today. If some people have listened all day, they have probably heard a lot of things repeated. I am going to take a different approach. This is going to come from the people, not from this Senate, not from this Senator, not from some bureaucracy in Washington. I want to say what impact this amendment to the Constitution will have on the people of this country, ordinary men and women, all over America. I want everyone to know what balancing the budget will do to their lives, the lives of every single American man and woman in a very real and very tangible way.

The Senator from Oklahoma, Senator INHOFE, had a picture here of his grandson on the floor moments ago. That child has an $18,000 debt today. There will be hundreds of children born here in America during my remarks on the Senate floor today. Each one will be born $18,000-plus in debt. That is their share of the national debt. Is that fair? Is that fair to that child? Is that fair for us to do that?

I was listening very carefully to the Senator from Wisconsin a moment ago. Is it really so unfair of us to ask that the people who are suffering the brunt of this debt have the opportunity to say whether or not they want an amendment? Is that so bad? I cannot understand why those with this know-it-all attitude in Washington would take that position.

Again, I repeat, no amendment becomes an amendment because we vote for it with 67 or more votes tomorrow. All we are asking is that that little child who really cannot vote yet that the Senator from Oklahoma referred to moments ago, through his family, have the right to say through their State legislature in Oklahoma and 49 other States whether or not they want to amend the Constitution because the politicians are not getting the job done. That is all we are asking. It is very clear that we understand that. That is all we are asking.

I just announced recently for reelection to the U.S. Senate, a great honor. My seat in this Senate does not belong to me. It belongs to the people of New Hampshire. Right over there on the floor—I am not using it at this moment—is Daniel Webster's desk. Daniel Webster's desk is one of the few original desks in this Senate Chamber. I often speak from it. I often write on it, write letters to constituents on it. I think about the fact that I am just a temporary steward at that desk, just a blip on the radar screen of eternity. That is all we are.

Sometimes we think that we are a big deal in here, we are in the U.S. Senate and we are very important people. But you know, in the scope of things, we are really not all that important. In the radar screen of life, of eternity, we are a blip, a very small blip at that.

Daniel Webster stood at that desk on the floor of the U.S. Senate in the old Chamber and gave some of the greatest speeches of all time. Webster and Calhoun and Clay were some of the great orators. He stood at that desk. But, again, Daniel Webster was a blip on the radar screen of eternity.

So we have an obligation. We are only here a brief time. But think about what we are doing to the children and the grandchildren and their grandchildren. The distinguished Senator from Illinois, Senator SIMON, who spoke while I was in the chair, gave a very eloquent speech. He said in jest, the Senator from New Hampshire probably had never been invited to a Jefferson dinner or a Jackson dinner because they were usually chaired by the Democrats, who obviously look at Jackson and Jefferson as heroes. I look at Jackson and Jefferson as heroes. I am not a Democrat, but I would not hesitate to go to a dinner honoring Jackson or Jefferson.

But this party that leads the defeat of this amendment is not the party of Jackson and Jefferson, I can assure you. Jackson and Jefferson would be for the balanced budget amendment. Jefferson already, early in his life, right after the Constitution was formed and written and the Government was formed, spoke out saying he felt it was a mistake that we did not have an amendment to balance the budget.

So I am often asked what is it like, what I do like the most about being a U.S. Senator. Boy, I could say a lot of things. I have met Presidents. I have met foreign leaders. I walk around here with some of the great Senators of our time. You can really get an ego about that if you want to, but I do not. I really do not. You know, without hesitation, when I am asked that question —and I am asked it often—I say every time, I like being a Senator because I enjoy helping people. That is the truth.

We get a chance to help people get through this maze of bureaucracy, whether it is an immigration case or perhaps some other matter where somebody is having a tough time with the Federal Government, perhaps a veteran or whatever.

I think about what does that have to do with this debate on the balanced budget? We can help people. We can help people by balancing this budget more than a million cases that we might resolve in our offices, more than 10 million cases that we might resolve in our offices. We can help the American people, like little Jase, whose picture was on the floor here with Senator INHOFE a moment ago, and millions of others, men, women and children, because the Joint Economic Committee estimates that a balanced budget would create 4.25 million jobs, new jobs in America, upon its passage.

That is 4 million people working, 4 million people feeding their families, not on welfare—obviously, taken off welfare if they were on it—providing revenue to the U.S. Treasury, to provide funds to do something good, hopefully, for someone else. That is 4.25 million new jobs if we pass the balanced budget. Those are not Government jobs, my colleagues. They are not here in Washington. They are jobs all across America as a result of the spurt in economic activity that would occur because that amendment passed.

The American people do not want a Government handout. They never have. They want to work hard. They want the opportunity to earn a decent living and be left alone. "Leave us alone. Let us earn our way through life. We don't want you to give us handouts. We want you to get out of the way. You are here to protect us, to defend us. And you're not protecting us and you're not defending us when you run us into debt and you give it to our children, $5 trillion."

That is today. If you think of debt today as a hockey stick, the first 200 years of our Nation was the toe of that hockey stick, and the next 10 or 15 were the handle of the stick. It goes up like this. Then the next 10 or 15 we are going to go so far out of the way, $10, $15 trillion, that, as others have already said many times today, we will file the equivalent of chapter 11, bankruptcy. It will happen. Then what happens to our grandchildren?

The debate is about our grandchildren and their children. It is about simply asking those young folks and their parents and relatives to have the opportunity to vote through their legislatures to pass or reject a constitutional amendment. That is all this debate is about on the Senate floor. Anybody who says anything else is simply not accurate.

What else does a balanced budget do for those people out there who work, those whom we represent? How about our sons and daughters who go to get a good education in college? I have a daughter who just graduated from Lafayette College in Easton, PA, on May 19. The cost was roughly $100,000 in 4 years.

In higher education, whether it is public or private, it is not cheap, obviously. It is going up.

Now, think about those 21-22-23-year-olds who earned their diplomas last month, or perhaps a few this month. Many of them are facing, today, an uncertain job market. Why is it uncertain? Because of the fiscal irresponsibility of this Government, for one thing. I have already mentioned how a balanced budget can help in their job search because we can create another 4.25 million jobs. Maybe they would get one.

Assume for a moment one of the graduates is fortunate and finds a good job, and he or she probably has a few student loans that need repayment. Lower interest rates from a balanced budget would save on the average 10-year student loan for a 4-year private college, an average figure, a 10-year student loan, get the loan for 10 years, going to a 4-year private college, if the budget were balanced, the lowering of interest rates that would occur from balancing the Federal budget would save that recipient of that loan nearly $9,000 in that 10-year loan—$8,885 to be exact. When the American people are told about cuts in education or informed of a new proposal to provide a $1,500 tax credit for tuition, they should take the news with a grain of salt. The President vetoed a balanced budget that would reduce student loan costs by $9,000. That is what he vetoed. To atone for the veto, the President then says we will give everybody a $1,500 tax credit so they can go to college. If these kids paid off their student loan, and they could pay them off faster with $8,000 or $9,000 less, there is more money available to the student loan pot to those coming along.

Bill Cosby, in a graduation speech at my daughter's graduation, said, "Pay off your student loans." That was his advice. Pay off the student loans. If you do, others will follow you and they will have the opportunity to get an education. If you had $9,000 less in interest on those loans you could pay them off a heck of a lot faster. That is what the balanced budget amendment means to them.

A balanced budget will do more for education in America than any tuition tax credit, any Government loans, or, frankly, Goals 2000. It is 9,000 bucks in the pockets of that young man or woman, just from passing balancing the budget.

I used to be a schoolteacher. I think I know about education. I was a schoolteacher, a school board member, and a father for 21 years. I think I know a little bit about education. Do not take my word for it. Ask any students who graduated a few weeks ago and they will tell you the same thing. A balanced budget will dramatically improve the lives of those young men and women who are just getting started in life.

That is why we were elected, to help people. This helps people. This is not a vague, opaque kind of mysterious concept we are debating here on the floor of the Senate today. This affects every man, woman, and child in America directly. There are many families in New Hampshire working two or three jobs just to make ends meet, as I am sure there are in Oregon, Texas, and everywhere else. They do it to put food on the table and pay the mortgages. The mortgage payment comes due every month, rain or shine, sickness or health. It is the largest bill most Americans ever pay. Think about this for a moment. That is the biggest line item in your entire family budget other than the money you pay to the Federal Government in taxes.

A family in New Hampshire with an $80,000 mortgage, and you can put this in any other State, $80,000 mortgage, would save $107 each month—each month—if the Federal books were balanced. Over the life of a 30-year loan, that family would save $38,653. Now, if someone could tell me what Government program or what act we could take here on the floor of the Senate today that would provide $38,000 in the pockets of the American people, better than that, I would like to know what it is. That is the positive spinoff of balancing the Federal budget—helping people.

Again, we are talking about dramatically improving the lives of people, not just residually, dramatically helping improve the lives of the American people with a balanced budget. What Government program could do as much for the American family as a balanced budget? AmeriCorps? I do not think so. Funding for the arts? Peanut subsidies? I am afraid not. Battling the budget is what we need to do. That helps people.

Madam President, there is another point that is often lost in this debate. The question before the U.S. Senate is whether or not we should send this budget to the States for ratification. Amendments to the Constitution are not just sent down Pennsylvania Avenue for a Presidential signature or for a veto. I alluded to this earlier but I want to say it again, they are sent to all 50 States, 38 legislatures, three-quarters of them must pass identical language, identical language, before this amendment becomes a part of our Constitution. Should the decision be made in Washington, DC, or Concord, NH, or Butte, MT, or wherever else—how should that decision be made? Where are the families sitting around the table? It is not here on the Senate floor in Washington, DC, where they are working their budgets out and worried about how they will make their payments. It is in the small towns and cities all over America, where families live and work and try to earn a living and want the Government to help them, but to stay out of their way.

The balanced budget amendment is not a debate about accounting. It is not a debate about politics. It is not a debate about anything except real people. That is what this debate is about. What you have to ask yourself when you come down here on the floor tomorrow to vote, you have to ask yourself three or four major questions: If I vote "no" on the balanced budget amendment, do I help the college graduate struggling with student loans? Do I help him or her? The answer to that question is, no, you do not. You hurt them. Second, do I help the single mother who is having trouble with her mortgage payment? The answer is, no, you hurt her. I have heard people on this Senate floor on the other side of the aisle talk about their compassion for single parents and the difficulties that young women with children at home have as they try to go through life working and taking care of those children. I had a single mother because my dad died when I was 4 years old. I know what it was like. Believe me, I know what it was like for her. And it was tough. I know what it was like, and I know how much that would have meant to her to have that much more money in real income in her mortgage and perhaps to help me with my college loans had she been able to have a balanced budget.

Do you help create a job for a laid off mill worker if you vote "no?" The answer is no, you do not. You insure that he or she will probably be laid off a little bit longer. There is no compassion there. Do you let these people and their elected representatives in the States have the opportunity to debate the merits of amending the Constitution? Do you allow them to have that opportunity? The answer is no, you do not if you vote "no." You say, "I am sorry, we do not want you to have that opportunity. We don't want it to leave here. (A) we do not want to balance the budget; (B) we do not want to help people; and (C) we do not want you to have the opportunity to talk about that in your State legislature." That is what you say when you vote "no."

What do you really say, though? Here is what you do say: Washington knows best. We have all the answers here. We can get 66 votes or less and we can beat you and you cannot get the opportunity to vote in your State.

My colleagues, in conclusion, the choice is very clear. There has been a lot of emotion on the floor here these last few hours, but the choice is very clear. You want to help people? You want to really help people without a Government handout? Vote for this constitutional amendment to balance the budget because it will not get done, the budget will not be balanced without it, and you know it. I yield the floor.

Mr. BURNS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BURNS. Madam President, we have all listened with a great deal of interest all day as this debate has gone on. We look at it from different angles, I guess. There are some of us who come to this body and engage in this debate, and we take a look at the world from different angles. I happen to look at it from the bottom up. I have been pretty much one of those people at the working end of the American spectrum, I guess. I came up the hard way. You know, for once, I had an idea that this year maybe common sense would prevail. I really had hopes of that. I am not a lawyer, not highly educated.

When you think about how simple this little debate is, it is just about sending an idea to be considered by the people who live in our respective States. That is all it is about. It is not about pain, or hurting, or what we are going to do. If we had a constitutional amendment that said we have to balance the budget, do you think it would cut down on the little squabbles we have in our debates on the budget? No, I do not think so, because everybody has a different set of priorities. But the idea is just to send it to the States, to let America take a look at it, and to let the citizens turn over in their own minds whether we need an amendment to force Congress to balance the budget.

You know, Americans watch us every day, and folks at home say, "Why do you not get along better up there?" "Why do you have these heated debates?" I guess I have listened to the Senator from Arkansas and his speech regarding mining. I have listened to that for 7 years now, almost 8. It never changes. And some who do not really understand the issue sometimes get confused. As we talk about this issue, this issue of a balanced budget—and, remember, it is no sin to oppose it. In fact, it may be good that some would oppose it because that adds something to the debate. You have the right to oppose, but you do not have the right to distort the facts.

We are talking about passing a proposed amendment to the Constitution of the United States and sending it to the States for ratification. My friend from Illinois had it right. As Americans watch us, he said, "Do it." Do we have the courage to do it? We have heard all of the arguments. Of course, if common sense is not going to take over, then we have to argue another end of it. Basically, I kind of come from the philosophy on taxation that, yes, a certain amount of Government is needed and desired by most Americans—in fact, I would say all of them. But we still have a responsibility to that earner to allow him or her to earn more and to keep more so they can do more for themselves and their communities. I do not have the right to jerk the future away from young people.

I have a daughter that will graduate from medical school a year from right now. I do not have a right to jeopardize her future to practice her profession. I have a son that has the same kind of a future—a very bright future. But I, as a legislator or citizen do not have the right to jerk that future away from him. Do you know what? I do not think anybody else does either.

You have the right to oppose this amendment. You do not have the right to distort. Last year, Congress passed a budget that would have balanced in 7 years. President Clinton vetoed it. In fact, in order to avoid a balanced budget, he forced a shutdown of the Federal Government—not once, but twice. Congress was finally able to pass the budget for the year, but it fell short of its goal and did nothing, fundamentally, to change the way Government spends the hard-earned money of our citizens.

Eighty percent of Americans favor a balanced budget amendment. And the country is watching right now, this week, to see if this Congress caves in to the President once more. More than any other piece of legislation that we vote on this year, this constitutional amendment will have the longest and the most lasting effect that we will do in this 104th Congress. So I stand here as a supporter of it and ask my colleagues on both sides of the aisle to take a look. Just think, and use your good old common sense, and do the right thing.

President Clinton proved one thing last year: One man can stand in the way of real progress, and he can stand in the way of real reform. Last year, the President pressured six Democrats, who already voted for the amendment in previous votes, to kill the amendment when we had a chance of passage. One vote. It proved that he alone was the man that stood in the way of success.

Ironically, President Clinton used to support a balanced budget amendment to the Constitution. In 1985, when he was a Governor, he boasted about his work with the National Governors' Association, and he said, "The NGA is on record in a resolution as supporting a constitutional amendment for a balanced budget, something Republicans could never have passed without the help of Democratic Governors, and I was one of them." He referred to his own State's constitutional requirement to balance the State budget as his own salvation.

Now, does the President want a balanced budget? He says he does nearly every time he is asked. But I am wondering if his words are supporting his actions. But irrespective of that, do we, as Members of this Congress—irrespective of what the President thinks—do we have the courage and do we have the discipline to pass this amendment and send it to the States?

Well, as I already mentioned, the President rallied the Democrats in Congress to kill the balanced budget amendment last summer. On top of that, only one of the record five separate budgets that President Clinton submitted to Congress even came close to balancing the budget. He vetoed the Republican budget and shut down the Federal Government, not once but twice, and the Republican budget would have created balance by the year 2002.

Is it not ironic today, when we turn on the television and there are the trustees of the Medicare trust fund saying that we were wrong last year in saying that the trust fund will be completely out of money by the year 2002. We were wrong. It is going to be out of money in 2001. We have heard Senator after Senator stand on this floor and say, "We can take care of it, and we do not need all of these draconian, these extreme measures," when actually we were allowing the trust fund to grow at around 7 percent a year. They called that a cut. This is the only town in America where that can happen. And because we did not have the nerve to deal with that situation a year ago, we are now a year behind in taking actions to make sure that the Medicare trust fund is solvent, is strong, and will be there for generations to come. Some chose to stick their heads in the sand and ignore the problem.

If that sort of makes you a little bit mad, whoever is listening and watching, it is supposed to. We did not do our responsibility last year when we were told by the same set of trustees, three of which work for the President in his administration as Cabinet Secretaries—yes; they were on the television today telling us that we are in deficit spending now, and we will continue to be and will be broke and out of money by the year 2001. Despite the President's action, the public debate about the balanced budget has been won.

Look at the polls. Look at the polling. One says that if you love this country, there are two kinds of freedoms, and the basic of all is economic freedom, because there can be no political freedom unless we have economic freedom under our system. We can change the system and all be ruled by a benevolent ruler. Even he operates the Treasury, and we all become servants and subservient to an all-powerful being.

I think when our forefathers put together this great Constitution, I will say that as the debate went on, they would probably, the American people, if that had been televised, they would have been a little bit cynical about Government then, because there were some great debates.

What did our forefathers do when they put together the Constitution? I will tell you. They probably did not have the great vision of seeing America as it is today, but they had a very, very strong sense of history. And if we learn anything in the study of history, it is that those who forget it are damned to repeat it. When we revive history to make it suit our own taste or to be politically correct, then we are tinkering with the compass because we are going to make some decisions based on history.

Those forefathers were products of a feudal system. They knew that in order for "free men"—two words—to survive in self-government, it took about three things. It took education, it took discipline, and also it took those who studied history and do not forget it.

I ask my colleagues by voting for a balanced budget amendment now, we are taking one of the many steps that is needed in order to secure a stable future for our children. We do not do anything in this body for immediate action. Maybe some of us do. We cast votes that make us feel good. It is not always good for the Nation, but it makes us feel good. Look what we have done. We do it because the effects of our action here come many, many years later. It is the foundation that was laid by our fathers and our grandfathers that enabled us to do the things today, what we have to do, and we have to protect that heritage and that great history, and pass it on to the next generation. We cannot continue to have runaway deficits and accumulate mountains of debt and expect to remain competitive and financially solvent in today's global economy.

So we stand in support of a balanced budget. It is even more important today. Just think of the technology that we have today—three little inventions, three little inventions that have, in comparison, or relative to this building, brought the world down to the size of a basketball. We can talk and interact with anybody in any other place in the world, wired or wireless, in 5 seconds. Those three inventions are the transistor, the jet engine, and the silicon chip. It changed our whole life. We cannot go back to the old days. We cannot do it. And the only way that we stay a leader in a global economy is if we stay economically solvent.

No other nation has the potential of leading the rest of the world than this country, the only superpower that is left. Yet, we would allow the power to be eroded by not being careful with our funds as we should be. Just because we have a balanced budget amendment does not mean that we are not going to have—my good friend, the Senator from Florida is on the floor, and he is going to have different priorities than I have. He just is. We would expect that, but we can work them out when both of us know that we have to solve problem No. 1 on the ground, and it has to be solved within certain parameters.

My heavens, common sense may take over. Who knows? Sometimes in this town, though, they say there is a vaccine for that. It is called Potomac water.

So I support the balanced budget amendment. I urge my colleagues to support it just from the standpoint that it is like good old Quaker Oats; it is the right thing to do.

Mr. President, I yield the floor.

Mr. BRYAN. Mr. President, I support a constitutional amendment to balance the Federal budget. It is a sound and necessary approach to solving the severe fiscal crisis that is beginning to plague this country year after year.

I believe that the force of a constitutional amendment is needed to mandate an end to profligate spending decisions that have hijacked the economic growth and security of this Nation over the past quarter of a century. Each year, when elected officials debate the Federal budget, responsible spending decisions are buffeted about by the winds of political rhetoric. There is no final arbiter to insure that sound economic decisions are made in the best long-term interest of the country. We need this constitutional amendment to force us to take the proper steps to repair and preserve the economic superiority of the United States of America.

Mr. President, I am concerned about the future of this country, and about what failure to balance the budget today can do to burden the lives of our children and grandchildren tomorrow.

For example, there have been a number of balanced budget proposals proffered in just the past year. The President has offered balanced plans, the House and the Senate have created their own balanced plans, and last week a bipartisan group of Senators offered yet another balanced budget plan. And yet, with all of these alternatives and professed commitment to a balanced budget, the Congress and the President have been not been able to reach agreement on a single one of them. Perhaps we need the force of the Constitution of the United States to give us the courage to stand up, take responsibility, and make the tough choices that balanced budgets require.

Our burgeoning Federal debt is the greatest crisis facing our Nation today. It is devouring our savings, robbing our ability to invest in infrastructure and education, and saddling our children with an enormous bill that will eventually have to be paid. The interest payments on the debt consume dollars that could otherwise go for urgent needs such as infrastructure and education.

In 1980, the cumulative Federal debt was $910 billion. A decade later the debt had tripled, and today it stands at $4.9 trillion. Simply limiting the Government's ability to borrow is not enough to achieve deficit reduction or to control the compounding interest on the national debt. According to the Congressional Budget Office, "significant deficit reduction can best be accomplished by legislative decisions that reduce outlays or increase revenues."

If we do not balance the budget today and continue on our path of irresponsible spending, what will happen? Here are a few examples:

In the year 2000, annual interest payments on the Federal debt will grow to about $305 billion—an increase of over 50 percent in just 4 years. Interest payments on the debt will surpass defense spending and become the largest Federal expenditure.

In the year 2012, unless policy changes are enacted, projected spending on entitlement programs and interest on the debt will grow so rapidly that they will consume all tax revenues collected by the Federal Government.

In the year 2012, unless changes are made, the Government could theoretically close all Federal prisons, national parks, the Pentagon, and eliminate spending on research and development, education, roads and bridges and still not have enough savings to eliminate the deficit.

In the year 2030, to bring the deficit down to the current level, the Bipartisan Commission on Entitlement and Tax Reform concluded that either all Federal taxes would have to be increased by 85 percent or all Federal spending programs would have to be cut in half.

When I took the oath of office in 1983 as Governor of the State of Nevada, the Nevada State Constitution required a balanced budget. The necessary, excruciating task of balancing the State budget took strong executive and legislative leadership. Those tough decisions were made, and each year the State budget was balanced.

Nevada is not alone in requiring a balanced budget, in fact, many States across the Nation require Governors to submit, and legislatures to pass, budgets that reconcile revenues and expenditures. It is time that the Congress and the President come together and make the tough decisions that are required for fiscally responsible governance.

History has shown that nothing is more desired and nothing is more avoided than the will to make tough choices. The last time our Federal budget was balanced was 1969.

Mr. President, we are sitting on a time bomb. Our obligation to finance the national debt eats away each year at our ability to address the critical needs of our population. Passing this amendment will signal to the American people that we are concerned about the solvency of this country, and it will demonstrate our commitment to preserving important government resources that are a lifeline for so many of our citizens. I strongly urge the passage of the constitutional balanced budget amendment.

Mr. ASHCROFT. Mr. President, the United States of America was born of dislike and disgust of taxation. Unfair and burdensome taxation was the impetus for the Declaration of Independence. You would think we would have learned a lesson from this.

Unfortunately not. Government taxes on the American people have reached all time high, choking off economic growth. Working Americans now pay 41.3 percent of their income in taxes—a 1.3-percent increase since President Clinton came into office. We spend nearly as much for interest on the national debt as we spend on the defense budget and 40 cents of every income tax dollar goes to interest. A child born today is destined to pay $187,000 in interest on the national debt during his or her lifetime.

And these astronomical rates are not high enough to meet current spending needs. Future generations could see tax rates of up to 84 percent, if we don't stop this profligate spending.

We have tried over and over again as a deliberative body to stop the cycle of deficit spending. We had the Gramm-Rudman-Hollings Act, then we had Gramm-Rudman II, and then we had the budget deals of 1990 and 1993. Yet we have not been able to get one Senate to hold the next Senate on the path to a balanced budget.

While one Senate cannot bind the next Senate, this Senate certainly shackles the next generation to this generations' debts. The result: the cost of current programs—from which we all now benefit—is being foisted upon the next generation. And that next generation of Americans, who haven't yet earned their first paychecks, can't vote—they have no say in what we are doing. That is obscene; that is immoral; that is un-American.

Beltway robber barons, elected and unelected, are addicted to spending. The only way to end this psychological dependence to pass the balanced budget amendment.

The balanced budget amendment would outlaw deficit spending and force government to balance its books. It would return accountability to the Constitution and restraint on our spending —in short, integrity in our Government. It will rightly return the power of the purse to the people.

The belief we can only control government by controlling its capacity to take our money is as old as the idea of democracy. Money was—and is—the source of the Government's basic power. The tale of history bears testament to this truth. The Magna Carta prescribed that the king could not impose taxes—except through the consent of the great council. Charles I was executed because he tried to govern without seeking the consent of parliament in spending public money.

Congress today doesn't have to vote to raise more taxes in order to spend more money. Instead our legislature takes the debtor's path: spend and beg; spend and plead; spend and borrow. Our current system lets the Government spend on credit and sign the taxpayers' name on the dotted line.

For too long this body has assembled to satisfy the appetites of narrow interests at the expense of the public. The American people are fed up with a Congress that spends the as yet unearned wages of the next generation. Thomas Jefferson was right when he proscribed in 1789, "no generation can contract debts greater than may be paid during the course of its own existence."

The balanced budget amendment is not a quick fix. It is real reform that will end deficit spending except in times of war. Constitutional measures that enforce a balance budget have worked at the State level and will work at the Federal level. I know, from my service as Governor in one of 49 States that require a balanced budget. As Governor, I balanced budgets 8 years in a row. Not only did we balance the budget, we put into place a cash operating reserve fund of several hundred millions of dollars. We established a rainy day fund because we knew there would be episodes of fiscal crisis and financial difficulty in the future that we would need to meet. And we knew, since we were required by our constitution to have a balanced budget, that we would need to prepare for it in advance. Experience has shown that State constitutional balanced budget provisions force legislatures and executives to prioritize and cut spending. Passage of the balanced budget amendment would do the same for the Federal Government.

During this debate concerning a balanced budget amendment to the constitution, we have heard frequently and forcefully that there is no need for us to amend the U.S. Constitution. It has been argued the constitution gives Congress the authority to balance the budget—for the Federal Government to live within its means. Mr. President, Congress does not lack authority. Congress lacks self-restraint. Congress doesn't need permission to balance the budget, it needs to be forbidden from doing otherwise. When it's time to stand firm, when it's time to prioritize spending, when it's time to make tough choices—Congress seems to experience a collective collapse of will.

Mr. President, last year you and I and other Members of this Chamber endured a balanced budget amendment debate, and ultimately we fell one vote short. We fell one vote short in March 1995 because a number of Senators reneged on their promise to vote for the amendment. We fell one vote short because six Senators who voted against the balanced budget amendment who voted for it 12 months earlier. We fell one vote short because many of our colleagues said over and over again: "All we need is the will and the courage, and the determination to balance the budget." Well, I am here to tell you that that was just one more lame excuse.

This profligate spending must stop. In 1962, the Federal Government's budget reached $100 billion. By 1971 it had doubled to $200 billion. By 1977, it had doubled again. By 1983, it had doubled again. The budget for next year, fiscal year 1997, will be more than $1.6 trillion—the budget doubled again. Of course, spending has far exceeded revenues, so much so that we have accumulated a Federal debt of over $5 trillion. In fact, we haven't seen a budget surplus for 25 years. And next year the Federal Government will spend around $240 billion just to pay for interest on the Federal debt—that is nearly $1,000 for every man, woman, and child in America.

Mr. President, deficit spending is not only a threat to our prosperity and our children's future, it is the method by which Washington's imperial elite has circumvented the public, the law, and the Constitution. Deficit spending allows beltway robber barons to run this country without regard to the people. Whether it's pork projects or political payoffs, the Washington elite know how to play the game.

That must end. A balanced budget amendment will compel the Members of this body to raise taxes if they want to spend more money—what better way to restrain spending than that. A balanced budget amendment will make clear to all that the special interest is rewarded when the citizen is penalized.

What will a balanced budget amendment mean? Accountability to the Constitution and restraint on our spending—in short, integrity in our Government. It will rightly return the power of the purse to the people.

The balanced budget amendment is not a quick fix, it is real reform and it will be felt. It will be felt first and foremost by an imperial elite who have long run this town. It will be felt by a brood of beltway barons—elected and unelected—who are robbing the next generation of their yet unearned wages. And most importantly, it will be felt by the American people who will have succeeded in restoring their right to self-governance.

Mr. MOYNIHAN. Mr. President, last year I presented three papers to the Senate urging opposition to this constitutional amendment. The first paper argued that the existing deficits were a recent event and marked a sharp departure from the fiscal problems of earlier administrations, which were directed primarily to the problem of a persistent full employment surplus, with its accompanying downward pressure on consumer demand. The second paper related the singular events of the 1980s, which led to huge deficits and a huge debt. The third paper explored the folly and danger of writing into the Constitution decrees concerning fiscal policy which would have been inappropriate to a small 18th century republic, and would be potentially destabilizing to a world power in the 20th century.

In the FY 1973 budget, OMB Director George P. Shultz explained the "full-employment budget concept" as follows:

> . . . expenditures should not exceed the level at which the budget would be balanced under conditions of full employment.

Which is to say that in the absence of full employment, as was the case in FY 1973, the Federal government should deliberately contrive to incur a deficit equal to the difference between the revenues that would actually come in at levels of underemployment, and those that would come in at full employment. Far from being inevitable and unavoidable, there were points in the business cycle where a deficit had to be created. Otherwise, surpluses would choke off recovery.

The term "full employment surplus" had originated earlier. The January 1962 report of the Council of Economic Advisers explained that as the recovery from the recession of 1958 got underway, economic activity grew and so did the revenues of the Federal government. But Congress would not spend the additional revenue. As a result, the recovery stalled. This untoward event was ascribed to "fiscal drag."

Beginning in 1980, the Reagan White House and Office of Management and Budget set about creating a crisis by bringing about deficits intended to force Congress to cut certain programs. In a television address 16 days after his inauguration, President Reagan said:

> There were always those who told us that taxes couldn't be cut until spending was reduced. Well, you know we can lecture our children about extravagance until we run out of voice and breath. Or we can cut their extravagance by simply reducing their allowance.

Haynes Johnson wrote of this in Sleepwalking Through History: America Through the Reagan Years (1991). I will simply quote a footnote on page 111:

> [Stockman's] former mentor MOYNIHAN was the first to charge that the Reagan Administration "consciously and deliberately brought about" higher deficits to force congressional domestic cuts. MOYNIHAN was denounced and then proven correct, except that the cuts to achieve balanced budgets were never made and the deficits ballooned even higher.

A balanced budget amendment would undo all that we have learned about economic policy over the past 60 years. There was enormous volatility in economic activity prior to 1945—volatility that would be considered unacceptable today. For example in 1906, output increased by 11.6 percent, to be followed 2 years later by a decline of 8.2 percent in 1908, and an increase of 16.6 percent in 1909. And in 1918, output increased by 12.3 percent to be followed by 3 consecutive years of negative growth including a drop of 8.7 percent in 1921. And then, of course there was the Great Depression. After increasing by 6.7 percent in 1929, output fell by 9.9 percent in 1930, another 7.7 percent in 1931, and then a further devastating decline of 14.8 percent in 1932. After World War II all this changed, following a brief adjustment period, as the country converted from a wartime to peacetime economy. Since then, the largest reduction in output was 2.1 percent in 1982.

In the 1970's I asked Council of Economic Advisers Chairman, Charles L. Schultze, what would happen if we had tried to balance the budget in the middle of the 1975 recession. He reported back that the computers at the Council "blew up". GDP—then called GNP—dropped another 12 percent in an economy in which output was already 5 percent below capacity. During the debate on the balanced budget amendment last year, this simulation was repeated by the Treasury Department and by my own staff with the same results. A moderate recession in which the unemployment rate increases by 2–3 percent turns into a major contraction—may I say depression—in which unemployment soars over 10 percent and output falls by 15 percent or more. In the entire post-World War II era the unemployment rate exceeded 10 percent only for a brief 10 months during the 1981–82 recession.

Let us not undo the progress we have already made—progress easily seen if we look at the facts.

Last year, in my third paper opposing this constitutional amendment, I noted:

> As a result of the deficit reduction policies we have had three straight years of deficit reduction—the first such string of declines since the administration of Harry S. Truman. Here are the numbers:
>
> FY 1992: $290.4 billion.
> FY 1993: $255.1 billion.
> FY 1994: $203.2 billion.
> OMB 1995 est.: $192.5 billion.
> CBO 1995 est.: $176 billion.

With a year of hindsight I confess to being somewhat inaccurate. Remarkably, the deficit for fiscal year 1995 was even lower than projected: $163.8 billion compared to projections of $176 to $192 billion. The fiscal year 1996 deficit will be even lower, resulting in 4 consecutive years of deficit reduction.

And the budget outlook improves almost monthly. While I was on the floor opposing a balanced budget amendment last February, the Congressional Budget Office was projecting a fiscal year 1996 deficit of $207 billion. By August 1995, CBO had lowered its projection to $189 billion. And then again another reduction in December 1995 to $172 billion. Even the latest CBO forecast of $144 billion released last month is outdated. Following new revenue estimates from the Treasury Department, June O'Neill, Director of CBO, indicated on May 20, 1996 that her agency had lowered its estimate of the fiscal year 1996 deficit to $130 billion.

Some will note that the latest estimates incorporate the effects of both an expected fiscal dividend from a balanced budget and legislative actions that reduced discretionary spending.

But the bottom line is even better than expected, so let's give a cheer.

The deficit has been cut by more than 50 percent from $290 billion to about $130 billion in 4 years.

The deficit is now about 1.7 percent of GDP.

And we have a primary surplus—that is, excluding interest payments, revenues exceed outlays.

Adopting a constitutional amendment to balance the budget—which I argued in 1981 in the Wall Street Journal is tantamount "to writing algebra into the Constitution"—can only jeopardize the remarkable progress we have already made. We can and we will complete the job of balancing the budget without this amendment.

I urge the Senate to once again reject this proposed balanced budget amendment to the Constitution.

Mr. HELMS. Mr. President, the distinguished majority leader, Mr. DOLE, has scheduled for the Senate a reconsideration of the enormously important issue of amending the U.S. Constitution to require that Congress return to the principle of a balanced federal budget.

One of my heroes, Thomas Jefferson, put it this way:

> The question whether one generation has the right to bind another by the deficit it imposes is a question of such consequence as to place it among the fundamental principles of government. We should consider ourselves unauthorized to saddle posterity with our debts, and morally bound to pay them ourselves.

That, Mr. President, tells it all, and that is one of the many reasons that I so strongly support the balanced budget amendment. It is indeed wrong—in fact, it is criminal, for Congress to mandate the Federal Government to spend more than it takes in. It is demonstrably destructive to the economy, and ultimately to our society. It is a horrible legacy to impose upon our children and grandchildren.

The Congress has a moral duty to stop the charade of out-of-control deficit spending which has shackled future generations with a debt that causes wage stagnation and anemic economic growth. For too long, the Congress discarded its duty and responsibility, and has shamelessly supported bloated appropriations for political expedience.

For a very long time, this institution has condoned the free-lunch syndrome, which has never existed, and never will. Mr. President, as of the close of business Tuesday, June 4, the Federal debt—down to the penny—stood at exactly $5,139,963,594,008.65, or $19,395.97 for every man, woman, and child in America.

A deliberate debt of this magnitude, knowingly run up by Congress, is bizarre. It is, in fact, a con-game. And that is what the 1994 election was all about: restoring integrity and accountability to Government. To their credit, Republicans in Congress delivered on their commitment when the Balanced Budget Act of 1995 was enacted, cutting Federal spending by $961 billion over 7 years. And although the budget proposed annual increases in spending—over and above the $1.6 trillion appropriated for fiscal year 1996—President Clinton vetoed it because it didn't spend enough.

Mr. Clinton, after having himself proposed a Federal budget that projected deficits as far as the eye could see, engaged in a comical series of proposed budgets that, he asserted, would balance the Federal budget in 10, 7, 9 or 8 years—take your pick. Even the Washington Post declared that the proposed Clinton budget "relies on gimmicks that almost no one believes would survive." This illustrates why it's imperative to have the U.S. Constitution mandating a required balanced budget.

On March 2, 1995, the Senate failed, by one vote, to approve this amendment. All but one of the Republican Senators supported it. But only 13 Democrat Senators supported it, which doomed the balanced budget amendment last year.

Today we have one more opportunity to approve the amendment in this, the 104th Congress.

Again, Thomas Jefferson said it best:

> To preserve our independence, we must not let our leaders load us with perpetual debt. We must make our election between economy and liberty, or profusion and servitude.

Will the Senate heed Jefferson's wise counsel? We shall shortly see.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, I appreciate this opportunity to conclude the debate on today of a balanced budget amendment. As the Presiding Officer said in his remarks, and as my friend from Montana reiterated in his, it has been a long day, filled with active debate and some emotion, on this important subject. I do not intend to keep the Senate long with my remarks, but I would like to make a few statements relative to the decision that we will make tomorrow.

As I have in the past, I shall vote for the constitutional amendment to insert into the U.S. Constitution a provision requiring a balanced budget as a fundamental principle of our Nation's public policy. It is unfortunate that we have to vote on a constitutional amendment to force us to do something that we ought to do and that most Congresses throughout the history of this proud Republic have done. However, we have reached the point at which I have concluded that a constitutional amendment will be necessary in order to provide to this Congress and to future Congresses the necessary constitutional backbone in order to maintain a policy of a balanced budget.

What does the passage of a balanced budget amendment to the U.S. Constitution accomplish? The passage of this amendment will not, as the Presiding Officer has stated, place this into the U.S. Constitution. It refers this matter now to the States, and it will be the responsibility of three-quarters of the States through their appropriate legislative process to make a determination as to whether this shall be added to the Constitution. Certainly the passage of this amendment will not result in a balanced budget or the diminishment by even a penny of the U.S. deficit. Rather, this is a statement of an objective and the provision of constitutional methods by which to give some assurance that that objective will be reached. This is not a substitute for the long road of difficult decisions that will in fact be required in order to reach a balanced budget.

This amendment may make us feel patriotic. It may make us feel good. But it is not a cure-all for our budget woes. The budget deficit will not suddenly disappear because of the passage of this amendment.

I reflect on a decision which this Senate made a few days prior to Memorial Day. I was part of a group which has worked over the past several months to develop a balanced budget plan, a plan which, within 6 or 7 years, would bring our deficit into balance and would make those structural changes that would give us some confidence that once in balance, the budget would stay in balance past that 6- or 7-year period. This effort, which has been referred to as the centrist coalition or as the Chafee-Breaux coalition, was a serious effort to develop a proposal which would actually achieve the objective of a balanced budget.

I think in the development of this proposal and in its disposition by the Senate that there are some important lessons. The first of those lessons is that this effort by the centrist coalition was bipartisan. It happened that the final proposal was developed by 22 Members of this Senate, 11 Republicans and 11 Democrats. It was not intended that it be so equally balanced, but that was how it finally evolved. I believe that there is an important lesson here, and that is that almost any serious effort in this Government which is intended to have a sustaining life must be based on a broad foundation of bipartisanship. There is an arrogance and an ignorance which is associated with efforts which assume that one individual or one party can carry a major reform.

It has been said, and I believe correctly so, that the U.S. Constitution was the first time that the basic structure of a government was written with one of its fundamental objectives being that that government should not function efficiently. Our Government was designed to be difficult. Our Government was intended to be such that no government, by its alacrity and by its effective organization, would be able to trample on the rights of minorities or individual citizens. The very fact that it is difficult to accomplish anything with our form of government underscores the importance of starting the process of change with a bipartisan spirit.

So, while there have been many speeches given in the last few hours about the heroic efforts to try to balance the budget which then foundered because of the Presidential veto, I suggest they had no chance of getting to the destination in the first place and were not serious efforts at getting to that destination because they failed the fundamental, initial test of an effort at serious bipartisanship. Our effort, the centrist coalition, was a serious bipartisan effort.

What happened to our effort? Our effort failed. It failed by a vote of 46 yeas and 53 nays. It had 22 Republican votes and 24 Democratic votes, so its essential bipartisanship from the beginning carried through to the final vote. It was good news that the vote was as close as it was. Frankly, I was surprised that there were 46 Members of the Senate who would be prepared to put their names behind the very tough choices that were contained in that centrist coalition.

The bad news was that in fact it did lose. That failure indicated that, for another year, we were not going to have a plan for a balanced budget. It also indicated the gap, the chasm, between the rhetoric and the actions of people who will stand and, with such flourish, indicate their commitment to a balanced budget but, when there is an actual opportunity to vote for a bipartisan bill, do not. This was a bipartisan bill which a significant number of Members of both parties were prepared to support and with some expectation that, if it were actually passed by the Congress, that the President would sign it into law. That it failed is an indication of the gap between rhetoric and the actual tough choices that we have to make.

There have been a number of analogies on the floor in the past few hours. One of those analogies, which I think the Presiding Officer used, was of a hockey stick, to describe that we had an essentially balanced budget for most of our Nation's history and then in the last few years we have gone off the chart, in terms of deficits. If I could use that hockey analogy, and hockey is not a sport that is particularly well known to me, I would say that those who give speeches in favor of a balanced budget are like a hockey player at practice, where the net is empty and all you have to do is take the puck and, with your hockey stick, knock it into the net. If you are sufficiently skilled, that is not a particularly difficult thing to do.

What happens when the actual game starts, when the full teams of both sides are on the ice? Then you might have somebody in the net with the skill of John Vanbeesbrook, who is the goaltender for the Florida Panthers. The challenge comes to be able to score when you have a difficult target to hit.

That is the nature of the challenge we are going to face and which the passage of this constitutional amendment is not going to allow us to avoid.

At some point, whether we pass this amendment or whether we do not pass this amendment, collectively, and in a bipartisan spirit, we are going to have to make some very tough choices. There has been lots of discussion about why we are doing this. We are doing it in order to help the people of America be able to buy a home, get a job, pay off their student loans. We are doing it because it is our generation's responsibility. A frequently stated reason is we are doing it out of a sense of responsibility to our children or grandchildren. I want to join that chorus.

Mr. President, this happens to be a picture taken of my wife and myself and our eight grandchildren. These three, who are triplets, were born approximately 14 months ago. I am pleased to report that one of those triplets, whose name is Adele Gibson, took her first steps yesterday, and I was there to observe her taking three of those first steps. She is ready to start her life of increased mobility and independence. It is for Adele and her cousins and the millions of other grandchildren of America for whom we take this action.

This amendment will force us to make some of the tough decisions that we have become too accustomed to avoid. The passage of this amendment is not a time to exalt. Passing this amendment is not a victory. We may have, by passage of this amendment—should we be able to get the constitutional number to do so tomorrow—performed the equivalent of the hockey exercise of getting the puck into an empty, unguarded net.

The challenge is going to be when we can do the tough work of scoring against the difficult opponent of inertia, the difficult opponent of special interest, the difficult opponent of people who have developed a set of expectations that are necessarily going to have to be challenged if we are to move in a different course. These choices will be difficult, and many of them will not be politically prudent. However, they must be made.

So, Mr. President, I state again that it is my intention tomorrow to vote for the constitutional amendment which will establish as a fundamental policy of the Government of the United States of America that we will balance our budget. But I do not wish anyone who observes this process, and certainly none of us who will participate directly in it at noon tomorrow, to be under any delusions that we have done some heroic act by voting for this constitutional amendment. We have just stated that we are unable to make the tough choices without the threat of a constitutional crisis in failing to do so and, thus, are prepared to impose the shackles of that crisis upon ourselves and those who will serve here in the future.

We have stated that while we have been unwilling to make the tough choices to date, that with those shackles we will be forced to do so.

So this is a time of sober reflection on our failure rather than exaltation at a temporary success.

I hope that my colleagues will provide the necessary constitutional margin to pass this amendment tomorrow, because without it, I do not see any evidence in our actions and actions as recently as the past 2 weeks that give me cause to believe we will, in fact, make those tough decisions to balance the budget of the U.S. Government, achieve the benefits that will come from that and be faithful to Adele Gibson and the other grandchildren of America.

Thank you, Mr. President.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO BILL COHEN

Mr. DOLE. Mr. President, the State of Maine has a rich tradition of sending independent and thoughtful voices to the U.S. Senate. Margaret Chase Smith and Ed Muskie are just two Senators with whom I have served who have carried on this tradition.

For the past 18 years, that tradition and the best interests of Maine citizens have been very ably represented in this Chamber by our colleague, BILL COHEN.

One thing I have learned about BILL COHEN is that he does not know how to just touch the surface of an issue. If I gave him an assignment, or if he involved himself in a problem, then along with learning everything there is to know about that problem, he also would provide innovative solutions.

Military preparedness, the Central Intelligence Agency, lobby reform, health care fraud and abuse, Medicare, international trade, these are just a few of the countless areas that have benefited from BILL COHEN's intellect and energy.

As my colleagues know, BILL has also found time to publish a number of books, including a very thoughtful look at his first year in the Senate, a spy novel, an account of the Iran-Contra investigation, and a number of volumes of poetry.

BILL's departure from the Senate will leave him with more time for writing, and more time for thinking. And I have no doubt that his writing and his thinking will continue to influence American public policy for many years to come.

SENATOR PAUL SIMON

Mr. DOLE. Mr. President, it is no secret that one regret I will have when I leave the Senate is the fact that we did not send a balanced budget amendment to the States. And I know that regret is shared by many in this Chamber including our colleague, Senator PAUL SIMON. The balanced budget amendment is a cause that Senator SIMON has courageously advanced since his arrival here many years ago in 1985. Perhaps his aversion to deficits and red ink arose from the fact that Senator SIMON began his career at age 19 by editing and publishing a small newspaper.

Whatever the reason, Senator SIMON hit the nail on the head when he stated that allowing skyrocketing deficits to continue was "a policy of folly." If I know Senator SIMON, I know that he will continue to write and speak against this policy of folly until it is changed.

The balanced budget is not the only debate to which Senator SIMON has devoted his considerable intellect and energy. Education reform, the impact television has on our children, and world hunger are just three of the many issues Senator SIMON has embraced during his 12 years in this Chamber.

I will also long remember the support Senator SIMON provided during the battle for passage of the Americans With Disabilities Act. His long and distinguished public career also includes 8 years in the Illinois House of Representatives, 6 years in the Illinois State senate, 4 years as Illinois lieutenant governor, and 10 years in the U.S. House of Representatives. Somehow, this prolific writer has also found time to author 15 books and through all his nearly 50 years of service, from his day as crusading editor until today, he has maintained a spotless reputation for total and complete integrity.

Though we come from different sides of the aisle, I can say without hesitation Senator SIMON's retirement will deprive this Chamber of one of our most thoughtful Members. Elizabeth joins me in wishing he and Jeanne many more years of health and happiness.

SENATOR MARK HATFIELD

Mr. DOLE. Mr. President, in the suite of offices I have been privileged to occupy as Republican leader hangs a picture of Senator Charles McNary of Oregon. Senator McNary served as Republican leader for over 10 years in the 1930's and 1940's, and he served for over 26 years in the Senate.

He was the longest serving Senator in Oregon history until his record was broken by our colleague, Senator MARK HATFIELD. All Oregonians would agree that not only has Senator HATFIELD made history in terms of longevity, he has also set standards in terms of integrity.

Senator HATFIELD and I have served together in this Chamber for over 27 years. In that time, we have agreed on many issues and we have disagreed on many others, but I can say without hesitation that not once in the years we have served together did I ever doubt that MARK HATFIELD was standing up for what he truly believed was right for Oregon and for America.

Senator HATFIELD has devoted himself to many causes in the Senate, including improving Oregon's infrastructure, medical research, and the search for a cure to Alzheimer's disease. Perhaps he is best known for his dedication to the cause of peace, a dedication arising from service in World War II where he saw battle at Iwo Jima and Okinawa, and was among the first U.S. servicemen to enter Hiroshima following the atomic explosion.

Before entering politics, he was a college professor, and when he returns to Oregon in January he will once again enter the classroom. The fact is, however, that for Senator HATFIELD the U.S. Capitol was also a classroom and the lessons he has taught us all, lessons in statesmanship, leadership, and friendship, will remain with us and with this Chamber for many years to come.

Mr. President, I yield the floor. I thank my colleagues.

Mr. BURNS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BURNS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. BURNS. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEATH OF RED CROSS RELIEF WORKERS IN BURUNDI

Mr. KASSEBAUM. Mr. President, yesterday three Swiss Red Cross relief workers were killed in Burundi. I want to express my condolences to the International Committee of the Red Cross and the families of the deceased.

The ICRC staff were attacked as they returned from a project providing humanitarian relief to the civilian Burundian population. ICRC is the largest humanitarian organization in Burundi, providing water to over 200,000 people, as well as cans, pots, and blankets. The Red Cross agricultural programs keeps 150,000 people alive.

Over the years, when I have traveled in Africa, I have always been impressed with the courageous work of the ICRC. From Somalia to Rwanda, Angola to Liberia, the ICRC performs critical functions—often, as we saw yesterday, at great personal risk. In many of these crises, I simply do not know what we would do with the ICRC.

The International Red Cross has long been identified as a neutral organization which meticulously avoids taking sides in armed conflicts. For that reason, the brutal attack on the relief officials—in a vehicle clearly marked with Red Cross emblems—is particularly outrageous.

Mr. President, while much of the rest of the world—and even most of Africa—is moving forward into the 21st century, some countries continue to deteriorate into almost medieval levels of brutality with a total disregard for human life. Over the past year, the violence in Burundi has increased dramatically as both the Burundian military and rebels based in Zaire have killed civilians at will.

While the extremists pursue a strategy of intimidation, the civilians of Burundi suffer. In recent months, thousands of innocent people have been killed. Tens of thousands have been displaced from their homes, many forced into Zaire and Tanzania.

As the level of violence grows, Burundi risks spiraling totally out of control into a cycle of genocidal brutality.

Mr. President, it is difficult to know what to do in this type of situation. Clearly, as security permits, we will support humanitarian relief operations. The United States and our Europeans allies will continue to engage in active diplomatic efforts to stop the killing. I commend the administration, particularly National Security Adviser Tony Lake, for taking a trip to Burundi to signal high-level concern. And the United Nations is exploring a numbers of options to address the continued violence.

But I believe the primary responsibility—and the most effective means—to stop the killing lies with those on the African Continent.

First and foremost, the Burundians themselves must stand up and say that enough is enough. The military—the primary perpetrators of the violence—must end the brutality and perform as a neutral, professional force protecting, not killing, their citizens. The Hutu rebels based in Zaire must stop their campaign of terror. All parties must stop spreading fear and pursue their goals through dialog.

Mr. President, the neighboring states—those most affected by the insecurity in Burundi—must play an active role in reestablishing stability in the region.

Former President Nyerere of Tanzania is leading an active diplomatic initiative to bring the Burundian parties together. I commend President Nyerere for his efforts, and the United States should continue to strongly support him.

I would urge the Organization of African Unity to become more engaged in Burundi. The Secretary General of the OAU has issued a statement on Burundi. But the OAU, in order to be relevant, must stop talking about ending conflict and begin to take actions to stop conflicts.

Finally, as the primary host to refugees from Rwanda and Burundi, Zaire has a clear interest in promoting peace in Burundi. Yet, all evidence points to the continued destabilizing role of Zaire in central Africa. President Mobutu and Prime Muinister Kengo must use their influence to stop the arms trafficking to the Hutu rebels based in Zaire. They must arrest the intimidators spreading fear among refugees. And they must improve security on the border.

Over the years, I have been one of the first to criticize President Mobutu for his human rights and economic policies in Zaire. He has destroyed the physical and social infrastructure of his country, potentially one of Africa's richest and most powerful. Now he is feeding instability in Burundi and Rwanda despite the interests of the Zairian people in stability. President Mobutu should understand that his role in central Africa will be noted and remembered by the United States.

Mr. President, once again I want to express my deep sadness over the brutal murder of the three International Committee of the Red Cross relief workers in Burundi. They died in a noble cause: helping innocent civilians stay alive. It is my hope that their deaths will be among the last in Burundi—and not just one more tragic event in the continued slide into uncontrollable ethnic brutality.

FOREIGN OIL CONSUMED BY UNITED STATES? HERE'S WEEKLY BOX SCORE

Mr. HELMS. Mr. President, the American Petroleum Institute reports that for the week ending May 31, the United States imported 8,700,000 barrels of oil each day, 900,000 barrels more than the 7,800,000 barrels imported during the same week a year ago.

Americans relied on foreign oil for 57 percent of their needs last week, and there are no signs that this upward spiral will abate. Before the Persian Gulf war, the United States obtained about 45 percent of its oil supply from foreign countries. During the Arab oil embargo in the 1970's, foreign oil accounted for only 35 percent of America's oil supply.

Anybody else interested in restoring domestic production of oil—by U.S. producers using American workers? Politicians better ponder the economic calamity sure to occur in America if and when foreign producers shut off our supply—or double the already enormous cost of imported oil flowing into the United States—now 8,700,000 barrels a day.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, the Federal Government is existing on borrowed money—more than $5 trillion of it. As of the close of business yesterday, June 4, 1996, the Federal debt stood at $5,139,963,594,008.65. On a per capita basis, every man, woman, and child in America owes $19,395.97 as his or her share of the Federal debt.

More than two centuries ago, the Continental Congress adopted the Declaration of Independence. It's time for Congress to adopt a declaration of economic responsibilities—and an amendment requiring the President and Congress to come up with a balanced Federal budget—now.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting one nomination which were referred to the Committee on Armed Services.

(The nomination received today is printed at the end of the Senate proceedings.)

REPORT ON SMALL BUSINESS AND COMPETITION—MESSAGE FROM THE PRESIDENT—PM 152

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Small Business:

To the Congress of the United States:

I am pleased to transmit to you my annual report on the state of small business, and to report that small businesses are doing exceptionally well. In the year covered by this report, a record 807,000 new firms reported initial employment. Firms in industries dominated by small businesses created almost 60 percent of the nearly 3.3 million new jobs. Business failures and bankruptcies declined at some of the sharpest rates in a decade.

Small businesses have both contributed to and benefited from the recent strength of the economy. The deficit reduction plan I initiated in 1993 has cut the budget deficit in half. The economy has created 8.5 million new jobs since January 1993—almost all of them in the private sector. The combined rate of unemployment and inflation is at its lowest level in more than 25 years.

A major success story has been in the women-owned business sector. Women are creating new businesses and new jobs at double the national rate. Today, women own one-third of all businesses in the United States. Clearly, there is no stopping this fast-growing segment of the economy.

Last June I met in Washington with nearly 2,000 small business owners—participants in the national White House Conference on Small Business. They took precious time away from their businesses to tell us about their problems and their ideas for resolving them, turning over a list of 60 recommendations for Government action. Their ideas are reflected in many of the recent initiatives of my Administration.

IMPROVING ACCESS TO CAPITAL

One of the keys to a healthy small business sector is access to adequate start-up and working capital. The Small Business Lending Enhancement Act of 1995, which I signed last October, helped to increase access to capital through the Small Business Administration's (SBA) section 7(a) loan guarantee program. Last year, the SBA provided nearly $11 billion in long-term credit and other financial assistance to more than 67,000 small businesses, bringing SBA's total loan portfolio to $26 billion. The number of 7(a) guaranteed loans has increased dramatically, up 52 percent from fiscal year 1994 to fiscal year 1995—and that's with a smaller budget and fewer employees at the SBA. Moreover, during that same period, the number of 7(a) guaranteed loans to women-owned businesses grew by 86 percent; loans to minority-owned businesses increased by 53 percent; and loans to businesses owned by U.S. veterans grew by 43 percent.

Other initiatives are under way. My administration has been working with banks and banking regulators to remove impediments to small business lending by financial institutions. The Riegle Community Development and Regulatory Improvement Act of 1994 amended the banking and securities laws to promote the growth of a secondary market for small business loans. And my administration is looking to reduce small business securities filing and disclosure burdens. In June 1995, the Securities and Exchange Commission proposed regulations that would further this small business goal.

EASING THE TAX BURDEN

The Federal Government should reward rather than discourage entrepreneurs who take risks and create jobs. To that end, we have worked to simplify the tax code and make it more equitable for small firms.

In April 1995, I signed legislation to increase to 30 percent the share of health insurance premiums that self-employed individuals can deduct on their tax returns beginning this tax year—and we're working to increase that amount.

Small firms are less likely than their larger counterparts to be able to provide retirement plans. While 75 percent of workers in businesses with more than 1,000 employees have pension plans, only 24 percent of workers in businesses with fewer than 100 employees have them. I have proposed a new pension plan targeted to the needs of small businesses—the National Employee Savings Trust (NEST). The NEST would provide benefits similar to those of a 401(k) pension plan and would be simple to create and operate.

My Administration has endorsed other improvements that make existing pension plans safer and more beneficial for business owners and employees alike. For example, we have proposed to eliminate the "family aggregation" restrictions on pensions for family members, so that spouses or children who work in the same or related businesses can earn their own retirement benefits.

Our 1993 economic plan made 90 percent of small businesses eligible for tax relief. It established a targeted tax preference for capital gains, reduced the record-keeping requirements for the meals and entertainment deduction, and raised the small business expensing limit for equipment by 75 percent, to $17,500. We have proposed to increase further the value of equipment that can be directly expensed to $25,000.

My Administration is also taking steps to ensure that tax regulations are as simple and understandable as possible. For example, administrative guidance has been published to provide tax relief to S corporations and partnerships, simplify depreciation computations, and ease inventory capitalization for small businesses.

We are pursuing tax form simplification through our Simplified Tax and Wage Reporting System (STAWRS). This joint effort among Federal and State agencies will simplify, unify, and streamline tax reporting so that taxpayers will eventually be able to file their State and Federal tax and wage returns at one location, electronically. All these efforts will bring tax reporting into the modern age while reducing the paperwork burden for small business.

SHRINKING THE REGULATORY AND PAPERWORK BURDEN

Regulation and paperwork continue to be a key concern of America's small business owners, and I am proud of the progress my Administration has made in addressing this concern. For example, the SBA is streamlining all its regulations and converting them to plain English. An application form for the most common SBA loans used to be an inch thick and take 5 to 6 weeks to approve. We've reduced the form to one page and cut turn-around time to 3 days.

I've said it before: the era of big Government is over. We have been working hard to give the American people a Government that works better and costs less. We are eliminating 16,000 pages of unnecessary regulations and streamlining 31,000 more—shifting decision-making out of Washington and back to States and local communities. In addition, we are directing Federal agencies, where possible, to cut by half the frequency of reports the public is required to provide to the Government.

More broadly, much of our National Performance Review effort to reinvent Government has been pointed specifically at helping small business. The U.S. Business Advisor, which provides Internet access to information from all Federal agencies, and the U.S. General Store for Small Business, which offers business owners one location for dealing with the Federal Government, illustrate our commitment to reinventing how Government serves the small business community.

In March 1995, I announced a new approach to lessening the regulatory burden on small firms. Under this commonsense approach, small businesses can now avoid paying penalties for violations if they correct the problem within an appropriate period of time. And for those violations that may take longer to correct, a small business may get up to 100 percent of its fine waived if that same money is used to correct the violation.

I'm proud to have succeeded in putting more teeth in the Regulatory Flexibility Act (RFA). Under the 1980 Act, Federal Government agencies must analyze their proposed regulations for their effects on small firms—and revise them if they will create an unfair burden. In the past, however, because the agencies' analyses could not be reviewed in the courts, small businesses had no meaningful recourse if an agency made a poor decision. On March 29, I signed into law the Small Business Regulatory Enforcement Fairness Act of 1996, which allows for judicial review of Federal agency RFA analyses. The Act also emphasizes compliance assistance and requires agencies to provide small businesses with simple and clear guidelines to assist them in complying with the regulations that affect them.

As small business owners have told us, they care about environmental protection and occupational safety; after all, they drink the same water, breathe the same air, and share the same workplace hazards as everyone else. My Administration has challenged small businesses and regulatory agencies to find cheaper, more efficient ways than government regulation to meet the high environmental and workplace standards Americans want.

OPENING MARKETS AND EXPANDING TRADE

Every year the Federal Government spends $200 billion on goods and services, and small businesses receive a substantial share of that market. I am committed to expanding further the opportunities for small businesses to win Federal contracts. I fought for the Federal Acquisition Streamlining Act of 1994 and the Federal Acquisition Reform Act of 1996, which have simplified the procurement process and made it easier for small firms to do business with the Federal Government.

The 1994 law also created a new Government-wide electronic commerce system, FACNET, which will eventually permit electronic submission of bids and proposals. I encourage small businesses to take advantage of these new procurement procedures to provide more goods and services to the Government.

In addition to the Federal marketplace, foreign markets offer significant opportunities for small business owners to compete and win. While the North American Free Trade Agreement (NAFTA) and the General Agreement on Tariffs and Trade (GATT) are opening markets abroad, my Administration's National Export Strategy had made it easier here at home for small businesses to export. Among other things, we've opened 14 U.S. Export Assistance Centers to provide one-stop access to export information, marketing assistance, and finance.

TECHNOLOGY AND INNOVATION

Technological innovation by small firms is a major reason for America's leadership in the world economy. Through the Small Business Innovation Research and Small Business Technology Transfer programs, the Federal Government taps into the brain power of small businesses to meet its own research needs. In the process, these programs help spur technological innovation to foster new businesses and jobs.

The Small Business Innovation Research (SBIR) program alone has nearly doubled awards to small businesses during my Administration—up from $508 in 1992 to more than $900 million in 1995. And the quality of SBIR research proposals has kept pace with the program's expansion.

We've also dramatically expanded the Manufacturing Extension Partnership to help America's 380,000 smaller manufacturers become more competitive in world markets. Sixty locally managed manufacturing extension centers—up from seven in 1993—are delivering much-needed services to this important small business sector.

As this report documents, changes are coming at lightning speed. Small business owners recognize that they will need all the technological skill and "connectivity" they can muster just to keep up. Through manufacturing extension centers, FACNET, the U.S. Business Advisor, and other information networks, we can help make available the information small businesses need to start up and succeed.

THE HUMAN FACTOR

If the heart of our entrepreneurial economy is small business, then the heart of small business is its people—small business owners and their employees. We need to work with small businesses to strengthen and support this dynamic human resource.

We've seen what business growth can do for communities, and we hope to encourage more business formation in empowerment zones and enterprise communities: legislation before the Congress would provide more tax incentives and waivers of some regulatory requirements in these areas. SBA's one-stop capital shops specifically target empowerment zones and enterprise communities.

As I mentioned earlier, we're taking steps to modify the tax code in ways that will make it easier for small businesses to offer health care and retirement plans to their employees. We also want to make sure that workers and their families can keep their health insurance even when they change jobs. I have urged the Congress to enact the Kassebaum-Kennedy bill, which would make health insurance coverage more "portable" for our Nation's workers.

We want to make better use of our work force training dollars by consolidating and streamlining many of our Federal work force training programs. Under our proposal, States and localities would have more flexibility to administer these programs in the way that will do the most good for our workers and small business owners.

I'm pleased that young entrepreneurs were represented at the White House Conference on Small Business and that the conference looked to our economic future by endorsing more mentorships and workplace educational opportunities for young people. These private-sector-led efforts form an essential part of the work-based learning program I envisioned when I signed into law the School-to-Work Opportunities Act of 1994.

It takes a great deal of courage to start something new, to carve a reality out of a dream, often with few resources, sometimes in adverse surroundings, and in an economy that demands much of its participants. That is why we celebrate and listen to America's small business owners and why we will continue to look for ways to nurture and support this powerful economic engine—the small business sector.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *June 5, 1996.*

MESSAGES FROM THE HOUSE

At 3:55 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 234. An act to amend title 11 of the United States Code to make nondischargeable a debt for death or injury caused by the debtor's operation of watercraft or aircraft while intoxicated.

H.R. 2650. An act to amend title 18, United States Code, to eliminate certain sentencing inequities for drug offenders.

H.R. 2977. An act to reauthorize alternative means of dispute resolution in the Federal administrative process, and for other purposes.

H.R. 3235. An act to amend the Ethics in Government Act of 1978, to extend the authorization of appropriations for the Office of Government Ethics for 3 years, and for other purposes.

H.R. 3376. An act to authorize major medical facility projects and major medical facility leases for the Department of Veterans Affairs for fiscal year 1997, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it request the concurrence of the Senate:

H. Con. Res. 181. Concurrent resolution expressing the sense of Congress that the Secretary of Agriculture should dispose of all remaining commodities in the disaster reserve maintained under the Agricultural Act of 1970 to relieve the distress of livestock producers whose ability to maintain livestock is adversely affected by disaster conditions existing in certain areas of the United States, such as prolonged drought or flooding.

The message further announced that the House has passed the following bill (S. 1136) to control and prevent commercial counterfeiting, and for other purposes, with an amendment; the House insists upon its amendment, and asks a conference with the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. HYDE, Mr. MOORHEAD, Mr. GOODLATTE, Mr. CONYERS, and Mrs. SCHROEDER as the managers of the conference on the part of the House.

At 6:12 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1861. An act to make technical corrections in the Satellite Home Viewer Act of 1994 and other provisions of title 17, United States Code.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 234. An act to amend title 11 of the United States Code to make nondischargeable a debt for death or injury caused by the debtor's operation of watercraft or aircraft while intoxicated; to the Committee on the Judiciary.

H.R. 2650. An act to amend title 18, United States Code, to eliminate certain sentencing inequities for drug offenders; to the Committee on the Judiciary.

H.R. 3376. An act to authorize major medical facility projects and major medical facility leases for the Department of Veterans Affairs for fiscal year 1997, and for other purposes; to the Committee on Veterans' Affairs.

MEASURES PLACED ON THE CALENDAR

The following measure was read the first and second times by unanimous consent and placed on the calendar:

H.R. 2977. An act to reauthorize alternative means of dispute resolution in the Federal administrative process, and for other purposes.

The following measure was read and placed on the calendar:

H. Con. Res. 181. A concurrent resolution expressing the Sense of Congress that the Secretary of Agriculture should dispose of all remaining commodities in the disaster reserve maintained under the Agricultural Act of 1970 to relieve the distress of livestock producers whose ability to maintain livestock is adversely affected by disaster conditions existing in certain areas of the United States, such as prolonged drought or flooding.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–2831. A communication from the Director Bureau of Alcohol, Tobacco and Firearms, transmitting, pursuant to law, the report of technical amendments; to the Committee on the Judiciary.

EC–2832. A communication from the Chairperson of the U.S. Commission on Civil Rights, transmitting, a draft of proposed legislation entitled "The Civil Rights Commission Amendments Act of 1996"; to the Committee on the Judiciary.

EC–2833. A communication from the Agency Freedom of Information Officer, U.S. Environmental Protection Agency, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1995; to the Committee on the Judiciary.

EC–2834. A communication from the Assistant Attorney General, Office of Policy Development, Department of Justice, transmitting, pursuant to law, the report of final guidelines entitled "Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act" (RIN1105-AA36), received on May 13, 1996; to the Committee on the Judiciary.

EC–2835. A communication from the Chairman of the U.S. Sentencing Commission, transmitting, pursuant to law, the annual report for fiscal year 1995; to the Committee on the Judiciary.

EC–2836. A communication from the Office of the Attorney General, Department of Justice, transmitting, pursuant to law, the annual report for fiscal year 1995; to the Committee on the Judiciary.

EC–2837. A communication from the Commissioner of the Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, the report of a final rule entitled "Certification of Designated Fingerprinting Services" (RIN1115-AD75), received on May 29, 1996; to the Committee on the Judiciary.

EC–2838. A communication from the Director of the Federal Bureau of Prisons, Department of Justice, transmitting, pursuant to law, the report of a final rule entitled "Special Food or Meals" (RIN1120-AA37), received on May 13, 1996; to the Committee on the Judiciary.

EC–2839. A communication from the General Counsel of the Department of Housing and Urban Development, transmitting, pursuant to law, the report of five interim and final rules relative to Low-Income Public Housing Performance Funding System (FR 3760, 3514, 3887, 3718, 3919); to the Committee on Banking, Housing, and Urban Affairs.

EC–2841. A communication from the Assistant Secretary of the Interior (Land and Minerals Management), transmitting, pursuant to law, the report of a rule relative to flaring or venting gas and burning liquid hydrocarbons, (RIN1010–AB96) received on May 13, 1996; to the Committee on Energy and Natural Resources.

EC–2842. A communication from the Chairman of the Federal Energy Regulatory Commission, transmitting, pursuant to law, the annual report for fiscal year 1995; to the Committee on Energy and Natural Resources.

EC–2843. A communication from the Assistant Secretary of the Interior (Indian Affairs), transmitting, pursuant to law, the report of a rule relative to the American Trust Fund Management Reform Act of 1994, (RIN1076–AD28) received on May 16, 1996; to the Committee on Energy and Natural Resources.

EC–2844. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the report on the Youth Conservation Corps for fiscal year 1995; to the Committee on Energy and Natural Resources.

EC–2845. A communication from the Director of the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a final rule relative to subsistence management regulations for public lands in Alaska (RIN1018-AC82); to the Committee on Energy and Natural Resources.

EC–2847. A communication from the Deputy Associate Director for Compliance, Royalty Management Program, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, notice of the intention to make refunds of offshore lease revenues where a refund or recoupment is appropriate; to the Committee on Energy and Natural Resources.

EC–2848. A communication from the Deputy Associate Director for Compliance, Royalty Management Program, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, notice of the intention to make refunds of offshore lease revenues where a refund or recoupment is appropriate; to the Committee on Energy and Natural Resources.

EC–2849. A communication from the Assistant Secretary of the Interior for Fish and Wildlife and Parks, transmitting, pursuant to law, the rule concerning the Oregon Caves National Monument, (RIN1024–AC26) received on May 30, 1996; to the Committee on Energy and Natural Resources.

EC–2850. A communication from the Assistant Secretary of the Interior for Fish and Wildlife and Parks, transmitting, pursuant to law, the rule entitled "The Glacier Bay Vessel Management Plan Regulations, (RIN1024–AC05) received on May 30, 1996; to the Committee on Energy and Natural Resources.

EC–2851. A communication from the General Counsel of the Department of Energy, transmitting, pursuant to law, the rule entitled "Acquisition Regulation," (RIN1991–AB27) received on May 23, 1996; to the Committee on Energy and Natural Resources.

EC–2852. A communication from the General Counsel of the Department of Energy, transmitting, pursuant to law, the rule entitled "Contractor Litigation Cost Policies," received on May 13, 1996; to the Committee on Energy and Natural Resources.

EC–2853. A communication from the Director of the Office of Surface Mining, Reclamation and Enforcement, Department of the Interior, transmitting, pursuant to law, the report of four rules entitled "The Indiana Regulatory Program," (IN132FOR, TX029FOR, IN133FOR, HO003FOR) received on May 23, 1996; to the Committee on Energy and Natural Resources.

EC–2854. A communication from the Director of the Office of Surface Mining, Reclamation and Enforcement, Department of the Interior, transmitting, pursuant to law, the report of twelve rules entitled "The Indiana Regulatory Program," (IN132FOR, TX029FOR, IN133FOR, HO003FOR, MO025FOR, MO026FOR, OK015FOR, IN112FOR, NM036FOR, CO029FOR, VA105, IL089FOR) received on May 22, 1996; to the Committee on Energy and Natural Resources.

EC–2855. A communication from the Director of Regulations Policy, Management Staff, Office of Policy, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, a rule concerning Propylene Glycol, received on May 21, 1996; to the Committee on Labor and Human Resources.

EC–2856. A communication from the Assistant Secretary of Labor for Occupational Safety and Health, transmitting, pursuant to law, the rule entitled "Personal Protective Equipment in Shipyards," (1218–AA74) received on May 22, 1996; to the Committee on Labor and Human Resources.

EC–2857. A communication from the Director of Regulations Policy, Management Staff, Office of Policy, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, a rule concerning drug products, (RIN0910–AA01) received on May 23, 1996; to the Committee on Labor and Human Resources.

EC–2858. A communication from the Assistant General Counsel for Regulations, Department of Education, transmitting, pursuant to law, the rule entitled "Training Personnel for the Education of Individuals with Disabilities," received on May 23, 1996; to the Committee on Labor and Human Resources.

EC–2859. A communication from the Assistant General Counsel for Regulations, Department of Education, transmitting, pursuant to law, the rule entitled "Foreign Language Assistance Grants," received on May 24, 1996; to the Committee on Labor and Human Resources.

EC–2860. A communication from the Assistant General Counsel for Regulations, Department of Education, transmitting, pursuant to law, the rule entitled "Foreign Language Assistance Grants," received on May 24, 1996; to the Committee on Labor and Human Resources.

EC–2861. A communication from the Assistant General Counsel for Regulations, Department of Education, transmitting, pursuant to law, the rule entitled "Notice of Final Funding Priorities for Fiscal Years 1996–1997 for a Research and Demonstration Project," received on May 29, 1996; to the Committee on Labor and Human Resources.

EC–2862. A communication from the Assistant Secretary of Labor for Employment and Training, transmitting, pursuant to law, the rule entitled "Unemployment Insurance Program Letter 22-96," received on May 31, 1996; to the Committee on Labor and Human Resources.

EC–2863. A communication from the Director of Regulations Policy, Management Staff, Office of Policy, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, a rule concerning chlorofluorocarbon propellants in self-pressurized containers, received on May 31, 1996; to the Committee on Labor and Human Resources.

EC–2864. A communication from the Director of the Office of Regulations Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a final rule entitled "Compensation for Disability Resulting from Hospitalization, Treatment, Examination, or Vocational Rehabilitation," (RIN2900–AH44) received on May 23, 1996, to the Committee on Veterans' Affairs.

EC–2865. A communication from the Director of the Office of Regulations Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a final rule entitled "National Cemeteries," (RIN2900–AI06) received on May 28, 1996, to the Committee on Veterans' Affairs.

EC–2866. A communication from the Director of the Office of Regulations Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a final rule entitled "Gender Policy for VA Publications and Other Communications," (RIN2900–AI09) received on May 28, 1996, to the Committee on Veterans' Affairs.

EC–2867. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a Revenue Procedure 96–33 relative to examination of returns and claims for refund, credit, or abatement, received on May 28, 1996; to the Committee on Finance.

EC–2868. A communication from the Chief of the Regulations Unit, Internal Revenue

Service, Department of the Treasury, transmitting, pursuant to law, the report of Treasury Notice 96-32 relative to weighted average interest rate update, received on May 28, 1996; to the Committee on Finance.

EC-2869. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a Treasury Regulation relative to nonpayroll withheld income taxes, (RIN 1545-AT86) received on May 28, 1996; to the Committee on Finance.

EC-2870. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of Treasury Announcement 96-26 relative to refund requests, received on May 28, 1996; to the Committee on Finance.

EC-2871. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of Treasury Notice 96-24 relative to weighted average interest rate update, received on May 28, 1996; to the Committee on Finance.

EC-2872. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of Revenue Procedure 96-29 relative to closing agreements, received on May 28, 1996; to the Committee on Finance.

EC-2873. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the rule entitled "Payment by Employer of Expenses for Meals and Entertainment, Club Dues, and Spousal Travel," (RIN1545-AS74) received on May 29, 1996; to the Committee on Finance.

EC-2874. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the rule entitled "Enterprise Zone Facility Bonds," (RIN1545-AM01) received on May 29, 1996; to the Committee on Finance.

EC-2875. A communication from the Acting Assistant Secretary of State, Legislative Affairs, transmitting, pursuant to law, the rule entitled "Nationality Procedures," received on May 23, 1996; to the Committee on Foreign Relations.

EC-2876. A communication from the Administrator of the Foreign Agricultural Service, Department of Agriculture, transmitting, pursuant to law, the rule entitled "Import Quotas and Fees," (RIN0551-AA46) received on May 24, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2877. A communication from the General Sales Manager of the Foreign Agricultural Service, Department of Agriculture, transmitting, pursuant to law, a rule relative to agricultural commodities, (RIN0551-AA43) received on May 24, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2878. A communication from the Administrator of the Cooperative State Research, Education, and Extension Services, Department of Agriculture, transmitting, pursuant to law, the rule entitled "The Rangeland Research Grants Program," received on May 24, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2879. A communication from the Administrator of the Agricultural Marketing Services, Department of Agriculture, transmitting, pursuant to law, the rule entitled "The Fluid Milk Promotion Order," received on May 30, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2880. A communication from the Administrator of the Agricultural Marketing Services, Department of Agriculture, transmitting, pursuant to law, the report of three rules relative to Oregon-California Potatoes, received on May 31, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2881. A communication from the Acting Assistant Secretary of State, Legislative Affairs, transmitting, pursuant to law, the report of a certification and justification; to the Committee on Appropriations.

EC-2882. A communication from the Secretary of Defense, transmitting, pursuant to law, a notice relative to eleven retirements; to the Committee on Armed Services.

EC-2883. A communication from the Secretary of Defense, transmitting, pursuant to law, a report relative to a multiyear contract for the C-17 program; to the Committee on Armed Services.

EC-2884. A communication from the Deputy Under Secretary of Defense, transmitting, pursuant to law, the report on the Defense Environmental Quality Program for fiscal year 1995; to the Committee on Armed Services.

EC-2885. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, the report on the possible use of private-sector sources for air transportation of military personnel and cargo; to the Committee on Armed Services.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mrs. BOXER:

S. 1837. A bill to require that 401(k)-type pension plans be subject to the same prohibited transaction rules that apply to traditional defined benefit pension plans; to the Committee on Labor and Human Resources.

By Mr. FAIRCLOTH (for himself and Mr. HELMS):

S. 1838. A bill to require the Secretary of the Treasury to mint and issue coins in commemoration of the centennial anniversary of the first manned flight of Orville and Wilbur Wright in Kitty Hawk, North Carolina, on December 17, 1903; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. PRESSLER (for himself, Mr. BURNS, and Mr. STEVENS):

S. 1839. A bill to authorize appropriations for fiscal year 1997 to the National Aeronautics and Space Administration for human space flight; science, aeronautics, and technology; mission support; and Inspector General; and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. PRESSLER (for himself, Mr. GORTON, Mr. HOLLINGS, Mr. BRYAN, and Ms. SNOWE):

S. 1840. A bill to amend the Federal Trade Commission Act to authorize appropriations for the Federal Trade Commission; to the Committee on Commerce, Science, and Transportation.

By Mr. MOYNIHAN (by request):

S. 1841. A bill to reform the Nation's welfare system by requiring work and demanding personal responsibility; to the Committee on Finance.

By Mr. JEFFORDS:

S. 1842. A bill to amend the Employee Retirement Income Security Act of 1974 to improve protections for workers in multiemployer pension plans; to the Committee on Labor and Human Resources.

By Mr. INHOFE (for himself, Mr. LOTT, Mr. THURMOND, Mr. THOMAS, Mr. JEFFORDS, and Mr. COCHRAN):

S. 1843. A bill to provide for the allocation of funds from the Mass Transit Account of the Highway Trust Fund, and for other purposes; to the Committee on Environment and Public Works.

By Mr. MURKOWSKI:

S. 1844. A bill to amend the Land and Water Conservation Fund Act to direct a study of the opportunities for enhanced water based recreation and for other purposes; to the Committee on Energy and Natural Resources.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. BOXER:

S. 1837. A bill to require that 401(k)-type pension plans be subject to the same prohibited transaction rules that apply to traditional defined benefit pension plans; to the Committee on Labor and Human Resources.

THE 401(K) PENSION PROTECTION ACT OF 1996

Mrs. BOXER. Mr. President, today I introduced a bill to protect America's 401(k) retirement savings.

Mr. President, this bill is designed to close a major, unintended loophole in Federal pension law, a loophole that jeapordizes 401(k) pension plans.

The legal protections afforded traditional pension plans are not applied equally to 401(k) pension plans. Traditional pension plans, known as defined benefit pension plans, may not invest more than 10 percent of their assets in securities and real property of the corporation they work for. Federal law further requires that all traditional pension plans investments be diversified. This protection does not uniformly apply to 401(k) plans.

This increases the investment risk to 401(k) plans. This Increased investment risk is borne totally by 401(k) plan members, not by the companies sponsoring the 401(k) plans.

Furthermore, Mr. President, 401(k) plans do not have Pension Benefit Guaranty Corporation insurance, as do traditional pension plans, in the event the employer corporation goes bankrupt. So the protections of diversity become even more urgent.

The protections for traditional plans were wisely put in Federal law when the Pension Reform Act, known as ERISA, was adopted in 1974. The limitations were designed to prevent the recurrence of the many pension scandals that predated the passage of ERISA, scandals in which employers used their employees' pension plans as the company piggy-bank. Scandals in which the sponsoring company went bankrupt and the employees lost not only their jobs, but their pensions.

Unfortunately, these protections do not apply to 401(k) plans. That is an unintended consequence, a quirk of history.

When ERISA was passed, there was no section 401(k). 401(k) was added 4 years later, in 1978, to a section of ERISA governing profit sharing plans, not pension plans. At the time no one thought 401(k) plans would be any more than small supplemental, profit-sharing plans.

At the time, no one predicted that 401(k) plans would become the predominant form of pension plan. Consequently, no one thought to protect them as ERISA protected pension plans. Consequently, Federal law permitted 401(k) plans to invest more than 10 percent of their assets in the employer sponsoring the 401(k)plan. In fact, 401(k) plans are permitted to invest all of their assets in the sponsoring company.

That was hardly noticed when 401(k) was added in 1978; 401(k) plans were tiny—thought of as profit sharing plans. But today, the investment loophole represents a danger to the retirement security of Americans. It is a danger to the 23 million Americans who belong to 401(k) plans. It is a danger to the 675 billion dollars that these Americans have saved in their 401(k) plans.

Today's Wall Street Journal reports just how dangerous it is. The Journal today describes the plight of thousands of employees of Color Tile, Inc. Until January, Color Tile was a major name in retailing, operating 774 stores in 48 States, coast-to-coast. There were 62 stores in my State of California alone.

Suddenly in January, Color Tile went into bankruptcy; 234 stores were closed. Hundreds of employees lost their jobs, many with only 30 minutes notice. The jobs of thousands more are at risk. Unfortunately, so are their pensions.

Color Tile employees were shocked to learn after the bankruptcy that nearly 85 percent of Color Tile's 401(k) assets were Color Tile stores. The 401(k) plan owned 44 stores leased to Color Tile. As a result of the bankruptcy, Color Tile broke many of the leases on stores owned by its employees' 401(k) plan. Moreover, the 401(k) plan borrowed to build many of the stores. Those mortgage-loan payments to the plan's banks still have to be paid, but, because Color Tile repudiated many of the leases, rent payments to pay bank loans are no longer available. As a result, the plan told shocked workers last month, that it isn't "clear that the plan has sufficient cash to pay the bills, including mortgage payments."

For Color Tile employees, things could not be much worse. Color Tile's only pension plan is the 401(k) plan. The employees are facing, not only the loss of their jobs, but their pension savings.

This would not be possible if 401(k) plans were protected by the rules that protect traditional pension plans. If my bill had been law, Color Tile's pension plan would not be in jeopardy.

My bill would simply apply the same pension protections to all plans—401(k) and traditional pension plans—that deliver retirement security. For the first time, 401(k) plans would have the same 10 percent conflict-of-interest limitations on investments with the sponsoring company that have always applied to traditional pension plans. It would be illegal to do what Color Tile did to its employees.

It would be illegal for a company to borrow more than 10 percent of its employees 401(k) plan assets—as the company slides into bankruptcy. That's exactly what happened to the employees of Metacor, Inc., of Deerfield Beach, FL. In the 24 months before Metacor filed for bankruptcy, the company used its employees 401(k) plan as a piggy bank. The 401(k) plans made 34 separate loans to Metacor in those 24 months, until nothing was left to loan. Most people believe that was made illegal in 1974 when Congress passed the Pension Reform Act. They are misinformed. Unfortunately, we exempted 401(k) plans. My bill would close that loophole.

The only plans exempted under my bill would be plans designed as true profitsharing plans, stock bonus, or stock option plans—plans not designed specifically for retirement.

My bill also exempts employee-directed 401(k) plans, because employees should be able to waive the 10-percent limitations if they want to. It's their money.

My bill would have protected not only the employees of the 62 Color Tile stores in my State—8 in Orange County alone—but the employees of Color Tile stores everywhere. Had this bill been law, the employees of the 12 stores shut down in Illinois, the 5 stores shut in Wisconsin, the 4 stores shut in Virginia, the 3 stores shut in Michigan, the stores shut in Texas, Oregon, and Minnesota would not be worried today about losing their 401(k) pension plan assets.

Remember many have already lost their jobs, now many are losing their pensions too.

The employees of stores shut in my State, California, in Visalia and San Diego, would not be worried about their 401(k) plan.

Mr. President, I hope my two colleagues—the Senators from the State of Mississippi—are listening. One of you may soon be the majority leader and in a position to greatly help the passage of this bill.

I say to both of them: you can remember the 225 former employees of the Cleveland, MS, Color Tile factory. You can help assure the unfolding tragedy of the Color Tile 401(k) plan will not happen again. You can help pass this bill. I will work with you.

Here is a picture of 12 of those Mississippi employees. This picture was taken at the front gate of the factory after it was closed in February. This picture is America. Unfortunately, it says that America needs better protections for 401(k)'s.

This is Dorsey Kelsey, 57 years old. Dorsey worked at the plant 18 and a half years, as a janitor. Her husband is Robert Kelley. Robert worked at the plant for over 20 years. Between them, Robert and Dorsey had $20,000 in the 401(k) plan. $20,000 that Robert needs, but can't get access to, if he ever will. Robert and Dorsey are why we need this bill.

This is Woodrow "Moose" Issacs, 57, also of Cleveland, MS. Moose was a maintenance mechanic and worked at the plant for 38 years. His last statement from the 401(k) plan, as of September 30, 1995, showed he had $57,900 in the plan. A good deal of that money he may never see.

Raymonda Almond, 53, of Boyle, MS was in outside sales. She worked for the plant for 9 years and saved $17,000. She planned on using the money to supplement her Social Security when she retired. Now she needs it to live on, but cannot get access to it. Some of it she possibly never will see.

She will just have to make do with Social Security.

Paul Locke, 24 years old, worked at the plant for 3½ years. He was a full-time student at Delta State University and worked full time at Color Tile. He saved $4,000, money that he was going to use as a down payment on a house when he graduated. That house will probably have to wait.

I could list the other seven former Color Tile employees in this picture, some holding their children, some holding grandchildren. Suffice to say that collectively this picture represents $199,900 in savings in the 401(k) plan. Saved through years of work at Color Tile. Money that is at risk because the Federal Government is not adequately protecting 401(k) plans.

Mr. President this picture says more than I could ever say about why we need this bill. I ask all my colleagues to join me in protecting 401(k) pension plans—just as well as we protect traditional pension plans.

It is time to close an unintended and unforeseen loophole in ERISA. It is time to apply the 10-percent limitations on conflict-of-interest investments to 401(k) plans. Let us protect 401(k) members just as we protect the members of traditional pension plans.

By Mr. FAIRCLOTH (for himself and Mr. HELMS):

S. 1838. A bill to require the Secretary of the Treasury to mint and issue coins in commemoration of the centennial anniversary of the first manned flight of Orville and Wilbur Wright in Kitty Hawk, NC, on December 17 1903; to the Committee on Banking, Housing, and Urban Affairs.

THE FIRST FLIGHT COMMEMORATIVE COIN ACT

Mr. FAIRCLOTH. Mr. President, I rise today, joined by my colleague from

North Carolina, Senator HELMS, to introduce the First Flight Commemorative Coin Act. This revenue-neutral legislation instructs the Treasury Secretary to mint coins in commemoration of the Wright Brothers' historic 1903 flight on the North Carolina coast.

Mr. President, in the cold morning hours of December 17, 1903, a small crowd watched the Wright flyer lift off the flat landscape of Kitty Hawk. Orville Wright traveled just 120 feet—less than the wingspan of a Boeing 747—in his 12-second flight. It was, however, the first time that a manned machine sailed into the air under its own power.

The residents of Kitty Hawk, then an isolated fishing village, thus bore witness to the realization of the centuries-old dream of flight.

The significance of the Wright Brothers' flight reaches far beyond its status as the first flight. There flight represented the birth of aviation. On that morning, aeronautics moved from untested theory to nascent science, and it triggered a remarkable technological evolution.

In fact, just 24 years after their fragile craft rose unsteadily and took to the air, Charles Lindbergh crossed the Atlantic Ocean. In 1947, less than half a century after the pioneer 31 mph flight over Kitty Hawk, Chuck Yeager shattered the sound barrier over the Mojave Desert.

The rapid aeronautical progression, which the Wright Brothers initiated on that December morning in Kitty Hawk, is, of course, remarkable. Mr. President, it was just 66 years after the Wright Brothers' 120-foot flight—a timespan equivalent to the age of many Members of this body—that Neil Armstrong traveled 240,000 miles to plant the American flag on the Moon.

Today, some 86,000 planes lift off from American airports on a daily basis, and air travel is routine. It was with a sprinkling of onlookers, however, that the Wright Brothers ushered in the age of flight on that cold winter morning in Kitty Hawk.

The site of the first flight, at the foot of Kill Devil Hill, was initially designated as a national memorial in 1927 and is visited by close to a half-million people each year.

I think that First Flight Commemorative Coin Act is a most appropriate tribute to the Wright Brothers as the centennial anniversary of the first flight approaches. The coin will be minted in $10, $1, and 50¢ denominations, and its sales will fund educational programs and improvements to the visitor center at the memorial.

These commemorative coins are struck to celebrate important historical events, and, of course, the proceeds are an important revenue source to the custodians of these legacies. The centennial anniversary of the Wright Brothers' flight merits our observance.

Mr. President, I ask my colleagues for their support, and I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1838

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "First Flight Commemorative Coin Act".

SEC. 2. COIN SPECIFICATIONS.

(a) DENOMINATIONS.—The Secretary of the Treasury (hereafter in this Act referred to as the "Secretary") shall mint and issue the following coins:

(1) $10 GOLD COINS.—Not more than 500,000 $10 coins, each of which shall—

(A) weigh 16.718 grams;

(B) have a diameter of 1.06 inches; and

(C) contain 90 percent gold and 10 percent alloy.

(2) $1 SILVER COINS.—Not more than 3,000,000 $1 coins, each of which shall—

(A) weigh 26.73 grams;

(B) have a diameter of 1.500 inches; and

(C) contain 90 percent silver and 10 percent copper.

(3) HALF DOLLAR CLAD COINS.—Not more than 10,000,000 half dollar coins each of which shall—

(A) weigh 11.34 grams;

(B) have a diameter of 1.205 inches; and

(C) be minted to the specifications for half dollar coins contained in section 5112(b) of title 31, United States Code.

(b) REDUCED AMOUNTS.—If the Secretary determines that there is clear evidence of insufficient public demand for coins minted under this Act, the Secretary of the Treasury may reduce the maximum amounts specified in paragraphs (1), (2), and (3) of subsection (a).

(c) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

SEC. 3. SOURCES OF BULLION.

The Secretary shall obtain gold and silver for minting coins under this Act pursuant to the authority of the Secretary under other provisions of law, including authority relating to the use of silver stockpiles established under the Strategic and Critical Materials Stockpiling Act, as applicable.

SEC. 4. DESIGN OF COINS.

(a) DESIGN REQUIREMENTS.—

(1) IN GENERAL.—The design of the coins minted under this Act shall be emblematic of the first flight of Orville and Wilbur Wright in Kitty Hawk, North Carolina, on December 17, 1903.

(2) DESIGNATION AND INSCRIPTIONS.—On each coin minted under this Act there shall be—

(A) a designation of the value of the coin;

(B) an inscription of the year "2003"; and

(C) inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(b) SELECTION.—The design for the coins minted under this Act shall be—

(1) selected by the Secretary after consultation with the Board of Directors of the First Flight Foundation and the Commission of Fine Arts; and

(2) reviewed by the Citizens Commemorative Coin Advisory Committee.

SEC. 5. PERIOD FOR ISSUANCE OF COINS.

(a) IN GENERAL.—Except as provided in subsection (b), the Secretary may issue coins minted under this Act only during the period beginning on August 1, 2003, and ending on July 31, 2004.

(b) EXCEPTION.—If the Secretary determines that there is sufficient public demand for the coins minted under section 2(a)(3), the Secretary may extend the period of issuance under subsection (a) for a period of 5 years with respect to those coins.

SEC. 6. SALE OF COINS.

(a) SALE PRICE.—The coins issued under this Act shall be sold by the Secretary at a price equal to the sum of—

(1) the face value of the coins;

(2) the surcharge provided in subsection (d) with respect to such coins; and

(3) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, shipping, and profit).

(b) BULK SALES.—The Secretary shall make bulk sales of the coins issued under this Act at a reasonable discount.

(c) PREPAID ORDERS.—

(1) IN GENERAL.—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.

(2) DISCOUNT.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

(d) SURCHARGES.—All sales shall include a surcharge of—

(1) $35 per coin for the $10 coin;

(2) $10 per coin for the $1 coin; and

(3) $1 per coin for the half dollar coin.

(e) MARKETING EXPENSES.—The Secretary shall ensure that—

(1) a plan is established for marketing the coins minted under this Act; and

(2) adequate funds are made available to cover the costs of carrying out that marketing plan.

SEC. 7. GENERAL WAIVER OF PROCUREMENT REGULATIONS.

(a) IN GENERAL.—Except as provided in subsection (b), no provision of law governing procurement or public contracts shall be applicable to the procurement of goods and services necessary for carrying out the provisions of this Act.

(b) EQUAL EMPLOYMENT OPPORTUNITY.—Subsection (a) shall not relieve any person entering into a contract under the authority of this Act from complying with any law relating to equal employment opportunity.

SEC. 8. DISTRIBUTION OF SURCHARGES.

(a) IN GENERAL.—All surcharges received by the Secretary from the sale of coins issued under this Act shall be promptly paid by the Secretary to the First Flight Foundation for the purposes of—

(1) repairing, refurbishing, and maintaining the Wright Brothers Monument on the Outer Banks of North Carolina; and

(2) expanding (or, if necessary, replacing) and maintaining the visitor center and other facilities at the Wright Brothers National Memorial Park on the Outer Banks of North Carolina, including providing educational programs and exhibits for visitors.

(b) AUDITS.—The Comptroller General of the United States shall have the right to examine such books, records, documents, and other data of the First Flight Foundation as may be related to the expenditures of amounts paid under subsection (a).

SEC. 9. FINANCIAL ASSURANCES.

The Secretary shall take such actions as may be necessary to ensure that minting and issuing coins under this Act will not result in any net cost to the United States Government.

By Mr. PRESSLER (for himself, Mr. BURNS, and Mr. STEVENS):

S. 1839. A bill to authorize appropriations for fiscal year 1997 to the National Aeronautics and Space Administration for human space flight; science, aeronautics, and technology; mission support; and inspector general; and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE NASA AUTHORIZATION ACT FOR FISCAL YEAR 1997

Mr. PRESSLER. Mr. President, today, as chairman of the Senate Committee on Commerce, Science, and Space, I introduced the NASA Authorization Act for fiscal year 1997. The bill is cosponsored by the chairman of our Space Subcommittee, Senator CONRAD BURNS, who has provided the committee with great leadership and direction on space policy matters.

In the past, the main challenges NASA faced were technological. Today, NASA faces a new set of challenges which are mainly budgetary, but they are no less daunting than the Apollo missions to the Moon. To the credit of Administrator Dan Goldin, rather than complain about the current budget challenge faced by the Federal Government, he has faced them head on. Last year, he developed an ambitious budget-cutting plan to reduce his agency's budget by more than $5 billion over the next 5 years. Under the plan, NASA funding would drop from its current level of $13.9 billion to $11.6 billion by the year 2000.

To date, NASA has not revealed precisely how it will make these cuts while at the same time fulfilling its commitment to its major ongoing programs—including multibillion-dollar initiatives like space station and Mission to Planet Earth. There is a growing sense NASA's budget is already cut to the bone and further cuts by Congress might prevent the agency from realizing its bold visions in space science and exploration. With that in mind, my bill is aimed at providing NASA sufficient funding authority to continue the missions and programs that have inspired our Nation and the world.

Mr. President, my bill authorizes $13.7 billion in fiscal year 1997 to support a diverse and forward-looking space program to move NASA into the 21st century. It authorizes all of NASA's major current programs such as Mission to Planet Earth, space station, space science, and aeronautics and, in almost all cases, at their requested funding levels. It also continues funding for the new Reusable Launch Vehicle Program aimed at providing private industry the technology to eventually build a shuttle replacement. The bill contains an authorization for NASA's new radar satellite program which is so critical to U.S. leadership in space science and our competitiveness in the growing satellite remote sensing market.

Mr. President, let me make special mention of certain portions of the bill.

I believe Mission to Planet Earth may be NASA's most important and relevant program. The satellite data from Mission to Planet Earth will deliver direct benefits to the taxpayer in contrast to the speculative spinoffs promised by other space activities. For this reason, the bill fully funds this activity at the requested level of $1.4 billion.

Using the latest satellite technology, Mission to Planet Earth will help researchers understand and predict the global climate trends that affect our lives. As a Senator representing an agricultural State, I have a keen interest in this program's potential to provide detailed data on soil conditions, topography, crops, and other information critical to the farming and ranching community. I also take great pride in the selection of the EROS Data Center in Sioux Falls, SD as one of the regional data centers that will collect and distribute this satellite data.

I am very concerned that, under the new budget constraints in which we find ourselves, some may seek to sacrifice Mission to Planet Earth, and space science in general, to fund space station. That would be a disservice to the Nation and I will oppose any such move strongly.

I am pleased with the direction of the baseline plan for the Mission to Planet Earth Program and am concerned about the possibility of NASA taking any imprudent and unnecessary efforts to restructure the program. Accordingly, the bill specifically prohibits NASA from changing the program unless, 60 days before such action, NASA has reported to Congress on the nature and overall impact of the planned changes.

The bill also provides the full $2.1 billion requested funding for space station. However, this authorization should not be interpreted as a ringing endorsement of that program. I am a longstanding support of the program, but, in recent years, I have become concerned that it has become too expensive, too complex, and too dependent on the contributions of Russia, the latest station partner.

In a June 1995 report, the General Accounting Office [GAO] estimated that the total cost of the design, launch, and operation of the space station will be $94 billion. That is almost seven times the entire annual budget for NASA. Given the history of past missions, it is fair to assume that $94 billion price tag for the program will increase over time. If that happens, we may wake up to find the enormous space station budget has crowded out every other NASA program to become NASA's only mission. Because of my reservations about space station, I may well reconsider my support in the future. But, for now, with the start of the space station assembly only 1 year away, I am supporting full funding in fiscal year 1997 for the space station effort.

The bill also authorizes NASA's Reusable Launch Vehicle Program, which will support the X-33 and X-34 activities to pave the way for the later development by private enterprise of a replacement for the shuttle in the next decade. Employing 1970's technologies and costing $400 million per flight, the shuttle may have outlived its usefulness. However, within today's budget constraints, the Government cannot afford to foot the entire bill for a new multibillion dollar spacecraft development program. That is why the Reusable Launch Vehicle Program, with its emphasis on sharing financing with industry and its goal of moving our national space transportation system toward privatization, seems a viable concept worth pursuing.

The bill also authorizes $35 million for NASA feasibility studies and subsequent development and operations work for a new radar satellite program. Earlier this year, at the urging of the Commerce Committee and the Congress, NASA announced its commitment to study the feasibility of developing a new civilian radar satellite with scientific applications. Because radar satellites have the ability to see through cloud cover, they will dramatically enhance the capability of the Nation's existing optical-based satellite systems such as Landsat. With Japan, Europe, and Canada already operating radar satellite systems, and with Canada poised to deploy one later this year, the United States cannot afford to be left behind in this critical technology.

In my role as chairman of the Senate Committee on Commerce, Science, and Transportation, it has become apparent to me that small-city, rural States like my home State of South Dakota are often forgotten in our vast $70-billion Federal science and technology enterprise. That part of America wants and deserves to be part of the technological revolution. More importantly, it wants to contribute. It is in the national interest to strengthen the scientific talent, resources, and infrastructure in our rural States through appropriate research, education, and outreach activities. The bill attempts to accomplish this in several ways. It increases funding for the Experimental Program To Stimulate Competitive Research [EPSCoR] from its current level of $4.9 million to $10 million. NASA's EPSCoR Program, was well as similar programs in six other science agencies, have been instrumental in providing Federal funding for academic research in rural States. My bill also funds the efforts of two separate university-led consortia formed to process

Mission to Planet Earth satellite date into useful information for the farming and research communities in the Upper Plains States region.

Finally, Mr. President, my bill urges NASA to consider the use of underutilized military and other Federal Government facilities before committing to new leases of the construction of new facilities to fulfill agency requirements. With the end of the cold war and the drawdown of our military infrastructure, we have many facilities and property that are unused or woefully underutilized. In my home State of South Dakota, I can cite the Ellsworth Air Force Base as an example, but every Member in the Senate can no doubt identify an underutilized military facility in his or her State that might be put to some cost-effective use in our U.S. space program. I strongly believe that NASA should start taking a serious look at using some of these valuable assets and properties that have served as the foundation of our national defense before making huge financial commitments to new leases or facilities. My bill would simply require NASA to engage in this kind of review as a matter of agency policy.

Mr. President, I believe NASA is up to the challenge of keeping America preeminent in aeronautics and space despite the intense budget pressure and despite the increasing competition from other spacefaring nations. I am convinced this authorization bill provides NASA with the support it needs to meet that challenge.

• Mr. BURNS. Mr. President, I am proud to be a cosponsor of the NASA authorization bill for fiscal year 1997, introduced by Senator PRESSLER, the chairman of our Commerce Committee. Let me take this opportunity to thank Senator PRESSLER for crafting a bill which provides the funding NASA will need to complete billion-dollar missions like space station and Mission to Planet Earth on schedule and prepare for the next century.

As chairman of the Science, Technology, and Space Subcommittee, I have concerns about NASA's cost-cutting plan to reduce its budget by $5 billion over 5 years and cut its spending to $11.6 billion by the year 2000. The goals and missions of our space agency must be balanced within fiscal responsibility. This legislation authorizes $13.7 billion for NASA in fiscal year 1997. This level, slightly less than the $13.8 billion budget request, will allow NASA to continue all of its major ongoing aeronautics and space programs, including Mission to Planet Earth, space station aeronautics research, and space science and exploration.

The bill authorizes the full $1.4 billion requested by NASA for its Mission to Planet Earth. This program has come a long way in recent years. Originally, it was misperceived as being exclusively focused on global warming and developing justifications for caps and timetables on industry emissions. Now we realize it is much broader than that. From several oversight hearings before the Science Subcommittee, we now know it is really about using satellite technology to help farmers predict weather on a year-to-year basis and measure soil moisture using a desk-top computer. It is about giving land planners, mappers, and foresters a cost-effective tool to help them do their work. It is about mineral exploration and archaeology. In short, Mission to Planet Earth is about using NASA's satellites to help average citizens in their everyday activities. At the University of Montana and other institutions in the Plains States, our researchers are already eager to gather data from the program so they can start developing useful applications for the community. It is time to proceed with carrying out the sound baseline plan for the program and not get sidetracked by calls for delays, cutbacks, and unnecessary studies from vocal opponents of this important initiative. The bill's full funding for Mission to Planet Earth should help the program go forward.

The bill also provides $2.1 billion for the space station account and related activities. After more than a decade of planning and hard work, the United States and its foreign partners will finally start the assembly of the mammoth orbiting laboratory late next year. Let me first say that I wholeheartedly support the space station. I believe the space station represents the next logical step in our manned space exploration program. If successful, this program will demonstrate what great nations can do when combining their talent and resources for peaceful scientific purposes. Beyond that, the space station will help our Nation maintain and strengthen its traditional leadership in aeronautics and space. While I continue to have some concerns about the heavy reliance of the current space station plan on Russian participation, I am optimistic that space station will successfully proceed within budget and on schedule.

I believe that NASA's aeronautics research program is one of the main reasons for our Nation's preeminence in aerospace. Aeronautics is the first A in NASA. Yet, for many years, aeronautics seemed to be reduced to a small A status. It always seemed to take a back seat to the higher profile space missions. However, under Dan Goldin's leadership, that is beginning to change and NASA is giving aeronautics the backing it deserves. For instance, the High Speed Research Program is developing precompetitive technologies in support of supersonic aircraft. It is estimated that the first country to market such an aircraft stands to gain $200 billion in sales and 140,000 new jobs. Similarly, the Advanced Subsonic Technology Program funds research in support of subsonic airplanes—a market that generates 1 million jobs and contributes over $25 billion annually to the U.S. trade balance. These programs are moneymakers and it is in the national interest to give them whatever support they need. Accordingly, our NASA bill authorizes aeronautics research at the requested level of $858 million.

Our bill also provides authorization for NASA's successful collection of technology transfer, education, and outreach activities. These programs have been very effective in allowing our quality research institutions in rural States and regions to contribute to the technological revolution. For instance, last May, our Science Subcommittee heard from Professor Steve Running of the University of Montana about his promising research in the use of remote sensing satellite data in forest and crop management. Our rural States can make an enormous contribution to the civilian space program if only given the chance.

In that connection, the bill provides $10 million for the Experimental Program to Stimulate Competitive Research [EPSCoR] Program—an increase of $5.5 million over the requested level of $4.5 million. This authorized increase reflects the important role that NASA's EPSCoR, as well as its counterparts at other Federal science agencies, has played in supporting vital academic research in rural States like Montana. The bill also includes sufficient funding to enable NASA to continue support for a new Rural Teacher Resource Center and a new Rural Technology Transfer and Commercialization Center to serve the Upper Plains States region. NASA made commitments to those new centers this year to fill in coverage gaps in NASA's outreach programs.

Full funding is also provided for ongoing technology programs to keep NASA on the cutting edge. The bill supports the Reusable Launch Vehicle Program aimed at developing, and flight testing, new technologies to reduce the cost of access to space and eventually lay the foundation for a Shuttle replacement. In addition, there is funding to continue NASA's commitment to a new radar satellite program. Unlike conventional satellites, radar satellites are unaffected by cloud cover or nightfall. Now that Canada, Japan, and Europe have operational systems, it is clearly in the national interest for this country to develop that capability for civilian purposes as soon as practicable.

Finally, Mr. President, I note that the bill contains buyout provisions that we worked out with NASA that are intended to reduce the need for the agency to resort to reductions in force to downsize its work force. We recognize the need for NASA to reduce its

25,000-person work force to meet its budget targets. However, such personnel reductions need to be implemented in a gradual and thoughtful manner, with proper consideration for the personnel affected. It is with that in mind that we have provided the buyout authority in the bill to encourage voluntary separations in support of NASA's downsizing effort.

Mr. President and I urge my colleagues to support this legislation when it is considered by the full Senate later this year.●

By Mr. PRESSLER (for himself, Mr. GORTON, Mr. HOLLINGS, Mr. BRYAN, and Ms. SNOWE):

S. 1840. A bill to amend the Federal Trade Commission Act to authorize appropriations for the Federal Trade Commission; to the Committee on Commerce, Science, and Transportation.

THE FEDERAL TRADE COMMISSION REAUTHORIZATION ACT OF 1996

Mr. PRESSLER. Mr. President, as chairman of the Senate Committee on Commerce, Science, and Transportation, I am pleased to introduce, along with Senators GORTON, HOLLINGS, and BRYAN, the Federal Trade Commission Reauthorization Act of 1996. This bill reauthorizes the Federal Trade Commission [FTC] for 2 years with funding sufficient to maintain current staffing levels.

Congress last reauthorized the FTC in 1994. That authorization was the Commission's first since 1980. In that reauthorization legislation we significantly modified the Federal Trade Commission Act. At present, we see no need to further modify the FTC's authorizing statutes. Therefore, this is an extremely simple piece of legislation. It authorizes funding for the FTC of $107 million for fiscal year 1997 and $111 million for fiscal year 1998. As I mentioned earlier, these authorization levels would simply maintain the existing staffing level of 979 FTE's.

The Federal Trade Commission is a law enforcement agency. The Commission's primary authority is derived from section 5 of the Federal Trade Commission Act through the declaration that "unfair methods of competition * * * and unfair or deceptive acts or practices" are unlawful. The FTC's dual mission is to enforce Federal consumer protection laws and antitrust and competition laws. The FTC has enforcement and administrative duties under 37 separate acts.

The Commerce Committee held a hearing on the FTC on May 7, 1996. We are pleased with the general direction of the Commission. Under the leadership of Chairman Pitofsky, and his predecessor, Chairman Steiger, the Commission has established a solid performance record.

No comprehensive controversy surrounds the FTC today as it did in the late 1970's and early 1980's. As one would expect of a law enforcement entity acting in complex and, often, uncertain situations, individual Commission actions are sometimes not met with universal approval. Nevertheless, there is a general consensus that the Commission is functioning efficiently and effectively.

The FTC fulfills its mission with minimal burden on taxpayers because it generates over half its annual operating budget through fees from the corporations it regulates.

I hope the Senate will join Senators GORTON, HOLLINGS, BRYAN, and myself in supporting this legislation. I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1840

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Trade Commission Reauthorization Act of 1996".

SEC. 2. REAUTHORIZATION.

Section 25 of the Federal Trade Commission Act (15 U.S.C. 57c) is amended by striking "and not to exceed" and inserting "not to exceed" and by inserting before the period the following: "; not to exceed $107,000,000 for fiscal year 1997; and not to exceed $111,000,000 for fiscal year 1998".

By Mr. MOYNIHAN (by request):

S. 1841. A bill to reform the Nation's welfare system by requiring work and demanding personal responsibility; to the Committee on Finance.

THE WORK FIRST AND PERSONAL RESPONSIBILITY ACT OF 1996

Mr. MOYNIHAN. Mr. President, at the request of the administration, I rise to introduce the Work First and Personal Responsibility Act of 1996. This was sent to the President of the Senate and the Speaker of the House of Representatives on April 26, 1996, by Alice M. Rivlin, Director of the Office of Management and Budget.

I do not support this bill, and will indeed oppose it with great conviction. All the same, the President is entitled to the courtesy of having his bills introduced, printed, and referred to the appropriate committee. This particular bill will be referred to the Finance Committee, of which I am the ranking Democratic member. Hence this simple duty falls to me.

I have a further purpose in introducing this bill. As Senators know, it is the fixed practice of the Office of Management and Budget to require a report from the appropriate Department or Departments on the impact an administration measure would have on the area of concern. Such a report is required of legislation passed by Congress and presented to the President for approval. Last October 24, 1995, at the first—and only—meeting of the House-Senate conference on H.R. 4, the House-passed Personal Responsibility Act and the Senate-passed Work Opportunity Act, I stated that "when fully implemented the time limits in the House bill would cut off benefits for 4,800,000 children." This was not a complicated calculation. There are this many children receiving benefits, that many who can expect to receive benefits for more than 5 years, and so forth. The mean stay on AFDC is 12.9 years. I concluded my statement calling on the White House to release a report on the Senate-passed bill which had been prepared by the Department of Health and Human Services.

Three days later, on October 27, 1995, Elizabeth Shogren in the Los Angeles Times reported that the Senate-passed bill, thought to be moderate as compared with the House-passed bill, "would push an estimated 1.1 million children into poverty and make conditions worse for those already under the poverty line * * *"

The Senate needs to know what would be the poverty impact of this newest administration proposal. It cannot be much less, or so I would think. Bear in mind that OMB estimates $41 billion in Deficit Reduction from fiscal year 1996 through 2002.

I await an early reply from the administration. There has been more than sufficient time to make the calculations. One may be sure that if there were any prospect that the bill would reduce the number of children in poverty, we would have learned this by now.

The problem of understanding within the administration and the Congress, or so it appears to me, is that there is simply too little grasp of just how bad conditions are among America's children. None of us is without responsibility for this. Some protecting the good name of the poor; others assuming knowledge about behavior and behavioral change. Too few following Hippocrates' dictum: Primum non noncere. First do no harm. But it is not too late, if only we will look at the facts.

Two weeks ago, my revered colleague, Representative SAM M. GIBBONS and I requested of the Office of Management and Budget an analysis of S. 1795, the Personal Responsibility and Work Opportunity Act of 1996, which is the latest Republican welfare reform bill. The poverty impact. Today I am also requesting an analysis of the poverty effects of the President's latest proposal. This will be critical for Members to better understand the potential effects on children of both pieces of legislation.

I ask unanimous consent that a summary of the bill and the letter of transmittal from Dr. Alice M. Rivlin, Director of the Office of Management and Budget, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TITLE-BY-TITLE SUMMARY

TITLE I—WORK-BASED ASSISTANCE

Title I repeals the Aid to Families with Dependent Children (AFDC) program and replaces it with a time-limited, work-based Temporary Employment Assistance (TEA) program. TEA continues open-ended Federal matching payments for State expenditures on welfare assistance. It also repeals the Job Opportunities and Basic Skills (JOBS) program and replaces it with a new Work First program. (Funding for JOBS, AFDC Administration, and Emergency Assistance is merged into Work First. Most activities under these programs remain allowable under Work First.) Title I requires welfare recipients to sign personal responsibility contracts and mandates that they work or engage in job training within two years of first receiving benefits.

Title I also requires States to meet welfare recipient work targets. It includes a five-year time limit on the receipt of cash benefits, but allows States to exempt a portion of the caseload from the time limits. Vouchers must be provided to children in families that lose assistance due to the time limit. In addition, Title I provides performance bonuses to States based on their job placement effectiveness. It also gives States the option to deny additional welfare benefits to families that have another child while receiving welfare benefits.

Title I mandates that States operate child abuse prevention and protection, child support enforcement, foster care, and adoption assistance programs as a condition of receiving the Federal match. States also must operate a child care program under the Child Care and Development Block Grant (CCDBG) Act of 1990. Title I amends the CCDBG Act and consolidates the three individual child care programs under current title IV–A of the Social Security Act into one program. Funding for child care is significantly increased. This title also continues the one-year entitlement to transitional Medicaid benefits for families losing welfare benefits due to employment or excess income. In addition, it allows States to enter into demonstration programs to make periodic advances of the earned income tax credit (EITC) to welfare recipients in jobs programs (as opposed to having workers file for the EITC themselves).

TITLE II—CHILD SUPPORT ENFORCEMENT

Title II proposes stringent child support enforcement measures including a State case registry of child support enforcement orders. It improves paternity establishment and requires employers to report new hires to a central State data base. Title II allows States to revoke drivers and professional licenses for parents who refuse to pay child support. It also removes administrative barriers that impede the enforcement of child support orders.

TITLE III—FOOD ASSISTANCE

Title III amends the Food Stamp and Child Nutrition programs. It adjusts the maximum Food Stamp allotment to 100 percent of the Thrifty Food Plan and reduces the standard deduction and indexes it to the Consumer Price Index thereafter. Title III also counts all energy assistance as income and includes a work requirement that makes adults age 18 to 50 with no dependents ineligible for food stamps after six months of each year unless they work 20 hours a week or participate in workfare or training (although eligibility continues if a State fails to supply a training or workfare slot). It also includes State flexibility measures and new program integrity proposals to reduce Food Stamp trafficking and program waste. Finally, Title III better targets food subsidies for family day care homes and makes other minor changes in Child Nutrition programs.

TITLE IV—TREATMENT OF ALIENS

Title IV makes only "qualified aliens" eligible for the TEA (formerly AFDC), Supplemental Security Income (SSI), and Medicaid programs. In addition, it gives States the option of applying the same eligibility criteria to State funded needs-based assistance. Title IV also lengthens until citizenship the deeming period during which a sponsor's income is presumed available to support a legal permanent resident should he or she apply for SSI, TEA, or Food Stamps. It makes all future affidavits of support legally binding and provides States the option to extend sponsor income deeming to State funded needs-based cash assistance if the immigrant is denied TEA, SSI, or Food Stamps.

TITLE V—SUPPLEMENTAL SECURITY INCOME REFORMS

Title V tightens eligibility standards for disabled children who receive SSI benefits. Children currently on the rolls who are found no longer eligible would not receive benefits as of January 1, 1998. It creates new guidelines for the Social Security Administration to conduct continuing disability reviews (CDRs).

Title V also creates a dedicated savings account for SSI-eligible disabled children for education, job training, and equipment or housing modifications related to their disability, and allows this account to be excluded from income and resource determinations. It establishes an installment schedule for paying past-due SSI benefit amounts, and authorizes the Commissioner of Social Security to reduce Social Security (OASDI) benefits by the amount of overpayment of SSI benefits without an OASDI beneficiary's consent.

Title V also denies SSI eligibility if drug addiction or alcoholism is the basis for the disability determination. Current SSI recipients who are eligible on the basis of drug addiction or alcoholism will no longer receive benefits as of January 1, 1997. A portion of the savings from this proposal ($50 million annually during FYs 1997–1998) will be used to fund additional drug (including alcohol) treatment programs and services through the Substance Abuse Prevention and Treatment Block Grant program.

Title V also makes individuals convicted in Federal or State court of having fraudulently misrepresented their residence in order to receive welfare benefits from two or more States ineligible to receive SSI for ten years from the date of conviction. It makes fugitive felons ineligible for SSI. In addition, it provides that the appropriation of additional administrative funds to SSA for FYs 1996–2002 for conducting Social Security Disability Insurance and SSI CDRs should trigger an increase, within specified limits, to the discretionary spending caps. The title would also provide authority to increase the discretionary spending caps, within specified limits, upon appropriation of funds for FYs 1996–1997 to the Social Security Administration to implement any changes to the SSI program pursuant to adoption of welfare reform.

Title V provides that when private insurance covers the costs of SSI eligible children in medical care facilities, these children will no longer be eligible for their full SSI benefits. Instead, they will only be eligible to receive the same $30 per month standard amount that Medicaid-covered SSI eligible children receive.

TITLE VI—SOCIAL SERVICES BLOCK GRANTS (SSBG)

This title reduces the amount required to be allotted among States for SSBG under Title XX of the Social Security Act from $2.8 billion to $2.73 billion in FY 1996, and to $2.52 billion for each of FYs 1997–2002.

DEFICIT REDUCTION

The Office of Management and Budget estimates that the Administration's welfare reform proposal saves $41 billion during FYs 1996 through 2002. This total includes $3 billion in savings resulting from the enactment of P.L. 104–121, which extended the debt limit and modified the Social Security Act, and reflects interactions with Medicaid proposals in the President's FY 1997 Budget.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, April 26, 1996.

Hon. ALBERT GORE, Jr.,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: I am enclosing for the consideration of the Congress the Administration's "Work First and Personal Responsibility Act of 1996," a comprehensive proposal to reform the Nation's failed welfare system. The President remains committed to working with the Congress to pass a bipartisan welfare reform bill this year that honors the values of work, responsibility, and family. This proposal will end the current welfare system by requiring work, demanding responsibility, strengthening families, and protecting children.

Under this legislative proposal, everyone who can work must go to work, and no one who can work can stay on welfare indefinitely. This proposal replaces Aid to Families with Dependent Children (AFDC) with a time-limited benefit conditioned on work. It imposes tough work requirements and time limits, including a lifetime limit of five years for receipt of welfare benefits. It gives States the means to provide child care that is essential to imposing tough work requirements and moving people from welfare to work. States are given broad new flexibility to tailor welfare reforms to local needs, but are also held accountable for continuing their commitment to move people from welfare to work. The proposal permits adjusting to changing economic circumstances and provides vouchers to meet the most basic needs of children in families whose benefits end.

The Work First proposal demands responsibility as well. It includes the toughest child support enforcement measures ever proposed. The proposal requires minor mothers to live at home and stay in school as a condition of receiving assistance and gives States the option to deny additional benefits for additional children born to parents who are on welfare.

The proposal achieves significant savings by reforming the Food Stamp and Child Nutrition programs, while preserving the national nutritional safety net. The Congressional Budget Office estimates that these reforms would save almost $22 billion over seven years through provisions such as counting energy assistance as income and tough new program integrity measures to crack down on Food Stamp fraud. The proposal gives States unprecedented flexibility to administer the Food Stamp program, with new work requirements and time limits on able-bodied, childless adults. It continues to index basic benefits with inflation, better targets food subsidies for family day care homes, and makes other adjustments in the Child Nutrition program. The proposal protects children by preserving the school lunch program and important child welfare programs for abused and disabled children.

The proposal achieves substantial savings in other areas by requiring sponsors who bring immigrants into the country to be held legally responsible for their financial well-being, and by better targeting eligibility for childhood disability benefits. It also includes two provisions that are part of the recently enacted Public Law 104–121. The first provision modifies the Social Security Act to deny benefits to adults who are on Supplemental Security Income due to drug abuse or alcoholism. The second provision improves program integrity measures through expanded continuing disability reviews. The savings from these enacted proposals should be applied towards the total savings to be achieved through welfare reform.

The Administration's welfare reform proposal reduces spending by $41 billion over seven years. This total includes the $3 billion in savings resulting from the enactment of Public Law 104–121 and reflects interactions with Medicaid proposals in the President's FY 1997 Budget.

I urge the Congress to act favorably and expeditiously on this important proposal. Welfare reform is at the top of the President's and the Nation's agenda. The Administration is confident that agreement can be reached this year on bipartisan welfare reform legislation that is tough on work and responsibility and serves the interests of our Nation's children. We look forward to working with the Congress to achieve this urgent national goal.

Sincerely,

ALICE M. RIVLIN,
Director.

By Mr. JEFFORDS:

S. 1842. A bill to amend the Employee Retirement Income Security Act of 1974 to improve protections for workers in multiemployer pension plans, to the Committee on Labor and Human Resources.

THE WORKERS PENSION PROTECTION ACT OF 1996

• Mr. JEFFORDS. Mr. President, I introduce the Workers' Pension Protection Act of 1996 in order to level playing field for millions of American workers who participate in multi-employer pension plans. This bill will extend, to them, the protections previously established for workers in single-employer pension plans. First, the legislation harmonizes the rules for all workers by adopting a 5-year vesting requirement which conforms to vesting rules applicable to other qualified pension plans. Furthermore, this bill also protects workers' pension benefits by making sure that these multi-employer plans are sufficiently funded so that the benefits promised today will actually be there for the worker when he retires.

One benefit which has long been extend to workers in single-employer pension plans is the guarantee of benefits after a maximum of 5 years of service. Workers whose employers contribute to multi-employer plans may work for up to 10 years before they are guaranteed to receive any benefits from their pension plan. This bill extends the same 5-year vesting right to multi-employer plan participants.

Many of this country's multi-employer pension plans are significantly under funded by billions of dollars. This legislation targets those bade apples—the under funded plans. This bill addresses the problem with four provisions that are consistent with the pension reform for single employer pension plans that we passed in 1994 as part of the GATT legislation.

First, this bill would prohibit multi-employer plan trustees from increasing pension benefits unless a plan has a 95-percent ratio of assets to current liabilities attributable to employees and their beneficiaries. Pension plans would be required to operate with a balanced budget and could not run in the red as they do now.

Second, this bill would prohibit multi-employer trustees from granting a benefit increase in a multi-employer plan which satisfies the 95-percent ratio if the increase would reduce this ratio below 90 percent. In addition, should the ratio drop due to fluctuations in the market or other changes in the funding valuation, the trustees could not increase benefits again until they retain the 90-percent ratio. These ratios will allow multi-employer pension plans to operate at full funding yet maintain the discretion to rely on actuarial analysis in modifying benefit levels.

Third, multi-employer plans would be required to use a single, identified interest rate and mortality table assumptions in all calculations for all players. As in the single employer pension reform legislation in 1994, the interest rates and mortality tables must be standardized and should conform with the most recent data. As a result, these plans could not continue to use one rate when reporting to the Government and different rate when determining liability associated with under funding. This is the same commonsense approach that was applied to single employer pension plans when the GATT legislation was passed.

Finally, as did the GATT legislation, this bill would require that plan trustees provide notification of their financial status on annual basis to participating employees in easily understood terms. Once and for all participants and beneficiaries will begin to understand how secure there pension benefits really are because these interests rates more accurately predict the return on investment than current rates permitted for multi-employer plans. With a better understanding of the worth of their pension benefits workers can make informed decisions about their future retirement needs.

In the last Congress, we took significant and necessary steps to reform the pension laws for retirement security for millions of American workers. Unfortunately, a large segment of the work force was left behind and is in need of similar protection. Union employees participating in multi-employer pension plans have been contributing hard earned dollars to these plans with the expectation of receiving $2,000 to $3,000 a month when they retire. They are not aware that, if their plan goes belly-up due to significant under funding, they could receive less than $500 a month. This legislation will ensure that the pension benefits, union employees have worked so hard for and are depending on, will be there when they are ready to retire.

Mr. President, I ask unanimous consent that a section-by-section analysis of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD as follows:

SECTION-BY-SECTION ANALYSIS

SECTION 101

Section 101 prohibits multiemployer pension plan trustees from increasing benefits unless the plan is operating with at least 95 percent funding. If a plan satisfies this minimum funding requirement, it may choose to increase benefits if the benefit increase would not reduce the funding levels to below 90 percent. The plan would then be required to reach 95 percent funding again before increasing benefits.

This section also requires multiemployer plans to use the interest rate assumptions and the mortality tables that were passed into law in the 1994 GATT legislation for single-employer pension plans. These interest rates more accurately predict the return on investment than the current rates permitted for multiemployer plans. Furthermore, the mortality tables currently relied on by multiemployer plans date back to 1971 while the GATT legislation required that single-employer plans rely on more current data. This section requires that multiemployer plans rely on the current mortality tables.

SECTION 102

Section 102 amends ERISA by modifying the anti-cutback rule contained in ERISA § 204(g). This provision is necessary in order to revoke any trustee action which violates the other provisions of this bill.

SECTION 103

Section 103 requires multiemployer plan administrators to notify plan participants, beneficiaries and contributing employers of the plan's funded status and the limits of the PBGC's guarantee should the plan terminate while underfunded. The notice must be written in a manner which can be understood by the average plan participant. This provision duplicates the notice requirements for single-employer plans contained in the GATT legislation.

SECTION 201

Section 201 requires multiemployer plans to adopt the interest rate and mortality tables used by single-employer plans as mandated in the GATT legislation for all purposes. For a description of these interest rate and mortality table requirements, *see* Section 101 above.

SECTION 301

Section 301 provides employers the right to seek an injunction against a plan to prevent an impermissible benefit increase. The sole relief available to employers is an injunction against trustees to enforce the provisions contained in this bill.

SECTION 302

Section 302 is modeled on ERISA Section 502(g)(I) and permits a court, in its discretion, to award reasonable attorney's fees and costs to either party in actions brought under Section 301. This Bill does not provide for either compensatory or punitive damages.

SECTION 303

Section 303 expands the list of civil actions which may be brought by the PBGC to include section 101, 102, 103 and 201. The Bill gives the PBGC, and not the U.S. Department of Labor, the concurrent power of enforcement of the Bill's provisions because the PBGC is financially responsible for guaranteed benefits.

SECTION 401

Section 401 conforms the vesting rules for multiemployer plans to the rules applicable to other qualified plans by requiring that a worker's accrued benefits be 100-percent vested no later than upon the participant's completion of 5 years of service rather than the current 10-year period.

EFFECTIVE DATES

The effective dates for the first three titles in this Bill shall apply to plan years beginning after December 31, 1996. Section 401 would be effective for plan years beginning on or after the earlier of (1) the later of December 31, 1996, or the date on which the last collective bargaining agreements pursuant to which the plan is maintained terminates, or (2) January 1, 1999, with respect to participants with an hour of service after the effective date.•

By Mr. INHOFE (for himself, Mr. LOTT, Mr. THURMOND, Mr. THOMAS, Mr. JEFFORDS, and Mr. COCHRAN):

S. 1843. A bill to provide for the allocation of funds from the mass transit account of the highway trust fund, and for other purposes; to the Committee on Environment and Public Works.

MASS TRANSIT LEGISLATION

• Mr. INHOFE. Mr. President, I introduce legislation that attempts to level the playing field for transit donor States across the country. In addition to myself, Senators LOTT, THURMOND, THOMAS, JEFFORDS, and COCHRAN are all original cosponsors.

Federal transit dollars are distributed according to the Federal Transit Act as amended by the Intermodal Surface Transportation Efficiency Act [ISTEA]. Similar to highway dollars, transit dollars are collected at the gas pump and are distributed by both formula and discretionary grants.

States such as Oklahoma that do not receive back all of the revenues that they send to the Federal mass transit account are considered donor States. Unfortunately, these States are not getting nearly as much back in Federal funding as they contribute. My proposal is designed to address this critical transit problem. Each State that contributes $45 million or less into the Federal mass transit account will be guaranteed to receive back no less than 80 percent of its apportionment.

States should be able to expect local dollars to be used for local transit needs. Oklahoma-generated revenues should be remitted back to Oklahoma to provide for improved public transportation for Oklahomans, not urban mass transit systems in other States. This bill will put equity into the mass transit apportionment system by returning these locally generated dollars home.•

By Mr. MURKOWSKI:

S. 1844. A bill to amend the Land and Water Conservation Fund Act to direct a study of the opportunities for enhanced water based recreation and for other purposes; to the Committee on Energy and Natural Resources.

THE NATIONAL RECREATION LAKES STUDY ACT OF 1996

Mr. MURKOWSKI. Mr. President, this is an important time of the year for Americans: It is among the first weeks of the summer vacation and recreation season, and it is National Fishing Week.

Millions of Americans are either tuning their boat engines, tying flies, dusting off their hiking boots, squeezing into their bathing suits, or putting on their water skis. In short, we're ready to go, and the vacation rush is on. Many people got a jump start last week, heading to lakes or national parks. Being lucky enough to be in Alaska, I was able to steal a couple days myself. If you want to hear my big fish stories, ask me later.

This is also an important week for at least three other reasons: I am introducing legislation to help increase recreational opportunities on this Nation's lakes and rivers; the Senate Committee on Energy and Natural Resources holds a hearing Tuesday on S. 1703, my legislation raising millions of dollars for our national parks; and the House and Senate conference is working to resolve the differences on the most important parks and conservation legislation in a decade.

Let's take a moment to take stock of some of this Nation's natural bounty and talk about a couple areas where we can take action to protect and enhance it. Let's start with the recreation lakes initiative.

The Recreation Roundtable recently reported that a body of water—a lake, river, or ocean—is the primary choice for 40 percent of Americans' recreational destination. Nearly 17 million boats are in use in this Nation, and sales of boats and boating goods are on the upswing. Fishing and the bragging rights that go along with it are two of Americans' favorite pastimes.

But, when it comes to our thousands of bodies of water, both natural and man made, are we using our resources as wisely as we should? Are we living up to our recreational potential? We probably are not.

In addition to the many natural lakes and rivers with which this Nation is blessed, we also have an enormous resource in man-made reservoirs built by Federal, State and local agencies, as well as private entities. For important practical, financial, and legal reasons, most public resources in these areas must first go to purposes such as flood control, navigation, and water supply. But, even after meeting those requirements, there is a lot of untapped recreational potential in almost every State.

The recreation lakes initiative I am introducing today will reinvigorate the public-private partnership between States, the Federal Government, and private entities to make the most of our public, water-based recreational opportunities.

While this bill concerns public assets, the private sector plays a very important role. Did you know our national forest lands provide over one-half of all skiing in the United States without the Federal Government building one lift or one ski lodge? My legislation will help build a true partnership to make the recreation on or near our man-made lakes available to all Americans.

My legislation will kick-start this partnership by bringing together Federal agencies, State and local governments, and recreation users and providers to make specific recommendations about how we can use our vast untapped recreational potential. While protecting the integrity of our lakes and reservoirs for their primary purposes, they will be charged with finding ways to make them more available to Americans.

The prudent use of these resources will protect the environment, help local communities and decrease the demand for other, overburdened resources. It will also help bring days of joy to thousands of Americans who are brought in closer touch with the great outdoors.

Speaking of the great outdoors, I want to say a few words about our national parks. This week marks the beginning of the summer vacation season, and our national parks are a main destination.

From the majesty and colors of the Grand Canyon—to the excitement of Old Faithful—to the remote beauty of Alaska's national parks, millions of Americans are traveling thousands of miles to catch a glimpse of our natural heritage. While the beauty and excitement is still there, American are facing some unsightly problems when they reach their vacation destinations. For many years, the National Park Service has struggled with a growing maintenance backlog. Increased park use and the addition of more new parks have stretched Federal park dollars to the hilt. Now, with Federal funds already tight, the National Park Service's park maintenance backlog stands at $4 billion.

The time has come to make needed repairs and to restore the luster to some of our crown jewels. We need an infusion of cash no Congress and no President could provide overnight. It is unfortunate some in this administration has chosen election-year rhetoric over substance to try and meet these needs. Federal funds can and will keep our parks open and running. But we need private funds—like those that flowed in to restore the Statue of Liberty and Ellis Island—to help pay for the backlog of repairs in our parks.

My legislation—introduced April 25 and scheduled for a hearing this Thursday—will generate $100 million a year or more for our national parks.

It provides the National Park Foundation the means to collect funds from individuals, foundations, and corporations. It gives this official fundraising arm of the National Park Service the authority to engage in appropriate business relationships, similar to those already enjoyed by the National Fish and Wildlife Foundation, the National Forest Foundation, and the U.S. Olympic Committee.

Rather than allowing movie executives, advertisers, and publishers to continue making millions off the intellectual property and assets of our parks for next to nothing, my bill will allow our parks to get something in return. It will provide a responsible way to reduce our National Park Service's long-term maintenance backlog.

Our natural and recreational assets must be conserved and enjoyed by Americans. As we enter the summer vacation months, we must take the extra steps needed to make this possible. These two bills—our recreation lakes initiative and my bill to provide $100 million a year for maintenance of our national parks—are a good start.

We continue to work on park concessions and entrance fee reforms. A House-Senate conference committee also continues to meet to work out the details on my omnibus 60-plus item parks and conservation package. From the Selma to Montgomery National Historical Trail to the San Francisco Presidio to lands needed for the Winter Olympics, the beneficial effects of this legislation will be felt in every State.

As I stated, I am introducing legislation on a recreation lakes initiative and I ask unanimous consent that a copy of the legislation be printed in the RECORD. I want to emphasize that the study mandated by this bill will rely on existing data and is designed to develop creative solutions to involve the private sector. We do not need an elaborate multiyear effort to produce volumes to gather dust on the shelves. What we need is a thoughtful exchange of views on how best to develop the recreational potential at our Federal, man-made lakes and reservoirs, without diminishing or adversely affecting the purposes for which those areas were established.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1844

Be it enacted by the Senate and the House of Representatives of the United States in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Recreation Lakes Study Act of 1996".

SEC. 2. FINDINGS AND PURPOSES.

The Congress finds that the federal government, under the authority of the Reclamation Act and other statutes, has developed man-made lakes and reservoirs that have become a powerful magnet for diverse recreational activities and that such activities contribute to the well-being of families and individuals and the economic viability of local communities. The Congress further finds that in order to further the purposes of the Land and Water Conservation Fund, the President should appoint an advisory commission to review the current and anticipated demand for recreational opportunities at federally-managed man-made lakes and reservoirs through creative partnerships involving federal, State and local governments and the private sector and to develop alternatives for enhanced recreational use of such facilities.

SEC. 3. COMMISSION.

The Land and Water Conservation Fund Act of 1965 (P.L. 88-578, 78 Stat. 897), as amended, is further amended by adding the following new section 13:

"SEC. 13. (a) The President shall appoint an advisory commission to review the opportunities for enhanced opportunities for water based recreation which shall submit a report to the President and to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives within one year from the date of enactment of this section.

"(b) The members of the Commission shall include:

(1) The Secretary of the Interior, or his designee;

(2) The Secretary of the Army, or his designee;

(3) The Chairman of the Tennessee Valley Authority, or his designee;

(4) The Secretary of Agriculture, or his designee;

(5) A person nominated by the National Governor's Association;

(6) Four persons familiar with the recreation and tourism industry, at least one of whom shall be familiar with the economics and financing of recreation related infrastructure.

"(c) The President shall appoint one member to serve as Chairman. Any vacancy on the Commission shall be filled in the same manner as the original appointment. Members of the Commission shall serve without compensation but shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties. The Secretary of the Interior shall provide all financial, administrative, and staffing requirements for the Commission, including office space, furnishings, and equipment. The heads of other federal agencies are authorized, at the request of the Commission, to provide such information or personnel, to the extent permitted by law and within the limits of available funds, to the Commission as may be useful to accomplish the purposes of this section.

"(d) The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as it deems advisable: *Provided*, That, to the maximum extent possible, the Commission shall use existing data and research. The Commission is authorized to use the United States mail in the same manner and upon the same conditions as other departments and agencies of the United States.

"(e) The report shall review the extent of water related recreation at federal man-made lakes and reservoirs and shall develop alternatives to enhance the opportunities for such use by the public. In developing the report, the Commission shall (1) review the extent to which recreation components identified in specific authorizations associated with individual federal man-made lakes and reservoirs have been accomplished, (2) evaluate the feasibility of enhancing recreation opportunities at federally-managed lakes and reservoirs under existing statutes, (3) consider legislative changes that would enhance recreation opportunities consistent with and subject to the achievement of the authorized purposes of federal water projects, and (4) make recommendations on alternatives for enhanced recreation opportunities including, but not limited to, the establishment of a National Recreation Lake System under which specific lakes would receive national designation and which would be managed through innovative partnership-based agreements between federal agencies, State and local units of government, and the private sector. Any such alternatives shall be consistent with and subject to the authorized purposes for any man-made lakes and reservoirs and shall emphasize private sector initiatives in concert with State and local units of government."

ADDITIONAL COSPONSORS

S. 814

At the request of Mr. MCCAIN, the name of the Senator from Oklahoma [Mr. NICKLES] was added as a cosponsor of S. 814, a bill to provide for the reorganization of the Bureau of Indian Affairs, and for other purposes.

S. 1150

At the request of Mr. SANTORUM, the name of the Senator from Louisiana [Mr. BREAUX] was added as a cosponsor of S. 1150, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the Marshall Plan and George Catlett Marshall.

S. 1233

At the request of Ms. MIKULSKI, the name of the Senator from Florida [Mr. GRAHAM] was added as a cosponsor of S. 1233, a bill to assure equitable coverage and treatment of emergency services under health plans.

S. 1237

At the request of Mr. HATCH, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of S. 1237, A bill to amend certain provisions of law relating to child pornography, and for other purposes.

S. 1420

At the request of Mr. STEVENS, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 1420, a bill to amend the Marine Mammal Protection Act of 1972 to support International Dolphin Conservation Program in the eastern tropical Pacific Ocean, and for other purposes.

S. 1437

At the request of Mr. THURMOND, the name of the Senator from Colorado [Mr. CAMPBELL] was added as a cosponsor of S. 1437, a bill to provide for an increase in funding for the conduct and support of diabetes-related research by the National Institutes of Health.

S. 1512

At the request of Mr. LUGAR, the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as a cosponsor of S. 1512, A bill to amend title 23, United States Code, to improve safety at public railway-highway crossings, and for other purposes.

S. 1578

At the request of Mr. FRIST, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 1578, a bill to amend the Individuals with Disabilities Education Act to authorize appropriations for fiscal years 1997 through 2002, and for other purposes.

S. 1610

At the request of Mr. BOND, the name of the Senator from Kentucky [Mr. MCCONNELL] was added as a cosponsor of S. 1610, a bill to amend the Internal Revenue Code of 1986 to clarify the standards used for determining whether individuals are not employees.

S. 1612

At the request of Mr. HELMS, the name of the Senator from Pennsylvania [Mr. SPECTER] was added as a cosponsor of S. 1612, a bill to provide for increased mandatory minimum sentences for criminals possessing firearms, and for other purposes.

S. 1735

At the request of Mr. PRESSLER, the names of the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Oregon [Mr. WYDEN], and the Senator from Nebraska [Mr. EXON] were added as cosponsors of S. 1735, a bill to establish the U.S. Tourism Organization as a nongovernmental entity for the purpose of promoting tourism in the United States.

S. 1757

At the request of Mr. FRIST, the name of the Senator from New Hampshire [Mr. GREGG] was added as a cosponsor of S. 1757, a bill to amend the Developmental Disabilities Assistance and Bill of Rights Act to extend the act, and for other purposes.

S. 1836

At the request of Mr. SANTORUM, the name of the Senator from Pennsylvania [Mr. SPECTER] was added as a cosponsor of S. 1836, a bill to designate a segment of the Clarion River, located in Pennsylvania, as a component of the National Wild and Scenic Rivers System, and for other purposes.

SENATE JOINT RESOLUTION 52

At the request of Mr. KYL, the name of the Senator from Kansas [Mr. DOLE] was added as a cosponsor of Senate Joint Resolution 52, a joint resolution proposing an amendment to the Constitution of the United States to protect the rights of victims of crimes.

SENATE CONCURRENT RESOLUTION 63

At the request of Mrs. KASSEBAUM, the names of the Senator from South Dakota [Mr. DASCHLE], the Senator from Indiana [Mr. LUGAR], the Senator from Oklahoma [Mr. NICKLES], the Senator from New Mexico [Mr. BINGAMAN], the Senator from North Dakota [Mr. DORGAN], the Senator from Montana [Mr. BURNS], the Senator from Montana [Mr. BAUCUS], and the Senator from Oklahoma [Mr. INHOFE] were added as cosponsors of Senate Concurrent Resolution 63, a concurrent resolution to express the sense of Congress that the Secretary of Agriculture should dispose of all remaining commodities in the disaster reserve maintained under the Agricultural Act of 1970 to relieve the distress of livestock producers whose ability to maintain livestock is adversely affected by the prolonged drought conditions existing in certain areas of the United States, and for other purposes.

SENATE RESOLUTION 257

At the request of Mr. FORD, the names of the Senator from Georgia [Mr. COVERDELL], the Senator from Wisconsin [Mr. KOHL], the Senator from Arizona [Mr. MCCAIN], the Senator from Louisiana [Mr. BREAUX], the Senator from Mississippi [Mr. LOTT], and the Senator from New York [Mr. MOYNIHAN] were added as cosponsors of Senate Resolution 257, a resolution to designate June 15, 1996, as "National Race for the Cure Day."

AMENDMENTS SUBMITTED

DISASTER RESERVE SENSE-OF-THE-CONGRESS CONCURRENT RESOLUTION

KASSEBAUM AMENDMENT NO. 4042

Mr. BURNS (for Mrs. KASSEBAUM) proposed an amendment to the concurrent resolution (S. Con. Res. 63) to express the sense of Congress that the Secretary of Agriculture should dispose of all remaining commodities in the disaster reserve maintained under the Agricultural Act of 1970 to relieve the distress of livestock producers whose ability to maintain livestock is adversely affected by the prolonged drought conditions existing in certain areas of the United States, and for other purposes; as follows:

On page 2, line 3, insert "and other adverse weather" after "drought".

On page 2, line 9, strike "the prolonged drought" and insert "disaster conditions, such as prolonged drought or flooding".

THE EUFAULA LAKE PROJECT ACT OF 1996

NICKLES AMENDMENT NO. 4043

Mr. BURNS (for Mr. NICKLES) proposed an amendment to the bill (S. 1406) to authorize the Secretary of the Army to convey to the city of Eufaula, OK, a parcel of land located at the Eufaula Lake project, and for other purposes; as follows:

On page 2, line 7, strike the words "approximately 4" and insert in lieu thereof "approximately 12.5".

NOTICE OF HEARING

SPECIAL COMMITTEE ON AGING

Mr. COHEN. Mr. President, I wish to announce that the Special Committee on Aging, in conjunction with the Committee on Appropriations, will hold a hearing on Wednesday, June 12, 1996, at 9:30 a.m., in room 138 of the Dirksen Senate Office Building. The hearing will discuss increasing funding for biomedical research.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. COATS. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Wednesday, June 5, 1996, to consider the possible need for changes to the Commodity Exchange Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. COATS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, June 5, 1996, to conduct a hearing on S. 1815, the Securities Investment Promotion Act of 1996.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. COATS. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet in executive session during the session of the Senate on Wednesday, June 5, 1996, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS

Mr. COATS. Mr. President, I ask unanimous consent that the Committee on Small Business be authorized to meet during the session of the Senate for an oversight hearing on Wednesday, June 5, 1996, which will begin at 10 a.m. in room 428A of the Russell Senate Office Building. The hearing is entitled "Implementation of the Small Business Agenda."

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. COATS. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet during the session of the Senate on Wednesday, June 5 at 9:00 a.m. to hold a hearing to discuss encouraging return to work in the SSI and DI Programs.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE TO INVESTIGATE WHITEWATER DEVELOPMENT CORPORATION AND RELATED MATTERS

Mr. COATS. Mr. President, I ask unanimous consent that the Special Committee To Investigate Whitewater Development Corporation and Related Matters be authorized to meet during the session of the Senate on Wednesday, June 5, 1996, to conduct an executive session pursuant to Senate Resolution 120.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EAST ASIAN AND PACIFIC AFFAIRS

Mr. COATS. Mr. President, I ask unanimous consent that the Subcommittee on East Asian and Pacific Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, June 5, 1996, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INVESTIGATIONS

Mr. COATS. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, be authorized to meet during the session of the Senate on Wednesday, June 5, 1996 to hold hearings on security in cyberspace.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

TRIBUTE TO 100 YEARS OF THE OREGON SYMPHONY

• Mr. HATFIELD. Mr. President, I am pleased to share with my colleagues today a piece of history that is being realized in Oregon this year. The celebration of the 100th anniversary of the Oregon Symphony is truly a grand accomplishment. The Oregon Symphony has entertained, hosted, and delighted audiences all over the world, myself included.

In 1896 the Portland Symphony Society was founded, with the first symphony conducted by W.H. Kinross performing in October of that same year. Now, 100 years later and still going strong, the symphony is the sixth oldest symphony in the United States, and the oldest symphony west of the Mississippi River.

The Oregon Symphony is truly that, a symphony for all of Oregon to enjoy. The symphony is not confined to its home in downtown Portland. It is not confined by the glorious Cascade mountain range. What makes this symphony so unique is the ability it has to reach out to all of the citizens of Oregon. The symphony plays in front of audiences in school gymnasiums, parks, and small auditoriums. Wherever there is a demand in the State for the Oregon Symphony, the symphony will go.

Recently the symphony played in a full gymnasium in Burns, OR. This small community with a population of 2,880, is located in the remote eastern high desert portion of the State. The town of Burns enthusiastically welcomed the symphony. The townspeople gladly rolled up their sleeves and with their own hands built a proper stage for the symphony members in the schools gymnasium. The town of Burns sold 760 tickets for the event, a complete sellout. This concert is a true testimony to what the symphony means to the citizens of Oregon.

When the symphony cannot travel, it often makes arrangements for free concerts in Portland. The symphony routinely plays for schoolchildren from all over the State in the Arlene Schnitzer Concert Hall, showcasing their talents and educating the children in the arts.

One of the greatest moments in the history of the symphony was in 1980 with the appointment of Maestro James DePreist as music director and conductor. Under Maestro DePreist the Symphony is no longer made up of volunteer musicians, the symphony now draws some of the finest professional musicians in the country. In 1987 the professionalism of the symphony shone through as they released their first recording.

Today, the Oregon Symphony is truly something to be proud of.

Whether playing in front of a sold out audience in a high school gym in Burns, OR, or in the elegant surroundings of the Arlene Schnitzer Concert Hall, the symphony amazes and entertains crowds with a triumphant and magnificent sound. I would like to thank the Oregon Symphony, and wish it 100 more glorious years.•

TRIBUTE TO CAPT. GEORGE H. HUBAN, U.S. NAVY

Mr. NUNN. Mr. President, I rise to take this opportunity to honor Captain George Huban who will retire shortly from the U.S. Navy after 28 years of faithful service to our Nation.

Captain Huban is a 1968 graduate of the U.S. Naval Academy. Following his commissioning, Captain Huban served aboard the destroyer USS *Noa* in Southeast Asia during the Vietnam War. He later attended the Supply Corps School and served as Supply Officer on the attack submarine USS *Haddock*. Captain Huban then went on to a variety of tours including Squadron Supply Officer to ballistic missile Submarine Squadron Fifteen; contracting officer at the Naval Sea Systems Command; assistant to the Deputy Chief of Naval Operations; Supply Officer, USS *Pugent Sound;* and Commander, Sixth Fleet Supply, where he coordinated logistics support for fleet operations off the coast of Lebanon.

Following these tours, Captain Huban served at several senior staff positions. From 1986 to 1988, he served as Executive Assistant to the Deputy Comptroller of the Navy and was then named Assistant Director of Acquisition Policy in the Office of the Assistant Secretary of the Navy. Captain Huban then served as Director of Supply Corps Personnel at the Naval Supply Systems Command in Washington, DC.

His final tour in the Navy was as the Commanding Officer of the Navy Supply Corps School in Athens, GA. Although Captain Huban was born in Vermont, the residents of Athens, GA, welcomed him and now consider him one of their own. I am certain he will continue to play in active role in the community following his retirement. While serving as Commanding Officer at the Navy Supply Corp School, he has been instrumental in providing the highest quality of logistics training to officers and enlisted personnel not only to Navy personnel but to all U.S. service personnel, armed forces personnel of many of our allied nations, and Department of Defense civilian personnel. Captain Huban will be followed by Captain John Drerup as Commanding Officer at the Supply Corps School.

A man of Captain Huban's character and dedication is rare indeed. His outstanding service will be genuinely missed, and I am pleased to recognize him before the U.S. Senate. Let me also recognize his wife Patricia and daughter Cristin. The sacrifices they have made in support of Captain Huban's service are equally noteworthy. I wish him and his family all the best as he brings to a close a long and distinguished career in the U.S. Navy.

WEST ANCHORAGE HIGH SCHOOL STUDENTS

• Mr. STEVENS. Mr. President, I would like to recognize an outstanding group of students from West Anchorage

High School in Anchorage, AK. Twenty-three young people, from my home State, were recently in Washington, DC to compete in the We the People . . . the Citizen and the Constitution national finals. They successfully competed against 49 other classes from around the Nation and demonstrated a thorough understanding of the fundamental ideals and values of American constitutional democracy.

The program, administered by the Center for Civic Education is the most comprehensive of its kind, reaching more than 22 million students at the elementary, middle, and high school levels in its 9 year history. The national finals, in which these students competed, simulated a congressional hearing whereby students testified as constitutional experts before a panel of judges.

I commend the following students and their teacher, Roberta McCutcheon, for their determination and dedication to such a worthwhile competition: Susan Angst, Jessica Burton, Nathan Carr, Amber Christensen, Allen Clendaniel, Claire Dennerlein, Theodore Dickson, Whitney Faulkner, Clifford Haywood, Todd Holway, Anne Kelly, Lori LeMaster, Brooke Maury, Amber Popken, Joanna Resari, Thomas Sardy, Kivlina Shepherd, Lisa Stokes, Ian Street, Zareena Tran, Kate Weber, Justin Weeks, and Kiao-Le Zhao.•

1996 ANNUAL REPORTS: BOARD OF TRUSTEES OF THE SOCIAL SECURITY AND MEDICARE TRUST FUNDS

FINANCIAL STATUS OF MEDICARE AND SOCIAL SECURITY

• Mr. MOYNIHAN. Mr. President, in their annual report released today, the board of trustees of the Federal hospital insurance trust fund estimated that the assets of the trust fund—Part A of the Medicare Program—will be exhausted by the end of calendar year 2001. Last year's estimate was 2002. As ominous a statement as this may seem, it is meaningless. In point of fact, Medicare part A outlays have exceeded payroll tax collections since 1992, when a cash flow deficit appeared of approximately $3 billion—a deficit funded with general revenues. Medicare part A outlays that year were $85 billion, while payroll tax collections were only $82 billion.

The trustees of the old age, survivors, and disability insurance trust fund also issued their annual report today. They estimate exhaustion of the old age, survivors, and disability insurance trust fund in the year 2029. Last year's estimate was 2030. Again, meaningless. Social Security outlays will exceed payroll taxes in the year 2012. By the year 1997, outlays for Social Security and Medicare part A will exceed payroll tax collections for Social Security and Medicare. According to the 1996 trustees' reports, combined outlays for Social Security and Medicare part A in 1997 will be $514 billion; payroll tax receipts will be only $506 billion. And the combined deficit for the two programs will grow rapidly thereafter, reaching almost $100 billion in about 10 years.

EFFECT OF MEDICARE AND SOCIAL SECURITY ON THE FEDERAL BUDGET

Prior to 1992, during the period in which Medicare part A payroll taxes generally exceeded outlays, the program contributed to a reduction in the overall deficit. This is because the deficit calculation is based on the unified budget, and the trust fund into which Medicare payroll tax collections are deposited is merely an accounting device. It is irrelevant for purposes of calculating the deficit. Since 1992, with outlays consistently exceeding payroll tax collections, Medicare part A has been adding to the deficit. If Medicare and Social Security are in the black, they reduce the deficit. If they are in the red, the deficit is increased.•

EXPLANATION OF SELECTED VOTES TO THE SENATE BUDGET RESOLUTION

• Mr. ABRAHAM. Mr. President, similar to last year's consideration of the budget resolution, the Senate considered a near-record number of amendments this year, many of which were offered after time had expired and voted upon without debate. Since time was limited then, I want to spend a few moments now to offer explanations for several of the more critical votes.

As with last year's budget, several amendments were offered which targeted increased spending to certain areas of the budget. These included a Boxer amendment to increase by $18 billion Medicaid spending, a Byrd amendment to increase domestic discretionary spending by $65 billion, and a Kerry amendment to provide $7.3 billion in increased funding for the EPA, national parks, NOAA, and other areas. In all three cases, these spending increases were offset with increased taxes.

Mr. President, while I strongly support many of the programs targeted by these amendments, it will be extremely difficult for Congress to balance the budget if we choose to raise taxes every time we want to fund additional programs. By opting to tax and spend our way out of tight budgets, we are simply putting off the difficult choices which must be made. For this reason, I opposed these amendments.

Another amendment I opposed was the Domenici amendment to provide an additional $4 billion in domestic discretionary outlays for next year. I applaud the chairman of the Budget Committee for working hard to restrain spending and I support many of the programs that this additional funding would assist, including education funding. But while the actual programs benefiting from this amendment are undefined, it definitely moves us away from our goal of restraining the growth of government spending and balancing the budget. As was pointed out during the debate, this amendment would raise domestic discretionary spending $17 billion above the level that was called for in last year's budget resolution. In my mind, that is simply too much.

Another amendment dealing with taxes was the Wellstone amendment expressing the sense of the Senate that, once the $500 per child family tax credit had been adopted, the next priority for the Finance Committee should be legislation to provide a tax deduction of up to $10,000 for higher education tuition expenses.

Mr. President, this amendment does not debate the propriety of enacting tax cuts. Instead, it focuses upon who is best suited to decide what American families should do with their hard earned money—the families themselves or the Federal Government. In effect, Senator WELLSTONE is saying, I will let you keep more, as long as you use it for college expenses, because that is my priority. On the other hand, Republicans say, We are going to allow you to keep more of what you earn to use it as you—not the government—thinks best. We should not only give Americans a tax break, we should also give them the freedom to set their own priorities with their own money.

The final amendment targeting tax cuts was one I supported—the Ashcroft amendment to allow taxpayers to deduct payroll taxes from their income when calculating their income taxes. Once again, this amendment presented Senators with a clear-cut choice: Do we allow hard-working men and women to keep more of what they earn so they can spend it as they see fit, or do we take their money and invest it in more government. While I did not support all the offsets included in the Ashcroft amendment, I believe there is an overwhelming case to be made for significant tax cuts at this time. Not the least of these is the record tax burden currently shouldered by American families. According to economist Bruce Bartlett, combined local, State, and Federal taxes now consume a record percentage of the total national income. This is entirely too much, and I support reasonable efforts to help reduce this burden.

Several amendments were targeted at federal education efforts. One was the Kerry amendment to add $56 billion to the education function and offset that increased funding by reducing the tax cuts called for in the bill. In the words of Senator KERRY, this additional funding would provide enough money to be sufficient to keep pace with student enrollment and inflation over the next 6 years.

Mr. President, last year I worked extensively with Senators Snowe, KASSEBAUM, and others to ensure that our efforts to balance the budget did not hurt students. I support effective education programs. What this amendment proposes, however, is to eliminate our ability to pass tax cuts for families with children, and spend that money instead on education bureaucrats who, in some cases, oversee programs as wasteful as any in the Federal Government. Given the choice between bureaucrats and families, I chose families.

There were also several amendments that focused on Republican efforts to reform our entitlement programs. The most broad-based of these was the Kerry amendment on long-term entitlement reform. This amendment would express the sense of the Senate that Congress should enact a broad set of entitlement reforms, including raising the retirement age and adjusting the Consumer Price Index, to ensure the long-term solvency of Social Security and other entitlement programs. Senator KERRY has been an outstanding leader on the issue of entitlement reform and I applaud his efforts. Nevertheless, I believe that adjusting the Consumer Price Index should be done only after the special commission created to study the CPI's accuracy has an opportunity to publish its findings.

This was also the principle reason I opposed the Chafee-Breaux substitute budget, which received 46 votes. The substitute budget made many of the same tough choices as the underlying Republican budget, including welfare reform, slowing the growth of Medicaid, and tax relief for families. On the other hand, the amendment would have saved $91 billion from a .5-percent reduction in the Consumer Price Index. This reduction would have meant lower benefits for seniors, and higher taxes for families. It also meant the bipartisan budget could spend $117 billion more in discretionary spending over the next 6 years. While there was much to like in this alternative budget, I could not support the decision to cut benefits and raise taxes solely in order to fund additional spending.

Another amendment focused on entitlement was the KENNEDY amendment expressing the sense of the Senate that any reconciliation bill will maintain the existing prohibitions against additional charges by providers under Medicare. For the existing Medicare system, I agree this prohibition against so-called balance billing makes sense. On the other hand, the current Medicare System is going broke, and it makes little sense to tie the hands of the Finance Committee when they search for innovative ways to preserve the current system while providing new options to seniors. In effect, the Kennedy amendment is an attempt to forestall Medicare reform. As such, it is irresponsible and I voted against it.

Finally, there were several miscellaneous amendment which deserve comment. The first of these was the Graham-Baucus amendment to create a 60-vote point of order against efforts to divert savings which result from health care fraud and abuse programs from the Medicare HI trust fund to be used for other purposes.

First, it is important to note that this amendment would have no impact on the solvency of the Medicare trust fund. As a trust fund with a dedicated source of revenues, funding for Medicare part A cannot be diverted for other uses. Nor can savings resulting from Medicare reforms be used for any purposes other than to make the trust fund more solvent. Simply put, this amendment would have no real impact on Medicare whatsoever.

Second, this amendment violated the Budget Act by creating a point of order outside the jurisdiction of the Budget Committee. It is simply against the rules for the budget resolution to create points of order against legislation originating from other committees. For these two reasons, I opposed this amendment and supported Chairman DOMENICI's point of order against it.

One amendment dealing with foreign policy was the Lott amendment expressing the sense of the Senate that the United States should be reimbursed for expenses related to U.N. actions in Iraq. The amendment calls on the United States Ambassador to the United Nations to modify the recent U.N. resolution which permits Iraqi oil sales to be used for reimbursing U.N. humanitarian expenses. I supported this amendment.

The bottom line is Iraq—through the revenue derived from its recent U.N. oil sales—should reimburse the United States for money expended during Operation Southern Watch and Provide Comfort—whereby United States troops protected Kurdish and Shiite Muslims from Saddam Hussein. The U.S. expenses were of a military nature, but were made to satisfy a U.N. humanitarian policy. As such, these efforts should not be financed from the pockets of American taxpayers, but rather from the purses of the belligerent government that made them necessary in the first place.

The last amendment I would like to comment upon is the Roth amendment to take .5 cents of the mass transit gas tax—which is 2 cents total—and apply it toward Amtrak. While the issue of Federal subsidies is for interstate passenger rail service is extremely contentious and involved, using the highway trust fund to support Amtrak clearly undermines the integrity of the fund and should be opposed. If Congress chooses to continue its support for Amtrak, it should be done through general revenues and subject to the same review process to which other discretionary spending is subject.•

PORTERVILLE HIGH SCHOOL 100TH ANNIVERSARY

• Mrs. BOXER. Mr. President, I would like to convey my warmest congratulations to students and teachers who will be celebrating the 100th anniversary of the Porterville High School in Porterville, CA.

I congratulate and commend the many teachers, staff, students and alumni for their academic, athletic, agricultural and musical contributions to Porterville High School. Through their hard work and dedication, they have made a tremendous difference in the school and in the community of Porterville.

The people of Porterville should be proud of the strong community spirit and devotion that has helped build Porterville High School into an outstanding California school. I commend these community members for their dedication to education and enrichment of the students, past and present.

I send my best wishes to them for another hundred years of success.•

NEW MEXICO SMALL BUSINESS WEEK AWARD WINNERS

• Mr. BINGAMAN. Mr. President, I would like to take this opportunity to congratulate the recipients of the New Mexico Small Business Week Award winners.

As you may know, each of the past 33 years, the President has issued a proclamation for the celebration of Small Business Week. This year, Floyd R. Correa, president and owner of Correa Enterprises, Inc. located in Albuquerque, NM, has been named New Mexico Small Business Person of the Year for 1996 by the U.S. Small Business Administration [SBA]. Floyd Correa is among 53 top small business persons, one from each State, plus the District of Columbia, Puerto Rico/Virgin Islands and Guam, who are being honored by the SBA at the national ceremonies this week in Washington.

A "New Mexico Small Business Week Celebration" to honor the New Mexico Small Business Person of the Year Award Winner is also taking place in Albuquerque this week, the Advocate Award Winners, the Regional Small Subcontractor of the Year, and the New Mexico recipients of the procurement award, the SBA's Administrator's Award of Excellence will also be awarded.

Mr. President, I would like to take a moment to recognize the other award winners.

One of the New Mexico Advocate winners is Judith A. Framan who was named the 1996 National Women in Business Advocate of the Year. She will also be honored at the national SBA ceremonies. Ms. Framan is also the 1996 New Mexico Women in Business Advocate of the Year as well as the 1996 Region VI Women in Business

Advocate of the Year. Ms. Framan is the owner of Judith Framan Associates located in Corrales, NM.

A second New Mexico Advocate winner is Anne Haines Yatskowitz, who was named the 1996 New Mexico Financial Services Advocate of the Year. Ms. Yatskowitz is the executive director of ACCION of New Mexico located in Albuquerque.

The 1996 New Mexico Accountant Advocate of the Year Award recipient is Virginia M.K. Stanley, who is president of Stanley and Associates, Certified Public Accountants, P.C. located in Albuquerque. Ms. Stanley's efforts and commitment on behalf of small business in New Mexico have been substantial, both on a professional and volunteer basis.

The recipient of the 1996 New Mexico Minority Small Business Advocate of the Year is Vangie V. Gabaldon. Ms. Gabaldon is the executive director of the New Mexico Community Development Loan Fund Program located in Albuquerque. In this capacity, she has compiled a remarkable record of commitment to small business throughout the State.

The 1996 New Mexico Media Advocate of the Year Award recipient is Barbara M. Chavez. Ms. Chavez is a business staff writer/reporter with the Albuquerque Journal located in Albuquerque.

And finally, the 1996 Regional Subcontractor of the Year recipient is Mr. Adelmo Archuleta, CEO of Molzen-Corbin & Associates located in Albuquerque.

Mr. President, one important key to New Mexico's future economic progress is the health and growth of our small business sector. Our economy has produced more than 9.4 million new jobs in the last 3 years, and the lion's share of these have been generated by small businesses.

We have much to do to provide a richer and less burdensome economic environment, as the June 1995 White House Conference on Small Business concluded. Business and Government are communicating on how best to address the central concerns expressed by the small business sector, and New Mexico's delegation to the White House Conference has been particularly active in the implementation of the conference's proposals. Supporting our Nation's entrepreneurs and small business owners and highlighting the achievements of our Nation's most competent champions of economic growth should be one of our highest priorities, and it is my pleasure to thank these awardees for their important contributions.•

DISPOSAL OF CERTAIN COMMODITIES

Mr. BURNS. Mr. President, I ask unanimous consent that the Committee on Agriculture be immediately discharged from its further consideration of Senate Concurrent Resolution 63, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

A concurrent resolution (S. Con. Res. 63) to express the sense of the Congress that the Secretary of Agriculture should dispose of all remaining commodities in the disaster reserve maintained under the Agriculture Act of 1970 to relieve the distress of livestock producers whose ability to maintain livestock is adversely affected by the prolonged drought conditions existing in certain areas of the United States, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

AMENDMENT NO. 4042

(Purpose: To expand the type of disaster conditions addressed by the resolution)

Mr. BURNS. Mr. President, I understand there is an amendment at the desk offered by Senator KASSEBAUM, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Montana [Mr. BURNS], for Mrs. KASSEBAUM, proposes an amendment numbered 4042.

The amendment is as follows:

On page 2, line 3, insert "and other adverse weather" after "drought".

On page 2, line 9, strike "the prolonged drought" and insert "disaster conditions, such as prolonged drought or flooding".

Mr. DASCHLE. Mr. President, I commend the junior Senator from Kansas for calling attention to the devastating impact of adverse weather on our Nation's producers. I fully support Senate Concurrent Resolution 63, which urges the Secretary of Agriculture to make available commodities in the disaster reserve for livestock feed.

I also commend Senator KASSEBAUM for agreeing to broaden the resolution to include producers suffering from flooding and other weather related disasters. In my home State of South Dakota and throughout the eastern cornbelt, excessive rainfall this spring has prevented producers from planting their crop. This resolution acknowledges the importance of addressing the effect of both drought and flooding on producers.

Senate Concurrent Resolution 63 reinforces an initiative to utilize the disaster reserve already undertaken by the Secretary of Agriculture. Secretary Glickman has informed me that he has formally asked the President of the United States to issue an emergency declaration to allow the use of the commodities within the reserve, and he expects a positive response shortly. In light of the actions the administration has already taken in this area, some have argued this resolution is superfluous, but it is fitting for Congress to send a clear signal that we support the efforts of Secretary Glickman and the President, and I have, therefore, joined as a cosponsor of the resolution.

Before passing this resolution, it is also worth noting that Presidential approval of the use of the disaster reserve is necessary only because the recently enacted farm bill suspended the Secretary's discretionary authority to access these stocks through the Emergency Livestock Feed Program. Recently, my distinguished colleague from New Mexico, Senator JEFF BINGAMAN, introduced legislation to reauthorize this valuable program. I hope the majority will also give prompt attention to this legislation to assist producers suffering from weather-related disasters. This bill, introduced with bipartisan support, would give immediate relief to farmers and ranchers victimized by the devastating drought in the Southwest and other areas.

Finally, Mr. President, I would like to commend Secretary Glickman and the President for their quick, decisive and thorough response to the drought plaguing the Southwest and Central Plains States. Secretary Glickman has already opened the Conservation Reserve Program for haying and grazing, provided additional funds for the Emergency Loan Program, and expanded crop insurance for forage crops. Utilization of the disaster reserve to provide emergency livestock feed is yet another example of the President's commitment to rural America.

Mr. BURNS. I ask unanimous consent that the amendment be agreed to, the resolution be agreed to, as amended, and the motion to reconsider be laid upon the table, and that any statements relating to the resolution appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4042) was agreed to.

The concurrent resolution (S. Con. Res. 63), as amended, was agreed to, as follows:

S. Con. Res. 63

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. USE OF DISASTER RESERVE FOR ASSISTANCE TO LIVESTOCK PRODUCERS.

In light of the prolonged drought and other adverse weather conditions existing in certain areas of the United States, the Secretary of Agriculture should promptly dispose of all commodities in the disaster reserve maintained under section 813 of the Agricultural Act of 1970 (7 U.S.C. 1427a) to relieve the distress of livestock producers whose ability to maintain livestock is adversely affected by disaster conditions, such as prolonged drought or flooding.

The title was amended so as to read:

A concurrent resolution to express the sense of Congress that the Secretary of Agriculture should dispose of all remaining commodities in the disaster reserve maintained under the Agricultural Act of 1970 to relieve the distress of livestock producers whose ability to maintain livestock is adversely affected by disaster conditions existing in certain areas of the United States, such as prolonged drought or flooding, and for other purposes.

AUTHORIZATION TO CONVEY LAND TO THE CITY OF EUFAULA, OK

Mr. BURNS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 307, S. 1406.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A bill (S. 1406) to authorize the Secretary of the Army to convey to the city of Eufaula, OK, a parcel of land located at the Eufaula Lake project, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 4043

(Purpose: To make a technical correction)

Mr. BURNS. I understand there is a technical amendment at the desk offered by Senator NICKLES, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Montana [Mr. BURNS], for Mr. NICKLES, proposes an amendment numbered 4043.

The amendment is as follows:

On page 2, line 7, strike the words "approximately 4" and insert in lieu thereof "approximately 12.5".

Mr. BURNS. Mr. President, I ask unanimous consent that the amendment be agreed to, the bill be deemed read a third time, passed as amended, the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4043) was agreed to.

The bill (S. 1406), as amended, was deemed to have been read three times and passed, as follows:

S. 1406

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONVEYANCE OF LAND AT EUFAULA LAKE PROJECT.

(a) IN GENERAL.—The Secretary of the Army (referred to in this section as the "Secretary") may convey to the city of Eufaula, Oklahoma, all right, title, and interest of the United States in and to a parcel of land consisting of approximately 12.5 acres located at the Eufaula Lake project.

(b) CONSIDERATION.—Consideration for the conveyance under subsection (a) shall be the fair market value of the parcel (as determined by the Secretary) and payment of all costs of the United States in making the conveyance, including the costs of—

(1) the survey required under subsection (d);

(2) any other necessary survey or survey monumentation;

(3) compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(4) any coordination necessary with respect to requirements relating to endangered species, cultural resources, and clean air (including the costs of agency consultation and public hearings).

(c) LAND SURVEYS.—The exact acreage and description of the parcel to be conveyed under subsection (a) shall be determined by such surveys as the Secretary considers necessary, which shall be carried out to the satisfaction of the Secretary.

(d) ENVIRONMENTAL BASELINE SURVEY.—Prior to making the conveyance under subsection (a), the Secretary shall conduct an environmental baseline survey to determine the levels of any contamination (as of the date of the survey) for which the United States would be responsible under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) and any other applicable law.

(e) CONDITIONS CONCERNING RIGHTS AND EASEMENT.—The conveyance under subsection (a) shall be subject to valid existing rights and to retention by the United States of a flowage easement over all portions of the parcel that lie at or below the flowage easement contour for the Eufaula Lake project.

(f) OTHER TERMS AND CONDITIONS.—The conveyance under subsection (a) shall be subject to such other terms and conditions as the Secretary considers necessary and appropriate to protect the interests of the United States.

ORDERS FOR THURSDAY, JUNE 6, 1996

Mr. BURNS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 9 a.m. on Thursday, June 6, further, that immediately following the prayer, the Journal of proceedings be deemed approved to date, no resolutions come over under the rule, the call of the calendar be dispensed with, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day; that the Senate then immediately resume consideration of House Joint Resolution 1, the balanced budget amendment; further, that the time between 9 a.m. and 11:20 a.m. be equally divided in the usual form with Senator BYRD to be recognized from 10:50 to 11:10 a.m. and Senator HATCH be recognized from 11:10 to 11:20, with the remaining time until 12 noon divided between the two leaders as previously ordered.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BURNS. For the information of all Senators, tomorrow the Senate will continue the debate on the balanced budget amendment with the vote to occur on passage of House Joint Resolution 1 at 12 noon. All Senators should be prepared to be in the Chamber at noon for this important vote.

On Thursday, the Senate may also consider other legislative or executive items. Therefore, additional votes are possible during tomorrow's session.

ORDER FOR ADJOURNMENT

Mr. BURNS. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order following the remarks of Senator GRAHAM of Florida, and that his statement appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURNS. I yield the floor.

(By unanimous consent, the remarks of Mr. GRAHAM appear at an earlier point in the RECORD during the debate on the balanced budget amendment to the Constitution.)

ADJOURNMENT UNTIL 9 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 9 a.m., Thursday, June 6, 1996.

Thereupon, the Senate, at 8:35 p.m., adjourned until Thursday, June 6, 1996, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate June 5, 1996:

IN THE NAVY

THE FOLLOWING-NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF ADMIRAL IN THE U.S. NAVY WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTIONS 601 AND 5033:

CHIEF OF NAVAL OPERATIONS

To be admiral

ADM. JAY L. JOHNSON xxx-xx-x...

HOUSE OF REPRESENTATIVES—*Wednesday, June 5, 1996*

The House met at 10 a.m. and was called to order by the Speaker pro tempore [Mr. HEFLEY].

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 5, 1996.

I hereby designate the Honorable JOEL HEFLEY to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Of all the blessings we wish from Your hand, of all the favors we seek from Your bounty, we pray for peace in our hearts and in our world. You have created us, O God, in Your image, and when we seek to live in that image we honor other people and wish them serenity and security for by so doing we honor ourselves and are at peace in our hearts. On this day we pray for that peace that passes all understanding, that peace that gives our souls new confidence and confers respect for every person. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Maryland [Mrs. MORELLA] come forward and lead the House in the Pledge of Allegiance.

Mrs. MORELLA led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1624. An act to reauthorize the Hate Crime Statistics Act, and for other purposes.

REPRESENTING AMERICA'S VALUES, NOT WASHINGTON VALUES

(Mr. BOEHNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOEHNER. Mr. Speaker, the 1996 Medicare trustees report is expected to be released later today. Early reports are showing that the trust fund is headed toward bankruptcy much quicker than what we had expected.

Last year Republicans had the courage to seriously address Medicare's impending bankruptcy. We produced and passed an honest and reasonable plan that would increase benefits for senior citizens, fight fraud and abuse, and extend long-term solvency to this very vital program.

Our plan last year to address Medicare solvency problems increased per beneficiary spending from $4,800 in 1995 to $7,100 in the year 2002. The President's response, with the help of his liberal allies last year, was to divide our country by launching a scare campaign aimed at seniors.

The President should stop misleading and scaring seniors and come to the table with a serious plan that addresses Medicare's serious solvency problem. What should scare our parents is that President Clinton is doing nothing to help solve the impending bankruptcy of Medicare.

RADICAL CHANGES IN MEDICARE NOT NECESSARY TO KEEP FUND SOLVENT

(Mr. PALLONE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PALLONE. Mr. Speaker, the previous speaker, my colleague from Ohio, is once again trying to use the Medicare trustees report which comes out today as justification for the large cuts in Medicare that will be used by the Republican leadership to finance tax breaks for the wealthy.

This trustees report is out again, it comes out every year, and what it says to us is that we need to do something, we need to make some changes in the Medicare Program, but the Democrats have already proposed that. We have already voted on the President's budget, which most Republicans oppose, which would basically make some cuts in Medicare but preserve the program.

The problem is that the Republican proposal is to change radically Medicare, to make it so you do not have a choice of doctor, to increase out-of-pocket costs with overcharges and also essentially forcing senior citizens into managed care, into HMO's.

We do not need the radical changes in Medicare that the Republicans are proposing. We only need to make some minor adjustments to make sure that the trust fund remains solvent. But that can be done with the Democratic proposal without the radical changes in Medicare that the Republican leadership is proposing.

SAVE MEDICARE

(Mr. CHABOT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHABOT. Mr. Speaker, 5 short years. That is the amount of time that is remaining in the Medicare trust fund before it goes completely bankrupt. The trust fund already has started to lose billions, and unless we make some needed changes, Medicare will be completely bankrupt within 5 years. So the situation is even worse than was predicted by the Clinton administration last year.

Mr. Speaker, there are many, many people in my district who depend on Medicare and who expect to be around 5 years from now. My own parents are on Medicare. It would be an absolute outrage if political posturing and political games prevent us from saving a program that so many Americans depended upon.

Just as politics ought to stop at the water's edge, politics when it comes to Medicare absolutely should stop in this House. Even President Clinton admitted all those attack ads about Republicans alleging cutting Medicare are absolutely not true.

It is time that rather than everybody attacking everybody about who is cutting Medicare, Republicans and Democrats ought to work together to save Medicare.

TAXED OFF TO THE LIMIT

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute.)

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Mr. TRAFICANT. Mr. Speaker, the IRS dropped in on Ed and Martha Collins of East Aurora, NY. The IRS demanded every single receipt on their 1993 return. Even though the Collinses had every single receipt to corroborate that 1993 return, the IRS was not satisfied and demanded $540. And the reason they said was they had conducted an economic reality audit and the IRS determined that Collins Bed and Breakfast spent too much money on food, laundry, and cleaning services for their guests.

Unbelievable. Tell me, Mr. Speaker, what did the IRS expect? Weiners and beans? Paper towels? Porta potties? Beam me up. What is next. Will the IRS determine what the toilet tissue needs are of the American family? No wonder the American people are taxed off. Taxed off to the limit. Congress should do something about the IRS.

MEDICARE GOING BANKRUPT FASTER THAN EXPECTED

(Mr. LEWIS of Kentucky asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Kentucky. Mr. Speaker, the 1996 Medicare trustees' report is expected to be released today and all indications are the news will be worse than last year's report—Medicare is going bankrupt faster and sooner than expected.

In late April, the Congressional Budget Office released data that showed while the 1995 trustee's report predicted a $5 billion surplus in 2002, the fund is now expected to be $86 billion in the hole. The Republican majority passed a plan to simplify and strengthen Medicare and fight waste and fraud, all while increasing Medicare spending. But with the flash of his veto-happy pen, President Clinton killed these Medicare reforms.

In just a year's time, President Clinton's choice to mislead America's seniors through demagoguery and campaign scare tactics has resulted in a multibillion-dollar Mediscare shortfall. Shame on him.

SENIOR CITIZENS SHOULD NOT PAY FOR SPECIAL INTEREST TAX BREAKS

(Ms. WOOLSEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, why is Medicare running into financial trouble sooner than we thought? Because the new majority is more interested in raiding Medicare for special interest tax breaks than in buckling down and coming up with a bipartisan plan to keep Medicare solvent.

Instead of proposing changes in Medicare that would lead to greater solvency of the trust fund, the Gingrich-Dole majority proposed limiting physician choice, draining the system of healthy participants through medical savings accounts, and eliminating laws against fraud in the health care industry.

That is no way to save Medicare.

We can avoid the dire predictions of the Medicare trustees. We should work together.

Democrats proposed a plan to keep Medicare solvent while maintaining the guarantee of health care for older Americans.

Our plan keeps Medicare in the black for years to come without the devastating cuts that make seniors see red. What we need around here is the courage to do what's right. What we don't need are special interest tax breaks paid for by our Nation's seniors.

TRAVEL AND TOURISM IN AMERICA

(Mrs. MORELLA asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MORELLA. Mr. Speaker, I want to remind this body that the travel and tourism industry is the Nation's second largest employer, providing more than 14,000,000 jobs; the third largest retail sales industry, and in 1994, travel and tourism generated more than $58 billion in tax revenues.

Mr. Speaker, dollars that tourists spend trickle down to local communities and benefit the whole U.S. economy. The travel and tourism industry is diverse and touches every sector of our society, from business to the arts to education.

While travel and tourism is growing throughout the world, the U.S. market share is on the decline. With the closing of the U.S. Travel and Tourism Administration [USTTA] in April, promotion of travel and tourism has dropped to zero.

We must revitalize this dynamic industry by passing H.R. 2579 during the 104th Congress. This important bill would merge the resources of the private sector and the Federal Government to improve the promotion of international travel and tourism to the United States. The legislation would provide the means to encourage international travelers to visit the United States.

Federal support for travel and tourism would protect jobs and promote a healthy American economy for the 21st century.

TOURISM VITAL TO GUAM'S CONTINUED ECONOMIC GROWTH

(Mr. UNDERWOOD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. UNDERWOOD. Mr. Speaker, I rise today to express my strong support for H.R. 2579, introduced by Congressman TOBY ROTH. I commend Representative ROTH for his work on this legislation and for improving the visibility and understanding of travel and tourism issues in this Congress.

The tourism industry is Guam's lifeblood and the engine of economic growth on our island. Last year, 1.3 million visitors came to Guam and 2 million are expected to arrive by the end of the decade. The visitor industry last year contributed to the employment of about 19,000 people on Guam and represented about 40 percent of the private sector work force. For an island of 140,000, our economy has grown to over $3 billion. And the visitor industry is vital to our continued economic growth.

A Federal tourism strategy is the key to the long-term health of the tourist industry, and, with the closing of the U.S. Travel and Tourism Administration, there is currently a vacuum in this area. The National Tourism Organization established under H.R. 2579 would not only bring more visitors to the United States, but it would steer them toward American companies for every part of their trip. An aggressive plan to attract international tourists is needed now, and I urge my colleagues to support Congressman ROTH's efforts to expediently pass H.R. 2579.

SERIOUS DISCUSSION ABOUT SAVING MEDICARE HAS BEEN POISONED BY LIBERALS

(Mr. FUNDERBURK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FUNDERBURK. Mr. Speaker, it is shameful that the liberal Democrats in Congress and the White House have chosen to demagog Medicare instead of joining with those of us on this side of the aisle in rescuing Medicare and making sure it exists well into the next century.

A good example is the gentleman from Missouri, Representative GEPHARDT, whose statement has been that it is a big lie to say Medicare is in trouble. This is what they have been saying all day today. But, Mr. Speaker, the Board of Medicare Trustees will release their annual report on the financial condition of the Medicare trust fund. It is now 2 months overdue. It is expected that the report will show Medicare is going bankrupt faster and sooner than anyone predicted.

It is a shame that any serious discussion about saving Medicare has been poisoned by narrow-minded liberals bent on scoring cheap political points.

DEMOCRATS' PROPOSAL TO SAVE MEDICARE WOULD NOT FUND TAX CUTS OR PENTAGON INCREASES

(Ms. FURSE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FURSE. Mr. Speaker, I want to take a moment to talk about Medicare. I am very disappointed that we still have that same old, same old when it comes to the priorities of the majority party.

When I talk to the people in my district, they think it is absolutely crazy to ask seniors to pay more for Medicare while we increase spending on the Pentagon and hand out tax cuts. Moreover, people get very concerned when they hear about the way in which the Republicans want to save Medicare.

The Republicans would allow doctors to charge whatever they want by eliminating protections on balance billing; they would allow cutting fees to doctors and hospitals through budget gimmicks; and they would force seniors into plans which restrict their choices.

It is no wonder that this Congress held more hearings on Waco and sports franchise relocation than we did on Medicare reform. In fact, there has been so much secrecy that, in my committee last year, when a group of seniors came to ask, "Please give us some answers" they were arrested.

□ 1015

MEDAGOGUES

(Mr. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYWORTH. Mr. Speaker, it is very interesting once again to return to the well and see the same rhetorical tactics utilized so desperately by the other side, so desperate in fact that a liberal newspaper in this town, the Washington Post, has talked about it now on two occasions.

Members may recall last year the editorial entitled "Medagogues," quoting now,

> If the Medicare program won't become less generous over time, how do the Democrats propose to finance it and continue the rest of the Federal activities they espouse? That is the question. You listen in vain for a real response. It is irresponsible.

Now comes another Post editorial, entitled "Medagogues Continued," quoting again from the Washington Post,

> The Democrats have fabricated the Medicare tax cut connection because it is useful politically. It allows them to attack and to duck responsibility both at the same time. We think it is wrong.

Medicare is going bankrupt. That is what should scare all Americans. We have a solution. They have nothing but complaints.

REPUBLICANS AND MEDICARE

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, despite what my Republican colleagues are saying this morning, in October 1995, last October, 233 House Republicans voted against a bill which contained $90 billion in Medicare reforms over 7 years which would have extended the solvency of the Medicare Program to the year 2006. Let me just tell my colleagues that their new plan will cut $168 billion from Medicare over a 6-year period of time, and what they will do with that by their own words is pay for a $176 to $180 billion tax break for the richest Americans.

Speaker GINGRICH has said that these are not cuts. He said this on Sunday on "Meet the Press." But let me inform my colleagues what his colleague, the gentleman from Ohio [Mr. KASICH] the budget chairman has said in 1995. I quote: "Their budget would require Medicare cuts unlike any this town has ever seen before."

Indeed, that is what they are about. Do not be fooled, American people. Speaker GINGRICH has said in the past he wants Medicare to wither on the vine. We must not let him do it.

LET'S PROMOTE AMERICA'S TOURISM INDUSTRY

(Mr. ROTH asked and was given permission to address the House for 1 minute.)

Mr. ROTH. Mr. Speaker, I want to bring a positive message here to the House this morning. I want to thank all of my colleagues for supporting travel and tourism because travel and tourism basically is a small business operation.

Mr. Speaker, since this is Small Business Week, it is a perfect time to talk about travel and tourism. Ninety-nine percent of all of travel and tourism in the United States is small business. These are people, men and women, who work day in and day out for their country and who pay the taxes that we the politicians all too often spend.

Tourism supports over 14 million jobs, as the gentlewoman from Maryland said this morning, and is the largest employer in 44 of the 50 States. Yet hardly ever is a word spoken for travel and tourism. Do you want to know why? Because the people involved in travel and tourism are at home working in the small communities throughout America day in and day out trying to raise a family, trying to keep their bills paid. They do not have a lot of time come and lobby Congress. But the small business people who really run travel and tourism run this country and make it possible for us to have the strong economy we do have.

SUPPORT TRAVEL AND TOURISM

(Mrs. MEEK of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MEEK of Florida. Mr. Speaker, I am a member of the travel and tourism caucus under the leadership of the gentleman from Wisconsin [Mr. ROTH]. I just wanted to say this to America, that tourism and related travel supported 644,500 jobs. We are talking about jobs, so why do we not work harder to be sure we already have the base for these jobs. In my home State of Florida, they generated more than $5 billion in taxes for the State and local governments and more than $11 billion in payrolls. No wonder tourism and related travel is the largest employer in Florida, the largest employer in 44 of the 50 States and the second largest employer in the Nation. Why should we not continue very hard to push travel and tourism? Nationally, the travel and tourism industry accounts for more than 14 million jobs and an annual payroll of more than $110 billion.

To all of my colleagues I say, Mr. Speaker, travel and tourism is America's leading export. In 1995, 44.7 million visitors generated $76.7 billion. Please support the Travel and Tourism Caucus.

IN SUPPORT OF THE BALANCED BUDGET AMENDMENT

(Mr. JONES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JONES. Mr. Speaker, over the last year and a half the phrase "family friendly" has been battered around the Chamber like none other. But when it comes right down to it, being family friendly can only mean one thing: a vote for the balanced budget amendment.

Without passing a balanced budget amendment, American families lose out on lower interest rates, faster job growth and much needed relief from a debt amounting to more than 80 percent and a lifetime of taxes.

Keep in mind that in 1994, the Federal Government spent $203 billion in interest on the national debt. That is more than it spent on education, job training, public works and children's nutrition programs combined.

Mr. Speaker, what could be more family friendly than relieving your children and their children of having to pay inflated taxes for years to come?

Pass the balanced budget amendment.

MEDICARE AND MEDICAID

(Mr. CUMMINGS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CUMMINGS. Mr. Speaker, we will soon consider a 1997 fiscal year budget resolution that slashes Medicare and Medicaid funding. The American people have given us a clear mandate. They have overwhelmingly told us time and time again to protect our neediest citizens, the disabled, the poor, our children and the elderly.

My colleagues on the other side of the aisle have a different vision. Their priorities are jumbled, their budget reflects a flawed economic theory and confusion.

Two weeks ago I vote for a budget that reflected my district's and the country's priorities. I chose to vote for a 6-year balanced budget that proposed to increase the investments in education, job training, infrastructure, and at the same time protecting Medicare, Medicaid and not demolish it.

The recent report issued by the Medicare trustees that forecasts Medicare insolvency does not tell us anything new. We know that Medicare needs mending. Let us take the opportunity to roll up our sleeves and get to work. I sincerely hope that the speaker is sincere when he said he wants to work in a bipartisan way with the President to save Medicare for our parents and grandparents.

SUPPORT FOR H.R. 2579

(Mr. OXLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OXLEY. Mr. Speaker, I rise this morning to express my support for H.R. 2579, legislation to promote international travel and tourism in the United States. This measure privatizes the functions of the U.S. Travel and Tourism Administration, an agency which costs taxpayers $16.7 million in 1995. The Congress correctly decided to zero out the USTTA. However, there is a role for a federally chartered, privately funded organization to promote travel to the United States.

I am an original cosponsor of the bill, and our Subcommittee on Commerce, Trade, and Hazardous Materials, which I chair, recently marked it up, where it was approved by voice vote. It will be taken up by the full Committee on Commerce in the very near future.

Travel and tourism is the Nation's leading export industry. As one example, in 1993, foreign visitors spent $443 million in my home State of Ohio, which ranked 18th among the States.

Mr. Speaker, I want to pay particular tribute to our friend, the gentleman from Wisconsin, TOBY ROTH, who has led this effort on behalf of the travel and tourism industry and all Americans for this critical legislation. I am proud to be a cosponsor of this bill and look forward to the markup in the full Committee on Commerce.

THE STRAIGHT FACE TEST ON MEDICARE AND MEDICAID

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, the words are flying again on Medicare and Medicaid. Here we go. It must be an election year. What do you think?

Look, the American people are pretty smart about this issue. When the leadership on the other side, one of them said he was proud he never voted for it, another one said he hoped it would wither on the vine, another leader on that side said that they were trying to make cuts like no one had ever seen before, but now all of a sudden, as we get near to the election year, everybody is trying to rewrite history and suddenly say, no, we have come to save it, come to save it, somehow that does not pass the straight face test.

Last year we had an attempt to try and put Medicare on the right path so that the report that we are going to be getting would not be coming, had we done that. Yet the other side rejected it because they did not want to do that. They wanted to cut Medicare and put it into tax cuts for the people who need tax cuts the least, the ones who have the most get more. I do not understand that. I do not understand that at all.

So we are at a point of do we mend it or do we mash it. The mashers are trying to say they want to mend. We want so say, it is time to deal with it straightforwardly.

WARNING SIGNALS ON MEDICARE

(Mr. UPTON asked and was given permission to address the House for 1 minute.)

Mr. UPTON. Mr. Speaker, I take the well today to remind my colleagues that you and I were not here in the House when the warning signals were up about the S&L debacle back in the early 1980's. Those scoundrels from Texas and California, Florida and Illinois took the taxpayers for $150 billion, and it was wrong. Congress should have acted in the early 1980's, and they did not.

Mr. Speaker, we have a great program that seniors in this country love called Medicare. The warning signals were out there a year ago that it was going to go belly up by the year 2002. This body did nothing. We tried to get bipartisan cooperation and nothing happened.

Today a report is coming out saying that it is a year worse. Instead of going belly up in 2002, it is going to go belly up in 2001, $90 billion worse than it was last year. Three cabinet members are going to sign that report as they did last year.

Yet we read in the CQ facts record for Monday, Laura Tyson says that the trust fund is solvent. Bills will be paid and the administration's plan would assure solvency for a decade.

Let us walk the walk instead of talk the talk. It is going bankrupt. We need to do something about it.

ANNUAL REPORT ON STATE OF SMALL BUSINESS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore (Mr. HEFLEY) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Small Business:

To the Congress of the United States:

I am pleased to transmit to you my annual report on the state of small business, and to report that small businesses are doing exceptionally well. In the year covered by this report, a record 807,000 new firms reported initial employment. Firms in industries dominated by small businesses created almost 60 percent of the nearly 3.3 million new jobs. Business failures and bankruptcies declined at some of the sharpest rates in a decade.

Small businesses have both contributed to and benefited from the recent strength of the economy. The deficit reduction plan I initiated in 1993 has cut the budget deficit in half. The economy has created 8.5 million new jobs since January 1993—almost all of them in the private sector. The combined rate of unemployment and inflation is at its lowest level in more than 25 years.

A major success story has been in the women-owned business sector. Women are creating new businesses and new jobs at double the national rate. Today, women own one-third of all businesses in the United States. Clearly, there is no stopping this fast-growing segment of the economy.

Last June I met in Washington with nearly 2,000 small business owners—participants in the national White House Conference on Small Business. They took precious time away from their businesses to tell us about their problems and their ideas for resolving them, turning over a list of 60 recommendations for Government action. Their ideas are reflected in many of the recent initiatives of my Administration.

Improving Access to Capital

One of the keys to a healthy small business sector is access to adequate start-up and working capital. The Small Business Lending Enhancement Act of 1995, which I signed last October, helped to increase access to capital through the Small Business Administration's (SBA) section 7(a) loan guarantee program. Last year, the SBA provided nearly $11 billion in long-term credit and other financial assistance to more than 67,000 small businesses, bringing SBA's total loan portfolio to $26 billion. The number of 7(a) guaranteed loans has increased dramatically, up 52 percent from fiscal year 1994 to fiscal year 1995—and that's with a smaller budget and fewer employees at the SBA. Moreover, during the same period, the number of 7(a) guaranteed loans to women-owned businesses grew by 86 percent; loans to minority-owned businesses increased by 53 percent; and loans to businesses owned by U.S. veterans grew by 43 percent.

Other initiatives are under way. My Administration has been working with banks and banking regulators to remove impediments to small business lending by financial institutions. The Riegle Community Development and Regulatory Improvement Act of 1994 amended the banking and securities laws to promote the growth of a secondary market for small business loans. And my Administration is looking to reduce small business securities filing and disclosure burdens. In June 1995, the Securities and Exchange Commission proposed regulations that would further this small business goal.

Easing the Tax Burden

The Federal Government should reward rather than discourage entrepreneurs who take risks and create jobs. To that end, we have worked to simplify the tax code and make it more equitable for small firms.

In April 1995, I signed legislation to increase to 30 percent the share of health insurance premiums that self-employed individuals can deduct on their tax returns beginning this tax year—and we're working to increase that amount.

Small firms are less likely than their larger counterparts to be able to provide retirement plans. While 75 percent of workers in businesses with more than 1,000 employees have pension plans, only 24 percent of workers in businesses with fewer than 100 employees have them. I have proposed a new pension plan targeted to the needs of small businesses—the National Employee Savings Trust (NEST). The NEST would provide benefits similar to those of a 401(k) pension plan and would be simple to create and operate.

My Administration has endorsed other improvements that make existing pension plans safer and more beneficial for business owners and employees alike. For example, we have proposed to eliminate the "family aggregation" restrictions on pensions for family members, so that spouses or children who work in the same or related businesses can earn their own retirement benefits.

Our 1993 economic plan made 90 percent of small businesses eligible for tax relief. It established a targeted tax preference for capital gains, reduced the record-keeping requirements for the meals and entertainment deduction, and raised the small business expensing limit for equipment by 75 percent, to $17,500. We have proposed to increase further the value of equipment that can be directly expensed to $25,000.

My Administration is also taking steps to ensure that tax regulations are as simple and understandable as possible. For example, administrative guidance has been published to provide tax relief to S corporations and partnerships, simplify depreciation computations, and ease inventory capitalization for small businesses.

We are pursuing tax form simplification through our Simplified Tax and Wage Reporting System (STAWRS). This joint effort among Federal and State agencies will simplify, unify, and streamline tax reporting so that taxpayers will eventually be able to file their State and Federal tax and wage returns at one location, electronically. All these efforts will bring tax reporting into the modern age while reducing the paperwork burden for small business.

Shrinking the Regulatory and Paperwork Burden

Regulation and paperwork continue to be a key concern of America's small business owners, and I am proud of the progress my Administration has made in addressing this concern. For example, the SBA is streamlining all its regulations and converting them to plain English. An application form for the most common SBA loans used to be an inch thick and take 5 to 6 weeks to approve. We've reduced the form to one page and cut turn-around time to 3 days.

I've said it before: the era of big Government is over. We have been working hard to give the American people a Government that works better and costs less. We are eliminating 16,000 pages of unnecessary regulations and streamlining 31,000 more—shifting decision-making out of Washington and back to States and local communities. In addition, we are directing Federal agencies, where possible, to cut by half the frequency of reports the public is required to provide to the Government.

More broadly, much of our National Performance Review effort to reinvent Government has been pointed specifically at helping small business. The U.S. Business Advisor, which provides Internet access to information from all Federal agencies, and the U.S. General Store for Small Business, which offers business owners one location for dealing with the Federal government, illustrate our commitment to reinventing how Government serves the small business community.

In March 1995, I announced a new approach to lessening the regulatory burden on small firms. Under this commonsense approach, small businesses can now avoid paying penalties for violations if they correct the problem within an appropriate period of time. And for those violations that may take longer to correct, a small business may get up to 100 percent of its fine waived if that same money is used to correct the violation.

I'm proud to have succeeded in putting more teeth in the Regulatory Flexibility Act (RFA). Under the 1980 Act, Federal Government agencies must analyze their proposed regulations for their effects on small firms—and revise them if they will create an unfair burden. In the past, however, because the agencies' analyses could not be reviewed in the courts, small businesses had no meaningful recourse if an agency made a poor decision. On March 29, I signed into law the Small Business Regulatory Enforcement Fairness Act of 1996, which allows for judicial review of Federal agency RFA analyses. The Act also emphasizes compliance assistance and requires agencies to provide small businesses with simple and clear guidelines to assist them in complying with the regulations that affect them.

As small business owners have told us, they care about environmental protection and occupational safety; after all, they drink the same water, breathe the same air, and share the same workplace hazards as everyone else. My Administration has challenged small businesses and regulatory agencies to find cheaper, more efficient ways than government regulation to meet the high environmental and workplace standards Americans want.

Opening Markets and Expanding Trade

Every year the Federal Government spends $200 billion on goods and services, and small businesses receive a substantial share of that market. I am committed to expanding further the opportunities for small businesses to win Federal contracts. I found for the Federal Acquisition Streamlining Act of 1994 and the Federal Acquisition Reform Act of 1996, which have simplified the procurement process and made it easier for small firms to do business with the Federal Government.

The 1994 law also created a new Government-wide electronic commerce system, FACNET, which will eventually permit electronic submission of bids and proposals. I encourage small businesses to take advantage of these new procurement procedures to provide more goods and services to the Government.

In addition to the Federal marketplace, foreign markets offer significant opportunities for small business owners to compete and win. While the North American Free Trade Agreement (NAFTA) and the General Agreement on Tariffs and Trade (GATT) are opening markets abroad, my Administration's National Export Strategy has made it easier here at home for small businesses to export. Among other things, we've opened 14 U.S. Export Assistance Centers to provide one-stop access to export information, marketing assistance, and finance.

Technology and Innovation

Technological innovation by small firms is a major reason for America's leadership in the world economy. Through the Small Business Innovation Research and Small Business Technology Transfer programs, the Federal Government taps into the brain power of small businesses to meet its own research needs. In the process, these programs help spur technological innovation to foster new businesses and jobs.

The Small Business Innovation Research (SBIR) program alone has nearly doubled awards to small businesses during my Administration—up from $508 million in 1992 to more than $900 million in 1995. And the quality of SBIR research proposals has kept pace with the program's expansion.

We've also dramatically expanded the Manufacturing Extension Partnership to help America's 380,000 smaller manufacturers become more competitive in world markets. Sixty locally managed manufacturing extension centers—up from seven in 1993—are delivering much-needed services to this important small business sector.

As this report documents, changes are coming at lightning speed. Small business owners recognize that they will need all the technological skill and "connectivity" they can muster just to keep up. Through manufacturing extension centers, FACNET, the U.S. Business Advisor, and other information networks, we can help make available the information small businesses need to start up and succeed.

The Human Factor

If the heart of our entrepreneurial economy is small business, then the heart of small business is its people—small business owners and their employees. We need to work with small businesses to strengthen and support this dynamic human resource.

We've seen what business growth can do for communities, and we hope to encourage more business formation in empowerment zones and enterprise communities: legislation before the Congress would provide more tax incentives and waivers of some regulatory requirements in these areas. SBA's one-stop capital shops specifically target empowerment zones and enterprise communities.

As I mentioned earlier, we're taking steps to modify the tax code in ways that will make it easier for small businesses to offer health care and retirement plans to their employees. We also want to make sure that workers and their families can keep their health insurance even when they change jobs. I have urged the Congress to enact the Kassebaum-Kennedy bill, which would make health insurance coverage more "portable" for our Nation's workers.

We want to make better use of our work force training dollars by consolidating and streamlining many of our Federal work force training programs. Under our proposal, States and localities would have more flexibility to administer these programs in the way that will do the most good for our workers and small business owners.

I'm pleased that young entrepreneurs were represented at the White House Conference on Small Business and that the conference looked to our economic future by endorsing more mentorships and workplace educational opportunities for young people. These private-sector-led efforts form an essential part of the work-based learning program I envisioned when I signed into law the School-to-Work Opportunities Act of 1994.

It takes a great deal of courage to start something new, to carve a reality out of a dream, often with few resources, sometimes in adverse surroundings, and in an economy that demands much of its participants. That is why we celebrate and listen to America's small business owners and why we will continue to look for ways to nurture and support this powerful economic engine—the small business sector.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *June 5, 1996*.

□ 1030

PERMISSION FOR SUNDRY COMMITTEES AND THEIR SUBCOMMITTEES TO SIT TODAY DURING THE 5-MINUTE RULE

Mr. UPTON. Mr. Speaker, I ask unanimous consent that the following committees and their subcommittees be permitted to sit today while the House is meeting in the Committee of the Whole House under the 5-minute rule: The Committee on Agriculture, the Committee on Banking and Financial Services, the Committee on Government Reform and Oversight, the Committee on the Judiciary, the Committee on Resources, and the Committee on Transportation and Infrastructure.

It is my understanding that the minority has been consulted and that there is no objection to these requests.

The SPEAKER pro tempore (Mr. HEFLEY). Is there objection to the request of the gentleman from Michigan?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 3540, FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1997

Mr. GOSS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 445 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 445

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3540) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1997, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 1(b) of rule X or clause 7 of rule XXI are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered by title rather than by paragraph. Each title shall be considered as read. Points of order against provisions in the bill for failure to comply with clause 2, 5(b), or 6 of rule XXI are waived except as follows: beginning with ": *Provided*" on page 9, line 12, through "Appropriations" on line 18; and beginning with ": *Provided*" on page 13, line 20, through "relocation" on page 14, line 5. Where points of order are waived against part of a paragraph, points of order against a provision in another part of such paragraph may be made only against such provision and not against the entire paragraph. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. The Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment. The Chairman of the Committee of the Whole may reduce to not less than five minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall be not less than fifteen minutes. After the reading of the final lines of the bill, a motion that the Committee of the Whole rise and report the bill to the House with such amendments as may have been adopted shall, if offered by the majority leader or a designee, have precedence over a motion to amend. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Florida [Mr. GOSS] is recognized for 1 hour.

Mr. GOSS. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the distinguished gentleman from Ohio [Mr. HALL], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, like last year, we bring to the floor an open rule for the consideration of the foreign operations appropriations bill. Under this rule any

Member may offer an amendment that is in order under the standing Rules of the House. It does not get any more straightforward or fair than that.

The bill includes a few specific waivers for points of order against unauthorized appropriations, reappropriation, 3-day layover of published hearings and a technical trade provision. The first two are needed because there has not been a foreign operations authorization bill that has made it into law since 1985. It is worth noting that the administration succeeded in blocking our efforts to enact even partial authorizing legislation by vetoing the American Overseas Interests Act earlier this year. The technical trade waiver is needed to grant the president authority to impose penalties on products from countries that have not conformed to international economic sanctions on Iraq, Serbia, and Montenegro, authority that has been included in this bill for the last 5 years.

Finally, we have waived the requirement that the subcommittee's published hearings be available 3 days prior to floor consideration. It is my understanding that these are available now.

Mr. Speaker, this Congress has consistently asserted the importance of reaching a balanced budget, and I am pleased that under H.R. 3540, total foreign operations spending next year will be $11.95 billion, $450 million less than last year's level. This is a very small fraction of the total $1.6 trillion Federal budget, but it is important that we have made the effort to identify and fund those programs that are thru priorities, while reducing spending overall.

I am also pleased to note that this legislation contains an updated version of last year's Dole language on Haiti. As my colleagues may remember, this language was drafted to encourage the Clinton White House to honor its commitments to consult with Congress on aid to Haiti, particularly with regard to investigations into political violence and extrajudicial killings. My colleagues may also recall that the White House was unable to certify that the Government of Haiti was being cooperative last year and ultimately waived these provisions. Beyond these murders, there are other matters that deserve further scrutiny. In recent weeks Haiti has seen a spate of troubling events, including: A series of murders of off-duty Haitian Police Officers, the murder of the mayor of Chansolme, and the subsequent mob raid on police station in Port-au-Prince that ended in the deaths of seven individual who had come in for questioning; suggesting that all is not as well as the Clinton administration would have us to believe.

As we run up to the June 30 deadline for the long-waited departure of the United Nations troops. Evidence that the Haitian national police are unable to maintain order is particularly troubling.

In addition, there are still questions to be answered regarding where all of the Money American taxpayers have sent to Haiti has gone. We are talking here about more than $2 billion in taxpayers investment under the Clinton administration. Reports, of large expenditures by President Aristide's recently created foundation in an antiprivatization campaign, in particular, are drawing attention in some circles and obviously run contrary to U.S. announced policy.

Finally, I would note that, on the general question of aid to Latin America and the Caribbean, I am pleased to see that the committee has included language to encourage a more equitable distribution of aid dollars in this region than we have seen from the administration in the past 3 years.

I urge my colleagues to support this fair and open rule.

Mr. Speaker, I include the following material for the RECORD.

THE AMENDMENT PROCESS UNDER SPECIAL RULES REPORTED BY THE RULES COMMITTEE,[1] 103RD CONGRESS V. 104TH CONGRESS

[As of May 31, 1996]

Rule type	103d Congress		104th Congress	
	Number of rules	Percent of total	Number of rules	Percent of total
Open/Modified-open [2]	46	44	71	60
Structured/Modified Closed [3]	49	47	31	26
Closed [4]	9	9	17	14
Total	104	100	119	100

[1] This table applies only to rules which provide for the original consideration of bills, joint resolutions or budget resolutions and which provide for an amendment process. It does not apply to special rules which only waive points of order against appropriations bills which are already privileged and are considered under an open amendment process under House rules.

[2] An open rule is one under which any Member may offer a germane amendment under the five-minute rule. A modified open rule is one under which any Member may offer a germane amendment under the five-minute rule subject only to an overall time limit on the amendment process and/or a requirement that the amendment be preprinted in the Congressional Record.

[3] A modified closed rule is one under which the Rules Committee limits the amendments that may be offered only to those amendments designated in the special rule or the Rules Committee report to accompany it, or which preclude amendments to a particular portion of a bill, even though the rest of the bill may be completely open to amendment.

[4] A closed rule is one under which no amendments may be offered (other than amendments recommended by the committee in reporting the bill).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS

[As of May 31, 1996]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 38 (1/18/95)	O	H.R. 5	Unfunded Mandate Reform	A: 350–71 (1/19/95).
H. Res. 44 (1/24/95)	MC	H. Con. Res. 17	Social Security	A: 255–172 (1/25/95).
		H.J. Res. 1	Balanced Budget Amdt	
H. Res. 51 (1/31/95)	O	H.R. 101	Land Transfer, Taos Pueblo Indians	A: voice vote (2/1/95).
H. Res. 52 (1/31/95)	O	H.R. 400	Land Exchange, Arctic Nat'l. Park and Preserve	A: voice vote (2/1/95).
H. Res. 53 (1/31/95)	O	H.R. 440	Land Conveyance, Butte County, Calif	A: voice vote (2/1/95).
H. Res. 55 (2/1/95)	O	H.R. 2	Line Item Veto	A: voice vote (2/2/95).
H. Res. 60 (2/6/95)	O	H.R. 665	Victim Restitution	A: voice vote (2/7/95).
H. Res. 61 (2/6/95)	O	H.R. 666	Exclusionary Rule Reform	A: voice vote (2/7/95).
H. Res. 63 (2/8/95)	MO	H.R. 667	Violent Criminal Incarceration	A: voice vote (2/9/95).
H. Res. 69 (2/9/95)	O	H.R. 668	Criminal Alien Deportation	A: voice vote (2/10/95).
H. Res. 79 (2/10/95)	MO	H.R. 728	Law Enforcement Block Grants	A: voice vote (2/13/95).
H. Res. 83 (2/13/95)	MO	H.R. 7	National Security Revitalization	PQ: 229–100; A: 227–127 (2/15/95).
H. Res. 88 (2/16/95)	MC	H.R. 831	Health Insurance Deductibility	PQ: 230–191; A: 229–188 (2/21/95).
H. Res. 91 (2/21/95)	O	H.R. 830	Paperwork Reduction Act	A: voice vote (2/22/95).
H. Res. 92 (2/21/95)	MC	H.R. 889	Defense Supplemental	A: 282–144 (2/22/95).
H. Res. 93 (2/22/95)	MO	H.R. 450	Regulatory Transition Act	A: 252–175 (2/23/95).
H. Res. 96 (2/24/95)	MO	H.R. 1022	Risk Assessment	A: 253–165 (2/27/95).
H. Res. 100 (2/27/95)	O	H.R. 926	Regulatory Reform and Relief Act	A: voice vote (2/28/95).
H. Res. 101 (2/28/95)	MO	H.R. 925	Private Property Protection Act	A: 271–151 (3/2/95).
H. Res. 103 (3/3/95)	MO	H.R. 1058	Securities Litigation Reform	
H. Res. 104 (3/3/95)	MO	H.R. 988	Attorney Accountability Act	A: voice vote (3/6/95).
H. Res. 105 (3/6/95)	MO			A: 257–155 (3/7/95).
H. Res. 108 (3/7/95)	Debate	H.R. 956	Product Liability Reform	A: voice vote (3/8/95).
H. Res. 109 (3/8/95)	MC			PQ: 234–191 A: 247–181 (3/9/95).
H. Res. 115 (3/14/95)	MO	H.R. 1159	Making Emergency Supp. Approps	A: 242–190 (3/15/95).
H. Res. 116 (3/15/95)	MC	H.J. Res. 73	Term Limits Const. Amdt	A: voice vote (3/28/95).
H. Res. 117 (3/16/95)	Debate	H.R. 4	Personal Responsibility Act of 1995	A: voice vote (3/21/95).
H. Res. 119 (3/21/95)	MC			A: 217–211 (3/22/95).
H. Res. 125 (4/3/95)	O	H.R. 1271	Family Privacy Protection Act	A: 423–1 (4/4/95).
H. Res. 126 (4/3/95)	O	H.R. 660	Older Persons Housing Act	A: voice vote (4/6/95).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS—Continued

[As of May 31, 1996]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 128 (4/4/95)	MC	H.R. 1215	Contract With America Tax Relief Act of 1995	A: 228–204 (4/5/95).
H. Res. 130 (4/5/95)	MC	H.R. 483	Medicare Select Expansion	A: 253–172 (4/6/95).
H. Res. 136 (5/1/95)	O	H.R. 655	Hydrogen Future Act of 1995	A: voice vote (5/2/95).
H. Res. 139 (5/3/95)	O	H.R. 1361	Coast Guard Auth. FY 1996	A: voice vote (5/9/95).
H. Res. 140 (5/9/95)	O	H.R. 961	Clean Water Amendments	A: 414–4 (5/10/95).
H. Res. 144 (5/11/95)	O	H.R. 535	Fish Hatchery—Arkansas	A: voice vote (5/15/95).
H. Res. 145 (5/11/95)	O	H.R. 584	Fish Hatchery—Iowa	A: voice vote (5/15/95).
H. Res. 146 (5/11/95)	O	H.R. 614	Fish Hatchery—Minnesota	A: voice vote (5/15/95).
H. Res. 149 (5/16/95)	MC	H. Con. Res. 67	Budget Resolution FY 1996	PQ: 252–170 A: 255–168 (5/17/95).
H. Res. 155 (5/22/95)	MO	H.R. 1561	American Overseas Interests Act	A: 233–176 (5/23/95).
H. Res. 164 (6/8/95)	MC	H.R. 1530	Nat. Defense Auth. FY 1996	PQ: 225–191 A: 233–183 (6/13/95).
H. Res. 167 (6/15/95)	O	H.R. 1817	MilCon Appropriations FY 1996	PQ: 223–180 A: 245–155 (6/16/95).
H. Res. 169 (6/19/95)	MC	H.R. 1854	Leg. Branch Approps. FY 1996	PQ: 232–196 A: 236–191 (6/20/95).
H. Res. 170 (6/20/95)	O	H.R. 1868	For. Ops. Approps. FY 1996	PQ: 221–178 A: 217–175 (6/22/95).
H. Res. 171 (6/22/95)	O	H.R. 1905	Energy & Water Approps. FY 1996	A: voice vote (7/12/95).
H. Res. 173 (6/27/95)	C	H.J. Res. 79	Flag Constitutional Amendment	PQ: 258–170 A: 271–152 (6/28/95).
H. Res. 176 (6/28/95)	MC	H.R. 1944	Emer. Supp. Approps	PQ: 236–194 A: 234–192 (6/29/95).
H. Res. 185 (7/11/95)	O	H.R. 1977	Interior Approps. FY 1996	PQ: 235–193 D: 192–238 (7/12/95).
H. Res. 187 (7/12/95)	O	H.R. 1977	Interior Approps. FY 1996 #2	PQ: 230–194 A: 229–195 (7/13/95).
H. Res. 188 (7/12/95)	O	H.R. 1976	Agriculture Approps. FY 1996	PQ: 242–185 A: voice vote (7/18/95).
H. Res. 190 (7/17/95)	O	H.R. 2020	Treasury/Postal Approps. FY 1996	PQ: 232–192 A: voice vote (7/18/95).
H. Res. 193 (7/19/95)	C	H.J. Res. 96	Disapproval of MFN to China	A: voice vote (7/20/95).
H. Res. 194 (7/19/95)	O	H.R. 2002	Transportation Approps. FY 1996	PQ: 217–202 (7/21/95).
H. Res. 197 (7/21/95)	O	H.R. 70	Exports of Alaskan Crude Oil	A: voice vote (7/24/95).
H. Res. 198 (7/21/95)	O	H.R. 2076	Commerce, State Approps. FY 1996	A: voice vote (7/25/95).
H. Res. 201 (7/25/95)	O	H.R. 2099	VA/HUD Approps. FY 1996	A: 230–189 (7/25/95).
H. Res. 204 (7/28/95)	MC	S. 21	Terminating U.S. Arms Embargo on Bosnia	A: voice vote (8/1/95).
H. Res. 205 (7/28/95)	O	H.R. 2126	Defense Approps. FY 1996	A: 409–1 (7/31/95).
H. Res. 207 (8/1/95)	MC	H.R. 1555	Communications Act of 1995	A: 255–156 (8/2/95).
H. Res. 208 (8/1/95)	O	H.R. 2127	Labor, HHS Approps. FY 1996	A: 323–104 (8/2/95).
H. Res. 215 (9/7/95)	O	H.R. 1594	Economically Targeted Investments	A: voice vote (9/12/95).
H. Res. 216 (9/7/95)	MO	H.R. 1655	Intelligence Authorization FY 1996	A: voice vote (9/12/95).
H. Res. 218 (9/12/95)	O	H.R. 1162	Deficit Reduction Lockbox	A: voice vote (9/13/95).
H. Res. 219 (9/12/95)	O	H.R. 1670	Federal Acquisition Reform Act	A: 414–0 (9/13/95).
H. Res. 222 (9/18/95)	O	H.R. 1617	CAREERS Act	A: 388–2 (9/19/95).
H. Res. 224 (9/19/95)	O	H.R. 2274	Natl. Highway System	PQ: 241–173 A: 375–39–1 (9/20/95).
H. Res. 225 (9/19/95)	MC	H.R. 927	Cuban Liberty & Dem. Solidarity	A: 304–118 (9/20/95).
H. Res. 226 (9/21/95)	O	H.R. 743	Team Act	A: 344–66–1 (9/27/95).
H. Res. 227 (9/21/95)	O	H.R. 1170	3-Judge Court	A: voice vote (9/28/95).
H. Res. 228 (9/21/95)	O	H.R. 1601	Internatl. Space Station	A: voice vote (9/27/95).
H. Res. 230 (9/27/95)	C	H.J. Res. 108	Continuing Resolution FY 1996	A: voice vote (9/28/95).
H. Res. 234 (9/29/95)	O	H.R. 2405	Omnibus Science Auth	A: voice vote (10/11/95).
H. Res. 237 (10/17/95)	MC	H.R. 2259	Disapprove Sentencing Guidelines	A: voice vote (10/18/95).
H. Res. 238 (10/18/95)	MC	H.R. 2425	Medicare Preservation Act	PQ: 231–194 A: 227–192 (10/19/95).
H. Res. 239 (10/19/95)	C	H.R. 2492	Leg. Branch Approps	PQ: 235–184 A: voice vote (10/31/95).
H. Res. 245 (10/25/95)	MC	H. Con. Res. 109	Social Security Earnings Reform	PQ: 228–191 A: 235–185 (10/26/95).
		H.R. 2491	Seven-Year Balanced Budget	
H. Res. 251 (10/31/95)	C	H.R. 1833	Partial Birth Abortion Ban	A: 237–190 (11/1/95).
H. Res. 252 (10/31/95)	MO	H.R. 2546	D.C. Approps.	A: 241–181 (11/1/95).
H. Res. 257 (11/7/95)	C	H.J. Res. 115	Cont. Res. FY 1996	A: 216–210 (11/8/95).
H. Res. 258 (11/8/95)	MC	H.R. 2586	Debt Limit	A: 220–200 (11/10/95).
H. Res. 259 (11/9/95)	O	H.R. 2539	ICC Termination Act	A: voice vote (11/14/95).
H. Res. 261 (11/9/95)	C	H.J. Res. 115	Cont. Resolution	A: 223–182 (11/10/95).
H. Res. 262 (11/9/95)	C	H.R. 2586	Increase Debt Limit	A: 220–185 (11/10/95).
H. Res. 269 (11/15/95)	O	H.R. 2564	Lobbying Reform	A: voice vote (11/16/95).
H. Res. 270 (11/15/95)	C	H.J. Res. 122	Further Cont. Resolution	A: 229–176 (11/15/95).
H. Res. 273 (11/16/95)	MC	H.R. 2606	Prohibition on Funds for Bosnia	A: 239–181 (11/17/95).
H. Res. 284 (11/29/95)	O	H.R. 1788	Amtrak Reform	A: voice vote (11/30/95).
H. Res. 287 (11/30/95)	O	H.R. 1350	Maritime Security Act	A: voice vote (12/6/95).
H. Res. 293 (12/7/95)	C	H.R. 2621	Protect Federal Trust Funds	PQ: 223–183 A: 228–184 (12/14/95).
H. Res. 303 (12/13/95)	O	H.R. 1745	Utah Public Lands.	
H. Res. 309 (12/18/95)	C	H.Con. Res. 122	Budget Res. W/President	PQ: 230–188 A: 229–189 (12/19/95).
H. Res. 313 (12/19/95)	O	H.R. 558	Texas Low-Level Radioactive	A: voice vote (12/20/95).
H. Res. 323 (12/21/95)	C	H.R. 2677	Natl. Parks & Wildlife Refuge	Tabled (2/28/96).
H. Res. 366 (2/27/96)	MC	H.R. 2854	Farm Bill	PQ: 228–182 A: 244–168 (2/28/96).
H. Res. 368 (2/28/96)	O	H.R. 994	Small Business Growth	
H. Res. 371 (3/6/96)	C	H.R. 3021	Debt Limit Increase	A: voice vote (3/7/96).
H. Res. 372 (3/6/96)	MC	H.R. 3019	Cont. Approps. FY 1996	PQ: voice vote A: 235–175 (3/7/96).
H. Res. 380 (3/12/96)	MC	H.R. 2703	Effective Death Penalty	A: 251–157 (3/13/96).
H. Res. 384 (3/14/96)	MC	H.R. 2202	Immigration	PQ: 233–152 A: voice vote (3/21/96).
H. Res. 386 (3/20/96)	C	H.J. Res. 165	Further Cont. Approps	PQ: 234–187 A: 237–183 (3/21/96).
H. Res. 388 (3/20/96)	C	H.R. 125	Gun Crime Enforcement	A: 244–166 (3/22/96).
H. Res. 391 (3/27/96)	C	H.R. 3136	Contract w/America Advancement	PQ: 232–180 A: 232–177, (3/28/96).
H. Res. 392 (3/27/96)	MC	H.R. 3103	Health Coverage Affordability	PQ: 229–186 A: Voice Vote (3/29/96).
H. Res. 395 (3/29/96)	MC	H.J. Res. 159	Tax Limitation Const. Amdmt.	PQ: 232–168 A: 234–162 (4/15/96).
H. Res. 396 (3/29/96)	O	H.R. 842	Truth in Budgeting Act	A: voice vote (4/17/96).
H. Res. 409 (4/23/96)	O	H.R. 2715	Paperwork Elimination Act	A: voice vote (4/24/96).
H. Res. 410 (4/23/96)	O	H.R. 1675	Natl. Wildlife Refuge	A: voice vote (4/24/96).
H. Res. 411 (4/23/96)	O	H.J. Res. 175	Further Cont. Approps. FY 1996	A: voice vote (4/24/96).
H. Res. 418 (4/30/96)	O	H.R. 2641	U.S. Marshals Service	PQ: 219–203 A: voice vote (5/1/96).
H. Res. 419 (4/30/96)	O	H.R. 2149	Ocean Shipping Reform	A: 422–0 (5/1/96).
H. Res. 421 (5/2/96)	O	H.R. 2974	Crimes Against Children & Elderly	A: voice vote (5/7/96).
H. Res. 422 (5/2/96)	O	H.R. 3120	Witness & Jury Tampering	A: voice vote (5/7/96).
H. Res. 426 (5/7/96)	O	H.R. 2406	U.S. Housing Act of 1996	PQ: 218–208 A: voice vote (5/8/96).
H. Res. 427 (5/7/96)	O	H.R. 3322	Omnibus Civilian Science Auth	A: voice vote (5/9/96).
H. Res. 428 (5/7/96)	MC	H.R. 3286	Adoption Promotion & Stability	A: voice vote (5/9/96).
H. Res. 430 (5/9/96)	S	H.R. 3230	DoD Auth. FY 1997	A: 235–149 (5/10/96).
H. Res. 435 (5/15/96)	MC	H. Con. Res. 178	Con. Res. on the Budget, 1997	PQ: 227–196 A: voice vote (5/16/96).
H. Res. 436 (5/16/96)	C	H.R. 3415	Repeal $4.3 cent fuel tax	PQ: 221–181 A: voice vote (5/21/96).
H. Res. 437 (5/16/96)	MO	H.R. 3259	Intell. Auth. FY 1997	A: voice vote (5/21/96).
H. Res. 438 (5/16/96)	MC	H.R. 3144	Defend America Act	
H. Res. 440 (5/21/96)	MC	H.R. 3448	Small Bus. Job Protection	A: 219–211 (5/22/96).
		H.R. 1227	Employee Commuting Flexibility	
H. Res. 442 (5/29/96)	O	H.R. 3517	Mil. Const. Approps. FY 1997	A: voice vote (5/30/96).
H. Res. 445 (5/30/96)	O	H.R. 3540	For. Ops. Approps. FY 1997	

Codes: O-open rule; MO-modified open rule; MC-modified closed rule; C-closed rule; A-adoption vote; D-defeated; PQ-previous question vote. Source: Notices of Action Taken, Committee on Rules, 104th Congress.

Mr. GOSS. Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to commend my colleague from Florida, Mr. GOSS, as well as my colleagues on the other side of the aisle, for bringing this resolution to the floor.

House Resolution 445 is an open rule which will allow full and fair debate on H.R. 3540, a bill making appropriations in fiscal 1997 for foreign operations, export financing, and related programs.

As my colleague from Florida has described, this rule provides 1 hour of general debate, equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations.

Under this rule, amendments will be allowed under the 5-minute rule, the normal amending process in the House. All Members, on both sides of the aisle, will have the opportunity to offer amendments.

I am pleased that the Rules Committee was able to report this rule without opposition in a voice vote, and I plan to support it.

The bill appropriates $11.9 billion for foreign operations, export financing, and related programs for fiscal 1997. This represents a cut of $1 billion below the administration request. The level is $180 million below last year's conference agreement on the foreign operations appropriations bill.

In many ways, this bill is the most important of the 13 appropriations bills. For millions of people throughout the world, this bill makes the difference between freedom and oppression, between war and peace, and between life and death.

When I traveled to Bosnia last year, I saw some of the thousands of refugees who would never have survived if not for the health, food, and housing programs funded through the foreign operations appropriations bill. It will be this bill, that we are about to consider, that will help the people of the former Yugoslavia take additional steps to rebuild their war-torn society.

I want to commend the chairman of the Foreign Operations Subcommittee, Mr CALLAHAN, and the ranking minority member, Mr. WILSON, for their work in crafting this bill. In particular, I thank the committee for emphasizing assistance to the people who need it most and who are least able to help themselves. These are the children.

A study last year by the program on international policy attitudes demonstrated that 91 percent of Americans believe that we should maintain or increase spending on child survival activities around the world. Members of Congress agree.

This bill creates a child survival and disease program fund which provides $600 million for child survival, basic education, nonchild disease, and UNICEF. The funding for basic education is especially important in proverty-stricken countries, because basic education can give children hope.

I am also pleased with the full funding of the administration's request of $190 million for international disaster assistance. This is a $9 million increase from last year.

Finally, I am grateful that the bill appropriates $6 million for activities to remove land mines in former war zones. An estimated 25,000 innocent civilians, including women and children, are maimed or killed by antipersonnel land mines each year. The funds will help reduce this tragedy.

If I have a major disappointment with this bill, it is that the overall levels of funding are too low. an article from Monday's June 3, 1996 Washington Post pointed out that overall U.S. international affairs spending has been cut in half since 1984, adjusted for inflation. The article carried warnings that these cuts will eventually reduce the ability of this Nation to protect its interests abroad.

Foreign aid is a critical element of our foreign policy. I fear that the shortsighted decisions of today will come back to haunt the next generation which will live in a world that does not remember America's compassion and generosity.

Still, Mr. CALLAHAN, Mr. WILSON, and the members of the subcommittee have done an excellent job of establishing priorities under difficult fiscal constraints.

On another note of disappointment, I regret that international military education and training funds are allowed for Indonesia while reports continue of human rights abuses in the territory of East Timor which is controlled by Indonesia.

Mr. Speaker, I urge the adoption of this open rule and of the bill.

□ 1045

Mr. Speaker, I yield 4 minutes to the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Speaker, I rise in support of the rule. Speaking in my capacity as cochairman of the Congressional Caucus on Armenian Issues, I am happy to note that once again the foreign operations bill includes an important provision known as the Humanitarian Aid Corridor Act which restricts U.S. aid to those countries blocking deliveries of humanitarian aid to third countries. While this provision is not country-specific, it clearly applies to Turkey, which for more than 3 years has maintained a blockade of neighboring Armenia. The blockade imposed along the Armenian border with Turkey disrupts the delivery of vitally needed humanitarian supplies.

Unfortunately, Mr. Speaker, the current provision allows for a Presidential waiver, and last month President Clinton exercised that waiver. I deeply regret that decision and I have joined with the gentleman from Illinois [Mr. PORTER] and 27 other Members in sending a letter to the President protesting this decision.

Later today we will debate an amendment by the gentleman from Indiana [Mr. VISCLOSKY] that will remove that waiver, and I urge Members' support to help support the intent of Congress.

Another provision is a provision in the legislation that fairly addresses the issue of United States aid to Azerbaijan, another neighbor of Armenia which maintains a blockade. Direct United States aid to Azerbaijan is prohibited through the efforts of my colleague, the gentleman from Illinois [Mr. PORTER]. The legislation allows United States nongovernmental and private voluntary organizations to use the Azerbaijani Government facilities to distribute aid, while for the first time providing United States Government aid to the Armenian enclave of Nagorno-Karabagh. This is an honorable agreement. I salute the subcommittee chairman, the ranking member, and other subcommittee members for their work on this provision and urge that there be no attempts to change the language of that provision.

Mr. Speaker, I also support the limit on economic support fund assistance to Turkey and hope this provision will send a signal of disapproval over the Turkish blockade of Armenia, the occupation of Cyprus, and the campaign against the Kurdish people.

In addition, Mr. Speaker, I am a cosponsor of an amendment with the gentleman from California [Mr. RADANOVICH], the gentleman from Michigan [Mr. BONIOR], and the gentleman from Massachusetts [Mr. BLUTE], that would withhold about 2 percent of total United States aid to Turkey, about $3 million, until the Turkish Government has joined the United States and the international community in acknowledging the atrocity committed against the Armenian population of the Ottoman Empire and taken steps to honor the memory of the victims of the Armenian genocide.

This amendment provides a practical incentive for Turkey to come to terms with this tragic chapter in its history. By acknowledging the Armenian genocide, Turkey will help to open the door to full diplomatic relations with Armenia, and I urge adoption of that amendment.

On the negative side, Mr. Speaker, I believe the foreign operations bill does not provide sufficient funding for programs supporting the New Independent States of the former Soviet Union. While in general I am concerned that the development assistance funding level, while a slight increase over fiscal 1996, is still below the administration's request, I understand that there may be an amendment brought forth that would further decrease U.S. aid funding. I would urge opposition to such an amendment.

As an example of where U.S. aid development assistance is doing great work, I would cite India, the world's second most populous country, a democracy which just completed national elections. The development assistance program in India is supporting market-oriented economic growth, deregulation, privatization, and I would urge that we not cut into this program any further.

I understand that the gentleman from Illinois, DAN BURTON, plans to offer an amendment to the bill that will single out India by restricting American assistance. The Burton amendment is not a cutting amendment. It is strictly an attempt to stigmatize India. Given overall cuts in development assistance as well as budget and structure, the rule changes in aid, the India program may already be vulnerable to reductions. India has just completed a national election and a new government has been sworn in. Market-oriented economic reforms have been in place for 5 years and the USAID Program has aided in these provisions. It is imperative that we send the right message to India, the world's largest democracy.

Mr. Speaker, the amendment proposed by the gentleman from Indiana [Mr. BURTON] would damage United States-India relations at a time when we should be drawing closer, not drifting apart, as the world's two largest democracies. I would urge opposition to that Burton amendment.

Mr. Speaker, I support the rule and I appreciate the fact that we are dealing with an open rule on such an important bill.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentlewoman from California [Ms. HARMAN].

Ms. HARMAN. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, as we begin debate on the foreign operations bill, Israel's future is a central issue. As a strong supporter of the peace process, I watched the recent Israeli election with some trepidation. While the transition is not yet complete, I believe that Prime Minister-elect Benjamin Netanyahu deserves high marks for his centrist tone and his willingness to reach out to all elements of Israeli society and to leaders throughout the region.

In this election, Israelis did not choose peace or security, they chose peace and security. His razor-thin election may be a source of unexpected strength for Netanyahu, justifying his reach beyond his base. While the extremes of Israel's political life try to exercise their power, the Prime Minister, for the first time elected independently, must recognize that governing on the fringe is a sure recipe for failure. He has already indicated that the most important ministries will be filled by Likud moderates.

No Israeli has been untouched by the wars Israel has had to fight for its existence. Netanyahu lost his older brother, Yonatan, who led the daring and dramatic raid on Entebbe. And no one was untouched by the tragic assassination of Yitzahk Rabin. As a warrior who waged a fight for peace, Rabin's quest must not be abandoned.

Bibi Netanyahu is assuming the post of Prime Minister at a crossroads for Israel. If this week is any indication, he is moving in the right direction.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill, as I said before in my opening statement, is an extremely important bill to the Congress and to people all over the world. In many cases, it does mean life or death. I have had the privilege and the honor of being able to travel in many Third World nations, not only living in Third World nations but traveling in Third World nations, and seeing our food aid and seeing our serums and immunization programs and oral rehydration therapy and food-enriched programs and development assistance actually work. I have followed the food from our country to the port up-country and seen it being eaten and used by the people of the country.

Most of our food, much of our food and much of our medicines, goes through nonprofit organizations, nonprofit organizations like Worldvision and Catholic Relief Services and CARE and some of the great nonprofits of the world. I am very proud of them and the work that they put in and their people that are in the field.

Mr. Speaker, these moneys and these programs really, really work. What is interesting is that there have been a couple of polls lately, as recent as 6 months ago, where people were asked about foreign aid. And they said, in so many words, that hunger and development assistance and poverty issues were as important as balancing the budget and health care. Ninety-five percent of the people polled said that, that they would like to see more money put in the child survival programs, which the gentleman from Alabama [Mr. CALLAHAN] has agreed to do. It is a tremendous thing that we are doing here, because I do know that this will save lives.

Another thing I want to say, Mr. Speaker, and Congressmen and Congresswomen and Senators need to do a much better job of it in our own districts, we need to tell people the true story of what our budget is for foreign aid. Most Americans believe, and as a matter of fact there was another poll taken about this, most Americans believe, out of our total budget that we spend in our own country and overseas, that somewhere between 17 and 22 percent of all of our budget goes for foreign aid. They believe that. In fact, it is not true.

Then when we ask people in the same poll, what do you think it really ought to be, they would say I think a good figure would be around 7 or 8 percent. The fact is, of our total budget, only one-half of 1 percent really goes for foreign aid. It continues to get cut and cut and cut. Since 1985 we have cut development assistance by 40 percent. We have cut so many excellent programs.

Whatever we say on the floor today is very, very important to many countries. How we work in the world, other countries follow. If we give money and aid to Bosnia or to Ethiopia, other countries look to see what we do. We are truly a leader in this world. If we make a statement today on the floor about Indonesia or about South Korea or about any nation in the world, it will be read by that country tomorrow. There is the funny saying that they always say, that every Congressman believes himself to be an Assistant Secretary of State. We must realize that as Members of Congress, that we do have a constituency, and the constituency really is the hurting people of the world.

One thing I also want to remind Congressmen and Members of the House is that a good portion of the bill today, even though moneys might be appropriated to Israel or to Bosnia or to many nations of the world, a good percentage of that money is spent in our own country. When we do a polio eradication program in many, many countries of the world, 80 percent of that serum is bought here in the United States. The same thing with development assistance. The same thing with economic assistance. So I hope we remember this. We do have a constituency, and the constituency is we need to really care. This foreign aid works, and it works very, very well for the world and for our own country.

Mr. GOSS. Mr. Speaker, I am happy to yield 3 minutes to the distinguished gentleman from Indiana [Mr. BURTON] chairman of the Subcommittee on the Western Hemisphere of the Committee on International Relations.

Mr. BURTON of Indiana. Mr. Speaker, I thank the distinguished gentleman for yielding time to me.

Mr. Speaker, let me say I think there is a place for a certain amount of foreign aid, but there are a number of areas where we can make some economies and make some cuts. One of those is in the administrative costs over at AID.

I want to read a quote from one of the senior staffers at AID. Her name is Sally Shelton, and my colleague, the gentleman from Virginia, has heard me use this quote before. Here is what she said. She said, "Larry Byrne," assistant administrator for management at AID, "said that AID was 62 percent," almost two-thirds of the way, "through the fiscal year and we have 38 percent of the dollar volume of procurement actions completed; we need to do," or spend, "another $1.9 billion in the next 5 months. There are large pockets of money in the field * * * so let's get moving."

The indication was that they had not spent enough money, and they wanted to spend this money very rapidly so they could ask for an additional appropriation the next year. That is the kind of craziness that goes on in the bureaucracy that needs to be corrected. The only way to correct that, in my opinion, when we find this out is to make economies or cuts in those particular areas to send a signal.

When I was in the Indiana General Assembly, I was a State senator, and I went into an office. I was sitting waiting to see somebody. I heard a fellow talking around the corner. He said, "We have got to spend x number of millions of dollars in the next 60 days or else we cannot ask for an additional appropriation from the State legislature."

I stuck my head around the corner and said, "What is your name?" And he said, "Who are you?" And I said, "I am Senator Burton," and his face got kind of gray. I said, "How can you be saying things like that, you want to spend money as fast as you can right now so you can ask for more money later on?"

What we need to be doing in government is putting a suggestion box on all of the walls of the bureaucracies saying "If you come up with a suggestion that is going to save money, we will give you a bonus." In other words, we want to encourage cutting spending and saving money.

Here we have just the opposite. That is the same thing that was going on in my great State of Indiana when I was a State senator. We have bureaucrats who say, "Hey, we have to get more money next year, and if we are going to ask for more money, we have to spend what we already have." Here we have one of the chief executive officers at AID saying "We have to spend $1.9 billion in the next 5 months or else we cannot ask for more money." That is just unconscionable.

I would like to say to my colleagues, I am going to have some amendments today that will cut some spending in Federal programs. They are not going to cut into the muscle and bone, but I think they will cut into the fat, and they will certainly send a signal. It is time, if we are really concerned about balancing the budget, that we make these economies and send a signal to the bureaucracy: Do not spend more money to get more money, spend less money to do a good job.

☐ 1100

Mr. HALL of Ohio. Mr. Speaker, I yield 5 minutes to the gentleman from Virginia [Mr. MORAN].

Mr. MORAN. Mr. Speaker, let me respond a bit to my friend, the gentleman from Indiana [Mr. BURTON]. I certainly have no criticism of the statement by Ms. Shelton, who is a professional of great integrity, and particularly under the recent circumstances, I would not want to say anything in the least bit critical. I do not think that there is any question but that that is an absolutely accurate statement. However, it does not necessarily imply irresponsibility or "nonsense," I think is the word that the gentleman from Indiana used.

The U.S. Agency for International Development has been under the gun to make sure that their money is spent as carefully as possible so that there is full, complete accountability. In order to do that, it oftentimes requires that you delay grants, that you delay the money that is put out in the field until you get exactly that kind of project that you want. I think their concern was that there are a lot of countries in great need of assistance who are not getting that assistance because of the conscientious attitude that they have taken.

When you look at the child survival programs, for example, or the micro enterprise programs, they require a lot of analysis, a lot of staff people making sure that that money is spent well. I suspect, though, that you would have at least as many detractors if the money had not been spent when you look at the need throughout the world, particularly in the developing countries.

Now, this amendment that the gentleman from Indiana [Mr. BURTON] has, would substantially cut the ability of AID to manage these programs, particularly child survival and micro enterprise and a number of the education and democracy efforts that we are attempting in developing countries. We have already set in motion a reduction of 440 staff people in AID. This would cut us to more than 600 people who would have to be let go, most of them out in the field. That means that our programs in child survival, micro enterprise, all of the programs that we agree are needed and appropriate when we look at them individually would not be able to be managed, and I do not think that the administration or the Congress want programs out there that cannot be managed. In fact, I am told by AID that if the Burton amendment passes, with that reduction, it is likely that the agency would have to shut down its operations at some point during this fiscal year for lack of funds. I do not think that is what we want.

Let me move off of the Burton amendment, because I think we are going to have another opportunity to discuss that at some length. I want to address the bill itself.

Mr. Speaker, we recently agreed that we would increase defense spending by $12 billion above the President's request. Now, this bill in its total comes in less than $12 billion. It comes in at $11.9 billion, a full $1 billion reduction below the budget request, but it is approximately equal to the amount of money we added to defense over and a above what the Pentagon requested.

I would ask for help from the majority leadership on this, because I think they are aware of an attitude that is increasing that our policy is basically isolationist. I cannot believe that the leadership feels that it ought to be, but this is certainly the signal that is sent with this bill.

When you consider the fact that half of this bill is $5 billion, which goes to Israel and Egypt, for which we do not require any accountability for how the money is spent, the other half has to be divided among the rest of the world. And when you look at the amount of money we spend on aid to developing countries, it is .15 percent of our gross domestic product, .0015 of out total national economy. Imagine that.

Now, that is the least amount that any developed country contributes to the other developing countries of the world, and we have the most at stake. We are going to benefit the most by creating the purchasing capabilities of other countries because that equates to market opportunities in the United States.

So talk about being penny-wise and pound-foolish. We are the world's leader; there is no question about that. The rest of the world looks to us for leadership. This is not the way to lead.

Mr. GOSS. Mr. Speaker, I yield 7 minutes to the distinguished gentleman from Illinois [Mr. PORTER], a member of the committee.

Mr. PORTER. Mr. Speaker, I thank my colleague from Florida for yielding me this time.

Mr. Speaker, among the major abusers of human rights in the world are North Korea, and Burma, and China, and Nigeria, and Sudan, and Turkey. We do not provide foreign assistance to the first five of those, but we do to the last one, Turkey. And yes, Mr. Speaker, Turkey is a valuable ally of the United States, one that has stood with us in many difficult international situations, one that has provided for the southern flank of NATO, and yet we must worry a great deal that a country that espouses democracy, that wishes to become part of the European Union economically, still engages in some of the most egregious human rights abuses on Earth.

Let me begin by pointing out that we are 22 years after Turkish troops invaded Cyprus, and there are still 35,000 Turkish troops occupying the northern 38 percent of that island in violation of numerous U.N. resolutions and United States congressional expressions of opposition. Secretary General Boutros Boutros-Ghali, in his most recent report to the U.N. on Cyprus, expressed serious concern at the excessive levels of military forces and armaments in Cyprus and repeated that the northern part of the island remains one of the most densely militarized areas in the world. Turkish troops continue to deny the freedom and human rights of the

Greek-Cypriot enclaved and have worked to drive them out of their traditional ancestral villages and homes through a process of ethnic cleansing.

In addition, Turkey continues to block humanitarian aid to our ally Armenia, where aid is very, very needed and essential to the survival of the people of that country. The President of the United States recently, not informing the Congress that he was going to do so, or ever sending notice to this body, as a matter of fact, allowed the Humanitarian Aid Corridor Act that we passed last year as part of this bill to be entirely waived regarding Turkey. What it means is that United States humanitarian aid that is destined for the people of Armenia will continue to be blocked by Turkey, which also receives aid from the United States. I cannot imagine a more egregious situation, and I cannot imagine the fact that the President of the United States would waive that provision of the law and we would hear about it not by his notifying Congress, but through the Turkish foreign minister.

Recently, Turkey occupied islands that have long been conceded as belonging to Greece, upping the tension between our allies, Greece and Turkey, for reasons beyond comprehension, and most egregiously.

Finally, Mr. Speaker, the Kurdish minority in Turkey continues to be repressed by the government of that country. There were 713 applications for treatment of torture by the Human Rights Foundation in Turkey just last year. Torture continues to be a process used by the Turkish Government throughout the country, particularly in respect to the Kurdish minority. As many as 2 million people have left their homes in the southeast—these are Kurdish peoples—over the past 7 years and have been made refugees in their own country; 2,200 villages in the southeast have been destroyed by Turkish military troops. During the last year, 1,443 publications were confiscated on court order, most pro-Kurdish publications.

Mr. Speaker, Turkey most recently tried and convicted its leading author, and what was he convicted of? He was convicted of speaking out against the policy of the Turkish Government to use violence only against its huge Kurdish minority of 15 to 20 million people, instead of sitting down at the table and negotiating with them to resolve differences and to guarantee their rights.

Mr. Speaker, government agents have harassed human rights monitors as well as lawyers and doctors involved in documenting human rights violations. Some of them reported death threats. A number of monitors have been aggressively prosecuted by the Government of Turkey. The government gave an 8-year sentence to their leading author, Yasif Kamal, and they then said that they would not impose the sentence if he would cease criticizing the government for its policy against the Kurdish people, an obvious act of censorship by the government on a person speaking out against human rights abuses that are among the most egregious in the world.

There is genocide against the Kurds going on in Turkey, Mr. Speaker, there is continuing intransigence and militarism on Cyprus, aggression toward Greece, and disruption of United States aid intended for the people of Armenia. For all these reasons, the subcommittee cut half of the economic assistance provided to Turkey in this bill. As I said, it is one of the world's major human rights abusers, and yet the only one that receives assistance from the United States. We provided a cut in the bill to send a message that all of these abuses must cease.

We want Turkey to be our ally. We wish to have a close relationship with Turkey and with its people. But, Mr. Speaker, it is made very, very difficult to do so when a major ally of ours claiming to be a democracy observes very few of the tenets of democracy whatsoever, is listed among the major human rights abusers in the world and commits genocide against its own people without any willingness to sit down at the table and talk our differences.

I believe this cut is justified. I would go further if I could, but this Congress must send a message to Turkey, to its government, to its people, that we need to see Turkey move toward real democracy, observe human rights, the basic rights that all people on this planet deserve, and stop the occupation of Cyprus, the prevention of humanitarian aid to the people of Armenia, stop its actions against Greek interests and the repression of its Kurdish minority.

Mr. HALL of Ohio. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GOSS. Mr. Speaker, I yield myself such time as I may consume.

I would like to point out before I yield back my time that the efforts of the distinguished gentleman from Ohio [Mr. HALL] with regard to dealing with the problems of the world, the most egregious problems with those who are the least able to deal with themselves, the sick, the poor, the children, and particularly in the areas of starvation, the accomplishments of the gentleman and commitment to that cause are well-known and I congratulate him for that.

Obviously there are a great many global problems out there. You cannot pick up a newspaper, you cannot look at a map, you cannot turn on the television without being reminded that if it is not East Timor, it is Korea or one of the former Russian states or it is Russia itself or the Turks or the Greeks or maybe it is the Cypriots, as we have just heard the problem there, or perhaps it is the Baltics or the Balkans, perhaps it is the Visegrads. Maybe it comes to our own hemisphere, to South America or Central America or perhaps the Caribbean where we have Cuba and Haiti and some other things that catch our attention. Sometimes we look at the other side of the issues where we have apparently enemies to American interests, and Iraq and Iran and Libya jump into focus, and I have not even mentioned perhaps three of the biggest problem areas that we have, the immediate threat always to peace from the Mideast, that continuing nagging question; the problems going on in India today, the teeming masses there and how they are going to be fed and what provisions there are going to be for them. I know we have not talked about the continent of Africa where every day, if we can keep up with the map and the changes that are going on, the problems seem to be simply overwhelming.

□ 1115

The point of this is that we could have endless debate and we could commit endless resources to try and solve all the problems of the world, but obviously we do not have endless time, we do not have endless ability and we do not have endless resources. It is the people we work for, the American people, in the end, who are going to tell us how much resource we should commit to our domestic problems and then what percentage should we commit to the folks overseas who are in true need.

That is what this debate is about, and that is why I think it is important that this debate come forward under an open rule.

I have no doubt that there will be many Members coming forward and spending a great deal of time acquainting us and the people who are interested in this debate with aspects of our foreign assistance, our foreign interests, our foreign activities and our foreign operations that are vital not only to our national interests, our national well-being and to American interests overseas, whether it be individual, corporate, or just tourists on a summer vacation, but also to the well-being and the survival, as my friend from Ohio has so eloquently spoken, of so many countries where they have so little compared to what we enjoy in this much-blessed United States.

That debate, I think, is a debate that is critical every year. I think it helps set the tone and helps set the measure and the standard of what we are about in our world leadership role. I look forward to that debate, and I am extremely pleased that we are able to come forward from the Rules Committee, both sides, in agreement that this should be an open rule so that we can have such discussion in the people's House.

Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PORTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 3540, and that I may include tabular and extraneous material.

The SPEAKER pro tempore (Mr. HEFLEY). Is there objection to the request of the gentleman from Illinois?

There was no objection.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1997

The SPEAKER pro tempore. Pursuant to House Resolution 445 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3540.

☐ 1118

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3540) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1997, and for other purposes, with Mr. HANSEN in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Alabama [Mr. CALLAHAN] and the gentleman from Texas [Mr. WILSON] will each control 30 minutes.

The Chair recognizes the gentleman from Alabama [Mr. CALLAHAN].

Mr. CALLAHAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Committee on Appropriations has reported a 1997 foreign operations and export financing bill that is balanced, compassionate, and supportive of our national interest. It has bipartisan support.

The bill the House is taking up today is within the subcommittee's 602 allocation, with $256,000 in budget authority left over. The bill is $1 billion under the President's request, and it is $458 million less than last year's bill, including all of the supplementals.

Although the administration did not request it, we have restored a separate child survival and disease programs fund and have provided $600 million for the fund.

Helping children and fighting infectious diseases such as polio and tuberculosis is our highest priority in this bill.

There are no earmarks in this bill. The Democrat managers agree with me on this, and will oppose any earmark amendments. Our report language makes clear the overwhelming support for the requests for Israel, Egypt, Ukraine, and Armenia.

On a general basis, this bill favors bilateral programs, undertaken in the name of the American people, over multilateral programs. We have attempted to fund programs of the State and Defense Departments and A.I.D., either at the request level or at the current level. For the most part, the President did not seek big increases in these areas.

We simply don't have enough money in our allocation to fund the big increases requested for some of the multilateral banks and international organizations. In fact, several of them are at last year's House-passed or conference levels.

With the International Development Association—it is called IDA—we recommend $525 million. Before that money can be spent, the bill requires a report from the Treasury on the procurement restrictions placed on American companies.

If our allocation were bigger, I'd still have problems with IDA's full request for $935 million, because of the unfortunate restrictions on American procurement.

The recommendation on population is different from what the House passed last year. It is different from what is current law. This language represents a compromise that gives an incentive for foreign family planning groups to voluntarily comply with Mexico City principles. I am hopeful that this prolife language will be acceptable to the Senate. I am confident it is something the President can live with.

As I said a few minutes ago, this is a balanced and compassionate bill. We wouldn't be here today without the contributions of each and every one of the subcommittee members. I want to especially thank the chairman and former chairman of the full committee. Finally, I want to thank my friend from Texas, the ranking Democrat on the subcommittee, who will be retiring sometime after we conference this bill.

In closing, I must mention that 75 amendments have been filed for this bill. Of these, 44 were filed by DAVID OBEY in an attempt to delay the Wisconsin matter. Another 18 were filed by Republican Members, and I am aware of several other possible amendments. As far as I know, only one of these was brought to the attention of the committee before we marked up the bill.

At this time, I intend to oppose all of these amendments. Our bill took a lot of work and represents a fine balance among Republicans and between the two parties. I don't feel that those who didn't bother to inform us of their concerns in a timely manner deserve more consideration than the men and women who worked with the committee. I especially oppose attempts by the authorizers to burden this bill with matters within their jurisdiction.

Last year, this appropriation bill incorporated major authorization bills in order to cooperate with the authorizers. This year some of them demand more money for Africa while objecting to our attempts to do just that by giving the President discretionary authority to forgive African debt.

I don't serve on the International Relations Committee. Don't make this an authorization bill. Direct those concerns to BEN GILMAN and LEE HAMILTON.

Mr. Chairman, last year this bill received over 300 votes from both sides of the aisle. This year I ask the indulgence of the House to reject attempts to add well-meaning, but last-minute, policy matters to the bill. They don't belong on this bill.

Including last-minute policy matters here on this bill will only delay conference action and enactment of this appropriation bill. We want to get this bill, and all of the appropriations bills, to the President as soon as possible.

Mr. Chairman, I include the following extraneous material:

FY 1997 FOREIGN OPERATIONS EXPORT FINANCING AND RELATED PROGRAMS APPROPRIATIONS BILL (H.R. 3540)

	FY 1996 Enacted	FY 1997 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
TITLE I - EXPORT AND INVESTMENT ASSISTANCE					
EXPORT-IMPORT BANK OF THE UNITED STATES					
Limitation on Program Activity:					
Subsidy appropriations	744,551,000	736,551,000	726,000,000	-18,551,000	-10,551,000
Administrative expenses	45,614,000	47,614,000	47,614,000	+2,000,000	....
Negative subsidy	-89,646,000	-58,000,000	-58,000,000	+31,646,000	....
Total, Export-Import Bank of the United States	700,519,000	726,165,000	715,614,000	+15,095,000	-10,551,000
OVERSEAS PRIVATE INVESTMENT CORPORATION					
Administrative expenses	26,000,000	32,000,000	30,000,000	+4,000,000	-2,000,000
Insurance fees and other offsetting collections	-202,500,000	-224,000,000	-224,000,000	-21,500,000	....
Direct loans:					
Loan subsidy	4,000,000	4,000,000	4,000,000	....	....
(Loan authorization)	(79,523,000)	(80,000,000)	(80,000,000)	(+477,000)	....
Guaranteed loans:					
Loan subsidy	68,000,000	68,000,000	68,000,000	....	....
(Loan authorization)	(1,351,900,000)	(1,360,000,000)	(1,360,000,000)	(+8,100,000)	....
Total, Overseas Private Investment Corporation	-104,500,000	-120,000,000	-122,000,000	-17,500,000	-2,000,000
FUNDS APPROPRIATED TO THE PRESIDENT					
Trade and Development Agency					
Trade and development agency	40,000,000	40,000,000	38,000,000	-2,000,000	-2,000,000
(By transfer)	....	(5,000,000)	(5,000,000)	(+5,000,000)	....
Total, title I, Export and investment assistance	636,019,000	646,165,000	631,614,000	-4,405,000	-14,551,000
(Loan authorizations)	(1,431,423,000)	(1,440,000,000)	(1,440,000,000)	(+8,577,000)	....
TITLE II - BILATERAL ECONOMIC ASSISTANCE					
FUNDS APPROPRIATED TO THE PRESIDENT					
Agency for International Development					
Sustainable development assistance	....	1,006,000,000	....	....	-1,006,000,000
Child survival and disease programs fund	....	....	600,000,000	+600,000,000	+600,000,000
Development assistance	1,675,000,000	....	1,150,000,000	-525,000,000	+1,150,000,000
Development Fund for Africa	....	704,000,000	....	....	-704,000,000
International disaster assistance	181,000,000	190,000,000	190,000,000	+9,000,000	....
Debt restructuring	10,000,000	47,000,000	10,000,000	....	-37,000,000
(By transfer)	(5,000,000)	....	(12,000,000)	(+7,000,000)	(+12,000,000)
Micro and Small Enterprise Development program:					
Subsidy appropriations	1,500,000	1,500,000	1,500,000	....	....
Administrative expenses	500,000	500,000	500,000	....	....
(Direct loan authorization)	(1,435,000)	(1,000,000)	(1,000,000)	(-435,000)	....
(Guaranteed loan authorization)	(16,700,000)	(17,000,000)	(17,000,000)	(+300,000)	....
Housing and other credit guaranty programs:					
Subsidy appropriations	4,000,000	5,000,000	500,000	-3,500,000	-4,500,000
Operating expenses	7,000,000	6,000,000	6,000,000	-1,000,000	....
(Guaranteed loan authorization)	(33,700,000)	(42,000,000)	(10,000,000)	(-23,700,000)	(-32,000,000)
Subtotal, development assistance	1,879,000,000	1,960,000,000	1,958,500,000	+79,500,000	-1,500,000
Payment to the Foreign Service Retirement and Disability Fund	43,914,000	43,826,000	43,826,000	-88,000	....
Operating expenses of the Agency for International Development	465,750,000	495,000,000	465,750,000	....	-29,250,000
(By transfer)	(3,000,000)	....	....	(-3,000,000)	....
Operating expenses of the Agency for International Development Office of Inspector General	30,200,000	30,000,000	30,000,000	-200,000	....
Subtotal, Agency for International Development	2,418,864,000	2,528,826,000	2,498,076,000	+79,212,000	-30,750,000
Other Bilateral Economic Assistance					
Economic support fund:					
Camp David countries	2,015,000,000	2,015,000,000	2,015,000,000	....	....
Other	325,000,000	393,000,000	321,000,000	-4,000,000	-72,000,000
Subtotal, Economic support fund	2,340,000,000	2,408,000,000	2,336,000,000	-4,000,000	-72,000,000
International fund for Ireland	19,600,000	....	19,600,000	....	+19,600,000
Assistance for Eastern Europe and the Baltic States	522,000,000	475,000,000	475,000,000	-47,000,000	....
Assistance for the New Independent States of the Soviet Union	641,000,000	640,000,000	590,000,000	-51,000,000	-50,000,000
Subtotal, Other Bilateral Economic Assistance	3,522,600,000	3,523,000,000	3,420,600,000	-102,000,000	-102,400,000
Total, Agency for International Development	5,941,464,000	6,051,826,000	5,918,676,000	-22,788,000	-133,150,000

FY 1997 FOREIGN OPERATIONS EXPORT FINANCING AND RELATED PROGRAMS APPROPRIATIONS BILL (H.R. 3540)—Continued

	FY 1996 Enacted	FY 1997 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
African Development Foundation					
Appropriations	(11,500,000)	12,500,000	11,500,000	+11,500,000	-1,000,000
Inter-American Foundation					
Appropriations	(20,000,000)	20,000,000	20,000,000	+20,000,000	....
Total, Funds Appropriated to the President	5,941,464,000	6,084,326,000	5,950,176,000	+8,712,000	-134,150,000
Peace Corps					
Appropriations	205,000,000	220,000,000	212,000,000	+7,000,000	-8,000,000
(By transfer)	....	(5,000,000)	(12,000,000)	(+12,000,000)	(+7,000,000)
Department of State					
International narcotics control	115,000,000	213,000,000	150,000,000	+35,000,000	-63,000,000
(By transfer)	(20,000,000)	....	....	(-20,000,000)	....
Migration and refugee assistance	671,000,000	650,000,000	650,000,000	-21,000,000	....
Refugee resettlement assistance	5,000,000	....	5,000,000	....	+5,000,000
United States Emergency Refugee and Migration Assistance Fund	50,000,000	50,000,000	50,000,000	....	....
Anti-terrorism assistance	16,000,000	17,000,000	....	-16,000,000	-17,000,000
Nonproliferation and Disarmament Fund	20,000,000	20,000,000	....	-20,000,000	-20,000,000
Nonproliferation and anti-terrorism	....	....	135,000,000	+135,000,000	+135,000,000
Counter-terrorism assistance to Israel	50,000,000	50,000,000	....	-50,000,000	-50,000,000
Total, Department of State	927,000,000	1,000,000,000	990,000,000	+63,000,000	-10,000,000
Total, title II, Bilateral economic assistance	7,073,464,000	7,304,326,000	7,152,176,000	+78,712,000	-152,150,000
(By transfer)	(28,000,000)	(5,000,000)	(24,000,000)	(-4,000,000)	(+19,000,000)
(Loan authorizations)	(51,835,000)	(60,000,000)	(28,000,000)	(-23,835,000)	(-32,000,000)
TITLE III - MILITARY ASSISTANCE					
FUNDS APPROPRIATED TO THE PRESIDENT					
International Military Education and Training	39,000,000	45,000,000	45,000,000	+6,000,000	....
Foreign Military Financing Program:					
Grants:					
Camp David countries	3,100,000,000	3,100,000,000	3,100,000,000	....	....
Other	178,390,000	128,250,000	122,250,000	-56,140,000	-6,000,000
Subtotal, grants	3,278,390,000	3,228,250,000	3,222,250,000	-56,140,000	-6,000,000
(Limitation on administrative expenses)	(23,250,000)	(23,250,000)	(23,250,000)	....	....
Direct concessional loans:					
Subsidy appropriations	64,400,000	40,000,000	35,000,000	-29,400,000	-5,000,000
(Loan authorization)	(544,000,000)	(370,028,000)	(323,815,000)	(-220,185,000)	(-46,213,000)
FMF program level	(3,822,390,000)	(3,598,278,000)	(3,546,065,000)	(-276,325,000)	(-52,213,000)
Total, Foreign military assistance	3,342,790,000	3,268,250,000	3,257,250,000	-85,540,000	-11,000,000
Special Defense Acquisition Fund:					
Offsetting collections	-220,000,000	-166,000,000	-166,000,000	+54,000,000	....
Peacekeeping operations	70,000,000	70,000,000	65,000,000	-5,000,000	-5,000,000
Total, title III, Military assistance programs	3,231,790,000	3,217,250,000	3,201,250,000	-30,540,000	-16,000,000
(Limitation on administrative expenses)	(23,250,000)	(23,250,000)	(23,250,000)	....	....
(Loan authorization)	(544,000,000)	(370,028,000)	(323,815,000)	(-220,185,000)	(-46,213,000)
TITLE IV - MULTILATERAL ECONOMIC ASSISTANCE					
FUNDS APPROPRIATED TO THE PRESIDENT					
International Financial Institutions					
World Bank Group					
Contribution to the International Bank for Reconstruction and Development:					
Paid-in capital	28,189,963	....	....	-28,189,963	....
(Limitation on callable capital)	(911,475,013)	....	....	(-911,475,013)	....
Contribution to the International Finance Corporation	60,900,000	6,656,000	6,656,000	-54,244,000	....
Contribution to the Global Environment Facility	35,000,000	100,000,000	30,000,000	-5,000,000	-70,000,000
Total, contribution to the International Bank for Reconstruction and Development	(1,035,564,976)	(106,656,000)	(36,656,000)	(-998,908,976)	(-70,000,000)
Contribution to the International Development Association	700,000,000	934,503,100	525,000,000	-175,000,000	-409,503,100
Total, World Bank Group	(1,735,564,976)	(1,041,159,100)	(561,656,000)	(-1,173,908,976)	(-479,503,100)
Budget authority	824,089,963	1,041,159,100	561,656,000	-262,433,963	-479,503,100
(Limitation on callable capital)	(911,475,013)	....	....	(-911,475,013)	....

FY 1997 FOREIGN OPERATIONS EXPORT FINANCING AND RELATED PROGRAMS APPROPRIATIONS BILL (H.R. 3540)—Continued

	FY 1996 Enacted	FY 1997 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
Contribution to the Inter-American Development Bank:					
Inter-regional paid-in capital	25,952,110	25,610,667	25,610,667	-341,443	
(Limitation on callable capital)	(1,523,767,142)	(1,503,718,910)	(1,503,718,910)	(-20,048,232)	
Fund for special operations	10,000,000	31,411,000	10,000,000		-21,411,000
Enterprise for the Americas Multilateral Investment Fund	53,750,000	27,500,000	27,500,000	-26,250,000	
Total, contribution to the Inter-American Development Bank	(1,613,469,252)	(1,588,240,577)	(1,566,829,577)	(-46,639,675)	(-21,411,000)
Contribution to the Asian Development Bank:					
Paid-in capital	13,221,596	13,221,596	13,221,596		
(Limitation on callable capital)	(647,858,204)	(647,858,204)	(647,858,204)		
Development fund	100,000,000	100,000,000	100,000,000		
Total, contribution to the Asian Development Bank	(761,079,800)	(761,079,800)	(761,079,800)		
Contribution to the African Development Fund		50,000,000			-50,000,000
Contribution to the African Development Bank:					
Paid-in capital		16,000,000			-16,000,000
(Limitation on callable capital)		(112,000,000)			(-112,000,000)
Total, contribution to the African Development Bank		(128,000,000)			(-128,000,000)
Contribution to the European Bank for Reconstruction and Development:					
Paid-in capital	70,000,000	11,916,447	11,916,447	-58,083,553	
(Limitation on callable capital)	(163,333,333)	(27,805,043)	(27,805,043)	(-135,528,290)	
Total, contribution to the European Bank for Reconstruction and Development	(233,333,333)	(39,721,490)	(39,721,490)	(-193,611,843)	
North American Development Bank:					
Paid-in capital	56,250,000	56,250,000	50,625,000	-5,625,000	-5,625,000
(Limitation on callable capital)	(318,750,000)	(318,750,000)	(318,750,000)		
Contribution to the Bank for Economic Cooperation and Development in the Middle East and North Africa:					
Paid-in capital		52,500,000			-52,500,000
(By transfer)					
(Limitation on callable capital)		(157,500,000)			(-157,500,000)
International Monetary Fund					
Contribution to the enhanced structural adjustment facility		7,000,000			-7,000,000
Total, contribution to International Financial Institutions	(4,718,447,361)	(4,200,200,967)	(3,298,661,867)	(-1,419,785,494)	(-901,539,100)
Budget authority	1,153,263,669	1,432,568,810	800,529,710	-352,733,959	-632,039,100
(Limitation on callable capital)	(3,565,183,692)	(2,767,632,157)	(2,498,132,157)	(-1,067,051,535)	(-269,500,000)
International Organizations and Programs					
International organizations and programs	285,000,000	325,000,000	136,000,000	-149,000,000	-189,000,000
(By transfer)	(30,000,000)			(-30,000,000)	
Total, title IV, contribution for Multilateral Economic Assistance.	(5,003,447,361)	(4,525,200,967)	(3,434,661,867)	(-1,568,785,494)	(-1,090,539,100)
Budget authority	1,438,263,669	1,757,568,810	936,529,710	-501,733,959	-821,039,100
(By transfer)	(30,000,000)			(-30,000,000)	
(Limitation on callable capital)	(3,565,183,692)	(2,767,632,157)	(2,498,132,157)	(-1,067,051,535)	(-269,500,000)
Grand total, all titles:					
New budget (obligational) authority	12,379,536,669	12,925,309,810	11,921,569,710	-457,966,959	-1,003,740,100
(By transfer)	(58,000,000)	(10,000,000)	(29,000,000)	(-29,000,000)	(+19,000,000)
(Limitation on administrative expenses)	(23,250,000)	(23,250,000)	(23,250,000)		
(Limitation on callable capital)	(3,565,183,692)	(2,767,632,157)	(2,498,132,157)	(-1,067,051,535)	(-269,500,000)
(Loan authorizations)	(2,027,258,000)	(1,870,028,000)	(1,791,815,000)	(-235,443,000)	(-78,213,000)
TITLE I - EXPORT AND INVESTMENT ASSISTANCE					
Export Assistance Appropriations	928,165,000	928,165,000	913,614,000	-14,551,000	-14,551,000
Negative Subsidies and Offsetting Collections	-292,146,000	-282,000,000	-282,000,000	+10,146,000	
Total, Export Assistance	636,019,000	646,165,000	631,614,000	-4,405,000	-14,551,000
TITLE II - BILATERAL ECONOMIC ASSISTANCE					
Bilateral Development Assistance	3,550,864,000	3,781,326,000	3,731,576,000	+180,712,000	-49,750,000
Other Bilateral Economic Assistance	3,522,600,000	3,523,000,000	3,420,600,000	-102,000,000	-102,400,000
Total, Bilateral Economic Assistance	7,073,464,000	7,304,326,000	7,152,176,000	+78,712,000	-152,150,000

FY 1997 FOREIGN OPERATIONS EXPORT FINANCING AND RELATED PROGRAMS APPROPRIATIONS BILL (H.R. 3540)—Continued

	FY 1996 Enacted	FY 1997 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
TITLE III - MILITARY ASSISTANCE					
Foreign Military Financing Program:					
Grants	3,278,390,000	3,228,250,000	3,222,250,000	-56,140,000	-6,000,000
Direct loans, subsidy costs	64,400,000	40,000,000	35,000,000	-29,400,000	-5,000,000
(Estimated level of direct loans)	(544,000,000)	(370,028,000)	(323,815,000)	(-220,185,000)	(-46,213,000)
Subtotal, Foreign Military Financing Program:					
Budget authority	3,342,790,000	3,268,250,000	3,257,250,000	-85,540,000	-11,000,000
(Program level)	(3,822,390,000)	(3,598,278,000)	(3,546,065,000)	(-276,325,000)	(-52,213,000)
Other, Military	109,000,000	115,000,000	110,000,000	+1,000,000	-5,000,000
Special Defense Acquisition Fund	-220,000,000	-166,000,000	-166,000,000	+54,000,000	
Total, Military Assistance Programs	3,231,790,000	3,217,250,000	3,201,250,000	-30,540,000	-16,000,000
TITLE IV - MULTILATERAL ECONOMIC ASSISTANCE					
Contributions to International Financial Institutions	1,153,263,669	1,425,568,810	800,529,710	-352,733,959	-625,039,100
International organizations and programs	285,000,000	325,000,000	136,000,000	-149,000,000	-189,000,000
Total, contribution for Multilateral Economic Assistance	1,438,263,669	1,750,568,810	936,529,710	-501,733,959	-814,039,100
Grand total, all titles	12,379,536,669	12,925,309,810	11,921,569,710	-457,966,959	-1,003,740,100

HOUSE OF REPRESENTATIVES,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, May 30, 1996.

Hon. BILL ARCHER,
Chairman, Committee on Ways and Means, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: As part of the markup for the fiscal year 1997 appropriations for Foreign Operations, Export Financing and Related Programs, the Committee on Appropriations included a general provision (section 533) that was included in last year's Act regarding Presidential authority to impose import sanctions on countries that trade with Iraq and several other nations. It provides discretionary authority, but the language is legislative in nature.

While this language was included in the 1996 appropriations Act, it deals with matters under the jurisdiction of the Ways and Means Committee. I am writing to ask if you have any objection to inclusion of this language in the fiscal year 1997 appropriations Act.

Thank you for your attention to this matter.

Sincerely,

SONNY CALLAHAN.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAY AND MEANS,
Washington, DC, May 30, 1996.

Hon. SONNY CALLAHAN,
Chairman, Subcommittee on Foreign Operations, Export Financing and Related Programs, Committee on Appropriations, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing in response to your request regarding floor consideration of H.R. 3540, a bill making appropriations for foreign operations programs for fiscal year 1997, which was reported by the Committee on Appropriations on May 29, 1996.

Specifically, section 553(b) of the bill would grant the President the authority to impose import sanctions on products from countries that have not conformed to the United Nations economic sanctions with respect to Iraq, Serbia, or Montenegro. The grant of authority for such an import restriction falls within the jurisdiction of the Committee on Ways and Means, and constitutes a tariff measure for the purposes of rule XXI(5)(b) of the Rules of the House, which prohibits the reporting of a tax or tariff measure in a bill not reported by the committee of jurisdiction.

I note, however, that similar language has been included in each of the foreign operations annual appropriations enacted into law since 1991. Therefore, based on your advanced communication on this matter with me, I will not object to your request for a waiver of Rule XXI(5)(b) on this bill. Nonetheless, I believe that the Rule should not be waived against any amendments that may be made in order to the bill on the House floor.

This is being done with the understanding that the Committee will be treated without prejudice as to its jurisdictional prerogatives on such or similar provisions in the future, and it should not be considered as precedent for consideration of matters of jurisdictional interest to the Committee on Ways and Means in the future. This is also being done with the understanding that this provision will not be broadened during conference consideration, and that no additional revenue matters will be included in the final conference report.

Finally, I would ask that a copy of our exchange of letters on this matter be placed in the Record during consideration of the bill on the Floor. Thank you for your cooperation regarding this matter. I look forward to reviewing this issue with you again in advance of next year's appropriations cycle. With best personal regards.

Sincerely,

BILL ARCHER,
Chairman.

Mr. CALLAHAN. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois [Mr. PORTER].

Mr. PORTER. Mr. Chairman, I rise in strong support of this bill. I want to express my gratitude and appreciation to the subcommittee chairman and his staff for working within a tight budget to produce a constructive foreign assistance bill. I generally support a higher level of funding for all foreign assistance programs, but in these times of fiscal restraint, I certainly understand the need to comply with a strict budget ceiling.

Unfortunately, now, after the fall of the Soviet Union, having established ourselves as the dominant world leader, Mr. Chairman, I fear that we are abandoning our post.

By reducing our foreign assistance as much as we have, we are limiting the impact we can have in international development, especially in rapidly emerging markets of the developing world. Just as the world is becoming more interconnected, the United States seems to be retreating into greater and greater isolation. To preserve the United States as a dominant world leader, I believe this trend must be reversed.

I commend the chairman for not reducing funding for development assistance. After a drastic reduction last year, funding for fiscal year 1997 will allow bilateral assistance agencies to maintain many of their important programs. I also support the chairman's appropriations for the Peace Corps, the Inter-American Foundation, and the overall appropriations for the multilateral lending institutions.

Although I am generally supportive of this bill, I do have some specific concerns, Mr. Chairman. I am deeply disappointed by the subcommittee's endorsement of the trend set in fiscal year 1996 for drastically reduced levels of funding for international family planning assistance. By limiting this funding, numerous women and children will suffer because they will not have access to adequate health and family planning services.

Assistance for family planning has been misrepresented as assistance for abortions. In reality, the exact opposite is the truth. It is inaccurate to portray funding for family planning, for women's and children's health services and for reproductive education, in any way as funding for abortion.

I know that this is an extremely heated debate. However, it is time for pro-life and pro-choice sides to remember who is directly affected by these philosophical wars: women and children in the poorest countries. I urge this committee and this Congress to reassess its strategy for international family assistance and prevent the deaths and suffering of countless women and children in the developing world.

I also want to stress my support, Mr. Chairman, for the international organizations and programs account. This account includes, among others, the United Nations Fund for Victims of Torture, the United Nations Environmental Program, the United Nations Development Program, and numerous multilateral conservation programs.

Too often, these U.N. programs get lumped together and their important individual responsibilities are overlooked. Each of them provides a unique service as part of a worldwide network that coordinates efforts to produce the most effective results.

Specifically, I think it is important to highlight the importance of the U.N. Voluntary Fund for Victims of Torture, UNDP, and the World Conservation Union or IUCN. UNFVT brings relief to victims who have been tortured while trying to promote democracy within their respective countries.

The UNDP, whose budget was significantly reduced in fiscal year 1996, is the fundamental source for technical assistance working in the local communities of developing countries. IUCN, whose membership consists of 70 states, 100 governmental agencies, and 800 NGO's, provides the technical assistance and policy input for numerous international conventions the United States was instrumental in designing.

I am also seriously concerned with the 8-percent reduction in funding assistance for the newly independent states of the former Soviet Union. Now is not the time to make this excessive cut, as these young countries struggle to embrace democratic and economic reforms.

With our strong support, these countries will move toward stable democracies and economies. For example, just last year, with our support, Armenia made great progress with a positive GDP growth of 7 percent. If we expect this progress to continue, we must continue to support Armenia and its neighbors.

Mr. Chairman, let me finish by saying I am also deeply troubled by the behavior of the Government of Turkey which I addressed in my remarks on the rule. Yes, Turkey is a valued ally and a cherished NATO partner. But Turkey continues, despite repeated international pleas, to commit atrocious human rights violations against both its own citizens and against those of its struggling neighbors.

Continuing to give U.S. economic assistance is the equivalent of turning our heads the other way to these outrageous human rights violations. As a world leader, we must send a strong message to Turkey to immediately reform their human rights practices, and sending this message begins by reducing their economic assistance, as we have done in this bill.

Mr. Chairman, despite my differences with parts of the bill, I believe it deserves the support of the House, and I commend it to the Members for their support.

Mr. WILSON. Mr. Chairman, I yield myself such time as I may consume.

First, I want to express my thanks to Chairman CALLAHAN for working closely with me and the staff in putting together this bill. The foreign operations bill is always painful to put together, but with Mr. CALLAHAN'S leadership and understanding that people have different views on issues, we have come out with a reasonably good bill.

I know he didn't have as much money as he, or I might have wanted for the bill. Thus the distribution of funds in the bill leaves some people short, particularly in the international banks, and the NIS accounts. But for the most part I support the distribution of funds in the bill and the approach of including no earmarks. This is the approach used for the last several years, and one which I support.

The bill provides for essentially last year's level of funding for export promotion programs vital to U.S. business. The Export-Import Bank has been funded at a level which will allow them to meet the demand from U.S. business for loan guarantees. The amounts now on deposit in the war chest are sufficient in my opinion to ensure that foreign countries take seriously our intention to prohibit unfair trade practices.

As a perennial strong supporter of Ex-Im bank and export programs, I do not support attempts to add funding for this account. The bill is carefully balanced, and any increases to Ex-Im programs will come at the expense of other programs in the bill which have already been cut.

The bill fully funds the administration's request for military assistance, and continues aid to Turkey and Greece in the traditional ratios. The bill contains a limitation of $25 million on ESF to Turkey. This represents a compromise reached at the subcommittee level among various factions on this issue, and should not be altered on the floor. I will strongly oppose any efforts to amend the bill to alter this compromise.

The bill provides for the traditional levels of assistance for the Middle East, for Israel and Egypt, as well as the West Bank and Gaza and Jordan. The bill provides for $50 million for the second increment of security-related funds for Israel. The bill does not provide for debt relief for Jordan, which is regrettable and I hope to work on this as we go through the process.

Assistance to Eastern Europe is at the request level and in particular the second increment of the Bosnia reconstruction is fully funded.

Authorities to allow for the delivery of humanitarian assistance in the Republic of Azerbaijan and the region of Nagorno-Karabagh have been provided in the bill. The report language specifically states that the committee takes no view whatsoever on the political status of the region of Nagorno-Karabagh. This compromise was reached in subcommittee to allow for the delivery of humanitarian assistance through the Government of Azerbaijan under certain specific circumstances. It solves problems encountered this year due to restrictions placed in previous years bills and reports. It should not be altered.

Again, I would emphasize that the committee has taken no position on the political status of the region of Nagorno-Karabagh, and there is nothing in this bill or report that is meant to change, qualify, comment on, or alter the sovereignty of any nation in this region. The official position of the United States supports the sovereignty and territorial integrity of the Republic of Azerbaijan, and views the region of Nagorno-Karabagh as part of Azerbaijan. Efforts by certain groups to portray the actions of the committee in a certain light may have ignored the facts of what actually took place.

I also expect there will be amendments on the population funding and family planning during the deliberations today. While I am aware that the language in the bill was worked out on the Republican side, there are many people who disagree strongly with it, and I therefore expect that amendments will be offered.

In closing, Mr. Chairman, let me again thank Mr. CALLAHAN for his cooperation on this bill. This will probably be the last bill I will manage on the House floor, and I want to express my gratitude for his approach, his understanding, and his good humor throughout the process. I hope we can work together to get through it.

□ 1130

Mr. Chairman, I yield such time as he may consume to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Chairman, let me simply observe that this bill is probably the least popular bill to emerge from the Committee on Appropriations every year, and I think it is without question the most misunderstood bill. If we take a poll of America, we will see that most Americans think that we spend about 15 to 17 percent of our budget on foreign aid. The fact is that this bill, which is the foreign aid appropriation bill before us today, spends roughly 1 percent of our budget. That is all it spends. I would like to explain why I think that is by and large justifiable.

We have seen the overall spending for foreign aid go down by over 30 percent in the last decade under the subcommittee chairmanship of myself and now the gentleman from Alabama. It is going to be very difficult to point to any other part of the budget which has declined as fast. I would simply say that there is a price for participation in the world. There is a price for defending your own national interest in the world, and this bill is part of that price.

There are many ways which a great nation such as the United States defends its interests around the world. We do that through our defense budget. We do it by trying to build up a set of political relationships with other societies who also populate this globe and with other economic and military powers. We do it through economic relationships and through trade relationships, and we also do it through this bill.

This bill is meant to help attack some of the problems around the world, some economic, some political and some military, which, if allowed to get out of hand, could grow like cancer and create severe problems for our national interest down the line. Just a couple examples: We had a long divisive fight in this country over the military support that we were giving the Contras. The Contras were a military operation to overthrow the new Marxist government in Nicaragua a number of years ago. That whole problem came about because for years conditions slowly developed in the country of Nicaragua which led to an explosion, a revolution, and the taking of power by a group of people who certainly did not have the best interest of the United States in mind. We wound up spending a lot of resources and having a huge fight that divided this society and this Congress because the conditions that occurred in Nicaragua were not improved while we had time to do it without winding up in a military confrontation.

The Soviet Union: We have spent literally trillions of dollars since the end of World War II trying to see to it that the Soviet Union changed in nature internally or at least externally did not any longer provide a threat to their neighbors or to us. Now with the Wall down, we are trying to work with that country in economic and political ways to try to eliminate the physical presence of missiles that in the past had been aimed at us, to try to build institutions in the former Soviet Union that will help democratic forces change that society against a thousand years of history that run in the other direction. I think it is worth it for us to have that kind of engagement.

The Middle East: Certainly if the Middle East is not stabilized, it will eventually cause great problems for this country economically, and it could also cause great problems militarily. It already has from time to time. All we have to do is to witness what happened with the Iraqi war.

The Balkans: That has been a tumultuous part of the world for decades, and it is in the United States' interest to try to see to it that the controversies in that part of the globe do not spill over in ways which damage the national interest of the United States.

We are trying to deal with all of those problems within this very tiny bill. We also have moral obligations to some of the fellow creatures who populate this planet. In fact, American taxpayers can be intensely proud of the fact that their money has been used for low-cost immunization programs which have literally hugely expanded the level of immunization against devastating childhood diseases for many of the children around the world. We have literally saved millions of lives through those programs, programs such as UNICEF, and this bill also funds that.

So I think, while we will have many disagreements on the floor today about the edges of this bill, this bill is essential in order to meet our responsibilities both to the world and, most of all, to our own values and to our own interest.

Having said that, let me simply congratulate the subcommittee chairman for the manner in which he has conducted himself in bringing this bill to the floor. I know that from time to time it is frustrating to get caught up in arguments that he was not a part of. But as Archie the Cockroach, my favorite philosopher, said once, "Now and then somebody is born who is so unlucky he runs into accidents that started out to happen to somebody else." I am sure that is the way the gentleman feels today.

I would also like to say a special word, if I could get the attention of the gentleman from Texas [Mr. WILSON]. I would like to say a few words about CHARLIE WILSON. I have served with CHARLIE for more than 15 years now. How long have you been here, CHARLIE?

Mr. WILSON. Twenty-four.

Mr. OBEY. Twenty-four. How time flies. I served with CHARLIE for all of the time that he has served here. I want to say as one Member to another that I will miss him greatly. He has brought wit, he has brought compassion, he has brought tough-mindedness, he has brought fair-mindedness, and he has brought a passion for excellence to this Congress which we are never in an oversupply of.

I simply want to say that I think whether the issue has been the Middle East or whether the issue has been taking care of the needs of children, or meeting our complicated responsibilities on the economic front, CHARLIE WILSON has always had the courage to defend what he regarded as American interest. I appreciate that fact and also appreciate the way he has gone about doing his job for as long as he has been a part of this body.

I also want to say very clearly that, if it had not been for CHARLIE WILSON, America would not have experienced a foreign policy success in Afghanistan. I cannot recall another occasion which has been so dramatic. Virtually singlemindedly, CHARLIE WILSON persisted and persevered and demanded after the Russian invasion of Afghanistan that we help the forces in that country who were trying to continue the resistance.

I remember children who were blown apart by that war being brought to this country by CHARLIE. I remember seeing several of them in my office. He expended virtually every ounce of energy that it was possible for a human being to expend for a cause which he thought was just and in the end almost singlehandedly helped to shape American policy on that.

☐ 1145

I just want to take my hat off to him and say that he has been, in so many ways, a strong addition to this institution and we will miss him greatly.

Mr. CALLAHAN. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. GILMAN], the chairman of the Committee on International Relations.

Mr. GILMAN. Mr. Chairman, I too want to join in commending the distinguished ranking member of the committee, the gentleman from Texas [Mr. WILSON], for his long years of service to this body and his concern for foreign operations, foreign policy, going throughout the world to try to pursue the best interests of our Nation. This body will sorely miss him and we wish him well in his early retirement.

Mr. Chairman, I am pleased to rise in support of H.R. 3540, the foreign operations appropriations bill, and I want to salute the chairman of the Subcommittee on Foreign Operations, the gentleman from Alabama [Mr. CALLAHAN]. Working with this able ranking Democratic member, the gentleman from Texas [Mr. WILSON] and other members of his subcommittee, he crafted legislation that strikes a balance between the national security, humanitarian, and development goals of this Nation and the need to conserve the taxpayers' money.

The chairman's job is not an easy one, and I know it is not one he sought. He has done yeoman's work in explaining to the American public the ways that foreign assistance serves our national interest. These programs help provide leverage to American diplomacy and they provide security and the stability that accompanies development in many parts of the world. If that security and stability was absent, our Nation would likely be called on to step in or to face the consequences of the instability. It is that simple. Foreign aid and diplomacy prevents the need for U.S. troops to go in and solve problems later, in bloody and more expensive ways.

With two minor exceptions, the appropriation amounts in chairman's bill are within the authorization levels contemplated in the conference report on H.R. 1561, the Foreign Relations Authorization Act, that was passed by the House but vetoed by the President. To the extent programs were not included in the conference report, the relevant appropriations are within the amounts provided in the House-passed version of that bill. I should add, if I may, that the passage of this bill, which I fully expect will occur on an overwhelming, bipartisan basis, continues to vindicate the choices on resource allocations that the House made on H.R. 1561 but which were attacked, I believe unfairly, on the House floor when we had that bill under consideration.

I may have a few minor differences with provisions in this bill, Mr. Chairman, but I do believe that this is an excellent bill on the whole. Mr. Chairman, this bill would also not be possible without the work of the subcommittee's able staff. I especially want to thank Bill Inglee, John Shank, Charlie Flickner, Nancy Tippins, and Lori Maes for their work and cooperation on this important piece of legislation.

I also want to commend the gentleman from Illinois [Mr. PORTER] and his language with relation to Turkey. Turkey must understand that it must solve the problem of Cyprus and improve human rights with the Kurds to improve its relations with the United States.

Accordingly, Mr. Chairman, I strongly urge my colleagues to fully support this bill.

Mr. WILSON. Mr. Chairman, I have no further requests for time, and I reserve the balance of my time.

Mr. CALLAHAN. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. KNOLLENBERG], a member of our subcommittee, and invaluable with respect to his input.

Mr. KNOLLENBERG. Mr. Chairman, I thank the gentleman for yielding me this time and want to salute the gentleman from Alabama, Chairman CALLAHAN, for the flare in which he works with Members on both sides. I want to also extend a thank you to the ranking member, the gentleman from Texas [Mr. WILSON], who I believe has done yeomen's work, and we will miss him as this summer moves along but wish him good luck in his next voyage.

Mr. Chairman, I rise to express my strong support for this bill which reflects the Foreign Operations Subcommittee's careful crafting and compromise in a time of continued reductions in the funding available for foreign assistance. It deserves our support. H.R. 3540 recognizes the fiscal situation we face and reduces the amount of money we spend overseas. But H.R. 3540 maintains our role as a leader throughout the world.

This bill makes serious cuts that reflect careful consideration and the review of every foreign assistance program. We have eliminated and reduced funding to those programs that have failed to justify our support.

I strongly believe that foreign aid is a crucial component of our foreign policy. The United States has a direct interest in promoting the expansion of capitalism and democracy throughout the world. Accordingly, I feel it is beneficial to American interests to aid countries which have shown a commitment to the ideals of free enterprise and individual freedom.

When we consider the fast paced changes taking place in countries across the globe from Israel to India to Russia it is clear that America must not insulate itself from the international community.

Yet, we will destroy our ability to assist other countries and provide for our national security if we have to continually spend greater and greater portions of our budget on interest on the national debt. We must balance the budget. That means we must reduce spending. I am very committed to reducing the deficit, lowering taxes, and empowering individuals and business by reducing the size and scope of our Federal Government. We must work toward these goals as the world's only superpower and the sole proprietor of democracy.

Mr. WILSON. Mr. Chairman, will the gentleman yield?

Mr. KNOLLENBERG. I only have a certain amount of time, but I will be glad to yield to the gentleman.

Mr. WILSON. Mr. Chairman, I just wanted to ask the gentleman if he agrees with me that if all the other subcommittees had made the same contribution to balancing the budget that this subcommittee has made, we would have a balanced budget?

Mr. KNOLLENBERG. Amen.

And I concur very strongly with the ranking member, but we have not eliminated, and I think this is very important, we have not eliminated, by any means, our ability to participate in the world.

Foreign aid, which makes up less than 1 percent of our Federal budget, as the gentleman from Wisconsin pointed out, is a good investment and has benefited our interests around the globe by furthering the development of economic and political stability in the international community.

H.R. 3540 allows us to continue to remain active in world events while keeping us on a path to a balanced budget. I support this bill and urge my colleagues to do likewise.

Mr. CALLAHAN. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. PACKARD] who is also a member of our subcommittee and a very valuable member of our subcommittee.

Mr. PACKARD. Mr. Chairman, I rise in support of the foreign operations, export financing, and related programs appropriations bill for fiscal year 1997. I want to commend Chairman CALLAHAN and ranking member CHARLIE WILSON for crafting a fair and bipartisan bill that, again, contains no earmarks.

I particularly want to recognize the gentleman from Texas, CHARLIE WILSON, who will be leaving Congress this year. CHARLIE, it has been a pleasure working with you and you will be missed.

This bill continues Congress on its glidepath toward a balanced budget by cutting approximately $1 billion from the President's request and almost $500 million from last year's enacted levels. These funding reductions are a continuation of the reorganization of our foreign aid priorities. It is a tribute to Chairman CALLAHAN and his very capable staff that two very important provisions of this bill remain virtually untouched. I am speaking of our contributions to the Camp David accords and the child survival and disease programs account.

In addition, this bill supports American jobs by providing funding to vital U.S. export assistance programs such as the Export-Import Bank, the Overseas Development Corp., and the Trade and Development Agency. These agencies assist U.S. businesses both large and small to advance U.S. interests and expand our export markets.

Finally, this bill strikes a balance on family planning funding that is fair to both sides. It allows half of the funds designated for these activities to be released to any organization who applies. The language then allows the rest of the funds to be released to those organizations who agree to the Mexico City language. This is as evenhanded as it gets.

In closing, Mr. Chairman, let me, once again, pay tribute to Chairman CALLAHAN and his staff for their hard work on this well-balanced bill. I urge my colleagues to support it.

Mr. CALLAHAN. Mr. Chairman, I reserve the balance of my time.

Mr. WILSON. Mr. Chairman, in the absence of any other speakers, I yield back the balance of my time.

Mr. CALLAHAN. Mr. Chairman, in just a moment I will yield back the balance of my time, but let me just comment that this bill reduces the President's request by $1 billion. I know there are some in this House and in the administration who would like to have more money, but we are having to sacrifice in every area of government and I do not think requesting another $1 billion cut from the President's request is unreasonable at all.

The gentleman from Texas, Congressman WILSON, is right; if every subcommittee on appropriations was reducing in real dollars the amount of money and the percentage of moneys we are reducing in this bill and the bill last year, then we would be much more advanced toward a balanced budget. This is the lowest foreign operation bill in more than 15 years.

Mr. Chairman, I know there will be some who come and try to amend this bill upward, trying to give the administration more dollars, and I am going to strenuously object to any effort to increase the amount of this appropriation bill, which, incidentally, Mr. Chairman, is now less than 1 percent of our overall budget. A lot of people in this country are of the impression that we are appropriating a higher percentage of our dollars to foreign operations, but his year, if this bill becomes law, it will be less than 1 percent of our overall budget, and that 1 percent concentrates on things that the American people support.

The American people do not like us to give money, government to government, Mr. Chairman, but when they see starving children they want those children fed. When they see children dying of polio, when they see children dying of diseases, they want to participate in that type of program. We concentrate on that type of activity in this bill. We are not going to turn out back on starving children or sick children. We are going to educate these children where we possibly can, with the limited amount of moneys that we have. We are a compassionate nation, but we are also a nation in a fiscal crisis, and the only money we have available is this $11.9 billion, which, as we understand, is $1 billion under the President's request.

Mr. Chairman, before I close this part of the program, I too want to join my colleagues in praising the gentleman from Texas, CHARLIE WILSON, who has served as the ranking Democrat on this subcommittee since I assumed the chairmanship. He will be receiving a lot of accolades during the next few weeks as he retires from Congress, and I want to tell him it has been a true pleasure to work with him.

Handling the foreign operations bill is not something that many Members cherish. It is a difficult, complicated measure when we think of the hundreds of countries in this world that are seeking the support of the United States of America and the complexity of the governments and the working relationship between our Government and their government. It is a complicated process and certainly CHARLIE WILSON knows more than anyone else in the House about this complex world of ours and its needs. His contributions to me, both personally and professionally, have been something that I will always cherish.

So Mr. Chairman, as he moves on to this next stage of his life, I want the gentleman to know that someday we will meet on the shuffle board court in Phoenix, AZ, or some retirement city, and we will be out there talking about the great things that we did. But the people of the United States will never forget the contributions that he as an individual Member of this Congress has made toward making this world a better place and making our position in this world well understood by foreign countries.

□ 1200

It is not the end of our close relationship, I am sure. It is just the end of a distinguished tenure in this Congress, and I appreciate, on behalf of the American people, the contributions you have made.

Mr. Chairman, I yield back the balance of my time.

Mr. HASTERT. Mr. Chairman, I rise today in support of the amendment offered by my good friend from Illinois, Mr. MANZULLO, that reduces the fiscal year 1997 foreign operations appropriation for the Export-Import Bank administrative expenses by $3.1 million. I support this amendment because it mirrors the Appropriations' National Security Subcommittee's recommendation of reducing the Eximbank's subsidy appropriation by 2.5 percent. It makes no sense to me to increase funds for staffing at the same time that we are reducing the workload of the bank.

The purpose of the Eximbank is to expand U.S. exports by assisting American firms. And yet, I question the success of the bank in fulfilling this mandate under the current administration. Most recently, the Clinton administration pressured the Eximbank to refuse assistance to U.S. exporters, while at the same time supporting most-favored-nation trade status for Chinese business. I'm at a loss to see how this helps American businesses.

One case in particular is the Eximbank's announcement of May 30 to deny trade credits to American companies attempting to participate in China's Three Gorges Dam project. This decision stands in the way of job opportunities and income for American workers, and potentially, it damages our relationship with China.

The Clinton administration has portrayed the Three Gorges Dam project as disastrous to the environment, and detrimental to human rights. However, there are no facts to backup this charge. In fact, the main purpose of the project is to control the disastrous consequences to China's environment and prevent the massive loss of life and property caused by flooding along the Yangtze River. In 1994 alone, flooding along the Yangtze killed nearly 1,200 people and wiped out 2.7 million acres of farmland. Building the dam will end the need of moving millions of people each time there is a major flood on the Yangtze River.

The Three Gorges Dam is also desperately needed to enable China to keep up with it's exponentially growing energy requirements. It will produce 18,200 megawatts of clean hydropower, displacing the need for 50,000 tons of low sulphur coal or ten nuclear, power plants. The project will help clean up the air in China, decrease the global greenhouse effect and lower nuclear waste disposal problems. Moreover, the dam will not submerge the scenic Three Gorges—water levels will rise 318 feet but the mountains in the area rise between 2,600 and 3,600 feet high.

It makes no sense to prevent the creation of thousands of jobs for taxpaying American citizens by denying a loan that, in the end, would be paid back with interest by a foreign country.

Without a doubt, this project will spread prosperity and development into a new interior region of China, providing new opportunities for American firms. Establishing business relationships now through the Three Gorges Dam project would further position American firms to win new business in China for years to come. As Congressman MANZULLO has cited, $1 billion in U.S. exports and 19,000 Americans jobs are at stake.

I have often heard the argument that there is nothing stopping these companies from competing for contracts without this assistance. That's technically true, but what then is the purpose of the Eximbank if not to help U.S. companies secure the winning bids? This recent decision puts American companies at a disadvantage with their foreign competitors who will most likely receive favorable financing from their government finance agencies. Germany, Japan, Russia, and Canada are already contracting for the project through their consortiums.

The administration has supported renewing most-favored-nation trade status for China at the same time it attacks this project. This project, without a doubt, means jobs for Illinois and other states across this country. The shortsighted decision is flawed and detrimental not only to the long-range environmental and human rights concerns of China, but also the competitive, responsible companies that America is offering to the world. Our companies practice high labor and environmental standards. Only the United States has the capacity to bring the kind of technical knowledge to the project that may mitigate many of the concerns raised by its critics.

Until I see signs that the Eximbank is fulfilling its mandate, I can not support increasing funding for its administrative expenses.

Mr. CASTLE. Mr. Chairman, I chair the Domestic and International Monetary Policy Subcommittee of the House Banking and Financial Services Committee, which is the authorizing committee for U.S. participation in the multilateral development banks. In this era of limited budgets, it is absolutely imperative that every taxpayer dollar be spent in the most cost-effective manner possible. I submit that with multilateral development we multiply each contributed dollar fivefold or sixfold for optimal leverage of our resources. Therefore, I would like to share with my colleagues the action the authorizing subcommittee took on the multilateral funding levels requested by the administration.

As we noted when the administration presented its request to my subcommittee, we should acknowledge the substantial progress already made in reforming the International Financial Institutions [IFI's]. The best way to do this and encourage the process is by paying the United States arrears on commitments to the 10th capital replenishment of the International Development Association [IDA] made by previous administrations.

It is most difficult to continue to assert a position of leadership in the various IFI's and yet owe a total of $1.56 billion in overdue obligations to them. This undermines our moral and practical influence over these institutions, and even though we still spend a very large sum of money each year, the expenditure produces little domestic or international good will.

National self-interest argues that we continue to stay engaged in the multilateral development process. Our success in leveraging funds for developing countries, encouraging free market economies, private sector development and creating new high-growth markets for U.S. companies would be undermined if opted out. For these reasons, the subcommittee included the entire $550 million requested to finish authorizing payment of the accumulated arrears of $935 million for our commitments to the IDA.

This bill appropriates $525 million to fund IDA, leaving a balance of $410 million still owed on previous commitments. I hope that we can retire these arrears as quickly as possible, although I fully accept that resources are limited for this year's foreign operations account. Failure to retire these previous commitments inevitably delays the program for the 11th capital replenishment of IDA. This, in turn, may result in another year of interim special funding that excludes U.S. companies from bidding on a portion of the projects funded under such interim arrangement.

We authorized no appropriations for any U.S. contribution to the interest subsidy account of the successor [ESAF II] to the enhanced structural adjustment facility of the international monetary fund because this account is fully funded through fiscal year 1997.

The administration requested both consent to and appropriations for the fifth replenishment of the resources of the African Development Bank [AfDB], at an undetermined level due to continuing, unfinished negotiations. We authorized a 2-year capital increase of $32 million for the AfDB that was conditioned on a successful conclusion to current negotiations to reorganize effective control of this bank away from the borrowers to the lending countries. If these negotiations are successful and sound reforms are in place, we would hope to authorize U.S. participation in the fifth replenishment next year.

In response to the administration's request, full U.S. participation in the new Middle East Development Bank was authorized for 2 years, with $105 million to be appropriated over that period. Even though there are no funds for this project in this year's appropriations bill, the concept of former enemies coming together to plan and finance joint development of their region remains a good idea.

The House Subcommittee reduced the administration's fiscal year 1997 request by $335 million.

In conclusion, Mr. Chairman, having stated my reservations and the rationale for them, I support the bill as passed by the Appropriations Committee, and urge my colleagues to vote for its passage.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise to express my concern over H.R. 3540, the foreign operations appropriations bill, because it fails to include language directing the U.S. Government to monitor human rights progress in Ethiopia as it obligates appropriations for Ethiopia in fiscal year 1997.

During the debate last year on the foreign operations appropriations bill for fiscal year 1996, I offered an amendment that included language to monitor human rights progress in Ethiopia. My amendment was adopted by the House. Unfortunately, my amendment was not included in the conference report on such bill but my colleagues assured me of their deep concern about human rights violations in Ethiopia.

While Ethiopia has made some progress in human rights since the new government assumed power, there are still too many instances of human rights violations throughout the country. Individuals opposed to the current government, particularly journalists, academicians, and opposition party officials have faced ordeals that raise questions about academic freedom, freedom of the press, freedom of speech, and the independence of the judiciary. Many Ethiopians are facing trials for alleged offenses against the government and we must work to ensure that they receive a fair and impartial hearing. Other citizens are being harassed as they attempt to express their views on the critical issues facing the country.

Ethiopia has a distinguished history and has always been a shining example for the rest of Africa. The country has a bright future. As a superpower, the United States has an obligation to foster democracy and human rights around the world. We must engage Ethiopia's ruling government to improve their human rights record. The United States State Department and organizations such as Amnesty International have chronicled the problems confronting Ethiopia in this regard. Over the past year, I have periodically communicated with State department officials to carefully assess the situation in the country and strongly encouraged the department to expand its efforts to improve human rights in Ethiopia.

The Congress of the United States should be on record supporting human rights progress in Ethiopia and I encourage my colleagues to continue to support the inclusion of human rights as an integral element of our foreign policy. I will continue to voice my strong support for human rights in Ethiopia and work with our Government in advancing this important cause.

Mr. BILIRAKIS. Mr. Chairman, I rise in support of this amendment which limits the amount of economic support funding for Turkey to $22 million until the Turkish Government acknowledges the Armenian genocide.

As my colleagues know, this April marked the 81st anniversary of the Armenian genocide. The great Armenian massacre, which took place between 1915 to 1916, shocked public opinion in the United States and Western Europe.

As Henry Morgenthau, Sr., the former U.S. Ambassador to the Ottoman Empire, stated "I am confident that the whole history of the human race contains no such horrible episode as this. The great massacres and persecutions of the past seem almost insignificant when compared to the sufferings of the Armenian race in 1915."

Last year, Members of Congress from both Houses in a bipartisan initiative called upon the President to reaffirm the Armenian genocide as a crime against humanity. While I appreciated the fact that a statement was issued by the White House, many of my colleagues and I were disappointed that the President did not use the word "genocide" to describe the systematic annihilation of one and one-half million Armenians.

In fact, earlier this year, I joined many of my colleagues in sending a letter to President Clinton expressing disappointment in the fact that he used the word "massacres" rather than the word "genocide" to describe this terrible tragedy.

We must also send the same message to Turkey. Turkey must take steps to acknowledge and honor the memory of the victims of the Armenian genocide.

I am proud to have cosponsored H. Con. Res. 47, which enjoys the bipartisan support of 178 Members and honors the memory of the victims of the Armenian genocide.

In closing, I urge my colleagues to support this amendment. The survivors of the genocide and their descendants have made great contributions to every country in which they have settled—including the United States, where Armenians have made their mark in business, the professions, and our cultural life.

The time has come for Turkey to acknowledge the injustice that took place. For it is only through acknowledging it that we hold out hope for the future that no such event will occur again.

Mr. KIM. Mr. Chairman, I rise in strong opposition to the Obey-Frank amendment to prohibit the use of International Military Education and Training Funds for Indonesia. It appears to be that this amendment is designed only to insult Indonesia and would have only negative effects on U.S.-Indonesian relations. Furthermore, if enacted, I believe this amendment would actually hinder the kind of changes and increased respect for human rights its proponents claim to seek.

First, let's be clear on what IMET is. IMET is not guns and ammunition. It's not even combat training. The IMET program sponsors up and coming Indonesian military officers to come to the U.S. to receive either technical training—like accounting—or professional education including military justice and human rights awareness. Thus, IMET participants are exposed to the very issues about which the sponsors of the Obey-Frank amendment are most concerned. How better to ensure that the Indonesian military enhances its professionalism and sensitivity to the human rights concerns we've identified than to include this in their training? Especially when the Indonesian military wants this training? They are seeking our help. If the sponsors of this amendment listen to their own words, then they would see that we ought to continue to provide this training.

Second, IMET also plays an important role in improving U.S.-Indonesian security ties. Indonesia occupies a very central and strategic position in Southeast Asia. Indonesia is a key member of ASEAN and a moderate leader of the non-aligned movement. It is the world's largest Moslem country. Indonesia is very supportive of the United States presence in Southeast Asia and provides us with places in lieu of bases. The modest support the Indonesian military receives from IMET goes a long way in solidifying this relationship. It also provides our own military with exposure to senior and mid-level Indonesian military officers with all of the associated benefits such relations provide.

Third, with 190 million people, Indonesia is a growing market for American goods and services. Last year alone, the U.S. exported $3.3 billion, an increase of over 20 percent from last year. Indonesia is the host to over $6 billion in United States investments. Whether we like it or not, IMET has, in part, come to represent a bellwether of United States engagement with Indonesia. It has become a symbol of United States attitude toward Indonesia. Therefore, to prohibit IMET will be seen by Indonesians—all Indonesian, not just the Suharto Government—as a slap. Unlike most of my colleagues, as a first generation Asian-American, I have a pretty good understanding of how East Asians think. And, I can assure every one of you, this will be interpreted as a direct insult against the Indonesian nation as a whole.

Such an insult will have a direct and negative affect on all aspects of our relationship, including economic ties. At risk are jobs and incomes of Americans right here at home. The only ones really cheering for the misguided symbolism of the Obey-Frank amendment are our Asian and European competitors.

Finally, I am sensitive to the situation in East Timor. Unfortunately, the history as well as the future of East Timor is not as simple and black and white as proponents of this amendment claim. Progress is being made with regard to East Timor, though I agree that more is needed. However, cutting IMET will have no positive effect on East Timor. The Obey-Frank amendment is merely pandering to one special interest in East Timor at great expense overall U.S. interests in the region. In fact, as I pointed out, prohibiting of IMET could actually setback the process of improving human rights.

Therefore, I urge my colleagues to vote for America's best interests and reject this misguided amendment.

Mr. TORRES. Mr. Chairman, I rise today in support of H.R. 3540, the fiscal year 1997 foreign operations appropriations bill as reported out of the full Appropriations Committee. I want to commend Chairman CALLAHAN and the distinguished ranking member, Mr. WILSON, for their diligent work in crafting this year's foreign assistance package. However, I must note that the bill falls short in meeting certain critical funding needs, particularly in providing adequate assistance to the Latin and Central American region.

United States assistance for emerging democracies of Latin and Central America is severely threatened by continuing reductions in development assistance. The relatively modest sums directed towards sustainable development in Latin America are a worthwhile long-term investment in the economic and political stability of our closest neighbors. Such an investment can pay off in avoiding natural disasters, economic crises, and military conflicts, which bring with them a much higher cost in economic and human terms. Additionally, the United States has made certain commitments to the region, such as contributions to consolidating peace in Central American nations, which should be honored.

Furthermore, funds for granting relief for countries that hold U.S debt is a way to help them become more self-sufficient as aid flows diminish or end. As this bill continues through the legislative process, I would hope we could do more or increase the amount allocated for debt restricting for the poorest countries and debt buybacks.

The Fund for Special Operations [FSO], the concessional lending arm of the Inter-American Development bank, extends loans—not grants—to the poorest countries in Latin America and their Caribbean for programs designed to alleviate poverty. FSO programs benefit those most in need, especially women and children and microentrepreneurs who have little access to credit through regular financial sources. As bilateral aid to Central American and Caribbean countries is being dramatically reduced, the U.S. contribution to the Fund for Special Operations is an effective investment in the development of our poorest neighbors in the Western Hemisphere. While this bill has reduced the administration request for the FSO from $31 million to $10 million, I believe this small U.S. contribution is critical in leveraging significant funds fund other donor nations around the world and hope that we can find a means to increase this amount.

I also want to note that the bill includes a 10-percent cut in funding for the U.S. contribution to the North American Development Bank. The House Report attributes this cut to the slow start-up of the Bank's Community Adjustment and Investment Program, also known as the "Domestic Window". Ten percent of the NADBank's capital is allocated for the Domestic Window, which is designed to address trade dislocation issues by assisting communities and businesses throughout the United States. This assistance will be administered through other Federal lending programs and through the direct lending program of the NADBank's Community Adjustment and Investment Program. However, I would point out that the money is not segregated, therefore, a 10-percent cut directed at the domestic window of the NADBank, is a cut to the overall NADBank funds for border-area projects. While the Bank's Domestic Window may not have been established as quickly as we had hoped, it is now open and lending criteria are in place. The fiscal year 1997 tranche of NADBank capital is critical for the Bank to realize its potential to clean up the border region and address the domestic needs of displaced workers and businesses.

Additionally, I would like to state for the record that even though we are approving counternarcotics assistance in principle to the Governments of Colombia and of Peru, the administration should not interpret this as an unconditional approval of military assistance to those countries and should carefully consult with us before requesting the release of any such assistance.

We all know that in Colombia political killings and disappearances continue at crisis levels while in Peru, thousands languish in that country's jails after blatantly unfair trials. In both countries, due process is flagrantly violated. An amnesty law in Peru has made impunity state policy, while in Colombia impunity is also the norm. We all know that human rights in both countries is under attack. But we approve counternarcotics assistance as a gesture of good faith to the administration with the caveat that serious human rights problems remain.

It is important to highlight that neither the Governments of Peru nor of Colombia will receive any assistance through the foreign military financing account, but both will receive assistance through the counternarcotics account. I want to inform the public as well as my colleagues that this counternarcotics item could lead to an administration request of military transfers to those countries' military units.

I must state for the record that I will use my office to ensure that neither the Colombian Army nor the Peruvian Army as well as Navy will receive any United States assistance. For this, I would like to thank the Chair for his consideration in ensuring that a notification requirement is kept for both countries. Furthermore, when we are duly notified, I will also ensure that if other branches of those countries' militaries are involved in violations, they do not receive a single tax dollar in assistance. This is a responsibility we have to the people in those countries and to our taxpayers as well.

Mr. BEILENSON. Mr. Chairman, I rise in strong opposition to the Foreign Operations Appropriations Act for fiscal year 1997.

What is at stake in this bill is nothing less than the future of America's leadership in the world. We all ought to be extremely concerned about the disastrous effects the low level of spending in this bill will have on U.S. influence abroad, on our ability to protect our national interests, and on the lives of hundreds of millions of people in the developing world.

In fact, when we consider the role of American leadership in the world today, and the need to protect our own interests and security in the international arena this bill is frankly an embarrassment.

One of the great myths among Americans is that the Federal Government spends a significant portion of its budget on foreign aid. Indeed, in a University of Maryland study conducted not too long ago, three of four Americans said they believe the United States spends too much on foreign aid. But when asked how much they thought the Nation spends, the median response was 15 percent of the federal budget; and when respondents were asked how much the United States should spend on foreign aid, the median response was 5 percent, with most agreeing that 3 percent would be too little.

As we all know, U.S. foreign aid actually accounts for about three-fourths of 1 percent of the Federal budget. As a percentage of our gross national product [GNP], the United States is now the lowest aid contributor of the world's top 21 industrialized nations.

For a tiny fraction of what we spend on defense, the prudent use of foreign aid helps us meet escalating threats to our national and global security, including chronic poverty, rapid population growth, environmental degradation and forced migration. The long-term effect of the cuts in this bill will be a substantial reduction in the President's ability to conduct foreign policy, leaving only the military option in some circumstances. And for this extreme cost, these cuts in foreign aid will reduce overall federal spending by only a token amount.

Many people do not realize how much our modest investment in foreign assistance programs benefit U.S. businesses and citizens. When the Marshall plan was announced in 1947, only 18 percent of Americans supported that effort to rebuilt Europe. But U.S. assistance helped to establish social and political stability, and created some of our best trading partners.

In the 1960's and 1970's, many criticized United States assistance to countries such as South Korea, Taiwan, Mexico, and India. But once again, U.S. assistance ushered in a period of unprecedented growth. With United States help, India has seen dramatic increases in agricultural production and, as a consequence of our foreign aid, a politically stable India offers a promising market of 900 million people for United States goods.

The fastest growing segment of the U.S. export market is in trade with developing countries. Today, developing countries import almost 40 percent of U.S. exports, accounting for 2 million American jobs. In the past decade alone, exports to developing countries have more than doubled from $71 to $180 billion. The United States is today exporting products and services to many of the nations the United States assisted in the 1960's and 1970's. More than 24 countries since that time have moved from foreign-aid recipient to trading partner. Africa now comprises a faster growing share of the U.S. market than Europe.

Foreign aid has also dramatically improved the lives of hundreds of millions of people and reduced the risk of, and the occurrence of, humanitarian crises.

Since 1960, development assistance has helped reduce infant mortality rates in developing countries by 50 percent, increase life expectancy from 46 to 63 years, and increase primary school enrollment from 48 to 78 percent.

Foreign aid has resulted in important breakthroughs in agriculture; investments made by the United States in better seeds and agriculture techniques has helped make it possible to feed an extra billion people in the developing world.

More than 50 million couples in the developing world use family planning as a direct result of U.S. assistance for overseas family planning services; over the past 35 years, the average number of children per family in the world has been reduced by one third—from six children to four.

U.S. aid is largely credited with fully immunizing 80 percent of all children in developing countries, eradicating smallpox worldwide and virtually eliminating polio in the Western hemisphere.

And, since 1980—in just the past 15 years—U.S. foreign assistance has helped three dozen nations make the transition to democratic government.

The spending reductions that this bill continues from last year threaten to reverse these positive trends, especially as the number of poor around the world, an estimated 1.3 billion people, continues to soar.

One of the most drastic program cuts in this bill, which many of us are deeply concerned about, is the continued 35 percent cut in funding for family planning assistance, along with restrictions that will affect some of the most effective family planning organizations. The United States has historically been the principal supporter of international family planning assistance. Our continuing contribution is vital to the effort to slow the world's rapid population growth, which underlies virtually every developmental, environmental, and national security problems facing the world today.

Global population is now 5.7 billion people, and it is growing by almost 100 million every year—by 260,000 every 24 hours. Future prospects, moreover, are even more staggering. If effective action is not taken in the next few years—as today's 1.6 billion children in the developing world under the age of fifteen reach their childbearing years—the Earth's population could nearly quadruple to 20 billion people by the end of the next century.

In much of the developing world, high birth rates, caused largely by the lack of access of women to basic reproductive health services and information, are contributing to intractable poverty, malnutrition, widespread unemployment, urban overcrowding, and the rapid spread of disease. Population growth is outstripping the capacity of many nations to make even modest gains in economic development, leading to political instability and negating other U.S. development efforts.

The impact of exponential population growth, combined with unsustainable patterns of consumption, is also evident in mounting signs of stress on the world's environment. Under conditions of rapid population growth, renewable resources are being used faster than they can be replaced. Other environmental consequences of the world's burgeoning population are tropical deforestation, erosion of arable land and watersheds, extinction of plant and animal species, and pollution of air, water, and land.

For almost 30 years, population assistance has been a central component of U.S. development assistance. While much more remains to be done, population assistance has had a significant positive impact on the health of women and their children and on society as a whole in most countries. In many parts of Asia, Latin America, and Africa, fertility rates have decreased, often dramatically. Couples are succeeding in having the smaller families they want because of the greater availability of contraceptives that our assistance has made possible.

Today, approximately 55 percent of couples worldwide use modern methods of contraception, compared with 10 percent in the 1960's Despite this impressive increase in contraceptive use, however, an estimated 125 million couples lack access to family planning services. And, the demand for these services is increasing, largely because populations are growing. Indeed, over the next 20 years, the number of women and men who wish to use contraception will almost double.

Similarly, population assistance has contributed to the significant progress that has been made in reducing infant and child mortality rates. Child survival is integrally linked to women's reproductive health, and specifically to a mother's timing, spacing and number of births. Despite substantial progress, a large proportion of children in the developing world—particularly in sub-Saharan Africa and some Asian countries—still die in infancy.

And, while many countries in the developing world have succeeded in reducing maternal mortality rates, the incidence of maternal death and disability remains unacceptably high, constituting a serious public health problem facing most developing countries. According to the World Health Organization, an estimated 500,000 women die every year as a result of pregnancy and childbirth.

U.S. population assistance is preventive medicine on an international scale. Congress has long recognized this to be the case and over the years has reaffirmed the importance of population assistance in securing U.S. interests abroad. By addressing the basic health and educational needs of women and their families, population assistance provides building blocks for strong democratic government and sets the stage for economic growth. Furthermore, it helps prevent social and political crises, thereby averting the need for costly relief efforts.

At the International Conference on Population and Development [ICPD], held in Cairo in 1994, the Untied States was instrumental in building a broad consensus behind a comprehensive Program of Action, which was signed by almost all of the 180 countries that participated in the conference, and which is intended to help guide the population and development programs of the United Nations and national governments into the next century. Central to this plan is the recognition that with adequate funding this decade for family planning and reproductive health services, as well as educational, economic, and social opportunities necessary to enhance the status of women, we can stabilize world population in the first half of the next century.

This bill, however, effectively abandons the goals of the ICPD and the international community, as well as our Nation's own historical position—supported by many Republican and Democratic administrations and congresses—that population assistance is one of the most cost effective and important uses of our foreign aid dollars.

The Appropriations Committee has, unfortunately, followed the unwise course it began last year when funding for family planning assistance was cut drastically. This year's bill, which would allow no more than $356 million to be spent for this purpose, would have devastating consequences for developing countries. The Agency for International Development estimates that the limit on family planning assistance in this bill could result in 7 million couples in developing nations who would have used modern contraceptive methods left without access to those methods. That would cause 4 million more women to experience unintended pregnancies and, as a result, there would be: 1.9 more unplanned births; 8,000 more women dying in pregnancy and childbirth; 134,000 more infant deaths; and 1.6 million more abortions.

That last statistic—1.6 million more abortons—is particularly important to note, since Members may be under the impression that this bill would reduce the incidence of abortion by providing funding on favorable terms to family planning organizations that abide by the so-called Mexico City policy. Nothing could be further from the truth.

The fact is, U.S. funds do not pay for abortions. For over 20 years, under the Helms amendment to the Foreign Assistance Act, Federal law has prohibited any U.S. funds from being used for abortions, or to promote abortion. There is no reason whatsoever to differentiate between organizations that do or do not abide by the Mexico City policy.

In closing, Mr. Chairman, I want to urge strong support for the amendment that the gentleman from Colorado [Mr. SKAGGS] will be offering to strike the provision in the bill that caps family planning assistance at 65 percent of the 1995 level, $365 million, so that the Agency for International Development could apply more of its appropriated funds for the very vital and urgent purpose of providing family planning assistance.

But I urge Members to vote against final passage as a way of expressing opposition to the unwise, counterproductive, and destructive cuts in foreign assistance contained in this bill. These programs work, and providing adequate funding for them will reduce human suffering, promote global peace and security, and save many times the expense in future U.S. foreign assistance.

Mr. BONILLA. Mr. Chairman, I rise today in support of the foreign operations appropriations bill. The committee is like the tireless work horse who moves forward despite the weight of its load. yet, unlike the work horse, the members of this committee do not wear blinders. This bill is fiscally responsible, and it preserves and protects the long term interests of this country. It marks the beginning of the important task of the restructuring of foreign aid.

Our world has changed significantly in the last decade, and it will continue to change. The fall of communism in Eastern Europe and Russia, the rising powers in Asia, the torrent of terrorist activities. The list of challenges for America is significant. The answers may be different, but the goal remains the same. We are working toward preserving our independence, and promoting our national security.

At the same time, we have to try to spend less in our foreign efforts. This does not mean that we are ignoring our duties. It does mean that we should cut back on wasteful spending that does not achieve our goals. This bill accomplishes the long awaited consolidation of similar, repetitive programs. It reduces foreign aid spending by $458 million from fiscal year 1996.

Reductions in spending have been made possible by the consolidation of funding that was doled out in the past to many different programs which seek to achieve similar goals. Appropriations are thus targeted to specific areas of concern more effectively and efficiently. It is an attempt to cut down the proverbial forest of redtape and bureaucracy that have become all too familiar. After all, even the workhorse has trouble plodding through an endless maze of dead ends.

The aim is to achieve our goals in a direct manner, with less reliance on international organizations where we can't control the way our own money is used; the way the tax dollars of the American people are used. It is clear that this bill allows the United States to maintain a steady course as the eminent global leader. The empathy of the American people is as clear in our humanitarian efforts, as their practicality and common-sense is in our appropriations. This bill is one that protects our sovereignty, and works toward our goal of American security. I support this bill wholeheartedly, and urge my colleagues to vote in favor of it.

Mr. HAMILTON. Mr. Chairman, I rise in strong opposition to this amendment.

This is an amendment without a purpose. If the amendment's author wishes to save money, it is not at all apparent that this amendment will accomplish this. Indeed, the spending ceiling in this amendment is identical to the development assistance now allocated for India for the current year.

If, on the other hand, the author's purpose is to promote human rights in India, not even the author can persuasively argue that his amendment will force the Government of India to respect human rights. No one who knows India thinks that pressure of this sort is likely to force India to bow to our demands. To the contrary, no Indian Government could stay in power for 24 hours if it were seen to be bowing before American bullying.

Instead, this amendment will have only negative effects. It will disrupt our bilateral relationship with a major power. It will lessen our ability to make our voice heard in New Delhi on human rights and other important issues. And it will reduce the administration's flexibility in providing assistance to the poorest segments of Indian society.

Finally, the timing of this amendment could not be worse. A new Indian Government was just sworn in last Saturday. This government faces a vote of no confidence next week.

Do we wish to inaugurate relations with this new government by offering it a slap in the face?

Do we wish to push this new government, in the days before a crucial vote of no confidence, into a nationalistic, anti-American response?

The answer to these questions can only be no.

So I urge my colleagues to reject this amendment. Its purpose is unclear but its likely effects are absolutely certain: it will damage our relationship with a major power and a new government without in any way advancing American interests.

Mr. TORKILDSEN. Mr. Chairman, I rise today in strong support of the Foreign Operations appropriations bill and aid to Israel—our most important ally in the Middle East.

At less than 1 percent of the total budget, foreign aid is a bargain. It gives us tremendous leverage when negotiating with nations and provides a valuable tool for promoting democracy throughout the world. It is also important to remember that 85 percent of aid to Israel comes back to the United States through trade, creating and sustaining jobs.

The Middle East remains the most turbulent and heavily armed region of the world, producing a constant threat to Israel's national security. Amid unrest and oppression, Israel remains a beacon of hope for free people, and a model for those still struggling for the basic right to vote. At the heart of Israel's recent elections was the desire of all Israelis to live free of violence. American military and economic support remains an essential part of this much-needed sense of security.

In recent years, due in large part to ongoing U.S. support, Israel has enjoyed a prospering economy. This week, Prime Minister-elect Netanyahu stressed his commitment to continued economic growth through free market reforms. U.S. economic aid is helping Israel aggressively enter the global marketplace as a key trading partner.

Regardless of one's view of the outcome, Israel's election was a shinning example of democracy at work. I applaud the Israeli people on this peaceful election of leadership—the only truly democratic election in the region.

Maintaining a strong Israel is vital to the preservation of peace and security in an area of the world characterized by violence and discord. I urge my colleagues to support Israel, support peace, and support this bill.

Mr. ACKERMAN. Mr. Chairman, I rise today to express my support for amendments adopted by the House last week to H.R. 3540, the foreign operations appropriations bill for fiscal year 1997.

In the early years of this century, the Armenian people suffered horrible atrocities at the hands of the Ottoman Empire. The diplomatic record, from our own diplomats and from those of other countries, shows an orchestrated effort to rid Turkey of Armenians. It is time that the Turkish Government recognize the Armenian genocide and honor the victims in an appropriate manner.

The House has spoken twice this past week on Armenian issues. The first time was to amend the Humanitarian Corridors Act to remove the President's authority to waive the provisions of the act which deny aid to a country blocking humanitarian assistance to a third country. Turkey has been blocking such assistance to Armenia but the President choose to waive the applicable provisions of the Humanitarian Corridors Act. The House has responded by overwhelmingly adopting an amendment denying the President future use of this authority.

The House also spoke resoundingly when it adopted an amendment cutting by $3 million the economic support funds Turkey receives until the Government of Turkey acknowledges the atrocity committee against the Armenians and takes appropriate steps to honor the memory of the victims of the Armenian genocide.

Mr. Chairman, these amendments will send a strong message to the Turkish Government that the United States expects the victims of the Armenian genocide to be recognized and that silence in the face of such atrocities is unacceptable.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered under the 5-minute rule by titles, and each title shall be considered read.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote of any amendment and may reduce to not less than 5 minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall not be less than 15 minutes.

After the reading of the final lines of the bill, a motion that the Committee of the Whole rise and report the bill to the House with such amendments as may have been adopted shall, if offered by the majority leader or a designee, have precedence over a motion to amend.

The Clerk will designate title I.

The text of title I is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1997, and for other purposes, namely:

TITLE I—EXPORT AND INVESTMENT ASSISTANCE

EXPORT-IMPORT BANK OF THE UNITED STATES

The Export-Import Bank of the United States is authorized to make such expenditures within the limits of funds and borrowing authority available to such corporation, and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out the program for the current fiscal year for such corporation: *Provided*, That none of the funds available during the current fiscal year may be used to make expenditures, contracts, or commitments for the export of nuclear equipment, fuel, or technology to any country other than a nuclear-weapon State as defined in Article IX of the Treaty on the Non-Proliferation of Nuclear Weapons eligible to receive economic or military assistance under this Act that has detonated a nuclear explosive after the date of enactment of this Act.

SUBSIDY APPROPRIATION

For the cost of direct loans, loan guarantees, insurance, and tied-aid grants as authorized by section 10 of the Export-Import Bank Act of 1945, as amended, $726,000,000 to remain available until September 30, 1998: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That such sums shall remain available until 2012 for the disbursement of direct loans, loan guarantees, insurance and tied-aid grants obligated in fiscal years 1997 and 1998: *Provided further*, That up to $50,000,000 of funds appropriated by this paragraph shall remain available until expended and may be used for tied-aid grant purposes: *Provided further*, That none of the funds appropriated by this paragraph may be used for tied-aid credits or grants except through the regular notification procedures of the Committees on Appropriations: *Provided further*, That funds appropriated by this paragraph are made available notwithstanding section 2(b)(2) of the Export-Import Bank Act of 1945, in connection with the purchase or lease of any product by any East European country, any Baltic State, or any agency or national thereof.

ADMINISTRATIVE EXPENSES

For administrative expenses to carry out the direct and guaranteed loan and insurance programs (to be computed on an accrual basis), including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, and not to exceed $20,000 for official reception and representation expenses for members of the Board of Directors, $47,614,000: *Provided*, That necessary expenses (including special services performed on a contract or fee basis, but not including other personal services) in connection with the collection of moneys owed the Export-Import Bank, repossession or sale of pledged collateral or other assets acquired by the Export-Import Bank in satisfaction of moneys owed the Export-Import Bank, or the investigation or appraisal of any property, or the evaluation of the legal or technical aspects of any transaction for which an application for a loan, guarantee or insurance commitment has been made, shall be considered nonadministrative expenses for the purposes of this heading: *Provided further*, That, notwithstanding subsection (b) of section 117 of the Export Enhancement Act of 1992, subsection (a) thereof shall remain in effect until October 1, 1997.

OVERSEAS PRIVATE INVESTMENT CORPORATION

NONCREDIT ACCOUNT

The Overseas Private Investment Corporation is authorized to make, without regard to fiscal year limitations, as provided by 31 U.S.C. 9104, such expenditures and commitments within the limits of funds available to it and in accordance with law as may be necessary: *Provided*, That the amount available for administrative expenses to carry out the credit and insurance programs (including an amount for official reception and representation expenses which shall not exceed $35,000) shall not exceed $30,000,000: *Provided further*, That project-specific transaction costs, including direct and indirect costs incurred in claims settlements, and other direct costs associated with services provided to specific investors or potential investors pursuant to section 234 of the Foreign Assistance Act of 1961, shall not be considered administrative expenses for the purposes of this heading.

PROGRAM ACCOUNT

For the cost of direct and guaranteed loans, $72,000,000, as authorized by section 234 of the Foreign Assistance Act of 1961: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That such sums shall be available for direct loan obligations and loan guaranty commitments incurred or made during fiscal years 1997 and 1998: *Provided further*, That such sums shall remain available through fiscal year 2005 for the disbursement of direct and guaranteed loans obligated in fiscal year 1997, and through fiscal year 2006 for the disbursement of direct and guaranteed loans obligated in fiscal year 1998. In addition, such sums as may be necessary for administrative expenses to carry out the credit program may be derived from amounts available for administrative expenses to carry out the credit and insurance programs in the Overseas Private Investment Corporation Noncredit Account and merged with said account.

FUNDS APPROPRIATED TO THE PRESIDENT

TRADE AND DEVELOPMENT AGENCY

For necessary expenses to carry out the provisions of section 661 of the Foreign Assistance Act of 1961, $38,000,000, to remain available for obligation until September 30, 1998: *Provided*, That the Trade and Development Agency may receive reimbursements from corporations and other entities for the costs of grants for feasibility studies and other project planning services, to be deposited as an offsetting collection to this account and to be available for obligation until September 30, 1998, for necessary expenses under this paragraph: *Provided further*, That such reimbursements shall not cover, or be allocated against, direct or indirect administrative costs of the agency.

The CHAIRMAN. Are there amendments to title I?

AMENDMENT OFFERED BY MR. LIGHTFOOT

Mr. LIGHTFOOT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. LIGHTFOOT: Page 2, line 25, after the dollar amount, insert the following: "(increased by $64,000,000)".

Page 7, line 22, after the dollar amount, insert the following: "(reduced by $60,000,000)".

Page 13, line 11, after the dollar amount, insert the following: "(reduced by $4,000,000)".

Mr. LIGHTFOOT. Mr. Chairman, let me begin by first commending the gentleman from Alabama [Mr. CALLAHAN] and the gentleman from Texas [Mr. WILSON] for presenting the House with, on balance, another fine bill. The bill continues the downward trend in foreign aid by reducing this bill some $450 million below last year's appropriated level. Others talk deficit reduction, these gentleman, like their predecessors, Mr. OBEY and Mr. LIVINGSTON, deliver real spending reductions. We owe them a lot for that.

Before I explain my amendment, let me also join my colleagues in expressing appreciation to the gentleman from Texas [Mr. WILSON] for his years of service in this House. Whether CHARLIE is riding a camel with bandoleers of ammo over him in some country that 95 percent of us cannot pronounce or whether he is up in the full committee working through, he has made an excellent, positive contribution to this House and to this country. CHARLIE, we are going to miss you.

The House simply will be not be the same without you.

I offer this amendment because I am very concerned about the proposed funding level for the Export-Import Bank of the United States. In less than a year we have reduced Eximbank funding from $786 million, to $744.5 million through recision, to $726 million in this bill. I think this sends a terrible signal to our exporters and a worse signal to foreign governments.

Frankly, I would not support the existence of the Eximbank if world markets were truly free and open. But the fact of the matter is that foreign governments, as a matter of national policy, subsidize their businesses entry into new markets. This foreign activity is costing us business and jobs.

Our late Secretary of Commerce, Ron Brown, noted in the "National Export Strategy" that political and economic pressure brought to bear by other governments has already cost U.S. exports almost $25 billion in lost contracts.

And the world's not waiting for us. Already, over half of our exports of capital goods go to the developing world. To assure our Nation's future economic prosperity we must be prepared to support our Nation's businesses in the face of foreign government intervention.

My amendment increases the funding level for Export-Import Bank loans by $64 million to basically the amount approved in last year's bill. This would support an additional $2 billion in export assistance over the fiscal year 1996 levels and create up to 40,000 additional U.S. jobs.

I propose as the offset a 3-percent reduction in AID development assistance and a 1-percent reduction in AID operating expenses.

The amendment has drawn the support of a number of organizations including: the Coalition of Employment through Exports; The United States-Russia Business Council; the Aerospace Industries Association; the General Aviation Manufactures Association; and the International Engineering and Construction Industries Council.

I commend these groups for stepping up in support of this amendment. Asking for a funding increase in an era of declining budgets means making tough choices and these groups have associated themselves with what is a difficult funding offset.

The amendment does ask for a 1-percent reduction in total AID spending. My amendment does not, however, makes any cuts in the child survival account. As Americans, we all want to do our best to help the world's neediest citizens.

But other parts of AID's development assistance account should be looked at more closely. Although well intended, development assistance simply demonstrates little by way of results—beyond perhaps making us feel better.

In an era of declining budgets we must make choices. I believe a $2 billion increase in exports, leading to the creation of up to an additional 40,000 U.S. jobs, is an appropriate tradeoff against a 1-percent reduction in total AID spending.

Unfortunately, I detect too many crosscurrents within the House which lead me to think we cannot be successful today.

There are groups which support an increase for Eximbank but ironically also stand to benefit from AID development assistance grants and are not able or willing to offer another offset.

There are Members concerned about Eximbank's role in China and Members on the other side of the coin concerned about Eximbank's decision not to move forward with the Three Gorges Dam project. Finally, there are Members who still need convincing that Eximbank isn't just some corporate welfare scheme.

I will not press for a vote in the House today which some might choose to construe somehow as a lack of support for Eximbank.

It certainly is not.

I also would like to thank the gentleman from New York [Mr. FORBES] and the gentleman from California [Mr. PACKARD] and others who have spoken in support of this measure and were ready to support it here on the House floor today.

Mr. Chairman, as an old rodeo announcer, one of the first things you do is count the house. We counted the House, and we see where the votes are.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. CALLAHAN. Mr. Chairman, I move to strike the last word.

I want to commend the gentleman from Iowa for his efforts. Certainly, there is no greater supporter in this House than Mr. LIGHTFOOT with respect to the Eximbank, and with justifiable cause because Eximbank does create jobs in the United States. The gentleman is exactly right in his philosophy. But the committee has worked long and hard trying to reach a resolve and I respect the gentleman's mission. I also respect the fact that he recognizes we have done the best we can do. If there is anything we can do in conference to facilitate his request, we certainly would take that into consideration.

I want to commend the gentleman from Iowa for his efforts. If anyone should get credit in this bill or in last year's bill for adequately funding the Eximbank, it is the gentleman from Iowa, Congressman LIGHTFOOT. I appreciate his efforts.

AMENDMENT OFFERED BY MR. OBEY

The CHAIRMAN. Are there further amendments to title I?

Mr. OBEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. OBEY: On page 3, line 25, after the dollar amount, insert the following: "(reduced by $1,000,000)".

Mr. OBEY. Mr. Chairman, I stand here as a longtime supporter of the Eximbank. I remember in the early years that I served on this committee and in fact in the early years when I was chairman, my ranking Republican member was then the distinguished gentleman from New York, Mr. Kemp. At that time he and the Reagan administration favored the elimination of all support for the Eximbank. We resisted that. We stopped the elimination. I, for years, supported appropriations for that institution above the amount asked by the administration because the Eximbank, we felt, was important in the effort to expand American exports around the globe.

I take a back seat to no one in my desire to do that. I think people need to understand that in this country one out of every seven jobs are related to our ability to export or to compete effectively against companies who are importing.

I do think that we have an anomalous situation, and that is what this amendment attempts to address itself to.

We have many, many accounts in this bill which are very deeply reduced. We have a huge cut in the IDA account. We have large reductions in development accounts. We have huge cuts for administration in AID. The 1997 bill, as reported by the committee, cuts or level funds for all administrative accounts in the bill with the exception of the Eximbank and the Overseas Private Investment Corporation.

I support the work of those agencies. As I said, I have tried to ensure over the years that they received generous levels of funding. But at a time when virtually every other administrative account in the bill has either been cut or straight lined, I have a great deal of difficulty justifying or advocating increases to this agency.

I would also point out that the Eximbank has been cited this year as having provided an excessive number of achievement bonuses for over 200 of its employees. I frankly feel that sometimes bonuses are perfectly appropriate. But it strikes me that when we had that many in the midst of forcing reductions in many domestic agencies and at a time when we are forcing reductions in many other agencies in this bill, I just do not feel comfortable supporting that.

AID has announced a reduction in force of about 10 percent of its work force. Its operating fund has been cut by $30 million by the committee. There will be attempts made on this floor today to reduce it even further. It seems to me that with those kinds of significant reductions, it is not appropriate to be providing an increase in administrative costs for Exim. Even so, my amendment does not eliminate all of the increase in administrative expenses. It simply eliminates half of the increase provided by the committee.

It seems to me that, therefore, it is perfectly prudent and reasonable to suggest a $1 million reduction in this account for administrative expenses, and that is all that the amendment does.

Mr. ROTH. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am not addressing the issues of this particular amendment. I am taking this time, Mr. Chairman, just to commend the gentleman from Alabama [Mr. CALLAHAN], the chairman, for the excellent work he has done on this legislation and also the gentleman from Texas [Mr. WILSON], for his leadership. We appreciate that over the years and for all he has done for this body and for his country.

With the leadership of these two individuals, this legislation takes another positive step forward in shifting our priorities away from foreign aid and helping American companies increase their exports. I think that is the key to increasing exports and creating new jobs for American workers.

This bill reduces foreign aid by nearly half a billion dollars from last year's bill. Compared with the administration's request for more foreign aid, this bill saves $1 billion for the American taxpayers.

Particularly, let me commend Mr. CALLAHAN for sharply reducing the AID Housing Guarantee Program. The reason I do that is my Subcommittee on International Economic Policy and Trade has conducted a 3-year investigation on this program with the assistance of the General Accounting Office. We uncovered the fact that AID's mismanagement of the Housing Guarantee Program is causing a 40-percent loss rate on loans that the United States has guaranteed, 40-percent loss rate.

So far, 22 foreign countries and governments have stopped payment on these U.S.-backed loans. This means that half of the countries in the program have caused losses that the United States has to cover. All told, we have paid more than $400 million to cover these bad loans. What is worse, GAO predicts that these losses will continue to mount year after year.

Mr. Chairman, we will pay over $1 billion to cover these losses. This is very significant for us to remember. Several weeks ago, the inspector general of AID testified before our committee. He agreed with our judgment that the Housing Guarantee Program was in big trouble and has to be reviewed. This provision in this bill, which cuts off virtually all new guarantees, is the right step to take. It is consistent with the provisions of our authorization bill and would terminate this program.

Moreover, I support the focus of this bill in assisting our exporters. In hearings before our committee, witness after witness from the exporting community has emphasized over and over again that funding for the Export-Import Bank, the Overseas Private Investment Corp. and the Trade and Development Agency are essential to our competitive position in the world markets.

□ 1215

In sum, this legislation sets the right priorities, it reduces spending, it shifts money away from foreign aid, and it helps our exporters, and it shuts down poorly run, wasteful programs.

So all in all, Mr. Chairman, this legislation has looked at the key issues and, I think, has made the proper judgments all along the way, and so I think this is a particularly good piece of legislation.

Mr. CALLAHAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I appreciate where the gentleman is coming from, and certainly, if anybody is in favor of cutting expenses of this huge Federal Government it is me. but we have worked in a bipartisan manner to reduce Federal aid responsibly, and I think that the subcommittee and the full committee have done it. The administration requested the amount of money we put in this bill.

Now, if we are going to have responsible administrations administering programs as well supported as the Eximbank and if the Eximbank is going to continue to move in the direction of concentrating some of their efforts toward small business, then we are going to have to give them adequate resources to provide that service.

We have conveyed to the leadership of the Eximbank and not to the administration that we think they ought to look at smaller projects. There is something else other than a dam, there is something else other than a highway, there are small business people in the United States who have a potential customer in foreign countries, and that is why we have the Eximbank, and if they tell us they need money to provide this type of service to investigate whether or not the loan is viable, we have to give them adequate resources.

So I try to give this administration as much flexibility as I can. They came to me, and said in order to have an effective Exim operation, we must provide them with adequate funds. That is incidentally the request, I think that we must give them the benefit of the doubt, encourage them to be frugal, but at the same time not tie their hands and eliminate the possibility of job creativity in the United States.

Mr. WILSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would just like to underline what the gentleman from Alabama [Mr. CALLAHAN] has said. Multinational companies in the United States, are companies that create the highest paying jobs in the United States. The Eximbank has done as spectacular job in the last few years of stimulating American jobs at home as well as stimulating American investment abroad. We all know that American companies work at a great disadvantage in foreign trade, due to the Corrupt Practices Act. Other countries can deduct the bribes they pay to do business from their income taxes. The companies in the United States have to abide by a very strict Corrupt Practices Act. I hope that we can make progress in persuading our European partners and others not to pay bribes anymore, but so far we have not been able to do that.

But without the financing that is furnished by the Eximbank, there would be tremendous job loss in the United States and tremendous economic loss. A loss in our gross national product, a loss in Federal income tax revenues and a loss across the board economically.

So I would join the gentleman in opposing this amendment.

Mr. MANZULLO. Mr. Chairman, I move to strike the requisite number of words.

I stand to speak on behalf of the amendment No. 24 from the gentleman from Wisconsin [Mr. OBEY]. I do not know if the Members of this House are aware of a February 1, 1996, article: "The Export-Import Bank Overpaid Salaries." This shows that the Eximbank illegally increased the salaries of about 200 employees by an average of almost $5,000 a year after portraying them as critical workers that the agency could not afford to lose, and the bank's acting chairman, now a chairman who is appointed full-time permanently during the recess, Martin Kamarck, said in February 1996 we blew it, we were aggressive, and made a mistake and will fix it. Well, this is now June 1996, and it still has not been fixed. The Eximbank only has about 400 employees, and half of them, one-half of them, got pay increases, and those 200 employees, I believe, represent 25 percent of all the Federal employees that got pay increases.

Now, this is an agency that needs some trimming. We are not talking about cutting back the amount of subsidies that will be available for the purposes of helping American exporters compete overseas. What we are talking about is an agency which will be 2.5 percent, there will be a 2.5 percent reduction in subsidy, and yet the agency wants a 4.2-percent increase in their operations expense. That is not necessary, and simply because the agency requests the amount of money does not mean that we should give it to them.

I have an even stronger amendment which I will be offering later on in the course of this debate that will cut the administrative expenses by approximately $3 million. But as to the Obey amendment, it is correct, it should be done, there is no reason why the Eximbank cannot be forced to live within its means, and the $1 million to which the gentleman from Wisconsin [Mr. OBEY] is referring I think is a fact that this is a time for the American people to get back the $1 million that was improperly paid to over 200 workers at the Eximbank.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. MANZULLO. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I thank the gentleman for his comments. Let me simply observe that for those who indicate that they are concerned that Exim will not be able to provide sufficient services to small business if this cut goes into effect, I would suggest that I have been involved for a long time in trying to get greater focus on small business at Exim. And perhaps, taking a note of the reduction which has occurred, they will make a greater effort to respond to the needs of small business in order to build a broader constituency. That might be a very positive result of adopting this amendment.

Mr. MANZULLO. Mr. Chairman, I agree with my colleague from Wisconsin. I think it is disingenuous on the part of Eximbank to say that unless they get their additional appropriations, they cannot reach out to small businesses. But my question is this: Just because an agency wants to increase its outreach, does that mean it has to increase its budget?

We are talking about a reordering of priorities, and I would encourage my colleagues to vote in the affirmative on Mr. OBEY's Amendment No. 24.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. OBEY].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. OBEY. Mr. Chairman, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to the rule, further proceedings on the amendment offered by the gentleman from Wisconsin [Mr. OBEY] will be postponed.

The point of no quorum is considered withdrawn.

AMENDMENT OFFERED BY MR. MANZULLO

Mr. MANZULLO. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MANZULLO: Page 3, line 25, after the dollar amount, insert the following: "(reduced by $3,136,000)".

Mr. MANZULLO. Mr. Chairman, I rise in support of my amendment numbered 19 to reduce the bill's $47.6 million appropriation for Export-Import Bank administrative expenses by $3.1 million.

Mr. Chairman, my amendment is quite simple. If the Committee on Appropriations could recommend a cut of 2.5 percent for the subsidy appropriations for the Eximbank, certainly they do not need to increase Washington bureaucracy at Exim by 4.2 percent especially if the General Accounting Office found nearly $1 million in overpaid bonuses.

This is an agency, Mr. Chairman, that said that it had to take a lot of time in coming to a decision because of the layoff and the shutdown of the Federal Government, and then they turn right around and give almost $1 million in bonuses.

This is simply a budgetary priority issue. My amendment would cut Washington bureaucracy at the same percentage level as the cut in the program account at Exim. If Exim programs drop by 2.5 percent, so should a Washington bureaucracy. A 2.5-percent cut from last year's level is not a drastic measure. Every agency is experiencing severe budget crisis. Exim should not be the exception.

Mr. Chairman, the President of Exim said last February that the bank made a mistake and they would fix the overpaid bonus problem. Out of 448 employees, 200 were awarded bonuses, but the GAO said that only 10 of the 200 were actually eligible to receive the money. Well, Exim is one of the smallest agencies in the Federal Government. Exim accounted for 25 percent of all bonuses granted governmentwide. GAO concluded that many of these awards did not appear to comply with the statutory requirement.

Well, months later the issue is still unresolved, and to add salt to an open wound, the President nominated Mr. Kamarck to head the Eximbank in a recess appointment, allowing him once again to issue bonuses.

Finally, the chairman of Exim said in a press conference last week that their services are not needed for the largest public works project in the biggest emerging market in the world. Mr. Kamarck said U.S. companies can win these contracts on their own. I am perplexed at that statement. He seems to question the need for these additional personnel and resources if Exim declines at this time to support our exporters for the Three Gorges Dam project. If Exim immediately withdraws support for both large and small U.S. exporters for this huge project, then Exim does not need the extra $2 million for outreach activities to small businesses. Exim could do more for small businesses by revisiting the Three Gorges Dam decision.

Mr. Chairman, I urge my colleagues to support my amendment. If my colleagues are concerned about the deficit, if my colleagues want to cut Washington waste and bureaucracy, if my colleagues want to balance the committee's recommendations for programs with resources, if my colleagues want to sent a message to Eximbank, then support the Manzullo amendment No. 19.

Mr. LAHOOD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let me just see if I can sketch out here what is really happening. There are two things in play here. No. 1, we have this administration running all over Capitol Hill trying to persuade those of us in the House and Senate to vote for MFN, most-favored-nation status. I support that. I think it is good, and I hope that it will pass.

So on the one hand they want us, as a Congress, to support MFN. On the other hand this administration sends a memo to the Eximbank and says do not fund any of the loans for the Three Gorges project in China, and the reason they give in their memo is for humanitarian and environmental reasons.

So this is the classic Clinton way of doing things. On the one hand they want to portray themselves as being for the environment and being for humanitarian efforts. On the other hand they want to come up here and ignore that on MFN. So they sent this memo to the Eximbank snubbing their nose at American business. The Three Gorges project is going to proceed, it is going to move ahead. China has decided that they want this project.

So the administration wants to say, "Oh, we're for humanitarian environmental issues," on the one hand, and yet come up here and ignore them on MFN. So they have totally politicized the Eximbank on this issue. Their memo has scared the Exim people to the extent that they will not allow these loans to proceed, and American business gets snubbed, and the projects, the money for this equipment, will go to our foreign competitors.

So they want to be able to tell American business, "Yes, we're supporting you because we're for MFN, but on the other hand we can't support this particular issue."

□ 1230

Mr. Chairman, this agency has been politicized by this administration. This amendment will send a strong shot across the bow of the Eximbank that Congress knows what the administration and Exim is up to. Hand in glove, they are working together so the administration can have what they want, on the one hand with MFN, and they can also then go out and portray themselves as being environmentalists, and also for humanitarian concerns.

Mr. MANZULLO. Mr. Chairman, will the gentleman yield?

Mr. LAHOOD. I yield to the gentleman from Illinois.

Mr. MANZULLO. Mr. Chairman, it is my understanding, I would say to my colleague, the gentleman from Illinois, that Exim's refusal to get involved in financing with several companies could cost this country tens of thousands of highly skilled and highly paid jobs. Is that correct?

Mr. LAHOOD. Absolutely, Mr. Chairman.

Mr. MANZULLO. This is what this is about. We are talking about the largest public works project in the world.

Mr. LAHOOD. Mr. Chairman, let me just conclude by saying this. If the Members who are in their offices watching this debate on this amendment want to be consistent on MFN, what they ought to do is vote for this amendment and continue to send a strong signal that we cannot have it both ways. This is the classic Clinton attempt to have it both ways. It is nonsense, and we should not stand by and let it happen. That will send a strong message.

I encourage Members who care about American business and care about companies doing business abroad to do this.

Mr. WILSON. Mr. Chairman, will the gentleman yield?

Mr. LAHOOD. I yield to the gentleman from Texas.

Mr. WILSON. Mr. Chairman, I thank the gentleman very much for yielding to me.

Mr. Chairman, I would just like to remind the gentleman, and I am sure he probably knows it, that this subcommittee, as well as other committees, have put environmental constraints on the Eximbank, and they are mandated by Congress to make decisions based on that.

Mr. LAHOOD. Mr. Chairman, I would say to the gentleman from Texas, it is very clear why they made this decision, because the Clinton administration told them to make it. They told them how to direct this money and they told them not to direct it onto the Three Gorges project.

Mr. WILSON. It is quite possible. I am not sure about who directed who to do what, but it is very likely that under any circumstances, and I know how you gentlemen from Illinois feel, because it means a lot of jobs, but still, I believe that the Eximbank would have come under great, savage criticism had they approved this loan.

Mr. LAHOOD. Then how can the administration run up here on Capitol Hill, then, and try to persuade all of us to vote for MFN? Where are their environmental and humanitarian concerns when it comes to that issue?

Mr. WILSON. Mr. Chairman, I would say to the gentleman, the issues are simply not connected. The issues are simply not connected. MFN is an across-the-board trade. It is giving China the same status as practically every other country in the world has. It has nothing to do with Three Gorges Dam or the determination by the Eximbank that it did not fit into that.

Mr. OBEY. Mr. Chairman, I rise to strike the last word.

Mr. Chairman, I did not come here to be Bill Clinton's Congressman. I did not come here to be Tommy Thompson's Congressman. I did not come here to be anybody's Congressman except the people I was elected to represent, so I do not have to come here and support every action taken by the administration.

Mr. Chairman, I do not happen to favor MFN for China. I think China has not behaved in a way that entitles them to that privilege. I also happen to think that the Eximbank was right in the decision they made on this project, so I do not think the gentleman from Illinois—and he has a perfect right to take the position he does—but we do not have on this side of the aisle, or at least I do not have, a responsibility to support every decision made by the Clinton adminstration. I happen to think that the Eximbank was correct in that case, in the case that the gentleman from Illinois has a profound disagreement with.

Mr. Chairman, I would simply suggest that I think my amendment is a rational effort to send a signal to Exim that they should not provide inappropriate bonuses, and that it is also rational to indicate that we ought not to be exempting any agency from the squeeze when we have a very tight fiscal situation.

But if the point of the gentleman's amendment is to express the Congress' disagreement with Exim's decision on the case in question, then I would strongly urge opposition to that, because I think that would send an even more confusing signal to the Chinese Government, and I think if we are dealing with the question of what ought to happen with respect to MFN, we ought to deal with it when the time comes.

Mr. LAHOOD. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Illinois.

Mr. LAHOOD. Mr. Chairman, does the gentleman recognize the inconsistency that I tried to point out here, though, with trying to portray the thing in two different lights by the administration?

Mr. OBEY. In my view, Mr. Chairman, as far as I am concerned, the administration's position in support of MFN and in opposition to this is irrelevant. I have an obligation to exercise my own judgment. The gentleman is free to characterize the position of the administration any way he wants.

On this issue, I do not care what the administration thinks. I care about what I think is right, and what I think is right is not to exempt Exim from the budgetary squeeze that is befalling virtually every other agency in this bill. I also happen to think that they were right to turn down the project that the gentleman thinks they should have approved.

I am not trying to get into policy questions on Exim I am simply trying to make the simple observation we should not be expanding their administrative expenses when we are cutting everybody else's. That is what my amendment does without getting into a premature argument on this.

Mr. LAHOOD. If the gentleman would further yield, I wonder, if the gentleman's own amendment goes down, if he would be willing to support ours, then, since then he would be accomplishing what he is trying to accomplish here. He would reduce by an amount of money the ability of them to do what he wants.

Mr. OBEY. As I said, Mr. Chairman, I am opposed to this amendment because I recognize the importance of the Exim in extending business abroad and enabling us to provide exports. I am going after their administrative account because I do not like an administrative decision they made with respect to bonuses. But if we are going to start going after their administrative account every time we do not like a policy decision they made, we will have 100 amendments on the administrative account. I do not think that makes much sense for either them or the Congress to be doing.

Mr. MANZULLO. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Illinois.

Mr. MANZULLO. Mr. Chairman, I would just state that the purpose of my amendment is to reduce the administrative expenses by the same percentage as the reduction in the subsidy appropriation; that is all we are doing, because we are asked to decrease the subsidy appropriation by 2.5 percent, and we are also being asked to increase the administrative expenses by 4.2 percent. So if we are spending less money, they should in essence be spending less money to administer this.

Mr. OBEY. Mr. Chairman, I thank the gentleman for his observation. I do not think necessarily that administrative expenses are tied directly to the level of financial support the agency gets. Some deals are a whole lot more complicated than others. The world is a lot more complicated than that.

Mr. CALLAHAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the amendment offered by my two close friends, the gentleman from Illinois, is offered in understandable frustration. Simply, what happened, days ago the Eximbank killed efforts by some American companies, including some from Illinois who would be participating in a massive Three Gorges hydroelectric dam project in China. A lot of time and money went into preparing bids for that project. Eximbank first signaled its willingness to finance them, and then they switched signals. I do not think it is the end of the road. I do not think the door is truly closed on that project. I think it is closed at this point.

But it is a terrible message. While I understand the gentleman's frustration, this is not the solution. As the gentleman from Wisconsin [Mr. OBEY] mentioned, if we are going to penalize the Eximbank or any other agency of the United States because they do not do what we want them to do, then we are going to be here every day on every bill with amendments such as this.

Mr. Chairman, I share the goal of the gentleman. I hope American companies will be able to ultimately participate in the Three Gorges hydroelectric dam project, but I do know that companies in the Members' districts and in their States are going to benefit, whether this becomes a reality or not, this particular project.

I just want to tell the Members that I share their frustration. I have had projects turned down in the State of Alabama. Even though I disagreed with the Eximbank for turning my people down in the State of Alabama, I did not try to penalize them by reducing their operating expenditures.

I share the frustration. I have talked with the chairman of the Eximbank about the Members' projects. I support Members' involvement in the project and I support the project, but this is not the place to establish policy. So let me share in the frustrations, let me share in my willingness to assist the Members on this or any other project. But we have worked long and hard to come up with a responsible piece of legislation that has bipartisan support, and we cannot respond to every request that comes along by punishing someone. We are not going to punish the people who are doing the work. We are not going to punish the executives who made the decision. This is going to punish the ability of American small business people and large business people to compete with the French and the Germans and the British in foreign operations.

So I respect where Members are coming from, but I also have to respectfully speak in opposition to the amendment.

Mr. MANZULLO. Mr. Chairman, will the gentleman yield?

Mr. CALLAHAN. I yield to the gentleman from Illinois.

Mr. MANZULLO. Mr. Chairman, how many agencies is the gentleman aware of that have had an actual increase in administrative expenses besides border patrol?

Mr. CALLAHAN. Mr. Chairman, how many agencies does the gentleman know of that are creating thousands of jobs? How many agencies does he know of that created $17 billion in American exports and 340,000 American jobs? That is a part of our overall policy. I would say, why are we going to punish American exports?

Mr. MANZULLO. I am not punishing, Mr. Chairman. All I am saying to the gentleman, why should the Eximbank administrative account have an increase when all other agencies, including social service agencies, are having decreases?

Mr. CALLAHAN. Because we have advised them to do more, and No. 1, we get something in return for this. This is not going to go on forever. These people buy Caterpillar machines, they buy shrimp boats from Bayou Le Batre Alabama, they buy supplies made by the American people, they buy generators for these hydroelectric plants made by the American people. So this is an agency that we have been demanding to focus more so on small business people. We are encouraging them to spend more money focusing on the ability to create jobs in the small business sector.

Mr. MANZULLO. Mr. Chairman, is the gentleman aware that the generator business is going to Canada because of the decision by Eximbank, and those generators that can be American built and shipped are now going overseas for shipment to China?

Mr. CALLAHAN. That is the policy. That is this one particular job.

Mr. LAHOOD. Mr. Chairman, will the gentleman yield?

Mr. CALLAHAN. I yield to the gentleman from Illinois.

Mr. LAHOOD. I just want to make one point, Mr. Chairman. I respect the gentleman's point of view on this.

The CHAIRMAN. The time of the gentleman from Alabama [Mr. CALLAHAN] has expired.

(On request of Mr. LAHOOD, and by unanimous consent, Mr. CALLAHAN was allowed to proceed for 1 additional minute.)

Mr. LAHOOD. Mr. Chairman, will the gentleman yield?

Mr. CALLAHAN. I yield to the gentleman from Illinois.

Mr. LAHOOD. Mr. Chairman, I would just make this point. If this decision were made on the merits, we would not be standing here. This administration has politicized the Eximbank by sending them a memo saying "Do not fund this." So it is not us coming over here trying to exert influence. This agency has been politicized by the Clinton administration. There is no question about it. If they had not done that, if Exim would have done what they are supposed to have done, been professional, done it on the merits, it would be different. That is why we are here, because we are irritated about the fact that it has been so politicized.

Mr. Chairman, I rise today in support of Mr. MANZULLO's amendment to H.R. 3540, the Foreign Operations Appropriations Act for fiscal year 1997, and want to personally commend the chairman of the Subcommittee on Procurement Exports, and Business Opportunities for his efforts to assist U.S. businesses in their endeavor to compete in the world market.

Mr. Chairman, this amendment specifically addresses the fiscal year 1997 appropriation for the Export-Import Bank and seeks to reduce their administrative costs by 2.5 percent, in proportion to the amount of reduction in subsidies, rather than increasing administrative costs by 4.2 percent as set forth in this legislation.

My reasons for supporting this amendment are many, but I would like to take this time to discuss only one example that has prompted me to support this reduction in administrative costs. This concerns the recent announcement by Martin Kamarck, president and chairman of the Eximbank, in which he stated that the Board concluded that the Eximbank cannot issue a letter of interest for the Three Gorges Dam project in China, the largest hydroelectric project in the world, and one in which I have had considerable interest because of the effect it would have on a company in my district, and the people it employs.

Even though this particular project was found financially credit worthy and technically sound by the Board, it concluded that a letter of interest could not be provided to U.S. companies seeking to do business with China because of a lack of information from the Chinese relative to environmental concerns. Mr. Kamarck went on to further comment that this decision does not limit U.S. companies from privately participating in the Three Gorges project.

First, it seems to me that if the staff of the Eximbank were not able to provide enough information on the environmental concerns to the Board, then the Board should not have voted until this information had been obtained. On this particular point, my office staff, as well as numerous others, inquired from time-to-time throughout the review process as to whether or not additional information was needed, and we were told repeatedly that they had enough information to make a recommendation.

Second, if the Eximbank is not going to assist U.S. companies, but suggests that they participate privately, then maybe we should be thinking about whether or not we need the Eximbank at all.

I do not think we need to be rewarding an organization that does not seem to be following the process as it was intended by Congress and changes the goalposts in the process, thereby hurting U.S. businesses in their efforts to compete with other countries who are now involved in selling equipment to China for this project.

Officials at Caterpillar, a large supplier of Earth moving equipment in my district, have suggested to me that what we should be doing is to increase the administrative appropriation at Eximbank, rather than reducing it, so they can hire more environmentalists to do the obviously needed staff work on projects such as this, but I disagree. the Eximbank has been touted by the administration as one of the brightest stars in their campaign to promote U.S. exports, but I believe their reputation has suffered as a result of the delay on this matter of providing export-finance assistance for the sale of United States goods to China for use in building that country's massive project.

Mr. Chairman, I believe we should vote to reduce the administrative costs for the

Eximbank by the same amount that we have reduced the subsidy, and I urge my colleagues to support Mr. MANZULLO's amendment.

Mr. WILSON. Mr. Chairman, will the gentleman yield?

Mr. CALLAHAN. I yield to the gentleman from Texas.

Mr. WILSON. Mr. Chairman, I ask unanimous consent that the gentleman from Wisconsin [Mr. OBEY] be allowed to offer amendment No. 26 at a later point in the reading of the bill, even if consideration of title I has been completed.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. MANZULLO. Mr. Chairman, reserving the right to object, I would ask the reason for the unanimous consent request.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. MANZULLO. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, the reason for the unanimous-consent request is because I have an amendment to cut another item in this title. I am required to be in a leadership meeting for the next 10 minutes.

Mr. MANZULLO. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. VOLKMER. Mr. Chairman, I move to strike the requisite number of words. Before I proceed, I would like to engage the gentleman on a colloquy on the pending amendment, a discussion on his amendment.

Does the gentleman realize that if the Obey amendment is passed and the gentleman's amendment is passed, the total dollar amount in administrative costs to Eximbank will be cut?

□ 1245

Mr. MANZULLO. The total amount would be minus $3.6 million, and his would be $1 million, that is correct.

Mr. VOLKMER. I think his is $2 million. You can add them together; if you add them together. So the gentleman is right, close to $5 million. Now, is that what the gentleman really wants to do?

Mr. MANZULLO. It is $4.1 million.

Mr. VOLKMER. Is that what the gentleman really wants to do?

Mr. MANZULLO. I think it is necessary that administrative expenses be cut at a time when the subsidy appropriation is being cut, that is correct.

Mr. VOLKMER. Mr. Chairman, I may have been able to support the gentleman's amendment is he had offered it as a substitute for Obey. But as accumulate to Obey I am going to have to oppose the amendment, and I think the House should oppose the amendment, because when you total it out, it is in excess of what you say you are cutting.

Mr. MANZULLO. That is correct.

Mr. VOLKMER. I would recommend to the House that we go ahead and vote and adopt the Obey amendment, which I think is a reasonable cut in administrative costs.

Mr. MANZULLO. Mr. Chairman, if the gentleman would continue to yield, if you take the Obey amendment, that is the $1 million that the chairman of the Eximbank should have paid back a long time ago, and he never did. He said back on the last day of January of this year that he was going to make up for the improper bonuses that he paid that cost the American taxpayers $1 million. To date he had not done that. So we start with the $1 million reimbursing the taxpayers that is already owed them.

My amendment then says, let us reduce the administrative expenses by the same percentage as the overall subsidy appropriation, which is 2.5 percent.

Mr. VOLKMER. Well, then, you are really in favor of both amendments and adding them together in cutting the $4.1 million.

Mr. MANZULLO. That is correct. I think we can cut bureaucrats at Eximbank and the organization can function just as well.

Mr. VOLKMER. Well, Mr. Chairman, reclaiming my time, I would argue that the Obey amendment, which I think is a reasonable amount, sends a signal to Eximbank and that Eximbank should abide by the rules and regulations of paying their employees. I do not disagree with the gentleman on that, and I think they will. I also believe that Exim does provide a meaningful, well-rounded program to provide exports out of this country. Even though there may be those Members who are in disagreement with some specific areas, I do not believe that you really should throw the baby out with the bath water. I believe that the amount that is provided in the Obey amendment is a reasonable amount, does send a signal, which you really want to do, does bring to the attention that the Congress will consider the actions of the Eximbank, just like we will any other agency of this Government and the bureaucracy.

Mr. LAHOOD. Mr. Chairman, will the gentleman yield?

Mr. VOLKMER. I yield to the gentleman from Illinois.

Mr. LAHOOD. Mr. Chairman, if the amendment of the gentleman from Wisconsin does not prevail, would the gentleman then be prepared to support the amendment of the gentleman from Illinois?

Mr. VOLKMER. Mr. Chairman, if the Obey amendment fails, then I would support the Manzullo amendment, but I would not support both. But I would support the Obey amendment.

Mr. LIVINGSTON. Mr. Chairman, I rise to strike the requisite number of words, and not to take a position on this amendment.

Mr. Chairman, I rise simply to speak on behalf of the bill in its entirety as it has been written by the distinguished chairman of the subcommittee and voted on by all of the members of the subcommittee. The gentleman from Alabama [Mr. CALLAHAN] has done an outstanding job on this bill. He has worked out agreements where frankly no agreements have been thought possible on issues that are highly controversial and proved so last year. Such issues as family planning that really hung the bill up for 9 months.

So I just want to tip my hat to him for his magnificent performance, and as well to the performance of the distinguished gentleman from Texas [Mr. WILSON], the ranking minority on the subcommittee. He has done his usual superb job. He has also served valiantly in this Congress for I do not know how many years before I even came here. But he has been a great contributing Member to the Congress, both throughout his tenure as a member of the Majority and now as a member of the minority.

The gentleman from Texas [Mr. WILSON] has served as an outstanding contributing member as the ranking minority member on the subcommittee. This will be the last bill that the gentleman helps to manage as he goes on to other things following his departure from the U.S. Congress. I just want to thank him for his efforts and wish him will and Godspeed in all that is ahead of him and in all that life has to offer after he departs from the U.S. Congress.

So with that, Mr. Chairman, again, I compliment the gentleman from Alabama [Mr. CALLAHAN] and the gentleman from Texas [Mr. WILSON] for their work on this bill.

Mr. Chairman, I reluctantly rise in opposition to this amendment and urge Members to vote against the amendment. But I also want to urge all of our Members to vote for this bill that has been so finely crafted by the two people most responsible for the bill.

Mr. CALLAHAN. Mr. Chairman, will the gentleman yield?

Mr. LIVINGSTON. I yield to the gentleman from Alabama.

Mr. CALLAHAN. Mr. Chairman, I thank the gentleman from Louisiana for yielding to me.

Let me just point out that I recognize the frustration, I recognize the position of the two gentlemen from Illinois, but their reason for being here today is because of an administrative decision. Someone said that the White House called down to the Eximbank and told them not to handle this project at this time. So the solution there, I might inform the gentleman, is not to punish the Eximbank, but to get an administration down there that will not do those types of things.

If that is the case and if you get an administration who wants to work with projects such as this, then you have to make certain that the Eximbank is adequately funded. So maybe there is a possibility that in 4 months, the gentleman's problem will be resolved.

Mr. WILSON. Mr. Chairman, I move to strike the requisite number of words.

First of all, I want to thank the chairman of the full committee for his very kind and generous words, as well as everyone else for all of the other kind and overly generous words that have been uttered today. I am deeply appreciative.

I really understand the frustration of the gentleman from Illinois, the two gentlemen from Illinois. In addition to understanding the frustration, I want my colleagues to know that I am a Caterpillar fan. I have supported every project that I know of that Caterpillar has participated in, and Caterpillar is participating in projects all over the world today that are financed by the Eximbank. I am just suggesting, as the chairman of the full committee suggested, that it could be short-sighted to try to punish the Eximbank for this single decision when there are so many other decisions that involve jobs in your districts. It is penny-wise and pound-foolish.

Mr. MANZULLO. Mr. Chairman, will the gentleman yield?

Mr. WILSON. I yield to the gentleman from Illinois.

Mr. MANZULLO. Mr. Chairman, let me state this again. I think it is fiscally inappropriate for the U.S. Congress to reduce the subsidy appropriation of an agency by 2.5 percent, and yet increase the salaries of bureaucrats by 4.2 percent. All my amendment says is very simply, everything is being downsized. How can we as Members of the U.S. Congress vote to increase the bureaucracies of an agency? Every agency is being downsized except the administrative staff of this one. That is all we are doing on this.

Mr. WILSON. Mr. Chairman, reclaiming my time, I know the gentleman from Illinois [Mr. MANZULLO] is a forthright Member of this House. However, I would like to ask the gentleman a question, and that is, if the Three Gorges Dam had been approved, would the gentleman be here today with this amendment?

Mr. MANZULLO. I absolutely would. I vote every time there is an opportunity to cut.

Mr. EWING. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Manzullo amendment, and I will have to admit to the question of the last speaker, had the bank approved the loan, I would not have been here. I am here to make a point about that. I think it is inappropriate that the bank was subjected to unusual, or it should be unusual, political pressure from the Clinton administration to turn down the request of American companies for support in their competition for contracts related to the construction of the China Three Gorges Dam. The bank has put American companies at a severe competitive disadvantage. Our companies will lose hundreds of jobs, maybe thousands of jobs, worth millions of dollars to our major competitors: Japan, Canada, and Europe.

Mr. WILSON. Mr. Chairman, will the gentleman yield?

Mr. EWING. I yield to the gentleman from Texas.

Mr. WILSON. Mr. Chairman, is the gentleman aware that the only other government in the world that is furnishing financial support for the Three Gorges Dam is Canada? It is not Germany, it is not Japan, it is not France.

Mr. EWING. Mr. Chairman, reclaiming my time, it is my understanding from a company in my district that France is also supporting their companies in this, and the point is that we do not know that others will not, and if Canada is, we ought to be out there and we ought to be competitive, and we should not have the dual standard. We should learn from our mistakes and this administration should. We should not try to influence banks. That is not the reason that that was set up.

Mr. MANZULLO. Mr. Chairman, will the gentleman yield?

Mr. EWING. I yield to the gentleman from Illinois.

Mr. MANZULLO. Mr. Chairman, I would state an inquiry to the comments of the distinguished gentleman from Texas [Mr. WILSON], that in an article that appeared in the Wall Street Journal and New York Times about 3 weeks ago, China has asked several countries, excluding the United States, to participate in the first round of over $4 billion in investment going into China. Canada at this time has agreed to it, but Japan and Germany and other countries are presently considering it, seriously considering it.

Mr. EWING. Mr. Chairman, reclaiming my time, I know I do not have much time left, and I want to make the point that at this time when we are being asked to consider most-favored-nation status for China, which I support, and yet we are willing to overlook environmental deficiencies, human rights deficiencies, because we believe dealing with China is a better way to handle it, and yet when it comes to American industry wanting their share of this enormous contract, we are going to raise the environmental flag, we are going to raise the human rights flag and we are going to say we cannot deal with this contract because of the same reasons that we are willing to ignore. I do not think the administration has their program together on this. It is important for the jobs. It is important for years to come. If America supplies the equipment for this enormous project, we will be creating jobs in America for years to come.

Mr. Chairman, I question the subsidy appropriation of $726 million in this bill for the Exim bank. Just last week the bank, under unusual political pressure from the Clinton White House, turned down requests by American companies for support in their competition for contracts related to the construction of China's Three Gorges Dam. The bank has put American companies at a severe competitive disadvantage. Our companies will lose hundreds of millions of dollars worth of contracts and the jobs they support to competitors in Japan, Canada, and Europe.

The bank was established, quote, "to foster expansion of exports of manufactured goods, agricultural products, and other goods and services, thereby contributing to the promotion and maintenance of high levels of employment and real income and to the increased development of the productive resources of the United States." The bank was intended to do what is in the best economic interests of this country. In its decision not to support American businesses on Three Gorges, the bank has directly violated these goals in my opinion.

The Caterpillar company which manufactures earthmoving equipment estimates that with support from the bank the company could obtain contracts worth up to $200 million in sales, which would translate into about 4,000 man-years worth of jobs here in the United States. However, without the support of the bank, Caterpillar will be at a severe disadvantage trying to compete against foreign companies, such as the Japanese, which surely will have backing from their governments. However, Caterpillar and its hundreds of suppliers and subcontractors are not the only American companies to lose from the bank's decision last week. For example, C.S. Johnson, which manufactures concrete mixing equipment, on its own has obtained one contract associated with Three Gorges which employs 20 full-time people in my district. C.S. Johnson would like to bid on 15–18 additional contracts, but because of the bank's decision will be at a major disadvantage.

Despite the fact that the bank was established as an independent agency, the bank capitulated to political pressure from President Clinton's White House, The White House took the extraordinary step of sending a written memo discouraging the bank from supporting the project based largely on environmental concerns. In fact, the White House, while trying to quietly pressure the bank not to support the project, also stated that "the U.S. Government should refrain from publicly condemning the Three Gorges project." The bank took its marching orders from the White House and slammed the door on American companies based on questionable environmental concerns, instead of doing what is in the best economic interests of the United States.

Mr. Chairman, the dam will be built whether American companies participate or not. Because the bank allowed overzealous environmental activists in the White House to set the bank's agenda and ignored its responsibilities to do what is in the best economic interests of the United States, these jobs will go to Japan, Canada, or Europe.

When the bank's charter expires in 1997 some in this Congress will carefully review whether the bank has operated independently as it should, or catered to the political desires of the President.

Ms. PELOSI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment and to discuss some of the issues surrounding the amendment that is on the floor today. First a little history. The Congress of the United States for the last half a dozen years, or a little bit longer, has move to make the environmental concerns part of the criteria for decisions made by multilateral development banks including the World Bank. In 1992, Congress revised the Eximbank's charter to include a requirement that the bank establish environmental review procedures consistent with the bank's overall export promotion objectives. It authorized the board to grant to withhold financing support after taking into account the beneficial and adverse environmental effects of proposed transactions.

Following this congressional directive, Eximbank staff worked with the exporters, other U.S. and multilateral agencies, and nongovernmental agencies to define appropriate guidelines and procedures to be used for transactions requesting bank support. The Eximbank environmental procedures and guidelines have been in effect since February 1, 1995, and indeed, they are a result of congressional action.

That is in addition to other actions taken by the Congress, as I mentioned, so that these multilateral developmental banks and export financing agencies cannot contribute to the environmental degradation by supporting major projects which do just that, which are not environmentally sound.

I believe that the Eximbank and the Clinton administration are to be commended for their leadership, not their followship of what other countries might do but their leadership on this issue. Indeed, as my ranking member, the gentleman from Texas [Mr. WILSON] pointed out, only one other country, Canada, is providing the financing that is referenced in this debate.

□ 1300

So it is not as if our companies are at a disadvantage.

I want to also point out to Members that there is nothing preventing business from participating. If this is such a good business deal, then businesses should go in and do business as mostly all the other companies throughout the world are doing in the Three Gorges Dam without this assistance of their governments.

Mr. Chairman, several U.S. companies have already sold 60 to 100 million dollars' worth of equipment and services to this project without Exim support. The decision of the Eximbank in no way affects their ability to continue doing business privately with this project.

I support the Eximbank but I think we have to have a balance. Somehow or other corporate America thinks that they cannot do business unless they have a subsidy from the Government. There is no law against private industry going in and competing without a helpful hand from the Government—the corporate welfare that some have referenced.

But I support the Eximbank. I am not an opponent of it. I have been a strong proponent of these international banks being environmentally sound. This is about the environment—it is not about China. The World Bank, has billions of dollars of loans into China. One of the biggest recipients of World Bank loans is China. Even the World Bank is not lending money for the Three Gorges Dam because it does not meet their environmental standards.

The Eximbank was very clear in its statement that they have established what their concerns are environmentally. And if the Three Gorges Dam should at some point in the future meet those envrionmental standards, it would then be eligible for Exim participation.

So this is not a China issue. This is an environmental issue. The Eximbank voted unanimously against issuing a letter of interest because of the environmental concerns.

Again, I reiterate, the Eximbank has supported $3.8 billion in United States exports to China during the last 4 years and currently they have $10 billion in potential financing for transactions in various industries. So as I recognize the gentlemen from Illinois protecting the view of Caterpillar, but that is a special interest. We have the public interest at stake here on the floor and that public interest is nothing short of the environment in which we live. That internationally we have responsibilities to address the protection of that environment and that the taxpayers' dollars should not be used to finance loans that will undermine the environment.

Mr. Chairman, I include for the RECORD the statement of the Eximbank as follows:

STATEMENT OF THE BOARD OF DIRECTORS OF THE EXPORT-IMPORT BANK OF THE UNITED STATES

(By Martin A. Kamarck, President and Chairman for Three Gorges Press Briefing—Thursday, May 30, 1996)

The Eximbank's board of directors met this morning to consider requests from several U.S. exporters for the bank to take the preliminary step of issuing letters of interest for the Three Gorges project in China.

The board has concluded that Eximbank cannot issue a letter of interest for this project at this time. The information received, though voluminous, fails to establish the projects consistency with the bank's environmental guidelines.

If the China Yangtze Three Gorges project development corporation provides Eximbank with additional information with respect to development and mitigation of the environmental issues involved in this project, the board could reconsider support for this project.

Although the level of interest surrounding this case makes it somewhat unique for Eximbank, the process used by the bank to reach its conclusion is routine, mandated by our congressional charter and applied to all long-term transactions.

American business in general, and Eximbank in particular, have a healthy economic presence in China, and it is our hope that this mutually beneficial trading relationship will continue to grow.

In fact, China is Eximbank's largest customer in Asia. And Eximbank has an aggressive outreach effort to support U.S. exporters doing business in China.

Many Eximbank staff members have spent months analyzing information, meeting with interested parties and working on the board memorandum, which assisted the board in making its decision.

Eximbank is an independent government agency. The bank's board of directors is mandated to make independent decisions about the appropriateness of providing financial support to export transactions which are determined to be financially, technically, and environmentally sound.

The mandate to consider the environmental impacts of projects requesting bank support began in 1992 when Congress revised Eximbank's charter to include a requirement that the bank establish environmental review procedures consistent with the bank's overall export promotion objectives.

It further authorized the board to grant or withhold financing support after taking into account the beneficial and adverse environmental effects of proposed transactions.

Following this congressional directive, Eximbank staff worked with exporters, other U.S. and multilateral agencies and nongovernmental organizations to develop appropriate guidelines and procedures to be used for transactions requesting bank support.

These environmental procedures and guidelines have been in effect since February 1, 1995.

So, as the bank's charter requires, staff reviewed financial, technical and environmental issues involved in this project. And because of the size and level of interest generated by this project, our staff consulted with other government agencies, including the National Security Council.

Our staff also held a series of open meetings with exporters and nongovernmental organizations and Chinese officials; and met with numerous Members of Congress and congressional staff.

Eximbank's engineering and environmental division solicited, received and reviewed information from a wide variety of sources, including the Chinese Government, U.S. companies, other U.S. Government agencies and nongovernmental organizations, as well as academic sources.

Although any project of this size raises many questions and issues, I will summarize the major (though not only) issues of concern raised by staff which the board concluded have not, to date, been adequately addressed by the projects sponsors.

Maintaining adequate water quality in the projects reservoir.

Protection of ecological resources and preservation of endangered species potentially affected by the project.

The environmental and socioeconomic impacts associated with the proposed resettlement of 1.3 million people to be displaced by the reservoir.

Protection of cultural resources affected by the project.

For Eximbank to reconsider its decision, the board would need further evidence that these issues will be adequately addressed, resolved and/or mitigated by the projects sponsors.

More specifically, to meet the objectives of Eximbank's environmental guidelines with respect to maintenance of water quality in the reservoir, Eximbank would look for the following information.

A plan to construct upstream wastewater treatment facilities needed to reduce the pollution caused by municipal and industrial wastewater discharged into the reservoir.

A plan for adequate wastewater and waste management measures for the areas surrounding the reservoir to prevent future pollution and ensure that the water quality is maintained.

A plan for clean-up of existing waste sites which will be submerged by the reservoir.

A dredging plan to reduce accumulated toxic sediments in the reservoir.

Similarly, to meet the objectives of Eximbank's environmental guidelines with respect to ecological issues, Eximbank would look for the following information:

A more fully developed plan, including mitigation measures, to reduce the risks to (and to support the propagation of) endangered aquatic and terrestrial species affected by the project.

Further information about the ecological impacts and proposed mitigation plans for areas downstream of the reservoir, especially around the lakes and estuary.

To meet the objectives of Eximbank's environmental guidelines with regard to resettlement, the bank would look for the following information:

A resettlement plan that adequately addresses issues such as, land management, infrastructure improvements, regional planning, population distribution, public health impacts, costs and sources of funding. Such a plan should also clearly demonstrate the administrative responsibilities and accountability for all steps of this process.

Adoption of soil conservation measures to control soil erosion in the newly created resettlement and inundated areas.

A plan for acceleration of forestation in areas vulnerable to soil erosion and areas slated for deforestation due to resettlement.

In addition, given the unique cultural and historical resources at risk, to meet the objectives of Eximbank's environmental guidelines with respect to maintenance of socioeconomic and sociocultural resources, Eximbank would look for the following information:

Specific information that adequate measures have been adopted for the protection of the cultural and historical resources of the project area.

Additional information has to be forthcoming before there can be a decision on committing U.S. taxpayer money. Staff informed the board that in many circumstances the information has not yet been developed.

Before taking your questions, let me make several other important points:

First, the decision to construct the Three Gorges hydroelectric project belongs to the People's Republic of China.

Today's decision by the Exim board is a recognition that as a U.S. Government agency, Eximbank has rules and requirements that must be met before extending support to projects. And, as a government institution, Exim must apply its operating procedures to all projects—large and small, in all countries where we do business, in a fair and transparent manner.

Today's decision means only that the information we have received so far about this project does not in the judgment of the board, satisfy the objectives of Eximbank's environmental guidelines.

Second, this decision does not limit U.S. companies from privately participating in the Three Gorges project.

Already, several U.S. companies have sold $60-$100 million worth of equipment and services to this project without Eximbank support. And today's decision, in no way, affects their ability to continue doing business privately with this project.

Third, with respect to whether other government export credit agencies will be involved with this project, we currently are aware of only one official government-supported financing offer for sales to this project. It comes from EDC, the Canadian export credit agency.

In addition, we also understand that requests for financing may have been made to one other export credit agency. We are not aware of any other governments which have made financing offers to this project.

Fourth, we have supported $3.8 billion in U.S. exports to China during the last 4 years, and currently have over $10 billion in potential financing for transactions in various industry sectors including power (conventional coal-fired, hydro, nuclear and wind energy), aircraft, airports, telecommunications, chemical plants, project finance and more.

In the power sector alone, during the last two years, Eximbank has financed nearly $640 million worth of U.S. exports.

Finally, given this long history of Eximbank support for U.S. exports to China, and the fact that China's demand for goods and service will continue to grow as their economy grows, Eximbank looks forward to continuing a strong partnership with our Chinese friends.

Now I'd be happy to take your questions.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. MANZULLO].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. MANZULLO. Mr. Chairman, I demand a recorded vote, and pending that I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to the rule, further proceedings on the amendment offered by the gentleman from Illinois [Mr. MANZULLO] will be postponed.

The point of no quorum is considered withdrawn.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to the rule, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: Amendment No. 24 offered by the gentleman from Wisconsin [Mr. OBEY] and amendment No. 19 offered by the gentleman from Illinois [Mr. MANZULLO].

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. OBEY

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 24 offered by the gentleman from Wisconsin [Mr. OBEY] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 334, noes 77, not voting 23, as follows:

[Roll No. 210]

AYES—334

Abercrombie
Ackerman
Andrews
Baesler
Baker (CA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bevill
Bilbray
Bilirakis
Blumenauer
Blute
Boehlert
Boehner
Bonior
Bono
Borski
Boucher
Brewster
Brown (CA)
Brown (OH)
Brownback
Bryant (TN)
Bunning
Burr
Burton
Buyer
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clay
Clement
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooley
Costello
Cox
Cramer
Crane
Cremeans
Cubin
Cummings
Cunningham
Danner
Davis
Deal
DeFazio
Dellums
Deutsch
Diaz-Balart
Dickey
Dingell
Dixon
Doggett
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fields (LA)
Flanagan
Foglietta
Foley
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frisa
Frost
Funderburk
Furse
Gephardt
Gilchrest
Gillmor
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Hoyer
Hunter
Hutchinson
Inglis
Istook
Jackson (IL)
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (RI)
Kildee
Kim
Kingston
Kleczka
Klink
Klug
Kolbe
LaHood
Lantos
Largent
Latham
LaTourette
Leach
Levin
Lewis (GA)
Linder
Lipinski
LoBiondo
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
McCarthy
McCollum
McCrery
McDade
McHale
McHugh
McKeon
McKinney
McNulty
Meehan
Meyers
Mica
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Myrick

Nadler
Neal
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Pallone
Parker
Pastor
Paxon
Payne (VA)
Pelosi
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thurman
Tiahrt
Torkildsen
Torres
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Wamp
Ward
Waters
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Williams
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—77

Archer
Armey
Bachus
Baker (LA)
Beilenson
Bentsen
Bereuter
Berman
Bishop
Bliley
Brown (FL)
Bryant (TX)
Bunn
Callahan
Clayton
Clinger
Clyburn
Coyne
de la Garza
DeLauro
DeLay
Dicks
Dooley
Fazio
Filner
Flake
Forbes
Frelinghuysen
Gejdenson
Gekas
Geren
Gilman
Harman
Hastings (FL)
Hastings (WA)
Houghton
Hyde
Johnson (CT)
Johnson, Sam
Johnston
Kennedy (MA)
Kennelly
King
Knollenberg
LaFalce
Laughlin
Lazio
Lewis (CA)
Lewis (KY)
Lightfoot
Livingston
Lofgren
Matsui
McDermott
Meek
Menendez
Metcalf
Moran
Morella
Murtha
Nethercutt
Packard
Payne (NJ)
Peterson (FL)
Peterson (MN)
Richardson
Roth
Tauzin
Thornton
Towns
Vucanovich
Walker
Walsh
Watt (NC)
Whitfield
Wicker
Wilson

NOT VOTING—23

Allard
Bonilla
Browder
Chapman
Crapo
Engel
Fields (TX)
Gallegly
Ganske
Gibbons
Greene (UT)
Hayes
Hilliard
Jackson-Lee (TX)
Lincoln
McInnis
McIntosh
Miller (FL)
Myers
Schaefer
Schiff
Tejeda
Torricelli

□ 1327

The Clerk announced the following pair:

On this vote:

Ms. Jackson-Lee of Texas for, with Mr. Miller of Florida against.

Messrs. RICHARDSON, PAYNE of New Jersey, WHITFIELD, HOUGHTON, and TOWNS changed their vote from "aye" to "no."

Mrs. MALONEY and Mrs. LOWEY, Messrs. JONES, HANSEN, BURTON of Indiana, HEFLEY, BONO, OLVER, SCOTT, CHRISTENSEN, HORN, RADANOVICH, and McKEON changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. MANZULLO

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Illinois [Mr. MANZULLO] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 176, noes 236, not voting 22, as follows:

[Roll No. 211]

AYES—176

Andrews
Armey
Bachus
Baker (CA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bilbray
Bilirakis
Blute
Boehlert
Boehner
Brewster
Brownback
Bryant (TN)
Bunning
Burr
Burton
Buyer
Calvert
Camp
Campbell
Canady
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Crane
Cremeans
Cubin
Cunningham
Danner
Deal
DeFazio
DeLay
Dickey
Doolittle
Dornan
Dreier
Duncan
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (LA)
Flanagan
Foley
Ford
Fowler
Franks (CT)
Frisa
Funderburk
Ganske
Gekas
Gillmor
Goodlatte
Goss
Graham
Gunderson
Gutierrez
Gutknecht
Hall (TX)
Hancock
Hastert
Hayworth
Hefley
Heineman
Herger
Hilleary
Hoekstra
Hoke
Holden
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson, Sam
Jones
Kasich
Kim
Kingston
Kleczka
Klug
Kolbe
LaHood
Largent
Latham
Linder
Lipinski
LoBiondo
Longley
Lucas
Manzullo
McCollum
McDade
McHale
McHugh
Montgomery
Moorhead
Myrick
Neumann
Ney
Norwood
Nussle
Parker
Paxon
Petri
Pombo
Porter
Poshard
Quillen
Quinn
Radanovich
Ramstad
Riggs
Roemer
Rohrabacher
Ros-Lehtinen
Royce
Salmon
Sanford
Saxton
Scarborough
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tanner
Tauzin
Taylor (MS)
Thornberry
Tiahrt
Traficant
Upton
Visclosky
Walker
Wamp
Weldon (FL)
Weldon (PA)
Weller
Wicker
Young (FL)
Zeliff
Zimmer

NOES—236

Abercrombie
Ackerman
Archer
Baesler
Baker (LA)
Baldacci
Barcia
Barrett (WI)
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bishop
Bliley
Blumenauer
Bonior
Bono
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Bunn
Callahan
Cardin
Castle
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Coyne
Cramer
Cummings
Davis
de la Garza
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dunn
Durbin
Edwards
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Forbes
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gilman
Gonzalez
Goodling
Gordon
Green (TX)
Greenwood
Hall (OH)
Hamilton
Hansen
Harman
Hastings (FL)
Hastings (WA)
Hefner
Hinchey
Hobson
Horn
Houghton
Hoyer
Jackson (IL)
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
King
Klink
Knollenberg
LaFalce
Lantos
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Livingston
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCrery
McDermott
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mica
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Molinari
Mollohan
Moran
Morella
Murtha
Nadler
Neal
Nethercutt
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Portman
Pryce
Rahall
Rangel
Reed
Regula
Richardson
Rivers
Roberts
Rogers
Rose
Roth
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Smith (WA)
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tate
Taylor (NC)
Thomas
Thompson
Thornton
Thurman
Torkildsen
Torres
Towns
Velazquez
Vento
Volkmer
Vucanovich
Walsh
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
White
Whitfield
Wilson
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)

NOT VOTING—22

Allard
Bonilla
Browder
Chapman
Crapo
Engel
Fields (TX)
Gallegly
Greene (UT)
Hayes
Hilliard
Jackson-Lee (TX)
Lincoln
McInnis
McIntosh
Miller (FL)
Myers
Schaefer
Schiff
Tejeda
Torricelli
Williams

□ 1337

The Clerk announced the following pair:

On this vote:

Mr. Miller of Florida for, with Mr. ENGEL against.

Mr. KLUG and Mr. WICKER changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there further amendments to title I?

If not, the Clerk will designate title II.

The text of title II is as follows:

TITLE II—BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

For expenses necessary to enable the President to carry out the provisions of the Foreign Assistance Act of 1961, and for other purposes, to remain available until September 30, 1997, unless otherwise specified herein, as follows:

AGENCY FOR INTERNATIONAL DEVELOPMENT

CHILD SURVIVAL AND DISEASE PROGRAMS FUND

For necessary expenses to carry out the provisions of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, for child survival, basic education, assistance to combat tropical and other diseases, and related activities, in addition to funds otherwise available for such purposes, $600,000,000, to remain available until expended: *Provided*, That this amount shall be made available for such activities as (1) immunization programs, (2) oral rehydration programs, (3) health and nutrition programs, and related education programs, which address the needs of mothers and children, (4) water and sanitation programs, (5) assistance for displaced and orphaned children, (6) programs for the prevention, treatment, and control of, and research on, tuberculosis, HIV/AIDS, polio, malaria and other diseases, (7) not to exceed $98,000,000 for basic education programs for children, and (8) a contribution on a grant basis to the United Nations Children's Fund (UNICEF) pursuant to section 301 of the Foreign Assistance Act of 1961.

DEVELOPMENT ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of sections 103 through 106 and chapter 10 of part I of the Foreign Assistance Act of 1961, $1,150,000,000, to remain available until September 30, 1998: *Provided*, That none of the funds made available in this Act nor any unobligated balances from prior appropriations may be made available to any organization or program which, as determined by the President of the United States, supports or participates in the management of a program of coercive abortion or involuntary sterilization: *Provided further*, That none of the funds made available under this heading may be used to pay for the performance of abortion as a method of family planning or to motivate or coerce any person to practice abortions; and that in order to reduce reliance on abortion in developing nations, funds shall be available only to voluntary family planning projects which offer, either directly or through referral to, or information about access to, a broad range of family planning methods and services: *Provided further*, That in awarding grants for natural family planning under section 104 of the Foreign Assistance Act of 1961 no applicant shall be discriminated against because of such applicant's religious or conscientious commitment to offer only natural family planning; and, additionally, all such applicants shall comply with the requirements of the previous proviso: *Provided further*, That for purposes of this or any other Act authorizing or appropriating funds for foreign operations, export financing, and related programs, the term "motivate", as it relates to family planning assistance, shall not be construed to prohibit the provision, consistent with local law, of information or counseling about all pregnancy options: *Provided further*, That nothing in this paragraph shall be construed to alter any existing statutory prohibitions against abortion under section 104 of the Foreign Assistance Act of 1961: *Provided further*, That the total amount of funds appropriated under this heading and under the heading "Child Survival and Disease Programs Fund" should be made available for each of the sub-Saharan Africa and Latin America and Caribbean regions in at least the same proportion as the total amount identified in the fiscal year 1997 draft congressional presentation document for development assistance for each such region is to the total amount requested for development assistance for such fiscal year: *Provided further*, That, notwithstanding section 109 of the Foreign Assistance Act of 1961, of the funds appropriated under this heading not to exceed a total of $12,000,000 may be transferred to "Debt restructuring", and that any such transfer of funds shall be subject to the regular notification procedures of the Committees on Appropriations.

PRIVATE AND VOLUNTARY ORGANIZATIONS

None of the funds appropriated or otherwise made available by this Act for development assistance may be made available to any United States private and voluntary organization, except any cooperative development organization, which obtains less than 20 per centum of its total annual funding for international activities from sources other than the United States Government: *Provided*, That the requirements of the provisions of section 123(g) of the Foreign Assistance Act of 1961 and the provisions on private and voluntary organizations in title II of the "Foreign Assistance and Related Programs Appropriations Act, 1985" (as enacted in Public Law 98-473) shall be superseded by the provisions of this section, except that the authority contained in the last sentence of section 123(g) may be exercised by the Administrator with regard to the requirements of this paragraph.

Funds appropriated or otherwise made available under title II of this Act should be made available to private and voluntary organizations at a level which is equivalent to the level provided in fiscal year 1995. Such private and voluntary organizations shall include those which operate on a not-for-profit basis, receive contributions from private sources, receive voluntary support from the public and are deemed to be among the most cost-effective and successful providers of development assistance.

INTERNATIONAL DISASTER ASSISTANCE

For necessary expenses for international disaster relief, rehabilitation, and reconstruction assistance pursuant to section 491 of the Foreign Assistance Act of 1961, as amended, $190,000,000, to remain available until expended.

DEBT RESTRUCTURING

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of modifying direct loans and loan guarantees, as the President may determine, for which funds have been appropriated or otherwise made available for programs within the International Affairs Budget Function 150, including the cost of selling, reducing, or canceling amounts, through debt buybacks and swaps, owed to the United States as a result of concessional loans made to eligible Latin American and Caribbean countries, pursuant to part IV of the Foreign Assistance Act of 1961, $10,000,000, to remain available until expended: *Provided*, That none of the funds appropriated under this heading shall be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

MICRO AND SMALL ENTERPRISE DEVELOPMENT PROGRAM ACCOUNT

For the cost of direct loans and loan guarantees, $1,500,000, as authorized by section 108 of the Foreign Assistance Act of 1961, as amended: *Provided*, That such costs shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That guarantees of loans made under this heading in support of microenterprise activities may guarantee up to 70 percent of the principal amount of any such loans notwithstanding section 108 of the Foreign Assistance Act of 1961. In addition, for administrative expenses to carry out programs under this heading, $500,000, all of which may be transferred to and merged with the appropriation for Operating Expenses of the Agency for International Development: *Provided further*, That funds made available under this heading shall remain available until September 30, 1998.

HOUSING GUARANTY PROGRAM ACCOUNT

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of guaranteed loans authorized by sections 221 and 222 of the Foreign Assistance Act of 1961, $500,000, to remain available until September 30, 1998: *Provided*, That these funds are available to subsidize loan principal, 100 percent of which shall be guaranteed, pursuant to the authority of such sections. In addition, for administrative expenses to carry out guaranteed loan programs, $6,000,000, all of which may be transferred to and merged with the appropriation for Operating Expenses of the Agency for International Development: *Provided further*, That commitments to guarantee loans under this heading may be entered into notwithstanding the second and third sentences of section 222(a) and, with regard to programs for the benefit of South Africans disadvantaged by apartheid, section 223(j) of the Foreign Assistance Act of 1961: *Provided further*, That funds appropriated under this heading for the cost of guaranteed loans may be made available for obligation only for activities in South Africa.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the "Foreign Service Retirement and Disability Fund", as authorized by the Foreign Service Act of 1980, $43,826,000.

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT

For necessary expenses to carry out the provisions of section 667, $465,750,000: *Provided*, That of this amount not more than $1,475,000 may be made available to pay for printing costs: *Provided further*, That none of the funds appropriated by this Act for programs administered by the Agency for International Development (AID) may be used to finance printing costs of any report or study (except feasibility, design, or evaluation reports or studies) in excess of $25,000 without the approval of the Administrator of the Agency or the Administrator's designee: *Provided further*, That funds appropriated or otherwise made available by this Act may be made available for expenses necessary to relocate the Agency for International Development, or any part of that agency, to the building at the Federal Triangle in Washington, District of Columbia, only pursuant to an authorization of appropriations for such purpose or upon a written certification and report to the Committees on Appropriations by the Director of the Office of Management and Budget that such relocation will result in savings to the United States Government compared to other alternatives to such relocation.

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF INSPECTOR GENERAL

For necessary expenses to carry out the provisions of section 667, $30,000,000, to remain available until September 30, 1998, which sum shall be available for the Office of the Inspector General of the Agency for International Development.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

For necessary expenses to carry out the provisions of chapter 4 of part II, $2,336,000,000, to remain available until September 30, 1998: *Provided*, That any funds appropriated under this heading that are made available for Israel shall be available on a grant basis as a cash transfer and shall be disbursed within thirty days of enactment of this Act or by October 31, 1996, whichever is later: *Provided further*, That none of the funds appropriated under this heading shall be made available for Zaire.

INTERNATIONAL FUND FOR IRELAND

For necessary expenses to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, $19,600,000, which shall be available for the United States contribution to the International Fund for Ireland and shall be made available in accordance with the provisions of the Anglo-Irish Agreement Support Act of 1986 (Public Law 99-415): *Provided*, That such amount shall be expended at the minimum rate necessary to make timely payment for projects and activities: *Provided further*, That funds made available under this heading shall remain available until September 30, 1998.

ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES

(a) For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 and the Support for East European Democracy (SEED) Act of 1989, $475,000,000, to remain available until September 30, 1998, which shall be available, notwithstanding any other provision of law, for economic assistance and for related programs for Eastern Europe and the Baltic States.

(b) Funds appropriated under this heading or in prior appropriations Acts that are or have been made available for an Enterprise Fund may be deposited by such Fund in interest-bearing accounts prior to the Fund's disbursement of such funds for program purposes. The Fund may retain for such program purposes any interest earned on such deposits without returning such interest to the Treasury of the United States and without further appropriation by the Congress. Funds made available for Enterprise Funds shall be expended at the minimum rate necessary to make timely payment for projects and activities.

(c) Funds appropriated under this heading shall be considered to be economic assistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in that Act for the use of economic assistance.

(d) None of the funds appropriated under this heading may be made available for new housing construction or repair or reconstruction of existing housing in Bosnia and Herzegovina unless directly related to the efforts of United States troops to promote peace in said country.

(e) With regard to funds appropriated or otherwise made available under this heading for the economic revitalization program in Bosnia and Herzegovina, and local currencies generated by such funds (including the conversion of funds appropriated under this heading into currency used by Bosnia and Herzegovina as local currency and local currency returned or repaid under such program)—

(1) the Administrator of the Agency for International Development shall provide written approval for grants and loans prior to the obligation and expenditure of funds for such purposes, and prior to the use of funds that have been returned or repaid to any lending facility or grantee; and

(2) the provisions of section 531 of this Act shall apply.

ASSISTANCE FOR THE NEW INDEPENDENT STATES OF THE FORMER SOVIET UNION

(a) For necessary expenses to carry out the provisions of chapter 11 of part I of the Foreign Assistance Act of 1961 and the FREEDOM Support Act, for assistance for the new independent states of the former Soviet Union and for related programs, $590,000,000, to remain available until September 30, 1998: *Provided*, That the provisions of section 498B(j) of the Foreign Assistance Act of 1961 shall apply to funds appropriated by this paragraph.

(b) None of the funds appropriated under this heading shall be transferred to the Government of Russia—

(1) unless that Government is making progress in implementing comprehensive economic reforms based on market principles, private ownership, negotiating repayment of commercial debt, respect for commercial contracts, and equitable treatment of foreign private investment; and

(2) if that Government applies or transfers United States assistance to any entity for the purpose of expropriating or seizing ownership or control of assets, investments, or ventures.

(c) Funds may be furnished without regard to subsection (b) if the President determines that to do so is in the national interest.

(d) None of the funds appropriated under this heading shall be made available to any government of the new independent states of the former Soviet Union if that government directs any action in violation of the territorial integrity or national sovereignty of any other new independent state, such as those violations included in the Helsinki Final Act: *Provided*, That such funds may be made available without regard to the restriction in this subsection if the President determines and reports to the Committees on Appropriations that to do so is in the national security interest of the United States: *Provided further*, That the restriction of this subsection shall not apply to the use of such funds for the provision of assistance for purposes of humanitarian, disaster and refugee relief.

(e) None of the funds appropriated under this heading for the new independent states of the former Soviet Union shall be made available for any state to enhance its military capability: *Provided*, That this restriction does not apply to demilitarization or nonproliferation programs.

(f) Funds appropriated under this heading shall be subject to the regular notification procedures of the Committees on Appropriations.

(g) Funds made available in this Act for assistance to the new independent states of the former Soviet Union shall be subject to the provisions of section 117 (relating to environment and natural resources) of the Foreign Assistance Act of 1961.

(h) Funds appropriated under this heading may be made available for assistance for Mongolia.

(i) Funds made available in this Act for assistance to the new independent states of the former Soviet Union shall be provided to the maximum extent feasible through the private sector, including small- and medium-size businesses, entrepreneurs, and others with indigenous private enterprises in the region, intermediary development organizations committed to private enterprise, and private voluntary organizations: *Provided*, That grantees and contractors should, to the maximum extent possible, place in key staff positions specialists with prior on the ground expertise in the region of activity and fluency in one of the local languages.

(j) In issuing new task orders, entering into contracts, or making grants, with funds appropriated under this heading or in prior appropriations Acts, for projects or activities that have as one of their primary purposes the fostering of private sector development, the Coordinator for United States Assistance to the New Independent States and the implementing agency shall encourage the participation of and give significant weight to contractors and grantees who propose investing a significant amount of their own resources (including volunteer services and in-kind contributions) in such projects and activities.

(k)(1) None of the funds appropriated under this heading may be made available for Russia unless the President determines and certifies in writing to the Committees on Appropriations that the Government of Russia has terminated implementation of arrangements to provide Iran with technical expertise, training, technology, or equipment necessary to develop a nuclear reactor or related nuclear research facilities or programs.

(2) Subparagraph (1) shall not apply if the President determines and reports to the Committees on Appropriations that making such funds available is important to the national security interest of the United States. Any such determination shall cease to be effective six months after being made unless the President determines that its continuation is important to the national security interest of the United States.

(l) Funds appropriated under this heading or in prior appropriations Acts that are or have been made available for an Enterprise Fund may be deposited by such Fund in interest-bearing accounts prior to the disbursement of such funds by the Fund for program purposes. The Fund may retain for such program purposes any interest earned on such deposits without returning such interest to the Treasury of the United States and without further appropriation by the Congress. Funds made available for Enterprise Funds shall be expended at the minimum rate necessary to make timely payment for projects and activities.

(m)(1) Notwithstanding section 907 of the FREEDOM Support Act or any other provision of law, nongovernmental organizations and private voluntary organizations shall not be precluded from using facilities or vehicles of the Government of Azerbaijan to provide humanitarian assistance to refugees and internally displaced persons in Azerbaijan with funds made available under this heading, or from using such assistance to make necessary repairs to such facilities (such as health clinics and housing) or vehicles that are used to provide the assistance.

(2) Humanitarian assistance may be provided with funds made available under this heading to refugees and internally displaced persons in Azerbaijan only if humanitarian assistance is also provided to refugees and internally displaced persons in Nagorno-Karabagh with funds made available under this heading, in accordance with paragraph (3).

(3) Humanitarian assistance may be provided with funds made available under this heading to refugees and internally displaced persons in Azerbaijan and Nagorno-Karabagh only in the proportion that the number of refugees and internally displaced persons in Azerbaijan and Nagorno-Karabagh, respectively, bears to the total number of refugees and internally displaced persons in both Azerbaijan and Nagorno-Karabagh, but in no case more than $7 to Azerbaijan for every dollar to Nagorno-Karabagh.

INDEPENDENT AGENCIES

AFRICAN DEVELOPMENT FOUNDATION

For necessary expenses to carry out the provisions of title V of the International Security and Development Cooperation Act of 1980, Public Law 96–533, and to make such contracts and commitments without regard to fiscal year limitations, as provided by 31 U.S.C. 9104, $11,500,000: *Provided*, That when, with the permission of the President of the Foundation, funds made available to a grantee are invested pending disbursement, the resulting interest is not required to be deposited in the United States Treasury if the grantee uses the resulting interest for the purpose for which the grant was made: *Provided further*, That this provision applies with respect to both interest earned before and interest earned after the enactment of this provision: *Provided further*, That notwithstanding section 505(a)(2) of the African Development Foundation Act, in exceptional circumstances the board of directors of the Foundation may waive the $250,000 limitation contained in that section with respect to a project: *Provided further*, That the Foundation shall provide a report to the Committees on Appropriations after each time such waiver authority is exercised.

INTER-AMERICAN FOUNDATION

For expenses necessary to carry out the functions of the Inter-American Foundation in accordance with the provisions of section 401 of the Foreign Assistance Act of 1969, and to make such contracts and commitments without regard to fiscal year limitations, as provided by 31 U.S.C. 9104, $20,000,000.

PEACE CORPS

For expenses necessary to carry out the provisions of the Peace Corps Act (75 Stat. 612), $212,000,000, including the purchase of not to exceed five passenger motor vehicles for administrative purposes for use outside of the United States: *Provided*, That none of the funds appropriated under this heading shall be used to pay for abortions: *Provided further*, That funds appropriated under this heading shall remain available until September 30, 1998.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL

For necessary expenses to carry out section 481 of the Foreign Assistance Act of 1961, $150,000,000: *Provided*, That during fiscal year 1997, the Department of State may also use the authority of section 608 of the Act, without regard to its restrictions, to receive non-lethal excess property from an agency of the United States Government for the purpose of providing it to a foreign country under chapter 8 of part I of that Act subject to the regular notification procedures of the Committees on Appropriations.

MIGRATION AND REFUGEE ASSISTANCE

For expenses, not otherwise provided for, necessary to enable the Secretary of State to provide, as authorized by law, a contribution to the International Committee of the Red Cross, assistance to refugees, including contributions to the International Organization for Migration and the United Nations High Commissioner for Refugees, and other activities to meet refugee and migration needs; salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1980; allowances as authorized by sections 5921 through 5925 of title 5, United States Code; purchase and hire of passenger motor vehicles; and services as authorized by section 3109 of title 5, United States Code, $650,000,000: *Provided*, That not more than $12,000,000 shall be available for administrative expenses: *Provided further*, That obligations of funds to the United Nations High Commissioner for Refugees for support of refugees from Rwanda shall be subject to the regular notification procedures of the Committees on Appropriations.

REFUGEE RESETTLEMENT ASSISTANCE

For necessary expenses for the targeted assistance program authorized by title IV of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980 and administered by the Office of Refugee Resettlement of the Department of Health and Human Services, in addition to amounts otherwise available for such purposes, $5,000,000.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For necessary expenses to carry out the provisions of section 2(c) of the Migration and Refugee Assistance Act of 1962, as amended (22 U.S.C. 260(c)), $50,000,000, to remain available until expended: *Provided*, That the funds made available under this heading are appropriated notwithstanding the provisions contained in section 2(c)(2) of the Act which would limit the amount of funds which could be appropriated for this purpose.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For necessary expenses for nonproliferation, anti-terrorism and related programs and activities, $135,000,000, to carry out the provisions of chapter 8 of part II of the Foreign Assistance Act of 1961 for anti-terrorism assistance, section 504 of the FREEDOM Support Act for the Nonproliferation and Disarmanent Fund, section 23 of the Arms Export Control Act for demining activities, notwithstanding any other provision of law, including activities implemented through nongovernmental and international organizations, section 301 of the Foreign Assistance Act of 1961 for a voluntary contribution to the International Atomic Energy Agency (IAEA) and a voluntary contribution to the Korean Peninsula Energy Development Organization (KEDO), and for the acquisition and provision of goods and services, or for grants to Israel necessary to support the eradication of terrorism in and around Israel: *Provided*, That of this amount not to exceed $15,000,000, to remain available until expended, may be made available for the Nonproliferation and Disarmament Fund, notwithstanding any other provision of law, to promote bilateral and multilateral activities relating to nonproliferation and disarmament: *Provided further*, That such funds may also be used for such countries other than the new independent states of the former Soviet Union and international organizations when it is in the national security interest of the United States to do so: *Provided further*, That such funds shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That funds appropriated under this heading may be made available for the International Atomic Energy Agency only if the Secretary of State determines (and so reports to the Congress) that Israel is not being denied its right to participate in the activities of that Agency: *Provided further*, That not to exceed $13,000,000 may be made available to the Korean Peninsula Energy Development Organization (KEDO) only for administrative expenses and heavy fuel oil costs associated with the Agreed Framework: *Provided further*, That such funds shall be subject to the regular notification procedures of the Committees on Appropriations.

POINT OF ORDER

The CHAIRMAN. Are there any points of order to title II?

Mr. GILMAN. Mr. Chairman, under House Resolution 445, I make a point of order that the language in the bill contained on page 9, line 12, beginning with ": Provided" through "Appropriations" on line 18, and beginning with ": Provided" on page 13, line 20 through "relocation" on page 14, line 5 fails to comply with clause 2 of rule XXI.

The CHAIRMAN. Does the gentleman from Alabama wish to speak to the point of order?

Mr. CALLAHAN. Mr. Chairman, I wish to speak on the point of order.

The administration proposed a total of $22 million for debt relief for the poorest countries in Latin America and in Africa for 1997, an increase of $12 million over the 1996 level.

The committee proposed discretionary transfer authority in an attempt to allow the administration the flexibility to fund the full request without adding an additional $12 million to the bill. The transfer would specifically benefit Africa.

As the gentleman may know, the Ivory Coast would be the primary recipient of funds for debt restructuring. The effect of the gentleman's point of order is to deny funds for Africa's debt restructuring. I think this is unfortunate, however, I am certainly not going to stand in his way if he does not want to respond to a creative attempt to provide debt relief for the poorest nations of Africa and Latin America, and I concede the point of order.

The CHAIRMAN. Does the gentleman from Texas wish to be heard on the point of order?

Mr. WILSON. Mr. Chairman, I do.

Mr. Chairman, by making this point of order, the gentleman will remove from the bill any language providing any guidance on AID's proposed move to the Ronald Reagan Building. The committee had included language requiring that OMB certify that AID's proposed move to the Ronald Reagan Building is the most cost effective to the Government.

Now, I find it hard to believe that my friend from New York wants, for some procedural pique, to insist on this point of order, thereby removing any requirement that Congress be assured that this move is the most cost effective option for the Government. This just makes good common sense, and I cannot understand the gentleman's objection.

The CHAIRMAN. The Chair recognizes the gentleman from New York.

Mr. GILMAN. Mr. Chairman, on these points of order, I would say that I support their general intent but insist that they be considered by the authorizing committee. I have tentatively scheduled a markup of foreign assistance language in our committee next week, June 13. If the members of the administration want the provisions struck under this point of order to move, I would encourage them to propose language in the international relations markup that has been scheduled.

Under these points of order we strike debt restructuring language and language restrictions to AID's move to its new headquarters. If Members want debt restructuring or want to restrict AID's move, then I invite them to come to our Committee on International Relations to make their case.

The CHAIRMAN. The points of order are conceded and sustained. The cited provisions are stricken from the bill.

Are there any amendments to title II?

AMENDMENT OFFERED BY MR. PAYNE OF NEW JERSEY

Mr. PAYNE of New Jersey. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PAYNE of New Jersey: Page 7, line 4, after "$600,000,000" insert "(decreased by $118,000,000)".

Page 7, line 21, strike "and chapter 10 of part I".

Page 7, line 22, after "$1,150,000,000" insert "(decreased by $586,000,000)".

Page 9, after line 18, insert the following:

DEVELOPMENT FUND FOR AFRICA

For necessary expenses to carry out the provisions of chapter 10 of part I of the Foreign Assistance Act of 1961, $704,000,000, to remain available until September 30, 1998.

Mr. CALLAHAN. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. A point of order is reserved.

Mr. PAYNE of New Jersey. Mr. Chairman, I rise today in support of the development fund for Africa, DFA I will refer to it. My amendment to H.R. 3540, the 1997 Foreign Operations Bill, will aid in keeping humanitarian assistance in Africa.

As my colleagues know, the fiscal year 1996 foreign operations bill for DEA was very troubling. This made deep cuts in the development assistance and created an international development assistance account that all worldwide development programs must draw from.

□ 1345

The creation of this development account means the elimination of the Development Fund for Africa. The DFA is now in its 10th year. It is a very important factor in African development and has led the way in areas of democratization, poverty elimination, health, and economic development.

Congress recognized the uniqueness of the continent's development challenges in establishing the DFA in 1987. This bipartisan effort reflected the conviction that the United States has clear national interest in promoting broad-based sustainable development in Africa.

We must recognize that sub-Saharan African nations face unique development challenges in that there are problems in southern Sudan, Liberia, and Somalia and other countries in Sub-Saharan Africa.

DFA's programs are doing what Americans think is the right thing to do with foreign aid. It is saving children's lives. It is fighting deadly diseases. It is conquering hunger and creating jobs and teaching people basic skills so that they can take care of themselves, so they can more away from aid, so that they can build democracies and promote stability.

Africa faces the greatest development challenges of any other region in the world. Average GNP per capita in Latin America is five times greater than Africa. Africa's infant mortality and child mortality rates are two to three times greater than what it is in Latin America and in Asia. In many ways Africa is about 25 years behind Asia and Latin America. They have benefited from the decades of sustained American assistance in Asia and Latin America. Now we say it is Africa's time to benefit.

A separate DFA appropriations will help us stay the course and continue to have successful, high impact programs which prevent crises and promote sustainable development.

The $704 million requested for the DFA will be concentrated in those countries which are committed to sound economic policies and good democratic governance.

I fiscal year 1996, the DFA received approximately $675 million from the total development assistance, and in fiscal year 1995 we received $804 million. This amendment that I have before the House today will help keep DFA at funding levels sufficient to foster development. Disaproportionate or serve cuts will undermine the purpose.

It is in the U.S. national interest to assist African nations. this account suffered deep cuts in fiscal year 1996 when the DFA line item was eliminated.

Instead, Africa aid was folded into a common development assistance fund, and funding was substantially reduced by more than $125 million to a level of $675 million. It is even more vital that funding levels remain consistent with demands to advance U.S. interests in Africa.

I ask that Africa not be forgotten and, in Congress' effort to reprioritize America's AID spending, that Africa remain in the forefront.

During the cold war, the United States stayed engaged in Africa to fight off the threat of communism. The cold war is over now, and now we have a chance to help Africa eradicate the problems of health care, eradicate illiteracy, eradicate AIDS, fight disease, and continue to move to democratization.

Please support this. It is good for everyone. It is good for Africa. It is good for the world. I would urge support of my amendment.

Mr. CALLAHAN. Mr. Chairman, I further reserve my point of order.

The CHAIRMAN. The gentleman from Alabama [Mr. CALLAHAN] further reserves a point of order.

Mr. HASTINGS of Florida. Mr. Chairman, I move to strike the last word.

Mr. Chairman, actually, I was prepared to offer an amendment that does the same thing that the Payne amendment does, with the exception of the funding structure changes, the amendment that I have proposed to offer but am prepared to withdraw at this time. I would offer to give this body an opportunity, as the gentleman from New Jersey [Mr. PAYNE] has, to show its support for development programs in Africa by restoring the development fund for the Africa line item.

I am fully supportive of Mr. PAYNE'S amendment and even more many appreciative of the extraordinary work done by the committee and specifically by the chairman in doing creative things to try to protect the Africa account.

I need not explain why much of the continent of Africa needs our expertise. Africa has special development needs. The continent has a unique combination of war-related, humanitarian requirements and traditional sustainable development needs.

Africa continues to be one of the world's greatest development challenges. The Development Fund for Africa has proven to be an effective mechanism in providing foreign assistance to Africa. Its flexibility and orientation toward establishing measurable results puts the DFA on the cutting edge of the U.S. foreign assistance mechanisms.

Actually, the gentleman from New York [Mr. HOUGHTON] was prepared to offer this amendment with me. It does not increase in our view the spending levels in this bill. As a matter of fact, it had basically the same development structure and the same assumptions for Africa which are found in the fiscal year 1977 appropriations bill. The difference is that the amendment, had I offered it, would have reestablished the line item for the DFA which was deleted last year.

Mr. Chairman, the Payne amendment and the one that I have proposed to offer have great symbolic and real significance. They show the people of Africa that the United States supports development programs rather than respond to emergencies or provide direct financial aid. We are saying that we are determined to teach them to help themselves.

This short-term investment, as requested by Mr. PAYNE, will reap many stable prosperous trading partners for American businesses. That is all that I would say, Mr. Chairman.

Mr. Chairman, I withdraw the proposed amendment that I was going to offer. I offer support for Mr. PAYNE's amendment and thank the chairman of the committee for, as I said earlier, the extraordinary work that he and the committee have done. I hope to continue to work with him in efforts to ensure that the accounts with reference to Africa are protected to the extent that our budget will permit.

Mr. CALLAHAN. Mr. Chairman, I move to strike the last word.

I agree that assistance to Africa is important. That is why I recommended authority to allow the administration to forgive government debt owned to the United States by the Ivory Coast. However, the authorizing committee chairman objected to this language and struck it from the bill.

Over 41 percent of the development assistance funds would go to Africa under both the President's budget request and under the committee recommendation. In contrast, only 17.5 percent would go to Latin America and to the Caribbean. I would like more money for Latin America, but we have included bill language that states that the President should provide development assistance for Africa and for Latin America in the same proportion as was requested by the President. The language is similar to that included in the 1996 appropriations act.

Again, the bill language did not absolutely mandate that funding for sub-Saharan Africa be protected, but the administration followed congressional intent and did not disproportionately reduce funding for Africa.

The committee went out of its way this year to protect development assistance; the cut from 1996 is only $25 million. The committee decided that the nearly 25 percent reduction in development assistance from 1995 to 1996 was a sufficient contribution to deficit reduction for the time being.

Mrs. CLAYTON. Mr. Chairman, I rise today in support of the Payne amendment to H.R. 3540, the foreign operations appropriations bill. This amendment recognizes the critical role played by United States development assistance to Africa in the tremendous political and economic transformations sweeping across the continent. Since 1987, the Development Fund for Africa has promoted well focused, broad-based, and sustainable economic policies that have prevented poor conditions from worsening and contributed to the growth of democracy on the African continent.

Across Africa, Mr. Chairman, USAID's funding for small enterprise credit, business advisory services, and entrepreneurial training, combined with support for economic policy and financial sector reforms, are creating new jobs and expanding income for poor Africans, encouraging private investment to fuel growth, and building new markets for American exports.

Mr. Chairman, it strikes me as strange that, while many of us publicly proclaim our support for emerging democracies throughout the world and express our strong opposition to militaristic regimes engaged in humanitarian abuses, today this body is considering a bill which eliminates the separate line item account for the Development Fund for Africa. Instead, preferring to lump African development assistance with the general development assistance fund.

Mr. Chairman, I believe that this is a very serious mistake and sends a powerful message to struggling democracies in Africa, that despite the many unique problems facing Africa, the United States no longer considers them as distinct and different from those facing third world countries on any other continent. If we are sincere, Mr. Speaker, in our efforts to promote the growth and development of the fledgling democracies in Africa, we should not pass H.R. 3540 without the separate line item account established by the Payne amendment.

The Development Fund for Africa has been a positive force in working to transform Africa. I ask my colleagues to vote in favor of democratic movements in Africa by supporting the Payne amendment.

POINT OF ORDER

Mr. CALLAHAN. Mr. Chairman, I make a point of order against the amendment because it provides an appropriation for an unauthorized program and, therefore, violates clause 2 of rule XXI. Clause 2 of rule XXI states, in pertinent part, no appropriation shall be reported in any general appropriation bill or be in order as an amendment thereto for any expenditure not previously authorized by law.

Mr. Chairman, the authorization for this program has not been signed into law. The amendment, therefore, violates clause 2 of rule XXI, and I ask for a ruling of the Chair.

The CHAIRMAN. Does the gentleman from New Jersey [Mr. PAYNE] wish to be heard on the point of order?

Mr. PAYNE of New Jersey. Mr. Chairman, I think that it is very important that we have the Development Fund for Africa first of all in a line item. For 10 years we have seen the development of success in Africa. We have seen countries that were under Communist domination like Benin and Ghana under military domination come to democratization. We have seen elections in Malawi and in Zambia and South Africa and Namibia, all with development funds that went to push our goal of democratization.

We have seen child survival and education. We have seen illiteracy also on the downward trend. So I believe that to have the Development Fund for Africa, the $704 million earmarked, too. As we know, there are over 600 million people in sub-Saharan Africa. It comes to a little more than $1.10 per person. We have seen funds for countries where we have $5 billion for a population of 50 million people, 55 million people. It is a total disproportion of where the need is greatest. We believe that the need to have this 704, to have the Development Fund for Africa as an item in the budget is something that is extremely important. I wish that the gentleman would reconsider his point of order.

The CHAIRMAN. The Chair is prepared to rule on the point of order.

Appropriations for the Development Fund for Africa for fiscal year 1997 are not currently authorized by law. Although such appropriations may be part of a longer lump sum amount in the bill and have been permitted to remain in the bill under House Resolution 445, the amendment does not merely perfect the unauthorized amount that has been permitted to remain. Instead, the amendment offered by the gentleman from New Jersey discretely restates the appropriation as a separate account.

As such, the amendment proposes an unauthorized appropriation in violation of clause 2(a) of rule XXI.

The point of order is sustained.

The CHAIRMAN. Are there further amendments to title II?

AMENDMENT OFFERED BY MR. BURTON OF INDIANA

Mr. BURTON of Indiana. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

> Amendment offered by Mr. BURTON of Indiana: Page 7, line 22, after the dollar amount, insert the following: "(reduced by $144,000,000)".

Mr. BURTON of Indiana. Mr. Chairman, in the area of development aid, the Clinton administration asked for $1.6 billion in developmental aid for fiscal year 1997. The committee recommendation is for $1.150 billion, or

$144 million more than what the administration requested. It seems to me that that is excessive. We have a lot of areas where we believe that AID has abused or been very excessive in spending money that was not necessary. I would like to give just a few examples.

In El Salvador, AID-sponsored economists organized a socialistic land reform program in the early 1980's that nationalized land holdings, banks, and private export companies. After the United States had spent billions of dollars in El Salvador, former President Cristiani of El Salvador said that millions of dollars would be needed just to correct the damage done by United States assistance in nationalizing the economy.

In other words, he is saying, because of the socialistic policies that were put forth by AID in giving the billions of dollars and dictating where the money was going to go when a democratic administration came in under Mr. Cristiani, he said it was going to take millions just to correct the damage done by the United States assistance that was given by AID.

In Nicaragua, after the Sandinistas lost the 1990 election, more than $1 billion in direct and indirect United States aid flooded Nicaragua. Hundreds of millions of U.S. dollars, taxpayers' dollars, were lost bailing out a corrupt banking system largely controlled by the Communist Sandinista bureaucrats and loan officers. Even today this fiasco threatens Nicaragua's democracy.

□ 1400

In the 1980's AID spent $7 million to create a 1,000-acre farm in Burundi in Africa to raise improved corn seed varieties. This farm cost the American taxpayers $7,000 an acre, which is a outrageous price to pay for land in that area. The project was a disaster because AID located the farm near the President of Burundi's home village, even though this was an area of the country where the soil conditions were not conducive to growing corn.

AID was simply trying to placate the President's desire to have a fancy foreign aid project in his home village. It turned out that there were never any improved varieties of corn seed to be grown in Burundi because the ag research had never been done.

AID is on a spending orgy. It needs to be stopped, and I call on my colleagues to support this amendment.

We are not cutting AID below what the administration itself asked. President Clinton asked for $1,006,000,000. This bill appropriates $1,150,000,000, $144 million above what the President has asked for. It is excessive, it should be cut, and I hope my colleagues will support my amendment.

Mr. CALLAHAN. Mr. Chairman, I rise in opposition to the Burton amendment.

I respect the gentleman's knowledge of international affairs and his service on the Committee on International Relations. However, this subcommittee has gone through a very difficult task. We have gone through the hearings, we have listened to the agencies that have come to us, we have listened to the dozens of Members of Congress who have come to us and requested information on child survival, disease programs, on micro enterprise programs, agricultural research. The committee has cut development assistance funding by 25 percent over the past 2 years. This year we are $63 million below the President and $25 million below 1996 levels.

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield?

Mr. CALLAHAN. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Now I do not understand what the gentleman is saying there. He is saying that he is below the President's request.

I got the President's request for developmental assistance here in front of me, and it says $1,006,000,000, and the gentleman has got $1,150,000,000 in the bill.

Mr. CALLAHAN. Well, we have a separate account for child survival.

Mr. BURTON of Indian. Well, I am talking about developmental assistance alone, and that is where the $144 million comes from.

Mr. CALLAHAN. Well, in any event, even though if we take out development assistance, child survival, then we are still $63 million below the President's request and $25 million below the 1996 level.

Mr. BURTON of Indiana. If the gentleman will yield, if he can clarify something for me?

The child survival fund; is that not a separate fund from developmental assistance?

Mr. CALLAHAN. That is correct. The $600 million for child survival that we reinserted in the bill this year——

Mr. BURTON of Indiana. What I am talking, if the gentleman would yield further, what I am talking about is cutting developmental assistance alone, not talking about child survival. Leaving that account aside, I am talking about cutting the development aid down to what the administration requested, and, if the gentleman will look on page 13 of the bill itself, it shows that the fiscal year 1996 level, it shows the fiscal year 1997 request and the administration, and it shows the committee recommendation, and the committee recommendation is $144 million above what the President and the administration requested. And I am not talking about the child survival account. And what I am trying to do is cut the $144 million in excess of what the President wanted out of the bill.

Mr. CALLAHAN. Well, I think the gentleman is going to have to look at both accounts because the amount recommended, the gentleman from Indiana is right, is $144 million more than the amount requested by the administration, but $525 million less than the amount provided in the fiscal year 1996.

So I think we have to look at the development assistance fund, the child survival fund, and the African fund if we do not have those in there. So I think that we have to look at, if we want to compare cuts, we have to look at all three of the funds that we are talking about.

Mr. BURTON of Indiana. Maybe the gentleman can explain to me what it says on page 13 near the bottom of the page in the bill. Says development assistance. It gives a fiscal year 1996 level. It gives the gentleman's request or the President's request, and it gives the committee recommendation.

I would presume, if there is any additional child developmental assistance, it would be included in all of those figures.

Now, above that there is a displaced children program which is $10 million, but that does not seem to be a part of the developmental assistance.

Mr. CALLAHAN. Well, I think what we are saying, and I think if the gentleman from Indiana will go further on to the bottom of the page to the last line, it says, however, a different mix of programming was provided in 1996 and in budget requests, which partially explains the disparity in the funding levels.

I can only assure the gentleman of one fact, that if we include all of the funds, then we are $63 million below the President's request and $25 million below the 1996 level, if we include all of the funds that we appropriated in 1996 and that were changed and merged in 1997——

Mr. BURTON of Indiana. If the gentleman would yield further, on page 12 it lists child survival, nonchild diseases, children's basic education and a grant to UNICEF, and that is a total of $600 million, and the child survival in Egypt ESF and disaster assistance is $55 million.

Those are separate accounts, as I understand it. That is not part of the development assistance. That is a separate account; am I not correct?

Mr. CALLAHAN. That is right, but we——

Mr. BURTON of Indiana. Well, if that is a separate——

Mr. CALLAHAN. We do not have a separate fund though for Africa.

Mr. BURTON of Indiana. But if that is a separate account, then why is it——

The CHAIRMAN. The time of the gentleman from Alabama [Mr. CALLAHAN] has expired.

(On request of Mr. BURTON of Indiana, and by unanimous consent, Mr. CALLAHAN was allowed to proceed for 2 additional minutes.)

Mr. CALLAHAN. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Chairman, if the gentleman will yield further, what I am trying to figure out here, and I believe I am correct, the development assistance account, which I am trying to cut by $144 million, is separate from the child survival, nonchild diseases, children basic education and the grant to UNICEF. Those are separate accounts, and what I am trying to cut is the development assistance to the tune of $144 million, which brings it down to the administration's request.

Mr. CALLAHAN. Well, the development fund for Africa was requested at $704 million. I know where the gentleman from Indiana is coming from, but my point to him, that if we take into consideration what we passed in 1996 for this current fiscal year and what we passed in this bill for 1997, that it is $63 million below the President's request and $25 million below the 1996 level.

Now, we have changed the structure of the account. If we just take one of them, we might be able to find a $144 million discrepancy, but if we take all of the funds and all of the appropriations and weigh them against last year, then we are at $25 million below the 1996 level.

Mr. BURTON of Indiana. If the gentleman would yield further, let me just say this.

I do not have any problem with the money going for child survival. What I am talking about is the development assistance, and the development assistance, according to the gentleman's bill, is $144 million above what the administration asked for in that one area. It is $144 million above what the administration requested. That is what I want to cut.

Mr. CALLAHAN. Well, that might be true, but then we are $704 million below the development fund for Africa, and we have included in the development fund African money. So I think I know where the gentleman from Indiana is coming from, but I think that we are taking two parts of the bill and we must take three parts of it. If we total up all of the accounts——

The CHAIRMAN. The time of the gentleman from Alabama [Mr. CALLAHAN] has expired.

(On request of Mr. BURTON of Indiana, and by unanimous consent, Mr. CALLAHAN was allowed to proceed for 2 additional minutes.)

Mr. CALLAHAN. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. If the gentleman would yield further, the money is in those other accounts to be spent. We have got it in the bill in these other sections. I am talking about the developmental assistance. The developmental assistance, the administration is asking for $1,006,000,000. The gentleman from Alabama has got $1,150,000,000, and I am trying to cut out that excess of $144 million for development assistance alone.

As my colleagues know, with all due respect to my colleague——

Mr. CALLAHAN. I will be happy to get with the gentleman and go through the bill.

Mr. BURTON of Indiana. In that one category it is $144 million above what the administration requested. Tell me what is in the bill. There it is.

Mr. CALLAHAN. We are in the same category, but we have put more things in that category, and we have taken some of the categories and rearranged them.

Mr. BURTON of Indiana. So what the gentleman from Alabama is saying is the administration——

Mr. CALLAHAN. We have to look at the bottom line. We have readjusted the accounts. If we look at the bottom line for all of the funds for USAID, then we are $63 million below the President's request and $25 billion below the 1996 level. If we include everything in there, if we are going to take one section and try to say that this one is higher, that might be right. But then we have to take into consideration another section, which is more than $125 million lower.

Mr. BURTON of Indiana. Well, the administration for this particular area asked for $1,006,000,000. Did they not include those other things the gentleman from Alabama wanted in there? Is that what the gentleman is saying? The administration in that $1,006,000,000 did not include the other things? Because the gentleman got $144 million more than the administration wanted, and what he is saying is that he has added other things into that account. Well, did the administration not add other things into that account, child survival account?

Mr. CALLAHAN. I am just simply saying the committee moves funding for child survival activities and disease prevention funds from this account to a new account, child survival and disease program.

The CHAIRMAN. The time of the gentleman from Alabama [Mr. CALLAHAN] has expired.

(On request of Mr. BURTON of Indiana, and by unanimous consent, Mr. CALLAHAN was allowed to proceed for 2 additional minutes.)

Mr. CALLAHAN. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. I want to really get to the bottom of this.

If the gentleman would yield further, the point I am trying to make is when the administration made its request, they obviously folded into this account all the things the gentleman is talking about. What he is saying is that they did not fold in some of these things he is talking about, and that is why he is $144 million higher. That does not make sense to me when I look at the bill.

Mr. CALLAHAN. Not for Africa, and that is what the gentleman is leaving out.

Mr. BURTON of Indiana. So the administration did not put Africa into that $1,006,000,000.

Mr. CALLAHAN. That is correct.

Mr. BURTON of Indiana. Why did they do that?

Mr. CALLAHAN. I do not know. The gentleman will have to ask the administration. That is a separate account.

But the bottom line is, if the gentleman totals all of the columns, we are $25 million below 1996. That is the bottom line.

As to explaining the difference in the three funds and the shifting of the child survival account, which was not included in the President's request, and the African fund which was left out, then the net effect is that we are $63 million below what the President requested and $25 million below the 1996 level.

The gentleman from Indiana ought to know full well that I am not going to increase the President's request on anything. I am cutting the President's request by a billion dollars in this bill.

Mr. BURTON of Indiana. If the gentleman would yield further, let me just say this.

The bill is very confusing, if the gentleman is accurate, and I think that to present this to the Congress when we are trying to go through and save the taxpayers' money, and I have great respect for my colleague; when he gets something that shows $144 million increase and he is saying——

Mr. CALLAHAN. Reclaiming my time, the gentleman is going to have to take my word for it, and I will assure him that this measure he is talking about is $63 million below the President's request and $25 million under the 1996 legislation.

So, as my colleagues know, I know that the gentleman would like to discuss——

The CHAIRMAN. The time of the gentleman from Alabama [Mr. CALLAHAN] has expired.

(On request of Mr. BURTON of Indiana, and by unanimous consent, Mr. CALLAHAN was allowed to proceed for 1 additional minute.)

Mr. CALLAHAN. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. If the gentleman will yield, let me just say this.

I do not know how anybody in this body that is trying to follow expenditures can look at this and understand it, and I think that the staff should be very careful when they put these kinds of figures in here because if we look at it on its surface, it looks like we have increased the administration's request by $144 million.

Well, it is very clear. Look at the bottom of page 13. Now, how are we, as colleagues of the gentleman's who do not have the privilege of serving on the Committee on Appropriations, supposed to understand that he folded other things in there and the administration has not?

Mr. CALLAHAN. Let me refer the gentleman from Indiana to page 23, where it says that the fiscal year request for the development fund for Africa, the President requested $704 million. He did not request any money for child survival. We eliminated the $704 million development fund for Africa, and we instituted $600 million for child survival, $104 million less——

The CHAIRMAN. The time of the gentleman from Alabama [Mr. CALLAHAN] has again expired.

Mr. HASTINGS of Florida. Mr. Chairman, I move to strike the last word, and I would like to engage my colleague from Indiana, Mr. BURTON, in just a very brief colloquy and follow up on what has been discussed with him and the chairman.

The development assistance fund cuts that the gentleman from Indiana [Mr. BURTON] proposes of $144 million, can he tell me in his opinion how that would be offset?

My belief is, based on what the gentleman from Alabama is saying, is that it will come out of the Africa account.

□ 1415

Does the gentleman dispute that, or does he not care?

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield?

Mr. HASTINGS of Florida. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Chairman, the whole premise of my argument is this: The administration, the President of the United States and his administration, asked for 1 billion, 6 million dollars for development assistance. This bill, according to the way I read it, has 1 billion, 150 million dollars, or $144 million more than what the President requests.

Mr. Chairman, I have confidence in this particular area that the President has evaluated where the money should go, in Africa and elsewhere, and has come to the conclusion that 1 billion, 6 million dollars is enough, and I think $144 million above that is excessive.

Mr. HASTINGS of Florida. I think in the final analysis, with a subtle earmark as it exists here, if you take developmental assistance down, you take Africa down.

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Indiana [Mr. BURTON]. The program AID offers across the world are vital for the domestic survival of the countries they serve. They attend to the health and nutrition of children and allow these underdeveloped areas to stabilize their economies, fostering increased trade with the United States and free market economies throughout the world.

Furthermore, the cuts to AID would force the agency to cut 200 American jobs by the end of the year and 240 more by the end of 1997. AID has already demonstrated its efforts to streamline over the past 3 years, and is currently discussing the closure and downsizing of additional overseas posts, as my good friend, the gentleman from Indiana, certainly knows. Therefore, the cuts proposed by the Burton amendment are unnecessary and would only further impair the agency's ability to serve its purpose. I would ask that it be opposed.

Mr. WILSON. Mr. Chairman, will the gentleman yield?

Mr. HASTINGS of Florida. I yield to the gentleman from Texas.

Mr. WILSON. Mr. Chairman, I want to associate myself with the remarks of the gentleman. Also, I would like to point out or ask the gentleman if he knows that if these cuts were to be put into effect, that 45,000 families in South Africa could not be assisted with better drinking water and it would certainly cause child mortality rates to rise; 100,000 people in India will not receive safe drinking water and will be exposed to cholera and hepatitis from untreated sewage, as well as malaria and bubonic plague. Does the gentleman agree?

Mr. HASTINGS of Florida. I certainly agree with that. That is part of what I was hopeful of pointing out to the gentleman from Indiana. I thank the gentleman for pointing that out, and I stand in opposition to the amendment offered by the gentleman from Indiana.

Mr. WILSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. CALLAHAN. Mr. Chairman, will the gentleman yield?

Mr. WILSON. I yield to the gentleman from Alabama.

Mr. CALLAHAN. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, let me say that I will assure the gentleman from Indiana that I am absolutely right. If he reviews the entire bill and the entire context of that bill, I think that he will agree with me that we do, indeed, cut $65 million from the President's request. We must keep in mind, too, that we are talking about things like the child survival account, $27 million for disease prevention to wipe out polio, malaria, and other diseases.

Mr. Chairman, I recognize the gentleman's disdain for the USAID, I recognize his true concerns about some of the activities of USAID, but we have acted, I think responsibly, in cutting the request of the President, in cutting last year's; and if we are going to have a USAID, then we are going to instruct them, as we do, on how they are going to spend the money, we are going to key in and aim it toward our child survival, and I think the committee has acted responsibly. Under the circumstances, Mr. Chairman, I would request that the gentleman from Indiana withdraw his amendment.

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield?

Mr. WILSON. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Chairman, the bill, at the very least, is confusing.

For anyone who is not a member of the Committee on Appropriations to read this, they would think that there is $144 million in excessive spending here. Let me just say this. I will take my colleague at his word and I will withdraw the amendment. But I hope next year when we come up with a bill that it will be drafted in such a way, especially the explanation, that any Member, aside from a member of the Committee on Appropriations, can look and see if you folded in child survival and childhood diseases and other things in there, because it is not apparent.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The CHAIRMAN. Are there further amendments to title II?

AMENDMENT OFFERED BY MR. BURTON OF INDIANA

Mr. BURTON of Indiana. Mr. Chairman, I offer amendment No. 4.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

> Amendment offered by Mr. BURTON of Indiana: Page 13, line 11, after the dollar amount, insert the following: "(reduced by $46,554,000)".

Mr. BURTON of Indiana. Mr. Chairman, in 1996 in the foreign aid authorization bill for fiscal year 1996 and 1997, the House Committee on International Relations authorized only $419,000,000, $5,000,000 in operating expenses for AID for fiscal year 1997. The cut in this amendment would bring the total operating expenses level down to what was authorized but never enacted into law by our committee. This amount was later increased to $465 million. What we are trying to do here is to reduce by $46,554,000 the operating expenses for AID. This is what was authorized by the Committee on International Relations and we think it should not be exceeded.

Mr. WILSON. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the operating cuts recommended by my good friend, the gentleman from Indiana [Mr. BURTON], would have a devastating effect on delivery of U.S. assistance in Africa. Such cuts would force USAID to close additional missions in the poorest continent in the world, thereby working greater hardships on the poorest of the poor. These assistance programs would be terminated abruptly, and prior U.S. investments would be jeopardized. It is simply my view, Mr. Chairman, that AID could not effectively carry out its mission, and therefore, I would recommend a no vote on the amendment.

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield?

Mr. WILSON. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Chairman, the committee of jurisdiction on authorizing is the Committee on International Relations, on which I serve and have served for 12 years now. What I cannot understand is why the subcommittee on the Committee on Appropriations is exceeding what the House authorizing committee requested, by $46,554,000. It is our responsibility to study this issue and to make a decision on what we should authorize to be spent. After we did that, the gentleman came back and raised it by $46 million. Why?

Mr. WILSON. Mr. Chairman, I ask the gentleman, there was not an authorization bill signed into law, was there?

Mr. BURTON of Indiana. No, there was not.

Mr. WILSON. How long has it been since there has been one? How long has it been since we had an authorization bill signed into law?

Mr. BURTON of Indiana. The House authorization committee, the Committee on International Relations, made a recommendation.

Mr. WILSON. That is not the question. The question is, how long has it been since there has been an authorization bill signed into law?

Mr. BURTON of Indiana. It has been a while.

Mr. WILSON. I do not remember one. I have been here 24 years.

Mr. BURTON of Indiana. If the gentleman will yield further, he is in the House appropriations subcommittee that deals with this. Why would he not take into consideration what the authorizing committee came up with?

Mr. CALLAHAN. Mr. Chairman, will the gentleman yield?

Mr. WILSON. I yield to the gentleman from Alabama.

Mr. CALLAHAN. Mr. Chairman, I would like to point out that the gentleman is erroneous, that the House passed $419 million, as the gentleman suggested. However, when we got to conference and after it went through the Senate, then it came back to the House and it was at $465 million. So, I think that it is incorrect to say that the committee did not agree to it. When the conference report came back, the House did agree to the $465 million, so the committee originally did say, the gentleman's committee, $419 million. But as it went through the process, that committee agreed to $465 million. So the $465 million did pass the House, because we ratified and you voted for the conference report.

Also, the chairman of the authorizing committee did not raise any objection to this when he came to discuss the bill with us, so the $465 is the level that passed the House after they had their conference.

Mr. BURTON of Indiana. Mr. Chairman, if the gentleman will continue to yield, I just cited in my opening remarks that it was raised in conference to $465 million. I did not agree with that. I think that is excessive. I think the committee of jurisdiction and authorizing made the right decision. That is why I support the cut.

Mr. CALLAHAN. It is misleading when the gentleman says that this is more than the House passed. As we go through the committee process, as we go through the conference process, the final bill that the House voted on gave $465 million.

Mr. BURTON of Indiana. That was the conference committee report.

Mr. CALLAHAN. In the subcommittee it was only $419 and in full committee it was only $419, and when it first passed the House it was $419. Then the conferees went over to the Senate and compromised at $465, not the House, and then brought the authorization bill back to us and requested that we accept the $465.

Mr. BURTON of Indiana. If the gentleman will continue to yield, Mr. Chairman, let me just say because some of my colleagues caved in to a higher figure on the other side does not make it right. That is why I want to cut it now.

Mr. CALLAHAN. It does make it right when I say that the House level of $465 million was the amount of money that we appropriated through the House, and naturally the chairman of the committee agrees with us because he did not object to raising it to the $465.

Mr. HASTINGS of Florida. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I associate myself with the remarks of the chairman and the ranking member of the subcommittee, and I am in opposition to the Burton amendment. As indicated, it would cut USAID's operating expenses, as the gentleman from Indiana has said, by $46-plus million to a level of $419 million in fiscal year 1997.

The conference report on the fiscal year 1996–97 authorization bill passed by the House and the Senate, as has been pointed out by the subcommittee chair, proposed $465 million in fiscal year 1997, the same as recommended by H.R. 3540, the fiscal year 1997 foreign operations appropriations bill.

Mr. Chairman, much about this bill I do not like, but a lot that I like about it is that the chairman and the ranking member and other members of the Committee on Appropriations have gone about in a forthright manner, trying to be as creative as possible in protecting some accounts that we did not protect on the authorizing side.

In order to operate at even the $495 million request level in fiscal year 1997, USAID has announced it will have to lay off 200 U.S. direct-hire employees before the end of fiscal year 1996. In addition, 240 direct-hire employees will leave, or through attrition, for a total of 440, a reduction of 17 percent in 2 years.

Sometimes when we are on the floor we do not put human faces on these things. My view is cuts of the magnitude proposed in the amendment offered by the gentleman from Indiana, my good friend, would require much deeper staff cuts in the field, seriously damaging USAID's ability to carry out its staff-intensive development programs, particularly child survival and microenterprise, as well as critical programs in the NIS and Eastern Europe. In fact, with such a reduction, it is likely that the agency would have to shut down its operations at some point during fiscal year 1997 for lack of funds.

I have pointed out and it has been pointed out previously that the Africa account will suffer substantially. Already, 23 overseas posts in Africa, Asia, the Near East, and Latin America have been cut, producing annual savings in excess of $40 million. I am sure my friend, the gentleman from Indiana, is mindful of that. I see him rising.

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield?

Mr. HASTINGS of Florida. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Chairman, if the gentleman would just indulge me a moment, I want to read something. Sally Shelton, you have heard me say this before but I think it needs to be said again, she is a senior staffer at AID. Here is what she said. We have the documentation of this, which I brought before the committee: "Larry Byrne (Assistant Administrator for Management at AID) said that AID was 62 percent through this fiscal year and we have 38 percent of the dollar volume of procurement actions completed; we need to do," or spend, "$1.9 billion in the next 5 months." "There are large pockets of money in the field * * * so let's get moving."

Then if you look at a list, and I had a whole litany which I read into the CONGRESSIONAL RECORD a few minutes ago of wasteful projects, spending projects around the world in Burundi, in Africa, in Central America, Nicaragua, El Salvador and elsewhere, where we have waived millions and billions of dollars. Here we see that the head of the administration, one of the leaders over there, is saying that we have to spend another $1.9 billion in the next 3 to 4 months, otherwise we probably will not get more money next year.

□ 1430

The problem is, until we come down hard on the administration of this agency, we are never going to cut that spending, and the American taxpayer does not like foreign aid anyhow, and when there is waste, fraud and abuse, they want something done about it.

Mr. HASTINGS of Florida. Mr. Chairman, reclaiming my time, when the gentleman makes a broad-based statement about that, about what the American taxpayer does not like, I am an American taxpayer and I recognize the critical aspect, as does the gentleman, of what we do abroad. The fact of the matter is we do not do enough. We are for free markets, he and I, and we know that international aid assists American investment and import and export undertakings, not only in the underdeveloped countries, but throughout the world.

With that in mind, what U.S. AID does can be construed as a failure, and the gentleman knows, and he and I were in the hearing; all of that was put into the record. But much has been done since that time by U.S. AID and other agencies in consultation with State to make some changes that I think the gentleman and I would agree upon.

The CHAIRMAN. The time of the gentleman from Florida [Mr. HASTINGS] has expired.

(On request of Mr. BURTON of Indiana, and by unanimous consent, Mr. HASTINGS of Florida was allowed to proceed for 1 additional minute.)

Mr. HASTINGS of Florida. Mr. Chairman, I do want to say that certainly we do not want to be put in the position of not wanting to eliminate cholera and having children immunized and having safe water for as many places as possible, and I yield to the gentleman.

Mr. BURTON of Indiana. Well, I certainly agree. We are not cutting AID to the bone. We are cutting out the fat in my amendments, and what we are doing is sending a signal. Seventy-four percent, the gentleman is a taxpayer and so am I, 74 percent of the American people in a recent poll did not want any foreign aid. So the American people and the taxpayers are against it. So we have to spend their money very judiciously and in my opinion AID wastes a heck of a lot of it.

Mr. CALLAHAN. Mr. Chairman, I move to strike the requisite number of words in opposition to the amendment.

Mr. Chairman, the gentleman from Indiana is right. The American people do not approve of foreign aid by a great majority. I think he mentioned that 74 percent of the people do not agree with it. I would agree with 74 percent of the American people, there are certain aspects of foreign aid that I loathe.

However, the American people do not object to Child Survival activities. The American people do not object to us feeding starving children in Africa or any other of the poor countries. The American people do not object to the International Rotary Club program to eradicate polio worldwide. They support this, and this is the agency that administers those funds.

I agree with you that there is great room for improvement in U.S. AID, and I have banged on their heads, and so has our ranking Democrat, insisting that they tighten their belts over there. We earmarked the money for Child Survival and said you must spend this money on this program.

So I will agree with the gentleman that there is great room for improvement, but further, I will tell the gentleman that it is $25 million less than we actually appropriated last year because we eliminated the transfer authority that we provided in the 1996 bill. So we have cut their operation expenses by a net of another $25 million.

In addition to that, it is almost $30 million below the President's budget. It is consistent with the level assumed in the authorization bill that was vetoed, the same bill that was approved last year and the President vetoed. It is consistent with that same level.

I agree that they should downsize. That is why I have supported the closure of 21 U.S. AID posts overseas, which will generate ultimately an annual saving of some $40 million. I support the efforts of AID to reduce personnel, which this year will include a reduction in force of 200 U.S. direct-hire employees. However, there is a limited beyond which any account that funds personnel can be cut before you totally disrupt agency operation.

What are we going to do with that $600 million that we put in Child Survival? Just send a check to somebody? We have to have a program that administers this aid. It costs money when you have any branch of the administration distributing money. But let us not say that 74 percent of the American people disagree with this section of this bill, because I would assure the gentleman from Indiana [Mr. BURTON] that 90 percent of the American people agree that when we have starving children, when we have sick children, when we have uneducated children, when we have children who possibly might contract polio, that we ought to utilize some of our vast resources to help these unfortunate people. That is what we have tried to do, and I respectfully request that this amendment be defeated.

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield?

Mr. CALLAHAN. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Chairman, they have over 8,000 employees, and you are cutting 200. They have 8,000 employees, and you are talking about these children survival programs. I am not cutting the children survival programs. I am cutting the administrative overhead of the agency. They have 8,000 employees, and that does not include the contractors that they have outside that they have hired.

Now, I am very happy that the gentleman, and he is my good friend, was able to cut 200 jobs, but that is not nearly enough. The bureaucracy over there is out of control. I just read what one of the leaders said about having to blow more money so that they could get more money. The fact of the matter is, we ought to be cutting AID's administrative costs dramatically, not just to do away with a lot of unnecessary bureaucrats over there, which the taxpayers do not want to support, but secondly, to send a signal to them that we do not want this kind of attitude that they have had in the past.

Mr. CALLAHAN. Mr. Chairman, reclaiming my time, I will assure the gentleman that I have sent such a signal to USAID, I will assure him that this report language sends that same message to USAID, and I think that 200 employees, while it might not be as many as he would like, is a step in the right direction, that we have common destinations, that we are trying to get to this area of the room.

The gentleman from Indiana [Mr. BURTON] is saying we ought to run over there, and I am saying we ought to move judiciously to make certain that the child survival programs, that the good programs, the good that USAID does is not impacted by this.

I am with the gentleman all the way, and I will continue as long as I am chairman of this subcommittee to bang on their heads, to request and demand that the administrative expenses be kept at a minimum, but at the same time we just cannot cut. Why not cut it all out? Why not just give the money to Rotary International and say, you distribute it, you are doing such a wonderful job with polio?

The CHAIRMAN. The time of the gentleman from Alabama [Mr. CALLAHAN] has expired.

(On request of Mr. BURTON of Indiana, and by unanimous consent, Mr. CALLAHAN was allowed to proceed for 1 additional minute.)

Mr. CALLAHAN. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Chairman, when we cut 200 jobs out of 8,000, that is one-quarter of 1 percent, and you keep saying you are going to hand the checks to the Rotary Club to give that money away, that is a ludicrous thing to say. The fact of the matter is that 200 people out of 8,000 is nothing. That bureaucracy is top-heavy over there. We need to cut it to the bone.

Mr. CALLAHAN. Mr. Chairman, reclaiming my time, the bureaucracy was growing until such time as I became chairman of this subcommittee, and since that time, the bureaucracy is downsizing. I know we are not doing it as rapidly as the gentleman would like, but we are not hemorrhaging like we were before; we are coming downhill, and that is the right direction, but we must do it responsibly.

Mr. HASTINGS of Florida. Mr. Chairman, will the gentleman yield?

Mr. CALLAHAN. I yield to the gentleman from Florida.

Mr. HASTINGS of Florida. Mr. Chairman, all I wish to point out is that there are 200 that have been cut, 200 through attrition. That is 400, a 17-percent decrease, and since 1995 there has been a freeze on hiring and, in addition to that, there has been a freeze on salary increases. They are making progress, I would say to the gentleman from Indiana [Mr. BURTON].

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana [Mr. BURTON].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. BURTON of Indiana. Mr. Chairman, I demand a recorded vote, and pending that I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to the rule, further proceedings on the amendment offered by the gentleman from Indiana [Mr. BURTON] will be postponed.

The point of no quorum is considered withdrawn.

PARLIAMENTARY INQUIRY

Mr. BURTON of Indiana. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BURTON of Indiana. Mr. Chairman, to what time in the day are we postponing the vote?

The CHAIRMAN. The Chair is really not fully aware of the answer to that question.

Mr. BURTON of Indiana. If I might make a further parliamentary inquiry, as I understood it, we were going to be able to call votes after 2:30; is that not correct?

The CHAIRMAN. Not to the knowledge of the Chair.

Mr. BURTON of Indiana. Mr. Chairman, there is no time specific?

The CHAIRMAN. The Chair has not heard it at this point.

Mr. BURTON of Indiana. So they are just being postponed indefinitely subject to the call of the Chair?

The CHAIRMAN. The Chair doubts if the postponement will be very long, but they are postponed as of this time.

Are there further amendments to title II?

If not, the Clerk will designate title III.

The text of title III is as follows:

TITLE III—MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL MILITARY EDUCATION AND TRAINING

For necessary expenses to carry out the provisions of section 541 of the Foreign Assistance Act of 1961, $45,000,000: *Provided*, That none of the funds appropriated under this heading shall be available for Zaire and Guatemala: *Provided further*, That funds appropriated under this heading for grant financed military education and training for Indonesia may only be available for expanded international military education and training.

FOREIGN MILITARY FINANCING PROGRAM

For expenses necessary for grants to enable the President to carry out the provisions of section 23 of the Arms Export Control Act, $3,222,250,000: *Provided*, That funds appropriated by this paragraph that are made available for Israel and Egypt shall be made available only as grants: *Provided further*, That the funds appropriated by this paragraph that are made available for Israel shall be disbursed within thirty days of enactment of this Act or by October 31, 1996, whichever is later: *Provided further*, That to the extent that the Government of Israel requests that funds be used for such purposes, grants made available for Israel by this paragraph shall, as agreed by Israel and the United States, be available for advanced weapons systems, of which no less than $475,000,000 shall be available for the procurement in Israel of defense articles and defense services, including research and development: *Provided further*, That funds made available under this paragraph shall be nonrepayable notwithstanding any requirement in section 23 of the Arms Export Control Act: *Provided further*, That none of the funds made available under this heading shall be available for any non-NATO country participating in the Partnership for Peace Program except through the regular notification procedures of the Committees on Appropriations.

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of direct loans authorized by section 23 of the Arms Export Control Act as follows: cost of direct loans, $35,000,000: *Provided*, That these funds are available to subsidize gross obligations for the principal amount of direct loans of not to exceed $323,815,000: *Provided further*, That the rate of interest charged on such loans shall be not less than the current average market yield on outstanding marketable obligations of the United States of comparable maturities: *Provided further*, That funds appropriated under this heading shall be made available for Greece and Turkey only on a loan basis, and the principal amount of direct loans for each country shall not exceed the following: $103,471,000 only for Greece and $147,816,000 only for Turkey.

None of the funds made available under this heading shall be available to finance the procurement of defense articles, defense services, or design and construction services that are not sold by the United States Government under the Arms Export Control Act unless the foreign country proposing to make such procurements has first signed an agreement with the United States Government specifying the conditions under which such procurements may be financed with such funds: *Provided*, That all country and funding level increases in allocations shall be submitted through the regular notification procedures of section 515 of this Act: *Provided further*, That funds made available under this heading shall be obligated upon apportionment in accordance with paragraph (5)(C) of title 31, United States Code, section 1501(a): *Provided further*, That none of the funds appropriated under this heading shall be available for Zaire, Sudan, Liberia, and Guatemala: *Provided further*, That only those countries for which assistance was justified for the "Foreign Military Sales Financing Program" in the fiscal year 1989 congressional presentation for security assistance programs may utilize funds made available under this heading for procurement of defense articles, defense services or design and construction services that are not sold by the United States Government under the Arms Export Control Act: *Provided further*, That, subject to the regular notification procedures of the Committees on Appropriations, funds made available under this heading for the cost of direct loans may also be used to supplement the funds available under this heading for grants, and funds made available under this heading for grants may also be used to supplement the funds available under this heading for the cost of direct loans: *Provided further*, That funds appropriated under this heading shall be expended at the minimum rate necessary to make timely payment for defense articles and services: *Provided further*, That not more than $23,250,000 of the funds appropriated under this heading may be obligated for necessary expenses, including the purchase of passenger motor vehicles for replacement only for use outside of the United States, for the general costs of administering military assistance and sales: *Provided further*, That not more than $355,000,000 of funds realized pursuant to section 21(e)(1)(A) of the Arms Export Control Act may be obligated for expenses incurred by the Department of Defense during fiscal year 1997 pursuant to section 43(b) of the Arms Export Control Act, except that this limitation may be exceeded only through the regular notification procedures of the Committees on Appropriations.

PEACEKEEPING OPERATIONS

For necessary expenses to carry out the provisions of section 551 of the Foreign Assistance Act of 1961, $65,000,000: *Provided*, That none of the funds appropriated under this paragraph shall be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

Mr. WILSON. Mr. Chairman, I ask unanimous consent that we pass over consideration of title III, and that the gentleman from Wisconsin [Mr. OBEY] be allowed to offer the amendments he has on title III at a later point in consideration of the bill.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. SOUDER. Mr. Chairman, reserving the right to object, does the gentleman have any idea how many amendments there are pending?

Mr. WILSON. If the gentleman will yield, he has filed 18.

Mr. SOUDER. And does the gentleman know if the gentleman from Wisconsin intends to offer most of those amendments?

Mr. WILSON. The honest answer is I do not know.

Mr. SOUDER. Mr. Chairman, I object. Maybe we can have this come up when we know how many there are going to be, but at this time I object.

The CHAIRMAN. Objection is heard.

Are there amendments to title III?

The Clerk will designate title IV.

The text of title IV is as follows:

TITLE IV—MULTILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL FINANCIAL INSTITUTIONS

CONTRIBUTION TO THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

For payment to the International Bank for Reconstruction and Development by the Secretary of the Treasury, for the United States contribution to the Global Environment Facility (GEF), $30,000,000, to remain available until September 30, 1998.

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

For payment to the International Development Association by the Secretary of the Treasury, $525,000,000, for the United States contribution to the tenth replenishment, to remain available until expended: *Provided*, That none of the funds made available for the International Development Association may be obligated until the Secretary of the Treasury submits a report to the Committees on Appropriations detailing the efforts made by United States officials, during discussions leading to an agreement to undertake the eleventh replenishment of the Association, to oppose the formation of an Interim Trust Fund, and fully describing the adverse impacts to the United States resulting from the Interim Trust Fund and other potential alternative funding structures for the Association during 1996 and 1997.

CONTRIBUTION TO THE INTERNATIONAL FINANCE CORPORATION

For payment to the International Finance Corporation by the Secretary of the Treasury, $6,656,000, for the United States share of the increase in subscriptions to capital stock, to remain available until expended.

CONTRIBUTION TO THE INTER-AMERICAN DEVELOPMENT BANK

For payment to the Inter-American Development Bank by the Secretary of the Treasury, for the United States share of the paid-in share portion of the increase in capital stock, $25,610,667, and for the United States share of the increase in the resources of the Fund for Special Operations, $10,000,000, to remain available until expended.

LIMITATION OF CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the Inter-American Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $1,503,718,910.

CONTRIBUTION TO THE ENTERPRISE FOR THE AMERICAS MULTILATERAL INVESTMENT FUND

For payment to the Enterprise for the Americas Multilateral Investment Fund by the Secretary of the Treasury, for the United States contribution to the Fund to be administered by the Inter-American Development Bank, $27,500,000 to remain available until expended.

CONTRIBUTION TO THE ASIAN DEVELOPMENT BANK

For payment to the Asian Development Bank by the Secretary of the Treasury for the United States share of the paid-in portion of the increase in capital stock, $13,221,596, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the Asian Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $647,858,204.

CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increases in resources of the Asian Development Fund, as authorized by the Asian Development Bank Act, as amended (Public Law 89-369), $100,000,000, to remain available until expended.

CONTRIBUTION TO THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT

For payment to the European Bank for Reconstruction and Development by the Secretary of the Treasury, $11,916,447, for the United States share of the paid-in share portion of the initial capital subscription, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the European Bank for Reconstruction and Development may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $27,805,043.

NORTH AMERICAN DEVELOPMENT BANK

For payment to the North American Development Bank by the Secretary of the Treasury, for the United States share of the paid-in portion of the capital stock, $50,625,000, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the North American Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of the capital stock of the North American Development Bank in an amount not to exceed $318,750,000.

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

For necessary expenses to carry out the provisions of section 301 of the Foreign Assistance Act of 1961, and of section 2 of the United Nations Environment Program Participation Act of 1973, $136,000,000: *Provided*, That none of the funds appropriated under this heading shall be made available for the United Nations Fund for Science and Technology: *Provided further*, That none of the funds appropriated under this heading that are made available to the United Nations Population Fund (UNFPA) shall be made available for activities in the People's Republic of China: *Provided further*, That not more than $25,000,000 of the funds appropriated under this heading shall be made available to the UNFPA *Provided further*, That none of the funds appropriated under this heading shall be made available to the UNFPA unless the Secretary of State determines and reports to the Congress that UNFPA programs in the People's Republic of China have ended and the United States has received assurances that the UNFPA will not resume such programs during fiscal year 1997: *Provided further*, That none of the funds appropriated under this heading may be made available to the Korean Peninsula Energy Development Organization (KEDO).

The CHAIRMAN. Are there amendments to title IV?

Mr. WILSON. Mr. Chairman, I ask unanimous consent that we pass over consideration of title IV and that the gentleman from Wisconsin [Mr. OBEY] be allowed to offer the amendments he has filed on title IV at a later point in consideration of the bill.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk will designate title V.

The text of title V is as follows:

TITLE V—GENERAL PROVISIONS

OBLIGATIONS DURING LAST MONTH OF AVAILABILITY

SEC. 501. Except for the appropriations entitled "International Disaster Assistance", and "United States Emergency Refugee and Migration Assistance Fund", not more than 15 per centum of any appropriation item made available by this Act shall be obligated during the last month of availability.

PROHIBITION OF BILATERAL FUNDING FOR INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 502. None of the funds contained in title II of this Act may be used to carry out the provisions of section 209(d) of the Foreign Assistance Act of 1961.

LIMITATION ON RESIDENCE EXPENSES

SEC. 503. Of the funds appropriated or made available pursuant to this Act, not to exceed $126,500 shall be for official residence expenses of the Agency for International Development during the current fiscal year: *Provided*, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars.

LIMITATION ON EXPENSES

SEC. 504. Of the funds appropriated or made available pursuant to this Act, not to exceed $5,000 shall be for entertainment expenses of the Agency for International Development during the current fiscal year.

LIMITATION ON REPRESENTATIONAL ALLOWANCES

SEC. 505. Of the funds appropriated or made available pursuant to this Act, not to exceed $95,000 shall be available for representation allowances for the Agency for International Development during the current fiscal year: *Provided*, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars: *Provided further*, That of the funds made available by this Act for general costs of administering military assistance and sales under the heading "Foreign Military Financing Program", not to exceed $2,000 shall be available for entertainment expenses and not to exceed $50,000 shall be available for representation allowances: *Provided further*, That of the funds made available by this Act under the heading "International Military Education and Training", not to exceed $50,000 shall be available for entertainment allowances: *Provided further*, That of the funds made available by this Act for the Inter-American Foundation, not to exceed $2,000 shall be available for entertainment and representation allowances: *Provided further*, That of the funds made available by this Act for the Peace Corps, not to exceed a total of $4,000 shall be available for entertainment expenses: *Provided further*, That of the funds made available by this Act under the heading "Trade and Development Agency", not to exceed $2,000 shall be available for representation and entertainment allowances.

PROHIBITION ON FINANCING NUCLEAR GOODS

SEC. 506. None of the funds appropriated or made available (other than funds for "Nonproliferation, Anti-terrorism, Demining and Related Programs") pursuant to this Act, for carrying out the Foreign Assistance Act of 1961, may be used, except for purposes of nuclear safety, to finance the export of nuclear equipment, fuel, or technology.

PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN COUNTRIES

SEC. 507. None of the funds appropriated or otherwise made available pursuant to this

Act shall be obligated or expended to finance directly any assistance or reparations to Cuba, Iraq, Libya, North Korea, Iran, Sudan, or Syria: *Provided*, That for purposes of this section, the prohibition on obligations or expenditures shall include direct loans, credits, insurance and guarantees of the Export-Import Bank or its agents.

MILITARY COUPS

SEC. 508. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance to any country whose duly elected Head of Government is deposed by military coup or decree: *Provided*, That assistance may be resumed to such country if the President determines and reports to the Committees on Appropriations that subsequent to the termination of assistance a democratically elected government has taken office.

TRANSFERS BETWEEN ACCOUNTS

SEC. 509. None of the funds made available by this Act may be obligated under an appropriation account to which they were not appropriated, except for transfers specifically provided for in this Act, unless the President, prior to the exercise of any authority contained in the Foreign Assistance Act of 1961 to transfer funds, consults with and provides a written policy justification to the Committees on Appropriations of the House of Representatives and the Senate.

DEOBLIGATION/REOBLIGATION AUTHORITY

SEC. 510. (a) Amounts certified pursuant to section 1311 of the Supplemental Appropriations Act, 1955, as having been obligated against appropriations heretofore made under the authority of the Foreign Assistance Act of 1961 for the same general purpose as any of the headings under title II of this Act are, if deobligated, hereby continued available for the same period as the respective appropriations under such headings or until September 30, 1997, whichever is later, and for the same general purpose, and for countries within the same region as originally obligated: *Provided*, That the Appropriations Committees of both Houses of the Congress are notified fifteen days in advance of the reobligation of such funds in accordance with regular notification procedures of the Committees on Appropriations.

(b) Obligated balances of funds appropriated to carry out section 23 of the Arms Export Control Act as of the end of the fiscal year immediately preceding the current fiscal year are, if deobligated, hereby continued available during the current fiscal year for the same purpose under any authority applicable to such appropriations under this Act: *Provided*, That the authority of this subsection may not be used in fiscal year 1997.

AVAILABILITY OF FUNDS

SEC. 511. No part of any appropriation contained in this Act shall remain available for obligation after the expiration of the current fiscal year unless expressly so provided in this Act: *Provided*, That funds appropriated for the purposes of chapters 1, 8, and 11 of part I, section 667, and chapter 4 of part II of the Foreign Assistance Act of 1961, as amended, and funds provided under the heading "Assistance for Eastern Europe and the Baltic States", shall remain available until expended if such funds are initially obligated before the expiration of their respective periods of availability contained in this Act: *Provided further*, That, notwithstanding any other provision of this Act, any funds made available for the purposes of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 which are allocated for cash disbursements in order to address balance of payments or economic policy reform objectives, shall remain available until expended: *Provided further*, That the report required by section 653(a) of the Foreign Assistance Act of 1961 shall designate for each country, to the extent known at the time of submission of such report, those funds allocated for cash disbursement for balance of payment and economic policy reform purposes.

LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT

SEC. 512. No part of any appropriation contained in this Act shall be used to furnish assistance to any country which is in default during a period in excess of one calendar year in payment to the United States of principal or interest on any loan made to such country by the United States pursuant to a program for which funds are appropriated under this Act: *Provided*, That this section and section 620(q) of the Foreign Assistance Act of 1961 shall not apply to funds made available in this Act or during the current fiscal year for Nicaragua, and for any narcotics-related assistance for Colombia, Bolivia, and Peru authorized by the Foreign Assistance Act of 1961 or the Arms Export Control Act.

COMMERCE AND TRADE

SEC. 513. (a) None of the funds appropriated or made available pursuant to this Act for direct assistance and none of the funds otherwise made available pursuant to this Act to the Export-Import Bank and the Overseas Private Investment Corporation shall be obligated or expended to finance any loan, any assistance or any other financial commitments for establishing or expanding production of any commodity for export by any country other than the United States, if the commodity is likely to be in surplus on world markets at the time the resulting productive capacity is expected to become operative and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity: *Provided*, That such prohibition shall not apply to the Export-Import Bank if in the judgment of its Board of Directors the benefits to industry and employment in the United States are likely to outweigh the injury to United States producers of the same, similar, or competing commodity, and the Chairman of the Board so notifies the Committees on Appropriations.

(b) None of the funds appropriated by this or any other Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 shall be available for any testing or breeding feasibility study, variety improvement or introduction, consultancy, publication, conference, or training in connection with the growth or production in a foreign country of an agricultural commodity for export which would compete with a similar commodity grown or produced in the United States: *Provided*, That this subsection shall not prohibit—

(1) activities designed to increase food security in developing countries where such activities will not have a significant impact in the export of agricultural commodities of the United States; or

(2) research activities intended primarily to benefit American producers.

SURPLUS COMMODITIES

SEC. 514. The Secretary of the Treasury shall instruct the United States Executive Directors of the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the International Monetary Fund, the Asian Development Bank, the Inter-American Investment Corporation, the North American Development Bank, the European Bank for Reconstruction and Development, the African Development Bank, and the African Development Fund to use the voice and vote of the United States to oppose any assistance by these institutions, using funds appropriated or made available pursuant to this Act, for the production or extraction of any commodity or mineral for export, if it is in surplus on world markets and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity.

NOTIFICATION REQUIREMENTS

SEC. 515. For the purposes of providing the Executive Branch with the necessary administrative flexibility, none of the funds made available under this Act for "Child Survival and Disease Programs Fund", "Development Assistance", "Debt restructuring", "International organizations and programs", "Trade and Development Agency", "International narcotics control", "Assistance for Eastern Europe and the Baltic States", "Assistance for the New Independent States of the Former Soviet Union", "Economic Support Fund", "Peacekeeping operations", "Operating expenses of the Agency for International Development", "Operating expenses of the Agency for International Development Office of Inspector General", "Nonproliferation, anti-terrorism, demining and related programs", "Foreign Military Financing Program", "International military education and training", "Inter-American Foundation", "African Development Foundation", "Peace Corps", "Migration and refugee assistance", shall be available for obligation for activities, programs, projects, type of materiel assistance, countries, or other operations not justified or in excess of the amount justified to the Appropriations Committees for obligation under any of these specific headings unless the Appropriations Committees of both Houses of Congress are previously notified fifteen days in advance: *Provided*, That the President shall not enter into any commitment of funds appropriated for the purposes of section 23 of the Arms Export Control Act for the provision of major defense equipment, other than conventional ammunition, or other major defense items defined to be aircraft, ships, missiles, or combat vehicles, not previously justified to Congress or 20 per centum in excess of the quantities justified to Congress unless the Committees on Appropriations are notified fifteen days in advance of such commitment: *Provided further*, That this section shall not apply to any reprogramming for an activity, program, or project under chapter 1 of part I of the Foreign Assistance Act of 1961 of less than 10 per centum of the amount previously justified to the Congress for obligation for such activity, program, or project for the current fiscal year: *Provided further*, That the requirements of this section or any similar provision of this Act or any other Act, including any prior Act requiring notification in accordance with the regular notification procedures of the Committees on Appropriations, may be waived if failure to do so would pose a substantial risk to human health or welfare: *Provided further*, That in case of any such waiver, notification to the Congress, or the appropriate congressional committees, shall be provided as early as practicable, but in no event later than three days after taking the action to which such notification requirement was applicable, in the context of the circumstances necessitating such waiver: *Provided further*, That any notification provided pursuant to such a waiver shall contain an explanation of the emergency circumstances.

Drawdowns made pursuant to section 506(a) (2) of the Foreign Assistance Act of 1961 shall be subject to the regular notification procedures of the Committees on Appropriations.

LIMITATION ON AVAILABILITY OF FUNDS FOR INTERNATIONAL ORGANIZATIONS AND PROGRAMS

SEC. 516. Notwithstanding any other provision of law or of this Act, none of the funds provided for "International Organizations and Programs" shall be available for the United States proportionate share, in accordance with section 307(c) of the Foreign Assistance Act of 1961, for any programs identified in section 307, or for Libya, Iran, or, at the discretion of the President, Communist countries listed in section 620(f) of the Foreign Assistance Act of 1961, as amended: *Provided*, That, subject to the regular notification procedures of the Committees on Appropriations, funds appropriated under this Act or any previously enacted Act making appropriations for foreign operations, export financing, and related programs, which are returned or not made available for organizations and programs because of the implementation of this section or any similar provision of law, shall remain available for obligation through September 30, 1998.

ECONOMIC SUPPORT FUND ASSISTANCE FOR ISRAEL

SEC. 517. The Congress finds that progress on the peace process in the Middle East is vitally important to United States security interests in the region. The Congress recognizes that, in fulfilling its obligations under the Treaty of Peace Between the Arab Republic of Egypt and the State of Israel, done at Washington on March 26, 1979, Israel incurred severe economic burdens. Furthermore, the Congress recognizes that an economically and militarily secure Israel serves the security interests of the United States, for a secure Israel is an Israel which has the incentive and confidence to continue pursuing the peace process. Therefore, the Congress declares that, subject to the availability of appropriations, it is the policy and the intention of the United States that the funds provided in annual appropriations for the Economic Support Fund which are allocated to Israel shall not be less than the annual debt repayment (interest and principal) from Israel to the United States Government in recognition that such a principle serves United States interests in the region.

PROHIBITION ON FUNDING FOR ABORTIONS AND INVOLUNTARY STERILIZATION

SEC. 518. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of abortions as a method of family planning or to motivate or coerce any person to practice abortions. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of involuntary sterilization as a method of family planning or to coerce or provide any financial incentive to any person to undergo sterilizations. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for any biomedical research which relates in whole or in part, to methods of, or the performance of, abortions or involuntary sterilization as a means of family planning. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be obligated or expended for any country or organization if the President certifies that the use of these funds by any such country or organization would violate any of the above provisions related to abortions and involuntary sterilizations: *Provided*, That none of the funds made available under this Act may be used to lobby for or against abortion.

POPULATION ASSISTANCE FUNDING LIMITATIONS

SEC. 518A. (a) IN GENERAL.—

(1) Notwithstanding any other provision of this Act, funds appropriated by this Act for population assistance activities may be made available for a foreign private or nongovernmental organization only if the organization certifies that it will not during the period for which the funds are made available, perform abortions in any foreign country, except where the life of the mother would be endangered if the fetus were carried to term or in cases of forcible rape or incest.

(2) Paragraph (1) may not be construed to apply to the treatment of injuries or illnesses caused by legal or illegal abortions or to assistance provided directly to the government of a country.

(b) LOBBYING ACTIVITIES.—

(1) None of the funds made available under this Act may be used to lobby for or against abortion, and, notwithstanding any other provision of this Act or other law, none of the funds appropriated by this Act for population assistance activities may be made available for any foreign private or nongovernmental organization until the organization certifies that it will not during the period for which the funds are made available, violate the laws of any foreign country concerning the circumstances under which abortion is permitted, regulated, or prohibited, or engage in any activity or effort in a foreign country to alter the laws or governmental policies of any foreign country concerning the circumstances under which abortion is permitted, regulated, or prohibited.

(2) Notwithstanding any other provision of this Act, paragraph (1) shall not apply to activities in opposition to coercive abortion or involuntary sterilization.

(c) Notwithstanding subsections (a)(1) and (b)(1), a foreign private or nongovernmental organization may receive funds appropriated by this Act for population assistance activities in the absence of the certifications required in said subsections, but funds made available for each such organization by this Act shall not exceed 50 percent of the funds made available to the organization during fiscal year 1995. Funds for population assistance activities may not be made available for any foreign private or nongovernmental organization that did not receive such funds during fiscal year 1995 unless the organization meets the certification requirements of subsections (a)(1) and (b)(1).

(d) Funds made available pursuant to subsection (c) shall be apportioned on a monthly basis for the first four months of fiscal year 1997 only, and monthly disbursements during such period to each organization covered by said subsection may not exceed 8.34 percent of the total each such organization could receive pursuant to said subsection.

(e) Subsections (a), (b) and (c) apply to funds made available for a foreign organization either directly or as a subcontractor or sub-grantee, and the required certifications apply to activities in which the organization engages either directly or through a subcontractor or sub-grantee.

(f) Funds appropriated or otherwise made available in title II of this Act for population planning activities or other population assistance may be made available for obligation and expenditure in an amount not to exceed 65 percent of the total amount appropriated or otherwise made available by Public Law 103-306 and Public Law 104-19 for such activities for fiscal year 1995.

REPORTING REQUIREMENT

SEC. 519. The President shall submit to the Committees on Appropriations the reports required by section 25(a)(1) of the Arms Export Control Act.

SPECIAL NOTIFICATION REQUIREMENTS

SEC. 520. None of the funds appropriated in this Act shall be obligated or expended for Colombia, Dominican Republic, Haiti, Liberia, Pakistan, Peru, Russia, Serbia, South Africa, Sudan, or Zaire except as provided through the regular notification procedures of the Committees on Appropriations.

DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

SEC. 521. For the purpose of this Act, "program, project, and activity" shall be defined at the Appropriations Act account level and shall include all Appropriations and Authorizations Acts earmarks, ceilings, and limitations with the exception that for the following accounts: Economic Support Fund and Foreign Military Financing Program, "program, project, and activity" shall also be considered to include country, regional, and central program level funding within each such account; for the development assistance accounts of the Agency for International Development "program, project, and activity" shall also be considered to include central program level funding, either as (1) justified to the Congress, or (2) allocated by the executive branch in accordance with a report, to be provided to the Committees on Appropriations within thirty days of enactment of this Act, as required by section 653(a) of the Foreign Assistance Act of 1961.

CHILD SURVIVAL AND AIDS ACTIVITIES

SEC. 522. Up to $8,000,000 of the funds made available by this Act for assistance for family planning, health, child survival, and AIDS, may be used to reimburse United States Government agencies, agencies of State governments, institutions of higher learning, and private and voluntary organizations for the full cost of individuals (including for the personal services of such individuals) detailed or assigned to, or contracted by, as the case may be, the Agency for International Development for the purpose of carrying out family planning activities, child survival activities and activities relating to research on, and the treatment and control of acquired immune deficiency syndrome in developing countries: *Provided*, That funds appropriated by this Act that are made available for child survival activities or activities relating to research on, and the treatment and control of, acquired immune deficiency syndrome may be made available notwithstanding any provision of law that restricts assistance to foreign countries: *Provided further*, That funds appropriated by this Act that are made available for family planning activities may be made available notwithstanding section 512 of this Act and section 620(q) of the Foreign Assistance Act of 1961.

PROHIBITION AGAINST INDIRECT FUNDING TO CERTAIN COUNTRIES

SEC. 523. None of the funds appropriated or otherwise made available pursuant to this

Act shall be obligated to finance indirectly any assistance or reparations to Cuba, Iraq, Libya, Iran, Syria, North Korea, or the People's Republic of China, unless the President of the United States certifies that the withholding of these funds is contrary to the national interest of the United States.

RECIPROCAL LEASING

SEC. 524. Section 61(a) of the Arms Export Control Act is amended by striking out "1996" and inserting in lieu thereof "1997".

NOTIFICATION ON EXCESS DEFENSE EQUIPMENT

SEC. 525. Prior to providing excess Department of Defense articles in accordance with section 516(a) of the Foreign Assistance Act of 1961, the Department of Defense shall notify the Committees on Appropriations to the same extent and under the same conditions as are other committees pursuant to subsection (c) of that section: *Provided*, That before issuing a letter of offer to sell excess defense articles under the Arms Export Control Act, the Department of Defense shall notify the Committees on Appropriations in accordance with the regular notification procedures of such Committees: *Provided further*, That such Committees shall also be informed of the original acquisition cost of such defense articles.

AUTHORIZATION REQUIREMENT

SEC. 526. Funds appropriated by this Act may be obligated and expended notwithstanding section 10 of Public Law 91–672 and section 15 of the State Department Basic Authorities Act of 1956.

PROHIBITION ON BILATERAL ASSISTANCE TO TERRORIST COUNTRIES

SEC. 527. (a) Funds appropriated for bilateral assistance under any heading of this Act and funds appropriated under any such heading in a provision of law enacted prior to enactment of this Act, shall not be made available to any country which the President determines—

(1) grants sanctuary from prosecution to any individual or group which has committed an act of international terrorism, or

(2) otherwise supports international terrorism.

(b) The President may waive the application of subsection (a) to a country if the President determines that national security or humanitarian reasons justify such waiver. The President shall publish each waiver in the Federal Register and, at least fifteen days before the waiver takes effect, shall notify the Committees on Appropriations of the waiver (including the justification for the waiver) in accordance with the regular notification procedures of the Committees on Appropriations.

COMMERCIAL LEASING OF DEFENSE ARTICLES

SEC. 528. Notwithstanding any other provision of law, and subject to the regular notification procedures of the Committees on Appropriations, the authority of section 23(a) of the Arms Export Control Act may be used to provide financing to Israel, Egypt and NATO and major non-NATO allies for the procurement by leasing (including leasing with an option to purchase) of defense articles from United States commercial suppliers, not including Major Defense Equipment (other than helicopters and other types of aircraft having possible civilian application), if the President determines that there are compelling foreign policy or national security reasons for those defense articles being provided by commercial lease rather than by government-to-government sale under such Act.

COMPETITIVE INSURANCE

SEC. 528A. All Agency for International Development contracts and solicitations, and subcontracts entered into under such contracts, shall include a clause requiring that United States insurance companies have a fair opportunity to bid for insurance when such insurance is necessary or appropriate.

STINGERS IN THE PERSIAN GULF REGION

SEC. 529. Except as provided in section 581 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990, the United States may not sell or otherwise make available any Stingers to any country bordering the Persian Gulf under the Arms Export Control Act or chapter 2 of part II of the Foreign Assistance Act of 1961.

DEBT-FOR-DEVELOPMENT

SEC. 530. In order to enhance the continued participation of nongovernmental organizations in economic assistance activities under the Foreign Assistance Act of 1961, including endowments, debt-for-development and debt-for-nature exchanges, a nongovernmental organization which is a grantee or contractor of the Agency for International Development may place in interest bearing accounts funds made available under this Act or prior Acts or local currencies which accrue to that organization as a result of economic assistance provided under title II of this Act and any interest earned on such investment shall be used for the purpose for which the assistance was provided to that organization.

SEPARATE ACCOUNTS

SEC. 531. (a) SEPARATE ACCOUNTS FOR LOCAL CURRENCIES.—(1) If assistance is furnished to the government of a foreign country under chapters 1 and 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961 under agreements which result in the generation of local currencies of that country, the Administrator of the Agency for International Development shall—

(A) require that local currencies be deposited in a separate account established by that government;

(B) enter into an agreement with that government which sets forth—

(i) the amount of the local currencies to be generated, and

(ii) the terms and conditions under which the currencies so deposited may be utilized, consistent with this section; and

(C) establish by agreement with that government the responsibilities of the Agency for International Development and that government to monitor and account for deposits into and disbursements from the separate account.

(2) USES OF LOCAL CURRENCIES.—As may be agreed upon with the foreign government, local currencies deposited in a separate account pursuant to subsection (a), or an equivalent amount of local currencies, shall be used only—

(A) to carry out chapters 1 or 10 of part I or chapter 4 of part II (as the case may be), for such purposes as—

(i) project and sector assistance activities, or

(ii) debt and deficit financing; or

(B) for the administrative requirements of the United States Government.

(3) PROGRAMMING ACCOUNTABILITY.—The Agency for International Development shall take all necessary steps to ensure that the equivalent of the local currencies disbursed pursuant to subsection (a)(2)(A) from the separate account established pursuant to subsection (a)(1) are used for the purposes agreed upon pursuant to subsection (a)(2).

(4) TERMINATION OF ASSISTANCE PROGRAMS.—Upon termination of assistance to a country under chapters 1 or 10 of part I or chapter 4 of part II (as the case may be), any unencumbered balances of funds which remain in a separate account established pursuant to subsection (a) shall be disposed of for such purposes as may be agreed to by the government of that country and the United States Government.

(5) CONFORMING AMENDMENTS.—The provisions of this subsection shall supersede the tenth and eleventh provisos contained under the heading "Sub-Saharan Africa, Development Assistance" as included in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989 and sections 531(d) and 609 of the Foreign Assistance Act of 1961.

(6) REPORTING REQUIREMENT.—The Administrator of the Agency for International Development shall report on an annual basis as part of the justification documents submitted to the Committees on Appropriations on the use of local currencies for the administrative requirements of the United States Government as authorized in subsection (a)(2)(B), and such report shall include the amount of local currency (and United States dollar equivalent) used and/or to be used for such purpose in each applicable country.

(b) SEPARATE ACCOUNTS FOR CASH TRANSFERS.—(1) If assistance is made available to the government of a foreign country, under chapters 1 or 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961, as cash transfer assistance or as nonproject sector assistance, that country shall be required to maintain such funds in a separate account and not commingle them with any other funds.

(2) APPLICABILITY OF OTHER PROVISIONS OF LAW.—Such funds may be obligated and expended notwithstanding provisions of law which are inconsistent with the nature of this assistance including provisions which are referenced in the Joint Explanatory Statement of the Committee of Conference accompanying House Joint Resolution 648 (H. Report No. 98–1159).

(3) NOTIFICATION.—At least fifteen days prior to obligating any such cash transfer or nonproject sector assistance, the President shall submit a notification through the regular notification procedures of the Committees on Appropriations, which shall include a detailed description of how the funds proposed to be made available will be used, with a discussion of the United States interests that will be served by the assistance (including, as appropriate, a description of the economic policy reforms that will be promoted by such assistance).

(4) EXEMPTION.—Nonproject sector assistance funds may be exempt from the requirements of subsection (b) (1) only through the notification procedures of the Committees on Appropriations.

COMPENSATION FOR UNITED STATES EXECUTIVE DIRECTORS TO INTERNATIONAL FINANCING INSTITUTIONS

SEC. 532. (a) No funds appropriated by this Act may be made as payment to any international financial institution while the United States Executive Director to such institution is compensated by the institution at a rate which, together with whatever compensation such Director receives from the United States, is in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while any alternate United States Director to such institution is compensated by the institution at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) For purposes of this section, "international financial institutions" are: the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank, the Asian Development Fund, the African Development Bank, the African Development Fund, the International Monetary Fund, the North American Development Bank, and the European Bank for Reconstruction and Development.

COMPLIANCE WITH UNITED NATIONS SANCTIONS AGAINST IRAQ

SEC. 533. (a) DENIAL OF ASSISTANCE.—None of the funds appropriated or otherwise made available pursuant to this Act to carry out the Foreign Assistance Act of 1961 (including title IV of chapter 2 of part I, relating to the Overseas Private Investment Corporation) or the Arms Export Control Act may be used to provide assistance to any country that is not in compliance with the United Nations Security Council sanctions against Iraq, Serbia or Montenegro unless the President determines and so certifies to the Congress that—

(1) such assistance is in the national interest of the United States;

(2) such assistance will directly benefit the needy people in that country; or

(3) the assistance to be provided will be humanitarian assistance for foreign nationals who have fled Iraq and Kuwait.

(b) IMPORT SANCTIONS.—If the President considers that the taking of such action would promote the effectiveness of the economic sanctions of the United Nations and the United States imposed with respect to Iraq, Serbia, or Montenegro, as the case may be, and is consistent with the national interest, the President may prohibit, for such a period of time as he considers appropriate, the importation into the United States of any or all products of any foreign country that has not prohibited—

(1) the importation of products of Iraq, Serbia, or Montenegro into its customs territory, and

(2) the export of its products to Iraq, Serbia, or Montenegro, as the case may be.

POW/MIA MILITARY DRAWDOWN

SEC. 534. (a) Notwithstanding any other provision of law, the President may direct the drawdown, without reimbursement by the recipient, of defense articles from the stocks of the Department of Defense, defense services of the Department of Defense, and military education and training, of an aggregate value not to exceed $15,000,000 in fiscal year 1997, as may be necessary to carry out subsection (b).

(b) Such defense articles, services and training may be provided to Vietnam, Cambodia and Laos, under subsection (a) as the President determines are necessary to support efforts to locate and repatriate members of the United States Armed Forces and civilians employed directly or indirectly by the United States Government who remain unaccounted for from the Vietnam War, and to ensure the safety of United States Government personnel engaged in such cooperative efforts and to support United States Department of Defense-sponsored humanitarian projects associated with the POW/MIA efforts. Any aircraft shall be provided under this section only to Laos and only on a lease or loan basis, but may be provided at no cost notwithstanding section 61 of the Arms Export Control Act and may be maintained with defense articles, services and training provided under this section.

(c) The President shall, within sixty days of the end of any fiscal year in which the authority of subsection (a) is exercised, submit a report to the Congress which identifies the articles, services, and training drawn down under this section.

MEDITERRANEAN EXCESS DEFENSE ARTICLES

SEC. 535. For the four-year period beginning on October 1, 1996, the President shall ensure that excess defense articles will be made available under section 516 and 519 of the Foreign Assistance Act of 1961 consistent with the manner in which the President made available excess defense articles under those sections during the four-year period that began on October 1, 1992, pursuant to section 573(e) of the Foreign Operations, Export Financing, Related Programs Appropriations Act, 1990.

CASH FLOW FINANCING

SEC. 536. For each country that has been approved for cash flow financing (as defined in section 25(d) of the Arms Export Control Act, as added by section 112(b) of Public Law 99-83) under the Foreign Military Financing Program, any Letter of Offer and Acceptance or other purchase agreement, or any amendment thereto, for a procurement in excess of $100,000,000 that is to be financed in whole or in part with funds made available under this Act shall be submitted through the regular notification procedures to the Committees on Appropriations.

AUTHORITIES FOR THE PEACE CORPS, THE INTER-AMERICAN FOUNDATION AND THE AFRICAN DEVELOPMENT FOUNDATION

SEC. 537. Unless expressly provided to the contrary, provisions of this or any other Act, including provisions contained in prior Acts authorizing or making appropriations for foreign operations, export financing, and related programs, shall not be construed to prohibit activities authorized by or conducted under the Peace Corps Act, the Inter-American Foundation Act, or the African Development Foundation Act. The appropriate agency shall promptly report to the Committees on Appropriations whenever it is conducting activities or is proposing to conduct activities in a country for which assistance is prohibited.

IMPACT ON JOBS IN THE UNITED STATES

SEC. 538. None of the funds appropriated by this Act may be obligated or expended to provide—

(a) any financial incentive to a business enterprise currently located in the United States for the purpose of inducing such an enterprise to relocate outside the United States if such incentive or inducement is likely to reduce the number of employees of such business enterprise in the United States because United States production is being replaced by such enterprise outside the United States;

(b) assistance for the purpose of establishing or developing in a foreign country any export processing zone or designated area in which the tax, tariff, labor, environment, and safety laws of that country do not apply, in part or in whole, to activities carried out within that zone or area, unless the President determines and certifies that such assistance is not likely to cause a loss of jobs within the United States; or

(c) assistance for any project or activity that contributes to the violation of internationally recognized workers rights, as defined in section 502(a)(4) of the Trade Act of 1974, of workers in the recipient country, including any designated zone or area in that country: *Provided*, That in recognition that the application of this subsection should be commensurate with the level of development of the recipient country and sector, the provisions of this subsection shall not preclude assistance for the informal sector in such country, micro and small-scale enterprise, and smallholder agriculture.

AUTHORITY TO ASSIST BOSNIA AND HERZEGOVINA

SEC. 539. (a) The President is authorized to direct the transfer, subject to notification of the Committees on Appropriations, to the government of Bosnia and Herzegovina, without reimbursement, of defense articles from the stocks of the Department of Defense and defense services of the Department of Defense, of an aggregate value that equals the difference between $100,000,000 and the aggregate value of any such articles and services that were transferred under the authority of Section 540 of Public Law 104-107, the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1996: *Provided*, That the President certifies in a timely fashion to the Congress that the transfer of such defense articles would assist that nation in self-defense and thereby promote the security and stability of the region.

(b) Within 60 days of any transfer under the authority provided in subsection (b), and every 60 days thereafter, the President shall report in writing to the Speaker of the House of Representatives and the President pro tempore of the Senate concerning the articles transferred and the disposition thereof.

(c) There are authorized to be appropriated to the President such sums as may be necessary to reimburse the applicable appropriation, fund, or account for defense articles provided under this section.

RESTRICTIONS ON THE TERMINATION OF SANCTIONS AGAINST SERBIA AND MONTENEGRO

SEC. 540. (a) RESTRICTIONS.—Notwithstanding any other provision of law, no sanction, prohibition, or requirement described in section 1511 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160), with respect to Serbia or Montenegro, may cease to be effective, unless—

(1) the President first submits to the Congress a certification described in subsection (b); and

(2) the requirements of section 1511 of that Act are met.

(b) CERTIFICATION.—A certification described in this subsection is a certification that—

(1) there is substantial progress toward—

(A) the realization of a separate identity for Kosova and the right of the people of Kosova to govern themselves; or

(B) the creation of an international protectorate for Kosova;

(2) there is substantial improvement in the human rights situation in Kosova;

(3) international human rights observers are allowed to return to Kosova; and

(4) the elected government of Kosova is permitted to meet and carry out its legitimate mandate as elected representatives of the people of Kosova.

(c) WAIVER AUTHORITY.—The President may waive the application in whole or in part, of subsection (a) if the President certifies to the Congress that the President has determined that the waiver is necessary to meet emergency humanitarian needs or to achieve a negotiated settlement of the conflict in Bosnia and Herzegovina that is acceptable to the parties.

SPECIAL AUTHORITIES

SEC. 541. (a) Funds appropriated in title II of this Act that are made available for Afghanistan, Lebanon, and Cambodia, and for victims of war, displaced children, displaced

Burmese, humanitarian assistance for Romania, and humanitarian assistance for the peoples of Bosnia and Herzegovina, Croatia, and Kosova, may be made available notwithstanding any other provision of law: *Provided*, That any such funds that are made available for Cambodia shall be subject to the provisions of section 531(e) of the Foreign Assistance Act of 1961 and section 906 of the International Security and Development Cooperation Act of 1985: *Provided further*, That the President shall terminate assistance to any country or organization that he determines is cooperating, tactically or strategically, with the Khmer Rouge in their military operations, or to the military of any country which the President determines is not taking steps to prevent a pattern or practice of commercial relations between its members and the Khmer Rouge.

(b) Funds appropriated by this Act to carry out the provisions of sections 103 through 106 of the Foreign Assistance Act of 1961 may be used, notwithstanding any other provision of law, for the purpose of supporting tropical forestry and energy programs aimed at reducing emissions of greenhouse gases, and for the purpose of supporting biodiversity conservation activities: *Provided*, That such assistance shall be subject to sections 116, 502B, and 620A of the Foreign Assistance Act of 1961.

(c) During fiscal year 1997, the President may use up to $50,000,000 under the authority of section 451 of the Foreign Assistance Act of 1961, notwithstanding the funding ceiling contained in subsection (a) of that section.

(d) The Agency for International Development may employ personal services contractors, notwithstanding any other provision of law, for the purpose of administering programs for the West Bank and Gaza.

POLICY ON TERMINATING THE ARAB LEAGUE BOYCOTT OF ISRAEL

SEC. 542. It is the sense of the Congress that—

(1) the Arab League countries should immediately and publicly renounce the primary boycott of Israel and the secondary and tertiary boycott of American firms that have commercial ties with Israel; and

(2) the President should—

(A) take more concrete steps to encourage vigorously Arab League countries to renounce publicly the primary boycotts of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel as a confidence-building measure;

(B) take into consideration the participation of any recipient country in the primary boycott of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel when determining whether to sell weapons to said country;

(C) report to Congress on the specific steps being taken by the President to bring about a public renunciation of the Arab primary boycott of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel; and

(D) encourage the allies and trading partners of the United States to enact laws prohibiting businesses from complying with the boycott and penalizing businesses that do comply.

ANTI-NARCOTICS ACTIVITIES

SEC. 543. (a) Of the funds appropriated or otherwise made available by this Act for "Economic Support Fund", assistance may be provided to strengthen the administration of justice in countries in Latin America and the Caribbean and in other regions consistent with the provisions of section 534(b) of the Foreign Assistance Act of 1961, except that programs to enhance protection of participants in judicial cases may be conducted notwithstanding section 660 of that Act.

(b) Funds made available pursuant to this section may be made available notwithstanding section 534(c) and the second and third sentences of section 534(e) of the Foreign Assistance Act of 1961. Funds made available pursuant to subsection (a) for Bolivia, Colombia and Peru may be made available notwithstanding section 534(c) and the second sentence of section 534(e) of the Foreign Assistance Act of 1961.

ELIGIBILITY FOR ASSISTANCE

SEC. 544. (a) ASSISTANCE THROUGH NONGOVERNMENTAL ORGANIZATIONS.—Restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance in support of programs of nongovernmental organizations from funds appropriated by this Act to carry out the provisions of chapters 1 and 10 of part I of the Foreign Assistance Act of 1961: *Provided*, That the President shall take into consideration, in any case in which a restriction on assistance would be applicable but for this subsection, whether assistance in support of programs of nongovernmental organizations is in the national interest of the United States: *Provided further*, That before using the authority of this subsection to furnish assistance in support of programs of nongovernmental organizations, the President shall notify the Committees on Appropriations under the regular notification procedures of those committees, including a description of the program to be assisted, the assistance to be provided, and the reasons for furnishing such assistance: *Provided further*, That nothing in this subsection shall be construed to alter any existing statutory prohibitions against abortion or involuntary sterilizations contained in this or any other Act.

(b) PUBLIC LAW 480.—During fiscal year 1997, restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance under the Agricultural Trade Development and Assistance Act of 1954: *Provided*, That none of the funds appropriated to carry out title I of such Act and made available pursuant to this subsection may be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

(c) EXCEPTION.—This section shall not apply—

(1) with respect to section 620A of the Foreign Assistance Act or any comparable provision of law prohibiting assistance to countries that support international terrorism; or

(2) with respect to section 116 of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to countries that violate internationally recognized human rights.

EARMARKS

SEC. 544A. (a) Funds appropriated by this Act which are earmarked may be reprogrammed for other programs within the same account notwithstanding the earmark if compliance with the earmark is made impossible by operation of any provision of this or any other Act or, with respect to a country with which the United States has an agreement providing the United States with base rights or base access in that country, if the President determines that the recipient for which funds are earmarked has significantly reduced its military or economic cooperation with the United States since enactment of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991; however, before exercising the authority of this subsection with regard to a base rights or base access country which has significantly reduced its military or economic cooperation with the United States, the President shall consult with, and shall provide a written policy justification to the Committees on Appropriations: *Provided*, That any such reprogramming shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That assistance that is reprogrammed pursuant to this subsection shall be made available under the same terms and conditions as originally provided.

(b) In addition to the authority contained in subsection (a), the original period of availability of funds appropriated by this Act and administered by the Agency for International Development that are earmarked for particular programs or activities by this or any other Act shall be extended for an additional fiscal year if the Administrator of such agency determines and reports promptly to the Committees on Appropriations that the termination of assistance to a country or a significant change in circumstances makes it unlikely that such earmarked funds can be obligated during the original period of availability: *Provided*, That such earmarked funds that are continued available for an additional fiscal year shall be obligated only for the purpose of such earmark.

CEILINGS AND EARMARKS

SEC. 545. Ceilings and earmarks contained in this Act shall not be applicable to funds or authorities appropriated or otherwise made available by any subsequent Act unless such Act specifically so directs.

PROHIBITION ON PUBLICITY OR PROPAGANDA

SEC. 546. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not authorized before the date of enactment of this Act by the Congress: *Provided*, That not to exceed $750,000 may be made available to carry out the provisions of section 316 of Public Law 96–533.

USE OF AMERICAN RESOURCES

SEC. 547. To the maximum extent possible, assistance provided under this Act should make full use of American resources, including commodities, products, and services.

PROHIBITION OF PAYMENTS TO UNITED NATIONS MEMBERS

SEC. 548. None of the funds appropriated or made available pursuant to this Act for carrying out the Foreign Assistance Act of 1961, may be used to pay in whole or in part any assessments, arrearages, or dues of any member of the United Nations.

CONSULTING SERVICES

SEC. 549. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order pursuant to existing law.

PRIVATE VOLUNTARY ORGANIZATIONS—DOCUMENTATION

SEC. 550. None of the funds appropriated or made available pursuant to this Act shall be available to a private voluntary organization which fails to provide upon timely request any document, file, or record necessary to the auditing requirements of the Agency for International Development.

PROHIBITION ON ASSISTANCE TO FOREIGN GOVERNMENTS THAT EXPORT LETHAL MILITARY EQUIPMENT TO COUNTRIES SUPPORTING INTERNATIONAL TERRORISM

SEC. 551. (a) None of the funds appropriated or otherwise made available by this Act may be available to any foreign government which provides lethal military equipment to a country the government of which the Secretary of State has determined is a terrorist government for purposes of section 40(d) of the Arms Export Control Act. The prohibition under this section with respect to a foreign government shall terminate 12 months after that government ceases to provide such military equipment. This section applies with respect to lethal military equipment provided under a contract entered into after the date of enactment of this Act.

(b) Assistance restricted by subsection (a) or any other similar provision of law, may be furnished if the President determines that furnishing such assistance is important to the national interests of the United States.

(c) Whenever the waiver of subsection (b) is exercised, the President shall submit to the appropriate congressional committees a report with respect to the furnishing of such assistance. Any such report shall include a detailed explanation of the assistance to be provided, including the estimated dollar amount of such assistance, and an explanation of how the assistance furthers United States national interests.

WITHHOLDING OF ASSISTANCE FOR PARKING FINES OWED BY FOREIGN COUNTRIES

SEC. 552. (a) IN GENERAL.—Of the funds made available for a foreign country under part I of the Foreign Assistance Act of 1961, an amount equivalent to 110 percent of the total unpaid fully adjudicated parking fines and penalties owed to the District of Columbia by such country as of the date of enactment of this Act shall be withheld from obligation for such country until the Secretary of State certifies and reports in writing to the appropriate congressional committees that such fines and penalties are fully paid to the government of the District of Columbia.

(b) DEFINITION.—For purposes of this section, the term "appropriate congressional committees" means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives.

LIMITATION ON ASSISTANCE FOR THE PLO FOR THE WEST BANK AND GAZA

SEC. 553. None of the funds appropriated by this Act may be obligated for assistance for the Palestine Liberation Organization for the West Bank and Gaza unless the President has exercised the authority under section 604(a) of the Middle East Peace Facilitation Act of 1995 (title VI of Public Law 104–107) or any other legislation to suspend or make inapplicable section 307 of the Foreign Assistance Act of 1961 and that suspension is still in effect: *Provided*, That if the President fails to make the certification under section 604(b)(2) of the Middle East Peace Facilitation Act of 1995 or to suspend the prohibition under other legislation, funds appropriated by this Act may not be obligated for assistance for the Palestine Liberation Organization for the West Bank and Gaza.

EXPORT FINANCING TRANSFER AUTHORITIES

SEC. 554. Not to exceed 5 percent of any appropriation other than for administrative expenses made available for fiscal year 1997 for programs under title I of this Act may be transferred between such appropriations for use for any of the purposes, programs and activities for which the funds in such receiving account may be used, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 25 percent by any such transfer: *Provided*, That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

WAR CRIMES TRIBUNALS

SEC. 555. If the President determines that doing so will contribute to a just resolution of charges regarding genocide or other violations of international humanitarian law, the President may direct a drawdown pursuant to section 552(c) of the Foreign Assistance Act of 1961, as amended, of up to $25,000,000 of commodities and services for the United Nations War Crimes Tribunal established with regard to the former Yugoslavia by the United Nations Security Council or such other tribunals or commissions as the Council may establish to deal with such violations, without regard to the ceiling limitation contained in paragraph (2) thereof: *Provided*, That the determination required under this section shall be in lieu of any determinations otherwise required under section 552(c): *Provided further*, That 60 days after the date of enactment of this Act, and every 180 days thereafter, the Secretary of State shall submit a report to the Committees on Appropriations describing the steps the United States Government is taking to collect information regarding allegations of genocide or other violations of international law in the former Yugoslavia and to furnish that information to the United Nations War Crimes Tribunal for the former Yugoslavia.

LANDMINES

SEC. 556. Notwithstanding any other provision of law, demining equipment available to any department or agency and used in support of the clearing of landmines for humanitarian purposes may be disposed of on a grant basis in foreign countries, subject to such terms and conditions as the President may prescribe.

RESTRICTIONS CONCERNING THE PALESTINIAN AUTHORITY

SEC. 557. None of the funds appropriated by this Act may be obligated or expended to create in any part of Jerusalem a new office of any department or agency of the United States Government for the purpose of conducting official United States Government business with the Palestinian Authority over Gaza and Jericho or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles: *Provided*, That this restriction shall not apply to the acquisition of additional space for the existing Consulate General in Jerusalem: *Provided further*, That meetings between officers and employees of the United States and officials of the Palestinian Authority, or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles, for the purpose of conducting official United States Government business with such authority should continue to take place in locations other than Jerusalem. As has been true in the past, officers and employees of the United States Government may continue to meet in Jerusalem on other subjects with Palestinians (including those who now occupy positions in the Palestinian Authority), have social contacts, and have incidental discussions.

PROHIBITION OF PAYMENT OF CERTAIN EXPENSES

SEC. 558. None of the funds appropriated or otherwise made available by this Act under the heading "INTERNATIONAL MILITARY EDUCATION AND TRAINING" or "FOREIGN MILITARY FINANCING PROGRAM" for Informational Program activities may be obligated or expended to pay for—

(1) alcoholic beverages;

(2) food (other than food provided at a military installation) not provided in conjunction with Informational Program trips where students do not stay at a military installation; or

(3) entertainment expenses for activities that are substantially of a recreational character, including entrance fees at sporting events and amusement parks.

HUMANITARIAN ASSISTANCE

SEC. 559. (a) IN GENERAL.—None of the funds made available in this Act may be used for assistance in support of any country when it is made known to the President that the government of such country prohibits or otherwise restricts, directly or indirectly, the transport or delivery of United States humanitarian assistance.

(b) EXCEPTION.—Funds may be made available without regard to the restriction in subsection (a) if the President determines that to do so is in the national security interest of the United States.

WITHHOLDING OF ASSISTANCE TO COUNTRIES SUPPORTING NUCLEAR PLANT IN CUBA

SEC. 560. (a) WITHHOLDING.—The President shall withhold from assistance made available with funds appropriated or made available pursuant to this Act an amount equal to the sum of assistance and credits, if any, provided on or after the date of the enactment of this Act by that country, or any entity in that country, in support of the completion of the Cuban nuclear facility at Juragua, near Cienfuegos, Cuba.

(b) EXCEPTIONS.—The requirement of subsection (a) to withhold assistance shall not apply with respect to—

(1) assistance to meet urgent humanitarian needs including disaster and refugee relief;

(2) democratic political reform and rule of law activities;

(3) support for private sector and nongovernmental organizations that are independent of government control;

(4) the development of a free market economic system; and

(5) assistance for the purposes described in the Cooperative Threat Reduction Act of 1993 (title XII of Public Law 103–160).

EQUITABLE ALLOCATION OF FUNDS

SEC. 561. Not more than 20 percent of the funds appropriated by this Act to carry out the provisions of sections 103 through 106 and chapter 4 of part II of the Foreign Assistance Act of 1961, that are made available for Latin America and the Caribbean region may be made available, through bilateral and Latin America and the Caribbean regional programs, to provide assistance for any country in such region.

PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS

SEC. 562. (a) SENSE OF CONGRESS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

LIMITATION OF FUNDS FOR NORTH AMERICAN DEVELOPMENT BANK

SEC. 563. None of the funds appropriated in this Act under the heading "North American Development Bank" and made available for the Community Adjustment and Investment Program shall be used for purposes other than those set out in the binational agreement establishing the Bank.

INTERNATIONAL DEVELOPMENT ASSOCIATION

SEC. 564. In order to pay for the United States contribution to the tenth replenishment of the resources of the International Development Association authorized in section 526 of Public Law 103–87, there is authorized to be appropriated, without fiscal year limitation, $525,000,000 for payment by the Secretary of the Treasury.

SPECIAL DEBT RELIEF FOR THE POOREST

SEC. 565. (a) AUTHORITY TO REDUCE DEBT.—The President may reduce amounts owed to the United States (or any agency of the United States) by an eligible country as a result of—

(1) guarantees issued under sections 221 and 222 of the Foreign Assistance Act of 1961; or

(2) credits extended or guarantees issued under the Arms Export Control Act.

(b) LIMITATIONS.—

(1) The authority provided by subsection (a) may be exercised only to implement multilateral official debt relief and referendum agreements, commonly referred to as "Paris Club Agreed Minutes".

(2) The authority provided by subsection (a) may be exercised only in such amounts or to such extent as is provided in advance by appropriations Acts.

(3) The authority provided by subsection (a) may be exercised only with respect to countries with heavy debt burdens that are eligible to borrow from the International Development Association, but not from the International Bank for Reconstruction and Development, commonly referred to as "IDA-only" countries.

(c) CONDITIONS.—The authority provided by subsection (a) may be exercised only with respect to a country whose government—

(1) does not have an excessive level of military expenditures;

(2) has not repeatedly provided support for acts of international terrorism;

(3) is not failing to cooperate on international narcotics control matters;

(4) (including its military or other security forces) does not engage in a consistent pattern of gross violations of internationally recognized human rights; and

(5) is not ineligible for assistance because of the application of section 527 of the Foreign Relations Authorization Act, fiscal years 1994 and 1995.

(d) AVAILABILITY OF FUNDS.—The authority provided by subsection (a) may be used only with regard to funds appropriated by this Act under the heading "Debt restructuring".

(e) CERTAIN PROHIBITIONS INAPPLICABLE.—A reduction of debt pursuant to subsection (a) shall not be considered assistance for purposes of any provision of law limiting assistance to a country. The authority provided by subsection (a) may be exercised notwithstanding section 620(r) of the Foreign Assistance Act of 1961.

AUTHORITY TO ENGAGE IN DEBT BUYBACKS OR SALES

SEC. 566. (a) LOANS ELIGIBLE FOR SALE, REDUCTION, OR CANCELLATION.—

(1) AUTHORITY TO SELL, REDUCE, OR CANCEL CERTAIN LOANS.—Notwithstanding any other provision of law, the President may, in accordance with this section, sell to any eligible purchaser any concessional loan or portion thereof made before January 1, 1995, pursuant to the Foreign Assistance Act of 1961, to the government of any eligible country as defined in section 702(6) of that Act or on receipt of payment from an eligible purchaser, reduce or cancel such loan or portion thereof, only for the purpose of facilitating—

(A) debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps; or

(B) a debt buyback by an eligible country of its own qualified debt, only if the eligible country uses an additional amount of the local currency of the eligible country, equal to not less than 40 percent of the price paid for such debt by such eligible country, or the difference between the price paid for such debt and the face value of such debt, to support activities that link conservation and sustainable use of natural resources with local community development, and child survival and other child development, in a manner consistent with sections 707 through 710 of the Foreign Assistance Act of 1961, if the sale, reduction, or cancellation would not contravene any term or condition of any prior agreement relating to such loan.

(2) TERMS AND CONDITIONS.—Notwithstanding any other provision of law, the President shall, in accordance with this section, establish the terms and conditions under which loans may be sold, reduced, or canceled pursuant to this section.

(3) ADMINISTRATION.—The Facility, as defined in section 702(8) of the Foreign Assistance Act of 1961, shall notify the administrator of the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961 of purchasers that the President has determined to be eligible, and shall direct such agency to carry out the sale, reduction, or cancellation of a loan pursuant to this section. Such agency shall make an adjustment in its accounts to reflect the sale, reduction, or cancellation.

(4) LIMITATION.—The authorities of this subsection shall be available only to the extent that appropriations for the cost of the modification, as defined in section 502 of the Congressional Budget Act of 1974, are made in advance.

(b) DEPOSIT OF PROCEEDS.—The proceeds from the sale, reduction, or cancellation of any loan sold, reduced, or canceled pursuant to this section shall be deposited in the United States Government account or accounts established for the repayment of such loan.

(c) ELIGIBLE PURCHASERS.—A loan may be sold pursuant to subsection (a)(1)(A) only to a purchaser who presents plans satisfactory to the President for using the loan for the purpose of engaging in debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

(d) DEBTOR CONSULTATIONS.—Before the sale to any eligible purchaser, or any reduction or cancellation pursuant to this section, of any loan made to an eligible country, the President should consult with the country concerning the amount of loans to be sold, reduced, or canceled and their uses for debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

(e) AVAILABILITY OF FUNDS.—The authority provided by subsection (a) may be used only with regard to funds appropriated by this Act under the heading "Debt restructuring".

LIBERIA

SEC. 567. Funds appropriated by this Act may be made available for assistance for Liberia notwithstanding section 620(q) of the Foreign Assistance Act of 1961 and section 512 of this Act.

GUATEMALA

SEC. 568. (a) Funds provided in this Act may be made available for the Guatemalan military forces, and the restrictions on Guatemala under the headings "International Military Education and Training" and "Foreign Military Financing Program" shall not apply, only if the President determines and certifies to the Congress that the Guatemalan military is cooperating with efforts to resolve human rights abuses which elements of the Guatemalan military forces are alleged to have committed, ordered or attempted to thwart the investigation of.

(b) The prohibition contained in subsection (a) shall not apply to funds made available to implement a ceasefire or peace agreement.

(c) Any funds made available pursuant to subsections (a) or (b) shall be subject to the regular notification procedures of the Committees on Appropriations.

(d) Any funds made available pursuant to subsections (a) and (b) for international military education and training may only be for expanded international military education and training.

SANCTIONS AGAINST COUNTRIES HARBORING WAR CRIMINALS

SEC. 569. (a) BILATERAL ASSISTANCE.—The President is authorized to withhold funds appropriated by this Act under the Foreign Assistance Act of 1961 or the Arms Export Control Act for any country described in subsection (c).

(b) MULTILATERAL ASSISTANCE.—The Secretary of the Treasury should instruct the United States executive directors of the international financial institutions to work in opposition to, and vote against, any extension by such institutions of financing or financial or technical assistance to any country described in subsection (c).

(c) SANCTIONED COUNTRIES.—A country described in this subsection is a country the government of which knowingly grants sanctuary to persons in its territory for the purpose of evading prosecution, where such persons—

(1) have been indicted by the International Criminal Tribunal for the former Yugoslavia, the International Criminal Tribunal for Rwanda, or any other international tribunal with similar standing under international law, or

(2) have been indicted for war crimes or crimes against humanity committed during the period beginning March 23, 1933 and ending on May 8, 1945 under the direction of, or in association with—

(A) the Nazi government of Germany;

(B) any government in any area occupied by the military forces of the Nazi government of Germany;

(C) any government which was established with the assistance or cooperation of the Nazi government; or

(D) any government which was an ally of the Nazi government of Germany.

LIMITATION ON ASSISTANCE FOR HAITI

SEC. 570. (a) LIMITATION.—None of the funds appropriated or otherwise made available by this Act, may be provided to the Government of Haiti until the President reports to Congress that—

(1) the Government is conducting thorough investigations of extrajudicial and political killings; and

(2) the Government is cooperating with United States authorities in the investigations of political and extrajudicial killings.

(b) Nothing in this section shall be construed to restrict the provision of humanitarian or electoral assistance.

(c) The President may waive the requirements of this section on a quarterly basis if he determines and certifies to the appropriate committees of Congress that it is in the national interest of the United States.

(d) The authority contained in the previous subsection to make such a determination may be exercised by the President only and may not be delegated.

LIMITATION OF ASSISTANCE TO TURKEY

SEC. 571. Not more than $25,000,000 of the funds appropriated in this Act under the heading "Economic Support Fund" may be made available to the Government of Turkey.

REPORTS REGARDING HONG KONG

SEC. 572. (a) Section 301 of the United States-Hong Kong Policy Act of 1992 (22 U.S.C. 5731) is amended in the text above paragraph (1) by inserting "March 31, 1997," after "March 31, 1996,".

(b) In light of the deficiencies in reports submitted to the Congress pursuant to section 301 of the United States-Hong Kong Policy Act (22 U.S.C. 5731), the Congress directs that the additional report required to be submitted under such section by subsection (a) of this section include detailed information on the status of, and other developments affecting, implementation of the Sino-British Joint Declaration on the Question of Hong Kong, including—

(1) the Basic Law and its consistency with the Joint Declaration;

(2) Beijing's plans to replace the elected legislature with an appointed body;

(3) the openness and fairness of the election of the chief executive and the executive's accountability to the legislature;

(4) the treatment of political parties;

(5) the independence of the Judiciary and its ability to exercise the power of final judgment over Hong Kong law; and

(6) the Bill of Rights.

AMENDMENT OFFERED BY MR. BURTON OF INDIANA

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Indiana [Mr. BURTON] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 184, noes 233, not voting 17, as follows:

[Roll No. 212]

AYES—184

Andrews
Archer
Armey
Baker (CA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bilbray
Bilirakis
Bliley
Boehner
Brownback
Bryant (TN)
Bunning
Burr
Burton
Buyer
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Crane
Cremeans
Cubin
Cunningham
Danner
Deal
DeLay
Dickey
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Edwards
Ehrlich
English
Ensign
Ewing
Fields (LA)
Flanagan
Foley
Fowler
Fox
Franks (NJ)
Funderburk
Ganske
Gekas
Gillmor
Goodlatte
Goss
Graham
Greene (UT)
Hancock
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hoekstra
Hoke
Holden
Horn
Hostettler
Hunter
Hutchinson
Inglis
Istook
Jacobs
Johnson, Sam
Jones
Kasich
Kelly
Kim
Kingston
Klink
Klug
LaHood
Largent
Latham
Laughlin
Lewis (KY)
Lightfoot
Lipinski
LoBiondo
Longley
Lucas
Luther
Manzullo
McCollum
McHale
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Minge
Montgomery
Moorhead
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Oxley
Paxon
Peterson (MN)
Petri
Pombo
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Ramstad
Riggs
Roberts
Roemer
Rohrabacher
Roth
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Seastrand
Sensenbrenner
Shadegg
Shays
Shuster
Smith (MI)
Smith (TX)
Smith (WA)
Solomon
Souder
Stearns
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Thomas
Thornberry
Thurman
Tiahrt
Traficant
Upton
Walker
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Young (AK)
Zeliff
Zimmer

NOES—233

Abercrombie
Ackerman
Bachus
Baesler
Baker (LA)
Baldacci
Barrett (WI)
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bishop
Blumenauer
Blute
Boehlert
Bonior
Bono
Borski
Boucher
Brewster
Brown (FL)
Brown (OH)
Bryant (TX)
Bunn
Callahan
Campbell
Cardin
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Coyne
Cramer
Cummings
Davis
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Durbin
Ehlers
Emerson
Engel
Eshoo
Evans
Everett
Farr
Fattah
Fawell
Fazio
Fields (TX)
Filner
Flake
Foglietta
Forbes
Ford
Frank (MA)
Franks (CT)
Frelinghuysen
Frisa
Frost
Furse
Gallegly
Gejdenson
Geren
Gibbons
Gilchrest
Gilman
Gonzalez
Goodling
Gordon
Green (TX)
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hefner
Hilliard
Hinchey
Hobson
Houghton
Hoyer
Hyde
Jackson (IL)
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
King
Kleczka
Knollenberg
Kolbe
LaFalce
Lantos
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Linder
Livingston
Lofgren
Lowey
Maloney
Manton
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCrery
McDade
McDermott
McHugh
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Millender-McDonald
Miller (CA)
Mink
Moakley
Molinari
Mollohan
Moran
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Orton
Owens
Packard
Pallone
Parker
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Pickett
Pomeroy
Porter
Rahall
Rangel
Reed
Regula
Richardson
Rivers
Rogers
Ros-Lehtinen
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Shaw
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (NJ)
Spence
Spratt
Stark
Stokes
Studds
Stupak
Taylor (NC)
Thompson
Thornton
Torkildsen
Torres
Towns
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walsh
Ward
Waters
Watt (NC)
Waxman
Wicker
Williams
Wilson
Wolf
Woolsey
Wynn
Yates
Young (FL)

NOT VOTING—17

Allard
Bonilla
Browder
Brown (CA)
Crapo
Gephardt
Hayes
Jackson-Lee (TX)
Lincoln
McInnis
Myers
Payne (VA)
Schiff
Stenholm
Tejeda
Torricelli
Wise

□ 1503

Messrs. HOLDEN, KLINK, and CHRYSLER changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there any amendments to title V?

AMENDMENT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. OBEY: On page 82, line 12, strike "$25,000,000" and insert, "$50,000,000".

Mr. OBEY. Mr. Chairman, this amendment is a very straightforward amendment. It would simply raise to $50 million the limitation now in the bill of $25 million on the amount of noncash support that we can provide for the International War Crimes Tribunal in The Hague.

For those who are not familiar with it, the International War Crimes Tribunal is the first international tribunal for war crimes established since World War II. It has the responsibility for investigating and prosecuting individuals responsible for war crimes in the former Yugoslavia.

The biggest obstacle, frankly, to the functioning of that tribunal has been a simple lack of funds. We seem to want to spend millions for all sorts of special investigations here at home and abroad, but the U.S. has only made modest contributions to the International War Crimes Tribunal.

The victims of atrocities committed in the former Yugoslavia, it seems to me, deserve justice, and the war crimes tribunal is the best way to make war criminals answer for their crimes. Moreover, the best deterrent for those kinds of atrocities in the future is for the war crimes tribunal to try and convict these perpetrators now.

It seems to me we ought not have a limitation on the amount of noncash support that we can provide for this worthwhile item, and if we do have one, as this amendment would still allow, it seems to me it ought to be high enough so that the war crimes tribunal is in fact a real deterrent to some of the kinds of abhorrent actions that we have seen in that part of the world.

So I would simply urge that the amendment be supported in the interest of justice.

Mr. HOYER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in very strong support of this amendment. What this amendment seeks to do is make additional funds available, not additional appropriated funds but from existing appropriated funds, to make a greater sum available for the prosecution of war crimes and for the pursuit of war criminals.

Mr. Chairman, as many Members in this House know, I chaired for many years the Commission on Security and Cooperation in Europe. During the latter part of the 1980's and throughout the 1990's, our Commission held extensive hearings on the tragedy that has occurred in the former Yugoslavia and most particularly in Bosnia-Herzegovina.

The fact of the matter is that since the 1930's and 1940's there has not been on the European continent the commission of atrocities against human beings based upon their ethnicity, nationality or religion, the kind of genocide, and that word properly applies, that we saw and heard testified to in Bosnia.

In fact, as many Members of this House know, more refugees were created in Bosnia-Herzegovina during the prosecution of the Serbian aggression than at any time since the Second World War. That is to say that in the last half a century we did not have the kinds of crimes that were committed in Bosnia.

During the course of testimony before the Helsinki Commission, and I know before the Foreign Affairs Committee as well, we heard of not only the murder of women, children, as well as combatant males and noncombatant males, civilian makes, we also heard of the creation of incarceration camps.

We heard of the creation of camps specifically designed for the purposes of raping Moslem women, for the purposes of degrading those women, for the purposes of intimidating those who were not in custody or under arrest or imprisonment by the Serb aggressors. We heard of the fact that this was a policy, not an aberration.

The Dayton Agreement recognizes the fact that the leader of the Bosnian Serbs, Mr. Karadzic, whom previous Secretaries of State under the Bush administration and the Clinton administration have branded as a war criminal, that Karadzic continued to be the driving force behind the commission of these crimes.

In addition, of course, the military leaders of the Bosnian Serb effort, led by their general, he, too, was as a policy planning and implementing the criminal activity, the murders, the so-called ethnic cleansing that occurred on a daily, weekly, and monthly basis for a very long period of time. This policy created over 2 million refugees, some in-country and some forced to leave their country, but all forced to leave their homes and their neighborhoods.

Mr. Chairman, I urge support of this amendment so that the American people, through the Congress of the United States, will say in as strong terms as possible that we will hold culpable those who as a means of war employ genocide and the commission of atrocities to intimidate and defeat an enemy.

Mr. Chairman, if we do not do this, we will continue to see the cycle of violence that is perpetrated in retaliation for wrongs done against a people years before, decades before, indeed, in some cases centuries before.

Those of us who have traveled to Europe know full well that, particularly in Yugoslavia, we hear about the offenses that were perpetrated against a family and their antecedents, long before they may have been born. They believe that those wrongs must be redressed, and because there has been no mechanism short of warfare, short of the kind of atrocities that we have seen perpetrated in Bosnia, we have in effect set up an environment in which such atrocities were perhaps almost inevitable.

☐ 1515

After the Second World War, the civilized society said we are going to hold people culpable. We can argue about whether war is a legitimate exercise of international politics but, that aside, civilized society has said there are certain things even in war that we will not tolerate as a civilized international community.

The CHAIRMAN. The time of the gentleman from Maryland [Mr. HOYER] has expired.

(By unanimous consent, Mr. HOYER was allowed to proceed for 2 additional minutes.)

Mr. HOYER. Mr. Chairman, in a civilized society we will not tolerate some crimes, and we will adjudge the commission of such act as war crimes. And we will, at the appropriate time or as soon as possible, hold accountable those who committed such crimes, whether they be at the lowest levels or whether they be at the highest levels.

Mr. Chairman, this issue is a critical one as we look to a more civilized international community, where we do not redress our differences through armed conflict but redress those grievances through negotiation and through the application of international law.

As we do in this country, ultimately, the application of international law must be done through a tribunal which adjudicates the commission of wrong and then imposes the sanction for the commission of that wrong. One of the restraints on doing that is the financial ability of the War Crimes Tribunal to gather evidence; to go after and arrest international lawbreakers, and to bring those lawbreakers before the court of justice.

Mr. Chairman, it is for that reason that I believe the amendment of the gentleman from Wisconsin [Mr. OBEY] is not only one that is worthy of support, but is one that will ultimately lead to a more peaceful, less violent, more accountable international community. And because of that, I urge its adoption.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. OBEY].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT: Page 97, after line 5, insert the following new section:

LIMITATION ON USE OF FUNDS FOR PURCHASE OF PRODUCTS NOT MADE IN AMERICA

SEC. 573. None of the funds appropriated in this Act may be made available to the government of any foreign country when it is made known to the Federal official having authority to obligate or expend such funds that—

(1) the funds are to be used to purchase any equipment or product made in a country other than such foreign country or the United States; and

(2) substantially similar equipment or products are made in the United States and available for purchase at a price that is not more than 10 percent higher.

Mr. TRAFICANT (during the reading). I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TRAFICANT. Mr. Chairman, this amendment basically states that in the foreign aid accounts, those countries that are recipients of our foreign aid, when they make procurements, regardless of what the cost is within their own country, it has no bearing on the amendment.

For example, if they are buying tables, and a table costs $300 in America but the table costs $700 in their own country, they just go right ahead; that is the purpose of our aid. But when that country does not make a table and they go outside their country for procurement, the Traficant amendment says if we are within 10 percent, we can be as high as 10 percent costlier, but that purchase shall be made from the American company.

I believe this is a good amendment. We provide a lot of foreign aid. I realize there will be some concerns about this, but I am willing to work them out in conference as long as the legislative intent is reflected in the final bill.

Mr. WILSON. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the distinguished ranking member. I too want to join in on the many accolades given him here today.

Mr. WILSON. Mr. Chairman, I thank the gentleman for his remarks and for yielding to me.

I think the gentleman from Ohio has a good amendment. I think it would be constructive. I think if we furnish foreign aid to countries, they should certainly give American companies, give the American economy the benefit of their purchases.

Mr. CALLAHAN. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Alabama.

Mr. CALLAHAN. Mr. Chairman, I thank the gentleman for yielding to me, and I too support the mission of the gentleman. I think it is so important that in the passage of this we should send such a message to the administration and that we have a recorded vote, and I would respectfully request that the gentleman so request that at the appropriate time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. TRAFICANT. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 415, noes 1, not voting 18, as follows:

[Roll No. 213]

AYES—415

Abercrombie
Ackerman
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blute
Boehlert
Boehner
Bonior
Bono
Borski
Boucher
Brewster
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Cremeans
Cubin
Cummings
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Greene (UT)
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Jackson (IL)
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—1

Kolbe

NOT VOTING—18

Allard
Bonilla
Browder
Bryant (TX)
Crapo
Gephardt
Istook
Jackson-Lee (TX)
Lincoln
McInnis
Meyers
Myers
Peterson (FL)
Rose
Roth
Schiff
Thornton
Wise

☐ 1542

Mr. BRYANT of Tennessee, Mrs. KELLY, and Mr. CLINGER changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. McINNIS. Mr. Speaker, on Wednesday June 5, 1996, due to a series of canceled and delayed flights, I regrettably missed a series of rollcall votes which occurred as I was returning from the Third District of Colorado.

Mr. PORTER. Mr. Chairman, I move to strike the last word, and I yield to the gentleman from Texas [Mr. LAUGHLIN].

Mr. LAUGHLIN. Mr. Chairman, I thank the distinguished gentleman from Illinois for yielding to me and would enter into a short colloquy with him to ascertain the committee's legislative intent on the amendment to assist refugees and displaced persons in Azerbaijan and Nagorno-Karabagh.

I ask the gentleman if it is the legislative intent that there be no comment on the sovereignty and territorial integrity of the Republic of Azerbaijan and the territory of Nagorno-Karabagh.

Mr. PORTER. Mr. Chairman, referring to the bill language, pages 21 and 22 of the bill, section (m) (1) through (3), the purpose of this subsection, as stated in the report accompanying the bill, is to provide for the improved delivery of humanitarian assistance in bill, is to provide for the improved delivery of humanitarian assistance in Azerbaijan and for the delivery of humanitarian assistance in Nagorno-Karabagh. Also as stated in the report accompanying the bill, the committee expresses no view whatsoever on the political status of Nagorno-Karabagh.

□ 1545

Mr. LAUGHLIN. In other words, the amendment is neutral on the territorial rights of the Republic of Azerbaijan.

Mr. PORTER. The committee expresses no view whatsoever on political status.

Mr. LAUGHLIN. Mr. Chairman, I thank the gentleman.

Mr. ENGEL. Mr. Chairman, I move to strike the last word.

As everyone knows, I have submitted an amendment, amendment 9, which was in title II, which I will not submit, involving the situation of the majority of Albanians in Kosovo, and I am wondering if I can ask the distinguished gentleman to engage in a colloquy with me.

Mr. Chairman, after years of repression, the humanitarian situation in Kosovo is very grim. Recent reports by respected international relief groups spell out the seriousness of the situation. According to O. Terry Heselius, Country Director of Kosovo for Mercy Corps International, "because there has not been 'all out war' in Kosovo, many people have difficulty in understanding the severity of the situation and the need for continued emergency humanitarian aid relief."

Given the difficult circumstances and the importance of maintaining stability in Kosovo, I firmly believe that it is in the interest of the United States to continue our humanitarian assistance program for Kosovo at last year's level of $6 million. I ask my friend, the distinguished gentleman from Alabama and chairman of the Subcommittee on Foreign Operations [Mr. CALLAHAN], does he agree that the Office of Foreign Disaster Assistance should again provide $6 million to Kosovo in fiscal year 1997?

Mr. CALLAHAN. Mr. Chairman, will the gentleman yield?

Mr. ENGEL. I yield to the gentleman from Alabama.

Mr. CALLAHAN. Mr. Chairman, I thank the gentleman from New York [Mr. ENGEL] for his inquiry. I am aware of the difficult humanitarian situation facing the people of Kosovo and agree that OFDA should provide $6 million for humanitarian relief in Kosovo again in fiscal year 1997.

Mr. ENGEL. OK.

Mr. Chairman, I thank the distinguished gentleman from Alabama for his support.

The CHAIRMAN. Are there further amendments to title V?

AMENDMENT OFFERED BY MR. KENNEDY OF MASSACHUSETTS

Mr. KENNEDY of Massachusetts. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. KENNEDY of Massachusetts: Page 97, line 5, insert the following new section:

PROHIBITION OF FUNDS FOR SCHOOL OF THE AMERICAS

SEC. 573. None of the funds made available in this Act may be used for the School of the Americas.

Mr. KENNEDY of Massachusetts. Mr. Chairman, a couple of days ago a good friend of mine, Sister Clara O'Meara, a 74-year-old Ursuline nun, entered Danbury Prison in Connecticut. In the next few days Father Roy Bourgeois will enter prison in the Federal system. He is a Maryknoll priest. They and several others recently protested this country's involvement in the funding of the School of the Americas. They did so because they believe that this school that has as its graduates 16 out of the 28 officers involved in the murder of six priests and nuns in El Salvador; Roberto D'Aubuisson, the death squad leader of Central America, Manuel Noriega himself, and a current convicted criminal in our own prison system; Leopoldo Galtieri, one of the great human rights abusers of all time, from Argentina; Hector Gramahoe, recently convicted by courts in this country of rapes and killings in Guatemala, responsible for the overthrow of that government and responsible for the rape of Sister Diana Ortiz as well as the killing of Jennifer Harbury's husband.

The list goes on, and on, and on.

This institution is a relic of the cold war. It associates the people of this country far too closely with the terrible regimes, militaristic in their nature, that were so much a part of the culture of Latin America over the course of the last several decades.

I believe that it is important that the United States work in a cooperative fashion with the military regimes throughout Latin America. What I do not think is right is for the United States of America to be involved in teaching those armies how to kill, how to rape, how to torture.

This school, make no mistake about it, has been involved in teaching people that come from these foreign countries in the United States how to torture people in those countries. It is morally reprehensible, it is wrong, and I urge this Congress to withdraw the funding that we currently provide to the School of the Americas.

I know that this has been a controversial issue. We have voted on it times in the past. We have come close to winning, 2 years ago. I am concerned that the votes that we would get on the House floor today would not equal the votes that we have gotten in the past, and I am going to withdraw this amendment before we come to a vote because we want to preserve our capability of winning on this issue in the future.

We have before us a new proposal, a proposal to not defund the School of the Americas completely, but rather to do away with it as we know it today and to reopen a new school that could teach democracy, that could teach people the rule of law, that could teach people that come from these foreign countries respect for civilian authority, that could teach them the understanding of human rights that is so much a part of our military service.

I am very proud of the U.S. military, but I do not believe the U.S. military does this country proud when it is itself tainted by these reprehensible regimes that are so much a part of Latin America over the course of the last couple of decades.

So let us break that tie, let us go forward with a new kind of school of democracy that in fact will teach those individuals that come from these Latin American regimes what the basis of our fundamental democracy and rule of law and our respect for human rights that has been so much a critical component of our own military in the United States.

And I appreciate the understanding of the gentleman from Alabama [Mr. CALLAHAN] of my intent, and I do want to just pay a particular tribute to someone whom I have a tremendous amount of respect for who is one of my closest personal friends in the Congress of the United States.

Mr. Chairman, this country loses a tremendous servant, public servant, who has dedicated his life, has risked his life time and time again for the principles of democracy, has stood tall for our military, and I am proud to stand tall as his friend, and I appreciate so much all the contributions that the gentleman from Texas [Mr. WILSON] has made to our country, and I wish him the best as he goes on to another career.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

AMENDMENT OFFERED BY MR. BURTON OF INDIANA

Mr. BURTON of Indiana. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BURTON of Indiana: Page 95, line 12, insert before the semicolon the following: ", including the murders of Mireille Bertin, Michel Gonzalez, and Jean Hubert Feuille".

Mr. BURTON of Indiana. Mr. Chairman, last fall we had a hearing on Haiti, and during that hearing we had the administration's point man, Ambassador James Dobbins, appear before the committee, and we asked him about the progress that was being made about the FBI investigation into the murders, the political murders that were taking place in Haiti, particularly the murder of Ms. Bertin, which took place in broad daylight in downtown Port-au-Prince. We subsequently found out during that hearing that Mr. Dobbins misled the committee. In fact, he lied to the committee. He said that the people in the Embassy down there, particularly himself, was not aware of FBI information that indicated that the Aristide government might have been involved in the murder of Ms. Bertin. The FBI agent that was in charge was sitting at the table with him and indicated that everybody at the Embassy had been notified about the investigation and that there was no cooperation from the Aristide government.

The fact of the matter is there have been a lot of political assassinations that have taken place in Haiti, and none of these people connected with the government has ever been brought to justice. As a matter of fact, there were 13 people that allegedly had something to do with Ms. Bertin's death in the Haitian Government down there, and the government itself defended those people with government-sponsored lawyers.

Now, in addition to that, our general in charge knew about the potential assassination of Ms. Bertin prior to her being killed, and instead of telling her and her family that she was a target for assassination, they went to Mr. Aristide's government, and that is like going to somebody who has a gun pointed at them telling them they might get shot.

The fact of the matter is the Aristide government is believed to have been behind the assassination of Ms. Bertin and our general down there was talking directly to them instead of Ms. Bertin herself.

Mr. WILSON. Mr. Chairman, will the gentleman yield?

Mr. BURTON of Indiana. I yield to the gentleman from Texas.

Mr. WILSON. Mr. Chairman, I just would like to express my support for the gentleman's amendment and say that this side has no objection to it.

Mr. BURTON of Indiana. Mr. Chairman, I say to the gentleman from Texas, "Thank you very much."

Let me just conclude then, if the amendment is going to be accepted. What my amendment does is it says on page 95, line 12, that the administration must give a report before any additional money goes to Haiti on the murders of Ms. Bertin, Mr. Gonzalez, and Mr. Feuille in addition to other political assassinations that may have taken place.

I want to thank my colleague for agreeing to accept the amendment. I presume that my colleague, the chairman of the subcommittee, will accept it as well.

The CHAIRMAN. The questions is on the amendment offered by the gentleman from Indiana [Mr. BURTON].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title V?

AMENDMENT OFFERED BY MR. VISCLOSKY

Mr. VISCLOSKY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. VISCLOSKY: Page 85, line 8, insert after "Funds" the following: "(other than funds appropriated in this Act under the heading 'Economic Support Fund')".

Mr. VISCLOSKY. Mr. Chairman, I offer a bipartisan amendment in conjunction with the gentleman from Florida [Mr. BILIRAKIS], the gentleman from Massachusetts [Mr. KENNEDY], the gentleman from Illinois [Mr. DURBIN], and the gentleman from New Jersey [Mr. SMITH].

Our amendment would narrow the authority of the President to provide U.S. economic assistance to countries found to be in violation of the U.S. Humanitarian Aid Corridor Act. The Humanitarian Aid Corridor Act was signed into law in 1995, prohibits foreign aid to any country that blockades the delivery of U.S. disaster relief supplies to a third country as that currently applies to the country of Turkey which, since April 1993, has blocked all U.S. disaster relief assistance and International Red Cross medical supplies bound for the landlocked country of Armenia.

In addition to Turkey's ongoing blockade of humanitarian assistance to Romania, Turkey is continuing its illegal occupation of northern Cyprus, its internationally condemned war against the Kurds living in southeast Turkey, its persecution of Christians and its aggressive policy in the Aegean Sea which very nearly resulted in an armed confrontation with Greece earlier this year.

The Clinton administration has failed to address these issues. In fact, last month President Clinton rejected clear congressional intent by waiving the application of the Humanitarian Aid Corridor Act to Turkey. As I stated before, U.S. law today prohibits U.S. economic or military assistance to any country that directly blockades the transport of U.S. disaster assistance or emergency relief supplies to a third country.

Authored in the House by the gentleman from New Jersey, Mr. SMITH and the gentleman from Massachusetts, Mr. KENNEDY, and in the Senate by Senators DOLE and SIMON, this law applies to Turkey because of its ongoing blockade of all U.S. and international humanitarian relief supplies bound for Armenia.

In order to maintain U.S. pressure on Turkey, we are offering this amendment in a bipartisan fashion to ensure that Turkey complies with the Humanitarian Aid Corridor Act before it receives any additional U.S. economic support funds.

Specifically, our amendment will narrow the Presidential waiver authority contained within the act, ending the ability of the President to invoke a national security waiver in order to provide up to $25 million in fiscal year 1997 in economic assistance funds to Turkey.

☐ 1600

Mr. Chairman, while our amendment would cut $25 million in economic aid to Turkey if they do not lift the blockade of Armenia, it would have absolutely no effect on U.S. military assistance to Turkey. I repeat that. It would have absolutely no effect on U.S. military assistance to Turkey, which, in fiscal year 1997, is scheduled to exceed $140 million.

Turkey's hostile and aggressive actions in the last 11 months demand a response from this country. The Clinton administration has failed to adequately do so, and it is up to the Congress to make a clear, decisive statement to Turkey that its hostile and aggressive policies against other countries will not be tolerated or rewarded by the people of the United States.

Mr. Chairman, I strongly support a policy of positive engagement with Turkey. However, we cannot condone blindly giving foreign aid and economic assistance dollars to a country which so routinely violates the rights of its neighbors.

Mr. Chairman, I would encourage my colleagues to support this bipartisan measure.

Ms. FURSE. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I rise today in support of this amendment, but also I want to take this opportunity to salute a colleague of mine from the other side. The gentleman from Illinois [Mr. PORTER] has put so much effort into the issues of human rights and, in particular, Turkey, that I would like to take this opportunity to salute him.

Mr. Chairman, I myself have worked hard on the case of Leyla Zana, a Kurdish parliamentarian who has been imprisoned by the Turkish authorities for speaking out on behalf of the people she represents. The gentleman from Illinois has been helpful to me in that effort, and he is always there to speak out for the downtrodden. It is so important, Mr. Chairman, that people like him are willing to take stands that are not popular, but are issues of life and death to the voiceless of the world.

There is no more important work we do.

The gentleman from Illinois [Mr. PORTER] is a light for those who live in the darkness of oppression and injustice. I so much appreciate his courage that I would like to speak out on this floor to tell him how much his work means to those of us who work on human rights and for those who are imprisoned around the world.

Mr. Chairman, I support this amendment.

Mr. GILMAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am pleased to rise in support of the amendment offered by the gentleman from Indiana which will send, I think, a clear message to Ankara that Turkey needs to end its blockade of Armenia and needs to do it soon.

I might remind our colleagues that in addition to our concerns over the blockade on U.S. humanitarian assistance, Turkey continues to occupy northern Cyprus with some 35,000 troops. It has done that for some 22 years. Turkey has recently asserted a claim to the islet of Imir, which was ceded to Greece by a valid treaty more than half a century ago. Finally, Turkey has yet to fully recognize the cultural and political rights of the Kurdish people and is waging a brutal military campaign to suppress the legitimate aspirations of the Kurdish people.

Mr. Chairman, this amendment, while preserving the necessary discretion of the President to safeguard important United States interests in regard to our relations with Turkey, also signals that economic assistance provided by U.S. taxpayers should not, under any circumstance, go to any government which frustrates our humanitarian objectives by blocking U.S.-provided aid to another country.

Mr. BILIRAKIS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of this amendment.

Mr. Chairman, I express my pride in joining with the gentleman from Indiana [Mr. VISCLOSKY] in this amendment. This amendment, which has already been said, will narrow the President's waiver authority under the Humanitarian Aid Corridor Act which prohibits U.S. funds available under the foreign operations appropriations bill from going to countries that block U.S. humanitarian assistance. While this amendment is not country specific, the only country in violation of the Humanitarian Aid Corridor Act is Turkey. Therefore, our amendment will ensure that Turkey does not receive economic support funds until it ends its blockade of U.S. humanitarian assistance to Armenia.

Turkey has signed numerous international agreements guaranteeing human rights and freedom of religion. Despite this, Turkey continues its illegal blockade of U.S. assistance to Armenia. Turkey began its blockade of Armenia in April 1993, when it refused to allow land or air passage to the International Red Cross relief workers bound for Armenia with medical supplies to be used for disaster relief.

Turkey also continues its suppression of religious expression within its borders. The Turkish government has systematically repressed the religious freedom of the Greek community and other ethnic minorities in Turkey.

Particularly disturbing to me is Turkey's failure to take strong action in the wake of several recent terrorist attacks against ecumenical patriarch Bartholomew I. The patriarch is the spiritual leader of the eastern Orthodox Christian church, representing over 250 million Orthodox Christians worldwide, including over 5 million residing in the United States.

In addition, Turkey continues its illegal occupation of northern Cyprus—one recognized by no other government. Turkey continues to station more than 30,000 troops on the island of Cyprus and also maintains 65,000 settlers there. In fact, the amount of U.S. aid we send to Turkey each year is roughly equal to the amount needed to maintain the 30,000 plus troops illegally occupying Cyprus.

Altogether, this illegal occupation represents over two decades of division, over two decades of human rights violations, and over two decades of cultural destruction.

On May 16, President Clinton waived the Corridor Act with regard to Turkey, clearing the way for continued U.S. economic assistance. Opponents of our amendment argue that it "would effectively curtail U.S.-Turkish cooperation and counter U.S. foreign policy interests." By defending the presidential waiver of the Corridor Act, our opponents are acknowledging that Turkey is in violation of the Act.

Mr. Chairman, last year, Congressman PORTER of Illinois offered a similar amendment that cut economic aid to Turkey to hold Turkey accountable for its egregious human rights violations and suppression of religious freedom. His amendment passed the House with the bipartisan support of 247 members.

I urge my colleagues to again hold Turkey accountable for its continued violations of human rights by supporting this much needed amendment. Neither the American people nor the U.S. Congress should tolerate, much less subsidize, Turkey's illegal and immoral blockade of Armenia.

Is it right, we have to ask ourselves, is it right that they receive U.S. taxpayers' economic support while at the same time they prevent assistance, they prevent the same type of assistance to Armenia, and also are very guilty of other human rights violations? I think not. If my colleagues agree then they must vote for this amendment.

Mr. PALLONE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Visclosky amendment.

Mr. Chairman, the purpose of this amendment is essentially to put enforcement teeth in a provision that is already part of the foreign operations bill: The Humanitarian Aid Corridor Act.

Speaking in my capacity as the cochairman of the Congressional Caucus on Armeniase oren Issues, I applaud the chairman and members of the subcommittee for once again, as they did last year, including this important provision which restricts U.S. aid to those countries blocking delivery of humanitarian aid to third countries. While this provision is not country-specific, it clearly applies to Turkey, which for more than 3 years has maintained a blockade of neighboring Armenia. While the people of Armenia are struggling to build democracy and reform their economy according to market principles, the blockade imposed along their border with Turkey disrupts the delivery of vitally needed humanitarian supplies.

The Corridor Act provision was in last year's Foreign Ops bill, which finally became law earlier this year. Unfortunately, the current provision allows for a Presidential waiver and last month President Clinton exercised that waiver. I deeply regret that decision, and I joined with the gentleman from Illinois [Mr. PORTER] and 27 other Members in sending a letter to the President protesting this decision.

The amendment by the gentleman from Indiana [Mr. VISCLOSKY] would remove this waiver and I urge support to help enforce the intent of Congress.

Not only do I disagree with the President's waiver on substantive and moral grounds. I am particularly dismayed with the procedural way in which the waiver was handled by the administration. We learned about the waiver almost by accident, through a statement made by Turkish Foreign Minister Emre Gonensay, who, speaking at a press conference on May 21, 1996, indicated that the national security waiver had been invoked. Subsequently, it was confirmed by officials at the State Department and the National Security Council that the waiver was invoked on May 16, 1996.

I cannot understand why the Turkish Foreign Ministry was aware of this information before the Congress. Given the strong statement of congressional intent, we believe it would have been appropriate for the administration to have advised Members of Congress of its plans with regard to the waiver, and hope the administration will consult with Congress in the future.

Furthermore, I am concerned that the language in the Presidential Determination contains no reference to the Turkish blockade of Armenia. Failure to at least mention the blockade in the context of the determination to waive the Corridor Act sends the disturbing signal that the United States is not concerned about the ongoing, illegal blockade of a small country striving to establish democracy and a market economy. I hope the administration will make a top priority of imploring the Turkish Government, the recipient of so much U.S. aid, to lift its blockade of Armenia and accept Armenia's offer to normalize relations without preconditions.

This amendment will help make that happen.

Mr. Chairman, supporters of this amendment bear no ill will to the Turkish people and we recognize the strategic importance of relations with Turkey. We are simply saying that maintaining good relations should not entail turning a blind eye to the outrageous actions committed by Turkey. Given the generosity the United States has shown toward Turkey, it is appropriate to attach conditions—particularly such a basic condition as allowing the delivery of aid to a neighbor in need. Such a condition should be a basic requirement for any recipient of U.S. aid. I think most of the American people would be shocked to know that such a provision is not already a requirement on the recipients of U.S. assistance.

Armenia is a small, land-locked nation dependent on land corridors through neighboring countries for many basic goods. Armenia has been one of the most exemplary of the former Soviet republics in terms of moving toward a Western style political and economic system. The Armenian people respect and admire the United States. There are more than 1 million Americans of Armenian ancestry. The bonds between our countries are strong and enduring. But the people of Armenia face a humanitarian crisis which is not the result of any natural disaster but the deliberate policy of its neighbor to choke off access to needed goods from the outside world. We believe the exertion of U.S. leadership can play a major role in easing tensions and promoting greater cooperation among the nations of the Caucasus region. Enforcement of the Humanitarian Aid Corridor Act must be an important component of those efforts. I urge support for the Visclosky amendment.

Mr. SMITH of New Jersey. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Visclosky-Smith-Bilirakis-Kennedy amendment to the fiscal year 1997 foreign operations appropriations bill.

Last year's foreign operations appropriations bill included the Humanitarian Aid Corridor Act, which bans U.S. Government assistance to any country that prohibits or restricts the transport or delivery of U.S. humanitarian aid to other countries. The act, which I had the honor of introducing in the House, permits a Presidential waiver of the ban, if he determines that U.S. national security interest demands one. The justification for our amendment today is simple enough. This amendment would not allow the President to use the waiver under the Humanitarian Aid Corridor Act to provide economic support funds to countries that impede the delivery of U.S. humanitarian aid.

The Corridor Act mentioned no country by name, but everyone knew it was aimed at Turkey, which has been blockading Armenia for years. Ankara has stubbornly refused to allow transshipment across Turkish territory to Armenia of United States humanitarian aid, specifically, clothing, food, and medicine for hundreds of thousands of refugees.

In refusing to open a land corridor, Ankara points to the occupation by Armenian forces of Azerbaijani territory. But Turkey's close relationship with Azerbaijan or its approach to the Nagorno-Karabakh conflict does not justify or excuse blocking the delivery of United States humanitarian aid to Armenia. Turkey's behavior in this respect is simply scandalous.

Unfortunately, the Clinton administration has shown its unwillingness to press Ankara to rethink its policy. A couple of weeks ago, the President determined it was in the national security interest of the United States to waive the application of the Humanitarian Aid Corridor Act to Turkey. In essence, President Clinton continues to reward Ankara even though they have blocked U.S. humanitarian aid from people in need. Also galling is the manner in which the White House exercised its option. The White House did not have the courage or the courtesy of informing Congress of the President's decision to exercise the waiver until the news was broken, post facto, by Turkish Foreign Minister Gonensay, who announced it at a May 21 press conference in Washington. The waiver, it turns out, had been exercised 5 days earlier, on May 16.

Why didn't the administration have the courage to inform Congress before May 16, or at the very latest, on May 16. Why did we have to hear about this from Foreign Minister Gonensay. Was the White House hoping nobody would notice.

If so, that hope was in vain. Not only did we notice, we are now determined to act, so that the will of Congress, as inscribed in the Humanitarian Aid Corridor Act, which has strong bipartisan support, will be done. The Visclosky-Smith-Bilirakis-Kennedy amendment, while allowing the President to waive the laws application for genuine national security interests, would remove economic support funds from the waiver. If the President exercised the waiver, the United States could continue to provide military assistance to the country in question. But economic aid would be barred, so long as the country was in violation of the Humanitarian Aid Corridor Act.

This amendment is a measured and fair response to the President's waiver of last month. It puts the White House on notice that Congress is serious about its commitment to provide humanitarian assistance to those in need. The amendment also provides further incentive to Ankara to allow United States humanitarian assistance across its territory to refugees in Armenia. Turkey has suffered no consequences for its blockade of Armenia, and evidently has no reason to reconsider its foolish, mean-spirited policy. This amendment aims to supply one, and I urge my colleagues to support it.

Mr. Chairman, we recognize the strategic importance of Turkey and maintain the waiver for assistance other than economic support funds. I would contend that human rights violations, whether committed by enemies or allies, should never be ignored. As my colleagues have noted during debate on the rule, and in conjunction with this amendment, the ongoing human rights violations in Turkey are disturbing. For example, free expression restrictions, widespread torture, and repression in southeastern Turkey continue to pose serious concerns about the health of Turkish democracy and the status of reforms. Although the Turkish Parliament recently amended article 8 of the 1991 anti-terror law that criminalized separatist propaganda and then released more than 100 political prisoners, the amended article 8 has been used to prosecute at least 35 individuals—including Turkey's best known author. According to yesterday's Financial Times, 154 statutes impose restrictions on free speech, and many are to punish peaceful, free expression, including article 7 of the anti-terror law and article 312 of the penal code.

Persistent, widespread torture continues to mar Turkey's democratic credentials, although officials have made public statements condemning torture. Human rights observers reported at least 69 torture-related deaths in detention since 1993. Forty-eight police officials involved in the beating death of a journalist last January were arrested (one subsequently alleged torture), yet the 1995 State Department Human Rights Report states, "The climate of impunity that the relatively small number of convictions creates remains the single largest obstacle to reducing unlawful killing, torture, and other human rights abuses." Currently, the Foreign Ministry is orchestrating a campaign to halt the Human Rights Foundation of Turkey's torture rehabilitation efforts.

The Turkish military's 12-year-old, $7 billion-a-year campaign against Kurdish militants poses another threat to stability and Turkish democracy. Under the mantle of combating terrorism, the military conducts a violent campaign responsible which has claimed almost 20,000 lives and takes an increasing toll on civil liberties. Turkish forces have destroyed or evacuated more than 2,500 Kurdish villages in southeastern Turkey and have created almost 3,000,000 internal refugees. Death squads connected with security forces and armed Islamic extremists have been responsible for hundreds of unsolved killings and disappearances.

Mr. Chairman, I want to say how proud I am that this bipartisan group of Members offering this particular amendment is united in our concern about suffering refugees. We are all concerned about human rights, and we speak out on human rights abuses whenever and wherever they exist; but in this case we have an opportunity to help people with our medicines, our food, our clothing, and all we are asking for is a way, a land route to transship them. Unfortunately, that has been blockaded. This is a very good amendment and deserves the support of my colleagues.

Mr. DURBIN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Indiana [Mr. VISCLOSKY], the gentleman from Florida [Mr. BILIRAKIS], the gentleman from Massachusetts [Mr. KENNEDY], the gentleman from New Jersey [Mr. SMITH], and myself. This amendment is about a matter of fundamental principle that any nation that asks for aid from the American people must not, in turn, deny aid to its neighbors.

This fundamental principle was enacted into law last year when Congress included the Humanitarian Aid Corridor Act in the fiscal year 1996 appropriation bill. This amendment would simply narrow the waiver authority of the President in last year's bill.

□ 1615

It would prohibit economic support funds to any nation that violates the Humanitarian Aid Corridor Act, even if the President grants a waiver. The amendment is carefully crafted, only applying to the economic support funds. It does not apply to other forms of assistance, such as humanitarian assistance.

The people of Armenia have suffered for decades, some say for centuries. They are suffering now from a brutal blockade. This blockade has prevented the delivery of assistance to 300,000 Armenian refugees and obstructed the rebuilding of earthquake damage which left 5000,000 people in Armenia homeless. The blockade has cut off the transport of food, fuel, medicine, and other humanitarian assistance to the people of Armenia.

In this time of crisis, the people of Armenia need our strong support. As long as Armenia is blockaded by its neighbors, the United States should stand resolute and firm in the position that we will not provide assistance to the governments that are imposing this blockade and I rise in strong support of this amendment which I am cosponsoring.

Mr. CALLAHAN. Mr. Chairman, I ask unanimous consent that during further consideration of the bill, it shall be in order to consider the following amendments as though offered during consideration of the title of the bill to which drafted:

The amendment numbered 42 by Mr. OBEY;

The amendment numbered 44 by Mr. OBEY;

The amendment numbered 29 by Mr. OBEY;

The amendment numbered 30 by Mr. OBEY; and

The amendment numbered 74 by Ms. WATERS.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mrs. LOWEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today in strong support of the Visclosky amendment to strengthen the Humanitarian Aid Corridor Act.

This amendment would make it more difficult for countries to block U.S. humanitarian assistance from reaching its destination.

Mr. Chairman, Turkey continues to impose a cruel and illegal blockade against Armenia. Critical humanitarian assistance is not making it to the needy people of Armenia because of this blockade. This is unconscionable, and this amendment will help to lift this terrible blockade.

The Humanitarian Aid Corridor Act, which was included in last year's foreign aid bill, prohibits United States assistance to countries like Turkey that impose cruel blockades of humanitarian assistance. This amendment strengthens this important provision to ensure that it actually accomplishes its goal: to end blockades of humanitarian assistance.

Mr. Chairman, in 1993 Turkey began its blockade of Armenia by refusing to allow passage of International Red Cross workers bound for Armenia. Since then, Turkey has continually refused to allow these relief workers into Armenia. Very simply, this is a fundamental violation of human rights.

We continue to give Turkey economic assistance each year, and Turkey continues to disregard our calls for improvements in its human rights. Turkey has been illegally occupying Cyprus for over two decades, it has used United States assistance to threaten our ally Greece, and it has engaged in atrocious human rights violations against the Kurds. We cannot tolerate this any longer.

Mr. Chairman, this amendment will not solve all of the concerns we have about Turkey's human rights record. But it will send a clear signal that we will not tolerate any blockade of humanitarian assistance. I urge my colleagues to support this amendment.

Mr. BURTON of Indiana. Mr. Chairman, I rise to strike the requisite number of words.

Mr. Chairman, I may be a voice in the wilderness, but I do not agree with all of my colleagues who have preceded me.

Mr. Chairman, Turkey has been an ally of the United States through thick and thin. In the Persian Gulf war we had our bases in Turkey. During the Persian Gulf war they cut the Iraqi pipeline and hurt their economy dramatically. During the war in Somalia, Turkey sent their troops there to help us. In fact, Turkey has been with us as a NATO ally from day No. 1, day No. 2, day No. 3, day No. 4, but we seem to have a penchant in this Congress of kicking our friends in the teeth and embracing those who are not our friends.

Now, let me give my colleagues some facts about Turkey and about the Armenian problem that have not been discussed today. First of all, Turkey recognized Armenia immediately after its independence from the Soviet Union and publicly stated its willingness to establish good neighborly relations with Armenia. Top level Armenian and Turkish officials continue right now discussing bilateral relations. Turkey closed its land border with Armenia only after Armenia escalated the cargo conflict by invading Azerbaijan proper. That is when they closed the border, after they invaded Azerbaijan proper. Currently 20 percent of Azerbaijan is occupied by Armenian forces. One-fifth of Azerbaijan is occupied by Armenian forces.

Turkey's position is consistent with its opposition to territorial gain through the use of force. Turkey was one of the first countries to condemn Iraq's invasion of Kuwait and to participate in the Iraqi embargo, and it cost Turkey, get this, them working with us, cost Turkey over $20 billion.

Turkey's participation was crucial in the allied success of the gulf crisis. It is inaccurate to say that Armenia does not receive humanitarian assistance because of Turkey. Container transit shipments occur via Izmir and the Turkish Straits to Batum, Georgia, only a few kilometers away from the nearest Turkish port.

Transit passage between the two countries continues. Armenian Airlines conduct weekly flights from Yerevan to Istanbul. Armenians can travel to Turkey freely, conducting suitcase trade. Those who purport a different reality should provide concrete figures to support their arguments.

Turkey has made efforts to normalize relations with Armenia. As a goodwill gesture in April 1995, Turkey opened air corridor H–50 connecting Erzurum to Yerevan. Soon after taking office, Prime Minister Mesut Yilmaz announced Turkey will open its border with Armenia provided, there is a bilateral agreement on the declaration of principles. Turkey is an active member of the Minsk group and plays a key role in achieving this goal.

As the only remaining superpower in a world threatened by ethnic strife, the United States must maintain impartiality in order to be a constructive influence in containing and resolving these conflicts. Perceived United States partiality in the Caucasus would undermine progress in ongoing Armenian-Azerbaijan talks. Further, the power of the President to execute foreign policy consistent with national security interests should not be curtailed by Congress. Foreign assistance to Turkey has been drastically reduced in the last 5 years.

Now, let me say, the Turkish Parliament will consider the extension of Operation Provide Comfort in June. Adoption of an anti-Turkish amendment like this one will adversely affect the vote on its mandate. Such amendments also insult the Turkish people and raise questions in Turkish public opinion about the strength of the United States-Turkish partnership, thereby endangering the pursuit of common goals in such volatile regions of the world.

Let me just end up by saying, Turkey, I want to state one more time, may be like the United States, imperfect in some regard, but Turkey has been there every single time we needed them.

I see some of my colleagues nodding their heads saying yes, but, but, but. But they were there when we needed them in the Persian Gulf. They were there in Somalia, they were there in Korea. They were there every time, in NATO, base rights, cutting off oil, $20 billion in losses to their own economy to help us and to help the free world.

Now, my colleagues need to think long and hard and make absolutely sure the are doing the right thing before they kick them in the teeth.

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. BURTON of Indiana. I yield to the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. Mr. Chairman, first of all, I do not think anybody is talking about kicking the Turks in the teeth. What we are talking about is the fact that right now, if the Turks were so interested in providing humanitarian aid to the Armenians, all they have to do is flip a switch. They flip a switch and the lights go on throughout Armenia. They flip a switch and the wheat flows into Armenia. They flip a switch and trade is normalized.

I agree that the Turks have done great things for the United States. But the truth of the matter is that this is a democracy that has an opportunity to do great things for the whole caucasus region, including the Kurds. I know my friend from Indiana is concerned about the Kurds. But time and time again, this regime in Ankara has suppressed the rights of individuals and has suppressed the rights of the Armenian people to get basic humanitarian aid.

I would just ask the gentleman from Indiana [Mr. BURTON], as we are complimenting the Turks on some of the great things that they have done in conjunction with this country, to please urge those Turks to open up the pipleine, open up the fuel line.

The CHAIRMAN. The time of the gentleman from Indiana [Mr. BURTON] has expired.

(On request of Mr. KENNEDY of Massachusetts, and by unanimous consent, Mr. BURTON of Indiana was allowed to proceed for 2 additional minutes.)

Mr. BURTON of Indiana. Mr. Chairman, let me just say, as I said in my statement here, that Azerbaijan, 20 percent of Azerbaijan is occupied by the Armenians. Let me just say, they are in talks right now, and the Turkish Government and the Armenians are in consultation with one another, and if they can work out these differences, I think they will resolve that problem. But for us, the United States of America, to kick a friend in the teeth when this kind of a situation is going on does not make any sense to me.

Now, there are humanitarian planes going in there, there is humanitarian aid going in, maybe not to the extent that we want, but it is moving in the right direction, and the pressure, according to the Turkish Government, needs to be consistent in order to bring about a withdrawal from Azerbaijan by Armenian forces.

The CHAIRMAN. The time of the gentleman from Indiana [Mr. BURTON] has expired.

(On request of Mr. WILSON, and by unanimous consent, Mr. BURTON of Indiana was allowed to proceed for 2 additional minutes.)

Mr. BURTON of Indiana. I yield to the gentleman from Texas.

Mr. WILSON. Mr. Chairman, I would like to compliment the gentleman on his statement, and I would like to say one thing that has not been pointed out that I think should weigh very, very heavily on our consideration here is the extremely fragile political situation that exists in Turkey today. As the gentleman from Indiana [Mr. BURTON] knows, the largest party in Turkey today is the radical Islamic party. A very fragile coalition of the two nonradical Islamic parties has just fallen apart. This is the worst time that we could pick to punish Turkey who, as the gentleman has pointed out, has been a staunch ally.

Turkey recognized Israel in 1949 and for three decades remained the only Muslim country to have full diplomatic representation in Tel Aviv and all of the other things, down through Korea, down through the gulf war. I would just like to associate myself with the gentleman's remarks.

Mr. BURTON of Indiana. Mr. Chairman, I thank the gentleman. Let me just follow up on what he has said.

Everybody is concerned about Iran and the terrorism that has been exported from Iran throughout the Middle East. As the gentleman has just stated, Iran has a great deal of influence in countries like Turkey, and it is a very fragile situation right now. If we do not make the right decisions, we could very well be a party to pushing Turkey and their government in the wrong direction.

Do we want another Iran in the Middle East? Do we want the Turkish Government to start adopting their policies? It does not make any sense, particularly when you view the fact that Turkey has been there from day one with us.

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. BURTON of Indiana. I yield to the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I would just point out that Iran also has a border with Armenia. This is a democracy that has an ability to have a great deal of influence in that region, and a real democracy that has the ability to have influence, and not one that has suppressed the Kurds, not one that is occupying Cyprus, not one that has so often been involved in human rights abuses in terms of Armenia. And Armenia is occupying part of Azerbaijan, and we have to ask ourselves, why is that true? Is it not true that Stalin in fact took away Nagorno-Karabagh from Armenia, broke that country up as a result of his concerns about the strength of the Armenian people. And is it not true that all they are trying to do right now is get back part of the land that really is part of their country?

Mr. BURTON of Indiana. Mr. Chairman, reclaiming my time, I do not know how far the gentleman from Massachusetts [Mr. KENNEDY] wants to go back. We can go back 50, 70 years. I do not know how far back the gentleman wants to go back.

Mr. KENNEDY of Massachusetts. Mr. Chairman, if the gentleman would yield, I would be happy to go back to 1918.

Mr. BURTON of Indiana. Mr. Chairman, reclaiming my time, one of the problems that we have is we keep going back decades and decades and decades and reopening old wounds again and again and again, and it makes no sense. What we need to do is look at the world the way it is today and try to make it a better place. One of the things that I submit to my colleagues today is we should not be kicking Turkey in the teeth, and that is what you are doing.

The CHAIRMAN. The time of the gentleman from Indiana [Mr. BURTON] has expired.

(By unanimous consent, Mr. BURTON of Indiana was allowed to proceed for 1 additional minute.)

□ 1630

Mr. BURTON of Indiana. Kicking Turkey in the teeth, our friend right now, is not a constructive thing to do. If my colleagues want to write a letter to the Turkish leadership, and I would be happy to participate, expressing our concern about some things that we agree to, that is one thing. But for this Congress to take this kind of a hard line position to kick a good, steadfast ally that has been there forever in the teeth makes absolutely no sense.

Mr. WILSON. Mr. Chairman, will the gentleman yield?

Mr. BURTON of Indiana. I yield to the gentleman from Texas.

Mr. WILSON. The gentleman is aware that the government of the United States of America recognizes Nagorno-Karabagh as a part of Azerbaijan, as well as the United Nations. Is the gentleman aware of that?

Mr. BURTON of Indiana. Yes.

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. BURTON of Indiana. I yield to the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. Mr. Chairman, the truth of the matter is that anyone who has looked at that situation, and the United States will change its view as soon as the negotiation with the gentleman from Indiana concludes. Nagorno-Karabagh by any standard is not a part of Azerbaijan. I cannot believe that the gentleman from Texas would suggest such a thing. Nagorno-Karabagh, if anything, is an independent region, and if anybody looks at the historical roots of Nagorno-Karabagh they will recognize that it is occupied by Armenians. Armenians live in Nagorno-Karabagh and it ought to be a part of Armenia.

Mr. WILSON. Has the gentleman consulted the State Department of the United States on this?

Mr. KENNEDY of Massachusetts. All too often.

Mrs. MALONEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this is a very important amendment. With the passage of this amendment, the House of Representatives will stand up for a fundamental tenet of our foreign policy, that countries who block United States humanitarian aid cannot expect to receive our assistance themselves.

With this amendment, the House will send an unmistakable signal to Turkey that we will not tolerate its appalling human rights record and recent hostile behavior in the region. And, yes, with this amendment we are respectfully telling President Clinton, with whom I usually agree on foreign policy, that his waiver of the Humanitarian Aid Corridor Act was ill-advised.

Mr. Chairman, I am a proud Representative of a large Armenian-American, Cypriot-American and Greek-American community in New York City. At meeting after meeting in my district, I have heard stories firsthand about the tragic personal losses of life, of torture, murder and missing relatives that have been inflicted by Turkish authorities.

I have spoken with constituents who as young children survived the Armenian genocide, only to face the indignity of consistent Turkish denial of this catastrophe. My Armenian-American constituents can only watch in horror as Turkey continues its unlawful, cruel and immoral embargo of their homeland, causing the human suffering in Armenia to worsen day by day.

Mr. Chairman, as the cochair of the Congressional Caucus on Hellenic Issues, I have stood on this floor many times in recent months to highlight Turkey's flagrant disregard for human rights and international law. With this record, Turkey is not a suitable recipient of United States economic aid. We cannot give aid to one country and then allow them to cut off humanitarian aid to another.

With this amendment and its likely cutoff of economic aid to Turkey, our message will be strong and forceful. The illegal occupation of northern Cyprus must end. Turkish illegal actions and lack of support for the proposed demilitarization of this beautiful island of Cyprus must end. The foot dragging over the final fate of the missing Greek Cypriots and Americans must end.

For my colleagues who are not aware of the depth of suffering brought on by the 1974 invasion, I invite them to Astoria, Queens, in my district, where they will meet dozens of people who have not heard a word about their loved ones in over 22 years.

With this amendment, we are also telling Turkey that its brutal war on the Kurdish minority is an outrageous affront to human decency. With this amendment, we register our profound dismay at Turkey's recent aggressive actions in the Aegean which challenge the internationally recognized sovereignty of our friend and ally, Greece.

Mr. Chairman, it is not easy for me to support an amendment which overturns a foreign policy decision of President Clinton, but in this case we simply have no choice. Turkey's record on human rights and international law deserves our strongest condemnation.

The last thing Turkey deserves is over $20 million in United States taxpayer dollars. As a matter of fundamental respect to the most profound and sincere policy objectives of this Nation, I urge my colleagues to support this amendment.

Mr. LAUGHLIN. Mr. Chairman, I move to strike the requisite number of words.

The gentleman from Indiana is not a minority of one or two with the gentleman from Texas but we are in a distinct minority and I just would start by pointing out the colleague letter that the gentlewoman from New York signed along with another colleague who talks about and I think in her comments she said she represented a large Armenian-American community. That is the thrust of this amendment.

Because when you look around, ask yourselves how many Turkish Americans you have known. When was the last time the Turkish American Association called on you in your office?

That is not true of this amendment, and we are here for ethnic reasons and ethnic reasons alone. Large groups of Armenian-Americans live in this country, large groups of Greek-Americans live in this country, and I respect them and I count friends from that group. But what about the Turkish Americans? They do not have a large organization. I doubt one ever served in this body.

But let us consider the Turkish citizen today that has a son or daughter in the military and look around their neighborhood. When I listened to the gentlewoman from New York talk about all the murders and the crime and the torture, I thought she was reading from the New York Times because I have been there, I have read that paper and I have seen the same thing in our big cities. But it is true that Turkey as Iraq, Iran, and Syria, are not first-class human rights countries, not first-class democracies. In fact, other than Greece and Israel, there is no other democracy in the area.

And when you talk about human rights, what about Soviet Jewry? AIPAC and people in the Jewish community that followed Soviet Jewry closely will tell you Turkey was a pipeline much like the underground railroad a century ago in this country was. And the Turks have a strong record in that area. But when you look at where Turkey has been, and I agree with the gentleman from Indiana, we are kicking a friend in the teeth. We are saying to a country that asked their sons to go to Korea, who asked their citizens to have economic deprivation when they shut off the pipeline the first day

Saddam Hussein invaded Kuwait, and we have said, "That is too bad. You are blockading the country."

Let us look at the geography for just a minute. As I have listened to the speakers from the Armenian-American community, they want you to believe, as I hear them, that Turkey surrounds Armenia. All you have got to do is look at a map and you find that the republic of Georgia has a long common border with Armenia. Why are we not blockading or cutting off aid to Georgia in the Freedom to Support Act? What about the Federation called Russia who even has troops, soldiers, military stationed in Armenia today? Why are we not blockading and cutting off Russia? The answer is simple. We have a commitment to a friend and if we do not stand up for this country that has stood with us every time since the end of World War II, not one time have they failed to stand up in the fight to preserve freedom and democracy around the world, and we are going to stick a knife in their back simply because there is not an equal number of Turkish Americans in this country.

I realize we would lose this vote if we have one but I would ask the Members of this body, why not put our country first? I find it a little strange to be standing here before this body to tell Members this, but the Secretary of Defense is opposed to this amendment, the Chairman of the Joint Chiefs of Staff of our military is opposed to this amendment.

So I ask why not? Why not stand up for a friend who has a democracy? And we talk about the abuse of Armenians. Just last year my own daughter went to an Armenian church wedding in Istanbul, the largest city in Turkey. Was she suppressed? Was she terrorized? The answer is no.

So, I say to all my colleagues, let us stand up for a friend, let us recognize that they do not have the only border as others would suggest. They do not have the only border and there are air flights and there is the Black Sea that connects with both Russia and Georgia that gives access.

The CHAIRMAN. The time of the gentleman from Texas [Mr. LAUGHLIN] has expired.

(On request of Mr. KENNEDY of Massachusetts, and by unanimous consent, Mr. LAUGHLIN was allowed to proceed for 1 additional minute.)

Mr. LAUGHLIN. I yield to the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. I would just like to point out to the gentleman from Texas that the truth of the matter is that the only country that is actively going out and preventing aid from going into Armenia, it is not Russia, it is not Georgia. The country that is standing in the way is Turkey. And the only other country that is standing in the way is Azerbaijan, for crying out loud.

So, all we are asking them to do is, this great friend of the United States, this great supporter of human rights that the gentleman has so glowingly called them, why do they not just simply turn the rights on in Armenia? That is the question. The Turkish Government, as it sits today, represents a great deal of Azerbaijanis in that country and they are the ones that are systematically denying the Armenian people the right to have basic human aid that is so vitally needed by the people of that country.

Mr. LAUGHLIN. As the gentleman well knows, I have been to all the countries in the caucus more than once.

Mr. KENNEDY of Massachusetts. I do know that. I have seen the gentleman.

Mr. LAUGHLIN. We have met in Moscow switching planes as we both came from that region. But the truth of the matter is I am absolutely convinced in my heart from being in Armenia and visiting with Armenians, being in Armenia visiting with President Ter-Petrossian, there would be peace in that region today if not for the Americans, anyway we want to put a hyphen in front of their names, me included, there would be peace in that region if we were not involved.

Mrs. MALONEY. Mr. Chairman, will the gentleman yield?

Mr. LAUGHLIN. I yield to the gentlewoman from New York.

Mrs. MALONEY. First of all, there is no torture in New York and the crime rate has gone down dramatically with the anticrime bill that President Clinton initiated and that we passed.

Second, I would just merely like to ask the gentleman how he justifies cutting off humanitarian aid.

The CHAIRMAN. The time of the gentleman from Texas [Mr. LAUGHLIN] has again expired.

Mrs. MALONEY. Mr. Chairman, I ask unanimous consent that the gentleman be allowed to proceed for 1 additional minute.

The CHAIRMAN. Is there objection to the request of the gentlewoman from New York?

Mr. HOKE. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. BUNN of Oregon. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we are told this is about a blockade. This is not about a blockade. We are hearing about Cyprus, Kurds, Greece, Armenians. We are not hearing much about the PKK and what Turkey has to do to fight the terrorism. We are not hearing much about Greece's unilateral expansion of their territory which has created the situation. It is not a one-sided situation. We are hearing criticism of what the Ottoman empire is accused of doing in 1918. But we are not hearing a whole lot about a blockade.

I think it is unfortunate that this really has boiled down to another session of Turkey bashing. We need to pay attention to the fact that they were a crucial ally during the cold war but not only during the cold war. When that was over they were a key ally during the gulf war, and they are still a key ally in dealing with Bosnia. But the gulf war is a good example. We have heard earlier that we should not be providing assistance to somebody who is doing these nasty things that they are doing. We need to remember, Turkey is losing more through assisting us in the way we deal with Iraq than we ever give them. They have lost literally billions of dollars by closing off the pipeline because they have been willing to support the U.S. policies.

They have been a good friend, they have paid a high cost, they have been a friend to Israel, they are a key democratic Islamic nation that is in a very precarious situation. I think that what is at stake here is our relationship with Turkey. The Armenians will not win if this passes. We will not change the situation. What we will do is damage the relationship that the United States has with a key ally. I would urge a "no" vote on the amendment.

Mr. PALLONE. Mr. Chairman, will the gentleman yield?

Mr. BUNN of Oregon. I yield to the gentleman from New Jersey.

□ 1645

Mr. PALLONE. Mr. Chairman, I just wanted to point out, I know there is a lot of conversation going back and forth with Turkey and its rule over the years with the United States and our military. But I think the bottom line is here talking about humanitarian aid. That is all we are saying.

I rarely criticize the President, but I have to in this case. When President Clinton certified and said that he was going to waive the Humanitarian Aid Corridor Act, which is essentially what this amendment was all about, he was essentially admitting that there is a blockade, that the blockade is taking place and that, for whatever national security interests, which I guess is what you were citing, we should allow that blockade to continue and not have the humanitarian aid come to Armenia. I think that is wrong. Regardless of the fact of whatever the national security interests are, however you view United States-Turkey relations, the bottom line is that there is absolutely no reason why Turkey should be allowed to continue this blockade of Armenia for humanitarian assistance.

We are only talking about humanitarian assistance, whether they are going to get energy assistance, whether they are going to get food supplies. I think this principle applies in general. We are talking here about Armenia but it applies in general. Why should any country, a friend of the United States or whatever, continue to get assistance from our country if they do not allow humanitarian aid to go to another country? I think that is what this is all about.

Mr. BUNN of Oregon. Mr. Chairman, reclaiming my time, I do appreciate the fact that the gentleman brought the debate back to the blockade. I was trying to point out when someone said earlier there is not Turkey bashing, there are other neighbors that could provide the corridor, Turkey is not the only one. It is not a one-way relationship in dealing. Turkey does provide a great cost to themselves to support us.

I also wanted to bring out that, when we hear discussions about 1918, that has nothing to do with today's discussion of the corridor. That is talking about something that happened dealing with the Ottoman empire. When we hear talk about the Aegean and what Turkey has done, we could get into a debate all day about those issues.

Mr. PALLONE. Mr. Chairman, will the gentleman yield?

Mr. BUNN of Oregon. I yield to the gentleman from New Jersey.

Mr. PALLONE. The way the amendment of the gentleman from Indiana [Mr. VISCLOSKY] is phrased, we are not just talking about Turkey. We are talking about the general issue of whether or not a country should continue to receive United States aid if it forbids or blockades humanitarian assistance from going to another country that is a friend of ours.

So I agree, if there was any other country that was doing this, then they should be stopped as well. So focusing on Turkey versus Armenia makes sense in the context of today, but this is a basic principle that I think should apply to all U.S. foreign policy. It does not matter whether it is Armenia or not.

Mr. BUNN of Oregon. The other portion of the policy is that apparently the gentleman is deciding that the President cannot make the correct foreign policy decision in this area.

Ms. PELOSI. Mr. Chairman, I rise to strike the requisite number of words.

Mr. Chairman, I rise in strong support for the Visclosky amendment and thank the gentleman for his leadership in bringing it to the floor today. But frankly, I am very disappointed that this amendment is even necessary. As we know, Mr. Chairman, last year Congress passed a Humanitarian Aid Corridor Act in order to discourage nations which receive U.S. aid from blockading other nations which also receive United States aid such as, in this case, Armenia.

Unfortunately, the Clinton administration chose to waive the act as it applied to Turkey, a nation which continues to illegally blockade Armenia. That is what brings us here today. Many of our colleagues have talked about the relationship that the United States has with Turkey, going back to the end of World War II in terms of strategic importance, vis-a-vis the Soviet Union at that time and the oil embargo during the Persian Gulf war.

And, now they are talking about the rise of Islamic fundamentalism. Being an ally of the United States or being next to the Soviet Union or having Islamic fundamentalists in one's country is not a license to block humanitarian assistance. The fact is that you can list all kinds of pros and cons in our relationship, but it does not take away from the fact that there is an immoral action going on in the blockade of Armenia.

Congress spoke very clearly last year to this point. It is unfortunate that the Clinton administration did not understand Congress' intent. Turkey is continuing to illegally blockade Armenia by preventing trade, transport and transshipment of United States and international humanitarian assistance to Armenia. This blockade is not sanctioned by the United Nations or any other international organization.

Mr. Chairman, Turkey began its blockade of Armenia in April 1993, when it refused to allow land or air passage of international Red Cross relief workers bound for Armenia with medical supplies to be used for disaster relief assistance. Since that time, Turkey has refused to allow the passage of any international Red Cross relief workers into Turkey. Turkey has not been promoting peace in the region. It has recently declared that its border with Armenia is a militarized zone.

That brings us back to why we need the Visclosky amendment. It would strengthen the Humanitarian Corridor Act and increase pressure on Turkey to lift the 3-year blockade of United States relief supplies to Armenia. The Humanitarian Aid Corridor Act, which was signed into law earlier this year, prohibits U.S. foreign assistance to states which obstruct our efforts for humanitarian relief to needy populations.

The pressing need for the Visclosky amendment was made clear when, as I say again, the President, disregarding the will of Congress, and I might state the bipartisan expression of support in this body, Democrats and Republicans alike, coming together to support the Humanitarian Aid Corridor Act. The President chose to disregard the intent of Congress and cleared the way for continued military and economic aid to Turkey.

Neither the American people nor the United States Congress should tolerate, much less subsidize, the Turkish Government's illegal and immoral blockade of Armenia.

Mr. Chairman, with that, I would like to commend once again the gentleman from Indiana [Mr. VISCLOSKY] for his leadership on this subject, proclaim once again the bipartisan nature of the support for his amendment. I again reiterate that the bill, the Humanitarian Aid Corridor Act, was passed in a bipartisan fashion and signed into law. The intent of Congress should be respected. Since it has not been, it is important for Members to support the Visclosky amendment.

Mr. FUNDERBURK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the amendment. The amendment will ensure that Turkey complies with the Humanitarian Aid Corridor Act before it receives any more economic support funds.

Whether we are talking about Cyprus, the Kurds, persecution of Christians or Armenia, the evidence is overwhelming against Turkey. Questions of democracy, human rights, fairness, family reunification and decency principles we stand for, we have to shoot straight with our Turkish allies.

For over 20 years, Turkish troops have illegally occupied the northern one-third of Cyprus. Today over 35,000 armed troops occupy northern Cyprus. Recent reports indicate Turkey has increased its occupation forces. Turkey continues its military and colonial policy towards Cyprus.

With regard to the Kurds, Turkey's militaristic policy toward the Kurdish minority living in the southeastern Turkish desert region goes beyond the pale of civilized behavior; 20,000 lives have been lost, 3,000,000 civilians displaced. It is time for the United States to take a principled stand and express its opposition to Turkey's ongoing plan and campaign to destroy the Kurdish culture.

With regard to the persecution of Christians, Turkey continues to place prohibitive restrictions on Christian churches. There have been numerous terrorist attempts to desecrate the ecumenical patriarch's premises in Istanbul. The Turkish Government has launched a concerted effort to convert the Church of Saint Sophia, one of the most sacred monuments of Orthodox Christianity and, I should add, one of the greatest architectural wonders of the world, their plan to convert this into an Islamic mosque.

With regard to Armenia, Turkey is continuing its illegal blockade of Armenia by preventing trade, transport and the transshipment of United States and international humanitarian assistance to Armenia. We must make a strong stand. We must send a strong message to the world, and the President should send a strong message to the world that Turkey's aggressive behavior is not acceptable.

Mr. HOYER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Visclosky amendment and want to reiterate the point made by the gentleman from New Jersey, [Mr. PALLONE]. This amendment does not reference Turkey. Let me at the outset state that I believe that Turkey is a friend. Turkey is an important ally. Turkey has strategically been of great assistance to the United States of America.

As I pointed out, when I spoke on the additional funds for the war crimes tribunal in The Hague, we need to hold accountable in the international community those who did not meet international norms, friend or not a friend.

I am one who has been substantially critical of Turkey, notwithstanding my premise that they are a friend and important ally. Whether it relates to the Kurds, whether it relates to their treatment of prisoners or the press, whether it deals with any other matter, all of us need to hold one another accountable for transgressions and for a failure to meet international norms.

Now, in the Humanitarian Corridor Act we said one of the norms was allowing assistance to go to those in trouble. Not combatants, not adversaries, but people in trouble. People in trouble because of conflict, perhaps beyond their control, children in trouble. We have provided, and other Western nations have provided, humanitarian assistance. Not to aid combatants, not to aid one side or the other, not to make an ideological point, but to say that, when there are people in trouble, it is the objective of the international civilized community to give aid and comfort and help.

We ought to ask all of our allies and our friends to assist to the greatest extent possible in the delivering of that humanitarian assistance. That is all this amendment says.

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Ohio.

Mr. BROWN of Ohio. The gentleman from Maryland is right, this is purely a humanitarian issue. The Armenians have suffered in the early part of this century, in the early part of this century at the hands of the Turks. The Armenians have suffered through a Soviet regime for decades. This is simply the transition that the Armenians are trying to make from being part of the Soviet union as a State in the Soviet Union to a free market, independent, free society. The American tradition is to extend a helping hand to countries like that.

That is all that the Visclosky-Bilirakis amendment is about, to extend that helping hand, to help Armenia in a humanitarian way. That is all we are asking for.

Mr. HOYER. Mr. Chairman, I thank the gentleman for his contribution and his support of this amendment.

In closing, I would hope and I believe that this amendment will receive broad bipartisan support. I do not know whether there will be a rollcall vote, but if there is, I hope that there is an overwhelming show of support, not against Turkey, not against any other country, but for the critically important principle that we will expect our allies and our friends, as well as those who may not count themselves in that category, to facilitate the relieving of human misery and suffering.

I trust that this amendment will receive the strongest support possible.

Mr. REED. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of Mr. VISCLOSKY's amendment. As a cosponsor of the Humanitarian Aid Corridor Act, I was very pleased with the passage of this legislation last year. However, I was extremely troubled with the President's waiver of the Humanitarian Aid Corridor Act on May 16. I joined many of my colleagues in expressing our disappointment with his decision to waive the statutory restrictions on assistance to the Republic of Turkey, and I am urging my colleagues to support this amendment to strengthen the Humanitarian Aid Corridor Act.

The Humanitarian Aid Corridor Act prohibits U.S. assistance to any country that prohibits or restricts the transport or delivery of U.S. humanitarian aid to other countries. We should not allow humanitarian assistance to be used as a political weapon while innocent victims are deprived of food, fuel, and medical supplies, whether it be in the wake of a natural disaster or armed aggression.

Unfortunately, countries are still hampering the delivery of U.S. humanitarian assistance to those in need. Turkey continues its illegal blockade of American humanitarian relief to needy population in Armenia and it continues to deny the existence of the Armenian Genocide of 1915.

This amendment would limit the scope of the executive waiver under the Humanitarian Aid Corridor Act. This amendment would limit the President's waiver authority to only U.S. military aid—economic assistance would be withheld from any country that impedes the delivery of U.S. humanitarian assistance to other countries.

This amendment continues to protect U.S. national security interests, but it will send a strong message to nations that blocking humanitarian assistance to those in need is unacceptable. I commend the members of the committee who have worked on behalf of this legislation, and I urge all my colleagues to support this important amendment.

□ 1700

Mr. WHITFIELD. Mr. Chairman, I move to strike the requisite number of words to speak against the amendment.

Mr. Chairman, I am glad to hear all Members speaking on both sides of this issue are recognizing the fact that Turkey is a valuable ally of the United States. I think that everyone recognizes that.

I would like to say on the issue of blockades, that container transit shipments to Armenia through Izmir and the Turkish straits to Batum, Georgia, only a few kilometers away from the Turkish border, are taking place now. Transit passage between the two countries continues. Armenian Airlines conduct weekly flights from Yerevan to Istanbul. Armenians can travel to Turkey, frequently conducting suitcase trade.

I would also like to say that Turkey has made efforts to normalize relations with Armenia. Obviously, this is a long-standing dispute, and as a good will gesture in April of 1995, Turkey opened air corridor H-50, connecting Erzurum to Yerevan. And soon after taking office, Prime Minister Yilmaz announced Turkey will open its border with Armenia, providing there is a bilateral agreement on the declaration of principles.

So I think Turkey is making great strides in the area of humanitarian aid and treating people in its country with respect.

As we know, Turkey is located in a very unsettled part of the world, surrounded by Syria, Iraq, and Iran. It is a strong secular democracy. And although I imagine this amendment will pass, I think it is important that we recognize the contribution that Turkey makes in our foreign policy as a valuable ally, and I, for one, intend to vote against this amendment.

Mr. MENENDEZ. Mr. Chairman, I move to strike the requisite number of words.

I rise in strong support of the Visclosky amendment. Few of us would disagree with the fact that Turkey is an important ally of the United States. Many of us have said it on both sides of the question. But as a member of the Committee on International Relations, I ask let us look at that in context. Should that fact entitle Turkey to deny the transits of United States aid to the Armenian people? Does it permit Turkey to deny basic human rights to Christians and Kurds within Turkey? And should our relationship allow Turkey to threaten the stability of the region and to delay the long overdue unification of Cyprus, which it invaded and now occupies?

I was there this past summer, Mr. Chairman, in Cyprus, and I say this by way of context, that when we say that Turkey is an ally, we have to look at how our allies act in the rest of the world and what are our interests in its totality. And in that respect, here is a country that was invaded and occupied, that is divided. When I crossed the green line which divides the northern part, controlled by the Turkish Government, with the southern part of the rest of the island, it was a very difficult process. And, in fact, we found that Turkish Cypriots, original Turkish Cypriots, do get along with Greek

Cypriots, but the Turkish officials who are there and the troops that are there interfere with that reunification.

So when we look at all these things, and when we say that Turkey is an ally, we have to look at it in context.

Now, opponents of this amendment will emphasize what a great friend Turkey has been to the United States and suggest that any action that we might take might jeopardize that relationship, but I think we have to keep in mind as well, in addition to the total context that United States-Turkish relationship is a mutually beneficial one, and that means that it is strategically important for both countries. And a relationship which rises to the term of ally has to be open to honest and open debate as to what we, in fact, are willing to support when we support an ally.

Now, foreign assistance is one of the few tools of peaceful diplomacy that we have. It is not unreasonable for us to demand that Turkey allow the transit of United States aids to Armenia if it wants to continue to receive United States economic support funds. That is the purpose in part of aid; it is, in fact, to produce an inducement as part of your overall foreign policy.

Now, we should note that the longer Turkey blockades the passage of aid to Armenia, the longer the people of Armenia will need to depend on United States assistance. And in this era of budget cutting and increasing pressure to limit the foreign assistance budget, we cannot afford not to enact this amendment.

The Visclosky amendment carefully curbs aid to Turkey by removing economic support funds from the President's waiver authority for the Humanitarian Corridor Act, but military support funds remain intact. And when we look at the question of where Turkey is moving, we have to look at recently the question of Aliza Marcus, a New Jersey resident who works for Reuters, who was almost jailed simple because she wrote an article they did not care for.

Are we willing to support an ally under any conditions? We did that in the past in our history and we paid dearly for it.

Day after day and year after year Turkey has continued to actively block the transit of assistance to the people of Armenia at a time when they are struggling to rebuild their economy and establish a democracy. And by forcing Turkey to make a decision about how important that $25 million in economic support funds is to the people of its country, we can send the message that the United States will not stand by and allow Turkey to bully its neighbors, Armenian, Greek, Cypriot, Kurdish or Christian, and continue to receive the blessings of the United States assistance.

I urge all of my colleagues, because it is the right policy for the United States, to support the Visclosky amendment.

Mr. HOKE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of this amendment, the Visclosky-Bilirakis amendment. I want to review how we got to the point that we are at today with respect to this because I think it is instructive and important.

We passed a provision in the 1996 foreign ops appropriations bill that has become known as the Humanitarian Aid Corridor Act. That was put into the bill by the gentleman from Illinois [Mr. PORTER]. The purpose of the Humanitarian Aid Corridor Act was to prohibit U.S. assistance of any kind from going to a country that impedes the delivery of humanitarian aid to a third country.

It also allowed for a waiver that could be implemented by the President, allowing him to waive those restrictions for any specific country that he deems necessary in order to uphold U.S. national security interests and then reinstate military and economic aid to that country.

Now, in fact, we found out 5 days, 5 days fully after, that the President has apparently invoked this. And did we find out from the administration? Did we find out from the President that he invoked the waiver directly? Did the President come to the Congress and let us know? No, he did not. We found out through the foreign ministry of the nation of Turkey that our own President, or own administration had waived this specific provision in the 1996 foreign ops appropriation bill.

I mean we have to ask ourselves why on earth, why on earth was the President not coming to us and telling us, the U.S. Congress, that he was going to make this waiver? Why are we finding this out from Turkey as opposed to the United States?

So we find out, and we find this out on May 21. May 21, what, 11, 12 days ago? This is when we found out. That is when we found out this national security waiver had been invoked. That brings us to today.

What does this provision, the Visclosky-Bilirakis amendment actually do? It says that we will continue to have the Humanitarian Aid Corridor Act in place, but that with respect only to economic support funds, the waiver provision will no longer exist. In other words, the President of the United States will no longer be able to waive the Humanitarian Aid Corridor Act. He will not be able to waive that provision specifically with respect to the economic support fund.

How much money are we talking about for the nation of Turkey, potential? Not more than $25 million. Turkey is going to continue to get $146 million in military aid. I do not know how Members feel about that. I am not crazy about it. But Turkey will continue to get that. Turkey will continue to get humanitarian aid if it needs it.

This does not affect humanitarian aid. It does not affect military aid. It merely affects the economic support fund, which is used for what? Things like economic development, the retirement of debt. Sometimes we do not know exactly what it is for. The State Department does not always tell us, but it is up to $25 million.

It is a very incremental, moderate, frankly, step to be taken at this time. It is anything but radical or extreme. It is, as opposed to a smack in the face, it is more like a little tap on the wrist, and it is absolutely necessary that we do it. This ought to have the broadest bipartisan support from every Member of this Congress, because we should not, we should not be giving economic support funds to Turkey or any other nation under the pretext of a national security interest.

Mr. Chairman, I urge every Member of this Congress to vote in favor of this.

Ms. WOOLSEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of this amendment. Even though Turkey is one of our biggest beneficiaries of American good will, that nation continues to block distribution of American aid to the Republic of Armenia. In other words, Turkey is acting like a big bully against its small neighbors and American aid is being held hostage. Not only is this clearly unfair, but it is illegal, according to the U.S. law.

The time has come that we stop making execuses for Turkey. The time has come to quit playing politics with humanitarian aid, aid destined for Armenia. I know that Turkey is a member of NATO, and I acknowledge Turkey's strategic importance, but fair is fair. Human rights must be protected, and no one, not even our military allies, have the right to flaunt the Humanitarian Aid Corridor Act, period.

Mr. Chairman, I urge my colleagues to vote yes on the Visclosky amendment. This is a vote for the people of Armenia and this is a vote for strengthening and upholding the Humanitarian Aid Corridor Act.

Mr. ANDREWS. Mr. Chairman, will the gentlewoman yield?

Ms. WOOLSEY. I yield to the gentleman from New Jersey.

Mr. ANDREWS. Mr. Chairman, I thank my friend for yielding, and I also rise in very strong support of the amendment of the gentleman from Indiana [Mr. VISCLOSKY]. I do so for reasons of strategic balance, constitutional propriety and moral imperative.

On issues of strategic balance, I do not think anyone on our side of the question would disagree that the importance of Turkey's military role to the defense of this country is very important and very desirable. But one of the many benefits of the Visclosky amendment is it does not in any way impair that relationship. In fact, it simply only speaks to the economic assistance and conditions that assistance, not the military assistance, upon the behavior of Turkey.

With respect to the issue of constitutional propriety, with all due respect to the administration, many of us believe that its decision to waive the provision of the Humanitarian Corridor Act was incorrect and wrong. This, we believe, restores a sense of constitutional balance, where we say with respect to economic assistance funds there will be none, period, unless there is compliance with the act. And with respect to other provisions, we respect the prerogative of the Commander-in-Chief and the executive branch.

Finally, there is a matter of the moral imperative here. A country that continues to illegally and harshly occupy the island of Cyprus, that continues to persecute people within its own borders for the practice of their religion, a country that has the dubious distinction of leading the world in 1995 in the number of journalists imprisoned for simply speaking their minds, such a country has no place receiving the hard-earned tax dollars of the people of our country.

☐ 1715

Cyprus is the most egregious example. What has happened to the people of Armenia fits a similar standard. And for us to adopt Mr. VISCLOSKY's amendment, I think, would make us unwitting and undesirable components or accessories to such a policy. I believe we should not do that. I commend Mr. VISCLOSKY and his colleagues for introducing this. I thank my friend from California for yielding to me.

Mr. CALLAHAN. Mr. Chairman, I move to strike the requisite number of words. I realize how passionate and sincere many Members of Congress are with respect to Turkey and to some of the events that have taken place there, not by all people of Turkey but by a small group of people in Turkey. It has been my position that the Constitution gives the affairs of foreign policy to the administrative branch of government and sometimes we constrict the administration too harshly.

Last year during this debate I had a conversation with many members of the Greek community who were concerned about some of the same problems that you all are concerned about. I agreed then that we were not going to earmark any money for Turkey, that we were not going to afford Turkey the same monetary help that we were giving them with respect to the F-16's they were trying to purchase. And in my bill there is not one penny earmarked to Turkey. We have a pot of money that we give to the administrative branch of government. It is called the Economic Support Fund.

The administration can choose to take part of that money and give it to Egypt. They can take part of that money and give it to Israel. We do not tell them how to spend every nickel. We do not tell them to spend money in Turkey. Neither do we deny them the opportunity to spend money in Turkey.

To further facilitate those who have concerns about the problems in Turkey, the committee, through amendment, elected to restrict the ability of the administration that if they decide to give money to Turkey, under no circumstances could they go above $25 million. So there is no economic support money earmarked. The administration has a limited amount of availability of money for Turkey, and there is no new money in here for Turkey for new military equipment.

There is money in there for sustainment needs to allow them to buy parts, and Turkey is an ally of the United States. No one here disputes that.

So I am trying to tell the House that we are trying not to write foreign policy for the administration. We elected President Bill Clinton to lead this Nation. He appointed the Secretary of State. While I disagree with them more often that not, nevertheless we must recognize that the Constitution gives this charge to the administrative branch of government.

I hope that we will not have to even vote on it, but if we were to vote on it, I would vote "no." I would like to encourage a "no" vote but to emphasize that in this bill, we are not creating foreign policy. We are making an appropriation. At the behest of some, we have limited the amount of the administration's ability to give Turkey money. I think that we have come a long way, and I would urge a rejection of this amendment.

Mr. PORTER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, a year ago the Congress, both the House and the Senate, with the agreement of the President adopted a principle, and that principle was that no country receiving foreign assistance from the United States, should continue to receive that assistance if they were to block transit of humanitarian assistance to another country which the United States wished to help.

We are talking, Mr. Chairman, about humanitarian assistance. We are talking about food and clothing and medical supplies and energy, the kinds of things that keep people alive, something that we could send to those in great need.

Mr. Chairman, that principle was not stated in terms of Turkey and Armenia. It was applicable to any country that might be receiving humanitarian assistance from the United States and any country that might prevent its transit. But let us be truthful, there was only one country cutting off humanitarian assistance a year ago, and there is only one country cutting off United States humanitarian assistance today, and that is Turkey cutting off assistance to Armenia.

Is Armenia presently receiving United States humanitarian assistance? Yes. How is it getting there? It is that other countries are not preventing transit. It is going mostly through Georgia. And what does that mean?

It means that it costs the United States millions of additional dollars to get the aid to where we want it to go to, Armenia, because Turkey refuses to allow it to cross their borders. Why should the U.S. taxpayers pay that additional cost and still provide economic assistance to the country that is preventing the aid from proceeding in the normal way?

As we do with all these provisions, we said that the President could waive this part of the law for national security reasons, and isn't it interesting that the President of the United States waived the provision of the law on May 16, thwarted the entire purposes for which Congress adopted it, and never had the courtesy or the courage to tell Congress or the American people that he had done it? We had to find it out through the Turkish Foreign Minister 5 days after the fact.

Now all we are saying in this amendment is, yes, the President of the United States still can waive the provisions of the law in regard to national security, but the waiver will only relate to national security assistance, military assistance to the country involved, and that if he issues such a waiver the economic assistance, nevertheless, will not be allowed to go through.

Are we concerned about Turkey and its instability, as the gentleman from Texas suggested earlier? Of course, we are. Is Turkey a valuable ally to the United States? Of course, it is. Has it stood with us? Yes. But it is in the hands of Turkey not to have assistance cut off simply by allowing humanitarian assistance to pass across its borders. Is that too much to ask of any country in the world? I think not.

I think this amendment is very, very properly crafted. It preserves national security assistance and does not touch it. It simply says, if you are going to cost the American taxpayers extra money, millions of extra dollars to transship across areas to get the humanitarian assistance where we want it to go, you certainly should help to pay for it.

I think that is perfectly reasonable. I think the Members understand it. I commend the gentleman from Indiana for offering this amendment. I believe it is going to receive the overwhelming support of the House of Representatives.

Mr. ZIMMER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of this amendment. It is appropriate, and it is necessary to implement the will of this House and this Congress enacted into law last year in the Humanitarian Aid Corridor Act. It is wrong for the President to have waived the provisions not only with respect to military aid but also with respect to economic aid.

There can be no national security justification for restoring economic aid, at a time when Turkey continues to maintain a choke hold on the important corridors through its country to Armenia, which is suffering considerably as a result. This general statutory sanction applies to Turkey because Turkey, since 1993, has maintained this blockade and has prevented aid from reaching Armenia. It has callously ignored the tragic humanitarian toll that its blockade has caused, and it has defiantly resisted calls from the international community to stop this illegal blockade.

Turkey has a dismal humanitarian record. It continues its military campaign against its own people of Kurdish descent. More than 2,000 Kurdish villages have been destroyed and millions of people have been displaced. But despite the blockade, despite Turkey's record with respect to its own people, despite its provocations with respect to Greece and to continued occupations of Cypress, President Clinton chose to exercise the waiver clause across the board. That is the wrong thing to do, and that is why this amendment is so absolutely necessary.

We should not be rewarding a country with American dollars for callously disregarding human rights and human lives. We have heard a great deal today about how Turkey is our ally, how Turkey has stood with us through thick and thin. Let me just remind my colleagues what President Eisenhower said some 40 years ago when he established the Eisenhower doctrine. President Eisenhower said, "There can be no peace without law, and there can be no law if we were to invoke one code of international conduct for those who oppose us and another for our friends."

The Humanitarian Aid Corridor Act applies to every country in the world. Its impact is on Turkey because Turkey is acting in contravention of the rules of decency, humanity and international law. That is why Turkey, because of its own actions, should suffer these penalties. Through its own actions, it can relieve itself of these penalties. I urge the adoption of this amendment.

Mr. SKAGGS. Mr. Chairman, I move to strike the requisite number of words, and I yield to the gentleman from Indiana [Mr. VISCLOSKY].

Mr. VISCLOSKY. Mr. Chairman, I believe that this will be the close of the debate. We just wanted to respond to a couple of the points that were made today. There was a debate here earlier today on the House floor about how far back in time we should go to resolve the issue before us. I would suggest last year, 1995, represents the year in which we adopted the Humanitarian Aid Corridor Act which does have an impact on Turkey. There is an existing blockade. We have to go back but one year.

There was a suggestion that there is in fact no blockade, that there is suitcase trading going on here. I have people coming into my office today talking about triple trailers doing trade with the country of Mexico and Canada. Here we are talking about suitcase trade.

There is also an assertion that there is an airline corridor once a week. My recollection is there was an air corridor to the city of Berlin when the Russians blockaded the city. It would be my assertion that the blockade continues to exist.

The comment was made here too that this is simply ethnic politics. I would agree with that assertion. I am very concerned about the ethnic Armenians who have 1 hour of electricity every day because of the Turkish blockade. I am very concerned about the ethnics in north Cyprus because of the continuing Turkish occupation.

There was a suggestion here that the Chairman of the Joint Chiefs of Staff and the Secretary of Defense are opposed to this amendment. I will accept their objection. But my question is, why? We do not limit or prevent the waiver of this act by the President for military assistance. It only goes to the example of economic assistance, to the tune of $25 million. There be in excess of $140 million in military assistance.

So with that, Mr. Chairman, I would ask that my colleagues support the amendment, the bipartisan amendment that is before the House.

Ms. MCKINNEY. Mr. Chairman, I rise today in support of my colleague's amendment to prohibit funding for the Army's School of America's in my home State of Georgia. Although I am proud to represent the people of Georgia, I must speak about this institution's shameful legacy of which I am not proud.

Proponents of the school assert that it is simply a training facility for military leaders of Latin America. The truth of the matter is that many of the school's graduates are among the region's most ruthless human rights abusers. Allow me to provide some examples of the atrocities committed by graduates of the school.

In 1980, four women in El Salvador, Jean Donovan, Laura Clark, Edith Ford, and Dorothy Hazell were raped and murdered by graduates of the school. That same year, after calling on the army for peace in el Salvador, Archbishop Romero was executed by other graduates. In 1981, the entire village of El Mozote, 900 people including 131 children under the age of 12, were lined up and executed. Ten of the 12 officers responsible, were graduates of the Army's School of the Americas. In 1989, School of America graduates were found responsible for the murder of six Jesuit priests. The 1991 commencement speaker at the school was General Hector Gramaho. General Gramaho alone is responsible for the death of 200,000 men, women, and children in Guatemala.

In 1993, the United Nations issued a report regarding atrocities in Central America, and found that 49 of the 60 officers responsible were graduates of the U.S. Army's School of the America's. Additional graduates of the school include Manuel Noriega and Bolivian dictator Hugo Bonza.

Not only are these assassins training on our own soil, but they are being funded by U.S. tax dollars.

Mr. Chairman, clearly this taxpayer-funded institution has become nothing less than a prep school for the Hitlers and Stalins of Latin America. The American taxpayer should no longer have to pay for the training of rapists and child killers. I urge my colleagues on both sides of the aisle to vote for the Kennedy amendment and close this school of the assassins.

Mr. BISHOP. Mr. Chairman, the School of the Americas is a strong and effective advocate of human rights and representative government in Latin America.

This is the finding of an independent study retained by the Army last year. It is my own finding, as well.

Fort Benning is in my district. I have visited the school many times, studied the curriculum, talked often to the students and faculty, examined all the evidence.

Critics make a lot of charges but they offer not one shred of real evidence to substantiate their false and malicious accusations. And they ignore all evidence to the contrary, including the fact that an overwhelming majority of the graduates have worked for democracy when they returned home.

Anyone who studies the facts objectively will reach the same conclusion as I have and the study has—that the School of the Americas is effectively promoting human rights and should continue to fulfill its mission to help representative government take hold in Latin America. I oppose the Kennedy amendment.

I urge my colleagues in this House to reject this amendment.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I rise today in strong support of the Visclosky amendment eliminating the President's authority to waive the bill's prohibition on Economic Support Funding to countries that restrict the delivery of U.S. humanitarian assistance. Last year, at this time, I stood on this floor with my colleagues to cut $25 million in U.S. economic assistance to Turkey during consideration of the FY 1996 Foreign Operations Appropriations bill until the blockade of U.S. humanitarian assistance was lifted.

Since that time, the Turkish government has not adequately addressed its behavior against its neighbors, in particular, its internationally-condemned blockade of U.S. humanitarian assistance to Armenia. On May 16, 1996, President Bill Clinton disregarded this Congress' intent by waiving the application of the Humanitarian Aid Corridor Act to Turkey. This act prohibits U.S. economic or military assistance to any country that blockades the transport of U.S. disaster and relief assistance.

I am here today in support of the Armenian people and in support of this amendment. By narrowing the Presidential waiver contained in the Humanitarian Aid Corridor Act, we will limit the President's ability to provide up to $25 million in FY 1997 economic assistance funds to Turkey. Since the president has failed to address this issue, it is now up to Congress to make a clear decisive statement. In addition, it is also important to continue a positive and active relationship with the government of Turkey to resolve this and other mutual matters.

Mr. Chairman, in addition to this amendment, I would also like to express my support for the Radanovich amendment which will be offered to this bill. This amendment would limit the amount of Economic Support Funding for Turkey to $22 million until Turkey acknowledges the Armenian genocide and takes steps to honor the memory of its victims.

Mr. MORAN. Mr. Chairman, I rise in strong opposition to the amendment of my friend and colleague from Indiana.

This amendment would cut another $47 million from the Agency for International Development's operating expenses. I would just like to make three quick points.

First, further cuts in operating expenses would destroy many benefits of the streamlining efforts that have been ongoing for much of the past two years. The fact is that USAID has already been achieving savings. Many posts have closed and 3,000 staff positions have been cut since 1993. Indeed, this year AID is in the process of closing another 24 more missions. This is a very fiscally responsible agency.

Second, these cuts would cause major disruptions in policy and program management. Morale would suffer, and many capable employees of the agency would seek jobs outside government rather than work in an atmosphere of reduced effectiveness, not to mention the increased number of RIFs, already at 200 for FY 96.

Third, cuts in operating expenses undermines AID's ability to effectively promote U.S. interests. We will be less effective in helping to promote democracy and market reforms in the third world. We will be less effective in facilitating economic growth in developing countries, encouraging new markets for U.S. companies, and addressing serious global problems such as rapid population growth, environmental degradation, and the spread of disease and crime.

Mr. Chairman, AID's goals are our foreign policy goals and cannot be achieved without adequate resources for their operating expenses. This amendment is short sighted. It ignores significant savings already achieved and most importantly it is utterly misguided nationally policy.

Mrs. KENNELLY. Mr. Chairman, I rise in strong support of the Visclosky Amendment which prohibits economic aid to countries which interfere in the transport or delivery of U.S. humanitarian aid. This important amendment will strengthen the Humanitarian Corridor Act included in this legislation.

I believe that our Nation's traditions and values demand that we support the delivery of humanitarian aid to suffering people. In addition, those nations that prohibit the delivery of such lifesaving aid should not be rewarded with U.S. foreign assistance.

I had hoped that inclusion of this provision in last year's appropriations bill would have sent a clear message to countries like Turkey that blocking humanitarian assistance to Armenia would not be tolerated. Unfortunately, that was not the case, and this amendment has become necessary.

This amendment will prohibit $25 million in economic assistance to Turkey. It sends a clear message that Turkey must end its blockade of Armenia. I urge my colleagues to support this important amendment.

Mr. LEVIN. Mr. Chairman, I rise in support of the amendment. The Humanitarian Aid Corridor Act was created to ensure that U.S. aid reaches refugees in the quickest way possible regardless of geopolitical concerns.

This amendment notifies countries such as Turkey, which refuses to allow humanitarian aid destined for Armenia to cross its borders, that they will lose United States economic assistance unless the aid blockade is lifted.

Breaking aid blockades is provided for by existing law, but unfortunately, a Presidential waiver is allowed under certain circumstances. This amendment will put teeth into the law by requiring a cutoff of economic support funds to offending countries regardless of a Presidential waiver. The amendment will not affect military aid nor other forms of noneconomic aid, such as humanitarian assistance, to offending countries. With this amendment, we will be able to protect national security interests while sending a clear message to countries to act in accord with internationally accepted human rights standards.

I urge passage of the amendment.

Mr. JOHNSTON of Florida. Mr. Chairman, I rise in strong opposition to the amendment offered by the gentleman from Indiana cutting USAID's operating expenses by $47 billion. Adoption of an additional cut to the operating expenses level, which already represents a 26-percent cut from last year's appropriations, would not only undermine the United States ability to carry out staff intensive development programs, such as child survival and microenterprise, but would also have a devastating effect on the delivery of U.S. assistance in programs integrating economic growth, fostering health and family planning, protecting the environment, and promoting democracy.

USAID has undertaken ambitious programs of streamlining and downsizing for the past 3 years and is in the process of closing additional overseas posts. By September 1996, USAID will have closed 23 overseas posts in Africa, Asia, the Near East, and Latin America, producing annual savings in excess of $40 million. In this era of reinventing government, the USAID has done its part. What we must secure in this age of global instability and change is the United States' role in promoting economic and political development in Africa, Asia, and Latin America.

With respect to Africa, the impact of $47 million would be devastating. USAID would be forced to close additional missions in the poorest continent in the world. Assistance programs would be abruptly terminated and prior U.S. investments jeopardized. For instance, the new regional initiative in the greater horn of Africa, which promotes food security and crisis prevention, would be undermined, as will trade and investment opportunities for United States companies in southern Africa.

USAID has been the leader in the global child survival efforts that are now saving an estimated 4 million children each year. The impact of further proposed cuts in USAID operating expenses will inevitably lead to:

An increase in child mortality; 45,000 families in South Africa who will not be assisted with better water and sanitation services; 100,000 people in India who will not receive safe drinking water and will be exposed to cholera, hepatitis, malaria, dengue, and bubonic plague from untreated sewage and waste;

Delay or termination of support for the consolidation of the transition from military rule in Guatemala;

Withdrawal of United States support for military demobilization in Mozambique;

Sharp reduction in support for poverty programs in South Asia; and

The curtailment of economic transition programs in southern Africa, Ethiopia, and Tanzania.

The impact of additional double-digit cuts is real and contrary to the interests of the United States in promoting strong and sustainable economic and political development in the world. This is our role.

I urge my colleagues to defeat the amendment offered by the gentleman from Indiana.

Ms. ESHOO. Mr. Chairman, I thank Representatives VISCLOSKY, BILIRAKIS, and DURBIN and my other colleagues helping to improve and strengthen the Humanitarian Aid Corridor Act.

On May 16, to the surprise and disappointment of the international human rights communities, as well as Members of this body, President Clinton exercised his option to waive the Humanitarian Aid Corridor Act. Passed with strong bipartisan support as part of last year's Foreign Operations appropriations bill, the Corridor Act is essential because it exerts the appropriate pressure on countries, such as Turkey, that block United States foreign assistance to the region.

As the only Member of Congress of Armenian descent, I have a deep understanding of how the Ottoman Empire decimated Armenians and thus wrote one of the darkest chapters in human history. Mr. Chairman, as we remember the tragic history of the Armenian people, it's essential for us to frame the role the United States can play in establishing peace in the caucuses. I'm committed to the safety and independence of Armenia. We must ensure that its people are protected. Therefore, I support efforts to strengthen the Humanitarian Aid Corridor Act and to curtail aid to Turkey should that country refuse to abide by the Act.

Strengthening the Corridor Act by narrowing the waiver authority recently involved by the President will send a clear, decisive statement: that nations which continue hostile and aggressive policies against other countries will not be tolerated or rewarded with economic aid. We must do all we can to help advance a proactive foreign policy which can help bring lasting peace to the region. I urge the House to support the Visclosky Amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana [Mr. VISCLOSKY].

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. VISCLOSKY. Mr. Chairman, I demand a recorded vote and, pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to the rule, further proceedings on the amendment offered by gentleman from Indiana [Mr. VISCLOSKY] will be postponed.

The point of order of no quorum is considered withdrawn.

AMENDMENT OFFERED BY MR. SKAGGS

Mr. SKAGGS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SKAGGS: Page 52, strike lines 14 through 20.

□ 1730

Mr. SKAGGS. Mr. Chairman, my amendment removes the provision in the bill that caps spending for population planning activities at a maximum of 65 percent of the fiscal 1995 level.

Humane and respectful assistance to other nations seeking voluntarily to limit their population growth is in the profound national interest of the United States.

Ultimately, there's no greater threat to our national security than standing by while the world's population explodes. If we don't constrain population growth, our work to improve living standards, control pollution, and battle disease is hopeless. If we let up on the effort to limit population, all of the other good works that we are seeking to accomplish with our development assistance will be overwhelmed.

The cap proposed in the bill would severely disrupt international family planning efforts. If the cap stays put and the cuts take place, 7 million couples seeking access to birth control will not get it. That means that 4 million more women will experience unintended pregnancies. This will lead to 1.9 million unplanned births, 1.6 million more abortions, 8,000 more women dying in pregnancy and childbirth, including those from unsafe abortions, and 134,000 more infant deaths.

Is that what we want? Nearly 2 million more unplanned births, and over a million and a half more abortions? All things we know we can prevent?

International population assistance is not used to pay for abortions. The 1973 Helms amendment to the Foreign Assistance Act requires that no U.S. funds may be used to pay for abortions. There have been no reports of violations of this ban, and my amendment would not affect it.

To the contrary, international family planning efforts stop abortion. They protect the health of women and infant children. And they have had a dramatic influence on our ability to do something about uncontrolled population growth in many parts of the world.

American leadership has been crucial to making family planning assistance available to couples in the developing world. Partly because of our leadership, other countries have joined the effort. And a growing number of developing countries now provide family planning services of their own. In fact, these countries now provide more than two-thirds of the funds spent on international population efforts.

International family planning is not a unilateral handout. It has grown into a partnership, and one that's in our interest to preserve and expand.

Without our leadership, the progress we've made in building a global partnership to attack the population problem will be lost. Without U.S. leadership, the efforts of others could not soon—if ever—make up for reductions in resources and experience that the United States brings to the population effort.

If we retreat, accelerated population growth will pose a direct threat to our national interest. The world's natural resources are severely overtaxed. Sustaining the health and welfare of Americans and people everywhere depends on careful management of these resources. This is a most fundamental obligation of good stewardship. That obligation can't be met if population growth is unchecked.

My amendment won't mean additional spending for foreign operations, and it doesn't require offsets. There is no longer a separate account for population development assistance; family planning is funded out of various accounts, including the development assistance fund and the new child survival account. My amendment would simply eliminate the bill's 35 percent cut in population assistance and allow the Agency for International Development to determine how to manage its own accounts.

Mr. CALLAHAN. Mr. Chairman, I rise in opposition to the amendment.

Just briefly, I appreciate the gentleman's views. I think that the House is fully aware of the issue of this language in the bill. I think the House is fully aware of the compromise that this body must occasionally undertake where neither side gets everything it wants. There is no doubt that if this amendment were to pass, it would cause great controversy, probably requiring us to pass stronger language, probably including the Mexico City language, and I think that the debate on this issue truly should take place in the Committee on International Relations as authorizing legislation. It was made in order by the rule.

But under the circumstances, Mr. Chairman, in a body such as this we must let reasonable heads get together and move on with our function, and that is to fund the foreign affairs operations for the next 2 years, and while I appreciate the gentleman's concern about the issue, I do not necessarily agree with him, I especially appreciate his decision, hopefully, to let us move forward by withdrawing his amendment.

Ms. SLAUGHTER. Mr. Chairman, I rise today in strong support of the Skaggs amendment, and to express my continued concern about the relentless attacks the new majority continues to make on women. And this time their attack spreads to women and families across the globe.

Once again, Mr. Chairman, we have before us a bill which will inhibit international organizations from providing needed family planning services. Not only does this bill potentially cut off funding for those organizations which provide these needed health services, but it limits population assistance funds to 65 percent of the total amount appropriated in fiscal year 1995.

We must realize the unintended consequence of such action.

Some Members of the majority who oppose a woman's constitutional right to choose are expanding the scope of their opposition to cover all family planning activities. In so doing, these harmful provisions only serve to increase the risk of unintended pregnancies, unplanned births, and unnecessary abortions. It simply doesn't make sense to inhibit the activities which are intended to prevent abortions. And this bill, by limiting population assistance and those who provide it, does just that.

Mr. Chairman, I am gravely concerned about the language in this bill which will endanger the health of women around the world. I urge my colleagues to closely examine these provisions, consider the unintended consequences, and support the Skaggs amendment.

Mr. SMITH of Jersey. Mr. Chairman, I move to strike the last word.

Mr. Chairman, just let me say, so that the record is very clear on this, the language in this bill is a compromise. It was very carefully worked out. The Gentleman from Alabama, distinguished chairman of the Subcommittee on Foreign Operations, has worked with Members to try to find some way out of the difficulty and the impasse that we find ourself with the White House as well as with the Senate.

None of us is totally happy with this. I think, as my colleagues know, when people talk about the huge so-called cuts in family planning, let me remind Members that in 1992 the United States spent $325 million on family planning. In the last fiscal year we spent $356 million. That is a 16-percent increase, and this bill straight-lines that amount into fiscal year 1997. Many of us believe very strongly that abortion—lobbying for abortion and performance of abortions—is not family planning, and that is what the issue comes down to.

The Mexico City policy was in effect for about 10 years under the Reagan and Bush administrations. The United States was the primary donor of international population control funds around the world during those years. And it was the NGO'S that refused to divest themselves of the killing and the maiming of unborn children by way of chemical poisoning or by way of dismemberment of the child by suction machines and other methods, they were the ones who were taking themselves out of contention for those Federal funds. They were the ones so obsessed with killing babies that they forfeited U.S. donations.

That is what this is all about, and I just want to say that I understand the gentleman from Colorado is going to withdraw this amendment, but had he not, we would have—and I would welcome it—a full-fledged debate on the Mexico City policy again. Because I think that is the preferable way. But I am also a realist, and I understand what likely would happen over the Senate side, and we would be there right into December, probably, debating this issue. But, you know, that too would be OK with me. This is a compromise. Nobody is happy with it I'm not—but I think it is a step in the right direction, and again there is much money in here, a 16-percent increase over 1992.

Let me also say that it really is disingenuous for Members to suggest that the language in this bill "cuts" population control. Let's remember that the Clinton Administration hyperinflated pap funds in fiscal year 1995. And isn't it amazing how quickly the new higher level became the baseline. When did the international adoption industry get a "entitlement"? As I pointed out, if we look at the historic levels that AID has provided for family planning, the fiscal year 1997 spending plan is above those levels. Thus—rightly or wrongly—the United States remains one of the major providers of those kinds of funds.

Let me just say the distinguished gentleman from Alabama has done yeoman's work on trying to craft this compromise. This compromise has to hang together or else it all falls apart and we are right back to Mexico City. Frankly, that would be just fine with me, but as of now I think this is the way we ought to proceed.

I thank the distinguished gentleman from Alabama. He is a true statesman and true believer in human life.

And let me just take one exception to what the gentlewoman said from New York. This bill is very pro-women I have worked with the gentleman from Alabama on child survival and maternal health care. This legislation directs $600 million by way of earmarks for the child survival and disease account. As my colleagues know, if we look in Africa and elsewhere—and I chair the Subcommittee on International Operations and Human Rights, and we have looked at this every carefully, we have worked with WHO and UNICEF and others—kids and women are dying in exceedingly high numbers in those countries from preventable diseases. Hundreds of millions of dollars in this bill are responsive to those needs. And I am grateful to Mr. CALLAHAN for his responsiveness to these pressing needs.

Mrs. LOWEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Skaggs amendment that will restore necessary funding to international family planning. For our colleagues on the far right to call the restrictions on international family planning in this bill a compromise is ludicrous.

Not only do the provisions in the bill slash funding for the programs, but they also force programs to abide by the Mexico City restrictions in order to get adequate funding. My colleagues, this is not a compromise, this is the worst of both worlds.

Our chairman, Mr. CALLAHAN, has crafted an excellent foreign aid bill and I will support it. However, I will fight to have this extreme language removed from the bill in conference. It is simply unacceptable.

Last year, this bill was held up by the antichoice caucus' insistence that the bill contain some restrictions on international family planning. Well, here we go again. They have included a provision in this bill that they know both the Senate and the administration will reject.

And as for their suggestion that this is a compromise, let us not forget who was involved in this so-called "compromise." This is not a deal between the pro-choice caucus and the antichoice caucus, this is a deal between CHRIS SMITH and DICK ARMEY, two antichoice leaders.

The bottom line is that this provision will slash by over one-third one of the most important forms of aid that we provide to other countries: family planning assistance.

No one can deny that the need for family planning services in developing countries is urgent and the aid we provide is both valuable and worthwhile.

Let me illustrate for you the impact of these cuts. It has been estimated that the slashing of these funds will result in: 7 million people in developing countries that would have used contraceptives now will not have access to them; 4 million women will have unintended pregnancies; as a result of those pregnancies, there will be 1.9 million unintended births; 1.6 million more abortions; 8,000 more women dying in pregnancy and childbirth; and 134,000 more infant deaths.

These tragedies will be the direct result of this provision.

And as we have said repeatedly on this floor, the Mexico city restrictions, including the international gag rule, are simply unnecessary. Not a single U.S. dollar pays for abortions overseas. The members of the antichoice caucus are so obsessed about this issue that they see problems where they simply do not exist. International family planning programs decrease the number of abortions by making them unnecessary. Certainly that is a goal that we can all support.

I urge my colleagues to support this amendment. We cannot let them cut international family planning. There is just too much at stake.

Mrs. MEYERS of Kansas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of this amendment. The family planning provisions in this foreign operations appropriations bill are an absolute disgrace. Anybody who says that they are a compromise is either fooling themselves or trying to fool someone else. This bill contains a double-barrelled shotgun pointed at the heart of responsible population policy. It combines disproportionate funding cuts with onerous policy restrictions.

Last year there was the flimsy excuse that the funding restriction was there because there was no agreement on the policy. Now, the Mexico City policy is imposed, and there are still the unfair funding restrictions.

If money for NGO's that do not follow these diktats on abortion is going to be restricted, what is the point in then also unduly restricting the total amount of money that can be spent on family planning? I do not know why it so difficult for some of my colleagues to understand that if couples do not have access to contraceptives, they are more likely to then get an abortion. And that if we cut money for family planning, it leads to more abortions, not less. That is why I say this debate is not about abortion, but about family planning.

The world's population is growing at an alarming rate. In just 4 years, the population of Africa is going to reach 1 billion. By 2010, India's population will reach 1 billion, by 2020, it will pass China as the world's most populous country.

Population pressure threatens to ignite conflicts and war all around the world. And just like any other problem in the world, nothing is going to be done about it unless the United States shows some leadership. Unfortunately, this bill is negative leadership. Please pass this amendment.

☐ 1745

Mr. OLVER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Colorado [Mr. SKAGGS], an amendment which would lift the cap on family planning services requiring that no more than 65 percent of fiscal 1996 funding should be available in fiscal 1997.

Mr. Chairman, I wish to associate myself at this point, without the whole repetition, with the reasons which have been enumerated by the gentleman from Colorado, the gentlewoman from New York, and the gentlewoman from Kansas in her comments just completed.

Mr. Chairman, I want to extend a little here and say that I commend this bill's commitment to the Middle East peace process, the whole of the legislation; but its approach to the rest of the world is, it seems to me, simply bad policy. The legislation provides strong support for Israel and the peace partners in the process of Arab-Israeli reconciliation as it moves forward, and I support the financing levels for Israel, the West Bank, Gaza, and Egypt, and the President supports those amounts as well.

Mr. Chairman, after nearly 2 decades of progress, where American leadership has been so critical following the Camp David Accords, we must continue our commitment as Israel faces a period of transition under new leadership. But while our commitment to the Middle East must endure, so should our leadership and support in other regions of the world.

This legislation cuts aid to the new democracies in Eastern Europe and the former Soviet Union in an area where we were willing to spend $40 billion per year to conduct the Cold War, but we are now cutting deeply into the only $600 million or so that helps those new nations build their economies and democracies. Six hundred million is only a little bit more than 1 percent of what we were willing to spend year in and year out, 1 percent year in and year out, of the $40 billion that we were spending to keep the conduct of the Cold War going.

The bill, in its total, slashes support for global environmental maintenance, weakening the fight against degradation of our common oceans and our common atmosphere. This bill totally eliminates financing for the African Development Bank, and it severely cuts financing for international family planning, cutting 35 percent from last year's level, which is, of course, the subject of the amendment that we are considering at the moment; and among which provisions, in constraining international family planning, among those provisions are those which, in the words of the gentlewoman from Kansas who just completed speaking, are completely outrageous. This is short-sighted and I think flat out wrong. We really cannot afford to turn a blind eye on global problems of population growth and poverty and environmental degradation.

Mr. Chairman, I very much support and hope that we will support the amendment offered by the gentleman from Colorado [Mr. Skaggs].

Ms. WOOLSEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Skaggs amendment to the foreign operations appropriations bill. If Members believe that women, rich and poor alike, should have the right to choose safe motherhood, they must support the Skaggs amendment. If Members believe that women should have the right to choose how many children they have, they must support the Skaggs amendment. If Members believe that the United States has an obligation to support efforts to slow down the earth's rapid population growth and the misery that comes with it, they must support the Skaggs amendment.

Mr. Chairman, family planning programs are key to international self-sufficiency. Let me remind us that today, right now, we are debating a bill which reduces financing for overseas development. We cannot, in good conscience, reduce aid to poor countries and tell them to be more self-reliant, without giving them the tools to do so. I urge my colleagues, support the Skaggs amendment and remove the spending cap on international family planning.

Mr. SKAGGS. Mr. Chairman, I ask unanimous consent to proceed for 1 minute.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. SKAGGS. Mr. Chairman, as I indicated in my opening remarks on this amendment, it is my intention to request unanimous consent to withdraw it. I regret having to make that request, given, obviously, my belief and the views of many of my colleagues who have spoken on the merits of this amendment. But the realistic circumstances that we face, as indicated by the comments made by the gentleman from New Jersey, I think make it advisable that we withhold on this.

Ms. PELOSI. Mr. Chairman, I rise today in support of the Skaggs motion to strike the cap on funding for international population assistance.

This bill singles out population assistance activities for a disproportionate 35 percent cut, more than other development and humanitarian assistance programs. This cut will have a direct and severe impact on the lives of women and their families in developing countries. It would be expected to result in 7 million couples in developing countries left without access to modern, safe contraceptive methods, 4 million women experiencing unintended pregnancies, 1.6 million more abortions, 8,000 more women dying in pregnancy and childbirth, including those from unsafe abortions, and 134,000 infant deaths. These are not theoretical arguments. These are numbers of real people—numbers of deaths that we have the power to prevent. Can your conscience allow these poor people to pay the price for reducing costs with their lives and the lives of their children?

I respect that there are competing priorities at odds in this bill. But how can there be a greater priority in this bill than preventing deaths and suffering of impoverished women and families in developing countries? We cannot address foreign aid without being serious about our responsibility to promote health and survival in countries of need. Without a proper commitment to these programs, we have the health and lives of poor women and children hanging over our heads.

I urge my colleagues to support the Skaggs amendment and retain proper funding for these life-saving family planning programs.

Mrs. MORELLA. Mr. Chairman, I rise in strong support for the Skaggs amendment. Simply put, this amendment would have ensured that the family planning program is treated the same as the rest of the development assistance portfolio, and not singled out for severe, disproportionate funding cuts.

We know that family planning saves lives. U.S. family planning assistance is critical to millions of couples who only ask for help in spacing their children and avoiding unplanned pregnancies. This bill, by subjecting our international family planning efforts to a 35-percent cut for yet another year, will result in more unwanted pregnancies, more abortions, and more maternal and infant deaths. Moreover, a cut of this magnitude undermines other humanitarian assistance programs, particularly U.S. efforts to improve child survival.

Again, the Skaggs amendment would only have deleted the provision of the bill that imposes a deeper spending cut on family planning than on the rest of our humanitarian assistance. It would not increase funding for foreign operations overall, nor would it have necessitated offsets.

Although the gentleman has chosen to withdraw his amendment, we in this House need to take a serious and unjaundiced look at the implications of the disproportionate cuts, as well as short-sighted restrictions, which have been imposed upon our family planning programs.

I look forward to working with the gentleman and other Members to reverse these provisions in conference.

Mrs. KENNELLY. Mr. Chairman, I rise today in support of the Skaggs amendment to remove the cap on population planning activities. Adopting this amendment would speak clearly to our concern for women, children, and families—wherever they may live.

The bill before us caps family planning activities at no more than 65 percent—less than two-thirds—of last year's level. This restriction would have a devastating impact on family planning activities worldwide.

Literally millions of people would be denied access to information. Unplanned—even unwanted—pregnancies would increase. Efforts to promote healthy pregnancies and healthy births would be undercut. None of this is necessary—and none is in our country's best interest.

If we believe that strong and healthy families are the building blocks of strong and healthy societies, we should make assistance of this kind more—not less available. The arbitrary cap contained in this measure would deprive families worldwide of the humane and respectful assistance they so often want.

I urge my colleagues to support families and the Skaggs amendment.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The CHAIRMAN. Are there any other amendments to title V?

AMENDMENT OFFERED BY MS. WATERS

Ms. WATERS. Mr. Chairman, I offer an amendment that is to be considered under the unanimous-consent request, amendment No. 74.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 74 offered by Ms. WATERS: Page 34, line 12, after the dollar amount, insert the following: "(reduced by $8,000,000)".

Page 34, line 24, after the dollar amount, insert the following: "(reduced by $25,000,000)".

Page 34, after line 24, insert the following:

CONTRIBUTION TO THE AFRICAN DEVELOPMENT BANK

For payment to the African Development Bank by the Secretary of the Treasury for the United States share of the paid-in portion of the increase in capital stock, $8,000,000 to remain available until expended.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increase in resources of the African Development Fund, as authorized by Public Law 103-306, $25,000,000, to remain available until expended.

Mr. CALLAHAN. Mr. Chairman, I reserve a point of order on the amendment offered by the gentlewoman from California [Ms. WATERS].

Ms. WATERS. Mr. Chairman, I rise to offer an amendment to restore a modest financing level for the African development fund. This amendment is fundamentally about fairness. Our regional development lending institutions are strapped. The United States is in arrears on more than one of them. However, our obligations remain. However, this appropriations bill only zeros out one program, the African development fund. It appropriates $25 million for the Inter-American Development Bank, $100 million for the Asian development fund, and $13 billion for the Asian Development Bank.

In addition, Mr. Chairman, comparable institutions like the European Bank for Reconstruction and Development receives $12 million, and the North American Development Bank gets $50 million. I cannot accept singling out the African Development Bank and the African development fund, both of which are zero funded in this bill.

Mr. Chairman, my amendment would appropriate half the administration's request for the African development fund. This modest replenishment will allow the fund to do priority poverty alleviation work in Africa's poorest countries. The fund has depleted its resources and has not been able to make new loans.

These loans that assist the indigenous private sector development of these countries, as well as create export and investment opportunities for U.S. businesses, investing in primary education, preventive health care, and physical infrastructure, are crucial components of a growth and development program for Africa.

Mr. Chairman, it is no secret that the African Development Bank group has had organizational difficulties. However, since those problems came to a head 2 years ago, enormous progress has been made. For example, they have a new president who is committed to remaking the institution. Term limits have been adopted for all senior bank officials. Twenty percent of the staff has been dismissed and 70 percent of the managers have been replaced. A comprehensive audit of the bank group is underway. New lending policies have tightened access to lending for non-creditworthy borrowers and new inspector general type offices have been created and staffed. These changes represent one of the most, if not the most, expansive form of an institution of this kind ever.

Given this progress, it would be irresponsible for the United States, a leader, a prime pursuer of reform, to shirk its responsibility at this crucial time. The United States has a foreign policy and national security interest in the program of economic development in Africa. The African Development Bank group serves as a prime facilitator of this progress, especially the fund, which provides highly concessionary loans to poor borrowers and technical assistance grants to support lending operations.

This country must lead, not walk away from its responsibility. Hopefully, at a later time in the budget cycle this year, we will not be forced to make the difficult choices faced in this amendment. However, it is crucial that this House make a modest contribution to our international obligation for the African development fund. Again, Mr. Chairman, it is a matter of fairness. It is just inconceivable and unconscionable that every institution, every other bank, multilateral bank, has been funded and the African Development Bank and the fund both were zeroed.

There are those who will make the argument that funds were put in other places, but the cuts are continuing to grow as it relates to Africa. It is unfair, I take this opportunity to challenge us to do the right thing.

POINT OF ORDER

Mr. CALLAHAN. Mr. Chairman, I make a point of order against the amendment, because it provides an appropriation for an unauthorized program, and therefore violates clause 2 of rule XXI.

Clause 2 of rule XXI states, in pertinent part:

No appropriation shall be reported in any general appropriation bill or be in order as an amendment thereto for any expenditure not previously authorized by law.

Mr. Chairman, the authorization for the African Development Bank has not been signed into law. The amendment therefore violates clause 2 of rule XXI, and I ask for a ruling of the Chair.

The CHAIRMAN. Would the gentlewoman from California [Ms. WATERS] like to be recognized to respond to the point of order?

Ms. WATERS. Yes, Mr. Chairman.

Mr. Chairman, I am aware that it is not authorized in this legislation. However, the other banks are not authorized either, but they got a waiver in the rule. So what we have here is a construction that recognized that the other banks were not authorized, they waived the rule so they could fund them, but they excluded the African-American Bank, and the chairman of the committee knows that took place. So it is not a matter of simply not having an authorization. The others do not have one either.

The CHAIRMAN. The Chair is prepared to rule on the point of order.

While there is authorization law for the African development fund, appropriations for the African Development Bank for fiscal year 1997 are not currently authorized by law. The amendment, therefore, violates clause 2(a) of rule XXI. The point of order is sustained.

Are there other amendments?

AMENDMENT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I offer amendment No. 44.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. OBEY: On page 31, line 4, after the colon insert the following:

"*Provided further*, That the Department of Defense shall conduct during the current fiscal year nonreimbursable audits of private firms whose contracts are made directly with foreign governments and are financed with funds made available under this heading (as well as subcontractors thereunder) as requested by the Defense Security Assistance Agency:"

Mr. GILMAN. Mr. Chairman, I reserve a point of order against amendment No. 44.

□ 1800

Mr. OBEY. Mr. Chairman, this amendment restores the requirement that foreign countries agree to an outside audit as a condition of receiving

FMF grants. It has been included in the foreign operations bill for a number of years as a result of a number of notable bribery cases involving U.S. funds and foreign officials. It was not included in the bill by the committee apparently because the language is contained in another bill which passed the House and is pending in the Senate. But the problem is, we have absolutely no idea what the fate of that bill in the Senate will be, and this provision is too important to leave to the whim of the other body.

It is a very simple proposition. It restores the proposition that if you get an FMF grant from the United States Treasury that you have to agree to accept an audit. It boggles my mind that we would risk losing that language. I would think we would want to nail this language into every single bill moving through this House that affects foreign aid. I can think of absolutely no constructive purpose that is served by the elimination of language which simply provides for an audit any time a country gets an FMF grant from the United States, and I would urge its adoption.

The CHAIRMAN. Does the gentleman from New York [Mr. GILMAN] wish to be heard on his point of order?

Mr. GILMAN. Mr. Chairman, I continue to reserve my point of order.

Mr. CALLAHAN. Mr. Chairman, I rise to strike the last word.

Mr. Chairman, I do not differ with my colleague on the merits of this amendment. The committee has carried this provision for several years. However, the committee did not carry the provision this year at the specific request of Chairman GILMAN of the authorization committee. This is an authorization provision, and it is contained in the House passed bill, H.R. 3121, which has the support of both the gentleman from New York [Mr. GILMAN] and the gentleman from Indiana [Mr. HAMILTON] of the authorizing committee. They expect this measure to be enacted into law, and therefore, Chairman GILMAN does not believe that the inclusion of these authorization measures in our bill are necessary.

I have done my best to work with the authorizing committee on this issue, and therefore, I must reluctantly oppose the amendment of the gentleman from Wisconsin [Mr. OBEY], but only on those grounds.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. CALLAHAN. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I would simply say that it is very nice to hear that the gentleman from New York [Mr. GILMAN] expects some other legislation to pass which will restore protections for the American taxpayer. However, I do not care if this FMF loan goes to our best friend or our worst enemy, it ought to be audited, and if it is not audited, the loan should not be approved in the first place.

But in God's name do we expect to maintain any shred of public support for foreign assistance when we are eliminating in the appropriation bill for foreign assistance the requirement that anyone who receives FMF funds should be willing to accept an audit. For the life of me, I do not see why we ought to roll the dice and risk losing this provision which has been in the law for years.

Mr. GILMAN. Mr. Chairman, will the gentleman yield?

Mr. CALLAHAN. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Chairman, we certainly agree with the objectives of the gentleman from Wisconsin [Mr. OBEY] and his goals, and that will be built into our measure which we hope to take up shortly. We want to commend the gentleman for his approach to this very important problem.

Mr. OBEY. Mr. Chairman, if the gentleman will yield further, let me simply say, I would rather you withhold the commendation of me personally and instead let the language stand, because I remember how tough it was to get these provisions in the appropriation bill in the first place. I remember shouting at people from several embassies one very late night when we were in our conference on the bill, because they took offense to the fact that we wanted an audit if we were going to provide FMF funding for them.

So for the life of me, I appreciate the gentleman's comments, but I would rather that the gentleman denounce and leave my amendment stand.

Mr. GILMAN. Mr. Chairman, if the gentleman will further yield, the gentleman will not have to shout at our committee. We understand his objective and we will try our best to meet his objective.

POINT OF ORDER

Mr. GILMAN. Mr. Chairman, I make the point of order that the pending amendment is legislative in nature, does violate clause 2(c) of rule XXI, which provides that no amendment to a general appropriation bill shall be in order if changing existing law.

I want to commend the distinguished chairman of our subcommittee on appropriations who has adhered to his rule of making certain that there be no authorization language in this measure, and that that authorization would have to go through out committee.

Mr. Chairman, amendment No. 44 reinserts the provision which the chairman of the subcommittee, the gentleman from Alabama [Mr. CALLAHAN], agreed to pull out of this year's bill. Again, I thank the gentleman from Alabama [Mr. CALLAHAN] for working with us on these authorization provisions.

As is well-known, there has not been a foreign authorization bill entered into law since 1985. In an effort to make some headway, our Committee on International Relations separated from the foreign aid legislation some noncontroversial defense and security assistance authorities. The purpose of the committee was to revise and clarify these authorities and codify into permanent law authorizing language which has been too long carried on annual appropriation measures.

Now the ranking member of the committee, the gentleman from Wisconsin [Mr. OBEY], wants to reinsert these provisions back into the foreign operations bill, and we certainly will try to do that in an authorization measure.

These provisions are provisions which are contained in legislation that were twice passed by the House this year in our authorization legislation, first as a freestanding measure in H.R. 3121, and secondly as an amendment to fiscal year 1997 DOD authorizations.

The Committee on International Relations is trying to fulfill its responsibility as an authorizing committee. We passed this provision twice. Please let us do our business in the appropriate manner, and we assure the gentleman we will carry forth on his goals and expectations.

I might add that our measure is currently pending in the Senate, and the majority and the minority have reported that it should be proceeding soon without controversy.

Mr. OBEY. Mr. Chairman, I wish to be heard on the point of order.

Let me simply say that what bothers me is that this reminds me of what my old friend Dick Bolling, who used to represent the State of Missouri in such a distinguished fashion, it reminds me of what he used to call dung hill politics. He used to say that the problem around here is that so often committees are so concerned with jurisdiction that they put that before the substantive needs of the country. It seems to me that I would very much like to see the gentleman's committee be able to pass a bill, any bill. But it is more important to me to protect the taxpayers' interests in seeing to it that these loans are accompanied by an audit to protect the taxpayers' money.

If the gentleman insists on his point of order, which will simply remove from this bill an antifraud requirement, I cannot do much about it, but I think it is a sad day.

Mr. GILMAN. Mr. Chairman, I insist on my point of order and ask for a ruling by the Chair.

The CHAIRMAN. The amendment constitutes legislation by directing the Secretary of Defense to conduct an audit and is in violation of clause 2 of rule XXI. The point of order is sustained.

AMENDMENT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is an follows:

Amendment offered by Mr. OBEY: on page 30 line 5, after "Act.", insert

Provided further, That not more than $100,000,000 of the funds made available under this heading shall be available for use in financing the procurement of defense articles, defense services, or design and construction services that are not sold by the United States Government under the Arms Export Control Act to countries other than Israel and Egypt.

Mr. GILMAN. Mr. Speaker, I reserve a point of order.

Mr. OBEY. Mr. Chairman, this amendment is similar to the previous amendment. This amendment restores language that has been carried in the foreign operations bill for a good many years. It limits to $100 million the amount that can be spent on non-Israel and Egypt FMF grants for direct commercial contracts. Its effect is to limit the extent to which countries can contract on their own for goods and services and thereby escape the oversight requirements of the Arms Export Control Act. It is again an antifraud safeguard because it assures that the Pentagon will review these contracts. It was stricken again by the Committee because again, it is contained in an authorization bill which has passed the House and is pending in the Senate.

Again, I have no idea what is going to happen to that authorization bill, or what mischief might occur along the way. All I know again is that this provision is too important to leave to chance. We fought a good long time to see to it that we had the added protection of Pentagon review of these contracts so that we do not have bribery or fraud that occurs because the Pentagon is not able to oversee what happens in this account.

So again, this is a jurisdictional matter, but it would seem to me that the requirement to protect taxpayers' money ought to override any jurisdictional concerns that someone might have. I would urge acceptance of the amendment.

POINT OF ORDER

Mr. GILMAN. Mr. Chairman, on my point of order, I want to assure the gentleman again that his measure is included in our H.R. 3121 that is presently before the Senate, passed twice by the House, and we are optimistic that that measure will be adopted.

Mr. Chairman, I make a point of order that the last three lines of the bill have not been read and the limitation amendment is not in order, and for the same reasons as I previously outlined, I ask for a ruling on our point of order.

The CHAIRMAN. Does the gentleman insist on his point of order?

Mr. GILMAN. Yes, Mr. Chairman.

The CHAIRMAN. Does the gentleman from Wisconsin desire to be heard?

Mr. OBEY. Yes, I do.

Mr. Chairman, again, I think the issue here is whether or not a committee's jurisdiction is more important than the necessity to protect taxpayers' money. This provision has been carried for years without the objection of the authorizing committee. It seems to me that it is peculiar at a time when both parties are bragging like crazy to the American paople that we are going to balance the budget and fight waste, fraud and abuse, that we take the two main items in this bill that prevent fraud and abuse and strip them from the bill. That is indeed a quaint way to build support for public aid, and I again cannot do anything about it if the gentleman insists on his point of order, but I do not think the taxpayers' interests are being served by the elimination of the language that protects their hard-earned tax dollars.

Mr. GILMAN. Mr. Chairman, again, I reiterate that it has been passed twice by the House and it is presently before the Senate, and the proposal of the gentleman from Wisconsin [Mr. OBEY] is within that measure that is now pending before the Senate.

Mr. OBEY. Mr. Chairman, I would simply say that the fact that that legislation has been passed twice by the House and has not been passed by the Senate is not encouraging to me. That does not sound to me like a very good track record. It seems to me that since this is a must-pass bill, we need to keep this language in this bill because it is the only sure way we have of protecting the taxpayers.

Mr. GILMAN. Mr. Chairman, I am sure he will be pleased when this measure is permanently made into law once the Senate acts.

Mr. Chairman, I ask for a ruling on the point of order.

The CHAIRMAN. The Chair is prepared to rule.

The amendment is in the form of a limitation which must await the reading of the last lines of the bill where that question is raised under rule XXI, clause 2. The point of order is sustained.

Mr. YATES. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to enter into a colloquy with the gentleman from Alabama [Mr. CALLAHAN]. The colloquy is with respect to the Jewish Agency in Russia. On April 30, 1996, the Jewish Agency, which is a quasi-governmental body that has brought more than 630,000 Jewish immigrants to Israel from the former Soviet Union since 1989, had its accreditation revoked by Russian Government authorities, which effectively terminated its right to operate is Russia. If the chairman recalls, during our subcommittee markup, I reserved the right to revisit the situation of the Jewish Agency and the Russian authorities were unable to come to an amiable settlement of the matter.

At this time, it is my understanding that the Russian Government has promised to renew by mid-June the Jewish Agency's accreditation. It is my hope that this misunderstanding can be cleared up, and we can continue the great strides made over the past 6 years.

Mr. Chairman, I would hate to see this as a sign of the return of the bad old days when Moscow placed sharp restrictions on immigration and ill-treated Jewish refuseniks. I will reserve on this matter so that I may bring this issue back at a conference should the conditions not change.

Mr. CALLAHAN. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Alabama.

Mr. CALLAHAN. Mr. Chairman, I appreciate very much the interest of the gentleman from Illinois [Mr. YATES]. Let me assure the gentleman we will review this situation when we reach conference with the Senate.

Mr. GILMAN. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from New York.

□ 1815

Mr. GILMAN. Mr. Chairman, I would like to associate myself with the remarks of the gentleman from Illinois and want to note to the gentleman that we have already brought this to the attention of President Yeltsin and have voiced our objections on behalf of our committee, on behalf of the Congress and we will try to keep the gentleman apprised of any response.

Mr. HASTINGS of Florida. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Florida.

Mr. HASTINGS of Florida. I thank the gentleman for yielding.

Mr. Chairman, I, too, would associate myself with the gentleman's remarks and had earlier planned to file an amendment without understanding that he had been way ahead of me on that subject. So I thank the gentleman and the chairman in that regard and do not intend to offer the amendment that I had prepared.

AMENDMENT OFFERED BY MR. VISCLOSKY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Indiana [Mr. VISCLOSKY] on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 301, noes 118, answered "present" 1, not voting 14, as follows:

[Roll No. 214]

AYES—301

Abercrombie
Ackerman
Andrews
Bachus
Baesler
Baker (CA)
Baldacci
Barcia
Bartlett
Bass
Becerra
Beilenson
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blute
Boehlert
Boehner
Bonior
Bono
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Buyer
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chabot
Chapman
Chenoweth
Christensen
Chrysler
Clay
Clayton
Coburn
Collins (GA)
Collins (IL)
Collins (MI)
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crapo
Cremeans
Cubin
Cummings
Cunningham
Danner
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Durbin
Edwards
Ehlers
Ehrlich
Engel
English
Ensign
Eshoo
Evans
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Filner
Flake
Flanagan
Foley
Forbes
Ford
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Gejdenson
Gekas
Gephardt
Gilchrest
Gilman
Goodlatte
Goodling
Greene (UT)
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hastings (WA)
Hayworth
Hefley
Hefner
Heineman
Hilleary
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hoyer
Hunter
Hutchinson
Jackson (IL)
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Jones
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
Klug
Knollenberg
LaHood
Lantos
Largent
LaTourette
Lazio
Leach
Levin
Lewis (GA)
Linder
Lipinski
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Millender-McDonald
Miller (CA)
Mink
Moakley
Molinari
Mollohan
Moorhead
Moran
Morella
Myrick
Nadler
Neal
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Orton
Owens
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Peterson (MN)
Pombo
Porter
Portman
Poshard
Pryce
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rohrabacher
Ros-Lehtinen
Rose
Roukema
Roybal-Allard
Royce
Rush
Sanders
Saxton
Scarborough
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sisisky
Skaggs
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Stark
Stearns
Stenholm
Stokes
Studds
Stupak
Talent
Tate
Tauzin
Thomas
Thompson
Thurman
Tiahrt
Torkildsen
Torricelli
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Walsh
Wamp
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wicker
Williams
Wolf
Woolsey
Wynn
Yates
Young (AK)
Zeliff
Zimmer

NOES—118

Archer
Armey
Baker (LA)
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Barton
Bateman
Bentsen
Bereuter
Berman
Bonilla
Brewster
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Callahan
Chambliss
Clement
Clinger
Clyburn
Coble
Coleman
Combest
Crane
Davis
de la Garza
Deal
DeLay
Dunn
Emerson
Everett
Fields (TX)
Foglietta
Fowler
Ganske
Geren
Gillmor
Gonzalez
Gordon
Goss
Graham
Green (TX)
Hall (TX)
Hamilton
Hancock
Hansen
Hastings (FL)
Herger
Hilliard
Hostettler
Houghton
Hyde
Inglis
Istook
Johnson, Sam
Johnston
Kasich
Kim
King
Kingston
Kolbe
LaFalce
Latham
Laughlin
Lewis (CA)
Lewis (KY)
Lightfoot
Livingston
McIntosh
Meyers
Mica
Miller (FL)
Minge
Montgomery
Murtha
Myers
Nethercutt
Ortiz
Oxley
Packard
Payne (VA)
Peterson (FL)
Petri
Pickett
Pomeroy
Quillen
Rogers
Sabo
Salmon
Sanford
Schaefer
Schroeder
Shuster
Skelton
Solomon
Spence
Spratt
Stockman
Stump
Tanner
Taylor (MS)
Taylor (NC)
Tejeda
Thornberry
Thornton
Volkmer
Vucanovich
Walker
Ward
White
Whitfield
Wilson
Wise

ANSWERED "PRESENT"—1

Slaughter

NOT VOTING—14

Allard
Browder
Gibbons
Harman
Hastert
Hayes
Jackson-Lee (TX)
Lincoln
Pelosi
Roth
Sawyer
Schiff
Torres
Young (FL)

□ 1836

Messrs. BENTSEN, HILLIARD, GOSS, DAVIS, STOCKMAN, SAM JOHNSON of Texas, and GONZALEZ changed their vote from "aye" to "no."

Messrs. BALDACCI, REGULA, RICHARDSON and FROST, Mrs. MYRICK, and Mr. GEKAS changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. YOUNG of Florida. Mr. Speaker, on rollcall No. 214, I was inadvertently detained and was not recorded.

Had I been present, I would have voted "yes."

PERSONAL EXPLANATION

Ms. HARMAN. Mr. Speaker, I attended the 8th grade graduation of my son and I missed rollcall vote 214, the amendment by Mr. VISCLOSKY to bar economic support funds to countries which block or interfere with the transportation of humanitarian aid passing through humanitarian aid corridors.

If I had been present, I would have voted "yes" on the amendment.

PERSONAL EXPLANATION

Ms. PELOSI. Mr. Chairman, on the previous rollcall No. 214, I did not make it to the Chamber in time. Had I been present, I would have voted "aye" on rollcall No. 214.

AMENDMENT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 29 offered by Mr. OBEY: On page 27, line 24, after the dollar amount, insert the following: "(reduced by $3,000,000)".

Mr. OBEY. Mr. Chairman, this amendment goes to the military training account. Last year the military training account was funded at $39 million. This year, despite the fact that the bill is being cut by around $1 billion, this account is going to receive a $6 million increase to $45 million.

That is an increase of 15 percent, out of only 3 accounts that have received an increase in the bill, and it seems to me that that is not proportional under the circumstances. With the end of the cold war, it seems to me that we ought to have a greater recognition than we have, that we simply cannot afford to be raising some of these military accounts while virtually everything else in the budget is being cut.

I support and continue to support an IMET program in Eastern Europe, the former Soviet Union, places like that. I also think it is useful in developing countries to try to have a military relationship of some kind.

But I would ask why on Earth the United States should spend $25,000 or $50,000 for countries like Austria, Finland, Spain, Portugal, countries which are relatively high-income countries? I understand that the basis of these programs is reciprocal training arrangements, and I am all for that. But I see no reason why, if these are so valuable, that the countries who are on the receiving end of the training should not be paying for the cost.

We are being asked, under the budget that passed the House some time ago, to cut Medicare, and we are being asked to consider means testing Medicare to require higher income seniors to pay higher amounts. Why on Earth should we be doing that if we are not asking higher income countries to pay for the military training which we are providing under IMET? It seems to me only a rational thing to do.

So, I would simply urge, in the interest of some balance and the interest of some fiscal prudence, that the committee approve the amendment.

Mr. CALLAHAN. Mr. Chairman, I move to strike the last word in opposition to the amendment.

Mr. Chairman, I find myself in the unique position of having to defend the administration for one of the programs they essentially deem as one of the most important military functions that they do. I received a letter today from the Chairman of the Joint Chiefs of Staff, John Shalikashvili, and from Secretary William Perry, the Secretary of Defense, telling us that this program was crucial.

The gentleman from Wisconsin talks about the fact that we increase IMET, but what he does not talk about is in 1995, when he was chairman of this committee, he cut IMET training by 50 percent. But now comes a Democratic administration, the President, the Secretary of State, the Chairman of the Joint Chiefs of Staff, the Secretary of Defense, all telling us that this is very crucial to their effectiveness in running an effective military.

The IMET training program is a program that trains military people. It trains them in areas such as human rights. It trains them in areas such as military engagement. It gives us the ability of having people that are trained in such a manner whereby if we ever are in some situation with them, they will understand something about military strategy.

□ 1845

It is a crucial program to the administration. I find myself, as I said, uniquely trying to defend an administration that normally the gentleman from Wisconsin [Mr. OBEY] is defending and I am on the opposite side.

But, Mr. Chairman, this is a vital program. It is a well-thought-out program. It is well received by many of our allies throughout the world, and without it the United States would lose great military advantages. So I would urge the Members on both sides of the aisle to go along with the President, to go along with the Secretary of Defense, with the Secretary of State, with the Chairman of the Joint Chiefs of Staff and to leave this appropriation as the subcommittee agreed, where incidentally, no discussion of this ever came up in subcommittee.

So, Mr. Chairman, I would urge all my colleagues to continue to allow us to adequately fund the IMET training program and to reject the amendment of the gentleman from Wisconsin.

Mr. GILMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am pleased to rise in opposition to this amendment and the following amendment which cuts the IMET program. The IMET program is an extremely important program which should be fully funded. The proposed fiscal year 1997 program will enable us to reach more than 5,000 personnel in over 120 different countries.

In recognition of the importance of this program, the Committee on International Relations and the Subcommittee on Foreign Operations, Export Financing and Related Programs of the Committee on Appropriations recommended full funding in fiscal year 1997 for the IMET program in the 150 budget function.

Mr. Chairman, let me note that both the authorizing and appropriations committees met the administration's request in fiscal year 1996 and in fiscal year 1997. Forty-five million dollars in fiscal year 1997 is not an unreasonable funding level. And while it is an increase from last year, this level of funding merely returns IMET to levels of funding for the program from fiscal year 1990 to fiscal year 1993.

Further, $45 million in IMET funding in fiscal year 1997 will enable our Nation to advance its foreign policy interests in over 30 new country programs that have been instituted since 1991, primarily in Central Europe and in the former Soviet Union.

And finally, Mr. Chairman, I want to make the point that I understand the fiscal 1997 DOD authorization bill, as reported by the Senate Armed Services Committee, contains language which once again makes it clear that it is the intent of that committee to move responsibility for funding and implementation of the IMET program to the Department of Defense.

We need to fully fund the IMET program so that the Senate Armed Services Committee and the Department of Defense hears our message loud and clear. We are committed to supporting full funding for this program in the 150 account.

I believe the gentleman from Wisconsin should want to retain control of this program in the 150 account, and should it be moved to the 050 account, we can be certain funding would go even higher, perhaps as much as $60 million more.

Accordingly, I urge my colleagues to vote for full funding for IMET. Vote against the Obey amendment.

Mr. BEREUTER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the Obey amendment. I do that reluctantly, because the gentleman and I agree on many issues. Here is one where we disagree. I think my chairman, the gentleman from New York, BEN GILMAN, has given some very important reasons why we should have full funding for IMET and, indeed, it was this gentleman's amendment in the authorizing committee, debated and which raised the authorization level to the full amount requested by the administration.

Mr. Chairman, I want to point out to my colleagues that when Secretary Perry came to address a meeting of House Republicans some time ago, within the past year, and out of all the issues he might have spoken he focused his remarks primarily on the IMET program. He asked us to continue to give it full funding. He stated on another occasion, I believe, as the chairman mentioned, if in fact this IMET program was funded by the authorization of the Committee on National Security, it would be authorized at a higher level. But because IMET is found within the 150 account, it gets very tough and special scrutiny.

I would also say to my colleagues that the IMET program is one of those programs that pays very big dividends in reinforcing the human rights concerns that this country and other countries.

The officers and noncommissioned officers that take advantage of these IMET programs come to our programs, and they receive a very heavy dose of human rights and civil action training as a part of their IMET training programs. I think for that reason, too, the IMET program is a very good investment that we make in our foreign policy and in our military-to-military relationship.

So, Mr. Chairman, I strongly urge my colleagues, in this case, to reject the Obey amendment and go for the full amount requested by the appropriations subcommittee.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. OBEY]

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. OBEY. Mr. Chairman, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to the rule, further proceedings on the amendment offered by the gentleman from Wisconsin [Mr. OBEY] will be postponed.

The point of no quorum is considered withdrawn.

The CHAIRMAN. Are there further amendments?

AMENDMENT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. OBEY: On page 27, line 24, after the dollar amount, insert the following: "(reduced by $1,525,000)".

Mr. OBEY. Mr. Chairman, this amendment cuts $1,525,000 from the IMET account. The amount of the cut corresponds exactly to the amount requested for the high-income countries of Austria, Finland, Malta, Portugal, Spain, Singapore, India, and Bahrain. The per capita gross domestic product for Finland is $16,140; for Austria the per capita income is $17,500; for Spain, $13,000; for Malta, $10,700; for Portugal, $10,000; for India, $1,300; for Singapore, $19,900; for Bahrain, $12,100; yet, this committee is insisting that we pay for the training costs for these countries.

Mr. Chairman, I would point out there are countries in this bill who receive aid where the per capita income is less than $400 a year. It just seems to me strange indeed that countries like Austria and Singapore cannot afford to pay for the training which we provide. I am not saying we should not provide training to these countries, I am saying we ought to do it on a cash paid-for basis. I do not see why we ought to fund it.

I would point out that a number of these countries spend a much smaller share of their gross domestic product on military expenditures than we do. I would point out a number of these countries are knocking our socks off on trade in a wide variety of sectors in the trading economy.

I can see no reason whatsoever why I ought to ask somebody in my State or in my district, making $8,000 or $9,000 a year, to support a program which provides military assistance, military training to countries that make $20,000 a year on average.

So, Mr. Chairman, enough said. I will not belabor the point, but I urge the acceptance of the amendment.

Mr. CALLAHAN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I wish the gentleman from Wisconsin had raised this issue earlier, during the markup, or at least highlighted it in his discussions with me on our bill. The high income figure he offered does not cut IMET to high income countries, it just cuts IMET by $1.5 million. The high income countries will still be able to get IMET funds.

Furthermore, $1.2 million of the $1.5 million is to cut IMET to the gentleman's high income countries: India, $400,000 and Portugal $800,000. The remaining $300,000 is for the true high income countries, like Singapore or South Korea. The only reason they get this is so they can have access to U.S. military training.

I think it is wrong to penalize India and Portugal, as this does, and especially since it does not, in my opinion, achieve the gentleman's goal. I think if the gentleman from Wisconsin [Mr. OBEY] were to choose to retire in the not too distant future, and if he had a friendly administration to him, that he would make an excellent Secretary of State, if indeed Warren Christopher did not want to serve any longer. And once he achieves that position, I think the gentleman should then be entitled to make decisions such as he is forcing upon the administrative branch of government.

The gentleman is a Member of Congress. It is up to us to direct and to suggest to the administration. We are not even the authorizing committee. But here we are playing pseudosecretaries of state, telling them because of the fact that we feel this way, that we ought to restrict the administration's ability to have an effective foreign policy as well as military policy.

So, Mr. Chairman, the gentleman knows the respect I have for him, and I want to assure him if I am still a Member of Congress and still chairman of this committee, and this gentleman does indeed, as Secretary of State, come to me saying, "For goodness sake, will you please fund IMET training to the substantial amount so we can have an effective foreign policy?", I will respond to his wish. But I will not tonight respond to his wish because it is wrong, I tell the gentleman, and I am going to respectfully ask, No. one, that he withdraw the amendment, and in the absence of that, I would ask all my colleagues to vote "no" on the Obey amendment.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. CALLAHAN. Yes, Mr. Secretary.

Mr. OBEY. Mr. Chairman, since the gentleman asked me to consider withdrawing it, I simply want to point out that the only reason that this amendment is not drawn to specifically forbid aid to those countries and simply subtracts the amount that is provided in aid to those countries is that, as the gentleman well knows, were I to draw it the other way, it would be subject to a point of order, and I have already had two points of order lodged against amendments I have offered today.

So the gentleman is kind of offering me a deal that I have no choice but to refuse.

Mr. CALLAHAN. I appreciate that.

Mr. Chairman, I urge rejection of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. OBEY].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. OBEY. Mr. Chairman, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to the rule, further proceedings on the amendment offered by the gentleman from Wisconsin [Mr. OBEY] will be postponed.

The point of no quorum is considered withdrawn.

The CHAIRMAN. Are there further amendments?

AMENDMENT OFFERED BY MR. RADANOVICH

Mr. RADANOVICH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. RADANOVICH: Page 97, after line 5, insert the following new section:

LIMITATION ON ASSISTANCE TO TURKEY

SEC. 573. Not more than $22,000,000 of the funds appropriated in this Act under the heading "Economic Support Fund" may be made available to the Government of Turkey, except when it is made known to the Federal official having authority to obligate or expend such funds that the Government of Turkey has (1) joined the United States in acknowledging the atrocity committed against the Armenian population of the Ottoman Empire from 1915 to 1923; and (2) taken all appropriate steps to honor the memory of the victims of the Armenian genocide.

Mr. CALLAHAN. Mr. Chairman, I reserve a point of order against the amendment.

Mr. RADANOVICH. Mr. Chairman, in this turbulent century we have witnessed humanity's great potential for good and bad, but the world has triumphed more often in the last 96 years and it has been disappointed. And yet while focusing on humanity's successes is always more attractive——

Mr. CALLAHAN. Mr. Chairman, will the gentleman yield?

Mr. RADANOVICH. I yield to the gentleman from Alabama.

Mr. CALLAHAN. Mr. Chairman, let me make an inquiry as to whether or not this is a limitation amendment.

Mr. RADANOVICH. This is, yes.

Mr. CALLAHAN. And if so are there other nonlimitation amendments?

The CHAIRMAN. Is the gentleman from Alabama insisting on his point of order at this time?

Mr. CALLAHAN. Mr. Chairman, I want to know if there are other nonlimitation amendments before we get to limitation amendments.

Mr. RADANOVICH. Mr. Chairman, I ask unanimous consent to withdraw my amendment and will introduce it at the appropriate time.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

□ 1900

Mr. FRANK of Massachusetts. Reserving the right to object, I reserved the right to object not to interfere with the gentleman from California but to ask the Chairman's intentions. What happens if there are no further nonlimitation amendments?

Mr. CALLAHAN. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Alabama.

Mr. CALLAHAN. Then we will go to limitation amendments. We wanted to dispose of all of the nonlimitation amendments before we got to the limitations.

Mr. FRANK of Massachusetts. I thought maybe I would get a cabinet nomination out of my colleague.

In lieu of that, Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. PALLONE. Mr. Chairman, reserving the right to object, I am not sure, was it clear, are there any other nonlimitation amendments? I did not think there were.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. PALLONE. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I would simply like to inform the subcommittee chairman that there was one additional amendment which I was going to offer to title I, which I got permission earlier to offer. But at this point I do not intend to offer that amendment.

Mr. PALLONE. Mr. Chairman, I withdraw my reservation of objection.

Mr. CALLAHAN. So there are no other nonlimitation amendments? That is what we were seeking.

Absent that, Mr. Chairman, I withdraw my reservation of a point of order.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. Are there other amendments not precluded by clause 2(a) or clause 2(c) of rule XXI?

If not, the Clerk will read the last three lines of the bill.

The Clerk read as follows:

This Act may be cited as the "Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997".

The CHAIRMAN. Are there other amendments?

Mr. CALLAHAN. Mr. Chairman, I ask unanimous consent that all debate on the next amendment and all amendments thereto close in 30 minutes and that the time be equally divided.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

Mr. PALLONE. Reserving the right to object, Mr. Chairman, I would ask that on this next amendment, the Radanovich amendment, if it were possible to have that unanimous consent request withdrawn. We just wanted to see how many speakers would be here. We will try to limit it to the 30 minutes, if possible, but since a lot of the Members who wanted to speak on the amendment were not necessarily aware that the time was limited and thought they would have 5 minutes, I would like to not limit it formally at this time, if the Chair won allow us that.

Mr. CALLAHAN. Mr. Chairman, will the gentleman yield?

Mr. PALLONE. I yield to the gentleman from Alabama.

Mr. CALLAHAN. Mr. Chairman, in the spirit of compromise which I have done all the way through this bill, with both sides of the aisle, with every Member present here tonight, I would be happy to.

Mr. Chairman, I withdraw my unanimous-consent request.

AMENDMENT OFFERED BY MR. RADANOVICH

Mr. RADANOVICH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. RADANOVICH: Page 97, after line 5, insert the following new section:

LIMITATION ON ASSISTANCE TO TURKEY

SEC. 573. Not more than $22,000,000 of the funds appropriated in this Act under the heading "Economic Support Fund" may be made available to the Government of Turkey, except when it is made known to the Federal official having authority to obligate or expend such funds that the Government of Turkey has (1) joined the United States in acknowledging the atrocity committed against the Armenian population of the Ottoman Empire from 1915 to 1923; and (2) taken all appropriate steps to honor the memory of the victims of the Armenian genocide.

Mr. CALLAHAN. Mr. Chairman, in the spirit of compromise, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 40 minutes and that the time be equally divided.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

Mr. OBEY. Mr. Chairman, reserving the right to object, I do not personally have a problem with that, but I have been told that there are a number of Members on this side of the aisle who do. So I would urge that the gentleman withdraw that request, and I would urge that the gentleman consider offering a time limit of 1 hour.

Mr. CALLAHAN. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Alabama.

Mr. CALLAHAN. Mr. Chairman, if we do allow debate for the 40 minutes, as I have suggested, would the gentleman at that time be willing to agree to some limited amount of time to debate this after that point, maybe limiting debate time for each Member to 2 minutes or 1 minute or to designate the time?

Mr. OBEY. Mr. Chairman, I am not in a position to support cutting off amendments that other Members offer. I have just been asked by a Member of our leadership not to.

Mr. CALLAHAN. Mr. Chairman, I withdraw my unanimous consent request, and I ask unanimous consent that all debate on this amendment and all amendments thereto close in 60 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

Mr. WILSON. Mr. Chairman, reserving the right to object, I will not object, but I would say to the chairman that I think this amendment, from what I hear on this side, I think this amendment is the one that Members want more time on. I do not think you need to give an hour for all subsequent amendments.

Mr. CALLAHAN. Mr. Chairman, will the gentleman yield?

Mr. WILSON. I yield to the gentleman from Alabama.

Mr. CALLAHAN. Mr. Chairman, the unanimous consent request was just this one amendment.

Mr. WILSON. Mr. Chairman, I did not understand that.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

Mr. FRANK of Massachusetts. Reserving the right to object, Mr. Chairman, I will not object, but just for scheduling purposes, would it then be the intention, I wonder if it is proper to ask that the clustered votes would then take place so Members might know? I know we have been talking about a vote at 8. If we have a 60-minute limit, to which I do not object, would it then be the Chair's intention to go to the three votes that would then be pending? Members have been talking about an 8 o'clock time from the standpoint of scheduling here.

The CHAIRMAN. Is that the intention of the gentleman from Alabama?

Mr. CALLAHAN. Mr. Chairman, I withdraw my unanimous consent request.

The CHAIRMAN. The Chair recognizes the gentleman from California [Mr. RADANOVICH].

Mr. RADANOVICH. Mr. Chairman, in this turbulent century, we have witnessed humanity's great potential for good and bad—but the world has triumphed more often in the last 96 years than it has disappointed. And yet, while focusing on humanity's successes is always more attractive than remembering any stumbles, we as civilized peoples, countries, and nations must not deny the immorality of such stains on history as the Holocaust and the Armenian genocide.

Therefore, Mr. Chairman, today I offer an amendment which provides a practical incentive to Turkey to join the community of nations in recognition of a tragic chapter in its history. Let me explain the amendment.

This amendment links Turkey's denial of the genocide to United States foreign aid levels. In other words, the amendment states that if Turkey joins the United States in acknowledging the atrocity committed against the Armenian population, and takes all appropriate steps to honor the memory of those innocent victims, it will then receive the full portion of aid appropriated to it in H.R. 3540.

This amendment is reasonable. The levels of economic aid we propose to withhold from Turkey is approximately 2 percent or $3 million. The figure of $3 million is equal to the amount the Turkish Government spends on swaying opinion in Washington.

Mr. Chairman, let me conclude by saying that such distinguished individuals as Ronald Reagan, Winston Churchill, and Woodrow Wilson, have recognized the terrible tragedy suffered by Armenians from 1915–1923. Today this body has the opportunity of encouraging Turkey to respect the memory of those Armenian victims. I ask that you vote in favor of this amendment.

Mr. PALLONE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am very proud to be a cosponsor of the Radanovich amendment. Again, as Mr. RADANOVICH mentioned, capping economic support fund aid to Turkey at $22 million, as this does, represents a cut of about 2 percent of the total U.S. military and economic assistance, approximately $3 million. We know that the government of Turkey has spent at least that amount annually in its Washington lobbying and public relations effort.

I was on the floor just the other day talking about some aspect of that. One of the things they have been doing rather successfully, is basically donating money to major universities to establish chairs of Turkish studies. Then they use that oftentimes to influence what goes on at those universities.

I was very concerned about that issue, particularly in my home State of New Jersey, because they established one of these chairs at Princeton University, one of the leading institutions of higher learning in the Nation. And yet, we have documented that some of the promotional efforts that have come out of that donation, have basically resulted in an effort to try to deny that the genocide ever took place.

Rather than confront the historical record of the Armenian genocide, the Turkish Government has chosen to instead to ignore the documented evidence. This pattern of denial offends the memory of those who perished, contradicts the historical record in our own national archives, and helps lay the groundwork for those who would commit similar atrocities in the future.

Our amendment provides a practical incentive for Turkey to join the international community in coming to terms with this tragic chapter in history. By acknowledging the Armenian genocide, Turkey will open the door to full diplomatic relations with Armenia.

I do not want to go through the historical account of the genocide because I think that we should try to limit our time here. But I just wanted to say that to this day the government of Turkey maintains this policy of denying that the genocide against the Armenians ever took place.

I, just to give you an example from my own experience, myself and Congressman PORTER have on various occasions written to the Turkish embassy and talked about the genocide. And we get very curt responses suggesting that the genocide never took place, And yet the historical record is clear. There were no Nuremberg trials, and there has been no official atonement by the Turkish nation. And I think the only way that we can make this point and to try to persuade Turkey, which receives millions of dollars of U.S. aid, is to basically try to pass a resolution like this that makes them acknowledge that the genocide took place.

I just want, again, for the sake of time, I just want to point out that there have been many Americans and world leaders who have continued to point to the genocide and the example of the Armenian genocide.

Just to quote two of them here today, if I could, I wanted to mention a statement by President Reagan that was made on April 22, 1981. He said, Like the genocide of the Armenians before it and the genocide of the Cambodians which followed it and like too many other such persecutions of too many other people, the lessons of the Holocaust must never be forgotten.

President Clinton said this year on the anniversary of the genocide, April 21, that he joins with Armenians around the world on this solemn day in commemorating the senseless deportations and massacres of 1.5 million Armenians that took place from 1915 to 1923 in the Ottoman Empire.

The bottom line is that if we do not recognize that genocide takes place, it will happen again. We know that it happens over and over again historically. One of the most disgraceful things I think is when Adolf Hitler said, before he started the preparations for the Jewish Holocaust, he mentioned that no one remembered the Armenian genocide. Therefore, there was no reason why he could not proceed.

We do not want this genocide to continue. The Turkish Government must recognize it. Once they do, I think relations between our countries will certainly be a lot better. I urge adoption of the amendment.

Mr GILMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am pleased to rise in support of the amendment offered by the gentleman from California [Mr. RADANOVICH].

Mr. Chairman, Germany has acknowledged the Holocaust. Japan has apologized for its atrocities in World War II, but regrettably Turkey remains adamant in opposing measures which simply recognize the genocide of Armenians under the government that preceded the Turkish Republic. All this amendment seeks is that the Turks take a step similar to Germany's and Japan's in acknowledging genocide crimes and honor its victims. The Armenians deserve at least that much.

Mr. BONIOR. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to begin by thanking my colleagues who are joining me in offering this amendment today. The gentleman from California [Mr. RADANOVICH], the gentleman from Massachusetts [Mr. BLUTE], the gentleman from New Jersey [Mr. PALLONE] have all put in a great deal of work in bringing this issue to the floor.

Mr. Chairman, I rise today to urge my colleagues to support this amendment.

The Armenian genocide is one of the great tragedies of our century.

Beginning on the night of April 24 in 1915, the religious and intellectual leaders of the Armenian community of Constantinople were taken from their beds, imprisoned, tortured, and killed.

In the days that followed, the remaining males over 15 years of age were gathered in cities, towns and villages throughout Ottoman Turkey, roped together, marched to nearby uninhabited areas, and killed.

Innocent women and children were forced to march through barren wastelands—urged on by whips and clubs—denied food and water.

And when they dared to step out of line, they were repeatedly attacked, robbed, raped—and ultimately killed.

When all was said and done, one and one-half million Armenians lay dead, and a homeland which has stood for 3,000 years was nearly completely depopulated.

Mr. Chairman, we bring this amendment to the floor with the knowledge that all of us have a responsibility to remember the victims, to speak out and to make sure that tragedies like this are never allowed to happen again.

We must pause today and say "Never again."

We can never forget that in 1939, another leader used the Armenian genocide as justification for his own genocide.

This leader said, and I quote: "I have given orders to my Death Units to exterminate without mercy or pity men, women, and children belonging to the Polish-speaking race. After all," Adolf Hitler asked, "who today remembers the extermination of the Armenians?"

Mr. Chairman, it is up to all of us to remember.

For centuries, the Armenian people have shown courage and great strength.

The least we can do is match their courage with our commitment.

Because today, we must be their voices.

If we don't remember, nobody else will.

Mr. Chairman, some may say this amendment will alter our relationship with Turkey, and I agree—it will.

It will give the Turkish government an opportunity to join with us in acknowledging the Armenian genocide.

Such an acknowledgement will help to open the door to improved relations in the region.

We know from ethnic conflicts around the world that differences are hard to set aside until history, no matter how tragic, is acknowledged. Only then can the healing process begin.

Today, let us follow the example of Elie Wiesel, the noted Nobel Peace

Prize Laureate and Holocaust survivor, who said this about the Armenian genocide:

> . . . The Turks should have understood the pain and the anger of the Armenians who are denied the right to remember . . . The Turks today are not responsible for the bloody events that took place 50 years earlier, but they are responsible for their present attitudes regarding these events.

Mr. Chairman, this is our opportunity to confirm the historical record. This is about human rights. It's about historical fact. As this century draws to a close, we cannot allow these tragic events to be erased from our memory.

Support this amendment and stand for those who count on us to be their voices.

□ 1915

Mr. LIVINGSTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong opposition to this amendment. We have already had the Visclosky amendment, and we have treated a NATO ally, a very strong NATO ally, in such a manner that, frankly, we would not dare treat other allies or other members of the world community.

But this amendment takes an act, certainly an atrocity, that was committed by an entirely different government almost 100 years ago and takes a much newer country and rubs their noses in the acts that happened so very long ago. It is just incredible, it is wrong-headed, it is bad policy. I urge that Members vote against this. It is a destructive measure which will do nothing but offend a great ally of the United States and jeopardize our Nation's security.

The measure withholds ESF moneys to Turkey unless the Turkish Government acknowledges the Armenian genocide and takes steps to honor the memory of its victims. Do we require any other nation to admit to blatant political statements? Of course not. This language does not belong in this or any other measure.

The bill already caps ESP at $25 million. It is less than half of the administration's request. The intent of this language is simple: embarrass a valuable ally for whatever political purposes or otherwise, depending on who our constituents may be.

If adopted, the language will eliminate all ESF funding for Turkey. While some in this Chamber are in favor of this, it will have a devastating impact on Turkey.

ESF funding for Turkey is extremely important. The funds will simply be used to help them address long-term structural reforms necessary to sustain growth and ease their entry into the European Customs Union. The funds will also be used to help offset the economic cost associated with the enforcement of U.S. sanctions against Iraq, and I should remind Members that the bill already significantly reduces the amount available for Turkey.

Turkey is, again, one of our most strong and most steadfast NATO allies. The strategic importance to the United States is immense. General Shalikashvili said it best: "Turkey occupies the new front line in the post-Cold War era. The strategic value to the United States of having a staunch and steadfast ally situated in a critical and strategic location in the flanks of the Middle East cannot be overstated."

Turkey has stood with the U.S. during a number of troubling times for our Nation. During the Gulf war she was extremely important. They were one of the first countries to participate in the U.N.-sanctioned embargo of Iraq. This cost them over $20 billion. To this day the negative effects and financial loss are still being felt. Turkey allowed the use of NATO air bases, where over 2,700 strike missions against Iraq were launched. Without the use of these air bases we would not have been able to achieve the victory over Iraq without accruing greater expenses or suffering more casualties.

Since the Gulf war, Turkey's importance in assistance has grown highlighted by their hosting "Operation Provide Comfort" to protect Iraqi Kurds since its inception after the Gulf war; participating in the mission to Bosnia by training the Bosnian army, thereby furthering the critical goal of achieving military parity in the region; signing a military agreement with Israel which provides for joint military cooperation and securing Caspian oil reserves for Western consumption. These reserves provide a viable alternative to OPEC dependency.

Turkey is making serious progress in the area of human rights. It is important to point out that they are one of the only Muslim countries—if not the only Muslim country—with a free press, independent judiciary and all elements of a secular parliamentary democracy. They have established a human rights commission and a human rights ministry designed to monitor human rights. They are a signatory of the United Nations and European Conventions against torture.

Turkey has also instituted many legal reforms that reduce pretrial detention, enforce a detainee's rights to counsel at all stages of detention and ban unethical methods of interrogation such as torture. One point that is often forgotten in the debate is in the presence of a terrorist organization, the PKK, in Turkey.

The State Department's report on human rights situation in Turkey, while it raised many concerns about the situation there, did raise some important points. Continued U.S. support for Turkey is essential, and the PKK represents a major threat to Turkey's sovereignty and territorial integrity.

It would be wrong for us, Mr. Chairman, to include in this bill such inflammatory language as this amendment poses on Turkey.

The CHAIRMAN. The time of the gentleman from Louisiana [Mr. LIVINGSTON] has expired.

(By unanimous consent, Mr. LIVINGSTON was allowed to proceed for 1 additional minute.)

Mr. LIVINGSTON. Whether one supports aid to Turkey or not, one should agree that this is not the forum for such rhetoric. The substance of this amendment has been defeated time and time again in years past, and it should be defeated again.

I urge the defeat of this amendment.

Mrs. LOWEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of this amendment.

Mr. Chairman, this year marks the 81st anniversary of the Armenian genocide, an act of mass murder that took 1.5 million Armenian lives and led to the exile of the Armenian Nation from its historic homeland.

It is of vital importance that we never forget what happened to the Armenian people. Indeed the only thing we can do for the victims is to remember, and we forget at our own peril.

The Armenian genocide, which began 15 years after the start of the twentieth century, was the first act of genocide of this century, but it was far from the last. The Armenian genocide was followed by the Holocaust, Stalin's purges, and other acts of mass murder around the world.

Adolf Hitler himself said that the world's indifference to the slaughter in Armenia indicated that there would be no global outcry if he undertook the mass murder of Jews and others he considered less than human. And he was right. It was only after the Holocaust that the cry "Never again" arose throughout the world. But it was too late for millions of victims. Too late for the 6 million Jews. Too late for the 1.5 million Armenians.

Unfortunately, there are still some who refuse to admit that this genocide occurred. The Turkish Government has actively denied that the Armenian genocide happened. This amendment will encourage the Turkish Government to end this campaign of denial and recognize the suffering of the Armenian people.

Mr. Speaker, after the genocide, the Armenian people cried out, "Let us never forget. Let us always remember the atrocities that have taken the lives of our parents and our children and our neighbors." I rise today to make sure that those cries were not uttered in vain.

I urge my colleagues to support this amendment.

Mr. LIVINGSTON. Mr. Chairman, will the gentlewoman yield?

Mrs. LOWEY. I yield to the gentleman from Louisiana.

Mr. LIVINGSTON. I know that the gentlewoman is concerned about the genocide, as we all should be, by an event that happened almost a hundred years ago. But does the gentlewoman feel that the country of Israel, whose constituents suffered greatly at the hand of the Holocaust, as the gentlewoman well knows, is any less interested in such genocide. Is she aware that Israel has just engaged in some very close negotiations for a warm relationship with Turkey?

Mrs. LOWEY. Mr. Chairman, I am pleased to know that, and I am pleased that there has been some negotiations and discussions and important arrangements made for security between Israel and Turkey, and I would hope that this amendment would encourage the Turks to certainly acknowledge the Armenian genocide and would take a stronger role in freeing Cyprus and in speaking out and acting against some of the human rights abuses.

I understand, Mr. Chairman, the importance of Turkey, in fact, in our regional needs. I understand the importance of Turkey as an important ally. And what we hope to do with this amendment, as with other actions that we hope to take, is send a very strong signal to Turkey although they are an important ally, they must certainly stand up and speak out against all kinds of human rights abuses.

Mr. LIVINGSTON. Mr. Chairman, if the gentlewoman would yield further, perhaps the gentlewoman read the article appearing in the local press about 4 or 5 days ago in which it was indicated that actually Turkey is strengthening its ties with Israel because the United States, for whatever reason, is proving to be a much less reliable ally?

Mr. PALLONE. Mr. Chairman, would the gentlewoman yield?

Mrs. LOWEY. Certainly I yield to the gentleman from New Jersey.

Mr. PALLONE. Mr. Chairman, the only point I wanted to make very briefly is, as my colleagues know, in the same way that the German Government, which today of course, as my colleagues know, could hardly be seen as the successor to the Nazi regime, constantly makes reference and apologizes for what the Nazis did to the Jews and other people in Eastern Europe, and as a result we have a very cleansing effect, if my colleagues will, on the German people and on the German nation. We would like to see the Turkish Government do the same thing. They are the successor to the Ottoman government. Rather than every time we write to them or bring up the genocide, they are coming back to us and saying, and I will do it from my own experience, that it never occurred; that they would acknowledge that this happened in their history and go through this same cleansing process.

So I think the example of the Nazi Holocaust means that they should acknowledge it, not that they should reject that it ever occurred. And I thank the gentlewoman from New York.

Mrs. LOWEY. Mr. Chairman, I thank the gentleman from New Jersey.

□ 1930

Mr. BUNN of Oregon. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am not sure whether we are here to set foreign policy or we are here to have a history lesson, but we are getting quite a history lesson today. Others will talk about the negatives of the Ottoman Empire, without question, but there are some other things that are left out in the discussion.

For example, when we are told about the Nazi regime and the current German Government, if we looked at a map of Germany before and after the war, it would look fairly similar. If we looked at the Ottoman Empire before and after, we would not see anything that was even close. The Ottoman Empire included Turkey, Iran, Iraq, Syria, Lebanon, Israel, and many other territories.

The Ottomans chose the wrong allies in World War I. Their enemies, who were our allies, were not just in the war to defeat the Ottomans, they were also in the war to possess the Ottoman lands. Italy, Greece, France, England, Russia, and others eyed the territory of the Ottoman Empire. Russia wanted Constantinople, which was the key to controlling access to the Black Sea. France wanted, and got, Syria and Lebanon. England wanted Iraq and the Persian coast to protect their interests in India.

With the defeat in World War I, Mr. Chairman, the Ottoman Empire ceased to exist. It was not just one government following another. The empire ceased to exist, just as the Byzantine Empire before them no longer existed. The Sultan had been forced to surrender to the European powers, and the European powers were in the process of dividing the spoils. A group of Turks, led by Ataturk, were unwilling to have their land occupied by conquering armies, so they raised their own force and fought the authority of the Sultan and of the European powers. Turkey was born from this effort.

Mr. Chairman, today's democracy in Turkey is no more responsible for the actions of the Ottoman Empire than the Soviet Union was responsible for the actions of the czars or the United States was responsible for the actions of England before the birth of our Nation.

Mr. Chairman, history is important and it should not be ignored, but neither should we dig up something from 80 years ago and ask a nation that did not exist to apologize for what it did not do.

Ms. PELOSI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of this amendment. I would like to tell Members why. I think it is very important for us to note, and every opportunity we have we should take advantage of, to reject genocide wherever it occurs.

Sadly, more than 80 years after the commencement of the Armenian genocide by the Ottoman Turkish Government, the present-day Turkish Government, and indeed, it is a separate government, not only denies the occurrence of the genocide, but also has initiated a well-financed campaign to distort and tarnish the American historical record on this subject.

Mr. Chairman, passage of this amendment will serve to deter the Turkish government from pursuing their unconscionable coverup of this internationally recognized crime against humanity. But do not take my word for it. Let us reference some American Presidents and how they referred to the Armenian genocide.

President Reagan, at the remembrance of victims of the Holocaust on April 22, 1981, said:

> Like the genocide of the Armenians before it, and the genocide of the Cambodians which followed it, and like too many other persecutions of too many other people, the lessons of the Holocaust must never be forgotten.

In 1990, April 20, President Bush said:

> Their history, though marked by a number of tragedies, nonetheless reflects their faith and strength and the resilience of their tradition. Those tragedies include,

and we are talking about the Armenians now,

> their tragedies include most prominently the terrible massacre suffered in 1915 to 1923 at the hands of the rulers of the Ottoman Empire. I call upon all peoples to work to prevent future acts of inhumanity against mankind, and my comments of June, 1988, reflect the depth of my feeling for the Armenian people and the suffering they have endured.

President Clinton said on April 24, 1996:

> I join with Armenians around the world on this solemn day in commemorating the senseless deportation and massacres of 1.5 million Armenians that took place from 1915 to 1923 under the Ottoman Empire. Tragically, our century has repeatedly born witness to man's senseless inhumanity to man. Together we mourn the terrible loss of so many innocent lives.

There are two issues here, Mr. Chairman. One is the issue of the Armenian genocide. And yes, we should not hold this Government responsible for something that happened 80 years ago. But we can ask this Government not to try to revise history. We can ask this government to stop its campaign to distort the historical record on the Armenian genocide. That is why this amendment is so important. I have heard it characterized a variety of different ways, that it would stop assistance to Turkey, et cetera. That is why I would like to read the amendment, Mr. Chairman.

It says:

> Not more than $22 million of the funds appropriated in this act under the heading "economic support fund" may be made available to the government of Turkey, except when it is made known to the Federal official having authority to obligate or expend such funds that the Government of Turkey has (1) joined the United States in acknowledging the atrocity committed against the Armenian population of the Ottoman Empire from 1915 to 1923; and (2) has taken all appropriate steps to honor the memory of the victims of the Armenian genocide.

So this is not about eliminating assistance to Turkey. This is about cutting back from $25 million to $22 million. Once gain, I think it is most appropriate for this Congress to follow the lead of a bipartisan list of American Presidents and the bipartisan support that we have had on this issue for a long period of time in making our message clear to the Turkish Government, that while we need them as an ally and we respect the progress they are making in human rights, the fact is that their strategic location or the fact of the Islamic fundamentalism in their country is no license for them to try to revise the history of the Armenian genocide, not to disregard the rights of the people in Armenia for humanitarian assistance by their blockade of Armenia.

Mr. Chairman, I urge my colleagues to support this important amendment.

Mr. BLUTE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, tonight I rise to offer my strong support for this important amendment that is before us here today. The amendment we will vote on recognizes the Armenian genocide by simply reducing the amount of economic aid available to Turkey until they acknowledge the horrible events that occurred during the Armenian genocide.

Mr. Chairman, those of us who are offering this amendment know full well that Turkey is a strong ally and a strategic ally of the United States, but the $3 million reduced represents a minimal amount of aid. Turkey will still be eligible to receive $22 million overall. It certainly does not in any way restrict the President in the conduct of our foreign policy, and it does not place Turkey at an economic disadvantage. Furthermore, it does not touch one penny of military aid.

What it does do, Mr. Chairman, is link economic aid to Turkey's willingness to confront its history and acknowledge the Armenian genocide as a terrible event in the history of the Ottoman Empire that should not be brushed aside cavalierly. Consistently and unfortunately, our ally, Turkey, has neglected to acknowledge the Armenian genocide. I recognize that this is a difficult issue, political issue, in Turkey. However, the genocide of 1.5 million innocent people deserves recognition by this House of Representatives. No one today denies the Holocaust of Eastern Europe; at least no one worthy of our attention or respect.

Similarly, no one should deny the Armenian genocide. We are not trying to assign blame, but merely trying to bring attention to a consistent pattern of ignoring the truth and denying historical fact. History is important, and as we have been told, those who forget history are condemned to repeat it. Genocide is a word that we should take very seriously, that makes the soul recoil, and in some ways language refuses to describe it.

Mr. Chairman, tonight I am proud to join with my colleagues, the gentleman from California [Mr. RADANOVICH], the gentleman from Michigan [Mr. BONIOR], and the gentleman from New Jersey [Mr. PALLONE] in supporting this amendment and honoring the memories of those who perished in this genocide, and encouraging and urging our friend and ally, Turkey, to acknowledge this fact of history.

Mrs. MALONEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the amendment, and I commend my colleagues for bringing it to the floor.

Earlier today, we debated and overwhelmingly passed a bipartisan amendment that will cut United States economic assistance to Turkey unless that nation allows humanitarian aid to flow to Armenia. Turkey, an ally to the United States, can and must take a humane step and end its blockade of Armenia. In the same vein, Turkey can and must end its blockade of history. The Armenian genocide was a fact.

The genocide was substantiated by detailed press accounts of the day, as well as by thousands of pages of documents from historical archives all over the world. I have personally sat down with constituents who survived the genocide and listened to their tragic stories.

We all read recently about a Princeton University professor who is the leading academic spokesman for those who deny the Armenian genocide. It was troubling to learn, of course, that his research is bought and paid for by the Turkish Government.

Turkey must stop its historical revisionism. By once and for all acknowledging the crimes against humanity committed by the Ottoman Empire, Turkey will take a great stride forward in its international relations. And Turkey would take a great stride forward for the simple cause of truth and human decency.

Let us make sure that this great House speaks out tonight for truth and justice.

Support the Radanovich-Bonior amendment.

Mr. TORRICELLI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have never heard of such a modest request, more simple in form or in substance. The Armenian people simply want recorded in history what every schoolchild learns at the earliest stages of their education. They seek no revenge and they come forward with no rancor. They recognize that the dead die twice when the crimes against them are not recorded.

In this case, not a few individuals, not just simply a few forgotten souls, but hundreds of thousands, indeed in excess of 1 million, a whole people helplessly locked inside churches, surrounded in villages, hunted down in the streets, the Armenian people suffered the first great genocide of the 20th century.

To some it is a distant part of history, but to those who still live with the memories, to those who lost mothers and fathers and other relatives, it is a haunting nightmare. Indeed, Mr. Chairman, for those who care about history, and here in the final days of the 20th century are committed to the concept that the worst of our time will not be repeated, it is more than relevant. The Armenian genocide is compelling.

Indeed, the story has been told every year in which I have served in this Congress, and it will be told every year until justice is done. In contemplating the genocide against the Jews, Hitler's first question was, "Who remembers the Armenians?"

Today I come to my colleagues and I ask again, who is to remember the Jews, the Cambodians, the Bosnians, all the lost souls of history, if every despot and dictator in our time and in the ages to come can believe that their crimes will ever be forgotten, because if they are forgotten, then in the eyes of history, they are forgiven.

Mr. Chairman, there are some things that must never be forgotten. Crimes against humanity are one of them. I know every Member of this House wants only friendship with the Turkish people. They have been our ally. They have stood with America. But earlier tonight, in arguing on the corridor act, we asked justice in that it is a despicable crime to deny humanitarian assistance to those who are suffering. At other times we cite the occupation of Cyprus, aggression in the Aegean, crimes against the Kurds. There is a compelling argument that a pattern is developing with the Turkish people against her neighbors.

□ 1945

It began with the Armenians. It continues against the Cypriots and the Kurds, and in this Congress we do no favor to our friends in Turkey to deny this simple truth.

So tonight, Mr. Chairman, I rise in support of the amendment vowing that every Member of this House, every year until it is done. We will rise until justice is done for the Armenian people and history is written as history occurred.

Mr. BURTON of Indiana. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we have debated the so-called Armenian genocide issue for the past 13 years. I can remember when I stood at this table with a stack of books this high from historical experts who had studied the so-called Armenian genocide and took issue with the findings of the majority of the speakers here tonight. They do not believe the conclusions that have been reached by the legislation that has been proposed. The fact is, there was a lot of killing on both sides, and there is enough blame to go around. There is no question that a lot of Armenians were killed, but there were also a lot of Turkish people that were killed as well.

Now, the fact of the matter is, there is a divergence of opinion on this issue. Historians from the Middle East come to different conclusions about the issue. And for us to start penalizing an ally like Turkey when there is this huge division of opinion among historical experts, historians, just does not make any sense to me. I could see us kicking somebody in the teeth who is an enemy of the United States, but to go back 70 years, 80 years and start dredging up old wounds and old issues that is going to divide the people in that part of the world makes no sense to me. It just makes no sense whatsoever.

If there was conclusive evidence that the Armenian genocide did take place the way it is depicted here tonight, then I would say let us go ahead with it. But there is a huge divergence of opinion. We had a hearing before the international operations committee just a few weeks ago and we had historians from Turkey, historians from other parts of the Middle East who made it their life's goal to get to the bottom of all of this, and they had very strong differing opinions. It was split right down the middle. So for the U.S. Congress to take one position on this, the position that is being proposed here tonight and penalizing one of the best allies we have, Turkey, makes absolutely no sense whatsoever.

Mr. LIVINGSTON. Mr. Chairman, will the gentleman yield?

Mr. BURTON of Indiana. I yield to the gentleman from Louisiana.

Mr. LIVINGSTON. Mr. Chairman, I know the gentleman from Indiana is schooled on foreign affairs and I know that perhaps he has the answers to these questions, but the thought has occurred to me, we have just, at the behest of the President of the United States, opened up diplomatic relationships with Vietnam. Was there any precondition that the Vietnamese own up to the massive numbers of people that they killed in the revolutions of the last 40 years?

Mr. BURTON of Indiana. There was absolutely none. As a matter of fact, 2,300 POW-MIA's were not accounted for, as every President before demanded.

Mr. LIVINGSTON. And perhaps the gentleman could tell me, has there every been any condition on Boris Yeltsin to own up to the terrible genocide imposed by the Stalin regime against 30 million Russian people and perhaps no telling how many Polish people and other people throughout the CIS today?

Mr. BURTON of Indiana. No, there was none.

Mr. LIVINGSTON. Was there any precondition on foreign aid going to Russia?

Mr. BURTON of Indiana. There was no precondition whatsoever.

Mr. LIVINGSTON. As a matter of fact, was there any precondition on any assistance that we might have sent to our allies of today penalizing the French for what Napoleon might have done or for the British or for what the British Empire might have done throughout the world when they controlled the world, or any despot that might have lived in the last 150 years? Is the gentleman aware of any other country that we have penalized for something that happened 100 years ago or more and said that we are simply not going to honor our commitments to them as a modern day ally?

Mr. BURTON of Indiana. My colleague makes a very, very valid point. What we are doing is dredging up an issue that happened 70 years ago, if it happened at all, and there is a divergence of opinion, and we are penalizing a friend based upon that erroneous information. I thank the gentleman very much for his comments.

Mr. PALLONE. Mr. Chairman, will the gentleman yield?

Mr. BURTON of Indiana. I yield to the gentleman from New Jersey.

Mr. PALLONE. These is a big distinction between what the gentleman was citing and what we are talking about here today. We are talking about a crime against humanity, genocide. We are talking about a country that made a concerted effort to wipe out a people and a country that has refused to recognize that that occurred.

Mr. BURTON of Indiana. Mr. Chairman, reclaiming my time, I have studied this issue and debated this issue for 13 years, and I am telling you that we have brought history book after history book after history book and stuck them up on this table, and there is a strong divergence of opinion about what happened, and that is the problem. Therein lies the problem, because there is no conclusive evidence on one side or the other, and for us to penalize our friends because of inconclusive evidence makes no sense.

Mr. CALLAHAN. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, this debate tonight is not over really whether or not Turkey or some people in Turkey some 80 years ago performed an atrocity on some people. There is no doubt. History documents that. They tell us that that is the fact. We agree that it was an atrocity, all of us here tonight. So the debate is not whether or not the atrocity took place, but whether or not this is 1996 or 1923. Yes, the atrocities took place, but at the same time it is not what took place then, it is what is taking place today.

If we are going to demand that Turkey apologize for something that took place that many decades ago, why do we not at the same time we praise them for some of the good things that they have done? Why do we not look at the fact that history has reflected that Turkey has been a loyal NATO ally for decades? Why are we not praising Turkey for its essential support during the gulf war when it saved thousands of Americans lives? Why are we not standing by Turkey because they stood by us. When the Soviet Union was shattering their borders, they stood by us.

The gentleman from Michigan [Mr. BONIOR] made an excellent point. Today's Turks did not commit these atrocities. Today's Turks are hosting Provide Comfort to provide Iraqi Kurds comfort from Saddam Hussein. Today's Turks signed a military agreement with Israel, a key United States ally in the Middle East. Today's Turks are sworn to fight on the side of American soldiers to protect our interests in Europe. Today's Turks saved hundreds of American lives during the gulf war.

This amendment is an unbalanced amendment, and it fails to differentiate the past from the future. Why do we not, as the gentleman from Louisiana [Mr. LIVINGSTON] suggested, talk about Vietnam? We are trying now to do some business with Vietnam to open trade relations. Why are we not demanding an apology from them? We are trying to build power plants in North Korea to stop them from nuclear proliferation of power plants. Why are we not first demanding from them before we go in there with KEDO and say you, you must issue an apology to the United States of America? Why are we not doing it to Japan? Why are we not doing it to Germany? Why are we just picking on Turkey?

Mr. Chairman, I do not stand here and defend for one minute the fact that these atrocities took place, but I do stand here and defend this bill and to tell you that this is 1996. Our military, our national government is insisting and hoping that we will let them handle foreign policy, we will let them address this issue. Sooner or later, they will apologize. But it should not be in this piece of legislation. Let us not send a message to the world that just because you did something 60, 70, 80, 100 years ago that we are not going to consider you in ally anymore, but rather we are going to condemn you.

This is a good bill as it stands. We already have one limiting amendment to Turkey already, and this one just goes a little too far. So we worked hard, we worked long, we tried to reach some reasonable agreement on both sides of the aisle with respect to all of the issues in this bill, and I would encourage this body to reject this amendment because it simply goes too far, and unnecessarily so.

Mr. WISE. Mr. Chairman, I rise to strike the requisite number of words.

Mr. Chairman, I rise in very strong opposition to this amendment for all the reasons that have been outlined by the chair and others, but for some others as well.

If we are going to talk about history, I would urge new Members particularly not to make some of the mistakes of history, mistakes such as I made. I voted for this amendment the first time I was here, my first session, and then I started to look at it more thoroughly. Please, before you vote on this, look at a map, a map of the world, and look at Turkey and look at where Turkey is situated. Of course, it was even more clear-cut in the old days, the old days being what, 5 years ago. It was even more clear-cut that it was the Soviet Union that we were up against and Turkey was like a knife blade in the flank of the Soviet Union, listing posts for us, staging area, but someone that we counted upon as we contended with the Soviet menace. Well, of course, we do not have that anymore. But we do have a very, very real situation in the world today.

Continue to look at that map, because while you are looking at the former Soviet Union, you are also looking at a nation that borders Iran, a nation that borders Iraq, a nation in its proximity to Syria, all very bad actors on the world scene. Yet this is a nation that we are going to drag up a 70- or 80-year dispute that is intensive, that is vitriolic, that is red hot to all parties involved, and we are going to insert ourselves right in the middle of it? It is insane to me.

I also ask my colleagues to look at the present day situation in Turkey. Turkey is not a stable country. We like to think that it is, but its democracy is undergoing some rough times right now as it deals with what some of those bordering nations have not dealt with very well, as it deals with the pressure of modern day fundamentalism, the fundamentalist Muslim movement that threatened the government when it was up for election this time.

In the last election, which was fairly recently, within the last year, the Prime Minister's party lost, that party which was sympathetic to the United States. There is a coalition that has been cobbled together. That coalition incidentally may fall, based upon some things that have happened recently. That coalition was cobbled together. In many ways, that is all that stands between having a secular state and one that is a Muslim fundamentalist state, another state which, incidentally, you will not have to have this debate, because if that happens, Turkey will no longer be on the board as an ally of the United States.

I do not have to go too far back to the Persian Gulf War, if we all remember 500,000 men and women from the United States in the Persian Gulf fighting against Saddam Hussein. Who was the person we were looking to then for a lot of our assistance? It was Turkey. Where is it that we still have a lot of our materiel based right now? It is Turkey. Yet, this is a nation that we are going to bring up this historical dispute, kick around a little bit, threaten governments and say, I am sure things will be the same as normal.

I do not know about the history of it. Genocide is terrible wherever it occurs, and everyone is going to have to form his or her own opinions. I do think that the chairman, full committee chairman and others have pointed out that there are many other instances of genocide as well where similar action has not been taken. But I can tell you this. There are going to be a lot of us that deeply regret this resolution passing, if indeed it passes, if indeed it should be enacted. We will cause, simply by passing this resolution in the House, particularly based upon what occurred just a few minutes ago, by passing this resolution will be enough to cause significant mischief in the foreign relations between this country and Turkey.

Mr. Chairman, I just beg my colleagues not to pass this resolution. I would once again urge new Members, those of you who have been here less than 4 years, please, please, go look at that map before you come over to this floor for a vote and look at the significance of the vote you are casting.

Mr. MENENDEZ. Mr. Chairman, this amendment will ensure that the 1.5 million victims of the Armenian genocide will not be forgotten. By telling their history and evoking their names we protect them and indeed ourselves from those who would willfully erase from history their lives and the tragic events which occurred between 1915 and 1923.

As with the Nazi Holocaust, we have a responsibility to society to recount the history of the Armenian genocide so that we do not forget its victims and so that we remember man's capacity to destroy others who differ in their opinions, race, religion or ethnicity.

Genocide is the most egregious crime. It is not a crime of passion or revenge, but rather of hate—its innocent victims are guilty only of being born to a different mother.

Since 1923 Turkey has virtually denied the Armenian genocide. There has been no justice and there were no Nuremberg trials for the victims and the families of the Armenian genocide. This amendment is not about cutting aid to Turkey, it is about justice for Turkey's Armenian victims.

Ralph Waldo Emerson tells us:

> The history of persecution is a history of endeavors to cheat nature, to make water run up hill, to twist a rope of sand. The martyr cannot be dishonored. Every lash inflicted is a tongue of fame, every prison a more illustrious abode; every burned book or house enlightens the world; every suppressed or expunged word reverberates through the earth from side to side. Hours of sanity and consideration are always arriving to communities, as to individuals when truth is seen and martyrs are justified.

This amendment gives us an opportunity to make the words of Mr. Emerson true. Support the victims and the families of the Armenian genocide and support this amendment.

Mr. MANTON. Mr. Chairman, I rise today to urge my colleagues to vote in favor of this very important amendment introduced by Rep. RADANOVICH. The Armenian genocide of 1915–1923 is a tragic event that should never have taken place. This amendment simply states that the country of Turkey should recognize the devastating event that took place 81 years ago as a genocide. It is of vital importance that we do not allow any country to view this event casually.

This amendment would ensure that Turkey take steps to honor the memories of the victims of Armenian genocide. Turkey must come to terms with this tragic event in history. Not only would this amendment enable Turkey to properly remember those who were brutally killed by the Ottoman Empire, it will open doors for full diplomatic relations between Turkey and Armenia.

Mr. Chairman, this amendment would not only persuade the Turks to properly recognize the Armenian genocide, it would lay the groundwork for a peaceful existence for future generations in those two countries. This amendment does not change history, it simply asks the Turks to join those who still live with the nightmare and brutal memories of what happened to Armenian people over 80 years ago.

I urge my colleagues to support this honorable amendment.

Mr. LEVIN. Mr. Chairman, I rise today in support of the Bonior amendment. It presents a practical approach for Turkey to finally come to terms with a terrible chapter in the Armenian genocide.

Eighty-one years is far far too long to deny the deaths of 1.5 million Armenians. And yet to this day, the Government of Turkey has remained silent—a silence that is deafening.

The Bonior amendment provides a proper incentive for Turkey to finally end the silence. It also sends a message throughout the world that despots cannot and will not get away with crimes against humanity.

History shows that we cannot forget the past lest we be doomed to repeat it. Only through remembering and acknowledging the past can we stop such horrible crimes against humanity from happening again. I urge my colleagues to vote for the amendment.

□ 2000

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. RADANOVICH].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. RADANOVICH. Mr. Chairman, I demand a recorded vote, and pending that I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to the rule, further proceedings on the amendment offered by the gentleman from California [Mr. RADANOVICH] will be postponed.

The point of no quorum is considered withdrawn.

AMENDMENT OFFERED BY MR. BURTON OF INDIANA

Mr. BURTON of Indiana. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BURTON of Indiana: Page 97, after line 5, insert the following new section:

LIMITATION ON ASSISTANCE FOR INDIA

SEC. 573. Not more than $48,674,000 of the funds appropriated in this Act under the heading "Development Assistance" may be made available to the Government of India, or to nongovernmental organizations and private voluntary organizations operating within India.

Mr. BURTON of Indiana. Mr. Chairman, we have talked about human rights violations that may or may not have taken place 70 years ago, but what I want to talk about tonight are human rights violations that are taking place today.

First of all, let me just say if we were not even talking about human rights violations, this amendment would make sense, because what it does is it freezes assistance to India at last year's spending level. We are not cutting the aid to India, the developmental assistance, we are just freezing it at last year's spending level.

The administration and the bill chose to raise it by $8.3 million. So what we are doing really is not cutting anything, we are just freezing spending at last year's level, but it will save $8.3 million because we are not going to allow the increase. So if for no other reason than the fiscal impact, this bill makes some sense.

But let us talk about what is going on in India today in a place called Kashmir, Punjab, Nagaland, and elsewhere. More than 150,000 Sikhs have been killed by the Indian regime since 1984. This includes more than 40,000 killed in the Delhi massacre, over 20,000 killed in the Golden Temple attack, and 25,000 killings documented by other leaders over there. India has also killed over 200,000 Christians in Nagaland since 1947 and more than 40,000 Muslims in Kashmir since 1988 and tens of thousands of Tamils and others.

According to the U.S. State Department, between 1991 and 1993 the Indian regime paid over 41,000 cash bounties to police officers for killing innocent people, Sikhs. Women in Kashmir, because of their Muslim beliefs, are taken out in the middle of the night, their husbands are held at gun point in their homes, and the women are gang-raped, and many of those women commit suicide or leave the country because of the shame that is brought upon them. This is happening today.

This picture shows a picture of a man who has been disemboweled and tortured. His arm has been burned severely, he has been disemboweled, there are burns on his side. This is what the Indian occupied troops are doing in Kashmir and Punjab. They have 550,000 troops in Kashmir, they have 550,000 troops in Punjab, and this goes on daily.

Recently, I want to read to my colleagues what happened when a fellow was stopped. One of the leaders was stopped, he was taken out of his car and he was killed. They took his driver, they tied his legs, one to one car and one to the other, and they drove off in different directions and cut him in two.

This is not baloney, folks, this is really happening, and it is happening at the hands of the Indian Government. We are our brother's keeper. We should be concerned about human rights violations wherever they take place in the world. We may have some differences of opinion on what happened 60, 70, 80 years ago, but today in India, In Kashmir and Punjab, this is taking place. This is happening right now.

They drained some canals in Punjab and Kashmir, and they found hundreds of bodies with their hands tied together and their feet bound, and they were thrown in the canal and drowned. They estimate, according to reports that we have, that almost every single person that is taken into prison in Punjab and in Kashmir is tortured. This goes on every single day.

We might say, well, if that is happening, why does the world not know about it? Well, Amnesty International is not allowed in there. Other human rights groups are not allowed in there. Television cameras are not allowed in there, and so the world does not see it.

Now, if Congressmen go over there and they seem to have a bias toward India, what they will do is they will take them out there with Indian troops and Indian guides, and they will go through to talk to people. But those people will not respond because they are afraid they will be tortured or punished later on if they say anything in front of the Indian officials that are with the traveling people that come in there.

The fact of the matter is that area should be opened up. The world should be able to see. If they could see what is going on in Punjab and Kashmir and Nagaland, the world would shudder, because it is as bad as what was going on in Bosnia.

The CHAIRMAN. The time of the gentleman from Indiana [Mr. BURTON] has expired.

(By unanimous consent, Mr. BURTON of Indiana was allowed to proceed for 2 additional minutes.)

Mr. BURTON of Indiana. Mr. Chairman, we have talked about this before, and I know I have a lot of my colleagues who have Indian constituencies who are going to stand up here tonight and say all of this is baloney and it is not really happening. Well, I want to tell my colleagues I have had CIA informational reports, I have had other documented reports that have come into my office over the last 13 years, and I am convinced beyond any reasonable doubt that these things are occurring.

All I am asking tonight is to send a signal. I am not saying cut off all developmental aid to India, I am not saying cut off every dollar, although I think we should. We should not be supporting a regime like that. But what I am saying is let us just send one little signal to the Indian Government that the United States Congress does not want to stand still for human rights violations, and the way to do that is to freeze spending at last year's spending level. We are not even asking to cut it. Just freeze it at last year's level and do not give them an $8.3 million increase.

The people over there every night go to bed in fear for their lives, not knowing if they are going to be dragged out in the middle of the night to be tortured or killed or raped. It is time to at least give them some solace by letting them know that the Congress of the United States does care about human rights and does care about what is going on in that part of the world.

I do not care if human rights violations take place in Africa, in India or anyplace else, we should be concerned and we should send a signal, and we should not be rewarding that kind of activity. So I would just like to say to my colleagues in closing, let us send a little signal tonight, a little small signal saying we do not tolerate this sort of action.

Mr. HASTINGS of Florida. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I know that my colleague from Indiana is extremely serious about the matter that he brings to the attention of the body this evening. I would only urge upon him when we discuss human rights around the world that we be mindful also of human rights violations within the confines of the United States.

I listened actively to the debate a moment ago about asking the Turks to apologize for atrocities that took place some years ago against Armenians and many Members will come to vote on that rollcall vote with this country never having apologized to black folk in this country for slavery in this country, and I am not talking about the gentleman from Indiana [Mr. BURTON]. I am talking about the country. We need to be very cautious when these elections are taking place like in Turkey and in India and we recognize the value of these countries for a variety of reasons.

Right here in our country, for example, there is no massive outcry in this body—there is among some Members—about church burnings that are taking place in the South at black churches. So let us get a little careful before we throw stones.

I rise in opposition, Mr. Chairman, to my good friend DAN BURTON's amendment. This marks the third year that the gentleman from Indiana [Mr. BURTON] will submit an amendment that singles out India for punitive treatment. Ironically he was on the floor a moment ago arguing about others singling out treatment for Turkey. It sounds to me like a whole lot of political pandering is going on in this body. These alleged claims of India's human rights violations, despite the fact that the State Department has praised India for its progress in this area, have always been based on outdated and mistaken information. Yet this year these attacks will be especially damaging to United States-India relations in light of India's recent economic reforms.

Present the United States is India's largest trading partner with investments reaching $5 billion this year. United States firms such as General Motors, McDonnell Douglas, GE, AT&T, Boeing, and Citicorp, major investors in India, are taking advantage of its strong intellectual property rights laws and highly skilled work force, many of whom are in the United States of America. The Enron Oil & Gas Co., which I received, as did a lot of Members, a letter from dated June 3, has three plants throughout India which together make Enron the largest non-Indian energy developer in India. Such investments are currently possible as India is taking increasing steps away from a command and control economy. Yet DAN BURTON's amendment would send the wrong signals to India, discouraging it from continuing with these reforms and improving its economic ties with these United States companies.

My good friend's amendment also ignores that India is not only the world's largest democracy but has just completed the world's largest free and popular election ever. Our foreign policy should be aimed at encouraging democracy rather than punishing it with unjust punitive measures, and I caution my friends with reference to the Turkish matter that they be mindful of elections and the results there as well.

Finally, my good friend's attacks on India's human rights record is not consistent with its ongoing improvements in this area. An independent human rights commission found the Indian Government to be cooperative and consistently complying with the proposals and reforms of its human rights commission.

India, the world's largest democracy, is currently taking tremendous strides to open its economy and improve its relations with the United States. I believe that your amendment caps development assistance but it does nothing but damage these relations by sending the wrong signals to India's Government as well as hurting our own American companies that are already working to make future projects possible in a truly promising market.

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield?

Mr. HASTINGS of Florida. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. First of all Mr. Chairman, let me thank my colleague for yielding. I would like to say that there is money to be made in India. I will not discount that fact. There is a lot of American companies who want to go over there and are over there making money and they are very concerned because they have an ax to grind. But the fact remains that human rights atrocities are taking place in Punjab, Kashmir, Nagaland, and elsewhere. When we were talking about Turkey just a few short minutes ago, we were talking about something that may or may not have occurred. There is a big divergence of opinion among historians in Turkey.

The CHAIRMAN. The time of the gentleman from Florida [Mr. HASTINGS] has expired.

(By unanimous consent, Mr. HASTINGS of Florida was allowed to proceed for 1 additional minute.)

Mr. HASTINGS of Florida. Mr. Chairman, I continue to yield to the gentleman from Indiana.

Mr. BURTON of Indiana. If I might conclude, my concern is these human rights violations do occur. All I want to do tonight is send a signal to the Indian government that we do not approve and that there ought to be some change in policy. It is not punitive from the standpoint that we are penalizing them because we are not cutting the aid they got last year by one dime. We are only not allowing them to get an increase.

Mr. HASTINGS of Florida. Reclaiming my time, I just suggest not only as pertains to India but elsewhere around the world, and I do not accuse the gentleman from Indiana of being arrogant, but very often we start because of our parochial or personal political considerations to point fingers at others. We would almost be in a position of not being able to do any business anywhere in the world if we were to just identify human rights violations as the only link that we must have considered before we do business.

We are getting ready to do MFN China, we do business with Russia, we do business all over this world. With Nigeria we have on one decertification link; Pakistan, we do not on another and I have not even reached South America. I could go on and on.

Mr. McCOLLUM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have been involved in working with India for the past, oh, 7, 8, or 9 years now and the beginning of that relationship was because of the great work that was being done there as well as here in trying to combat the rising tide of international terrorism. But in that process, I have learned a lot about India and I have watched the development of a relationship between the United States and India which has changed and grown and become far greater in terms of the strength and importance to the United States not only as a trading partner with India but also from a strategic and national security standpoint.

□ 2015

I regret to say that the proposal of the gentleman from Indiana tonight would do a great deal to undermine this growing relationship that I believe would be detrimental to not only our trading partner interest but our national security interest. We are seeing today that we have had since 1991 joint military exercises with India. They have a 4,000-mile border with China. China is a very unknown quantity for us in the future.

As our relationship with this great emerging democracy of India has grown and is growing, we need to be secure in knowing that we will have a long-standing and firm relationship in the Near East with a democracy that will be there and be our ally for a long time into the future.

I can describe any number of atrocities that I know have occurred in lots of places in the world, and I do not deny for a minute that we have had some human rights violations in the past in India. But to the best of my knowledge, in doing the research and trying to keep up with this, the Government of India, both past and certainly the new one coming in, which has had nothing to do with that in the past, the one that was just elected recently, but the government that was in charge for quite a number of years has taken great strides to eliminate those violations.

My judgment and observations are that those strides have been very effective. Now to say that every single violation in every place has been eliminated, I could not stand here tonight and tell you that. But I can say that they made great progress. It would be insulting and improper and not a good thing for us to do to go back and slap them in the face.

This same type of proposal was offered by the gentleman from Indiana [Mr. BURTON], slightly a variation on the terms, for several Congresses, in an effort to criticize and to rebuke India for these perceived violations which are old hat by now.

Yes, we are dealing with the facts of today's world, and I can tell you, looking at the terrorism issue, for example, that there are tremendous problems that exist out in the world in this regard. We have a rising, growing movement of a messianic totalitarian world out there in the Muslim area. We are seeing in Iran and Sudan a grave movement of governments that are going to promote this, to try to take control of their way of looking at things throughout southern Europe, northern Africa, the Middle East, the Near East, all the way to the Philippines. That is a movement that is very strong right now. Most Muslims do not believe in it, but there is a radical group that wants to have those governments.

India has the second largest Muslim population in the world. The same terrorists that have come here to bomb the World Trade Center do not like the life in the United States. They see us as getting in their way. They want to move us out. They want to control all those governments, including ultimately the government of India.

We share a lot of bonds in trying to combat that terrorism, among other things. We share growing bonds of concern over China and perhaps an axis someday, depending upon the results of the elections in Russia, between China and Russia and the threats that come from the destabilization that is going on out there of nuclear controls after the fall of the Berlin Wall and the breakup of the Soviet Union.

What I am saying in short is that between the tremendously new relationship that was described by my colleague from Florida on the trading front with all of the investment of the United States in India and all the Indian trade investments here that have grown over the last 5 or 6 years from a mere $500 million to over $5 billion, we also have in addition to that concern with this Burton amendment the disruption of a growing relationship on the national security front with the country of India. It is something that I just do not think we should risk with this type of an amendment.

There are ways to protest, and we should protest human rights violations anywhere in the world. But I do not think that this is the appropriate place tonight to do it, with all due respect to the gentleman from Indiana, with this amendment. I would strongly urge my colleagues to vote no on the Burton amendment.

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield?

Mr. MCCOLLUM. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Let me say in its report Dead Silence, the Legacy of Abuses in Punjab, Asia Watch said that over the last 5 years there were between 4,000 and 5,000 people that were tortured in one police station alone, according to a police official there. This is in one police station alone in the last 4 to 5 years in Punjab. We are not even talking about Kashmir.

Let me just say one more thing, if I might, if the gentleman will yield.

The CHAIRMAN. The time of the gentleman from Florida [Mr. MCCOLLUM] has expired.

(By unanimous consent, Mr. MCCOLLUM was allowed to proceed for 1 additional minute.)

Mr. MCCOLLUM. Mr. Chairman, I yield to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. The inadvertent depiction, I hope, that Muslims in America are out to overthrow our government, at least that is the way I interpreted it.

Mr. MCCOLLUM. Reclaiming my time, I did not say that Muslims in America were out to overthrow our government. I said there is a messianic totalitarian movement in Iran and Sudan that would spread across the world, if it could, and like to capture the control of governments, that India is an important link to stopping that terrorism threat.

I would like to say to the gentleman that Asia Watch has not been accurate about a lot of this in the past. I do not believe they are accurate today about the human rights violations. I would cite that the American Conservative Union, no less, has a paper out today that I have in mind that says we should not be adopting your amendment, that things have changed with India, that we ought to look at the national and international strategic alliance that India's new vibrant democracy provides to us.

While, yes, we do not want to put our heads in the sand about violations of human rights, we have to look out about America's national security interests first. We have to look at reality, which is India is emerging from the past. It is doing a good job now.

We should defeat the Burton amendment.

The CHAIRMAN. The time of the gentleman from Florida [Mr. MCCOLLUM] has again expired.

(By unanimous consent, Mr. MCCOLLUM was allowed to proceed for 1 additional minute.)

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield?

Mr. MCCOLLUM. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. I just want to say to my colleague that I have been to a lot of meetings with Christians and Muslims around this country. The Muslims are very sensitive because they feel like they are being depicted as terrorists. Probably 97, 98, 99 percent of them are very patriotic Americans and law abiding. I think it is real important that we in the Congress of the United States bear that in mind when we are debating issues of this magnitude.

Mr. MCCOLLUM. Mr. Chairman, reclaiming my time, I would concur with the gentleman completely, and I agree. I do not make speeches anywhere where I do not say something similar to what he said. But that does not take away from the fact that there is a messianic totalitarian movement of a minority of Muslims to control all Muslim governments in the world, and they are terrorists by nature in how they operate.

They are involved in India. They are involved in wanting to thwart the United States interest in that part of the world, and they are involved in things like bombing the World Trade Center. We have that plus the relationships that I have described with India that we need to keep and maintain. The idea of going in and slapping India's face with this amendment tonight in the face of the need for the new relationships with India is wrong. I urge a vote against the Burton amendment.

Mr. PALLONE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Indiana. This amendment is not a cutting amendment, rather, it is strictly an attempt to stigmatize India and I think the gentleman from Indiana has essentially said as much. This amendment will unfairly tie the hands of those agencies, including nongovernmental organizations, religious relief efforts, and AID receive U.S. Government assistance. This is the wrong amendment at the wrong time.

Recently the Congressional Caucus on India and Indian-Americans, which I cochair with the gentleman from Florida [Mr. MCCOLLUM], hosted a briefing presented by Linda Morse, the India program director from United States AID. Miss Morse also briefed staff of the Asia and Pacific Subcommittee. What we learned was that the AID program in India supports economic growth, child survival, and environmental protection.

At a time when India is 5 years into a economic reform program, the AID program in India is helping with privatization, deregulation, increased foreign investment, and development of capital markets and encouraging competition.

In the past, the gentleman from Indiana has criticized India on human rights and he does so again tonight. Let me report that India's human rights record is steadily improving. An independent National Human Rights Commission with unprecedented powers has been established. The commission has been lauded by many international agencies, including our State Department, for its aggressiveness and independence.

Again last year, the chairman of the Human Rights Commission, a former chief justice of India's Supreme Court, came to Capitol Hill, again under the auspices of the India Caucus and addressed Members and staff. I only wish the gentleman from Indiana had been there to hear about the great progress and what was said. This is the kind of development we would like to see happen in many of India's Asian neighbors.

The Indian Human Rights Commission has won praise by our State Department. Assistant Secretary of State Robin Raphel says the commission "has surprised the skeptics and begun to establish itself as an effective advocate for human rights."

During his visit to the United States last year, Mr. Misra, the chairman of India's National Human Rights Commission, met with representatives of Asia Watch, Amnesty International and the International Red Cross. He indicated that there will be progress on these organizations sending representatives to India. Clearly the steps taken by India to remedy human rights problems are far superior to the efforts of India's neighbors; I particularly mention Pakistan and China.

Whether it is market reforms, democracy or human rights, time and again, it is India that is taking the lead in providing a model for other developing countries in Asia and throughout the world.

What I find most disturbing about this amendment is that it set its sights on the wrong target. Under the guise of sending a message to the government of India, the amendment frustrates our ability to work with the Indian people to aid the poorest and neediest people in that country, and to make important economic reforms.

An amendment offered in the name of human rights should not go after the humanitarian programs. This is not the right way to make America's moral persuasion felt around the world.

Mr. Chairman, I am also concerned that the debate over human rights in India, and specifically in Punjab and Kashmir, seems to focus entirely on one side of the issue. I do not want to get into a debate over which side did what, or who struck first or why. The important distinction is that the Indian Government is being held accountable for actions by its security forces while the separatist groups operate with no accountability at all. By cloaking themselves in the mantle of freedom fighters, these organizations reserve unto themselves the right to strike at civilian targets with impunity.

Many of the militant organizations receive support, both moral and financial as well as arms, from other nations. Most importantly, Pakistan has frequently had links to terrorist organizations in India in a direct attempt to destabilize its neighbor.

Under these conditions, imposing punishment on the Government of India will have the unmistakable effect of encouraging and emboldening those groups which seek by violent means to pursue their separatist agendas. This is the type of behavior we are going to be rewarding with this amendment.

Mr. Chairman, this amendment has nothing to do with what is really going on in India today, in 1996. We should reject this amendment. If it is necessary to make spending cuts and restructure AID, so be it. But let us base it on fair criteria, not unfairly singling out India for a symbolic slap on the wrist that this emerging country clearly does not deserve.

Mr. GILMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I reluctantly rise in opposition to the Burton amendment. I agree with my good friend from Indiana that India has a very serious human rights problem in Kashmir and the Punjab. Amnesty International and Asia Watch have well-documented proof of torture, rape, and executions by Indian security forces.

But we should not forget that these same human rights organizations also denounce the Muslim terrorists who receive crucial support from elements of the Pakistani Government.

There are no excuses for India's security forces' serious misbehavior. But we must not lose sight of the context of which it is taking place. For the first time in India's history it shares a border with Communist China due to Beijing's illegal and violent occupation of Tibet. For this reason China fuels the fire between India and Pakistan by transferring nuclear weapons production technology and nuclear capable missiles to Pakistan.

India and Kashmir are between a rock and a hard place. The situation is more complicated than what meets the eye. And while the security forces must be stopped from committing its outrageous and inexcusable abuses, we need to find another way to help end the suffering in Kashmir and the Punjab.

Accordingly, I reluctantly oppose my good friend's amendment.

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield?

Mr. GILMAN. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Chairman, I appreciate the way the gentleman has presented his arguments. I would just like to ask one question rhetorically and that is this: If you lived in a neighborhood and you were a Muslim in Kashmir and they held you at gunpoint in your home and a bunch of soldiers took your wives down the street, out in the streets and gang raped them, do you think you would want to rebel and fight back?

Mr. GILMAN. Mr. Chairman, I certainly do, and that is why I criticized the Indian security forces for its abuses.

Mrs. CLAYTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to strongly urge a vote against any amendment that may be offered to freeze, cut, cap, or condition foreign assistance to India and particularly the amendment currently before the House.

The Burton amendment, if it passes, will do damage to the growing economic and diplomatic relationship between the United States, the world's oldest democracy and India, the world's largest democracy.

While the loss of even one precious life should always be a cause for our concern, the human rights violations that have been alleged concerning India are greatly overstated.

A 1995 human rights report by the State Department sharply contradicts many of the claims that are being made, particularly those claims about loss of life.

That same 1995 report, moreover, also forcefully praised India for establishing an independent Human Rights Commission under the direction of a former Supreme Court Justice. To date, the Commission has prosecuted more than 200 human rights violations, convicting and imprisoning those security personnel found to be guilty of abuse.

The relationship between the United States and India is growing stronger every day. The United States is now India's largest trading partner and largest investor. United States investment in India has grown by 500 percent in the past 5 years, from $500 million in 1991 to $5 billion this year. American companies, such as GE, Boeing, AT&T, Merrill Lynch, Motorola, and Amoco, are finding the Indian marketplace as large and as vibrant as the marketplace of China.

Unlike China, however, India is a democracy, with the world's largest middle class, an active free press, enforceable property rights, and a common-law legal system.

We should not retard the progress we have made with India during the past 5 years by passing the Burton amendment. There are elements in India who welcome the Burton amendment, elements who would turn back the clock of progress that has been made between our Nation and India. We must not play into their hands.

I strongly urge you to vote no on any amendment that may be offered against India during consideration of the foreign operations bill.

Vote "no" on the Burton amendment.

□ 2030

Mr. KNOLLENBERG. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to express opposition to the amendment offered by my good friend, the gentleman from Indiana [Mr. BURTON]. The biggest concern I have is this amendment will ostracize India at a very critical point in time.

India is moving forward, as others have said, on important economic reform programs, making it one of the most important big emerging markets. The United States is working to build a stronger relationship with India, and we are now India's largest overseas investor and trading partner.

These steps have come about very strongly in the last 4 or 5 years. These steps help to bring India closer to the United States. This amendment, I believe, is needless and damaging to this progress that is being made to the relationship between the United States and India.

India is a developing country, and it does have problems and the gentleman has alluded to those, as have others. But India is working to solve those problems. The Indian Government has taken important steps to end any abuse of human rights within its borders. It has, as others have mentioned, established an independent national human rights commission to investigate and prevent human rights abuse cases, as the gentleman from New Jersey [Mr. PALLONE] stated a moment ago.

Assistant Secretary of State Robin Raphel has said the Commission, and I will not repeat it entirely, but it has surprised the skeptics in a very, very strong way and has begun to establish itself as an effective advocate for human rights.

India is bringing greater accountability to all government forces. And the Indian Government is allowing access for international efforts to monitor its progress. The U.N. High Commissioner for Human Rights has praised the advances India has made on human rights.

I firmly believe that passing this amendment will risk jeopardizing our close ties with India. Damaging our relationship with India will weaken our ability to use the persuasion and cooperation that we have to help India move toward full democracy and development, and we can best encourage the resolution of the problems that face India by remaining involved, and this is one of those ways of remaining involved.

This amendment will punish India for making significant efforts to correct its problems. This amendment will lead us to shutting ourselves out of involvement with the India Government and hinder our efforts to help create a prosperous and free country.

Again, Mr. Chairman, I urge my colleagues to oppose this amendment.

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield?

Mr. KNOLLENBERG. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Chairman, briefly, the gentleman just said that U.N. Human Rights Commission said they were making real progress. I want to read to him one paragraph from the Washington Post on May 19, less than a month ago. They said Human Rights Watch Asia said State-sponsored militias are committing grave human rights abuses, including summary executions, torture, and illegal detention in the only Muslim majority state in mostly Hindu India. This is less than 1 month ago.

And if I might say one more thing briefly, and that is this. Does the gentleman really think not giving them an additional $8.3 million is going to hurt our economic ties with them?

Mr. KNOLLENBERG. Mr. Chairman, reclaiming my time, I would say to the gentleman that we have been through that already this evening a number of times. I do not stand for that. I know the gentleman does not stand for that. Nobody stands for those kinds of things.

The fact of the matter is we have something ongoing with India that can improve those situations. By slamming the door on India, we do not help that situation.

Mr. BERMAN. Mr. Chairman, will the gentleman yield?

Mr. KNOLLENBERG. I yield to the gentleman from California.

Mr. BERMAN. Mr. Chairman, I thank the gentleman for yielding, and I want to commend him on his statement. I want to focus on two aspects of it.

One, the world's largest democracy just had an election. In the Punjab, the source of tremendous strife, the source of terrorism, the source of massive state reaction to that terrorism, they have an election, a free election, where the Congress Party, the government in power during much of the strife, was thrown out of power, where a Sikh Coalition Alliance won almost all the seats in that province and it will now represent the State of Punjab in the Federal Parliament.

It is the best example of the process of moving away from this kind of terror toward democratic participation. To come in now and cut the aid, not that goes to the Indian Government, but that goes to private voluntary organizations that are helping the poorest of the poor, and we are talking about 600 million poor people, malnourished, a terrible situation where they still manage to participate in a democratic process, to now take this niche out of the aid going to these people to me makes no sense, does not accomplish America's purposes, does not serve the people we try to help with foreign assistance, and I want to commend the gentleman for his statement.

The CHAIRMAN. The time of the gentleman from Michigan [Mr. KNOLLENBERG] has expired.

(On request of Mr. BURTON of Indiana, and by unanimous consent, Mr. KNOLLENBERG was allowed to proceed for 1 additional minute.)

Mr. KNOLLENBERG. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Chairman, let me say this. This is an article that is less than 1 month old. The gentleman talked about the free elections. On May 24, this is a report here in the Washington Newspapers, armed troops, armed troops herded Kashmirians to the polls yesterday for the rebellious state's first elections in 7 years, forcing Kashmirians to participate in an Indian Government election they wanted no part of.

So they literally forced them to vote.

Mr. BERMAN. Mr. Chairman will the gentleman yield?

Mr. KNOLLENBERG. I yield to the gentleman from California.

Mr. BERMAN. Mr. Chairman, my comments were directed to what happened in the State of Punjab, which is the area of India which the gentleman addressed his initial comments to when he spoke. There is no doubt the Indian Elections Commission has affirmed that there was coercion and intimidation in the vote in Kashmir.

We can spend the next 2 hours talking about the miserable problems in Kashmir, the terrorism, the state militias that are wreaking havoc there, but let me tell the gentleman one interesting thing about the election in Kashmir.

The CHAIRMAN. The time of the gentleman from Michigan [Mr. KNOLLENBERG] has again expired.

(On request of Mr. BERMAN and by unanimous consent, Mr. KNOLLENBERG was allowed to proceed for 1 additional minute.)

Mr. KNOLLENBERG. I yield to the gentleman from California.

Mr. BERMAN. Mr. Chairman, there was a 90-percent turnout in Jammu in the Hindu areas, and a 40-percent turnout in the rural areas of Kashmir. In Srinigar, which is the center of much of the strife, there was only 10 percent voting.

As I said, the gentleman is correct, there was intimidation and force. But what was interesting is, when they went to the ballots, where there were secret ballots, no doubt about that, only 7 percent of the people who voted cast blank ballots or scribbled on them. The rest participated. Some of those people wanted to be able to go to the polls and were afraid what would happen if they went voluntarily.

The CHAIRMAN. The time of the gentleman from Michigan [Mr. KNOLLENBERG] has again expired.

(On request of Mr. BURTON of Indiana, and by unanimous consent, Mr. KNOLLENBERG was allowed to proceed for 1 additional minute.)

Mr. KNOLLENBERG. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Chairman, if there is a gun pointed at an individual's back taking that person to the polls, and that person goes in and votes, they are not going to turn in a blank ballot. The gentleman knows that and I know that.

When we talk about Punjab and Kashmir, we are talking about two areas that are very similar in many respects and not so similar in others, except in one respect, and that is there is torture and human rights violations going on by 1.1 million Indian troops, and that is the problem.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I used to serve in the State legislature many years ago with a man by the name of Harvey Dueholm. He was a Danish farmer. He looked like a basset hound. He had the strongest character of any human being I have ever known, and he had a lot of observations about life. And one of the things he said once is, he said, "Did you ever notice that the poor and the rich get the same amount of ice, but the poor get theirs in the wintertime?"

I think that really will be the result of the adoption of this amendment. I think India has a serious human rights problem, and I think we need to hold them to task on it at every opportunity.

I greatly respect the legitimate concerns expressed by the gentleman from Indiana [Mr. BURTON]. I know he is sincere. But I just have to say that when we pick up a gun, it is nice, if we are hunting a rabbit, that we hit the right target. It does not help if we are trying to reform the conduct of the government that we wind up hurting the folks who are doing the most to try to change some of the nastiest aspects of any society. That is what I think this amendment would do.

I am also struck, frankly, by the fact that in this part of the world there are only two or three major players. India is a major player and China is a major player. I have to tell my colleagues that I am a whole lot more frustrated right now by the conduct of China than I am India, with all of the failings that they have demonstrated.

I wonder how many people will vote for this amendment tonight and then, when Most Favored Nation status is brought up for China, will then turn and vote to grant China most-favored-nation status, in spite of the fact that they employ slave labor, in spite of the fact that a large number of American workers have seen their jobs put at risk because of products produced by that slave labor that then wind up in this country. It just seems to me that that would be a quaint double standard.

So I would suggest that we remember that if we are going to try to change conduct, that we focus on actions which will, in fact, have that effect and not the opposite effect. I think the amendment being offered tonight will have the opposite of that which is intended, and that is why, while I do not think that in terms of a United States-India relationship $8 or $9 or $10 million one way or another is going to make that big an impact, I do think that the mindset that it demonstrates is not one which is easily explainable.

I would, therefore, urge that we oppose the amendment, and I would urge that we support the gentleman from Alabama in his resistance to the amendment.

Mr. LINDER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to urge my colleagues to oppose my friend from Indiana's amendment. I am convinced that most of what should be said has already been said tonight. I am worried that the adoption of this amendment would play into the hands of elements in India who would like to turn back the clock on the economic improvements and reforms that have led to our improving relationships and also turn back the hands on an improving human rights record.

Nobody is here to defend the human rights record of the State of India forever, but we must admit, even as our State Department has, the human rights report that substantial progress has been made in the area of human rights. India has an Independent Human Rights Commission, which is headed by a former justice of the Indian Supreme Court. Last year it prosecuted more than 200 human rights violations. The State Department has applauded this commission's independence and aggressiveness.

There are human rights abuses across this globe, including on behalf of some of India's most close neighbors. None of that can be defended, but we should not be punitive. We should not single out a nation to try to make a political point here. There is no question that improvements must be made, but India, the largest democracy in the world, has done more than any other nation in that part of the globe to bring in disparate ethnic groups and include them in the electoral process, give them opportunities to be heard, such as we just heard from the gentleman from California [Mr. BERMAN], about the Punjab, to be heard not only publicly but with the vote.

□ 2045

No nation in that part of the world has done as much as India has done to include ethnic diversity in their political processes. They should not be punished for trying to do well. They should be criticized for not doing well enough yet, but they are doing far better than some of their neighbors.

I would urge Members to defeat the amendment offered by the gentleman from Indiana.

Mr. HINCHEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, there is no doubt that there are human rights problems in India, that one would deny that, but that is true of many countries around the world. In fact, anyone who travels around the world or even reads the newspapers knows that in virtually any country you can find examples of human rights violations. We ought not to overlook them. We ought to be doing everything we can to have them corrected by those countries in which they are occurring. And I think that that is precisely what is being done in the case of India.

I think that this country is trying to deal with some very difficult and very complex problems. After all, it is a young country. It has been in existence for less than 50 years. It comes out of a colonial background, but it is a country with which we have much in common. Obviously, there is the commonality of language. We have the English language in common.

We also have the commonality of governance. We are two democracies. We have much in common with this country, and we need to encourage the creation and development of democratic principles in India, where, in fact, in comparison to many other countries around the world, they are flourishing.

To cut this aid at this particular time flies in the face of all of that effort. It would make it more difficult for India to achieve the full democratization of its institutions, and it would also, in fact, not lessen human rights violations in that country but, in fact, it would in all likelihood make them worse. So while I very much respect our friend and colleague from Indiana and respect what he is doing and respect the motivation which gives birth to this amendment, nevertheless, I find myself in strong disagreement with it, because I think from his point of view as well as from the point of view of most Americans as well as from the point of view of India and most Indians, it would be counterproductive. It would, in fact, not reduce human rights violations but it would, in fact, increase them.

This is a huge country, a country of 900 million people, almost a billion people. It will, sometime in the next century, supplant China as the most populous country in the world. They need the help of other countries, particularly democratic countries with which they share common beliefs and common principles and common traditions.

That is true of our relationship with India, and we ought to continue to assist them in whatever way we possibly can, particularly with this form of aid.

While I very much appreciate the motivation of my friend and colleague from Indiana, I must reluctantly say that it would accomplish the wrong thing. Therefore, I am in opposition to it.

Mr. ROSE. Mr. Chairman, will the gentleman yield?

Mr. HINCHEY. I yield to the gentleman from North Carolina.

Mr. ROSE. Mr. Chairman, I want to compliment the gentleman on his fine statement. The words that have been said by the chairman and ranking member of this committee are the advice that we should follow tonight. Let us not kick our old friend India at this very crucial point in the transition of its government. India is our friend. They have been our friend for a long time and are becoming even closer to America as time progresses.

It is important that we heed the advice of the gentleman from New York [Mr. GILMAN], chairman of the authorizing committee. India has stood with us and is a bulwark against even China today, as China encourages and helps Pakistan with nuclear weapons and ring magnets and other things that we know it should not be trading. India is trying to open itself up to outside investment. I know there have been human rights problems in that Punjab area. We all need to counsel our friends in India because of that, but this House basically is a friend of India. Let us not blemish that record here tonight by kicking this country in the teeth with even a symbolic diminution of the small aid that we have given.

Mr. HINCHEY. Mr. Chairman, I thank the gentleman for his sensitive and sensible words.

Mr. Chairman, I yield to the gentleman from New Jersey [Mr. ANDREWS].

Mr. ANDREWS. Mr. Chairman, I thank the gentleman for yielding. I rise in strong opposition to the amendment offered by my friend from Indiana.

I rise in opposition because there are very few things we can be certain about in this world, but there are some things we can be certain about. The first is that Asia will be an incredibly important area of the world for our country for years to come, and there is no credible Asia strategy for America that does not include a strong relationship with India, potentially as a counterbalance to the People's Republic of China but for the relationship in and of itself.

The CHAIRMAN. The time of the gentleman from New York [Mr. HINCHEY] has expired.

(On request of Mr. BROWN of Ohio, and by unanimous consent, Mr. HINCHEY was allowed to proceed for 1 additional minute.)

Mr. HINCHEY. I yield to the gentleman from New Jersey.

Mr. ANDREWS. Mr. Chairman, the second argument is that there is no scenario for the future of our economy that does not include increased global trade, and there is no trade strategy that does not focus upon enhanced trade with India.

Another thing we can be sure of is the fact that people all over the world are watching what we do here. They watched as 1 in 10 citizens of the world voted in a free and fair election in India. If we reward that desirable conduct with this undesirable amendment, we will be abandoning our own principles. For these reasons and others, I would strongly urge a vote in opposition to the Burton amendment.

Mr. MICA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I often agree with the gentleman from Indiana. In fact, we have worked together many times to cut waste, fraud, and abuse from Federal Government programs.

We work on the Committee on Government Reform and Oversight. In fact, when we work together and we slay dragons together, the dragons usually have a bad day. But I rise tonight really in opposition to the good gentleman's amendment and it is with some hesitation. I respect his opinion.

Mr. Chairman, no one supports human rights violations in India or in any other country. Unfortunately, human rights violations occur there, they occur in the United States. And they occur in numerous other nations.

In fact, I brought with me tonight, and some of my colleagues have seen it referred to, this 1996 report by Amnesty International. It details dozens of countries that have been recipients of the United States foreign assistance and their violations.

Let me read a few of these. Egypt, one of the top recipients, just a few of the violations: Detention of thousands of political opponents, systematic use of torture against political detainees, increased number of political detainees who died while in custody, deliberate and arbitrary killings by armed opposition groups.

Let me read just a couple more, if I may, here.

Saudi Arabia, another huge recipient: Arrest and detention of suspected political opponents, torture and ill treatment during pretrial detention, alarming upsurge in numbers of executions, wide use of judicial punishments by flogging and amputations.

Then we go to Bolivia, which we support assistance to and we are going to be working for: Arbitrary detentions, torture and ill treatment, rape, the same types of offenses, extrajudicial executions. The list goes on.

Mr. Chairman, I say to my colleagues, why should we single out India in this fashion? This amendment will, in fact, hurt our ability to assist a close ally, to assist in the situation that we have a problem in. It will hurt us with a great trading partner.

Mr. Chairman, my colleagues, we can do much more, I submit, by calling attention to human rights violations whether they are in India or anywhere else in the world.

If we recognize differences, if we promote democratic institutions, if we increase trade, exchanges, communications, tonight we do not need to embarrass by singling out the world's largest democracy in this fashion. We must recognize the strides India has taken. We must help India now as it changes its government in this most historic election and this most historic fashion that we have seen the election take place the last few weeks.

Let us tonight not take a step backward in our relationship with India. I admire the gentleman's interest. I opposed his potentially damaging amendment. As India steps forward, we do not need to be a Congress stepping backward.

Mr. STEARNS. Mr. Chairman, will the gentleman yield?

Mr. MICA. I yield to the gentleman from Florida.

Mr. STEARNS. Mr. Chairman, I thank the gentleman for yielding to me. I have about a minute left.

I rise in opposition to the Burton amendment. I have to say tonight that there are a lot of people that have come on the floor to speak against it. So I think this is the third time the gentleman has offered it. Certainly, I think the feeling is that this amendment certainly would not be appropriate after they have had their largest election in world history in which about half a billion people have voted.

I think most people would regard the election as universally free and fair. And I think, as William Safire of the New York Times put it: "It is the most breathtaking example of government by the people in the history of the world."

Every year I offer a resolution, a House Resolution to recognize India's national independence. This is the 49th year. I think now is not the time to pass a personal affront to this country when they have been so successful a democracy. I urge the defeat of the amendment.

Mr. MICA. Mr. Chairman, I yield to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Chairman, my colleague mentioned that there were a number of countries that had human rights violations that were getting our aid. I would like to say to my colleague, I have no objection whatsoever to him or any Member of this body proposing a cut in aid to any country that violates human rights, that violates women's rights, that gang rapes women and tortures people and throws them into rivers with their hands bound, and gagged. I think that those kinds of countries should be penalized. We should hold them up to public scrutiny throughout the world.

When we talk about Egypt torturing people, I will support the gentleman's amendment if he wants to cut some of their aid.

Mr. MICA. Mr. Chairman, I agree with the gentleman.

Mr. ACKERMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, with this strong array of Members coming to the floor to oppose Mr. BURTON's amendment, I have been trying to figure out what this is really all about. I think it was said during the opening minutes of this discussion by Mr. BURTON himself, I think those Members who are interested in cutting aid of any kind have to listen to what Mr. BURTON said.

This is not about cutting aid, because no money is saved here. Not one dollar, not one penny, not one rupee is saved. What this does is it just limits the amount of money India can take out of an existing pot.

We are all against human rights abuses, Mr. Chairman. We are all offended by the kind of things that we see in the pictures that Mr. BURTON has brought before us. But I have to tell Members, when he says things or anybody says things over and over and over again, that does not make it so; and it does not necessarily make it true.

We were all horrified by that picture that was up on the easel. Mr. Chairman, looking at the speaker, looking at the picture and hearing the words that this is the abuse that is taking place in India today right at this minute, that is the same picture we saw last year when we heard the same story. I have seen that same picture, 3 years in a row. I have even seen pictures that Members from the other side bring me that Members, say, the other terrorist did this and this is one of our guys. Three years in a row that guy died. Unless he is triplets, I am not sure what is guy died.

I do not mean to make light about violations of human rights. But to say that this is going on and sponsored by the Government of India is not necessarily what is happening, Mr. Chairman.

□ 2100

This amendment, which is not a cutting amendment, admittedly, by the gentleman from Indiana [Mr. BURTON], is meant solely and strictly to stigmatize a sister democracy, and that is not what we should be doing. India, according to the human rights report that Mr. BURTON cited, and I will quote it, India, quote, "has made significant progress in resolving human rights problems," end of quote. The Indian Government has responded to our initiative when we objected to one of the bills that they have, their Terrorist Destructive Activities Act. They no longer have that.

Contrary to what our colleagues heard, the Indian Government has reached agreement with the International Committee of the Red Cross to permit visits to Kashmir. I visited Kashmir; I visited Kashmir again. Many Members of this body were there. My colleagues heard that we were escorted and monitored by Indian troops. I visited with the very people who oppose the Indian Government, I had dinner in their homes, I met with their council, I met with every single opposition group in Kashmir. I was stuck there during a blizzard in January. I met with more people I had not intended to meet with, and not once in the presence of Indian troops, and not once was anybody restrained in what they had to say to me.

The insurgent violence in Punjab has largely disappeared, and there is visible progress in correcting the abusive practices by the police which has occurred. The National Human Rights Commission continues to play a useful role in addressing whatever patterns of abuse and specific abuses there might be. Last year the commission, which was not even referenced by the gentleman from Indiana [Mr. BURTON], prosecuted more than 200 cases.

Economic reforms: India has done everything that we have asked of her. Since 1991 the Indian Government has substantially reduced inflation. Their budget deficit has been reduced. They have privatized. They have cut subsidies to inefficient state owned industries. They made the rupee convertible.

In international trade they reduced tariffs and industrial licensing controls in order to attract foreign investment, and, as a result, United States investment in India, Americans investing over there as we do in all strong democracies, has gone from $500 million a year in 1991 to $5 billion this year alone. That is a thousand percent increase. That is the kind of confidence the American business people have in India and the reforms that are going on there. The United States is India's largest trading partner and largest investor.

The democracy issue is probably the most important issue of all. India is, as has been stated, the world's largest democracy. They have a free press, they have civilian control of the military, they have an independent judiciary, they have active political parties and civic associations. The election that we have just seen was really ho-hum. It did not take a lot of attention.

The CHAIRMAN. The time of the gentleman from New York [Mr. ACKERMAN] has expired.

(By unanimous consent, Mr. ACKERMAN was allowed to proceed for 1 additional minute.)

Mr. ACKERMAN. An election that did not gain that much attention because there were no very serious violent abuses during the entire electoral process. Over 400 million people going to the polls democratically, even turning out the controlling government 2 weeks ago. That is democracy in action. One out of every ten people on the planet going to vote; imagine that.

At a point where India is struggling to form a coalition government right now, this is a terrible message to send. There are only very, very few countries within the purview of this legislation that we look to cap in any way from the pot of money that is provided. Those countries include North Korea, the Sudan, Iran, Iraq, Libya, and Syria. Certainly not even the most ardent of India-bashers can come to the floor and seriously suggest that the world's largest democracy, and getting more democratic all the time, belongs with such a group.

This is an attempt to stigmatize and not an attempt to legislate.

Mr. BEREUTER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in very strong opposition to the Burton amendment. I know that some members of the committee may think that the debate is going on for some time here, but I think it is important for the sponsor of the amendment, the American people, the Congress, to understand the depth of support for India, for improved American-Indian relations, for Indian democracy and for improvements in civil and human rights that are underway in India.

The Burton amendment should be opposed for many reasons. One important consideration is the fact that in April and May of 1996, as mentioned here, India conducted the largest democratic election in the history of the world. In a monumental undertaking of more than 640 million eligible voters, about 65 percent of whom took the time to vote, the Indian electorate chose a new parliament in elections that were widely judged to be free, fair, and largely peaceful.

Mr. Chairman, for the United States to respond to this remarkable accomplishment by the world's largest democracy by passing the Burton amendment will send to India and to the rest of the world precisely the wrong signals about United States support for Indian democracy. This Burton amendment would prove to be the most expensive $8 million amendment ever approved. It is important that it be rejected overwhelmingly.

In addition, the new Indian Government is headed by Prime Minister H.D. Deve Gowda, the leader of the United Front, a coalition of center, center left, and regional parties. The leadership of this new government is at the very moment hammering out policies on a number of issues of great interest to the United States, including the fate of economic reform, India's nuclear program, its policies toward Pakistan, and other neighbors.

Although the proposed change is a small one in dollar terms, for Congress to single out India in this fashion at this time will, for symbolic reasons, have a very negative impact on United States-Indian relations that would be disproportionate to the amount of money involved. At a minimum, any cut in United States development assistance to India at this critical juncture, apart from a broad cut in the overall development assistance account, could severely damage the spirit of cooperation the United States should be establishing with the new Indian Government.

Although a number of parties which support the United Front government have a long tradition of left-leaning economic policies, Prime Minister Gowda has expressed strong support for the economic reforms begun under the government of former Prime Minister Rao. Early evidence of Prime Minister Gowda's intention have been the naming of a highly progressive U.S.-educated finance minister who is extremely supportive of the economic reforms begun in the 1990's as a commerce minister in the Rao government.

Current and ongoing United States development assistance provides important support for India's effort to open its economy to trade and investment. Included are programs that promote private sector involvement in energy production and distribution, United States-India commerce, technology joint ventures, programs to provide urban areas with badly needed infrastructure, and assistance for Indian enterprises attempting to restructure and become competitive.

Although India is beginning to push forward economically, it remains a very poor country with millions of people still well below the poverty line. In fact, half the world's poor people, very, very poor people, live in India today. The United States development assistance program focusing on family planning, preventive health care, and nutrition are very critical areas that support the Indian family.

Now, the number of political parties that comprise the United Front represent the millions of people who make up India's poorest of the poor groups, minorities, members of the lower caste, those that were once called the untouchables. A diminution, symbolic or otherwise, of U.S. development assistance that would benefit these groups would certainly send a wrong message to a part of the leadership of the new government.

There has been strong evidence that the Gowda government intends to hold talks with the leaders of the Kashmiri separatist movement to seek a peaceful and just solution to the Kashmir crisis. V.P. Singh, a major United Front leader and the former Indian Prime Minister, visited Kashmir during the election campaign. He has promised talks with the separatists as well as an offer of political, social, and economic peace package.

Prime Minister Gowda has promised to take steps to improve relations with Pakistan. On May 31, Gowda said quote: "As far as Pakistan is concerned, I have an open mind. I will definitely take an initiative to diffuse the tension between the two countries," end of quote. The United States should do nothing to undercut the new Indian Government's efforts to initiate rapprochement with Pakistan by sending a negative message via cuts in development assistance.

The CHAIRMAN. The time of the gentleman from Nebraska [Mr. BEREUTER] has expired.

(By unanimous consent, Mr. BEREUTER was allowed to proceed for 1 additional minute.)

Mr. BEREUTER. Mr. Chairman, as the chairman of the Subcommittee on Asia and the Pacific, I called our senior career ambassador to India today, Ambassador Frank Wisner. He said the Burton amendment would quote, "send a very negative message," close quote, to a newly elected government in India, and as pointed out by the gentleman from California [Mr. BERMAN], democracy, it would seem very specifically supportive of the dissident forces in Punjab, has been vindicated, a step in the right direction.

The same is true of the direction of the vote in Kashmir. These are two very favorable signs for improving the situation there.

Finally, let me close by quoting briefly from a letter from the political director of the American Conservative Union. He says about the Burton amendment:

> It would be interpreted as a gratuitous slap, and could even contribute to undermining the fragile coalition government that just assumed power—possibly bringing to power a government dominated by the very people Mr. Burton professes to opposes.

I urge my colleagues to cast a strong, strong vote against the Burton amendment.

Mr. BROWN of Ohio. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to oppose the Burton amendment. It is the wrong amendment at the wrong time. The issue, Mr. Chairman, is that there has been, particularly over the last 5 years, there has been great progress in India. There has been progress in the area of human rights. Time and again we hear about the national human rights commission that the Indians have established, that they have actually prosecuted human rights violations, some 200 in India, that they have had it up to human rights commission with a former justice of the Indian supreme court, that our State Department has recognized progress in Indian human rights.

In the last 5 years India's economy has liberalized greatly; market reforms, free and open markets. It is a country that has welcomed American investment to the tune of $5 billion.

I have been to India, I have been to Bombay, and Delhi and Amritsar and seen the kind of progress they have made both in human rights by talking to people at the Golden Temple in Amritsar and talking to people, as my friend from New York, Mr. ACKERMAN said, that are opponents of the Indian Government, but nonetheless will say that, yes, in fact major human rights progress has been made. The same people who again are opposed to the present government in India as of 3 months ago, the Congress party, will again talk about the progress that has been made in economic liberalization.

There has also been major progress in India in the last 5 years in building a stable democracy, as has been pointed out on the floor over and over and over again. India just conducted the largest, the greatest election, the most wide-ranging election, the most participatory election in the history of humankind. Some 500 million people voted. That says to me again in the last 5 years India has made major progress.

The other area of great improvement in India the last 5 years is what India means to the United States. The gentleman from Wisconsin [Mr. OBEY] talked abut the major players in Asia or India in China. India is a much more reliable ally. India is a country that, as has been said repeatedly, is the largest democracy in the world. India is a country that we can rely on for strategic reasons for the United States. This is just putting the thumb in the eye of the Indian people and a thumb in the eye of the Indian Government by sending this message to India that, no, the United States does not appreciate the kind of progress that India has made in the last 5 years.

Again it is the second largest democracy—it is the largest democracy in the world; it is the second largest nation in the world. As the gentleman from Wisconsin [Mr. OBEY] said, it is very, very important strategically for us as a nation in South Asia and what that means to us. And India, again, is a democracy. We do not treat a democracy this way; we work with that country, we see the kind of progress that India has made in the area of human rights and the kind of progress India has made in their economy and the kind of progress India has made as a democracy and the kind of progress India has made as a friend of the United States.

Mr. WILSON. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Ohio. I yield to the gentleman from Texas.

Mr. WILSON. Mr. Chairman, I have been pretty silent during this debate, and reasonably neutral, but I must bring to my colleague's attention the fact that in New Delhi today they are building SU–34's, they are building MiG–29's, and they are building T–80's. They have, throughout the cold war, allied themselves in the Soviet Union. So I think it is a little bit of a stretch to call them an ally.

□ 2115

Mr. BROWN of Ohio. Taking back my time, Mr. Chairman, my friend, the gentleman from Texas [Mr. WILSON], brings up a good point. But that only proves my point that in the last 5 years India has made progress. The pro-Pakistani tilt at the State Department has begun to right itself. As we have seen as we have extended an arm to India and they have to us, they are becoming much more of an ally to us. They will become much more of an ally to us as we begin to treat them with respect and treat them as the kind of ally they should be.

Mr. WILSON. Mr. Chairman, I would say we have always treated them with respect. We should continue to treat them with respect. But they continue to be a military ally of Russia, and I would submit, although I am not sure how I am going to vote on this amendment, I would submit that if the Soviet Union should be born again, that India would again be closely allied because of their military alliances.

Mr. BROWN of Ohio. Taking back my time, Mr. Chairman, I absolutely reject that thinking, when India has become a more and more liberalized economy, an economy much more in line with ours, an economy which has welcomed $5 million in American investment, an economy in which, if we continue to sell arms to Pakistan, a whole other debate, then perhaps we might drive them a little more away.

But the last time I checked, the cold war was over. We need to make friends with these countries like India that were not necessarily our friends before. This is a golden opportunity to reach out to India and make friends with India. If we pass the balanced budget amendment, and the Soviet Union is reborn in some form, as the gentleman suggests, he can be sure India will turn back to them. Do not let this opportunity pass to be friends with them in a bigger way.

Mr. ROHRABACHER. Mr. Chairman, I move to strike the requisite number of words.

Mr.Chairman, I rise in strong support of the Burton amendment to freeze the foreign aid levels we give to India to last year's levels, which is basically an $8 billion cut.

First of all, Mr. Chairman, let us make it really clear; India is not, N-O-T, not an old friend of the United States. The gentleman from Texas, CHARLIE WILSON, was absolutely correct, and I guess everybody else in this House has amnesia, but throughout the entire cold war India kicked us in the teeth every time they got a chance to do so. When we were down, they kicked us in the gut. When we turned around to protect ourselves, they kicked us in the back, and they accepted our money the whole time; and especially they wanted the money to come from the United Nations, from us to the United Nations, so they would not even have to show any gratitude to the United States for accepting all of our hundreds of millions of dollars of aid while they were kicking us in the teeth and supporting the Soviet Union's aggression in Afghanistan and elsewhere in the world.

Mr. Chairman, India receives more aid right now, $156 million, and votes against us more than any other country in the United Nations. That is 83 percent of the votes in the United Nations are against our position. That is their level of support against us, while getting $156 million in aid from us.

Indian should not even be getting any aid, much less just a simple little cut of $8 million. They take our aid, our hundreds of millions of dollars; and do Members know what they do with their own money? They are building nuclear weapons. That is what it is all about. We give them humanitarian aid so they do not have to spend their own money on their people, and then they spend it on nuclear weapons. Good deal, is it not?

Mr. Chairman, we are being Uncle Saps here if we are giving that type of country money from us so they can build nuclear weapons, and to intimidate their neighbors or whatever. But that is not the question tonight. We are not going to end all aid to India. We just want to send a little message, $8 million worth of message, cutting off aid by $8 million, to say "Please clean up your human rights abuse in the Kashmir."

Come on, folks, we can call these people terrorists in the Kashmir, but the real problem we all know is, and no one wants to say it, is that India has refused to hold an honest plebescite, as they were required to do by the United Nations, for the last 40 years. If the people of Kashmir had a right to vote on their own destiny, they would probably vote not to be part of India and there would be no conflict. There would be no excuse for 1 million Indian soldiers to be stationed up in northern India to repress those people who want nothing more than a right to vote as to whether to be a part of India or not, which is what the United Nations required them to do.

India has been condemned by Amnesty International, by Asia Watch, by people, honest people who are looking and trying to support human rights around the world. They have been condemned over and over and over again. The examples given by the gentleman form Indiana are only a few examples. These people are trying to fight for their rights in the Kashmir, and as a reaction, the Indians are saying "we are not going to let them get away with it," so they are condoning monstrous human rights abuse against the people of Kashmir.

It can be stopped very easily. Let those people in the Kashmir determine their own destiny through the ballot box, rather than through bullets. That is the bottom line. If we do that, if we insist on that, if we send that message tonight with this little tiny cut of $8 million, I will tell the Members this much: The tensions on the subcontinent will subside. We will have done what is right, and in the long run it will create a more peaceful world because the people of Kashmir will have their right to vote and there will be no excuse for the violence that exists there today.

Mr. Chairman, I plead with all of the Members, come on, let us get beyond all of this rhetoric. Let us not talk about India as our old friend, or create some false images of how we have to help this developing country. Let us get down to the facts. Let us get down to we must stand for human rights there and elsewhere, because it furthers the cause of peace to do so. Let us send that message to India. Please, end the repression, give those people a right to vote on their own destiny, $8 million.

Instead, what we are going to do is send them a message that they can do anything they want to and they are going to get hundreds of millions of dollars of aid from the American taxpayers. That is not the message we should send.

The CHAIRMAN. The time of the gentleman from California [Mr. ROHRABACHER] has expired.

(On request of Mr. WILSON, and by unanimous consent, Mr. ROHRABACHER was allowed to proceed for 3 additional minutes.)

Mr. WILSON. Mr. Chairman, will the gentleman yield?

Mr. ROHRABACHER. I yield to the gentleman from Texas.

Mr. WILSON. Mr. Chairman, I just cannot let these things go without being spread on the record. As I say, Mr. Chairman, I do not have extremely strong feelings about this amendment, but some things must be said. I would ask the gentleman, who I know with great personal courage visited Afghanistan many times, but Afghanistan was a major, major, major, major conflict in the cold war. I would ask the gentleman if he remembers and agrees with me that in every instance, in every instance, India supported the Russian invasion of Afghanistan.

Mr. ROHRABACHER. Not only did they support the Russian invasion but during the war Indian pilots, we were told, were actually flying missions in Afghanistan for the Communist-supported government.

Mr. WILSON. Would the gentleman remember that Najibullah was received with great honors as the head of state in India?

Mr. ROHRABACHER. That is correct.

Mr. WILSON. Mr. Chairman, again, I must repeat that as we speak tonight, SU–34s, MIG–29s, and T–80s are being built in New Delhi. Does that sound like an ally to the gentleman?

Mr. ROHRABACHER. Not only are they being built in New Delhi, but we are giving them $150 million in aid, so who is actually paying for that, indirectly?

Mr. WILSON. I thank the gentleman.

Mr. ROHRABACHER. Reclaiming my time, Mr. Chairman, I would just say this. The questions the gentleman from Indiana asked are very relevant questions. They are: "What would you do if it was your wife that was gang raped? What would you do if it was your child that was murdered and dragged through the neighborhood as a symbol to the neighborhood not to resist the Indian authorities?"

Why that is relevant is because if we Americans were denied the right to choose our own destiny through a free election, if we were denied that right, we too would resist, and perhaps those people that we were resisting would use the same type of brutality and ugly repression that the people of Kashmir have had to suffer, and we, our families, would be the ones being dragged through the streets and the women raped in such a way. We cannot let this sit. Standing for freedom, standing for human rights, insisting that this $8 million be cut out as a message to India is not only right morally, but will help create a more peaceful world.

Mrs. MALONEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the gentleman from Indiana appears to have a noble purpose—to focus the attention of the House on human rights abuses.

But despite his intentions, the amendment will do great harm to the very people it purports to help. And the timing of the amendment could not be worse.

Yes, India has had problems with human rights in the past. Yes, there are still incidents. But this nation—this democracy—has taken exceptionally strong steps forward.

India's Human Rights Commission, headed by the former Supreme Court Justice, has been hailed by the State Department for its "significant progress in resolving human rights problems."

Freezing developmental assistance would hurt the poorest of the poor in India. The amendment would directly undermine the stated objectives of India's newly elected Prime Minister to improve the living conditions of the country's poorest citizens.

And finally, this amendment would be an enormous blow to United States-Indian relations at the very moment when we should be strengthening ties between our two democracies.

India just completed a historic election. Nearly a tenth of the entire population of the globe went to the polls in what the New York Times' William Safire called "the most breathtaking example of government by people in the history of the world."

This momentous free and fair election must be rewarded. It must be held out as a shining example of how democracy can work. We must not pass a punitive anti-India amendment on the heels of this election.

United States-India relations are strong. American businesses are flourishing in India. Let's send the world's most populous democracy the right message. Let's vote for progress in India. Let's vote for democracy.

I ask my colleagues to oppose the Burton amendment.

Mr. DOOLITTLE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have listened to much of the debate. I am amazed. The gentleman from Indiana [Mr. BURTON] is only seeking to freeze the aid we give India at this year's level. All he is saying is what we are giving them now is what we will give them next year, which means they are going to get $48 million in this particular category.

It is good that India has had a change of government. That is very recent. We ought to take at least a wait-and-see attitude, and give them a year to perform before we increase the aid, borrowing money which we do not have to give away to foreign countries which, like this one, have not been very loyal supporters of the United States. In fact, they have been charged with and have been found to have committed serious human rights abuses, including the extensive taking of innocent human life.

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield?

Mr. DOOLITTLE. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Chairman, I would like to just restate what my colleague has stated. That is that we are not cutting aid to India. We are going to give them the same amount of developmental aid we did last year. We are just not giving them an $8.3 million increase, and we are doing that to send them a message. A lot of my colleagues have just said this is going to be a cataclysmic experience if we do this. That does not make any sense. My colleagues know it.

The fact of the matter is that all we want to do is send a signal that the United States will not tolerate these human rights abuses. Some of my colleagues have talked about Libya and other terrorist states and the kinds of human rights abuses that are going on there. They are right, there are horrible human rights abuses. But we do not give them aid. Wherever we do give aid and there are human rights abuses, we should cut that aid to send a signal. We are our brother's keeper.

Almost every speaker who spoke here tonight has admitted there are human rights abuses in Kashmir, Punjab, Jagaland and elsewhere in India. So we know what is going on. They say there is a human rights commission in India. What would you expect them to say? They are government-sponsored. They are going to say things are getting better.

But listen to what the paper said just last week. This is the Washington Post:

> Human Rights Watch Asia said state-sponsored militias are committing grave human rights abuses, including summary executions, torture, and illegal detention in the only Muslim majority state in mostly Hindu India, and it is going on in Punjab as well.

Let me say to my colleagues one more time: Put yourself in the place of people who live in Punjab, Kashmir, Nagaland, and elsewhere in India. You have got a wife. You have got a kid. You have got a son. You have got a husband. They take your husband out in the middle of the night and you do not see him again. They find his body in a canal with his hands wrapped together and a gag in his mouth. Your wife is taken out in the middle of the night, they hold you at gunpoint and they take her out and gang rape her, because they know it is going to hurt her and you and everybody else, because of your Muslim beliefs. Those things are going on today. They take your son out and they remove a kidney because they want to use that for somebody that needs a kidney transplant, and that has happened as well.

These are not happening in the past, as many of my colleagues have said. They are going on today, right this minute. There are 550,000 troops in Kashmir and Punjab, and these things are going on as we speak.

☐ 2130

So I just want to say to my colleagues tonight, if you care about your brothers around the world, if you care about human rights, I am not asking for the moon, I am just saying, do not give them any more money than you gave them last year. And the American taxpayers will applaud you for it. Because they do not want you to give that additional money anyhow. And all you are going to be doing by cutting a paltry $8.3 million is sending a signal. We do not want any more gang rapes for women. You would not want them in the United States. We do not want any torture, throwing people in canals with their hands bound and gagged. We want that to end, we want your government to stop these things and if you do that, we will applaud you and we will start working with you.

Mr. MENENDEZ. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to rise in strong opposition to the amendment offered by my good friend, the gentleman from Indiana [Mr. BURTON]. I know the hour is late and this has been debated, but we are talking about the largest democracy in the world and our relationship with that democracy, and a new government that is being elected there, and what in fact we do has meaning to that new government, and I think the debate is important.

Mr. Chairman, every year in the foreign operations authorization bill, Members are presented with the same amendment to punish India, a secular democracy.

It is wrong to vote for this amendment this year in particular. India has just completed its 11th general elections. Mr. Chairman, these were fair and free elections in which over 350 million Indian citizens voted and elected a new government.

Speakers for this amendment will cite examples of human rights abuses, cold war, dollars to many of previously cold war countries. Well, let me take this opportunity to cite examples of Indian voters who rejected the agenda of separatists at the ballot box in Punjab. In this state, where violence was common in the 1980s and early 1990s, 70 percent of the eligible voters chose to support moderate parties over separatist ones.

In Jammu and Kashmir, approximately 40 percent of the eligible voters defied the death threats of armed militants to cast their ballots. In many cases these militants do not even come from Jammu and Kashmir. According to the State Department's "Global Report on Terrorism for 1995," Pakistan was the base for many terrorist groups operating in Kashmir, and Indian authorities have detained Mujahedin from Sudan, Afghanistan and Pakistan. These are the same types of militants who are still holding 4 Western hostages captive, including Donald Hutchings of Spokane, Washington. The same militants who beheaded a Norwegian hostage last August.

Why is this amendment to cap assistance to the world's largest democracy being offered?

The Government of India has taken positive steps to address concerns raised by the United States in regards to human rights. In October 1993, India established a National Human Rights Commission. According to the 1995 State Department Human Rights Report "the National Human Rights Commission continues to play a useful role in addressing patterns of abuse, as well as specific abuses, and is consolidating an attitudinal shift toward acknowledgement of human rights problems."

The Terrorist and Disruptive Activities (Prevention) Act, special security legislation under which people had been held without charges, was allowed to lapse in May 1995. This amendment tries to inflict punishment on a country that has made significant progress in resolving its human rights problems.

Let me remind Members of the violence that exists in parts of India. Separatist militant groups and terrorists caused hundreds of deaths in 1995. These were all politically motivated killings that targeted civilians and community leaders who dared to call for an end to the violence. In Kashmir, terrorist threats have disrupted the judicial system, including the assassination of judges and witnesses. Many of these armed militants support secession from India and try to scuttle any progress towards a political process and dialog.

By supporting this amendment, we would only be hurting ties between the United States and India, the world's two largest democracies. The punitive nature of this amendment would only serve to isolate India, diminish the prospects for constructive dialog and add to the misery of the poorest and most desperate people in India.

Isolation of India would eradicate the potential for even greater economic and political changes and ties between the United States and India. So let us promote democracy in India, let us continue the progress that we have said as a country it is making in human rights. Let us vote against the Burton amendment.

Mr. OBEY. Mr. Chairman, I ask unanimous consent to speak for 30 seconds.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. OBEY. Mr. Chairman, I would simply take this time to say that it is my understanding, and I think it is the understanding of the gentleman from Texas and the gentleman from Alabama, that if discussion ends on this amendment, we can have a series of votes on the pending amendments and go home tonight, and I would urge that we do that.

Mr. CALLAHAN. Mr. Chairman, if the gentleman will yield, I think that is correct. This will be the fourth vote that we have to take tonight, and it is my understanding that once we can end debate on this issue, have the vote on the four amendments that are pending, that we will rise for the night. So I am hoping that we can begin to limit debate.

The gentleman from Wisconsin [Mr. OBEY] told me just a few minutes ago that maybe we ought to offer a bounty of $10 to anybody who says something new. I do not think we would stand to lose much money tonight, because everything has been said, but nevertheless, people want to be heard. I would encourage my colleagues to be brief. We are not going to change any votes at this late in the night. I think the amendment is going to be soundly defeated, and I know I am going to vote against the amendment, and I know many people on my side are going to vote against the amendment, but I would encourage my colleagues to be brief in their remarks. Instead of closing, I will just do something unique. I am going to submit my statement for the RECORD.

Mr. ACKERMAN. Mr. Chairman, if the gentleman will yield, under this open rule, we have approximately at this point 8 Members who wanted to speak. However, we have reached an agreement on our side because of the late hour, we have agreed to have two more speakers for 3 minutes apiece, if that is okay with the chairman.

Mr. CALLAHAN. With that, then I would like to also request for our side, we will limit it to one more, and after, that, I will just submit mine for the RECORD. So I will assume that on our side that the gentleman from California [Mr. CUNNINGHAM] will be the last.

Mr. CUNNINGHAM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have many Sikhs in my district and, like I said, nothing has been said new except that the Bulls are going to win tonight and you can pay me my $10, SONNY.

Mr. Chairman, the atrocities have gone on long enough. India has been anti-American. I support the amendment strongly.

Mr. ENGEL. Mr. Chairman, I move to strike the requisite number of words.

Let me say, Mr. Chairman, that that $10 offer is very tempting, but I just want to make a brief statement, I will not take all of my time.

First of all, I rise in opposition to this amendment. I think as people have said, it is ill-timed and it is the wrong amendment at the wrong time. The people who raise the cold war, the cold war is over, the Soviet Union has collapsed. We do not have a cold war anymore, it is a whole new ball game and I do not think we ought to dwell on the past.

India and the United States are developing a very good relationship. It has been said it is the two greatest democracies in the world, and I think again that India showed in the past several weeks that it is a democracy. A government was elected, that government was unpopular, it was doing some unpopular things, the government fell, and a new government was put in place, all in a democratic way. That is something that we wish the rest of the world could do. That is one of our stated policy aims. We want to increase democracy in the world. We want to promote democracy in the world.

When 400 million people participate in an election in India, I can think of nothing greater than to say that democracy works. They are making progress in human rights, there have been difficulties, no one denies that, but they are making progress. And United States investment in India being $5 billion, this would just cut $8 million to the poorest people in India, the people that really need our help.

So I think that again, the United States and India need to look to the future. The United States has worked with India; India has been working with the United States. Let us not go backwards, let us move forwards. This is a good investment in democracy; it is a good investment in United States-India relations, and we ought not to cut it.

Mr. WARD. Mr. Chairman, will the gentleman yield.

Mr. ENGEL. I yield to the gentleman from Kentucky.

Mr. WARD. Mr. Chairman, I rise in opposition to the amendment.

Mr. MEEHAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I realize that the hour is late, but you know, it is only so often we get an open rule, so if I am going to be here at this time I might as well take this opportunity.

I just want to rise to voice my opposition to this amendment. Each year the gentleman from Indiana [Mr. BURTON] finds it necessary to offer the same amendment to cut foreign assistance to India. Fortunately each year this amendment fails, and I urge my colleagues to vote against this amendment and defeat it again this year.

India is the largest democracy in the world and continually displays its commitment to democratic principles. Recently 350 million people exercised their right to direct the future of their country by voting in democratic elections. India has maintained its allegiance to freedom and democracy.

Understandably, this amendment is being offered to punish India because of the country's poor human rights record. However, India has taken steps to improve its record and continues to do so. The Indian Government has allowed the United Nations offices, the Western media and the Red Cross into many regions to document their success.

Furthermore, we will not improve the government's record on human rights by cutting aid, which will cause thousands of India's residents to suffer. As Representatives of this Congress, we must be aware of our message on this vote and what it will send to nations struggling for democracy, to invest it in the United States and abroad. Cutting development assistance or making aid conditional on unwarranted premises will stigmatize India and make it less attractive to businesses and development that that country desperately needs. It is our responsibility to help invest in and help stabilize any nation willing to let citizens live in freedom and participate in government. Let us show our support for the largest democracy of the world and vote against the Burton amendment, and I thank the majority for having an open rule. It is seldom that we get this opportunity.

Mr. CALLAHAN. Mr. Chairman, I ask unanimous consent to strike the requisite number of words.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. CALLAHAN. Mr. Chairman, may I respond to the gentleman that it was not my idea to have an open rule, but nevertheless, I appreciate that.

Mr. Chairman, I am going to urge the Members to vote against the amendment and remind the Members that we have four pending amendments that will be voted on before we rise. We have the Obey amendment No. 1, Obey amendment No. 2, Radanovich and the Burton amendments, and the committee and I would urge a "no" vote on all four amendments.

Mr. MEEHAN. Mr. Chairman, today I rise to voice my opposition to this amendment. Each year, Mr. BURTON finds it necessary to offer the same amendment to cut foreign assistance to India. Fortunately, each year, this amendment fails. I urge my colleagues to join me again this year to defeat it.

India is the largest democracy in the world and continually displays its commitment to Democratic principles. In recent countrywide Presidential elections, preliminary results show that over 350 million people exercised their right to direct the future of their country by voting. India has maintained its allegiance to freedom and democracy despite being surrounded by autocratic regimes and unstable governments.

Villages in India need outside aid to help foster their citizens' entry into modern living; 75 percent of all the bikes and portable radios sold in India are sold in small villages. Sixty percent of all the table fans, sewing machines, bath soaps, and wristwatches are being bought by people who live in isolated areas that are years behind in technology.

Reports show that foreign aid dollars can translate into lower mortality rates, higher gross domestic product levels and higher literacy rates. Currently, health and medical conditions are so poor in parts of India that 40 percent of the women in India die in childbirth, 50 percent of all children are undernourished, and 50 percent of all polio patients die for lack of vaccinations. Food security is still a national security concern in this country—if this aid is cut thousands will go hungry, many more could die.

This amendment is being offered to punish India because of the country's poor human rights record. However, India has taken steps to improve this record and continues to do so. The Indian Government has allowed United Nations officers, western media, and the Red Cross into many regions to document their progress. Furthermore, we will not improve the Government's record on human rights by cutting aid that will cause thousands of India's citizens to suffer.

As Representatives to the United States Congress, we must be aware of the message our vote on this issue will send to nations struggling for democracy and to investors in the United States and abroad. Cutting development assistance or making aid conditional on unwarranted premises will stigmatize India and make it less attractive to the businesses and development the country desperately needs.

As our world grows smaller, it is to our responsibility to help invest in and help stabilize any nation willing to let her citizens live in freedom and participate in government.

Let's show our support for the largest democracy in the world. Vote against the Burton amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana [Mr. BURTON].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. ACKERMAN. Mr. Chairman, I demand a recorded vote and pending that, I make a point of order that a quorum is not present.

The CHAIRMAN. Pursuant to the rule, further proceedings on the amendment offered by the gentleman from Indiana [Mr. BURTON] will be postponed.

The point of no quorum is considered withdrawn.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to the rule, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: Amendment No. 29 by Mr. OBEY of Wisconsin; amendment No 30 by Mr. OBEY of Wisconsin; amendment No. 67 by Mr. RADANOVICH of California; and amendment No. 5 by Mr. BURTON of Indiana.

AMENDMENT OFFERED BY MR. OBEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Wisconsin [Mr. OBEY] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 191, noes 231, not voting 12, as follows:

[Roll No. 215]

AYES—191

Abercrombie
Ackerman
Andrews
Baldacci
Barcia
Barrett (NE)
Barrett (WI)
Bass
Becerra
Beilenson
Berman
Bilbray
Blumenauer
Blute
Bonior
Boucher
Brown (CA)
Brown (OH)
Brownback
Bryant (TX)
Campbell
Cardin
Chabot
Chapman
Clay
Clement
Collins (IL)
Collins (MI)
Condit
Conyers
Cooley
Costello
Coyne
Cummings
Cunningham
Danner
DeFazio
DeLauro
Dellums
Dicks
Dingell
Dixon
Doggett
Dooley
Duncan
Durbin
Ehlers
Ensign
Eshoo
Evans
Fattah
Fazio
Filner
Flanagan
Foglietta
Foley
Ford
Fox
Frank (MA)
Franks (NJ)
Funderburk
Furse
Gejdenson
Gibbons

Goodlatte
Goodling
Gordon
Green (TX)
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Harman
Hilleary
Hilliard
Hinchey
Hoekstra
Horn
Hostettler
Hoyer
Jackson (IL)
Jacobs
Jefferson
Johnson (SD)
Johnston
Jones
Kaptur
Kasich
Kennelly
Kildee
Kleczka
Klug
LaFalce
LaHood
Lantos
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Markey
Martini
Matsui
McCarthy
McDermott
McKinney
McNulty
Meehan
Menendez
Metcalf
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Moran
Morella
Nadler
Neal
Neumann
Oberstar
Obey
Olver
Orton
Owens

Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (MN)
Petri
Pomeroy
Porter
Portman
Poshard
Quinn
Rahall
Ramstad
Rangel
Riggs
Rivers
Roemer
Rohrabacher
Ros-Lehtinen
Roukema
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sanford
Schroeder
Schumer
Sensenbrenner
Serrano
Shays
Shuster
Skaggs
Slaughter
Smith (MI)
Spratt
Stark
Stenholm
Stokes
Stupak
Talent
Thompson
Thurman
Tiahrt
Torkildsen
Torres
Towns
Upton
Velazquez
Vento
Visclosky
Volkmer
Wamp
Ward
Waters
Watt (NC)
Waxman
Weller
Williams
Wise
Woolsey
Wynn
Zimmer

NOES—231

Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barr
Bartlett
Barton
Bateman
Bentsen
Bereuter
Bevill
Bilirakis
Bishop
Bliley
Boehlert
Boehner
Bonilla
Bono
Borski
Brewster
Brown (FL)
Bryant (TN)
Bunn

Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chambliss
Chenoweth
Christensen
Chrysler
Clayton
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Combest
Cox
Cramer
Crane
Crapo
Cremeans

Cubin
Davis
de la Garza
Deal
DeLay
Deutsch
Diaz-Balart
Dickey
Doolittle
Dornan
Doyle
Dreier
Dunn
Edwards
Ehrlich
Emerson
Engel
English
Everett
Ewing
Farr
Fawell
Fields (LA)
Fields (TX)
Forbes
Fowler

Franks (CT)
Frelinghuysen
Frisa
Frost
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gonzalez
Goss
Graham
Greene (UT)
Gutknecht
Hamilton
Hancock
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hobson
Hoke
Holden
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Kanjorski
Kelly
Kennedy (MA)
Kennedy (RI)
Kim
King
Kingston
Klink
Knollenberg
Kolbe
Largent

Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
Longley
Lucas
Maloney
Manton
Manzullo
Martinez
Mascara
McCollum
McCrery
McHale
McHugh
McInnis
McIntosh
McKeon
Meek
Meyers
Mica
Miller (FL)
Molinari
Mollohan
Montgomery
Moorhead
Murtha
Myers
Myrick
Nethercutt
Ney
Norwood
Nussle
Ortiz
Oxley
Packard
Parker
Paxon
Peterson (FL)
Pickett
Pombo
Pryce
Quillen
Radanovich

Reed
Regula
Richardson
Roberts
Rogers
Rose
Roth
Salmon
Sawyer
Saxton
Schaefer
Scott
Seastrand
Shadegg
Shaw
Sisisky
Skeen
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Torricelli
Traficant
Vucanovich
Walker
Walsh
Watts (OK)
Weldon (FL)
Weldon (PA)
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)
Zeliff

NOT VOTING—12

Allard
Browder
Flake
Gephardt

Jackson-Lee (TX)
Lincoln
McDade
Scarborough

Schiff
Studds
Thornton
Yates

□ 2204

The Clerk announced the following pairs:

On this vote:

Mr. Yates for, with Mr. McDade against.

Ms. Jackson-Lee of Texas for, with Mr. Scarborough against.

Messrs. DEUTSCH, HEINEMAN, and DOOLITTLE and Mrs. CUBIN changed their vote from "aye" to "no."

Messrs. SKAGGS, SMITH of Michigan, and WAMP, Mrs. LOWEY and Mrs. ROUKEMA, and Mr. SERRANO and Mr. GREENWOOD changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. OBEY

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 30 offered by the gentleman from Wisconsin [Mr. OBEY] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 240, noes 181, not voting 13, as follows:

[Roll No. 216]

AYES—240

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bass
Becerra
Beilenson
Bentsen
Berman
Bevill
Bilbray
Bishop
Blumenauer
Blute
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TX)
Calvert
Camp
Campbell
Cardin
Castle
Chabot
Chapman
Chenoweth
Clay
Clayton
Clement
Coble
Collins (IL)
Collins (MI)
Condit
Conyers
Cooley
Costello
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cummings
Cunningham
Danner
DeFazio
DeLauro
Dellums
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Duncan
Ehlers
Eshoo
Evans
Fattah
Fawell
Fazio
Fields (LA)
Filner
Flanagan
Foglietta
Foley
Ford
Fowler

Fox
Franks (NJ)
Frelinghuysen
Frost
Funderburk
Furse
Gejdenson
Gibbons
Gilchrest
Goodlatte
Goodling
Gordon
Green (TX)
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hancock
Harman
Hefner
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Holden
Horn
Hostettler
Hoyer
Jackson (IL)
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Jones
Kaptur
Kasich
Kennelly
Kildee
Kleczka
Klink
Klug
LaFalce
LaHood
Lantos
LaTourette
Lazio
Leach
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Longley
Lowey
Luther
Maloney
Manzullo
Markey
Martini
Mascara
Matsui
McCarthy
McDermott
McKinney
McNulty
Meehan
Menendez
Mica
Millender-McDonald
Miller (CA)
Minge
Mink
Moran

Morella
Nadler
Neumann
Oberstar
Obey
Olver
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (MN)
Petri
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quinn
Rahall
Ramstad
Rangel
Regula
Riggs
Rivers
Roberts
Roemer
Rohrabacher
Ros-Lehtinen
Roukema
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sanford
Sawyer
Schroeder
Schumer
Seastrand
Sensenbrenner
Serrano
Shays
Shuster
Skaggs
Slaughter
Smith (MI)
Spratt
Stark
Stearns
Stenholm
Stockman
Stokes
Stupak
Talent
Thomas
Thompson
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Wamp
Ward
Waters
Watt (NC)
Waxman
Weldon (FL)

Weller
Whitfield
Williams
Wise
Woolsey
Wynn
Zimmer

NOES—181

Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Barr
Bartlett
Barton
Bateman
Bereuter
Bilirakis
Bliley
Boehlert
Boehner
Bonilla
Bono
Brewster
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Canady
Chambliss
Christensen
Chrysler
Clinger
Clyburn
Coburn
Coleman
Collins (GA)
Combest
Cox
Davis
de la Garza
Deal
DeLay
Deutsch
Dickey
Doolittle
Dornan
Dreier
Dunn
Durbin
Edwards
Ehrlich
Emerson
Engel
English
Everett
Ewing
Farr
Fields (TX)
Forbes
Frank (MA)
Franks (CT)
Frisa
Gallegly
Ganske
Gekas
Geren
Gillmor
Gilman
Gonzalez
Goss
Graham
Greene (UT)
Hamilton
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hoke
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Kanjorski
Kelly
Kennedy (MA)
Kennedy (RI)
Kim
King
Kingston
Knollenberg
Kolbe
Largent
Latham
Laughlin
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
Lucas
Manton
Martinez
McCollum
McCrery
McHale
McHugh
McInnis
McIntosh
McKeon
Meek
Metcalf
Meyers
Miller (FL)
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Murtha
Myers
Myrick
Neal
Nethercutt
Ney
Norwood
Nussle
Ortiz
Oxley
Packard
Parker
Paxon
Peterson (FL)
Pickett
Quillen
Radanovich
Reed
Richardson
Rogers
Rose
Roth
Salmon
Saxton
Schaefer
Scott
Shadegg
Shaw
Sisisky
Skeen
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stump
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thornberry
Vucanovich
Walker
Walsh
Watts (OK)
Weldon (PA)
White
Wicker
Wilson
Wolf
Young (AK)
Young (FL)
Zeliff

NOT VOTING—13

Allard
Browder
Ensign
Flake
Gephardt
Jackson-Lee (TX)
Lincoln
McDade
Scarborough
Schiff
Studds
Thornton
Yates

□ 2212

The Clerk announced the following pair:

On this vote:

Mr. Yates for, with Mr. McDade against.

Messrs. CASTLE, GUNDERSON, and WHITFIELD changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. RADANOVICH

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California [Mr. RADANOVICH] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 268, noes 153, not voting 13, as follows:

[Roll No. 217]

AYES—268

Abercrombie
Ackerman
Andrews
Bachus
Baesler
Baker (CA)
Baldacci
Barcia
Barrett (NE)
Bartlett
Bass
Becerra
Bentsen
Bilbray
Bilirakis
Bliley
Blumenauer
Blute
Boehner
Bonior
Bono
Borski
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Buyer
Calvert
Camp
Canady
Cardin
Chabot
Chenoweth
Christensen
Clay
Clayton
Coble
Coburn
Collins (GA)
Collins (IL)
Collins (MI)
Condit
Conyers
Cooley
Costello
Cox
Coyne
Crapo
Cremeans
Cubin
Cummings
Cunningham
Danner
Davis
de la Garza
DeFazio
DeLauro
Deutsch
Diaz-Balart
Dickey
Dingell
Dixon
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Ehrlich
Engel
English
Ensign
Eshoo
Evans
Farr
Fattah
Fawell
Fazio
Fields (LA)
Filner
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Furse
Ganske
Gejdenson
Gilchrest
Gilman
Goodlatte
Gordon
Greene (UT)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hastert
Hayes
Hayworth
Hefley
Hefner
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hoyer
Hunter
Hutchinson
Inglis
Jacobs
Jefferson
Johnson (CT)
Johnston
Jones
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
Kingston
Kleczka
Klink
Klug
LaFalce
LaHood
Lantos
Largent
LaTourette
Lazio
Leach
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McHale
McHugh
McInnis
McKeon
McKinney
McNulty
Meehan
Menendez
Mica
Millender-McDonald
Miller (CA)
Mink
Moakley
Molinari
Mollohan
Moorhead
Moran
Morella
Myrick
Nadler
Neal
Neumann
Ney
Norwood
Nussle
Olver
Orton
Owens
Pallone
Pastor
Paxon
Payne (NJ)
Pelosi
Peterson (MN)
Petri
Pombo
Porter
Portman
Poshard
Pryce
Quinn
Radanovich
Ramstad
Rangel
Reed
Riggs
Rivers
Roemer
Ros-Lehtinen
Rose
Roukema
Roybal-Allard
Royce
Rush
Salmon
Sanders
Saxton
Scarborough
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Sisisky
Smith (NJ)
Smith (WA)
Souder
Stark
Stearns
Stockman
Stokes
Stupak
Talent
Tate
Tauzin
Thomas
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Upton
Velazquez
Visclosky
Volkmer
Vucanovich
Walsh
Wamp
Waters
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Williams
Wolf
Woolsey
Zeliff
Zimmer

NOES—153

Archer
Armey
Baker (LA)
Ballenger
Barr
Barrett (WI)
Barton
Bateman
Beilenson
Bereuter
Berman
Bevill
Bishop
Boehlert
Bonilla
Boucher
Brewster
Bryant (TX)
Bunn
Bunning
Burr
Burton
Callahan
Campbell
Castle
Chambliss
Chapman
Chrysler
Clement
Clinger
Clyburn
Coleman
Combest
Cramer
Crane
Deal
DeLay
Dellums
Dicks
Doggett
Edwards
Ehlers
Emerson
Everett
Ewing
Fields (TX)
Frost
Gallegly
Gekas
Geren
Gibbons
Gillmor
Gonzalez
Goodling
Goss
Graham
Green (TX)
Gunderson
Hamilton
Hancock
Hansen
Harman
Hastings (FL)
Hastings (WA)
Heineman
Herger
Hostettler
Houghton
Hyde
Istook
Jackson (IL)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Kasich
King
Knollenberg
Kolbe
Latham
Laughlin
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
Longley
Lucas
Manzullo
McCrery
McDermott
Meek
Meyers
Miller (FL)
Minge
Montgomery
Murtha
Myers
Nethercutt
Oberstar
Obey
Ortiz
Oxley
Packard
Parker
Payne (VA)
Peterson (FL)
Pickett
Pomeroy
Quillen
Rahall
Regula
Richardson
Roberts
Rogers
Rohrabacher
Roth
Sabo
Sanford
Sawyer
Schaefer
Schroeder
Shaw
Shays
Shuster
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (TX)
Solomon
Spence
Spratt
Stenholm
Stump
Tanner
Taylor (MS)
Taylor (NC)
Tejeda
Thompson
Thornberry
Vento
Walker
Ward
Waxman
White
Whitfield
Wicker
Wilson
Wise
Wynn
Young (AK)
Young (FL)

NOT VOTING—13

Allard
Browder
Flake
Gephardt
Jackson-Lee (TX)
Lincoln
McDade
McIntosh
Metcalf
Schiff
Studds
Thornton
Yates

□ 2220

Mr. SAXTON and Mr. BALDACCI changed their vote from "no" to "aye."

Mr. SMITH of Michigan changed his vote from "aye" to "no."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. DE LA GARZA. Mr. Speaker, on rollcall vote No. 217, my intention was to vote "no". I inadvertently pressed the "aye" button. I ask that the RECORD reflect accordingly.

PERSONAL EXPLANATION

Mr. TORRES. Mr. Speaker, I ask that the RECORD reflect my strong support of the Bonior-Radanovich amendment to the foreign operations bill.

PERSONAL EXPLANATION

Mr. HEINEMAN. Mr. Speaker, on June 5, 1996, due to an error, I was incorrectly recorded on the Radanovich amendment to H.R. 3540, the fiscal year 1997 Foreign Operations appropriations bill. The record reflects a "no" vote on rollcall vote No. 217. I request the record reflect I intended to vote "yes" and emphasize my strong condemnation regarding the atrocities that were committed against the Armenian people by the Ottoman Empire from 1915 to 1923. Turkey should acknowledge that these atrocities occurred and until they do, the United States should limit the amount of assistance that is given to them.

AMENDMENT OFFERED BY MR. BURTON OF INDIANA

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Indiana [Mr. BURTON] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 127, noes 296, not voting 11, as follows:

[Roll No. 218]

AYES—127

Baker (CA)
Ballenger
Barcia
Barrett (NE)
Bartlett
Barton
Bilbray
Bilirakis
Bonior
Bryant (TN)
Bunning
Burton
Buyer
Canady
Chenoweth
Christensen
Coburn
Collins (GA)
Collins (MI)
Combest
Condit
Cooley
Costello
Cox
Crane
Crapo
Cubin
Cunningham
Danner
Deal
DeFazio
Diaz-Balart
Dickey
Doolittle
Duncan
Dunn
Ewing
Farr
Fazio
Foglietta
Geren
Gillmor
Goodling
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hefley
Heineman
Herger
Hilleary
Hoekstra
Hoke
Holden
Hostettler
Hunter
Hutchinson
Inglis
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Jones
King
Klug
Largent
Latham
LaTourette
Lewis (KY)
Lipinski
Martinez
McInnis
McKeon
Metcalf
Miller (CA)
Montgomery
Moorhead
Myers
Neumann
Nussle
Orton
Owens
Parker
Paxon
Payne (NJ)
Peterson (MN)
Pombo
Porter
Poshard
Quillen
Quinn
Radanovich
Ramstad
Roberts
Rohrabacher
Ros-Lehtinen
Roth
Salmon
Schaefer
Seastrand
Shadegg
Shays
Shuster
Smith (NJ)
Smith (WA)
Solomon
Stenholm
Stockman
Stump
Tanner
Tate
Taylor (MS)
Tiahrt
Torres
Torricelli
Traficant
Vucanovich
Walker
Wamp
Watts (OK)
Wilson
Wolf
Young (FL)
Zeliff
Zimmer

NOES—296

Abercrombie
Ackerman
Andrews
Archer
Armey
Bachus
Baesler
Baker (LA)
Baldacci
Barr
Barrett (WI)
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bishop
Bliley
Blumenauer
Blute
Boehlert
Boehner
Bonilla
Bono
Borski
Boucher
Brewster
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TX)
Bunn
Burr
Callahan
Calvert
Camp
Campbell
Cardin
Castle
Chabot
Chambliss
Chapman
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (IL)
Conyers
Coyne
Cramer
Cremeans
Cummings
Davis
de la Garza
DeLauro
DeLay
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Dornan
Doyle
Dreier
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Fattah
Fawell
Fields (LA)
Fields (TX)
Filner
Flanagan
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gilman
Gonzalez
Goodlatte
Gordon
Goss
Graham
Green (TX)
Greene (UT)
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hayworth
Hefner
Hilliard
Hinchey
Hobson
Horn
Houghton
Hoyer
Hyde
Jackson (IL)
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
Kingston
Kleczka
Klink
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lightfoot
Linder
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDermott
McHale
McHugh
McIntosh
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Mica
Millender-McDonald
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Moran
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Ney
Norwood
Oberstar
Obey
Olver
Ortiz
Oxley
Packard
Pallone
Pastor
Payne (VA)
Pelosi
Peterson (FL)
Petri
Pickett
Pomeroy
Portman
Pryce
Rahall
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roemer
Rogers
Rose
Roukema
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Shaw
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (TX)
Souder
Spence
Spratt
Stark
Stearns
Stokes
Stupak
Talent
Tauzin
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thurman
Torkildsen
Towns
Upton
Velazquez
Vento
Visclosky
Volkmer
Walsh
Ward
Waters
Watt (NC)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wise
Woolsey
Wynn
Young (AK)

NOT VOTING—11

Allard
Browder
Flake
Gephardt
Jackson-Lee (TX)
Lincoln
McDade
Schiff
Studds
Thornton
Yates

☐ 2228

Mr. SHADEGG changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

☐ 2230

Mr. CALLAHAN. Mr. Chairman, I commend the Chair for his professionalism today and his tolerance.

Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. TAYLOR of North Carolina) having assumed the chair, Mr. HANSEN, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3540) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1997, and for other purposes, had come to no resolution thereon.

PERSONAL EXPLANATION

Mr. TEJEDA. Mr. Speaker, I was in transit to Washington from my district earlier today and missed rollcall votes 210, 211, and 212. Had I been present, I would have voted "yes" on rollcall 210; "no" on rollcall 211; and "no" on rollcall 212.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3562, THE WISCONSIN WORKS WAIVER APPROVAL ACT

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 104–604) on the resolution (H. Res. 446) providing for consideration of the bill (H.R. 3562) to authorize the State of Wisconsin to implement the demonstration project known as "Wisconsin Works," which was referred to the House Calendar and ordered to be printed.

RESIGNATION AS MEMBER OF COMMITTEE ON SMALL BUSINESS

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Small Business:

HOUSE OF REPRESENTATIVES,
Washington, DC, June 4, 1996.
Hon. NEWT GINGRICH,
Speaker, U.S. House of Representatives.

DEAR MR. SPEAKER: The purpose of this letter is to inform you that I hereby resign from the Committee on Small Business.

Sincerely,
EARL F. HILLIARD,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

ELECTION OF MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. FAZIO of California. Mr. Speaker, I offer a privileged resolution (H. Res. 447) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

HOUSE RESOLUTION 447

Resolved, That the following named Members be, and that they are hereby, elected to the following standing committees of the House of Representatives:

To the Committee on Economic and Educational Opportunities, EARL BLUMENAUER of Oregon.

To the Committee on Small Business, EARL BLUMENAUER of Oregon.

To the Committee on International Relations, EARL HILLIARD of Alabama.

The resolution was agreed to.

A motion to reconsider was laid on the table.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

RIGHTS OF THE ALBANIAN PEOPLE IN THE FORMER YUGOSLAVIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. NADLER] is recognized for 5 minutes.

Mr. NADLER. Mr. Speaker, I yield to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, I am pleased to join my colleagues today in expressing support for those ethnic Albanian citizens of the Former Yugoslav Republic of Macedonia who seek higher education provided in the Albanian language.

The Macedonian Government does indeed offer instruction in the Albanian language and the language of other national minorities in the Former Yugoslav Republic of Macedonia at the primary and secondary levels of education.

I see no reason therefore, why classes at the university level of education, provided in the Albanian language, should not also be offered to those of Macedonia's citizens who desire them.

In fact, it can only assist the growth and consolidation of democracy in the Former Yugoslav Republic of Macedonia to ensure fair and equitable treatment for all of its citizens, regardless of ethnic background.

I have introduced House Concurrent Resolution 103, which expresses the Congress' support for equal and fair access to higher education in the Albanian language in the Former Yugoslav Republic of Macedonia.

At this time, that measure enjoys the support of a dozen of my colleagues in the House of Representatives.

As the language of House Concurrent Resolution 103 points out, the Macedonian Government should turn to the United States, the Organization on Security and Cooperation in Europe, the Council of Europe and other outside parties for assistance in making available higher education in the Albanian language.

We certainly understand that the Macedonian Government does not at this time enjoy vast revenues.

However, where there is a will, there is a way, and the Former Yugoslav Republic of Macedonia can certainly approach the United States and other parties for support in this matter.

In closing, Mr. Speaker, I would once again like to urge the government of the Former Yugoslav Republic of Macedonia to do all it can to respond to the desires of its ethnic Albanian citizens in this matter.

I am sure it would be a positive step for all of the peoples of that country and for the cause of democracy in the entire Balkans region.

I yield back the balance of my time.

Mr. NADLER. Mr. Speaker, I would like to bring to the attention of the American people the terrible deprivation of academic and cultural freedom being suffered by the Albanian people in the Former Yugoslav Republic of Macedonia, or FYROM.

We have learned only too well in the last few years, the price of ethnic intolerance in the former Yugoslavia. In Bosnia, so-called ethnic cleansing has resulted in mass murder, untold human suffering. The world community is still attempting to put the pieces together in that once beautiful and harmonious corner of the world. As we all listen to the evidence being placed in evidence before the International Tribunal in the Hague, we must recall that silence in the face of oppression and intolerance is an invitation to disaster.

Similarly, repression of a people's language and legitimate aspirations can be a precursor to, and indeed a cause of, the sort of ethnic violence that has gripped that region for too long. Albanians living in the former Yugoslavia have every reason for concern. In the regions of Kosovo and Vojvodina in the state of Serbia and Montenegro, we have seen the violent results of the suppression of ethnic minorities.

People of Albania descent make up 23 percent of FYROM's population. They have a proud and rich heritage. They also wish to learn in their own language, Albanian. This is neither a surprising nor a particularly outrageous aspiration. Yet, this fundamental aspiration has been neglected and even repressed by the government. Ethnic Albanians who are deeply concerned about their standing in FYROM and their ability to fulfill their educational aspirations point out that at the universities at Skopje and Bitola, only 2 percent of the students are ethnic Albanians, although 23 percent of the population is Albanian.

Albanians have attempted to open a university with Albanian language instruction, according to the prevailing law, and have been turned back with bureaucratic intransigence and brute force.

It has not always been this way. In fact, the former Yugoslavia established an Albanian-language university in Prishtina, in Kosovo, in 1974. This university was closed by the Serbian government in 1990, depriving ethnic Albanians of this fundamental educational opportunity.

The Albanian population of FYROM attempted to rectify this situation by applying to the Ministry of Education in October 1994 for permission to open an Albanian-language university. That request was ignored—not accorded even so much as an acknowledgement.

Frustrated, Albanian students protested the lack of educational opportunities at the Pedagogical Academy of the University of Skopje in November of 1994. The student strike in support of Albanian-language instruction was organized by these students who believed that such preparation would enable them to better educate ethnic Albanian students at all grade levels.

Without a response from the Education Ministry, educators attempted to open an Albanian language university in Tetovo, FYROM, and were suppressed by the police. An additional attempt was made to found an Albanian-language university in February 1995, and this time the force used by police resulted in the death of an ethnic Albanian and the wounding of 28 other individuals.

Our former colleague, and human rights activist, Joe DioGuardi, who serves as the volunteer president of the Albanian American Civic League, was in Tetovo at that time. Mr. DioGuardi was joined by my constituent, Ms. Shirley Cloyes, who is also a dedicated human rights activist. On their return, they reported on the events at Tetovo to Chairman GILMAN, who subsequently introduced House Concurrent Resolution 103 expressing the support of the Congress for the university at Tetovo.

The former rector of the Albanian language university in Prishtina, Kosovo, a distinguished professor and one of the founding group of the Albanian-language university in Tetovo, Dr. Fadil Sulejmani, was in the United States last year. He met with officials at our State Department and with members of Congress to describe the work they are trying to do over there and of their concern that young ethnic Albanians have over their ability to study in their own language and to enjoy the sort of academic freedom and cultural studies that we in the United States take for granted.

Our colleague, the distinguished Chairman of the House International Relations Committee, BEN GILMAN, has introduced House Concurrent Resolution 103, which expresses Congress' support for equal and fair access to higher education in the Albanian language in FYROM. Chairman GILMAN's resolution states the distressing history and gives a clear account of the situation.

The resolution will place the Congress in firm support of academic freedom and the right of Albanians in FYROM to study in their own language, and in particular in support of the efforts to provide university-level classes in the Albanian language at Tetovo, Macedonia.

Mr. Speaker, we have seen too clearly what happens when governments fail to recognize the fundamental rights of ethnic minorities. The suppression of language and culture, the inability of people to learn and write in their own languages, have generated much of the ethnic strife that is tearing apart societies around the globe.

This nation has succeeded, indeed this nation has thrived, on its tolerance and respect for different ethnic groups and their languages and cultures. It is a lesson that needs to be learned not just abroad, but, regrettably, here at home too. Tolerance and diversity don't foster division. It is when people are unable to express their cultures and speak their language that they resort to separatism.

I join my colleagues in urging the government of FYROM to respect the aspirations of the ethnic Albanian people and to recognize the University at Tetovo under the laws of FYROM as a legitimate expression of and to allow classes to be held at the university level in the Albanian language.

Mr. Speaker, I include for the RECORD remarks by Congressman BILIRAKIS:

Mr. BILIRAKIS. Mr. Speaker, I rise today to touch upon the importance of having access to education. Education not only plays a vital role in the development of an individual, but also of a nation. Benjamin Disraeli noted in a speech to the House of Commons in 1874, that "upon the education of the people of this country the fate of this country depends."

While we in the United States may sometimes complain about the skyrocketing costs of college tuition or the need for more classrooms, what we often take for granted is the fact that everyone has access to education. This is not always the case in other countries. For example, in countries such as Albania and the former Yugoslav Republic of Macedonia, ethnic minorities are often denied access to education.

Although international law and treaties signed by Albania guarantee ethnic Greeks a right to education in their native tongue, they are still denied equal access. Indeed, as Mrs. Porter, wife of Congressman JOHN PORTER of Illinois, pointed out to me in a letter dated December 14, 1995: "The oppression on the Greek minority in Northern Epirus is palpable. It is evident in the lack of Greek schools in towns and villages with predominately Greek populations and the denial by the government that such need exists."

While this situation troubles me, I am encouraged by the friendship and cooperation agreement that the two countries signed this March.

In addition, to the situation in Albania, a similar situation exists for ethnic Albanians in the former Yugoslav Republic of Macedonia. The Albanian-language University of Tetova still has not been officially recognized by the government. Ethnic Albanians are denied equal access to education. Indeed, as my friend and colleague, Congressman GILMAN, stated last September, the government "is not taking sufficient steps to ensure that those citizens from its considerable Albanian population are provided with adequate opportunities for higher education in the Albanian language."

Mr. Speaker, the challenge we face is to bridge the education and cultural gaps that exist in these countries to ensure that their respective ethnic minorities receive the education to which they are entitled. We must work to encourage removal of educational barriers, not only in the southern Balkans, but also in other parts of the world.

TRIBUTE TO RICHARD STULZ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. HUNTER] is recognized for 5 minutes.

Mr. HUNTER. Mr. Speaker, America is a great country because we are a Nation that is filled with great people.

A wonderful person passed away a couple of days ago, a good friend, Dick Stulz, who was one of the border patrol leaders in the San Diego area, was a wonderful citizen, a wonderful husband and had a great family of children and grandchildren who absolutely adored him.

Dick Stulz was a guy who believed very strongly in two things: securing America's border and taking care of his people.

Last time I saw him, he had a border patrol agent under his wing as one of the union leaders of the border patrol, and he was trying to see to it that this gentleman who had been assaulted at his house by illegal aliens would get some protection from his government.

Dick Stulz passed away a couple of days ago and his wife Veronica gave me that call about that tragic situation. She was at his side when he passed away.

I thought it would be important to tell my colleagues a few things about Dick. He was born in Philadelphia, PA. He was one of those guys who joined the Marine Corps in 1952, served with them for 30 years. As his duty stations, both at home and abroad, he was instrumental in establishing the communications networks that are required to support various military activities.

Furthering his dedication to government service, Dick was a lifetime member of the Navy-Marine Corps Military Affiliate Radio System. As such, he participated in several recovery missions during man's historic decade in space, spanning Apollo missions 7 through 17, where he played an integral role in processing and patching both military and civilian phone traffic between the recovery ship and various points around the globe.

□ 2245

His work on the Apollo recovery missions earned him lifetime membership with the VHF Spacenet.

In addition to his military service, as I said, he worked for 25 years with the United States Border Patrol. His job was effectively coordinating communications between field stations and agents on patrol along our border. And during this time at the Border Patrol Dick became highly involved with the National Border Patrol Council Local 1613, where he served as first vice president, and it was Dick Stulz who interested me in the idea that the Border patrol needed help and that the Boarder Patrol represented not just a faceless agency that secured America's border, but it represented some of the finest public servants in the United States. And it was a result of Dick's work that we started a scholarship fund for the children of Border Patrol families, and we are going to continue that fund. We are going to call it the Dick Stulz Memorial Fund. His wife Veronica, I know, will help us to make it work and keep it going.

And I just wanted to remind my friends also that on a more personal level Dick was always mindful of his military brethren and their sacrifices, and he actively supported a lot of veterans organizations. He had the distinction of being the only non-Hawaiian member of the Hawaii VFW Post 9512. He supported Pop Warner leagues around the country, and additionally he did just about everything that his children and grandchildren asked him to do.

Dick Stulz was a wonderful American. He is a kind of a person that makes this country work and gives us faith in our fellow man. So, Mr. Speaker, I know that my colleagues join me in wishing the very best for Dick's family in mourning his passing.

SOCIAL SECURITY REFORM

The SPEAKER pro tempore (Mr. TAYLOR of North Carolina). Under a previous order of the House, the gentleman from Michigan [Mr. SMITH] is recognized for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, usually I am sort of a calm, old farmer from Michigan, and I take the ups and downs and the comments of what people say pretty casually. This afternoon, though, I was quite upset when I heard Secretary Rubin and Secretary Shalala and the commissioner of the Social Security Administration, Shirley Chater, in effect say that there was not very much trouble with today's report of the trustees on Medicare and Social Security.

The report on Social Security said the fund would technically be broke by the year 2029, and the reaction from that group was that, look, that gives us a lot of time in the future to make the changes we need. Social Security has never been broke.

I guess, Mr. Speaker, my problem is why are our heads in the sand? Why are they putting their heads in the sand? Why are Republicans, why are Democrats, not facing up to the issue of saving Social Security?

Look. Let me tell you what happened back in 1983 before the Greenspan Commission started. At that time they said the unfunded liability of Social Security would take 1.82 percent of existing payroll to make Social Security solvent. Guess what it is today? Today it is up to 2.17 percent of existing payroll to keep Social Security solvent, and yet Secretary Rubin said, well, you know, we have approximately $500 billion in the trust fund. But there is no money in the trust fund. Every dollar of surplus money that comes into that Social Security trust fund automatically goes into the general fund and is spent for whatever we spend money for in the United States Congress.

There is no trust fund. The money comes in one month from the FICA taxes from current workers, and it goes out immediately that month to existing retirees.

Just think of this. Back in 1945, right after World War II, there were 42 people working for every one Social Security retiree. Guess what it is today? Today it is three. When the baby-boomers retire, around 2013, there is going to be about 2½ workers. And yet the reaction was from one of the questions of the press, "What do you do you when the baby boomers start retiring around 2012 and there is no money in the fund? Where are you going to come up with the money," Secretary Rubin said, "Look, that interest alone in a separate fund will last until 2019."

My colleagues, Mr. Speaker, there is no separate fund. We have used up all of the money. If we were to start today to make Social Security solvent for the next 75 years, we would have to, if we just looked at reducing benefits or increasing taxes, we would have to increase the FICA taxes by 16 percent starting today, or we would have to start reducing benefits by 14 percent, starting today.

Now, that is why some of us have decided to introduce a Social Security reform bill to gradually increase the retirement age, to allow individuals to invest some of that money in their own account.

I know why they are saying there is no big deal. They do not want to disrupt the senior vote for this coming November election. But it is not fair to the future. I think the mistake they are making, Mr. Speaker, is thinking that senior citizens only care about their own economic welfare.

Here is what I think American senior citizens care about, and that is leaving a good world, a good United States, to their kids and their grandkids.

SOCIAL SECURITY TRUST FUND SOLVENCY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. PALLONE] is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, the congressional Republicans today began once again to distort the issues surrounding the Medicare trustees' report, basically in order to attempt to justify their extreme and damaging cuts in the Medicare program. It is the same thing they did last year. If you think about over the last 18 months, the congressional Republicans have refused to cooperate with President Clinton and congressional Democrats to make responsible adjustments to Medicare and extend the solvency of the trust fund. In fact, if you look at the votes over the last 18 months, congressional Republicans have repeatedly voted for deep cuts in the Medicare program in order to pay for their massive tax cuts for the wealthy and against bipartisan reforms that would extend the solvency of the trust fund.

I just wanted to point out some of the key votes on this issue because once again we heard today that there was no effort by the President or by the Democrats to solve the problem with the trust fund. The President actually stated today, mentioned on several occasions when there were votes in this House to try to deal with the solvency issue, and he actually asked the congressional Republicans, the Republican leadership, to come out and support similar type proposals once again before the end of this Congress.

Back in May of 1995, about a year ago, the House Republicans brought up their budget resolution for the fiscal year, and that vote basically provided $288 million in Medicare cuts to pay for $345 billion in tax cuts targeted to the wealthy. This was the first major time when we saw the Republican leadership move on these massive cuts in Medicare and propose major changes that I think negatively impact the Medicare program.

Now, the Medicare cuts in that first budget resolution, the one that they passed last year, were more than 3 times larger than the $90 billion in Medicare cuts that the trustees stated were necessary to extend the solvency of the trust fund through 2006; in other words, another 10 years. According to the Treasury Department, 52 percent of the tax cuts in that proposal went to the top 12 percent of American households, those making over $100,000, and it not only made these cuts that basically was transferring money to wealthy Americans, but it also undermined the current Medicare program. Among other things, the deep GOP cuts would have doubled the monthly Medicare part B premium paid by all Medicare beneficiaries, drastically reduce the reimbursement paid to providers under the Medicare program, which would result in hospitals closing and also, I believe, jeopardize the general quality of health care available to seniors.

Now, some have said, well, what was the Democrats' alternative? Well, in October 1995 the gentleman from Florida [Mr. GIBBONS], a Democrat who is the ranking member of the Committee on Ways and Means, brought up a vote on exactly or proposed an amendment on exactly the $90 billion in Medicare reforms; in other words, the level of cuts that the Medicare trustees said was necessary to make sure the program remains solvent into the next century.

Well, 233 House Republicans voted against the Gibbons substitute, again a strong indication of the fact that they were not really interested in dealing with the solvency issue but wanted to make the larger cuts that would have primarily been for tax breaks for the wealthy and the substantive changes in the Medicare program.

We had other votes. We had a vote on October 19 also. This was a motion offered by the gentleman from Missouri [Mr. GEPHARDT] to recommit the budget or to recommit the GOP Medicare Revisions Act and basically would have removed the increase in the monthly part B premium paid by all Medicare beneficiaries. So once again Republicans on record, in this case 233 Republicans who said that it was okay to significantly increase part B premiums for every Medicare beneficiary who opted for the part B program, which pays for doctor bills.

Now, this year we see the same thing happening again. On May 18, just really a few weeks ago, the gentleman from Minnesota [Mr. SABO], who is the ranking Democrat on the Committee on the Budget, he brought up the Clinton budget, the President's budget that essentially contained $116 billion in Medicare reforms and would have again solved the solvency problem and extended the Medicare program and kept it solvent into the next century. This was again something that was 225 House Republicans voted against.

So when someone says to me, what are the Democrats doing, what is the President doing to try to deal with the solvency problems, those votes have come up, the President's budget came to the floor, and once again the Republicans voted it down.

Instead what we got on May 18 was the new Republican budget resolution for the next fiscal year. Again the same thing again. It called for $168 billion in cuts in the Medicare program, too much unless you want to use it for tax breaks for the wealthy.

PARLIAMENTARY INQUIRY

Mr. HAYWORTH. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. HAYWORTH. In view of the preceding remarks, do the rules of the House require that speakers tell the truth during the course of their remarks?

The SPEAKER pro tempore. That is not a valid parliamentary inquiry.

Mr. HAYWORTH. I thank the Chair. However, I find it a valid point.

MEDICARE TRUST FUND

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. HOKE] is recognized for 5 minutes.

Mr. HOKE. Mr. Speaker, you know the one thing, or one of the things, that a representative democracy cannot tolerate is the poison of disinformation and deceit and demagoguery. And it is a solitary, singular and extraordinarily disturbing time when it is necessary to, or one is certainly moved to feel the necessity to correct the record at every single turn just so that the poison of disinformation, the poison of deceit, the poison of hypocrisy and the poison of lies will not completely undermine the vary fabric of our ability to represent ourselves in a representative democracy.

So what I would like to talk about this evening is the Medicare trust fund and particularly this chart because what this is this is the Federal hospital insurance trust fund report, for it represents the report for 1995 and then for 1996.

In 1995 the trustees, the President's trustees; these are not, they are not supposed to be, partisan trustees, they are nonpartisan, or they really should not have a partisan impact. But if they were going to be considered partisan, I suppose you would have to consider them to be Democratic representatives because they were all appointed by the President. But I do not consider them to be partisan; I do not think that is correct. I think that in fact they were appointed by the President, they are members of his Cabinet, and they are there trying to do the very best that they can for the American people.

□ 2300

What they do is, they are required by law to come up with an analysis of the trust funds. What they said in 1995 is they believed that we would have a balance of zero, that is what this line represents, Mr. Speaker, a balance of zero in the Medicare Trust Fund in about the year 2002. Do Members see how that matches up there? What this shows is the trust fund balance at the end of each fiscal year.

But the new report that was just published, and by the way, I do not know why it was only published yesterday, that we are just seeing it the first week of June. It is supposed to be published in April. But in any event, it finally came out in June. What it shows is that it goes to zero, the trust fund balance at the end of the fiscal year goes to zero in about the year 2000. So the President's trustees here, they are not saying, oh, it is not as bad as we thought, they are saying it is worse, it is worse. It is a lot worse. We are spending a lot more money than we thought we were spending.

What exactly was it that the President wished for in his reforms? His reforms would have increased Medicare spending at about 7.2 percent per year, and our reforms, that is, the House's reforms, the Senate's reforms, the congressional reforms, would have increased them at about 7.0 percent per year.

How either one of those could possibly be described as a deep cut I do not understand. I do not understand. When are we increasing at 7.0 percent or 7.2 percent, how on earth can that be described as a deep cut? I do not know. I do not know.

But, Mr. Speaker, what I do know is that if we do not fix the problem, if we as representatives of the people of the United States, who are supposed to be acting responsibly, not with partisan purposes to be acting responsibly, not with partisan purposes first, not because we are trying to get elected or reelected, not because we are trying to retain power or because we are trying to retake power but because we are trying to do what is right by the American people, if we do not fix this problem it will not go broke in 2002, as the President's trustees suggested or stated in their report of 1995, it will go broke in the year 2000. And if we do not do anything, I suppose if Members believe in trend lines, then it would be reasonable to assume that next year's report will show that it is going to be broke in 1998, which will be 12 months from then.

Rome is burning here, Mr. Speaker. We need to fix this.

MEDICARE

The SPEAKER pro tempore (Mr. TAYLOR of North Carolina). Under a previous order of the House, the gentlewoman from Connecticut [Ms. DELAURO] is recognized for 5 minutes.

Ms. DELAURO. Mr. Speaker, today the Medicare Board of Trustees released their annual report on Medicare. Not surprisingly, the trustees' report says that if nothing is done, the Medicare Trust Fund will run out of money by the year 2001. We have expected this news. In fact, it is why last October the Democrats offered an amendment that contained $90 billion in Medicare reforms over a 7-year period. The amendment would have extended the life of the Medicare Trust Fund through the year 2006 and would have remedied the problem.

Mr. Speaker, although the contents of the report were not surprising, the response of the Republican Party and its leadership to the report has been incredible. If it was not so ridiculous, it would be downright funny. The Republicans have spent a lot of time this week running around Washington and playing the blame game. They are blaming the media, they are blaming the Democrats, and they are blaming the people who are on Medicare.

The House majority leader, the gentleman from Texas, DICK ARMEY, has said, and I quote:

> Hundreds of thousands of seniors rely on Medicare. I'm sorry they do, but they do.

But, Mr. Speaker, this is no laughing matter. Last October, House Republicans had a chance to vote, to vote to fix the Medicare problem. Over 233 of them, let me say it again, over 233 of House Republicans voted no. Soon there will be a list of those 233 so that the public can see who they are. Now they are acting like they just found out that there is a problem; but the fact is last October they resoundingly rejected an opportunity to reach an agreement with congressional Democrats on $90 billion in Medicare savings that would have extended the solvency of the program through 2006.

But why should that surprise us? In the same month that he voted against fixing Medicare, House Speaker NEWT GINGRICH has said, "No, we do not want to get rid of it in round one because we don't think that is the right way to go through a transition, but we believe it is going to wither on the vine because we think people are voluntarily going to leave it."

In order to encourage them the Republicans have proposed cutting $168 billion from the Medicare Program over the next 6 years. In fact, as early as February of 1995, the gentleman from Ohio, JOHN KASICH, the chairman of the Committee on the Budget, and his staff knew that their budget, again, "would require Medicare cuts unlike any this town has ever seen before."

Why such a large cut? These cuts are not going to be used to extend the solvency of the Medicare Trust Fund. In fact, the original Republican Medicare cuts were about three times any estimate of what was needed to keep the program solvent. The truth is that the Republicans need to cut Medicare in order to pay for a tax break for the wealthiest Americans, $180 billion in a tax break.

Last September the McNeil/Lehrer News Hour reported a private meeting between the gentleman from Georgia, NEWT GINGRICH, and the chairman of the Committee on the Budget, the gentleman from Ohio, [Mr. KASICH]. Mr. GINGRICH told the gentleman from Ohio that the only way to balance the budget in 7 years and to give a tax break was to cut Medicare.

The cuts advocated by the Republican leadership could result in a second-rate health care system for our Nation's seniors, a system where the elderly will be asked to pay more and to get less. The plan would allow the health care plans to overcharge seniors, to charge them more, reduce choice, increase costs, close rural hospitals, or drastically reduce the services that hospitals offer.

Where are our priorities, Mr. Speaker? The Republicans want to cut Medicare to pay for tax breaks for the wealthy, when we should be honoring a lifetime of hard work with a secure and a dignified retirement. In the end, the Republicans keep laughing, and the joke is on the American people and on seniors across this great country of ours who depend on Medicare for their livelihood and for their future.

We can fix Medicare. We can do that, and we need to do that. That is not the issue. But the fact of the matter is that the Republicans would like to see Medicare fundamentally changed. Who do you trust to fix the Medicare Program, the people who have said that they want to see it wither on the vine, that they would be proud to have voted against it; the gentleman from Texas [Mr. ARMEY], who says he does not want to see a bipartisan commission to fix the Medicare Program? The American public needs to understand what is at stake once again.

URGING MEMBERS TO SUPPORT H.R. 3460, TO PROTECT AMERICAN PATENT RIGHTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. ROHRABACHER] is recognized for 5 minutes.

Mr. ROHRABACHER. Mr. Speaker, I yield to the gentleman from Arizona [Mr. HAYWORTH].

CORRECTING AN INACCURATE QUOTE ATTRIBUTED TO MR. GINGRICH

Mr. HAYWORTH. Mr. Speaker, I thank my colleague, the gentleman from California, for yielding to me.

Mr. Speaker, I think the gentlewoman from Connecticut and all those who heard her remarks would be interested in hearing the accurate quote she attributed to the Speaker of the House, not talking about the Medicare Program, but the Health Care Financing Administration. Here is the complete quote:

> You know, we tell Boris Yeltsin, get rid of centralized command bureaucracies, go to the marketplace. Okay, what do you think the Health Care Financing Administration is? It is a centralized command bureaucracy. It is everything we are telling Boris Yeltsin to get rid of. No, we don't get rid of it in round one, because we don't think it is politically smart, we don't think that is the right way to go through a transition. But we believe it is going to wither on the vine because we think seniors are voluntarily going to leave it, voluntarily.

Again, the record demonstrates, that refers to the Health Care Financing Administration, not to Medicare withering on the vine. That is the type of partisanship we should avoid in moving to solve this problem.

Mr. ROHRABACHER. Mr. Speaker, I would hope that we can discuss issues like that in a spirit of camaraderie, except I will have to note that when people misquote other people's positions, they can expect people to get upset about it. I will say that what I have heard personally over the last year is an attempt that I would believe that many Democrats are making to try to frighten the senior citizens of the United States by using misquotes, by trying to present to them the idea that the Republican Party has some idea of taking away their Social Security and taking away their Medicare. I would say I believe that this is an insult to the senior citizens, in particular, of our country, and I think our senior citizens are much more intelligent and will not fall for that type of tactic.

Mr. Speaker, what I would like to speak about tonight with my remaining 3½ minutes is something that is a major threat to the well-being of every American. That is a battle that is going on that nobody even hears about.

What is happening is we are now facing the most severe attack on America's patent system that we have ever had in the history of the United States. Foreigners and multinational corporations have insidiously targeted our patent system and are now, step by step, destroying the patent system of the United States, the patent system which has provided us the greatest source of new wealth creation of any nation in the history of mankind. This has been America's greatest asset, and people are attacking the system. It is being attacked, it is being dismantled, and it is one of the most insidious attacks I have ever seen as a Member of the Congress.

The patent system was first changed in the GATT implementation legislation by a provision that was not required by GATT, but was snuck into the implementing legislation because we in Congress had to vote for the entire legislation or against it, and thus, they were sure they would get the vote for changing the patent system because they knew that we would not just totally abandon the world trading structure.

What happened in that legislation, Mr. Speaker, was that the guaranteed 17 years of patent protection that Americans have had as a right for the last 130 years was taken away and was replaced by an uncertain time of 20 years. But that 20 years, if it takes you longer, the clock begins ticking when you file for a patent. Seventeen years of guaranteed patent protection meant if you filed for a patent, no matter how long it took after the time it took you to issue your patent, you would have 17 years of protection. Thus, inventors and investors put forth the time and effort needed to keep America ahead of the competition.

If we replace that with a system of 20 years, where the clock starts ticking immediately, what that does is the clock is ticking against the inventor, and if it takes 15 years, 15 years for a patent to be issued, only 5 years of patent protection would remain. Basically our guaranteed patent term, the right to a guaranteed patent term, was eliminated for the American people, something that served us so well.

The second step in this harmonization process, and what is happening is a process to harmonize American law with Japanese law, is actually a destruction of the Patent Office.

H.R. 3460 is a bill that has already passed the subcommittee. This bill, which I call the Steal American Technology Act, would literally destroy the current Patent Office and corporatize it.

Here is a conservative Republican, who usually likes privatization, telling you that this would be horrible. We must protect American patent rights and oppose 3460, which would destroy the Patent Office. We can do this in the time ahead by supporting H.R. 359, which is my substitute, to H.R. 3460.

THE REPORT OF THE MEDICARE TRUSTEES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Hawaii [Mrs. MINK] is recognized for 5 minutes.

Mrs. MINK of Hawaii. Mr. Speaker, I would like to join my colleagues on this side of the aisle in discussing the Medicare situation. Today the headlines all across the country will be repeating the report of the trustees that in their estimation and in conservative estimates that by the year 2001 the trust fund, which pays for the hospital costs of the Medicare program, will run out of money. That is that the taxes collected under the health insurance program will be insufficient to meet the needs of the senior citizens who are qualified for this program.

In forecasting this outcome in the year 2001, we have to understand that since this program took effect in 1965, that almost every year, or at least every 2 years since then, the trustees have met and have also recommended each time dire consequences of near bankruptcy, and in some cases, within 1 or 2 years. Congress has, in each instance, looked at the Medicare Program, tried to make modification in order to avert the crisis, and each time that this report was made by the trustees, the Congress has acted.

We are in no different a circumstance than has been the case over the last 20 or 30 years.

□ 2315

So in trying to take advantage of the trustees' reports today, I want to join my colleagues in saying that that is really not a reason or justification to run roughshod over a system that has made such dramatic changes for our senior citizens for the better.

When you look at what the situation was prior to 1965, you will find seniors almost virtually without health care protection, and the outcome was that their children practically had to pay for the costs of medical care. That was the condition of our society prior to 1965. Today, senior citizens have the assurance and the protection of a Medicare system.

So what we are talking about today and what this whole debate is all about is not frightening seniors. That is not the issue. The issue is the Republican plan which has been brought forth to the Congress and discussed by the media across the Nation, and it is the Republican proposal to restructure Medicare which has frightened literally the seniors across the land, basically because they are not willing to accept the argument of the Speaker that says, we are not doing any damage to the system; we are simply slowing the growth in order to make sure that the deficits are controllable or that we can yield a zero deficit in 7 years.

Well, the whole problem with this debate which the Speaker has now attempted to refocus about reducing the costs is that what we are faced with today is a system of providing universal care to the seniors. If we are going to go with the drastic cuts that the Republicans are making over this 6- or 7-year period, through restructuring, we are going to end intellectual property with a Medicare system that is vastly different, which is not going to provide the kind of protection that the seniors have enjoyed today.

Under the current Medicare plan, seniors across the country are provided certain fixed benefits that they can be assured of if they should require hospitalization. We are only talking about the part A plan. Part B plan is not involved in this trustees' forecast of running out of money by the year 2001.

So as we look at the 6- and 7-year period, which is what the Committee on the Budget is doing in terms of looking at the 7-year deficit, we have to consider that the forecast by which the Committee on the Budget under the chairmanship of the gentleman from Ohio [Mr. KASICH] is doing, forecasting 7 years, is precisely what we have to do with respect to Medicare.

It is the Congressional Budget Office, their own office which is saying that given the current plan, given the current benefits, given the current way in which Medicare operates that this is the cost of the program that has to be anticipated.

So if we do not follow those cost estimates by the CBO and we come in with $100 billion, $200 billion cut, that is a cut; no way other than that is an explanation of what the Republican plan is all about.

So I caution the seniors not to get confused. What we are dealing with here is a major, drastic cut of the Medicare Program, and the dollars are important, but it is the restructuring of this program that is far more devastating.

ORDER OF BUSINESS

Mr. BARRETT of Wisconsin. Mr. Speaker, I ask unanimous consent that the gentleman from Wisconsin [Mr. BARRETT], as the designee of the minority leader, be recognized before the designee of the majority leader for 10 minutes, notwithstanding the Speaker's announced policy of May 12, 1995.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

WELFARE REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Wisconsin [Mr. BARRETT] is recognized for 10 minutes as the designee of the minority leader.

Mr. BARRETT of Wisconsin. Mr. Speaker, tomorrow the House of Representatives will be considering a bill dealing with the W–2 Wisconsin Works Program. I would like to spend a few minutes talking about that bill tomorrow, because I think it is a bill that is frankly a bill that should not be before the House of Representatives.

Mr. Speaker, when I am home in my district in Wisconsin, one of the questions I am asked most often is, Why cannot the Democrats and Republicans get along better? Why does every issue have to turn into a partisan issue? I think that this issue is an excellent example of a time when an issue that should not be a partisan issue has become one, and it has become a partisan issue unfortunately, and I think unnecessarily.

Several weeks ago President Clinton in his Saturday weekend radio address announced that he supported the waiver request that would be coming from the State of Wisconsin. In essence, he offered an olive branch to the Republicans. He said, I agree with you. What is happening tomorrow is that the Republicans are taking this olive branch, they are breaking it in half, and they are sticking it in the President's eye. They are trying to embarrass him, they are trying not to work together at a time where I think Republicans and Democrats can work together. Again, I think that that is very unfortunate.

I think the people in this body should have a little history of the W–2 legislation that passed the State of Wisconsin. This is legislation that passed the State legislature earlier this year and was sent to the Governor. At that time the Governor of the State of Wisconsin used his partial veto power 97 times; 97 times he lined out parts of this legislation that affected 27 different areas of this legislation. He then took 5 weeks to prepare some waiver requests, and last week he announced at a press conference that he would be delivering these waiver requests to the President of the United States. The following morning, he took the waiver requests to the White House.

That day, I called his office and called the office of the Department of Health and Social Services in the State of Wisconsin, since I represent the district that is most affected in this entire country by the W–2 program. I asked for a copy of the waiver requests. Those came yesterday. It is interesting that those came yesterday, because we are going to be voting on this legislation tomorrow.

Let us get to this legislation, because for the first time that I have been able to discover in the history of this country, we are going to have a freestanding bill and the Congress of the United States is going to grant waivers to a State without any prior hearing, without any public input, without any chance for people who are affected by this program to have any input, to have any recourse with their elected officials. The people who are affected by this program are in essence being told, you are shut out of the process.

Mr. Speaker, this is arrogance at its worst. This is an arrogant misuse of power and it is an arrogant misuse of the process of this institution.

Now, what should happen? Mr. Speaker, tomorrow there is going to be a substitute amendment that is going to be offered by the gentleman from Wisconsin [Mr. KLECZKA]. That amendment is going to do several things. First, it is going to encourage the Secretary of the Department of Health and Social Services to grant these waivers, but it is going to encourage the Secretary to do so after the public has been given an opportunity to have their input. That is what normally happens.

What is ironic about this is that this is a situation where the last time a waiver request was granted by a President without this due process, without the 30-day public hearing period, the courts struck it down. They said, you have to have the public hearing. What is happening here is we are trying to circumvent that process. We do not want the people of this country to have the ability to hear and have the legislators hear what they have to say.

The legislation that is offered by the gentleman from Wisconsin [Mr. KLECZKA] is also going to say that this waiver should be granted if the W-2 waiver requests that have been submitted to the President of the United States are consistent with the public representations that the Governor of the State of Wisconsin has made. That is all we are asking.

We are asking two things: First, that the public have an opportunity to have their concerns mentioned; and second, we are asking that the Governor of the State of Wisconsin, who has made representations on this issue, that the waivers are consistent with those representations. I do not see where that is any great disservice to the people who are pushing this waiver.

I would also like, Mr. Speaker, to talk a little bit about the merits of the plan. Welfare reform is something that everyone in this body is interested in. People from both sides of the aisle recognize that the current welfare system is not working. But as we seek to improve this welfare system, we cannot ignore the fact that real people are involved in this system, that real people are the ones that may be hurt if we act cavalierly.

The Governor of the State of Wisconsin said, oh, yes, there are going to be speed bumps in this process. Mr. Speaker, our job as legislators is to make sure that real people are not those speed bumps, and I represent the district in this country that is going to be most affected by this plan.

I would like to point out just a couple of things about this plan. This plan requires women who have given birth to return to work after 12 weeks. I am not going to debate the merits of that. There are people here who think that is a good idea; there are people here who think that is a bad idea. But what it does not recognize is that by pouring literally thousands more children into the child care system in Milwaukee County, it is going to overload the system. The system is not equipped at this time to deal with that.

What is going to happen? These women are going to be given a choice. They are either going to put their children in substandard care, or they are going to stay home and lose their benefits. We are talking about 4-month old babies here who are going to be put in substandard care or their mothers are going to lose their benefits.

Now, that is under the merits. But I do not want to spend all my time on the merits, because what we are seeing tomorrow is one of the worst abuses of the legislative process that I have seen since I have been in this body. The first time in the Nation's history we are going to have a stand-alone waiver request. And are the committees of jurisdiction going to be asked to consider this? Absolutely not. Are we going to have any public hearings on this? Absolutely not. Is a single public American going to be able to have their concerns addressed? Absolutely not.

This morning, Mr. Speaker, I was on a radio program in my district and the question came, well, what happens to the Indians in the State of Wisconsin who are affected by this? What if this violates one of the treaties? Have you looked at that? I explained to them that there is not a single legislator outside of the State of Wisconsin who has ever looked at these waiver requests. There are 600 pages of waiver requests that are going to be approved by this body tomorrow, and no one had looked at them and there has been no public hearing on them.

All we are doing is denying the people of the State of Wisconsin and the people of every other State in this country the ability to have their voice be heard. That is not the way this institution should operate, Mr. Speaker. That is not the way this Government should operate.

Now, when this piece of legislation passed the State of Wisconsin's legislature, it did so on a bipartisan basis. But the Governor changed it in some significant ways, but at the time that he signed it, the law of this land was that this body, or this Government more correctly, the Federal Government, would examine those waivers to make sure that they were consistent with the U.S. Constitution, that they were consistent with Federal law.

Now the majority is saying, forget about it, it does not matter to us whether they are consistent with the U.S. Constitution. It does not matter to us whether they are consistent with Federal law.

But perhaps the most galling part of this entire process, Mr. Speaker, is that this is a situation where the State of Wisconsin has come to this administration numerous times asking for waivers, and each and every time it has come to this administration asking for waivers, what has happened? President Clinton has granted the waivers.

We are not dealing with a situation where President Clinton has been unresponsive. We are not dealing with a situation where he has denied the request for flexibility or the chance for States to act as laboratories of democracy. No. He has worked together on a partnership. He has worked together to allow the State of Wisconsin to experiment. But that is not enough, because now we are dealing with Presidential politics.

So instead of the State and the President working together in a partnership to try to improve the lives of the people of Wisconsin, we have the President of the United States who has offered an olive branch.

Some of my colleagues on the other side of the aisle probably did not like the fact that he agreed that he should have the waiver request approved. They did not like it because they felt that he was stealing their issue, that welfare reform is somehow a Republican issue and President Clinton has decided that he agrees with this experiment in the State of Wisconsin. They feel like he pulled one over on them.

But there is not what the American people want. The American people do not care if it is a Republican issue or a Democratic issue; they care if we are making progress.

□ 2330

So it was wrong, Mr. President. When President Clinton offered an olive branch, the Republicans should not have taken that olive branch, broken it, and stuck it in his eye. That is not the way this body should operate.

REPUBLICANS VIEW ISSUES OF THE DAY

The SPEAKER pro tempore (Mr. TAYLOR of North Carolina). Under the Speaker's announced policy of May 12, 1995, the gentleman from Georgia [Mr. KINGSTON] is recognized for 30 minutes as the designee of the majority leader.

Mr. KINGSTON. Mr. Speaker, we wanted to talk tonight in response to some of the things that have been going on in Washington. I have with me the gentleman from Minnesota [Mr. GUTKNECHT] and the gentleman from Arizona [Mr. HAYWORTH].

I think our first topic that we will go ahead and talk about is this Wisconsin waiver, which basically is saying it gives the State of Wisconsin the right to make their own laws on governing and reforming welfare. President Clinton went out there 2 weeks ago and said, "I support the waiver for you, I like what you're doing, it's great," and when the cameras were on, he was 100 percent for it. Then when the cameras turned off, he backed off.

But the second thing that happened is the Republican Party said, "Great, a bipartisan chance to work on welfare reform. We welcome it." Here is a President who said he wanted to end welfare as we know it, not extend welfare as he has been doing, so let us give him the Wisconsin waiver.

It has been debated, as I understand it from the gentleman from Wisconsin [Mr. KLUG], 18 months in the Wisconsin Legislature. The gentleman from Minnesota [Mr. GUTKNECHT] was in the State legislature. What is your comment on this?

Mr. GUTKNECHT. I thank the gentleman for yielding. I was in a border State in Minnesota. We have been debating welfare reform for a long time. I think you have characterized it absolutely correctly, that this bill that passed the Wisconsin Legislature, it is a giant step forward in terms of encouraging more work and personal responsibility.

The President went to Wisconsin, said that he supported what was happening in Wisconsin, would grant them the waiver, and then somewhere between getting on the plane in Madison to fly back to Washington, something happened and all of a sudden some of the bureaucrats here in Washington apparently got to the President and said well, maybe we cannot support all of those waivers, and all we are trying to do is actually help the President to keep one more campaign promise. I am really surprised at the characterization we heard here just a few moments ago.

Mr. HAYWORTH. I would join my colleague from Minnesota, and I thank my friend from Georgia for yielding. Yes, I would have to take issue with the statements of our friend from Wisconsin, playing off some of the philosophical biases of some of the self-appointed potentates and pundits around the Beltway as if issues are there to be stolen or plagiarized.

That is not the issue in this case. What is the issue is something that is seemingly oft repeated in this dynmaic which exists between the legislative branch of government and the executive branch, and that is, unfortunately, and I say this not with any glee nor with venom or vitriol, there simply is an inconsistency between the President's words and the President's deeds.

And so again what we are doing in the new majority, with sincere folks from the other side of the aisle, is to step beyond partisanship and give the President the vote of confidence, I think we could almost say, to move forward with the very waivers he so willingly embraced. My friend from Georgia recalls that twice now we have passed welfare reform, mindful of the President's words to end welfare as we know it. We have done it twice and twice we have seen that legislation vetoed.

Mr. KINGSTON. I want to make the point that the liberal media has given President Clinton a free ride on just about any issue. What the Congress is saying, "We're giving you a chance, Mr. President, if you're going to talk the talk, walk the walk."

You mentioned that we have passed welfare twice and it has been vetoed by this President twice. In fact, the last bill passed the U.S. Senate by a vote of 87 to 12. That is a very strong bipartisan statement, particularly from the Senate which is not exactly letting a lot of legislation go.

Mr. GUTKNECHT. I would just add to that, the discussion we have had today and we have heard tonight on special orders is really again sort of back to this fundamental debate between those who believe that in the final analysis Washington knows best and those of us who would like to see, whether we are talking about Medicare reform or welfare reform, to decentralize this thing and allow States and individuals to make many of the choices themselves. It is really, and you hate to get back to this debate about Boris Yeltsin and some of the comments the gentleman made about the former Soviet Union, how we are encouraging them to move to a more market oriented system.

Yet here in Washington it is easy to be in favor of welfare reform and Medicare reform when you are out on a campaign swing, but somehow when you get back to Washington, the influence of this city just says no, we must keep the decisionmaking, we must keep the power here in Washington.

Mr. HAYWORTH. And even despite the considerable influence and pervasive atmosphere of this city, which seems to have a fundamental disconnection with the rest of the country, there is another disturbing development. Again our friend from Wisconsin who preceded us asked, almost plaintively, "Why can't Republicans and Democrats get along?"

I would contend that on many issues there are many folks on the Democratic side who want to find solutions. What is troubling is that there are many in this Chamber who, even in the act of despairing and disparaging partisanship, turn right around and engage in the same type of partisanship.

You mentioned earlier, and the example was especially unfortunate and egregious, our good friend and colleague from Connecticut stood up again, mischaracterizing and misquoting one of the prominent Members of this institution with reference to Medicare, attributing a quote to that individual, saying this individual said that Medicare would wither on the vine. And indeed the record reflects that the speaker in question was talking about the Health Care Financing Administration, not the Medicare Program. I would simply repeat the quote:

> You know, we tell Boris Yeltsin, get rid of centralized command bureaucracies, go to the marketplace. What do you think the Health Care Financing Administration is? It is a centralized command bureaucracy. It is everything we are telling Boris Yeltsin to get rid of.
>
> No, we do not get rid of it in round one because we do not think it is politically smart. We do not think that is the right way to go through a transition. But we believe it—the Health Care Financing Administration—let me add that emphasis—we believe it is going to wither on the vine because we think seniors are going to leave it, are going to leave it voluntarily.

It is most disturbing. And as much as we want to move forward in a bipartisan fashion, when there are those who repeatedly come to this floor and either through misinformation or deliberate disinformation choose to mischaracterize and unfairly characterize the facts in this debate, then it is our duty to point out the inaccuracies of those statements, not for playground taunts or to score debating points as if this were some super sophisticated debating society, no, not at all. Because we are cognizant of the fact that this is the Chamber in which our constitutional Republic must talk out issues and must find solutions.

Mr. KINGSTON. I am glad the gentleman mentioned that we do have a very difficult time here approaching issues and the resolution of those issues on a rational basis because of the rhetoric.

Here on this chart is a quote by the Democrat leader, DICK GEPHARDT. This was on CNN September 30, 1995, last year. "it is a big lie to say that Medicare is in trouble."

This is not an ordinary rank-and-file Democrat here speaking. Okay, everybody may say something one time. But here again, "Meet The Press," July 30, questioned by a reporter.

"Isn't it true that we cannot allow Medicare to grow at 10 percent a year?"

Congressman GEPHARDT says, "Now the Republicans are saying because the report says the fund will have insolvency problems in the year 2002 there's a great urgency. This is a hoax."

This is the health care program that my mother is on, not just my mother but all of her friends and my parents' friends who raised me and helped me in my formative years. The Democrat leader says that it is not going broke.

Here is the report which came out today. Last year this yellow line says that Medicare would be going bankrupt in the year 2002. This was the report of April 3, 1995. Well, that yellow line going bankrupt in 2002, that is what Congressman GEPHARDT was saying, "That's a lie."

Well, he turned out to be right. It was wrong. It actually is going to go bankrupt, according to the new report, which just came out today, about 2 years earlier than that, and there is a steady decline in dollars already. Medicare is losing money. The very program that our mother's health care depends on and you do not want to fact up to how we are going to protect and preserve it? This is extremely important. It is a high priority for me. It is beyond partisan politics. These are the people who helped raise all of us. We owe them a debt. We have got to crack down on the fraud and the abuse and the waste. We have got to give them a choice of health care plans, a choice of physicians, the same choices that you and I have when we go out into the health care and insurance market. Let Mom and Dad have those choices.

Mr. GUTKNECHT. I just want to reiterate a couple of things that Mr. KINGSTON has just said. First of all, seniors especially but indeed all Americans have a right to the facts. Frankly I think that there have been too many of these distortions and half-truths and mistruths and outright lies. Frankly the quotes that you have used tonight from the minority leader, I do not think they were taken out of context at all. I think for a number of months I think it was a calculated position by one side in this debate to basically say there is no problem and that the Republicans have made this up and they are trying to cut Medicare so that they can give this tax cut to the rich, which is bogus, anyway, but the point is this is serious, it is real, and the program is going bankrupt at an even faster rate than we were told last year.

But the other point that was made, and it needs to be restated, this is not the time and this is not the issue for partisanship. This is an issue that deserves real statesmanship. But the first thing we have to do is face up to the facts. We have to get the facts. The American people and seniors have a right to the facts.

The other point that Mr. KINGSTON made, and I think this is even more important, I think we have got to address this, and I personally do not address this as a Republican or even a Member of Congress. First of all I address it as the son of two parents who are both on Medicare, who both depend on the Medicare system, and hopefully will well into the future for their health care.

A fellow came up to me at a meeting a couple of weeks ago and he said something so beautifully and so simply. He said,

> With the issue of Medicare and so many of the other issues that you're debating out in Washington, it's not a debate between the Republicans and the Democrats. In fact, it's not so much a debate between the right and the left. It's a debate between right and wrong.
>
> It is wrong to conceal the facts from the senior citizens when we know the facts. The fund is going bankrupt. Let me just finally say that it is also wrong to tolerate a system that is rife with abuse and waste and fraud. I do not care which study you use. When I have my town meetings, I have had people come up at my town meetings and talk about being billed $321 for a toothbrush. I mean, there is so much waste, fraud and abuse. The GAO, I think, said it was $23 billion. Somebody else said it was $30 billion. We do not know what the exact number is, but we know that the system we have today, with the centralized control bureaucracy, is wrong.

Let me also say that the system we have, it is wrong for us to tolerate a system that is so complicated that my parents, and indeed I do not think most seniors can understand their bills. I mean, that is just wrong. They ought to at least know what they are being billed for.

My father had surgery a few months ago and he got a stack of bills this deep. I could not understand them. So I am sure he could not understand them and I doubt if many people can understand them. We need a simpler system that is built on market forces, that gives people real choices and allows the market to help control those costs. Everybody who has looked at this, every independent objective observer who understands the health care delivery system says that our plan will work and it will give people those choices.

Mr. KINGSTON. I wanted to make a point about this fraud and abuse. Right now Medicare does not pay people like your father with that stack of bills, if he finds out that three or four of them are erroneous, he does not get any kind of reward for that at all. In fact many times when you say don't pay a bill to Medicare, you have to really be proactive or they resist you.

But here is an example. This is a kind of a dressing, and I am not sure, a salesperson gave this to me, and said that the cost, the actual manufacturing cost, is like 9 cents and it sells under Medicare for about $28.

□ 2345

It is a total abuse of the system. And I just want to say that under our reform plan, seniors who are getting billed for this kind of thing right and left would have the opportunity to crack down on it. Let me yield to the gentleman.

Mr. HAYWORTH. I thank my colleague from Georgia. Even as we lament the inaccuracies and what some, including those of us here on the floor would believe are downright distortions coming from some folks who do not appear really committed to finding a solution to this, in the spirit of true bipartisanship, in the spirit of finding a constructive path to solve this problem, let us state what has happened that has been constructive.

First of all, the President today called on us to find a bipartisan solution. I know we would say to the President, Mr. Speaker, we would say welcome to this. Now let us own up to the problem and let us move to solve it. Let us also note for the record that many Members of this Chamber on both sides of the aisle lament the waste, fraud and abuse the system has wrought. So we understand that fact.

Now again, not in the spirit of one-upmanship or political advantage but in the spirit of truly trying to solve this problem and save this program for our seniors, I believe we need to point out some honest differences of opinion on this issue. No. 1, gone are the days and indeed we see with the release of this trustees' report that the crisis has grown more acute, that now we are looking at the fund going broke in 5 years, but quite possible in 4.

Now again, our colleague from Connecticut stood in the Chamber and said that the new majority was rejecting out of hand a commission. Well, again, a closer check of history would indicate that that was part and parcel of our solution program a year and a half ago. But moreover, again those of us who are new to this town, I think, come in perhaps without the experience of the so-called insiders but with clear enough vision to understand that in Washingtonese, when you are dealing with a program that is sensitive politically, one tactic that is quite often used to pacify the citizenry until the next election is a blue ribbon independent panel.

Mr. Speaker, again, I say this not in the spirit of criticism but in the spirit of solving this problem. The problem is far too acute to delay again or to put off or to somehow postpone until we get through the next election. What we are talking about is health care for our senior generations. My folks go on it next year. My 92-year-old grandfather has prospered from his health care and is living an outstanding life now, as indeed many senior citizens are.

The very thing we need to do is to move to save this program, and I dare say at the end of another year and a half or another 2 years, after we go through the pomp and circumstance of a commission, we will be no closer to a solution when right now we have the blueprint which exists to make the change. We passed it last year, last October, the Medicare Preservation Act.

Now, again, Mr. Speaker, in the spirit of bipartisanship, I would call on the President to join with us. The one thing we cannot afford is any type of convenient Washington way out or gimmick that would again seem to pacify or mollify seniors and try to take care of this program. We do not need to play a shell game with $55 billion moving from the Medicare trust fund to the general fund or vice versa or any type of legislative sleight of hand to try and satisfy this problem.

We need to be up front. Many of us in this Chamber had the courage to confront this a year and a half ago. We do not do that to ask for the gold star of good partisanship. We simply recognized that fact and the Medicare Preservation Act is a framework which offers choice, which offers quite candidly what many seniors are comfortable with and that is Medicare status quo which cleans up the waste, fraud, and abuse, which introduces the concept of choice and which moreover actually adds money to the beneficiaries every year, from $4,800 this year to well over $7,000 a few short years from now, and actually increases at what is basically twice the current inflation rate.

It is a prudent policy to follow to save this program. It is vital we do so. So it is in that spirit of bipartisanship that we call on the leadership of the minority side, that we call on the President of the United States, that we call on the Members of the other body to move forward to solve this problem. As today's report indicates, this is far too important to put off because of political considerations.

Mr. KINGSTON. If the gentleman would yield, I wanted with the few minutes left to talk about another serious problem that we are facing in America today, mostly with our young people, not completely, and I am talking about drugs.

Now, I believe the two of you are familiar with the Clinton appointed judge Harold Baer, the Federal judge. That case, as you know, involved a woman who was in a high-crime area, pulled up to an area, I think at 4 in the morning. Four men stepped out of the shadows. She opened her trunk. They put into the back of her car in the trunk two duffle bags. The police moved in on this suspicious behavior. All five of them ran. The police apprehended all of them and found out later that the duffle bags were filled with cocaine, and this Clinton judge said that the cocaine could not be used as evidence because to run from the police was rational behavior in that neighborhood because the police were known as oppressive. That is the kind of people that we are getting to fight the war on crimes by the current administration.

Now, that is in the face of the fact that the average age for marijuana usage in America right now is 13. Marijuana usage for 12- to 14-year-old kids is skyrocketing. This is a headline from the Charlotte newspaper today as I was going through the airport: Teen girls use drugs like boys. It talks about a new study showing that young American women are closing the gender gap in drug use, and today's daughters are 15 times more likely than their baby boomer mothers to have begun illegal drugs by the age of 15.

Now, can you imagine, we have got these kinds of things going on in America today, and then we have judges like this appointed to the bench to defend us and keep our streets safe?

Mr. GUTKNECHT. If the gentleman would yield, I think the issue of crime and drugs, it is interesting, it is not just the big cities anymore. You can go out to the small towns. I remember the newspaper editor in one of my small towns last year. You have to be from a small town to relate to this. He said: You know, even here in Hayfield, Minnesota people are starting to lock their doors.

I mean, this is a big issue. People no longer feel safe in small towns. Rochester, Minnesota, which is a beautiful city and we are all very proud of it, but even in Rochester we have had several murders just in the last week and a half. So whether they are drug related, some are, some are not, but the whole notion of appointing judges who do not believe that people are responsible for their own behavior, that is a very, very scary notion.

I think the American people are saying very loudly and very clearly that we want a criminal justice system and we want judges appointed who understand that people who would prey upon other people need to be held accountable, and the innocent people need to be protected from those who would prey upon them.

Mr. HAYWORTH. I think our colleague from Minnesota makes excellent points, points worth echoing, because I can attest in the Sixth District of Arizona, a district in square mileage which is a little larger than the Commonwealth of Pennsylvania, with vast rural areas, with not a great population density in those 46,000 square miles, we are finding similar problems in the rural areas in the less densely populated areas.

We are finding indeed, and it troubles me to even say it in this fashion, but you know how many reputable businesses are built on franchise. I dare say that gangs, part and parcel of our drug problem, seem to be replicating or franchising far faster than any reputable business organization. Now it is coming into rural, sparsely populated Arizona.

We have many of the same problems and, indeed, both of my colleagues, Mr. Speaker, have addressed this point. We have to ask this question as well: One of the undergirding concepts of western law and, indeed, whether it is British or American case law, is the notion of what is reasonable.

That is, put in a particular situation, what would a reasonable person do? As our colleague from Georgia points out, it is especially troubling that a judge would move or would opine from the bench that fleeing the police in a certain neighborhood should ever be considered reasonable behavior.

□ 2355

It is especially troubling, and indeed causes great concern, as we look to our third branch of government in our separate but coequal branches, as we try to address the problem of crime and the rise of drug use among young people, we must move not for what is radical, despite the playground taunts and the labels that we hear from so many within here on the banks of the Potomac, but what is reasonable. That must define what we do.

Mr. GUTKNECHT. If the gentleman would yield, I think the irony of this, and someone else pointed this out to me, that we currently have some 20,000 or 30,000 troops patrolling the streets of Bosnia to make the streets safe over there. But I daresay it is not safe to walk the streets here in Washington, DC or in many of the cities in this country.

Frankly, if we are willing to commit troops to make the streets safe in Bosnia-Herzegovina, we should be willing to do whatever it takes to make the streets of the United States safe.

Mr. KINGSTON. That is one reason we passed the truth-in-sentencing laws, as the gentleman knows, because as of a few years ago, the average criminal was only serving 35 percent of his sentence. And we are now saying if States want new Federal money to construct jails in their State for violent criminals, then they have to serve their full sentence, which makes the streets safe.

We are arresting people not for the 2d time or the 3d time, but for the 9th, 10th and 11th time. It is not safe even if you are a police officer.

We only have a few minutes so why do we not have some closing comments. Mr. HAYWORTH.

Mr. HAYWORTH. I thank my colleague from Georgia and I thank my colleague from Minnesota for joining us this evening and, indeed, Mr. Speaker, those across our great Nation who are looking in this evening.

We are confronted by profound problems. The test for us is not posturing for an election in November but moving to solve these problems. So once again, despite the challenges of some deliberate disinformation, we call on our colleagues from the liberal persuasion and the President of the United States at the other end of Pennsylvania Avenue to join with us to save Medicare, to adequately address these problems, to deal with the crime issue, to deal with genuine welfare reform, and to do it because it is the right thing to do.

Mr. GUTKNECHT. I thank the gentleman for yielding, and I would just say that this debate tonight, this discussion tonight, has been constructive, and it reinforces what I really believe, and that is the fundamental debate that is going on here in this Congress and in this country is really between those who believe in more Washington control and more Washington responsibility. Whether we are talking about welfare or crime, or whether we are talking about Medicare, I do not care what it is, the issue is whether we will have more control and more responsibility in Washington or are we going to reinforce more personal control and more personal responsibility.

Those are the policies we ought to pursue. That is what the American people expect, that is what they want, and that is what this Congress is trying to deliver.

Mr. KINGSTON. Mr. GUTKNECHT, Mr. HAYWORTH, I agree with you completely. It has been 60 years since there has been a status quo shakeup in Washington, and we need to change this liberal command and control bureaucracy and return power back to the people, back to the local governments so that we can do a more efficient, more effective job of running this country and have a Government that works.

Mr. Speaker, we yield back the balance of our time, and again I thank Mr. GUTKNECHT and Mr. HAYWORTH for joining in this special order.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BONILLA (at the request of Mr. ARMEY) for today until 4 p.m., on account of attending his daughter's graduation.

Mr. CRAPO (at the request of Mr. ARMEY) for today until 5 p.m. on account of attending his daughter's graduation.

Mr. MYERS of Indiana (at the request of Mr. ARMEY) for today until 4 p.m., on account of medical reasons.

Mr. SCHIFF (at the request of Mr. ARMEY) for today and the balance of the week, on account of illness.

Ms. JACKSON-LEE of Texas (at the request of Mr. GEPHARDT) for today, on account of death of her father.

Mrs. LINCOLN (at the request of Mr. GEPHARDT) for today, on account of medical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BARRETT of Wisconsin) to revise and extend their remarks and include extraneous material:)

Mr. NADLER, for 5 minutes, today.
Mr. LANTOS, for 5 minutes, today.
Mr. PALLONE, for 5 minutes, today.
Ms. DELAURO, for 5 minutes, today.
Mrs. MINK of Hawaii, for 5 minutes, today.
Mr. BROWN of Ohio, for 5 minutes, today.
Mrs. CLAYTON, for 5 minutes, today.
Mr. GENE GREEN of Texas, for 5 minutes, today.
Mr. MEEHAN, for 5 minutes, today.
Ms. PELOSI, for 5 minutes, today.
Mr. WARD, for 5 minutes, today.

(The following Members (at the request of Mr. HAYWORTH) to revise and extend their remarks and include extraneous material:)

Mr. JONES, for 5 minutes, on June 10.
Mr. HUNTER, for 5 minutes, today.
Mr. SMITH of Michigan, for 5 minutes, today.
Mr. KOLBE, for 5 minutes, on June 6.
Mr. HOKE, for 5 minutes, today.
Mr. ROHRABACHER, for 5 minutes, today.
Mr. HANSEN, for 5 minutes, on June 6.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. BARRETT of Wisconsin) and to include extraneous matter:)

Mr. EDWARDS.
Mr. LIPINSKI.
Ms. DELAURO.
Ms. HARMAN.
Mr. HAMILTON.
Mr. CARDIN.
Mr. GORDON.
Mr. FRAZER.
Mr. SKELTON.
Mr. LANTOS.
Mr. BERMAN.
Mr. KANJORSKI.
Mr. ACKERMAN.
Mr. POMEROY.
Mrs. MEEK of Florida.
Mr. STARK.
Mr. SANDERS.

(The following Members (at the request of Mr. HAYWORTH) and to include extraneous matter:)

Mr. GINGRICH.
Mr. LEWIS of California.
Mr. FAWELL.
Mr. WHITE.
Mr. COLLINS of Georgia.
Mr. CRANE.
Mr. QUINN.
Mr. EHRLICH.
Mr. SOLOMON in three instances.
Mr. BOEHLERT.

(The following Members (at the request of Mr. HAYWORTH) and to include extraneous matter:)

Mr. PETERSON of Florida.
Mr. UPTON.
Mr. JOHNSTON of Florida.
Mr. EWING.
Mr. POSHARD.
Mrs. CUBIN.
Mr. MCINNIS.
Mrs. LOWEY.
Mr. BECERRA.
Mr. HERGER.
Mr. STUPAK.
Mr. TEJEDA.
Mr. YOUNG of Florida.
Mr. NADLER.
Mr. PAYNE of New Jersey.
Mr. BOEHLERT.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1624. An act to reauthorize the Hate Crime Statistics Act, and for other purposes; to the Committee on the Judiciary.

ADJOURNMENT

Mr. HAYWORTH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 midnight), the House adjourned until Thursday, June 6, 1996, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3369. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Tobacco Inspection; Growers' Referendum Results [Docket No. TB-95-18] received May 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3370. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Papayas Grown in Hawaii; Assessment Rate (FV-96-928-1 IFR) received May 31, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3371. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's 1995 annual report on military expenditures for countries receiving U.S. assistance, pursuant to section 511(b) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1993; to the Committee on Appropriations.

3372. A letter from the Secretary of Defense, transmitting the Secretary's certification that the current Future Years Defense Program [FYDP] fully funds the support costs associated with the C-17 multiyear program through the period covered by the FYDP, pursuant to 10 U.S.C. 2306b(i)(1)(A); to the Committee on National Security.

3373. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting the Corporation's semiannual report on the activities and efforts relating to utilization of the private sector, pursuant to 12 U.S.C. 1827; to the Committee on Banking and Financial Services.

3374. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting the semiannual report on the activities of the Affordable Housing Disposition Program, covering the period from July 1 through December 31, 1995, pursuant to Public Law 102-233, section 616 (105 Stat. 1787); the Committee on Banking and Financial Services.

3375. A letter from the Chairman, Board of Governors, Federal Reserve System, transmitting the Staff Report of the Federal Reserve System, pursuant to 12 U.S.C. 1833; to the Committee on Banking and Financial Services.

3376. A letter from the Chairman, Board of Governors, Federal Reserve System, transmitting the annual report on the subject of retail fees and services of depository institutions, pursuant to 12 U.S.C. 1811 note; to the Committee on Banking and Financial Services.

3377. A letter from the Executive Director, Thrift Depositor Protection Oversight Board, transmitting the annual report of the Thrift Depositor Protection Oversight Board on the Resolution Funding Corporation for the calendar year 1995, pursuant to Public Law 101-73, section 511(a)((103 Stat. 404); to the Committee on Banking and Financial Services.

3378. A letter from the Director, Office of Management and Budget, transmitting

OMB's estimate of the amount of discretionary new budget authority and outlays for the current year, if any, and the budget year provided by H.R. 3019, pursuant to Public Law 101-508, section 13101(a) (104 Stat. 1388-578); to the Committee on the Budget.

3379. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Federal Motor Vehicle Safety Standards; Child Restraint Systems (NHTSA, DOT) (RIN: 2127-AF46) received June 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3380. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Vehicle Identification Number Requirements (NHTSA, DOT) (RIN: 2127-AF69) received June 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3381. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants for: Chromium Emissions for Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks; Ethylene Oxide Commercial Sterilization and Fumigation Operations; Perchloroethylene Dry Cleaning Facilities; and Secondary Lead Smelting (FRL-5512-6) received May 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3382. A letter from the Associate Director for Strategic Planning, Minority Business Development Agency, transmitting the Agency's final rule—Revision of the Cost-Share Requirement and Addition of Bonus Points for Community-Based Organizations Applying to Operate Minority Business Development Centers (MBDC) in Designated Locations [Docket No. 960402097-6129-06] (RIN: 0640-XX02) received June 4, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3383. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Ownership Reports and Trading by Officers, Directors and Principal Security Holders (RIN: 3235-AF66) received May 31, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3384. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Phase One Recommendations of Task Force on Disclosure Simplification (RIN: 3235-AG75) received May 31, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3385. A letter from the Director, Defense Security Assistance Agency, transmitting the quarterly reports in accordance with sections 36(a) and 26(b) of the Arms Export Control Act, the March 24, 1979, report by the Committee on Foreign Affairs, and the seventh report by the Committee on Government Operations for the second quarter of fiscal year 1996, January 1, 1996-March 3, 1996, pursuant to 22 U.S.C. 2776(a) and (b); to the Committee on International Relations.

3386. A letter from the Under Secretary of Export Administration, transmitting the Administration's final rule—Exports of Alaskan North Slope Crude Oil; Establishment of License Exception TAPS [Docket No. 960523147-01] received June 4, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

3387. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule—Public Notice Number 2401—Passports (Bureau of Consular Affairs) (22 CFR 51, Subpart B) received June 4, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

3388. A letter from the Secretary of Agriculture, transmitting the semiannual management report for the period October 1, 1995, through March 31, 1996, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

3389. A letter from the Secretary of Education, transmitting the semiannual report on activities of the inspector general for the period October 1, 1995, through March 31, 1996, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

3390. A letter from the Secretary of Energy, transmitting the semiannual report on activities of the inspector general for the period October 1, 1995, through March 31, 1996, and the semiannual report on inspector general audit reports for the same period, pursuant to 5 U.S.C app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

3391. A letter from the Chairman of the Board, Pension Benefit Guaranty Corporation, transmitting the semiannual reports to the Congress of the Pension Benefit Guaranty Corporation's Executive Director and the Office of Inspector General for the period October 1, 1995, through March 31, 1996, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

3392. A letter from the Secretary of the Treasury, transmitting the Department's fiscal year 1995 financial report on the Treasury forfeiture fund, pursuant to Public Law 102-393, section 638(b)(1) (106 Stat. 1783); to the Committee on Government Reform and Oversight.

3393. A letter from the Attorney General of the United States, transmitting the semiannual report on activities of the inspector general for the period October 1, 1995, through March 31, 1996, and the semiannual management report for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

3394. A letter from the Chairman, Consumer Product Safety Commission, transmitting the semiannual report on activities of the inspector general for the period October 1, 1995, through March 31, 1996, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

3395. A letter from the Administrator, Environmental Protection Agency, transmitting the semiannual report on activities of the inspector general for the period October 1, 1995, through March 31, 1996, and the semiannual management report for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

3396. A letter from the Chairman, Federal Trade Commission, transmitting the semiannual report on activities of the inspector general for the period October 1, 1995, through March 31, 1996, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

3397. A letter from the Acting Administrator, General Services Administration, transmitting the semiannual report on activities of the inspector general for the period October 1, 1995, through March 31, 1996, and the semiannual management report for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

3398. A letter from the Chairman, National Science Board, transmitting the semiannual report on activities of the inspector general for the period October 1, 1995, through March 31, 1996, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

3399. A letter from the Chief Operating Officer/President, Resolution Funding Corporation, transmitting a copy of the Resolution Funding Corporation's Statement on Internal Controls and the 1995 Audited Financial Statements, pursuant to Public Law 101-73, section 511(a) (103 Stat. 404); to the Committee on Government Reform and Oversight.

3400. A letter from the Secretary of Veterans Affairs, transmitting the semiannual report on activities of the inspector general for the period October 1, 1995, through March 31, 1996, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

3401. A letter from the Commissioner, Bureau of Reclamation, transmitting a report on the financial statements of the Colorado River Basin Project for the year ended September 30, 1994, pursuant to 43 U.S.C. 1544; to the Committee on Resources.

3402. A letter from the Commissioner, Bureau of Reclamation, transmitting a report on the financial statements of the Colorado River Basin Project for the year ended September 30, 1995, pursuant to 43 U.S.C. 1544; to the Committee on Resources.

3403. A letter from the Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Administration, transmitting the Service's final rule—Groundfish of the Gulf of Alaska and the Bering Sea and Aleutian Islands Area; Bycatch Rate Standards for the Second Half of 1996 [Docket No. 900833-1095; I.D. 052396A] received June 4, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3404. A letter from the Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Administration, transmitting the Service's final rule—Groundfish Fishery of the Bering Sea and Aleutian Islands Area; Aggregate Species in the Rock Sole/Flathead Sole/"Other Flatfish" Fishery Category by Vessels Using Trawl Gear [Docket No. 960129019-6091-01; I.D. 052896H] received June 4, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3405. A letter from the Program Management Officer, National Marine Fisheries Administration, transmitting the Service's final rule—Groundfish of the Gulf of Alaska; Pollock Seasonal Allowances [Docket No. 960228053-6142-02; I.D. 022296E] received June 4, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3406. A letter from the Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Administration, transmitting the Service's final rule—Groundfish of the Gulf of Alaska; Pollock in the Western Regulatory Area [Docket No. 960129018-6018-01; I.D. 052896E] received June 4, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3407. A letter from the Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Administration, transmitting the Service's final rule—Groundfish of the Bering Sea and Aleutian Islands Area; Sharpchin/Northern Rockfish Species Category in the Aleutian Islands Subarea [Docket No. 960129019-6019-01; I.D. 052996B] received June 4, 1996, pursuant to 5

U.S.C. 801(a)(1)(A); to the Committee on Resources.

3408. A letter from the Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Administration, transmitting the Service's final rule—Groundfish of the Gulf of Alaska; Pollock in Statistical Area 620 [Docket No. 960129018–6018–01; I.D. 052896C] received June 4, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3409. A letter from the Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Administration, transmitting the Service's final rule—Groundfish of the Gulf of Alaska; Pollock in Statistical Area 630 [Docket No. 960129018–6018–01; I.D. 052896D] received June 4, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3410. A letter from the Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Administration, transmitting the Service's final rule—Groundfish of the Bering Sea and Aleutian Islands Area; Pacific Ocean Perch in the Eastern Aleutian District [Docket No. 960129019–6091–01; I.D. 052896G] received June 4, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3411. A letter from the Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Administration, transmitting the Service's final rule—Pacific Halibut Fisheries; 1996 Halibut Landing Report No. 1 [Docket No. 960111003–6068–03; I.D. 0521B6A] received June 4, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3412. A letter from the Program Management Officer, National Marine Fisheries Administration, transmitting the Service's final rule—General Provisions for Domestic Fisheries; Extension of Emergency Fishing Closure in Block Island Sound [Docket No. 960126016–6121–04; I.D. 042996F] received June 4, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3413. A letter from the Program Management Officer, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Northeast Multispecies Fishery; Amendment 7 [Docket No. 960216032–6138–03; I.D. 021296E] received June 5, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3414. A letter from the Attorney-Advisor, Federal Register Certifying Officer, Financial Management Service, transmitting the Service's final rule—Federal Process Agents of Surety Companies (RIN: 1510–AA49) received May 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

3415. A letter from the Director, Office of Government Ethics, transmitting the Office's final rule—Extension and Revocation of Post-Employment Waiver—received May 31, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

3416. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Transportation of Hazardous Materials By Rail; Miscellaneous Amendments (Research and Special Programs Administration) (RIN: 2137–AC66) received June 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3417. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Special Local Regulations: Fort Myers Beach Offshore Grand Prix; Fort Myers Beach, FL (RIN: 2115–AE46) received June 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3418. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Special Local Regulations: Augusta Southern National Drag Boat Races; Augusta, GA [CDG07–96–021] (RIN: 2115–AE46) received June 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3419. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Special Local Regulations: Beaufort Water Festival, Beaufort, SC [CDG07–96–020] (RIN: 2115–AE46) received June 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3420. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Rules of Practice: Elimination of unnecessary provisions relating to representation, witnesses, and access to Board records (RIN: 2900–AI15) received June 5, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

3421. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Veterans Mortgage Life Insurance (RIN: 2900–AH54) received June 5, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

3422. A letter from the Board of Trustees, Federal Hospital Insurance Trust Fund, transmitting the 1996 annual report of the Board of Trustees of the Federal Hospital Insurance Trust Fund, pursuant to section 1817(b) of the Social Security Act, as amended. (H. Doc. No. 104–227); to the Committee on Ways and Means and ordered to be printed.

3423. A letter from the Board of Trustees, Federal Old-Age and Survivors Insurance and Disability Insurance Trust Funds, transmitting the 1996 annual report of the Board of Trustees of the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance Trust Funds, pursuant to section 201(c)(2) of the Social Security Act, as amended (H. Doc. No. 104–228); to the Committee on Ways and Means and ordered to be printed.

3424. A letter from the Chief, Regulations Branch, U.S. Customs Service, transmitting the Service's final rule—Rules for Determining the Country of Origin of a Good for Purposes of Annex 311 of the North American Free Trade Agreement (RIN: 1515–AB34) received May 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3425. A letter from the Secretaries of the Army and Agriculture, transmitting notification of the intention of the Departments of the Army and Agriculture to interchange jurisdiction of civil works and Forest Service lands at the Corps of Engineers project at Applegate Lake, OR, pursuant to 16 U.S.C. 505a, 505b; jointly, to the Committees on Agriculture and Transportation and Infrastructure.

3426. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Suspension, Debarment and Ineligibility for Contracts, Assistance, Loans and Benefits (FRL–5513–1) received May 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); jointly, to the Committees on Commerce and Transportation and Infrastructure.

3427. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of the Department's intent to obligate funds for additional program proposals for purposes of nonproliferation and disarmament fund [NDF] activities, pursuant to Public Law 104–107, title II (110 Stat. 716); jointly, to the Committees on International Relations and Appropriations.

3428. A letter from the Board of Trustees, Federal Supplementary Medical Insurance Trust Fund, transmitting the 1996 annual report of the Board of Trustees of the Federal Supplementary Insurance Trust Fund, pursuant to section 1841(b) of the Social Security Act, as amended (H. Doc. No. 104–226); jointly, to the Committees on Ways and Means and Commerce, and ordered to be printed.

3429. A letter from the Assistant Attorney General of the United States, transmitting a draft of proposed legislation entitled the "Anti-Gang and Youth Violence Control Act of 1996"; jointly, to the Committees on the Judiciary, Commerce, and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SOLOMON: Committee on Rules. House Resolution 446. Resolution providing for consideration of the bill (H.R. 3562) to authorize the State of Wisconsin to implement the demonstration project known as Wisconsin Works (Rept. 104–604). Referred to the House Calendar.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. GILMAN: Committee on Ways and Means. H.R. 361. A bill to provide authority to control exports, and for other purposes, with an amendment; referred to the Committee on Ways and Means for a period ending not later than June 28, 1996, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(s), rule X (Rept. 104–605, Pt. 1). Ordered to be printed.

BILLS PLACED ON THE CORRECTIONS CALENDAR

Under clause 4 of rule XIII, the Speaker filed with the Clerk a notice requesting that the following bills be placed upon the Corrections Calendar:

[Omitted from the Record of June 4, 1996]

H.R. 2909. A bill to amend the Silvio O. Conte National Fish and Wildlife Refuge Act to provide that the Secretary of the Interior may acquire lands for purposes of that act only by donation or exchange, or otherwise with the consent of the owner of the lands.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. OBERSTAR (for himself, Mr. Wise, Mr. Lipinski, Mr. DeFazio, Mr. Clement, Mr. Nadler, Mr. Menendez, Ms. Eddie Bernice Johnson of Texas, Mr. Mascara, and Mr. Cummings):

H.R. 3578. A bill to reform the safety practices of the railroad industry, to prevent railroad fatalities, injuries, and hazardous materials releases, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mrs. CUBIN:

H.R. 3579. A bill to direct the Secretary of the Interior to convey certain property containing a fish and wildlife facility to the State of Wyoming, and for other purposes; to the Committee on Resources.

By Mr. FAWELL (for himself, Mr. Gingrich, Mr. Armey, Mr. DeLay, Mr. Boehner, Mr. Ballenger, Mr. Barrett of Nebraska, Mr. Cunningham, Mr. Hoekstra, Mr. Hutchinson, Mr. Knollenberg, Mr. Graham, Mr. Funderburk, Mr. Goss, and Mrs. Seastrand):

H.R. 3580. A bill to ensure that employees who work under a security agreement that requires such employees to pay union dues as a condition of employment have a right to object to the use of their dues for political, legislative, social, or charitable purposes; to the Committee on Economic and Educational Opportunities.

By Mr. HASTINGS of Washington:

H.R. 3581. A bill to facilitate a land exchange involving private land within the exterior boundaries of Wenatchee National Forest in Chelan County, WA; to the Committee on Resources.

By Mrs. LOWEY:

H.R. 3582. A bill to permit individuals to continue health plan coverage of services while participating in approved clinical studies; to the Committee on Commerce.

H.R. 3583. A bill to amend the Public Health Service Act to provide, with respect to research on breast cancer, for the increased involvement of advocates in decision making at the National Cancer Institute; to the Committee on Commerce.

By Mrs. LOWEY (for herself and Mrs. Morella):

H.R. 3584. A bill to amend the Internal Revenue Code of 1986 to provide a credit for employers for certain costs incurred to combat violence against women; to the Committee on Ways and Means.

By Mrs. LOWEY (for herself and Mr. Gilman):

H.R. 3585. A bill to amend title XVIII of the Social Security Act to provide for coverage of respite care services under part B of the Medicare Program, to amend the Internal Revenue Code of 1986 to treat qualified long-term care services as medical care, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MICA:

H.R. 3586. A bill to amend title 5, United States Code, to strengthen veterans' preference, to increase employment opportunities for veterans, and for other purposes; to the Committee on Government Reform and Oversight.

By Mr. NADLER:

H.R. 3587. A bill to amend the Public Health Service Act to provide additional support for and to expand clinical research programs, and for other purposes; to the Committee on Commerce.

By Mr. OBEY (for himself, Mr. Dellums, and Ms. Slaughter):

H.R. 3588. A bill to amend the Federal Election Campaign Act of 1971 to provide for expenditure limitations and public financing for House of Representatives general elections, and for other purposes; to the Committee on House Oversight, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PETRI:

H.R. 3589. A bill to amend title 13, United States Code, to make clear that no sampling or other statistical procedure may be used in determining the total population by States for purposes of the apportionment of Representatives in Congress; to the Committee on Government Reform and Oversight.

By Mr. POMEROY:

H.R. 3590. A bill to prevent discrimination against victims of domestic abuse in all lines of insurance and in group health plans; to the Committee on Commerce, and in addition to the Committee on Economic and Educational Opportunities, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STARK (for himself and Mr. Matsui):

H.R. 3591. A bill to amend title XVIII of the Social Security Act to reduce the amount of the premium charged for enrollment in part A of the Medicare Program for individuals not receiving third-party assistance in payment of the premium; to the Committee on Ways and Means.

By Mr. FAZIO of California:

H. Res. 447. Resolution designating the minority membership on certain standing committees of the House; considered and agreed to.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 38: Ms. McKinney.

H.R. 103: Mr. Bentsen, Mr. Gillmor, and Mr. Gekas.

H.R. 127: Mr. Condit, Mr. Green of Texas, Mr. Smith of New Jersey, Mr. Flanagan, Mr. Emerson, and Mr. Norwood.

H.R. 303: Mr. Andrews.

H.R. 350: Ms. Kaptur.

H.R. 969: Mr. Markey.

H.R. 972: Mrs. Kelly.

H.R. 1024: Mr. Smith of New Jersey.

H.R. 1090: Mr. English of Pennsylvania, Mr. Manton, and Mr. Wynn.

H.R. 1161: Mr. Oxley.

H.R. 1884: Mrs. Lowey.

H.R. 2019: Mr. Schiff and Mr. Rahall.

H.R. 2026: Mr. Hyde, Mr. Torres, Mr. Cummings, Mr. Wynn, Mr. Olver, Mr. Tejeda, and Mr. Crane.

H.R. 2080: Ms. Furse, Mr. McHale, Mr. Dellums, Mr. LaTourette, Mr. Yates, and Ms. Rivers.

H.R. 2193: Ms. Woolsey, Ms. Pelosi, Mr. Horn, Mr. Condit, Mr. Ney, and Mr. Brown of California.

H.R. 2199: Mr. Whitfield.

H.R. 2200: Mr. Ganske, Mr. Pomeroy, and Mr. McCollum.

H.R. 2246: Mr. Torres, Mr. Ackerman, Mrs. Clayton, Mr. Rangel, Mr. Manton, and Ms. Norton.

H.R. 2270: Mr. Riggs.

H.R. 2400: Mr. Gilchrest, Mr. Holden, and Mr. Bartlett of Maryland.

H.R. 2434: Mr. Foley, Mr. Stearns, Mr. Gibbons, Mr. Fawell, Mr. Pete Geren of Texas, Mr. Wilson, Mr. Stockman, Mr. Tejeda, Mr. Crane, and Mr. Jefferson.

H.R. 2497: Mrs. Meyers of Kansas, Mr. Tiahrt, Mr. Kim, and Mr. Wicker.

H.R. 2540: Mr. Solomon and Mrs. Cubin.

H.R. 2727: Mr. Livingston, Mr. Bunn of Oregon, Mr. Dreier, and Mr. McIntosh.

H.R. 2856: Mr. Markey.

H.R. 2900: Mr. Boehlert, Mr. Longley, Mr. Petri, Mr. Collins of Georgia, Mr. Volkmer, and Mr. Gephardt.

H.R. 2927: Mr. King.

H.R. 2976: Mr. Bartlett of Maryland, Mr. Mollohan, Mr. Solomon, Mr. Smith of New Jersey, and Mr. Wynn.

H.R. 3012: Mrs. Vucanovich, Mr. Gordon, Mr. Funderburk, Mr. Wise, and Mrs. Clayton.

H.R. 3083: Mr. Cooley and Mr. Burr.

H.R. 3089: Mr. Moran.

H.R. 3107: Mr. Sabo, Mr. Stockman, Mr. Pastor, Mr. Martini, Ms. Woolsey, Mrs. Kennelly, Mrs. Schroeder, Mr. Andrews, Mrs. Morella, Mrs. Smith of Washington, Mr. Chapman, Mr. Dooley, Mr. Kennedy of Massachusetts, Mr. Martinez, Mr. Pomeroy, Mr. Cummings, Ms. McCarthy, Mr. Browder, Mrs. Vucanovich, Mr. Peterson of Minnesota, Mr. Scarborough, Mr. Talent, Mr. Costello, and Mr. Weller.

H.R. 3118: Mr. Quinn, Mr. McDermott, Mrs. Kelly, Mr. Wise, and Mr. Johnson of South Dakota.

H.R. 3153: Mr. Knollenberg.

H.R. 3161: Mr. Ewing and Mr. Forbes.

H.R. 3173: Mr. Pastor.

H.R. 3178: Mr. Nadler

H.R. 3184: Mr. Baesler.

H.R. 3294: Mr. Jacobs, Mr. Waxman, and Ms. Woolsey.

H.R. 3345: Mr. Hutchinson.

H.R. 3393: Mr. Torkildsen.

H.R. 3396: Mr. Cunningham, Mr. Peterson of Minnesota, Mr. Wolf, Mr. Parker, Mr. Zeliff, Mr. Linder, Mr. Chabot, Mr. Tate, Mr. Dickey, Mr. Taylor of Mississippi, Mr. McIntosh, Mr. Ballenger, Mr. Skeen, and Mr. Canady.

H.R. 3398: Mr. Manton, Mr. Kleczka, and Mrs. Meyers of Kansas.

H.R. 3421: Mr. Hunter and Mr. Lipinski.

H.R. 3425: Mr. Barrett of Wisconsin.

H.R. 3447: Mrs. Seastrand, Mr. Coburn, and Mr. Christensen.

H.R. 3449: Mr. Coburn, Mr. Fields of Texas, and Mr. Stump.

H.R. 3480: Mr. Ewing, Mr. Everett, and Mr. Foley.

H.R. 3508: Mr. Greenwood, Mr. Gunderson, Mr. Torricelli, and Mr. Evans.

H.R. 3532: Mrs. Collins of Illinois.

H. Con. Res. 83: Mr. Bonior.

H. Con. Res. 163: Mr. Ackerman.

H. Con. Res. 169: Mr. Sensenbrenner, Mr. Calvert, Mr. Norwood, Mr. Radanovich, Mr. Duncan, Mr. Gekas, Mr. Cox, Mr. Cremeans, and Mrs. Meyers or Kansas.

H. Res. 286: Ms. Jackson-Lee.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 3540

Offered By Mr. Obey

Amendment No. 76: On page 97, after line 5, insert:

"SEC. 573. Not more than $100,000,000 of the funds made available under the heading "Foreign Military Financing Program" may be made available for us in financing the procurement of defense articles, defense services, or design and construction services that are not sold by the United States Government under the Arms Export Control Act to countries other than Israel and Egypt."

H.R. 3540

OFFERED BY: MR. PAYNE OF NEW JERSEY

Amendment No. 77: Page 7, line 4, after "$600,000,000" insert "(decreased by $118,000,000)".

Page 7, line 21, strike "and chapter 10 of part I".

Page 7, line 22, after "$1,150,000,000" insert "(decreased by $586,000,000)".

Page 9, after line 18, insert the following:

DEVELOPMENT FUND FOR AFRICA

For necessary expenses to carry out the provisions of chapter 10 of part I of the Foreign Assistance Act of 1961, $704,000,000, to remain available until September 30, 1998.

H.R. 3540

OFFERED BY: MR. ROEMER

AMENDMENT NO. 78: Page 97, after line 5, insert the following:

CONFLICT IN CHECHNYA

SEC. 573. (a) FINDINGS.—The Congress finds that following:

(1) Russian troops advanced into Chechnya on December 10, 1994, and were met with strong resistance from Chechen rebels who have now moved to the Caucasus mountains where they remain entrenched in a conflict that has claimed the lives of as many as 40,000 Chechens and as many as 5,000 Russian troops.

(2) Chechen President Dzhokar Dudayev was killed by a Russian helicopter-launched rocket on April 22, 1996. Chechen rebels retaliated by ambushing a Russian military convoy which claimed the lives of an additional 100 Russian troops.

(3) The cost of the Chechen battle is estimated to cost the Government of Russia as much as $6,000,000,000 and will further exacerbate its budget deficit. The budget implications of the war may compel the International Monetary fund, in which the United States is the largest shareholder, to abandon its efforts to assist Russia in its transforming itself to a free market economy and democracy.

(4) The United States has provided the Government of Russia with significant direct assistance and loan guarantees to promote a free market economy, support democracy, meet humanitarian needs, and dismantle nuclear weapons. The brutality of Russian forces in Chechnya undermines Russia's justification of territorial integrity and subverted its democratization efforts.

(b) DECLARATION OF POLICY.—The Congress declares the following:

(1) United States investment in Russia has been significant in promoting democracy and stabilizing the economy of Russia and this progress has been imperiled by Russia's continued aggression in Chechnya.

(2) The inability to negotiate an end to this crisis and the resulting economic implications could adversely affect the ability of Russia to fulfill its commitments to the International Monetary Fund, the Export-Import Bank of the United States, and the Overseas Private Investment Corporation.

(3) The United States applauds President Yeltsin's recent decision to implement a cease-fire agreement with Chechnya effective May 31, 1996. Further, the United States commends specific provisions of the cease-fire agreement resulting in the removal of Russian troops from Chechen territory, disarmament of Chechen separatists, and prisoner exchanges.

(4) The United States also welcomes the effort to resume negotiations over Chechnya's final political and territorial status.

(5) The United States remains committed to supporting President Yeltsin and Chechen leader Selimkhan Yandarbiyev for purposes of promoting a permanent cease-fire and lasting peace in Chechnya.

EXTENSIONS OF REMARKS

MOTHERS AGAINST DRUNK DRIVING NATIONAL ESSAY CONTEST

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 1996

Mr. GINGRICH. Mr. Speaker, I would like to take this opportunity to share with my colleagues the winning essays of the Mothers Against Drunk Driving's National Essay Contest.

As we are all aware, drunk drivers kill thousands of Americans each year on our Nation's roads. Though we have made great strides over the last decade or so with increased education and stiffer penalties, there is still much work to be done.

Mothers Against Drunk Driving has been one of the preeminent forces in changing our Nation's drunk driving laws and educating our citizens on the dangers of driving drunk. The national essay contest serves as a way to bring these issues to the forefront of public attention.

I commend all of the young men and women who participated in the essay contest. However, I would like to specifically recognize Caitlin McCuistion, of El Dorado, KS, Christopher Jackson, of Stow, OH, and Angela DeAnn Wieczorek, of Monterey, IN, for their outstanding essays on the dangers of drunk driving.

1996 MOTHERS AGAINST DRUNK DRIVING NATIONAL POSTER ESSAY CONTEST

1ST PLACE NATIONAL WINNER, GRADES 4 TO 6

(By Caitlin McCuistion)

Hello, I am a road, part of a large highway. Some people may not think I am very important, but I am. I guide people to their destination, helping them along the way. It may not sound like a very hard job, but it is.

I am forced to watch accidents quite often. They are difficult to witness, but I cannot close my eyes to them. Unfortunately, these accidents are not the hardest to see.

The worst are, in my opinion, caused by drunk driving. These accidents are horrible, caused only by some careless person who is drunk. Every time I see another disaster caused by this, I feel despair and complete hopelessness emitting from friends and family quietly standing by.

Policemen, paramedics, and other people acting as rescue workers feel the pain too. "Another accident," mutters one rescue worker under his breath. "When will this all stop?" None of us are sure.

In fact, who is sure? Is anyone? All humanity may think I am made of asphalt, dirt, or gravel, but I know what I am truly made of. I am made of the blood and tears from victims and their families. Everyone, please remember this—"Drinking and driving is the road to nowhere."

1ST PLACE NATIONAL WINNER, GRADES 7 TO 9

(By Christopher Jackson)

"Where have you been tonight son?" I heard the voice asking from just behind the flashlight beam. "Nowhere," I said.

"Where did you get the beer?" the voice asked. "Nowhere," I replied. I tried squinting to look past the flashlight beam, but all I could see was flashing red and blue lights. This guy asking me these stupid questions was really nowhere. I must have fallen asleep while driving home from the party with Ed. He must have left me in the car and gone somewhere. Now some guy with a flashlight is hassling me.

"What are you? A cop?" I asked. "Yes" came the reply. Boy, have a few beers and they treat you like a durnk, I mean drunk.

"Where were you and your buddy going?" came the third stupid question. I told him "nowhere." If they found out I took a case of beer from our dad I'd be in real trouble. The two of us each drank six beers so far tonight. No big deal, I drink more than that some nights.

I figured he'd want some ID, so I reached for my wallet but my arms wouldn't move. I looked down to see the steering wheel pressed against my chest. I turned to yell for my brother Ed and saw him in the light of the flashlight. He was halfway through the windshield and two people were trying to pick him up.

I looked over as they put Ed on a stretcher and screamed for someone to help him. The cop started to strap him in, but the EMT stopped him and said, "Don't bother, he's going nowhere," as he pulled the sheet over Ed's face.

1ST PLACE NATIONAL WINNER, GRADES 10 TO 12

(By Angela Wieczorek)

Dear Mom...

Mom! Mom! Please don't cry! I always hated to see you cry. Oh, Mom. I'm so sorry. I never meant for this to happen.

I should have listened when you told me not to leave. You just had a feeling. Deep down, you knew. That's why you held me so tight and told me how much you loved me. Then, reluctantly, you let me go and I left.

It was not your fault, Mom. Please stop thinking that. You weren't the only one who knew. I knew too. I almost listened to you and stayed, but something inside me kept pushing me out the door.

The weird thing was that I knew the man would run the red light, but I pushed the gas pedal anyway. He hit me so fast, I didn't even know what happened. But I heard it—the horrible sound of metal crashing against metal. The aroma of alcohol invaded my senses. It was so strong. The man had been drinking! Wild thoughts raced through my mind as I recalled all the seminars and speeches I had heard about things like this. I never dreamed it could happen to me.

Oh, Mom. I'm so very sorry. I'm sorry it was me, your little girl, that death claimed and not the man at fault. I'm sorry you have to live with the knowledge that the man who killed your daughter only suffered a broken arm.

But, Mom, you can't stop believing in God because I'm gone. I know it seems unfair that the Lord took me before I could graduate, but it was my time to go. In your heart, you know that. And now that man has to live in a dark room with nothing to do except remember. Because of his drinking, he claimed the life of a seventeen year old girl. Something that he knows could've been prevented. God works in mysterious ways. That's what you taught me.

I love you, Mom. So much more than I ever told you. I miss you, but you have to carry on. You have to be strong for Dad and little Tommy. They need you now more than ever.

I know in your heart, you know I'm alright. I'm at peace now and I'm ready to go Home. You should go too.

Come visit me often. And Mom, don't forget to bring flowers. I like the yellow ones.

BENEDICTION BY RABBI ALEXANDER SCHINDLER, NATIONAL DAYS OF REMEMBRANCE COMMEMORATION

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 1996

Mr. LANTOS. Mr. Speaker, on April 16, Members of Congress, members of the Diplomatic Corps and hundreds of survivors of the Holocaust and their friends gathered here in the Capitol Rotunda for the National Days of Remembrance commemoration. The U.S. Holocaust Memorial Council was established by Congress to preserve the memory of the victims of the Holocaust. I commend the Council and the members of the Days of Remembrance Committee, chaired by my good friend Benjamin Meed, for their vigilant and genuine adherence to their extraordinarily important task.

One of the first acts of the Council was to establish the annual Days of Remembrance commemoration to mirror similar observances held in Israel and throughout our Nation and elsewhere in the world. This year, the commemoration centered on the 50th anniversary of the Nuremberg trials. The observance was a reminder of the difficult process of first coping and then healing that all survivors and their families and loved ones had to endure.

Rabbi Alexander Schindler's benediction closed the commemoration with a reminder of the tragedy that we must not forget. In his typically elegant prose, his prayer instructed us how to turn remembrance into strength, how to turn sadness and horror into hope for a better future. Mr. Speaker, I invite my colleagues to read Rabbi Schindler's prayer and hear his frank but hopeful words of wisdom.

PRAYER OFFERED BY RABBI SCHINDLER, HOLOCAUST COMMEMORATION

Once again, a sacred hour of remembrance summons us to these time-hallowed halls.
Not that we really need such an occasion lest we forget.
We need no reminders.
We remember too well.
Memories come * * * to interrupt our sleep * * * to still our laughter * * * to fill our silence with the voices of the past.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Oh, would that we could forget.
But quick forgetting is not the reality of a people who lost one-third of their number in half a decade;
Who lost one and one-half million of their children, during those tear-stained years.
No, we cannot, we will not, forget these martyrs.
All those who perished through the cruelty of the oppressor.
Not punished for any individual guilt, but indiscriminately,
Men and women * * *
Young and old * * *
The learned and the simple * * *
Were "driven in multitudes along the road of pain and pitiless death."
They lie in nameless graves.
Their places of everlasting sleep are not known to us.
Yet we will not forget them.
We take them into our hearts and give them a place beside the treasured memories of our own beloved.
May their remembrance give us the strength
To turn from death to life,
To love where others hate,
To hope where others despair,
To retain our belief in humankind and in the conviction that,
In spite of everything, there is meaning in life and in human history.

Thus will we give substance to the words of our tradition, those words which we repeat six million times—and more.

Yitgadal, V'yitkadash sh'mey rabba * * *
Magnified and sanctified be thy Name of God.

HONORING THE GALLATIN VOLUNTEER FIRE DEPARTMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 1996

Mr. GORDON. Mr. Speaker, I am taking this opportunity to applaud the invaluable services provided by the Auburntown Volunteer Fire Department. These brave, civic minded people give freely of their time so that we may all feel safer at night.

Few realize the depth of training and hard work that goes into being a volunteer firefighter. To quote one of my local volunteers, "These fireman must have an overwhelming desire to do for others while expecting nothing in return."

Preparation includes twice monthly training programs in which they have live drills, study the latest videos featuring the latest in fire fighting tactics, as well as attend seminars where they can obtain the knowledge they need to save lives. Within a year of becoming a volunteer firefighter, most attend the Tennessee Fire Training School in Murfreesboro where they undergo further, intensified training.

When the residents of my district go to bed at night, they know that should disaster strike and their home catch fire, well trained and qualified volunteer fire departments are ready and willing to give so graciously and generously of themselves. This peace of mind should not be taken for granted.

By selflessly giving of themselves, they ensure a safer future for us all. We owe these volunteer fire departments a debt of gratitude for their service and sacrifice.

TRIBUTE TO RABBI BRADD H. BOXMAN

HON. VICTOR O. FRAZER

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 1996

Mr. FRAZER. Mr. Speaker, I rise to pay special tribute to Rabbi Bradd H. Boxman. Rabbi Bradd H. Boxman was born and raised in Philadelphia, PA. He became a bar mitzvah and was confirmed at Beth David Reform Congregation, where he later taught in the religious school for nearly 5 years. Bradd earned a B.A. in modern languages at Villanova University, where he also minored in Christian studies. From 1979–81, he served as president of the Hillel Jewish Student Union at Villanova. In 1980, he traveled to the Soviet Union to visit Soviet Jewish Refuseniks. In 1981, he began his rabbinic studies at the Hebrew Union College-Jewish Institute of Religion in Jerusalem, where he created and facilitated a wood workshop program for physically disabled children at Alyn Hospital.

In Cincinnati, OH, where Bradd completed his rabbinic education, he taught at Wise Temple and Yavneh Day School. He was chairperson of the social action committee at HUC for 2 years and was appointed as the first rabbinic student liaison to the UAHC Social Action Commission. Bradd served as a member of the board of the Cincinnati Council of Soviet Jews between 1983–86. His strong interest in and commitment to social action was recognized by the Central Conference of Rabbis in 1985, when he was awarded the Horace J. Wolf Memorial prize for the social action programs he implemented.

Rabbi Boxman was the student rabbi for 2 years at Temple Beth Shalom in Winter Haven, FL. He also served pulpits in Marion, IN, and at Wright-Patterson Air Force Base in Dayton, OH, where he was a civilian chaplain. Bradd's rabbinic thesis is entitled: "The Significance of Brit Milah in Reform Judaism."

Rabbi Boxman began his career as a rabbi at Indianapolis Hebrew Congregation where he served as assistant and then associate rabbi from 1986–90. At Indianapolis, Rabbi Boxman initiated several new programs and activities, including a Soviet Jewry Committee, a unique basic Judaism curriculum, and an award winning family education program entitled "Geshber L'Mishpachah." Rabbi Boxman also directed the establishment of the new library facility at that congregation.

Rabbi Boxman served as chaplain at the Indiana University Medical Center and as a civilian chaplain of Ft. Benjamin Harrison. He was chairperson of the Indianapolis Board of Rabbis, 1989–90, and was actively involved in interfaith work throughout his tenure in that city.

Rabbi Boxman moved to St. Thomas in September 1990. Soon after his arrival he established Interfaith Coalition of St. Thomas/St. John and served as its first president from 1991–95. He served on the St. Thomas Hospital's pastoral care committee and its biomedical ethics committee. He also served as a board member for the following organizations: The Child Abuse Task Force of St. Thomas/St. John, Y.E.S.—youth experiencing success, and the United Way Grant Allocation Committee.

Rabbi Boxman was honored by the St. Thomas/St. John Federation of Teachers with a Feddy Award in 1993 for his religious leadership in the community. During the synagogue's bicentennial year 1995–96, Rabbi Boxman led his congregation's 200th anniversary celebration by bringing religious leaders, scholars, artists, and social programs to the island. These included Cardinal Bernard Law, Rabbi Harold Kushner, Supreme Court Justice Ruth Bader Ginsberg, Itzhak Perlman, Elie Wiesel, and Maya Angelou. He also helped to institute the Anti-Defamation League's teaching tolerance program called A World of Difference in the public, private, and parochial schools on St. Thomas and St. John.

Rabbi Boxman and his wife Linda have been married for almost 13 years and have three daughters: Ariel, Talia, and Achira. They will next take up residence in Danbury, CT, where Rabbi Boxman will be the spiritual leader of the United Jewish Congregation.

Mr. Speaker, as the representative of the people of the Virgin Islands, I wish Rabbi Boxman and his family God speed and remind him that they will always be a part of the Virgin Islands. We will always leave the door open and the light on for them.

A FLAG DAY TRIBUTE TO THE CATSKILL ELKS LODGE

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 1996

Mr. SOLOMON. Mr. Speaker, back on June 14, 1777, the Continental Congress of the United States adopted a resolution that gave us the Stars and Stripes that are our America flag. This June 14, 1996, we will celebrate the 219th Flag Day and this Sunday, June 9, 1996, the Catskill Elks Lodge will be holding their annual Flag Day celebration to commemorate the most significant occasion.

Mr. Speaker, let me tell you why it is so important that organizations like the Elks Lodge No. 1341 in Catskill, NY, take the time to recognize Flag Day and the American flag. It's because our flag is unique and so is Flag Day. To my knowledge, no other nation has a holiday like it. No other nation has a special day when its people gather, as those will gather at the Catskill Elks Lodge, to honor the flag as a special symbol.

And that Mr. Speaker, is what makes our flag and Flag Day unique. It represents a unique nation, the strongest, freest, greatest nation on Earth. No other flag is anchored so securely in the hearts of a people like Old Glory is in ours.

Let's stop for a moment and consider why that is. It's because of civic organizations and people like those at the Catskill Elks Lodge who continually remind us of the importance of our flag. It's because of their efforts to raise public awareness of the flag and all that it stands for that Old Glory commands the devotion, respect, and reverence that it does.

That's why, Mr. Speaker, I am so proud to address the members of the Catskill Elks Lodge as Brother Elk. The Elks are devoted to promoting pride, patriotism, and volunteerism and do more than anyone when it comes to those goals. The Benevolent and Protective Order of Elks have helped to relight the fire of patriotism in every American citizen and through their voluntary acts on behalf of the community, they have helped to reach our young people in whose hands the future of America depends.

But, Mr. Speaker, I owe my brother Elks in Catskill and around the country another expression of my personal gratitude. That's because they stood beside me, and the overwhelming majority of Americans, who wanted to see Old Glory, our most visible and beloved symbol, protected by the Constitution, our most sacred and beloved document. I'm referring of course to the constitutional amendment to prevent the physical destruction of our flag that passed overwhelming right here in the House Chamber, only to be defeated by just two votes in the Senate. As long as lodges like those in Catskill continue to impress upon our fellow Americans the significance of our flag and what it means to America, I'm confident we can afford it this ultimate protection it so richly deserves.

Mr. Speaker, at this time, I ask that you and all Members of the House join me in tribute to the Catskill Elks Lodge for all they have done to spread appreciation for the American Flag and our country throughout their community. For those efforts, they are all truly great Americans.

INFRASTRUCTURE

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 1996

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, May 29, 1996, into the CONGRESSIONAL RECORD.

INFRASTRUCTURE AND ECONOMIC DEVELOPMENT

Renewed attention needs to be given to the state of our country's infrastructure. Infrastructure is what physically holds this country together. It is our roads, bridges, airports, waterways, and water and sewer systems. The quality of life of Hoosiers is affected by these things every day.

Yet many of us take infrastructure for granted and need to be reminded how important it is. It's not until something goes wrong—such as hitting a pothole or having to boil drinking water because of high bacteria levels—that we realize how dependent we are on a high-quality infrastructure. Communities and businesses depend on infrastructure for basic services and for quick and easy movement of goods and people. Sound infrastructure helps get children to school and people to hospitals, allows us to maintain personal contacts, and ensures more productive, healthier lives.

Across the country we can see a lot of problems with the condition of our infrastructure. Many roads and bridges are in poor repair. The quality of the drinking water in certain parts of the country is deteriorating. Air traffic control towers at some airports use computers so old that they still have vacuum tubes. Clearly, something has to be done. We need to make investment in our infrastructure a priority. Without a sound infrastructure, the U.S. will find it increasingly difficult to maintain our high standard of living and competitive edge internationally.

IMPORTANCE TO ECONOMIC GROWTH

Economic development is not possible without a good infrastructure. It helps businesses grow and expand and means more jobs for Americans. I often hear from Hoosier business leaders about how the widening of a local road or how increased water capacity has helped their business.

Studies have shown that failure to keep up our investment in infrastructure has contributed to a slowing of U.S. productivity increases since the early 1980s. Our global competitiveness depends on the efficiency of our infrastructure, especially transportation. In a country as vast as ours, our ability to move goods and services to market must be second to none.

INFRASTRUCTURE INVESTMENT

Currently 70% of the funds for infrastructure investment come from local and state governments, with the federal government responsible for 30%. The federal government contributes to infrastructure repair and construction largely through spending from aviation, highway, transit, and waterway trust funds financed by user fees.

Yet while everyone acknowledges the critical need for good infrastructure, and while our needs continue to expand, public investment in recent decades has fallen short. A recent Department of Transportation report on the state of America's infrastructure concluded that we currently have a $17 billion annual shortfall in what we should be investing just to keep our transportation system in good working order. Total U.S. public spending on infrastructure has fallen from 3.1% of gross domestic product in 1960 to 2.1% in 1994. Of the seven major industrialized nations, the U.S. ranks at the bottom in the ratio of public investment to gross domestic product.

CONGRESSIONAL ACTION

Congress has recently considered several measures relating to infrastructure policy and investment. Some of our actions are positive, but others are not.

Some of the highest profile infrastructure projects are highways and bridges. These are projects we can point to and see the direct impact on local economies. Congress approved a major overhaul of our transportation policy with the passage of the Intermodal Surface Transportation Efficiency Act (ISTEA) in 1991. ISTEA is a six-year plan to reorient and modernize our transportation systems. ISTEA marked the shift in our policy focus from increasing transportation capacity to improving efficiency through better planning, management, and maintenance. Indiana and several others states are now doing better in their share of highway trust funds, but they still do not get back as much as they contribute. ISTEA is due to be reauthorized next year and I am hopeful that funding inequities will be addressed at that time.

Congress is working on an important measure to free up the $30 billion surplus in the transportation trust funds. Funds available from the trust funds are capped each year because of arcane federal budget rules. I supported the House bill to take the transportation trust funds out of the federal budget, thus freeing this money from federal budgetary constraints.

While not as glamorous as the larger infrastructure projects, wastewater treatment plans and public water systems are an important part of our infrastructure. The cost of upgrading and constructing wastewater plants and drinking systems is overwhelming for many rural communities. Congress is taking steps to address this through changes in the Safe Drinking Water Act and the Clean Water Act. One measure would create a new fund (known as a state revolving fund) to help local communities finance drinking water treatment improvements. Another would reauthorize federal contributions for wastewater treatment construction.

Congress unwisely cut overall infrastructure funding for 1996, and is currently considering 1997 levels. Funding for safe drinking water and wastewater treatment would be maintained at current levels, but I am dismayed to see other drastic cuts being proposed. The bill which funds transportation programs would cut funding $2 billion below the current level. The bill to fund waterway improvements was also cut deeply. That may put in jeopardy the much-needed improvements at McAlpine Locks and Dam on the Ohio River. Without these improvements, barge traffic will continue to be impeded, slowing the flow of goods into Indiana and the Ohio Valley. Funding for local flood control projects also may be threatened.

These cuts are short-sighted and will serve to stunt the economic growth in many areas of our country. While I am well aware that Congress must rein in spending and reduce the deficit, infrastructure funding is an investment—an investment in our country's future. We should not waver in our commitment to helping people live better, more productive lives.

CONCLUSION

Investment in our infrastructure is vital to maintaining the high quality of life Americans have come to expect. We want good drinking water, sound roads and bridges, and safe, efficient air travel, and we also want a growing economy and more jobs. An excellent infrastructure, second to none, will make our economy more competitive and our lives more pleasant.

IN HONOR OF ZUBERI McKINNEY

HON. DOUGLAS "PETE" PETERSON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 1996

Mr. PETERSON of Florida. Mr. Speaker, on March 6, 1996, Zuberi McKinney, the beloved son of the Sergeant Major of the Army and Mrs. Gene C. McKinney, died as a result of a tragic automobile accident in Tallahassee, FL. Zuberi was 18 years old and attending his first year of college at Florida A&M University. Sergeant Major and Mrs. McKinney are long-time residents of the Second Congressional District of Florida which I serve.

I lost my 17-year-old son several years ago in an accident very similar to that experienced by the McKinney family and know only too well the pain a family suffers having sustained a loss of this magnitude. It is a pain that never goes away, however there is comfort in that loved one's memory.

Today, Mr. Speaker, I wish to enter into the RECORD the words of Zuberi McKinney's parents as they celebrate Zuberi's 19th birthday. The composition speaks for itself in terms of compassion and grief, but it also speaks eloquently of a strong, close, loving family. A family whose bonds cannot be broken even in death.

IN HONOR OF ZUBERI MCKINNEY

OUR DEAR SON: You've heard us say to you many times how we will always be proud of you and love you, NO MATTER WHAT.

Today Dad and I were reminiscing about the Earthly life you have had and we have had because of you.

Sometime in September, 1976, we were told we would be parents approximately May 10, 1977. Who would have believed on May 10, in less than an hour from the time we arrived at the Frankfurt Hospital you were born!

We had researched our chosen names and daddy's name won because of a boy baby.

ZUBERI ASWAD. An African name from the Swahili language. ZUBERI meaning STRONG and ASWAD meaning BLACK.

You grew quickly and learned lots. The first song you learned was, "Yes Jesus Loves Me."

Looking back over eighteen years you accomplished a great deal here on Earth. Your rambunctious sports years started at age three when you played on the Rowdies Soccer Team. You were skiing downhill at age five. You played football, baseball, tennis, percussion instruments in the band, piano, was on a swim team and played lots and lots of basketball, ending up on the Heidelberg Varsity Basketball team.

You were very inquisitive as a student and often challenged teachers, including us as parents. That was good * * * at times.

You always made friends easily and always had lots of them We always noticed the characteristics of the ones you chose to keep as your CLOSEST friends. They were always mannerable, had a great sense of humor, had a goal in life and most importantly as you once said, "Couldn't be broke all the time."

You got to live a very adventurous life on two continents. Visiting many different countries and states. Experiencing almost every mode of travel possible. You always believed in FUN. You had it and we enjoyed having fun with you.

We are very unhappy right now because we miss your earthly flesh and we cry out because of earthly feelings. But we THANK GOD that He chose us to be your parents. We THANK GOD that He chose you to prepare our place in Heaven. Because we know you'll get the best. And we THANK GOD for this prayer:

Now I lay me down to sleep
I pray the Lord my soul to keep
If I should die before I wake
I pray the Lord my soul to take.

You slept with us sixteen days before the Lord took your soul to shine down on us from Heaven.

The Guardian Angel we placed over your heart was kissed by ours and we will wear it representing we will NEVER EVER part from you.

We'll talk to you daily from now until ETERNITY.

Love you forever,

MOM AND DAD.

KATI MARTON ON FREEDOM OF THE PRESS IN BOSNIA

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 1996

Mr. LANTOS. Mr. Speaker, I would like to bring my colleagues' attention to a superb op-ed in Friday's Washington Post which discusses the importance of freedom of the press in the former Yugoslavia. The author, my good friend and prominent journalist Kati Marton, has for many years been one of the leading spokespersons for press freedom and for open societies.

Freedom of the press in the United States was enshrined in the very first amendment to the Constitution, as it was recognized as the cornerstone of a true democracy. Indeed, it was the circulation of revolutionary literature that spurred the War of Independence and rallied popular support for democracy.

A lasting democracy in Bosnia, where violations of freedom of the press are most acute, is only possible with a free press. Such freedom is necessary in the upcoming elections there so that Bosnians can make an informed choice.

Kati Marton's observations during her 10-day trip to Bosnia reveal the importance of United States support for such freedom. Kati chairs the Committee to Protect Journalists and possesses many insights on the Bosnian situation. Her husband, Richard Holbrooke, was the chief negotiator of the Dayton Accords. Mr. Speaker, I ask that her article be included in the RECORD, and I urge my colleagues to consider her insightful remarks.

[From the Washington Post, May 31, 1996]

KEY TO THE BALKANS: A FREE PRESS

(By Kati Marton)

They don't shoot reporters—or even jail them anymore—in postwar former Yugoslavia. Today the authoritarian governments of the Balkans use more subtle measures to control the media.

After a 10-day fact-finding trip to Sarajevo, Belgrade and Zagreb and talks with the leaders of all three countries, I am convinced a healthy democratic opposition will not take root here without stronger Western pressure on Serb, Croatian and Bosnian leaders. All three leaders—Slobodan Milosevic, Franjo Tudjman and Alija Izetbegovic—promised to uphold the right to free speech and free press in Dayton, but all three are falling far short of delivering on that promise.

The Balkan media's plight goes much further than the issue of the population's legitimate rights of free speech and free press. It was the media in Belgrade, Zagreb and, to a much lesser degree, Sarajevo that fueled the ethnic passions that unleashed the war. It is now essential for the security of Europe and the United States that we insist on the establishment of free media in Bosnia, Serbia and Croatia.

The situation is most critical in Bosnia. In September, nationwide elections will be held that will anchor the fragile new entity of Bosnia-Herzegovina to a new central government. Without a free press, the dream of reviving a multi-ethnic society after years of savage violence will fade. Although the guns that killed 45 reporters during the war are quiet now, it is still too dangerous for Bosnian journalists to cover more than a sliver of the country. The brave ones who try come back shaken from the experience, with stories of being pulled off the road when Serb militia loyal to the indicted war criminal who still heads the Bosnia Serbs—Radovan Karadzic—spotted their Sarajevo plates and hauled them in for "questioning."

In Bosnia, as elsewhere, television is how most people get their news. What limited television there is (only one of nine transmitters survived the war) is under the control of President Alija Izetbegovic's ruling party. This makes it difficult for opposition candidates such as former prime minister Haris Silajdic to get their message out in the election campaign. Ironically, Radio Free Europe, deemed a relic of the Cold War elsewhere and never before heard in Yugoslavia, has become the most popular radio in Bosnia—as close as most people think they'll get to the straight story.

In Belgrade and Zagreb, independent media are controlled by the use of "financial police" government accountants who swoop down on opposition press and find their bookkeeping wanting. On April 25, such "accountants" swept into the office of the Croatian weekly Panorama and ordered all staff to leave in 25 minutes. The magazine remains shut. The reason: alleged "failure to meet technical, health and ecological standards necessary for operating."

When I asked President Tudjman why his government is suing another independent paper, Novi List, for a ruinous sum, Tudjman ordered an aid to fetch the cover of the satiric weekly, Feral Tribune, which featured Tudjman's face atop Rambo's body. "Would any other world leader put up with this?" he asked. "All leaders in democracies," I replied; but without much effect on him.

Another technique both Milosevic and Tudjman use to quiet the voices of dissent is to claim that formerly state-controlled media were "improperly privatized." Using that device, Serbian police entered Belgrade's Studio B and pulled the plug. Now all Serb television is under Milosevic's control. But Milosevic assured me, revealingly, that he has instructed the media to tamp down their former anti-Muslim and anti-Groat fervor and get behind the Dayton Accords.

Milosevic also controls newsprint, the life blood of newspapers, and thus manipulates the independent dailies' circulation. Nasa Borba, the only major independent daily in Serbia, struggles to reach more than 10,000 readers, whereas Politika, the pro-Milosevic paper, never suffers from a newsprint shortage and reaches 300,000 readers. To go from Nasa Borba's shabby offices to Politika's high-tech home, bristling with security men, is to understand the effective uses of press control in Serbia. Politika's colorful editor, Hadji Antic, who described his editorial policy as "inclined toward the official story," said if the other papers have circulation problems it's because they're no good.

But the Balkan leaders are not the implacable dictators of the past. There are many pressure points. Serbia badly wants the remaining sanctions lifted. Bosnia, the real victim in the war, as well as Serbia and Croatia, need Western investment, IMF loans, European Union membership and respectability. In their need is our opportunity. A price must be enacted for all those things, and part of that price should be the one ingredient that separates a democracy from every other form of government; a free press.

HONORING THE CELINA VOLUNTEER FIRE DEPARTMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 1996

Mr. GORDON. Mr. Speaker, I am taking this opportunity to applaud the invaluable services provided by the Celina Volunteer Fire Department. These brave, civic minded people give freely of their time so that we may all feel safer at night.

Few realize the depth of training and hard work that goes into being a volunteer fire fighter. To quote one of my local volunteers, "These firemen must have an overwhelming desire to do for others while expecting nothing in return."

Preparation includes twice monthly training programs in which they have live drills, study the latest videos featuring the latest in fire fighting tactics, as well as attend seminars where they can obtain the knowledge they need to save lives. within a year of becoming a volunteer firefighter, most attend the Tennessee fire training school in Murfreesboro where they undergo further, intensified training.

When the residents of my district go to bed at night, they know that should disaster strike and their home catch fire, well trained and qualified volunteer fire departments are ready and willing to give so graciously and generously of themselves. This peace of mind should not be taken for granted.

By selflessly giving of themselves, they ensure a safer future for us all. We owe these volunteer fire departments a debt of gratitude for their service and sacrifice.

TOURISM

HON. VICTOR O. FRAZER

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 1996

Mr. FRAZER. Mr. Speaker, today I rise to express my strong support for H.R. 2579, the Travel and Tourism Partnership Act of 1995. This bill establishes the National Tourism Board and the National Tourism Organization to promote international travel and tourism to the United States.

Tourism is one of this country's largest exports. Presently the United States does not have an effective mechanism for promoting U.S. tourism. H.R. 2579 establishes a national tourism organization as a nonfederal and nonprofit organization to implement a national travel and tourism strategy.

Tourism is the second largest industry in the Virgin Islands. In 1993 St. Croix, VI, had 23,740 jobs, but that amount decreased in 1995 to 17,850, according to the St. Croix Chamber of Commerce. When tourism in the U.S. Virgin Islands suffers it has a rippling effect—small businesses and retail shops who depend on tourism feel the impact when tourists are absent. The tourism market currently is depressed because of Hurricane Marilyn and because of the limited resources of the Virgin Islands government. The Virgin Islands is unable to attract tourists to spend money because they do not have the tax base to support national and international marketing activities.

The Travel and Tourism Partnership Act will enhance the limited resources of the Virgin Islands. Presently we do not have a national strategy which links State and local marketing with national marketing activities. This legislation will create a national and local marketing strategy for tourism.

THE CAIRO-DURHAM ELKS LODGE PROMOTES RESPECT FOR OUR FLAG

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 1996

Mr. SOLOMON. Mr. Speaker, back on June 14, 1777, the Continental Congress of the United States adopted a resolution that gave us the stars and stripes that are our American flag. This June 14, 1996, we will celebrate the 219th Flag Day and this Sunday, June 9, 1996, the Cairo-Durham Elks Lodge will be holding their annual Flag Day celebration to commemorate that most significant occasion.

Mr. Speaker, let me tell you why it is so important that organizations like the Elks Lodge No. 2630, serving the towns of Cairo and Durham, NY, take the time to recognize Flag Day and the American flag. It is because our flag is unique and so is Flag Day. To my knowledge, no other nation has a holiday like it. No other nation has a special day when its people gather, as those will gather at the Catskill Elks Lodge, to honor the flag as a special symbol.

And that, Mr. Speaker, is what makes our flag and Flag Day unique. It represents a unique nation, the strongest, freest, greatest nation on Earth. No other flag is anchored so securely in the hearts of a people like Old Glory is in ours.

Let us stop for a moment and consider why that is. It is because of civic organizations and people like those in the Cairo-Durham Elks Lodge who continually remind us of the importance of our flag. It is because of their efforts to raise public awareness of the flag and all that it stands for that Old Glory commands the devotion, respect, and reverence that it does.

That is why, Mr. Speaker, I am so proud to address the members of the Cairo-Durham Lodge as Brother Elk. The Elks are devoted to promoting pride, patriotism, and voluntarism and do more than anyone when it comes to those goals. The benevolent and protective order of Elks have helped to relight the fire of patriotism in every American citizen and through their voluntary acts on behalf of the community, they have helped to reach our young people in whose hands the future of America depends.

But, Mr. Speaker, I owe my Brother Elks in the Cairo-Durham area and around the country another expression of my personal gratitude. That is because they stood beside me and the overwhelming majority of Americans, who wanted to see Old Glory, our most visible and beloved symbol, protected by the Constitution, our most sacred and beloved document. I am referring, of course, to the constitutional amendment to prevent the physical destruction of our flag that passed overwhelmingly right here in the House Chamber, only to be defeated by just two votes in the Senate. As long as lodges like those serving Cairo and Durham continue to impress upon our fellow Americans the significance of our flag and what it means to America, I am confident we can afford it this ultimate protection it so richly deserves.

Mr. Speaker, at this time I ask that you and all Members of the House join me in tribute to the Cairo-Durham Elks Lodge for all they have done to spread appreciation for the American flag and our country throughout their community. For those efforts, they are all truly great Americans.

TRIBUTE TO KARL DE ROUEN

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 1996

Mr. COLLINS of Georgia. Mr. Speaker, I rise to recognize a friend from Eunice, LA, Karl DeRouen.

Karl DeRouen, better known as King Karl in Eunice for his long standing career in radio broadcasting, was recently inducted into the Louisiana Hall of Fame [LHOF]. The LHOF is a relatively new organization which salutes men and women in the music and entertainment industry who are originally from Louisiana.

Mr. Speaker, King Karl exceeds all the criteria for this honor. Karl was born in Eunice in 1934 and grew up on the same block as the present location of KJJB and KEUN radio stations. Back then though, there were no stations on the block.

Throughout his high school years he would listen to sportcaster Bill Stern and had dreams of some day becoming a sportcaster. That dream has become a reality as Karl is the broadcaster for the Indian Creek bass tournament and voice of the Eunice High Bobcats and Saint Edmund High Bluejays for over 25 years—both well known athletic teams and followed by the locals of Eunice.

Karl began his career in radio at the age of 18, signing on each morning at 6 a.m. He became the early morning wake up voice for the people of Eunice. He was the entertainment during breakfast and the local voice delivering the local news. It was his voice of kindness who would recognize someone's birthday, mention a person by name who suffered an illness, or praised a local person who had rendered a good deed. As Karl puts it, "We can please people" and he realized his road to success would be determined by those whom he pleased.

Karl DeRouen's life-long ambition was to be a radio personality. He recently said, "I would like to be remembered 50 years from now as someone who has made someone's life a little brighter and a little better".

Mr. Speaker, Karl DeRouen, now the owner of KJJB and KEUN, not only has fulfilled a dream but has generated a legacy for his family which will be remembered by the people of Eunice, LA for decades to come.

King Karl is the father of my scheduler, Mrs. Anne Jasien.

HONORING BALTIMORE POSTAL DISTRICT MANAGER RICHARD RUDEZ

HON. ROBERT L. EHRLICH, JR.

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 1996

Mr. EHRLICH. Mr. Speaker, the Postal Service and its employees take great pride in providing a basic service to the American public. They are dedicated to excellence and I know this from firsthand experience delivering mail 1 day earlier this year in the Highlandtown neighborhood of Baltimore. So it is particularly gratifying when the top area manager of these dedicated employees receives formal recognition.

On May 8, the Maryland Chapter of the American Society for Public Administration selected Baltimore Customer Service District Manager Richard Rudez of Bel Air, MD, to receive the Clifford R. Gross Award for Federal Public Service.

As a 25-year Postal Service veteran, Baltimore Customer Service District Manager Rudez is responsible for post office operations throughout the State of Maryland, except those in southern Maryland and the Washington, DC suburbs. The Postal Service's Baltimore District is the ninth largest employer in the State of Maryland. It employs over 9,400 employees in 305 post offices, and provides mail delivery to 1.3 million addresses and a population of 3.5 million.

Mr. Rudez was selected for this award because of his outstanding sustained contribution as a public administrator. His achievement is not limited to the Postal Service. Mr. Rudez serves as chairman of the Federal Executive Board, and has contributed his services to a number of community organizations including: Member, vice president, and recording secretary, parish council, St. Margaret's Roman Catholic Church; vice chairman, United Negro College Fund Walk-A-Thon; Federal Executive Board cochair for the Combined Federal Campaign; member of Greater Baltimore Committee; and member of the Baltimore and Hartford County Chambers of Commerce.

As the chairman of the Federal Executive Board, Mr. Rudez has sought to improve the coordination between the various Federal agencies and other governmental jurisdictions. Working with the Baltimore City Schools, he revitalized the Postal Service Wee Deliver Program and joined in a partnership in education to encourage other groups to commit their expertise, skills, and time in a united effort to enhance the public school curriculum and student matriculation. In 1995, the Postal Service Baltimore District was the recipient of the Greater Baltimore Committee's Mayor's Business Recognition Award.

This award exemplifies excellence in public service and I am pleased to join the American Society of Public Administration in saluting Rich Rudez and his record of service to the postal customers and citizens of the State of Maryland.

TRIBUTE TO FRED RICHARDSON

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 1996

Mr. UPTON. Mr. Speaker, I rise today to honor an accomplished educator, a community leader, and a dear friend, Mr. Fred Richardson. After 38 quality years spent in school systems across Michigan and Indiana, Mr. Richardson will be stepping down this year as superintendent of St. Joseph Public Schools.

Mr. Richardson began his education career as a teacher in 1958 in Shipshewana, IN. He was quickly promoted to principal and spent time at the helm of a number of schools in Indiana before returning to teach and become principal in Fennville in his native Michigan. After spending many years with the Hillsdale Community Schools, he was eventually recognized for his talents and promoted to superintendent.

In 1982, he left Hillsdale to assume the same role in the St. Joseph Public Schools. During his tenure there he was able to turn the cash strapped organization around, balancing the system's books and creating an abundance of financial reserves. In fact, the district just recently became debt free thanks in part to Mr. Richardson's guidance.

Praised by staff, faculty, and school boards, Mr. Richardson has always cared most about the kids. Time and time again, his efforts with the children of Michigan have earned him high marks. A truly first-class individual, Mr. Richardson has also found time in his busy schedule to share his experience with the next generation of educators by teaching at Western Michigan University.

As Fred enters this next stage of his life, my wife Amey joins me in wishing him a long and healthy retirement. Thank you, Fred, for so many great years of quality service to southwest Michigan. Mr. Speaker, please join me in congratulating Fred Richardson on his retirement from a remarkable, 38-year-long career in education.

EDUCATION AND TRAINING

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 1996

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, June 5, 1996, into the CONGRESSIONAL RECORD.

EDUCATION AND TRAINING IN SOUTHERN INDIANA

After years of stop and go growth with periods of high inflation and high unemployment, the U.S. economy seems to have settled into a state of moderate growth during the past five years, with low inflation and unemployment and steady job creation. Southern Indiana has benefited from these broad economic trends. Almost 50,000 new jobs were created in Indiana last year and the state unemployment rate fell to 4.6%, a full point below the national average.

But new challenges for businesses and workers lay ahead, as rapid changes in technology, new ways of delivering services, and tough foreign competition alter the economic landscape across the U.S. and in southern Indiana. Last September, during two roundtable discussions I held in Batesville and Corydon, several local business leaders told me that the most important thing we can do to meet the challenges ahead is to improve the educational system in southern Indiana for our young people and expand the opportunities for current workers to acquire new skills.

To follow up, I recently held two additional roundtable discussions in Scottsburg and Jasper to explore what is being done locally to imrove education and job training. The discussions were encouraging. The school systems, colleges, local development corporations, and private companies represented in the discussions all seem to be taking the problem of workforce quality seriously and are doing some innovative things to ensure high quality education and job training in southern Indiana.

IMPROVING THE HIGH-SCHOOL CURRICULUM

Local school systems are making significant changes to improve the quality of public education. Many are adding courses, raising requirements, and expanding teacher training. Some, like Union County, will be requiring students to show competency in four skill areas to graduate, using both written and oral exams. Programs for students not going to college are being upgraded by making the courses more relevant to today's job market and by integrating them with postsecondary vocational programs.

IMPROVING SCHOOL-TO-WORK AND CAREER COUNSELING PROGRAMS

Some school systems are developing innovative ways for students to test the world of work before graduation. For example, one school system has developed school-to-work labs allowing young people to learn and build job skills through actual on-the-job experiences. Others are starting career counseling as early as elementary school to acquaint students with different occupations. Some schools are putting more resources into counseling programs for students not going to college.

STRENGTHENING BUSINESS-SCHOOL PARTNERSHIPS

In many communities, businesses are taking a more active role in working with schools. In Batesville, a business-school-community partnership has raised more than $1 million to buy computers for the local schools. The Scott County Manufacturers Forum has developed a workforce competitiveness strategy with the schools which includes an agreement that employers will get a high school diploma or GED as a basic job requirement. There is also a summer jobs program where youth learn about various jobs by "shadowing" workers and a learning exchange program where teachers and private employers spend some time in each other's workplace.

IMPROVING VOCATIONAL EDUCATION

Some impressive developments in vocational education are occurring at both the high school and college levels in southern Indiana. Ivy Tech in cooperation with local development corporations has created customized training programs for local employers, like running a basic skills program at one company or training 250 people for welding jobs at another. Some favor the tech prep program, under which a student can begin a vocational program during the last two years of high school and finish it with two years of study at a college like Ivy Tech.

USING THE INTERNET FOR EDUCATION

Technology is making major changes in how students acquire information about the world around them. The Wilson Education Center in Charlestown has set up an area-wide project providing Internet services to schools in southern Indiana, giving 4,500 teachers and 75,000 students in grades K-12 access to educational information from around the world. The Southeastern Indiana Rural Telephone Cooperative is also providing Internet access to schools.

GREATER USE OF DISTANCE LEARNING

Technology is also making it possible for college students to take courses and earn degrees from distant colleges and universities. The Southeastern Indiana Electronic Campus has been set up—a unique system of higher education with 10 learning centers offering 150 courses and more than a dozen degree programs by two-way TV. At Vincennes University Jasper Center, students can use the Indiana Higher Education Television Service to earn an MBA from Ball State University, or to take courses in the Purdue Continuing Education program, or soon to earn a nursing degree from the University of Southern Indiana.

BETTER LIFELONG LEARNING PROGRAMS

Steps are also being taken to help older workers upgrade their skills as the economy changes. Colleges are rearranging their schedules to provide more courses during evening and weekend hours. Local communities are setting up adult education centers, where older workers can take courses and earn their GED. One-day non-credit courses focus on specific skills, like learning how to use a computer.

While much progress has been made in these and other ways to improve education and job training in our area, the roundtable participants still found room for improvements. Business representatives talked about the need to instill a good work ethic in younger workers and said that schools should focus on teaching good basic skills—math, reading, communication—while businesses should focus on specific job training. Other suggestions included even better communication between businesses and the schools, allowing certain vocational courses in high school to count toward postsecondary technical degrees, more cooperation at the college level to let students transfer credits among institutions, and more teacher training on how to use computers and the Internet as learning tools.

I am impressed by the programs and activities being developed in southern Indiana to improve the quality of our workforce. In today's highly competitive world economy, the best investment we can make is in the quality and skills of our workers and I believe we are making significant progress in southern Indiana.

TRIBUTE TO PAT TROUTNER

HON. RICK WHITE
OF WASHINGTON
IN THE HOUSE OF REPRESENTATIVES
Wednesday, June 5, 1996

Mr. WHITE. Mr. Speaker, my home is in the First District of Washington State. In my district, we are blessed to have thousands and thousands of people who volunteer—day after day—to make our communities stronger, safer and better.

That is why I want to take a minute today to recognize Pat Troutner of Silverdale. Pat's tireless commitment to her community has earned her the Kitsap County Bremerton Health Department's Volunteer of the Year award.

Giving is not a new concept to Pat Troutner. For years she has been caring for and giving support to terminally ill AIDS patients. While she has lost many friends she refuses to become discouraged. Instead, she focuses her energies on listening, educating, sharing, and helping. She is more than just a volunteer—she is a friend.

Today, I want to say thank you to Pat Troutner for all she has done, and will continue to do, for our community.

OUTSTANDING STUDENTS, TEACHER EXCEL IN NATIONAL HISTORY DAY

HON. JERRY LEWIS
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, June 5, 1996

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention the fine work of a number of students and the outstanding skills of an exemplary teacher from Bishop, CA who participated in the History Day in California competition earlier this year. A number of students competed at the local level and then represented Inyo County at the California State competition.

Jenna Beck, who wrote an essay entitled, "President Anwar Sadat of Egypt: A Martyr's Stand for Peace," was named as one of two California State champions in the category of Junior Historical Research Papers. As a result of her selection as a champion, Jenna will be joining other students from across the country competing in National History Day, sponsored by the Constitutional Rights Foundation, at the University of Maryland later this month.

In addition to Jenna, Elly Hartshorn was the California State alternate with her entry entitled, "California's Little Civil War: The Owen Valley Pioneer's Stand for Water." Other students representing Inyo County were Shannon Linden, Abby Sada, and Nicole Perry.

Irene Sorensen, who has inspired and guided students in this competition for 9 years, was also honored at the California State History Day as the first California Constitutional Rights Foundation Teacher of Merit for her outstanding commitments to students in California.

Mrs. Sorensen and the fine students who participated in this year's competition are a tribute to the excellence of our public school system. While these students live in a community of less than 5,000 people, located 200 miles from a major library or university, they completed extensive research in their chosen subject areas and were highly competitive with students from large metropolitan areas such as Los Angeles County, San Bernardino County, and Riverside County.

Mr. Speaker, I ask that you join me and our colleagues in congratulating Irene Sorensen and her students for their outstanding efforts relating to National History Day. It is only fitting that the House recognize them for their commitment to excellence and learning.

INVOCATION BY FATHER ROBERT F. DRINAN, S.J., NATIONAL DAYS OF REMEMBRANCE COMMEMORATION

HON. TOM LANTOS
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, June 5, 1996

Mr. LANTOS. Mr. Speaker, on April 16, Members of Congress, members of the Diplomatic Corps, and hundreds of survivors of the Holocaust and their friends gathered here in the Capitol Rotunda for the National Days of Remembrance commemoration. The United States Holocaust Memorial Council was established by Congress to preserve the memory of the victims of the Holocaust. I commend the Council and the members of the Days of Remembrance Committee, chaired by my good friend Benjamin Meed, for their vigilant and genuine adherence to their extraordinarily important task.

One of the first acts of the Council was to establish the annual Days of Remembrance commemoration to mirror similar observances held in Israel and throughout our Nation and elsewhere in the world. This year, the commemoration centered on the 50th anniversary of the Nuremberg trials. The observance was a reminder of the difficult process of first coping and then healing that all survivors and their families and loved ones had to endure.

Father Robert J. Drinan, our former colleague and a great friend, delivered a characteristically moving and meaningful invocation to this commemoration. In his current capacity has a professor of law at Georgetown University, Father Drinan continues his outspoken support for human rights throughout the world that he was so well known for in his 10 distinguished years in Congress.

His prayer at the National Day of Remembrance commemoration set a tone for a commemoration with a dual purpose. First, to be thankful for the end of the Holocaust that came with the Nuremberg trials, and second, to give a stern warning to citizens of the world that the Holocaust must never be forgotten and that crimes against humanity cannot be ignored or go unpunished. I commend my colleagues' attention to the remarks of our distinguished former colleague:

INVOCATION BY ROBERT F. DRINAN, S.J.

Let us pray. Oh God of Abraham, Isaac and Jacob, we thank you for humanity's first denunciation 50 years ago of crimes against humanity.

We express our gratitude oh Lord to all those who have publicized and prosecuted crimes against peace like those punished at Nuremberg.

We beseech you, oh God of justice, to keep alive in our souls that horror of genocide which has permeated the world in the last five decades.

Inspire us, Oh God of love, to remember at all times that silence is the one unforgivable sin.

Impart your benediction, Oh Lord of the universe, on the leaders of the Holocaust Memorial, on members of the Congress and on all here present. We stand here oh Lord as your children and ask your forgiveness for our past inaction and indeed our complicity with evil.

We pray, Oh God, that the grace of this unforgettable occasion will deepen our determination to protect the precious rights of every child of God in the entire universe.

This we ask in your name and with your help. Amen.

CORINTH, NY EMERGENCY SQUAD CELEBRATES 50TH ANNIVERSARY

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 1996

Mr. SOLOMON. Mr. Speaker, I have always been partial to the charm and character of small towns and small town people. That's why I travel home to my congressional district every weekend, to see the picturesque towns and scenery that marks the 22d district of New York. The town of Corinth, NY is certainly no exception.

The traits which make me most fond of such communities is the undeniable camaraderie which exists among neighbors. Looking out for one another and the needs of the community make places like Corinth great places to live and raise a family. This concept of community service is exemplified by the devoted service of the Corinth Emergency Squad. For 50 years now, this organization has provided critical services for the citizens on a volunteer basis. As a former volunteer fireman, I understand, and appreciate, the commitment required to perform such vital public duties.

It has become all too seldom that you see fellow citizens put themselves in harms way for the sake of another. While almost all things have changed over the years, thankfully for the residents of Corinth, the members of their emergency squad continue to selflessly perform their duty without remiss. I can't say enough about the countless lives they have saved by doing so over the course of their 50 year history.

That's why I am so glad to have this opportunity to pay tribute to this emergency squad. And for that matter, the residents of Corinth will have the opportunity to show their appreciation at a picnic marking this momentous occasion this Sunday, June 9, 1996.

Mr. Speaker, I have always been one to judge people by how much they give back to their community. On that scale, the members of the Corinth Emergency Squad, both past and present, are truly great Americans. I am proud of this organization because it typifies the spirit of volunteerism which has been such a central part of American life. We would all do well to emulate the service of the men and women who comprise the Emergency Squad in Corinth. To that end, it is with a sense of pride, Mr. Speaker, that I ask all Members to join me in paying tribute to the Corinth Emergency Squad on the occasion of their 50th anniversary.

TRIBUTE TO STEVE STRICKER

HON. THOMAS W. EWING

OF ILLINOIS

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

HON. MICHAEL G. OXLEY

OF OHIO

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 1996

Mr. EWING. Mr. Speaker, last Wednesday, May 22, 1996, we the undersigned, Congressmen JOSEPH MCDADE, MICHAEL OXLEY, JAMES CLYBURN, and THOMAS EWING, had the privilege of playing golf in the Kemper Pro-Am with Mr. Steve Stricker, the winner of the 1996 Kemper Open.

Mr. Stricker has been a rising star in the professional golfing ranks since joining the pro tour in 1990. With his wife, Nicki, at his side serving as his caddie, he won his first major tournament last Sunday.

Steve Stricker is a graduate of the University of Illinois, in the heart of the 15th Congressional District of Illinois, served by Representative EWING.

Steve Stricker's golfing ability is now a matter of record, and we expect many more great wins on the pro tour. What we also know is that Steve Stricker is a very personable gentleman. We found him to be an extremely polite and considerate young man. Matched with his wife, Nicki, the are, indeed, a great team and a credit to the golfing profession.

We congratulate Steve Stricker for a tremendous victory at the 1996 Kemper Open. We consider it an honor to have met and played a round of golf with such a fine athlete and fine gentleman.

THE MEDIA'S VETO

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 1996

Mr. CRANE. Mr. Speaker, a recent study revealed that the members of the Washington press corps are predominantly liberal. In fact, over 90 percent of them voted Democrat in the last election. Despite these leanings, the media have defended themselves by claiming to be able to separate those opinions from their news coverage.

Quite to the contrary, U.S. News & World Report, of June 10, 1996, takes issue with that argument and provides a case study of how the media's left-leaning perspective often colors the manner in which stories are covered or not covered. The article explains how the Boston Globe, the Los Angeles Times, the New York Times, and the Washington Post all overlooked Senator DANIEL PATRICK MOYNIHAN'S statement that the procedure of partial birth abortions was too close to infanticide, and would vote to override the President's veto. I would like to submit this article for the RECORD and note that it ends by challenging reporters and the media to do some hard investigating. I also challenge the media to do so and hope that the American public recognizes the liberal filter through which they receive their news.

[From U.S. News & World Report, June 10, 1996]

ALL THE NEWS THAT FITS OUR BIASES

(By John Leo)

In a videotaped interview on May 2, Billy Graham told columnist Cal Thomas that he had privately met with President Clinton and criticized him for vetoing the Partial-Birth Abortion Ban Act. This story poked into a few newspapers. The Washington Post and the Los Angeles Times gave it a line or two deep in round-up articles. A computer search failed to turn up any mention of it in the New York Times and the Boston Glove.

The same day, Democratic Sen. Daniel Patrick Moynihan of New York told New York Post reporter Deborah Orin he would vote to override the abortion veto because partial-birth abortions are "too close to infanticide." All four of the above-mentioned newspapers skipped this story. Three weeks later, the New York Times quoted Bob Dole as agreeing with Moynihan—which must have mystified Times readers who don't also read the New York Post, since they hadn't yet been informed about Moynihan's stance. Even an editorial barb in the Wall Street Journal about the nonreporting of Moynihan's comment had no effect.

It's particularly strange for the Times to ignore an anti-veto stance by a hometown senator who has a prominent abortion-rights record. This is like Jesse Helms attacking the tobacco industry and getting no ink in North Carolina papers.

Of course, in the daily rush of breaking news, many stories fall by the wayside. But some stories are stronger candidates for the wayside than others. Among the sure-fire wayside candidates are reports that some hospitals have limited second-trimester abortions because nurses refused to attend the procedures; all stories about health violations at abortion clinics or the large number of antiabortion Democrats; and most stories about savage treatment of abortion protesters.

DEEP SENTIMENTS

Elizabeth Fox-Genovese of Emory University charges that the American press has underrepresented the depth of antiabortion sentiment in America. This is happening again with the partial-birth issue. Though the media keep representing opposition as essentially religious and Republican, a Gallup Poll shows that a majority of Americans support the ban (57 percent for it, 39 percent against). A more partisan poll conducted by the Tarrance Group for the National Conference of Catholic Bishops found that 55 percent of Democrats and 65 percent of those identifying themselves as pro choice supported the ban.

On the broader issue of abortion, Mary Ann Glendon of Harvard Law School has charged that by misrepresenting the sweeping character of *Roe* v. *Wade* for so long (despite its famous trimester divisions, it actually allows women to abort at any time during the nine months of gestation), the media have effectively drained away a lot of potential reform sentiment.

And David Shaw, the Pulitzer-winning media critic of the Los Angeles Times, in his long, four-part 1990 series on media coverage of the abortion issue, concluded that reportage on this touchy subject has been uniquely biased across the board toward abortion rights. This was a very serious indictment, one that the media should have felt some obligation to address but didn't. Shaw's series was photocopied and passed around widely, but the media essentially gave it the silent treatment. Neither of the nation's two leading journalism reviews has ever written about Shaw's findings or taken up the bias issue on its own.

If he wished to return to the subject, Shaw would have a field day with coverage of the partial-birth issue. Much of it has stayed remarkably close to the arguments and position papers put out by the National Abortion and Reproductive Rights Action League. Many have accepted at face value Kate Michelman's claim that anesthesia kills the fetus before the procedure begins. Few reporters bothered to add that the head of the American Society of Anesthesiologists, Norig Ellison, says it isn't so—"very little of the anesthetic given the mother ever reaches the fetus."

Honest reporting would also say flatly that abortion opponents are right to say that a ban on partial-birth abortions with an exception for "health" of the mother is no ban at all. The language is right there in *Doe* v. *Bolton* (1973), the case in which the Supreme Court defined health as any physical or emotional problem.

Is this procedure confined to serious genetic defects or cases of serious risk to the mother, as Clinton thinks? Well, no. Some news reports seem to take Michelman's argument at face value ("it's a lie" that the procedure is used when a mother's "depression" or an infant's potential cleft palate is cited as justification). The rest leave Michelman's claim unexamined and add a line like, "Foes of the procedure argue it is used to perform elective abortions."

But two leading practitioners of this procedure have said elective use is not unusual. Dr. Martin Haskell told an interviewer from American Medical News: "I'll be quite frank: Most of my abortions are elective in that 20-to-24-week range. . . . 80 percent are purely elective." And James McMahon said he had performed partial-birth abortions for an array of reasons, including depression and cleft palate. If antiabortion activists were making the sort of dubious and clearly false claims that are coming out of NARAL, the media would do some hard investigating. Why can't more reporters bring themselves to do it now?

SALUTE TO CALLE MAYOR MIDDLE SCHOOL

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 1996

Ms. HARMAN. Mr. Speaker, today, I wish to salute Calle Mayor Middle School in Torrance, CA, on being selected for a Department of Education Blue Ribbon School Award. Calle Mayor Middle School was 1 of only 266 schools in the Nation recognized for outstanding achievement by the students, teachers, and staff, and an education environment of the highest quality.

The Department of Education awarded Calle Mayor the highest rating in areas such as instructional leadership, curriculum, student environment, and parent and community support. Let me note that Calle Mayor's programs to introduce students to technology and computers will equip our next generation to fill the high-skill, high-wage jobs in an area I often refer to as the aerospace center of the universe.

I congratulate Calle Mayor principal, Mary Lou Ryder, Torrance schools superintendent, Arnold Plank, and school board trustees, Dr. William Blischke, John Eubanks, Gary Kuwahara, Heidi Ashcraft, and Beth Wilson. And I especially congratulate the students and teachers of Calle Mayor for setting an excellent example for other schools to follow. I am proud that Calle Mayor is located in the 36th Congressional District of California.

CONGRATULATING DOLLIE WOOD WALKER ON HER RETIREMENT

HON. CHET EDWARDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 1996

Mr. EDWARDS. Mr. Speaker, I rise today to congratulate Dollie Wood Walker on her retirement and give her my personal thanks for her hard work in my Waco district office.

Dollie has served on my congressional staff for more than 5 years. During her tenure, she has helped me open my district office in Waco, TX, and has traveled with me throughout the 11th Congressional District of Texas. Dollie has worked tirelessly for the people of central Texas, assisting them with their Social Security and Medicare problems and needs.

Dollie has also been a vital link between me and seniors' organizations in my district. AARP chapters, NARFE chapters, hospice societies, and various groups in central Texas all know Dollie and have benefited from her work and dedication.

Mr. Speaker, on June 30, 1996, Dollie will retire from Federal employment. On behalf of this body of legislators, I would like to congratulate Dollie Wood Walker on her retirement and thank her for her selfless service to me and to the great people of central Texas. Dollie is a one-of-a-kind person and her spirit and energy will be missed but never forgotten.

COMMEMORATING THE LIFE OF S. SGT. GERALD VON ALDRICH

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 1996

Mr. POSHARD. Mr. Speaker, tragedy never occurs softly. It has not been 2 months since that CT–43 airplane crashed on the outskirts of Dubrovnik, Croatia, simultaneously reintroducing us to all that is painful in this world, and all of its greatest promise. This was a national calamity, touching our highest leaders, reaching into every industry, every community, leaving an indelible imprint on the parchment that is our collective soul. Youth lost is painful. Youth lost in the service of a noble cause, while no less a shame, is at the same time liberating. By remembering those that are never to return is to give their lives meaning beyond their death. To hold their standard in front of us is the only fitting way to mourn their loss. It is the least we can do.

While rarely as dramatic as death, life occurs with equal regularity. March 10, 1967 was no exception, bringing Gerald "Jerry" Aldrich II into this world. A large baby at 10 pounds, he had an equal appetite for knowledge. Jerry was reading by kindergarten and, auguring the future, was already disassembling and reassembling his train engines, just to see how they worked. A quiet yet thoughtful young man, he knew the sting of loss intimately. His father succumbed to cancer in the spring of 1983 while Jerry was still at North Clay High School. Two years later he graduated in the top 10 of his class, and bypassed a science scholarship to enlist in the U.S. Air Force where he was trained as an aircraft mechanic.

"Jake," as his military friends knew him, enjoyed his new career. He completed his initial training at Lackland Air Force Base near San Antonio, TX, and soon moved to Little Rock Air Force Base in Arkansas. His next assignment took him to England. The year was 1991, and Jake served as the crew chief aboard an MC130E Combat Talon I aircraft out of Royal Air Force Base Alconbury. In July, Jake was promoted to staff sergeant. Germany was his next destination, first to Rhein-Main Base in Frankfort, and finally joining the 76th at Ramstein Base. While abroad, he courageously served in Operation Desert Storm.

It was in Germany that Jake met his wife, Petra Shoemaker. They were married on January 11, 1991, in Germany, and also celebrated with an American ceremony that summer. This loving union was blessed with two sons, Timothy, three and Joshua, almost two. Jake was a devoted family man who spent every possible moment with his wife and children. They are joined in their grief by Jerry's mother, Hazel Wattles, of Louisville, brother, Mike Aldrich of Oak Harbor, WA, and sisters, Carolyn McKnelly and Sherry Roley of Effingham, IL, as well as the rest of his extended family.

Mr. Speaker, words often sound hollow in the face of such gravity, but those of his sister, Sherry, resonate. She remembers that Jerry was able to lead a life full of opportunity and new experiences. He saw both good and bad, and met many influential people in the many countries he visited. Yet he remained a down to earth person who lived for his family, work, and country. As she reminds us, let us never forget the six Air Force crew members who gave their lives on this seemingly uneventful flight. Let us never forget any other service person who has fought for our country and the freedom it represents. S. Sgt. Gerald Aldrich was laid to rest on April 19, 1996. He had an Honor Guard military funeral with family members and friends present in Frankfurt, Germany. I charge us all to raise his standard high, so that we may remember not only the circumstances of his death, but a life valiantly lived.

TRIBUTE TO COUNTRYSIDE POLICE CHIEF CHARLES D'URSO ON HIS 25 YEARS WITH THE DEPARTMENT

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 1996

Mr. LIPINSKI. Mr. Speaker, I would like to pay tribute today to a dedicated police officer who has spent a quarter century protecting the lives and property of his fellow citizens, Chief Charles D'Urso of the Countryside, IL, Police Department.

Chief D'Urso recently marked his 25th anniversary with the department. The term "working his way up through the ranks" is especially true in the chief's case: He started as a patrolman in late 1970, became a sergeant in 1980, made lieutenant in 1985, and was appointed chief in 1993. In Chief D'Urso's more than 25 years on the force, the department has gone from a one-room station to a state-of-the-art facility. Thanks in part to Chief D'Urso's leadership, the 27 police officers on the force are among the best trained and best equipped in the area.

In addition to the chief's professional success, he is active in his community, serving on the executive board of the Countryside Rotary Club. He is also a past president of the fifth District Chief's of Police.

Mr. Speaker, I salute Chief D'Urso on his 25 years as a police officer and wish him many more years of service to his community.

TRIBUTE TO FIRST CALVARY BAPTIST CHURCH ON THEIR 10TH ANNIVERSARY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 1996

Ms. DELAURO. Mr. Speaker, on June 8, the First Calvary Baptist Church will celebrate its 10th anniversary. It is with great pleasure that I rise today to celebrate this vital and thriving congregation.

The First Calvary Baptist Church was founded in 1986 by the Reverend Boise Kimber. From the beginning the church has overcome a number of obstacles. The church's first worship service was held on June 1, 1986. However, the church was without a formal place of worship and had to hold services at the Holiday Inn in New Haven. Services were then moved to the Yale University Dwight-Battell Chapel. On July 20, 1986, the church officially opened its doors to new members. The last service to be held at the Dwight-Battell Chapel was on August 24, 1986. Services were then temporarily moved back to the Holiday Inn. It was then that the congregation's prayers were answered and they were able to hold worship services at the Church of God and Saints of Christ.

The First Calvary Baptist Church has always made youth outreach an important part of its mission. The first Sunday school classes were held on September 14, 1986. The Youth in Action Program began on March 5, 1987. The program gave youth an opportunity to participate in topics that concerned the church and community. The church also runs Bible study classes. This dedication to the education and participation of church youth is one of the foundations of the church.

In addition to reaching out to the young members of the congregation, the church has maintained a deep commitment to the community. In particular, the church has focused attention on a number of social problems and taken action to help those in need in the area. A food pantry is operated by the congregation and they also participate in the Food Share Program. The church also invites a variety of national figures to speak to the community on social issues. For example, speakers have addressed issues like unemployment, the welfare of children, and violence among youth.

There are a number of ways the congregation stays in touch with their spirituality and history. Every year revivals are held to, in the words of church members, "keep our souls regenerated and focused on the Lord." The church also holds an annual memorial service for Dr. Martin Luther King, Jr.

It gives me great pleasure to congratulate the many hardworking members of the First Calvary Baptist Church congregation on this anniversary. I am sure there will be many more anniversaries to celebrate as the congregation is sure to keep the church growing. I commend the First Calvary Baptist Church for its dedication to the community and its commitment to the spiritual well-being of its youth and congregation.

TRIBUTE TO CAPT. LASZLO OCSKAY, A RIGHTEOUS MAN

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 1996

Mr. LANTOS. Mr. Speaker, a few months ago, I received a letter from Dan Danieli. He is a writer who had recently completed a report regarding the life of Capt. Laszlo Ocskay. The investigative nature of Mr. Danieli's work has conclusively verified the importance of Captain Ocskay's role in saving the lives of thousands of Jews during the Holocaust. I rise today to recognize the incredible life of Captain Ocskay and his heroic efforts.

Capt. Laszlo Ocskay performed an extraordinary humanitarian service for persecuted people during World War II that resulted in saving the lives of approximately 2,000 men, women, and children, mostly Jews, during the most vicious and murderous rampage of the Nazi in Budapest, Hungary.

Despite numerous injuries that technically made him unfit for duty in the Hungarian Army, Captain Ocskay voluntarily reactivated himself. He rejoined the war efforts with the goal of using his position as the commander of the Forced Labor Service Unit to save the lives of those who suffered in forced labor.

Testimonials obtained from numerous survivors of the Forced Labor Service Unit speak of his tireless efforts to improve their situation. He obtained food, medicine, and supplies for the Forced Labor Unit, which helped to boost the morale of the unit during the most catastrophic period from October 1944 to January 1945.

Captain Ocskay provided the manpower from within the Forced Labor Service Unit to operate the International Red Cross "Section T" rescue unit which, in coordination with Raoul Wallenberg, the Swedish diplomat who saved tens of thousands of Hungarian Jews in the last days of World War II, performed heroic rescues and supplied food and medicine to children's homes and orphanages. He put his private home in the Benczur-Street at the disposal of the Section–T unit, hid a group of Jews in that house and on occasion provided Raoul Wallenberg a base of operation from which to perform his daring deeds. Wallenberg himself found refuge in the house during the very last days of the Russian siege of Budapest and left from there for his last fateful meeting with the Russians, from which he never returned.

The post-war Communist political terror in Hungary made it impossible for any organized Hungarian effort to honor and recognize Ocskay's tremendous life-saving deeds. His aristocratic family background, the fact that he served in the Hungarian Army and his being an employee of an American corporation—Socony–Vacuum—made him subject to recurring harassment by the Hungarian Communists. He left for Austria and was harassed even there by the Soviets. As a result, no attempt was made in Hungary to honor or even to acknowledge Ocksay's heroic deeds of rescue.

After the war, Captain Ocskay chose the United States of America as his sanctuary. There he lived a simple life with his son George, daughter-in-law Ilona and granddaughter Elisabeth. He died in March 1966 and was buried in Kingston, NY.

Mr. Speaker, I rise today to pay tribute to this righteous gentile who found sanctuary in our country, but no official recognition. I ask my colleagues to join me in recognizing this extraordinary humanitarian who through his heroism, bravery and courage served as a symbol of light in a time of darkness and evil.

TRIBUTE TO HELEN BERNSTEIN

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 1996

Mr. BERMAN. Mr. Speaker, I am honored to pay tribute to my close friend, Helen Bernstein, who is this year retiring as president of United Teachers—Los Angeles. By an accident of geography, I have known Helen since she was 9 years old; her family happened to live a block from my family. Through the years I have been lucky to work with Helen on many issues, and to see our friendship grow stronger.

Anyone who knows Helen even casually knows how much education, teaching, and children mean to her. She has taught history at Sun Valley Junior High School, Olive Vista Junior High School, and Marshall High School. In addition, she was a counselor at Olive Vista and Marshall.

Helen's extracurricular interests offer further proof of her passion for children and education. She has been a board member of the Los Angeles Educational Partnership; a founding member of the Los Angeles Educational Alliance for Restructuring Now [LEARN] working group, and a member of the National Council for K–12.

Of course, Helen is best known as the three-term president of United Teachers—Los Angeles. Her forceful advocacy on behalf of public school teachers at the bargaining table has gained Helen the undying admiration of her colleagues.

At the same time, Helen has never been shy about countering the criticism of teachers and public schools expressed with greater frequency over the past few years. She has willingly put herself on the line.

I ask my colleagues to join me today in saluting Helen Bernstein, a champion of teachers' rights, public school education, and children. Her dedication and selflessness are an inspiration to us all.

THE ACHIEVEMENTS OF RODNEY A. TRUMP

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 1996

Mr. CARDIN. Mr. Speaker, I rise today to mark the many achievements of Rodney A. Trump over his career with General Motors and the United Automobile Workers Union. I note with some sadness that Rodney will be retiring this month from his position as president of UAW Local 239 in Baltimore.

When we reflect upon the revolution that has taken place in the American workplace over the last generation—what has returned American manufacturing to its place of global leadership in quality and technology—we must look to leaders such as Rodney Trump. Rodney has worked hard to make GM's Baltimore plant the best truck assembly facility in the Nation. The tremendous success of the minivans produced there in recent years can in large part be tied to the professionalism and commitment to the product exhibited by the work force. Rodney ensured that his workers were always at the table and leading the revolution at the plant.

Rodney first arrived at Baltimore's General Motors plant on Broening Highway on February 11, 1965. Since that time he has served in increasingly responsible positions with the union at the plant, including: alternate committee person, district committee person, benefits representative, educational director, vice president, and president. Rodney has served as president of the local for the past 11 years.

Over the years, I have had the opportunity to work with Rodney on a number of issues and I value his guidance, honesty, friendship, and insights tremendously. In perhaps the clearest demonstration of his stature with his people, to walk through the Broening Highway Plant with Rodney would be a lift for even the most successful politican. His people rush to reach out to him, turn to him with questions and problems, point to their successes on the line—almost cheering—as he slowing makes his rounds on the plant floor. It is a real inspiration for those of us fighting for the American worker. I wish my colleagues could join me for one more tour with Rodney before he retires.

I would ask all Members to join me in wishing Rodney the best in a well-deserved retirement.

CONGRATULATIONS GRAND JUNCTION KNOWLEDGE BOWL TEAM

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 1996

Mr. MCINNIS. Mr. Speaker, I rise today to congratulate the Grand Junction High School's Knowledge Bowl for winning the State championship in Colorado, and going on to the national finals in Florida this month.

Team members were asked as many as 500 questions during the event at Fort Lewis College, and competed among 60 Colorado schools. The young scholars include Jacob Johnson, Sarah Smith, David Tice, Jeff Mohrlang, Jeff Hurd; alternates, Mark Richards, Elizabeth Buescher, Elizabeth Ryan and they were coached by Lorena Thompson.

In this day and age, it is heartening to see our youth aspire to intellectual excellence. Their success, as well as Custer County's success in taking second place, demonstrates the personal dedication of our youth in western and southern Colorado.

The Grand Junction team spent several hours a week practicing, and their hard work paid off handsomely. I congratulate them on their efforts, Mr. Speaker, and wish them the best of luck in the national championship. Even though they are now known as Team Colorado, they will always be Team Grand Junction to me.

Mr. Speaker, I ask you to join with me in recognizing the hard work and dedication of these young people. I know they will make Colorado proud.

TRIBUTE TO F.E. (BUZ) SPOONER, CHUCK SHAW, AND RON RHODES

HON. HARRY JOHNSTON

OF FLORIDA

HON. MARK ADAM FOLEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 1996

Mr. JOHNSTON of Florida. Mr. Speaker, we are pleased to congratulate F.E. (Buz) Spooner, Chuck Shaw, and Ron Rhodes for their long dedication to the students of Palm Beach County. For 38 years, they have provided over 55,000 students with the opportunity to visit our Nation's Capitol. It has been our pleasure to greet the thousands of students they brought to Washington, DC. Every year the patrols arrive and fill the seats on the floor of the House of Representatives, bringing their interest and excited enthusiasm to normally staid chambers. Their enthusiasm reminded all of us who work here of the awesome nature of the Capitol and what it represents.

We commend Buz, Chuck, and Ron for granting this opportunity to so many students over the years. One of the greatest problems in our country today is a lack of understanding and appreciation for our democratic system and the way we make laws and why. Introducing young people to the Capitol and educating them on the lawmaking process is a truly admirable pursuit that will serve our entire country as those same students become adults who have the power to vote and affect change.

The efforts and dedication of Buz Spooner, Chuck Shaw, and Ron Rhodes are remembered and appreciated by our south Florida colleagues in the U.S. House of Representatives and our predecessors, the Honorable DAN MICA and the Honorable TOM LEWIS. Most importantly, they are remembered by the students who will retain the experience and grow up to be citizens actively involved in the democratic process. We can only hope that others will take up the challenge and continue providing this service for future generations. It would be the best way to honor the legacy of these three men.

MANDATORY ASSESSMENT OF UNION DUES

HON. HARRIS W. FAWELL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 1996

Mr. FAWELL. Mr. Speaker, today, I introduced the Worker Right to Know Act, legislation which will make real the rights created by the U.S. Supreme Court in Communication Workers of America versus Beck. This legislation strengthens Beck and gives workers a procedural bill of rights so they will have the ability and the knowledge to stand up to unions and exercise their right to object to the payment of dues not necessary for collective bargaining. This legislation places workers on more even footing with unions who have the extraordinary power, bestowed upon them by the Congress, to compel employees to pay union dues as a condition of employment.

The Worker Right to Know Act is necessary because, under current law, unfortunately Beck does not offer employees a meaningful right to object to union dues payments not necessary for collective bargaining. The problems begin with the notice, or lack therefor, that employees have of their rights under Beck. A recent poll of union members conducted for Americans for a Balanced Budget found that only 19 percent of union members know that they can object to the use of union dues for political purposes. The National Labor Relations Board has taken few steps to address this widespread lack of notice and, in its recent ruling, some 8 years after the Beck decision, concluded that it was enough for the union to print a notice of Beck rights once a year in the inside of its monthly magazine. Although, why nonunion fee payers are expected to pick up and read the union magazine is less than clear. Further, both the Board and the current administration have steadfastly refused to require that Beck notices be posted in the workplace.

Employees who clear this initial hurdle of knowledge of their rights under Beck and want to object to the use of their union dues for political or social causes may be required to first resign their membership in the union. This is not an easy thing for many employees to do for a number of reasons. First and foremost, unions often either wittingly or unwittingly mislead their employees on the effect resignation from the union will have on their employment. Union security clauses often require membership in the union as a condition of employment, even though the courts have made it clear that this is not allowed. Even for employees who find out the truth, many who object to the union's extracurricular activities may believe that union representation brings them benefits in the workplace and thus may be reluctant to resign. Some employees may also fear the reaction that union resignation may bring from fellow employees.

On top of these more personal reasons, once an employee resigns from the union they lose their right to have a voice in the myriad decisions made between the exclusive bargaining representative and the employer about the terms and conditions affecting his or her employment. In most workplaces, employees who are part of a bargaining unit that is represented by a union, but who are not union members, have no right to participate in the internal affairs of the union, for example, cannot vote in union elections, have no right to vote in decisions to strike an employer, and have no right to vote to ratify a contract offer of an employer. Under a union security agreement, a nonmember can be forced—as a condition of employment—to pay for the costs of union representation but can be denied participation in all decisionmaking with regard to what that representation entails.

If the employee is willing to accept these very real limitations on his or her role in the workplace, there are additional practical obstacles that dilute the meaningfulness of the employee's right to object to dues being used for political purposes. The procedural hurdles faced by employees include limited window period for making objections, annual renewal requirements for objectors, very specific requirements regarding mailing objections, objections must be made to multiple parties, and so forth. Further, the employee must rely on the union to determine what percentage of dues is used for purposes related to collective bargaining and thus how much dues the employee may be required to pay. And, the union may use its own auditors to make this determination. The employee may ultimately file a lawsuit or unfair labor practice charge to challenge the union's determination, but it is often months and years before the appropriate amount of dues is resolved. Keep in mind that, throughout this process, the employee may be required to pay the disputed amount on pain of losing his or her job.

Suffice to say there are not any easy answers for employees, whether they are union members or not, who want to take issue with the activities of the union that go beyond what may be a yeoman's effort by that union in representing employees in the workplace. It seems to me that we are talking about basic issues of fairness. Employees have a right to know why money is taken out of their paycheck, how money legitimately taken is used, and a realistic and available right to stop money from being taken out of their paychecks that is illegitimately used. This is exactly what the Worker Right to Know Act is designed to provide.

The Worker Right to Know Act provides that an employee cannot be required to pay to a union—nor can a union accept payment of—any dues not necessary for collective bargaining unless the employee first agrees to pay such dues in a signed written agreement with the union. The bill also provides that the agreement must include a ratio—certified by an independent auditor—of both collective bargaining and noncollective bargaining dues. The legislation requires such agreements to be renewed annually and requires employers to post notices at their plants and offices advising employees that their obligation to pay dues only refers to dues necessary for collective bargaining.

The Worker Right to Know Act also increases the quality of the financial information available to workers by requiring unions to annually report their expenses to the Department of Labor by function classification in sufficient detail to allow employees to determine whether expenses were necessary for collective bargaining or were for other purposes. The bill also gives all employees paying dues to a union greater access to the union's financial records.

The Worker Right to Know Act will give all workers who pay union dues as a condition of employment the right to know how their dues are spent and the right to stop unions from taking money out of their pockets that is not used for legitimate collective bargaining purposes. I urge all my colleagues to support the legislation.

TRIBUTE TO ALBERT THOMPSON

HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 1996

Mr. QUINN. Mr. Speaker, I rise today to recognize and honor the distinguished service of Mr. Albert Thompson, an educator who has served the Buffalo City School District with distinction as Superintendent of Schools, on the occasion of his retirement.

Throughout his brilliant career with the Buffalo City School District, Albert Thompson dedicated his life to the enhancement of our city's schools, and proved himself to be strong voice in our community.

Mr. Thompson received his Master of Science in Industrial Arts Education from the State University College at Buffalo in 1964, and his Secondary School Administrator at Canisius College in 1970.

Aside from his steady involvement with the Buffalo City School Board, Mr. Thompson is a member of the Board of Trustees of Medaille College, member of the Board of Directors for the Greater Buffalo Opera Company, member of the Board of Directors for the Community Music School, and a member of the Board of Directors of the Junior Achievement of Western New York, as well as several other organizations. Albert Thompson has also served the State of New York as a member of Governor Cuomo's "Task Force on Creating Career Pathways for Youth in New York State."

In addition to the numerous awards he has received, Mr. Thompson has been invited to meet with President Clinton regarding education legislation.

With retirement comes many opportunities, several personal, many professional. May he meet every opportunity with the same enthusiasm and vigor in which he demonstrated throughout his brilliant career; and may those opportunities be as fruitful as those in his past.

Mr. Speaker, today I join with the Thompson family, his colleagues, friends, the Buffalo City School District, all of us who have served as educators, and indeed, the entire western New York community, to honor Superintendent Albert Thompson for his dedication, hard work, and commitment to our community and its education.

RANCH A

HON. BARBARA CUBIN

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 1996

Mrs. CUBIN. Mr. Speaker, today, I am introducing legislation which will transfer property known as Ranch A to the State of Wyoming. The facility, constructed by the Annenberg family for $600,000 in the 1930's, was acquired by the U.S. Fish and Wildlife Service [USFWS] in the 1960's for a fish genetics research facility.

The USFWS research operations were terminated in 1980; fisheries development work continued until 1986. The agency then entered into agreements for the use of various facilities by Wyoming Game and Fish production, South Dakota School of Mines for a training seminar site, and Inya Kara Foundation for a troubled youths group home. The Wyoming Game and Fish discontinued their fish production at Ranch A in the early part of the summer of 1995.

Currently, USFWS has no operational activities at Ranch A and it is unlikely that USFWS will have use for the facilities in the foreseeable future. The Region 6 USFWS Director has recommended that the agency transfer ownership of Ranch A.

The concept of a transfer is endorsed by the State of Wyoming, Wyoming Gov. Jim Geringer, U.S. Fish and Wildlife Service, the Ranch A Restoration Foundation, and State Representative Marlene Simons.

Representative Simons has been a driving force for the foundation since the onset of this issue. It has been because of her hard work that the reality of a transfer of this property may come to fruition.

The bill, as introduced, will direct the Secretary of the Interior to convey Ranch A to the State of Wyoming without reimbursement, all right, title, and interest of the United States. Ranch A consists of approximately 680 acres of land and includes property, buildings, artworks, historic light fixtures, wildlife mounts, draperies, rugs, and furniture.

The legislation assures the State of Wyoming will provide access to the property for institutions of higher education that will benefit not only Wyoming, but neighboring States as well.

STATEMENT REGARDING STUDENT-CENTERED HIGH SCHOOL EDUCATION

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 1996

Mr. SANDERS. Mr. Speaker, for the benefit of my colleagues I would like to have printed in the RECORD this statement by Ajah Leas, Eli Stokes, Kyja Page, Ken Bramlett, B.J. King, high school students are Peoples Academy in Vermont, who were speaking at my recent town meeting on issues facing young people.

Our topic is: changing the education system. We don't have any great solutions, or anything, but we just want to increase the awareness of the fact that there's too much emphasis put on getting good grades, and having a good score. And the desire to learn is gone; or if it's not gone, it's not there very much, or whatever. The result of this is that students just go through school just playing the motions, getting good grades, having tests, memorizing and they're not necessarily learning anything; or discovering how they are self-learners, like what is the best way for them to learn, which they can carry with them throughout life.

Another thing that we think is that teachers seem bored. They're teaching the same thing again and again and again, and they need to teach something different, to put themselves into it, because it becomes monotonous; it makes learning more of a chore.

Along the same lines, we think that perhaps there could be more courses—there's a lot of courses out there that are trying to help teachers learn how to become better educators; but many times the teachers themselves don't have the desire to become better educated. If those teachers could, instead of going to classes and things like that and learning how, we could find the teachers that are considered good teachers, that actually want to help someone. I dare say, that the majority of people that become teachers don't necessarily become a teacher and say, "Well, I want to go out there and help better the education of our youth, and become better people. They say, "This'll be a good paycheck for me.

And that's another thing that is a real problem with the way the system is set up right now: that money and getting a good paycheck is how things are judged by, and if you want to become a doctor, or whatever, it's not because you want to help cure disease, it's because you want a BMW. And, if these things are taught in the school, then that's obviously how it's going to be presented, but if we could . . . help people understand what they would enjoy doing, and less emphasis on money. Perhaps trying to help people understand that, "Well, hey, money's not the only thing out there, you know, you've got to go to job 40 hrs./week, making $50,000/yr., and hate my job, that's not something that's going to make your life happy. So, if we could change things, and help . . . people understand that you have to want to learn; you need to understand what you need to go out and learn about yourself. And this is going to help in the school system also, because if someone's enjoying what they're learning, they're going to actually go out and do it themselves; they're going to be interested. I dare say that some people, if not most people are here today because it's for a class; they have to be here for a class, not because they're interested in the political system, but because it's a break. And if that's going to the way things are, then nobody's going to be happy in their life; and that's a bigger issue than simply educating. (Applause).

We also feel that you shouldn't have as many required courses; you have a four-year English requirement to graduate, and had my 4th year of English, and just sat through my English classes—I couldn't wait until it was over, I didn't learn much of anything, I just got by. I think that there should be more elective classes that you can take, that you're interested in, so that you have more interest to learn, I think that would be better for the students. Along the same lines also, that it is a major problem how general the courses are. The general courses are made to expose us to a lot of things, so that we can try to find out what we enjoy. But instead, it actually decreases that, because the system that's presented is looked at as something that's not enjoyable. So a kid—maybe he does enjoy reading, but perhaps the way it's presented isn't for him. So, he may go away thinking, "I'm no good at English, I can't get it right." But that's not necessarily the case. It may be that the system that the English is being presented [in] the problem. So you need to look at that, it's more than just looking at, "Well, he's just a bad student."

TRIBUTE TO MRS. GLENDA GRAHAM-HARRIS

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 1996

Mrs. MEEK of Florida. Mr. Speaker, it is truly a distinct honor to pay tribute to one of Miami's distinguished educators, Mrs. Glenda Graham-Harris. Her retirement from the Dade County public schools on June 8, 1996, will certainly leave a great void in our community.

She is the daughter of the late Rev. Edward T. Graham, the first African-American ever to serve on the Dade County Board of Commissioners and certainly one of Miami's preeminent civil rights crusaders. Mrs. Harris grew up in a family ambience consecrated not only to the insatiable thirst for learning and excellence, but also to the commitment of helping those who could least fend for themselves in their quest for equal treatment under the law.

Heeding the call of service, Mrs. Graham-Harris fully lived up to her father's vocation to serve others. She became an educator. Rising from the classroom trenches into the higher echelon of the Dade County public schools' administration, she was responsible for opening Miami's American Senior High School as its first principal in the mid-1970's. She subsequently exercised other principalships at Miami Shores Elementary School and at Westview Elementary, contributing her resourceful expertise toward the pilot testing of the extended school program and primary education program, two initiatives which now form part and parcel of the school system's curricular activities.

During her 40-year stint in the Dade County public schools, she was known for her unequivocal standards for exacting learning excellence and personal achievement both in the school environment and the homes of her students. Her tremendous success in motivating many a wayward innercity youth earned her the utmost respect and admiration of her colleagues. Her hallmark of excellence was defined by her genuine forthrightness in demanding utmost discipline in complying with her policy on homework and parental involvement long before they were adopted as school-based management activities.

She gained the enormous confidence of countless parents who saw in her as an excellent educator, entrusting her with the future of their children and confident that they too would learn from her the tenets of scholarship under the regimen of a no-nonsense discipline. Her unique approach to educating young boys and girls emphasized personal responsibility and balance accountability. In times of crisis crowding her students' quest for learning, her ever ready guidance and counsel was one that verged on faith in God and faith in one's ability to succeed, despite all the odds.

During her tenure with the Dade County public schools our community was deeply touched and comforted by her undaunted leadership and utmost understanding of the high stakes involved in the education of our children. She virtually preached and lived by the adage that the quest for personal integrity, academic excellence and professional achievement is not beyond the reach of those willing and ready to work hard and pay the price.

This is the legacy of Mrs. Glenda Graham-Harris. I am indeed greatly privileged to have known her friendship and her contribution to our community's well-being through the acumen of her educational leadership and the timeliness of her professional insights. In the name of the many parents and guardians whose children were deeply touched by her exemplary commitment, I want to thank her and wish her good luck and Godspeed on a well-deserved retirement.

MSGR. ANDREW J. McGOWAN HONORED

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 1996

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to my close friend, Msgr. Andrew J. McGowan. Monsignor McGowan will be honored for his outstanding community leadership by Leadership Wilkes-Barre, an organization dedicated to fostering leadership in the Greater Wilkes-Barre area. I am pleased to be able to join Leadership Wilkes-Barre area in paying tribute to Monsignor McGowan on June 13.

Mr. Speaker, it is most fitting that Leadership Wilkes-Barre honor Monsignor McGowan, who is one of the most beloved and well-respected individuals in northeastern Pennsylvania. The monsignor has committed himself to the betterment of the lives of everyone in the Greater Wilkes-Barre area. He has freely shared his wit and wisdom which has helped everyone he has touched. Most importantly, Monsignor McGowan's spirituality has been always been a source of strength and faith.

Fifteen years ago, Monsignor McGowan joined several of his colleagues in establishing an organization that could effectively work for the betterment of the Wilkes-Barre community. Today that organization successfully operates as Leadership Wilkes-Barre. Committed to ensuring success for the organization, Monsignor McGowan served as its first board chairman. Upon being selected to lead Leadership Wilkes-Barres, Monsignor McGowan sought effective ways to improve community management. To accomplish this goal, the monsignor helped the organization to structure a yearlong class for emerging and existing community leaders, who then educate officials about the needs of the communities in which they live and work. Its curriculum was heavily influenced by Monsignor McGowan's commitment to community growth, understanding of economic development, and an overwhelming compassion for the citizens of the region.

Mr. Speaker, Monsignor McGowan personifies leadership in Wilkes-Barre and throughout the Wyoming Valley. In addition to his support of Leadership Wilkes-Barre, the Monsignor is the director of Community Affairs and the bishop's representatives for hospitals and colleges in the diocese of Scranton, PA. He has received the Hospital Association of Pennsylvania Distinguished Service Award, and the B'nai Brith Americanism Award. Monsignor McGowan has been selected as an honorary fellow in the American College of Health Care Executives, and was chosen to receive the 1994 Award of Excellence of the Independent Colleges and Universities of Pennsylvania.

Currently, Monsignor McGowan serves the region as the vice chair of Allied Services Hospital Foundation and chairs the Commission on Economic Opportunity of Luzerne County and the Heinz Institute of Rehab Medicine. The monsignor is also a First Valley Bank board member and generously volunteers his time to serve on the executive committee of the Boy Scout of America, the Luzerne Foundation, and the Scranton Public Library. In addition to these and other organizations, Monsignor McGowan sits on the boards of King's and Marywood Colleges and the Catholic University of America.

Monsignor McGowan served as chairman of the board of the Kirby Center for Performing Arts, the Hospital Trustee Association of Pennsylvania and was a board member of the University of Scranton, College Misericordia, and Mount St. Mary's in Maryland.

The monsignor is probably best known for his masterful use of the English language. He is the most sought after speaker in northeastern Pennsylvania and serves as master of ceremonies for almost every prestigious event in the area. For more than 10 years he has been MC for the Pennsylvania State Chamber of Commerce annual meeting, and has been at the dais of the Friendly Sons of St. Patrick's Day Banquets in both Wilkes-Barre and Scranton for more years than I can remember.

Mr. Speaker, I have always admired Monsignor McGowan for the charming wit and wisdom that he has shared with everyone. Even before being elected to Congress, I had the privilege of working with him for the betterment of northeastern Pennsylvania. Each time we work together, Monsignor McGowan demonstrates skillful and diplomatic problem-solving abilities. His leadership has taught me to be a more effective Member of Congress and a more compassionate and understanding individual. I am very grateful to have Monsignor McGowan among my closest personal friends.

Mr. President, I am extremely pleased to have been asked by Leadership Wilkes-Barre to participate in their tribute to Msgr. Andrew J. McGowan. I am very proud to bring the monsignor's distinguished community service record to the attention of my colleagues, and thank him for his dedication to the people of northeastern Pennsylvania.

HEALTH INSURANCE RELIEF FOR RETIRED TEACHERS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 1996

Mr. STARK. Mr. Speaker, Representative MATSUI and I are today introducing a bill to provide Medicare part A hospital insurance buy-in relief for certain individuals who, through no fault of their own, were not able to participate in the Medicare Program and have received no help from their former employers in buying into the Medicare program in their retirement years.

The bill we are introducing is a less expensive variation of a bill we introduced last December 18, H.R. 2805.

The bill will help about 30,000 people, generally retired school teachers and other public servants, whose governmental unit did not participate in Medicare. For many of these retirees, their original health insurance plans have become insanely expensive or been terminated as the pool of insureds has shrunk. These individuals have been forced into the option of buying into Medicare part A. But the monthly premiums for those who buy-in on their own are now a little over $250 a month or $3000 a year. For many older retired teachers, this expense can easily eat up a third to a half—or even more—of their pension.

Our bill would provide that after a person has purchased on their own—without third party help—Medicare part A insurance for 5 years, they will have met their obligation and not owe any additional amounts.

Of the roughly 330,000 people who are buying into part A, approximately 300,000 receive help from their former employer or from another source. The 30,000 people who are strictly on their own are the people this bill would help. After 5 years of buy-in, these individuals will have contributed more to part A than the average worker in similar professions would have contributed in taxes. By limiting the payment to 5 years, we provide some measure of fairness and save these individuals from crippling costs as they grow older.

I want to take a minute to thank Mr. Harold Taylor of San Lorenzo, CA who has worked on this issue for years and has been an invaluable source of information. He has been a constant voice of conscience in trying to help older, retired teachers who are facing these extraordinary burdens.

I hope that when we next consider improvements to the Medicare Program, we can adopt this legislation to help a small group of individuals who are facing terrible financial burdens that are not their fault.

TRIBUTE TO ROBERT H. BOYLE

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 1996

Mrs. LOWEY. Mr. Speaker, I rise today to pay tribute to Robert H. Boyle, a tireless environmental advocate who has pioneered the fight to save the Hudson River from environmental degradation. On Friday, June 7, the Pace University School of Law in White Plains, NY, will honor Mr. Boyle for his leadership in the fight to protect and revitalize the resources of the Hudson River by dedicating the Robert H. Boyle Environmental Advocacy Center in the new offices of the Pace Environmental Litigation Clinic.

Mr. Boyle's efforts to combat pollution in the Hudson River and bring polluters to justice span more than 30 years. In 1966, he founded the Hudson River Fishermen's Association, which went on to win the first prosecutions of industrial polluters in the United States. Then, in 1983, Mr. Boyle founded the Hudson Riverkeeper Fund as a successor to the Fishermen's Association. Together, the Fishermen's Association and the Riverkeeper Fund have won nearly 100 cases against polluters in Federal court. The Hudson Riverkeeper Fund has also been a model for other areas in our country, with "keeper" programs established for Long Island Sound, New York Harbor, San Francisco Bay, and the Delaware River.

Robert Boyle recognizes that the Hudson River belongs to the residents of the State of New York. That is why he has dedicated himself to ensuring that those who pollute the River are held accountable. In addition to bringing polluters to justice in court, he has authored numerous publications on the Hudson, including "The Hudson River: A Natural and Unnatural History." Boyle has testified on environmental issues before committees in this body, and has won a number of awards, including the Outdoor Life Conservationist of the Year Award in 1976 and the 1981 Conservation Communication Award from the National Wildlife Federation.

I know I speak for many here in Congress—and citizens across the Nation—in expressing our gratitude for Robert Boyle's energy and commitment to protecting our environment.

IN SUPPORT OF H.R. 2579

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 1996

Mr. ACKERMAN. Mr. Speaker, I rise in very strong support of H.R. 2579, the Travel and Tourism Partnership Act of 1995. The tourism industry makes up an enormous part of our economy, and in fact, it is our Nation's second largest employer. This industry also generates a total of $58 billion in taxes for our Federal, State, and local governments annually. The revenue generated by travel and tourism has made it our nations leading export. Additionally, the revenue that's been generated by domestic and international tourists has helped to ease the tax burden for American households. In past years the U.S. tourism industry has grown, while enhancing the economic prosperity of communities and cities from across the Nation, resulting in secure jobs and thriving businesses.

The travel industry has exploded worldwide, to the point where it now employs 10 percent of the global work force. And it continues to grow—at a rate 23 percent faster than the world's economy. In a competitive market like this, the United States cannot afford to fall behind in its attraction of world tourists. This was the impetus behind the establishment of the U.S. Travel and Tourism Administration [USTTA]—the promotion of the United States for the international traveler, as well as for the tourist at home. The marketing techniques used by the USTTA allowed this nation to dominate and remain competitive in the world market.

In April of 1996, however, USTTA was closed down in an effort to save money. However, the cost of our actions could be greater with the loss of some 177,000 jobs throughout the tourism industry, as well as the end of organized U.S. travel promotions efforts. Since 1993, there has been a huge decrease in international travelers inbound for the U.S., while at the same time, an increase in U.S. residents traveling abroad. The obvious result of these trends have led to a loss of revenue, a loss of jobs and a loss of our ranking in the world tourism industry. Clearly, since the closing of the USTTA our Nation has suffered a loss in tourism revenue while the rest of the world benefits in an increase in tourism.

New York State alone generated $4.8 billion in tax revenue collected from international and domestic tourists, in 1993. Along with the revenue generated, there are 357,000 New York jobs that are supported by these tourists. Obviously, the tourism industry is an important source of revenue for the State of New York, collecting 11 percent of the $58 billion generated in the United States overall from the international traveler.

Simply put, we need to attract international tourists back to the beautiful sites our country has to offer, while steering them toward use of U.S. companies. This is why I urge my colleagues to support H.R. 2579—already cosponsored by a bipartisan group of 246 Members—to establish a U.S. National Tourist Organization. The organization will advise the President and Congress on policies that will increase U.S. competitiveness in the global arena, in the hopes of alluring the international tourist to the United States, and the American tourist back home.

VICTIMS OF DOMESTIC ABUSE INSURANCE PROTECTION ACT

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 1996

Mr. POMEROY. Mr. Speaker, I rise today to introduce the "Victims of Domestic Abuse Insurance Protection Act." The purpose of this legislation is to protect those individuals who are survivors of abuse from being penalized by their insurance companies for injuries that they have not brought upon themselves.

Recently, it has come to light that some insurance companies routinely deny emergency room care, increase premiums, and refuse to issue insurance policies of all types to survivors of domestic violence. Denying insurance coverage and refusing to pay emergency room visits only compounds a victim's problems. Domestic violence is a national problem, and we should not allow discriminatory practices by insurance companies and their underwriters make a victim's circumstances worse.

Specifically, "the Victims of Domestic Abuse Insurance Protection Act" would prohibit insurance companies from denying, refusing to issue or reissue, canceling, or denying the payment of a claim based on incidents of domestic violence.

As the former Insurance Commissioner of North Dakota, I was taken-back when I learned of this practice, and while there is no record—to my knowledge—of denials or cancellations occurring in North Dakota—there is insurance discrimination of this nature occurring in other states.

In fact, the Pennsylvania State Insurance Commissioner surveyed company practices in Pennsylvania and found that 26% of the respondents acknowledged that they considered domestic violence a factor in issuing health, life and accident insurance. This is terribly wrong. Domestic violence is not a "preexisting condition" and it is not brought on by a victim's behavior. It is brought on by the batterer and he or she is the one who should be penalized, not the victim.

Health care plans should not exclude or limit the ability of domestic abuse survivors to acquire health insurance—nor should insurance plans apply "preexisting condition" exclusions to conditions that result from domestic violence.

While it is encouraging that some insurance companies are beginning to change their underwriting practice as they become educated about domestic violence, I believe that a national solution is needed. Women who have survived the violence and the brutal beatings of domestic violence need the assurance that no matter what state they reside in they and their children will not be denied coverage based on a prior domestic violence situation. A situation that was not in any way their fault.

Case after case can be cited in which insurance companies denied insurance benefits to a victim of abuse. For instance, a woman in California was repeatedly turned down for health insurance coverage following a review of medical records which detailed beatings by her husband. In Minnesota, a women's shelter was told that it was considered uninsurable because its employees are almost all survivors of domestic violence. In the state of Washington, a child was twice denied health insurance because he had been sexually abused in a day care facility and a woman in the same state had her homeowner's policy cancelled. The letter of cancellation noted five claims over the last twelve years, specifically the letter pointed out the most recent one involving "a domestic violence situation of individuals that are living with" the insured. The angry ex-wife of the woman's boyfriend's brother damaged the door.

I have introduced this legislation today because I believe that denying insurance to victims of abuse only compounds the victim's problematic circumstances. Again, domestic violence is a national problem, and we should not allow insurance companies to make matters worse for victims by excluding them from insurance coverage. I am confident that this legislation will give victims the assurance they need that their insurance policies will be there for them in their time of need.

CONGRATULATIONS MR. AND MRS. JOHN IZZO

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 1996

Mr. PAYNE of New Jersey. Mr. Speaker, today I would like to honor a very special couple, Frank and Ruth Izzo of Elizabeth, NJ. On June 8, Mr. and Mrs. Izzo will celebrate their 50th wedding anniversary.

Frank Izzo served his country with distinction in Germany and France during World War II, as a member of the United States Army. Ruth Izzo worked for a pharmaceutical company for 13 years. the Izzos have two children, Marlene and Anthony. In the tradition of his father, Anthony dutifully served his country in Vietnam and became a decorated veteran of that war. The Izzos have four grandchildren—Darla, Robert, Frank, and Christopher—from their daughter Marlene.

Mr. Speaker, it is my feeling that we can all look to this couple for inspiration. In a time when divorce rates are astoundingly high and society is suffering as a result of this, the Izzos show us that it is possible for married partners to work, raise children, and remain happily committed to each other. I would like to wish them many more years.

PERSONAL EXPLANATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 1996

Mr. BECERRA. Mr. Speaker, due to a commitment in my district, on Thursday, May 23, I was unable to cast my floor vote on rollcall Nos. 192 through 195.

As a strong supporter of a clean minimum wage increase, I would have voted as follows: "aye" on rollcall 192, "no" on rollcall 193, "no" on rollcall 194, and "aye" on rollcall 195.

TRIBUTE TO MRS. THELMA SCOTT NEWMAN

HON. FRANK TEJEDA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 1996

Mr. TEJEDA. Mr. Speaker, I rise today to pay tribute to the memory of Mrs. Thelma Scott Newman, who served our country and her community in ways too numerous to mention. Mrs. Newman passed into eternal rest on May 18, 1996, but she certainly will not be forgotten, neither by her family nor by the many whose lives she touched and enriched with her spirit and wisdom.

Mrs. Newman was born in rural Gonzales, TX, the first child of the late Jordan D. and Elizah Jones. I cannot mention Mrs. Newman's early life without remarking on the great obstacles that she and her fellow African-Americans faced and the struggles they undertook to overcome those barriers. But Mrs. Newman rose above obstacles and struggles and grew into a kind and loving woman who gave devotedly to her family, her country, and the community.

Mrs. Newman married Joseph A Scott, Sr., and their union was blessed with a son, Mr. Joseph A. Scott, Jr. Additionally, she was blessed with two grandsons and two granddaughters, seven great-grandchildren, many nieces and nephews, and a host of other relatives and friends. She was extremely proud of her family, and her love for them is evident today in their many achievements and successes.

Mrs. Newman was the kind of person whose strong faith and love of her fellow man urged her to go above and beyond the call of duty in giving back to the community. She became a nurse and in that capacity she worked for the Federal Government for 43 years and took up the cause of healing the sick and comforting the afflicted. And she had a special gift for communicating with young people. She always had the time to listen to them and give them her encouragement to work hard and succeed. Her ability, her faith, and her gifts are measured today in the lives of many young people who spoke to her, listened to her, and went on to achieve great things.

Even her years of rest and retirement, Mrs. Scott always had time for what was most important to her: Her family, her church, and her community, especially the young people. She worshipped and shared fellowship with the minister and congregation of New Light Baptist Church. She was a leader in the deaconess board of the church and a past president of the tithing department of the Eastern District Association. She gave her time and her love to the ideal neighborhood guild, the Greater San Antonio workshop, the United Home Owners' Improvement Association, the T.E.L. Guild, and the Mother's Service Organization. In recognition of all that she did for her community, the Thelma Newman Circle was named in her honor.

It was my great privilege to know Mrs. Newman personally. I can say without hesitation and with all my heart that Mrs. Newman was a source of inspiration and light to all who knew her. Her faith and her courage were very great, and she always looked for ways to uplift the downtrodden and lead the community. She will be missed by all those who knew her, but her example will live on in our hearts as a great American who stood as a strong and powerful voice for faith and pride and the values of the community.

TRIBUTE TO LT. GEN. HOWARD D. GRAVES

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 1996

Mr. SKELTON. Mr. Speaker, the retirement of Lt. Gen. Howard D. Graves, 54th Superintendent of the U.S. Military Academy at West Point is announced with deep appreciation for and pride in his distinguished career of more than 35 years.

Lieutenant General Graves has concluded his career by making important contributions in the arena of strategic defense of the Nation as well as in the all-important area of developing military leaders for the next century. His outstanding leadership, his wisdom, his clear vision for the future, and his strength of character, all contributed to General Graves exceptional impact on the American profession of arms. His creativity and enthusiasm supported an outstanding performance of duty throughout a career that reflects the highest traditions of the U.S. Army.

Commissioned a second lieutenant in the Corps of Engineers upon graduation from the Military Academy in 1961, he began a career that took him through numerous and challenging command, staff, and academic positions, culminating in his assignment as Superintendent of the Military Academy. Those assignments have included overseas tours of duty in the Dominican Republic, Vietnam, and Germany; plus several tours of duty in Washington, DC. They have been among the most demanding positions in the U.S. Army, and his performance has been uniformly exceptional, representing the finest of the commissioned officer corps.

Selected as a Rhodes Scholar while at the Military Academy, General Graves earned a master of arts degree in international relations from St. Johns College, Oxford University in 1994. During his first active Army assignment, he commanded Company A, 307th Engineer Battalion, 1st Brigade, 82d Airborne Division in 1965 to 1966, for which he was cited for his professionalism and leadership during ground combat against an armed enemy in Santo Domingo, Dominican Republic. His successful command led to selection as operations officer and later Assistant Chief of Staff of the 82d Airborne Division, Fort Bragg, NC, from 1966 to 1967.

General Graves was chosen to return to Oxford University in 1968, where he began work on a master of literature degree in modern history.

Subsequently, he was assigned as operations officer of the 8th Engineer Battalion (Airmobile), and later assistant division engineer, 1st Calvary Division (Airmobile) in the Republic of Vietnam. While in that combat environment, General Graves was cited for his exemplary professionalism and initiative, and his professional competence and outstanding achievement. Subsequently, General Graves was selected to attend the U.S. Army Command and General Staff College, Fort Leavenworth, KS, and was next assigned to the faculty of the U.S. Military Academy from 1970 to 1973, working as associate professor, executive officer, and assistant professor of the Department of Social Sciences.

Demonstrating his extraordinary ability, General Graves was assigned to Washington, DC., as Military Assistant to the Secretary of Defense from June 1974 to November 1975. During that period he was promoted to lieutenant colonel and selected to command the 54th Engineer Battalion, V Corps, U.S. Army Europe from 1976 to 1978, earning praise for making that battalion the best in the 130th Engineer Brigade. Following battalion command, he attended the U.S. Army War College, Carlisle Barracks, PA, and continued serving as special assistant to the deputy commandant of the War College.

From February 1980 until June 1982, General Graves commanded the 20th Engineer Brigade, XVIII Airborne Corps, Fort Bragg, NC. Then, from July 1982 to July 1983, he served as assistant division commander (Support), 1st Infantry Division, Fort Riley, KS. In July 1983 he became Deputy Chief of Staff, Engineer, U.S. Army Forces Command, Fort McPherson, GA until July 1984.

Promoted to brigadier general, he was assigned to Washington, DC, in July 1984 in the Office of the Deputy Chief of Staff for Operations and Plans, where he served as Deputy Director, Strategy, Plans and Policy Directorate, with additional duty as Assistant Army Operations Deputy, Organization of the Joint Chiefs of Staff. Cited for his significant contributions on critical and sensitive issues of national security policy, national military strategy, and Army plans and policies, he demonstrated totally selfless service and his complete dedication.

General Graves exceptional ability led to his selection as Vice Director of the Joint Staff, Organization of the Joint Chiefs of Staff, where he served from August 1986 to October 1987. He was promoted to major general and assigned as Commandant, U.S. Army War College, Carlisle Barracks, PA, in 1987. While there, he contributed to the Army and the Nation by initiating important improvements in the curriculum and by developing and mentoring the Army's senior leaders.

In July 1989, General Graves was promoted to lieutenant general and named Assistant to the Chairman of the Joint Chiefs of Staff. In that position he was principal advisor to the chairman and served the Nation in the highest level diplomatic negotiations before, during, and after Operations Desert Shield and Desert Storm, working closely with the Secretary of State. He was recognized by all who worked with him for his loyalty, leadership, personal integrity, and professional competence.

As a result of a career of exceptional service to the Army and the Nation, he was selected to be Superintendent of the U.S. Military Academy at West Point, an assignment that has demanded gifted leadership, intellect, and character. With his guidance, the Military Academy staff continued to develop and improve its performance, while General Graves has been instrumental in influencing critical support from and promoting positive relationships with West Point's diverse constituencies, including Congressional and Department of Defense leadership, outside organizations, graduates and friends of the Academy, and parents of cadets. His success in achieving economies and efficiencies, particularly in moving forward the multimillion dollar revitalization projects so critical to the future of the facilities master plan, has helped to ensure the continuation of the Academy's role as the world's premier leader development institution. His energetic, personable, and cooperative approach has created a spirit of trust, reflecting his belief in honor and consideration of others as bedrock leader values.

Lt. Gen. Howard D. Graves is dedicated to excellence and service to America in the profession of arms. Throughout his long and distinguished career, he has truly personified the excellence, spirit, and dedication of the soldier-scholar. His faithful service, integrity, firm commitment, and outstanding contributions to our Army and the Nation are a legacy of great value.

Lieutenant General Graves' many friends and fellow soldiers join together in wishing him peace, happiness, and continued success in all his future endeavors.

TRINITY LUTHERAN CHURCH GAYLORD, MI

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 1996

Mr. STUPAK. Mr. Speaker, it is an honor for me to announce the 50th anniversary of organization of the Trinity Lutheran Church of Gaylord, MI. Lutheran services have been held in Gaylord and the vicinity since July 16, 1933. Pastors from neighboring towns such as Boyne City and Cheboygen led the congregation until 1946 when Rev. Elmer Scheck settled in Gaylord and became a permanent pastor for the church.

On March 3, 1946, the congregation adopted a formal constitution affiliating their membership with the Confessional Lutheran Church-Missouri Synod. Along with the formal constitution came the need for a permanent building. The white log church, as it came to be known, was erected in 1947–1948 for $10,000 plus donated labor. The congregation eventually outgrew the white log church and a new building was constructed in 1973–1974. In 1994 an addition was built to house the Sunday school classrooms and the congregation remains in the renovated building today.

In 1979, Trinity Lutheran Church began a preschool. Although most of the students are not from the congregation the school promotes a positive Christian emphasis and atmosphere for its students and their families.

Over the past fifty years many pastors have served the Trinity Lutheran Church of Gaylord. In 1994, the congregation built a new addition and named it after the Rev. Richard T. Noffze who was an interim pastor throughout the years at Trinity Lutheran. The current pastor is Rev. James F. Haenftling.

From each member of this congregation, past and present, to each pastor, from Reverend Noffze to Reverend Haenftling, the one thought that has prevailed as the Trinity Lutheran Church grew is found in Romans 12:5: "So in Christ, we who are many, form one Body."

The many citizens of the Gaylord community have provided 50 years of spiritual guidance and community fellowship to form one body, the Trinity Lutheran Church. Mr. Speaker, I would like to congratulate the Trinity Lutheran Church on this, their golden anniversary.

REPRESENTATIVE SHERWOOD BOEHLERT RELIEF FOR DAIRY FARMERS

HON. SHERWOOD L. BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 1996

Mr. BOEHLERT. Mr. Speaker, I rise today in strong support of House Concurrent Resolution 181, which calls on Agriculture Secretary Glickman to authorize the release of 200 million dollars' worth of grain reserves. This should bring some much-needed relief to farmers from across the country whose livelihoods are threatened by the worst drought in more than 100 years, coupled with the lowest livestock prices in 20 years.

One generally thinks only of the Midwest and South, when there is a severe drought and low cattle prices, but in my neck of the woods—the Northeast—we are among the first to feel the effects of these disasters.

It is my dairy farmers who must import most of their feed grain from the Midwest and South. When supplies are tight, as they are now, my farmers must pay incredibly high prices, if they can purchase feed at all.

Also, most people don't realize that a majority of hamburg comes from dairy cows, not beef cattle—and this process represents more than 20 percent of the dairy farmer's income. So when the livestock prices are so low, and feed prices are so high—dairy farmers face a double hit.

As chairman of the Northeast Agriculture Caucus, and a Member who proudly represents more than 2,700 dairy farmers, I would like to thank Mr. Barrett and the Agriculture Committee for introducing this bill, and I urge its adoption for the good of our Nation's farmers.

TRIBUTE TO THE SCHOOL FOR STRINGS

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 1996

Mr. NADLER. Mr. Speaker, I rise today to celebrate the accomplishments of New York's first and largest Suzuki-based music school, The School for Strings, on its 25th anniversary. The school, which is located in my district, is celebrating this momentous occasion with a soldout Carnegie Hall concert on June 14. I would like to commend the School for Strings for its commitment to the musical education of New York's children. With the School for Strings, the musical opportunities previously offered solely to child prodigies are offered to many other youngsters, including those who cannot afford lessons. The music education provided by the School for Strings is not limited only to students—of equal importance, the school provides a program for training teachers. The comprehensive offering of musical programs that the School for Strings provides to New York citizens has been consistently excellent, and I would like to recognize the tremendous contribution the School for Strings has made to music and its vital role in education.

THE POSTAL SERVICE AND THE CITY OF EAST ORANGE—PARTNERS IN PROGRESS

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 1996

Mr. PAYNE of New Jersey. Mr. Speaker, I would like to bring to the attention of my colleagues, an extraordinary partnership between the city of East Orange and the post office that serves its residents.

The people of East Orange are just proud of their heritage as one of the cleanest cities in America. Unfortunately, as in so many other communities, buildings and structures in East Orange have become the targets of senseless disfigurement by thoughtless vandals leaving an unwelcome trail of graffiti.

Mayor Cardell Cooper and Postmaster Henry Smiley have joined forces to help bring the sparkle back to East Orange. Their joint effort, part of a larger citywide project to eliminate graffiti, will result in the repainting of all 260 mail collection boxes in that city. The Postal Service will be providing free paint and brushes. Participants in the City's General Assistance Employability Program will do the painting.

While this project will have mail and relay boxes looking as good as new, the Postal Service' East Orange Service Team is planning beyond that. Local residents and businesses will have the opportunity to "Adopt a Box," receiving a special certificate and the supplies necessary to keep the mailboxes they adopt free of graffiti.

Fifty gallons of blue and green paint may not sound like much, when spread over a city that is home to 75,000 people, but it can make a big difference. A single coat of paint can make a shopper feel welcome, a visitor feel at home, and a prospective resident come back and take a second look.

One of the goals of the Postal Service is to be a good citizen in every community it serves. Besides contributing to a record 91 percent on-time delivery performance in the local area, Postmaster Smiley and his staff and taking a leading role in helping to make their community a better place to live. The partnership between the city of East Orange and the U.S. Postal Service is a solid example of the benefits of this type of cooperation.

OROVILLE, CA, A 1996 ALL-AMERICA CITY FINALIST

HON. WALLY HERGER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 1996

Mr. HERGER. Mr. Speaker, whereas, Oroville, California, has been named a 1996 All-America City Finalist by the National Civic League and;

Whereas, only 30 cities in the United States were designated as All-America City Finalists and only three cities were so designated in the State of California and;

Whereas, Oroville has traced its "can do" spirit from the rough-and-tumble days of the California Gold Rush to the glorious development of our Nation's railroads, to the timber boom and creation of an agricultural marketplace, to the building of Oroville Dam, the largest earth-filled dam in the United States, which created Lake Oroville with its 167 miles of scenic shoreline and;

Whereas, the citizens of the Oroville community will be taking their "can do" spirit and pride to Ft. Worth, TX to bring back the title of being one of the 10 All-America Cities in the United States for 1996;

Now, therefore, I Wally Herger, Member of the United States House of Representatives, consider it an honor and privilege to pay tribute and recognize this fine community and commend them upon their efforts in making Oroville an "All America" city each and every day of the year, and I urge my colleagues to join me in saluting them as an All-America City finalist for 1996. From the nuggets of the Gold Rush era to the energy and enthusiasm of the people of the 1990's, Oroville has been and will continue to remain for years to come the "city with a heart of gold."

PERSONAL EXPLANATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 5, 1996

Mr. BECERRA. Mr. Speaker, on Monday, April 16 and Tuesday, April 17, 1996, I was unable to cast my floor vote on rollcall votes 116 through 120.

I would like to state for the record, had I been able to, I would have voted "no" on 116 and 117, and "aye" on 118, 119, and 120.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, June 6, 1996, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 7

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1997 for the Environmental Protection Agency.
SD–138

Joint Economic
To hold hearings to examine the employment-unemployment situation for May.
SD–562

JUNE 10

2:00 p.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1997 for the Department of Defense.
SD–192

JUNE 11

9:30 a.m.
Energy and Natural Resources
To hold hearings on S. 1010, to amend the unit of general local government definition for Federal payments in lieu of taxes to include unorganized boroughs in Alaska, S. 1807, to amend the Alaska Native Claims Settlement Act, regarding the Kake Tribal Corporation public interest land exchange, and S. 1187, to convey certain real property located in the Tongass National Forest to Daniel J. Gross, Sr., and Douglas K. Gross.
SD–366

Environment and Public Works
Drinking Water, Fisheries, and Wildlife Subcommittee
To hold hearings on implementation of salmon and steelhead recovery efforts in the Pacific Northwest, focusing on the installation of the surface collector at Lower Granite Dam.
SD–406

Indian Affairs
To hold oversight hearings on the implementation of the Indian Trust Fund Management Reform Act of 1994, and on Indian trust funds management by the Department of the Interior.
SR–485

10:00 a.m.
Judiciary
To hold hearings to examine the threat of terrorism during the 1996 Olympics.
SD–226

2:00 p.m.
Judiciary
Constitution, Federalism, and Property Rights Subcommittee
Business meeting, to mark up S.J. Res. 8, proposing an amendment to the Constitution of the United States to prohibit retroactive increases in taxes.
SD–226

JUNE 12

9:30 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings on S. 1166, to improve the registration of pesticides, to provide minor use crop protection, and to improve pesticide tolerances to safeguard infants and children.
SR–328A

Appropriations
To hold joint hearings with the Special Committee on Aging on investing in medical research, focusing on health care and human costs.
SD–138

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD–366

Special on Aging
To hold joint hearings with the Committee on Appropriations on investing in medical research, focusing on health care and human costs.
SD–138

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on Department of Defense financial management issues.
SD–192

Judiciary
To hold hearings on S. 1740, to define and protect the instiution of marriage.
SD–226

JUNE 13

2:00 p.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1997 for the White House Office of National Drug Control Policy.
SD–192

JUNE 14

10:00 a.m.
Appropriations
Legislative Branch Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1997 for the General Accounting Office, and the Architect of the Capitol.
S–128, Capitol

1:00 p.m.
Foreign Relations
Western Hemisphere and Peace Corps Affairs Subcommittee
To hold hearings to examine the status of the hemisphere.
SD–419

JUNE 18

9:00 a.m.
Rules and Administration
To hold hearings on public access to government information in the 21st century, focusing on the Government Printing Office depository library program.
SR-301

9:30 a.m.
Agriculture, Nutrition, and Forestry
Research, Nutrition, and General Legislation Subcommittee
To hold hearings to review a report to the Department of Agriculture by the Advisory Committee on Agricultural Concentration, and to examine other livestock industry issues.
SR-328A

10:00 a.m.
Judiciary
To hold hearings to examine oversight of the Department of Justice witness security program.
SD-226

JUNE 21

10:00 a.m.
Appropriations
Legislative Branch Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1997 for the Secretary of the Senate, the Sergeant At Arms, and the Government Printing Office.
S-128, Capitol

JUNE 25

9:30 a.m.
Energy and Natural Resources
To hold hearings on S. 1804, to make technical and other changes to the laws dealing with the territories and freely associated States of the United States, on a proposed amendment relating to Bikini and Enewetak medical care, and to hold oversight hearings on the law enforcement initiative in the Commonwealth of the Northern Mariana Islands.
SD-366

Governmental Affairs
Permanent Subcommittee on Investigations
To resume hearings to examine the security status of national computer information systems and networks.
SD-342

10:00 a.m.
Appropriations
Legislative Branch Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1997 for the Library of Congress.
S-128, Capitol

JUNE 26

9:30 a.m.
Governmental Affairs
Permanent Subcommittee on Investigations
To continue hearings to examine the security status of national computer information systems and networks.
SD-342

Indian Affairs
To hold hearings on proposals to reform the Indian Child Welfare Act.
SR-485

SEPTEMBER 17

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the American Legion.
334 Cannon Building

HOUSE OF REPRESENTATIVES—*Thursday, June 6, 1996*

The House met at 10 a.m.

The Reverend Travis Barrick, Koinonia Christian Fellowship, El Cajon, CA, offered the following prayer:

Dear Heavenly Father, there are many in this room who pray for illumination, that they might answer the sacred trust bestowed upon them. May You grant them the mercy of Your wisdom.

Dear Lord, we pray for this wonderful class of pages on their last day here, who have so faithfully served in the Halls of a government that is by, of, and for the people.

Dear God, answer the weakness of our covenant with You, that we may make the whole Earth a little more like heaven in our day, and to protect it from the hell that would be brought upon us by the adversary.

Earnestly we pray, Thy kingdom come, Thy will be done. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Texas [Mr. DOGGETT] come forward and lead the House in the Pledge of Allegiance.

Mr. DOGGETT led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed a bill and concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 1406. An act to authorize the Secretary of the Army to convey to the city of Eufaula, Oklahoma, a parcel of land located at the Eufaula Lake project, and for other purposes; and

S. Con. Res. 63. Concurrent resolution to express the sense of Congress that the Secretary of Agriculture should dispose of all remaining commodities in the disaster reserve maintained under the Agricultural Act of 1970 to relieve the distress of livestock producers whose ability to maintain livestock is adversely affected by disaster conditions existing in certain areas of the United States, such as prolonged drought or flooding, and for other purposes.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain ten 1-minutes on each side.

TRIBUTE TO THE GEORGIA SCHOOL FOR THE DEAF

(Mr. BARR of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARR of Georgia. Mr. Speaker, the Georgia School for the Deaf in Cave Spring, GA, this year celebrates a 150-year heritage of service and education to deaf and hard-of-hearing children from all across Georgia. This exceptional school serves children aged 3 through 21, and strives to meet the needs of deaf students through an atmosphere that reflects their self-worth, their integrity, and their ability to communicate.

The teachers and staff at Georgia School for the Deaf are among the most dedicated and caring people you will find anywhere; in any community; in any State. You only have to talk with them for a minute to feel the love they have for these young people. We must do everything we can to foster and preserve the environment they and their predecessors have built and nurtured at this fine facility in Cave Spring, GA.

It is an honor for me to represent this community, this school, and these people, in this Congress. I salute Georgia School for the Deaf on 150 years of service to our children, and wish them well in the coming years.

To 16-year-old Erickson Young, who daily focuses his attention on this assembly, my hope is that you will stand before this body someday, supported by a solid foundation of education and encouragement found at the Georgia School for the Deaf, in Cave Spring, GA.

CHINESE-AMERICAN RELATIONS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, China arrested American businessman William Chen. Chinese spokesmen said, "We suspect this American of illegal imports and his actions were not honorable."

Honorable, Mr. Speaker? China steals American products, China violates every trade law we have. China illegally ships guns to this country for our streets and they talk about honor?

Beam me up, Mr. Speaker. Is it any wonder we have a $40 billion trade deficit with China? What is our program? When it comes to trade, China puts Americans in jail and the White House rewards China with most-favored-nation trade status. If this is the way to run a country, someone tell me what the secret plan is.

DAY 53

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, small business continues to get the cold shoulder from the Clinton administration.

Recently, I introduced the Small Business OSHA Relief Act. Seventy-five of my colleagues have cosponsored the bill. The bill is entirely made up of provisions that the Clinton administration at one point or another claimed to support. And it would give some needed relief to small business from an agency which is too often unnecessarily adversarial and lacking in common sense.

I wrote the Secretary of Labor on April 15 asking for his comments on the bill. I hoped that he would support it, since it is entirely taken from his and the President's statements of relief they claimed to support for small business.

Well, here we are on June 5 and we still have not even received a response from the Secretary of Labor. I realize that relief for small business from OSHA's excesses does not rank very high on the priority list of the Secretary of Labor. In fact, I don't think that small business concerns are on his priority list at all.

But I guess I shouldn't be surprised that the Secretary of Labor shows no interest and support for legislation to help small business. After all, this administration talks a good line, but does not back up its words with action.

INCREASED OUT-OF-POCKET LIABILITY FOR SENIORS

(Mr. PALLONE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PALLONE. Mr. Speaker, I wanted to point out that the Republican

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Medicare plan would drastically increase out of pocket costs for seniors citizens. Basically, it is the same thing we had last year. Last year the Medicare bill the Republicans passed doubled the Medicare part B premium from $46.10 in 1995 to about $89 in 2002. It would have increased the Medicare premium by $440 per couple per year. Well, that did not work so now the Republican leadership comes up with another proposal.

This year the new Republican proposal would allow doctors to overcharge seniors for standard medical procedures. According to the Physician Payment Review Commission, a nonpartisan panel of experts that advises Congress, this could leave beneficiaries exposed to substantial out-of-pocket liability in the range of 40 percent of their Medicare bill.

Under the Republican plan, a senior needing major surgery, for example, could end up facing thousands of dollars in medical bills which neither Medicare nor Medigap policies would cover. So once again the Republicans are substantially increasing out-of-pocket expenses for seniors. That is what their Medicare plan is.

SAVE MEDICARE

(Mr. DELAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DELAY. Mr. Speaker, Medicare needs to be rescued, yet the President and the Democrats prefer to save their own political futures. Millions of seniors will lose their health care benefits if the Medicare system goes bankrupt, yet Bill Clinton and the Democrats would rather scare seniors about plans to protect it.

The Medicare trustees have concluded that Medicare is going broke faster than previously thought, yet Bill Clinton has done nothing to save it. Medicare would not be around for the next generation, yet Bill Clinton runs millions of dollars of ads attacking the Republicans for trying to find ways to preserve it.

Mr. Speaker, who is being responsible when it comes to Medicare, and who is being irresponsible? The answer, to me, is obvious. The White House has taken demagoguery to a new level. They have scared seniors to secure their own political futures.

Mr. Speaker, that is wrong. I urge the White House to change their tactics and join with the Republicans in saving Medicare.

SAVE MEDICARE ONCE AGAIN

(Mr. VOLKMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VOLKMER. Mr. Speaker, in answer to the gentleman from Texas, I would like to know why the radical Republicans under the Speakership of NEWT GINGRICH still are proposing to cut Medicare in order to give big tax breaks to the wealthy? Yes, they lost last year. The President vetoed the bill. Now they are trying again.

Look at their budget. We can see what NEWT GINGRICH says right here. He said it publicly, we are going to let it wither on the vine. We will not cut it this year, but in 7 years it is going to be gone.

Not only NEWT GINGRICH, but what about the Presidential nominee, BOB DOLE? BOB DOLE is very proud of the fact: I was there fighting the fight, voting against Medicare 1 out of 12 because we knew it would not work in 1965.

Yes, they want to get rid of Medicare. That is their whole proposal, and it is not just to get rid of it, it is to give tax breaks for the wealthy. That is where they will get their money.

I say to the American public and I say to the Members of this House, we are not going to do it this year either.

IT IS TIME FOR ACTION TO SAVE MEDICARE

(Mr. DOOLITTLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOOLITTLE. Mr. Speaker, yesterday the Medicare Board of Trustees, made up entirely of Clinton administration appointees, reported that Medicare is going bankrupt sooner than expected, now projected to be by early in the year 2001.

Last year the Republicans led the fight to save this system with a Medicare Preservation Act. This act increased benefits, attacked waste and preserved Medicare for future generations, and it put the program in sound financial condition.

In that plan we proposed increasing per-person spending by over $2,000 per year over the course of the next 7 years. But the President vetoed the plan.

Yesterday, Mr. Speaker, the trustees showed yet again it is time for action to save Medicare. Let us hope that the Congress and the President will act cooperatively to save Medicare while there is still time. As the trustees write in their own report, "prompt, effective and decisive action is necessary."

IMPACT OF MEDICARE AND MEDICAID CUTS ON HOSPITALS

(Ms. SLAUGHTER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SLAUGHTER. Mr. Speaker, I rise today to send a warning to my colleagues who believe that Medicare and Medicaid reductions will not reduce the availability of affordable quality health care for millions of low-income children, senior citizens and the disabled.

I would direct all of my colleagues to an article in the June 4 New York Times which illustrates the impact on private hospitals of Medicaid reductions and the explosion of managed care. The result is that many hospitals are in serious financial danger and will ultimately close.

My warning to other Members is to think about their own districts and States. If hospitals in New York can close even before the full implementation of a $158 billion reduction in Medicare and a $72 billion reduction in Medicaid, what are the implications for the other States? New York has always taken pride in the level of investment in health care. Can other States make the same claim?

I recognize the need to control Medicare and Medicaid spending, but the Republican budget proposal goes well beyond fiscal responsibility and will result in a reduction in health care services. We can help encourage greater efficiency in hospital operations, we can help encourage the lack of overutilization in hospitals and we can encourage savings, but New York hospitals closing should sound a warning bell to all Members of Congress.

TOP 10

(Mr. HEFLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HEFLEY. Mr. Speaker, we have been desperately trying to find out what the Democrat plan to save Medicare was. I have it in my hands here. I have discovered it, the 10 top ways the Democrats plan to save Medicare.

First of all, No. 10: Blame it on the Republicans. No. 9: If at first you don't succeed, raise taxes. No. 8: Mediscare and don't worry about the truth while you are doing it. No. 7: Don't ask, don't tell. No. 6: Blame Ken Starr. No. 5: Deny, deny, deny. No. 4: Check the fingerprints on the trustees' report. No. 3: Blame the rich. No. 2: Charge it. And the No. 1 solution of the Democrats to saving Medicare is: Let it go broke, no one will notice.

CUTS IN MEDICARE FOR TAX BREAK FOR THE WEALTHY

(Mr. MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of California. Mr. Speaker, we have seen the Republicans do everything they can to divert the public's attention for what their plan would do to Medicare. In order to save Medicare, the Republicans tell us they have to take away senior citizens' choice of doctors; they have to force them into managed care, where they do not want to go, where they lose control of their health care for themselves and for their spouse. They want them to pay the overcharges for doctors who charge them too much for medical procedures. They want to take away their right to have a Medigap insurance policy so they will not have to pay out-of-pocket charges to those same doctors and hospitals, maybe now forcing them to pay as much as 40 percent in out-of-pocket charges.

And they want to do all that for simply one reason, and that is to gather up the resources of Medicare and give a tax break to the wealthy, not gathering up the resources of Medicare to shore up the system, to bolster the system, to make it solvent, but to take away these resources, to take away the money of the senior citizens, to charge them more, to simply transfer that to a tax cut.

□ 1015

There is another way. The other way is the way President Clinton proposed, which is to shore this system up for 10 years.

MEDICARE TRUSTEES REPORT

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, the Medicare trustees, including three Clinton Cabinet officials, have released their annual report. It is 3 months late and the diagnosis is not good. The part A trust fund is going to be bankrupt in 2001, a full year earlier than was reported last year. Those are the facts. Interestingly enough, this report came just days after the Senate minority leader and a top Clinton Cabinet official accused Republicans of playing politics with Medicare.

It is serious, folks. We have a problem. Mr. Speaker, during my work on the Kerry commission I saw firsthand the consequences of failing to reform Medicare. I was also pleased to work in a bipartisan fashion with colleagues on both sides of the aisle trying to find a long-term solution for this problem. Responsible people did.

Last year Congress sent that responsible solution of real Medicare reform to the President, and the President vetoed it. I say that it is time for the President to stop the mediscare, stop the medigoguery, encourage the people in his party on that side of the aisle to stop doing it and get to responsible solutions. We have one. We need to identify it and we need it now.

DEGRADING ACCUSATION

(Mr. FRANK of Massachusetts asked and was given permission to address the House for 1 minute.)

Mr. FRANK of Massachusetts. Mr. Speaker, we should be discussing Medicare, but sometimes decency requires us to deal with unpleasantness. The unpleasantness in this case is an outrageous, inaccurate, degrading accusation by Speaker GINGRICH about the late Ron Brown. Speaker GINGRICH, in what is apparently an organized Republican effort to divert this campaign from discussing the real issues into the kind of negative attacks that maybe they think is the only way they can win, outrageously suggested to a Republican campaign gathering that the President and others delayed the announcement of Secretary Brown's death so that they could engage in some manipulations at his office. It is a lie. The Speaker, when asked, could provide no justification for it.

In fact, we are told in today's paper by the Speaker's press secretary that the justification is that there might be subsequent facts. That is a fairly outrageous standard. Make a terrible accusation and then look and hope for subsequent facts.

Mr. Speaker, I know it is a tough year for the Republican Party. But nothing justifies libeling the dead. Please apologize to the Ron Brown family.

MEDICARE TRUSTEES REPORT

(Mr. BAKER of California asked and was given permission to address the House for 1 minute.)

Mr. BAKER of California. Mr. Speaker, in this fantasy land known as Washington, the truth is rarely heard. As the little rabbit said in "Alice in Wonderland," things are not as they appear. So when the Medicare trustees, these well-known conservatives such as Labor Secretary Reich, Health Secretary Shalala and Treasury Secretary Rubin got up and said Medicare is going broke, an advanced copy went to the gentleman from Missouri [Mr. GEPHARDT]. He stood up and said, it is all the Republicans' fault. How could that be? How could that possibly be when we have not passed it?

One of the speakers earlier said today hospitals in my area are closing, in anticipation of our plan which has not even gotten out of the House and has not been signed by the President.

What does Medicare really need? This is the Medicare report from the trustees. One year ago they said it was going to go broke in 2002. The top line. Now they are saying it is going to go broke in 2000. Folks, by the year 2001, it will be $85 billion under water. That is not because somebody has given somebody a tax break.

What does the Republican plan do? It allows doctors and hospitals to directly provide services. It allows HMO's to provide services, allows people to have a medical savings account. It eliminates waste, fraud, and abuse through tort reform and allows seniors to stay where it is. Let us pass reform. Let us stop blaming each other. Let us save Medicare.

ACCUSATIONS AGAINST THE LATE RON BROWN

(Mr. BONIOR asked and was given permission to address the House for 1 minute.)

Mr. BONIOR. Mr. Speaker, it was 2 months ago this week that Ron Brown and 34 others were killed in a tragic plane crash in Bosnia. For 2 awful days the world waited to hear the word of their fate. Most of us spent that time praying for a miracle. When word of the tragedy came, the outpouring of love and affection across this country was absolutely breathtaking.

But now the Speaker of the House has weighed in with words of venom. Where most people see tragedy, the Speaker sees only coverup. His press secretary backed his words up by calling for an investigation. During times of tragedy, we should respect each other, not tear each other apart. Only someone who loses the public debate would stoop to desperation tactics like this. This is beneath the dignity of the House and the dignity of this great country.

If NEWT GINGRICH has even a shred of decency left, he should apologize not only to the friends and family of those who were killed but to the American people.

MEDICARE IS GOING BROKE

(Mr. SCARBOROUGH asked and was given permission to address the House for 1 minute.)

Mr. SCARBOROUGH. Mr. Speaker, here we go again. Absolutely amazing. Medicare is going bankrupt, and the Democrats are doing absolutely nothing about it. They come up behind the podium just like they did last year, telling us that the Republicans are cutting Medicare when they know it is not the truth. The Washington Post spells it out. Last year during the demagoguery, the Washington Post accused the Democrats of shameless demagoguery to try to scare seniors because "they know that is where the votes are."

Then, Washington Post columnist Robert Samuelson took it a step forward and called the President of the United States and the Democrats liars on Medicare. Why? Because it is clear. Medicare is going bankrupt and the Democrats are doing nothing about it.

They do not care about my 93-year-old grandmother. They do not care about my parents. They do not care about the millions of seniors who will be without Medicare in 5 years if we do not do something about it today.

They do not care. John Lennon wrote a song called "How Do You Sleep at

Night." I think it should be their theme song for the 1996 election.

LEGISLATION OF THE 104TH CONGRESS

(Mr. DOGGETT asked and was given permission to address the House for 1 minute.)

Mr. DOGGETT. Mr. Speaker, this House Republican leadership has turned over the job of writing much of our legislation to special interest lobbyists. They gather here at the Capitol weekly to write the Nation's business. So, it is little wonder that now with the election approaching, they have begun a corruption search to cover their own misdeeds.

The latest chapter in this is this callous act of raising these accusations about the death of Ron Brown at the very time his family still grieves. The Speaker said yesterday, Reagan was teflon, Clinton is flypaper, this stuff is going to start to stick.

The only thing stuck around here is this Republican leadership. It is stuck in the gutter because of its own misdeeds and now these callous accusations.

WELFARE REFORM

(Mr. CHABOT asked and was given permission to address the House for 1 minute.)

Mr. CHABOT. Mr. Speaker, today, once again, we will try to take the President at his word on welfare reform. Only 3 weeks ago President Clinton endorsed the Wisconsin works plan which substitutes work and responsibility for dependence and despair. It was adopted by sweeping bipartisan majorities in the Wisconsin State Legislature. Yet Federal roadblocks still prevent that plan from going into effect.

President Clinton said he endorsed the plan just a couple of weeks ago. He said we should get it done. Now we get hemming and hawing from the administration. In fact, some administration officials signaled that the President did not mean what he said. But maybe they are not being fair to their boss.

The cynics point this out, after saying that he wanted to end welfare as we know it, remember that, the President vetoed welfare reform. Then he vetoed it again. The cynics say that we have to be a bit skeptical of the President's words. But heck with those cynics.

Mr. Speaker, let us give the President what he says he wants and what the people of Wisconsin really do want. To quote the President, "We should get it done."

Let us overhaul the terrible welfare system that we have in this country and let us do it in Wisconsin for the folks there who want to overhaul the welfare system.

COMMERCE SECRETARY RON BROWN

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, once again House Speaker NEWT GINGRICH has gone too far. He is alleging that the Commerce Department workers might have shredded documents after Secretary Brown's fatal crash in Croatia and that the staff delayed reporting this airplane crash with 26 incredible Americans on board. According to Gingrich's staff, the Speaker is, and I quote, "Suggesting there might have been a coverup to get rid of Brown's papers after he died."

This is extreme. It is irresponsible. It is not the behavior of a congressional leader.

When questioned about it, the Speaker's office responded, and I again quote, "I think they are serious allegations, if subsequent facts support them, if subsequent facts support them, I think it is something other news outlets ought to look at and other agencies."

In other words, we are going to make an outrageous allegation and then we are going to hope that eventually someone comes up with the facts to support it.

Has not the family of Commerce Secretary Ron Brown suffered enough? Speaker GINGRICH, who did not even attend the funeral, owes the Brown family a public apology for making this irresponsible and fictional allegation.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. INGLIS of South Carolina). The Chair admonishes Members not to refer to the President in terms personally offensive, as occurred during the remarks of the gentleman from Florida.

A BALANCED BUDGET

(Mr. LINDER asked and was given permission to address the House for 1 minute.)

Mr. LINDER. Mr. Speaker, the last 20 minutes discussion on Medicare is only a symbol of what has been wrong in this town for 30 years. This body and the other has been voting benefits to America's citizens and said do not worry, you are not going to have to pay for them. We are going to pass this bill on to your grandchildren. That is why we must have a balanced budget and a balanced budget amendment and it makes sense.

But more than just common sense. It is a promise to our children and grandchildren that we will not continue runaway government spending at their expense. When my grandsons are old enough to ask me, I do not want to have to explain to them why they are paying $3,500 every year in taxes just for interest on the national debt and why over their lifetime they will pay $187,000 in taxes just to pay interest on the debt.

I refuse to say to them, your future is mortgaged and your country is bankrupt. That is why House Republicans have kept their promise to the American people and passed the balanced budget amendment. Now the Senate can do the same. All we need is for President Clinton to keep his word.

Governor Clinton supported a balanced budget, but last year President Clinton persuaded six Democrat Senators to change their vote and defeat the amendment. I hope the President will begin to get his actions in step with his words.

BASELESS ALLEGATIONS

(Mr. LEWIS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Georgia. Mr. Speaker, I read with disbelief an article in the Washington Post this morning. It reported that the Speaker of this House has made baseless, unsubstantiated allegations about our late Secretary of Commerce, Ron Brown.

Ron Brown died in service to his country just 2 short months ago when his plane crashed during a trade mission to Bosnia. The Brown family is still in mourning, but for the Speaker of the House the death of this great man is something to be exploited for political gain.

Mr. Speaker, how low will you go? Is there a shred of decency left in your body? Is there anything you would not say for partisan political gain. You bring disrespect to yourself and to this institution by making such outrageous and baseless charges.

You owe us all an apology. You owe the Brown family an apology. You owe this Congress an apology and you owe this Nation an apology.

Mr. Speaker, you might not be the most unpopular public figure in history if you started showing a little common decency and respect.

□ 1030

PERMISSION FOR SUNDRY COMMITTEES AND THEIR SUBCOMMITTEES TO SIT TODAY DURING THE 5-MINUTE RULE

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent that the following committees and their subcommittees be permitted to sit today while the House is meeting in the Committee of the Whole House under the 5-minute rule: the Committee on Agriculture; the Committee on Banking and Financial Services; the Committee on Commerce; the Committee on Economic and Educational Opportunities; the Committee on Government Reform and Oversight; the Committee on International Relations; the Committee on the Judiciary; the Committee on National Security; the Committee on Resources; the Committee on Science; the Committee on Small Business; the Committee on Transportation and Infrastructure; and the Permanent Select Committee on Intelligence.

It is my understanding that the minority has been consulted and there is no objection to these requests.

The SPEAKER pro tempore (Mr. INGLIS of South Carolina). Is there objection to the request of the gentleman from New York?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 3562, WISCONSIN WORKS WAIVER APPROVAL ACT

Mr. SOLOMON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 446 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 446

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 3562) to authorize the State of Wisconsin to implement the demonstration project known as "Wisconsin Works". The amendment printed in section 2 of this resolution shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto final passage without intervening motion except: (1) one hour of debate on the bill, as amended, which shall be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means or their respective designees; (2) one motion to amend by Representative Kleczka of Wisconsin or his designee, which shall be considered as read and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

SEC. 2. The amendment to the bill considered as adopted pursuant to the first section of this resolution is as follows:

In section 1(d) of the bill, strike "subsection (b)(2) exceeds the amount described in subsection (b)(1)" and insert in lieu thereof "subsection (b)(1) exceeds the amount described in subsection (b)(2)".

The SPEAKER pro tempore. The gentleman from New York [Mr. SOLOMON] is recognized for 1 hour.

Mr. SOLOMON. Mr. Speaker, for purposes of debate only, I yield 30 minutes to my good friend, the gentleman from Boston, MA [Mr. MOAKLEY], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for purposes of debate only.

Mr. Speaker, House Resolution 446 is a modified closed rule providing for consideration of H.R. 3562, the Wisconsin Works Waiver Approval Act. The rule provides 1 hour of debate, equally divided and controlled by the chairman and ranking member of the Committee on Ways and Means or their respective designees. The rule allows one amendment to be offered by the gentleman from Wisconsin [Mr. KLECZKA] and provides 1 hour of debate on the amendment, to be equally divided and controlled by the proponent and an opponent. The rule provides that an amendment contained in section 2 of the resolution shall be considered as adopted. This change to the bill is necessary to correct a technical drafting error which has been cleared with the minority.

Finally, this rule provides one motion to recommit, with or without instructions. The rule before the House is abundantly fair. It makes in order a minority substitute and provides adequate debate time. It was reported by the Committee on Rules yesterday by a voice vote, noncontroversial.

Mr. Speaker, the legislation before the House this morning is proceeding on an admittedly hurried timetable, out of sincere desire to accommodate the President of the United States. On May 19, 1996, President Clinton announced his support for Wisconsin's landmark welfare reform plan and suggested it be implemented immediately. He said, "The plan has the makings of a solid, bold welfare reform plan." He intoned that to his radio listeners. He said further, "We should get it done now."

Mr. Speaker, if someone who had not followed this issue had heard the President's radio address, they might easily come away with the impression that this is a man who supports real welfare reform. As with all things, he sounded perfectly convincing. The record, Mr. Speaker, is quite another story. The President has vetoed genuine and compassionate welfare reform on two separate occasions, once in the context of a bill to balance the budget in 7 years, a terribly important bill; another, the stand-alone welfare bill, he vetoed in the middle of the night, during a huge snowstorm here in Washington.

Mr. Speaker, the Wisconsin Works plan ironically contains many of the features of the two welfare reform bills that President Clinton has already vetoed. It requires, and this is so, so important, it requires work, contains a time limit on benefits, and it ends the auto pilot spending that has busted Federal and State budgets for the past two decades, and even more.

Mr. Speaker, over the next few hours, we will hear Members on the other side of the aisle suggest that we should let the waiver process work and allow for adequate time for Federal officials to study this. They are going to say that in just a few minutes. This is essentially, Mr. Speaker, a defense of the status quo, and that is not good enough. It is essentially a defense of the convoluted and failed national welfare system. We all know what that has done.

Mr. Speaker, the present waiver process, in which innovative Governors trudge to Washington to receive a blessing to implement new welfare reforms, is an absolute sham. Mr. Speaker, if the States received block grants of the sort envisioned in our welfare reform bills, rejected by the President, Governors would not need to make this embarrassing pilgrimage here to Washington.

Under the present system, after a State legislature and a Governor have approved a measure which requires Federal waivers, Federal bureaucrats then are free to change those requests, to stall them, to deny them completely, and they often do. These bureaucrats view the requests for waivers from Federal rules as a negotiation in which details could be changed.

Mr. Speaker, this is how the White House Deputy Chief of Staff, Harold Ickes, described the process just 3 days after the President endorsed the Wisconsin Works plan. Evidently, they were not working together or seeing eye to eye or something.

Members of the House yesterday in the Committee on Rules, we heard testimony that several States, including California, including the State of the gentleman from Florida [Mr. GOSS], have waivers pending for welfare reform before this President.

If Congress takes no action this year in the direction of welfare reform, my State of New York will be forced to present a lengthy list of waivers necessary in order to implement proposed welfare changes from Governor Pataki's budget, which is already busted and has to be fixed.

Mr. Speaker, the way to ensure that this is not necessary is to pass yet another comprehensive welfare reform bill, which we will do in just a few weeks, and for President Clinton to courageously sign it, not to veto it and talk different each time.

This waiver process for Wisconsin and the debate it has engendered is in itself an argument for our larger welfare reform bill. We have to get it out here and get it passed as soon as possible. If the President sees fit to approve these necessary and very compassionate policy decisions for one State in the country, why not sign a comprehensive national program of welfare reform?

The debate today will range to classic issues of federalism: How much control should the Federal Government have over local and State policies to assist the underprivileged in America? That is what this debate is going to be all about here today. The Congress has committed on two occasions to a policy of block grants for the States, to allow them to utilize their resources as they see fit to grapple with the problem of poverty, but the argument that we should reject this fast track approval of Wisconsin's welfare plan because we need more time for Federal officials to study this program which has been going on for 40 years reflects a lack of compassion toward the families who are trapped in the current welfare system and its cycles of dependency. We have to stop that.

The way to do it is to test this pilot program in Wisconsin, which has already reduced under the first plan by Governor Tommy Thompson, has already reduced the caseload by 39 percent. If we can do that in New York State, my goodness, what that would mean to the taxpayers that have to support county and local taxes by their property taxes? Let us get on with it. Let us pass this rule and pass this bill.

Mr. Speaker, I include for the RECORD a document entitled "The Amendment Process Under Special Rules Reported by the Rules Committee, 103rd Congress versus 104th Congress."

The information referred to is as follows:

THE AMENDMENT PROCESS UNDER SPECIAL RULES REPORTED BY THE RULES COMMITTEE,[1] 103D CONGRESS V. 104TH CONGRESS

[As of June 5, 1996]

Rule type	103d Congress		104th Congress	
	Number of rules	Percent of total	Number of rules	Percent of total
Open/Modified-open [2]	46	44	71	59
Structured/Modified Closed [3]	49	47	32	27
Closed [4]	9	9	17	14
Total	104	100	120	100

[1] This table applies only to rules which provide for the original consideration of bills, joint resolutions or budget resolutions and which provide for an amendment process. It does not apply to special rules which only waive points of order against appropriations bills which are already privileged and are considered under an open amendment process under House rules.

[2] An open rule is one under which any Member may offer a germane amendment under the five-minute rule. A modified open rule is one under which any Member may offer a germane amendment under the five-minute rule subject only to an overall time limit on the amendment process and/or a requirement that the amendment be preprinted in the Congressional Record.

[3] A modified closed rule is one under which the Rules Committee limits the amendments that may be offered only to those amendments designated in the special rule or the Rules Committee report to accompany it, or which preclude amendments to a particular portion of a bill, even though the rest of the bill may be completely open to amendment.

[4] A closed rule is one under which no amendments may be offered (other than amendments recommended by the committee in reporting the bill).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS

[As of June 5, 1996]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 38 (1/18/95)	O	H.R. 5	Unfunded Mandate Reform	A: 350–71 (1/19/95).
H. Res. 44 (1/24/95)	MC	H. Con. Res. 17	Social Security	A: 255–172 (1/25/95).
		H.J. Res. 1	Balanced Budget Amdt	
H. Res. 51 (1/31/95)	O	H.R. 101	Land Transfer, Taos Pueblo Indians	A: voice vote (2/1/95).
H. Res. 52 (1/31/95)	O	H.R. 400	Land Exchange, Arctic Nat'l. Park and Preserve	A: voice vote (2/1/95).
H. Res. 53 (1/31/95)	O	H.R. 440	Land Conveyance, Butte County, Calif	A: voice vote (2/1/95).
H. Res. 55 (2/1/95)	O	H.R. 2	Line Item Veto	A: voice vote (2/2/95).
H. Res. 60 (2/6/95)	O	H.R. 665	Victim Restitution	A: voice vote (2/7/95).
H. Res. 61 (2/6/95)	O	H.R. 666	Exclusionary Rule Reform	A: voice vote (2/7/95).
H. Res. 63 (2/8/95)	MO	H.R. 667	Violent Criminal Incarceration	A: voice vote (2/9/95).
H. Res. 69 (2/9/95)	O	H.R. 668	Criminal Alien Deportation	A: voice vote (2/10/95).
H. Res. 79 (2/10/95)	MO	H.R. 728	Law Enforcement Block Grants	A: voice vote (2/13/95).
H. Res. 83 (2/13/95)	MO	H.R. 7	National Security Revitalization	PQ: 229–100; A: 227–127 (2/15/95).
H. Res. 88 (2/16/95)	MC	H.R. 831	Health Insurance Deductibility	PQ: 230–191; A: 229–188 (2/21/95).
H. Res. 91 (2/21/95)	O	H.R. 830	Paperwork Reduction Act	A: voice vote (2/22/95).
H. Res. 92 (2/21/95)	MC	H.R. 889	Defense Supplemental	A: 282–144 (2/22/95).
H. Res. 93 (2/22/95)	MO	H.R. 450	Regulatory Transition Act	A: 252–175 (2/23/95).
H. Res. 96 (2/24/95)	MO	H.R. 1022	Risk Assessment	A: 253–165 (2/27/95).
H. Res. 100 (2/27/95)	O	H.R. 926	Regulatory Reform and Relief Act	A: voice vote (2/28/95).
H. Res. 101 (2/28/95)	MO	H.R. 925	Private Property Protection Act	A: 271–151 (3/2/95).
H. Res. 103 (3/3/95)	MO	H.R. 1058	Securities Litigation Reform	
H. Res. 104 (3/3/95)	MO	H.R. 988	Attorney Accountability Act	A: voice vote (3/6/95).
H. Res. 105 (3/6/95)	MO			A: 257–155 (3/7/95).
H. Res. 108 (3/7/95)	Debate	H.R. 956	Product Liability Reform	A: voice vote (3/8/95).
H. Res. 109 (3/8/95)	MC			PQ: 234–191 A: 247–181 (3/9/95).
H. Res. 115 (3/14/95)	MO	H.R. 1159	Making Emergency Supp. Approps	A: 242–190 (3/15/95).
H. Res. 116 (3/15/95)	MC	H.J. Res. 73	Term Limits Const. Amdt	A: voice vote (3/28/95).
H. Res. 117 (3/16/95)	Debate	H.R. 4	Personal Responsibility Act of 1995	A: voice vote (3/21/95).
H. Res. 119 (3/21/95)	MC			A: 217–211 (3/22/95).
H. Res. 125 (4/3/95)	O	H.R. 1271	Family Privacy Protection Act	A: 423–1 (4/4/95).
H. Res. 126 (4/3/95)	O	H.R. 660	Older Persons Housing Act	A: voice vote (4/6/95).
H. Res. 128 (4/4/95)	MC	H.R. 1215	Contract With America Tax Relief Act of 1995	A: 228–204 (4/5/95).
H. Res. 130 (4/5/95)	MC	H.R. 483	Medicare Select Expansion	A: 253–172 (4/6/95).
H. Res. 136 (5/1/95)	O	H.R. 655	Hydrogen Future Act of 1995	A: voice vote (5/2/95).
H. Res. 139 (5/3/95)	O	H.R. 1361	Coast Guard Auth. FY 1996	A: voice vote (5/9/95).
H. Res. 140 (5/9/95)	O	H.R. 961	Clean Water Amendments	A: 414–4 (5/10/95).
H. Res. 144 (5/11/95)	O	H.R. 535	Fish Hatchery—Arkansas	A: voice vote (5/15/95).
H. Res. 145 (5/11/95)	O	H.R. 584	Fish Hatchery—Iowa	A: voice vote (5/15/95).
H. Res. 146 (5/11/95)	O	H.R. 614	Fish Hatchery—Minnesota	A: voice vote (5/15/95).
H. Res. 149 (5/16/95)	MC	H. Con. Res. 67	Budget Resolution FY 1996	PQ: 252–170 A: 255–168 (5/17/95).
H. Res. 155 (5/22/95)	MO	H.R. 1561	American Overseas Interests Act	A: 233–176 (5/23/95).
H. Res. 164 (6/8/95)	MC	H.R. 1530	Nat. Defense Auth. FY 1996	PQ: 225–191 A: 233–183 (6/13/95).
H. Res. 167 (6/15/95)	O	H.R. 1817	MilCon Appropriations FY 1996	PQ: 223–180 A: 245–155 (6/16/95).
H. Res. 169 (6/19/95)	MC	H.R. 1854	Leg. Branch Approps. FY 1996	PQ: 232–196 A: 236–191 (6/20/95).
H. Res. 170 (6/20/95)	O	H.R. 1868	For. Ops. Approps. FY 1996	PQ: 221–178 A: 217–175 (6/22/95).
H. Res. 171 (6/22/95)	O	H.R. 1905	Energy & Water Approps. FY 1996	A: voice vote (7/12/95).
H. Res. 173 (6/27/95)	C	H.J. Res. 79	Flag Constitutional Amendment	PQ: 258–170 A: 271–152 (6/28/95).
H. Res. 176 (6/28/95)	MC	H.R. 1944	Emer. Supp. Approps	PQ: 236–194 A: 234–192 (6/29/95).
H. Res. 185 (7/11/95)	O	H.R. 1977	Interior Approps. FY 1996	PQ: 235–193 D: 192–238 (7/12/95).
H. Res. 187 (7/12/95)	O	H.R. 1977	Interior Approps. FY 1996 #2	PQ: 230–194 A: 229–195 (7/13/95).
H. Res. 188 (7/12/95)	O	H.R. 1976	Agriculture Approps. FY 1996	PQ: 242–185 A: voice vote (7/18/95).
H. Res. 190 (7/17/95)	O	H.R. 2020	Treasury/Postal Approps. FY 1996	PQ: 232–192 A: voice vote (7/18/95).
H. Res. 193 (7/19/95)	C	H.J. Res. 96	Disapproval of MFN to China	A: voice vote (7/20/95).
H. Res. 194 (7/19/95)	O	H.R. 2002	Transportation Approps. FY 1996	PQ: 217–202 (7/21/95).
H. Res. 197 (7/21/95)	O	H.R. 70	Exports of Alaskan Crude Oil	A: voice vote (7/24/95).
H. Res. 198 (7/21/95)	O	H.R. 2076	Commerce, State Approps. FY 1996	A: voice vote (7/25/95).
H. Res. 201 (7/25/95)	O	H.R. 2099	VA/HUD Approps. FY 1996	A: 230–189 (7/25/95).
H. Res. 204 (7/28/95)	MC	S. 21	Terminating U.S. Arms Embargo on Bosnia	A: voice vote (8/1/95).
H. Res. 205 (7/28/95)	O	H.R. 2126	Defense Approps. FY 1996	A: 409–1 (7/31/95).
H. Res. 207 (8/1/95)	MC	H.R. 1555	Communications Act of 1995	A: 255–156 (8/2/95).
H. Res. 208 (8/1/95)	O	H.R. 2127	Labor, HHS Approps. FY 1996	A: 323–104 (8/2/95).
H. Res. 215 (9/7/95)	O	H.R. 1594	Economically Targeted Investments	A: voice vote (9/12/95).
H. Res. 216 (9/7/95)	MO	H.R. 1655	Intelligence Authorization FY 1996	A: voice vote (9/12/95).
H. Res. 218 (9/12/95)	O	H.R. 1162	Deficit Reduction Lockbox	A: voice vote (9/13/95).
H. Res. 219 (9/12/95)	O	H.R. 1670	Federal Acquisition Reform Act	A: 414–0 (9/13/95).
H. Res. 222 (9/18/95)	O	H.R. 1617	CAREERS Act	A: 388–2 (9/19/95).
H. Res. 224 (9/19/95)	O	H.R. 2274	Natl. Highway System	PQ: 241–173 A: 375–39–1 (9/20/95).
H. Res. 225 (9/19/95)	MC	H.R. 927	Cuban Liberty & Dem. Solidarity	A: 304–118 (9/20/95).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS—Continued

[As of June 5, 1996]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 226 (9/21/95)	O	H.R. 743	Team Act	A: 344–66–1 (9/27/95).
H. Res. 227 (9/21/95)	O	H.R. 1170	3-Judge Court	A: voice vote (9/28/95).
H. Res. 228 (9/21/95)	O	H.R. 1601	Internatl. Space Station	A: voice vote (9/27/95).
H. Res. 230 (9/27/95)	C	H.J. Res. 108	Continuing Resolution FY 1996	A: voice vote (9/28/95).
H. Res. 234 (9/29/95)	O	H.R. 2405	Omnibus Science Auth	A: voice vote (10/11/95).
H. Res. 237 (10/17/95)	MC	H.R. 2259	Disapprove Sentencing Guidelines	A: voice vote (10/18/95).
H. Res. 238 (10/18/95)	MC	H.R. 2425	Medicare Preservation Act	PQ: 231–194 A: 227–192 (10/19/95).
H. Res. 239 (10/19/95)	C	H.R. 2492	Leg. Branch Approps	PQ: 235–184 A: voice vote (10/31/95).
H. Res. 245 (10/25/95)	MC	H. Con. Res. 109	Social Security Earnings Reform	PQ: 228–191 A: 235–185 (10/26/95).
		H.R. 2491	Seven-Year Balanced Budget	
H. Res. 251 (10/31/95)	C	H.R. 1833	Partial Birth Abortion Ban	A: 237–190 (11/1/95).
H. Res. 252 (10/31/95)	MO	H.R. 2546	D.C. Approps.	A: 241–181 (11/1/95).
H. Res. 257 (11/7/95)	C	H.J. Res. 115	Cont. Res. FY 1996	A: 216–210 (11/8/95).
H. Res. 258 (11/8/95)	MC	H.R. 2586	Debt Limit	A: 220–200 (11/10/95).
H. Res. 259 (11/9/95)	O	H.R. 2539	ICC Termination Act	A: voice vote (11/14/95).
H. Res. 261 (11/9/95)	C	H.J. Res. 115	Cont. Resolution	A: 223–182 (11/10/95).
H. Res. 262 (11/9/95)	C	H.R. 2586	Increase Debt Limit	A: 220–185 (11/10/95).
H. Res. 269 (11/15/95)	O	H.R. 2564	Lobbying Reform	A: voice vote (11/16/95).
H. Res. 270 (11/15/95)	C	H.J. Res. 122	Further Cont. Resolution	A: 229–176 (11/15/95).
H. Res. 273 (11/16/95)	MC	H.R. 2606	Prohibition on Funds for Bosnia	A: 239–181 (11/17/95).
H. Res. 284 (11/29/95)	O	H.R. 1788	Amtrak Reform	A: voice vote (11/30/95).
H. Res. 287 (11/30/95)	O	H.R. 1350	Maritime Security Act	A: voice vote (12/6/95).
H. Res. 293 (12/7/95)	C	H.R. 2621	Protect Federal Trust Funds	PQ: 223–183 A: 228–184 (12/14/95).
H. Res. 303 (12/13/95)	O	H.R. 1745	Utah Public Lands.	
H. Res. 309 (12/18/95)	C	H.Con. Res. 122	Budget Res. W/President	PQ: 230–188 A: 229–189 (12/19/95).
H. Res. 313 (12/19/95)	O	H.R. 558	Texas Low-Level Radioactive	A: voice vote (12/20/95).
H. Res. 323 (12/21/95)	C	H.R. 2677	Natl. Parks & Wildlife Refuge	Tabled (2/28/96).
H. Res. 366 (2/27/96)	MC	H.R. 2854	Farm Bill	PQ: 228–182 A: 244–168 (2/28/96).
H. Res. 368 (2/28/96)	O	H.R. 994	Small Business Growth	
H. Res. 371 (3/6/96)	C	H.R. 3021	Debt Limit Increase	A: voice vote (3/7/96).
H. Res. 372 (3/6/96)	MC	H.R. 3019	Cont. Approps. FY 1996	PQ: voice vote A: 235–175 (3/7/96).
H. Res. 380 (3/12/96)	MC	H.R. 2703	Effective Death Penalty	A: 251–157 (3/13/96).
H. Res. 384 (3/14/96)	MC	H.R. 2202	Immigration	PQ: 233–152 A: voice vote (3/21/96).
H. Res. 386 (3/20/96)	C	H.J. Res. 165	Further Cont. Approps	PQ: 234–187 A: 237–183 (3/21/96).
H. Res. 388 (3/20/96)	C	H.R. 125	Gun Crime Enforcement	A: 244–166 (3/22/96).
H. Res. 391 (3/27/96)	C	H.R. 3136	Contract w/America Advancement	PQ: 232–180 A: 232–177, (3/28/96).
H. Res. 392 (3/27/96)	MC	H.R. 3103	Health Coverage Affordability	PQ: 229–186 A: Voice Vote (3/29/96).
H. Res. 395 (3/29/96)	MC	H.J. Res. 159	Tax Limitation Const. Amdmt.	PQ: 232–168 A: 234–162 (4/15/96).
H. Res. 396 (3/29/96)	O	H.R. 842	Truth in Budgeting Act	A: voice vote (4/17/96).
H. Res. 409 (4/23/96)	O	H.R. 2715	Paperwork Elimination Act	A: voice vote (4/24/96).
H. Res. 410 (4/23/96)	O	H.R. 1675	Natl. Wildlife Refuge	A: voice vote (4/24/96).
H. Res. 411 (4/23/96)	O	H.J. Res. 175	Further Cont. Approps. FY 1996	A: voice vote (4/24/96).
H. Res. 418 (4/30/96)	O	H.R. 2641	U.S. Marshals Service	PQ: 219–203 A: voice vote (5/1/96).
H. Res. 419 (4/30/96)	O	H.R. 2149	Ocean Shipping Reform	A: 422–0 (5/1/96).
H. Res. 421 (5/2/96)	O	H.R. 2974	Crimes Against Children & Elderly	A: voice vote (5/7/96).
H. Res. 422 (5/2/96)	O	H.R. 3120	Witness & Jury Tampering	A: voice vote (5/7/96).
H. Res. 426 (5/7/96)	O	H.R. 2406	U.S. Housing Act of 1996	PQ: 218–208 A: voice vote (5/8/96).
H. Res. 427 (5/7/96)	O	H.R. 3322	Omnibus Civilian Science Auth	A: voice vote (5/9/96).
H. Res. 428 (5/7/96)	MC	H.R. 3286	Adoption Promotion & Stability	A: voice vote (5/9/96).
H. Res. 430 (5/9/96)	S H.R. 3230	DoD Auth. FY 1997	A: 235–149 (5/10/96)..	
H. Res. 435 (5/15/96)	MC	H. Con. Res. 178	Con. Res. on the Budget, 1997	PQ: 227–196 A: voice vote (5/16/96).
H. Res. 436 (5/16/96)	C	H.R. 3415	Repeal $43 cent fuel tax	PQ: 221–181 A: voice vote (5/21/96).
H. Res. 437 (5/16/96)	MO	H.R. 3259	Intell. Auth. FY 1997	A: voice vote (5/21/96).
H. Res. 438 (5/16/96)	MC	H.R. 3144	Defend America Act	
H. Res. 440 (5/21/96)	MC	H.R. 3448	Small Bus. Job Protection	A: 219–211 (5/22/96).
		H.R. 1227	Employee Commuting Flexibility.	
H. Res. 442 (5/29/96)	O	H.R. 3517	Mil. Const. Approps. FY 1997	A: voice vote (5/30/96).
H. Res. 445 (5/30/96)	O	H.R. 3540	For. Ops. Approps. FY 1997	A: voice vote (6/5/96).
H. Res. 446 (6/5/96)	MC	H.R. 3562	WI Works Waiver Approval	

Codes: O-open rule; MO-modified open rule; MC-modified closed rule; C-closed rule; A-adoption vote; D-defeated; PQ-previous question vote. Source: Notices of Action Taken, Committee on Rules, 104th Congress.

Mr. SOLOMON. Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as four members of the Wisconsin delegation said yesterday in the Committee on Rules, these waivers have absolutely no business in the House of Representatives. Although I will not oppose this rule, I urge my colleagues to support the Obey substitute, which will allow the people of Wisconsin 30 days to comment on the waivers.

The substitute of the gentleman from Wisconsin [Mr. OBEY] says quite simply that if the Wisconsin welfare bill does what Governor Thompson says it will, then grant the waivers and let them get on with the business of helping people get off welfare and into jobs. If the bill does not do what the Governor says it will, then change it until it does.

Mr. Speaker, unfortunately, it is really not that simple. Unfortunately for the entire country, this issue, the issue of how the State of Wisconsin reforms its welfare system, has reached the level of Presidential politics, and heaven help Wisconsin. Now that the Presidential race has been swept up in the issue of Wisconsin welfare, we will not hear the end of it for a while.

It is not enough, Mr. Speaker, that this welfare bill overwhelmingly passed the Wisconsin State legislature. It is not enough, Mr. Speaker, that Democrats and Republicans have supported it. It is not enough, Mr. Speaker, that President Clinton supported the goals of the plan in his radio address, despite its being offered by a Republican Governor. Now my Republican colleagues are smarting politically and they want revenge.

Mr. Speaker, the entire House of Representatives, all 434 or 435 Members who represent 50 States, have to vote on a 600-page waiver request for a bill which will affect only one State, and not, and I want to make this very clear, and not until October 1997. As far as I am concerned, Mr. Speaker, since 60 percent of this money to fund this program will come from the Federal taxpayers, it should have to go through the same approval system that all other waivers do; incidentally, the same approval system that has never denied a waiver from the State of Wisconsin, the same approval system that has already approved waivers from 40 States.

As far as I am concerned, Mr. Speaker, it is politics. It should be reviewed and approved by the staff people at the Department of Health and Human Services, whose only job is to make sure that the Federal tax dollars are not spent in violation of Federal law. This department has already approved, as I said, waivers for 40 States. I expect there will be no problem with the Wisconsin waivers, especially since President Clinton says he supports the goals of the plan.

The Wisconsin plan, and I would like people to listen to this, this Wisconsin plan that we have before us today was submitted to the White House on May 29, 1996, 2 weeks ago. The Governor of Wisconsin at that time asked that the waivers be granted by August 1, 1996, which gives us plenty of time. We do not need legislation. The waivers will not go into effect again until October 1997.

I have no idea what this plan is doing here, Mr. Speaker, unless it is pure partisan politics. It should not be before the Congress when the White House as yet does not even have it for 3 weeks. But my Republican colleagues, in order to help the Dole Presidential campaign, are going to shove these waivers down the throat of Congress, even when the Governor of Wisconsin himself has said he does not need them until October 1, 1996.

Mr. Speaker, I urge my colleagues, I am not going to oppose the rule, but I urge my colleagues to support the Obey substitute. Let us make sure that this plan does what it is supposed to do. Let us make sure that the American people are given their promised 30-day comment period. Let us not blindly waive 88 Federal laws just to help the Dole Presidential campaign.

Mr. Speaker, I reserve the balance of my time.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me assure the members, we are not doing this to help the Dole campaign. I wish it were New York State applying for these waivers. We need it desperately in our State. Let us do it.

Mr. Speaker, I yield such time as he may consume to the gentleman from Florida, Mr. PORTER GOSS, a very valuable member of the Committee on Rules.

Mr. GOSS. Mr. Speaker, I commend my good friend, the gentleman from Glens Falls, NY [Mr. SOLOMON], the distinguished chairman of the Committee on Rules, for his very diligent work in seeking cooperation and receiving it from the minority in crafting this rule. In fact, Mr. Speaker, this is an extremely fair rule, providing the minority with a substitute, as was requested, along with a traditional motion to recommit, in effect giving those opposed to this measure two opportunities to propose changes. I think anybody would agree that is exceedingly fair.

Mr. Speaker, welfare reform is one of the most challenging and overdue matters pending before this Congress and this country. The welfare state, for all the social engineering and the trillions, in excess of $5 trillion of taxpayers' dollars over the past 40 years, has failed to bring people out of poverty or to break the cycle of dependency that we all see and are upset about.

On the contrary, the policies of Big Brother government have indisputably contributed to the very problems they were originally built to solve. Even our President recognizes the need to fix this failure of big government. He made it a celebrated campaign issue 4 years ago.

□ 1045

But unfortunately, his campaign rhetoric has yet to translate into concrete action at the White House, even though Congress has twice passed real welfare reform.

I say again, President Clinton, the man who, while in search of the White House 4 years ago, promised to end welfare as we know it, has rebuffed workable welfare reform that we have passed. Now States such as my home State of Florida are anxiously left hanging, awaiting reform at the national level. The wages program in Florida that passed through both the Florida House and Senate without a single "no" vote is predicated on action by President Clinton, action that was promised and action that has never happened.

Florida's approach was designed to fit the unanimously passed National Governors' Association plan, which closely resembles our H.R. 4, which is the true reform plan that President Clinton vetoed.

The bill before us today focuses on the State of Wisconsin's Wisconsin Works Program, which has taken tremendous steps toward restoring the work ethic and emphasizing the American values of responsibility and opportunity.

What the people of Wisconsin have done by an overwhelming vote, and I congratulate them, is create a system that reinforces the importance of a job. A remarkable thing about the Wisconsin plan is that it will eliminate the cycle of dependency that our current system regrettably fosters.

By requiring recipients to work, whether in a transitional job, a community service job, or a minimum- or low-wage job, the system will help individuals become productive members of our society. This is a bipartisan program that has the endorsement of the President of the United States by his own publicly spoken words. Yet, despite this extraordinary accomplishment, Wisconsin finds itself stymied by the old entrenched Federal regulation and redtape that have bound so much in Washington, and that is why we are here today. This bill will cut away the Federal shackles and let Wisconsin Works work.

Wisconsin's experience and Florida's experience and those of many other States raise the question of why this process is necessary in the first place.

My Republican colleagues and I favor ending the centralized, Washington-knows-best system that requires States to get Federal blessing when they attempt to solve the real problems in their State or to end the status quo that is killing them. That is what our comprehensive welfare reform proposals are all about, sending decision-making power back home to the States, closer to home, closer to the people.

In the next few weeks, we will be sending President Clinton another welfare reform bill. This time America will be watching ever more closely to see if he honors his campaign promises and actually signs the bill. In the meantime, I urge support for this rule and this bill because at least it allows one of our great 50 States to get on with the job of reform.

Mr. MOAKLEY. Mr. Speaker, will the gentleman yield?

Mr. GOSS. I yield to the gentleman from Massachusetts.

Mr. MOAKLEY. Mr. Speaker, the gentleman alluded to the bureaucratic redtape. Will the gentleman yield that this proposal has only been before the White House less than 2 weeks?

Mr. GOSS. Mr. Speaker, reclaiming my time, I take the gentleman at his word. We are trying to expedite a good idea, and I have seen 2 weeks stretch into many years at the White House. Let us hope that we can preclude that.

Mr. MOAKLEY. Mr. Speaker, if the gentleman will yield further, would the gentleman also agree that every waiver that Wisconsin asked for has been granted in the past?

Mr. GOSS. I have no idea about that. I am sure we will hear it in the debate.

Mr. MOAKLEY. Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin [Mr. BARRETT], who testified very well before the Committee on Rules.

Mr. BARRETT of Wisconsin. Mr. Speaker, welcome to Presidential politics, 1996, Wisconsin style. We are fortunate today to have the Presidential campaign brought to my home State and most particularly the district that I represent, because I represent the most people in this country that are going to be affected by this legislation. But I think it will be interesting just to give you a little history about how this came about, why this issue is here before us.

Wisconsin has been working on welfare reform for some time. They held many hearings, they passed a bill, and they asked the presumptive nominee, Senator DOLE, if he would attend the signing of this bill. They thought it would be a good opportunity to get his name in front of the American people on welfare reform.

Well, he did not show up, and they were frustrated, because he did not come to our State, the Governor asked him to come, and he was not there when they signed this bill into law.

A couple of weeks later, President Clinton announced that he was going to be attending a summit with Chancellor Kohl in the city of Milwaukee. It was going to happen on a Thursday. No doubt, the Dole campaign heard about this and thought, How can we upstage the President in Wisconsin? They said, I know what we will do, we will go to Wisconsin 2 days before the President is going to be there and we will blast him on welfare reform.

So they set up the entourage, and they were all set to blast the President on welfare reform. Well, the President, of course, got wind of this and thought, Why should I let him get in front of me on this issue when I support the welfare program and the welfare changes in Wisconsin as well? So in his Saturday evening address, he told the American people that he supports the aims and the goals of the Wisconsin welfare program.

Once again, the Dole campaign was just sputtering, they were so frustrated that the President of the United States supports an issue that they support, that he is actually attempting to take an issue that they consider to be a Republican issue and take it as his issue. They just, their frustration, you could almost see it in their eyes, because now here is the President of the United States, the leader of the entire country, saying that he favors welfare reform.

Well, now, this is not an issue that came out of the blue, especially as it relates to President Clinton, and especially as it relates to the State of Wisconsin, because nine times the State of Wisconsin has come to President Clinton and asked him for a waiver. Has he turned them down? Not a single time. Every single time the State of Wisconsin has come to President Clinton and asked him for a waiver, he has granted it.

Never before have we had to have this expedited process on the floor of the House of Representatives to grant the waiver by Congress. Why have we not? Because we were not in the middle of a Presidential campaign then. Now, we are in the middle of a Presidential campaign. Now, the Republicans have to take this issue, which is essentially a bipartisan issue, and they go back to their room and they sit down and they say, all right, darn it, he has got us on this one. He is in favor of this plan in Wisconsin. How can we take this bipartisan issue and make it a partisan issue? How can we try to drive a wedge in this process? So the solution is, let us not let the American public comment on this waiver request at all. Let us shut them out entirely.

Now, you will hear from my colleagues on the other side that there were 18 months of hearings that the legislature acted on this, they acted on it on a bipartisan basis, and every one of those statements is true, that is exactly what happened.

But what happened next? Next, Governor Thompson took out his partial-veto pen. He has the largest partial-veto power of any Governor in this Nation, and 97 times he went through this document and used his partial-veto pen; 97 times he crossed out words or phrases or sections that affected 27 different topics. Since that date, since Governor Thompson exercised his item veto power 97 times, we have not had a single opportunity for public input on this measure.

So the measure that is before us is not exactly the measure that was before the Wisconsin Legislature where you had all of those hearings, no. What we have before us is a product that was molded by one person in this country, one person, the Governor of the State of Wisconsin.

So what do the Republicans decide to do? They say well, let us go and let us try to embarrass the President. Let us take the olive branch that he has extended to us, let us break it in half and shove it in his eye. Let us try to make this bipartisan issue a partisan issue.

How do they do it? For the first time in our Nation's history, this House of Representatives is considering a standalone bill that will grant a waiver.

Now, you would think if this is the first time in our Nation's history that we are going to do this, that at least you would have some public hearings, at least it would be referred to a committee, but no, not on your life. This is the plan that Governor Thompson says is going to be a model for the Nation. You would think that they would want to have a lot of sunshine placed on this plan, that a lot of people would want to see what is in this great waiver request. Exactly the opposite of what is happening here.

Instead, Governor Thompson delivers it to the White House last Thursday, 1 week ago today. My office received its copy from the State of Wisconsin 2 days ago, 48 hours ago. I would bet there is not a single Member of this body who has read this waiver request, yet the House of Representatives today is going to be asked to approve this, 600 pages of waivers, without a single bit of public input.

Mr. Speaker, that is not the way we should be doing business in this Congress, that is not the way we should do doing business for the American people. The American people have a right to be heard.

At his press conference, Governor Thompson said, yes, there are going to be speed bumps along the way in this program. Well, Mr. Speaker, those speed bumps just happen to be real people in some instances, real people. Women with infants 4 months old. I do not refer to women with infants 4 months old as speed bumps, and I think that we have an obligation here to try to listen to the concerns that we hear from the American people and the people of the State of Wisconsin.

Mr. MOAKLEY. Mr. Speaker, will the gentleman yield?

Mr. BARRETT of Wisconsin. I yield to the gentleman from Massachusetts.

Mr. MOAKLEY. Mr. Speaker, is it true that Governor Thompson just asked that this be acted on by August 1, 1996, to take effect in October 1997?

Mr. BARRETT of Wisconsin. Mr. Speaker, that is correct. In his waiver request, Governor Thompson asks that the administration act on this by August 1.

Mr. MOAKLEY. All right. To take effect in October of 1997.

Mr. BARRETT of Wisconsin. To take effect in October of 1997, that is correct.

Mr. MOAKLEY. So there is no reason for expedited procedures at this time?

Mr. BARRETT of Wisconsin. Oh, no. There is a reason. Presidential politics, that is the only reason.

Mr. MOAKLEY. That is what it is. I am sorry. I overlooked that.

Mr. SOLOMON. Mr. Speaker, I yield 4 minutes to the gentleman from Wisconsin [Mr. NEUMANN], who will be carrying this legislation.

Mr. NEUMANN. Mr. Speaker, I thank the chairman, and I certainly would like to commend the chairman on developing a rule here that recognizes the right of minority and respects the rights of the minority so all may be heard on this issue.

I am a new Member of this Congress, this is my first term, and one thing I have learned since coming to Washington is that once I get out in the city, things that seem so logical back home in Wisconsin get tipped right upside down. I thought partisan politics is when one side of the aisle develops something and, because they were in the majority, forced it on the other side.

Here we have a situation where a Democrat President came into the State of Wisconsin and said, I support this plan, let us get it done. You have a freshman Republican here on the floor of the House of Representatives presenting a bill that literally gives the President, that Democrat President, exactly what he asked for. This is not partisan politics; this is bipartisan politics.

In Wisconsin, when the Democrats and the Republicans work together to craft legislation and to get a job done, such as they have done in the Wisconsin Works Program under Gov. Tommy Thompson, when the Democrats and the Republicans get together for the same purpose to get a job done, we call that bipartisan, not partisan, and that is in fact what is going on here.

But this bill is not about Presidential politics. This bill is about giving the people in the State of Wisconsin the right to implement the program that they have debated for 18 months. Somebody out here just said that there was no debate on this. It has been debated for 18 months, by public input by the very people who are going to be affected by this program; 18 months of debate in the State of Wisconsin.

What came out of that 18 months of debate in the State of Wisconsin? Well, they passed it. They did not pass it with Republicans all voting one way and the Democrats all voting another way. They passed it with a two-thirds vote in their assembly and a three-quarter vote in their Senate. As a matter of fact, even the majority of the Democrats voted for this bill in the State of Wisconsin.

I do not see what we are all out here debating. We have a bill that has been debated for 18 months in the State of Wisconsin, received a two-thirds vote, more than a two-thirds vote in both Houses of the State. The President of the United States, who supports the bill, I do not see why in the world we would not just say to Wisconsin, go ahead and do it. That is what this is all about, it is about common sense.

Mr. KLUG. Mr. Speaker, will the gentleman yield?

Mr. NEUMANN. I yield to the gentleman from Wisconsin.

Mr. KLUG. Mr. Speaker, let me make a fundamental point in all of this, and that is the fact that even though Washington occasionally promises us that they are going to get waivers, they wait. This is an indication that right now there are 28 welfare waivers involving 19 States, 5 of them involving Democratic Governors, where we are waiting for Washington to act.

That is why it is necessary to come to the floor today. And the sense that somehow this is a ginned-up Republican operation, the fact is that the President said he was in favor of the Wisconsin plan, and we are trying to expedite the process. In fact, we have some applications pending back to September 20, 1993, and that is the Democratic Governors of Maryland and Florida and Hawaii, who are simply waiting for Washington to act.

My colleague from Wisconsin is absolutely right, that we want to get these waivers done and we want to get them done as quickly as possible. If the promise is just turn them over to Labor-HHS and we will get them done, well, fine, we will be back here in 1998 asking where they are.

Mr. NEUMANN. Mr. Speaker, reclaiming my time, I would just like to point out that this is about more than that too. It is about the people in Wisconsin being asked to pass this legislation and then coming hat in hand and asking the bureaucrats in Washington, DC, 900 miles from the State of Wisconsin. I have to tell my colleagues, I have a lot of faith in the people of Wisconsin.

My colleague who just spoke in opposition to this from Wisconsin, I have to ask the gentleman, do you not have confidence in Representative Tim Carpenter, a Democrat from your district who voted for this bill, and Representative Dave Cullen, Democrat in your district who voted for this bill, Representative Jeanette Bell in your district, another Democrat?

□ 1100

The point here is that both the Democrats and the Republicans in the State of Wisconsin want this to happen. I see absolutely nothing that would lead me to believe that the people here in Washington, DC can Washingtonize this Wisconsin plan and make it better than the people in the State of Wisconsin. I believe the people in the State of Wisconsin have the knowledge, the wisdom, and the compassion to pass a good welfare reform plan for the State of Wisconsin.

Mr. MOAKLEY. Mr. Speaker, I yield 30 seconds to the gentleman from Wisconsin [Mr. BARRETT].

Mr. BARRETT of Wisconsin. Mr. Speaker, in response to the gentleman who asked me a question but did not give me time to respond, I have tremendous confidence in them. I have tremendous confidence in every elected official in the State of Wisconsin. That does not mean I have tremendous confidence in every elected official in the State.

Here we see this horrible chart about 28 waiver requests currently pending back to September 1993. There is not a single Wisconsin waiver request that is more than a week old. So if this is your concern, then we should have a bill before us dealing with all those waiver requests. But, no, this is not about waiver requests. This is 100 percent about Presidential politics and sticking it to the President.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, much has been said about the President's statement here, how he is in favor of the Wisconsin plan, he is in favor of the makings of this plan, but let me read what he actually said. He says, "All in all, Wisconsin has the makings of a solid, bold welfare reform plan. We should get it done. I pledge that my administration will work with Wisconsin to make an effective transition to a new vision of welfare based on work that protects children and does right by working people and their families."

So he did not say he is going to rubber stamp anything that Wisconsin comes in with. That is why it is so important that HHS have this, to go over it and make sure that it is the proper thing.

Mr. Speaker, I yield 3 minutes to the gentlewoman from California [Ms. WOOLSEY].

Ms. WOOLSEY. Mr. Speaker, the goal of welfare reform is to move recipients into permanent jobs and make their families stronger. Will the Wisconsin plan do that? How can we know?

The Republicans are rushing through these waiver requests without giving the administration or Members of Congress time for review. Even worse, they are not giving the citizens of Wisconsin time to comment on the plan.

In the 1 week since the Governor of Wisconsin delivered the request for these waivers to the White House, the administration has received more than 300 letters commenting on the effects of the waivers, letters that will not be considered. I received a letter from the Wisconsin Conference of Churches. Their letter expressed strong opposition to any bill which bypasses the normal 30-day comment period.

Could it be that the Governor of Wisconsin and some of my colleagues on the other side of the aisle do not feel the Wisconsin plan will hold up under normal scrutiny? Do they share the concern of the Children's Defense Fund, the Wisconsin Conference of Churches and others that a timely review of the Wisconsin welfare plan will reveal that this plan will weaken the safety net for poor children?

I do not know the answer to this question. The truth is that no one does. There has not been enough time to review the waiver requests, to fully understand their effect on poor children in Wisconsin.

Mr. KLECZKA. Mr. Speaker, will the gentlewoman yield?

Ms. WOOLSEY. I yield to the gentleman from Wisconsin.

Mr. KLECZKA. Mr. Speaker, shortly the gentlewoman will be asked and 434 other Members of Congress will be asked to vote for and to approve 88 waivers for this welfare plan. Has she had an opportunity or has her office received a copy of these waivers?

Ms. WOOLSEY. No; we have not.

Mr. KLECZKA. Does the gentlewoman mean to tell me that she is going to be asked to vote on a major, major piece of legislation today and she has never read what she is voting on?

Ms. WOOLSEY. That is the case. That is not fair to the children of Wisconsin. Let us vote against this bill. Let us take time to shed light on the Wisconsin plan. Let us be sure that the children of Wisconsin have a chance to grow into healthy, responsible adults. Therefore, I urge my colleagues to support the Obey substitute.

Mr. MOAKLEY. Mr. Speaker, would you inform the gentleman from New York [Mr. SOLOMON] and myself about the remaining time?

The SPEAKER pro tempore (Mr. INGLIS of South Carolina). The gentleman from Massachusetts [Mr. MOAKLEY] has 14 minutes remaining and the gentleman from New York [Mr. SOLOMON] has 13½ minutes remaining.

Mr. MOAKLEY. Mr. Speaker, I yield 11 minutes to the gentleman from Wisconsin [Mr. KLECZKA] who presented a great case at the Rules Committee yesterday.

Mr. KLECZKA. I thank the ranking member of the Rules Committee for yielding me the time.

Mr. Speaker, what I would like to do is first of all talk about the rule, since we are on the rule, for a brief time, and then we will talk about some other things.

We were not accused, but it was noted at the Rules Committee yesterday that the Democrats who were there asking for a substitute amendment were very animated and there was pounding and clapping, and one of the

Republican senior Members made note of that. My response was that for the Democrats to get an opportunity to offer a substitute amendment comes so infrequently and is so rare that we thought if we did a lot of animation, we would have a rule that would provide for a substitute amendment. I want to thank the gentleman because it worked.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. KLECZKA. I yield to the gentleman from New York.

Mr. SOLOMON. The gentleman knows that the minority, whether it be Republican in the past, Democrat now, they always get their substitute. We do everything we can to bend over backwards 90 percent of the time, and the gentleman knows that.

Mr. KLECZKA. Let me reclaim my time and indicate to the membership, who know better than I do, that substitute amendments to legislation coming before the House are rare this session under Republican control. The best we can do is a motion to recommit, and there are not 3 people sitting out there watching C-Span who know what the heck that is, but it is good cover.

But as far as the rule goes, I do want to thank my good friend from New York, Mr. SOLOMON, for permitting a substitute amendment which we will offer in a short time before this body. But let us review and try to set straight what is at issue here. What are we doing?

Well, the Governor of the State of Wisconsin has asked the President and the administration to approve 88 separate and distinct waivers so Wisconsin can implement a welfare change, a change which I should add that I support for the most part. But the issue today, Mr. Speaker, is not welfare reform, and it is not welfare reform because we are going to have that debate within a couple of weeks on this floor.

There is a product being developed as I speak in the Committee on Ways and Means, where I serve, that will provide for a radical change in the welfare laws of this country. It is a redo of a product that has been vetoed, and as far as I am concerned, and as my Republican colleagues know, I supported the last welfare reform bill and I will probably be supporting this one.

So the issue before us is not whether or not we should reform welfare. That is not the issue today. Let us not make it the issue today. The issue today is nothing other than process.

The Governor a week ago has asked the administration to approve 88 distinct waivers. Normal process would be that there is a 30-day comment period. For what reason? So the public, who is paying the tab, can come forward and have their opinions noted.

If in fact we pass what the Republican majority has put before us today, what is going to happen is Congress, or the House of Representatives, will rubber stamp all 88 waivers. As I asked the gentlewoman from California a few minutes ago, has she read the waivers? She said no. The simple fact, Mr. Speaker, is there is not anyone in here except maybe four or five from Wisconsin who have read the waivers.

Let me show what has been passed out for today's debate. Here is a copy of the rule, a short one-paragraph. That provides for the consideration of the rule. Then here is the actual resolution, which is 2½ pages, which indicates that Congress knows all, we are going to rubberstamp this, we are going to deem this done, the rubber stamp this, we are going to deem this done, the public be damned. Then here is a resolution that accompanies the rule report, and that is it.

So for the Members from California, the one Member from Alaska, the good Members who represent the State of Florida, they do not know what we are doing. Oh, a copy has just been handed out right now to the gentleman from Wisconsin, but it is not made available to the Members with the documentation that is available in the back room for all of us to decipher.

Mr. MOAKLEY. Mr. Speaker, will the gentleman yield?

Mr. KLECZKA. I yield to the gentleman from Massachusetts.

Mr. MOAKLEY. Does the gentleman know of any waiver from Wisconsin that was sent to the administration on welfare that was ever denied?

Mr. KLECZKA. No. In fact there have been, I believe, nine submitted for approval and all nine have been expedited. So the question before us is not whether or not these waivers are going to be granted or whether or not they are going to be expedited. The main issue before us today is to cut off any public comment like a letter I received from the Catholic bishops, who asked that they be heard on this issue. They will not be heard.

Mr. SENSENBRENNER. Mr. Speaker, will the gentleman yield?

Mr. KLECZKA. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. For the gentleman's edification, a listing of the waivers that were requested by Governor Thompson appeared in the CONGRESSIONAL RECORD of June 4, 1996, at page E992. So every Member of the House of Representatives, and for that matter the public at large, by 9 a.m. yesterday morning had the list of the waivers that were requested. I am sorry that many of the Members, including the gentlewoman from California, decided not to look at them before making her speech.

Mr. KLECZKA. Reclaiming my time, let me indicate that usually the calendars are in the back of the hall here. I did not see any there. But to contend that the general public have all received a copy of the CONGRESSIONAL RECORD of yesterday is totally ludicrous.

Mr. MOAKLEY. Mr. Speaker, will the gentleman yield further?

Mr. KLECZKA. I yield to the gentleman from Massachusetts.

Mr. MOAKLEY. In referring to the gentleman from Wisconsin who just took a seat, I think if he looks, and unless I am mistaken, the matter that appeared in the CONGRESSIONAL RECORD of June 4, was just listing the title of the waivers. There was no explanation of what they were. So that really informs people a lot, so they can just look at the title of 88 waivers but does not say one thing about what those waivers are.

Mr. NEUMANN. Mr. Speaker, will the gentleman yield?

Mr. KLECZKA. I yield to the gentleman from Wisconsin.

Mr. NEUMANN. Mr. Speaker, we seem to be radically off track in this debate. Those waivers were developed and debated. The program was developed in Wisconsin for 18 months and was debated for 18 months in the State of Wisconsin.

Mr. MOAKLEY. I am just talking about statements made here that are not completely true. To say that the waivers are listed in the CONGRESSIONAL RECORD and all you find when you look are titles of waivers and no explanation, I just think that is not debating this matter the way it should be debated.

Mr. KLECZKA. Mr. Speaker, if I might continue, when we get into general debate on the bill, I will read through a whole bunch of these waivers and then I will see if any Member of the House can explain it to me, or since a contention has been made that the general public is totally knowledgeable on this, let me maybe call some of my constituents, or better yet maybe I will call some from Racine and see if they can inform me and the other Members what some of these one-liners mean. But nevertheless, the whole issue today is not welfare reform. It is one of process, whether or not we are going to have the public come forward and make their views known on 88 specific waivers. The contention has been made, "Well, the legislature passed the bill." They sure did. But also there were 27 vetoes that were made to the bill by the Governor. It took him 5 or 6 weeks after the legislature passed the legislation to sign it, if we are talking about rush, but as far as the legislature, they do not know to this day what any of the 88 waivers are.

I served in the legislature. I know a little bit about State legislative enactments. My colleague, TOM BARRETT, served in the legislature, as well as JIM SENSENBRENNER.

Mr. Speaker, in the legislation which is now chapter, law, something or other, State of Wisconsin, there was no listing of the waiver. The legislators who voted for this do not know what waivers are being requested. So let us clean up the nonsense that we are trying to redo the legislation. That is totally not the case.

Let me talk about a couple of other things. The President does support the initiative by the State of the Wisconsin. But never in his radio comments did he say, "And I will sign without reading all 88 waivers." It was not said. I think he should have an opportunity to digest them, also.

Let me talk about the rush here. The rush is that this program does not go into effect in the State of Wisconsin until October 1, 1997, a year and a half from now. And to show how ludicrous the rush job is that we are being told to engage in, that was one of the vetoes. The legislature said to the Governor, "We want this on line and running September 1, 1977." The Governor vetoed that September 1 date, making it September 30, so he delayed it by his own pen some 30 days.

□ 1115

We have to do this within 3 days, without reading it, with no Member knowing what is in the waivers.

Why is this before the Federal Government? That was asked and we talked about that at the Committee on Rules. Welfare in this program, Mr. Speaker, is a national program. If the State of Wisconsin was putting 100 percent of their dollars, raised from the taxpayers, into the program, they should have complete say, and no one would disagree with that on this floor. But the taxpayers of this country pay 60 percent of this program, and so I think that the taxpayers from Georgia and Arizona and New Mexico have a say in this, and that is why we have this public process, so if, in fact, they are so moved they will have a say in it.

This is not a rewriting of the State legislative enactment. That is the law in Wisconsin. This is the next step, because 60 percent of it is paid for by the national taxpayers. And if we are going to advantage the State of Wisconsin or give them more money, I think the other States should have a say in it, and that is why these waivers do come here for approval.

Again, is someone dragging their feet? Clearly not. The Governor indicates he wants this approved August 1 of this year. The substitute amendment which I will be producing with my colleagues, the gentlemen from Wisconsin, Mr. OBEY and Mr. BARRETT, will do exactly that. The substitute amendment is, instead of rubber stamping it sight unseen, like the Republicans want to do, the substitute is very common-sensical. What it says is we sill print the waivers in the Federal Register, and not just one line, the whole thing; and then we will give the public, the people of the country who pay the tab, 30 days to be heard.

I ask my Republican colleagues, why do they fear the public coming out and saying something on this? They are paying for it. They have a right. And then the resolution that expedites consideration and provides July 31, it will be done.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume so that, for the record, I can inform my friend, the gentleman from Wisconsin [Mr. KLECZKA], that we have had 120 bills brought to the floor under rules in this Congress; 85 percent of them were given substitutes for the minority. And when we subtract the continued resolutions that do not have substitutes, it runs over 90 percent. That is very fair, and I appreciate the gentleman for commending us for it.

Mr. Speaker, I yield 30 seconds to the gentleman from Wisconsin [Mr. NEUMANN].

Mr. NEUMANN. Mr. Speaker, I thank the gentleman for yielding me this time. I want to bring the debate back to where it belongs. This debate is about whether we want Washington interference in the Wisconsin plan. The Wisconsin plan was debated for 18 months, it was passed by a two-thirds majority, and the question is do we really want the Washington bureaucrats, 900 miles from the State of Wisconsin, to now Washingtonize the Wisconsin plan? That is what this debate is about.

Mr. SOLOMON. Mr. Speaker, I yield 4 minutes to the gentleman from Menomonee Falls, WI [Mr. SENSENBRENNER], a gentleman that came here with me back in 1978. He is one of the most respected Members of this body.

Mr. SENSENBRENNER. Mr. Speaker, I thank the gentleman from Glens Falls, NY, for yielding me this time, and I rise in support of the rule and also the legislation.

The previous speaker, the gentleman from Wisconsin [Mr. KLECZKA], I think has put a lot of red herrings into this debate. There are some very fundamental and core issues here. First is where should the real decisions be made on what type of welfare reform we have in the State of Wisconsin. Should they be made by Washington bureaucrats in dealing with these waivers or should they be made by the people of the State of Wisconsin and their elected legislators dealing with this issue in Wisconsin?

This issue has probably gotten more public debate in the State of Wisconsin than any other issue in the history of the State. From the time the legislation was first formulated, the State legislature had 30 public hearings or town hall meetings in Wisconsin on the issue of W-2. There were 120 hours of public debate in sites all throughout the State on the legislation and over 2,000 residents of Wisconsin participated in these hearings.

Now, what the gentleman from Wisconsin [Mr. KLECZA] says is let us forget all about that, that does not count at all. Let us end up having some public hearings out here in Washington and then let us have the Secretary of Health and Human Services or the bureaucrats under her control rewrite these waivers and pick and choose which waivers we want to grant and in what form. And the fact is that very few of the waivers that have been submitted by Wisconsin or other States have been approved in the form in which the Governors have submitted them.

It is an extensive process of negotiation between the State and the Department of Health and Human Services, and we do not want that to happen here.

I do not see why we ought to ask the 2,000 people who participated in the public debate on W-2 to have to figure out a way to make their voice heard in Washington, DC, 900 miles away, when they were able to give their input in places like Madison and Milwaukee, Oshkosh, Appleton, Beloit, Wausau, and LaCrosse.

The second red herring that the gentleman from Wisconsin [Mr. KLECZA] decided to throw into this debate is about the cost of the program. We all know that the Federal Government spends about 60 percent of AFDC costs. Granting these waivers is not going to cost the Federal taxpayers one additional dime, because there is a provision in this bill, for anybody that decides to read it, that says very plainly that the total grant of the State of Wisconsin shall not exceed the amount of the grant that Wisconsin would have gotten had these waivers not been approved at all.

Now, the President has come on board in saying that he is in favor of W-2. In his radio address, which was after Governor Thompson issued his line vetoes and signed the bill, he said in conclusion, "In all, Wisconsin has the makings of a solid, bold welfare reform bill. We should get it done."

Today, we are getting it done here, and I would hope that this issue would not be obfuscated and not be clouded. Wisconsin is leading the way in welfare reform, Washington should not stand in the way, and that is why this bill should be enacted.

Mr. SOLOMON. Mr. Speaker, I yield 3½ minutes to the gentleman from Wisconsin, Mr. TOBY ROTH. I mentioned that the other gentleman from Wisconsin [Mr. SENSENBRENNER], had come to this Congress with me back in 1978. This is another Member from Wisconsin who came here at the same time, and he has been really one of the most dynamic Members of this body. He is going to be retiring this year at a very young age, of his own volition, and we just commend him for it. He is a great man.

Mr. ROTH. Mr. Speaker, I thank my friend for yielding me this time, and may I say this, the gentleman from New York has done a super job as chairman of the Committee on Rules and we appreciate his dedication and service. In fact, he was working on this legislation way into the night last night and we want him to know we appreciate it.

I think it is important to focus in on the issues rather than to draw off to one tangent or another. Basically, the reason we are here, as has been said so many times, is that the President has said in his radio address to the American people that he is in favor of the Wisconsin plan. And I think when the President says that in a nationwide address, I think we should be able to take the President of the United States at his word, that he is not just making these Saturday pronouncements as a political campaign speech, that he is talking to the American people and he is talking to them about vital issues that face our country.

Now, when we called the White House this morning, we asked what was their position. They have no position. Now, we have to have some intellectual integrity in this place. And if the President of the United States is not going to supply the intellectual integrity, then we, as the board of directors of this country, have to supply that integrity.

Our answer to the White House basically is this: Lead, follow, or get out of the way. We have a job to do and we are going to do that job.

Everyone here on this side of the aisle and on that side of the aisle always says we have to give more power back to the States. We are living in a transition. We are living in change. We have to have the States have more responsibility. My friends, that is exactly what we are doing here, is we are giving the people of the State of Wisconsin that power, and rightly so, not only because of the issue but historically.

Seventy-five years ago the great debate on the floor of this House was what is Wisconsin doing? Because Wisconsin was and is one of the great laboratories for historical change in legislation in this body and in this country.

We moved from the agricultural society into the industrial society. Today, we are moving from the industrial society to the information age. And what Bob LaFollette and other progressives had said at that time, Tommy Thompson and the Republicans are doing today. So we are again in our historic mode of doing what is necessary, not only for the State of Wisconsin but for this country.

What we are doing basically is saying that the welfare office is going to become an employment office. By the year 2000 we will not have welfare offices in the State of Wisconsin. We want to restore some dignity back to the people again. And all of our futurists are saying this: That the individual is more empowered today than he or she has ever been. And we are funneling that information, that power back into the individual again.

The people of this country have a right to have some dignity. Welfare has destroyed the family, has destroyed the dignity of the individual, and what we are saying is we want to restore that esteem again.

The big issue here, and the reason it is being fought so much, is not because of Wisconsin or is not because of all the reasons that have been mentioned; the big issue here is are we seeing the death knell of the liberal welfare state. Because when we destroy welfare as we know it in America today, we are changing the Government of America.

So this is a very basic issue. It goes beyond what is said of the rules or process. What we are saying here today is we are changing the way we are governing. We are changing the way the people of America are living. That is why this is such a deep issue.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the very fine gentleman from Williamsville, NY [Mr. PAXON], one of my colleagues.

Mr. PAXON. Mr. Speaker, it was just 3 weeks ago that President Clinton said he supported giving States the opportunity to reform their poverty programs, and he said that if the States sent in waivers that he would sign them. Unfortunately, when we take a look at the record, it seems that politics is driving the administration ration than the needs of poor people in our States.

Take a look at the Medicaid waiver requests made by our Nation's Governors. This chart reveals politics and party determine whether or not these reforms will be approved. Eight of the 11 Medicaid waivers approved by the administration went to States with Democrat Governors. Seven Republican Governors are still waiting for their waivers to be approved.

In fact, two of the Republican Governors have been waiting 20 months, Mr. Speaker. My own State of New York has been waiting 14 months for the administration to act. No Democrat Governor ever had to wait longer than 11 months to get their waivers approved.

Now, the President says he is for reform, but, in fact, he is blocking it and making it harder for our States to serve low-income families. I urge the President to stop playing politics and approve these reforms.

We should pass this rule and pass this bill, and send a message, a loud, and clear message, to the White House.

Mr. MOAKLEY. Mr. Speaker, I yield 30 seconds to the gentleman from Wisconsin [Mr. BARRETT].

Mr. BARRETT of Wisconsin. Mr. Speaker, I just have to point out that it is amazing to me that we have speaker after speaker who talk about these waiver requests that have been denied. Why are we not dealing with them now? Why are we dealing with the waiver requests from a State that has had every single waiver granted? It does not make any sense.

The reason is they want to embarrass the President. They want to make a bipartisan issue a partisan issue. That is the only explanation. Otherwise, they would be coming in with a waiver request from the State of Michigan or from the State of New York. But here we have a Republican Governor in the State of Wisconsin, who has had every waiver that he has asked for granted.

Mr. SOLOMON. Mr. Speaker, I yield 1½ minutes to the gentleman from Wisconsin [Mr. KLUG], and I can think of no one better to rebut that last statement than this gentleman.

Mr. KLUG. Mr. Speaker, unfortunately in this case, my colleague from Wisconsin, Mr. BARRETT, is wrong. Actually, in one fairly significant fight with the Clinton administration, Wisconsin originally asked, under the work not welfare waiver request, that every county in the State be covered. By the time Washington got done with it, only two counties in the entire State were covered.

□ 1130

That is typical, because every time we find ourselves in a waiver application situation, Washington wants to rewrite the rules.

My sense is, what this debate comes down to is, whose judgment do you trust, the people of Wisconsin, two-thirds of the State assembly, three-quarters of the State senate voted for this measure. As you heard from my colleague, the gentleman from Wisconsin [Mr. SENSENBRENNER], countless hours of hearings all across the State.

Here is the bottom line, again, the track record of the Clinton administration on waivers, of the three waivers, Illinois, Massachusetts, Wyoming denied; three States, New Mexico, Ohio, South Carolina, all pulled back their waiver applications because the Clinton administration wanted to rewrite it.

The following States currently have waivers they are waiting for: California, of course, the interesting question, when the gentlewoman from California [Ms. WOOLSEY] was up here criticizing the Wisconsin plan, has she done anything to help California's waiver application which is now pending; Florida; Georgia, Democratic Governor; Hawaii, Democratic Governor; Illinois; Indiana, Democratic Governor; Iowa; Kansas; Maine; Maryland, Democratic governor; Michigan; Minnesota; New Hampshire, waiting since 1993; Oklahoma; Pennsylvania; South Carolina; Tennessee; and Utah.

The fact of the matter is, the administration says, we will grant you these waivers, and we wait 6 months and 1 year and 1½ years and 2 years and 2½ and 3 years.

Mr. MOAKLEY, Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin [Mr. KLECZKA].

Mr. KLECZKA. Mr. Speaker, in response to the gentleman from Madison, WI, SCOTT KLUG. SCOTT, you seem to indicate that in a work not welfare program that the State was asking to have all 72 counties in the State covered. My recollection is the legislature only provided for 2 counties, 2 small counties. When the legislature was debating the issue, many wanted Milwaukee County, the largest county in the State, included in this trial test. The Republican legislature said no. So going for waivers was only the 2 counties that were finally tested. There never was a request from the State legislature for the whole State.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. INGLIS of South Carolina). The Chair advises Members to address their remarks to the Chair and not to Members, particularly in given names.

Mr. MOAKLEY. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, at the beginning of this Congress the Republican majority claimed that the House was going to consider bills under an open process. I would like to point out that 66 percent of the legislation this session has been considered under a restrictive process. At this point I include for the RECORD the following material:

FLOOR PROCEDURE IN THE 104TH CONGRESS 1ST SESSION; COMPILED BY THE RULES COMMITTEE DEMOCRATS

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 1*	Compliance	H. Res. 6	Closed	None.
H. Res. 6	Opening Day Rules Package	H. Res. 5	Closed; contained a closed rule on H.R. 1 within the closed rule	None.
H.R. 5*	Unfunded Mandates	H. Res. 38	Restrictive; Motion adopted over Democratic objection in the Committee of the Whole to limit debate on section 4; Pre-printing gets preference.	N/A.
H.J. Res. 2*	Balanced Budget	H. Res. 44	Restrictive; only certain substitutes; PQ	2R; 4D.
H. Res. 43	Committee Hearings Scheduling	H. Res. 43 (OJ)	Restrictive; considered in House no amendments	N/A.
H.R. 101	To transfer a parcel of land to the Taos Pueblo Indians of New Mexico.	H. Res. 51	Open	N/A.
H.R. 400	To provide for the exchange of lands within Gates of the Arctic National Park Preserve.	H. Res. 52	Open	N/A.
H.R. 440	To provide for the conveyance of lands to certain individuals in Butte County, California.	H. Res. 53	Open	N/A.
H.R. 2*	Line Item Veto	H. Res. 55	Open; Pre-printing gets preference	N/A.
H.R. 665*	Victim Restitution Act of 1995	H. Res. 61	Open; Pre-printing gets preference	N/A.
H.R. 666*	Exclusionary Rule Reform Act of 1995	H. Res. 60	Open; Pre-printing gets preference	N/A.
H.R. 667*	Violent Criminal Incarceration Act of 1995	H. Res. 63	Restrictive; 10 hr. Time Cap on amendments	N/A.
H.R. 668*	The Criminal Alien Deportation Improvement Act	H. Res. 69	Open; Pre-printing gets preference; Contains self-executing provision	N/A.
H.R. 728*	Local Government Law Enforcement Block Grants	H. Res. 79	Restrictive; 10 hr. Time Cap on amendments; Pre-printing gets preference	N/A.
H.R. 7*	National Security Revitalization Act	H. Res. 83	Restrictive; 10 hr. Time Cap on amendments; Pre-printing gets preference; PQ	N/A.
H.R. 729*	Death Penalty/Habeas	N/A	Restrictive; brought up under UC with a 6 hr. time cap on amendments	N/A.
S. 2	Senate Compliance	N/A	Closed; Put on Suspension Calendar over Democratic objection	None.
H.R. 831	To Permanently Extend the Health Insurance Deduction for the Self-Employed.	H. Res. 88	Restrictive; makes in order only the Gibbons amendment; Waives all points of order; Contains self-executing provision; PQ.	1D.
H.R. 830*	The Paperwork Reduction Act	H. Res. 91	Open	N/A.
H.R. 889	Emergency Supplemental/Rescinding Certain Budget Authority	H. Res. 92	Restrictive; makes in order only the Obey substitute	1D.
H.R. 450*	Regulatory Moratorium	H. Res. 93	Restrictive; 10 hr. Time Cap on amendments; Pre-printing gets preference	N/A.
H.R. 1022*	Risk Assessment	H. Res. 96	Restrictive; 10 hr. Time Cap on amendments	N/A.
H.R. 926*	Regulatory Flexibility	H. Res. 100	Open	N/A.
H.R. 925*	Private Property Protection Act	H. Res. 101	Restrictive; 12 hr. time cap on amendments; Requires Members to pre-print their amendments in the Record prior to the bill's consideration for amendment, waives germaneness and budget act points of order as well as points of order concerning appropriating on a legislative bill against the committee substitute used as base text.	1D.
H.R. 1058*	Securities Litigation Reform Act	H. Res. 105	Restrictive; 8 hr. time cap on amendments; Pre-printing gets preference; Makes in order the Wyden amendment and waives germaneness against it.	1D.
H.R. 988*	The Attorney Accountability Act of 1995	H. Res. 104	Restrictive; 7 hr. time cap on amendments; Pre-printing gets preference	N/A.
H.R. 956*	Product Liability and Legal Reform Act	H. Res. 109	Restrictive; makes in order only 15 germane amendments and denies 64 germane amendments from being considered; PQ.	8D; 7R.
H.R. 1158	Making Emergency Supplemental Appropriations and Rescissions	H. Res. 115	Restrictive; Combines emergency H.R. 1158 & nonemergency 1159 and strikes the abortion provision; makes in order only pre-printed amendments that include offsets within the same chapter (deeper cuts in programs already cut); waives points of order against three amendments; waives cl 2 of rule XXI against the bill, cl 2, XXI and cl 7 of rule XVI against the substitute; waives cl 2(e) of rule XXI against the amendments in the Record; 10 hr time cap on amendments. 30 minutes debate on each amendment.	N/A.
H.J. Res. 73*	Term Limits	H. Res. 116	Restrictive; Makes in order only 4 amendments considered under a "Queen of the Hill" procedure and denies 21 germane amendments from being considered.	1D; 3R
H.R. 4*	Welfare Reform	H. Res. 119	Restrictive; Makes in order only 31 perfecting amendments and two substitutes; Denies 130 germane amendments from being considered; The substitutes are to be considered under a "Queen of the Hill" procedure; All points of order are waived against the amendments.	5D; 26R.
H.R. 1271*	Family Privacy Act	H. Res. 125	Open	N/A.
H.R. 660*	Housing for Older Persons Act	H. Res. 126	Open	N/A.
H.R. 1215*	The Contract With America Tax Relief Act of 1995	H. Res. 129	Restrictive; Self Executes language that makes tax cuts contingent on the adoption of a balanced budget plan and strikes section 3006. Makes in order only one substitute. Waives all points of order against the bill, substitute made in order as original text and Gephardt substitute.	1D.
H.R. 483	Medicare Select Extension	H. Res. 130	Restrictive; waives cl 2(1)(6) of rule XI against the bill; makes H.R. 1391 in order as original text; makes in order only the Dingell substitute; allows Commerce Committee to file a report on the bill at any time.	1D.
H.R. 655	Hydrogen Future Act	H. Res. 136	Open	N/A.
H.R. 1361	Coast Guard Authorization	H. Res. 139	Open; waives sections 302(f) and 308(a) of the Congressional Budget Act against the bill's consideration and the committee substitute; waives cl 5(a) of rule XXI against the committee substitute.	N/A.
H.R. 961	Clean Water Act	H. Res. 140	Open; pre-printing gets preference; waives sections 302(f) and 602(b) of the Budget Act against the bill's consideration; waives cl 7 of rule XVI, cl 5(a) of rule XXI and section 302(f) of the Budget Act against the committee substitute. Makes in order Shuster substitute as first order of business.	N/A.
H.R. 535	Corning National Fish Hatchery Conveyance Act	H. Res. 144	Open	N/A.
H.R. 584	Conveyance of the Fairport National Fish Hatchery to the State of Iowa.	H. Res. 145	Open	N/A.
H.R. 614	Conveyance of the New London National Fish Hatchery Production Facility.	H. Res. 146	Open	N/A.
H. Con. Res. 67	Budget Resolution	H. Res. 149	Restrictive; Makes in order 4 substitutes under regular order; Gephardt, Neumann/Solomon, Payne/Owens, President's Budget if printed in Record on 5/17/95; waives all points of order against substitutes and concurrent resolution; suspends application of Rule XLIX with respect to the resolution; self-executes Agriculture language; PQ.	3D; 1R.
H.R. 1561	American Overseas Interests Act of 1995	H. Res. 155	Restrictive; Requires amendments to be printed in the Record prior to their consideration; 10 hr. time cap; waives cl 2(1)(6) of rule XI against the bill's consideration; Also waives sections 302(f), 303(a), 308(a) and 402(a) against the bill's consideration and the committee amendment in order as original text; waives cl 5(a) of rule XXI against the amendment; amendment consideration is closed at 2:30 p.m. on May 25, 1995. Self-executes provision which removes section 2210 from the bill. This was done at the request of the Budget Committee.	N/A.

FLOOR PROCEDURE IN THE 104TH CONGRESS 1ST SESSION; COMPILED BY THE RULES COMMITTEE DEMOCRATS—Continued

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 1530	National Defense Authorization Act; FY 1996	H. Res. 164	Restrictive; Makes in order only the amendments printed in the report; waives all points of order against the bill, substitute and amendments printed in the report. Gives the Chairman en bloc authority. Self-executes a provision which strikes section 807 of the bill; provides for an additional 30 min. of debate on Nunn-Lugar section; Allows Mr. Clinger to offer a modification of his amendment with the concurrence of Ms. Collins; PQ.	36R; 18D; 2 Bipartisan.
H.R. 1817	Military Construction Appropriations; FY 1996	H. Res. 167	Open; waives cl. 2 and cl. 6 of rule XXI against the bill; 1 hr. general debate; Uses House passed budget numbers as threshold for spending amounts pending passage of Budget; PQ.	N/A.
H.R. 1854	Legislative Branch Appropriations	H. Res. 169	Restrictive; Makes in order only 11 amendments; waives sections 302(f) and 308(a) of the Budget Act against the bill and cl. 2 and cl. 6 of rule XXI against the bill. All points of order are waived against the amendments; PQ.	5R; 4D; 2 Bipartisan.
H.R. 1868	Foreign Operations Appropriations	H. Res. 170	Open; waives cl. 2, cl. 5(b), and cl. 6 of rule XXI against the bill; makes in order the Gilman amendments as first order of business; waives all points of order against the amendments; if adopted they will be considered as original text; waives cl. 2 of rule XXI against the amendments printed in the report. Pre-printing gets priority (Hall) (Menendez) (Goss) (Smith, NJ); PQ.	N/A.
H.R. 1905	Energy & Water Appropriations	H. Res. 171	Open; waives cl. 2 and cl. 6 of rule XXI against the bill; makes in order the Shuster amendment as the first order of business; waives all points of order against the amendment; if adopted it will be considered as original text. Pre-printing gets priority.	N/A.
H.J. Res. 79	Constitutional Amendment to Permit Congress and States to Prohibit the Physical Desecration of the American Flag.	H. Res. 173	Closed; provides one hour of general debate and one motion to recommit with or without instructions; if there are instructions, the MO is debatable for 1 hr; PQ.	N/A.
H.R. 1944	Recissions Bill	H. Res. 175	Restrictive; Provides for consideration of the bill in the House; Permits the Chairman of the Appropriations Committee to offer one amendment which is unamendable; waives all points of order against the amendment; PQ.	N/A.
H.R. 1868 (2nd rule)	Foreign Operations Appropriations	H. Res. 177	Restrictive; Provides for further consideration of the bill; makes in order only the four amendments printed in the rules report (20 min. each). Waives all points of order against the amendments; Prohibits intervening motions in the Committee of the Whole; Provides for an automatic rise and report following the disposition of the amendments; PQ.	N/A.
H.R. 1977 *Rule Defeated*	Interior Appropriations	H. Res. 185	Open; waives sections 302(f) and 308(a) of the Budget Act and cl 2 and cl 6 of rule XXI; provides that the bill be read by title; waives all points of order against the Tauzin amendment; self-executes Budget Committee amendment; waives cl 2(e) of rule XXI against amendments to the bill; Pre-printing gets priority; PQ.	N/A.
H.R. 1977	Interior Appropriations	H. Res. 187	Open; waives sections 302(f), 306 and 308(a) of the Budget Act; waives clauses 2 and 6 of rule XXI against provisions in the bill; waives all points of order against the Tauzin amendment; provides that the bill be read by title; self-executes Budget Committee amendment and makes NEA funding subject to House passed authorization; waives cl 2(e) of rule XXI against the amendments to the bill; Pre-printing gets priority; PQ.	N/A.
H.R. 1976	Agriculture Appropriations	H. Res. 188	Open; waives clauses 2 and 6 of rule XXI against provisions in the bill; provides that the bill be read by title; Makes Skeen amendment first order of business, if adopted the amendment will be considered as base text (10 min.); Pre-printing gets priority; PQ.	N/A.
H.R. 1977 (3rd rule)	Interior Appropriations	H. Res. 189	Restrictive; provides for the further consideration of the bill; allows only amendments pre-printed before July 14th to be considered; limits motions to rise.	N/A.
H.R. 2020	Treasury Postal Appropriations	H. Res. 190	Open; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; provides the bill be read by title; Pre-printing gets priority; PQ.	N/A.
H.J. Res. 96	Disapproving MFN for China	H. Res. 193	Restrictive; provides for consideration in the House of H.R. 2058 (90 min.) And H.J. Res. 96 (1 hr). Waives certain provisions of the Trade Act.	N/A.
H.R. 2002	Transportation Appropriations	H. Res. 194	Open; waives cl. 3 Of rule XIII and section 401 (a) of the CBA against consideration of the bill; waives cl. 6 and cl. 2 of rule XXI against provisions in the bill; Makes in order the Clinger/Solomon amendment waives all points of order against the amendment (Line Item Veto); provides the bill be read by title; Pre-printing gets priority; PQ. ***RULE AMENDED***.	N/A.
H.R. 70	Exports of Alaskan North Slope Oil	H. Res. 197	Open; Makes in order the Resources Committee amendment in the nature of a substitute as original text; Pre-printing gets priority; Provides a Senate hook-up with S. 395.	N/A.
H.R. 2076	Commerce, Justice Appropriations	H. Res. 198	Open; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; Pre-printing gets priority; provides the bill be read by title..	N/A.
H.R. 2099	VA/HUD Appropriations	H. Res. 201	Open; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; Provides that the amendment in part 1 of the report is the first business, if adopted it will be considered as base text (30 min.); waives all points of order against the Klug and Davis amendments; Pre-printing gets priority; Provides that the bill be read by title.	N/A.
S. 21	Termination of U.S. Arms Embargo on Bosnia	H. Res. 204	Restrictive; 3 hours of general debate; Makes in order an amendment to be offered by the Minority Leader or a designee (1 hr); If motion to recommit has instructions it can only be offered by the Minority Leader or a designee.	1D.
H.R. 2126	Defense Appropriations	H. Res. 205	Open; waives cl. 2(l)(6) of rule XI and section 306 of the Congressional Budget Act against consideration of the bill; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; self-executes a strike of sections 8021 and 8024 of the bill as requested by the Budget Committee; Pre-printing gets priority; Provides the bill be read by title.	N/A.
H.R. 1555	Communications Act of 1995	H. Res. 207	Restrictive; waives sec. 302(f) of the Budget Act against consideration of the bill; Makes in order the Commerce Committee amendment as original text and waives sec. 302(f) of the Budget Act and cl. 5(a) of rule XXI against the amendment; Makes in order the Bliley amendment (30 min.) as the first order of business, if adopted it will be original text; makes in order only the amendments printed in the report and waives all points of order against the amendments; provides a Senate hook-up with S. 652.	2R/3D/3 Bipartisan.
H.R. 2127	Labor/HHS Appropriations Act	H. Res. 208	Open; Provides that the first order of business will be the managers amendments (10 min.), if adopted they will be considered as base text; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; waives all points of order against certain amendments printed in the report; Pre-printing gets priority; Provides the bill be read by title; PQ.	N/A.
H.R. 1594	Economically Targeted Investments	H. Res. 215	Open; 2 hr of gen. debate. makes in order the committee substitute as original text	N/A.
H.R. 1655	Intelligence Authorization	H. Res. 216	Restrictive; waives sections 302(f), 308(a) and 401(b) of the Budget Act. Makes in order the committee substitute as modified by Govt. Reform amend (striking sec. 505) and an amendment striking title VII. Cl 7 of rule XVI and cl 5(a) of rule XXI are waived against the substitute. Sections 302(f) and 401(b) of the CBA are also waived against the substitute. Amendments must also be pre-printed in the Congressional record.	N/A.
H.R. 1162	Deficit Reduction Lock Box	H. Res. 218	Open; waives cl 7 of rule XVI against the committee substitute made in order as original text; Pre-printing gets priority.	N/A.
H.R. 1670	Federal Acquisition Reform Act of 1995	H. Res. 219	Open; waives sections 302(f) and 308(a) of the Budget Act against consideration of the bill; bill will be read by title; waives cl 5(a) of rule XXI and section 302(f) of the Budget Act against the committee substitute. Pre-printing gets priority.	N/A.
H.R. 1617	To Consolidate and Reform Workforce Development and Literacy Programs Act (CAREERS).	H. Res. 222	Open; waives sections 302(f) and 401(b) of the Budget Act against the substitute made in order as original text (H.R. 2332), cl. 5(a) of rule XXI is also waived against the substitute. Provides for consideration of the managers amendment (10 min.) If adopted, it is considered as base text.	N/A.
H.R. 2274	National Highway System Designation Act of 1995	H. Res. 224	Open; waives section 302(f) of the Budget Act against consideration of the bill; Makes H.R. 2349 in order as original text; waives section 302(f) of the Budget Act against the substitute as well as cl. 5(a) of rule XXI and cl. 1(q)(10) of rule X against the substitute; provides for the consideration of a managers amendment (10 min). If adopted, it is considered as base text; Pre-printing gets priority; PQ.	N/A.
H.R. 927	Cuban Liberty and Democratic Solidarity Act of 1995	H. Res. 225	Restrictive; waives cl 2(l)(2)(B) of rule XI against consideration of the bill; makes in order H.R. 2347 as base text; waives cl 7 of rule XVI against the substitute; Makes Hamilton amendment the first amendment to be considered (1 hr). Makes in order only amendments printed in the report.	2R/2D
H.R. 743	The Teamwork for Employees and managers Act of 1995	H. Res. 226	Open; waives cl 2(l)(2)(b) of rule XI against consideration of the bill; makes in order the committee amendment as original text; Pre-printing get priority.	N/A.
H.R. 1170	3-Judge Court for Certain Injunctions	H. Res. 227	Open; makes in order a committee amendment as original text; Pre-printing gets priority	N/A.
H.R. 1601	International Space Station Authorization Act of 1995	H. Res. 228	Open; makes in order a committee amendment as original text; pre-printing gets priority	N/A.
H.J. Res. 108	Making Continuing Appropriations for FY 1996	H. Res. 230	Closed; Provides for the immediate consideration of the CR; one motion to recommit which may have instructions only if offered by the Minority Leader or a designee.	

FLOOR PROCEDURE IN THE 104TH CONGRESS 1ST SESSION; COMPILED BY THE RULES COMMITTEE DEMOCRATS—Continued

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 2405	Omnibus Civilian Science Authorization Act of 1995	H. Res. 234	Open; self-executes a provision striking section 304(b)(3) of the bill (Commerce Committee request); Pre-printing gets priority.	N/A.
H.R. 2259	To Disapprove Certain Sentencing Guideline Amendments	H. Res. 237	Restrictive; waives cl 2(l)(2)(B) of rule XI against the bill's consideration; makes in order the text of the Senate bill S. 1254 as original text; Makes in order only a Conyers substitute; provides a senate hook-up after adoption.	1D
H.R. 2425	Medicare Preservation Act	H. Res. 238	Restrictive; waives all points of order against the bill's consideration; makes in order the text of H.R. 2485 as original text; waives all points of order against H.R. 2485; makes in order only an amendment offered by the Minority Leader or a designee; waives all points of order against the amendment; waives cl 5(c) of rule XXI (⅗ requirement on votes raising taxes); PQ.	1D
H.R. 2492	Legislative Branch Appropriations Bill	H. Res. 239	Restrictive; provides for consideration of the bill in the House	N/A.
H.R. 2491 H. Con. Res. 109	7 Year Balanced Budget Reconciliation Social Security Earnings Test Reform.	H. Res. 245	Restrictive; makes in order H.R. 2517 as original text; waives all pints of order against the bill; Makes in order only H.R. 2530 as an amendment only if offered by the Minority Leader or a designee; waives all points of order against the amendment; waives cl 5(c) of rule XXI (⅗ requirement on votes raising taxes); PQ.	1D
H.R. 1833	Partial Birth Abortion Ban Act of 1995	H. Res. 251	Closed	N/A.
H.R. 2546	D.C. Appropriations FY 1996	H. Res. 252	Restrictive; waives all points of order against the bill's consideration; Makes in order the Walsh amendment as the first order of business (10 min.); if adopted it is considered as base text; waives cl 2 and 6 of rule XXI against the bill; makes in order the Bonilla, Gunderson and Hostettler amendments (30 min.); waives all points of order against the amendments; debate on any further amendments is limited to 30 min. each.	N/A
H.J. Res. 115	Further Continuing Appropriations for FY 1996	H. Res. 257	Closed; Provides for the immediate consideration of the CR; one motion to recommit which may have instructions only if offered by the Minority Leader or a designee.	N/A
H.R. 2586	Temporary Increase in the Statutory Debt Limit	H. Res. 258	Restrictive; Provides for the immediate consideration of the CR; one motion to recommit which may have instructions only if offered by the Minority Leader or a designee; self-executes 4 amendments in the rule; Solomon, Medicare Coverage of Certain Anti-Cancer Drug Treatments, Habeas Corpus Reform, Chrysler (MI); makes in order the Walker amend (40 min.) on regulatory reform.	5R
H.R. 2539	ICC Termination	H. Res. 259	Open; waives section 302(f) and section 308(a)	
H.J. Res. 115	Further Continuing Appropriations for FY 1996	H. Res. 261	Closed; provides for the immediate consideration of a motion by the Majority Leader or his designees to dispose of the Senate amendments (1hr).	N/A.
H.R. 2586	Temporary Increase in the Statutory Limit on the Public Debt	H. Res. 262	Closed; provides for the immediate consideration of a motion by the Majority Leader or his designees to dispose of the Senate amendments (1hr).	N/A.
H. Res. 250	House Gift Rule Reform	H. Res. 268	Closed; provides for consideration of the bill in the House; 30 min. of debate; makes in order the Burton amendment and the Gingrich en bloc amendment (30 min. each); waives all points of order against the amendments; Gingrich is only in order if Burton fails or is not offered.	2R
H.R. 2564	Lobbying Disclosure Act of 1995	H. Res. 269	Open; waives cl. 2(l)(6) of rule XI against the bill's consideration; waives all points of order against the Istook and McIntosh amendments.	N/A.
H.R. 2606	Prohibition on Funds for Bosnia Deployment	H. Res. 273	Restrictive; waives all points of order against the bill's consideration; provides one motion to amend if offered by the Minority Leader or designee (1 hr non-amendable); motion to recommit which may have instructions only if offered by Minority Leader or his designee; if Minority Leader motion is not offered debate time will be extended by 1 hr.	N/A.
H.R. 1788	Amtrak Reform and Privatization Act of 1995	H. Res. 289	Open; waives all points of order against the bill's consideration; makes in order the Transportation substitute modified by the amend in the report; Bill read by title; waives all points of order against the substitute; makes in order a managers amend as the first order of business, if adopted it is considered base text (10 min.); waives all points of order against the amendment; Pre-printing gets priority.	N/A.
H.R. 1350	Maritime Security Act of 1995	H. Res. 287	Open; makes in order the committee substitute as original text; makes in order a managers amendment which if adopted is considered as original text (20 min.) unamendable; pre-printing gets priority.	N/A.
H.R. 2621	To Protect Federal Trust Funds	H. Res. 293	Closed; provides for the adoption of the Ways & Means amendment printed in the report. 1 hr. of general debate; PQ.	N/A.
H.R. 1745	Utah Public Lands Management Act of 1995	H. Res. 303	Open; waives cl 2(l)(6) of rule XI and sections 302(f) and 311(a) of the Budget Act against the bill's consideration. Makes in order the Resources substitute as base text and waives cl 7 of rule XVI and sections 302(f) and 308(a) of the Budget Act; makes in order a managers' amend as the first order of business, if adopted it is considered base text (10 min).	N/A.
H. Res. 304	Providing for Debate and Consideration of Three Measures Relating to U.S. Troop Deployments in Bosnia.	N/A	Closed; makes in order three resolutions; H.R. 2770 (Dornan), H. Res. 302 (Buyer), and H. Res. 306 (Gephardt); 1 hour of debate on each.	1D; 2R
H. Res. 309	Revised Budget Resolution	H. Res. 309	Closed; provides 2 hours of general debate in the House; PQ	N/A.
H.R. 558	Texas Low-Level Radioactive Waste Disposal Compact Consent Act	H. Res. 313	Open; pre-printing gets priority	N/A.
H.R. 2677	The National Parks and National Wildlife Refuge Systems Freedom Act of 1995.	H. Res. 323	Closed; consideration in the House; self-executes Young amendment	N/A.
PROCEDURE IN THE 104TH CONGRESS 2D SESSION				
H.R. 1643	To authorize the extension of nondiscriminatory treatment (MFN) to the products of Bulgaria.	H. Res. 334	Closed; provides to take the bill from the Speaker's table with the Senate amendment, and consider in the House the motion printed in the Rules Committee report; 1 hr. of general debate; previous question is considered as ordered. **NR; PQ.	N/A.
H.J. Res. 134 H. Con. Res. 131	Making continuing appropriations/establishing procedures making the transmission of the continuing resolution H.J. Res. 134.	H. Res. 336	Closed; provides to take from the Speaker's table H.J. Res. 134 with the Senate amendment and concur with the Senate amendment with an amendment (H. Con. Res. 131) which is self-executed in the rule. The rule provides further that the bill shall not be sent back to the Senate until the Senate agrees to the provisions of H. Con. Res. 131. **NR; PQ.	N/A.
H.R. 1358	Conveyance of National Marine Fisheries Service Laboratory at Gloucester, Massachusetts.	H. Res. 338	Closed; provides to take the bill from the Speaker's table with the Senate amendment, and consider in the House the motion printed in the Rules Committee report; 1 hr. of general debate; previous question is considered as ordered. **NR; PQ.	N/A.
H.R. 2924	Social Security Guarantee Act	H. Res. 355	Closed; **NR; PQ	N/A.
H.R. 2854	The Agricultural Market Transition Program	H. Res. 366	Restrictive; waives all points of order against the bill; 2 hrs of general debate; makes in order a committee substitute as original text and waives all points of order against the substitute; makes in order only the 16 amends printed in the report and waives all points of order against the amendments; circumvents unfunded mandates law; Chairman has en bloc authority for amends in report (20 min.) on each en bloc; PQ.	5D; 9R; 2 Bipartisan.
H.R. 994	Regulatory Sunset & Review Act of 1995	H. Res. 368	Open rule; makes in order the Hyde substitute printed in the Record as original text; waives cl 7 of rule XVI against the substitute; Pre-printing gets priority; vacates the House action on S. 219 and provides to take the bill from the Speaker's table and consider the Senate bill; allows Chrmn. Clinger a motion to strike all after the enacting clause of the Senate bill and insert the text of H.R. 994 as passed by the House (1 hr) debate; waives germaneness against the motion; provides if the motion is adopted that it is in order for the House to insist on its amendments and request a conference.	N/A.
H.R. 3021	To Guarantee the Continuing Full Investment of Social security and Other Federal Funds in Obligations of the United States.	H. Res. 371	Closed rule; gives one motion to recommit, which if it contains instructions, may only if offered by the Minority Leader or his designee. **NR.	N/A.
H.R. 3019	A Further Downpayment Toward a Balanced Budget	H. Res. 372	Restrictive; self-executes CBO language regarding contingency funds in section 2 of the rule; makes in order only the amendments printed in the report; Lowey (20 min), Istook (20 min), Crapo (20 min), Obey (1 hr); waives all points of order against the amendments; give one motion to recommit, which if contains instructions, may only if offered by the Minority Leader or his designee. **NR.	2D/2R.
H.R. 2703	The Effective Death Penalty and Public Safety Act of 1996	H. Res. 380	Restrictive; makes in order only the amendments printed in the report; waives all points of order against the amendments; gives Judiciary Chairman en bloc authority (20 min.) on en blocs; provides a Senate hook-up with S. 735. **NR.	6D; 7R; 4 Bipartisan.
H.R. 2202	The Immigration and National Interest Act of 1995	H. Res. 384	Restrictive; waives all points of order against the bill and amendments in the report except for those arising under sec. 425(a) of the Budget Act (unfunded mandates); 2 hrs. of general debate on the bill; makes in order the committee substitute as base text; makes in order only the amends in the report; gives the Judiciary Chairman en bloc authority (20 min.) of debate on the en blocs; self-executes the Smith (TX) amendment re: employee verification program; PQ.	12D; 19R; 1 Bipartisan.

FLOOR PROCEDURE IN THE 104TH CONGRESS 1ST SESSION; COMPILED BY THE RULES COMMITTEE DEMOCRATS—Continued

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.J. Res. 165	Making further continuing appropriations for FY 1996	H. Res. 386	Closed; provides for the consideration of the CR in the House and gives one motion to recommit which may contain instructions only if offered by the Minority Leader; the rule also waives cl 4(b) of rule XI against the following: an omnibus appropriations bill, another CR, a bill extending the debt limit. ** NR.	N/A.
H.R. 125	The Gun Crime Enforcement and Second Amendment Restoration Act of 1996.	H. Res. 388	Closed; self-executes an amendment; provides one motion to recommit which may contain instructions only if offered by the Minority Leader or his designee. ** NR.	N/A.
H.R. 3136	The Contract With America Advancement Act of 1996	H. Res. 391	Closed; provides for the consideration of the bill in the House; self-executes an amendment in the Rules report; waives all points of order, except sec. 425(a) (unfunded mandates) of the CBA, against the bill's consideration; orders the PQ except 1 hr. of general debate between the Chairman and Ranking Member of Ways and Means; one Archer amendment (10 min.); one motion to recommit which may contain instructions only if offered by the Minority Leader or his designee; Provides a Senate hookup if the Senate passes S. 4 by March 30, 1996. **NR.	N/A.
H.R. 3103	The Health Coverage Availability and Affordability Act of 1996	H. Res. 392	Restrictive: 2 hrs. of general debate (45 min. split by Ways and Means) (45 split by Commerce) (30 split by Economic and Educational Opportunities); self-executes H.R. 3160 as modified by the amendment in the Rules report as original text; waives all points of order, except sec. 425(a) (unfunded mandates) of the CBA; makes in order a Democratic substitute (1 hr.) waives all points of order, except sec. 425(a) (unfunded mandates) of the CBA, against the amendment; one motion to recommit which may contain instructions only if offered by the Minority Leader or his designee; waives cl 5(c) of Rule XXI (requiring ⅗ vote on any tax increase) on votes on the bill, amendments or conference reports.	N/A.
H.J. Res. 159	Tax Limitation Constitutional Amendment	H. Res. 395	Restrictive; provides for consideration of the bill in the House; 3 hrs of general debate; Makes in order H.J. Res. 169 as original text; allows for an amendment to be offered by the Minority Leader or his designee (1 hr) ** NR; PQ.	1D
H.R. 842	Truth in Budgeting Act	H. Res. 396	Open; 2 hrs. of general debate; Pre-printing gets priority	N/A.
H.R. 2715	Paperwork Elimination Act of 1996	H. Res. 409	Open; Preprinting get priority	N/A.
H.R. 1675	National Wildlife Refuge Improvement Act of 1995	H. Res. 410	Open; Makes the Young amendment printed in the 4/16/96 Record in order as original text; waives cl 7 of rule XVI against the amendment; Preprinting gets priority; **NR.	N/A.
H.J. Res. 175	Further Continuing Appropriations for FY 1996	H. Res. 411	Closed; provides for consideration of the bill in the House; one motion to recommit which, if containing instructions, may be offered by the Minority Leader or his designee. **NR.	N/A.
H.R. 2641	United States Marshals Service Improvement Act of 1996	H. Res. 418	Open; Pre-printing gets priority; Senate hook-up. **PQ	N/A.
H.R. 2149	The Ocean Shipping Reform Act	H. Res. 419	Open; Makes in order a managers amendment as the first order of business (10 min.); if adopted it is considered as base text; waives cl 7 of rule XVI against the managers amendment; Pre-printing gets priority; makes in order an Obestar en bloc amendment.	N/A.
H.R. 2974	To amend the Violent Crime Control and Law Enforcement Act of 1994 to provide enhanced penalties for crimes against elderly and child victims.	H. Res. 421	Open; waives cl 7 of rule XIII against consideration of the bill; makes in order the Judiciary substitute printed in the bill as original text; waives cl 7 of rule XVI against the substitute; Pre-printing gets priority.	N/A.
H.R. 3120	To amend Title 18, United States Code, with respect to witness retaliation, witness tampering and jury tampering.	H. Res. 422	Open; waives cl 7 of rule XIII against consideration of the bill; makes in order the Judiciary substitute printed in the bill as original text; waives cl 7 of rule XVI against the substitute; Pre-printing gets priority.	N/A.
H.R. 2406	The United States Housing Act of 1996	H. Res. 426	Open; makes in order the committee substitute printed in the bill as original text; waives cl 5(a) of rule XXI against the substitute; makes in order a managers amendment as the first order of business (10 min); if adopted it is considered as base text; Pre-printing gets priority; provides a Senate hook-up.	N/A.
H.R. 3322	Omnibus Civilian Science Authorization Act of 1996	H. Res. 427	Open; waives cl 2(l)(2) of rule XI against the bill's consideration; makes in order a managers amendment as the first order of business (10 min); if adopted it is considered as base text; waives cl 5(a) of rule XXI against the bill; pre-printing gets priority.	N/A.
H.R. 3286	The Adoption Promotion and Stability Act of 1996	H. Res. 428	Restrictive; provides consideration of the bill in the House; makes in order the Ways & Means substitute printed in the bill as original text; makes in order a Gibbons amendment to title II (30 min) and a Young amendment (30 min); provides one motion to recommit which may contain instructions only if offered by the Minority Leader or his designee.	1D; 1R
H.R. 3230	Defense Authorization Bill FY 1997	H. Res. 430	Restrictive	41 amends; 20D; 17R; 4 bipartisan
H.R. 3415	Repeal of the 4.3-Cent Increase in Transporation Fuel Taxes	H. Res. 436	Closed	N/A.
H.R. 3259	Intelligence Authorization Act for FY 1997	H. Res. 437	Restrictive	N/A.
H.R. 3144	The Defend America Act	H. Res. 438	Restrictive	1D
H.R. 3448/H.R. 1227	The Small Business Job Protection Act of 1996, and The Employee Commuting Flexibility Act of 1996.	H. Res. 440	Restrictive	2R
H.R. 3517	Military Construction Appropriations FY 1997	H. Res. 442	Open	N/A
H.R. 3540	Foreign Operations Appropriations FY 1997	H. Res. 445	Open	
H.R. 3562	The Wisconsin Works Waiver Approval Act	H. Res. 446	Restrictive.	

*Contract Bills, 67% restrictive; 33% open. ** All legislation 1st Session, 53% restrictive; 47% open. *** All legislation 2d Session, 66% restrictive; 34% open. **** All legislation 104th Congress, 57% restrictive; 43% open. ***** NR indicates that the legislation being considered by the House for amendment has circumvented standard procedure and was never reported from any House committee. ****** PQ Indicates that previous question was ordered on the resolution. ******* Restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules as well as completely closed rules and rules providing for consideration in the House as opposed to the Committee of the Whole. This definition of restrictive rule is taken from the Republican chart of resolutions reported from the Rules Committee in the 103d Congress. N/A means not available.

LEGISLATION IN THE 104TH CONGRESS, 2D SESSION

To date 14 out of 35, of the bills considered under rules in the 2d session of the 104th Congress have been considered under an irregular procedure which circumvents the standard committee procedure. They have been brought to the floor without any committee reporting them. They are as follows:

H.R. 1643, to authorize the extension of nondiscriminatory treatment (MFN) to the products of Bulgaria.

H.J. Res. 134, making continuing appropriations for fiscal year 1996.

H.R. 1358, conveyance of National Marine Fisheries Service Laboratory at Gloucester, Massachusetts.

H.R. 2924, the Social Security Guarantee Act.

H.R. 3021, to guarantee the continuing full investment of Social Security and other Federal funds in obligations of the United States.

H.R. 3019, a further downpayment toward a balanced budget.

H.R. 2703, the effective Death Penalty and Public Safety Act of 1996.

H.J. Res. 165, making further continuing appropriations for fiscal year 1996.

H.R. 125, the Crime Enforcement and Second Amendment Restoration Act of 1996.

H.R. 3136, the Contract With America Advancement Act of 1996.

H.J. Res. 159, tax limitation constitutional amendment.

H.R. 1675, National Wildlife Refuge Improvement Act of 1995.

H.J. Res. 175, making further continuing appropriations for fiscal year 1996.

H.R. 3562, the Wisconsin Works Waiver Approval Act.

Mr. MOAKLEY. Mr. Speaker, the President said "Wisconsin has the makings of a solid, bold welfare reform plan."

He did not say he would sign the waivers sight unseen, without a public comment period. This process is wrong, plain and simply. Vote for the Kleczka substitute.

Mr. Speaker, I yield back the balance of my time.

Mr. SOLOMON. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I will just say, it seems with this President there is always a but. In other words, we never get to it. He says, let us get this done, but. And every time we turn around we hear another but.

Mr. Speaker, what this debate is all about, I spent many years in the county legislature before I came to the State legislature and onto this Congress 18 years ago. We used to complain bitterly about the strings attached from Washington. He wanted to solve our own welfare problems.

Later on, after 6 years in county government, I went to the State government and served in the same capacity on the social services committee. We had the same kind of problems. We knew how to solve our problems but Washington would not let us do it.

That is really what this debate is all about.

We have seen time after time where this Federal Government will not give the waivers to the State governments. This debate is about giving the block grant to the State of Wisconsin and letting them decide in a pilot project how to solve these problems. That is what this debate is all about, it is a block grant going to them.

We do not need to have the ifs, ands, and buts. Let us give them the ability to do it, without any strings attached, and then we can decide if the plan worked. Plan one did work in Wisconsin. It reduced the case load by 40 percent. If this will reduce the case load by another 20 percent and we then take that pilot project and enact it throughout the country, giving each of our States that opportunity, we will have solved this status quo mess that we have today in the form of a welfare program.

Let us get on with it. Let us pass this rule and then let us pass this bill and give Wisconsin without any strings attached the ability to try to solve this problem.

Mr. speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MOAKLEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 363, nays 59, not voting 12, as follows:

[Roll No. 219]

YEAS—363

Ackerman
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clement
Clinger
Coble
Coburn
Coleman
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (TX)
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Gallegly
Ganske
Gejdenson
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Greene (UT)
Greenwood
Gunderson
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Martinez
Martini
Mascara
McCarthy
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Menendez
Metcalf
Meyers
Mica
Miller (CA)
Miller (FL)
Minge
Moakley
Molinari
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Paxon
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Royce
Rush
Salmon
Sanders
Sanford
Saxton
Scarborough
Schaefer
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Studds
Stump
Stupak
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torricelli
Traficant
Upton
Vucanovich
Walker
Walsh
Wamp
Ward
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—59

Abercrombie
Andrews
Becerra
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clyburn
Collins (IL)
Collins (MI)
Conyers
Cummings
Dellums
Fields (LA)
Filner
Frank (MA)
Furse
Gibbons
Gonzalez
Gutierrez
Hilliard
Hoyer
Jackson (IL)
Lewis (GA)
Matsui
McDermott
McHale
Meek
Millender-McDonald
Mink
Nadler
Olver
Owens
Pastor
Payne (NJ)
Pelosi
Rangel
Roybal-Allard
Sabo
Sawyer
Serrano
Skaggs
Slaughter
Stark
Stokes
Tanner
Thompson
Torres
Towns
Velázquez
Vento
Visclosky
Volkmer
Waters
Watt (NC)
Waxman
Wynn
Yates

NOT VOTING—12

Allard
Cunningham
Fattah
Gephardt
Hayes
Jackson-Lee (TX)
Lincoln
Markey
Mollohan
Payne (VA)
Schiff
Williams

☐ 1201

Ms. ROYBAL-ALLARD, Mr. BRYANT of Texas, and Mr. OLVER changed their vote from "yea" to "nay."

Mr. BONO and Mr. WISE changed their vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1462

Mr. VOLKMER. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 1462.

The SPEAKER pro tempore (Mr. INGLIS of South Carolina). Is there objection to the request of the gentleman from Missouri?

There was no objection.

LIMITING AMENDMENTS AND TIME FOR CONSIDERATION ON CERTAIN AMENDMENTS DURING FURTHER CONSIDERATION OF H.R. 3540, FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1997

Mr. CALLAHAN. Mr. Speaker, I ask unanimous consent that during the further consideration of H.R. 3540 in the Committee of the Whole, pursuant to the House Resolution 445, that no amendments to the bill shall be in order except the following amendments, if offered by the Member specified or his designee:

Amendments numbered 54, 58, and 76 offered by the gentleman from Wisconsin [Mr. OBEY]; amendment No. 10 offered by the gentleman from Massachusetts [Mr. FRANK]; amendment No. 69 offered by the gentleman from Indiana [Mr. SOUDER]; and amendment No. 75 offered by the gentleman from New Jersey [Mr. ZIMMER].

I further ask unanimous consent that debate on each amendment and all amendments thereto shall be limited to 20 minutes, equally divided and controlled by the proponent and an opponent, except that amendments numbered 54 and 10 shall each be debatable for not to exceed 45 minutes, and consideration of these amendments proceed without intervening motion, except one motion to rise, if offered by myself.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

Mr. OBEY. Reserving the right to object, Mr. Speaker, could I simply ask the gentleman, on amendment No. 69, I confess I am not fully familiar with the contents. Is there any intention that there is going to be an amendment to amendment No. 69?

Mr. CALLAHAN. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Alabama.

Mr. CALLAHAN. Mr. Speaker, I would tell the gentleman, not to my knowledge. I think the gentleman from Indiana [Mr. SOUDER] had two amendments. The second amendment I think is amendment No. 69, which he intends to offer, an amendment on Mexico that has to do with encouraging them to crack down on drug trafficking. There is no second degree amendment.

Mr. OBEY. There is no amendment? I thank the gentleman, Mr. Speaker.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

WISCONSIN WORKS WAIVER APPROVAL ACT

Mr. ARCHER. Mr. Speaker, pursuant to House Resolution 446, I call up the bill (H.R. 3562) to authorize the State of Wisconsin to implement the demonstration project known as Wisconsin Works, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 446, the amendment printed in section 2 of the resolution is adopted.

The text of H.R. 3562, as amended by the amendment printed in section 2 of House Resolution 446, is as follows:

H.R. 3562

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORITY TO IMPLEMENT WISCONSIN WORKS DEMONSTRATION PROJECT.

(a) IN GENERAL.—Upon presentation by the State of Wisconsin of the document entitled "Wisconsin Works" (as signed into State law by the Governor of Wisconsin on April 26, 1996) to the appropriate Federal official with respect to any Federal entitlement program specified in such document—

(1) such official is deemed to have waived compliance with the requirements of Federal law with respect to such program to the extent and for the period necessary to enable the State of Wisconsin to carry out the demonstration project described in the document; and

(2) the costs of carrying out the demonstration project which would not otherwise be included as expenditures under such program shall be regarded as expenditures under such program.

(b) LIMITATION OF COSTS.—Subsection (a)(2) shall not apply to the extent that—

(1) the sum of such costs and the expenditures of the State of Wisconsin under all programs to which subsection (a) applies during any testing period exceeds.

(2) the total amount that would be expended under such programs during such testing period in the absence of the demonstration project.

(c) TESTING PERIOD.—For purposes of subsection (b), the testing periods are—

(1) the 5-year period that begins with the date of the commencement of the demonstration project, and

(2) the period of the demonstration project.

(d) RECAPTURE OF EXCESS.—If at the close of any testing period, the Secretary of Health and Human Services determines that the amount described in subsection (b)(1) exceeds the amount described in subsection (b)(2) for such period, such Secretary shall withhold an amount equal to such excess from amounts otherwise payable to the State of Wisconsin under section 403 of the Social Security Act (relating to the program of aid to families with dependent children) for the first fiscal year beginning after the close of such period. The preceding sentence shall not apply to the extent such Secretary is otherwise paid such excess by the State of Wisconsin.

SEC. 2. NO EFFECT ON CERTAIN OTHER WAIVERS GRANTED TO THE STATE OF WISCONSIN.

This Act shall not be construed to affect the terms or conditions of any waiver granted before the date of the enactment of this Act to the State of Wisconsin under section 1115 of the Social Security Act, including earned waiver savings and conditions. The current waivers are considered a precondition and can be subsumed as part of the Wisconsin Works demonstration.

SEC. 3. AUTHORITY TO PARTICIPATE UNDER SUBSEQUENT LEGISLATION.

If, after the date of the enactment of this Act, any Federal law is enacted which modifies the terms of, or the amounts of expenditures permitted under, any program to which section 1 applies, the State of Wisconsin may elect to participate in such program as so modified.

The SPEAKER pro tempore. The gentleman from Texas [Mr. ARCHER] and the gentleman from Wisconsin [Mr. KLECZKA] will each be recognized for 30 minutes.

The Chair recognizes the gentleman from Texas [Mr. ARCHER].

GENERAL LEAVE

Mr. ARCHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 3562, the bill presently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it has been 8 days since the President formally received the request for Wisconsin waivers from Governor Tommy Thompson. He still has not approved it. As Members will recall, the President endorsed the Governor's request to implement his innovative welfare initiative by waiving the cumbersome and counterproductive Federal rules and regulations that govern welfare.

The American people noted the great speed with which the President went on national radio to endorse the Wisconsin waivers, once he had learned that Senator BOB DOLE would visit Wisconsin to announce his own welfare proposal. But as of today, 8 days after the President's ringing endorsement, the Clinton administration has yet to sign the Wisconsin waivers.

Under the Social Security Act, the Clinton administration has the immediate authority to sign the Wisconsin waivers. Given his radio address, there should be no reason for the Clinton administration to negotiate, study, or otherwise delay the waivers Wisconsin seeks.

To help the President refocus his energy on the Wisconsin waivers, today we initiate this legislative process of sending the President the Wisconsin waivers in legislative form. The President endorsed the Wisconsin proposal, and now we are giving him the opportunity to personally approve it by signing this bill. We eagerly await his signature.

Mr. Speaker, pursuant to the rule, I designate the gentleman from Wisconsin [Mr. KLUG] to hereafter control the time for debate.

Mr. Speaker, I reserve the balance of my time.

Mr. KLECZKA. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin [Mr. OBEY], the dean of the Wisconsin delegation.

Mr. OBEY. Mr. Speaker, the biggest social failure in this country is welfare. I think everybody understands that. It is a mess. It destroys work incentives. It is hated by many of the people on it and it is hated by the taxpayers. I think the No. 1 priority of the country is to see welfare reformed, and I do not believe that the country is going to have much confidence in its Government until the Government demonstrates that it can distinguish between the truly needy and those who take no personal responsibility. The American people deserve to have the welfare issue dealt with in a way that puts their needs first.

Instead, in my view, the issue is being used as a political football by politicians to meet the needs of politicians, in order to help them gain an edge on each other. This bill is part of that circus. It is not real, it will not become law, it is simply part of a political game to tweak the President of the United States. The problem is that long after President Clinton and would-be President DOLE are gone, my constituents will have to live with the consequences.

We have before us today one-half of Governor Thompson's welfare reform package. Under the Wisconsin welfare reform package, low-income people are going to be taken off welfare in many instances, but the second half of the welfare package in Wisconsin is to put the Milwaukee Brewers and their owner on welfare, making them biggest welfare queen in Wisconsin. I find that interesting.

What we have before us is the fact that the Wisconsin legislature passed a reform bill. The Governor may have had 27 separate changes in it through item vetoes. The normal next step is for the Department of Health and Social Services to allow a 30-day comment period from the public, and then make a decision on the welfare requests. This bill cuts the public out. It simply says that 435 people in the Congress of the United States, at least in the House, who have never read the waiver proposition, who know virtually nothing about it, are going to be voting on it, instead of allowing the department to proceed to do what it has done on every other occasion, which is to grant waiver requests which Wisconsin has made.

The gentleman from Wisconsin [Mr. KLECZKA] and the rest of the Democrats in the Wisconsin delegation are offering a simple substitute. Since, after all, this welfare reform proposal does not go into effect until September 1997, it simply urges the department to approve Wisconsin's request after two conditions are met: Number one, after we have a 30-day comment period, so that the public can be cut in on the deal, and they can finally have a say-so so our constituents can participate, not just the politicians at the State and the Federal level; and second, after the department has determined that the alternative meets each of the seven tests laid down for it by the Governor himself in his document, on page 4.

Unlike the bill, we do not cut out the public, and we do not have the Congress interfering in something it knows nothing about. I want to make very clear, Mr. Speaker, that when the President spoke 2 weeks ago and endorsed the general thrust of the Wisconsin plan, he said that that plan had the makings of a good proposal, and that he wanted to work with the State of Wisconsin to see it accomplished.

That is exactly what ought to happen. We ought to stop inventing differences where there are none. We ought to stop the politics. We ought to get on with the process and get those waivers approved so Wisconsin can proceed with the experiment that the legislature passed, which the Governor changed with his vetoes and which they are now asking the Federal Government to support. That is the nonpolitical, rational way to go about things, and I urge Members to support the Kleczka amendment.

Mr. KLUG. Mr. Speaker, I yield myself such time as I may consume.

Let me make a point, in response to my colleague and friend, the gentleman from Wisconsin [Mr. OBEY]. He said that by passing this waiver, we will cut the public out. I think anything but the contrary. The public, which should be involved in this decision, has already been involved in the decision. It is the residents of the State of Wisconsin who had 30 hearings and town meetings, 120 hours of debate in the Wisconsin State legislature, and 2,000 residents participated in those venues.

Mr. SENSENBRENNER. Mr. Speaker, will the gentleman yield?

Mr. KLUG. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Speaker, I would just like to point out that in the hometown of the gentleman from Wisconsin [Mr. OBEY], hometown of Wausau, there was a 7-hour public hearing on October 17, 1995, where 82 individuals either appeared or registered before the committee at the hearing.

What the gentleman from Wisconsin [Mr. OBEY] apparently wants to do is to ignore the input that those 82 individuals gave in his hometown to elected legislators, and have bureaucrats in the Department of Health and Human Services end up deciding what waivers to approve, what waivers to modify, and what waivers to reject, and thus write the final welfare reform plan. I have much greater faith in the folks who appeared at the hearing in Wausaw than the folks across the street in the HHS building.

Mr. KLUG. Reclaming my time, Mr. Speaker, and we will have plenty of time to enter in a dialogue, but I want to follow up on another point to say that two-thirds of the Wisconsin State Assembly voted for and three-quarters of the Wisconsin State Senate, and in fact, the Democratic candidate for Governor who ran against Tommy Thompson last time, supported the plan and voted for the plan. It is a plan that Republicans and Democrats in Wisconsin support.

The bottom line in all of this, Mr. Speaker, is whose values do we trust: Do we trust the values of the folks back in Wisconsin, sitting down at the lunch counter right now, or do we trust the folks stuffing the file cabinets right here somewhere in Washington? It is Main Street values versus Washington values.

□ 1215

Do you trust the judgment of the Wisconsin bipartisan legislature or do you trust the judgment of the technocrats and the bureaucrats here in the Nation's Capital?

Mr. Speaker, I yield 4 minutes and 30 seconds to my colleague, the gentleman from Wisconsin [Mr. NEUMANN], to detail the waiver application itself.

Mr. NEUMANN. Mr. Speaker, I would just like to point out that the bill is very, very straightforward. It very simply says that we grant Wisconsin the ability to go ahead with the welfare reform plan that has been passed through the State legislature.

I have been looking for a way to best describe the Wisconsin Works Program. I would like to read what I found to be one of the better descriptions of the program. I quote this now. It says: Under the Wisconsin plan, people on welfare who can work must work immediately. The State will see to it that the work is there, in the private-sector jobs that can be subsidized if necessary, or community-service jobs if there are no private jobs available.

The State says it will also see to it that families have health care and child care so that parents can go to work without worrying about what will happen to their children, but they must go to work or they will not get paid. If they do work, of course, they will have the dignity of earning a paycheck, not a welfare check.

Mr. Speaker, the plan would send a clear message to teen parents as well. If you are a minor with a baby, you will receive benefits only if you stay in school, live at home and turn your life around. Those words adequately and directly describe the Wisconsin plan.

I have been hearing today that somehow President Clinton did not know what was in this plan. Those words describing the Wisconsin plan, Governor Tommy Thompson's plan, those words are President Clinton's words during his radio address. I would point out that they very directly describe the Wisconsin plan. He knew exactly what was in the plan when he said, and I quote again, we should get it done, referring to granting the Wisconsin waivers.

I have heard this is about partisan politics today. I have a very difficult time understanding how we can call it partisan politics when a Republican Congress is saying to a Democrat President, we are honoring your wishes, here it is, let us do what you said, let us get it done. That is what this is all about.

Mr. Speaker, I might add on the political front, I find myself in a very unique position of being out in Washington, DC, doing the best job I can to see to it that legislation voted for by a potential opponent of mine in the next election, Judy Robeson from Beloit, she voted for this bill, a Democrat on the other side from my own district and potentially a candidate against me in the next race. I am here working to see to it that her good work in fact gets enacted into law.

I would like to also address the comment that there have been no public hearings on this. There has been 18 months of hearings in the State of Wisconsin on this. After 18 months the people in the State of Wisconsin did what the American people want all of us to do. They cut through the Republican-Democrat gridlock that seems to bring this place, Washington DC, to a grinding halt. They cut through that. They developed a welfare reform package requiring able-bodied welfare recipients to go back into the work force while taking care of health care and child care, but they did this with both the votes of the Democrats and the Republicans.

The majority of the Democrats in the State of Wisconsin voted for this plan. All of the Republicans voted for it. All in all, the vote was 100 to 31 in favor of it.

Mr. Speaker, this plan is budget neutral. It does not cost the taxpayers from Washington, DC, at least an additional nickel. I would also like to add to my colleagues on this side of the aisle that, when they voted for H.R. 4 approximately a year ago, if that bill had been signed into law rather than vetoed by the President of the United States, we would not be standing here having this debate today. Wisconsin works for Gov. Tommy Thompson and the Republicans and Democrats in the State legislature would already be enacted into law and would be rapidly moving forward.

There is one more point that I find extremely ironic in this debate. The whole context of this debate is that we somehow need 30 days out here for the Washington bureaucrats to rewrite the Wisconsin plan. I would like you to think about what exactly that means.

In Wisconsin, we have a Governor and a State legislature that has balanced the budget year after year after year. They have just enacted a huge tax cut. That is, they have reduced the tax burden on the people in the State of Wisconsin. They have balanced the budget. They have cut the taxes. Business is booming in the State of Wisconsin providing job opportunities for people to leave the welfare rolls and once again have a shot at the American dream. Who are we asking for a 30-day review of this process? The Washington bureaucrats, 900 miles from the State of Wisconsin.

Who are we asking to do this review? Who do they want, these Washington bureaucrats to review and Washingtonize this Wisconsin plan? Well, they are the very same people that have plunged our Nation $5 trillion in debt. They have not balanced a budget in a generation, for goodness sakes. In 1993 they not only did not reduce taxes on the American people, they passed the biggest tax increase in the history of this Nation.

How is it that we would think that we should take this Wisconsin plan and bring it out here to Washington, DC, and have it reviewed by these people who have done exactly the opposite of what we should be doing in this Nation, instead of plunging us into debt and not balancing the budget, increasing the welfare rolls. That is not what we ought to be doing. And I will conclude my remarks. Maybe we should ask the people of Wisconsin to review Washington work.

Mr. KLECZKA. Let me try to bring the debate back to the issue here. I yield myself 30 seconds.

The issue before us is not to rehash or redo the State legislative enactment; that is the law of the land in the State of Wisconsin. What we are trying to do here, what we are talking about is process. There is a process for when States ask for waivers. Like it or not, that is the process that has been used.

So, what the Republican proposal today does is cut out the public's input into this process. Do not give me this baloney about the bureaucrats and everything else. The 30 days is so the public, and I will give you some of the names who have asked for this opportunity from Wisconsin and from out of Wisconsin, but they just want an opportunity to be heard. Why are we cutting that out? What do we have to fear?

Mr. Speaker, I yield 30 seconds to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Speaker, let me simply say that the gentleman referred to the hearing that was held in my hometown. I would simply observe that that hearing was held before the fact. The citizens of Wisconsin have had no opportunity to comment on their view of the Governor's 97 item vetoes and the changes that that made in the process.

My understanding is he made 97 changes on 27 separate items. I would bet that no member of the Wisconsin delegation can define those.

So all we are saying is we ought to leave the process to the same people who provided Wisconsin's nine previous waivers. At least they know something about what is in the package. Certainly no one on this floor does.

Mr. KLECZKA. Mr. Speaker, I yield 3 minutes to the gentleman of California [Mr. STARK], formerly from the State of Wisconsin.

Mr. STARK. Mr. Speaker, I thank the distinguished gentleman from the south side of Milwaukee.

I grew up on the west side of Milwaukee. We used to beat Janesville in basketball at Wauwatosa High School.

Mr. NEUMANN. I personally take offense at that. The basketball teams in Janesville are dynamically great.

Mr. STARK. I am sure big guys like you would have whipped short guys like me.

Perhaps the gentleman from Janesville would indulge me for a few minutes, because I understand that he understands what they have done in Wisconsin; but I cannot quite understand what it is here that he is asking us to do today.

For instance, in his waivers he is asking to waive fair hearing rights. Can he explain to me what fair hearing rights he wants to waive? What fair hearing rights does the gentleman from Wisconsin [Mr. NEUMANN] want to waive here?

Mr. NEUMANN. What we are doing in this bill is we are simply expressing our confidence in the State of Wisconsin legislature.

Mr. STARK. The gentleman lists waivers that he is asking for. One of the waivers is fair hearing rights.

Mr. NEUMANN. No, no, no. What this bill does, very simply, is this bill very simply says we have confidence in the people of the State of Wisconsin.

Mr. STARK. I am sorry, I trust the gentleman, but I would like to know. This is an area in which I have legislated for some time. What fair hearing rights is he waiving, for example? He is waiving, in item 17 in his bill, in the record, the gentleman is saying he is waiving lump sums. I think he meant some lumps, but.

Mr. NEUMANN. We can gladly spend the rest of the debate time on this. If the gentlemen would like me to read a description of that, it is item No. 5 in the description. It says: Applicants for and participants in W-2 employment positions—trial job, CSJ or W-2 T—may appeal a W-2 agency's decision related to eligibility or benefits. The appeal process provided for is similar to the conciliation process under the JOBS Program.

So we can go through these.

Mr. STARK. Why is that not in the bill? What is the gentleman reading from?

Mr. NEUMANN. I am reading from the thing that has been referred to in the Register. But the point here is this.

Mr. STARK. Excuse me. That is not in the bill; is it?

Mr. NEUMANN. The thing is I do not happen to think that we need a Washington review of what has already been done.

Mr. STARK. We do not need a review, but we need a bill that we can read. We are spending taxpayers' money to help Wisconsin.

Mr. NEUMANN. That is money from the taxpayers in the State of Wisconsin, and they have already decided how they would like to spend that tax money. I for one believe that the people in the State of Wisconsin ought to have the right to decide how that tax money has been spent. I would like to point out about the cost.

Mr. STARK. Mr. Speaker, if I could reclaim my time for a moment, the gentleman is asking me to vote for some 88 waivers here which he described to me. I do not have any time to review this. The gentleman has had the experience of all of these hearings or had the experience of reviewing this. If I could just finish.

Mr. KLUG. Mr. Speaker, I yield myself such time as I may consume. I would like to ask a question of the gentleman from Wisconsin [Mr. SENSENBRENNER].

Our colleague from Wisconsin, Mr. OBEY made the point saying that, since the Governor's veto, nobody has had the opportunity to review this. But I would ask the gentleman, is it his experience when he served in the Wisconsin State Legislature that obviously the Wisconsin State Legislature, which passed this plan two-thirds in the assembly, three-quarters in the State Senate, could have overridden the Governor's vetoes and changed it; could they not?

Mr. SENSENBRENNER. Mr. Speaker, if the gentleman will yield, that is correct, and there is a veto session of the Wisconsin Legislature scheduled for July 9, 10, and 11. The State legislature can decide to override any one of the vetoes that the Governor has chosen to make.

Mr. KLUG. I thank the gentleman for making that point.

Mr. Speaker, I yield 2 minutes to my colleague, the gentleman from Wisconsin [Mr. SENSENBRENNER].

Mr. SENSENBRENNER. Mr. Speaker, the other gentleman from Wisconsin has claimed that nobody has had a chance to review the bill after the Governor has made his line-item veto. The President of the United States has had a chance to review it, because the statements that he made in support of Wisconsin's W-2 plan were after the Governor vetoed parts of the W-2 plan and signed it into law. And he said, all in all, Wisconsin has the makings of the solid, bold, welfare reform plan. We should get it done.

Now, what we are hearing from the other side of the aisle is that we should cloud the issue more. We should confuse the issue more. And we should end up giving the bureaucrats in the Federal Department of Health and Human Services the opportunity to modify the waiver request, as they usually do when waivers are requested, and thus end up by bureaucratic fiat changing the welfare reform plan that the elected legislators of Wisconsin and the Governor of this State have decided is in the State's interest.

That philosophy is wrong. The reason this bill is before us today is so that Congress can allow Wisconsin to get on with the job of reforming its welfare system.

Now, let me say that what we are doing here is really not unprecedented. There have been three instances in the last 10 years where Congress has legislatively approved welfare reform waivers requested by the Governors of various States. In the Omnibus budget Reconciliation Act of 1987, two of them were approved, one from the State of Washington on a demonstration project permitting the operation of a family independence program as an alternative to AFDC, and the other from the State of New York as another demonstration project as an alternative to AFDC.

In the Omnibus Reconciliation Act of 1989, Minnesota was permitted to conduct a demonstration project of its family investment plan. Now, to my knowledge, there were no hearings conducted by the folks on the other side when those three requests for waivers came before Congress for approval. We should not do it here.

Mr. KLECZKA. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Speaker, I want to make one thing clear again. This Wisconsin proposal does not go into effect until late 1997. There is absolutely no reason for 435 people who do not know their ear from second base about what is in this package to actually vote on it rather than having the people who have approved the previous nine requests Wisconsin has had for waivers making their decision on it.

I am tired of hearing what the President said misdescribed. The President had not seen the submission document that the Governor was going to present to him. The President in his radio statement simply said, "I am encouraged by what I have seen so far". He said, Wisconsin "has the makings" of a solid, bold, welfare reform plan.

"I pledge my administration will work with Wisconsin to make an effective transition to a new vision of welfare."

□ 1230

Why do we not take him up on it? Instead of having a cheap political grandstand for 2 hours on this floor, we ought to be taking the President up on that on a bipartisan basis. Quit inventing differences where there are none.

Mr. KLECZKA. Mr. Speaker, I yield 2½ minutes to the gentlewoman from Florida [Mrs. THURMAN].

Mrs. THURMAN. Mr. Speaker, I am glad we are having this discussion today because I think that we have all agreed that we do want welfare reform, and there is a bigger picture here because we will take up and have taken up H.R. 4. But today we are talking about and the leadership is offering the Wisconsin welfare plan as its model for welfare reform.

If this is the ideal, then why do we continue in this body to offer a welfare plan that cuts the money necessary to achieve the very goals contained in the Wisconsin plan? Wisconsin says it want to require work, provide job training, child care, and health care. This assistance is going to cost money.

In fact, Wisconsin recognizes that in order to move people from welfare to work, it is going to have to spend more money than it currently does. How can they possibly achieve their goals under H.R. 4?

The Congressional Budget Office report said that H.R. 4 did not include sufficient funds to meet the work requirements in their welfare bill. How can Wisconsin then meet the more ambitious and more costly work requirements that are included in their plan? What about child care? There certainly is not enough money in H.R. 4 to provide for the level of care Wisconsin is proposing. Wisconsin's promises then probably simply will be broken.

So as we have this debate and as we play the politics today on this issue, let us remember that it is possible to achieve welfare reform that cares about children. This should be our goal. Florida has a waiver request to achieve this goal. Wisconsin believes that it has a plan to reach it, as well. However, let us not kid ourselves into believing that these State initiatives are consistent with the welfare plan that has passed this body.

States do want to be innovative and successful in their efforts to move people from welfare to work. President Clinton wants to help them. In fact, he has approved waivers in 38 States. Of course, we would rather have national welfare reform, but national reform is of no value unless it meets the cost of State plans. We have not done this in the bills offered on this floor.

I hope that my colleagues on the other side of the aisle will consider the questions I have raised. Then maybe we can find out how Wisconsin's waiver is consistent with the Republican welfare agenda, and I would not be surprised if the answer is simply no, not the welfare agenda, only the political agenda, and I think that is sad.

Mr. KLUG. Mr. Speaker, I yield myself such time as I may consume.

Let me make the point that not only does Wisconsin wait for its waiver approval from the White House but also the State of Florida has waiver applications pending, as does the State of California, the State represented by Mr. STARK who spoke earlier. Again the question is, do you trust the States to do it or does it always have to be stamped right here in Washington?

Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin [Mr. ROTH] to explain why we can do it back home, we do not need to do it here.

Mr. ROTH. I thank my friend from Wisconsin [Mr. KLUG] for yielding me this time. I want to congratulate him and the other Members of the Wisconsin delegation for all the work they have done on this legislation.

Mr. Speaker, let me say this. The Wisconsin Legislature has the most dedicated and the most intelligent people of any legislature in America, and they have made their judgment on this after 18 months of debate.

Today on the floor is what I call the yes butters day. Yes; I am for welfare reform, but not today. I am for welfare reform, but not on this bill. I am for welfare reform but not under these conditions, you see. The yes butters. They know back home the people are for the legislation but they do not have the courage to vote that way, so we have got to have the yes but.

I have to chuckle when people come up here and say the President, this is what he said, look at what he said here. Do you mean to tell me the President of the United States did not know what he was talking about when he talked to the Nation?

President Clinton certainly has some intellectual integrity. He is not a man that will just say anything for votes. Certainly the President of the United States has some intellectual integrity, that when he makes a statement to the Nation, he knows what he is talking about. Do you mean to tell me that he just gets up and verbalizes and does not think about what he is saying? The President does know.

The present system is the poverty preservation program and we are talking about changing it. Yes; change comes hard, because we are all tied to our past. That is what we are asking for, for change.

This weekend we had a big demonstration here in Washington. A quarter of a million people turned out, they said for our children. We in Wisconsin are coming to the Nation to say we want you to pass this legislation for our children, too. We in Wisconsin are willing to take the risk. What are you afraid of?

We in Wisconsin know that the present system does not work. That is No. 1. No. 2, anything is better than what we have today. No. 3, Wisconsin, yes; is willing to take the risk. And, No. 4, the Wisconsin assembly and legislature after 18 months of debate have passed this legislation.

We are coming to you with a package for change. All we are asking you to do is to have some confidence in yourself. Change is difficult, yes; but change is needed and that is what this legislation is doing.

We are moving with this legislation from the liberal welfare state to the information society. Seventy-five years ago we were debating moving from the agricultural society to the industrial revolution, and the Nation listened to Wisconsin and we are thankful for it.

Today we are again moving, now from the industrial revolution to the information society, and we are saying, "You were right 75 years ago, America, to listen to Wisconsin." We are asking you to be right again and to be with us again today.

Mr. KLECZKA. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I enjoyed listening to the comments of my colleague from Wisconsin [Mr. ROTH]. The problem with his remarks is that they are about 2 weeks early because they should be directed at the welfare reform bill that will be on this floor in about a 2-week period, once the committee I serve on has had a chance to have some public hearings and mark it up.

I should say, on the whole issue of welfare reform, the gentleman indicates, "Yes, I'm for welfare reform but." "I'm for welfare reform but."

Well, this gentleman is for welfare reform and he put his voting card where his mouth is, and the last time we had a vote on the welfare reform bill, the conference committee, I did support it. So the issue here is not whether or not we should have welfare reform in this country. That is a done deal. The question is the process and public hearings.

Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee [Mr. TANNER].

Mr. TANNER. I thank the gentleman from Wisconsin [Mr. KLECZKA] for yielding time.

Mr. Speaker, several days ago a group of Democrats and Republicans here in the House introduced a national welfare reform bill called H.R. 3266. It is unfortunate, I think, that we are wasting the time of the U.S. Congress debating what should or should not happen in Wisconsin.

We have a process in place that works. Most everybody here has acknowledged that, to take care of these States that are doing their own and requesting waivers and so forth.

We are a national body. If we are going to spend the time of this Congress on the floor on welfare, it seems to me we ought to be discussing a national welfare bill. We have introduced, a bipartisan group, H.R. 3266, that is consistent in many ways with the provisions of the Wisconsin plan. It has bipartisan support. The President has indicated he can work with us to resolve a few outstanding issues on that.

It seems to me that if the Republican leadership wanted to help Wisconsin and all the other 49 States in this country, we could bring a national welfare bill to the floor like H.R. 3266 which gives not only Wisconsin but all the other States the ability to make the changes they need to make, want to make and vote to make, without all this nonsense and windbagging on the floor today about who said what or when.

It is unfortunate that we are spending all this time to talk about what should happen in Wisconsin. They are entitled to vote on that. Even the Members from Wisconsin cannot agree.

So I would just ask the leadership that sets the agenda around here, let us be a U.S. Congress and talk about a national welfare reform bill that will allow all the States to do whatever it is they want to do. We have that bipartisan bill in place and I wish we could get it to the floor.

My colleague, MIKE CASTLE, and I have introduced H.R. 3266, a bipartisan welfare reform bill which would allow real welfare reform to work. I would rather be here debating that bill because such a debate would be much more fruitful.

This situation we are confronted with in this bill is quite unusual. There is a procedure in place for approving waivers which has proven quite effective in recent months. In fact, many waivers with provisions similar to those in the Wisconsin plan have been approved or are pending approval. Yet, the leadership has only chosen to bring this request for waiver to the floor.

Furthermore, the other body has already indicated that it has no plans to consider this bill. So, this is it. This bill is dead as soon as we vote on it.

Therefore, it is abundantly clear that this is not about welfare reform at all but rather Presidential politics. The President has indicated he supports the plan as described by Governor Thompson and some folks are hoping to embarrass or put the President in a box—so this is all much ado about nothing.

But, since it is on the floor I will take advantage of this opportunity to make a few substantive points.

In terms of the merits of this individual proposal—I agree with the basic blueprint or program outlined in the Wisconsin proposal as I understand it. The proposal includes a limit on benefits, requires work, as well as a guarantee of health care, child care, and whatever assistance might be required to move from welfare to work.

In fact, the blueprint is consistent with the bipartisan reform bill Governor CASTLE and I have introduced. So, on it's face the plan is something I can certainly live with.

But the question we should be looking at today is not whether the freestanding Wisconsin plan passes the test. The question we should be asking is how does this plan stand up when it is considered in the context of the national reform bill which has marked up in subcommittee. Once this is done, we see that the Wisconsin waiver no longer looks as good. In fact, we find that the plan has a fundamental flaw. The flaw lies in the phrase, "based on reasonable budget estimates."

Many jobs still do not provide comprehensive health care. Therefore, any reform effort must include health care to allow recipients to leave welfare for work. In addition, reform must include child care so that recipients are free to pursue employment. Last, reform must provide access to the resources and activities needed to move from welfare to work.

On first reading it appears Governor Thompson's plan guarantees these crucial elements of reform. However, upon closer examination we find out that the guarantee is not really a solid guarantee, but a conditional guarantee. The guarantee is conditioned on reasonable budget estimates. Or, in other words the guarantee is only good as long as the money is there. This means that the proposal assumes Wisconsin will not have a recession and the Federal Government will provide all the money that is needed.

This causes me great concern. Throughout this debate, I have criticized the Republican welfare bills because they did not provide sufficient funding. Now, I understand the budget constraints better than many people in this House and I have continuously worked to balance this budget. But, let's be honest—reform is going to cost more money in the short term.

The facts are that the welfare bill which is moving toward the floor does not provide sufficient funding. This is not just my opinion but is backed up by a CBO analysis.

No one can guarantee that there will never be a recession in Wisconsin or any other State for that matter. The Castle-Tanner bill recognizes this reality and provides contingency funds to give States access to extra, emergency funds in the event of a recession. The Republican bill would not provide enough protection for States in the event of a recession and put programs such as Wisconsin's at risk.

Under the Republican bill the States will not be able to meet the participation requirements because the bill does not include enough work funding.

And, although the Republicans have responded to our concerns in part and increased funding for child care, the increases have come at the expense of title XX programs and are still insufficient to meet the needs.

Last, the Republican plan terminates Medicaid and transitional Medicaid along with AFDC. There was never a mandate for the end of Medicaid and it is impossible to have successful welfare reform without providing medical care.

I support the right of the people of Wisconsin to decide their own welfare policies and the plan itself is consistent with the bipartisan bill I have introduced. And, since this bill is not going anywhere I will support this silly bill.

However, we have the cart before the horse. We should pass the national reform bill first and then evaluate this proposal. In my opinion, our votes would be a little different then. Why? Not because the Wisconsin plan is not worthy of approval but because the plan won't work under the bill now moving to the floor.

I believe that with our bipartisan bill and the Republican bill we are close to an agreement on welfare reform and I hope that we have an opportunity to address these issues I have outlined before the national reform bill comes to the floor.

Mr. KLECZKA. Would the Speaker kindly indicate to both sides how much time is remaining?

The SPEAKER pro tempore (Mr. BONILLA). The gentleman from Wisconsin [Mr. KLECZKA] has 15½ minutes remaining and the gentleman from Wisconsin [Mr. KLUG] has 16 minutes remaining.

Mr. KLUG. Mr. Speaker, I yield myself such time as I may consume.

If I may read a quote, please, and this is talking about the Wisconsin Legislature:

> The final vote on W-2 presented legislators a choice. We could continue along a seemingly endless path that had fostered impoverished dependency on government aid. Or we could try a new direction in the hope of leading all Wisconsin citizens to a more dignified, more prosperous life of self-reliance based on work. The current welfare system doesn't serve people well. It doesn't help people advance from welfare to work.

That quote comes from State Senator Chuck Chvala, who my colleagues from Wisconsin well know was the candidate who ran last time against Tommy Thompson for Governor in the State of Wisconsin who voted, as did three-quarters of his colleagues in the State senate, for this piece of legislation.

I understand the frustration of my colleague from Tennessee, Mr. TANNER, because Tennessee is one of those States as well as California and also a number of other speakers we have heard from today from other States that are also waiting for waiver applications.

Mr. SENSENBRENNER. Mr. Speaker, will the gentleman yield?

Mr. KLUG. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. I think it is very important, Mr. Speaker, to know that had H.R. 4 become law, we would not be standing here today, because there would be no waivers required for Wisconsin to implement the W-2 welfare reform bill that the State legislature passed and Governor Thompson signed.

So anybody who voted for H.R. 4 and its conference report should really be supporting this piece of legislation enthusiastically because we already dealt with the issues then that we are dealing with today. Unfortunately, the President of the United States decided to veto H.R. 4 and that is why we are having this debate today. I thank the gentleman for yielding.

Mr. KLECZKA. Mr. Speaker, will the gentleman yield?

Mr. KLUG. I yield to the gentleman from Wisconsin.

Mr. KLECZKA. Mr. Speaker, let me further the point that was made by the gentleman from Wisconsin [Mr. SENSENBRENNER]. If, in fact, the majority party continues along the line like it is doing with the welfare reform bill, and, that is, moderating it to some degree—the one we are going to take up provides for more child care—we will get a signature, we will go to the block grants, you and I will support it, then naturally this will not be necessary. But as long as you insist on always sticking in a poison pill to the bill, you are going to keep getting a veto. The poison pill that you are going to stick in this time around is some radical Medicaid changes which you know the President is not going to buy.

Mr. KLUG. Reclaiming my time, Mr. Speaker, we will have an opportunity to debate a comprehensive welfare package in the next several weeks. The argument today and the discussion again is simply, and the challenge for my colleagues from Wisconsin opposed to this is, are you going to trust the State to make decision or does Washington have to say yes? Do we have to come back here one more time on bended knee as Tennessee, as California, as Florida had to say, please give us a chance to fix it or you allow us to fix it ourselves.

Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin [Mr. PETRI].

Mr. PETRI. I thank my colleague for yielding me time.

Mr. Speaker, I rise in support of this legislation deeming approval of the Wisconsin Works waiver request. My colleagues have described some of the attributes of the Wisconsin welfare reform effort. Let me add another one.

One of the gravest failings of our current welfare system is the tremendous disincentives to work and get ahead forced onto the most unfortunate in our society. There's little incentive to get off welfare and into a job to begin with. And even when a low-skilled parent is working, she has almost no chance to improve her lot. Many of the working poor face marginal tax rates at or exceeding 100 percent—meaning that they lose more in benefits and pay more in taxes than they gain in wages when they increase their hours or earn a raise. The rest of the working families in the income range just above the poverty level tend to have effective marginal tax rates of at least 75 percent.

Wisconsin's W-2 program begins to address this problem in two ways. First, it aims to get everyone into some kind of work by providing the jobs where necessary and removing any nonwork alternative. Then it allows people to earn more as they rise from totally subsidized work in exchange for a grant where they can develop the basic skills necessary to function in the working world, to community service jobs, to partially subsidized jobs in the private sector, and finally into unsubsidized jobs. Rather than treading water, or even losing ground, when low income Wisconsinites work their way up the ladder and eventually off of government assistance, they should see an improvement in their disposable income at each step. The biggest improvement should occur as they move from community service work into private sector jobs, because the EITC will be added at that step.

They'll still be affected by food stamp and child care phaseouts and eventually the EITC phaseout, income taxes, and a health subsidy phaseout but at least the State of Wisconsin is aware of these problems and moving in the right direction.

We need to look at a whole array of Federal programs which all phase out over a similar income range, just above the poverty level, and have the cumulative effect of punishing people for working harder. These programs have been created one at a time in a policy vacuum with the combined effects rarely being considered. The fact that jurisdiction over them is spread among a half dozen congressional committees just makes it that much harder to consider the combined effects.

I have tried to bring this issue to the attention of my colleagues and will continue to do so. However, it is clear that this problem is not going to be dealt with at the Federal level in any meaningful way in the near future. Therefore, in the meantime we should take the shackles off the States and allow them to try to deal with this problem as best they can. That is one of the goals of this Wisconsin plan and I urge my colleagues to support low wage working Americans and grant Wisconsin the necessary waivers to carry out its bold and innovative plan.

□ 1245

Mr. KLECZKA. Mr. Speaker, I yield 3 minutes to gentlewoman from California, Ms. MAXINE WATERS.

Ms. WATERS. Mr. Speaker, If I thought this was a serious attempt by Speaker NEWT GINGRICH to improve the welfare reform debate, I would seriously try to deal with the waiver issues. However, consideration of a waiver for this Wisconsin welfare plan today is but a cynical political ploy to do a one-upsmanship on the President.

I am sick and tired of some Democrats, and some Republicans alike, using welfare children and families as pawns in a political squabble to try to make voters believe they are reforming welfare. This plan may be credible, but who knows. We have had no hearings, and the floor jockeys on the bill do not have the faintest notion of what is in this plan.

We all need to stop the posturing, the game playing and the deceit. This bill does not deserve the vote of one serious Member of this body. Welfare certainly can be reformed, but this is not the way to deal with this issue.

Neither Speaker GINGRICH or Bill Clinton should drive us to do political gymnastics on this issue. I am told under the Wisconsin plan that families would only get help when parents are participating in work activities. But there is no assurance that sufficient placements will be available for parents. This plan does not give any details as to what happens when that family cannot find work within a specified period of time. It appears the whole family, including the children, could lose all cash aid.

Despite their best efforts to find work, children of poor families will be even poorer under this bill. All guarantees of health coverage for children and families under the Wisconsin plan would be repealed.

The Wisconsin State statute states that the new program is in lieu of Medicaid. Notwithstanding fulfillment of the eligibility requirements for any component of the Wisconsin Works, including Medicaid, an individual is not entitled to services or benefits under Wisconsin Works.

Let us all try to get real. Poor children and families deserve a lot better. Allow the 88 waivers to be reviewed and considered and not put on a political fast track.

Mr. Speaker, I ask the Members of this body to be more serious, to give more consideration, to treat families better, and stop playing this political game. It does not make any sense that the response to a remark by the President about this plan would drive us to overthrow the entire review process and come to this floor, without any hearings, without any knowledge of what is in the bill, trying to make people believe we are doing something to reform welfare and drive it through this legislature because Members think those who are running for office will be too afraid not to vote against it.

I am sick and tired of it, the American public is tired of the political games being played on serious issues. I ask that this bill be voted down.

Mr. KLUG. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, of course politics did not have anything to do with the radio address, did it? But this is how it was played back home. We have heard a lot of quotes about exactly what it was the President said, but look what it said in the headlines in a Wisconsin paper. "Wisconsin Welfare Plan Okayed By Clinton."

When the President goes on the radio and says he is for something, like my colleague from Wisconsin, Mr. ROTH, I assume that means he is for something. And the dilemma is essentially saying we are going to give 30 days so that we can review it is because, as we have seen in the past, and as the 19 States now know, 5 of them with Democratic Governors, Washington will take forever to modify and change plans.

My colleague from California [Ms. WATERS], asked me if I had read the Wisconsin waiver and the Wisconsin welfare bill, and the answer is yes. Unfortunately, she would not yield to me. The question is, has she read California's welfare bill and does she realize that California has waivers pending?

In fact, this is the headline from the San Francisco Chronicle: "Welfare Overhaul Stymied in D.C., Critics Complain."

Not only is Wisconsin waiting for the bureaucrats to wake up, California is waiting and Florida and Texas and 14 other States.

Mr. Speaker, I yield 1½ minutes to my colleague, the gentleman from Wisconsin [Mr. NEUMANN].

Mr. NEUMANN. Mr. Speaker, I am hearing this is about politics. We just saw the headline there in the Wisconsin State Journal after the President's address: "Wisconsin Welfare Plan Okayed by Clinton." It was the next day. It was literally the Monday after this Sunday headline that we see in the Washington Times, "White House Deputy Chief of Staff, Harold Ickes, Later Backpedaled, Telling the Washington Post the Details of the Wisconsin Plan Will Have To Be Negotiated."

It was clear to him that the President had said OK to the Wisconsin welfare reform plan. It was clear to the Washington papers that he was now backpedaling from what he said.

What we are doing here today is not about politics, it is about the heart and soul of what I am doing here in Washington, DC. It is about wrestling this power away from the bureaucracy that exists in this city and giving it back to the people so the people can again have a chance to make good decisions that influence their lives.

We talk about welfare. Sometimes we just do not get the right parts of this discussion in here. When I was sitting playing cribbage on Saturday night, a good friend of mine said to me, she says, if the people really need help, we will help them. We are willing to help the people that are truly in need.

But the conversation continued. It is the people that are able to go into the work force and have a chance to leave the welfare roll. As long as they stay on welfare they are stuck in a situation where they are at the mercy of whatever big daddy government decides to give them. When they leave the welfare rolls and go into a job, they have a chance for promotion. And when they have a chance for promotion and they are showing up at work every day, they can again start to dream in this great Nation of ours. They can dream about a better life for themselves and their families, and we can again start to seeing people living the American dream in this country.

That is what the welfare plan is about. It is about an effort to help people off of the welfare rolls and back into the work force. It is doing exactly what we should be doing in this country.

Mr. KLECZKA. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, we were just shown a copy of a San Francisco news article or some newspaper in California. Let us review where we are in the California waivers. Since President Clinton took office, HHS has received nine welfare waivers from the State of California. Five have been approved, two are inactive, which means they have been withdrawn, and the two others that are pending, both have been received as of March of this year.

So I do not think that is a terribly bad track record.

Mr. Speaker, I yield as much time as he may consume to the gentleman from Wisconsin [Mr. BARRETT].

Mr. BARRETT of Wisconsin. Mr. Speaker, I thank my colleague from Wisconsin [Mr. KLECZKA] for yielding time to me and I want to applaud the fine work he is doing on this issue.

If the proponents of this legislation were serious, they would take a look at what happened in 1992 when President Bush issued a waiver and it was struck down by the court because there was not a public comment period. But they are not serious. This is not about welfare reform. This is not about helping poor people who should get off welfare, some of whom are there because they are trapped, some are there because they have trapped themselves, some are there because the system has trapped them. This is all about Presidential politics.

Let us take a look at what the President said. The President said, "I am encouraged by what I have seen so far. All in all, Wisconsin has the makings of a solid, bold welfare reform plan. We should get it done. I pledge that my administration will work with Wisconsin to make an effective transition to a new vision of welfare based on work that protects children and does right by working people and their families."

Now, one would think that my friends on the other side of the aisle would say, great, President Clinton has said he will work with us. And they have every reason to say great because the track record in Wisconsin is one of consistent cooperation between a Democratic President of the United States, a Republican Governor, and a Republican legislature.

Nine times the State of Wisconsin has come to President Clinton or has come to Washington asking for waivers, and nine times they have been granted. My colleague from Madison said that I was incorrect by saying that one of those was granted. He indicated that the State wanted to have the whole State covered but Washington would not do it. As a matter of fact, to correct him, the County of Milwaukee, which I represent, begged to be part of that legislation but the Republicans would not let them be part of that legislation.

Why would they not let them be part of that legislation? Because in the State of Wisconsin there are problems with welfare in most parts of the State, but the most serious part and the most serious problems are in the district that I represent in Milwaukee, because we have the highest concentration of poor people there.

I just want to give my colleagues an example of why I think it makes sense for us to look at this legislation. In his address last week, Governor Thompson said there were speed bumps in the way on this legislation. He said, do not worry, we will take care of those speed bumps.

Ladies and gentlemen, some of those speed bumps are people that I represent. They are not speed bumps, they are mothers with 4-month-old infants. They are mothers who are being told they have to go to work and they have to put their child in day care.

Now, Governor Thompson recognizes there is not enough day care out there right now to serve all the new mothers that are going to have to go back to work. So what do they do? They lower the standard of care for day care. They say we are going to lower the standards. These are just poor people we are talking about. We do not have to have the same standards we have had for all these working class people. These are poor people. We do not have to have training, we do not have to have certification. These are poor people.

It is extremely fashionable, both in Washington and in other parts of the country, to kick around poor people. Sometimes I think it is a national sport. These are people, and we can never, ever forget that. But this is politics. This is not about people. Because if we were concerned about the people we would say, yes, we want them to have an opportunity to be heard.

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. BARRETT of Wisconsin. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, I would just like to observe, if we really want to measure whether anything real is happening here or not we would recognize that right now outside of the Wisconsin delegation on the House floor there are exactly two people from other States.

Virtually everybody in this House, on both sides of the aisle, knows this is just one of those demeaning political exercises. We have simply got a couple of hours where people are going to get up and bash the President or bash Mr. DOLE or bash somebody else. It does no credit to anyone in this institution.

I got into politics for the same reason I am sure the gentleman did, and our other colleague from Wisconsin, Mr. KLECZKA, did, and I hope everybody else did, because we thought politicians were supposed to solve problems, not use them in order to gain a political edge here or gain a political edge there and bamboozle somebody again.

There is literally nobody on this floor. How on Earth can we ask people to vote on this legislation when they have not read it, they have not heard the debate, they could care less about the debate? They are already getting ready to go to the airport, and we are pretending this is a real legislative day. Grow up, fellas. Grow up.

Mr. BARRETT of Wisconsin. Mr. Speaker, reclaiming my time, I want to talk about how this measure ended up on the floor. Again, nine times the State of Wisconsin has come to Washington and gotten waivers. Nine times there have been no problems. In fact, if there were problems, we would not have the Governor of the State of Wisconsin traveling around the country claiming he is the king or the leader in welfare reform. If the Clinton administration had stymied them in any of those waiver requests, they would be barking, they would be screaming about it.

But the Clinton administration has not stymied them in a single one, and that is one of the reasons it is successful. But the mortal sin, the mortal sin that the Clinton administration made in this matter was that they said "We will work together." My God, how can we have a Democratic President offering to work with a Republican Governor? That is the mortal sin. That is where the President went over the line. He said I am going to work with them. We will work hand-in-hand to try to solve this American problem.

It is not a Republican problem and it is not a Democratic problem, it is an American problem, and that is the way we should be addressing it. And, frankly, why I am embarrassed as a Representative from Wisconsin is that is the way we have done it in Wisconsin. We have worked together.

When people ask me from the State of Wisconsin what is the biggest difference between the State legislature, where I served for 8 years before coming to Congress, I tell them it is much more partisan and it is much meaner in Washington. It is just a mean place where people are out day after day trying to outfox each other politically.

That never happened on the welfare issue with the State of Wisconsin until 2 weeks ago. And what happened? Speaker GINGRICH and the Representatives from Wisconsin, the Republican Representatives, held a press conference and they decided they were going to up the ante. Speaker GINGRICH suggested, well, maybe we will just introduce a piece of legislation. Speaker GINGRICH said, maybe we will just pass it in Congress.

□ 1300

Just as the swallows return to Capistrano, just as night follows day, the next thing that happens is on the floor of the House of Representatives, in defiance of the Wisconsin tradition of working together on a bipartisan basis, they are going to stick it to the President. They are going to stick it to him. They are going to take that olive branch that he has handed them and asked to work together, my God, he asked to work together, they are going to take that olive branch, break it in half and shove it in his eye because this is not about helping people. This is not about reforming the welfare system. This is about Presidential politics, pure and simple. That is exactly what we are talking about today.

That is why the gentleman from Wisconsin, Mr. OBEY, is correct, that is why there are no Members in this Chamber from anywhere but Wisconsin because this is not a national issue. This is not an issue that people care about in other parts of the country because if it were, this legislation would grant those waivers to all those other States. Wisconsin's waiver has been sitting in the White House for 8 days, 8 days.

There are other States that have a more serious problem, if you believe my colleagues on the other side of the aisle. Why are we not considering those waivers? Because in those waivers the President did not say, I will work, together with you.

This is an attempt to embarrass the President. If that is what we want to do, if that is how we are spending our time under this leadership, so be it. But it does not help the process. It abuses the process.

There has not been a single hearing on this measure since Governor Thompson exercised his partial veto pen 97 times on 27 different items. There has not been a person in this country who has had the opportunity to go to their elected officials to talk about that veto, not a single time. What are we going to do? No hearings in Congress. We have had one Governor, one person out of 260 million people in this country who used his line item veto 97 times, and now Congress is going to rubberstamp this thing.

If you are interested in welfare reform, then you should let people have an opportunity to be heard. What is the sin of having people be heard?

Let us do it right. Let us adopt the amendment that Congressman KLECZKA will propose and we will get this done. But let us end the political shenanigans. Let us get Presidential politics out of the State of Wisconsin.

Mr. KLUG. Mr. Speaker, I yield myself such time as I may consume.

Let me make the point, we have had hearings on this. The question is, Where do the hearings have to happen? Do they have to happen here in Washington or in Wisconsin? Thirty hearings, town hall meetings, as my colleague, Mr. SENSENBRENNER, has already cataloged for us, 120 hours of debate. Two thousand residents testified in those assorted town hall meetings and the legislative hearings themselves.

Again, if the Governor vetoed it, as my colleagues know who served in the Wisconsin State Legislature, the Wisconsin State Legislature has the ability to override them.

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. KLUG. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, are we waiving the plan as the Governor passed it or the plan as the legislature may change it, if they reject his vetoes?

Mr. KLUG. Mr. Speaker, we are acting on the waivers as submitted by the Governor.

Mr. OBEY. Mr. Speaker, if the gentleman will continue to yield, what happens if the legislature turns some of those down? Does the State then amend it? Do we then pass another bill? Why do we not wait until the legislature has acted?

Mr. NEUMANN. Mr. Speaker, will the gentleman yield?

Mr. KLUG. I yield to the gentleman from Wisconsin.

Mr. NEUMANN. Mr. Speaker, I would like to respond to that. The reason for that is because we have a great deal of confidence in people like Roger Breske, a Democrat from the gentleman's part of the State, and Russell Decker, a Democrat from the gentleman's part of the State, who voted for this plan. We have a great deal of confidence that they will make good decisions for the people in the State of Wisconsin.

Mr. OBEY. Quit playing politics and answer the question.

Mr. NEUMANN. Mr. Speaker, the answer to the question is, we have a great deal of confidence in the people of Wisconsin. We do not want 30 days of bureaucratic input into the Wisconsin plan from Washington, DC.

Mr. OBEY. What is the legislature going to do? Are they going to accept those line item vetoes or not?

Mr. KLUG. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. HOEKSTRA] who does have interest in the debate in front of us.

Mr. HOEKSTRA. Mr. Speaker, I am from the State of Michigan. I have a tremendous interest in this issue.

Recently, some of my colleagues and I, one of them from Wisconsin, completed a document called the Myth of the Magical Bureaucracy, the belief that Washington can solve every problem.

This issue that we are discussing today fits right into that document, because this document talks about the Washington myth that the future of America rests with bureaucrats in Washington, that the future of the people on welfare in Wisconsin is dependent on bureaucrats in Washington and not on the State legislature in the State of Wisconsin.

What is going on is we are replacing Washington ideals with traditional American ideals. We are replacing a faith in God with a faith in Washington. We are replacing the American ideal of parents and family with bureaucrats.

This picture of Washington shows that what we have called Independence Avenue really needs to be renamed into Dependence Avenue, because every time we build a new bureaucracy, we are moving decisionmaking away from the people. We are moving it away from the States, and we are putting it into bureaucrats here in Washington. We need to move power back to the States, back to the people closest to the problem.

We have had a lot of talk about the welfare process, the waiver chase in Washington. Let us talk about what the State of Wisconsin has to do to address the problems in their State.

Congress passes or issues mandates. We develop thousands of pages of laws of public health and welfare. It goes into bureaucracy. They develop rules and regulations, thousands of pages of regulations. It goes to the State of Wisconsin. We have a bureaucrat who interprets these thousands of pages of regulations. Finally we get to the people of Wisconsin.

They say, that is interesting what they did in Washington but that does not work for our State. Those people do not quite understand what goes on here. So they pass overwhelmingly a program that will work for their State. You think they would be able to move forward, but, no; they have got to submit 300 pages of waiver requests. It comes to Washington here. Somebody who maybe has never been in Wisconsin is going to evaluate whether they can get these waivers. The bureaucrat makes a recommendation and maybe the President will sign it.

That is not compassion for the people in Wisconsin that need help. The results are that we have waivers that take 292 days to approve, 448, 153, 322. That is not performance. That is not compassion. That is not dealing with the problem.

Let us recognize that the future of many of our problems, the future of America is in the hands and should be in the hands of individuals, parents, families, and States and not Washington bureaucrats.

Mr. KLECZKA. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Speaker, all I would say is that the substitute we are going to offer simply asks two things: make sure there is a 30-day comment period because the proposal before us does not go into effect for a year and a half, so there is hardly a rush. And, second, we are taking the seven standards defined by the Governor and simply asking HHS to determine whether or not the bill does in fact meet these seven standards defined by the Governor on page 4 of his presentation document.

If these seven statements are true, they waive it. If they are not, they work with the State to make certain that they are true.

This is not a legislative opportunity before us. This is a 2-year cooked-up special order, pretending that we are doing something when, in fact, nothing real is going to happen.

In my view this is simply a Gingrich political special. It is another exercise in dividing people, in pretending there are divisions when there are none. Every Member of the Wisconsin delegation wants the Wisconsin welfare program to be tried. Most of my political allies in the State legislature voted for it.

All we want to do is to exercise our responsibility as Federal Representatives of Wisconsin to see to it that this package is what we are told it is. That is all the resolution asks for. There is absolutely nothing wrong with it. If anybody is interested in working with each other rather than simply playing political games, they will vote for the Kleczka amendment.

Mr. KLUG. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin [Mr. SENSENBRENNER].

Mr. SENSENBRENNER. Mr. Speaker, I think it is unfortunate that whenever you are on the short end of the argument, you end up demeaning the other side's arguments, getting involved in name calling. And that is not what the legislative process should be, but unfortunately, in many instances it is.

What the gentleman from Michigan [Mr. HOEKSTRA] said is what the issue is before this House. The issue is whether the decision on what waivers should be approved or not rests with bureaucrats in the Department of Health and Human Services, who are not elected, who are not responsible to the voters and who are not even responsible to the President of the United States, or whether the decision should be made by the elected representatives of the people in the Wisconsin State Legislature. It is those State senators and those State representatives that have determined that this is a good idea for the people of Wisconsin.

If it has been misrepresented, they are the folks that ought to take the political hit, because they are responsible for their voting record, just as we are responsible for ours. So let us have some faith in those elected senators and representatives by approving this bill and providing the waivers that are needed to make this work.

Mr. KLECZKA. Mr. Speaker, I yield myself the balance of my time.

I think it is important to note, as I said before, and we have to keep repeating it, what we are doing here today is not redoing the State legislative enactment. A lot has been said about the public hearings that have been held before the legislature met on the debate on the W-2 program, and that is true. I served in the State legislature for years. I happened to have been the chairman of the joint committee on finance. So I know the process as well as Mr. SENSENBRENNER, who I served with in both the house and senate.

What happens is, you have a public hearing on the idea and possibly on the bill draft. And then after the hearings and the public has had a chance to speak, the legislature in the house and the senate in Wisconsin go back to their respective chambers and they debate the legislation.

Unlike the rules of the House of Representatives, they are free to represent their constituents by offering as many amendments as they want, and they are also free to use as much time as they want, another luxury that we do not have here. And so once the public was heard, the bill came before the house. Hours were spent in debate and amending the bill. So it has been changed substantially from what was out in Wausau, WI.

So after that process was done, the bill was passed by the legislature, sent to the Governor. He waited 5 weeks before he took it up. And then when he presented it back to the legislature as approved, he issued some 27 vetoes. Again, the legislature will not be heard on those vetoes until sometime in July. So the bill could be changed, maybe not substantially, but it could be changed in part by legislative action that is coming after this debacle that we are going through today. That is the legislative process.

Again, let me remind my colleagues, we are not redoing the bill. We are finishing the process. We are providing a finale, if I could say, to this process by saying, and now what happens? There are 88 Federal waivers requested. Now the public can be heard again. Now the public from Janesville and Madison and the constituent who wrote me and the groups who wrote me, now they can be heard again.

My substitute, which we will talk about in a few minutes, does that. Your bill, sad to say, rubberstamps the 88. No one knows what is in it. It is like potluck, I would guess.

Mr. KLUG. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin [Mr. GUNDERSON].

Mr. GUNDERSON. Mr. Speaker, I think if I have one reputation around here it is a reputation of being a fairly bipartisan sort of guy. But I wanted to share with you an experience I had in my early legislative days in the 1970's, when I was speaking at a welfare reform meeting with all the local welfare reform directors.

They said, I am convinced you State legislators do not ever want to get welfare reform enacted. You want the issue; you do not want a solution.

And as I listen to this discussion today, I think that is exactly what is going on here. Nobody is disparaging the Wisconsin plan. It is a comprehensive, dynamic, real substantive reform plan. It was passed with a strong bipartisan majority in both houses of the Wisconsin State legislature. It was signed into law by the Republican Governor. It has been endorsed by the Democratic President.

Now what we are saying is, all right, then let us get it done. What do we have here this afternoon? We have this intense partisan battle over whether or not we are going to let them get it done. We say the State legislature has not resolved the vetoes that the governor has had. Do my colleagues know what? A 30-day period, they are not even going to meet. So what is the plan here? Is the plan to simply say, we will deal with the question of Wisconsin waivers sometime later on? I do not think so.

□ 1315

So the real question we are talking about today is are we going to do what we say we are going to do, which is enact real welfare reform, or are we going to talk about it and find all kinds of ways in the process of talking about it to make sure it never gets done? That is what this is all about.

The reason we are here is accountability. Everyone from the President to the Governor, on a bipartisan basis, said this is a good idea. If it is such a good, then let us simply get it done; at least let us get it implemented so if there are problems, we can come and fix the problems, but get the changes put into place.

Mr. KLUG. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore (Mr. BONILLA). The Chair recognizes the gentleman from Wisconsin for 1 minute.

Mr. KLUG. One more time, if I can, colleagues, let us put this in some kind of perspective. There is a simple fundamental question in front of this body today: "Do you trust a State legislature and a Governor to run their own affairs?" And I think the answer fundamentally has to be "yes." And my colleague, the gentleman from Wisconsin [Mr. GUNDERSON], hit the nail on the head. I mean, sure, these waiver applications may get approved, but only if it gets rewritten and gets changed and gets modified and it gets capitalized, and at the end of the day we do not have Wisconsin's welfare plan, we have Washington's welfare plan. But my colleagues could put a Wisconsin sweatshirt on, and it does not make them a badger inside.

The question is: "If you rewrite a third of these regulations or a quarter of the regulations or half of the regulations, at the end of the day it's not Wisconsin's plan." We have the first comprehensive plan passed in the country, two-thirds of the State assembly, three-quarters of the State senate, the Governor's opponent for Governor the last time around, the Senate minority leader, a larger majority of Democrats as well as Republicans.

The fundamental question today is: "Whose values are you going to trust: the people sitting at the lunch counter in Wisconsin or the bureaucrats down the road on 'Dependence Avenue,'" as the gentleman from Michigan [Mr. HOEKSTRA] appropriately characterized it?

That is why Wisconsin needs the green light for once; it does not need a yield sign or a stop sign from the Washington bureaucrats.

Mr. PASTOR. Mr. Speaker, I would like to take a few moments to discuss my position on H.R. 3562, the bill to approve the waivers for the Wisconsin Welfare Plan.

I would like nothing more than to support meaningful welfare reform legislation. However, I believe the bill before us today circumvents the entire legislative process in an attempt to politically embarrass the President. Additionally, I cannot vote for a measure that raises more questions than it answers. Members of this House have not seen the details of the Wisconsin welfare plan and we have no idea what it contains. We do not know the details of the waivers Wisconsin has asked for, and by bringing this bill to the floor, we are being asked to blindly vote and make decisions on something we have not had time to study and evaluate. Members from across the country are being asked to vote on a plan developed by Wisconsin, without having the opportunity to review the plan. This would set a disastrous precedent as the American public did not send us to Congress to cast uneducated votes.

Furthermore, by passing this bill, we would effectively shut out the public from their part in this process. The Department of Health and Human Services allows a public comment period of 30 days, a comment period that allows for concerned citizens to have input on the plan. Why are we in such a hurry that we deny the public their right to make comments on this matter?

In the past, Wisconsin has come to the administration seeking various waivers, and each time, the requested waiver was granted. The Wisconsin plan may prove deserving of the requested waivers, and should that be the case, I would fully support the plan. I believe that we should allow the administration and Wisconsin to work together to resolve this issue, not use this issue to score political points.

Unfortunately, the Republicans are not allowing us that opportunity. It is unfortunate that they have decided to attempt to portray the President and Members as opponents to welfare reform when the reality is that Congress is being asked to blindly cast votes on a plan that we have not had the opportunity to study.

Mrs. JACKSON-LEE of Texas. Mr. Speaker, I support welfare reform and I would like to see this body enact a meaningful and effective welfare reform bill during this session of Congress.

The bill we consider today, however, is not a meaningful welfare reform plan for the Nation but it is a political action intended to put Members and the President on the spot, and to paint them as opposing welfare reform. In fact, if this was not an election year, this bill would have never been scheduled for consideration.

H.R. 3562 was never considered by a committee. This bill was rushed to the floor without hearings in which the public would have an opportunity to express its views and have them considered. This bill would eliminate the 30-day public comment period routinely used by the Department of Health and Human Services [HHS] when considering waivers.

The Wisconsin plan may indeed be a plan worthy of study. I am pleased that the W–2 plan would provide child care and health care for participants, which is essential if we are to move people off of welfare and into work. I have spoken with welfare recipients in the 18th District of Texas and they have told me that they want to work and that they view welfare benefits not as a way of life but as a bridge to better times. The bill's sponsors, however, have not let the plan's merits speak for itself. Instead, they are trying to bypass the normal rules HHS has for approving a waiver, without allowing the agency and the public to fully examine the plan's components—normal procedures entail a 120-day review process.

The Kleczka substitute, on the other hand, would provide for an expedited review process to be completed by July 31, 1996, under the normal administrative rule procedures, while allowing for public input. The Kleczka substitute would require a 30-day public comment period to provide the citizens of Wisconsin and other interested parties with a voice in the process. HHS must also certify that the plan contains the features the Governor claims that it does.

The substitute would ensure that this is truly the best plan for Wisconsin and that certain individuals will not be left behind. Specifically, HHS should certify that the plan will help find the best self-sufficiency alternative, and there will be a place for everyone regardless of capabilities and that child care and health care will be available to all low-income families who need it to work. I also believe that job training is an essential component to any welfare plan.

We need comprehensive welfare reform but there are a myriad of interests and a diverse population that must be considered in enacting such reform. I appreciate the progress that Wisconsin has made on this issue but I would caution that the Wisconsin plan cannot be made a prototype for the Nation.

We should applaud the States for acting on their own to reform welfare. Congress should not however, waive the rules and regulations that a State is required to follow in implementing its plan. The Federal Government has a responsibility to ensure that a plan will do what it says it will. I urge my colleagues to support the Kleczka substitute and allow HHS to consider the Wisconsin plan according to the normal administrative review process.

Ms. MILLENDER-McDONALD. Mr. Speaker, I think that we can all agree that the welfare system in this country needs to be reformed. I think we can further agree that it is our responsibility to make an attempt to reform that system.

But as we begin our deliberations on reforming welfare, I would caution my colleagues to be thoughtful and deliberate. For it is a fool who rushes a raging river to beard an angry tiger.

Presidential politics should not be the driving force behind any reform movement. H.R. 3562 is being fast tracked through this body by the majority in an attempt to embarrass the President.

How can we begin to consider waivers for the Wisconsin welfare plan when we have less than all the facts. I have not seen a copy of the Wisconsin plan, there has been no committee review, no hearings, no markup, and there has been no health and human services public comment period. What do the citizens of Wisconsin think about the welfare reform plan offered by their Governor? Mr. Speaker, the Congressional Research Service can't even provide Members with a summary of the bill.

I caution my colleagues that if we approve these waivers in this irresponsible manner, we will give a green light to every Governor who seeks waivers for similar reasons. Let's not circumvent the process—oversight and inquiry are our responsibility and public comment is the right of the taxpayer—let's hold hearings on the Wisconsin plan—let's hear from the people of Wisconsin—vote no on approving the waivers.

Mr. REED. Mr. Speaker, I rise in opposition to this Republican effort to bypass the normal 30 day comment period and approval process for the Wisconsin welfare reform plan and eliminate the ability of the people of Wisconsin to officially and publicly express their views on the plan.

I am a strong supporter of welfare reform and workfare. I am also a strong supporter of a truly bipartisan effort to fix the problems of the current welfare system.

However, I am not a supporter of purely political exercises on the House floor when we should be in committee working on a bipartisan welfare bill for the Nation, not just Wisconsin.

The Wisconsin welfare plan, known as Wisconsin Works [W–2], requires waivers of 88 provisions of Federal law and regulation in order to be implemented. However, the legislation before us does not enumerate or provide any information on these waivers. Indeed, I have received no letter from Governor Thompson of Wisconsin requesting that I or any other Member of Congress should approve these waivers—that letter went to the President where it should have gone.

In fact, this is only a political exercise which will not be considered in the Senate. It will, however, have real ramifications for the welfare reform effort in my State of Rhode Island.

Rhode Island is currently debating two competing plans, one offered by Governor Almond and the other by a coalition of business people and antipoverty groups, to reform the State's welfare system. These plans have many provisions in common, including requiring work in order to receive assistance and providing expanded child care opportunities. Both of these plans, however, are miles apart from the Wisconsin plan.

The goal of welfare reform should be to instill individual responsibility and move people from welfare to work. However, a reformed system should continue to provide a safety net for those individuals who are unable to work, and most important, a reformed welfare system should protect children, who have little control over their parents' behavior.

With the information I have been able to find on this proposal, it appear that the Wisconsin plan does not meet these goals. Under W–2, no family would be entitled to benefits, child care, or other services. Families would receive help when parents are participating in work activities, but there is no assurance that there will be sufficient job placements available for all those in need of assistance. W–2 also places children and families at risk by ending the guarantee of health coverage through the Medicaid Program.

Mr. Speaker, I will oppose this legislation because I am concerned it moves us away from real bipartisan welfare reform in Rhode Island and the Nation. However, I will continue my efforts in support of flexibility, work requirements, and protecting children when the majority brings a real welfare reform proposal to the floor.

Mr. ROBERTS. Mr. Speaker, I rise in support of H.R. 3562, a bill to authorize the State of Wisconsin to implement the demonstration project known as Wisconsin Works. Gov. Tommy Thompson is a recognized leader in the area of welfare reform. He, and other Governors across the United States, have worked diligently to improve the manner in which public assistance benefits are provided to our neediest citizens. However, they cannot do this without reducing the mandates of the Federal Government. Governor Thompson and other Governors need our help in getting relief from the heavy hand of Washington bureaucrats.

The Federal waiver process is time consuming and States are pressured to drop certain waiver requests, thereby changing the design of State reforms. That is why we are here today.

The bill before the House of Representatives today provides that relief to Wisconsin. The Federal waivers that are necessary to implement the Wisconsin Works Program are granted through this bill. The bill ensures that no additional cost will accrue to the Federal Government.

The Wisconsin Works Program offers its participants the opportunity to earn wages and to learn how to increase their value to employers. Wisconsin has been testing various methods of reforming the welfare system for several years. Its other demonstration projects include, Work Not Welfare, Work First, Children First, and Pay for Performance. The consistent theme throughout all of these projects, and incorporated in the Wisconsin Works Program, is the expectation of personal responsibility and the goal of independence and a promising future for welfare participants.

Governor Thompson's proposal for Wisconsin Works includes waivers applicable to the Food Stamp Program. As chairman of the Committee on Agriculture, which has responsibility for the Food Stamp Program, I certainly appreciate the need for reform of this program.

The first hearing held when I became chairman of the Committee on Agriculture was on the Food Stamp Program. Our committee has developed a comprehensive reform of the program and it is incorporated in the Personal Responsibility and Work Opportunity Act of 1996. This reform emphasizes work for able-bodied persons, promotes real jobs with incentives, allows States to harmonize welfare programs with the Food Stamp Program, and curbs trafficking and fraud with increased penalties.

The waivers to the Food Stamp Program incorporated in this bill provide Wisconsin the ability to match its program with the Food Stamp Program in the areas of certification, employment, and training programs and work requirements. Additionally, for those persons in the Wisconsin Works Program who also receive food stamps, food benefits will be provided in cash. The Wisconsin program includes a mandatory nutrition education program. Wisconsin believes that for its participants to become self-sufficient, they need to know how to budget for food purchases, without the parameters specified by the use of food coupons. Wisconsin estimates that approximately half of the families receiving food stamps will be provided cash instead of food stamps.

I am not generally in favor of substituting cash for food stamp benefits. One of the important tenets of our welfare reform proposal was that food stamps would remain as the safety net program during the transition of reforming welfare. Food is a basic need and must be available to low-income families.

I am encouraged the Wisconsin Works Program includes a mandatory nutrition education component so that families will receive education on how to budget funds to ensure good diets. In addition, the cash-out of food stamps is linked to a program with strong work requirements.

USDA, over the years, has approved several demonstration programs that issue cash instead of food stamps and almost half of the States operate some form of a cash-out program. As with those other programs, I intend to watch the Wisconsin program so that we will know that Federal dollars provided for food are indeed spent on food.

Mr. Speaker, I urge Members to support H.R. 3562 and the Wisconsin Works Program. The President has expressed support for the Wisconsin Works Program and Congressman KLECZKA's substitute amendment, provided for in the rule, urges the administration to approve waivers necessary to allow Wisconsin to carry out its program.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to the rule, it is now in order to consider an amendment by the gentleman from Wisconsin [Mr. KLECZKA].

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. KLECZKA

The SPEAKER pro tempore. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment is as follows:

Amendment in the nature of a substitute offered by Mr. KLECZKA: Strike all after the enacting clause and insert:

SECTION 1. URGING IMPLEMENTATION OF WISCONSIN WORKS DEMONSTRATION PROJECT.

Upon presentation by the State of Wisconsin of the document entitled "Wisconsin Works" as signed into state law by the Governor of Wisconsin on April 26, 1996, to the appropriate Federal official with respect to any Federal entitlement program specified in such document, such official is urged to waive compliance with the requirements of Federal law with respect to such program to the extent and for the period necessary to enable the State of Wisconsin to carry out the demonstration described in the document upon meeting these requirements:

(1) Such official shall publish a notice in the Federal Register describing the proposed changes to Federal programs contained in the document scheduled under Wisconsin law to go into effect in October, 1997, and provide for a 30-day comment period to receive public comments from the citizens of Wisconsin and interested parties.

(2) Such official shall provide for expedited consideration of the demonstration project described in the document under the procedures otherwise required by law, except that such official shall complete such consideration not later than July 31, 1996, compatible with the State schedule established in such document.

(3) Such official shall certify that the plan does in fact contain the features described by the Governor of Wisconsin on page four of the document entitled Wisconsin Works, March 1996 (publication number PES893).

SEC. 2. PROVIDING FUNDING AUTHORITY FOR IMPLEMENTATION.

(a) The costs of carrying out the demonstration project which would not otherwise be included as expenditures under such program shall be regarded as expenditures under such program.

(b) LIMITATION OF COSTS.—Subsection (a) shall not apply to the extent that—

(1) the sum of such costs and the expenditures of the State of Wisconsin under all programs to which Section 1 applies during any testing period exceeds

(2) the total amount that would be expended under such programs during such testing period in the absence of the demonstration project.

(c) TESTING PERIOD.—For purposes of subsection (b), the testing periods are—

(1) the 5-year period that begins with the date of the commencement of the demonstration project, and

(2) the period of the demonstration project.

(d) RECAPTURE OF EXCESS.—If at the close of any testing period, the Secretary of Health and Human Services determines that the amount described in subsection (b)(1) exceeds the amount in subsection (b)(2) for such period, such Secretary shall withhold an amount equal to such excess from amounts otherwise payable to the State of Wisconsin under section 403 of the Social Security Act (relating to the program of aid to families with dependent children) for the first fiscal year beginning after the close of such period. The preceding sentence shall not apply to the extent such Secretary is otherwise paid such excess by the State of Wisconsin.

SEC. 3. NO EFFECT ON CERTAIN OTHER WAIVERS GRANTED TO THE STATE OF WISCONSIN.

This Act shall not be construed to affect the terms or conditions of any waiver granted before the date of the enactment of this Act to the State of Wisconsin under section 1115 of the Social Security Act, including earned waiver savings and conditions. The current waivers are considered a precondition and can be subsumed as part of the Wisconsin Works demonstration.

SEC. 4. AUTHORITY TO PARTICIPATE UNDER SUBSEQUENT LEGISLATION.

If, after the date of enactment of this Act, any Federal law is enacted which modifies the terms of, or the amounts of expenditures permitted under, any program to which section 1 applies, the State of Wisconsin may elect to participate in such program as so modified.

SEC. 5. EFFECTIVE DATE.

Sections 2, 3 and 4 of this Act shall become effective on the date that a waiver is approved pursuant to the conditions stated in Section 1.,

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin [Mr. KLECZKA] and a Member opposed, each will control 30 minutes of debate time.

Mr. KLUG. Mr. Speaker, I am opposed to this amendment.

The SPEAKER pro tempore. The gentleman from Wisconsin [Mr. KLUG] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. KLECZKA].

Mr. KLECZKA. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, I think it is time to start from the beginning of the debate, because I think we have gone off course, and look at what we are doing today.

The bill before us will pass at the end of the day, probably around 3 o'clock. It will not pass the Senate. So all this rhetoric will be for naught.

So if we think we are doing something to help the American people or even help the people of Wisconsin, we are fooling ourselves because as soon as this bill leaves this House, it is DOA in the Senate.

And so my colleague, the gentleman from Wisconsin [Mr. BARRETT], says this is Presidential politics, let us not kid a kidder, and he is exactly correct. I cannot change the fact that it is a Presidential political year, but I think this body could probably rise above that and act responsibly.

But that is not in the cards today, my friends. What we are being asked to do by the Republicans, what we are being asked to do by the majority party product, is to take 88 waivers that the Governor gave to this administration and President a week ago, and today, Thursday, at about 2 'clock, rubber stamp them all.

Now, do my colleagues think Members of Congress come to Washington, DC, and rubber stamp things and do not read what they are doing? Today is a good case in point because today, my friends, we are going to see it happen.

We are told that in the CONGRESSIONAL RECORD, which is published every day, there is a listing of 88 points, 88 waivers. All right; let me read one to my colleagues: Elimination of child care disregard. We are going to eliminate the child care disregard. What does that mean?

It is not in here; that is all there is. One phrase. Do my colleagues know where it is contained? In here. It is contained in this voluminous document, which 5 Members in Congress out of 435 have and possibly read.

So we are going to, about in an hour-and-a-half, do something where no Member, or 430 Members of Congress, do not know what they are doing, and they are asking us to participate in that, and I for one say "no." If my folks back home taught that I was casting votes in important legislation without reading it, I would be recalled. I would be in Milwaukee, WI, today as I speak versus being in this historical Chamber. And that is what it is all about.

Let the Republicans defend how they can ask all their colleagues to vote for something they never read. Sad.

The President indicated in his remarks, and we have the copy of the radio address, that he favors the Wisconsin welfare plan. That is fine. Did he ever say, "And I will, within 3 days, sign 88 waivers I never read"? No. That is not part of it.

But if we go through the history of this whole process, as I indicated before, the legislature in Wisconsin passed it, 5 weeks later the Governor signed it. If it was such a rush job, why did the Governor not sign it the next day after the Wisconsin legislators passed it? Five weeks later he signed it. Then he looked at it, and because we have line-item veto, which I support, he vetoed 27 items from the bill. And then he came to Washington and said, "And I need 88 waivers." The Governor also indicated; he said, "And I like to get this process started, so if you guys and ladies in Washington wouldn't mind, if you could get this done by August 1 of this year, that would be nice." But know for a while this program does not get up and running in the State of Wisconsin until October 1, 1997. Why not September 1, 1997, like the legislature told the Governor? Because he vetoed that. He vetoed that in the bill and moved it back a month. So now we have the program coming on line, August 1, 1997, or October 1, 1997, clearly a year and 5 months from now.

I have introduced a substitute amendment, which I appreciate is being made in order today, and what does it do? Does it talk about bureaucrats regressing the legislature, doing all sorts of nasty things? No. Does not do any of that. What it does is, very simply, even the 430 Members who have never read the waivers will understand this, but know for a while, and I am going to ask the folks in the gallery to stick around for the vote because at least 50 Members are not going to be voting. Do my colleagues know why? Because this is not a big deal to California, and it is a long flight home, this is the last day of session, and they are gone. They are at Dulles Airport and National Airport right now catching their flight home. And so what we have here is something akin to a special order, something we do at the end of the day and just talk to the cameras and to each other.

The only good that I see that has come out of this, my friend from Wisconsin, Mr. KLUG, is that in the last 4 years this is the most time the nine of us have talked together that I can recall, and so if there is a silver lining behind what is going on today, it has brought the nine of us maybe closer together, or at least we got to have some conversation. So that is good.

But the substitute does three major things. It does, No. 1, provide that the review and approval of these waivers shall be expedited. That is No. 1. No. 2, the substitute amendment we are going to be voting on shortly says that there shall be a 30-day public comment period because the public, many in Wisconsin and many from other States who have an interest in the legislative process, have not seen any of the waivers and want a chance to react.

Why would we close the public out? That would be akin to we are taking up the appropriations bills one day on the floor, and we lock all the Chamber doors and turn off the C-SPAN cameras because we do not want the public to hear and see what we are doing. Boy, would there be a riot this country, and there should be.

But I have letters, not only from constituents, Nancy Ann from Greendale, WI, who wants to be heard on this because she did not see any of the 88 waivers. Marjorie S. from Milwaukee, who lives on Superior Street, she wants to be here on this. Here is a group who has some interest in the entire issue of waivers and what is happening: The American Association of Women in Community Colleges, very educated group, knowledgeable group, they want to be heard on this. The Wisconsin Catholic Conference; now, they participated in the public hearings, but not all the changes and not the waivers. They want to be heard on this. But if we adopt the Republican measure, they are cut out of the process, the doors are locked, the lights are dimmed, we do not see what is happening. I think that is wrong.

So my substitute provides for expeditious consideration, 30-day public review period, and finally it says by July 31 of this year, by July 31 of this year the process shall be complete.

The Governor asked this Congress to do that by August 1; the substitute that I will ask my colleagues to vote on in a short time says October or—the substitute that I have introduced provides that July 31 the process is done. How fair. And at that point, even though 430 Members have not read this before they are approved, at least someone will, or at least the public will have their say recorded and their judgments listened to.

Mr. HEFNER. Mr. Speaker, will the gentleman yield for a question?

Mr. KLECZKA. I yield to the gentleman from North Carolina.

Mr. HEFNER. Mr. Speaker, for my own clarification, under ordinary circumstances, something of this magnitude, what would the process be? What committee would it go to that we would have hearings where everybody could talk about it, we could have witnesses or what have we, and the public would know exactly what we are voting on? Because I am not familiar with the welfare situation in Wisconsin. I am aware of some it in North Carolina. We have had some waivers, and the Governor has put in some changes in the welfare program.

What would be the process that we would go through under ordinary circumstances if this was not a dire emergency that we had to get done this week? What would be the process?

Mr. KLECZKA. The gentleman asks a excellent question. A lot of talk has been had today about how the State legislature of Wisconsin went out, had public hearings, and they debated the bill. This is a bill just like the Wisconsin Legislature debated, and the normal operating procedures, as the gentleman well knows, is for the Committee on Ways and Means, which has control of the issue, it is in our jurisdiction, it is the committee I serve on, the bill would be introduced, we would have public hearings, members of the public could come before the committee and say we like this, we like that, this should be changed, and at this point, after the committee heard the public testimony, voted on whether or not we should recommend it, it would then be sent to the floor for debate like we are having today.

That process was totally skirted. The Committee on Ways and Means and the Members who serve on that committee do not know any more what is in this bill or the waivers than the gentleman from North Carolina.

Mr. HEFNER. Has there been 1 hour of hearings on this particular legislation?

Mr. KLECZKA. There has not been 1 minute of hearings, sir.

Mr. HEFNER. There have been no meetings on this at all?

Mr. KLECZKA. No.

Mr. HEFNER. So today the people that are proposing this legislation, I am as well informed as they are, basically?

Mr. KLECZKA. The gentleman is probably more informed because he is one of the few that is here.

Mr. HEFNER. Well, I have been here for quite awhile. I have never seen something of this magnitude, and we single out a State we are going to grant how many waivers?

Mr. KLECZKA. Eighty-eight.

Mr. HEFNER. Eighty-eight waivers that nobody knows what they are or what they do that absolutely affects the lives of millions of people—I do not know how many people are in Wisconsin.

Mr. KLECZKA. Four point eight.

Mr. HEFNER. Four point eight million people in Wisconsin, and it is going to directly or indirectly affect the lives of all the people in Wisconsin, and we are going to do it here when a lot of people are going to be gone, nobody knows anything about it. To me, this is absolutely an abdication of our responsibility, and it laughs in the face of a free society and government by the people and for the people.

This is absolutely totally repugnant to me.

Mr. KLECZKA. Mr. Speaker, I reserve the balance of my time.

Mr. KLUG. Mr. Speaker, I yield myself 1 minute.

I think this is an indication in the dialog we just saw, a very clear indication in the fundamental debate here. There were 30 hearings and townhall meetings in Wisconsin, and there were 120 hours of debate, there were 2,000 residents who participated in those townhall meetings and in those hearings as well. That is where the debate should take place, and that is where the debate has taken place and that is where the vote was. The issue is whether my colleagues trust the Wisconsin State Legislature to run its own program or whether they think it is necessary for the Federal Government in Washington to rewrite it.

□ 1330

I do not think it is. Again, as for waivers and waiver records, the Clinton administration has denied waivers in Illinois, Massachusetts, and Wyoming. Waiver requests have been withdrawn because of the administration's strings in New Mexico, Ohio, and South Carolina. The following States have waivers pending: California, Florida, Georgia, Hawaii, Illinois, Indiana, Iowa, Kansas, Maine, Maryland, Michigan, Minnesota, New Hampshire, Oklahoma, Tennessee, and Utah.

Mr. Speaker, I think each one of those States is capable of making its own decision, and I think that is the fundamental question before us today: Do we trust the residents of Wisconsin or do we trust the bureaucrats in Washington, DC?

Mr. Speaker, I yield 4 minutes to the gentleman from Ohio [Mr. KASICH], the chairman of the Committee on the Budget, whose home State, Ohio, had to withdraw its welfare plan because of Clinton administration objections.

Mr. KASICH. Mr. Speaker, I very much appreciate the gentleman yielding time to be because, frankly, Mr. Speaker, everybody who is observing this debate ought to recognize that this is the opening debate, or not opening, the budget resolution was the opening debate, but this is the very first few chapters in the debate about the next century, the debate about the future of our country.

Mr. Speaker, what we are trying to do in Washington as conservatives is we are drawing the conclusion that if in fact we can take people's power, money, and influence from this city and put it back into their hands and their pockets where they live, they will be empowered to develop better solutions, more effective solutions than we can develop in Washington. This is the perfect debate, to hear the definition of a liberal and a conservative at the end of the 20th century, into the 21st century, and I love the fact that we are going to debate this and the American people can decide for themselves.

The questions that every American citizen has to ask themselves is: Am I capable of doing a better job of solving a problem where I live than somebody in Washington who has never met me? Frankly, do I have to come trudging to Washington to ask permission and to have them evaluate my solutions in order for me to be given permission to fix problems in my neighborhood?

I am going to tell the Members, Mr. Speaker, conservatives are going to win that fight every single time, because in Washington we have not been getting it right. We have been sacrificing the future of our children by wasting money, we have been not solving problems.

When we take a look at this welfare situation, I could take 10 people out of the gallery today and sit them in an office, and within 24 hours they would design a more effective welfare reform plan than is being designed in this city today.

Mr. Speaker, the real question is, do we have faith in people, do we have faith in the American citizen? Because increasingly Americans are frustrated that Washington just does not get it. It takes too much of their paychecks, does not treat their money with respect, and they design programs that do not work.

Our goal as we enter the 21st century and leave the 20th century is to systematically let people have control of their lives, because we trust that they will do better than a Washington bureaucrat who, frankly, I would say to the gentleman from Wisconsin [Mr. KLUG], does not even know what time zone it is in Madison, WI, let alone what the problems are.

Mr. Speaker, this is just the beginning, because what is exemplified in this debate is not just who should control and determine the quality of welfare, but who should determine and write the programs of quality education for our children: Should it be Washington bureaucrats or mothers and fathers?

Also, should we as Americans believe that we can handle our disabled and our elderly better where we live than relying on the Federal Government? This is what we are going to see. In fact, should the Government continue to take more and more of what we earn to spend on what they think is important in this city, rather than what we think is important in our neighborhoods?

Frankly, Mr. Speaker, the question is real simple: Do we have faith that people in the great State of Wisconsin are able to design a welfare program that they are happy with, that they believe will solve problems more effectively, that they believe is more compassionate, and at the end of the day, will get people from welfare to work? Or do Members think we ought to keep the program in Washington and impose a system on Americans where we come on hands and knees and beg unelected

Federal bureaucrats for permission to design local solutions to local problems?

This is a perfect debate, and I would suggest that when this rollcall vote is put up here, we are going to be amazed at the fact that the people of this country will win, because we are going to pass this bill because it reflects and represents a confidence in the American people. Power to the people.

Mr. OBEY. Mr. Speaker, I yield 30 seconds to the gentleman from North Carolina [Mr. HEFNER].

Mr. HEFNER. Mr. Speaker, I appreciate the fact that this is an ideal debate, but to me it is patently unfair, Mr. speaker, for people to ask people from every State in this Union to come in and cast a vote on something that they know absolutely nothing about.

The committee system works here, where we have Democrats and Republicans go to committee, they talk, and they have hearings. They come and talk to our colleagues and explain what we are voting on. They are asking people here that know absolutely nothing about a tremendous document that is going to affect 4 million lives in Wisconsin, and the chairman of the Committee on the Budget made a very excellent speech here, a political speech, but he did not have the courtesy to enter into a colloquy. That is where we are. It is a political document. It is going nowhere and it is disgraceful. It does not speak well for this House.

Mr. OBEY. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin [Mr. STENHOLM].

The SPEAKER pro tempore (Mr. BONILLA). Without objection, the gentleman from Wisconsin [Mr. OBEY] now controls the time in support of the amendment.

There was no objection.

Mr. STENHOLM. Mr. Speaker, I want to take time today to put in a plug for enactment of real welfare reform, something that the House and Senate can and will vote for and something the President will sign.

Let us be totally honest today, Mr. Speaker. This debate on the Wisconsin waiver is not about welfare reform, it is about scoring partisan points in an election year. We all know this is a terrible process, to be considering the Wisconsin proposal. It is not unreasonable to expect the Wisconsin plan to be subject to public comments and undergo review to determine whether it meets the goals it sets forth, whether it will increase Federal spending, which I cannot believe my chairman was speaking a moment ago without recognizing the potential of doing damage to the budget.

Regardless of whether we are talking about welfare proposals or health care grants or education plans or any other function of the Federal Government, I must say that circumventing the processes which have served both Democrat and Republican administrations, allowing time for public comment and review, is not a wise precedent.

The State of Texas had to undergo this process in order to implement a welfare reform proposal very similar to the Wisconsin plan. While it was frustrating at times for those of us who supported the Texas waiver to go through the process, we did not ask for special treatment such as we are being asked to give Wisconsin today. The Texas plan was approved because it was able to stand up to the scrutiny and questions and is now being implemented. I support the Kleczka-Obey amendment because it requires that the Wisconsin plan undergo the same reasonable scrutiny and the same valid questions to be asked that Texas did.

Instead of wasting our time with political games on waiver for one State, we should be working on enacting a bipartisan welfare reform bill for the entire Nation. I agree that we should not be micromanaging the welfare programs of Wisconsin or any other State. There is an agreement on a bipartisan welfare reform proposal that can become law, that would allow Texas, Wisconsin, and all of the other 48 States to pursue innovative welfare reform proposals to move welfare recipients to work. It is called the Tanner-Castle Bipartisan Welfare Reform Act. The Tanner-Castle bill is an effort to put an end to the partisanship and the speechmaking and all the rhetoric on this floor, and take constructive action on welfare reform.

The Tanner-Castle bill gives States the flexibility to implement welfare reform, initiatives like the Wisconsin plan. There is so much about the Wisconsin plan that I like. It is just like the Texas plan. The problem is, we do not know what is the rest of the story. What else is in this 600 pages? Why not subject it to a reasonable amount of scrutiny?

The more important thing for today's debate is to understand this is pure political partisanship. I hope that within the next 2 weeks when the welfare reform bill comes to the floor that we will sincerely have the discussion and the debate on asking and answering the questions, so Wisconsin or any other State does not have to come to the Federal Government for a request for waivers. We are that close to doing it, but believe me, Mr. Speaker, this bill today moves us in the opposite direction. I support the amendment offered by the gentlemen from Wisconsin, Mr. KLECZKA and Mr. OBEY.

Mr. KLUG. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me say that I understand the frustration of my colleague in Texas because of Texas' frustration in getting its own plan, which was delayed for a while with the Federal bureaucracy. He is right, we do need a national plan, but the question again is if we will give a green light to one very specific program that is ready to go, that the President said he liked, that was, again, passed by two-thirds in the House, three-quarters in the State Senate back home.

The question is can Wisconsin go ahead, in case we get held up in the national arena again? Not only is Texas inconvenienced at this point, and there is frustration from Georgia, Florida, and a number of other places, but California has been caught in this fight as well.

Mr. SABO. Mr. Speaker, will the gentleman yield?

Mr. KLUG. I yield to the gentleman from Minnesota.

Mr. SABO. Mr. Speaker, I am just curious; do we have a CBO estimate of Federal costs of the Wisconsin plan?

Mr. KLUG. I will let my colleague, the gentleman from Wisconsin [Mr. NEUMANN], a member of the Committee on the Budget, respond.

Mr. NEUMANN. Mr. Speaker, will the gentleman yield?

Mr. KLUG. I yield to the gentleman from Wisconsin.

Mr. NEUMANN. Mr. Speaker, it is cost-neutral on a 5-year period of time. It is on the second page of the bill.

Mr. SABO. If the gentleman will yield, what does that say?

Mr. NEUMANN. It say specifically that the cost has to be neutral over a 5-year period of time.

Mr. SABO. If the gentleman will yield further, I would ask, Mr. Speaker, is that for State and Federal Government combined?

Mr. NEUMANN. No, that is for the Federal Government and the impact on the Federal.

Mr. SABO. Is that a CBO estimate that that is achieved?

Mr. NEUMANN. No, it says very specifically in there that it must be budget-neutral over a 5-year period of time.

Mr. KLUG. Mr. Speaker, I yield 4 minutes to the gentleman from California [Mr. RIGGS] to express his frustration with California's inability to achieve waivers here in Washington.

Mr. RIGGS. Mr. Speaker, I thank the gentleman for yielding time to me, and for his leadership on this very important issue.

Mr. Speaker, I want to point out to our Democratic colleagues what they have described here on this floor in the last few minutes as pure political partisanship, opportunism on our part, is not limited to Wisconsin. It also, to use their definition, would apply to our frustration in California, seeing our welfare waiver requests to the Federal Government held back here by the Federal Government bureaucracy for months and months and months.

This article from the May 28, 1996, San Francisco Chronicle pretty much says it all. It says "Welfare Overhaul Stymied in D.C., Critics Complain, California Officials Lament," I quote from the article: "President Clinton," and by extension congressional Democrats, "argue that he," his administration, the Clinton administration, "has granted States wide latitude to reform welfare, but California State officials maintain that the White House has stymied their attempts by delaying, refusing and amending requested changes in Federal rules governing Aid to Families with Dependent Children, the main welfare program financed half by the Federal Government and half by the States."

Listen to what Eloise Anderson, the director of the California Department of Social Services, has to say: "Clinton is out there publicly saying one thing, but his actions are quite different." This is a remarkable lady. She is an African-American, she is a former welfare recipient, she is very familiar with the Wisconsin plan, because she worked as a top welfare aide to Governor Thompson. She has patterned the California welfare reform proposals after the Wisconsin model.

She says that President Clinton says one thing and does another. That is a real surprise, by now, I am sure, to the American people. Governor Wilson says that President Clinton had "failed to live up to his promise of four years ago to 'end welfare as we know it.'" So California has been absolutely stymied by the Clinton administration. What is the status with respect to their welfare waiver request? What is the status of those waiver requests?

Contrary to the statements of the President, President Clinton has thwarted California's efforts to reform welfare through the waiver process. On average, California waiver requests have spent over 300 days languishing in Washington, DC, awaiting approval; 300 days; Mr. Speaker, not 30 days.

On average, the Bush administration approved California's waivers within 60 days, and three major California waivers are still pending. The maximum family grant, 581 days and counting, 581 days. Did Members hear that figure? Not 30. This proposal was enacted by the California State Legislature in 1994 with bipartisan support. It would end the practice of rewarding irresponsible behavior by denying a grant increase for children born to families on welfare. As I mentioned, it was submitted in November 1994 and is still pending. Grant reductions, 91 days and counting; 91 days and counting.

Studies have found that California's high AFDC grant levels discourage work because receiving AFDC is more lucrative than working for the minimum wage. That is one reason why I sponsored the minimum wage increase amendment on this floor. But Federal law prevents California, which provides the fourth highest grants in the country, from reducing their grant levels.

Lastly, the teen pregnancy disincentive, 91 days and counting. This reform, approved by the State legislature, again with bipartisan support, would require teen parents to live at home, with certain exceptions, in order to receive aid. So it is crystal clear what is going on here, Mr. Speaker, particularly to the American people, and anybody who is wondering why efforts to overhaul welfare have been stagnated today need only look as far as this Chamber and how it has acted or how it will act on the Wisconsin welfare waiver request, and how this administration has handled the California welfare waiver request.

□ 1345

Mr. KLUG. Mr. Speaker, I yield 4 minutes to my colleague, the gentleman from Missouri [Mr. TALENT], who is from the St. Louis area and who has been a real leader on welfare reform, generally, in this House.

Mr. TALENT. Mr. Speaker, let us look at this system that Governor Thompson and an overwhelming bipartisan majority in Wisconsin is trying to change. Let us look at what this system has given us.

In the immediate postwar era, Mr. Speaker, welfare in this country was taken care of, basically, by localities and private charities backed up by State resources. Let us look at how that worked.

In 1948, the poverty rate was about 30 percent. It declined steadily in the postwar era until in 1965, it reached 15 percent. What happened in 1965? The Federal Government declared war on poverty.

Now, the national impulse to help the poor was a good thing, but here is how the Federal Government did it. It conditioned assistance on people neither working nor getting married, and the two best antipoverty programs, the way people typically got out of poverty, is by work and by marriage. In effect, what the Government did over a period of about 30 years was take away kids' dads and give them Government instead.

We did not get a reduction in poverty. The poverty rate was 15 percent in 1965, trillions of dollars later, it is still 15 percent. What we got was an explosion in the out-of-wedlock birth rate. That is the system that Governor Thompson is trying to change.

What is he trying to do about it? He is trying to replace this failed system that nobody will defend, that nobody wants to even be close to defending. He is trying to replace that system with a system of assistance to people that encourages marriage instead of penalizing it, that encourages, and in many cases for able-bodied people requires work instead of penalizing it.

Everybody believes that that is the direction that we ought to go in. How much longer are we going to wait until we go in that direction? The existing system has produced hundreds and hundreds of thousands of instances of human tragedy and usually involving kids. I think of the story of Eric Morse who was raised in a Pittsburgh housing project, a 5-year-old boy. His mom taught him right from wrong, taught him not to steal, and there were some older kids in the project. They wanted him to steal. When he would not do that for them, they dragged him up to the top of that public housing project and they threw him out a window. There were no dads in that housing project, nobody to come out of a door and say what the heck is going on? Stop this.

That is the result of this welfare system that people here are trying to defend without appearing to defend it. How much longer do we need to wait? We hear all kinds of excuses.

Mr. Speaker, why are people devoting such energy in trying to defend or fight this covered retreat in order to prevent change of this system. We do not know enough about what Wisconsin is doing. We know our system, the federally imposed system is no good. We know that this State has been at the forefront of useful welfare reform. We know that this plan was approved by the huge bipartisan majority and endorsed by the President of the United States.

What else do we need to know? We do not have a CBO estimate. We do not know how much this change is going to cost the Government. We know what this system is costing the Government. We know what the existing system is costing, not just in money, but in terms of lives. They say we need more time to consider this. We have had 30 years of this existing system. Let us give some changes an opportunity. We do not need more time to know that this system is broken.

When President Clinton said at the beginning of his term, we need to end welfare as we know it, nobody stood up and said, no, let us keep welfare as we know it. Why are we preventing this change that everybody wants?

Mr. Speaker, this is a plan that has been endorsed by a huge bipartisan majority in the Wisconsin Legislature, endorsed by the President of the United States; it is fully consistent with the bill that passed this House last year. It is not only what we should do, it is the least we should do. It is less than the least we should do.

We should be having these principles nationally. Let us at least let the people of Wisconsin do this for the individuals in their State, the most vulnerable among the lower income Wisconsinites, and the children there, let us at least let them do this for their own communities.

Mr. KLECZKA. Mr. Speaker, I yield 3 minutes to the gentlewoman from Hawaii [Mrs. MINK].

Mrs. MINK of Hawaii. Mr. Speaker, I thank the gentleman for yielding me this time.

I think it is important for us to come to some common ground. I do not think that those who oppose this legislation have in any way any desire to disturb, denigrate, deny, the people of Wisconsin to offer whatever solutions they see best for their State and for their community.

But we have a Federal law, and what they have to do if they have desires of participating within the Federal law and to have the benefits of 60-percent funding, which is what they received today, then they must go through the process, and the process requires that they file with the administration waivers that must be approved in order for their new plan to go through.

That is not to say that the Wisconsin people are not genuinely interested in change. They have not completed their process because the legislature still can act upon their vetoes, but nonetheless, we want to certainly accord the people of Wisconsin, California and my State the privilege of going to the administration and explaining to what extent they could do better with the funds that they are receiving by updating waivers.

Now, the waiver process may be difficult, but it is there because we are under a Federal law, which we have to reply to and be responsible to, to the rest of the taxpayers of this country. That is what it is all about.

It seems to me that to come to the Congress and to ask for special prerogatives, to establish a special precedent when anyone can come here and get a hearing with respect to their individual State's waiver on the grounds that our State desires to opt out of some Federal regulation is a very, very bad precedent to follow.

The second bad thing about this bill is that it denies open government, the open government principle which says, we must at least in the waiver process enable people to file comments; at least a 30-day comment period must be protected if we believe in open government.

The third principle which we are destroying today is the separation of powers. We have distinct authorities, legislative, executive, and judiciary. We have given the executive the prerogatives of waivers. It is not for this Congress to sit here and decide sight unseen which waivers we want to give to a law that we have enacted. None of us have seen the 88 waivers.

I certainly cannot explain any of them, because I have not read the documents, which have not been made available to us. It is really a denigration of our responsibility as national legislators to be called upon to vote on something that has occurred in another State.

Mr. Speaker, I do not wish to presume upon the intelligence and the judgment and the policies of Wisconsin, but I have a responsibility to reflect the integrity of this Chamber and the desires of my State. So regretfully, I must stand on principle today, the principles of open government, full discussion, and a separation of powers.

Mr. KLUG. Mr. Speaker, I yield myself such time as I may consume.

First of all, let me say to my colleague from Hawaii, who also has a waiver application pending with the Clinton administration.

Mrs. MINK of Hawaii. Mr. Speaker, will the gentleman yield?

Mr. KLUG. I yield to the gentlewoman from Hawaii.

Mrs. MINK of Hawaii. Mr. Speaker, in that sense, I hope that it is the policy of the majority to grant us this special hearing also whenever we see fit, because we too have waiver applications.

Mr. KLUG. Mr. Speaker, reclaiming my time, again I would encourage the gentlewoman as a member of the President's party to issue waivers more quickly. However, let me say fundamentally that waivers are not welfare reform, waivers are a lifeline for bureaucracies to rewrite and to change and negotiate and manipulate and modify documents that are written back at the State of Wisconsin.

Again, in terms of the subject of openness, 30 legislative hearings and town meetings, 120 hours of debate, 2,000 residents who participated. There was great discussion in Wisconsin, there was a recorded vote and majorities in both the assembly and the Senate, two-thirds in one, three-quarters in the other, voted on and passed this piece of legislation and the Governor signed it into law.

Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin [Mr. NEUMANN], the author of this important piece of legislation.

Mr. NEUMANN. Mr. Speaker, I rise to make it perfectly clear my opposition to the amendment in the form of a substitute, and I would like to make it clear exactly what is going on in this amendment in the form of a substitute.

What is happening here is they are trying to say that we need 30 days here in Washington to review this. Surely, we are not talking about Wisconsin people who want more time to review this, because after 18 months, my colleague from Wisconsin has gone through the list of how many different hearings they have had out there, but surely, after 18 months of hearings the people in Wisconsin have had their chance to be heard.

This legislation is not legislation designed to reform welfare all over the United States of America. This is legislation designed to reform welfare in the State of Wisconsin, the people that are going to be affected by this legislation, have had 18 months, they have had 18 months of chances to express themselves.

What came out of this 18 months of debate in Wisconsin? Why do we not need another 30 days of debate out here in Washington, DC? Well, first let us make it clear if we give them 30 additional days to debate this out here in Washington, DC, what we are really doing is giving the Washington bureaucrats the power, the time and the right to rewrite the Wisconsin plan and to Washingtonize it.

We do not want our Wisconsin plan Washingtonized. I do not know if the plan is right for every other State in the country, I cannot tell you that. But what I can tell you is that after 18 months of debate, two-thirds of the people in the assembly and three-quarters of our State senators, the majority of the Democrats and all of the Republicans in the State legislature voted for it. That is a pretty resounding endorsement for this.

They have made mention of the fact that maybe everybody does not understand all of the things in this. Well, our State legislature sure does. The Democrats in the State of Wisconsin that voted for it sure do, the Republicans in the State of Wisconsin sure do.

So I would just strongly oppose the amendment in the form of a substitute. We do not need 30 days for the Washington bureaucrats to pick apart the Wisconsin plan and rewrite the Wisconsin plan to their liking. The people in Wisconsin are perfectly capable of writing a plan that they know and understand and that serves the best interests of the State of Wisconsin.

There is one another point I would like to make.

After 18 months of debate, after a two-thirds vote in the assembly and a three-quarters vote in the Senate, after the Governor signing the bill, what happened? You would think the bill would be enacted into law, but instead of enacting the bill into law, the next step was to prepare this document. As has been pointed out on the other side, 700 pages in this document, 700 pages.

I would like ask people in here just exactly how much they think it costs the taxpayers in the State of Wisconsin to hire their own Wisconsin bureaucrats to put this document together, to come hat in hand to Washington to beg for approval, and just exactly how much do we think it is going to cost the taxpayers of this Nation to hire the bureaucrats to sit out here in Washington, DC, and now review this document one page at a time?

That is an expense of the taxpayers' money. That money should be going to help the truly needy people in this Nation. It should not be spent bogged down in a bureaucratic process that just plain does not work, and if there is anybody that would like to argue that the welfare system in the United States of America today works, I would sure be willing to listen.

Mr. Speaker, I strongly oppose the amendment.

Mr. KLECZKA. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, the previous speakers indicate that we are giving 30 days. They know full well the law provides that 30 days shall be given to the public for comment, and the Governor by his own words and written sentences states to us that if you do this by August 1, that is fine with me. So I guess we are playing Governor here by knowing better than what Tommy Thompson needs.

The substitute provides the process will be completed by July 31. The Governor says do it by August 1. Everything is fine.

Mr. Speaker, I yield 1 minute to the gentleman from Minnesota [Mr. SABO].

Mr. SABO. I thank the gentleman for yielding me this time.

Mr. Speaker, my understanding, there is no CBO cost estimate, and the reason we do not have it is because the legislative process is again being diverted. If one followed the normal process and had a bill reported from committee, then the House rules require a CBO cost estimate. If he brings to the floor an unreported bill such as this, then the rules do not apply.

So we do not have a CBO cost estimate, and I must say to my friend from Wisconsin, I look at your language, and it does provide some cost limitations. But it applies to the totality of State and Federal costs. It does not apply if the State is doing things with the system, increase Federal costs and decrease State costs.

Mr. NEUMANN. Mr. Speaker, will the gentleman yield?

Mr. SABO. I yield to the gentleman from Wisconsin.

□ 1400

Mr. NEUMANN. Mr. Speaker, we have had extensive debate on this issue over the course of the last week and a half. The language that is found in the bill on page 2, subsection (b), was developed in close consultation with CBO.

Mr. SABO. It does not do what the gentleman says.

Mr. KLUG. Mr. Speaker, I yield 1 minute to the gentleman from Janesville, WI [Mr. NEUMANN] to engage in a colloquy with the gentleman from Minnesota [Mr. SABO].

Mr. NEUMANN. Mr. Speaker, this is a very important concept here, and the gentleman understands just how concerned I am with the Federal deficit. I know, from serving with the gentleman on the Budget Committee, he understands just how strongly I feel about things that come to this floor being deficit neutral.

We spent an extensive amount of time and developed this language in consultation with the Committee on Ways and Means and CBO to make sure that at the end of the 5-year window, which is the normal window used out here, that we would in fact be at least neutral in terms of cost to the Federal Government, so that we do not have a bill on the floor that would make the deficit worse.

I think it is very important to understand that as people make the move from welfare to work, there are some initial up-front costs in the program but that we benefit down the road, as those people accept their normal role in society and become productive parts of the society, earning a living, paying taxes, doing all the rest of the things. So it is clear that there are some costs in the beginning but we do have the language in the bill that makes it neutral over the 5-year window.

Mr. SABO. If the gentleman will yield, I wish what the gentleman said was accurate.

Mr. KLECZKA. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin [Mr. BARRETT].

Mr. BARRETT of Wisconsin. Mr. Speaker, I have been listening to the debate all day today, and one of the things I find most interesting in this debate is we have had a number of speakers from States other than the State of Wisconsin who have come up and told about the terrible horror stories of how their State has submitted a waiver request and the request has been pending for any number of months or any number of years. As I listened to those horror stories, I thought, well, why are we not dealing with that State's waiver request? Why are we not dealing with California's waiver request if it is so terrible? Why are we not dealing with Hawaii's waiver request?

Instead, we are dealing with the waiver request from the State of Wisconsin, a State which has had every single waiver request it has submitted granted and a State where the most stale waiver request, the one that is gathering all that dust here in this terrible city of Washington, District of Columbia, has been sitting there for 8 days. that is right, 8 days it has been sitting there, and this terrible administration has failed to act in 8 days on this waive request.

So I ask myself, what is going on here? Why, rather than dealing with Wisconsin's request that is 8 days old, from the State that has had the most success in getting waivers, why we are not dealing with California's or Hawaii's waiver request?

I keep going back to that press conference that Speaker GINGRICH orchestrated where Speaker GINGRICH said, "Well, we're just going to come and we're going to pass this waiver request for the State of Wisconsin." Why do it in the State that has the least amount of problems getting waiver requests? Because it is a State that is up for grabs in the Presidential campaign.

It is a State that President Clinton wants to carry and it is a State that Senator DOLE wants to carry. So rather than going into one of these other States, let us inject presidential politics into the State of Wisconsin's welfare reform practice.

Does that make sense? It does not make sense to me, because the State of Wisconsin has been successful. It has been successful working on a bipartisan basis. It has been successful with a Republican Governor and a Democratic President working together.

I know that that is anathema to my colleagues on the other side, that this is an issue where President Clinton agrees that there should be welfare reform. But I am also troubled by the fact that what we are trying to do here today is frankly circumvent the will of the State legislature in the State of Wisconsin and Governor Thompson, because in Governor Thompson's waiver request, what does he ask us? He asks us to approve these waivers by August 1, 1996. That is what Governor Thompson asks us to do in his waiver request.

Well, Speaker GINGRICH and his followers have decided that they know more than Governor Thompson and the legislature. Even though Governor Thompson and the legislature have asked us to approve these things by August 4, they are saying, no, we know more than that elected body in the State of Wisconsin. We know more than that elected Governor of the State of Wisconsin. What we are going to do is we are going to put our judgment—Speaker GINGRICH and his followers—are going to put our judgment in place of what the legislature and Governor Thompson have asked us to do.

Talk about arrogance, that is arrogance to me. If the Governor of Wisconsin in his own submittal asks us to approve this by August 1, well, then, let us do it. And that brings me to the substitute that has been offered by the gentleman from Wisconsin [Mr. KLECZKA] the gentleman from Wisconsin [OBEY], and myself.

What does that substitute have us to do? That substitute, believe it or not, asks us to do exactly what Governor Thompson has asked us to do, and, that is, it urges the Secretary of the Department of Health and Human Services to approve the waiver request by August 1, 1996. We are doing exactly what the legislature has requested, we are doing exactly what the Governor has requested, and we are working with them on a bipartisan basis, hand in hand. That is not good enough for the Speaker and his followers.

So where does that leave us now? That leaves us with the amendment that has been offered by the gentleman from Wisconsin [Mr. KLECZKA]. It asks us to do several things. It urges the Secretary to approve the waivers, it urges the Secretary to approve those waivers by the exact date that is contemplated in the W–2 plan. And it also asks the Secretary to make sure that the plan complies with the statements that were made by Governor Thompson. Again, wholly consistent with working together, not making it a partisan issue, trying to get welfare reform done so that it helps people and does not inject Presidential partisan politics into the debate.

I think that the substitute that is being offered is a substitute that allows the Republicans to go home and claim victory, because we will not have these delays that we are hearing about, these horrible delays that are going to say that these delays are going to go beyond 60 days. It does exactly what they want us to do, and that is get these waivers approved quickly. It does so consistent with what Governor Thompson said.

Mr. KLUG. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin [Mr. SENSENBRENNER], a member of the Committee on the Judiciary and ask him to yield for a fundamental question.

Mr. SENSENBRENNER. I yield to the gentleman from Wisconsin.

Mr. KLUG. In the substitute that has been offered by our colleague from Wisconsin [Mr. KLECZKA], the language says "urge."

Is it the gentleman's reading that it does not compel the Secretary to act by August?

Mr. SENSENBRENNER. Mr. Speaker, that is absolutely correct. This substitute is really a cop-out, because what it does is it punts the ball right back to the bureaucrats in the office of the Secretary of Health and Human Services. It does not compel the Secretary and the bureaucrats to approve the submittal that has been made by the Governor of Wisconsin. It allows the Secretary to cherry-pick and approve some and modify others and disapprove others, which means that the whole W-2 welfare reform plan that was passed by the State legislature does not get approved, and it does not even set up an automatic deadline as I read this. It just urges the Secretary to do it by the end of July.

There is precedent for legislatively approving welfare waivers that have been requested by the States and I referred to 3 instances during my remarks in general debate: In 1987 Washington State welfare waivers were legislatively approved in a budget reconciliation bill as were New York waivers. In 1989 Minnesota had some waivers legislatively approved. That is exactly the same procedure that we are using here today with the waivers that have been requested by the State of Wisconsin. So we are not doing something unprecedented, despite what the previous speaker has said. We are following the precedents that occurred in 1987 and in 1988 with the 3 other States and simply saying that this Congress approves the waivers so that the decisions that have been made in Madison, WI by the elected representatives of the people will proceed rather than getting modified, delayed and confused by bureaucrats in the office of the Secretary of Health and Human Services across the street.

Mr. KLECZKA. Mr. Speaker, I yield 1 minute to the gentlewoman from North Carolina [Mrs. CLAYTON].

Mrs. CLAYTON. Mr. Speaker, I rise to support strongly the Democratic substitute offered by my colleagues from Wisconsin and to say that that delegation also knows what is best for Wisconsin as well as my colleagues from Wisconsin on the other side of the aisle.

I also want to comment to the last speaker who said there is great precedent because there were some 3 incidents. I would hope that those precedents were based on need. There is no demonstrated need, any congressional intervention need. Only 8 days have passed. So why is there this rush to judgment that we need to engage ourselves in? Only for political reasons.

Why should we support the substitute? Because it allows the will of the Wisconsin Governor and the General Assembly to go forward without any delay. More importantly, also, it has due process. Due process is one of the constitutional provisions that all citizens should have and certainly the citizens of Wisconsin should have, and at least those 30 days to comment. Nothing is delayed in allowing the alternate bill from the Democrats to go forward. You are getting the same thing. But you also will gain one other important provision, the constitutional provision of due process allowing the citizens to comment.

Mr. KLUG. Mr. Speaker, may I inquire as to the time remaining on both sides?

The SPEAKER pro tempore (Mr. BONILLA). The gentleman from Wisconsin [Mr. KLUG] has 8 minutes remaining, and the gentleman from Wisconsin [Mr. KLECZKA] has 5 minutes remaining.

Mr. KLUG. Mr. Speaker, I yield 1½ minutes to the gentleman from Iowa [Mr. GANSKE].

Mr. GANSKE. Mr. Speaker, I rise to urge my colleagues to vote for this waiver today. Just recently I had an opportunity to talk in some detail with Governor Thompson about the Wisconsin plan. It is a bold plan. It is entirely in line with the principles that the majority of this Congress have voted on previously this year that would allow States to do innovations in the delivery of welfare so that we can finally find out a method for solving the welfare problem. The current system is not working to help the people that it is supposed to. We want to see some experiments around the country, and hopefully we can find a method that will work.

This plan from Wisconsin may not work. But I would like to give it the chance to do that. I know that it has been well thought out. I know that President Clinton, who has been described by many as something of a policy wonk, who looks at a lot of the details of plans, recently spoke to the benefits of this plan and the value of this plan and basically endorsed it.

So I think that we ought to go ahead today and give Wisconsin its waiver and get it on its way and see whether the Wisconsin plan will help us provide welfare better than we are doing now in the State of Wisconsin.

Mr. KLUG. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. STEARNS].

Mr. STEARNS. Mr. Speaker, the legislation we are debating today deals with one basic and fundamental issue. Do we want to continue with the current welfare system, or do we want to make available to those people currently receiving these benefits a more promising and rewarding future?

I, for one, firmly believe that the vast majority of individuals currently receiving welfare would prefer cashing a pay check to cashing a welfare check. Not only is it counterproductive, it is also wrong. It is wrong because it locks people into a cycle of welfare dependency and does nothing to improve their quality of life.

This issue strikes at the very core of what we are trying to accomplish in this Congress. We need to turn back to the States the programs they must administer.

Today, we are simply trying to comply with the President's wishes. He said he would like to see Wisconsin granted a waiver and that we should look to this plan as a model for future national reform.

My own State of Florida was granted a waiver to conduct two welfare demonstration projects. While the Federal waiver was granted in a more timely fashion than other States requesting such a waiver; the time span was still 5 months long.

Wisconsin passed its waiver with bipartisan support by receiving a two-thirds majority vote. This waiver was agreed to by the State legislature after 18 months of public debate. It certainly has had a significant review.

Welfare robs people of their self esteem and leaves them with little self respect. Let us put these people to work and give them the dignity they want and will receive when they are no longer on the dole.

My colleagues on the other side should remember that it is the President who endorsed this plan. Now we are being accused to playing politics. Why don't we pass this legislation and allow the people of Wisconsin to make their own decisions about the future of its State in terms of the type of welfare program it would like to have.

□ 1415

Mr. Speaker, I would like to conclude by reciting a passage from Genesis in the Old Testament which sums up what this debate is really all about. It reads, "If any would not work, neither should he eat." Welfare represents the antithesis of what this line from Scriptures states.

Mr. KLUG. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I want to thank my colleagues who have been listening to this debate back in their offices as well as my colleagues on the floor. We have a very important fundamental choice before us today. To what degree do we trust the citizens of Wisconsin to make their own decision about welfare reform and to what degree do we think that Wisconsin's plan needs to be modified, changed, stapled, amended, or put through a blender by Washington bureaucrats?

Here is the fundamental point. The plan passed in the Wisconsin legislature 73 to 25, an essentially two-thirds majority in the State assembly. Republicans and Democrats. All Republicans and a majority of Democrats.

The Wisconsin State Senate? Seventy-five percent of people in the Wisconsin State Senate voted for the plan; 27 yes, 6 no. Three-quarters Republicans and Democrats were for what President Clinton called Wisconsin's bold welfare experiment.

Supporters? The current senate minority leader, after a special election this week, perhaps soon to be the current Democratic majority leader in the Wisconsin State Senate, and last time opponent to Governor Thompson for Governor, Chuck Chvala, said in support of, and voted for W–2, he said, "The final vote on W–2 presents legislators a choice. We can continue along a seemingly endless path that has fostered an impoverished dependency on government aid, or we can try a new direction in the hope of leading all Wisconsin citizens to a more dignified, more prosperous life of self-reliance based upon work, because that is the fundamental point in the Wisconsin plan; that it is not welfare but it is work."

Who else supports the plan; this kind of crazy idea floated up by a Republican Governor? The Democratic mayor of Milwaukee, John Norquist. In fact, he says he is worried, and has told the Clinton administration that he thinks W–2 does not go far enough. "I want the W–2 waivers to be signed quickly, but I want President Clinton to make sure that W–2 does not become welfare reform-like."

The Democratic mayor of the city of Milwaukee wants President Clinton to grant the waivers and wants Congress to act quickly to put the plan in the President's hands.

What did the President say again? "Last week Wisconsin submitted to me for approval the outlines of a sweeping welfare reform plan, one of the boldest yet attempted in America, and I am encouraged by what I have seen so far. I pledge that my administration will work with Wisconsin to make an effective transition to a new vision of welfare based on work."

Now, we have been accused on this side of misreading the President's words. All I can tell my colleagues is how the press read that. The press said that means that the welfare plan had been okayed by President Clinton. And we did not write this. That is the headline of the Wisconsin State Journal from Sunday, May 19, based on the President's radio address on Saturday that the Wisconsin welfare plan is okayed by Clinton.

Here it is one more time. "So the States can keep on sending me strong welfare reform proposals and I will keep on signing them. I will keep doing everything I can as President to reform welfare State by State if that is what it takes."

And that is what we are asking for here today in this body is to give Wisconsin the chance to reform welfare, to give us a chance to create a new vision of what welfare should be in this country; that we should reward work and not reward dependency. And that is what the President said on that Saturday that led to that headline.

Now, why are we trying to do this today? Because the fact of the matter is, despite the President's best intentions, despite speeches on both sides of the aisle, for far too long waiver applications come up here and they die. Twenty-eight welfare waivers currently pending involving 19 States, dating all the way back to September 20, 1993.

And under the Kleczka substitute what we say is, review it by the beginning of August. And then if we do not like it, we can review it longer and take our time; and then we will change waiver No. 8 and we will amend waiver No. 13; and we do not like waiver No. 16, so that is out altogether; and 32, well, we can talk about it and maybe it will take us to 1997 to get that done.

And along the way we will rewrite what Wisconsin wants to do. And pretty soon it is not Wisconsin's plan, it is a third Washington or a quarter Washington or a half Washington, and it is no longer what a bipartisan group in the Wisconsin State Legislature voted for after hundreds of hours of testimony and hearings and votes across the State of Wisconsin.

Wisconsin has a proud record, I would suggest to my colleagues, of innovation. We were the first place in this country to use primary election laws. The Wisconsin Workmen's Compensation Act of 1911 was a model for the country, the first Unemployment Compensation Act in 1932. Give us a chance to again lead this country into a new form of government. I ask Members to give Wisconsin's welfare plan their approval.

Mr. KLECZKA. Mr. Speaker, I yield the balance of my time to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Speaker, I thank the gentleman for yielding me the time.

When the legislature passed the bill that we are now discussing, which is, after all, effective come late 1997, when the Governor made the 1997 changes he made in that legislative product, the law was clear: The Department of Health and Social Services was supposed to review that plan after giving every citizen of the State of Wisconsin 30 days to make a comment on it.

Now, much has been said about the President and the fact that it has been 8 whole days and he has not approved the waiver. The President did not say in his radio address I shall be a rubber stamp for Tommy Thompson. What he said is I am encouraged by what I have seen so far, and then he went on to say, Wisconsin has the makings of a solid, bold welfare plan and I pledge that I will work with Wisconsin to make it work. That is what he said.

I would point out that the President, in 3 years, has granted 61 waivers to 38 States, including Wisconsin on a number of occasions. That, by the way, is double the number of welfare waivers approved in the entire 12 years that Ronald Reagan and President Bush were President; 1,400 Bush, 1,500 Reagan.

Now, I think what has happened is simply this. Speaker GINGRICH evidently got irritated because the President indicated, a few days before Mr. DOLE went to Wisconsin, that he liked what he had seen so far about the welfare plan and would work with Wisconsin to get it approved. And so, because of the Speaker's irritation, and perhaps we could solve that, maybe the way Wisconsin can stop being a ping-pong ball in the Presidential campaign is to make an agreement that neither party's candidate will come to Wisconsin in the campaign. Maybe that will take the politics out of it and we can get serious again.

But, anyway, the bill before us today says that there will be no opportunity for Wisconsin citizens to comment; that the Congress is simply going to vote for it sight unseen, with virtually no one in this House having any idea what is in the package except perhaps some of us from Wisconsin.

I would ask my colleagues one question. How much do we think people have really learned from this debate today about what is in the Wisconsin plan as it affects human beings? I would venture to say virtually nothing.

All the substitute does that the gentleman from Wisconsin [Mr. KLECZKA] is proposing is to guarantee that no action is taken before every Wisconsin citizen has a chance to comment for 30 days. And the amendment says that the department shall evaluate the plan not based on its own opinions but based on the seven key features which the Wisconsin Governor himself has asserted are in that plan. If they are, this resolution says approve it.

That is all we ask. What is wrong with that? What are we trying to hide?

I would also point out that the gentleman from Wisconsin [Mr. SENSENBRENNER] is wrong when he says there is not a hard date. The language of the Kleczka amendment makes quite clear that the agency "shall complete such consideration not later than July 31, 1996." That is pretty clear to me. And guess what, it is written in English. We can even understand it. That is the deadline, folks.

So all I would ask us to do is forget the politics, forget the maneuvering, please do not continue what has become, unfortunately, a day-to-day event where the House appears to be nothing more than a political extension of the Presidential campaign. This House is better than that, at least it ought to be. We have a lot of serious work to do, let us do it in a serious way. Let us not demean our processes by every day in every way being nothing but ventriloquist dummies for our respective Presidential candidates.

This House has a lot of work to do. Let us get on with it and let us stop the political games. This is a political game. Do it the right way, support the Kleczka amendment.

Mrs. COLLINS of Illinois. Mr. Speaker, I rise in support of the amendment offered by Representatives BARRETT, KLECZKA, and OBEY, all of Wisconsin. Since the Gingrich-Armey Republicans have forced us to divert from development of a Federal Budget for Fiscal year 1997 so that we might have a chance to avoid government shutdowns like the Republicans brought about last year, and other priority legislation, this amendment seems reasonable.

This Wisconsin delegation amendment addresses major deficiencies in H.R. 3562, the Republican effort to legislate a routine administrative procedure. The Barrett, Kleczka, Obey amendment would assure that a 30-day comment period be observed on the issues contained in the waiver request, and that the Department of Health and Human Services conduct expedited consideration of the waiver request and certify that the Wisconsin plan would, in fact, accomplish what the Wisconsin Governor advertises that it will accomplish.

The Department of Health and Human Services has a responsibility to the people of Wisconsin to review the Governor's request to waive the Federal protections and services in place and on which they have a right to rely. In fact, when the Clinton administration took office, one of the first things they did was institute a review of the process and procedures to provide for innovation by States to develop reform experiments—but also safeguarding people's rights and beneficial governmental services or programs. On September 27, 1994, the Clinton administration published in the Federal Register new waiver request procedures.

This Wisconsin delegation amendment protects the interests of the Wisconsin people while guarding the public interest in (1) not providing an automatic welfare check, (2) requiring parents who are able and qualified to work as they bring their families to self-sufficiency, (3) providing child care and health care to qualified families, and (4) collecting child support payments and putting them to use for the best interest of the children.

I urge my colleagues to support this amendment to provide for an expedited process to be completed by July 31, 1996, using normal administrative review procedures which allow for public comments to be received and considered. This is our normal and expected process. It's part of what Americans expect and deserve in getting due process from their government. I support this substitute amendment and urge my colleagues to vote for this amendment.

For the RECORD, I am submitting the official waiver process for the Department of Health and Human Services.

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

OFFICE OF THE SECRETARY, HEALTH CARE FINANCING ADMINISTRATION, ADMINISTRATION FOR CHILDREN AND FAMILIES [ORD–069–N]

Medicaid Program; Demonstration Proposals Pursuant to Section 1115(a) of the Social Security Act; Policies and Procedures

Agencies. Office of the Secretary, Health Care Financing Administration (HCFA), and Administration for Children and Families (ACF), HHS.

Action. Public Notice.

Summary. This public informs interested parties of (1) the principles the Department of Health and Human Services ordinarily will consider when deciding whether to exercise its discretion to approve or disapprove demonstration projects under the authority in Section 1115(a) of the Social Security Act, 42 U.S.C. Sec. 1315(a); (2) the kinds of procedures the Department would expect States to employ in involving the public in the development of proposed demonstration projects under Section 1115; and (3) the procedures the Department ordinarily will follow in reviewing demonstration proposals. The principles and procedures described in this public notice are being provided for the information of interested parties, and are not legally binding on the Department of Health and Human Services. This notice does not create any right or benefit, substantive or procedural, enforceable at law or equity, by any person or entity, against the United States, its agencies or instrumentalities, the States, or any other person.

For further information contact. Howard Rolston, Administration for Children and Families, Department of Health and Human Services, at (202) 401-9220.

Thomas Kickham, Health Care Financing Administration, Department of Health and Human Services, at (410) 966-6503.

SUPPLEMENTARY INFORMATION

I. Introduction

Demonstration Proposals Pursuant to Section 1115 of the Social Security Act—General Policies and Procedures

Under Section 1115, the Department of Health and Human Services is given latitude, subject to the requirements of the Social Security Act, to consider and approve research and demonstration proposals with a broad range of policy objectives. the Department desires to facilitate the testing of new policy approaches to social problems. Such demonstrations can provide valuable knowledge that will help lead to improvements in achieving the purposes of the Act. The Department also is committed to both a thorough and an expeditious review of State requests to conduct such demonstrations.

In exercising her discretionary authority, the Secretary has developed a number of policies and procedures for reviewing proposals. In order to ensure a sound, expeditious and open decision-making process, the Department will be guided by the policies and procedures described in this statement in accepting and reviewing proposals submitted pursuant to section 1115.

II. General Considerations

To facilitate the testing of new policy approaches to social problems the Department will—

Work with States to develop research and demonstrations in areas consistent with the Department's policy goals;

Consider proposals that test alternatives that diverge from that policy direction; and

Consider, as a criterion for approval, a State's ability to implement the research or demonstration project.

While the Department expects to review and accept a range of proposals, it may disapprove or limit proposals on policy grounds or because the proposal creates potential constitutional problems or violations of civil rights laws or equal protection requirements. The Department seeks proposals which preserve and enhance beneficiary access to quality services. Within this overall policy framework, the Department is prepared to—

Grant waivers to test the same or related policy innovations in multiple States, (replication is a valid mechanism by which the effectiveness of policy changes can be assessed);

Approve demonstration projects ranging in scale from reasonably small to state-wise or multi-state, and

Consider joint Medicare-Medicaid demonstrations, such as those granted in the Program for All-Incentive Care for the elderly (PACE) and Social health maintenance Organization (SHMO) demonstrations, and Aid to Families with Dependent Children (AFC) Medicaid waivers.

III. Duration

The complex range of policy issues, design methodologies, and unanticipated events inherent in any research or demonstration makes it very difficult to establish single Department of policy on the duration of 1115 waivers. However, the Department is committed, through negotiations with State applicants, to—

Approve waivers of at least sufficient duration to give new policy approaches a fair text. The duration of waiver approval should be congruent with the magnitude and complexity of the project (for example, large-scale statewide reform program will typically require waivers of five years);

Provide reasonable time for the preparation of meaningful evaluation results prior to the conclusion of the demonstration; and

Recognize that new approaches often involve considerable start-up time and allowance for implementation delays.

The Department is also committed, when successful demonstrations provide an appropriate basis, to working with State governments to seek permanent statutory changes incorporating those results. In such cases, consideration will be given to a reasonable extension of existing waivers.

IV. Evaluation

As with the duration of waivers, the complex range of policy issues, design methodologies, and unanticipated events also makes it very difficult to establish a single Department policy on evaluation. This Department is committed to a policy of meaningful evaluations using a broad range of appropriate evaluation strategies (including true experimental, quasi-experimental, and qualitative designs) and will be flexible and project-specific in the application of evaluation techniques. This policy will be most evident with health care waivers. Within-site randomized design is the preferred approach for most AFDC waivers. The Department will consider alternative evaluation designs when such designs are methodologically comparable. The Department if also eager to ensure that the evaluation process be as unintrusive as possible to the beneficiaries in terms of implementing and operating the policy approach to be demonstrated, while ensuring that critical lessons are learned from the demonstration.

V. Cost Neutrality

The Department's fiduciary obligations in a period of extreme budgetary stringency require maintenance of the principle of cost neutrality, but the Department believes it should be possible to apply that principle flexibly.

The Department will assess cost neutrality over the life of a demonstration project, not on year-by-year basis, since many demonstrations involve making "up-front" investments in order to achieve one-year savings.

The Department recognizes the difficulty of making appropriate baseline projections of Medicaid expenditures, and is often to development of a new methodology in that regard.

In assessing budget neutrality, the Department will not rule out consideration of other cost neutral arrangements proposed by States.

States may be required to conform, within a reasonable period of time, relevant aspects of their demonstrations to the terms of national health care reform legislation, including global budgeting requirements, and to the terms of national welfare reform legislation.

VI. Timeliness and Administrative Complexity

The Department is committed to minimizing the administrative burden on the States and to reducing the processing time for waiver requests. In order to accomplish this the Department has adopted a number of procedures, including—

Expanding pre-application consultation with States;

Setting, and sharing with applicants, a well-defined schedule for each application, with established target dates for processing and reaching a decision on the application;

Maintaining, to the extent feasible, a policy of one consolidated request for further information;

Sharing proposed terms and conditions with applicants before making final decisions;

Establising concurrent, rather than sequential, review of waivers by all relevant units of the Department and with other relevant Departments and the Office of Management and Budget;

Exanding technical assistance activities to the States; and

Developing multi-state waiver solicitations in areas of priority concern, including integrated long-term care system development, services for adolescents, and services in rural areas.

The Department will continue to follow and development procedures, and commit internal resources to reviewing demonstration proposals, necessary for a sound and expenditures review process.

VII. State Notice Procedures

The Department recognizes that people who may be affected by a demonstration project have a legitimate interest in learning about proposed projects and having input into the decision-making process prior to the time a proposal is submitted to the Department. A process that facilitates public involvement and input promotes sound decision-making.

There are many ways that States can provide for such input. In order to allow for public input into the proposals, the Department expects States to ordinarily follow one (or more if the State desires) of the processes described in this section.

1. At any time prior to submitting a section 1115 demonstration proposal to the Department of Health and Human Services, a State may provide to the Department a written description of the process the State will use for receipt of public input into the proposal prior to its submission to the Department.

Within 15 days of receipt of such description, the Department will notify the State whether the described process provides adequate opportunity for public input. The Department will accept any process that—

Includes the holding of one or more public hearings, at which the most recent working proposal is described and made available to the public, and time is provided during which comments can be received; or

Uses a commission or other similar process, where meetings are open to members of the public, in the development of the proposal; or

Results from enactment of a proposal by the State legislature prior to submission of the demonstration proposal, where the outline of such proposal is contained in the legislative enactment; or

Provides for formal notice and comment in accordance with the State's administrative procedure act; provided that such notice must be given at least 30 days prior to submission; or

Includes notice of the intent to submit a demonstration proposal in newspapers of general circulation, and provides a mechanism for receiving a copy of the working proposal and an opportunity, which shall not be less than 30 days, to comment on the proposal; or,

Includes any other similar process for public input that would afford an interested party the opportunity to learn about the contents of the proposal, and to comment on its contents.

The State shall include in the demonstration proposal it submits to the Department a statement (a narrative of several sentences) briefly describing the process that it followed in implementing the process previously presented to the Department. The Department may find a proposal incomplete if the process has not been followed.

2. A State that has not followed the procedures described in paragraph 1. must submit a description of the process that was used in the State to obtain public input, at the time it submits its demonstration proposal. The Department will notify the State if the process was adequate within 15 days after the application is submitted, applying the same criteria as in paragraph 1. If the process was not adequate, the State can cure the inadequacy by—

Posting a notice in the newspaper of widest circulation in each city with a population of 100,000 or more, or in the newspaper of widest circulation in the State if there is no city with a population of 100,000, indicating that a demonstration proposal has been submitted. Such notice shall describe the major elements of the proposed demonstration and any changes in benefits, payments, eligibility, responsibilities, or provider selection requested in the proposal. The notice shall indicate how interested persons can obtain copies of the proposal and shall specify that written comments will be accepted by the State for a period of thirty days. If a State follows such a procedure, the State should respond to requests for copies of the proposal within seven days. The State should maintain a record of all comments received through this process.

All HHS commitments with respect to times for responding to demonstration proposals shall be tolled until this process is completed.

VIII. Federal Notice

The Department of Health and Human Services intends to publish a monthly notice in the Federal Register of all new and pending proposals submitted pursuant to section 1115. The notice will indicate that the Department accepts written comments regarding all demonstration project proposals.

The Department will maintain a list of organizations that have requested notice that a demonstration proposal has been received and will notify such organizations when a proposal is received.

IX. Comments

The Department will not approve or disapprove a proposal for at least 30 days after the proposal has been received, in order to receive and consider comments. The Department will attempt, if feasible, to acknowledge receipt of all comments, but the Department will not provide written responses to comments.

X. Findings

The Department will prepare a decision memorandum at the time a demonstration proposal is granted or denied, discussing why the Department granted or denied the proposal and how an approved demonstration meets the criteria established by statute.

XI. Administrative Record

The Department will maintain an administrative record which will generally consist of: the formal demonstration application from the State; issue papers sent to the State and State responses; public and Congressional comments sent to the Department and any Department responses; the Department's decision memorandum regarding the granting or denial of a proposal; and the final terms and conditions, and waivers, sent to the State and the State acceptance of them.

XII. Sub-state Demonstrations

When a demonstration is to be implemented in only part of a State, the State will be required to provide information on the likely demographic composition of populations subject to and not subject to the demonstration in the State. When relevant, the Department will require that the evaluation component of a project address the impact of the project on particular subgroups of the population.

XIII. Implementation Reviews

As part of the terms and conditions of any demonstration proposal that is granted, the Department may require periodic evaluations of how the project is being implemented. The Department will review, and when appropriate investigate, documented complaints that a State is failing to comply with requirements specified in the terms and conditions and implementing waivers of any approved demonstration.

XIV. Legal Effect

This notice is intended to inform the public and the States regarding procedures the Department ordinarily will follow in exercising the Secretary's discretionary authority with respect to State demonstration proposals under section 1115. This notice does not create any right or benefit, substantive or procedural, enforceable at law or equity, by any person or entity, against the United States, its agencies or instrumentalities, the States, or any other person.

(Catalog of Federal Domestic Assistance Program, No. 93.779; Health Financing Research, Demonstrations and Experiments.)

Dated: September 16, 1994. Bruce C. Vladeck, Administrator, Health Care Financing Administration.

Dated: September 16, 1994. Mary Jo Bane, Assistant Secretary for Children and Families.

Dated: September 19, 1994. Donna E. Shalala, Secretary.

Ms. PELOSI. Mr. Speaker, I rise in support of the Kleczka-Obey-Barrett substitute calling for a 30-day comment period and administration certification for the Wisconsin welfare plan.

Mr. Chairman, I am concerned that the Wisconsin Works Welfare Program may result in greater poverty for children and families. I am concerned that Wisconsin Works eliminates the safety net for the State's working poor families. It is possible that it would eliminate child-care guarantees and Medicaid coverage. I am concerned that parents who cannot find jobs despite sincere efforts will be left destitute.

These questions remain because this legislation was never considered by a committee and was rushed to the floor with little notice.

The Kleczka-Obey-Barrett substitute would provide a public comment period and require the President to certify that this system can work and the plan meets the standards defined by the Governor. I urge my colleagues to support this substitute.

The SPEAKER pro tempore (Mr. BONILLA). Pursuant to the rule, the previous question is ordered on the amendment in the nature of a substitute offered by the gentleman from Wisconsin [Mr. KLECZKA] and on the bill, as amended.

The question is on the amendment in the nature of a substitute offered by the gentleman from Wisconsin [Mr. KLECZKA].

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. KLECZKA. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 194, nays 233, not voting 7, as follows:

[Roll No. 220]

YEAS—194

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Blumenauer
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson (IL)
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Montgomery
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Towns
Traficant
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wynn
Yates

NAYS—233

Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greene (UT)
Greenwood
Gunderson
Gutknecht
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Menendez
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Torricelli
Upton
Vucanovich
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zimmer

NOT VOTING—7

Allard
Jackson-Lee (TX)
Lincoln
Mollohan
Quillen
Schiff
Zeliff

☐ 1445

The Clerk announced the following pair:

On this vote:

Ms. Jackson-Lee of Texas for, with Mr. Quillen against.

Messrs. BERMAN, DOGGETT, TEJEDA, and HILLIARD changed their vote from "nay" to "yea."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SENSENBRENNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device and there were—yeas 289, nays 136, not voting 9, as follows:

[Roll No 221]

YEAS—289

Ackerman
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clement
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fazio
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Greene (UT)
Greenwood
Gunderson
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson (SD)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Longley
Lowey
Lucas
Luther
Manzullo
Martini
Mascara
McCollum
McCrery
McDade
McHale
McHugh
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Minge
Molinari
Montgomery
Moorhead
Moran
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (MN)
Petri
Pickett
Pomeroy
Porter
Portman
Poshard
Pryce
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schumer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thurman
Tiahrt
Torkildsen
Torricelli
Traficant
Upton
Visclosky
Vucanovich
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Wynn
Young (AK)
Young (FL)
Zimmer

NAYS—136

Abercrombie
Baldacci
Barrett (WI)
Becerra
Beilenson
Berman
Blumenauer
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Coyne
Cummings
Danner
de la Garza
DeFazio
DeLauro
Dellums
Dingell
Dixon
Doggett
Durbin
Engel
Eshoo
Evans
Farr
Fattah
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Green (TX)
Gutierrez
Hastings (FL)
Hilliard
Hinchey
Jackson (IL)
Jacobs
Jefferson
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lofgren
Maloney
Manton
Markey
Martinez
Matsui
McCarthy
McDermott
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Mink
Moakley
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Rahall
Rangel
Reed
Richardson
Rivers
Rose
Roybal-Allard
Rush
Sabo
Sanders
Schroeder
Scott
Serrano
Skaggs
Slaughter
Stark
Stokes
Studds
Stupak
Tejeda
Thompson
Thornton
Torres
Towns
Velazquez
Vento
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wise
Woolsey
Yates

NOT VOTING—9

Allard
Jackson-Lee (TX)
Lincoln
McInnis
Mollohan
Pombo
Quillen
Schiff
Zeliff

☐ 1507

The Clerk announced the following pair:

On this vote:

Mr. Quillen for, with Ms. Jackson-Lee against.

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOURNING THE PASSING OF E. CHARLES GUSTAFSON, FORMER CHIEF REPORTER OF DEBATES

Mr. TRAFICANT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and include extraneous material.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TRAFICANT. Mr. Speaker, one of the great friends of the House and a loyal servant to the House, Charles Gustafson, the former chief reporter of debates for this House, passed away June 1 in Annandale, VA. Many of us remember Gus sitting down here at the well. He was just a beautiful guy. At age 74 he passed away of emphysema.

Gus had joined the debate reporting staff in 1973, and retired in June 1995. At his retirement, Members will recall Gus was the last of the breed, the last of the pen shorthand writers to work in our well. Gus was born in West Parksville, NY. He graduated from high school at the age of 15. He then studied shorthand court reporting at Gregg College in Chicago, and worked as a court reporter in Cleveland.

During World War II, Gus served his country and the Navy aboard the battleship New Jersey, where he performed reporter services for court-martial activities. After the war Gus returned to Cleveland as a court reporter. Before moving to Washington and joining the staff here, he was a court reporter at the Mahoning County Court in Youngstown, OH, my hometown. Then Gus operated a freelance reporting office of his own in Youngstown, OH.

Survivors include his beautiful wife, Betsy, of Annandale, whom he married in 1946, and his two sons, Charles B. Gustafson of Annandale and Richard G. Gustafson of Seattle, and two grandchildren. For those Members interested, the calling hours are this evening from 7 to 8:30 p.m. at the Demaine Springfield-Annandale Chapel, and funeral services are set for tomorrow. If there are any Members wishing to attend, they can give the office of Official Reporters a call at 225-0331 for such arrangements. "Gus" Gustafson was just a great friend of all of ours, and we send our deepest sympathies to his family.

Mr. Speaker, I include for the RECORD a copy of the obituary for "Gus" Gustafson printed in the Washington Post on Wednesday, June 5, 1996.

The material referred to is as follows:

[From the Washington Post, June 5, 1996]

E. CHARLES "GUS" GUSTAFSON, REPORTER

E. Charles "Gus" Gustafson, 74, former chief reporter of debates at the U.S. House of Representatives, died June 1 at Sleepy Hollow Manor Nursing and Convalescent Home in Annandale. He had emphysema.

Mr. Gustafson joined the debate reporting staff of the House in 1973 and retired last June. At his retirement, he was the last of the pen shorthand writers to work in the House.

A resident of Annandale, he was born in West Clarksville, N.Y., where he graduated from high school at age 15. He studied shorthand court reporting at Gregg College in Chicago and worked as a court reporter in Cleveland.

During World War II, he served in the Navy aboard the battleship New Jersey, where he was a reporter for courts-martial.

After the war, he returned to Cleveland as a court reporter. Before moving to the Washington area and joining the House reporting staff, he was a court reporter at Mahoning

County Court in Youngstown, Ohio, and then operated a freelance reporting office in Youngstown.

Survivors include his wife, Betsy, of Annandale, whom he married in 1946; two sons, Charles B. Gustafson of Annandale and Richard G. Gustafson of Seattle; and two grandchildren.

WELCOMING PASTOR TRAVIS BARRICK, AND PAYING TRIBUTE TO THE PAGE CLASS OF 1996

(Mr. HUNTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUNTER. Mr. Speaker, I am proud to cohost, with my colleagues, Travis Barrick as our guest chaplain who this morning led our prayer in the House. It is especially appropriate that Pastor Barrick could give the prayer on the eve of the page graduation, since his son, Jesse, and the other pages of this class are graduating tomorrow.

Pastor Barrick is pastor at Calvary Chapel in El Cajon, CA, and now pastors Koinonia Christian Fellowship in San Diego County. We want to thank Pastor Barrick for joining us in wishing all of our pages Godspeed.

Mr. COBLE. Mr. Speaker, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from North Carolina.

Mr. COBLE. Mr. Speaker, I just want to reiterate what the gentleman from California said. These pages have done a great job. We hear oftentimes, Mr. Speaker, about pages running amok, engaged in drugs and assault and batteries, et cetera. These pages have done a great job here. If I think they are a good example of the young people across our landscape, we have little about which to worry. We thank you, pages, for what you have done.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2745, SHIPBUILDING TRADE AGREEMENT ACT

Mr. GOSS, from the Committee on Rules, submitted a privileged report (Rept. No. 104–606) on the resolution (H. Res. 448) providing for consideration of the bill (H.R. 2754) to approve and implement the OECD Shipbuilding Trade Agreement, which was referred to the House Calendar and ordered to be printed.

LEGISLATIVE PROGRAM

(Mr. FAZIO of California asked and was given permission to address the House for 1 minute.)

Mr. FAZIO of California. Mr. Speaker, I rise to inquire of the distinguished majority leader the schedule for next week.

Mr. ARMEY. Mr. Speaker, will the gentleman yield?

Mr. FAZIO of California. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Speaker, I am pleased to announce that the House has finished its legislative business for the week. Next week, Mr. Speaker, we will meet on Monday, June 10, at 12:30 p.m. for morning hour and 2 p.m. for legislative business. We have a number of suspension bills slated for consideration. I will not read through the list now, but a complete schedule will be distributed to all Members' offices. Members should note, however, that recorded votes will be held at 5 p.m. on Monday.

On Tuesday, June 11, the House will meet at 9 a.m. for morning hour and 10 a.m. for legislative business. We will consider H.R. 2909, a bill regarding the Silvio O. Conte National Refuge on the Corrections Day calendar. The House will then resume consideration of H.R. 3540, the foreign operations appropriations bill. Mr. Speaker, it is also our hope to consider the conference report for the budget resolution on Tuesday.

For Wednesday, June 12, and the balance of the week the House will consider the Department of Defense appropriations bill and the agriculture rural development and FDA appropriations act.

□ 1515

Both bills of course will be subject to rules.

Mr. Speaker, I would also like to add that it is my understanding that H.R. 2754, the Shipbuilding Trade Agreement Act, has been reported by the Committee on National Security and the Committee on Ways and Means. It is my intention to bring that bill to the floor as soon as our appropriations schedule allows, Tuesday next week, if possible.

Next week, Mr. Speaker, we should conclude legislative business and have Members on their way home by 2 p.m. on Friday, June 14.

I thank the gentleman for yielding.

Mr. FAZIO of California. Mr. Speaker, I wonder if I could yield further to the majority leader and ask if he could clarify what votes are going to occur on Monday. There is some question as to whether or not we might request that those votes, however few there may be, be rolled to Tuesday.

Mr. ARMEY. I thank the gentleman for yielding. We expect votes to be ordered on the suspension bills that I had mentioned earlier on Monday. Unfortunately, we will not be able to roll them this Monday evening.

Mr. FAZIO of California. Do we have any idea as to how many suspensions we may actually have on Monday? There is only one listed so far.

Mr. ARMEY. If the gentleman would yield, we are in the process of collecting them. There are some others. As I advised earlier, we will have the list in the gentleman's office certainly as soon as we can.

Mr. FAZIO of California. I wonder if the gentleman could tell me, and I would be happy to yield for the response, when he expects the Kennedy-Kassebaum health care bill to go to conference. I understand that there was some possibility that that might have occurred this week, and I know Members are interested to know.

Mr. ARMEY. If the gentleman would yield, we wait with great anticipation for the conference report on the health care bill. I will certainly have it scheduled for the floor as soon as I can upon reporting the conference report.

Mr. FAZIO of California. What about the possibility of perhaps, since that bill passed the Senate 100 to nothing, just offering the Senate version. Is there any possibility that that might occur? I would be happy to yield to the gentleman.

Mr. ARMEY. No.

Mr. FAZIO of California. Not surprisingly.

On immigration, we have not gone to conference on that bill yet. Is there any possible update the gentleman could give us on the progress or lack thereof on that bill? I would be happy to yield for a response.

Mr. ARMEY. If the gentleman will yield, I appreciate the concern about that bill. We are hopeful that we can get that conference together. Again, I am anxious to do so as soon as possible, as soon as we resolve a few minor details. We hopefully will be able to bring it back to the floor soon. I will announce it as soon as I can.

Mr. FAZIO of California. Is there any word on the gas tax and minimum wage bill? I will be happy to yield to the gentleman. Are those coming back from the other body at some point soon? I mean, there is an interest obviously as the gasoline crisis continues that we deal with that problem.

Mr. ARMEY. If the gentleman will yield.

Mr. FAZIO of California. I will be more than happy to.

Mr. ARMEY. I can only say that my, what is the word I am looking for, my intelligence reports from the other body tell me that Democrat Members of the other body are for some reasons I do not understand holding up both of those bills. We would try to see what could happen.

Mr. FAZIO of California. I thought there was an agreement on the other side to take them up in tandem.

Could I just simply ask in closing, is there going to be a night in the coming week that we can anticipate being here beyond, say, 8 o'clock? Does the gentleman have any late night in mind as we go into the week?

Mr. ARMEY. If the gentleman would yield.

Mr. FAZIO of California. I would be happy to yield.

Mr. ARMEY. I think in all fairness we should advise Members that we would expect to be in later on both Wednesday and Thursday night, given the appropriations bills coming to the floor, depending upon the bill managers' success on both or either bill.

Mr. FAZIO of California. It is the intention to bring up the foreign operations bill, complete it, before we would go to the defense bill and follow with the agriculture bill? Is that the order in which they come?

Mr. ARMEY. Yes.

Mr. FAZIO of California. I appreciate the gentleman informing the House, and I yield back the balance of my time.

HOUR OF MEETING ON TOMORROW

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourn today it adjourn to meet at 10 a.m. tomorrow, June 7, 1996.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

ADJOURNMENT FROM FRIDAY, JUNE 7, 1996, TO MONDAY, JUNE 10, 1996

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns on Friday, June 7, 1996, it adjourn to meet at 12:30 p.m. on Monday next for morning hour debates.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

APPOINTMENT AS MEMBERS TO WATER RIGHTS TASK FORCE

The SPEAKER pro tempore. Without objection, and pursuant to the provisions of section 389(d)(2) of Public Law 104-127, the Chair announces the Speaker's appointment to the Water Rights Task Force the following Members on the part of the House: Mr. Robert S. Lynch, Phoenix, AZ; and Mr. Bennett W. Raley, Denver, CO.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

HOOSIER HERO—SHELBY COUNTY YOUTH SHELTER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana [Mr. MCINTOSH] is recognized for 5 minutes.

Mr. MCINTOSH. Mr. Speaker, I rise today to give my Report from Indiana. Every weekend, my wife Ruthie and I travel the Second District of Indiana. So often we meet good people doing good things. These individuals strive day and night to make a difference. It's their hard-work and dedication that make our communities a better place. In my book, these individuals are Hoosier Heros. Hoosier Heros because it's their mission in life to reach out and lend a helping hand to their friends and neighbors.

Today Mr. Speaker, I'd like to recognize Judy Runnebohm, Ola Smith, the 19 member staff and 22 board members of the Shelby County Youth Shelter as Hoosier Heros.

Now, Judy is a good friend of mine and she has shared with me on many, many visits to Shelby County about her efforts to help troubled teens.

Under Ola Smith's leadership as the director and Judy's leadership as the safe place coordinator, the youth center has provided help to hundreds of children—runaways, homeless, and misguided youths.

For nearly two-thirds of these children, their lives have been turned around and they have been given hope for better lives. One young girl, Danielle, who stayed at the shelter shared her story: "When I was 12-years-old, I was a holy-terror. My step father mentally, physically and sexually abused me. I began to drink and get into a lot of trouble." Danielle wanted to turn her father in but he threatened to kill her. Finally 3 years later she turned him in. And she was placed into the shelter because he still roamed the streets. There, Danielle received the love she needed. Now today, at age 18, she is working, living on her own, and supporting herself. She is taking charge of her own future. And to this day she is telling others, like her, that if she didn't get placed in the shelter she would have turned to alcohol and drugs.

There are so many more touching stories from the young people who stay at the shelter. These are the so-called 'bad' children that society wants to over-look. Not too many folks will say: "Hey, I want to help the kids from the Juvenile Halls," but if we don't help these children now, who will?

At the Shelby County Youth Shelter, children receive a safe place to stay. And caring and sturdy hands are there to guide them through the rocky waters of their adolescence and sometimes, lonely and troubling times.

Mr. Speaker, Judy, Ola, the 19 workers and 22 board members at the Shelby County Youth Shelter are Hoosier Heros for this week.

Mr. Speaker, if I may, I'd like to include in my report from Indiana an inspiring story that a young intern shared with me about a young lady who has beaten the odds, because of her personal courage. That person is Jody Kammer.

Jody, an 18-year-old from my hometown Muncie, is known throughout Delaware County for her awesome ability to play volleyball. She spent many school days and weekends practicing and playing in tournaments, as well as playing volleyball for her school, Yorktown.

Jody was a member of the Munciana Volleyball Club which is an inner city team that travels throughout the Midwest. As a member of the club, she spent her summers traveling and playing in tournaments because of her love and dedication to the sport.

Jody has become an inspiration for her teammates, and all of us because of her struggle with a personal tragedy in her life. Last spring, Jody was diagnosed with hodgkin's disease. This form of cancer is not necessarily fatal with the proper treatments. But it requires a great deal of courage and strength to beat the disease. Jody Kammer had this strength and courage.

Once a month, Jody had to go for chemotherapy. She was left feeling weak, sick to her stomach, and sometimes it seemed overwhelming. She still challenged herself to keep on playing, no matter how tired or weak she became. Even when she was too sick, Jody still attended practices to help encourage the rest of her team.

Jody Kammer never gave up during her lengthy treatments. She had the courage to never give in. Jody knows the true meaning of teamwork.

Thanks to the support and prayers of her friends and family, miracles of modern medicine to fight the cancer, along with her own courage, she successfully fought the disease and it is now in remission. I am happy to report that Jody was able to participate in Yorktown High School's graduation ceremony. She has also been able to return to the normal club schedule for the remainder of the playing season.

In the fall, Jody will continue her education as a freshman at Colorado College.

Jody Kammer is an inspiring young lady, who has overcome a tremendous hurdle. Jody's bout with cancer is a story for all of us to remember. Her hard work and determination displays how one young lady's courage can give hope in following one's dreams.

Mr. Speaker, that is my report from Indiana. One of courage and hope. One of helping others less fortunate. To have hope for a better life.

STAFF AND BOARD MEMBERS OF SHELBY COUNTY YOUTH SHELTER

Don Passwater, President, Michael Vaught, Vice-President, William Ancil, Treasurer, Judy Michael, Secretary, James Beyer, Rita Mohr, Marilyn Bushfield, Floyd Montgomery, Lynn Fishburn, Mike Gerrish, Mary Jo Phares, Doug Heighway, Rev. Alan Rumble, Sheriff Michael Herndon, Phil Kaster, Jerry Lux, Michael Whitfield, Mary McQueen, Mary Bertotti, and Richard Craft.

Kelly Frazier, Betty Goff, Tisha Harrod, Teddy Holloway, Susan Hood, Odas Kaster, Cara Lian, Kathy Marsischke, Shirley Martin, Melinda Moore, William Newton, Gloria Richey, Judy Runnebohm, Maggie Scott, Carol Shaw, Ola Smith, Auda Tevis, and Rhonda Van Gorden.

TRIBUTE TO THE PAGES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona [Mr. KOLBE] is recognized for 5 minutes.

Mr. KOLBE. Mr. Speaker, just a few moments ago on the floor we cast what would be for this group that is standing around the back of this Chamber here the last vote for their page careers, not, I trust, the last vote for their careers. I suspect some of them we will see back here again in some capacity.

Today and tomorrow, today from the business of the House, tomorrow when they hold their graduation exercises from the page school class marks the end of yet another milestone, another class of our page group.

I rise today to make this special order as the vice chairman of the page board, a former page myself. I do so with making my remarks on behalf of myself and the gentleman from Missouri [Mr. EMERSON], whose therapy for his illness has made it difficult for him to be in the Chamber at this hour, but asked that I especially say to the young people that he joins me in my remarks and joins in wishing them all the very best. I suspect that each of the comments that will be made by others here, that he also would join in those.

Let me, if I might, begin by yielding to a classmate in another class, another page member from a later class, I should say, the class of 1967, the gentleman from Mississippi [Mr. WICKER].

Mr. WICKER. Mr. Speaker, I thank the gentleman from Arizona for yielding me the time.

I am addressing the House today, Mr. Speaker, from the Democrat side of the aisle, which is unusual, but I do so for a purpose. That purpose is to recall that, when I was appointed a page in 1967, I received that appointment from a Democrat, the Honorable Jamie Whitten, who served as my predecessor for some 53 years in this House of Representatives.

□ 1530

No sooner had I arrived than I was assigned to the Republican page desk. Who knows, Mr. Speaker, that may have made all the difference.

I want to congratulate these pages, to tell them, Mr. Speaker, how much we appreciate them and how much we realize that they contributed with their hard work. They have been part of a very, very proud tradition in this House of Representatives, and I congratulate them on their accomplishments and wish them well. They will take with them many valuable memories.

I look back on my time here in 1967 and I recall some of the people who I regarded as giants in this House, leaders like Jamie Whitten; Gerald Ford, then the minority leader; John Rhodes; Mel Laird; John McCormick who served as Speaker, a Democrat, during my time here as a page. Who knows what names this group will take with them. Certainly GEPHARDT and GINGRICH. But it might be that they look back on the giants of KOLBE and DAVIS and ROHRABACHER. Who knows who they will look back on years from now?

I hope they will take other memories with them as well, including addresses by Presidents and Prime Ministers. They were here, Mr. Speaker, on the day that BOB DOLE announced his resignation from the U.S. Senate. They were here during poignant times to hear the announcements of the death of a Cabinet member, the death of a member of the Joint Chiefs of Staff. They will recall fiery debates, all-night sessions, Government shutdowns.

I also hope, Mr. Speaker, that they will take with them the memory of times of comity and civility and bipartisanship and good will, because there were also those times during their service here in the U.S. Congress.

I hope they will remember that they worked with able men and women of goodwill from all across the country, of both political parties, doing their best to represent their constituencies. And that we are doing our best as Members of this Congress to make sure that their generation, and their children, will be able to enjoy a brighter future.

I salute these pages, and I wish them the very, very best.

Mr. KOLBE. I thank the gentleman from Mississippi for his very warm remarks. I think it especially comes from the heart when you have been a former page yourself and have a feel for the experience that all of us that were pages have had here. I appreciate very much the gentleman's taking the time to be with us. I know, like myself, he needs to be in the Committee on Appropriations and I will be headed there soon but I thank the gentleman very much for joining us in this tribute to our pages.

Mr. Speaker, I yield to the gentleman from Michigan [Mr. KILDEE], who is a member of the Page Board with me, and with whom I have served for the last 2 years in this capacity, and it has been a great honor for me to serve with him.

Mr. KILDEE. I thank the gentleman for yielding. Tomorrow night we will bid our formal good-byes, farewells, but you will come back to the pages who have served us so well in the 104th Congress. I see them standing back there with the former Clerk of the House, Donn Anderson, who still wears his page ring with great pride.

The pages here operate in three different areas, here on the floor of the House on Capitol Hill; in the school in the Library of Congress; and in the dorm. The pages have operated very well in all three of those areas this year, and I am very, very proud of them. The pages really see Government like no one else sees government. As a matter of fact, they see through eyes that I have not seen. I have talked to pages before, and they observe things that I would not have observed had I not talked to some of the pages. They have seen Congress at its best and its not so best at times. They have seen Government close up, more close up than those who have participated in a program called by that.

Albert Einstein once said that 100 times every day I remind myself that my inner and outer life depend upon the lives of others, living and dead, and that I must exert so I may give in the same proportion as I have received.

You really have received a great deal and you have given a great deal here in the floor of the House. But I also ask you when you go back home to give and share that experience which you have had here in the House of Representatives.

You have seen heads of State, you have seen the President of the United States, you have seen changes in Government, changes here in the Congress of the United States that are historical.

I commend you to go back and do that. Because at the beginning of the third millennium, which will start just 5 years from now, in the year 2001, at the beginning of that third millennium, you, the pages of today, will begin to take control of the institutions in this country and in this world. It is very, very important. You will be beginning to reach out and take control. Some day some of you may return here. You may be involved in science and in business, but whatever capacity, looking at you, I know that you are the ones who can take control and shape the future of this country and of this world.

Franklin D. Roosevelt about 60 years ago uttered these words and I think they are as appropriate today as they were when he uttered them years ago. He said, this generation of Americans has a rendezvous with destiny. I have look at you, talked with you, and I am confident that you, the pages of the 104th Congress, can meet the challenges of that rendezvous. You give me great hope for the future. Thank you very much and God bless you.

Mr. KOLBE. I thank the gentleman from Michigan for those words that he said on behalf of our pages. I must say that it has been a great pleasure for me to work with DALE KILDEE as a member of the Page Board as we have gone through some of the trials and tribulations this year, through the certification of the school, its accreditation. It has been a great experience to work with somebody who has such a commitment to this program and to the young people who are with us here today, and I thank the gentleman for joining us.

I would like now to yield to another member of the same class of 1967 that we heard from earlier, the class of the gentleman from Mississippi [Mr. WICKER], another page from that class, the gentleman from Virginia [Mr. DAVIS].

Mr. DAVIS. I appreciate my friend yielding. I, too, rise to pay tribute to the retiring pages. They are part of a proud tradition that has brought many Members back into this body either as Members or as legislative aids or to the Clerk of the House.

When I was a page, 1963 to 1967 was the 4-year period that I served, and I ended up graduating in a class of 18. I could always brag I was in the top 10 in my class. I was able to say that for my life. I do not know if I would have been able to do that or say that had I gone anywhere else.

We do not always appreciate the work ethic and the discipline it takes to be a page, to be able to keep up the academic side of being a page, their studies, their regular high school courses, and at the same time come to work on the House floor, often staying until very late in the evening and not having time to get to the books until much later. I hope this has been good training for them. I think this should put them in good stead throughout their life, if they can learn that kind of discipline and balancing.

This group of pages has really performed in an outstanding manner. They have witnessed and been a part of a number of the historic changes that this Congress has undergone. They have witnessed, as the gentleman from Mississippi [Mr. WICKER] noted, the longest Government shutdowns in our history, probably not one of the proudest eras in the relationship between the Congress and the President, but they were a part of that, a part of some of the toughest budget battles in our country's history.

I am very proud of the job that they have done and been very proud to be associated with them. I think they leave a good legacy for the next group that will come in. I hope they will come back and visit us often. I hope some of them are inspired maybe to go into elective office or serve as public officials. I cannot think of a better way to help one's fellow man. For this Member and for, I think, many others who could not be here this afternoon, they not only have our good wishes, but we wish them good luck and Godspeed.

Mr. KOLBE. I thank the gentleman for his comments, and appreciate very much the fact that we have two of our freshman class, outstanding Members, who have been former pages. That can be a challenge to our pages that are here with us today.

They have been with us for the better part of this last year, for the school year. They have seen, as has been already pointed out, a lot of things that have gone on on the floor of the House of Representatives, and I expect those experiences are things that they will remember, if they are like the rest of us, that they will remember for a lifetime.

I would be happy to yield to the gentleman from California for some comments.

Mr. CUNNINGHAM. I thank my friend. First of all, I have been honored, two great honors in this House, and both of those are being selected as a guest speaker for the pages going away at their class party. I call them critters, because they are critter power, and we could not do this job around here without their assistance.

My favorite speaker is a guy named Will Rogers. He tells stories. I would like to give you a story I think is important.

I would say to my friend from Michigan [Mr. KILDEE], with whom I serve on the Education Committee, I am the world's worst baseball player. I grew up in a little town of 2,133 folks in Shelbina, MO. To tell you how bad I was in baseball, we did not even have a baseball diamond at the school. We had to go to the fairground to play.

At that fairground, to show you how bad in baseball I was, I was sitting on the bench during practice, and we did not have too many people to pick from in Shelbina, MO to play, but we had to field two teams for practice. I remember walking up to the coach, taking my baseball glove. I looked at the coach and I was mad because I was not out there playing, and I threw my glove and I hit the coach right in the chest and I said, "I quit."

I walked all the way through the length of Shelbina, which took about 30 seconds, and walked into my house. My dad said, "RANDY, what are you doing?" I said, "Coach won't let me play." I said, "I quit." That was the wrong thing to tell my dad.

My dad literally picked me up by the ears and walked me back out to that baseball diamond. I did not want to see that coach at that moment, or my peers. But I remember the words of my dad, whom I lost a year and a half ago, when he said, "Coach, my son may never play another second on this baseball team, but quitting becomes a way of life, and I don't want my son to be a quitter."

The coach let me back on that team. I did not play very much, but I at least learned a lesson from my dad, and I hope you take a lesson from this: Never, ever, ever quit. Take back a positive response, whether you are a Democratic side critter or you are a Republican side critter. God bless you, and if any of us can ever be the wind in your sails, please give us a call.

Mr. KOLBE. I thank the gentleman from California for his remarks, and if the gentleman from Florida would like to add something to this, we would be happy to hear his comments.

Mr. MICA. I did want to come out and make a couple of comments about our page class. We have been really honored to have these young men and women come among us. They have served the Congress and their country so well. I think each of the Members know that. They have also had to endure some long speeches, some great speeches, and some terrible speeches, but they have learned a part of the process. Hopefully I have given some of both.

But I did want to come out and say how much we appreciate every one of them. They are just like our own children, our own young men and women in our own homes. They come here to serve the Nation. They are really a little bit like the Congress, because we all came from so many different parts of the country, and you have your viewpoint as to what the Congress is like, you have your thoughts about what it will be like when you get here, and then you get here and you serve.

The pages are reflective really of this Nation. They come here from every walk of life, and they have had so many experiences, like we do. We get to learn from each other and the Congress. They have gotten to learn from us and from each other in their service.

So it has been a learning experience for them, an exciting experience for me. I have had two pages from my district here at exciting times, and they have shared them and I have shared them, and we will miss them as they leave now.

But I also wanted to take just a minute, there are people behind the scenes, too, that they have grown to respect, and love and admire and who each of us love, respect, and admire, who oversee this flock. These young men and women just do not come here and are left on their own.

Perry Sampson has done such an incredible job; Tim Harroun; Joelle Hall is just a treasure; and Jim Oliver in the Republican cloakroom on our side have done so much. I could not come up and recognize the pages on our side without recognizing them.

But on either side of the aisle, we thank you for your service, we congratulate you as you graduate and go on, and we hope that as you graduate, you have found this as great an experience as I have in serving the Congress and the country in this fashion.

☐ 1545

Mr. KOLBE. I thank the gentleman for his kind remarks and especially the comments he made about the staff that supervises the pages on both sides of the aisle and in our cloakrooms, as well as the teachers in the school and the monitors in the dorms who really make this program a success for these young men and women.

I am very pleased to yield a couple of moments to the gentleman from California.

Mr. DORNAN. Mr. Speaker, I thank my friend from Arizona. You have as great an inspiration as anybody will ever have at your age in Peggy Sampson from the cloakroom on our side. I know there are great folks in the other cloakroom. She was a lady cop, a police officer, for a long time.

I know that some of you just said some nice things to me about talking about heroes on this House floor. The amazing thing is how often in our lives we pass heroes all the time and never notice that they are any different than anybody else. It is just that they volunteered. They were a vanguard. They extended themselves.

We used to have sitting here for the first 10 or 15 years I was in this House, for the first 10 or 12 years in the time of the gentleman from Arizona, [Mr. KOLBE], a gentleman named Chris Highly. He was small in stature, had pure white snowy hair and the face of an angel even as he approached retirement. One day he passed me in the hall and thanked me for mentioning D-day, and today is the 52d anniversary of D-day. I said is that day special for you? He said, yeah, I was there. I said you were not in the first or second wave, were you? No, no I was not. Well, did you go in like leader Bob Michel a few days later, that afternoon? He said, no, I went in at 3:30 in the morning. I said, 3:30 in the morning? I said, the first wave hit the beach after 6 o'clock. He says, well, I was a combat engineer; we had to go on the beach early to make it safe for the invasion forces in the morning, safer, to blow up the tank traps.

Donn Anderson, who is a legend around here, was the cause of one of the greatest ceremonies ever in this beautiful building. Down in the crypt area one floor down he arranged to display, I hope forever, as long as this free country survives, the first Medal of Honor ever given to a young enlisted man who had been captured. Eight of his friends, hung by their neck and killed by the opposing forces in the South, had stolen a train. There were prisoner exchanges in that early part of the Civil War, so they exchanged a few of them and a group got the Medal of Honor. The first went to a man named Parrot. and Donn arranged for Adm. Bulkeley, who just died a few weeks ago, some of you remembered my tribute to him, Adm. John Duncan Bulkeley, who had taken MacArthur off Corregidor, he arranged for Admiral Bulkeley to come into the building, down to the crypt area, and say a few words about a time of heroes, which 52 years ago certainly was.

I have signed some of your books. Godspeed in all your endeavors. Try to be different. Try to find some way as a man or a woman to make a mark, to respect that fireman. I know some of you saw Back Draft, and what is the name of it, the movie that was on this week? That was based on fact. More firefighters die in this country than police officers and too many men and women are dying wearing blue and khaki defending us from a crime wave that involves so many young people.

Billy Graham was in that Rotunda May 2. He said some frightening words to all the leadership of the House and the Senate. He said we are a Nation on the brink of self-destruction. How can that be in a Nation of such wealth and bounty and physical beauty and so many charging young people like yourselves?

Do not let it happen. Make a difference. Stand for something and never forget your wonderful days here at the seat of our Government. The Presidency is important, but they put that White House down in the swamp. They put us on the high ground of Jenkins Hill that we now call Capitol Hill. This is first among equals of our tripartite Government, and this is the people's House where all the money bills start, all the taxing starts and where most of the legislation begins that has to do with our domestic scene.

Godspeed again. Go out there and let them know that you were alive for a while in this great country. God bless you.

Mr. KOLBE. Mr. Speaker, I thank the gentleman from California for his stirring remarks and words about heroes in our lives.

I would like to yield to one of our distinguished new freshmen Members, the gentleman from Oklahoma [Mr. WATTS].

Mr. WATTS of Oklahoma. Mr. Speaker, I thank the gentleman from Arizona for yielding time to me.

I too want to say my good-bye, my official good-bye, to the pages from both sides. I have served in this body now for about 17, a little over 17 months, and I have worked with many of these young people and have learned from them, and I hope that they are taking something positive and that they have learned something from this distinguished body.

Before I came to Congress one of the things I did was I was a youth minister at my local church, and I must say that you guys have represented the youth of America very, very well. I know there were times when I have worked with the youth in our community around the State of Oklahoma and around the country when I have gone into some community to speak and sometimes I have worked with some young people that I have kind of wanted to take them and hang them out the second story of the church building and kind of drop them on their head. They would do things and say things that I would just kind of think, well, are they worth working with, and I would want to give up on them. And my pastor several times would remind me that what we build and nourish and encourage the youth of America to be today is what this country is going to be 20 years from now.

As I have worked with you guys over the last 17 months, I am encouraged that America's tomorrow is going to be very, very bright because of what you guys have represented. You have represented your families well, you have represented your respective cities very well, and you have been a real knight in shining armor, a real star in the 104th Congress.

Again, I hope that you have taken something positive from this body, from this experience. You have been a delight to work with. I appreciate your efforts on behalf of the 104th Congress. And on behalf of myself, again, I wish you well. I wish you Godspeed. Keep the chin up and keep smiling. Thank you.

Mr. KOLBE. I thank the gentleman from Oklahoma for his wonderful words. And let me just conclude with a couple of thoughts of my own.

The gentleman from California, Mr. CUNNINGHAM, spoke about the lesson he learned about not being a quitter, and Mr. DORNAN spoke about the heroes in our lives. I can say from having worked with this class during the course of this year, they are not quitters. The class knows, as well as I do, that it has been a tough year.

There have been some ups and downs within the page school group, but that will not be the defining thing they will remember. They will remember, I think, the more positive experiences that they have had here, and none of them have been quitters. They have stuck with this.

It has been tough at times and not just tough physically to do this job, and there are times when you wonder about whether you should quit. I can remember when I started this experience I dreamed of becoming a page, and then the day came and suddenly I was flying off to Washington, DC, and I was a scared little kid. But I am glad I stuck with it because I think it has been one of the defining experiences of my life.

I hope you take away from this an understanding of the complexity of our Government; that it is a very complex place. I hope you take away from it the understanding, as was said earlier by BOB DORNAN, that this is truly the people's body; that you have spent the better part of a year in probably the most important place on the face of this Earth for democracy.

This has been the model, the dream, the hope of hundreds of millions of people all over the world that they could emulate our democracy, and it is the House of Representatives, the people's body in the legislative branch of our Government that is the symbol of this democracy for this country, and really for the whole world, and you have been privileged to spend your time here and work here. I hope you will take that away with you and I know you will.

I think you have also learned a great deal. If my experience is any measure, you have learned a great deal about yourself as well, about your own capabilities, your own limitations, your own hopes and dreams. You have probably gained a lot in your own self-esteem.

Most of you will not go into politics, I suspect, but there will be some of you that will. Whether or not you go into politics, the experience that you have had here is one, I think, that will last for an entire lifetime, because I think these experiences go with you regardless of the career or the profession that you have. They are experiences not about Government, not about our Congress but about life itself and about the meaning of this country and the meaning of our democracy.

I think it is for that reason that this program is so important and that we not ever say that we are going to end this program. Many people have said it would be so much easier to hire people to be pages, to hire graduates, to hire people who were older; that you do not have to worry about a school and a dorm and things like that. But we would be missing something. We would be missing the challenge of having young people in our midst, and we would be missing giving this experience to so many, to more than 100 people in the course of a year and a summer that has this experience and that goes out and carries this message to the rest of the country.

So that, in conclusion, is the challenge to you, to take the message, to go out and to talk to others when you go back to your school next year, when you go off to college, when you go into life, about what this country means, about what democracy and freedom and liberty and the legislative process means for all of us.

Mr. Speaker, at this point I want to insert in the RECORD a list of all pages who have been with us for this spring semester, and I know that they will all want to get a copy of the CONGRESSIONAL RECORD tomorrow so that they will have that available to them.

I wish them well in their future endeavors. I congratulate them on the completion of this event. Godspeed and God bless each of you.

The information referred to follows:

HOUSE PAGE SCHOOL SPRING SEMESTER 1996

Tobin Addington, C.J. Albertie, Cheryl Arensdorf, Jesse Barrick, Theda Browdy, Beth Burhenne, Melissa Chesnov, Camrin Christensen, Rachael Clark, Matt Claypool, Chris Creaghe, Charlotte Coffee, Lisa Dang, Karyn Dest.

Chris Finnegan, Alice Ganier, Geffrey Gismondi, Jennifer Hall, Thea Handleman, Kim Harrington, Nancy Hogan, Dan Hughes, Amy Johannes, Mark Johnson, William Johnston, Richie Jones, Jessica Kirk, David Kizler, Melinda Knox.

Bonnie Kress, Robert Leandro, Chris Legett, Tim Lipke, Greg Lundell, Kristen Marconi, Megan Marcus, Kate Martin, Travis Martin, Angie McKinney, Sarah Metthe, Stephanie Moore, Michael Morrow, Jennifer Mueller, Jacquelyn Nash.

Greg Newburn, Matt Patton, Tonya Petty, Lyandra Retacco, Philip Ross, Trese Ruffino, Rebecca Sage, Rachel Schatz, Brian Sells, Kris Soma, Bethany Spencer, Jessica Stults, Matt Tenney, Kathryn Watts, Emily Wengrovius, Julia Whitley, Melissa Young.

Mr. EMERSON. Mr. Speaker, today marks the last day of service of our current class of pages. For those who may be unfamiliar, we have a system here by which most pages serve for the school year, commencing their activities in September and ending in June, and then from June until September we have what we call summer pages. But the pages who are here with us for the school year are all juniors and tomorrow they will have their going away ceremony.

As the current chairman of the House Page Board, I wish to pay particular tribute to this very wonderful group of young people who have rendered distinguished service to the 104th Congress.

Mr. Speaker, I hope that this experience has been for them everything that we hoped that it would be. As many folks here know, I am a former page and personally know that the House Page Program is a great learning experience, one which I hope this class of pages will remember and benefit from all of their lives. I can truly say that for me in the 83d and 84th Congress being a page was probably the finest, most objective, educational experience of my life. I've said many, many times that you learn as a page by doing and observing and participating, and that is just an awfully lot different than reading about it in the textbooks.

So, on behalf of the entire House, I wish all of our departing pages well in their personal endeavors. Some of you will go off to college, others to the military, and others to perhaps a myriad of other pursuits. Hopefully, this experience will serve as a constant point of favorable reflection throughout their lives and that it begins a path of much success and happiness and good health in all understandings.

Finally, Mr. Speaker, I want to say to the pages a hearty thank you for all that they have done this semester and this past year. In going forward, I want to extend to them my own best wishes, the best wishes of the entire House, and wish them Godspeed in life's future course.

PRIVATE MORTGAGE INSURANCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Utah [Mr. HANSEN] is recognized for 5 minutes.

Mr. HANSEN. Mr. Speaker, if I told you that you owed me $50 a month for 30 years would you pay it if you did not have to? If you answer yes, I have some private mortgage home insurance [PMI] for you. But if no is your answer, then why are thousands of people doing it?

Private mortgage insurance [PMI] is to provide lenders—or the ultimate purchaser of a loan—protection against a home owner's non-payment. The insurance typically insures a percentage of any potential loss. The majority of people buying homes nowadays put down less than the traditional 20 percent of the home purchase price. As a result, many of these homeowners have accepted the fact that they have to commit a part of their monthly home mortgage payment—typically $50 to $90 to pay for mortgage insurance.

The problem arises when the homeowner overpays private mortgage insurance; can't cancel the PMI; or is not told that they have the right to cancel it. It is not a new problem, but one that has made many servicers and insurers rich. It has been going on for years. What makes private mortgage insurance even more sinister is that those who are mostly taken by it are the ones that need the money most, once they are not required to pay it.

Nineteen years ago, a secretary in Dallas, TX, purchased her home for $26,000. She financed $22,950 and was required to purchase private mortgage insurance [PMI], which is required as a condition of making a loan to a homeowner with less than 20 to 25 percent down on a home. At no time was she told that she had a right to cancel the mortgage insurance. Over 19 years later, she and her husband are still paying PMI. Why? Her current loan to value ratio is almost 90 percent, which means that her debt is 10 percent of the value of her home.

Her home mortgage servicer continues to charge these premiums every month even though it knows that the PMI is unnecessary when it passes a certain amount. In fact, her home mortgage servicer has been charging her for PMI, even though the owner of her home mortgage requires zero insurance. Moreover, she has been required to overinsure her home mortgage for years. As the investor's insurance requirement decreased, her servicer continued to keep the original coverage amount in place. So, she has been a victim of paying insurance for too long. Her servicer has been overinsuring her home loan, and failing to cancel the insurance when it knew she had the right to, and failed to even tell her that she could insist on the cancellation of the insurance.

She is not alone. The above example is just one of the 315,000 homeowners that her lender services. Her lender, even at the more conservative fee of $50 a month for PMI, could theoretically collect tens of millions of dollars a year in PMI charges for the home mortgages it holds. It is time that we stop the scam.

It is time to stop sticking it to hardworking homeowners. I have introduced H.R. 3556 that will correct this problem and will: First, require the lender or person making or arranging the loan to disclose to the homeowner that PMI is and how it can be canceled and second, provide the homeowner with the right to cancel PMI. If the borrower has met the mortgage owners requirements for cancellation, ie., a good payment history and if once the equity in the property has reached or exceeded 20 percent of the original appraised value of home.

This bill will continue to protect mortgage lenders, insurers and mortgage servicers, while at the same time protecting thousands of people throughout the United States who have PMI long after all requirements for release are met.

□ 1600

REBUILDING IN OKLAHOMA CITY

The SPEAKER pro tempore (Mr. STEARNS). Under a previous order of the House, the gentleman from Oklahoma [Mr. LUCAS] is recognized for 5 minutes.

Mr. LUCAS of Oklahoma. Mr. Speaker, last Thursday, I addressed the House about a situation very important to the rebuilding efforts in Oklahoma City following last year's bombing of the Alfred P. Murrah Federal Building. Eight days later, the clock continues to tick, and money desperately needed by the people of Oklahoma City continues to not be fully utilized for disaster relief purposes.

I am here today to remind the President that he, and he alone, has the statutory authority to follow up on his declaration of the bombing as a national emergency, by suspending the Davis-Bacon Act for these funds. I stress the word "remind" because I have already sent him two letters on this subject, and this is now my second speech on the floor of the House. The President witnessed first hand the devastating destruction caused by the bombing and had the chance this past April to see how little progress has been made in rebuilding Oklahoma City despite enactment of the $39 million in CDBG funds last July.

If the President agrees with me that the people of Oklahoma City should be able to fully utilize the funds we granted them, then he should agree to suspend the Davis-Bacon Act and treat this situation as nearly all other disasters and emergencies have historically been treated. The Robert T. Stafford Disaster Relief and Emergency Assistance Act, as utilized by FEMA, makes no mention of Davis-Bacon, meaning that these requirements do not apply to FEMA funds. Oklahoma City should not be treated any differently. As long as small contractors are forced to spend more time filling out paperwork and computing the correct wages than actually completing their job, this goal cannot be accomplished. Every dollar that is spent in excess of original estimates due to Davis-Bacon, is a dollar that is essentially taken away from the rebuilding efforts.

Mr. President, as you know, this can all be resolved today. By stating that you intend to suspend Davis-Bacon for these DCBG funds, you will be siding with the people of Oklahoma City who are working hard to rebuild their city despite all obstacles. We should all be doing everything we can to make their job easier. In fact, I believe that the Federal role in disasters such as this is to empower the communities affected. The national response to Oklahoma City after the bombing was truly special, and I am forever indebted to all those who acted quickly to assist Oklahoma City. Now, I believe we must continue this cooperation and suspend Davis-Bacon so that the relief efforts are not hindered and so that Federal relief funds are not taken away from those attempting to rebuild this great city.

Despite your silence on this matter, Mr. President, I trust that you too want these funds to be properly used, and I sincerely hope that you will take the necessary action to ensure this.

At this time, I ask unanimous consent to enter into the RECORD a letter from Oklahoma Governor Frank Keating, and the mayor of Oklahoma City, Ronald Norick, supporting my efforts and urging the President to use his authority to suspend Davis-Bacon.

THE CITY OF OKLAHOMA CITY,
June 5, 1996.

Hon. WILLIAM J. CLINTON,
President of the United States, The White House, Washington, DC.

DEAR MR. PRESIDENT: Congressman Frank Lucas recently made a request on behalf of The City of Oklahoma City for further assistance in rebuilding our community after the bombing of the Alfred P. Murrah Federal Building. The request was for a suspension of the Davis-Bacon Act requirements as it relates to the CDBG funding for bombing relief.

As you know, the damage to our city was extensive and recovery efforts are in the early stages. We must maximize the relief funds provided to Oklahoma City in order to rebuild the north area of downtown. You could save our community some $15 million by suspending the Davis-Bacon wage rates for the federal funds we received for this disaster. This $15 million could be used to provide additional assistance to those impacted by the bombing and to further rebuild the area around the Murrah site. (Specific examples of savings were included with the request from Congressman Lucas.)

We realize you have the authority to suspend the Davis-Bacon Act's requirements in times of national emergency, and on April 19, 1995, you declared a national emergency for Oklahoma City. This tragedy continues to be a national emergency in Oklahoma City, and the impact on our local economy is much greater than we originally estimated.

Your support of Oklahoma City and assistance with the revitalization of the bombing area is greatly appreciated. We hope you will seriously consider this request and continue to help us as we rebuild our community following last year's tragedy. Thank you for your attention to this issue.

Sincerely,

RONALD J. NORICK,
Mayor.

STATE OF OKLAHOMA,
OFFICE OF THE GOVERNOR,
May 28, 1996.

Hon. WILLIAM J. CLINTON,
President of the United States, The White House, Washington, DC.

DEAR PRESIDENT CLINTON, I am pleased to write in full support of the request Congressman Frank Lucas has made regarding executive suspension of Davis-Bacon Act provisions in connection with CDBG funding to restore bomb damage to our community. As Congressman Lucas notes, there is precedent for such action, and I would encourage you to move swiftly and positively in response to the initial request made by the City of Oklahoma City.

As we discussed during your visit to the bomb site in April, much remains to be done to restore property in the downtown Oklahoma City area. The available funds will do more good if contractors are exempt from Davis-Bacon provisions. It is vital that every possible dime of these funds flow directly to property repairs and restoration, since many of the business properties awaiting repairs are also significant employers in the downtown area. The more we can accomplish with the funds, the quicker will be Oklahoma City's return to economic health.

I appreciate your attention to this important issue.

Sincerely,

FRANK KEATING,
Governor.

PATENT LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. ROHRABACHER] is recognized for 5 minutes.

Mr. ROHRABACHER. Mr. Speaker, in the next 2 weeks a vital issue will be coming to the floor of the House of Representatives for a vote. We will be deciding whether or not America will continue to have a strong patent system or whether our country will obliterate what has been the strongest patent system in the world.

Because the patent legislation is by its very nature a complicated concept, powerful forces have been able to undermine America's patent system with very little public attention. Who is opposed to a strong patent system, someone might ask. Well, how about foreign powers that do not like the United States being the dominant economic and military power in the world? Yes, foreign powers do not like a strong American patent system because they do not want us to have what is America's greatest economic and competitive edge, the genius of our own people being brought to play in the marketplace. Especially countries in Asia which tend to, instead of create new ideas, copy; they instead copy American ideas. These powers in Asia would prefer that America's patent system be weakened.

Those are the people who might have an interest in weakening America's patent system, also multinational corporations who have little or no loyalty to the American people. These huge corporate interests who also would like to use the ideas of ordinary Americans and not have to pay royalties to the inventors. These people have an interest in weakening America's patent protection as part of what they view as a global evolution in terms of the marketplace. They want to have a global marketplace, and they see the weakening of America's patent system as part of that.

You see, consistent with this idea, the head of America's patent office 3 years ago, his name is Bruce Lehman, went to Japan and agreed to harmonize America's patent law with Japanese law. What they did is agree to make America's patent law, which had been the strongest in the world in the protection of individual rights, they had agreed to totally change our system and make it exactly like the Japanese system. It was a sellout of the interests of the American people.

The first step in Lehman's harmonization scheme has already been implemented through this body. As part of the GATT implementation legislation, a provision was included in the GATT implementation legislation that was not required by the GATT treaty itself. They knew when they put this provision in changing our basic patent law that then those of us opposed to weakening our patent system would have to vote against the entire world trading system in order not to vote to change America's patent law. They had their way and they won.

However, during my battle against that provision, the House leadership agreed that I would have a chance on the floor of the House to change this provision back because it was not required by GATT. And that is what will be happening in a few weeks from now. H.R. 359, my bill, which is designed to restore the patent, the length of the patent term, the guaranteed patent term that we have had, to Americans that we had for 130 years until this agreement with Japan, will be on the floor as a substitute to another bill.

That bill, H.R. 3460, is a bill which is coming to the floor under the guise of patent reform. That bill, my colleagues, is what I call the steal American technologies act. It must be defeated if America is to remain the No. 1 technological power in the world. This bill, I will give you, would complete the process of harmonizing our patent system to be like Japan's. To show how transparent it is, let us take a look at just two provisions of H.R. 3460, the steal American technologies act.

First, it would require all Americans who apply for a patent, whether or not they have been issued the patent, after 18 months their entire application, every last detail of their invention, of their idea would be published for the entire world to see and the entire world to steal. Who could defend an idea like that? But that is being presented to us as patent reform, and the people that are behind this are hoping the Members of Congress will not ask about the details.

The second provision in H.R. 3460 is a measure to basically destroy the Patent Office, turning it into a private post office-like corporation, stripping our patent examiners of all of their Civil Service protection so they can be influenced by the other side.

It is imperative we defeat H.R. 3460. I would ask my colleagues to join me in voting to substitute H.R. 359 for H.R. 3460. Stop the steal American technologies act.

MEDICARE

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from New Jersey [Mr. PALLONE] is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, this afternoon I want to talk again about the issue of Medicare and my concern over what the Republican leadership is trying to do to the Medicare Program and in the context of the budget or the budget resolution which is likely to be voted on between the two Houses sometime in the next week or two.

I wanted to point out again the reason that I feel so strongly about Medicare and the changes, the negative changes that I see the Republican leadership proposing, is because I believe that Medicare is really one of the best programs that we have in the Federal Government. When it was established in the early 1960's by then President Johnson and the Democratic Congress that was in the majority at the time, it was established because of the realization that so many senior citizens did not have health insurance and that it was very difficult for them to either obtain health insurance, either because they could not afford it or because of their condition.

And now, today, and certainly for the last 30 years, we have had Medicare on the books and those who are over 65 or even others in some cases are able to know that they will be guaranteed a health insurance, that if they go to a hospital or if they go to a doctor, that most of the services that they need for health care purposes will be provided in a relatively high quality way.

That is a significant fact and when those on the other side of the aisle, when Republican leaders get on the floor and propose changes that I consider very radical in the Medicare Program, the reason that I and a lot of the other Democrats are opposed to those is because we think that Medicare works, and we do not want to see it downgrated to a second class program or perhaps not even exist for many senior citizens.

I point that out today by way of introduction, because I think it is important to note that many of the Republican leaders have actually expressed themselves on the floor of this House or in the Senate or on other occasions over the years as actually being opposed to the very idea of Medicare.

One of the things that we often quote is the statement by the Republican Presidential candidate on Medicare, which he made in October 1995. He said, I was there fighting the fight, voting against Medicare, 1 out of 12, because we knew it would not work in 1965. So he is making reference to the time back when he was in this House of Representatives, when Medicare first came up and he voted against it. Again, a very strong indication of the fact that in this case the Republican Presidential candidate and many of the Republican leaders are very much opposed to the very idea of Medicare.

We also had another quote, which we frequently cite, from Speaker NEWT GINGRICH on Medicare. This one is from October 24, 1995, last year, where he says, and I quote,

> Now we don't get rid of it in round one because we don't think that that is politically smart and we don't think that is the right way to go through a transition period. But we believe it is going to wither on the vine, because we think people are voluntarily going to leave it.

Once again, a strong indication, in this case the Speaker of the House of Representatives, that Medicare as a program is not something that they support. That is why many of us on the Democratic side of the aisle feel very strongly that we must continue to speak out on the issue of Medicare, because this is a program that has worked, that protects America's seniors so that they know that they have health care insurance, they have health care coverage. If we let the Republican leadership basically do what they will with the Medicare Program, we are very concerned, a lot of us, that it may simply wither on the vine or not exist for many senior citizens.

☐ 1615

Now, yesterday the Medicare trustees came out with their annual report where they talk about the financial state of Medicare, and once again the Republican leadership and many Republicans on the floor have taken advantage of that report which came out and indicated that Medicare would be insolvent by the year 2001.

Well, I said before that many times when the trustee's reports come out, they talk, in the past they have talked, about insolvency for even a shorter period than that, in some cases maybe 2 or 3 years.

So this is not a new phenomena, and Democrats in the Congress have traditionally dealt with that by making some changes in the Medicare Program so that it remains solvent in future years. And, in fact, we have already, both last year as well as this year, voted on Democratic proposals, most recently the President's proposed budget, that actually would continue the solvency of the Medicare Program well into the next decade; I believe at least until 2005.

So we, as Democrats, know how to deal with the Medicare trust fund; we have had to tinker with it in the past. But the Republicans, instead of saying, OK, we will support President Clinton's proposals and we will make some changes that are necessary in the Medicare Program to keep it solvent, instead they have been proposing very radical changes in the very substance of the program and also deep cuts, deeper cuts than are necessary for Medicare to remain solvent.

In fact, the level of cuts right now in the Republican proposal are $168 billion in cuts in Medicare, whereas President Clinton, talks in the proposal, in his budget, about $116 billion. The difference basically goes to pay for tax cuts for the wealthy; that is what the Republicans have in mind.

But, in addition to that, they have been talking about major changes in the Medicare Program that would push seniors into managed care, that would make it so that they cannot choose their own doctor and even, in some cases, their own hospital, and also those who refuse to go into managed care, those who stay in the traditional fee-for-service program, the current Medicare program, would be basically faced with tremendous over charges.

Right now the most that your doctor can charge you beyond the Medicare reimbursement rate is 15 percent of the bill. But this under the Republican proposal would be unlimited, and basically the doctor could charge you essentially whatever he or she wanted beyond what Medicare pays. Those types of overcharges would essentially force people into HMO's or managed care because they would say, well, how can I continue to stay in a traditional program where I can choose my own doctor if I face those kinds of unlimited charges?

Another thing that the Republicans have proposed is to basically break down the Medicare Program and the insurance pool, if you will, so that the wealthy and the healthier senior citizens could opt for what we call medical savings accounts, which basically allows them to take a catastrophic health care coverage and then to pay out of pocket, if you will, for health care needs that are not of a catastrophic nature. Well, the problem with that is that people who do not have a lot of money and cannot pay a lot of money out of pocket will not opt for the catastrophic health insurance, and as a result the insurance pool which depends on the healthier and wealthier people being part of it in order to be solvent essentially would be broken up and the people that would be left in the pool who did not get the catastrophic coverage would tend to be the poorer people and the less healthy people, and the result would be that Medicare would end up costing more because the insurance pool would have a much poorer and sicker group of people in it.

Some of these things get a little complicated, and I do not mean to complicate things, but the point I am trying to make is the Republican proposals not only cut Medicare a lot more than is necessary under the President's proposal, but also make major changes in the Medicare Program that ultimately are going to cost seniors a lot more money out of pocket and are going to make it so they cannot choose their own doctor or again, in many cases, their own hospital.

I would like at this point, if I could, to yield to the gentlewoman from Connecticut [Ms. DELAURO] who has been on the floor of the House over the last 18 months repeatedly pointing out how the Republicans are trying to basically destroy Medicare, and I know that she has been a leader on trying to bring this issue to the attention of the American people.

Ms. DELAURO. I want to thank my colleague from New Jersey for all of his efforts on the issue of Medicare-Medicaid and more generally for the whole issue of working families in this country and what they are going to be faced with if some of the cuts are made; and particularly in the Medicare Program you said something at the outset of your remarks, I think I just want to expand on it a second.

Today, 99 percent of seniors have health care, health insurance. That was not the case before Medicare. Now what happened before Medicare was that families had to take care of their loved ones, as families will do, because there was no opportunity to have health care coverage, so you went in with your children.

What is one of the big issues that we are very, very concerned about today if we are going to see these incredible cuts in Medicare and in Medicaid, which as my colleague knows, that takes care of about two-thirds of the costs of Medicaid, has to do with seniors who are in nursing homes.

In my State of Connecticut almost 70 percent of the seniors who are in nursing homes, getting nursing home care, that care is paid for in part or in whole by the Medicaid system. So that if today, if these programs are unraveled, if we do not—we need to fix them, but if we destroy them the way it is being suggested by our Republican colleagues, then this is not only an issue for older Americans, it is an issue for their families.

I have a mother who is 82 years old, and, you know, thank God and knock on wood, she is in good health. I am not going to let my mom go without health care if somehow Medicare is unraveled and less people are being covered or it is more expensive for her to be able to get health care coverage. That is going to be my responsibility. I am an only child. I am going to make sure my mom has the best health care that is possible.

So this is a system that has not been created for seniors, people who are over 65. This is meant to be first-rate health care so in fact there can be that dignified, secure and decent retirement for seniors without—and that maintenance of their independence—without having to have them be dependent on their families. And I think younger people are very concerned about what happens here as well.

Another point that my colleague made that I just want to talk about is no one has ever suggested, and the trustee's report did come out, as it did last year, and they confirmed what truly has been known for more than 6 or 8 months, that the fund will be exhausted by the year 2001. The fact of the matter is that no one has ever suggested that we do not fix the Medicare Program. We could have a bipartisan commission, the same way that we did with Social Security, to allow so that we insure the solvency of the Social Security system; we could do the same kind of thing today. however, yesterday the gentleman from Texas [Mr. ARMEY], the majority leader of the House of Representatives, on a television show said "no to a bipartisan commission to look at the long-term solvency of the Medicare system."

It was just last year in February, in 1995, that the ranking member of the Committee on Ways and Means introduced the bill that would have appropriated $90 billion, which was the amount of money that the trustees that our Republican colleagues are holding up their report, but it was the trustees last year who said $90 billion could deal with the solvency of the Medicare Program.

Well, there was a bill on this floor. We got a chance to vote. That is the beauty of this place: We vote. And 233 Republicans said thumbs down, no, to insuring the solvency of the Medicare system through the year 2006.

So, they are a little bit disingenuous when they are holding up the report here, because we have known what the issue is going to be.

Now, if we are going to fix the program, if we are going to fix this program, I just submit to my colleague, and you brought up two of the quotes that were not made, I mean that are just unbelievable in terms of where people want to see the Medicare Program going. But if you want to fix the program, and we agree that it needs to get fixed, into whose hands do you want to entrust this program to be fixed? Do you want to go to BOB DOLE, the current Presidential candidate for the Republican Party, who is proud of his vote against Medicare? He cheers and lauds the fact that he voted against it, it is a program that does not work. Now that, I mean it tells you something about into whose hands you want to trust it. Into Mr. GINGRICH's hands, who says that he wants to see it wither on the vine, to go one step further?

Now we are talking about leadership here; we are not talking about any comment made on the floor of the House. These are the people who have taken on the leadership of the Republican Party and who want the opportunity to lead the country. They do not believe in the Medicare program.

Let me give you one further; again, the gentleman from Texas [Mr. ARMEY]. This was July 11, 1995: "Medicare is a program I would have no part of in a free world." Again in July 1995: "Hundreds of thousands of seniors rely on Medicare; I am sorry they do, but they do."

Again I mention Mr. ARMEY, who does not want to see a bipartisan commission to do something about the long-term solvency of the system.

Let me have one more quote from the budget director, the gentleman from Ohio [Mr. KASICH], who said again in February 1995 that their budget, the Republican budget, quote, "would require Medicare cuts unlike any this town has ever seen before."

Now, the numbers are not so much the issue, as my colleague from New Jersey pointed out. The issue is Medicare or no Medicare and the policies that the Republican proposals, if they were enacted, what they do to the Medicare system. They do not control costs. They shift the costs to seniors by encouraging doctors, as my colleague pointed out, to charge seniors extra billions for the basic Medicare package. They herd seniors into managed care plans without adequate consumer protections. They destroy the Nation's safety net and academic research hospitals. They spend an extra $4.6 billion on the medical savings account that my colleague pointed out are for the wealthy healthy, and they weaken, something that is not talked about too much, major antifraud loss.

The dollar difference is significant, but more significant is the policy difference, and, as you pointed out, the difference in the dollars is not to make the Medicare Program solvent, but in fact to deal with tax breaks for the wealthiest Americans.

Let me just make one more point because I think it is important. This is something that a number of my colleagues on the other side of the aisle talk about all the time. They talk about only in Washington is an increase a cut and that there is not a cut in the Medicare Program.

□ 1630

Mr. Speaker, let me just say this. I want to quote the Speaker of the House, again, the gentleman from Georgia [Mr. GINGRICH]. This has to do with the defense budget. This was in 1987. "The 4-year budget includes a 10-percent real cut in defense spending." This is NEWT GINGRICH describing a decline in the rate of growth of the defense budget in 1987.

They are going to stand here and tell us that this is slowing the rate of growth. It is just a boondoggle. There is no accounting for the increased numbers of the people who enter the Medicare system, there is no accounting for inflation, and there is no accounting for the increased costs in medical care.

So they tell us that we need $150. We have $100 today, we need $150 in order to take care of the increase of people, the increase in inflation and the increase in technology, but they are going to give us $125 and they will tell us that it is not, in fact, when we need $150 to make it, except they are willing to say that when it comes to the defense budget, which they have talked about, the gentleman from Georgia [Mr. GINGRICH], in 1987.

The chairman of the defense authorization bill says that "The bill provides $2.4 billion more than the current fiscal year, but when adjusted for inflation, it reprsents a real decline of 1.5 percent in spending, and not an increase." You cannot talk out of both sides of your mouth. These are real cuts in Medicare, real pain in the Medicaid system. What we cannot allow that to do is to happen. We have to make the same kind of fight, the same kind of arguments that we did in the last year of this Congress, so that in fact they cannot destroy a system which they truly do not believe in. I think my colleague for letting me join with him this afternoon in this special order.

Mr. PALLONE. Absolutely, Mr. Speaker. There is absolutely no question that what the gentlewoman is saying is correct. I think the bottom line is that the policy changes that the Republican leadership is proposing are all money driven in some way.

When we talk about this whole notion of the Speaker saying that this is not really a cut, we are actually increasing the program, but it is not a cut. The reason for that, there is this new book out, I do not think the gentlemwoman made mention of it. It is called, "Tell Newt to Shut Up," a new book by award winning Washington Post Journalist David Marins and Michael Westkopf, which says that avoiding the word "cut" became part of a coordinated Republican strategy after pollster Linda Duvall said that the public reacted negatively when told that the Republicans would cut Medicare.

Basically what these two people are saying, that the Republicans vowed from then on that they would not allow reductions in the rate of growth to be called cuts. But it is nothing but semantics. We all know that if you do not allow a certain amount of money to be available, and you have to go out and buy the same thing because of inflation or because more people are in the program, that not allowing a significant level of growth essentially is a cut. That is what the Speaker, what the gentleman from Georgia [Mr. GINGRICH], actually said in the context of the defense budget when he wanted to use it for his own advantage.

Mr. Speaker, the other thing that I think is really crucial also in that respect is where are these costs being shifted to? That is why I think the issue of the overcharges is so important, because basically last year, when they wanted to shift costs, they essentially raised the part B premium. I think we had some figures that last year's Republican proposal actually doubled the Medicare part B premium from $46 in 1995 to about $89 in 2002, so it would have increased the Medicare premium by $440 per couple per year.

That did not work, because seniors became aware of the fact they were going to have to pay these incredibly high premiums, so they dropped that. Now, this year, they are coming back with the overcharges, and they are saying that if you stay with the traditional Medicare system and do not move into managed care or HMO's, then the doctors can charge you whatever they want.

Mr. Speaker, we had some statistics from the Physician Payment Review Commission, which is a nonpartisan panel of experts that advises Congress on Medicare policy, and they said and I quote, that:

> This could lead beneficiaries to be exposed to substantial out-of-pocket liability in the range of 40 percent of the bill.

So if you essentially go into this for a certain operation or procedure, you could end up paying 40 percent right out of your pocket.

Ms. DELAURO. Mr. Speaker, if the gentleman will continue to yield, on that point what is really important to know, and truly people know, today doctors do, doctors and hospitals, there are restrictions on this overcharging. what is very central and very simple here is those restrictions are eliminated. They are eliminated, so therefore they cannot do the overcharging.

Just a final number which I think is important on this inflation issue, when they keep talking about how these are not cuts, what they are doing with Medicare is they are holding it at about 16 percent below the rate of inflation. That represents a real decline. That is no increase. We cannot let them get away with talking about these as not being cuts, because the numbers are real. I thank the gentleman.

Mr. PALLONE. Mr. Speaker, I yield to the gentlewoman from Hawaii.

Mrs. MINK of Hawaii. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, I appreciate the contributions that both the gentlewoman from Connecticut [Ms. DELAURO] and yourself have made in this constant battle to explain what it is that the Republican majority is attempting to do, and the obfuscation of the truth that constantly you can read in their press conferences and in the statements that they make across the aisles. So I appreciate what the gentleman is doing, and I hope that the seniors across the country are getting the real message.

Mr. Speaker, there is absolutely no doubt in my mind that what the Republicans are trying to do is to completely dismantle the Medicare Program. We deal with this issue in terms of big numbers, like a $290 billion cut versus a $168 billion cut now. And they have moderated their position. But the reality is the issue is not a monetary issue.

We cannot get into a box of deciding, well, who is cutting less in terms of the dollar amount, because what they are rally trying to do, in my estimation, is to completely dismantle the Medicare Program as it was enacted in 1965. That is the message I think we have to tell the seniors: What are they being left with if we restructure Medicare? They are going to be shoved into a private insurance kind of program which does not have the protections that Medicare now offers.

One of the things that the gentleman just discussed is about this balanced billing. The current law does not allow it, so therefore there is this protection for the seniors who are in the program now under Medicare, that they will not have to suffer these overcharges. If the Republican plan were enacted as it has been proposed, we are going to have to see these seniors being billed way beyond what it is that Medicare has approved in terms of the costs of these expensive surgeries. I think that is what the seniors have to be told.

The restructuring of it is going to be severely expensive and demoralizing. In other words, we are going to go back to the old system before 1965, where the children of the families are going to have to make these hard decisions as to whether their parents are going to have the important, necessary medical attention, surgery, or whatever.

Mr. Speaker, I had an orthopedic surgeon in my office, that is why I could not come to the floor promptly, and they are apparently having a conference here in Washington. The first thing he said to me is, "We as physicians are concerned about free access to medical care. We feel that the proposals that are now being discussed are going to severely damage access, freedom of choice of the seniors as to what kind of services, what doctors they can obtain."

One of the things that he pointed out to me is that under the HMO and these new ideas that are coming across by the Republican majority, there might be limitations on the specialty services, for instance, that their particular profession of orthopedics could offer. They feel that that is extremely dangerous.

Second, he pointed out that many of the insurance companies and other kinds of group practices that they are in are already gagging them and saying that they cannot even talk about options, optional kinds of care that they might obtain. So these people in the medical profession are really concerned about freedom of choice, access to the necessary kinds of medical services that are required, and this terrible kind of pressure, that when they sign onto these group practices, that they are being restricted by the insurance companies that are servicing them from even discussing with their patients open and available information as to what their choices ought to be in terms of their medical services.

Mr. Speaker, I think all of this suggests that if we go the private insurance route, which obviously is part of this dismantling, and force everybody into the private market to let the market control or HMO's or whatever, that the seniors are going to be very, very severely impacted.

Compounding on that is this medical savings thing, which in my estimation favors the wealthy and the healthy, and the people in the middle are then going to have to bear the burden and costs of the Medicare system. So, Mr. Speaker, I think in going back to my seniors in my district, I am going to have to try to move away from this discussion of dollars, their focus on this idea whether the program is going to become bankrupt, or we are going to have to find the money, and they are all money-oriented right now. But I think that the Congress is going to have the responsibility to find ways to make sure that the system is fiscally sound.

But in doing so, we must not allow the program itself to be restructured and broken and completely torn apart so that the idea of universal protection for seniors will be completely disrupted. That is what I came to the floor to contribute today, and to hope that that point can be explained to the seniors as we debate this issue.

Mr. PALLONE. Mr. Speaker, I think the gentlewoman makes her point very well, particularly with regard to what happens if seniors become shifted to managed care HMO's. If I could just make one point, and then I will yield further, following up on what the gentlewoman said, a lot of times the Members of the other side, the Republican Members, get up and say, "Under our plan, there is still going to be choice. You do not have to go to an HMO, you can stay in the traditional system of Medicare where you can stay in the traditional system of Medicare where you choose your own doctor, choose your own hospital."

But the key there are the overcharges, because if you say to someone, "You can stay in your traditional Medicare system but now the doctor or hospital can charge you whatever they want as a copayment," then most people cannot afford to do that. Then they are forced essentially to move to the managed care, the HMO, whatever the alternative is.

Then the other thing is that by cutting and constantly reducing the reimbursement rate for the HMO or the managed care system, the Republicans essentially forced those systems to do the types of things that the gentlewoman mentioned; in other words, they do not allow people to get specialty doctors or specialty care unless they go through some bureaucratic rigamarole because they do not want to pay the cost of that specialty care.

At both ends of the spectrum, essentially, people are being squeezed. They either stay in the traditional system and then they have these tremendous out-of-pocket expenses, or they go into the managed care HMO where the dollars are constantly squeezed, and therefore the level of care and the type of care that you can get is more limited.

Mrs. MINK of Hawaii. If the gentleman will continue to yield, Mr. Speaker, I think the thing on point is what is happening to women who deliver their babies in a hospital. They are just being pushed out the door within time limits of 24 hours or whatever, so now we have to engage in that debate to protect women, to make sure that these kinds of harsh procedures to save a few dollars are not going to prejudice the health care of these women. It is exactly the same situation with respect to our seniors, who are going to have to face those kinds of brutal decisions.

Mr. PALLONE. Mr. Speaker, that is a perfect example.

Mrs. MINK of Hawaii. I think we have to constantly remind our seniors that this is not just a dollar, they should not mount this debate on whose money plan sounds better, because it is the policies behind those money decisions that are going to end up bringing sorrow to them and grief, grief to their children, who are going to have to pay the bills. I thank the gentleman.

Mr. PALLONE. Mr. Speaker, I thank the gentlewoman for joining us. I yield to the gentleman from Texas [Mr. DOGGETT].

Mr. DOGGETT. Mr. Speaker, I appreciate the observations of our colleague, the gentlewoman from Hawaii, and the gentleman's response, because I think as you described how Medicare would be eventually destroyed, what the gentleman is really getting to is, to use the Speaker's own words, Speaker GINGRICH, saying that he was going to let it wither on the vine. That is, I suppose, an indication.

We have the Republican majority leader quoted down in Houston the other day, and my colleague, the gentleman from Texas [Mr. ARMEY], saying that he views Medicare as an imposition on his freedom. But they recognize that the Medicare Program, which it is now almost 31 years of existence since President Johnson signed it into law, we now have, instead of more than half of America's seniors having no health insurance, we have 99 percent covered.

So they realize that they cannot have a direct assault to just abolish and vote against the program. That is what they want to do. Simply, as the majority leader so candidly admitted, their philosophy is "Medicare is an imposition on our freedom." Most Americans, I think, believe that Medicare is one of the best things that this Congress has ever set up, just like Social Security, which our Republican colleagues have also questioned, but in lieu of a direct, frontal assault to just abolish Medicare, to do as BOB DOLE in fact said here just a few months ago, that he was so proud that he was one of those who stood and voted against, on the floor of this House before he ever got over to the Senate, who voted against creating Medicare in the first place, they would let it wither on the vine.

□ 1645

Mr. Speaker, we got a lot of things down in Texas that are withering right now. We have a little bit of a drought down there. But barring those unusual circumstances, I think most of the people that I know that are commonsense folks around central Texas, if they have something that is withering on the vine that they have entrusted to a gardener, they know the best thing to do is to get another gardener, and I think that is what we are going to have to do here if we do not want Medicare to wither on the vine.

I came across a book this week concerning this so-called Gingrich revolution and I wanted to know if my colleague from New Jersey has seen the part of this book that is written by two Washington Post reporters who have been studying this revolution and apparently getting behind the closed doors, which are really the signature of this revolution, all the secret meetings that go on, the secret task forces. This particular one is on page 72 of this new book, and I just want to quote from it.

It says, at a leadership meeting over dinner in GINGRICH's office, that is the Speaker of the House, NEWT GINGRICH, the fellow who wants Medicare to wither on the vine, on February the 15, that is February 15, 1995, KASICH, that is the chairman of the Republican Committee on the Budget, JOHN KASICH, our colleague from Columbus, OH, and his aids, expressed concern that a 7-year balanced budget would require Medicare cuts "unlike any this town has ever seen before." KASICH was hoping to have more flexibility. "Who said we have to do 7 years," he asked? GINGRICH remained adamant.

That is from this new study about Medicare cuts, the fact that they would, in the words of the House Republican Committee on the Budget chair, have to be unlike any this town has ever seen before.

Are you familiar with this new study?

Mr. PALLONE. Mr. Speaker, I am familiar with it, and I was making mention of some other aspects of it before. But I really appreciate the gentleman bringing that particular section up, because I think it points out one of the things that I and I know you have been saying from the beginning, which is this whole idea of dealing with Medicare in the context of the budget. That in itself is wrong. In other words, if we are going to restructure or make changes in the Medicare Program, why is it that we are dealing with it in the context of the budget?

In my opinion, the reason for that is very simple: Because they want to use the cuts in Medicare for tax breaks for wealthy Americans. They want to be able to use the money for that to achieve whatever their other goals are. It is not because they are trying to save Medicare or restructure Medicare in a way that is actually going to help the program. They are funneling that money into tax breaks. So every time we deal with the budget, we get the Medicare cuts once again.

Mr. DOGGETT. Instead of a trust fund, a slush fund. Instead of furthering and strengthening the trust fund, they would raid that fund in order to provide these special tax breaks.

Mr. Speaker, I know you have focused already on this trustees' report, and the key word there is trust. Who do the American people trust to ensure the long-term solvency of Medicare so it will be there not only when we retire, but when our children and our grandchildren retire, so provide them the kind of health care security they need.

I would just want to add one other thing. I see our colleague and one of the few physicians in this body, the gentleman from Washington, Dr. McDERMOTT, is here who has worked so hard on this. But I think as we consider the millions of people that are going to be adversely affected if the Speaker is successful in letting Medicare wither on the vine and shrivel up and go away for middle-class Americans, I just wanted to bring a picture of a couple of Texans, hard-working Texans that are going to be impacted, because I think we have to bring this down to human scale.

Lewis Kerclusky is a fellow I met at a senior activity center in Austin. He is 94 years old, and he told me that he was there because he worked with old people. I was mighty impressed with the tact that he is still involved in working with old people in trying to help them get services and have the benefit of his assistance. Unfortunately, since all he has to rely on is his Social Security check and his prescriptions total almost $200 a month, he had to move in with his son, Ed. Ed is still working, but he is only about 3 years away from having to rely on Medicare himself.

These are the kind of hard-working people that built this into the greatest Nation in the world. And if he let Medicare and Social Security simply wither on the vine, if he says, as you were just discussing with our colleague from Hawaii, that they are suddenly now going to have to pay all that a health care provider would want to charge them above the Medicare payment, if we continue a system where he cannot even get coverage for his prescriptions, there is no protection under existing Medicare for those, and instead of strengthening Medicare and fulfilling our trust to America's seniors, we are going to weaken that system and let it be used as a slush fund, then people like Lewis and Ed are going to still be impacted in a very, very significant way.

I think it is important, even for people that are not as old as Ed or Lewis, or as old as you or I, or even the young man from Washington State who is joining us here, young people that are out there trying to start a family, trying to get kids through the public school, who is it that a senior who cannot make it, who cannot even pay his prescription, is going to turn to if they have a medical emergency and Medicare is not there to stand by them?

It is going to be those middle-class families that are having a hard enough time just making ends meet for themselves and their kids. They are going to be called on, instead of providing a college education, to take care of an unexpected surgery, instead of being able to do things for their family and get ahead and provide their kids the same future that they want for themselves, they are going to be called on to provide for long-term health care.

I appreciate your focusing attention on what is really happening here, this trust issue, the trust of America's seniors and those who will be seniors in our Medicare system and our responsibility to stand there and see that that system does not wither on the vine, as much as Speaker GINGRICH might be determined to let it wither.

Mr. PALLONE. I appreciate the gentleman's comments. Mr. Speaker, before we move to the gentleman from Washington, I just wanted to say it is particularly important, and I thought that you mentioned, I guess it was Ed, one of your constituents who you said had a very large prescription drug bill.

Mr. Speaker, I naively thought when we started to deal with Medicare in this Congress and the possibilities for some changes that we would actually look towards positive changes such as preventive measures, like covering prescription drugs, because I have always felt that if we add certain services to Medicare, like prescription drugs, like home health care, that we actually would save money in the long run, because they are preventive measures that prevent people from having to go to a hospital or be otherwise institutionalized.

But we do not get any of this from the Republican proposals. Everything that they propose basically would cut the program, reduce services, force seniors to pay more out of pocket.

So when I hear statements from them about how they want to save Medicare or change Medicare, it is never in a positive way; it is always in a way that is actually going to make it more difficult, in my opinion, to get health care and to get quality health care.

I appreciate the gentleman's comments.

Mr. DOGGETT. Actually, it is Lewis, who has almost $200 a month in prescriptions not covered now. And I know the gentleman and Dr. MCDERMOTT will remember that when Republicans put out their big strategy, their PR plan on Medicare. They told their own Members, do not use the word "improve," because that is going to raise expectations that we might really do something to help seniors. They were supposed to use other words to create the impression that there was some immediate crisis, which there is not, that there was some immediate danger of bankruptcy, which there is not.

There is the need for long-term, bipartisan planning. But the only bankruptcy we face today is the kind of political bankruptcy they have when they insist on letting Medicare wither on the vine. I thank the gentleman.

Mr. PALLONE. I thank the gentleman and I would now yield to the gentleman from Washington, Dr. MCDERMOTT.

Mr. MCDERMOTT. Mr. Speaker, I want to thank the gentleman from New Jersey for coming out here day after day and bringing this issue to the attention of the American people, because I think there is lots of confusion. I was just sitting in the Committee on Ways and Means today, and we had before us the Secretary of the Treasury, Mr. Rubin, and the Secretary of Health and Human Services, Dr. Shalala, to talk about the trustees' report. And everybody is waving the trustees' report around now and talking about that this is the end of health care for senior citizens and everybody should be worried.

A little history needs to be brought out, people need to understand. Since the program was started in 1965, there have been 27 trustees' reports. Every year, a trustees' report, that is the job of a trustee, is to say how much money do we have and how long will it last? So each year, they look at the money, they look at what they are spending, and say this is how long it is going to last. At one point we had only 2 years to go, and it would be all gone. At another time, it was 17 years. So there have been all kinds of reports. They never were a crisis until last year when the Republicans took over the House of Representatives and said, we need some money for a tax break. So they grabbed this trustees' report and instead of doing what we had done since 1965, which was to say there is a problem, we are going to have to make some adjustments. And we made them. Every year, no fanfare, nobody ever heard about the trustees' report, nobody ever heard that the sky was falling. On a bipartisan basis, we made changes in the Medicare structure that would have carried it on as we intended to do.

In fact, the Democratic members of the Committee on Ways and Means came up with a proposal last year that for $90 billion in adjustments in a variety of different places, without hurting the basic program, we could protect Medicare until the 2005, for 10 years out into the future.

Now, the Republicans insisted that it be only their way of adjusting the program or there is going to be nothing. It is sort of their way or the highway. And in insisting on that, we have not done anything. So now we come to the trustees' report that was released yesterday, discussed in the Committee on Ways and Means today; everybody is going around acting as though the Earth is ending, because it is now 1 year less. Instead of 7 years last year, we only have 6 years worth of money in the pot to pay bills to 2001.

Now, if they have made the changes last year that we recommended for $90 billion, we could have been out to 2010. But their delay has actually made it worse. It is sort of like if you have a problem in your car, you hear a clanking noise and say, well, it is still running, I am not going to bother checking the oil and you just keep going until finally the motor freezes up, and then you say, oh, my goodness, if we had put the oil in last year, we would have prevented that. They have not done the preventive things that last year they could have done for $90 billion.

Now, to make this problem worse, or to make it even more laughable in some ways, last year they wanted $270 billion out of Medicare so that they could have a $245 billion tax break. They needed the money. Some of it was for Medicare, but most of it was to be spent on a big tax break. This year they say, you should be grateful. We are only going to take $176 billion out of Medicare. It is obviously way more than is necessary to do the job. The President has made a proposal of $124 billion in changes. So if you want to talk money, they are still asking for money that they are going to use in the tax break.

But the really insidious thing is the kind of changes that you have been talking about in the Medicare Program. If you take a senior citizen, the average senior citizen on Medicare is living on $11,000 a year. Now, there is not a whole lot of slush in $11,000 a year in this society. There are 11 million widows living on less than $8,000 a year. Their husbands have died, they are living on a Social Security check. The minimum is about $8,000.

☐ 1700

What the Republicans are saying is we are going to give you $4,800 this year to go out and buy a health program. That is about what it costs. This year they could buy exactly what they have had.

Next year the inflation by the insurance industry, they expect it to go up by 7 percent. But the Republican proposal says, "We're only going to give you a 3-percent increase." That 4 percent that they do not give them has to come from somewhere. It either has to come out of that widow's $8,000, or she has to turn to her children and say, "I can't afford to buy the same health care package."

This argument about whether it is an increase or a cut, yes: they are increasing it 3 percent. But they are not giving you enough to buy it. It would be as though I said to you, "A quart of milk is 99 cents, here is 99 cents, go buy a quart of milk." Next year a quart of milk is $1.10. I say, "Well, Frank, I'm going to give you $1.05. Go buy a quart of milk." You obviously cannot buy a quart of milk if you do not have the amount of money that is necessary to pay for it.

The cut is that they are not giving them enough to keep up with inflation. By the end of 5 years, it is going to cost $1,000 more out of pocket. That means grandma has to open her purse and find another $1,000 to put with her Medicare money to buy the same program.

That is by the insurance companies' estimates. That is not some wild group out there that is trying to prove the Republicans are wrong. The insurance companies are very tightfisted actuaries who look at that and they say that is what it is, and they are not providing enough money to buy the same package.

So now that you have that picture in mind, the Republicans offer them an alternative. They say, "Why don't you go into an HMO. An HMO will take whatever we give you and then you won't have to pay any more money out of your pocket."

So they have financially jerked those people around. They have either got to take $1,000 out of their pocket or join an HMO or get it from their kids. Those are their three choices. If you go into an HMO, I do not think everybody has agreed that you are going to be able to choose your own doctor. There is every indication in HMO's that if your doctor is not on the list, you are going to have to quit seeing that doctor.

For somebody who is 25 years old, that does not seem like a big deal, because when you were 25, who had a doctor? I did not have one when I was 25. At 45, maybe you see a doctor once in a while. At 55, you see him a little more often. I see him a little more often. When you are 80 or 90 like my father, and he has had a doctor following his heart medication for 20 years, to suddenly say to him, "Well, Mr. McDERMOTT, you cannot have your doctor, you're in this HMO and your doctor isn't a participating doctor, so choose a new doctor."

If you are 90 years old, that means you have got to sit down with somebody and tell your whole history and explain it, and what medications have you been on and how did it affect you. All of your past in a doctor's head is lost. That is why being able to choose your own doctor is important. What you want is somebody who knows your history. You do not want to go to somebody who never saw you before when you are 90 years old and have to explain your whole history and what has happened to you.

So that financial incentive that says, "You can stay in the regular Medicare Program, it's going to cost you $1,000 out of your pocket, or go to this HMO and you might not get your own doctor," those are the choices that the Republicans are offering senior citizens.

My view is that is not necessary. I looked very carefully at the Medicare Program when I put a bill in cutting $90 billion. I am a physician. I would not put together a program that I thought would hurt the quality of health care that people get. But you do not need more than $90 billion in cuts. All the rest of that money is being cut so that they can use it to give away in a tax break.

The issue that you were talking about as I came in here is one that I think is even more difficult to understand, and that is this whole question of pharmaceuticals. When you get to be old, you go to old people's houses, you will find on the dining room table a plastic box that has a bunch of little boxes in it. One is for in the morning, one is at lunchtime, one is in the evening and one is at bedtime, and they have their pills in them.

If they are like my father and mother, they spend $220 each month at the pharmacy. They have no way except to pay that out of their pocket. They are already paying enormous amounts out of their pocket. That is why this $1,000 coming in out of their pocket to get this same benefit package to pay the doctor, to pay the hospital, to pay the x ray, to pay the blood work in the laboratory and so forth is such an impact. It is not as though they are not paying something now.

If your father is paying $200 a month for pharmaceuticals, and then to pay $1,000 more a year, now $1,000 a year, divide that by 12, that is like $80 a month more that they have to reach in their pocket. What does $80 mean? Well, if you make $100,000, $80 is not all that much. You could probably absorb $80. But if you are living on $8,000 a year, like 11,000 widows are in this country, $80 is about 3 bags of groceries. It is a question. Do you want to go to the grocery store and get nutritious food, or are you going to have to send it off to buy your health care plan?

Those are the kinds of choices. And the baby boomers in this society, the people in the generation under me, I am 59. So, if you are about 55 or so, below, you are going to have your mother coming to you asking, or maybe not telling you and then you will find it out some other way that she is not going to the doctor, not buying the medication, or she will ask you and you are going to be between the vise of helping your mother and helping your own kid in the community college.

I mean, people in their forties, their thirties, forties, fifties are caught between their parents and their children. You care about them both. Which one are you going to help if you can only help one? "Well, mother, I'm sorry, you're old, you will have to deal with it yourself because I have got to help my kid." No; you cannot say that. Then you say to your kid, "I can't help you through college, you're going to have to make it on your own, good luck, because I have to help my mother."

That is the vise that this proposal puts middle-class, middle-aged, people in. People in my generation have never spent a dime, I have never had to give my parents one single dime for their health care. Medicare for 30 years has taken that issue right off the table. Along comes this proposal and says we are going to put it back on the table and each family can find it themselves.

Now some can find it. My mother and father have four kids, all of whom went to college, all of whom have good jobs. We can find a little extra to help our mother, but what about people that do not have that? Think about that. Think about the guy who is just laid off at 50 and his mother is 80. He cannot help her.

So it is this kind of thing, and I think that you are doing a real public service by coming out here and raising these issues, because the trustees' report is simply an annual report and we are going to correct it. We are not going to walk away from this. The Republicans would not dare walk away from this without fixing this program. They have no chance with the American public if they do not step up and fix it. They ought to drop the whole business of cutting taxes and deal with Medicare.

Mr. PALLONE. I appreciate the gentleman's comments because you really managed to put a lot of this in common sense terms and explain it for the average person, which is what we really need to do. I thank the gentleman for joining us tonight.

Again, as I said in the beginning, the reason why we are here is because we do believe that the Medicare Program is so important and we believe that the promise of Medicare, which is to provide quality health care coverage for senior citizens, the promise that a Democratic Congress and President Johnson made over 30 years ago must be continued, and that it really is not fair for today's seniors or future seniors to suggest to them that they cannot have the same kind of quality health care that we have now for senior citizens.

That is what we are afraid as Democrats will happen with this Republican leadership plan to change Medicare, that it will be so drastically changed that eventually it will simply disappear as a valuable program to provide health care coverage for all of America's seniors.

TRIBUTE TO A GREAT IRISH-AMERICAN, AND THE TERRIBLE TRAGEDY OF AIDS

The SPEAKER pro tempore (Mr. STEARNS). Under the Speaker's announced policy of May 12, 1995, the gentleman from California [Mr. DORNAN] is recognized for 60 minutes as the designee of the majority leader.

Mr. DORNAN. Mr. Speaker, I am actually going to discuss two things:

one, a short tribute to a good friend of mine, a political acquaintance who has developed into a good friend because of his good heart and what he and his whole large family has tried to do about the agony in Northern Ireland. His name is Thomas Tracy.

I put this little tribute to him in the Extensions of Remarks a month ago, but for some reason I felt that it was important enough for me to rise today and say it to the whole Nation through the wonders of C-SPAN, that million-plus audience of ours, and through you, Mr. Speaker, to the world.

And then I want to discuss the terrible tragedy of AIDS and how it is growing exponentially and almost unnoticed in our society. First to Mr. Thomas Tracy.

TRIBUTE TO THOMAS TRACY: DISTINGUISHED IRISH-AMERICAN LEADER

I just want to recognize, Mr. Speaker, Tom's honorable achievements for the Irish-American community. He gives to umpteen charities as most good businessmen do. But Tom recently was recognized for his service. He received the 1996 Distinguished Leadership Award by the American Ireland Fund in the beautiful city of St. Francis by the Bay and I was just heartbroken that our unrelenting pace around here, this all-important budget fight that we are engaged in, kept me from flying up with my Sally and some of our older children up there to San Francisco to add our congratulations to Tom's tribute.

Here is what this award acknowledges, Mr. Speaker. That an American of Irish heritage, to quote partly from the award, whose lifetime accomplishments personify the spirit of the Irish immigrants who contributed to making our Nation the greatest in the history of mankind.

If you take the troubled North and the Republic of Ireland and combine them, you are still not going to get to 5 million people. Far short of it. But in the United States of America, right through a primary grandparent, at least 25 percent of blood, is over 45 million Americans. On St. Patrick's Day, we know it reaches all 265 million. But some people say that that is a low figure, that it is realistically closer to 60 million out of the 260-plus million Americans.

I am especially proud of Tom because I am one of these rare Irishmen whose all 4 grandparents, came directly from Ireland, it is just becoming more rare, and I do not get too puffed up about it because I remember a cute story that John F. Kennedy looked at his own beautiful children, young John and his beautiful older sister Caroline and he said, "It's too bad that they're not 100 percent Irish like me."

And Jackie is supposed to have said to him, "Oh, you mean they're mixed breed" or something? And he never ever said that again.

My own five are half Danish and since my wife says she is Heinz 57, there is an extended Dornan family with, and I do not think I told you this, an 11th grandchild is on the way—my colleague from Florida did not know that—that there is none in that great gang of 11, and they all know about their Irish heritage, that is Irish on both sides. My mother's name was Mickey McFadden and her mother was Katie McDonough and my dad's mom was Mary Highland. It goes back to O'Donnells and just keeps on going.

So as a 100-percent Irishman, and I say that humbly, I am especially proud of Tom. I value my ancestry, because it has given me a feeling of being connected to a long history of people in love with life. The French have coined this beautiful phrase, Mr. Speaker, joie de vivre, the joy of life, and I have seen it in France from north to south, east to west but never have I seen it in any greater depth than in Ireland itself.

The Irish have suffered mightily through history. That is why their hearts have gone out to African Americans. It was probably one of the main motivating factors in my registering voters in a dangerous period of our country in the beautiful State of Mississippi and marching as I did with Martin Luther King on August 28, 1963 proudly in my Air Force captain's uniform, was all I had to offer.

☐ 1715

But I identified as an Irishman with an 800-year turbulent history with the multicentury history of the suffering of those of African heritage in this Nation.

The essence of life is to persevere and conquer the challenges that God presents to us in life. An Irish Americans, like Thomas Tracy of southern California, they have excelled at that task. Tom has been associated with about 28 different issue-related organizations, including many devoted to achieving peace in Northern Ireland. Over the last 5 years Tom has spent much time and just so much generosity with his own financial resources trying to work toward that peace. Just so many trips to Northern Ireland and to Dublin that I lost track of them. Over just the last 5 years he has just donated himself with great energy toward that goal of peace in that troubled beautiful little Emerald Isle.

I share one of Mr. Tracy's other passions, our love for our Christian faith, our Catholic faith. We have both been dedicated to strengthening and protecting the church, and in particular our own diocese. Mr. Tracy has been deeply involved in the diocese of Orange, CA, where he served at key committees, numerous Catholic organizations to help people of every level in society, and he has been the leader in the effort to gain sainthood for Father Junipero Serra, who has already reached the first plateau of being referred to as Blessed Father Serra. His statue is one of the two statues representing the State of California in this beautiful rotunda area, the other being the great freedom fighting Reverend King, Protestant Minister, during the period in California leading up to the Civil War.

I thank Tom Tracy for his many contributions. He honors all of us who are Irish Americans for his dedication, his good will, and his brave heart.

Now, if I was going to put a title on that, I would ask our recorders to make it "Tribute to a Great Irish American, Thomas Tracy."

Then I would draw a line through the CONGRESSIONAL RECORD and start on a not so happy note.

Mr. Speaker, do you remember the legionnaires disease? Remember the American Legion was having a convention in the City of Brotherly Love, Philadelphia, and some got sick at the convention, and a few who were older went into respiratory failure, could not be saved, some died after they got home, and it began to hit the evening news coast to coast, night after night after night? It was a terrible tragedy.

You say legionnaires disease and doctors still come to attention and think about that frightening period. Part of it was frightening because it involved infectious spores getting into the air-conditioning system, and I would not even mention the hotel if I thought of it, because they probably had to rename it and refurbish the hotel. But here is my point. The death toll, the total death toll, Mr. Speaker, was 34 human beings. Thirty-four souls on their way to god earlier than their families had planned. Thirty-four.

I just got back from the Center for Disease Control, doing research for a point of personal privilege to answer our colleague, STEVE GUNDERSON of Wisconsin, on the charges, the horrible charges that he made against me on the House floor on May 14, and I will do it in the middle of the day. I am sorry to interrupt legislative business, but on Wednesday or Thursday of next week I will do it. If Thursday is a getaway Thursday, I will ask, demand, as is my right, I will ask the leadership, to coordinate with the leadership, because I do not have to ask their permission to do it, it is a right, a wonderful treasured right in this House, I will ask for the time on Tuesday or Wednesday.

But I have been doing research on AIDS, along with researching the circumstances surrounding that wild abuse of Federal buildings, so-called Jubilee Party that took place on Thomas Jefferson's birthday in April, April 13, and here is what my current research on AIDS is causing me to believe: That a homosexual lobby, does not want us to discuss the enormity of this death toll. They do not want anybody, frankly, to discuss this greater health problem in the history of our Nation unless they are the ones doing the discussing. They want to define all the parameters of the discussion so as never to put a tough edge on it, that this is basically a medical nightmare driven by behavior and conduct.

Keeping in mind that 34 death toll figure of legionnaires disease, and I do not have the time to go back to 1981, which by the way was Mr. GUNDERSON'S first year, Ronald Reagan's first year, it has been an amazing 16 years, but the cumulative figure as of the end of this month for deaths in this country is 360,000.

Now, anybody listening on C-SPAN, if they want to go get a pencil, I would tell them, Mr. Speaker, to go do it. But if they are too lazy to get up out of the chair and get a pad and pencil, this one is easy. Just think of a circle; 360 degrees. Three hundred sixty. That is how many have died, 360,000.

And it is probably a little low because in 1981 and 1982 and 1983 and 1984, the then Surgeon General, Dr. Everett Koop, told me that they were not counting many AIDS deaths that out of understandable and totally understandable empathy for families, rather than say that their young man or any family member had died of a fatal venereal disease, AIDS, they would say only on the death report the proximate cause; lung failure, dementia, Kaposi's sarcoma. They would just write down deceased of cancer.

And then all doctors, all doctors worthy of the name, decided that it did no good to fight this major public health problem, to hide the true cause, the breakdown of the immune system that brought about the pulmonary problems, the heart problems, the stroke, the cancer, the dementia, and we started keeping accurate figures by the middle of the 1980's. So according to Dr. Koop, about 20,000, maybe double that, were lost. I will say 20. Add it to the 320,000 dead as of New Year's Eve last year, 1995, that would be 340. And then this year, I am low, I am saying 20,000 dead by the end of this month, and that brings us to 360, when the truth is I am probably 5 or 10,000 low, but 360,000.

A third of a million is a good figure to try to memorize so you can discuss this intelligently with people. So, 34 legionnaires disease, 360,000 for AIDS.

Now, here are the figures just for the last 3 years. Dead in 1993, now there are lots, thousands of drug users in here, thousands of people that do both homosexual activity and drug use, and hemophiliacs are in here, a very small figure, an infinitesimal cause of infection unknown, the overwhelming figure, somewhere always between 65 and 75 percent is homosexual activity, basically sodomy of some kind.

1993: 42,992. Death toll per week, I just divided it by 52 a minute ago, 827 per week. What a horrible death toll. Not 34 in the entire course of legionnaires disease, but 827 a week.

1994: 46,050. That is 886 a week. And last year, the year when I enjoyed myself so much traveling around this country debating with good men like Senator BOB DOLE reaching for that secular holy grail of the Presidency, 1995, wonderful year for me and my family, a tough year, but while that year, those 12 months were slipping by, 48,979 people died of AIDS.

And children in here. It is horrendous. We have lost 4,000 children to AIDS over the years. Now, the homosexual lobby hates it when you call the children innocent victims because they all want to say they are innocent victims. But the children not one of them got it from behavior they got it from childbirth or from hemophilia or from the bad blood transfusion or some blood byproduct. Some 4,000 innocent little children over the course of this nightmare.

Now, I just now added up those 3 years. That is 138,021 out of the last 15 years. Out of the 360,000, in round numbers, almost half just in the last 3 years.

What is the half year figure going to be at the end of this month? I said 20. Well, if I look at 1995, it is going to be closer to 25,000. Where are we going?

I do not know if I will have time in my point of personal privilege to put these figures into the RECORD, so I am going to do it now for the wars of our Nation to give a balance of how large that figure of 360,000 dead people are.

Here are the figures, and then I will be able to refer to them in my point of personal privilege. I would hope that every youngster who has ever studied American history would memorize the Revolutionary War as I have and that will teach them something about their Congress.

Take the number of this House, 435 men and women, and add 4,000. That is how many died under George Washington, the Father of our Country, in the Revolutionary War; 4,435. Well, at the rate people are dying of AIDS, in 4.5 weeks, 5 weeks, we averaged a whole 6.5 years, from Concord Bridge April 19 of 1975, hardly a man is now alive, all the way up to Yorktown, October 19, a precise 6.5 years, 4,435. But not in 6.5 years, in less than 5 or 6 weeks we equaling that now in AIDS deaths.

I will go more quickly here but I hope somebody is writing it down. It took me a lot of time to research the this. The war of 1812: 22,060. I have that memorized since I was a little kid. I do not know why. And the Mexican War, 1,733—1,733 for manifest destiny, reaching out toward the heights of Chapultepec in Mexico.

The Civil War, the War Between the States, or for my southern friends here the war of northern aggression. I do not want to politicize this. They are all Americans, we know that. We do not know how many young southern lads died from other causes, like disease or Northern prison camps. We have a Northern figure on that, so that is a mystery forever, but in the North 224,097 died of the diseases associated with men coming together who had never lived in an urban environment and catching diseases that they had no immune system operating for, the thousands that died at Andersonville, 10,000 there alone, it is 224,097.

But set aside those extra deaths. In the Mexican War 11,500 died outside of battle combat. I want to talk battle deaths. Billy Yank, the blue of the North. Battle deaths. Gettysburg, Antietam, Stone Mountain, Murfreesboro, TN, all of it, Shiloh, 140,414. Johnny Reb fought Billy Yank with a great ferocity, because the death toll in battle is much lower. Under Robert E. Lee and the rest of the southern generals it is only 74,524.

Now, you do not have to add those together, people that are taking this down, I will do it for you: 214,938. Fair to round that off at 215,000. There it is, Mr. Speaker, 215,000 combat deaths. That is only adding 62—215,000 combat deaths.

Let me come back to my AIDS figure: 360,000. It is 145,000 more than we lost in the Civil War, and nobody talks about it here, because the homosexual lobby does not want us to talk about these horrible figures.

□ 1730

They just want money. I will give them more than they are asking for. Because it is a tragedy beyond cancer, heart disease, or stroke or the things that begin to bedevil us in our 60's and 70's and 80's. These are young people, mostly males, taken out in the prime of life when they should be returning God's creative gift of life and contributing most to this society, to this society.

The Spanish-American War, this is getting down toward Legionnaire's disease size, not quite, 385,000—excuse me, 385—385 people, less than 400 died in combat in the Spanish-American War, including a few people under Teddy Roosevelt, running up San Juan Hill because the Rough Riders horses had not arrived at Cuba in time. On Kettle Hill, now called the charge up San Juan Hill, just a few dozen men, taking Manila Bay in the Phillipine Islands, not a single man lost. Dewey said, "Fire when ready, Gridley," and killed hundreds of Spanish on their ships, not a single American sailor lost. Disease in that war, even that is not too horrible, given the change of climate for a lot of American soldiers, 2,061. But back to the combat deaths, 385.

Now we get into some serious killing in the name of making the world safe for democracy, my father's war, where he was on a train that was derailed by German fire and rolled down a hill with a hot stove that they had purloined from a little French railroad station, rolling around with all the hot coals burning men and the stove itself killing men. My dad got up, stood up, thought every bone in his body was broken, covered in blood and realized it was the blood of other men. My dad was poison gassed twice, shrapnel, small wound in his face. And in that war, 53,513. It was ferocious combat, mostly in the last 6 months, after we declared war, April 6, 1917. There was a long, slow period in the beginning there, and Black Jack Pershing refused to have French officers over our men so it took us a long time, till basically the spring. And then serious fighting in the summer of 1918, all over at the 11th hour, the 11th day of the 11th month of 1918. Combat deaths, most of them loaded toward the end, 53,513, very close, by the way, to Vietnam, although not over 10 years, all in six months, 53,513, AIDS 360,000 plus.

Now let us go to World War II. I am sure that anybody who even has a clue of how many people were killed in battle from the Aleutian Islands to the North African deserts, under the sea, on the sea and every battle from Santa Cruz to Guadalcanal, all the way up to Okinawa and the invasions before that from Tarawa to Iwo Jima and then of the fighting cross Europe, General MacArthur's island hopping campaign, death from Bataan and Corregidor right down to the prisoners who died after the cessation of hostilities in mid-August of 1945. What was the combat death toll of World War II? It was 292,131. So AIDS has already killed 68, 70, 75,000 more than all the battle deaths on every continent of the world, even bombing in Australia in 1942, Japanese bombing. It has now eclipsed World War II.

Korea, 3 years of fighting, in 3 years and one month, compared to Vietnam's almost 10 years, 33,651 in Korea, one-tenth of the death toll of AIDS.

In Vietnam, a figure that changes tragically every quarter, every half a year by the finding of some remains or the solving of some mystery, Vietnam, hard figure to memorize because I had memorized it recently as 47,366 because that was the great fighter wing at Da Nang, the gunfighters, I see 3 more is added, 47,369. Compare that 10-year struggle that tore our Nation apart. There is another almost 11,000 there of people who died in plane crashes, all the poor flying safety situations that are always involved with a combat area, but Vietnam has torn this country apart. And given the course of the Clinton administration, it is still tearing our country apart. We are still lying through the bureaucracy to the American MIA wives who come to town with the aging mothers and fathers and brothers and sisters who are now double the age of their siblings that are still missing in action with the built-in bias, pro-Hanoi bias of this administration because of its leadership at the top. We are still suffering Vietnam.

But the death toll, including the missing in action, 47,369. All the names on the wall, including those 11,000 automobile and plane crash accidents during the course of that decade, it is 58,000 names on the wall, 58,000, add 302,000 and you have got the AIDS deaths.

What are we doing about this AIDS death toll? We have thrown $35 billion into research, Mr. Speaker. It has already cost our Nation $107 billion. Because I am going to deliberately restrain my innate passion during my point of personal privilege in the middle of next week so that people focus on my words and not on my delivery style or anything, I will not constrain my passion tonight. Let me tell you what is causing this unbelievable health nightmare, Mr. Speaker.

Homosexual activists refuse to apologize for or give up the wild, promiscuous lifestyle that is the main driving, evil engine of this public health catastrophe of 360,000 dead people. Here is what I learned in one of my many trips around the world to educate myself on this issue.

I have studied this trip in Bangkok, this nightmare trip of AIDS contamination worldwide, AIDS infection. I have asked about it in Arab countries where the figure is very low and they are loath to speak about it. I have asked about it in Beijing, where they said it, contemptuously, that is was a Western decadence problem, and they never would have a problem in China, and, oh, do they have a problem building now. Fascinating front page section story in the Washington Post, New York Times, I think, just a few weeks ago about how China is a nightmare ready to explode, way beyond our third of a million death toll.

Here is what I learned last week up at NIH. I have been up there several times. I have been to the Centers for Disease Control in Atlanta. I do not know that Mr. GUNDERSON has ever been up to Bethesda. I know he has not been to the World Health Organization in Geneva. I took my wife there. She was stunned when they told her 55, 60, 70 million worldwide would die before—no, 100 million or more would die before the thing even peaked.

My wife turned to me and said, how many died in World War II? I said 55 million. She turns back to Dr. James Chin and Dr. Jonathan Mann and said, you are wiping out 100 million and that is almost double World War II? I have researched this all over the world.

My last trip last week up to NIH tells me this? I said to a man I greatly admire, Dr. Tony Fauci, I cannot, God could not design a better research doctor and dedicated person to fight this problem. He was at the table in the cafeteria at NIH in Bethesda when he and Dr. Bob Gallo looked at one another and decided they had a fatal virus among homosexual males in LA and New York. They called it GRID, gay related immunodeficiency. I do not know why they would use that adjective "gay." There is nothing happy about 360,000 people dead. There is no gaiety here, no cheerfulness, mirthfulness. It is the saddest thing I have ever encountered healthwise or anybody has encountered in the history of our Nation.

Tony Fauci, as you may recall, Mr. Speaker, came up during the debates of 1988 between George Bush and Gov. Michael Dukakis, Vice President Bush. And Bush was lucky enough to go second.

I was sitting next to the future Secretary of Commerce Bob Mosbacher and his wife Georgette and the—who was the narrator then? Was it Bernie Shaw? Was it a panel? Was it Tom Brokaw? I think it was Tom Brokaw. He asked Governor Dukakis, who are your heroes? There was this long, painful pause. I remember I turned to Bob Mosbacher and I said, "He is thinking right now, other than myself, Michael Dukakis." That is how long the pause was.

Finally he said, "Dr. Jonas Salk." That was a quarter of a century ago, over polio. I thought, come on, Mr. Vice President, respond with Tony Fauci. It was like mental telepathy. I hope he says Tony Fauci. And there was no one else for a follow-up by Dukakis, just Jonas Salk.

So it comes to George Bush and he had the advantage. He had time to think about it. He said, there is a doctor, and he could not think of his first name, and he said, Dr. Fauci at NIH. And Mosbacher says to me, nice job of mental telepathy. I said more, more. Then he hit the ball out of the park. Probably won the election. This was his defining moment in 1988. He says, "And any cop on the beat anywhere in America." That did it for George Bush.

But that is how far back Tony Fauci goes in my mind. That is 8 years ago this coming October. Fauci is great. So at the end of this tremendous tour, where he introduced me to some wonderful HIV-infected people that are fighting for their lives in a program, I hope they have changed their conduct. I hope they tell other people not to engage in the high risk politics, in the high risk political and homosexual movements and the high risk sexual activity that is shortening their lives.

After it was all over, I walked through the tremendous labs and I met people from Palermo, Sicily, a young lady doctor working with Tony Fauci. I met people from northern Italy, from Bologna, from France, from all over the world. What a team they put together. And, Mr. Speaker, none of them have the money anywhere in Europe, let alone the rest of the world. It is not up to European or American medical standards. Nobody has the money that they have at NIH and the Centers for Disease Control that we in this Congress without any hesitation have given of the taxpayers' money that we are supposed to guard to try and find some kind of a—there never will be a cure, Dr. Fauci tells me, you cannot get an infinitesimal retrovirus out of the T cell that it has worked its way into. That is impossible. It keeps replicating as they attack it anyway.

What we need is a vaccine to hold off the onslaught, to build up the immune system, to prevent the infection or, once they have it, to keep the T cell count up and extend the life into another decade beyond the decade or so that some stronger people have been able to fend off the onslaught of full AIDS.

We are out in the hall and we are about to leave. I said to Dr. Fauci, I said, "Tony, I am hearing some bad rumors. I am hearing that in the homosexual communities in the hot spots of America, Key West, Miami, New York, LA, San Francisco, that young homosexuals are doing two things—get this, Mr. Speaker—"they are playing Russian roulette with deliberate high risk unsafe sex because it adds to the erotic thrill to play roulette with the HIV virus." And he nods in affirmation. "Yes," he says, "that is happening."

And I said, and then I hear that there is kind of a communal thing that when you get hit a with a positive test on the HI virus, it is almost like you joined a greater community. You get to see Whoopi Goldberg or Barbara Streisand wearing a red ribbon at the Academy Awards or you see these great tributes paid to theatrically talented people who died at the Tony Awards, the award system for Broadway plays, that it is somehow or other a shared experience to get the virus and be on a greased path to dying of AIDS. He said, yes, that is true.

Then there is a third thing—imagine this, Mr. Speaker—he says, there is a third thing beyond deliberately playing high risk Russian roulette and wanting to join a bigger community of sufferers. He says, a lot of them, paraphrasing Dr. Fauci very closely here, a lot of them have a sort of exhaustion, a mental exhaustion, a frustration over trying to beat the HIV virus, and they are just sort of giving up and saying it is going to get me eventually anyway.

You put those three things together, high risk erotic sex, telling yourself that lie, two, the shared community, that we are all in this together and, three, I cannot stand this ugly game of trying to avoid it so I am throwing caution to the wind. I am abandoning hope. Abandon hope, all ye who enter here.

□ 1745

Wiliam F. Buckley once recommended that as a cruel joke, I assume as a tattoo on high-risk practitioners.

So there it is. It is starting to go back up. I honestly thought when I got the figures on 1995 from the Centers for Disease Control about an hour and a half ago, I was sure it was going to go 43,000 in 1993, 46,000 in 1994, and drop back to 42,000 or lower last year, but it almost breaks 50,000. So I can—I can feel it coming for the end of this month. Around the middle of July I will call the center down at the six Centers for Disease Control that handles this, or I will call Sharon Katz, who does a great job trying to keep me informed on this up here in D.C. She is congressional liaison for—legislative liaison for CDC, and say, OK, because they are only going to a yearly report.

Can you believe that, Mr. Speaker? When this thing started, I could get a weekly report, a published monthly report. Every month I could find out—I will show you what it looked like. I would get this: Table 13, monthly cases diagnosed during the interval of 1 month, case fatality rate, deaths occur in the interval. Then they went to quarterly, and they stayed that way until about 2 years ago, and they went to semiannually. Now they tell me no more semiannual report on June 30, you got to get a report once a year. Why? The reports are higher than ever. More people are dying than ever before, and now they are only going to tell us once a year.

So they told me informally we will give you round figures at the mid point of the calendar year on June 30, and if it breaks 50,000, then this has not peaked yet in spite of killing off 360,000 people, of which certainly 300,000 were hard partiers.

Drugs, which is one of the unknown stories of how this is transmitted so frequently in the homosexual—among the homosexual hard parties; the drug use among circuit-riding homosexual parties is almost as bad as it is at the lowest level of poverty in our big cities where drugs is a release from the depression of not being a player in the American dream. These are people that are just looking for hedonistic pleasure and an end in and of itself.

Now, Mr. Speaker, I give you a preview on my point of personal privilege. Here is my second draft. It is over 30 pages long. I can get through it in an hour. I am not a bad extemporaneous speaker, as speakers go around this place, but I am going to read this one on Wednesday or Thursday because I will not be accused of not having love for my fellow man.

I watched yet another stupid Phil Donahue show this morning where he had two young reverends on, one from somewhere in Colorado, one from Nashville, TN, and I guess it was a rerun from sometime around November where they had a play on Halloween that they called Hell House where they tried to show young people that the wages of sin is death, and why they got through the whole hour, because he put them against a lesbian Presbyterian minister and somebody from Planned Parenthood, of course, picking out somebody as beautiful as young Liz Taylor to, you know, use all the softened euphemistic words for killing babies in their mothers' wombs, and Donahue left objectivity when the first 10 minutes of the show was insulting these two handsome, in their mid to late 30's, these two Protestant ministers, and I was shocked, and so was my wife, that the ministers did not bring up that liberals approve of this when it is called scaring them straight in prison where you take young people to prisons who are flirting with crime, they are in their first arrest period, grand theft auto or something, or maybe caught carrying a gun, they have not used it yet, and they put them in a prison, and these big grizzly cons come in, rough talk to them, scaring them straight, or taking high school kids and showing them pictures, graphic, bloody, color pictures, of automobile accidents from prom night or any drinking night at a party and trying to get young people who think they are going to live forever to conceptualize in their head that there but for the grace of God would be me torn to shreds in a small Japanese-made car that is lying on the highway in three or four pieces with five or six dead teenagers or one who survives to be paralyzed all of his or her life. They say, my gosh, I am drinking at parties and driving. Why is it OK to show teenagers, and I am all for this graphic pictures of teens dying when they drink and drive, or what MADD, Mothers Against Drunk Driving, does, to say this is what people do when the drunk crosses the line and because he is sotted out of his mind, usually is so limp he survives, but he front-ends a van full of children and kills 27 people on a bus, which happened in Kentucky or Tennessee a few years back. That young driver is still in prison, I assume, that killed, burned to death all those children. Or how many times did we read about the innocent family driving along at 45 miles per hour and some drunk comes across the divider on a two-lane road, no divider, just across a line, and crashes into their car killing them. Why is it valid to show them these pictures, but it was not valid for these reverends to show an abortion scene, an AIDS death, the young teenager in the casket and the family all crying. It was a fascinating show, but there was all the careful language, and here is what the lesbian minister kept saying:

My lesbianism, my homosexuality, my gayness, is a gift from God, a gift from God. How many times do I hear this? It is a gift, gift, gift, gift? Well, in the case of HIV and AIDS, it is the gift that does not stop giving, and what it gives in the end is a terrible, terrible death.

What a tragedy to think of 360,000 young people. The Presbyterian minister kept saying how people reject children. How rare must that be for a family to reject someone who is dying of AIDS when they come to their family. I think that must be a minority, I know, every family that I have ever heard of that lets that poor young person die inside the womb, the nurturing unit of the family. That has been my experience. That is what the priests and nuns and ministers that I talked to say. We maybe went through a rough period when people did not understand it, but the scene I have in my mind is a young person, usually a male, who contracted it in his early 20's, he is dying in his late 20's; that is the bubble in the middle of where most of these deaths are from 25 to 35, that is the largest category out of the 360,000, and he is there with his mother putting her cool hand on his fevered forehead, his father holding his hand, saying I still love you, son, picturing them all those times, the campouts, or the Little League, or the Pop Warner Football, and the reverend, a priest, a minister, a rabbi; they are giving the last rights, telling them Jesus loves you, God loves you, you are forgiven, your soul is white, you are going directly to heaven because you suffered so much on this Earth.

I do not see this grinding religious right, vengeful nastiness that people talk about.

A reporter, I know he is a nice fellow, he wrote a stupid article on the front page of this new competing paper with Roll Call called the Hill, and he said—he even singled me out and said the Republicans had to go along with voting for money for AIDS, they were embarrassed to do it. Who embarrassed us into it? And here is the line that he sort of apologized for. Point well taken, Congressman, he said. He writes in there, even BOB DORNAN voted for the Ryan White money.

The vote I think was 430 to 3 or 4; yeah, 430-something to 3, and the three people who voted had a very good reason for voting no. All three are friends of mine, that there is no accounting for this money, that it is given to homosexual groups, and that they squander millions of dollars of it in propaganda efforts that are causing more people to become enamored with sodomy, and they are killing themselves with more anal sex, and our tax dollars is going toward that end.

But the overall cost of little Ryan White, a hemophiliac whose blood supply that he was using to keep his life extended was polluted deliberately by high-risk people in San Francisco and other places who knew they were contaminated with the AIDS virus, but they wanted to go in and get paid for a blood donation so they could go out and get drugs.

This is a proper name for the bill; maybe Ryan White, but how many times have I heard Phil Donahue twist this whole thing and was one of young Ryan's pallbearers, how often has the movement used the Ryan family to, they think, get money out of us that even I have to go along with it.

I willingly voted for that money, and I say it again, Mr. Speaker, more money until we can turn this thing around and get a vaccine because I tell you at the tail end of this, when AIDS hits, there is not much unsafe sex going on, there is not any smoking marijuana, there is not much drug abuse except the drugs like morphine to take the pain away. There is no partying time.

But I turned on PBS the night before last. Did you see, Mr. Speaker, the 3-hour special on Tiananmen Square? It was gripping. And going into it and coming out of it was an ad for something on Public Broadcasting next week about a show on Broadway, Angels Over Broadway; I do not know what the title is. It is written by a homosexual about—to put a glorifying spin with a tragic, tragicomic spin on this AIDS crisis, and they showed a scene from like a park bench of two young male homosexuals, and one is speaking to another, and he says, yes, the angel of death has come with his wine-colored kiss, and he holds out his arm, and there are Karposi's lesions, and he looks at his friend and says, yes, I am a legionnaire. Maybe you think of legionnaires' disease, only 35. I am a legionnaire.

It made me think of Dr. Tony Fauci a week ago saying, Bob, they are getting exhausted with fighting off the roulette of maybe getting it, so they give up and just end up contracting it and become a legionnaire.

Well, in my work around here over the last 16 years as this has built with the 2-year gap from gerrymandering where I was not here, in 1983 and 1984, and there was not a single speech, Mr. Speaker, in this Chamber or the U.S. Senate during those 2 years I was out, 1983 and 1984. Nobody really knew about it in 1982. It had only been discovered in the middle of 1981.

So when I came back, I called the Library of Congress. How many speeches on AIDS in this Chamber? Bill Dannemeyer was working on it, my colleague from California; HENRY WAXMAN, another colleague from California, had jumped over 5 to 10 years of seniority and become chairman of the Subcommittee on Health, and I said how many speeches had been given?

Mr. Speaker, not a single Member ever came to this leadership lectern or those two lecterns in the well and had spoken about AIDS from its first reported beginnings all the way through 1985 until I took the well, and I have spoken on it over and over and over again, and I speak from the compassion of the heart that I think is pure and brave to stop the killing of one another of young Americans, and I am not getting much help from organized groups that will put on the disgusting display that went on at the historic Andrew W. Mellon auditorium.

If the hour had not caught up with me, I was invited to come by and take a tour of that facility. I have been in there, several tuxedo dinners when I first got here in the early—late 1970's early 1980's. I have not been by there awhile, but I drove by last night, and guess what, Mr. Speaker? What the homosexual jubilee party is there called Screw Alley along the side, its not an alley at all. If there is any alley, it would be behind the building, and that is blocked off with cyclone fences because the Ronald Reagan building is being built immediately behind it, and if there ever was an alley, it would be turned into a beautiful atrium walk area. The two sides of the building have exquisite carriage side entrances with modern, leveled-off places for disabled Americans in wheelchairs to get in.

□ 1800

The beautiful front, with six massive Doric columns, faces precisely on the architectural line from the center of the building, the Mellon Auditorium is on the opposite side or south side of the street, the National Museum of American History.

As I stood on the sidewalk and looked up at the Mellon and thought about this party on Thomas Jefferson's birthday, and thought about 2,000 writhing, half-naked bodies, and people going out into the darkness to have illicit sex and urinating on both sides of the building, and by the way, everything that I put in the CONGRESSIONAL RECORD, everything that I sent around in the Dear Colleague letter by Marc Morano, a young reporter I have known for years, because he did work for Rush Limbaugh, Morano was not alone. He had an associate with him. Some homosexual reporters from one of the city newspapers backed it up on the May 15 edition of the Washington Times.

These carriage entrances on the side are one of the three front entrances of this building, and there were no construction cones. They had six rent-a-cops, Mr. Speaker, six from a group called APACS, that was the lowball bidder, to control 2,000 people determined that night, inadvertently or by high-risk Russian roulette, to get themselves infected and join the greater community.

As I stood on the sidewalk and looked at one of my favorite museums, right up there with the National Museum of Art, the Aerospace Museum, and the Natural History Museum, I look across the street and something struck me. Inside the wall, on the side facing the Mellon Auditorium, is the Star-Spangled Banner, 20 or 30 times bigger than Old Glory behind you, Mr. Speaker; the actual flag from the night of September 13 and 14, 1814, when Francis Scott Key, prisoner on a British ship, looked at this massive flag by the dawn's early light, and composed on the deck of this British man-of-war our Star-Spangled Banner.

I may open my special order, not a special order, I will do one that night, too, for cleanup purposes, but by point of personal privilege, I may put that in the beginning, that across the street from the Mellon, on the very wall, I paced it off, 40 Dornan steps, pretty close to a yard, I guess, across Constitution Avenue, there is a big hemispheric pond to accommodate the circular driveway in front of the National Museum of American history. So I went up to the edge of the pond, detoured left, squared it off, and started counting again, and from the front of the Mellon to the wall, upon the inside of which is this massive, original Star-Spangled Banner, it is 106 paces, 106 paces from the front of the Star-Spangled Banner itself, blocked only by the thickness of the wall that it is on, and people are urinating on Constitution Avenue and acting like it is some Roman basshanal, all in the name of, brace yourself, Mr. Speaker, raising, according to the gentleman from Wisconsin [Mr. GUNDERSON], in this well, $50,000 for the Whitman-Walker Clinic.

I learned up at NIH, Mr. Speaker, that one of the selected few lucky people in the Government program using Interleukin IL–2, which seems to be successfully rebuilding their immune system, getting their count from below the 200 figure, where they are declared an AIDS victim, back up to 1,000 almost. And I asked what is mine, what is a normal healthy person's, and they said 600 to 800, probably more like 600. This seems to be working to extend lives, but they will always be infectious with AIDS until the day God calls them, but they can maybe have a dream of a normal life.

Do you know what it costs for one of these lucky patients in the Government program? One hundred thousand dollars a year. So at this jubilee, and by the way, I want to explain to you what jubilee is, they were more concentrating on the cherry, its third definition of virginity in that dictionary, that is their clever title. I am going to show the ads for this bacchanal in some of the homosexual newspapers. I will tell you what the word jubilee means; right now do you know what that word is? It is a Judaic, a Hebrew word. Every 50 years every prisoner would be freed, debtors would be relieved of their debts that they had not yet paid off. It is a 50-year religious celebration of piety and reverence toward God, kind of like a super Yom Kippur of 50-year, half a century point.

And in the Catholic Church, I had forgotten, it is a formal title for a 25-year religious celebration, the holy year of jubilee that the Pope in Rome will declare for a year of joy and prayer and thanks to God for any good that we have managed to treasure in our lives; jubilee, a religious or Christian ceremony. In African-American history it is a series of religious songs and hymns. African-Americans in the slave days would have their jubilee songs, singing about the day of freedom.

To take that word and apply it to cherry, with a sexual overtone, and then to have these pictures that I am going to bring to the floor, carefully censored for the tender eyes of the new crop of pages, I will show how this bacchanal was advertised.

Mr. Speaker, one final thing on this tragedy that I have done more hard work on than most Members that I know around here, and I am sick and tired of getting my motives questioned and my integrity challenged with vile words like "hater" and "bigot" and "prejudice." I went up to the Armed Forces Medical Intelligence Center.

When I got on the Permanent Select Committee on Intelligence 8 years ago, I made up a list of all of the intelligence operations around this Nation and around the world that I would visit. Unfortunately, I put way at the bottom of the list, medical intelligence. I thought it was like the museum that I dearly enjoyed at Walter Reed, going back to the conquering of yellow fever and the building of the Panama Canal, which a young colonel named Walter Reed eventually lent his name to this largest of all Army hospitals in the world.

I have looked at some of the historical things at Bethesda, but I just had not gotten up to Fort Detrick, MD. Finally I went up there, because someone in the Permanent Select Committee on Intelligence upstairs said they give a frightening briefing on the growth of AIDS around the world.

I think I told our Speaker pro tem, a fellow Air Force officer, I think I told him this in the Cloakroom, and if I did, forgive my advancing years here in retelling something, but the nation of Zimbabwe is no longer fit, I say to the gentleman from Florida [Mr. STEARNS] for U.N. peacekeeping or peacemaking duty. They infected so many people in the torn country of Somalia that Boutros Boutros-Ghali has said, "You are not fit for U.N. service anywhere in the world any longer."

Zimbabwe is about to be quickly followed by Uganda, by Kenya, the jewel of all the British-African possessions, where the late Bill Holden still has his beautiful camera safari at Treetops Lodge. Kenya is about to be blackballed for any future service, written off. Guess why? Zimbabwe two commanders ago, their General Shalikashvili died of AIDS. The last commander after him died of AIDS. The current commander is infected with HIV, as is 75 percent of his officer corps, 75 percent of his NCO corps, and 75 percent of his Air Force and line soldiers. That is three out of four. I did not say 7.5; 75 percent are infected with AIDS in Zimbabwe. Is this incredible? The whole army is going to die off soon.

I have a point here. When Uganda and Chad and Kenya and Rwanda and Burundi and Malawi and all of the rest of the countries in that terrible belt south of the Atlas Mountains and north of South Africa, but now it is starting to rip into South Africa, the evil of apartheid was a false break because of cruelly restricting the free flow of peoples, and it kept out AIDS for a while. Now is tearing apart South Africa.

Of course, Rhodesia is the other white enclave that held out. It changed its name to the ancient city of Zimbabwe when it achieved its independence. Get this, Mr. Speaker. If Zimbabwe cannot pull a duty in Bosnia, guess who is going to be asked to ante up more than our fair share? The United States of America, Great Britain, France; countries where, when somebody has HIV, they are no longer worldwide deployable, they are no longer combat trainable, they will never drive a tank, a truck, fly a plane, a helicopter, or sail on a ship or under the waters in a sub.

That is why I am trying to make our military 100-percent HIV-free, and lavish love and medical attention on the regiment size of 1,000 people that we have left, put them in the VA and make sure they get equally, if not better care, than they get right now on active duty when they admit, when they are honest, that they are not pulling their load or their fair share.

How can we go from 1,400,000 Americans on active duty all the way down to where we are now, and keep on active duty the people that are infected, while we are putting healthy men and women out of active duty? This nightmare of world AIDS' exponential growth is not being discussed in this Chamber or in the U.S. Senate, one, because it involves that potent little word, s-e-x, but mainly because the people that have a grip on what should be the truth about this epidemic, and how it is spread by heterosexual behavior and conduct, promiscuous conduct and lack of sanitation worldwide, and in this country, which is the most sanitary Nation in the world, without a question of Europe, driven mainly by homosexual conduct and behavior.

Mr. Speaker, I appreciated this time set the scene for my point of personal privilege, question of personal privilege on the floor, where I will defend my honor, defend my heart which I believe to be pure, and explain why I know more about AIDS and HIV than any Member of the House or Senate, including the three forced-out-of-privacy homosexuals that still serve in this Chamber. I know more than they do, and I know what the truth is on how to save hundreds of thousands of more young Americans, mostly males, from dying in the next decade, since we did such a pathetically poor job in educating young people on how not to kill themselves in this last decade.

BENEFITS OF THE DAVIS-BACON ACT

The SPEAKER pro tempore (Mr. STEARNS). Under a previous order of the House, the gentleman from New York [Mr. OWENS] is recognized for 60 minutes.

Mr. OWENS. Mr. Speaker, on May 22 of this year, the Senate, the other body, heeding the voices of more than 21,000 construction contractors and millions of American workers throughout the Nation, voted to reject any plans to repeal the Davis-Bacon Act. By the overwhelming margin of 99 to zero the Senate endorsed bipartisan reform to preserve Davis-Bacon.

I think that is very significant that the Senate, the other body in this Congress, has taken a strong stance in favor of reform, with the assumption that any law, any institution, any structure would benefit from reform. But the Senate is not following the lead of the House and demanding that there be a repeal of the Davis-Bacon Act.

I think this is a vindication of the system that was set up by the Founding Fathers when they said that we needed two Houses, one which could accept, and the analogy was made of the saucer and the cup, the pouring of tea or coffee into a saucer to cool it off; and the other, of course, would generate the heat that is in the cup.

I think the House of Representatives is a body where there is a great deal of heat and energy. We have 435 Members, after all. When you multiply even the minimal energy of one person by 435, you get a great deal of heat and energy.

The heat and energy in this body sometimes spins out of control. We need the wisdom and the patience of the Senate to sometimes bring us back to reality. I want to congratulate the Members of the Senate, all 99 Members who voted that Davis-Bacon should not be repealed, that the Davis-Bacon Act should be reformed.

Mr. Speaker, I stand before this body, and today I would like to dispel the myth that the prevailing wage determination in the Davis-Bacon Act is inflationary, and that it adds billions of dollars to the Federal budget.

I have talked before about Davis-Bacon and racism. Davis-Bacon is not the source of racism. If there is racism in the construction industry, Davis-Bacon is certainly not generating or not nurturing it. Davis-Bacon is the antidote. Davis-Bacon has done more to counteract the impact and the effects of racism than any other Federal law or local law on the books.

It is through Davis-Bacon that we have maximum cooperation between unions and contractors, and through the maximum cooperation of unions and contractors that we have gotten the kind of training programs that have begun to slowly but surely and steadily increase the number of minority workers who are qualified in the various skill areas in the construction industry.

Prevailing wage laws were enacted to maintain community wage standards. They were enacted to support local economic stability, and they were enacted to protect taxpayers from substandard labor on State and Federal projects. These laws set clear parameters to ensure that contractors bid on public projects on the basis of skill and efficiency, and not on how poorly they pay their workers.

As I have stated before, Davis-Bacon was created by two Republicans. Both Davis and Bacon were Republicans. Both Davis and Bacon were concerned primarily about the middle class. Both Davis and Bacon were concerned about families and communities. The Davis-Bacon Act, when it was created in the early 1930s, was there to help stabilize communities. It was there to guarantee that families are not destabilized, and families are not subjected to the kind of wild things that happen when you can transport workers from one area under substandard wages and pay them substandard wages and be able to have unscrupulous contractors bid on projects at very low levels, and take over the work of the local contractors, who are paying good wages to local workers who are part of a local community and stabilize that community.

That was what we were trying to avoid in the early 1930s. Davis-Bacon continues to help to stabilize communities and to guarantee that the pool of construction workers, their skills, and their incomes will be there to help stabilize their families and their communities.

□ 1815

Unfortunately, the House Republicans, the Republican majority here in this House, is driven by antiunion hysteria, which I do not understand. There is some kind of contract with an unscrupulous group of contractors, I think, in the case of Davis-Bacon, because they will not let up.

Certain House Members keep going and they refuse to recognize the facts. They come from areas that are certainly not paying very high wages. If you look at the Davis-Bacon wages of the areas that many of the Republican majority Members come from, you will find that they are very low wages and sometimes close to minimum wages. And they cannot really complain about Davis-Bacon driving up the cost of local construction. But the facts do not seem to matter. There is a kind of hysteria determined to reverse the fair and equitable standards that Davis-Bacon has established.

They have worked themselves into a feeding frenzy, and they made absurd charges about Davis-Bacon. Davis-Bacon is racist. These charges are made by people who normally are not concerned with racism, but they use this as a charge to be able to belittle and denigrate Davis-Bacon. They also charge that contractors are forced by Davis-Bacon to pay inflated wages, and that this has been the result of what Davis-Bacon has accomplished.

The gentleman from Pennsylvania [Mr. GOODLING], who is the chairman of our Committee on Economic and Educational Opportunities, appearing before the appropriations subcommittee on the Department of Labor, Health and Human Services earlier this year, stated that quote, quoting representative GOODING, the chairman of our committee: The 1931 Davis-Bacon Act drives up construction costs for any Federal construction projects valued over $2,000 by requiring contractors to pay a government-determined wage rate.

Chairman GOODLING's remarks before the appropriations subcommittee is proof positive that Republicans are not ready to really listen to the facts and take responsibility for leading this body in a move to have labor and contractors, labor and management come together for the benefit of stabilizing communities and for the benefit of stabilizing workers whose families very much need this kind of stability.

The actual wages of construction workers is going down. They are as much a part of the wage gap and the wage stagnation in America as any other set of workers. If you take away Davis-Bacon, many of them will be subjected to violent swings in the conditions that set their incomes and their salaries.

The Republicans have put on a sneak attack and fright campaigns in the hope that the American people will buy into a conspiracy theory, a theory that Davis-Bacon is out there conspiring to drive up the costs by guaranteeing workers something that is unreal. Chairman GOODLING suggested that there is some kind of institutionalized and entrenched collusion at the Department of Labor. And to quote him again, "There appears to be a deliberate effort to manimpulatee data for political gain." There appears to be a deliberate effort to manipulate date for political gain.

If you look at the Department of Labor and the history of the Department of Labor, if you examine the surveys that they do in determining prevailing wage rates, you will find that it is impossible to establish that there is any kind of collusion or any kind of conspiracy. In fact, there are many cases where the surveys done by the Department of Labor actually lower the wages of construction workers relative to the highest-paid workers in that particular area. I am going to talk about that in a few minutes.

Mr. Speaker, we have a booklet here which shows the results of some of the surveys that are done. They show that often the construction workers are paid below the wages of the average salary for workers in similar kind of jobs in given localities.

Further evidence of the dream world existence among the Republicans who are fighting Davis-Bacon is that many of them have bought into the party rhetoric that Davis-Bacon inflates wages. Again, this is our primary topic today, to look at the wages, look at what is really happening with Davis-Bacon wages. It comes as no surprise that many of the most vociferous foes of Davis-Bacon comes from States that have extremely low wage determinations which include no health or pension benefits. No only do we have in States like North Carolina very low wages paid to Davis-Bacon workers, workers who are covered by Davis-Bacon on Federal construction jobs, but those workers, the same workers in those areas have no pension benefits, they have no health benefits.

I was in a hearing this morning covered by the Employer-Employee Relations Subcommittee of the Economic and Educational Opportunities Committee, and the hearing was focused on pensions. They pointed out the fact that there are only a small percentage of Americans who are covered by pensions. Two-thirds of the people do not have pensions of any kind beyond Social Security. For more and more people, the coverage for people is going down. There are more and more people who are uncovered as the years go by. We had more people covered 20 years ago who had pensions and pension benefits than have it now.

So there is a whole category of construction workers who not only have no health benefits; they have no pension benefits as well. These are the same people, the same people who want to criticize the Davis-Bacon prevailing wages also are the people who fought against the minimum wage. Minimum wage at least establishes a floor. Unfortunately, in many areas the Davis-Bacon prevailing wage rate is close to the minimum wage rate.

Minimum wage, as we have pointed out before, is too low. It is presently $4.25 an hour, and we voted a few weeks ago on the floor of this House to raise the minimum wage. And after we raise it, if we get the other House to pass the bill, after we raise it, it will go from $4.25 an hour over a 2-year period to $5.15 an hour. This is very low, but there are many Davis-Bacon workers, people who are covered by Davis-Bacon who are very close to this minimum wage.

Mr. Speaker, how can $4.25 an hour with no benefits be called inflationary by any rational and thinking person? How much longer can he go? At those rates, no one can support a family. Surely none of my esteemed colleagues would want to maintain that you can live on $4.25 an hour, working 40 hours a week every week of the year. Construction workers, as we know, do not work on a regular basis like other folks. They have very uneven working periods due to the weather and a number of other factors.

So here we have a situation where the Republicans in the House, the Republican majority in the House is insisting that we must go ahead and do something radical again. We have a situation where extremism is the only answer to the problem. The Members of the Senate have looked at the problem, and they have said: We need to have some reform, and we are willing to go forward with reform.

But they did not say we need to be radical and extreme, and we need to repeal Davis-Bacon. They started with that discussion. There were people in the Senate who were maintaining that we should repeal Davis-Bacon.

What happened on May 22, 1996, just a few weeks ago? They started with a discussion of a repeal of Davis-Bacon. And then it was proposed by Senator SANTORUM that they once and for all for this session of Congress decide that we are either going to repeal or reform. He was in favor of reform.

Senator SANTORUM, and I quote him, I quote him from an ad that appeared in Roll Call, and it is available for all who want to see it. Senator SANTORUM said, "We have just voted, we just voted on whether to repeal Davis-Bacon. Many of us are not for repeal of that. We believe that there need to be reform of the Davis-Bacon law and that we, in fact, should assume that for the purposes of the budget we are going to be reforming Davis-Bacon. I think there is bipartisan support for reform of Davis-Bacon. I wanted the Senate to go on record for that reform measure."

That is what RICK SANTORUM, a Republican from Pennsylvania, said on May 22, 1996, as a result of the leadership taken by Senator RICK SANTORUM, formerly a Representative from this body, a Republican, as a result of the leadership that he took the Senate voted 99 to 0 for Davis-Bacon reform, not repeal, Davis-Bacon reform.

The Senate voted for Davis-Bacon reform because they understand that Davis-Bacon should be kept alive and remain in force because it encourages the private sector to invest more than $400 million in vital training programs, $5.75 billion for privately funded health care, and $4.3 billion for privately funded pensions. The Senate understood that Davis-Bacon is not racist.

In fact, national civil rights organizations and the Congressional Black Caucus strongly support Davis-Bacon because it provides training and employment opportunities for minorities through apprenticeship programs. Davis-Bacon does not mean union rates. Unfortunately, I do not think that is so great. I think we should have union rates because union rates are far closer to what reality is in terms of people needing a decent wage, because Davis-Bacon does not seek to solve that problem.

Davis-Bacon was not designed to solve the problem of collective bargaining, just as Davis-Bacon has nothing to do with racism or civil rights. It was not designed for that purpose. It has, as a byproduct, produced a situation where you have contractors and unions willing to work together. Because Davis-Bacon helps to stabilize the industry, you have had great benefits flow for civil rights for the improvement of the opportunities for minorities to work in the construction industry. But that is not what it is about. Davis-Bacon is not for civil rights, not designed to correct the problem of racism.

We need lots of measures to go to work on correcting problems of racism throughout our whole society, and certainly some problems within the construction area, but this is not what Davis-Bacon is designed to do.

Mr. Speaker, Davis-Bacon was not designed to replace collective bargaining. Davis-Bacon does not mean union rates. Seventy-one percent of prevailing wage rates issued by the U.S. Department of Labor are nonunion rates. Eighty percent of the wage decisions issued by the Department of Labor contain a rate of $10 or under. Davis-Bacon does not set the wage rate; it reflects existing community standards.

Mr. Speaker, I submit this statement of the Senate's vote, 99 to 0. It appeared in advertisement form in Roll Call.

I submit the material for the RECORD.

WHY DID THE SENATE JUST VOTE 99–0 FOR DAVIS-BACON REFORM?

On May 22, 1996, the United States Senate, heeding the voices of more than 21,000 construction contractors and millions of American workers throughout the nation, voted to reject plans to repeal the Davis-Bacon Act. By the overwhelming margin of 99–0, the Senate endorsed bipartisan reform to preserve Davis-Bacon.

The Senate voted for Davis-Bacon because:

It encourages the private sector to invest more than $400 million in vital training programs, $5.75 billion for privately funded health care and $4.3 billion for privately funded pensions;

Davis-Bacon is not racist. In fact, national civil rights organizations and the Congressional Black Caucus strongly support it because it provides training and employment opportunities for minorities through apprenticeship programs;

Davis-Bacon does not mean union rates: 71% of prevailing wage rates issued by the U.S. Department of Labor are non-union rates. 80% of the wage decisions issued by the Department of Labor contain a rate of $10 or under. Davis-Bacon doesn't set the wage rate, it reflects existing community standards.

Ultimately, the U.S. Senate rejected the scare tactics and misinformation employed by Davis-Bacon's detractors:

> We just voted on whether to repeal Davis-Bacon. Many of us are not for repeal of that. We believe that there needs to be reform of the Davis-Bacon law and that we, in fact, should assume that for the purposes of the budget. I think there is bipartisan support for reform of Davis-Bacon. I wanted the Senate to go on record for that reform measure—U.S. Senator Rick Santorum (R-PA), Congressional Record, May 22, 1996.

Stop the lies. Reform Davis-Bacon now. Pass H.R. 2472/S. 1183.

Mr. OWENS. Mr. Speaker, there are efforts afoot, and part of this comes from the same committee, the committee I serve on, the Economic and Educational Opportunities Committee. It comes from a subcommittee I serve on, the Subcommittee on Workforce Protections, an effort to promote a concept called the TEAM Act where they try to say that they want to take steps to give management and labor a chance to work more closely together, and they think we need to legislate this. Those of us who oppose the TEAM Act say that the legislation and the context of union-busting that is taking place in the country now is another form of intimidation, another form of ambush that can be set for workers and that we do not need a TEAM Act; what we need is more freedom to organize.

We need new regulations, and perhaps a change in the law, not perhaps, but certainly a change in the law which would allow workers to organize more freely and without having to go through the tremendously long waiting period and the bureaucratic struggle they have to undertake now in order to organize, get a vote, and be recognized.

The advantage at this point is on the side of management, and management has used that advantage in many ways. So, we oppose the TEAM Act.

Mr. Speaker, here is another way to have management and labor work together without interfering with the collective bargaining process and without interfering with the union organizing process. The contractors in Davis-Bacon, those who are part of the process of building Federal buildings and have for years found the stability of the Davis-Bacon Act and the kind of environment that it creates to be good for business, not for higher profits necessarily, but for stability which gives them a workforce that has skills, a workforce that is stable and will be around, that allows them to treat their workers in some kind of humane way and give fringe benefits like health care and pensions. The Davis-Bacon employers are very different from the non-Davis-Bacon employers.

□ 1830

The contractors who are against Davis-Bacon are the ones who are the most unscrupulous contractors seeking to maximize profits by exploiting workers. They want to take one group of workers in one part of the country at very low rates and move them to another part of the country, and capitalize on the fact that they are exploiting those workers.

Usually those workers are not as skilled as the people who come up in a situation under Davis-Bacon, and they usually provide a whole series of problems. They generate a whole series of problems in construction. They do not do as good a job, they have many problems. We have some very substandard buildings that have been constructed and others that have to be corrected. There are problems when you have workers who are working at the very lowest wages, workers who do not have health care benefits and workers who cannot look forward to a stable long-term job and any pension benefits.

So, we have instead, a situation where contractors, employers, management, have taken the initiative to put forward the best possible condition for workers. Workers, on the other hand, have responded and they have in many cases made alliances to the benefit of the total community. It is the total community that Davis-Bacon is concerned with, and it is not inappropriate for the Federal Government to be concerned about the total community.

When it goes to build a building, building a building or constructing any project within a community or a locale is not the only thing the Federal Government should be concerned about. The Federal Government has to be concerned about what it does to that community and what the response is in terms of the labor market and the total environment of that community.

This is not anything unusual. We have a defense budget which has been slowed down. We have not dealt with closing bases in a helter-skelter manner. Closing bases has been a slow process. We appointed a commission. We have taken every precaution to make certain that the closing of bases, which are military bases, be done in ways which do not injure communities, be done in ways which minimize the dislocation of workers.

So the Federal Government is in the business of defending the country. Military bases are constructed as part of a process to contribute toward the defense of the country, but the Federal Government does not ignore what our military posture and our military changes with respect to bases or the movement of any facility does to communities.

Why should it be any different in the construction of large Federal projects, whether you are constructing highways, bridges, or you are constructing buildings? Why should it be different? Why should the Federal Government not try to maximize the impact on that community?

I congratulate Senator SANTORUM because he comes from Pennsylvania. Davis came from New York, Bacon from Pennsylvania, vice versa. I do not remember, but one of them is from Pennsylvania, one is from New York. It is altogether fitting and proper that a Pennsylvania Senator should take the initiative at this time and provide some light on the subject for his fellow colleagues in the Senate.

Let me just talk a bit about the Contractors Coalition for Davis-Bacon and some of the statements that they have made. These are businesspeople. I do not think the Republican majority wants to be in a position of turning its back on small businesses or large businesses. They are the ones who say that the future of the country is certainly tied up with what happens in the private sector.

I do not exactly agree that the private sector can make magic, but I think a partnership between the private sector and the public sector is very much in order, and in Davis-Bacon you have a great partnership between the Government and the private sector, between management and labor, and that is what some of these contractors are talking about. I want to just quote from a few of them.

Thomas H. Parkinson, president of the Burris Construction Co., Mount Laurel, NJ:

> The Davis-Bacon Act insures that we are bidding on a basis that will allow the use of skilled labor. To think that merely reducing the cost of labor will provide a cheaper product is ludicrous.

Matthew Card, president of KEC Engineering, Corona, CA:

> Davis-Bacon provides added value to virtually every facet of our lives, from the superior quality of our public improvements to a more stable productive society that has the ability to contribute constructively to the future of our great country. Fair wages are a requirement to attract high quality people to provide high quality construction products. One only has to look outside our borders to see the destabilizing and potentially dangerous effects of widespread low wages and poverty.

Ronald J. Becht, executive director of the Northern California Drywall Association based in Saratoga, CA:

> As you know, the Davis-Bacon Act does not specify union or nonunion nor should it; it does, however, establish a minimum wage to be paid all workers which enables those contractors who have made the commitment to pay for worker training and who are able to retain their work force by paying a higher wage, to at least compete with those who are not willing to fund the future of their industry. Elimination of the Davis-Bacon Act which stabilizes wages would only serve to exacerbate the current problem of skill shortages in the construction industry. Since the public entity is required to award to the low bidder, low wages would be further depressed by unscrupulous contractors in a mad scramble to underbid each other in order to win public contracts—to the detriment of all.

Troy T. Comer, Jr., executive vice president, Associated General Contractors of Indiana:

> This is going to be a tough issue for the Congress to address, because there is a lot of misleading and incorrect information floating around which would give the impression that repeal of the Davis-Bacon Act would save the taxpayers heaps of dollars. We disagree. Quality of construction and the taxpayers are well served with the Davis-Bacon Act.

Judith L. Striebinger, president of Eastern Steel Constructors, Inc., Fallston, MD:

> To think that not maintaining a standard for wages and benefits will, in any way, be an asset can only be mentally developed by people who are outsiders looking in and not aware of the complexities of the industry.
>
> Experience increasing difficulty in executing projects leading to higher cost and extended construction schedules at a time when our industry is under severe cost pressure.

That is a quote from W. Douglas Ford, executive vice president of Amoco Corp., in the BNA Construction Labor Report on November 22, 1995.

I quote from Robert Gasperow, executive director, Labor Research Council:

> Attracting qualified young workers has to be the biggest long-term problem the industry has. It is possible that the industry has sufficient numbers of workers but their quality is not good enough.

And the final quote from Matthew Brown, Associated Press, in the Salt Lake Tribune:

> Beyond the upbeat statistics for soaring construction employment and a doubling in the value of commercial construction over the past 3 years is a desperate campaign to find workers with enough skills to get the job done.

We have a problem in the quality of work that is being produced by the fact that too many unscrupulous contractors are already at work in the construction industry and seeking to now destroy Davis-Bacon protection.

Mr. Speaker, I submit in its entirety a statement called Contractors' Coalition for Davis-Bacon—Reform Yes, Repeal No.

CONTRACTORS' COALITION FOR DAVIS-BACON "REFORM—YES, REPEAL—NO"

Here's what some of our contractors have to say about the Davis-Bacon Act:

Thomas H. Parkinson, President, Burris Construction, Mount Laurel, NJ: "The Davis-Bacon Act insures that we are bidding on a basis that will allow the use of skilled labor. To think that merely reducing the cost of labor will provide a cheaper product is ludicrous."

Matthew Card, President, KEC Engineering, Corona, CA: "Davis-Bacon provides added value to virtually every facet of our lives, from the superior quality of our public improvements to a more stable productive society that has the ability to contribute constructively to the future of our great country. Fair wages are a requirement to attract high quality people to provide high quality construction products. One only has to look outside our borders to see the destabilizing and potentially dangerous effects of widespread low wages and poverty."

Ronald J. Becht, Exec. Director, Northern CA Drywall Contractors Association, Saratoga, CA: "As you know, the Davis-Bacon Act does not specify union or non-union nor should it; it does, however, establish a minimum wage to be paid all workers which enables those contractors who have made the commitment to pay for worker training and who are able to retain their workforce by paying a higher wage, to at least compete with those who are not willing to fund the future of their industry. Elimination of the Davis-Bacon Act which stabilizes wages would only serve to exacerbate the current problem of skill shortages in the construction industry. Since the public entity is required to award to the low bidder, low wages would be further depressed by unscrupulous contractors in a mad scramble to underbid each other in order to win public contracts—to the detriment of all."

Troy T. Comer, Jr., Exec. Vice President, Associated General Contractors of Indiana, Inc.: "This is going to be a tough issue for the Congress to address, because there is a lot of misleading and incorrect information floating around which would give the impression that repeal of the Davis-Bacon Act would save the taxpayers heaps of dollars. We disagree. Quality of construction and the bottom line are what really count, and we think the taxpayers are well served with the Davis-Bacon Act.

Judity L. Striebinger, President, Eastern Steel Constructors, Inc. Fallston, MD: "To think that not maintaining a standard for wages and benefits will, in any way, be an asset can only be mentally developed by people who are outsiders looking in and not aware of the complexities of the industry."

John D. Porada, Exec. Director, Associated General Contractors of OH, Cleveland Div., Cleveland, OH: "The construction industry is a highly competitive and high risk business that must attract the most productive workforce in the quest to be the lowest responsible bidder. Joint labor/management apprenticeship training programs provide the resources needed to train workers and is primarily self sufficient without the need for major financial assistance coming from the government. Repeal of the Davis-Bacon Act could have a very negative impact on the continuance of this type of joint apprenticeship training programs."

Dominick J. Graziano, President, Dominion Construction Services, Inc., New Kensington, PA: "We have had no problem complying with the intent of the Davis-Bacon Act and wish to add that it has in turn guaranteed those municipal or governmental bodies a higher degree of quality and conformity with the design intent by eliminating just anybody who wished to call himself a contractor. It has functioned as part of a base to provide experienced contracting and insure that all contractors bidding on prevailing wage projects bid in an air of equal and fair process with respect to such expenditures of public revenue."

Kimberly Igo, President, Kim Con Inc. Sarver, PA: "Repealing Davis-Bacon would destroy the equal bidding process and would cause the loss of many skilled tradesmen which I have access to with a mere phone call. This would also hurt the families of the people who put Congress members in office. Like you, they too deserve a fair wage."

John Busse, Chairman, Master Builders' Association of Western PA, Pittsburgh, PA: "The absence of the prevailing wage will force employers to drive down wages to the lowest possible level in order to compete for federal construction projects. Further, repeal of the Davis-Bacon Act will negatively impact training, health insurance, pensions, federal and state taxes, social security and local economics."

Ned W. Bechthold, President, Payne & Dolan, Inc., Waukesha, WI: "Welfare reform must be accompanied by an atmosphere that will allow minorities and others to work in our central cities at rates of pay that will permit them to raise families. Davis-Bacon accomplishes this."

Francis X. McArdle, The General Contractors Association of New York, Inc. "Our heavy construction contractors survive and thrive on the effectiveness of their workforce, not on the shine of the equipment. The best assets leave each day at the end of the shift. Those assets are most productive when they are paid enough to work without family worries and are able to contribute to their communities."

"Experience increasing difficulty in executing projects leading to higher cost and extended construction schedules at a time when our industry is under severe cost pressure."—W. Douglas Ford, Executive Vice President, Amoco Corp., BNA Construction Labor, Report, November 22, 1995.

"Attracting qualified young workers has to be the biggest long-term problem the industry has. It is possible that the industry has sufficient numbers of workers but their quality is not good enough."—Robert Gasperow, Executive Director, Labor Research Council, BNA Construction Labor Report, October 18, 1995.

"Beyond the upbeat statistics for soaring construction employment and a doubling in the value of commercial construction over the past three years is a desperate campaign to find workers with enough skills to get the job done."—Matthew Brown, Associated Press, The Salt Lake Tribune, July 8, 1995.

Mr. Speaker, I am saying that we have no small item here on the agenda. Certainly the Democrats on the Committee on Work Force Protections are battling an onslaught, an assault against working families that is being waged across the board. As I have said before, they have attacked the Fair Labor Standards Act, they have attacked OSHA which provides protection for workers including construction workers. They have attacked the right to organize by drastically proposing to cut the budget of the National Labor Relations Board and there is legislation to curb the powers of the National Labor Relations Board. As I have previously stated, we were caught by surprise by this onslaught against working people. The Contract With America did not say anything about trying to make the workplace of Americans less safe. OSHA was not mentioned in the Contract With America. So we were caught by surprise. It was a sneak attack on working people, a sneak attack on people out there who go to work every day and deserve to have safe places to work, a sneak attack on people who do not deserve to have the Fair Labor Standards Act tampered with.

They are proposing now to get overtime. They want the overtime of workers to be captured by management, by employers. Instead of paying overtime, they are proposing to extend the provisions in law which provide for compensatory time, compensatory time which is very difficult to control and to enforce without it being to the advantage of the employers and the management at the expense of the workers.

What does all this have to do with my district, the 11th Congressional District in Brooklyn? What does it have to do with the large percentage of people out there who are unemployed? We have had unemployment at the level of 20 percent for adults and close to 30 percent for young adults for a long, long time. One of the areas that I get the most complaints about is men who want to work, so they would like to have more work to do and they would also like to work on contracts which have Federal funds involved. We have quite a number in New York City of projects that involve Federal funds, the projects which are related to transportation, projects which are related to government buildings. There are a number of areas where young men, healthy men want to get jobs.

What we find often in the streets of New York and on various federally related projects in New York is you find people who are complete strangers from the outside, even with Davis-Bacon in force, they are getting through and disrupting the labor supply at the local level. Our men in Bronxville and our men in Bedford-Stuyvesant and our men in East New York and our men in East Flatbush who want to work on the construction industry—I should stop saying men because there are women now who also work on these jobs—are finding that they have people from the outside who are working for the companies who have come in and bid it on a low basis, even with all the constraints and the oversight of the controller's office. In New York City, it is the office of the controller that oversees prevailing wages. I am told that they do a pretty good job of that, but even then there are large numbers of contractors who are not local contractors who come in and take advantage of government work because of the fact that they are able to maneuver around some of these prevailing wage laws.

There have been some scandals recently and they have fined many contractors for violating Davis-Bacon. The last thing we want to do is have a situation where Davis-Bacon is not there as a control on the contractors who bring in outside workers. This thing can go to worldwide levels. It is not exaggerating to say that if you do not heed the lesson of Davis and Bacon, two Republicans, who in the 1930's saw a problem with Government contracts being let to people who could come from any part of the country and use cheap labor from one part of the country to undercut the wages in another part of the country, if you do not heed that wisdom, you may have the situation where under NAFTA and under GATT, they will be coming from outside the country.

Eventually NAFTA and GATT will bring down all the walls and you will have contractors who can come from any part of the world and bid on contracts in any areas of the United States. You have an advantage going to those contractors. You can have Japanese contractors who operate out of Mexico. They have the skills and whatever it takes to put together the proposals and to come in at low cost but they will use workers that come across the border from Mexico. Or you would have workers who are transported in from Bangladesh. There is a certain percentage of people in every job that could come from outside according to the way the GATT and the NAFTA laws work. So it could go to ridiculous proportions if you just take away all of the kind of protections that are provided by the Davis-Bacon Act. This thing could keep going.

Prevailing wage is a sound concept. Prevailing wage probably is more sophisticated than the minimum wage. The minimum wage applies across the country assuming that economic conditions are the same in all parts of the country. The minimum wage does not take into consideration that there is a higher standard of living, the cost of living is higher in one part of the country than it is in another. Davis-Bacon does that. Davis-Bacon does not try to disrupt one community and bring it down to the level of the lowest common denominator in America. If you did not have Davis-Bacon, then all construction workers would be making these fantastically low salaries that are paid in places like North Carolina.

let us just take North Carolina as an example. I have a book here which has prevailing wages all across the country in various places, from Abilene, TX, all the way to New York City.

□ 1845

And you would be surprised at what it shows in terms of the comparison between the wages that Davis-Bacon workers make and the average pay for all workers. In many instances the pay of workers under Davis-Bacon is far lower than the average.

I wonder how the Labor Department computes these prevailing wages, because generally they come under the average worker's wages in these areas. Any Member of Congress who would like for me to give them a rundown on their area, I would be happy to do it. We can tell them what is happening with respect to Davis-Bacon rates and we can bring some light onto the situation.

The heat, the energy of the House is out of control, and the Senate has showed it wants to bring light into the situation. I think the House should make an effort to try to bring some light into the situation.

Let us take a look not just at North Carolina but the 10th Congressional District in North Carolina. Representative CASS BALLENGER, my colleague who heads the Subcommittee on Work Force Protection. Representative BALLENGER probably does not know that boilermakers in this area, who work for no fringe benefits, and boilermaker is one of the highest skills, I started at the top, a boilermaker's hourly wage is $16.20. They are highly skilled people. The fringe benefits for them, they do have some fringe benefits, they amount to about $4.10 an hour. Add it together and the average annual salary for a boilermaker in the 10th Congressional District is as high as $22,680. That is as high as you get.

Let us take the other extreme and take a look at the laborers in the 10th Congressional District of North Carolina and we find that they make $4.41 an hour. The laborers. And they have no fringe benefits. No health care, no pension. And their annual pay comes out to $6,174.

These annual pays are computed on the basis of 1,400 hours for the construction industry employees, and we can see that in North Carolina, in the 10th District, all the categories except one, boilermaker of one level and boilermaker of another, they are the royalty, all the other categories are lower.

Boilermaker, as I said before, makes $16.20. Another boilermaker classification makes $12.96 per hour. And then you get to electricians. Very skilled people, $10.26 an hour, and no fringe benefits. The average annual salary of an electrician in the 10th Congressional District in North Carolina is $14,364.

Now, I am using statistics that come from the survey done by the Labor Department and these compilations done by the National Alliance for Fair Contracting. They have compiled this, but it is based on the survey done by the Department of Labor.

A plumber makes $7.42 an hour, no fringe benefits. Average salary of a plumber under Davis-Bacon, $10,388 in the 10th Congressional District of North Carolina. Now, plumbers in New York would go, wow. Plumbers in most of our large cities would go berserk if you tried to offer them $7.42 an hour.

Cement mason in the 10th Congressional District of North Carolina, $6.11. Carpenter, $6.63. Truck driver, $4.67. Millwright, $5.27 an hour. I told you the laborer is the very lowest, $4.41 an hour. As anyone can see, $4.41 is slightly above the minimum wage of $4.25 an hour. Pavement roller operator, $4.98 an hour. And we think those guys have good jobs, good paying jobs, but even under Davis-Bacon, when Government funds are involved, these are the salaries, these are the hourly wages.

Asphalt raker, I just said $4.93 an hour. All these people have no fringe benefits, the last ones I have read. Only two categories have any fringe benefits. The bulldozer operators. We always think of bulldozers, they are symbolic of what construction contractors outside do on the highways in preparing for new buildings, when they are building the cellars. A bulldozer operator has a kind of prestige in the minds of kids and a lot of other people as being standard for working class America's very best.

In North Carolina bulldozer operators make $5.96 an hour and no fringe benefits. That comes out the $8,344 per year, less than the minimum wage of a person who works on a steady job all year long, because construction work is based on 1,400 hours for construction industry employees.

So here we have a situation in the district of the chairman of the Subcommittee on Work Force Protection, the committee in the House that is leading the fight to destroy Davis-Bacon, and the workers there are only slightly above minimum wage in most categories, and in categories which require considerable skills they are working at jobs that do not have any fringe benefits and are generally very low paying.

We can take examples right across the country and find the same kind of problem. Let us take a few examples, If we go to Abilene, TX, what is surprising is that in Abilene, TX, a place like that, we have the average pay for all workers, people who work for a living and work for hourly wages, their averages pay is $20,000 a year for all workers.

All of the Davis-Bacon construction worker are below what other workers are making. This is annual income. Annual income is $20,000 for the average worker, the average worker's pay. an electrician makes $14,000. Electrician. Backhoe operator, $13,000. Iron worker, $12,000. Carpenter, $11,000. and laborer, $8,552. These are wages that are under the wages that other workers are making in the same area.

Prevailing wage has really not given them any kind of advantage. Prevailing wage is not designed to do that, unfortunately. I wish it were. Prevailing wage is just what it says; it is based on the prevailing wage. I wonder and I question why it always seems to be that the prevailing wage falls in so many instances under the average wages being paid in a given locale.

Let us take another example. Gainesville, FL. In Gainesville, FL, the average pay for all working people who work on hourly wage jobs is $21,300 per year. The closest you get to that is the electrician under Davis-Bacon, $10,800 a year. Now, we do not have to be mathematical geniuses to see we are talking about a little more than half, a little more than half of what the average worker makes in Gainesville.

We are not comparing Gainesville to New York or Chicago; we are comparing the Gainesville workers in other categories, the average worker level, $21,300 under Davis-Bacon, an electrician $10,800, a cement mason, $9,800, carpenter $9,109, iron worker, $8,355, backhoe operator, $6,000, laborer, $6,000. In Gainesville, FL, Davis-Bacon really does not help workers to rise above or even match the local level.

Let us go back to North Carolina. Greensboro, Winston-Salem, High Point, NC, in the same area, same survey applies to them all. If you average the pay of the workers in Greensboro, NC, you come out with an average annual salary of $23,000. The average annual salary for all wage earners, all workers, is $23,000.

The best you can do in terms of coming close to that under Davis-Bacon is a boilermaker who makes $12,000, an electrician, $11,600, an iron worker, $10,274, a bricklayer, $10,118, a painter $9,421, carpenter, $9,000, backhoe operator $8,682, cement mason, $6,267.

Is Davis-Bacon enriching workers at the expense of the American taxpayers? What we hear on ABC's "20/20" is a distortion. ABC's "20/20" had a documentary piece on Davis-Bacon which did not make any pretense of being objective. If ever there was a contracted piece seeking to discredit a program that has been in existence since 1931, it was the piece that ran on "20/20", which described Davis-Bacon as being a swindle of the taxpayer.

They gave none of the facts about how the survey was done to determine what the prevailing wage is. They gave none of the facts about how the salaries of the workers that they depicted in Chicago compared to other construction workers. They distorted the situation and made it appear that Davis-Bacon was responsible for the fact that so many of the workers were white versus the workers who were unemployed in the same area who were black, as if Davis-Bacon was designed to solve the race problem. It is not.

They did not talk about a program which relates to Davis-Bacon called the service contract, based on the same principle. Federal workers who are service workers, also governed by the prevailing wage law, called the service contract law, and that does have large numbers of minorities, blacks and other people, who are covered by that provision.

But the real point here is not to relate to who is covered, minorities, mainstream, et cetera. I dealt with that before, and I would like to focus here on the astounding fact that Davis-Bacon workers do not get close to the average pay of other workers in the same area. Inflation is not caused by Davis-Bacon workers.

Jacksonville, FL: Average pay for all workers, $24,000 dollars; average pay for working people, wage earners, $24,000. The closest you get to that in Davis-Bacon is the iron workers in Jacksonville, FL. They make $15,000 average, $15,200. And the backhoe operators, way down to $10,000, carpenter, $9,951, and the laborer down to $7,000.

I can find it for any Member who would like to know the facts. As I said before, the Senate has spoken. The other body has made it clear that they do not feel that Davis-Bacon should be repealed. The wisdom of 1931 of Davis and Bacon still prevails. It makes sense to use Federal money for construction projects. Whether you are constructing highways or bridges or building Federal buildings, it makes sense to go into a community and try to maintain the stability of that community by paying the workers at the same level that other workers are paid.

Unfortunately, Davis-Bacon is certainly not close to, in most cases, what really is the prevailing wage. For some reason it always comes under. Not always, there are a few exceptions, but it comes way under in most cases what is really the prevailing wage.

Davis-Bacon is not driving up the cost of building, I assure you. In Macon, GA, we have the same pattern. We are talking about the average pay for all workers in Macon, GA, $23,000, workers who are hourly workers.

□ 1900

The closest you get to that with Davis-Bacon workers are electricians who make $12,476; ironworkers $12,391; the bricklayers all the way down to $11,363; a carpenter, 9,000; backhoe operator, 7,546.

On and on it goes. Oklahoma City, a lot of furor around Oklahoma City, and there are people who are saying you cannot rebuild the Federal facility in Oklahoma City until you get rid of Davis-Bacon. I have heard that said several times.

Davis-Bacon is not a problem in Oklahoma City, I assure you. The wages are higher than they are in Macon, GA, thank God, and they are higher than they are in Gainesville, FL. They are higher than they are in North Carolina. Thank God for that. But they are not above the average worker's income. The average workers are being paid some $24,370. Asbestos workers in Oklahoma City are paid $23,200. You are getting close. The average pay—I am sorry, the average pay of all workers is $23,000. Asbestos workers on Davis-Bacon projects actually come in above the average workers. For the first time you have an example of they come in above. Everybody else comes in below. Backhoe operator, $19,800; electrician, $18,871; carpenter $15,631; labor, $10,672.

You can see from all of these salaries that these are members of the middle class who will have to be put at the lower end of the middle-class scale. The middle class—it may be you have a steady job, but if these are members of the middle class, as they were when Davis and Bacon first made the law, the wages of construction workers were kept at a level where they were far higher in comparison to other workers and they worked in the middle class.

We have destroyed the middle class, even under Davis-Bacon. The salaries have gone down. What the people are trying to do who want to repeal Davis-Bacon is wipe out the middle class that is generated through the construction industry, working people who work very hard, I assure you. Construction work is some of the dirtiest, hardest, most dangerous work in America. They deserve to be paid far better than any of the wages that you see here. Raleigh-Durham, Chapel Hill, NC, the average pay for all workers is $23,000. North Carolina. They are paying other workers far higher than they are paying Davis-Bacon workers.

Average pay for all workers in the Raleigh-Durham, Chapel Hill area is $23,000. Boilermakers are the highest under that, and they are almost—they are a little more than half, $12,000; electricians, $11,000; ironworkers, $10,000; bricklayers $10,000. So in the Raleigh-Durham area, to work under a Davis-Bacon contract and to be paid the very best, the boilermakers, means that you make half as much as the average worker makes. When I say half, I am talking about $12,164.

The myth is a big lie. It is not really a myth. Myths have some basis. To have such a discrepancy between the facts and the reality means that somebody is perpetrating a big lie. Somebody is. There is some collusion here, a conspiracy here. The conspiracy is not in the Department of Labor. The conspiracy is not here on Capitol Hill.

The conspiracy is out there with all those people who are generating these lies, the people who can go to ABC news, I guess producers of 20/20, and have 20/20 produce such a lopsided, distorted picture of Davis-Bacon. That did not happen by accident. That has to be a conspiracy to make that kind of lopsided journalism, to put it on the air on a major network. I suppose we will hear more of that, but I invite all of the journalists, especially those at the ABC network, those who put together the 20/20 piece, to come and take a look at the picture across the country. Tulsa, Oklahoma, average household—I mean the average pay for all workers is $21,599.

There is one category that gets above that, boilermakers, but the ironworkers, $19,000; electricians, $15,000, and it goes down. Tulsa, OK, Oklahoma City, they seem to be far better than North Carolina. But no matter where you go, you will find the same pattern. That is, that Davis-Bacon workers are making less, in some cases criminally less than the average working person who is working on an hourly wage job.

The facts speak for themselves. As I said before, the Senate has voted 99 to 0, the other body has voted 99 to 0 not to repeal the Davis-Bacon Act. They are willing to discuss a reform of the Davis-Bacon Act. Anything that has existed for as long as Davis-Bacon can afford to be reformed. There are changes that could be made which would benefit the people who the act was designed to help.

Let us reform, let us join the Senate, let the House join the Senate in indicating that the business of reform is an appropriate business. It is an honorable business. That is all we are going to engage in.

To wage war against Davis-Bacon, to try to carry out a contract to destroy it is to try to destroy families and communities. The myths that keep—that are continually perpetrated, I will run through a few of them:

The Davis-Bacon Act requires all contractors to pay union wages, even when the average wage in an area is well below the union rate. That is a myth, a big lie. Of the 12,500 prevailing wage schedules issued by the Department of Labor during fiscal year 1994, roughly 29 percent reflect all union wage rates, while 48 percent of the wage schedules are nonunion. Mixed schedules, those that contain both union and nonunion wage rates, make up the remaining 23 percent of the universe of wage rates out there.

The perception that the Davis-Bacon Act rate is synonymous with the union rate is a holdover from the days when the rate paid to 30 percent of the workers in a classification could be considered the prevailing rate. For more than a decade, union wages are the locally prevailing rate only when the union rate is paid to at least 50 percent of the workers in a particular classification, which is very rare that union workers, the union rate is being paid to 50 percent of the workers in a particular classification.

The Davis-Bacon Act is inflationary and adds billions of dollars to the Federal budget. That is the other myth. The payment of prevailing wages does not necessarily inflate costs, but does prevent costs from being cut at the expense of employees' wages.

The director of the Congressional Budget Office, Robert D. Reischauer, testified before Congress on May 4, 1993, that the higher wage rates do not necessarily increase costs. If these differences in wages were offset by hiring more skilled and productive workers, no additional construction costs would result.

A 1992 study commissioned by the International Union of Operating Engineers compared the average cost per mile for highway and bridge construction in five high-wage States to five low-wage States and found that the construction costs per mile were actually lower in the high-wage States. In the States where the Davis-Bacon was, the prevailing wage was higher, the actual construction cost was lower because the workers were more productive, more skilled, and more highly motivated.

The Davis-Bacon Act is discriminatory in origin and blocks affirmative employment of women and minorities in the construction industry. I have dealt with that already. That is a myth. That certainly does not stand when you examine it closely.

Davis-Bacon was not designed to be a civil rights act. Davis-Bacon, however, has accrued to the advantage of workers who were locked out by providing training programs of combined efforts of management and labor which have benefited minority workers a great deal.

The other myth, the Davis-Bacon Act is poorly administered and wage determinations are woefully out of date.

Wage and Hour has made a number of improvements in the administration of the Davis-Bacon Act over the last few years, including making wage determinations available on line through Fed-World, computerization of the wage determination updating system, and improved training and outreach efforts.

Wage and Hour would like to be able to conduct more surveys; however, resources are limited.

This is how the Davis-Bacon prevailing wages are determined, by the Wage and Hour section. They are limited resources. The budget has been cut by the Republican majority, and they are under great strain to try to enforce the act properly.

What happens is that the workers are put at a disadvantage. If these Davis-Bacon surveys of the prevailing wages were updated and kept up to date, wages would go up, not down. We would have a situation where Davis-Bacon workers would be making more, if we had the personnel and the resources that have been denied by the Republican majority out there to administer the law properly.

Another myth is that Davis-Bacon Act is no longer necessary in today's market economy. The purpose and need for the Davis-Bacon Act is as great today as when the act was first passed. Competition for work in the construction industry remains intense. In the aftermath of the Los Angeles earthquake, construction workers and contractors from outside areas sought to bid for the extensive work by offering lower rates.

Unlike private industry, the Federal Government and most federally assisted entities must put primary emphasis in awarding construction contracts to the lowest bidder, and it is difficult, if not impossible, for agencies to award to the contractor with a slightly higher bid because that contractor does better work.

The Davis-Bacon Act encourages contractors who compete based on efficiency and quality rather than who pays the lowest wages.

As you know, the Los Angeles earthquake meant that large amounts of Federal money, billions of dollars went into Los Angeles and to the California economy. In fact, the California economy rebounded greatly as a result of the between $6- and $8-billion of Federal money that went into California. Most of that was for construction, rebuilding. The fact that Davis-Bacon was in force meant that the community benefited more, not less.

I submit in its entirety an item labeled "Davis-Bacon Act, Myth and Reality," along with other items I submitted for the RECORD:

DAVIS-BACON ACT, MYTH AND REALITY

Myth: The Davis-Bacon Act requires all contractors to pay union wages, even when the average wage in an area is well below the union rate.

Reality: Of the 12,500 prevailing wage schedules issued by DOL during FY 1994, roughly 29% reflect all union wage rates while 48% of the wage schedules are non-union. Mixed schedules, those that contain both union and non-union wage rates, make up the remaining 23% of the universe.

The perception that the DBA rate is synonymous with the union rate is a hold over from the days when the rate paid to 30% of the workers in a classification could be considered the prevailing rate. For more than a decade, union wages are the locally prevailing rate only when the union rate is paid to at least 50% of the workers in a particular classification.

Myth: The Davis-Bacon Act is inflationary and adds billions of dollars to the Federal budget

Reality: The payment of prevailing wages does not necessarily inflate costs, but does prevent costs from being cut at the expense of employees' wages.

The Director of the Congressional Budget Office, Robert D. Reischauer, testified before Congress on May 4, 1993, that "higher wage rates do not necessarily increase costs * * * if these differences in wages were offset by hiring more skilled and productive workers no additional construction costs would result."

A 1992 study commissioned by the International Union of Operating Engineers (IUOE) compared the average cost per mile for highway and bridge construction in five high-wage states to five low-wage states and found that the construction costs per mile were actually lower in the high-wage states.

Myth: The Davis-Bacon Act is discriminatory in origin and blocks affirmative employment of women and minorities in the construction industry.

Reality: In 1993, the NAACP passed a resolution supporting the Davis-Bacon Act. The DBA protects all construction workers from exploitation and wage cutting. Former Secretary of Labor Ray Marshall has written that the "workers most often victimized by unscrupulous contractors are the minority workers."

Available data refute the argument that Davis-Bacon operates in a manner that discriminates against minorities and women. In fact, there is no difference in the employment of minorities and women by Federal construction contractors and contractors who do not do Federal construction work.

Disadvantaged workers can be employed on DBA contracts under approved training programs that offer opportunities for real careers rather than the dead-end jobs that could result without the Davis-Bacon framework. The Department of Housing and Urban Development's STEP-UP apprenticeship program is an example of how DBA can work in harmony with structured training programs that provide meaningful employment opportunities for unemployed public housing tenants.

Myth: The Davis-Bacon Act is poorly administered and wage determinations are woefully out-of-date.

Reality: Wage and Hour has made a number of improvements in the administration of the DBA over the last few years including making wage determinations available on-line through Fed-World, computerization of the wage determination updating system, and improved training and outreach efforts.

Wage and Hour would like to be able to conduct more surveys; however, resources are limited. Thus the survey program is carefully planned to target those areas where the the most Federal construction is planned and where there is evidence that wage patterns have changed. To the extent that wage rates are out-of-date, that usually results in wage rates that are too low rather than too high.

Wage and Hour is exploring new ways to reinvent the process to make it work even better.

Myth: The Davis-Bacon Act is no longer necessary in today's market economy.

Reality: The purpose and need for the Davis-Bacon Act is as great today as when the Act was first passed. Competition for work in the construction industry remains intense. In the aftermath of the LA earthquake, construction workers and contractors from outside areas sought to bid for the extensive work by offering lower rates.

Unlike private industry, the Federal government and most federally-assisted entities must put primary emphasis in awarding construction contracts to the lowest bidder, and it is difficult if not impossible for agencies to award to the contractor with a slightly higher bid because that contractor does better work.

The Davis-Bacon Act encourages contractors to compete based on efficiency and quality rather than on who pays the lowest wages.

ERNEST D. MENOLD, INC.
Lester, PA, May 28, 1996.

Re Davis-Bacon reform, S. 1183.
Senator RICK SANTORUM,
U.S. Senate, Washington, DC.

DEAR SENATOR SANTORUM: I am writing to thank you for the key role you played in defeating the attempt in the Senate to repeal Davis-Bacon and to offer instead Davis-Bacon Reform legislation in the form of S. 1183.

Next year Ernest D. Menold, Inc. will celebrate its 50th year in business. Over the course of those many years I, and my father before me, have taken great pride in watching young apprentices enter our industry, develop into skilled mechanics, raise families, send their children to college, have their medical needs taken care of, and for many, retire with dignity to enjoy the fruits of their years of hard labor. We take as much pride in those accomplishments as we do in the jobs we have done and the reputation we have built.

We are proud to be one of the more than 22,000 socially responsible contractors in this country who share in these same accomplishments. We hope that our federal government will always see fit to play a leading role in setting the standards that will allow the American construction worker to look forward to a stable, productive and rewarding career in our industry.

Again, thank you for your support on this issue.

Very truly yours,
ERNEST R. MENOLD, P.E.,
President.

THE GENERAL CONTRACTORS
ASSOCIATION OF NEW YORK, INC.
New York, NY, November 7, 1995.

TERRY G. BUMPERS,
Director, National Alliance for Fair Contracting, Washington, DC.

DEAR MR. BUMPERS: I enjoyed your letter to Brian Lockett. If the occasion arises, you can distribute this letter to anyone who questions the commitment of heavy construction contractors to union contracting. The General Contractors Association of New York, Inc. represents the heavy construction industry active New York City. We have over 700 contractors using the collective bargaining agreements, that have negotiated with fourteen different locals of the building and construction trades. Our members are firmly committed to union contracting because it is the only sure way to obtain a steady supply of trained and capable workers in New York City over the long term. The support of prevailing wage legislation and union contracting is our protection for the future for all of our members.

The prevailing wages in the heavy construction industry of New York City, at over $35.00 an hour in wages and fringe benefits, would seem high to many. But the annual take home pay of most of our workforce still leave them eligible for most subsidized housing programs in New York City. We know that we pay a fair wage that allows our workers to support their families and to contribute to their communities in their non-working hours. But we're not paying them enough to live on Park Avenue.

We also know what happens in New York City when there is no prevailing wage legislation like Davis-Bacon protecting the wage levels of construction workers. We have seen in the unregulated building sector in New York City that wages can be driven down to under $10.00 an hour by preying on the desperation or illegal status of workers. At that level workers earn barely enough to survive. We know that the unregulated industry has no steady workforce, appalling safety records, and little stake in the continuing health of the communities in which its workforce must reside.

Our heavy construction contractors survive and thrive on the effectiveness of their workforce, not on the shine on the equipment. The best assets leave each day at the end of the shift. Those assets are most productive when they are paid enough to work without family worries and to contribute to their communities. We know that decent wages are the key to attracting competent people to enter and stay in the heavy construction workforce.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. JACKSON-LEE of Texas (at the request of Mr. GEPHARDT), for today, on account of a death in the family.

Mrs. LINCOLN (at the request of Mr. GEPHARDT), for today, on account of medical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. PALLONE) to revise and extend his remarks and include extraneous material:)

Mr. CLEMENT, for 5 minutes, today.

(The following Members (at the request of Mr. KOLBE) to revise and extend his remarks and include extraneous material:)

Mr. LUCAS of Oklahoma, for 5 minutes, today.

Mr. RIGGS, for 5 minutes, today.

Mr. MICA, for 5 minutes, today.

Mr. ROHRABACHER, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. PALLONE) and to include extraneous matter:)

Ms. JACKSON-LEE of Texas.
Mr. RICHARDSON.
Mr. STARK.
Mr. PALLONE.
Mr. SISISKY.
Mr. EDWARDS.
Mr. COYNE.
Mr. NADLER.
Ms. RIVERS.
Mrs. MALONEY.
Mr. FILNER.
Mr. CLEMENT.
Mr. HINCHEY.
Mr. BONIOR.
Mr. PAYNE of New Jersey.
Mr. WARD.
Mr. BARCIA.
Ms. SLAUGHTER.

(The following Members (at the request of Mr. KOLBE) and to include extraneous matter:)

Mr. CAMP in three instances.
Mr. WALKER.
Mr. MARTINI in two instances.
Mr. DAVIS in two instances.
Mr. CHRYSLER.
Mrs. ROUKEMA in two instances.
Mr. LAZIO of New York.
Mrs. VUCANOVICH.
Mr. TORKILDSEN.

(The following Members (at the request of Mr. OWENS) and to include extraneous matter:)

Ms. HARMAN.
Mr. FORBES.
Mr. DOOLEY of California.
Mr. HEINEMAN.
Mr. MEEHAN.
Ms. WOOLSEY.
Mr. MENENDEZ in two instances.
Mr. GORDON.
Mr. KLECZKA in two instances.
Mr. MCHUGH.
Mr. COLLINS of Georgia.
Mr. SHAW.
Mr. DOYLE.
Mr. ABERCROMBIE.
Mr. EMERSON.
Mr. SOLOMON in two instances.
Mr. LANTOS.
Mr. POMEROY.
Mr. GOODLING in three instances.
Mr. GILMAN.
Mr. WELDON of Florida.
Ms. LOFGREN.
Mr. BENTSEN.
Mr. FAZIO of California.
Mr. COBLE.

SENATE BILLS REFERRED

A bill and concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1406. An act to authorize the Secretary of the Army to convey to the city of Eufaula, Oklahoma, a parcel of land located at the Eufaula Lake project, and for other purposes; to the Committee on Transportation and Infrastructure; and

S. Con. Res. 63. Concurrent resolution to express the sense of Congress that the Secretary of Agriculture should dispose of all remaining commodities in a disaster reserve maintained under the Agricultural Act of 1970 to relieve the distress of livestock producers whose ability to maintain livestock is adversely affected by disaster conditions existing in certain areas of the United States, such as prolonged drought or flooding, and for other purposes; to the Committee on Agriculture.

ADJOURNMENT

Mr. OWENS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 12 minutes p.m.), under its previous order, the House adjourned until tomorrow, Friday, June 7, 1996, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

[Omitted from the Record of June 5, 1996]

3430. A letter from the Board of Trustees of the Federal Hospital Insurance Trust Fund, transmitting notification that on April 6, 1993, the Board notified each House of Congress that the reserves of the hospital insurance [HI] trust fund were expected to be exhausted in 1999, on April 11, 1994, the Board affirmed the 1993 notification with a change in the expected date of exhaustion to 2001, and on April 3, 1995, the Board reported that the expected exhaustion date was 2002; as shown in the 1996 trustees report, the HI trust fund is estimated to be exhausted in 2001, the status of the HI trust fund still does not meet the Board's test of short-range financial adequacy, pursuant to section 709 of the Social Security Act; to the Committee on Ways and Means.

[Submitted June 6, 1996]

3431. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Pork Promotion, Research, and Consumer Information Order—Increase in Importer Assessments (Docket No. LS-96-001 FR) received May 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3432. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Montgomery GI Bill—Selected Reserve: Miscellaneous (RIN: 2900-AI04) received June 5, 1996, pursuant to U.S.C. 801(a)(1)(A); to the Committee on National Security.

3433. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Educational Assistance for Members of the Selected Reserve (RIN: 2900-AE43) received June 5, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

3434. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Cassville and Kimberling City, MO) (MM Docket No. 95-179) received June 5, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3435. A letter from the Director, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (New Port Richey, Naples Park, Sarasota and Sebring, FL) (MM Docket No. 93-65) received June 5, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3436. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Campton and Frenchburg, KY) (MM Docket No. 95-170) received June 5, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3437. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Part 80 of the Rules Concerning U.S. Coast Guard Vessel Traffic Services [VTS] Systems in Sault Ste. Marie, MI; San Francisco, CA; and Morgan City, LA (WT Docket No. 95-132) received May 31, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3438. A letter from the Chief Executive Officer, Corporation for National Service, transmitting the semiannual report on activities of the inspector general for the period October 1, 1995, through March 31, 1996, and the semiannual management report on audit followup for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

3439. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—Public Use Regulations for the Alaska Peninsula/Becharof National Wildlife Refuge Complex (U.S. Fish and Wildlife Service) (RIN: 1018-AD34) received June 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3440. A letter from the Chief of Staff, Social Security Administration, transmitting the Administration's final rule—Federal Old-Age, Survivors and Disability Insurance; Determining Disability and Blindness; Extension of Expiration Date for Musculoskeletal System Listings (RIN: 0960-AE43) received June 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DREIER: Committee on Rules. House Resolution 448. Resolution providing for consideration of the bill (H.R. 2754) to approve and implement the OECD Shipbuilding Trade Agreement (Rept. 104–606). Referred to the House Calendar.

Mr. CLINGER. Committee on Government Reform and Oversight. H.R. 3184. A bill to streamline and improve the effectiveness of chapter 75 of title 31, United States Code (commonly referred to as the "Single Audit Act"); with an amendment (Rept. 104–607). Referred to the Committee of the Whole House on the State of the Union.

Mr. SHUSTER. Committee on Transportation and Infrastructure. House Concurrent Resolution 172. Resolution authorizing the 1996 Summer Olympic Torch Relay to be run through the Capitol Grounds, and for other purposes (Rept. 104–608). Referred to the House Calendar.

Mr. SHUSTER. Committee on Transportation and Infrastructure. H.R. 3186. A bill to designate the Federal building located at 1655 Woodson Road in Overland, MO, as the "Sammy L. Davis Federal Building" (Rept. 104–609). Referred to the House Calendar.

Mr. SHUSTER. Committee on Transportation and Infrastructure. H.R. 3400. A bill to designate the U.S. courthouse to be constructed at a site on 18th Street between Dodge and Douglass Streets in Omaha, NE, as the "Roman L. Hruska United States Courthouse"; with amendments (Rept. 104–610). Referred to the House Calendar.

Mr. SHUSTER. Committee on Transportation and Infrastructure. H.R. 3364. A bill to designate a U.S. courthouse in Scranton, PA, as the "William J. Nealon United States Courthouse"; with amendments (Rept. 104–611). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. SHUSTER (for himself, Mr. OBERSTAR, Mr. BOEHLERT, and Mr. BORSKI):

H.R. 3592. A bill to provide for conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. BUYER (for himself, Mr. FILNER, and Mr. SOLOMON):

H.R. 3593. A bill to require that reductions in force procedures under the new personnel management system of the Federal Aviation Administration be subject to veterans preference; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

H.R. 3594. A bill to amend title 38, United States Code, to ensure compliance with veterans preference requirements at the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. BARRETT of Nebraska (for himself and Mr. BEREUTER):

H.R. 3595. A bill to make available to the Santee Sioux Tribe of Nebraska its proportionate share of funds awarded in Docket 74–A to the Sioux Indian Nation, and for other purposes; to the Committee on Resources.

By Mr. CLINGER (for himself and Mr. ENGLISH of Pennsylvania):

H.R. 3596. A bill to provide for the establishment of the Oil Region National Heritage Area, and for other purposes; to the Committee on Resources.

By Mr. DUNCAN:

H.R. 3597. A bill to provide for a study of the establishment of Midway Islands as a national memorial to the Battle of Midway; to the Committee on Resources.

By Mr. KLECZKA:

H.R. 3598. A bill to amend part A of title XI of the Social Security Act to prohibit certain misuses of the Social Security account number; to the Committee on Ways and Means.

By Mr. MANTON (for himself, Mr. KING, and Mr. GILMAN):

H.R. 3599. A bill to authorize the President to enter into a trade agreement concerning Northern Ireland and certain border counties of the Republic of Ireland, and for other purposes; to the Committee on Ways and Means.

By Mr. RAMSTAD (for himself, Mr. WOLF, Mr. EMERSON, Mr. KLECZKA, and Mr. MCNULTY):

H.R. 3600. A bill to establish a commission to be known as the Harold Hughes Commission on Alcoholism; to the Committee on Commerce.

By Mr. TAUZIN (for himself, Mr. BARTON of Texas, Mr. HAYES, Mr. NORWOOD, Mr. LINDER, Mr. OXLEY, Mr. STEARNS, Mr. TOWNS, and Mr. BAKER of Louisiana):

H.R. 3601. A bill to repeal the Public Utility Holding Company Act of 1935, to enact the Public Utility Holding Company Act of 1996, and for other purposes; to the Committee on Commerce.

By Mr. ZELIFF (for himself, Mr. PETE GEREN of Texas, Mr. CLINGER, Mr. EHLERS, Mr. EMERSON, and Mr. COBLE):

H.R. 3602. A bill to reduce the hazards of dam failures, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. TORRES (for himself, Ms. ROYBAL-ALLARD, Ms. ESHOO, Mrs. MINK of Hawaii, Mr. BECERRA, Mrs. CLAYTON, Mr. PORTER, Mrs. ROUKEMA, and Mr. HORN):

H. Con. Res. 182. Concurrent resolution expressing the sense of the Congress regarding the need for the President to seek the Senate's advice and consent for ratification of the 1994 Inter-American Convention on the Prevention, Punishment, and Eradication of Violence Against Women; to the Committee on International Relations.

By Mrs. VUCANOVICH (for herself, Mr. CALVERT, Mrs. CLAYTON, Mr. HOBSON, Mr. HUTCHINSON, Mrs. JOHNSON of Connecticut, Mr. LIPINSKI, Mr. MYERS of Indiana, Mr. PETRI, and Mr. WAMP):

H. Res. 449. Resolution relating to breast implants, the Food and Drug Administration, and breast care; to the Committee on Commerce.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 52: Ms. DELAURO.

H.R. 359: Mr. SMITH of New Jersey and Mr. FLAKE.

H.R. 580: Mr. ZELIFF.

H.R. 887: Ms. ROS-LEHTINEN.

H.R. 972: Mr. TIAHRT.

H.R. 1023: Mr. LEWIS of California.

H.R. 1073: Mr. BECERRA, Mr. CLYBURN, Mr. MOAKLEY, Mr. KENNEDY of Massachusetts, Ms. VELAZQUEZ, Mr. ROSE, Mrs. MALONEY, Ms. HARMAN, Mr. ROEMER, Mrs. KENNELLY, Mr. NADLER, Mr. SCHUMER, Mr. DE LA GARZA, and Mr. DEAL of Georgia.

H.R. 1074: Mr. DEAL of Georgia, Mr. BECERRA, Mr. CLYBURN, Mr. MOAKLEY, Mr. KENNEDY of Massachusetts, Ms. VELAZQUEZ, Mr. ROSE, Mrs. MALONEY, Ms. HARMAN, Mr. ROEMER, Mrs. KENNELLY, Mr. NADLER, Mr. SCHUMER, and Mr. DE LA GARZA.

H.R. 1202: Mr. DURBIN and Mr. CALVERT.

H.R. 1462: Mr. GONZALEZ, Mr. POSHARD, Mr. CHABOT, Mr. GALLEGLY, Mr. BILBRAY, Mr. CUNNINGHAM, Mr. HALL of Ohio, and Ms. ROYBAL-ALLARD.

H.R. 1552: Mr. SAXTON, Mr. DICKEY, Mr. HALL of Ohio, Mr. SHAW, Mr. SMITH of New Jersey, Ms. FURSE, Mr. HAMILTON, Mr. SHUSTER, Mr. MORAN, Mr. OBERSTAR, Mr. SPRATT, Mr. BREWSTER, Mr. GUNDERSON, Mr. DOOLEY, and Mr. JOHNSON of South Dakota.

H.R. 1656: Mr. MARKEY.

H.R. 1711: Mr. LAHOOD and Mr. RIGGS.

H.R. 1842: Mr. LUTHER.

H.R. 2122: Mr. ENSIGN.

H.R. 2338: Mr. ENGEL.

H.R. 2416: Mr. QUINN and Mr. KLECZKA.

H.R. 2578: Mr. BREWSTER, Mr. BONILLA, Mr. ACKERMAN, Mr. DELLUMS, Mr. FATTAH, and Ms. NORTON.

H.R. 2652: Mr. MCNULTY.

H.R. 2727: Mr. ROTH and Mr. TRAFICANT.

H.R. 2757: Mr. INGLIS of South Carolina.

H.R. 2925: Ms. HARMAN.

H.R. 2930: Mr. FLANAGAN and Mr. BLUTE.

H.R. 2943: Mr. PICKETT.

H.R. 3077: Mr. BEREUTER.

H.R. 3079: Mr. HALL of Ohio.

H.R. 3083: Mr. HASTINGS of Washington and Mr. CRAPO.

H.R. 3114: Mr. HOUGHTON.

H.R. 3142: Mr. LIVINGSTON, Mr. ZELIFF, Mrs. MALONEY, Mr. JONES, Mr. COBLE, Mr. MOORHEAD, and Mr. WISE.

H.R. 3182: Mr. BISHOP, Mr. COBURN, Mr. PAXON, Mr. CALVERT, and Mr. EVANS.

H.R. 3199: Mr. SMITH of Texas, Mr. LIVINGSTON, Mr. YOUNG of Alaska, Mr. BEVILL, Mr. CLYBURN, Mr. COSTELLO, Mr. WAMP, Mr. FARR, Mr. ZELIFF, and Ms. HARMAN.

H.R. 3201: Mr. SENSENBRENNER, Mr. FAWELL, Mr. SHUSTER, Mr. HAYWORTH, Mr. BRYANT of Tennessee, Mr. HORN, Mr. HUTCHINSON, Mr. LINDER, Mr. FROST, and Mr. WAMP.

H.R. 3207: Mr. CAMP, Mr. LEWIS of Georgia, Mr. HUTCHINSON, Mr. DEAL of Georgia, Mr. STUMP, and Mr. GANSKE.

H.R. 3217: Ms. SLAUGHTER, Mr. FLANAGAN, and Ms. WOOLSEY.

H.R. 3226: Ms. NORTON.

H.R. 3266: Mr. TAYLOR of Mississippi, Mr. SPRATT, and Mr. POSHARD.

H.R. 3307 Mr. HANCOCK, Mr. SHAW, Mr. LINDER, and Mr. GOODLATTE.

H.R. 3310: Mr. TATE and Ms. KAPTUR.

H.R. 3338: Mr. CREMEANS, Mr. LATOURETTE, Mrs. MEYERS of Kansas, Mr. LUTHER, Mr. BISHOP, Mr. KOLBE, Mr. DOOLEY, Mr. CHABOT, Mr. HOSTETTLER, Mr. EHRLICH, Mr. CHAMBLISS, Mr. CALVERT, Mr. HAYWORTH, Mr. BUNNING of Kentucky, Mr. RAMSTAD, Mr. HASTERT, Mr. TALENT, Mr. OXLEY, Mr. HERGER, Mr. WELLER, Mr. METCALF, Mr. CUNNINGHAM, Mr. GOODLATTE, and Mr. BUYER.

H.R. 3362: Mr. CUMMINGS, Mr. ACKERMAN, Mr. CLYBURN, and Mr. MORAN.

H.R. 3391: Mr. BARTON of Texas, Mrs. MYRICK, and Mr. COOLEY.

H.R. 3423: Mr. CALVERT, Mr. WATTS of Oklahoma, Mr. BEREUTER, Mr. CANADY, and Mr. INGLIS of South Carolina.

H.R. 3424: Mr. EVANS, Mr. FROST, and Mr. HOLDEN.

H.R. 3442: Mr. FOLEY.

H.R. 3450: Mr. WELDON of Pennsylvania.

H.R. 3463: Mr. TORRES, Mr. CONYERS, Mr. WAXMAN, and Mr. BROWN of California.

H.R. 3468: Mr. BAKER of Louisiana, Mr. SABO, and Mr. GALLEGLY.

H.R. 3520: Mr. MASCARA and Mr. ACKERMAN.

H.R. 3522: Mr. DURBIN.

H.R. 3525: Mr. HOKE, Mr. CANADY, Mr. CALVERT, Mr. HORN, Mr. BEREUTER, Mr. FRANKS of Connecticut, Mr. STOCKMAN, and Mrs. MORELLA.

H.R. 3551: Mr. ZIMMER, Mr. KING, and Mrs. MINK of Hawaii.

H.R. 3556: Mr. JACOBS and Mr. LUTHER.

H.R. 3580: Mr. NORWOOD, Mrs. FOWLER, Mr. HERGER, Mr. BLILEY, Mr. STUMP, and Mrs. VUCANOVICH.

H. Con. Res. 124: Mr. TORKILDSEN.

H. Res. 398: Mr. TORRICELLI and Mr. ZIMMER.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1462: Mr. VOLKMER.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 3540

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 79: Page 97, after line 5, insert the following new section:

HUMAN RIGHTS PROGRESS IN ETHIOPIA

SEC. 573. The Department of State should closely monitor and take into account human rights progress in Ethiopia as it obligates fiscal year 1997 funds for Ethiopia appropriated in this Act.

SENATE—*Thursday, June 6, 1996*

The Senate met at 9 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, ultimate judge of our lives, in this moment of quiet reflection, we hold up our motives for Your review. We want to be totally honest with You and with ourselves about what really motivates our decisions, words, and actions. Sometimes we want You to approve of motives that we have not reviewed in the light of Your righteousness, justice, and love. There are times we are driven by self-serving motives that contradict our better nature. Most serious of all, we confess that sometimes our motives are dominated by secondary loyalties: Party prejudice blurs our vision, combative competition prompts manipulative methods, negative attitudes foster strained relationships. Together we ask You to purify our motives and refine them until they are in congruity with Your will and Your vision. In the name of Jesus who taught us the liberating, healing motivation of glorifying You by serving others. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, Senator LOTT, of Mississippi, is recognized.

SCHEDULE

Mr. LOTT. Thank you, Mr. President. The Senate will immediately resume consideration of House Joint Resolution 1, the balanced budget constitutional amendment. Senators are reminded, a vote will occur on passage of the balanced budget amendment at 12 noon today. Following that vote, the Senate may consider other Legislative or Executive Calendar items that can be cleared for action. I know that there are some bills that are pending that could be taken up. I know that there has been work underway on executive items. So I am sure that that information will be provided by the majority leader immediately following the vote at 12 noon. Mr. President, I yield the floor.

BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

The PRESIDING OFFICER. The Senate will now move to consideration of House Joint Resolution 1, which the clerk will report.

The assistant legislative clerk read as follows:

A joint resolution (House Joint Resolution 1) proposing a balanced budget amendment to the Constitution of the United States.

The Senate resumed consideration of the joint resolution.

Mr. LOTT. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time in the quorum call be equally divided on both sides.

The PRESIDING OFFICER (Mr. BROWN). Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The senior Senator from Alaska is recognized.

Mr. STEVENS. Is there controlled time, Mr. President?

The PRESIDING OFFICER. There is controlled time, equally divided.

Mr. STEVENS. I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator yields himself 5 minutes. The Senator has the floor.

Mr. STEVENS. Mr. President, the budget deficit for 1996 is estimated at $144 billion. It is projected to nearly double by the year 2002 under current budgetary policies and will continue to grow each year thereafter. It is growing at an astounding rate, over $335,000 a minute. I am sure people are tired of hearing this, but in my opinion, we have to keep repeating it.

The average young couple starting life today will pay about $113,200 in interest on this debt.

I have a number of children, six of them. I have eight grandchildren. I am very worried about the future as far as they are concerned in terms of what their share of this national debt will be if it continues to grow at this astounding rate.

It was projected that my youngest granddaughter's share of this debt will increase 25 percent in just the next 5 years, and that she will pay something like $187,000 in taxes in order to pay the interest on the national debt during her life.

I have been impressed by what the leader, Senator DOLE has been saying. Interest rates are 2 percent or more higher than they would be if the debt and the deficit were under control. It is not a matter of trying to pay down the debt overnight; we cannot. It is over $5 trillion. It is not a matter of trying to eliminate the deficit overnight; we cannot. The debt is mounting too fast.

What we can do is pass House Joint Resolution 1 which would be a symbol to our people and to the world that we are prepared to set a new standard for the Federal Government. The Federal Government of this country will do exactly what every State in the Union must do, balance the budget annually, bring interest rates under control, and try to find a way to start paying down the debt.

That is what this battle is all about. It is not about this generation and the deficit created under it. It is about whether this generation is going to solve the problem created during their lifetime, or are we going to pass it on to our children and grandchildren?

I do not believe you can have any more graphic example than the experience that Senator DOLE shared with some of us the other day. He told us about how he visited with this young couple, and because of the 1-percent increase in interest rates, they were not able to buy the house they wanted. It meant $65 more per month. That is getting down where the rubber hits the road.

Many of us remember those days when we had to figure out, to the penny, what we were doing as young couples in order to have a home and to buy a car and to be able to plan ahead for our family.

These higher interest rates are denying young couples today the access to the type of housing they need to raise a family.

I think that is the worst part of this situation we are dealing with right now, the disincentive for young people to start their families, to plan ahead and provide homes for them. That is not only the American dream, it is the American lifestyle. We ought to have a way to get back to that lifestyle. We ought to not deny it for future generations.

I do believe when we look at this problem today, whether or not we are going to send this constitutional amendment to our States for ratification, we ought to think of future generations, not just ourselves.

We need to think of our children and our children's children. Given our enormous debt, will their taxes be out of sight? They will be. Will they be paying into Social Security retirement funds that will not be there when they retire? They will be. Will the interest on the debt squeeze out the type of services that ought to be provided by the Federal Government? The answer is yes.

Interest in the national debt is growing now to the point where it will be 20 percent or more of Federal spending by the year 2002.

I support this constitutional amendment. In the past I have questioned whether there was a basic commitment to the discipline that is necessary in Congress to carry it out without cutting necessary discretionary spending. I believe there is a commitment in this Congress and we ought to send this constitutional amendment to the States.

Mr. GRAMM. Mr. President, how much time do I have under the previous order?

The PRESIDING OFFICER. The time is equally divided between the two sides.

Mr. GRAMM. Mr. President, I yield myself 10 minutes.

Mr. President, today we are once again engaging in an ancient debate about whether or not there ought to be binding constraints on the ability of the Government to incur debt. I say this is an ancient debate because it actually started at the very beginning of the constitutional process.

When Thomas Jefferson first saw the Constitution, he was serving as Minister to France and, therefore, was not in the country when it was written. When he first saw the Constitution, he made, in a letter, the following statement: "I wish it were possible to obtain a single amendment to our Constitution. I would be willing to depend on that alone for the reduction of the administration of our Government to the genuine principles of its Constitution. I mean an additional article taking from the Government the power of borrowing."

Now, I submit, Mr. President, that today we are engaged in the same debate that was initiated the very first moment Jefferson saw the new Constitution. It was recognized at that point, by no less a keen observer than Thomas Jefferson himself, that there was a problem in the Constitution. Fortunately, at that time, we were on a gold standard and the amount of money in the economy was limited by a requirement that it be converted into gold at the rate of $20.67 an ounce, and except during wartime, when this requirement was suspended, we had a relatively stable situation. Every time this requirement was suspended, however, we had an explosion in prices, and when we went off the gold standard in the 1930's, this constraint on the amount of money in the economy was totally removed.

We now find ourselves in the situation where we have not balanced the Federal budget since 1969. Every year since 1969, we have run a deficit. The cumulative debt of the Federal Government, which converts into a debt for each individual citizen, has risen from $1 trillion to $2 trillion to $3 trillion.

I know throughout this debate we have had charges hurled back and forth between the Democratic side of the aisle and the Republican side of the aisle as to who is responsible for this situation. I, for one, do not have any trouble saying that the blame can be found on both sides of the aisle, both in the Congress and in the White House. The plain truth is, our Democratic colleagues who want more Government have consistently underestimated the cost of the Government that they want, and in doing so they have planted the seeds for more and more Government spending without being willing to look the American people in the eye and say, "We are going to have to raise taxes to pay for this additional Government."

Might I also say that, on our side of the aisle, we are very generous in promising less Government and more freedom—we love to talk about cutting taxes. But when it gets down to the bottom line of cutting Government spending, we have never ever been willing to cast the votes needed to place ourselves in a position where we are living up to the high commitments we have made.

Some of our colleagues have said, "Well, why do we need a binding constraint on Government?" They are forgetting, however, what is the purpose of the Constitution. If the Founders had trusted Congress to respect freedom of religion, freedom of assembly, and freedom of the press, and if the Founding Fathers had trusted Congress to protect private property, there would never have been a Constitution. The whole purpose of the Constitution is to limit the power of Government. In fact, the genius of the Constitution is that it actually says there are certain things that Government just cannot do.

Does anybody believe that this Congress, this President—that any Congress, or any President—can be trusted to balance the Federal budget, to limit the growth of Government spending, or at least have the courage to pay for it by raising taxes? I do not believe this Congress can be trusted, and I can not envision any Congress which could be elected that, year in and year out, could be trusted to act in this manner.

Let me explain why: Every time we vote on a spending bill, all the groups who want the money are looking over the Congressman's left shoulder, sending letters back home, telling people whether their Representative cares about the old, the poor, the sick, the tired, the bicycle rider—the list goes on and on and on. But nobody is looking over the Congressman's right shoulder to see if he cares about the future of the country or the future of our children.

What happens, as we vote on these individual bills, is that the average beneficiary may get $1,000, or $1,500 while the average taxpayer may spend only 50 or 75 cents. You do not have to have a Ph.D. in economics to know that one person will do much more to get $1,000 or $1,500 than a lot of people will do to prevent spending 50 cents. So what happens on vote after vote after vote, is that we end up spending more and more money.

Well, as a result, what has happened to taxes? When I was a boy, 8 years old in 1950, the average family in America with two little children sent $1 out of $50 it earned to Washington in taxes. Today, the average family with two children is sending $1 out of every $4 it earns to Washington in taxes. If we do not create a single new Federal program in the next 30 years, if we simply pay for the Government we have already committed to, in 20 years the average family will be sending $1 out of every $3 to Washington, and in 30 years the average family will be sending $1 out of every $2 to Washington, DC.

This is the cold reality we face. In my opinion, there is only one thing we can do, short of a crisis, to change this picture, and that is to adopt a balanced budget amendment to the Constitution. A constitutional prohibition against deficit spending, which allows for a period of time to come into compliance, will end all of this foolishness. The President will be forced to sit down and work with Congress and the Congress will be forced to work with the President, because under this constitutional constraint we will have no other choice. If we want the games to end, if we want the Government to be forced to live on a budget, if we want to stop the explosion of the tax burden, if we want to have any real chance of preserving Medicare and Social Security for our parents and for ourselves, and if we really care about the future of our country, the most important single change we could make in America Government is to adopt a balanced budget amendment to the Constitution.

Mr. President, I had a previous agreement for 15 minutes. I yield myself the final 5 minutes.

The PRESIDING OFFICER. The Senator is recognized for an additional 5 minutes.

Mr. GRAMM. Jefferson and Adams, after having both served as President and after having had one of the most bitter political debates in America history, started a correspondence, much of which is now known as the "Jefferson-Adams Debate." Adams, ever the pessimist, argued that Americans would discover that they could use Government to redistribute wealth, and that in doing so they would tax productive effort, reward indolence, and that ultimately democracy would fail. Jefferson, ever the optimist, agreed that Americans would make the discovery that they could use Government to redistribute wealth, and agreed that all the tendencies that Adams identified would clearly be present, but Jefferson argued that Americans would realize that what Government could take away from someone else to give them today it could also take away from them and give to someone else tomorrow. Jefferson believed that opportunity would always be so prevalent in America that Americans would ultimately reject Government's redistribution of wealth.

We are, today, living out the Jefferson-Adams debate, and the future of our country is going to depend on the outcome of this dispute.

I believe that Jefferson was right. I believe that if America understood what we are choosing every day by choosing more and more government and choosing less and less freedom, I believe that if we could just let Americans look at the end of the path we are following and then decide which fork in the road to take, there would not be any doubt as to which path they would choose—they would choose Jefferson's.

The problem is that the whole spending process distorts the view and prevents us from seeing clearly the end of the path we are now following. Even in the Republican budget which we tout this year, we will spend $17 billion more on discretionary spending than we promised to spend last year, and we are the party of fiscal responsibility. The Democrats would start dozens of new programs, that would bankrupt the country, without ever telling anybody that they would require a massive increase in taxes.

There is only one way we can bring this to an end, and that is to pass a balanced budget constitutional amendment, send it to the States, let the States ratify it, and then have it imposed on Congress. "Congress shall make no law which raises the deficit." This is the constraint we need.

There are those who have argued, "Well, you are endangering Social Security by forcing the Government to live on a budget." Does anybody really believe that we protect Social Security by going deeper and deeper in debt every single day? Does anybody believe that the explosion of Government programs can ultimately do anything except destroy Social Security? Does anybody believe this continued spending spree under Democratic and Republican administrations, under Democratic and Republican Congresses, can do anything other than undermine the creative genius of our country?

We can cut interest rates, we can expand economic growth, we can create more jobs, create more growth, and create more opportunity for our people, but we can only do it if we stop the deficit and force a real debate, and the real debate is this:

Do the Democrats want more Government enough to raise taxes to pay for it? Do Republicans want more freedom enough to cut spending to make it possible? Both parties are living a lie today. We could end that by passing a balanced budget amendment to the Constitution.

We were one vote short the last time we voted on this because six Democrats, having voted for it in the past, changed their votes when it really counted.

I hope today will be the beginning of a change. I hope people see this as a golden opportunity to change America. I doubt they will, though I am confident that some day we are going to pass this amendment. The sooner we can pass it, the better off the country will be and I continue to hope we will do it today.

I yield the floor.

Mr. HATCH. Mr. President, I yield 5 minutes to the distinguished Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, why are Federal budget deficits bad? One reason is that for every year that we run a deficit we have to borrow to pay for the shortfall. In the beginning of our country until today, we have borrowed—this Nation of ours currently is in debt nearly $5 trillion—$5 trillion with the overwhelming majority of that having occurred in the past 15 years. The cost of servicing that debt—in other words, paying the interest on that debt—is currently $240 billion a year. That is not paying the principal. That is solely paying the interest on the debt.

Interest now is the third largest payment that the U.S. Government makes every year. We pay Social Security. We pay defense. And then the next largest item is interest on the debt—$240 billion a year.

Suppose we did not have to pay that interest on the debt? Suppose that $240 billion was available instead to improve our education system, or to do something about better maintenance for our highways, or to clean up our environment in a better fashion than we are currently doing, or to bolster our efforts to combat crime. A whole list of very, very attractive items would be available—potential expenditures to improve our Nation if we were not paying $240 billion a year interest on the debt.

The deficit places a tremendous strain on the national economy through higher interest rates. The interest rates would be far lower. And this is not just me saying this. This is testimony we have had before the Finance Committee by the Chairman of the Federal Reserve, Mr. Alan Greenspan. Investors in the United States and borrowers in the United States are required to pay higher interest because of the tremendous national debt that we have and the high interest rates that are having to be paid to service that debt.

If the interest rates were low, what would happen? People would pay less on their mortgages every year, less on their borrowing for a new automobile, and less on the borrowings they have made for their children's education.

The Federal deficit also places a drag on future economic growth. Our potential to expand the economy is directly linked to the amount we invest in physical and in human capital—newer and better machinery, a better trained work force with improved skills, and, thus, higher productivity and a higher standard of living if we had a pool of national savings available for that investment. Regrettably that is not true. National savings in our country has declined dramatically over the last decade—the last 10 years—in part because the Federal Government has engaged in a policy of not saving through its deficit spending. This is, in part, because now what can we do about all this? How will a constitutional amendment to balance the budget help us? What it will do principally is to impose fiscal discipline upon this Nation of ours.

The Federal Government has failed to balance its budget for 26 straight years. With a balanced budget amendment in effect, this Nation of ours—and us as elected Senators, and likewise in the House of Representatives—will be required to balance the budget, would be required to face up to the tough decisions, and if we want to spend money, we have to raise the money to pay for it. We cannot borrow.

So this balanced budget amendment represents a first and most important step on a long and difficult journey to fiscal responsibility and to passing this Nation on in better condition to our children than we received it.

Mr. President, every previous effort to balance the budget without an amendment to the Constitution—I previously was not in favor of an amendment. Instead, I thought we could do it through Gramm-Rudman-Hollings, or through firewalls, or through caps on discretionary spending, or pay-as-you-go rules. All of these we have tried. None of them has succeeded to date. When the targets became too difficult to meet, we simply changed the law. That is the way we did it in the past. But we will not be able to do it once this amendment is in effect.

So, Mr. President, it is my earnest hope that this amendment will be adopted today.

I thank the Chair.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, I yield myself such time as I might need.

Mr. President, let me, first of all, say that I think this proposal on the floor of the Senate suffers from the same structural problems that have been with it from the very beginning. It is good politics. It is easy for everybody to vote for it, even if they are not serious about balancing the budget. It is painless. But I do think there are a couple of problems that are very important problems to the people in my State of Minnesota.

First of all, there are a number of us who would be interested in this formulation about balancing the budget if, in fact, we had an amendment that said there could be no raid on the Social Security trust fund. That ought not to be a part of the equation of balancing the budget. But we cannot get support for that amendment.

So, No. 1, I think the talk about a constitutional amendment to balance the budget without the ironclad guarantee, not just to senior citizens, but to their children and their grandchildren, that we will not raid the Social Security trust fund, is a proposal that is deeply flawed.

Why are my colleagues so reluctant to support an amendment on the proposition that in balancing the budget between now and 2002, we will not raid the Social Security trust fund? In the absence of that kind of guarantee, I am not going to vote for any amendment, constitutional or otherwise, to balance the budget, unless there is the absolute assurance given to senior citizens and their families.

I am so tired of this politics that tries to divide the old from the young, senior citizens from their children and grandchildren. Unless we have that guarantee, this proposal is deeply flawed. There are a number of us who want to vote for that alternative, but we do not get the support for it. People in Minnesota and around the country are not interested in an effort to balance the budget on the backs of senior citizens. They are not interested in an amendment that says we will balance the budget, with no guarantee that we are not going to raid the Social Security trust fund to do it. That is flaw No. 1.

Flaw No. 2. People in cafes in Minnesota—I think the cafes are the best place to be; I think this is the best focus group. You sit down and you talk with people. They say, look, we balance our budget at home—and we do. But when we balance our budget at home, here is how we do it. We make a distinction between investment for the future and our daily or monthly or yearly operating expenses. We do not cash flow a car that we buy. We do not cash flow the home that we buy. It is on the basis of a fairly long-term mortgage, and we do not cash flow our children's education, higher education. We make an investment. It is a very good family practice and a very good business practice, a sound business practice, to make such an investment if you know that it will pay for itself over and over and over again.

We had an amendment last time that said, look, let us talk about a constitutional amendment to balance the budget, but let us make some distinction between the investment budget, investment we make now—education, physical infrastructure, or whatnot—which pays for itself over and over again versus our daily operating budgets. That amendment was voted down. Every family in Minnesota and in America knows the distinction between spending money on a vacation during the summer, when maybe you should not do it, versus spending money on your child's higher education. We had an amendment that wanted to make that distinction. I have talked to one of the coauthors, Senator SIMON, about such an amendment. But, no, that amendment also is not part of this.

So if you are talking about a constitutional amendment to balance the budget and (a) you have to guarantee that this does not lead to a raiding of the Social Security trust fund, and (b) you have no distinction made between an investment budget and an operating budget, you have a deeply flawed proposal.

The third point. We can balance the budget—and should. I voted for the President's proposal to balance the budget by the year 2002—CBO scored. I do not think people really know what all this CBO scored means, but I will say it. Actually, I thought that proposal was by no means perfect and that we could do much better.

Mr. President, you have a proposal that is flawed on several counts. Then we get to the sort of—as my children would have said it when they were younger—"get real" phase of this. We do not need this to balance the budget. We can do it. The question is, how?

I will tell you one of the things that I find just more than a little bit ironic. At the very time that some of my colleagues, whom I deeply respect, are talking about a constitutional amendment to balance the budget, they trot out a son-of-star-wars proposal. The Pentagon does not want it, the Joint Chiefs of Staff do not want it, and it is $70 billion more on top of what we are already spending on star wars. We do not know whether it will work. It is not proven. Research has not been done. The Pentagon and the military tell us we need to, first of all, do research to see whether or not this would work and to defend our country in what ways. But the very people who are talking about a constitutional amendment to balance the budget, no guarantee we will not raid the Social Security trust fund, who will not pass our amendment that makes it clear that you cannot do that, are the very people that trot out the son of star wars, with $70 billion more for a system the Pentagon itself does not want in this form right now.

Mr. President, the very people who are voting for a constitutional amendment to balance the budget have now in the budget proposal voted for $11 billion more than what the Pentagon wants. The first time in my adult life—no, it is the second time; it happened before. This is the second time around. This is the second time in my adult life where the Congress is appropriating more money than the Pentagon says it wants. These are the same people who want to cut financial aid to higher education, cut educational opportunities for children, cut into Head Start, cut into job training, and they want to go $70 billion more for son of star wars, and they want to spend $11 billion more above and beyond that $70 billion than the Pentagon even wants. And the last time around, in the last budget, it was $7 billion more we were going to spend. My friends who say they want to balance the budget want to spend $7 billion more on the Pentagon than the Pentagon wanted, and I came out here with a modest amendment which said, please, could you not take half of that $7 billion, $3.5 billion, spend $3.5 billion less since the Pentagon said it does not need it and put it into deficit reduction, and the amendment was defeated.

So everybody understand the politics of today. This proposal was defeated before. It will be defeated probably by a wider margin today. The Senator from Nebraska [Mr. EXON] has come out in the Chamber and said this is absolutely outrageous, because I see what my colleagues are doing here; they want to spend more and more and more and then they want to do a constitutional amendment to balance the budget.

Well, to use what I think is an old Yiddish proverb, you cannot dance at two weddings at the same time. And people in the country are just getting a little tired of it. That is what this proposal is all about. You have people in the Senate who say we are for balancing the budget by the year 2002, and do not worry, senior citizens; this will not be done on your backs and we will not raid the Social Security trust fund, although that surplus is sitting out there, we can assure you of that. But then when it comes to actually voting for that, these folks will not do that.

Mr. HATCH. Will the Senator yield on that point?

Mr. WELLSTONE. I would be pleased to.

Mr. HATCH. It seems to me that is one reason why we need a balanced budget amendment. If there are Senators that will not do that now, then under the balanced budget amendment we are going to have to. We are going to have to raise taxes and reduce spending or have a supermajority vote to spend more. But if I could just ask one last thing, and I do not mean to interrupt my colleague.

Mr. WELLSTONE. That is fine.

Mr. HATCH. One last thing. And that is that I have heard these arguments before. I heard President Clinton on the news the other day say as he was walking outside the White House, "Let's just balance it." I have heard that for the whole 20 years I have been here: "Let's just balance it." Both sides have said that over the years.

I think both sides have flaws here. I think both sides have spent too much, both sides have taxed too much, both sides have not done what should be done. That is why we need a balanced budget amendment, because then the game is over. The Federal Government is going to have to live within its means or vote with a high consensus to not live within them, but at least that vote will be done on the record, in front of the American people, rather than the phony way things are done today when people just stand up here and say, "Let's just balance it." I have to laugh. That is the biggest joke in our history. We have 60 years of not balancing it very often, and 27 years in a row of not balancing it at all.

That is what bothers me. That is why Senator SIMON and I and others have fought so hard to try to get this amendment passed, so that the game will be over for both sides.

I would also use a Yiddish expression, and that is chutzpah. It takes chutzpah to continue to just spend and tax the American people and to sell out the future of our children. And frankly, that is what is going on here. I am willing to blame both sides. I will be happy to say the Republicans are to blame here, too. I will be as bipartisan as I can be, just like Senator SIMON has been, but both of us know that if we do not do something about it, it is only a matter of time until we are going to have to monetize the debt and we will pay it off with devalued dollars that roll off the printing press not really worth anything—barrels of dollars that will not be worth anything printed up so the Government can escape its debt liability. But at that point, the United States will no longer be the great power it has always been. And that is what it is coming down to, because we cannot continue to go the way we are.

What really bothers me, and I will end——

Mr. WELLSTONE. That is fine.

Mr. HATCH. What really bothers me is this argument that we have to preserve and protect Social Security by defeating the balanced budget amendment, which is the only way to preserve and protect Social Security, or at least the current Social Security system. I think if we pass this amendment, we will not only have to preserve and protect it as it is now, we are going to have to find a way of reforming it so that it will last well into the next century and take care of our children and our grandchildren as well, not just those who are living today. The only way we are going to do that is if we really get serious about it and force the Congress to do it. And the only way you are going to do that is by passing a constitutional amendment. I do not think anybody who looks at it sincerely can doubt the wisdom of what I just said.

The fact is that this amendment has been around for a lot of years. It is a consensus amendment. It is the one amendment that has a chance of passing, the first amendment that has ever passed the House of Representatives, the first one and maybe the only one that will ever pass the House of Representatives, and yet we in the Senate are going to stand and block it.

What really hurts me to a great degree is that at least six Senators who have always voted for it are voting against it under the guise that they are protecting Social Security, when in fact the only way you can protect Social Security is to get our spending habits under control, and the only way to do it is to give us the fiscal discipline to do it in the constitution.

I thank my colleague for allowing me to make these comments, but I felt I had to make them in light of what my friend has said.

Mr. WELLSTONE. Mr. President, my colleague may want to make more comments because I just respectfully—parliamentary inquiry. I have the floor, is that correct?

The PRESIDING OFFICER. Yes.

Mr. WELLSTONE. I thank the Chair. First of all, I am always more than pleased to hear the analysis of my friend from Utah—a lot of times we say in the Chamber "whom I deeply respect," and it sounds like flattery, but whom I really do deeply respect. There is just no doubt of his ability as a legislator and his expertise in the Senate, but I am in profound disagreement with that analysis on two points.

First, if in fact we want to make it crystal clear that we are going to balance the budget by the year 2002 and in no way, shape or form is the Social Security trust fund money going to be used for that, then let us have the amendment out on the floor and let us vote for it.

Mr. HATCH. Will the Senator——

Mr. WELLSTONE. Let me just finish if I can. That is my first point. That is, I think, an important reassurance which we must give.

My second point is that I am absolutely in agreement with my colleague that when you look to the future, especially around the year 2030 and you get to a ratio of two workers and only two workers or working people to every one retired person—in that sense demography is destiny—we have our work cut out for us. But I think it is a flawed economic analysis to argue, well, the way we do that is in fact through a constitutional amendment to balance the budget. The way we do that is in a lot of different ways, but one of those ways is to make sure that we have an economy that is producing enough living-wage jobs, that is to say, jobs that people can count on that pay a decent wage with decent fringe benefits so that that working generation, which is the way the Social Security system works, is able to contribute to those who are retired, and then when we are retired, we hope that also there will be a successful enough economy so that base will be there. That is a whole different set of issues that have to do with whether or not we are going to invest in job training, that have to do with whether or not we are going to invest in education, that have to do with whether or not we are going to have an economy that produces high value products with a skilled labor force—all of which, I would say to my colleague, has much to do with whether or not we make the right investment decisions in the private sector and in the public sector.

Mr. HATCH. Will the Senator yield?

Mr. WELLSTONE. If I could just finish—that is my first point.

My second point is, I must say that when my colleague talks about the past 20 years, I do not have that perspective. Maybe that is the difference. I have not been here that long. I know that in the last 3 years since the President was elected we have halved the deficit. It has gone down. Those facts are irreducible and irrefutable.

I know, if we want to talk about the past, there were people here in the early 1980's, starting around 1981—David Stockman has written about this eloquently, as he looks back on those times—who passed what was euphemistically called the "Economic Recovery Act." George Bush, President Bush, once called it "voodoo economics." We were going to have these massive tax cuts. That was great politics. We could say to people in the country, "We ask you to make a supreme sacrifice. Will you let us cut your taxes so the economy will grow and everybody will be better off?" And people said, "Absolutely." So we did that; disproportionate money going to those who had the most income. And, in addition, we dramatically increased the Pentagon budget, not to mention the explosion of tax expenditures. By the way, I say to my colleague from Utah, I do not see any evidence that my colleagues here are willing to take that on, all those loopholes in deductions, all those subsidies that go to oil companies, tobacco companies, pharmaceutical companies, you name it. We do not take any of that on.

So what did we have, an overall debt that was about $900-and-some billion? Now what is it, $4, $5 trillion, or thereabouts?

I must say, yes, I was not a part of that. I was not a part of the claim for trickle down economics. I never made those claims to people. And I know if we were not paying the interest off on that debt built up during the 1980's we would have a balanced budget right now.

So I am not arguing—I will finish. I have the floor. But I am not arguing that we not make the tough decisions. I am not arguing that we should not be fiscally responsible. As a matter of fact, I come to the floor with amendments for lots of cuts. What I argue with is some of what I think are distorted priorities. People want to do more and more for the Pentagon. They now have a son of star wars. But for some reason, my colleagues do not seem to believe that a good education is a strong national defense against ignorance, against prejudice, against hopelessness, against despair, against children not doing well, against not having skilled workers.

So this is a debate about a flawed proposal, structurally, and about priorities. That is what this debate is about.

Mr. HATCH. Will my friend be kind enough to yield on that point?

Mr. WELLSTONE. I will be pleased to yield for a question, but I would like to keep the floor.

Mr. HATCH. Let me just say, I believe my friend makes a very good case for the balanced budget amendment. Because even though he criticizes some things that others have done, and compliments some things that he has done, the fact is that the system is running the same as usual. One thing that I would just like to point out and I ask the question, is it not true that the six Democrats who always voted for the balanced budget amendment before—and, perhaps, all Democrats on that side—who now refuse to support the balanced budget amendment under the guise that they are preserving or protecting Social Security by refusing to support a balanced budget amendment that does not exclude Social Security from the balanced budget calculation, that all six of those Democrats, and I believe every Democrat who will use the Social Security argument as an excuse for voting against the balanced budget amendment, I would ask my friend, did not every one of them vote for President Clinton's fiscal year 1997 budget which did not exclude Social Security receipts from deficit calculations? And, even though my colleague claims the deficit is going down, the debt since we first debated and voted down the balanced budget amendment has gone up $320 billion in 15 months. While we fiddle around here the Nation is burning. We fiddle around on trivialities when, in fact, passing the balanced budget amendment is the only way we are going to get things under control.

Will my colleague agree the Democrats voted for the Clinton 1997 budget, which itself did not exclude Social Security, and used those Social Security surpluses in their budgetary deficit calculations?

Mr. WELLSTONE. I say to my colleague there is one fundamentally important distinction. The Democrats did not enshrine in the Constitution the potential raiding of the Social Security trust fund. It is that simple. I do not think senior citizens or their children or their grandchildren want us to do that, nor should we do so.

I also would say to my colleague, my critique was not restricted to just that one point alone. I argued that this proposal, I think, is flawed in two or three fundamental ways, and then went on to discuss priorities. So that is the distinction.

Mr. President, let me just finish up, because I see my colleague from New Mexico is on the floor. There are others who want to speak.

I reiterate what I said earlier. This proposal is deeply flawed, I think on policy grounds, structural grounds. There should be an ironclad guarantee that we do not enshrine in the Constitution, raiding the Social Security trust fund. We should make a distinction—I have said this over and over again, I say to my colleague from Utah—between investment and operating budgets. And we ought to be very careful in not tying our hands so that we do not have, through specifically fiscal policy, the ability in times of economic downturn to do what we need to do to make sure that recessions do not turn into depressions.

Those are some of the structural arguments. My other arguments have to do with priorities. One more time I will point out to people in the country the politics of this vote. It is transparent. We had the vote before. It is not going to pass. Senator EXON has come to the floor, who has voted for it before, and he said this is just outrageous. The very people who are proposing this now bring out son of star wars for another $70 billion. These are the very people who want to spend $7 billion more than the Pentagon even wants. Now they are talking about what kind of tax cuts they can give. And this just does not add up. It does not add up at all.

So it is wrong on basic policy grounds. It is wrong from the point of view of playing politics. And, finally, I have to say, as somebody who has had amendments out here—and a good number of these amendments have not been agreed to, but I actually think these amendments are quite connected to where most of the people in the country are—for the life of me I do not understand why this interest in going forward with this expensive son of star wars system, this star wars system, and at the same time colleagues are so eager to cut into job training programs, educational opportunity programs, Head Start programs, and environmental protection programs and all of the rest. When it comes to going after subsidies for oil companies or tobacco companies or pharmaceutical companies or big insurance companies and a whole lot of others of these tax expenditures, which are giveaways, a big part of the budget, the silence of my colleagues is deafening. They do not want to do it. These are the big players, the heavy hitters. These are the folks who have the clout.

When it comes to going after the Pentagon contractors some of my colleagues who are pushing this proposal the hardest want to spend more money than the Pentagon even wants to spend. And they continue with this idea of tax cuts, adding up to a significant amount of money, disproportionately flowing to those people who need it the least, all in exchange for reductions in the quality of health care for senior citizens, children, you name it.

These are distorted priorities. So we have two sets of issues going on here, and on all counts this proposal should be defeated.

I yield the floor.

Mr. HATCH. Mr. President, I yield to the distinguished chairman of the Budget Committee.

The PRESIDING OFFICER (Mr. INHOFE). The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I hope the American people understand all these arguments about what Republicans want to spend money on, what Democrats want to spend money on, who wants to cut taxes, who does not want to cut taxes, have nothing whatsoever to do with a balanced budget. It is an absolute, utter smokescreen. The truth of the matter is, you either want a balanced budget built into the Constitution or you do not. For those Democrats and the one Republican who voted against the balanced budget and never came to the floor, never inserted in the RECORD any excuse, but rather said, "I am against it as a matter of policy," I laud them. I praise them. They just happen to be against it. They do not think it ought to be done.

But for those Senators, and I gather there are none on our side, who take to the floor and make excuses about why they are against it such as, "We are raiding the trust fund for Social Security," it is a charade, it is an absolute smokescreen.

Senators DASCHLE and DORGAN and others have produced a constitutional amendment which would require a balanced budget in the year 2002 excluding the Social Security trust fund. They argue that including Social Security in the balanced budget amendment effectively authorizes the raiding of the Social Security trust fund and its surpluses for purposes of balancing the budget.

Mr. President and fellow Senators and those who are listening, I believe this argument and the Daschle-Dorgan proposal, I repeat, is nothing more than a smoke screen. It is intended to divert the public's attention from the real issue, constitutionally required fiscal discipline. You either want it or you do not want it. We happen to think it is long overdue. Second, it provides an excuse for some who supported a balanced budget amendment in the past to vote against it now, now that their votes really matter.

But I believe the American people will see through this smokescreen because it is obvious that this is a charade and it is not about Social Security. Rather, it is plain and simple about defeating the balanced budget amendment. That is what it is all about, defeating the balanced budget constitutional amendment.

It is obvious—not those Democrats who will vote against it on principle or our one Republican who votes against it on principle—but it is obvious that others are not serious about their constitutional amendment because it would have one clear result which they adamantly oppose, deeper spending cuts in domestic programs, or, which they allege to be opposed to, tax increases. It will be one or the other under their proposals—huge, deep spending cuts in domestic programs, which they avow they are not for, or huge increases in taxes, which they run around saying they are not for. One or the other must occur under their balanced budget amendment, which they call pure.

Over the next 6 years, from 1997 until 2002, the cumulative unified budget deficit, that is the total receipts less total outlays—a simple proposition—will be $1.1 trillion, according to CBO. Over that same period, Social Security will run a surplus of $520 billion, including $104 billion in the year 2002.

Mr. President, if we adopt the Daschle-Dorgan approach, we would be forced to make much deeper spending reductions than any plan on the table.

Let me give you the best estimate I can of what it will require, I say to Senator HATCH.

If applied proportionately across the budget, that plan will require $92 billion more in Medicare cuts. Of course, they will disavow that. They are not for that. They are for a balanced budget without Social Security, without that trust fund being in the budget. It will require $46 billion more in Medicaid cuts. Of course, they will say that is not the case. They do not want that. It will require $36 billion more in welfare cuts, $62 billion more in mandatory spending, and $38 billion more in the discretionary accounts of the Government. Is that what they really want?

Frankly, some will get up and say, "No. We're going to do it another way." How? There is only one other way, and that is to dramatically increase taxes. I do not mean a little bit—a huge amount. Is that what they want? Maybe. But they are not saying that.

So I conclude that those who are now hiding behind the veil of Social Security being adversely affected by a unified balanced budget, their real goal is plain and simple and as patent as can be. It is to kill the balanced budget amendment, nothing more, nothing less.

The sponsors of the Daschle-Dorgan proposal argue that our balanced budget amendment would raid Social Security. If that is the case, then the Democrats who proposed it and the President who talks about that are raiding Social Security, too. In fact, every budget plan by the President and the Democrats in the past 18 months, which claims to reach balance in the year 2002, includes Social Security in the deficit estimates. They claim balance; and it is a balance which includes Social Security in every single budget produced.

Most recently—January 19, 1996; the end of the negotiations—Senators DASCHLE and DORGAN held a press conference with others to promote their approach to balancing the budget. Somehow they must have forgotten that their plan reached balance in 2002, in their words, "raiding Social Security."

Moreover, the President's 1997 budget, although filled with gimmicks, like every other balanced budget presented this year, gets nowhere near balance in the year 2002 if the Social Security trust fund is excluded. Yet Democrat after Democrat—not those who vote against it as a matter of principle; but those who want to tell the American people they are for a constitutional balanced budget—but Democrats of that yoke, one after another, claim that the President's proposal "balances the budget in 2002." Yet 45 Democratic Senators voted for the President's balanced budget plan during the last month of debate on the budget resolution. I will wager that almost every one, knowing that the public wants a balanced budget, took full credit for it and said, "We just voted for a balanced budget." It was a balanced budget of the exact type that this constitutional amendment will require.

I mention this only again to highlight the hypocrisy of such proposals. They say they cannot support a balanced budget that includes Social Security surpluses and yet every budget they produce and call balanced supports exactly that.

This is not about protecting Social Security. Those who claim that it is and put a cover over their vote by claiming that it is are trying to suggest that our balanced budget amendment does not protect Social Security.

Let me be clear. We made a promise to our Nation's seniors that we would balance the budget by 2002 without touching Social Security benefits. We kept that promise. Of course, the same cannot be said of some of the other proposals.

The President, in 1993, in his $260 billion tax increase, the largest in history, raised the portion of Social Security benefits subject to taxes from 50 to 85 percent. This effectively cut benefits for millions of middle-class senior citizens by $25 billion over 5 years.

In 1995, 19 Democrat Senators voted for a substitute balanced budget under reconciliation that cut the Consumer Price Index and thus Social Security COLA's. I will admit there was great bipartisan support for it. But for those who now say they do not want to touch Social Security, they do not want to harm it in a constitutional balanced budget, they voted already to harm it to cut the CPI.

Indeed, my good friend, Senator MOYNIHAN, known as a defender of Social Security, called for a CPI reduction of 1 percent each year to balance the unified budget by the year 2002.

Of course, very recently 46 Senators, 24 Democrats and 22 Republicans, voted for the Chafee-Breaux alternative which included a COLA reduction of five-tenths of 1 percent. This proposal would cut Social Security spending by $40 billion.

So, not only did that proposal count the surpluses toward the balanced budget, it increased those surpluses by cutting benefits. I hope that no Senator that voted for Chafee-Breaux will vote against the balanced budget amendment using the protection of Social Security as an excuse.

Again, I want to repeat, the Republican budget does not touch Social Security at all. I have said all along that the best way to protect Social Security is to balance the budget so that we have a strong, growing economy. In legislation implementing the balanced budget amendment, if it were to pass, we could provide procedural safeguards to preclude cutting Social Security benefits or raising Social Security taxes to balance the unified budget. That is not an issue of the amendment. It is an issue of the will of the Congress as a matter of policy, once it is adopted.

When we amend the Constitution, we must be taking the long view. Although some claim they are worried about raiding the Social Security surpluses, I am concerned about the looming and massive Social Security deficits that are on the horizon. These Social Security deficits threaten to push the unified budget to levels far above those we are experiencing today.

Over the period from 2020 to 2030, the Social Security trust fund will run a cumulative deficit of $4 trillion. In 2030 alone, the annual Social Security deficit will be $1 trillion, or $225 billion in constant dollars, which is 56 percent higher than the projected unified budget deficit for all of government.

If we adopt the Daschle-Dorgan constitutional amendment approach, the Constitution would allow these massive deficits in the unified budget to occur even as we would be telling the American people that our budget is balanced in accord with the Constitution.

Let me repeat that: If you put something in the Constitution, I assume you would hope it would exist until 2020 or 2030. If you adopt the Daschle-Dorgan approach, you will be building into the budget of the United States by the year 2020 an opportunity for us to tell the American people we are in balance, even though the Social Security trust fund can be out of balance by hundreds of billions of dollars.

The truth of the matter is that not only would that kind of budget make a mockery of the constitutional balanced budget requirement, it would also be devastating to the American economy because—and I want to make this point—it is the unified budget deficit, regardless of what is said here on the floor, it is the unified budget and its deficit, not the deficit excluding Social Security, which tells us how much Government must borrow from the public each year. That is what we want to know: How much do we have to borrow. The unified budget tells us how much Government must borrow. It is this Government borrowing that has real economic consequences for national savings, for investment, for inflation, for interest rates and for economic growth.

Now, to remove any remaining doubt that those who take the coverup of Social Security as their defense against the balanced budget amendment, so that they would remove any doubt that they are more interested in killing the balanced budget amendment than in protecting Social Security, I want to make it known that we were willing to compromise with them to get an agreement. We suggested the idea of revising the balanced budget amendment to require both a balanced unified budget in 2002 and a balance excluding Social Security in 2006, which I believe anyone looking at the flow of expenditures and what is practical would say that is probably where we ought to be.

We proposed an amendment to this proposal that would make it such, 2002, balance under unified; 4 years later, balance excluding Social Security. There is nothing inconsistent with requiring both. In fact, you get to balance excluding Social Security, you have to first balance the unified budget—no way around it.

Moreover, I believe we need a permanent requirement regarding unified budget balances to protect against a time when Social Security runs large deficits. Those who reject this offer are really, once again, showing us they are not interested in getting an agreement on the balanced budget. They are, instead, interested in defeating it.

Now, Mr. President, and fellow Senators, what we are talking about is the following. It is the difference between economic prosperity and long-term stagnation. As we look out there among our people, one of the things they are most worried about is stagnation in their economic condition, that wages are not going up as fast as they should, that the dream for their children might be less than theirs, which somehow stirs a strong cord in the hearts and minds of Americans. If we do not build into American policy constitutional fiscal restraint that leads to a balanced budget, the difference is going to be simple. It is going to be whether we have prosperity or whether we have stagnation. No doubt about it.

Mr. President, to prove that for you, I want to cite a Congressional Budget Office report. According to the Congressional Budget Office, their so-called base scenario, here is what we can expect in 2030 if we do nothing.

Debt held by the public will reach 180 percent of our gross domestic product. At the end of 1995, our debt stood at 50 percent. In 1945, at the end of the war, it was 114 percent. The budget deficit will reach 15 percent of gross domestic product. In 1995, it was 2.3 percent. Net interest rate on the cumulative debt will cost 8 percent of the gross domestic product. Net interest rates are only 3 percent now. Social Security, Medicare and Medicaid will cost 18 percent, all alone, of the gross domestic product. These programs cost 9 percent now.

It assumes these massive deficits will do no harm to our economy. That is the rosy scenario. CBO states in its report: "In the end, these deficits will weaken the economy, end long-term upward trends in real GDP per capita that we have enjoyed throughout our history. With Federal debt growing so rapidly, the economy will enter a period of accelerated decline."

Mr. President, this is a real debate. This is about one of the most important issues for our future that will come before this body.

I went to some length to produce my argument today because I believe those who claim Social Security is the issue and trust funds of Social Security are the issue are perpetrating a huge smokescreen, at best, and, at worst, a monstrous charade. There is no doubt in my mind the best way to help Social Security now and in the future is to balance the budget as prescribed in this constitutional amendment. Without it, the very seniors they attempt to say they are for are put in very serious jeopardy, as are their children and grandchildren.

I yield the floor.

Mr. HATCH. How much time do we have left?

The PRESIDING OFFICER. The time of the Senator is 1 minute remaining.

Mr. HATCH. Mr. President, let me use the remaining time to say I have never heard a more phony argument in my life than the argument that they, the Democrats, are trying to protect Social Security, and yet every time President Clinton's budget comes up here not protecting Social Security the way they say they want to protect it, they vote for it. I am not willing to say people are hypocritical on this matter, but I am willing to say that it is a lousy argument. It is clearly an argument designed to give those who use it an excuse for them to vote against the balanced budget amendment. I have never heard a more disappointing display than yesterday, as Senator after Senator came on this floor and jumped all over BOB DOLE, who has done his best to get a balanced budget amendment through.

I think some of the most sordid politics I have seen in years occurred in some of the arguments yesterday. And the arguments are phony arguments. This is a very, very important opportunity for us to try and get the Congress to be required to do what is right. This is the only chance to get them to do that. I hope people will vote for this amendment—if not today, count on it, it will be back next year.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SIMPSON. Mr. President, I ask unanimous consent that I might speak for 7 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SIMPSON. Mr. President, now maybe we can get to where the rubber hits the road. I have been given the grisly task of chairing the Subcommittee on Social Security and Medicare and Family Policy. I have heard the debate going on about the looting of the Social Security trust fund. Mr. President—and I know they will rush onto the floor. The doors will clatter open in a moment.

Let me tell you that there is no Social Security trust fund. It is a huge stack of IOU's. The trustees know that, all thoughtful Americans know that. It is listed in the trustees' report. It is a huge stack of IOU's. There is no place in there with your name on it or my name on it. When a young person pays in today, it goes out next month to the beneficiary. In the year 2011, there will not be enough payroll tax to cover it. There will be a huge accumulated surplus then. And then you go and take the IOU and say, "I am cashing this in." That is the double hit that is coming.

I related this last week. We are all aware that the Social Security program and its relation to any balanced budget constitutional amendment will always be an issue of fervent controversy. In fact, many individuals, and the well-organized interests and, oh my, the citizens and, oh, my, the AARP—do not miss their work here—have cited the need to "protect" Social Security as a moral justification for opposing any such constitutional amendment. We have heard more of that on the Senate floor this week, and we will hear it forever.

I trust that my colleagues will pardon me to say that I find this completely baffling—bizarre and baffling. I see no possible sensible justification for using Social Security as an excuse for opposition to the balanced budget amendment—none. It is but an excuse which excites the interest groups, which may be sold as a way to cover a vote against a balanced budget amendment. "CYA" here does not mean corporate youth activity. It is without substantive merit, in my view.

Let me explain fully that this is my duty as chairman of the Social Security Subcommittee to try to determine the facts. At least everybody is entitled to their own opinion, but no one is entitled to their own facts. How is the Social Security trust fund managed? This is how it is required under the law to be managed. It is a rather unfortunate that one would even have to do this, but too many in Congress, and out in the land, do not seem to "get it," I believe is the phrase they use on us around here.

This is an enlargement of an excerpt from section 201(d) of the Social Security Act. Allow me to read from it to you:

> It shall be the duty of the managing trustee to invest such portion of the trust funds as is not, in his judgment, required to meet current withdrawals. Such investments may be made only in interest-bearing obligations of the United States, or in obligations guaranteed as to both principal and interest by the United States.

This section continues later:

> Each obligation issued for purchase by the trust funds under this subsection shall be evidenced by a paper instrument in the form of a bond, note, or certificate of indebtedness issued by the Secretary of the Treasury.

We can and we still do call these things T-bills, savings bonds, whatever. But it refers to any such Treasury bond or certificate.

Before I continue, allow me to translate this bit of mumbo jumbo. What this means is what the law requires. It is what the law demands—that when the Social Security payroll taxes come rolling in, most of them are immediately used to pay the benefits to today's recipients. The leftovers are not put in some vault or box, where we keep them, save them, and hold them for tomorrow's retirees. They are used to buy Government notes now. That is the law, that has always been the structure of Social Security. It is what is required of us. It is not "raiding" anything. It is not "breaking a promise" to anyone. That is how Social Security currently works, and it is how it was intended to work. That is what I mean when I say that the fund holds "floating IOU's." It is holding those notes from the U.S. Government, and those notes are promises to pay up at a future date.

Let me take you to section (f) the Social Security Act. Do not miss this one. This is the section that explains how the future benefits are going to be paid:

> The interest on and the proceeds from the sale or redemption of any obligations held in the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund shall be credited to and form a part of the Federal Old-Age and Survivors Insurance Trust Fund and the Disability Insurance Trust Fund respectively.

Listen closely to this part:

> Payment from the general fund of the Treasury—

Are you listening?

> to either of the trust funds of any such interest or proceeds shall be in the form of paper checks drawn on such general fund to the order of such trust fund.

Here we see the obvious. The payment back to Social Security at a future date will come from general revenue—taxpayers' money. Only from the general fund will it come.

The general Government, until the appropriate time, thus holds this big bag of IOU's to Social Security, and then it has to make good on those from the general revenues, not from some separate trust fund. It comes out of general revenue when the IOU's are due. That is how it works, and that is how it was intended to work. There is no way around it, no tricks, no gimmicks, no big lump of money in a trunk sitting there that we can emotionally plead to save from raiding if we exclude Social Security from a balanced budget amendment. Those benefits are to be paid with moneys raised from the general revenues—period.

Another way of putting it, if I may, is today's workers will support today's retirees and tomorrow's workers will support tomorrow's retirees, period. That is the law. This is how Social Security works. All of this posturing and fear mongering about how somehow a contract is being broken and that looting and pillaging, and God knows what else, and other sins are taking place, is so much guff and nonsense. It is so much like the old professor of mine. He said, "SIMPSON, this is opium smoke." That old professor was right. The benefits of future beneficiaries were never available to be looted. They are IOU's, and all of the cash will be raised from general revenue when those bonds became due.

Let me just show you one final chart. I want you to pay, please, strict attention to this one. These are the annual operating balances projected for Social Security as of last year. You can see that, indeed, there is a sizable surplus today, and some are using this as an excuse to oppose the balanced budget amendment. This $60 billion figure appears small because—I ask unanimous consent for an additional 4 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SIMPSON. They are using it as an excuse to oppose the balanced budget amendment. This $60 billion figure appears small because it is an annual figure, a consolidated figure which also includes the disability payments and does not represent the total size of the accumulated Social Security reserves which are supposed to add up to another $2 trillion. They will get to $2 trillion—everybody needs to know that; we all know that—before the big drawdown, the big meltdown, comes.

But you know what we always hear about this surplus. "We don't want this surplus to be counted toward balancing the budget." It is said plainly, passionately, and persuasively.

I ask you to look at the much larger picture. By the year 2020 we are also facing huge annual operating deficits, meaning that we would have to dip into the principal and the interest in this trust fund, the IOU stack, which I have already shown you is not there and eventually will only come from general revenues at that time.

Look at the size, look at the enormity of these promised obligations, all of which we have no possible way of paying unless we raise payroll taxes, and the seniors are telling you to do that to correct the program because they "ain't paying" them. Payroll taxes—that is how you get here, and other taxes, to raise them dramatically when the time comes. There is $7 trillion in unfunded liability in the Social Security system alone.

Does anyone seriously believe that the way to "protect" Social Security is to save it from a balanced budget amendment? Can anyone seriously maintain that the fate of Social Security hangs on the budgetary treatment of funds in 1996 when these are the balances projected in the outyears? We all know this. That is no secret to anyone. To use Social Security as a pallid excuse to defeat a balanced budget amendment is absurd, hypocritical budget blather of the most odious kind. We all know what the real threat to Social Security is. It is the situation you see on this chart. It is the threat that we will do nothing. That is the threat. That is the threat—the threat that we will let it go bankrupt on its own. But that is a debate for another day. I will not be around when the big bill comes due. But I hope in the year 2030, they will tap on my box and tell me how it all went because I can tell you where it is going to go.

My purpose today is to, hopefully, dispense with the idea that there is some promise that has been made to save the Social Security surplus in some way that we are currently violating. No. We are doing with Social Security precisely what the law demands and commands us to do—to buy T bills. If we can be charged with failing to do anything, it is failing to balance the budget. That is what will make it harder to make good on those IOU's when they come due. It will be very hard to raise the general revenue to do that. So as long as we keep blithely adding trillions to the debt—I ask unanimous consent for 2 more minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SIMPSON. Mr. President, let me close by saying I agree with my friend and colleague, Senator PAUL SIMON of Illinois, that the assured best way to protect Social Security is to pass the balanced budget amendment, or if you do not like the balanced budget amendment, to force ourselves to balance the budget. That is the one thing and the only thing that will make it possible to pay off those sacred promises to future retirees. I do not see people who like to cast those tough votes. They do not show up.

But in any event, let me say again that I find it very unseemly that anyone who refuses to help in that effort will use the looting of Social Security as an excuse not to impose a balanced budget requirement. I hope that all of you will read the Social Security Act for yourself and the sections of it—section 201—and think it over closely, and then read the trustees' report. If we have a more accurate public understanding of exactly how Social Security does, indeed, work, it is my earnest, and yet possibly most naive, belief that the argument over the balanced budget amendment can take place on a more honest and informed basis.

I thank the Chair.

Mr. DEWINE addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, I ask unanimous consent to speak for up to 8 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DEWINE. Mr. President, I rise today in strong support of a balanced budget amendment to the Constitution.

Here we are again. One more time, we find ourselves about to cast really a historic vote. In March 1995 the Senate failed by one vote to pass this measure, a measure that has been demanded by the American people, this measure that is absolutely necessary if we are going to rescue America from bankruptcy of our children's or our grandchildren's generation.

It has been pointed out on this floor that the Federal debt is already more than $5 trillion, the figure that is hard to even comprehend. Next year Americans will pay about $240 billion just to meet the interest payment on that debt. That is almost $1,000 for every man, woman, and child in this great country. You know, it is really money for nothing. That money is not just to educate our children or fight the drug problem or find a cure for cancer. It is simply a transfer payment from the future to the past. We need to reduce those interest payments. We need to start investing in the future instead of the past. But until the annual budget is in fact balanced, all we are doing every day, every month, and every year is adding to the problem. Congresses of both parties, Presidents of both parties, all have compiled a spectacular record of failure in dealing with this fundamental issue.

That is why I believe it is time to make a fundamental change in the way we deal with it. I am not one who thinks we should tamper with the Constitution. I do not like to amend the Constitution. But I believe in the age-old principle, "If it ain't broke, don't fix it." I think it is broke this time. I think we have a problem, and we have to have a fundamental fix. We have to change the way we do things.

Mr. President, there are 5 trillion reasons convincing me that in this case our system is broken and it is time to fix it. The people of this country demand change. People of my home State of Ohio demand change.

As I was thinking about this issue, I was reminded of the crusade that a former Member of this body who represented the State of Ohio for many, many years had to say about this. Frank Lausche was and remains a legend in Ohio politics and Ohio government. He served many terms as Governor of the State of Ohio and several terms as U.S. Senator. From the time he was Governor, throughout his career here in the Senate, one theme kept recurring, and that theme was fiscal responsibility. I remember, Mr. President, as a young boy hearing grown-ups talk about what Frank Lausche was doing as Governor. There was a little debate going on. One of them said, "It is terrible. They are running a surplus. The Governor is running a surplus this year. He should be distributing that money. We have some projects and things that we need to have done." That was the kind of person Frank Lausche was. He was a person who believed in fiscal responsibility.

Let me cite what Senator Lausche said in 1962 on this floor. In 1962, Frank Lausche rose in this Chamber, and this is what he told his colleagues. Remember, this is 1962.

> The sheer size of the extravagant Federal budget has made it impossible in the Chamber of the Senate to guard adequately against extravagant spending. The present debt is too high relative to our general assets. Instead of reducing the debt since World War II, we have raised it from $255 billion to a presently proposed $308 billion. The unabated increase in the national debt is a threat and danger to our security and to our freedom.

That was Frank Lausche, U.S. Senator from Ohio, in 1962. Mr. President, the $308 billion that Senator Lausche was talking about was not the interest on the national debt; it was the total national debt in 1962. The distinguished Senator from Ohio, Senator Frank Lausche, was right. Unless we make fundamental changes, the problem is only going to get worse and worse and worse. It is time, long past time that we do something about it. And today is our opportunity to cast a vote that will change the direction of this country and to cast a vote that really will make a difference.

Mr. President, I yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Well, Mr. President, here we are engaging in the same old political flimflam, talking about a constitutional amendment to balance the budget while at the same time talking about giving away a big tax cut. That is flimflam, pure and simple. It is the very same constitutional amendment that we defeated last year in the month of March. It was a bad idea then and, unlike a fine wine or an old violin, it has gotten no better with age.

The advocates of the balanced budget amendment are known to assert that amending the Constitution—here it is, the Constitution of the United States, right here. I carry it in my shirt pocket. I do not wear my shirt when I am sleeping so I do not have the Constitution that close to me when I am sleeping, but I carry it with me during each day. So they are known to assert that amending the Constitution is the only way, the only way, that we can eradicate the recurring budget deficits that have plagued our great Nation for a long time. We in the Congress, they say, lack the fiscal discipline and the moral backbone needed to make the painful and difficult policy choices that will actually bring the budget into balance.

What the proponents of this fiscal monstrosity fail to acknowledge is that the amendment itself will make none of these difficult choices. The difficult choices will remain to be made here. There is nothing in this constitutional amendment that tells us how we are supposed to balance the budget. There never has been. On the contrary, we in the Congress will still have to make and legislate choices regarding what programs will be cut and which taxes will be raised as a way of bringing about a balanced budget.

Amazingly, many proponents of the balanced budget amendment continue to asseverate their commitment to eliminate the Federal budget deficit out of one side of their mouth while supporting substantial tax cuts out of the other side. Certainly that remarkable oral dexterity calls into question the real possibility of actually achieving budget balance.

Just last year, as I hope we will all remember, the majority in this body voted for a budget resolution that called for approximately $250 billion in tax cuts over a 7-year period. That is money that we will have to borrow. We will have to borrow that money to finance that tax cut. And it will be money borrowed at interest.

We continue to talk about children and grandchildren and how they will bear the burden of our continuing fiscal unwisdom if we do not balance this budget. We voted for a huge tax cut. We have to borrow the money at interest to finance that tax cut. And who will pay that interest? On whom will that burden be laid? On our children.

In hindsight, that figure of $250 billion seemed almost reasonable when compared to the more than $350 billion in tax cuts approved by the other body last year under the aegis of the so-called Contract With America—the so-called Contract With America.

You do not hear much about that so-called Contract With America these days. The glitter has worn off, and I said on this very floor that the worm will turn. The worm will turn. And it did. It has turned.

You do not hear much about the so-called Contract With America. Why? Because that so-called Contract With America was not a contract with America. This is the real contract with America, the Constitution of the United States—over 200 years old. That is the contract with America. That is the contract to which I have sworn an oath to support and defend. Many times I have sworn that. That is the real contract. And here today we are saying, amend it, amend this contract.

Simply put, combining huge tax cuts in a deficit reduction package while at the same time proclaiming the invincibility of the balanced budget amendment is entirely and completely inconsistent. How can anyone seriously and with a straight face suggest that the best way to dig ourselves out of a massive fiscal hole is to start by digging the hole a little deeper? Where is the logic in that? It defies simple common sense. And yet here we are, after a year of stalemate between the Congress and the President, and once again the majority has approved another budget resolution that includes large tax cuts for the wealthy. On the surface, the $122 billion in proposed revenue reductions may appear modest. In reality, though, a closer reading of the budget resolution reveals that the actual tax cuts may be far greater than $122 billion and could go as high as $180 billion or more. So, Mr. President, we will soon be considering, under fast-track reconciliation procedures, Republican tax cuts in the range of $200 billion. Can you believe that? These same Republicans who are constantly touting their courage and their prowess in making the hard decisions to cut the deficit and balance the budget have chosen to use the reconciliation process to enact freestanding tax cuts totaling $200 billion. I have been in politics 50 years. It is easy to vote for a tax cut. That is no sweat for anybody. That is the easiest thing, coming or going. Vote for a tax cut. So they are at it again. And they are doing so at the very same time they are trumpeting the merits of a balanced budget amendment. One has to have a nimble mind indeed to perform the intellectual gymnastics it takes to reconcile the two positions.

And now we have presidential politics coming to the fore in a big way. The Washington Post reports that sweeping tax cut proposals are under consideration by the Republicans, and one proposal would allow workers to deduct their payroll taxes from their income tax returns. The cost of that proposal to the Treasury over the next 7 years would be a whopping $350 billion. In addition, the Post reports that a 15 percent reduction in Federal income tax rates is also being considered. That particular proposal would result in lost revenues to the Treasury over the next 7 years of $630 billion.

Nor is President Clinton without fault when it comes to proposing tax cuts at the same time we are attempting to balance the Federal budget.

I voted against the President's budget. I am the only Democrat who did so. And I did so because he was cutting discretionary spending, the discretionary funding of programs that are so important to the well-being of our fellow Americans, and because he was advocating a tax cut also.

In addition to the President's proposed tax cuts in his 7-year balanced budget plan, as late as Tuesday of this week, in what was billed as a major speech at Princeton University, the President unveiled additional tax cuts, so we are going to have more in this bidding battle between the Republicans and the Democrats. So he proposed additional tax cut measures that would allow tax credits of $1,500 to college freshmen and sophomores at a cost of many billions of dollars.

Not every high school graduate should go to college. I have seen students in college who had no business being there.

How can these frantic revenue reduction efforts by both political parties be squared with the florid rhetorical fulminations we constantly hear about the critical necessity for balancing the budget?

As I have said many times on this floor, this amendment is nothing less than sheer folly, folly, just as the propositions for tax cuts at the present time are sheer folly. It is like getting on two horses and starting off in two different directions at once.

This amendment is a sham. It is a charade. And it will not help to balance the budget one whit. As these tax cut proposals show, this amendment is simply being used as convenient cover for politically inspired massive tax giveaways, which will be paid for by our children and our grandchildren. The interest on those tax giveaways will be paid for by your children and mine, and your grandchildren and mine.

To make matters even more unbelievable, just this week, even under the shadow of the balanced budget amendment we saw an attempt to spend $60 billion on a missile defense system that the Pentagon does not want and that this Nation does not need if we are serious about balancing the budget. I hope all Senators will think very hard about the message we are sending to the American people with these impossibly contradictory actions on the Senate floor. They do not make sense economically, and, unfortunately, when you think about them carefully, they do not even make sense politically. Tax cuts, while always popular, become addictive in election years. But I nevertheless believe the American people will clearly understand that these tax cuts represent nothing more than political pandering—political pandering to win votes at the expense of serious deficit reduction. The American people can see through political pandering. They do not like pandering. They do not like to be pandered to. But it is easy to see through it, is it not?

To have the same proponents of the balanced budget amendment preach the gospel of tax cuts while we are trying to balance the budget is entirely inconsistent with common sense. It reminds me of an Elmer Gantry revival meeting: Come on in, politicians. Come on in. Walk the sawdust trail. Get baptized with the holy water of the balanced budget amendment. Hallelujah. Come get it and then go on about your business, and sin, sin, sin.

We do not need a constitutional amendment to balance the budget. We do, however, need discipline and self-restraint. We must not repeat the experience of the 1980's where massive tax cuts were matched by the doubling of a peacetime defense budget from 1981 to 1991.

I have come to the mourners' bench many times. I have confessed my mistake in voting for both. So I did not come in with clean hands. I voted for that tax cut, the Reagan tax cut. And I voted to increase those deficit budgets. But at least I came to the mourners' bench and have confessed my waywardness in going astray.

That is not what the American people want. No one is clamoring for a return to the fiscal calamities of the last decade. No one, it seems, but those who are bent on irresponsibly trying to claim that a balanced budget, reductions in revenue, and large increases in defense spending are all goals which can be achieved.

On the contrary, achieving budget balance will take a combination of spending cuts in all areas of the budget and some tax increases, instead of tax cuts.

If we are really conscientious and sincere, if we really mean that we do not want to foist this great deficit burden upon our children, if we really mean that, if we really love our children that much, then we have to put aside this folly, utter folly, regarding a tax cut at this time. There are times when tax cuts are advisable, but not now.

So that is the reality of it. We prefer to pander, pander to the American people. And if there is anything that makes me sick as a politician it is a politician who panders. To propose to amend the Constitution when we are so obviously unwilling to make those hard choices is to promote a vain hope and to perpetrate a falsehood on the American people, on those people who are looking through that electronic eye. This balanced budget amendment should be again defeated. It is little more than a political mirage in a vast, dry desert of empty election-year promises.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DEWINE). Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I yield myself the time that is available under the time originally allocated to Senator BYRD. I understand that is another 5 minutes.

The PRESIDING OFFICER. The Senator is correct. The Senator has control until 11:10.

Mr. DORGAN. Mr. President, I heard a generous discussion this morning on the floor of the Senate by the Senator from New Mexico, the Senator from Utah, and the Senator from Wyoming. I felt it necessary for a few minutes to at least respond to some of those comments. I have great respect for all of those Senators. But I respectfully believe that they are wrong on the issue of Social Security and its relationship to the balanced budget amendment.

I observe again the history so that people understand where we are. These facts I expect are not in dispute. In 1983 it was determined that Social Security was going to be in some longer-term difficulty and a Social Security reform package was enacted by the Congress. I was a part of that because I was a part of the Ways and Means Committee in the U.S. House that actually originated the legislation.

In that legislation we determined to do something very responsible. We determined to trim back some benefits in Social Security, extend the age for Social Security recipients from 65 to 67 over a long period of time and raise some payroll taxes, all of that in order to create a yearly surplus in the Social Security trust funds to save it for the long term.

This year $69 billion more is being collected in the Social Security trust fund than is needed this year for Social Security. Why is that the case? Is that an accident? No. As I said yesterday, we recognized that the war babies were going to retire after the turn of the century. America's largest baby crop would hit the retirement rolls. That is going to cause maximum strain on the Social Security system.

I said yesterday, partially tongue in cheek, that the war babies resulted from an outpouring of love and affection in this country, immediately following the Second World War, and people getting back together and reacquainted, and the largest production of babies in the recorded history of this country.

After the turn of the century—2005, 2010, 2015—those babies will become eligible to hit the retirement rolls. At that point we needed to have some planning in the Social Security system for funds to be available to meet those needs.

This year $69 billion in excess money is being raised in the Social Security system. It is not an accident. It is a deliberate, forced national savings to be available to meet the needs after the turn of the century.

My friends on the other side of the aisle say, "Well, that is not special money. That's just regular money. We put it right into the old operating budget of the Federal Government and count it as other revenues." In fact, they count it as other revenues such so in the year 2002, when they say their budget is in balance, if you took the Social Security money out of their budget, it would be $108 billion in deficit. But they say it does not matter. It is all the same money.

It is not the same money. Someone working this morning has a tax taken out of their paycheck, and they are told by this Government that is a Social Security FICA tax that is going to be put into a trust fund and can only be used for one purpose—not for offsetting against building star wars, not as an offset against cutting taxes for the wealthy—it can be used only to put in a trust fund to be used for the Social Security needs of the future.

But that is not what the majority party wants to do. They want to take that enormous amount of money, raised by a aggressive payroll tax, and slide it over here into the operating budget of the Federal Government and say, "By the way, now we've got more revenue over here so we can build the star wars project for $60 billion. We can have big tax cuts. We can do all of these things that we want to do even as we claim to want to balance the budget."

I do not allege that they are not operating in good faith. I only say that they are wrong on the issue of Social Security.

One person who spoke this morning said there is no trust fund. One who spoke this morning said there was a trust fund, and we are not misusing it. Another said there is a trust fund, and we are misusing it, and we promise to stop by the year 2008. The three stages of Social Security denial.

If we are willing to do what is necessary, what we promised workers and retirees we would do in 1983, we will set aside the Social Security revenues in a trust fund, not count them as part of the operating revenue, balance the budget honestly, and move on.

That is our job. That is our task. We will offer a unanimous consent request on the floor of the Senate to allow a constitutional amendment to be offered which I voted for previously that is identical in every respect to the one offered by the majority party with one exception. That is, section 7, which will describe that the Social Security surplus funds shall not be counted as part of operating revenues.

If they agree to that, they will get 75 votes for their constitutional amendment. I yield the floor.

Mr. HATCH. Mr. President, this is the only balanced budget amendment that has ever passed the House of Representatives. It is the only one that has a chance of passing both Houses. All of the unanimous consent requests in the world are not going to bring up an amendment that will be acceptable to both Houses, except this amendment. Everybody knows that. For these people to bring up another amendment at this late date is just a subterfuge.

There have been six Democrats who before have always voted for the balanced budget amendment but have been using the Social Security pretext as a charade to cover their backs. Last year, every one voted for Clinton's 1997 budget that does not protect Social Security in the way they want it protected. I do not think they argued with the President to get that in there. The fact is, it is a charade. I hope everybody knows it.

Not only did the Clinton budget of 1997 not balance in the year 2002, under CBO's more cautious economic and technical assumptions. Without Social Security receipts and assets and deficit calculations, it would have been $184.5 billion out of balance in the year 2002. It is just phony. Without Social Security's receipts and assets in deficit calculations, the Clinton budgets would never balance. The fact is the Republican budget would be balanced by the year 2005 without Social Security.

These people argue that they want to protect Social Security, yet they make the situation worse for Social Security by not voting for the balanced budget amendment that would protect it. We keep the status quo of setting up budgets that do not protect Social Security like they want to protect. How phony can you get?

As a matter of fact, let me quote Washington columnist Charles Krauthammer, who has exposed twice the Clinton position, the administration's unconscionable human-shield strategy that they are protecting Social Security. In a column entitled, "Social Security Trust Fund Whopper," he writes:

> In my 17 years in Washington, this is the single most fraudulent argument I have heard. I don't mean politically fraudulent, which is routine in Washington and a judgment call anyway. I mean logically, demonstrably, mathematically fraudulent, a condition rare even in Washington, and a judgment call not at all.

Now, when the two Senators from North Dakota replied in print to his chart, Krauthammer went further and said this:

> Their response is even more fraudulent than their original argument. Conrad-Dorgan profess indignation with this 'pundit' who 'condones the use of the Social Security surpluses' for 'masking the size of the budget deficit.' Well, well. Where is their indignation with a President who does not just condone this practice but has carried it out three years in row? By their own logic, the President, who is of their own party, has looted the Social Security trust fund by $47 billion in 1993, another $56 billion in 1994, and plans to loot another $60 billion in 1995. Makes you wonder about the sincerity of their charge.

Mr. DORGAN. Will the Senator yield?

Mr. HATCH. If I had time, I would yield. Ordinarily, I would.

> Conrad-Dorgan's Social Security argument, writes Time magazine, is, to put it politely, "mendacious nonsense."

Now, that is Charles Krauthammer, who generally writes it the way he sees it. I have to say I see it that way, too. I really believe that those who claim they are arguing to protect Social Security are not protecting it at all.

This is the only balanced budget amendment that could pass. Being the only one that can pass, the fact of the matter is there is going to be no protection when it is voted down today, and this President is going to continue to put up budgets that literally do not protect it, either. To use the term of my distinguished friends from North Dakota, "will continue to loot Social Security." Yet, they voted for those budgets.

To me, there is something inconsistent here. The only chance in the world, the only chance in the history of this country to have an amendment that will put some fiscal discipline into the Constitution, and they are voting against it under the guise they are protecting Social Security, when, in fact, they make Social Security worse because they put off further doing anything about it. To me, that is absolutely amazing.

Mr. President, I yield a minute and a half to the distinguished Senator from Oklahoma.

Mr. NICKLES. Mr. President, I wish to compliment Senator HATCH from Utah for his leadership, as well as Senator CRAIG from Idaho for his leadership, as well as Senator SIMON, and most of all, Senator DOLE, for his leadership, because they strongly support passing a constitutional amendment to balance the budget, as the American people do.

Mr. President, I heard my distinguished colleague from West Virginia pull out the Constitution. I know he has great respect for the Constitution, as I do. A statement Thomas Jefferson made in 1798 I will quote:

> I wish it were possible to obtain a single amendment to our Constitution. I would be willing to depend on that alone for reduction of the administration of our government to the genuine principles of its Constitution. I mean an additional article taking from the Federal Government the power of borrowing.

Thomas Jefferson was right. He was right in 1789. It is the right thing to do today.

Also, Mr. President, I will read a letter from the Governor of Oklahoma, addressed to the President of the United States.

> DEAR MR. PRESIDENT: On Friday, May 31, at 4:59 p.m., the Legislature of the State of Oklahoma adjourned its 1996 session. Not once during that four-month session was there a moment of discussion about deficit spending. Not one penny was appropriated to pay interest on a state debt. No bill was passed that spent a cent in excess of actual state revenues—all because the Constitution of Oklahoma contains an amendment that requires a balanced budget.
>
> The Balanced Budget Amendment to the United States Constitution will be considered in the Senate this week. I urge you to follow the examples of 49 of our 50 states—including Oklahoma and Arkansas—and support this effort to import common sense from the states to Washington.
>
> Sincerely,
>
> FRANK KEATING.

Mr. NICKLES. Mr. President, we need to pass this amendment today. The House has passed it. The Senate came within one vote last year. We need to pass it this year. We need to pass it today and send it to the States for ratification.

Mr. HATCH. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Utah has 1 minute and 19 seconds.

Mr. HATCH. I yield to the distinguished Senator from North Carolina and then the balance of the time to the Senator from Idaho.

Mr. FAIRCLOTH. I repeat what has been heard many times here today. I believe this is the most important vote we are going to cast this entire year in Congress. I strongly support the constitutional amendment to a balanced budget. We need it to save the country.

Mr. President, $5 trillion of debt is too much.

Mr. President, I rise in strong support of the balanced budget amendment. Last March, as we debated this amendment, I noted the great importance of this issue.

I believe that this is more true today than it was last year.

Government spending has put the American people $5.1 trillion into debt. In this Chamber, we often speak about the national debt as the Federal Government debt, but, of course, this debt will be paid by the American people.

The American people—not the Federal Government—will work to pay the taxes that go toward these Treasury bonds. The American people—not the Federal Government—will manufacture products, raise crops, program computers, and do the millions of jobs that generate growth in our economy. So, although we are entrusted to spend the money that the American people work to earn, we continue to struggle to balance the Federal budget.

This Congress passed a balanced budget—the first legitimate balanced budget plan in a generation—but the President vetoed it.

This Congress made the tough choices, but the President exploited our good work for political advantage, and he demagoged the issues. Unfortunately, without the Amendment as an enforcement mechanism, I do not believe that a balanced budget will be passed and signed into law. It stops the posturing and the revolving votes and the other games that will bankrupt the next generations.

I am not eager to amend the Constitution. We have done so just 27 times in over two centuries. It is a serious matter. Senators are right to take pause before casting a vote to amend our Constitution. Unfortunately, however, I have concluded that this amendment is necessary. The national debt is just too large.

In the 1820's, President Andrew Jackson, a North Carolinian by birth, called the national debt "a curse to the republic" and "incompatible with real independence." In the early 19th century, however, the Federal Government was disciplined and successfully paid off the national debt.

That is no longer true today.

The specter of a $5.1 trillion national debt is apparently insufficient to force this Government to bring the budget into balance. Interest on the national debt, which we continue to wrack up, is the third largest component of the Federal budget. The average taxpayer will send $882 to the IRS in 1996 just to pay the interest on the national debt. Interest alone will consume 41 percent of the income taxes that the American people send to the Treasury.

If these facts do not shock us into support for a balanced budget—not rhetoric, Mr. President, but votes for a balanced budget—then we are forced to amend the Constitution. We owe it to the next generation.

The average child born today faces a lifetime tax burden of $187,000 just to pay the interest on the national debt. In effect, we hand a $187,000 bill to every newborn American along with his birth certificate. We do this because the President vetoed the first balanced budget in a some 20 years.

In this Chamber, we often speak about obligations to future generations, but we are imposing trillions of dollars of debt upon our children and grandchildren. How many of us look forward to explaining this to them?

How can we explain this to them? What will we say? Can we really tell them that it is fair to welcome them to the world with a $187,000 bill? All because we do not want to offend the groups that line up for a piece of the Federal pie.

President Clinton talks about deep cuts and draconian cuts. What cuts will our children make in their family budgets to pay off this $187,000 bill? All because the President will lose a campaign issue if we slow the rate of increase in Federal spending. Is that really too much to ask?

There are claims on the other side of the aisle of support for a balanced budget. However, the first balanced budget in a generation passed in this Chamber on November 18, 1995, with no Democrat votes, and it was vetoed by a Democrat President.

The Constitution, as we all know, was amended to permit the imposition of an income tax. I hope that few Senators consider the 16th Amendment amongst the more high-minded provisions of the Constitution. Mr. President, if we can amend the Constitution to increase taxes on the American people, I hope that we can amend it to ensure that their government spends their hard-earned money responsibly.

Thomas Jefferson first read the Constitution upon his return from France and recommended that the Constitution include limitations upon the powers of the Federal Government to borrow. Mr. President, if we do not impose a restraint on the power of this government to borrow, we will not balance the budget and ensure that it remains balanced.

Mr. CRAIG. Mr. President, let me thank the chairman of the Senate Judiciary Committee and senior Senator from Utah for the tremendous leadership he has played in this critical issue of a constitutional amendment requiring a balanced budget.

The record must show, Mr. President, and it must show it clearly, if Social Security is to remain solvent into the next decade and into the next century, the budget of the Federal Government must be balanced. The only security for Social Security is a Government that lives within its financial means. If our Federal Government goes bankrupt or if we demand of our citizens that they pay an 85 to 90 percent tax on their income, then Social Security and every other security program for people in our country is in jeopardy.

I am sorry the other side of the aisle does not get it, and they do not get it. We have heard one phony argument after another, that somehow balancing a Federal budget in one way or another damages Social Security. Yet, the very Social Security actuarials, the people who watch the programs, say if you want to save Social Security you balance the Federal budget.

Today, we have that opportunity as a U.S. Senate to secure for the future Social Security by allowing the American people—let me repeat, by allowing the American people—the right and the opportunity to vote on whether they want this Government to balance its budget by passing a balanced budget amendment to our Constitution.

Mr. President, I rise in support of the motion to reconsider House Joint Resolution 1, the balanced budget amendment to the Constitution.

LESSONS OF HISTORY VERSUS BLAMESMANSHIP

If the debate this week has shown anything, it is this: the case for the balanced budget amendment is compelling; there is not one good argument against it.

The worst thing you can say about the amendment is that maybe Congresses and Presidents will have the courage to do the right thing without it.

In reality, if the Constitution doesn't require balancing the budget, it just won't happen.

We've heard a lot of blamesmanship on this floor, disguised as history lessons.

Democrats blame the past debt on Reaganomics. Republicans blame 40 years of free-spending by Democrat Congresses.

But this debate isn't about the past. We can't change the past. This debate is about our future.

Our economic house is on fire. Instead of arguing over who has the matches in his pocket, let's put out the fire.

THE OUTLOOK IS GRIM—BUT THERE'S TIME TO ACT

The greatest threat facing our country is the mounting national debt that drags on our economy and threatens to destroy the American Dream for our children.

A new study by the Congressional Budget Office says that, if we do nothing:

> In less than two generations, the Federal debt and interest payments on that debt will consume, not the entire Federal budget, but the entire American economy.

Their words, not mine: The numbers are "not computable," meaning the "debt would exceed levels that the economy could reasonably support."

This is not a temporary problem, it is a Constitution-class crisis.

This is what the Constitution is all about: protecting the liberties of the people by putting limits on a power that the Government is too tempted to abuse.

The good news is that we still have time to act. That opportunity will not last forever. But if we act now, we can: create 6 million more jobs by the year 2002; make homes, education, and family necessities more affordable; provide greater security for our senior citizens; and raise our children's standard of living by a third.

The debt is the threat. The balanced budget amendment is the answer.

SOCIAL SECURITY

I understand Senator WYDEN will try to offer an alternative amendment later today which would exempt Social Security.

Several Senators are simply hiding behind this red herring. Former Senator Paul Tsongas, a Democrat, has said:

> It is embarrassing to be a Democrat and watch a Democratic President raise the scare tactics of Social Security.
>
> Those who vote to exclude Social Security are voting to kill the Balanced Budget Amendment. It is that simple, it is that clean, and should be stated.

Under every alternative proposed by Senators WYDEN, HOLLINGS, FEINSTEIN, REID, DORGAN, or DASCHLE, the Federal Treasury would continue to borrow the Social Security surplus. Why don't they tell us this?

Ask them. Ask them, Where will Social Security surpluses be invested under their plan?

Answer: They change the bookkeeping, not the borrowing.

The difference is, their alternative is more loophole than law; their alternative would allow unlimited deficit spending, as long as you call it Social Security.

That would mean more borrowing, more debt, and a bankrupt Social Security system.

Senior citizens understand the debt is the threat to Social Security. A bankrupt Federal Government will not be able to send out Social Security checks.

THE PRESIDENT AND THE FLIP-FLOPPERS

Last year, President Clinton twisted arms; he made phone calls; he sent cabinet secretaries to Capitol Hill; and he got six Senators to vote against their previous positions, their consciences, and their constituents.

Before then, this issue had always been bipartisan and should have stayed that way.

But President Clinton and the powerful, liberal, special interest groups realized that the 104th Congress really was ready to send this amendment to the States.

So I say, Mr. President, release your hostages. Let our colleagues go. Free the "BBA Six."

SEND THE BBA TO THE STATES—LET THE PEOPLE DECIDE

Balanced budget amendment opponents just don't trust the people.

Let's remember, Congress doesn't amend the Constitution.

We merely propose amendments that the States, that the people, decide whether to ratify.

We are saying, let the American people exercise their constitutional right to start the debate in earnest—a debate in every State capitol and every coffee shop over the very future of this country.

ACKNOWLEDGMENTS

As we move toward concluding this debate, I would like to thank and acknowledge the years of hard work and leadership by several of our colleagues in this effort including:

The President pro tempore, Senator THURMOND; the chairman of the Judiciary Committee, Senator HATCH; Senator HEFLIN on the Judiciary Committee; and the distinguished majority leader, Senator DOLE; and in the House, Congressmen CHARLIE STENHOLM and DAN SCHAEFER, with whom I have worked for years on this amendment.

I want to pay a special tribute to Senator PAUL SIMON. The Senate and the nation will suffer a great loss when he retires.

It has been said of Ronald Reagan, and I say it of PAUL SIMON, in an age when many are cynical about our political leaders, he is proof that a great man can also be a good man.

When we do eventually pass this amendment, it will be a monument to his years of leadership in putting principle above partisanship.

Let the debate go forward to the State capitals of this Nation. That is where this issue will go. Vote for this amendment. It is absolutely critical to our Nation.

Ms. MOSELEY-BRAUN. Mr. President, today the Senate is considering one of the most important measures that will come before it this Congress—the balanced budget amendment to the Constitution. As I have stated before, and can't emphasize enough, it is critically important that we address balancing the budget because that is the only way that we will be able to do anything about American priorities.

As reluctant as I am to tinker with the Constitution, I believe that the arguments for a balanced budget amendment are compelling. We owe it to our children—and their children—to get our fiscal house in order. If we fail to do so, our legacy to future generations will be one of greater problems and diminished opportunities.

Passing a balanced budget amendment will not prevent the Government from acting to help address problems, and working to help create expanded opportunity for Americans. And defeating a balanced budget amendment will not guarantee the Federal Government's ability to act on behalf of the interests of the American people. The truth is that, whether a balanced budget amendment becomes part of our Constitution or not, the only way to preserve Government's ability to act is to face our underlying budget problems—honestly and directly—and to solve them.

If we do nothing, the Government's ability to act to address issues important to the American people will continue to be eroded. Only by balancing the budget will we be able to reclaim the Government's ability to make important investments in our communities, such as fixing crumbling schools, investing in mass transit, providing pension security, and ensuring that our airways are safe.

Since 1980, we have added more than $4 trillion to the national debt. If we do not eliminate our run-away deficit spending, we will not be able to ensure that future generations have the same opportunities we enjoyed. We will not be able to ensure that our children and our children's children will be able to achieve the American dream.

As I learned through my work on the Entitlement Commission, unless we get the deficit under control, by the year 2003, mandatory spending—entitlement, plus interest on the national debt—will account for fully 72 percent of the total Federal budget. These few program areas already consume almost two-thirds of Federal resources. If we don't act now, if we wait until the country is on the brink of financial ruin, we will have totally failed to meet our obligation to the American people and to our country—and our children will pay the price for our failure.

For example, current recipients of Social Security and those of us in the baby boom generation who will be collecting checks in the not so distant future, have an absolute expectation that Social Security will provide for our retirement. Social Security, thus far, has been a wonderful success, but that success is in danger. In a report released June 5, 1996, the Social Security and Medicare boards of trustees stated that, by the year 2012, the Social Security trust fund will begin spending more than it takes in. And by the year 2029, the Trust Fund will have exhausted all of its resources. And even the current Social Security surpluses will not stave off the coming fiscal crisis for many more years. To meet Social Security's obligations after 2012, the Federal Government will come up with more cash by raising taxes, making cuts in other parts of the budget, or issuing more debt. Right now, we are using Social Security surpluses to mask the deficits. After 2012, when there are no more surpluses, Federal deficits will really begin to explode, an explosion fueled by the looming retirement of the baby boom generation. The balanced budget constitutional amendment will not solve these problems, but it will make it much more likely that we face them while there is still time.

Making the balanced budget amendment part of our Constitution is a demonstration that we are willing to face our long-term fiscal problems, and that we are prepared to act. The amendment will impose on Congress the fiscal discipline to do what should have been done years ago. If we don't act now to stop our run-away deficit spending, there will be nothing left for education, for infrastructure, or even for national defense.

We have an obligation to the American people to discharge our debts and not leave them with daunting burdens that should have been addressed years ago. We need to make the balanced budget amendment part of the U.S. Constitution.

Mr. KERRY. Mr. President, we have had this debate before. But more than talking about someday in the future balancing the budget we should be balancing is now.

Since the last debate, we have had ample opportunity to balance the budget—not just attach our names to a constitutional amendment which does nothing to get us to balance. We are here arguing about the requirement rather than doing the hard work necessary to succeed in that effort.

Mr. President, every Member of this body has voted for one plan or another to balance the Federal budget by the year 2002. We have all done that, Mr. President.

Last year, I voted for the Conrad budget and this year, I voted for the President's budget. Both plans brought us to balance by the year 2002.

This amendment will not force differing parties to come together—the parties must do that themselves with the same energy with which they debate this issue.

Over the past year, I have weighed this issue carefully—I have reexamined my opposition to this constitutional amendment as drafted and reviewed all the arguments in this debate. I have read and re-read historic documents, analyzed committee hearings and the report language, and carefully assessed the impact of this amendment on Massachusetts and the country as a whole.

And, Mr. President, after this review, I arrive at the same conclusion—we do not need this amendment as drafted to balance the budget. Everything in this debate must be viewed with that truth in mind. We do not need this amendment to the constitution. It is superfluous. And passing it will not magically balance the budget.

The proponents of this amendment have said in the Chamber time and again that by constitutionalizing the fiscal principle of a balanced budget, a new moral power will overcome members of Congress. To quote the committee report on this subject: "The Committee expects fidelity to the constitution, as does the American public."

Needless to say, there is an extraordinary statement of pathetic admission in this glorification of a new moral authority.

Here are elected officials, already sworn to defend the Constitution which means defending the general welfare of the nation; already granted, at the highest level of Government, major responsibility to carry out the public trust. We are individually already on record in town meeting after town meeting—in editorial board after editorial board—in campaign promise after campaign promise—in support of a balanced budget.

And yet, here we are, being told that words on a piece of paper will somehow provide the moral force to accomplish what nothing but the lack of personal moral commitment prevents them from doing today, right now.

Tragically, Mr. President, this amendment as drafted is neither fair nor neutral. It has been drafted in a way as to create an amendment with an agenda.

This amendment goes well beyond fiscal responsibility and constitutionalizes the politics of the moment—the immediate political agenda of the current majority—in a way that may ultimately do violence to the genius of our Constitution and our form of democracy.

When the veneer is stripped from this amendment, we see a deeply troubling political motive that goes well beyond just balancing the budget—which, by definition, cannot be the only reason for this amendment since the proponents already have the authority to balance the budget today. They can do it today. And we have voted on plan after plan to bring the budget to balance.

Mr. President, this amendment goes further than balancing the budget—it goes to the heart of our democratic process.

It carries with it a fundamental shift in the exercise of decisionmaking in America.

Those who are using this amendment as a weapon in an ideological war do not want the votes of those who think differently to count as much as theirs. It's that simple.

If there is a possibility you may ever reach a different conclusion than they have, they want to make certain that your vote will not count equally by requiring that you must find a super-majority to fight back.

This is wrong, Mr. President, it is undemocratic, and fundamentally revolutionary in the worst sense of the word.

But, Mr. President, that is not all that is wrong with this amendment as drafted—though it would certainly seem to be enough.

This amendment as drafted will encourage budget gimmickry. It invites the worst type of cynicism. The experience of States with balanced budget requirements only bears this out. The proponents of this amendment have argued that the experience of States with balanced budget requirements makes a constitutional amendment obvious—but realities in budgeting demonstrate the exact opposite to be true.

I take to heart the testimony of the former comptroller of one State: Edward Regan of New York told the Congress that many States with balanced budget requirements achieve compliance only with "dubious practices and financial gimmicks." These gimmicks include shifting expenditures to off-budget accounts or the financing of certain functions to so-called independent agencies. These States have been creative with tricks and ploys to mask their deficits.

My distinguished colleague from Vermont, Senator LEAHY, has illustrated some of the shenanigans in his lucid critique of this amendment—he talks of States using "accelerated revenue receipts such as tax payments, postponing payments to localities and school district suppliers, delaying refunds to taxpayers and salary and expense payments to employees until the next fiscal year, deferring contributions to pension funds or forcing changes in actuarial assumptions, and selling States' assets." And this amendment does nothing to stop the Federal Government from employing the same tactics and dozens of others.

Mr. President, consider the effects of these gimmicks on the people in this country. Postponing payments? Withholding funding for schools? Delaying refunds to taxpayers? Deferring pension contributions? Selling our national assets?

That will be the result of this amendment, Mr. President.

I oppose this gimmick. And I do so principally because I have come to believe this is an ill-advised attempt to memorialize, in the fundamental governing document of this democracy, budget gimmicks and one political party's fiscal agenda.

This amendment as drafted, Mr. President, is political dogma disguised as economic policy. It is the continuation of an ongoing effort to demonize national interests by demonizing those who promote any kind of national programs to protect the American concept of community.

The gimmicks engendered by this amendment will assist the victory of stagnant partisan politics over sound public policy, doing what's smart politically rather than what's good for the American people.

The budget process of the U.S. Congress already gives us the means to balance the budget. The Constitution already gives us the authority. We have all voted on plans to balance the budget by the year 2002. Let us get on with negotiating a plan that works for the American people—bring this budget into balance and protect services the American people depend upon.

I stand in strong support of a balanced budget, Mr. President and have voted for balanced budget plans, but I am still opposed to amending our statement of rights, our Constitution, with this particular resolution.

If the majority wants a balanced budget, as I and other Democrats do, we should spend our time balancing the budget. It's axiomatic. It is simple. It is time.

I yield the floor.

Mr. HATFIELD. Mr. President, on February 8, 1995, I addressed the Senate regarding my views on a constitutional amendment that would require a balanced Federal budget. I stated at that time that I was opposed to an amendment to do something that can be done without a change to the Constitution. My position on this matter, some 13 months later, has not changed.

However, I would like to take a few moments to point out some things that have changed over the past 13 months. The first is that the 104th Congress, with a majority of Republicans in each Chamber, voted and passed legislation which would have balanced the budget by 2002. That legislation contained painful decisions for all Members—Democrats and Republicans. But in the end, Congress was able to do something that few people thought was politically possible, it passed a balanced budget. I think it is important to note that the success in the Senate and House of this effort was due in large part to the outstanding leadership of Majority Leader DOLE, and Speaker GINGRICH, as well as Senator DOMENICI and Congressman KASICH as the chairmen of the respective Senate and House Budget Committees.

Despite the achievements by the Congress to pass legislation which would have lead to a balanced budget by 2002, this bill was vetoed by the President. That does not mean that the Congress failed to make headway toward the goal of balancing the budget during the 104th Congress. I would like to note that one committee, the Appropriations Committee, was able to cut $23 billion in discretionary spending this year. As members of the Appropriations Committee in the House and the Senate know, that process was not a pretty picture. I liken it to major surgery without the benefit of anesthetics. I am happy to report that the Appropriations Committee is ready to do its part again this year.

As I have stated here on the floor of the Senate many times before, we should not, we cannot, and we will not balance the budget of the Federal Government solely on the back of nondefense discretionary spending accounts. I do not wish to slip into Washington language so I will explain what nondefense discretionary accounts actually are. Education funds are discretionary, environmental programs fall under discretionary spending, crime prevention programs come from discretionary accounts, and medical research falls under the discretionary umbrella. Do not forget agriculture programs, the State Department, housing programs, NASA, and many other programs which touch each of our lives every single day. By excluding military spending, entitlements and mandatory spending from our calculation to balance the budget—each one of these programs must bear the brunt of any reduction in spending.

Entitlement programs such as Social Security, Medicare, and Medicaid are important and vital programs—but they should not be held above everything else that the Federal Government invests in. There have even been calls by some to take a $348 billion program off the negotiating table as the key to passage of a version of a constitutional balanced budget amendment; $348 billion represented 22 percent of all Federal outlays in 1996. Compare that 22-percent program to the 17 percent of the Federal budget that represents all nondefense discretionary spending. Is it realistic to take 22 percent of the budget off the table in trying to balance the Federal budget? I do not believe it is realistic. All Federal spending should be on the table, even if it is an entitlement program—and even if that program is Social Security.

Mr. President, I support balancing the Federal budget, and I will do all that I can as the chairman of the Appropriations Committee during my last year in the Senate to see that it is done. What I cannot do is support a constitutional promise to the people of this country that its elected representatives will balance the Federal budget. Congress and the President can and should, with the support of the public, balance our budget.

Mr. LEVIN. Mr. President, I support balancing the budget. That is why I supported the President's deficit reduction package in the last Congress, which has already cut the deficit in half—reducing it for 4 consecutive years for the first time since World War II. That's why I've have voted for five specific balanced budget proposals in this Congress.

But while I will continue to stand up for real deficit reduction, I am not prepared to write into the Constitution language that is more likely to lead to disillusionment and constitutional crisis than to a balanced budget.

The proposed amendment, despite its title, would not balance the budget—it would just say that a future Congress has to pass a law to enforce a balanced budget. Why wait?

The only real way to balance the budget is to make the tough choices. Most of us have voted for budgets which balance in the next 6 years. The argument is about how to balance the budget. We should be working toward an agreement that would complete the job and balance the budget. Unless and until we make those tough choices and bridge the remaining gap, settle the disagreement over the Nation's priorities, we will not have a balanced budget, whether or not we pass the proposed constitutional amendment.

In this Congress, both Democrats and Republicans have put proposals on the table which, as certified by the nonpartisan Congressional Budget Office [CBO], would result in a balanced budget by the year 2002. A bipartisan coalition has put its own budget plan on the table, also certified by CBO to achieve a balance within 7 years. We won't get to a balanced budget now by walking away from the table and voting instead on a constitutional amendment. That's a dodge which allows some to say we are cured before we have taken the rest of the medicine.

In May 1992, Robert Reischauer, then Director of the CBO, testified before the House Budget Committee that a balanced budget amendment is not a solution, it is "only a repetition in an even louder voice of an intention that has been stated over and over again during the course of the last 50 years." Dr. Reischauer stated:

> It would be a cruel hoax to suggest to the American public that one more procedural promise in the form of a constitutional amendment is going to get the job done. The deficit cannot be brought down without making painful decisions. . . A balanced budget amendment in and of itself will neither produce a plan nor allocate responsibility for producing one.

Dr. Reischauer further stated:

> Without credible legislation for the transition that embodies an effective mechanism for enforcement, government borrowing is not going to be cut. But the transitional legislation and the enforcement mechanism are 95 percent of the battle. If we could get agreement on those, we would not need a constitutional amendment.

The public understands this. They know the difference between promises and action. And, that is why when the Senate considered this same constitutional amendment last year, I offered an amendment to require enactment of legislation to enforce the provisions of the Constitutional amendment before it went to the States for ratification. My amendment was tabled 62 to 38.

Let me tell you what some of the commentators have said about the balanced budget amendment back in my home State. Here is what the Detroit Free Press said when we debated the issue last January:

> You wouldn't take seriously any politician who promised to be faithful to his spouse, beginning in 2002, so why do so many people take seriously the proposed balanced-budget amendment?
>
> It's the same kind of empty promise to be good—not now, but later. Putting it in the Constitution isn't likely to confer on Congress the spine or the wisdom to fulfill it.
>
> . . . [T]he way to cut the budget is to cut the budget, not to promise to do it sometime in the future. . . . Gluing a balanced budget amendment onto the Constitution only postpones the moment of truth.

And here is what the Battle Creek Enquirer said, also last January:

> If a balanced budget is such a good idea, we say to Congress: Just do it!" After all, waiting until a constitutional amendment mandates it will just delay a balanced budget—perhaps by years.
>
> This Congress isn't likely to give the nation a balanced budget, that's for certain. But, by touting the need for this amendment, it sure can talk like a Congress that already has. . . [I]t's all an illusion.

"Just do it!" That's what the American people want. They know the difference between promises and action. A constitutional amendment can promise a balanced budget, but it cannot deliver a balanced budget. Only concrete action by the Congress and the President can do that.

Mr. President, I am also deeply troubled by the fact that this amendment, as written, would put the Social Security trust fund at risk. Time after time, my colleagues on the other side of the aisle have rejected amendments to protect the Social Security trust fund. Consequently, if we enact this amendment, we will continue running deficits of at least $120 billion a year for more than a decade, and will conceal these deficits by using the surplus in the Social Security trust fund.

The money in that trust fund should be exactly that—in trust. I cannot vote for a constitutional amendment which allows the use of trust fund money to cover up huge deficit spending. That's simply wrong.

In conclusion, Mr. President, the proposed amendment provides an excuse for Congress not to act now to reduce the deficit and it doesn't force congressional action later either. It lets us off the hook now, and there is no hook later. There is only one way to balance the budget—now or in 2002—and that is with the willpower to make the hard choices. Let's get back to work.

Ms. SNOWE. Mr. President, I rise once again in strong support of the measure that will soon be before us: a balanced budget amendment to the Constitution of the United States. No issue is more critical to the economic future of our Nation—and the economic future of our children and grandchildren—than that of balancing the budget.

John F. Kennedy once said, "It is the task of every generation to build a road for the next generation." Well, Mr. President, the road we are building for the next generation is laden with the cavernous potholes of deficits and debt that threaten to swallow up our children's future prosperity. And if we fail to take the bold steps necessary to halt our reckless and irresponsible pattern of deficit spending, the road we pass on to the next generation will be nothing more than a dead end.

But, Mr. President, we have an opportunity today to alter the construction of that "road to nowhere" * * * and to begin to build a smooth, safe road for our children and grandchildren that will lead them into a bright future of economic security and prosperity that so many of our generation have enjoyed.

Today marks yet another historic opportunity for the U.S. Senate and for the American people. Some of us have been working for more than a dozen years for a balanced budget amendment—while others have joined the fight more recently. As a Member of the House of Representatives, I dedicated myself to passing a balanced budget amendment. Beginning in 1981, I was one of four original cosponsors of legislation calling for a balanced budget amendment—and I have cosponsored four similar measures since that time—including the resolution we are discussing today.

In the 103d Congress, I was once again one of four bipartisan sponsors of the amendment in the House, and we worked with my friend, the distinguished Senator from Illinois—Senator SIMON—to overcome institutional opposition to the balanced budget amendment. Notwithstanding the opposition of the House leadership in the 103d Congress, we nearly reached the requisite two-thirds needed for passage, only to have our hopes dashed when the Speaker of the House and Democratic leaders whipped their members into line—and urged even some Democrat cosponsors to change their votes on the bill.

Well, early in this Congress, a similar event undercut the balanced budget amendment here in the U.S. Senate. Democratic opponents—led by the President—argued that the balanced budget amendment was nothing more than a gimmick. They said balancing the budget requires nothing more than accounting sleights-of-hand. But as I have stated in the past, if the balanced budget amendment were a gimmick, Congress would have passed it long ago—because Congress loves gimmicks.

Ultimately, the President and his fellow opponents succeeded in rejecting the will of 80 percent of the American people who support this amendment and defeated it by a single vote—a single vote that could have been provided by any one of the six Democratic Members that had switched their vote from the previous year.

Fortunately, our distinguished majority leader, Senator DOLE, gave us the opportunity to revisit that shortsighted political decision by changing his vote and vowing that these six Members and other opponents would have the opportunity to reconsider their vote later in the 104th Congress. That opportunity is now upon us, and I would hope that these Members would—in the words of the majority leader prior to the last vote on this amendment—repent and vote to give the decision to enact this amendment to the citizens of their States.

Mr. President, the Senate cannot allow the opportunity to complete the first leg of this journey to pass us by. We cannot allow arrogance to triumph over the will of the American people.

This is a rare opportunity to do what is right: To set a path for a balanced Federal budget amidst a rare common purpose. The American people have asked to give them the power to decide if such an amendment is in their best interests—and I believe the Congress has the obligation to do just that.

The action we take today will not alter the Constitution this week, this month, or even this year. Rather, our adoption of this resolution will simply allow the States to take up this proposal in the years ahead and—if those who sent us to this body also deem the balanced budget amendment worthy—only then will our Constitution be changed.

To be sure, we have tried to meet the challenge of a balanced Federal budget through other measures short of an amendment. Mr. President, they have not worked . . . they will not work.

Congress has repeatedly tried to balance the budget through statutory remedies. Each of these efforts—the 1978 Revenue Act, the 1978 Byrd amendment, the Humphrey-Hawkins Act of 1978, Gramm-Rudman-Hollings I, Gramm-Rudman-Hollings II, and the 1990 agreement following the budget summit—ended in failure.

And, Mr. President, my confidence in the wisdom of the balanced budget amendment has only been increased in light of our most recent effort to balance the budget statutorily.

As you will recall, the Republicans moved forward in presenting a bold plan to balance the budget despite the narrow defeat of the balanced budget amendment last year. Following 10 months of wrenching work and tough decisionmaking by the Republican majority, President Clinton—amidst immense demagoguery and obfuscation of the facts—ultimately vetoed our carefully crafted budget plan that would have set our fiscal ship aright. This veto came from the same President who sat out the fight during those 10 months and did nothing to move the process of balancing the budget forward.

In fact, President Clinton chose instead to first offer a budget that promised deficits in excess of $200 billion per year as far as the eye could see. Several months later, when he realized the political wind was shifting and the tide was turning in favor of a balanced budget, he pointed his boat in the direction of the wind, put up the spinnaker, and claimed that he too could balance the budget—but it would take 10 years.

Well, not only did that plan prove to be nothing but a sham that produced annual deficits of $200 billion, but it also demonstrated President Clinton's willingness to renege on a campaign promise that he made exactly 4 years ago: His commitment to offer a plan to balance the budget in 5 years. Of course, since he took office, the President has had considerable difficulty deciding how long it would take to balance the budget. First it was 5 years, then 10 years, then 7 years, then 8 years, then 9 years. And today—as a result of the vacuum of Presidential leadership on this critical issue—we still have no balanced budget agreement.

To make a long story short, the President's charade of offering balanced budget plans that did nothing but exacerbate our problems in coming years continued through all of 1995, until he finally crafted a plan that reached paper balance on January 6 of this year. The budget negotiations between the President and congressional leaders that had been undertaken at that time ultimately collapsed in late January, and we are once again faced with the daunting task of crafting a plan to balance the budget on our own with no sign of compromise from the President.

In fact, rather than come forward with a plan that would demonstrate his willingness to reach consensus and provide a real path to balance, the President's fiscal year 1997 budget continued to rely on gimmicks such as the backloading of fully 60 percent of his spending cuts in the final 2 years of his plan.

And then, less than 2 months ago, CBO told us that the President's budget did not reach balance on its own, and was in fact $81 billion out of balance in the year 2002. CBO further stated that the President would not only have to turn off his tax cuts in the year 2001 to reach balance, but discretionary spending—which is used to fund programs that many consider to be vital to our shared commitments to education and the environment—would also need to be cut by an additional $68 billion in the years 2001 and 2002 alone.

Regrettably, the President has refused to budge from his insistence on using gimmicks and budgetary sleights-of-hand to reach balance—and his latest budget proposal made no meaningful strides toward gaining bipartisan support. In light of these events, I believe we can all agree that any hope for a balanced budget agreement prior to the November election now seems unthinkable.

If we learned nothing else from the acrimonious debate on the budget of the past year and a half, it is that absent a force greater than politics, our ability to agree on a plan to balance the budget will always be held hostage to other short-term considerations. However, the enactment of the balanced budget amendment will force the Federal Government to live within its means because it will compel us to reach agreement. A balanced budget would no longer be an option, it would be an imperative. The President and the Congress would be forced to compromise or be held accountable for reneging on their sworn commitment to uphold the Constitution.

Mr. President, if we pass the balanced budget amendment, our government will be forced to break its addiction to deficit spending. The full weight and measure of the Constitution will force us to live within our means. We will no longer be able to borrow against our children's future. And we will be required to set priorities among our programs.

For 8 years, my husband served as Governor of Maine. During that time, I used to tell him that traveling between Washington and Maine was like going from fiscal fantasyland to fiscal reality for me. Because, like the Governors of 47 other States, he was required to balance the State's budget no matter what the economic conditions, or how much money they were short. That meant wrenching decisions, to be sure, but with discipline those decisions were possible.

If accountability and discipline work at the State level, we can and should make it work at the Federal level as well. Congress should be able to confront the economic realities and challenges that 48 States—and every American family—are forced to confront every day.

Mr. President, our national debt places a crippling burden on hard-working families in Maine and across our great land. The Concord Coalition compiled an analysis that suggests that without the deficit, our productivity would be much higher, and that the average American family income would be $50,000, instead of the current $35,000 a year.

How many children, I wonder, go without a proper education because of that missing $15,000? How many couples or single parents forgo proper, safe, child care because of these numbers? Is this what has become of the American dream when, by ignoring the deficit, we deny American families the opportunity to prosper financially, or even to survive economically?

Mr. President, our constituents deserve—and need—to reap the windfall of a balanced budget.

Perhaps the most devastating and alarming impact the deficit has had on our economy is its effect on economic growth and job creation. The New York Federal Reserve Bank says that from 1979 to 1989, we lost 5 percent growth in GNP and in national income because of a drop in savings caused by the deficit. According to the CBO, every percentage point lost in GNP means 650,000 jobs lost in this country. That is a devastating concept: On that basis, the deficit in those years resulted in the loss of roughly 3.75 million jobs.

Ironically, opposition to the balanced budget amendment is once again coming from a President whose failed fiscal policies resulted in a growth in real GDP of only 1.4 percent in 1995. Contrary to what the administration would have us believe, this is the weakest economic recovery in 28 years. In fact, job growth following the most recent recession is half of what is typical in a normal recovery.

The present recovery has yielded total growth of only 12.2 percent, while identical periods of recovery following the recessions of 1982 and 1975 were 22.6 percent, and 32 percent respectively.

Balancing the budget—while not a silver bullet—would have a tremendous positive ripple effect across the economy: It has been estimated that balancing the budget would not only lead to growth in real GDP of 0.5 percent or more, but would also yield a drop in long-term interest rates of between 2.5 and 4 percent over the next 7 years.

This is remarkable, because even a 2-percent decline in interest rates would create an additional 2.5 million jobs, according to the Joint Economic Committee. In human terms, that means that Americans would pay less on their home mortgages, car loans, and student loans for college. When you stop to think about it, the last time we saw interest rates that low, General Eisenhower became President Eisenhower.

And while balancing the budget would result in immediate economic benefits, even more compelling reasons can be found in what will happen to our economy in the future if we fail to balance the budget. As Herb Stein of the AEI notes, "The problem isn't the deficit we have now, it's the deficits we will have in the next century." You know the numbers:

Under current economic policies, our debt—which has grown from $1 trillion in 1980 to more than $4.9 trillion today—will reach $6.4 trillion by the year 2002. And according to estimates from the President's own Office of Management and Budget, the deficit will double in 15 years, then double again every 5 years thereafter. And by the year 2025, OMB estimates that the deficit in that year alone will be $2 trillion. OMB also forecasts that if we continue our current spending spree, future generations will suffer an 82-percent tax rate and a 50-percent reduction in benefits in order to pay the bills we are leaving them today.

As my colleague, the distinguished Senator from New Mexico [Mr. DOMENICI] has emphasized in the past, our national debt represents the most unfair tax ever imposed.

The balanced budget amendment demands that we evaluate every one of our programs. It compels us to ask these important questions about every government program:

Does it fit within our priorities? Can we afford it? Will it help the American people?

And, the balanced budget amendment will force those of us in Congress to ask ourselves the fundamental question: Can we do our job better?

Mr. President, the answer is yes—we can do our job better. And we must do it better. We have skirted the issue of the balanced budget for years now. We cannot continue to pass this onerous debt on to our children and grandchildren. We can no longer squander their future.

I believe that we must also lead by living by the standards that every American must uphold in their daily lives. The American people have learned to live within their means. They balance their checkbooks each month, and adjust their spending as their income changes. We must do the same.

Passage of the balanced budget amendment will restore accountability to the Federal budget process, and force our government to live within its means as well.

How much proof of the devastating impact of this deficit do we need? How much debt is finally enough? And how much longer do we have to wait for Congress to have the will and the courage to act?

Now is the time to pass the amendment, Mr. President. Recent events have proven that even with the passage of a balanced budget plan by a majority of Congress, months of negotiations between the President and Congress, and countless calls for compromise by the general public, the adoption of a balanced budget can still be thwarted by a force the average American has grown tired of: the force of politics. The passage of a constitutional amendment will change all that. We cannot afford to squander this opportunity yet again.

Thank you very much, Mr. President. I yield the floor.

Mr. LIEBERMAN. Mr. President, I intend to vote against House Joint Resolution 1, a joint resolution proposing a balanced budget amendment to the Constitution of the United States. At the same time, I want to make it clear that not only do I support balancing the budget, I have devoted a good deal of my time in the Senate toward achieving that goal.

Most recently, I worked with a bipartisan group of Senators to develop a bipartisan balanced budget package. We spent over 6 months putting together a package which set reasonable discretionary spending limits, began the process of entitlement reform, and contained a reasonable set of tax initiatives. I was, and continue to be, proud of these efforts. And while we did not win the vote on this package, I am delighted to note that we came pretty close in a 46 to 53 vote, with 24 Democrats and 22 Republicans voting for what has come to be known as the Centrist Coalition plan.

I found this vote heartening and I think it speaks well for the future of balancing the budget. Because if there is one thing we are all coming to realize, it is that one political party is not going to be able to do it alone.

Rather than heading down the path of amending our Constitution to say we want to balance the budget someday, I hope that Members of this body will consider redoubling our bipartisan efforts to actually balance the budget. It seems to me that we are very close to agreeing on a 7-year balanced budget plan, this year, in this Congress. We ought not to distract from that goal which is tantalizingly within our reach. I hope my colleagues will agree with me and join in a here and now attempt to balance the budget by supporting the budget which has been put forward by the Centrist Coalition.

Mr. BIDEN. Mr. President, more than a decade ago, when budget deficits were first becoming a way of life around here, I proposed a constitutional amendment to require a balanced budget. Since then I have voted for several other versions of a balanced budget amendment, including the one before us today.

This is not a commitment I have undertaken lightly. This is the ultimate step we can take to safeguard future generations from irresponsible budget policies. On those grounds, I believe that making deficit finance a more difficult decision is an appropriate issue for consideration as part of our country's fundamental law.

But the practical reasons for this amendment are also compelling. The threat to the future of our country, and the damage that accumulating deficits are doing right now, are sufficiently serious to warrant this ultimate step.

The effects of mounting debt and deficits on the future of our country will be profound. Right now, the Federal debt held by the public—the accumulation of our annual deficits—totals more than $3.6 trillion. This year the interest we will pay on our accumulated borrowing will be $240 billion.

By the year 2002, the target year for balancing the budget under the amendment before us, interest alone will total $311 billion, and will cost us more than we will spend on the total defense budget, more than we will spend on every domestic function of government, from fighting crime to building roads.

Accumulating debt at this pace is simply unsustainable—it will radically reduce the choices that future Congresses, representing future generations of Americans, can make. By continuing to accumulate debt, we are forging chains that will bind those who follow us. We are buying a little extra time to avoid those hard choices by dumping them into the future.

At the same time, because concern for the deficit is driving so much of our thinking right now, we are shortchanging the kinds of programs that may provide long-term payoffs, that could make us all better off in the future, but that are increasingly squeezed out of the budget.

Just look what is happening to our investments in education, in research, in cleaner air and water, in safer working conditions. These represent our legacy to the future; they will determine—for better or for worse—the kind of country we pass along to our children and grandchildren.

But in the current budget climate, we are slighting these priorities in the race to find short-term savings.

Mr. President, I have watched for years as accumulating deficits have changed the face of our budget process. I have watched the policies that provide essential support for those who need it the most. They include my parents' generation, who won a war for us, and built the greatest economy in the world. We have made moral commitments to them, commitments I came to Washington to keep.

And our children—the future of our country—will be shortchanged by budget policies that cut investments in education, research, health care.

Mr. President, there is much merit in the argument that we should return more authority and responsibility to State and local governments, that we should return the power to make decisions and the resources to carry them out to the neighborhoods and communities that know their problems best.

But we cannot lose sight of the reasons that led our Founding Fathers to establish a national government—the kinds of issues that cut across city and county lines, that cut across State and regional boundaries, issues that affect us all as Americans.

Unfortunately, it is also those priorities that are now under attack in our deficit-driven budget process.

I am talking about the air and water pollution that drifts and flows over State lines. I am talking about the safety of food and drugs sold by national and multinational corporations. I am talking about the safety and reliability of our rail and airline systems.

All of these essential functions of our national Government have been under severe spending restrictions—virtually a spending freeze—since 1990. Under the current budgets of both the administration and the Republican majority in Congress, these priorities will continue under tight restraints.

Now, Mr. President, over a decade ago I proposed, along with Senators KASSEBAUM and GRASSLEY, a freeze on all spending programs, to provide some breathing space for us reconsider the course we were on.

Well, of course we did not impose that freeze, and for almost a decade we did not undertake a fundamental change in our budgets—and the results are all too clear.

But 3 years ago, Mr. President, we took the first steps toward restoring some balance to our national finances. We passed a $500 billion deficit reduction package that has produced 4 straight years of deficit reduction for the first time since the end of World War II.

Unlike so many of the promises made here in Washington, Mr. President, the benefits of that plan were even greater than advertised. Because of the lower interest rates that serious deficit reduction permitted, the economy has grown fast enough to reduce the deficit to the tune of $846 billion less than it would have been.

That's right, Mr. President, our national debt would be $846 billion higher if we had listened to those voices who tried to scare us out of taking the first real steps to bring the deficit under control.

That experience might have been encouraging—we could accomplish real, significant deficit reduction and be rewarded with lower interest rates and stronger economic growth. But instead, the political response to that success has been a ceaseless stream of recriminations for those of us who voted for that historic budget plan.

So in many ways we are worse off than before, Mr. President. The lesson many will take away from recent budget debates is that the tough choices to reduce the deficit will get you little credit and a lot of blame.

And as is increasingly the case, we see that the goal of a balanced budget—years out there, over the horizon—seems dim and vague compared to promises to throw tens of billions of dollars on exotic weapons systems, or on continued corporate welfare, or tax breaks for a wealthy few.

That is why I am still convinced that we must take the final step to close the door on the era of uncontrolled deficit spending. We must send the balanced budget amendment to the States—to the people of the United States—for their approval.

Without this additional constraint on our budget process, I am afraid that we will find the old ways of doing business too easy, too attractive, to give up.

It is my belief that only when we have asserted control over our budget once again will we be able to conduct a meaningful debate on our real national priorities. Until then, the short-term, bottom line calculations will continue to drive the budget process.

Mr. President, that if we had taken control over the budget before, if we had found the discipline to make the tough choices, we would not have seen the erosion in support for those priorities that led me into public life. I want to restore balance to our Nation's finances, Mr. President, but just as importantly, I want to restore some balance to our priorities.

Mrs. MURRAY. Mr. President, earlier today, I voted against House Joint Resolution 1, the so-called balanced budget amendment. Like last year, this amendment was defeated. And, once again, I want to take a minute to tell my colleagues why I voted the way I did.

Mr. President, this amendment is nothing more than a feel-good political gimmick. The balanced budget amendment makes for a good political sound bite. But, when looked at closely, one can see this amendment would have serious economic ramifications, tie the hands of our children and trivialize our Nation's constitution.

I am disappointed—but not completely surprised—the Senate decided to vote on this amendment during the height of the Presidential campaign season. We should not use the Nation's fiscal policies to create divides between our two parties. Rather, we should be working together to come to agreement on a common-sense balanced-budget plan that reflects American values—the belief we should care for our elderly, educate our children and preserve our quality of life.

We have made great progress this past year. The difference between our two parties has narrowed greatly. Everyone agrees we need to balance this Nation's budget, and we are closer than ever to reaching a budget compromise.

In fact, just 2 weeks ago, the so-called centrist balanced budget plan came within five votes of passing on this floor. And while I did not like every part of it, I supported it because it was the most credible attempt yet to actually reach a final compromise and get the job done.

Mr. President, we simply need to stay focused. We must remember a balanced budget constitutional amendment will not get the job done for us—political courage and tough decisions are the only things that will balance the budget.

Let's not forget the progress we have made these past 3 years. Since 1993, we have cut the deficit in half, and the Congressional Budget Office estimates this year's deficit will be as low as $130 billion. That's nothing to cheer about, but it's progress. And it's proof the President's 1993 deficit reduction plan has worked. And I am proud to say I voted for that plan.

So, Mr. President, we know we can balance the budget without tying our children's hands in the future. This amendment will make it impossible for future generations to determine our country's spending and revenue priorities. We will do that for them. They will be forced to live within tight spending constraints and they will be paying much higher taxes than we pay today.

And proponents of this amendment fail to explain that it will make it much more difficult for our country to deal with recessions. Like any good business, the government must invest today in order to succeed tomorrow. During recessions, the Government's revenue stream decreases and its need to provide unemployment insurance increases. In order to curtail a recession and energize the economy, the Government must invest in capital and its people. Quite simply, the balanced budget amendment will stifle the Nation's ability to correct economic downturns.

And let's not forget the Government oftentimes is needed to help States and local communities deal with the damage that results from natural disasters. Just last winter, my home State suffered severe flooding. The floods caused millions of dollars worth of damage and upset the local economy. The Federal Government helped Washington State residents cope with this disaster by pitching in $74.5 million. This is an important role the Federal Government must play. But, the balanced budget amendment would make this type of assistance impossible in the future.

Mr. President, balancing the budget requires tough choices. We have learned it takes dramatic spending cuts or tax increases or a combination of both. It cannot be done by cutting taxes. Last year, my Republican colleagues proposed $250 billion worth of tax cuts. I ask my colleagues, how would that huge tax cut proposal mesh with the constraints of the balanced budget constitutional amendment? Where would the offsets come from? Does this mean we would balance the budget by cutting important programs to pay for politically popular tax cuts?

Mr. President, these questions are important. We have already seen how the Republican majority would balance the budget. They would cut education and job training programs, strip environmental protections, and reduce payments to Medicare beneficiaries. We need to understand the consequences of passing this amendment, and we need to ask whether or not this Nation's most needy will be taken care of appropriately if it is passed.

Just as we must watch out for our most needy—those who cannot afford to buy a high-priced lobbyist to speak on their behalf—we need to consider how this amendment will impact small States. When determining how to make the cuts needed to balance the budget, the States with the most representatives will have the most influence over the decisions being made. I fear small States, like Washington State, will take a disproportionate hit when Congress determines how to make the cuts needed to balance the budget.

And, Mr. President, our wise Founding Fathers wanted Congress to control the Nation's purse strings because the legislative branch is the closest branch to the people—we understand the needs and priorities of our constituents. The balanced budget amendment could shift fiscal responsibility to the courts. If the President and the Congress disagree on spending and revenue priorities, the courts could be required to step in and decide the appropriate fiscal plan.

Mr. President, Supreme Court Justices are not responsible to the people of my home State. They are not elected, and they are not sent to the Nation's Capital to tend to the needs of my constituents.

We have amended the Constitution only 17 times since we adopted the Bill of Rights. We have never changed the Constitution lightly. Every previous amendment has expanded personal rights and outlined responsibilities. We have never amended the Constitution to insert an economic belief. And, fortunately, we did not do so today.

Mr. President, I voted against this amendment because I value the Constitution. I chose not to trivialize the importance of the U.S. Constitution by making it a forum for our annual fiscal decisions and the politics that accompany those decisions.

I have no doubt the Senate will debate this amendment again next year. I look forward to that debate, but I remind my colleagues that between now and then we can make that debate irrelevant. We can work together to find compromise, and we can work together to put together a sensible balanced budget agreement. And, I say, that would be the best thing for our children—that would be the real accomplishment that will truly benefit our children.

Mr. DODD. Mr. President, I rise today in strong opposition to this constitutional amendment to balance the budget.

Let me first say, I am well aware that the notion of balancing the budget and forcing this Government to live within its means is a popular idea both in Congress and across the Nation. If working families have to do it, why can't the Government?

I agree. That's one of the main reasons that I was 1 of 11 Members of the U.S. Senate to vote against the Reagan tax plan of 1981. In case we've all forgotten, it was that plan, which cut taxes for the wealthy, increased spending and exploded the deficit to the heights it reaches today.

It is why I sponsored the first pay-as-you-go plan in 1982. According to the CBO, the enactment of that proposal would have brought a budget surplus by 1985, making this entire debate today irrelevant.

Additionally, it is why I was the second Member from this side of the aisle to support the Gramm-Rudman-Hollings Act.

And it is why I supported President Clinton's 1993 deficit reduction plan. Because of that plan the latest deficit projections are down to $130 billion, from more than $300 billion when the President took office.

It is also why I have long been an advocate for real deficit reduction and not the various accounting gimmicks that so often tarnish our budget cutting efforts here in Congress. But, at the same time, I have also fought for deficit reduction that protects our national priorities while forcing Congress to accept fiscal responsibility.

But, the measure before us today would meet none of those essential criteria. Instead it would only increase the use of budgetary gimmickry by allowing the Congress to avoid making the critical decisions necessary for balancing the budget.

What's more, it would not make it any easier for this or any Congress to accept our fiscal responsibility. Instead it would include in the organic law of our land a constitutional amendment that would remove from the legislature the historic and mandated role of making budgetary decisions.

Contrary to the arguments of its supporters, this amendment is not a lightning bolt that would suddenly give the Congress the courage it has so often lacked when it comes to cutting the deficit.

Instead it would constitutionally mandate possibly massive spending cuts in education, the environment, Medicare and Medicaid and other priorities that make a real difference in the lives of the American people. And in the end we would have a foolproof excuse for those draconian cuts: "The Constitution made me do it."

And if Congress could not effectively reach compromise a constitutional amendment could place the budgetary decisionmaking process squarely in the lap of the Supreme Court.

The Supreme Court is an unelected body whose job is to interpret our Nation's laws, not enforce them. But, if this amendment passes, the Supreme Court could be deciding whether the requirement of a balanced budget has been achieved.

If the conditions of this amendment were not met then our Federal judiciary could be making the decisions on budgetary allocations.

For the Congress to go along with such a proposal represents an absolute abdication of our responsibilities and obligations as legislators and elected representatives of the American people.

That's no way to balance the budget and it's no way to run the Federal Government.

But, while there are many reasons why I believe this amendment is truly bad public policy and bad for the American people, I also believe that it is wholly unnecessary.

Because, over the past year and a half, Democrats and Republicans reached compromise on the means for balancing the Federal budget.

Let me repeat that, because I think sometimes it is conveniently ignored by my Republican colleagues: Both President Clinton and the leadership here in Congress are in agreement on balancing the Federal budget in 7 years.

Both sides have proposed the necessary spending cuts to put our fiscal house in order. And both sides agree that this budget balancing can be done by the year 2002.

While I certainly think that the President's plan does a better job of protecting our national priorities, the facts remain evident for all those in this body who wish to open their eyes and see: We can work together to balance the budget. We don't need a constitutional amendment. We have the outlines for an agreement right here.

If my Republican colleagues would simply walk down Pennsylvania Avenue, meet with the President and in good faith negotiate a compromise solution there would be absolutely no need for a constitutional amendment to balance the budget.

But my colleagues across the aisle seem to prefer making campaign speeches on the Senate floor and embarking upon the momentous act of amending the Constitution of the United States rather than sitting down with the President and working out a deal.

They seem more inclined to avoid compromise and instead use the President's principled stand against this amendment as a means to score political points.

But, amending the Constitution should not, and must not, be a political tool. It is one of the most sacred and essential duties of our elected office.

There is a very good reason why, in the more than 200 years since this Nation adopted the Constitution, we have seen fit to amend it only 27 times. Twenty-seven times in more than 200 years.

In fact, in those 200 or so years, we've seen approximately 11,000 proposed amendments to the Constitution. Only 33 passed the Congress. And the Bill of Rights notwithstanding, only 17 are now part of the Constitution.

What's more, amending the Constitution remains an incredibly difficult task. Two-thirds of the Congress, and three-fourths of the State legislatures must agree before we change the law of the land. Our Founding Fathers made clear that amending the Constitution would not be an easy or brazen decision.

Changing the Constitution is not like adopting a simple statute that can be modified or repealed somewhere down the road. Indeed, the language we insert into the Constitution will very likely stay there long after all of us have left this Earth. Generation after generation will live with the consequences of our constitutional decisions.

As Henry Clay said 145 years ago, "The Constitution of the United States was made not merely for the generation that then existed, but for posterity—unlimited, undefined, endless, perpetual posterity."

But frankly, over the last year and a half, the sacrosanct nature of our Constitution and the amendment process has been largely ignored by the majority.

I fear that the sacred, fundamental nature of our Constitution has been lost on some of our Republican colleagues. The Congressional leadership is advocating one of the most sweeping rewrites of the U.S. Constitution since the enactment of the Bill of Rights.

The Constitution is not simply a set of fraternity bylaws to be amended with each new pledge class. It should reflect not the popular winds of the time, but the sacred principles of our republic.

Nonetheless, in the 104th Congress alone, several amendments to the Constitution, all of which would have an incalculable impact on the social, political and economic life of our nation have been proposed.

First, we have the balanced budget amendment, which we are discussing today. But, there are also proposed amendments requiring a super majority for raising taxes, limiting the terms of Congressman and Senators, providing for a line-item veto, preventing unfunded mandates, allowing school prayer, making flag burning a crime, and the list goes on and on.

Other than the Bill of Rights, ratified in 1791, these constitutional changes would be utterly unprecedented in our Nation's history.

Unfortunately those changes are an integral part of the Republica agenda.

Now, I ve heard all the rhetoric from across the aisle about how essential this amendment is for protecting our children from a lifetime of crushing debt.

I've heard the rhetoric about providing opportunity for working families. I've heard the rhetoric about cutting the deficit so as to increase economic growth.

Well to all my colleagues who constantly invoke children when calling for the enactment of this amendment, I ask how do you plan pay for this balanced budget amendment?

Will Head Start, Medicare, Medicaid and our environmental safeguards escape the budgetary ax? Now my Republican colleagues want to spend an additional $60 billion to build another star wars system. How are they going to pay for that, while trying to balance the budget?

Are they going to raise taxes? Hardly. This body can't even swallow a 4.3 cents gas tax, which as part of the President's deficit reduction plan in 1993 cut the deficit in half. A plan, by the way, that failed to receive even a single Republican vote. But that's another story.

In 1995, the Federal Government spent more than $1.519 trillion, while receiving in revenues approximately $1.355 trillion. That represents a Federal deficit of just over $150 billion.

If we passed this amendment tomorrow, this body would have to cut more than $150 billion in 7 years. And if history is any indication, my Republican colleagues would do it by shredding the social safety net. They would enact draconian cuts in education, Medicare, Medicaid, and the environment to name a few. Is that how my Republican colleagues propose to protect children? By cutting money for education and health care for children.

That is the part of the balanced budget amendment that you don't hear about too often: the part where the Congress would be constitutionally mandated to unravel the fabric of America's social safety net.

I didn't run for this office to be a party to those kind of spending cuts.

When I became a U.S. Senator I took an oath of office to uphold and protect the Constitution of the United States. And that is why I'll be voting no on this balanced budget amendment and I urge my colleagues to join me.

Mr. HATCH. Mr. President, before we vote once again on the balanced budget amendment, let me pay tribute to some of my colleagues who have tirelessly and courageously fought for the passage of this crucial measure. First, let me mention the senator from Illinois, PAUL SIMON, the primary Democrat sponsor of this bipartisan amendment. His leadership on this issue will be missed in the years ahead. Senator THURMOND and Senator HEFLIN have been long-time leaders on this issue. Senator CRAIG and Senator COVERDELL have also fought long and hard for this measure. I would also especially like to thank the 11 freshman Republican Senators who joined us at the beginning of the Congress, all of whom leapt immediately into the fray in support of the amendment when it came up in the very first month of this 104th Congress.

Mr. President, there are many, many others who have worked to send the balanced budget amendment to the States. But one Senator stands above them all in his tenacity, dedication, and commitment to providing a better future for our children and grandchildren—an America like the one he grew up in, fought for, and has served all of his life. I am of course referring to our leader in this effort, Senator ROBERT DOLE. His effort on this amendment is consistent with his decades of service on behalf of Americans of this and future generations. The contrast of his record with President Clinton's is clear.

President Clinton has fought the balanced budget amendment every step of the way. Last year, President Clinton won and the American people lost. The American people will lose again if President Clinton has his way this year, and it looks like he will.

Mr. President, I would ask, why are President Clinton and his allies opposed to the balanced budget amendment? I would suggest that the opponents of the balanced budget amendment are simply not ready to impose the kind of fiscal discipline on themselves that a constitutional amendment would require. It's tough to stop spending other peoples' money.

And they do spend. When we last debated the balanced budget amendment, the Federal debt was $4.8 trillion. As of Monday of this week, it stood at more than $5.1 trillion. Mr. President, that is an increase of $320 billion. Translated into more understandable terms, that means that the cost of the delay in passing this important amendment has been more than $1,200 for every man, woman, and child in America. Put another way, over the 15 months that have elapsed since President Clinton helped defeat the balanced budget amendment, the debt has increased, on average, over $650 million a day.

The enormous size of the national debt, over $5.1 trillion, and the unacceptable rate at which it is growing threatens the economic stability of this great Nation. We all know this, Mr. President. And we know that the American people overwhelmingly want a balanced budget amendment.

Even so, there are those who oppose the balanced budget amendment and keep spending, and so they need to find a way to justify voting against it. President Clinton's chief advisor, Leon Panetta, said as much in 1994 when he explained the need to provide cover to opponents of this amendment so that President Clinton could defeat it with their votes. He conceded that "If you allow people to say, 'Are you for or against a balanced budget,' you'll lose it."

So, we have a parade of excuses of why we do not need the balanced budget amendment or why we need a different, meaning more lax, balanced budget amendment. Capital budgets, automatic stabilizers—the list goes on and on. The most popular of these false protests is "protecting social security" from the balanced budget amendment—as if balancing the budget would harm a system that depends on the government's creditworthiness. This argument has been called by one commentator in the Washington Post "the single most fraudulent argument" he has heard in 17 years in Washington, and by Time magazine as "mendacious nonsense."

Mr. President, in less than an hour, the American people will see who is on their side and who is on President Clinton's side. I would say to my colleagues, if you really support a balanced budget and not just talk, then cast your vote for the balanced budget amendment.

The very future of our country is at stake. I say to my colleagues, if not for yourselves, then support the balanced budget amendment for your children and your grandchildren who are almost $20,000 in debt the very moment they are born. Do not condemn them to live in a nation of economic stagnation, suffocating taxes, and hopeless debt. This is what is riding on this vote. I urge my colleagues to support a balanced budget requirement today, so that we and our children will have a prosperous tomorrow.

THE RISE IN THE DEBT THIS YEAR

Mr. President, the eyes of the Nation are upon us. Today the U.S. Senate has the opportunity to keep us on a path to balancing the Federal budget. Last year this body narrowly missed another historic opportunity by failing to pass the balanced budget amendment. During that debate every Member of this body, whether they were for or against the balanced budget amendment, came to this floor to swear their support for balancing the budget. Well, the time has come to see who really meant it and who was just defending the status quo of runaway Government. I urge my colleagues to hold true to their promises, to vote for a balanced budget, and to not waste another historic opportunity.

When we last debated the balanced budget amendment, I gave a daily update on the debt increase as we debated. By the end of the debate, my debt tracker was becoming unwieldy, so I have brought down a sort of summary debt tracker to bring us up to date on the debt since we began debate on this amendment in January of last year. As my chart here shows, when we last began debate on the balanced budget amendment the Federal debt was $4.8 trillion. As of Monday of this week, it stands at more than $5.1 trillion. Mr. President, that is an increase of $320 billion. Translated into more understandable terms, that means that the cost of the delay in passing this important amendment has been more than $1,200 for every man, woman, and child in America. Put another way, over the 15 months that have elapsed since President Clinton helped defeat the balanced budget amendment, the debt has increased, on average, over $650 million a day, over $27 million an hour, over $450,000 a minute, and over $7,500 every second. This is the price of the delay caused by President Clinton and his allies.

I urge my colleagues to put an end to this wasteful, out of control spending by supporting the balanced budget.

THE DEFICIT AND INCREASED TAXES

Mr. President, out-of-control Federal spending hurts us all in many ways. Not the least of which is through increased tax burdens on all Americans.

Every year hard-working Americans pay the price for our profligacy. The Tax Foundation has calculated that in 1994, the average American worked from January 1 to May 5 just to pay his or her taxes. They did not get to keep one cent of the money they earned until May 6. Put another way, in an 8 hour work day, the average American works the first 2 hours and 45 minutes just to pay taxes. This is simply intolerable, but it is not the end of the story.

The National Taxpayer's Union, NTU, has also determined that for every year we endure another $200 billion deficit it costs the average child over $5,000 in extra taxes over his or her lifetime. How many more years will the Government levy another $5,000 fine on our young people?

The bad news about the debt does not end there, either. The Competitiveness Policy Council has shown that the rising budget deficits have led to a 15-percent decline in real wages in the last 15 years. And NTU has further calculated that in the 45 years, unless we get our spending under control, after-tax incomes will rise by a mere $125 for the entire 45-year period. Talk about a middle class squeeze. How can people be expected to bear the burden of stagnating wages and higher tax rates? We simply cannot continue blindly down this road to economic oblivion.

Mr. President, we now have the opportunity to make an historic change. We can pass a balanced budget and preserve a future for our children, our grandchildren, and this country. I urge my colleagues to support a balanced budget requirement today, so that we will have a prosperous tomorrow.

ECONOMIC BENEFITS OF THE BALANCED BUDGET AMENDMENT

Mr. President, apparently some of my colleagues have forgotten not only how dramatically the deficit is hurting our economy, but also how much a balanced budget will help our economy. I would like to touch upon some of those economic benefits which will accrue to working Americans across the country.

Last year, DRI/McGraw-Hill analyzed the economic impact of balancing the budget and has concluded that it will result in a significant improvement for the nation's citizens. Here are the results of their study:

As government spending is reduced, resources will be freed up for private investment and interest rates will drop. Both of these factors will make it easier for businesses to expand, resulting in the creation of 2.5 million new jobs by 2002.

Further, fueled by the drop in interest rates, private investment will rise and real nonresidential investment could grow by 4–5 percent by 2002.

Lastly, by the end of the 10-year forecast, real GDP was projected to be up $170 billion from what it would be without a balanced budget. That translates to approximately $1,000 per household in the United States.

So when we talk about who is really trying to help American citizens of *all* walks of life, lets remember just how important it is to balance the budget.

BENEFITS OF A CONSTITUTIONAL AMENDMENT

The sad history of legislative attempts to balance the budget show the need for a constitutional amendment requiring a balanced budget.

Despite our best statutory efforts and the most recent deficit reduction plan, a constitutional amendment is required for the following reasons:

Statutes do not purport to correct the structural bias in favor of deficit spending that would be offset by a constitutional amendment.

Statutes are only intended to deal with a temporary crisis, whereas a constitutional amendment corrects a bias that has caused deficits in 55 of the past 63 budget cycles. The deficit spending bias is not a problem that has lasted, nor will last, only 5 years. It demands a permanent constitutional solution.

Ultimately, no Congress can bind a succeeding Congress by simple statute. Any balanced budget statute can be repealed, in whole or in part, by the simple expedient of adopting a new statute. Statutory limitations remain effective only as long as no majority coalition forms to overcome such statutory constraints. The virtue of a constitutional amendment is that it can invoke a stronger rule to overcome the spending bias.

Our recent history suggest how much we need the strong rule of a constitutional amendment. Gramm-Rudman was to balance the budget by 1990. It was undone by a series of statutory amendments. Recently, we have fought tooth and nail to get on track towards a balanced budget. Without the balanced budget amendment to keep the Government in line, the budget we fought so hard for can be undone by a simple majority vote. Mr. President, the past year's budget battle is not example of what Congress can do, it is an example of how hard it is for Congress to do what it should always do.

AUTOMATIC STABILIZERS

Some have argued that the reason we should not have a balanced budget rule is to keep intact the so-called automatic stabilizers. Their contention is that these so-called stabilizers help minimize the effects of the business cycle. Thus, those who support this theory want to cycle deficits and surpluses to counteract the business cycle. This claim confuses me for three reasons.

First, we have had numerous business cycles since 1969 but have only balanced the budget once. If this theory is right, we should have had a cycle of deficits and surpluses.

Second, far from cycling, the debt is on a steady increase. The debt is growing at a fantastic rate, and is now over $5.1 billion and is projected to exceed $6 trillion in only 4 years.

Third, the balanced budget amendment in no way prevents us from running a small surplus, which could be used to offset the effects of an economic downturn.

I just do not believe that the facts support this argument.

PROTECTING SOCIAL SECURITY

Mr. President, I have listened to the same arguments raised time and again from opponents of the balanced budget amendment that we should exempt Social Security from the balanced budget amendment. Some opponents have been searching for reasons to vote against the balanced budget amendment or reasons to justify their "no" votes. In their efforts, they came up with a number of accounts and interests they think we should exempt. Social Security is just the most popular of these favored exemptions from opponents of the balanced budget amendment. This objection is not merely a red-herring, but a dangerous one at that. The balanced budget amendment helps protect social security by ensuring that when the IOU's in the social security trust fund come due, the Federal Government will be able to make the payments to the retirees counting on them. The exemptions proposed would endanger Social Security, and so does failing to balance the budget.

As I argued in the first round of debate on this matter, if we exempted Social Security from the balanced budget requirement, Social Security would be the only part of the budget which could run a deficit. This would create the dangerous incentive to run deficits in the social security account to ease pressure on balancing the rest of the budget, and might even lead to the chicanery of redesignating various programs as Social Security and thereby allowing deficit financing for them. This would endanger the solvency of the Social Security trust fund, leaving it with neither funds nor trust for retirees.

Now let me be clear about what is at issue. Those who were critical of the balanced budget amendment have said that Congress will raid the trust fund to balance the budget. This is confusing, rather than enlightening. In essence these critics object that there are not separate accounts set up under the balanced budget amendment for social security and other accounts. What is at stake is merely a question of accounting.

Proponents of the balanced budget amendment say that accounting formalities are not as important as substantive economic reality. When the Government takes money from people or gives it to people, it has the same overall economic effect no matter which pocket it puts it in or takes it out of. The real numbers, the ones to be concerned about are total Federal receipts and outlays. This is the consensus of almost everyone who analyzes budget issues, including President Clinton, most of Congress, and most private financial analysts.

Let me summarize the way the Social Security system works now: Money collected for Social Security comes into the Federal treasury. The treasury issues IOU's for that amount in the form of Government securities to the Social Security trust fund account and spends the money on other programs. Then as the IOU's come due, the treasury collects the IOU's from the trust fund and pays out money taken from the Federal treasury. This is the way it works now. And nothing in the balanced budget amendment would change that. And let me just say that as of now these IOU's are the most secure in the world: they are U.S. Government-backed bonds. The primary risk to the Social Security trust fund always has been and continues to be the risk that the Government might get so far into debt that it could not pay back these IOU's. Since the balanced budget amendment would return fiscal responsibility to the Federal Government, it would help protect Social Security by helping the Government always be able to meet its obligations to retirees.

Let me repeat: The real threat to Social Security is a Government that cannot pay its bills because it keeps piling up debt, not the accounting method used to count how high the debt is growing. The trust fund is not going to be depleted because of the balanced budget amendment. Indeed only a real balanced budget amendment will protect the financial solvency of the general treasury and of Social Security.

There is, however, one other threat to Social Security: a balanced budget amendment with an open-ended exemption for Social Security. Under alternative amendments offered by the other side on this issue, the Government would have to balance all its accounts except one—Social Security. So, all the pressure of balancing would have been placed on that account. The budget would be like a pressure cooker. And if steam can only escape through one valve, all the steam and all the pressure will go through that one outlet—and in balancing the budget there will be a lot of pressure. Social Security was to be that valve, and that would have been dangerous to the viability of the trust fund. This would cause the risk of either destroying the trust fund's solvency or creating a loophole in the balanced budget rule which could allow the same risk to the solvency of the Federal Treasury, either of which would betray the trust of those counting on the trust funds.

Let me summarize: Rather than protecting Social Security, these Social Security exemption alternatives would have endangered it—to effect nothing more than an accounting preference.

It is my hope that the balanced budget amendment can be sent on to the States so the country can have a debate about the fiscal future of our Nation and our Government. The people can then decide whether they want to ensure themselves of a Government that must act responsibly—with a constitutional safeguard for their children's future.

CONSTITUTIONAL ACCOUNTABILITY

Mr. President, I am always loathe to attempt to amend the Constitution. It is an undertaking that I approach with the most serious reservations and concerns. But it has become clear that a balanced budget amendment is necessary to save this country from economic catastrophe.

The Constitution speaks in terms of broad principles and general instructions of how democracy should operate in America. Some amendments to the Constitution provide people with rights that limit Government's authority while others provide for people to take part in our great democracy. The balanced budget amendment is a little of both.

While it is true that much of the enormous growth in Federal Government spending over the past two decades may be a response to evolving notions of the role of the public sector on the part of the American citizenry—that is, a genuine shift in the will and desire of the people—it is my contention that a substantial part of this growth stems from far less benign factors.

In short, the American political process is skewed toward artificially high levels of spending, that is, levels of spending that do not result from a genuine will and desire on the part of the people. It is skewed in this direction because of the characteristics of the fiscal order that have developed in this country in recent decades. It is a fiscal order in which Members of Congress have every political incentive to spend money and almost no incentive to forego such spending. It is a fiscal order in which spending decisions have become increasingly divorced from the availability of revenues.

The reason for this skew is simple—the future generations who will have to pay the bills for our extravagance have no political voice. Those who will join the work force in 20, 30, or 40 years may not even be born yet. But here we are, spending the money that they will need to live on.

Mr. President, one of the oldest and most basic appeals to fairness in the history of this great Nation is no taxation without representation. We teach it to all our children. It is this basic fairness that the balanced budget amendment is designed to uphold. Forecasts are that at current rates of spending our children may be crushed with tax rates of 85 percent. All to pay for what we spend now, without their consent or even their knowledge. Surely every generation of Americans has the right to manage the country how it sees fit. But this generation is stealing from the next.

In seeking to reduce the spending bias in our present system—fueled largely by the unlimited availability of deficit spending—the major purpose of the balanced budget amendment is to ensure that, under normal circumstances, votes by Congress for increased spending will be accompanied by votes either to reduce other spending programs or to increase taxes to pay for such programs. For the first time since the abandonment of our historical norm of balanced budgets, Congress will be required to cast a politically difficult vote as a precondition to a politically attractive vote to increase spending.

The balanced budget amendment seeks to restore Government accountability for spending and taxing decisions by forcing Congress to prioritize spending projects within the available resources and by requiring tax increases to be done on the record. In this way, Congress will be accountable to the people who pay for the programs and the American people—including the future generations who must pay for our debts—will be represented in a way they are not now. Congress will be forced to justify its spending and taxing decisions as the Framers intended, but as Congress no longer does.

This protection of the rights of future generations of Americans is surely the kind of great principle for which our Constitution stands, and without it, the Constitution is incomplete.

Mr. KERREY. Mr. President, I rise in opposition to the balanced budget amendment to the Constitution.

The Constitution of the United States represents the greatest democratic achievement in the history of human civilization. It—and the self-evident truths which are its basis—has guided the decisions and heroic sacrifices of Americans for two centuries. Its precepts are a shining beacon of hope for millions of people across the globe who hunger for the freedoms that democracy guarantees. It has served us and the world extremely well.

Indeed, Madam President, this great document should not be amended in a rush of passion—or in the name of political expediency. It is evident from the Constitution itself that its authors intended the process of amendment to be slow, difficult and laborious—so difficult that it has been attempted with success only 17 times since the Bill of Rights. This document is not meant to be tampered with in a trivial fashion.

This proposed 28th amendment to the Constitution is intended to affect the behavior of America's congressional representatives. In that regard it is unique. Except for the 25th amendment, which addresses the issue of transfer of power, other amendments affect the behavior of all Americans by limiting the power of government, protecting public freedoms, prohibiting the majority from infringing on the rights of the minority, or regulating the behavior of the States.

This would be the only amendment aimed at regulating the behavior of Congress—to date only 535 Americans—who, the amendment assumes, is incapable of making difficult decisions without the guidance of the Constitution's hand. That theory is grounded in the assumption that Congress and the public lack the political will be to balance the budget.

I reject the argument.

Specifically, this amendment would raise the number of votes necessary in Congress for deficit spending from a simple majority to three-fifths and sets a goal of balancing the budget by the year 2002.

The amendment empowers Congress to pass legislation detailing how to enforce that goal, but does not itself specify enforcement measures. But nobody knows the answer to the question: what will happen if Congress and the President fail to balance the budget? The only mechanism our country has for enforcing the Constitution is the courts. So the amendment's ambiguity presents the serious possibility of protracted court battles which would given an unelected judiciary unwarranted control over budget policy—a power clearly out of the realm of their expertise.

The proponents of this amendment sincerely believe our Constitution needs to be changed in order to force Members of Congress to change their behavior, which, supporters argue, they will not do because they are afraid of offending the citizens who have sent them here. However, on that basis, there is a long list of constitutional changes they should propose, including campaign finance reform.

Mr. President, I support the goal of a balanced budget and have fought, am fighting and will continue to flight to achieve it. Recently my colleagues and I—Senators SIMPSON, BROWN, NUNN, and ROBB—proposed a provision that would have reformed long-term entitlements. Mind you, we did not dabble on the fringes, but instead took on some serious budgetary dilemmas, and avoided the use of gimmickry as a solution.

For our efforts we received 36 bipartisan votes—unprecedented support for this type of long-term entitlement reform. Our proposed changes to current laws would have caused taxpayers very little concern in the short term as these changes would be phased in and have no effect on anyone over the age of 50, and would save the Nation billions of dollars in the long term.

As well, the Senate recently voted on the Centrist Budget plan, that addressed a number of budgetary problems including entitlement reform, and provided a balanced budget in 7 years. This plan garnered 46 bipartisan votes—22 Democrats and 24 Republicans—and is a fundamental indication that Congress is waking up to the need to reform our nation's budgetary ways and the need to get our economic house in order.

Four votes away from a bipartisan balanced budget in 7 years, Mr President—a budget that would have passed had this not been a Presidential election year. So why do we need to amend the Constitution?

The Constitution and its 27 amendments express broadly our values as a nation. The Constitution does not dictate specific policy, fiscal or otherwise. We attempted to use the Constitution for that purpose once, banning alcohol in the 18th amendment, and it proved to be a colossal failure. If nothing else, this experience should have taught us that the mere desirability of a goal cannot become the only standard to which we hold constitutional amendments. Constitutional amendments must meet a higher standard.

Fundamentally, we should amend the Constitution to make broad statements of national principle—and, most importantly, Mr. President, we should amend the Constitution as an act of last resort when no other means are adequate to reach our goals. We do so out of reverence for a document that we have believed for two centuries should not be changed except in the most extraordinary circumstances. We have used constitutional amendments to express our preference as a nation for the principle of free speech, the right to vote and the right of each individual to live free. The question before us today is whether the need to tie Congress' hands on fiscal issues belongs in such distinguished company.

While I oppose this amendment, I understand, I understand the arguments for it. But if the appeal of a balanced budget amendment is simply the legal or political cover it provides for those tough choices, a statutory change could provide the same cover. If the assumption behind the amendment is that the political will to balance the budget does not exist, then make no mistake, those who lack that political will find a way to circumvent this amendment.

And beyond all the legal maneuvers, there is no cover for tough decisions but the courage to make them. A vote for this amendment is not a sign of courage—it is more an indication of timidity.

The balanced budget amendment assumes there is a structural flaw in our Constitution that prevents the 535 Members of Congress from balancing the budget. But if a flaw does exist, it is in the 535 Members of Congress themselves not the document that governs us. The fact is that we could balance the budget this year if we wanted to. And we can by statute direct the Congress to balance the budget by 2002, 2003, or any other date we choose.

The inherent weakness of the balanced budget amendment is that it tells us what to do over the next 7 years but ignores the following 20, the years which ought to command our attention. A balanced budget by 2002 still ignores the most important fiscal challenge we face: the rapid growth in entitlement spending over the next 30 years.

The year on which we ought to be focused is not 2002, but 2008, when the baby boomer generation begins to reach eligibility age for retirement. This will place a severe strain on the Federal budget. Our biggest fiscal challenge is demographic, not constitutional, and the amendment before us does not and cannot address it.

Unfortunately, and conveniently, this demographic challenge is kept from our view, not by an incomplete Constitution, but by a budgeting process that discourages long-term planning. The balanced budget amendment tells us what happens over 7 years. A 7-year span is completely inadequate when the most difficult budget decisions we need to make deal with problems we will face 20, 25, and 30 years down the road, when the aging of our population propels entitlement spending out of control. The most important recommendation of the Bipartisan Commission on Entitlement and Tax Reform was that we begin to look at the impact of budgets over 30 years rather than just 5 or 7. The reason is that our country looks very different, and our current budgets look very different, when viewed over that span.

We can see the trend even in the short term. Entitlement programs—which includes Social Security, Medicare, Medicaid, and Federal retirement—consume 66 percent of the budget this year. By 2002, it will be 73 percent. By 2005, the number is 78 percent. Those numbers are straight from CBO, and if we project further, Mr. President, we see that by 2012, mandatory spending and interest on the national debt will consume every dollar we collect in taxes. By 2013, we will be forced to begin dipping into the surplus in the Social Security trust fund to cover benefit payments, a practice that will go on for no more than 16 years before the trust fund goes into the red.

These trends have nothing to do with the Constitution, political will or pork-barrel politics. They have to do with the simple fact that our elderly population is growing and living longer while our work force gets smaller. My generation did not have as many children as our parents expected, and, as a consequence, the system under which each generation of workers supports the preceding generation of retirees simply will not hold up.

Indeed, long-term entitlement reform coupled with a reasonable reduction in discretionary spending—including defense—would reduce interest rates dramatically and achieve the goal of this amendment without tampering with the Constitution.

The result is sometimes described as a question of fairness between generations. Today there are roughly five workers paying taxes to support the benefits of each retiree. When my generation retires there will be fewer than three. Unless we take action now, the choice we force upon our children will be excruciating: Continue to fund benefits at current levels by radically raising taxes on the working population or slash benefits dramatically.

Finally, I hope we keep our eyes on a larger prize than blind reverence to the idea of a balanced budget. Our goal should, in my view, be economic prosperity. I support deficit reduction as a means to that end. Deficit reduction is important not as an abstract ideal but as an economic imperative.

I believe in balancing the budget because it is the most powerful way to increase national savings. And increased national savings will lead to increased national productivity, which in turn will lead to higher standards of living for the American family. There is no short-cut to savings and no substitute that will get results. Increased national savings mean lower long-term interest rates and increased job growth in the private sector.

The balanced budget amendment assumes that a balanced budget is always the best economic policy. A balanced budget is usually the best economic strategy, Mr. President, but it is by no means always the best economic strategy. Downward turns in the economy complicate the picture. Downward turns result in lower revenues and higher spending, so there will be times—although very few of them—when a strict requirement for a balanced budget harms the economy by requiring the collection of more taxes to cover more spending in an economic environment which makes revenue collection more difficult in the first place. As I say, I believe those times are few and far between, but the Constitution is too blunt an instrument to distinguish between good times and bad. The American people hired us to do that job, not to cede it to a legal document that cannot assess the evolving needs of our economy.

As my friend and colleague the ranking member of the Finance Committee Senator MOYNIHAN has often said, "We do not need to put algebra into the Constitution." Mr. President, I could not agree more.

The bottom line for me is whether this amendment moves us toward achieving the correct goals and whether, if it does, we need to amend the Constitution to get there.

I believe a balanced budget is an important goal, but only as a component of an overall economic goal with a strategy that recognizes that skyrocketing entitlement spending is the most serious fiscal challenge we face. But I also believe that once we set those goals we can achieve them by statute or, more importantly, by changing our own behavior rather than changing the Constitution. And my respect for this document precludes me from voting to tamper with it when I am not convinced that we must. This proposal for a 28th amendment does not command from me the same reverence in which I hold the 1st amendment, or the 13th or the 19th. And therefore, Mr. President, while I will continue to fight for its admirable goal, I will vote "no" on the balanced budget amendment.

The PRESIDING OFFICER. Under the previous order, the Democratic leader is recognized.

Mr. DASCHLE. Thank you, Mr. President.

Mr. President, I have a chart here that shows, as graphically as anything can, the number of times that our Republican colleagues have proposed in this Congress to change the U.S. Constitution. Not since the Bill of Rights have so many amendments been proposed all at once. No wonder the rumors of rumblings from gravesites from Monticello to Mount Vernon have been heard during this Congress. There are those who appear to believe that they know better than our Founding Fathers how our Constitution should be structured. They now advocate altering the U.S. Constitution not once or twice, but, as this chart shows, in 83 different ways. There were 83 amendments proposed by our Republican colleagues in this Congress to the U.S. Constitution. One has to wonder, Mr. President, whether or not there are those in this body, and in the other body, who believe they know better, and that somehow they are in a better position than our Founding Fathers to determine the advisability of changes in the Constitution to this degree.

I am not averse to constitutional amendments. I have supported some in the past. But before we do so, the first question we must ask is, is it necessary? We have had debates on the Senate floor in this Congress on whether or not to amend the Constitution to provide for protection of a flag. There are those who propose amendments that would somehow require the ability for public prayer in schools. In those cases, and in many others, I, as well as many of my colleagues, have concluded that indeed it is not in our best interest, that the Founding Fathers were correct that the first amendment rights need to be protected. We have shown the wisdom on those occasions to defeat proposals to amend the Constitution, as our forefathers would have.

We did not need a constitutional amendment 4 years ago, Mr. President, when this administration came to Washington, and the President decided—rather than talking about it, rather than constitutional amendments, rather than more proposals to modify the budget and bring this Government into balance—"I am going to do something about it." Indeed, he saw the need to do something about it.

Everyone recalls that, in 1992, the deficit was $290 billion. In the first year in office in 1993, this administration, working with the Democratic Congress, Mr. President, reduced that deficit to $255 billion. In 1993, how well I remember the vote taken on this floor with virtually everybody in their chair, one-by-one, standing up, in one of the most courageous acts of deficit reduction since I have been here, and voting for a plan cut the deficit. That plan covered not just 1 year or 2 years, but 5 years of massive deficit reduction. And it passed by one vote.

As a result, the deficit in 1994 then fell to $203 billion. Last year, in 1995, we did some more, and the deficits fell, not surprisingly, as a result of that action, to $164 billion. Now, this year, we mark 4 years in a row of meaningful deficit reduction. With some courageous votes and real determination, the deficit is expected to fall to $130 billion. That is the record over the last 4 years—from $292 billion to $130 billion.

For the first time since Harry Truman sat in the White House, the deficit has declined for 4 years in a row. The deficit has been cut in less than half since President Clinton took office.

That is the difference, Mr. President, between rhetoric and results. The only way that these results can continue, the only real way in the short-term that we can build on that record is with an negotiated agreement that balanced the budget by 2002.

A constitutional amendment, under the best of circumstances, is going to take several years to ratify. Who in this body would argue today that we ought to wait that long before we continue further efforts at deficit reduction? We all know we cannot afford to wait. The President realizes that and, for that reason, has held out an open invitation for Republican leadership to join with Democratic leadership and this White House to build on the record of the last 4 years, to take that $130 billion down to zero, and to do it now. We can do it. We need to do it. But if that is going to happen, we must, in a bipartisan way, come together, resolve our differences, and put this country on the track to ultimate success. Not only are we not negotiating, Mr. President, not only may we miss that opportunity to balance the budget, but the very same threats that we faced in the early eighties are back with us again. I can hear them now. The political rhetoric is there. The same threats to the budget are as evident now as they were back then, 15 years ago.

In the 1980's, proposals for dramatic increases in star wars spending and dramatic cuts in taxes became more than just political rhetoric. They became reality. We were told we could do all of that without exploding the deficit. I remember how clearly, how persuasively the President at the time indicated that it indeed was possible. Well, now the reality is here. We are faced with the consequences. And $5 trillion in debt later, some of us have learned, as we should have known back then, that if we follow that path, it will not be $5 trillion in debt. Heavens knows, it could go $10, $15, or $20 trillion.

How ironic that similar proposals to those that created massive deficits in the 1980's are now again dominating the Republican rhetoric—the $60 billion Defend America Act, and tax cuts ranging from $600 billion to $700 billion. The supply-side experiments of 1981 that created massive deficits are once again the centerpiece of the Republican agenda. To contend with such budget-busting proposals while debating the balanced budget amendment makes one wonder if we are facing historical blindness or gross hypocrisy. So let us recognize, if their fiscally irresponsible proposals come to fruition, we will be right back here all over again with yet more need for courageous action, to take this into our hands and to resolve it once and for all. We cannot afford that kind of rhetoric. We cannot afford those starry-eyed proposals if we are serious about accomplishing what we are debating today, balancing the budget.

Mr. President, having the realization that indeed building upon our 4-year record of deficit reduction is so important, it still begs the question, is an amendment necessary? Do we see it in our long-term best interests to amend the Constitution, to recognize that somewhere on this list may be an amendment that warrants our support? My answer to that question is yes. Beyond building upon the record that we have achieved, beyond the courageous work we have already done, my view is if the amendment is written properly, I support a constitutional amendment to balance the budget. In fact, I voted for such a properly crafted amendment last year during the previous debate on the balanced budget amendment, and I hope to vote for it again today.

But we must also realize that once it is part of the Constitution, there is no going back. We are not likely to change a clause or a phrase next year or the year after. That is not going to happen. Many Senate Democrats have offered a proposal which, in our view, does it right. Our alternative recognizes very important principles of constitutional law, but also recognizes the commitments on Social Security that we have made in statute and to the American people for generations.

Doing it right in this case recognizes the importance of protecting Social Security. Our amendment, which has been introduced this year by the Senator from Oregon, Senator WYDEN, proposes a firewall between Social Security and the rest of the budget. It is identical to an amendment crafted last year by the Senator from California, Senator FEINSTEIN, and the Senator from Nevada, Senator REID. Were it to be considered today, more than enough Senators would support it in order for it to pass.

In 1990, Mr. President, we made ourselves very clear on this issue by a vote of 98 to 2. This body voted for an amendment by Senator HOLLINGS to take Social Security off budget. Why did we do that? We did it because we realized that Social Security has become a sacred trust; that that trust fund is going to be drawn down in the not too distant future, and we are going to need every dollar of it. We recognize that. So we said we are going to build a firewall. We are going to make absolutely certain that when we need that money, it is going to there. The program is financed by dedicated payroll taxes that were not to be raided to pay for general Government expenditures.

Mr. President, the pending version of the constitutional amendment breaks that promise. It breaks it. According to CBO's December baseline, the pending amendment anticipates using $603 billion in Social Security trust fund dollars over the next 7 years to reach balance. This year alone, it anticipates $71 billion borrowed from the trust fund. In the year 2002, as we proclaim a balanced budget, the fact remains that there will be $103 billion anticipated in Social Security trust fund surpluses that will be counted toward that balance, so we will actually be $103 billion in debt to future retirees.

So, Mr. President, we are violating public trust, and, in my view, we are actually overturning the law laid out on a 98 to 2 vote on the amendment passed in the Senate offered by Senator HOLLINGS.

This means continued reliance on payroll taxes to fund the Government, as well. Social Security, as everyone knows, is funded by a 12.4-percent payroll tax. It only applies to the first $62,700 of income. As a result, this tax can be seen as regressive since it falls heavily on lower- and middle-income taxpayers. In fact, 58 percent of our taxpayers pay more in payroll tax than they do in income tax. We cannot allow funding of our Government by these working people, and we cannot allow the continued abuse of the Social Security payroll taxes. We should not fund the Government in large measure by a payroll tax which is regressive, the revenues from which are intended to be set aside in the Social Security trust funds for the needs of all beneficiaries.

Mr. President, we have a choice this morning. We have a real choice. We have the opportunity to build on the record of the last 4 years, to resolve to deal directly with our differences on budget priorities, and to build a balanced budget agreement in a way that will achieve a balanced budget by 2002. We can do that.

We also have an opportunity to build the next step, to pass an amendment that allows us to do it right, to pass an amendment that maintains a firewall between Social Security and the rest of the budget. The Constitution must recognize the critical, absolute dependence that we will have on Social Security trust funds in the future, and must recognize the meaning of a real balanced budget without the use of Social Security trust funds. It must recognize, too, our appreciation of the trust of the American people. That is our choice. We can do it right or, once again, we can violate that trust. We can do it in a way that I believe undermines the credibility of this Constitution and what it was meant to do when our Founding Fathers wrote it 200 years ago.

We are not going to pass 83 constitutional amendments. We should not pass even one if it is not written correctly. We have the opportunity this morning, Mr. President, to approve an amendment that is properly crafted. The Senator from Oregon will seek unanimous consent that the Senate today vote upon his thoughtful alternative that accomplishes all of the goals of the amendment before us, without enshrining abuse of the Social Security trust funds in the Constitution.

I now yield to the distinguished Senator from Oregon, Senator WYDEN.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I thank the minority leader for yielding me this time.

I take this time to say that I think this is an historic opportunity for the Senate to get this job done right, to get this job done on a bipartisan basis. I do not think anyone doubts how this vote on the majority leader's proposal is going to turn out, today.

I believe we could have an alternative ending, however, that would benefit the American people, that would ensure that we get real fiscal discipline, and at the same time provide long-term security for generations of Americans to come. That is why I am hopeful that today we will have an opportunity to vote on a measure that is identical to that offered by the majority leader save for one difference. The alternative constitutional amendment to balance the budget would simply bar the use of the Social Security surplus or Social Security taxes for balancing the Federal budget.

Mr. President, and colleagues, it is clear that both political parties—let me emphasize—both political parties have in the past used that Social Security surplus to mask the overall Federal deficit. I think that has to end. I think that the amendment, the alternative described today, would give us an opportunity on a bipartisan basis to tackle this issue responsibly and end it once and for all. It is time to close this road show and give the people what they want. Our proposal would provide that opportunity.

Some of my colleagues apparently believe that you cannot balance the Federal budget without cooking the books. They have been trying to highlight various kinds of defects that they allege exist in our measure. I do not think the American people benefit from all of this. I do not think that the country benefits from this. The country benefits from an approach that forces both political parties to keep straight books, to get rid of the accounting fiction, and to make the tough calls with respect to both the Federal budget and the Social Security program.

Therefore, Mr. President, I rise now to ask unanimous consent that immediately following the vote on House Joint Resolution 1, the Senate proceed to the consideration of Senate Joint Resolution 54, a balanced budget constitutional amendment that protects Social Security, and that the joint resolution be read a third time, and at the end of that the Senate proceed without any intervening action or debate on passage of that joint resolution.

The PRESIDING OFFICER. Is there objection?

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I object—at least I reserve the right to object. I will make a comment to my friend and colleague from Oregon. Let me ask a question.

The essence of the unanimous-consent request is that he wants to have placed before the Senate by unanimous consent a constitutional amendment to balance the budget with an exception saying we are not going to count Social Security—Social Security taxes do not count, Social Security spending does not count, Social Security balances do not count—and the Senator wants to have that placed before the Senate without amendment, without discussion, and for a vote. Is that correct?

Mr. WYDEN. If the Senator will yield, the Senate prior to my coming here has debated and voted on this proposition, last year. In fact, in 1995, there were more than 80 votes on a motion asking the Budget Committee to refashion the leader's amendment to include Social Security protection. This is not a new issue to the U.S. Senate. More than 80 Members of the Senate, on a bipartisan basis, have voted for the alternative that I would like to offer in the form of a constitutional amendment, today.

Mr. NICKLES. Mr. President, I am not sure I got an answer, but I think I was correct in stating that the Senator's request—he would like to offer that.

I object. I object on the grounds—because Social Security taxes are taxes. Social Security outlays are spending. Constitutionality, in my opinion, should not be confused by what I would say is maybe an attempt to obstruct or maybe give political coverage for people who are not supporting a real constitutional amendment which says all revenues and all expenditures, and you cannot spend more than is received.

I object. I respectfully object.

The PRESIDING OFFICER. The Senator from Oregon has 1 minute remaining.

Mr. WYDEN. Mr. President, I will only say that the Senate on a bipartisan basis is formally on record with more than 80 Senators in support of this proposition. We have a choice, as the minority leader has said. We can let this go down once more or we can have a vote on a proposal that I offer to my colleagues that will impose real fiscal discipline and at the same time assure that Social Security is protected for both workers and retirees in the days ahead.

Mr. President, I yield the floor.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. I ask for 30 seconds from the leader's time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, we have never had a balanced budget amendment up where 80 percent of the Senators voted for this type of amendment. At the last minute to have an amendment like that literally creates a complete dislocation in the whole budget process. It would be highly unusual and we believe improper.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I ask unanimous consent that I might use not to exceed 2 minutes of the time allocated to Senator DOLE and that I might include in the RECORD certain documentation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I have participated before in these amendments, and have supported them throughout my career in the Senate. A balanced budget is essential for the United States. And each time I go back and bring to the attention of the Senate a resolution—this one is Senate Resolution 38—by my distinguished former colleague and senior Senator from Virginia, Harry F. Byrd. Each year he would bring before this body, and we would pass, a resolution which said, in effect, Congress shall assure that the total outlays of the Government during any fiscal year do not exceed total receipts for the Government during such fiscal year.

That is the essence of a balanced budget. Each year we passed this resolution. Each year it became law. And my distinguished colleague from South Carolina is nodding assent to that fact.

And what happened? What Congress does one day it can undo the next, and this resolution became worthless each year.

Mr. President, that is why we have to go to the Constitution of the United States to bring about the discipline required to compel the Congress of the United States to have a balanced budget. The laws that we pass—and we did I think eight times pass Senator Byrd's resolution—are undone the next day.

So we have no other recourse than to turn to the constitutional amendment and send it to the several States and allow the people all across this Nation to support the concept of amending the Constitution of the United States to bring about fiscal discipline which this body requires.

Mr. President today we are on the floor of the U.S. Senate with an opportunity to perform an historical act before the 104th Congress concludes later this year. Today, we are on the verge of ensuring that our Nation will have a balanced budget, free of any sleight of hand, as our majority leader prepares to depart. The Republicans have been working toward this end for years, and we must continue to stay firm on our mission.

As we have seen over the past 6 months, America's financial markets are showing their support for the Republican effort toward a balanced budget. If we are successful on this vote today, there will be another strong reaction on Wall Street. Wall Street reflects the views of millions of investors in America's future.

It is not only the investors in America's future that are behind us, but also Americans—in every walk of life—throughout this Nation. My phone lines have been busy, and in my State of Virginia, the calls have been overwhelmingly in support of our staying the course and finally balancing our Federal budget. The balanced budget constitutional amendment is supported by 83 percent of Americans, according to a poll published in a recent edition of USA Today. This proposed constitutional amendment, which passed the House by a 300–132 vote in January 1995, will enable all Americans, through their State legislature, to participate in the most important long-term decision facing us today.

Anything less than 67 votes would be failure, and an abdication of our responsibilities to those voters who gave this Congress a mandate to clean up our fiscal house. This is not a political issue, although there are those who would make it so. This is for our children, grandchildren and their heirs.

When the Senate voted March, 1995, and fell only one vote short, the majority leader said, at that time, that we would have another chance to give the American people what they want. Now is the opportunity for which we have been waiting. This Congress has a remarkable opportunity. We can take action that will benefit generations to come with the balanced budget amendment. It is our mission today, and it will become our legacy tomorrow.

When the final balanced budget constitutional amendment is passed, both Republicans and Democrats will have participated in the reaffirmation of the future of America. I am confident that today will prove to be that reaffirmation and I wholeheartedly support this resolution.

Mr. President, I ask unanimous consent that the text of Senate Joint Resolution 38 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S.J. RES. 38

(96th Congress)

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is hereby proposed as an amendment to the Constitution of the United States, which shall be valid for all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within three years after its submission to the States for ratification:

"ARTICLE —

"SECTION 1. In exercising its powers under article I of the Constitution, and in particular its powers to lay and collect taxes, duties, imposts, and excises and to enact laws making appropriations, the Congress shall assure that the total outlays of the Government during any fiscal year do not exceed the total receipts of the Government during such fiscal year.

"SEC. 2. During the fiscal year beginning after the ratification of this article, the total outlays of the Government, not including any outlays for the redemption of bonds, notes, or other obligations of the United States, shall not exceed total receipts, not including receipts derived from the issuance of bonds, notes, or other obligations of the United States

"SEC. 3. In the case of a national emergency, Congress may determine by a concurrent resolution agreed to by a rollcall vote of two-thirds of all the Members of each House of Congress, that total outlays may exceed total receipts.

"SEC. 4. The Congress shall have power to enforce this article by appropriate legislation."

Mr. HATCH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The majority leader.

Mr. HATCH. I withdraw it.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. DOLE. March 2, 1995 was the last time we were all here talking about the balanced budget amendment. It was a very historic vote. We fell one vote short. And so we might reconsider that vote I changed my vote to "no" and entered a motion to reconsider.

That is what we are now doing. And I might confess that I thought—when I first thought about bringing this vote up, I thought I had to be here to do that; that when I left, it could not be brought up again. But the Parliamentarian properly advised me that once the motion is entered anybody can call it up. So I can say to my colleagues when I made my resignation statement, I was under some little misapprehension about whether or not we could do this.

But in any event, the point is I think it is the appropriate thing to do. There are fundamental differences. I know some are all over the lot on why they cannot vote for this. And some just do not believe it is the right thing to do. I understand that, and I do not question anybody's motives.

We have all talked about a balanced budget, and everybody has one in their hip pocket. But we have not passed any. We have passed ours and I believe we voted on the Democrats. The President vetoed a balanced budget—another reason we need an amendment.

We are working on a balanced budget through the legislative process now. In fact, I hope we can come to some conclusion on that and get it done before the week is out.

There is a lot of talk in politics about children. There should be. They are the future. And what we do here will have a direct impact on children, on their hopes and their aspirations. I think today's vote certainly, talking about children, talking about their future, talking about the opportunities they may have, ties it all together. Just mentioning children does not do much for children. Passing a balanced budget amendment would. We would have a balanced budget. We would see interest rates drop. We would see Government responding not to every special interest group but to the balanced budget amendment where we would have to say, no, we cannot do it. And we would reorder some priorities around here. For all those who make speeches about the children and their future and crime and drugs and all the problems and all the temptations they have, here is an opportunity to stand up for children.

I have believed in this for a long time. Back in 1971 I started to talk about a balanced budget amendment. And they are very difficult to put together. You can always find some reason to oppose it—do not include this, do not include that.

So we will have this vote. We will lose, but we will have made the statement. That is the important thing. You made the statement. It will be back next year.

Mr. President, perhaps no policy is more important to the economic future of all Americans and particularly to the future of our children than a balanced budget. And that's why I believe there may be no more important issue for the U.S. Senate than whether we will finally pass the balanced budget amendment to the Constitution.

We take a lot of historical votes here in the Senate, but the vote on the balanced budget amendment is one of the most important in decades. It is a question of trust. Of whether we trust the people, of whether we trust the Constitution, of whether we trust the States. And most importantly, it is a question of whether future generations of Americans can put their trust in us.

Will we follow the experience of 49 States that are required by law to balance their budgets? Do we trust the people to be able to have the right to ratify this amendment through their State legislatures in the process spelled out by the Constitution?

We had 67 votes then to make it a part of the Constitution, as everybody knows, it has to go to the States and be ratified by three-fourths of the States. A lot of us have talked about returning more power to the States, power to the people. Dust off the 10th amendment, which is 28 words in length, which says in effect, the powers not delegated to the Federal Government by the Constitution nor denied to the States belong to the States and to the people.

So I have confidence in the people of Ohio, the legislators in Kansas, Mississippi, Virginia, Utah, South Carolina, Oregon, North Dakota, wherever. I have confidence in their judgment. So why not give them an opportunity, those who are closer to the people, to make the judgment.

Ultimately, this is a question of our values as a nation. Which do we value more: The fleeting interests of the moment, or our economic futures and destiny.

Last year the House of Representatives passed the balanced budget amendment by a vote of 300 to 132—more than the two-thirds majority required by the Constitution. We then had several long weeks of debate here in the Senate before the amendment narrowly failed on a vote of 65 to 35 on March 2, 1995.

We will shortly have our final vote on the motion to reconsider House Joint Resolution 1. The vote total may not change much today, but this vote is important to place us all on record with the American people on an issue of supreme importance to all Americans. So in a few minutes we will have one last vote—one last chance—to do what's right, and send the balanced budget amendment to the States for ratification.

When we debated the constitutional amendment last year, I quoted Thomas Jefferson, who was so concerned about the ability of Democratic Government to control spending, that in 1789 he wrote:

> The question whether one generation has the right to bind another by the deficit it imposes is a question of such consequence as to place it among the fundamental principles of government. We should consider ourselves unauthorized to saddle posterity with our debts, morally bound to pay them ourselves.

Jefferson's fears of 200 years ago are today's tragic reality. In 1994, the Federal Government spent $203 billion in interest on the national debt—more than it spent on education, job training, public works, and child nutrition combined. In 1994, Americans paid an average of $800 per person in taxes just to service interest on the debt—not to pay off the debt or even to reduce the debt just to pay the interest on the debt.

Some say deficits don't matter. But the fact is that the Federal budget deficit is like a tax hike on working families, and one that binds future generations of Americans exactly as Jefferson had warned.

The deficit drives up interest rates—and not by a little but by a lot. It is a stealth tax that every family with a home, every father and mother with a child in college, every young person who buys a car must pay, and pay, and pay.

What does this stealth tax cost in dollars? Over $36,000 on a typical home mortgage. More than $1,400 on an ordinary student loan. Nearly $700 on a typical car loan.

I know around this place we sometimes fail to understand there are real people out there waiting for us to make responsible decisions. I had an experience the other morning with the distinguished Senator from Virginia, in Virginia, near Richmond. Because of a lack of $65 per month, this young couple and their young daughter, a baby, could not buy the house they wanted. To us, $65 a month is $65 a month. To them, it was a matter of a home. And since the President vetoed the balanced budget, interest rates have risen about one and a quarter percentage points.

So that couple and another young man—we visited his home—he did not get the home he wanted, the one for $119,000. He took the one for $109,000 because of interest rates. So we can make all these great speeches here that we want, but they are real people and they live in the District, they live in our States, where 1 percent of interest rate does make a difference.

We simply cannot continue to mortgage America's future If we continue current tax and spending policies, future generations will be saddled with effective tax rates of more than 80 percent. Failure to stem the flow of red ink from Washington amounts to taxation without representation on our children and grandchildren.

That's why the question before us today is, as Jefferson said, "Of such consequence as to place it among the fundamental principles of government."

I don't think the balanced budget amendment is a partisan issue. Many Democrats voted for the amendment last year and we'd certainly like to have a couple more today.

It is not a partisan issue. I have said this publicly for a long time. The leader of the balanced budget effort that I have known for a long time is the Senator from Illinois, Senator SIMON, who is leaving the Senate. You could vote either way if you are leaving and not worry about it, but he is sticking with principle.

We are not going to change any votes because this is an election year and I happen to be the Republican candidate for President. I respect those on the other side who feel they must reflect the views of the occupant of the White House, the President, on it.

We had several Senators who had voted for this before, six, in fact, who switched their votes on March 2, 1995. In fact, we were counting 70-some votes for the amendment.

Several Senators who changed their votes last year talked about a Social Security firewall. We tried to reach out to those Senators to ensure that Social Security surpluses can never again be used to mask deficit spending. I believed that, after a suitable phase-in, the Federal budget could be balanced without counting the surpluses in the Social Security trust funds.

I still hope that one or two of those six Senators who changed their votes last year can come home again and support the balanced budget amendment as they have in the past.

As I said, the question of whether we saddle posterity with our debts does not divide us along partisan lines—some Democrats have been a part of this effort from the beginning. But the balanced budget amendment is a critical test of whether we are willing to be responsible for our debts, and to be, in Jefferson's phrase, "Morally bound to pay them ourselves."

And here is where the President has lacked leadership—where it matters most. Unlike his predecessors, he has opposed this amendment. The White House lobbied furiously against it and rounded up enough support to defeat the amendment last year by one vote.

But we always can hope. And I am hopeful. If it does not happen today, it will happen maybe later this year. Maybe next year the White House will not lobby against it. Maybe somebody will be there to lobby for it. Maybe we can find the votes, the three or four votes that we need.

It is no small accomplishment that almost all of us in this Chamber now agree that the budget should be balanced by the year 2002. That's a big change since last March. It's not just Republicans saying it now, but all of us—from Republicans to blue dog Democrats to the President. That in itself is good news for America. Since we all agree that it should be done by the year 2002, let's pass the amendment that requires that we do it by the year 2002.

But talk is not enough. President Clinton had an opportunity to demonstrate serious commitment for a balanced budget by urging his Democratic colleagues to support this amendment. Make no mistake: President Clinton's opposition continues to be the single largest obstacle standing in the way of a balanced budget amendment to the Constitution that 83 percent of the American public want.

The Federal budget has not been balanced since 1969. Since that time, Congress has passed no less than seven different laws containing balanced budget requirements.

But despite all the votes, all the speeches, and all the good intentions over the past quarter of a century, the Federal debt has grown each and every year.

Last year we passed the first balanced Federal budget in a generation. But President Clinton vetoed it. The record of the past 25 years is frustratingly clear: We simply cannot rely on statutory changes to get the job done. We need the balanced budget amendment to the Constitution to guarantee that the job gets done.

That's why I first introduced a balanced budget amendment back in 1971. And that's why I know ultimately someday this amendment will pass. Maybe not today. Today those of us who for years have been battling for a balanced budget amendment may feel all too much like that ancient Greek philosopher rolling the heavy rock up the hill just to have it roll back down again.

It is like the line-item veto. It was never going to happen, but it did, thanks to Senator MCCAIN and COATS and others on the other side of the aisle.

But this issue is the right one for America. And one day the balanced budget amendment to the Constitution will be passed in accordance with the wishes of the overwhelming majority of Americans. As for today, at least every

American will know exactly where each and every one of us stands on the issue, and every American will know exactly where President Clinton stands on the issue.

In a few moments, Mr. President, we will have one last vote on whether we can finally pass the balanced budget amendment and send it to the States for ratification. Remember, no single action here in the U.S. Senate is the end of the line.

The final decision about whether or not the balanced budget amendment will go into effect rests with those outside Washington. The Founding Fathers decided to give the ultimate authority over constitutional amendments to those who are closest to the people—the men and women who serve in State houses around the country.

Let's trust the States and put our faith in the American people. Let's go through the constitutional process that our Founding Fathers so wisely set up. There's a word for that process. And that word is democracy.

Passing the balanced budget amendment is the singlemost important thing we can do to ensure that Nation's economic security and to protect the American dream for our children and grandchildren.

In this vote we address the fundamental principles of government, and we should, each of us, consider ourselves bound by Jefferson's admonition to be mindful of posterity, and discharge our moral debt to future generations of Americans.

The PRESIDING OFFICER. Under the previous order, the hour of 12 noon having arrived, the Senate will now proceed to vote on the passage of House Joint Resolution 1. The question is, Shall the joint resolution, as amended, pass? The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Rhode Island [Mr. PELL] is necessarily absent.

I further announce that, if present and voting, the Senator from Rhode Island [Mr. PELL] would vote "no."

The PRESIDING OFFICER (Mr. ASHCROFT). Are there any other Senators in the chamber desiring to vote?

The yeas and nays resulted—yeas 64, nays 35, as follows:

[Rollcall Vote No. 158 Leg.]

YEAS—64

Abraham
Ashcroft
Baucus
Bennett
Biden
Bond
Breaux
Brown
Bryan
Burns
Campbell
Chafee
Coats
Cochran
Cohen

Coverdell
Craig
D'Amato
DeWine
Dole
Domenici
Faircloth
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Harkin

Hatch
Heflin
Helms
Hutchison
Inhofe
Jeffords
Kassebaum
Kempthorne
Kohl
Kyl
Lott
Lugar
Mack
McCain
McConnell

Moseley-Braun
Murkowski
Nickles
Nunn
Pressler
Robb
Roth

Santorum
Shelby
Simon
Simpson
Smith
Snowe
Specter

Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—35

Akaka
Bingaman
Boxer
Bradley
Bumpers
Byrd
Conrad
Daschle
Dodd
Dorgan
Exon
Feingold

Feinstein
Ford
Glenn
Hatfield
Hollings
Inouye
Johnston
Kennedy
Kerrey
Kerry
Lautenberg
Leahy

Levin
Lieberman
Mikulski
Moynihan
Murray
Pryor
Reid
Rockefeller
Sarbanes
Wellstone
Wyden

NOT VOTING—1

Pell

The PRESIDING OFFICER. On this vote, the yeas are 64, the nays 35.

Two-thirds of the Senators voting, a quorum being present, not having voted in the affirmative, the joint resolution fails of passage.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, we knew this was a foregone conclusion. I just have to say that today the liberal politicians have won again, and the American people have lost. We knew that was going to happen. We had no illusions about it. But it is simply amazing to me that, yesterday, some on the other side spent time attacking Senator DOLE, who sincerely has brought this amendment to the floor on a number of occasions. The only time it has ever been brought to the floor with a real chance of passing is when Republicans were in the majority of the U.S. Senate.

But what happened here is that some have tried to use this critical, historical debate, which will affect the future of our very children and grandchildren, for political ends and personal gain. I feel badly about that. Some have used the phony excuse of protecting Social Security. Those protectors have now left Social Security and all of our security open to the mercy of the big spenders.

Look at the current problems we face with Medicare. We said, a few years back, that we had to do something to fix it. Really, there has been little or no effort by this administration to do it. We told them Medicare was going broke. They laughed. Now their people have confirmed that we were right and they were wrong.

So when is the charade going to stop? When are the American people going to realize that the balanced budget amendment was defeated today because there are taxers and spenders here who do not want to be fiscally responsible? They won the day, and the American people, our children, and our grandchildren have lost.

Mr. President, I feel badly that we have lost this today. Knowing that we were going to, it has been somewhat philosophically accepted. But the fact is, it is not going to go away. We are going to have to put fiscal discipline into the Constitution if we ever want to get the spending practices under control. All Republicans but one voted for the amendment, and we had 12 Democrats vote for the amendment. I am personally grateful for those 12 Democrats who stood up and voted for this amendment. It means a lot to me personally, but I think it means more to the country. I hope that in the future we will get more on that side. This is the last chance to really keep America on sound fiscal footing.

DIFFERENCES IN JUDICIAL PHILOSOPHY

Mr. HATCH. Mr. President, I want to talk about another matter very near and dear to my heart. For some time now, I have been discussing the differences in judicial philosophy between the judges selected by Republican Presidents and the Presidents from the other side of the aisle. These differences can have real and profound consequences for the safety of Americans and their neighborhoods, homes, and workplaces. These differences, I might add, have serious consequences.

During these various speeches that I have given, I called attention to certain Clinton judges who have long track records of being soft-on-crime, liberal activists. One of these judges is Judge H. Lee Sarokin, a Clinton appointee to the U.S. Court of Appeals for the Third Circuit. Judge Sarokin has displayed an undue and excessive sympathy for criminals and is too willing to impose his own moral beliefs onto the law and onto our communities.

Judge Sarokin is the judge, this body may recall, who, before he was elevated by President Clinton to the third circuit, ruled that a homeless man could not be barred from a public library because of his body odor even though it was offending everybody in the library.

Judge Sarokin also issued several other activist decisions as a district judge, including some released convicted murderers from jail. I opposed his elevation to the third circuit because I believed he would continue his own special brand of judicial activism. My prediction has been proven true time and time again as Judge Sarokin voted to aggressively expand double jeopardy and to overturn several murderers' convictions.

This week Judge Sarokin informed President Clinton that he will retire at the end of July after 22 months as a circuit court of appeals judge. Judge Sarokin claimed that he was retiring because of the criticism that I and others have made against his activist decisions.

In his letter he wrote that he and others on the judiciary were being

"Willy Hortonized." He went on to write, "I regret that there are those who are willing to sacrifice my life's work and reputation for their own political gain." Judge Sarokin also claimed that he "had intended to remain on the court so long as I was fiscally and mentally able. But the constant politicization of my tenure has made that lifetime dream impossible for me."

Give me a break. Mr. President, Judge Sarokin has illustrated once again his failure to appreciate the proper role of a judge. As a sitting judge he has issued a partisan political screed. But the partisanship of Judge Sarokin's letter is also illustrated by what the judge fails to mention. As early as March 4, 1996, this year, it was reported that Judge Sarokin wished to take senior status and that he wanted to move to California so that he could be near his family. Yet this fact is not mentioned by the judge in his letter to President Clinton. According to a March 4 article in the New Jersey Law Journal "Sarokin confirmed through a secretary that he will take senior status effective September 1st." This article appeared long before my March 29 floor speech which called attention to Judge Sarokin's activism on the third circuit. In fact, in my speech, I mentioned the judge's plan to step down because it had already been announced and articulated. Essentially, Judge Sarokin had hoped that he could take senior status which would have reduced his workload to 25 percent of an active judge's caseload and move his chambers to California—In other words, from the third circuit on the east coast to California on the west coast.

In other words, Judge Sarokin wanted quasi-retirement in California, the State of his choice. Unfortunately for Judge Sarokin, his colleagues on the third circuit were not thrilled with his early retirement plans, and on the 22d unanimously voted to deny Sarokin's request to move his chambers to California.

I take that out of the Recorder of May 6, 1996.

As one unnamed colleague on the court told a reporter, "It took a lot of chutzpah for him to leave after only 22 months on the bench." Boy, do I agree with that statement. Former law clerks and colleagues told the press that prior to the third circuit's decision Sarokin had already sold his home in New Jersey—in short, prior to his stirring announcement Judge Sarokin wanted to reduce his workload and was intent on moving to California. Yet, Judge Sarokin failed to make any reference to this episode or these matters in his letter to President Clinton. In fact, Judge Sarokin had the nerve to say that he "had intended to remain on the court so long as he was physically and mentally able." Bear in mind his request to take senior status had been denied just 6 weeks ago. Perhaps Judge Sarokin thought he could escape scrutiny for this obvious lack of forthrightness.

Judge Sarokin's letter, its assertions as well as its omissions, demonstrates how some view Federal judges as philosopher-kings whose decisions and prevarications should never be challenged. I personally do not hold this view, and I do not think anybody in this body does.

I have no ill feelings for Judge Sarokin personally, and I wish him much happiness in his retirement. But it should be pointed out that he served darned little time on the third circuit Court of Appeals, and will receive higher retirement because he went from the district court to the Third Circuit Court of Appeals. And we went through an awful situation as he was elevated to that court. Mr. President, but I do not wish him any harm, and I wish him happiness in his retirement. But what is far more important at this point is not Judge Sarokin's retirement but who will replace him.

The American people will decide this fall who will be our President, and along with that choice comes the choice of the President's judges. The choice this fall will be between judges who will be tough on crime and judges who are softer on crime, judges who will apply the law and not legislate from the bench, or judges like Lee Sarokin who have been activists from the day they got on the bench.

Mr. President, I just want to mention one other thing. This week there was the very important argument in the Supreme Court by the President's Solicitor——

I ask that we have order. This is very important.

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Utah.

Mr. HATCH. This argument before the Supreme Court was made by the President's Solicitor General, who I know was pushed into this position by others who apparently have enough power in the Solicitor General's Office beneath him to force him into this untenable situation.

No sooner—in a little over a month—after enacting the antiterrorism bill, with clearly the most part of that bill being habeas corpus reform, the Solicitor General walks into the Supreme Court and undermines that very reform, with an argument that would create a tremendous loophole, by hoping to convince the Supreme Court that they can ignore Marbury versus Madison and grant themselves jurisdiction that the Constitution does not grant and neither does the Congress. And, frankly, I could not believe it when I heard the Solicitor General make the argument that he did. I feel badly that I did not argue for our side in Court but I just did not want to have it look like I was grandstanding, or something like that.

The fact of the matter is that, if the Solicitor General's position is accepted, there will be a direct appeal to the Supreme Court mentioned nowhere in the Constitution, nowhere in statutory law because we are not allowed under Marbury versus Madison to expand the jurisdiction of the Supreme Court, or to detract from it. I will surprised if the Supreme Court grants that. But there was not an effective argument in my opinion against that position in the Supreme Court even though the law is pretty clear. The Constitution is clear. That Marbury versus Madison, the all-time most important, or at least one of the most important, Supreme Court cases is pretty clear. The result and the effect of that argument by the Solicitor General was that the Solicitor General sided with the convicted murderer in that case, who is now 13 years in prison after he was condemned to death but through multiple habeas corpus appeals to the Court, and there is basically no reason to believe that he is not the murderer, has avoided his sentence. Naturally, every one of these murderers claim—not every one, but a great many of them claim—they never did it. But the facts bespeak otherwise.

It was really something to watch the Solicitor General in there arguing on behalf of the convicted murderer who has 13 years on death row and multiple appeals. This is precisely what the President told me he wanted to end, and I did end it while still protecting their constitutional rights and giving them a direct appeal all the way up to through the State courts, a collateral habeas corpus appeal all the way up through the States courts, both of them all the way to the Supreme Court, and then a full right to take a separate Federal habeas corpus appeal all the way up to the Supreme Court, and then a protective right by a three-judge circuit court of appeals panel, if they have newly discovered evidence that could not otherwise have been recently uncovered, or there is some retroactive opinion of the court that applies. That is what bothers me.

So who picks these judges and who picks these Solicitor Generals? Who picks leadership in anticrime in this next Presidential race is extremely important. I do not think you need a better example than Lee Sarokin in this country today to show the importance of that particular choice to all Americans, nor do I think you need a better prime example than the Supreme Court argument of this administration and this Solicitor General before the Supreme Court this last week.

Mr. President, I yield the floor.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

UNANIMOUS CONSENT REQUESTS—H.R. 3103 AND S. 1028

Mr. LOTT. Mr. President, I seek recognition to propound a unanimous-consent request momentarily. I know the distinguished Democratic leader is here to respond. But I would like to just make some comments about why we are doing this now and what we hope for.

First of all, this is with regard to the health insurance reform legislation that passed the Senate by a vote of 100 to 0 on May 23, 2 full weeks ago today, and yet we have not been able to appoint conferees. Now, we all know that conference activities have been underway. There has been communication from both sides of the aisle, on both sides of the Capitol, and I had the impression yesterday morning that great progress had been made, that maybe we were close to an agreement on what would be in the conference report that would come out with regard to health insurance reform.

But as a matter of fact, apparently that agreement has not been reached. I understand that perhaps the Senator from Massachusetts has had a press conference within the last couple of hours being very critical of what has transpired with regard to this issue, particularly as it applies to the medical savings accounts.

Conferences are where people give and take. Quite often you get part of what you wanted, not all of what you wanted, but I had the impression that concessions had been made or indicated from the Senate that were positive and from the House and that we were very close to an agreement, and yet it does not seem to have occurred. Yet we still have not been able to get an agreement to actually have conferees appointed.

I do not understand that. I thought that once you pass a bill, you communicate across the aisle and you appoint conferees, go to conference, and they do the job. What has been suggested by the distinguished majority leader is we have conferees appointed, appropriate ones after consultation with the Democratic leadership, from the Education and Labor Committee and from the Finance Committee, all those general matters within the jurisdiction of the Finance Committee, and also from the Judiciary Committee since in the House they were going to have Judiciary Committee conferees with regard to medical malpractice.

If we could surely agree on conferees and get the real conference underway, I think everybody would like to see this issue agreed upon and resolved here in the next few days, hopefully.

So I ask unanimous consent, Mr. President, that notwithstanding the receipt of the message from the House regarding the appointment of conferees with respect to H.R. 3103, the Senate insist on its amendment to H.R. 3103, the Senate agree to a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. Is there objection.

Mr. DASCHLE. Reserving the right to object, I share the view expressed by the distinguished majority whip. There is no reason why we cannot resolve this matter. It was passed 100 to 0 on a bipartisan basis. Unanimously, this Senate said this legislation should be passed.

Mr. President, that was over a month ago now. There is no reason why in a month's time we could not have negotiated successfully the differences with the House. That is all this has been about, finding a way with which to resolve our differences.

Now, I might tell the distinguished majority whip that it has been of increasing concern to us that as these negotiations are going on, Democrats have been excluded from the real conferencing and the negotiations as they have gone on, and we do not understand why that would have to be, why we cannot have bipartisan cooperation and consideration of the problems that we are facing in both versions of the bill.

To be locked out, in our view, is unacceptable. We also recognize—and I know that the distinguished majority whip recognizes as well—that as you negotiate a conference with representatives for that conference, there has to be some accommodation on both sides of the aisle with regard to the numerical representation as well as the committee representation. He knows very well that in this case that has not been done. So we have not been able to come to some resolution with regard to this representation in the conference and so have been relegated to these negotiations that have been ongoing.

We were told as late as yesterday that progress was being made, and it was for that reason I withheld offering a unanimous-consent agreement that I, frankly, believe we ought to put on record. There is no reason why we cannot restate the unanimity which we feel about this legislation.

So having reserved the right to object, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 1028, the Kassebaum-Kennedy health care portability bill, the language of which was passed by the Senate on April 23 by a unanimous vote, that the bill be read a third time and passed, and the motion to reconsider be laid on the table.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. Is there objection?

Mr. LOTT. I object to that request.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. If I could respond before Senator DASCHLE has an opportunity to respond to my unanimous consent, I have two points.

First, I want the record to be clear that a vote actually did occur on April 23, not May 23, so it has been well over a month since that action occurred.

As to having Democrats involved in the negotiations, I believe that they have been involved in talking back and forth, but the reason why they have not been formally involved is because we have not been able to get an agreement to appoint conferees. That is the way it works. You appoint conferees and the conferees meet, Republicans, Democrats, House, Senate. That is the way to get an active, direct, normal, formal conference underway. Let us appoint conferees. Let them meet this afternoon and pass this thing out and then we can move it forward. We would love to have Senator KENNEDY, Senator PELL, Senator MOYNIHAN, Senator BIDEN, or a different mix of Democrats on behalf of the Senate in a formal conference meeting with the House, and that is why we are trying to seek this unanimous-consent request at this time.

Mr. DASCHLE. Mr. President, again——

The PRESIDING OFFICER. The Chair understands that objection was heard to the unanimous-consent request of the minority leader. Unanimous consent was not agreed to on the request of the Senator from Mississippi.

Mr. DASCHLE. Mr. President, again reserving the right to object, I yielded for purposes of response on the part of the distinguished majority whip. But let me simply say that, unfortunately, it used to be the case that Republicans and Democrats got together formally and resolved their differences in conference agreements. I would only cite as the most recent illustration of how that is no longer the case the budget agreement. To my knowledge, not one meeting was held where Democrats were included in that conference, not one. So I hope we can get back to the time when Democrats and Republicans can formally sit down and work through all of these differences. That, in part, is what this is all about. We want to get an agreement. We will continue to offer the original language to whatever legislation may be offered in our determination to get resolution of this issue. But we certainly cannot agree under these circumstances to the request propounded by the majority at this time, so I object.

The PRESIDING OFFICER. The Chair is unclear. Does the minority leader object?

Mr. DASCHLE. I indicated I did object.

Mr. LOTT. Mr. President, if I could respond to correct one thing that the Senator said. As a matter of fact, no agreement has been reached on the budget resolution conference report, and, in fact, I believe there was a meeting of the conferees at 3 o'clock on Tuesday of this week. I assume there will be other meetings of the conferees. I am not a conferee on that budget conference, but I do know that they met, I believe, for about an hour or hour and a half on Tuesday of this week. We hope they will meet again soon and get an agreement because we would like very much, as I know the Senator, the Democratic leader, would, to have that budget resolution conference report so we can get on with appropriations bills. We hope to have it at the earliest opportunity next week, if not get an agreement today.

I yield the floor. I thank the Chair.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

DEMOCRATS CONTINUE TO BLOCK HEALTH CARE REFORM

Mr. GRAMM. Mr. President, I want to talk about this issue of naming conferees, and about the health care bill itself. I know many people think that when we have these little confrontations it is just partisanship and that it does not mean anything, but I wanted today to take a little time to talk about the real issue here and explain what it really means.

Let me begin by noting that the Senate passed a bill 44 days ago which would make health insurance permanent and portable, and which set out a procedure to try to make it easier for people to get and keep good private health insurance. It was this little bill right here.

Now, 44 days ago, the distinguished majority leader, Senator DOLE, tried to appoint conferees to work out the differences between our health care reform bill and the health care reform bill that passed the House of Representatives, so that both Houses of Congress could then bring up and pass a final bill.

For 44 days, Senator KENNEDY has objected, and for 44 days he has denied working Americans the following provisions: No 1, an 80-percent deduction for health insurance premiums that are paid by the self-employed. This is a provision which is contained in the bill that we passed thanks to an amendment that was written and offered by Senator DOLE; No 2, the deductibility of long-term health insurance premiums; No 3, the ability of people with terminal illnesses, with the certification of a physician, to go ahead and collect their life insurance—a very important provision for people who have AIDS; No 4, State-sponsored high risk insurance pools—that will help low-income people who have high medical risks get health insurance in the State they reside in; and, finally, No 5, the ability to, on a penalty-free basis, draw money out of your IRA's, your individual retirement accounts, if you have high health insurance bills. These are things that have been agreed to and these are things that, with certainty, would happen if we passed this bill. But, for 44 days, the Democrats have prevented us from going to conference and working out an agreement that would let us pass this bill.

What does 80 percent deductibility of insurance premiums for the self-employed really mean? In the last year for which figures are available, there were roughly 3 million Americans who had insurance through self-employment. They were allowed a 25 percent tax deduction on the cost of that health insurance, even though, if they worked for somebody else, it would be 100 percent deductible. So the 3 million Americans who work for themselves had to pay 75 percent of their insurance premium with after-tax dollars because the Tax Code discriminates against the self-employed. Again, in the last year for which figures are available, the average self-employed American, in buying health insurance, got a deduction of $713. If we had passed this bill 44 days ago when we had a chance to go to conference and work out our differences, the average American who works for himself would ultimately be able to deduct $2,283 for the payment of private health insurance premiums. In other words, for over a month now, we have delayed over $1,500 of savings to every self-employed worker in America.

In addition, we now have in America over $1 trillion in individual retirement accounts or other forms of tax shelter. By allowing that money to be used to pay health insurance costs, when those costs exceed 7.5 percent of your gross adjusted income, we would be liberating $1 trillion of assets that could be used to help working Americans at a time when not only has a rainy day arrived, but it is pouring cats and dogs as a result of exploding health insurance costs. Yet we have not passed any of these provisions because the Democrats have objected to naming conferees. Well, why do we have a filibuster of a bill that the Democrats, in huge numbers, support? Why is this happening? That is the point I want to address right now.

The Democrats say they are filibustering this bill because they are opposed to medical savings accounts. They are fearful that medical savings accounts will be in the final bill since the House of Representatives overwhelmingly adopted a provision that would permit Americans, who freely choose to set up medical savings accounts, to do so on a tax exempt basis—and they object to this.

It is very interesting to note that this objection is a rather new phenomenon. In fact, some of the objectors have, in the past, been some of the strongest proponents of medical savings accounts. Let me quote Senator DASCHLE, the Democratic leader, who introduced a bill—which contained medical savings accounts—with Senator NUNN, Senator BREAUX, Senator BOREN, and others. In a statement related to that bill here is what he said: "We have introduced a bill * * * which would allow employers to provide their employees with an annual allowance in a 'medical care savings account' to pay for routine health care needs." That was his position 2 years ago.

Let me quote the Democratic leader in the House, DICK GEPHARDT, who also had a bill which contained medical savings accounts. He said, talking about medical savings accounts, "It's very popular. A lot of people like that option and I think it will be in the final bill." That is the final health care bill. "I think it is a great option." This was DICK GEPHARDT'S position on medical savings accounts just 2 years ago.

Even the Kassebaum-Kennedy bill endorses the idea of medical savings accounts. So why the change of heart? What has happened? The Democrats say they discovered that medical savings accounts only help rich people.

Well, let me read you some quotes from some of these supposedly rich people who have medical savings accounts. This is an allegedly rich person who is the political director of the United Mine Workers in Illinois. In writing to Senator SIMON he said:

> An amendment to the health care package has been offered to add a medical savings account provision. The United Mine Workers has a similar provision in our current contract that is anticipated to produce significant savings versus our previous insurance.

Let me read from another rich person who writes on behalf of medical savings accounts. This is a part-time bus driver from Danville, OH who writes:

> Today I would like to appeal to President Clinton to please support the medical savings account issue. Nearly 3 years ago we went to a medical savings account plan and it has been very helpful.

Why, all of a sudden, having introduced bills that provided for medical savings accounts—why, all of a sudden, are people like Senator DASCHLE and Minority Leader GEPHARDT and other Democrats in Congress now so adamantly opposed to medical savings accounts? Let me tell you my theory as to why, all of a sudden, Democrats who have been for medical savings accounts in the past are now so adamantly opposed to them. I think that the discovery they made is not that medical savings accounts are for rich people, but rather their discovery is that medical savings accounts give people freedom. They let people choose. They empower people. Republicans are not trying to force Americans to take medical savings accounts. We just want to allow them to do make a choice without discriminating against them in the Tax Code.

Our Democratic colleagues oppose letting Americans have that choice because they do not want Americans to choose their own health care. They want Government to choose. They claim they are for this little bill, but it is actually this big stack of bills that they support.

This is what they are for. This is what we have been debating over the last 2 years—the Clinton health care bill and all of its derivatives. Our Democratic colleagues know that to let people choose their own health care means that Government cannot choose it for them. The holding up of this bill and their new-found opposition to medical savings accounts shows one thing very clearly: the Democrats do not want families to choose, they want the Government to choose.

This little bill is not the health care bill they are for—this big stack of bills is the health care bill they are for. They really believe that they will get this big stack of health care bills someday, but only if they do not give people the freedom to choose their own health care.

So why are we being held up? Why for 44 days have we not named conferees on a bill with provisions that virtually everyone says they are for? Remember, all 100 Members of the Senate voted for it. The reason is that the Democrats do not want people to have the freedom to choose their own health care is because their real plan is not to make insurance portable and permanent and it is not one that would empower people to be efficient in buying health care through medical savings accounts. After all, that is what this bill and the House bill are trying to do. The bill the Democrats long to get back to is a bill which is represented by all of the bills that we wisely rejected last year. They want to get back to a bill where the Government, not the family, chooses.

The truly amazing thing is that Senator KENNEDY today had a press conference attacking Senator DOLE for holding up a bill that he, Senator KENNEDY, has been filibustering for 44 days. For 44 days, Senator KENNEDY has stood up and objected to naming conferees, and then today he attacks BOB DOLE for holding up an agreement?

But why has Senator KENNEDY objected? He has objected because he rejects the right of people to choose. He rejects the right of individual citizens to decide whether they want low-deductible health insurance or high-deductible health insurance. Further, he rejects the right of those who choose high-deductible health insurance to put the savings into a medical savings account which they can use to pay those deductibles tax free or which, if they do not use it for that purpose, is available to send their children to college, to make a downpayment on a new home, or to start a new business. Senator KENNEDY and the Democrats do not want people to have that right to choose, because deep down in their hearts, they want the Government to choose.

This is the health care plan they are for—it is not the health care plan that we debated this year. The Democrats know if we get medical savings accounts, if families have an incentive to be cost conscious, if families have the right to choose their own health care, that this will work, and it would mean that they never get the opportunity to have these health care purchasing collectives where Government would make the decisions.

So I simply want to remind my colleagues, when the minority leader or Senator KENNEDY stands up and objects to naming conferees, what they are really objecting to is freedom. They are really objecting to the right of people to choose—they do not want people to have a right to choose, because they want Government to choose.

That is what this debate is about. Do you want Government to run the health care system, or do you want family choice to dominate the health care system?

To me, that is a very easy question to answer. And let me note the difference between what the Democrats are doing this year and what I did last year—just in case our colleague from Massachusetts should come over and say, "Well, here is PHIL GRAMM, he held up the Clinton health care bill in 78 days of debate." Yes I did. It was God's work and I expect to be remembered for it when I get to the golden gates, but I never denied it. I never stood up and said, "This is a great bill the President has proposed. These are wonderful ideas. I'm for it, but I'm just not going to let you pass it."

I said over I am not going to let you pass this, except over my cold, dead political body. This is not what Senator KENNEDY is saying. Senator KENNEDY says he is for this bill, yet he is not allowing us to name conferees because he does not want people to be free to choose. He wants the Government to choose. This is what the debate is about—freedom—and I wanted to come over today to be sure that people understood with certainty what we are talking about. I want them to understand that the Republicans want families to choose, the Democrats want the Government to choose, and that this is about as big a difference as you can have in the world.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. THOMAS). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTRA, EXTRA—"READ ALL ABOUT IT"

Mr. GRASSLEY. Mr. President, 2 days ago, I spoke proudly of my State's 150th birthday celebration this year and also the Smithsonian Institution's cooperation with that effort. By the way, the Smithsonian Institution happens to be 150 years old as well this year, and they are celebrating that aniversary throughout the year. But for 2 weeks, beginning on June 26, there is going to be a celebration of my State on The Mall. Specifically, though, on June 26 there will be a birthday party for Iowa from 6:30 to 8:30 p.m. in the Centennial Building on The Mall across from the Smithsonian castle.

I hope that Americans will come to see, over the course of those 2 weeks, demonstrations about Iowa industry, Iowa agriculture, Iowa education, Iowa history, culture—everything—that will be on display there.

I announced that I was going to speak a little bit and shortly every day on a certain aspect of Iowa.

I want to make reference to spreading the spirit of Iowa. As I talk about the Iowa spirit, I will talk about the role of weekly and daily newspapers throughout the history of Iowa, my State.

So it is time to say, "Extra, extra—read all about it."

Mr. President, Iowa celebrates its 150-year-old heritage this year. And at the end of this month and during the first week of July, Iowa will participate at the Festival of American Folklife on our National Mall to showcase our folks and way of life. Billing the celebration as "Iowa—Community Style," hundreds of Iowans and Iowa natives will pitch in to spread the sesquicentennial spirit to more than a million visitors.

Of course, Iowa's story of community wouldn't be complete without sharing a vital and continuing chapter integral to community life in Iowa. Iowa's first newspaper started in Dubuque when the Dubuque Visitor issued its premiere edition on May 11, 1836. And Iowa's longest running newspaper continues to roll off the presses each day in southeast Iowa. The Burlington Hawkeye's first edition dates back prestatehood, to July 10, 1837. To this day, the local newspaper office remains an important hub of activity on Main Street in Iowa's 99 county seats and surrounding communities. More than 340 hometown weekly and daily newspapers currently report local events in Iowa.

As you may know, Iowa consistently ranks at the top in literacy and other tests of scholastic achievement. Perhaps it's no small wonder that my State also holds the highest per capita number of newspapers in the country. Just take one county in Iowa, as an example. Situated on the banks of the Missouri River in northwest Iowa, Sioux County has a population of about 30,000 people and boasts no less than seven published newspapers each week. Known to be well-read, Iowans are serious about keeping abreast of current affairs in our local, national and international communities.

In fact, an international venture between Iowa media outlets and foreign journalists started 3 years ago. The International Center for Community Journalism, based in Grinnell, IA, has helped to match journalists from the Ukraine, Russia, Georgia, Bulgaria, Mongolia, and Thailand with more than 30 newspapers in Iowa. Iowa families open up their homes for 2 or 3 months while the visiting journalist works at their local newspapers.

Many times, Iowa journalists and journalism educators will reciprocate the stay in the foreign country. This exchange of information, culture, and talent has helped to spread the Iowa spirit and a vital understanding of the importance of a free press in a democratic society. The program soon will include journalists from Hong Kong, Thailand, Indonesia, the Philippines, Singapore, and Vietnam.

Without a doubt, Iowans have grown to depend on their hometown papers for school news, high school sports coverage, business items, local government and politics, community announcements, and human interest stories. Typical of any endeavor in my State, be it enterprise, education or entertainment, newspapers in Iowa place great emphasis on quality. Combining news reporting and advertising, the local newspaper is a constant and reliable source for the community.

The Iowa Newspaper Association each year awards top honors to newspapers in Iowa for general excellence; for delivering the best editorial, front, sports, and feature pages; for best coverage of local government, agriculture, and education; and, for overall community service.

Merchants and shopkeepers on Main Street rely on the local newspaper to advertise upcoming sales and promotions. And readers pay close attention to the ads.

For sure, Iowa's hometown newspapers wouldn't miss this once-in-one-hundred-and-fifty-years-opportunity to help spread Iowa's spirit. Visitors to the cafe on The National Mall will find a grand newspaper stand displaying many of Iowa's hometown papers. You can discover for yourself a trove of Iowa's ink in the Herald, Journal, Gazette, Review, Leader, Express, Record, Bee, Chronicle, Register, Times, and Courier, just to name a few. I would encourage those who plan to celebrate with Iowa—community style, to stop by and "read all about it."

THE LEGEND OF KATE SHELLEY

Mr. GRASSLEY. Mr. President, it may have started out like a normal day, but July 6, 1881, did not end in a typical manner. In the late afternoon, around suppertime, a terrifying storm struck central Iowa. It was a terror. Sensible people stayed indoors away from its wrath and fury. Creeks and streams became full to overflowing with the rainwater as the storm raged on.

Then there was a crash. It was heard by a family living close to one of the rain soaked creeks and the railroad bridge which crossed it. With that crash a young 15-year-old Iowa girl from Moingona stepped from obscurity into legend.

As H. Roger Grant wrote in "The Palimpsest," "the courage of Kate Shelley rightfully deserves to be remembered." For on that night she bravely faced her destiny.

Engine No. 11 was checking the Chicago & North Western Rail Road line for storm damage when it plunged into Honey Creek. The water was deep and the current was fast. The crewmen on that train needed help, and Kate Shelley knew she had to give that help. Putting all thoughts of personal safety aside, she went out into the storm. As she later said, "The storm and all else was forgotten and I said that I must go to help the men, and to stop the passenger (train) that would soon be due at Moingona."

Kate put together a lamp with a wick made from an old felt skirt. Again in her own words, "(I) started out into the night and the storm, to do what I could, and what I though was my duty, knowing that Mother and the children were praying to God to keep me from every harm." Kate's father, who had been an employee of the Chicago & North Western, had died some 3 years before.

Upon reaching the wreckage, Kate found that of the four-man crew, only two had survived. One clung to a tree and the other to tree roots as the deadly waters of Honey Creek swirled around them. Kate saw one of the men in the flashes of lightning. He shouted at her and she at him, but the noise of the storm was go great to be hearing each other was impossible.

Let me again turn to Mr. Grant's "Palimpsest" article,

> Shelley (then) began the most perilous portions of her trek. Crossing the Des Moines River bridge, even in ideal conditions, was dangerous. The North Western had studded the ties along this 673-foot-long span with twisted, rusty spikes to discourage trespassers. And the ties themselves were spaced a full pace apart. 'I got down upon my hands and knees, . . . and guided myself by the stretch of rail, I began the weary passage of the bridge,' explained Shelley. 'I do not know how long I was in crossing, but it seemed an age. Halfway over, a piercing flash of lightning showed me the angry flood more closely than ever, and swept along upon it a great tree, the earth still hanging to its roots, was racing for the bridge and it seemed for the very spot I stood upon.' Added Shelley, 'Fear brought me up right on my knees, and I clasp my hands in terror, and in prayer, I hope, lest the shock should carry out the bridge. But the monster darted under the bridge with a sweeping rush and his branches scattered foam and water over me as he passed.

Kate Shelley made it across that bridge and to the station at Moingona. There she found that the North Western had already stopped the eastbound passenger train. But that was not the end of her perilous night nor of her heroism. Those two men were still clinging to life in the tumultuous waters of Honey Creek. A relief locomotive was sent with Kate as the guide. Engineer Edward Wood and brakeman Adam Agar were saved.

Kate Shelley is an American hero for the ages. She is as much of a role model for all of us today and for our children's children's children, as she was to her contemporaries.

Kate Shelley did not have to go out into that ferocious storm in the middle of the night in 1886. But she did. She knew that her actions would make a difference. Her actions would help people she did not know, but that she never the less cared for. Her actions would help to prevent destruction, injury, and death. Her selfless actions would save two lives. What an example for all Americans to follow.

Mr. Grant quotes several contemporary newspaper accounts of the night in his article. One states,

> Ed Wood says he was well nigh overjoyed when he saw the light approaching the clearing near the end of the bridge, and that he will never forget the sight of Kate Shelley making her way over the twisted and broken trestle work to the last tie yet hanging over the wreck in the boiling flood below.

Another newspaper wrote Shelley crossed the Des Moines River bridge,

> . . . with nothing but the ties and rails (with) the wind blowing a gale, and the foaming, seething waters beneath. Not one man in five hundred (would) have (gone) over at any price, or under any circumstance. But this brave, noble girl, with the nerve of a giant, gathering about her, her flowing skirts, and on hands and knees she crawled over the long weary bridge.

Yesterday I said that the Iowa spirit was almost too big to describe. It is. But I think that I can in all honesty say the spirit of Kate Shelley is the spirit of Iowa. And it is a part of the American spirit, the spirit of helping others in a time of need and danger without expecting something for yourself. I hope that all of us can learn from this brave young woman's example.

UNANIMOUS-CONSENT REQUEST—EXECUTIVE CALENDAR

Mr. LOTT. Mr. President, for some time now, and on more than one occasion, there has been an effort to clear a number of judicial nominees that have been pending on the calendar awaiting action. As a matter of fact, there are now 17 such judicial nominations that are on the Executive Calendar. Some of them date back as far as December 1995. The latest group that was reported from the Judiciary Committee to the Senate came on May 9.

Now, on each occasion when there has been sort of an agreement worked out that one, two, three, or four judges could be cleared and moved, there have been objections to those. I know the majority leader would very much like to be able to move as many as possible of these judicial nominations. He said so publicly. He has been working on it today. I know he will continue to work to find what problems might exist and see if more could be approved. He will continue to do that. On his behalf, as the majority whip, I will do all I can do.

I feel like while it might be ideal under some conditions to some people to get them all done at once, under Senate prerogatives every Senator can raise concerns about a nominee for a variety of reasons—their qualifications for the job and other considerations. But I think if we cannot get them all done, we need to start moving down the road. You get as many as you can, and you come back and work some others.

I know there are a number of judges that Members of the minority party support and would like to get approved. Some of these that were recommended by Democrats are also supported by Republicans. We should continue our effort to show that we can move these nominations. We are getting to that point in the year where it will get more and more difficult.

Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations en bloc on today's Executive Calendar: Calendar No. 511, Joseph Greenaway of New Jersey; Calendar No. 514, Gary Fenner of Missouri; Calendar No. 591, Walker Miller of Colorado; and Calendar No. 575, Charles Clevert, Jr., of Wisconsin.

I further ask unanimous consent that the nominations be confirmed en bloc; the motions to reconsider be laid upon the table en bloc; that any statements relating to the nominations appear at the appropriate place in the RECORD; that the President be immediately notified of the Senator's actions; and the Senate then return to legislative session.

Mr. BAUCUS. Reserving the right to object, I ask the acting leader about another nominee that was considered before the Senate Judiciary Committee, reported out favorably, I believe the date was April 25, and has been on the calendar for some time now, and who is strongly supported by the people of Montana and for whom I have heard no objection, no substantive objection whatever. His name is Don Molloy. Might I ask if Don Molloy might be added to that list and included in the acting leader's request?

I say that in part, Mr. President, because there have been no judges confirmed in this session of Congress—none. I might say that many judges were referred by a Democratic-controlled Senate in years when there were Republican Presidents. I might say, for example, in 1992, this Senate confirmed 66 district and circuit court judges. I might add, none has been brought up or passed by this body in this session of this Congress. In 1988, the Senate confirmed 42 district circuit judges for President Reagan. I could go on down the list. I will not take the Senate's time.

As the Senator from Mississippi said, there are now 17 judges on the calendar, far short of the 66 and 42 that were passed in previous years. This is already June. I do not know how many more days this Senate will be in session this year. I ask, basically, why not all the 17 that are on the calendar? There is no reason why they should not be added.

Specifically, I inquire about Don Molloy, who has been nominated by the President and has been reported out favorably by the Judiciary Committee, has been on the calendar, for, gosh, over a month, why his name cannot also be added to that list.

Mr. LOTT. If the Senator would yield under his reservation for me to respond to his questions, we have tried on other occasions, at least two that I am personally familiar with, to move a grouping of these judicial nominations. I think on one occasion it was not even this same four. There may have been a different one that was considered on this. It was objected to by Members of the minority party. So we have been trying to move some of these judges that we could get approved through the process. Some of them were objected to on the Senator's side, as you have done—or as you are apparently prepared to do today—and others have objected to other judges. We cannot get them all cleared right now. We would like to get the ones we can get cleared done, and come back again later, as we work through this list.

Now, in regard to your specific nomination, we were not able to get that cleared today. There have been some reservations or objections raised. We are continuing to explore that. I do not personally know what the reasons are, or how many objections there are. But I plead with the Senator from Montana, once again. These four have been cleared. Hopefully, we can get an agreement on more—perhaps even within the next few days. But if we do not break this down and start getting some approved, the whole thing stays dammed up.

So any one Senator might have a judge on the list of 17, and his one judge may not be qualified, or may have some sort of a judicial problem based on his experience, or there may be some personal problem. As a general rule, if any Senator says a judge or a judicial nominee is personally repugnant to that Senator, that carries great weight around here.

So is the Senator saying today that until we can get all 17, we will get none of them? Any one Senator can walk in here and say, "I object to that group unless my judge is on there." I am trying, on behalf of the majority leader, to say, let us get started. These four have been cleared. Let us do these four, and maybe there will be another four. But you cannot say to the Republicans, "Well, there have not been any done this session," if they are being objected to by Democrats. Let us get started. I have told the Senator that I am willing to work and see what the problems are, and maybe they are problems that can be worked out. I cannot make a commitment on how that would be done, or when it will be done. But I am prepared to get into it as much as I can, within my role as it is, and see what the problems are.

Please consider moving these. These are judges that have been approved, that we can clear and move today off the calendar—nominations recommended by Senator BRADLEY of New Jersey, Senator KOHL, and I am not even quite sure who made the recommendation on the judge from Missouri or the one from Colorado. I presume they have broad bipartisan support in those respective States, even though those States do not have a Democratic Senator. Let us do these and see what else we can do.

Mr. BAUCUS. Mr. President, with some bemusement, I listen to my good friend from Mississippi. When a vacancy occurred in Montana for a Federal district court judge, I saw this as an opportunity to find the best person in the State of Montana for this position. This is one power, one thing that a U.S. Senator can do—that is, to recommend to the President of the United States who the President might, in turn, nominate to a Federal district court judgeship.

I took this very, very seriously. I sat down and surveyed the State of Montana to determine who I regarded as the best, the brightest, the most thoughtful persons—Republicans and Democrats, just good thoughtful people—and put together a nominee commission. I called each of them up personally—six, seven, or eight of the best Montana minds and the most thoughtful persons in the State of Montana, Republicans and Democrats—and asked if they would serve. They all said they would love to. I said to each of them, "I would like you to nominate or recommend to me the best people in our State." I said precisely, "I am not carrying water for any Republicans, any Democrats, liberals or conservatives; it makes no difference. I want the best." My commission, my group, then nominated three different people whom they regarded as the best people in Montana to serve in this position as a Federal district court judge. I then sat down with each of the three, interviewed each of the three for hours. I then called my group again and asked their opinions. I talked to all the Federal judges in Montana, all the State district court judges in Montana, and I asked their views.

I can tell you that Don Molloy is the top choice in the State of Montana for this position—by Republicans and by Democrats. There is just no denying that.

I say, in addition, to my good friend from Mississippi, that they need to have this position filled. That is because there is going to be a backlog in our State in the Federal district courts. Why? Basically, because of the unfortunate problems with the alleged Unabomber in Montana, and the Freemen are causing all kinds of problems in our State, which is putting an additional pressure on the law enforcement personnel in our State. Many of those actions will be in Federal district court.

So I ask my good friend from Mississippi why Don Molloy's name cannot be added to the list of four. I am personally not pleading for all 17 on the calendar. But I make a very reasonable suggestion to add one more to the list of four—that is, Don Molloy.

I have heard no substantive objection. I have heard no objection to him. He passed the committee. I believe that these nominees, to avoid this deadlock, probably should be brought up on the floor one by one and let Senators speak in favor or against the nominees. Let them stand up and say what they think. Let them vote the way they want to vote. I might say to my very good friend from Mississippi that my colleague, Senator BURNS, a Republican from the State of Montana, supports this nominee. He supports this nominee. If you have bipartisan support for our nominee, Don Molloy, I see no reason why he should not be added to that list of four.

Mr. LOTT. Mr. President, there has been objection to this point to this particular nominee. I do not know him. I do not know his record. I am not on the Judiciary Committee. I can only say that we have not been able to get any other than these four approved to this point. Maybe there is some problem there. I do not know. Maybe there is not.

I can sympathize with the Senator, because I remember one time that my State of Mississippi agreed to go along with a nominee from Louisiana, who was particularly well qualified to be a member of the Fifth Circuit Court of Appeals—basically, a Mississippi position. Because there was such a uniquely qualified nominee, a former Congressman and Governor that we withheld with the insistence that it be a nominee from our State. So that nomination went forward, and then it languished, and it laid there, and it seemed to be objected to. Finally, the term ended, or that session of the Congress, whatever that was—maybe the 98th session. At any rate, there was never an explanation of what the problem was. There was an objection by the Democrats to this fine man, who clearly had judicial temperament, was highly rejected, ethical, a former Congressman and Governor and, yet, it just stayed there and never was considered.

So I understand how the Senator feels about this. But it is a unique thing to the Senate to make the recommendations to Presidents for the Federal district judges, as well as appellate courts, even though appellate courts are treated a little differently than Federal district judges. It is also a unique Senate prerogative to have an objection to a judge. Obviously, it can come from some other State, some member of the Judiciary Committee—who knows? Sometimes it is very difficult to find out exactly what the problem is. But they have a way, in many instances, of working themselves out.

Again, the majority leader has said to the minority leader that he would like to move as many of these as possible.

Mr. BAUCUS. I can help the Senator move one more right now. That is my suggestion. That is helping the leader. He can move one more.

Mr. LOTT. We do not have that one cleared and the other 12. But we do have four cleared. When those are done, we will try some others. I make one last plea to the Senator. I believe that if he would let these four go, it would help break down the dike, and we would see others move.

Mr. BAUCUS. Mr. President, I appreciate the remarks of my very good friend. We simply have heard no good reason why Don Molloy should not be on the calendar.

It is with great reluctance that I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Mr. President, I thank the distinguished Senator from Iowa for allowing us to have this exchange in an effort to try to clear some judicial nominations.

MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Iowa.

CHINA MOST-FAVORED-NATION STATUS

Mr. GRASSLEY. Mr. President, earlier today the Senate Finance Committee heard testimony on the issue of most-favored-nation trade policy for China. As you know Mr. President, the President of the United States, President Clinton, on May 20 announced that China would be granted most-favored-nation status for another year. This is an annual determination made in the case of China. For the other 100 and some nations that have most-favored-nation trade status with us it is more on a permanent basis. It does not have to be annually like it is for China.

I might say, too, for the benefit of my colleagues that there are only about five or six countries that would be called major trading partners, or potential major trading partners that do not have most-favored-nation status. So I am not sure that the terminology is very good when it really kind of refers to normal trading status between the United States and any other country. But it has been titled like this for decades. So it sounds like maybe really more than what it really is. But the President made that decision.

I wanted to announce my support of the President's decision. So we are going to enter a period of time here where Congress debates whether or not the President is right to have granted most-favored-nation status to China, and also we will do that through a resolution of disapproval of the President's action. So if the resolution of disapproval does not pass the Congress then, of course, the President's actions will stand. If it would pass Congress by a majority vote but the President would veto, which you would assume that he would, then presumably unless there are votes to override—which means two-thirds majority—that the President's action would still stand.

So I think it is fair to assume that regardless of the annual exercise we go through, regardless of the motion of disapproval being approved, in the final analysis there will not be a two-thirds vote to override the President's actions. So China will have most-favored-nation status for another year.

I personally believe—and I support, of course—that the President's decision should and will be upheld. But there is a lot of sentiment against China on Capitol Hill, and recent developments in our relationship with China has not helped China's chances of success in fighting the motion of disapproval.

Most recently on trade issues in regard to China our United States Trade

Representative announced sanctions against China to the tune of $2 billion. These sanctions will take effect on June 17 unless China comes into compliance with the bilateral agreement on intellectual property rights that was reached in 1995. In response to our own Government's announcement of sanctions against China, they in turn said that they would levy 100 percent tariffs on many U.S. exports. These include agricultural products such as cotton, beef, chicken, and vegetable oils.

So it appears that we could be on the verge of a trade war with one of our major agricultural export markets. I want to reflect on this issue by briefly discussing how we got into this position, and what it means for China's chances on MFN.

Mr. President, as you know, the Clinton administration's position on how to deal with China has never been very clear. In fact, I suppose you could put it in a class with a lot of other issues that the President has taken positions on in the past. He has changed his view on this one as well.

In addition, since he has been President, I can say he has had no long-term view on what a relationship with China ought to be. Some have said that the President seems to make policy according to the last person he has spoken to on a given day. That has been a very general comment about the President. But it is one, if you look at specific actions on China, that I think you can apply even more specifically to our China policy.

In 1992, when he was a Presidential candidate, Bill Clinton harshly criticized the Bush administration for being soft on human rights in China. Candidate Clinton vowed at that time to condition China's most-favored-nation status on—these are his words—"respect for human rights, political liberalization, and responsible international conduct."

That is what the President said was wrong with President Bush's position on China.

Just 2 years later, President Clinton favored separating human rights from most-favored-nation status, and he favored that year granting China MFN status, as the Bush administration had done, and as the Reagan administration had done. And it even goes back beyond that.

While the President was changing his mind, there was not any evidence whatsoever that China had altered its behavior to satisfy President Clinton's very own standards that he had enunciated in 1992 on the issue of MFN. Recently the contradictions and rhetoric have become more pronounced, and the consequences even more important.

Our lack of a tough and clearly defined policy toward Beijing has created a new atmosphere in China. It is an atmosphere in which China decided that it can ignore its responsibilities to the world community.

So my question to you is this: Does this administration have credibility in dealing with China? I think that lack of credibility is part of the reason that we have problems not only with our government toward China but also within the United States of whether or not our policy toward China is right. This constant changing of policy does not send a very clear signal to the American people of the benefits of MFN, or the importance of continuing MFN for China. You see some of this in China's action—its attempt to intimidate Taiwan prior to its election through so-called military exercises. China has allegedly sold nuclear materials to Pakistan, but denies knowledge of doing so. Now it has blatantly violated its intellectual property rights agreement with the United States. Do you think that China would behave in this manner if they really took the President's rhetoric seriously? Our own United States Trade Representative has announced sanctions due to China's breach of the intellectual property rights agreement. I support these sanctions, and I have not found any opposition to these sanctions. The credibility of the United States and our ability to enforce future agreements would be very much on the line and questioned if we did not impose these sanctions. However, if we had had a more consistent policy toward China in the last few years, I think this situation on the intellectual property rights could have been avoided. Unfortunately, Congress will have to debate China's most-favored-nation status with its looming trade dispute as a backdrop. For many Members it will be difficult to go home and justify voting for MFN while China openly violates existing trade agreements. So I am afraid that the vote may be very close.

Mr. President, it is important to consider the implications of not extending most-favored-nation status at this time.

In 1995, United States exports to China totaled about $12 billion. Those exports would be jeopardized. Tariffs on products coming into the United States from China would also be raised significantly. This amounts to a tax, of course, on our American consumers, so American businesses and consumers will suffer.

The MFN debate is no ideological exercise. It affects business. It affects jobs for Americans. It affects consumer costs. So we are talking about pocketbook issues in dealing with MFN. There is at least one area that will suffer if MFN is revoked. It is of interest to my State of Iowa. That is agriculture. Those of us from agriculture States know how especially important this debate is. It is very important.

Is the Chair speaking of the 10-minute thing?

The PRESIDING OFFICER. Yes.

Mr. GRASSLEY. I thought I yielded to the speaker without losing my right to the floor; I was protected.

The PRESIDING OFFICER. Unanimous consent was granted.

Mr. GRASSLEY. OK. Then I should have objected to the unanimous consent request. But the unanimous consent overrode the unanimous consent I had to have my right to the floor.

The PRESIDING OFFICER. That is true.

Mr. GRASSLEY. I ask for 5 more minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. GRASSLEY. Those of us from agriculture States especially know how important the debate on MFN is. China has a population of 1.2 billion, which is one-fifth of the world population, but it has only 7 percent of the world's arable land. So China will continue to import large amounts of its food needs. The good news for the American farmer is that the diet of the Chinese people is changing rapidly. Meat consumption is growing 10 percent per year there, or a staggering 4 million tons annually. So value-added exports will play a very important role in China's future and in the agricultural exports of our country to China.

The potential for growth over the coming decades is extremely high. We are going to have a 75-percent increase of exports to Asia, and 50 percent of that increase by the year 2000 is going to be with China. So by the year 2030 this is going to be a very important market for America and particularly for American agricultural.

It also relates very well with our new farm program. This program will have a declining amount of appropriations for agriculture to a phaseout by the year 2002. So farmers will earn more from the marketplace, and our ability to export is very important in accomplishing this. China, of course, will play a very important role in these exports.

So I think our policy toward China must be one of aggressive engagement. We need to continue to negotiate agreements with the Chinese on trade and other matters as well. We must work to bring China into the world community of nations, and I believe that these actions will ultimately bring about real reform within China. Granting most-favored-nation status should be a part of that policy.

We had a debate in the Finance Committee a few weeks ago about how misleading the term MFN is. It is not something special. As I have already said, it is something that is granted to all but a handful of nations. But with that said, we must still vigorously enforce all of our agreements with China. Trade agreements are not worth the paper they are written on if we are afraid to take appropriate measures of enforcement.

There is a real old saying in the Western United States of "keep your door unlocked, but if you do, keep a shotgun behind the door." I think that is how I see our activities with China. You have to be open with them, but we have to be prepared to make sure that they stick to the agreements as well. So we have the WTO accession negotiations with China coming up. That gives us an opportunity to discuss with the Chinese all of the concerns raised in the MFN debate. We can also use the imposition of 301 sanctions to accomplish our goal.

That is a much better environment than the MFN debate for bringing China to the table and around to the international norms that they say they agree with, the international norms of trade agreements being followed, the international norms of human rights that are in the United Nations Charter, the international norms of rule of law, and you can name a lot of others. China says that they accept them. A lot of people who do not want MFN status say since China does not meet these international norms all the time, we should not grant MFN. But these other environments are the place for those issues to be discussed.

I yield the floor.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Parliamentary inquiry, Mr. President. Is this morning business?

The PRESIDING OFFICER. It is, indeed, with 10 minutes allotted for each speaker.

Mr. DOMENICI. I yield myself the 10 minutes.

TRUSTEES REPORT ON MEDICARE AND SOCIAL SECURITY

Mr. DOMENICI. Mr. President and fellow Senators, the trustees' report on Medicare and Social Security has just been delivered. Everybody should know that is a report that is put together by a six-member commission, four of whom are either Cabinet Members of the President or hierarchy of the Social Security System itself.

On page 10 of the summary of that report, the following statement is found:

> The trustees recommend the earliest possible enactment of the legislation to further control the HI program costs and thereby extend the life of the Hospital Insurance Trust Fund. This is, however, only a first step in what must be a long-term process to achieve balance between HI costs and funding.

Now, I repeat, these trustees I do not believe are Republicans. They are not Members of the Congress. Three of them are members of the President's Cabinet. One of them is the administrator or the head person at Social Security. Then there are two outside citizens.

Now, what they have said is this fund is going bankrupt 1 year earlier than we thought. I know no one wants to hear that. No one wants to really face up to the reality, but they have said we were wrong even last year; it is going to become insolvent even sooner, so they now say it will be insolvent in 5 years.

That means it is already annually spending out more than it is taking in, and but for a surplus, there would not be enough money to pay the bills. Then they say that 5 years out there will not be any surplus at all and the money coming in will be tremendously deficient in terms of paying the bills.

Now, I do not believe it is asking too much and I do not think senior citizens would think that it is asking too much for us to fix that. Should we wait another year and then we only have 4 years to fix it? Should we wait 4 years and wake up in the morning and say, seniors, it is right around the corner; there is not going to be enough money to pay the hospital bills? Or should we fix it now? Actually, these trustees recommend that we do this at the earliest possible time, and they recommend that we do this by further controlling costs.

Mr. President, I want to update the Senate on the status of the Medicare trust funds. Yesterday, we received the annual reports from the Medicare trustees.

The new report tells us that the hospital insurance (part A) trust fund will go bankrupt early in the year 2001. Last year's report predicted bankruptcy in 2002, so we've lost 1 year there. In addition, the President's veto of last year's Medicare reform plan means we have lost another year. We are now 2 years worse off than we were 1 year ago today.

The report tells us that Medicare spending is 2.7 percent of the economy right now. If we don't do anything to slow the growth of Medicare spending, that will more than double, to almost 6 percent of the economy in the year 2020.

The report confirms that the trust fund ran a small deficit for the first time last year. The report tells us that if we don't do anything, in the year 2005 the cash coming into the hospital insurance trust fund will be $130 billion less than the cash we need to pay hospital benefits.

Let's talk about the plan we're proposing in Congress. Our plan would spend $1.48 trillion on Medicare over the next 6 years. Yes, it would slow the growth of Medicare spending, from about 10 percent per year, to 6.2 percent per year. That's still more than twice the rate of inflation, a goal the President endorsed 3 years ago.

The President says that our short-term goal should be to keep the part A trust fund solvent for 10 years. Our plan does that; his does not. His keeps the trust fund solvent for only 1 year, and plays a shell game with $55 billion of home health spending.

I can summarize the budgetary goals of our Medicare reform plan in two quick points, Mr. President. For Medicare part A, we will meet the goal of keeping the part A trust fund solvent for more than a decade without any shell games.

And for Medicare part B, we will achieve the same level of savings as contained in the President's budget.

Keeping the part A trust fund solvent requires making hard choices, Mr. President. Our plan saves money first by restructuring the system to provide seniors with more choices. Today we have a Medicare Program which is modeled after a state-of-the-art health insurance plan from the mid-1960's.

It is time to bring Medicare into the 1990's, and to prepare it for the next century. Over the past 10 years, workers in the private sector have seen their health insurance coverage change. More of them are choosing to move into managed care, and more of that care is being delivered through networks of providers which can care for the entire patient.

Many workers in the private sector and Government employees have health care choices, choices which many Medicare beneficiaries do not have today. I believe that by offering seniors a wide range of options, and by making private firms compete for the business of seniors, we can better meet the beneficiaries' needs, and we can save money as well.

The trustees' report tells us that Medicare spending per beneficiary grew about 10 percent over the last year. We simply cannot sustain a program in which each year we spend 10 percent more for each person. We need to restructure the Medicare Program so that beneficiaries can make intelligent decisions about how they can best receive medical care.

Our plan would also make some needed changes in the way we pay providers. Most hospitals are paid by the prospective payment system. A hospital is paid a specific amount for a certain medical condition. This fixed, up-front payment encourages the hospital to deliver care efficiently. While the prospective payment system has not done enough to control hospital spending, it was definitely a step in the right direction.

Our Medicare reform plan would reform how Medicare pays for home health services, and for services delivered in skilled nursing facilities. These are the fastest growing components of Medicare spending today, and we need to restructure the way we pay these facilities to help control costs.

Our Medicare reform plan would also reduce the rate of growth in payments to providers. This is nothing new, Mr. President, and if we are to control costs in the short run, we must do it. But to those who claim that we are going to actually cut payments to providers below today's level, I say you are absolutely wrong. Even after reform, payments to hospitals and physicians will go up.

The providers, Mr. President, should be among the strongest supporters of our reform plan, because they will ultimately benefit from a system that delivers and allocates health care more efficiently. As more Medicare beneficiaries participate in privately offered Medicare plus plans, we can get the Government out of the relationship between a patient and his or her doctor. We can allow doctors to practice the best kind of medicine they know, and we can allow a patient and a doctor to cooperate in making smart and economical decisions about the amount and type of care that a beneficiary needs.

Our Medicare reform plan would enact real reforms to control Medicare program costs so that we can keep the Medicare trust fund solvent for 10 years. Once we have done that, we can then begin to address the longer-term financial problems that will result from the retirement of the baby boom generation.

That is in direct contrast to how the President's budget proposes to deal with Medicare. The President's budget contains a Medicare shell game which just moves money around from one pot to another. The President's Medicare shell game would mislead Medicare beneficiaries, hard-working families paying taxes, and the Congress about the health of the part A trust fund.

And the President's Medicare shell game would place $55 billion more pressure on income taxes. It makes you wonder if this is really just a back-door way to increase taxes, Mr. President.

The President's plan would take $55 billion of home health spending, which is currently paid out of Medicare part A, and would say that it is no longer going to be paid from the Medicare part A trust fund. He would transfer responsibility for that spending from Medicare part A to Medicare part B.

Why would you do that? For one simple reason: it makes the part A trust fund look better. Since you're no longer spending that $55 billion from the part A trust fund, that trust fund goes bankrupt more slowly, and it appears healthier. But you haven't really done anything to address the problem, because the spending still exists in medicare part B.

By playing this shell game with home health spending, the President claims to keep the trust fund solvent, when really all he has done is shift the problem from one part of Medicare to the other. That would be bad enough, if that's all there were. But unfortunately there is more.

Medicare part B is paid for from two sources. Premiums paid by beneficiaries cover 25 percent of the costs, and income taxes from hard-working American families pay the other 75 percent. Every $1 paid by a medicare beneficiary for doctor's services through Medicare part B is subsidized by $3 from working taxpayers.

We know that the President's Medicare shell game transfers $55 billion of home health spending from Medicare part A to Medicare part B. So it would make sense that, if you did that, beneficiary premiums would go up to pay for 25 percent of those costs.

But they do not. The President's shell game transfers the $55 billion of spending from part A to part B and makes the part A trust fund look healthier, but he exempts the transferred spending from the calculation of the premium.

So who do you think pays for it? Where does the $55 billion come from to pay for the transferred home health spending? Under current law and under our reform plan, it comes from the payroll taxes that pay for part A benefits, and are needed to keep the part A trust fund solvent.

But if the $55 billion is now paid from part B, but the premiums paid by beneficiaries are not going to pay for any of it, then the entire $55 billion cost will be borne by hard-working, taxpaying American families. Rather than subsidize three-fourths of this spending, as they do for all other part B services, the President would make working taxpayers subsidize the whole thing.

Let me summarize the shell game, Mr. President:

First, transfer $55 billion of home health spending from part A to part B;

Second, this makes the part A trust fund look healthier, when actually nothing has changed;

Third, exempt the $55 billion from the calculation of the part B premium;

Fourth, and therefore make working taxpayers pick up the entire $55 billion cost.

I wonder if there are plans to extend this shell game in the future, Mr. President. If he wanted to, each year the President could propose to transfer some more spending from Medicare part A to Medicare part B. He could exempt it from the premiums, and each year he could claim to save Medicare. But in reality all he would be doing is misleading the American people and Medicare beneficiaries, allowing Medicare to go bankrupt, and raising taxes on hard working American families. I sincerely hope that this is not the President's goal.

Now, Mr. President, I am going to insert a statement in the RECORD because of the lack of time that explains in detail the proposal that the Republicans have submitted this year. This proposal, which is working its way through the Congress, would save the trust fund for 10 years.

I want to spend a little bit of time talking about what the President of the United States does not do. It has been very difficult. It seems like nobody wants to write about what the President is proposing, but I believe we ought to tell the public what he is proposing and let them pass judgment upon whether he has a bona fide, legitimate 10-year fix of Medicare. The proposal that our committees will work on, everybody agrees, will make the trust fund solvent for 10 years. But now let me suggest how the President goes about solving this problem. I wish I was a better wordsmith because what he has done just cries out for some simple few words to explain it that everybody would understand. But I am not very good at that. The closest I can come to it is a flimflam, a hoax, a charade. So let me try to tell you what I mean.

The trust fund has money coming into it from all the workers of America. All the hard-working people getting paychecks, they will see a little piece of it taken out, and it goes in this trust fund to pay for hospital and home health care for senior citizens. It is a lot of money. The problem is the costs in that fund have grown 10 percent a year and the taxes going in are not growing at 10 percent a year.

Some say we can cover seniors and modernize this system, and instead of growing at 10 percent a year, maybe we can cover it at a growth of 7 percent a year. Some say the providers that are charging for this care have to charge in a different way and we have to prevent fraud and we have to make sure that we are not being overcharged as we attempt to take care of seniors for their hospital care.

The most interesting thing about this is that out of that fund currently, we also pay for home health care for seniors. It does not matter to the Senator from New Mexico how one explains how that happened to come about. The truth of the matter is, when these trustees were referring to reducing the costs, they were referring to reducing the costs of what we are paying for out of that trust fund.

One of the big-ticket items that we have committed to pay for out of this trust fund for our seniors is home health care. It just happens that home health care is growing rapidly. As a matter of fact, if you looked in that trust fund and zeroed in and said, "What are we paying for," and you asked, "What is it costing," the fastest growing one is home health care for seniors. It is growing at 19 percent a year.

The trustees recommended that we try to reduce the costs of this program. Listen carefully. Here is how the President did it. He said, let us not pay for home health care from the trust fund. Let us take the spending out of the trust fund. It is a small item, $55 billion over the next 6 years. Let us just take it out of there and not pay for it out of the trust fund anymore.

That is marvelous. If you can do that with immunity and if you can do that without charging somebody for the $55 billion, you have a marvelous budget. We just got rid of $55 billion worth of debt that that trust fund is obligated to pay for our seniors, and we say we are not going to pay it anymore.

Obviously, if you do that you have already made the trust fund solvent for a little bit longer. You took away $55 billion of its obligation. And what does the President do with it? He says we are going to pay for that from general revenues, paid by the working taxpayers of America.

How do you like that? All of a sudden, whack, just like that, we transferred $55 billion from the trust fund to all the hard-working people of the country. Mr. President, $55 billion of their taxes are going to go to pay that. And all of a sudden, the trust fund got a little more solvent.

The trust fund may be getting solvent, but the taxpayer is going broke. The youngsters in America, with children, trying to raise a family, they could not have even dreamt of such a marvelous gift from the President. Suppose they woke up one morning and he said, "I have taken $55 billion out of that trust fund, and you pay for it. But I have made the trust fund solvent because I just got rid of $55 billion worth of things it has been paying for."

Frankly, if that is how you want to fix the trust fund, why do we not go over and ask those who are taking care of the trust fund and paying the bills, why do we not say, "Why do you not give us another whole bunch of bills we are paying for seniors out of the trust fund? Why do you not find another $50 billion and let us not pay them anymore out of the trust fund. Let us take those responsibilities out and say we are going to pay for them, we are just not going to pay for them out of the trust fund?"

Then who is going to pay for them? Certainly we are not saying nobody is going to pay for them. Certainly we are not saying we are going to take them away from the seniors. We are just saying the taxpayer will pay. We are just saying let those hard-working people pay. They do not know it, but we just put another tax on them.

Frankly, if I sound a bit let down, if I sound a bit frustrated, I am both. I am really let down.

I ask for an additional 5 minutes, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. If I appear a little let down, I am. If I appear a little bit kind of chagrined, I am. Because we set about to do precisely what the trustees said. We tried to reduce the costs to the trust fund of providing this care. We wanted to make the system modern, give seniors options instead of the 30-year-old program, one program for all seniors. We thought we could save them money if we gave them options. We thought they might get more coverage if we gave them options. We worked very hard on how can we change the way we keep the system from getting defrauded. We worked very hard at how we pay and make sure we are getting our money's worth for all these hospital bills.

Isn't it something, after you have worked like that, you have gone across the country and told the people you are doing it, along comes the President and, overnight, in the budget, says, "I just found a way to save $55 billion. Just take it out of there and let somebody else pay for it."

I do not understand why people are not asking the administration, and those who represent the administration: How can you do this? Who is going to pay the $55 billion that you just relieved the trust fund of? Who is going to pay it? Is it manna from heaven, going to fall down somewhere and nobody is going to have to pay it, or are we going to find a way not to provide it to seniors?

So I thought it was very important to explain this, one day after the issuance of the latest report—and, senior citizens, with each year the report is getting worse. It is not going to get better. We have to try to fix this program. I do not believe anybody really thinks that fixing it means letting us transfer the costs of it to working men and women who already are paying too much taxes. We do not exempt them. We did not find a way to exempt the way their tax is. They are going to pay for it.

I venture to say, in closing, if somebody were to offer a bill to the U.S. Senate that said, "Let us put a $55 billion tax on Americans' general income tax and let us transfer that to the trust fund to pay for hospital care for seniors," I venture a guess that it would not get 15 votes. For everyone knows you cannot take every trust fund that is around, and when it is not quite able to do its job, just go out and say put an income tax on the public to pay for it. This was a trust fund. We told the working people you will pay a fixed amount, put it in there, and it will take care of this. And we have not yet even attempted a reasonable effort to reduce the costs and supply seniors with adequate hospitalization.

We are just coming to grips with the problem, and along comes an opportunity to do it together and do it right with the President and the Congress working together, and the President finds a way to get rid of the problem, about half the problem, by deciding to move $55 billion worth of costs out of the trust fund and saying, "We'll pay for it another way."

I do not like to just always paint the side of the picture the Senator from New Mexico sees. There will be some who will say it is pretty logical that we should take out home health care. Maybe it should not be in there. But the truth of the matter is, when you do it this way, you have perpetrated on the public a vicious misrepresentation, for you are telling them you made it $55 billion more solvent, and you are not telling them how it is going to be paid for, on whose shoulders is the cost going to fall as this $55 billion has to come out of the general coffers of America.

I am quite sure that the President might say, "I don't intend it that way," but I ask, how do we intend to pay for it otherwise? It could be that since we are moving that down into another provision of health care for seniors, maybe the President is going to propose that we raise the costs of that program to seniors. They pay 25 percent of that. The taxpayers pay 75 percent of that. That is for the insurance policies for everything but hospitalization. Perhaps the President will come along here and say, "We've got to make sure the seniors bear a portion of that cost."

I do not find that anywhere in the budget. So I am assuming it comes out of the general tax coffers of the country to pay for making the trust fund solvent.

Again, in summary, if it is the intention of the Congress and the President to make the trust fund solvent, not by reducing costs but by paying for a big portion of it out of general taxes, maybe we ought to tell everybody that. Maybe we ought to say that is how we are going to provide for this hospitalization. I do not believe anybody thinks that. I do not believe anybody thinks you are going to make that fund solvent by taking 4, 5, 6 percent of the general taxes that Americans are paying and put it in there. Pretty soon there will be no tax dollars for anything else.

So I thought it was very important that we get the message out. I had hoped I could have gotten it out yesterday. It would have been more in rhythm and in sequence with the issuance of the report, but we had other important things to speak of, so I came today to do it.

Mr. CRAIG. Will the Senator from New Mexico yield?

Mr. DOMENICI. I will be glad to yield.

Mr. CRAIG. I want to thank the Senator from New Mexico for his statement, and it is timely. It is important the record show that.

Yesterday, we heard from the trustees, the actuarial study of the state of the trust fund of Medicare. This Senator happens to be holding town meetings across Idaho on Medicare. I can tell the Senator from New Mexico, there is one question always asked. In your package, and I am using the comparative between what you did, what

Senator ROTH worked in producing, what the Senate finally voted on to reform Medicare a year ago, and I compare it with what the President had offered, and they say to me, "Well, now, home health care, that's a very important part of keeping costs down. Why is the President doing what he's doing?"

I try to explain it to them. They say, "Well, then doesn't that mean it just gets funded out of the general fund?"

I say, "With no other form of taxation or revenue source"—as the Senator from New Mexico just pointed out—"you are absolutely right."

They say, "Well, that takes it out of the character of the kind of health care this country needs."

We ought to be moving people toward home care. It is the least expensive way, or it is a less expensive way, certainly, and it clearly offers that senior who needs this kind of health care the sanctuary of the home. We ought to be driving toward that.

The Senator from New Mexico, I think, has made a very important statement in that area. Let me thank him for doing so. I do not want to have to deal with this issue again this year, but if we do, I do not want the President sitting down there saying, "We're slashing it," when there is less than a half a percentage point difference in what we are doing.

I think the thing that is most interesting for those attending my town meetings—we use the charts and the graphs; we show the President's plan and our plan—they say, "Where's the difference?"

I say, "We offer more options, and those options help bring costs down."

They say, "We see that, Senator, but we thought you were destroying the program."

I say, "Well, when the facts are on the table, no one—no one—in this Senate will ever do that. But we are on the board of directors, if you will, of Medicare and we have to make the necessary corrections to get it done."

I think your points today are valuable, very important to the whole of the message, and I thank you for bringing it to the floor of the Senate.

Mr. DOMENICI. I thank the Senator. Mr. President, I yield myself 1 additional minute.

The PRESIDING OFFICER (Mr. COVERDELL). The Senator from New Mexico.

Mr. DOMENICI. Mr. President, there is another aspect which I have not spoken about, and I will take a minute to discuss it. It is entirely possible that when you take expenditures out of the trust fund that were obligated to be paid by that trust fund, that you might be diminishing the quality of what you are giving seniors, for if the obligation is in the trust fund, it is a pure trust responsibility to pay for those kinds of things for seniors. If you take it out and say it is going to be paid for out of the general fund, it may be that down the line, we will turn it into welfare or we will pay less for it because we will be saying, "It's not in the trust fund; it's something we can control by just turning the money off or on."

I have not said that other than today, but I do believe it is subject to a serious question: Do you diminish the expectation rights of seniors to home health care if you take it out of the trust fund and put it in another place under another fund which may not be quite as secure in terms of the commitment?

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. DOMENICI. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SIMON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SIMON. Mr. President, I want to speak just briefly on two subjects.

TRIBUTE TO DANIEL E. MOSS

Mr. SIMON. Mr. President, I served for 10 years over in the House. Handling the garage entrance there has been a police officer, D.E. Moss. I learned today he is retiring today. I am probably like most of my colleagues. We just do not thank people around here enough. Here is an officer who is great to us who serve in Congress. More importantly, he has been great to the public. He has just made a great impression for the U.S. Government and has served our people well.

I think of him. I think of Ed Litton who is down in the Dirksen Building, an officer who works there at the subway. But it is true of the people who record what we have to say, whether it has merit or not, the people who sit at the front desks, the pages, the people who work the doors, all the people who really make this place function so well.

D.E. Moss' retirement is a good occasion to remember that we are in debt to a great many people.

Mr. CRAIG. Would the Senator from Illinois allow me just a few comments in that regard?

Mr. SIMON. I would be pleased to yield to my colleague.

TRIBUTE TO SENATOR PAUL SIMON

Mr. CRAIG. While I do not want to speak of Mr. Moss—and I am pleased you recognized him—I want to speak about you for just a moment, and to thank you for the relationship you and I have had on the issue of the balanced budget amendment to the Constitution. We were not successful a few moments ago on another very important vote.

But I must say, in all fairness—and I want the Record to show this—that over the years that you and I have worked side by side on this issue, I think most of the public watching would have said, "Isn't that interesting. Here is a liberal and a conservative."

We took the politics out of this. It was a bipartisan effort, a strong one, on the part of the Senator from Illinois and this Senator. Out of that relationship and our commitment for fiscal responsibility, I have developed a very fond respect for you and all of the work you do. While you and I disagree on a lot of issues, we have worked together very, very well.

Let me thank you publicly, and for the Record, for the tremendous effort you put forth and the contribution you have made toward bringing a balanced budget amendment to the Constitution to the American people. A very special thanks to the senior Senator from Illinois.

Mr. SIMON. I thank my colleague from Idaho, and my thanks to Senator COVERDELL from Georgia. I knew Senator CRAIG when he was Congressman CRAIG. We said hello, but that was just about it. But I had a chance to work with Senator CRAIG here and came to have great respect for him. I am grateful to all those who were helpful to us: Senator HATCH, Senator THURMOND, Senator HEFLIN, Senator BRYAN, others in both political parties.

A balanced budget constitutional amendment, one of these days, has to pass. The question is, how much we are going to hurt our Nation before we pass it. There is just no question, if we had passed it back when John F. Kennedy complained about spending $9 billion on interest—today we are spending $344 billion on gross interest—what a much better country we would have. We cannot wait another 5 or 10 years. We are going to have chaos.

THE GROWTH OF LEGALIZED GAMBLING

Mr. SIMON. Mr. President, I will speak just briefly on another subject. That is, Senator LUGAR and I and Senator WARNER and a total of 25 of us on both sides have introduced a bill to say, let us have a study of the growth of legalized gambling in our country.

This is not the most Earth-shaking thing, but the fastest growing industry in our country is legalized gambling. And there are problems with that. It is the only form of addiction that Government promotes. We would be shocked if we saw a sign saying, "Smoke Marlboro cigarettes. You know, they're fun to smoke" or "Drink more whiskey. You'll really have a good time," because both of those provide revenue for Government. But we do not seem to be shocked when there are billboards, like on the south side of Chicago, saying, "The Illinois lottery—this is your way out." This is the impoverished area of Chicago. That is not the way out for people. It is education. It is hard work. It is the kind of things that we know have to be done.

So Senator LUGAR, Senator WARNER, and I introduced this legislation. To the credit of Senator STEVENS and his committee, it was reported out by voice vote. Now we want to move it through the Senate. The House has already passed a bill. We have to work the two out.

My hope is that we could get this done quickly. I spoke last week to Senator DOLE. I would love to see, before BOB DOLE leaves, the Senate have us pass this legislation.

The New York Times 3 days ago had an editorial urging the Senate to pass this legislation.

The Christian Science Monitor has an editorial. The last paragraph reads:

> It's time society knew the real costs of gambling. The Senate should pass the measure without delay.

I hope we do this. I have no illusions. We are not going to stop legalized gambling in this country. We are not going to close Las Vegas or Atlantic city. But I think we should be looking at the possibility of steps to limit the growth. For example, you can now or shortly will be able to, on the Internet, gamble by computer using your American Express or Visa or some card. We do not know where that is going to lead. I think a commission ought to be looking into this.

There are people who get addicted. I got into this because my mother is a member of a Lutheran Church in Collinsville, IL. And a substitute teacher at a Lutheran school of that church, unknown to her family, got addicted to gambling. They thought the money was going for rent and paying the bills and so forth. One day they came home and there was a note saying you could find her in the shopping mall parking lot. She had committed suicide. She went to a riverboat casino and got addicted. And you know, these stories multiply.

Mr. President, I ask unanimous consent to have printed in the RECORD these two editorials.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the New York Times, June 3, 1996]

GAMBLING IN THE SENATE

Despite intense opposition from the gambling industry, the Senate Governmental Affairs Committee has approved a worthwhile measure to create a national commission to review the social and economic impact of casinos and state-run lotteries. Chances are good that it would win easy approval by the Senate, much as a similar bill unanimously passed the House in March. But there remains a danger that Senate Republican leaders may try to kill the measure quietly by failing to allow time for a vote on the Senate calendar.

The bill approved by the Senate committee is a somewhat watered down version of the House plan, which was proposed by Representative Frank Wolf, a Virginia Republican. But it is a marked improvement over the revision proposed earlier by Ted Stevens of Alaska, the committee chairman. The compromise fashioned by Mr. Stevens and the bill's sponsors—Richard Lugar, Republican of Indiana, and Paul Simon, Democrat of Illinois—grants the commission adequate subpoena power and a sufficiently broad mandate to examine gambling's consequences in communities around the country.

As various forms of gambling have spread across the nation, there has been little effort to examine the economic and social impact. State and local political leaders faced with deciding whether to approve gambling in their area, or expand its presence, often have little hard information available to assess the advantages and disadvantages to their communities.

Bob Dole, now in his final days as Senate majority leader, has indicated support for a Federal commission, despite heavy financial support for his Presidential campaign from the gambling industry. But, at least for now, the bill is not on the list of measures he hopes to pass before he departs the Senate around June 11. Mr. Dole's likely sucesssor, Trent Lott of Mississippi, has voiced reservations about forming a national commission.

With pro-gambling lobbyists working overtime to defeat those good idea, the best step now would be for Mr. Dole to bring the bill to the Senate floor before he departs. In doing so he can serve the public good and demonstrate his independence from a wealthy special-interest group.

[From the Christian Science Monitor, May 20, 1996]

GAMBLING: A BAD BET

The Senate Governmental Affairs Committee last week approved a bill to set up a national commission to study gambling in the United States.

The bill calls for the commission to examine the social and economic impact of gambling on communities and individuals and issue a report within two years. It would look at all forms of gambling, including new forms of interactive computer technology and gambling over the Internet. Three commission members would be named by the president, three by the Speaker of the House of Representatives, and three by the Senate majority leader. The board would hold public hearings and have the power to subpoena witnesses.

Such a study, which joins a number of state-sponsored inquiries, is long overdue. The states' headlong rush over the last 20 years into lotteries, bingo, riverboat casinos, and other gaming was accompanied by promises of economic development, more state funding for schools and other services, and "harmless" entertainment.

Not one of these promises has come to pass. Instead of economic development, discretionary spending is drained away from other, more-productive spending on goods, services, or entertainment. Instead of spending more on education or social services, legislators have taken away general funds in equal amounts and merely replaced the money with lottery and keno revenues. Instead of harmless entertainment, there is organized-crime involvement, gambling addiction, and a whole host of personal problems fed by the lure of "easy money." The states, themselves addicted to gaming revenues, are forced to invent new games to augment lottery earnings lost to competition.

The gambling industry opposes creation of this commission, worried it will find that gambling causes more problems than benefits for states and communities.

It's time society knew the real costs of gambling. The Senate should pass the measure without delay.

Mr. SIMON. I urge Senator DOLE, if possible, prior to Tuesday, to bring this up. I would hope we could pass it quickly. If that cannot happen, I hope Senator LOTT or Senator COCHRAN, I am not voting on who will be the leader over there on their side, but I hope that we could move on this quickly. I think it is clearly in the national interest. This, again, is not an attempt to stop legalized gambling in this country. It is an attempt to say "Let's look at where we are."

I see the distinguished chairman of the Finance Committee. He is nodding, either because I was speaking, or he wishes to speak. I yield the floor to the Senator from Delaware.

The PRESIDING OFFICER. The Senator from Delaware.

MEDICARE TRUST FUND SOLVENCY

Mr. ROTH. Mr. President, I rise today with grave concerns that the Medicare hospital insurance trust fund is no longer creeping toward insolvency, but galloping toward it.

This is very serious news. Based on the Medicare trustees' report released yesterday, Wednesday, June 5, the Medicare HI trust fund is going bankrupt earlier than expected. In fact, according to the trustees' report, of which three of the six trustees are members of President Clinton's Cabinet, the trust fund may run out of money as early as calendar year 2000.

What is happening to the Medicare trust fund is pretty basic. The program is paying out more than it is taking in. This simple dynamic, if left unchecked, will lead Medicare to bankruptcy in less than 5 years. And, simply put, bankruptcy of the trust fund means there will not be money to pay the hospital bills of our senior citizens and disabled individuals reliant on Medicare.

Medicare is on a collision course, and we cannot afford not to act. Taking no action to avert Medicare's collision course toward bankruptcy means leaving millions of seniors and disabled beneficiaries with an empty promise. I believe this is wrong.

It is time to put politics aside.

To address Medicare's financial crisis, it has been suggested appointing a bipartisan commission to develop a solution. I support the establishment of a commission. A commission could facilitate addressing the Medicare crisis. But, I cannot support the idea of establishing a commission if this is a delay tactic or a tactic to avoid addressing the issue.

I am concerned because, frankly, the administration's track record in proposing a solution is not good. Last year, the administration ignored the Medicare crisis. President Clinton's fiscal year 1996 budget did not include any proposals to shore up Medicare's fiscal debt, nor did his budget claim there was a problem. We are facing a crisis. A crisis requires action.

There is a lot of talk about wanting to get down to business to solve the Medicare trust fund crisis. Didn't anyone notice that we tried that last year? That in the Senate we put forward a proposal that would have truly preserved and protected the Medicare Program, not just through the next 5 years, but for the next generation.

Our proposal would have kept our promise to leave a legacy of a robust Medicare program for our children and our grandchildren. And yet, the Clinton administration played politics with Medicare and waged a "Medi-Scare" campaign. Yet, again, Democrats now are saying that Republicans are resorting to scare tactics.

I do not agree that scare tactics include alerting the public to factual information reported by the Medicare trustees.

"Medi-Scare" tactics were used last fall as Congress worked to preserve and strengthen the Medicare program.

Instead of debating the issues and focusing on the need to preserve Medicare, others resorted to political rhetoric that played on the public's emotions and distorted the truth. Democrats kept talking about Medicare "cuts", when not one of the Republican proposals would have cut benefits. The program was not "cut," in fact, spending would have increased every year under the Republican reforms. And, then there was the final emotional play linking changes to the Medicare program to a tax cut. According to the Washington Post last September, even this tactic was refuted: "The Democrats have fabricated the Medicare-tax cut connection because it is useful politically."

Now, is the time to put partisanship aside. Time is running short, and we need to work together to avert the crisis.

There are three very basic, but crucial facts that we can not avoid—these three facts are:

Fact: if changes are not enacted into law, the trust fund will continue on its course toward bankruptcy and there is no provision in the law allowing for HI expenditures to be made on behalf of Medicare beneficiaries.

Fact: according to the Medicare trustees, Medicare will be bankrupt in 2001.

Fact: the year 2000—the last year the Trustees believe Medicare will be solvent, is less than five years away.

Given the very short time-time Medicare will remain solvent, and given the demographic progression of the Medicare program, we cannot afford more delay. We are already 2 years closer to insolvency because we lost a year to address the problem, and the program is one more year closer to bankruptcy than we expected, yet we are miles away from reaching an agreement on a solution.

Demographic trends will continue to increase financial pressure on the trust fund. Today, there are less than 40 million Americans who qualify to receive Medicare. By the year 2010, the number will be approaching 50 million, and by 2020, it will be over 60 million. While these numbers are increasing, the number of workers supporting retirees will decrease. While we have almost four workers per retiree today, we will have about two per retiree by the year 2030.

Yet, my friends on the other side of the aisle will point out that the President took action in 1993 to extend the life of the HI Trust Fund—he raised taxes. President Clinton's 1993 budget he enacted into law included two taxes to bail out the trust fund. First, the 1993 Clinton budget increased taxes on workers by taxing all wages earned, and second, the 1993 budget increased the amount Social Security benefits are subject to taxation from 50 percent to 85 percent.

Increased taxes were not a solution in 1993, and they will not be a solution in the future.

Last year, Republicans proposed to preserve, protect and strengthen the Medicare program. We worked hard to put together a balanced proposal that did not cut Medicare but slowed the rate the cost of the program was expected to grow. Under our plan that was approved by Congress, annual per beneficiary Medicare spending would have increased from average spending of $4,800 in 1995 to more than $7,200 in 2002.

Under the original Senate Balanced Budget Act as reported out of Finance Committee, the Medicare program would have remained solvent for about 18 years. According to the CBO estimates, under our proposal, the Medicare HI Trust Fund balance would have totaled $300 billion in 2005. The CBO stated, the HI Trust Fund would meet the Trustees' test of short-range financial adequacy." In other words, for the next 10 years, the HI Trust Fund balance, at the end of every year, would have been more than enough to pay Medicare benefits for the following year.

More importantly, using the CBO's estimates through 2005, our Finance Committee staff, in consultation with the Office of the Actuary within the Department of Health and Human Services, estimated that the Medicare HI Trust Fund would have been solvent through about the year 2020. That would have meant 10 years after the baby-boom generation begins to retire a quarter of a century from today.

We need to preserve and protect the Medicare program. We need to make sure we leave a solid legacy for the next generations. The demographics and the predictions of cost growth confirm that the program is not sustainable. It is no longer time for rhetoric, but time for action. Playing politics with Medicare is simply wrong. Putting off what needs to be done is the cruelest tactic.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that I be allowed to proceed as in morning business.

The PRESIDING OFFICER. The Chair advises the Senator that we are in morning business for statements of up to 10 minutes.

MEDICARE

Mr. REID. Mr. President, there have been a number of speeches made today by colleagues on the other side of the aisle about Medicare. I ask the American public to understand the opposition to Medicare, as a program. For example, I wonder if those same Senators who talk about how they were rallying to help Medicare would recognize that just last year, late in the year, the majority leader of the Senate, Senator DOLE said, "I was there fighting the fight against Medicare, one of 12, because we knew it would not work in 1965." On that same day, at another place in Washington, a speech was given by the Speaker of the House, where he said, "Now, let me talk about Medicare. We don't get rid of it in the first round because we don't think it would be politically smart. We believe it's going to wither on the vine." We have another leader in the House of Representatives, the majority leader, DICK ARMEY, a Congressman from Texas, who is second in command in the House of Representatives. He said, "Medicare has no place in the free world. Social Security is a rotten trick. I think we are going to have to bite the bullet on Social Security and phase it out over time."

This is where they are coming from. The Republican leadership does not like Medicare. Look at what Haley Barbour said: "This is manna from Heaven." The Republican National Committee chairman was responding to the Medicare trustees' report that was released when the Republicans were looking for a way to justify their scheme to cut Medicare. "This is manna from Heaven"—the fact that the Medicare trust fund is in trouble.

The fact of the matter is, Mr. President, we have had Medicare for some 27 years, and there have only been 2 years where in the annual report of the trustees it has indicated that Medicare is in trouble. The reason for that, of course, is that Medicare is a pay-as-you-go system. Every year, the trustees have said, "You have to do something to take care of Medicare," and we do. One of the things we recently did, in 1993—all the Democrats did it, and we did not get a single Republican vote—is we extended the solvency of the trust fund for 3 additional years.

There is a lot of work that we need to do to take care of Medicare. Medicare is a tremendous program. In the early 1960's, less than 40 percent of the American senior citizens had some type of health insurance. Today, almost 100 percent—over 99 percent—of senior citizens have health insurance. The reason they have health insurance is because of Medicare.

Of course, there are things we need to do with Medicare. For people to stand, though, with a straight face and say, "We are not cutting Medicare; all we are doing is cutting the rate of increase," certainly does not answer the question. We have thousands of people coming on the rolls—thousands and thousands of people—every week in the United States. People are living longer. During that period of life extension, they need additional health and medical care. Medicare has been a boon to these senior citizens in their older years to take care of that.

We need money to do that. If you use the argument that has been used by my colleagues on the other side, where, in effect, Mr. President, they are saying, "This is not a cut; we are only cutting the rate of increase," well, if that is a fact, we keep hearing on the Senate floor all the time about defense funding, defense forces. They talk about this increase that we are getting, and that a 5-percent increase is really a decrease in defense spending. Well, that same argument then would certainly apply to Medicare, a nominal funding increase of $1,653 a person. But the fact of the matter is that the purchasing power is at a loss of about $1,000.

So let us talk realistically. The fact that you raise the dollars does not mean in fact that you increase the ability of people to purchase. In fact, it is quite to the contrary.

We know that the Speaker wants Medicare to wither on the vine. The majority leader in the Senate was glad that he voted against it in 1965 because he said he knew it would not work—some 30 years ago.

Well, we are willing to take care of the problems in Medicare. In the budget submitted by the President there is an extension of the problems with Medicare. There are a lot of things that we need to do, and we can do those. But the one thing that we cannot do is continue this Presidential debate and in the process damage the image of Medicare. Medicare has billions and billions of dollars in the trust fund today. Those trust fund dollars will continue to be there for the foreseeable future. We have to, as we have in years gone by, change certain things, and we are going to do that. But we are going to have to wait, it appears, until the Presidential election season is over before we can constructively take care of the problems with Medicare.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KEMPTHORNE). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, I ask unanimous consent to proceed as if in morning business for 15 minutes.

The PRESIDING OFFICER. The Chair advises the Senator that we are in a period for morning business with Senators allowed to speak for up to 10 minutes.

Mr. GREGG. I thank the Chair.

MEDICARE

Mr. GREGG. Mr. President, I want to talk a little bit about Medicare, which I know has been discussed by other Members on the floor, and specifically about the Medicare trustees' report which I know has also received a fair amount of attention, as well it should. This Medicare trustees' report, remember, is the second—there have been a number of reports—second in a series of reports that have raised a very large red flag, which red flag essentially had printed on it "The Medicare Trust Fund is Going Bankrupt."

The Medicare trustees are independent in the sense that their job is to review what is happening with the Medicare system, do it in an analytical way, and issue a report. Even though three or four of the members are officially members of the administration, they have great credibility as to the integrity of this report.

The first report that they initiated in this area that threw up the red flag in such a large way stated unequivocally—this was almost a year ago now—"We strongly recommend that the crisis presented by the financial position of Medicare trust fund be urgently addressed on a comprehensive basis, including a review of the program's financing method, benefit provisions, and delivery mechanisms."

Well, the U.S. Congress—specifically the Republican leadership in the U.S. Congress—did address the Medicare trust fund and that specific direction from the trustees. We put forward a proposal which was included in the balanced budget, which unfortunately the President vetoed, that addressed the underlying problem of the Medicare trust fund. It did it by giving seniors an opportunity to have more choices as to the type of health care that they receive. Unfortunately, that proposal was vetoed.

So we now have another report coming out which has said that the original report of a year ago grossly underestimated the problem. This chart sort of reflects the situation. I call this the plane crash chart, the nose dive chart, or whatever you want to call it. This is the blue line that shows what is happening in the Medicare trust fund in the original report that we most refer to around here of a year ago. This red line is the new timeframe for insolvency. It has been moved from the year 2002 to the year 2001. But actually that only tells a little bit of the story when you use those 2 years because of the insolvency which is being projected by the trustees. In the year 2001 they are talking about an insolvency or a deficit of $33 billion in the Medicare trust fund, part A. But in the year 2002, under this new report, they are talking about a deficit of over $100 billion—a massive deficit in the trust fund in the year 2002.

What has the administration's response to this been? It has been to take their head and stick it as far down in the sand as they can and flap their wings in some demagogic manner about how the Republican proposals are going to slash Medicare when nothing could be less accurate or less truthful.

The Republican proposal was that we should slow the rate of growth of Medicare from 10 percent annually down to 7 percent annually and that we should do that by, as I mentioned earlier, giving Medicare beneficiaries essentially the same type of choices that Members of Congress and the Federal employees have today. Today, unfortunately, a Medicare beneficiary has only one really viable choice. They have some experimental choice, and that is called "fee for service." This is the type of health care delivery service we had in the 1950's and 1960's in this country; the type of health care service seniors grew up with and, therefore, are most comfortable with. It happens to be the most expensive type of health care delivery service. People who work in the private sector today, who work in a business place today, who have health insurance, know that there are very few fee-for-service programs, that for the most part we have what is known as mixed cost programs where you buy a health care delivery service that takes care of all your activities when you are an employee.

It might be an HMO; it might be something called a PPO; it might be a group of doctors practicing together. There are a group of variables about how this is done. But today we have basically fixed-cost delivery systems.

What we as Republicans said to the seniors was, all right, if you like fee-for-service, you can stay with it. We are not going to tell you that you have to change, but we are going to encourage you to look at some other services, HMO's, PPO's, groups of doctors practicing together, other types of insurance programs, and to the extent you choose one of these other programs which has to deliver at the minimum the same benefits you are now getting under your health care system, under health care services, to the extent you choose one of those that costs less, because many of them can cost less, then we in the Federal Government are going to give you an incentive to choose that less expensive system.

You may say, well, how can there be a less expensive system that is going to give the same type of care to seniors? It is called the marketplace. It just happens in the marketplace there are a lot of health care providers that are willing to give the same or even better services for less than what Medicare today pays to the average senior for fee-for-service.

That is because we pay so much for the average care for seniors. We pay about $4,800 a year. That is a lot of money for seniors. There are a lot of systems out there that could probably supply that care, and maybe more care—maybe eyeglass care, maybe pharmaceutical care—and do it for less than $4,800 a year. To the extent it was less, we were going to give our seniors the option to choose the least costly service which may be a better service. And the incentive we were going to give them to do it was to keep the difference. If their plan they choose were to cost $4,500, that today costs us $4,800 to pay for their fee-for-service, and the plan they choose was a fixed-cost system that cost $4,500, the senior would keep the $300 difference.

That would create three events. No. 1, it would mean that seniors would have an incentive to go out and look for cost-effective health care. No. 2, it would mean the marketplace would respond with lots of different opportunities for quality health care. And No. 3, it would mean that the Federal Government would get a predictable rate of growth in health care. Instead of having a 10 percent rate of growth, we can conservatively estimate that the rate of growth would be about 7 percent. Why? Because in the private sector, which has done exactly this, which has gone to a variety of different health care programs, the cost of the premiums has actually dropped by about 50 percent.

What we are talking about is getting a 30-percent drop in the cost of premiums, so we know if we use this opportunity we would have the opportunity to control costs especially in the outyears and therefore give us a better chance at maintaining the solvency of the Medicare trust fund.

What was the response of President Clinton and his minions when we put this plan forward? The response—and we still hear it from Congressman GEPHARDT and his group—was, we are slashing Medicare. We are slashing Medicare. Well, we said, Mr. President, tell us what you are going to do then to get the system under control. He did not have an idea, did not have a proposal. He said, you are just slashing Medicare. Let me go scare some seniors and tell them that you are slashing Medicare.

It was the most demagogic position taken by a President in a long time because it was dealing with such an important issue and they did it in such a purely partisan and political way, so demagogic, in fact, that even the Washington Post, which is the spokesman for basically the liberal agenda in this country, if you are going to be honest about it, in its editorial policy, said that what the President was discussing was "medagoguery," coined a phrase "medagoguery," a very appropriate word to add to our lexicon.

And so now with the trustees' report coming forward and telling us that the situation has even gotten significantly worse, that the system now instead of going broke in the year 2002 is going to go broke in the year 2001, now we hear rumblings in the administration, murmuring from the administration, well, we have a program to save this, to push it out a few years.

Let us look at what the administration is proposing because what they are proposing is a terribly crass act of intergenerational transfer of burden. What they are proposing essentially is to take a major part of the cost of the present Medicare system which is borne by the hospital trust fund and to shift that cost on to all Americans who pay taxes.

The program that they are proposing is to take the home health care portion of the hospital trust fund, which represents about $55 billion, and transfer that out of the hospital trust fund, part A, into theoretically part B. But they do not put it in part B really. What they are doing is they are putting it on the backs of all the taxpayers in America. Today, of course, this item, $55 billion in home health care, is paid for out of the hospital trust fund.

What does that mean? It means it is paid for by the taxes which go into the trust fund which are to accumulate for the purposes of buying insurance for seniors when you meet the age eligibility requirements. And so these costs of home health care are supported by the taxes paid to the trust fund. But what they are proposing is to take it out of that trust fund, and they put it in the part B trust fund and they have it paid for by the general taxpayers.

In fact, they go so far in this exercise of political gamesmanship as to not only take it out of the hospital part A trust fund, but when they put it into the part B trust fund they do not even require that seniors pay what is the traditional percentage of the part B trust fund, which is 25 percent.

Let me explain that because that is fairly complicated. Basically, the part B trust fund, as many people know, pays for things other than hospitalization, other than acute care. Under our system today, a senior citizen pays 25 percent of the costs of their nonacute care, nonhospitalization costs, and the general taxpayers, John and Mary Smith who are working down at the local restaurant or at the gas station or on an assembly line, they pay 75 percent of the senior citizens' costs for their nonhospitalization. That is the part B trust fund.

Well, when they took the $55 billion out of the part A trust fund and put it into the part B, the administration at the same time said, no, seniors are not going to have to pay even the 25 percent. So the full $55 billion falls on Mary Smith and John Smith who are working at the local restaurant, the local gas station, or the local assembly line. And it is a clear transfer from one generation to the next generation of the costs of $55 billion.

Does it do anything at all to address the underlying problem of the Medicare system, which is that it is growing at an annual rate of 10 percent? No, nothing. Absolutely nothing. It does not address the primary problem of the Medicare trust fund one iota. All it does is create a political benefit for this administration of being able to say to seniors, well, by taking $55 billion out of your obligation and putting it on your children's back, we have been able to extend the life of the trust fund by a couple of years.

That is truly a crass and, I think, cynical approach to addressing what is a very core and significant problem. Because as I mentioned when I began the talk, the size of the Medicare problem in the part A trust fund is now estimated to be a $100 billion deficit in the year 2002. So through this little bit of gamesmanship, they may buy a year or two, but they do not do anything at all to address the underlying problem—nothing. All they did is create the ability to go into this election and say to seniors, listen, we corrected this problem.

Of course, there is not going to be any asterisks by that which says to the seniors' kids, to the children and their grandchildren, oh, I am sorry; we just raised your taxes $55 billion—because that is all this is. This is a tax increase on the children of our seniors and their grandchildren who are working of $55 billion.

Now, it is not unusual for this administration to resolve problems by raising taxes. They gave us the largest tax increase in the history of the country which was, under a 5-year budget, $265 billion or $285 billion, but actually now that we are funding under a 7-year budget it turns out it was a $550 billion tax. Now, on top of that tax increase of $550 billion, they want to hit working Americans with another $55 billion tax increase, while at the same time, and most amazingly with a straight face—and this is what I find rather ironic, they do this with a straight face—at the same time they say to our seniors, oh, we have taken care of the Medicare problem.

They have not done a thing about the Medicare problem. There is no effort at all in the administration proposal to address the factors which are driving a 10-percent annual rate of growth in the trust fund. In fact, if anything they have aggravated it because they have taken the $55 billion and put it on the back of the average taxpayer in this country, John and Mary Jones, working someplace on Main Street. That means that we created a whole new burden on them, which is an entitlement, which they will have to pay taxes on and then expand the program as a result of lack of accountability, which is the way programs expand around here. They get created as entitlements and put in the general fund and then there is no way to control them at all. That is essentially what they are doing here.

If you are going to address the Medicare issue, you have to look at the fundamental question, what is driving the rate of growth of inflation in Medicare costs? I have heard some pundits saying, "It is demographics, it is people. It is all the new people coming in the system."

That is not true at all, not during the timeframe we are talking about. Yes, it is true when the postwar baby boom people hit the system. When Bill Clinton's generation and mine hit the system it is. But between now and 2010 it is not a demographic issue, it is a generational issue. It is not a demographic issue. It is a function of the fact that the rate of inflation in health care costs in Medicare are dramatically exceeding the rate of inflation of health care costs in the private sector and in the costs of health care for people who are under the age of 60.

Last year, the rate of growth in the premium costs of people under the age of 60 was flat, essentially no inflation. The rate of growth of Medicare was 10 percent. You can see that is what is driving the problem with the Medicare trust fund. So, until you address that rate of growth of costs of the health care in Medicare you are not going to be able to make the system solvent.

So, when the Republicans came forward last year and put down a proposal which was aimed specifically at bringing market forces into play in the Medicare system, taking it out of the system which is a 1960's system designed for the health care delivery system of the 1950's, and moving it into the 1990's by bringing market forces into it—when we did that we put forward a proposal which was fundamentally sound and which was directed at the core problem, which was the fact that the rate of growth of health care costs was too great. Through the use of market forces we tried to control that.

What we have here essentially, in the Medicare system, is a 1959 Chevrolet driving down a 1990's highway. It has not been repaired. The hubcaps have fallen off, it is running on three pistons, the exhaust system is spewing out pollution, and it cannot keep up to speed. What we suggested, as Republicans, is that we should put a new car on the 1990 highway, something that can keep up with the times and something that would actually give the seniors a better choice of options for health care delivery.

What the White House suggested, what the administration suggested, was that we simply get more oil and more gas and pour it into the car, the 1959 Chevrolet, and we get that oil and gas from John and Mary Jones, who are working on Main Street. It was a cynical act, to say the least. Exceeded, of course, by their statements that our proposals were slashing and cutting Medicare. That was the most cynical act by this White House, but in the tradition of that, equally or competitively similar, to suggest we should make this type of a transfer.

If we are going to resolve the Medicare problem, we are going to have to have a White House which thinks about something other than reelection; that thinks about substantive policy, that thinks about how you govern, not how you get reelected to govern.

I have not seen any sense that that is the character of this White House, but there is still time. Republicans still have on the table a proposal which would substantively improve the Medicare system, and do it in a way that would lead to a real direction of solvency for the trust fund, rather than to a shell game of transferring burden from one generation to the next. I hope, if nothing else, the American public will see through the games that the White House has been playing on this and would put some pressure on the administration to begin to act responsibly in this area.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DEWINE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DEWINE. Mr. President, I ask unanimous consent to proceed as in morning business for 15 minutes.

The PRESIDING OFFICER. The Chair advises the Senator we are in morning business and is recognized for 10 minutes.

WORDS AND ACTIONS ON CRIME

Mr. DEWINE. Mr. President, one of the key measures of any government is how well it protects the people from the threat of violent crime. In the preamble to our Constitution, the charter of our Government, we are told the purpose of Government is to "establish Justice, insure domestic Tranquility * * *"

Only by doing those things and doing them well do we hope to "secure the Blessings of Liberty to ourselves and our Posterity * * *"

I would like to talk today about the record of the Clinton administration in regard to crime. In doing so, I will contend that mere words are not enough to fulfill that sacred trust between Government and the people. To fulfill its obligation, its obligation to protect people from crime, Government must act.

One of the President's closest advisers said recently, "Words are actions." Words are actions. They really are, Mr. President. The record of this administration gives grave cause for doubt.

For 2 years, 1993 and 1994, President Clinton and his party controlled the White House and both Houses of Congress. One-party control means the party in charge generally gets to set the agenda. It is pretty clear that the fight against crime should be at the top of any sensible national agenda.

Violent crime remains at historic highs. Every year 43 million Americans become victims of crime, and 10 million become victims of violent crime. Juvenile crime is a problem now of historic proportions.

Frankly, Mr. President, there is no reason to believe that this is going to change unless we take some very drastic measures. Here is why. Violent crimes by young people age 18 to 24 have gone up 50 percent since 1986. These young predators are moving coldly, dangerously into a career that will wreak havoc on their communities for years to come. That is bad enough.

But it will get even worse, even scarier, because while crime among 18- to 24-year-olds has gone up 50 percent, crime by even younger offenders, those aged 14 to 17, has gone up 150 percent—150 percent—since 1986. So if we think violent crime is bad now, wait until these 14- to 17-year-olds get into their prime age for crime, the late teens and early twenties. The problem we will have to face is when today's violent teenagers grow up. They are going to be a major social force in this country. To me, that would indicate cause for serious concern about the kind of America we are going to have in the next couple of decades.

Mr. President, the picture is bad in regard to violent crime. But, unfortunately, it does not get any better when we look at the issue of drugs. Since the Reagan-Bush years, marijuana use has tripled—tripled—among those 14 years of age and 15 years of age. In 1992, 1.6 million young people were reported to have used marijuana—1.6. Today that number has risen to 2.9 million.

Mr. President, one good way to find out what our real social problems are is to visit a hospital emergency room. Today cocaine-related episodes have hit their highest level in history. People talk about the 1980's as the cocaine decade. But visit any emergency room and you will see that it is even worse today.

Heroin-related episodes are rising, too. They jumped 66 percent in 1993 and have stayed at that higher level.

In summary, Mr. President, I think any fair observer would characterize this as a very bleak picture. A fair observer would say that violent crime, especially youth violence, is a major challenge to America and very probably the single greatest challenge we face in this country.

Let us talk for a moment about how the U.S. Government has coped with this crisis. Let us examine what the new Clinton administration wanted to do after they took office, what it proposed to do in its first 2 years. Then let us examine what the Clinton administration actually accomplished in its first 2 years. Finally, I would like to examine what was accomplished after the first 2 years.

Let us start first with the new administration's proposals. So I begin with the first phase: The new Clinton administration and its agenda and what they wanted to do.

For 2 years, Mr. President, 1993 and 1994, we had an undivided Government, a Government under the control of a single party. A President with a free hand could create positive change and do what is necessary to protect the American people from the plague of violent crime. What use was made of this opportunity? What did the new administration propose to do about this major national crisis?

Here is the answer. Here, Mr. President, if you can believe it, is what the new administration proposed to do. This is what the President's budget proposed to do. The President wanted to cut 790 agents out of the FBI. The President wanted to cut 311 agents out of the DEA. The President wanted to cut 123 prosecutors, take them out of the Federal courts. The President wanted to construct zero—zero—new Federal prisons. Finally, the President wanted to cut prison personnel by 1,600. That was the proposed response of the Clinton administration to this major national crisis.

It is true, Mr. President, that much of this agenda did not actually become a reality. It did not happen because, fortunately, congressional approval was required. Again, fortunately, concerned Senators on both sides of the aisle said to the administration, "No. No way. We're not going to do it." Thanks to Senators like ORRIN HATCH, JOE BIDEN, PETE DOMENICI, FRITZ HOLLINGS, much of that misguided agenda was not passed, was defeated.

Let me turn, Mr. President, to the actual Clinton administration record. There is, Mr. President, of course, a lot that the President of the United States can do without congressional approval. The President has a great deal of discretion. Let us look at what the new administration actually did without congressional approval. I think when we look at this we will find that on every front of the war on crime there was a monumental retreat.

First, no new FBI agents were trained. No class. No FBI class.

Second, the White House Office of Drug Policy was absolutely gutted, an 83 percent cut in staff.

Next, the prosecution of gun criminals went down 20 percent. The prosecution in Federal court of those who use a gun in the commission of a felony went down 20 percent.

Prosecution of drug criminals—drug criminals—went down 12.5 percent.

No new FBI agents trained, the White House drug office was gutted, gun prosecutions down 20 percent, drug prosecutions down 12.5 percent. That is what the President did by himself.

Here is what else actually happened under the President's leadership.

Federal spending on drug interdiction went down 14 percent. The Federal drug budget accounts that fund antismuggling efforts dropped by 55 percent. In fact, the Clinton administration made a conscious decision to ignore the fact that drugs were coming into this country. They thought it would be enough to focus on the drugs once they were already in the country.

But, Mr. President, we should make no mistake, spending less on interdiction does have consequences. It does make a difference. According to recent Federal law enforcement statistics, the disruption rate, the amount of drugs that are blocked from actually entering the country, dropped 53 percent between 1993 and early 1995. The projection is an additional 84 metric tons of marijuana and cocaine coming into the United States every year.

What was the result of this cut? What was the result of this change in policy by the administration, change in emphasis?

Since 1991, Coast Guard seizures of cocaine are down 45 percent. Coast Guard seizures of marijuana are down 90 percent. The Clinton administration, unfortunately, has ignored a fundamental fact: Spending money on the antidrug effort does make a difference. When we make the antidrug fight a national priority, drug use does drop. Between 1981 and 1992 Federal spending on the drug war effort rose 700 percent. Over roughly the same period, drug use was cut in half.

But, tragically, the opposite has happened under the Clinton administration. Drugs have gotten cheaper. They are more easily available and more pervasive in the lives of our young people. Between 1993 and 1995, the retail price of a gram of cocaine fell during that 2-year period from $172 to $137. Over roughly the same period, answering a survey, the number of 8th graders who think it is bad to even try crack once or twice dropped from 61 percent to 51 percent. And overall teenage drug use is up 55 percent.

On measure after measure in the years 1993 and 1994, America's anticrime and antidrug effort lost ground. That was the Clinton administration's record of accomplishment. They faced a tough problem and had to make tough choices. The sad litany I have recited is the best they could do.

Now, moving to the third item I want to talk about, in 1995 there was a major change in the landscape of Federal crime-fighting policy. The new Senate came under new leadership. Over the last 16 months under that new leadership, a dramatically different effort on the issue of crime has emerged. Since January 1995, the majority leader, Senator DOLE, took over the helm of America's anticrime strategy. Here is America's new strategy for fighting crime: FBI agents, up 20 percent; DEA agents, up 15 percent; $800 million in new funding for Federal prosecutors; $3 billion in new funding for prisons; $1 billion in grants to States and local communities so they can fight crime at the grassroots level from neighborhood to neighborhood to neighborhood.

Mr. President, that is a truly remarkable change. I do not believe it is just a coincidence. A pattern of differences as striking as this can lead to only one tenable conclusion. Only one major factor intervened between the dismal record of 1993 and 1994 and the truly remarkable resurgence in the Federal crime-fighting effort that has occurred over the last 16 months.

That one factor, Mr. President, is the new management in the Senate and the House. I suggest Senator Bob DOLE be given the credit he deserves for changing the culture of Washington in this very important way.

Mr. President, politics has been defined as the art of the possible. The best definition of leadership I ever heard is this: "Leadership is the art of changing the limits of what's possible."

Over the last 16 months, Mr. President, we have seen this happen in the fight against crime. I think it is time that Senator DOLE got the recognition he deserves for a very, very impressive accomplishment. Further, Mr. President, I believe people should be paying more attention to actions and accomplishments than simply to election year conversions and all the rhetoric that they spawn.

The former chairman of the House Committee on Narcotics, a Democrat, once said he had "Never seen a President care less about drugs," referring to the President of the United States. The lackluster war on drugs is just one symptom of an overall abdication on the issue of crime itself.

Mr. President, as we prepare to say goodbye to Majority Leader DOLE, let me say I speak for many when I observe that we will miss his excellent leadership on this very vital and important issue. We owe him our thanks not for his words but, rather, for his actions.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KEMPTHORNE). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

BALANCED BUDGET AMENDMENT VOTES

Mr. FORD. Mr. President, we probably all have been guilty at one time or another of getting a little carried away on the Senate floor when we are trying to present our position on an issue. I think we saw a little bit of that yesterday by those of us who want to protect Social Security, and I would like to take a minute to respond to some of those, I think, inflammatory remarks.

I think the junior Senator from Oklahoma was right on the edge when he was talking about the 33 Senators that had previously voted in opposition to a balanced budget which included the use of Social Security. It has been said that to treat your facts with imagination is one thing, but to imagine your facts is another. We saw just how big some people's imaginations were yesterday.

I was 1 of those 33. The junior Senator from Oklahoma accused me of coming to Washington and voting one way and going back to my State and talking another. I am sure he does not know how I talk in Kentucky. I am sure he does not follow me around. I am sure he does not take the paper clips from my newspapers to see how I am quoted in my local paper.

Mr. President, I thought we were beyond the pony express era. I thought that we were on C-SPAN and 60 million people could immediately see how you vote and what you say and they would know that before you get home. I have represented my State, now, for almost 22 years here in the Senate. I have been fortunate to have been reelected by a large percentage. I think when I vote and I explain my vote to my people some may not like it but they understand the reason for it.

Mr. President, I voted for a balanced budget amendment until this time. Then we were labeled, yesterday, as BBA 6. So I am one of the BBA 6's now. I do not know exactly what that means, except when the leadership on the Republican side sat down in the Democratic Cloakroom, and with a fountain pen wrote how much money they would be taking from Social Security each of the next 7 years, how much they would be taking from Social Security to balance the budget, that is when I reneged. That is when I said if you want my vote, put a firewall in as it relates to Social Security. Now I have that piece of paper, Mr. President. It is in my file and I will keep it. It is the handwriting of some of the leadership on the Republican side, how many billions of dollars, and as I recall the last 2 years, roughly $147 billion they were going to take out of Social Security trust fund.

Now, when the junior Senator from Oklahoma says those of us who voted "no" last time, the 33, did not want a balanced budget, I just disagree with that. How can he say I do not want a balanced budget amendment? All I say is build a firewall for Social Security. You could have 70-odd votes if you do that. It would be easy to pass. But, no, the Republicans want an issue. They want an issue. They do not want it passed. They lost a vote today for one reason and one reason only. You are talking about star wars, and you have one of the greatest minds as it relates to defense in this country in the Senate in SAM NUNN, the Senator from Georgia, who was vehemently opposed. He said you are mandating that we put it in to spend $60 billion and you do not know whether it will work. Let us research it for another 3 years. You are not going to get it up any faster. Then in 3 years you will know it will work, and then let us do it. No, we were forced into the vote on the basis that we shall do it whether we know if it will work or not, and at a cost of $60 billion, and that is right behind that attempted $700 billion tax break—in one day. And the next day, they holler, "The sky is falling." So you have turned at least one Senator off as it relates to the political tactics being used on the Senate floor.

Now, we have 10 fictitious reasons for voting against the balanced budget amendment. There is only one reason, in my mind. We have heard a lot about a contract. We have heard a lot about a contract now for almost 2 years. Well, we had a contract with the farmers called the Freedom to Farm Act. Signed it, passed it. A contract. Within 7 weeks, you are breaking that contract. The House Agriculture Appropriations Committee was eliminating almost $100 million out of the payments to the farmers that they thought they had signed up for next year. You are reducing WIC by having it frozen. You are reducing nutrition programs by $300 million on the House side. Contracts are being broken. I thought both sides had agreed to a contract. Both sides were committed to it. Therefore, we find that we are already breaking contracts.

When you are going to use Social Security funding, then I think we are breaking a contract with those who are expecting that. Sure, we are having a bump in the road on Medicare. We all understand that. The President has submitted two budgets reducing part A. Now, everybody talks about Medicare and paints it with a broad brush. It is part A that is short, not part B. Part A is the hospital and part B is the doctor, if you want to put it into categories. So part A is the part having problems. Part B still has a surplus. Part B will have a surplus from now on, the way things are going.

So we have one part of Medicare to be fixed. Even now, there is a $100 billion surplus in part A, as I understand it. If you continue to use it, over a period of time, that will be reduced to zero. You need to keep it at a level where it will not be reduced and where the level will stay the same over the next 7 years.

Mr. President, if Social Security were protected, we could pass the balanced budget amendment and get on with actually passing our spending bills. We hear a lot about how bad things have been. I have been here 22 years now. I did not see any vetoes, under the Republican administration, as it related to tax increases and spending increases. I did not see those vetoes. We did not have enough votes to override them, if the Republicans would have stayed together. But, no, we went from a $900 billion deficit to $5 trillion in 12 years under Republican leadership. During that time, Republicans had 6 years of control here in the Senate Chamber. Could you have supported a veto? Absolutely, you could have sustained a veto.

Now, Mr. President, I do not mind debating the issues, but I certainly hate to be singled out and it becomes a personal issue. As I say, the junior Senator from Oklahoma came very close to the edge of being challenged under the rules of the Senate yesterday. So I just hope that, as we debate the issues, we eliminate the personalities and the personal attacks. It is nice to have a picture of your grandson here on the Senate floor. I have five grandchildren.

I enjoy grandchildren. But do you know something? It is hard for me to believe, as a grandfather, that if I watched my daughter give birth to a son, my grandson—as I read the RECORD and listened to him yesterday, in his first breath, it was handed to him and the first thing he thought about is that this poor child owes $18,000 in back taxes, or he has that debt on him. I would have thanked the Lord for my daughter coming through the delivery healthy. I would thank the Lord for being given a healthy baby before worrying about how much tax load or debt load that newborn baby had. Nevertheless, I am sure the taxpayers had something to do with paying for the picture of that grandson that was here on the Senate floor.

So here we are getting personal again, and I do not like it. The only way I know how to say to my colleagues that think the debate is about who supports a balanced budget—this is a debate about who wants to save Medicare. This is a debate about who wants to raid Medicare, who wants to cut the deficit, and that sort of thing. Those issues are fine. But when I am accused of voting one way here and going home and saying another thing—the day of the Pony Express is over. It is instantaneous what I say and do here, and it is getting to my constituents.

So while people are predicting doom and gloom again today, the BB-6 can point to a record of deficit reduction and a commitment to balance the budget, while protecting the pact we made with citizens to protect Social Security. So we passed a bill in 1990, under a Republican President, signed by him, not to include the Social Security trust fund.

I yield the floor.

Mr. KENNEDY. Mr. President, are we proceeding as in morning business?

The PRESIDING OFFICER. That is correct, for a period of up to 10 minutes.

THE HEALTH INSURANCE REFORM BILL

Mr. KENNEDY. Mr. President, earlier this afternoon, there were some comments made about where we are on the Kassebaum-Kennedy health reform bill. I wanted to just take a few moments of the Senate's time to review a little bit of the bidding on where we have been, where we are, and what the hope is in terms of the future.

Mr. President, as we know, this legislation was developed by Senator KASSEBAUM, myself, and other members of our Labor and Human Resources Committee in the wake of the 1994 debate on comprehensive health care. It was really reflective of the expressions that were made by Republicans and Democrats alike, both the now majority leader, Senator DOLE, and others on the Democratic side, who said, "Let us try to find common ground together, areas where we agree. Let us try, if we cannot do a comprehensive program, to at least shape a proposal that can make a difference to millions of Americans—particularly those with preexisting conditions—recognizing the importance of portability, moving from one job to another, being able to carry the insurance if, for some reason, an individual loses their job, or the company closes down."

Over the period of really the last months, and even over recent years, that proposal has been working its way through the Labor and Human Resources Committee. It had virtually unanimous support of Republicans and Democrats alike, and it has worked its way through the Senate with 100 votes. Unanimity, Mr. President, 100 votes—a unanimous vote here in the Senate and in our committee. I find that to be an extraordinarily rare occasion, when you take something that can provide such a meaningful difference and provide relief for families and for working families, a measure that can make a very important difference, particularly to those with preexisting conditions.

The efforts of Senator KASSEBAUM and myself have been to try to keep the legislation clean—that is, to try to resist various amendments, in spite of the fact that we might have agreed with some of those provisions at other times. That was certainly true in my case with regard to the excellent proposals that were added to the measure by Senator DOMENICI and Senator WELLSTONE on mental health. I feel very strongly that it is about time that we treat mental health in the way that we consider other serious illnesses, and not make the consideration of mental health a stepchild in our health care policy areas.

Nonetheless, we had worked out a process where we were going to try to move ahead with the areas that we could agree on, so that we can move through this legislative process with that in mind. We accepted some matters that were overwhelmingly supported by Members of the Senate where there was no serious objection.

We accepted the mental health provisions. But it has always been the position of the Senator from Kansas and myself that we were going to be committed to a proposal that would provide just the measures which initially came out of the committee unless we were going to be able to convince our Members in the conference that we needed to make at least some progress in the areas of mental health.

Senator DOMENICI, Senator WELLSTONE, I must say Tipper Gore, who has been enormously interested in the areas of mental health, have all weighed in in terms of making the case once again of the importance of extending some protections to the area of mental health. That is an issue which I know is still under consideration by at least those that are meeting. I can point out for the Members of the Senate, that those meetings have not included the Members of this side of the aisle, but we have tried to work in a constructive way in at least getting some of these ideas forward for the consideration of those who are in the room.

I want to just mention parenthetically that there were some comments made earlier today on the issue of appointing conferees. It has always been our position that we should have conferees that reflect at least the will of the Senate, but the various proposals that have been made here in terms of the conferees were not even close to the ratio of Republican to Democrat. We were not going to agree to a stacked deck and a position that would not reflect the will of the Senate.

It always interests me how worked up some of our Members can become when they are talking with this righteous sense of indignation about the fact that there is some objection to the appointment of the conferees, particularly in the way and the numbers in which they were suggested. There has never been any reluctance to naming conferees that were going to be reflective and represent the committees that had the prime jurisdiction. That is the way it has been done here. The particular proportion that was suggested was completely out of order, which is why we are in that stalemate.

Most importantly, we are prepared to see the measure that passed 100 to nothing here on the floor of the U.S. Senate, or the measure that passed unanimously out of our committee, to pass out of the conference, to pass the House of Representatives, to pass the Senate and be signed by the President of the United States in the matter of the next day or two. That is what we are able to do as legislators. That would make a difference to the 25 million Americans each year who would be helped by this bill—who would find that they are able to be assured of continuing attention to their particular health needs as long as they were going to pay their participation in premiums.

We have the opportunity to move on that legislation. It is still out there. We are caught in a situation evidently that unless we are prepared to accept other measures which have been controversial and divisive and recognized as such, or where at least very important questions have been raised about those matters, that we cannot make progress unless we are prepared to bend on those matters. It is still my hope that even at this very sensitive time in the discussions where leaders in the House and leaders in the Senate are attempting to try to make at least one additional effort to try to find the common ground, that we can still resolve this and be able to respond to the millions of our fellow citizens that have these preexisting conditions and want to be able to carry their health care measures with them.

But I want to take just a few moments of the Senate's time this afternoon—I see other colleagues. Could I ask for 5 more minutes?

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I appreciate it.

Mr. President, I still hope that we will be able to achieve this measure.

I have gone into, in some detail, the principal concerns of the issues on medical savings account. But there are a few items that have been mentioned with regard to medical savings accounts that were not mentioned here in the course of this afternoon.

Let us understand that if insurance companies want to sell medical savings accounts, they can do that today. They do not need to have additional legislation. For those that say let us have the free choice, individuals can be out and purchase those measures at the present time. A number of States have begun to set up their own medical savings accounts. So the idea that we are denying some kind of free choice is virtually inaccurate and a distortion and a gross misrepresentation about where the medical savings account issue is.

Individual companies—and there are the companies, for example, like the Golden Rule Insurance Co., that are out selling medical savings accounts today. Of course, it is true that Golden Rule Insurance Co. has been drummed out of the State of Vermont because of the way that they have exploited consumers. And it is true that Golden Rule Insurance Co., the principal company that would benefit from medical savings insurance companies, refuses to share market information with even the American Academy of Actuaries so that we could get a real reflection as to what has been the experience of that company. When asked by the American Academy to share their data, Golden Rule said, absolutely no, we will not do that, even though they have experienced extraordinary profits in this area.

Nonetheless, Mr. President, one of the factors that was not raised this afternoon was the fact that we are talking about the cost to the American taxpayers by those that are proposing medical savings accounts. The Joint Tax Committee has estimated that if there were just to be 1 million Americans out of the pool of about 130 million Americans who purchase health insurance, if we have to have 1 million of those, the cost to the taxpayers and to the deficit would be $3 billion for 1 million people. That is not what I am saying. That is what the Joint Tax Committee is saying.

We are talking about when you are going from 1 million to 10 million to 20 million, or as the Rand Corp. considered, 70 million, you do not need much of a slide rule to understand what this is going to do to the Federal deficit, let alone health care policy.

So it is so interesting to me to hear out there many of our Members saying, "All we want is freedom. All we want is freedom." Sure it is all they want is freedom to put their hands into the till of the Federal Government and take out billions of dollars to subsidize what will be primarily a benefit for the richest individuals in this country; the richest individuals in this country. And we pointed that out over the course of the debate and the discussion. I heard one of my colleagues talk about the fact that there were some Democrats that wanted this at another time. At another time, we were talking in the context of a comprehensive health care reform where we were going to have effective cost controls, an entirely different situation than we have today.

So those who are out on the floor with their big charts saying what is wrong with these words that were stated a few years ago, I daresay that is when we were talking about a comprehensive program with effective kinds of cost containment, which is not what we are dealing with today. Anyone should understand it. I question whether it would have been really justified even at that time. But, nonetheless, there were those that believed it ought to be given a try, and that was an issue within that context that I think was legitimate. But that is not what we are talking about.

Make no mistake about it. We are talking about underwriting the health care insurance for the wealthiest individuals at the expense of the average taxpayer. The Joint Tax Committee has pointed out, well, if you spend $3 billion, how much of that would go to average working families? How much would they benefit from that? One percent of that $3 billion would benefit average working families. Who gets the rest of the 99 percent? The ones that get the rest of the 99 percent are going to be in the highest income brackets. That is just one issue that ought to be debated and discussed.

There is a body of opinion in the Senate and in the House of Representatives that support this concept. Certainly we ought to have an opportunity to review it. We ought to examine it. We ought to have at least an opportunity to see whether the greatest fears about what it would mean in terms of cost and what it would mean in terms of skewing the whole insurance system and what it would mean in terms of preventive care are true—we ought to at least have an opportunity to test that.

The President of the United States has indicated that he would sign a bill, if there was a proposal that would really test this idea, in an area that provided a real test about medical theory and about the costs of this program over a reasonable period of time, which seems to me to be a reasonable position. Why we have to deal with this at this time is beyond me. But nonetheless, it is a matter which is at least before the House of Representatives.

Mr. President, I will include in my full comments the various opinions that have been made about the American actuaries, what they believe will be the impact in terms of the cost of health insurance, the analysis which has been made about who would use this, who would benefit and who would suffer under this program, what the impact would be on children who are so often the ones who are left out and left behind, and the fact that medical savings accounts will effectively discourage all preventive care in terms of needy children in our society and what the Congressional Research Service said was going to be the health implications. These are important matters. I believe that the Senate, before it is going to jump into this program, ought to have very complete answers to it.

So I hope if we are going to have an opportunity—and certainly we should at some time—to get to the issue of medical savings account, the American people ought to understand that we have the opportunity in the House of Representatives and the Senate of the United States to do something meaningful for millions and millions and millions of American families today. We have a proposal that will make a difference to those families—more than 25 million of those families. It passed unanimously in the House and the Senate of the United States, with broad bipartisan support. Our urging is that we take that very important, modest but very, very important proposal and that we move it down to the President's desk and we get on with it. If there are other measures that ought to be debated, let us debate them but not on this bill.

Mr. President, if we follow that recommendation of the Senator from Kansas [Mrs. KASSEBAUM] and those of us who are members of the committee, we can do something truly worthy to be remembered in the area of health care reform.

Mr. President, medical savings accounts do not belong in the Kassebaum-Kennedy health insurance reform bill. They have already been rejected by the Senate. A bill containing them cannot be enacted into law and signed by the President. They are an untried idea with the potential to destroy the access to affordable, comprehensive coverage that tens of millions of Americans now enjoy.

Millions of Americans need insurance reform, so that they can be secure in the knowledge that their health care, coverage cannot be taken away because they become sick, because they change jobs, or because they lose their job. Their hopes should not be held hostage to this extremist, special interest proposal. But because the Republican leadership in the House and Senate is pursuing a rule or ruin approach to this legislation, their hopes may be dashed once again.

Medical savings accounts sound good in theory. Why not encourage businesses and individuals to buy less costly high-deductible health insurance policies and put the premium savings into a tax-free account that can be used to pay some routine medical costs? But in this case, what sounds like good medicine in theory is quack medicine in practice.

Medical savings accounts are an idea whose time should never come. Under conservative estimates by the Joint Tax Committee they are a $3 billion tax break for the wealthy and healthy. As the Center on Budget and Policy Priorities said, "MSAs create new tax shelter opportunities. Use of an MSA would be highly advantageous to substantial numbers of higher income taxpayers. Low and moderate-income taxpayers would receive little or no tax benefits from using MSAs because they either do not pay income taxes or pay taxes at much lower rates." The American Academy of Actuaries concluded that medical savings accounts are "Taxing money from the unhealthy and giving it to the healthy." The Joint Tax Committee estimated that only 1 percent of the tax benefits would go to people with incomes of less than $30,000.

If more people enroll in these accounts than Joint Tax has estimated, as many analysts believe will happen, the cost could rise to the tens of billions. How ironic that those who are loudest in their clamor to reduce the deficit are willing to waste these vast sums on this destructive special interest boondoggle. If we have billions to spare, they should be spent on reducing the cost of coverage for hard-working American families or on deficit reduction—not on a perverse income transfer from the poor and sick to the healthy and rich.

Medical savings accounts raise premiums for the vast majority of Americans—especially those who are sick and need coverage the most—by siphoning the healthiest people out of the insurance pool. As premiums rise, more and more working families will be forced to drop coverage. In the words of the Congressional Budget Office, medical savings accounts "could threaten the existence of standard health insurance." Mary Nell Lenhardt, Senior Vice-President of Blue Cross and Blue Shield concluded, that MSAs destroy "the whole principle of insurance." A new report by the Urban Institute concludes that, even under conservative assumption, premiums for comprehensive coverage could rise by 40 percent. If a higher proportion of people shift to MSAs, the cost of comprehensive coverage could rise by more than 300 percent.

Moderate income people who choose medical savings accounts could be exposed to financial disaster if someone in the family becomes seriously ill. As the American Academy of Actuaries said, "individuals and families who experience significant medical expenses soon after the establishment of MSA programs will face high out-of-pocket costs. These high out-of-pocket costs will not be randomly distributed. They will be concentrated among older workers and their families and among those with disabilities and chronic illness." The last thing that the American people need—especially those who need health care the most—is another massive increase in the cost of medical care.

Because they encourage high deductible plans, medical savings accounts discourage preventive care. According to the Congressional Research Service, high deductible plans that come with MSAs have meant that poor children are 40 percent less likely to get the care they need as compared to fully-insured children. This is the wrong direction for health policy.

Medical savings accounts are a giveaway to the insurance companies who have the worst record of profiting from the abuses of the current system. But the American people should not have to pay such a high price to reward them—even in return for $1.5 million in campaign contributions over the last 5 years. It is no accident that a company like Golden Rule Insurance favors medical savings accounts. This is a company that is ranked near the bottom by consumer reports because of its inadequate coverage, frequent rate increases, and readiness to cancel policies. When Golden Rule withdrew from Vermont because they were unwilling to compete on the level playing field created by insurance reform, Blue Cross and Blue Shield took over their policies. They found that one in four policies included an exemption. Whole body parts, like arms, backs, breasts, and even skin were written out of coverage. Newborns were excluded unless they were born healthy.

The Republican medical savings account plan includes absolutely no guarantees that companies profiting from selling these policies will be prevented from abuses like this in the individual market. Moreover, although MSA's are billed as providing catastrophic protection, there is no requirement that they have reasonable life-time limits or not impose excessive co-payments when the deductible level is reached.

It is shocking that the very company that has provided the financial engine behind this right-wing proposal has refused to share any data about its plans with the American Academy of Actuaries or other impartial analysts. Golden Rule knows that medical savings accounts can't stand the light of day—and that's why they are tying to ram them through on a bill that the American people want.

Some Republicans are anxious to include MSA's in the insurance reform bill because MSA's are part of their long-run plan to dismantle Medicare and turn it over to private insurance companies. This is a foot in the door for that item on the right-wing agenda—and this, too, has no place in an insurance reform program.

No respectable health policy analyst supports medical savings accounts. Newspapers from the Washington Post to the New York Times to the Los Angeles Times to the Boston Globe have condemned them. The President has said that they could doom the bill's prospects for becoming law. They don't belong in this bill—and I urge my colleagues to reject them.

Finally, Mr. President, I would like to say a word about the charge that I am blocking the appointment of conferees. The fact is that the list of proposed conferees the Republican leadership has offered is unprecedented in its unfairness. In the last three Congresses, there has been no conference that has been so stacked. The only reason for this unacceptable proposal is to try to ram medical savings accounts—a proposal the Senate has already rejected and which will kill the bill—into insurance reform.

Republicans leaders know that Americans want the reforms promised in this bill and have little interest in medical savings accounts. That is why Representative KASICH said, on March 24, "We will not let medical savings accounts destroy the ability to give people portability and eliminate pre-existing conditions." On March 29, Speaker GINGRICH said he would not let medical savings accounts stand in the way of a Presidential signature. But the American people should know that there is a vast gap between the words and the reality. In spite of repeated offers from the Democrats to sit down and discuss the issues in the bill, in spite of three separate Democratic proposals for a sensible compromise on medical savings accounts, Republican leaders have been unwilling to negotiate and unwilling to back off their insistence on this poison pill.

Whether the issue is tax fairness, preservation of comprehensive health insurance for the vast majority of Americans, or the special interests versus the general interests, medical savings accounts are bad medicine for our health care system. They are a poison pill that would kill health insurance reform. The Senate has already spoken. It is time to send a clean bill to President Clinton without further delay. The American people are waiting.

PROBLEMS WITH MEDICAL SAVINGS ACCOUNTS

1. LAVISH TAX BREAKS FOR THE RICH

The $1.7 billion revenue loss will go almost exclusively to the highest income and healthiest Americans.

Joint Tax Committee Analysis concludes that less than 1% of those who will purchase MSAs under this amendment will make less than $30,000 a year. Virtually no one will purchase these plans who makes less than $20,000 a year.

The well-to-do will be able to use MSA as a second IRA, except that this IRA will have no income limits and will accrue disproportionately to the extremely wealthy. People choosing this option with large assets can use their own money to pay their medical bills and protect their tax deferred MSA savings.

Health care analysts are virtually unanimous in their opposition to MSAs.

The American Academy of Actuaries says that MSAs are, "Taking money from the unhealthy and giving it to the healthy."

The Center on Budget and Policy Priorities says, "MSAs create new tax shelter opportunities. Use of an MSA would be highly advantageous to substantial members of high income taxpayers."

2. HAND-OUT TO GOLDEN RULE INSURANCE COMPANY

To select MSAs, an individual is required to select a catastrophic insurance plan, and Golden Rule is one of the largest marketers of catastrophic plans in the country. MSAs would simply allow Golden Rule to greatly enlarge their market.

The company has given $1.6 million in political contributions to Republicans over the last 5 years.

They are near the bottom of insurance company rankings done by consumer groups, such as Consumers' Union, because they provide inadequate coverage, frequent rating increases, very aggressive underwriting, and readiness to contest claims and cancel policies.

3. UNRAVELS HEALTH INSURANCE AND INCREASES PREMIUMS FOR WORKING AMERICANS

Because healthy and wealthy individuals are most likely to purchase MSAs, those who remain behind in the traditional insurance plans will likely face higher premiums because the insurance pool has been weakened.

The premium increases could be high enough to force lower income working people to drop their coverage.

Insurance pool for ordinary Americans without MSAs will suffer both from healthy people pulling out to obtain MSAs and also from individuals with MSAs who become sick going back into the traditional insurance pools.

4. PART OF THE REPUBLICAN PLAN TO "WITHER AWAY" MEDICARE

This Golden Rule plan is the tool that Republicans want to use to have Medicare "wither on the vine." It is advocated by Speaker GINGRICH—who coined this phrase and by Leader DOLE, who proudly talks about his vote against the original enactment of the Medicare program.

Clearly, Medicare MSAs have an even greater potential to undermine the financial stability of the Medicare program to both beneficiaries and the taxpayers who support it by exposing the program to an option that rewards cherry-picking healthy beneficiaries—not competition over cost and quality. Medicare MSAs were included in the Republican reconciliation bill vetoed by President Clinton in December, 1995.

Today's amendment is just the first step back toward the Republicans and Golden Rule's ultimate goal of putting in MSAs into the Medicare program. They were rejected doing Medicare MSAs when the President vetoed their excessive Medicare cuts; now—through today's amendment—they are setting the stage for pushing Medicare MSAs as the next logical step.

5. DISCOURAGES PREVENTIVE CARE

MSAs may discourage cost-saving preventive care, such as annual check-ups, immunizations and other wellness efforts. The high deductible coverage associated with MSAs may lead to delayed care and under-utilization of routine and preventive health care services.

MSAs divert participation from managed care. Capitated plans and other managed care arrangements hold the promise of coordinated, quality-tested care and cost efficiency not provided through MSAs.

MSAs will not promote cost containment in the long-run. By allowing people to have MSAs when they are healthy but switch to more traditional coverage when they become ill, the MSAs simply become a vehicle for sheltering income, not a means of promoting more cost-conscious consumers.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER (Mr. THOMPSON). The Senator from Alaska.

Mr. MURKOWSKI. I thank the Chair.

Mr. President, yesterday the trustees of the Medicare and Social Security trust funds released their long-awaited annual report, and that report confirms our worst fears that the Medicare Hospital Insurance trust fund—which pays for the hospital bills of our Nation's elderly—will be bankrupt in nearly 4 years, in the year 2001. This is a year earlier than the trustees predicted in their last report.

The report, which by law, Mr. President, was due April 1 but only received yesterday, 10 weeks late, indicates that the Medicare trust fund ran a deficit of $2.6 billion in 1995 and that the deficit will nearly quadruple to $9.2 billion this year. By the year 2001, the fund will have a deficit of $56 billion, and, having exhausted all accrued interest, it will be bankrupt.

That is what we are looking at. The Trustees report provides a striking reminder that this crisis which the Medicare system faces did not disappear with the President's veto of the Balanced Budget Act of 1995—the one honest attempt to make structural reforms to the Medicare Program. To the contrary, this report shows us that Medicare is going broke at even a faster rate than previously predicted.

What are we doing about it? Last year, Congress passed a 7-year balanced budget plan—the first in a generation—that included Medicare reforms that would have extended the life of the hospital insurance trust fund for a decade and also addressed long-term structural reforms to help preserve the program for the critical time when the baby boomers begin to retire. This proposal was vetoed by the President.

The plan passed by Congress allowed Medicare to grow at a rate of over 6 percent a year—not cut, Mr. President, but grow at a rate of over 6 percent a year—with the spending per beneficiary growing from $5,300 to $7,000 by the year 2002.

It has been characterized by some on the other side that these are draconian cuts. Is a 6-percent increase a draconian cut? Is an increase in payments for beneficiaries from $5,300 to $7,000 by the year 2002 a cut? It certainly is not, Mr. President.

The Medicare reforms passed by Congress last year made changes to the system that reflect the way health is practiced in the 1990's, offering for the first time real health care choice to seniors. What is wrong with choice? We proposed insurance options that would allow doctors and hospitals to integrate and provide affordable coordinated care to seniors. We proposed medical savings accounts as an option—an option, not a mandate—for Medicare beneficiaries giving individuals the ability to manage their own health care dollars, choose any doctor they want, and shop around for the best quality care at the best price.

Congress acted. The President chose to abdicate. We responded to the urgency to save the program. The President chose to veto our proposals, thus ensuring that the crisis in Medicare is simply going to continue. Understanding the political risks involved in engaging in a debate over Medicare, I think we acted responsibly. I think we negotiated in good faith. I would hate to think that this was all just an exercise in futility.

Yet, we have seen more of the same from this administration this year. The President's budget includes Medicare gimmicks, not Medicare reforms. As we all know, the Medicare problem is not just a crisis of the much talked about pending insolvency of the Medicare Hospital Insurance—HI—trust fund, it is a fiscal crisis affecting all areas of the Medicare program, with Federal spending increasing by 12 percent in 1995 and projected to grow 8.6 and 10 percent from now until the year 2005.

The administration attempts to be deceptive by proposing to move spending obligations for home health care from part A, where outlays are limited by incoming receipts from the Medicaid HI tax, to part B, where 72 percent of the funds come from general revenues and where, theoretically, there are no limits on growth in spending or solvency problems. I think it is deceiving to make this accounting move and mask it as reforms that "save" the Medicare Program.

This gimmick does add life to the part A trust fund ensuring solvency to the year 2005 as opposed to 2001, but it is simply that, Mr. President. It is a gimmick. It does nothing to address the true problem of the Medicare system which is basically the absence of market influences and a lack of alternatives to the current one-size-fits-all program. Seniors need and deserve the same choices in health care plans available to the rest of us. Why should they not have it?

Mr. President, we are going to attempt again to put forth real Medicare reforms this year. It is my hope the President will stop proposing gimmicks, stop scaring the seniors, and start dealing honestly with true Medicare reforms that everybody can understand. At the end of the day, we are not all that far apart. I believe we share the same goals of saving the Medicare Program for future generations. So let us get on with it in real, honest reforms.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE MEDICARE TRUSTEE'S REPORT AND THE REPUBLICAN BUDGET

Mr. KENNEDY. Mr. President, today is D-day, the anniversary of the Normandy invasion, a climactic moment in the long struggle to liberate Europe in World War II. How ironic it is that on this anniversary, Republicans are reviving their failed campaign to deny Medicare benefits to the same senior citizens who fought so bravely for our country in that war.

One of the most unsavory tactics in the Republican attack on Medicare last year was their disinformation campaign to use the 1995 Medicare trustee's report to justify their cuts. Their scare tactics were unsuccessful. Their crocodile tears for Medicare were unconvincing.

The $89 billion—the amount which the Trustees said was needed to restore solvency—could not possibly justify the $270 billion in Medicare cuts or the higher premiums and higher deductibles proposed by the Republicans. Far from preserving and protecting, and strengthening Medicare, the Republican plan was designed to damage and destroy it by forcing senior citizens to give up their family doctors and join HMO's and other private insurance plans. President Clinton saved Medicare by vetoing the Republican plan—and he was right to do so.

This year, the Republicans are returning to the scene of their crime. They are trotting out the same old sales campaign that didn't sell in 1996. They are trying to use this year's trustee's report to peddle a retread of the irresponsible proposals the American people resoundingly rejected last year.

There is nothing really new in this year's report. There has been a modest change in projections of outlay and income—projections that always fluctuate from year to year. Under this year's projections, Medicare solvency extends to 2001 rather than 2002. That leaves us 5 years to make necessary corrections instead of 6 years—corrections that the President has already proposed and that could be adopted tomorrow if the Republicans were not determined to use Medicare as a piggy bank for new tax breaks for the wealthy.

They are not prepared to say: All right, these are the adjustments in the Medicare system that are necessary to carry the Medicare solvency for the next 10 years. We are not going to do that. We are not going to agree to it because we want to be able to squeeze Medicare even more, to justify our tax breaks which have been estimated by Mr. KASICH in the House at over $178 billion. Let us just understand that, I say to our senior citizens.

Mr. President, the $178 billion they want for tax breaks for wealthy individuals and corporations, where are they getting it? By squeezing the Medicare system. It is wrong. And the seniors understood that it was wrong last year and it is wrong this year as well.

Just as there is nothing really new in this year's trustee's report, there is nothing really new in this year's Republican retread. As they did last year, Republicans try to justify their deep Medicare cuts by claiming they are needed to preserve Medicare against the insolvency of the hospital insurance trust fund.

The hypocrisy of this claim is so transparent that no senior citizen should take it seriously. Last year, a few weeks before they proposed their massive Medicare cuts, House Republicans passed a tax bill that took almost $90 billion in revenues out of the Medicare hospital insurance trust fund over the next 10 years—and brought it that much closer to insolvency.

Understand, Republicans took $90 billion out of that last year for the purposes of their tax breaks. We did not hear a word then about the impending bankruptcy in Medicare. The President's economic recovery plan in 1993 extended the solvency of the trust fund for 3 years. It passed without a single Republican vote.

When we had the opportunity to provide for additional kinds of solvency, we were unable to get a single Republican vote. We did not hear a word from the Republicans then about the impending bankruptcy of Medicare.

Like last year, the Republican plan proposes deep cuts in Medicare to fund new, undeserved tax breaks for the wealthy. Like last year, the Republican plan is designed to cause Medicare to "wither on the vine" in the words of Speaker GINGRICH—by forcing senior citizens to give up their family doctor and join private insurance plans. Majority Leader DOLE has said that enacting Medicare was a mistake from the beginning—and he is trying to use this budget to correct that mistake.

Last year, Republicans tried to justify their excessive Medicare cuts with a large array of misguided arguments. This year they are repeating the same arguments, as if repetition can somehow substitute for reality. The American people were not fooled last year—and they certainly will not be fooled this year.

When Republicans took up the issue last year, they proposed to cut Medicare by $270 billion—three times more than the amount the Medicare trustees said was needed to stabilize the trust fund. This year, Republicans are proposing to cut $167 billion from Medicare. By contrast, the President's plan cuts Medicare by $116 billion—44 percent less, but it guarantees Medicare solvency for 10 years. And it funds Medicare at the level necessary to assure that quality care will be available for senior citizens when they need it.

Even worse, Republicans support an inflexible ceiling on Medicare spending. Consequently, if inflation is higher or medical needs are greater than anticipated, Medicare spending will not go up, and many senior citizens will be out of luck and out of care.

An estimated 20 percent of all Medicare hospitalization can be avoided by relying on better preventive services and more timely primary and outpatient care.

So, if we have interventions earlier, if we have better home care, if we have the investment in our seniors to avoid the more costly expenses when they must come into the hospital, that can save billions and billions of dollars. We ought to be thinking about that, without reducing the services for our elderly and actually improve the quality of health care for our seniors.

As much as 10 percent of all Medicare expenditures may be due to fraud, and can be reduced or eliminated by better oversight.

The work Senator HARKIN has been involved in, in reviewing Medicaid and Medicare fraud, is absolutely powerful and absolutely convincing about the tens of billions of dollars that can be saved. You go to any hall in this country and ask our senior citizens where there can be savings. Any senior citizen can give you chapter and verse about how there can be savings in the Medicare system. Many of them can tell you about the fraud that is being perpetrated upon them at the present time. We ought to address that kind of issue before we are talking about reductions in essential services.

Medicare could save $20 billion annually if senior citizens have assistance in monitoring their medications more carefully in order to avoid adverse drug reactions.

We spend billions and billions of dollars a year from adverse drug reactions where the senior will go to a doctor and receive various medications, receive other medications from another doctor, and find there is an inconsistency in terms of taking both medications and then find they have an illness. There are ways to remedy that problem, to save billions and billions of dollars—again, to improve the quality of health. We do not hear that issue raised or discussed or debated.

We do not have to destroy Medicare in order to save it. Congress will never allow the Medicare trust fund to become bankrupt. I know that, and the American people know it. It is time for the Republicans to stop raiding Medicare, and join in sensible steps to improve and strengthen it for the future.

Another false Republican argument in defense of their Medicare cuts is that the reductions are not really cuts, because the total amount of Medicare spending will continue to grow. But every household in America knows that if the cost of your rent, the cost of your utilities, and the cost of your food go up—and your income stays the same or goes up more slowly—you have taken a real cut in your living standard.

Republicans speak of a cut in defense, even though defense spending has remained stable. Apparently, the same Republican logic does not apply to spending on Medicare that applies to spending on guns and tanks. A cut is a cut is a cut—whether it is in Medicare or Social Security or national defense.

Republicans also claim that deep cuts in Medicare are necessary to balance the budget. But that argument only proves that Republican priorities are wrong. Democrats favor a balanced budget, and President Clinton has proposed a balanced budget—balanced fairly, not balanced on the backs of senior citizens, or children, or workers. There is a right way to balance the budget, and a right-wing way. And unfortunately, the Republicans continue to pick the right-wing way.

Republicans deny that their Medicare cuts will fund tax cuts for the wealthy. This time, the leopard claims that it really has changed its spots. But their budget clearly envisions $60 billion in revenue increases from tax extenders and closing of selected corporate loopholes in order to fund $60 billion in new tax breaks for the undeserving rich. Without those new tax breaks, they wouldn't need to cut Medicare by $167 billion.

The Democratic amendment eliminates these new tax breaks for the wealthy and uses them to protect Medicare. The Medicare trust fund should not be a slush fund for Republican tax breaks for the rich.

Republicans can run as hard as they want in this election year, but they can not hide from these facts.

Even more damaging than the loss of the billions of dollars that Republicans would slash from Medicare is their attempt to turn Medicare over to the private insurance industry. The Republican budget contains a number of changes to force senior citizens to give up their own doctors and join private insurance plans.

Once they are forced into these plans, senior citizens will be stripped of many of the protections they enjoy today—protection against overcharges by doctors and other health care providers, protection against premium-gouging and profiteering by insurance companies, protection of their right to keep their own family doctor and go to the specialist of their choice.

Republicans claim they only want to offer senior citizens a choice, but this is a choice no senior citizen should be forced to make.

The harsh cuts in Medicare contained in the Republican budget are also a repudiation of our historic commitment to Social Security, because the distinction between Medicare and Social Security is a false one. Medicare is part of the same compact between the Government and the people as Social Security. That compact says contribute during your working years, and we will guarantee basic income and health security in your retirement years.

Any senior citizen who has been hospitalized or who suffers from a serious chronic illness knows that there is no retirement security without health security. The cost of illness is too high. A few days in an intensive care unit can cost more than the total yearly income of many senior citizens.

The low and moderate-income elderly will suffer most from these Medicare cuts. Eighty-three percent of all Medicare spending is for older Americans with annual incomes below $25,000. Two-thirds is for those with incomes below $15,000.

No budget plan that purports to be part of a Contract With America should break America's contract with the elderly. It is bad enough to propose these deep cuts in Medicare at all. It is even worse to make these cuts in order to pay for an undeserved and unneeded tax break for the wealthiest Americans.

Everyone knows that the real vote on Medicare is not on the floor of the Senate or the floor of the House of Representatives. The real vote will be cast in November by the American people, and they know that the future of Medicare is too important to be decided by a Republican Congress or a Republican President.

Mr. ROCKEFELLER. Will the Senator yield for a question?

Mr. KENNEDY. I ask unanimous consent to proceed for 2 more minutes to respond to questions.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROCKEFELLER. I simply ask the Senator from Massachusetts, when he was referring to the 1993 Budget Reconciliation Act—where I think we reduced Medicare expenditures because that had to be done, but we did it consistent with beneficiary purposes—the Senator brought up the point that we did not get a single Republican vote. It was a stunning moment. I will never forget it. I was sitting right over there. We had to get every single Democrat to let that effort to improve Medicare survive.

I do not understand that. I do not understand the inconsistency of that. If they are for trying to do something about Medicare now, why, 3 years ago, was there a total lack of interest, with no mention of Medicare trust fund health at that time?

Mr. KENNEDY. The Senator is entirely correct, and there is no Member of the Senate who knows more about those negotiations than the Senator from West Virginia, since he was really the leader in those negotiations, which were enormously complex and difficult.

Even with the reductions that were worked out, we were sensitive to any reduction in benefits for recipients and looked for other ways to find the savings that were achieved in that program but, nonetheless, extended the solvency for a period of 3 years.

As the Senator knows, even after that period of time, we found out at the start of this Congress that our Republican friends wanted to take some $80 to $90 billion out of the trust fund to designate it for tax breaks for the wealthy. Not only were they unresponsive to the calls and challenges at the time the Senator has mentioned, but even following that, they were willing to raid the trust funds for tax breaks for the wealthy.

It is enormously troublesome, I think, for all of us to see, again, the effort to raid the Medicare trust funds to use for additional tax breaks today.

I am wondering, as the Senator from West Virginia, who is a real expert on Medicare, Medicaid and health policy generally, if he does not find that to be one of the most repulsive aspects of the proposal that has been advanced by our Republican friends?

Mr. ROCKEFELLER. I say to the Senator from Massachusetts, I do, and I am also confounded, frankly, by the sense of its stupidity. It is not just obscene, it is stupid. The American people have rejected the idea of tax cuts for the wealthy. That was rejected, and then they come right back again for the same thing. Maybe there has been more emphasis in the House than here, but nevertheless, there is this tremendous desire for tax cuts for the wealthy. They have to have those tax cuts, and the Medicare beneficiaries just take second place.

I was stunned when I heard the Senator say, "this is the anniversary of the invasion of Normandy and for those people, let them fall where they might."

Mr. KENNEDY. They are the ones who fought in the wars and pulled the country out of the Depression and are the ones who paid into this fund over a period of time. This is not a piggy bank. The Medicare trust fund is not a piggy bank for Republicans to dip into to grant tax breaks for wealthy individuals. That is really the fundamental issue. It will continue to be debated here and across the country in the course of the campaign.

I thank the Senator from West Virginia.

Mr. ROCKEFELLER addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. I thank the Presiding Officer. I want to continue some of the thoughts of the distinguished Senator from Massachusetts, who has incredible knowledge of this history, over 30 years in the development and nondevelopment of health care policy.

Might I ask the Presiding Officer how much time I have in order to speak?

The PRESIDING OFFICER. Ten minutes.

IMPLICATIONS OF MEDICARE TRUSTEES' REPORT

Mr. ROCKEFELLER. Mr. President, first of all, I will not be able to finish, but I will do the best I can. I want to acknowledge the very serious implications of the Medicare trustees' report released yesterday. The Medicare part A trust fund, the part that pays the hospital bills of beneficiaries, is likely to be insolvent by 2001, a year earlier than predicted last year. This is a very serious issue. I take it as such, and it must be addressed.

So the news is bad, Mr. President. Unfortunately, contrary to assertions made by my colleagues on the other side of the aisle, this is not a new problem, and unlike the Republicans, this is not a problem Democrats just discovered.

The Republicans chose to ignore 20 previous trustees' reports that warned of future trust fund problems. But when they needed to come up with the money to pay for tax breaks, they decided to manufacture an impending crisis.

Just 3 years ago, as the Senator from Massachusetts and I were discussing, the trustees projected the hospital trust fund was going to run out of money in 1999, which is 3 years hence. Democrats took immediate measures, and I know because I was responsible for putting some of those together, to add 3 more years of solvency by very carefully reducing Medicare spending by about $59 billion. And, Mr. President, Democrats have produced our own Medicare proposals that would postpone the date of trust insolvency for at least another decade. That is called 10 years. That is quite a lot of time.

The CBO has certified that the President's Medicare plan would extend trust fund solvency until the year 2005. Here we are dealing with 9 or 10 years.

The big difference between Democrats and Republicans is that we have only proposed those reductions in spending that are necessary to achieve 10 more years of solvency. That is our only purpose. That is our only policy purpose. The Republicans continue to propose drastic Medicare cuts so that they can pay, again, for what has become a cliche—but a cliche is something that is said so often it is true—tax breaks for the wealthy.

Mr. President, over the past decade, Congress has, and usually in a very bipartisan manner, taken repeated steps to rein in the costs of the Medicare Program. We do not have a bad record on this. We reformed the hospital payment system in 1983. We reformed the physician payment system in 1989. Senator Durenberger, a Republican from Minnesota, was instrumental in that. We did this together, Democrats and Republicans, with minor controversy, to shore up the hospital trust fund. That was the policy purpose, and to make the Medicare Program a prudent purchaser of health care services.

Unfortunately, the bipartisanship to address the problems of Medicare ended—and ended completely—in 1993 when the Republicans refused to participate in what was an entirely serious effort to reduce the Federal deficit. Democrats were forced, therefore, to act alone. Because of the Democratic efforts, and without, as the Senator from Massachusetts said, a single Republican vote. This is really extraordinary when you think about it; there are usually a few people who will help on this—there was not a single one, not a single one.

The deficit has fallen now for 4 straight years as a result of that action in 1993. That had not happened since either Harry Truman was President or the Civil War. I am not sure which, and there is a big difference. But, anyway, 4 years of budget deficit reduction has not happened in a long, long time.

Bipartisanship also failed to materialize last year when the Democrats refused to engage in an exercise to carry out Speaker GINGRICH's Contract With America, that handed out tax breaks for the wealthy at the expense of the Medicare and Medicaid Programs.

Mr. President, there are billions of dollars in common Medicare savings that we could agree on tomorrow to strengthen the trust fund. But compromise is not something that many of my colleagues on the other side of the aisle, and particularly on the other side of the Capitol, have learned to do to this point.

Last year, the public overwhelmingly rejected the massive health care cuts proposed by the Republicans. Instead, though, of coming up with a new plan, or even new numbers, the Republicans have not changed much at all.

They say their plan is more moderate, but it is not. The total Medicare savings in their new plan are lower, but they are lower only because their new budget covers 6 years, not 7.

That tends to make a difference. If you look at the year-by-year Medicare cuts in this year's Republican budget, you can see that the cuts are nearly identical to—identical to or larger—than the cuts in the vetoed budget reconciliation bill from last year.

Kevin Phillips, a Republican political analyst, who Republicans do not like to hear quoted, said just a few weeks ago that the "new" Republican budget "is no more than a routine expression"—this is interesting—"a routine expression of core GOP fiscal policy: never to ask the top 1 percent of Americans to sacrifice if Medicaid, Medicare, or education funds for ordinary people can be targeted instead."

The Republican budget resolution goes way too far in trying to reduce Medicare spending. The cuts are much more than is needed to extend short-term solvency for another decade. The Republicans know that.

The Republican budget would hold Medicare to a much tougher standard on its health care costs than current projections for even private health insurance. That is an important point. Private health insurance is expected to grow by 7.1 percent on a per person basis over the next 7 years. The Republican plan caps Medicare per person spending at 4.8 percent over the next 7 years, even though Medicare generally serves an older and a sicker population. And Medicare, as a program, is even covering more people, while private health insurance is covering fewer and fewer Americans, as employers pull back from what I would consider their responsibility.

So these very tight budget caps that the Republican plan would impose on Medicare spending will seriously harm the quality of care that seniors currently receive, or will significantly increase their out-of-pocket expenses, or will do both.

Last year Dr. June O'Neill, the Republican-appointed head of the Congressional Budget Office, testified before the Senate Finance Committee that seniors would in fact have to pay more, pay more to keep the same level of quality that they have today under the Republican plan. She is their appointee. That is what she said.

I asked her how much more? She said she did not know. I sent her a letter soon after the specifics of the Republican plan were finally unveiled by the Finance Committee. That was not only signed by myself, but also by the minority leader, asking her again, how much more would seniors have to pay under the Republican proposal?

I never got a response. I am a U.S. Senator. I assume that after a while somebody in that position would eventually get a response. I did not. I still do not know exactly how much more seniors would have to pay. All I know is that they will have to pay a lot more.

Mr. President, in West Virginia, which I represent, the average senior's income is $10,700 a year. We talk of seniors making $25,000, $17,000, $18,000. In West Virginia the average is $10,700 a year. They are already spending 21 percent of their income on health care. They do not have a margin. They do not have room for more.

People always assume that somehow the Democrats are just being silly and soft because they assume that seniors can pay more. Some seniors should pay more, and high-income seniors probably should. That should be worked out as a package, dealing with the whole Medicare Program, in exactly the kind of Medicare commission that Senator DOLE proposes and which I support.

Mr. President, for my constituents in West Virginia, "more" is a very scary word. Last year I talked about Geno Maynard, Sue Lemaster, and John and Betty Shumate.

Geno Maynard is 78 years old and lives in Kenova, WV; Sue Lemaster, is an 83-year-old who lives in Follansbee; and John and Betty Shumate are Medicare beneficiaries who live in Beckley. They're 4 of the 330,000 West Virginians who depend on the Medicare Program for health care, and they all told me that they were worried. They quite flatly told me, they do not have any more money to spend on health care. It's a big worry for millions of other seniors all over America. On average, seniors already spend 21 percent of their incomes on health care expenses.

Mr. President, it is a year later and I still cannot tell my constituents how much more they would have to pay under the Republican plan. I can only say that according to reliable health experts and the Republican-appointed head of the Congressional Budget Office, they are going to have to pay more for their health care.

Mr. President, in addition to tight budget caps, the Republican plan also assumes enactment of some very dangerous programmatic changes. For example, Mr. President, the Republican plan assumes elimination of current law balance billing protections for senior citizens. Medicare currently prohibits health care providers from price gouging. Health care providers are banned from charging Medicare patients more than 15 percent above what Medicare pays them. This is an incredibly important financial protection that we enacted in 1989—on a bipartisan basis—as a part of physician payment reform. Prior to enactment of balance billing protections, seniors spent over $2 billion a year on out-of-pocket balance billing charges.

Last year, I offered an amendment during the Finance Committee's markup of the Republican Medicare bill that would make sure beneficiaries would continue to have the same financial protections that they have under current Medicare law. My amendment was defeated on a strict party line vote. This is just one more example of how the Republican plan will insidiously destroy the Medicare Program.

Mr. President, there are plenty of other examples. To name just one more: A Medicare medical savings account proposal that actually costs the Medicare Program $4 billion a year; and will further weaken the Medicare trust fund. The New York Times reported that according to "many experts" MSA's would lead to the "balkanization of healthy and sick."

Let us not forget that the Medicare Program is an incredible success when it comes to access. Seniors are the only group of Americans who enjoy universal coverage. If Medicare is cut by unprecedented amounts of money to pay for anything but Medicare, the consequences will be disastrous for health care providers and beneficiaries.

Mr. President, the bigger problem that we all continue to skirt around is the long-term solvency of the Medicare trust fund. When the baby boomers begin to retire in 2011, the Medicare Program will be severely, severely strained. I proposed a Greenspan-like commission last year to try to take this debate out of the political arena. The American Hospital Association also thinks a commission is necessary to force action to improve the short-term and long-term solvency of the trust fund.

Hospitals have plenty of reason to worry. Not only are their bills paid from the part A trust fund, but the American Hospital Association estimates that the new Republican budget cuts hospital payments 20 percent more than last year's Republican budget. As a result of these larger hits to hospitals, "hospitals are likely to experience actual reductions in payment rates," not just reductions in the rate of Medicare revenue growth.

The Prospective Payment Review Commission [ProPAC]—a nonpartisan commission that advises Congress on hospital payment issues—has issued a stern warning about the severe negative effect massive Medicare reductions will have on hospitals. In my own State, over 50 percent of all our senior citizens live in rural areas. How far are they going to have to travel to get basic hospital care if their local, rural hospital is forced to shut its doors?

Mr. President, the solvency of the Medicare trust fund is too important of an issue to be left to politics-as-usual. Thirty-seven million Americans rely on the Medicare Program to pay for their health care services. The Republicans' suggestion that the Democrats are uninterested in doing what is necessary to put Medicare on sound financial footing is preposterous. It was Republicans in Congress who voted against Medicare's creation in 1965—and it is now Republicans in this Congress who pose a real threat to Medicare's future. They will keep on saying they are saving Medicare, but raiding Medicare is no way to rescue it.

The PRESIDING OFFICER. The Senator's 10 minutes has expired.

Mr. ROCKEFELLER. I thank the Presiding Officer.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

A CONSTITUTIONAL AMENDMENT TO BALANCE THE BUDGET

Mr. SPECTER. Mr. President, I have sought recognition to comment briefly on the vote earlier today rejecting the constitutional amendment for a balanced budget. I supported that amendment, as I have on a number of occasions during my tenure in the U.S. Senate. I was disappointed to find the amendment failed today in light of the repetitive speeches on the floor of the U.S. Senate about the importance of balancing the budget.

It is true that, if discipline could be imposed in the Congress of the United States, a balanced budget amendment would not be necessary. But the historical fact is unmistakable that the kind of discipline necessary is simply not present, given the nature of our system where there are so many demands for programs to spend and where there is such an aversion, understandably, to increases in taxation. So if there is to be a balanced budget, it is mandatory that it be a requirement of law which would rise to constitutional proportion.

Every other unit of government has the requirement for a balanced budget. My State, the Commonwealth of Pennsylvania, has such a requirement. Cities have such a requirement. Townships have such a requirement. Counties have such a requirement. On an individual basis, all of us must live within our means or we wind up in the bankruptcy court.

The issue of a balanced budget came into sharper focus for me 2 years and 4 months ago when my wife Joan and I had our first grandchild. It would be absolutely unthinkable, as individuals, for us to purchase on a credit card for young Sylvie Specter or her sister Perry Specter. But that is precisely what we are doing as a nation in building up deficits in the range of $200 billion a year and a national debt which now exceeds $5 trillion. There has been a unique opportunity to deal with this in an institutional way to achieve a balanced budget. That is through a constitutional amendment.

There are many subjects which are talked about on the Senate floor, repetitively, where it is very hard to find out which philosophy is correct and which political party is at fault. I suggest, Mr. President—and I do not do this often—that there is a defining difference between the philosophy of the Republicans and the philosophy of the Democrats on this subject. That has been continuously demonstrated by the votes on this subject.

Today's vote was 64 to 35. So the Senate fell three votes short of the two-thirds necessary to have a constitutional amendment. Among the 53 Republicans, 52 voted in favor of the constitutional amendment for a balanced budget. Among the 46 Democrats who voted, one Democrat being absent, 12 Democrats voted in favor of the constitutional amendment for a balanced budget and 34 voted against.

President Clinton has stated his position in being in opposition to a constitutional amendment for a balanced budget. Senator DOLE, the presumptive Republican nominee, has led the fight for a constitutional amendment for a balanced budget.

I believe that this is very similar to the Clinton health care proposal as a defining issue as to where the parties stand. The Clinton health care proposal was a very drastic change to put the Government into the health care business.

When I read the Clinton proposal in September 1993, I started to make a list of all the agencies, boards, and commissions which were created. I found I could not tabulate them all and asked an assistant to make me a comprehensive list. My assistant, instead, made a chart instead of a list. I am sparing C–SPAN viewers showing again the chart. It has been fairly extensively shown with boxes in red showing more than 100 new agencies, boards, and commissions under the Clinton health care plan, and the boxes in green, 50, giving additional tasks to 50 existing bureaus.

Bob Woodward of the Washington Post said that chart was the critical fact to defeat the Clinton health care plan. A picture is worth 1,000 words. A chart in some situations is worth 1,000 pictures and perhaps worth more than $100 billion in this case.

I believe that the health care program that President Clinton proposed was a defining issue, just as this vote today on a constitutional amendment for a balanced budget is a defining issue.

I am convinced that the budget can be balanced with a scalpel and not a meat ax. I serve as chairman of the Appropriations Subcommittee on Labor, Health, Human Services and Education. The allocation to that subcommittee was reduced from $70 billion last year to $62 billion.

Senator TOM HARKIN, my distinguished ranking member on the Democratic side, Senator HARKIN and I worked collaboratively, as we did when he was chairman of the subcommittee and I the ranking minority member, and we structured a budget that handled it with a scalpel and not a meat ax.

We found that budget would not meet the President's requirements, and we came back on the floor of the U.S. Senate this spring. Senator HARKIN and I offered an amendment which added $2.7 billion. It was like threading a needle to find a way to reach an amount which was satisfactory to the President, which would pass muster with the House committee in conference. After 20 hours of negotiations, the House Members approved the compromise by a vote of 6 to 5 and we got it done. This year, Senator HARKIN and I looked at the budget resolution, saw that we were still going to be short of a mark which would be satisfactory, and we structured another amendment for $2.7 billion. This time, Senator DOMENICI, chairman of the Budget Committee, came in and added another $2.3 billion for a total of $5 billion in excess of what his committee had reported to the floor, so that we would have a realistic figure to do the job.

I cite that as an illustration. If you examine the fine print and look at the semicolons, there would be agreement that it was done within our confines, moving toward the balanced budget, and done with a scalpel and not a meat ax. I believe that we can establish priorities to have a balanced budget and do it carefully, preserving the important programs and eliminating those that are unnecessary, cutting those where cuts can be made.

I am personally convinced that the American people are prepared to have shared sacrifice to have a balanced budget if the cuts are uniform. As I said on this floor last year before we took up the budget resolution, I thought as much as I would like a tax cut I was opposed to it, because while you can justify the cuts if they are fairly made, if there is a tax cut at the same time it simply is unacceptable—some will be favored for a tax cut, with some of the proposals favoring those in the $100,000 category while others at a much lesser figure had to have the reductions. If the reductions are fairly stated, I think shared sacrifice is something that the American people are prepared to accept. That is the concept of a balanced budget.

It is my hope that this issue, like the issue of health care, will be dealt with by the American people in November. I thought it a mistake when the Government was closed down last November, not something I am saying for the first time on June 6, 1996. I said it back on November 14, as the CONGRESSIONAL RECORD will show during the first shutdown. That was an opportunity to crystalize the issue for the November election.

I think this is a watershed, a landmark signal issue on today's vote. When you take a look at the party alignment, with President Clinton leading the Democrats and 34 out of 46 voting Democrats in the Senate today voting "no" on the balanced budget amendment, and 52 out of 53 Republicans voting "yes" on the balanced budget amendment, that is an issue which ought to be submitted to the referendum this November. I yield the floor.

MEDICARE INSOLVENCY

Mr. COCHRAN. Mr. President, this afternoon, we had an interesting hearing in the subcommittee for appropriations which is chaired by the distinguished Senator from Pennsylvania [Mr. SPECTER]. The witness was the Secretary of Health and Human Services, Secretary Shalala. We were examining the budget request being submitted by the administration for appropriations to operate that Department of the Government for the next fiscal year that begins October 1.

Secretary Shalala happens to be in another capacity a trustee of this group who have the responsibility of monitoring the trust fund that supports the benefits paid out under the Medicare Program. Since that group of trustees had just made their report public yesterday at the news conference which we all read and heard about, that subject came up.

It occurred to me, since there was before the general public a suggestion by the President that he had made recommendations that were almost identical with the Republican suggestion about how to protect the benefits of this Medicare Program and how to deal with this impending insolvency of that fund, it occurs to me that we are going to see more of the same kind of political shenanigans from now until the end of this year, with nothing being done unless somebody is ready to say, "OK, we will go along with your proposal."

The President can say that to the Congress, or we can say that to the President. I am prepared at this point to suggest, in a serious way, and said this to Secretary Shalala at the hearing, the Congress accept the President's suggestions. We can pass the suggested changes for short-term relief of pressure on that fund, but at the same time appoint a commission which is also called for by the President and the trustees in their report to propose long-term changes, changes to affect the long-term insolvency problems of the trust fund, and that the Congress, through its leaders and the President himself, agree to implement the recommendations of that commission for long-term changes.

It seems to me that is one way to resolve this as a part of this argument over whether Republicans are trying to cut taxes, to impose changes on Medicare beneficiaries as a part of a budget balancing act. We already, in the Congress, submitted to the President proposals to rescue the Medicare Program. That was a part of the Balanced Budget Act which the President vetoed. He has already rejected what Congress has suggested. After weeks and weeks of negotiations with leaders of the Congress and the President at the White House, all we got out of it were some photo ops, some political posturing, partisan sniping. We have had enough of that. The American people are fed up with that kind of politics. That is not the way to run the Government. I am tired of it.

I have recommended and seriously urge this Congress to accept the recommendation of the President—not the one, of course, that says that home health care ought to be paid for out of the general Treasury; I am talking about changes that will reduce the costs of the program in a way that saves the program from insolvency—they recommended last year that we had to act before the year 2002, that we were going to see an insolvency, there would be a bankrupted fund, in effect.

Now, the report this year is worse than that. The year before it was going insolvent. Under the last report, it is going to lose $33 billion, and the following year $100 billion. Contrary to what the junior Senator from West Virginia said, that this is a Republican-manufactured crisis, that is an outrageous comment. That is totally outrageous. These trustees are Democrats by and large. Secretary Rubin said it, Secretary Shalala said it is going to be insolvent, Secretary Reich said it would be insolvent, the head of the Social Security Administration was standing there and agreed with them. That is not a group of Republicans. The Republicans are not manufacturing a crisis. The crisis is real. The crisis is now.

It is irresponsible for us to continue to sit here and listen to this kind of arguing made by Senators on the other side that this is some kind of effort by Republicans to frighten older people. I am frightened. I am not an eligible beneficiary yet. We have to act.

I want to commend the Senator from Pennsylvania for his leadership in an effort to get the Secretary to agree to recommendations to the administration, that they take a stand, put their recommendations in the form of legislation, send it to the Hill, and see if we can pass it.

The PRESIDING OFFICER (Mr. ABRAHAM). The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I thank my distinguished colleague from Mississippi for his kind comments and would amplify what he said. After his leadership in bringing this issue before the subcommittee and the Secretary of Health and Human Services, it was the subject of extended additional discussion. Secretary Shalala did say that she would be prepared to recommend to the President that he sign a separate bill.

There are really few black and white issues on the floor of the U.S. Senate or in the Congress of the United States. I believe that the gridlock is visible right down the middle between Republicans and Democrats. I think there are, as a rarity, some clear-cut issues, as I mentioned a few moments ago on the Clinton health care plan or on the balanced budget amendment, where there is a clear philosophical and factual difference. The posturing which has been undertaken on Medicare I think has been a plague on both Houses and is so recognized by the American people.

Senator COCHRAN and I put it on the table in a direct conclusive way today and Secretary Shalala agreed with the Cochran-Specter proposal, and that is not giving up on the attempt to reach an overall reconciliation bill, to have a balanced budget, which will be presented by the Congress; but, at the same time, that there be a second bill, and if the first overall bill is rejected—which will be a global settlement on the deficit, an agreement between the President and Congress—Secretary Shalala said she would recommend that a separate bill be approved. That bill would be to accept the figure of the President, where he has recommended—and on this floor it is always articulated in terms of "cuts," which is inaccurate. It is $116 billion of reduction on the rate of increase.

Nobody is suggesting cuts. Every time somebody talks about a cut, it is factually incorrect. Last year, there was not a proposal for cuts in Medicare. There was a proposal to have the rate of increase of 7.1 percent instead of a higher figure on increase. This year, the proposal is 6.1 percent of increase, which is a decrease in the rate of increase. That is to say that the increase is not as much as it would have been.

President Clinton has proposed a reduction of $116 billion in the rate of increase. And the proposal which Senator COCHRAN suggested, and I seconded, and Secretary Shalala agreed to, would be to have that as a separate bill, which would be an accommodation to the Medicare trust fund, which would keep it solvent for a period estimated on a variety of between 5 and 10 years.

Right after Senator COCHRAN's questioning and comments to Secretary Shalala, I said that it was the most forceful statement I have heard on the Appropriations Committee in the 16 years that I was present. I was about ready to say the most forceful statement by Senator COCHRAN, but I amended that to be the most forceful statement from anyone that I have seen in my 16 years. Then I walked over to him and said, had it been on national television, he would have been an instantaneous national, if not worldwide, hero. But that happens to be an area where, perhaps in an off moment, we have had agreement between a Democrat and two Republicans.

I said to Senator COCHRAN that if he would introduce the legislation, I would cosponsor it. Now I say, if he will not, I will, and I hope that he will cosponsor it.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

(The remarks of Mr. HELMS and Mr. FEINGOLD pertaining to the introduction of S.J. Res. 56 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

UNCONSTITUTIONALITY OF S. 1740, THE SO-CALLED DEFENSE OF MARRIAGE ACT

Mr. KENNEDY. Mr. President, S. 1740, the so-called Defense of Marriage Act, raises serious questions about the authority of Congress to limit the effect of a State court judgment in other States.

To assist the Senate in its consideration of S. 1740, I asked Harvard Law School Professor Laurence H. Tribe, one of the most respected constitutional scholars in the Nation, to review the bill and its constitutionality. Professor Tribe has done so and has concluded unequivocally that enactment of S. 1740 would be an unconstitutional attempt by Congress to limit the full faith and credit clause of the Constitution.

Mr. President, assaulting the Constitution is hardly defending marriage. I believe that all Members of Congress will be interested in Professor Tribe's analysis, and I ask unanimous consent that the text of his letter be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MAY 24, 1996.

Hon. EDWARD M. KENNEDY,
U.S. Senate, Russell Senate Office Building,
Washington, DC.

DEAR SENATOR KENNEDY: You have asked me whether the Constitution empowers Congress to enact Section 2(a) of S. 1740, which calls itself the Defense of Marriage Act and which would amend 28 U.S.C. 1738 by amending a new section 1738C to exempt "same sex * * * marriage[s]" from the reach of the Constitution's Full Faith and Credit Clause, Art. IV, sec. 1, cl. 1, by authorizing any State choosing to do so to deny all "effect to any public act, record, or judicial proceeding" by which another State either recognizes such marriages as valid and binding, or treats such marriages as giving rise to any "right or claim."

My exclusive focus in this analysis is the question of affirmative constitutional authority in light of the Full Faith and Credit Clause, which the Supreme Court over half a century ago aptly described as "a nationally unifying force," "alter[ing] the status of the several states as independent foreign sovereignties, each free to ignore rights and obligations created under the laws or established by the judicial proceedings of the others, by making each an integral part of a single nation, in which rights * * * established in any [state] are given nationwide application." *Magnolia Petroleum Co.* v. *Hunt*, 320 U.S. 430, 439 (1943). I have not found it necessary to pursue the further inquiry that would be required if one were to conclude that Congress does have affirmative authority to create the proposed exception to the Full Faith and Credit Clause for same-sex marriages—namely, whether such an exception would nonetheless violate a negative prohibition like that of the Due Process Clause of the Fifth Amendment, see *Adarand Constructors, Inc.* v. *Pena*, 115 S. Ct. 2097, 2111–16 (1995); *Bolling* v. *Sharpe*, 347 U.S. 497, 500 (1954), on the ground that it singles out same-sex relationships for unfavorable legal treatment for no discernable reason beyond public animosity to homosexuals, cf. *Romer* v. *Evans*, 1996 WL 262293, *9 (U.S. May 20, 1996).

Whether this fairly characterizes the Defense of Marriage Act and would in fact be a fatal constitutional flaw in the Act, or whether part or all of the Act could be successfully defended against such a Due Process Clause attack, are questions on which I express no view here, and indeed are questions that it would be unwise to address in light of the conclusion I think one must reach on the anterior question of affirmative congressional power. On that question—and for reasons having absolutely nothing to do with anybody's views on the merits of same-sex marriage or homosexual relationships, and nothing to do with anybody's views about *Romer* v. *Evans* or other equal protection cases—my conclusion is unequivocal: Congress possesses no power under any provision of the Constitution to legislate any such categorical exemption from the Full Faith and Credit Clause of Article IV. For Congress to enact such an exemption—whether for same-sex marriages or for any other substantively defined category of public acts, records, or proceedings—would entail an exercise by Congress of a "power[] not delegated to the United States by the Constitution"—a power therefore "reserved to the States" under the Tenth Amendment. The proposed legislation is thus plainly unconstitutional, both because of the basic "limited-government" axiom that ours is a National Government whose powers are confined to those that are delegated to the federal level in the Constitution itself, and because of the equally fundamental "states'-rights" postulate that all powers not so delegated are reserved to the States and their people.

As many of this statute's proponents are fond of reminding us, the Tenth Amendment says in no uncertain terms that the "powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." But it is that basic axiom, as I will explain below, that most clearly condemns the proposed statute. The Supreme Court explained in *New York* v. *United States*, 505. U.S. 144, 155–56 (1992), that the inquiry "whether an Act of Congress invades the province of state sovereignty reserved by the Tenth Amendment" is a "mirror image[]" of the inquiry "whether an Act of Congress is authorized by one of the powers delegated to Congress . . . in the Constitution." Thus, in *United States* v. *Lopez*, 115 S. Ct. 1624 (1995), the Supreme Court struck down the Gun-Free School Zones Act of 1990 ("GFSZA") on the ground that, because neither the Commerce Clause nor any other provision of the Constitution delegated to the Federal Government the power that it sought to exercise in the GFSZA, Congress had usurped states' rights in enacting that seemingly sensible measure. The Court stressed, as a matter of "first principles," that requiring Congress to confine itself to those "few and defined" powers delegated to the National Legislature, id. at 1626 (quoting James Madison, The Federalist No. 45), was the Constitution's most fundamental device for "ensuring[] protection of our fundamental liberties'," and "reduc[ing] the risk[s] of tyranny and abuse." Id. at 1626 (quoting *Gregory* v. *Ashcroft*, 501 U.S. 452, 458 (1991)).

As a constitutional scholar sometimes identified as "liberal," I was apparently expected by many to side with the Lopez dissenters—Justices Stevens, Souter, Ginsburg, and Breyer. In fact, however, I had publicly predicted, and publicly applauded, the Court's Lopez decision, believing strongly that Congress, however, sound its policy objectives, has a solemn duty to take seriously the constitutional boundaries of its affirmative authority—something I believe it failed to do when enacting the GFSZA, and something I believe it would even more clearly fail to do were it to enact the Defense of Marriage Act.

Who but a madman could favor handgun possession near schools? Who but a scoundrel could oppose the defense of marriage? But of course that isn't the issue. We must look beneath these plain vanilla wrappings to see the power grabs they conceal. In the "defense of marriage" context, that power grab is remarkably clear once one strips away the emotion-laden rhetoric that surrounds the issue.

The defenders of the proposed new 28 U.S.C. §1738C, conceding that the Constitution requires them to identify an affirmative delegation of power to Congress as the source of the lawmaking authority they would have Congress exercise, can point only to the Full Faith and Credit Clause itself, and to this statement in particular: "And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof." The proposed law's defenders, without any evident embarrassment or sense of irony, claim that a law licensing States to give no effect at all to a specific category of "Acts, Records and Proceedings" is a general law prescribing "the effect" of such acts, records and proceedings. That is a play on words, not a legal argument. There may be legitimate debate about precisely what sorts of national legislation this clause empowers Congress to enact so as to mandate sister-state enforcement of various state policies which, absent such effectuating legislation, the States might otherwise be free to disregard notwithstanding the Full Faith and legislation, the States might otherwise be free to disregard notwithstanding the Full Faith and Credit Clause. But it is as plain as words can make it the congressional power to "prescribe . . . the effect" of sister-state acts, records, and proceedings, within the context of the Full Faith and Credit Clause, includes no congressional power to prescribe that some acts, records and proceedings that would otherwise be entitled to full faith and credit under the Full Faith and Credit Clause as judicially interpreted shall instead to be entitled to no faith or credit at all!

The reason is straightforward: Power to specify how a sister-state's official acts are to be "proved" and to prescribe "the effect thereof" includes no power to decree that, if those official acts offend a congressional majority, the need to be given no effect whatsoever by any State that happens to share Congress's substantive views. To read the enabling sentence of the Full Faith and Credit Clause to confer upon Congress a power to delegate this sort of nullification authority—to read it, in other words, as the proponents of this anti-same-sex-marriage-law must read it if they are to treat it as the source of power for the legislation they advocate—would entail the conclusion that congress may constitutionally decree that no Hawaii marriage, no California divorce, no Kansas default judgment, no punitive damages award by any state court against a civil rights lawyer—to suggest a few of infinitely many possible examples—need to be given any legal effect at all by any State that chooses to avail itself of a congressional license to ignore the Full Faith and Credit Clause. The enabling sentence simply will not bear so tortured a reading.

The claim of its supporters that this measure would somehow defend states' rights by enlarging the constitutional authority of States opposing same-sex marriage at the expense of the constitutional authority of States accepting same-sex marriage rests on a profound misunderstanding of what a dedication to "states' rights" means. If this is a protection of states' rights, then it would equally protect states' rights for Congress, without any affirmative authorization in the Constitution, to license any State wishing to do so to deny basic police protection to same-sex couples visiting the State after getting married in a home State that recognizes same-sex marriage, despite the Privileges and Immunities Clause, Art. IV, §2, cl. 1. Our Constitution protects the rights of the States by assuring their equal status in the Union, and by guaranteeing that Congress may legislate only pursuant to a delegation of power in the Constitution. The proposal federal law transgresses both of these principles. That it does so in a manner that involves licensing some States to take actions that the Constitution itself would otherwise forbid—and in this sense enlarges the powers of States availing themselves of its purported authorization—should not be permitted to deceive anyone into mistaking this legislation for a law friendly to principles of state sovereignty.

Indeed, the proposed measure would create a precedent dangerous to the very idea of a United States of America. For if Congress may exempt same-sex marriage from full faith and credit, then Congress may also exempt from the mandate of the Full Faith and Credit Clause whatever category of judgments—including not only decrees affecting family structure but also specified types of commercial judgments—a majority of the House and Senate might wish to license States to nullify at their option. Such purported authority to dismantle the nationally unifying shield of Article IV's Full Faith and Credit Clause, far from protecting states' rights, would destroy one of the Constitution's core guarantees that the United

States of America will remain a union of equal sovereigns; that no law, not even one favored by a great majority of the States, can ever reduce any State's official acts, on any subject, to second-class status; and, most basic of all, that there will be no ad hoc exceptions to the constitutional axiom, reflected in the Tenth Amendment's unambiguous language, that ours is a National Government whose powers are limited to those enumerated in the Constitution itself.

The basic point is a simple one: The Full Faith and Credit Clause authorizes Congress to enforce the clause's self-executing requirements insofar as judicial enforcement alone, as overseen by the Supreme Court, might reasonably be deemed insufficient. But the Full Faith and Credit Clause confers upon Congress no power to gut its self-executing requirements, either piecemeal or all at once.

If judicial precedent for this textually and structurally evident conclusion is sought, it must be sought in analogous areas rather than in the context of the Full Faith and Credit Clause itself, for Congress has never attempted to exercise its Full Faith and Credit enforcement power to nullify rather than to enforce the mandate of that clause. In perhaps the closest analogy, the Supreme Court has interpreted another of the Constitution's few clauses expressly authorizing Congress to enforce a constitutional mandate addressed to the States to mean that Congress may effectuate such a mandate but may not "exercise discretion in the other direction [by] enact[ing]" statutes that "dilute" the mandate's self-executing force as authoritatively construed by the Supreme Court. *Katzenbach* v. *Morgan*, 384 U.S. 641, 651 n. 10 (1966) (Section 5 of the Fourteenth Amendment). A similar principle must guide interpretation of the Full Faith and Credit Clause, whose text leaves no real doubt that its self-executing reach, as authoritatively determined by the Supreme Court, may not be negated or nullified, in whole or in part, under the guise of legislatively enforcing or effectuating that clause. This is especially so in light of "the strong unifying principle embodied in the Full Faith and Credit Clause looking toward maximum enforcement in each state of the obligation's or rights created or recognized by . . . sister states . . . " *Hughes* v. *Fetter* 341 U.S. 609, 612 (1951).

It would do violence not only to the letter but also to the spirit of the Full Faith and Credit Clause to construe it as a fount of affirmative authority for Congress—if I may be excused for borrowing a marriage metaphor—to set asunder the States that this clause brought together. The Constitution's plan to form a "more perfect Union," in the preamble's words, would be inexcusably subverted by treating its most vital unifying provision as a license for legislation that does not unify or integrate but divides and disintegrates.

It is no answer at all to say that some purported marriages—e.g., marriages entered into in one State by residents of another in order to evade the latter State's prohibition against bigamy—might in any event be entitled to no "faith and credit" under Art. IV, §1, cl. 1, as occasionally construed by the courts. To the degree that this is in fact true of any given category of marriages, divorces, or other official state acts—itself a complex and controversial question (see Robert H. Jackson, Full Faith and Credit—the Lawyer's Clause of the Constitution, 45 Colum. L. Rev. 1, 27 (1945); Douglas Laycock, Equal Citizens of Equal and Territorial States, 92 Colum. L. Rev. 249, 313–37 (1992))—all that follows is that, with respect to such marriages, divorces, or other official acts, the proposed federal legislation would be entirely redundant and indeed altogether devoid of content.

In any such context, "[e]ven if the Federal Government possessed the broad authority to facilitate state powers, in this case there would be nothing that suggests that States are in need of federal assistance." *Rubin* v. *Coors Brewing Co.*, 115 S. Ct. 1585, 1591 (1995) (rejecting on First Amendment grounds a "let-Congress-assist-the-States" argument in support of a federal regulation of beer advertising). The essential point is that States need no congressional license to deny enforcement of whatever sister-state decisions might fall within any judicially recognized full faith and credit exception. The only authority the proposed statute could possibly add to whatever discretion States already possess would be authority to treat a sister State's binding acts as though they were the acts of a foreign nation—authority that Congress has no constitutional power to confer.

Sincerely,

LAURENCE H. TRIBE,
Ralph S. Tyler, Jr.,
Professor of Constitutional Law, Harvard Law School.

RACE FOR THE CURE

Mr. HEFLIN. Mr. President, on June 15, in Washington, there will be a race to raise money to find a cure for a disease that will take the lives of an estimated 44,560 women this year. Appropriately titled Race for the Cure, it stresses the importance of finding a cure for breast cancer, a disease that will claim one in nine women. This race is one of people who care coming together for a cause in which they believe. However, this race is much more than that. It is symbolic of the race women are running against time. The Race for the Cure represents our efforts and concern in finding a cure for breast cancer and helping many women achieve a greater peace of mind.

This terrible disease affects women everywhere. Here in the United States, breast cancer is second to lung cancer in cancer-related deaths among women. However, in spite of its prevalence, we still cling to the belief that it will not happen to us or those we are close to. Chances are that someone you know and love will be a victim of this tragic disease. Chances are that someone will be your wife, mother, daughter, or sister.

As with most types of cancer, a primary cause has not been found. Young women are increasingly dealing with the fear of this potentially threatening disease. Older women, who are at a much higher risk, are often not aware of their vulnerability to breast cancer. Only 34 percent of women over the age of 50 receive regular mammograms.

Until a cure is found, we all must join in the effort to raise money for research and continually improve education and awareness of this disease. I am proud to say that Alabama has been a driving force in our Nation's efforts toward these goals. Advances at the University of Alabama at Birmingham, like the identification of the human natural killer cell thought to play a key role in the body's destruction of cancer cells, are vital to the discovery of a cure. The consistent support of research centers, like the Marshall Space Flight Center, which assist with and support cancer research, are crucial to our progression toward a cure. Not unlike UAB and Marshall Space Flight Center, cancer research and education facilities across the country must receive funding. This signifies the importance of the Race for the Cure which allows individuals, who are essentially helpless against cancer, to work in unison for cancer research and awareness.

Having chaired the Alabama Breast Cancer Summit, I have been amazed at the aggressiveness and frequency of this disease. An article which appeared in The Journal of the American Medical Association on February 9, 1994, told of how the baby boom generation have about twice the risk of developing cancer as their grandparents. The threat becomes even more imminent when one considers how quickly the percentage of elderly people in this country is growing. Even now, the risk for women is greater than before. Women born in the 1950's have almost a 3 times greater risk of being diagnosed with breast cancer than women born 50 years earlier. Some of this increase can be attributed to the improved methods of diagnosing breast cancer. However, because the trends are steady and are seen in women over 50, who receive less screening, researchers believe better diagnoses cannot explain the whole picture.

The Race for the Cure is, therefore, important not only in terms of raising money for breast cancer research but also in providing a forum for awareness and education. I encourage everyone who can to participate in the Race on June 15. Also, I would like to encourage everyone in the Nation to get involved in efforts to fight breast cancer in their communities. We all have to work diligently toward a cure for this tragic disease.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, the impression will not go away: The $5 trillion Federal debt stands today as an increasingly grotesque parallel to the TV energizer bunny that keeps moving and moving and moving—precisely in the same manner and to the same extent that the President is sitting on his hands while the Federal debt keeps going up and up and up into the stratosphere.

Same old story. Some politicians talk a good game—"talk" is the operative word here—about cutting Federal spending and thereby bringing the Federal debt under control. But watch what they do when efforts are made to balance the Federal budget.

Mr. President, as of the close of business yesterday, Wednesday, June 5, the Federal debt stood at exactly $5,141,669,992,686.17, which amounts to $19,401.82 per man, woman, child on a per capita basis.

A TRIBUTE TO GEORGE L. WESSEL

Mr. MOYNIHAN. Mr. President, I rise today to pay tribute to George L. Wessel, a friend and associate, who is stepping down as president of the Buffalo AFL–CIO Council after 27 years as Erie County's foremost labor leader representing more than 100,000 workers in more than 200 labor locals. Though he will continue to stay active in the community, he will now be fortunate enough to spend more time with his wife of 49 years, Mary; his daughter, Mary Catherine; and his three grandchildren, Joseph, Mary Anna, and Catherine Victoria. I thank him for his good work and wish him the best of luck in the future.

George Wessel's career involvement with the labor movement began when he returned home from serving his country in the U.S. Navy during World War II. He worked for Remington Rand, joined the Printing Pressmen's Union, and eventually became a journeyman printer. From that position, he advanced to become a chief steward in the plant and a member of the Local 27 executive board. His fellow workers noticed his dedication to the cause of organized labor, and in January 1961, they elected George as secretary-treasurer of the local which represented all print shops in western New York. In this post, he again served with distinction until January 1, 1969, when he was elected to succeed Judge James L. Kane as president of the Buffalo AFL–CIO Council.

As President, George Wessel has enjoyed great popularity as a leader of labor and as a leader in civic life. Elected to nine 3-year terms as president of the Buffalo AFL–CIO Council, George has been a tremendous influence on the labor movement in the past quarter century. In the early 1980's, the Buffalo AFL–CIO Council was in the forefront of efforts to organize Solidarity Day in Washington, DC. Since then, thousands of union activists have converged at the Nation's Capital each year to call attention to issues affecting working men and women. George has also overseen council activities, negotiated with business leaders, mobilized affiliated locals for public demonstrations, and been the official spokesman for organized labor in Erie County. He also started the grand tradition of the Labor Day parade through the streets of Buffalo. It was several times my honor to march through the streets with George during the parade, and I was always the better for having done so.

George Wessel has also been a sterling member of the community as he has constantly worked to improve the physical, social, and cultural environment of Buffalo. Whether as a member of the United Way, or as a member of the labor advisory board at Cornell University, George Wessel has strived to make Buffalo a better place to live and work.

Though labor has faced many setbacks in western New York and throughout much of the country in recent years, George Wessel has fought to stem that tide. Due to his great efforts, organized labor still remains at the forefront of commercial activity and is a much respected movement in the Buffalo community.

We shall all be sorry to see George step down as president of the council, but organized labor will still remain a force in Erie County. Like the Workers Memorial in Chestnut Ridge, this is a testament to George Wessel's half century of involvement with the union movement in Buffalo.

Mr. COVERDELL. Mr. President, parliamentary inquiry. Are we operating as if we were in morning business?

The PRESIDING OFFICER. Yes, with a time limit of 10 minutes per speaker.

BALANCED BUDGET AMENDMENT

Mr. COVERDELL. Mr. President, I ask unanimous consent that current letters from the Governors of California, Illinois, Kansas, Louisiana, Michigan, New Hampshire, New Mexico, New York, North Dakota, Oklahoma, South Carolina, Virginia, and Wyoming on the need for the balanced budget amendment to the Constitution be —I would use the word memorialized—in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

STATE CAPITOL,
Sacramento, CA, June 4, 1996.

The PRESIDENT,
The White House, Washington, DC.

DEAR MR. PRESIDENT: This week, the 104th Congress will make a final attempt to pass the Balanced Budget Amendment. The amendment has already been approved overwhelmingly by the House of Representatives, and it is within two votes of passage in the Senate. I urge you to take this opportunity to endorse the Balanced Budget Amendment and help secure the Democratic votes needed to ensure its passage.

To Californians alone, certainty of a balanced federal budget is literally worth billions upon billions of dollars. The lower interest rates that would accompany reduced federal borrowing would save our state government more than $3 billion per year, enough to provide a $262 tax cut for every household in California. More importantly, balancing the budget by 2002 would prevent each and every citizen in California from assuming more than $4,000 worth of additional federal debt.

Comparison of federal spending and California state spending over the past five years shows that if Washington had practiced a level of fiscal discipline similar to that we have exercised in Sacramento, the federal government would now be running a surplus rather than a deficit. There is no question that California's constitutional mandate for a balanced budget has provided an essential incentive for achieving this performance.

Now, California is reaping the benefits of tightly controlled spending, with a resurgent economy driving up state tax revenues. This has set the stage for tax cuts that will let people keep more of their own money, and increased funding for education and other investments in California's future.

Mr. President, you, more than anyone else, should be supporting the Balanced Budget Amendment to show your honest commitment to reforming federal spending and sparing future generations from a crushing burden of debt. The Balanced Budget Amendment is a promise that transcends elections; a promise that cannot be simply revoked on November 6.

I challenge you to make public your support for the Balanced Budget Amendment and help secure the two Democratic votes needed to pass it.

Sincerely,

PETE WILSON.

STATE OF ILLINOIS,
OFFICE OF THE GOVERNOR,
Springfield, IL, June 4, 1996.

Hon. WILLIAM J. CLINTON,
President of the United States,
The White House, Washington, DC.

DEAR PRESIDENT CLINTON: In the next week, the Senate will be voting on the Balanced Budget Amendment. I urge you to contact Senators from your party and ask them to vote for this critical measure. We must change the direction our country is going financially, and this is the first step.

This is a very bi-partisan issue, as Senator Simon from the State of Illinois has proven. Members from both sides of the aisle have recognized the importance of passing a bill mandating to Congress that this country operates under a balanced budget. The longer we wait to balance the budget, the more we leave a legacy of debt for our children and grandchildren and take away from our ability to address pressing national priorities.

In the United States, we currently spend 11 times more money on interest on the national debt than we do on education, and twice as much on interest than on all of our poverty programs. We have come to realize in Illinois the importance of a balanced budget and the sacrifices that are needed to achieve that goal. A balanced budget requirement as been part of our state constitution since 1970, and members of both parties have worked hard at maintaining that requirement.

Mr. President, I can not stress enough the importance of passing the Balanced Budget Amendment. In order to achieve the balanced budgets that you and the Republican leadership have proposed, we need the discipline of a constitutional amendment. Again, I urge you to contact members of your party in the Senate, and request that they vote for the Balanced Budget Amendment. I thank you, in advance, for your consideration on this matter.

Sincerely,

JIM EDGAR,
Governor.

STATE OF KANSAS,
OFFICE OF THE GOVERNOR,
Topeka, KS, June 5, 1996.

Hon. WILLIAM J. CLINTON,
President of the United States,
The White House, Washington, DC.

DEAR PRESIDENT CLINTON: The next few days will be historic. The announcement by United States Senator Bob Dole to resign from his position as Majority Leader and U.S. Senator is of great historical significance. Before the distinguished Senator departs, you and the members of Congress will have the opportunity to perform a legislative act equally historic—approving legislation to balance the federal budget. As Senator Dole concludes his terms in the United States Senate, this week has been proclaimed *Balanced Budget Week* in recognition of Senator Dole's efforts to set America back on track toward economic vitality. I encourage you to do everything in your power to promote a balanced budget amendment.

Since 1932, Kansas has been a cash basis state, which means that pursuant to State law, Kansas cannot debt spend. We are forced to project revenues and balance our budgets accordingly. Sometimes we must reevaluate our priorities and tighten our belts. Other times we must reevaluate the relationship between the State and its citizens by determining in what programs the people of Kansas want their government to engage, and which programs are no longer worthy of the people's financial resources. That kind of common sense approach to budgeting has served Kansas well, and it can go a long way toward resolving the deficit at the federal level. If Kansas can balance its budget each and every year, as do the people of America, so too can the federal government.

In Kansas, we directed an Administration that has taken the initiative to provide Kansas children with the same opportunities for a sound fiscal future with which we were blessed. The budget we submitted to the state Legislature this year is the first in a generation that spends less than the year before. We have been able to pass along the savings to Kansas taxpayers in the form of meaningful tax relief—in excess of $1.4 billion over five years. We accomplished significant tax relief—reducing the burden on Kansas taxpayers—without neglecting those in need of our help and support. Although this was a daunting and challenging task, the people of Kansas expected nothing less than courageous leadership from their elected officials. Similarly, the people of America expect nothing less from their President.

The future of America's children depends on your support of a balanced budget amendment. Please do not fail to make the most of the historic possibilities presented in the days ahead.

Sincerely,

BILL GRAVES,
Governor.
SHEILA FRAHM,
Lt. Governor, U.S. Senator Designate.

STATE OF LOUISIANA,
OFFICE OF THE GOVERNOR,
Baton Rouge, June 4, 1996.

Hon. WILLIAM J. CLINTON,
President of the United States,
Washington, DC.

DEAR MR. PRESIDENT: As I mentioned when you were here last week, Louisiana is a conservative state. That Louisiana's State Constitution requires the Legislature to pass and the Governor to sign a balanced budget is a strong reflection of these conservative values.

I would like to take this opportunity to request that you join me, a majority of our nation's governors, and eighty-three percent of all Americans in supporting a balanced budget amendment to the United States Constitution. A balanced budget requirement has been good for Louisiana, it has been good for your home state of Arkansas, and it would be good for the United States of America.

It is time for our elected officials in Washington to exercise the same degree of fiscal discipline that their colleagues in statehouses across the country do. I'm afraid that past history makes it all too clear that we will not get a balanced federal budget unless we require one constitutionally.

For the sake of our children and their children, to put their needs above those of the federal government in Washington, I urge you to announce your support for a balanced budget amendment today.

Sincerely,

M.J. "MIKE" FOSTER, JR.,
Governor.

STATE OF MICHIGAN,
OFFICE OF THE GOVERNOR,
Lansing, MI, June 5, 1996.

Hon. WILLIAM J. CLINTON,
President, The White House,
Washington, DC.

DEAR MR. PRESIDENT: This week Congress has the opportunity to pass a Balanced Budget Amendment that will truly change the way Washington does business.

Large deficits and public indebtedness undermine the growth of the economy and impose unnecessary and unfair burdens on our future generations. This may explain why the American people overwhelmingly support a Balanced Budget Amendment. Recent surveys indicate over 80% of those individuals polled support a Constitutional amendment to require a balanced budget, while only 16% said that they oppose this measure.

The Balanced Budget Amendment will force the federal government to take appropriate action to live within its means just as 49 of the 50 states must do. This action is necessary to prevent further burdens on our children and succeeding generations. A balanced budget plan would add $32 billion in disposable income to the U.S. economy, $88 billion in new investment and would yield up to 6.1 million new job opportunities with the confidence and assurance that real work and real wages bring.

Mr. President, I strongly urge you to join the majority of the nation's Governors and the nation's citizens in supporting the Balanced Budget Amendment. I encourage you to request Members of the Senate to support this measure when it comes up for a vote this week.

Thank you for your consideration on this matter.

Sincerely,

JOHN ENGLER,
Governor.

STATE OF NEW HAMPSHIRE,
OFFICE OF THE GOVERNOR,
Concord, NH, June 4, 1996.

Hon. WILLIAM CLINTON,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: As Governor of New Hampshire, I write to you today in support of the Balanced Budget Amendment to the United States Constitution.

The time has come to deal with the greatest threat to the well-being of Americans, the ability of our federal government to balance its budget without raising taxes and without sending unfunded mandates to be paid for by the citizens of our State. It must be done and I believe it is of tremendous importance that we do it now.

As a former Attorney General, one who has studied our nation's Constitution and loves it, I recommend amending it only after considerable reflection. I simply know of no other way to restore belief in our citizens that government can be responsive to the principles and values that made this country great. It is unfortunate that such an amendment is required, but it is clear that it is required.

New Hampshire does not have a balanced budget amendment, but no Governor has ever submitted an unbalanced budget. In New Hampshire, it is illegal for a department head to deficit spend.

New Hampshire has balanced budgets for 200 years without an income or sales tax. All governors share common problems and seek common solutions. In New Hampshire, however, balanced budgets are the norm, as they should be in Washington.

The Balanced Budget Amendment is a bold step, but the American people are ready for bold change. They have grown frustrated with excuses as to why the federal budget cannot be balanced. They have rejected the attitude that our children will somehow be able to pay for financial mismanagement.

This moment in history can return the United States to a policy of fiscal sanity. I respectfully urge you to move forward and support the Balanced Budget Amendment.

The American people will be with you.

Very truly yours,

STEPHEN MERRILL,
Governor.

OFFICE OF THE GOVERNOR,
STATE CAPITOL,
Santa Fe, NM, June 4, 1996.

President WILLIAM J. CLINTON,
The White House,
Washington, DC.

DEAR PRESIDENT CLINTON: I am writing to request your support of a balanced budget amendment in 1996. This would initiate an era of sound fiscal policy for the federal government and serve to make our nation stronger and our children's future more secure. To take a stand on this issue and work with Congress is to offer the American people a reason to again believe in the decision making ability of government.

The national debt, though often discussed in the abstract, is a very real danger. If you do not take measures to ensure a balanced budget amendment, this insidious threat to our nation's future will continue to grow without impediment. We must not let this opportunity go unanswered and I implore you to lead this country into a future secured by solid government policy. We cannot go forward without a balanced budget amendment.

Sincerely,

GARY E. JOHNSON,
Governor.

STATE OF NEW YORK,
EXECUTIVE CHAMBER,
Albany, NY, June 5, 1996.

Hon. WILLIAM JEFFERSON CLINTON,
President of the United States,
The White House,
Washington, DC.

DEAR PRESIDENT CLINTON: I urge you, Mr. President, to support and actively work to pass the Balanced Budget Amendment to the Constitution offered by Senator Dole. This amendment calls for a balanced federal budget by the year 2002.

Passing a Balanced Budget Amendment is critical to America's strength as a world leader. Moreover, as elected officials, we have a special obligation to free our children and grandchildren from the mountains of government debt which are mortgaging their future. Approving a Balanced Budget Amendment would not only instill long-needed fiscal discipline in Washington, but also would lower interest rates, increase real disposable income for working families, and help create millions of new jobs.

Last year, despite virtual unanimous Republican support, the Balanced Budget Amendment failed in the Senate because of overwhelming Democrat opposition. In addition, you vetoed the only balanced budget bill passed by Congress in the last 26 years. However, it's not too late to correct the mistakes of the past and put our nation on sounder financial footing.

Again, I urge you, Mr. President, to support Senator Dole's Balanced Budget Amendment and actively lobby your party members to secure its passage.

Very truly yours,

GEORGE E. PATAKI,
Governor.

STATE OF NORTH DAKOTA,
OFFICE OF THE GOVERNOR,
Bismarck, ND, June 5, 1996.

The PRESIDENT,
The White House,
Washington, DC.

MR. PRESIDENT, I am writing today to express my support for the Balanced Budget Amendment.

All but one state in our United States has a requirement to balance its budget. In my home state of North Dakota, the legislature has made tough, hard, and sometimes unpopular decisions to balance its budget every biennium since statehood. It is only proper that our federal government in Washington take on that same responsibility to protect the future generations of our country.

The passage of the Congressional balanced budget plan would add $32 billion in real disposable income, $66 billion in new purchases, $88 billion in new investments, and over 100,000 new housing starts to the United States Economy while also providing up to 6.1 million new job opportunities.

In North Dakota the passage would mean a savings of $2,388 a year on payments for a 30-year mortgage on a $75,000 house; $1,026 in savings over the life of a 4-year loan on a $15,000 automobile; $1,891 in savings over the life of a 10-year student loan of $11,000—all totaled these savings would amount to $74,381 over the duration of the loans.

All Americans must be assured that their future and the future of their children are secure and that their needs are foremost in the minds of our leaders in Washington. There is no better way to guarantee the citizens of North Dakota the bright future they deserve than to pass the Balanced Budget Amendment.

Sincerely,

EDWARD T. SCHAFER,
Governor.

STATE OF OKLAHOMA,
OFFICE OF THE GOVERNOR,
Oklahoma City, OK, June 4, 1996.

Hon. BILL CLINTON,
The White House.

DEAR MR. PRESIDENT: On Friday, May 31, at 4:59 p.m., the Legislature of the State of Oklahoma adjourned its 1996 session. Not once during that four-month session was there a moment of discussion about deficit spending. Not one penny was appropriated to pay interest on a state debt. No bill was passed that spent a cent in excess of actual state revenues—all because the Constitution of Oklahoma contains an amendment that requires a balanced budget.

The Balanced Budget Amendment to the United States Constitution will be considered in the Senate this week. I urge you to follow the examples of 49 of our 50 states—including Oklahoma and Arkansas—and support this effort to import common sense from the states to Washington.

Sincerely,

FRANK KEATING,
Governor.

STATE OF SOUTH CAROLINA,
OFFICE OF THE GOVERNOR,
Columbia, SC, June 5, 1996.

The PRESIDENT,
The White House, Washington, DC.

DEAR MR. PRESIDENT: As the Senate prepares to reconsider the Balanced Budget Amendment, I write to express my strong support of this important legislation. The time has come for the federal government to abide by the same rules of fiscal responsibility that every family, business, and state government must follow.

The federal deficit imposes debilitating costs on both current and future generations. We must start setting priorities and make difficult decisions now for the sake of our children and our children's children. The longer that we avoid our responsibility to the American people, the more we put the prosperity of future generations at risk.

A balanced budget will result in lower interest rates, which will allow working families to keep more of their hard-earned money. With lower interest rates, more families will have the opportunity to own their own home, and businesses will be able to afford the capital investment to grow jobs.

Unfortunately, despite promises made in Washington, a balanced budget has not become law in decades. In fact, your veto of the first balanced budget in 26 years makes it imperative that the Congress pass a constitutional amendment to balance the federal budget. Your support for this amendment would give the citizens of South Carolina and across the nation the opportunity to vote on the nation's fiscal integrity and the future of our country. Only a constitutional amendment will provide the ironclad discipline needed to restore fiscal responsibility.

You have historically been in favor of a balanced budget, as evidenced by your recent budget proposal, and as a former governor, you had to balance your own state books every year. By expressing your public support for the Balanced Budget Amendment, you would prove your convictions to the American public, over eighty percent of whom strongly support such an amendment.

I respectfully ask you to urge the Senate to pass the Balanced Budget Amendment and put America on the path of prosperity and growth for generations to come.

Sincerely,

DAVID M. BEASLEY,
Governor.

COMMONWEALTH OF VIRGINIA,
OFFICE OF THE GOVERNOR,
Richmond, VA, June 4, 1996.

Hon. WILLIAM J. CLINTON,
The White House, Washington, DC.

DEAR MR. PRESIDENT: The United States Senate is preparing to consider again the Balanced Budget Amendment to the U.S. Constitution. Often in the past, you have voiced your commitment to balancing the federal budget, and I sincerely hope that you will couple your words with actions and publicly and energetically encourage the Senate to approve the Balanced Budget Amendment now.

As an original sponsor of the Kyl-Allen Balanced Budget Amendment in the United States House of Representatives, I was most disappointed last year when the Senate failed by one vote to send this constitutional amendment to the States for ratification. The Balanced Budget Amendment is not a unique or unproven concept. As a former governor, you are no doubt aware that virtually every State operates under the discipline of a balanced budget requirement. The fact is, it works. With our requirement for a balanced budget, Virginia is one of only four States with a AAA Bond Rating for our careful and limited use of debt.

The people of the United States recognize that passage of the Balanced Budget Amendment is an essential discipline for getting the federal government on the path toward fiscal responsibility. It is also important to improving the quality of life for working families in Virginia and across America.

A family's cost of living is greatly affected by interest rates. The lower interest rates would accompany a balanced budget. Working Americans deserve to be able to keep more of their hard-earned money and put it to work for their families. As borrowing costs drop, housing becomes more affordable as well. A 2% drop in interest rates would save the average homeowner between $1,600 and $1,800 per year in mortgage payments. More affordable housing means more home ownership which is the American Dream. And a healthy housing industry increases job opportunities for electricians, plumbers, carpenters, excavators, forestry products, appliance manufacturers, Realtors, and many more that are associated with the housing industry.

Our government should be helping, not hindering, more individuals and families to realize the American dream of homeownership. We can begin to do so by making the balanced budget the law of the land in Washington, as it is in our States. Please put the force of your office behind a balanced budget for America—let us in Virginia vote on this important Amendment.

With kind personal regards, I remain,

Sincerely,

GEORGE ALLEN,
Governor.

STATE OF WYOMING,
OFFICE OF THE GOVERNOR,
Cheyenne, WY, June 5, 1996.

Hon. WILLIAM J. CLINTON,
President of the United States,
Washington, DC.

DEAR MR. PRESIDENT: Next week the 104th Congress will have it's final opportunity this year to pass a Balanced Budget Amendment. Once allowed to become law, this Amendment will truly change the way our country does business.

It is time for our elected officials in Washington to exercise the same degree of fiscal responsibility that state governments have adopted. I am concerned that if Washington continues with the current financial practices, future generations will have a financial burden beyond repair. History has made it all too clear that we will not balance the federal budget unless required by the constitution.

> The United States spends 11 times more money to pay for interest accrued on the national debt than we do on education, and twice as much on interest than on all of our entitlement programs. In 1993 the state of Wyoming recognized a need for the Governor to submit the budget under estimated revenues. It is important to realize the need for a balanced budget, and to make the sacrifices necessary to achieve that goal. Now is the time for action!
>
> In Wyoming, our constitution requires a balanced budget each biennium. The people of Wyoming cannot understand why such a requirement at the federal level is even questioned. Your support for the Balanced Budget Amendment would do much to bring accountability back to the federal government. I trust we in Wyoming can count on your support.
>
> I can not stress enough the importance of passing the Balanced Budget Amendment. In order to achieve the balanced budget that you have proposed, the people of the United States deserve the discipline of a constitutional amendment. I urge you to contact members of your party in the Senate, and request that they vote for the Balanced Budget Amendment!
>
> Sincerely,
>
> JIM GERINGER,
> *Governor.*

MEDICARE

Mr. COVERDELL. Mr. President, the whole Nation is waking to yet another trustees' report that should paint a very bright, vivid red light to every American. We have gone past the yellow light. I would like to share with the Senate just a few facts that have recently been published by the Coalition To Save Medicare.

Fact: Medicare's hospital fund will be broke in less than 5 years.

Fact: Because Medicare reform was not enacted last year, $133 billion more in savings is needed to meet the trustees' own minimum requirements.

In other words, when the President of the United States vetoed the attempt to keep Medicare solvent, to make it solvent for almost 20 years, to improve the options that seniors would have, to increase the investment in it 70 to 80 percent, the net effect is in 1 year we have made the job of solving and saving Medicare $133 billion more difficult.

Fact: Each day, Medicare is spending $25 million more than it takes in.

Fact: Without reform, a working American's annual payroll taxes will have to increase between $1,880 and $3,185 immediately to assure the long-term health of Medicare.

Fact: Maintaining the current system as it is for the long term without reform or tax increases will require immediately increasing the annual hospital deductible a senior pays to between $5,380 and $6,540.

Fact: Without reform, a working American's annual payroll taxes must immediately increase to between $1,229 and $1,564 just to ensure that Medicare survives 25 years.

Mr. President, as I have told Georgians and Americans all across the country, the era of passing these problems on to another generation is over. It is absolutely over. Within a decade, Social Security, Medicare, Medicaid, Federal retirement and the interest only on our debt will consume 100 percent of the U.S. Treasury. It does not take a rocket scientist or a brilliant economist from one of our major universities to understand that that will wreak havoc on every family and every business. It will destabilize the world's greatest democracy.

This problem is going to get worked out. We are either going to take charge of it and lead our way out of it or we are going to stumble into it, and world markets and the economy will come crashing down on our heads.

I am reading from the Washington Times, Wednesday, June 5, 1996. It opens by saying:

> The Clinton administration today is expected to confirm that Medicare will go bankrupt by 2001, but prospects for resolving the problem this year look dim.

So, as we approach this train wreck, we continue to turn away from it and we run the risk of destabilizing the lives of millions of Americans. But the more important thing that I read in this article is the following. It reads, "Democrats said they are not that concerned that Medicare will go broke," that is interesting, "because Congress has always acted at the last minute to avert a disaster."

The last minute part is correct. But the averting of a disaster is not. We have been moving with each succeeding year towards an ultimate disaster which has been called to our attention, once again, by the trustees. It says:

> "I think Congress would default on Treasury bonds first," said Rep. Pete Stark, California Democrat.

It is interesting. Mr. Stark is the ranking member on the subcommittee on Ways and Means that deals with entitlements. This is a most interesting statement that he makes on this dilemma. He says:

> Mr. Stark acknowledged the $90 billion Democratic plan does not go far enough to reform the system, even in the near-term, and does not even begin to address what all sides say is a massive insolvency problem in 2010, when the Baby Boom generation starts to retire.

He goes on to say, and this is the key:

> To fix the longer-term problem, Mr. Stark said, Democrats probably would resort either to a government takeover of the hospital and health-insurance payment system or raising payroll taxes.

I hope everybody across our land has a chance to hear that solution. This is the solution he is offering up that produced the 104th Congress. This was the idea that the administration and the President and the First Lady took all across the country and said, look, the way to solve this problem is to have the Government take over medicine, have the Government take over another 17 percent of the American economy. And Americans said, "No way." They were so offended by this idea that they turned the majority of the Congress over.

But the idea has not left, and I believe that this statement by Representative Stark means that we are going to enter into, through the issue of Medicare, the whole question of our plan to modernize it, to create new options, to keep it in the private sector, to make it competitive, versus their plan, which is the old standard status quo, let the Government take it over and increase the economic burden on the American family and the American worker.

Mr. President, an average family in the State of Georgia today makes $45,000 a year. By the time the Federal Government gets through going through their checking account, and the State government, and FICA for Social Security and Medicare, and their cost of regulatory reform, and their share of the higher interest rates because of the national debt, they end up with 49 percent of their wages to run their families' business. The suggestion that Mr. Stark is coming forward with is: That is not enough. Let us take another 10 or 20 percent out of their checking accounts.

What America needs is for Washington to return these resources to the checking accounts of the average American family and to reject the administration and Mr. Stark's everlasting plea for more government and bigger government and more taxes and higher taxes.

I think Mr. Stark, knowingly or unknowingly, wittingly or unwittingly, has drawn an enormous benchmark for us to debate over the balance of this year and the balance of this Congress as we talk about Medicare and talk about life in the American family and community in this great United States of America.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BENNETT). Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. McCathran, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(the nominations received today are printed at the end of the Senate proceedings.)

MEASURES REFERRED

The following bill, previously received from the House of Representatives for the concurrence of the Senate, was read the first and second times by unanimous consent and referred as indicated

H.R. 3448. An act to provide tax relief for small businesses, to protect jobs, to create opportunities, to increase the take home pay of workers, to amend the Portal-to-Portal Act of 1947 relating to the payment of wages to employees who use employer owned vehicles, and to amend the Fair Labor Standards Act of 1938 to increase the minimum wage rate and to prevent job loss by providing flexibility to employers in complying with minimum wage and overtime requirements under that Act; to the Committee on Finance.

The following bill was reported by the Committee on Armed Services, with amendments, and referred to the Committee on Governmental Affairs for a 30-day period provided in section 3(b) of Senate Resolution 400, 94th Congress, except that if the committee fails to report the bill within the 30-day limit, the Committee shall be automatically discharged from further consideration of the bill in accordance with that section:

S. 1718. A bill to authorize appropriations for fiscal year 1997 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and for the Central Intelligence Agency Retirement and Disability System, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2886. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 95-13; to the Committee on Appropriations.

EC-2887. A communication from the Secretary of Labor, transmitting, pursuant to law, the report entitled "Effects of the Immigration Reform and Control Act: Characteristics and Labor Market Behavior of the Legalized Population Five Years Following Legalization"; to the Committee on the Judiciary.

EC-2888. A communication from the Assistant Attorney General, transmitting, a draft of proposed legislation to strengthen federal child protection laws; to the Committee on the Judiciary.

EC-2889. A communication from the Assistant Attorney General, transmitting, a draft of proposed legislation entitled "The Anti-Gang and Youth Violence Control Act of 1996"; to the Committee on the Judiciary.

EC-2890. A communication from the Secretary of Health and Human Services, transmitting, a draft of proposed legislation entitled "The Runaway and Homeless Youth Amendments of 1996"; to the Committee on the Judiciary.

EC-2891. A communication from the Acting Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the final rule on longshore activities by alien crewmembers, received on May 28, 1996; to the Committee on the Judiciary.

EC-2892. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a determination relative to financing the exports of goods or services to the People's Republic of China; to the Committee on Banking, Housing, and Urban Affairs.

EC-2893. A communication from the President of the United States, transmitting, pursuant to law, a notice concerning the continuation of the national emergency with respect to the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Bosnia Serbs; to the Committee on Banking, Housing, and Urban Affairs.

EC-2894. A communication from the Under Secretary for Export Administration, Department of Commerce, transmitting, pursuant to law, the report of a final rule relative to exports of Alaskan north slope crude oil, (RIN0694-AB44) received on May 29, 1996; to the Committee on Banking, Housing, and Urban Affairs.

EC-2895. A communication from the Secretary of the Securities and Exchange Commission, transmitting, pursuant to law, the report of a final rule relative to obligations of officers, directors and principal security holders, (RIN3235-AF66) received on May 31, 1996; to the Committee on Banking, Housing, and Urban Affairs.

EC-2896. A communication from the Secretary of the Securities and Exchanges Commission, transmitting, pursuant to law, the report of a final rule relative to phase one recommendation of task for on disclosure simplification, (RIN3235-AG75) received on May 31, 1996; to the Committee on Banking, Housing, and Urban Affairs.

EC-2897. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the staff report for calendar year 1995; to the Committee on Banking, Housing, and Urban Affairs.

EC-2898. A communication from the Executive Director of the Thrift Depositor Protection Oversight Board, transmitting, pursuant to law, the annual report of the Resolution Funding Corporation for calendar year 1995; to the Committee on Banking, Housing, and Urban Affairs.

EC-2899. A communication from the Chairperson of the Appraisal Subcommittee of the Federal Financial Institutions Examination Council, transmitting, pursuant to law, the annual report for calendar year 1995; to the Committee on Banking, Housing, and Urban Affairs.

EC-2900. A communication from the Director, Regulations Policy, Management Staff, Office of Policy, Food and Drug Administration, Department of Health Human Services, transmitting, pursuant to law, the report of four rules including a rule entitled "Food and Drugs," received on June 3, 1996; to the Committee on Labor and Human Resources.

EC-2901. A communication from the Acting Commissioner of the National Center For Education Statistics, Office of Educational Research and Improvement, Department of Education, transmitting, pursuant to law, a report entitled "The Condition of Education: 1996"; to the Committee on Labor and Human Resources.

EC-2902. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report entitled "The Model Comprehensive Program for the Treatment of Substance Abuse Metropolitan Area Treatment Enhancement System"; to the Committee on Labor and Human Resources.

EC-2903. A communication from the Director of the Office of Regulations Management, Office of the General Counsel, Department of Veterans' Affairs, transmitting, pursuant to law, the rule entitled "Delegations of Authority," (RIN2900-AI10) received on June 3, 1996; to the Committee on Veterans' Affairs.

EC-2904. A communication from the Director of the Office of Regulations Management, Office of the General Counsel, Department of Veterans' Affairs, transmitting, pursuant to law, the rule entitled "Veterans Education," (RIN2900-AH78) received on June 3, 1996; to the Committee on Veterans' Affairs.

EC-2905. A communication from the Director of the Office of Regulations Management, Office of the General Counsel, Department of Veterans' Affairs, transmitting, pursuant to law, the rule entitled "Loan Guaranty," (RIN2900-AI01) received on June 3, 1996; to the Committee on Veterans' Affairs.

EC-2906. A communication from the Director of the Office of Regulations Management, Office of the General Counsel, Department of Veterans' Affairs, transmitting, pursuant to law, the rule entitled "Post-Vietnam Era Veterans' Educational Assistance," (RIN2900-AH64) received on June 3, 1996; to the Committee on Veterans' Affairs.

EC-2907. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on direct spending or receipts legislation within five days of enactment; to the Committee on the Budget.

EC-2908. A communication from the Commissioner of Social Security, transmitting, pursuant to law, the report of the Office of Inspector General for the period October 1, 1995 through March 31, 1996; to the Committee on Governmental Affairs.

EC-2909. A communication from the Chairman of the Consumer Product Safety Commission, pursuant to law, the report of the Office of Inspector General for the period October 1, 1995 through March 31, 1996; to the Committee on Governmental Affairs.

EC-2910. A communication from the Chairman of the Board of Governors of the Federal Reserve System, pursuant to law, the report of the Office of Inspector General for the period October 1, 1995 through March 31, 1996; to the Committee on Governmental Affairs.

EC-2911. A communication from the Chairman of the Board of the National Credit Union Administration, pursuant to law, the report of the Office of Inspector General for the period October 1, 1995 through March 31, 1996; to the Committee on Governmental Affairs.

EC-2912. A communication from the Chairman of the U.S. Securities and Exchange Commission, pursuant to law, the report of the Office of Inspector General for the period October 1, 1995 through March 31, 1996; to the Committee on Governmental Affairs.

EC-2913. A communication from the Chairman of the U.S. International Trade Commission, pursuant to law, the report of the Office of Inspector General for the period October 1, 1995 through March 31, 1996; to the Committee on Governmental Affairs.

EC-2914. A communication from the Director of the U.S. Information Agency, pursuant to law, the report of the Office of Inspector

General for the period October 1, 1995 through March 31, 1996; to the Committee on Governmental Affairs.

EC–2915. A communication from the Chairman of the U.S. Equal Employment Opportunity Commission, pursuant to law, the report of the Office of Inspector General for the period October 1, 1995 through March 31, 1996; to the Committee on Governmental Affairs.

EC–2916. A communication from the Secretary of Agriculture, pursuant to law, the report of the Office of Inspector General for the period October 1, 1995 through March 31, 1996; to the Committee on Governmental Affairs.

EC–2917. A communication from the Secretary of the Interior, pursuant to law, the report of the Office of Inspector General for the period October 1, 1995 through March 31, 1996; to the Committee on Governmental Affairs.

EC–2918. A communication from the Chairman of the U.S. Federal Trade Commission, pursuant to law, the report of the Office of Inspector General for the period October 1, 1995 through March 31, 1996; to the Committee on Governmental Affairs.

EC–2919. A communication from the Chairman of the National Science Board, pursuant to law, the report of the Office of Inspector General for the period October 1, 1995 through March 31, 1996; to the Committee on Governmental Affairs.

EC–2920. A communication from the Chairman of the Board of the Pension Benefit Guaranty Corporation, pursuant to law, the report of the Office of Inspector General for the period October 1, 1995 through March 31, 1996; to the Committee on Governmental Affairs.

EC–2921. A communication from the Chief Executive Officer of the Corporation For National Service, pursuant to law, the report of the Office of Inspector General for the period October 1, 1995 through March 31, 1996; to the Committee on Governmental Affairs.

EC–2922. A communication from the Acting Administrator of the General Services Administration, pursuant to law, the report of the Office of Inspector General for the period October 1, 1995 through March 31, 1996; to the Committee on Governmental Affairs.

EC–2923. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–269 adopted by the Council on May 7, 1996; to the Committee on Governmental Affairs.

EC–2924. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–270 adopted by the Council on May 7, 1996; to the Committee on Governmental Affairs.

EC–2925. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–271 adopted by the Council on May 7, 1996; to the Committee on Governmental Affairs.

EC–2926. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–272 adopted by the Council on May 7, 1996; to the Committee on Governmental Affairs.

EC–2927. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–273 adopted by the Council on May 7, 1996; to the Committee on Governmental Affairs.

EC–2928. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–274 adopted by the Council on May 7, 1996; to the Committee on Governmental Affairs.

EC–2929. A communication from the General Counsel of the Department of Defense, transmitting, a draft of proposed legislation to assist in the reform of travel management in the Federal Government; to the Committee on Governmental Affairs.

EC–2930. A communication from the Secretary of Agriculture, transmitting, a draft of proposed legislation to authorize subsistence payment for employees performing certain dues; to the Committee on Governmental Affairs.

EC–2931. A communication from the Director of the Office of Government Ethics, transmitting, pursuant to law, the rule entitled "The Extension and Revocation of Post-Employment Waiver," received on May 31, 1996; to the Committee on Governmental Affairs.

EC–2932. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a list of General Accounting Office reports from April 1996; to the Committee on Governmental Affairs.

EC–2933. A communication from Chairman of the Farm Credit System Insurance Corporation, transmitting, pursuant to law, the annual report for calendar year 1995; to the Committee on Governmental Affairs.

EC–2934. A communication from the Office of the District of Columbia Auditor, transmitting, pursuant to law, the report entitled "The Performance Review of the Board of Real Property Assessments and Appeals for the District of Columbia for Tax Year 1996 Appeals"; to the Committee on Governmental Affairs.

EC–2935. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule regarding announcement 96–53, received on June 3, 1996; to the Committee on Finance.

EC–2936. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule regarding Revenue Procedure 96–35, received on May 31, 1996; to the Committee on Finance.

EC–2937. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule regarding Revenue Ruling 96–31, received on May 31, 1996; to the Committee on Finance.

EC–2938. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule regarding Revenue Ruling 96–32, received on May 31, 1996; to the Committee on Finance.

EC–2939. A communication from the Commissioner of Social Security, transmitting, a draft of proposed legislation regarding the Social Security Act; to the Committee on Finance.

EC–2940. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report concerning participation, assignment, and extra billing in the Medicare program; to the Committee on Finance.

EC–2941. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report entitled "Health Care Financing Administration Staff Summary"; to the Committee on Finance.

EC–2942. A communication from the Chief of Staff, Office of Social Security, transmitting, pursuant to law, the report of a final rule regarding Federal Old-Age, Survivors and Disability Insurance (RIN0960–AE43), received on June 3, 1996; to the Committee on Finance.

EC–2943. A communication from the Chief of the Regulations Branch, U.S. Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a final rule entitled "Removal of Toshiba Sanction Regulations," (RIN1515–AB96) received on May 31, 1996; to the Committee on Finance.

EC–2944. A communication from the Attorney-Advisor Federal Register Certifying Officer, Financial Management Service, Department of the Treasury, transmitting, pursuant to law, the report of a final rule entitled "Federal Process Agents of Surety Companies," (RIN1510–AA49) received on May 31, 1996; to the Committee on Finance.

EC–2945. A communication from the Secretary of the Department of the Treasury, transmitting, pursuant to law, the report of the Treasury Forfeiture Fund for fiscal year 1995; to the Committee on Finance.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. THURMOND, from the Committee on Armed Services, with amendments:

S. 1718. An original bill to authorize appropriations for fiscal year 1997 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and for the Central Intelligence Agency Retirement and Disability System, and for other purposes (Rept. No. 104–277).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PRESSLER, from the Committee on Commerce, Science, and Transportation:

James E. Hall, of Tennessee, to be Chairman of the National Transportation Safety Board for a term of 2 years. (Reappointment)

(The above nomination was reported with the recommendation that he be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. PRESSLER. Mr. President, for the Committee on Commerce, Science, and Transportation, I also report favorably two nomination lists in the Coast Guard, which were printed in full in the CONGRESSIONAL RECORDS on April 19, and May 22, 1996, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk were printed in the RECORDS of April 19, and May 22, 1996, at the end of the Senate proceedings.)

The following officers of the United States Coast Guard to be members of the Permanent Commissioned Teaching Staff at the

Coast Guard Academy in the grade of lieutenant commander:

Vincent Wilczynski John B. McDermott

The following officer of the United States Coast Guard to be a member of the Permanent Commissioned Teaching Staff at the Coast Guard Academy in the grade of lieutenant:

James R. Dire

The following individual for appointment as a permanent regular commissioned officer in the United States Coast Guard in the grade of lieutenant:

Andrew J. Sorenson

By Mr. THURMOND, from the Committee on Armed Services:

Robert E. Anderson, of Minnesota, to be a Member of the Board of Regents of the Uniformed Services University of the Health Sciences for a term expiring June 20, 2001.

Lonnie R. Bristow, of California, to be a Member of the Board of Regents of the Uniformed Services University of the Health Sciences for a term expiring June 20, 2001.

Shirley Ledbetter Jones, of Arkansas, to be a Member of the Board of Regents of the Uniformed Services University of the Health Sciences for a term expiring May 1, 2001.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. GREGG (for himself, Mr. HELMS, and Mr. SHELBY):

S. 1845. A bill to amend the Federal Election Campaign Act of 1971 to require written consent before using union dues and other mandatory employee fees for political activities; to the Committee on Rules and Administration.

By Mr. KYL:

S. 1846. A bill to permit duty free treatment for certain articles provided by the Max Planck Institute for Radioastronomy and the Arcetri Astrophysical Observatory to the Steward Observatory; to the Committee on Finance.

By Mr. AKAKA (for himself and Mr. SMITH):

S. 1847. A bill to amend the Packers and Stockyards Act, 1921, to make it unlawful for any stockyard owner, market agency, or dealer to transfer or market nonambulatory cattle, sheep, swine, horses, mules, or goats, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. BOXER (for herself, Mr. INOUYE, Mrs. FEINSTEIN, and Mr. KENNEDY):

S. 1848. A bill to amend the Internal Revenue Code of 1986 to encourage the production and use of clean-fuel vehicles, and for other purposes; to the Committee on Finance.

By Mr. ROTH (for himself and Mr. MOYNIHAN):

S. 1849. A bill to make technical corrections in trade legislation; to the Committee on Finance.

By Mr. STEVENS (for himself, Mr. WARNER, Mr. DODD, Mr. BENNETT, Mrs. BOXER, Mr. BREAUX, Mr. BRYAN, Mr. BURNS, Mr. CHAFEE, Mr. COATS, Mr. COCHRAN, Mr. D'AMATO, Mr. GRAHAM, Mr. HEFLIN, Mrs. HUTCHISON, Mr. JEFFORDS, Mr. KERRY, Mr. LIEBERMAN, Mr. LOTT, Ms. MOSELEY-BRAUN, Mr. MURKOWSKI, Mr. PELL, Mr. PRESSLER, Mr. ROBB, Mr. SIMON, and Ms. SNOWE):

S. 1850. A bill to provide for the recognition and designation of the official society to administer and coordinate the United States of America activities to commemorate and celebrate the achievements of the second millennium, and promote even greater achievements in the millennium to come by endowing an international cross-cultural scholarship fund to further the development and education of the world's future leaders; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HELMS (for himself, Mr. FEINGOLD, Mr. MACK, and Mr. SMITH):

S.J. Res. 56. A joint resolution disapproving the extension of nondiscriminatory treatment (most-favored-nation treatment) to the products of the People's Republic of China; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GREGG (for himself, Mr. SHELBY, and Mr. HELMS):

S. 1845. A bill to amend the Federal Election Campaign Act of 1971 to require written consent before using union dues and other mandatory employee fees for political activities; to the Committee on Rules and Administration.

THE UNION MEMBER PROTECTION ACT

• Mr. GREGG. Mr. President, I introduce the Union Member Protection Act. As you may know, the unions are mounting an unprecedented campaign this year to defeat Republican Members of Congress. The main source of the money for this campaign comes from compulsory union dues levied upon rank-and-file union members, as well as nonunion members who work in union shops. This past March the AFL–CIO, at a unique convention in Washington, DC, voted to levy a special assessment on every dues payer of 15 cents monthly per person to raise $25 million of the $35 million goal.

In a recent survey of 1,000 rank-and-file union members, commissioned by Americans for a balanced budget and conducted by the Luntz Research Cos. 58 percent of the union members were not aware that the national labor unions were using mandatory monthly dues on a $35 million campaign to defeat Republican Members of Congress. When told of this, 62 percent opposed the use of their union dues for this political effort. This is not surprising considering that nearly 40 percent of union members voted Republican in the 1994 elections.

When discussing the pledge of $35 million from the unions for the purpose of unseating Republicans, Vice President GORE stated, "One group with a conscience connected to working families can overpower hundreds of thousands of interests working against the interest of working families." Conscience? Washington union bosses are living extravagant lifestyles, financed from workers' paychecks and, yet, they would have people believe that Republicans are the ones out of touch with rank and file working families. Union bosses have spent $2.3 million on the AFL–CIO's private airplane, $1.9 million to decorate the personal home and conference center of a union boss, $250,000 for a Washington, DC, condominium, and more than $100,000 for a union boss' funeral. These very same union bosses are responsible for President Clinton exempting the labor unions' health care plans from his proposed Government takeover of the Nation's health care system, revoking President Bush's executive order requiring unions to notify their rank-and-file members of their right not to fund union political activities, and vetoing numerous bills opposed by the Washington union bosses, including a balanced budget, family tax cuts, and welfare reform. It's no wonder that 66 percent of union members prefer the leadership of their local chapters.

My bill, the Union Member Protection Act, will allow no dues, fees, or other money required as a condition of employment to be collected from an individual for use in noncollective-bargaining activities unless the individual has given prior written consent. Noncollective-bargaining activities would include: First, nonpartisan registration and get-out-the-vote campaigns and second; the establishment, administration, and solicitation of contributions to a separate fund to be used for political purposes. The written consent could be revoked in writing at any time.

Mr. President, when a meeting of union leaders in Washington, DC, can result in the bosses' effectively imposing a tax increase on the union workers across the country so that the union bosses can have millions of dollars at their disposal to pursue their personal political agendas, the collective-bargaining power that Congress granted the unions is being abused. When we know that nearly two-thirds of the union workers are not even aware they are being so taxed and disagree with the D.C. bosses' politicizing of their own dues in this manner, the abuse becomes so acute that it calls out for reform. My bill is a simple reform: It gives individual workers the direct right to say "yes" or "no" whenever union bosses ask them to finance activities that fall outside the scope of collective bargaining. If the union bosses here in Washington are so confident their workers agree with their politics, they should have no problem with this bill. We'll soon see how confident they are.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1845

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Union Member Protection Act".

SEC. 2. WRITTEN CONSENT REQUIRED TO USE UNION DUES AND OTHER MANDATORY EMPLOYEE FEES FOR POLITICAL ACTIVITIES.

(a) IN GENERAL.—Section 316(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b(b)) is amended by adding at the end the following new paragraph:

"(8)(A) No dues, fees, or other moneys required as a condition of membership in a labor organization or as a condition of employment shall be collected from an individual for use in activities described in subparagraph (A), (B), or (C) of paragraph (2) unless the individual has given prior written consent for such use.

"(B) Any consent granted by an individual under subparagraph (A) shall remain in effect until revoked and may be revoked in writing at any time.

"(C) This paragraph shall apply to activities described in paragraph (2)(A) only if the communications involved expressly advocate the election or defeat of any clearly identified candidate for elective public office."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts collected more than 30 days after the date of the enactment of this Act.•

By Mr. KYL:

S. 1846. A bill to permit duty free treatment for certain articles provided by the Max Planck Institute for Radioastronomy and the Arcetri Astrophysical Observatory; to the Committee on Finance.

TARIFF EXEMPTION LEGISLATION

• Mr. KYL. Mr. President, I introduce legislation today to permit duty-free treatment for certain structures, parts, and components provided by the Max Planck Institute to University of Arizona's submillimeter telescope and provided by the Arcetri Astrophysical Observatory for the University of Arizona's large binocular telescope [LBT]. This legislation will help ensure the continued progress of astronomy in the United States and in Arizona.

To advance the potential of submillimeter astronomy, the Steward Observatory of the University of Arizona and the Max Planck Institute in Germany are collaborating on the construction and operation of a dedicated submillimeter telescope in Arizona. The University of Arizona has unique capabilities in large glass optics, instrumentation, and mountaintop sites; the Max Planck Institute in development of large, precise radio astronomy telescopes.

The SMT is the highest accuracy radio telescope ever built. And the SMT project has fostered an effective collaboration between an American University, a German national research laboratory and high-technology industries in both Germany and America.

The Tariff and Trade Act of 1984 provided a waiver of tariffs for equipment and materials provided by the Max Planck Institute. An extension of the waiver is necessary to further develop custom instrumentation not available from any U.S. producer. An extension of the waiver is also necessary to allow the calibration and repair of the equipment required by the project.

In addition, the University of Arizona has collaborated with Arcetri Astrophysical Observatory in Florence, Italy, to build the large binocular telescope. The scientific goals of the LBT include studies of the early universe and the formation of galaxies more than 10 billion years ago. The very high sensitivity and spatial resolution for the LBT will make it the most powerful instrument in the world for this kind of astronomical research.

This legislation will also provide duty-free treatment for components that cannot be obtained in the United States for construction of the University of Arizona's large binocular telescope.

At a time when Federal budget constraints have made belt-tightening necessary, these tariff exemptions are important to the continued success of scientific research.•

By Mrs. BOXER (for herself, Mr. INOUYE, Mrs. FEINSTEIN, and Mr. KENNEDY):

S. 1848. A bill to amend the Internal Revenue Code of 1986 to encourage the production and use of clean-fuel vehicles and for other purposes; to the Committee on Finance.

THE CLEAN FUEL VEHICLE ACT OF 1996

• Mrs. BOXER. Mr. President, today I want to talk about choices in transportation. Most Americans who travel to work get there by car, some perhaps by bus or commuter rail. Some even fly by jet airplane. These are all choices in transportation modes, but they all have one thing in common: oil.

As we enter the 21st century, we must expand our choices in how we power transportation in this country. The percentage of total energy use devoted to transportation is now at its highest level ever. Transportation accounts for two-thirds of the country's total petroleum use, and transportation is 97 percent dependent on petroleum.

Americans are traveling by car more and more. The total number of vehicle miles traveled in California has increased by 10 percent since 1991. Meanwhile, fuel economy has decreased for the second year in a row.

This dependence on petroleum puts our economy foolishly at risk. The arteries of our economy run on oil; and as we have seen with the latest gasoline price hikes, clogged arteries can cause heart problems in this economy.

The cost of our oil addiction is paid not just at the pump but at our hospitals and doctors' offices.

According to the Coalition for Clean Air, diesel exhaust alone has been associated with up to 30,000 lung cancer deaths in California. Think about this: thirty thousand painful, premature deaths from one source in one State.

In order to develop transportation choices that improve our health and wean us from the oil pump, we must develop real incentives for buyers to consider alternatively fueled vehicles.

We began to do that in a real meaningful way in Congress in 1992 with the Energy Policy Act. The modest incentives in that law helped to almost double the number of alternatively fueled vehicles on the road. To continue this trend, we need to build on our current incentives and really spur the market for clean-fuel vehicles.

That is why I am introducing, with Senators INOUYE, FEINSTEIN, and KENNEDY, the Clean Fuel Vehicle Act of 1996. This bill provides a set of temporary, targeted tax incentives designed to spur the market for clean-fuel vehicles by making them cost competitive with fossil-fueled vehicles.

Increased use of zero-emission or low-emission vehicles will reduce the Nation's dependence on foreign oil, reduce harmful transportation emissions, and stimulate market demand for high-technology vehicles and components.

First, my bill exempts electric vehicles [EV's] and other clean-fuel vehicles from the luxury tax and from the depreciation on luxury automobiles. This corrects a ludicrous inconsistency in current tax law. The law now provides a 10 percent tax credit of up to $4,000 on the purchase of an EV. At the same time, however, a luxury tax is imposed if the total price of the car exceeds $32,000. In effect, our current stimulus program puts a tax break into one pocket and takes it out of the other.

Second, my bill will allow the entire cost of an EV to be depreciated over a 5-year span. Under current law, only the first $3,000 or so of the purchase price may be depreciated over 5 years; the remaining cost must be recovered over a much longer period.

Third, the Boxer bill lifts the Government use restriction on tax incentives, giving a private business that leases EV's to a Government agency the same tax incentives it gets for leasing to a private interest. Because of their great size and visibility, Government fleets are the initial target market for clean-fuel vehicles.

Fourth, my bill eliminates an oversight in the 1992 Energy Act that allows an electric-powered bus to take advantage of only the existing $4,000 tax credit. The bill would make electric buses also eligible for the $50,000 tax deduction available to other clean-fuel buses. This tax deduction would be greater than the $4,000 tax credit, especially for urban transit buses.

Finally, my bill overturns a 1995 IRS decision to tax liquified natural gas [LNG] as a liquid fuel similar to diesel.

LNG holds the most promise as an alternative fuel for heavy-duty transportation such as trucks and locomotives. It is abundant and cheaper than oil, and it contains more energy per pound than gasoline or diesel fuel. LNG is cooled to an extreme temperature whereas its chemical cousin, compressed natural gas [CNG] is pressurized for storage. Both perform the same in a vehicle's engine. The advantage for LNG is less volume needed for on-board storage, which is important for heavy-duty vehicles such as trucks and buses. Lowering the tax on LNG is an important step for putting clean-fuel trucks and buses on California highways.

The IRS ruling put LNG at a tremendous cost disadvantage, which might well doom the emerging market for this clean-burning fuel. The IRS ruled that since LNG was not specifically mentioned in the 1993 legislation which set the tax rate for CNG, it must be an other liquid fuel used in motor vehicle transportation under IRC section 4041(a), even though LNG is exactly the same as CNG when it enters an engine. The tax on gas is levied on 1 million cubic feet rate. If you do the math that provides the per gallon equivalence, it reveals that the IRS ruling places an effective tax rate of 31.5 cents per gallon, diesel, equivalent on LNG, a disparity of 25.6 cents when compared to the tax on CNG. In fact, this tax rate places LNG 7.1 cents above the tax on diesel, the very fuel for which LNG is the clean-burning alternative.

As you can see, the provisions in the Boxer Clean Fuel Vehicle Act are based on common sense:

Don't give clean-fuel vehicles a small tax break and then turn around and tax them as luxury vehicles;

Give electric buses the same tax deduction provided other clean-fuel buses; and

Make the taxes on natural gas fair and consistent and let LNG be a real competitor to diesel.

Finally, this bill says: Let's get serious and provide a significant tax credit for those who buy electric vehicles. And let's encourage leasing arrangements with local governments by allowing private companies to obtain the tax breaks and pass them to the governments through lower costs.

As anyone who has been gouged at the gas pump recently can tell you, it is high time to break oil's stranglehold on American consumers. To do that, we must help provide them with choices.

The Boxer bill provides a jump-start for clean-fuel vehicles, not a permanent subsidy. All of the tax incentives in my bill will expire at the end of the year 2004. By then, the clean-fuel vehicle market will be on its own, and we can enjoy a cleaner, healthier 21st century.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1848

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This Act may be cited as the "Clean-Fuel Vehicle Act of 1996".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 2. EXEMPTION OF ELECTRIC AND OTHER CLEAN-FUEL MOTOR VEHICLES FROM LUXURY AUTOMOBILE CLASSIFICATION.

(a) IN GENERAL.—Subsection (a) of section 4001 (relating to imposition of tax) is amended to read as follows:

"(a) IMPOSITION OF TAX.—

"(1) IN GENERAL.—There is hereby imposed on the 1st retail sale of any passenger vehicle a tax equal to 10 percent of the price for which so sold to the extent such price exceeds the applicable amount.

"(2) APPLICABLE AMOUNT.—

"(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), the applicable amount is $30,000.

"(B) QUALIFIED CLEAN-FUEL VEHICLE PROPERTY.—In the case of a passenger vehicle which is propelled by a fuel which is not a clean-burning fuel to which is installed qualified clean-fuel vehicle property (as defined in section 179A(c)(1)(A)) for purposes of permitting such vehicle to be propelled by a clean-burning fuel, the applicable amount is equal to the sum of—

"(i) $30,000, plus

"(ii) the increase in the price for which the passenger vehicle was sold (within the meaning of section 4002) due to the installation of such property.

"(C) PURPOSE BUILT PASSENGER VEHICLE.—

"(i) IN GENERAL.—In the case of a purpose built passenger vehicle, the applicable amount is equal to 150 percent of $30,000.

"(ii) PURPOSE BUILT PASSENGER VEHICLE.—For purposes of clause (i), the term 'purpose built passenger vehicle' means a passenger vehicle produced by an original equipment manufacturer and designed so that the vehicle may be propelled primarily by electricity."

(b) CONFORMING AMENDMENTS.—

(1) Subsection (e) of section 4001 (relating to inflation adjustment) is amended to read as follows:

"(e) INFLATION ADJUSTMENT.—

"(1) IN GENERAL.—The $30,000 amount in subparagraphs (A), (B)(i), and (C)(i) of subsection (a)(2) shall be increased by an amount equal to—

"(A) $30,000, multiplied by

"(B) the cost-of-living adjustment under section 1(f)(3) for the calendar year in which the vehicle is sold, determined by substituting 'calendar year 1990' for 'calendar year 1992' in subparagraph (B) thereof.

"(2) ROUNDING.—If any amount as adjusted under paragraph (1) is not a multiple of $2,000, such amount shall be rounded to the next lowest multiple of $2,000."

(2) Subparagraph (B) of section 4003(a)(2) is amended to read as follows:

"(B) the appropriate applicable amount as determined under section 4001(a)(2)."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to sales and installations occurring and property placed in service on or after July 1, 1996.

SEC. 3. GOVERNMENTAL USE RESTRICTION MODIFIED FOR ELECTRIC VEHICLES.

(a) IN GENERAL.—Paragraph (3) of section 30(d) (relating to special rules) is amended by inserting "(without regard to paragraph (4)(A)(i) thereof)" after "section 50(b)".

(b) CONFORMING AMENDMENT.—Paragraph (5) of section 179A(e) (relating to other definitions and special rules) is amended by inserting "(without regard to paragraph (4)(A)(i) thereof in the case of a qualified electric vehicle described in subclause (I) or (II) of subsection (b)(1)(A)(iii) of this section)" after "section 50(b)".

(c) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service on or after the date of the enactment of this Act.

SEC. 4. LARGE ELECTRIC TRUCKS, VANS, AND BUSES ELIGIBLE FOR DEDUCTION FOR CLEAN-FUEL VEHICLES.

(a) IN GENERAL.—Paragraph (3) of section 179A(c) (defining qualified clean-fuel vehicle property) is amended by inserting ", other than any vehicle described in subclause (I) or (II) of subsection (b)(1)(A)(iii)" after "section 30(c))".

(b) DENIAL OF CREDIT.—Subsection (c) of section 30 (relating to credit for qualified electric vehicles) is amended by adding at the end the following new paragraph:

"(3) DENIAL OF CREDIT FOR VEHICLES FOR WHICH DEDUCTION ALLOWABLE.—The term 'qualified electric vehicle' shall not include any vehicle described in subclause (I) or (II) of section 179A(b)(1)(A)(iii)."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service on or after the date of the enactment of this Act.

SEC. 5. ELECTRIC VEHICLE CREDIT AMOUNT AND APPLICATION AGAINST ALTERNATIVE MINIMUM TAX.

(a) IN GENERAL.—Subsection (a) of section 30 (relating to credit for qualified electric vehicles) is amended by striking "10 percent of".

(b) APPLICATION AGAINST ALTERNATIVE MINIMUM TAX.—Section 30(b) (relating to limitations) is amended by striking paragraph (3).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1996.

SEC. 6. RATE OF TAX ON LIQUEFIED NATURAL GAS TO BE EQUIVALENT TO RATE OF TAX ON COMPRESSED NATURAL GAS.

(a) IN GENERAL.—Paragraph (3) of section 4041(a) (relating to diesel fuel and special motor fuels) is amended—

(1) by striking subparagraph (A) and inserting the following new subparagraph:

"(A) IMPOSITION OF TAX.—

"(i) IN GENERAL.—There is hereby imposed a tax on compressed or liquefied natural gas—

"(I) sold by any person to an owner, lessee, or other operator of a motor vehicle or motorboat for use as a fuel in such motor vehicle or motorboat, or

"(II) used by any person as a fuel in a motor vehicle or motorboat unless there was a taxable sale of such gas under subclause (I).

"(ii) RATE OF TAX.—The rate of tax imposed by this paragraph shall be—

"(I) in the case of compressed natural gas, 48.54 cents per MCF (determined at standard temperature and pressure), and

"(II) in the case of liquefied natural gas, 4.3 cents per gallon.", and

(2) by inserting "OR LIQUEFIED" after "COMPRESSED" in the heading.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (2) of section 4041(a)(2) is amended by striking "other than a Kerosene" and inserting "other than liquefied natural gas, kerosene".

(2) The heading for section 9503(f)(2)(D) is amended by inserting "OR LIQUEFIED" after "COMPRESSED".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.●

By Mr. STEVENS (for himself, Mr. WARNER, Mr. DODD, Mr. BENNETT, Mrs. BOXER, Mr. BREAUX, Mr. BRYAN, Mr. BURNS, Mr. CHAFEE, Mr. COATS, Mr. COCHRAN, Mr. D'AMATO, Mr. GRAHAM, Mr. HEFLIN, Mrs. HUTCHISON, Mr. JEFFORDS, Mr. KERRY, Mr. LIEBERMAN, Mr. LOTT, Ms. MOSELEY-BRAUN, Mr. MURKOWSKI, Mr. PELL, Mr. PRESSLER, Mr. ROBB, Mr. SIMON, and Ms. SNOWE):

S. 1850. A bill to provide for the recognition and designation of the official society to administer and coordinate the United States of America activities to commemorate and celebrate the achievements of the second millennium, and promote even greater achievements in the millennium to come by endowing an international cross-cultural scholarship fund to further the development and education of the world's future leaders; to the Committee on Banking, Housing, and Urban Affairs.

THE MILLENNIUM ACT OF 1996

● Mr. STEVENS. Mr. President, today I am introducing the Millennium Act of 1996 along with my colleagues, Senators WARNER, DODD, BENNETT, BOXER, BREAUX, BURNS, CHAFEE, COATS, D'AMATO, GRAHAM, HEFLIN, HUTCHISON, JEFFORDS, KERRY, LIEBERMAN, LOTT, MOSELEY-BRAUN, MURKOWSKI, PELL, PRESSLER, ROBB, SIMON, SNOWE, BRYAN, and COCHRAN.

This bill is a bipartisan effort to focus the Nation's attention on what may become one of the most anticipated events in history—the beginning of the new millennium. As the new millennium nears, this bill hopes to focus our attention on the achievements of the past 1,000 years and helps to foster educational opportunities for those who may take on leadership responsibilities in the next 1,000 years.

Since its founding in 1979 by a group of college students from around the world, The Millennium Society has worked to organize a global celebration and commemoration of humankind's achievements during this millennium and to endow a cross-cultural scholarship program to help educate future leaders. I believe it is the oldest organization in the country formed for the specific purpose of celebrating and commemorating the historical significance of the Millennium. The Society was incorporated as a 501(c)(3) nonprofit, charitable organization in 1984 for the purpose of establishing and administering the Millennium Society Scholarship Program.

The Millennium Society plans to organize and telecast "Countdown 2000" celebrations here and around the world to enable the international community to both view and participate in this historic moment. The Society hopes that the "Countdown 2000" events will raise at least $100 million to permanently endow its Millennium Scholars Program.

Unlike the Bicentennial Commission which required Federal funding, this bill asks for no Federal funds. Title I of this bill provides the Society with the official authorization and designation to administer Millennium activities both here and abroad and ensures that charitable proceeds go to the Millennium Scholars Program. The organizers hope that this designation can operate much like the U.S. Olympic Committee trademark. Mr. President, to the best of my knowledge, there are no other organizations that are competing for this designation nor have any indicated any specific interest in doing so.

The second title authorizes the minting of commemorative coins. This bill incorporates some of the language from the House Commemorative Coin reform legislative package, H.R. 2614. Specifically, the Millennium Society agrees not to derive any proceeds until all the numismatic operation and program costs allowable to the program have been recovered by the U.S. Mint. Moreover, it embodies some of the key criteria and recommendations of the Citizens Commemorative Coin Advisory Commission. The minting of the Millennium coins would not begin until July of 1999. Further, through its own fund raising efforts, the Millennium Society will match the funds received through commemorative coin sales for its scholarship program.

The third title of the bill expresses the sense of Congress that the U.S. Postal Service should consider the issuance of stamps to commemorate the close of the second millennium and the advent of the third millennium.

The Millennium Society was established as an international charitable organization dedicated to giving students from around the world a chance to go on to college and to promote international fellowship and understanding among the world's peoples on an unofficial and nongovernmental basis.

I hope other Senators will join us in supporting this legislation to both commemorate the coming millennium and help provide scholastic funding for its future leaders.●

By Mr. HELMS (for himself, Mr. FEINGOLD, Mr. MACK, and Mr. SMITH):

S.J. Res. 56. A joint resolution disapproving the extension of nondiscriminatory treatment—most-favored-nation treatment—to the products of the People's Republic of China; to the Committee on Finance.

THE CHINA MOST-FAVORED-NATION TREATMENT DISAPPROVAL JOINT RESOLUTION

Mr. HELMS. Mr. President, inasmuch as I believe Senators ought to take a position on the very significant question of a most-favored-nation designation of China by the United States, I, today, along with Senator FEINGOLD, Senator MACK, and others, offer a resolution of disapproval of President Clinton's renewal of most-favored-nation treatment for China.

As I indicated earlier, Senator FEINGOLD, Senator MACK, Senator SMITH of New Hampshire are principal cosponsors of this resolution of disapproval.

Now then, if there is somehow a valid reason for the United States—the world's leader in freedom—to offer the same trading terms to China that the United States offers to other nations that do honor their citizens' human rights and that do respect the rule of law, I cannot think of such a reason. None come to mind.

Mr. President, this is President Clinton's fourth renewal of MFN status for China. The President has covered the waterfront on this issue. He has been all over the lot. He has had his customary array of positions on MFN, as with countless other issues, and it is almost impossible to follow the President's ever-changing position without, as the saying goes, a printed program. As a candidate running for the Presidency in 1992, Mr. Clinton condemned the Bush administration for what candidate Clinton alleged was "coddling dictators." But when Mr. Clinton took office in 1993, he decided, no, it was all right with him to support MFN to China—provided that China "made progress" in respecting human rights. The following year, 1994, when the President was forced to acknowledge that there had been no progress by China in human rights, President Clinton decided that human rights should not even be a factor in the annual MFN renewal.

Instead, the President said that he would advance human rights through a set of principles for United States businesses, enhanced international broadcasting to China, and what the President described as "increased support for nongovernmental organizations working on human rights in China."

That was 2 years ago, and we are still waiting for any evidence whatsoever that any of the Clinton initiatives have gone anywhere or accomplished anything. The business principles announced by the White House did not even mention China or its flagrant labor abuses.

We are still waiting for Radio Free Asia, which the administration has apparently renamed and is now calling it the Asia Pacific Network, or some such thing, because apparently somebody in the Clinton administration perhaps decided that the name Radio Free Asia may be a little bit confrontational insofar as the Communist Chinese are concerned. Well, as for the aid to nongovernmental groups supporting human rights in China, perhaps the administration would be willing at least to give us a hint as to what, if anything, has been done. They certainly have made no report on the matter one way or the other. I do not believe one thing has been accomplished.

This year, when the President announced his intention to renew MFN, he said the MFN decision "isn't a referendum on all China's policies." I say, the heck it is not. Whether Mr. Clinton likes it or not, when the United States extends MFN to China, we are treating China like virtually all of our other trading partners. There are, of course, many other countries that deserve a stern line from the United States, but China is in a class by itself when it comes to the violations of human rights.

The fact is, Mr. President, that China's record on human rights, since the most recent MFN renewal, has continued to be disgraceful. Even the State Department's latest annual report on human rights stated that the Chinese regime "continued to commit widespread and well-documented human rights abuses," abuse, I might add, which affect every kind of fundamental human rights imaginable.

According to many observers, religious persecution in particular intensified with the Government moving against independent Christian churches and Muslim groups. Challenges to the regime were not tolerated. Quoting the State Department, "By year's end, almost all public dissent against the central authorities was silenced by intimidation, exile or imposition of prison terms or administrative detention."

The annual MFN debate has become more than a mere referendum on China's policies; it is now a referendum on the Clinton administration's policies, and President Clinton made it so. In the future, in addition to requiring report on China's human rights record, perhaps we should consider an annual report on the Clinton administration's China policy.

During the past year alone, the Clinton administration decided to look the other way while China sent nuclear material to Pakistan because, the administration says, the Chinese leadership didn't know anything about it. Now come reports that China is seeking to acquire components of SS-18 missiles from Russia and the Ukraine. And I discussed that subject on this floor this past Tuesday.

China has fired missiles over the Taiwan Strait in a reckless and bellicose attempt to intimidate Taiwan's people as they established the first Chinese democracy. Despite explicit commitments to preserve Hong Kong's institutions and autonomy after 1997, the Chinese Government has announced it will abolish the elected legislature and made threats against the independent judiciary and civil servant of Hong Kong.

On Trade, it is the same story. Last year, the administration agreed to let China have a year to crack down on dozens of pirate compact disk factories. In April, the administration let it be known in news reports that President would be hard pressed to renew MFN if Beijing didn't follow through on its promise to end the pirating of copyrighted material. The regime has not followed through and the President renewed MFN anyway. Now we are waiting to see if the administration imposes $2 billion in sanctions against Chinese products, imported with United States.

Despite all of these egregious examples of Chinese misbehavior, we still pay China's bills. Our trade with China is one-way. The United States buys 40 of China's exports, but China severely limits United States access of United States exports to their markets. Last year, our exports to Taiwan, Hong Kong, and even Belgium were greater than our exports to China, even though those countries have a tiny fraction of China's population.

Still some businessmen contend that we need to trade with China. It will open up their society, they say. But what is going on in China is not free trade. The regime is turning over enterprises to the military so it can make money for itself and acquire technology from foreign businesses. There is no rule of law to protect Chinese or foreign investors. Official corruption is widespread. A disagreement with a business partner who has official connections can land you in jail.

Renewing MFN again this year will be a sign to Beijing that the United States will do business as usual with China no matter what the consequences. I trust that Senators will bear this in mind as the days go by.

Mr. FEINGOLD. Mr. President, I thank the chairman of the Foreign Relations Committee, the Senator from North Carolina, for his leadership on the MFN issue and for the bipartisan effort which is needed because we have a bipartisan problem on the other side of this issue.

Mr. President, on May 31, President Clinton announced his intention to extend for another year most-favored-nation trading status to China, a decision I regret as objectionable and truly perplexing. Our previous President, former President Bush, took that position, and regrettably the majority leader who obviously seeks to be President, also takes the same position. So we have a very serious problem with a past administration, a current administration, and potentially another administration all turning away from this issue of whether or not China deserves most-favored-nation status. I think that is objectionable because it reaffirms an erroneous and even illogical choice made by the administration in 1994: that trade rights and human rights are not interrelated and, yet, that through "constructive engagement," including easy trade terms, human rights will improve. The chairman of the committee and I argued then that this approach was naive and predicted that the dismal human rights situation in China would remain unchanged. Unfortunately and sadly, I and others concerned with the Beijing regime's callous disregard for the basic rights of any individual, have been proven right. De-linking MFN to improvement in human rights has resulted only in despair, prison, and abuse for those struggling in China to guarantee basic freedoms. The President' decision is perplexing because it seems so very clear to me and other, more expert, observers that the Chinese covet and need trade with the United States and that the only pressure they apparently respect is the prospect of economic sanctions. Words and exhortations to improve, to act decently and in conformity with international norms, are pocketed and ignored. It is not working. In fact, things have gotten worse.

So I rise today, Mr. President, to join in offering a resolution of disapproval of the President's action, an option available to the Congress under the 1974 Jackson-Vanik amendment. I recognize that this resolution will draw strong opposition. I know that the leadership in both Houses has already indicated its support for the President's announcement and we will soon be witness to a heavy lobbying effort by the administration and its allies in business and in the Congress to prevent our resolution from prevailing. So the odds are difficult. Of course, the odds are even more difficult for overriding a Presidential veto should we succeed. Nevertheless, I believe denying MFN-status to China is the right thing to do and should be pursued, not just for those suffering at the hands of the Chinese regime, but because it is in our national interest on many fronts: political, economic, and moral.

Let me turn first, Mr. President, to the state of human rights in China which the Senator from North Carolina has discussed in some detail. Two years after the administration's de-linking decision, the State Department's annual report on human rights described an abysmal situation, marked by increased repression. I quote here verbatim:

> Abuses included arbitary and lengthy incommunicado detention, forced confession, torture and mistreatment of prisoners. Prison conditions remained harsh. The government continues severe restrictions on freedom of speech, the press, assembly, association, religion, privacy, movement and workers rights. The report continued that by the end of 1995 almost all public dissent had been silenced by intimidation, exile or imposition of prison terms or administrative detention.

In December 1995 we were witness to a concrete example of how little constructive engagement has accomplished. Wei Jingsheng, a prominent dissident who has dedicated his life to speaking out against the Chinese Government's repression of its own people, was hauled before a show court on charges of subversion. Wei Jingsheng had already spent 16 years looking at the inside of Chinese prison walls, but when he was finally released in 1993 he immediately and courageously took up again the cause of freedom. For his bravery and unstinting devotion to human rights Wei Jingsheng—after a 6-hour court proceeding—was sentenced to another 14 years. The administration issued a condemnation, of course, and an appeal for clemency. It is any surprise, Mr. President, that the Chinese took this statement for what it was—mere words—and that Wei Jingsheng languishes today in an abusive prison system?

The impunity with which the Chinese Government acts—and knows it can act—has a debilitating effect on dissent. We know from our own contacts that prominent intellectuals and common citizens temper their statements, carefully refraining from pronouncing on political topics.

I anticipate that administration apologists will point to recent reforms in the Chinese legal system as evidence that engagement is reaping benefits. But in a way that is like a Trojan Horse. Many of the reforms are meant to facilitate foreign investment by making clear the rules of the game and providing legal recourse for settling disputes. I imagine, however, that Wei Jingsheng and others take cold comfort in China's version of the Uniform Commercial Code. To be sure, reform of prison procedures and criminal laws are welcome developments. Perhaps they do point to an evolution in the rule of law in China. But unless they are put into practice—and they clearly are not if, as is the case in China, officials can detain individuals without charge or even acknowledgment of detention—the reforms are merely paper promises.

The list of human rights horrors goes on. In the past year, we have been witness to a well-documented report by Human Rights Watch/Asia detailing fatal neglect and abuse in Chinese orphanages. Tibetan religious sensitivities were trampled on when Chinese authorities usurped and gave to themselves the right to choose the Panchen Lama, second only to the Dalai Lama in Tibetan Buddhism, continuing a nearly 50-year pattern of persecution and repression of the Tibetan people. In fact, the Chinese admitted only on June 1—and here we have truly the phenomena of a wolf in sheep's clothing—that they were holding under house arrest "for his own protection" the 7-year-old boy designated by Tibetan Buddhists as the true Panchen Lama.

Chinese contempt for construction engagement is evident in other fora: thee bald-faced attempted intimidation of Taiwan in March, sales of nuclear equipment to Pakistan, the utter disregard for agreements to end violation of U.S. intellectual property rights.

Is it possible to come to anything but this self-evident conclusion: "constructive engagement" has failed so far to improve Chinese human rights behavior. I would say the evidence justifies the exact opposite conclusion: human rights have deteriorated and the regime emboldened to act recklessly in other areas vital to U.S. national interest.

In announcing his intent to extend MFN, President Clinton said that the decision, as the chairman has pointed out, "was not a referendum on China's policies." That is what the President indicated. And, of course, I believe firmly that the President abhors the daily repression and abuse in China. That is not the issue. What is the issue is how a tortured United States policy is perceived in Beijing. Recently, the administration announced it was taking the Chinese regime at its word that it had no idea that a Chinese firm—operated by the military—was selling ring magnets to Pakistan for use in that country's nuclear weapons program. This announcement—coming on the heels of tough talk of sanctions for what seems to me to be a clear violation of China's 1992 pledge to abide by the obligations of the Non-Proliferation Treaty—must have evoked self-satisfied smiles in Beijing.

Why? Because the threat of sanctions for ignoring our policies on nonproliferation—at least in this instance—went by the boards, just as our insistence that China respect human rights in return for normal trade relations were jettisoned in 1994. Looming on the horizon is the ballyhooed trade war over our threat to impose higher tariffs on some Chinese goods, in retaliation for China's blatant continuing violation of United States intellectual property rights, IPR. We have been down this road before. It was only in February 1995, when threatened with higher tariffs on $1 billion of its goods, that China signed an agreement to curb IPR piracy. In the 15 months since, by the estimate of the Motion Picture Industry Association, the harm to U.S. copyrighters has actually increased.

Let us see if we can briefly discern a pattern here. In 1992, the administration promises to link trade preferences to improvement in human rights. Two years later, that policy is abandoned. In 1995, our intelligence agencies discover Chinese violations of nonproliferation obligations. Sanctions are threatened and then abandoned in the face of promises to do better. Also, in 1995, the Chinese promise to do better on IPR and the problem worsens. Our response: more tough talk, and this time "we mean it." If I were sitting in Beijing, I would come to the conclusion that the threats are empty, the rhetoric hollow.

Constructive engagement has failed to alter Chinese behavior to the good. So let us drop the pretense and cut to the quick. We trade with China and extend to it normal trading privileges because our Government believes it benefits American business, the United States economy, and, therefore, the national interest. We look the other way, in practice if not in word, on Chinese violations of human rights, nonproliferation—perhaps in the end even on IPR—because it is good for business. As I said at the outset, I find this rationale perplexing.

Our trading relationship with China is really quite one-sided. Writing in the New York Times, May 16, Alan Tonelson, a research fellow at the U.S. Business and Industrial Association, argued that our $34 billion trade deficit with China depresses job creation, wages and growth of the United States economy. This tremendous deficit—which has helped China amass more than $70 billion in foreign reserves, a war chest useful to riding out any trade war—is not the result of fair-trading practices. China is a protectionist nation, Mr. Tonelson notes, with some of the highest tariffs in the world. It dumps artificially low-priced goods—products manufactured by children and convicts—on American markets, hurting U.S. competitors. According to Mr. Tonelson, China extorts know how and high-skill jobs from American companies, such as Boeing, seeking to set up shop in China. Certainly China is a vast market, with tremendous potential. But our 1995 exports to China of $11.7 billion—only 0.12 percent of our GNP—were less than what we send to Belgium or Hong Kong.

On the other hand, we buy up to 40 percent of China's exports and that allows China to finance its industrial and military modernization program. We have the leverage to make them play by the rules of the game. Does it not make sense to use that leverage now, from a relative position of strength, than try to make the Chinese play fair 10, 20, or 30 years from now when by many projections it will be a legitimate superpower? As Mr. Tonelson notes, even the higher tariffs imposed on China under a non-MFN scheme would still be lower than China's tariffs on our products.

Mr. President, if mortal outrage at blatant abuse of human rights is not reason enough for taking a tough stance with China—and I believe it is and that the American people do as well—then let us do so on grounds of self-interest.

United States credibility is at stake; a firm stance which refuses China the privilege—not the right—of MFN will enhance United States stature and, in the long run, benefit United States business, the American consumer, and, we can hope, ultimately leads to an improvement in China's economic and political behavior.

ADDITIONAL COSPONSORS

S. 459

At the request of Mr. BOND, the name of the Senator from Wisconsin [Mr. KOHL] was added as a cosponsor of S. 459, a bill to provide surveillance, research, and services aimed at prevention of birth defects, and for other purposes.

S. 607

At the request of Mr. WARNER, the name of the Senator from Minnesota [Mr. GRAMS] was added as a cosponsor of S. 607, a bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to clarify the liability of certain recycling transactions, and for other purposes.

S. 684

At the request of Mr. HATFIELD, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of S. 684, a bill to amend the Public Health Service Act to provide for programs of research regarding Parkinson's disease, and for other purposes.

S. 1389

At the request of Mrs. FEINSTEIN, the names of the Senator from Maryland [Ms. MIKULSKI] and the Senator from California [Mrs. BOXER] were added as cosponsors of S. 1389, a bill to reform the financing of Federal elections, and for other purposes.

S. 1703

At the request of Mr. MURKOWSKI, the name of the Senator from Colorado [Mr. CAMPBELL] was added as a cosponsor of S. 1703, a bill to amend the Act establishing the National Park Foundation.

S. 1714

At the request of Mr. BURNS, the names of the Senator from Alabama [Mr. HEFLIN] and the Senator from Missouri [Mr. ASHCROFT] were added as cosponsors of S. 1714, a bill to amend title 49, United States Code, to ensure the ability of utility providers to establish, improve, operate, and maintain utility structures, facilities, and equipment for the benefit, safety, and well-being of consumers, by removing limitations on maximum driving and on-duty time pertaining to utility vehicle operators and drivers, and for other purposes.

S. 1735

At the request of Mr. PRESSLER, the names of the Senator from Michigan [Mr. ABRAHAM] and the Senator from California [Mrs. FEINSTEIN] were added as cosponsors of S. 1735, a bill to establish the United States Tourism Organization as a nongovernmental entity for the purpose of promoting tourism in the United States.

S. 1743

At the request of Mr. BINGAMAN, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of S. 1743, a bill to provide temporary emergency livestock feed assistance for certain producers, and for other purposes.

S. 1756

At the request of Ms. MOSELEY-BRAUN, the names of the Senator from Kansas [Mrs. KASSEBAUM] and the Senator from New Jersey [Mr. BRADLEY] were added as cosponsors of S. 1756, a bill to provide additional pension security for spouses and former spouses, and for other purposes.

S. 1757

At the request of Mr. FRIST, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 1757, a bill to amend the Developmental Disabilities Assistance and Bill of Rights Act to extend the Act, and for other purposes.

S. 1771

At the request of Mr. MURKOWSKI, the name of the Senator from Florida [Mr. GRAHAM] was added as a cosponsor of S. 1771, a bill to amend the Consolidated Omnibus Reconciliation Act of 1985 to clarify that the fee for providing customs services in connection with passengers arriving on commercial vessels making a single voyage may be collected only one time from each passenger, and for other purposes.

S. 1840

At the request of Mr. PRESSLER, the name of the Senator from Nebraska [Mr. EXON] was added as a cosponsor of S. 1840, a bill to amend the Federal Trade Commission Act to authorize appropriations for the Federal Trade Commission.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the public that a hearing has been scheduled before the full Committee on Energy and Natural Resources to receive testimony regarding S. 1844, a bill to amend the Land and Water Conservation Fund Act to direct a study of the opportunities for enhanced water based recreation and for other purposes.

The hearing will be held on Thursday, June 13, 1996, it will begin at 9:30 a.m., and will take place in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

For further information, please call James P. Beirne, senior counsel or Betty Nevitt, staff assistant.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the public that the hearing scheduled before the full Committee on Energy and Natural Resources to receive testimony regarding S. 1804, a bill to make technical and other changes to the laws dealing with the territories and freely associated States of the United States, amendment No. 4039 and oversight into the law enforcement initiative in the Commonwealth of the Northern Mariana Islands, have been postponed from Tuesday, June 25, 1996, to Wednesday, June 26, at 9:30 a.m. and will take place in room SD–336 of the Dirksen Senate Office Building in Washington, DC.

For further information, please call James P. Beirne, senior counsel or Betty Nevitt.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet at 3 p.m. on Thursday, June 6, in executive session, to mark up a proposed SASC amendment to S. 1718, the intelligence authorization bill for fiscal year 1997, and to vote to report S. 1718 to the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, June 6, 1996, to conduct a hearing on S. 1317, the "Public Utility Holding Company Act of 1995."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be allowed to meet during the Thursday, June 6, 1996, session of the Senate for the purpose of conducting an executive session and markup.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. HATCH. Mr. President, the Finance Committee requests unanimous consent to conduct a hearing on Thursday, June 6, 1996, beginning at 9:00 a.m. in room SD–215. Most-favored-nation renewal for China.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, June 6, 1996, 2 p.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. HATCH. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Thursday, June 6, at 10 a.m., for a hearing on "Oversight on IRS Financial Management."

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. SPECTER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, June 6, 1996, at 5 p.m. to hold a closed markup on the DOD authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NEAR EASTERN AND SOUTH ASIAN AFFAIRS

Mr. HATCH. Mr. President, I ask unanimous consent that the Subcommittee on Near Eastern and South Asian Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, June 6, 1996, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PARKS, HISTORIC PRESERVATION, AND RECREATION

Mr. HATCH. Mr. President, I ask unanimous consent that the Subcommittee on Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, June 6, 1996, for purposes of conducting a subcommittee hearing which is scheduled to begin at 2 p.m. The purpose of this hearing is to consider S. 1703, a bill to amend the act establishing the National Park Foundation.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

THE SOCIAL SECURITY FAMILY PROTECTION ACT

• Ms. SNOWE. Mr. President, I am pleased to join my colleague and friend the Senator from Maryland, Senator MIKULSKI, in introducing legislation to correct an inequity that exists in our Social Security system.

The Social Security Family Protection Act that we are introducing today expands upon legislation I have introduced since 1992 which calls for the prorating of Social Security benefits in the month in which the recipient dies. Currently when a Social Security beneficiary dies—regardless of whether it is the first day of the month or the 29th day of the month, his or her last monthly benefit check must be returned to the Social Security Administration. The current system ignores the fact that the beneficiary runs up expenses during that last month and that the survivors are left to pay for those expenses, without the assistance of the Social Security check. In many cases, the loss of this benefit causes serious financial problems for the surviving family members because they are unable to financially subsidize the expenses accrued by the late beneficiary in their last month of life.

My original legislation prorates the Social Security benefit based on the date of death and allows the check to go to the surviving spouse. Under the Social Security Family Protection Act, the beneficiary's check will be prorated and it will go to the surviving family members. Under the prorated system in the bill, if the beneficiary dies before the 15th, the family will receive 50 percent of the benefit, if the beneficiary dies after the 15th, the family will receive the entire check. The expansion of this bill is based on Senator MIKULSKI's own family experience with Social Security after her widowed mother died, at the end of the month.

The Social Security Family Protection Act will correct the inappropriate assumption in current law that a beneficiary has not incurred expenses during his or her last month of life. I know that my colleagues have heard, as have Senator MIKULSKI and I, from constituents who have lost a husband or wife, father or mother toward the end of the month, received the Social Security check and spent all or part of it to pay the bills only to receive a notice from Social Security that the check must be returned. Under our bill, the surviving family members—whether it is a spouse, a son, or a niece—would be able to use the check to help pay the final bills incurred by their loved one.

I would like to read a part of a letter I received from a constituent about the experience of his family when his brother-in-law died. This letter, along with Senator MIKULSKI's own experience, serves to highlight why this bill is necessary.

> On February 29, 1996 at 9:20 p.m. He passed away. The way I figure it, the month of Feb. has 696 hours in it. He was alive for 693 hrs and 20 min. of the month, missing a full month by 2 hours and 40 min. Or to put it another way, he was alive for 99.99617 percent of the month missing a full month by 0.0038314 percent. With this evidence in hand, the SSA then decided that his check for the month of Feb. had to be returned to them. Unfortunately, his debts for the month didn't disappear just because he failed to live the extra 0.0038314 percent of the month.
>
> And since they waited till April to let anyone know of this policy, we paid his outstanding bills with this money. Now they want their money back. . . . I really don't expect to see this resolved to my benefit, but it would be nice to see some kind of pro-rating system put into place for the rest of the people who are going to encounter this ghoulish practice. These people have, at this time, no recourse what-so-ever in this matter.

I know that my colleagues have all received letters like this. For many of these people that Social Security check is the only financial resource available to deal with the costs incurred during their loved one's last days of life. Without it, they are left struggling to find the money to pay back the Social Security Administration.

I believe that pro-rating Social Security checks for the month of death provides a solution to what is an unfair situation and I hope my colleagues will join us in supporting this bill.•

TRIBUTE TO HERMAN STAROBIN

• Mr. HOLLINGS. Mr. President, it is a fortunate man who can know at the end of his life that he not only earned the respect of others, but that he dedicated himself to a cause in which he believed. Herman Starobin was certainly one of those men. He died recently at the age of 75, having led a full and inspirational life. Herman was a longtime friend of mine, whose compassion for and dedication to the American worker set an example for us all. A true renaissance man, he distinguished himself in many fields over the course of his lifetime.

During the Second World War, Herman covered the European theater as a freelance journalist. After the war, he took over the family business from his father, and manufactured steel doors. While running the business Herman studied economics at New York University, where he went on to earn a doctorate. In 1969, he joined Harman Industries as corporate economist, and eventually rose to the presidency. Along the way, he garnered the well-deserved reputation as an expert on international trade.

Herman's experience at Harman Industries left an indelible impression on him. It led him in 1984 to pursue his next career with the International Ladies Garment Workers Union, where he fought valiantly for the future of American working men and women. At the time Herman had joined Harman Industries, the United States was the preeminent manufacturer of consumer electronics, but when he left 15 years later, the United States had lost its lead in manufacturing. Herman had witnessed the devastation of communities and tearing asunder of families that resulted from the deluge of imports, and that lit the fire under him.

His firsthand experience and knowledge led him to devote the rest of his life to fighting to save our manufacturing base.

In his position as Director of Research for the I.L.G.W.U., Herman was at the forefront of every major trade debate of the last decade. When Herman spoke, he spoke with authority. He did not live in the esoteric world of economic modeling; he possessed the conviction of one who understands how the real world operates in this era of global competition.

We will miss his vigor, his humor, his encyclopedic knowledge and his endearing charm. On behalf of Peatsy and my staff, I would like to express our deepest sympathies to his wife Carol and his daughter Christina. Herman was a true champion of the people, and it was an honor to have known him.•

NATIONAL ABORETUM OF THE AGRICULTURAL RESEARCH SERVICE

• Mr. BOND. Mr. President, I was pleased this morning to honor the work of the Agricultural Research Service and the U.S. National Arboretum by planting a newly developed disease-resistant American elm on the grounds of the U.S. Capitol. Joining me was Dr. Floyd Horn, Administrator of the Agricultural Research Service; Larry Coughlin, President of the Friends of the National Arboretum and former Congressman from Pennsylvania; my good friend, fellow tree junkie, and liberally utilized advisor, Dr. Tom Elias, Director of the National Arboretum; and Dr. Denny Townsend, the scientist who has spent a lifetime studying and developing new trees for cities and towns and the person responsible for developing this new American elm.

I also want to thank the Architect of the Capitol, Mr. William Ensign and the Landscape Architect in his office, Mr. Matthew Evans for their professional assistance in facilitating this event.

The Dutch elm disease has ravaged our native American elms for over 65 years and has largely eliminated these magnificent trees from cities and towns throughout the eastern and Midwestern United States. But now, with the help of Dr. Townsend, and the National Arboretum, we stand a great chance of seeing a return of the stately and valuable American elm.

I am delighted to be the congressional sponsor of the tree planting ceremony to honor the many accomplishments of the National Arboretum and the ARS in their contributions to the city and town landscapes in the United States.

The purpose of the ceremony was to recognize the National Arboretum of the Agricultural Research Service. Over 645 new and improved varieties of ornamental and floral plants have been developed and released. Truly a remarkable record. The Arboretum has given us hundreds of Glen Dale hybrid azaleas, several flowering pear trees, the very popular and widely grown hybrids and selections of crape myrtles and viburnums, a disease resistant sycamore suitable for city streets, new red maples, numerous hollies and magnolias, and now a series of new elms including Valley Forge and New Harmony.

There is no question that the Arboretum has contributed greatly to the growth of the nursery and floral industries in the U.S. Their introductions, releases, and discoveries have helped to make the green industries the number one growth industry within Agriculture in America.

I am especially proud of the new cooperative agreement recently entered into between the Arboretum and the University of Missouri. On February 7, 1996, a memorandum of understanding was signed to establish a U.S. National Arboretum Midwest Plant Research and Education Site at the Horticulture and Agroforestry Research Center in New Franklin, MO.

The new program will provide significant research and educational opportunities for all of us in our mission to discover, develop, and disseminate knowledge for the stewardship and sustainable use of human and natural resources. With this in mind, our planting at MU will be arranged to enable visitors, such as homeowners, and nurserymen to make easy comparisons between selections for their use. This relationship with the Arboretum will provide practical benefits to many ordinary Americans, while providing the research community at Missouri access to numerous vegetative types that can be used for scientific study and educational purposes. In Missouri, we are very excited about this new relationship with the Arboretum.

I offer a hearty congratulations to Dr. Horn, Dr. Elias, and Dr. Townsend. Our country is grateful for people like you and your work in developing new and better trees, shrubs and other flower plants for the benefit of our national landscape and our environment.•

BORDER DRUG PROSECUTIONS

• Mrs. BOXER. Mr. President, 2 weeks ago the Senate agreed to an amendment to the budget resolution urging the Attorney General to ensure that drug prosecutions along the United States-Mexico border are vigorously prosecuted.

In the interest of time and cooperation in moving the budget forward, I did not oppose the amendment. However, I strongly disagreed with several findings which imply that the current U.S. attorney for the Southern District of California routinely failed to prosecute major drug cases. The source of information for those findings was an article in the Los Angeles Times that made several dubious claims about drug prosecutions in the Southern District.

After the Senate passed the amendment, the Los Angeles Times published a lengthy correction that retracted many of the charges made in the original article. Specifically, the correction notes that the newspaper "misstated federal guidelines for prosecuting [drug] seizures." The article claimed—and those claims were repeated in the Senate amendment—that no prosecutions were made for the possession of less than 125 pounds of marijuana. The Times now acknowledges that several prosecutions have occurred in cases involving smaller quantities.

The correction states that examples used in the original article "contained incomplete or inaccurate information." Because this information was the basis of Senate amendment, it too should be considered incomplete and inaccurate.

I thank the Chair for the opportunity to correct the RECORD.

I ask that the correction be printed in the RECORD.

The material follows:

TIMES ARTICLE MISSTATED GUIDELINES ON BORDER DRUG CASES

A Times article disclosing the release of hundreds of Mexicans detained at the border on suspicion of drug smuggling misstated federal guidelines for prosecuting seizures.

The May 12 article—which touched off partisan political fighting over the Clinton administration's drug policy—inaccurately described a program under which federal authorities since 1994 have sent more than 1,000 drug suspects back to Mexico.

The guidelines state that prosecutors may decide not to press charges if five criteria are met. The suspect must be a first-time offender and a Mexican national and be caught with less than 125 pounds of marijuana. There also must be insufficient evidence of criminal intent, and the suspect must have little or no information about organized smuggling. Those suspects who meet all five criteria could be sent back to Mexico, and their green cards or border crossing cards confiscated.

The article, which was based on interviews with federal officials, did not list all five criteria and incorrectly implied that marijuana cases involving less than 125 pounds were not prosecuted. When The Times later obtained a copy of the internal guidelines, they were reported, as were statistics showing that the U.S. attorney's office in San Diego and the local district attorney have prosecuted hundreds of cases involving less than 125 pounds of marijuana.

In discussing the weight guidelines, the article erroneously indicated that it applies to U.S. citizens, as well as Mexican nationals, and a number of cases involving U.S. citizens were cited to make various points.

The examples illustrating lack of prosecution contained incomplete or inaccurate information, because some records pertaining to those cases could not be found or were not publicly available. The U.S. attorney's office, citing privacy concerns, had declined to reveal specific reasons for rejecting prosecution.

In one misreported case, a U.S. citizen with arrests in January and February was charged in both instances, and prosecutors say he will be charged in a third case pending a competency hearing. A U.S. citizen with a prior smuggling conviction was charged following an arrest in March with 68 pounds of marijuana. In another case, in which charges were dismissed against a woman defendant in a 158-pound cocaine seizure, the article should have added that her codefendant said the woman had no knowledge of the drugs. He was subsequently sentenced to prison.

In all, federal officials say, four of the eight cases in the article resulted in felony charges. Of the other four, the district attorney in San Diego rejected one case for insufficient evidence, the U.S. attorney rejected two on the same grounds and the investigation continues in the other.

"We prosecute all border drug cases in which we believe charges are warranted and can be proved beyond all reasonable doubt," said U.S. Atty. Alan D. Bersin.•

TRIBUTE TO WAYNE R. GRUPE

• Mr. WARNER. Mr. President, I rise today to pay tribute to Mr. Wayne R. Grupe, who is retiring from the Naval Facilities Engineering Command in Alexandria, VA, after 36 years of selfless public service to the Department of the Navy and the Nation.

Mr. Grupe began his Federal civil service as a civil engineer in 1960 with the Bureau of Yards and Docks. Throughout his career, Mr. Grupe has steadfastly and diligently applied his talents and efforts toward progressively more demanding challenges and service to the U.S. Navy. Rising through a multitude of critical management positions in the course of his distinguished career, he has advanced to become the program officer at the Naval Facilities Engineering Command with responsibility for policy and oversight of Navy and DOD programs in excess of $7 billion annually.

Among his contemporaries, Mr. Grupe is considered to be the preeminent resource manager not only in terms of seniority but also professional reputation and exhibited accomplishments. He has served in his current critical management position since 1971, a period characterized by burgeoning world-wide facilities construction and fleet base operating support requirements. His numerous professional accomplishments and achievements and his exceptional contributions to the effectiveness of his Command will be enduring for many years to come.

Mr. Grupe is a dedicated mentor and role model who has inspired and enabled many others to achieve similar accomplishments in their Federal civil service career. It is with a certain amount of regret that I wish a fond farewell to such an able and respected civil servant. His selfless service and interest in the people he so ably served will long be remembered.

I join his family, many friends and colleagues in congratulating him on his well earned retirement and wish him future "Fair Winds and Following Seas."•

STAND FOR CHILDREN

• Mr. DODD. Mr. President, I wanted to take a few moments today to speak about a wonderful and inspiring event, which took place on The Mall in Washington this past Saturday.

Mr. President on June 1, 200,000 Americans from across the country; blacks and whites, Jews and Gentiles, rich and poor, male and female, liberals and conservatives came together to stand up for the rights of our nation's most vulnerable citizens—America's children.

I applaud the efforts of all those who came to Washington to make a principled stand for the rights of children. But as the Hartford Courant noted, "the world's most prosperous democracy shouldn't require a rally to focus on deprivation of its young."

Children don't vote. They don't have a political action committee. Instead, they must rely on the benevolence of adults to assure that they have the tools and opportunities to succeed.

Unfortunately, it seems we as adults are failing to hold up our part of the bargain.

Consider the enormous adversities facing our youngest Americans. One in five children in this country is mired in poverty. Every day, 2,600 American children are born into a life of poverty. And children remain this Nation's poorest group of Americans.

Every day, 15 kids are homicide victims. Every 90 minutes, a gunshot ends the life of one of America's children. When our nightly newscasts and newspapers focus on the most heinous violent crimes committed in our Nation it is children who seem to often be the perpetrators.

Additionally, more than 8,400 of America's young people are victims of abuse or neglect. Another 12 million lack health insurance, and child care workers toil at the bottom of U.S. wage scales.

The evidence is clear that children in our Nation face innumerable difficulties. But, events of the past weekend demonstrate that there exists in our Nation a groundswell of support for a political agenda that protects children.

Two hundred thousand Americans came to The Mall in Washington because they believe that everything we do in Congress should help, not hinder, the growth and development of children.

They came to Washington because they believe that America should never shirk its commitment to providing health care for children.

They came to Washington because they believe that children have a right to play in streets and on playgrounds free from the scourge of guns and drugs.

They came to Washington because in a time when education is essential to succeeding in the global economy of the 21st century, they believe that every child must have the opportunity of a good education.

These are not, and should not, be partisan issues. And, it's with great dismay that I see some on the right attacking the intentions and goals of the organizers of Stand for Children.

They claim that the event was simply an excuse to increase the size of Government. I couldn't disagree more. As Marian Wright Edelman, head of the Children's Defense Fund and organizer of the march said, "We do not stand here advocating big government. We stand here advocating just government."

I certainly agree that government is not the answer to all of the problems of America's children.

It can't steady the hand of an abusive parent. But, it can help to protect the child.

Government can't teach a child a skill. But, it can provide educational opportunity through Head Start, good public schools, or student loans.

It can't save a child's life. But it can take murderous assault weapons off the street and throw criminals in prison.

Government can't put food on the table. But government can help provide child care, raise the minimum wage or provide economic opportunities so that parents, on their own, can focus their energies on making a better future for their children.

Only in our Nation's communities, neighborhoods and homes can we truly create an environment conducive to the good of our children.

But these cost-effective, common sense measures invest in our children's future and they should enjoy bipartisan support.

I've long supported child care initiatives in Congress, such as the 1990 Child Care and Development Block Grant and the Family and Medical Leave Act. And each time, Members from both sides of the aisle have joined in co-sponsoring and supporting these measures.

Because, children's issues are not partisan issues. They are American issues and they affect each and every one of us.

Stand for Children is a clear demonstration that we need to go beyond the rhetoric of protecting our children's future to concrete and unequivocal action.

I urge my colleagues to heed the call of the 200,000 Americans who came to Washington this past Saturday and make a similar stand for children here in Congress.•

CONGRATULATING JAMES B. GOLDEN

• Mr. SANTORUM. Mr. President, I rise today so that I might call special attention to Mr. James B. Golden, Jr. of Philadelphia, PA, most recently sworn in as the new chief of police for Saginaw, MI. Prior to assuming this new position in Michigan, Mr. Golden served as the executive officer of the Philadelphia Police Department.

Mr. President, I would like to take the time to salute Mr. Golden for his quarter century of service to both the Philadelphia Police Department and to the residents of our city.

I would like to call attention to this distinguished record of service by asking that a proclamation honoring Mr. Golden be printed in the RECORD.

The proclamation follows:

PROCLAMATION

To honor James B. Golden, Jr. on his distinguished record of service to the City of Philadelphia and on his appointment as Chief of Police of Saginaw, Michigan.

Whereas James B. Golden, Jr. served as Executive Officer of the Philadelphia Police Department, overseeing the Human Resources, Strategic Planning, Supplemental Police Services, and Management Review Bureaus for the Department;

Whereas James B. Golden, Jr., as Executive Officer of the Philadelphia Police Department, had management oversight responsibilities over 8,000 sworn and civilian personnel as well as command over an annual budget of $325 million;

Whereas prior to his appointment as Executive Officer, James B. Golden, Jr. held the position of captain and served as Administrative Officer to Former Police Commissioner Willie L. Williams;

Whereas James B. Golden, Jr. was appointed to the Office of the First Deputy Police Commissioner, responsible for implementing the recommendations of the Philadelphia Police Study Task Force, thereby bringing about a complete change in the focus and strategy of the Philadelphia Police Department;

Whereas James B. Golden, Jr. earned a Bachelor of Science Degree in Management from the Philadelphia College of Textiles and Science, is a graduate of the 179th Session of the FBI National Academy, and has completed executive development programs at Temple and Harvard Universities;

Whereas James B. Golden, Jr. has risen from the rank of police officer in the 23rd Police District of Philadelphia to the rank of Police Chief with the Saginaw, Michigan Police Department; *Now therefore,* The Senate congratulates James B. Golden, Jr. on his distinguished service to the City of Philadelphia, on his many achievements and honors in the field of law enforcement, and wishes him a successful tenure as the Chief of Police for Saginaw, Michigan.

Again Mr. President, this appointment is an honor to both Mr. Golden and to the people of Saginaw, MI. At this time I would like to extend my best wishes to Mr. Golden as he embarks upon his new role as Chief of Police for Saginaw, MI.•

NORMAL TRADE STATUS

• Mr. BAUCUS. Mr. President, Senators ROTH, MOYNIHAN, and CHAFEE and I will soon introduce a bill to solve a small but serious problem that has plagued our trade policy for years—the fact that most favored nation or MFN status does not mean what it says.

Let me offer an analogy that may illuminate the difficulties this creates. In Greek myth, the gods punish King Sisyphus of Corinth, for various sins and repeated attempts to cheat death, by making him push a heavy stone up a hill for eternity. Each time he gets to the top, it rolls back down and he has to start again.

Our experience with MFN tariff status is somewhat similar. Each year, we have to convince the public that MFN status does not really mean "most favored nation" status, but simply the same tariff rate that applies to most countries.

This year is a good example. We will soon debate the President's decision to renew MFN status for China. We will soon, I hope, pass bills to grant Bulgaria and Cambodia permanent MFN status. And we may also take up a bill to grant permanent MFN status to Romania.

Obviously, logic tells us that these countries cannot all be America's favorite country at one time. And sound diplomatic practice would avoid ranking any single country as our favorite. Yet we can excuse the millions of Americans who do not follow the arcana of trade laws and agreements if they conclude that, somehow, Congress is attempting to anoint Bulgaria, Cambodia, China, and Romania as our favorite country all in the very same year.

The truth is, of course, that we are attempting no such thing. MFN is the normal tariff status we in the United States apply to most of our trading partners. Under the Uruguay Round, it is a tariff level averaging around 4.5 percent. Often, in fact, tariffs fall well below this MFN rate because of free trade agreements and special arrangements with developing countries. So MFN is not even the best available tariff rate. It has nothing to do with favoritism.

Yet to this day, many people oppose MFN status for China because they believe it is a kind of special favor. The term is simply misleading and wrong. And it is extremely frustrating to explain it each year, only to have to start explaining it again a few months later. It is a longstanding, needless complication in our trade policy.

This year, we could push the metaphorical MFN stone up the hill once again and hope that, this time, it stays at the top. But unlike Sisyphus, we have another choice. We can just push the stone into a lake and get rid of the problem for good.

That is what our bill will do. It will delete the term "most favored nation status" from our trade laws, and replace it with "normal trade relations."

That will not change our tariff and trade policies in any way. But it will bring our terminology in line with reality. Thus, it will make our policies more comphensive to the public and avoid needless arguments. It is good common sense, and I hope it will get the Senate's support.•

CONGRATULATIONS TO WEST WARWICK HIGH SCHOOL

• Mr. CHAFEE. Mr. President, I would like to pay tribute to a group of students from West Warwick High School, West Warwick, RI. These 18 young men and women deserve a note of recognition for their outstanding performance in the 1996 "We the People. The Citizen and the Constitution" national finals.

From April 27–29, here in Washington, DC, the team from West Warwick competed against 49 other classes from throughout the Nation. They demonstrated a remarkable understanding of the fundamental ideals and values of American constitutional democracy. The "We the People" competition is the most extensive of its kind. Developed to help students understand the history and the principles of the Constitution and the Bill of Rights, the program has reached more than 22 million students at the elementary, middle, and high school levels in its 9 year history.

I appreciate the generations of dedicated citizens who have devoted themselves to studying and interpreting, to drawing upon the principles set down in the Constitution and the Bill of Rights in order to make this Government the most effective and democratic in the world. For this reason it gives me great pleasure to pay tribute to these young people who are continuing in the fine tradition of constitutional scholarship. The group from West Warwick High School, as well as their competitors from across the Nation, not only demonstrated a remarkable understanding of the fundamental principles of the U.S. Government, but also worked together to learn to participate responsibly in our political system. For me, and I am sure for every one of my colleagues here, there can be no greater joy than to witness the emergence of a new generation of Americans dedicated to upholding those common ideals under which this Nation's leaders have convened for 220 years.

I commend the achievements of these students, and congratulate their teacher and all the faculty at West Warwick High School for a job well done.

I commend the achievements of these students, and congratulate their teacher and all the faculty at West Warwick High School for a job well done.

Mr. President, I ask that the names of these exceptional West Warwick high school students and their teacher, Michael Trofi, be entered into the CONGRESSIONAL RECORD as follows:

Susan, Bickerstaff, Joshua Brassard, Carlos Cruz, Jason Deletesky, Nicholas

Dube, Brandon Hall, Paul Heatherson, Cynthia Jutras, Jennifer Lavoie, Jessica Lavoie, Jessia Lefrancois, Steven Marandola, Richard Marrese, Jesse Nason, Matthew Raiche, Walter Richardson IV, Michael Streeter, and Tara Watson.•

OLYMPIC FLAME COMES TO MICHIGAN

• Mr. LEVIN. Mr. President, this weekend the Olympic flame travels to Michigan. This journey began on March 30 amid the ruins of the sanctuary at Ancient Olympia in Greece, the site of the first recorded Olympics in 776 B.C. The 84-day American leg of the Olympic Torch Relay began on April 27 and will ultimately involve over 10,000 torchbearers. By the time the flame reaches its final destination, it will have traveled over 15,000 miles and visited 42 States. This year's relay is the longest and most inclusive torch relay in Olympic history and will culminate on July 19 in Atlanta at the opening ceremony of the 1996 Centennial Olympic Games. The torch relay route weaves together the American people in support of the Olympic games.

Michigan is holding a weekend of festivities in celebration of the flame's arrival. The 2-day, 25-mile relay will take the Olympic flame through southeastern Michigan and will involve 80 Michiganians as torchbearers. The relay route begins Saturday in Dearborn Heights, moves on to Dearborn for major festivities and ends Sunday on Hart Plaza in downtown Detroit where a large celebration is planned. After its stay in Detroit, the flame will board an ore boat which will carry it down the Detroit River and across Lake Erie to its next stop in Cleveland, OH.

I am proud that this great symbol is being carried through Michigan. The Olympics Games are indeed a spectacular sporting event, but they represent something much greater. They are a celebration of the goodwill among nations. During the Olympic Games, people from around the world compete against each other under the banner of peace, friendship, and the pursuit of excellence. The flame symbolizes this Olympic spirit and it is an honor to have it travel to Michigan.•

VIRGINIA'S BUSINESS PERSONS OF THE YEAR

• Mr. WARNER. Mr. President, I have the great pleasure today to honor John Broughton and Monty Blizard, whom have been selected as Virginia's 1996 Business Persons of the Year. These awards were made as part of Small Business Week, and I believe this celebration of small business recognizes its crucial impact on our economy and society. John Broughton and Monty Blizard have worked together to make Broughton Systems, Inc., based in Richmond, VA, a superior firm that specializes in technology consulting and system development. Since its conception in 1981, Broughton Systems, has grown rapidly due to its intense focus on client relationships. As a result of such intense loyalty to their clients, nearly 80 percent of Broughton Systems' work is with existing or longtime clients. With its fundamental guide "treating customers as we would want to be treated," Broughton Systems was recognized by Inc. magazine as one of the fastest growing private companies in the Nation, and has continued to build on that growth.

Broughton Systems' loyalty does not stop with their clients, but carries over to its employees as well. Broughton has created a strong sense of community within its organization by treating its employees as members of a family. As part of this family, Brougton seeks ways in which it can enhance employee satisfaction and productivity through numerous programs and open lines of communication. For instance, work related issues, such as benefits and client management, are discussed openly in company town meetings held twice a year. Mr. Broughton and Mr. Blizard have also established opportunities for job sharing and have creative compensation programs to reward performance. The company seeks candidates who are reentering the work force and is proud of the fact that it has never had to lay off an employee. All of this establishes Broughton Systems as a secure place of employment, which in turn attracts creative and qualified individuals to compete in this expanding and competitive market.

It is Broughton Systems' sense of family that has also spurred their employees to be leaders and philanthropists in the local community. They have given generously in the form of time, money, and pro bono work for nonprofit organizations such as the Children's Hospital, Special Olympics, and the Multiple Sclerosis Society.

I am very pleased to have these two fine men being honored this week. It is my hope that they will serve as models not only for other business men and women in Virginia, but also entrepreneurs nationwide.•

CONDITIONS IN NIGERIA

• Mr. FEINGOLD. Mr. President, I rise to comment on the further disintegration of the human rights situation in Nigeria.

A few days ago, another assassination occurred which appears to be politically motivated.

Kudirat Abiola, the wife of Moshood Abiola, the winner of the 1993 presidential election, was brutally murdered by a group of armed men near a military checkpoint in Lagos, the capital. According to reports, they jumped out of a car, pulled Mrs. Abiola out of her own car, and shot her in the forehead—execution style. Both Mrs. Abiola and her driver died a few hours later in a Lagos hospital.

Obviously, at this point in time, the facts have not been established and it is important not to jump to conclusions before full information is available, but according to most accounts, this was a political assassination.

Mr. President, just 4 months ago, Alex Ibru, the publisher of the Nation, one of Nigeria's leading newspapers was shot at on a Lagos street. Fortunately, he was only wounded.

The shooting this week is yet another indication of the deteriorating human rights situation in Nigeria. The assassination of the spouse of a political leader is an act which is deeply shocking. Political assassination itself is a horrifying assault upon a democratic process, but when the family members of political figures become the targets for this kind of heinous act, the injury goes even deeper.

Mrs. Abiola's husband, Moshood Abiola, has been imprisoned for nearly 2 years. Kudirat Abiola herself was detained by the current regime just last month apparently because she had on her person documents which suggested that her husband should be the rightful leader of the country. She was released, but it is difficult not to see a connection between the tragic ending to her life and the earlier detention. Mrs. Abiola had been an outspoken critic of Gen. Sani Abacha's regime. For nearly 2 years, she had been working tirelessly—both in private and in public for the release of her husband. She had become a prominent individual in her own right, working to bring democracy to her country. Just last week, she met with John Shattuck, our Assistant Secretary of State for Human Rights.

The assassination of this leading figure, following the executions last year of a group of human rights activists, including the renowned playwright, Ken Sara-Wiwa, has drawn international condemnation and rightly so. According to press reports, thousands of university students marched yesterday in Ibadan, joined by many others. Over 3,000 people attended Ms. Abiola's funeral yesterday, including representatives from a number of nations.

Mr. President, Nigeria is an important country in regional and international politics. It is the most populous country in Africa and an active member of many international bodies. Nigeria's fate is thus of great significance. It has the potential to become a major world trading partner and an influential member of the international community. Yet its leadership continues to squander this potential through this horrific behavior. The military regime of Gen. Sani Abacha continues to be associated with rampant corruption, brutal policies of repression and execution and severe economic mismanagement.

I spoke yesterday with the Nigerian Ambassador to the United States and communicated my own concern that the most recent assassination is a matter of grave concern and urged that his government conduct a full and transparent investigation of the circumstances leading to Mrs. Abiola's assassination and take steps to bring her murderers to justice.

The Senate Foreign Relations Subcommittee on Africa, on which I serve as the ranking minority member, recently held a hearing on United States policy on Nigeria. As I said then, and as I have said many times on this floor, the track of decline and violence in Nigeria causes great pain and instability in all of Africa. The brutal assassinations and executions underscore this problem.

The situation in Nigeria today stands in stark contrast to the trend in many African countries toward pluralism, transparency, and constitutional guarantees of fundamental human rights. Nigeria continues to move in the opposite direction. The international community needs to send very strong messages that this course of action will make Nigeria an international pariah, shunned by all nations and all people committed to human rights and democracy.●

TRIBUTE TO SENATOR PRYOR

Mr. DOLE. Mr. President, the first 8 years of my time as Republican leader coincided with the administrations of Republican Presidents. And one of my jobs as leader was do everything I could to support the agenda of those Presidents.

Though Senator PRYOR is not the Democrat leader, he has made it his job the past 3 years to do everything he could to support President Clinton, his long-time friend and fellow Arkansan.

And no doubt about it, President Clinton could not have asked for a better friend than Senator PRYOR. While we have disagreed on many issues—especially over the last 3 years—I have admired his loyalty to the President.

I have also admired the special interest that Senator PRYOR has taken on issues of importance to senior citizens. When he was in the House of Representatives, he was the driving force behind the establishment of the Aging Committee, and has chaired that committee here in the Senate.

Senator PRYOR will also be remembered for his longstanding crusade against overly harsh enforcement methods of the Internal Revenue Service, and he is due a great deal of credit for the passage in 1988 of the taxpayers bill of rights.

I would close by saying to Senator PRYOR that it is my hope that come next January, I will have the privilege of having Senators who are as good of friends to a Dole administration as he has been to the Clinton administration.

TRIBUTE TO BILL BRADLEY

Mr. DOLE. Mr. President, as I look back at my years in the Senate, one accomplishment of which I am very proud was the passage of tax reform legislation in 1986, when I was serving as Senate majority leader.

This bill was a very important first step in making our tax system fairer, flatter, and simpler. And one of the guiding forces behind its passage was Senator BILL BRADLEY of New Jersey.

Senator BRADLEY is retiring from the Senate at the end of this year, and he leaves behind a record of accomplishment and innovation.

From the future of Russia to international trade to the state of our cities, Senator BRADLEY has been in the forefront of debates, providing both leadership and original proposals.

Senator BRADLEY and I have not agreed on every issue over the years, but one matter on which we see eye-to-eye is the need to restore civility and a sense of decency to American society.

I have no doubt that Senator BRADLEY will continue to contribute a great deal to the debates of our time for many years to come.

Elizabeth joins with me in wishing all the best to Senator BRADLEY, and to his wife, Ernestine.

Senator BRADLEY has been a good friend. We have been on the Finance Committee together. We have agreed on a lot of issues and, as I said earlier, disagreed on some. I think he has added a great deal of civility to this body, and I know he has a bright future as he leaves the Senate in whatever he may do in the private sector.

SENATOR BENNETT JOHNSTON

Mr. DOLE. Mr. President, like many Members of this body, I learned a great deal about how to succeed in the Senate from our former colleague, Russell Long of Louisiana.

Senator Long knew this institution. He knew how to get things done. And he knew how to fight for the interests of his State. And during the 14 years they represented Louisiana together, Senator Long had a willing student and an effective partner in Senator J. BENNETT JOHNSTON.

And when Senator JOHNSTON leaves this Chamber at the end of the year, he will leave with a reputation as someone who knows the Senate, who knows how to get things done, and who knows how to fight for people of his State.

Energy, water development, agriculture, and national defense are all issues that matter to Louisiana, and they are matters that have been on the top of Senator JOHNSTON's agenda.

As Republican leader, I have appreciated Senator JOHNSTON's willingness to set partisanship aside, and to do what is best for America. His support of President Bush during the Persian Gulf War, his opposition to the Clinton tax increase, and his leadership in the effort to achieve true regulatory reform are three examples that come to mind.

I note that Senator JOHNSTON will celebrate his birthday next week, and I would say to him that he is still a very young man, and that he still has much to contribute to Louisiana and to America.

EXECUTIVE SESSION

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, let me indicate before I make any request here that I have had a phone discussion today with Senator DASCHLE, the Democratic leader. I hope there is still some way before I leave here on Tuesday that we can dispose of, if not all the nominees on the calendar, most of the nominees. It has never been my practice to hold up nominees because they have families; they have plans to make; they have moves to make.

I know that we are sort of caught in a crunch here because we have objections from both sides. And I did say on May 24, 1996, that I would be happy to call up these nominations one at a time. If we cannot agree on a package, if we cannot agree to do all or part, then it seems to me that we ought to—we are talking more about judicial nominees than anything else at this point—go one at a time.

Now, whether or not that will be satisfactory—I do not want to make the request if it is not satisfactory, because I know the Democratic leader has obligations too, to his Members.

I am not going to ask you to object if you prefer to work this out some other way, but I am prepared and I think the Democratic leader is, if we can find some way, to sort of break this logjam. We are in a position to clear at least 5 nominees, not judges but other nominations. So we are making an effort, a serious effort. I am aware the leader is making an effort to try to accommodate the concerns of the President expressed to me this morning by the Democratic leader. So rather than make the request, I ask the Democratic leader if he knows of any other way we can deal with this that might resolve the problems we both have?

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, let me say first I very much appreciate the manner in which the majority leader has attempted to resolve this issue. No one has been more fair than has he, with regard to finding a way to resolve the matter and, as he indicated some time ago, he indicated his desire to take these matters up one by one. Under the circumstances, I think, were we to not have any understanding as to how to resolve it, we would not be in a position to agree tonight to any one particular element of the Executive Calendar relating to judges. But I share the majority leader's view that our best opportunity would be, perhaps, to take these matters up one by one. I would want to work with him to see if we can resolve it in the next few days.

Mr. DOLE. As the Democratic leader knows, the Senators are coming to me and they are coming to you. They say, "Just work out my problem," which I would be happy to do. But there are others who say, "Not until you work out my problem." And therein lies the problem.

So I hope we could accommodate. The judges I had in mind were Joseph Greenaway of New Jersey and Walker Miller of Colorado. We could go down the whole list one time. Maybe everybody would cease to object, because then we would have a vote up or down or somebody would have to stand up here and say I want to speak however long it takes to sidetrack this nominee.

Perhaps we can, between now and Monday, and we are here at least for 2 or 3 hours tomorrow morning. I will be happy to visit with the Democratic leader.

Mr. DASCHLE. Very good.

EXECUTIVE CALENDAR

Mr. DOLE. I now ask we proceed en bloc to the following nominations on today's Executive Calendar, 481, 484 through 489, 493 and 494, and all nominations placed on the Secretary's desk in the Foreign Service and Public Health Service.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. DOLE. I further ask consent the nominations be confirmed en bloc, the motions to reconsider be laid upon the table, that any statements relating to nominations be placed at this point in the RECORD, the President be immediately notified of the Senate's action and, further, that the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

David Finn, of New York, to be a Member of the National Council on the Humanities for a term expiring January 26, 2000.

Speight Jenkins, of Washington, to be a Member of the National Council on the Arts for a term expiring September 3, 2000.

Townsend D. Wolfe, III, of Arkansas, to be a Member of the National Council on the Arts for a term expiring September 3, 2000.

Patrick Davidson, of California, to be a Member of the National Council on the Arts for a term expiring September 3, 2000.

William P. Foster, of Florida, to be a Member of the National Council on the Arts for a term expiring September 3, 2000.

Wallace D. McRae, of Montana, to be a Member of the National Council on the Arts for a term expiring September 3, 1998.

NATIONAL COUNCIL ON DISABILITY

Marca Bristo, of Illinois, to be a Member of the National Council on Disability for a term expiring September 17, 1998.

Kate Pew Wolters, of Michigan, to be a Member of the National Council on Disability for a term expiring September 17, 1998.

IN THE FOREIGN SERVICE, PUBLIC HEALTH SERVICE

Foreign Service nominations beginning Suzanne K. Hale, and ending Robert J. Wicks, which nominations were received by the Senate and appeared in the Congressional Record of March 6, 1996.

Foreign Service nominations beginning Alfred Thomas Clark, and ending David Jonathan Wolff, which nominations were received by the Senate and appeared in the Congressional Record of March 18, 1996.

Public Health Service nominations beginning Richard J. Hodes, and ending Cheryl A. Wiseman, which nominations were received by the Senate and appeared in the Congressional Record of November 9, 1995.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

EXTENDING THE SERVICE OF CERTAIN MEMBERS OF THE FRANKLIN DELANO ROOSEVELT MEMORIAL COMMISSION

Mr. DOLE. Mr. President, I ask unanimous consent that the Rules Committee be discharged from further consideration of S. 1634, relating to the Franklin Delano Roosevelt Memorial Commission and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

A bill (S.1634) to amend the resolution establishing the Franklin Delano Roosevelt Memorial Commission to extend the service of certain members.

Mr. DOLE. Mr. President, I ask unanimous consent the bill be considered read three times, passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill was considered read three times and passed as follows:

S. 1634

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of the Act entitled "An Act to establish a commission to formulate plans for a memorial to Franklin Delano Roosevelt", approved August 11, 1955 (69 Stat. 694) is amended by adding at the end thereof the following: "A Commissioner who ceases to be a Member of the Senate or the House of Representatives may, with the approval of the appointing authority, continue to serve as a commissioner for a period of up to one year after he or she ceases to be a Member of the Senate or the House of Representatives.".

ORDERS FOR FRIDAY, JUNE 7, 1996

Mr. DOLE. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 9:30 a.m. on Friday, June 7; further, that immediately following the prayer, the Journal of proceedings be deemed approved to date, no resolutions come over under the rule, the call of the calendar be dispensed with, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and there then be a period for the transaction of morning business for a period of 2 hours, with the first hour under the control of Senator COVERDELL, the second hour under the control of Senator DASCHLE or his designee, with 15 minutes of the minority time under the control of Senator LEAHY.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DOLE. For the information of all Senators, tomorrow the Senate will conduct morning business. I do not believe there will be rollcall votes. I cannot say that for certain. If we work out something on judges we may have a vote or two, but they will be minimal, if any. And we may be asked to turn to any executive or legislative items cleared for action.

Let me just indicate, I have been working, as I know the Democratic leader has, trying to figure out something on the budget, perhaps get a time agreement.

We have also been working on the so-called Kassebaum-Kennedy health care reform. My view was we were getting very, very close. I may be mistaken, but there have been constant contacts with the White House at the staff level. And there have been changes made in the MSA provision, which is the one provision that seems to be the sticking point, and many of the other issues with reference to mental health, the so-called MEWA's, and other provisions, have been resolved. So it is still hopeful that that can be accomplished between now and early next week. But, in any event, I think there are still conversations going on at this moment.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. DOLE. If there be no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:47 p.m, adjourned until Friday, June 7, 1996, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate June 6, 1996:

THE JUDICIARY

ROBERT L. HINKLE, OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF FLORIDA VICE WILLIAM H. STAFFORD, JR., RETIRED.

MARY ANN GOODEN TERRELL, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS, VICE RICHARD STEPHEN SALZMAN, TERM EXPIRED.

CONFIRMATIONS

Executive Nominations Confirmed by the Senate June 6, 1996:

DEPARTMENT OF EDUCATION

PATRICIA WENTWORTH MCNEIL, OF MASSACHUSETTS, TO BE ASSISTANT SECRETARY FOR VOCATIONAL AND ADULT EDUCATION, DEPARTMENT OF EDUCATION.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

DAVID FINN, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2000.

SPEIGHT JENKINS, OF WASHINGTON, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2000.

TOWNSEND D. WOLFE, III, OF ARKANSAS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2000.

PATRICK DAVIDSON, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2000.

WILLIAM P. FOSTER, OF FLORIDA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2000.

WALLACE D. MCRAE, OF MONTANA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 1998.

NATIONAL COUNCIL ON DISABILITY

MARCA BRISTO, OF ILLINOIS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 1998.

KATE PEW WOLTERS, OF MICHIGAN, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 1998.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

FOREIGN SERVICE

FOREIGN SERVICE NOMINATIONS BEGINNING SUZANNE K. HALE, AND ENDING ROBERT J. WICKS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 6, 1996.

FOREIGN SERVICE NOMINATIONS BEGINNING ALFRED THOMAS CLARK, AND ENDING DAVID JONATHAN WOLFF, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 18, 1996.

PUBLIC HEALTH SERVICE

PUBLIC HEALTH SERVICE NOMINATIONS BEGINNING RICHARD J HODES, AND ENDING CHERYL A WISEMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 9, 1995.

EXTENSIONS OF REMARKS

SUPPORTS NAMING NEW NURSING FACILITY IN HONOR OF THE LATE SENATOR JOHN HEINZ

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1996

Mr. COYNE. Mr. Speaker, I rise today to pay tribute to the late Pennsylvania Senator John Heinz and urge my colleagues to support H.R. 3376, which will name the new nursing care facility at the Aspinwall VA Hospital in his honor. An advocate for the elderly and a defender of Pennsylvania's interests, John Heinz was an asset for the city of Pittsburgh and the State of Pennsylvania. He built a well-deserved reputation as one of the State's most popular public officials.

Henry John Heinz III was born in Pittsburgh, the only son of H. J. Heinz II and the greatgrandson of industrialist Henry J. Heinz, who founded H. J. Heinz Co. in 1869. The Heinz family is often credited with helping transform Pittsburgh.

John Heinz was educated at Phillips Exeter Academy, graduated from Yale University in 1960, and received an M.B.A. from the Harvard Business School in 1963. A scholar with natural business acumen, John Heinz graduated in the top 10 percent of his Harvard class. After business school, he enlisted in the U.S. Air Force and spent 1 year on active duty and 5 years in the Air Force Reserves.

After working for a number of years in the family business, John Heinz ran for the U.S. House of Representatives in 1971. Heinz served for nearly 20 years in the U.S. Congress, 5 in the House and 15 in the Senate, with interests and influence ranging over a wide field of complex subjects including trade, tax, health care, and pension policy.

Despite his privileged upbringing, John Heinz spent much of his time in Congress working on behalf of steelworkers, the elderly, and the disabled. His mostly blue-collar constituents approved of his candid, grassroots style despite his enormous wealth.

John Heinz worked in Congress to improve the lives of Americans. His interest in health care for the elderly found an outlet on the Aging Committee, which he helped establish in the 1970's. As ranking minority member of the Aging Committee, he focused national attention on abuses in nursing homes and fraud in the Medicare Program. He also spearheaded a successful effort to strengthen Federal regulation of health insurance for the elderly. Constantly working on behalf of his constituents, one important legislative accomplishment was crafting trade legislation to adopt a more assertive policy on imported steel and other items that had an unfair advantage when competing with the products of Pennsylvania. Always concerned about the strength of American families, one of John Heinz' last major initiatives in the Senate was an unsuccessful effort to require the Pentagon to ensure that no single parents or couples with children be deployed to the Persian Gulf.

The late Senator John Heinz III was a scholar, a patriot, and a dedicated public servant. He was a strong advocate for the citizens of Pittsburgh and the State of Pennsylvania. I urge my colleagues to join with me in supporting H.R. 3376 so that we may pay a fitting tribute to John Heinz by naming the new nursing care facility at the Aspinwall VA Hospital in his honor.

CELEBRATING 50 YEARS OF SCHOOL LUNCH

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1996

Mr. GOODLING. Mr. Speaker, yesterday the National School Lunch Program celebrated its 50th anniversary. This is 50 years of providing children with the nutrition they need to do well in school.

As a former educator, I could tell the difference between those children who ate lunch and those who did not. Those who did not were not as engaged in the educational process. They were hungry, they were tired and they just didn't focus.

Mr. Speaker, this is a program which many said we wanted to eliminate. But that was never our intention. If it was, I would not be up here today, commemorating its 50th anniversary.

This program has proven its value over and over again. The goal of House Republicans was to provide States and local school food service providers with the flexibility they needed to provide nutritious, healthy meals which students would eat. We weren't trying to eliminate it, we were trying to make it better so additional children would participate. Currently only 50 percent of low-income children participate in the program and 46 percent of middle- and upper-income children participate. There was certainly room for improvement.

Last week the President signed into law a bill which I authored and which I hope will provide school food service workers with some of the additional flexibility they need to encourage more children to participate in this program. "You can't teach a hungry child," and, considering only 50 percent of low-income children participate in the program, we have a long way to go before we insure these children are well-fed and able to receive the education they need to succeed in life.

Mr. Speaker, I compliment school food service workers throughout the United States on their commitment to feeding our Nation's children. Their dedication is outstanding.

I take this opportunity to wish the National School Lunch Program a happy 50th birthday and wish it many, many more years of success in providing nutrition to schoolchildren throughout the United States.

TRIBUTE TO ROBERT BULOW

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1996

Mr. CAMP. Mr. Speaker, it is with great pleasure that I rise today to honor an outstanding individual on his retirement from 27 years of outstanding service to the community of Morley, MI. Mr. Robert Bulow has served the students of Morley Stanwood High School for over 25 years as a teacher, athletic instructor, administrator, confidant, and friend to the many people whose lives he touched. In addition to his service to the people of Michigan, Bob served his country in the U.S. Marine Corps for 4 years, including a year of service in Vietnam.

During his career, he taught shop and drafting classes for 17½ years and spent the last 10 years teaching American Government and history. He was a class sponsor for 3 years. Bob served as president of the Morley Stanwood Education Association for 16 years and helped negotiate teacher contracts for 22 years.

Bob's accomplishments in high school coaching are quite extensive. He coached the golf team for 12 years and the tennis team for 11 years. He coached junior varsity girls basketball for 12 years and his 1987–88 team had a perfect record of 20 wins and no losses. He coached the boys ninth grade basketball team for 7 years, and the boys eighth grade and boys varsity basketball teams 1 year each. Bob also coached junior varsity softball for six seasons and varsity softball for eight seasons. His softball team won their district tournament in 1993. Combined, that means Bob was at the helm of a school sports team for 50 seasons. Bob is a member of the Michigan Sports Sages, an elite club of people who have been active in school sports their entire careers.

It is work such as Bob's that inspires us all to achieve the best we can, and to promote these qualities in others. Mr. Speaker, I know you will join my colleagues and I in honoring the work of Mr. Robert Bulow and the legacy of service and commitment he has left for us all.

RETIREMENT OF DR. JOHN N. ARRINGTON

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1996

Mr. FILNER. Mr. Speaker, I rise today to honor a great friend and community leader

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

from California's 50th Congressional District. Dr. John Arrington has dedicated his life to improving the educational and social well-being of children throughout the San Diego Unified School District. With his retirement on June 10, we will lose his presence on school campuses throughout San Diego, but not his continuing leadership in the community.

Those of us in the educational community are well aware of the commitment to educational excellence that John has shown throughout his distinguished career. He has also been an active participant in helping to improve living conditions in his community, notably as a leader and officer of the Southeast Kiwanis Club.

John began his educational training by earning his bachelor of science degree from Tuskegee University in 1963. He received his master's degree in school administration from San Diego State University in 1974, and his Ph.D. in school administration from U.S. International University in 1977. He also received training from the Howard University School of Law in 1967, and he earned a counseling credential from San Diego State University in 1972.

John has distinguished himself as a teacher, counselor, and administrator for nearly 30 years, serving as district administrator, vice-principal, and principal in the San Diego Unified School District.

Nationally recognized for his work, John has been honored by the Administrators Association, Omega Psi Phi Fraternity, Kiwanis International, the Association of California School Administrators, and the Parent Advisory Task Force.

As he retires from a sterling career in education that was marked by vision, creativity, and strong leadership, I joined his family and friends in congratulating him on nearly 30 years as an inspiration to us all.

MEMORIES OF A CONGRESSIONAL PAGE

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1996

Mr. KLECZKA. Mr. Speaker, Mr. Albert Anness of Waukesha, WI, served as a congressional page in the House of Representatives during the first session of the 81st Congress. His experience as a page was the beginning of a lifetime of political involvement and activism.

Recently, Mr. Anness wrote a particularly touching vignette about a unique and special moment during his service as a page. Below is his story, which I think we will all find very interesting.

CHANCE MEETING

(By Albert R. Anness, House Democratic Page, Spring 1949)

In the story I am about to tell, I was alone. The only footsteps were mine; no human voice was within earshot. Solitude was my only companion.

It was past mid-afternoon as I passed through the Rotunda of the Capitol and neared the House of Representatives. The statue of Will Rogers stood gazing down upon the House Chambers. The large doors by which President Truman had recently entered to deliver his State of the Union message were now closed. The House Chambers were quiet and dark.

I don't remember why I was in the Capitol Building that afternoon. The House stood in adjournment and besides being assigned to the Ways and Means Committee, I had no floor duties. I was probably running some long forgotten errand.

Turning left, I began walking down the corridor toward the Democratic cloakroom door. I was heading for the underground passage returning to the New House Office Building.

Walking down the corridor I recall the sunlight streaming thru, the large window was beginning to lose its brilliance as evening began its resolute march to darkness.

As I neared the cloakroom entrance, my solitude was broken by the arrival upon the scene of the only other participant in my story, Congressman Joseph W. Martin of Massachusetts. The Democratic cloakroom door opened and out he stepped. This was a little surprising, because, at the time, he was the Republican Minority Leader.

In a corridor usually bustling with activity, Congressman Martin and I were totally alone. He was a friendly man of medium height with jet black hair that belied his age in the mid-sixties. Congressman Martin was also the last Republican Speaker of the United States House of Representatives until Newt Gingrich, forty-six years later in 1995.

We barely had said hello, when he stumbled and began falling down the cloakroom stairs. If I had not been passing at that precise moment, he would have had a very nasty fall on the marble floor. As it happened, he fell harmlessly into my arms escaping injury. Congressman Martin thanked me and went on his way. This happened more than forty-six years ago, but it will forever remain indelibly in my memory.

RECOGNITION OF SEYI FAYANJU'S VICTORY IN THE NATIONAL GEOGRAPHY BEE

HON. WILLIAM J. MARTINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1996

Mr. MARTINI. Mr. Speaker, I rise today to commend a very worldly young man. One of my constituents, Seyi Fayanju of Verona, recently won the National Geography Bee.

Since the age of 4, Seyi has been attracted to geography. His knowledge of our world spans the globe, from the new republics in the East to the obscure islands of the Pacific and the Atlantic. This remarkable youth has not only accumulated a broad wealth of geographical facts, but he continues to expand his awareness with a zeal that is truly admirable.

Seyi has been recognized by his teachers at the Henry B. Whitehorne Middle School as one of the most gifted and well-rounded pupils they have ever taught. His talent for geography comes naturally. He continually impresses his teachers and peers with his ability to rattle off the capitals of far off places and identify the most remote mountain ranges and bodies of water.

This intense level of geographical understanding enabled Seyi to succeed at the State level and then go on to represent New Jersey in the national competition. The questions for the geography bee were prepared by the National Geographic Society. Seyi received a rare and perfect score in the finals to become the winner of the national contest.

Mr. Speaker, the National Geographic Society began this competition back in 1989 in response to the public's frustration with the lack of geographical knowledge of our youth. Seyi Fayanju has answered the challenge of the public and we are proud of his achievements. I commend this exceptional student on his academic feat and hope that his accomplishment will spark the desire of other students, nation-wide, to take interest in the unique and wondrous places our great world has to offer.

CONGRATULATIONS MR. AND MRS. JOHN MALONE

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1996

Mr. PAYNE of New Jersey. Mr. Speaker, today I would like to honor a very special couple, Mr. and Mrs. John Malone, formerly of Elizabeth, NJ. On Sunday, June 23, 1996, John and Elizabeth Malone will celebrate their fiftieth wedding anniversary by renewing their wedding vows at St. Walburga Monastery in Elizabeth, NJ.

John Malone served the city of Elizabeth for 36 years as a firefighter before retiring from the force in 1985. Elizabeth Malone worked with the telephone company before retiring in 1986. This couple managed to raise four children in the process, who have since given them six grandchildren.

Mr. Speaker, it is my feeling that we can all look to this couple for inspiration. In a time when divorce rates are astoundingly high and society is suffering as a result of this, the Malones have shown us that it is possible for married partners to sustain their respective careers, raise a family and remain happily committed to each other. I wish them many more years of happiness.

AMERICAN GI FORUM RECOGNIZES NAT BENITEZ

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1996

Mr. BARCIA. Mr. Speaker, throughout our Nation's history the men and women who have served in our Armed Forces have been responsible for providing and securing the blessings of liberty for all Americans. Admirably serving our Nation have been many Hispanic Americans who have come together as members of the American GI Forum to effectively represent the concerns and interests of Latino veterans and their families in many issues.

This weekend the American GI Forum of Michigan is holding its 35th Annual State Convention, which is being proudly hosted by the

Flint Frank O. Barrera Chapter. At the convention the members will be learning more about the experiences of one veteran whom I am proud to have as a constituent, Mr. Natividad "Nat" Benitez of Gagetown. Nat Benitez was awarded the Bronze Star for bravery under fire for holding his position against superior enemy forces on April 15, 1945.

His bravery was reported by the Cass City Chronicle on March 20, 1991, which recounted the event. With two flanking positions having been knocked out, leaving him alone to defend the line, Nat Benitez exhausted his supply of ammunition and hand grenades, crawled out of his foxhole under intense mortar, grenade and rifle fire, crawled through an exposed position to get more ammunition, and then returned to his original position to continue to hold the line. Even though he was the only soldier holding this position, the next day it was discovered that there were 23 dead members of the enemy force around his position.

Today, more than 50 years after his harrowing and heroic exploits, Mr. Benitez continues his profound respect for members of our military, understanding all too well the risks that they each take, especially when in actual combat. He knows how hard it is to lose a friend, who can be taken in a split second by enemy fire. He knows that training is not enjoyable, but it is essential to survival. He knows what it is to risk all for one's country, and how important it is that our veterans be treated fairly for all that they have done.

Mr. Speaker, I urge you and all of our colleagues to join me in congratulating Mr. Nat Benitez in his recognition by the American GI Forum of Michigan, and in wishing all of the members of the Forum a most successful convention.

HUDSON ELKS LODGE WORKS FOR FLAG AND COUNTRY

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1996

Mr. SOLOMON. Mr. Speaker, back on June 14, 1777, the Continental Congress of the United States adopted a resolution that gave us the stars and stripes that are our American flag. This June 14, 1996, the Hudson Elks Lodge will celebrate the 219th annual Flag Day to the day.

Mr. Speaker, let me tell you why it is so important that organizations like the Elks Lodge No. 787, serving Hudson, NY, take the time to recognize Flag Day and the American flag. It's because our flag is unique and so is Flag Day. To my knowledge, no other nation has a holiday like it. No other nation has a special day when its people gather, as those will gather with the members of the Hudson Elks Lodge, to honor the flag as a special symbol.

And that, Mr. Speaker, is what makes our flag and Flag Day unique, it represents a unique Nation—the strongest, freest, greatest Nation on Earth. No other flag is anchored so securely in the hearts of a people like Old Glory is in ours.

Let's stop for a moment and consider why that is. It's because of civic organizations and people like those in the Hudson Elks Lodge who continually remind us of the importance of our flag. It's because of their efforts to raise public awareness of the flag and all that it stands for that Old Glory commands the devotion, respect and reverence that it does.

That's why, Mr. Speaker, I am so proud to address the members of the Hudson Lodge as Brother Elk. The Elks are devoted to promoting pride, patriotism and volunteerism and do more than anyone when it comes to those goals. The Benevolent and Protective Order of Elks have helped to relight the fire of patriotism in every American citizen and through their voluntary acts on behalf of the community, they have helped to reach our young people in whose hands the future of America depends.

But Mr. Speaker, I owe my Brother Elks in the Hudson community and around the country another expression of my personal gratitude. That's because they stood beside me, and the overwhelming majority of Americans, who wanted to see Old Glory, our most visible and beloved symbol, protected by the Constitution, our most sacred and beloved document. I'm referring of course to the constitutional amendment to prevent the physical destruction of our flag that passed overwhelmingly right here in the House Chamber, only to be defeated by just two votes in the Senate. As long as lodges like those serving the city of Hudson continue to impress upon our fellow Americans the significance of our flag and what it means to America, I'm confident we can ultimately afford it this ultimate protection it so richly deserves.

Mr. Speaker, at this time, I ask that you and all Members of the House join me in tribute to the Hudson Elks Lodge for all they have done to spread appreciation for the American flag and our country throughout their community. For those efforts, they are all truly great Americans.

A TRIBUTE TO PAUL HEIDEMANN

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1996

Mr. CAMP. Mr. Speaker, it is with great pleasure that I rise today to honor an outstanding individual on his retirement from 30 years of outstanding service to the community of Morley, MI. Mr. Paul Heidemann has served the students of Morley Stanwood High School as a teacher, music instructor, administrator, confidant, and friend to the many people whose lives he touched.

During his career, he has taught elementary and secondary instrumental music and directed the junior high and high school bands. He has organized the Flag Corps and helped with public address equipment for shows and presentations. He has organized the band boosters. Each year he oversees graduation ceremonies. Paul has also been an unofficial computer consultant for the school, lending his expertise since the first Commodore 64 made its appearance in the classroom back in the mideighties.

Paul's volunteer help in ushering Morley Stanwood community schools into the computer age has been tremendous. He has done so much behind the scenes, always willing to help each staff member with computer problems, even visiting their homes to help with home personal computing.

His musicianship is outstanding. Paul was named best musician in the first Big Rapids Pioneer People's Choice Awards. He plays in the West Central concert band and Ferris chamber orchestra and is organist at the United Church in Big Rapids. He has served as secretary of the Michigan School Band and Orchestra Association for the past 4 years.

It is work such as Paul's that inspires us all to achieve the best we can, and to promote these qualities in others. Mr. Speaker, I know you will join my colleagues and I in honoring the work of Mr. Paul Heidemann and the legacy of service and commitment he has left for us all.

TRIBUTE TO NANCY INTERDONATO FOR SERVICE TO CITIZENS WITH DISABILITIES

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1996

Mr. GOODLING. Mr. Speaker, today I rise to honor Nancy Interdonato, executive director, of the ARC of York County, and wish her well as she pursues new career opportunities.

During the 6 years Nancy served at the ARC, she was an outspoken advocate for all individuals with disabilities. She fought tirelessly to ensure those with disabilities were integrated into the community, truly making the organization an "arc" between individuals with disabilities and the community. She served as a valuable resource in developing public policy and spearheaded numerous Federal, State, and local efforts aimed as ensuring quality of life and quality services. I was pleased to have the opportunity to work closely with her on several occasions.

Ms. Interdonato worked to address the multiple needs of individuals with mental disabilities and their families. Her numerous accomplishments include the planning and structuring of a group home and development of afterschool recreation and summer camp programs. She was also instrumental in forming a coalition to meet the transportation needs of ARC clients.

Nancy's efforts went beyond serving those in the disabled community. She was also largely responsible for updating and improving the facilities and working conditions for employees of the ARC of York County.

Whether in her role as advocate or administer, I believe Nancy will be remembered most in York County for her ability to raise public awareness and promote positive public relations by reaching out to the entire community. She constantly attempted to educate the public and gain the support of those outside the disabilities community.

Mr. Speaker, as the Representative of the 19th Congressional District, I wish to thank Ms. Interdonato for her years of service and dedication to improving the lives of families in York. She will be truly missed.

TRIBUTE TO THE LAKE HURON METHODIST CAMP AND RETREAT CENTER

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1996

Mr. BONIOR. Mr. Speaker, this coming Sunday, June 9, 1996, the Lake Huron Methodist Camp and Retreat Center, in my home State of Michigan, is celebrating its 50 plus yeas anniversary and rededication ceremony. I have been fortunate to have been associated with this outstanding facility located in a gorgeous setting on the western shore of Lake Huron.

July 8, 1945, was opening day at the Lake Huron Methodist Camp. From the very beginning, the founders of the camp were dedicated to providing the youth of our society with a camping experience on the banks of Lake Huron. Often it was the very first time they had ever seen a lake. To see these youngsters dash off the bus and rush towards the lake, still is a rewarding experience for anyone who contributes to the work of the camp.

Originally, the land on which the camp is located was a part of the Levi Hillock farm. The Young Women's Hebrew Association purchased 15 acres in 1925 and developed an all girls' camp. For a number of years the Port Huron district camp met at Simpson Park Campgrounds, but in 1942 some of the camp leaders indicated a desire to have a permanent camp of their own. Today, the United methodist Church is the sole proprietor of the camp and retreat center. Among those who have used the camp are the Baptist Women of the thumb area, and a group associated with 4-H leadership training. The camp has a hosted a program I have sponsored for over 10 years, the Congressional Student leadership Summit, where High School students learn about the legislative process.

As the community prepares to celebrate the anniversary, I applaud the capable managers of the camp, Dick Cay and his wife, Kathryn. The Huron Camp is a valuable project that has demonstrated a strong commitment to young people and community groups. I urge my colleagues to join with me in congratulating the Lake Huron United Methodist Camp and Retreat Center. May the next 50 years bring continued fruitful service to the youth of Michigan.

TRIBUTE TO FROEBEL ASTOR "FRO" BRIGHAM

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1996

Mr. FILNER. Mr. Speaker, I rise today to honor a close friend and longtime fixture of the San Diego music community who died May 31—Froebel Astor Brigham, known simply as Fro.

Fron, whose musical career spanned more than half a century, will be greatly missed by more than three generations of music lovers in my hometown of San Diego. A patriarch of the area jazz scene since the 1940's, Fro dazzled everyone who listened with his smooth sounding trumpet, which featured a mouthpiece given to him by jazz legend Louis Armstrong.

Following his arrival in San Diego in 1945, Fro became a must-see on the local jazz circuit. He and his Preservation Jazz Band were soon playing before some of the highest political and civic officials in San Diego. In the last two decades of his illustrious career, Fro's performance schedule was as consistent as the high quality of his playing—Fridays and Saturdays at Pal Joey's in Allied Gardens, Wednesdays and Thursdays at Patrick's II downtown.

His talent, of course, earned him numerous honors. He won two San Diego Music Awards. He was honored in 1993 at the Catfish Club as the Grandaddy of San Diego jazz. He was recently honored at a special tribute at Pal Joey's. So moving was his trumpet playing that Lady Bird Johnson once flew him to her ranch in Texas to perform

Not surprisingly, Fro became as well known for his contributions to the community as for his music. He led a volunteer drive to collect donated bread and sweet rolls from supermarkets for distribution to the needy. He delivered food to the hungry one or more times every week. And he was a board member of the Corrective Bahaviors Institute, a center for at-risk children.

Fro served in the U.S. Navy from 1943 to 1945. He was a groundskeeper for the San Diego Parks and Recreation Department for 30 years until his retirement in 1979.

One thing he never retired from was his music, which was his most effective means of communication. Indeed, as an African-American, Fro was recognized as having broken ethnic music barriers that long existed in San Diego. His contributions to the art of music and to the San Diego community will not be forgotten.

STOP THE FRIVOLOUS USAGE OF THE SOCIAL SECURITY NUMBER

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1996

Mr. KLECZKA. Mr. Speaker, I am pleased to introduce today legislation to limit the frivolous usage of the Social Security number.

In March, I was contacted by a constituent of mine who went to apply for a credit card at a local wholesale club. The application required him to list his Social Security number. When he refused, the store threatened to deny his application.

In my judgment, this situation is unacceptable. The Social Security number was designed by our Government for one simple use: To follow workers throughout their employment history in order to ensure that they received the Social Security benefits due to them upon their retirement. Over the years, the Federal Government's usage of the Social Security number has expanded to other legitimate uses like taxpayer identification and welfare benefits distribution. Congress has provided for each of these expansions with specific language in statute.

Meanwhile, the use of the Social Security number in the private sector has run rampant. Citizens are now asked or required to give the number to get grocery store check cashing cards, to apply for credit cards, or even to make golf tee time reservations. It is time to limit these frivolous uses of what should be strictly a Government identifier—not a national ID number.

My legislation will restrict use of the Social Security number to bona fide Government, tax, and related purposes. It bans companies from buying or selling marketing lists that contain Social Security numbers and prohibits the private sector from requiring customers to divulge the number as a condition of doing business.

Exceptions are made for current Federal uses of the Social Security number, as well as State usage for drivers licenses, motor vehicle registration, welfare benefits, and tax purposes. In addition, my bill preserves the ability of companies to use the number for taxpayer identification. This is important for banks that must report interest income to the IRS, payroll companies withholding taxes, and a limited number of other groups.

The provisions of my bill will be enforced by the Office of Management and Budget, which currently polices Privacy Act violations, in consultation with the Commissioner of Social Security.

Mr. Speaker, I believe my legislation addresses a problem that has been ignored for too long. I look forward to working with Social Security Subcommittee Chairman BUNNING and the rest of my colleagues to enact this bill.

THE MONTCLAIR KIMBERLEY ACADEMY BLUE RIBBON AWARD

HON. WILLIAM J. MARTINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1996

Mr. MARTINI. Mr. Speaker, it is with great pleasure I rise today to recognize the Montclair Kimberley Academy's recent achievement in receiving the U.S. Department of Education's Blue Ribbon Award.

The Blue Ribbon Award gains its prestige from the intense competition it generates. Nearly 500 public and private schools throughout the United States, Virgin Islands, and Puerto Rico were nominated for this honor. Montclair Kimberly Academy is 1 of 161 secondary schools and only 9 independent schools to receive this award.

The schools were judged by a panel of 100 recognized school educators and local leaders. These individuals evaluated the schools on the basis of several criterium dealing with the academic accomplishments and dedication of both the students and teachers.

The Montclair Kimberley Academy has been providing sound education to its students for over 100 years. Since its meager beginning as a one-room schoolhouse of only 35 students, the academy has been dedicated to a curriculum focusing on individual attention and the freedom to develop personal initiatives. Over the years, this center of learning and culture within my district has seen many considerable changes. A strong school spirit and a loyal alumni had a great deal to do with building this school into such a proud institution. Today, the Montclair Kimberley Academy spans three campuses and educates over 1,000 students from kindergarten through grade twelve.

The true strengths of the Montclair Kimberley Academy are the special relationships between the faculty and students and the welcoming and productive learning environment it provides. Working together, the students and teachers of the academy affirm their commitment to the words on the school seal: knowledge, vision, and integrity. This Blue Ribbon Award is a tribute to the teachers for their hard work and dedication to personalized attention and to the students, whose curiosity and motivation is matched only by their achievements. It is my hope that the Montclair Kimberley Academy's long traditions of excellence in education will provide a shining example to other schools, both public and private, so that they too, might rise to new levels of academic excellence.

TRIBUTE TO EDWIN MICHAEL TRAYNER, M.D.

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1996

Mrs. ROUKEMA. Mr. Speaker, I rise to congratulate Dr. Edwin Michael Trayner, on his completion of service as president of the Bergen County NJ Medical Society. Dr. Trayner is a dedicated and talented physician whose skill is well respected by colleagues and patients alike. He has served the medical society with distinction and I am pleased to extend our congratulations to him on this occasion.

Indeed, the medical community has been fortunate to have a person of his outstanding accomplishments to serve the public.

Dr. Trayner, who holds undergraduate and medical degrees from Columbia University, began his career as an intern at Roosevelt Hospital in New York in 1956. He did postgraduate work at Harvard Medical College in 1957 and 1958, then returned to New York for residencies at the Bronx Veterans Hospital and the Manhattan Eye and Ear Hospital. He held a teaching appointment at Manhattan Eye and Ear until 1993 and performed a fellowship in ultrasound of the eye there from 1968 to 1975.

Dr. Trayner, who is board certified in ophthalmology, has his home and private practice in ophthalmology in Tenafly. He is affiliated with Englewood Hospital, where he is a former chief of ophthalmology, Holy Name Hospital in Teaneck, and Manhattan Eye and Ear Hospital.

Dr. Trayner is a member of the American Board of Ophthalmology, the American College of Surgeons, the American Medical Association, the New York and New Jersey Academies of Medicine, the Medical Society of New Jersey, the Medical Society of Bergen County and the New Jersey Academy of Ophthalmology and Otolaryngology, of which he is a former president.

Dr. Trayner's service to the Bergen County Medical Society dates to 1963, the year he became a member. He served as a member of the executive board from 1990–94, as president-elect in 1995, and president in 1996. He has provided exemplary leadership that has helped establish the Bergen County Medical Society as one of the most respected groups of medical professions in the region.

During these recent years, when health care issues have risen on the congressional agenda, Dr. Trayner has been a reliable and valued resource to me and the New Jersey delegation. We greatly value the contributions to the debate of Dr. Trayner and the Bergen County Medical Society.

Our Nation enjoys the world's highest standards for modern health care, which is vitally important to every citizen. Dr. Trayner has exemplified the highest professional standards. We express our deepest gratitude to Dr. Trayner and physicians like him who see that the highest quality of care is maintained. Best wishes to Dr. Trayner as he continues his exemplary service to his patients and the Bergen County community, and to his wife, Rita, and their three children, Dr. Edwin M. Trayner Jr., Elizabeth L. Monz, and Andrew J. Trayner.

CORPORATE RESPONSIBILITY AT HOME AND ABROAD

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1996

Mr. GORDON. Mr. Speaker, today one of my constituents from Northern Telecom [Nortel] participated in a congressional panel discussion on corporate responsibility at home and abroad convened by my colleague from Illinois, Representative LANE EVANS. Megan Barry, who is Nortel's senior ethics advisor and is based in the company's Nashville facility, participated on this panel. I would like to commend Megan and Nortel for the fine standard they have set in pushing for ethics in business practices and I commend to you and all of my colleagues, her remarks:

CORPORATE RESPONSIBILITY AT HOME AND ABROAD

(By Megan Barry)

Good morning. My name is Megan Barry and I'm here today representing Northern Telecom, Nortel. Nortel is an $11 billion global corporation with 63,000 employees around the world. We build, design, and integrate digital networks for information, entertainment, education and business. In the U.S. we have over 22,000 employees at major facilities such as Raleigh, NC, Dallas, TX, Atlanta, GA, Santa Clara, CA, Nashville, TN, Sunrise, FL, McLean, VA. Nortel is very honored to be included in these discussions today.

All of the companies that are represented here today are being recognized for something "exceptional"—for example, Pfizer is here because they provide low income individuals access to prescriptions.

So why is Nortel here? I'm actually here today to talk about what some might consider to be the "unexceptional." I'm here to talk about the day-to-day ins and outs of just being an ethical company.

Unlike a lot of multinationals, we, at Nortel, have an established Business Ethics function. Our function is set up to deal with everyday ethical issues that confront our employees, our suppliers and our customers.

We do this in several ways, but the key piece that has made our function so successful has been the adoption and distribution of our International Code of Business Conduct. We call our Code, "Acting with Integrity."

Before 1995, Nortel had a Code of Conduct—but guess who wrote it? Lawyers. The old Code tended to be more rule-based and had a lot of "thou shalt not" phrases. We felt that it was very important to move towards a more value-based approach. We wanted to provide a "working document"—one that gave our employees help and guidance. So we did something pretty radical—we asked our employees what they wanted to see in a new Code. With the help of the International Business Ethics Institute, we conducted over 35 focus groups in the U.S., Canada, Caribbean and Latin America, Europe and Asia Pacific. We also invited all 63,000 of our employees to read the draft versions of our Code and give us input and ideas. The overall response was amazing. This gave our employees a voice in the process and a true sense of ownership of the completed Code.

This approach also helped us write a document using international language that crosses all of our locations. For example, we use Questions and Answers throughout the Code to make it more readable. One of our focus groups from Europe pointed out a true "North Americanism" for us.

In one question, we ask, "Do people really get dismissed for violating Nortel's ethical standards?" In one of our original drafts, we had asked, "Do people really get terminated for violating Nortel's ethical standards?" The Europeans were horrified. As one focus group member said, "When you say we terminate them—do you mean we kill them?"

Of course the answer is no, you don't get killed for violating Nortel's Code, but yes, you can be dismissed for violating our Code.

It took us a year and many drafts before we had the Code as you see it today. It is something all of us at Nortel are proud of. It addresses a wide range of important ethical issues. For instance, the Code makes it clear that Nortel does not and will not condone the use of enforced labor or child labor. It strictly forbids the reproduction, distribution or alteration of copyrighted materials without the permission of the copyright owner or authorized agent.

But does having a final Code mean its over? Of course not. As I said earlier, we want our Code to be a "working document." Nothing in our business stands still for long and our Code can't either. From the calls our office receives daily, there are already new and emerging issues that we need to address. For example, the Internet raises a whole host of ethical questions for all of us. And although we are learning along with everyone else, we were one of the first companies to actually put our Code on the Internet (http://www.nortel.com/english/ethics/). We want everyone—our shareholders, our customers, our employees, our suppliers and the communities where we are located—to know what we stand for.

At Nortel, we believe that as a multinational, we have a responsibility to act honestly and responsibly wherever we operate in the world. Putting together a Code that speaks to all our employees globally is helping us to create a Nortel culture where we are upholding high ethical standards and acting with integrity in all our operations.

THE 50TH ANNIVERSARY OF THE ASCENSION OF HIS MAJESTY KING BHUMIBOL ADULYADEJ TO THE THRONE OF THAILAND

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1996

Mr. CLEMENT. Mr. Speaker, June 9 marks the 50th anniversary of the ascension of His Majesty King Bhumibol Adulyadej to the throne of Thailand. He is the longest reigning Monarch in his country's history. The King's work in social and agricultural development throughout Thailand is well known. The many innovative, pioneering projects he has created are evidence of His Majesty's unselfish willingness to see that all Thai people come into the age of modern technology .

The King has made major contributions to the stability, security, religion, culture, performing arts, and social welfare of his people. In Thailand he is known as King Rama the 9th of the Chakri Dynasty. In the United States he is known as the Thai Monarch who was born in Massachusetts, and is a loyal friend and ally to the United States.

Today I wish to send my sincere warm regards to his Majesty on his 50th anniversary. I wish him health, happiness, and peace.

FELIZ CINCUENTA ANIVERSARIO A LA LEGION POSTAL AMERICANA 500

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1996

Mr. BARCIA. Mr. Speaker, many Americans fought to preserve democracy in World War II, including the many Mexican-Americans who bravely fought for their country. On June 29, the Hispanic Americans of American Legion Post 500 in Saginaw, MI, will be celebrating the post's 50th anniversary, having been chartered on April 20, 1946.

Many of the veterans of World War II formed a Latin American club for Veterans in November 1945, to provide an opportunity for these brave individuals to recount their experiences, to renew old ties, and to develop new alliances for the future. With many of these individuals having come to Michigan from other areas to take advantage of work opportunities, the club was an excellent way of maintaining their contacts with the Hispanic culture. In 1946, a temporary charter was granted to Latin American Legion Post 500, with Valintino Gallegos as the first post commander.

The members of the post honored their fallen colleagues by renaming the post after the first four Mexican Americans from Saginaw killed in the war: Pvt. Louis Martinez, killed in action in France, June 12, 1944; Pfc. Julian Garcia, killed in action in Guam, 1944; Pfc. Sifred Nerio, wounded in France, July 1944, and subsequently dying in a British hospital on August 1, 1944; and Pvt. John Reyes, a paratrooper killed in action in Italy, October 18, 1944. the approximately 1,000 veterans from World War II, Korea, Vietnam, and Desert Storm who have been members of the post since its inception have a proud heritage that is worthy of recognition.

There has been a greater awareness in recent years of many Americans who fought for their country in World War II and in other battles, and failed to receive adequate recognition for their service and sacrifice. Posts like American Legion Post 500—the only Hispanic American Legion Post in Michigan—were vital in promoting the special needs of Hispanic veterans, particularly at times when there may not have been as much recognition of their contributions and sensitivity to their needs as their should have been.

Mr. Speaker, these Mexican-Americans deserve our thanks for all that they have done over the years. I ask that you and our colleagues join me in offering them our thanks, and in wishing them the very best for the 50th anniversary of Martinez, Garcia, Nerio, Reyes American Legion Post 500. Les deseamos ontros 50 años con mucho exito y mucha salud.

THE SHAMELESSNESS SURROUNDING MEDICARE

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1996

Mr. SOLOMON. Mr. Speaker, there does come a time when partisanship must be put away and the well-being of those we are sent to represent must prevail. Such an instance is the ongoing Medicare debate. Partisanship has no place in this debate, because the health care of our seniors and of future generations is at stake.

On that note, I wanted to draw your attention to an editorial printed in one of my district's newspapers. In the editorial, some very disturbing figures and statistics are pointed out. These figures and what they mean are clear to everyone. When Medicare outlays are more than its revenue, the system needs to be changed.

The editorial points to a veto by President Clinton of last year's balanced budget. This budget would have saved $226.7 billion in the Medicare Program through 2002, which would have preserved the entire Medicare Program until at least 2010. Clinton was faulted in the editorial as "shamelessly play[ing] on the fears of senior citizens * * * to score political points against Republicans," and "Clinton needs to stop feeding the fears of seniors for political gain and make substantive changes to this entitlement program." In a matter that is so critical to our seniors, we should expect more of the President. This partisan bickering must stop now and sound solutions to the Medicare Program must be developed. I would urge the President to join with the Congress to begin to solve the problems of Medicare.

STOP PLAYING POLITICS AND FIX MEDICARE NOW

Those in charge of the federal Medicare program say the hospital fund will be nearly $29 billion in the red by 2001 if the system isn't changed.

Medicare trustees also reported yesterday that Social Security will go broke by 2029 if that program is not adjusted.

President Clinton insists that Republicans and Democrats are not that far apart on numbers that would extend the life of the Medicare system.

He says bankruptcy could be avoided.

We have heard that line before. The fact is, deep-seated political differences virtually assure that a solution to this pressing problem is not going to be reached before November's presidential election.

The statistics are sobering, if not downright frightening.

By 2002, the hospital fund will owe $86 billion more than it has, and by 2006, the red ink could grow to more than $400 billion, according to Congressional Budget Office estimates.

Clinton last year vetoed the balanced budget bill passed by Republicans, which was projected to save about $226.7 billion in the Medicare program through 2002.

Under the Republican plan, the program would move more senior citizens away from expensive fee-for-service plans into less expensive managed-care programs.

The plan would also set up medical savings accounts that would include a high-deductible catastrophic insurance system.

Congressional Democrats immediately accused Republicans of trying to unfairly gut the coverage that senior citizens now have under Medicare.

Clinton shamelessly played on the fears of senior citizens in this regard to score political points against Republicans in the bitter federal budget battle this year.

Medicare's hospital fund actually started spending more last year than it took in through the payroll tax, but it had a $134.3 billion surplus to dip into.

Social Security's financial problems are not as acute yet because the system still takes in more than it pays out.

While Social Security has been getting the most attention, it is the 30-year-old Medicare program that is clearly in the most trouble.

Medical costs for an ever-increasing aging population have escalated at an alarming rate. They will continue to do so.

The problem will be even greater in 2010 when the first of 76 million baby boomers turn 65.

Spending will continue to exceed revenues, eating up the surplus and running growing deficits by 2001 unless the system is changed.

This is a crisis that can no longer be mired in partisan bickering.

Clinton needs to stop feeding the fears of seniors for political gain and make substantive changes to this entitlement program.

Seniors are simply going to have to learn to put up with less doctor choice if the system is to survive.

Republicans, meanwhile, need to make sure that those who can pay for part of their benefits do so, instead of letting the rich off the hook.

The political risks in making any radical change are daunting. But the numbers say they must be taken.

TRIBUTE TO FRED JAEGER

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1996

Mr. CAMP. Mr. Speaker, it is with great pleasure that I rise today to honor an outstanding individual on his retirement from 28 years of outstanding service to the community of Morley, MI. Mr. Fred Jaeger has served the students for over 25 years as a teacher, athletic instructor, director, confidant, and friend to the many people whose lives he touched.

During his career, he taught both math and science in both the high school and junior high school. He was a class sponsor for 9 years. He directed class plays for 3 years, timed football games for 18 years, announced at basketball games for 8 years, and performed in 13 country music shows.

Fred has enjoyed quite a coaching career. He coached grade school boys basketball for 6 years, junior high school boys basketball 3 years, junior high school girls basketball 8 years, and assisted boys track 5 years.

Then Fred found his niche with the girls track team. In 18 years of coaching girls track, Fred's teams won seven league championships and four regional championships. Twice his girls finished third in the State in class C. In dual meet competition his teams won 118 meets, while losing only 31. He was twice named Coach of the Year by the Michigan Interscholastic Track Coaches Association. In 1990, he began the Cross Country Program at Morley Stanwood and in 6 years, his girls have won two league championships. He was named regional Cross Country Coach of the Year in 1994.

It is work such as Fred Jaeger's that inspires us all to achieve the best we can, and to promote these qualities in others. Mr. Speaker, I know you will join my colleagues and I in honoring the work of Mr. Jaeger and the legacy of service and commitment he has left for us all.

A TRIBUTE TO P. KIRK PANDELIDIS, M.D.

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1996

Mr. GOODLING. Mr. Speaker, I recently attended a celebration marking the retirement of Dr. P. Kirk Pandelidis. His life is one of those immigrant success stories that make America great. I would like to share his achievements with my colleagues.

P. Kirk Pandelidis, M.D. has been a dedicated member of the medical community of York County, PA for over 30 years. But his story begins in Athens, Greece where he was born and lived for 28 years. Dr. Pandelidis received his secondary and undergraduate education in Athens. In addition, in 1952, he received his doctorate in medicine at the University of Athens. He faithfully served in the Army of his native country from 1952 to 1955 in the capacity of lieutenant of the Medical Corps.

In 1955, after his military service, Dr. Pandelidis moved to the United States as an intern of the Touro Infirmary in New Orleans, LA. After two residencies in Massachusetts and Connecticut, he came to Philadelphia where he served as a resident at the Jefferson Medial College and Hospital. Here he became a licensed doctor in the Commonwealth of Pennsylvania. In 1962 Dr. Pandelidis moved to York County where he served as a psychiatrist with honor and distinction for over 30 years.

Dr. Pandelidis is a highly respected leader in his field. In his impressive career, he served as medical director of the York County Mental Health Center and chairman of the Department of Psychiatry at York Hospital. He also published numerous studies and served as president of the York County Medial Society and the Central Pennsylvania Psychiatric Society.

In addition to being a devoted husband and father, Dr. Pandelidis is highly regarded for his leadership and service to the community. He was president of the board of his Greek Orthodox church and was involved in the Chamber of Commerce, the Rotary Club, and the Historical Society of York.

I am proud to have the opportunity to honor Dr. Pandelidis' distinguished service in medicine and the community of York. For all he has done, I ask that you join me, Mr. Speaker, in recognizing my constituent Dr. P. Kirk Pandelidis.

HONORING PRESIDENT HUNTER RAWLINGS OF CORNELL UNIVERSITY

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1996

Mr. HINCHEY. Mr. Speaker, I would like to take a minute to recognize the visit to Washington of the new president of Cornell University, Hunter Rawlings, and his wife, Elizabeth. President Rawlings succeeded Frank H.T. Rhodes in 1995 to become the 10th president of Cornell University, located in Ithaca, NY.

President Rawlings was formerly the president of the University of Iowa and held many positions at the University of Colorado at Boulder in addition to serving on many professional boards and associations. He is already a well-known figure to Cornell students, especially since he stands 6′7″ tall, and brings an extraordinary record of accomplishments to Cornell.

On June 15, the president will attend a picnic in his honor hosted by the Cornell Club of Washington at the home of Mr. and Mrs. Austin Kiplinger. I am glad to see that President Rawlings is interested in meeting Washingtonians and look forward to continuing close links between the university, its president, our own Washington institutions, and the high-level research functions of the Federal Government. I wish him well in his tenure as Cornell's president.

FATHER HEINDL CELEBRATES 60 YEARS OF MINISTRY

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1996

Ms. SLAUGHTER. Mr. Speaker, I rise today to honor Father Elmer William Joseph Heindl as he celebrates 60 years of ministry. Father Heindl is a remarkable man of faith who has devoted his entire life to the service of God and his parishioners.

Father Heindl began his career as a priest in 1936. Shortly after he responded to the calling from God, he dutifully responded to the calling of our country by serving as an army chaplain in World War II to comfort and care for our troops. He came home after 7 years of service as the most decorated chaplain to serve in World War II. His dedication to veterans is exemplified by his continued service as chaplain to several veterans groups both in the Rochester area and across the country.

Upon his return from World War II, Father Heindl served in a number of parishes in upstate New York until his retirement in 1980. Well into his retirement, Father Heindl remains active in the parish of Saint Charles Borromeo in Rochester, NY. He spends a great deal of time visiting with the children in Saint Charles Borromeo School. In 1994 Heindl House was dedicated on the Saint Charles property as the home for the Saint Charles preschool program and the site of the Saint Charles before school after school day care program.

Father Heindl is to be commended for his selfless dedication to all of his parishioners throughout his 60 years of ministry. The Rochester community is proud of him and honored that he chooses to spend his time working in the Saint Charles Borromeo Church. I believe Father Heindl and his lifetime commitment to the spiritual fulfillment of others warrants the recognition of all of my colleagues as well.

ISSUES FACING THE POSTAL SERVICE

HON. JOHN M. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1996

Mr. MCHUGH. Mr. Speaker, on Monday, May 20, 1996, a column in the Washington Post discussed many of the issues facing the Postal Service today.

This guest column was written by David Ginsburg, a member of the former Kappel Commission on postal organization; Murray Comarow, its executive director and later the senior assistant postmaster general; Robert L. Hardesty, a former chairman of the Postal Service Board of Governors; and David F. Harris, former secretary of the Postal Service Board of Governors as well as the Postal Rate Commission.

While, as Chairman of the Subcommittee on the Postal Service, I do not embrace their conclusions that yet another commission is the appropriate vehicle at this time to address postal reform, I believe their column is an excellent summary of the issues surrounding the need for postal reform today. It will be helpful for anyone wishing to educate themselves on the challenges facing the Postal Service.

Delivery for the Postal Service

The U.S. Postal Service is in deep trouble. It is losing market share to competitors in five out of its six product lines: packages, international mail, correspondence/transactions, expedited mail and publications. The only market share growth has been in advertising mail. By the end of this century, the Postal Service estimates that a third of its customers will have stopped using the mail to pay their bills.

And the intensity of the technological assault increases daily. Faxes, e-mail and expanding use of 800 numbers are cutting into postal markets at a rising rate. Already, more Americans order merchandise through 800 numbers than through the Postal Service.

In 1994 electronic messages grew 122 percent. Add to that the growth of alternative delivery networks and the loss of catalogue business to competitors such as UPS and FedEx. These challenges will not go away; they will increase.

To make matters worse, the money the Postal Service has invested in modernization has had little impact on productivity. Twenty-eight years ago, 83 percent of the Postal Service's total budget went to wages and benefits. Today, after the expenditure of billions of dollars for automation, there has been a substantial increase in the number of employees. Labor costs are still 82 percent of the budget. It costs more to process a piece of mail today than in 1991.

To stay alive the Postal Service may have no choice but to cut back on service and close thousands of facilities. This in turn could lead to further losses, as dissatisfaction mounts. The American people may well be left with a postal service that has nearly a million employees and yet whose only significant function is to deliver advertising mail and greeting cars.

What's to be done?

Bear in mind that the U.S. Postal Service is an arm of the government. It has been called "quasi-government" and sometimes "quasi-private," but it is not "quasi" anything. It is a 100 percent federal government entity to which Congress has granted limited independence and certain powers, such as collective bargaining and the right to use the money it collects. And even while Congress gave the Postal Service its "independence" a quarter of a century ago and transformed it into a "businesslike," self-sustaining government corporation, it interposed a number of obstacles that would make it impossible even for a team of the best business executives in the country to run the Postal Service efficiently. Among these constraints:

THE POSTAL RATE COMMISSION (PRC)

Headed by five commissioners appointed by the president, it is the only government agency whose primary job it is to set rates on prices for another government entity. Thus pricing authority is divorced from management responsibility and also, substantially, from market considerations. Not only is the Postal Service not free to set prices for its services—without PRC approval it cannot even determine what services it will offer.

When a business determines that it needs to raise its prices, it is free to do so immediately—before it starts losing money. With the Postal Service, it takes about five to six months to prepare its rate case; the PRC then has 10 months in which to issue a recommended decision.

BINDING ARBITRATION AND LABOR RELATIONS

The U.S. General Accounting Office (GAO) calculates that the Postal Service has 860,625 employees. Of these, the Postal Service bargains over the wages and benefits of 760,899, represented by four unions. If there's an impasse, the law mandates binding arbitration. The consequence? Of the 32 cents you pay for a first-class stamp, 26 cents is paid to postal employees. The rest goes for post offices, vehicles, automated equipment, etc.

In arbitration, one person with no responsibility for the consequences decides how much should be paid to clerks, carriers and others, as well as their health benefits and their grievance rights. In effect, the arbitrator determines how much you pay for stamps.

Another labor issue turns on that phrase in the statute that speaks of compensation for postal employees "comparable to . . . compensation paid in the private sector." This was clearly intended to refer to compensation for similar work. Yet the postmaster general in 1971, pressed by mailers who feared an unlawful strike, agreed to interpret the phrase to mean comparable to wages in other highly unionized industries unrelated to the sorting and delivery of mail. That interpretation, plus concessions on COLAs, layoffs and part-timers, laid a foundation for subsequent arbitrators' awards resulting in today's average pay for clerks and carriers of more than $45,000 a year including fringe benefits. Most private-sector employees doing similar work make far less.

Grievance procedures are further barriers to efficiency. Any union employee dissatisfied with his wages, hours or other aspects of his job, may initiate a complex 14-step procedure. The GAO reported that in 1993, 51,827 such grievances were appealed beyond local management-union levels. By 1995 that number was up to 73,300.

LEGISLATIVE CONTROLS

The law requires a complex and lengthy procedure before the Postal Service can close a small, inefficient post office. William J. Henderson, the Postal Service's chief operating officer, estimates that 26,000 small post offices cost more than $4 for every dollar they take in, and asserts that other ways are available to provide better service. We certainly do not suggest that all these 26,000 post offices should be closed, but in clear cases, postal managers should be able to move decisively.

There is also congressional resistance when postal management undertakes money-making activities. This is especially true with respect to competitive activities and experimental rates. Postal Rate Commission approval, even for experimental rates, can take months. Most business mailers support the concept of a postal service with more freedom to set rates and introduce new products and services. Some believe it should be allowed to make a profit, to negotiate prices, to innovate and to reward customers who prepare the mail efficiently.

Congress has also disregarded its own mandate for an efficient, self-supporting postal service by using it as a "cash cow," milking it over the years for $8.3 billion for deficit reduction a disguised tax on postal customers.

Why can't these obstacles be removed by legislative action? Some could if there were a consensus among the mailers' groups and labor—and in Congress. But experience has shown, as Sen. Ted Stevens, chairman of the Postal Affairs Committee acknowledged, that these groups are too diverse to develop such a consensus.

And even if a partial legislative solution were possible, it would be only patchwork. It wouldn't speak to the future of the Postal Service and its ability to master change. Only a nonpartisan, blue-ribbon commission, free of administrative and other constraints, is capable of doing all that now needs to be done.

There is precedent for just such a commission. In 1967, in the wake of a massive mail stoppage in Chicago, President Lyndon B. Johnson appointed a Commission on Postal Organization (headed by Frederick R. Kappel, then board chairman of AT&T) to look at the post office. In June of 1968, the commission announced its finding that "the procedures for administering the ordinary executive departments of Government are inappropriate for the Post Office."

The Kappel Commission recommended that the Postal Service be turned into a self-supporting government corporation; that patronage control of all top jobs, all postmaster appointments and thousands of other positions, be eliminated; that postal rates be set independently of Congress; and that the postmaster general be named by a presidentially appointed board of governors, which would also become the Postal Service's policy-making arm.

The commission's proposal formed the basis of the Postal Reorganization Act of 1970. Despite flaws, that act saved the Postal Service from disaster—at least for a while.

Now the time has come for another commission. To be credible, it should be made up primarily of leaders of business, finance and labor with no special connection to postal matters. Among the basic questions it needs to consider:

Should universal service, whether or not at uniform prices, be required by law?

Should any part or all of the Postal Service be spun off to the private sector?

Should the postal monopoly on letters (and some advertising mail) be rescinded or modified?

What is to be done about binding arbitration, postal unions' right to strike, the comparable pay provision, work rules and grievance procedures?

How do we speed up and simplify the ratemaking process?

Should private deliverers have access to residential mailboxes? (At present they do not.)

Should nonprofit organizations, ranging from local charities to the AARP, continue to pay less than other postal customers?

Should the Postal Service be permitted to bid against private companies for major contracts? (It was precluded from bidding for the governmentwide contract for expedited delivery that was awarded to FedEx.)

Is a part-time board of governors still an appropriate body to direct the Postal Service?

These and other matters the commission will deal with are controversial and do not lend themselves to quick legislative solutions or patchwork solutions. The sooner a first-rate nonpartisan commission gets to work on them the better. Time is running out on the U.S. Postal Service.

MISS WENDY GUEY

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1996

Mr. SHAW. Mr. Speaker, I rise today to recognize an extraordinary seventh grader who has achieved an amazing goal. Miss Wendy Guey, of Palm Beach Gardens, has captured the eye of America and the championship title of the 69th Annual National Spelling Bee.

It is wonderful to see how pure determination is still alive in our society. Wendy has been striving toward winning the national spelling bee for many years; however, the time was not right. Instead of being discouraged, Wendy persevered to finally reach the championship level. The only obstacle between Wendy and her lifelong goal was the word "vivisepulture." No matter how difficult the words were, Wendy held tough and her hard work finally paid off on Thursday, May 30, 1996.

Mr. Speaker, I wish to say how proud I am of Wendy for this special accomplishment in her young life. Wendy is a gifted role model for youngsters as one who never gives up, and, in the end, is successful.

Wendy has been aided by many individuals along the way. I would like to thank Wendy's parents, Ching and Susan Guey for their constant love and support. Also, I commend the educators and staff at the School of the Arts for the encouragement they gave Wendy throughout this journey. Wendy Guey is an extraordinary gifted young lady, and her success is exemplified through her work ethic. Without her focus and determination, the title of 1996 Spelling Bee Champion might still be a dream for Wendy Guey.

TRIBUTE TO THE WALDWICK, NJ, PUBLIC LIBRARY

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1996

Mrs. ROUKEMA. Mr. Speaker, I rise to congratulate the Waldwick, NJ, Public Library on its 40th anniversary.

The library has been a centerpiece of the Waldwick community for four decades, serving not only as a repository of books but as a meeting center and sponsor of a variety of civic and cultural activities. The anniversary is being marked with a week-long celebration including a picnic, baking contest, children's activities and a musical performance.

The celebration of the library's anniversary and, indeed, the history of how the library came to be are evidence of why Waldwick is one of Bergen County's premier communities. Waldwick is a community where residents take pride, neighbors help one another and citizens work together for the betterment of the borough. There are few better places to live and raise a family.

Following in the tradition of this long-held community spirit, the Men's Club of Waldwick opened the borough's first public library in a basement room of the Waldwick Grammar School in 1941. Showing ingenuity and resourcefulness, members of the club built shelves from lumber salvaged form the old Franklin Turnpike school and filled them with donated books.

A decade later, the men's club and the Waldwick Women's Club joined with the parent teachers association, veterans' groups and other residents in a community-wide effort to raise funds to build the current library. Fundraising activities included 200 volunteers canvassing the town to sell bricks, and three town residents who won $875 by appearing on a television quiz show. The $19,000 building, constructed in part from sandstone blocks salvaged from the old Bamper Hotel (perhaps "waste not, want not" should be the library motto), was dedicated June 24, 1956. Henry Spies was the first present of the board and Grace Sutherland the first librarian.

The first addition to the library, made possible by funds raised by the Women's Club and Lion's Club, was dedicated in 1965 and put into service as the children's room. Further additions were made in 1972 and 1980, providing space for the library's growing collection and a multi-purpose room used for storage, meetings and library programs. The Friends of the Library was organized in 1971 to finish the new wing.

Today the library is completely computerized and houses a collection of more than 40,000 books, videotapes and audio recordings, with an annual circulation of more than 85,000. The Friends sponsor a model railroad exhibit each year at Thanksgiving and other cultural activities.

Whether it be a tiny small-town library, or the all-encompassing Library of Congress, libraries are among the most important public facilities our communities offer. They are a center for continual learning for everyone from children just learning their verbs and nouns to retirees who finally have the time to read the volumes they didn't get to in earlier years. As Thomas Carlyle said, "The true university * * * is a collection of books." The citizens of Waldwick owe much to the founders and supporters of the Waldwick Public Library.

H.R. 3540, THE FOREIGN OPERATIONS APPROPRIATIONS BILL

HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1996

Mr. ABERCROMBIE. Mr. Speaker, last night, I voted against Mr. BURTON's amendment that reduced the development assistance available to the Government of India. Previously, I have supported amendments linking foreign aid to India's human rights record. In fact, I have consistently supported human rights in the Punjab and Kashimir states. However, this amendment provides no such connection. I am concerned about the human rights violations occurring in India. And, yes violations are still occurring, but the amendment is not the best way to address the current situation in India. This amendment would damage the progress in addressing human rights violations in India, its growing economy, and United States relations with India. I admire Mr. BURTON's intent, but I could not support the amendment.

SUNSHINE FOUNDATION CELEBRATES 20 YEARS OF SERVICE AND 21,000 DREAMS

HON. DAVE WELDON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1996

Mr. WELDON of Florida. Mr. Speaker, in 1976, Bill Sample had a dream. Today, that dream is marking its 20th anniversary and 21,000 special children have had their own dreams come true because of him.

Twenty years ago this November, Sample, then a Philadelphia police officer, was assigned to protective duty at a children's hospital. Among the patients were a large number of chronically and terminally ill children suffering from such afflictions as cancer, cystic fibrosis and kidney disease.

Sample came to know many of the children as well as their families who had been drained financially and emotionally. Sample reasoned that the couldn't do anything to make the children physically better, but, just maybe, he could make some of their dreams come true.

From this idea was born the Sunshine Foundation, the first such "dream makers" organization. Today, the expanding organization, made up almost entirely of volunteers, has its home base at the Sunshine Foundation's Dream Village in Loughman, Florida, minutes from Orlando. Sunshine Foundation has 29 chapters from coast to coast.

In 1990 the first Dream Village opened on a 21-acre site just minutes from Disney World. The Dream Village is a unique facility, specially designed for Sunshine's children. It includes a spacious community room (complete with game room, fireplace and other amenities), a fully handicapped-accessible playground and swimming pool, an orange grove and seven individually designed family cottages.

In all of the seven cottage, each of the children's bedrooms has been decorated with an animated "fantasy theme" which adds to the magic of the experience.

The Sunshine Foundation has brought a ray of sunshine to children afflicted with a variety of conditions including cancer, cystic fibrosis, leukemia, AIDS, muscular dystrophy, cerebral palsy and heart defects. The foundation recently decided to include children who have been physically and/or sexually abused.

When the Sunshine Foundation provides children with their dream to visit central Florida attractions, they are accompanied by their immediate family. The children and their families are housed at the Dream Village with all expenses paid for by the foundation.

Dreams are limited only by the children's imaginations. These have included meeting celebrities, special vacations, gifts of computers, as well as attending such events as the Super Bowl and World Series.

In order to accommodate larger numbers of less seriously ill children, the Sunshine Foundation established "Dreamlifts." To date, 47 Dreamlifts on 59 chartered planes have taken more than 8,000 children from special schools, hospitals and institutions all over the country to Disney World or Disneyland. Sunshine provides transportation, admission, meals and souvenirs.

In 1981, the Sunshine Foundation added one more ingredient to its "dream" program. Children with Hutchinson-Gilford Syndrome, better known as Progeria, and their families were flown to the United States from all over the world for a reunion. Progeria is an extremely rare affliction characterized by premature aging.

This assembly enables the children to interact with their peers and reduces their sense of isolation while allowing parents and siblings an opportunity to share experiences and mutual concerns. To date, Sunshine has sponsored 14 annual reunions and has another one scheduled for this month.

On its 20th anniversary, the Sunshine Foundation has a record to be proud of: answering the dreams and wishes of more than 21,000 chronically and terminally ill children from all 50 States and many foreign countries.

Mr. Sample's dream of helping terminally and chronically ill children to realize their dreams has become a reality through the good work of the Sunshine Foundation. I commend the Sunshine Foundation of 20 years of unselfish giving.

TRIBUTE TO MARY ANN ROBERTS

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1996

Mr. COLLINS of Georgia. Mr. Speaker, I rise today to salute my constituent, Mary Ann Roberts of Jonesboro. Mary Ann, who is the owner and operator of Roberts Little Ones Day Care Center in Jonesboro, has been selected the 1996 Small Business Person of the Year for the State of Georgia by the U.S. Small Business Administration.

Her selection as the Georgia Small Business Person of the Year is well deserved. She is a testament to the can-do, entrepreneurial spirit of America where everyone has the opportunity to turn their dreams into reality.

In 1974, Mary Ann and her husband, Jack, borrowed $25,000 on their home to make a downpayment on a small day care center in Forest Park, GA. At that time, there were 57 children and 5 teachers. Over the years, Mary Ann and Jack expanded their business venture to where today the Roberts have 5 day care facilities with over 175 employees.

And her experience and expertise in owning and operating day care facilities have opened new business ventures for her. As a consultant, Mary Ann has helped 14 clients obtain over $10 million in SBA-backed loans to establish day care centers that employ over 525 full-time workers.

The success of Mary Ann Roberts Little Ones Day Care Centers stand as an outstanding example of what can be achieved through hard work, determination, dedication, and commitment.

I join with the people of the Third Congressional District and the State of Georgia in congratulating Mary Ann as she is honored as the 1996 Georgia Small Business Person of the Year in national ceremonies this week in Washington. I wish her every success in the years to come.

INTRODUCTION OF CAMPAIGN SPENDING LIMIT LEGISLATION

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1996

Mr. POMEROY. Mr. Speaker, I rise today to introduce legislation which would bring a much needed reform to our current campaign finance system. Spending on campaigns has spiraled out of control in recent years. It has become common for candidates running for Congress to spend millions of dollars to win an election. In the 1976 election cycle, $115.5 million was spent. In the 1990 election cycle, $445 million was spent—that's an increase of 360 percent. In 1994, the average House race cost more than $516,000. You will find few who don't believe that something must be done about this.

My bill offers a solution. It would limit spending to $600,000 per House race. This legislation will become effective once spending limits are deemed constitutional. This could happen once a constitutional amendment is passed or the Supreme Court reinterprets Buckley versus Valeo. In conjunction with this bill, I will cosponsor a House joint resolution to amend the Constitution to allow spending limits.

In some districts this new limit may not make much difference, but in others it will drastically limit the ability of wealthy individuals to "buy" their seat while putting an end to the money chase. This is a desperately needed step in overhauling our current campaign finance system and helping restore the faith of the American people in their elected officials.

Mr. Speaker, on several occasions I have joined my colleagues in their calls for comprehensive legislation to rework our present campaign financing system. I will continue to work hard to see that we adopt meaningful reform measures during this session. My bill is a step in that direction. I urge my colleagues to support my bill and by doing so send a strong message showing they support reform of the flawed system under which we currently operate.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LIMITATION ON EXPENDITURES IN HOUSE OF REPRESENTATIVES ELECTIONS.

Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a) is amended by adding at the end the following new subsection:

"(i) A candidate for the office of Representative in, or Delegate or Resident Commissioner to, the Congress may not make expenditures with respect to an election for such office, which, in the aggregate, exceed $300,000.".

SEC. 2. EFFECTIVE DATE.

The amendment made by section 1 shall apply with respect to elections occurring after 1996.

COMMENCEMENT ADDRESS BY SECRETARY OF DEFENSE PERRY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1996

Mr. GILMAN. Mr. Speaker, last weekend I had the privilege of again attending the commencement exercises at the U.S. Military Academy at West Point, just outside of my own congressional district.

The commencement address this year, delivered by our Secretary of Defense, the Honorable William Perry, was an especially eloquent review of the grand traditions which have made our Military Academy the envy of the world.

Mr. Speaker, I would like to share the Secretary's cognizant and extremely relevant remarks with our colleagues by inserting them into the CONGRESSIONAL RECORD at this point:

COMMENCEMENT REMARKS BY SECRETARY OF DEFENSE WILLIAM PERRY, U.S. MILITARY ACADEMY, WEST POINT

In 1915, a young cadet known for his pranks and football prowess was graduated from West Point. He was ranked 61st in his class and was hoping for a respectable career as an Army officer, perhaps even reaching the lofty rank of colonel. This cadet never imagined that he would rise to the rank of General of the Army, lead the largest combined military force in history, become Supreme Allied Commander in Europe, and eventually become the President of the United States.

That West Point graduate was, of course, Dwight Eisenhower. He was one of America's greatest soldiers, but he was equally famous as a statesman and a leader. You cadets may have some difficulty relating to Eisenhower as a role model. It is not likely that any of you will become President, and I hope that none of you will have to lead our military in a world war. But as you enter the Army today, you can expect a military career more diverse and more challenging than Cadet Eisenhower could ever have imagined in 1915.

I will illustrate my point by describing the careers of a handful of cadets who were graduated from West Point during the Vietnam War, and who are now leaders in the US Army. They were graduated one generation ahead of you. They believe in and lived out the West Point motto: DUTY (all of them saw combat in Vietnam)—HONOR (all of them proved their bravery in Vietnam)—COUNTRY (all of them worked to rebuild the morale and capability of the Army after Vietnam). Their hard work and dedication was vindicated in the Army's stunning victory in Desert Storm, and today they are creating a new security structure for our Nation in the wake of the Cold War.

Like Eisenhower, they are building coalitions with nations all over the globe. Like Eisenhower, they serve as role models for other military leaders. And like Eisenhower, they are first of all, warriors and leaders. But they have been required to be more—they are also warrior-statesmen, warrior-technologists and warrior-managers. And so will you be.

Before you toss your hats in the air and depart, let me tell you about some of those cadets who tossed their hats in the air 30 years ago. You will be required to deal with many of the same challenges they dealt with, and you could find no better role models.

Whatever else is required of you in your Army career, you will first of all need to be a warrior. And you could find no better role model than Barry McCaffrey. Barry became one of America's greatest warriors. He led forces into combat in Vietnam, where he was grievously wounded. In Desert Storm, General McCaffrey's 24th Infantry Division led the famous left hook that caught the Iraqi army by surprise, and led America to one of its most convincing battlefield victories ever. He then went to SOUTHCOM at a crucial time and seized the opportunities presented by the ascendancy of democracy in our hemisphere. General McCaffery's attributes as a warrior—guts, brains, and tenacity—are key to success on today's battlefield. Now he is putting those same skills to work as a civilian, leading America's war against drugs.

Besides being warriors, many of you will be called on to be statesmen in the same mold as Eisenhower, Marshall and MacArthur. You could find no better role model of a warrior-statesman than Wes Clark. Wes left West Point in 1966 a Rhodes Scholar. He became a great warrior—but he has also become a great statesman. General Clark was commanding an Army division when we brought him to the Pentagon to help bring an end to the tragedy in Bosnia. He was part of the diplomatic team that was driving into Sarajevo last August on the Mt. Igman road when an armored vehicle carrying five of his colleagues slid off the treacherous road and fell into a deep ravine. Wes left his vehicle, ran down the ravine and pulled two survivors from the APC before it exploded. He then pulled himself together and went on to Sarajevo to conduct what proved to be a critical negotiation with President Izetbegovic. It was the warrior skills that Wes brought to the diplomatic field that contributed to the cease fire between the warring parties, and finally to a peace agreement which was militarily enforceable. Because of the skills of this warrior-statesman, the killing in Bosnia has stopped and the threat of a wider war in Europe has been dramatically reduced. This past week, Wes Clark was nominated by President Clinton to take over the command of SOUTHCOM just relinquished by Barry McCaffrey.

During the Cold War, the U.S. had technological superiority, which allowed us to maintain deterrence with smaller forces than the Soviet Union. But during Desert Storm, we had technological dominance, which allowed us to achieve a stunning victory, quickly and with minimal casualties. Now that we have experienced dominance we like it. And we plan to keep it. Some of you will be warrior-technologists responsible for sustaining that dominance. You may even end up reporting to Paul Kern, West Point '67, who is currently my senior military assistant. Paul is what I mean when I talk about a warrior-technologist. He was an engineering instructor at West Point. And he was decorated for combat both in Vietnam and Desert Storm. US News and World Report called him the only "ace" of Desert Storm. His tanks destroyed more than a dozen Iraqi aircraft that were trying to take off from Jalibah Airfield to escape the lightning thrust of the 24th Division's advance. This month, General Kern will assume the role of warrior-technologist when he takes command of the 4th Infantry Division at Fort Hood. Under his leadership, the 4th ID will become the test-bed for the Army's Force XXI—the battlefield of the future. The technologies he will test promise to revolutionize how we fight on the ground and ensure that we remain the world's dominant land force well into the next century.

Today's Army, while smaller than in the recent past, is still a corporate giant, so some of you will have to be warrior-managers during your career. The regular Army, National Guard and Army Reserves represent a giant personnel and resource management challenge far greater than that faced by any of our major industrial corporations. Investing wisely in people, equipment and training, and balancing scarce resources requires decisions that will affect the capabilities of the Army for decades to come. When you leave here today, you will be officers in an Army guided by a warrior, Denny Reimer, West Point class of 1962, who is also a superb manager. In 1990 Denny was the Deputy Chief of Staff busily planning the post-Cold War drawdown of the Army, when suddenly Saddam Hussein invaded Kuwait. In the face of this drawdown, Denny managed to provide the necessary forces for Operation Desert Storm, while still maintaining the quality and readiness of the U.S. Army.

Because of the success of these efforts, the U.S. Army is rightly recognized as the world's best Army. In fact, armies all over the globe use the U.S. army as a model. So today, when you become an officer in the U.S. Army, whether you want to be or not, you will become a role model. A classic example of this is Dan Christman, Class of '65, another warrior, who returns to West Point this summer as the new Superintendent. Just as General Graves has been a role model for every cadet that passed through these gates the past five years, so too will General Christman. Dan Christman is used to being a role model because for four years he has served as a role model for soldiers of the new democracies of the old Soviet bloc. As Military Representative to NATO and on the Joint Staff, General Christman has been a key architect of our efforts to help show the militaries of these nations how to operate in a democracy. He helped to create NATO's Partnership for Peace program, in which old enemies that used to train to fight against each other in war, now train together in peace. On Monday, I will be at the L'viv training range in Ukraine, along with the Russian, Ukrainian and Polish defense ministers, participating in a Partnership peacekeeping exercise. A primary benefit of these exercises is that officers trained under the old Soviet system are exposed to American officers and NCOs, and see first hand how a first class military operates in a democracy.

These multinational training exercises are excellent training, because anytime you go into combat, you are likely to be part of a coalition operation, and you will have to build strong bonds with your foreign counterparts. George Joulwan, Class of '61, has become an expert at building strong bonds. It was General Joulwan as SACEUR, the Supreme Allied Commander of Europe, who put together IFOR—the multinational coalition that is helping bring peace in Bosnia. He had to forge an alliance of 16 NATO nations plus 18 others, including nations from the former Warsaw Pact, and even Russia. I can only imagine what General Eisenhower, the first SACEUR, would think if he saw a Russian general sitting with General Joulwan at NATO headquarters reviewing their operational plan for deployment in Bosnia. I traveled all over the world—Moscow, Geneva, Brussels, even Kansas—to negotiate the Russian participation in IFOR with my Russian counterpart, Pavel Grachev. But it would never have happened if George Joulwan and General Shevtsov had not been able to sit down and hammer out a practical military agreement, warrior to warrior. General Joulwan's ability to put together this historic coalition will not only give peace a chance to endure in Bosnia, it will cast a long shadow over the security in Europe for years to come.

I have talked today about the diverse tasks being performed every day by officers in the U.S. Army. But whatever you are called on to do, you will be expected to be a leader—a leader of the world's best soldiers. Leading the American force in Bosnia is General Bill Nash, West Point Class of 1968. As commander of the 1st Armored Division, General Nash will tell you that peacekeeping is a mission that every Army officer must be prepared for. For decades, the 1st Armored Division was trained and ready to fend off a Soviet assault through the Fulda Gap. But in the summer of '95, when a peacekeeping mission in Bosnia seemed imminent, General Nash started up the first large-scale peacekeeping training program in our Army's history. He set up a training range in Germany which simulated all of the hazards our troops would face in Bosnia: contending armies, paramilitary forces, bad roads, mines, black marketers, and even CNN reporters. Every unit slated to go to Bosnia was sent to train at that range. The results were stunning. When D-Day arrived, 20,000 troops, their weapons and supplies were moved into Bosnia. They were confronted with terrible winter weather, they faced the possibility of armed resistance and the reality of three million uncharted land mines. They made this move in record time and with no casualties, and they inspired respect everywhere they went.

Ten days after General Nash started moving into Bosnia, I went to Bosnia to visit our troops. General Shalikashvili, General Joulwan, General Nash and I all went from Croatia into Bosnia by walking across the pontoon bridge the Army's combat engineers had just built over the Sava River. Responsible for its construction was General Pat O'Neal, who's here today to see his son, Scott, graduate. Building that bridge turned out to be a problem of epic proportions. General O'Neal's team ended up having to build the longest pontoon bridge in history, because Bosnia was experiencing the worst winter and the worst flooding of the century. As we neared the middle of the bridge, we met some of the combat engineers who had built it. They were dirty, cold, and exhausted—but very proud. One of them, a sergeant first class, came forward and told us that his enlistment was up, and that he wanted to reenlist. So, we swore him in for another 4 years in the U.S. Army, right there in the middle of the Sava River bridge. After all he had been through—bitter cold, soaking rains, snow, flooding of biblical proportions, the danger of land mines—this NCO still wanted to reenlist. That is an example of "true grit." That is the sort of soldier you will soon lead.

Well, I have told you today about some of the Army's leaders who were cadets here just one generation ago. They are leaving you one hell of a legacy. I have also told you something about the talent and dedication of our NCO corps. You can be proud to lead them, and you should follow General Reimer's guidance about these great NCO's—that is, you should "give a damn." I think you can sense how proud I am of the leaders and the NCO's in our Army today. I hope you share my pride because you are about to become officers in the best damned Army in the world. And your country is counting on you to sustain its quality and morale.

All of you have challenging careers to look forward to. But, as you face the challenges of being a warrior, a statesman, a technological innovator, a manager, a coalition builder and a leader, you must never forget that you are more than an Army officer, more than the sum of your service. You are also private citizens, members of a community, a family, an extension of your friends and loved ones. Maintain perspective, strike a balance in your life, be considerate of others, reserve a share of your heart for those you care about and who care about you. They say a soldier fights on his stomach—but a soldier also fights with his heart. The hopes and prayers of your families, of all Americans, and of freedom-loving people everywhere march with you.

In the stairway outside my office at the Pentagon hangs a favorite painting of mine. In the painting a young serviceman is praying with his family just prior to his departure on a foreign deployment. Under the painting is the passage from Isaiah in which the Lord asks, "Whom shall I send? And who will go for us?" And Isaiah responds, "Here am I. Send me."

At this critical point in our history, your Nation has asked, "Whom shall I send? Who will go for us?" And today you have answered, "Here am I. Send me."

Your Nation is grateful. Your families are thankful. And I could not be prouder.

THE BURTON AMENDMENT TO H.R. 3540

HON. MICHAEL F. DOYLE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1996

Mr. DOYLE. Mr. Speaker, last night here on the House floor we witnessed an extraordinary sight. The pending business was the amendment of the gentleman from Indiana [Mr. BURTON], which would have singled out India for special criticism.

What was extraordinary was that there was literally a line of Members—on both sides of the aisle—waiting to speak against the amendment. Not only was the overwhelming majority opposed to the Burton amendment, but the depth of their feeling was so strong that they felt the need to speak out publicly.

I was one of those who came to the floor last night expecting to speak. However, in the interests of maintaining the schedule, I deferred until now.

Let's look at what is happening in India. We recently had free and fair elections, which has led to the peaceful transfer of power. We have seen steady progress by India in improving its human rights record. We have seen steady progress in the opening up of Indian markets to American products. Now that there is a new government in India, we should ask ourselves what sort of message should we send to them about recent events there.

How did the Burton amendment propose to respond to this progress? By singling out aid to India for special treatment and doing so in a way that would reverse the trend that has got us to where we are today. This is a nation with a population of over a billion people—a nation forced to deal with a multitude of ethnic groups and miles of disputed borders. Despite all these hurdles, India has maintained its democratic tradition, and has continued the difficult challenge of implementing broad economic reforms.

Mr. Speaker, I am pleased that the House has acted so decisively in expressing support for the continued evolution of Indian society.

A SERIOUS CASE OF DISCRIMINATION AGAINST ETHNIC ALBANIANS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1996

Mr. LANTOS. Mr. Speaker, I rise today to call the attention of my colleagues to the serious case of ethnic discrimination and violation of human rights involving the effort to establish the University of Tetova in the Former Yugoslav Republic of Macedonia.

Almost 2 years ago Professor Dr. Fadil Sulejmani filed formal documents with government officials in order to establish the University of Tetova in the city of Tetova in western Macedonia. Albanian intellectuals sought permission to establish the University because ethnic Albanians in the Former Yugoslav Republic of Macedonia face severe limitations in their efforts to receive a higher education. Ethnic Albanians comprise as much as 40 percent of the population of the country. The 1991 Yugoslav census reported that ethnic Albanians made up 20 percent of the population of the Republic of Macedonia, but Albanians and other specialists, including the United States Helsinki Commission, suggest that the proportion is considerably higher.

Only two universities exist currently in the Former Yugoslav Republic of Macedonia—the Universities of Skopje and Bitola—and only 2 percent of Albanian young people are admitted to study at these two institutions. Furthermore, Mr. Speaker, in the past Albanian young people had the opportunity to study at universities elsewhere in the former Yugoslavia—Prishtina, Zagreb, Ljubljana, and other universities. With the collapse of the former Yugoslavia, these opportunities are no longer available to ethnic Albanians from Macedonia. Clearly, finding additional opportunities for higher education for ethnic Albanian students is vitally important, and the establishment of the University of Tetova was intended to fill this important gap.

What was the response when Professor Sulejmani attempted to establish a university for ethnic Albanians? The government of the former Yugoslav Republic of Macedonia failed to respond to the filing of formal documents for the establishment of the university. Government officials refused to discuss the issue with Professor Sulejmani—despite repeated requests for dialogue. Because the government refused to consider the establishment of a university or even to discuss the matter with Albanian academic leaders, the university opened on December 14, 1994. The government responded by sending several hundred police officers, bulldozing one university building, jailing the faculty for 24 hours, and conducting a campaign of harassment and intimidation against the students.

Mr. Speaker, just a few months later in February 1995, a delegation of Americans, including former Congressman Joseph DioGuardi of New York and Ms. Shirley Cloyes, visited the University of Tetova. They were joined by Mihajlo Mihajlov, a prominent anti-Communist dissident in the former Yugoslavia and now living in the United States. Just hours after the American delegation departed from Tetova, Albanian police authorities arrived at the buildings where the university was seeking to function. In the violence which they provoked, one individual was killed and twenty-eight others were wounded. Some twenty-five leading professors and students were arrested and imprisoned. Those who were imprisoned in this unnecessary show of force were subsequently released, but their travel documents were seized by police, and authorities refused permission to the Albanian academic leaders to travel and the professors and students remain subject to intimidation.

Mr. Speaker, the action of the government in these cases is a cause of serious concern to me. The ethnic Albanian population of the Former Yugoslav Republic of Macedonia needs to have access to higher education, and Albanian academicians have sought to follow proper procedures in creating educational opportunities through establishing the University of Tetova. The government is using force and intimidation in an effort to repress the ethnic Albanian population of that country.

Mr. Speaker, I can speak with some authority about the intransigence of the government officials on this issue. Three months ago, I invited Dr. Sulejmani, the Rector, and Professor Melaim Fejziu, the Vice Rector, of the University of Tetova to meet the Members of Congress to discuss this issue in Washington. Since the passports of both of these individuals were confiscated by government authorities, I also wrote to Macedonian President Kiro Gligorov requesting that the travel documents of these two Albanian academicians be returned to them so they could travel to the United States for meetings with me and other Members of Congress.

Mr. Speaker, 3 weeks after my invitation was received, I had a response from Dr. Sulejmani and Professor Fejziu expressing their interest in meeting with me and my colleagues in the Congress here in Washington. They expressed regret, however, that their passports had not been returned and said that they have been given no information about when they might be returned.

I have not even had the courtesy of a response from the President of the Former Yugoslav Republic of Macedonia. I know he has been recovering from an accident, but his staff presumably still functions, the Foreign Ministry presumably is still in operation. I am appalled and outraged that the government has failed to respond to my request and has even failed to give me the courtesy of a reply.

Mr. Speaker, the United States is firmly and unequivocally committed to human rights, to the full exercise of civil rights by all peoples, and we are equally committed to opposing discrimination on the basis of ethnic, religious, racial or other grounds. I sincerely urge the government of the Former Yugoslav Republic of Macedonia to moderate its policies and permit the University of Tetova to go forward. I commend the outstanding effort by Dr. Sulejmani and his colleagues, and I invite my colleagues to join in applauding this endeavor.

CONGRATULATIONS TO LT. GEN. ARTHUR E. WILLIAMS

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1996

Mr. FAZIO of California, Mr. Speaker. I rise today to pay tribute to Lt. Gen. Arthur E. Williams.

Since August 1992, Lieutenant General Williams has served his country as chief of engineers and commander of the U.S. Army Corps of Engineers. His distinguished career in the U.S. Army spans a period of 34 years, including service as corps commander at the Sacramento District. I regret to see Lieutenant General Williams leaving his role at the Army Corps of Engineers, however, I congratulate him on a well-earned retirement.

I am fortunate to know Lieutenant General Williams both as a leader of the corps and as a friend. Among his many accomplishments with the corps, Lieutenant General Williams has made noteworthy contributions to the critical mission of flood control. His tireless efforts have served to protect thousands of Americans from life threatening natural disasters.

Lieutenant General Williams will long be remembered for his leadership, dedication, cooperation, and knowledge. He has truly been a superb commander. I wish him well in all future endeavors. I also wish his successor the best of luck—they will have a tough act to follow.

REMEMBERING OUR VETERANS

HON. BILL EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1996

Mr. EMERSON. Mr. Speaker, I am delighted today to take the floor of this great body in commemoration of the 50th anniversary of VFW Post 5896 in Farmington, MO. Few things give me greater pleasure than to offer my thanks and appreciation to those who have placed their lives on the line for this Nation, and I am very proud of my constituents who have served so bravely.

Every veteran is a source of strength and pride for our country. The courageous men and women who fought our Nation's battles secured the principles upon which this great Nation was built. Millions of people around the world enjoy the blessings of freedom, peace, and representative government because of our veterans who were willing to risk their lives for them.

Mr. Speaker, VFW Post 5896 has, for the last 50 years, been an organization that inspires and strengthens the people of southeastern Missouri. The members of that organization have not only been great warriors, they have been great citizens. They have shown us that not only are the principles of democracy and freedom worth fighting for, they are worth living out. Each and every day—in our local communities, churches, families—these veterans are the pillars and foundation of our society. America is deeply indebted to them—not only for the wars that they have fought, but for the lives that they have lived. They continue to teach us, each and every day, what it means to be an American.

Mr. Speaker, it is with much pride and a grateful heart that I say "Happy 50th Birthday" to VFW Post 5896. They are surely Missouri's—and America's—finest.

HONORING CARRINGTON WILLIAMS

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1996

Mr. DAVIS. Mr. Speaker, it gives me great pleasure to rise today and pay tribute to Mr. Carrington Williams, who is and continues to be an outstanding member of the northern Virginia community. A founding member of the Washington Airports Task Force, Mr. Williams is retiring from this group after serving for many successful years as chairman of the board, a position he has held since 1982. He is also a former member of the Metropolitan Washington Airports Authority's board of directors and served as chairman of its Planning Committee from 1987 to 1994. Mr. Williams' strong leadership has helped shape the National Capital region's development, especially through improved air transportation and increased access to world markets.

Mr. Williams received his undergraduate degree from Johns Hopkins University and earned his law degree at the University of Virginia. He is a former partner and current Of Counsel at the law firm of McGuire, Woods, Battle & Boothe, where he specializes as a tax attorney. During his career, Mr. Williams has held numerous public offices, particularly in the field of transportation. He is currently a member of the Environmental and Transportation Committee of the Greater Washington Board of Trade and is general counsel for the International Trade Association of Northern Virginia. Mr. Williams has also served Fairfax County as a five-term member of the Virginia House of Delegates and as a trustee of the George Mason University Foundation. presently, he is a fellow of the American College of Tax Counsel and a trustee of the Virginia Conference on Federal Taxation.

I have had the pleasure of knowing Mr. Williams for over two decades, and am proud of the integrity and expertise he has displayed in his professional career and his public service. Throughout his life, he has received many well-deserved awards and honors for his service and contributions to northern Virginia. In 1991, he was the recipient of the George Mason medal, which was awarded by the board of visitors at George Mason University. Mr. Williams was also the Fairfax County Chamber of Commerce's 1994 turkey roast honoree for his service and commitment to northern Virginia.

Mr. Speaker, I know my colleagues will join me in applauding Mr. Williams' significant and enduring role in shaping both our local community and the Commonwealth of Virginia over the past 30 years.

CAPT. JOHN MICHAEL CRYE TO RETIRE FROM COAST GUARD

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1996

Mr. COBLE. Mr. Speaker, I would like to take this opportunity to recognize an outstanding individual, Capt. John Michael Crye, who is due to retire later this year. Captain Crye has served our country for more than 20 years, most recently as Deputy Chief, Coast Guard Congressional and Governmental Affairs. He also served as Coast Guard Legislative Counsel in the Coast Guard Congressional and Governmental Affairs Office. It is a privilege for me to recognize his many outstanding achievements and commend him for his superb service to this legislative body and our great Nation as a whole.

A native of Knoxville, TN, Captain Crye received his commission from the U.S. Coast Guard Academy in New London, CT. He was commissioned as an ensign in May 1972, first assigned as a deck watch officer aboard the Cutter *Morgenthau.*

Following this tour, Captain Crye was assigned to the Greater Antilles Section in San Juan, PR, as an operations center and search and rescue coordinator. He participated in several heroic search and rescue cases and law enforcement seizures.

Completing a successful tour at Greater Antilles Section, PR, Captain Crye returned to his alma mater, the U.S. Coast Guard Academy, as the non-appropriated funds activities officer. His outstanding performance at the Coast Guard Academy led to his selection to the University of Miami School of Law.

Upon completing law school, Captain Crye was assigned to numerous legal staff positions throughout the Coast Guard. His most notable legal staff assignment was to the Coast Guard Maintenance and Logistics Command Atlantic, where he defended and prosecuted some of the most detailed and controversial Coast Guard Courts-Martial Cases in Coast Guard history.

Due to his continued outstanding performance, Captain Crye was handpicked for an assignment to the Coast Guard Congressional and Governmental Affairs Office. During his tour as legislative counsel, Captain Crye worked very closely with congressional staffs in drafting important maritime and safety legislation such as the Oil Pollution Act of 1990 and the passenger vessel *Safety Act.* As a result of his efforts, he was nominated for the "Justice Tom C. Clark Outstanding Lawyer Award."

Captain Crye was later promoted to his current position as Deputy Chief of the Coast Guard Congressional and Governmental Affairs Office. In this position, Captain Crye has provided the members of the House Transportation and Infrastructure Committee, our personal staffs as well as many of you standing here today, with superior support regarding Coast Guard plans and programs. His valuable contributions have enabled Congress and the Department of Transportation to work closely together to ensure the Coast Guard remains "Semper paratus"—always ready.

Mr. Speaker, Captain Crye, his wife, Sheila, and their two children, Marilena and John, have made many sacrifices throughout his career. Captain Crye will be retired on August 1, 1996, and I call upon my colleagues from both sides of the aisle to join me in wishing him much success, as well as fair winds and following seas.

LEAH McCANDLESS MEMORIAL

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1996

Mr. RICHARDSON, Mr. Speaker, it is with deep sadness that I share with my colleagues the news of the recent passing of a highly respected and admired woman in the Southwest. Mrs. Leah McCandless of Hobart, OK, died on May 22, 1996, less than 1 month shy of her 96th birthday.

For a better part of this century, political candidates who wanted to represent Hobart, OK, in the Federal, State, and local legislative bodies stopped by the McCandless home in hopes of seeking her blessing. Over pie and coffee, candidate after candidate would give their best arguments as to why they would be best for Hobart and Oklahoma.

Mrs. McCandless won may battles in her long life. She was probably most proud of the five sons she raised who all became successful in their chosen careers. She was married for more than 60 years to Cecil McCandless who operated a successful clothing store in Hobart. In addition to her political activity, she was a member of her Presbyterian Church for 70 years and became the first woman elder of her church.

At a memorial service for her at her church, Mrs. McCandless left the following words for those in attendance—words that are worth repeating here:

I'd like the memory of me to be a happy one,
I'd like to leave an after glow of smiles when life is done,
I'd like to leave an echo whispering softly down the ways,
Of happy times and laughing times and bright and sunny days.
I'd like the tears of those who grieve, to dry before the sun of
Happy memories that I leave When my life is done.

The local newspaper in Mrs. McCandless' hometown said it best when the Hobart Democrat-Chief's Joe Hancock editorialized, "Leah McCandless Was A Legend in Our Time!" I want to share Mr. Hancock's comments as well as an obituary printed in the local paper. After reflecting on Mrs. McCandless wonderful life which spanned nearly the entire 20th century, I ask my colleagues to join me in paying special tribute to this woman and join me as we express our condolences to her caring family and many friends.

[From the Hobart Democrat-Chief, May 30, 1996]

LEAH MCCANDLESS WAS A LEGEND IN OUR TIME!

Leah McCandless was a true lady. She was an inspiration and she was an institution. She left memories with those of us who knew her we'll not forget.

She was an amazing person. She studied events and was prepared to discuss them. Among her friends were many of our state's and nation's leaders. Many of them anxiously awaited her advice and opinions.

She loved the OU Sooners and the Dallas Cowboys. She was a rabid fan!

But none of that approached what I consider her greatest accomplishment. She melded a great family of five sons and a husband during rough depression times.

All five boys received higher educations after graduating from Hobart High School. All of them stayed close to their mother.

Her family was supported by a small family clothing business. As far as I know she never actually worked in the store but did make lunch to bring to town to her husband, Cecil. He ran the Man's Store alone during the early years.

The Presbyterian church was an integral part of the McCandless family life.

The great lady died last week but she lives on in the lives of her surviving family members and those of us who knew her.

LEAH MCCANDLESS

Mrs. Leah McCandless, 95, a resident of Hobart for 70 years, died on Wednesday, May 22, 1996 in Elkview General Hospital after a serious illness for several months. She was born in Wichita, Kansas, at the turn of the century, June 17, 1900. She witnessed the many technological and scientific inventions (the automobile, airplane, television, radio, etc.) that we take for granted today.

Her father, W.S. Yeager, organized several banks in Oklahoma, including Verden and Cement where she lived as a child. The family settled in Mangum in 1910 where she met and married her husband, Cecil R. McCandless, in 1918.

They moved to Hobart in 1925 where Mr. McCandless opened the Army store which later became the Man's Shop. He was very active in the Hobart business and civic community until his death in 1982.

The McCandlesses had five sons, the oldest of whom, Bill, died in 1982. His widow, Betty of Oklahoma City, is a frequent Hobart visitor. The other four are Jack, a retired Gates Corporation executive, Denver, Colorado, and wife, Kay; Earl, musician and retired Army officer, Solana Beach, California; John, attorney, Oklahoma City, and wife, Anne; Bob, Lawyer-lobbyist, Washington, D.C.

Each of the sons was educated in the Hobart public school system and each graduated from Hobart High School.

In addition Mrs. McCandless had nine grandchildren, eight great-grandchildren and one great-great-granddaughter.

Mrs. McCandless had always been very active in the civic, social and spiritual life of the Hobart community. She was a founding member of the Mothers' Club, a long time member of the Yamparika Club and the McDowell Club of Allied Arts.

She was member of the Presbyterian Church for 70 years, active in Circle #3, the Wednesday morning prayer group and was the first woman Elder of that church.

She supported and received much pleasure from the Shortgrass Playhouse and the Kiowa County Museum. Mrs. McCandless maintained an avid interest in political affairs (national, state and local) all her life and thoroughly enjoyed reading and discussing public policy issues.

Leah McCandless leaves a host of friends in Kiowa county, throughout the state of Oklahoma and the United States. On her 80th birthday, Governor George Nigh, proclaimed that day "Leah McCandless Day" in Oklahoma. On her 95th birthday this past June, she received congratulatory letters from President Bill Clinton, Vice-President Al Gore, O.U. President David Boren, former Speaker of the U.S. House of Representatives Jim Wright, presidential candidate U.S. Senator Bob Dole, former U.S. Senator Fred Harris and nationally syndicated columnist Robert Novak, among many others. A tribute was read to her on the floor of the U.S. House of Representatives and entered into the United States Congressional Record.

In lieu of flowers, contributions in her memory may be made to the Leah McCandless Memorial Fund at the Hobart Presbyterian Church.

Services were at 2:30 p.m. Tuesday, May 28, 1996 at the First Presbyterian Church, Hobart, Oklahoma. Officiating were Rev. Jerry Hilton, pastor First Presbyterian Church, Midland, Texas and Rev. Ginger Allen, pastor First Presbyterian Church, Hobart, Oklahoma.

Burial was in Hobart Rose Cemetery under direction of Hackney Funeral Home, Hoabart.

Active casketbearers were Delmar Richard, Jack Calmes, Milton Krieger, Bruce Myers, Paul Hindes, John Montgomery, Marshall Harris and Dr. Ralph Phelan.

Honorary casketbearers were Norris Dame, James Brown, Everett Brazil, Walter Pfenning, Joe Hancock, Dr. Michael Krieger and Ralph Patchin.

HIGHLANDS, TX, OPENS ITS FIRST SHERIFF'S STATION

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1996

Mr. BENTSON. Mr. Speaker, I rise to congratulate the community of Highlands, TX, in my district, which on June 15 will celebrate the opening of its first sheriff's station. I am confident that this station, the result of a Federal-local partnership will help prevent crime and ensure that more criminals are apprehended and brought to justice. This is an example of community policing at its best.

This Highlands Sheriff's Station would not have been possible without the hard work and commitment of the Harris County Sheriff's Department, the sheriff's citizens advisory committee, the Highlands Rotary Club, and the U.S. Department of Justice through the community oriented policing services [COPS] program. The COPS program is providing the funding for the deputy who will be stationed in Highlands.

I want to personally recognize and thank Sheriff Tommy Thomas for all he has done to make this Highlands station a reality. He has demonstrated strong leadership in protecting not only the more populated areas of Harris County, but smaller, more remote communities such as Highlands as well. And I appreciate the close working relationship our offices have had in securing the Federal grant for additional sheriff's deputies.

I also want to recognize the efforts of the sheriff's citizens advisory committee and the Highlands Rotary Club. Concerned citizens groups are vital partners with law enforcement officers in fighting crime, and this station would not have been possible without their efforts.

Mr. Speaker, I applaud the people of Highlands and the Harris County Sheriff's Department for their dedication and congratulate them for joining in this partnership that will benefit us all. This storefront station represents the beginning, not the end, of a partnership between the sheriff's department, the people of Highlands, and the Federal Government to ensure that residents and businesses enjoy the service and protection they deserve.

MAINTAIN STRONG PROTECTION MEASURES FOR PATIENTS

HON. PETER G. TORKILDSEN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1996

Mr. TORKILDSEN. Mr. Speaker, as our country's health care system continues to evolve, it is essential to maintain strong protection measures for patients. As a cosponsor of the Newborns' and Mothers' Health Protection Act, the Patient Right to Know Act, and the Senior Citizens' Access to Health Care Act, I recognize the need to protect new mothers, senior citizens, and all patients from restrictions that undermine a physician's ability to provide quality care to their patients.

To emphasize this point, I ask that this letter to the Honorable MICHAEL BILIRAKIS, chairman of the Health and Environmental Subcommittee, from Massachusetts State Representative Brian Cresta be submitted for the RECORD.

THE COMMONWEALTH OF MASSACHUSETTS,
HOUSE OF REPRESENTATIVES,
Boston, MA, May 28, 1996.

Hon. MICHAEL BILIRAKIS,
Chair, Health and Environment Subcommittee, Washington, DC.

DEAR CHAIRMAN BILIRAKIS: It has come to my attention that the Coalition for Health Care Choice and Accountability has decided to act upon the proposal for national standards for accountable managed care. This is certainly an important step toward ensuring that all U.S. citizens are allowed the freedom to choose a health care provider when enrolled in a managed care plan.

As a member of the Massachusetts House of Representatives and an active member of the Committee on Human Services and Elderly Affairs, I have received much input from my constituency regarding issues such as this. Therefore, I am no stranger to the problems that many people are facing while accessing the best care within the restrictions of their health plan.

To ensure that residents of the Commonwealth are able to receive fair and adequate health services, the Massachusetts Legislature has passed landmark legislation to allow for the coverage of emergency room services, protect hospital stays for mothers who have given birth, and allow consumers the right to full information about the health plan, to name a few.

Although I am certain that we will continue to work to provide residents of Massachusetts with cost-effective care, I am also aware of the importance of the presence of federal laws to umbrella any laws passed at the state level. It is important not only for Massachusetts alone but the entire country to ensure that U.S. citizens who are managed care enrollees are provided the opportunity to receive the highest quality of care.

This measure is a win-win situation for the industry, which will have a consistent platform across the country rather than different regulations from state to state and for the consumer, by ensuring that high quality care is provided to all managed care enrollees. For this reason, I support this effort and appreciate your continuous work for better national consumer protection legislation.

Please do not hesitate to contact my office if you have any questions regarding the present situation in Massachusetts or if I may be of further assistance to ensure that this measure is passed.

Sincerely,

BRIAN M. CRESTA,
State Representative, 22nd Middlesex District.

TRIBUTE TO TOP POLICE CHIEF

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1996

Ms. WOOLSEY. Mr. Speaker, I rise today to pay tribute to Police Chief Salvatore Rosano of Santa Rosa, CA, who retires this month after 22 years of impeccable public service, and as a hero to our community. I would like to share with my colleagues Chief Rosano's enumerable accomplishments over his 38 years of public service which have made him one of California's most highly praised guardians of safety.

Chief Rosano started his career in public safety at the age of 19. He was appointed police chief to the city of South San Francisco in 1970—the youngest police chief in the State of California, and served as president of the San Mateo County Law Enforcement Chiefs' Association. In 1974 he was selected as chief for the city of Santa Rosa where he proudly served 22 years. Throughout his career, Chief Rosano's natural leadership skills made him a major player in California law enforcement, and he served on many State law enforcement boards, commissions, and public safety organizations.

Chief Rosano's statewide and countywide service is renowned and endless. Chief among his local accomplishments are his implementation of a neighborhood oriented policing program to better address our community policing needs. His leadership also helped set in motion a gang enforcement program, developed a unique environmental crimes unit, and organized one of the few bomb and explosive devise units in northern California.

With any good leader comes a road of hard knocks from those opposed to change. It's no surprise that Chief Rosano is no stranger to criticism for his outspoken support of gun controls and for initiating the city of Santa Rosa's gun exchange program. With almost 700 weapons exchanged, this event was the most successful gun exchange program in California. Recently, the Sonoma County Peace and Justice Center announced their plans to host the city's second gun exchange program in honor of the retiring chief. This program is a model for public-private partnerships between local businesses, the community, and law enforcement.

Chief Rosano's longstanding career of achievement earned him the California Peace Officers Association's Law Enforcement Professional of the Year, the most prestigious award in the law enforcement profession. Chief Rosano is also the longest-serving chief in the State of California, and the city of Santa Rosa is extremely grateful for the top service and protection he has provided the community.

I urge my colleagues to join me in congratulating Chief Rosano for his exemplary service over the past 38 years. As a nation, we are in debt to the efforts and dedication of individuals, who, like Chief Rosano, place the safety and well-being of others above their own safety. I salute Chief Rosano, and wish he and his family much success with their future plans.

17TH ANNUAL PORTUGAL DAY FESTIVAL

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1996

Mr. MENENDEZ. Mr. Speaker, I rise today to pay tribute to New Jersey's Luso-Americans, who are in the midst of celebrating 2 weeks of festivities honoring their heritage and history. The 2-week celebration in Newark's "Ironbound" is one of the largest Portuguese celebrations in the world. This extraordinary event will culminate with the Grande Parade to be held on June 9, 1996.

Over 1.5 million Luso-Americans have settled throughout the United States, with an estimated 200,000 Luso-Americans in the Garden State alone. In New Jersey, the largest concentration of Luso-Americans live in the "Ironbound" section of Newark. Through the years, they have turned an old neighborhood into a thriving and prosperous commercial and residential center. Their hard work and perseverance can be seen on the streets of Newark, especially Ferry Street, the heart of "Ironbound." Ferry Street is lined with many restaurants offering the delicate cuisine of Portugal. Luso-Americans have turned Ferry Street into a Portuguese city in miniature.

The annual Portugal Day festival is a time for Americans of different nationalities to savor and enjoy the rich traditions of Portugal. Visitors from all over the country come to take part in the festivities, some of which are broadcast throughout the globe via satellite through Portugal's national TV, RTPI.

Seventeen years ago, Bernardino Coutinho founded the festival and has strived every year to make it a wonderful event. The Bernardino Coutinho Foundation was established on May 22, 1992, to assume responsibility for organizing this 2-week festival. The festival is a part of the foundation's commitment to enhancing the cultural and social development of the community.

I ask that my colleagues join me in honoring Luso-Americans throughout New Jersey as they celebrate their rich heritage. It is an honor to be representing such a remarkable group of people.

KEN HEREDIA HONORED FOR OUTSTANDING SERVICE TO SAN JOSE FIREFIGHTERS LOCAL 230

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1996

Ms. LOFGREN. Mr. Speaker, I rise today to recognize the noteworthy achievements of Ken Heredia of the San Jose Fire Department. Mr. Heredia has been the president of the San Jose Fire Fighters Union, Local 230, for the past 8 years. In addition, he has served 15 years on the fire department's union executive board.

During the years Mr. Heredia has served the San Jose firefighters, he has demonstrated an unselfish and much valued commitment to organized labor and the fire service. On June 8, 1996, a special barbecue will be held by the San Jose Firefighters Local 230 in honor of Mr. Heredia and his years of dedicated service to our community.

Mr. Heredia, a native of his community, was recently promoted to battalion chief of the San Jose Fire Department. Although he will be sorely missed as a leader of local 230, I would like to extend my congratulations and best wishes to Mr. Heredia as he takes on his new role in the department. I invite my colleagues to join me in recognizing this dedicated public servant.

A TRIBUTE TO AMERICAN LEGION AUXILIARY UNIT 284

HON. NORMAN SISISKY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1996

Mr. SISISKY. Mr. Speaker, I rise today to pay tribute to an American Legion auxiliary unit located in Colonial Heights, VA. Unit 284 administrates many volunteer programs in my district, with special emphasis on veterans, children, and the community. Members also volunteer time to junior activities, Americanism, and educational programs.

By selflessly giving their time and energy to such worthy causes, the members of unit 284 have set an example from which we can all learn. Recently, in order to help prevent crime in their area, unit 284 joined with local civic organizations, and fire and police departments, to celebrate National Night Out. With the rise of crime in many areas, it is important for everyone to join together in order to ensure the safety of their communities. Unit 284 recognizes the significance of this effort, and through their work with National Night Out, they helped educate both children and adults on crime.

It is an honor to have such a giving organization as the American Legion Auxiliary Unit 284 in my district. Their work, as well as other American Legion auxiliary units throughout the country, have touched many lives. Mr. Speaker, on the occasion of the national organization's 75th anniversary, it is with great pride that I recognize American Legion Auxiliary Unit 284 for their outstanding service to the constituents in my district.

INTRODUCTION OF BREAST IMPLANT RESOLUTION

HON. BARBARA F. VUCANOVICH

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1996

Mrs. VUCANOVICH. Mr. Speaker, what are the facts on silicone breast implants? Are they safe? Do they lead to immune disorders in women? There are no clear answers to these questions, but conflicting information has been provided to American women—making it difficult for women to make important health decisions.

In 1992, the FDA Commissioner imposed significant restrictions on access to silicone breast implants, based on concerns that there may be a connection between immune disorders and women who have silicone breast implants. Recent scientific studies conducted by the Mayo Clinic and Harvard Medical School suggest that there is no evidence of a connection between silicone implants and autoimmune disease or classic autoimmune symptoms. Many women, however, have questioned the validity of these studies. The FDA has not issued a definitive statement on the relationship between silicone gel breast implants.

This indecisive action has caused many problems for women in the United States. Some women neglect to obtain proper breast care due to the fear and uncertainty surrounding the issue. For women with breast implants, adequate information on breast care is not readily available since the National Cancer Institute and other health agencies are waiting to develop information, pending FDA's action. This also means that very few postmastectomy breast cancer patients have access to silicone breast implants, since they must participate in clinical trials to obtain these devices. As a breast cancer survivor, I recognize the importance of breast health and the fear and confusion in determining the best treatment for the patient. Information about breast implants could help alleviate that fear.

Unfortunately, this also has a broader impact on the public by adversely affecting the supply of raw materials used in other lifesaving products such as pacemakers, heart valves, hip and knee joints, and artificial blood vessels.

Today, I am introducing a resolution which expresses the sense of the House that the FDA should take immediate steps to resolve the fears and concerns of women with breast cancer by issuing a definitive relationship, or lack thereof, between silicone gel breast implants and connective tissue disease, classic autoimmune symptoms and other serious diseases. This resolution also calls on the FDA and the National Cancer Institute to develop recommendations for breast care practices for women with breast implants. This resolution has the support of the National Breast Cancer Coalition. It is time for the FDA to give women the information they need to make wise decisions about their health and their lives. I urge my colleagues to join me in this effort.

A GOOD NEIGHBOR ON CAPITOL HILL FOR 175 YEARS; ST. PETER'S PARISH

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1996

Mr. STARK. Mr. Speaker, I rise today to honor St. Peter's Parish, founded on Capitol Hill in 1821.

On June 29, 1996, St. Peter's will officially celebrate its 175th anniversary with a homecoming celebration, giving testament to the spirit and faith of the Hill community.

As the local parish, St. Peter's has weathered the changes in Congress and seen this neighborhood grow from a cozy residential area to the bustling cluster of Federal buildings we have today. Its existence is one of the few marks of continuity left to our past.

As a longtime resident of the Capitol Hill area, I salute St. Peter's as a historical symbol and an excellent neighbor. I hope that the next 175 years will be equally good to the parish.

TRIBUTE TO BRIGHTON, MI, ROTARY CLUB

HON. DICK CHRYSLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1996

Mr. CHRYSLER. Mr. Speaker, it gives me great pleasure to rise today and pay tribute to an outstanding organization in the city of Brighton, MI. On June 18, 1996, the Brighton Rotary Club will celebrate its 60th anniversary of becoming a chartered member of Rotary International, the largest service group in the world. The club currently counts numerous business and professional leaders of Livingston County among its numbers. I am truly proud to be counted among these dedicated servicemen and women.

The Brighton Rotary Club has been living out its motto of "Service Above Self" since its creation in 1936. Brighton Rotarians participate in numerous hands-on activities—including Christmas in April, Shots for Tots, Ringing the Bell for the Salvation Army, and additional one-on-one activities. The club also supports numerous groups and agencies with financial support. These groups include Lacasa, Women's Resource Center, Brighton Boy Scout Troop 350, Catholic Social Services, the Brighton Senior Center, the Hartland Senior Center, and several students attending Michigan colleges and universities. Major fundraisers include the Brighton Rotary Auction, The Great Duck Race, and the Holiday Concert.

The club is particularly supportive of programs for youth which stress development of leadership skills and community service. The club has initiated the Interact Club in Brighton High School, currently 75 members, sends students to Girls State and Boys State, and is sending 10 students to the Rotary Youth Leadership Awards [RYLA] conference in Ontario, Canada. International efforts include eye glasses projects in Mexico and the Caribbean, a sanitary facilities project in India, and ongoing support of the Polio Plus project to internationally eradicate polio and other childhood diseases by the year 2000.

The Brighton Rotary Club has repeatedly gone above and beyond the call of duty in helping people and organizations within Livingston County. I ask the other members of the U.S. Congress to join me in recognizing its 60 years of outstanding service and wishing it many more years of continued success.

A TRIBUTE TO STUDENTS OF HALF HOLLOW HILLS HIGH SCHOOL EAST

HON. RICK LAZIO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1996

Mr. LAZIO of New York. Mr. Speaker, today, I wish to recognize the award-winning students of Ms. Gloria Sesso's class at Half Hollow Hills High School East in Dix Hills, NY. From April 27 to April 29, 1996, these outstanding Long Island students competed against teams from every State in the Nation in the "We the People * * * The Citizen and the Constitution" Program. The team earned the distinction of representing New York at the national finals in our Nation's Capital after winning competitions at local and State levels.

The dedicated team of students was awarded an honorable mention as one of the competition's top 10 finalists. The members of the Half Hollow Hills team are: Taryn Brill, Sidney Change, Pei-Sze Cheng, Lauren Chernick, Jodi Citrin, Adiya Dixon, Judy Fong, Micole Hamburger, Hamilton Hayashi, Lora Hock, Jenny Jaung, Michael Kesden, Brian Kinney, Jaime Kleinman, Duane Koh, Juna Kollmeier, Jessica Lepler, Ayodeji Marquis, Douglas McVey, Howard Newman, Benjamin Oren, Mark Palmeri, Craig Rosenbaum, Amy Rosenberg, Sherry Sandler, Melissa Scharoun, David Scheine, Kristine Schmidt, Brett Sherman, Marcie Silver, Matthew Teicher, Lauren Wagner, Jaret Weber, Matthew Wurst, Carin Zelkowitz. The students were coached and greatly assisted by their teacher, Ms. Sesso, as well as Stephen Schechter, the State coordinator, and Steve Waldman, the district coordinator. The great success of this team is a tribute to all of the time and effort they put into learning about the Constitution.

The "We the People * * * The Citizen and the Constitution" Program is designed to provide students with a greater understanding of the Constitution and the rights and responsibilities of American citizens. For the past 9 years, the program has helped educate 22 million students at all levels.

During this year's competition, students participated in simulated congressional hearings where they were asked questions to demonstrate their knowledge of the history, values, and application of the Constitution. Their oral presentations were evaluated by a panel of judges that included Government leaders, lawyers, and constitutional experts.

I am very proud of the success this Dix Hills team has achieved, and wish them great success and personal satisfaction in the future.

RETIREMENT OF COL. JOHN C. MEYER, JR.

HON. CHET EDWARDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1996

Mr. EDWARDS. Mr. Speaker, I rise today to congratulate Col. John C. Meyer, Jr., on his retirement from the U.S. Air Force after 24 years of service to our country.

Colonel Meyer is currently the chief of the Weapons and Nuclear Deterrence Requirements Division, Directorate of Operational Requirements, Headquarters U.S. Air Force, Washington, DC. As chief, he has overseen the requirements development for all of the Air Force's air-delivered munitions and for the maintenance and modernization of the Nation's ICBM force.

Colonel Meyer has served our country with distinction. His decorations include the Legion of Merit, Meritorious Service Medal with five devices, the Air Medal, the Aerial Achievement Medal with one device, the Air Force Commendation Medal with one device, and the Combat Readiness Medal with four devices.

Mr. Speaker, on June 7, 1996, Colonel Meyer will retire from the U.S. Air Force. On behalf of this body of legislators, I would like to congratulate Col. John C. Meyer, Jr., on his retirement and thank him for his selfless service to his country.

A TRIBUTE TO DR. ARTHUR MAYER ON HIS RETIREMENT

HON. CALVIN M. DOOLEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1996

Mr. DOOLEY of California. Mr. Speaker, I rise before my colleagues today to recognize a dedicated educator form my district, Dr. Arthur Mayer, on the occasion of his retirement.

During my lifelong residence in Hanford, I have known few people more dedicated to the improvement of our schools than Dr. Mayer. Arriving in Hanford in 1979, he served as superintendent of Hanford Elementary School District until 1986. These were years of growth, and Dr. Mayer's leadership played an important role in improving the quality of Hanford Elementary schools.

But it was at Hanford Joint Union High School District that Dr. Mayer has made perhaps his greatest impact. Starting as superintendent in 1986, he embarked on initiatives to improve school facilities, establish new management systems, restructure the curriculum, and set up an academy system that improved the interaction among the staff and the students.

Because of these efforts, Hanford High School has been at the forefront of the restructuring efforts at the State and national levels, and has received several State and national recognitions.

These efforts have paid off at the level that counts the most: student achievement. When Dr. Mayer started at the high school district, student test scores were in the lowest 25th percentile among State schools. Now, after 10 years of Dr. Mayer's leadership, the student scores are in the top 30th percentile. Knowing Dr. Mayer, I am sure this accomplishment is the one that he is the most proud of.

I understand that although Dr. Mayer is retiring, he intends to remain involved in education continuing to teach college education courses. I, for one, certainly hope he does so—tomorrow's educators have a lot to learn from this distinguished superintendent.

I ask my colleagues to join me in honoring a dedicated educator, who has always put the concerns of the children first, by congratulating Dr. Arthur Mayer on his retirement.

POSTURING ON ABORTION

HON. MARTIN T. MEEHAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1996

Mr. MEEHAN. Mr. Speaker, I rise to ask for unanimous consent to insert Father Robert F. Drinan's opinion editorial "Posturing on Abortion," the New York Times, June 4, 1996 into the RECORD. Father Drinan, a Jesuit priest, is also a professor at the Georgetown University Law Center and a former Representative from Massachusetts.

I applaud Father Drinan for standing up in support of a goal that both Democrats and Republicans should agree to—limiting the number of abortions in the United States. Father Drinan rightly argues that Congress and the President should move away from partisan grandstanding on abortion issues and work together to protect women's reproductive health.

As a Catholic, I would like to thank Father Drinan for publicly opposing the so-called partial birth abortion ban. It was incredibly difficult for me to vote against this bill. Yet as Father Drinan noted, Congress should be focusing on reducing the number of abortions, not posturing on issues that do not allow doctors to safeguard women's health or protect those unfortunate victims of incest and rape.

POSTURING ON ABORTION

(By Robert F. Drinan)

WASHINGTON.—The indignant voices of the pro-life movement and the Republication Party will likely reach new decibels in the campaign to urge Congress to override President Clinton's veto of the bill banning so-called partial-birth abortions. But Congress should sustain the veto. The bill does not provide an exception for women whose health is at risk, and it would be virtually unenforceable.

I write this as a Jesuit priest who agrees with Vatican II, which said abortion is virtually infanticide, and as a lawyer who wants the Clinton Administration to do more to carry out its pledge to make abortions rare in this country.

The bill the President vetoed would not reduce the number of abortions, but would allow Federal power to intrude into the practice of medicine in an unprecedented way. It would also detract from the urgent need to decrease abortions, especially among unwed teen-agers.

The Partial-Birth Abortion Ban Act passed the House by 286 to 129, and 290 votes are required to override the veto. It cleared the Senate by 54 to 44; though it seems unlikely that 13 of the 44 votes would change, all bets are off in an election year.

More than 95 percent of all abortions take place before 15 weeks. Only about one-half of 1 percent take place at or after 20 weeks. If a woman has carried a child for five months, it is extremely unlikely that she will want an abortion.

The three procedures available for later abortions are complicated and can be dangerous. The vetoed bill would have criminalized only one—a technique called dilation and extraction—that medical experts say is the safest of the three. The bill calls this procedure a "partial birth," a term that experts reject as a misnomer. Indeed, the American College of Obstetricians and Gynecologists supported the veto.

President Clinton said he would sign a bill regulating late-term abortions if it provided an exception for women whose health might be at risk if they did not have the procedure. As the bill stands, the abortion would be allowed only if a woman might die without it. Mr. Clinton is serious. as Governor of Arkansas, he signed a bill prohibiting late abortions except for minors impregnated by rape or incest or when the woman's life or health is endangered.

In any case, a conviction would be difficult to obtain if the bill became law. Legal experts say that doctors could argue that the language was too vague for a measure that imposed criminal sanctions. And juries might be reluctant to convict a doctor who aborted a fetus that was likely to be stillborn or in cases where the woman's health or ability to have children was in jeopardy.

The bill would also sanction intrusive enforcement by requiring Federal officials to keep informed about doctors who performed late-term abortions. The F.B.I. would be authorized to tell nurses and health aides that they had a duty to tell officials about illegal late abortions.

If Congress were serious about getting a law on the books limiting late abortions, it would include the woman's health as justification for the late-term procedure. But it seems more intent on using Mr. Clinton's veto as a political weapon. This will poison the campaign and inhibit a larger discussion about real strategies to reduce abortions.

U.S. ARMY CECOM RECEIVES 1996 QUALITY IMPROVEMENT PROTOTYPE AWARD

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1996

Mr. PALLONE. Mr. Speaker, I rise to congratulate the U.S. Army Communications-Electronics Command [CECOM], Logistics and Readiness Center in receiving the 1996 Quality Improvement Prototype [QIP] Award for the President's Quality Award [PQA] Program. This is truly a great accomplishment and reflection of the dedicated and professional staff employed at the CECOM Logistics and Readiness Center, at Fort Monmouth, NJ. It is, moreover, a deserved recognition of the center's quality accomplishments and team-work in the fields of communications and electronics.

Mr. Speaker, the work done by the people at CECOM's Logistics and Readiness Center is not an easy undertaking, and the significance of winning the QIP cannot be underscored enough. Despite the demands placed on the shoulders of those tasked with maintaining the U.S. Army's communications and electronics equipment, the Logistics and Readiness Center, year-in-and-year-out, runs a well-planned system that spans all levels of the organization—the true hallmark of a first-class, quality-managed operation. The panel of judges responsible for designating the recipient, which is comprised of representatives from both the Federal government and the private sector, conducted a rigorous selection process. And as the quality and number of the other organizations vying for this prestigious award indicates, the competition was keen. In short—as is evidenced by the list of previous recipients of the QIP—to win this award is to be designated as among the best America has to offer.

In closing, I once again commend the people of the CECOM Logistics and Readiness Center for their efforts. By winning the 1996 Quality Improvement Prototype Award, the center has undeniably established itself as a model of excellence for all to follow. I congratulate the hardworking people of the CECOM Logistics and Readiness Center for a job well done.

A TRIBUTE TO THE BROOKHAVEN FIREFIGHTER'S MUSEUM

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1996

Mr. FORBES. Mr. Speaker, I rise today to pay tribute to the Brookhaven Volunteer Firefighters Museum and to the founders of this wondrous historical preserve, dedicated to the heroic tradition of volunteer firefighting in the Town of Brookhaven, Long Island. These devoted men and women turned their collective dream into a poignant legacy of the history of volunteerism in Brookhaven's 38 fire departments.

Officially dedicated on Saturday, May 25, 1996, the Brookhaven Volunteer Firefighters Museum is a wonderfully fitting tribute to the generations of heroic volunteers who, time and again, answered the call for help and selflessly put themselves in harms way to protect their neighbors and communities. Within the walls of this 100-year-old former fire house is an impressive storehouse of memorabilia and apparatus, historical photos and old newspapers clippings from the earliest days of organized firefighting. Included in the museum's collection are eight antique firetrucks, an original 1890 Hook and Ladder cart from the Bellport Fire Department and a century-old portable fire extinguisher donated by the Brookhaven Town Highway Department. There is also an amazing array of original fire shields, nozzles, hoses, and alarm bells.

But more than just a dusty collection of antiquated equipment, this museum shelters within its walls the memories of heroic deeds, of lives saved and property safeguarded by ordinary men and women who fulfilled an unspoken obligation to their community and country.

The firefighters' commitment was never more evident than it was in August 1995, when thousands of volunteers fought the two most destructive wildfires to strike Suffolk County this century. These heroic volunteers put their lives on the line while battling brush fires that consumed nearly 4,000 acres of Pine Barrens in Rocky Point and Westhampton. Miraculously, not a single human life was lost in the fire and the total property damage was kept to a minimum.

Though the heritage it preserves is grand, the genesis for the Brookhaven Firefighters Museum is more modest. The idea was born more than 5 years ago when a group of longtime friends and volunteer firemen decided they needed to preserve the history of local firefighting for their own children and grandchildren.

The museum's board of trustees and founder raised all of the funds, solicited the artifacts, secured the building and located the property where the museum stands. The Brookhaven Firefighters Museum's trustees are: president, Joseph Sommers; vice president, Lee Bunten; treasurer, David Waldron, Jeff Davis, Susan Savochka, Gene Gerrard, Robert Collins, Robert Poucel, Ed Corrigan, Robert Wilson, Richie Adams, Ronnie Magagna, Artie Read, John Austen, John Blaum, Sr., and Robert McConville.

Appropriately, the museum building was originally built in 1889 to serve as the Center Moriches Fire House. The former fire house was being used as a warehouse by the Center Moriches Paper Co. when the company donated the building for the museum. With the help of a State grant, the museum's board of trustees had the former fire house moved the 15 miles from Center Moriches, on Long Island's South Shore, to its current location at Fireman's Park in Ridge.

As you enter Fireman's Park to visit the museum, you will notice a line of 38 monuments along the roadside, one each from every fire department in the town of Brookhaven. That section of road is known as Fireman's Way, the path each visitor will pass through on their way to any of the fire drill competitions held at Fireman's Park. Those monuments are reminders of the sacrifice and commitment that volunteer firefighters have made for their communities in Brookhaven Town.

For the thousands of volunteer firefighters who have saved lives and property throughout the history of Brookhaven Town, and Long Island, the Volunteer Firefighters Museum preserves their magnificent legacy of sacrifice for their children and grandchildren. May this wonderful museum serve as a reminder of their heroic efforts for many years to come.

ORDER OF CONSIDERATION OF AMENDMENTS AND POSTPONING VOTES ON AMENDMENTS DURING CONSIDERATION OF H.R. 3322, OMNIBUS CIVILIAN SCIENCE AUTHORIZATION ACT OF 1996

HON. ROBERT S. WALKER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1996

Mr. WALKER. Mr. Speaker, during floor debate on May 29, 1996, on H.R. 3322, the Omnibus Civilian Science Authorization Act of 1996, it was mentioned by one of my colleagues that the Science Committee has only produced one committee report for all of 1995. I would like to correct the record with the following list of 14 committee reports filed so far during the 104th Congress; 12 of which were filed in 1995.

Date	Title	Publication No.
Feb. 15, 1995	Job Creation and Wage Enhancement Act of 1995 (H.R. 9).	H. Rept. 104–33, Pt. 2.
Mar. 30, 1995	Hydrogen Future Act of 1995 (H.R. 655).	H. Rept. 104–95.
July 11, 1995 ..	National Sea Grant College Program (H.R. 1175).	H. Rept. 104–123, Pt. 2.
July 21, 1995 ..	Environmental Research, Development and Demonstration Authorization Act of 1995 (H.R. 1814).	H. Rept. 104–199.
July 28, 1995 ..	International Space Station Authorization Act of 1995 (H.R. 1601).	H. Rept. 104–210.
Aug. 4, 1995 ...	National Science Foundation Authorization Act of 1995 (H.R. 1852).	H. Rept. 104–231.
Aug. 4, 1995 ...	American Technology Advancement Act of 1995 (H.R. 1870).	H. Rept. 104–232.
Aug. 4, 1995 ...	National Aeronautics and Space Administration Authorization Act, Fiscal Year 1996 (H.R. 2043).	H. Rept. 104–233.
Aug. 4, 1995 ...	Fire Administration Authorization Act of 1995 (H.R. 1851).	H. Rept. 104–235.
Aug. 4, 1995 ...	Department of Energy Civilian Research and Development Act of 1995 (H.R. 1816).	H. Rept. 104–236, Pt. 1.
Aug. 4, 1995 ...	National Oceanic and Atmospheric Administration Authorization Act of 1995 (H.R. 1815).	H. Rept. 104–237, Pt. 1.
Dec. 7, 1995 ...	National Technology Transfer and Advancement Act of 1995 (H.R. 2196).	H. Rept. 104–390.
May 1, 1996 ...	Omnibus Civilian Science Authorization Act of 1996 (H.R. 3322).	H. Rept. 104–550, Pt. 1.
May 23, 1996	Antarctic Environmental Protection Act of 1996 (H.R. 3060).	H. Rept. 104–593, Pt. 1.

A TRIBUTE TO SOPHIE GERSON

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1996

Mr. NADLER. Mr. Speaker, I rise today to recognize the lifelong accomplishments of Sophie Gerson, who has served the schools and the children of New York City for many years. Her dedication to the education of the young people of Community School District 2, which she has served for over 30 years, is evidenced by her history as a parent, a teacher and a school board member and president. She was a junior high school health and physical education teacher for 36 years, the last 25 at JHS 17 in the Clinton community. Her children both attended school in District 2, and as board member there, she was introduced or supported programs that have proved extremely beneficial to the children for whom she has been responsible. Ms. Gerson has been an active and outspoken advocate for the children in her community, and for that she should be commended. Ms. Gerson's accomplishments that are numerous and impressive, and her hard work has provided the students of New York's School District 2 with a nurturing environment in which they have flourished. Sophie Gerson's years of leadership and caring in her community deserve our utmost respect and appreciation.

A TRIBUTE TO REVEREND HENRY CADE

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1996

Mr. PAYNE. Mr. Speaker, I would like to bring to the attention of my colleagues a special anniversary. Tomorrow, the Central Presbyterian Church of Newark, NJ will be celebrating the 30th anniversary of its pastor, the Reverend Henry Cade. Although Rev. Cade first came to Central Presbyterian Church in 1965, this recognition had to be postponed because of a devastating fire that heavily damaged the church in 1995. But like anything worth doing, the time is not important as long as the thought is true.

Over the years Newark's Central Presbyterian Church has recognized the need for the church to become more than a site for worship. The Central Presbyterian Church has opened its doors to programs and services that truly help the community and its residents. The church sponsors programs like SHARE, a food program; preschool-head start programs, senior citizen programs; young adult ministries, homeless ministries, as well as others.

It takes a certain kind of leadership to make things happen. For the Central Presbyterian Church that leadership has come from Reverend Henry Cade for 30 years. Rev. Cade is a native of Selma, AL. He accepted the call as minister of the Central Presbyterian Church in 1965, having served as pastor of the First United Presbyterian Church of Athens, TN for 5 years. Rev. Cade has been educated at the Knoxville College, the Pittsburgh Theological Seminary, graduate study in urban issues at Rutgers University and the Jewish Theological Seminary in New York. His formal educational experiences have been enriched with travel experiences he gained while traveling to Jordan, Israel, Egypt, and Greece.

Rev. Cade understands the importance and benefits of serving the larger community. He has served the Police Accountability Program under the auspices of the Metropolitan Ecumenical Ministry, the NAACP, the United Community Corporation, Essex County PUSH, Essex County Jail as chaplain, the New Well Drug Rehabilitation Center, the Martin Luther King, Jr. Community Center, the Synod of the Northeast, the South Park Calvary Administrative Commission, and the Newark Presbytery in many capacities.

Presently he is the moderator of the Session of Roseville Presbyterian Church, a member of the Personal Committee and the Permanent Judicial Commission of Newark Presbytery, a member of the Newark and Essex Committee of Black Churchmen, and the chairman of the Newark and Vicinity Chapter of Black Presbyterians United.

Mr. Speaker, I am sure my colleagues will want to join me as I extend my congratulations and best wishes to Rev. Henry Cade, his family, and his congregation.

TRIBUTE TO THE BROOKLYN HOSPITAL CENTER

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 6, 1996

Mrs. MALONEY. Mr. Speaker, I rise to pay tribute to the Brooklyn Hospital Center's 1996 Founders Ball and the awardees being honored. The Brooklyn Hospital Center has provided a tremendous service to the residents of Brooklyn and the awardees are deserving of special recognition for their commitment and dedication to the residents of Brooklyn.

The Brooklyn Hospital Center has provided outstanding care for the residents of Brooklyn for 150 years. It is committed to maintaining its position as a leader in health care delivery and medical education. One of its more recent contributions has been to take a lead in the development of the Brooklyn Health Network, a borough-wide coalition of local health care and related service providers. The Hospital Center has also distinguished among this coalition as having the largest complement of primary care physicians of any hospital in Brooklyn. This enables them to work with medical staff and physician groups to develop structures which both allow incentives and create physician support. In this way, the Brooklyn Hospital Center can continue to provide excellent care to the residents of Brooklyn.

The Walter E. Reed Medal will be awarded to two physicians at the 1996 Founders Ball by the Brooklyn Hospital Center in recognition of clinical excellence and commitment to the community and the Hospital Center. I am proud to announce that one medal will be awarded to Paul Finkelstein, M.D., Chairman Emeritus of the Department of Urology and Hospital Center trustee. Dr. Finkelstein is a native of Brooklyn and has been a physician for 45 years. He was a practicing physician with the Brooklyn Hospital Center from 1956 until 3 years ago, but I am pleased to report that he remains actively involved in the Hospital Center as a member of the Board of Trustees.

I am also proud to announce that Eugenie Fribourg, M.D., is the second recipient of the Walter E. Reed Medal. Dr. Fribourg, also a native of Brooklyn was a family practitioner on the Hospital Center staff for 45 years. While she no longer practices medicine, I am happy to say she continues to be actively involved in several national medical associations.

Mr. Speaker, I am proud to rise today to pay tribute to both Dr. Finkelstein and Dr. Fribourg for their dedication and commitment in providing medical care to the residents of Brooklyn. They exemplify the goals of the Hospital Center itself. I ask my colleagues to join me in this tribute to the awardees and the Brooklyn Hospital Center for many, many years of outstanding service. Thank you.

SENATE—*Friday, June 7, 1996*

The Senate met at 9:30 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, Sovereign of this Nation and gracious Father of our lives, thank You for enabling unity in diversity and oneness in spite of our differences. You hold us together when otherwise ideas and policies and resolutions would divide us. Make us sensitive to one another, especially when a vote makes conspicuous our differences. Help us to reach out to each other to affirm that we are one in our calling to lead our Nation. May we neither savor our victories nor nurse our disappointments, but press on.

So we fall on the knees of our hearts seeking Your blessings for our work this day. To know You is our greatest privilege and to grow in our knowledge of Your will is our most urgent need. Lord, our strength is insufficient; bless us with Your wisdom. Our vision is incomplete; bless us with Your hope. In Your holy name. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator DOLE from Kansas, is recognized.

SCHEDULE

Mr. DOLE. I thank the President pro tempore.

Mr. President, today, there will be a period for morning business for 2 hours, and rollcall votes could occur today on executive or legislative items cleared for action. We would like to work out some of the nominees, at least clear some of the nominees on the Executive Calendar, including some of the judicial nominees. It has been suggested if that is not possible, we just start down the list one at a time. I am not certain that will happen today, but we will continue to work on it.

On Monday, it is hoped the Senate can begin debate on the budget resolution conference report. There is a statutory 10-hour time limit. Hopefully, we can resolve that today and work out some agreement. I am not certain how much time it will take. It should not take 10 hours on a conference report.

In any event, we will be in touch with our colleagues later sometime this morning. We are still working on health care. My view is we are very close. I am not certain what the White House view is, but I believe we have made a lot of progress. There has been a lot of give and take. Whether or not that will be complete by next Tuesday is problematical, but we are making progress and, hopefully, there can be some resolution. At least when it is taken up, it may have broad support. That may or may not be possible, but the Republicans will meet at 9:45 in my office, Republican conferees from the House and Senate.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CRAIG). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

BALANCING THE BUDGET

Mr. INHOFE. Mr. President, I rise today to express regret over what happened yesterday. Yesterday was a very significant day in America. We had an opportunity yesterday to pass a balanced budget amendment to the Constitution. Of course, it did not work out. We fell short by a couple votes.

It reminds me a little bit of last year when we fell short by one vote—one vote—one vote away from forcing fiscal discipline into two bodies that have expressed and shown and demonstrated no fiscal discipline over the past 40 years.

This is not anything that is new. I can remember, Mr. President, back in the middle 1970's when there was an ad by, I think, the National Taxpayers Union. They had a nationwide ad. They were trying to express to the people of America how serious the debt was, and tried to give us an understanding as to what these dollars really mean. Because once you start getting past $1 million or $1 billion or $1 trillion, nobody really has any concept of what it is. Our debt right now, when you say $5 trillion, does not mean an awful lot.

So back in the middle 1970's I can remember this very effective ad that they had. What they did at that time—the Empire State Building was a tall building—they took $100 bills, and they stacked them up until they finally reached the height of the Empire State Building. They said, "That is $400 billion. That is our national debt." At that time we looked at it and said, "You know, we can't go much beyond this. You start talking about the interest that is going to be necessary to pay on the national debt. Can we really afford it?" Because when you make interest payments, you have to use revenue dollars that would otherwise go to defending our Nation or to paying for education and the environment and the other needs, structural needs that this Nation has in such abundance.

So at that time, back in the 1970's, I remember so well someone who was in this body for quite a lengthy period of time. His name was Carl Curtis. He was a U.S. Senator from Nebraska. He was just a delightful gentleman.

He came up with an idea. He came out to Oklahoma. I was in the Oklahoma State Senate at the time. He said, "You know, we can't seem to get across to the people in the U.S. Senate how much the people at home want us to exercise fiscal discipline, how much they want us to balance the budget and quit borrowing more and more from future generations."

So to demonstrate this—this was his idea, not mine; Carl Curtis—he said, "We're going to go out and get three-fourths of the States to pass resolutions that would preratify an amendment to the Constitution." As we all know, we have to get two-thirds of the vote of the House and the Senate; then it has to be ratified by three-fourths of the States. "So if we can show that there are three-fourths of the States who want to have a balanced budget amendment to the Constitution, then that will give us the influence that we need to get it passed in the U.S. Senate." It sounded like a good idea.

So he came out to Oklahoma. I remember so well we went around to—I remember one time at the Kay County Fair we made a presentation of this. These are just good, earthly people who are paying taxes and working for a living. And they all thought it was a great idea.

So I introduced in the State Senate of Oklahoma back in 1974 a resolution to preratify the constitutional amendment. I remember that Anthony Kerrigan at that time—I think he is retired now, still resides in Washington—he wrote in a syndicated column that was all over the Nation, and the name of it was, "A Voice in the Wilderness." He said, "Way out in Oklahoma is a State senator who has successfully passed the first resolution to preratify an amendment to the Constitution to balance the budget." That was over 20 years ago. This is not anything that is new.

In fact, it goes back even further than that. Thomas Jefferson was the one who came back from France and said if he had been here during that

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

constructive process of the Constitution, he would have had something that would prohibit us from borrowing money, except in times of war. This is something that is not anything new.

We heard in the discussion, in the debate in the last few days, over and over again by those who are fighting a balanced budget—not balanced budget amendment, but balanced budget. It is interesting that you never hear anyone on the stump campaigning for office, "We want to spend more money. We do not want a balanced budget amendment to the Constitution. We want to fiscally discipline ourselves. And it is our job to do it." Yet, when they come here there is so much influence here not to balance the budget, not to have fiscal discipline, they do not do it.

We have heard these people over and over again on the floor saying, "We do not need a constitutional amendment because we were elected to do that." I say we have demonstrated clearly in both bodies of this Congress that we are incapable of doing it without something to force us to do what we ought to do voluntarily. We have demonstrated that so clearly that this is the only vehicle out there that I can think of that would do it.

The argument has been made on this floor that the Governors and the States are lowering taxes and are boasting about the fact they are lowering taxes, and if we pass a balanced budget amendment to the Constitution, we will have to have dramatic, draconian increases in State taxes to pay for the services that otherwise they would get from the Federal Government. That just is not true.

There is a mentality, I know, in the White House that the only way to raise revenue is to raise taxes. I can remember a very articulate President of the United States who was a Democrat, John Kennedy, who said back in his administration, "We have to raise more revenue; to do this, we are going to lower taxes to stimulate the economy." A lot of people do not realize, for each 1 percent of economic growth, that produces new revenues of $26 billion. If he can do this, this will allow him to raise more revenues. That is exactly what happened in the Kennedy administration. They reduced taxes and that increased revenue.

Along in 1980 when President Reagan was elected, President Reagan said, "We have to have more revenues and we have to use those revenues to reduce the deficit and reduce the debt and ultimately do something about debt, so we are going to cut taxes, marginal rates," and we went through, in the 1980's, the largest tax cuts in any 10-year-period in the history of America.

The results are there. The total revenues that were generated to operate Government in 1980 were $517 billion. Then in 1990, the total revenues were $1.30 trillion—they doubled, exactly—between 1980 and 1990. That was a period of time when we had the most dramatic cuts in our marginal rates. As far as the income tax is concerned, the total receipts in 1980 were $244 billion, and in 1990 $466 billion, almost doubling, at a time we reduced our rates.

You might say, "Well, wait a minute. We hear on the floor that during the Reagan years we had such dramatic increases in our deficit." Yes, we did, but that was not as a result of the fact that we were reducing taxes; that was the increase in revenues, the problem that we were spending more money here in the Senate and in the House. So while revenues went up, our spending went up exceeding that increase, and the deficits continue.

Now, in hindsight, I say maybe the President at that time, President Reagan, should have vetoed a lot of those bills he did not veto. That is what the current President is getting by with now in vetoing all the things he ran on when he ran for President of the United States and what most of the Republicans who took over control of the U.S. Senate ran on in 1994.

Speaking of President Reagan, I remember one of the greatest speeches of all time was called "A Rendezvous With Destiny," way back in the middle 1960's. The speech that Ronald Reagan made, I remember a sentence he said. "There is nothing closer to immortality on the face of this Earth than a Government agency once formed." That certainly has proven to be true. Once you form an agency to respond to a problem that is there, and the problem goes away, then the agency continues, and their political muscle expands. So there are problems that are out there that can be dealt with, but they cannot be dealt with unless we force ourselves to do something to discipline ourselves in this manner.

There is one other problem that I think adds to this. A study was made—and I cannot document it, but I do have the document back in my office—over 98 percent of the people who come to visit their Senator or their House of Representatives Member are coming because they want to increase funding for some program. It might be for a problem. They might be a contractor; it might be a program that they feel in their hearts needs to be expanded.

What do we hear, if we are here in Washington? We hear from the people who come in and say, "We want to spend more money." That is one of the reasons I have been an advocate for term limitation for so many years.

I made it a practice to commute. I still live back in my State of Oklahoma and I come up here during the time we work and we vote and we have committee meetings, and I go back so I am there virtually every weekend. When you do this, you talk to the people who are back home, that I sometimes get chastised for referring to as "real people," implying there are not real people here. Really, those who come in and want something out of Government generally are people who are here for some particular cause—their cause or for a personal gain.

The fact remains that over 98 percent of the people that come in are here for increased funding. That is something I meant to mention when they use the arguments that we will have to have draconian cuts in Government if we have a balanced budget amendment to the Constitution. That is not true.

A study made by the Heritage Foundation—and I got it renewed only this week to see, is it true today—if we were to take all Government programs and not cut one Government program, entitlement programs and all the rest of them, and increase these programs with growth caps of 1½ percent a year, we could balance the budget in 7 years and have the tax cuts that the Republicans want, the $500 tax credit per child, the tax decreases in capital gains in order to stimulate the economy. We could make the trust funds well again; we could secure Social Security, Medicare—all of that, without cutting one program.

Realistically, that will not happen. We understand that, Mr. President, because when it gets down to it, there are programs that need to be cut and some that need to be increased by more than 1½ percent. If we had a resolution, if it could be structured, I have thought we might be smarter just to let every program grow by that percentage.

When I have townhall meetings—and I have more than most because I am back in my State more than most Members are—and you have people coming in who are senior citizens, and you tell them, "What if we were to put a cap on your Social Security of 1½ percent, if you knew that all other Government had to do the same thing?" They all nod with approval and say "yes." Their concern is they would have to take the hit and the veterans would not, or somebody else would not. I think all the American people want is to be treated equally. I guess the point I am trying to make here is, you do not have to have draconian cuts to have a balanced budget.

Now, I do not want to use up too much time because there are others who want to speak during this period of time reserved by the distinguished Senator from Georgia, Senator COVERDELL, but I do want to address something. I was quite disturbed yesterday when the very distinguished senior Senator from Kentucky came to the floor. I was chastised for some of the comments that I made. One of the statements I made that offended him was that he implied I was saying that people say one thing at home and say something else in Washington.

Let me read exactly what I said so that there can be no misunderstanding.

I said this after I had read some quotes of various Senators who were strong supporters of a balanced budget amendment in 1994 and turned around and spoke against it and voted against it this time.

What I said was: "So I think it is something that we need to look at, and I'm hoping that those individuals, as the distinguished Senator from Iowa, Mr. GRASSLEY said, a lot of the Senators who are voting for this because they want to go the party line instead of voting with the people at home, better really stop and think about it before noon tomorrow," the day before yesterday, "because the people at home are not going to forget," and I know that is true. People at home are not going to forget because the vast majority of the Democrats and the Republicans in America—approximately 80 percent—want a balanced budget amendment to the Constitution.

So I did go back and read some quotes from individuals. One was from the Senator from North Dakota, Senator DORGAN, who said, "This constitutional amendment, no matter what one thinks of it, will add the pressure that we reconcile what we spend with what we raise." This was March 1, 1994. This time he was one of the most articulate Senators that was opposing the balanced budget amendment.

Then the distinguished Senator from South Carolina, Senator HOLLINGS, said, "So let us debate, pass, and ratify the balanced budget amendment by writing a balanced budget amendment into the basic law of the land. We will compel Washington to do its job." I agree. That is what he said on March 1, 1994. This time he was one of the leaders in opposition to the balanced budget amendment.

Then, of course, the one I have a great deal of respect for, the distinguished minority leader, Senator DASCHLE from South Dakota, back in February 1994, said, "Too much is at stake for us to settle for this tax. A balanced budget amendment will provide the fiscal discipline our Nation must have in order to meet the needs of the present generation without bankrupting those of the future." That was Senator DASCHLE in 1994. Of course, he led the opposition this time.

So I hope that the distinguished Senator from Kentucky will understand the context in which I was saying this. I do not understand how somebody could be such a strong supporter in 1994 and then oppose the same thing in 1996.

I have the two resolutions here. They are worded exactly the same—not approximately the same, but exactly the same. Back in 1994 this was Senate Joint Resolution 41. All of these Senators were talking about how great this was and how we had to do it—I was applauding them for their courage—only to turn around and oppose this in 1996. What happened between 1994 and 1996? Nothing, except the debt has grown to over $5 trillion.

So when the Senator from Kentucky came in—I had not quoted him, but I will now. He said this back on March 1, 1994. He said, "I support the efforts of my friend and colleague from Illinois"—talking about Senator SIMON, who is a very courageous guy, and one I complimented probably more than I have ever complimented anyone else on the floor yesterday. Senator FORD said, "I support the efforts of my friend and colleague from Illinois to take on this persistent fiscal dishonesty. I hear so much about if 40-some-odd Governors can operate a balanced budget, why can't the Federal Government? I operated under it"—this is Senator FORD, who was a Governor of Kentucky—"and it worked. I think implementation of this amendment will work. I think we can make it work. I do not understand why it takes a brain surgeon to understand how you operate a budget the way the States do. This is an opportunity to pass a balanced budget amendment that will work and will give us a financially sound future, not only for ourselves but for our children and our grandchildren."

I was criticized yesterday because I said those individuals who opposed the balanced budget amendment—I am talking about those who voted against the balanced budget amendment—are people who are liberal in their philosophy, and there is nothing wrong with that. That is the "L" word, and there is nothing wrong with it. Either you are liberal or conservative. It just means how much involvement we want the Federal Government to have in our lives. If we want more Government involvement, we have to raise taxes and pay more.

Fortunately, for the people of America, they can get out of this environment that we are in right now and not just listen to what we say, but they can look and see how we perform. We are rated in every area by different rating organizations. If people are concerned about how we are on social issues, family issues, they can look at the Christian Coalition rating and see how we have voted. If they want to know how we are on regulations and business issues, they can look at the National Federation of Independent Business. They have a rating system, and they will tell you. You do not have to listen to us. They will tell you who is for less Government involvement in our lives.

We are the most overregulated nation in the world. That is why we are not globally competitive. Look and see how we are rated. If you want to know who the conservatives are, do not listen to us. I have yet to hear anybody go out on a stump and say, "Vote for me, I want to spend more money." They do not say that. So do not listen to us. Look and see how we are rated.

The National Taxpayers Union uses ratings of A, B, C, D, or F. Those are the five ratings. Of those individuals—the 33 Democrats who voted last year against the balanced budget amendment—I am sure the same thing is true this year, but we have not had enough time to get the ratings—they were rated either a "D" or an "F" by the National Taxpayers Union. So they are liberals. I do not know why they are ashamed of being a liberal. I have yet to hear a conservative being embarrassed about being a conservative. But many liberals try to say, "I am moderate," or "conservative."

Here is the last thing I was personally chastised for. Here is a photo of two little children, which I did not use last night. I used a photo of my newest grandson. These are my two other grandchildren. They are the same age and are children of two different sons. This is Maggie Inhofe, and this is Glade Inhofe. What I was getting across yesterday was that the balanced budget issue, and the deficits in this country, is not a fiscal issue; it is a moral issue. These are the faces of innocence, who did not do anything wrong. This is little Jase, who was born January 9. The day he was born, at the moment he took his first breath, he inherited a $19,000 personal debt as his share of the national debt. He did not do anything wrong. These kids were born 3 years ago.

So I think we need to look at the whole subject of a balanced budget amendment as the only way we can discipline ourselves. We demonstrated that very clearly. Let us not think about what it is going to do to the people up here today. It is not going to affect us. It is the next generation that is going to have to pay for it.

I suggest to you, Mr. President, that we did a great disservice yesterday to all of Americans, to future generations, when we passed up an opportunity to pass a balanced budget amendment to the Constitution. We are going to do it; it is just a matter of time. We may have to do it in the next legislature, or when there is another President in the White House. But we are going to do it, so that these guys right here are not going to have to pay for our extravagances. It is a moral issue.

I yield the floor.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. COVERDELL. Mr. President, I understand you will be relieved as the Presiding Officer in a moment. At that time, I will yield you up to 10 minutes to speak on this question.

Parliamentary inquiry: It is my understanding that, under a unanimous consent, I will be controlling an hour from approximately 10 until 11 o'clock, is that correct?

The PRESIDING OFFICER. The Senator was to control the first hour of morning business.

Mr. COVERDELL. Mr. President, I ask unanimous consent that I be allowed to control the time from now until 11 o'clock.

The PRESIDING OFFICER (Mr. INHOFE). Without objection, it is so ordered.

BALANCED BUDGET CONSTITUTIONAL AMENDMENT

Mr. COVERDELL. Mr. President, in the last several days, as we have debated this very historic constitutional amendment, Thomas Jefferson has been quoted over and over because of his early recognition that there needed to be a constitutional provision for balancing the budget.

I want to read one other quote that was sent to me by a Georgian, and then I will yield to the Senator from Idaho. This is what Thomas Jefferson said:

> Men, by their constitutions, are naturally divided into two parties: One, those who fear and distrust the people, and wish to draw all powers from them into the hands of the higher classes; two, those who identify themselves with the people, have confidence in them, cherish and consider them as the most honest and stable.

This debate was on this point because we were, through our efforts to pass the balanced budget amendment, endeavoring to put to the people the question in the several States which would have had to ratify. Those opposed it, in my judgment, were fearful of turning the question over to the people of the country.

How unfortunate, as you have just alluded, Mr. President, the Senator from Oklahoma.

Mr. President, I yield to the Senator from Idaho up to 10 minutes.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, let me thank my colleague from Georgia for taking out this period of morning business to discuss and to continue the important debate that occurred on the floor of the Senate yesterday in relation to a balanced budget amendment to our Constitution.

The Senator from Oklahoma, who is now presiding, related his experience in the beginning of this movement that started in the mid 1970's when Senators and Members of the Congress recognized that there was growing in this city an insidious appetite that was spawned by interest groups and citizens—that somehow the way you solved nearly all social problems in this country was to put government money at it, and that it was justifiable in doing so to deficit spending. We began to hear the clock of debt tick at that time—hundreds of thousands of dollars, and finally billions of dollars, as the Senator from Oklahoma spoke of.

When I arrived here in the early 1980's we were still in the hundreds of billions of dollars, just breaking into the first trillion. It was in that period of time, in 1982, that the former Congressman from New York, Barber Conable, who had picked up the idea that had been started here by Senator Curtis, was retiring. He had heard me speak on the floor of the House. He knew I had done much of what the Senator from Oklahoma had done—had passed a resolution in my State of Idaho asking for a balanced budget amendment and that the Senate and the Congress of the United States should issue that report so that the States, under article V of the Constitution, could go through the ratifying process.

Barber Conable came to me, and he said, "Congressman CRAIG, I am leaving. Why don't you take this issue and work with it? Make it a national issue. Work with our other colleagues because some day the American people will recognize what is going on in Washington, and they will insist that it be stopped."

That was 1982. Myself and CHARLIE STENHOLM, the Democrat Congressman from Texas, began to do exactly what the Senator from Oklahoma started in the mid 1970's in his State legislature. We began a national movement traveling to all of the States of the Nation, to those State legislatures, asking them to petition the Congress of the United States, because without that, without that extraordinary pressure from across the country, we did not believe the Congress would bow to the wishes of the people because the pressure from the interest groups, the pressure from a growing Government, would simply cause them to continue to deficit spend.

That was a $1 trillion debt. That was 1982, and this is 1996. We now have a $5 trillion debt. Senator Curtis was right. Congressman Barber Conable was right. The National Taxpayers Union was right. Now the American people understand better than they have ever understood before that somehow this has to be stopped.

Throughout the 1970's and into the 1980's you could always poll the American people and say, "Should Government balance its budget?" And the answer by 65 to 75 to 80 percent was, "Yes, they should. We have to. We have to do it with our personal businesses and our personal home accounts, and the Government ought to do the same." But you could never get that high when you asked the question: "Should there be a constitutional amendment requiring it?" Because a lot of people did not think we ought to go the extraordinary route of using the organic act of our country to force our Government into compliance with the wishes of the people; that that was held for unique and special exceptions, and that our organic document of the Constitution should be rarely changed. We know that in the history of our country—the 208 years of history—that we have only changed that document 27 times.

But finally, in a poll just a few weeks ago, when the question was asked, "Should there be a constitutional amendment requiring a balanced budget?" all of a sudden that had skyrocketed to 83 percent of the American people. That is an all-time high. Not that the budget should be balanced—I think that is almost unanimous—but now that we should use the organic document of our country to force this issue. Because what the American public instinctively knows is that the growth, the phenomenal movement of a budget into deficit and into debt that now scores $5 trillion, and that this year we are going to deal with the 1997 budget with over $300 billion of interest; and that that interest will be more than we will spend on defense, or will be more than we will spend, within a few dollars, of Social Security; that somehow the American people are beginning to say, "Isn't it true that, if you continue to accumulate that debt, somehow one day almost all of the budget would be interest?" Well, no. I do not think that would occur. But significantly the largest segment of the budget would be interest.

That is the impact on Government, and that is the impact on taxpayers.

What is the impact on personal lives, and on the young people who are here helping us as pages in the U.S. Senate, when they get to be 35 and 45 years of age? Even this President, who does not agree with a balanced budget amendment, and until 1994 when he began to be a born-again moderate after having been a 1992–94 very liberal President with large tax increases and large spending programs, even his government, his appointees, said these young people will be paying 75 to 80-plus percent of their gross income just to pay for government.

So you have to ask them: "Well, then what would you be able to do to own a home, to fund a college education of your child, to have the American dream that all of us expect for ourselves and our children? Is it possible that debt could eat it all away?" Yes, it is.

That is why the debate yesterday was so significant, and that is why the Senator from Oklahoma is absolutely right. The vote yesterday was, without question, one of the most significant votes that this Senate has taken. I honor Senator BOB DOLE for bringing it up again, forcing the political issue and causing the American people to see who is for a balanced budget amendment to our Constitution and who is against it.

It is very important that they understand the forces that work in Washington and the forces that resist the idea of fiscal responsibility with no real answer to how you deal with a $5 trillion debt and 300 billion dollars' worth of interest on debt and an ongoing deficit. We have offered that solution. We have offered it in the form of an amendment to cause it to happen on an annualized basis.

Last year, we put forth a budget that would bring us to balance. The fiscal responsibility that the American people have asked for is here. It is here in the majority party of the U.S. Senate which has brought about those kind of efforts and will continue to until it is the fact of the organic law of the land that we operate continually under a budget that is balanced or near balance. That has to be the goal of this Congress and for future Congresses and the responsibility of those who serve in the U.S. Senate. It is for our future; for our children and your grandchildren's future, Mr. President, that you showed us those marvelous pictures of this morning. If we fail to do that, we will no longer be a great people. We will no longer be a great people. We will no longer have a system of Government that is the envy of the world because it will be weak and anemic, and unable to provide or unable to cause the environment that creates the kind of human productivity that has historically been the mission and the great gift of this country. We will steal from all by destroying it with debt. We now have an opportunity to change that, and I hope that in the next Congress we bring that about and that we have a President who presides in the White House who will not openly fight us and resist us, but who will encourage and embrace the idea of a balanced budget amendment to our Constitution.

I thank my colleague from Georgia for acquiring this time to debate and to continue to discuss this critical issue.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, while I have you both here, I want to thank the Senator from Idaho and Senator from Oklahoma, who have been here a bit longer than I in Congress, for the extensive and committed and dedicated work each of them have committed, not only to a balanced budget amendment to the Constitution, but to disciplined financial management of the affairs of our Nation for all the years in which you have been here. Your States and America owe you a great debt.

Mr. President, these numbers get to be beyond what, I think, a lot of people can comprehend in their own home or business, but the fact that we have not had a balanced budget has had a massive impact on every family in America. I am going to talk about a Georgia family, a typical Georgia family, but it would not be any different in Oklahoma or Arizona or California. These are all going to be very similar pictures, no matter which State you look at.

This family earns, in Georgia, about $45,000 a year. They are a family of four, typically. For the most part, today, both parents work, which I will come to in a minute. We have been talking about 5 trillion dollars' worth of debt and an expanding, exploding Federal Government. Margaret Thatcher was in Atlanta not long ago and she said something to the effect: Just remember, when anybody says to you I am going to do something for you, remember that they have to first take something from you to do it.

Her statement could not be more true for this Georgia family. They make $45,000 a year, and the total Federal taxes on their income is about $9,511. The total State and local taxes are $5,234. The estimated cost of Federal regulations to the family, in other words, the price they have to pay when they buy a loaf of bread, to pay their share of all the regulatory apparatus that we have set up over the last 30 years, is $6,650. That is more than their annual car payment. That could be worth about two annual car payments. And then they have to pay, because of that $5 trillion debt we are carrying, that pushes interest rates up, so they have to pay $2,011 for their share of the higher interest rates.

When it is all said and done, half their income has been consumed by Government apparatus and Government programs. If Thomas Jefferson were here—he could never have perceived that our Government, the Government that those valiant Americans fought for and put in place, that Government would consume half the wages of bread winners. He is turning in his grave. And he warned us of this over and over and cautioned us, which is why he recognized that there should have been a statement in the Constitution that would have called for a balanced budget.

The fact that we have not had a balanced budget amendment in place, we have not forced Congress to have balanced budgets in place, means that every family in America has to pay for these unchecked and burgeoning governments. In fact, they work half the year for these governments now.

Imagine, the Fourth of July is not only Independence Day, it is the first day you get to keep your own check. Who would have ever thought that, that an American would work from January 1 to Independence Day? Independence Day is going to take on a new meaning. We need to have signs all across the country, "Today you get to keep your first dime."

We have depended throughout our history on that American family to get America up in the morning, get it to school, keep a roof over its head, educate it, keep its health and, yes, instill it with the spiritual belief in this country so that there would be a continuum of leadership.

This practice, the failure to have a balanced budget—we have had one balanced budget in the last 36 years. No wonder America is so anxious. She ought to be. This is dangerous. This has made it very difficult for that which we depend upon, the American family, to do what it is supposed to do. They cannot get it done right.

Yesterday I referred to an editorialist in the Maryland Constitution, Marilyn Geewax. She thinks what is wrong in the American family is that they are greedy, they have too many electric toasters. I can tell her, that is not what is wrong in America. What is wrong in America is there is not enough left in their checking account to save or to do the things that we ask them to do.

Mr. President, I see we have been joined by the distinguished Senator from Texas. In a moment or two, I am going to yield to her. But before I do, I wonder if I can put these two quotes up here.

There was a quote by Representative STARK, on the House side, that he made Wednesday, that makes it imminently clear why the other side, and the President—we have not talked enough about it. If it were not for the President, we would have passed the balanced budget amendment. It rests right at his feet. He did not want that balanced budget amendment to pass. He said so. And that is why these six Senators changed their votes; they did it in deference to their President. But read this quote:

> To fix the longer-term problem—

He is talking about the fact that also last week, in addition to talking about a balanced budget amendment, we were told Medicare is going broke faster than we thought. But he said:

> To fix the longer-term problem, Mr. Stark [of the House Ways and Means Subcommittee on Health. He is the ranking member] said, "Democrats probably would resort to either a Government takeover of the hospital and health-insurance payment system, or raising payroll taxes."

If we had a balanced budget amendment, you could a make a big "X" through that statement. They cannot afford to have a balanced budget amendment when they talk about the Government takeover of medicine and creating yet a new entitlement that would be larger than Social Security in 2 years.

Do you want to know why they do not want a balanced budget amendment? That is why. They cannot afford to have the discipline that a balanced budget amendment would have brought about. The family that is going to suffer is this average family, because they are the ones who are going to pay for that. They are already paying half their income. What do you think would happen if that situation came up?

Mr. President, I yield up to 15 minutes at this time to the distinguished Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I thank the Senator from Georgia for taking this time to really talk in a little more detail about why we need the balanced budget amendment to the Constitution. What happened yesterday, and its policy ramifications, really needs to be discussed so that the American people see that just because we are trying in this Congress to go toward a balanced budget does not mean we do not need a balanced budget amendment.

In fact, I think when the American people have seen how very hard it is to balance the budget or to even have a 1-year budget that moves toward a balanced budget, and when they see how slow the progress has been and they see, even though we have tried to make the tough decisions—Medicare reform, Medicaid reform, welfare reform—these have been vetoed by the President and, therefore, we are still at ground zero. The American people see this.

So, for Heaven's sake, does that not make the argument that we need a balanced budget amendment, because if we can ever get the deficit off the plate, if we can look at the year 2002 toward that point where we will have a balanced budget, don't we need to say no future Congress will ever be able to get out of control again? Don't we need to put in what Thomas Jefferson worried about, that we should have put in the Constitution in the first place, and that is that no future Congress can put debt on generations in the future, that no Congress will be able to say we want to spend this money now, but we want our children to pay for it.

Thomas Jefferson worried about that. It was one of the two things he was concerned with that had not been addressed in the Constitution.

The other one is term limits, and I think that probably bears on the problem we are having right now. We have too many people who have been in Congress too long who have not been in the real world who have continued to put off the tough decisions. These are people who talk well. They are people who say, "Oh, we want a balanced budget; of course, we want a balanced budget. We'll make the tough decisions later," or "We will let somebody else make the tough decisions." That is what Congresses have been doing for 40 years, and it is what Presidents have been doing. That is why we are in this mess.

So, of course, we need a balanced budget amendment to the Constitution. It would not take 2 years for a balanced budget amendment to be ratified by the States; that is, if the people are consulted, because the people know. The people of America are not stupid. They know the difference between a balanced budget and stability and the future of their children and out-of-control spending, spend-now-pay-later policies that they have seen for so long out of Washington, DC.

The opponents of the amendment, as was pointed out by my colleague from Georgia, really use scare tactics. Let me go through a few of those. This is just a gimmick. Don't you think if this were a gimmick that Congress would have tried it before? I mean, 40 years of gimmicks, I think I have seen just about everything. I think they would have thought of this if it were a gimmick. They say this will tie the Government's hands. "What are you going to do if you have a war, if you need an emergency expenditure?"

There is a safety valve. You can pass an unbalanced budget with a three-fifths vote, and I think if we were in a crisis in this country, if we were needing to go to war and support our troops, I believe three-fifths of the duly elected representatives of the people of this country would be able to come to that conclusion. But I do not think three-fifths of the duly elected representatives of our country would go into a deficit situation for just another social program.

They say this will bring on another depression. You have heard that one. Bring on another depression? The money is going to be spent. People earn money, they send part of it to the Federal Government or they keep it.

Now, where is the recession here? The recession is not going to be caused because there is going to be less Government spending. If we have less Government spending, that means there is more money in people's pockets. It is their money, it is not ours. I just love these people. I think the Senator from Oklahoma, who is sitting in the chair, has heard the people on the floor say: "Oh, we can't have that tax cut, it would cost the Government $300 billion."

The Government? Whose money is it? It is not the Government's money. Money belongs to the people in this country who go out and work every day. It is their money. The Government will not lose $300 billion if we have a tax cut.

I would ask the question a little different way: How much will it cost the hard-working American taxpayer if we do not cut their taxes by $300 billion?

We are not talking about lower spending here; we are talking about who makes the decisions. We are talking about whether you decide how you spend your money for your family or whether you send your money to the Government for them to decide what your priorities should be.

It is a matter of priorities and who makes the decisions. That is one of the reasons why the Republicans said very clearly, when we put our balanced budget forward over 7 years, that we had a $245 billion tax cut package, because we knew that if we were going to slow the spending in the public sector market, that we wanted to increase the spending in the consumer market.

The difference is who makes the decision. That is why we put tax cuts in our balanced budget. It is why we have a $500 per child tax credit. It is why we have IRA's for the homemakers of this country so that the homemakers of America will have the same retirement security options that anyone who works outside the home has. It is why we have capital gains tax reform, so that our small businesses will be able to make those investments that will create the new jobs and help the economy grow. It is why we have inheritance tax reform. It is why we do away with the marriage penalty, or significantly reform it, because we know that the American family deserves to have more of the money they earn to spend for their families.

So causing another depression is out of the question. In fact, our economy will boom if we will pass a balanced budget amendment. The markets went up just because it looked like we had the chance to do it a year ago. Last year, the market went up because they had the impression that Congress was finally going to "gut up" and do the right thing. We lost it by one vote.

It was a great disappointment, but the market knew. The market knew that by lowering interest rates two points, which is what the balanced budget would do, that we would save money for every person in America who is paying a home mortgage, that we would save money for every person in America who is borrowing to buy a car, that we would save money for every person in America who is borrowing to go to college. The markets knew the stability that would be created by a balanced budget amendment to the Constitution.

Last, but not least, they have really talked a lot on this floor about raiding Social Security—raiding Social Security—if we balance the budget. I ask the question to anyone in America: Would you trust a Congress that cannot balance its budget to keep Social Security intact? If someone does not have the guts to have a balanced budget for our Government, can they be trusted to keep the integrity of the Social Security system?

Frankly, I think that is why our younger generation does not think they will ever see Social Security, because they see a Congress that cannot even balance the budget or even pass a constitutional amendment to balance the budget for the future, and they think, "Now, if they don't have the ability to do that, I really don't think I'm ever going to see Social Security."

So, Mr. President, I think passing the balanced budget amendment is the most important policy decision that we would make in our lifetimes of public service. I think if we do not take that step, we can wait for our grandchildren to ask the question, "You were there back then. Why didn't you do something?"

I saw the picture that my colleague from Oklahoma showed of his grandbaby on the floor. I am horrified to think that that baby is someday going to meet me or talk to the Senator from Oklahoma and say, "You know, why didn't you do something back then when you could, so that I could afford to send my children to college, so that I would have a good job in a great economy in the land of opportunity?"

Mr. President, if we do not pass a balanced budget amendment that is responsible for the American people, we are not going to be able to face our grandchildren, we are not going to be able to answer the question. So if our colleagues will think about the long-term future of this country, or if the people who are looking at voting for a U.S. Senator on the ballot next year will ask that person the question, "How do you feel about a balanced budget amendment to the Constitution?" I mean, you only can say one of two things: "I'm for it," or, "I'm against it."

If the people of this country will rise up and say, this is the most important issue, then our grandchildren will not have the question, because it probably would not ever occur to our grandchildren that we would not balance the budget of this country when it is on our watch.

So, Mr. President, I think the time has come for the people of America to weigh in on this issue. They saw the vote yesterday. They saw that we are within five, six, seven votes in this Congress of passing a balanced budget amendment to the Constitution, which will need to be ratified, so the State legislatures will have a chance to weigh in on this as well. I do not worry about the legislatures ratifying it, if we will have the guts to do what is right in this Congress.

Mr. President, it is all a part of what we were elected to do. We did not run for the U.S. Senate thinking it was going to be an easy job. We knew, especially those of us who have run in the last 2 years, we knew that we were going to have to make tough decisions to turn around 40 years of bad decisions.

I have been a small businessperson. I bought a little company that was on the ropes. I had to make tough decisions to turn that company around. I did it. But it was not easy. That is the exact issue we are facing here on a much bigger scale, because the people of America are depending on us to make this tough decision for our country. They know that we are not going to agree on every budget cut that it will take. They do not expect that. But they do expect a responsible decision.

Mr. President, I will just close by saying, there is only one way to prevent the most dreaded question that I can ever imagine. It is not from one of my constituents calling in or someone that I will see in Texas; it is not from a news reporter. It is from my 5-year-old grandchild, in 20 years, who would say, "Cake, you were there back then. Now I am going to have a child, and I can't afford to send my child to college. Why didn't you do something?" That is the question I do not ever want to hear.

The way we can assure that we will never have that question in our families is to pass the balanced budget amendment to the Constitution because we know how hard it is to do what is right. We know the resistance that we have faced. We know that if we can ever get it to balance, that we should never again allow a future Congress to mortgage the future of our children.

Thank you, Mr. President. I yield the floor.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. I thank the Senator from Texas and hope that her wish of not ever having to answer that question can be fulfilled while she is here representing the State of Texas in the U.S. Senate.

Mr. President, I yield up to 5 minutes to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. ABRAHAM. Thank you, Mr. President.

I thank the Senator from Georgia for once again bringing together a group of Members to discuss an issue of significance. He has been doing an outstanding job, I think, of trying to make sure the public understands exactly what it is that is happening here in the Senate of the United States with the crisis and what the prospects are for our future.

Today, I will continue this discussion about the balanced budget. There seems to me to be two fairly clear questions that Americans need to ask themselves. First, why do we need a balanced Federal budget? Second, why do we need a balanced budget amendment in order to have a balanced budget?

The first question was really one that I think was addressed pretty effectively last year. That was the need for bringing the Federal budget into balance.

The fact is that, as numerous Members have indicated over the last couple of days, a balanced budget means for most families in this country the chance to keep more of what they earn and to spend more on their own priorities rather than spending more money on interest payments, on things like new car loans, mortgages for their homes, the repayment of student loans, and so on, as has been very effectively documented, Mr. President.

When our Federal Government is forced to go into the borrowing markets at large levels and compete with private investment, the price of private investment goes up, interest rates go up. When people want to buy a new home, and in many cases their first home, they find that it is unaffordable today because of interest rates. When people need to obtain a new car, they find that it may be not the car they need for their families because of interest rates. When students start to try to pay back their student loans, they find it extremely difficult because of interest rates.

The reason interest rates are high, Mr. President, is because the Federal Government is borrowing so much money. The way to end the Federal Government's borrowing is to bring the Federal budget into balance. That is what we have been trying to do here. But the goal is not just simply to balance the budget one time in the year 2002, as we have been focused on; it is to keep the Federal budget under control and the growth of Federal spending under control well beyond that date.

There is a very simple reason why 2002 has to mark the beginning, not the end, of the efforts to balance the budget. As we have learned and as I think economists on all sides now would agree, projecting the growth of Federal spending out beyond the year 2002, projecting the growth of entitlement programs as they at least currently are expanding, will find the Federal Government by the year 2010, 2012, 2013, depending on your analysis, but some point about 15 years from now at the point where literally all Federal revenue, all tax collections in total, will only pay for the interest payments that have to be made on this huge Federal debt and for the entitlement payments that will be required at the current rate of growth of Federal spending.

That means not $1 for national security, not $1 for education and training, not $1 for law enforcement to protect the safety of our citizens, not $1 for transportation and infrastructure, not $1 for any other priority unless the Federal Government borrows that $1 or prints that $1.

We know we are not going to go back to the days of the printing press, Mr. President. So that leaves only one option: The further borrowing of money at levels far greater than we ever have before. If we do not bring the growth of Federal spending under control and balance the budget today, that is the prospect, that is the future we look forward to. In fact, it would require so much Federal borrowing that I think private investment in this country would effectively be crowded out entirely, bringing us the kind of economic crisis that we have never confronted before as a nation. That is the future.

The question is, Why do we need an amendment so we do not bring about that future? I think what has happened over the last few months is a pretty clear indication exactly why we need a Federal balanced budget amendment in our Constitution.

The fact is, Mr. President, we now have virtually everybody singing, it would appear, from the same song sheet. We should have to balance the Federal budget. The President says it, although a year ago he did not. The Members of the Republican party in the Senate and the House of Representatives have, not once but twice, passed a balanced budget. This year Democratic Members and Republican Members on the Senate side got together and offered a third version. The fact is, everybody now says they are for it; and everybody in Congress has now found a balanced budget they could live with and vote for. But we still do not have it. The reason we do not have it, Mr. President, is very simple: There is no discipline in the process that requires us to come to final agreement.

So the President, as we saw last winter, could call down leaders of Congress and spend hours talking in generic terms about the Federal Government and how he wanted to balance the budget, but no one was under the pressure that a constitutional amendment would bring in order to balance that budget.

Mr. COVERDELL. I yield 5 additional minutes to the Senator from Michigan.

Mr. ABRAHAM. I thank the Senator from Georgia.

For that reason, we have deadlock. For that reason, we did not reach cloture. For that reason, there was no finality. On we went, on we go—people all claiming to be for a balanced budget, but not willing to make the ultimate tough decision to get there.

As we saw last year, the President would say 7 years, 9 years, 10 years, whatever amount of years seem to satisfy the audience, voters, or polls. We did not get the balanced budget. Mr. President, it is imperative that we do so. We have to consider exactly where the country will be if we continue to flounder along.

As we learned yesterday, just to take one specific program area, Medicare, we know where we are going to be if we do not bring about the kind of discipline in the fiscal process that the Senator from Georgia has been talking about the last 2 days. Where we will be in the year 2001; the Medicare trust fund will go bankrupt. We are no longer talking, as has been the case in the past, in general terms about a bankruptcy somewhere in the distant future. We are not talking, as even we were last year, about having 7 years to solve the problem. We are talking about bankruptcy of the Medicare trust fund on our doorstep in 5 years. We are talking for the first time, Mr. President, not about the Medicare trust fund running a surplus, but it is now running a deficit.

If that is not enough of a wakeup call, I ask my colleagues, what would it take? Obviously, there are some who believe you can continue to put this off. Indeed, the Senator from Georgia today brought us this card which quotes from Wednesday's Washington Times: "The Democrats said they are not concerned that Medicare will go broke because Congress has always acted at the last minute to avert disaster." That may have been the way the Democratic Congress acted in the past. This Republican Congress does not believe in putting off and putting off and putting off the solutions to the problems that Americans, particularly that our seniors confront, Mr. President.

Not only that, but we understand if we do not solve the problem today with a well-thought-through plan, the only alternative way to fix the problem at the last minute will be the kind of plan that I do not think most Americans are going to want or going to tolerate. In fact, we have a sense of what that plan will be. Congressman STARK from California, who is the ranking Democrat on the subcommittee of the Ways and Means Committee that oversees the funding of the entitlement programs, the person who would be chairman of that subcommittee if his party were in charge of the House of Representatives, said the Democrats probably would resort to either a Government takeover of the hospital and health-insurance payment system, or raise payroll taxes.

For Americans who are trying to understand the difference between what we are suggesting on our side, Mr. President, and what the opposition is suggesting, I think this quote probably encapsulates things about as vividly as it possibly could. The Republicans had offered a plan here over a lengthy period of time to reduce the growth of spending in entitlement areas—not cutting, but just reducing the growth of that spending—through more prudent and efficient operation of these programs, by giving seniors, to take the Medicare case as an example, giving seniors the kind of choice the rest of us have as to how we will deal with our health care, but basically preserving intact a system that gives individuals control over how they take care of themselves in the health care they receive.

Now, if we do not address this problem in the fashion Republicans are offering, to avert disaster and bankruptcy in Medicare, the alternative will be this: A system the Democrats will design that will include either the hiking of payroll taxes or a total Government takeover of the health-care system. I actually predict, Mr. President, that if we wait any longer, under the Democratic scheme you will get both of these—not one, both.

So that, Mr. President, puts it in pretty clear contrast, what the options are for Americans today. If we balance the budget, if we put a constitutional amendment in place that requires discipline not just for 1 year but for the future of this country, then we can guarantee our children the kind of security that we have had, the kind of knowledge that if they work hard, play by the rules and do their jobs, they will have choice over their destiny. If we do not, their destiny is going to consist of higher taxes, Government-run health care, and more Government intrusion into their lives.

As far as I am concerned, Mr. President, when I talk to the people of my State, the answer to this question is pretty simple. People in Michigan want to control their own destinies, give their children more opportunity, and see the Government run the way their families are run. Keeping their own budget balanced is a challenge most American families and almost every Michigan family confronts every day. I think we should expect no less here in Washington.

For that reason, I am very disappointed the balanced budget amendment failed. I continue to join and will join with the Senator from Georgia and others to do our best to make sure sooner or later the balanced budged amendment to the Constitution passes.

Mr. COVERDELL. I thank the Senator from Michigan for the very eloquent statement on the purpose of passing a balanced budget amendment and the consequences, as well, of not having one.

There have been many accolades in the last couple of days for the Senator from Illinois. The leader on the other side of the aisle endeavored to try to convince the President and his side of the merits of a balanced budget. In his remarks which he made the other morning on the floor, I want to quote them, I was here, he made a very eloquent statement about why this country needs a balanced budget amendment. He said, "I was reading the other day and came across where John Kennedy in 1963 complained about the huge amount of money that was paid for interest for which we get nothing." That is something to be remembered. It does not buy any service. It does not buy a tank or defend anybody. "He complained about the huge amount of money being paid for interest for which we get nothing. Do you know what the gross interest expenditure was in 1963? Nine billion. That is a terrible waste of money."

But do you know what the latest Congressional Budget Office figures are for this fiscal year, gross interest expenditure? Mr. President, $344 billion.

From 1963 to 1996, from $9 billion interest payments to $344 billion, and going up.

The point that Senator SIMON of Illinois was making was that if we had a balanced budget amendment to the Constitution, we would not be paying $344 billion in interest payments. Those resources would be available to return to the American taxpayer, to this Georgia family that is losing half of its income to government, so that they could do the job we are asking of them.

Mr. President, it was a very disappointing vote yesterday. It was exceedingly costly to every American family. A balanced budget would save the average American family $2,388 a year in mortgage payments, $1,026 in a 4-year car loan, $1,891 over a 10-year student loan.

The net effect of having passed a balanced budget amendment, the net effect of having balanced budgets would immediately leave $3,000 to $4,000 in the checking account of this average Georgia family—$3,000 to $4,000. That is the equivalent of a 10- to 20-percent pay raise. That is what we are talking about.

You get passed it all, talking about the checking account of a typical family at work, doing what they have to do to get the country up in the morning, to get it to school and get it ready. We have impaired, drastically, their ability to do it. Passage of a balanced budget amendment to the Constitution, as Jefferson called for, as Senator SIMON called for, as Senator DOLE called for, is the best single thing we can do to protect the integrity of these working Americans all across the land, tomorrow and for the year to come.

I see the time I was allotted has expired. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ABRAHAM). Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, I ask unanimous consent that I may speak as in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEDICARE TRUST FUND

Mr. COCHRAN. Mr. President, first, I want to commend the distinguished Senator from Georgia [Mr. COVERDELL] and those who spoke this morning on the subject of a balanced budget amendment and the unfortunate consequences of our failure to deal with the problem of the ever-increasing deficits.

We also had a few of those Senators mention, as an aside, the problem with the Medicare trust fund. I wanted to remind Senators that we had a hearing yesterday in the Appropriations Subcommittee that funds the Department of Health and Human Services, and Secretary Donna Shalala came before the committee to present the President's proposed budget for that Department for the next fiscal year. She serves, along with others in the administration, on this panel of trustees, whose responsibility it is to monitor and help keep Congress and the administration informed about the integrity of the trust fund, and supports the Medicare Program.

The trustees, earlier this week, talked about the fact that the worst case scenario for future deficits in that program had been exceeded, and that rather than having the program go bankrupt, be hopelessly insolvent by the year 2002, it was going to be bankrupt earlier. By the year 2000, it would be out of balance by over $30 billion, and the following year, it would be out of balance and in deficit at the figure of $100 billion.

The consequences of this report have to wake up everybody to the realization that unless Congress and the administration quit playing politics with this issue, it is going to be insolvent. This program is going to be in jeopardy, and benefits are going to be in jeopardy as well.

I think the time has come for us to say, OK, the Republican Congress passed a balanced budget act last year. It included in that suggested reforms in the Medicare Program that would have put it in balance, would have kept it solvent, would have made some needed changes in the program to give older citizens more choices, more protection, so that their medical expenses and benefits could continue to be paid through this program.

The President vetoed the bill. He rejected the balanced budget act. So we started over again. This year, the Budget Committee is wrestling with the problem of reconciling budget resolutions, which contain projected expenditures under this program, as well as all other Federal programs, with an effort to continue to build toward a balanced budget plan as soon as possible. Their projection is the year 2002.

What I am going to suggest is that, in this politically charged environment of Presidential politics and campaigns for House and Senate seats underway—and we have to admit it—it is unlikely that this administration is going to change its mind and embrace the Republican proposals. And so we have to acknowledge that.

The President, at the same time, has made a counteroffer, as I understand it, and has proposed some changes in the Medicare Program, which would achieve savings of $116 billion over the same period of time. The Republican proposals would have achieved savings of almost $170 billion.

Let us say, OK, Mr. President, have it your way for the short term. Let us introduce the President's proposed changes in the Medicare Program. Let us accept his proposals for changes and cuts in the Medicare Program and enact them next week, or the week following. If the reconciliation bill from the Budget Committee's resolution is vetoed by the President or not supported by the Democrats in that area of the budget, let us isolate the Medicare Program changes and enact some changes.

I suggest, let us enact the President's proposed changes and cuts in the program and, at the same time, establish a commission—which the President has recommended, the trustees have recommended in their report, including Secretary Shalala, Secretary Reich, Secretary Rubin, and others, who serve on that trustee panel—to recommend long-term changes in the Medicare Program that would ensure its solvency and protect the benefits for the older citizens in our society over the long term.

I do not see anything wrong with that. As a matter of fact, I have been suggesting that that be considered as an alternative. If Congress and the President cannot agree on what changes ought to be made, get a commission together, much like the Base Closure Commission, or the Social Security Commission, which was formed in 1983 and chaired by Alan Greenspan. It made recommendations to save the Social Security trust fund from bankruptcy, and Congress and the President agreed at that time to accept the recommendation of that commission and implement it.

That ought to be a part of this legislation—that we establish that commission, agree to implement its recommendations, and have a vote on it. If you do not want to implement them, vote no; be against everything. But we have to come to terms with the reality of the situation. The longer we wait, the harder the solution is going to be and the more sacrifices that are going to have to be made by everybody—the taxpayers. If we do not make these changes, do you know what is going to happen? Pretty soon, you are going to see the taxes on the employers and employees to fund this program being increased—and by substantial sums.

Now, the older population is getting older and, thank goodness, medical science is wonderful and it is giving us all opportunities for longer lives. But coming with that, too, are added expenses, as you get older, for medical care. Our senior citizens confront the reality every day of this terrible fear, and that is that they will not have the funds, they will not have access to the care they need to enjoy the longevity that they now have, compliments of medical science, good nutrition, and the advances that we have made for good health in our society.

So I say that it is time to stop the partisan politics. Let us quit throwing rocks at each other across the aisle, blaming each other for not getting anything done. I am prepared to say, as a Member of the Republican leadership in the Senate, OK, Mr. President, let us enact your proposal.

I am going to introduce a bill next week, and I hope there will be Senators on both sides of the aisle who will say, OK, let us go along with this suggestion as an alternative to what we have been getting. And what we have been getting is nothing—gridlock, confrontation, yelling at each other, people getting red in the face, and nothing getting done.

I think the American people are fed up with that kind of politics, fed up with that kind of Government. I am fed up with it. It is time to change. We ought to do it now—before it is too late.

I yield the floor.

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. THOMAS. Mr. President, are we in morning business?

The PRESIDING OFFICER. Let the Chair advise the Senator that he may proceed as in morning business.

BALANCED BUDGET AMENDMENT

Mr. THOMAS. I thank the Chair. I will only take 5 minutes. I wanted to do a couple of things. I want to thank the Senator from Georgia for bringing some discussion today as a follow-up to this vote on the balanced budget amendment. I am very disappointed that that balanced budget amendment to the Constitution did not pass. I think there are obviously reasons that it should have passed. Obviously, it was very close to passage. The reasons, of course, have to do with responsibility, with morality of Government, with fiscal responsibility.

Everyone accepts the idea that we should not be continuously spending more than we take in. It has to do with the historic performance of the Federal Government for 25 years, or more, since we have balanced the budget last. Everybody gets up, and the first thing they say is, "Yes, I am for balancing the budget"—the same people who have been here for 25 years and have never balanced the budget. They say, "We do not need an amendment; we will just do it." Well, we have not just done it.

So I am very disappointed in that. I suspect that we will have some more opportunities to do that.

I come from a State where the constitution provides for a balanced budget. Frankly, it works very well. It is a discipline, and the government works within that discipline. It is one of the elements of good government—one of the elements that says, "All right. We want a program. Here is what it will cost. Are you willing to pay for it?" If you are not, if we are not, if I am not, then we should not do it. That is what this fiscal responsibility is all about.

I think the best instance of that, of course, is a property tax where we live. The school district says, "We need a new science building. Here is what it will cost." Is it worth it? You vote. Are you willing to pay for it, or are not you?

I want to talk about a change that needs to take place in the budget process. Last year we took the whole year and deferred getting the budget finished. Now we are in a year of budgeting, and we are spending such a large amount of our time on the budget. Congress has more responsibilities than simply the budget. Indeed, the budget is very important. The budget is sort of an outline of what we are going to do. But the Congress also has, and the Senate also has, many other responsibilities, such as oversight, such as seeing if bills that have been passed and are up for renewal have, indeed, been effective, whether they need to be changed, whether they need to be renewed. This is a big job, and we are supposed to be doing that. But instead, we are going back and forth spending the whole year practically every year on the budget.

I have a bill that has bipartisan support that asks for reform in budgeting and doing a biennial budget. I think there is a great deal of merit in a biennial budget. No. 1, it is better for the Government. It is better for the agencies. They at least have 2 years of planning for what they can do in their expenditures; 2 years in which they can plan how to manage their dollars. It is much better for the Congress. It is done in most legislative bodies—biennial budgeting. It has been supported by both sides of the aisle.

The resolution that we introduced this year is supported by Senator DOMENICI, who is head of the Budget Committee, and we think we can make this reform next year. I think, as we spend all of this time on budgeting, we spend the whole year practically on budgeting rather than some of the other things that we ought to be doing in addition to budgeting, it makes it more clear that there needs to be some reform. We need to have a biennial budget.

So, Mr. President, obviously, we are not going to get to that this year. There are relatively few working days left. That will not be one of the issues. I am not naive to think that. But I do say to you that I do not think there is anything more important in terms of restructuring our process than to take a look at biennial budgeting. I intend to bring it up again next year. I have been promised support by those who are much more knowledgeable than I about budgeting.

I recognize that there is always resistance from the appropriators. I was on the Appropriations Committee when I was in the legislature. Appropriators have a great deal of influence over all kinds of things because they control spending, and everybody is interested in how spending is done and how it affects their State. So appropriators are reluctant, of course, to lose the authority that they have every year by going through this process. I am sorry for that, but I think they to do a better job if they do it on a biennial basis.

Mr. President, I appreciate the time. I hope we will continue to talk a little bit about how we might change some of the processes in this Congress; that we talk about results rather than procedure; that, instead of saying we have been doing it for 200 years, maybe so, but we ought to see what the results have been for having done that for 200 years. There are some things that should not be changed. There are some fundamentals that should not be changed. But there are some processes that are not producing the results that we want, and one of them is budgeting. The result is a $5 trillion debt, the interest on which is the largest single line item in the budget.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I ask unanimous consent I be allowed to proceed under the 1 hour that has been reserved by the minority leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

REPUBLICAN GRANDCHILDREN

Mr. DORGAN. Mr. President, I have listened this morning to some of the discussion on the floor of the Senate. I felt I needed to come over and speak, at least for historical records, speak to the Republican grandchildren a bit, because the Republican grandchildren have been spoken to on the floor of the Senate about a range of issues. They have been described on the floor of the Senate as victims of legislative problems created this week by a vote on the constitutional amendment to balance the budget.

All grandchildren are affected by what happens in these Chambers, in the Chambers of the U.S. House and the U.S. Senate. Grandchildren will ask the tough questions in the years ahead about the country in which they live, the country in which they are growing up. They might ask some questions about what has made this a wonderful place. There are some who simply cannot concede this is a worthy place to live. They talk about how awful America is. America has gone to hell in a handbasket, they say. America has gone to the dogs.

It is interesting, we have people talking about building fences to keep people out of America because we have so many people who want to come here. This country is a remarkable place, with enormous challenges, to be sure. We have faced challenges before. We faced a Civil War and survived it and came back together. We faced the threat of Adolph Hitler. We faced the threat of a depression. We have survived all of those threats and all of those challenges. Do we have challenges now? Of course; enormous challenges, substantial challenges. But is this a remarkable, wonderful country that the rest of the world looks up to, the rest of the world wants to come to? Of course it is.

At the turn of the century, if you were living in America, you expected to live 48 years. That was the lifespan. Now, at the end of the century, you are expected, as an American, to live approximately 78 years. What accounts for that? A number of things. I have spoken previously about some of them, but let me just describe a few again, at the risk of being repetitious. Our grandchildren and the Republican grandchildren will read the history of these, of course.

The history is well documented of one thing that makes this a better country in which to live, one of the reasons we are living longer. Upton Sinclair did the research at the turn of the century and wrote a book about it. He did the research in the meatpacking plants in our country, in Chicago, and discovered in the meatpacking plants they had problems with rats. How did they deal with the problems of rats in meatpacking plants? Well they took loaves of bread and would lace the slices of bread with arsenic and poison, and lay them around the meatpacking plants and the rats would eat the bread and the rats would die and the dead rats and meat would all go down the same chute and come out the other end as something called mystery sausage and be sold in the supermarkets. Upton Sinclair wrote his book about what he found in the meatpacking plants and, guess what, the American people said, we want to be assured we are eating safe products. And guess what, the American Congress said we are going to make sure when meat is processed in this country it will be inspected. We are going to make sure we are not pushing meat and dead rats down the same chute and pushing it out of the plant and selling it to the American people.

A step forward? Sure. Government intervention? You bet, at the turn of the century, saying this country deserves to have a safe supply of food.

That is one thing that has made this a little better place. There are thousands of others. We constructed, some long while ago in this country, something called the National Institutes of Health and also created something called Medicare. The combination of funding in Medicare and the funding of research in the National Institutes of Health and the genius of some health care professionals around this country have created breathtaking technology that saves people's lives.

It allows people to live longer. People who get old and have trouble with their knees now get new knees. When they have trouble with their hips, they get new hips. When they have trouble seeing, cataract surgery. When their heart blood vessels get plugged up, they get open heart surgery. So we live longer and it costs more. But it comes about because of these breathtaking changes in health care, most of which came as a result of investment by, yes, this Senate, this Congress, the American people, saying we want to make life better for people in this country.

I could go through a litany of things that have changed to make things better, but I will not go through the whole list. I want to say, as you fast-forward to a point in time at which we face these enormous challenges, but at a time in which Americans are living to an average age of about 78 years, a time in which, after 20 years, when we have doubled our use of energy in the last 20 years we have cleaner air and cleaner water—why? Why would we have cleaner air and cleaner water when we have doubled our use of energy in the last 20 years? Because the Congress said to polluters: "You are not going to be able to pollute anymore. You're going to pay a penalty if you pollute. We demand on behalf of our kids and grandkids that we have clean air and clean water in our country."

Is it perfect? No, but would anyone 21 years ago have predicted if we doubled our use of energy we would have cleaner air and cleaner water? No one would have predicted that. It has happened. Why? Because the Congress said to those who were polluting America's air and water, "You can't do it anymore."

Interference? Regulation? Yes. Are some people angry about it? Yes. Some of the largest polluters in our country are angry about it. In fact, they have office space over in the House of Representatives.

The majority party in the House said to those folks, "You all come in here and help us write new regulations that allow you to pollute. Let's retract what we have done on clean air and water regulations. We want to give you more freedom to pollute."

It is called Project Relief by the majority party. Thank God for the U.S. Senate that it has not gotten its way through this Congress, because some of us here value clean air and clean water.

I said I wanted to, for historical purposes, speak as well to Republican grandchildren, because we heard this morning about the burdens of Republican grandchildren.

Some grandchild is going to be asking grandpa some day on that side of the aisle: "Grandpa, I read in the books that the Social Security system was actually collecting enough money for Social Security; in fact, collecting more money than was needed in the late 1990's and the early 2000's, and yet, why isn't there money available for Social Security now when I reach retirement age?"

And that Republican grandpa or grandma, if he or she served in the Senate, would probably have to say: "Well, Grandson, that's because we decided that we would take that money that we promised we would save for Social Security and we would use it over here for something else. We wanted to say we balanced the budget, and we also wanted to build a star wars project and we wanted to provide tax breaks and we wanted to give fairly significant tax cuts, half of which would go to people whose incomes are over $100,000 a year, and we couldn't do all that unless we took the Social Security money and used it over here as operating budget revenues so we could claim we balanced the budget. So, Grandson, in short, those were our priorities."

Maybe they would say, "Grandad, what happened to the jobs? I went to school, I got my college degree and, Grandad, I don't understand, there's not a good job here."

Maybe the grandad would say: "Well, you know what happened to us is we felt we needed to help big business when we were in Congress. So what we decided to do is provide a big, juicy tax break to businesses who would move their jobs from the United States overseas."

And they are going to say: "Grandad, that doesn't make any sense, why would you do that? Why would you encourage people to move jobs out of the country? You knew I was in your family, you knew I was going to go through the school system, you knew I was going to need a job some day. Why would you encourage corporations to move American jobs overseas?"

"Well, that's just our philosophy," they would say, "because we think the big, big corporations are what make the world tick. It is our trickle-down/supply-side notion: If you make the big bigger and the rich richer, somehow everybody else would be better off. So we gave tax breaks to companies who would move jobs overseas."

I have a hunch some of these grandkids who were discussed earlier this morning on the other side of the aisle are going to be enormously puzzled.

They might look at the RECORD here—because we were told that the majority party had offered a balanced budget and were upset the President vetoed it—they might look at the RECORD and they would say: "But, dad, I don't understand. I looked at the RECORD, and you know what you all did? What you all did was you took a little program called the Star Schools Program, which was designed to target investments in math and sciences and certain star schools to enhance America's education system, and you slashed that at the same time that you said you needed to increase, by over 100 percent, a star wars program. Why was star wars more important than star schools?"

So the father is going to explain to the son or daughter that choice.

"But, grandpa, what about the Head Start Program? Didn't all the evidence suggest the Head Start Program really did work where you make available to a 3- or 4-year-old child who comes from a low-income, disadvantaged family the opportunity to go into a Head Start Program? Didn't all the evidence show that that investment in that 3- and 4-year-old produced enormous rewards, enormous returns?"

"Yes; yes, they did."

"Well, then, why did you tell 60,000 children that they were no longer going to be eligible for Head Start? If that was a good program, why did you tell 60,000 kids that they don't matter, that star wars was more important, or a tax break to a company that was going to move their jobs overseas was more important?"

Or maybe they will read the RECORD and they will say, "Well, grandma, I was reading about that budget debate you all had, and the one thing I don't understand is with all the problems you had with kids and youth crime, you cut 600,000 summer jobs for disadvantaged youth. Why would you do that? Why would you believe that summer work for disadvantaged youth somehow was not in this country's interest?"

And they are going to have to explain that, I guess.

But mostly they are going to have to explain, it seems to me, the contradiction between their assertion that their demand that they change the Constitution now in a way that misuses Social Security funds followed by an agenda that immediately brings to the floor a program that will cost up to $60 billion more to create a star wars program, immediately bring to the floor a proposal that will cut gas taxes some $30-some billion in 7 years, a proposal that will substantially cut taxes somewhere in the $180 to $200 billion range, much of which will go to upper income people, they are going to have to answer as to how that adds up. How does all that add up so that those children can understand that this was a menu that made sense, and, of course, it is going to be hard for any child to understand that because this does not make sense.

I want to reinforce this, not with my words, but I would like to reinforce it by quoting some others.

David Gergen, who worked for Ronald Reagan, George Bush, and Bill Clinton, writes the following, speaking of the Republican majority:

> In their eagerness to satisfy one principle, fiscal responsibility, the Republicans would ask the country to abandon another, equally vital principle—fair play. This is a false, cruel choice we should not make.
>
> When Bill Clinton achieved large deficit reductions—

And they have been reduced substantially—

> we pursued the idea of shared sacrifice. Not this time. Instead, Congress now seems intent on imposing new burdens on the poor, the elderly and vulnerable children, while, incredibly, delivering a windfall for the wealthy.
>
> Proposals passed by the House and Senate would rip gaping holes in the Nation's safety net, already low by the standards of advanced nations and once considered sacrosanct.

This from a fellow who has worked for both Republican and Democratic Presidents.

Another quote from David Gergen:

> U.S. News reported last week the lowest 20 percent of the population would lose more income under these spending cuts than the rest of the population combined. At the other end, the highest 20 percent would gain more from the tax cuts than everyone else combined.
>
> No one disputes the basic contention that the burdens of benefits are lopsided. In a nation divided dangerously into haves and have-nots, this is neither wise nor justified.

Let me describe what he is saying, because I think it is important. Consider this room is the United States and then say, "All right, the 20 percent of you with the lowest incomes, you move your chairs over here," so we have the 20 percent with the lowest incomes sitting on this side of the room.

"Now we have a deal for you. You're going to have 80 percent of the burden of all the spending cuts. You 20 percent with the highest incomes, you all move your chairs to this side of the room, and we have something that is going to make you smile, because you are going to get 80 percent of our tax cuts."

That is the problem with this agenda.

Let me quote extensively from someone who has not worked with both Democrats and Republicans. This is a Republican, Kevin Phillips, a Republican political analyst, who has written extensively on economic issues, written a couple wonderful books.

He speaks of this agenda:

> Remember, at the same time as the Republicans proposed to reduce Medicare spending by $270 billion over 7 years, they want to cut taxes for corporations, investors, and affluent families by $245 billion over the same period. This is no coincidence.

Kevin Phillips, a Republican political analyst.

Kevin Phillips:

> Today's Republicans see federal Medicare outlays to old people as a treasure chest of gold for partial redirection in their favorite directions; towards tax cuts for deserving corporations, families, and individuals.

Again, Kevin Phillips, a Republican analyst:

> Further, [Kevin Phillips says] the revolutionary ideology driving the new Republican Medicare proposal is also simple. Cut middle-class programs as much as possible and give the money back to private-sector businesses, finance and high-income taxpayers.

Not a Democrat speaking; Kevin Phillips, a Republican analyst.

Again, Kevin Phillips:

> If the budget deficit were really a national crisis instead of a pretext for fiscal favoritism and finagling, we'd be talking about shared sacrifice with business, Wall Street and the rich, the people who have the biggest money making the biggest sacrifice. Instead, it's the senior citizens, the poor, the students and ordinary Americans who'll see programs they depend on gutted, while business, finance and the richest one or two percent, far from making sacrifices, actually get new benefits and tax reductions.

Again Republican political analyst Kevin Phillips:

> If the U.S. budget deficit problem does represent the fiscal equivalent of war—maybe it does—then what we are really looking at is one of the most flagrant examples of war profiteering this century has seen.

I know these are controversial and very strong, assertive statements—not from a Democrat—from a Republican political analyst about the Republican agenda.

Kevin Phillips again:

> Spending on Government programs, from Medicare and education to home heating oil assistance, is to be reduced in ways that principally burden the poor and middle class, while simultaneously taxes are to be cut in ways that predominantly benefit the top one or two percent of the Americans.

Finally—Kevin Phillips—this is the last quote I will use from him. But as you can see, this Republican analyst has had a very harsh view of the Republican agenda.

> In short [he says] aid to dependent grandmothers, children, college students and city dwellers is to be slashed, while aid to dependent corporations, stock brokers and general and assorted James Bond imitators survives or even grows.

Then William Kristol, who is the contemporary philosopher behind the Republican agenda these days, at least the principal spokesperson on television.

> Someone needs to stand up [he says] and defend the establishment: In the last couple weeks, there's been too much pseudopopulism, almost too much concern and attention for the, quote, the people—that is, the people's will, their prejudices, their foolish opinions. In a certain sense, we're all paying the price for that now. . . After all, we conservatives are on the side of the lords and barons.

William Kristol.

I would not even bother to come to the floor today except I sat and watched almost 2 hours of the other side saying, "Gee, our agenda's right for America. We have the right menu. We're doing the right thing. It's a bunch of other slothful people around here who can't get their acts straight. It's people who have changed their mind, people who won't stand and support a balanced budget."

I have heard almost more of that than we care to hear from people who say they want to change the Constitution but whose every action on the floor of the Senate is that they want to spend more money.

I say this to them, those who spoke this morning and others, when you come to the floor of the Senate next week, if it is a defense authorization bill you bring to the floor of the Senate next week—I think it probably will be; we have not yet been informed—if it is, and if you are intending to spend, I believe, between $11 and $13 billion—I think $11 billion more than the Pentagon asked you the spend—would you also come to the floor of the Senate and tell the American people who you want to tax for the extra $11 billion? Who is going to pay the extra $11 billion? Why, do you think generals do not know enough about how many trucks they want to buy?

You say, we want to buy more trucks than the generals ask for, buy more ships than the generals ask for, more airplanes than the generals need. Last year you did the same thing. You said the Defense Department did not know enough. We insist on buying more submarines, trucks, ships, and planes than the Pentagon wants, needs or asks for.

I just encourage this: If you say you are for balancing the budget, the place to balance the budget is in individual spending decisions here on the floor of the Senate, not in the Constitution. If in the next piece of legislation that comes to the floor of the Senate, you have decided that the Pentagon needs to spend more money than they have asked to spend, tell us who is going to pay for that. How much are you going to increase the debt to accommodate that?

Then when the next bill comes following that, which you say is not star wars, but which in fact is a new $60 billion program—the Congressional Budget Office says $30 to $60 billion— you show me a program that comes in at the low end, I will show you every program that comes out in the high end. When you bring the next one on the floor to spend $60 billion on a new star wars program, you tell us, again, how much you favor a balanced budget and you tell us who you intend to have pay for that. Or do you intend to charge that?

I do not have today the charts that show the budgets that were submitted by President Reagan and President Bush in 12 years. But I will bring that to the floor at some point because the implication of the debate on the floor of the Senate is that somehow it is the Democrats that want to spend money. No one has asked for more deficits, no one has requested higher deficits in the history of this country than the combination of Ronald Reagan and George Bush in the budgets they have asked for Congress to pass. No one.

I am not talking about accidents. I am talking about deliberate requests, asking Congress for budgets that create deficits that have been the highest in the history of this country. I will bring those to the floor and demonstrate that. So it is not a case where one party is all right and one party is all wrong. The only reason I stand to respond to 2 hours of constant finger pointing is that people need to understand that what the Republicans have complained about this morning is they have not been able to get their agenda through the Congress because this President has vetoed an agenda that their own Republican colleagues and their own Republican authorities have said is a terrible agenda. It is, take from the have-nots and give to the haves. Some of us are unwilling to go along with that. I know that that forces some of you to complain.

So I come to the floor to say it is not the way you suggested. It is not a case where you can point fingers across the aisle and say, "They're at fault. They're responsible." We have plenty of blame on our side of the aisle. Democrats have plenty of blame to spread around on our side of the aisle.

Let me take some credit for being part of a party that says, we want to build a Medicare program in this country, and we did it. No thanks to some people who are still bragging they voted against it. Medicare has made this a better country and a better life for a lot of people in this country. I am proud to be a part of a party with a legacy that is a wonderful legacy that has made life better in this country.

But we also have some responsibility. We have created too many programs. I do not disagree with that. We have been concerned about solving problems. Sometimes we create a program that we think will solve a problem, and it does not work. We have not, in my judgment, been aggressive enough in getting rid of those programs.

But I do not believe the record will show that those this morning, who spend 2 hours pointing fingers, are going to come to the floor of the Senate in the next couple weeks with a menu of proposals that really balances the budget, especially without misusing the Social Security trust funds. They are going to come instead to the floor of the Senate with proposals to increase Federal spending, increase Federal spending on a star wars program and increase Federal spending on defense programs. They will make a case where it is necessary. I will not discredit them for doing it. They have every right to do that. I will not question their motives. I will not discredit them. We disagree on the agenda. I will not discredit them.

If you are going to propose new spending programs, you have a responsibility to tell us who will pay for it. The majority leader was asked at a press conference in the last week, when they propose this so-called star wars program, how much will it cost and who will pay for it? The answer was, "We will leave that to the experts." That is the kind of answer that has given us the debt that we have and the deficit that we have in this country.

I want to make one additional point, and then I know my colleague from Kentucky wishes to say a few words.

We have $21 trillion in debt in this country. I heard one person today say, "I started a business and I had to balance my budget." I bet—and I do not know anything about that person's business—I bet $1,000 that person started that business with debt, had debt financing. How many people in here paid cash for their house? How many people bought a car with cash?

Mr. President, $21 trillion in debt in this country, almost $5 trillion in corporate business debt, $4.3 trillion in household debt, including home mortgages, a little over $5 trillion in Federal debt. Is the Federal debt too high? You are darn right—far too high. Do we need to do something? You bet. This is a very serious problem. But what you do to solve the deficit problem is what we started doing in 1993 and we did not get one vote for it on the other side of the aisle. We cut spending in a real way, and we increased taxes.

I understand, some people would not increase a tax under any condition, even if their kid did not get education. They say, "I am against taxes." I am perfectly willing and was willing in 1993 to vote for a piece of legislation that substantially cut the Federal deficit. Yes, it increased the 4.3-cent gas tax. I did not like that. I would have preferred we not do that. I am glad I voted for it because it reduced the deficit substantially.

That deficit has been coming down, way down, and I am glad we did what we did. We did not even get one vote on the other side of the aisle by those who try to reach 10 feet in height and crow about how much they want to reduce the deficit. They care so much they want to enshrine in the Constitution of the United States a practice taking trust funds from the Social Security trust fund and use them over here to balance the budget.

Let me finish with this point. I heard this morning, again, that they have passed a balanced budget and sent it to the President. I would like one Member of the majority party to explain this chart to me—just one, just once. One Member explain it just once.

This is the chart that you say is a balanced budget. Mr. President, $108 billion in deficits in the year 2002. Either you balanced the budget or you did not. If you did not, why do you call it a balanced budget? If you did, why is $108 billion here?

Now, I see our friend from Wyoming has entered the Chamber, and we will probably have a discussion about Social Security, which I am delighted to have because we have not had an opportunity previously to have any substantial time on the floor to address the issue. I hope maybe we will today because I have a fair amount of time and a fair amount of interest. I say at the start that I do not discredit his motives at all, but we have a deep disagreement about a vote I cast, to say to people you pay higher payroll taxes, you pay higher payroll taxes, and those payroll taxes will be dedicated to paying for Social Security. The fact is, you will enshrine in the Constitution a requirement they be used in the operating budget.

I know the Senator from Kentucky wants to say a few words first, and I would like to let him speak. I do not have any place to go. I am happy to have a discussion with the Senator from Oklahoma.

Mr. INHOFE. Will the Senator yield?

Mr. DORGAN. Briefly, but I would like to yield to the Senator from Kentucky.

Mr. INHOFE. One quick question. Earlier today I quoted you. Did I inaccurately quote you in any way?

Mr. DORGAN. I would not have any idea what you said. I did not hear you.

Mr. INHOFE. It was a statement made. Put it this way: Is it not true in 1994 you voted for and supported and totally supported the balanced budget amendment that was then before this body? Is that not the same exact balanced budget amendment you voted against yesterday?

Mr. DORGAN. I am pleased the Senator has asked the question. The circumstances are quite interesting about this. I think the Senator from Kentucky will probably respond to it.

In 1993, we had a balanced budget amendment on the floor of the Senate. I raised the same question there that I raised 10 years previously, in 1983, in the Ways and Means Committee, about using the Social Security trust fund. If you will go back and read the dialog, you will read that the Senator from Illinois and others with whom we had a substantial discussion about this, said, "No, no, we do not intend after we pass this amendment to use Social Security trust funds to show a balanced budget. In fact, we intend to do something statutorily to prevent that."

Two years later, instead of a promise by the promoters of the constitutional amendment that they would not use the Social Security trust fund, there was a guarantee by a vote of the Senate that they would use the Social Security trust fund.

So you ask, is it the same vote? No. One was a promise they would not use them, and the second was a guarantee by a vote of the Senate that they would.

No, it is not the same vote, not the same circumstances. The difference might seem small to some, but when you come from a town of 300 people, $700 billion is a mountain of money.

I am happy to yield to the Senator from Kentucky.

Mr. FORD. How much time do I have?

The PRESIDING OFFICER. The Senator from Kentucky has 27 minutes.

Mr. FORD. Mr. President, I yield myself 7 minutes.

BALANCED BUDGET AMENDMENT VOTE

Mr. FORD. Mr. President, I am glad the junior Senator from Oklahoma is on the floor. I regret, once again, the junior Senator from Oklahoma has resorted to a personal attack and distortion of my record on the balanced budget amendment.

Mr. INHOFE. Will the Senator yield?

Mr. FORD. Senator, I did not come over here and bother you. I will be glad——

Mr. INHOFE. You suggested I impugned your integrity.

Mr. FORD. You certainly have, and I will explain it.

Mr. President, I do not yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky does not yield.

Mr. FORD. Just a little while ago, the junior Senator from Oklahoma quoted from a floor statement I made on March 1, 1994. He represented, by holding up two copies of the legislation—you do not understand that or see that in black and white, but you watch it on television—that I was speaking in favor of an identical version of the balanced budget amendment which was defeated yesterday.

Mr. President, I want to give you and the Chamber a page number. I see the staff. They can go back and go through it. It was page S2058 of the March 1, 1994, CONGRESSIONAL RECORD. I wish the Senator from Oklahoma would have actually read my full statement. He would have found out that I was not speaking about the underlying constitutional amendment from which he quoted me, but rather about something called the Reid-Ford-Feinstein amendment.

Guess what that amendment did? It created a firewall so that the Social Security trust fund could not be counted to balance the budget. That was my position. It was the Reid-Ford-Feinstein amendment.

The junior Senator has misrepresented my record by quoting from that statement in support of an amendment in the form of a substitute and acting as if I was speaking about a constitutional amendment which does not protect Social Security.

On March 7, 1994——

Mr. INHOFE. Will the Senator yield?

The PRESIDING OFFICER. Does the Senator yield?

Mr. FORD. I guess it is all right.

Mr. INHOFE. I ask the distinguished and honorable Senator from Kentucky if he did, in fact, vote for Senate Joint Resolution 41 in 1994?

Mr. FORD. You have my record there. Tell the public.

Mr. INHOFE. Yes, you did. It is identically the same. You voted——

Mr. FORD. And it is the same question you asked the Senator from North Dakota. The reason we did, they were excluding Social Security. We had a firm commitment they were excluding Social Security.

Now we have a guarantee that you are going to use Social Security.

Mr. INHOFE. It is an identical resolution.

Mr. FORD. Mr. President, if he is going to talk, I want it on his time, not on mine.

Mr. DORGAN. Mr. President, let me respond. The Senator is under a misimpression, I am sure. He does not understand this. You are asking if this is identical, and the answer is, no, it is not identical. I believe it is not identical. Let me ask you this. As an example, does the latest resolution referred to include the Nunn amendment, and if it does——

Mr. INHOFE. I have the two resolutions right here. They are exactly the same. I ask the Senator to show me or read to me where they are different.

Mr. DORGAN. I believe the Senator is absolutely wrong, demonstrably wrong. As an example, does the Senator recall that Senator NUNN required an addition to the amendment to be made, during the latest go-around, before he would vote for it and that there was an addition made by Senator NUNN? Do you recall that?

Mr. INHOFE. Mr. President, I ask unanimous consent that the two resolutions that we voted on—Senate Joint Resolution 41, in 1994, and House Joint Resolution 1, in 1996—be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S.J. RES. 41

(103d Congress)

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission to the States for ratification:

"ARTICLE —

"SECTION 1. Total outlays for any fiscal year shall not exceed total receipts for that fiscal year, unless three-fifths of the whole number of each House of Congress shall provide by law for a specific excess of outlays over receipts by a rollcall vote.

"SECTION 2. The limit on the debt of the United States held by the public shall not be increased, unless three-fifths of the whole number of each House shall provide by law for such an increase by a rollcall vote.

"SECTION 3. Prior to each fiscal year, the President shall transmit to the Congress a proposed budget for the United States Government for that fiscal year, in which total outlays do not exceed total receipts.

"SECTION 4. No bill to increase revenue shall become law unless approved by a majority of the whole number of each House by a rollcall vote.

"SECTION 5. The Congress may waive the provisions of this article for any fiscal year in which a declaration of war is in effect. The provisions of this article may be waived for any fiscal year in which the United States is engaged in military conflict which causes an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.

"SECTION 6. The Congress shall enforce and implement this article by appropriate legislation, which may rely on estimates of outlays and receipts.

"SECTION 7. Total receipts shall include all receipts of the United States Government except those derived from borrowing. Total outlays shall include all outlays of the United States Government except for those for repayment of debt principal.

"SECTION 8. This article shall take effect beginning with fiscal year 1999 or with the second fiscal year beginning after its ratification, whichever is later.".

H.J. RES. 1

(104th Congress)

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission to the States for ratification:

"ARTICLE—

"SECTION 1. Total outlays for any fiscal year shall not exceed total receipts for that fiscal year, unless three-fifths of the whole number of each House of Congress shall provide by law for a specific excess of outlays over receipts by a rollcall vote.

"SECTION 2. The limit on the debt of the United States held by the public shall not be increased, unless three-fifths of the whole number of each House shall provide by law for such an increase by a rollcall vote.

"SECTION 3. Prior to each fiscal year, the President shall transmit to the Congress a proposed budget for the United States Government for that fiscal year in which total outlays do not exceed total receipts.

"SECTION 4. No bill to increase revenue shall become law unless approved by a majority of the whole number of each House by a rollcall vote.

"SECTION 5. The Congress may waive the provisions of this article for any fiscal year in which a declaration of war is in effect. The provisions of this article may be waived for any fiscal year in which the United States is engaged in military conflict which causes an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.

"SECTION 6. The Congress shall enforce and implement this article by appropriate legislation, which may rely on estimates of outlays and receipts.

"SECTION 7. Total receipts shall include all receipts of the United States Government except those derived from borrowing. Total outlays shall include all outlays of the United States Government except for those for repayment of debt principal.

"SECTION 8. This article shall take effect beginning with fiscal year 2002 or with the second fiscal year beginning after its ratification, whichever is later.".

The PRESIDING OFFICER. The Senator from Kentucky has the floor.

Mr. FORD. Mr. President, we never got an answer from the junior Senator from Oklahoma as to whether Senator NUNN's amendment was in the last one. He says they are identical, and they cannot be identical if Senator NUNN's amendment was included. It would not have gotten Senator NUNN's vote had that not been included.

Mr. INHOFE. Mr. President, if the Senator will yield——

Mr. FORD. I am not going to yield for anything, Mr. President. I am not going to yield.

Mr. DORGAN. Mr. President, will the Senator from Kentucky yield so I can make my point?

Mr. FORD. Mr. President, I will yield to the Senator from North Dakota briefly.

Mr. DORGAN. The Senator may not be putting in the documents that relate to his question. The Senator's question was, were these not identical amendments, the 1994 and 1995. I think the Senator put something in the RECORD that does not relate to the information that shows you were wrong.

I ask unanimous consent that we have printed in the RECORD the first vote on the constitutional amendment, and that, I believe, was in 1994, and the actual amendment voted on and the subsequent amendments, and the RECORD will show that the Senator is incorrect in saying that they are identical.

Mr. INHOFE. Reserving the right to object to the unanimous consent request. The two resolutions that I asked to be inserted into the RECORD are Senate Joint Resolution 41, which was in the 103d Congress, first session, and Senate Joint Resolution 1, which is what we voted on yesterday, which are identically the same. I do not want the ones from 1993, 1989, or any other time. I want these two.

Mr. DORGAN. If the Senator wishes, we can ask unanimous consent to put anything we want to the RECORD. Does the Senator object to allowing us to put something in the RECORD, or not?

The PRESIDING OFFICER. Is there objection?

Mr. INHOFE. Reserving the right to object, I want the RECORD to be clear that these are the——

Mr. DORGAN. Mr. President, the Senator from Kentucky has the floor. I withdraw the request.

The PRESIDING OFFICER. The request is withdrawn.

The Senator from Kentucky.

Mr. FORD. Mr. President, this is what has been going on in this Senate Chamber for some time now. You attempt to put in certain things to substantiate your position, but you do not tell it all. You put in a piece of legislation that was printed, but you never put in the piece of legislation as it was amended.

When I was brought up, Dad told me that "the devil was in the fine print." So let us get to the fine print. You just cannot continue to condemn people around here because they do not agree with you. I wish you would read Warren Rudman's book on why he left the U.S. Senate. He said he could sit down with TED KENNEDY, JOE BIDEN—and he named a list of Senators. He would say, "Let us compromise and work this thing out." He said, "I never did question their morality or their patriotism. But we could sit down and work things out." We no longer do that in the Senate, so Warren Rudman is no longer a major voice in the consideration of legislation in the Senate. So you have driven from this body one of the sharpest, one of the most dedicated individuals, I think, that has served here.

Now, I will go back to where I was interrupted. On March 7, 1994, the distinguished majority whip made a similar mistake, quoting me out of context. I will say one thing for him. He later came to the floor and apologized. But here we go again, misquoting my record.

Mr. President, we have made some tough votes around here, which actually were about deficit reduction, not just talk, not just an issue. We had a deficit reduction package in 1990. We had one in 1993. Yes, Senator, I voted for both of them, and you voted against both of them. They were not perfect packages, that is true. If they were perfect, we would not be here. Those of us who voted for them took a lot of political heat—a lot of political heat. But, guess what? The deficit is coming down for the fourth consecutive year. The deficit is being reduced. One pledge that was made in 1992 was that the deficit would be reduced by half. It is better than half. There was not a vote from the Republican side for that package. I note that the junior Senator from Oklahoma is as tough as his rhetoric is about balancing the budget. He voted against both deficit reduction packages.

Let me talk about one other item included in the 1990 deficit reduction package. It is section 13301. I am sure the Senator is familiar with that, because Senator HOLLINGS, if you have been listening to the debate on the floor, described it in such detail during our debate on the balanced budget amendment. It says, you cannot count Social Security trust funds when balancing the budget. You cannot do that. That is the reason you are $108 billion short. You have not presented a balanced budget. If you balance the budget, why is it $108 billion short? It is in the RECORD. CBO is what Speaker GINGRICH said we had to go by, and the President agreed. CBO says you are $108 billion short. There is no balancing the budget. You can beat your chest all you want to, but there is no balancing the budget.

It is more than $100 billion short in the year 2002. All you have to do is read the bill, because you cannot count Social Security under current law. But the balanced budget amendment—the senior Senator from Oklahoma, yesterday, objected to the Senator from Oregon asking unanimous consent to offer that amendment for the firewall on Social Security. The senior Senator from Oklahoma said it is taxes and expenditures, and it ought to be in the budget. Now, look that one up.

So here we are offering to protect Social Security with a firewall, which is now law, and we get an objection from the senior Senator from Oklahoma, who said, "It is a tax and expenditure, and it ought to be in the budget, so, therefore, I object." They would not let us bring that amendment up to even vote on it. They would not even let us bring it up to even vote on it. If you want to pass a balanced budget amendment, put a firewall in, protect Social Security, and get 70-some votes in this Chamber. But, no, you want to use it. We have it in handwriting. The leadership on the Republican side said how many hundreds of billions of dollars they will take from Social Security. Now they are talking about a little gimmick that after 2002 we will take 4 years and pay it back. If you want to balance the budget, let us balance the budget.

So the Senator from Oregon was refused.

You know, in this statement I made from which I was quoted yesterday, it starts out: "Mr. President, I have but a few minutes to speak this morning on behalf of the Reid-Ford-Feinstein balanced budget amendment. So I will concentrate my remarks on the Social Security trust."

That is where you quoted me. That is where, excuse me, where the Senator from Oklahoma—I want to be careful of my language here; we are not supposed to use "you," but "the Senator from Oklahoma"—that is where you quoted me from. It was a debate on the Ford-Reid-Feinstein balanced budget amendment to put firewall in for Social Security.

So it is just be beyond me. I want to say that I hear so much about, "If 40-some-odd Governors can operate a balanced budget, why can't the Federal Government?" We do not have a capital account. Most Governors have capital accounts, if you understand how Governors operate. The Governors have an operating account. So it is all different. Governors do not print money like the Federal Government. So they have to balance the budget. But they find ways around it.

"I think the implementation of this amendment will work." That is a quote from me in that statement. "I think we can make it work." That is a quote from me in that statement. It is on page 2058 of March 1, 1994.

"If we want an issue, fine." That is in that statement. "Stay with Senator SIMON and Senator HATCH. Stay with them, and then we will have an issue when we go home with no balanced budget amendment."

I said that in that part of the statement from which I was quoted yesterday. Also, I might say in there I said, "I am just as worried about my grandchildren as anyone, and I think I have a pretty good idea about grandchildren."

That is in that statement. You did not read that. People did not read that out of my statement. You know, you could just lift these things out, hold up your hand, beat your chest, and wave the flag. But when you get down to it, what do you have? An issue and no amendment. Take the money out of Social Security.

We have heard a lot about a contract around here in the last 18 months. There is a contract for the seniors of this country, and that is Social Security. And they paint a broad brush with Medicare. Medicare has two parts: part A and part B. Part B has a surplus. We have been trying to correct part A now for 2 years. But they will not listen; $124 billion was the first cut from the budget that was given to us.

So now we hear the objection of the senior Senator from Oklahoma yesterday to the distinguished Senator from Oregon [Mr. WYDEN] to offer a substitute amendment that would put a firewall in to protect Social Security.

There are other different ideas about Social Security and about Medicare. But no country in the world, in my judgment, takes care of its citizens better. We are a capitalist country. What happens when the capitalists no longer need us? They fire us. And when they fire us, somebody has to try to pick up the pieces. Because we have been a strong democracy, government has picked up the pieces. We have retrained personnel. We have helped them with health care. We have tried to feed them and clothe them until they could get back on their feet. But that is the story of democracy and government, and government has a part.

So, Mr. President, I hope that in the times ahead when we start quoting Senators that we quote them in context instead of out of context, and that we remember that there is a section 13301, the off-budget status of Social Security, the exclusion of Social Security from all budgets: Notwithstanding any other provision of law, the receipts and disbursements of the Federal old age and survivors insurance fund, and the federal disability insurance trust fund, shall not be counted—shall not be counted—as new budget authority outlays, receipts, or deficits or surplus for the purpose of the budget of the U.S. Government as submitted by the President, the congressional budget, or the Balanced Budget Emergency Deficit Control Act of 1985.

That is the law. If you put the amendment on and pass it, then the law falls, and the amendment to the Constitution includes Social Security.

I yield the floor.

Mr. DORGAN. Mr. President, how much time is remaining?

The PRESIDING OFFICER (Mr. SHELBY). Eight and one-half minutes.

Mr. DORGAN. Mr. President, let me just conclude, and I understand the Senator from Wyoming is here and I will attempt to stay and listen to some of his discussion as well.

Mr. President, let me also complete one portion of this discussion. I only responded to the Senator from Oklahoma with respect to identical bills because I believe they are not identical. I do not want the Senator to sometime come to the floor and say, "Well, he opposed the Nunn amendment." But I actually supported the Nunn amendment. I have no problem with the Nunn amendment. I believe the Nunn amendment means those were not identical proposals. I do not want you to misunderstand that.

On that, the Senator is wrong. I believe these are not identical proposals. I did not oppose, nor did the Senator from Kentucky oppose, the Nunn amendment, for that matter.

SOCIAL SECURITY

Mr. DORGAN. Mr. President, I want to make an observation about Social Security. So the Senator from Wyoming might think about this as he begins his presentation. I have heard him a number of times. Sometimes he and I are in agreement and sometimes not. He is always thoughtful, interesting, and bright, and I enjoy his speeches. I have written him privately. I think his leaving the Senate is a loss for the Senate. I still believe that, even though we have substantial disagreements. And I have respect for his opinions.

But I want him to understand that in 1983 when I served on the House Ways and Means Committee and became a part of a group of people who wrote the Social Security Reform Act, in the archives of the warehouse that holds the markup documents for that markup, the Senator will find that I offered an amendment that very day 13 years ago, an amendment designed to head off what I feared would happen and what has happened under both Democrats and Republicans since, and that is we would increase a regressive payroll tax and use the regressive money from the payroll tax to do things other than save for Social Security.

I would like to just make this observation. I do not think there is one Member of the U.S. Senate—not one—who would vote affirmatively for the proposition as follows: Let us increase the payroll tax substantially for workers and for businesses and tell them that it will come out of their paycheck in the form of a dedicated tax to be put into a trust fund, but that we will, in fact, treat it as all other revenue with no distinction and that it will become, in fact, part of the ordinary revenue stream of Government with which we will balance the rest of the Federal budget. I do not think there is one man or woman in the Senate who would affirmatively vote for that kind of proposition. Yet, that is exactly what we have gotten from the 1983 Social Security Reform Act.

I would not have voted for it in a million years had I thought that was going to happen. When it began to happen, the first day of the markup I offered an amendment—and I have offered a dozen proposals since, in meetings with the Speaker of the House when I was in the House, and here in the Senate. We have technically changed the law thanks to section 13301 of the Budget Enforcement Act, authored by the Senator from South Carolina. But we have never altered the momentum of using the taxes that are taken from the paychecks to become part of the general stream of money to fund general fund obligations of the Federal Government.

I have had a generous amount of time to speak. The majority party has spoken generously this morning as well. Let me, as I sit down, say once again that although we have deep disagreements, I have great respect for Members of the other side of the aisle. But I believe in my heart that what we are doing—to the tune of hundreds and hundreds of billions of dollars of Social Security revenues—is fundamentally wrong. No business in America could do what the Government is doing. No business in America could say: By the way, I had a good year last year. Oh, I was short of money, but I took the money from my employees' pension plan and showed that as part of my income, and it turned out all right.

No business in America could do that because it is against the law. Yet that is exactly what happens in this budget scheme, proposed not only by the majority party but proposed in the past as well.

Mr. President, I will stay here and be anxious to listen. I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I understand all time has expired on both sides at this time.

The PRESIDING OFFICER. The Senator from North Dakota has a little over 3 minutes of time left.

Mr. INHOFE. I think he yielded the floor. I ask unanimous consent I be allowed to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

GOVERNMENT REGULATION

Mr. INHOFE. Mr. President, I will make this very brief, because several questions have come up concerning Social Security. I think it is a very critical thing. I happen to have been privileged to be presiding yesterday when the distinguished Senator from Wyoming, the senior Senator, Senator SIMPSON, who is the chairman of the Social Security Subcommittee and, I think we all agree, is the authority in this body on Social Security—he is here and will be responding to these questions in a much more informed and eloquent way than I would be able to respond to them. But I do have to respond to a few things that have been said by both my good friend, the Senator from North Dakota, and the Senator from Kentucky.

First of all, it was implied—I am sure it was not intentional—that I was only concerned about Republican grandchildren. Obviously, we are all concerned about our own. I opened my remarks yesterday on the floor making a reference to Senator Simon, who had talked about Nicholas Simon, his grandchild. I said I know he is just as emotionally involved with his children and grandchildren as I am, and Democrats are as much as Republicans. I hope that is understood.

But, when the distinguished Senator from North Dakota used the example of government control, with the rats eating the bread laced with arsenic, certainly if I had been there at the time I would have strongly supported an effort to stop these types of abuses and these types of unsanitary practices from taking place.

But there is a fine line here. You come to a point where, if you see that point, you have too much government control. I think that is one of the basic philosophical differences, and it is an honest difference, between Democrats and Republicans. I suggest to you, if you talk to Tim Carter of Skiatook, OK, who was called a couple of days before Christmas a few years ago and put out of business by the EPA, what he had done wrong was he moved his business from one area of Skiatook, OK, a very small city, to another area, and did not inform the EPA of this move.

I said, "They do not know that you moved?" He said, "Well, yes, I informed the district office, but they apparently did not inform the national office." For that reason they put him out of business and they took his number away from him.

Then, when I finally got that corrected, he called me again and he said, "Now I have another problem. I have an inventory of 50,000 bottles." He had some kind of operation, horse spray or something, that they manufactured. Apparently there is a market for it. He said, "The EPA says I cannot use those bottles now, because during that brief time I was out of business they gave my number to somebody else." This is the type of thing.

Or Jim Dunn, who owned a third generation family lumber company in Tulsa, OK, who called me up and said, "The EPA put me out of business." This was a couple years ago. I was in the other body at the time. I said, "What did you do wrong?" He said he did not do anything wrong. He said, "I have been selling used crankcase oil to the same contractor for a couple years and they traced some of that to the Double Eagle Superfund Site and they say I am in violation. They are going to impose $25,000 a day fines on me." This is a company that had its net increase the year before of something like $50,000. He was out of business. The heavy hand of overregulation.

We corrected that situation. But if he had not called me, he probably would be out of business today. That contractor he sold his oil to 10 years ago was licensed by the Federal Government, by the State of Oklahoma, by Tulsa County. He did nothing illegal. Yet Government was regulating him out of business. This is what I am talking about. Have we gone beyond that point, to where we are the most overregulated society or country, to the point where we are not globally competitive? I say, yes, we are overregulated.

MISSILE DEFENSE

Mr. INHOFE. Mr. President, the distinguished Senator from North Dakota talked about star wars. He and I have had this discussion. There is, I guess, nothing to be gained other than to update it and put it in the context of today's debate, but it always offends me when we talk about star wars. Star wars is a phrase that was coined to make it look like this is something fictitious, something imaginary, when in fact there is a very real threat that is facing the United States of America, that of missile attack.

We know the Russians have their SS–25. They have the SS–18, which is a MIRV'd missile with a number of warheads capability, some 10 warheads. We know the Chinese have a missile that can reach us. We know the North Koreans are in the final stages of developing the Taepo Dong missile that originally was going to reach the United States by 2002. Now we feel, our intelligence community feels, it will be the year 1999.

We were on schedule from 1983 to protect ourselves against a missile attack, so that we would have protection, or a defense system in place, by the year 1999. We are not talking about star wars. We are not talking about even space-based launchers. We are talking about technology that is alive today. We have bought and paid for and have almost $50 billion invested in 22 Aegis ships that are floating now, paid for. They have launching capability. They can knock down missiles coming in. But they cannot knock down missiles coming in, ICBM's, that would come in from above the atmosphere. So we are trying merely to take that $50 billion that has already been spent, spend $4 billion more so they can reach above the atmosphere and knock down a missile that might be coming from North Korea.

We would have some 30 minutes' time between the time a missile is launched and our technology tells us when that was launched. I am an aviator. I flew an airplane around the world a couple of years ago. I used the global positioning system, that is satellites, for navigation all the way around. We can know what is happening around the world today. The technology is there.

So, if a missile is launched in North Korea, we know it is coming, we have 30 minutes to do something about it, but you cannot hit it because it is above the upper tier. All we need to do is spend about 10 percent more of the money that we have spent to be able to give the capability to knock it down. That is not star wars. I do not know where they come up with this $70 billion or $60 billion. The CBO came out and said it would cost about $31 billion to $60 billion more, over the next 14 years, if we installed and made a reality all of the proposed missile defense systems. We are not suggesting that. No one is.

The other day on this floor I said it is like going into a used car lot and saying I want to buy all the cars. You do not need to do that. You get the one that works, the one that fits your needs, and that takes care of it. That is the way we are in our missile defense system. I hate to use that as an example. I hate to be redundant by coming back over and over again, talking about it, but it has to be talked about.

When the distinguished Senator from North Dakota said we are talking about a budget next week about spending $11 billion more than the Pentagon wants—yes, I will be supporting that. Those of us who are conservatives over here, we want cuts in programs. We have to defend America. I was so proud of the chiefs of the four services testifying before the Senate Armed Services Committee, who came in and—this is the first time, I think, in the history of this country this has happened—they defied their own President and said we have to have $20 billion more in order to defend America. This is what they said.

They are not the top. There is the Secretary of Defense, appointed by the President; not the Chairman of the Joint Chiefs of Staff, John Shalikashvili, who is also appointed. These are the ones in charge of the four services, and it took a lot of courage. We do need it and it took courage.

"Where is the money going to come from for all these," the Senator said. If he had been listening, I outlined a program we have been talking about for several years now. The Heritage Foundation and others came up with it. If we take all our Government programs and not eliminate one program, but only expand each one by 1.5 percent, we would be able to balance the budget and have the tax cuts that we have talked about that Americans desperately need.

That is not realistically what is going to happen, but we could do it, and I would live with that in a heartbeat, a 1.5 percent increase in the defense budget. We have cut our defense budget 11 consecutive years. We are down now below the level where we were in 1980 when we could not afford spare parts. So that is significant.

THE DEFICIT

Mr. INHOFE. Mr. President, I am going to wind up here. I will only mention the last thing that was stated by the Senator from North Dakota in response to something the distinguish Senator from Texas, Senator HUTCHISON, said this morning.

When she started in business, she made it grow, and it was difficult. He said, "I bet you started with debt."

"Yes."

The difference is this: The business Senator HUTCHISON is talking about and the businesses that are started with debt have to pay that debt back. We do not, and that is the difference. Our debt just accumulates, and that is why we are looking at $5 trillion. The difference is, they pay it back, and we do not.

Getting to the comments made by the distinguished senior Senator from Kentucky—and I think so much of him; I have held him in very high regard—we just disagree philosophically.

When he talked about the deficit reduction programs of 1990 and 1993, yes, one of those was a Republican President. In 1990, it was George Bush. I disagreed with him at that time, and I even went on "Nightline" and talked about how we should not have caved in to the Democrat-controlled Congress. As a result of that one cave-in by President Bush, he lost the election.

The next one is 1993. In 1993—he can call it a deficit reduction plan—it was the largest single tax increase in the history of public finance in America or anyplace in the world, and that is not a quote from conservative Republican JIM INHOFE, that is a quote from Senator DAN MOYNIHAN, who was then chairman of the Senate Finance Committee.

So you look at these things in a different light. I would just say to those who are holding on to the past and those who do want to have business as usual and want to go back to and continue the social revolution of the middle 1960's, those days are behind us.

The last thing I will say, I hope that the Senator from Kentucky did not mean it when he implied that I impugned his integrity. All I was doing was quoting him, and regardless of how we interpret the quotes, I do not think he wanted me to quote his entire statement that was page after page.

But I will say this: These are the two resolutions we talked about. The Senator from North Dakota said that does not include the amendment by Senator NUNN. I think you are talking about the judicial review amendment. I suggest to you that, verbatim, that same amendment was offered and passed by Senator Danforth in 1994. So we have identical resolutions, and regardless of whether the distinguished Senator from Kentucky was quoted or misquoted, he still supported this back then, as the Senator from North Dakota did, and opposed it yesterday.

I yield the floor.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, I ask unanimous consent to proceed as in morning business.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

SOCIAL SECURITY

Mr. SIMPSON. Mr. President, I very much appreciate the presence of Senator DORGAN of North Dakota. He and I have had spirited discussions about Social Security, but we respect each other. I certainly do. I told him that. I told him whenever I had a pain in my bosom with regard to his activities, I shared it exactly and expressly with him, which I have always done. It is good that maybe the two of us have a moment to at least speak on an issue which surely cannot continue to go in this fashion, where two thoughtful people, as the Senator from North Dakota and I hope your loyal communicator here, are continually just totally in opposition while many who deal with the Social Security Program are telling us what is happening to the program and where the money goes.

So, if I may, in a series of questions, and then let us have the debate which we never had, because I will come to the floor and do my thing and leave and get on to the seven committees I go to, and the Senator from North Dakota comes to the floor and gives his good and able presentation and then leaves the floor.

Let us just, may I, go back to where you have been. You were on the House Ways and Means Committee in 1983. In 1983, Senator DANIEL PATRICK MOYNIHAN and company, a bipartisan group —I believe Senator DOLE was part of that group; I do not recall all of the participants—they came together knowing that Social Security was going to go broke, totally broke, and that it would go broke within a very short time. So they met in good faith, in a bipartisan way, and they put together a package, as you described—and I address the Chair, as my friend addressed yesterday—they put together a package which provided for increased payroll taxes, it provided for some benefit restructure, it did something with the "notch babies."

Remember, we had to deal with that one for about 12 years, and it was an absolute phony argument. Talk about the froth that goes with Social Security. We finally, when that vampire came out of the silk casket one more time, drove the stake through it and through the lining, hopefully, and that is the end of it. We do not hear any more about it from the National Committee for the Preservation of Social Security and Medicare or the AARP or any other group, because it is a dead issue, staked through the heart.

Yet, it created tremendous concern around America in what was happening. Because of the adjustment made in 1983, we found that the people who were born before that certain cutoff date had received much, much more than they ever should have received, far above the replacement rate of Social Security. We corrected that, and then had 10 years of background clutter and flak and shelling from these various groups. That is over.

But what we did do—and we must all use the same facts. We do not have to share the same opinion, but we must use the same facts. If anyone will remember, you need only go to the report where we were told that when we did what we had to do in 1982 and 1983 with Social Security, it would "save the system and make it solvent until the year 2063."

If there is anyone within the range of my voice who says that that was not the final package—what we did, our stuff, tough political stuff, that when we did that, we would "save the Social Security System till the year 2063." That is book, page and hymn number. Done. OK.

What has happened in the next 13 years? It is now 1996, and each and every year that the trustees issue their annual report, we are told that Social Security is going broke faster than we ever would have dreamed. And yesterday—just yesterday—we have the 1996 annual report. This is a summary. The actual report is here. It is quite extensive. My staff has been through it. I hope that all of us will enjoy this weekend reading. It is just a joy.

But I tell you what it does. It tells the truth, and I will tell you who is telling us the truth. The truth-tellers are Donna Shalala, a woman I have the greatest respect for and admiration; the truth-givers are Robert Rubin. He and I have not agreed on many things, but I admire him. Robert Reich, my fellow thespian—our line of work takes us away from this. We intend to "trod the boards" starting in Peoria. Robert Reich, a very splendid man. And then a citizen member of the trustees, Marilyn Moon; a citizen trustee, Stephen Kellison; and Shirley Chater, Commissioner of Social Security.

What are they telling us? They are telling us that Social Security will go broke, flat broke, in the year 2029, I say to my colleagues. So in 13 years, we have moved the doomsday date of Social Security forward from 2063 to 2029. Thirty-four years of this cushion has been eaten up in 13 years, and everybody knows that. There is not a soul in this Chamber who does not know that. There is not a soul downtown who does not know that.

Are we saying then, all is well? Of course, it is not well. Next year the trustees may come in and tell us that it will go broke in the year 2025. It has been happening in increments of 3, 4, 5 years a crack. That is reality.

Yesterday, in a spirited little bit of dialogue, I presented a chart, a most unique chart. Let me do it one more time. This is the Social Security Act. I did not write this. This is section 201(d) of the act.

If we are going to say that somehow we are looting, raiding, and pillaging, then please tell me, please, where is this taking place? If we mean looting or raiding to put the Social Security surplus into T-bills, which are then sold by the Federal Government, and the general revenue goes into the General Treasury, and when the interest on the T-bills comes out and is paid on the T-bills to those who own them, if that is looting or raiding, we need a new definition.

If we defeat the balanced budget amendment—which is what has occurred—is it not true that the Social Security surplus will still be put into T-bills? The answer is, it does not matter one whit whether we pass or defeat a Social Security amendment to exclude it. This will go on like Old Man River, and no one can stop it unless they wish to change this section.

So what does the section say? "It shall"—shall—"be the duty of the managing trustee to invest such portion of the trust funds as is not, in his judgment, required to meet current withdrawals."

Stop there.

There is a surplus in Social Security. Some say it is $29 billion, some say it is $69 billion. Forget what they say. It easily could get to $2 trillion by the year 2010. Then, in the year 2012, it starts its tremendous swan song. We all know that. The trustees are telling us that.

So it matters not whether the reserves get to $1 or $2 trillion. There is nothing that is going to change whether you pass a balanced budget amendment or not with regard to those funds.

I will go on quoting. "Such investments may be made only" —there is no option, no election process—"in interest-bearing obligations of the United States or in obligations guaranteed to as to both principal and interest by the United States * * * Each obligation issued for purchase by the trust funds under this subsection shall be evidenced by a paper instrument in the form of a bond, note, or certificate of indebtedness issued by the Secretary of the Treasury * * *"

I do not think that is too much mumbo-jumbo for all of us to deal with the issue of Social Security. That is what it says. That is what we do with it. That is what FDR and the Congress had in mind for us to do with it.

But now one more subsection. The Social Security Act, section 201(f). We must hear this. We must all follow the law. That is our duty. That is really maybe the only duty we have here, to follow the law and try to craft laws that are understandable to the American people.

"The interest on, and the proceeds from the sale or redemption of, any obligations held in the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund shall"—shall—"be credited to and form a part of the Federal Old-Age and Survivors Insurance Trust Fund and the Disability Insurance Trust Fund, respectively."

And then this, if we can all hear this. We do not have to agree. We do not have to fire up each other.

> Payment from the general fund of the Treasury to either of the trust funds of any such interest or proceeds shall be in the form of paper checks drawn on such general fund to the order of such trust fund.

That is what it says. And this section has been addressed in the report which came to us yesterday.

Let me read from the summary. This is the summary of the Social Security trustees. Here is a very precise, small paragraph that says this, if I can share this with my friend from North Dakota.

> In all trust funds assets that are not needed to pay current benefits or administrative expenses (the only purposes for which trust funds may be used) are invested in special issue U.S. Government securities guaranteed as to both principal and interest and backed by the full faith and credit of the United States of America.

That section is not changed one whit whether we include or whether we exclude Social Security from a balanced budget amendment.

Every penny, every single penny of the trust fund is left in exactly the same condition, whether you pass a balanced budget amendment or not.

It is most extraordinarily remarkable to suggest that we can "save" or "protect" Social Security from this by simply separating it from a balanced budget amendment.

Here is the language—I hope this is not a surprise. I want to be sure my colleague hears this language. If I could get the attention of my friend from North Dakota. I think it is very important that I share this language. I do not want it to be a surprise.

This is language from yesterday's report. I do not know if the Senator's staff has read this. My staff went through it during the night. I have to do this kind of work because they have made me the chairman of the Subcommittee on Social Security and Family Policy. I did not really seek that task, but like all of us who do good work—and the Senator does with his subcommittees and my good friend from Kentucky does with his—we try then to keep absolutely current. Here is the language from the report of yesterday.

It is very important. This, yesterday, became open to the American public. Here is what it says: "As noted in section 2(b), the portion of the OASI trust fund that is not needed to meet day-to-day expenditures is used to purchase investments, generally in special public debt obligations of the United States Government. The cash"—this is a quote from yesterday's 1996 annual report, page 78 and 79—"The cash used to make these purchases becomes part of the general fund of the Treasury . . .," ladies and gentlemen.

We all know that. We have known it since Franklin Delano Roosevelt wrote it and put it in section 201.

"The cash"—that is cash that is not needed. That means the surplus. That means the excess. That means whatever you want to call it. "The cash used to make"—I am quoting— "The cash used to make these purchases becomes part of the general fund of the Treasury and is used to meet various Federal outlays."

Does that mean that we have looted it or raided it or pillaged it? I think not, not when we are looking at the specific language of the act and the trustees' report.

I am continuing to quote.

> Interest is paid to the trust fund on these securities. And when the securities mature or are redeemed prior to maturity, general fund . . .

If I may get the attention of my friend from North Dakota. We never get to get this done. I am going to stay, too, because I think it is very important that he and I do not leave the Chamber until the American people know a little more than they do now about how we are looting or pillaging or raiding the Social Security system, which is not taking place under any scenario known to man or woman.

Quoting again.

> Interest is paid to the trust fund on these securities. And when the securities mature or are redeemed prior to maturity, general fund revenues are used to repay the principal to the trust fund. Thus, the investment operations of the trust fund result in various cash flows between the trust fund and the general fund of the Treasury. And currently the excess of tax income to the OASI trust fund over the fund's expenditures results in a substantial net cash flow from the trust fund to the general fund.

Finally the quote:

> Sometime after the turn of the century, as shown in the following subsection, this cash flow will reverse.

It is detailed in horrendous, horrendous factual figures. "This cash flow will reverse as trust fund security"—let me show you how it will reverse.

This is the annual operating balance of the Social Security trust fund in billions of dollars. If that is not a reversal from today's $60 billion surplus. I think it is more today—my colleague may disagree—and then it drops like a rocket through the basement. This is the annual operating balance of the Social Security in billions of dollars. In the year 2000 it is $1 trillion operating balance. This is the figure. This is from the Social Security Administration, 1995.

Mr. FORD. Will the Senator yield?

Mr. SIMPSON. I am happy to yield to the Senator.

Mr. FORD. Mr. President, we will say that everything my friend has said is accurate. I do not question his sincerity or his statements. We will take it from that point on.

Under statutory provisions, we cannot use Social Security funds as it relates to deficits, budgets—it is off budget. That is 13301. I am sure you are familiar with that. Now, in the balanced budget amendment, we are allowing, based on the statement of the senior Senator from Oklahoma yesterday, that this is a tax and an expenditure and, therefore, it ought to be part of the balanced budget amendment to the Constitution.

What is the underlying fear, as I listen to the Senator from Wyoming, and the underlying fear, I say to my friend, of this Senator is that if we allow the money to be used to reduce the deficit, and when we have the leadership on your side—not necessarily the majority leader but other leaders in the budgetary category—tell us how much of the Social Security trust funds will be used if the amendment to the Constitution is passed to balance the budget, then we accelerate your fear here of the reduction of the surplus in the Social Security.

If the Social Security continues on its merry way, as you have so aptly described, going downhill, will we not accelerate that if we use, as we were told in handwriting that we are going to use, $147 billion from the trust fund, at least the last 2 years, would that not make it depleted at a much earlier date?

Mr. SIMPSON. I always enjoy a spirited discussion.

Mr. FORD. This is not spirited.

Mr. SIMPSON. It will be before we finish.

Mr. FORD. I doubt it.

Mr. SIMPSON. I enjoy that because he and I, even as deputy assistant leaders for 10 years or near that amount—there was not anybody that I treated with more deference, or who dealt with me more fairly, honestly, and directly.

Where I am, Mr. President, is this: We are being told in this debate that these funds are being looted or raided. This may not be your debate, but this has been part of a continual debate about the looting or raiding or using this. I am saying, based upon the law of the United States, that any surplus in these funds is "used" and goes directly to the general fund, that there is no trust fund in that to be looted, to be raided. It is a series of great stack of IOU's. That is what we have here.

Mr. FORD. Mr. President, by "IOU's" you are talking about T-bills that are paid to constituents like you and me. We might be down to the E bonds or the smaller ones but the T-bills are the IOU's in there, and we have by law sold them or loaned that money to the Federal Government in return for T-bills plus interest to be paid at a definite period of time and the trustees are required to have that flow of money.

Am I correct in that?

Mr. SIMPSON. That is correct.

Mr. FORD. So you refer to—you say we are looting.

Mr. SIMPSON. I did not say that.

Mr. FORD. No, you quoted others saying "looting," and now the Senator from Wyoming is using the words "IOU's" for T-bills. It is just a matter of how you express yourself.

Mr. SIMPSON. I believe I have the floor, if you are asking an inquiry.

Mr. FORD. I am trying to give you my reasoning for the question.

Mr. SIMPSON. If you could, I would like that.

Mr. FORD. I understand, and you are doing well in the balcony right now. There are more giggles up there than on the floor.

Mr. SIMPSON. I am trying to do something for my grandchildren.

Mr. FORD. I have tried the grandchildren.

Mr. SIMPSON. If the Senator would pose the question, I would appreciate it.

Mr. FORD. Where was I? What I am trying to say is that if the constitutional amendment is passed and then ratified by the States, and then we amend the Constitution on the balanced budget amendment, and that would do away with statutory provisions as it relates to the trust fund, and therefore as those who have the responsibility of budgeting here in the Senate, to recommend to us as Senators, say they will use x billions of dollars of the Social Security trust fund to balance the budget. Do we do away with statutory law when we amend the Constitution?

Mr. SIMPSON. Mr. President, I cannot see any format where a constitutional amendment, which would take years to ratify—all we are doing is sending this to the States, if we did do it, and let them decide. I know of nothing in my background that would lead me to believe that we would have done anything with section 201 of the Social Security Act, either F or D or any provision therein.

Mr. FORD. But you would be able to use the funds held in trust, for example, T-bills, to balance the budget according to the budgetary professionals on your side.

Mr. SIMPSON. Mr. President, I will continue to direct my remarks to the Chair. The issue is that you cannot hide something that is $360 billion a year and pretend that you are doing something to "balance the books." That does not mean that we are then going to "raid" or "loot" the Social Security System.

The constitutional amendment does not in any way injure Social Security, because the trust fund goes into T-bills or notes or obligations regardless. Regardless, the Social Security money still has to be raised in the future out of general revenue. That is what the trustees are telling us.

Somebody said, what about the interest? I heard that one. Mr. President, 87 percent of the money that comes in comes from payroll taxes. About 9 percent comes from interest. That is all there is. In the year 2012, you will have to take the notes and go back to the Government and say, "There is not enough payroll money coming in this month. So we are here to cash these in." That is when the double hit comes that we described.

If you are trying to build a firewall to protect Social Security, this does not affect a Social Security firewall, which seems to be a very important thing to many, does not affect the long-term unfunded liability of the Social Security system. It does not alter the situation which requires a Social Security surplus to be put in Treasury bills.

May I just finish the trustees' quote? It is two more sentences. Then we can get on with the action here and see if we can stick with the trustees' report. Do not bother with what I am saying or Senator DORGAN or any of us. I am reading from the annual report of the trustees. Let me just finish it. "The cash flow will reverse as the trust fund securities are redeemed. To meet benefit payments and other expenditures, revenue from the general fund of the Treasury will be drawn upon to provide the necessary cash."

That is pages 78 and 79. The balanced budget amendment in no way changes this. In no way at all does the balanced budget amendment firewall for Social Security change that.

This is the way it is. And that is what we ought to be debating. I would be glad to stand here and do that.

(Mr. GRAMS assumed the chair.)

Mr. FORD. Mr. President, will the Senator yield for a little colloquy?

Mr. SIMPSON. Yes, sure.

Mr. FORD. I believe the Senator would agree that once a constitutional amendment is passed—and it will not take years to pass the balanced budget amendment—once a balanced budget amendment is passed and it amends the Constitution, then it is this body's responsibility to draft the legislation implementing that amendment, is that not correct?

Mr. SIMPSON. I am sorry. Repeat the last part, please, if you would.

Mr. FORD. Well, once an amendment to the Constitution has been ratified by the States, is it not the responsibility, then, of this body and the House to implement, by law, that amendment?

Mr. SIMPSON. That is correct.

Mr. FORD. Is there anything to prevent a majority from voting to include Social Security trust funds in the operation of the budget of the United States?

Mr. SIMPSON. Mr. President, there is no way to avoid doing anything to try to hide Social Security from the budget problems of the United States.

Mr. FORD. Mr. President, I asked a question, and I was chastised for not asking the question. What I want to know is, is there any way to prevent a majority vote from using the Social Security trust funds as a part of reducing the deficit for balancing the budget?

Mr. SIMPSON. I have no idea, Mr. President. For 17 years, this Senator has talked about the absolute certainty of pretending that something is off budget when it is $360 billion a year. You would have to ask a majority at that time. For me, it is absolutely absurd to believe that you do not talk about Social Security when you are trying to balance the budget of the United States of America, which today is $1.506 trillion, and $360 billion of that in there is called Social Security. If you want to leave it out, fine, but it will not be this Senator. I will not be here, but somebody can tap on my box and tell me how it went.

Mr. FORD. Knowing the Senator from Wyoming, he will not have to take his money with him. He can write a check where he is going.

I am very concerned that we talk about IOU's and they are really the bills. We talk about raiding and, no, we are not raiding. You cannot do that. But the Members of this body will implement an amendment to the Constitution. As the senior Senator from Oklahoma said yesterday, he objected to voting on the amendment to put up the firewall for Social Security because it was taxes collected and taxes expended. He wanted it in the balanced budget amendment.

I thank the Chair and my friend from Wyoming. I am going to leave the Senator. I am hungry.

Mr. SIMPSON. Mr. President, I do not believe that my good friend would check through the Senate ethics and financial records and find that I was listed among the millionaires of the Senate. So I think that that was a rather gratuitous shot.

Mr. FORD. How did the Senator take that?

Mr. SIMPSON. Now, Mr. President, if we can get back to the issue, which is the law, and stick with this and try to stick in this debate without going into emotion and who has the bucks and who does not have the bucks, and the rich versus the poor, and all the rest of it, and know that the Social Security Act is right here—(f) and (d). The trustees report is right here, and I am ready to move forward and discuss those and let us do that.

Mr. DORGAN. Will the Senator yield for a question?

Mr. SIMPSON. Indeed, certainly.

Mr. DORGAN. Let me clear up two things, and one is minor. The Senator is not accurate with respect to the issue of the notch. This is probably not relevant. That was not adjusted in the 1983 legislation. That was in the 1977 legislation, which was implemented in 1979. The 1983 legislation had nothing to do with the notch. The notch was created, as the Senator might remember, because of a cost-of-living adjustment in Social Security that was opposed in the early 1970's.

Subsequently, it was discovered that that cost-of-living adjustor, or formula, was inappropriate in 1977. Congress made an adjustment, effective 2 years ago. It was not in 1983. That was not such a big deal, but I wanted to make that point for those who are interested in the history of it.

Second, the Senator used a chart that is demonstrably false. If the Senator would put the chart back up, I am sure he did not do this deliberately.

Mr. SIMPSON. No; the dates are not correct. The dates here should be 2020 here, 2025 here, 2030, 2035, and 2040.

Mr. DORGAN. When I saw the chart, I knew one would not want to use a chart like that. The impression would be that there is a one green line and a lot of red lines. When I saw your dates, I realized they were not accurate.

Let me give the accurate numbers. Here will be the annual surpluses, not deficits. In the 1996, your chart had a red line, and that was in error. There will be a $71 billion surplus, then a $74 billion surplus, then $80 billion, $87 billion, $91 billion, and, next year, $97 billion.

In the year 2002, there will be a $103 billion surplus—that is, receipts into Social Security over expenditures. This surplus will continue out on into the two-thousand-teens, after which there will be red lines.

It would be appropriate to have a chart that shows the red lines, but you would not want to show that unless you showed very substantial surpluses. I wanted to make the point that if somebody saw that chart and started going, "We have big troubles," that is not accurate.

Mr. SIMPSON. Mr. President, I said that. I said that the reserves could easily be $2 trillion by 2010. I want the record to be absolutely correct. Nobody needed to palpitate on that.

Mr. DORGAN. There are so many charts showing the deep red canyons, and that chart should have showed surpluses.

Let us talk, for a moment, about these surpluses, and let us talk about this one. The year 2002 is the 7th year of a budget plan. In the year 2002, the Social Security system will have receipts of $103 billion that are greater than the need for expenditure in that year.

I will ask the Senator from Wyoming a couple of questions about that. The first question is, Is this an accident, or is this part of a deliberate strategy to have receipts that far exceed needs or expenditures in that year? Is that a deliberate strategy or an accident?

Mr. SIMPSON. Well, Mr. President, that is a deliberate strategy. The purpose was to build the reserves, and it was going to work beautifully, until this year, in the year 1996. Every 7½ seconds somebody turns 50, and 15 years from now, in the year 2012, there will be a dramatic drawdown. We ought to link the two cases together, because they are so dramatic that it is hard to describe.

Mr. DORGAN. I accept that. In many respects, I sat here and listened to a debate that, if you won, it was a debate we were not having. I accept much of what you say. But that is not the framework of the debate that we have ventured on the floor with.

Let me try to understand and describe the debate as between what you were describing earlier and what I am saying. If you are right—and I think you are, because I was part of the team, as you were, that said let us deliberately begin saving money, so that when the baby boomers retire, or the war babies, more appropriately, retire after the turn of the century, we will have built up some reserves. That was a deliberate, sober reflective action on the part of the Congress. I think it was an appropriate and courageous won.

Now, if in the year 2002, we have said we want $103 billion more to come in in Social Security than we are going to spend, and if in the year 2002 the majority's budget provides a balanced budget in 2002, but, they say, we are $108 billion short in their paper, but say to the American people we will balance the budget, is it not the case that they claim that they have balanced the budget because we have not had enforced savings of the $103 billion that year, which should have been above what is necessary to balance the budget if you are going to have an enforced national savings pool, but, in fact, they have taken that $103 billion and said, by the way, we are using it over here so we can say we balanced the budget.

Is that not a misuse of the term "double entry booking," to say we have a deliberate reserve and, at the same time, that we are using it here saying we have a balanced budget?

That is the major point of contention between us because we will, I fear, get to the end of this process and we will never have an enforced national pool of savings above an otherwise balanced budget that is used, or usable rather, when we need it when the war babies retire.

Mr. SIMPSON. Mr. President, that would be a good argument if we were saying that we were going to "use it to reduce the deficit." But it will have already been used because the minute there are surpluses in the Social Security trust funds, they are invested in T bills or notes or whatever, and all the money goes to the general fund. If we can get to the point where you and I are, will you please describe to all of us what you mean when you are describing "looting and raiding" of the trust fund?

Mr. DORGAN. Exactly. The year 2002 would be a year in which the Federal Government would have balanced its budget plus had a $103 billion additional revenue above the balanced budget as an enforced pool of national savings to be saved for the time we are going to need it. That would comport with what the idea was in the early 1980's about creating a national pool of enforced savings. The scheme that we now have, I respectfully say to the Senator from Wyoming, means that we will never have a pool of enforced national savings to meet the Social Security needs. Instead, we will simply have a regressive payroll tax added to the general revenue stream to be used for whatever other purpose it is used for.

Mr. SIMPSON. Mr. President, may I ask a question of the Senator from North Dakota? How does the Senator from North Dakota propose to avoid looting, or raiding? Does that mean it will not be in T bills?

Mr. DORGAN. No.

Mr. SIMPSON. What does it mean?

Mr. DORGAN. You are not winning a debate that we are not having. I am not debating whether or not it is invested in T bills. Of course it is. Your basic contention has been because it is invested in T bills it does not exist. I have asked the question. "Gee. If you purchase a savings bond for your grandchild for Christmas, are you going to tell him when he opens it that, 'By the way, what you see does not exist?' " No. It is an asset. That asset exists in the trust fund.

My point is you will not have saved $103 billion in the year 2002 that you promised to save if on the budget side of things you take the $103 billion over and say, "Well, we are $103 billion short of balancing the budget generally speaking but we will count this revenue against it in order to say to people that we balanced the budget"; ergo, you have not, in my judgment, created any kind of national pool of enforced savings to meet the future needs of Social Security.

That is the point.

Mr. SIMPSON. Mr. President, how do we achieve this result—by suggesting then that we defeat the balanced budget amendment?

Mr. FORD. We do not.

Mr. SIMPSON. That is what you have been saying; that we can avoid this result by defeating a balanced budget amendment.

Mr. DORGAN. Excellent question. Let me tell you exactly how you achieve the result. The result is achieved specifically by voting for the alternative balanced budget amendment that we attempted to offer yesterday that we offered previously, that was voted against by the Senator from Wyoming, that is this: It is identical in every respect to the constitutional amendment to balance the budget brought to the floor with one exception; that is, section 7. Section 7 says you will not count as revenues or expenditures the Social Security trust fund and Social Security account, which means that you would balance the budget and say, "All right. Now the budget is in balance plus what we have is in 2002, or 2005, whatever the year is, plus we have $103 billion extra money that came in above the balanced budget. That is the only way you develop a forced pool of national savings. In the absence of that, what you ought to do is get rid of this payroll tax. If you are not going to do what you said you are going to do, why should workers and business not be paying it?

Mr. SIMPSON. Let me ask, Mr. President. And I appreciate your correcting us and getting the correct dates.

Mr. DORGAN. That was a pretty big correction, actually.

Mr. SIMPSON. It is not a correction.

Mr. DORGAN. We are not saying that the sky is falling.

Mr. SIMPSON. Not to give too much credit, but simply these dates are incorrect, 2020, 2025, 2030—you know those facts. I know those facts.

Mr. DORGAN. That chart is a fundamentally improper disclosure of what is happening. You would have to show substantial green surpluses on that same chart.

Mr. SIMPSON. This is from the Social Security Administration, and it is listed in their way as to what is going to happen to this. This is 2020. There is 2025. This is 2030. There is 2035, and 2040.

Mr. DORGAN. There are four categories of green, and you just skipped 20-some years of good news to get to the bad news. There is bad news. We are not disagreeing about that.

Mr. SIMPSON. Let me ask a question. You have used a figure of $60 billion in your debate about surplus?

Mr. DORGAN. It is $69 billion.

Mr. SIMPSON. The accumulated surplus to date is $496 billion to date. So that is rather an incorrect figure. You have used the figure.

Mr. DORGAN. What is incorrect?

Mr. SIMPSON. The accumulated surplus to date in Social Security is $496 billion, and it is going to go way beyond those figures in the outyears. It is going to go to $1.1 trillion—not $1.2 billion. It is going to go to $2 trillion.

Mr. DORGAN. We are not having a debate; it is a misunderstanding. These are not cumulated numbers. These are yearly numbers. I said for this year, $69 billion. When you are saying that is wrong, I do not understand.

Mr. SIMPSON. The cumulated surplus in Social Security is $496 billion. We need to know that. You have listed an annual figure of $60 billion or $69 billion. The present surplus, cumulated surplus, in Social Security today is $496 billion headed for maybe $2 trillion in the year 2010. Then a precipitous decline in accordance with the charts of the Social Security Administration.

Mr. DORGAN. There is no disagreement about that. I do not understand the point. The point I was making is that this year we are collecting regressive payroll taxes from workers and businesses, because you voted for it and I did, believing that it was done to collect more than we needed this year in order to save it for the future. My only point is, if it is used to offset for other revenues that we should have made, or other expense cuts we should have made, then it is not saved. If it is not saved, why are we collecting it? Why not say to the people, "We will not collect it to misuse it; keep in yourself"?

Mr. SIMPSON. Mr. President, I just hope that perhaps somewhere into the national debate will come pages 78 and 79 of this year's 1996 annual report, which is so clear that there is no Social Security trust fund. There is nothing in the way of a pool other than the IOU's. These are IOU's, and the entire cash, when we sell them, goes to the general fund.

Is that what the Senator means when he describes "looting or raiding?" Please tell me, because these are two terms that have been used by the Senator from North Dakota day after day after day, that we are "looting and raiding." I want to know what the Senator means when he says "looting or raiding." Does "looting or raiding" mean that we should not be putting it into T bills? Does "looting or raiding" mean that we should not see the money go into the general fund, as is the law of the United States? What is, for this Senator "looting or raiding"?

Mr. DORGAN. Let me try it again. I just refuse to let you win a debate we are not having. We are not having a debate.

Mr. SIMPSON. I am trying to inform the national citizens as to what is happening here.

Mr. DORGAN. I understand. Let me try to explain it. I will do it again. I have done it before.

Mr. SIMPSON. Could you use the term "looting or raiding" and define what that is?

Mr. DORGAN. Let me explain it to you. In the year 2002—the Senator from Wyoming, I, and others voted to decide that we wanted to collect more money than is necessary in the year 2002 for the funding of the Social Security program—not a little more; a lot more; $103 billion more than is necessary to fund that program. We said we want to do that because we want to be responsible in order to save it for the future.

It is invested in Treasury bonds. The Senator is correct. If he wants to have a debate about that, he cannot debate that with me because I do not contest that. It is invested in Treasury bonds. But the $103 billion ought to represent in 2002 $103 billion of revenue above a balanced budget. And it does not, because the Senator from Wyoming and his friends support a budget scheme that says we will show up about $108 billion short in the year 2002, and we will use the Social Security trust funds to make up the difference.

If that were in the private sector, they would call it looting. But you could call it whatever you want to call it. Abraham Lincoln said, "Calling a horse's tail a leg doesn't make it a leg," but you can describe this however one wants to describe it. I simply maintain that if you decided and I decided we should have a pool of enforced national savings to meet the needs of the future, that in 2002 you cannot accomplish that if you have used the same money in order to balance the general operating budget of the United States. That is the point, a very simple point.

I would say to the Senator from Wyoming I understand—I have listened patiently—I understand the presentation he made. He and I do not disagree on a lot of this. The Social Security system is now healthy. I disagree, sometimes, when I hear the Senator and others talk about the "Social Security system is going broke." In a lot of ways I lament that that language is used because it is true that a third of a century from now it is going to be out of money, but that is a third of a century from now.

It is also true we are going to make some changes. The fact of the matter is, the Senator from Wyoming is a leader: he is a leader on this issue. He has proposed substantial changes to secure the financial well-being of the Social Security trust fund. The Congress must make changes. But here is the situation. He and I do not disagree about the circumstances. We have surpluses; they will continue to build into the two-thousand-teens, after which they will diminish. In the year 2029, we will be out of money. Adjustments will have to be made long before then to solve this in the long term. The Senator is absolutely correct about that.

The disagreement we have is in a budgeting scheme that says let us treat the Social Security funds as if they are no different than any other funds. I would say, my colleague has made the point, I think, that the Democrats have done that and the Republicans have done it. The answer is, yes, they have. And I have disagreed no matter who does it. Now they want to enshrine it in the Constitution. That is the difference.

Mr. SIMPSON. Mr. President, I want to be sure that the American people know that this is not a partisan issue. So, when we say, "My friends on this side of the aisle," the friends on this side of the aisle joined with a remarkable number of friends on the other side of the aisle, a total of 64 of us who really think we ought to do something with the balanced budget amendment and do not feel we are going to do anything to the Social Security trust fund, because we know we cannot do anything to the Social Security trust fund because it is all invested and the money comes out of the general revenue. I guess the debate has to end there. Unless—and I am going to come back to this question. I would like, honestly, an answer.

I want to know what—if we are going to use the term "looting and raiding," the American people, I think, are being overly excited by that term. There is no need to use a term like "looting and raiding," because we do not loot or raid. We are putting it where the law requires it to go, and nothing more. So to say that it is looted or cut, there was never any suggestion that these dollars would not have to be raised by general revenue in the year 2012, or 2005. They come from payroll taxes and revenue. So we are only arguing about how the deficit is measured, not about the disposition of Social Security trust funds.

Mr. DORGAN. Will the Senator yield for a question on that?

Mr. SIMPSON. I think there is no reason to portray the balanced budget amendment as a place to talk about Social Security trust funds. They do not fit.

Mr. DORGAN. Will the Senator yield for one brief question?

Mr. SIMPSON. Yes.

Mr. DORGAN. Is it not the case, then, that in the year 2002 the majority party's budget plan is either $108 billion in deficit or it is balanced by using the $103 billion in Social Security funds? Is that not the case?

Mr. SIMPSON. Mr. President, there was another one, so we get away from the partisan aspect if we can.

Mr. DORGAN. That is not a partisan question. I am just asking you.

Mr. SIMPSON. I heard it that way. You know that. But let us look at the Chafee-Breaux proposal.

Mr. DORGAN. Same thing. Same thing.

Mr. SIMPSON. Mr. President, 46 of us, 24 Democrats and 22 Republicans, voted for that. I thought that was a very responsible thing. And whatever you are talking about in the national budget, all has to do with balancing or not balancing the national budget—everything in the stack.

Mr. DORGAN. But that is not responsive to my question. The Chafee-Breaux budget falls short of balancing the budget, if you are going to actually save the Social Security trust funds. And so does President Clinton's budget. They are not in balance, just as the majority party budget is not in balance.

So my question is, is there a balance? We are using the Social Security trust funds improperly, or they are not in balance, they fall $108 billion short of being in balance.

Mr. SIMPSON. Whether we call it balanced or unbalanced in the year 2002, whether under the Republican plan or President Clinton's plan or Chafee-Breaux, Social Security moneys will be in exactly the same place. That is what I am saying. It will be in the form of Treasury bills or notes backed by the full faith and credit of the United States. So if you want me to say it will be balanced, fine. If you want me to say it will be unbalanced, fine. But the issue is, this will go on like "Old Man River," and all America ought to know that.

Mr. DORGAN. Will the Senator yield to one more point? I think we get to the point where we disagree. My point is the budget that you support, the budget the President has offered, and others, fall short of balancing the budget by the equivalent amount of the Social Security surpluses that we deliberately decided we wanted to receive and save. That is the point I made.

Look, let us finish because I know the Senator from Massachusetts is waiting, but——

Mr. SIMPSON. If we want to use the phrase of "deliberately saved" and so on, I have no problem with those terms. What I have a lot of problem with is the continual reference to "looting and raiding," because that is not true.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

HEALTH CARE REFORM

Mr. KENNEDY. Mr. President, today is another unfortunate setback for the cause of health reform. It appears that the opportunity for meaningful reform has been lost again. Barring a last-minute change of heart and mind and strategy, Senator DOLE will be leaving the Senate next Tuesday without exercising the leadership needed to make even the modest consensus reform in the Kassebaum-Kennedy bill a reality.

I regret very much that "Dr. Dole" is prescribing a poison pill for this consensus legislation. Medical savings accounts do not belong in this legislation. Several reasonable compromises on that highly controversial issue have been offered and categorically rejected. The full-blown MSA proposal demanded by Republicans is a death sentence for this legislation. I intend to oppose it as vigorously as possible, and if it should even reach President Clinton's desk, I am confident he will give it the veto it deserves.

It is clear House Republicans are pursuing a their way or no way strategy, and Senator DOLE has chosen to be a part of it. With his departure from the Senate next week, the chance for any health insurance reform this year is slim.

Millions of Americans will suffer unnecessarily because Senator DOLE has put gridlock ahead of the needs of the 25 million working families who would benefit from the consensus reform in the original bill, before it was poisoned by the MSA bill.

Senator DOLE left the impression yesterday that meaningful negotiations for an acceptable compromise were taking place and that this issue was close to being resolved because Republicans were open to changes in the MSA provisions to accommodate Democratic concerns. It now appears, however, that the intransigence of the House Republicans has prevailed.

The Kassebaum-Kennedy bill was passed 60 to 0 by the Committee on Labor and Human Resources and 100 to 0 by the full Senate. The bill was entirely noncontroversial, and it makes no sense to saddle it with this last-minute killer controversy. If the Kassebaum-Kennedy bill were passed by Congress today, it would be signed by the President tomorrow.

This bill has had two unanimous bipartisan votes in the Senate, first in committee and again on the Senate floor. Yet it is going to die because of the Republicans' decision to force it to swallow this bitter poison pill.

Under the Republican plan, medical savings accounts could be sold to every employee of every business in America with more than 50 workers, approximately two-thirds of all workers, more than 80 million employees, and within a few years, they will be extended to everyone else. Some compromise.

A massive untested right wing health idea is being forced on the country. Any such massive plan is irresponsible and unacceptable.

Reasonable compromises are possible, but what House Republicans want is capitulation, not compromise.

Not everyone agrees that medical savings accounts are a bad idea, but surely we should agree that they ought to be tested first before being imposed full-blown on the American people.

We all know what is going on. MSA's reward a handful of insurance companies that have contributed lavishly to Republicans in Congress, and they profit handsomely from the worst abuses of the current system.

The Golden Rule Insurance Co., with $1.5 million in campaign contributions, is the political engine driving this proposal. The company does business selling MSA's, and it will profit immensely from the Republican plan. Yet, the company refuses to share the data on its plans with impartial analysts at the American Academy of Actuaries and other bodies. The company, and its Republican allies, are thumbing their nose at the public interest and asking the American people to buy a pig in a poke.

Why should the taxpayers be asked to subsidize such a scheme with billions of dollars in lavish tax breaks that will go primarily to the wealthy? Medical savings accounts tax the sick for the benefit of the healthy and wealthy. They discourage preventive care by enticing the healthiest Americans to leave their current broad insurance pool. MSA's violate a bedrock principle of health insurance: Broad-based coverage to spread the risk of illness among large numbers of citizens in order to make insurance premiums affordable for those who need health care.

Adoption of MSA's will raise premiums for everyone else and threaten the very existence of conventional health insurance. It will cost the Treasury billions of dollars that should be used to expand health insurance coverage or go for deficit reduction.

They represent a risky and unnecessary experiment that threatens the health insurance coverage of every American family. It would be reckless to include any such full-blown version of medical savings accounts in this bill. The Senate has already rejected this approach, and President Clinton will veto any bill that tries to impose this untried and dangerous idea on the country.

The Republicans have also refused to appoint conferees to a fairly balanced conference. Despite repeated requests, they refuse to meet with Democrats for serious negotiation. They have ignored four separate compromises that we have offered to allow a fair test of medical savings accounts without endangering the tens of millions of Americans who depend on their current insurance.

The Kassebaum-Kennedy bill contains a number of key consensus reforms that virtually everyone agrees on. It guarantees that no American will be denied health insurance or be saddled with exclusions for preexisting conditions because they change their job or lose their job or because their employer changes insurance companies. It provides help to small businesses that want to join together to negotiate lower insurance premiums of the kind that only large corporations can obtain today. Those reforms deserve to pass, and they will pass if Senator DOLE relents.

When Senator DOLE leaves the Senate next week, he can take his health insurance with him. Every American should have the same right. Many times in recent weeks, Senator DOLE has said he wants this bill to pass. For months, Senator DOLE has criticized President Clinton for saying one thing and doing another. Senator DOLE should look in the mirror this weekend and see what he has done.

Mr. President, I yield the floor.

Mr. HEFLIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

TRIBUTE TO SENATOR BOB DOLE

Mr. HEFLIN. Mr. President, the political world was stunned a few weeks ago when our colleague, Majority Leader BOB DOLE, announced his resignation from the U.S. Senate after 36 years of representing his native State of Kansas. In his emotional and moving farewell speech, he said he wanted to campaign for the Presidency "with nothing to fall back on but the judgment of the people and nowhere to go but the White House or home."

Senator DOLE was elected to the U.S. House of Representatives in 1960. He came to the Senate in 1968, where he served as the Republican leader for a record 11 years. He ran for Vice President with President Gerald Ford in 1976 and ran for the Republican Presidential nomination in 1980 and 1988. He has been a fixture of our National Government for 36 years. Regardless of what we might think of his decision to give up his life's work for an attempt at the White House, we all agree that BOB DOLE has been an outstanding Senator and leader. He is a master legislator.

Norman Ornstein of the American Enterprise Institute has called Senator DOLE one of the five most significant Senators of the last half of the 20th century. That sentiment has been echoed by the Brookings Institute's Stephen Hess, who labeled him "somebody who could get things done." And in Washington, especially in the unwieldy Senate, this is no small compliment.

I have had the pleasure of serving with BOB DOLE for nearly 18 years and know him to be an excellent legislator with an amazing ability to reach solutions to difficult and controversial issues. He is an honest and forthright man of integrity. Had he and the President been able to negotiate in good faith last fall and winter during the heated budget debate, I have no doubt they could have reached a solution which would have been good for our country and our future. Unfortunately, the House leadership would not agree to such an effort.

Despite his legislative prowess, his major strengths lie in the force of his personality and his style. His power comes from his knowledge, from hard work, from his humor and from his strong friendships on both sides of the aisle, and from his rare moral authority. He does his own work and does not delegate much.

He comes from a humble background, the son of a cream and egg station operator in Russell, KS. After serving in the Army during World War II, where he suffered grave and lasting wounds, he spent 8 years as a county attorney dealing with people from all stations in life. He dealt with bankers and country club members, but also with garage mechanics and feed store clerks. He has exhibited a comprehensive understanding of America as a leader for the interests of the average and disadvantaged Americans.

As Senator BOB DOLE—a true giant in the history of the Senate—leaves this body, he holds so dear, to pursue the Nation's highest office, I join my colleagues in saluting him.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

OFFICE OF PIPELINE SAFETY REAUTHORIZATION

Mr. LOTT. Mr. President, I rise today to comment on a recent action by the Senate's Committee on Commerce, Science, and Technology. In a completely bipartisan manner, the reauthorization for the Office of Pipeline Safety (S. 1505) was approved with a substitute amendment offered by Senator PRESSLER. The compromise amendment language was crafted through the leadership of Senators PRESSLER and EXON. It was also cosponsored by Senators STEVENS, HUTCHISON, INOUYE, FORD, BURNS, and BREAUX. It is now ready for consideration by the full Senate.

The negotiations involved many, and included various offices within the Department of Transportation. The major trade organizations ranging from the American Gas Association, the Interstate Natural Gas Association of America, the American Petroleum Institute, the American Public Gas Association, to the Association of Oil Pipe Lines participated as well. Valuable Assistance was also received from the dedicated staff of the Congressional Research Service. Input was also received from state and environmental groups like the National Association of Pipeline Safety Representatives, the Natural Resource Defense Council, and the Environmental Defense Fund. The negotiations were both challenging and productive. I want to compliment the staff from the Department of Transportation for their constructive and collaborative participation.

The major stakeholders are all in agreement—the substitute amendment is sound public policy. And this week the Commerce Committee also spoke when it unanimously approved the substitute. Senator PRESSLER has produced a real consensus which respects the interests and concerns of all the stakeholders and furthers the safety of America's interstate natural gas lines.

The natural gas industry is important to America and I want to share with my colleagues just a few statistics to explain why the full Senate needs to act on this legislation; First, 160 million Americans live in gas heated buildings; second, $10 billion is spent annually by America's gas industry for construction that uses enough pipe to almost circle the globe; third, America's natural gas system consists of over 1.2 million miles of pipe or enough to circle the earth 48 times; and fourth, there are over 600,000 Americans working in all aspects of this industry. The numbers speak for themselves—the natural gas industry is big business. It impacts many, and it has a huge presence in America.

I want to be clear; this legislation will codify a limited and targeted risk assessment, cost-benefit regulatory approach. It is consistent with both the Administration's principles and the goals of Congress. The bill's approach is a practical and responsible arrangement and is fully supported by the Office of Pipeline Safety. This legislation will also permit demonstration projects where flexibility from the one-size-fits-all mentality is permitted in a way which mandates that safety and environmental concerns must equal or exceed existing standards. It opens avenues for creativity, but demands strict accountability. This legislation will fund the Office of Pipeline Safety into the next century.

In response to past criticism, I also want to be clear; this bill does not alter the basic statutory structure for the Federal Government's oversight of the interstate industry. The new steps in the regulatory process will cause neither undue delay nor excessive costs. In fact, they are designed to provide better tools and management indicators for informed rulemaking in the future. This front end analysis will make government oversight more effective and efficient. Also the Secretary of Transportation has specific authority to ensure that the demonstration projects maintain existing safety standards. And finally, the new funding levels reflect the amounts stated by administration officials during the Commerce Committee's hearing.

This bill recognizes that new approaches to pipeline safety are possible without jeopardizing either the public's safety or the environment. It allows sound and the most up-to-date science, as well as common sense and flexibility when standards are established. More importantly, the process codified in this bill will be accomplished by building cooperative consensus through real consultation with all affected parties to avoid lengthy wasteful litigation.

The bottom line displayed by the modified bill, through the good work of Senators PRESSLER, EXON, HUTCHISON, and BREAUX, is that government and industry can produce a genuine natural gas partnership that is good for all Americans. I eagerly look forward to seeing this bipartisan consensus bill considered by the full Senate as soon as possible.

Let me conclude by saying safety on America's interstate natural gas pipelines will be enhanced by this legislation. I also want to underscore that environmental protection along America's pipeline right-of-ways will also be enhanced.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business Thursday, June 6, 1996, the Federal debt stood at $5,139,284,273,926.72.

On a per capita basis, every man, woman, and child in America owes $19,392.31 as his or her share of that debt.

MESSAGES FROM THE HOUSE

At 10:55 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3562. An act to authorize the State of Wisconsin to implement the demonstration project known as "Wisconsin Works."

The message announced that pursuant to the provisions of section 389(d)(2) of Public Law 104-127, the Speaker appoints the following as members from private life on the part of the House to the Water Rights Task Force: Mr. Robert S. Lynch of Phoenix, AZ, and Mr. Bennett W. Raley of Denver, CO.

MEASURE REFERRED

The following bill, previously received from the House of Representatives for the concurrence of the Senate, was read the first and second times by unanimous consent and referred as indicated:

H.R. 2160. An act to authorize appropriations to carry out the Interjurisdictional Fisheries Act of 1986 and the Anadromous Fish Conservation Act; to the Committee on Commerce, Science, and Transportation.

MEASURES PLACED ON THE CALENDAR

The following measure, previously received from the House of Representatives for the concurrence of the Senate, was read the first and second times by unanimous consent and placed on the calendar:

H.R. 3235. An act to amend the Ethics in Government Act of 1978, to extend the authorization of appropriations for the Office of Government Ethics for three years, and for other purposes.

MEASURE READ THE FIRST TIME

The following bill was read the first time:

H.R. 3120. An act to amend title 18, United States Code, with respect to witness retaliation, witness tampering, and jury tampering.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-574. A joint resolution adopted by the Legislature of the Fourth Olbiil Era Kelulau; ordered to lie on the table.

"H.J. RES. NO. 4-112-14

"Whereas, the late U.S. Commerce Secretary Ronald H. Brown was born in Washington, D.C. on August 1, 1941; and

"Whereas, the late Commerce Secretary Brown was married to Alma Arrington and had two children, Tracey and Michael; and

"Whereas, in 1962, the late Commerce Secretary Brown received a Bachelor of Arts degree from Middlebury College in Vermont; and

"Whereas, from 1963 to 1967, the late Commerce Secretary Brown served in the U.S. Army as a Captain; and

"Whereas, in 1970, the late Commerce Secretary Brown received a Juris Doctor degree from St. John's University School of Law in New York; and

"Whereas, in 1972, the late Commerce Secretary Brown taught Community and Poverty law as a visiting professor at the State University of New York; and

"Whereas, from 1976 to 1979, the late Commerce Secretary Brown worked as the legislative chairman of the Leadership Conference on Civil Rights; and

"Whereas, in 1980, the late Commerce Secretary Brown became the chief counsel to the U.S. Senate Committee on the Judiciary; and

"Whereas, in 1981, the late Commerce Secretary Brown became a partner in the Washington, D.C. law firm of Patton, Boggs and Blow; and

"Whereas, in 1988, the late Commerce Secretary Brown acted as the senior political advisor to the Dukakis—Bentsen Campaign for President; and

"Whereas, in 1989, the late Commerce Secretary Brown became Chairman of the Executive Committee of the Democratic National Party; and

Whereas, in 1993, after these years of distinguished service to the United States of America, to the Democratic National Party, and to his community, Ronald H. Brown was appointed by United States President Bill Clinton to be Secretary of Commerce; and

Whereas, the late Commerce Secretary Brown achieved the utmost respect as a member of President Clinton's cabinet; and

Whereas, the people of Palau are deeply saddened by the unfortunate and untimely death of the late Commerce Secretary Brown; now therefore, be it

Resolved, That the House of Delegates of the Fourth Olbiil Era Kelulau, Fourteenth Regular Session, April 1996, the Senate concurring, hereby expresses condolences to the family, relatives and colleagues of the late United States Secertary of Commerce Ronald H. Brown for his tragic and untimely death; and be it

Further resolved, That certified copies of this joint resolution be transmitted to Charge d'Affairs Richard Watkins, the President of the Republic of Palau, and the Speaker of the House of Delegates and the President of the Senate of the Fourth Olbiil Era Kelulau.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. MURKOWSKI:

S. 1851. A bill to convey certain Public lands in the State of Alaska to the University of Alaska, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. JOHNSTON:

S. 1852. A bill to bar class action lawsuits against Department of Energy contractors for nonphysical injuries, to bar the award of punitive damages against Department of Energy contractors for incidents occurring before August 20, 1988, and for other purposes; to the Committee on Energy and Natural Resources.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MURKOWSKI:

S. 1851. A bill to convey certain Public Lands in the State of Alaska to the University of Alaska, and for other purposes; to the Committee on Energy and Natural Resources.

THE UNIVERSITY OF ALASKA LAND GRANT ACT

• Mr. MURKOWSKI. Mr. President, today I introduce legislation in support of higher education in the State of Alaska.

Mr. President, the University of Alaska is a land-grant college without the land. In 1915, Congress reserved for Alaska's land-grant institution potentially more than 250,000 acres in the Tanana Valley, proceeds from the sale and development of which—like other land grant institutions—would help finance the operation of the school. Under the terms of the measure, written by Delegate James Wickersham, the college was to receive surveyed and unclaimed Section 33 in an area of about 14,000 square miles between Fairbanks, AK in the north and the foothills of the Alaska Range in the south, this was in addition to the main campus of about 2,250 acres 4 miles from Fairbanks.

However, this large Tanana Valley land grant never materialized. For decades, almost all of the land in the Tanana Valley (like the rest of Alaska) remained unsurveyed and therefore unavailable. As late as the 1950s, only 0.6 percent of Alaska had been properly surveyed under the standard rectangular system, and a territorial report concluded that at the speed Alaska was being surveyed, it could take as long as 43,510 years to complete the job. Due primarily to this incredibly slow pace of Federal land surveys, Alaska's land grant institution received only a fraction of the land Congress reserved for it in 1915; in addition to its 2,250 acre campus, the University of Alaska received less than 9,000 acres out of a reservation created for it totaling approximately 268,000 acres.

To partially remedy the situation, Congress granted an additional 100,000 acres to Alaska's land grant college in 1929, but even with this additional grant, the total was less than half of the original acreage authorized in 1915.

Further efforts to increase the size of Alaska's higher education Federal land grant were made from the 1930s through the 1950s. Several bills were submitted to Congress that would have reserved up to 10 million acres for Alaska's land grant college, but strong opposition, primarily from the Department of the Interior, doomed the effort.

Traditionally, the size of land grants were most often determined by a State's population, not by its area. Nevertheless, some of the last western States were given generous grants despite their sparse populations. For instance, Oklahoma and New Mexico each received about 1 million acres to support higher education. Alaska received less land specifically dedicated for the support of higher education than all but one of the contiguous States. Among the 48 States which had received Federal land or land scrip to establish land grant colleges, mining schools, teachers' colleges, and state universities, only Delaware received fewer acres than Alaska. Thus, after statehood, Alaska in 1959 was in an anomalous position. While the State had received more land and a greater percentage of land from the Federal Government than any other western State, it ranked next to the bottom of the list in the amount of Federal land it had received for higher education.

Over the next 15 years, controversies regarding Alaska land matters continued to boil, as the public domain in Alaska was carved up for the first time. In 1971, Congress passed the Alaska Native Claims Settlement Act, reserving 44 million acres for Alaska Natives and opening the way for the construction of the Trans-Alaska Pipeline. The pipeline marked the start of a national conservation battle in the 1970s over the future of Alaska's lands, which culminated in 1980 with the passage of the Alaska National Interest Lands Conservation Act, a measure which added 104 million acres to the State's conservation systems.

Now, with many of the major Alaska land issues of the 1970s and 1980s settled, supporters of the University of Alaska have encouraged State and Federal officials to reexamine the question of the university's land grant and consider granting the school additional lands in order for it to "achieve parity" with higher educational systems in other States.

The legislation I am introducing today would achieve this. It would grant the University up to 350,000 acres of Federal land. It would do this on a matching basis with the State of Alaska for up to a total of 700,000 acres split equally between the state and Federal Government. In other words if Alaska were to grant the University 200,000 acres of State land, the Federal Government would grant them to 200,000 acres.

I believe this is a fair settlement to this issue. It addresses some of the needs of higher education in my State of Alaska and allows the State and the Federal government to participate in the fix equally.•

By Mr. JOHNSTON:

S. 1852. A bill to bar class action lawsuits against Department of Energy contractors for nonphysical injuries, to bar the award of punitive damages against Department of Energy contractors for incidents occurring before August 20, 1988, and for other purposes; to the Committee on Energy and Natural Resources.

THE DEPARTMENT OF ENERGY CLASS ACTION LAWSUIT ACT

• Mr. JOHNSTON. Mr. President, over the past 6 months, the Subcommittee on Oversight and Investigations of the Committee on Energy and Natural Resources has, under the able direction of Senator THOMAS, conducted an investigation into the management and cost of class action lawsuits against the contractors that operated the Department of Energy's nuclear weapon plants.

Senator THOMAS' investigation uncovered a serious abuse of the legal system that is costing the taxpayers tens of millions of dollars in lawyer's fees each year and could result in hundreds of millions of dollars in judgments or settlements even though there is no evidence and, in most cases, no claim that anyone was physically harmed by the operation of these plants.

The problem results from the peculiar legal circumstances under which these cases are brought. Normally, people suing the government for injury must bring their suits under the Federal Tort Claims Act, which affords the taxpayers certain protections. Courts cannot award punitive damages against the Government. Suits must be grounded on specific claims of wrongdoing, not generalized grievances. The Government cannot be subjected to a jury trial or held liable for actions stemming from discretionary policy decisions made by Congress or Executive Branch officials.

None of the protections of the Federal Tort Claims Act applies in these cases because the suits are not brought against the Government itself, but against its contractors. Yet, under the Price-Anderson Act, the Government indemnifies the contractors against any liability or legal costs arising out of the operation of the Department of Energy's nuclear weapons complex. The contractors defend the suits, without the benefit of the Government's normal protections, but the Government pays all the bills.

In sum, we have divorced the power to defend these suits, which rests with the contractors, from the obligation to pay, which remains with the Government. The Government is the real party in interest in these cases, but it has been stripped of all of the legal protections it has in other cases.

Today, I am introducing legislation to correct this problem. My bill is quite simple. It does three things.

First, it prevents lawyers maintaining class action lawsuits against the nuclear weapons contractors for nonphysical injuries. Individual claims for nonphysical injuring could still be pursued. Class action suits could still be maintained for physical injuries. But class actions could not be maintained for nonphysical injuries.

Second, the bill makes the medical monitoring regime established under Superfund the exclusive source of medical monitoring for these cases. The pending cases ask the courts to set up medical monitoring programs costing tens of millions of dollars for tens of thousands of people near these plants. The bill would require the courts to make use of the existing institution instead of creating multiple and redundant new ones.

Third, it bars punitive damages where the government would have to pay them. The Federal Tort Claims Act does this already for suits against the government itself. We thought we were doing this under the Price-Anderson Act when we amended it in 1988, but the 1988 amendments only applied to incidents occurring on or after August 20, 1988, and the pending cases are based on occurrences prior to that date. This amendment extends the 1988 prohibition to apply to incidents occurring before 1988.

These three reforms are the minimum that is needed to address the current problem. Indeed, some might say they do not go far enough. These reforms strike a fair balance that will ensure that anyone who is in fact injured by the operation of the nation's nuclear weapons complex will be compensated. At the same time, they close the loophole in the current law that has allowed a few lawyers to raid the U.S. Treasury on the flimsiest of claims.

I urge all Senators to join me in supporting this measure and ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1852

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Department of Energy Class Action Lawsuit Act".

SEC. 2. CLASS ACTIONS.

Section 170n. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(n)) is amended by adding after paragraph (3) the following:

"(4)(A) An action may not be maintained as a class action under Rule 23 of the Federal Rules of Civil Procedure against any person indemnified by the United States under section 170d. with respect to any claim for a nonphysical injury that arises from a nuclear incident or precautionary evacuation regardless of when it occurred.

"(B) For purposes of this paragraph, "nonphysical injury" includes—

"(i) emotional distress and any mental or emotional harm (such as fright or anxiety) that is not directly brought about by a physical injury even though it may manifest itself in physical symptoms; and

"(C) For purposes of this paragraph and paragraph (5), the term "person indemnified by the United States under section 170d." means any person indemnified by the United States—

"(i) under section 170d.; or

"(ii) under any other authority that obligates the United States to make payments relating to a nuclear incident or precautionary evacuation that arises from activities conducted under contract with the Department of Energy or any of its predecessor agencies."

SEC. 3. MEDICAL MONITORING.

Section 170n. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(n)) is further amended by adding at the end the following:

"(5)(A) Except in the case of an extraordinary nuclear occurrence, medical monitoring provided by the Agency for Toxic substances and Disease Registry under section 104(i) of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9604(i)) shall be the exclusive remedy for any claim for medical monitoring in a public liability action against a person indemnified by the United States under section 170d. No court may grant a remedy for a claim for medical monitoring in a public liability action except in the case of an extraordinary nuclear occurrence or as provided in section 310(a)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9659(a)(2)).

"(B) For purposes of this paragraph, "medical monitoring" includes any medical screening, testing, or surveillance program intended to detect, study, prevent, or treat bodily injury, sickness, disease, or death that may arise from a nuclear incident or precautionary evacuation.".

SEC. 4. PUNITIVE DAMAGES.

Section 170s. Of the Atomic Energy Act of 1954 (42 U.S.C. 2210(s)) is amended to read as follows:

"(s.) LIMITATION ON PUNITIVE DAMAGES.—No court may award punitive damages in any action with respect to a nuclear incident or precautionary evacuation against a person on behalf of whom the United States is obligated to make payments under any agreement of indemnification covering the incident or evacuation, regardless of—

"(A) when the incident or evacuation occurred; or

"(B) whether the agreement of indemnification was entered into under this Act or under any other authority.".

SEC. 5. ACTIONS COVERED.

The provisions of this Act shall apply to any public liability action (as defined in section 11hh. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(hh)) that is pending on the date of the enactment of this Act or commenced on or after such date.•

ADDITIONAL COSPONSORS

S. 684

At the request of Mr. HATFIELD, the name of the Senator from New Hampshire [Mr. SMITH] was added as a cosponsor of S. 684, a bill to amend the Public Health Service Act to provide for programs of research regarding Parkinson's disease, and for other purposes.

S. 949

At the request of Mr. GRAHAM, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 949, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 200th anniversary of the death of George Washington.

S. 1437

At the request of Mr. THURMOND, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 1437, A bill to provide for an increase in funding for the conduct and support of diabetes-related research by the National Institutes of Health.

S. 1452

At the request of Mr. GRAMS, the name of the Senator from Arizona [Mr. KYL] was added as a cosponsor of S. 1452, a bill to establish procedures to provide for a taxpayer protection lockbox and related downward adjustment of discretionary spending limits and to provide for additional deficit reduction with funds resulting from the stimulative effect of revenue reductions.

S. 1477

At the request of Mrs. KASSEBAUM, the name of the Senator from Oklahoma [Mr. INHOFE] was added as a cosponsor of S. 1477, a bill to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the regulation of food, drugs, devices, and biological products, and for other purposes.

S. 1632

At the request of Mr. LAUTENBERG, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 1632, a bill to prohibit persons convicted of a crime involving domestic violence from owning or possessing firearms, and for other purposes.

S. 1641

At the request of Mr. GRAMS, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of S. 1641, a bill to repeal the consent of Congress to the Northeast Interstate Dairy Compact, and for other purposes.

S. 1755

At the request of Mr. DOMENICI, the name of the Senator from Missouri [Mr. BOND] was added as a cosponsor of S. 1755, a bill to amend the Federal Agriculture Improvement and Reform Act of 1996 to provide that assistance shall be available under the noninsured crop assistance program for native pasture for livestock, and for other purposes.

ADDITIONAL STATEMENTS

RECOGNITION OF NORTHERN TELECOM FOR RECEIVING THE CORPORATE CITIZENSHIP AWARD

• Mrs. HUTCHISON. Mr. President, I rise today to recognize and congratulate a distinguished corporate citizen of my home State of Texas. As you may know, Northern Telecom [Nortel], a telecommunications equipment manufacturer based in Richardson, TX, recently received the first annual Corporate Citizenship Award from the Committee on Economic Development [CED].

The CED is an independent, nonpartisan educational research organization of 250 top business, leaders, economists, and university presidents. CED represents no single industry or special interest group, nor does it lobby. For more than 50 years, CED's recommendations have played a major, often decisive, role in critical policy areas such as American competitiveness, government and business management, energy security, education, and job creation. The CED's Corporate Citizenship Award was created to salute those companies that have demonstrated both an active involvement in the policy dialog and a carefully considered commitment to the communities in which they operate and society at large.

Nortel received the award in recognition of the principles of corporate and civic responsibility that have guided the company throughout its 100-year history. The award cited Nortel's investment in research and development, the training and education of its workers, the quality of its management, as well as the company's strong and ongoing commitment to education, the preservation of the arts and culture, and community service.

With over 5,000 employees, Nortel is a global telecommunications leader. It is with much pride, Mr. President, that I urge my colleagues to join me today in congratulating the Nortel family on this much-deserved distinction.•

1997 BUDGET RESOLUTION VOTES

• Mr. KERREY. Mr. President, I would like to take this opportunity to thank my colleagues for their support of the Kerry-Simpson-Nunn-Brown-Robb long-term entitlements amendment. My colleagues and I were a mere 14 votes away from passing legislation to begin the process of changing our entitlement laws. The support for this type of long-term reform is unprecedented, due in no small measure to our persistence on this matter.

I am particularly gratified because the reforms we advocated did not simply tinker around the edges of our budgetary dilemmas. Our adjustment to the Consumer Price Index would have saved the country $126 billion over 7 years; the phasing in of the Medicare eligibility age to 70 would eventually, by 2030, in 1 year alone save $41.1 billion in 1996 dollars; and our provision would have given more than 120 million working Americans the chance to start accumulating their own wealth through personal investment plans.

Mr. President, the fiscal imbalance of entitlements versus discretionary spending threatens our implicit intergenerational compact to leave a prosperous and growing economy to the next generation of Americans. The great demographic shift that will occur over the next 20 or 30 years—when the baby boom generation reaches retirement age—will largely shape our Nation's future. Accordingly, these changes must be met with new assumptions, different rules, and a fresh perspective.

That is what my colleagues and I offered. With growing support from both sides of the aisle and increased public awareness, perhaps soon we will get the votes we need to pass long-term entitlement reform. So, I am encouraged.

Accordingly, I would also like to briefly comment on other amendments offered to the budget resolution which I chose to vote against.

Several amendments were offered to the Republican budget resolution to restore funding to education, Medicaid, and the environment. While I agreed that the spending cuts to these programs in the budget resolution, particularly education, were severe and counterproductive—I could not vote for the add back amendments as they were written. In order to balance the budget and according to budget rules, amendments which add money back to programs in the budget resolution must be offset by cuts in other areas of Government spending. Each of the add back amendments I voted against used unspecified cuts to corporate welfare to pay for them. I realize that this might look like a good idea to the average citizen—cuts to corporations to fund education—but it's not always that simple.

"Corporate welfare" can be a very loosely defined and overused term. The reality is that most of us support—and more importantly benefit from—something that someone could call corporate welfare. The home mortgage deduction is a prime example. Some people would say it qualifies as corporate welfare for the real estate industry. However, if Congress ended the program today, we would hear the furious cry of the people claiming that we had increased their taxes. The self-employed health insurance deduction is another example. So is the research and development tax credit—and the list goes on. These obviously were not the programs my colleagues had in mind. But I felt I needed a better sense of what they did have in mind before I joined them in support of these amendments.

Please do not misunderstand, I believe there are many places where Government can cut back on spending—including unfair tax breaks for corporations. But we cannot use cuts to corporate welfare as a panacea to cure all our budget ills. I believe we must examine each program for its merits before deciding to eliminate it. Had the add-back amendments in the budget resolution been more specific on which items were to be used as offsets, my votes may have been cast quite differently.

Moreover, as I mentioned earlier, the most responsible way to solve our budget problems is not to tinker on the edges, cutting slices from corporate welfare or discretionary spending. We must address the unsustainable growth of entitlement spending if we want to bring our budget into long-term balance. The support for our long-term entitlement amendment was an important first step to getting us there.•

SMALL BUSINESS WEEK

• Mr. GORTON. Mr. President, this week is Small Business Week, during which we honor and express our appreciation for the men and women who, by dint of hard work and risktaking, help keep the American economy going strong and create jobs for millions of their fellow citizens.

The life of a small business owner is not easy: Long hours, uncertain finances, competition, the very real chance of failure. Add to these burdens Federal taxes and regulations, and you have a rough road indeed. Many small business people will tell you that the Federal tax and regulatory burden is an obstacle to growth, and that the Federal Government's excessive interference poses a threat not only to their growth, but in some cases to their very survival. It's time the Government got off the backs of small businesses, and stopped throwing obstacles in the way of their success.

Because small businesses are so vital to our economy, and because so many American workers benefit from employment in small businesses, Congress is working to relieve some of the tax and regulatory burdens on small business owners so that they may be free to grow, create jobs, and contribute even more to the economy.

We've done quite a bit, passing—and making law—15 bills that included measures endorsed by last year's White House Conference on Small Business. Unfortunately, eight bills that contained important small business relief have been vetoed by President Clinton.

Yes, that's right—eight bills that included recommendations from the White House Conference on Small Business were vetoed by the current occupant of the White House, President Clinton. Those eight measures, which would have been of tremendous help to small business men and women were: An estate tax reduction, health care reform, pension reform, legal reform, a health deduction for the self-employed, an expensing provision, broad-based capital gains reform, and small business investment via capital gains reform. Last year, at the conference, the President expressed strong support for these measures and led us to believe that he wanted to relieve some of the burdens on our Nation's entrepreneurs.

Well, as we know from past experience, you can't always rely on what the President says he's going to do. I certainly hope this Small Business Week will jog his memory as to the promises he made last year, and that he will work with Congress as we continue in our efforts to ease the burdens on small businesses.•

CONGRATULATING WEST PHILADELPHIA CATHOLIC HIGH SCHOOL

• Mr. SANTORUM. Mr. President, today I call attention to a very special honor bestowed upon the West Philadelphia Catholic High School of Philadelphia, PA. West Philadelphia Catholic High School is among 266 secondary schools to be selected as a Blue Ribbon School of Excellence. The U.S. Department of Education's Blue Ribbon School of Excellence Program nationally recognizes public and private schools that are effective in meeting local, State, and national goals and in educating their students.

Mr. President, I would like to congratulate West Philadelphia Catholic High School on this distinguished achievement. I am also proud to say that the West Philadelphia Catholic High School is a two-time winner of this prestigious honor and is the only Archdiocesan school to have received this award. As the U.S. Department of Education notes, these Blue Ribbon Schools are not only centers of educational excellence in their communities, but are often visited by educators from across the country who study their success.

The West Philadelphia Catholic High School is a Blue Ribbon Award winner because of the hard work of its students, the continued support of parents and graduates, and the dedication of its faculty and administration. This hard work and dedication to excellence can also be seen in the high number of graduating students who pursue higher education.

Again Mr. President, the Blue Ribbon Award is an honor to the students, faculty, and administration of the West Philadelphia Catholic High School as well as the city of Philadelphia. At this time I would like to extend my best wishes to West Philadelphia Catholic High School and congratulate this academic community on a job well done.•

BICENTENNIAL CELEBRATION OF MONTAUK POINT LIGHTHOUSE

• Mr. MOYNIHAN. Mr. President, on the seventh day of June, 1796, the founding block of sandstone was placed at the base of the Montauk Point Lighthouse on the eastern tip of Long Island. Two hundred years of Atlantic breakers have worn away more than half of the land that once separated the great black and white striped tower from the ocean; however, this steady beacon continues to welcome seafarers from near and far and guides them around the point, safely to shore.

On April 12, 1792, President George Washington signed into law the congressional authorization for the construction of the Montauk Point Lighthouse. On March 2, 1793, a sum of $20,000 was appropriated for the project. Unbiased in its service to the vessels of the sea, the lighthouse was the first to be constructed in New York State at full Federal expense, and it remains a shining beacon of the best of what we can do as a nation.

From the top of the lighthouse tower, one can see Long Island, Connecticut, Rhode Island and Block Island. This range of sight proved beneficial during World War II, when spotters from the tower would coordinate the 16″ cannons located in the battery at Fort Hero—500 meters to the west. Throughout the war, the lighthouse was operated by the Army Signal Corps and established itself as a crucial part of the eastern coastal defensive shield.

Though its construction was significantly altered only once, the lighthouse has changed with the times. Originally it burned whale oil, housed a lightkeeper, and could be seen from but a few miles from its source. Today the lighthouse runs on an automated system, and can be seen at a distance of 19 nautical miles. In addition, it forms part of a satelite-based global positioning system.

This year the Montauk Point Lighthouse Museum will welcome its 1 millionth visitor by land. On behalf of those who pass both by land and by sea, I would like to thank the Montauk Historical Society and the Coast Guard for their dutiful service to the light, and I am delighted to celebrate the Bicentennial of the Montauk Lighthouse.•

MEASURE READ THE FIRST TIME—H.R. 3120

Mr. LOTT. Mr. President, I inquire of the Chair if H.R. 3120 has arrived from the House of Representatives?

The PRESIDING OFFICER. Yes, it has.

Mr. LOTT. Mr. President, I ask for its first reading.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3120) to amend title 18, United States Code, with respect to witness retaliation, witness tampering and jury tampering.

Mr. LOTT. Mr. President, I now ask for its second reading, and I object on behalf of the Democratic leadership. I understand they have some concerns with it.

The PRESIDING OFFICER. The objection is heard.

Mr. LOTT. Will the bill remain at the desk to be read a second time following the next adjournment of the Senate?

The PRESIDING OFFICER. The Senator is correct.

HEALTH INSURANCE REFORM

Mr. LOTT. Before I go to the closing script, I want to comment briefly on what I understand is happening with the health insurance reform package. I understand that discussions are continuing. I have the impression that very good progress is being made. I am hopeful, as I know the distinguished majority leader is, that agreement can be reached and that this legislation can be taken up early next week.

Yet I was amused to hear the Senator from Massachusetts, Senator KENNEDY, a few moments ago, complaining loudly, vociferously about how not enough was being done. Actually, what he is complaining about is the way it is being done to come to an agreement. It was amusing to me because he was complaining about how there were meetings going on and they were not being informed or kept advised, yet he immediately started talking about exactly what is being discussed. He knows every detail. I know he is involved and staff is involved.

Senator KASSEBAUM, the Senator from Kansas, who coauthored this legislation with the Senator from Massachusetts, is keeping him informed. Really, he protests too much. He says they are not involved, yet he knows every detail immediately. When we get close to an agreement he does not like, he runs to the floor and says, "My goodness." Then he continues to complain that members of the minority are not involved in discussions. Yet every time we have tried to get conferees appointed, the Democrats have objected. I tried it yesterday. That way Senator KENNEDY, Senator PELL, Senator MOYNIHAN, Senator BIDEN or others would be involved, sitting down in a room discussing the solution. The reason they are not directly, formally involved is because Senator KENNEDY and other Democrats have objected to the appointment of conferees.

We are never going to bring this to a conclusion if we cannot get over the hurdle of at least appointing conferees. What they really want is an agreement first. Once we get it all worked out, they will have conferees. I think that is a little bit of a perversion of how the system usually has worked and how it should work.

What Senator KENNEDY is complaining about with regard to the distinguished majority leader is that the majority leader may have a little different view of some of the comments. So the inference is if Senator DOLE does not agree to what Senator KENNEDY wants, then it is hopeless. That is not the way it works. A lot of progress has been made. A lot of concessions have been made by the House to the Senate and some from the Senate to the House. The big objection is medical savings accounts. There are solutions there. There are compromises that are within reach.

It is a question of choice. Will our people, some day—some day—have a chance to decide if maybe they want to put their money in medical IRA's? Senator KENNEDY wants to block that. Even the President has indicated along the way over the last year that he would be willing to go with some form of agreement on medical savings accounts. Maybe not what they are talking about now, but on a pilot basis, some form. This is an idea we ought to try. I hope the conferees or the people who are talking about it, since they will not let us appoint conferees, are getting close to an agreement. I believe they are. It is encouraging. I look forward to our having a chance to take that up next week.

ORDERS FOR MONDAY, JUNE 10, 1996

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 12 noon on Monday June 10; further, that immediately following the prayer, the Journal of proceedings be deemed approved to date, no resolutions come over under the rule, the call of the calendar be dispensed with, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day.

I further ask that there then be a period for the transaction of morning business with Senators to speak for up to 5 minutes, with Senators to be recognized as follows: Senator HOLLINGS for up to 30 minutes, Senator DOMENICI to be in control of time from 1 o'clock to 3:30, Senator DASCHLE or his designee in control of time from 3:30 until 4:30, Senator COVERDELL or his designee in control of time from 4:30 to 5:30.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. LOTT. For the information of all Senators, on Monday it is expected that during morning business the Senate will debate the budget resolution conference report. It is hoped that any Senator who desires to speak in regard to the budget conference report will do so during Monday's session of the Senate. This would enable the Senate to yield back some of the statutory time limitation on Tuesday and allow for a vote on the conference report during Tuesday's session of the Senate. This is a measured step in the right direction. I am glad that conference report has been agreed to and we can take it up early next week. Rollcall votes are possible during Monday's session of the Senate, and the Senate may be asked to turn to any legislative items that can be cleared.

I am sure in the opening session and opening script on Monday we will have additional information about the schedule during the day of Tuesday and Wednesday. I think we are pretty close to getting an understanding of what that might be. I know the majority leader will make that available to the Members early next week.

ADJOURNMENT UNTIL 12 NOON MONDAY, JUNE 10, 1996

Mr. LOTT. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 1:57 p.m., adjourned until Monday, June 10, 1996, at 12 noon.

HOUSE OF REPRESENTATIVES—*Friday, June 7, 1996*

The House met at 10 a.m. and was called to order by the Speaker pro tempore [Ms. GREENE of Utah].

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 7, 1996.

I hereby designate the Honorable ENID GREENE to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Remind each person, O gracious God, of the blessedness of giving rather than receiving, of the exhilaration of service to others and the fulfillment that comes with contributions to noble causes, of the joy that comes when there is hope for the day and peace at the end. As there is no other gift that so truly makes us human, we acknowledge you, O God, with the gifts of thankfulness and gratitude. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from California [Mr. HERGER] come forward and lead the House in the Pledge of Allegiance.

Mr. HERGER led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

CONFERENCE REPORT ON HOUSE CONCURRENT RESOLUTION 178, CONCURRENT RESOLUTION ON THE BUDGET, FISCAL YEAR 1997

Mr. HERGER submitted the following conference report and statement on the concurrent resolution (H. Con. Res. 178) establishing the congressional budget for the United States Government for fiscal year 1997 and setting forth appropriate budgetary levels for fiscal years 1998, 1999, 2000, 2001, and 2002:

CONFERENCE REPORT (H. CON. RES. 178)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the concurrent resolution (H. Con. Res. 178) establishing the congressional budget for the United States Government for fiscal year 1997 and setting forth appropriate budgetary levels for fiscal years 1998, 1999, 2000, 2001, and 2002, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 1997.

The Congress determines and declares that the concurrent resolution on the budget for fiscal year 1997 is hereby established and that the appropriate budgetary levels for fiscal years 1998 through 2002 are hereby set forth.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this concurrent resolution is as follows:

Sec. 1. Concurrent resolution on the budget for fiscal year 1997.
Sec. 2. Table of contents.

TITLE I—LEVELS AND AMOUNTS

Sec. 101. Recommended levels and amounts.
Sec. 102. Debt increase.
Sec. 103. Social security.
Sec. 104. Major functional categories.

TITLE II—RECONCILIATION DIRECTIONS

Sec. 201. Reconciliation in the House of Representatives.
Sec. 202. Reconciliation in the Senate.

TITLE III—BUDGET ENFORCEMENT

Sec. 301. Discretionary spending limits.
Sec. 302. Budgetary treatment of the sale of Government assets.
Sec. 303. Budgetary treatment of direct student loans.
Sec. 304. Superfund reserve fund.
Sec. 305. Tax reserve fund in the Senate.
Sec. 306. Exercise of rulemaking powers.
Sec. 307. Government shutdown prevention allowance.

TITLE IV—SENSE OF CONGRESS, HOUSE, AND SENATE PROVISIONS

Sec. 401. Sense of Congress on baselines.
Sec. 402. Sense of Congress on loan sales.
Sec. 403. Sense of Congress on changes in medicaid.
Sec. 404. Sense of Congress on impact of legislation on children.
Sec. 405. Sense of Congress on debt repayment.
Sec. 406. Sense of Congress on commitment to a balanced budget by fiscal year 2002.
Sec. 407. Sense of Congress that tax reductions should benefit working families.
Sec. 408. Sense of Congress on a bipartisan commission on the solvency of medicare.
Sec. 409. Sense of Congress on medicare transfers.
Sec. 410. Sense of Congress regarding changes in the medicare program.
Sec. 411. Sense of Congress regarding revenue assumptions.
Sec. 412. Sense of Congress regarding domestic violence.
Sec. 413. Sense of Congress regarding student loans.
Sec. 414. Sense of Congress regarding additional charges under the medicare program.
Sec. 415. Sense of Congress regarding requirements that welfare recipients be drug-free.
Sec. 416. Sense of Congress on an accurate index for inflation.
Sec. 417. Sense of Congress that the 1993 income tax increase on social security benefits should be repealed.
Sec. 418. Sense of Congress regarding the Administration's practice regarding the prosecution of drug smugglers.
Sec. 419. Sense of Congress on corporate subsidies.
Sec. 420. Sense of Congress regarding welfare reform.
Sec. 421. Sense of Congress on FCC spectrum auctions.
Sec. 422. Sense of the House on emergencies.
Sec. 423. Sense of the Senate on funding to assist youth at risk.
Sec. 424. Sense of the Senate on long-term trends in budget estimates.
Sec. 425. Sense of the Senate on repeal of the gas tax.
Sec. 426. Sense of the Senate regarding the use of budgetary savings.
Sec. 427. Sense of the Senate regarding the transfer of excess Government computers to public schools.
Sec. 428. Sense of the Senate on Federal retreats.
Sec. 429. Sense of the Senate regarding the essential air service program of the Department of Transportation.
Sec. 430. Sense of the Senate regarding equal retirement savings for homemakers.
Sec. 431. Sense of the Senate on the National Institutes of Health funding for anti-addiction drugs.
Sec. 432. Sense of the Senate regarding the extension of the employer education assistance exclusion under section 127 of the Internal Revenue Code of 1986.
Sec. 433. Sense of the Senate regarding the Economic Development Administration placing high priority on maintaining field-based economic development representatives.
Sec. 434. Sense of the Senate on LIHEAP.
Sec. 435. Sense of the Senate on Davis-Bacon.
Sec. 436. Sense of the Senate on reimbursement of the United States for operations Southern Watch and Provide Comfort.
Sec. 437. Sense of the Senate on solvency of the Medicare Trust Fund.
Sec. 438. Sense of the Senate on the Presidential Election Campaign Fund.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Sec. 439. Sense of the Senate regarding the funding of Amtrak.

TITLE I—LEVELS AND AMOUNTS

SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for the fiscal years 1997, 1998, 1999, 2000, 2001, and 2002:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 1997: $1,083,728,000,000.

Fiscal year 1998: $1,130,269,000,000.

Fiscal year 1999: $1,177,467,000,000.

Fiscal year 2000: $1,231,178,000,000.

Fiscal year 2001: $1,290,661,000,000.

Fiscal year 2002: $1,359,046,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 1997: −$16,627,000,000.

Fiscal year 1998: −$18,280,000,000.

Fiscal year 1999: −$20,890,000,000.

Fiscal year 2000: −$20,620,000,000.

Fiscal year 2001: −$20,436,000,000.

Fiscal year 2002: −$14,849,000,000.

(C) The amounts for Federal Insurance Contributions Act revenues for hospital insurance within the recommended levels of Federal revenues are as follows:

Fiscal year 1997: $108,053,000,000.

Fiscal year 1998: $113,226,000,000.

Fiscal year 1999: $119,361,000,000.

Fiscal year 2000: $125,737,000,000.

Fiscal year 2001: $131,641,000,000.

Fiscal year 2002: $138,131,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 1997: $1,314,760,000,000.

Fiscal year 1998: $1,362,075,000,000.

Fiscal year 1999: $1,392,403,000,000.

Fiscal year 2000: $1,433,371,000,000.

Fiscal year 2001: $1,453,873,000,000.

Fiscal year 2002: $1,496,063,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 1997: $1,311,011,000,000.

Fiscal year 1998: $1,354,668,000,000.

Fiscal year 1999: $1,383,872,000,000.

Fiscal year 2000: $1,416,493,000,000.

Fiscal year 2001: $1,432,423,000,000.

Fiscal year 2002: $1,462,900,000,000.

(4) DEFICITS.—For purposes of the enforcement of this resolution, the amounts of the deficits are as follows:

Fiscal year 1997: $227,283,000,000.

Fiscal year 1998: $224,399,000,000.

Fiscal year 1999: $206,405,000,000.

Fiscal year 2000: $185,315,000,000.

Fiscal year 2001: $141,762,000,000.

Fiscal year 2002: $103,854,000,000.

(5) PUBLIC DEBT.—The appropriate levels of the public debt are as follows:

Fiscal year 1997: $5,435,700,000,000.

Fiscal year 1998: $5,702,200,000,000.

Fiscal year 1999: $5,945,300,000,000.

Fiscal year 2000: $6,165,000,000,000.

Fiscal year 2001: $6,338,400,000,000.

Fiscal year 2002: $6,468,400,000,000.

(6) DIRECT LOAN OBLIGATIONS.—The appropriate levels of total new direct loan obligations are as follows:

Fiscal year 1997: $41,353,000,000.

Fiscal year 1998: $36,358,000,000.

Fiscal year 1999: $36,455,000,000.

Fiscal year 2000: $36,535,000,000.

Fiscal year 2001: $36,600,000,000.

Fiscal year 2002: $36,624,000,000.

(7) PRIMARY LOAN GUARANTEE COMMITMENTS.—The appropriate levels of new primary loan guarantee commitments are as follows:

Fiscal year 1997: $267,284,000,000.

Fiscal year 1998: $269,467,000,000.

Fiscal year 1999: $268,601,000,000.

Fiscal year 2000: $268,489,000,000.

Fiscal year 2001: $270,244,000,000.

Fiscal year 2002: $270,948,000,000.

SEC. 102. DEBT INCREASE.

The amounts of the increase in the public debt subject to limitation are as follows:

Fiscal year 1997: $279,500,000,000.

Fiscal year 1998: $266,500,000,000.

Fiscal year 1999: $243,100,000,000.

Fiscal year 2000: $219,700,000,000.

Fiscal year 2001: $173,400,000,000.

Fiscal year 2002: $130,000,000,000.

SEC. 103. SOCIAL SECURITY.

(a) SOCIAL SECURITY REVENUES.—For purposes of Senate enforcement under sections 302, 602, and 311 of the Congressional Budget Act of 1974, the amounts of revenues of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 1997: $385,010,000,000.

Fiscal year 1998: $402,282,000,000.

Fiscal year 1999: $423,420,000,000.

Fiscal year 2000: $445,102,000,000.

Fiscal year 2001: $465,155,000,000.

Fiscal year 2002: $487,344,000,000.

(b) SOCIAL SECURITY OUTLAYS.—For purposes of Senate enforcement under sections 302, 602, and 311 of the Congressional Budget Act of 1974, the amounts of outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 1997: $357,596,000,000.

Fiscal year 1998: $374,931,000,000.

Fiscal year 1999: $393,137,000,000.

Fiscal year 2000: $412,438,000,000.

Fiscal year 2001: $433,311,000,000.

Fiscal year 2002: $455,165,000,000.

SEC. 104. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority, budget outlays, new direct loan obligations, and new primary loan guarantee commitments for fiscal years 1997 through 2002 for each major functional category are:

(1) National Defense (050):

Fiscal year 1997:

(A) New budget authority, $265,583,000,000.

(B) Outlays, $264,146,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $800,000,000.

Fiscal year 1998:

(A) New budget authority, $268,198,000,000.

(B) Outlays, $263,018,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $200,000,000.

Fiscal year 1999:

(A) New budget authority, $270,797,000,000.

(B) Outlays, $266,289,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $192,000,000.

Fiscal year 2000:

(A) New budget authority, $273,337,000,000.

(B) Outlays, $269,961,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $187,000,000.

Fiscal year 2001:

(A) New budget authority, $275,961,000,000.

(B) Outlays, $269,025,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $185,000,000.

Fiscal year 2002:

(A) New budget authority, $278,821,000,000.

(B) Outlays, $268,962,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $183,000,000.

(2) International Affairs (150):

Fiscal year 1997:

(A) New budget authority, $14,308,000,000.

(B) Outlays, $15,201,000,000.

(C) New direct loan obligations, $4,333,000,000.

(D) New primary loan guarantee commitments, $18,110,000,000.

Fiscal year 1998:

(A) New budget authority, $12,120,000,000.

(B) Outlays, $13,519,000,000.

(C) New direct loan obligations, $4,342,000,000.

(D) New primary loan guarantee commitments, $18,262,000,000.

Fiscal year 1999:

(A) New budget authority, $11,095,000,000.

(B) Outlays, $12,520,000,000.

(C) New direct loan obligations, $4,358,000,000.

(D) New primary loan guarantee commitments, $18,311,000,000.

Fiscal year 2000:

(A) New budget authority, $11,556,000,000.

(B) Outlays, $11,235,000,000.

(C) New direct loan obligations, $4,346,000,000.

(D) New primary loan guarantee commitments, $18,311,000,000.

Fiscal year 2001:

(A) New budget authority, $11,664,000,000.

(B) Outlays, $11,022,000,000.

(C) New direct loan obligations, $4,395,000,000.

(D) New primary loan guarantee commitments, $18,409,000,000.

Fiscal year 2002:

(A) New budget authority, $11,864,000,000.

(B) Outlays, $10,896,000,000.

(C) New direct loan obligations, $4,387,000,000.

(D) New primary loan guarantee commitments, $18,409,000,000.

(3) General Science, Space, and Technology (250):

Fiscal year 1997:

(A) New budget authority, $16,788,000,000.

(B) Outlays, $16,865,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $16,249,000,000.

(B) Outlays, $16,421,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $16,012,000,000.

(B) Outlays, $16,053,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $15,775,000,000.

(B) Outlays, $15,805,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $15,700,000,000.

(B) Outlays, $15,717,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $15,573,000,000.

(B) Outlays, $15,611,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(4) Energy (270):

Fiscal year 1997:

(A) New budget authority, $3,728,000,000.

(B) Outlays, $3,080,000,000.

(C) New direct loan obligations, $1,033,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:
(A) New budget authority, $2,830,000,000.
(B) Outlays, $2,328,000,000.
(C) New direct loan obligations, $1,039,000,000.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1999:
(A) New budget authority, $2,512,000,000.
(B) Outlays, $1,758,000,000.
(C) New direct loan obligations, $1,045,000,000.
(D) New primary loan guarantee commitments, $0.
Fiscal year 2000:
(A) New budget authority, $2,272,000,000.
(B) Outlays, $1,351,000,000.
(C) New direct loan obligations, $1,036,000,000.
(D) New primary loan guarantee commitments, $0.
Fiscal year 2001:
(A) New budget authority, $2,385,000,000.
(B) Outlays, $1,329,000,000.
(C) New direct loan obligations, $1,000,000,000.
(D) New primary loan guarantee commitments, $0.
Fiscal year 2002:
(A) New budget authority, $2,069,000,000.
(B) Outlays, $874,000,000.
(C) New direct loan obligations, $1,031,000,000.
(D) New primary loan guarantee commitments, $0.
(5) Natural Resources and Environment (300):
Fiscal year 1997:
(A) New budget authority, $20,879,000,000.
(B) Outlays, $21,707,000,000.
(C) New direct loan obligations, $37,000,000.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1998:
(A) New budget authority, $18,862,000,000.
(B) Outlays, $19,698,000,000.
(C) New direct loan obligations, $41,000,000.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1999:
(A) New budget authority, $19,787,000,000.
(B) Outlays, $20,515,000,000.
(C) New direct loan obligations, $38,000,000.
(D) New primary loan guarantee commitments, $0.
Fiscal year 2000:
(A) New budget authority, $18,604,000,000.
(B) Outlays, $19,125,000,000.
(C) New direct loan obligations, $38,000,000.
(D) New primary loan guarantee commitments, $0.
Fiscal year 2001:
(A) New budget authority, $19,170,000,000.
(B) Outlays, $19,418,000,000.
(C) New direct loan obligations, $38,000,000.
(D) New primary loan guarantee commitments, $0.
Fiscal year 2002:
(A) New budget authority, $19,098,000,000.
(B) Outlays, $19,169,000,000.
(C) New direct loan obligations, $38,000,000.
(D) New primary loan guarantee commitments, $0.
(6) Agriculture (350):
Fiscal year 1997:
(A) New budget authority, $12,811,000,000.
(B) Outlays, $10,985,000,000.
(C) New direct loan obligations, $7,794,000,000.
(D) New primary loan guarantee commitments, $5,870,000,000.
Fiscal year 1998:
(A) New budget authority, $12,122,000,000.
(B) Outlays, $10,220,000,000.
(C) New direct loan obligations, $9,346,000,000.
(D) New primary loan guarantee commitments, $6,637,000,000.
Fiscal year 1999:
(A) New budget authority, $11,799,000,000.
(B) Outlays, $9,898,000,000.
(C) New direct loan obligations, $10,743,000,000.
(D) New primary loan guarantee commitments, $6,586,000,000.
Fiscal year 2000:
(A) New budget authority, $11,146,000,000.
(B) Outlays, $9,268,000,000.
(C) New direct loan obligations, $10,736,000,000.
(D) New primary loan guarantee commitments, $6,652,000,000.
Fiscal year 2001:
(A) New budget authority, $10,015,000,000.
(B) Outlays, $8,229,000,000.
(C) New direct loan obligations, $10,595,000,000.
(D) New primary loan guarantee commitments, $6,641,000,000.
Fiscal year 2002:
(A) New budget authority, $9,627,000,000.
(B) Outlays, $7,822,000,000.
(C) New direct loan obligations, $10,570,000,000.
(D) New primary loan guarantee commitments, $6,709,000,000.
(7) Commerce and Housing Credit (370):
Fiscal year 1997:
(A) New budget authority, $8,186,000,000.
(B) Outlays, −$2,307,000,000.
(C) New direct loan obligations, $1,856,000,000.
(D) New primary loan guarantee commitments, $197,340,000,000.
Fiscal year 1998:
(A) New budget authority, $9,561,000,000.
(B) Outlays, $5,746,000,000.
(C) New direct loan obligations, $1,787,000,000.
(D) New primary loan guarantee commitments, $196,570,000,000.
Fiscal year 1999:
(A) New budget authority, $10,575,000,000.
(B) Outlays, $6,109,000,000.
(C) New direct loan obligations, $1,763,000,000.
(D) New primary loan guarantee commitments, $196,253,000,000.
Fiscal year 2000:
(A) New budget authority, $12,543,000,000.
(B) Outlays, $7,414,000,000.
(C) New direct loan obligations, $1,759,000,000
(D) New primary loan guarantee commitments, $195,883,000,000.
Fiscal year 2001:
(A) New budget authority, $11,363,000,000.
(B) Outlays, $7,377,000,000.
(C) New direct loan obligations, $1,745,000,000.
(D) New primary loan guarantee commitments, $195,375,000,000.
Fiscal year 2002:
(A) New budget authority, $11,695,000,000.
(B) Outlays, $7,312,000,000.
(C) New direct loan obligations, $1,740,000,000.
(D) New primary loan guarantee commitments, $194,875,000,000.
(8) Transportation (400):
Fiscal year 1997:
(A) New budget authority, $42,635,000,000.
(B) Outlays, $39,311,000,000.
(C) New direct loan obligations, $15,000,000.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1998:
(A) New budget authority, $43,427,000,000.
(B) Outlays, $37,306,000,000.
(C) New direct loan obligations, $15,000,000.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1999:
(A) New budget authority, $43,904,000,000.
(B) Outlays, $35,886,000,000.
(C) New direct loan obligations, $15,000,000.
(D) New primary loan guarantee commitments, $0.
Fiscal year 2000:
(A) New budget authority, $43,798,000,000.
(B) Outlays, $34,678,000,000.
(C) New direct loan obligations, $15,000,000.
(D) New primary loan guarantee commitments, $0.
Fiscal year 2001:
(A) New budget authority, $44,104,000,000.
(B) Outlays, $34,121,000,000.
(C) New direct loan obligations, $15,000,000.
(D) New primary loan guarantee commitments, $0.
Fiscal year 2002:
(A) New budget authority, $44,518,000,000.
(B) Outlays, $33,624,000,000.
(C) New direct loan obligations, $15,000,000.
(D) New primary loan guarantee commitments, $0.
(9) Community and Regional Development (450):
Fiscal year 1997:
(A) New budget authority, $8,218,000,000.
(B) Outlays, $10,321,000,000.
(C) New direct loan obligations, $1,231,000,000.
(D) New primary loan guarantee commitments, $2,133,000,000.
Fiscal year 1998:
(A) New budget authority, $6,651,000,000.
(B) Outlays, $8,982,000,000.
(C) New direct loan obligations, $1,257,000,000.
(D) New primary loan guarantee commitments, $2,133,000,000.
Fiscal year 1999:
(A) New budget authority, $6,611,000,000.
(B) Outlays, $8,111,000,000.
(C) New direct loan obligations, $1,287,000,000.
(D) New primary loan guarantee commitments, $1,171,000,000.
Fiscal year 2000:
(A) New budget authority, $6,656,000,000.
(B) Outlays, $7,267,000,000.
(C) New direct loan obligations, $1,365,000,000.
(D) New primary loan guarantee commitments, $1,171,000,000.
Fiscal year 2001:
(A) New budget authority, $6,466,000,000.
(B) Outlays, $6,819,000,000.
(C) New direct loan obligations, $1,404,000,000.
(D) New primary loan guarantee commitments, $2,202,000,000.
Fiscal year 2002:
(A) New budget authority, $6,367,000,000.
(B) Outlays, $6,334,000,000.
(C) New direct loan obligations, $1,430,000,000.
(D) New primary loan guarantee commitments, $2,202,000,000.
(10) Education, Training, Employment, and Social Services (500):
Fiscal year 1997:
(A) New budget authority, $48,983,000,000.
(B) Outlays, $49,964,000,000.
(C) New direct loan obligations, $16,219,000,000.
(D) New primary loan guarantee commitments, $17,469,000,000.
Fiscal year 1998:
(A) New budget authority, $47,428,000,000.
(B) Outlays, $47,758,000,000.
(C) New direct loan obligations, $16,219,000,000.
(D) New primary loan guarantee commitments, $19,760,000,000.
Fiscal year 1999:
(A) New budget authority, $48,197,000,000.
(B) Outlays, $47,761,000,000.
(C) New direct loan obligations, $16,219,000,000.
(D) New primary loan guarantee commitments, $20,854,000,000.
Fiscal year 2000:
(A) New budget authority, $48,931,000,000.
(B) Outlays, $48,319,000,000.
(C) New direct loan obligations, $16,219,000,000.
(D) New primary loan guarantee commitments, $21,589,000,000.
Fiscal year 2001:
(A) New budget authority, $49,686,000,000.
(B) Outlays, $48,953,000,000.
(C) New direct loan obligations, $16,219,000,000.

(D) New primary loan guarantee commitments, $23,319,000,000.

Fiscal year 2002:

(A) New budget authority, $50,409,000,000.

(B) Outlays, $49,629,000,000.

(C) New direct loan obligations, $16,219,000,000.

(D) New primary loan guarantee commitments, $25,085,000,000.

(11) Health (550):

Fiscal year 1997:

(A) New budget authority, $133,228,000,000.

(B) Outlays, $133,172,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $187,000,000.

Fiscal year 1998:

(A) New budget authority, $140,343,000,000.

(B) Outlays, $140,728,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $94,000,000.

Fiscal year 1999:

(A) New budget authority, $146,103,000,000.

(B) Outlays, $146,246,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $152,405,000,000.

(B) Outlays, $152,317,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $158,848,000,000.

(B) Outlays, $158,509,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $164,380,000,000.

(B) Outlays, $163,912,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(12) Medicare (570):

Fiscal year 1997:

(A) New budget authority, $192,835,000,000.

(B) Outlays, $191,151,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $207,412,000,000.

(B) Outlays, $205,687,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $218,091,000,000.

(B) Outlays, $215,819,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $230,596,000,000.

(B) Outlays, $228,847,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $243,192,000,000.

(B) Outlays, $241,458,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $253,649,000,000.

(B) Outlays, $251,248,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(13) Income Security (600):

Fiscal year 1997:

(A) New budget authority, $230,233,000,000.

(B) Outlays, $239,737,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $241,767,000,000.

(B) Outlays, $244,694,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $246,842,000,000.

(B) Outlays, $253,422,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $265,119,000,000.

(B) Outlays, $265,209,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $264,868,000,000.

(B) Outlays, $268,404,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $283,450,000,000.

(B) Outlays, $280,388,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(14) Social Security (650):

Fiscal year 1997:

(A) New budget authority, $7,813,000,000.

(B) Outlays, $11,001,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $8,476,000,000.

(B) Outlays, $11,213,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $9,219,000,000.

(B) Outlays, $11,922,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $9,979,000,000.

(B) Outlays, $12,662,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $10,775,000,000.

(B) Outlays, $13,458,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $11,607,000,000.

(B) Outlays, $14,290,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(15) Veterans Benefits and Services (700):

Fiscal year 1997:

(A) New budget authority, $38,463,000,000.

(B) Outlays, $39,561,000,000.

(C) New direct loan obligations, $935,000,000.

(D) New primary loan guarantee commitments, $26,362,000,000.

Fiscal year 1998:

(A) New budget authority, $38,552,000,000.

(B) Outlays, $39,313,000,000.

(C) New direct loan obligations, $962,000,000.

(D) New primary loan guarantee commitments, $25,925,000,000.

Fiscal year 1999:

(A) New budget authority, $38,179,000,000.

(B) Outlays, $38,644,000,000.

(C) New direct loan obligations, $987,000,000.

(D) New primary loan guarantee commitments, $25,426,000,000.

Fiscal year 2000:

(A) New budget authority, $38,186,000,000.

(B) Outlays, $39,886,000,000.

(C) New direct loan obligations, $1,021,000,000.

(D) New primary loan guarantee commitments, $24,883,000,000.

Fiscal year 2001:

(A) New budget authority, $38,382,000,000.

(B) Outlays, $37,265,000,000.

(C) New direct loan obligations, $1,189,000,000.

(D) New primary loan guarantee commitments, $24,298,000,000.

Fiscal year 2002:

(A) New budget authority, $39,318,000,000.

(B) Outlays, $39,602,000,000.

(C) New direct loan obligations, $1,194,000,000.

(D) New primary loan guarantee commitments, $23,668,000,000.

(16) Administration of Justice (750):

Fiscal year 1997:

(A) New budget authority, $20,924,000,000.

(B) Outlays, $19,540,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $22,320,000,000.

(B) Outlays, $21,397,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $23,264,000,000.

(B) Outlays, $22,331,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $23,278,000,000.

(B) Outlays, $22,966,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $20,330,000,000.

(B) Outlays, $20,281,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $20,315,000,000.

(B) Outlays, $20,267,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(17) General Government (800):

Fiscal year 1997:

(A) New budget authority, $12,353,000,000.

(B) Outlays, $12,186,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $14,097,000,000.

(B) Outlays, $14,275,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $13,288,000,000.

(B) Outlays, $13,461,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $13,609,000,000.

(B) Outlays, $13,675,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $13,262,000,000.

(B) Outlays, $13,185,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $13,209,000,000.

(B) Outlays, $12,831,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(18) Net Interest (900):

Fiscal year 1997:

(A) New budget authority, $282,591,000,000.

(B) Outlays, $282,591,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $289,121,000,000.

(B) Outlays, $289,121,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $292,939,000,000.

(B) Outlays, $292,939,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $294,426,000,000.

(B) Outlays, $294,426,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $298,531,000,000.

(B) Outlays, $298,531,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $302,932,000,000.

(B) Outlays, $302,932,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(19) Allowances (920):

Fiscal year 1997:

(A) New budget authority, −$465,000,000.

(B) Outlays, −$1,867,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, −$1,921,000,000.

(B) Outlays, −$1,217,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, −$2,084,000,000.

(B) Outlays, −$1,085,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, −$2,340,000,000.

(B) Outlays, −$1,413,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, −$2,552,000,000.

(B) Outlays, −$2,401,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, −$2,898,000,000.

(B) Outlays, −$2,863,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(20) Undistributed Offsetting Receipts (950):

Fiscal year 1997:

(A) New budget authority, −$45,334,000,000.

(B) Outlays, −$45,334,000,000.

(C) New direct loan obligations, $7,900,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, −$35,539,000,000.

(B) Outlays, −$35,539,000,000.

(C) New direct loan obligations, $1,350,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, −$34,727,000,000.

(B) Outlays, −$34,727,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, −$36,505,000,000.

(B) Outlays, −$36,505,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, −$38,277,000,000.

(B) Outlays, −$38,277,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, −$39,940,000,000.

(B) Outlays, −$39,940,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

TITLE II—RECONCILIATION DIRECTIONS

SEC. 201. RECONCILIATION IN THE HOUSE OF REPRESENTATIVES.

(a) SUBMISSIONS.—

(1) WELFARE AND MEDICAID REFORM AND TAX RELIEF.—Not later than June 13, 1996, the House committees named in subsection (b) shall submit their recommendations to provide direct spending and revenues to the Committee on the Budget of the House of Representatives. After receiving those recommendations, the Committee on the Budget shall report to the House a reconciliation bill carrying out all such recommendations without any substantive revision.

(2) MEDICARE PRESERVATION.—Not later than July 18, 1996, the House committees named in subsection (c) shall submit their recommendations to provide direct spending to the Committee on the Budget of the House of Representatives. After receiving those recommendations, the Committee on the Budget shall report to the House a reconciliation bill carrying out all such recommendations without any substantive revision.

(3) TAX AND MISCELLANEOUS DIRECT SPENDING REFORMS.—Not later than September 6, 1996, the House committees named in subsection (d) shall submit their recommendations to provide direct spending, deficit reduction, and revenues to the Committee on the Budget of the House of Representatives. After receiving those recommendations, the Committee on the Budget shall report to the House a reconciliation bill carrying out all such recommendations without any substantive revision.

(b) INSTRUCTIONS FOR WELFARE AND MEDICAID REFORM AND TAX RELIEF.—

(1) COMMITTEE ON AGRICULTURE.—The House Committee on Agriculture shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $35,609,000,000 in outlays for fiscal year 1997, $36,625,000,000 in outlays for fiscal year 2002, and $216,316,000,000 in outlays in fiscal years 1997 through 2002.

(2) COMMITTEE ON COMMERCE.—The House Committee on Commerce shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $326,354,000,000 in outlays for fiscal year 1997, $473,718,000,000 in outlays for fiscal year 2002, and $2,395,231,000,000 in outlays in fiscal years 1997 through 2002.

(3) COMMITTEE ON ECONOMIC AND EDUCATIONAL OPPORTUNITIES.—The House Committee on Economic and Educational Opportunities shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $15,808,000,000 in outlays for fiscal year 1997, $19,670,000,000 in outlays for fiscal year 2002, and $105,331,000,000 in outlays in fiscal years 1997 through 2002.

(4) COMMITTEE ON WAYS AND MEANS.—(A) The House Committee on Ways and Means shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $381,199,000,000 in outlays for fiscal year 1997, $563,607,000,000 in outlays for fiscal year 2002, and $2,810,569,000,000 in outlays in fiscal years 1997 through 2002.

(B) The House Committee on Ways and Means shall report changes in laws within its jurisdiction sufficient to reduce revenues by not more than $122,400,000,000 for fiscal years 1997 through 2002.

(c) INSTRUCTIONS FOR MEDICARE PRESERVATION.—

(1) COMMITTEE ON COMMERCE.—The House Committee on Commerce shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $319,554,000,000 in outlays for fiscal year 1997, $420,915,000,000 in outlays for fiscal year 2002, and $2,237,231,000,000 in outlays in fiscal years 1997 through 2002.

(2) COMMITTEE ON WAYS AND MEANS.—The House Committee on Ways and Means shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $374,399,000,000 in outlays for fiscal year 1997, $510,804,000,000 in outlays for fiscal year 2002, and $2,652,569,000,000 in outlays in fiscal years 1997 through 2002.

(d) INSTRUCTIONS FOR TAX AND MISCELLANEOUS DIRECT SPENDING REFORMS.—

(1) COMMITTEE ON AGRICULTURE.—The House Committee on Agriculture shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $35,599,000,000 in outlays for fiscal year 1997, $36,614,000,000 in outlays for fiscal year 2002, and $216,251,000,000 in outlays in fiscal years 1997 through 2002.

(2) COMMITTEE ON BANKING AND FINANCIAL SERVICES.—(A) The House Committee on Banking and Financial Services shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: −$12,645,000,000 in outlays for fiscal year 1997, −$5,775,000,000 in outlays for fiscal year 2002, and −$41,639,000,000 in outlays in fiscal years 1997 through 2002.

(B) The House Committee on Banking and Financial Services shall report changes in laws within its jurisdiction that would reduce the deficit by: $0 in fiscal year 1997, $115,000,000 for fiscal year 2002, and $305,000,000 in fiscal years 1997 through 2002.

(3) COMMITTEE ON COMMERCE.—The House Committee on Commerce shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $318,054,000,000 in outlays for fiscal year 1997, $415,290,000,000 in outlays for fiscal year 2002, and $2,216,885,000,000 in outlays in fiscal years 1997 through 2002.

(4) COMMITTEE ON ECONOMIC AND EDUCATIONAL OPPORTUNITIES.—The House Committee on Economic and Educational Opportunities shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $15,025,000,000 in outlays for fiscal year 1997, $18,963,000,000 in outlays for fiscal year 2002, and $101,660,000,000 in outlays in fiscal years 1997 through 2002.

(5) COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT.—(A) The House Committee on Government Reform and Oversight shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $65,164,000,000 in outlays for fiscal year 1997, $82,594,000,000 in outlays for fiscal year 2002, and $442,230,000,000 in outlays in fiscal years 1997 through 2002.

(B) The House Committee on Government Reform and Oversight shall report changes in laws within its jurisdiction that would reduce the deficit by: $201,000,000 in fiscal year 1997, $590,000,000 for fiscal years 2002, and $2,837,000,000 in fiscal years 1997 through 2002.

(6) COMMITTEE ON INTERNATIONAL RELATIONS.—The House Committee on International Relations shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $13,025,000,000 in outlays for fiscal year 1997, $10,311,000,000 in outlays for fiscal year 2002, and $67,953,000,000 in outlays in fiscal years 1997 through 2002.

(7) COMMITTEE ON THE JUDICIARY.—The House Committee on the Judiciary shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $2,784,000,000 in outlays for fiscal year 1997, $4,586,000,000 in outlays for fiscal year 2002, and $26,482,000,000 in outlays in fiscal years 1997 through 2002.

(8) COMMITTEE ON NATIONAL SECURITY.—The House Committee on National Security shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $39,787,000,000 in outlays for fiscal year 1997, $49,774,000,000 in outlays for fiscal year 2002, and $271,815,000,000 in outlays in fiscal years 1997 through 2002.

(9) COMMITTEE ON RESOURCES.—The House Committee on Resources shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $2,115,000,000 in outlays for fiscal year 1997, $2,048,000,000 in outlays for fiscal year 2002, and $11,652,000,000 in outlays in fiscal years 1997 through 2002.

(10) COMMITTEE ON SCIENCE.—The House Committee on Science shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $40,000,000 in outlays for fiscal year 1997, $46,000,000 in outlays for fiscal year 2002, and $242,000,000 in outlays in fiscal years 1997 through 2002.

(11) COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE.—The House Committee on Transportation and Infrastructure shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $18,315,000,000 in outlays for fiscal year 1997, $18,001,000,000 in outlays for fiscal year 2002, and $107,328,000,000 in outlays in fiscal years 1997 through 2002.

(12) COMMITTEE ON VETERANS' AFFAIRS.—The House Committee on Veterans' Affairs shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $21,375,000,000 in outlays for fiscal year 1997, $22,217,000,000 in outlays for fiscal year 2002, and $130,468,000,000 in outlays in fiscal years 1997 through 2002.

(13) COMMITTEE ON WAYS AND MEANS.—(A) The House Committee on Ways and Means shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $372,342,000,000 in outlays for fiscal year 1997, $508,107,000,000 in outlays for fiscal year 2002, and $2,638,057,000,000 in outlays in fiscal years 1997 through 2002.

(B)(i) The House Committee on Ways and Means shall report changes in laws within its jurisdiction sufficient to reduce revenues by not more than $113,838,000,000 in fiscal years 1997 through 2002.

(ii) If a reconciliation bill referred to in subsection (a)(1) is enacted into law, then the revenue amount set forth in clause (i) shall be adjusted to reflect the revenue provisions of that Act.

(e) DEFINITION.—For purposes of this section, the term "direct spending" has the meaning given to such term in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 202. RECONCILIATION IN THE SENATE.

(a) FIRST RECONCILIATION INSTRUCTIONS.—Not later than June 21, 1996, the committees named in this subsection shall submit their recommendations to the Committee on the Budget of the Senate. After receiving those recommendations, the Committee on the Budget shall report to the Senate a reconciliation bill carrying out all such recommendations without any substantive revision.

(1) COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY.—The Senate Committee on Agriculture, Nutrition, and Forestry shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) to reduce outlays $1,974,000,000 in fiscal year 1997, $26,169,000,000 for the period of fiscal years 1997 through 2002, and $5,967,000,000 in fiscal year 2002.

(2) COMMITTEE ON FINANCE.—(A) The Senate Committee on Finance shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) to reduce outlays $260,000,000 in fiscal year 1997, $98,321,000,000 for the period of fiscal years 1997 through 2002, and $36,578,000,000 in fiscal year 2002.

(B) The Committee on Finance shall report changes in laws within its jurisdiction necessary to reduce revenues by not more than $122,400,000,000 for the period of fiscal years 1997 through 2002.

(b) SECOND RECONCILIATION INSTRUCTIONS.—No later than July 24, 1996, the Committee on Finance shall report to the Senate a reconciliation bill proposing changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) to reduce outlays $6,800,000,000 in fiscal year 1997, $158,000,000,000 for the period of fiscal years 1997 through 2002, and $52,803,000,000 in fiscal year 2002.

(c) THIRD RECONCILIATION INSTRUCTIONS.—No later than September 18, 1996, the committees named in this subsection shall submit their recommendations to the Committee on the Budget of the Senate. After receiving those recommendations, the Committee on the Budget shall report to the Senate a reconciliation bill carrying out all such recommendations without any substantive revision.

(1) COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY.—The Senate Committee on Agriculture, Nutrition, and Forestry shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) to reduce outlays $10,000,000 in fiscal year 1997, $65,000,000 for the period of fiscal years 1997 through 2002, and $11,000,000 in fiscal year 2002.

(2) COMMITTEE ON ARMED SERVICES.—The Senate Committee on Armed Services shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) to reduce outlays $79,000,000 in fiscal year 1997, $649,000,000 for the period of fiscal years 1997 through 2002, and $166,000,000 in fiscal year 2002.

(3) COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS.—The Senate Committee on Banking, Housing, and Urban Affairs shall report changes in laws within its jurisdiction that reduce the deficit by $3,628,000,000 in fiscal year 1997, $3,605,000,000 for the period of fiscal years 1997 through 2002, and $462,000,000 in fiscal year 2002.

(4) COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION.—The Senate Committee on Commerce, Science, and Transportation shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) to reduce outlays $19,396,000,000 for the period of fiscal years 1997 through 2002, and $5,649,000,000 in fiscal year 2002.

(5) COMMITTEE ON ENERGY AND NATURAL RESOURCES.—The Senate Committee on Energy and Natural Resources shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) to reduce outlays $90,000,000 in fiscal year 1997, $1,512,000,000 for the period of fiscal years 1997 through 2002, and $72,000,000 in fiscal year 2002.

(6) COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS.—The Senate Committee on Environment and Public Works shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) to reduce outlays $87,000,000 in fiscal year 1997, $2,184,000,000 for the period of fiscal years 1997 through 2002, and $392,000,000 in fiscal year 2002.

(7) COMMITTEE ON FINANCE.—(A) The Senate Committee on Finance shall report changes in laws within its jurisdiction that reduce the deficit by $3,639,000,000 in fiscal year 1997, $23,184,000,000 for the period of fiscal years 1997 through 2002, and $4,121,000,000 in fiscal year 2002.

(B) The Committee on Finance shall report changes in laws within its jurisdiction to reduce revenues for the period of fiscal years 1997 through 2002 by not more than the amount specified in subsection (a)(2)(B) reduced by the amount that legislation enacted pursuant to subsection (a) reduced revenues for that period of fiscal years.

(8) COMMITTEE ON GOVERNMENTAL AFFAIRS.—The Senate Committee on Governmental Affairs

shall report changes in laws within its jurisdiction that reduce the deficit $1,101,000,000 in fiscal year 1997, $8,801,000,000 for the period of fiscal years 1997 through 2002, and $1,492,000,000 in fiscal year 2002.

(9) COMMITTEE ON THE JUDICIARY.—The Senate Committee on the Judiciary shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) to reduce outlays $476,000,000 for the period of fiscal years 1997 through 2002 and $119,000,000 in fiscal year 2002.

(10) COMMITTEE ON LABOR AND HUMAN RESOURCES.—The Senate Committee on Labor and Human Resources shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) to reduce outlays $783,000,000 in fiscal year 1997, $3,671,000,000 for the period of fiscal years 1997 through 2002, and $707,000,000 in fiscal year 2002.

(11) COMMITTEE ON VETERANS' AFFAIRS.—The Senate Committee on Veterans' Affairs shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) to reduce outlays $126,000,000 in fiscal year 1997, $5,271,000,000 for the period of fiscal years 1997 through 2002, and $1,418,000,000 in fiscal year 2002.

(d) TREATMENT OF RECONCILIATION BILLS FOR PRIOR SURPLUS.—For purposes of section 202 of House Concurrent Resolution 67 (104th Congress), legislation which reduces revenues pursuant to a reconciliation instruction contained in subsection (c) shall be taken together with all other legislation enacted pursuant to the reconciliation instructions contained in this resolution when determining the deficit effect of such legislation.

TITLE III—BUDGET ENFORCEMENT

SEC. 301. DISCRETIONARY SPENDING LIMITS.

(a) DEFINITION.—As used in this section and for the purposes of allocations made pursuant to section 302(a) or 602(a) of the Congressional Budget Act of 1974, for the discretionary category, the term "discretionary spending limit" means—

(1) with respect to fiscal year 1997—

(A) for the defense category $266,362,000,000 in new budget authority and $264,968,000,000 in outlays; and

(B) for the nondefense category $230,988,000,000 in new budget authority and $273,644,000,000 in outlays;

(2) with respect to fiscal year 1998—

(A) for the defense category $268,971,000,000 in new budget authority and $263,862,000,000 in outlays; and

(B) for the nondefense category $224,746,000,000 in new budget authority and $263,093,000,000 in outlays;

(3) with respect to fiscal year 1999, for the discretionary category $491,268,000,000 in new budget authority and $525,485,000,000 in outlays;

(4) with respect to fiscal year 2000, for the discretionary category $498,589,000,000 in new budget authority and $525,251,000,000 in outlays;

(5) with respect to fiscal year 2001, for the discretionary category $491,117,000,000 in new budget authority and $516,223,000,000 in outlays; and

(6) with respect to fiscal year 2002, for the discretionary category $500,592,000,000 in new budget authority and $514,219,000,000 in outlays;

as adjusted for changes in concepts and definitions and emergency appropriations.

(b) POINT OF ORDER IN THE SENATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), it shall not be in order in the Senate to consider—

(A) a revision of this resolution or any concurrent resolution on the budget for fiscal year 1998 (or amendment, motion, or conference report on such a resolution) that provides discretionary spending in excess of the sum of the defense and nondefense discretionary spending limits for such fiscal year;

(B) any concurrent resolution on the budget for fiscal year 1999, 2000, 2001, or 2002 (or amendment, motion, or conference report on such a resolution) that provides discretionary spending in excess of the discretionary spending limit for such fiscal year; or

(C) any appropriation bill or resolution (or amendment, motion, or conference report on such appropriation bill or resolution) for fiscal year 1997, 1998, 1999, 2000, 2001, or 2002 that would exceed any of the discretionary spending limits in this section or suballocations of those limits made pursuant to section 602(b) of the Congressional Budget Act of 1974.

(2) EXCEPTION.—

(A) IN GENERAL.—This section shall not apply if a declaration of war by the Congress is in effect or if a joint resolution pursuant to section 258 of the Balanced Budget and Emergency Deficit Control Act of 1985 has been enacted.

(B) ENFORCEMENT OF DISCRETIONARY LIMITS IN FY 1997.—Until the enactment of reconciliation legislation pursuant to subsections (a), (b), and (c) of section 202 of this resolution and for purposes of the application of paragraph (1), only subparagraph (C) of paragraph (1) shall apply, and it shall apply only for fiscal year 1997.

(c) WAIVER.—This section may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(d) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the concurrent resolution, bill, or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(e) DETERMINATION OF BUDGET LEVELS.—For purposes of subsection (b), the levels of new budget authority and outlays for a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget of the Senate.

SEC. 302. BUDGETARY TREATMENT OF THE SALE OF GOVERNMENT ASSETS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the prohibition on scoring asset sales has discouraged the sale of assets that can be better managed by the private sector and generate receipts to reduce the Federal budget deficit;

(2) the President's fiscal year 1997 budget included $3,900,000,000 in receipts from asset sales and proposed a change in the asset sale scoring rule to allow the proceeds from these sales to be scored;

(3) assets should not be sold if such sale would increase the budget deficit over the long run; and

(4) the asset sale scoring prohibition should be repealed and consideration should be given to replacing it with a methodology that takes into account the long-term budgetary impact of asset sales.

(b) BUDGETARY TREATMENT.—(1) For the purposes of any concurrent resolution on the budget and the Congressional Budget Act of 1974, amounts realized from sales of assets shall be scored with respect to the level of budget authority, outlays, or revenues.

(2) For purposes of this section, the term "sale of an asset" shall have the same meaning as under section 250(c)(21) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(3) For purposes of this section, the sale of loan assets or the prepayment of a loan shall be governed by the terms of the Federal Credit Reform Act of 1990.

SEC. 303. BUDGETARY TREATMENT OF DIRECT STUDENT LOANS.

For the purposes of any concurrent resolution on the budget and the Congressional Budget Act of 1974, the cost of a direct loan under the Federal direct student loan program shall be the net present value, at the time when the direct loan is disbursed, of the following cash flows for the estimated life of the loan—

(1) loan disbursements;

(2) repayments of principal;

(3) payments of interest and other payments by or to the Government over the life of the loan after adjusting for estimated defaults, prepayments, fees, penalties, and other recoveries; and

(4) direct expenses, including—

(A) activities related to credit extension, loan origination, loan servicing, management of contractors, and payments to contractors, other government entities, and program participants;

(B) collection of delinquent loans; and

(C) writeoff and closeout of loans.

SEC. 304. SUPERFUND RESERVE FUND.

(a) DEFICIT NEUTRAL ADJUSTMENTS IN THE HOUSE.—

(1) COMMITTEE ALLOCATIONS.—In the House of Representatives—

(A) after the enactment of a superfund bill that reforms the Superfund program to facilitate the clean up of hazardous waste sites and extends Superfund taxes; and

(B) upon the reporting of an appropriation measure (or submission of a conference report thereon) that appropriates funds for the Superfund program in excess of $1,302,000,000;

the chairman of the Committee on the Budget of that House may submit revised allocations, functional levels, budget aggregates, and discretionary spending limits to carry out this section by an amount that is equal to such excess. These revisions shall be considered for the purposes of the Congressional Budget Act of 1974 as the allocations, levels, aggregates, and limits contained in this resolution.

(2) COMMITTEE SUBALLOCATIONS.—The Committee on Appropriations of the House of Representatives may report appropriately revised suballocations pursuant to sections 302(b)(1) and 602(b)(1) of the Congressional Budget Act of 1974 following the revision of allocations to that committee pursuant to paragraph (1).

(3) LIMITATIONS.—The adjustments under this subsection shall not exceed—

(A) the net revenue increase for a fiscal year resulting from the enactment of legislation that extends Superfund taxes; and

(B) $898,000,000 in budget authority for a fiscal year and the outlays flowing from such budget authority in all fiscal years.

(3) READJUSTMENTS.—In the House of Representatives, any adjustments made under this subsection for any appropriations measure or any conference report thereon may be readjusted if that measure is not enacted into law.

(b) DEFICIT NEUTRAL ADJUSTMENTS IN THE SENATE.—

(1) IN GENERAL.—In the Senate, after the enactment of legislation that reforms the Superfund program and extends Superfund taxes, in the Senate, budget authority and outlays allocated to the Committee on Appropriations under sections 302(a) and 602(a) of the Congressional Budget Act of 1974, the appropriate functional levels, the appropriate budget aggregates, and

the discretionary spending limits in section 201 of this resolution may be revised to provide additional budget authority and the outlays flowing from that budget authority for the Superfund program, pursuant to this subsection.

(2) DEFICIT NEUTRAL ADJUSTMENTS.—

(A) ALLOCATIONS.—

(i) COMMITTEE ALLOCATIONS.—In the Senate, upon reporting of an appropriations measure, or when a conference committee submits a conference report thereon, that appropriates funds for the Superfund program in excess of $1,302,000,000, the chairman of the Committee on the Budget of the Senate may submit revised allocations, functional levels, budget aggregates, and discretionary spending limits to carry out this section that adds to such allocations, levels, aggregates, and limits an amount that is equal to such excess. These revised allocations, levels, aggregates, and limits shall be considered for the purposes of the Congressional Budget Act of 1974 as the allocations, levels, aggregates, and limits contained in this resolution.

(ii) COMMITTEE SUBALLOCATIONS.—The Committee on Appropriations of the Senate may report appropriately revised suballocations pursuant to sections 302(b)(1) and 602(b)(1) of the Congressional Budget Act of 1974 following the revision of the allocations pursuant to clause (i).

(B) LIMITATIONS.—The adjustments under this subsection shall not exceed—

(i) the net revenue increase for a fiscal year resulting from the enactment of legislation that extends Superfund taxes; and

(ii) $898,000,000 in budget authority for a fiscal year and the outlays flowing from such budget authority in all fiscal years.

SEC. 305. TAX RESERVE FUND IN THE SENATE.

(a) IN GENERAL.—In the Senate, revenue and spending aggregates may be reduced and allocations may be revised for legislation that reduces revenues by providing family tax relief, fuel tax relief, and incentives to stimulate savings, investment, job creation, and economic growth if such legislation will not increase the deficit for—

(1) fiscal year 1997;

(2) the period of fiscal years 1997 through 2001; or

(3) the period of fiscal years 2002 through 2006.

(b) REVISED ALLOCATIONS.—Upon the consideration of legislation pursuant to subsection (a), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under sections 302(a) and 602(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this section. These revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this resolution.

(c) REPORTING REVISED ALLOCATIONS.—The appropriate committee may report appropriately revised allocations pursuant to sections 302(b) and 602(b) of the Congressional Budget Act of 1974 to carry out this section.

SEC. 306. EXERCISE OF RULEMAKING POWERS.

Congress adopts the provisions of this title—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of each House, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change those rules (so far as they relate to that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

SEC. 307. GOVERNMENT SHUTDOWN PREVENTION ALLOWANCE.

(a) IN GENERAL.—In the House of Representatives for consideration of a conference report, or in the Senate, the fiscal year 1997 outlay allocation made pursuant to sections 302(a) and 602(a) of the Congressional Budget Act of 1974 to the Committees on Appropriations, the fiscal year 1997 outlay aggregate, the fiscal year 1997 discretionary limit on nondefense outlays and other appropriate aggregates may be increased for a resolution making continuing appropriations for fiscal year 1997. These revised allocations, aggregates, and limits shall be considered for all purposes of the Congressional Budget Act of 1974 as allocations, aggregates, and limits contained in this resolution and shall remain in effect for the consideration of any fiscal year 1997 appropriations measure.

(b) REVISED ALLOCATIONS.—In the Senate, upon the consideration of a motion to proceed or an agreement to proceed to a resolution making continuing appropriations for fiscal year 1997, or in the House of Representatives, upon the filing of a conference report thereon, that complies with the fiscal year 1997 discretionary limit on nondefense budget authority, the Chairman of the Committee on the Budget of the appropriate House may submit a revised outlay allocation for such committee and appropriately revised aggregates and limits to carry out this section.

(c) COMMITTEE SUBALLOCATIONS.—The Committee on Appropriations of the appropriate House may report appropriately revised suballocations pursuant to sections 302(b)(1) and 602(b)(1) of the Congressional Budget Act of 1974 following the revision of allocations pursuant to this section.

(d) LIMITATIONS.—The adjustments made under this section shall not exceed $1,337,000,000 in outlays for fiscal year 1997.

TITLE IV—SENSE OF CONGRESS, HOUSE, AND SENATE PROVISIONS

SEC. 401. SENSE OF CONGRESS ON BASELINES.

(a) FINDINGS.—Congress finds that:

(1) Baselines are projections of future spending if existing policies remain unchanged.

(2) Under baseline assumptions, spending automatically rises with inflation even if such increases are not mandated under existing law.

(3) Baseline budgeting is inherently biased against policies that would reduce the projected growth in spending because such policies are depicted as spending reductions from an increasing baseline.

(4) The baseline concept has encouraged Congress to abdicate its constitutional obligation to control the public purse for those programs which are automatically funded.

(b) SENSE OF CONGRESS.—It is the sense of Congress that baseline budgeting should be replaced with a budgetary model that requires justification of aggregate funding levels and maximizes congressional accountability for Federal spending.

SEC. 402. SENSE OF CONGRESS ON LOAN SALES.

(a) FINDINGS.—Congress finds that:

(1) The House and Senate Appropriations Subcommittees on Treasury, Postal Service, and General Government have stated that "more consideration should be given to the sale of nonperforming loans held not only by HUD, but by all Federal agencies that provide credit programs" and directed the Office of Management and Budget to direct Federal agencies to evaluate the value of their credit programs and develop a plan for the privatization of such credit programs.

(2) The Senate Appropriations Subcommittee on Commerce, Justice, State, the Judiciary, and Related Agencies has directed that the Small Business Administration should study and report to Congress on the feasibility of private servicing of SBA loan activities.

(3) The House Appropriations Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies previously directed the Farmers Home Administration to "explore the potential savings that might occur from contract centralized servicing."

(4) The Committee on Agriculture of the House has consistently urged the Secretary of Agriculture to explore contracting out loan servicing operations.

(5) The General Accounting Office has found that "Allowing the public and private sectors to compete for the centralized servicing (of loans) could mean reaping the benefits of the competitive marketplace—greater efficiency, increased focus on customer needs, increased innovation, and improved morale."

(6) The House Committee on Small Business has recommended "that 40 percent of the loan servicing portfolio (for Disaster Loans) be privatized."

(7) The President's Budget for Fiscal Year 1997 proposes to review options for improving the quality of loan portfolio management including contracting to the private sector.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the appropriate committees of the House and the Senate should report legislation authorizing the sale of such loan assets as they deem appropriate in order to contribute to Government downsizing, administrative cost savings, and improved services to borrowers.

SEC. 403. SENSE OF CONGRESS ON CHANGES IN MEDICAID.

It is the sense of Congress that any legislation changing the medicaid program pursuant to this resolution should—

(1) guarantee coverage for low-income children, pregnant women, the elderly, and the disabled as described in the National Governors' Association February 6, 1996, policy on reforming medicaid, which was endorsed unanimously by our Nation's Governors;

(2) maintain the medicaid program as a matching program while providing a fairer and more equitable formula for calculating the matching rate;

(3) reject any illusory financing schemes;

(4) continue existing law for Federal minimum quality standards for nursing homes and the enforcement of those standards;

(5) continue Federal rules that prevent wives or husbands from being required to impoverish themselves in order to obtain and keep medicaid benefits for their spouse requiring nursing home care and continue existing prohibitions against the States requiring the adult children of institutionalized patients from having to contribute to the cost of nursing facility services; and

(6) provide coverage of medicare premiums and cost-sharing payments for low-income seniors consistent with the unanimous National Governors' Association medicaid policy.

SEC. 404. SENSE OF CONGRESS ON IMPACT OF LEGISLATION ON CHILDREN.

(a) SENSE OF CONGRESS.—It is the sense of Congress that Congress should not adopt or enact any legislation that will increase the number of children who are hungry, homeless, poor, or medically uninsured.

(b) LEGISLATIVE ACCOUNTABILITY FOR IMPACT ON CHILDREN.—In the event legislation enacted to comply with this resolution results in an increase in the number of hungry, homeless, poor, or medically uninsured by the end of fiscal year 1997, Congress shall revisit the provisions of such legislation which caused such increase and shall, as soon as practicable thereafter, adopt legislation which would halt any continuation of such increase.

SEC. 405. SENSE OF CONGRESS ON DEBT REPAYMENT.

It is the sense of Congress that—

(1) Congress has a basic moral and ethical responsibility to future generations to repay the Federal debt;

(2) Congress should enact a plan that balances the budget and also develop a regimen for paying off the Federal debt;

(3) after the budget is balanced, a surplus should be created which can be used to begin paying off the debt; and

(4) such a plan should be formulated and implemented so that this generation can save future generations from the crushing burdens of the Federal debt.

SEC. 406. SENSE OF CONGRESS ON COMMITMENT TO A BALANCED BUDGET BY FISCAL YEAR 2002.

It is the sense of Congress that the President and Congress should continue to adhere to the statutory commitment made by both parties on November 20, 1995, to enact legislation to achieve a balanced budget not later than fiscal year 2002 as estimated by the Congressional Budget Office.

SEC. 407. SENSE OF CONGRESS THAT TAX REDUCTIONS SHOULD BENEFIT WORKING FAMILIES.

It is the sense of Congress that this concurrent resolution on the budget assumes any reductions in taxes should be structured to benefit working families by providing family tax relief and incentives to stimulate savings, investment, job creation, and economic growth.

SEC. 408. SENSE OF CONGRESS ON A BIPARTISAN COMMISSION ON THE SOLVENCY OF MEDICARE.

(a) FINDINGS.—Congress finds that—

(1) the Trustees of medicare have concluded that "the medicare program is clearly unsustainable in its present form";

(2) the Trustees of medicare concluded in 1995 that "the Hospital Insurance Trust Fund, which pays inpatient hospital expenses, will be able to pay benefits for only about 7 years and is severely out of financial balance in the long range";

(3) preliminary data made available to Congress indicate that the Hospital Insurance Trust Fund will go bankrupt in the year 2001, rather than the year 2002, as predicted last year;

(4) the Public Trustees of medicare have concluded that "the Supplementary Medical Insurance Trust Fund shows a rate of growth of costs which is clearly unsustainable";

(5) the Bipartisan Commission on Entitlement and Tax Reform concluded that, absent long-term changes in medicare, projected medicare outlays will increase from about 4 percent of the payroll tax base today to over 15 percent of the payroll tax base by the year 2030;

(6) the Bipartisan Commission on Entitlement and Tax Reform recommended, by a vote of 30 to 1, that spending and revenues available for medicare must be brought into long-term balance; and

(7) in the most recent Trustees' report, the Public Trustees of medicare "strongly recommend that the crisis presented by the financial condition of the medicare trust funds be urgently addressed on a comprehensive basis, including a review of the program's financing methods, benefit provisions, and delivery mechanisms."

(b) SENSE OF CONGRESS.—It is the sense of Congress that in order to meet the aggregates and levels in this budget resolution—

(1) a special bipartisan commission should be established immediately to make recommendations concerning the most appropriate response to the short-term solvency and long-term sustainability issues facing the medicare program which do not include tax increases in any form, including transfers of spending from the medicare Part A program to the Part B program; and

(2) the commission should report to Congress its recommendations prior to the adoption of a concurrent budget resolution for fiscal year 1998 in order that the committees of jurisdiction may consider these recommendations in fashioning an appropriate congressional response.

SEC. 409. SENSE OF CONGRESS ON MEDICARE TRANSFERS.

(a) FINDINGS.—Congress finds that—

(1) home health care provides a broad spectrum of health and social services to approximately 3,500,000 medicare beneficiaries in the comfort of their homes;

(2) the President has proposed reimbursing the first 100 home health care visits after a hospital stay through medicare part A and reimbursing all other visits through medicare part B, shifting responsibility for $55,000,000,000 of spending from the Hospital Insurance Trust Fund to the general revenues that pay for medicare part B;

(3) such a transfer does nothing to control medicare spending, and is merely a bookkeeping change which artificially extends the solvency of the Hospital Insurance Trust Fund;

(4) this transfer of funds camouflages the need to make changes in the medicare program to ensure the long-term solvency of the Hospital Insurance Trust Fund, which the Congressional Budget Office now states will become bankrupt in the year 2001, a year earlier than projected in the 1995 report by the Trustees of the Social Security and Medicare Trust Funds;

(5) Congress will be breaking a commitment to the American people if it does not act to ensure the solvency of the entire medicare program in both the short- and long-term;

(6) the President's proposal would force those in need of chronic care services to rely upon the availability of general revenues to provide financing for these services, making them more vulnerable to benefits changes than under current law; and

(7) according to the National Association of Home Care, shifting medicare home care payments from part A to part B would deemphasize the importance of home care by eliminating its status as part of the Hospital Insurance Trust Fund, thereby undermining access to the less costly form of care.

(b) SENSE OF CONGRESS.—It is the sense of Congress that in meeting the spending targets specified in the budget resolution, Congress should not accept the President's proposal to transfer spending from one part of medicare to another in its efforts to preserve, protect, and improve the medicare program.

SEC. 410. SENSE OF CONGRESS REGARDING CHANGES IN THE MEDICARE PROGRAM.

(a) FINDINGS.—Congress finds that, in achieving the spending levels specified in this resolution—

(1) the public trustees of medicare have concluded that "the medicare program is clearly unsustainable in its present form";

(2) the President has said his goal is to keep the medicare hospital insurance trust fund solvent for more than a decade, but his budget transfers $55,000,000,000 of home health spending from medicare part A to medicare part B;

(3) the transfer of home health spending threatens the delivery of home health services to 3.5 million medicare beneficiaries;

(4) such a transfer increases the burden on general revenues, including income taxes paid by working Americans, by $55,000,000,000;

(5) such a transfer artificially inflates the solvency of the medicare hospital insurance trust fund, misleading Congress, medicare beneficiaries, and working taxpayers;

(6) the Director of the Congressional Budget Office has certified that, without such a transfer, the President's budget extends the solvency of the hospital insurance trust fund for only one additional year; and

(7) without misleading transfers, the President's budget therefore fails to achieve his own stated goal for the medicare hospital insurance trust fund.

(b) SENSE OF CONGRESS.—It is the sense of Congress that, in achieving the spending levels specified in this resolution, Congress assumes that Congress would—

(1) keep the medicare hospital insurance trust fund solvent for more than a decade, as recommended by the President; and

(2) accept the President's proposed level of medicare part B savings over the period 1997 through 2002; but would

(3) reject the President's proposal to transfer home health spending from one part of medicare to another, which threatens the delivery of home health care services to 3.5 million medicare beneficiaries, artificially inflates the solvency of the medicare hospital insurance trust fund, and increases the burden on general revenues, including income taxes paid by working Americans, by $55,000,000,000.

SEC. 411. SENSE OF CONGRESS REGARDING REVENUE ASSUMPTIONS.

(a) FINDINGS.—Congress finds the following:

(1) Corporations and individuals have clear responsibility to adhere to environmental laws. When they do not, and environmental damage results, the Federal and State governments may impose fines and penalties, and assess polluters for the cost of remediation.

(2) Assessment of these costs is important in the enforcement process. They appropriately penalize wrongdoing. They discourage future environmental damage. They ensure that taxpayers do not bear the financial brunt of cleaning up after damages done by polluters.

(3) In the case of the Exxon Valdez oil spill disaster in Prince William Sound, Alaska, for example, the corporate settlement with the Federal Government totaled $900,000,000.

(b) SENSE OF CONGRESS.—It is the sense of Congress that assumptions in this resolution assume an appropriate amount of revenues per year through legislation that will not allow deductions for fines and penalties arising from a failure to comply with Federal or State environmental or health protection laws.

SEC. 412. SENSE OF CONGRESS REGARDING DOMESTIC VIOLENCE.

The assumptions underlying functional totals in this budget resolution include:

(1) FINDINGS.—The Senate finds that:

(A) Violence against women is the leading cause of physical injury to women. The Department of Justice estimates that over 1 million violent crimes against women are committed by domestic partners annually.

(B) Domestic violence dramatically affects the victim's ability to participate in the workforce. A University of Minnesota survey reported that one-quarter of battered women surveyed had lost a job partly because of being abused and that over half of these women had been harassed by their abuser at work.

(C) Domestic violence is often intensified as women seek to gain economic independence through attending school or job training programs. Batterers have been reported to prevent women from attending such programs or sabotage their efforts at self-improvement.

(D) Nationwide surveys of service providers prepared by the Taylor Institute of Chicago, document, for the first time, the interrelationship between domestic violence and welfare by showing that between 50 percent and 80 percent of women in welfare to work programs are current or past victims of domestic violence.

(E) The American Psychological Association has reported that violence against women is usually witnessed by their children, who as a result can suffer severe psychological, cognitive and physical damage and some studies have found that children who witness violence in their homes have a greater propensity to commit violent acts in their homes and communities when they become adults.

(F) Over half of the women surveyed by the Taylor Institute stayed with their batterers because they lacked the resources to support themselves and their children. The surveys also found that the availability of economic support is a critical factor in women's ability to leave abusive situations that threaten themselves and their children.

(G) Proposals to restructure the welfare programs may impact the availability of the economic support and the safety net necessary to enable poor women to flee abuse without risking homelessness and starvation for their families.

(2) SENSE OF CONGRESS.—It is the sense of Congress that:

(A) No welfare reform provision should be enacted by Congress unless and until Congress considers whether such welfare reform provisions would exacerbate violence against women and their children, further endanger women's lives, make it more difficult for women to escape domestic violence, or further punish women victimized by violence.

(B) Any welfare reform measure enacted by Congress should require that any welfare to work, education, or job placement programs implemented by the States address the impact of domestic violence on welfare recipients.

SEC. 413. SENSE OF CONGRESS REGARDING STUDENT LOANS.

(a) FINDINGS.—Congress finds that—

(1) over the last 60 years, education and advancements in knowledge have accounted for 37 percent of our nation's economic growth;

(2) a college degree significantly increases job stability, resulting in an unemployment rate among college graduates less than half that of those with high school diplomas;

(3) a person with a bachelor's degree will average 50–55 percent more in lifetime earnings than a person with a high school diploma;

(4) education is a key to providing alternatives to crime and violence, and is a cost-effective strategy for breaking cycles of poverty and moving welfare recipients to work;

(5) a highly educated populace is necessary to the effective functioning of democracy and to a growing economy, and the opportunity to gain a college education helps advance the American ideals of progress and social equality;

(6) a highly educated and flexible work force is an essential component of economic growth and competitiveness;

(7) for many families, Federal Student Aid Programs make the difference in the ability of students to attend college;

(8) in 1994, nearly 6 million postsecondary students received some kind of financial assistance to help them pay for the costs of schooling;

(9) since 1988, college costs have risen by 54 percent, and student borrowing has increased by 219 percent;

(10) in fiscal year 1996, the Balanced Budget Act achieved savings without reducing student loan limits or increasing fees to students or parents; and

(11) under this budget resolution student loans will increase from $26.6 billion today to $37.4 billion in 2002; the Congressional Budget Office projects that these are the exact same levels that would occur under President Clinton's student loan policies.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the aggregates and functional levels included in this budget resolution assume that savings in student loans can be achieved without any program change that would increase costs to students and parents or decrease accessibility to student loans.

SEC. 414. SENSE OF CONGRESS REGARDING ADDITIONAL CHARGES UNDER THE MEDICARE PROGRAM.

(a) FINDINGS.—Congress finds that—

(1) senior citizens must spend more than 1 dollar in 5 of their limited incomes to purchase the health care they need;

(2) ⅔ of spending under the medicare program under title XVIII of the Social Security Act is for senior citizens with annual incomes of less than $15,000;

(3) fee for service cost increases have forced higher out-of-pocket costs for seniors; and

(4) the current medicare managed care experience has demonstrated that medicare HMO enrollees face lower out-of-pocket costs when they join HMO's in competitive markets; also, over one half of these enrollees pay no medicare premiums and receive extra benefits free of charge, such as prescription drugs and eye glasses, due to competitive market forces.

(b) SENSE OF CONGRESS.—It is the sense of Congress that any reconciliation bill considered during the second session of the 104th Congress should maintain Medicare beneficiaries right to remain in the current Medicare fee-for-service program and also should maintain the existing prohibitions against additional charges by providers under the Medicare fee-for-service program under title XVIII of the Social Security Act ("balance billing"), and that Medicare beneficiaries should be offered the greatest opportunity possible to choose private plans that will offer lower out-of-pocket costs than what they currently pay in the Medicare fee-for-service program, and to choose a health care delivery option that best meets their needs.

SEC. 415. SENSE OF CONGRESS REGARDING REQUIREMENTS THAT WELFARE RECIPIENTS BE DRUG-FREE.

In recognition of the fact that American workers are required to be drug-free in the workplace, it is the sense of Congress that this concurrent resolution on the budget assumes that the States may require welfare recipients to be drug-free as a condition for receiving such benefits and that random drug testing may be used to enforce such requirements.

SEC. 416. SENSE OF CONGRESS ON AN ACCURATE INDEX FOR INFLATION.

(a) FINDINGS.—Congress finds that—

(1) a significant portion of Federal expenditures and revenues are indexed to measurements of inflation; and

(2) a variety of inflation indices exist which vary according to the accuracy with which such indices measure increases in the cost of living; and

(3) Federal Government usage of inflation indices which overstate true inflation has the demonstrated effect of accelerating Federal spending, increasing the Federal budget deficit, increasing Federal borrowing, and thereby enlarging the projected burden on future American taxpayers.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the assumptions underlying this budget resolution include that all Federal spending and revenues which are indexed for inflation should be calibrated by the most accurate inflation indices which are available to the Federal Government.

SEC. 417. SENSE OF CONGRESS THAT THE 1993 INCOME TAX INCREASE ON SOCIAL SECURITY BENEFITS SHOULD BE REPEALED.

(a) FINDINGS.—Congress finds that—

(1) the fiscal year 1994 budget proposal of President Clinton to raise Federal income taxes on the Social Security benefits of senior citizens with income as low as $25,000, and those provisions of the fiscal year 1994 recommendations of the Budget Resolution and the 1993 Omnibus Budget Reconciliation Act in which the One Hundred Third Congress voted to raise Federal income taxes on the Social Security benefits of senior citizens with income as low as $34,000 should be repealed;

(2) President Clinton has stated that he believes he raised Federal taxes too much in 1993; and

(3) the budget resolution should react to President Clinton's fiscal year 1997 budget which documents the fact that in the history of the United States, the total tax burden has never been greater than it is today.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the assumptions underlying this resolution include—

(1) that raising Federal income taxes in 1993 on the Social Security benefits of middle-class individuals with income as low as $34,000 was a mistake;

(2) that the Federal income tax hike on Social Security benefits imposed in 1993 by the One Hundred Third Congress and signed into law by President Clinton should be repealed; and

(3) President Clinton should work with Congress to repeal the 1993 Federal income tax hike on Social Security benefits in a manner that would not adversely affect the Social Security Trust Fund or the Medicare Part A Trust Fund, and should ensure that such repeal is coupled with offsetting reductions in Federal spending.

SEC. 418. SENSE OF CONGRESS REGARDING THE ADMINISTRATION'S PRACTICE REGARDING THE PROSECUTION OF DRUG SMUGGLERS.

(a) FINDINGS.—Congress finds that—

(1) drug use is devastating to the Nation, particularly among juveniles, and has led juveniles to become involved in interstate gangs and to participate in violent crime;

(2) drug use has experienced a dramatic resurgence among our youth;

(3) the number of youths aged 12–17 using marijuana has increased from 1.6 million in 1992 to 2.9 million in 1994, and the category of "recent marijuana use" increased a staggering 200 percent among 14- to 15-year-olds over the same period;

(4) since 1992, there has been a 52 percent jump in the number of high school seniors using drugs on a monthly basis, even as worrisome declines are noted in peer disapproval of drug use;

(5) 1 in 3 high school students uses marijuana;

(6) 12- to 17-year-olds who use marijuana are 85 percent more likely to graduate to cocaine than those who abstain from marijuana;

(7) juveniles who reach 21 without ever having used drugs almost never try them later in life;

(8) the latest results from the Drug Abuse Warning Network show that marijuana-related episodes jumped 39 percent and are running at 155 percent above the 1990 level, and that methamphetamine cases have risen 256 percent over the 1991 level;

(9) between February 1993 and February 1995 the retail price of a gram of cocaine fell from $172 to $137, and that of a gram of heroin also fell from $2,032 to $1,278;

(10) it has been reported that the Department of Justice, through the United States Attorney for the Southern District of California, has adopted a policy of allowing certain foreign drug smugglers to avoid prosecution altogether by being released to Mexico;

(11) it has been reported that in the past year approximately 2,300 suspected narcotics traffickers were taken into custody for bringing illegal drugs across the border, but approximately one in four were returned to their country of origin without being prosecuted;

(12) it has been reported that the United States Customs Service is operating under guidelines limiting any prosecution in marijuana cases to cases involving 125 pounds of marijuana or more;

(13) it has been reported that suspects possessing as much as 32 pounds of methamphetamine and 37,000 Quaalude tablets were not prosecuted but were, instead, allowed to return to their countries of origin after their drugs and vehicles were confiscated;

(14) it has been reported that after a seizure of 158 pounds of cocaine, one defendant was cited

and released because there was no room at the Federal jail and charges against her were dropped;

(15) it has been reported that some smugglers have been caught two or more times—even in the same week—yet still were not prosecuted;

(16) the number of defendants prosecuted for violations of the Federal drug laws has dropped from 25,033 in 1992 to 22,926 in 1995;

(17) this Congress has increased the funding of the Federal Bureau of Prisons by 11.7 percent over the 1995 appropriations level; and

(18) this Congress has increased the funding of the Immigration and Naturalization Service by 23.5 percent over the 1995 appropriations level.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the function totals and aggregates underlying this resolution assume that the Attorney General should promptly investigate this matter and report, within 30 days, to the Chair of the Senate and House Committees on the Judiciary; and

(2) the Attorney General should ensure that cases involving the smuggling of drugs into the United States are vigorously prosecuted.

SEC. 419. SENSE OF CONGRESS ON CORPORATE SUBSIDIES.

It is the sense of Congress that the functional levels and aggregates in this budget resolution assume that—

(1) the Federal budget contains tens of billions of dollars in payments, benefits and programs that primarily assist profit-making enterprises and industries rather than provide a clear and compelling public interest;

(2) corporate subsidies can provide unfair competitive advantages to certain industries and industry segments;

(3) at a time when millions of Americans are being asked to sacrifice in order to balance the budget, the corporate sector should bear its share of the burden; and

(4) Federal payments, benefits, and programs which predominantly benefit a particular industry or segment of an industry, rather than provide a clear and compelling public benefit, should be reformed or terminated in order to provide additional tax relief, deficit reduction, or to achieve the savings necessary to meet this resolution's instructions and levels.

SEC. 420. SENSE OF CONGRESS REGARDING WELFARE REFORM.

(a) Congress finds that—

(1) this resolution assumes substantial savings from welfare reform; and

(2) children born out of wedlock are five times more likely to be poor and about ten times more likely to be extremely poor and therefore are more likely to receive welfare benefits than children from two parent families; and

(3) high rates of out-of-wedlock births are associated with a host of other social pathologies; for example, children of single mothers are twice as likely to drop out of high school; boys whose fathers are absent are more likely to engage in criminal activities; and girls in single-parent families are three times more likely to have children out of wedlock themselves.

(b) It is the sense of Congress that any comprehensive legislation sent to the President that balances the budget by a certain date and that includes welfare reform provisions and that is agreed to by Congress and the President shall also contain to the maximum extent possible a strategy for reducing the rate of out-of-wedlock births and encouraging family formation.

SEC. 421. SENSE OF CONGRESS ON FCC SPECTRUM AUCTIONS.

It is the sense of Congress that—

(1) the Congressional Budget Office has scored revenue expected to be raised from the auction of Federal Communications Commission licenses for various services;

(2) for budget scoring purposes, Congress has assumed that such auctions would occur in a prompt and expeditious manner and that revenue raised by such auctions would flow to the Federal treasury;

(3) this resolution assumes that the revenue to be raised from auctions totals billions of dollars;

(4) this resolution makes assumptions that services would be auctioned where the Federal Communications Commission has not yet conducted auctions for such services, such as Local Multipoint Distribution Service (LMDS), licenses for paging services, final broadband PCS licenses, narrow band PCS licenses, licenses for unserved cellular, and Digital Audio Radio (DARS), and other subscription services, revenue from which has been assumed in Congressional budgetary calculations and in determining the level of the deficit; and

(5) the Commission's service rules can dramatically affect license values and auction revenues and therefore the Commission should act expeditiously and without further delay to conduct auctions of licenses in a manner that maximizes revenue, increases efficiency, and enhances competition.

SEC. 422. SENSE OF THE HOUSE ON EMERGENCIES.

(a) FINDINGS.—The House of Representatives finds that:

(1) The Budget Enforcement Act of 1990 exempted from the discretionary spending limits and the Pay-As-You-Go requirements for entitlement and tax legislation funding requirements that are designated by Congress and the President as an emergency.

(2) Congress and the President have increasingly misused the emergency designation by—

(A) designating as emergencies funding requirements that are predictable and do not pose a threat to life, property, or national security,

(B) designating emergencies with the sole purpose of circumventing statutory and congressional spending limitations, and

(C) adding to emergency legislation controversial items that would not otherwise withstand public scrutiny.

(b) SENSE OF THE HOUSE.—It is the sense of the House of Representatives that in order to balance the Federal budget Congress should consider alternative approaches to budgeting for emergencies, including codifying the definition of an emergency, establishing contingency funds to pay for emergencies, and fully offsetting the costs of emergencies with rescissions of spending authority that would have been obligated but for the rescission.

SEC. 423. SENSE OF THE SENATE ON FUNDING TO ASSIST YOUTH AT RISK.

(a) FINDINGS.—The Senate finds that—

(1) there is an increasing prevalence of violence and drug use among this country's youth;

(2) in recognizing the magnitude of this problem, the Federal Government must continue to maximize efforts in addressing the increasing prevalence of violence and drug use among this country's youth, with necessary adherence to budget guidelines and proven program effectiveness;

(3) the Federal Bureau of Investigation reports that between 1985 and 1994, juvenile arrests for violent crime increased by 75 percent nationwide;

(4) the United States Attorney General reports that 20 years ago, fewer than half our cities reported gang activity and now, a generation later, reasonable estimates indicate that there are more than 500,000 gang members in more than 16,000 gangs on the streets of our cities resulting in more than 580,000 gang-related crimes in 1993;

(5) the Justice Department's Office of Juvenile Justice and Delinquency Prevention reports that in 1994, law enforcement agencies made over 2,700,000 arrests of persons under age 18, with juveniles accounting for 19 percent of all violent crime arrests across the country;

(6) the Congressional Task Force on National Drug Policy recently set forth a series of recommendations for strengthening the criminal justice and law enforcement effort, including domestic prevention efforts reinforcing the idea that prevention begins at home;

(7) the Office of National Drug Control Policy reports that between 1991 and 1995, marijuana use among 8th, 10th, and 12th graders has increased and is continuing to spiral upward; and

(8) the Center for Substance Abuse Prevention reports that in 1993, substance abuse played a role in over 70 percent of rapes, over 60 percent of incidents of child abuse, and almost 60 percent of murders nationwide.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the function totals and aggregates underlying this concurrent resolution on the budget assume that—

(1) sufficient funding should be provided to programs of proven program effectiveness which assist youth at risk to reduce illegal drug use and the incidence of youth crime and violence;

(2) priority should be given to determine "what works" through scientifically recognized, independent evaluations of existing programs to maximize the Federal investment and efforts should be made to reform those programs of no proven benefit;

(3) efforts should be made to ensure coordination and eliminate duplication among federally supported at-risk youth programs; and

(4) special efforts should be made to increase successful interdiction of the flow of illegal drugs into the United States and into communities nationwide.

SEC. 424. SENSE OF THE SENATE ON LONG-TERM TRENDS IN BUDGET ESTIMATES.

It is the sense of the Senate that—

(1) the report accompanying a concurrent resolution on the budget should include an analysis, prepared after consultation with the Director of the Congressional Budget Office, of the concurrent resolution's impact on likely budgetary trends during the next 30 fiscal years; and

(2) the President should include in his budget each year, an analysis of the budget's impact on revenues and outlays for entitlements for the period of 30 fiscal years, and that the President should also include likely budgetary trends during the next 30 fiscal years, and that the President should also include generational accounting information each year in the President's budget.

SEC. 425. SENSE OF THE SENATE ON REPEAL OF THE GAS TAX.

(a) FINDINGS.—The Senate finds that—

(1) the President originally proposed a $72,000,000,000 energy excise tax (the so-called BTU tax) as part of the Omnibus Budget Reconciliation Act of 1993 (OBRA 93) which included a new tax on transportation fuels;

(2) in response to opposition in the Senate to the BTU tax, the President and Congress adopted instead a new 4.3 cents per gallon transportation fuels tax as part of OBRA 93, which represented a 30 percent increase in the existing motor fuels tax;

(3) the OBRA 93 transportation fuels tax has cost American motorists an estimated $14,000,000,000 to $15,000,000,000 since it went into effect on October 1, 1993;

(4) the OBRA 93 transportation fuels tax is regressive, creating a larger financial impact on lower and middle income motorists than on upper income motorists;

(5) the OBRA 93 transportation fuels tax imposes a disproportionate burden on rural citizens who do not have access to public transportation services, and who must rely on their

automobiles and drive long distances, to work, to shop, and to receive medical care;

(6) the average American faces a substantial tax burden, and the increase of this tax burden through the OBRA 93 transportation fuels tax represented and continues to represent an inappropriate and unwarranted means of reducing the Nation's budget deficit;

(7) retail gasoline prices in the United States have increased an average of 19 cents per gallon since the beginning of the year to the highest level since the Persian Gulf War, and the OBRA 93 transportation fuels tax exacerbates the impact of this price increase on consumers;

(8) continuation of the OBRA 93 transportation fuels tax will exacerbate the impact on consumers of any future gasoline price spikes that result from market conditions; and

(9) the fiscal year 1997 budget resolution will assume a net tax cut totaling $122,000,000,000 over six years, which exceeds the revenue impact of a repeal of the OBRA 93 transportation fuels tax, and will establish a reserve fund which may be used to provide other forms of tax relief, including relief from the OBRA 93 transportation fuels tax, on a deficit neutral basis.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the revenue levels and procedures in this resolution provide that—

(1) Congress and the President should immediately approve legislation to repeal the 4.3 cents per gallon transportation fuels tax contained in the Omnibus Budget Reconciliation Act of 1993 through the end of 1996;

(2) Congress and the President should approve, through the fiscal year 1997 budget process, legislation to permanently repeal the 4.3 cents per gallon transportation fuels tax contained in the Omnibus Budget Reconciliation Act of 1993; and

(3) the savings generated by the repeal of the 4.3 cents per gallon transportation fuels tax contained in OBRA 93 should be fully passed on to consumers.

SEC. 426. SENSE OF THE SENATE REGARDING THE USE OF BUDGETARY SAVINGS.

(a) FINDINGS.—The Senate finds that—

(1) in August of 1994, the Bipartisan Commission on Entitlement and Tax Reform issued an Interim Report to the President, which found that, "To ensure that today's debt and spending commitments do not unfairly burden America's children, the Government must act now. A bipartisan coalition of Congress, led by the President, must resolve the long-term imbalance between the Government's entitlement promises and the funds it will have available to pay for them";

(2) unless Congress and the President act together in a bipartisan way, overall Federal spending is projected by the Commission to rise from the current level of slightly over 22 percent of the Gross Domestic Product of the United States (hereafter in this section referred as "GDP") to over 37 percent of GDP by the year 2030;

(3) the source of that growth is not domestic discretionary spending, which is approximately the same portion of GDP now as it was in 1969, the last time at which the Federal budget was in balance;

(4) mandatory spending was only 29.6 percent of the Federal budget in 1963, but is estimated to account for 72 percent of the Federal budget in the year 2003;

(5) social security, medicare and medicaid, together with interest on the national debt, are the largest sources of the growth of mandatory spending;

(6) ensuring the long-term future of the social security system is essential to protecting the retirement security of the American people;

(7) the Social Security Trust Fund is projected to begin spending more than it takes in by approximately the year 2013, with Federal budget deficits rising rapidly thereafter unless appropriate policy changes are made;

(8) ensuring the future of medicare and medicaid is essential to protecting access to high-quality health care for senior citizens and poor women and children;

(9) Federal health care expenses have been rising at double digit rates, and are projected to triple to 11 percent of GDP by the year 2030 unless appropriate policy changes are made; and

(10) due to demographic factors, Federal health care expenses are projected to double by the year 2030, even if health care cost inflation is restrained after 1999, so that costs for each person of a given age grow no faster than the economy.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that budget savings in the mandatory spending area should be used—

(1) to protect and enhance the retirement security of the American people by ensuring the long-term future of the social security system;

(2) to protect and enhance the health care security of senior citizens and poor Americans by ensuring the long-term future of Medicare and Medicaid; and

(3) to restore and maintain Federal budget discipline, to ensure that the level of private investment necessary for long-term economic growth and prosperity is available.

SEC. 427. SENSE OF THE SENATE REGARDING THE TRANSFER OF EXCESS GOVERNMENT COMPUTERS TO PUBLIC SCHOOLS.

(a) ASSUMPTIONS.—The figures contained in this resolution are based on the following assumptions:

(1) America's children must obtain the necessary skills and tools needed to succeed in the technologically advanced 21st century;

(2) Executive Order 12999 outlines the need to make modern computer technology an integral part of every classroom, provide teachers with the professional development they need to use new technologies effectively, connect classrooms to the National Information Infrastructure, and encourage the creation of excellent education software;

(3) many private corporations have donated educational software to schools, which are lacking the necessary computer hardware to utilize this equipment;

(4) current inventories of excess Federal Government computers are being conducted in each Federal agency; and

(5) there is no current communication being made between Federal agencies with this excess equipment and the schools in need of these computers.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the functional totals and aggregates in this budget resolution assume that the General Services Administration should place a high priority on facilitating direct transfer of excess Federal Government computers to public schools and community-based educational organizations.

SEC. 428. SENSE OF THE SENATE ON FEDERAL RETREATS.

It is the sense of the Senate that the assumptions underlying the function totals and aggregates in this resolution assume that all Federal agencies will refrain from using Federal funds for expenses incurred during training sessions or retreats off Federal property, unless Federal property is not available.

SEC. 429. SENSE OF THE SENATE REGARDING THE ESSENTIAL AIR SERVICE PROGRAM OF THE DEPARTMENT OF TRANSPORTATION.

(a) FINDINGS.—The Senate finds that—

(1) the essential air service program of the Department of Transportation under subchapter II of chapter 417 of title 49, United States Code—

(A) provides essential airline access to isolated rural communities across the United States;

(B) is necessary for the economic growth and development of rural communities;

(C) connects small rural communities to the national air transportation system of the United States;

(D) is a critical component of the national transportation system of the United States; and

(E) provides air service to 108 communities in 30 States; and

(2) the National Commission to Ensure a Strong Competitive Airline Industry established under section 204 of the Airport and Airway Safety, Capacity, Noise Improvement, and Intermodal Transportation Act of 1992 recommended maintaining the essential air service program with a sufficient level of funding to continue to provide air service to small communities.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the essential air service program of the Department of Transportation under subchapter II of chapter 417 of title 49, United States Code, should receive a sufficient level of funding to continue to provide air service to small rural communities that qualify for assistance under the program.

SEC. 430. SENSE OF THE SENATE REGARDING EQUAL RETIREMENT SAVINGS FOR HOMEMAKERS.

(a) FINDINGS.—The Senate finds that the assumptions of this budget resolution take into account that—

(1) by teaching and feeding our children and caring for our elderly, American homemakers are an important, vital part of our society;

(2) homemakers retirement needs are the same as all Americans, and thus they need every opportunity to save and invest for retirement;

(3) because they are living on a single income, homemakers and their spouses often have less income for savings;

(4) individual retirement accounts are provided by Congress in the Internal Revenue Code to assist Americans for retirement savings;

(5) currently, individual retirement accounts permit workers other than homemakers to make deductible contributions of $2,000 a year, but limit homemakers to deductible contributions of $250 a year;

(6) limiting homemakers individual retirement account contributions to an amount less than the contributions of other workers discriminates against homemakers.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the revenue level assumed in this budget resolution provides for legislation to make individual retirement account deductible contribution limits for homemakers equal to the individual retirement account deductible contribution limits for all other American workers, and that Congress and the President should immediately approve such legislation in the appropriate reconciliation vehicle.

SEC. 431. SENSE OF THE SENATE ON THE NATIONAL INSTITUTES OF HEALTH FUNDING FOR ANTI-ADDICTION DRUGS.

It is the sense of the Senate that amounts appropriated for the National Institutes of Health should provide funding for additional research on an anti-addiction drug to block the craving for illicit addictive substances.

SEC. 432. SENSE OF THE SENATE REGARDING THE EXTENSION OF THE EMPLOYER EDUCATION ASSISTANCE EXCLUSION UNDER SECTION 127 OF THE INTERNAL REVENUE CODE OF 1986.

(a) FINDINGS.—The Senate finds that—

(1) since 1978, over 7,000,000 American workers have benefited from the employer education assistance exclusion under section 127 of the Internal Revenue Code of 1986 by being able to improve their education and acquire new skills without having to pay taxes on the benefit;

(2) American companies have benefited by improving the education and skills of their employees who in turn can contribute more to their company;

(3) the American economy becomes more globally competitive because an educated workforce is able to produce more and to adapt more rapidly to changing technologies;

(4) American companies are experiencing unprecedented global competition and the value and necessity of life-long education for their employees has increased;

(5) the employer education assistance exclusion was first enacted in 1978;

(6) the exclusion has been extended 7 previous times;

(7) the last extension expired December 31, 1994; and

(8) the exclusion has received broad bipartisan support.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the revenue level assumed in the Budget Resolution accommodate an extension of the employer education assistance exclusion under section 127 of the Internal Revenue Code of 1986 from January 1, 1995, through December 31, 1996.

SEC. 433. SENSE OF THE SENATE REGARDING THE ECONOMIC DEVELOPMENT ADMINISTRATION PLACING HIGH PRIORITY ON MAINTAINING FIELD-BASED ECONOMIC DEVELOPMENT REPRESENTATIVES.

(a) FINDINGS.—The Senate makes the following findings:

(1) The Economic Development Administration plays a crucial role in helping economically disadvantaged regions of the United States develop infrastructure that supports and promotes greater economic activity and growth, particularly in nonurban regions.

(2) The Economic Development Administration helps to promote industrial park development, business incubators, water and sewer system improvements, vocational and technical training facilities, tourism development strategies, technical assistance and capacity building for local governments, economic adjustment strategies, revolving loan funds, and other projects which the private sector has not generated or will not generate without some assistance from the Government through the Economic Development Administration.

(3) The Economic Development Administration maintains 6 regional offices which oversee staff that are designated field-based representatives of the Economic Development Administration, and these field-based representatives provide valuable expertise and counseling on economic planning and development to nonurban communities.

(4) The Economic Development Administration Regional Centers are located in the urban areas of Austin, Seattle, Denver, Atlanta, Philadelphia, and Chicago.

(5) Because of a 37-percent reduction in approved funding for salaries and expenses from fiscal year 1995, the Economic Development Administration has initiated staff reductions requiring the elimination of 8 field-based positions. The field-based economic development representative positions that are either being eliminated or not replaced after voluntary retirement and which currently interact with nonurban communities on economic development efforts cover the States of New Mexico, Arizona, Nevada, North Dakota, Oklahoma, Illinois, Indiana, Maine, Connecticut, Rhode Island, and North Carolina.

(6) These staff cutbacks will adversely affect States with very low per-capita personal income, including New Mexico which ranks 47th in the Nation in per-capita personal income, Oklahoma ranking 46th, North Dakota ranking 42nd, Arizona ranking 35th, Maine ranking 34th, and North Carolina ranking 33rd.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the functional totals and aggregates underlying this budget resolution assume that—

(1) it is regrettable that the Economic Development Administration has elected to reduce field-based economic development representatives who are fulfilling the Economic Development Administration's mission of interacting with and counseling nonurban communities in economically disadvantaged regions of the United States;

(2) the Economic Development Administration should take all necessary and appropriate actions to ensure that field-based economic development representation receives high priority; and

(3) the Economic Development Administration should reconsider the planned termination of field-based economic development representatives responsible for States that are economically disadvantaged, and that this reconsideration take place without delay.

SEC. 434. SENSE OF THE SENATE ON LIHEAP.

(a) FINDINGS—The Senate finds that:

(1) Home energy assistance for working and low-income families with children, the elderly on fixed incomes, the disabled, and others who need such aid is a critical part of the social safety net in cold-weather areas during the winter, and a source of necessary cooling aid during the summer;

(2) LIHEAP is a highly targeted, cost-effective way to help millions of low-income Americans pay their home energy bills. More than two-thirds of LIHEAP-eligible households have annual incomes of less than $8,000, more than one-half have annual incomes below $6,000; and

(3) LIHEAP funding has been substantially reduced in recent years, and cannot sustain further spending cuts if the program is to remain a viable means of meeting the home heating and other energy-related needs of low-income families, especially those in cold-weather States.

(b) SENSE OF THE SENATE.—The assumptions underlying this budget resolution assume that it is the sense of the Senate that the funds made available for LIHEAP for fiscal year 1997 will be not less than the actual expenditures made for LIHEAP in fiscal year 1996.

SEC. 435. SENSE OF THE SENATE ON DAVIS-BACON.

Notwithstanding any provision of this resolution, it is the sense of the Senate that the provisions in this resolution do not assume the repeal but rather reform of the Davis-Bacon Act.

SEC. 436. SENSE OF THE SENATE ON REIMBURSEMENT OF THE UNITED STATES FOR OPERATIONS SOUTHERN WATCH AND PROVIDE COMFORT.

(a) FINDINGS.—The Senate finds that—

(1) as of May 1996, the United States has spent $2,937,000,000 of United States taxpayer funds since the conclusion of the Gulf War in 1991 for the singular purpose of protecting the Kurdish and Shiite population from Iraqi aggression;

(2) the President's defense budget request for 1997 includes an additional $590,100,000 for Operations Southern Watch and Provide Comfort, both of which are designed to restrict Iraqi military aggression against the Kurdish and Shiite people of Iraq;

(3) costs for these military operations constitute part of the continued budget deficit of the United States; and

(4) United Nations Security Council Resolution 986 (1995) (referred to as "SCR 986") would allow Iraq to sell up to $1,000,000,000 in petroleum and petroleum products every 90 days, for an initial period of 180 days.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the assumptions underlying the function totals and aggregates in this resolution assume that—

(1) the President should instruct the United States Permanent Representative to the United Nations to ensure any subsequent extension of authority beyond the 180 days originally provided by SCR 986 specifically mandates and authorizes the reimbursement of the United States for costs associated with Operations Southern Watch and Provide Comfort out of revenues generated by any sale of petroleum or petroleum-related products originating from Iraq;

(2) in the event that the United States Permanent Representative to the United Nations fails to modify the terms of any subsequent resolution extending the authority granted by SCR 986 as called for in paragraph (1), the President should reject any United Nations' action or resolution seeking to extend the terms of the oil sale beyond the 180 days authorized by SCR 986;

(3) the President should take the necessary steps to ensure that—

(A) any effort by the United Nations to temporarily lift the trade embargo for humanitarian purposes, specifically the sale of petroleum or petroleum products, restricts all revenues from such sale from being diverted to benefit the Iraqi military; and

(B) the temporary lifting of the trade embargo does not encourage other countries to take steps to begin promoting commercial relations with the Iraqi military in expectation that sanctions will be permanently lifted; and

(4) revenues reimbursed to the United States from the oil sale authorized by SCR 986, or any subsequent action or resolution, should be used to reduce the Federal budget deficit.

SEC. 437. SENSE OF THE SENATE ON SOLVENCY OF THE MEDICARE TRUST FUND.

(a) FINDINGS.—The Senate finds that repeal of certain provisions from the Omnibus Budget Reconciliation Act of 1993 would move the insolvency date of the HI (Medicare) Trust Fund forward by a full year.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that no provisions in this budget resolution should worsen the solvency of the Medicare Trust Fund.

SEC. 438. SENSE OF THE SENATE ON THE PRESIDENTIAL ELECTION CAMPAIGN FUND.

It is the sense of the Senate that the assumptions underlying the functional totals in this resolution assume that when the Finance Committee meets its outlay and revenue obligations under this resolution the committee should not make any changes in the Presidential Election Campaign Fund or its funding mechanism and should meet its revenue and outlay targets through other programs within its jurisdiction.

SEC. 439. SENSE OF THE SENATE REGARDING THE FUNDING OF AMTRAK.

(a) FINDINGS.—The Senate finds that—

(1) a capital funding stream is essential to the ability of the National Rail Passenger Corporation ("Amtrak") to reduce its dependence on Federal operating support; and

(2) Amtrak needs a secure source of financing, no less favorable than provided to other modes of transportation, for capital improvements.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) revenues attributable to one-half cent per gallon of the excise taxes imposed on gasoline, special motor fuel, and diesel fuel from the Mass Transit Account should be dedicated to a new Intercity Passenger Rail Trust Fund during the period January 1, 1997, through September 30, 2001;

(2) revenues would not be deposited in the Intercity Passenger Rail Trust Fund during any fiscal year to the extent that the deposit is estimated to result in available revenues in the Mass Transit Account being insufficient to satisfy that year's estimated appropriation levels;

(3) monies in the Intercity Passenger Rail Trust Fund should be generally available to

fund, on a reimbursement basis, capital expenditures incurred by Amtrak;

(4) amounts to fund capital expenditures related to rail operations should be set aside for each State that has not had Amtrak service in such State for the preceding year; and

(5) funding provided by the Intercity Passenger Rail Trust Fund shall be made available subject to appropriations and shall not increase mandatory spending.

And the Senate agree to the same.

From the Committee on the Budget, for consideration of the House concurrent resolution and the Senate amendment, and modifications committed to conference:

John Kasich,
Dave Hobson,
Bob Walker,
Jim Kolbe,
Christopher Shays,
Wally Herger,
Managers on the Part of the House.

Pete V. Domenici,
Chuck Grassley,
Don Nickles,
Phil Gramm,
Christopher S. Bond,
Slade Gorton,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the Senate and the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the concurrent resolution (House Concurrent Resolution 178), setting forth the congressional budget for the United States for fiscal years 1997, 1998, 1999, 2000, 2001, and 2002, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommend in the accompanying conference report:

The Senate amendment struck out all of the House resolution after the resolving clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment which is a substitute for the House resolution and the Senate amendment.

EXPLANATION OF THE CONFERENCE AGREEMENT

Principal Components of the Conference Agreement

The conference agreement on the budget resolution for fiscal year 1997 achieves a balanced Federal budget by 2002. It calls for tax relief of $122.4 billion over 6 years, principally through a $500-per-child middle-class tax credit. It recommends comprehensive reform of the Nation's failed welfare system, slowing the growth of Federal welfare spending by $53 billion over 6 years, and restraining the increase in Federal Medicaid spending by $72 billion over 6 years.

The agreement also endorses comprehensive reform of the Medicare program for the Nation's seniors and disabled beneficiaries. Under the plan assumed in the conference agreement, the solvency of the Medicare Part A [hospital insurance] trust fund would be extended 10 years. Total Medicare spending would increase an average of 6.2 percent a year, with a 6-year spending total of $1.479 trillion. Spending per beneficiary would increase, on average, from $5,200 in 1996 to $7,000 in 2002. These spending levels assume no increases in beneficiary copayments or deductibles.

The conference agreement also reflects House and Senate emphasis on funding national priorities such as strengthening national security, enhancing benefits for the Nation's veterans, boosting law enforcement and crime prevention, improving education, protecting the environment and the Nation's parks, advancing basic research to create new knowledge, and transitioning agriculture to a more market-oriented system.

Displays and Amounts

The contents of concurrent budget resolutions are set forth in section 301(a) of the Congressional Budget Act of 1974.

House Resolution. The House budget resolution includes all of the items required as part of a concurrent budget resolution under section 301(a) of the Congressional Budget Act other than the spending and revenue levels for Social Security (which is used to enforce a point of order applicable only in the Senate).

Senate Amendment. The Senate amendment includes all of the items required under section 301(a) of the Congressional Budget Act. As permitted under section 301(b) of the Congressional Budget Act, section 102 of the Senate amendment includes amounts of the increase in the public debt subject to limitation. Section 101(1)(c) of the Senate amendment also includes the total amount of revenues from payroll taxes for Medicare Part A.

Conference Agreement. The House recedes to the Senate amendment.

Aggregates and Function Levels

HOUSE RESOLUTION

[In millions of dollars]

		Fiscal year— 1997	1998	1999	2000	2001	2002	1997–2002
Total Spending:								
On-budget	BA	1,311,284	1,357,208	1,386,338	1,428,397	1,450,450	1,497,756	8,431,433
	O	1,306,921	1,350,905	1,379,428	1,413,490	1,428,809	1,463,504	8,343,057
Off-budget	BA	318,579	335,264	347,616	358,261	376,514	388,716	2,124,950
	O	311,138	324,587	334,239	348,791	365,011	378,874	2,062,640
Total	BA	1,629,863	1,692,472	1,733,954	1,786,658	1,826,964	1,886,472	10,556,383
	O	1,618,059	1,675,492	1,713,667	1,762,281	1,793,820	1,842,378	10,405,697
Revenues:								
On-budget		1,085,197	1,130,260	1,176,070	1,229,500	1,288,832	1,358,053	7,267,912
Off-budget		385,176	402,448	423,586	445,268	465,321	487,510	2,609,309
Total		1,470,373	1,532,708	1,599,656	1,674,768	1,754,153	1,845,563	9,877,221
Deficit/Surplus:								
On-budget		221,724	220,645	203,358	183,990	139,977	105,451	1,075,145
Off-budget		−74,038	−77,861	−89,347	−96,477	−100,310	−108,636	−546,669
Total		147,686	142,784	114,011	87,513	39,667	−3,185	528,476
050: National Defense								
	BA	267,183	268,958	271,677	274,377	277,121	280,101	1,639,417
	O	264,846	263,618	267,049	270,841	270,025	270,122	1,606,501
150: International Affairs								
	BA	13,732	11,551	10,576	11,089	10,890	11,009	68,847
	O	14,963	13,484	12,467	11,025	10,584	10,281	72,804
250: General Science, Space, and Technology								
	BA	16,537	16,428	16,313	16,159	15,934	15,602	96,973
	O	16,697	16,494	16,224	16,111	15,943	15,673	97,142
270: Energy								
	BA	2,380	2,441	2,034	1,697	1,782	1,430	11,764
	O	2,729	2,078	1,327	815	740	231	7,920
300: Natural Resources and Environment								
	BA	20,529	18,902	19,713	18,399	18,994	18,860	115,397
	O	21,322	19,654	20,409	18,950	19,205	18,910	118,450
350: Agriculture								
	BA	11,840	11,750	11,367	10,714	9,497	8,964	64,132
	O	10,238	9,855	9,483	8,843	7,730	7,181	53,330
370: Commerce and Housing Credit								
On-budget	BA	7,838	9,464	10,476	12,448	11,268	11,598	63,092
	O	−2,319	5,752	6,043	7,320	7,283	7,218	31,297
Off-budget	BA	1,119	4,724	3,627	402	3,394	0	13,266
	O	720	1,581	−1,666	−479	1,112	0	1,268
Total	BA	8,957	14,188	14,103	12,850	14,662	11,598	76,358
	O	−1,599	7,333	4,377	6,841	8,395	7,218	32,565

HOUSE RESOLUTION—Continued

[In millions of dollars]

		Fiscal year—						1997–2002
		1997	1998	1999	2000	2001	2002	
400: Transportation								
	BA	41,737	43,541	43,961	44,103	44,531	45,045	262,918
	O	39,007	37,635	36,111	35,236	34,526	34,042	216,557
450: Community and Regional Development								
	BA	6,672	6,605	6,559	6,595	6,243	6,153	38,827
	O	10,149	8,640	7,820	7,040	6,655	6,161	46,465
500: Education, Training, Employment, and Social Services								
	BA	46,965	47,416	48,046	48,696	49,410	50,092	290,625
	O	49,504	48,112	47,817	48,209	48,704	49,335	291,681
550: Health								
	BA	129,918	137,726	144,995	152,961	161,114	167,926	894,640
	O	130,276	138,064	145,168	152,890	160,789	167,476	894,663
570: Medicare								
	BA	193,165	207,183	217,250	229,309	241,641	255,121	1,343,669
	O	191,481	205,458	214,978	227,560	239,907	252,720	1,332,104
600: Income Security								
	BA	232,612	241,254	244,842	262,510	262,260	281,100	1,524,578
	O	240,107	244,185	251,716	263,060	265,271	277,213	1,541,552
650: Social Security								
On-budget	BA	7,812	8,476	9,219	9,979	10,775	11,607	57,868
	BA	10,543	11,213	11,922	12,662	13,458	14,290	74,088
Off-budget	BA	364,638	382,465	401,221	421,027	442,532	465,007	2,476,890
	O	357,596	374,931	393,137	412,438	433,311	455,165	2,426,578
Total	BA	372,450	390,941	410,440	431,006	453,307	476,614	2,534,758
	O	368,139	386,144	405,059	425,100	446,769	469,455	2,500,666
700: Veterans Benefits and Services								
	BA	39,117	38,458	37,712	37,713	38,002	39,713	230,715
	O	39,654	39,321	38,063	39,427	36,882	39,912	233,259
750: Administration of Justice								
	BA	22,125	22,302	23,186	23,235	20,746	20,740	132,334
	O	19,930	21,162	22,241	22,944	20,704	20,700	127,681
800: General Government								
	BA	11,372	13,314	12,592	12,987	12,549	13,020	75,834
	O	11,747	13,640	12,928	13,364	12,454	12,321	76,454
900: Net Interest								
On-budget	BA	282,653	288,947	292,607	294,004	298,041	302,443	1,758,695
	O	282,653	288,947	292,607	294,004	298,041	302,443	1,758,695
Off-budget	BA	−40,555	−44,900	−49,690	−54,979	−60,722	−66,864	−317,710
	O	−40,555	−44,900	−49,690	−54,979	−60,722	−66,864	−317,710
Total	BA	242,098	244,047	242,917	239,025	237,319	235,579	1,440,985
	O	242,098	244,047	242,917	239,025	237,319	235,579	1,440,985
920: Allowances								
	BA	2,671	−1,934	−2,025	−2,038	−2,026	−2,182	−7,534
	O	−1,032	−833	−183	−271	−1,770	−2,139	−6,228
950: Offsetting Receipts								
On-budget	BA	−45,574	−35,574	−34,762	−36,540	−38,322	−40,586	−231,358
	O	−45,574	−35,574	−34,762	−36,540	−38,322	−40,586	−231,358
Off-budget	BA	−6,623	−7,025	−7,542	−8,189	−8,690	−9,427	−47,496
	O	−6,623	−7,025	−7,542	−8,189	−8,690	−9,427	−47,496
Total	BA	−52,197	−42,599	−42,304	−44,729	−47,012	−50,013	−278,854
	O	−52,197	−42,599	−42,304	−44,729	−47,012	−50,013	−278,854

SENATE AMENDMENT

[In billions of dollars]

		Fiscal year—						1997–2002
		1997	1998	1999	2000	2001	2002	
Total Spending:								
On-budget	BA	1,321.6	1,360.9	1,391.6	1,434.7	1,455.7	1,499.1	8,463.6
	O	1,317.1	1,352.7	1,381.6	1,416.6	1,434.7	1,467.4	8,370.1
Off-budget	BA	318.5	335.3	347.6	358.2	376.5	388.7	2,124.8
	O	311.1	324.5	334.2	348.7	365.0	378.9	2,062.4
Total	BA	1,640.1	1,696.2	1,739.2	1,792.9	1,832.2	1,887.8	10,588.4
	O	1,628.2	1,677.2	1,715.8	1,765.3	1,799.7	1,846.3	10,432.5
Revenues:								
On-budget		1,086.2	1,129.9	1,176.1	1,229.9	1,289.6	1,359.1	7,270.8
Off-budget		385.0	402.3	423.4	445.1	465.2	487.3	2,608.3
Total		1,471.2	1,532.2	1,599.5	1,675.0	1,754.8	1,846.4	9,879.1
Deficit/Surplus:								
On-budget		230.9	222.8	205.5	186.7	145.1	108.3	1,099.3
Off-budget		−73.9	−77.8	−89.2	−96.4	−100.2	−108.4	−545.9
Total		157.0	145.0	116.3	90.3	44.9	−0.1	553.4
050: National Defense								
	BA	265.6	267.1	269.5	271.8	274.2	276.9	1,625.1
	O	263.7	262.1	265.1	268.6	267.5	267.2	1,594.2
150: International Affairs								
	BA	14.2	12.7	11.6	12.0	12.4	12.7	75.6
	O	14.9	13.6	12.6	11.4	11.5	11.5	75.5
250: General Science, Space, and Technology								
	BA	16.7	16.1	15.7	15.4	15.5	15.5	94.9
	O	16.8	16.3	15.9	15.5	15.5	15.5	95.5
270: Energy								
	BA	3.7	2.9	2.6	2.5	2.7	2.4	16.8
	O	3.1	2.2	1.8	1.6	1.6	1.2	11.5
300: Natural Resources and Environment								
	BA	20.3	20.0	19.9	19.5	19.4	19.3	118.4
	O	21.5	20.9	20.6	20.1	19.6	19.4	122.1
350: Agriculture								
	BA	12.8	12.5	12.2	11.5	10.5	10.3	69.8
	O	11.0	10.6	10.3	9.7	8.7	8.4	58.7
370: Commerce and Housing Credit								
On-budget	BA	8.1	9.6	10.6	12.6	11.4	11.7	64.0

SENATE AMENDMENT—Continued

[In billions of dollars]

		Fiscal year—						1997–2002
		1997	1998	1999	2000	2001	2002	
	O	−2.4	5.7	6.1	7.5	7.4	7.4	31.7
Off-budget	BA	1.1	4.7	3.6	0.4	3.4	0	13.2
	O	0.7	1.5	−1.7	−0.5	1.1	0	1.1
Total	BA	9.2	14.3	14.2	13.0	14.8	11.7	77.2
	O	−1.7	7.2	4.4	7.0	8.5	7.4	32.8
400: Transportation								
	BA	42.6	43.3	43.8	43.5	43.7	44.0	260.9
	O	39.3	37.0	35.6	34.1	33.7	33.2	212.9
450: Community and Regional Development								
	BA	9.9	6.7	6.7	6.7	6.7	6.6	43.3
	O	10.8	9.5	8.6	7.7	7.2	6.7	50.5
500: Education, Training, Employment, and Social Services								
	BA	51.4	49.0	50.2	51.0	51.8	52.6	306.0
	O	51.5	48.9	49.4	50.2	50.9	51.7	302.6
550: Health								
	BA	132.4	137.4	144.0	152.8	160.3	167.2	894.1
	O	132.4	137.8	144.1	152.7	159.9	166.7	893.6
570: Medicare								
	BA	191.8	205.3	216.0	228.5	241.1	253.5	1,336.2
	O	190.1	203.5	213.7	226.7	239.3	251.1	1,324.4
600: Income Security								
	BA	232.4	241.9	246.5	264.6	264.1	282.8	1,532.3
	O	240.3	245.2	253.0	264.5	268.5	281.1	1,552.6
650: Social Security								
On-budget	BA	7.8	8.5	9.2	10.0	10.8	11.6	57.9
	O	10.5	11.2	11.9	12.7	13.5	14.3	74.1
Off-budget	BA	364.6	382.5	401.2	421.0	442.5	465.0	2,476.8
	O	357.6	374.9	393.1	412.4	433.3	455.2	2,426.5
Total	BA	372.4	391.0	410.4	431.0	453.3	476.6	2,534.7
	O	368.1	386.1	405.0	425.1	446.8	469.5	2,500.6
700: Veterans Benefits and Services								
	BA	39.0	38.6	38.7	38.7	38.8	39.0	232.8
	O	39.5	39.3	39.3	40.4	37.7	39.3	235.5
750: Administration of Justice								
	BA	21.7	22.3	23.3	23.3	19.9	19.9	130.4
	O	20.6	21.6	22.4	23.0	19.8	19.8	127.2
800: General Government								
	BA	13.8	13.6	13.3	13.2	13.3	13.5	80.7
	O	13.7	13.6	13.3	13.1	13.2	13.3	80.2
900: Net Interest								
On-budget	BA	282.7	289.3	293.1	294.6	298.8	303.4	1,761.9
	O	282.7	289.3	293.1	294.6	298.8	303.4	1,761.9
Off-budget	BA	−40.6	−44.9	−49.7	−55.0	−60.7	−66.9	−317.8
	O	−40.6	−44.9	−49.7	−55.0	−60.7	−66.9	−317.8
Total	BA	242.1	244.4	243.4	239.6	238.1	236.5	1,444.1
	O	242.1	244.4	243.4	239.6	238.1	236.5	1,444.1
920: Allowances								
	BA	−1.6	−0.2	−0.4	−0.8	−1.2	−3.7	−7.9
	O	0.8	0.1	−0.3	−0.8	−1.1	−3.7	−5.0
950: Offsetting Receipts								
On-budget	BA	−43.7	−35.7	−34.9	−36.7	−38.5	−40.1	−229.6
	O	−43.7	−35.7	−34.9	−36.7	−38.5	−40.1	−229.6
Off-budget	BA	−6.6	−7.0	−7.5	−8.2	−8.7	−9.4	−47.4
	O	−6.6	−7.0	−7.5	−8.2	−8.7	−9.4	−47.4
Total	BA	−50.3	−42.7	−42.4	−44.9	−47.2	−49.5	−277.0
	O	−50.3	−42.7	−42.4	−44.9	−47.2	−49.5	−277.0

CONFERENCE AGREEMENT—TOTALS

[In millions of dollars]

		Fiscal year—						6-year total
		1997	1998	1999	2000	2001	2002	
Total Spending:								
On-budget	BA	1,314,760	1,362,075	1,392,403	1,433,371	1,453,873	1,496,063	8,452,545
	O	1,311,011	1,354,668	1,383,872	1,416,493	1,432,423	1,462,900	8,361,367
Off-budget	BA	318,579	335,264	347,616	358,261	376,514	388,716	2,124,950
	O	311,138	324,587	334,239	348,791	365,011	378,874	2,062,640
Total	BA	1,633,339	1,697,339	1,740,019	1,791,632	1,830,387	1,884,779	10,577,495
	O	1,622,149	1,679,255	1,718,111	1,765,284	1,797,434	1,841,774	10,424,007
Reveues:								
On-budget		1,083,728	1,130,269	1,177,467	1,231,178	1,290,661	1,359,046	7,272,349
Off-budget		385,010	402,282	423,420	445,102	465,155	487,344	2,608,313
Total		1,468,738	1,532,551	1,600,887	1,676,280	1,755,816	1,846,390	9,880,662
Deficit/Surplus:								
On-budget		227,283	224,399	206,405	185,315	141,762	103,854	
Off-budget		−73,872	−77,695	−89,181	−96,311	−100,144	−108,470	
Total		153,411	146,704	117,224	89,004	41,618	−4,616	
050: National Defense								
	BA	265,583	268,198	270,797	273,337	275,961	278,821	1,632,697
	O	264,146	263,018	266,289	269,961	269,025	268,962	1,601,401
150: International Affairs								
	BA	14,308	12,120	11,095	11,556	11,664	11,864	72,607
	O	15,201	13,519	12,520	11,235	11,022	10,896	74,393
250: Science, Space, and Technology								
	BA	16,788	16,249	16,012	15,775	15,700	15,573	96,097
	O	16,865	16,421	16,053	15,805	15,717	15,611	96,472
270: Energy								
	BA	3,728	2,830	2,512	2,272	2,385	2,069	15,796
	O	3,080	2,328	1,758	1,351	1,329	874	10,720

CONFERENCE AGREEMENT—TOTALS—Continued

[In millions of dollars]

		Fiscal year—						6-year total
		1997	1998	1999	2000	2001	2002	
300: Natural Resources and Environment								
	BA	20,879	18,862	19,787	18,604	19,170	19,098	116,400
	O	21,707	19,698	20,515	19,125	19,418	19,169	119,632
350: Agriculture								
	BA	12,811	12,122	11,799	11,146	10,015	9,627	67,520
	O	10,985	10,220	9,898	9,268	8,229	7,822	56,422
370: Commerce and Housing Credit								
On-budget	BA	8,186	9,561	10,575	12,543	11,363	11,695	63,923
	O	−2,307	5,746	6,109	7,414	7,377	7,312	31,651
Off-budget	BA	1,119	4,724	3,627	402	3,394	0	13,266
	O	720	1,581	−1,666	−479	1,112	0	1,268
Total	BA	9,305	14,285	14,202	12,945	14,757	11,695	77,189
	O	−1,587	7,327	4,443	6,935	8,489	7,312	32,919
400: Transportation								
	BA	42,635	43,427	43,904	43,798	44,104	44,518	262,386
	O	39,311	37,306	35,886	34,678	34,121	33,624	214,926
450: Community and Regional Development								
	BA	8,218	6,651	6,611	6,656	6,466	6,367	40,969
	O	10,321	8,982	8,111	7,267	6,819	6,334	47,834
500: Education, Training, Employment, and Social Services								
	BA	48,983	47,428	48,197	48,931	49,686	50,409	293,634
	O	49,964	47,758	47,761	48,319	48,953	49,629	292,384
550: Health								
	BA	133,228	140,343	146,103	152,405	158,848	164,380	895,307
	O	133,172	140,728	146,246	152,317	158,509	163,912	894,884
570: Medicare								
	BA	192,835	207,412	218,091	230,596	243,192	253,649	1,345,775
	O	191,151	205,687	215,819	228,847	241,458	251,248	1,334,210
600: Income Security								
	BA	230,233	241,766	246,842	265,119	264,868	283,450	1,532,278
	O	239,737	244,694	253,422	265,209	268,404	280,388	1,551,854
650: Social Security								
On-budget	BA	7,813	8,476	9,219	9,979	10,775	11,607	57,869
	O	11,001	11,213	11,922	12,662	13,458	14,290	74,546
Off-budget	BA	364,638	382,465	401,221	421,027	442,532	465,007	2,476,890
	O	357,596	374,931	393,137	412,438	433,311	455,165	2,426,578
Total	BA	372,451	390,941	410,440	431,006	453,307	476,614	2,534,759
	O	368,597	386,144	405,059	425,100	446,769	469,455	2,501,124
700: Veterans								
	BA	38,463	38,552	38,179	38,186	38,382	39,318	231,080
	O	39,561	39,313	38,644	39,886	37,265	39,602	234,271
750: Administration of Justice								
	BA	20,924	22,320	23,264	23,278	20,330	20,315	130,431
	O	19,540	21,397	22,331	22,966	20,281	20,267	126,782
800: General Government								
	BA	12,353	14,097	13,288	13,609	13,262	13,209	79,818
	O	12,186	14,275	13,461	13,675	13,185	12,831	79,613
900: Net Interest								
On-budget	BA	282,591	289,121	292,939	294,426	298,531	302,932	1,760,540
	O	282,591	289,121	292,939	294,426	298,531	302,932	1,760,540
Off-budget	BA	−40,555	−44,900	−49,690	−54,979	−60,722	−66,864	−317,710
	O	−40,555	−44,900	−49,690	−54,979	−60,722	−66,864	−317,710
Total	BA	242,036	244,221	243,249	239,447	237,809	236,068	1,442,830
	O	242,036	244,221	243,249	239,447	237,809	236,068	1,442,830
920: Allowances								
	BA	−465	−1,921	−2,084	−2,340	−2,552	−2,898	−12,260
	O	−1,867	−1,217	−1,085	−1,413	−2,401	−2,863	−10,846
950: Undistributed Offsetting Receipts								
On-budget	BA	−45,334	−35,539	−34,727	−36,505	−38,277	−39,940	−230,322
	O	−45,334	−35,539	−34,727	−36,505	−38,277	−39,940	−230,322
Off-budget	BA	−6,623	−7,025	−7,542	−8,189	−8,690	−9,427	−47,496
	O	−6,623	−7,025	−7,542	−8,189	−8,690	−9,427	−47,496
Total	BA	−51,957	−42,564	−42,269	−44,694	−46,967	−49,367	−277,818
	O	−51,957	−42,564	−42,269	−44,694	−46,967	−49,367	−277,818

CONFERENCE AGREEMENT COMPARED TO CURRENT LAW LEVELS

[In millions of dollars]

		Fiscal year—						6-year total
		1997	1998	1999	2000	2001	2002	
Total Spending:								
On-budget	BA	−11,974	−25,016	−47,877	−59,217	−88,134	−109,775	−341,993
	O	−19,111	−31,617	−50,479	−67,283	−89,839	−124,249	−382,578
Off-budget	BA	32	31	7	0	0	0	70
	O	32	31	7	0	0	0	70
Total	BA	−11,942	−24,985	−47,870	−59,217	−88,134	−109,775	−341,923
	O	−19,079	−31,586	−50,472	−67,283	−89,839	−124,249	−382,508
Revenues:								
On-budget		−16,627	−18,280	−20,890	−20,620	−20,436	−14,849	−111,702
Off-budget		0	0	0	0	0	0	0
Total		−16,627	−18,280	−20,890	−20,620	−20,436	−14,849	−111,702
Deficit/Surplus:								
On-budget		−2,484	−13,337	−29,589	−46,663	−69,403	−109,400	−270,876
Off-budget		32	31	7	0	0	0	70
Total		−2,452	−13,306	−29,582	−46,663	−69,403	−109,400	−270,806
050: National Defense								
	BA	1,044	3,653	6,182	8,705	11,267	14,042	44,893
	O	−967	−530	2,222	4,128	8,490	6,446	19,789
150: International Affairs								
	BA	−131	−2,091	−3,241	−3,959	−3,966	−4,046	−17,172

CONFERENCE AGREEMENT COMPARED TO CURRENT LAW LEVELS—Continued

[In millions of dollars]

		Fiscal year—						6-year total
		1997	1998	1999	2000	2001	2002	
	O	293	−921	−2,050	−2,933	−3,334	−3,642	−12,587
250: Science, Space, and Technology								
	BA	111	−429	−668	−906	−982	−1,110	−3,984
	O	44	−290	−564	−855	−965	−1,072	−3,702
270: Energy								
	BA	17	−807	−1,307	−1,494	−1,551	−1,595	−6,737
	O	8	−352	−1,021	−1,284	−1,450	−1,542	−5,641
300: Natural Resources and Environment								
	BA	827	−1,036	−110	−1,168	−524	−545	−2,556
	O	114	−1,449	−270	−1,208	−517	−549	−3,879
350: Agriculture								
	BA	0	−696	−831	−936	−1,023	−1,168	−4,654
	O	0	−612	−771	−899	−993	−1,135	−4,410
370: Commerce and Housing Credit								
On-budget	BA	−164	−661	−376	883	−1,000	−1,000	−2,318
	O	−3,533	46	76	1,211	100	−893	−2,993
Off-budget	BA	32	31	7	0	0	0	70
	O	32	31	7	0	0	0	70
Total	BA	−132	−630	−369	883	−1,000	−1,000	−2,248
	O	−3,501	77	83	1,211	100	−893	−2,923
400: Transportation								
	BA	−1,097	−1,292	−1,417	−2,219	−2,627	−2,941	−11,593
	O	−70	−1,613	−2,620	−3,305	−3,700	−4,154	−15,462
450: Community and Regional Development								
	BA	−39	−1,601	−1,629	−1,649	−1,828	−1,815	−8,561
	O	−83	−638	−1,167	−1,595	−1,740	−1,800	−7,023
500: Education, Training, Employment, and Social Services								
	BA	−1,084	−1,559	−1,915	−1,956	−2,063	−2,098	−10,675
	O	−1,066	−1,591	−1,867	−2,012	−2,163	−2,230	−10,929
550: Health								
	BA	653	−2,751	−8,202	−14,178	−21,467	−31,267	−77,212
	O	553	−2,497	−8,125	−14,117	−21,411	−31,207	−76,804
570: Medicare								
	BA	−6,749	−11,108	−20,597	−28,536	−38,508	−52,891	−158,389
	O	−6,756	−11,108	−20,597	−28,536	−38,508	−52,891	−158,396
600: Income Security:								
	BA	−3,911	−1,948	−6,880	−1,686	−6,687	−2,115	−23,227
	O	−4,445	−8,362	−6,850	−6,337	−6,746	−8,142	−40,882
650: Social Security								
On-budget	BA	1	0	0	0	0	0	1
	O	458	0	0	0	0	0	458
Off-budget	BA	0	0	0	0	0	0	0
	O	0	0	0	0	0	0	0
Total	BA	1	0	0	0	0	0	1
	O	458	0	0	0	0	0	458
700: Veterans								
	BA	−132	−327	−1,914	−2,145	−2,173	−1,545	−8,236
	O	−130	108	−1,631	−2,132	−2,142	−1,623	−7,550
750: Administration of Justice								
	BA	1,076	2,290	3,231	3,265	341	350	10,553
	O	297	1,784	1,737	3,008	348	358	7,532
800: General Government								
	BA	−49	−193	−959	−682	−1,072	−811	−3,766
	O	14	164	−736	−788	−988	−988	−3,322
900: Net Interest								
On-budget	BA	−68	−478	−1,518	−3,285	−6,001	−10,217	−21,567
	O	−68	−478	−1,518	−3,285	−6,001	−10,217	−21,567
Off-budget	BA	0	0	0	0	0	0	0
	O	0	0	0	0	0	0	0
Total	BA	−68	−478	−1,518	−3,285	−6,001	−10,217	−21,567
	O	−68	−478	−1,518	−3,285	−6,001	−10,217	−21,567
920: Allowances								
	BA	−465	−1,921	−2,084	−2,340	−2,552	−2,898	−12,260
	O	−1,698	−1,217	−1,085	−1,413	−2,401	−2,863	−10,677
950: Undistributed Offsetting Receipts								
On-budget	BA	−2,076	−2,061	−3,642	−4,931	−5,718	−6,105	−24,533
	O	−2,076	−2,061	−3,642	−4,931	−5,718	−6,105	−24,533
Off-budget	BA	0	0	0	0	0	0	0
	O	0	0	0	0	0	0	0
Total	BA	−2,076	−2,061	−3,642	−4,931	−5,718	−6,105	−24,533
	O	−2,076	−2,061	−3,642	−4,931	−5,718	−6,105	−24,533

Discretionary and Mandatory Spending Levels

CONFERENCE AGREEMENT—DISCRETIONARY SPENDING

[In millions of dollars]

		Fiscal year—						6-year total
		1997	1998	1999	2000	2001	2002	
Total Spending:								
	BA	497,350	493,717	491,268	498,589	491,117	500,592	2,972,633
	O	538,612	526,955	525,485	525,251	516,223	514,219	3,146,745
050: National Defense								
	BA	266,362	268,971	271,500	274,024	276,672	279,459	1,636,988
	O	264,968	263,862	267,048	270,657	269,744	269,608	1,605,887
150: International Affairs								
	BA	18,236	16,060	14,977	14,281	14,264	14,175	91,993
	O	19,549	17,878	16,593	15,474	14,853	14,469	98,816
250: Science, Space, and Technology								
	BA	16,748	16,208	15,969	15,731	15,655	15,527	95,838
	O	16,826	16,382	16,013	15,763	15,673	15,566	96,223
270: Energy								
	BA	5,126	3,946	4,074	3,904	3,864	3,838	24,752
	O	5,402	4,505	4,440	4,136	4,000	3,897	26,380
300: Natural Resources and Environment								
	BA	20,139	19,477	19,150	18,849	18,791	18,725	115,131

CONFERENCE AGREEMENT—DISCRETIONARY SPENDING—Continued

[In millions of dollars]

		Fiscal year—						6-year total
		1997	1998	1999	2000	2001	2002	
	O	21,088	20,337	19,940	19,508	19,131	18,916	118,920
350: Agriculture	BA	3,949	3,253	3,118	3,013	2,926	2,781	19,040
	O	3,958	3,329	3,169	3,042	2,948	2,806	19,252
370: Commerce and Housing Credit	BA	3,099	2,606	3,006	4,283	2,402	2,400	17,796
	O	2,996	2,577	2,756	3,791	2,579	2,186	16,885
400: Transportation	BA	13,840	12,536	12,460	11,658	11,250	10,936	72,680
	O	36,744	35,161	34,047	33,017	32,532	32,058	203,559
450: Community and Regional Development	BA	7,926	6,364	6,336	6,316	6,137	6,150	39,229
	O	10,345	9,158	8,299	7,316	6,865	6,479	48,462
500: Education, Training, Employment, and Social Services	BA	37,477	35,351	35,279	35,211	35,176	35,145	213,639
	O	38,506	35,664	35,217	35,094	35,011	34,969	214,461
550: Health	BA	23,169	21,875	21,774	21,718	21,659	21,559	131,754
	O	23,236	22,144	21,875	21,800	21,737	21,641	132,433
570: Medicare	BA	3,031	2,892	2,892	2,892	2,892	2,892	17,491
	O	3,031	2,892	2,892	2,892	2,892	2,892	17,491
600: Income Security	BA	27,816	35,119	31,690	38,104	33,946	40,824	207,499
	O	40,398	40,667	40,830	40,714	40,011	40,299	242,919
650: Social Security	BA	6	5	5	5	5	5	31
	O	3,194	2,742	2,708	2,688	2,688	2,688	16,708
700: Veterans	BA	18,425	18,223	17,621	17,527	17,534	18,309	107,639
	O	19,311	18,829	17,958	17,567	17,544	18,223	109,432
750: Administration of Justice	BA	20,661	21,875	22,816	22,850	19,926	19,935	128,063
	O	19,338	21,015	21,948	22,600	19,940	19,950	124,791
800: General Government	BA	11,561	10,841	10,652	10,530	10,537	10,798	64,919
	O	11,372	10,993	10,798	10,569	10,442	10,402	64,576
900: Net Interest	BA	0	0	0	0	0	0	0
	O	0	0	0	0	0	0	0
920: Allowances	BA	−214	−1,885	−2,051	−2,307	−2,519	−2,866	−11,842
	O	−1,644	−1,180	−1,046	−1,377	−2,367	−2,830	−10,444
950: Undistributed Offsetting Receipts	BA	0	0	0	0	0	0	0
	O	0	0	0	0	0	0	0

CONFERENCE AGREEMENT—MANDATORY SPENDING

[In millions of dollars]

		Fiscal year—						6-year total
		1997	1998	1999	2000	2001	2002	
Total Spending:								
On-budget	BA	817,410	868,358	901,135	934,782	962,756	995,471	5,479,912
	O	772,399	827,713	858,387	891,242	916,200	948,681	5,214,622
Off-budget	BA	318,579	335,264	347,616	358,261	376,514	388,716	2,124,950
	O	311,138	324,587	334,239	348,791	365,011	378,874	2,062,640
Total	BA	1,135,989	1,203,622	1,248,751	1,293,043	1,339,270	1,384,187	7,604,862
	O	1,083,537	1,152,300	1,192,626	1,240,033	1,281,211	1,327,555	7,277,262
050: National Defense	BA	−779	−773	−703	−687	−711	−638	−4,291
	O	−822	−844	−759	−696	−719	−646	−4,486
150: International Affairs	BA	−3,928	−3,940	−3,882	−2,725	−2,600	−2,311	−19,386
	O	−4,348	−4,359	−4,073	−4,239	−3,831	−3,573	−24,423
250: Science, Space, and Technology	BA	40	41	43	44	45	46	259
	O	39	39	40	42	44	45	249
270: Energy	BA	−1,398	−1,116	−1,562	−1,632	−1,479	−1,769	−8,956
	O	−2,322	−2,177	−2,682	−2,785	−2,671	−3,023	−15,660
300: Natural Resources and Environment	BA	740	−615	637	−245	379	373	1,269
	O	619	−639	575	−383	287	253	712
350: Agriculture	BA	8,862	8,869	8,681	8,133	7,089	6,846	48,480
	O	7,027	6,891	6,729	6,226	5,281	5,016	37,170
370: Commerce and Housing Credit								
On-budget	BA	5,094	6,955	7,569	8,260	8,961	9,295	46,134
	O	−5,297	3,169	3,353	3,623	4,798	5,126	14,772
Off-budget	BA	1,119	4,724	3,627	402	3,394	0	13,266
	O	720	1,581	−1,666	−479	1,112	0	1,268
Total	BA	6,213	11,679	11,196	8,662	12,355	9,295	59,400
	O	−4,577	4,750	1,687	3,144	5,910	5,126	16,040
400: Transportation	BA	28,795	30,891	31,444	32,140	32,854	33,582	189,706
	O	2,567	2,145	1,839	1,661	1,589	1,566	11,367
450: Community and Regional Development	BA	292	287	275	340	329	217	1,740
	O	−24	−176	−188	−49	−46	−145	−628
500: Education, Training, Employment, and Social Services	BA	11,506	12,077	12,918	13,720	14,510	15,264	79,995
	O	11,458	12,094	12,544	13,225	13,942	14,660	77,923
550: Health	BA	110,059	118,468	124,329	130,687	137,189	142,821	763,553
	O	109,936	118,584	124,371	130,517	136,772	142,271	762,451
570: Medicare	BA	189,804	204,520	215,199	227,704	240,300	250,757	1,328,284

CONFERENCE AGREEMENT—MANDATORY SPENDING—Continued

[In millions of dollars]

		Fiscal year—						6-year total
		1997	1998	1999	2000	2001	2002	
	O	188,120	202,795	212,927	225,955	238,566	248,356	1,316,719
600: Income Security								
	BA	202,417	206,647	215,152	227,015	230,922	242,626	1,324,779
	O	199,339	204,027	212,592	224,495	228,393	240,089	1,308,935
650: Social Security								
On-budget	BA	7,807	8,471	9,214	9,974	10,770	11,602	57,838
	O	7,807	8,471	9,214	9,974	10,770	11,602	57,838
Off-budget	BA	364,638	382,465	401,221	421,027	442,532	465,007	2,476,890
	O	357,596	374,931	393,137	412,438	433,311	455,165	2,426,578
Total	BA	372,445	390,936	410,435	431,001	453,302	476,609	2,534,728
	O	365,403	383,402	402,351	422,412	444,081	466,767	2,484,416
700: Veterans								
	BA	20,038	20,329	20,558	20,659	20,848	21,009	123,441
	O	20,250	20,484	20,686	22,319	19,721	21,379	124,839
750: Administration of Justice								
	BA	263	445	448	428	404	380	2,368
	O	202	382	383	366	341	317	1,991
800: General Government								
	BA	792	3,256	2,636	3,079	2,725	2,411	14,899
	O	814	3,282	2,663	3,106	2,743	2,429	15,037
900: Net Interest								
On-budget	BA	282,591	289,121	292,939	294,426	298,531	302,932	1,760,540
	O	282,591	289,121	292,939	294,426	298,531	302,932	1,760,540
Off-budget	BA	−40,555	−44,900	−49,690	−54,979	−60,722	−66,864	−317,710
	O	−40,555	−44,900	−49,690	−54,979	−60,722	−66,864	−317,710
Total	BA	242,036	244,221	243,249	239,447	237,809	236,068	1,442,830
	O	242,036	244,221	243,249	239,447	237,809	236,068	1,442,830
920: Allowances								
	BA	−251	−36	−33	−33	−33	−32	−418
	O	−223	−37	−39	−36	−34	−33	−402
950: Undistributed Offsetting Receipts								
On-budget	BA	−45,334	−35,539	−34,727	−36,505	−38,277	−39,940	−230,322
	O	−45,334	−35,539	−34,727	−36,505	−38,277	−39,940	−230,322
Off-budget	BA	−6,623	−7,025	−7,542	−8,189	−8,690	−9,427	−47,496
	O	−6,623	−7,025	−7,542	−8,189	−8,690	−9,427	−47,496
Total	BA	−51,947	−42,564	−42,269	−44,694	−46,967	−49,367	−277,818
	O	−51,947	−42,564	−42,269	−44,694	−46,967	−49,367	−277,818

CREDIT LEVELS

CREDIT LEVELS IN CONFERENCE AGREEMENT BY FUNCTION

[In billions of dollars]

	Fiscal year—						6-year total
	1997	1998	1999	2000	2001	2002	
Direct Loans	41.353	36.358	36.455	36.535	36.600	36.624	223.925
Loan Guarantees	267.284	269.467	268.601	268.489	270.244	270.948	1,615.033
050: National Defense							
Loan Guarantees	0.800	0.200	0.192	0.187	0.185	0.183	1.747
150: International Affairs							
Direct Loans	4.333	4.342	4.358	4.346	4.395	4.387	26.161
Loan Guarantees	18.110	18.262	18.311	18.311	18.409	18.409	109.812
270: Energy							
Direct Loans	1.033	1.039	1.045	1.036	1.000	1.031	6.184
300: Natural Resources and Environment							
Direct Loans	0.037	0.041	0.038	0.038	0.038	0.038	0.230
350: Agriculture							
Direct Loans	7.794	9.346	10.743	10.736	10.595	10.570	59.784
Loan Guarantees	5.870	6.637	6.586	6.652	6.641	6.709	39.905
370: Commerce and Housing Credit							
Direct Loans	1.856	1.787	1.763	1.759	1.745	1.740	10.650
Loan Guarantees	197.340	196.750	196.253	195.883	195.375	194.875	1,176.476
400: Transportation							
Direct Loans	0.015	0.015	0.015	0.015	0.015	0.015	0.090
450: Community and Regional Development							
Direct Loans	1.231	1.257	1.287	1.365	1.404	1.430	7.974
Loan Guarantees	2.133	2.133	1.171	1.171	2.202	2.202	11.012
500: Education, Training, Employment, and Social Services							
Direct Loans	16.219	16.219	16.219	16.219	16.219	16.219	97.314
Loan Guarantees	17.469	19.760	20.854	21.589	23.319	25.085	128.076
550: Health							
Loan Guarantees	0.187	0.094	0.000	0.000	0.000	0.000	0.281
700: Veterans							
Direct Loans	0.935	0.962	0.987	1.021	1.189	1.194	6.288
Loan Guarantees	26.362	25.925	25.426	24.883	24.298	23.668	150.562
950: Undistributed Offsetting Receipts							
Direct Loans	7.900	1.350	0.000	0.000	0.000	0.000	9.250

ECONOMIC ASSUMPTIONS

Section 301(g)(2) of the Congressional Budget Act requires that the joint explanatory statement accompanying a conference report on a budget resolution set forth the common economic assumptions upon which the joint statement and conference report are based. The conference agreement is based entirely on the economic forecast and projections of the Congressional Budget Office, published in CBO's report to the budget committees, "The Economic and Budget Outlook: Fiscal Years 1997–2006" (May 1996). These economic assumptions assume a balanced budget by 2002 and are adjusted for anticipated revisions to the Consumer Price Index [CPI]. The assumptions are reflected in the table below.

House Resolution. The Bureau of Labor Statistic [BLS] has announced its plans to make two technical revisions to the CPI. First, the BLS rebenchmarking of the CPI is estimated by CBO to reduce the growth in the CPI by 0.2 percentage points a year. This comprehensive revision is to be completed by 1998. Second, the BLS also will incorporate improvements in the CPI to remove the "formula bias" by June, 1996. CBO estimates that this revision will reduce the growth in the CPI by 0.16 percentage point a year. These revisions are incorporated in the economic assumptions of the House resolution.

Senate Amendment. The assumptions of the Senate amendment are identical to those of the House resolution.

Conference Agreement. The conference agreement follows the House resolution and the Senate amendment.

ECONOMIC ASSUMPTIONS

[Calendar years]

	1995 actual	Forecast		Projected				
		1996	1997	1998	1999	2000	2001	2002
Nominal GDP (billions of dollars)	7,248	7,584	7,946	8,333	8,745	9,177	9,631	10,108
Percent change, year over year:								
Nominal GDP	4.6	4.6	4.8	4.9	4.9	4.9	4.9	4.9
Real GDP	2.0	2.0	2.0	2.1	2.2	2.2	2.2	2.2
Chained GDP price index	2.5	2.6	2.8	2.7	2.7	2.7	2.7	2.7
Inflation, CPI–U	2.8	2.8	3.1	3.0	2.9	2.9	2.9	3.0
Percent, annual:								
Unemployment rate	5.6	5.8	6.0	6.0	6.0	6.0	6.0	6.0
3-month Treasury Bill rate	5.5	4.9	4.8	4.3	3.9	3.7	3.7	3.7
10-year Treasury Note rate	6.6	5.7	5.5	5.3	5.3	5.3	5.3	5.3

Source: Congressional Budget Office.

FUNCTIONS AND REVENUES

FUNCTION 050: NATIONAL DEFENSE

House Resolution. The House resolution provides $267.2 billion in budget authority and $264.8 billion in outlays in 1997 for national defense. Over 6 years, the resolution provides $1,639.4 billion in budget authority and $1,606.5 billion in outlays. The resolution assumes policies consistent with those anticipated for the National Defense Authorization Act of 1996. It also assumes sales from the National Defense Stockpile of $79 million in 1997 and total sales of $649 million over 6 years.

Senate Amendment. The Senate amendment provides 1997 budget authority of $265.6 billion and outlays of $263.7 billion. For the 6-year period, the amendment calls for $1,625.0 billion in budget authority and $1,594.4 billion in outlays. Like the House resolution, the Senate amendment assumes policies consistent with those anticipated for the National Defense Authorization Act of 1996 and sales from the National Defense Stockpile of $79 million in 1997 and total sales of $649 million over 6 years.

Conference Agreement.—The conference agreement provides $265.6 billion in budget authority and $264.1 billion in outlays in 1997. Over 6 years, the resolution provides $1,632.7 billion in budget authority and $1,601.4 billion in outlays. The resolution assumes policies consistent with those anticipated for the National Defense Authorization Act of 1996. It also assumes sales from the National Defense Stockpile of $79 million in 1997 and total sales of $649 million over 6 years.

FUNCTION 150: INTERNATIONAL AFFAIRS

House Resolution.—For international affairs, the House resolution calls for $13.7 billion in budget authority and $15.0 billion in outlays in fiscal year 1997. Over 6 years, it recommends $68.8 billion in budget authority and $72.8 billion in outlays. The resolution assumes the President's requested cuts for the Department of State, peacekeeping operations, and Foreign Military Financing [FMF] loans. It anticipates that much of the United States Information Agency will be gradually privatized or eliminated. It also assumes that funding in the Agency for International Development will continue to be reduced, and that the replenishments for several multilateral development banks will soon be completed. The resolution calls for maintaining funding in 1997 for export finance and trade promotion programs. It recommends maintaining funding for Bosnia's reconstruction through 1998, but assumes that other Eastern European countries and the former Soviet Union will graduate from United States aid programs.

Senate Amendment.—The Senate amendment calls for 1997 budget authority of $14.2 billion and outlays of $14.9 billion. It recommends $75.7 billion in budget authority and $75.4 billion in outlays over 6 years. The amendment assumes the President's requested cuts for the Department of State, the United States Information Agency, the Agency for International Development, and various multilateral development banks. The Senate amendment, like the House resolution, recommends maintaining funding in 1997 for export finance and trade promotion programs. It also shares the House resolution's call for maintaining funding for Bosnia's reconstruction through 1998 while assuming that other Eastern European countries will graduate from United States aid programs.

Conference Agreement.—The conference agreement calls for $14.3 billion in budget authority and $15.2 billion in outlays in 1997. Over 6 years, it recommends $72.6 billion in budget authority and $74.4 billion in outlays. The agreement endorses the notion that the entire foreign affairs apparatus of the United States needs to be completely reassessed. The conference agreement assumes the President's reductions for the Department of State. It also recognizes that changes are required at the United States Information Agency, the Agency for International Development, and various multilateral development banks. It maintains funding in 1997 for export finance and trade promotion programs. It maintains funding for Bosnia's reconstruction through 1998, but assumes that other countries will graduate from United States aid programs.

FUNCTION 250: GENERAL SCIENCE, SPACE, AND TECHNOLOGY

House Resolution. The House resolution proposes 1997 budget authority of $16.5 billion and outlays of $16.7 billion. It calls for $97.0 billion in budget authority and $97.1 billion in outlays over 6 years. The resolution assumes a 3-percent annual increase for research and related activities in the National Science Foundation. It emphasizes NASA's core missions, but assumes savings from private operation of the space shuttle. It provides resources to complete the international space station. It also calls for a $6 billion Mission to Planet Earth [MTPE] program, and for prioritizing the Department of Energy's general science program.

Senate Amendment. The Senate amendment calls for $16.7 billion in budget authority and $16.8 billion in outlays for fiscal year 1997. Over 6 years, it recommends $94.9 billion in budget authority and $95.6 billion in outlays. The amendment assumes the same 3-percent annual increase as the House resolution for research and related activities in the National Science Foundation. It also assumes the President's reductions to other NSF accounts. It recommends maintaining the 1996 budget resolution's assumptions for NASA.

Conference Agreement. The conference agreement calls for $16.8 billion in budget authority and $16.9 billion in outlays in 1997. Over 6 years, it recommends $96.1 billion in budget authority and $96.5 billion in outlays. The agreement retains the priority status of basic research, assuming a 3-percent increase for research and related activities within the National Science Foundation. Relative to the Senate amendment, the conference agreement provides $0.9 billion in additional funds over 6 years.

FUNCTION 270: ENERGY

House Resolution. For Function 270, the House resolution recommends 1997 budget authority of $2.4 billion and outlays of $2.7 billion. Budget authority over 6 years would be $11.8 billion, with outlays of $7.9 billion. The resolution calls for terminating the Department of Energy [DOE]. It supports basic research, such as DOE's efforts to map the human genome and an expanded hydrogen energy research program. It calls for eliminating further funding for various DOE-subsidized energy research programs. It recommends eliminating unnecessary bureaucracy in the Department of Energy, and assumes the President's proposal to reduce strategic petroleum reserve [SPRO] operations and maintenance funding. It also assumes the President's recommendation for the Rural Electrification Administration [REA]. The resolution calls for authorizing DOE to lease excess SPRO storage capacity and extending through 2002 the requirement that the Nuclear Regulatory Commission [NRC] collect 100 percent of its budget from fees assessed on the nuclear powerplants that it regulates.

Senate Amendment. The Senate amendment calls for $3.7 billion in fiscal year 1997 budget authority, and $3.1 billion in outlays. For the 6-year period, it recommends $16.8 billion in budget authority and $11.5 billion in outlays.

The amendment does not assume termination of the Department of Energy. But it joins in the House resolution's support for science and basic research, such as DOE's efforts to map the human genome. The amendment builds on the President's proposals to reduce funding for the development of energy technologies. It rejects the President's $33 million increase for the DOE headquarters budget, and assumes reductions in other DOE headquarters functions. The amendment also assumes the President's proposal to reduce strategic petroleum reserve [SPRO] operations and maintenance funding, and the President's recommendation for the REA. It calls for authorizing DOE to lease excess SPRO storage capacity and, as with the House resolution, extending through 2002 the requirement that the NRC collect 100 percent of its budget from fees assessed on the nuclear powerplants that it regulates.

Conference Agreement. The conference committee agrees to $3.7 billion in budget authority and $3.1 billion in outlays in 1997. Over 6 years, it recommends $15.8 billion in budget authority and $10.7 billion in outlays. The conferees agree to disagree on the future status of the Department of Energy; they recognize that ultimately the committees of jurisdiction will determine whether the Department is or is not terminated. The conference agreement supports basic science and research. It calls for reducing the Department of Energy's [DOE] efforts to commercialize energy technologies. It rejects the President's $33 million increase for the DOE headquarters' functions, and recommends reductions in DOE overhead. It adopts the President's proposal to reduce the strategic petroleum reserve [SPRO] operations and maintenance funding. It assumes the President's recommendation for the REA. The agreement resolves the differences for DOE's appropriated programs by providing $24.8 billion in budget authority and $26.4 billion in outlays over 6 years. Finally, the resolution recommends that DOE be allowed to lease excess SPRO storage capacity, and extends the requirement through 2002 for the NRC to collect 100 percent of its budget from fees assessed on the nuclear powerplants that it regulates.

FUNCTION 300: NATURAL RESOURCES AND ENVIRONMENT

House Resolution. For fiscal year 1997, the House resolution provides $20.5 billion in budget authority and $21.3 billion in outlays. Over 6 years, the resolution recommends $115.4 billion in budget authority and $118.5 billion in outlays. The resolution calls for priority funding to address environmental concerns and to improve the quality of the Nation's parks. It recommends an increase for the Superfund and safe drinking water and wastewater programs of the Environmental Protection Agency, as well as increases each year to operate the National Park Service [NPS]. In addition, the resolution would permit resource managers to increase fees and retain a large portion of those fees for improvements in the parks. The resolution assumes the elimination of the Agricultural Conservation Program and the Colorado River Basin Salinity Control Program, which were subsumed in the new Environmental Quality Incentives Program of the Federal Agriculture Improvement and Reform [FAIR] Act of 1996. It assumes the President's recommendation to terminate the international forestry program. It refocuses the National Oceanic and Atmospheric Administration [NOAA] on its core missions. It recommends reforms at the Bureau of Reclamation and the Corps of Engineers, and reductions in overhead in the Department of the Interior. It calls for ending the government's involvement in the helium program and reforming other minerals-related activities, and it recommends refinancing of the debt of the Central Utah Water Conservancy District.

Senate Amendment. The Senate amendment assumes 1997 budget authority of $20.3 billion, and outlays of $21.5 billion. It calls for $118.3 billion in budget authority over 6 years and $122.2 billion in outlays. The amendment shares the House resolution's emphasis on the environment and the national parks, calling for an increase for the Superfund and safe drinking water programs of the Environmental Protection Agency, and assuming full funding for the National Park Service [NPS]. It further parallels the House resolution in calling for the elimination of duplicative programs, such as the Agricultural Conservation Program and the Colorado River Basin Salinity Control Program, which were subsumed within the new Environmental Quality Incentives Program of the Federal Agriculture Improvement and Reform [FAIR] Act of 1996. It also assumes the President's recommendation to terminate the international forestry program. Also like the House resolution, the amendment calls for ending the government's involvement in the helium program and refinancing the debt of the Central Utah Water Conservancy District. Finally, the Senate amendment recommends reducing royalties in new oil and gas leases in water depths of more than 200 meters in the Gulf Coast.

Conference Agreement. The conference agreement calls for $20.9 billion in budget authority and $21.7 billion in outlays in 1997. Over 6 years, it recommends $116.4 billion in budget authority and $119.6 billion in outlays. Consistent with the thrusts of both the House resolution and the Senate amendment, the Conference agreement provides increased funding for the Superfund and safe drinking water programs of the Environmental Protection Agency, and assumes an increase in funding each year to fund the operations of the National Park Service [NPS]. It also calls for eliminating several duplicate programs that were subsumed within the new Environmental Quality Incentives Program of the FAIR Act. It assumes the President's recommendation to terminate the international forestry program, and ends the government's involvement in the helium program. Finally, it recommends refinancing of the debt of the Central Utah Water Conservancy District.

FUNCTION 350: AGRICULTURE

House Resolution. The House resolution calls for 1997 budget authority of $11.8 billion, and outlays of $10.2 billion, in Function 350. Over 6 years, the resolution recommends $64.1 billion in budget authority and $53.3 billion in outlays. The resolution incorporates the 1996 farm bill—the Federal Agriculture Improvement and Reform [FAIR] Act—which transitions agriculture to a more market-oriented system. The resolution also assumes the administrative reductions included in the President's budget for the Farm Service Agency; reforms of the Foreign Agricultural Service; reductions in unnecessary bureaucracy in the Department of Agriculture; and reforms of the Farmers Home Administration. It also calls for permitting the private sector to finance additional research, and reducing overhead in the Department of Agriculture.

Senate Amendment. For fiscal year 1997, the Senate amendment recommends $12.8 billion in budget authority and $11.0 billion in outlays. It calls for $69.7 billion in budget authority and $58.6 billion in outlays over 6 years. As reflected in the House resolution, the Senate amendment also incorporates the 1996 FAIR Act, and assumes the administrative reductions included in the President's budget for the Farm Service Agency. It also assumes the President's user fee proposals for the Animal and Plant Health Inspection Service; Grain Inspection, Packers and Stockyards Administration; and the Agricultural Marketing Service.

Conference Agreement. The conferees agree to $12.8 billion in budget authority and $11 billion in outlays in 1997 for Function 350. Over 6 years, it recommends $67.5 billion in budget authority and $56.4 billion in outlays. The conference agreement incorporates the reforms included in the Federal Agricultural Improvement and Reform [FAIR] Act, which transitions agriculture to a more market-oriented system. It also assumes the administrative reductions included in the President's budget for the Farm Service Agency.

FUNCTION 370: COMMERCE AND HOUSING CREDIT

House Resolution. The House resolution recommends 1997 budget authority of $9.0 billion and outlays of −$1.6 billion. Over the 6-year budget period through 2002, it calls for $76.4 billion in budget authority and $32.6 billion in outlays. The resolution assumes elimination of the Department of Commerce, including elimination of the Advanced Technology Program [ATP], and reforms of remaining Department of Commerce functions. It calls for the restructuring of Federal Housing Administration [FHA] insured mortgages and accommodates a cost of $383 million in 1997 associated with this policy recommendation. The resolution also assumes the reform of the FHA assignment program included in the Balanced Budget Act of 1995 (H.R. 2491) and the recapitalization of the Savings Association Insurance Fund and the extension of Financing Corporation [FICO] bond obligations to all institutions insured by the Federal Deposit Insurance Corporation. Finally, it provides for an additional $3.1 billion over the next 6 years to prepare for, conduct, and complete the decennial census scheduled to occur in 2000.

Senate Amendment. The Senate amendment provides budget authority of $9.2 billion in 1997 and outlays of −$1.7 billion. It calls for $77.3 billion in budget authority and $32.9 billion in outlays over 6 years. The amendment does not assume the elimination of the Department of Commerce. It assumes reducing funds for certain administrative accounts, and eliminating appropriations for certain expired activities. It recommends the reform of the FHA assignment program included in the Balanced Budget Act of 1995 (H.R. 2491). It also assumes the recapitalization of the Savings Association Insurance Fund and the extension of Financing Corporation [FICO] bond obligations to all institutions insured by the Federal Deposit Insurance Corporation. Finally, like the House resolution, the amendment provides for an additional $3.1 billion over the next 6 years to prepare for, conduct, and complete the decennial census scheduled to occur in 2000.

Conference Agreement. For fiscal year 1997, the conferees assume $9.3 billion in budget authority and −$1.6 billion in outlays. Over 6 years, the conference agreement assumes $77.2 billion in total budget authority and $32.9 billion in total outlays. The conferees agree to disagree on the future status of the Department of Commerce; they recognize that ultimately the committees of jurisdiction will determine whether the Department is or is not terminated. They assume $3.1 billion over the next 6 years to fund the decennial census, and the extension of patent and trademark fees. Further, the conferees call for the reform of the Federal Housing Administration's assignment program. The conference agreement further assumes the recapitalization of the Savings Association Insurance Fund and the extension of FICO bond obligations to all institutions insured by the Federal Deposit Insurance Corporation. These provisions were originally included in the Balanced Budget Act of 1995.

FUNCTION 400: TRANSPORTATION

House Resolution. For 1997, the resolution calls for $41.7 billion in budget authority and

$39.0 billion in outlays. It recommends $262.9 billion in budget authority and $216.6 billion in outlays over 6 years. The resolution assumes phasing out Amtrak and mass transit subsidies, and eliminating several outdated or unnecessary programs, including the Federal Maritime Commission, the Federal Aviation Administration's civil aeromedical and management training programs, Intelligent Transportation Systems, and the airline subsidy program. The resolution also recommends the extension of vessel tonnage fees; maintaining the current payment date for cost-of-living-adjustments [COLA's] for Coast Guard retirees; and the elimination of the fiscal year 1997 installment of Intermodal Surface Transportation Efficiency Act [ISTEA] demonstration projects.

Senate Amendment. The Senate amendment recommends 1997 budget authority of $42.6 billion and outlays of $39.3 billion. It provides $260.9 billion in budget authority over 6 years and $212.9 billion in outlays. The amendment assumes phasing out mass transit and Amtrak operating assistance and adopting other Department of Transportation streamlining initiatives. It also endorses the administration's recommendations for reducing Federal Aviation Administration facilities and equipment and Federal Transit Administration discretionary grant spending. It assumes the extension of vessel tonnage and emergency preparedness fees and the elimination of the fiscal year 1997 installment of ISTEA demonstration projects. The Senate amendment also contains report language commending the Coast Guard for its streamlining efforts.

Conference Agreement. For fiscal year 1997, the conferees assume $42.6 billion in budget authority and $39.3 billion in outlays. Over 6 years, the conferees assume $262.4 billion in total budget authority and $214.9 billion in total outlays. The conferees assume these levels will be achieved through various streamlining measures in the Department of Transportation, and the extension of vessel tonnage fees.

FUNCTION 450: COMMUNITY AND REGIONAL DEVELOPMENT

House Resolution. The House resolution recommends 1997 budget authority of $6.7 billion and outlays of $10.1 billion. Over 6 years, it assumes $38.8 billion in budget authority and $46.5 billion in outlays. The resolution calls for creating a new Native American block grant and a rural development block grant. It assumes streamlining efforts in the Appalachian Regional Commission and the Economic Development Administration. It also calls for focusing community development programs on areas with the greatest need.

Senate Amendment. For 1997, the Senate amendment recommends $9.9 billion in budget authority and $10.8 billion in outlays. It calls for $43.3 billion in budget authority over 6 years and $50.5 billion in outlays. The amendment assumes an increase in the operation of Indian programs for law enforcement, child protection, housing, and welfare assistance. It recommends reforms of community development programs, and adopts the President's proposal to reauthorize Federal Emergency Management Agency [FEMA] assessments on Nuclear Regulatory Commission licensees.

Conference Agreement. For fiscal year 1997, the conferees assume $8.2 billion in budget authority and $10.3 billion in outlays. They assume $41.0 billion in total budget authority over 6 years, and $47.8 billion in total outlays. The conferees assume extension of FEMA emergency preparedness fees.

FUNCTION 500: EDUCATION, TRAINING, EMPLOYMENT, AND SOCIAL SERVICES

House Resolution. For fiscal year 1997, the House resolution provides budget authority of $47.0 billion and outlays of $49.5 billion. Over 6 years, budget authority would total $290.6 billion and outlays $291.7 billion. The resolution recommends that Education for the Disadvantaged (Title I) be funded at $7.2 billion and the Drug Free Schools Program at $440 million—the same levels provided in the Balanced Budget Downpayment Act, II (H.R. 3019). It calls for the elimination of Goals 2000. It also assumes passage of a job training consolidation bill giving State and local authorities control of job training funding. Finally, the resolution assumes savings of $4.6 billion in budget authority from eliminating direct lending and reducing subsidies to banks and guaranty agencies.

Senate Amendment. The Senate amendment calls for 1997 budget authority of $51.4 billion and outlays of $51.5 billion. It recommends 6-year budget authority of $306.0 billion and outlays of $302.7 billion. The amendment assumes savings of $3.4 billion in budget authority from capping direct lending volume at 20 percent and reducing subsidies to banks and guaranty agencies. It also assumes $38 billion in discretionary spending for fiscal year 1997, $1.7 billion above the 1996 funding level.

Conference Agreement. The conference agreement recommends $49.0 billion for budget authority and $50.0 billion for outlays in 1997, and 6-year totals of $293.6 billion in budget authority and $292.4 billion in outlays. The agreement assumes priority funding for Title 1, Special Education, Impact Aid, and Pell Grants. The agreement also assumes the passage of a job training consolidation bill.

The conference agreement assumes student loan outlay savings of $3.670 billion over 6 years. Conferees assume these savings will be achieved without raising costs or limiting access to student loans. Conferees assume that savings in the guaranteed loan program will be achieved in conjunction with a cap on direct lending volume.

FUNCTION 550: HEALTH

House Resolution. The House resolution recommends $129.9 billion in budget authority and $130.3 billion in outlays in fiscal year 1997. Over the 6-year period through 2002, the resolution calls for $894.6 billion in budget authority and $894.7 billion in outlays. The resolution assumes comprehensive reform of Medicaid consistent with the framework of the National Governors' Association reform plan, slowing the growth of Federal Medicaid spending by $72 billion over 6 years. Total Federal Medicaid spending would grow from $96 billion in 1996 to $140 billion in 2002. The resolution also incorporates the House-passed Health Coverage Availability and Affordability Act of 1996. It recommends structural reform of the Food and Drug Administration, and maintenance of the 1996 increases in funding for the National Institutes of Health. It also accepts the administration's funding for Health Care Resources and Administration, and accommodates the health provisions of the new Native American block grant described in Function 450. The resolution rejects the administration's 25-percent cut in Centers for Disease Control and Prevention. It calls for terminating the National Institute for Occupational Safety and Health; consolidating health data collection and analysis in the Department of Health and Human Services; eliminating unnecessary funding in departmental management; consolidating bureaucracy in the Mine Safety and Occupational Safety and Health Administrations; and reducing departmental overhead.

Senate Amendment. For fiscal year 1997, the Senate amendment recommends $132.4 billion in budget authority and $132.4 billion in outlays. It calls for $894.0 billion in budget authority over 6 years, and $893.7 billion in outlays. Corresponding with the House resolution, the Senate amendment recommends comprehensive reform of Medicaid consistent with the framework of the National Governors' Association reform plan, slowing the growth of Federal Medicaid spending by $72 billion over 6 years. Total Federal Medicaid spending would grow from $96 billion in 1996 to $140 billion in 2002. The Senate amendment also assumes National Institutes of Health funding of $11.95 billion in budget authority through 2002. Finally, it recommends priority funding for Indian Health Services and local health center service sites.

Conference Agreement.—The conference agreement provides $133.2 billion in budget authority and $133.2 billion in outlays in 1997, and 6-year totals of $895.3 billion in budget authority and $894.9 billion in outlays. The conferees firmly endorse the recomendation of both the House resolution and the Senate amendment in calling for comprehensive reform of Medicaid, consistent with the framework of the National Governors' Association reform plan, slowing the growth of Federal Medicaid spending by $72 billion over 6 years. Total Federal Medicaid spending would grow from $96 billion in 1996 to $137 billion in 2002. The conference agreement also assumes priority funding for the National Institutes of Health at $11.95 billion in budget authority, and structural reform of the Food and Drug Administration.

FUNCTION 570: MEDICARE

House Resolution.—The comprehensive Medicare reform envisioned in the House resolution assumes net 1997 Medicare spending of $193.2 billion in budget authority and $191.5 billion in outlays. Net budget authority over 6 years would total $1,343.7 billion, and outlays would be $1,332.1 billion. The assumed Medicare reform would slow the growth of net Medicare spending by $158 billion over 6 years. Gross 6-year spending would be $1.479 trillion, rising from $196 billion in 1996 to $284 billion in 2002. The average growth rate in total program spending would be 6.4 percent per year, and average spending per beneficiary would rise from $5,200 in 1996 to $7,000 in 2002. The resolution calls for no increases in Medicare beneficiary copayments or deductibles, and assumes maintaining the Part B premium at 25 percent of program costs while reducing the taxpayer subsidy for high-income beneficiaries.

Senate Amendment.—The Senate amendment also calls for comprehensive Medicare reform, assuming a plan that yields net 1997 Medicare budget authority of $193.2 billion, and outlays of $191.5 billion. Over 6 years, the assumed Senate reform results in net budget authority of $1,335.9 billion, and outlays of $1,324.3 billion. The assumed Medicare savings match those of the House resolution, slowing the growth of net Medicare spending by $158 billion over 6 years. Gross 6-year spending would be $1.459 trillion, growing from $196 billion in 1996 to $279 billion in 2002. The amendment provides for an average growth rate in total program spending of 6.1 percent per year, and the same per-beneficiary spending increase as the House. The amendment makes no explicit assumption about Part B premiums, but calls for Part B savings consistent with the President's budget, which assume retaining the premium at 25 percent of program costs.

Conference Agreement.—Adopting the call for comprehensive Medicare reform from the House resolution and the Senate amendment, the conferees propose $192.8 billion in net Medicare budget authority in 1997, and $191.2 billion in net outlays. Over 6 years, the conference totals would be $1,345.8 billion in net budget authority and $1,334.2 billion in net outlays. The reform assumed in the conference agreement yields gross Medicare spending of $209.1 billion in 1997 (an increase from $196.1 billion in 1996) and $282.1 billion in 2002. It assumes an average annual spending increase of 6.2 percent, with a 6-year gross spending total of $1.479 trillion. The conference agreement also assumes that spending per beneficiary will increase from $5,200 in 1996 to $7,000 in 2002. These spending levels assume no increases in beneficiary copayments or deductibles. They also assume maintaining the Part B premium at 25 percent of program costs, but reducing the taxpayer subsidy for high-income beneficiaries. Savings from the Part A program assumed in the conference agreement will extend the solvency of the Hospital Insurance Trust Fund for 10 years; savings from the Part B program will be consistent with Part B program savings assumed in the President's budget.

FUNCTION 600: INCOME SECURITY

House Resolution.—The House resolution calls for 1997 budget authority of $232.6 billion and outlays of $240.1 billion. Over 6 years, it recommends $1,524.6 billion in budget authority and $1,541.6 billion in outlays. The principal policy recommendation is for comprehensive welfare reform, consistent with the framework of the Conference Report on the Personal Responsibility and Work Opportunity Act of 1995, slowing the growth of Federal welfare spending by $53 billion over 6 years. Total Federal welfare spending would grow from $85 billion in 1996 to $106 billion in 2002. The resolution also assumes the "Stevens" package of retirement reforms from the Balanced Budget Act of 1995 (H.R. 2491): maintaining the current cost-of-living adjustment [COLA] payment date for civilian retirees; increasing the agency contribution to retirement for Civil Service Retirement System [CSRS] employees by 1.5 percentage points; and increasing employees' contributions to retirement for the Federal Employees' Retirement System [FERS], CSRS, and Postal Service employees by 0.5 percentage points (effective October 1, 1996). Congressional pension reform also is assumed. In addition, the resolution calls for an open season for allowing CSRS employees to convert to FERS. It assumes making permanent the current ongoing roll management within the FECA Federal employees' workers compensation program and scheduling the payment of military retirees' cost-of-living adjustments [COLA's] at the same time as those of civilian Federal retirees. The resolution calls for equity in unemployment insurance for persons affected by international trade or who voluntarily leave the military. It assumes reform of the Earned Income Credit. It also assumes renewing section 8 housing contracts, but at market rents rather than current, oversubsidized rents; other reforms in assisted and public housing; and provisions limiting the increase of annual adjustment factor reimbursements to private project owners

Senate Amendment. The Senate amendment calls for 1997 budget authority of $232.4 billion and outlays of $240.3 billion. It recommends 6-year budget authority of $1,532.3 billion and outlays of $1,552.6 billion. The amendment shares in the House resolution's call for comprehensive reform of welfare, consistent with the National Governors' Association proposals, slowing the growth of Federal welfare spending by $53 billion over 6 years. As with the House resolution, total Federal welfare spending under the Senate amendment's assumptions would grow from $85 billion in 1996 to $106 billion in 2002. The amendment also assumes the "Stevens" package of retirement reforms included in the Balanced Budget Act of 1995 (H.R. 2491), with agency contributions increased by 1.51 percentage points. Agency and employee contribution rate increases are tied to January 1 effective dates. No assumptions are made regarding changes in military retirement. Like the House resolution, the amendment calls for equity in unemployment insurance for persons affected by international trade or who voluntarily leave the military. It assumes reform of the Earned Income Credit. It also assumes the renewal of section 8 housing contracts—but at market rents, rather than current, oversubsidized rents, and provisions limiting the increase of annual adjustment factor reimbursements to private project owners.

Conference Agreement. The conference agreement assumes $230.2 billion in budget authority and $239.7 billion in outlays in 1997, and $1,532.3 billion in budget authority and $1,551.9 billion in outlays over 6 years.

The conference agreement assumes comprehensive welfare reform, slowing the growth of Federal welfare spending by $53 billion over 6 years. For mandatory welfare programs within Function 600, spending levels are assumed to be $81.7 billion in fiscal year 1997, $97.5 billion in fiscal year 2002, and a total of $529.5 billion over the 6-year period. A portion of the programs affected under the welfare reform proposal assumed in the resolution appear in Function 500. When those are taken into account, total spending on all programs affected by the welfare reform proposals in Functions 500 and 600 is assumed to be $576.2 billion during the period 1997 through 2002.

The conference agreement rejects the administration's proposed outyear cuts for the Low Income Home Energy Assistance Program [LIHEAP], which reach a maximum reduction of nearly $200 million in fiscal year 2000. The resolution instead assumes LIHEAP funding will remain at the fiscal year 1996 level through 2002.

The conference agreement assumes reforms of the Earned Income Credit [EIC] to eliminate fraud and abuse within the program, to better target benefits to low-income working families with children, and to coordinate the credit with the $500 per child tax credit that also is assumed in this budget. The outlay portion of the EIC, which appears in Function 600, assumes spending of $19.2 billion in fiscal year 1997, rising to $23.6 billion in fiscal year 2002. Total spending on the EIC assumed in both Function 600 and revenues during the period 1997–2002 is assumed to be $156.3 billion.

The conferees also assume major proposals to strengthen the integrity of Federal retirement programs. These proposals include conforming pension benefits for Members of Congress and congressional staff to the pension benefits available to Federal employees within the executive branch, and maintaining the current COLA payment date for retired Federal workers as recommended by the President through 2002. Additionally, Federal agency contributions to the Civil Service Retirement and Disability Trust Fund [CSRDF] will be increased by 1.51 percentage points for CSRS covered workers beginning October 1, 1996. CSRS, FERS, and Postal Service employee contributions will be increased by 0.25 percentage points on January 1, 1997, by 0.15 percentage points on January 1, 1998, and by 0.1 percentage points on January 1, 1999. Portions of those proposals also appear in Function 950 and Revenues.

The conferees assume the renewal of section 8 housing assistance contracts, but at market rents rather than the current above-market rents. The conferees further assume provisions limiting the increase of annual adjustment factor reimbursements to private project owners.

FUNCTION 650: SOCIAL SECURITY

House Resolution. The House resolution calls for $372.5 billion in 1997 budget authority and $368.1 billion in outlays. Over 6 years, it assumes $2,534.8 billion in budget authority and $2,500.7 billion in outlays. The resolution assumes no changes from current law. Current law includes recently enacted legislation that gradually raises the Social Security earnings limit as called for in the Contract With America Advancement Act of 1996 (H.R. 3136).

Senate Amendment. The Senate amendment matches the House resolution with regard to Social Security. It calls for $372.5 billion in 1997 budget authority and $368.1 billion in outlays. Over 6 years, it assumes $2,534.8 billion in budget authority and $2,500.7 billion in outlays. The amendment assumes no changes from current law. Current law includes recently enacted legislation that gradually raises the Social Security earnings limit as called for in the Contract With America Advancement Act of 1996 (H.R. 3136).

Conference Agreement. The conference agreement follows the House resolution and the Senate amendment.

FUNCTION 700: VETERANS' BENEFITS AND SERVICES

House Resolution. The House resolution assumes $39.1 billion in budget authority and $39.7 billion in outlays in fiscal year 1997. Over 6 years, the resolution calls for $230.7 billion in budget authority and $233.3 billion in outlays. The resolution provides for $10.2 billion more in budget authority over 6 years than the President's budget in areas such as medical care, medical research, and the VA cemetery system. For fiscal year 1997, it recommends approximately $100 million more for VA medical care than the President. It also calls for several new initiatives: Raising disabled veterans' auto allowance; improving compensation for surviving spouses; extending back benefit payment limits; providing a scholarship for college seniors; converting certain education benefits to the Montgomery GI Bill; making permanent the Alternative Teacher Certification Program; and funding the Pro Bono Program at the Court of Veterans Appeals.

Senate Amendment. The Senate amendment recommends 1997 budget authority of $39.0 billion, and outlays of $39.5 billion. It calls for $232.7 billion in budget authority over 6 years, and $235.5 billion in outlays. The amendment calls for $13 billion more in budget authority than the President's budget over the next 6 years for veterans' medical care, and assumes continued reform of medical care delivery. It recommends $5.1 billion in savings from extending sunset dates in the Omnibus Budget Reconciliation Act [OBRA] of 1993, repealing the *Gardner* and *Davenport* decisions, rounding down compensation COLA's to the nearest whole dollar, and making other small programmatic reforms.

Conference Agreement. The conference agreement assumes $38.5 billion in budget authority and $39.6 billion in outlays in 1997, and $231.1 billion in budget authority and $234.3 billion in outlays over 6 years. The agreement rejects the administration's proposed cuts for the veterans' medical care, prosthetic research, the National Cemetery System, and numerous other programs for veterans. Thus, the agreement calls for $10.6 billion more in budget authority over 6 years than the President's budget in these and related areas. The agreement assumes adoption of those savings in mandatory programs agreed to with the President during budget negotiations earlier this year. The agreement also assumes enactment of several new initiatives: Raising disabled veterans' auto allowance; improving compensation for surviving spouses; extending back benefit payment limits; providing a scholarship for college seniors; converting certain education benefits to the Montgomery GI Bill; making permanent the Alternative Teacher Certification Program; and funding the Pro Bono Program at the Court of Veterans Appeals.

FUNCTION 750: ADMINISTRATION OF JUSTICE

House Resolution. The House resolution calls for $22.1 billion in budget authority and $19.9 billion in outlays in 1997. It recommends $132.3 billion in budget authority over 6 years, and $127.7 billion in outlays. The resolution assumes $4.7 billion in 1997 budget authority for the Violent Crime Reduction Trust Fund. It provides for full funding of $699 million for reforms contained in the House's recently passed Immigration in the National Interest Act, and full funding of $229 million for the Antiterrorism and Effective Death Penalty Act of 1996. The resolution also recommends eliminating the political appointment process for U.S. Marshals.

Senate Amendment. For 1997, the Senate amendment recommends $21.7 billion in budget authority and $20.6 billion in outlays. It calls for $130.3 billion in budget authority and $127.2 billion in outlays through 2002. The amendment assumes full funding of $5 billion in 1997 budget authority for the Violent Crime Reduction Trust Fund, and calls for eliminating the political appointment process for U.S. Marshals.

Conference Agreement. The conference agreement assumes $20.9 billion in budget authority and $19.5 billion in outlays in 1997, and $130.4 billion in budget authority and $126.8 billion in outlays over 6 years. The conferees recommend $4.7 billion in 1997 budget authority for the Violent Crime Reduction Trust Fund to demonstrate the continued Federal commitment to support Federal, State, and local law enforcement and crime prevention efforts. The conferees assume full funding for the Antiterrorism and Effective Death Penalty Act of 1996. In addition, the conference agreement supports the Immigration in the National Interest Act and calls for sufficient funding to implement the reform priorities set forth in the act.

FUNCTION 800: GENERAL GOVERNMENT

House Resolution.—For Function 800, the House resolution provides for 1997 budget authority of $11.4 billion and outlays of $11.7 billion. Over 6 years, the resolution recommends $75.8 billion in budget authority and $76.5 billion in outlays. The resolution calls for ending the government's monopoly on printing and implementing overall reform of the General Services Administration. It also assumes savings from amending the McKinney Homeless Assistance Act to reduce unnecessary litigation during the disposal of surplus Federal property.

Senate Amendment.—The Senate amendment recommends 1997 levels of $13.8 billion in budget authority and $13.7 billion in outlays. It calls for 6-year budget authority of $80.7 billion and outlays of $80.2 billion. The amendment assumes savings of $1.5 billion over 6 years on Federal courthouse construction.

Conference Agreement.—The conferees recommend $12.4 billion in budget authority and $12.2 billion in outlays in 1997, and $79.8 billion in budget authority and $79.6 billion in outlays over 6 years. It also assumes savings from amending the McKinney Homeless Assistance Act to reduce unnecessary litigation during the disposal of surplus Federal property.

FUNCTION 900: NET INTEREST

House Resolution.—The House resolution assumes net interest levels in 1997 of $242.1 billion in budget authority and outlays. Over 6 years, net interest would be $1,441.0 billion in budget authority and outlays. The balanced budget plan called for in the resolution is projected to reduce net interest payments from $239.7 billion in 1996 to $235.6 billion in 2002.

Senate Amendment.—The Senate amendment assumes $242.2 billion in 1997 budget authority and outlays for net interest. Over 6 years, a total of $1,444.6 billion in budget authority and outlays is assumed. The balanced budget plan called for in the amendment is projected to reduce net interest payments from $239.7 billion in 1996 to $236.6 billion in 2002.

Conference Agreement.—The conference agreement assumes $242.0 billion in 1997 budget authority and outlays for net interest, and $1,442.8 billion in budget authority and outlays over 6 years.

FUNCTION 920: ALLOWANCES

House Resolution.—For 1997, the House resolution assumes $2.7 billion in budget authority and −$1.0 billion in outlays. It calls for −$7.5 billion in budget authority over 6 years, and −$6.2 billion in outlays. The resolution assumes repeal of the Davis-Bacon Act and the Service Contract Act and a reduction in the number of political appointees in the executive branch. It calls for contracting out printing orders of less than $1,000. It also recommends funding for emergencies, contingent emergencies, and an anticipated 1997 supplemental appropriation for the Federal Emergency Management Agency [FEMA]. In addition, this function reflects a portion of the savings from allowing an open season for Federal CSRS employees to convert to FERS. [A debt collection provision identical to that in the Senate amendment in this function is reflected in Function 950 of the House resolution.]

Senate Amendment.—The Senate amendment calls for 1997 budget authority of −$1.6 billion and outlays of $0.8 billion. Over 6 years, the amendment assumes −$8.0 billion in budget authority and −$5.0 billion in outlays. The amendment assumes additional savings by expanding debt collection provisions in the Omnibus Consolidated Rescissions and Appropriations Act (Public Law 104–134). It also assumes reform of the Davis-Bacon Act and repeal of the Service Contract Act.

Conference Agreement.—The conference agreement assumes −$465 million in budget authority and −$1.9 billion in outlays in 1997, and −$12.3 billion in budget authority and −$10.8 billion in outlays over 6 years. The conference agreement assumes the additional $235 million in savings from expanding debt collection provisions contained in the Omnibus Consolidated Rescissions and Appropriations Act (Public Law 104–134).

FUNCTION 950: UNDISTRIBUTED OFFSETTING RECEIPTS

House Resolution.—For 1997, the House resolution assumes −$52.2 billion in budget authority and outlays. It assumes −$278.9 billion in budget authority and outlays over 6 years. The resolution assumes an additional $235 million above the Balanced Budget Downpayment Act, II level from amending debt collection provisions. It also reflects in this function the receipts portions of the Federal retirement provisions, including the increased agency contributions and a portion of the open season for CSRS employees to convert to FERS. It assumes savings from enactment of the expanded spectrum auction provisions included in the Balanced Budget Act of 1995 (H.R. 2491).

Senate Amendment.—The Senate amendment assumes budget authority and outlays of −$50.3 billion in 1997 and −$277.0 billion over 6 years. It assumes the increased employers' share payments in Federal retirement and enactment of the expanded spectrum auction provisions included in the Balanced Budget Act of 1995 (H.R. 2491). [Debt collection provision identical to those reflected in the House resolution in this function appear in Function 920 of the Senate amendment.]

Conference Agreement.—The conferees assume $52.0 billion in budget authority and $52.0 billion in outlays in 1997. Over 6 years, they assume $277.8 billion in budget authority and $277.8 billion in outlays. The agreement assumes the spectrum auction provision in the House resolution and the Senate amendment. In addition, a portion of the Federal retirement reforms discussed in Function 600 appear in Function 950. Agency contributions to the Civil Service Retirement and Disability Trust Fund [CSRDF] are assumed to increase by 1.51 percentage points for all CSRS employees beginning October 1, 1996.

REVENUES

House Resolution.—The House resolution assumes $1,470.4 billion in revenues in 1997 and $9,877.2 billion over 6 years. It calls for tax relief of $123.7 billion over 6 years with adoption of a permanent $500-per-child middle-class family tax credit. The resolution also assumes a $5,000 tax credit for adoption expenses as contained in the Adoption Promotion and Stability Act of 1996 (H.R. 3286), and a repeal of the President's 4.3-cent increase in the gasoline tax. It allows for potential additional tax relief on a deficit-neutral basis by reducing business tax subsidies and extending expired tax provisions. In addition, the resolution calls for $9 billion in savings from the Earned Income Credit [see Function 600], and assumes revenues portions of the Federal retirement reforms, including the increased employee contribution to the retirement trust fund [see Function 600]. Finally, it calls for $1.315 billion from enactment of debt collection measures.

Senate Amendment.—The Senate amendment assumes aggregate revenue levels of $1,471.2 billion in 1997 and $9,879.2 billion over 6 years. It calls for tax relief of $122 billion over 6 years with adoption of a permanent $500-per-child middle-class family tax credit. It establishes a reserve fund to provide for the following: additional tax relief to middle-class families and small businesses; relief from gasoline taxes; and incentives for saving and investment on a deficit-neutral basis. The amendment also assumes $5.5 billion in savings from the Earned Income Credit [see Function 600] and includes in the revenues function the increased employee contribution portion of the "Stevens" package of Federal retirement reforms discussed in Function 600.

Conference Agreement.—The conference agreement assumes $1,468.7 billion in revenues in 1997 and $9,880.7 billion over 6 years. It assumes $122.4 billion in tax relief with adoption of a $500-per-child middle-class family tax credit. The agreement assumes $1.315 billion in additional revenues resulting from enactment of debt collection measures. The revenue aggregates also reflect the revenue portion of reforming the Earned Income Credit and the contribution portion of the "Stevens" package of Federal retirement reforms.

RECONCILIATION

Under sections 301(b) and 310(a) of the Budget Act, the budget resolution may include reconciliation instructions directing the authorizing committees to make changes in mandatory spending and revenues. The purpose of reconciliation instructions, as set forth in section 310(a) of the Budget Act, is to effectuate the provisions and requirements of a concurrent resolution on the budget.

INTERVALS

House Resolution. The House resolution provides reconciliation instructions for the appropriate authorization committees to achieve specified aggregate targets for fiscal year 1997, fiscal year 2002, and the 6-year total for fiscal years 1997 through 2002. In addition the Committees on Banking and Financial Services and Government Reform and Oversight have deficit reduction targets for the same intervals.

Senate Amendment. The Senate amendment provides reconciliation instructions for its committees to achieve savings from a baseline for fiscal year 1997 and the 6-year total for fiscal years 1997 through 2002 (except for the tax relief bill, which is reconciled for fiscal year 2002, and the 6-year total of 1997 through 2002).

Conference Agreement. The conference agreement provides reconciliation instructions that will produce changes in mandatory spending for fiscal year 1997, fiscal year 2002, and the 6-year total for fiscal years 1997 through 2002. The agreement provides instructions that will produce changes in revenues for the 6-year total for fiscal years 1997 through 2002.

DEADLINES, SUBJECT MATTER, AND COMMITTEES RECONCILED

House Resolution. The House budget resolution establishes a process for considering three separate reconciliation bills. On three specified dates, the appropriate House authorizing committees are instructed to submit their reconciliation recommendations to the House Committee on the Budget. The House Committee on the Budget will report, without substantive change, three separate reconciliation bills. Each of these bills will be fully privileged in the House as a reconciliation bill as defined in section 310 of the Congressional Budget Act.

The deadlines, subject matter, and list of instructed committees are summarized below:

- *May 24—Welfare and Medicaid Reform.* Committees reconciled: Agriculture, Commerce, Economic and Educational Opportunities, and Ways and Means.
- *June 14—Medicare Preservation.* Committees reconciled: Commerce and Ways and Means.
- *July 12—Tax Relief and Miscellaneous and Financial Services Direct Spending Reforms.* Committees reconciled: Banking and Financial Services, Commerce, Economic and Educational Opportunities, Government Reform and Oversight, International Relations, Judiciary, National Security, Resources, Science, Transportation and Infrastructure, Veterans' Affairs, and Ways and Means.

Although the House resolution does not include contingency provisions comparable to the Senate amendment, the House retains its prerogative to allow floor consideration of subsequent reconciliation bills if one or more of the reconciliation bills are vetoed.

Senate Amendment. Section 105 of the Senate amendment establishes a three-step interdependent reconciliation process. The first step of this process involves reform of the welfare and Medicaid programs, and the Agriculture and Finance Committees are instructed to report their recommended changes in law to the Senate Committee on the Budget by June 14, 1996. If this first reconciliation bill is enacted into law, then the following committees are instructed to report their recommended changes in law to the Senate Committee on the Budget by July 12, 1996: Agriculture, Nutrition, and Forestry; Armed Services; Banking, Housing, and Urban Affairs; Commerce, Science, and Transportation; Energy and Natural Resources; Environment and Public Works; Finance; Governmental Affairs; Judiciary; Labor and Human Resources; and Veterans' Affairs. Finally, if both the first and second bills are enacted into law, the Finance Committee is instructed to report to the Senate by September 18, 1996, changes in law regarding reductions in revenue.

Conference Agreement. The conference includes instructions for considering three separate reconciliation bills. The submission deadlines, subject matter, and reconciled committees for the House are as follows:

- *June 13, 1996—Welfare and Medicaid Reform and Tax Relief.* House committees reconciled: Agriculture, Commerce, Economic and Educational Opportunities, and Ways and Means.
- *July 18, 1996—Medicare Preservation.* House committees reconciled: Commerce and Ways and Means.
- *September 6, 1996—Tax and Miscellaneous Direct Spending Reforms.* House committees reconciled: Agriculture, Banking and Financial Services, Commerce, Economic and Educational Opportunities, Government Reform and Oversight, International Relations, Judiciary, National Security, Resources, Science, Transportation and Infrastructure, Veterans' Affairs, and Ways and Means. The amount reconciled in this third reconciliation bill will reflect the full amount of any tax changes reconciled pursuant to this budget resolution conference report. The amount reconciled in the third reconciliation bill shall be adjusted to reflect any amount of revenue reduction enacted pursuant to this budget resolution conference report.

The House conferees note that the multi-reconciliation process provides maximum flexibility to achieve the changes in spending and the tax relief assumed in this conference report. For example, any of the spending or revenue changes assumed in the first bill could—if not enacted—be achieved in the third bill. Moreover, the reconciled committees are permitted to exceed the savings assumed in each of the reconciliation bills. Nevertheless, the process still requires reconciled committees ultimately to meet their targets whether incrementally through the separate reconciliation bills or solely through the third bill.

The submission deadlines, assumed subject matter, and reconciled committees for the Senate are as follows:

- *June 21, 1996—First Reconciliation Instruction: Assumed Welfare and Medicaid Reform and Miscellaneous Tax Relief.* Senate committees reconciled: Agriculture and Finance.
- *July 24, 1996—Second Reconciliation Instruction: Assumed Medicare Reform.* Senate committee reconciled: Finance.
- *September 18, 1996—Third Reconciliation Instruction: Assumed Tax Relief and Miscellaneous Direct Spending Reforms.* Senate committees reconciled: Agriculture, Nutrition, and Forestry; Armed Services; Banking, Housing, and Urban Affairs; Commerce, Science, and Transportation; Energy and Natural Resources; Environment and Public Works; Finance; Governmental Affairs; Judiciary; Labor and Human Resources; and Veterans' Affairs.

The Senate conferees note that the Budget Act and the precedents of the Senate permit a concurrent resolution on the budget that includes reconciliation instructions which result in more than one reconciliation bill, and which includes a reconciliation instruction that standing alone could increase the deficit.

Section 310 of the Budget Act provides that reconciliation instructions may appropriately be included in a budget resolution. The Budget Act is silent as to the number of reconciliation bills which may result from any such instructions. Moreover, there is clear precedent for providing for more than one reconciliation bill. This is not the first time a budget resolution has done so.

The budget resolution for fiscal year 1994 (House Concurrent Resolution 64) which implemented President Clinton's first budget, provided for two reconciliation bills: an omnibus reconciliation bill and a debt limit bill. The omnibus bill considered as a result of that budget resolution contained many provisions which arguably did not contribute in any way to "deficit reduction"—notably the substantial increase in spending in the Food Stamp Program and the Federal purchase of all childhood vaccines.

The budget resolution for fiscal year 1983 (Senate Concurrent Resolution 92) provided for an omnibus reconciliation bill and a tax reconciliation bill. The omnibus bill (Public Law 97-253) resulted from instructions that required Senate committees to report their recommended changes by July 20, 1982. A second set of instructions directed the Committee on Finance to report additional changes by July 12, 1982. These additional changes became the Senate's amendment to a nonreconciliation tax bill which originated in the House (the Tax Equity and Fiscal Responsibility Act [TEFRA], Public Law 97-248). Notwithstanding the fact that TEFRA was not considered on the floor of the Senate as a reconciliation bill, this was clearly an example of a reconciliation instruction directed at producing a separate reconciliation bill.

Section 310(a)(2) provides that a budget resolution may specify the total amount by which revenues are to be changed. It is important to note that section 310 dictates neither the magnitude nor direction of such changes. Thus nothing in the Budget Act prohibits reconciliation instructions from reducing revenues. The precedents confirm this authority. This is not the first time a budget resolution has contained among its reconciliation instructions an instruction for an increase in the deficit. Again in House Concurrent Resolution 64, the budget resolution for fiscal year 1994, the House Agriculture Committee was reconciled for outlay increases for fiscal years 1994 through 1998. This instruction permitted the House Agriculture Committee to successfully bring through the conference on the reconciliation bill language which substantially expanded spending in the Food Stamp Program. More recently, in last year's budget resolution (House Concurrent Resolution 67), the Finance Committee was reconciled for revenue reduction.

The first use of reconciliation was for legislation that reduced revenues. In 1975 the applicable budget resolution (House Concurrent Resolution 466) provided an instruction to both Ways and Means and Finance to report legislation decreasing revenues.

Notwithstanding the fact that the authors of the 1974 Budget Act were neutral as to the policy objectives of reconciliation, since 1975 reconciliation and reconciliation legislation has been used to reduce the deficit. The Senate conferees note that while this resolution includes a reconciliation instruction to reduce revenues, the sum of the instructions would not only reduce the deficit but would result in a balanced budget by 2002.

The Senate conferees also note that the three-bill approach to reconciliation contained in this resolution provides for a more thorough and orderly consideration of the issues involved. It provides for extensive consideration on the Senate floor of the proposal for balancing the budget by the year 2002 as embodied by this budget resolution. Rather than having just 20 hours of debate on a single bill and 10 hours of debate on a conference report, this three-step process would permit 60 hours of debate on the bills and 30 hours of debate on the conference reports. In addition, in separating the proposal to balance the budget into manageable issues, Senators are permitted to address their specific concerns to the issues contained in each bill, rather than forcing Senators to vote on an "all-or-nothing proposition." Furthermore, the Senate conferees note that section 313 of the Budget Act, known as the "Byrd Rule," provides great protection to the minority against extraneous matter being placed in any reconciliation bill and is reinforced by a 60-vote margin required to waive its restrictions.

Separate tables for the House and Senate summarize the levels or amounts reconciled to each of the appropriate committees are provided below:

RECONCILIATION BY HOUSE COMMITTEE

WELFARE AND MEDICAID REFORM AND TAX RELIEF

Recommendations Due June 13, 1996

[In millions of dollars]

Committee	1997	2002	1997–2002
Agriculture Committee: Direct spending	35,609	36,625	216,316
Commerce Committee: Direct spending	326,354	473,718	2,395,231
Economic and Educational Opportunities Committee: Direct spending	15,808	19,670	105,331
Ways and Means Committee:			
Direct spending	381,199	563,607	2,810,569
Revenue change	NA	NA	−122,400

MEDICARE PRESERVATION

Recommendations Due July 18, 1996

[In millions of dollars]

Committee	1997	2002	1997–2002
Commerce Committee: Direct spending	319,554	420,915	2,237,231
Ways and Means Committee: Direct spending	374,399	510,804	2,652,569

TAX AND MISCELLANEOUS DIRECT SPENDING REFORMS

Recommendations Due September 6, 1996

[In millions of dollars]

Committee	1997	2002	1997–2002
Agriculture: Direct spending	35,599	36,614	216,251
Banking and Financial Services:			
Direct spending	−12,645	−5,775	−41,639
Deficit reduction [1]	0	115	305
Commerce: Direct spending	318,054	415,290	2,216,885
Economic and Educational Opportunities: Direct spending	15,025	18,963	101,660
Government Reform and Oversight:			
Direct spending	65,164	82,594	442,230
Deficit reduction [1]	201	590	2,837
International Relations: Direct spending	13,025	10,311	67,953
Judiciary: Direct spending	2,784	4,586	26,482
National Security: Direct spending	39,787	49,774	271,815
Resources: Direct spending	2,115	2,048	11,652
Science: Direct spending	40	46	242
Transportation and Infrastructure: Direct spending	18,315	18,001	107,328
Veterans' Affairs: Direct spending	21,375	22,217	130,468
Ways and Means:			
Direct spending	372,342	508,107	2,638,057
Revenue change	NA	NA	[2] −113,838

[1] Deficit reduction targets are in addition to and not reflected in the Committee's total direct spending level.

[2] The amount reconciled in the third reconciliation bill shall be adjusted to reflect any amount of revenue reduction enacted pursuant to this budget resolution conference report.

RECONCILIATION BY SENATE COMMITTEE

FIRST RECONCILIATION

Recommendations Due June 21, 1996

[In billions of dollars]

Committee	1997	2002	1997–2002
Agriculture, Nutrition and Forestry: Direct spending	−1.974	−5.967	−26,169
Finance:			
Direct spending	−0.260	−36.578	−98.321
Revenues	NA	NA	−122.400

SECOND RECONCILIATION

Recommendations Due July 24, 1996

[In billions of dollars]

Committee	1997	2002	1997–2002
Finance: Direct spending	−6.800	−52.803	−158.000

THIRD RECONCILIATION

Recommendations Due September 18, 1996

[In billions of dollars]

Committee	1997	2002	1997–2002
Agriculture, Nutrition and Forestry: Direct spending	−0.010	−0.011	−0.065
Armed Services: Direct spending	−0.079	−0.166	−0.649
Banking, Housing and Urban Affairs: Deficit reduction	3.628	0.462	3.605
Commerce, Science and Transportation: Direct spending	NA	−5.649	−19.396
Energy and Natural Resources: Direct spending	−0.090	−0.072	−1.512
Environment and Public Works: Direct spending	−0.087	−0.392	−2.184
Finance: Deficit reduction	3.639	4.121	23.184
Governmental Affairs: Deficit reduction	1.101	1.492	8.801
Judiciary: Direct spending	NA	−0.119	−0.476
Labor and Human Resources: Direct spending	−0.783	−0.707	−3.671
Veterans' Affairs: Direct spending	−0.126	−1.418	−5.271

ELECTIVE OMNIBUS BILL

House Resolution. Section 4(a)(1)(4) of the House resolution provides the chairman with the discretion to designate an additional submission deadline for an omnibus reconciliation bill. The authority to include such a procedure is set forth in section 301(b)(4) of the Budget Act, which provides that the budget resolution may "set forth such other matters, and require such other procedures, relating to the budget, as may be appropriate to carry out the purposes of this Act." This omnibus bill would be fully privileged as a reconciliation bill as defined in section 310 of the Budget Act.

Although the House resolution provides for the possibility of an omnibus reconciliation bill, each authorizing committee is still required to meet its reconciliation targets as if each of the reconciliation bills had been moved separately. Committees may submit recommendations previously vetoed and revise their submissions so long as they meet each of their separate targets.

Senate Amendment. The Senate amendment does not contain a comparable provision.

Conference Agreement. The House recedes to the Senate amendment.

BUDGET ENFORCEMENT

Under the Budget Act, the aggregate spending and revenue levels set forth in the concurrent budget resolution and the allocations in the accompanying report are enforced through points of order that may be raised on the House and Senate floor during the consideration of such legislation. Since the Constitution reserves to the Congress the power to revise its own rules, and the Budget Act specifies that the concurrent budget resolution may include "such other matters, and require such other procedures, relating to the budget, as may be appropriate to carry out the purposes of this Act," the House and Senate budget resolutions include changes in congressional budgetary procedures.

ASSET SALES

House Resolution. Under section 5 of the House budget resolution, both the proceeds and costs from asset sales are included in committee allocations, counted in determining of compliance with reconciliation instructions pursuant to section 310 of the Budget Act, and in meeting other Budget Act requirements that are enforceable in the House by points of order.

Senate Amendment. The Senate amendment includes language providing that only those asset sales that contribute to long-term deficit reduction shall be counted for various Budget Act purposes. For the purposes of this section, the long-term budgetary effects are to be calculated by estimating the impact of an asset sale on a net present value basis. If the asset sale would result in an increase in the deficit based on this net present value analysis, then the proceeds from the asset sale will not be scored for the purposes of budget resolutions and the Budget Act.

Conference Agreement. Section 302 of the conference report extends to the Senate the budgetary treatment of assets set forth in the House resolution. In addition, the conference report includes related sense of Congress language on the sale of government assets. The Senate amendment provides a legitimate rule for the scoring of asset sales based on a net present value analysis. The Senate amendment, however, raises a number of issues with respect to the construction and administration of such an analysis and rule. These issues include the appropriate discount rate, the duration, and the incorporation of tax proceeds that would result from private ownership of an asset in such an analysis. The conferees note that the Congressional Budget Office is conducting a study of asset sales and believe it is appropriate to forgo establishing such a rule until this study and further consultations with the Congressional Budget Office and others have been completed.

The conferees are concerned about the long-term budgetary impact of asset sales and do not support asset sales that would cost the Federal Government money in the long run. The conferees believe that the Congress should consider adoption of a new scoring rule that would take into account the long-term budgetary impact of asset sales.

RESERVE FUND FOR TAX RELIEF

House Resolution. The House budget resolution does not include a reserve fund for tax relief legislation because reserve funds are unnecessary in the House. Section 602(e) of the Budget Act specifically exempts tax and other legislation not assumed in the baseline but offset in the same or other House-passed legislation (assuming such offsets are in addition to amounts required by the appropriate budget resolution) from sections 302(f) and 303(a) of the Budget Act.

Senate Amendment. Section 202 of the Senate amendment provides for a reserve fund for the consideration of deficit-neutral legislation that reduces revenues. The reserve fund provides the chairman of the Senate Committee on the Budget with the authority to modify the binding ceiling on budget authority and outlays as well as the floor on revenue for such legislation.

Under subsection (b), the budget aggregates, function totals, and allocations under section 602 of the Budget Act may be adjusted by the chairman of the Senate Committee on the Budget to accommodate deficit-neutral tax legislation. The chairman has the authority to trigger the reserve fund if the revenue legislation does not increase the deficit for fiscal year 1997, the period of fiscal years 1997–2001 and the period of fiscal years 2002–2006.

Conference Agreement. The House recedes to the Senate amendment.

RESERVE FUND FOR SUPERFUND

House Resolution. The House budget resolution does not include reserve fund language for the Superfund Program. The House resolution assumes $2 billion annually in discretionary budget authority for the Superfund Program.

Senate Amendment. Section 203 of the Senate amendment establishes a reserve fund for legislation extending Superfund taxes and making various reforms in the Superfund Program. Under the Senate amendment, the chairman is authorized to revise the appropriate functional levels, the appropriate budget aggregates, and discretionary spending limits to provide additional resources for an appropriation measure that funds the Superfund Program. The adjustments are limited to the net revenue increase resulting from enactment of legislation that extends Superfund taxes and $898 million in budget authority (along with the corresponding outlays).

Conference Agreement. Section 304 of the conference report modifies the Senate amendment to apply the Superfund reserve fund in the House and the Senate and to clarify that any reform of the Superfund Program must provide for the actual cleanup of hazardous waste sites.

If Superfund reserve adjustments are made, the conference agreement includes language that, in the House, authorizes the Budget Committee chairman to reverse the adjustments made pursuant to this reserve fund. In the Senate, this language is unnecessary. In the past, when a budget resolution has contained a reserve fund, the practice in the Senate has been to adjust budget resolution levels only for the legislation that qualifies for the reserve fund. This ensures that the budget resolution's modified levels are not available for other legislation that does not meet the requirements of the particular reserve fund.

STUDENT LOANS

House Resolution. Section 6 of the House resolution is identical to section 207 of House Concurrent Resolution 67, the fiscal year 1996 budget resolution, and provides that the administrative costs for new direct student loans are to be scored on a net present value basis for all purposes under the Budget Act, just as they currently are for guaranteed student loans. The purpose of this provision is to conform the budgetary treatment of direct student loans to that of guaranteed student loans.

This change corrects a disparity that has arisen under the Federal Credit Reform Act of 1990 for the scoring of student loans. Under Credit Reform, the administrative costs for direct student loans are measured on a cash basis, with the budget reflecting only that year's cost of administering the loan. For guaranteed student loans, most administrative costs are measured on a net present value basis for the entire length of the loan.

As a consequence of this disparity in the budgetary treatment of these two types of loans, direct student lending appears less expensive than guaranteed student lending. Both the Congressional Research Service and the Congressional Budget Office acknowledge the bias that this treatment of administrative expenses has created.

Senate Amendment. Although the Senate amendment has no comparable provision, identical language that was included in section 207 of the conference report accompanying House Concurrent Resolution 67 is still applicable in the Senate.

Conference Agreement. Section 303 of the conference report reflects the House provision.

The conferees acknowledge that the Congressional Budget Office [CBO] has correctly interpreted section 207 of the fiscal year 1996 budget resolution (House Concurrent Resolution 67) with the understanding that Congress did not intend to change the manner in which guaranteed student loans are scored, but only to conform the budgetary treatment of direct student loans to that of guaranteed student loans. Therefore, the conferees conclude that CBO has correctly determined that any administrative expenses for guaranteed student loans which were included in the subsidy estimate shall continue to be accorded the same budgetary treatment by CBO. Any equivalent administrative expenses for direct loans shall be considered in the same manner. In addition, the conferees intend that any expenses for guaranteed student loans which were scored on a cash basis using the method of calculation from fiscal year 1994 shall continue to be accorded the same budgetary treatment by CBO. Equivalent administrative expenses for direct loans shall be considered in the same manner.

DEFENSE/NONDEFENSE LIMITS

House Resolution. The House resolution does not establish separate limits for defense and nondefense discretionary spending.

Senate Amendment. Section 201(a) of the Senate amendment sets forth separate limits on defense and nondefense discretionary spending for fiscal years 1997 and 1998. Subsection (b)(1)(A) creates a point of order in the Senate against consideration of any budget resolution that exceeds the aggregate cap on the sum of defense and nondefense discretionary spending for fiscal years 1997 and 1998. Subsection (b)(1)(B) creates a point of order in the Senate against consideration of any budget resolution that exceeds the aggregate cap on discretionary spending for fiscal years 1999 through 2002. Subsection (b)(1)(C) provides a point of order against an appropriations bill that would exceed any of the discretionary spending limits for a fiscal year or would exceed the suballocations set forth in section 602(b) of the Budget Act. The point of order may be waived or suspended by three-fifths vote of the Senate.

Conference Agreement. In section 301 of the conference report, the House recedes to the Senate amendment with the discretionary spending limits at the following levels:

	Defense		Nondefense		Total	
	Budget authority-	Outlays	Budget authority-	Outlays	Budget authority-	Outlays
1997	266,362	264,968	226,305	270,571	492,667	535,539
1998	268,971	263,862	219,646	258,429	488,617	522,291
1999	271,500	267,048	213,718	252,981	485,218	520,029
2000	274,024	270,657	218,515	248,847	492,539	519,504
2001	276,672	269,744	214,445	246,479	491,117	516,223
2002	279,459	269,608	221,133	244,611	500,592	514,219

EMERGENCIES

House Resolution. The House resolution does not include language on the budgetary treatment of emergencies, although a related sense-of-Congress provision included in section 8 includes the elimination of the emergency designation as one of the alternatives to the existing budgetary treatment of emergencies.

Senate Amendment. Section 204 of the Senate amendment provides the budgetary costs of all emergencies will be counted for purposes of complying with committee allocations and the aggregate spending levels set forth in the budget resolution.

Under section 251 of the Balanced Budget and Emergency Deficit Control Act, Congress and the President may exempt from statutory spending limits amounts provided in emergency legislation. Section 606 of the Budget Act provides that legislation so designated is also exempt from points of order under sections 302(f) and 311(a) of the Budget Act.

Section 204 supersedes section 606 of the Budget Act. Accordingly, budget authority and outlays designated as emergency legislation would be subject to points of order raised under sections 302(f) and 311(a) of the Budget Act.

Conference Agreement. The conference agreement does not contain the Senate provision.

RULEMAKING AUTHORITY

House Resolution. The House resolution does not include language regarding the exercise of rulemaking authority.

Senate Amendment. Section 205 of the Senate amendment states that the provisions of this title are adopted pursuant to the rulemaking power of the House and the Senate, and are to be considered as part of the rules of each House. The Senate amendment also states that either House has the right to change these rules at any time in the same manner as any other rule of that House.

Conference Agreement. In section 306 of the conference report, the House recedes to the Senate amendment, with an amendment that states that the provisions regarding the exercise of rulemaking power also apply to the House.

GOVERNMENT SHUTDOWN PREVENTION ALLOWANCE

The conference agreement permits an adjustment in the nondefense discretionary outlay level, and other appropriate levels, for fiscal year 1997 to avoid a government shutdown.

MISCELLANEOUS BUDGET ENFORCEMENT

The Senate conferees note that in last year's budget resolution (House Concurrent Resolution 67) the pay-as-you-go [PAYGO] point of order for the Senate was extended through the end of fiscal year 2002. Consequently it was determined that it is not necessary to include the language in the text of this year's resolution. In order to emphasize the overall goal of balancing the budget set out in this resolution and that the pay-as-you-go discipline is still in effect, the text of section 202 from House Concurrent Resolution 67 is provided herein:

"SEC. 202. EXTENSION OF PAY-AS-YOU-GO POINT OF ORDER.

"(a) PURPOSE.—The Senate declares that it is essential to—

"(1) ensure continued compliance with the balanced budget plan set forth in this resolution; and

"(2) continue the pay-as-you-go enforcement system.

"(b) POINT OF ORDER.—

"(1) IN GENERAL.—It shall not be in order in the Senate to consider any direct spending or revenue legislation that would increase the deficit for any one of the three applicable time periods as measured in paragraphs (5) and (6).

"(2) APPLICABLE TIME PERIODS.—For purposes of this subsection the term "applicable time period" means any one of the three following periods:

"(A) The first year covered by the most recently adopted concurrent resolution on the budget.

"(B) The period of the first five fiscal years covered by the most recently adopted concurrent resolution on the budget.

"(C) The period of the five fiscal years following the first five fiscal years covered in the most recently adopted concurrent resolution on the budget.

"(3) DIRECT-SPENDING LEGISLATION.—For purposes of this subsection and except as provided in paragraph (4), the term "direct-spending legislation" means any bill, joint resolution, amendment, motion, or conference report that affects direct spending as that term is defined by and interpreted for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

"(4) EXCLUSION.—For purposes of this subsection, the terms "direct-spending legislation" and "revenue legislation" do not include—

"(A) any concurrent resolution on the budget; or

"(B) any provision of legislation that affects the full funding of, and continuation of, the deposit insurance guarantee commitment in effect on the date of enactment of the Budget Enforcement Act of 1990.

"(5) BASELINE.—Estimates prepared pursuant to this section shall—

"(A) use the baseline used for the most recently adopted concurrent resolution on the budget; and

"(B) be calculated under the requirements of subsections (b) through (d) of section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 for fiscal years beyond those covered by that concurrent resolution on the budget.

"(6) PRIOR SURPLUS.—If direct spending or revenue legislation increases the deficit when taken individually, then it must also increase the deficit when taken together with all direct spending and revenue legislation enacted since the beginning of the calendar year not accounted for in the baseline under paragraph (5)(A), except that the direct spending or revenue effects resulting from legislation enacted pursuant to the reconciliation instructions included in that concurrent resolution on the budget shall not be available.

"(c) WAIVER.—This section may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

"(d) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

"(e) DETERMINATION OF BUDGET LEVELS.—For purposes of this section, the levels of new budget authority, outlays, and revenues for a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget of the Senate.

"(f) CONFORMING AMENDMENT.—Section 23 of House Concurrent Resolution 218 (103d Congress) is repealed.

"(g) SUNSET.—Subsections (a) through (e) of this section shall expire September 30, 2002."

LANGUAGE RELATED TO THE FEDERAL RESERVE SURPLUS

Because the goal of this resolution is to achieve a balanced budget in 2002 in a manner that generates economic dividends, the Budget Committees discourage other reconciled committees from attempting to meet their reconciliation instructions with changes that only appear to reduce the deficit (through timing changes or other artifices) rather than changes with real economic effects. For example, the 1993 budget reconciliation bill included a provision directing the Federal Reserve to transfer $213 million from its surplus capital account to the Treasury over 1997 and 1998. Because the Federal Reserve is not included in the unified budget, the slated transfer was counted as savings for reconciliation purposes even though there was then and is now general agreement that the transfer is a timing gimmick, acts like an intragovernmental transfer, and leaves the private sector and the rest of the economy unaffected. The Congressional Budget Office concurs with the Budget Committees that such a transfer has no real economic impact on the deficit.

These same reasons inform more recent proposals to attach the Federal Reserve's surplus capital account for other than attempted deficit reduction. In late March, a congressionally released draft report by the General Accounting Office [GAO] suggested that the Federal Reserve might not need to retain this surplus and should instead transfer it to the Treasury because, based on history, the Federal Reserve is not likely to experience any losses. Shortly thereafter, various congressional proposals emerged to direct the Federal Reserve to make its surplus capital available to increase discretionary appropriations or to make payments to holders of "private" [FICO] bonds issued in the late 1980's to cover Federal deposit insurance costs of failed savings and loans. The sponsors of these proposals advance them presumably because these uses of the Federal Reserve's surplus appear to be free and would not have to count on the budget.

But just as transferring the surplus account to the Treasury would not decrease the deficit, using the account to pay for anything would not really be free. One simply would be taking money that the Federal Reserve invests in Treasury securities (which thereby reduces the amount of Federal borrowing needed from the general private sector), and instead transferring the money to a certain part of the private sector. That transaction would increase the amount of borrowing that the Federal Government would have to undertake from the general private sector just like a transaction in which money was paid directly out of the Treasury for Federal purposes. Another possible result is that if the Federal Reserve were going to deliver on GAO's recommendation and transfer some (if not all) of the surplus account to the Treasury, designating that money for some Federal purpose before that transfer could occur would be equivalent to paying money directly out of the Treasury for that purpose. Therefore, the conferees (using the authority provided to the Budget Committees for estimating outlays and revenues by section 310(d)(4) of the Congressional Budget Act) direct the Congressional Budget Office on the following points: do not score savings for any new legislation that might affect the Federal Reserve's transfer of the surplus capital account to the Treasury, but do score as a cost any legislation that directs spending out of the Federal Reserve capital account.

SENSE OF CONGRESS

The budget resolution routinely includes sense of House, Senate, and Congress provisions.

House Resolution.—The House resolution includes the following sense-of-House provision:

—Sense of the House of Representatives on debt repayment

The House resolution includes the following sense-of-Congress provisions:

—Sense of Congress on baselines

—Sense of Congress on emergencies

—Sense of Congress on loan sales

—Sense of Congress on changes in Medicaid
—Sense of Congress on domestic violence and Federal assistance
—Sense of Congress on impact of legislation on children
—Sense of Congress on commitment to a balanced budget by fiscal year 2002

Senate Amendment.—The Senate amendment includes the following sense-of-Congress provisions:

—Sense of Congress on the sale of government assets
—Sense of Congress that tax reductions should benefit working families
—Sense of Congress on a bipartisan commission on the solvency of Medicare
—Sense of Congress on Medicare transfers
—Sense of Congress regarding changes in the Medicare Program
—Sense of Congress regarding additional changes under the Medicare Program
—Sense of Congress regarding nursing home standards
—Sense of Congress concerning nursing home care
—Sense of Congress regarding requirements that welfare recipients be drug-free
—Sense of Congress on reimbursement of the United States for operations Southern Watch and Provide Comfort
—Sense of Congress that the 1993 income tax increase on Social Security Benefits should be repealed

The Senate amendment includes the following sense-of-the-Senate provisions:

—Sense of the Senate on considering a change in the minimum wage in the Senate
—Sense of the Senate on long-term projections in budget estimates
—Sense of the Senate on repeal of the gas tax
—Sense of the Senate on Medicare trustees report
—Sense of the Senate on funding to assist youth at risk
—Sense of the Senate regarding the use of budgetary savings
—Sense of the Senate regarding the transfer of excess government computers to public schools
—Sense of the Senate on Federal retreats
—Sense of the Senate regarding the essential air service program of the Department of Transportation
—Sense of the Senate regarding equal retirement savings for homemakers
—Sense of the Senate regarding the National Institute of Drug Abuse
—Sense of the Senate regarding the extension of the employer education assistance exclusion under section 127 of the Internal Revenue Code of 1986
—Sense of the Senate regarding the Economic Development Administration placing high priority on maintaining field-based economic development representatives
—Sense of the Senate regarding revenue assumptions
—Sense of the Senate regarding domestic violence
—Sense of the Senate regarding student loans
—Sense of the Senate regarding reduction of the national debt
—Sense of the Senate regarding hungry or homeless children
—Sense of the Senate on LIHEAP
—Sense of the Senate on Davis-Bacon I
—Sense of the Senate on Davis-Bacon II
—Sense of the Senate on an accurate index for inflation
—Sense of the Senate on solvency of the Medicare Trust Fund
—Sense of the Senate regarding the Administration's practice regarding the prosecution of drug smugglers
—Sense of the Senate regarding corporate subsidies and sale of government assets
—Sense of the Senate on the Presidential Election Campaign Fund
—Sense of the Senate regarding welfare reform
—A resolution regarding the Senate's support for Federal, State, and local law enforcement
—Sense of the Senate regarding the funding of Amtrak
—Sense of the Senate—truth in budgeting

Conference Agreement.—The conferees agreed to the following sense-of-Congress provisions:

—Sense of Congress on baselines
—Sense of Congress on loan sales
—Sense of Congress on changes in Medicaid
—Sense of Congress on impact of legislation on children
—Sense of Congress on debt repayment
—Sense of Congress on commitment to a balanced budget by fiscal year 2002
—Sense of Congress that tax reductions should benefit working families
—Sense of Congress on a bipartisan commission on the solvency of Medicare
—Sense of Congress on Medicare transfers
—Sense of Congress regarding changes in the Medicare Program
—Sense of Congress regarding revenue assumptions
—Sense of Congress regarding domestic violence
—Sense of Congress regarding student loans
—Sense of Congress regarding additional changes under the Medicare Program
—Sense of Congress regarding requirements that welfare recipients be drug-free
—Sense of Congress on an accurate index for inflation
—Sense of Congress that the 1993 income tax increase on Social Security benefits should be repealed
—Sense of Congress regarding the administration's practice regarding the prosecution of drug smugglers
—Sense of Congress on corporate subsidies
—Sense of Congress regarding welfare reform
—Sense of Congress on FCC spectrum auctions

The conferees agreed to the following sense-of-the-House provision:

—Sense of the House on emergencies

The conferees agreed to the following sense-of-the-Senate provisions:

—Sense of the Senate on funding to assist youth at risk
—Sense of the Senate on long-term trends in budget estimates
—Sense of the Senate on repeal of the gas tax
—Sense of the Senate regarding the use of budgetary savings
—Sense of the Senate regarding the transfer of excess government computers to public schools
—Sense of the Senate on Federal retreats
—Sense of the Senate regarding the essential air service program of the Department of Transportation
—Sense of the Senate regarding equal retirement savings for homemakers
—Sense of the Senate regarding the National Institute of Drug Abuse
—Sense of the Senate regarding the extension of the employer education assistance exclusion under section 127 of the Internal Revenue Code of 1986
—Sense of the Senate regarding the Economic Development Administration placing high priority on maintaining field-based economic development representatives
—Sense of the Senate on LIHEAP
—Sense of the Senate on Davis-Bacon
—Sense of the Senate on reimbursement of the United States for operations Southern Watch and Provide Comfort
—Sense of the Senate on solvency of the Medicare Trust Fund
—Sense of the Senate on the Presidential Election Campaign Fund
—Sense of the Senate regarding the funding of Amtrak

ALLOCATIONS

As required in sections 302 and 602 of the Budget Act, the joint statement of the managers includes an allocation, based upon the conference report, of the levels of total budget authority, total budget outlays, and—in the House only—total entitlement authority, among each of the appropriate House and Senate committees.

As required under sections 302 and 602, the allocations are divided between mandatory or otherwise uncontrollable amounts and discretionary or otherwise controllable amounts.

The allocations for each House consist of a set of two tables for the House and Senate. The first set of tables shows the allocation for the budget year, fiscal year 1997. For the House, the amount allocated to each committee is broken down by budget function. The second set of tables shows the amounts allocated for the totals of the budget year and the four succeeding planning years.

These allocations serve as the basis for congressional enforcement of the budget resolution through points of order under the Budget Act.

The allocations are as follows:

ALLOCATION OF SPENDING RESPONSIBILITY TO HOUSE COMMITTEES PURSUANT TO SEC. 602(a) OF THE CONGRESSIONAL BUDGET ACT—FISCAL YEAR: 1997

[In millions of dollars]

	Budget authority	Outlays	Entitlement authority
APPROPRIATIONS COMMITTEE			
Current level (enacted law):			
050 National defense	196	196	0
150 International affairs	170	170	0
300 Natural resources and environment	1,997	2,008	0
350 Agriculture	3,124	1,732	0
370 Commerce and housing credit	32	−318	0
400 Transportation	605	602	0
500 Education, training, employment, and social services	10,741	10,796	0
550 Health	109,098	109,029	0
570 Medicare	58,309	58,309	0
600 Income security	85,391	85,305	0
650 Social Security	21	21	0
700 Veterans benefits and services	19,508	19,552	0
750 Administration of Justice	414	411	0
800 General government	8,666	8,666	0
900 Net interest	10	10	0
Subtotal	298,282	296,489	0
Discretionary appropriations action (assumed legislation):			
050 National defense	266,362	264,968	0
150 International affairs	18,236	19,549	0
250 General, science, space, and technology	16,748	16,826	0
270 Energy	5,126	5,402	0

ALLOCATION OF SPENDING RESPONSIBILITY TO HOUSE COMMITTEES PURSUANT TO SEC. 602(a) OF THE CONGRESSIONAL BUDGET ACT—FISCAL YEAR: 1997—Continued

[In millions of dollars]

	Budget authority	Outlays	Entitlement authority
300 Natural resources and environment	20,139	21,088	0
350 Agriculture	3,949	3,958	0
370 Commerce and housing credit	3,092	2,990	0
400 Transportation	13,840	36,744	0
450 Community and regional development	7,926	10,345	0
500 Education, training, employment, and social services	37,477	38,506	0
550 Health	23,169	23,236	0
570 Medicare	3,031	3,031	0
600 Income security	27,816	40,398	0
650 Social Security	6	3,194	0
700 Veterans benefits and services	18,425	19,311	0
750 Administration of justice	20,681	19,338	0
800 General government	11,561	11,372	0
920 Allowances	−214	−1,644	0
Subtotal	497,350	538,612	0
Discretionary action by other committees (assumed entitlement legislation):			
370 Commerce and housing credit	−32	−32	0
500 Education, training, employment, and social services	−105	−33	0
550 Health	370	370	0
600 Income security	−2,433	−2,406	0
700 Veterans benefits and services	308	309	0
Subtotal	−1,892	−1,792	0
Committee total	793,740	833,309	0
AGRICULTURE COMMITTEE			
Current level (enacted law):			
150 International affairs	−476	−476	0
270 Energy	0	−972	0
300 Natural resources and environment	683	648	0
350 Agriculture	7,383	5,440	7,177
400 Transportation	30	30	0
450 Community and regional development	253	204	0
600 Income security	67	17	1,173
800 General government	270	270	0
900 Net interest	0	0	10
Subtotal	8,210	5,161	8,360
Committee total	8,210	5,161	8,360
NATIONAL SECURITY COMMITTEE			
Current level (enacted law):			
050 National defense	11,513	11,470	0
300 Natural resources and environment	3	3	0
400 Transportation	0	−19	0
500 Education, training, employment, and social services	4	3	0
600 Income security	29,940	29,855	0
700 Veterans benefits and services	180	180	180
Subtotal	41,640	41,492	180
Discretionary action (assumed legislation):			
050 National defense	−79	−79	0
950 Undistributed offsetting receipts	−1,500	−1,500	0
Subtotal	−1,579	−1,579	0
Committee total	40,061	39,913	180
BANKING AND FINANCIAL SERVICES COMMITTEE			
Current level (enacted law):			
150 International affairs	−588	−2,438	0
370 Commerce and housing credit	405	−6,084	0
450 Community and regional development	6	−58	0
600 Income security	50	−15	0
900 Net interest	3,256	3,256	0
Subtotal	3,129	−5,339	0
Discretionary action (assumed legislation):			
370 Commerce and housing credit	−128	−3,528	0
450 Community and regional development	0	−72	0
600 Income security	0	−100	0
Subtotal	−128	−3,700	0
Committee total	3,001	−9,039	0
ECONOMIC AND EDUCATIONAL OPPORTUNITIES COMMITTEE			
Current level (enacted law):			
500 Education, training, employment, and social services	3,104	2,487	4,050
600 Income security	174	162	9,930
Subtotal	3,278	2,649	13,980
Discretionary action (assumed legislation):			
500 Education, training, employment, and social services	−867	−783	0
600 Income security	−4	−4	−152
920 Allowances	−41	−13	0
Subtotal	−912	−800	−152
Committee total	2,366	1,849	13,828
COMMERCE COMMITTEE			
Current level (enacted law):			
370 Commerce and Housing Credit	4,700	4,700	4,700
500 Education, training, employment, and social services	1	1	0
500 Health	675	675	105,397
800 General government	9	9	0
Subtotal	5,385	5,385	110,097
Discretionary action (assumed legislation):			
550 Health	0	0	370
Subtotal	0	0	370
Committee total	5,385	5,385	110,467
INTERNATIONAL RELATIONS COMMITTEE			
Current level (enacted law):			
150 International affairs	10,900	12,330	0
400 Transportation	7	7	0
600 Income security	523	523	511
800 General government	6	6	0
Subtotal	11,436	12,866	511
Committee total	11,436	12,866	511
GOVERNMENT REFORM AND OVERSIGHT COMMITTEE			
Current level (enacted law):			
550 Health	0	−54	3,914
600 Income security	41,907	40,887	40,887
750 Administration of justice	40	40	40
800 General government	13,042	13,040	0
900 Net interest	28	28	0
950 Undistributed offsetting receipts	−20	−20	0
Subtotal	54,997	53,921	44,841
Discretionary action (assumed legislation):			
600 Income security	−289	−289	−289
800 General government	−3	−3	0
950 Undistributed offsetting receipts	−210 −576	−210 −576	0 0
Subtotal	−1,078	−1,078	−289
Committee total	53,919	52,843	44,552
OVERSIGHT COMMITTEE			
Current level (enacted law):			
500 Education, training, employment, and social services	28	22	0
800 General government	67	3	95
Subtotal	95	25	95
Committee total	95	25	95
RESOURCES COMMITTEE			
Current level (enacted law):			
270 Energy	8	114	0
300 Natural resources and environment	908	807	0
370 Commerce and housing credit	75	51	0
450 Community and regional development	388	358	0
550 Health	4	4	0
800 General government	742	766	179
950 Undistributed offsetting receipts	−1,355	−1,355	0
Subtotal	770	745	179
Discretionary action (assumed legislation):			
300 Natural resources and environment	−94	−93	−12
800 General government	3	3	0
Subtotal	−91	−90	−12
Committee total	679	655	167
Current level (enacted law):			
370 Commerce and housing credit	195	195	0
600 Income security	59	21	9
750 Administration of justice	1,556	1,538	238
800 General government	619	619	0
Subtotal	2,429	2,373	247
Committee total	2,429	2,373	247
TRANSPORTATION AND INFRASTRUCTURE COMMITTEE			
Current level (enacted law):			
270 Energy	280	222	0
300 Natural resources and environment	245	248	0
400 Transportation	27,102	2,142	602
450 Community and regional development	5	75	0
600 Income security	15,043	15,020	0
800 General government	−1	−1	0
Subtotal	42,674	17,706	602
Discretionary action (assumed legislation):			
400 Transportation	2,280	−150	0
450 Community and regional development	−12	−12	0
600 Income security	12	12	0
Subtotal	2,280	−150	0
Committee total	43,845	17,631	602
SCIENCE COMMITTEE			
Current level (enacted law):			
250 General science, space, and technology	40	39	0
500 Education, training, employment and social services	1	1	0
Subtotal	41	40	0
Committee total	41	40	0
SMALL BUSINESS COMMITTEE			
Current level (enacted law):			
370 Commerce and housing credit	3	−125	0
450 Community and regional development	0	−171	0
Subtotal	3	−296	0
Committee total	3	−296	0
VETERANS' AFFAIRS COMMITTEE			
Current level (enacted law):			
700 Veterans benefits and services	1,437	1,604	20,869
Subtotal	1,437	1,604	20,869

ALLOCATION OF SPENDING RESPONSIBILITY TO HOUSE COMMITTEES PURSUANT TO SEC. 602(a) OF THE CONGRESSIONAL BUDGET ACT—FISCAL YEAR: 1997—Continued

[In millions of dollars]

	Budget authority	Outlays	Entitlement authority
Discretionary action (assumed legislation):			
700 Veterans benefits and services	−90	−90	224
Subtotal	−90	−90	224
Committee total	1,347	1,514	21,093
WAYS AND MEANS COMMITTEE			
Current level (enacted law):			
500 Education, training, employment, and social services	0	0	8,044
570 Medicare	217,200	215,516	215,516
600 Income security	46,173	45,136	37,091
650 Social Security	7,786	7,786	0
750 Administration of Justice	420	380	0
800 General government	473	472	0
900 Net interest	352,452	352,452	352,452
Subtotal	624,504	621,742	613,103
Discretionary action (assumed legislation):			
500 Education, training, employment, and social services	−1,335	−970	−33
570 Medicare	−6,800	−6,800	0
600 Income security	−773	−1,362	−2,024
800 General government	−65	0	0
Subtotals	−8,973	−9,132	−2,057
Committee totals	615,531	612,610	611,046
UNASSIGNED			
Current level (enacted law):			
050 National defense	0	0	0
150 International affairs	0	0	0
250 General science, space, and technology	0	0	0
270 Energy	−12,409	−12,409	0
300 Natural resources and environment	−13,934	−13,934	0
350 Agriculture	−1,686	−1,686	0
370 Commerce and housing credit	−3,002	−3,002	0
400 Transportation	−1,645	−145	0
450 Community and regional development	−156	−156	0
500 Education, training, employment, and social services	−1,229	−195	0
550 Health	−348	−348	0
570 Medicare	−66	−66	0
600 Income security	−88	−88	0
650 Social Security	−78,905	−78,905	0
700 Veterans benefits and services	−13,423	−13,423	0
750 Administration of justice	−1,305	−1,305	0
800 General government	−2,167	−2,167	0
900 Net interest	−23,036	−23,036	0
920 Allowances	−73,155	−73,155	−60,765
950 Undistributed offsetting receipts	−41,883	−41,883	0
Subtotal	−268,438	−265,903	−60,765
Discretionary action (assumed legislation):			
920 Allowances	0	0	0
Subtotal	0	0	0
Committee total	−267,328	−265,828	−60,765
Total—current level	830,982	790,735	752,299
Total—discretionary action	483,778	520,276	−1,916
Grand total	1,314,760	1,311,011	750,383

ALLOCATION OF SPENDING RESPONSIBILITY TO HOUSE COMMITTEES PURSUANT TO SECTIONS 302(a)/602(a) OF THE CONGRESSIONAL BUDGET ACT

[By fiscal year, in millions of dollars]

	1997	1998	1999	2000	2001	1997–2001
Appropriation Committee:						
Current level:						
Budget authority	298,282	297,973	320,594	348,874	370,294	1,636,017
Outlays	296,489	291,204	312,952	342,279	361,183	1,604,107
Discretionary action, general purpose:						
Defense:						
Budget authority	266,362	268,971	271,500	274,024	276,672	1,357,529
Outlays	264,968	263,862	267,048	270,657	269,744	1,336,279
Nondefense:						
Budget authority	226,305	219,646	213,718	218,515	214,445	1,092,629
Outlays	270,571	258,429	252,981	248,847	246,479	1,277,307
Subtotal:						
Budget authority	492,667	488,617	485,218	492,539	491,117	2,450,158
Outlays	535,539	522,291	520,029	519,504	516,223	2,613,586
Violent Crime Reduction Trust Fund:						
Budget authority	4,683	5,100	6,050	6,050	0	21,883
Outlays	3,073	4,664	5,456	5,747	0	18,940
Total discretionary action:						
Budget authority	497,350	493,717	491,268	298,589	491,117	2,472,041
Outlays	538,612	526,955	525,485	525,251	516,223	2,632,526
Discretionary action by other committees:						
Budget authority	−1,892	26,681	22,665	17,861	11,766	77,081
Outlays	−1,792	25,403	22,276	17,713	11,705	75,305
Committee total:						
Budget authority	793,740	818,371	834,527	865,324	873,177	4,185,139
Outlays	833,309	843,562	860,713	885,243	889,111	4,311,938
Agriculture Committee:						
Current level (enacted law):						
Budget authority	8,210	8,359	8,104	7,460	6,402	38,535
Outlays	5,161	5,395	5,109	4,556	3,519	23,740
New entitlement authority	0	1,192	1,236	1,267	1,301	4,996
National Security Committee:						
Current level (enacted law):						
Budget authority	41,640	43,186	44,769	46,343	48,017	223,955
Outlays	41,492	43,001	44,595	46,221	47,899	223,208
Discretionary action:						
Budget authority	−1,579	271	257	243	144	−664
Outlays	−1,579	271	257	243	144	−864
Committee total:						
Budget authority	40,061	43,457	45,026	46,586	48,161	223,291
Outlays	39,913	43,272	44,852	46,464	48,043	222,544
New entitlement authority	0	0	0	0	0	0
Banking and Financial Services Committee:						
Current level (enacted law):						
Budget authority	3,129	4,401	4,147	4,682	4,486	20,845
Outlays	−5,339	−1,679	−2,425	−2,804	−2,179	−14,426
Discretionary action:						
Budget authority	−128	−127	−138	−157	−161	−711
Outlays	−3,700	38	−148	−130	−64	−4,004
Committee total:						
Budget authority	3,001	4,274	4,009	4,525	4,325	20,134
Outlays	−9,039	−1,641	−2,573	−2,934	−2,243	−18,430
Economic Opportunity Committee:						
Current level (enacted law):						
Budget authority	3,278	2,968	3,631	3,889	4,221	17,987
Outlays	2,649	2,649	3,008	3,351	3,648	15,305
Discretionary action:						
Budget authority	−912	−425	−716	−689	−723	−3,465
Outlays	−800	−366	−594	−682	−711	−3,153
Committee total:						
Budget authority	2,366	2,543	2,915	3,200	3,498	14,522
Outlays	1,849	2,283	2,414	2,669	2,937	12,152
New entitlement authority	−152	1,275	2,031	2,236	2,279	7,669

ALLOCATION OF SPENDING RESPONSIBILITY TO HOUSE COMMITTEES PURSUANT TO SECTIONS 302(a)/602(a) OF THE CONGRESSIONAL BUDGET ACT—Continued

[By fiscal year, in millions of dollars]

	1997	1998	1999	2000	2001	1997–2001
Commerce Committee:						
Current level (enacted law):						
Budget authority	5,385	5,893	6,684	7,380	8,080	33,422
Outlays	5,385	5,895	6,701	7,398	8,098	33,477
Discretionary action:						
Budget authority	0	−1,401	−2,909	−4,713	−5,517	−14,540
Outlays	0	−1,401	−2,909	−4,713	−5,517	−14,540
Committee total:						
Budget authority	5,385	4,492	3,775	2,667	2,563	18,882
Outlays	5,385	4,494	3,792	2,685	2,581	18,937
New entitlement authority	370	−1,740	−7,090	−13,010	−20,240	−41,710
International Relations Committee:						
Current level (enacted law):						
Budget authority	11,436	10,321	9,393	9,953	9,877	50,980
Outlays	12,866	11,880	11,033	10,638	10,390	56,807
Government Reform and Oversight Committee:						
Current level (enacted law):						
Budget authority	54,997	57,320	59,793	62,342	65,094	299,546
Outlays	53,921	56,383	58,742	61,132	63,670	293,848
Discretionary action:						
Budget authority	−1,078	−889	−882	−876	−880	−4,605
Outlays	−1,078	−889	−882	−876	−880	−4,605
Committee total:						
Budget authority	53,919	56,431	58,911	61,466	64,214	294,941
Outlays	52,843	55,494	57,860	60,256	62,790	289,243
New entitlement authority	−289	−335	−339	−344	−361	−1,668
Oversight Committee:						
Current level (enacted law):						
Budget authority	95	97	98	99	97	486
Outlays	25	25	54	264	34	402
Public Lands and Resources Committee:						
Current level (enacted law):						
Budget authority	770	2,021	2,066	2,169	2,393	9,419
Outlays	745	1,931	2,014	2,113	2,322	9,125
Discretionary action:						
Budget authority	−91	−785	−37	−395	−93	−1,401
Outlays	−90	−798	−47	−440	−85	−1,460
Committee total:						
Budget authority	679	1,236	2,029	1,774	2,300	8,018
Outlays	655	1,133	1,967	1,673	2,237	7,665
New entitlement authority	−12	−9	−13	−11	−14	−59
Judiciary Committee:						
Current level (enacted law):						
Budget authority	2,429	4,297	4,389	4,441	4,506	20,062
Outlays	2,373	4,236	4,326	4,377	4,441	19,753
Discretionary action:						
Budget authority	0	0	−119	−119	−119	−357
Outlays	0	0	−119	−119	−119	−357
Committee total:						
Budget authority	2,429	4,297	4,270	4,322	4,387	19,705
Outlays	2,373	4,236	4,207	4,258	4,322	19,396
Transportation and Infrastructure Committee:						
Current level (enacted law):						
Budget authority	42,674	15,895	15,935	16,106	16,340	106,950
Outlays	17,706	17,464	16,922	16,670	16,675	85,437
Discretionary action:						
Budget authority	2,280	30,138	30,188	31,352	32,031	125,989
Outlays	0	19	−287	354	435	521
Committee total:						
Budget authority	44,954	46,033	46,123	47,458	48,371	232,939
Outlays	17,706	17,483	16,635	17,024	17,110	85,958
New entitlement authority	0	1	1	0	0	2
Science Committee:						
Current level (enacted law):						
Budget authority	41	42	44	45	46	218
Outlays	40	40	41	43	45	209
Discretionary action:						
Budget authority	0	−13	0	0	0	−13
Outlays	0	−13	0	0	0	−13
Committee total:.						
Budget authority	41	29	44	45	46	205
Outlays	40	27	41	43	45	196
Small Business Committee:						
Current level [enacted law]:						
Budget authority	3	2	2	2	0	9
Outlays	−296	−402	−232	−181	−153	−1,264
Veterans' Affairs Committee:						
Current level [enacted law]:						
Budget authority	1,437	1,365	1,280	1,205	1,141	6,428
Outlays	1,604	1,573	1,466	1,458	1,462	7,563
Discretionary action:						
Budget authority	−90	0	−265	−276	−288	−919
Outlays	−90	0	−265	−276	−288	−919
Committee total:						
Budget authority	1,347	1,365	1,015	929	853	5,509
Outlays	1,514	1,573	1,201	1,182	1,174	6,644
New entitlement authority	224	615	542	827	1,267	3,475
Ways and Means Committee:						
Current level [enacted law]:						
Budget authority	624,504	653,468	680,614	705,720	735,576	3,399,882
Outlays	621,742	650,771	677,460	703,202	733,171	3,386,346
Discretionary action:						
Budget authority	−8,973	−16,992	−27,095	−35,548	−45,603	−134,211
Outlays	−9,132	−16,935	−27,083	−35,793	−45,675	−134,618
Committee total:						
Budget authority	615,531	636,476	653,519	670,172	689,973	3,265,671
Outlays	612,610	633,836	650,377	667,409	687,496	3,251,728
New entitlement authority	−2,057	−2,250	−2,024	−2,273	−2,139	−10,743
Unassigned to Committee:						
Current level [enacted law]:						
Budget authority	−268,437	−275,709	−281,358	−292,611	−304,370	−1,422,485
Outlays	−265,903	−267,983	−273,579	−284,756	−296,969	−1,389,190
Discretionary action:						
Budget authority	0	0	0	0	0	0
Outlays	0	0	0	0	0	0
Committee total:						
Budget authority	0	0	0	0	0	0

ALLOCATION OF SPENDING RESPONSIBILITY TO HOUSE COMMITTEES PURSUANT TO SECTIONS 302(a)/602(a) OF THE CONGRESSIONAL BUDGET ACT—Continued

[By fiscal year, in millions of dollars]

	1997	1998	1999	2000	2001	1997–2001
Outlays	0	0	0	0	0	0
Total current level:						
Budget authority	830,982	831,899	880,185	928,099	972,200	4,443,365
Outlays	790,735	822,657	868,408	916,106	957,355	4,355,261
Total discretionary action:						
Budget authority	483,778	530,176	512,218	505,272	481,674	2,513,118
Outlays	520,276	532,010	515,463	500,387	475,069	2,543,205
Grand totals:						
Budget authority	1,314,760	1,362,075	1,392,403	1,433,371	1,453,874	6,956,483
Outlays	1,311,011	1,354,667	1,383,871	1,416,493	1,432,424	6,898,466
Total new entitlement authority	−1,916	−1,252	−5,657	−11,308	−17,907	−38,040

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SECTION 302 OF THE CONGRESSIONAL BUDGET ACT BUDGET YEAR TOTAL: 1997

[In millions of dollars]

Committee	Direct spending jurisdiction		Entitlements funded in annual appropriations	
	Budget authority	Outlays	Budget authority	Outlays
Appropriations	795,878	835,346	0	0
Appropriations (Violent Crime Trust Fund)	0	0	0	0
Agriculture, Nutrition, and Forestry	6,017	2,990	10,068	8,492
Armed Services	40,058	39,929	0	0
Banking, Housing, and Urban Affairs	5,881	−9,017	0	0
Commerce, Science, and Transportation	7,429	4,799	605	602
Energy and Natural Resources	143	222	52	54
Environment and Public Works	23,969	3,201	0	0
Finance	627,429	624,564	130,818	130,886
Foreign Relations	11,429	12,859	0	0
Governmental Affairs	54,093	53,017	0	0
Judiciary	2,429	2,373	239	238
Labor and Human Resources	5,534	5,009	1,412	1,412
Rules and Administration	95	25	0	0
Veterans' Affairs	1,309	1,456	19,688	19,731
Select Indian Affairs	392	362	0	0
Small Business	3	−296	0	0
Not allocated to committees	−267,328	−265,828	0	0
Total	1,314,7600	1,311,011	162,882	161,415

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SECTION 302 OF THE CONGRESSIONAL BUDGET ACT 5-YEAR TOTAL: 1997–2001

[In millions of dollars]

Committee	Direct spending jurisdiction		Entitlements funded in annual appropriations	
	Budget authority	Outlays	Budget authority	Outlays
Agriculture, Nutrition, and Forestry	4,252,729	4,379,329	0	0
Armed Services	0	0	0	0
Banking, Housing, and Urban Affairs	17,361	2,652	81,443	48,025
Commerce, Science, and Transportation	223,276	222,626	0	0
Energy and Natural Resources	35,375	−18,628	0	0
Environment and Public Works	31,876	18,051	3,352	3,334
Finance	5,219	5,067	252	276
Foreign Relations	128,545	10,883	0	0
Governmental Affairs	3,282,774	3,288,828	776,267	776,549
Judiciary	50,945	56,772	0	0
Labor and Human Resources	294,435	288,737	0	0
Rules and Administration	19,705	19,396	1,257	1,254
Veterans' Affairs	30,605	28,251	7,499	7,499
Select Indian Affairs	486	402	0	0
Small Business	2,552	3,908	103,415	103,285
	1,965	1,832	0	0
	9	−1,264	0	0
	−1,421,376	−1,388,376	0	0
	6,956,483	6,898,466	973,485	940,222

From the Committee on the Budget, for consideration of the House concurrent resolution and the Senate amendment, and modifications committed to conference:

JOHN KASICH,
DAVE HOBSON,
BOB WALKER,
JIM KOLBE,
CHRISTOPHER SHAYS,
WALLY HERGER,
Managers on the Part of the House.

PETE V. DOMENICI,
CHUCK GRASSLEY,
DON NICKLES,
PHIL GRAMM,
CHRISTOPHER S. BOND,
SLADE GORTON,
Managers on the Part of the Senate.

REPORT ON H.R. 3603, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS, FISCAL YEAR 1997

Mr. SKEEN, from the Committee on Appropriations, submitted a privileged report (Rept. No. 104–613) on the bill (H.R. 3603) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1997, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. All points of order are reserved on the bill.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Member (at the request of Mr. MONTGOMERY) and to include extraneous matter:)

Mr. PALLONE.

ADJOURNMENT

Mr. MONTGOMERY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 5 minutes a.m.), under its previous order, the House adjourned until Monday, June 10, 1996, at 12:30 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3441. A communication from the President of the United States, transmitting his request to make available appropriations totaling $111,016,158 in budget authority to the Federal Emergency Management Agency, and to designate the amounts made available as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended—received in the U.S. House of Representatives June 6, 1996, pursuant to 31 U.S.C. 1107 (H.Doc. No. 104–229); to the Committee on Appropriations and ordered to be printed.

3442. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Veterans Education: Increased Allowances for the Educational Assistance Test Program (RIN: 2900–AH78) received June 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

3443. A letter from the Acting Chairperson, Appraisal Subcommittee, transmitting the 1995 annual report of the Appraisal Subcommittee of the Federal Financial Institutions Examination Council, pursuant to Public Law 101–73, section 1103(a)(4) (103 Stat. 512); to the Committee on Banking and Financial Services.

3444. A letter from the Program Management Officer, National Marine Fisheries Service, transmitting the National Marine Fisheries Services's final rule—Whaling Provisions; Consolidation and Revision of Regulations Collection-of-Information Approval [Docket No. 960312069–6153–02; I.D. 022796F] received June 5, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3445. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Soldiers' and Sailors', Civil Relief (RIN: 2900–AH53) received June 5, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

3446. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—United States Government Life Insurance (RIN: 2900–AH52) received June 5, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

3447. A letter from the Commissioner, Social Security Administration, transmitting a draft of proposed legislation to amend the Social Security Act and related laws to extend and amend demonstration project authority, make perfecting amendments related to tax withholding from Social Security benefits, make a technical clarification in the effective date of the denial of disability benefits to drug addicts and alcoholics, make administrative improvements respecting reports by prisons and certain other institutions, and address the treatment under the supplemental security income program of the disposal of resources for less than fair market value—received June 5, 1996; jointly, to the Committees on Ways and Means and Government Reform and Oversight.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. KASICH: Committee of conference. Conference report on House Concurrent Resolution 178. Resolution establishing the congressional budget for the U.S. Government for fiscal year 1997 and setting forth appropriate budgetary levels for fiscal years 1998, 1999, 2000, 2001, and 2002 (Rept. 104–612). Ordered to be printed.

Mr. SKEEN: Committee on Appropriations. H.R. 3603. A bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1997, and for other purposes (Rept. 104–613). Referred to the Committee of the Whole House on the State of the Union.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 3107. Referral to the Committee on Ways and Means extended for a period ending not later than June 11, 1996.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. SKEEN:

H.R. 3603. A bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1997, and for other purposes.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 3449: Mr. LUCAS and Mr. STENHOLM.

EXTENSIONS OF REMARKS

NONPHYSICIAN PROVIDERS PROVIDE INVALUABLE HEALTH CARE SERVICES

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, June 7, 1996

Mr. PALLONE. Mr. Speaker, last week, the Subcommittee on Health and Environment held a hearing on issues surrounding managed care that I hope will lead to passage of much-needed legislation.

The focus of the hearing came down to choice. Patients want to be able to choose their own doctor. They want to be able to know of all of the treatments that are available to them. They want to be able to rely on the expertise of a medical specialist for a very specific medical problem. And as we continue to consider proposals to restructure Medicare, I would like to add that many seniors do not want to give up their choice of providers.

Real problems do exist and I believe that there are many legislative vehicles before Congress that will work to ensure quality care, while preserving choice. I am a cosponsor of the Family Health Care Act, H.R. 2400, which would set a ground floor, a minimum set of standards that all health plans would have to follow, including important point-of-service options and quality assurance mechanisms. This legislation will enable patients to see the providers of their choice, including nonphysician providers, such as opticians who provide quality care services to their patients.

I would like to include in the RECORD the statement of Paul Houghland, Jr., CAE, executive director, Opticians Association of America that was presented before the subcommittee on May 30, to further shed light on issues surrounding choice in a managed care setting.

STATEMENT BY PAUL HOUGHLAND, JR., CAE, EXECUTIVE DIRECTOR, OPTICIANS ASSOCIATION OF AMERICA

On behalf of the Opticians Association of America (OAA), which represents the interests of more than 35,000 dispensing opticians throughout the United States, I am pleased that the Subcommittee on Health and Environment has convened hearings on managed care issues. As the panel with jurisdiction over health insurance it is important that you hear the view of all participants in the health care delivery system including nonphysician providers.

OAA wishes that these hearings had provided more of an opportunity for nonphysician providers to participate. This group of health care providers is responsible for many of the most cost-effective approaches to health care delivery. Yet nonphysician providers have had many difficulties being included in many managed care organizations (MCOs). For this reason OAA and many other nonphysician providers have joined the Coalition for Health Care Choice and Accountability (CHCCA), a group dedicated to making MCOs more accountable for their actions and more patient and provider friendly.

OAA wishes to associate itself with the written statement provided to this subcommittee by CHCCA and also to associate itself with the testimony presented by the American Dental Association, a CHCCA member. The concerns raised by these organizations reflect legitimate issues that should be addressed legislatively by this subcommittee at its earliest convenience.

OAA believes that many of the managed care problems that nonphysician providers in general and opticians in particular face are corrected by HR 2400, the "Family Health Care Fairness Act" introduced by Representative Charlie Norwood of Georgia, a member of this subcommittee. OAA commends Representative Norwood for his leadership in calling attention to aspects of the managed care industry which need modification. We thank Representative Bill Brewster of Oklahoma for being the prime cosponsor of this measure. As a pharmacist, Representative Brewster understands well the struggles which far too many nonphysician providers have had with MCOs. OAA also appreciates the bipartisan support expressed for HR 2400 by its Republican and Democratic cosponsors.

The health subcommittee could prove its commitment to innovative solutions to health care problems by favorably reporting the Norwood bill to the full committee within the next 60 days. While aware of the shortness of the 1996 legislative calendar and the numerous demands upon your time, managed care issues are too important for Congress to abandon this year without significant action. Market-based solutions are not adequate to correct abuses within the managed care industry. HR 2400 provides fair and equitable solutions to real problems.

Many of managed care's shortcomings are discussed in the ADA and CHCCA testimony. After reading the stories collected by the CHCCA I am certain this panel will agree that action on HR 2400 will benefit the public interest. What more positive message could you take back to your constituents this fall than news that you approved a bill to make managed care more accessible, more accountable, more patient friendly?

OAA's national legislative agenda can be summarized very concisely: maximize competition within the health care market place and maximize freedom of choice for consumers. We support HR 2400 because it promotes equity for both consumers and providers. It contains nondiscrimination language which would assure that both those using the health care system and those providing the services are treated fairly.

A second major component of HR 2400 would require all MCOs to offer a point-of-service (POS) option to all subscribers. The health care marketplace has confirmed that a POS option is very popular and cost effective. Approximately three-quarters of the managed care plans offer this option. OAA and the CHCCA believe that all plans should include this option with a reasonable cost-sharing formula so that it is a viable alternative.

The POS issue was debated last fall in the Commerce Committee during the Medicare reform debate. Two members of the Health and Environment Subcommittee offered POS amendments supported by OAA and the CHCCA members. OAA appreciates the efforts of Representatives Greg Ganske of Iowa and Tom Coburn of Oklahoma. Unfortunately, both the Ganske and Coburn amendments were defeated because most members of the majority party refuse to support maximizing freedom of choice for consumers.

In a discussion of managed care issues last week on WPFW-FM in Washington, DC, Cindy Elkin, a Northern Virginia optician, described her experiences with managed care programs. She pointed out that many managed care vision programs referred eyewear customers for dispensing purposes to personnel who are often unlicensed, or uncertified, in short to persons who are not well trained or in a position to provide quality service. And this lesson is not lost on customers. Frequently, persons with managed vision care programs have found the quality to be so low compared to their previous service that customers frequently vote with their feet. However, by choosing to forego a benefit provided by their employer these persons wind up with a self-chosen POS option with a 100 percent copayment.

OAA and its members strongly support competition and free market solutions within the health care sector. Because OAA believes so strongly in the principle of competition within the marketplace it will unveil a managed vision care program for its members next month at its national convention in St. Louis. The OAA managed vision care program, unlike so many vision care programs currently available, will be open to all vision care providers willing to meet the terms and conditions of the program. We welcome participation by our friends in the ophthalmological and optometric community. We not only support the concept of provider equity, but we practice it in our own managed care initiatives.

While opticians are willing to compete within the free market for managed vision care business, we are well aware that a start up vision care plan offered by opticians will not level the playing field overnight. Our members still face numerous instances of discriminatory practices by managed vision care plans which simply exclude independent opticians. This deprives the consumer of freedom of choice and the opportunity to shop for eyewear at the provider of choice. It also frequently denies the consumer a least-cost alternative.

Congress can level the playing field for opticians and all nonphysician providers who wish to compete within the managed care system by passing HR 2400. OAA calls upon this panel to begin the legislative process by sending this bill to the full committee for consideration with a strong endorsement.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.